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PROCEEDINGS AND DEBATES OF THE 104th CONGRESS, FIRST SESSION

SENATE—Tuesday, July 18, 1995

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Almighty God, whose mercies are new every morning and whose presence sustains us through the day, we seek to glorify You in all we do and say. You provide us strength for the day, guidance in our decisions, vision for the way, courage in adversity, help from above, unfailing empathy, and unlimited love. You never leave us or forsake us; nor do You ask of us more than You will provide the resources to accomplish. Here are our minds, think Your thoughts in them; here are our hearts, express Your love and encouragement through them; here are our voices, speak Your truth through them.

We dedicate this day to discern and do Your will. We trust in You, dear God, and ask You to continue to bless America through the leadership of the women and men of this Senate. Help them as they grapple with the problems and grasp Your potential for the crucial issues before them today. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. SMITH. Mr. President, on behalf of the majority leader, for the benefit of my colleagues, I would like to announce the Senate schedule.

Leader time is reserved. There will be a period of morning business until 10 a.m. this morning. At 10 a.m. the Senate will resume consideration of S. 343, the regulatory reform bill, with the Glenn substitute amendment pending.

The Senate will then stand in recess from 12:30 to 2:15 p.m., to accommodate the respective party luncheons. At 2:15 p.m., under a previous order, there will be two consecutive rollcall votes. The first will be a 15-minute vote on the Glenn substitute amendment, followed by a vote on the motion to invoke cloture on the Dole-Johnston substitute amendment, which will be 10 minutes in length.

The votes ordered for 2:15 p.m. are not necessarily the first votes of the day. Rollcall votes are expected throughout the day and a late night session is possible in order to make progress on the regulatory reform bill.

Finally, Senators are reminded that under rule XXII, second-degree amendments to the Dole-Johnston substitute must be filed by 12:30 p.m. today in order to qualify postcloture. Also, in connection with the third cloture motion, filed yesterday on the Dole-Johnston substitute, any further first-degree amendments must be filed by 12:30 p.m. today.

Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THURMOND. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SMITH). Without objection, it is so ordered.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business.

The Senator from South Carolina.

THE CRISIS IN BOSNIA

Mr. THURMOND. Mr. President, last week the Bosnian town of Srebrenica, a so-called U.N. protected area, fell to Bosnian Serbs. In scenes reminiscent of the genocide of World War II, Serb troops rounded up Bosnian Moslems and forcibly expelled thousands of women, children, and the elderly from their homes. Military-age men were held captive, and there are reports that some have been murdered. Rapes and other atrocities are reported as well.

This week Zepa, another U.N. protected area in eastern Bosnia, is about to fall to the Serbs. The U.N. protected area of Gorazde is under attack. Serbs inside the U.N. exclusion zone around Sarajevo are shelling the city and killing innocent civilians in that U.N. protected area. In the northeast, the U.N. safe haven of Bihac remains cut off and threatened.

Throughout Bosnia today, we see the triumph of Serbian aggression, aided and abetted by confusion and inaction on the part of the United Nations and the Western democracies.

Mr. President, what is the response of the Western democracies to the atrocities and brutal aggression of the Serbs? The response is another U.N. Security Council resolution, calling on the Secretary General to restore the safe haven of Srebrenica. In Bosnia, the United Nations spokesmen issue more empty threats, hollow denunciations, and vain demands. It would be better to say nothing at all than to engage in such futile bluster, which only invites the contempt of the world.

One definition of stupidity is to do the same thing over and over again and expect a different result. This certainly characterizes the policy of the administration and our Western allies. Its failure is apparent for anyone to see, and yet we persist in following the same discredited course.

UNPROFOR has been emasculated and cannot protect its own forces, much less the U.N. protected areas, which are becoming traps for desperate Bosnians who relied upon U.N. promises. Humanitarian aid is being blocked. It is clear that the Bosnian Serbs are in control of the situation, and the United Nations is allowed to carry out its mission only when the Bosnian Serbs allow it. In short, UNPROFOR cannot carry out the U.N.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

Security Council mandates that justify its presence. Despite good intentions and valiant efforts, UNPROFOR has failed—failed on its own terms. Now humiliation and disgrace are compounding the failure.

What does it take, Mr. President? When will the U.N., the United States, and our allies accept the reality that the Bosnian crisis has deteriorated beyond our ability to salvage it?

Britain, France, and Holland have pinned their hopes on the new rapid reaction force. They are sending in 12,000 more troops to support UNPROFOR. Out of solidarity with our allies, the United States is providing sealift, airlift, and military equipment. But in my view, the rapid reaction force is not going to prevent the situation from deteriorating further, or stop the Serbs from overrunning of the safe havens. The rapid reaction force has been rendered ineffective before it ever got off the ground. As long as it remains under U.N. operational control it will not be rapid, nor reactive, nor even a force.

I do not understand why the administration persists in supporting the status quo no matter how discredited the current policy becomes. Administration officials have testified numerous times that the United States does not have sufficient national interests at stake in Bosnia to justify sending American ground troops and becoming a combatant in the conflict. I agree completely, and so do the American people. Administration officials have also testified that the best way to serve the national interests of the United States is to keep UNPROFOR in Bosnia so that it can work to limit the suffering of the innocent, and to keep the conflict from spreading while the contact group seeks a diplomatic solution.

I wholeheartedly support the goals of relieving the suffering and containing the conflict. What I can no longer support is the proposition that the status quo, which relies upon an ineffectual U.N. peacekeeping mission and more diplomatic efforts, is the best way to achieve these goals. I am forced to ask: How many more diplomatic discussions have to take place? Intense diplomacy has been going on for years without any resolution.

The Administration appears to believe that the responsibility for any resulting disaster will fall on the United States if UNPROFOR withdraws. I do not agree. The world community placed the fate of Bosnia in the hands of the United Nations, but the United Nations has been unable to keep a nonexistent peace. That is no more the fault of the United States than of any other U.N. member. In any case, the world cannot be blamed for trying a collective approach. But there is plenty of blame to go around if the United States and our allies persist in following a course that has clearly failed. Increasing the number of U.N. peacekeepers or keeping UNPROFOR in Bosnia will only prolong the agony, complicate matters further, and block the possibility of other solutions.

Mr. President, the situation in Bosnia is terribly complex, and there are no easy answers. Any course of action has potential pitfalls. But there is also a penalty for doing nothing, or for remaining mired in the status quo.

In my view, the administration has failed to properly evaluate the damage to U.S. leadership and credibility, and to the Western alliance, from supporting the status quo. The credibility of NATO as well as of the United Nations have been severely undermined. It is a serious mistake to continue subordinating NATO to the United Nations out of a misguided desire to restore the United Nations lost credibility. The longer the present situation continues, the greater the damage to the health and solidarity of the Western alliance. We cannot afford to let NATO to become a casualty of the Bosnian tragedy.

The fall of Srebrenica and the imminent fall of Zepa make it quite clear—UNPROFOR has become impotent and must withdraw. There is no excuse for leaving U.N. troops in such a dangerous and untenable position any longer. There is no excuse for continuing to incur the huge expense of the failed U.N. mission. We can no longer tolerate a policy based on denial and avoidance of reality.

I believe it is past time for the Congress to focus its attention on getting the U.N. out of Bosnia. If the administration is reluctant to support a U.N. withdrawal because it fears a negative political reaction, then now is the time for Congress to show leadership, and to make it clear that the United States will assist in extricating our allies from the Bosnian quagmire. But we must work together—the executive branch and Congress—and reach a consensus as soon as possible. Further delays in getting ready to execute the NATO withdrawal plan will push the plan's execution into the winter months, making it far more difficult and dangerous for United States and NATO troops to carry out.

Mr. President, Congress needs to send a clear signal now to the President that we will support the participation of U.S. troops in a U.N. withdrawal operation. Of course, as the President has agreed, it must be totally under NATO command. Once our troops are committed, there can no longer be any dual-key arrangement between the United Nations and NATO. There must also be robust rules of engagement, allowing the use of overwhelming force for any attacks on NATO or on UNPROFOR. The scope and duration of the withdrawal mission must be limited. I do not advocate a date certain for ending it, but it must end promptly when all UNPROFOR and NATO troops are safely out. It must not be transformed at some point into a peace enforcement mission.

Mr. President, the United States cannot stand idly by while U.N. troops from allied nations are in mortal danger. The damage to U.S. leadership, honor, prestige, and credibility would be beyond calculation. These are not mere words. Credibility, prestige, and national honor are essential components of national security, as they have always been. They are especially important if we are to exercise the moral leadership expected of the world's only superpower.

If Americans want to remain secure in today's violent and chaotic world, we must never permit doubts to exist in the minds of friends or enemies that our word is good, or that we can be relied upon to stand with our allies, or that we will keep our commitments. The credibility that comes from demonstrated steadfastness of purpose is a key aspect of deterrence. It is an essential though intangible element of global power, and of the necessary relations between states. A great nation cannot remain great very long without it.

That is why we must end the charade of the U.N. presence in Bosnia, stand with our allies by assisting them to disengage, and then turn our attention to longer term solutions that will stop the agony in that troubled land.

I thank the Chair, and yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Georgia, Senator NUNN, is recognized to speak for up to 30 minutes.

INEFFECTUAL U.N. PROTECTION FORCES IN BOSNIA

Mr. NUNN. Mr. President, I too want to discuss the subject which the Senator from South Carolina has just addressed.

Mr. President, I believe that the continued presence of the ineffectual U.N. Protection Forces in Bosnia is eroding the credibility of the United Nations, of NATO, and of the United States.

I agree with the points that Senator THURMOND just made. In particular, I agree that the executive branch and the Congress must work together and reach a consensus as soon as possible. This situation is bad enough without the President and the Congress being in a big fight here. So we need to find a way to work together.

The second point that I agree with that Senator THURMOND made is that now is the time for the Congress to show leadership and to make it clear that the United States will assist in extracting our allies from Bosnia. Congress cannot duck this question.

The third point that he made that I specifically agree with: The withdrawal operation must be totally under NATO command. There can be no "dual-key" arrangement. There must be robust rules of engagement. And the scope and the duration of the mission must be limited.

And, finally, I think the key point he made related to what the United States' role must be in the withdrawal; that is, the honor and credibility of our Nation are essential components, not only to our national security, not only to Bosnia, but to deterrence throughout the world. That is essential. Honor and credibility are essential parts of national security, and of deterrence. I completely agree with the Senator from South Carolina on that excellent point.

Mr. President, I will leave to another day the discussion of mistakes leading to the current human tragedy in Bosnia. The Bosnian-Serbs have overrun the U.N.-declared safe area of Srebenica, and they can take Zepa at any time of their choosing.

The United Nations Security Council has passed another meaningless resolution calling upon Secretary General Boutros Ghali to restore Srebrenica to its safe area status. Of course, none of the Security Council members has told the beleaguered Secretary General how to perform that task.

The French have declared their readiness to fight for Gorazde if the British will join them and if the Americans will supply tactical airlift. The French are clearly paving the way for their withdrawal from Bosnia unless there is a determined U.N. stand with British and American assistance.

The British have raised serious reservations about the French proposals and the French approach, both publicly and privately.

General Shalikashvili has met with his counterparts from Britain and France for the purpose of preparing immediate options for the national leaders to consider, and I assume that consideration will be made in the next few days.

Secretary Perry and Secretary Christopher will be meeting with their counterparts later this week.

The Clinton administration is urging our allies to remain in Bosnia, refusing to commit United States forces on the ground, continuing to distance itself from any "unjust settlement" and pledging to help extract our allies from Bosnia if they withdraw.

This week the Senate will plunge into this morass by legislating on Bosnia. I believe that Congress has an important role to play in foreign policy matters. I always have felt that. At the same time, I do not believe Congress as a rule should attempt to legislate the details of United States foreign policy. But if we do choose to legislate on Bosnia:

We must not remove the President's flexibility to react to unpredictable situations in which American lives are at stake;

We should not force our allies and our other U.N. forces to withdraw—advocating withdrawal is one thing, forcing it by legislation is another thing entirely. We need to distinguish between speeches and legislation; and

We should not and must not avoid the hard questions which will inevitably flow from congressional actions. There are hard questions that have not yet fully been considered by either the House or the Senate in my view.

Mr. President, many of our colleagues want to—I use these terms in shorthand—"lift and leave." By that I mean lift the embargo and leave the Bosnians to fend for themselves. The House of Representatives passed this type of legislation. We in the Senate debated this type legislation and passed it on one occasion last year.

This school of thought seems to believe that a simple repeal of the American export prohibition will automatically equalize the conflict. It glosses over the questions of who will pay for the weapons; who will deliver them; how will they be delivered; and who will help train the Bosnian troops.

To be fair, there are those, including the majority leader, Senator DOLE, Senator LIEBERMAN, Senator BIDEN, and others, who have advocated unilaterally lifting the arms embargo but who would also support the supply of United States equipment and United States training to Bosnian Government forces. But many of those whose votes are needed to pass the Dole-Lieberman bill are unwilling to make such a commitment, and the Dole-Lieberman approach leaves these questions unanswered. This is a large gap.

Mr. President, another view in the Senate which heretofore has been a minority view—and this has been a view that I have had—is that the embargo should be lifted but only after U.N. forces have left Bosnia.

There are also those in the Senate who have a third view, who agree with the administration that the U.N. forces should remain in Bosnia. In my view, this is a distinctly minority view.

Mr. President, the overwhelming majority of the Senate in my view support either the lift-and-leave approach or the leave-then-lift alternative approach. The Dole-Lieberman proposed legislation now seems to have moved substantially toward the leave-then-lift approach. That is important. They are moving in their resolution toward the position of leave first, then lift the embargo. That is a key distinction, and that is a distinction that has separated those of us on the two sides of this issue in the Senate for the last 12 months.

Mr. President, this is a very significant change in the Dole-Lieberman proposal that has been overlooked by most people in the press corps, many critics of the bill, and even many supporters of the bill.

The latest version of the Dole-Lieberman bill is a major improvement in my view in that it takes into account and into consideration some concerns of our NATO allies who have forces on the ground in Bosnia by delaying the implementation of the termination of the Bosnian embargo until the U.N. forces withdraw. That is a key difference from the approach that was taken in past resolutions. Additionally—and I think very importantly—the new Dole-Lieberman proposal puts the onus or responsibility on the Government of Bosnia and the troop contributing countries to decide if the U.N. forces should stay in Bosnia.

It does this by terminating the embargo based on either of two conditions:

Condition 1: a Bosnian Government request that the U.N. forces withdraw from Bosnia; or

Condition 2: a decision by the U.N. Security Council or the UNPROFOR troop-contributing countries to withdraw the U.N. forces.

As I understand the Dole-Lieberman proposal, if condition 1 is met, implementation of the termination of the embargo would be delayed until 12 weeks after the Bosnian Government requests that the United Nations be withdrawn. If, on the other hand, condition 2 is met—that is, the troops of the contributing countries decide to leave without a request from the Bosnian Government—termination of the embargo would be delayed until such time as the U.N. forces have been withdrawn from Bosnia.

This is in my view a much different proposal than what we have debated in the past. It is much different from what has passed the House of Representatives. It is a much more responsible approach than the original proposal which lifted the embargo unilaterally without regard for the continued U.N. troop presence in Bosnia.

Mr. President, I say all of that on the positive side of the Dole-Lieberman amendment. The key missing ingredient, however, of the new Dole-Lieberman amendment is any mention of what should be obvious to all and what must be obvious during the debate on this proposal to those of us in the Senate, and I hope to the country; namely, that the President of the United States has publicly pledged to deploy up to 25,000 United States troops on the ground, if necessary, in Bosnia to help extract the U.N. forces.

Mr. President, Congress cannot responsibly legislate on Bosnia and ignore this fact. If Congress wants to prevent United States ground forces from assisting our allies in withdrawing from Bosnia, we should make that clear. If Congress wants the allies and the United Nations to withdraw from Bosnia and is willing to support President Clinton's commitment, Congress should make that clear. Congress cannot responsibly advocate a course of action and pretend to ignore the inevitable and certain consequences of that action.

If the United Nations withdraws from Bosnia, United States participation to assist our allies to withdraw from Bosnia would be required and has been publicly committed by the President of the United States. The Dole-Lieberman bill, at this time, is silent on this crucial point. If this legislation is passed as written, in my view, it will send a loud signal by its silence. It will send a loud signal that Congress is prepared to advocate a course of action but is not prepared to back it up.

Over the last 3 years, we have witnessed a lowest common denominator approach in the United Nations, in NATO, among our allies, and in United States policymaking regarding Bosnia. Every policy decision on Bosnia seems to be reduced to what Winston Churchill, if he were with us today, would certainly describe as "mush, gush, and slush." We see this in the so-called mandates of the U.N. Security Council. We see this in the U.N.-NATO dual key command structure. We see this in the statements of the members of the U.N. Security Council who have voted for every Security Council resolution for the last 4 years but who act as though the United Nations is some outer space alien of which they never heard.

Mr. President, we see this in the position of many in this administration, in this Congress, and in the news media who for the last 2 years have decried any "unjust solution" but who have been unwilling to commit American resources for a just solution, and unwilling to admit that there never will be a just solution in Bosnia unless the United Nations and NATO are willing to impose it by force.

Mr. President, that is reality. There will never be a just solution in Bosnia unless the United Nations and NATO are willing to impose it by force.

I hope, as the Senate debates the Dole-Lieberman bill this week, that we will not continue and even add to the lowest-common-denominator approach that has been so evident in all the Bosnia decisions by international and by other bodies.

There is no good solution to the Bosnian tragedy. There is no easy solution. There is no solution that anyone can guarantee is going to work. Some approaches, in my view, are worse than others, but all have unwelcome consequences. The American people are entitled to understand the possible consequences as we debate this issue.

What would be the consequences if the U.N. forces withdraw? NATO has been putting together a plan to withdraw the U.N. forces. This plan calls for deployment of up to 82,000 troops, some 25,000 of whom would be American military personnel based on the commitment of the President of the United States pursuant to his pledge to our NATO allies. This is a sizable force but, in my view, it is a necessary force, given the topography of Bosnia and the history of that conflict and the history of that region.

This large force may be deemed by some to be a worst-case force, but it makes a worst case much less likely to occur. Our military leaders have been candid in telling us, both in testimony and in private discussions, that this withdrawal operation could be very dangerous. I think they are right. There is also a possibility, however, that the withdrawal could be relatively unimpeded by both sides. It could proceed rapidly; it could proceed effectively. No one knows or pretends to know how dangerous this will be, but prudence and careful planning are absolutely essential.

Mr. President, we should note that the NATO plan makes no provision for the withdrawal of refugees. Everyone should understand that. There is no provision in that NATO plan for withdrawal of refugees. Our military commanders, in fact, concede that one of the most difficult aspects of a withdrawal operation will be dealing with Bosnian civilians. They may attempt to keep the U.N. forces and the NATO forces from leaving Bosnia out of fear that they will be prey to the attacking Serbs once the restraining presence of UNPROFOR is removed. They may do this regardless of what their Government may say publicly or privately.

We also must consider what will happen to the civilian population once the extensive humanitarian relief effort is no longer functioning there. A humanitarian tragedy is likely, and we should understand that as we debate this serious issue.

Both the Government of Bosnia and the Bosnian Serb leaders have publicly stated that they would assist the U.N. forces in withdrawing if the United Nations makes a decision to withdraw. But NATO military commanders, understandably, express concern about the following possibilities:

First, the sincerity and durability of these statements by leaders whose word in the past has been questioned; second, whether the warring parties will try to gain control of the tons of U.N. military equipment and supplies presently located in Bosnia; third, whether the Bosnian Serbs will be cooperative as they realize that the completion of the U.N. withdrawal will likely result in the lifting of the arms embargo on the Government of Bosnia; and fourth, the narrow and winding roads that make up much of Bosnia's transportation system. It will take little effort by a determined foe to destroy the numerous bridges and tunnels that are often the only ingress and egress to the numerous Bosnian towns and to Bosnia itself where the U.N. personnel are located. The Bosnian Serbs control much of the high ground around these roads and these towns.

From those who continue to advocate immediate and unilateral lift of the embargo, an intellectually honest approach requires facing up to the arming and training of the Bosnian Government forces. This course will likely require air support, assuming the Bosnian Serbs move in for the kill before the arming of the Bosnian forces is complete, which will, at best, take several weeks or months. It also requires recognition that our allies will pull out of Bosnia and hold the United States responsible for the Bosnian tragedy which may unfold if we unilaterally lift the embargo before the U.N. forces are out.

From those who advocate either immediate and unilateral lift of the embargo or, on the other hand, U.N. withdrawal followed by a lift of the arms embargo, in either event, under either course of action, intellectual honesty requires a congressional authorization or at least a congressional acknowledgment that U.S. forces will be used to help evacuate our NATO allies and the other U.N. forces.

Mr. President, from those who advocate keeping the U.N. forces in Bosnia, intellectual honesty requires the acknowledgment that these forces must be beefed up, probably with considerable United States help; that clear authority for military decisions must be delegated by the United Nations to NATO and the dual-key approach must be ended; and that exposed U.N. personnel all over Bosnia must be brought to more defensible positions so they are not simply hostages for one side. Each of these actions moves further and further away from the humanitarian mission, and each of these actions moves closer toward direct involvement in the conflict, and all should recognize that is what staying the course means.

If the embargo is lifted multilaterally after UNPROFOR departs, allied air support will be demanded by the Government of Bosnia. We already know that, those of us who have listened to them when they have been here or heard their public statements. They are going to demand that we owe them air support. That is going to be their demand.

If the embargo is lifted unilaterally before or after the date the U.N. forces depart, Congress and the American people must recognize that this burden will fall primarily on the United States because our allies, if we lift the embargo unilaterally, are not going to be anxious to participate. In either case, there is no assurance that the Bosnian Government will be able to defend their territory, even with air support.

Mr. President, as I have stated, there are no good solutions in Bosnia. I have my own views as to the approach the United Nations and the United States and our allies should follow in Bosnia.

First, there should be a final intense diplomatic effort to negotiate an end of the conflict in Bosnia. I am under no illusion that a diplomatic effort will be successful. It is not likely to be successful, but at least it should be tried, because all the other alternatives have tremendous downside consequences.

Second, the United Nations should serve notice on all parties that if a negotiated settlement is not reached within a specified period of time, the U.N. forces will be withdrawn from Bosnia. Both the Bush and Clinton administrations have urged our allies to commit their forces and to remain on the ground in Bosnia. When these forces are withdrawn, I believe the United States has a moral obligation to assist in their withdrawal. In our effort to save Bosnia, we must not destroy NATO.

Third, once the U.N. forces have been withdrawn, the Bosnian arms embargo should be lifted multilaterally, if possible, unilaterally if that is the only course. The United States and our allies should assist in arming and training the Bosnian Government forces, and that is going to cost some money and it is going to take some time. We all need to understand that.

Fourth, the allies and the contact group must devise a "containment policy" and make it clear to the government in Belgrade that it will be held fully responsible if this conflict spreads across other borders.

Mr. President, to sum up, legislating on Bosnia is fraught with danger. But if we are to legislate—and it appears that we are—we must understand the full consequences of our legislation. We must be willing to go on record as supporting or disapproving the commitment that President Clinton has made to our allies to help them withdraw from Bosnia. To do otherwise would be adding more "mush, gush, and slush."

I thank the Chair.

Mr. THURMOND. Will the Senator allow me about a minute and a half?

The PRESIDING OFFICER. The Senator from Georgia has 7½ minutes remaining.

Mr. NUNN. I yield 1½ minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. I thank the able Senator from Georgia, the ranking member of the Armed Services Committee, for his appropriate and pertinent remarks on the situation in Bosnia. I strongly support the Dole-Lieberman bill and am pleased to be an original cosponsor of it.

As the Senate begins consideration of S. 21, the Dole-Lieberman bill, this week, I ask that Members consider and discuss the very important issue of U.S. support for a United Nations withdrawal. This support, with the aid of NATO, requires a very close and careful consideration and discussion by the Members of the Senate.

I yield the floor.

Mr. NUNN. Mr. President, I am not trying to control time here, but I have a little time left, and I will be glad to yield to the Senator from Nebraska 3 minutes.

Mr. EXON. Mr. President, I wish to associate myself completely with the remarks made by my learned and distinguished colleague from Georgia. I will oppose the Dole-Lieberman proposition, as I understand it, basically for the reasons brought forth in the carefully worded and well-thought-out statement made by the Senator from Georgia.

We have to look to the future. As bad as the situation is over there now—and I think no one feels that they have all of the right answers—we have to look to the future. I am afraid, Mr. President, that despite the good intentions of the Dole-Lieberman amendment, it clearly sows the seeds, which are ripe for harvest, for the beginning of the end of NATO.

The situation in Bosnia today is very bad, and the pictures that are coming through very loud and clear on television are horrifying, portraying the atrocities that are being taken in that most unfortunate war in Europe. However, I happen to feel that we should always try and walk in others' shoes. I simply say that if we take action today, or this week, we might regret it in the future, because it sows the seeds for the end of NATO, which has been a force for peace since World War II. And then we might look back on that action and say we probably acted in haste, we probably acted in compassion, but we probably acted in a way that would not be in the long-term best interest of peace in Europe and probably would go a long way to disrupting the NATO alliance and our friends and allies in Europe that have been a part of that.

This is a grave situation. I wish that our allies would agree to remove the peacekeeping forces because, seemingly, that is what both sides of the combatants there want. I happen to feel that the U.N. mission is doomed to failure under the circumstances that are present.

Nevertheless, unless and until our allies in NATO can be convinced of that, I say let us proceed with caution. I have grave concerns about the way we are going. I do not know the answers. I simply say that caution is a better part of valor at this particular juncture. I thank my friend from Georgia, and I yield the floor.

Mr. NUNN. I will yield whatever I have left to the Senator from Texas.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. NUNN. I will yield that to the Senator from Texas, and whatever she does not use, I will yield back.

Mrs. HUTCHISON. I ask unanimous consent to add 2 minutes onto the 3 minutes I have been yielded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. HUTCHISON. Mr. President, I appreciate the fact that several of my colleagues on the Armed Services Committee are talking today about the situation in Bosnia. It is clear that we cannot sit by and do nothing. We have talked about this issue for months.

Six weeks ago, I stood right on the border of Macedonia looking into Serbia. I was visiting our U.S. troops who were there on an outpost under the auspices of the United Nations. I saw the terrain; I talked to our troops, both in Croatia and Macedonia; I talked to the people who are running the operation there; I talked to the head of the U.N. delegation there, Mr. Akashi.

I think I have a feel for the situation that is there. Mr. President, I think we must learn from our experiences. The United Nations has a very valid role to play when there is a peace to keep. But, Mr. President, we have the best of intentions in the United Nations, but we have the worst of results. In fact, the United Nations is becoming an obstacle to solving this situation—not that they mean to be. They are trying. We give them the fact that they are trying.

But, Mr. President, they cannot function. And because they are there, we have the effect of one side being unarmed, basically, and the other side being aggressive with arms. We had the Prime Minister of Bosnia here, and he said,

> I keep hearing people say there are two sides here. Yes, one side is shooting, the other side is dying.

Mr. President, he is right. We cannot sit by and let it happen by saying that we have U.N. peacekeepers sitting there on the ground and, therefore, one side should remain unarmed. They are being ravaged, Mr. President, and we must do something about it. We cannot continue to talk on the floor of the U.S. Senate while they are being ravaged across the ocean.

So, Mr. President, I hope that our leader, Senator DOLE, will bring up his resolution at the earliest possible moment to tell the President how strongly we feel that we should not get involved with this mission beyond what the President has said he will do to help extricate the U.N. peacekeepers under the auspices of NATO.

Mr. President, we have to define that mission very carefully. That mission must be extraction. I do not like all the talk of, well, extraction also means containment of troops, it also means emergencies anywhere that they might occur in Bosnia. And now we are talking about sending helicopters there—American helicopters. Will they have American troops running the helicopters, flying those helicopters?

Mr. President, there are a lot of questions, and I do not think we can afford to just say all of those things are acceptable for our American troops. I do not want American troops flying helicopters into Bosnia. I do not want American troops to be put forth for any emergency in Bosnia. That is ground combat. We are talking about potential ground combat.

Mr. President, I am representing American troops and I am going to do everything I can to make sure that they are as safe as they can be, and that they are not involved in a mission which does not have the United States' security interest.

Mr. President, that is the question here. We have gotten ourselves involved in Somalia through mission creep. We just let it evolve, and we lost Rangers—our own U.S. Army Rangers. Mr. President, we are looking at a potential for mission creep here if we are not very careful.

So I am going to appeal to the President of the United States to watch for mission creep. Helicopters with American troops is mission creep. Contraction of our forces, our U.S. peacekeepers, is mission creep. Emergencies anywhere in Bosnia is mission creep.

Mr. President, I hope that Senator DOLE brings his resolution to the floor so that the President of the United States can hear: The time has come to lift the arms embargo and let these people have a fair fight.

The PRESIDING OFFICER (Mr. CAMPBELL). Under the previous order, the Senator from South Dakota, [Mr. PRESSLER], is recognized to speak for up to 10 minutes.

AIRLINE SAFETY STANDARDS

Mr. PRESSLER. Mr. President, yesterday morning at 6 a.m. I had the pleasure of riding on the first flight between Rapid City and Sioux Falls that provides new air service in our State.

As a member of the Commerce, Science, and Transportation Committee, I have long been a champion of air service in our smaller cities, the safety of smaller aircraft, and the provision of air services to citizens living in nonhub airport areas.

I have also been very concerned about air fares for travel to and from our Nation's smaller cities. For example, can someone living in Humboldt, SD, get a supersaver ticket if they have to fly first into a hub airport? So often the best deal, so to speak, on airline tickets, go to those people who live in bigger cities with hub airports such as New York, Minneapolis, Denver, Los Angeles, et cetera. Frequently, we find that flying into that hub airport from the smaller city is the expensive part of the trip. Citizens living in nonhub cities should not be overlooked.

Mr. President, our air transportation system is based on the hub and spoke system. Even in New York, a State with substantial air service, citizens living in upstate New York must fly on a small carrier into a hub to be connected to their next destination. The same is true in Fresno, CA, where my sister lives. This also is the case in my home State of South Dakota.

The question is, Do the smaller planes ensure the same level of travel safety? On the Commerce, Science, and Transportation Committee, I have been a champion of small aircraft safety. We will continue working to promote safe air travel on all sizes of aircraft.

I certainly do not advocate Government regulation, but I am constantly jawboning the big airlines where there is a coded relationship with the smaller airline to treat the smaller airlines fairly. After all, the smaller carriers are the lifeline of many smaller communities and provide the larger carriers with many of their passengers.

Yesterday, as I mentioned, I took part in the inaugural flight providing air service between South Dakota's two larger cities, Rapid City and Sioux Falls. I am glad to say that Great Lakes Aviation, which code-shares with United Airlines, initiated that service. It will help our State a great deal.

I shall continue to be a champion of airlines in smaller cities, working to ensure we have good air service into the hubs so that citizens living in smaller communities remain linked to the Nation's air transportation system. From air safety to reasonable air fares to air service availability, our nonhub cities deserve equal attention from the airline industry.

Mr. President, I would also like to briefly discuss the important issue of international aviation. I, along with a number of my colleagues, am working on a resolution intended to aid our air carriers serving Japan.

Currently, Japan is violating the United States-Japan bilateral aviation agreement by denying our passenger and cargo carriers the right to serve cities throughout the Pacific rim from Japan. Cargo and passenger traffic beyond Japan into Malaysia and China and so forth is very lucrative. The Japanese are attempting to prevent our carriers from serving this traffic since they want to protect these markets for their own carriers which are very inefficient.

Federal Express has a new Pacific rim cargo hub they are ready to open at Subic Bay in the Philippines. They cannot open it. The Japanese will not permit Federal Express to serve routes from Japan which are necessary to make this hub operational. The Japanese are violating the bilateral aviation treaty and this is costing the shareholders of Federal Express tens of millions of dollar. Each day that passes causes these substantial damages to increase.

We must not tolerate this flagrant violation of an international agreement. The world is watching and we should not set a dangerous precedent for international aviation relations.

Our air carriers also have a problem obtaining sufficient access to both Heathrow and Gatwick airports in the United Kingdom. Access to Heathrow is of particular concern since Heathrow is the most important international gateway airport serving points throughout the world. We must continue to work to open these markets for our carriers.

The only reason that the Japanese or the British have more traffic on particular routes where they "compete" with United States carriers is due to restrictions which distort the market and protect foreign carriers from true head-to-head competition with our more efficient carriers. For example, they use restrictive bilateral agreements, impose so-called "doing business" problems on our carriers such as putting them in terminals that are intolerable to passengers, and, in the case of the Japanese, they outright refuse to respect the clear terms of our aviation agreement.

I have been working on international aviation issues because international opportunities are critical to the long-term profitability of our carriers. Also, consumers benefit greatly by increased competition in international markets.

There is an important relationship between the issues of service to small communities and international aviation policy. I tie the two issues together because increased international opportunities will strengthen the economic health of our airline industry. In turn, this financial strength should translate into better service to all domestic markets, particularly smaller nonhub markets.

By working to strengthen our carriers abroad, it is my hope I am improving service for consumers in underserved markets. Therefore, I am urging our major airlines to give fair treatment here at home to people who live in smaller cities and rural areas. The administration, the Congress, and the airline industry should all work together to accomplish these domestic and international aviation goals.

For example, I just came from the Senate Finance Committee, on which I serve, where we were considering fuel taxes on various modes of transportation. One issue that was discussed which is of particular concern to me is the aviation fuel tax that is scheduled to go into effect later this year.

I am concerned the jet fuel tax will make the problem of air service in small communities much worse. I am also concerned this tax will adversely affect the competitiveness of our carriers in international markets.

Mr. President, we must never lose sight of the many difficult challenges facing our air carriers. Importantly, we must never forget that it is consumers and communities who have the largest stake of all.

TRIBUTE TO JIM HARDER

Mr. PRESSLER. Mr. President, today I pay tribute to a dedicated, brave South Dakotan who has made us all proud. Maj. Jim Harder, a native of South Dakota, is an Air Force pilot and a member of the Air Force Thunderbirds—a select group of accomplished aviators who entertain audiences with their aerial performances.

Jim is yet another living symbol of the hard working South Dakotan. He graduated from Huron High School and South Dakota State University. After college, Jim decided to use his talents in the service of his country by joining the Air Force. He first sought to become a navigator on an EC–135, but he so excelled in his duties that he was assigned to flying an F–16C, the most advanced fighter/bomber in the Air Force. As a member of the elite Thunderbirds, Jim performs a variety of roles: pilot, operations officer, show evaluator, and safety observer.

For years, I as well as other Americans have enjoyed and marveled at the Thunderbirds. These exceptional aviators do more than just entertain a crowd. They serve to demonstrate individual talents, and collective skills that are second to none. It is no wonder that our Air Force pilots are considered the world's best. I am delighted that Jim is a part of this legacy of excellence.

Every summer, Ellsworth Air Force Base holds an annual air show which attracts thousands of spectators. Many South Dakotans come to enjoy an assortment of exhibits and historical information.

In addition, the base displays a fantastic array of aircraft on the ground and in the air. At this year's show held on July 9, the Thunderbirds were the featured attraction. So it was a homecoming for Jim Harder, a homecoming that he was able to share with his father, Elwood. I am sure no South Dakotan was more proud of Jim Harder and his fellow Thunderbirds than Elwood Harder.

Mr. President, I take great pride in sharing with my colleagues, the visitors in the gallery, and C–SPAN viewers at home the extraordinary achievements of my fellow South Dakotans.

Jim Harder is yet another standout South Dakotan who has excelled in his field. His versatile role in the Air Force Thunderbirds is a job that requires dedication and diligent persistence. Most important, Jim's skills and expertise elevates the level of performance of his fellow fliers.

Teamwork and individual dedication are why the Thunderbirds are respected throughout the world. And individuals like Jim Harder—a man who chose to devote his talents to the service of his country—are the reasons why our Nation's defense remains strong. Again, on behalf of all South Dakotans, I commend Jim Harder for his extraordinary accomplishments. I wish him continued success with the Air Force Thunderbirds.

IN HONOR OF RUSS HANSEN

Mr. PRESSLER. Mr. President, we all know that life on a farm is not always easy. Few people know that farming is one of this country's most hazardous industries. Unforeseen accidents often occur, and try as we might to avoid them, they seem to strike when we least expect it.

In 1993, one tragic incident took place on a farm in my home State. Russ Hansen, a 39-year-old farmer from Spink County, was killed in a farming accident, leaving behind his wife, Mary, and three children, Joshua, Jeff, and Jill.

Words cannot fully console the mind when tragedies such as these happen. We try to pay homage to those who have passed away, but nothing will ever replace loved ones we have lost. Tributes remind us of the person we once knew so well—and in their own special way help ease the pain.

It was made known recently that the Hansen family will have a living memorial in honor of their father and husband. Russ was a true steward of the land—a farmer who through his knowledge of the earth sought to make the most of it and for it. Before he died, Russ donated some of his farmland to South Dakota State University [SDSU]. The school used the land to test varieties of wheat. Because of Russ' love of the land and devotion to the SDSU research, the school announced this spring that the tests on his land have yielded a new hard red spring wheat. It is a wheat that is proving to be resistant to disease, pests, and shattering. And in a fitting tribute, the wheat will be called "Russ." It is expected to be on the general market by 1997.

Mr. President, no single person in this country has consistently been the source of more innovation than the American farmer. The ritual of farming is not just planting, growing, and harvesting. It is a quest to innovate and challenge the land to produce something it has never produced before. Russ Hansen was that kind of American farmer. I am sure Mary, Joshua, Jeff, and Jill Hansen are proud that Russ' legacy will live on in the hearty new brand of wheat that will bear his name. I am proud of Russ' lifetime of devotion to the land, and the innovators at South Dakota State University who worked with Russ to achieve this new high-quality wheat. It is a great achievement for SDSU and an ever-lasting tribute to Russ Hansen.

I ask unanimous consent to have a related article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW WHEAT NAMED AFTER FARMER

(By Jennifer DeAnn Olson)

FRANKFORT.—Memorials come in unexpected ways.

Mary Hansen received a phone call this spring saying that scientists at South Dakota State University in Brookings had developed a new variety of hard red spring wheat. They had named the variety Russ after Hansen's husband, a 39-year-old Spink County farmer and feedlot operator who died in a 1993 farm accident.

"Finding out about it, we were totally surprised," Hansen said from her Frankfort farm. "We were very proud and pleased."

Russ Hansen had worked closely with the people from SDSU during his years of farming, donating land to be used as test plots.

"You had to know Russ. He could talk to anybody," Hansen said, "I think it was more than a working relationship (with SDSU), it was a friendship."

This friendship was obviously worth remembering. It yielded a high-yield wheat, resistant to disease, pests and shattering, once known as SD8073, now named Russ. The variety, now being tested by certified seed growers, should be ready for the general market by 1997.

Mary Hansen still lives on the farm. She has sold the cattle and rented out her property. And the wheat variety has been especially important to the Hansen's three children—Joshua, 13; Jeff, 12; and Jill, 9.

"It really says a lot about Russ," Hansen said.

"Russ has been gone almost two years now, but he'll always be around," she added.

THE 1995 SIOUX FALLS CANARIES

Mr. PRESSLER. Mr. President, when I was growing up in Humboldt, SD, professional baseball flourished throughout my State. I remember many games from the now-defunct Basin League. Those contests of skill and team play stirred within me a love and appreciation for America's favorite pastime.

During the recent Fourth of July holiday, I was given the honor of throwing out the first pitch for the Sioux Falls Canaries in its game against the Timber Bay Whiskey Jacks. Despite many wonderful plays and an enthusiastic crowd, the Canaries lost. Nevertheless, the evening was entertaining and exciting. It was baseball the way it should be played. The players demonstrated superb individual skills, team dedication, and enjoyment of the game itself.

Mr. President, South Dakota professional baseball has a long and colorful history as old as the State itself. It was in Sioux Falls in 1889, the year South Dakota was granted statehood, when a pro baseball team wearing bright yellow uniforms was formed in the city. The team was named the "Yellow Kids," after a comic strip that appeared in the Sioux Falls Press. Upon viewing the team, Guy LaFollette, a local sportswriter for the Press, suggested the nickname "Canaries." LaFollette continued to refer to the team as the Canaries in his sports articles. The label stuck. Eventually, the Canaries became the official name of the team.

Despite having a reputation of hiring away the best players from the other teams, the original Sioux Falls Canaries lasted until 1903, when their class D league, the Iowa and South Dakota League, folded.

Sioux Falls would be without a pro team until 1920 when the Sioux Falls Soos [Sues] began play in the South Dakota League. The team's manager, Fred Carisch, was a veteran of the 1902 Canaries team. In 1924, the Sioux Falls team changed its name back to the Canaries because the Sioux City Cardinals joined the Canaries as part of a new, expanded, Tri-State League. Apparently, the thought was the two birds—the Canaries and the Cardinals—sounded better when they played. Unfortunately, the league and the teams were disbanded after only one season.

Professional baseball returned again to Sioux Falls in 1930, when Rex Stucker organized a new version of the Canaries, which played in an independent circuit for three seasons. The team joined the Nebraska State League in 1933, which was renamed the "Western League" in 1938, when teams from Colorado, Wyoming, Minnesota, and Iowa joined.

In 1942, Rex Stucker upgraded the Sioux Falls Canaries from the Class C Western League to the Class D Northern League. However, World War II stopped league play after the 1942 season, and it would not resume until 1946. At that point, the Canaries was an independent team not affiliated with a major league baseball franchise. That would change in 1947, when Stucker sold the Canaries to Mory Levinger, owner of the Happy Hour bar in Sioux Falls. Soon afterward, Levinger struck an agreement with the Chicago Cubs to make the Canaries one of its farm teams. However, in 1953, Levinger sold the team to Winnipeg and Sioux Falls again was without professional baseball.

In 1966, Sioux Falls became the home of a new team, which moved from the semiprofessional Basin League to the Northern League. This team was known as the Packers, however, not the Canaries, and was owned by a group of Sioux Falls businessmen. This team was a farm club for the Cincinnati Reds. In fact, several Packers would become standouts in the big leagues, most notably Ken Griffey, Sr. The Packers stayed in the Northern League until the league folded after the 1971 season. Sioux Falls would be without a pro baseball team for more than 20 years.

In the early 1990's, Miles Wolff spent 2 years traveling the Upper Midwest meeting with interested baseball people and examining existing facilities. By this time, the Upper Midwest had been the only area of the Nation without minor league baseball. Mr. Wolff rightly saw it as an area ripe for minor league baseball expansion.

In June 1993, the fourth version of the Northern League began with six organizations, including one in Sioux Falls. The organization was honored to bring back the name of the first Sioux Falls pro team, the Canaries.

Mr. President, I am proud the Sioux Falls community has given such great support to the Canaries. In the inaugural 1993 season, the Canaries drew 86,187 in attendance. Last year, attendance grew to just shy of 100,000. This season promises to be no less of a banner year for Sioux Falls Canaries' fan support. Currently, each home game is averaging 2,704 fans in attendance. This high level of fan support is prevalent throughout the entire Northern League. All six of the Northern League teams are ranked nationally in the top 11 for average attendance per game for independent baseball leagues.

As with any quality sports team, the key to success begins with an effective management team and great support staff. In my opinion, the Canaries has one of the best organizations of any independent league team. I salute team president Harry Stavernos and vice presidents Mark Wilson, Buzz Hardy, and Rick Tracy for their leadership in guiding the Canaries to success. Field leadership of the team is in the capable hands of manager Dick Dietz, hitting instructor Frank Verdi, coach Hiro Shirahata and player-coach Mike Burton.

The Sioux Falls Canaries' commitment to winning is not only exemplified by its management but also by the hard work and dedication of the players. The Canaries have amassed a won-loss record of 98–88 over its three seasons. The team holds the Northern League record for most consecutive wins, nine in a row. The high quality of the players is evidenced by the 11 former Canaries now playing for major league affiliates.

Mr. President, I ask unanimous consent to have printed in the RECORD the team roster of the 1995 Sioux Falls Canaries at the conclusion of my remarks. Presently, the Canaries are only three games out of first. I have every reason to expect the team will finish on top by the end of the season.

Mr. President, Sioux Falls baseball has had a great tradition of exceptional all-around play. I want to congratulate the Sioux Falls Canaries organization on more than living up to this high standard on the field and giving the Sioux Falls community something to cheer about. I wish the team the very best of success in the future.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

1995 SIOUX FALLS CANARIES

No.	Name	Position	Hometown
50	Dick Dietz	Manager	Pawley's Island, SC
38	Hiro Shirahata	Coach	Tokyo, Japan
26	Frank Verdi	Pitching coach	Port Richey, FL
24	Mike Burton	First base	Port Charlotte, FL
36	Aaron Cannaday	Catcher	Monroeville, NJ
14	Benny Castillo	Centerfield	Cooper City, FL
8	Beau Champoux	Shortshop	San Diego, CA
21	Tony Coscia	Pitcher	San Jose, CA
25	Rob Croxall	Pitcher	El Segundo, CA
34	Adell Davenport	Leftfield	Greenville, MS
6	Matt Davis	Second base	Chico, CA
29	Nic Frank	Outfield	Camarillo, CA
40	Kevin Garner	First Base/DH	Austin, TX
28	Joel Gilmore	Pitcher	Conroe, TX
22	Rod Huffman	Pitcher	Tyler, TX
33	Eduardo Lantigua	Rightfield	Moca, DR
18	Glenn Meyers	Pitcher	Wilder, KY
31	Jason Mickel	Pitcher	Portland, OR
27	Bobby Post	Pitcher	Reno, NV
23	Jon Saylor	Pitcher	Dallas, TX
9	Mike Tarter	Catcher	Marietta, GA
7	Frank Valdez	Third base	Miami, FL
20	Max Valencia	Pitcher	San Francisco, CA
19	Andy Wise	Pitcher	Fountain Valley, CA

NAVY SECRETARY JOHN H. DALTON'S SPEECH AT CHANGE OF COMMAND OF COMMANDANT OF THE MARINE CORPS

Mr. HEFLIN. Mr. President, I attended the change of command of the Commandant of the U.S. Marine Corps where Gen. Charles Krulak relieved Gen. Carl Mundy and became the 31st Commandant of the Marine Corps.

The Honorable John H. Dalton, Secretary of the Navy, made a truly outstanding speech. Therefore, I would like to share the contents of this speech with my colleagues, so I ask unanimous consent that a copy of his speech entitled, "The Marine Corps' Change of Command" be printed in the CONGRESSIONAL RECORD following my remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE MARINE CORPS' CHANGE OF COMMAND

(By Hon. John Dalton)

Secretary White, distinguished members of Congress, General Shalikashvili and the members of the Joint Chiefs of Staff, Marines, ladies and gentleman.

I am proud to serve as the Secretary of the United States Marine Corps. And, I am deeply honored to participate in the change of command of an institution that sets the standard for military leadership around the world.

Today is an important day in the lives of these two great men, General Carl Mundy and General Chuck Krulak. But, they would be the first to tell you that today belongs not to them, but to the Corps.

Their selfless attitude is seen clearly in Carl Mundy's insistence that he not be recognized with any personal decorations at this ceremony.

However, I think you all should know that on behalf of the Department, I have awarded the Navy Distinguished Service Medal to General Mundy. Similarly the Secretary of Defense and each one of our sister services have awarded him their Distinguished Service Medal.

General Mundy, you have served with honor, courage and commitment in a manner befitting the Commandant of the Corps. Our allies thank you, America thanks you and above all your Marines thank you for a lifetime dedicated to the defense of freedom.

Carl's many accomplishments and honors would not have been possible without the love and support of his family, especially his devoted wife, Linda. For nearly four decades Linda has served as a Marine wife and mother. During the past four years she has endeared herself to everyone she has touched and has established a special place in history for herself as the First Lady of the Marine Corps. It was an honor for me to recognize her achievements with the Department of the Navy's Distinguished Public Service Award.

The past four years have been challenging ones for the Navy and Marine Corps team. Amidst the drawdown in force structure, shrinking defense budgets and expanding global commitments, General Mundy has led the Corps to new levels of excellence, efficiency and effectiveness. By encouraging closer integration with the Navy, you have created a Marine Corps with enhanced capabilities that is prepared for every eventuality.

It is this spirit of closer integration between the Navy and Marine Corps that will be a legacy of Carl Mundy to our Naval Service. Such integration and interoperability ensure that the Navy and Marine Corps team will be prepared for the challenges and battlefields of the next millennium.

General Mundy's inspiring leadership, bold courage, and extraordinary vision have perpetuated a dynamic and innovative Corps and have put in place the mechanism to ensure that the Corps will continue to flourish.

Today is another step in the continuing evolution of the Corps—one of America's true national treasures. Today we witness the change of command, the passing of responsibility and acceptance of accountability for the United States Marine Corps.

General Krulak, you now take up the standard for the most elite fighting force in the world. May you command our Corps with strength, vision and the same commitment to core values that marked the leadership of the Commandants who precede you. The Corps will be blessed with the unfailing support of your delightful wife Zandi. On Tuesday of this week the 31st Commandant and his lady celebrated their 31st wedding anniversary.

Today is important not only for Marines, but also for every American, and especially those who have worn a military uniform. It is a special day for us to remember the Corps' heroic past and to celebrate its bright future.

The fundamental military values of honor, courage and commitment are as much a part of the Marine Corps today as they were at its birth in 1775. Marines today understand that these values represent an ideal . . . an ideal worth fighting for.

Fighting for ideals is what the Corps is all about. And, the strength of today's Corps rests on a foundation of extraordinary heroism rising up from the bedrock of America's military history.

It is on that foundation of past heroism that the future of the Corps will be built. It will be a future filled with innovation, flexibility, resourcefulness and above all spirit. It is a spirit which comes from being the best. Marines know that when American interests are threatened or our friends need help . . . America calls the Corps.

Throughout the past four years, Marines have been called very often and, as throughout their history, they have responded with the utmost professionalism. Whether it was Haiti, Somalia, Bosnia or the Arabian Gulf, the Marines were always ready to get the job done . . . and to get it done right.

Whether as warfighters, peacekeepers, or rescuers; the Marines have proven time and time again that America can count on the Corps when there is a threat to our national security.

The Marine Corps of today is just the adaptable, flexible, and resourceful force America needs. In this unsettled and often confusing post Cold War world, the military mission is no longer as clearly defined. For this reason our military forces must adapt in order to succeed.

Adapting is what Marines do best. The Marines have been fighting America's wars for two centuries and continue to be the force of choice for either keeping the peace; or storming the beach.

In the past, Marines have done more beach storming than peacekeeping, but in the future it is clear that both missions will need to be performed. In my mind there is no force in the world more capable of handling the complicated military missions of the future than the United States Marine Corps.

The Corps has had many great Commandants, but none who has led through such a tumultuous period of internal change. Today the Corps has never been better trained, better led, or more ready. Only in this state would Carl Mundy even consider relinquishing command of the Corps.

That is your legacy, "a RELEVANT, READY and CAPABLE Corps of Marines" who embody the traditions of the past and who are ready to meet the challenges of the future. RELEVANT to meet the defense needs of the Nation tomorrow; READY to respond instantly as America's 911 Force to prevent and contain crises or fight today; and CAPABLE of meeting the requirements of our National Military Strategy.

Carl, your days in uniform may soon be over, but your service to the Corps will remain timeless. Your total devotion to the Corps has nurtured America's undying love for Marines. Your determination efforts have ensured that Marines will always be the first to fight in America's defense.

Yesterday afternoon, in the oval office, our Commander in Chief promoted Chuck Krulak to General. In that ceremony President Clinton pointed to Carl Mundy and said emphatically, "Of all the General Officers I have worked with, you were the one I knew was always telling me exactly what you believed. I want you to know how much I appreciate that." The President of the United States could not have offered higher praise.

For fifty years Iwo Jima has been a special place for the Marine Corps, and it was there atop Mount Suribachi that I had the privilege to announce the President's nomination for our 31st Commandant.

So as we consider the significance of this ceremony, a change of command of the Corps that these two Marines have devoted their lives to, I think it appropriate to recall the words of Chaplain Roland Gittelsohn when he dedicated the Fifth Marine Division Cemetery on Iwo Jima fifty years ago. This February, Rabbi Gittelsohn recalled his words at the ceremony commemorating that battle at the Iwo Jima War Memorial beside Arlington National Cemetery. He said:

"Here lie officers and men of all colors, rich men and poor men together. Here are Protestants, Catholics and Jews together. Here no man prefers another because of his faith or despises him because of his color. Here there are no quotas of how many from each group are admitted or allowed. Among these men there is no discrimination. No prejudice. No hatred. Theirs is the highest and purest democracy.

"Any man among us, the living, who failed to understand that, will thereby betray those who lie here . . . whoever lifts his hand in hate against a brother, or thinks himself superior to those who happen to be in a minority, makes of . . . their sacrifice an empty, hollow mockery.

"Thus do we consecrate ourselves, the living, to carry on the struggle they began. Too much blood has gone into this soil for us to let it lie barren."

Those words spoken in honor of fallen Marines and Sailors hold a living truth. The truth is that we, the living, must carry on their struggle for liberty and freedom everyday, and in everything we do.

God bless you, and God bless the United States Marine Corps. Semper Fidelis.

H.R. 956 (PRODUCTS LIABILITY BILL) AND PRICE-ANDERSON ACT

Mr. HEFLIN. Mr. President, during the course of debate on the products liability bill, I mentioned nuclear power plants and the possible effect that the proposed legislation might have on two issues dealing with a nuclear power plant problem—one being the issue of pain and suffering and the other being the statute of repose.

Then on May 9, 1995, I spoke on this issue in the U.S. Senate. I concluded my remarks by saying that I wanted to do further research pertaining to these issues.

I asked the Congressional Research Service of the Library of Congress to look into this and they have prepared a memorandum. I ask unanimous consent that the attached memorandum from the Congressional Research Service be printed in the CONGRESSIONAL RECORD following my remarks.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

CONGRESSIONAL RESEARCH SERVICE,
LIBRARY OF CONGRESS,
Washington, DC, May 23, 1995.

To: Sen. Howell Heflin; Attention: Jim Whiddon.

From: American Law Division.

Subject: Causes of Action under the Price-Anderson Act.

This is in response to your request for a memorandum addressing whether state causes of action based on public liability exist under the Price-Anderson Act.[1] In particular, your inquiry asks that we address survival of state tort action, statutes of limitation and repose, and the impact of the recently passed products liability legislation (the House-passed and Senate-passed versions of H.R. 956, 104th Congress).

In Parts I and II, we analyze the Act's language, legislative history and relevant case law, concluding that the 1988 Amendments Act created a federal cause of action. Whereas state causes of action based upon public liability existed under Price-Anderson prior to the 1988 amendments, such is no longer the case. The only state tort actions that may continue to survive are those completely outside the Price-Anderson public liability scheme. Under the 1988 Amendments Act, federal courts, which have original jurisdiction over public liability actions arising out of nuclear incidents, are directed to apply state law substantive rules. With the exception of waiver of defenses provisions regarding extraordinary nuclear occurrences, the Price-Anderson Act, as amended, lacks a specific statute of limitations for public liability actions arising out of nuclear incidents. As such, courts will apply the statute of limitations in effect in the state in which the nuclear incident occurred. In Part III, we analyze the possible impact of the statutes of limitation and repose as contained in the recently passed products liability legislation in light of the Price-Anderson scheme.

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[1] Footnotes at the end of the article.

I. BACKGROUND

In 1957, the Price-Anderson Act was enacted as an amendment to the Atomic Energy Act in order to remove the deterrent of potentially catastrophic liability to those in the private sector who were interested in participating in the nuclear power industry but reluctant to risk significant financial resources and liability.[2] In 1966, the Act was extended for another ten year period and a key provision—a waiver of defenses provision[3]—was added. Under this provision, the defendant in any action involving public liability[4] arising from an "extraordinary nuclear occurrence"[5] can be required to waive certain legal defenses (e.g., defenses based on conduct, immunity, and state statutes of limitation).[6] It is clear that the Act, as originally enacted and as amended in 1966, was intended to have minimal inference with State law.[7] Also in 1966, the Act was amended to include a provision authorizing the consolidation in one U.S. District Court of all law suits arising from an "ENO"—conferring original jurisdiction upon the Federal courts in such cases.[8] The Act was amended again in 1975.

A long line of cases under the Act as amended through 1975 had held that federal courts did not have subject matter jurisdiction for claims arising out of non-ENO nuclear incidents and that state tort remedies were *not* preempted by the Act.[9]

II. 1988 AMENDMENTS

Under the Price-Anderson Amendments Act of 1988, original federal jurisdiction was significantly broadened to cover not only those actions arising from ENOs but those arising from any "nuclear incident."[10] A definition of the term "public liability action"[11] was added with provision made for the substantive rules for decision to be derived from State law.[12] As the Act now reads, the applicable section—§170(n)(2)[13]—states:

"With respect to any *public liability action* arising out of or resulting from a *nuclear incident*, the United States district court in the district where the nuclear incident takes place . . . shall have original jurisdiction without regard to the citizenship of any party or the amount in controversy. . . . [emphasis added]."

Section 170(n)(2) continues with provision that public liability actions pending in state court shall be removed or transferred to the appropriate federal district court "upon motion of the defendant or of the Commission [NRC] or the Secretary [of HHS]."

The legislative history makes it clear that these changes were intended to confer original jurisdiction in the federal district courts and that Congress chose this option rather than designing a new body of substantive law to govern such cases.[14]

CASE LAW UNDER THE 1988 AMENDMENTS

A recent Third Circuit Court of Appeals decision, *In Re TMI Litigation Case Consol. II*[15] stated:

"Under the terms of the Amendments Act, the "public liability action" encompass "any legal liability" of any "person who may be liable" on account of a nuclear incident. . . . Given the breadth of this definition, the consequence of a determination that a particular plaintiff has failed to state a public liability claim potentially compensable under the Price Anderson Act is that he has no such claim at all. After the Amendments Act, no state cause of action based upon public liability exists. A claim growing out of any nuclear incident is compensable under the terms of the Amendments Act or it is not compensable at all. Any conceivable state tort action which might remain available to a plaintiff following the determination that his claim could not qualify as a public liability action, could not be one based on "any legal liability" or "any person who may be liable on account of a nuclear incident." It would be some other species of tort altogether, and the fact that the state courts might recognize such a tort has no relevance to the Price-Anderson scheme. At the threshold of any action asserting liability growing out of a nuclear incident, then, there is a federal definitional matter to be resolved: Is this a public liability action? If the answer to that question is "yes," the provisions of the Price-Anderson Act apply; there can be no action for injuries caused by the release of radiation from federally licensed nuclear power plants separate and apart from the federal public liability action created by the Amendments Act.[16]"

The court went on to state:

"The Amendments Act creates a federal cause of action which did not exist prior to the Act, establishes federal jurisdiction for that cause of action, and channels all legal liability to the federal courts through that cause of action. . . . Thus, Congress clearly intended to supplant all possible state causes of action when the factual prerequisite of the statute are met.[17]"

Another recent Court of Appeals decision, *O'Conner* v. *Commonwealth Edison Co.*,[18] held that the Amendments Act embodies substantive federal policies and, rather than merely create federal jurisdiction for a state claim, created a new federal cause of action that supplanted the prior state cause of action.[19] With regard to the interpretation of the phrase "law of the State" as it appears in the definition of "public liability action."[20] a recent case of first impression reasoned that the phrase was intended to be broadly defined—to include the whole law of the state (state substantive law and choice of law provisions).[21] Another recent federal court decision noted that because Price-Anderson provides no statute of limitations, the limitations period must be borrowed from State law.[22]

FEDERAL CAUSE OF ACTION BASED ON STATE SUBSTANTIVE LAW

The Price-Anderson Act, as originally drafted, did not create a federal cause of action. However, it is clear that the Amendments Act of 1988—although relying up on state law elements—does. The 1988 Amendments Act broadened the scope of the Price-Anderson Act and provides for retroactive subject matter jurisdiction in the federal courts over claims involving nuclear incidents and Specifically, federal courts have original jurisdiction over any "public liability action" arising out of a "nuclear incident."[23]

The new definition of "public liability action" created a federal cause of action (while directing the federal courts to apply state law) by stipulating that any such suit be deemed to be an action arising under the Price-Anderson Act—meeting Constitutional requirements.[24] In the Amendment Act, Congress created a federal tort which has its origins in state law. The basis of the action no longer stems from state law but now arises from federal law.[25] State law rules shall apply unless inconsistent.[26]

If the public liability action results from an ENO, the federal statute of limitations provided in §170(n)(1) may apply. If the indemnity agreement required under the Act incorporated a waiver of defenses based on a statute of limitations, state statutes of limitations that are more restrictive than that prescribed in §170(n)(1) (3-years-from discovery) will be superseded while those that are less restrictive (e.g., longer than the prescribed period) will remain in effect. The Act contains no other federal statute of limitations[27] other than that provided in the case of waiver of defenses with respect to ENOs. Therefore, to the extent that a state provides for a specific statute of limitations (not otherwise inconsistent with §170 of the Act), the federal court (or state court if such action is not removed or transferred) appears to be required to apply such state law provision.[28]

III. EFFECTS OF PRODUCTS LIABILITY BILL[29]

Products liability suits are subject in every state to a statute of limitations, which is a period of time after an injury or illness occurs, or after its symptoms or their cause is discovered, within which an action must be brought. A minority of states have also enacted a statute of repose, which bars products liability suits where the injury-causing products exceeds a specified age. The House-passed version of H.R. 956 contains no statute of limitations, whereas the Senate-passed version contains a two-year statute of limitations. Both bills contain statutes of repose, but they are significantly different.

STATUTE OF LIMITATIONS

Because the House-passed version of H.R. 956 contains no statute of limitations, it would not affect the Price-Anderson Act, which, as noted, also has none and therefore applies the applicable state statute of limitations. Section 109(a) of the Senate-passed version of H.R. 956 has a two-year statute of limitations, but section 102(c)(2) of the bill provides that nothing in it "may be construed to . . . supersede or alter any Federal Law." However, section 102(b)(1) provides that the bill supersedes state law "to the extent that State law applies to an issue covered under [the bill]."

As noted, the Price-Anderson Act, as amended in 1988, creates a federal cause of action and does not permit state causes of action within its public liability scheme. Because the Senate-passed version of H.R. 956 would not supersede or alter any federal law, it appears that it would not alter the Price-Anderson's Act scheme of using state statutes of limitations. One could argue that, because the Price-Anderson Act uses state statutes of limitations, and the Senate-passed bill supersedes state law, the Price-Anderson Act therefore would use the Senate-passed bill's statute of limitations. Although this interpretation does not seem out of the question, it appears that the better view would be that to use the Senate-passed bill's statute of limitations in Price-Anderson Act cases would be to supersede a federal law, which would be contrary to the bill's expressed intent. Nevertheless, as this seems uncertain, it might be advisable for Congress to make its intention explicit.

STATUTES OF REPOSE

Section 109(b) of the Senate-passed version of H.R. 956 contains a 20-year statute of repose applicable to any product that is a "durable good." The definition of this term, in section 101(6), apparently is confused in its incorporation of the Internal Revenue Code, but essentially includes products used in a trade or business but not consumer goods. Therefore, we will assume that the term would include nuclear power plants and their component parts.

The Senate bill's statute of repose would not apply, even to durable goods, in four situations: (1) cases of toxic harm; (2) where the product is "[a] motor vehicle, vessel, aircraft, or train that is used primarily to transport passengers for hire"; (3) where the defendant made an express written warranty as to the safety of the product that was longer than 20 years, but, at its expiration, the statute of repose would apply; and (4) small aircraft covered by the 18-year statute of repose prescribed by the General Aviation Revitalization Act of 1995, Public Law 103-298, 49 U.S.C. §40101 note.

Section 106 of the House-passed version of H.R. 956 contains a 15-year statute of repose applicable to all products, including consumer goods, except small aircraft, covered by the 18-year statute of repose prescribed by the General Aviation Revitalization Act of 1995. There are only two other exceptions to the House bill's 15-year statute of repose: (1) if the defendant made an express written warranty as to the safety of the product that was longer than 15 years, the warranty would apply, but, at its expiration, the statute of repose would apply; and (2) the 15-year statute of repose would "not apply to a physical illness the evidence of which does not ordinarily appear less than 15 years after the first exposure to the product."

With respect to the preemption of other laws, the House- and the Senate-passed bills are the same with respect to federal laws but different as to state laws. With respect to federal laws, section 102(c)(2) of the Senate-passed bill provides, as noted above, that nothing in it "may be construed to . . . supersede or alter any Federal law." Similarly, section 402(2) of the House-passed bill provides that nothing in it "shall be construed to . . . . supersede any Federal law." (The Senate-passed bill's not using the word "alter" would not appear to be of any consequence.)

With respect to state laws, section 101(b) of the House-passed bill, like section 102(b)(1) of the Senate-passed bill, provides that the bill supersedes state law "to the extent that State law applies to an issue covered under [the bill]." However, the Senate-passed bill, but not the House-passed bill, contains an exception applicable to its statute of repose. It provides that, if a state law prescribes a shorter statute of repose, such state law would apply. All state statutes or repose are shorter than 20 years, but fewer than half the states have statutes of repose. Therefore, the effect of the Senate-passed bill would be to impose a 20-year statute of repose on the majority of states without statutes of repose, but to leave the other state's statutes of repose as they are.

How would these provisions affect the Price-Anderson Act? This depends upon whether the Price-Anderson Act incorporates state statutes of repose, as it does state statutes of limitations. We have found no authority on point, but it appears unlikely that it would incorporate state statutes of repose. This is because such statutes can preclude suits from being filed even before an injury occurs, and, as the Price-Anderson Act creates a federal cause of action, it seems unlikely that a court would construe it, in the absence of some expression of congressional intent, to allow a state to preclude use of a federal cause of action. If the Price-Anderson Act does not incorporate state statutes of repose, then neither the House- nor Senate-passed statutes of repose would apply, as both bills state that they would not supersede federal law.

If, however, the Price-Anderson Act does incorporate state statutes of repose, then we may apply the same analysis we did with respect to the Senate-passed bill's statute of limitations. We repeat what we wrote there, substituting "statute of repose" for "statute of limitations," and referring to both versions of H.R. 956 instead of only the Senate-passed version: Because neither version of H.R. 956 would supersede any federal law, it appears that neither would alter the Price-Anderson's Act scheme of using state statutes of repose. One could argue that, because the Price-Anderson Act uses state statutes of repose, and both the House- and Senate-passed versions of H.R. 956 would supersede state law, the Price-Anderson Act would use the House- or Senate-passed bill's statute of repose. Although this interpretation does not seem out of the question, it appears that the better view would be that to use either bill's statute of repose in Price-Anderson Act cases would be to supersede a federal law, which would be contrary to either bill's expressed intent.

Suppose, however (continuing to assume that the Price-Anderson Act incorporates state statutes of repose, which appears more likely not to be the case), that the Price-Anderson Act would use the House- or Senate-passed bill's statute of repose. Then the effect of the bills would differ. The House-passed bill's 15-year statute of repose would apply in every case, but the Senate-passed 20-year statute of repose would apply only in those states that do not have a shorter statute of repose. In those states that do have a shorter statute of repose, it would apply.

As noted, however, it seems more likely that state statutes of repose do not apply now and that no statute of repose would apply under either the House- or Senate-passed bills. Again, though, it might be advisable for Congress to make its intentions explicit.

HENRY COHEN,
Legislative Attorney.
ELLEN M. LAZARUS,
Legislative Attorney.

FOOTNOTES

[1] Act Sept. 2, 1957, Pub. L. 85-256, 71 Stat. 576, as codified at 42 U.S.C. 2210; amending the Atomic Energy Act of 1954 (Act of Aug. 30, 1954, as codified at 42 U.S.C. §§2011 et seq.). The Act was amended in 1966 (Pub. L. 89-645, 80 Stat. 891); 1975 (Pub. L. 94-197, 89 Stat. 1111); 1988 (Pub. L. 100-408, 102 Stat. 1066; hereinafter referred to as the 1988 Amendments Act or the Amendments Act of 1988).

[2] S. Rep. No. 218, 100th Cong., 1st Sess. 2 (1987), reprinted in 1988 U.S.C.C.A.N. 1476-77.

[3] §170n(1); 42 U.S.C. §2210(n)(1). The waiver of defenses provision was seen as a preferable alternative to enactment of a new body of Federal tort law. See S. Rep. No. 1605, 89th Cong., 2d Sess. 10 (1966), reprinted in 1966 U.S.C.C.A.N. 3209.

[4] Section 11 of the Atomic Energy Act, 42 U.S.C. §2014(w) defines the term "public liability" as "any legal liability arising out of or resulting from a nuclear incident or precautionary evacuation . . . except: (i) claims under State or Federal workmen's compensation acts . . . (ii) claims arising out of an act of war; and (iii) whenever used in subsections a., c., and k. of §170 [42 U.S.C. §§2210(a), (c), (k)], claims for loss of, or damage to, or loss of use of property which is located at the site of and used in connection with the licensed activity where the nuclear incident occurs. . . ."

[5] See §11 Atomic Energy Act, 42 U.S.C. §2014(j) for definition of an extraordinary nuclear occurrence (hereinafter referred to as ENO and generally considered a serious nuclear accident). No nuclear incidents to date have been classified as ENOs.

[6] 42 U.S.C. §2210(n)(1). The Act also provides certain exceptions to the applicability of waivers.

The 1966 Amendments provided that defenses based on statutes of limitations were waived if the suit is instituted within 3 years from when the claimant first knew or reasonably could have known of his injury or damage but in no event more than 10 years after the date of the nuclear incident). Per the legislative history, the stipulated statute of limitations period was not "a maximum period for assertion of Price-Anderson covered claims, since the waiver authorized by the bill serves only to avoid the application of more restrictive State statutes of limitations. Such waiver leaves undisturbed the laws of those States which have enacted—or in the future may enact—longer periods of limitation."

See S. Rep. No. 1605, supra n.3 at 21, reprinted at 1966 U.S.C.C.A.N. 3221. The minimum statute of limitations for the filing of claims after an accident supersedes more restrictive State statutes of limitations, but does not affect less restrictive State laws. See S. Rep. No. 70 100th Cong., 2d Sess. 15 (1988), reprinted at 1988 U.S.C.C.A.N. 1427.

In 1975, the Act was again amended; among the amendments was an extension of the statute of limitations from 10 to 20 years. The 1988 Amendments to the Act eliminated the 20 year "years-from-occurrence" limitation; the legislative history makes it clear that ". . . a damage suit could be filed at any time after an ENO, provided the suit is instituted within 3 years from the time that the claimant first know, or reasonable could have known, of his injury or damages caused by the ENO. This new standard would supersede any more restrict State tort law standards in existing law with respect to statutes of limitations."

See S. Rep. No. 70, id. at 21, reprinted at 1988 U.S.C.C.A.N. 1434. The new standard is considered a Federal standard. Id. at 33, reprinted at 1988 U.S.C.C.A.N. at 1455. See also H. Rep. No. 104, Part 1, 100th Cong., 1st Sess. 17 (1987) referring to the existing (pre-1988) standard as "more restrictive than the majority of state statutes . . . [and] ineffective to prevent restrictive state statutes from barring legitimate claims."

As presently stated, the Federal standard is absent any years-from occurrence limitation but includes a 3 year-from-discovery period. When incorporated into an indemnity agreement, "such waivers shall be judicially enforceable in accordance with their terms by the claimant against the person indemnified." 42 U.S.C. §2210(n)(1).

[7] See S. Rep. No. 1605, supra n. 3 at 6-10 (1966), reprinted at 1966 U.S.C.C.A.N. 3206-3210. Under the Price-Anderson system, the claimant's right to recover from the fund established by the act is left to the tort law of the various States; the only interference with State law is a potential one, in that the limitation of liability features . . . would come into play in the exceedingly remote contingency of a nuclear incident giving rise to damages in excess of the amount of financial responsibility required together with the amount of the governmental indemnity.

Id. at 6.

In Duke Power v. Carolina Env. Study Group, 438 U.S. 59, 65-66 (1978), the High Court referred to the 1966 waiver of defenses provision as based on a congressional concern that state tort law dealing with liability for nuclear incidents was generally unsettled and that some way of insuring a common standard of responsibility for all jurisdictions—strict liability—was needed. A waiver of defenses was thought to be the preferable approach since it entailed less interference with state tort law than would the enactment of a federal statute prescribing strict liability.

[8] §170(n)(2); 42 U.S.C. §2210(n)(2).

[9] See Commonwealth of Pennsylvania v. General Pub. Util. Corp., 710 F.2d 117 (3d Cir. 1983); Stibitz v. GPU, 746 F.2d 993 (3d Cir. 1984); Kiick v. Metropolitan Edison Co, 784 F.2d 490 (3d Cir. 1986); Silkwood v. Kerr-McGee Corp., 464 U.S. 238 (1984).

[10] §11(a); 42 U.S.C. 2210(n)(2). Section 11 of the Atomic Energy Act, 42 U.S.C. §2014(q), defines a "nuclear incident" as: ". . . any occurrence, including an extraordinary nuclear occurrence, within the United States, causing, within or outside the United States, bodily injury, sickness, disease, or death, or loss of or damage to property, or loss of use of property, arising out of or resulting from the radioactive, toxic, explosive, or other hazardous properties of source, special nuclear, or byproduct material. . . ."

With regard to the change from consolidating only ENOs in federal court to consolidating claims arising out of any nuclear incident, the legislative history states: ". . . [T]he bill provides the federal district court in which the nuclear incident occurred with subject matter jurisdiction over claims arising from the nuclear incident. Any suit asserting public liability shall be deemed to be an action arising under the Price-Anderson Act, and the substantive law of decision shall be derived from the law of the State in which the incident occurred, in order to satisfy the Article III requirement that federal courts have jurisdiction over cases arising under the Constitution or under the laws of the United States."

See S. Rep. No. 218, supra n. 2 at 13, reprinted at 1988 U.S.C.C.A.N. 1488.

On a related matter, see reference in legislative history to the effect of extending the waiver of defenses provision to include radioactive waste activities: The effect of this provision would be to trigger strict liability, and to preempt lesser State tort law standards in any lawsuit involving an accident with radioactive waste that DOE determines to be an "extraordinary nuclear occurrence."

S. Rep. No. 70, supra n. 6 at 26, reprinted at 1988 U.S.C.C.A.N. 1439.

[11] Section 11 of the Atomic Energy Act, 42 U.S.C. §2014(hh) defined "public liability action" as used in §170 as: ". . . any suit asserting liability. A public liability action shall be deemed to be an action arising under §170 [42 U.S.C. §2210], and the substantive rules for decision in such action shall be derived from the law of the State in which the nuclear incident involved occurs, unless such law is inconsistent with the provisions of such section."

[12] See H. Rep. No. 104, Part 1, supra n. 6 at 18 (1987), at which the Committee on Interior and Insular Affairs states: "Rather than designing a new body of substantive law to govern such cases, however, the bill provides that the substantive rules for decision in such actions shall be derived from the law of the State in which the nuclear incident involved occurs, unless such law is inconsistent with the Price-Anderson Act. The Committee believes that conferring on the Federal courts jurisdiction over claims arising out of all nuclear incidents in this manner is within the constitutional authority of Congress. . . ."

As stated in Re TMI Litigation Cases Consol. II, 940 F.2d 832 (2d Cir. 1991): ". . . Congress expressed its intention that state law provides the content of and operates as federal law."

Id. at 855.

[13] 42 U.S.C. §2210(n)(2).

[14] See S. Rep. No. 218 supra note 2 at 13; see also H. Rep. No. 104, Part 1, 100th Cong., supra n. 6 at 18 (1987).

[15] 940 F.2d 832 (3d Cir. 1991), cert. denied, 503 U.S. 906 (1992).

[16] Id. at 854–55.

[17] Id.at 856–57.

[18] 13 F.3d 1090 (7th Cir. 1994), cert. denied, 1994 U.S. Lexis 4722.

[19] Id. at 1096, 1099.

[20] See definition supra, at n. 11.

[21] In Re Hanford Nuclear Reservation Litigation, 780 F. Supp. 1551 (E.D. Wash. 1991), relying on Richards v. United States, 369 U.S. 1 (1962) (interpretation of similar phrase in Federal Tort Claims Act); Chevron Oil Co. v. Huson, 404 U.S. 97 (1971) (interpretation of Outer Continental Shelf Lands Act (OCSLA) provision). See also reference in legislative history to Article III jurisdiction approach that Congress used in the OCSLA; H. Rep. No. 104, Part 1, supra note 6 at 18.

[22] See Day v. NLO, 3 F.3d 153, 154 n. 1 (6th Cir. 1993). See also the trial court decision in Cook v. Rockwell Intl' Corp., 755 F. Supp. 1468, 1482 (D. Colo. 1991) motion denied, 1995 U.S. Dist. Lexis 4986 (D. Colo. 1995) (In response to claim that Price-Anderson was "silent" on what limitations should apply, party contended that a state statute establishing a specific limitation period for "all actions upon liability created by a federal statute where no period of limitations is provided in said federal statute" should apply. The court held that such state statutory period did not apply because Price-Anderson provided for a limitations period by mandating the application of state substantive law and that statutes of limitations are substantive).

[23] Although federal courts have original jurisdiction over such actions, states have concurrent jurisdiction. See §2210(n)(2). Subject to removal upon motion, public liability actions may be filed in state courts; in a case in which such action proceeds in state court, §2014(hh) requires that the law of the State in which the nuclear incident occurred determine the rules for decision.

[24] See Article III, §2, cl. 1, U.S. Constitution: "The Judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution. . . ."

The issue of whether Congress exceeded its authority under Article III in creasing "arising under" jurisdiction even where stipulating that such actions were to be derived from state law has been addressed in a number of opinions issued under the Amendments Act. In vacating and remanding a district court holding that the Amendments Act was unconstitutional, the Circuit Court of Appeals in Re TMI Litigation Cases Consol. II, 940 F.2d 832, 845 (3d Cir. 1991) stated: "It could not be clearer that Congress intended that there be federal jurisdiction over claims removed pursuant to the Amendments Act; the statutory language is explicit." The court, in analyzing subject matter jurisdiction, noted that the Amendments Act "contains both federal and state elements. While the public liability cause of action itself and certain elements of the recovery scheme are federal, the underlying rules of decision are to be derived from state law."

Id. at 854.

[25] See In Re TMI Litigation Cases Consol. II, supra n. 15 at 857–58.

[26] Note, for example, that under §170(s); 42 U.S.C. §2210(s) "No court may award punitive damages in any action with respect to a nuclear incident . . . against a person on behalf of whom the United States is obligated to make payments under an agreement of indemnification covering such incident. . . ."

[27] See, however, §167 of the Atomic Energy Act, 42 U.S.C. §2207, authorizing the Commission to pay "any claim for money damage of $5,000 or less against the United States for bodily injury, death, or damage . . . where such claim is presented to the Commission in writing within one year after the accident or incident out of which the claim arises. . . ."

[28] If a federally created right of action has a specific statute of limitations, such a right is enforced free from any state limitation period. In such a case, the provision is regarded as one of substantive right setting a limit to the existence of the statutory obligation. Where a federal right has been created without providing a limitation of actions to enforce such a right, since there is no federal statute of limitations of general application, the courts generally apply the forum state's statute of limitations. As such, federal courts will borrow the periods of limitation prescribed by the state where Congress has created a federal right but has not prescribed a period for its enforcement. See 51 am jur 2d limitation of actions §74; 53 C.J.S. limitations of actions §33.

[29] Henry Cohen wrote Part III of the memorandum; Ellen Lazarus wrote Parts I and II.

ATF'S PURCHASE OF 22 OV–10D AIRCRAFT

Mr. GRASSLEY. Mr. President, a news article in this morning's Washington Times says the Bureau of Alcohol, Tobacco and Firearms recently purchased 22 OV–10D aircraft from the Defense Department.

These aircraft were used by the Marine Corps in the Vietnam war for close air support in combat. They were also used in Operation Desert Storm for night observation.

The aircraft are heavily weapons-capable, especially from a law-enforcement perspective. ATF says the planes have been stripped of their weapons. Their purpose, according to ATF, is for surveillance. The planes can locate people on the ground by detecting their body heat.

It's no secret that the ATF is undergoing intense public scrutiny. It has done some real bone-headed things. It has been criticized for enforcing the law while crossing the line of civil rights protections.

ATF's credibility will be even further tested the next 2 weeks when joint committee hearings are held in the other body on the Waco matter. And the Senate Judiciary Committee also will hold hearings on Waco in September.

I raise this issue today, Mr. President, because the purchase of these aircraft in the current climate might continue to feed the public's skepticism, and erode the pubic's confidence in our law enforcement agencies.

For that reason, it is incumbent upon ATF to fully disclose and fully inform the public as to the purchase of these aircraft.

First, what, specifically, will they be used for?

Second, where will they be located?

Third, what assurances are there that the planes will remain unarmed?

The sooner these questions are answered by ATF—openly and candidly—the less chance there is that the public's skepticism will grow.

Mr. President, the continued credibility of the ATF is on the line, in my judgment. At times such as these, when scrutiny is at its highest, the best strategy is to go on the offense. Spare no expense in disclosing fully and swiftly. Because full and swift disclosure is the first step in restoring credibility.

The ATF's credibility is important not just for itself, but for law enforcement in general. There is much work to do to restore the public's trust and confidence. I hope that ATF will step up to the challenge and provide the necessary assurances.

Mr. President, I ask unanimous consent that the Washington Times article, written by Jerry Seper, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Times, July 18, 1995]

ATF GETS 22 PLANES TO AID SURVEILLANCE

WEAPONS-CAPABLE AIRCRAFT REPAINTED

(By Jerry Seper)

The Bureau of Alcohol, Tobacco and Firearms has obtained 22 counterinsurgency, heavy-weapons-capable military aircraft.

The 300-mph OV–10D planes—one of several designations used by the Marine Corps during the Vietnam War for gunfire and missile support of ground troops, and by the Air Force during Operation Desert Storm for night observation—have been transferred from the Defense Department to ATF.

The turboprop aircraft, which will be used for day and night surveillance support, were designed to locate people on the ground through their body heat.

When used by the military services, the planes were equipped with infrared tracking systems, ground-mapping radar, laser rangefinders, gun sights and 20mm cannons.

ATF spokeswoman Susan McCarron confirmed yesterday that the agency had obtained the aircraft but noted they had been stripped of their armament. She said that nine of the OV–10Ds were operational and that the remaining 13 were being used for spare parts.

"We have nine OV-10Ds that are unarmed; they have no weapons on them," Ms. McCarron said. "They are being used for surveillance and photography purposes. The remainder are being used for spare parts."

Ms. McCarron said the aircraft were obtained by ATF from the Defense Department "when DOD was getting rid of them," and that other agencies also had received some of the airplanes.

General Service Administration records show that some of the unarmed aircraft also were transferred to the Bureau of Land Management for use in survey work, while others went to the California Forestry Department for use in spotting fires and in directing ground and aerial crews in combating them.

Other models of the OV-10 also are being used by officials in Washington state for nighttime surveillance of fishing vessels suspected of overfishing the coastal waters.

The transfer of the aircraft to ATF comes at a time of heightened public skepticism and congressional scrutiny of the agency's ability to enforce the law without trampling on the rights of citizens.

The ATF's image suffered mightily in the aftermath of its 1993 raid and subsequent shootout at the Branch Davidian compound in Waco, Texas, during which four agents and six Davidians were killed. It sustained another public-relations blow after it was revealed that ATF agents helped organize a whites-only "Good O' Boys Roundup" in the Tennessee hills.

Hearings of the Waco matter begin tomorrow in the House. A Senate Judiciary Committee hearing on the racist trappings of the roundup is scheduled for Friday.

One Senate staffer yesterday said there was "some real interest" in the ATF's acquisition of the aircraft, and that questions "probably will be asked very soon of the agency" about the specifics of their use and locations where they have been assigned.

According to federal law enforcement sources and others, including two airline pilots who have seen and photographed the ATF planes, two of the combat-capable aircraft—known as "Broncos"—have been routed to Shawnee, Okla., where they were painted dark blue over the past month at an aircraft maintenance firm known as Business Jet Designs Inc.

Michael Pruitt, foreman at Business Jet Designs, confirmed yesterday that two of the ATF aircraft had been painted at the Shawnee site and that at least one more of the OV-10Ds "was on the way." Mr. Pruitt said the aircraft were painted dark blue with red and white trim. The sources said the paint jobs cost the ATF about $20,000 each.

The firm's owner, Johnny Patterson, told associates last month he expected to be painting at least 12 of the ATF aircraft but was unsure whether he could move all of them fast enough through his shop. Mr. Patterson was out of town yesterday and not available for comment.

According to the sources, the ATF's OV-10Ds, recently were overhauled under the government's Service Life Extension Program and were equipped with a state-of-the-art forward-looking infrared system that allows the pilot to locate and identify targets at nights—similar to the tracking system used on the Apache advanced attack helicopter.

Designed by Rockwell International, the OV-10D originally was outfitted with two 7.62mm M-60C machine guns, each with 500 rounds of ammunition. It also was modified to carry one Sidewinder missile under each wing, Snakeye bombs, fire bombs, rocket packages and cluster bombs.

The OV-10D can carry a 20mm gun turret with 1,500 rounds of ammunition.

During the Vietnam War, two OV-10Ds were used for a variety of missions during a six-week period and flew more than 200 missions in which they were credited with killing 300 enemy troops and saving beleaguered outposts from being overrun by the communists.

TRIBUTE TO BEULAH G. VARNELL

Mr. HEFLIN. Mr. President, I want to commend and congratulate an outstanding employee of the Department of Agriculture in Alabama, Beulah G. Varnell. She has been working in various capacities for the Department there for over 50 consecutive years.

Prior to joining the Department of Agriculture's Consolidated Farm Service Agency [CFSA], Mrs. Varnell worked at the Red Stone Arsenal in Huntsville, AL, for a short period of time. In 1945, she began work as Assistant Clerk of Conservation Materials and the next year became Principal Conservation Material Clerk. She progressed steadily over the next few years to Senior Clerk in 1949.

Beulah Varnell has demonstrated exceptional ability to assuming and carrying out many programs, with primary responsibilities for administrative, price support, conservation, wool and mohair, and feed grain. She became Chief Program Assistant in 1966 and is known across the State for her knowledge of CFSA programs and her extraordinary ability to get the job done and done well. This is reflected by her willingness to help out with all other programs in the county office.

She has worked for four different CEO's during her 50 years with the agency. She has always donated annual leave to the leave transfer recipients and maintains 240 hours of annual leave at the end of each year as indicated by all available records. She currently has accumulated 4,103 hours of sick leave, and has never been off work for any extended period of time. There is a familiar anecdote that Beulah once had a wreck while on her way to work and asked that her typewriter be brought to her home so that she could continue her duties uninterrupted. That is dedication.

Beulah married Royce Varnell, who is retired from the Tennessee Valley Authority, in 1950. She is very close to her family, including her brother, 3 sisters, nieces, and nephews. The Varnell's have two farms in Rogersville, AL, one planted with soybeans, the other maintaining several head of cattle. Beulah has lived on a farm in Rogersville all her life and has been associated with all aspects of farming through personal experiences and her job with CFSA.

She is an active member of the Rogersville Church of Christ where she teaches a class. Beulah and Royce have a garden every year and also maintain a numerous assortment of flowers around their home. In her spare time, she enjoys crocheting and quilting. She also enjoys spending time at the camphouse on the Tennessee River, visiting with friends and family.

In short, Beulah Varnell enjoys life to its fullest, and is happiest when helping others. She is a great asset to CFSA and the Department of Agriculture, having always remained totally dedicated to the needs of county producers. I congratulate her and salute her as one of the best examples of public service our Nation has to offer.

IS CONGRESS IRRESPONSIBLE? LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, the impression will not go away: The $4.9 trillion Federal debt stands today as a sort of grotesque parallel to television's Energizer bunny that appears and appears and appears in much this same way that the Federal debt keeps going and going and going—up, of course.

A lot of politicians talk a good game—and talk is the operative word—about reducing the Federal deficit and bringing the Federal debt under control.

Control, Mr. President? As of yesterday, Monday, July 17, at the close of business, the total Federal debt stood at exactly $4,927,653,309,340.54, or $18,705.46 per man, woman, and child on a per capita basis. Res ipsa loquitur. Some control.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, morning business is closed.

COMPREHENSIVE REGULATORY REFORM ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 343, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 343) to reform the regulatory process and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 1487, in the nature of a substitute.

Levin (for Glenn) amendment No. 1581 (to amendment No. 1487), in the nature of a substitute.

Ashcroft amendment No. 1786 (to amendment No. 1487), to provide for the designation of distressed areas within qualifying cities as Regulatory Relief Zones and for the selective waiver of Federal regulations within such zones.

The PRESIDING OFFICER. The Senator from Missouri [Mr. Ashcroft].

AMENDMENT NO. 1786

Mr. ASHCROFT. Mr. President, throughout the current debate on S.

343, regulatory reform, little has been said about the devastating effects of regulations on America's urban core inner-city centers. Yet it is precisely our Nation's most distressed urban areas which are really threatened as a result of the onerous implications of some of the regulations on the city center. I believe it is time for us to look at those regulations as they relate to the cities and the potential for job growth and development in those cities. And it is time for us to have a look at whether or not we can mitigate the impacts of regulation against some of the areas where job development and growth are most challenging.

So I have submitted an amendment which is called the Urban Regulatory Relief Zone Act of 1995, an amendment to Senate bill 343, which is designed to try to provide that kind of relief. I believe it is in the best interests of our urban centers to be able to develop waivers so when we really find the regulations are hurting the health, the safety, the well-being, the security of our citizens, that, in fact, those regulatory provisions can be waived in cooperation with the Federal Government to provide an opportunity for jobs.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator from Texas [Mrs. HUTCHISON] is recognized.

AMENDMENT NO. 1789 TO AMENDMENT NO. 1786

(Purpose: To provide for the designation of distressed areas within qualifying cities as regulatory relief zones and for the selective waiver of Federal regulations within such zones)

Mrs. HUTCHISON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Texas [Mrs. HUTCHISON], for herself and Mr. ASHCROFT, proposes an amendment numbered 1789 to amendment No. 1786.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

In lieu of the matter proposed to be added, add the following:

"TITLE II—URBAN REGULATORY RELIEF ZONES

SECTION 201. SHORT TITLE.

This Act may be cited as the "Urban Regulatory Relief Zone Act of 1995".

SEC. 202. FINDINGS.

The Congress finds that—

(1) the likelihood that a proposed business site will comply with many government regulations is inversely related to the length of time over which a site has been utilized for commercial and/or industrial purposes in the past, thus rendering older sites in urban areas the sites most unlikely to be chosen for new development and thereby forcing new development away from the areas most in need of economic growth and job creation; and

(2) broad Federal regulations often have unintended social and economic consequences in urban areas where such regulations, among other things—

(A) offend basic notions of common sense, particularly when applied to individual sites;

(B) adversely impact economic stability;

(C) result in the unnecessary loss of existing jobs and businesses;

(D) undermine new economic development, especially in previously used sites;

(E) create undue economic hardships while failing significantly to protect human health, particularly in areas where economic development is urgently needed in order to improve the health and welfare of residents over the long term; and

(F) contribute to social deterioration to a such degree that high unemployment, crime, and other economic and social problems create the greatest risk to the health and well-being of urban residents.

SEC. 203. PURPOSES.

The purposes of this title are to—

(1) enable qualifying cites to provide for the general well-being, health, safety and security for their residents living in distressed areas by empowering such cities to obtain selective relief from Federal regulations that undermine economic stability and development in distressed areas within the city; and

(2) authorize Federal agencies to waive the application of specific Federal regulations in distressed urban areas designated as Urban Regulatory Relief Zones by an Economic Development Commission—

(A) upon application through the Office of Management and Budget by an Economic Development Commission established by a qualifying city pursuant to section 205; and

(B) upon a determination by the appropriate Federal agency that granting such a waiver will not substantially endanger health or safety.

SEC. 204. ELIGIBILITY FOR WAIVERS.

(a) ELIGIBLE CITIES.—The mayor or chief executive officer of a city may establish an Economic Development Commission to carry out the purposes of section 205 if the city has a population greater than 200,000 according to:

(1) the U.S. Census Bureau's 1992 estimate for city populations; or

(2) beginning six months after the enactment of this title, the U.S. Census Bureau's latest estimate for city populations.

(b) DISTRESSED AREA.—Any census tract within a city shall qualify as distressed area if—

(1) 33 percent or more of the resident population in the census tract is below the poverty line; or

(2) 45 percent or more of out-of-school males aged 16 and over in the census tract worked less than 26 weeks in the preceding year; or

(3) 36 percent or more families with children under age 18 in the census tract have an unmarried parent as head of the household; or

(4) 17 percent or more of the resident families in the census tract received public assistance income in the preceding year.

SEC. 205. ECONOMIC DEVELOPMENT COMMISSIONS.

(a) PURPOSE.—The mayor or chief executive officer of a qualifying city under section 204 may appoint an Economic Development Commission for the purpose of—

(1) designating distressed areas, or a combination of distressed areas with one another or with adjacent industrial or commercial areas, within the city as Urban Regulatory Relief Zones; and

(2) making application through the Office of Management and Budget to waive the application of specific Federal regulations within such Urban Regulatory Relief Zones.

(b) COMPOSITION.—To the greatest extent practicable, an Economic Development Commission shall include—

(1) residents representing a demographic cross section of the city population; and

(2) members of the business community, private civic organizations, employers, employees, elected officials, and State and local regulatory authorities.

(c) LIMITATION.—No more than one Economic Development Commission shall be established or designated within a qualifying city.

SEC. 206. LOCAL PARTICIPATION.

(a) PUBLIC HEARINGS.—Before designating an area as an Urban Regulatory Relief Zone, an Economic Development Commission established pursuant to section 205 shall hold a public hearing, after giving adequate public notice, for the purpose of soliciting the opinions and suggestions of those persons who will be affected by such designation.

(b) INDIVIDUAL REQUESTS.—The Economic Development Commission shall establish a process by which individuals may submit requests to the Economic Development Commission to include specific Federal regulations in the Commission's application to the Office of Management and Budget seeking waivers of Federal regulations.

(c) AVAILABILITY OF COMMISSION DECISIONS.—After holding a hearing under paragraph (a) and before submitting any waiver applications to the Office of Management and Budget pursuant to section 207, the Economic Development Commission shall make publicly available—

(1) a list of all areas within the city to be designated as Urban Regulatory Relief Zones, if any;

(2) a list of all regulations for which the Economic Development Commission will request a waiver from a Federal agency; and

(3) the basis for the city's findings that the waiver of a regulation would improve the health and safety and economic well-being of the city's residents and the data supporting such a determination.

SEC. 207. WAIVER OF FEDERAL REGULATIONS.

(a) SELECTION OF REGULATIONS.—An Economic Development Commission may select for waiver, within an Urban Regulatory Relief Zone, Federal regulations that—

(1)(A) are unduly burdensome to business concerns located within an area designated as an Urban Regulatory Relief Zone; or

(B) discourages new economic development within the zone; or

(C) creates undue economic hardships in the zone; or

(D) contributes to the social deterioration of the zone; and

(2) if waived, will not substantially endanger health or safety.

(b) REQUEST FOR WAIVER.—(1) An Economic Development Commission shall submit a request for the waiver of Federal regulations to the Office of Management and Budget.

(2) Such request shall—

(A) identify the area designated as an Urban Regulatory Relief Zone by the Economic Development Commission;

(B) identify all regulations for which the Economic Development Commission seeks a waiver; and

(C) explain the reasons that waiver of the regulations would economically benefit the Urban Regulatory Relief Zone and the data supporting such determination.

(c) REVIEW OF WAIVER REQUEST.—No later than 60 days after receiving the request for waiver, the Office of Management and Budget shall—

(1) review the request for waiver;

(2) determine whether the request for waiver is complete and in compliance with this title, using the most recent census data available at the time each applicant is submitted; and

(3) after making a determination under paragraph (2)—

(A) submit the request for waiver to the Federal agency that promulgated the regulation and notify the requesting Economic Development Commission of the date on which the request was submitted to such agency; or

(B) notify the requesting Economic Development Commission that the request is not in compliance with this Act with an explanation of the basis for such determination.

(d) MODIFICATION OF WAIVER REQUESTS.—An Economic Development Commission may submit modifications to a waiver request. The provisions of subsection (c) shall apply to a modified waiver as of the date such modification is received by the Office of Management and Budget.

(e) WAIVER DETERMINATION.—(1) No later than 120 days after receiving a request for waiver under subsection (c) from the Office of Management and Budget, a Federal agency shall—

(A) make a determination of whether to waiver a regulation in whole or in part; and

(B) provide written notice to the requesting Economic Development Commission of such determination.

(2) Subject to subsection (g), a Federal agency shall deny a request for a waiver only if the waiver substantially endangers health or safety.

(3) If a Federal agency grants a waiver under this subsection, the agency shall provide a written statement to the requesting Economic Development Commission that—

(A) describes the extent of the waiver in whole or in part; and

(B) explains the application of the waiver, including guidance for the use of the waiver by business concerns, within the Urban Regulatory Relief Zone.

(4) If a Federal agency denies a waiver under this subsection, the agency shall provide a written statement to the requesting Economic Development Commission that—

(A) explains the reasons that the waiver substantially endangers health or safety; and

(B) provides a scientific basis in writing for such determination.

(f) AUTOMATIC WAIVER.—If a Federal agency does not provide the written notice required under subsection (e) within the 120-day period as required under such subsection, the waiver shall be deemed to be granted by the Federal agency.

(g) LIMITATION.—No provision of this Act shall be construed to authorize any Federal agency to waive any regulation or Executive order that prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, religion, gender, or national origin.

(h) APPLICABLE PROCEDURES.—A waiver of a regulation under subsection (e) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of title 5, United States Code. The Federal agency shall publish a notice in the Federal Register stating any waiver of a regulation under this section.

(i) EFFECT OF SUBSEQUENT ADMINISTRATION OF REGULATIONS.—If a Federal agency amends a regulation for which a waiver under this section is in effect, the agency shall not change the waiver to impose additional requirements.

(j) EXPIRATION OF WAIVERS.—No waiver of a regulation under this section shall expire unless the Federal agency determines that a continuation of the waiver substantially endangers health or safety.

SEC. 208. DEFINITIONS.

For purposes of this Act, the term—

(1) "regulation" means—

(A) any rule as defined under section 551(4) of title 5, United States Code; or

(B) any rulemaking conducted on the record after opportunity for an agency hearing under sections 556 and 557 of such title;

(2) "Urban Regulatory Relief Zone" means an area designated under section 205;

(3) "qualifying city" means a city which is eligible to establish an Economic Development Commission under section 204;

(4) "industrial or commercial area" means any part of a census tract zoned for industrial or commercial use which is adjacent to a census tract which is a distressed area pursuant to section 205(b); and

(5) "poverty line" has the same meaning as such term is defined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

SEC. 209. EFFECTIVE DATE.

The provisions of this title shall become effective one day after the date of enactment.".

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, I sent an amendment to the amendment to the desk because I think Senator ASHCROFT is doing a very important thing for the urban areas of our country. It is clear that we need to do everything we can to create jobs in our urban areas, and particularly in the distressed parts of our urban areas.

I did make a minor amendment in the change of the effective date, but I support Senator ASHCROFT's amendment wholeheartedly and appreciate his yielding the floor to me for this short time.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan [Mr. LEVIN], is recognized.

AMENDMENT NO. 1581

Mr. LEVIN. Mr. President, we all want significant and meaningful regulatory reform. No one wants rules that do not make sense. Nobody wants regulatory requirements that exceed real needs. We want Government to be smart, effective, reasonable, and practical.

There are plenty of regulatory horror stories. Some are accurate and some are not. There is more than enough evidence for us to be convinced of the fact that the regulatory process is broken and needs fixing. We spent several months in Governmental Affairs earlier this year considering a bill introduced by Senators ROTH and GLENN which, with a few important amendments, we reported to the full Senate for its consideration. It was passed by a unanimous, bipartisan vote of 15 to 0. It has cost-benefit analysis, risk assessment, legislative review, and a procedure for the review of existing rulings. With a few modifications this is the Glenn-Chafee substitute that is now before us. It is tough medicine that is designed to cure and not to kill the regulatory process.

The Glenn-Chafee substitute is tough because it would require, by law, that every major rule be subject to a cost-benefit analysis and, for key agencies, a risk assessment. It would require that each agency assess whether the benefits of the rule that it is proposing or promulgating will justify the costs of implementing it; and whether the rule is the most cost-effective rule among the various alternative proposals.

These two elements are key to rational rulemaking. It is tough because, by statute, it resolves once and for all the role of the President in overseeing the regulatory process. The bill gives the President the authority to oversee the cost-benefit analysis and risk assessment requirements, and recognizes the significant contribution that the President can make to rational rulemaking.

It gives Congress the right to stop a rule before it takes effect. It is tough because it allows for judicial review of an agency's determination as to whether or not a rule meets the $100 million economic impact test, and because a rule can be remanded to an agency for the failure of the agency to do the cost-benefit analysis or risk assessment.

It is tough because it requires rules scheduled for review to be subject to repeal, should the agency fail to review them in 10 years, according to the schedule and requirements of this legislation.

The Glenn-Chafee substitute also reflects some common sense, because it recognizes that decisions about benefits and costs are, by necessity, not an exact science but an exercise of judgment. It reflects common sense because it does not subject all rules to congressional review, but only the major rules. It reflects common sense because it uses information as a tool for assessing agency performance and makes that information available for everyone to judge and to challenge.

The Dole-Johnston amendment goes too far. In its zeal for reform, it overreaches and damages the very process that it sets out to repair.

It is not reform. It is overload. It is like throwing a bucket of water to a drowning person. It is as if a doctor is tripling the prescribed dosage in order to get a better effect. It ends up actually harming the patient instead of helping.

While the Dole-Johnston substitute is an improvement over S. 334, as introduced, and has been improved in some way, it still falls far short of the goal that we need for regulatory reform, which is to improve the regulatory process so that it works better, results in rules that make sense, and at the same time we maintain the important health, safety and environmental protections that Americans expect and deserve. The Dole-Johnston substitute would bog down—rather than clean up—the regulatory process, and would put important health, safety, and environmental protections needlessly at risk.

The Cabinet officials of this administration have issued a statement of policy stating that they would recommend that the President veto S. 343 in its present form, as of July 10, 1995, when the policy statement was written. The summary states that the cumulative effect of S. 343 would burden the regulatory system with additional paperwork, unnecessary cost, significant delay, and excessive litigation, and then states in a very unusual document that the Secretaries of Labor, Agriculture, Health and Human Services, Housing and Urban Development, Transportation, Treasury, Interior, EPA, and the Director of OMB all would make that recommendation for a veto.

This document has been put in the RECORD. It sets forth paragraph by paragraph, issue by issue, and item by item why the Dole-Johnston approach represents overload, why it would drown the system instead of repairing it.

The Glenn-Chafee substitute would fundamentally change, as we should, the way that Federal regulatory agencies do business. At the same time, it would keep a system that would allow us to preserve critically needed health, safety, and environmental approaches. The Glenn-Chafee substitute would help prevent regulatory agencies from issuing rules that are not based on good common sense or on good science, or that would impose costs that are not justified by the benefits of the rule. But it would not inhibit or prevent agencies from taking the necessary steps that the American public wants to take to protect their health and their environment and their safety.

The question here is the balance that we are going to set. That is really the issue. And it is an incredibly detailed and arcane bunch of issues that we must deal with. But if we make a big mistake and go way too far and bog down a system in a whole series of new approaches subject to litigation, we will end up doing a tremendous disfavor, not just to the American people but to the business community itself, which also needs the regulatory system to work.

Glenn-Chafee strikes a good balance in a number of ways. First, all Federal agencies would be required to perform and publish cost-benefit analyses before issuing major rules. The agencies would be required to compare the costs and benefits of not only the proposed rule but of reasonable alternatives as well, including non-regulatory, market-based approaches. The agencies would be required to explain whether the expected benefits of the rule justify the cost and whether the rule will achieve the benefits in a more cost-effective manner than the alternatives. The cost-benefit analysis would be reviewed by a panel of independent experts, and the agencies would be required to respond to peer reviewers' concerns.

Under Glenn-Chafee, the major regulatory agencies would be required to perform and publish risk assessment before issuing major rules regulating risks to the environment, health, and safety. The risk assessments would be required to be based on reliable scientific data, and would disclose and explain any assumptions and value judgments. The risk assessment would have to be reviewed by a panel of independent experts, and agencies would have to respond to peer reviewers' concerns. Federal agencies would be required to review important regulations, eliminate unnecessary regulations, and reform any that do not meet the new standards that this bill would create. If an agency fails to conduct a review within the time required by the schedule, it would be required to issue a notice of proposed rulemaking to repeal the rule rather than to have the rule automatically sunset. That rulemaking would have to be completed in 2 years. That is one of the key differences between the two approaches that we will be deciding a little later on today.

Congress would have under Glenn-Chafee 45 days before issuance of any major rule to review the rule, to prevent it from taking effect by passing expedited procedures in a joint resolution of disapproval. That finally would put elected representatives in a position to assure that agencies' rules are consistent with Congress' intent. And this is the power that I have fought to create as long as I have been in this body.

Under Glenn-Chafee, covered agencies would be required to set regulatory priorities, to address the risks that are most serious and can be addressed in a cost-effective manner. Agencies would be required to explain and reflect these priorities in their budget requests.

Every 2 years the President would be required to report to Congress the cost and the benefits of all regulatory programs and recommendations for reform. The OMB would be required by law to oversee compliance with the bill, and would be required to review all major rules before issuance. This would strengthen Presidential control over regulatory agencies, particularly the independent agencies.

The Glenn-Chafee substitute includes all of the provisions that we need to produce lasting and meaningful regulatory reform. In a number of respects Glenn-Chafee goes farther than the regulatory reform bill passed by the House of Representatives, H.R. 9, which does not provide for the review of existing regulations or congressional review, or the integration of comparative risk analysis into agency priority setting and budget.

Glenn-Chafee goes past S. 1080, the Omnibus Regulatory Reform bill that passed the Senate overwhelmingly in the 1980's. And no one can seriously dispute the fact that the GLENN-CHAFEE substitute is a strong regulatory reform bill. Again, it passed the Governmental Affairs Committee with statements of just how strong it was just a few months ago by a unanimous bipartisan vote.

How does that compare to Dole-Johnston? Dole-Johnston would impose new and sometimes conflicting decisional criteria, essentially displacing standards in existing laws by forbidding issuance of any rule unless the criteria are met. This is one of the most troubling features of the proposal. And one of my concerns about Dole-Johnston is that it would so encumber agencies that it would swamp the regulatory process rather than reform it, making it a greater burden rather than a lesser one.

No one can disagree—I do not think anyone is arguing against this—that we should only have rules where the benefits justify the cost. The GLENN-CHAFEE substitute has that standard. It requires every agency to certify that the benefits justify the costs, and if it cannot so certify, to explain why.

The way that the Glenn-Chafee bill works is that since all major rules are presented to Congress 45 days before they take effect, if there is a rule which the agency head says is appropriate for whatever reasons but that the benefits do not justify the cost, we in Congress will then have an opportunity to decide whether or not such a regulation whose benefits do not justify its costs should take effect. There will be times where we will decide it should, for whatever reason. It may be that the underlying law requires it. But where an agency head, as part of the cost-benefit analysis, tells us that the benefits do not justify the cost, we then are in the position to decide whether or not it is still our intention that the rule go into effect. That is the real power of the legislative review process.

An agency may also not be able to certify that the benefits justify the cost because the underlying statute may have required that the agency regulate without regard to the cost effect.

Congress may have decided that an agency should issue a rule establishing the safe level of a toxic element in the air and that we want that level achieved regardless of what the cost implications might be. So assessing the cost and the benefits may simply not be an option for that agency. Well, we want the agency to tell us that so that we, elected officials, accountable to the people, can decide: Do we really want to impose a rule that has costs which cannot be justified by the benefits? We may pass laws that say that, but when it comes to the rulemaking, we should have an opportunity and be forced to consider the actual costs that we are imposing on this society. We have that in the Glenn-Chafee substitute.

Now, the Dole-Johnston substitute has a different approach. It says specifically that an agency cannot regulate unless it finds that the benefits justify the costs, or if the rule cannot satisfy that criteria, the rule must meet three other tests including that it adopts the least cost alternative and that it results in a significant reduction in risk.

Last week, we adopted an amendment that reaffirmed what the sponsors of the bill had been saying in this Chamber, that the decisional criteria of their bill do not override any existing statute—and that was an important issue to clarify—that where there is a conflict between an underlying health, safety or environmental law and the decisional criteria of Dole-Johnston, it is intended that the underlying statute govern. But the problem is that probably in most cases there will not be a direct conflict. And in those cases the Dole-Johnston decisional criteria could be interpreted as governing. So now let us look at the criteria.

Least cost of the Dole-Johnston decisional criteria would require that an agency pick the least cost alternative in choosing how to regulate. Now, on the surface that may sound right, going with the least expensive, but once the surface is scratched, this approach not only fails the commonsense test, it is inconsistent with the cost-benefit test.

Why would we want to restrict Federal agencies to picking the cheapest way to regulate when in many cases it will not be the best way to regulate and will not be the most cost effective way to regulate? Why would we want to deny agencies from getting the biggest bang for the buck out of the regulatory scheme? If going with the cheapest were always the best approach, we would all be driving Yugos.

Now, if, for $100 million in costs, we can save 1,000 lives, but for $110 million in costs, we can save 2,000 lives, ought we not be able to go with the slightly more expensive approach for double the savings in lives even though the lower cost-smaller savings in lives approach might meet the minimal statutory criteria?

Statutes usually have a range. They usually describe things in terms of minimal safety and allow discretion for the agency. Do we want to tell an agency that you cannot spend that extra 10 percent to double the savings in lives? Is that really what we want to do? Then why do the cost-benefit analysis? There is an inconsistency.

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. LEVIN. I will be happy to yield for a question. But before I do yield, let me say this. I am going to get to the issue which the Senator and I have discussed over the last few days, which is whether or not there is an exception then to the least-cost approach. I am going to address that issue immediately and then perhaps he could ask a question after I address the exception which the Senator from Louisiana has pointed to as to why we are not driven always to least cost. I know that is the Senator's position. However, the language is quite clear. And I will be addressing what he calls an exception to show that it is not an exception. But I would be happy to get into that issue.

Mr. JOHNSTON. Is the Senator seriously saying that if you can save, what was it, 10,000 lives for $1 million, that for an extra $100,000 you could not save another 1,000 lives—is the Senator really saying that he believes that about our bill?

Mr. LEVIN. I do, because that is clearly quantifiable. I just quantified it. And that is the way the agencies read the Dole-Johnston bill, and that is why the agencies have written a statement, and that is why the bill should be amended, and that is why we have discussed an amendment, one of a number of amendments to the Senator's bill. Since I have just quantified it, it is not eligible for the exception. The exception only applies where it is not quantifiable, and I have just given a quantified exception.

I have just said for $100 million you can save 1,000 lives, but for $110 million you can save 2,000 lives. Now, the Senator is going to say and has said, well, that is nonquantifiable and therefore it is subject to this exception, to the least cost approach because the value of a life cannot be quantified.

First of all, agencies do quantify it, but, second, in my hypothetical I have quantified it precisely and that is the way the agencies read this language. So we can sit here all day and debate as to whether or not, when you have 1,000 lives as a quantified benefit, that is quantified or nonquantified since for many of us the value of a life cannot be quantified.

Mr. ASHCROFT. Will the Senator yield?

Mr. LEVIN. But the agencies read it this way, and I think it should be clarified.

I will be happy to yield for a question.

Mr. ASHCROFT. Will the Senator say that the benefit is the same benefit if 100,000 lives are saved or if 200,000 lives are saved?

Mr. LEVIN. No.

Mr. ASHCROFT. It is a different benefit.

Mr. LEVIN. I would say a different benefit, both quantified but they are different.

Mr. ASHCROFT. Both quantified. And the cheapest 200,000 lives would be a separate calculation.

It seems to me, if those are different benefits, the agency would not be required then to employ the so-called cheapest but could employ, it could employ the benefit for the greater savings because it is a different benefit and the calculation would be the cheapest for that different benefit.

Mr. LEVIN. I would think the agency should be able to do it, but under this language the only exception, certain exception to the requirement is to take the least costly approach. And you can only do it where it is a nonquantifiable benefit, and I think the Senator would agree with me this is a quantifiable benefit.

Mr. ASHCROFT. That is right. But since it is a different benefit, it is a different calculation. It seems to me that if the benefit is different, that if the extra lives mean it is a different benefit——

Mr. LEVIN. It is the same rule.

Mr. ASHCROFT. It is the same rule. But if it is a different benefit, then it is a different cost-benefit ratio and the cheapest for the different benefit is the superior one for which the Senator has argued.

Mr. LEVIN. You would think that the agency in applying that rule ought to be able to spend the extra 10 percent to double the number of lives.

Mr. ASHCROFT. My view is and my question was——

Mr. LEVIN. Would the Senator agree with that?

Mr. ASHCROFT. I would agree that for a nickel more you can go first class is the old way of saying that, and if first class means that you get more lives saved per value committed, I think we would want to be able to do that.

Mr. LEVIN. I think so, too.

Mr. ASHCROFT. My sense is that if it is a different benefit——

Mr. LEVIN. The number is different. If the Senator says a different benefit, the number is different. It is twice as large.

Mr. ASHCROFT. That is correct. And it seems to me that means this bill should be driving that—that if the number is different, it is a different benefit, and we should get to that number the cheapest way possible. In getting to any other number, the cheapest way possible should be our objective. If we decide to save 120,000 lives, there is a cheapest way to get there. And if we want to save 100,000 lives, there is a cheapest way to get there. And it seems to me, since those are different benefits, the Dole-Johnston proposal would allow us to get to those benefits by the cheapest strategy.

Mr. LEVIN. I think I would agree with the Senator that we ought to try to have a cost-benefit in what we do. The problem is that when we legislate, we do not say save 1,000 lives or we do not say save 2,000 lives. What we say is that the agency should regulate emission of a certain element going into the air in order to achieve a safe level. And then we give to the agencies typically, because we do not know here precisely what that safe level is frequently, some discretion. And then the agency is told to do a cost-benefit analysis.

That is our requirement in this bill, to do a cost-benefit analysis. Now the agency says—and this is my hypothetical—the agency cost-benefit analysis says, for 100 million bucks, you are going to save 1,000 lives. If you want to spend $110 million, you are going to save 2,000 lives.

Mr. ASHCROFT. You are doing something else; you are doing something different.

Mr. LEVIN. If the Senator will yield, that is what the cost-benefit analysis describes to the agency doing that analysis. The point is, will you allow the agency, using that cost-benefit analysis, to go to the $110 million instead of $100 million, even though the $100 million may meet the minimum threshold, since there is a range allowed by definition, or else you would not be doing the cost-benefit analysis? You would not need to. It would not be as relevant as it otherwise should be. You are doing a cost-benefit analysis most of the time because a range is permitted, and if a range is permitted under the statute, the question is then, will you allow the agency discretion to implement something more expensive than the least costly, if you can, for a small incremental amount to significantly increase the benefit?

I think the intention of the sponsors is to allow the agency to do so. However, we have pointed out over and over again that the language of the bill does not permit the agency to do it, because it says that unless the benefit is nonquantifiable—nonquantifiable—you cannot go to anything but the least costly.

Mr. JOHNSTON. Will the Senator yield on that point?

Mr. LEVIN. So we have urged the sponsors to strike the word "nonquantifiable" before "benefit." When the word "benefit" is defined earlier in the statute, it says "quantifiable or nonquantifiable." But in this exception to the requirement for least cost, the limitation of nonquantifiable is before the word "benefit." In my hypothetical, I have given a quantifiable benefit, 1,000 versus 2,000 and $100 million versus $110 million. Then the agencies read this and I read this as being a quantifiable benefit, thereby not subject to the exception.

The Senator from Louisiana has argued that that is a nonquantifiable benefit because you cannot quantify the value of a human life. Even if that were conceded, the problem is that the benefit that we are quantifying here is the number of human lives, and agencies read that as a quantifiable benefit. I happen to think the intention of the sponsors is that you are or should be allowed to go to something more expensive than the least costly. That is what they keep telling us. But the language remains restricted in that way, and that is what I am addressing.

Mr. JOHNSTON. Will the Senator yield?

Mr. LEVIN. I will be happy to.

Mr. JOHNSTON. If we struck that word "nonquantifiable," I take it, it would solve the Senator's problem?

Mr. LEVIN. It would solve that particular problem in the criteria. That is one of three problems, and it would solve that problem.

Mr. JOHNSTON. If the Senator will yield the floor, I am prepared to offer such an amendment.

Mr. LEVIN. I am not prepared to yield the floor. I will yield in about 10 minutes.

Mr. JOHNSTON. All right. I have an amendment prepared to that effect.

Mr. LEVIN. I would like to finish my statement, and then I will be happy to yield. I want to commend the Senator for that change which has been the subject of about a day's debate here.

There is another criterion, so-called decisional criterion, in Dole-Johnston which is that the regulation must result in a significant reduction in risk. That is another hurdle that the agency has to go through before an agency is allowed to regulate. This one does not make sense either.

What if an agency can reduce the risk for very little money but cannot prove that it is a significant reduction in the risk? Should an agency be able to regulate if there is a reduction in the risk to our safety or our food or the environment which may be not a significant reduction but is a reduction and is worth doing on a cost-benefit basis because the cost is so slight that even though the benefit is not major, nonetheless it is justified?

Dole-Johnston would establish a whole new standard and would require the agencies to show that the reduction in risk is significant, even though the cost might be minimal.

The Department of Transportation has informed us that if they had to meet this test when regulating for shoulder belts or for lap belts for the back seat, that they may not have been able to have met that test. The shoulder belt lessens the risk by 10 percent over the reduction in the risk for the lap belt, and they are not confident that would meet the test for significant. But the cost may be so nominal that they may decide it is worth doing anyway, although the benefit is not a major benefit.

So there is another problem with the decisional criteria which can be addressed by striking that word so that the cost-benefit analysis will be driving this, even if the benefit is modest, where the cost is far more modest.

Another problem with Dole-Johnston is that each of the decisional criteria that they set forth—and we have discussed two of them here—establishes another basis for legal challenge. Each of these criteria forms the basis for judicial review and judicial second-guessing of the agency's rulemaking decision.

For instance, if the agency decides benefits justify the cost, did the agency pick a rule that provides for market-based and performance-based standards? Did the agency pick a rule that was least costly? Were there any other alternatives slightly less costly? Does the rule provide for significant reduction in risk? What is significant? Was the agency right in valuing the risk reduction as significant?

The litigation that is possible with these decisional criteria is almost endless. The whole judicial review problem with Dole-Johnston is another major issue of concern, and we have spent some time discussing this with the sponsors, both on and off the floor.

We believe, based on what agencies tell us, that courts would be asked to interpret over 100 different issues. One massive golden opportunity for litigation is the requirement in the bill that an agency consider and do a cost-benefit analysis on every reasonable alternative presented to them. This is not limited to a significant number of reasonable alternatives. The agency is required to respond and do a cost-benefit analysis for every reasonable alternative for regulation, and this is all subject to judicial review.

What does that mean? Say an agency is issuing a rule to establish a health or safety standard for a toxic substance in drinking water. They are looking at—I am making up a substance, a number here—the agency is looking in the range of 12 parts per billion of a certain substance. What happens if somebody suggests 11½ parts per billion; someone else suggests 12½ parts per billion; someone else suggests 11 parts per billion; someone else 13 parts per billion? Each of these, let us assume, the agency considers to be a reasonable alternative. Under Dole-Johnston, that requires the agency to consider and do a cost-benefit analysis on each of these possibilities. That analysis would then be subject to judicial review to see why the agency did not pick one of those other reasonable alternatives. It is endless.

Another aspect, a judicial review problem of Dole-Johnston is the fact that the bill allows for interlocutory appeals of an agency's determination as to whether or not a rule is major, whether or not it should be subject to a risk assessment, whether or not it should be subject to a regulatory flexibility analysis.

This is unprecedented in 50 years of the Administrative Procedure Act. We have not had interlocutory appeals under the Administrative Procedure Act. This is the opportunity to go to the court and have judicial review of an agency action before the action is taken, before it is finalized.

In this case, that means that after an agency has issued a notice of proposed rulemaking, a party—it is not clear what level of standing would be required by a party in order to bring an interlocutory appeal—but a party to the notice of rulemaking may take the agency to court within 60 days to challenge the agency's preliminary decision that a rule is not major, does not need a risk assessment, does not need a regulatory flexibility analysis.

When a rulemaking is at its early stages, the public is expected to make comments to the agency about the impact of the rule. It may be that during the rulemaking process, the agency is presented with new and sufficient evidence for the agency to decide that indeed the rule is a major rule, or is one that does require a risk assessment, or one that does require regulatory flexibility analysis. But with the interlocutory appeal, if a party did not challenge the agency at the beginning of a rulemaking, it is foreclosed from raising a challenge at the end of the rulemaking, regardless of what is learned during the actual rulemaking process. And that is why, when we were considering the Nunn-Coverdell amendment, I noticed that I thought this was going to hurt small businesses and small governments because they are going to lose the opportunity of learning about the impact of a rule from rulemaking so that they can challenge those critical issues after the final rule is adopted.

They are given an opportunity to challenge it early when there is a preliminary notice, but unless they take that interlocutory approach, they are then foreclosed from appealing at the end of the process, after they know the facts upon which they can make the appeal. We are not doing a favor to small businesses when we are doing that.

On the other hand, if we allow them both at the beginning and the end, then you are going to have excessive litigation and two bites at the apple. So the alternative that the Administrative Procedure Act used all these years is to say you can appeal these decisions at the end of the rulemaking process. But what this bill does for the first time is creates this interlocutory appeal early in the rulemaking process, thinking we are doing a favor for small businesses and small governments and, in fact, we are not doing so at all.

Now, another consideration is the strong concern by the Justice Department that the court will entertain requests by a party bringing an interlocutory appeal to suspend the rulemaking during the court's consideration of the appeal. That is a logical request; we are making an interlocutory appeal early in the rulemaking and suspending the rulemaking pending the appeal. Although it is not expressly permitted by the legislation, it is not expressly prohibited either. Should the courts begin granting these delays, months, and perhaps years, would be added to the rulemaking process.

The Glenn-Chafee substitute permits judicial review of an agency's determination as to whether or not a rule is major, but that occurs after the final rule is issued. The knowledge that a rule can be challenged at the end on that basis will make an agency proceed with its determination very carefully. It is an important deterrent, knowing that its decision on that issue and a number of other issues are subject to appeal at the end of the process.

Another problem with the judicial review in the Dole-Johnston substitute is the change that it makes to section 706 of the Administrative Procedure Act. That is another big difference in these two pieces of legislation. The Dole-Johnston bill not only establishes requirements for cost-benefit analysis, risk assessment, and for major rulemaking, but it also rewrites the Administrative Procedure Act, which applies to all rulemaking, and, in doing so, rewrites almost 50 years of case law.

With respect to judicial review, the Dole-Johnston substitute adds a new standard for judicial review of an agency's rulemaking. For 50 years, the standard has been arbitrary and capricious for informal rulemaking and substantial evidence for formal rulemaking. The Dole-Johnston substitute adds a third—substantial support in the rulemaking file for the factual basis of an informal rulemaking.

Now, I do not know the difference between substantial support and substantial evidence. But I do know it will be a greatly litigated issue. It may make great business for the legal community, but otherwise, it is going to be doing nothing but producing mischief.

I have been advised that some judges have stated there is very little difference between the substantial evidence and the arbitrary and capricious test. Other courts have articulated a difference, concluding that the arbitrary and capricious test is more deferential to agency decisionmaking.

Now, the Dole-Johnston substitute would add a whole new test, and briefs will be filed and cases developed, splitting the hairs between substantial support and substantial evidence. Of course, the difference between both is arbitrary and capricious. We should not do it. There is no reason given here to do it. We are adding a new test without any clarity. It is the difference between that test and the one currently applied in the Administrative Procedure Act. We are not doing anybody who has to live in that regulatory process a favor by doing that.

Now, another serious problem with the Dole-Johnston substitute is the provision on how existing rules are to be reviewed, or lookback, as many of us call it. Now, lookback is important. It is important because we want rules that have been in existence for years and which have gone unchallenged, but which may be causing serious problems, to be reviewed under the new standards and the requirements of regulatory reform. But how we do that is very important.

The Dole-Johnston substitute establishes a process by which, every 5 years, each agency reissues a schedule for the review of rules. A rule, once put on the schedule, is to be reviewed within 10 years. However, Dole-Johnston permits a private party to petition to have a major rule added to the schedule for review, and if it is, then that major rule must be reviewed within 3 years. The 10-year review cycle for these added rules is telescoped to within the next 3 years.

S. 343, as originally introduced, was severely criticized because, through the use of multiple petitions—that is, request the agencies to take certain actions—outside parties would be able to control the priorities of a Federal agency and divert and direct Federal resources. While an attempt has been made to address that problem, it still remains.

By allowing persons to petition to get major rules added to the schedule and then reviewed within 3 years, we are right back where we were when the original S. 343 was introduced, by having agency priorities dictated by outside parties. Moreover, the bill allows an outside party to petition to place a major rule on the schedule of rules to be reviewed, even if the agency is already included in the schedule. So even though the agency has included a rule on the schedule to be reviewed, an outside party could petition the agency to include it on the schedule to be reviewed. Why? Because that way it gets an earlier review. The agency may have said we are going to review it in the fourth, fifth, or seventh year, and a party not satisfied with that, even though the rule it is worried about is already on the petition, is nonetheless going to ask that it be put it on the schedule anyway, because when it wins—and it will win because, by definition, the agency would concur with it—this time the party will get its rule reviewed within 3 years.

Now, what that means is hundreds of people in each agency, having an interest in rules, every 5 years is going to be jockeying for where on a schedule of review its rule is going to be, and that is judicially reviewable.

Now, mind you, it can take up to 10 years to review the rules on that schedule. But every 5 years every agency—many of them with hundreds of rules and thousands of petitioners—is going to have to adopt a schedule, and the schedule is judicially reviewable. It probably would take 5 years just to review the petition and the judicial appeals of people jockeying for support for where on a schedule their rule is going to be reviewed.

Finally, we get through all the appeals, if the courts can figure all this out. Hundreds of petitioners, hundreds of rules, each agency, the 5 years comes and what happens? Presumably, you would think the agency would have 10 years in which to find and implement the schedule. No, every 5 years they have to issue a new schedule. Right in the middle of a 10-year review period they have to issue a new schedule which is subject to judicial review.

This is a prescription for regulatory hash. This is going to be nothing but a litigious mess with this kind of a system.

We are not doing people a favor who are now bedeviled by a regulatory process, who are now wasting a fortune in complying with rules that we should not have adopted; that now we are in court all the time challenging agencies, by adopting a system which says that we will review rules, where on the schedule they go. It is all subject to litigation. Anybody can challenge it. If it is not on the schedule, that is subject to litigation.

Every agency has its own schedule. There could be hundreds of rules that an agency is implementing. That is not an unusual number. There could be thousands of people who are interested in those rules who would have standing to challenge that schedule.

Finally, if you can get through that, if you can get through that whole bunch of roadblocks and hurdles, when you are ready to start to implement the schedule, a new 5-year trigger begins. You have to start all over again.

This is one of the reasons why we say that this approach is too cumbersome and that we will swamp the regulatory process instead of simplify it, and instead of eliminating the pieces of it which are driving folks nuts.

There is broad agreement in this body that we have overregulated, that too often we have imposed costs without adequate benefits, that we ought to require cost-benefit analysis and risk assessment, that we ought to look back at existing rules. I do not think there are two Members of this body that do not agree with those principles.

The problem is whether or not we can implement this in a way which will allow agencies to breathe, so they can carry on their functions of preserving the health, safety and welfare of this Nation, where we want them to do it. Can we strip away from them the excess, without dumping on them such impossible tasks that we are going to tangle up the process so that nothing can get done, and benefit nobody.

We have businesses that want these rules to be reviewed. I think most Members in this body want to review existing rules according to new standards, but we have to do it in a way that works; otherwise we can vote aye and think we are doing something good for our society, and end up creating a monster.

Every denial of a petition to be on the schedule is subject to judicial review. Then we have 60 days after publication of a final schedule to sue, to have the court review the appropriateness of the schedules as a whole, or the denial of an individual petition to place a major rule on the schedule.

All of these cases, in all of these agencies, are supposed to be heard in a circuit court of appeals for the District of Columbia, and they all have to be filed in the same timeframe. The court of appeals will have to review all these schedules and all these petition denials in about the same time.

Now, additionally, Mr. President—and I am almost done—there are serious problems with the multiple petitions that are permitted by this legislation. The Dole-Johnston bill adds several new things that you can ask an agency to do within a certain time period and have a denial subject to judicial review. Current law allows petitions to an agency at any time for the issuance, amendment, or repeal of a rule. That is under current law.

So if you ask an agency to issue a rule, amend a rule or repeal a rule, you can file a petition, but there is no deadline in current law by which an agency has to respond. If an agency does not respond to that request, a petitioner can go to court and force the agency to respond to the petition, if the agency fails to do so.

Now, that is current law. So there is an opportunity to go to court in that narrow area where an agency fails to respond to a petition for the issuance, amendment, or repeal of a rule.

The Dole-Johnston substitute expands current law on petitions by adding to the Administrative Procedure Act two additional purposes for which an interested person can petition an agency. You can ask for the amendment or repeal of an interpretive rule, or the amendment or repeal of a general statement of policy or guidance. You can ask for the interpretation regarding the meaning of a rule or the meaning of an interpretive rule or general statement of policy or guidance.

Whereas, under current law if you ask for the issuance, amendment, or repeal of a rule, and the failure to respond is subject to a court intervention, under the Dole-Johnston substitute, if you ask an agency to amend or repeal or interpret an interpretive rule, general statement of policy or guidance, that also, now, becomes subject to judicial review.

Agencies do a lot more than issue rules. They issue guidance all the time, interpretations all the time, statements of policy all the time, probably by the thousands, in order to help people understand and work through a complicated regulatory system.

Under Dole-Johnston all of that—I do not know and no one knows how many thousands, tens of thousands, or hundreds of thousands of requests there are for interpretation and guidance that are filed with these agencies each year; we do not know—will now be subject to deadlines and to judicial review. That is the block that we are superimposing on this regulatory process.

The agency can either deny or grant those requests for all of that material within 18 months. Judicial review is immediate upon a denial. This, again, is going to dramatically change an agency's control over its priorities and its resources. Agencies can just simply be overwhelmed—and I emphasize, this is new. The ability to submit a request is not new. They have been asked for a decade. What is new is that now all these requests for guidance and interpretation are now going to be subject to deadlines and court review. That is what is new, massively new, overwhelmingly new.

We should be trying to downsize Government, not swamp it. We should not let the agencies become total victims of random and multiple tugs and pulls from either individuals or interests that have special axes to grind.

Agencies also have a national purpose to be achieved. They have not done an adequate job of responding to individuals. Everyone in our office spends too much time trying to force agencies to respond to our constituents—sometimes just to respond, much less to respond fairly or in an appropriate way.

They have to do a much better job. This will overwhelm an agency by providing court appeals, following deadlines, even where there is a response, because the response is subject to judicial review.

Now, there are two additional opportunities, in addition to what I have just said, that Dole-Johnston makes available to people who are making requests of rulemaking agencies.

Any interested person can petition an agency under Dole-Johnston to review a risk assessment, other than a risk assessment that is used for a major rule. The agency must act within 180 days under that petition and the agency denial of the petition would be judicially reviewable as a final agency action.

Also, any person subject to a major rule can petition an agency to modify or waive specific requirements of the major rule and authorize such person to demonstrate compliance through alternative means not otherwise permitted by the major rule. The agency must act on that petition within 180 days.

Now, while there appears to be no judicial review of any agency action with respect to this latter petition process, nonetheless, given the number of people who are subject to major rules, an agency could be flooded with petitions for alternative means of compliance, each of which would have to be responded to within 180 days.

A big part of the legislation which all of us are working on, and some of us are struggling with, is to get agencies to prioritize their regulatory activity so that we are putting Government resources on the most important risks, the most important dangers, and not spending excessive time and effort with less significant matters. Opening each and every agency to their responsibility to not only respond but to defend against hundreds, probably thousands of new kinds of petitions for specific regulatory actions, takes us in the opposite direction. The Dole-Johnston substitute tries to address it by providing for a consolidation of some of the petitions that are permitted in the bill, and for the judicial review of those petitions. But that is only for petitions relating to major rules. Petitions related to nonmajor rules are treated the same as the original Dole bill and can be made at any time and as often as people like.

Dole-Johnston provides a procedure for the review of existing rules. Each agency would be required to issue a proposed schedule for the review of rules which can contain major and nonmajor rules. Those schedules would be subject to public notice and comment. Private persons can also petition an agency to add a major rule to the schedule. A petitioner has to show that the rule is major and that there is a substantial likelihood that it does not meet the decisional criteria in the bill. All the petitions must be filed within a limited time period while the schedule for the review of rules is being considered. The schedule is issued every 5 years, and rules on the schedule are to be reviewed within 10 years, as we have said, with the possibility of a couple of years' extension.

However, if a petitioner is successful, the Dole-Johnston substitute provides that the review of the petitioned rule gets bumped up to the first 3 years of the 10-year period. So any rule that is added to the schedule by petition must be reviewed, not within 10 years, but within 3 years. And, if it succeeds, it then bumps a rule that was already within that 3-year period, presumably, since there are a finite number of rules that can be reviewed within a 3-year period.

So you are going to have all the jockeying and all the petitions filed in the court in order to try to get a position on the schedule which is high up. And if one fails, then there is a petition to get on the schedule so that you can get a higher position. Once the final schedule for each agency is published, again, parties will have 60 days to file suit and suit can be brought to challenge the denial of being on the schedule. Or even in the event that you are on the schedule, again, you can bring a suit in order to improve your position.

Mr. President, let me conclude by saying this. The Dole-Johnston substitute simply goes too far. In its effort to reform it will swamp the very process that it sets out to repair. It is not reform, it is bureaucratic overload. It is like throwing a bucket of water to a drowning person instead of a rope. The Glenn-Chafee proposal, that we will be considering later on today and voting on, embodies the bill passed by the Governmental Affairs Committee. It is reform, it is not overload. We simply must do two things and can do two things. We can have reform of the regulatory process, but we can do it in a way that does not jeopardize important health, safety, and environmental protections which have improved our lives in America.

We want to be able to trust the water we drink and the food that we eat and the air that we breathe and the planes that we fly and the bridges that we cross. And we can have that. We can avoid regulatory excess. And the way to do that is to adopt the Glenn-Chafee substitute.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, the amendment I am offering with Senator GLENN and many of our other colleagues is a solid proposal for regulatory reform. The purpose of regulatory reform legislation is to improve the quality of the regulations that are issued by the Federal agencies. That is what we are trying for. What we want to do is to weed out the bad rules, the rules that do not make sense. We want the science and the economics used to design rules to be of the best quality. And we want rules with flexibility built in, to make the compliance burden as small as possible.

I believe the Glenn-Chafee substitute accomplishes many reforms. Let us tick a few off. It requires a cost-benefit analysis for every major rule. It requires agencies to select the most cost effective option that achieves the goals establish by the law. It requires agencies to select regulatory options that provide the greatest flexibility for compliance and recognize the compliance difficulties faced by small businesses and towns, small towns. It requires rules with costs that are greater than the benefits to be identified before they are promulgated. It requires OMB to review the cost-benefit studies in an open process that gives access to all those with an interest. It establishes expedited procedures for Congress to review major rules before they become effective, so that poorly drawn rules with unjustified costs can be stopped. That is the 60-day review process that we have. It includes clear principles for risk assessment. It requires each agency to establish a peer review process, ensuring that the science used to make important determinations is the best available. It requires agencies to develop an agenda to review existing rules and to repeal rules that are no longer needed or that cost too much.

It gives courts authority to enforce the review requirements of the Regulatory Flexibility Act, ensuring that rules affecting small businesses and small towns recognize their compliance problems. And it requires agencies to reexamine budgetary and enforcement priorities and to modify programs to maximize the reduction in risks to health and to the environment.

OK, it does all of those things. These are important steps that will improve the quality and reduce the compliance burden of Federal regulations. Some people have said, "Oh, the Glenn-Chafee bill is just status quo. It just repeats what we have now." That is absolutely not so, as he have delineated in the prior points. Now, these are important steps that will improve the quality and reduce the compliance burden of Federal regulations. I am confident that these steps can be taken without undermining our environmental or health laws.

But there are several other things, so-called reforms, that this bill does not have. And they are not reforms at all, they are steps backward.

It does not include extensive special interest petitions to force endless rounds of review for every new and existing rule, risk assessment, and enforcement action taken by an agency. That is what Senator LEVIN was talking about.

It does not direct agencies to pick the least costly action a statute allows. Under the least cost approach an agency can not go for a slightly more expensive approach that will produce many more benefits. You are locked in at the lowest cost, and that is not good.

It does not allow Federal judges to second-guess the complex data, assumptions, and calculations that are developed through risk assessment to support a rule. The judges cannot go fishing back into all of that.

It does not automatically sunset existing rules because an agency did not have the resources to carry out a review ordered by a court.

It does not waste millions and millions of taxpayers' dollars on studies and assessments and lawsuits for minor rules.

And it does not delay for months, even years, needed and justifiable rules to protect health and safety and the environment while endless rounds of review are conducted to ensure that rules meet a standard of near perfection.

Senator GLENN has many times suggested a two-part test for the Senate to use in comparing these two bills. I recommend to my colleagues that they pay attention to these two points.

First, would the bill produce better rules, rules that are more cost effective and have a foundation in good science and economics?

Second, does the bill threaten to undermine the health, safety and environmental protection that has been achieved by the laws we have enacted over the past 25 years?

We want reform without a rollback. That is the test.

The Glenn-Chafee amendment passes that test. It incorporates all the significant reforms that the Senate adopted in 1982 when we considered, on this floor, S. 1080. That was a splendid piece of legislation. It was acclaimed by all as a thoroughgoing reform. In addition to the provisions of cost-benefit analysis and congressional veto that were included in S. 1080, the Glenn-Chafee amendment has new principles for risk assessment, an agenda to review existing regulations and steps to realign priorities based on risk. It goes well beyond S. 1080.

S. 1080 was adopted on the floor of this Senate 93 to nothing. I suspect the distinguished senior Senator from Louisiana voted for it. He certainly did not vote against it. Maybe he was not present, but he has a good attendance record so I suspect he voted for that bill. It was good enough in 1982.

The Glenn-Chafee amendment would catch poorly drawn or costly rules. Cost-benefit analysis is required of major rules. Courts can enforce this requirement. OMB is to oversee the preparation of these cost-benefit studies. The information on the costs and benefits of each rule will be sent to Congress, lay over there for 60 days before a rule becomes effective. Congress can veto the rule.

From the debate on this issue it appears that Congress may well receive between 500 and 1,000 rules every year under this congressional review process. If even a small minority of the Members of this body want reconsideration of a particular rule, it will be easy enough to ensure that a vote on the resolution occurs.

Now, I am currently serving as chairman of the Environment and Public Works Committee, and I have some concern about the workload that this so-called reform will create, having coming before us between 500 and 1,000 rules every year. But this is real reform. I expect we will be voting on many resolutions and many times will force agencies to reconsider their rules. If a bad rule gets through, we will have no one to blame but ourselves here in Congress; we let it happen. We can stop bad rules under the reform provisions that are contained in the Glenn-Chafee amendment. Once Congress has this veto mechanism in place, judicial review will become less important as a method to weed out bad rules. Courts will be reluctant to overturn a rule that has been issued by the executive branch and cleared in an expedited fashion in Congress.

The Glenn-Chafee amendment will bring significant changes to the regulatory process.

I do not think the underlying Johnston substitute passes the two-part test that Senator GLENN has outlined. I am concerned that it may prevent timely action to protect human health and safety and the environment. I know that is not what the authors intended, but I believe it will have this result.

The reforms are so far-reaching they could paralyze the Federal agencies. That is what Senator LEVIN has been talking about. It is very difficult to issue a significant rule to protect human health or the environment even under the procedures in place today. With the new hurdles erected by the substitute, S. 343, it could well become impossible to get a rule enacted.

Now, Mr. President, last week the senior Senator from Illinois described the experience his State had with cost-benefit analysis. Illinois passed a law in 1978 with cost-benefit provisions similar to those in this Johnston substitute. The Illinois law did not work. It was repealed. Everybody in Illinois that had any experience with their cost-benefit law will tell you it just plain does not work.

You do not have to go to Illinois to learn about the experience with cost-benefit analysis. We had that experience here with the Federal law. We have one environmental law, the Toxic Substances Control Act. This is called TSCA. That contains many of the same procedures that are set forth in the underlying substitute.

So we have been down this road before. Now, Yogi Berra said you can see a lot by looking, and you can see a lot by looking. We can learn a lot from this so-called TSCA experience. The lawyers who wrote this bill that is before us now, the Johnston substitute, must have used this TSCA experience and the TSCA law as a model. TSCA is a cost-benefit statute. To issue a rule under TSCA, EPA must determine that the benefits of the rule justify the costs.

Under TSCA, EPA is required to impose the least burdensome regulation, just like the Johnston bill does. TSCA requires that all of the available regulatory options be considered to determine which is the least burdensome.

Now, this is an important illustration, Mr. President. We have been down this road before. We have something actually before us that is nearly exactly the same as the Johnston substitute, the so-called Toxic Substances Control Act. How did it work?

EPA, under this TSCA bill, is required to produce substantial evidence in the record to support its rulemaking determination. That is what the Johnston substitute requires.

Now, when it was enacted in 1976, many in Congress claimed that TSCA would become the most powerful of all the environmental statutes. It appears to authorize EPA to regulate virtually any chemical in commerce, for any adverse effect, in any environmental medium, in products and in the workplace. TSCA was to be the law that integrated all our environmental goals under one umbrella.

However, TSCA has been a disaster. EPA has only attempted one major regulatory action since TSCA was passed nearly 20 years ago. EPA worked on that one rule for 10 years. It reviewed hundreds of health studies, spent millions of dollars reviewing the comments and the data from the industries to be regulated. The rule was issued after 10 years, and it was immediately challenged in court under the special judicial review standards that apply to TSCA, which are the same standards that would be imposed on all laws under the Johnston amendment. So we have been down this track. Now, what happens? The rule was overturned by the Fifth Circuit Court of Appeals.

I ask unanimous consent, Mr. President, that the opinion of the court be printed in the RECORD after my comments this morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CHAFEE. The reason the court gave for vacating the rule was the failure of EPA to provide substantial evidence in the record to support its actions. You did not do enough, they said.

The substantial evidence test does not apply to any other environmental laws, only to TSCA, and the only rule ever attempted under TSCA was overturned by the courts because EPA did not meet a test, a test that under the Johnston amendment would apply to all our environmental laws.

Reading the decision, one gets the impression that even if EPA had passed the substantial evidence test, the rule would have been thrown out on other grounds. The court said that EPA had not considered a sufficient number of regulatory alternatives because it only did cost estimates on five options, not all of the possible options. The court said EPA had not satisfied the requirement that it impose the least burdensome option because it had not presented any evidence the least burdensome option was among the five considered.

One could almost conclude that those who drafted the regulatory reform bill before the Senate—in other words, the Johnston substitute—did so with the Fifth Circuit Court's ruling in mind. Every hurdle that has made TSCA a useless law to protect health and environment is rolled up in this bill before us today. It applies across all of our health and our safety and our environmental statutes. No wonder the administration says it will veto the Johnston bill if it passes.

Mr. President, if the Senate will be guided by the two questions Senator GLENN set out—first; will real reform occur; and, second; will environmental laws be protected or will they be undermined—only one of the two proposals before us today passes that muster. The Glenn-Chafee amendment contains a series of steps that will improve the quality and reduce the burden of Federal regulations. It does so without threatening to undermine our environmental and safety laws.

The other bill may be described by Senator JOHNSTON as a tougher reform bill. No doubt more rules will be blocked by that bill. Under that bill, it could well result that Federal regulatory agencies would be brought to a virtual standstill. That is what I am confident will happen if this bill should ever become law, which fortunately has a slim chance of occurring.

But that is not the goal of regulatory reform, to have the whole regulatory process of our Federal Government brought to a halt. I am sure Senator JOHNSTON and proponents of his bill believe setting high standards for regulations will get better rules. But in making the hurdle too high, so high that needed rules, rules that are fully justified by their benefits, can never reach the level of perfection that is demanded, they are blocked by endless rounds of review.

While those on the other side may charge that the Glenn-Chafee amendment achieves only modest improvement in regulations, I fear that the underlying substitute may result in no health and environmental regulations at all. If that is the objective, fine. If the objective is we do not want any rules, and apparently we are going to pass everything in infinite detail in the laws that we pass, that is one thing, but certainly, in my judgment, that is not the best course for our Nation.

I thank the Chair.

EXHIBIT 1

CORROSION PROOF FITTINGS, ET AL., PETITIONERS, *v.* THE ENVIRONMENTAL PROTECTION AGENCY AND WILLIAM K. REILLY, ADMINISTRATOR, RESPONDENTS

No. 89–4596.

United States Court of Appeals, Fifth Circuit, Oct. 18, 1991.

On Motion for Clarification Nov. 15, 1991.

Rehearing Denied Nov. 27, 1991.

Petition was filed for review of final rule promulgated by Environmental Protection Agency (EPA) under Toxic Substances Control Act section prohibiting future manufacture, importation, processing, and distribution of asbestos in almost all products. The Court of Appeals, Jerry E. Smith, Circuit Judge, held that: (1) foreign entities lacked standing under Act to challenge rule; (2) EPA failed to give required notice to public, before conclusion of hearings, that it intended to use "analogous exposure" data to calculate expected benefits of product bans; and (3) EPA failed to give adequate weight to statutory language requiring it to promulgate least burdensome, reasonable regulation required to protect environment adequately.

The Environmental Protection Agency (EPA) issued a final rule under section 6 of the Toxic Substances Control Act (TSCA) to prohibit the future manufacture, importation, processing, and distribution of asbestos in almost all products. Petitioners claim that the EPA's rulemaking procedure was flawed and that the rule was not promulgated on the basis of substantial evidence. Certain petitioners and amici curiae contend that the EPA rule is invalid because it conflicts with international trade agreements and may have adverse economic effects on Canada and other foreign countries. Because the EPA failed to muster substantial evidence to support its rule, we remand this matter to the EPA for further consideration in light of this opinion.

I

Facts and Procedural History

Asbestos is a naturally occurring fibrous material that resists fire and most solvents. Its major uses include heat-resistant insulators, cements, building materials, fireproof gloves and clothing, and motor vehicle brake linings. Asbestos is a toxic material, and occupational exposure to asbestos dust can result in mesothelioma, asbestosis, and lung cancer.

The EPA began these proceedings in 1979, when it issued an Advanced Notice of Proposed Rulemaking announcing its intent to explore the use of TSCA "to reduce the risk to human health posed by exposure to asbestos." *See* 54 Fed. Reg. 29,460 (1989). While these proceedings were pending, other agencies continued their regulations of asbestos uses, in particular the Occupational Safety and Health Administration (OSHA), which in 1983 and 1984 involved itself with lowering standards for workplace asbestos exposure.[1]

An EPA-appointed panel reviewed over one hundred studies of asbestos and conducted several public meetings. Based upon its studies and the public comments, the EPA concluded that asbestos is a potential carcinogen at all levels of exposure, regardless of the type of asbestos or the size of the fiber. The EPA concluded in 1986 that exposure to asbestos "poses an unreasonable risk to human health" and thus proposed at least four regulatory options for prohibiting or restricting the use of asbestos, including a mixed ban and phase-out of asbestos over ten years; a two-stage ban of asbestos, depending upon product usage; a three-stage ban on all asbestos products leading to a total ban in ten years; and labeling of all products containing asbestos. *Id* at 29,460–61.

Over the next two years, the EPA updated its data, receiving further comments, and allowed cross-examination on the updated documents. In 1989, the EPA issued a final rule prohibiting the manufacture, importation, processing, and distribution in commerce of most asbestos-containing products. Finding that asbestos constituted an unreasonable risk to health and the environment, the EPA promulgated a staged ban of most commercial uses of asbestos. The EPA estimates that this rule will save either 202 or 148 lives, depending upon whether the benefits are discounted, at a cost of approximately $450–800 million, depending upon the price of substitutes. *Id.* at 29,468.

The rule is to take effect in three stages, depending upon the EPA's assessment of how toxic each substance is and how soon adequate substitutes will be available.[2] The rule allows affected persons one more year at each stage to sell existing stocks of prohibited products. The rule also imposes labeling requirements on stage 2 or stage 3 products and allows for exemptions from the rule in certain cases.

Section 19(a) of TSCA, 15 U.S.C. §2618(a), grants interested parties the right to appeal a final rule promulgated under section 6(a) directly to this or any other regional circuit court of appeals. Pursuant to this section, petitioners challenge the EPA's final rule, claiming that the EPA's rulemaking procedure was flawed and that the rule was not promulgated based upon substantial evidence. Some amici curiae also contend that the rule is invalid because it conflicts with international trade agreements and may have adverse economic effects on Canada and other foreign countries. We deal with each of these contentions *seriatim*.

II

Standing

A

Issues Raised Solely by Amici Curiae

[1] The EPA argues that the briefs of two of the amici curiae, Quebec and Canada, should be stricken because they improperly raise arguments not mentioned by any petitioner. To the extent that these briefs raise new issues, such as the EPA's decision not to consider the adverse impacts of the asbestos ban on the development of the economies of third-world countries, we disregard these arguments.[3] At times, however, the briefs raise variations of arguments also raised by petitioners. We thus draw on these briefs where helpful in our consideration of other issues properly brought before this court by the parties.

[2] The EPA also asserts that we cannot consider arguments raised by the two amici that relate to the differences in fiber types, sizes, and manufacturing processes because these differences only are raised by the petitioners within the context of prohibiting specific friction products, such as sheet gaskets and roof coating. This is, however, a role that amici are intended to fill: to bridge gaps in issues initially and properly raised by parties. Because various petitioners urge arguments similar to these, we properly can consider these specific issues articulated in the amici briefs.[4]

B

Standing of Foreign Entities Under TSCA

The EPA also contends that certain foreign petitioners and amici do not have standing to contest the EPA's final rule. In its final rulemaking, the EPA decided to exclude foreign effects from its analysis. Cassiar Mining Corporation, a Canadian mining company that operates an asbestos mine, and the other Canadian petitioners believe that the EPA erred by not considering the effects of the ban on foreign countries and workers.

[3] At issue in this case is a question of prudential standing, which is of less than constitutional dimensions. The touchstone of the analysis, therefore, is the statutory language used by Congress in conferring standing upon the general public. *Warth v. Seldin*, 422 U.S. 490, 501, 95 S.Ct. 2197, 2206, 45 L.Ed.2d 343 (1975).

[4] Only those who come within the "zone of interests to be protected or regulated by the statute" have prudential standing to bring challenges to regulations under the statute at issue.[5] Indeed, when a party's interests are "inconsistent with the purposes implicit in the statute," it can "reasonably be assumed that Congress [did not] intend[ ] to permit the suit." *Clarke*, 479 U.S. at 399, 107 S.Ct. at 757.

The Canadian petitioners believe that Congress, by granting the right of judicial review to "any person," 15 U.S.C.A. §2618(a)(1)(A) (West Supp.1991), meant to confer standing on anyone who could arrange transportation to the courthouse door. The actual language of TSCA, however, belies the broad meaning the petitioners attempt to impart to the act, for the EPA was not required to consider the effects on people or entities outside the United States. TSCA provides a laundry list of factors to consider when promulgating a rule under section 6, including "the effect [of the rule] on the *national* economy." *Id.* §2605(c)(1)(D) (emphasis added). International concerns are conspicuously absent from the statute.

[5] Under the "zone of interests" test, we liberally construe Congressional acts to favor a plaintiff's standing to challenge administrative actions. *Warth*, 422 U.S. at 501, 95 S.Ct. at 2206. This is not to say, however, that all plaintiffs affected by a regulation or order have standing to sue; "[i]n cases where the plaintiff is not itself the subject of the contested regulatory action, the test denies a right of review if the plaintiff's interests are so marginally related to or inconsistent with the purposes implicit in the statute that it cannot reasonably be assumed that Congress intended to permit the suit." *Clarke*, 479 U.S. at 399, 107 S.Ct. at 757.

[6] The Canadian petitioners do not have standing to contest the EPA's actions. Nothing in the statute requires the EPA to consider the effects of its actions in areas outside the scope of section 6. TSCA speaks of the necessity of cleaning up the national environment and protecting United States workers but largely is silent concerning the international effects of agency action. Because of this national emphasis, we are reluctant to ascribe international standing rights to foreign workers affected by the loss of economic sales within this country. We note that the Supreme Court, using similar analysis, recently denied standing rights to workers only incidentally affected by a postal regulation. *Air Courier Conference of Am. v. American Postal Workers Union*, — U.S. ——, 111 S.Ct. 913, 112 L.Ed.2d 1125 (1991). Indeed, to "proceed[] at the behest of interests that coincide only accidentally with [the statutory] goals" of TSCA actually may work to defeat those goals. *Hazardous Waste Treatment Council*, 861 F.2d at 283. We therefore do not consider the arguments raised by the Canadian petitioners.

[7] Cassiar separately asserts even closer contacts with the United States and believes that its status as a vendor to an American vendee gives it the right to contest administrative decisions that affect the economic well-being of the vendee. Some courts recognize that vendors can stand as third parties in the shoes of their vendees in order to contest administrative decisions.[6]

Even if we were to accept this line of reasoning, however, the result would be unavailing. Cassiar's vendee is an independent entity, fully capable of asserting its own rights. Given the purely national scope of TSCA, Cassiar cannot, bootstrap from its vendee simply because it sells asbestos to an American company. Merely inserting a product into the stream of commerce is not sufficient to confer standing under TSCA. If the rule were otherwise, the concept of standing would lose all meaning, for the only parties who would not have standing would be those who sell nothing in the United States and thus are indifferent to federal government actions. There is no indication that Congress intended to enact so loose a concept of standing, and we do not import that intent into the act today.[7]

Hence, Cassiar does not have prudential standing to bring this claim, because TSCA expressly concerns itself with national economic concerns. Cassiar brings forth no evidence that it actually controls, and does not just deal with, the American vendee. We thus conclude, along the lines of *Moses*, 778 F.2d at 271–72, that parties that Congress specifically did not intend to participate in, or benefit from, an administrative decision have no right to challenge the legitimacy of that decision.

[8] We draw support for our holding from the decision of the EPA to give a similar construction to TSCA. "It is settled that courts should give great weight to any reasonable construction of a regulatory statute adopted by the agency charged with the enforcement of that statute." *Investment Co. Inst. v. Camp*, 401 U.S. 617, 626–27, 91 S.Ct. 1091, 1097, 28 L.Ed.2d 367 (1971). "Thus, only where congressional intent is pellucide are we entitled to reject reasonable administrative construction of a statute." *National Grain & Feed Ass'n v. OSHA*, 886 F.2d 717, 733 (5th Cir. 1989).

[9] We find the EPA's decision to ignore the international effects of its decision to be a rational construction of the statute. *Chemical Mfrs. Ass'n v. Natural Resources Defense Council*, 470 U.S. 116, 125, 134, 105 S.Ct. 1102, 1107, 1112, 84 L.Ed.2d 90 (1985). Because it is unlikely that these foreign entities were "intended [by Congress] to be relied upon to challenge agency disregard of the law," *Clarke*, 479 U.S. at 399, 107 S.Ct. at 757 (citations omitted), we hold that they are outside the zone of interests encompassed by TSCA and thus lack standing to protest the EPA's rulemaking.[8]

III

Rulemaking Defects

[10–12] The petitioners allege that the EPA's rulemaking procedure was flawed. Specifically, the petitioners contend that the EPA erred by not cross-examining petitioner's witnesses, by not assembling a panel of experts on asbestos disease risks, by designating a hearing officer, rather than an administrative law judge (ALJ), to preside at the hearings on the rule, and by not swearing in witnesses who testified. Petitioners also complain that the EPA did not allow cross-examination of some of its witnesses and did not notify anyone until after the hearings were over that it intended to use "analogous exposure" estimates and a substitute pricing assumption to support its rule. Most of these contentions lack merit and are part of the petitioners' "protest everything" approach,[9] but we address specifically the two EPA actions of most concern to us, the failure of the EPA to afford cross-examination of its own witnesses and its failure to provide notice of the analogous exposure estimates.

[13] Administrative agencies acting under TSCA are not required to adhere to all of the procedural requirements were might require of an adjudicative body. See 15 U.S.C. §2605(c)(3). In evaluating petitioners' claims, we are guided by our long-held view that an agency's choices concerning its rulemaking procedures are entitled to great deference, as the agencies are "best situated to determine how they should allocate their finite resources." *Superior Oil Co.* v. *FERC*, 563 F.2d 191, 201 (5th Cir. 1977).

[14] Section 19(c)(1)(B)(ii) of TSCA requires that we hold unlawful any rule promulgated where EPA restrictions on cross-examination "precluded disclosure of disputed material facts which [were] necessary to a fair determination by the Administrator." 15 U.S.C. §2618(c)(1)(B)(ii). In promulgating this rule, the EPA allowed substantial cross-examination of most, but not all, of its witnesses. Considering the importance TSCA accords to cross-examination, the EPA should have afforded interested parties full cross-examination on all of its major witnesses. We are mindful of the length of the asbestos regulatory process in this case, but Congress, in enacting the rules governing the informal hearing process under TSCA, specifically reserved a place for proper cross-examination on issues of disputed material fact. *See id.* §§2605(c)(3), 2618(c)(1)(B)(ii). Precluding cross-examination of EPA witnesses—even a minority of them—is not the proper way to expedite the finish of a lengthy rulemaking procedure.

The EPA's general failure to accord the petitioners adequate cross-examination, however, is not sufficient by itself to mandate overturning the rule. The "foundational question is whether any procedural flaw so subverts the process of judicial review that invalidation of the regulation is warranted." *Superior Oil Co.*, 563 F.2d at 201 (quoting *Alabama Ass'n of Ins. Agents v. Board of Governors of the Fed. Reserve Sys.*, 533 F.2d 224, 236–237 (5th Cir. 1976)). Under this standard, the EPA's denial of cross-examination, by itself, is insufficient to force us to overturn the EPA's asbestos regulation.

[15] We cannot reach the same conclusion in another area, however. The EPA failed to give notice to the public, before the conclusion of the hearings, that it intended to use "analogous exposure" data to calculate the expected benefits of certain product bans. In general, the EPA should give notice as to its intended methodology while the public still has an opportunity to analyze, comment, and influence the proceedings. The EPA's use of the analogous exposure estimates, apart from their merits, thus should have been subjected to public scrutiny *before* the record was closed. While it is true that "[t]he public need not have an opportunity to comment on every bit of information influencing an agency's decision," *Texan v. Lyng*, 868 F.2d 795, 799 (5th Cir. 1989), this cannot be used as a defense to the late adoption of the analogous exposure estimates, as they are used to support a substantial part of the regulation finally promulgated by the EPA.[10]

We draw support for this conclusion from *Aqua Slide 'N' Dive v. CPSC*, 569 F.2d 831 (5th Cir.1978), in which the CPSC decided, without granting interested parties the opportunity to comment, that its proposed regulation merely would slow the industry's rate of growth rather than actually cut sales. We rejected the CPSC's rule, and our reasons there are similar to those that require us to reject the EPA's reliance upon the analogous exposure data today:

> [T]he evidence on which the Commission relies was only made public after the period for public comment on the standard had closed. Consequently, critics had no realistic chance to rebut it. . . . It matters not that the late submission probably did not violate the notice requirement of 5 U.S.C.A. §553. . . . *The statute requires that the Commission's findings be supported by substantial evidence, and that requirement is not met when the only evidence on a crucial finding is alleged to be unreliable and the Commission has not exposed it to the full scrutiny which would encourage confidence in its accuracy.*

Id. at 842–43 (citations omitted) (emphasis added).

In short, the EPA should not hold critical analysis in reserve and then use it to justify its regulation despite the lack of public comment on the validity of its basis. Failure to seek public comment on such an important part of the EPA's analysis deprived its rule of the substantial evidence required to survive judicial scrutiny, as in *Aqua Slide*.

[16] We reach this conclusion despite the relatively lenient standard by which we judge administrative rulemaking proceedings. E.g., *Superior Oil Co.*, 563 F.2d at 201. The EPA seeks to avert this result by contending that the petitioners had constructive notice that the EPA might adopt the analogous exposure theory because it included, among its published data, certain information that might be manipulated to support such an analysis. We hold, however, that considering that for some products the analogous exposure estimates constituted the bulk of the EPA's analysis, constructive notice was insufficient notice.[11] In summary, on an issue of this import, the EPA should have announced during the years in which the hearings were ongoing, rather than in the subsequent weeks after which they were closed, that it intended to use the analogous exposure estimates. On reconsideration, the EPA should open to public comment the validity of its analogous exposure estimates and methodology.

IV

The Language of TSCA

A

Standard of Review

Our inquiry into the legitimacy of the EPA rulemaking begins with a discussion of the standard of review governing this case. EPA's phase-out ban of most commercial uses of asbestos is a TSCA §6(a) rulemaking. TSCA provides that a reviewing court "shall hold unlawful and set aside" a final rule promulgated under §6(a) "if the court finds that the rule is not supported by substantial evidence in the rulemaking record . . . taken as a whole." 15 U.S.C. §2618(c)(1)(B)(i).

[17] Substantial evidence requires "something less than the weight of the evidence, and the possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's finding from being supported by substantial evidence." *Consolo v. Federal Maritime Comm'n*, 383 U.S. 607, 620, 86 S.Ct. 1018, 1026, 16 L.Ed.2d 131 (1966). This standard requires (1) that the agency's decision be based upon the entire record,[12] taking into account whatever in the record detracts from the weight of the agency's decision; and (2) that the agency's decision be what "'a reasonable mind might accept as adequate to support [its] conclusion.'" *American Textile Mfrs. Inst. v. Donovan*, 452 U.S. 490, 522, 101 S.Ct. 2478, 2497, 69 L.Ed.2d 185 (1981) (quoting *Universal Camera Corp. v. NLRB*, 340 U.S. 474, 477, 71 S.Ct. 456, 459, 95 L.Ed. 456 (1951)). Thus, even if there is enough evidence in the record to support the petitioners; assertions, we will not reverse if there is substantial evidence to support the agency's decision. *See, e.g., Villa v. Sullivan*, 895 F.2d 1019, 1021–22 (5th Cir. 1990); *Singletary v. Bowen*, 798 F.2d 818, 822–23 (5th Cir.1986); *accord Fort Valley State College v. Bennett*, 853 F.2d 862, 864 (11th Cir. 1988) (reviewing court examines the entire record but defers to the agency's choice between two conflicting views).

[18, 19] Contrary to the EPA's assertions, the arbitrary and capricious standard found in the APA and the substantial evidence standard found in TSCA are different standards, even in the context of an informal rulemaking.[13] Congress specifically went out of its way to provide that "the standard of review prescribed by paragraph (2)(E) of section 706 [of the APA] shall not apply and the court shall hold unlawful and set aside such rule if the court finds that the rule is not supported by substantial evidence in the rulemaking record . . . taken as a whole." 15 U.S.C. §2618(c)(1)(B)(i). "The substantial evidence standard mandated by [TSCA] is generally considered to be more rigorous than the arbitrary and capricious standard normally applied to informal rulemaking," *Environmental Defense Funds v. EPA*, 636 F.2d 1267, 1277 (D.C.Cir.1980), and "afford[s] a considerably more generous judicial review" than the arbitrary and capricious test. *Abbott Laboratories v. Gardner*, 387 U.S. 136, 143, 87 S.Ct. 1507, 1512, 18 L.Ed.2d 681 (1967), *overruled on other grounds, Califano v. Sanders*, 430 U.S. 99, 97 S.Ct. 980, 51 L.Ed.2d 192 (1977). The test "imposes a considerable burden on the agency and limits its discretion in arriving at a factual predicate." *Mobile Oil Corp. v. FPC*, 483 F.2d 1238, 1258 (D.C.Cir.1973).

[20] "Under the substantial evidence standard, a reviewing court must give careful scrutiny to agency findings and, at the same time, accord appropriate deference to administrative decisions that are based on agency experience and expertise." *Environmental Defense Fund*, 636 F.2d at 1277. As with consumer product legislation, "Congress put the substantial evidence test in the statute because it wanted the courts to scrutinize the Commission's actions more closely than an 'arbitrary and capricious' standard would allow." *Aqua Slide*, 569 F.2d at 837.

[21, 22] The recent case of *Chemical Mfrs. Ass'n v. EPA*, 899 F.2d 344 (5thCir.1990), provides our basic framework for reviewing the EPA's actions. In evaluating whether the EPA has presented substantial evidence, we examine (1) whether the quantities of the regulated chemical entering into the environment are "substantial" and (2) whether human exposure to the chemical is "substantial" or "significant." *Id.* at 359. An agency may exercise its judgment without strictly relying upon quantifiable risks, costs, and benefits, but it must "cogently explain why it has exercised its discretion in a given manner" and "must offer a 'rational connection between the facts found and the choice made.'" *Id.* (quoting *Motor Vehicle Mfrs. Ass'n v. State Farm Mut. Auto. Ins.*, 463 U.S. 29, 103 S.Ct. 2856, 77 L.Ed.2d 443 (1983)).

[23,24] We note that in undertaking our review, we give all agency rules a presumption of validity, and it is up to the challenger to any rule to show that the agency action is invalid. *Alabama Nursing Home Ass'n v. Harris*, 617 F.2d 388, 393–94 (5th Cir. 1980). The burden remains on the EPA, however, to justify that the products it bans present an unreasonable risk, no matter how regulated. *See Industrial Union Dep't v. American Petroleum Inst.*, 448 U.S. 607, 662, 100 S.Ct. 2844, 2874, 65 L.Ed.2d 1010 (1980); *cf. National Lime Ass'n v. EPA*, 627 F.2d 416, 433 (D.C.Cir. 1980) ("an initial burden of promulgating and explaining a non-arbitrary, non-capricious rule rests with the Agency"). Finally, as we discuss in detail *infra*, because TSCA instructs the EPA to undertake the least burdensome regulation sufficient to regulate the substance at issue, the agency bears a heavier burden when it seeks a partial or total ban of a substance than when it merely seeks to regulate that product. *See* 15 U.S.C. §2605(a).

B

The EPA's Burden Under TSCA

TSCA provides, in pertinent part, as follows:

(a) Scope of regulation.—If the Administrator finds that there is a *reasonable basis* to conclude that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture, or that any combination of such activities, presents or will present an *unreasonable risk of injury* to health or the environment, the Administrator shall by rule apply one or more of the following requirements to such substance or mixture to the extent necessary to *protect adequately* against such risk using the *least burdensome* requirements. *Id.* (emphasis added). As the highlighted language shows, Congress did not enact TSCA as a zero-risk statute.[14] The EPA, rather, was required to consider both alternatives to a ban and the costs of any proposed actions and to "carry out this chapter in a reasonable and prudent manner [after considering] the environmental, economic and social impact of any action." 15 U.S.C. §2601(c).

[25] We conclude that the EPA has presented insufficient evidence to justify its asbestos ban. We base this conclusion upon two grounds: the failure of the EPA to consider all necessary evidence and its failure to give adequate weight to statutory language requiring it to promulgate the least burdensome, reasonable regulation required to protect the environment adequately. Because the EPA failed to address these concerns, and because the EPA is required to articulate a "reasoned basis" for its rules, we are compelled to return the regulation to the agency for reconsideration.

1. Least Burdensome and Reasonable.

[26] TSCA requires that the EPA use the least burdensome regulation to achieve its goal of minimum reasonable risk. This statutory requirement can create problems in evaluating just what is a "reasonable risk." Congress's rejection of a no-risk policy, however, also means that in certain cases, the least burdensome yet still adequate solution may entail somewhat more risk than would other, known regulations that are far more burdensome on the industry and the economy. The very language of TSCA requires that the EPA once it has determined what an acceptable level of non-zero risk is, chose the least burdensome method of reaching that level.

In this case, the EPA banned, for all practical purposes, all present and future use of asbestos—a position the petitioners characterize as the "death penalty alternative," as this is the *most* burdensome of all possible alternatives listed as open to the EPA under TSCA. TSCA not only provides the EPA with a list of alternative actions but also provides those alternatives in order of how burdensome they are.[15] The regulations thus provide for EPA regulation ranging from labeling the least toxic chemicals an industry may use. Total bans head the list as the most burdensome regulatory option.

By choosing the harshest remedy given to it under TSCA, the EPA assigned to itself the toughest burden in satisfying TSCA's requirement that its alternative be the least burdensome of all those offered to it. Since, both by definition and by the terms of TSCA, the complete ban of manufacturing is the most burdensome alternative—for even stringent regulation at least allows a manufacturer the chance to invest and meet the new, higher standard—the EPA's regulation cannot stand if there is any other regulation that would achieve an acceptable level of risk as mandated by TSCA.

We reserve until a later part of the opinion a product-by-product review of the regulation. Before reaching this analysis, however, we lay down the inquiry that the EPA should undertake whenever it seeks total ban of a product.

The EPA considered, and rejected, such options as labeling asbestos products, thereby warning users and workers involved in the manufacture of asbestos-containing products of the chemical's dangers, and stricter workplace rules. EPA also rejected controlled use of asbestos in the workplace and deferral to other government agencies charged with worker and consumer exposure to industrial and product hazards, such as OSHA, the CPSC, and the MSHA. The EPA determined that deferral to these other agencies was inappropriate because no one other authority could address all the risks posed "throughout the life cycle" by asbestos, and any action by one or more of the other agencies still would leave an unacceptable residual risk.[16]

Much of the EPA's analysis is correct, and the EPA's basic decision to use TSCA as a comprehensive statute designed to fight a multi-industry problem was a proper one that we uphold today on review. What concerns us, however, is the manner in which the EPA conducted some of its analysis. TSCA requires the EPA to consider, along with the effects of toxic substances on human health and the environment, "the benefits of such substance[s] or mixture[s] for various uses and the availability of substitutes for such uses," as well as "the reasonably ascertainable economic consequences of the rule, after consideration for the effect on the national economy, small business, technological innovation, the environment, and public health." *Id.* §2605(c)(1)(C–D).

The EPA presented two comparisons in the record: a world with no further regulation under TSCA, and a world in which no manufacture of asbestos takes place. The EPA rejected calculating how many lives a less burdensome regulation would save, and at what cost. Furthermore the EPA, when calculating the benefits of its ban, explicitly refused to compare it to an improved workplace in which currently available control technology is utilized. *See* 54 Fed.Reg. at 29,474. This decision artificially inflated the purported benefits of the rule by using a baseline comparison substantially lower than what currently available technology could yield.

[27] Under TSCA, the EPA was required to evaluate, rather than ignore, less burdensome regulatory alternatives. TSCA imposes a least-to-most-burdensome hierarchy. In order to impose a regulation at the top of the hierarchy—a total ban of asbestos—the EPA must show not only that its proposed action reduces the risk of the product to an adequate level, but also that the actions Congress identified as less burdensome also would not do the job.[17] The failure of the EPA to do this constitutes a failure to meet its burden of showing that its actions not only reduce the risk but do so in the Congressionally-mandated *least burdensome* fashion.

Thus it was not enough for the EPA to show, as it did in this case, that banning some asbestos products might reduce the harm that could occur from the use of these products. If that were the standard, it would be no standard at all, for few indeed are the products that are so safe that a complete ban of them would not make the world still safer.

This comparison of two static worlds is insufficient to satisfy the dictates of TSCA. While the EPA may have shown that a world with a complete ban of asbestos might be preferable to one in which there is only the current amount of regulation, the EPA has failed to show that there is not some intermediate state of regulation that would be superior to both the currently-regulated and the completely-banned world. Without showing that asbestos regulation would be ineffective, the EPA cannot discharge its TSCA burden of showing that its regulation is the least burdensome available to it.

Upon an initial showing of product danger, the proper course for the EPA to follow is to consider each regulatory option, beginning with the least burdensome, and the costs and benefits of regulation under each option. The EPA cannot simply skip several rungs, as it did in this case, for in doing so, it may skip a less-burdensome alternative mandated by TSCA. Here, although the EPA mentions the problems posed by intermediate levels of regulation, it takes no steps to calculate the costs and benefits of these intermediate levels. *See* 54 Fed.Reg. at 29,462, 29,474. Without doing this it is impossible, both for the EPA and for this court on review, to know that none of these alternatives was less burdensome than the ban in fact chosen by the agency.

The EPA's offhand rejection of these intermediate regulatory steps is "not the stuff of which substantial evidence is made." *Aqua Slide*, 569 F.2d at 843. While it is true that the EPA considered five different ban options, these differed solely with respect to their effective dates. The EPA did not calculate the risk levels for intermediate levels of regulation, as it believed that there was no asbestos exposure level for which the risk of injury or death was zero. Reducing risk to zero, however, was not the task that Congress set for the EPA in enacting TSCA. The EPA thus has failed "cogently [to] explain why it has exercised its discretion in a given manner," *Chemical Mfrs. Ass'n*, 899 F.2d at 349, by failing to explore in more than a cursory way the less burdensome alternatives to a total ban.

2. The EPA's Calculations.

Furthermore, we are concerned about some of the methodology employed by the EPA in making various of the calculations that it did perform. In order to aid the EPA's reconsideration of this and other cases, we present our concerns here.

[28] First, we note that there was some dispute in the record regarding the appropriateness of discounting the perceived benefits of the EPA's rule. In choosing between the calculated costs and benefits, the EPA presented variations in which it discounted only the costs, and counter-variations in which it discounted about the costs and the benefits, measured in both monetary and human injury terms. As between these two variations, we choose to evaluate the EPA's work using its discounted benefits calculations.

Although various commentators dispute whether it ever is appropriate to discount benefits when they are measured in human lives, we note that it would skew the results to discount only costs without according similar treatment to the benefits side of the equation. Adopting the position of the commentators who advocate not discounting benefits would force the EPA similarly not to calculate costs in present discounted real terms, making comparisons difficult. Furthermore, in evaluating situations in which different options incur costs at varying time intervals, the EPA would not be able to take into account that soon-to-be incurred costs are more harmful than postponable costs. Because the EPA must discount costs to perform its evaluations properly, the EPA also should discount benefits to preserve an apples-to-apples comparison, even if this entails discounting benefits of a non-monetary nature. *See What Price Posterity?*, The Economist, March 23, 1991, at 73 (explaining use of discount rates for non-monetary goods).

When the EPA does discount costs of benefits, however, it cannot choose an unreasonable time upon which to base its discount calculation. Instead of using the time of injury as the appropriate time from which to discount, as one might expect, the EPA instead used the time of exposure.

The difficulties inherent in the EPA's approach can be illustrated by an example. Suppose two workers will be exposed to asbestos in 1995, with worker *X* subjected to a tiny amount of asbestos that will have no adverse health effects, and worker *Y* exposed to massive amounts of asbestos that quickly will lead to an asbestos-related disease. Under the EPA's approach, which takes into account only the time of exposure rather than the time at which any injury manifests itself, both examples would be treated the same. The EPA's approach implicitly assumes that the day on which the risk of injury occurs is the same day the injury actually occurs.[18] Such an approach might be proper when the exposure and injury are one and the same, such as when a person is exposed to an immediately fatal poison, but is inappropiate for discounting toxins in which exposure often is followed by a substantial lag time before manifestation of injuries.[19]

Of more concern to us is the failure of the EPA to compute the costs and benefits of its proposed rule past the year 2000, and its double-counting of the costs of asbestos use. In performing its calculus, the EPA only included the number of lives saved over the next thirteen years, and counted any additional lives saved as simply "unquantified benefits." 54 Fed. Reg. at 29,486. The EPA and intervenors now seek to use these unquantified lives saved to justify calculations as to which the benefits seem far outweighed by the astronomical costs. For example, the EPA plans to save about three lives with its ban of asbestos pipe, at a cost of $128–227 million (*i.e.*, approximately $43–76 million per life saved). Although the EPA admits that the lives saved past the year 2000 justify the price. *See generally id.* at 29,473 (explaining use of unquantified benefits).

Such calculations not only lessen the value of the EPA's cost analysis, but also make any meaningful judicial review impossible. While TSCA contemplates a useful place for unquantified benefits beyond the EPA's calculation, unquantified benefits never were intended as a trump card allowing the EPA to justify any cost calculus, no matter how high.

The concept of unquantified benefits, rather, is intended to allow the EPA to provide a rightful place for any remaining benefits that are impossible to quantify after the EPA's best attempt, but which still are of some concern. But the allowance for unquantified costs is not intended to allow the EPA to perform its calculations over an arbitrarily short period so as to preserve a large unquantified portion.

Unquantified benefits can, at times, permissibly tip the balance in close cases. They cannot, however, be used to effect a wholesale shift on the balance beam. Such a use makes a mockery of the requirements of TSCA that the EPA weigh the costs of its actions before it chooses the least burdensome alternative.[20]

[29] Most problematical to us is the EPA's ban of products for which no substitutes presently are available. In these cases, the EPA bears a tough burden indeed to show that under TSCA a ban is the least burdensome alternative, as TSCA explicitly instructs the EPA to consider "the benefits of such substance or mixture for various uses and the availability of substitutes for such uses." *Id.* § 2605(c)(1)(C). These words are particularly appropriate where the EPA actually has decided to ban a product, rather than simply restrict its use, for it is in these cases that the lack of an adequate substitute is most troubling under TSCA.

As the EPA itself states, "[w]hen no information is available for a product indicating that cost-effective substitutes exist, the estimated cost of a product ban is very high." 54 Fed.Reg. at 29,468. Because of this, the EPA did not ban certain uses of asbestos, such as its use in rocket engines and battery separators. The EPA, however, in several other instances, ignores its own arguments and attempts to justify its ban by stating that the ban itself will cause the development of low-cost, adequate substitute products.

[30] As a general matter, we agree with the EPA that a product ban can lead to great innovation, and it is true that an agency under TSCA, as under other regulatory statutes, "is empowered to issue safety standards which require improvements in existing technology or which require the development of new technology." *Chrysler Corp. v. Department of Transp.*, 472 F.2d 659, 673 (6th Cit.1972). As even the EPA acknowledges, however, when no adequate substitutes currently exist, the EPA cannot fail to consider this lack when formulating its own guidelines. Under TSCA, therefore, the EPA must present a stronger case to justify the ban, as opposed to regulation, of products with no substitutes.

We note that the EPA does provide a waiver provision for industries where the hoped-for substitutes fail to materialize in time. *See* 54 Fed. Reg. at 29,464. Under this provision, if no adequate substitutes develop, the EPA temporarily may extend the planned phase-out.

The EPA uses this provision to argue that it can ban any product, regardless of whether it has an adequate substitute, because inventive companies soon will develop good substitutes. The EPA contends that if they do not, the waiver provision will allow the continued use of asbestos in these areas, just as if the ban had not occurred at all.

The EPA errs, however, in asserting that the waiver provision will allow a continuation of the status quo in those cases in which no substitutes materialize. By its own terms, the exemption shifts the burden onto the waiver proponent to convince the EPA that the waiver is justified. *See id.* As even the EPA acknowledges, the waiver only "may be granted by [the] EPA in very limited circumstances." *Id.* at 29,460.

The EPA thus cannot use the waiver provision to lessen its burden when justifying banning products without existing substitutes. While TSCA gives the EPA the power to ban such products, the EPA must bear its heavier burden of justifying its total ban in the face of inadequate substitutes. Thus, the agency cannot use its waiver provision to argue that the ban of products with no substitutes should be treated the same as the ban of those for which adequate substitutes are available now.

[31] We also are concerned with the EPA's evaluation of substitutes even in those instances in which the record shows that they are available. The EPA explicitly rejects considering the harm that may flow from the increased use of products designed to substitute for asbestos, even where the probable substitutes themselves are known carcinogens. *Id.* at 29,481–83. The EPA justifies this by stating that it has "more concern about the continued use and exposure to asbestos than it has for the future replacement of asbestos in the products subject to this rule with other fibrous substitutes." *Id.* at 29,481. The agency thus concludes that any "[r]egulatory decisions about asbestos which poses well-recognized, serious risks should not be delayed until the risk of all replacement materials are fully quantified." *Id.* at 29,483.

This presents two problems. First, TSCA instructs the EPA to consider the relative merits of its ban, as compared to the economic effects of its actions. The EPA cannot make this calculation if it fails to consider the effects that alternate substitutes will pose after a ban.

Second, the EPA cannot say with any assurance that its regulation will increase workplace safety when it refuses to evaluate the harm that will result from the increased use of substitute products. While the EPA may be correct in its conclusion that the alternate materials pose less risk than asbestos, we cannot say with any more assurance than that flowing from an educated guess that this conclusion is true.

Considering that many of the substitutes that the EPA itself concedes will be used in the place of asbestos have known carcinogenic effects, the EPA not only cannot assure this court that it has taken the least burdensome alternative, but cannot even prove that its regulations will increase workplace safety. Eager to douse the dangers of asbestos, the agency inadvertently actually may increase the risk of injury Americans face. The EPA's explicit failure to consider the toxicity of likely substitutes thus deprives its order of a reasonable basis. *Cf. American Petroleum Inst. v. OSHA*, 581 F. 2d 493, 504 (5th Cir. 1978) (An agency is required to "regulate on the basis of knowledge rather than the unknown.").

Our opinion should not be construed to state that the EPA has an affirmative duty to seek out and test every workplace substitute for any product it seeks to regulate. TSCA does not place such a burden upon the agency. We do not think it unreasonable, however, once interested parties introduce credible studies and evidence showing the toxicity of workplace substitutes, or the decreased effectiveness of safety alternatives such as non-asbestos brakes, that the EPA then consider whether its regulations are even increasing workplace safety, and whether the increased risk occasioned by dangerous substitutes makes the proposed regulation no longer reasonable. In the words of the EPA's own release that initiated the asbestos rulemaking, we direct that the agency consider the adverse health effects of asbestos substitute "for comparison with the known hazards of asbestos," so that it can conduct, as it promised in 1979, a "balanced consideration of the environmental, economic, and social impact of any action taken by the agency." 44 Fed. Reg. at 60,065 (1979).

[32] In short, a death is a death, whether occasioned by asbestos or by a toxic substitute product, and the EPA's decision not to evaluate the toxicity of known carcinogenic substitutes is not a reasonable action under TSCA. Once an interested party brings forth credible evidence suggesting the toxicity of the probable or only alternatives to a substance, the EPA must consider the comparative toxic costs of each.[21] Its failure to do so in this case thus deprived its regulation of a reasonable basis, at least in regard to those products as to which petitioners introduced credible evidence of the dangers of the likely substitutes.[22]

4. Unreasonable Risk of Injury.

The final requirement the EPA must satisfy before engaging in any TSCA rulemaking is that it only take steps designed to prevent "unreasonable" risks. In evaluating what is "unreasonable," the EPA is required to consider the costs of any proposed actions and to "carry out this chapter in a reasonable and prudent manner [after considering] the environmental, economic, and social impact of any action." 15 U.S.C. § 2601(c).

[33] As the District of Columbia Circuit stated when evaluating similar language governing the Federal Hazardous Substances Act, "[t]he requirement that the risk be 'unreasonable' necessarily involves a balancing test like that familiar in tort law: The regulation may issue if the severity of the injury that may result from the product, factored by the likelihood of the injury, offsets the harm the regulation itself imposes upon manufacturers and consumers." *Forester v. CPSC*, 559 F.2d 774, 789 (D.C.Cir. 1977). We have quoted this language approvingly when evaluating other statutes using similar language. *See, e.g., Aqua Slide*, 569 F.2d at 839.

That the EPA must balance the costs of its regulations against their benefits further is reinforced by the requirement that it seek the least burdensome regulation. While Congress did not dictate that the EPA engage in an exhaustive, full-scale cost-benefit analysis, it did require the EPA to consider both sides of the regulatory equation, and it rejected the notion that the EPA should pursue the reduction of workplace risk at any cost. *See American Textile Mfrs. Inst.*, 452 U.S. at 510 n. 30, 101 S.Ct. at 2491 n. 30 ("unreasonable risk" statutes require "a generalized balancing of costs and benefits" (citing *Aqua Slide*, 569 F.2d at 839)). Thus, "Congress also plainly intended the EPA to consider the economic impact of *any* actions taken by it under . . . TSCA." *Chemical Mfrs. Ass'n*, 899 F.2d at 348.

Even taking all of the EPA's figures as true, and evaluating them in the light most favorable to the agency's decision (non-discounted benefits, discounted costs, analogous exposure estimates included), the agency's analysis results in figures as high as $74 million per life saved. For example, the EPA states that its ban of asbestos pipe will save three lives over the next thirteen years, at a cost of $128–227 million ($43–76 million per life saved), depending upon the price of substitutes; that its ban of asbestos shingles will cost $23-34 million to save 0.32 statistical lives ($72-106 million per life saved); that its ban of asbestos coatings will cost $46-181 million to save 3.33 lives ($14-54 million per life saved); and that its ban of asbestos paper products will save 0.60 lives at a cost of $4-5 million ($7-8 million per life saved). *See* Fed. Reg. at 29,484-85. Were the analogous exposure estimates not included, the cancer risks from substitutes such as ductile iron pipe factored in, and the benefits of the ban appropriately discounted from the time of the manifestation of an injury rather than the time of exposure, the costs would shift even more sharply against the EPA's position.

While we do not sit as a regulatory agency that must make the difficult decision as to what an appropriate expenditure is to prevent someone from incurring the risk of an asbestos-related death, we do note that the EPA, in its zeal to ban any and all asbestos products, basically ignored the cost side of the TSCA equation. The EPA would have this court believe that Congress, when it enacted its requirement that the EPA consider the economic impacts of its regulations, thought that spending $200-300 million to save approximately seven lives (approximately $30-40 million per life) over thirteen years is reasonable.

As we stated in the OSHA context, until an agency "can provide substantial evidence that the benefits to be achieved by [a regulation] bear a reasonable relationship to the costs imposed by the reduction, it cannot show that the standard is reasonably necessary to provide safe or healthful workplaces." *American Petroleum Inst.*, 581 F.2d at 504. Although the OSHA statute differs in major respects from TSCA, the statute does require substantial evidence to support the EPA's contentions that its regulations both have a reasonable basis and are the least burdensome means to a reasonably safe workplace.

The EPA's willingness to argue that spending $23.7 million to save less than one-third of a life reveals that its economic review of its regulations, as required by TSCA, was meaningless. As the petitioners' brief and our review of EPA caselaw reveals, such high costs are rarely, if ever, used to support a safety regulation. If we were to allow such cavalier treatment of the EPA's duty to consider the economic effects of its decisions, we would have to excise entire sections and phrases from the language of TSCA. Because we are judges, not surgeons, we decline to do so.[23]

V

Substantial Evidence Regarding Least Burdensome, Adequate Regulation

TSCA provides that a reviewing court "shall hold unlawful and set aside" a final rule promulgated under section 6(a) "if the court finds that the rule is not supported by substantial evidence in the rulemaking record . . . taken as a whole." 15 U.S.C. §2618(c)(1)(B)(i). The substantial evidence standard "afford[s] a considerably more generous judicial review" than the arbitrary or capricious test, *Abbott Laboratories*, 387 U.S. at 143, 87 S.Ct. at 1513, and "imposes a considerable burden on the agency and limits its discretion in arriving at a factual predicate." *Mobil Oil Corp.* v. *FPC, 483 F.2d 1238, 1258 (D.C.Cir.1973).*

[34] We have declared that the EPA must articulate an "understandable basis" to support its TSCA action with respect to each substance or application of the substance banned. *Chemical Mfrs. Ass'n*, 899 F.2d at 357. To make a finding of unreasonable risk based upon this assessment, the "EPA must balance the probability that harm will occur from the activities against the effects of the proposed regulatory action on the availability to society of the benefits of asbestos." 54 Fed.Reg. at 29, 467. With these edicts in mind, we now examine each product against the TSCA criteria.[24]

A

Friction Products

[35] We begin our analysis with the EPA's ban of friction products, which constitutes the lion's share of the proposed benefits of the asbestos regulation—nearly three-fourths of the anticipated asbestos deaths. The friction products in question, although primarily made up of drum and disk brakes, also include brake blocks and other friction products.

Workers are exposed to asbestos during the manufacture, use, repair, and disposal of these products. The EPA banned most of these products with a stage 2 ban, which would require companies to cease manufacturing or importing the products by August 25, 1993, with distribution to end one year later. The final stage 3 ban would ban any remaining friction products on August 26, 1996, with distribution again ceasing one year later. *See id.* at 29,461-62.

We note that of all the asbestos bans, the EPA did the most impressive job in this area, both in conducting its studies and in supporting its contention that banning asbestos products would save over 102 discounted lives. *Id.* at 29,485. Furthermore, the EPA demonstrates that the population exposure to asbestos in this area is great, while the estimated cost of the measure is low, at least in comparison to the cost-per-life of its other bans. Were the petitioners only questioning the EPA's decision to ban friction products based upon disputing these figures, we would be tempted to uphold the EPA, even in the fact of petitioner's arguments that workplace exposure to friction product asbestos could be decreased by as much as ninety percent using stricter workplace controls and in light of studies supporting the conclusion that some forms of asbestos present less danger. Decisions such as these are better left to the agency's expertise.

Such expertise, however, is not a universal talisman affording the EPA unbridled latitude to act as it chooses under TSCA. What we cannot ignore is that the EPA failed to study the effect of non-asbestos brakes on automotive safety, despite credible evidence that non-asbestos brakes could increase significantly the number of highway fatalities, and that the EPA failed to evaluate the toxicity of likely brake substitutes. As we already mentioned, the EPA, in its zeal to ban asbestos, cannot overlook, with only cursory study, credible contentions that substitute products actually might increase fatalities.

The EPA commissioned an American Society of Mechanical Engineers (ASME) study that concluded that while more research was needed, it appeared that many of the proposed substitutes for friction products are not, and will not soon be available, especially in the replacement brake market, and that the substitutes may or may not assure safety.[25] Despite this credible record evidence, by a study specifically commissioned by the EPA, that substitute products actually might cause more deaths than those asbestos deaths predicted by the EPA, the agency did not evaluate the dangers posed by the substitutes, including cancer deaths from the others fibers used and highway deaths occasioned by less effective, non-asbestos brakes. This failure to examine the likely consequence of the EPA's regulation renders the ban of asbestos friction products unreasonable.

This failure would be of little moment, were the relevant market confined to original equipment disk brakes and pads. For these original equipment brakes, it appears that manufacturers already have developed safe substitutes for asbestos, considering that nearly all new vehicles come with non-asbestos disk brakes, with non-asbestos drum brakes apparently soon to follow. *See id.* at 29,493. The ASME Report concluded that "at the present rate of technological progress, most new passenger cars could be equipped with totally non-asbestos frictional systems by 1991, and most light trucks and heavy trucks with S-cam brakes, by 1992." *See id.* at 29,494.

Although the petitioners dispute the evidence, we find particularly telling the fact that manufacturers already are producing most vehicles with newly designed, non-asbestos brakes. The ban of asbestos brakes for these uses here appears reasonable and, had the EPA taken the proper steps to consider and reject the less burdensome alternatives, we might find the ban of these products supported by substantial evidence.

With respect to the aftermarket replacement market, however, the EPA's failure to consider the safety ramifications of its decisions is problematic. Original equipment, non-asbestos brakes are designed from the start to work without the superior insulating properties of asbestos. The replacement market brakes, on the other hand, were designed with asbestos, rather than substitutes, in mind. As the EPA itself states, "[c]ommenters generally agreed that it is easier to develop replacement asbestos-free friction materials for use in vehicles that are intentionally designed to use such materials that it is to develop asbestos-free friction materials for use as after-market replacement products in vehicles currently in use that have brake systems designed to use asbestos." *Id.* Because of these difficulties, the EPA decided to use a stage 3 ban for replacement brakes.

Despite acknowledging the difficulty of retrofitting current asbestos brakes, however, the EPA decided that the problem with non-asbestos brakes was not that they are inferior, but that they are less safe because the government does not regulate them. Based upon this conclusion, the EPA decided that is need not consider the safety of alternative brakes because, after consultation with the National Highway Traffic Safety Administration, (NNTSA), the EPA concluded that regulation of non-asbestos brakes soon would be forthcoming. *Id.*

This determination is insufficient to discharge the EPA's duties under TSCA. The EPA failed to settle whether alternative brakes will be as safe as current brakes, even though, by its own admission, the "EPA also acknowledges that a ban on asbestos in the brake friction product categories may increase the uncertainty about brake performance." *Id.* at 29,495. The EPA contends that it can rely upon NHTSA to discharge its regulatory burdens, but it ignores the fact that the problem with non-asbestos brakes may be technical, rather than regulatory, in nature.

Future consideration by the NHTSA cannot support a present ban by the EPA when the record contains conflicting and non-conclusive evidence regarding the safety of non-asbestos brake replacement parts. After being presented with credible evidence "that a ban on asbestos use in the aftermarket for brake systems designed for asbestos friction products will compromise the performance of braking systems designed for asbestos brakes," *id.* at 29,494, the EPA under TSCA had to consider whether its proposed ban not only was reasonable, but also whether the increased deaths caused by less efficient brakes made the ban of asbestos in the replacement brake market unreasonable.

In short, while it is apparent that non-asbestos brake products either are available or soon will be available on new vehicles, there is no evidence indicating that forcing consumers to replace their asbestos brakes with new non-asbestos brakes as they wear out on their present vehicles will decrease fatalities or that such a ban will produce other benefits that outweigh its costs. Furthermore, many of the EPA's own witnesses conceded on cross-examination that the non-asbestos fibrous substitutes also pose a cancer risk upon inhalation, yet the EPA failed to examine in more than a cursory fashion the toxicity of these alternatives. Under these circumstances, the EPA has failed to support its ban with the substantial evidence needed to provide it with a reasonable basis.

Finally, as we already have noted, the structure of TSCA requires the EPA to consider, and reject, the less burdensome alternatives in the TSCA hierarchy before it can invoke its power to ban a product completely. It may well be true, as the EPA contends, that workplace controls are insufficient measures under TSCA and that only a ban will discharge the EPA's TSCA-imposed duty to seek the safest, reasonable environment. The EPA's failure to consider the regulatory alternatives, however, cannot be substantiated by conclusory statements that regulation would be insufficient. *See Texas Indep. Ginners Ass'n v. Marshall,* 630 F.2d 398, 411–12 (5th Cir. 1980); *Aqua Slide,* 569 F.2d at 843. We thus concede that while the EPA may have presented sufficient evidence to underpin the dangers of asbestos brakes, its failure to consider whether the ban is the least burdensome alternative, and its refusal to consider the toxicity and danger of substitute brake products, in regard to both highway and workplace safety, deprived its regulation of the reasonable basis required by TSCA.

B

Asbestos-Cement Pipe Products

[36] The EPA's analysis supporting its ban of asbestos-cement ("A/C") pipe is more troublesome than its action in regard to friction products. Asbestos pipe primarily is used to convey water in mains, sewage under pressure, and materials in various industrial process lines. Unlike most uses of asbestos, asbestos pipe is valued primarily for its strength and resistance to corrosion, rather than for its heat-resistant qualities. The EPA imposed a stage 3 ban on asbestos pipe. 54 Fed. Reg. at 29,462.

Petitioners question EPA's cost/benefit balancing, noting that by the EPA's own predictions, the ban of asbestos pipe will save only 3–4 discounted lives, at a cost ranging from $128–227 million ($43–76 million per life saved), depending upon the price of substitutes. *Id.* at 29,484. Furthermore, much of EPA's data regarding this product and others depends upon data received from exposures observed during activities similar to the ones to be regulated—the "analogous exposure" analysis that the EPA adopted subsequent to the public comment period, which thus was not subjected to cross-examination or other critical testing.[26] Finally, the petitioners protest that the EPA acted unreasonably because the most likely substitutes for the asbestos pipe, PVC and ductile iron pipe, also contain known carcinogens.

Once again we are troubled by the EPA's methodology and its evaluation of the substitute products. Many of the objections raised by the asbestos cement pipe producers are general protests about the EPA's studies and other similar complaints. We will not disturb such agency inquiries, as it is not our role to delve into matters better left for agency expertise. We do, however, examine the EPA's methodology in places to determine whether it has presented substantial evidence to support its regulation.

As with friction products, the EPA refused to assess the risks of substitutes to asbestos pipe. *Id.* at 29,497–98. Unlike non-asbestos brakes, which the EPA contends are safe, the EPA here admits that vinyl chloride, used in PVC, is a human carcinogen that is especially potent during the manufacture of PVC pipe. As for the EPA's defense of the ductile iron pipe substitute, the EPA also acknowledges evidence that it will cause cancer deaths but rejects these deaths as overestimated, even though it can present no more support for this assumption than its own *ipse dixit.*

The EPA presented several plausible, albeit untested, reasons why PVC and ductile iron pipe might be less of a health risk than asbestos pipe. It did not, however, actually evaluate the health risk flowing from these substitute products, even though the "EPA acknowledges that the individual lifetime cancer risk associated with the production of PVC may be equivalent to that associated with the production of A/C pipe." *Id.* at 29,497. The agency concedes that "[t]he population cancer risk for the production of ductile iron pipe could be comparable to the population cancer risk for production of A/C pipe." *Id.*

It was insufficient for the EPA to conclude that while its data showed that "the number of cancer cases associated with production of equivalent amounts of ductile iron pipe and A/C pipe 'may be similar,' the estimate of cancer risk for ductile iron pipe 'is most likely an overestimate,'" *see* 54 Fed.Reg. at 29,498, unless the agency can present something more concrete than its own speculation to refute these earlier iron pipe cancer studies. Musings and conjecture are "not the stuff of which substantial evidence is made," *Aqua Slide,* 569 F.2d at 843, 'and "[u]narticulated reliance on Commission 'experience' may satisfy an 'arbitrary, capricious' standard of review, but it does not add one jot to the record evidence." *Id.* at 841–42 (citations omitted). "While expert opinion deserves to be heeded, it must be based on more than casual observation and speculation, particularly where a risk of fatal injury is being evaluated." *Id.* These concerns are of special note where the increased carcinogen risk occasioned by the EPA's proposed substitutes is both credible and known.

This conclusion only is strengthened when we consider the EPA's failure to analyze the health risks of PVC pipe, the most likely substitute for asbestos pipe, which the EPA concedes poses a cancer risk similar to that presented by asbestos pipe. The failure of the EPA to make a record finding on the risks of PVC pipe is particularly inexplicable, as the EPA *already is studying* increasing the stringency of PVC regulation in separate rulemaking proceedings, an action that one of the very intervenors in the instant case has been urging for years. *See NRDC v. EPA,* 824 F.2d 1146, 1148–49 (D.C.Cir.1987) (en banc).

The EPA, in these separate proceedings, has estimated the cancer risk from PVC plants to be as high as twenty deaths *per year,* a death rate that stringent controls might be able to reduce to one *per year, see id.* at 1149, *far in excess of the fractions of a life that the asbestos pipe ban may save each year, by the EPA's own calculations.* Considering that the EPA concedes that there is no evidence showing that *ingested,* as opposed to *inhaled,* asbestos is a health risk, while the EPA's own studies show that ingested vinyl chloride is a significant cancer risk that could cause up to 260 cancer deaths over the next thirteen years, *see id.;* 54 Fed.Reg. at 29,498, the EPA's failure to consider the risks of substitute products in the asbestos pipe area is particularly troublesome. The agency cannot simply choose to note the similar cancer risks of asbestos and iron pipe and then reject the data underpinning the iron and PVC pipe without more than its own conclusory statements.

We also express concern with the EPA's cavalier attitude toward the use of its own data. The asbestos pipe industry argues that the exposure times the EPA used to calculate its figures are much higher than experience would warrant, a contention that the EPA now basically concedes. Rather than recalculate its figures, however, based upon the best data available to it, the EPA merely responds that while the one figure may be too high, it undoubtedly underestimated the exposure levels, because contractors seldom comply with OSHA regulations. In the words of its brief, "[t]hus, EPA concluded that its estimates contain both over and underestimates, but nevertheless represented a reasonable picture of aggregate exposure."

The EPA is required to support its analysis with substantial evidence under TSCA. When one figure is challenged, it cannot back up its position by changing an unrelated figure to yield the same result. Allowing such behavior would require us only to focus on the final numbers provided by an agency, and to ignore how it arrives at that number. Because a conclusion is no better than the methodology used to reach it, such a result cannot survive the substantial evidence test.

Finally, we once again note that the EPA failed to discharge its TSCA-mandated burden that it consider and reject less burdensome alternatives before it impose a more burdensome alternative such as a complete ban. The EPA instead jumped immediately to the ban provision, without calculating whether a less burdensome alternative might accomplish TSCA's goals. *See* 54 Fed. Reg. at 29,489. We therefore conclude that the EPA failed to present substantial evidence to support its ban of asbestos pipe.

C

Gaskets, Roofing, Shingles, and Paper Products

We here deal with the remaining products affected by the EPA ban. Petitioners challenge the basis for the EPA's finding that beater-add and sheet gaskets, primarily used in automotive parts, should be banned. The agency estimated its ban would save thirty-two lives over a thirteen-year time span, at an overall cost of $207–263 million ($6–8 million per life saved). *Id.* at 29,484.

We have little to add in this area, beyond our general discussion and comments on other products apart from a brief highlight of the EPA's use of analogous exposure data to support its gasket ban. For these products, the analogous exposure estimate constituted almost eighty percent of the anticipated total benefits—a proportion so large that the EPA's duty to give interested parties notice that it intended to use analogous exposure estimate was particularly acute.[27] Considering some of the EPA's support for its analogous exposure estimates—such as its assumption that *none* of the same workers who install beater-add and sheet gaskets *ever* is involved in repairing or disposing of them, and the unexplained discrepancy between its present conclusion that over 50,000 workers are involved in this area and its 1984 estimate that only 768 workers are involved in "gasket removal and installation," *see* 51 Fed.Reg. 22,612, 22,665 (1986)—the petitioners' complaint that they never were afforded the opportunity to comment publicly upon these figures, or to cross-examine any EPA witnesses regarding them, is particularly telling.

[37] The EPA also banned roof coatings, roof shingles, non-roof coatings, and asbestos paper products. Again, we have little to add beyond our discussions already concluded, especially regarding TSCA's requirement that the EPA always choose the least burdensome alternative, whether it be workplace regulation, labeling, or only a partial ban. We note, however, that in those cases in which a complete ban would save less than one statistical life, such as those affecting asbestos paper products and certain roofing materials, the EPA has a particular need to examine the less burdensome alternatives to a complete ban.

Where appropriate, the EPA should consider our preceding discussion as applicable to their bans of these products. By following the dictates of *Chemical Mfrs. Ass'n*, 899 F.2d at 359, that the quantities of the regulated chemical entering into the environment be "substantial," and that the human exposure to the chemical also must be "substantial" or "significant," as well as our concerns expressed in this opinion, the EPA should be able to determine the proper procedures to follow on its reconsideration of its rule and present the cogent explanation of its actions as required under *Chemical Manufacturers Association*.

D

Ban of Products Not Being Produced in the United States

Petitioners also contend that the EPA overstepped TSCA's bounds by seeking to ban products that once were, but no longer are, being produced in the United States. We find little merit to this claim, considering that sections 5 and 6 of TSCA allow the EPA to ban a product "that presents *or will present*" a significant risk. (Emphasis added.)

Although petitioners correctly point out that the value of a product not being produced is not zero, as it may find some future use, and that the EPA here has banned items where the estimated risk is zero, this was not error on the part of the EPA. The numbers appear to favor petitioners only because even products with known high risks temporarily show no risk because they are not part of this country's present stream of commerce. This would soon change if the produce returned, which is precisely what the EPA is trying to avoid.

Should some unlikely future use arise for these products, the manufacturers and importers have access to the waiver provision established by the EPA for just these contingencies. Under such circumstances, we will not disturb the agency's decision to ban products that no longer are being produced in or imported into the United States.

[38] Similarly, we also decide that the EPA properly can attempt to promulgate a "clean up" ban under TSCA, providing it takes the proper steps in doing so. A clean-up ban, like the asbestos ban in this case, seeks to ban all uses of a certain toxic substance, including unknown, future uses of the substance. Although there is some merit to petitioners' argument that the EPA cannot possibly evaluate the costs and benefits of banning unknown, uninvented products, we hold that the nebulousness of these future products, combined with TSCA's language authorizing the EPA to ban products that "will" create a public risk, allows the EPA to ban future uses of asbestos even in products not yet on the market.

E

Fundamental EPA Choices

Finally, we note that there are many other issues raised by petitioners, such as the EPA's decision to treat all types of asbestos the same, its conclusion that various lengths of fibers present similar toxic risks, and its decision that asbestos presents similar risks even in different industries. *See generally* 54 Fed.Reg. at 29,470–71 (detailing differences in potency of chrysotile and other forms of asbestos and toxicity of various fiber lengths). We mention these concerns now only to reject them.

Of these, any many similar points, the petitioners merely seek to have us reevaluate the EPA's initial evaluation of the evidence. While we can, and in this opinion do, question the agency's reliance upon flawed methodology and its failure to consider factors and alternatives that TSCA explicitly requires it to consider, we do not sit as a regulatory agency ourselves. Decisions such as the EPA's decision to treat various types of asbestos as presenting similar health risks properly are better left for agency determination and, while the EPA is free to reconsider its data should it so choose when it revisits this area, it also is free to adopt similar reasoning in the future.

VI

Conclusion

In summary, of most concern to us is that the EPA has failed to implement the dictates of TSCA and the prior decisions of this and other courts that, before it impose a ban on a product, it first evaluate and then reject the less burdensome alternatives laid out for it by Congress. While the EPA spend much time and care crafting its asbestos regulation, its explicit failure to consider the alternatives required of it by Congress deprived its final rule of the reasonable basis it needed to survive judicial scrutiny.

Furthermore, the EPA's adoption of the analogous exposure estimates during the final weeks of its rulemaking process, after public comment was concluded, rather than during the ten years during which it was considering the asbestos ban, was unreasonable and deprived the petitioners of the notice that they required in order to present their own evidence on the validity of the estimates and its data bases. By depriving the petitioners of their right to cross-examine EPA witnesses on methodology and data used to support as much as eighty percent of the proposed benefits in some areas, the EPA also violated the dictates of TSCA.

Finally, the EPA failed to provide a reasonable basis for the purported benefits of its proposed rule by refusing to evaluate the toxicity of likely substitute products that will be used to replace asbestos goods. While the EPA does not have the duty under TSCA of affirmatively seeking out and testing all possible substitutes, when an interested party comes forward with credible evidence that the planned substitutes present a significant, or even greater, toxic risk than the substance in question, the agency must make a formal finding on the record that its proposed action still is both reasonable and warranted under TSCA.

We regret that this matter must continue to take up the valuable time of the agency, parties and undoubtedly, future courts. The requirements of TSCA, however, are plain, and the EPA cannot deviate from them to reach its desired result. We therefore GRANT the petition for review, VACATE the EPA's proposed regulation, and REMAND to the EPA for further proceedings in light of this opinion.[28]

On Petition for Review of a Rule of the Environmental Protection Agency.

ON MOTION FOR CLARIFICATION

Before BROWN, SMITH, and WIENER, Circuit Judges.

PER CURIAM:

[39] Respondents, the Environmental Protection Agency (EPA) and William K. Reilly, seek a clarification of the status of the phase 1, or stage 1, provisions in the challenged rule, which provisions ban, effective August 27, 1990, the manufacture, importation, and processing of asbestos containing corrugated and flat sheet, asbestos clothing, flooring felt, pipeline wrap, roofing felt, and vinyl/asbestos floor tile, and any new uses of asbestos. See 40 C.F.R. §§763.165(a)–.167(a). The rule also requires labeling of phase 1 products after August 27, 1990, *see id.* §763.171(a), and prohibits the distribution in commerce of such products after August 27, 1992, *see id.* §763.169(a). *See Corrosion Proof Fittings v. EPA*, 947 F.2d 1201, 1208 & n. 2 (5th Cir. 1991).

Respondents assert that the clarification is needed because, in part V.D of our opinion, *id.* at 1228–29, we have held that the EPA may "ban products that once were, but no longer are, being produced in the United States." Thus, the motion seeks clarification of the status of any products that still were being manufactured, imported, or processed on July 12, 1989, which is the date on which the final rule was issued, *see* 54 Fed. Reg. 29,459 (1989), but which no longer were being manufactured, imported, or processed, as a result of the phase 1 ban, on the date of our opinion, which is October 18, 1991.

The motion for clarification is GRANTED. The holding in part V.D of our opinion applies only to products that were not being manufactured, imported, or processed on July 12, 1989, the date of the rule's promulgation. To the extent, if any, that there is doubt as to whether particular products are in that category, the EPA may resolve the factual dispute on remand.

1. OSHA began to regulate asbestos in the workplace in 1971. At that time, the permissible exposure limit was 12 fibers per cubic centimeter (f/cc), which OSHA lowered several times until today it stands at 0.2 f/cc. OSHA currently is considering lowering the limit to 0.1 f/cc, following a challenge to the regulation in *Building & Constr. Trades Dep't v. Brock*, 838 F.2d 1258, 1267–69 (D.C. Cir. 1988). The Mine Safety and Health Administration (MSHA) since 1976 has limited mine worker asbestos exposure to 2 f/cc. *See* 30 C.F.R. §71.702 (1990).

The Consumer Product Safety Commission (CPSC) has banned consumer patching compounds containing respirable asbestos, *see* 16 C.F.R. §§1304–05 (1990), and also requires labeling for other products containing respirable asbestos. Similarly, the Food and Drug Administration has banned general-use garments containing asbestos unless used for protection against fire. *See* 16 C.F.R. §1500.17 (1990).

2. The main products covered by each ban stage are as follows:

(1) Stage 1: August 27, 1990: ban on asbestos-containing floor materials, clothing, roofing felt, corrugated and flat sheet materials, pipeline wrap, and new asbestos uses;

(2) Stage 2: August 25, 1993: ban on asbestos-containing "friction products" and certain automotive products or uses;

(3) Stage 3: August 26, 1996: ban on other asbestos-containing automotive products or uses, asbestos-containing building materials including non-roof and roof coatings, and asbestos cement shingles.

See 54 Fed. Reg. at 29,461–62.

3. *See Bell v. Wolfish*, 441 U.S. 520, 531 n. 13, 99 S.Ct. 1861, 1870 n. 13, 60 L.Ed.2d 447 (1979). While it is true that the joint brief of petitioners Centrale des Syndicats Democratiques, Confederation des Syndicats Nationaux, and United Steel Workers of America (Canada) (collectively along with petitioner Cassiar Mining Corp. (Cassiar), the "Canadian petitioners") also deal with some of the same issues raised by amici, we hold in part II.B, *infra*, that these petitioners lack standing. The arguments of amici cannot be bootstrapped into this case based upon the arguments of petitioners who themselves lack standing.

4. The EPA also seeks to bar the brief of Grinnell College. That brief, however, presents arguments directly related to the arguments raised by the parties seeking to prevent the ban of asbestos shingles.

5. *Association of Data Processing Serv. Orgs. v. Camp*, 397 U.S. 150, 153, 90 S.Ct. 827, 829, 25 L.Ed.2d 184 (1970); *accord Panhandle Producers & Royalty Owners Ass'n v. Economic Regulatory Admin., 847 F.2d 1168, 1173–74 (5th Cir. 1988); Hazardous Waste Treatment Council v. EPA*, 861 F.2d 277, 282 (D.C.Cir. 1988) (per curiam), *cert. denied*, 490 U.S. 1106, 109 S.Ct. 3157, 104 L.Ed.2d 1020 (1989). We note that the zone of interest test is not one universally applied outside the context of the Administrative Procedure Act (APA), *see Clark v. Securities Indus. Ass'n.* 479 U.S. 388, 400, n. 16, 107 S.Ct. 750, 757 n. 16, 93 L.Ed.2d 757 (1987), but because it is the most useful factor in considering Congressional intent on the question of standing, we invoke it as an aid to our decisionmaking today, as we sometimes have in the past. *Cf. Moses v. Banco Mortgage Co.*, 778 F.2d 267, 271 (5th Cir. 1985).

6. *See, e.g., Carey v. Population Serv. Int'l.* 431 U.S. 678, 683–84 & n. 4, 97 S.Ct. 2010, 2015 & n. 4, 52 L.Ed.2d 675 (1977); *National Cottonseed Prods. Ass'n v. Brock*, 825 F.2d 482, 489–92 (D.C.Cir. 1987), *cert. denied*, 485 U.S. 1020, 108 S.Ct. 1573, 99 L.Ed.2d 889 (1988); *FAIC Sec. v. United States*, 768 F.2d 352, 357–61 (D.C.Cir. 1985). *Carey*, however, gives *jus tertii* standing to a party only if the party directly affected is incapable of asserting its own interests, which is not true in the instant case. *See Carey*, 431 U.S. at 683–84, 97 S.Ct. at 2015; *accord Craig v. Boren*, 429 U.S. 190, 195–96, 97 S.Ct. 451, 456, 50 L.Ed.2d 397 (1976). The cases from the District of Columbia Circuit, represented by *National Cottonseed* and *FAIC Securities*, appear to go too far in expanding the exception in the vendor-vendee relationship, at least when evaluating a statute so purely national in scope.

7. *See Warth*, 422 U.S. at 501, 95 S.Ct. at 2206 (noting that courts generally are relucant "to extend judicial power when the plaintiff's claim to relief rests on the legal rights of third parties"). Cassiar mentions only one case, *Construction Civiles de Centroamerica, S.A. v. Hannah*, 459 F.2d 1183, 1190–91 (D.C.Cir. 1972), in which a foreign vendor was able to borrow its domestic vendee's standing rights to pursue its own claim. That case, however, involved the APA, which, unlike TSCA, does not confine itself to matters concerning national economic interests.

8. The Canadian petitioners also allege that United States treaty obligations, such as the provisions of the General Agreement on Tariffs and Trade (GATT), award them the right to protest the EPA's actions. GATT requires nations to indicate that their environmental decisions meet international standards, thus preventing countries from using arbitrary environmental rulings as *de facto* trade barriers. GATT, however, establishes trade dispute procedures of its own. These Canadian parties therefore have no standing here to challenge the EPA's decision.

9. These complaints include the failure of the EPA to cross-examine petitioners' witnesses, which it was not required to do, and the EPA's decision not to designate an AIJ, which also was within its discretion under 40 C.F.R. §§750.7 and 750.8 (1990). Similarly, the EPA's failure to issue subpoenas was of little moment, as the petitioners in fact suffered no injury from the lack of subpoenas. *See id.* §750.5.

We also note that while an independent panel of experts often might be needed, in this case the EPA was not required to assemble such a panel on asbestos disease risks, as it already possessed an abundance of information on the subject, including a report by the members of the Ontario Royal Commission, a study often cited by the petitioners themselves. Considering the number of studies available, the EPA was not required to assemble its own panel to duplicate them, except to fill in any gaps.

10. According to the EPA, if the analogous exposure estimates were not included, the benefits of the rule would decrease from 168 to 120 deaths avoided, discounted at 3%. 54 Fed. Reg. at 29,469, 29,485. The analogous exposure estimates, adopted after hearings were concluded, thus increase the purported benefits of the rule by more than one-third.

11. For some of the products, such as the beater-add and sheet gaskets, the analogous exposure analysis completely altered the EPA's calculus and multiplied four- or fivefold the anticipated benefits of the proposed regulation. This was a change sufficient to make the proceedings unfair to the petitioners and was of sufficient importance that the EPA's failure to afford any cross-examination on this issue was an abuse of discretion.

12. The term "rulemaking record" means (A) the rule being reviewed; (B) all commentary received in response to the (EPA) Administrator's notice of proposed rulemaking, and the Administrator's own published statement of the effects of exposure of the substance on health and the environment, the benefits of the substance for various uses and the availability of substitutes for such uses, and "the reasonably ascertainable economic consequences of the rule" on the national economy, small business, technological innovation, the environment, and public health; (C) transcripts of hearings on promulgation of the rule; (D) written submissions of interested parties; and (E) any other information the Administrator deems relevant. *See* 15 U.S.C. §2618(a)(3) (referring to §§2604(f) and 2605(c)(1) in regard to component (B) above).

13. The EPA cites *Superior Oil Co.*, 563 F.2d at 199, an APA case, for the proposition that in informal rulemaking, the arbitrary and capricious standard and the substantial evidence standard "tend to converge." While it certainly is true that the requirement of substantial evidence within formal rulemaking is more strenuous, we acknowledged in *Superior Oil* that when comparing arbitrary and capricious to substantial evidence, "[i]t is generally accepted that the latter standard allows for 'a considerably more generous judicial review' than does the former." *Id.* (quoting *Abbott Laboratories*, 387 U.S. at 143, 87 S.Ct. at 1512). Considering that Congress specifically rejected the arbitrary and capricious standard in the TSCA context, we will not act now to read that same standard back in by holding that the two standards are in fact one and the same.

14. *Cf. Southland Mower Co. v. CPSC*, 619 F.2d 499, 510 (5th Cir. 1980) ("It must be remembered that '[t]he statutory term "unreasonable risk" presupposes that a real, and not a speculative, risk be found to exist and that the Commission bear the burden of demonstrating the existence of such a risk before proceeding to regulate.' " (Citation omitted.)).

15. The statute provides, in order, the possible regulatory schemes as follows:

(1) A requirement (A) prohibiting the manufacturing, processing, or distribution in commerce of such substance or mixture, or (B) limiting the amount of such substance or mixture which may be manufactured, processed, or distributed in commerce.

(2) A requirement—

(A) prohibiting the manufacture, processing, or distribution in commerce of such substance or mixture for (i) a particular use or (ii) a particular use in a concentration in excess of a level specified by the Administrator in the rule imposing the requirement, or

(B) limiting the amount of such substance or mixture which may be manufactured, processed, or distributed in commerce for (i) a particular use or (ii) a particular use in a concentration in excess of a level specified by the Administrator in the rule imposing the requirement.

(3) A requirement that such substance of mixture or any article containing such substance or mixture be marked with or accompanied by clear and adequate warnings and instructions with respect to its use, distribution in commerce, or disposal or with respect to any combination of such activities. The form and content of such warnings and instructions shall be prescribed by the Administrator.

(4) A requirement that manufacturers and processors of such substance or mixture make and retain records of the processes used to manufacture or process such substance or mixture and monitor or conduct tests which are reasonable and necessary to assure compliance with the requirements of any rule applicable under this subsection.

(5) A requirement prohibiting or otherwise regulating any manner or method of commercial use of such substance or mixture.

(6) (A) A requirement prohibiting or otherwise regulating any manner or method of disposal of such substance or mixture, or of any article containing such substance or mixture, by its manufacturer or processor or by any other person who uses, or disposes of, it for commercial purposes.

(B) A requirement under subparagraph (A) may not require any person to take any action which would be in violation of any law or requirement of, or in effect for, a State or political subdivision, and shall require each person subject to it to notify each State and political subdivision in which a required disposal may occur of such disposal.

(7) A requirement directing manufacturers or processors of such substance or mixture (A) to give notice of such unreasonable risk of injury to distributors in commerce of such substance or mixture and, to the extent reasonably ascertainable, to other persons in

possession of such substance or mixture or exposed to such substance or mixture, (B) to give public notice of such risk of injury, and (C) to replace or repurchase such substance or mixture as elected by the person to which the requirement is directed. 15 U.S.C. §2605(a). As is plain from the order in which they are listed, options at the top of the list are the most burdensome regulatory options, progressively declining to the least burdensome option.

16. EPA argues that OSHA can only deal with workplace exposures to asbestos and that the CPSC and MSHA cannot take up the slack, as the CPSC can impose safety standards for asbestos products based only upon the risk to consumers, and MSHA can protect against exposure only in the mining and milling process. These agencies leave unaddressed dangers posed by asbestos exposure through product repair, installation, wear and tear, and the like.

17. Although we, as always, rely mainly upon the language of the statute to determine Congress's intent, we also note that the legislative history of TSCA supports the notion of TSCA's least-to-most-burdensome hierarchy. As the Senate sponsor of the "least burdensome" requirement stated, Congress did "not want to give the Administrator unlimited authority and let him say, 'I will impose this control, if there are other controls that are effective and are less burdensome on the industry.'" 122 Cong. Rec. 8295 (1976) (statement of Sen. Cannon).

In addition, the EPA itself acknowledges this hierarchy when it states in its brief that "TSCA authorizes and directs [the] EPA to impose that burden [of a total ban] *if the risks of a substance cannot be adequately addressed in another way*." (Emphasis added.) The EPA does not explain how it can determine that the risks of a substance cannot be addressed in another way if it refuses to make a finding that the alternatives will not discharge the EPA's TSCA burden. It cannot simply state that there is no level of zero risk asbestos use and then impose the most burdensome alternative on that sole basis.

We do not today determine what an appropriate period for the EPA's calculations would be, as this is a matter better left for agency discretion. *See Motor Vehicle Mfrs. Ass'n*, 463 U.S. at 53, 103 S.Ct. at 2872. We do note, however, that the choice of a thirteen-year period is so short as to make the unquantified period so unreasonably large that any EPA reliance upon it must be displaced.

Under the EPA's calculations, a twenty-year-old worker entering employment today still would be at risk from workplace dangers for more than thirty years after the EPA's analysis period had ended. The true benefits of regulating asbestos under such calculations remain unknown. The EPA cannot choose to leave these benefits high and then use the high unknown benefits as a major factor justifying EPA action.

We also note that the EPA appears to place too great a reliance upon the concept of population exposure. While a high population exposure certainly is a factor that the EPA must consider in making its calculations, the agency cannot count such problems more than once. For example, in the case of asbestos brake products, the EPA used factors such as risk and exposure to calculate the probable harm of the brakes, and then used, as an *additional* reason to ban the products, the fact that the exposure levels were high. Considering that calculations of the probable harm level, when reduced to basics, simply are a calculation of population risk multiplied by population exposure, the EPA's redundant use of population exposure to justify its actions cannot stand.

3. Reasonable Basis.

In addition to showing that its regulation is the least burdensome one necessary to protect the environment adequately, the EPA also must show that it has a reasonable basis for the regulation. 15 U.S.C. §2605(a). To some extent, our inquiry in this area mirrors that used above, for many of the methodological problems we have noted also indicate that the EPA did not have a reasonable basis. We here take the opportunity to highlight some areas of additional concern.

18. Recently, in a different context, we observed the important distinction between present and future injury. *See Willett v. Baxter Int'l, Inc.*, 929 F.2d 1094, 1099–1100 & n. 20 (5th Cir.1991).

19. We also note that the EPA chose to use a real discount rate of 3%. Because historically the real rate of interest has tended to vary between 2% and 4%, this figure was not inaccurate.

The EPA also did not err by calculating that the price of substitute goods is likely to decline at a rate of 1% per year, resulting from economies of scale and increasing manufacturing prowess. Because the EPA properly limited the scope of these declines in its models so that the cost of substitutes would not decline so far as to make the price of the substitutes less than the cost of the asbestos they were forced to replace, this was not an unreasonable real rate of price decline to adopt.

20. We thus reject the arguments made by the Natural Resources Defense Council, Inc., and the Environmental Defense Fund, Inc., that the EPA's decision can be justified because the EPA "relied on many serious risks that were understated or not quantified in the final rule," presented figures in which the "benefits are calculated only for a limited time period," and undercounted the risks to the general population from low-level asbestos exposure. In addition, the intervenors argue that the EPA rejected using upper estimates, *see* 54 Fed.Reg. at 29,473, and that this court now should use the rejected limits as evidence to support the EPA. They thus would have us reject the upper limit concerns when they are not needed, but use them if necessary.

We agree that these all are valid concerns that the EPA legitimately should take into account when considering regulatory action. What we disagree with, however, is the manner in which the EPA incorporated these concerns. By not using such concerns in its quantitive analysis, even where doing so was not difficult, and reserving them as additional factors to buttress the ban, the EPA improperly transformed permissible considerations into determinative factors.

21. This is not to say that an interested party can introduce just any evidence of a suspected carcinogen or other toxin in its efforts to slow down a valid EPA regulation. The agency may, within its discretion, consider the probable merits of such dilatory tactics and act appropriately. *Cf. National Grain & Feed Ass'n*, 866 F.2d at 734 ("[W]e do not require the agency to respond in detail to every imaginable proposal for tighter standards."). Where, however, the health risks of substitutes, such as non-asbestos brakes and polyvinyl chloride (PVC) pipe, are both plausible and known, the EPA must consider not only the probable costs of continued use of the product it is considering, but also the harm that would follow from its regulation and increased use of an alternate, harmful product.

22. We note that at least part of the EPA's arguments rest on the assumption that regulation will not work because the federal government will not adequately enforce any workplace standards that the EPA might promulgate. This is an improper assumption. The EPA should assume reasonable efforts by the government to implement its own regulations. A governmental agency cannot point to how poorly the government will implement regulations as a reason to reject regulation. Rather, the solution to poor enforcement of regulations is better enforcement, not more burdensome alternative solutions under TSCA.

23. *See Environmental Defense Fund*, 636 F.2d at 1275 n. 17 ("[W]e must construe the statute 'so that no provision will be inoperative or superfluous'" (quoting *Motor & Equip. M[rs. Ass'n v. EPA*, 627 F.2d 1095, 1108 (D.C.Cir. 1979), *cert. denied*, 446 U.S. 952, 100 S.Ct. 2917, 64 L.Ed.2d 808 (1980))); *see also Old Colony R.R. v. Commissioner*, 284 U.S. 552, 560, 52 S.Ct. 211, 213, 76 L.Ed. 484 (1932) (in interpreting statutory language, "the plain, obvious and rational meaning of a statute is to be preferred to any curious, narrow, hidden sense").

As the petitioners point out, the EPA regularly rejects, as unjustified, regulations that would save more lives at less cost. For example, over the next 13 years, we can expect more than a dozen deaths from ingested *toothpicks*—a death toll more than twice what the EPA predicts will flow from the quarter-billion-dollar bans of asbestos pipe, shingles, and roof coatings. *See* L. Budnick, *Toothpick-Related Injuries in the United States, 1979 Through 1982*, 252 J. Am. Med. Ass'n, Aug. 10, 1984, at 796 (study showing that toothpick-related deaths average approximately one per year).

24. In large part, our analysis draws upon our general discussion already concluded. Where necessary, however, we develop specific themes more appropriately addressed in the context of a specific product. The EPA on subsequent review should consider these specific comments as applicable to its procedures dealing with other products, where necessary. In other words, by presenting a concern in the context of one product, we do not mean to imply that it arises only in that area.

25. One of the study's authors, Mr. Anderson, submitted written testimony that the "replacement/substitution of asbestos-based with nonasbestos brake linings will produce grave risks" and that "the expected increase of skid-related highway accidents and resultant traffic deaths would certainly be expected to overshadow any potential health-related benefits of fiber substitution." The ASME report itself concludes only that "[i]f the eventual elimination of all asbestos in friction products is to be accomplished, additional future studies are required." This is an insufficient basis upon which to support the EPA's judgment that non-asbestos brakes are just as safe as asbestos brakes.

26. In this case, the EPA extrapolated data regarding asbestos exposure during installation of asbestos pipe products and estimated, by formula, how often workers would be exposed to asbestos during repair and disposal.

27. The EPA estimates drop from 32.24 discounted lives to 6.68 discounted lives without the analogous exposure data.

28. Pursuant to the Internal Operating Procedures accompanying Fifth Cir.Loc.R. 47, Judge Brown reserves the right to file a separate opinion.

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, we will be having the vote on the Glenn-Chafee substitute after our respective conferences today at noon. I have several wrap-up remarks I want to make before we do break at 12:30.

The first thing I want to address is each day now we heard examples from proponents of Dole-Johnston about how silly some of these regulations are, and I agree with that. We have a lot that are very, very silly. I believe we have bureaucratic excess. We need regulatory reform, and there are plenty of anecdotal stories to go around about what the problems are.

But I do not think we need to make our Government look any more stupid than it actually is, in some instances, and some of the things that have been stated as silly regulations have proven, upon investigation, to be not true. We do not need reform based on half truths and inaccuracies. Many of these stories have been shown to be not true or are, at least, serious exaggerations.

Let me give an example. The other day I believe the Senator from Utah said that if a company spills 1 pint of antifreeze, the Federal Government requires it to notify the Coast Guard in Washington. That is simply not true.

The main ingredient of antifreeze is ethylene glycol. It is covered by the Clean Air Act because of its high evaporation rate. According to EPA, you have to spill over 1,000 pounds of antifreeze to have to report an ethylene glycol spill; 1,000 pounds comes out to about 140-some gallons, 143 or 144 gallons, I believe. That would be almost three barrels of ethylene glycol that would have to be spilled.

If you did spill that much, you are supposed to report it to the National Response Center, which is staffed by Coast Guard personnel as part of a multiagency support for that Center. It is not just reporting to the Coast Guard. But the facts of the case are, it is 1,000 pounds and you report it to this Center, which is staffed by Coast Guard personnel as part of a multiagency support force.

There was also a claim made the other day that Federal rules prevent a farmer from diverting water from a river, even when the farm drains back into the same river, and this happened despite the involvement, I guess the story goes, even with the approval of the BLM, the Forest Service, and the State government.

I never saw any substantiation for this story, but I do believe that while the water diversion problem may have existed during past administrations when they allowed wetlands regulations to be divided among agencies with no coordination, that is not the case now. The Clinton administration uses an interagency memorandum of understanding that provides for coordination among agencies, that provides for farmers and ranchers to interact with only one agency, and provides a single set of guidelines coming out from the Government. Once again, there is a new approach to this being taken by this administration that makes the anecdotal information at, very best, an exaggeration.

Another example of distortion was the claim that EPA insists on regulating asbestos even when it says that the number of annual deaths from toothpick ingestion exceeds the number of deaths from asbestos exposure. This proves to be just flat wrong.

According to EPA, a 1984 American Medical Association study showed that toothpick-related deaths average about 1 per year for the whole Nation out of our 260 million people, or close to that many. In 1988, EPA released a report that estimated that 4,280 people have died over the past 130 years due to asbestos in the buildings in which they live. That averages out to more than 30 deaths a year.

According to EPA, this is actually a low estimate because many more asbestos-related deaths can be expected for building workers, such as custodians who are exposed at much higher levels. So here, again, we have the facts that show that the proponents are distorting the truth and relying on inaccurate anecdotal stories to create a false image of our Government.

Sure, we want reform. Yes, Government needs to work better, but let us be reasonable. Let us use common sense. We do not need to make up stories about the Government working against the public interest and then end up throwing out the baby with the bath water, as my colleague from California, Senator FEINSTEIN, put it yesterday. Let us not jeopardize public health and safety with scare stories of bureaucratic excess. Too much is at stake to justify such callous disregard for the public interest or the truth.

Mr. President, regulatory reform is one of the most important issues we are going to take up this whole Congress. There is clearly a need to reform the regulatory process. We can all tell the horror stories of regulations gone awry, but before we rush to fix a problem with even worse medicine, let us take a hard look at what balanced, fair, and effective regulatory reform is all about.

I believe that regulatory reform must not only alleviate unnecessary burdens on businesses and on States and on local governments and on individuals, but at the same time it must also ensure the Government's ability to protect the health, safety, and environment of the American people. That is my twofold test. That is a test of balance that is in the best interest of all the people of this country.

Today, we have an opportunity to vote for true regulatory reform, reform that focuses on the biggest regulations, that makes agencies weigh the costs and benefits of their actions, that makes agencies take a hard look at the regulations on the books. At the same time, we have the opportunity to vote for reform that maintains the ability of agencies to do their jobs. That is commonsense reform, and the Glenn-Chafee substitute to S. 343 is pure common sense.

Let me outline six major differences between the Glenn-Chafee substitute and the Dole-Johnston substitute. I hope those listening in their offices, those who may not have decided how they are going to vote yet after our noon break, will listen to these things and consider them very, very carefully, because these are major reasons why I feel you should support the Glenn-Chafee substitute.

First, the Glenn-Chafee substitute focuses on truly major rules. We require truly significant rules—it will be between 100 and 200 rules per year—to go through rigorous cost-benefit analyses and risk assessment requirements. Even though we voted to amend the threshold of a major rule to $100 million in the Dole-Johnston substitute, we also voted to require any rule that has a significant impact on small businesses to go through the rigorous cost-benefit analyses and risk assessment requirements.

Therefore, the Dole-Johnston substitute bill will still cover several hundred more rules than the Glenn-Chafee substitute and will tie up scarce agency resources with little added benefit. In fact, the estimate is this will run it up to somewhere between 500 and 800 regulations that would have to be reviewed per year. These are not cheap to do.

Alice Rivlin estimated that when it was at a $50 million estimate, that we would require an additional $1.3 billion and 4,500 additional full-time employees. Now this is run up several times over that, and I would presume that $1.3 billion per year is going to be exceeded by the requirements that we find in the Dole-Johnston substitute now.

That was not in the original bill, I realize, but it was voted on the floor, and as of now the small businesses going through the rigorous cost-benefit analyses and risk assessment requirements will run the cost and complexity of this way up.

Our goal should not be to swamp the agencies so they are unable to carry out their missions. Whether that mission be to protect the health, safety, or environment or another important public function, our goals should be to help them do their jobs more effectively. We should require these rigorous cost-benefit analyses and risk assessments for the rules that have a significant impact on the economy, not for all the rules now covered by S. 343. That is why a vote for the Glenn-

Chafee substitute is a vote for commonsense reform.

Second, the Glenn-Chafee substitute requires cost-benefit analysis for all major rules, but does not make the agencies pass a least-cost, cost-benefit test. That is its decisional criteria, before issuing rules. Costs and benefits are often hard to quantify and cost-benefit analysis, while useful, is less than perfect. It is a developing science.

The Dole-Johnston substitute requires agencies to pass a set of four rigid tests before they can issue a major rule. Most troubling of these criteria is the least-cost test. The agency must pick the cheapest alternative, even if for a few more dollars it could save hundreds of more lives or reduce pollution by a much greater amount. In other words, common sense goes out the door on this approach. It has to be least cost. Examples on the floor were given. If you had an additional cost of $2, and it would save an additional 200 lives, you could not put that into effect because you have to use least cost in the Dole-Johnston substitute as it is now constituted.

Dole-Johnston does allow agencies to use other more costly alternatives, but only in the case of "scientific uncertainties," or "nonquantifiable benefits." So if the agency is certain about a benefit or can quantify how much extra benefit they gain by using something other than the least-cost alternative, they are prohibited from doing it. That just does not make any sense at all.

Because these decisional criteria are tests that the agency must pass before promulgating a rule, the issue of whether the benefits really do justify the costs and whether the agency picked the least-cost alternative will certainly become matters for the lawyers to settle in court.

Agencies should absolutely be required to use cost-benefit analysis. I think we all agree on that. But they should not be forced to pass a rigid least-cost, cost-benefit test to issue every major rule. If an agency does not think a rule's benefits justify its costs, but still is required by law to issue that rule, the rule should come back to us in Congress. That is where the responsibility lies, and that is what we provide in this legislation. It can come back to Congress, and that is where it should be, because after all, as much as 80 percent of agency rules are strictly required by laws we have passed in the Congress. I keep coming back to this point, but the plain truth is that if we really want regulatory reform, we should start fixing the laws we have passed, not load up the agencies and the American people with more bureaucratic procedures and more litigation. That is what Dole-Johnston does.

Third, the Glenn-Chafee substitute provides for a review of current rules—in other words, laws, rules, regs, that are in effect now, maybe some have been in effect for many years—but with no automatic arbitrary sunset if agencies fail to review a rule.

We provide for review of existing rules, much like the Dole-Johnston bill, but we do not have an automatic immediate sunset of rules if an agency fails to review those rules according to schedule.

As the Senator from Louisiana points out, the agency may get up to a 2-year extension. True. However, it is still true that if the agency still does not complete its review by then, then at that point, the rule becomes immediately unenforceable; in other words, it is canceled. So it does still sunset after the extension. The Glenn-Chafee substitute, on the other hand, requires an agency that fails to review a rule according to schedule to issue a notice of proposed rulemaking to repeal the rule. And this process allows public comment on the rule and ensures that a rule does not sunset arbitrarily. The agency must then complete this rulemaking action within 2 years, and such action is judicially reviewable.

Also, an annual process is established for Congress to amend agency review schedules in cases where an agency does not schedule review of rules people think are in need of review. This process will lead to the review and elimination of outmoded rules. Dole-Johnston, with its review petition process, will lead to delay, waste of money, and lawsuits. Let me reemphasize these points and set the record straight from yesterday. All the charges that our agency review of existing rules has no teeth are just not true. Under Glenn-Chafee, agencies must review existing rules and solicit public comment on the review and on the schedule. Agencies just cannot sit back and do nothing about reviewing existing rules under the Glenn-Chafee substitute, as some of my colleagues said yesterday. Glenn-Chafee requires agencies to review existing rules, to set a schedule for that review, to solicit input from the public, and to complete that review within a time certain.

The Dole-Johnston substitute creates a petition process for interested parties to get a rule on the schedule for review. These petitions are all judicially reviewable and there is no limit on the number of petitions; there can be hundreds, there can be thousands. The agency has two options. If the agency grants the petition, it has to complete the review of that rule within 3 years, or the rule sunsets. If they deny the petition, they can get dragged to court. It seems to me that puts the agency between a rock and a hard place—3 years or the courthouse. It also seems to me that these petitions put interested parties, like the regulated businesses, not the agencies, in the driver's seat.

The Glenn-Chafee substitute has an enforcement mechanism to make sure agencies review rules, contrary to what we heard yesterday. Under Glenn-Chafee, agencies must publish a schedule to review rules. That is a requirement that is judicially reviewable. Agencies cannot just sit on their hands and not review rules. If an agency, upon review, decides to amend or repeal a rule, it must do so within 2 years, and that is judicially reviewable. If an agency does not complete its review of a rule within the allotted time, it must publish a notice of proposed rulemaking to repeal the rule. And it must complete that agency action within 2 years. And that is judicially reviewable. That is a real hammer.

We do not allow judicial review of what rules the agency decides to put on the list or of the deadlines for the review of those rules. But agencies must solicit and consider public input into this process. We just want to make sure the agencies spend their time and resources doing a review of rules, not defending their every action in court. We think, once again, that just makes common sense.

The Senator from Louisiana stated that the schedule for review of rules is in the sole discretion of the agency. This is misleading. We use the phrase "sole discretion" to stop industries and others from litigating what and when rules should be reviewed. If interested parties have complaints about rules not getting on the schedule, there is a specific process allowing annual amendments and additions to any schedule through Congress. If any groups of constituents feel that an important rule is being ignored by agencies, this is the politically accountable way to handle that problem. We should not add to the litigation explosion, the litigation burden that would otherwise be created through Dole-Johnston.

Fourth, the Glenn-Chafee substitute is not a lawyer's dream. We allow for judicial review of, one, the determination of a major rule and, two, whether a final rule is arbitrary and capricious in light of the whole rulemaking file. We do not allow separate challenges of the procedures of cost-benefit analysis or risk assessment.

The Dole-Johnston bill has much more judicial review which can be interpreted to allow a review of procedural compliance with analyses and assessments.

Senator JOHN KERRY of Massachusetts, yesterday, had a list of 88 different points of judicial review. That was taken from a longer list, as I understand it, of 144 that one of the agencies said, as they interpret the bill as now proposed under Dole-Johnston—they could find 144 separate areas where there could be judicial review. We have it here, and if I have time, I will read it. But under S. 343, this is one where OSHA has about 15 different places that they—more than that; it is about 30 different places where OSHA says they can see there would be judicial review, as they view it, unnecessarily, where things could just be tied up in court. I will get to that if I have time for it a little bit later.

I think it is important to remember that S. 343 has many more provisions for judicial review than what is found in section 625, the section the Senator from Louisiana kept coming back to yesterday. The Dole-Johnston substitute creates numerous new positions that are judicially reviewable. It changes the standards for review for the Administrative Procedure Act, and it makes fundamental changes in the use of consent decrees and burden of proof for industry compliance. All of these changes in Dole-Johnston, coupled with the judicial review language in section 625, mean one thing: more lawsuits, more money spent on lawyers, less money spent on the public's business of protecting the health, safety, and environment.

Fifth, the Glenn-Chafee substitute does not create brand new petitions by private persons that will eat up agency resources and will let special interests, not the agency or Congress, guide priorities. The Dole-Johnston bill creates several new avenues for interested persons to petition agencies, including, one, issuance of amendment or repeal of a rule; two, amendment or repeal of an interpretive rule or general statement of policy or guidance; three, interpretation regarding meaning of a rule, interpretive rule, general statement of policy, or guidance; four, placing a rule on schedule for review; five, alternative methods of compliance; six, review of freestanding risk assessment. All petitions must be decided at a time certain, which ranges from 18 months to 180 days. Except for the petition for alternative method of compliance, all these petition decisions are judicially reviewable. That is a massive number of points of judicial reviewability.

Again, we see that the real effect of Dole-Johnston will be to create special avenues for special interests and more ways for lawyers to tie up agencies in court.

The Glenn-Chafee substitute has no special interest provisions. The Dole-Johnston bill, on the other hand, has very specific fixes for special interests. For example, it changes the Delaney clause and EPA's toxic release inventory. These provisions have no place in a Government-wide regulatory reform bill. Changes to these important laws—and I think some changes should be made—should be handled by the committees of jurisdiction in the context of full debate about the underlying laws. They should not be piggybacked on the larger process bill.

This way of lacing the process reform legislation with special interest fixes is not reform. It involves special pleadings for the special money few. The American people will pay a heavy price in the end if we go that route.

These are six important reasons why we should support the Glenn-Chafee substitute over the Dole-Johnston substitute. My colleague from Louisiana has tried to improve the underlying bill, S. 343. He has been out here on the floor every day, almost by himself, trying to make the case for his improvements. But I do not believe the improvements are enough. The bill is still too flawed to be supported. It endangered the public health and safety and the environment. It wastes Government resources. It enriches lawyers and bogs down the courts for the interests of a few. So I think we should enact the Glenn-Chafee substitute, which I feel is a commonsense reform.

I want to also set the record straight about two additional issues in Glenn-Chafee that the proponents of Dole-Johnston misrepresented yesterday. First is the issue of exemptions. Glenn-Chafee has been criticized for not having enough exemptions. There are several issues involved here. There is one question about general exemptions. Both Dole-Johnston and Glenn-Chafee exempt several categories of rules from the regulatory reform legislation by exempting them from the definitions of rule and/or major rule. The question is, how do the two bills differ?

Now, in total, I believe Dole-Johnston has more exemptions than Glenn-Chafee. I think some of these should actually be added to Glenn-Chafee. But Dole-Johnston is also missing some exemptions that Glenn-Chafee has. We need to get together on this. Dole-Johnston does not exempt actions relating to the removal of a product from commerce, for instance. It only exempts actions authorizing sales of a product. Now, this is wrong. If we allow expedited introduction of some product into the stores—that is, with no lengthy cost-benefit analysis and risk assessment—we should provide for expedited removal of dangerous products. That is only fair. Public health and safety demands no less.

If we just think about the lignite situation of a few years ago, we can see why it is important that we be able to expeditiously remove dangerous products from the marketplace.

Dole-Johnston also does not exempt Federal Election Commission rules and certain Federal Communication Commission rules relating to political campaigns. We believe the political nature of both these FEC and FCC rules recommend that they should not be treated like other rules. They may need review, but not under this legislation with review in the political environment of the White House and OMB.

Dole-Johnston does have exemptions not in the Glenn-Chafee bill. These are exemptions that also were not in S. 291, our bipartisan Governmental Affairs Committee bill. They have been added since then. No. 1, Dole-Johnston exempts rules relating to customs, duties and revenue; No. 2, international trade law and agreements; No. 3 public debt; No. 4, relief from statutory prohibitions; No. 5, decisions of the Federal Energy Regulatory Commission; No. 6, matters involving financial responsibilities of securities brokers and dealers.

Now, some of these exemptions do make a lot of sense. Customs duties and Treasury fiscal policy rules relating to the public debt, for example, should be exempted. These exemptions should be added to Glenn-Chafee. There are some areas we can agree and should keep working to improve the legislation. I think that is what we should do—keep talking about these and work out the things we all agree on are best between these two approaches.

Now, the issue of exemptions also involves the question about special exemptions. The debate last week went beyond the general exemptions to focus on whether special exemptions are needed to protect public health and safety rules. As my colleagues know, last week exemptions were added to Dole-Johnston for mammography standards and rules to protect children from poisoning.

At the same time, amendments for exemptions for meat inspection and safe drinking water rules were rejected. Again, this debate raised the issue of whether each bill needs special exemptions to protect important pending health and safety rules. The simple answer is that Glenn-Chafee needs no special exemptions, Dole-Johnston does.

First, both bills allow agencies to use the current APA good-cause exemption. This allows an agency to exempt a rule from notice and comment rulemaking whenever necessary to protect the public interest. Once exempted from notice and comment procedures, the rule is exempt from the cost benefit and other requirements of the regulatory reform legislation. As far as Glenn-Chafee is concerned, no other special exemptions are needed.

Second, proponents of Dole-Johnston argued last week that their bill has an extra exemption for health and safety rules, and Glenn-Chafee does not have this exemption.

This is a smoke screen. Again, Glenn-Chafee does not need an extra special exemption. The APA good cause exemption is enough. Dole-Johnston needs an extra exemption because of its effective date and because of its onerous requirements.

Proponents of Dole-Johnston argue that their bill solved people's concerns about USDA's proposed meat inspection rule and other pending rules, because it provided a 180-day—later extended to 1-year—extension which is in now, and I emphasize the word "extension" for agencies to complete all required cost-benefit and related steps.

Dole-Johnston supporters characterized this section as an emergency exemption and criticized Glenn-Chafee for not having a comparable section. This is just wrong. The real issue is not about emergencies. Again, the APA gives Glenn-Chafee an emergency exemption.

The real issue involves pending rules. The USDA meat inspection rule, for example, is not an emergency rule. It has been under development for some time. It is, after all, a proposed revision of a set of inspection results that have been in effect, more or less, since 1906. It is not an emergency rule. Neither are EPA's cryptosporidium safe drinking water rules or FDA's mammography rules or the rules to protect children from poison.

These health and safety rules are vulnerable under Dole-Johnston not because of the inadequacy of emergency exemption provisions, but because Dole-Johnston, No. 1, covers pending rules; No. 2, subjects those rules to onerous cost-benefit analysis and decisional criteria requirements.

Dole-Johnston 1-year extension allows agencies to issue a rule, but then they still have to finish their cost before analysis in that year and then go back and revise the rule for the least cost test demands a different solution.

Moreover, regardless of the cost-benefit test, Dole-Johnston's other requirements, like its APA revisions I discussed yesterday, still open up the rule to immediate challenge. These include new APA rulemaking publication requirements, a new APA substantial support standard, the petition processes, and all the related avenues for judicial review. Even with the Johnston amendment, only to cover rules for which a notice of proposed rulemaking was published after April 1, 1995, pending rules already in the rulemaking pipeline will emerge and immediately be subject to all of the Dole-Johnston requirements.

This threat to rules in the pipeline will make agencies stop rulemaking, reassess the sufficiency of their rulemaking record, and even reanalyze their proposed rule then modify and republish their proposed rule in order to address issues that would be raised under the new standards of Dole-Johnston.

Let me make this very clear. The issue is not whether an agency has or could exempt a rule from notice and comment rulemaking. The issue is whether a new rule coming out of the pipeline will satisfy the new requirements of the new law. The answer is that Dole-Johnston's extension does not solve this problem.

Unlike Dole-Johnston, Glenn-Chafee will jeopardize pending rule makings. First, the Glenn-Chafee effective date is 10 days after an enactment for proposed rules. Glenn-Chafee will only cover new rules proposed at least 6 months after enactment of the legislation. This 6-month delay will allow agencies a reasonable amount of time to put into place the new tough procedures required by the law.

Second, Glenn-Chafee requires an evaluation of costs and benefits. We also require a certification, whether the benefits justify the costs, and whether the rule will achieve its objectives in a more cost-effective manner than the alternatives.

While this necessitates a cost-benefit analysis, it is in no way as prescriptive as Dole-Johnston's least cost decisional criteria, let alone Dole-Johnston's minimal impact Regulatory Flexibility Act requirements.

The bottom line is the proponents of Glenn-Chafee are not afraid of having agencies comply with our cost-benefit requirements. They are tough, but they are also fair and they are workable. The Dole-Johnston 1-year extension, on the other hand, is no solution. It is an extension, not an exemption. In fact, it simply introduced uncertainty.

All interested parties will have to wait until the completion of the required cost before analysis and satisfaction of the least cost test to learn whether the rule will continue in effect or whether the agency will reenter rulemaking to revise the rule.

This uncertainty and waste of resources serves no interest other than Government inefficiency and ineffectiveness. To summarize these exemption questions, No. 1, we may be able to agree on more general exemption to the definition of rule and major rule; No. 2, Glenn-Chafee does not need any special exemptions because of the APA's current good cause exemption. This protects emergency rules. Our future effective date also protects rules now in the pipeline. No. 3, the only bill that needs extra special exemptions is Dole-Johnston. Its immediate effective date will capture pending rules. Its onerous requirements will force many important rules back to the drawing board, wasting resources, causing delays and literally inviting litigation.

Another matter that must be set straight involves some statements made yesterday regarding the risk assessment provisions in Glenn-Chafee. Some have stated that the Glenn-Chafee substitute is weak because it requires risk assessments for only particular agencies and programs rather than requiring them for all agencies. This is not weak. It is common sense. It makes sense to make agencies that issue rules relating to health, safety, and the environment comply with these requirements. It does not make sense to cover every agency.

For example, what if the health care financing administration wants to change Medicare eligibility requirements. That is a rule related to health. Under Dole-Johnston they may have to do a risk assessment. That does not make sense. I do not think so.

All we are trying to do in the Glenn-Chafee substitute is to use some common sense. It does not make sense to cover all agencies, because not all agencies should do risk assessments.

Glenn-Chafee risk assessment requirements are less prescriptive and better science than the Dole-Johnston substitute. We need to be careful when legislating science. I do not classify myself as a scientist. Many scientists have warned against writing language that is too prescriptive.

For example, the Dole-Johnston substitute states that agencies must base each risk assessment only on the "best reasonably available scientific data in scientific understanding." I ask, who determines what data are best in that requirement? What is best? Scientists say there is often wide dispute within the scientific community about what data are best, and it is common practice for agencies to use several different data sets.

This language will not allow that to happen anymore. They use several different data sets, and then they use their best judgment. In other words, they come back to something that may be startling, they use common sense—and that is what we would require.

The Dole-Johnston substitute also says that when conflicts among data occur, agencies must discuss, "all relevant information including the likelihood of alternative interpretations of the data and emphasizing postulates that represent the most reasonable inferences * * *" Again, who makes this determination of most reasonable? Proponents of S. 343 are assuming there is only one right answer. But scientists tell us that risk assessment is a growing science with lots of uncertainty, and rarely, if ever, is there just one right answer.

Let me also respond to what the Senator from Delaware said yesterday, that the Glenn-Chafee substitute goes against the National Academy of Sciences by preferring default assumptions to relevant data. That is just not right. It is wrong. I will read that again: It goes against the National Academy of Sciences by preferring the default assumption to relevant data.

Default assumption means, basically, that we do not know, so we make a decision not knowing, not having as much data as we would like to have. That is a shorthand of what default assumptions means. But that is just not right. On the contrary, we explicitly state in the Glenn-Chafee bill that, "each agency shall use default assumptions when relevant and adequate scientific data and understanding are lacking." That does not say we prefer such assumptions to relevant data. We say use them when relevant data are not available.

Moreover, unlike the Dole-Johnston bill, we require agencies to issue guidance to "provide procedures for the refinement and replacement of policy-based default assumptions." In other words, we even provide in there for going out and doing our level best to get some relevant information, not just to go along with default assumptions, as was stated yesterday.

So, I disagree with the Senator on that point. But I also want to add that we should not be in the business of telling the agencies to throw out all their assumptions, no matter what. That also would not be good science. What we try to do in the Glenn-Chafee bill is to make our risk language less prescriptive. We should not freeze the science, as many scientists fear would happen if we legislate risk assessment with no room for incorporating new understanding in how these assessments should be done.

That brings me to a more general point. The Senator from Louisiana brought up the issue several times yesterday regarding EPA's own reports about its ability to do good science. First, I do not think it is really fair to imply that EPA has not done a good job. That is not just my opinion. The National Academy of Sciences, in their 1994 report called Science and Judgment In Risk Assessment reaffirmed EPA's approach to risk assessment, stating—and this is from the National Academy of Sciences: "EPA's approach to assessing risks is fundamentally sound, despite often-heard criticism."

The report gave many recommendations for EPA to improve its policies and practices. As I understand it, EPA currently has programs underway to do just exactly that. In their March 1995 report, just a couple of months ago, called Setting Priorities, Getting Results: A New Direction For EPA, the National Academy of Public Administration, NAPA, concurred with the National Academy of Science findings. Second, I think it is important to point out what else the NAPA study found, the National Academy of Public Administration. They state:

> Congress should not attempt to define "best science" or "best estimate" in statutes. Congress should not attempt to legislate specific risk assessment techniques, or to adjust assumptions that underlie risk assessments. Such legislation would almost certainly inhibit innovation and improvement in risk assessments methods while constraining scientists from using their judgment in appropriate ways.

That is a very definitive statement from NAPA. And their report goes on to say, further:

> Congress should draft any risk legislation so as to constrain the grounds on which risk analyses might be challenged in court. Courts should ensure that regulators follow reasonable procedures, but should not be put in the position of resolving science policy questions such as the definition of "best science."

That is what we try to do in the Glenn-Chafee substitute. We get rid of words like "best data" or "the most reasonable inference." We limit judicial review, and that is a far better approach.

Another issue: What is and is not exempted from risk assessment requirements? The Dole-Johnston substitute exempts from the requirements actions to introduce a product into commerce. Should we not also exempt actions to remove a product from commerce? To put a product on the market, no risk assessment needs to be done. But to get a dangerous substance off the market, an agency has to do a full-blown risk assessment? That does not seem right.

I mentioned a few moments ago, what if we had the thalidomide scare going on today? That would be held up from being taken off the market, I guess. And that would not make any sense at all.

Finally, what about peer review? The Glenn-Chafee bill is actually tougher than the Dole-Johnston bill. We require peer review analysis of both cost-benefit analysis and risk assessment. We believe both should be reviewed. Both have lots of assumptions. Both should be scrubbed to make sure that agencies are making good decisions based on good information.

The Dole-Johnston bill also exempts peer review from the Federal Advisory Committee Act, FACA. Last year, during the health care debate, my colleagues who support the Dole-Johnston substitute made a very big thing about making sure that such panels were done in sunshine and complied with FACA.

Now they seem to have changed their minds, exempting all peer reviews from FACA. I do not think that is the way we should be conducting business. Glenn-Chafee does not exempt FACA, and that is the way we should do business.

Mr. President, some of the comments that were made last year about FACA, when we were considering health reform—my colleague, Senator MACK, for instance, said:

> Secrecy in Government is not the American way. Secrecy in Government has led to all sorts of abuses and denial of freedom in other lands. We must keep our system of government open and accountable to the citizens of our country for public inspection and scrutiny. FACA requires that these meetings should be meetings in public, published notice of meetings in the Federal Register. Let the public know of the agenda for those meetings. The act requires boards to permit persons to obtain transcripts, appear and testify or file statements, make a record, keep minutes, working papers, et cetera, available. Keep detailed minutes, permit citizens to purchase manuscripts and transcripts. Keep adequate financial records. And the act also requires there should be a 2-year time period for boards and commissions.

Senator CRAIG, Senator GRASSLEY, Senator LOTT, I believe my colleague Senator SPECTER, Senator MCCONNELL, and Senator DOLE all spoke on behalf of keeping FACA and supported FACA and the importance of FACA.

Senator DOLE in particular said:

> And, plain and simple, the American public did not trust the Clinton plan. They did not trust the secrecy in which it was written. They did not trust the principle that Government knows best. There is no reason why these boards should be granted the power to meet in secrecy. Indeed, there is every reason why they must meet in public.

On and on, we have several pages of those here. I will not read all of them into the RECORD.

But, Mr. President, I ask my colleagues to take a very hard look at the regulatory reform substitutes before them. I urge them to support the Glenn-Chafee bill. The Glenn-Chafee bill is a very tough reform bill. It also provides a balanced—repeat, a balanced—and a fair approach to reform. It will relieve regulatory burdens on businesses and individuals.

I repeat that. It will relieve regulatory burdens on businesses and individuals. At the same time, it will also protect the health and safety and the environment of the American people. This is responsible legislation. I urge your consideration and support.

Mr. President, in indicating the litigation that can occur with this legislation, OSHA has looked at this, and they asked a question, they postulated something here. The title of this is: "S. 343, Endless Rounds of Litigation While Workers Wait For Protection." They say:

> Imagine: You are a metal finisher who works with a toxin that causes acute pneumonitis, pulmonary edema, kidney disease, and lung cancer. You are not alone. 500,000 other men and women also work with this compound.
>
> Right now, OSHA can protect you from exposure to this dangerous hazard by proving that: workers are exposed to a significant risk, the proposed standard would substantially reduce that risk, and the standard would be technologically and economically feasible.
>
> Under S. 343, a protective rule to limit your exposure to this compound could be invalidated because of the endless opportunities for judicial review. For example, a petition could:
>
> Claim that OSHA failed to consider substitute risks. (See 631(8); Sec. 632(a); Sec. 633(f)(3))
>
> Claim that OSHA failed to distinguish between risk assessment and risk management. (Sec. 633(a)(2))
>
> Claim that OSHA failed to use only the best reasonably available scientific data and scientific understanding. (Sec. 633(c)(1))
>
> Claim that OSHA failed to select data based on reasoned analysis of the quality and relevance of the data. (Sec. 633(c)(2))
>
> Claim that OSHA failed to consider whether the data was published in peer reviewed literature. (Sec. 633(c)(3))
>
> Claim that OSHA failed to discuss alternative interpretations of that data that emphasize postulates that represent the most reasonable inferences from the supporting data. (Sec. 633(c)(5)(A))
>
> Claim that OSHA used a policy judgement when relevant scientific data was available. (Sec. 633(d)(1))
>
> Claim that OSHA failed to explain adequately the extent to which policy judgements were validated, or conflict with, empirical data. (Sec. 633(d)(2)(A))
>
> Claim that OSHA failed to describe adequately reasonable alternative policy judgements and the sensitivity of the conclusions

of the risk assessments to the alternatives. (Sec. 633(d)(2)(C))

Claim that OSHA inappropriately combined or compounded multiple policy judgements. (Sec. 633(d)(2)(3))

Claim that OSHA failed to express adequately the range and distribution of risks and the corresponding exposure scenarios, and failed to identify adequately the expected risk to the general population and to more highly exposed or sensitive populations. (Sec. 633(f)(1)(C))

Claim that OSHA failed to describe adequately the significant substitution risks of the rule. (Sec. 633(f)(3))

Claim that OSHA's peer review panel was not balanced and independent. (Sec. 633(g))

Claim that OSHA's response to peer review comments were inadequate. (Sec. 633(D)(3))

Claim that OSHA failed to provide adequate opportunity for public participation and comment. (Sec. 633(D)(3))

Claim that OSHA did not properly determine that the benefits of the rule justify the costs. (Sec. 624(b)(1))

Claim that OSHA failed to identify all of the significant adverse effects of the rule. (Sec. 621)

Claim that OSHA failed to give regulated persons adequate flexibility to respond to changes in general economic conditions. (Sec. 621(6)(C))

Claim that OSHA did not properly determine the least-cost alternative of the reasonable alternatives. (Sec. 624(b)(3)(A))

And more claims, and more claims, and more claims.

Thankfully, OSHA addressed this dangerous compound in its Cadmium standard. If S. 343 had been in place, however, this protective standard could have been delayed for years, leading to many work-related cases of cancer and kidney disease that could otherwise have been avoided.

So, Mr. President, this is just one little example of—what is that, 25 or 30, I guess, examples after just a first-cut look at S. 343 that OSHA indicates they feel would provide grounds for litigation.

Mr. President, I wished to make a reasonably complete statement, which I think I have done here this morning. We have combined several previous things that were brought up over the last couple of days as well as refuting some of the scare stories that have been applied. We still have basically six different areas in which we disagree.

It is on major rules and how we deal with those; on the cost-benefit analysis versus the least-cost approach. We provide for review of current rules with no automatic sunset. We disagree with Dole-Johnston that provides a sunset after an extension period.

Our bill is not a lawyer's dream. It does not provide nearly unlimited judicial review of everything from beginning to end. And our substitute does not create brand new petitions by private sources, by private persons or groups, that will just eat up agency resources and let special interests, not the agency or Congress, guide our priorities. And we do not have special interest provisions. We do not try to deal with things in this bill that deal with processes. We do not try to solve things like the Delaney clause on which separate legislation is being prepared by a different committee; toxics release inventory and things such as that.

So I believe we have a better bill here, and I hope that when the vote occurs this afternoon after our noon break we will have enough votes to pass this. I know it is a squeaker. I know that we may lack the votes to do this. But I hope that after people look at the two bills side by side, they will realize we take the more reasoned approach to this and that this really is a superior bill.

Mr. President, I yield the floor.

Mr. KENNEDY. Mr. President, I support the Glenn-Chafee substitute to the regulatory reform bill, because it will achieve real reform without paralyzing the Government agencies that set health, safety, and environmental standards, and without wasting their resources on redtape that adds nothing to the wisdom of their decisions. It will lead to commonsense regulation, rather than excessive litigation and full employment for lawyers.

It will give us cost-effective regulations, rather than always the cheapest, but not necessarily the most effective, rule. And it will allow for full public participation in regulatory decisionmaking, instead of back door, special interest processes that exclude the public.

In each of these respects, our proposal is superior to the pending alternative. The Dole-Johnston alternative applies its cost-benefit analysis and risk assessment requirements to hundreds of rules each year that do not have enough of an impact on the economy to justify the expenditure.

To require dozens of costly, time-consuming procedural steps for even minor rules is wasteful and counterproductive. At a time when we are cutting agency budgets and laying off tens of thousands of employees, forcing the agencies to comply with these procedures is simply a way to prevent them from doing their real work—protecting the American public from significant health and safety threats.

Some say that we rely too much on the Government and that in doing so we risk our freedom.

But none of us as individuals can protect ourselves from the destruction of the ozone layer, from deadly bacteria in our food or drinking water, or from HIV when we get a blood transfusion. The Government must be active in these areas, and it must have the resources to do for all of us what we cannot do for ourselves. The Dole-Johnston proposal will cost at least $1.3 billion a year, but it does not provide any new funding to pay for these costs. This $1.3 billion is money that will not be available for enforcement and administration of essential laws and regulations.

The Dole-Johnston alternative relies on private lawsuits to be what some call the hammer to make agencies comply with the law. But as Professor Peter L. Strauss of Columbia Law School testified before the Judiciary Committee,

> Permitting judicial review of the process hands over to interested private parties weapons with which they can cheaply and unaccountably delay government action and make it more expensive to accomplish what government should be doing.

Our alternative, by contrast, leaves the review of rules more in the hands of Congress.

We can block any regulation from taking effect by invoking the legislative veto provision, which the Senate has already passed in separate legislation. That is a better answer than private litigation.

Congress gives agencies their power to regulate, and we are ultimately responsible for what they do. If a rule is unreasonably burdensome and costly, if it is based on bad science, Congress has the power and will have the opportunity under our alternative to intervene and block it.

We do not need to depend on special interest lawyers, and we should not depend on them, to ensure that Federal regulations make sense.

Senator HATCH has repeatedly cited examples of bad regulation from Philip K. Howard's book "The Death of Common Sense." But Mr. Howard's testimony is enlightening, because he favors limits on judicial review like those in our proposal. Mr. Howard testified that, "The main control over agencies should be oversight by Congress, not endless procedure or appeals to courts over procedural nitpicks."

I also prefer the Glenn-Chafee substitute because the alternative creates special opportunities for businesses to escape regulation without any public involvement or notice. Section 629 of the Dole-Johnston alternative allows any regulated business to petition for a waiver from any major rule. The petition must be granted if the business shows that it is reasonably likely that the business can achieve the goal without complying with the rule.

In other words, if the new safe meat handling rules were in effect, and a meat packer were able to convince USDA that "there is a reasonable likelihood" that it could keep its meat free of E. coli without doing any sampling for bacteria, USDA would have to grant its petition.

The Dole-Johnston alternative gives no one else a chance to question or challenge the company's petition, to cross-examine its scientists, or even to know that the petition is pending. A secret relationship between the agency and the company is created. And if the agency grants the petition, no one can challenge the decision in court. Section 629(e) provides that "in no event shall agency action taken pursuant to this section be subject to judicial review." The public interest is totally ignored.

When, as here, the issue is agency action to exempt a business from regulation, the Dole-Johnston alternative rejects any interest in risk assessment and good science. The agency is given 180 days to respond to the company's petition, which may not be sufficient time to investigate the issue fully.

The agency is not required to conduct a risk assessment, or subject its decision on waiving the rule to peer review. The Dole-Johnston alternative operates on the assumption that agencies can be trusted to make the right decision in the case of waiving a rule—but not in issuing the rule.

I object to this back door way to let businesses escape regulations that are designed to protect the public. At a minimum, there must be some opportunity for public involvement and comment.

I also question whether a process like this can be justified if it does not require peer review of the agency's decision, to ensure that there is not collusion. The Glenn-Chafee proposal does not provide for this kind of petition at all, and it is, therefore, superior to the Dole-Johnston alternative. I am also pleased that the Glenn-Chafee amendment does not include the special interest fixes or the Dole-Johnston alternative. For example, our proposal does not undermine the Delaney clause, which prohibits the approval of cancer-causing food additives.

We all agree on the need for Delaney reform, but it is a complex, technical subject that requires careful consideration by the committees of jurisdiction. The approach in the Dole-Johnston alternative is too simplistic and provides insufficient protection to infants and children, whose special diets leave them especially vulnerable to food-borne carcinogens.

Finally, the Dole-Johnston alternative continues to be a supermandate that requires agencies to choose the cheapest alternative in any case where the benefits to health, safety or the environment are quantifiable. Suppose that OSHA finds that requiring grain elevators to continuously vacuum up dust could save 10 lives a year by preventing dust explosions, but would be more expensive than have employees sweep up once a shift.

OSHA could not require the grain elevator to install dust control equipment, or to maintain a consistently low "action level" of dust, because it is not the least cost alternative.

Our proposal, on the other hand, is not a supermandate and does not impose any new decision criteria. OSHA would be able to choose the more protective alternative, as it did under the Reagan administration, because that is the alternative that better accomplishes the goal of the statute—providing a safe workplace.

The Nation has made tremendous progress in the last quarter of a century toward cleaning up the environment, protecting endangered species, ensuring the safety of food and drugs, and improving health and safety in the workplace. We must not destroy this progress in the guise of reforming the laws and regulatory system that made it possible. The Glenn-Chafee substitute will help us streamline the regulatory process and make it more cost effective. It will not throw the baby out with the bath water.

I urge the Senate to support the Glenn-Chafee substitute.

Mr. BIDEN. Mr. President, I want to reform our regulatory process.

No one can deny that we need to write smarter, clearer, more effective, and more flexible Federal regulations. The question before us is not whether to reform our regulations. The question is how to reform them.

I believe that the most balanced answer to this question is in S. 1001, that Senators GLENN, CHAFEE, and I, along with other of our colleagues from both sides of the aisle, offer here today.

And I am afraid that S. 343, the Dole-Johnston bill, remains an unbalanced, costly, confrontational approach, that fails to meet its own reform criteria, and that will fail to protect the public health and safety—the general welfare that it is our Constitutional duty to protect.

Mr. President, the days are long gone when Americans grew their own food, made their own tools, stayed pretty close to home, and saw most disease as an act of God.

Now we buy food from all over the world, packaged and processed with unpronounceable chemicals, even irradiation.

We travel at higher speeds over longer distances, in larger and larger aircraft, and in automobiles that are as much electronic as they are mechanical.

Mr. President, as much as we may long for a simpler, more self-sufficient time, we must face the costs—in new risks to our health and safety—that come with the benefits of our rapidly evolving economy.

It is one thing to recognize those costs, Mr. President, and quite another to know what to do about them. What is the best way to protect against the new threats to our safety and health that come from the way we now live?

That is the heart of the question before us in this debate on regulatory reform.

Mr. President, the issue before us today has been a generation in the making. Many of the safety and health regulations now on the books had their origins 25 to 30 years ago, when we began to face up to the real costs—in injury, disease, and even death—from unregulated manufacturing processes and products.

By the end of the 1960's and the beginning of the 1970's, we came to realize that consumer choice alone—the guiding principle of the free market—was not enough to protect us from poorly designed, inadequately researched, or criminally negligent products and processes.

Our private enterprise economy functions so well because it is based on individual initiative and self-interest. Economic competition among free individuals drives the inventiveness that gives us new products, new technologies—progress that has given us the most powerful economy in the history of the world.

But those competitive individuals all face the same need to keep their costs lower than their competitors—each individual must find ways to avoid paying for anything that competitors get for free.

The unfortunate effect in this process is that what we all have in common—the need for clean water, clean air, clean food, safe working conditions, products that are safe and effective—those things we have in common are not necessarily protected in each business' calculations of economic efficiency.

At the same time, with the rapid technological changes brought by our free enterprise economy, we find ourselves more and more dependent on products whose safety and effectiveness we cannot evaluate ourselves—except, perhaps by experiencing the tragic consequences of thalidomide or DDT, or increasing automobile injuries and deaths.

So we need some way to make sure we can take care of those things we have in common—the common good.

A generation ago, the public began to demand cleaner air, safer food, water, and transportation. To accomplish those goals, Congress has passed laws, and agencies have written the regulations to put the goals of those laws into effect.

In era of skepticism, cynicism, and downright hostility toward government, these are the most popular federal laws now on the books, Mr. President.

Everywhere I travel in my own State of Delaware, and in other States around our country, people of every political persuasion tell that they continue to support government policies that keep our food and water safe and clean, that assure we can travel in safety, and that protect the environment.

At the same time, these are also some of the most frustrating, demanding, confusing regulations that our small businesses and property owners must face. Reform must balance the demands of the public for continued safety with the needs of those businessmen and women who seek reasonable relief.

Still, taken as a whole, in terms of their impact on the economy, these regulations are not, Mr. President, the unmitigated disaster some would have us believe.

Our food, our water, our prescription drugs, our highways and airways—even our children's clothes and toys—are safer today because of Federal regulations.

But at what cost, ask our colleagues? They tell us that our country is being strangled by regulations, jobs are being lost, that the burden of regulations is sinking our economy.

Now, Mr. President, a couple of days ago on the floor of the Senate I related a story from my own State of Delaware about regulations run amok, about a rule that flies in the face of common sense, a rule that cost a good friend of mine an outrageous amount of money simply to settle a claim out of court.

I know as well as anyone here that these horror stories are real, and that it is high time we undertook serious reform of the ways we write Federal rules and regulations.

But our job here is to weigh the full body of evidence, and to put the individual cases that are so frustrating and infuriating into context, and correct them individually. When I told that story, I said I would return to the floor to discuss the real cost of regulations, the real costs of these rules to our economy.

Fortunately, Mr. President, the big picture is not what some would have us believe. The fact is that the burden of regulation a share of our economy has not exploded as some of my colleagues have stated here on the floor.

As a matter of fact, the share of regulatory costs in our economy has actually gone down, as documented by an analysis done last month by the GAO. From 1977 to this year, the regulatory cost have shrunk by 11 percent—from about 4.5 percent of GDP to about 4 percent of GDP.

There is nothing in the facts to support the claim that the cost of regulations has exploded, nothing to justify putting hurdles, even landmines, in front of every regulation now on the books, and every regulation now in the works.

Mr. President, many of the stories we have heard here in recent days—stories of regulators' excesses and abuses of power—are more folklore than fact. But if even these horror stories were true, would that justify putting the health and safety of the American public at risk? Would the risks justify the benefits? Would it not be better to fix the particular abuses, rather than take the Dole approach?

Let us look at this another way, Mr. President. Many of my colleagues insist on using a grossly inflated estimate of the total cost of regulations—$562 billion a year, by one well-publicized estimate.

But that number includes costs like farm subsidies, that transfer funds from one sector of the economy to another—they add up to zero on the national accounts. And they also include the costs of complying with the IRS—a burden we all resent, but one that the Dole-Johnston bill does not touch. The IRS is not covered by regulatory reform—that is an issue for tax reform, a topic for another day.

So the real costs of complying with regulations is actually more like $228 billion a year, according the study cited in the GAO report I have here today—half of what some would have us believe.

But what do we get for those costs? Is this just money down the drain? Not according to the Center for Risk Analysis at the Harvard School of Public Health. Its report from March of this year cites one study—from the peer-reviewed Yale Journal on Regulation—that sets the benefits of health, safety, and environmental regulations at $200 billion a year.

A little quick math suggests that we are left with a total NET cost of regulations to the economy—if we take reasonable account of benefits that we can measure in dollars and cents, as well as the costs—of about $28 billion a year.

That $228 billion a year in regulatory costs means about $912 dollars a year for everyone in the country, or about $2.50 a day, for all of the health, safety, and environmental protection we enjoy.

If we throw in some of the benefits that cannot be measured in dollars and cents—a little extra peace of mind, some fairness in the distribution of benefits, deference to principles like federalism—that seems like a pretty fair deal.

Some might call it a bargain—clean water, safe food, secure transportation, and a few basic American values thrown in—for $2.50 a day.

Like most of the numbers we have heard in this debate, of course, these are estimates, extrapolations, and a reflection of how hard it is to measure these things. As much as we need to know the hard facts about the costs and benefits of regulations, we are still learning how to count them.

But that small number makes sense when we look at the effect of regulations on the growth of our economy, Mr. President. It is hard to find evidence that regulations are dragging us down. Throughout the entire post-War period to the present, Mr. President, before the enactment of significant environmental, health, and safety regulations and after, our economy has continued to grow at a remarkably steady pace.

When you look at the pattern of growth that our economy has been able to sustain over this period, Mr. President, it is impossible to detect a point at which regulations become a burden.

Between 1980 and 1994, our industrial output rose more than 50 percent. In the past 3 years, it has increased 15 percent. Our output is now twice as high as it was in 1970, and five times as high as 1950.

Our productivity has risen about 3 percent per year in the past decade. A recent comprehensive survey of the impact of environmental regulations—on those industries like chemicals, petroleum, and paper that have had the most to clean up—showed little or no correlation between regulations and profits, competitiveness, or productivity.

Where is the evidence that the cost of regulations has exploded?

Where is the evidence that the cost of regulations has become a major burden on the growth of the economy?

It simply is not there, Mr. President.

In fact, there is persuasive evidence that regulation has generated positive overall effects for our economy, by spurring innovations and economies.

We know that there are positive economic effects from lowering costly threats to public health and safety, threats that take their toll in medical bills, time lost on the jobs, and so forth. By making our citizens healthier and safer, regulations make our economy more efficient, because we do not waste scarce resources paying for preventable illness and injury.

But in addition to preventing wasteful expenditures—and preventing unnecessary human suffering—regulations can have positive effects on economic innovation.

Here is an example from that recent Business Week article: When OSHA issued a new standard for worker exposure to formaldehyde, costs to the industry were estimated at $10 billion. But when the affected industries changed the way they operated, the costs were negligible, and the changes improved their international competitiveness. The conclusion? The regulations were a large net plus for the industry and the country.

Let us think about this for a minute, Mr. President. Does anyone here want to argue that an economy that wastes less—that sends less of its waste products into the environment in which its citizens live—is less efficient than an economy that spews tons of waste into the air and water?

Logic does not support the idea that these regulations will make us less competitive—as a nation, over the long run—and the data do not support it, either.

So let us not let exaggerated costs and horror stories of regulatory excess stampede us into a wholesale attack on regulations that, by and large, are doing what we want them to do.

But there is a real problem, Mr. President, one that is at the heart of the movement to reform regulations, a movement we should all support.

That problem is the lack of flexibility and the lack of openness in rulemaking and enforcement of regulations. And that problem can be traced to the arrogance and insensitivity of the public officials charged with writing and enforcing many of our regulations.

It is fundamental, Mr. President—power corrupts. From the comically officious church parking lot attendant on Sunday morning to the most powerful public officials, people's heads swell when they are given power over others. Our regulatory agencies are not immune from this law of human nature.

Mr. President, the abuse of private power by polluters, unsafe employers, and sellers of dangerous products—that abuse of private power is the reason we need regulations.

And the abuse of public power by arrogant public officials is the reason we need regulatory reform.

It should be our job to fight both forms of abuse, not add momentum to that pendulum that swings from one extreme to the other.

Which of the two bills before us is more likely to remedy this problem and still protect the public interest?

I am convinced that the Glenn-Chafee approach is the more balanced, effective way to restore common sense to the way we write our regulations, without putting punitive layers of paperwork and procedures in the way of better regulations than we have today.

This approach requires a cost-benefit analysis and a risk assessment for public safety, health, and environmental regulations that have a major impact—$100 million—on the economy.

It backs those up with specific requirements for peer review, congressional review, and executive oversight of each agency's rule writing. And the courts will examine each agency's compliance with the scientific and economic justifications for each rule.

It requires that agencies include flexible, market-based alternatives in their considerations, and makes them show how the rule they choose matches up to those alternative for cost-effectiveness.

The Glenn-Chafee substitute calls for a thorough-going review of regulations now on the books, and sets up a procedure to assure that we have a sensible way to rank the risks we face—from contaminated air, water, or food, or from unsafe aircraft, cars, or toys. We will attack the worst problems first, the best way to allocate our scarce resources.

Mr. President, the Glenn-Chafee substitute is tough, thoughtful reform.

Ironically, the Dole-Johnston bill adds to the costs of regulation by adding inflexible, prescriptive procedures to the process, subject to petition and judicial review requirements that could keep better rules—replacing the bad ones on the books today—from seeing the light of day.

But most significantly, it forces agencies to write every rule according to fixed criteria—they must choose the least cost alternative among all the possible versions. But the cheapest rule may not be the best—it depends on the circumstances, it requires more flexibility.

The cheapest broom may get the job done in most cases, but when you need an operation, maybe you would consider paying a little more for the best doctor you can afford. It depends on the problem you are trying to solve.

Flexibility is not what the Dole-Johnston bill provides. Do we really think that public officials will become more accommodating, more concerned with differing circumstances, if they must, by law, choose the rule that they can defend in court as the cheapest way to get the job done?

Maybe they could get the public more benefits for a little more cost—maybe they could write a rule that is more cost-effective. But not under the Dole-Johnston bill.

Under the Dole-Johnston bill, agencies will practice defensive rule writing—to conform to whatever the latest case law says is the cheapest way to do things. They are not encouraged to apply a variety of criteria—maybe in some cases, the cheapest rule is the best; maybe we want to maximize the benefits in safety and health; maybe we want the rule with the most net benefits—the spread between costs and benefits.

But the Dole-Johnston bill is not concerned with flexibility—it mandates that every rule fit into the same box—the least cost box.

Furthermore, the Dole-Johnston bill will add bureaucracy and litigation, instead of reducing it. For example, lawyers will be able to challenge rules—or prevent them from going into effect—by raising any of a number of new issues which they cannot now raise.

This will keep Washington lawyers busy, and will keep agency lawyers busy. That means everyone will be in court—instead of out in the field, enforcing the new regulations. And in an effort to avoid lawsuits in the future, agencies will practice defensive rulemaking—being overly cautious, spending enormous amounts of money and becoming even more bureaucratic.

This is not reform. It makes the regulatory system more bureaucratic, not less. It results in more litigation and less policy. It makes it harder for the Government to respond to legitimate needs.

Furthermore, the bill includes new cumbersome and complicated processes by which industry and special interests can petition to have existing rules thrown out. There are numerous of these petition processes in the Dole-Johnston bill—and each of them can be brought into court if the agency denies the petition. That explosion in litigation simply is not what regulatory reform is about.

The effect of these and other procedural hurdles would be either to require larger bureaucracies, with bigger budgets—or, more likely under current conditions—to make the process of getting out new, better rules virtually endless.

If advocates of this gridlock think that hog-tying the bureaucracies will reduce the public's demand for safety, health, and environmental protection, they have seriously misread public opinion. The demand for these protections will collide with the cumbersome process they have devised, adding to the frustration with government—and to the hostility and suspicion of the special interests who are served by delay and weakening of those protections.

Regulatory reform should be the way to make the system more flexible, more open, but S. 343—the Dole-Johnston bill—would establish a more costly, less flexible rule writing process.

Mr. President, S. 343 has been written to be just a bad mirror image of the process some imagine we have today. It will tie up agencies in new procedures, adding to the costs and uncertainty of the regulatory process, the same complaints many citizens have rightfully leveled against the current process.

It would waste resources by piling requirements on rulemakers that add nothing to the public safety and health, and add nothing to the effectiveness of the regulatory process, and will do nothing to make agencies more accommodating to the real needs of individuals, firms, and communities.

Now I know that some of my colleagues here today, and certainly some of those business men and women who feel themselves most aggrieved by current regulations view the prospect of frustrating a few Federal bureaucrats eagerly.

Some may even see regulatory reform as pay back time: a chance to dump on Federal agencies some of the burdens they have felt.

Mr. President, I ask those who may feel that way to consider how they will feel if the effect on the regulatory process is to make it more complex, more time-consuming, more uncertain. Will those who feel most aggrieved by the current system be better served if they succeed in their attempt at retribution?

The fact is, Mr. President, that the big corporations whose contributions have bought them access to the legislative process—those corporations have always been able to make the system work. They play the regulatory system like a harp, and they have helped to write the new rules of the game, a game in which their deep pockets and hefty legal staffs will carry a lot of weight.

But what about the guy who cannot sail or fish on the Delaware River, or cannot take his family to the beach, when our waters are not protected? What about the family with crippling health care costs from their child's respiratory problems when our air is not clean?

What of the small businesswoman who just wanted a fair shake and a straight answer, who is told by OSHA or the EPA, "Sorry, that rule has been held up by another petition—we cannot tell you how to bring your business into compliance?"

Mr. President, those of us who are rightfully proud of the accomplishments of public safety and health regulations should be among the first to want them to work efficiently and effectively, without waste of taxpayers' dollars and without antagonizing the citizens who operate the businesses and who own the property that are the subjects of so many of these regulations.

Any waste in the process, any wasted effort and dollars by those who comply with these regulations, is a waste of resources that could be used to create another job—or to improve the quality of our air and water, or increase the safety of our airways and highways.

The tough choices before us in the next few years will leave little room for excess in any programs. Those of us who support the Glenn-Chafee amendment recognize our continuing responsibility to promote the general welfare; reform is essential to wringing every dime's worth of protection out of every regulation.

We cannot maintain a regulatory process that thoughtlessly pushes the cost of regulation onto the people whose businesses create the products—and the jobs—we all depend on. We must not have a regulatory process that generates increasing resentment and frustration on the part of the businessmen and women whose behavior—and balance sheets—must change to put our regulations into effect.

Mr. President, all Americans benefit from regulations that work well, and that work efficiently. And we are all poorer if our businesses divert resources away from productive economic activity for regulations that are not well designed.

But demonizing Federal regulations—legislating by anecdote, where often imaginary excesses are inflated into an anti-Government scenario of bureaucrats run amok—is surely not the way to accomplish real regulatory reform.

Now, Mr. President, I am impressed by the extent of the changes in S. 343 since it was reported out of the Judiciary Committee. The sheer volume of revisions confirms, I believe, the minority view back then that it was seriously flawed and not ready for consideration by the full Senate.

The changes also reflect the good work of many of my colleagues, including Senator ROTH and Senator JOHNSTON, who have lent their expertise to remove some of the worst elements of the earlier version of S. 343. They have spent hours and hours over recent weeks debating and revising the details of what we all agree is a very complex, arcane bill.

But the volume of changes also has its downside, Mr. President. It means that this bill, in its current form, has never been the subject of committee hearings or debate. It has remained a moving target, defying any attempt to analyze the cumulative implications of its many interrelated subchapters and provisions.

In the process, it has become an amalgam of innumerable drafts and revisions, last-minute concessions, and internal inconsistencies.

The Dole bill began as a proposal that would frustrate, not promote reform, by adding paperwork, delays, and costs to a system already swamped by procedures. The many changes that have been adopted in recent weeks have blunted, but not deflected, its original intent.

That is why I am pleased to support the efforts of Senator GLENN, Senator CHAFEE, and many others, to revive a superior approach to legislative reform, one that was subject to extensive hearings, and that enjoyed a unanimous, bipartisan vote from the Governmental Affairs Committee.

I am pleased to be an original cosponsor of this alternative, that is a tough, considered approach to regulatory reform, that raises the standards for the regulations that will be written from now on, and that provides a rational program to assure all earlier regulations meet these new, higher standards.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER (Mr. ASHCROFT). The Senator from Delaware.

Mr. ROTH. Mr. President, I rise to call upon my colleagues to take a leadership role to change the status quo, to reduce the cumulative regulatory burden that costs the average American family $6,000 per year, and to ensure that we will have smarter, more cost-effective regulation that will benefit us all.

I rise to repeat once again that meaningful regulatory reform is critical to ensuring that we reduce the regulatory burden while still ensuring strong protections for health, safety, and the environment. The answer to this problem is legislation that will make a difference. Make no mistake about it, the answer to this problem is the Dole-Johnston compromise, not the Glenn substitute.

Mr. President, there is no argument but what the regulatory process is broken. Virtually every authority who has studied the regulatory process—from Justice Stephen Breyer to the Carnegie Commission, from Vice President GORE to the Harvard Center for Risk Analysis, from scores of scholars to dozens of think tanks—agrees that the regulatory process needs to be reformed. And this problem is so undeniable that I do not believe any of my colleagues would publicly deny that there is a problem. But the question remains, who wants to do something about this problem that none of us can deny?

I submit that the Dole-Johnston compromise, S. 343, will do something about the problem. It will effect meaningful, responsible regulatory reform. And I regret to say that the Glenn substitute will not.

We all agree that we do not want to be where we are with Government regulation. We will admit that we need to move back to reform old rules and move ahead to be sure future rules make sense.

Mr. President, allow me to draw an analogy. You could compare S. 343 and the Glenn substitute to automobiles that purport to allow us to take this journey which we all say we want to make.

As I detailed yesterday, if you look at these two vehicles, they look similar at first blush. From a distance, they both have provisions for cost-benefit analysis, review of existing rules, risk assessment, comparative risk analysis, market mechanisms and performance standards, reform of the Regulatory Flexibility Act, congressional review of rules, and regulatory accounting.

When you try to start the Glenn vehicle, you find it does not go backward. It will not ensure that old, irrational rules already on the books are reviewed and reformed. You will find that the Glenn vehicle does not go forward. It does not have a focused cost-benefit test which will ensure that new rules make sense, that their benefits justify their costs. When you look under the hood of the Glenn vehicle, you will find to your surprise that it has no engine. The judicial review provision is so weak that an agency can do a very sloppy job of doing a cost-benefit analysis or other analysis and then does not have to act upon that analysis, so it makes a difference on the rule. And there is little anyone can do about it.

Now, what good is this—a car that cannot go in reverse, cannot go forward, and has no engine? That vehicle will get you nowhere. That is the Glenn substitute. If we are to have that, we may as well not have a regulatory reform statute because the Glenn substitute represents nothing but the status quo.

Mr. President, I need to take a little time to dispel a very serious misconception that some people have about the Glenn substitute, and that is it is not—it is not—the Roth bill. The Glenn substitute is not by a long shot S. 291, the bill that I introduced in January and that was reported unanimously out of the Governmental Affairs Committee.

While S. 291 was itself a compromise and was originally adopted by Senator GLENN as S. 1001, he has now taken steps to fatally weaken it.

Let me briefly highlight a few major departures. First, the Glenn substitute seriously weakens the lookback provision that was in the Roth bill. The Roth bill required agencies to review all major rules in a 10-year period or be subject to sunset or termination.

The revised Glenn substitute now makes the review of rules a purely voluntary undertaking. There are no firm requirements about the number of rules to be reviewed or which rules to review. In other words, it is a matter up to the sole discretion of the agency. There are no requirements about the number of rules, if any, that have to be reviewed.

A second major change. Senator GLENN's substitute guts the judicial review provision that was in the Roth bill. Section 623(e) of the Roth bill and the original Glenn bill stated that the cost-benefit analysis and risk assessment shall, to the extent relevant, be considered by a court in determining the legality of the agency action, and that meant that the court should focus on the cost-benefit analysis in determining whether the rule was arbitrary and capricious.

The Glenn substitute strikes that language. That weakens the whole bill. That means the Glenn vehicle has no engine. The Glenn substitute does adopt cost-benefit language that was in the Roth bill. But without any meaningful judicial review, the cost-benefit test does not mean much at all. For a reviewing court, the analysis is just another piece of paper among the thousands of pieces of paper in the rulemaking record.

The Glenn substitute asks the agency to publish a determination whether the benefits justify the costs. But the Glenn substitute does not push regulators to issue rules whose benefits actually do justify their costs. I have always believed we need a stronger cost-benefit test.

In effect, the Glenn substitute merely asks the agency to do a cost-benefit analysis. However, the agency can do a poor analysis and, worse still, does not have to act upon the analysis. In other words, the cost-benefit analysis need not make a difference in the rule. The rule can still be inefficient and ineffective. This is not the Roth bill. This is not what I want, and it is not what the American people want.

Mr. President, the Dole-Johnston compromise is the proper vehicle for regulatory reform. It will allow us to go back to review old rules on the books. It will allow us to go forward and to ensure, as a general rule, new rules will have benefits that justify their costs. It has an engine to ensure we will get where we want. And I urge my colleagues who want real regulatory reform to set aside partisan politics and join me in supporting the Dole-Johnston compromise.

The truth is, if you compare the Dole bill and the Glenn bill section by section, they, at first blush, look a lot alike. At bottom, there are some very key, important differences. First, meaningful regulatory reform must change future rules. The key to ensuring that new rules will be efficient and cost-effective is to have an effective cost-benefit test. The Dole bill has a focused cost-benefit test. The decisional criteria in section 624 ensures that the benefits of a rule will justify its cost unless prohibited by the underlying law authorizing the rule.

In contrast, the Glenn bill has no cost-benefit decisional criteria. The bill requires that a cost-benefit analysis be done, but the bill does not require that the cost-benefit analysis be used or that the rule will be affected by the cost-benefit analysis. The agency only has to publish a determination whether the benefits of a rule will justify its cost and whether the regulation is cost effective. But the Glenn bill does not push regulators to issue rules whose benefits actually do justify their costs. I have always believed that an effective regulatory reform bill should have a stronger cost-benefit test.

Some of my colleagues have complained about the least cost component of the decisional criteria. Many of us have been willing and have sought to negotiate language to substitute for or remedy some of the concerns as expressed by my colleague, but I want now to return to a second point about regulatory reform.

The PRESIDING OFFICER. The Chair advises the Senator that under a previous order, the Senate was to recess at 12:30 and not to reconvene until 2:15.

Mr. GLENN. Mr. President, I ask unanimous consent——

The PRESIDING OFFICER. The Senator from Delaware has the floor.

EXTENSION OF TIME FOR RECESS

Mr. ROTH. Mr. President, I ask unanimous consent that the recess ordered for 12:30 p.m. today be delayed in order that Senator DASCHLE be recognized to speak for a period of not more than 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GLENN. Mr. President, I ask unanimous consent that Senator ROTH be permitted to speak until the minority leader reaches the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. I thank the distinguished Senator.

Mr. President, as I was saying, I want to return to a second point about regulatory reform. Effective regulatory reform cannot be prospective only. It must look back to reform old rules already on the books, and the Dole-Johnston compromise contains a balanced, workable and fair resolution of how agencies should review existing rules. Agencies may select for themselves any particular rules that they think need reexamination, while allowing interested parties to petition the agency to add an overlooked rule.

To ensure that only a limited number of petitions will be filed, S. 343 limits petitions to major rules and sets a high burden of proof. Petitioners must show a substantial likelihood that the rule could not satisfy the cost-benefit decisional criteria of section 624. This is an efficient and workable method to review problematic rules.

The Glenn substitute, on the other hand, makes the review of agency rules a voluntary undertaking. There are no firm requirements for action, no set rules to be reviewed, no binding standard, no meaningful deadline.

The Glenn substitute simply asks that every 5 years, the agency issue a schedule of rules that each agency, in its sole discretion, thinks merits review. It does not require any particular number of rules to be reviewed, and if someone asks the agency to review a particular rule, there is no judicial review of a decision declining to place the rule on the schedule. Moreover, there is no judicial review of any of the deadlines for completing the review of any rules.

Mr. GLENN. Will the Senator yield for a question?

Mr. ROTH. My time is limited, so I want to continue.

The third point I want to emphasize is that effective regulatory reform must be enforceable to be effective. That means there has to be some opportunity for judicial review of the requirements of the legislation, just as there is with most any law Congress passed. S. 343 strikes a balance by allowing limited but effective judicial review.

S. 343 carves away from the standard level of judicial review provided by the Administrative Procedures Act which has existed for almost 50 years. The limited judicial review provided by S. 343 will help discourage frivolous lawsuits, and that is why S. 343 has limited judicial review.

An agency's compliance or noncompliance with the provisions of S. 343 can be considered by a court to some degree. The court can, based on the whole rulemaking record, determine whether the agencies sufficiently complied with the cost-benefit analysis and risk assessment requirements of S. 343 so that the rule passes muster upon the arbitrary and capricious standard.

The arbitrary and capricious standard is very deferential to the agency. A court would uphold the rule unless the agency's cost-benefit analysis or risk assessment was so flawed that the rule itself was arbitrary and capricious. The court would not strike down a rule merely because there were some minor procedural missteps in the cost-benefit analysis or risk assessment.

In contrast, the Glenn substitute, as now redrafted, does not permit meaningful judicial review of the risk assessment or cost-benefit analysis. The Glenn substitute only requires a court to invalidate a rule if the cost-benefit analysis or risk assessment was not done at all. But the Glenn substitute does not really allow the court to consider whether the cost-benefit analysis or risk assessment was done properly. Indeed, the language of the legislation has been so weakened that now substantial portions of this bill are irrelevant to the extent that a court could not require the agency to perform the cost-benefit analysis, the risk assessment or peer review in the manner prescribed by the bill.

Compliance with cost-benefit analysis and risk assessment requirements of the bill would be optional by the agency, the same way it is optional for them to comply with the Executive order that now requires these analyses.

Now, Senator GLENN has claimed that his bill is essentially the same as S. 291 which, of course, is the regulatory reform bill I introduced in January, which did receive bipartisan support of the Committee on Governmental Affairs. I say, as I stated earlier, that while the original Glenn bill was similar to the Roth bill, the latest version of the Glenn bill seriously differs from the Roth bill. Many of the provisions have been weakened. The Roth bill and the original Glenn bill required agencies to review all major rules in a 10-year period with a possible 5-year extension, or the rules would sunset or terminate. The revised Glenn substitute lacked any firm requirement about the number of bills to be reviewed.

Now, Mr. President, I think that is a very important and very significant change. As a matter of fact, as I said earlier, anyone who has reviewed the regulatory rules on the books have agreed that many of them are, today, irrelevant, cumbersome, and not equipped to do the job that they were intended. These studies have been made by distinguished organizations, including a group at Harvard. Our former colleague, and now Vice President GORE, has stated on a number of occasions, as part of his program to reinvent Government, that many regulations are undesirable. So I think it is a very, very serious mistake the way the Glenn substitute has weakened the lookback provisions of this legislation.

As I said, my original bill required all rules to be reviewed in a 10-year period, subject to a 5-year extension, and if a rule were not reviewed in that period of time, then, of course, the rule would be terminated. Under the revised Glenn substitute, that is not the case. It leaves everything entirely in the discretion of the agency head. An agency head could provide a 5-year schedule of reviewing rules that includes many appropriate rules. On the other hand, he or she could include one, zero, or five, as there are no requirements in the current version of the Glenn legislation that rules be reviewed.

As I say, I think this is a serious mistake. Worse still, Senator GLENN has weakened the judicial review provision that was in the Roth bill and that originally appeared in the Glenn bill. Here I have reference to section 623(E) of the Roth bill, the original bill, which stated that the cost-benefit analysis and risk assessment shall, to the extent relevant, be considered by a court in determining the legality of the agency action.

This is a matter that is particularly bothersome, because what the proposed legislation provides is that an agency will make a cost-benefit analysis and, where appropriate, it will make a risk assessment. But there is no requirement in the Glenn substitute that either the cost-benefit analysis or risk assessment be used in the rulemaking process. Now, it seems to me that that destroys the whole purpose of regulatory reform. I think many of us feel very strongly that regulatory reform, as a general rule, means that benefits should justify costs.

Mr. President, I ask unanimous consent that the time before the recess be further extended for a statement to be made by the majority leader, following the statement of the minority leader.

The PRESIDING OFFICER. Without objection, it is so ordered.

The minority leader is recognized.

Mr. DASCHLE. Mr. President, I appreciate very much the distinguished Senator from Delaware accommodating both myself and the majority leader.

Mr. President, over the last week we have debated a regulatory reform bill that poses a number of serious concerns. Senators have come to the floor with amendments to address those concerns for over a week now.

It has become increasingly clear that in order to produce a bill that will be acceptable to a majority of this body and the President, significant changes will need to be made. Frankly, given the way the debate has gone—the fact that we have until now been unable to pass most of our amendments—I am not optimistic that we will be able to bring this bill into a form that is reasonable and responsible, unless the circumstances change.

Despite efforts last week to clarify that the bill will not override existing law, the so-called least-cost standard that remains will drive agencies away from choosing more cost-effective and thus economically sensible and justifiable regulatory options.

Last week, the Senate rejected by one vote my amendment to protect the ability of the Department of Agriculture to issue its proposed rule requiring science-based hazard analysis and critical control point, or HACCP, systems in meat and poultry inspections.

I later learned that while I was here on the Senate floor recounting the story of 2-year-old Cullen Mack, a young boy from South Dakota who fell ill from eating beef contaminated with E. coli bacteria, people were suffering from E. coli poisoning in at least four States: Georgia, Tennessee, Wisconsin, and Illinois.

So, despite the fact that we are confronted presently by real gaps in our ability to ensure a safer food supply, and despite the fact that the USDA rule would take a huge step toward that goal, we continue to have a bill that would subject that rule to legal challenge and consequent delay.

Farmers have special concerns about this bill. The Department of Agriculture each year issues regulations to implement the farm program—regulations that address wheat, wool, rice, cotton, and feedgrain programs. The Department issues regulations to implement the Federal crop insurance program and the Conservation Reserve Program. USDA marketing orders—orders which are voluntarily approved by agricultural producers—are implemented through Federal regulations.

Many, if not all, of these regulations would be subject to the cost-benefit and risk assessment delays of this bill. They would be subject to the decision criteria in the bill calling for the least-cost option, and they would be subject to judicial challenge. Do we really want to foreclose regulatory options that would provide greater benefits to farmers? Is this what we really want for rural America? I certainly do not think that this makes sense for South Dakota or any other rural State.

Recently, the majority leader, came to the floor of the Senate to discuss the power of shame. His comments were made in the context of the public debate over the content of Hollywood movies.

The leader made the point that shame can be a very valuable tool in the effort to encourage movie-makers to be more socially responsible in writing and producing movies. I agree. I think that in this society, shame can be a very powerful means of encouraging more responsible behavior.

Certainly, the evidence is clear that the Community-Right-To-Know Program has been able to put shame to good use. What industry wants to declare year after year that they are releasing poisons into the air and water of local communities? What industry is so callous that it is not moved to reduce those releases when faced with public disclosure of its behavior?

Why, then, if we can agree that shame is such a powerful tool, are we attempting to erode the effectiveness of the toxic release inventory—known as the Community-Right-To-Know Program—in this bill?

Last Thursday, this body voted against an amendment by Senators BAUCUS and LAUTENBERG to protect the Community-Right-To-Know Program.

Apparently, despite the clear success of this program in getting industries to cut their releases of toxic chemicals, shame is too tough a medicine for some industries to endure. Instead of shaming the special interests into responsible behavior, the Senate essentially defended the special interests' shameful behavior.

In addition to the special-interest fixes and the willingness of the sponsors of the bill to undermine even the most needed and supported rules, there are countless opportunities for petitions in the bill that will consume vast agency resources. Petitions themselves are subject to judicial review, increasing the likelihood of delay and administrative burden.

The sum effect of all these provisions would create havoc with out ability to protect public safety. The Office of Management and Budget estimated that the Dole-Johnson bill would cost the Federal Government roughly $1.3 billion to implement, including the salaries of an additional 4,500 full-time Federal employees, who would be needed to fulfill the bills' requirements. I am skeptical that the bill itself could even pass a cost-benefit test. It may well impose more costs on the Federal Government—and thus the taxpayers—than it purports to save in regulatory expenses.

At a time when we are trying to downsize the Government and balance the Federal budget, it makes little sense to consider legislation that would reverse our course. Last week, the House appropriators recommended cutting the Environmental Protection Agency's budget by one-third. Other Federal agencies will surely feel the budget knife this year and in the years to come.

Where will the money to pay the costs of this bill come from? Where will we find this army of analysts to fulfill all the new requirements of this bill? Who will pay for them?

The primary beneficiaries of this bill will be the large corporate law firms, which undoubtedly will enjoy a renaissance of business if it becomes law. The judicial review provisions invite a morass of litigation. In fact, I understand that there will be at least 144 different issues that can be litigated, if this bill is enacted. It is ironic that this body passed legislation limiting opportunities for litigation earlier this year and now stands poised to pass a bill designed to create an explosion of litigation.

Mr. President, no Senator would agree that every regulation that has ever been issued by the Federal Government makes good sense. All of us Members recognize that excesses occur in the development and enforcement of rules.

In many cases, we in Congress are to blame, as we enact laws that provide little or ambiguous regulatory guidance. Federal agencies are staffed by human beings, who are known to make mistakes from time to time. The political winds frequently change, carrying the Federal agencies in different and often inconsistent directions. So, the entire process is imperfect.

The question we are confronted with, then, is how can we improve the regulatory development process without crippling the ability of the Federal Government to protect the quality of our food supply, our water, our air, and all the other of those services that Americans have come to expect.

The bill we have been debating now for a week was seriously flawed when it was introduced, and our efforts to improve it have been thwarted. It remains a bill that could be used to undermine the ability of the Federal Government to carry out its responsibility to protect our environment and the health of American families. It is not emblematic of the type of society that most Americans believe we should be striving for, and should not be enacted in its current form.

The alternative regulatory reform bill that has been introduced by Senators GLENN, CHAFEE, and others would provide serious, constructive reform that I believe should gain broad support. Unlike the Dole bill, the Glenn-Chafee bill would limit the opportunities for litigation to the fundamental question of whether the rule is a major rule and whether the final rule is arbitrary and capricious, taking into account the entire rulemking record. Unlike the Dole bill, it does not allow judicial review of the agency decisions to grant or deny petitions.

The Glenn-Chafee bill contains no special-interest fixes, which do not belong in a procedural bill like this and which should only be addressed through hearings and legislation debated within the committees of jurisdiction.

The Glenn-Chafee alternative does not impose rigid criteria of the Dole bill that agencies must apply when selecting a regulatory option, driving agencies toward the cheapest, but not necessarily the most cost-effective, alternative.

I think we can all agree that the costs and benefits of proposed rules should be considered during their development. But calculating those costs and benefits can present a great challenge.

What is the value of ensuring that our children and grandchildren do not suffer the effects of lead on their ability to reason? What is the value of ensuring that when we take our families to see the Grand Canyon, the air will be clean and we will have a clear view of that incredible vista? Given the extreme challenges in characterizing these values, does it make sense to apply such a rigid test to the rules that will effect the quality of our lives so profoundly?

The Glenn-Chafee substitute places cost-benefit analysis in proper perspective. It requires agencies to identify the costs and benefits of proposed rules, but does not elevate cost considerations above all else. The cheapest option is not always the best or the most cost-effective one.

The Glenn-Chafee bill follows an approach that I believe provides a far better representation of the goals and objectives of mainstream America with respect to regulatory reform. Apparently the Governmental Affairs Committee agrees with me.

I say that because the Glenn-Chafee is nearly identical to the bill passed unanimously by the Governmental Affairs Committee. It is moderate and sensible, and I believe it should serve as a model for reforming the regulatory process. The modifications that Senators GLENN and CHAFEE subsequently made to the Governmental Affairs-passed bill represent good, sensible improvements.

First, we have eliminated the arbitrary sunset for existing rules, that would have occurred whenever an agency failed to perform the needed review in a timely manner. Given the history of antagonism to environmental and public health and safety regulations that have been demonstrated by recent administrations, it does not make sense to provide future administrations that might also be antagonistic to such rules with the incentive to intentionally fail to perform reviews as a back-door means of repealing existing rules and thwarting the will of Congress.

Second, the Glenn-Chafee bill eliminates the narrative definition of major rules, adding clarity to the bill, and limiting its scope so as not to overburden Federal agencies.

Finally, the Glenn-Chafee alternative incorporates technical changes to the risk assessment portions of the bill to more closely track recommendations made by the National Academy of Sciences, and to cover specific programs, not merely agencies.

These changes strengthen the bill, make it more responsible and more reasonable. If the Senate is interested in real reform and wants to pass a bill that can be signed into law then I urge my colleagues to support this substitute.

Mr. President, I know the distinguished majority leader is here. To accommodate him and allow Senators to get to the caucus, I yield the floor.

Mr. DOLE. Mr. President, I thank the Democratic leader, Senator DASCHLE. I will take just a moment. I want to review for my colleagues. I think we made some progress on the regulatory reform bill. I think everybody would like to vote for regulatory reform.

There are some limits. We cannot accommodate everyone's request. We would have a bill that many on this side and many on that side would not vote for if we tried to accommodate every request.

There will be a cloture vote immediately after the vote on the so-called Glenn-Chafee substitute. I think there will be a third cloture vote. As I set out in the schedule, hopefully we would finish this bill today, to start on Bosnia late this evening or early tomorrow morning.

There has been a cloture petition filed. There could be a third cloture vote. I have not made that final determination. Sooner or later, we have to recognize we have just about accommodated everybody we can. We have made a number of major changes in this legislation. Some are concerned that perhaps we made too many—"we," talking about the people who manage the bill and understand the bill.

We think it is a good bill. It is real regulatory reform. It is what the American people are demanding. It is what small businessmen, farmers, ranchers, everybody else is demanding. We believe it is time to come to grips with it, and move on to something else.

We have had parts of 9 days on this bill. That seems to be a standard on the Senate side. Everything takes 9 days. Maybe this will take 10 days. I do not know that the end is in sight. I alert my colleagues, if you are for regulatory reform, vote for cloture; if you are opposed to regulation reform, vote no, as you did yesterday.

RECESS UNTIL 2:15

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:53 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. GRAMS].

COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 1581

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 1581.

Mr. SHELBY. Mr. President, I ask for the yeas and nays on the GLENN amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment. The clerk will call the roll.

The legislative clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 48, nays 52, as follows:

[Rollcall Vote No. 310 Leg.]

YEAS—48

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Bryan
Bumpers
Byrd
Chafee
Cohen
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Inouye
Jeffords
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Snowe
Specter
Wellstone

NAYS—52

Abraham
Ashcroft
Bennett
Bond
Breaux
Brown
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Johnston
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Stevens
Thomas
Thompson
Thurmond
Warner

So the amendment (No. 1581) was rejected.

Mr. DOLE. I move to reconsider the vote by which the motion was rejected.

Mr. HATCH. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the pending substitute amendment to S. 343, the Regulatory Reform Bill:

Bob Dole, Bill Roth, Fred Thompson, Spencer Abraham, Kay Bailey Hutchison, Jon Kyl, Chuck Grassley, Craig Thomas, Orrin Hatch, Larry E. Craig, Mitch McConnell, Conrad Burns, Bob Smith, Jesse Helms, Jim Inhofe, Judd Gregg.

CALL OF THE ROLL

The PRESIDING OFFICER. Under the previous order the mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of the Senate that debate on the amendment numbered 1487 to S. 343, the regulatory reform bill, shall be brought to a close?

The yeas and nays are required under the rule. The clerk will call the roll.

The bill clerk called the roll.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 53, nays 47, as follows:

[Rollcall Vote No. 311 Leg.]

YEAS—53

Abraham
Ashcroft
Bennett
Bond
Breaux
Brown
Burns
Campbell
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Johnston
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pell
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—47

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Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Snowe
Specter
Wellstone

The PRESIDING OFFICER. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. BRADLEY. I rise to express serious reservations about S. 343, the regulatory reform bill. After listening to over a week's debate, I remain doubtful that a vote in favor of S. 343 would serve the best interests of the American people. While I support carefully crafted regulatory reform efforts like the Glenn-Chafee substitute, S. 343 does not meet my standards nor the standards of the people of New Jersey.

I doubt whether my constituents want new red tape requirements which would delay long-awaited regulations for food safety, drinking water quality, worker protections and pollution control. Even with the changes adopted during the last week, S. 343 is still a prescription for delay, duplication, and judicial gridlock.

S. 343 is not true reform. It is full of exemptions and special interest provisions unrelated to the basic bill or which give assistance to particular industries. Its provisions will swamp agencies with requirements for hundreds of new, costly, and time-consuming analyses and it will undermine needed health, safety and environmental regulations already on the books.

S. 343 is filled with new opportunities for endless rounds of judicial review. Yesterday, our colleague Senator JOHN KERRY stated that the bill still contained 88 new places for court intervention in the regulatory process, despite the efforts of many Senators to improve this aspect of S. 343.

S. 343 could result in the sunset of many regulations if agencies failed to review them accordingly to required time schedules. Even worse, the schedules themselves might be manipulated by special interests who could overload agency review agendas and tie them up until regulations expired.

Finally, S. 343 still includes language which favors the least cost and not the most cost-effective regulations—an affront to common sense which could result in missed opportunities for sensible regulatory revisions.

Mr. President, this country needs regulatory reform. Regulated businesses and individuals deserve the most flexible, cost-effective regulations agencies can craft while still providing the protections Congress has provided and all of us need. But it is also time for us to admit the real cause of many regulatory complaints—overly prescriptive and sloppily drafted legislation.

While this bill needs further work, I hope we can resume negotiations and produce a regulatory reform bill we all can support.

AMENDMENT NO. 1487

Mr. PRESSLER. Mr. President, today I rise to express my support for the substitute regulatory reform amendment currently pending before the Senate. I commend Senator DOLE for putting together a measure that is balanced, fair and commands bipartisan support. Certainly, we need Federal regulations to protect the public health and safety. But the rules must be reasonable. They must make sense. That is exactly what the Dole substitute amendment attempts to ensure.

Mr. President, when I talk with South Dakotans, few topics raise their blood pressure faster than when they describe their frustrating dealings with the Federal bureaucracy. Government is supposed to work for us, not against us. Yet time after time, I hear horror stories of Washington bureaucrats running amok, imposing complicated, costly and silly rules.

Our current regulatory system is too large, too complicated, too burdensome, and too expensive. Worst of all, it is rapidly growing out of control. In the first two years of the Clinton administration, almost 140,000 pages of new Federal regulations were published. This is excessive. There is no way small businesses, local governments, or farmers and ranchers in South Dakota can possibly keep up with the changes.

Our current system costs all of us dearly. According to Thomas Hopkins, an economics professor at the Rochester Institute of Technology and the former Deputy Administrator of the Office of Management and Budget, OMB, every American household spends about $4000 of their hard-earned income annually to comply with Federal regulations. As a nation, we spend between $500 and $800 billion each year.

The overwhelming majority of Americans agree the Federal bureaucracy needs an overhaul. Last November's election was a clear indication for smaller, smarter government with less redtape. This legislation takes a big step in that direction. Its main provision simply would require that before major new regulations are enacted, Federal regulators must show that the benefits justify the costs. This is simple common sense. It would force Federal regulations to be reasonable. If a Federal regulator cannot show that the costs of a proposed rule are justified by the benefits, why should we allow it be implemented? Common sense says we should not. This is a sensible hurdle that newly proposed rules should be required to clear.

Mr. President, let me give two recent examples of ridiculous Federal regulations that demonstrate the need for this legislation. The U.S. Environmental Protection Agency, EPA, is charged with enforcing our Nation's safe drinking water laws. In an effort to enforce the law, the EPA zealously over interprets congressional intent. In effect, they rewrite the law "raising the bar" for municipalities by requiring excessively burdensome water standards without comparing the costs of their rules to the benefits they hope to achieve.

Each year it seems, state and local officials are told last year's water standards are no longer good enough. They are forced by the EPA to perform costly new tests for presences in their water supply. Unfortunately, the EPA frequently relies on questionable evidence to show why the changes are necessary. For many rural communities in South Dakota, excessive drinking water standards threaten to break their small budgets.

Recently, the EPA has proposed yet another standard—one that would require communities to regulate sulfate levels in drinking water supplies. This proposed standard has been made despite the fact there is no valid scientific showing of harm resulting from higher levels of sulfate. Congress instructed the EPA to study this issue. However, instead of evaluating the health risk of sulfate in drinking water, the EPA proposed a sweeping rule to allow no more than 500 milligrams of sulfate per liter of drinking water. When promulgating the proposed rule, the EPA did not consider the costs of compliance. They have not explained or justified the supposed benefits the rule attempts to attain. They also have not given any reliable scientific basis for this rule.

The costs of enacting the proposed sulfate regulation would be enormous. It would affect roughly one-quarter of all the water systems in South Dakota—108 of the 483 water systems in the State. The South Dakota Department of Environment and Natural Resources, DENR, which opposes the EPA's proposed sulfate rule, has estimated the costs of compliance for those water systems would be $40 to $60 million. That is just the initial cost of compliance—not including operation and maintenance costs. Small, rural communities in South Dakota should not be forced to pay such a high price to enforce a regulation that has no valid scientific justification.

Let me put these figures in real terms we can all understand. The largest of the 108 affected communities is Madison, SD, with a population of 6,395 people. Currently, the average water bill for each household in Madison is $13.75 per month. According to the South Dakota DENR, if the proposed rule is enacted, the additional cost to each household would be about $10 per month. That would mean an average monthly water bill of $23.75, or a 73 percent increase over current bills. Remember, this figure is for the largest of the affected communities, which presumably would be the most able to absorb the costs of compliance.

Let us take Big Stone City, SD, as another example. With a population of 670 people, Big Stone City has the median population of the 108 communities in South Dakota affected by the proposed rule. Currently, the average monthly water bill per household in Big Stone City is $9.80. If the EPA has its way, each household in that community would see its water bill rise $27.50 for a total monthly bill of $37.30. That would be an astonishing 281 percent increase. Again, Big Stone City is the median size of the affected communities. Just imagine the impact the EPA's rule would have on communities smaller than Big Stone City.

Mr. President, what would these communities get in return for these shocking rate increases? Nothing. That is right. For years, South Dakotans have been drinking water containing sulfate with no apparent adverse health effects. The EPA has not been able to show scientifically that higher levels of sulfate in drinking water pose a real health threat to humans. The proposed rule would ensure drinking water has less sulfate, but that does not mean it is safer water. However, an EPA bureaucrat thinks the Federal Government should regulate sulfate.

These plans are being made regardless of the enormous costs involved on small communities. This situation does not make sense.

Mr. President, as I stated earlier, clearly we need to take precautions to ensure the quality of our drinking water. However, common sense says, before spending billions nationwide to comply with a new regulation, we should ensure the benefits are worth the costs. The EPA should be required to demonstrate why it now believes sulfate is dangerous to human health. They should have to show how the benefits of their new rule justify the enormous costs it would impose on small communities like Madison and Big Stone City. That is what the Dole substitute would require of the EPA. Is that too much to ask?

Mr. President, let me give another example of a ridiculous Federal regulation that, several months ago, threatened farmers and ranchers in my State. The proposed regulation concerned the Endangered Species Act. Earlier this spring, the U.S. Fish and Wildlife Service considered listing prairie dogs under the Endangered Species Act, entitling them to numerous protections under Federal law, despite the fact there are 71 times more prairie dogs than people in South Dakota. Let me repeat that: in South Dakota, there are 71 prairie dogs for every man, woman and child—yet, earlier this year, Federal bureaucrats actually considered listing them as an endangered or threatened species.

Once a species has been listed under the act, certain uses of the land inhabited by the species can be prohibited until the condition of the species has improved to the point it can be taken off the list. Virtually, the entire western half of South Dakota potentially could have been affected. Fortunately, there are no longer plans to list the prairie dog as endangered or threatened. However, it still may be listed as a "candidate species" entitled to some level of Federal protection.

There are millions of prairie dogs in South Dakota digging even more millions of holes. Their holes are a real menace to cattle and horses. Ranchers are forced to destroy livestock which step in the holes and break their legs. Prairie dogs also eat grass and other vegetation, a sparse commodity in the western half of my State.

How can anyone believe prairie dogs are a threatened species facing possible extinction? Farmers and ranchers in my home State do not understand this. I do not either. If this absurd rule had been enacted, killing prairie dogs would have been a Federal offense. Their population quickly would have grown far beyond their current numbers—causing more harm and destruction to South Dakota farmers and ranchers—all with the Federal Government's blessing. If the situation several months ago were not so serious, it would have been laughable.

These examples show why people in my home State are fed up with the Federal regulatory process. I am too. Is it any wonder why we believe the Federal bureaucracy is out of control and must be reined in? South Dakotans certainly want safe drinking water, safe food and a clean environment. But they also want Federal rules that are reasonable, understandable and flexible to allow as much compliance as possible.

That is why I support the Dole substitute amendment. If it were enacted the EPA could not implement its proposed sulfate rule until it can show that the benefits of the rule justify the enormous costs involved. Again, is that too much to ask?

In addition to benefiting consumers, this legislation also would have a positive impact on small businesses in my State. The current level of regulation from Washington puts an incredible burden on small businesses. Over-regulation chokes businesses in paperwork, stifles innovative ideas and undermines the ability of American businesses to compete in international markets. I have talked to many small businessmen and women who believe due to the sheer number of regulations, the complexity of the rules, and the different standards of enforcement between areas of the country and even between different inspectors, it is impossible for them not to be in violation of some regulation at any given time. This situation is not acceptable.

We greatly need to move the Federal bureaucracy away from the "gotcha" mentality many have toward American business. Regulators should not see themselves exclusively as "supercops," as many do, waiting to pounce on any business that violates some regulation in the most technical way. Regulators need to develop a cooperative relationship with businesses. Both should work together to find innovative and cost-effective ways to comply with the spirit of the law as intended by Congress, rather than with hypertechnical regulations.

American business is not the enemy. The vast majority of small businesses are run by fine, ethical businessmen and women who want to obey the law, not skirt it. They want to be good corporate citizens. They do not seek ways to bend or break the law. They work hard to treat their employees fairly. They spend considerable amounts of money to provide a safe workplace for them. They do this not because the Occupational Safety and Health Administration, OSHA, or the Department of Labor require such action. They do it because it makes good, sound business sense. After all, satisfied employees are productive employees.

Judging from the enormous amounts of new Federal regulations continually being issued, however, you might think each American business spends all its time devising ways to bend or break the law. Every aspect of business life increasingly is being regulated. That has to stop.

Mr. President, to conclude, let me again state my support for the Dole substitute. The country needs less regulation from Washington. No one in my home State thinks there are too few Government regulations. No small business has asked me for more Government paperwork to fill out. No farmer or rancher has requested yet more restrictions on how they can use their own land.

The country needs less regulation. South Dakotans know Washington cannot regulate away our problems. Too many rules are on the books and not enough common sense is in the system. In short: Federal rulemaking needs an overhaul. The Dole substitute amendment would help reduce the number of rules generated by Washington. It would establish a sensible hurdle for new regulations: the costs must be justified by the benefits. That is simple common sense. The regulatory system cannot continue as it has been promulgating rule after rule with little concern for their practical effect. Is that asking too much? I urge my colleagues to support and vote for this legislation.

Mr. MOYNIHAN. Mr. President, the Comprehensive Regulatory Reform Act of 1995 is a response to the belief that our executive branch agencies have become unreasonable in their regulation of the behavior of businesses and individuals. This is a powerful idea whose influence has, until recently, been underestimated. No longer. This is the third time this year that the Senate has considered legislation to restrain such Government action.

On January 27, 1995, the Senate passed S. 1, the Unfunded Mandates Reform Act, which requires Congress to acknowledge, by recorded vote, the costs imposed by Federal laws on State and local governments, as well as on the private sector. President Clinton signed the unfunded mandates on March 22, 1995.

Just 2 months later, the Senate passed S. 219, the Regulatory Transition Act, which established a 45-day review period for congressional review of regulations. Conferees are now attempting to reconcile that bill with the House-passed legislation, which places a temporary moratorium on Federal rulemaking.

The same concerns have prompted the Senate to take up the Comprehensive Regulatory Reform Act of 1995 now before us. A central element of this bill is the requirement that agencies justify their actions through risk assessment and cost-benefit analysis. This is not a new idea, although it is given unprecedented emphasis in this bill. I first introduced legislation to require risk assessment of environmental regulations in 1991, and I have introduced similar legislation in each succeeding Congress.

All of these bills have been based on the simple proposition that decisionmaking by Federal agencies ought to be informed by the best available science. Of course, science cannot be the sole basis of agency decisions, for there are limits to scientific knowledge, and what we do know is imprecise. Yet science must be taken into account. We must have the humility to acknowledge what we don't know, but also the good sense to make use of what we do. That was the approach taken by the legislation I introduced in previous years, and it was the approach of the Johnston-Baucus-Moynihan amendment that passed the Senate as part of the Safe Drinking Water Act reauthorization bill in May 1994. That amendment would have required EPA to conduct risk assessments and cost-benefit analyses for all major regulations. EPA would have been required to certify that the benefits of a rule justify the costs and that no regulatory alternative would be more cost-effective in achieving an equivalent reduction of risk. Unlike the measure before us, last year's legislation would not have superseded existing law, and EPA's analyses would not have been subject to judicial review.

Our amendment was modest enough, but predictably it had opponents, including some members of the Clinton administration and certain representatives of the environmental community. They seemed to view the issue only in absolute terms, being of the view that requiring cost-benefit analysis and risk assessment would bring about the dismantling of environmental regulation by requiring EPA to consider risks and costs over environmental health and safety. Over the last 4 years, it has been our repeated experience—mine—to hear such complaints from environmental groups. Indeed, it is well known that opposition to risk assessment was significant enough last year to help kill the EPA Cabinet bill and the Safe Drinking Water Act reauthorization. Note well. Had the Environmental Protection Agency in 1994 accepted risk assessment and cost-benefit analysis as part of its mandate, it would be a cabinet department today.

Let me give one example of the sort of analysis some have chosen to apply to risk assessment proposals. On May 21, 1991, Joseph Thornton, a policy analyst with Greenpeace, testified before a hearing of the Environment Subcommittee of the House Committee on Science, Space, and Technology on the "Risk Assessment: Strengths and Limitations of Utilization for Policy Decisions." This is what he said:

> Greenpeace and communities who have experienced risk assessment first hand are united that risk assessment endangers the environment, public health, *and the democratic process as it is now practiced*. The major real world use of risk assessment has been to approve pollution. . . . Even when [it has] been used for the purpose of setting priorities, quantitative risk assessment is a flawed, uncertain, and subjective process that is subject to political pressures from those who have the most resources, and the most influence. (Emphasis supplied.)

This was not untypical of attitudes we encountered. The terms of the debate even began to take on a curious doctrinal cast: It became fashionable at one point to refer to risk assessment as one element of an Unholy Trinity. According to Mr. John D. Echeverria, a National Audubon Society attorney quoted in the New York Times on February 7, 1994, the Unholy Trinity is comprised of proposals on risk assessment, unfunded mandates, and Government takings of private property. And so I suppose I should not be surprised that, despite the fact that my League of Conservation Voters record has frequently risen above 90 percent, and despite having once been Chairman of the Senate Committee on Environment and Public Works, I have never, in 19 years on the committee, received a letter of commendation from the environmental community, a community not the least averse to plastering congressional walls with plaques. As an advocate of risk assessment, I am viewed with suspicion.

Not surprisingly—it is an old story—the legislation now before the Senate is far more prescriptive than anything advocated in the past by this Senator. The controversy that accompanied any discussion of risk assessment and cost-benefit analysis as recently as a year ago has all but disappeared. Today, even opponents of the Dole-Johnston bill are quick to state they favor the use of sound cost-benefit analysis and risk assessment in environmental decisionmaking. A year has passed, an election has intervened, and now we are faced with the Comprehensive Regulatory Reform Act of 1995. One wonders whether the opponents of the early efforts by the Senators from Louisiana, Montana, and New York may be a bit wistful about the opportunity they passed up last year. Clearly, the terms of the debate have changed. The Senate has changed. We never seem to learn that the failure to recognize the need for sensible, incremental change invites radical change.

Although the Dole-Johnston compromise significantly improved the earlier drafts of this legislation, it does in my view overreact. I share many of the concerns of my colleagues and hope further amendments will be accepted to improve the bill. At this point, I would like to set forth the principles that have guided my votes on this important legislation.

As I have said, I do support the appropriate use of cost-benefit analyses and risk assessments in major rulemaking. However, I recognize that risk assessment and cost-benefit analysis are imperfect tools. Even in the best analyses, significant uncertainties exist. More important, any legislation that would impose a cost-benefit test must recognize that other factors including values, equity concerns, and policy judgments are equally important or even dispositive factors in the decisionmaking process.

These points were well illustrated during our debate on the acid rain provisions of the Clean Air Amendments of 1990. Cost-benefit considerations were important elements of the debate. However, in the end Congress made policy judgments based in large measure on the unquantified and unquantifiable value we place on our natural environment. We decided, for instance, that some regions of the country, such as upstate New York, should not be forced to bear a disproportionate impact of acid rain pollution. We now know that the actual costs of the acid rain program are less than one-third of most estimates at the time, and that we still do not understand the ultimate impact of acid deposition on the environment. That experience illustrated the limitations of cost-benefit analysis as a rigid decisionmaking tool, and it ought to be a lesson to us.

Returning to the Dole-Johnston bill, we reached a consensus last week on two major issues. First, we recognized the tremendous resource burden that risk assessment and cost benefit analyses impose on agencies, and we changed the definition of major rule to $100 million rather than $50 million. This is a move in the right direction. However, the adoption of another amendment, which extends the definition to include rules that have a major effect on small business, may recreate the problem we were trying to correct. Second, we clarified our intention that the legislation should not impose a supermandate. That is, it should not override existing law. This does not mean we are entirely satisfied with existing laws, but it recognizes that we will not suddenly attain to vastly more intelligent and effective regulations by this single piece of legislation.

I disagree with those who view regulatory reform legislation as a simple answer to the problems accompanying our current health, safety, and environmental statutes. Problems do exist—with Superfund, with the current interpretation of the Delaney clause, and elsewhere. To achieve true comprehensive regulatory reform, we should move forward with current efforts to reauthorize and improve important statutes such as Superfund, the Clean Water Act, and the Safe Drinking Water Act.

I also have continuing concerns with the judicial review and lookback provisions of the Dole-Johnston bill. Regulatory reform should not provide expansive opportunities for technical and procedural challenges, as much as K

Street might wish. We should not turn the courts into arbiters of the adequacy of highly technical cost-benefit analyses and risk assessments. For example, section 634 of the Dole-Johnston bill would allow interested parties to petition agencies to review existing risk assessments and would subject agency decisions on petitions to court challenge.

Do we really expect courts to decide whether the agency or industry interpretation of the data should prevail? Do we really think we can legislate, and litigate, good science? Let us clearly and unambiguously limit judicial review only to final agency rulemaking actions.

Further, while I agree that the periodic review of existing rules is an important element of regulatory reform, the lookback process should be constrained to focus on the most significant opportunities for improvement. We need a process that is controlled by the agencies, using clearly defined criteria, with adequate opportunity for public comment—not one controlled by special interests or the courts.

I am pleased that the comparative risk principles which I have proposed on earlier occasions have been incorporated in both the Dole-Johnston bill and the Glenn-Chafee alternative. However, as I have said before, the use of comparative risk to help set agency priorities must recognize the limitations of current methods and provide for continuous development of the discipline. I therefore strongly support the recommendation in the bill that a nationally recognized scientific body be asked to evaluate the state of the science and identify opportunities for improvement of this important science policy tool.

Finally, it ought to be said that many of the problems with our current system cannot be solved by the application of cost-benefit analysis, risk assessment, or any other device. Recently, we received a major study conducted by the National Academy of Public Administration, "Setting Priorities, Getting Results." The report makes a number of recommendations for improving environmental decision-making. As we debate the appropriate role of risk assessment and cost-benefit analysis, we should heed this admonition:

> Risk analysis is not a cure-all. The members of Congress and other decision-makers who have displayed a strong desire for more objective and precise quantitative estimates of environmental risks and of the costs and benefits of environmental protection will be disappointed. The unfortunate reality, that EPA and Congress must confront, is that neither risk assessment nor economic analysis can answer most of their crucial questions about environmental problems. The tools can only approximate answers with varying degrees of certainty, and the answers often cannot be reduced objectively to a few numbers. The objective findings of science are essential components of EPA's decisions, but wholly insufficient as a base for environmental policy-making.

The report goes on to state, "Despite these problems, summaries of costs or benefits are useful if they encourage analysts or decision-makers to think rigorously about what impacts and values should be included."

This is the core of what we need to accomplish in regulatory reform legislation: greater scientific rigor in agency thinking and decisionmaking. Let us acknowledge that with this legislation the task of creating a more effective national effort to improve the Nation's health, safety, and environmental quality has just begun.

Mr. HATCH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, we have 53 votes. We need 60. I understand tomorrow we will have an additional four votes on this side of the aisle to make 57, 3 short of the 60.

I am trying to determine whether or not we want to go with this bill, whether we want to set it aside for a period of time, or set it aside forever.

I have been talking with the distinguished Democratic leader. It is my suggestion that if nobody objects, we stand in recess until 4:15 to give the principals involved a chance to go off somewhere to see whether or not they believe any more of these major issues can be resolved, which might move the bill along.

I think, rather than just sit in a quorum call for the next hour, we will stand in recess, unless the Democratic leader has some objection to that.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader.

Mr. DASCHLE. Mr. President, I think that is a very good idea. Obviously, we are at a point where we have to work through what remains as significant differences between the two sides. I think an opportunity over the next hour to discuss those differences and determine whether or not they are reconcilable is a very good opportunity for both sides. I will encourage it and think that this is probably the best plan.

RECESS UNTIL 4:30 P.M.

Mr. DOLE. So, Mr. President, let me ask unanimous consent that we stand in recess until 4:30 p.m.

The PRESIDING OFFICER. Is there objection? Without objection, the Senate stands in recess until 4:30, this date.

Thereupon, at 3:10 p.m., the Senate recessed until 4:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. THOMPSON).

Mr. DOLE. Mr. President, let me suggest the absence of a quorum for just a moment.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The majority leader is recognized.

RECESS UNTIL 5 P.M.

Mr. DOLE. Mr. President, I think most of our colleagues know there is a meeting in Senator DASCHLE's office underway to see if they can make headway on two or three issues on reg reform so we can make a determination whether to have the third cloture vote tomorrow or do something else, maybe Bosnia.

But the Presiding Officer is one of the principal Members of that negotiating team. And so he may go back and help the negotiation—I guess dealing with the judicial review section—I think it is in the best interest of all of us that the Senate stand in recess until 5 p.m.

I ask unanimous consent that the Senate stand in recess until 5 p.m.

There being no objection, at 4:32 p.m., the Senate recessed until 5 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. SANTORUM).

The PRESIDING OFFICER. The majority leader is recognized.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Members permitted to speak therein for 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE REGULATORY REFORM ACT

Mr. DOLE. Let me indicate that I understand a number of our colleagues are still meeting in Senator DASCHLE's office on regulation reform. We hope to find out here before too long whether we will proceed with the bill or lay it aside, or just what may be developing. We would like to, obviously, finish the bill. It may not be possible.

BOSNIA

Mr. DOLE. Mr. President, following whatever disposition of regulatory reform, we will take up the resolution on

Bosnia. We were visited today by Secretary of State Christopher and General Shalikashvili, and they made their pitch about how bad the Dole-Lieberman resolution would be on Bosnia, as far as lifting the arms embargo.

Somebody asked the question, if it is so bad, what is so good about what is happening in Bosnia now? Obviously, we did not have an answer. There is not any answer.

Today I received from Lady Margaret Thatcher a letter which I think is probably the best summation I have read about Bosnia and the tragedy there. I placed a copy on everyone's desk, but I will read it for the record.

The letter is as follows:

> JULY 18, 1995
>
> DEAR SENATOR DOLE: I am writing to express my very strong support for your attempt to have the arms embargo against Bosnia lifted.
>
> I know that you and all members of the United States Senate share my horror at the crimes against humanity now being perpetrated by the Serbs in Bosnia. The UN and NATO have failed to enforce the Security Council Resolutions which authorized the use of force to defend the safe havens and to get humanitarian assistance through. The safe havens were never safe; now they are falling to Serb assault. Murder, ethnic cleansing, mass rape and torture are the legacy of the policy of the last three years to the people of Bosnia. It has failed utterly. We owe it to the victims at last and at least to have the weapons to defend themselves—since we ourselves are not willing to defend them.
>
> The arms embargo was always morally wrong. Significantly, it was imposed on the (then formally intact but fragmenting) former Yugoslavia at that regime's own behest. It was then, quite unjustly and possibly illegally, applied to the successor states. Its effect—and, as regards the Surbs, its intention—was to ensure that the proponents of a Greater Serbia, who inherited the great bulk of the Yugoslav army's equipment, enjoyed overwhelming military superiority in their aggression. It is worth recalling that the democratically elected, multi-faith and multi-ethnic Bosnian Government never asked for a single UN soldier to be sent. It did ask for the arms required to defend its own people against a ruthless aggressor. That request was repeatedly denied, in spite of the wishes of the US administration and of most leading American politicians.
>
> There is no point now in listing the failures of military policy which subsequently occurred. Suffice it to say that, instead of succeeding in enforcing the mandates the UN Security Council gave them, UNPROFOR became potential and then actual hostages. Airpower was never seriously employed either. The oft repeated arguments against lifting the arms embargo—that if it occurred UN troops would be at risk, that the enclaves like Srebrenica would fall, that the Serbs would abandon all restraint—have all now been proved worthless. For all these things have happened and the arms embargo still applies.
>
> Two arguments are, however, still advanced by those who wish to keep the arms embargo in place. Each is demonstrably false.
>
> First, it is said that lifting the arms embargo would prolong the war in Bosnia. This is, of course, a morally repulsive argument, for it implies that all we should care about is a quick end to the conflict without regard to the justice or otherwise of its outcome. But in any case it is based on the false assumption that the Serbs are bound to win. Over the last year the Bosnian army has grown much stronger and the Bosnian Serbs weaker. The Bosnian army has, with its Croat allies, been winning back crucial territory, while desertion and poor morale are badly affecting the over-extended Serb forces. What the Bosnian government lacks however are the tanks and artillery needed to hold the territory won and force the Serbs to negotiate. This lack of equipment is directly the result of the arms embargo. Because of it the war is being prolonged and the casualties are higher. Lifting the arms embargo would thus shorten not lengthen the war.
>
> Second, it is said that lifting the arms embargo would lead to rifts within the UN Security Council and NATO. But are there not rifts already? And are these themselves not the result of pursuing a failed policy involving large risks to outside countries ground troops, rather than arming and training the victims to repel the aggressor? American leadership is vital to bring order out of the present chaos. No country must be allowed to veto the action required to end the present catastrophe. And if American leadership is truly evident along the lines of the policy which you and your colleagues are advancing I do not believe that any country will actually try to obstruct it.
>
> The West has already waited too long. Time is now terribly short. All those who care about peace and justice for the tragic victims of aggression in the former Yugoslavia now have their eyes fixed on the actions of the US Senate. I hope, trust and pray that your initiative to have the arms embargo against Bosnia lifted succeeds. It will bring new hope to those who are suffering so much.
>
> With warm regards,
>
> Yours Sincerely,
>
> MARGARET THATCHER.

Mr. President, having read the letter, I think it says it all. I know the administration has said we will finally have a policy. It will not be business as usual. After 30 months, we will do something.

No one is talking about committing American ground troops. In fact, just the opposite. Lifting the arms embargo keeps America out of any engagement. It seems to me that is something that should have been done a long time ago. We have waited almost a year. A year ago August we had our last vote on this important issue. Mr. President, 58 out of 100 Senators voted to lift the embargo—Democrats and Republicans, bipartisan.

This is not an initiative by Senator DOLE or Senator LIEBERMAN, though we are working together. This is an initiative of the U.S. Senate, in a bipartisan way, to address a very serious problem.

The President has made two promises. One, to commit 25,000 American forces, if, in fact, there is a peace settlement, to keep the peace. More recently, commit 25,000 Americans to extricate members of the U.N. protection forces in case of withdrawal.

I am advised by the Bosnian Foreign Minister today that only 30 U.N. protection force members are in occupied Serb territory today. And he asked the question, why would it take 25,000 Americans to extricate 30 members of the U.N. protection forces? He says very clearly that there will be no interference on the part of Muslims with any withdrawal of U.N. protection forces.

No question about it, this matter is very, very important. It is very serious, as Secretary of State Christopher told Members today at noon. It has been serious if you are the ones doing the dying—or even the killing. But one side has done nearly all the dying, and one side has done nearly all the killing.

Those doing the dying do not have tanks or heavy weapons or artillery to defend themselves. They have rifles. In many cases they surrendered their heavy weapons because they were told they would be safe in these safe havens. So they surrendered their heavy weapons, their only means to defend themselves, and notified, in the case of Zepa, Medjedja, Gorazde, that the safe havens—that Lady Thatcher points out in the letter were never safe—and now they are falling to Serb assault.

This debate will begin, if not today, hopefully tomorrow. I hope we will have broad bipartisan support, unanimous support. I know the Secretary of State told Members at the Democratic policy lunch today that timing is everything, "This is a terrible time to bring up this resolution."

We have been told that at every turn. It is always a bad time. We thought, ourselves, it was a bad time to bring up the resolution, when you had U.N. Protection Forces chained to poles and held as hostages so there would be no more air strikes, and used as human shields. So we deferred consideration of the resolution. And we have waited and waited and waited, hoping something good might happen. But nothing good has happened.

Again, the Foreign Minister of Bosnia, who will be here, I guess, for several days, and has met with a number of Senators in both parties, indicates clearly that the U.N. Protection Forces should go.

So I hope in the next 24 hours we will be able to move to the resolution. I hope my colleagues on this side will listen carefully to many on this side who are cosponsoring this resolution, and colleagues on the other side will listen carefully to Senator LIEBERMAN and others who will be leading the effort. The point I wish to make is this is not a partisan effort. It is not an effort aimed at President Clinton. I complained—or criticized the Bosnian policy during the Bush administration. So it is not something that we have discovered because we now have a Democrat in the White House.

So for 30 months, many of us originally supported Candidate Clinton, who said we ought to lift the arms embargo and have air strikes. We supported him. I remember meeting in the White House in 1993, in the spring, and we were talking about lifting the arms embargo. Most of us there supported the President's desire at that time to lift the arms embargo.

Then, for some reason—it has never been fully understood by this Senator—it just sort of went off the radar screen. Bosnia was forgotten. It is as though the President never said anything about Bosnia, never said anything about lifting the arms embargo. Then we were told a year ago, in April, if we would just wait—and there was a resolution offered by the then Democratic leader, Senator MITCHELL, and Senator NUNN, that they would go to the United Nations and make a plea that the British and the French also lift the arms embargo. That was one way to stall any action on the other resolution.

The trouble is, they had never gone to the United Nations and asked for that, asked that the embargo be lifted. So we are back. We believe it is critical. We believe it is crucial. If anybody has any doubts, watch the television tonight, read the paper in the morning.

Again, to make it very clear to some who always feel it is going to Americanize the war, we have already Americanized the war. Scott O'Grady is an American, last time I checked. And he was shot down because we had not been notified that there were SAM sites in the area.

So American pilots are part of NATO. Lifting the arms embargo, removing the U.N. Protection Forces—and I commend the bravery and courage of all those who are engaged in the U.N. Protection Forces. But the problem is, they cannot protect themselves and they cannot protect the safe havens and they act as a buffer for the aggressors, the Serbs. Whether they intend it or not, they have been, in effect, an ally of the aggressors. And many of us do not believe that was ever intended.

Again, let me make a distinction between the Serb people and Milosevic and Karadzic and some of the others who are dedicated to ethnic cleansing, murder, butchery—whatever it takes to eliminate Bosnian Moslems. I know the Serb people are just as tired of the fighting, and the mothers are just as tired of sending their sons to face possible death, as anybody on the other side.

So we are going to be on the Bosnian resolution. I hope, on the matter of timing, it seems to me the best thing that could happen for this administration is for the Senate to pass with a big, big vote, our resolution. That would give the President and the Secretary of State or whomever they designate to negotiate with the British and the French and others a great deal of leverage. Because at that point they could say, "The Senate has acted. The House has acted. It is time to go. It is time to go."

Then we would turn the fighting over to the parties who are directly involved. Give the Bosnians a chance. They are a member of the United Nations. They are an independent nation. They have lost—70 percent of their land has been taken; 70 percent. And we are saying, "Oh, wait. Wait. We want to wait a while." Will we wait until 80 percent is taken?

All they want is a right they believe they are entitled to, which we believe in this country is an inherent right, the right of self defense. They would hope for the same as a nation, the right of self defense as a nation.

In my view, they are entitled to that right. I think most of us agree they are entitled to that right. Take a look at the casualty figures. Who has been doing the dying? Who has been doing the killing? Who has been involved in that? I must say, in some cases it is probably hard to differentiate, because there has been a lot of treachery and tragedy on all sides. But for the most part, there is no question about who the aggressors have been. I just believe it is time for us to stand up.

This is a moral issue, one that should have been addressed a long time ago. It can be addressed without committing American forces. All we need to do is say we are going to lift the arms embargo and as an independent nation you are going to have a right to defend yourself—which does not seem to me to be a very difficult decision. We are not going to defend them. If we lift the embargo, it is not we defending them. If we lift the embargo, you defend yourself.

So I hope my colleagues will be prepared for debate on this very important issue, and that we can take final action before the week is out.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. ABRAHAM). The Senator from Wisconsin.

THE BOSNIAN SITUATION

Mr. FEINGOLD. Mr. President, I will take just a moment to comment on the leader's remarks. I believe that the leader's remarks are totally appropriate with regard to the Bosnian situation, and I feel that this should not be a partisan issue. This is a moral issue that appeals to a strong feeling throughout the country, I think, that something has happened here in Bosnia that goes against the very nature of the way we believe countries should be treated.

In my view, what the majority leader has said about the right to self defense is the key to this issue. There are a number of arguments that are going to come up that this will Americanize the war, to lift the arms embargo; that it is better to do it multilaterally versus unilaterally. But that all is to the side of the central issue, which the majority leader has pointed out, and that is: How in the world can we say that a country cannot defend itself? What would give us that right?

A terrible mistake was made in putting an arms embargo in a situation where one side had all the armaments and the other side was very poorly armed. I think we have to do everything we can to have a debate that does not make this a partisan issue. And to reiterate what the majority leader has said, all the arguments that are made have been made time and time again to justify delaying lifting the arms embargo. But he correctly points out that there is never a good time. No matter what we do to try to lift the arms embargo, there is some excuse why it is not the right time to do it.

I say this as a person who, in his first month or two as a U.S. Senator, offered the first resolution I ever offered in this body to lift the arms embargo on the Bosnian Moslems. That was 2½ years ago.

The situation in Bosnia today would be very, very different had we lifted the arms embargo at that time. I have appreciated the fact that we have had, on many occasions, a good bipartisan effort to try to lift this arms embargo. If I can pick one issue since I have been here that really has not been partisan and should not be partisan, it would be this very issue.

So I look forward to the debate when this comes up. Nothing could be more urgent. I hope very much that we have an overwhelming vote in favor of the proposal, as at least described by the leader in his remarks.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ASHCROFT. Mr. President, I ask unanimous consent that I may speak for as long as I need to speak on the proposal for urban regulatory relief zones in morning business.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

URBAN REGULATORY RELIEF ZONES

Mr. ASHCROFT. Mr. President, one of the main challenges, which we face as a society, that relates to the regulatory climate in America is the condition of our urban centers.

Today, many of our cities have become hopeless arenas of decay and despair. They are places where industry used to flourish, places where productivity used to take place. But the fact is that the number of enterprises in cities is plummeting. Just in the last 20 years, you can note that the number of businesses which inhabit our urban centers has gone down dramatically.

St. Louis, MO, has had a 32-percent decline in the number of businesses, from 3,497 businesses in 1972 to 2,386 businesses in 1992. Detroit, MI, for example, went from 6,945 businesses in 1972 to 3,448 businesses in 1992—a 50-percent decrease. So we see that one of our problems is that not only have cities become a difficult place for individuals, they have become a difficult place for businesses and industry.

As a matter of fact, it is important for us to understand, Mr. President, that this is a problem which is related to the notion that people who do not have jobs are at peril. The entirety of our regulatory framework is designed to deal with the well-being of individuals, to promote their health, their safety, and, hopefully, to extend their longevity, so that people live longer, so that they have an opportunity for a quality existence.

But the truth of the matter is at the very core of our urban societies. We have the biggest challenges that relate to health. We have the biggest challenges that relate to longevity, and the biggest challenges that relate to personal security.

America's urban areas suffer a murder every 22 minutes, a robbery every 49 seconds, an aggravated assault every 30 seconds. In a survey of the parents of first- and second-graders in Washington, DC, 31 percent of those said that they worried a lot about their children being involved in violence; almost 40 percent of the low-income urban parents worried about their children being shot. That is a quality of life issue. Thirty-one percent of the first and second graders in Washington, DC, reported witnessing shootings. One out of every three children had witnessed a shooting, and 39 percent said they had seen dead bodies. These are first and second graders.

We have a major challenge that relates to the security, the safety, and the health and well-being of our citizens in our urban centers. One out of every 24 black males in America will have his life ended by homicide. Our urban centers are so hopeless and filled with despair, and opportunity is so absent, that we find that the challenge is the challenge to stay alive. There is a death sentence for 1 out of every 24 black males.

The New England Journal of Medicine stated that a young black man living in Harlem is less likely to live to the age of 40 than a young man living in Bangladesh, which is perhaps the poorest of all of the nations on the face of the Earth. These things are startling. These things bother us. The pathologies of urban America are very challenging.

What is really stunning is the fact that the absence of work opportunity at the very heart of America's cities has been a big part of this condition. Youngsters in our urban settings are known to drop out at much higher rates than in other settings. Why? Some say it is because those youngsters in our schools do not see work opportunities, they do not see the promise or hope of doing something worthwhile with their lives upon graduation. Why persist in school if there will be nothing for you to do when you graduate? It is in that setting that we need to take a careful look at the way in which regulation has had an impact on what happens in our urban settings.

I became sensitized to this, Mr. President, when I was spending a lot of time with the people last year. I would work in a variety of settings in my campaign for the U.S. Senate. Across the State of Missouri, both in Kansas City and St. Louis, I encountered businesses that wanted to expand but could not. They wanted to grow and they wanted to offer more employment and they wanted to build the arena of opportunities. But they could not do it because of regulations—regulations that throttled them.

Just yesterday, I spoke about Anpaul Windows, a company whose employees—over half of them—were minorities. They were doing very well and the company needed to expand, but they had to leave the oppressive regulatory environment of the urban center for the green fields of suburbia because there were no contaminants in the green fields of suburbia. You could build a new factory there, and everything was in accordance with the way the factories were supposed to be, and you did not have to worry about the historic old buildings, or the prohibition about whether or not you could make a 8-foot door or a 10-foot door because of the historic designation of the factory.

What happened was the Anpaul Window Co. left the city of St. Louis, which left the city that much emptier. They are doing well. It is in Washington, MO, not Washington, DC. But it is 50 or 60 miles away from the people who need the jobs the most. They went to a new green field, but they did so because the regulatory framework really militates against jobs, industry, and development in the heart of our cities. All of those old factories and all of those old plants do not comply with all the new regulations. Lots of times, there is just a little narrowness in the door, or maybe a taint of some substance in the flooring. And the EPA comes in and says, well, grind over the floor and see if you can get the taint out, and if it does not come off, there may not be something that can be done to change it.

So what we have effectively done with our regulatory framework has been to impose the tremendous cost upon the citizens of our cities. It is a cost that not only they have to pay—higher costs for goods because our things are manufactured in plants that comply with regulations—it is an opportunity cost, because the city centers do not have the opportunities for employment. They do not have the opportunities for industrial development. Those individuals do not share in the opportunities of our culture. They are not worried so much about the lead poisoning from paint, they are worried about the lead poisoning from a .38. These are real challenges that we ought to face.

Let me tell you about the printing concern in Kansas City. The president has a publishing business which has grown over the past few years; it now employs 85 people. While business is doing well, the president wants to expand the business, but there is a problem. He could expand into more parts of the building in the downtown area, in the urban center. He wanted to move into different parts of the building, but regulations prevent such expansion. The printing company has no environmental problems. But the landlord of the building where the business is located has had a problem with trace elements of PCB's in the floor material in parts of the building. Tests have shown there are no elements of PCB's in the air. They are somehow in the material of the floor of the building.

Now, the president would probably like to expand to these other floors of the building if he could be assured that there would be no liability. As it now stands, the EPA may condemn the whole building altogether. It would cost the company about $500,000 to move and to take all these jobs out of the city. And it looks like that is what they are going to have to do. The landlord has spent over $250,000 so far in legal fees, and another $100,000 trying to grind down the floors to see if he could get through all the PCB's. I suppose he probably released more PCB's into the atmosphere than could have ever happened otherwise.

The EPA, in other parts of the country, has allowed for a covering of the floor to take care of situations like this. But the EPA cannot seem to make a decision in this Kansas City concern. Here we stand to lose 85 downtown urban center jobs—the price of regulation—saying we cannot allow you to expand in this building for technical reasons that are not uniformly applied across the country.

I repeat, there have been situations where these kinds of things have been taken care of. But as it now stands, EPA's inaction has again stalled the economic progress and job growth where it was most sorely needed. If this situation is not resolved, ultimately the printing company will have to move out of the city altogether. I just want to say that these are real people. These are real situations.

We have children dying in drive-by shootings, we have individuals who cannot get jobs, we have despair, bad health, we have the lack of security, the lack of safety that comes with a hollow core of the inner cities of America, in part because we have had a regulatory red line around the inner cities, which have basically said you cannot develop in here because this stuff is old. These buildings were used in previous settings where we did not have the environmental requirements that we have now, and because they were used in those previous settings, they are full of liabilities for business. They are full of liabilities for industry. They are full of liabilities for producers.

As a result, if you want to be an industry, you want to be in business, you want to be a producer, you cannot be here, but have to go to suburbia, in the green fields, and we find ourselves hollowing out our cities. We find young people in despair turning to all kinds of things.

Under the guise of regulations that would abate noise, for instance, we get the noise of crack cocaine. We hear the slam of the slammer door. We hear the shot of the pistol. We hear the wail of the family in the wake of the ambulance that carries away the individual who has been wounded or killed.

It is time to recognize that this economics redlining of the inner city that results from hyperregulation is costing us our ability to deliver jobs.

Make no mistake about it, make no mistake about it, we all want to have a healthier environment. But you cannot tell somebody who has a 1 in 25 chance of being shot as an unemployed person on the street in one of the urban cores, you cannot tell someone that you are keeping the jobs out of there because there is a 1 in 1 million chance they might have some respiratory problem as a result of some kind of atmospheric nonattainment.

We have to weigh the real impacts of what we are seeing happen here. The real impact of regulations in many urban centers is a redlining against developments, a redlining against industry. It is a redlining against opportunity.

When we take development opportunities and industry out of the communities, we have joblessness, lawlessness, hopelessness. Those are conditions that are far greater threats to the safety, security and general well-being of the population than many of the things we have sought to regulate.

What is the answer? How can we address this problem? What is it that we ought to do? I am suggesting in the Urban Regulatory Relief Zone Act that we should allow mayors of urban areas to convene economic development commissions that could make application for the waiver of specific Federal regulations when those regulations preclude jobs and development, when they preclude opportunities, when they result in the hopelessness, despair, and danger in the inner city, when they really result in a lower standard of longevity, a lower standard of health, a lower standard of safety, a lower standard of security.

When the impact of regulation has an inverse consequence—instead of promoting health, security and safety, it results in the absence of jobs and opportunities in the core of our inner cities and destroys the potential for health, security and safety—the economic development commissions of these areas ought simply to be able to make application to the Federal agencies and say to those Federal agencies, we ask for a waiver, because the imposition of the requirement in our community has the anomalous effect, has the opposite effect, of what it should have. It is causing our children to be shot. It is causing our children to drop out of school when they see no opportunity. We need to waive some of these regulations when the waiver would, in fact, elevate the health, the safety, and the employment opportunities, when the waiver would help people live longer and more productive lives than the imposition.

So the Urban Regulatory Relief Zone Act which I have proposed would simply be a way of saying it is time to make good on what our intention is. If our intention in regulation is to improve the health, safety, security, and general well-being of individuals in our urban centers where the impact of regulation has frequently been the opposite, we need to say "Let's give those urban centers the chance, through economic development commissions, to make application to have those regulatory provisions waived."

I think we all understand that we do not want to have the potential for the waiver of regulatory protections just willy-nilly. If regulations are decent or good or important, we do not want to waive them lightly.

I think it is important to note if you had those kind of economic development commissions that the law provides for, and you have the kind of public notice that the law provides for, that the people who represent the affected population would only submit such applications for waiver when they were convinced that as a result of the waiver there would be an elevation of the life expectancy, an elevation of the health and safety, an elevation of the security, the quality of life of the individuals.

Finally, this application, which under the proposed enactment would go to the Office of Management and Budget and then be referred to the various agencies, would be finally acted on by the agency. If the agency concluded, in spite of the application, that there was a substantial danger to the health and safety of the occupants, it could persist in denying relief. It could say no to the waiver. It would give authority for the EPA or other areas of regulation to say, "The impact of our regulation in that community is hurting people, not helping. The impact of our regulation is shortening people's lives. It is decreasing their health, not expanding their health. It is causing hopelessness and despair. It is causing young people to drop out of school because they see no opportunity." Yes, we ought to, in this circumstance, waive these technical requirements and, as a result, bring real benefit to the citizens of that particular area.

I believe this is a real opportunity. We have discriminated dramatically against urban residents with regulation. Regulations, invariably, are designed to make things that were done in the past illegal, to make things that happened in a previous way of doing business inappropriate.

We regulate to say you cannot do things that way anymore. There are some good reasons for that. But the institutions that worked on these things in the past are in the midst of our great cities. We have basically said you cannot work there anymore. We are reaping the harvest. We are reaping the harvest because 40 percent of all adult men in our distressed inner cities did not work in a year that was studied recently, while a significant number worked only sporadically or part time.

Today, half of all the residents of the distressed neighborhoods in our big cities live below the federally defined poverty threshold. In 1993, that was $14,763 for a family of four. The reason for that is, in part, we have said to businesses, we have a regulatory framework that really provides incentives for you to get out of here, for you to go to that green field in suburbia, go to a new place, leave the city alone.

We provided incentives. We have not done it purposely. We have not done it knowingly. But we have provided real incentives for people to leave the urban centers of America. And, when we leave them empty we leave the people there empty. We leave them in peril. We leave them in distress. We leave them in despair. And ultimately we leave some of them in a situation from which they can never escape.

There are those who say, "Well, you don't want to have a standard for safety or an environment that is lower in the city than it is in some other area. There has to be environmental justice." I believe in environmental justice. I believe everyone should have an equal chance at the good life that we want to enjoy. But I believe that when our requirements are shortening the lives of individuals instead of extending them, when our requirements are pulling the rug out from under the health of our population, we ought to think carefully about whether or not they are having the right effect.

I do not have the studies in my hand right now, but I think virtually all of us in this Chamber understand that when we have looked at health statistics people who are employed tend to be healthier than people who are unemployed, and people who are employed tend to be safer than people who are unemployed. There is very little that is more dangerous in an employment setting in this country than there is to be standing unemployed on the street corners of some of our urban centers.

I believe we ought to look hard at the way in which regulation has drawn a red line around the core of America's cities, the way regulation has basically said, "Do not invest here. Do not produce here. Do not do business here. You cannot get a job here." I think we ought to say to ourselves, let us allow these cities to make an evaluation. When they come to a conclusion that the general well-being of the people—when they come to the conclusion that the health and safety of the inner-city residents—would be benefited by a waiver, let us let them apply. And let us give the agency the authority to grant that waiver application, so we can bring jobs and opportunity and hope back to the center of our cities.

I believe one of the next items which we will be moving toward in the debate here in the U.S. Senate will be an item which is referred to as welfare reform. We desperately need welfare reform. But, frankly, as much as we need welfare reform we need opportunity for individuals, because we are going to ask people to go to work and we are going to expect them to go to work. But how can we ask people in our inner cities to go to work, how can we expect them to go to work, if we continue to develop a regulatory framework which redlines the inner city and says there cannot be jobs here, there cannot be opportunity here?

Mr. President, I believe it is time for us to grant relief to the urban centers, to give them a level playing field, to give them a chance to attract business and industry that is consistent with the health and safety, the longevity, and the security of the residents of that area. Our regulatory framework has not served them well.

They have paid the higher prices that we have all talked about in the last few weeks, talking about regulation here in this Chamber. But they have also paid a tremendously higher price than just the increased cost of goods that come from regulation. They have paid the price of joblessness and they have paid the price of hopelessness. They have paid the price of looking into the eyes of their young people who have no ambition because they cannot see an opportunity in their neighborhood. That is a substantially greater price than the $600 billion a year that it is estimated that regulation costs us in America. Oh, yes, they have paid their share of the $600 billion. But the opportunity costs—in the very heart of American urban centers has been a tremendous opportunity cost, and it is one which we can ill-afford to ignore.

So I rise this evening in the midst of the debate on regulatory reform to say we must recognize the unique circumstances of American cities. We must give these neighborhoods at the core of America, the mature cities of America, the opportunity to have relief when, as a matter of fact, the imposition of regulations now achieves a purpose absolutely contrary to the purpose for which the law was enacted which provided for regulations. It shortens lives, impairs safety, ruins health, and destroys opportunity.

It is time for the Urban Regulatory Relief Zone Act, and I hope we have an opportunity to include that in our dealings with regulatory relief during our deliberations this week.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, for about the last couple of hours, 2½ hours, a number of our colleagues on both sides of the aisle have been negotiating on S. 343, the regulatory reform bill. Those negotiations are still underway. So as not to waste time, I have suggested to the distinguished Democratic leader, Senator DASCHLE, that we now proceed to consideration of S. 21, which is the Bosnian resolution, and I am hopeful we can reach that agreement and then we would continue on S. 21 and hopefully finish it tomorrow. That would give the Members who are in the negotiations on S. 343 all day tomorrow to see if they can come to some agreement on three or four important issues.

I also have asked consent that, if they reach an agreement, that I can come back to S. 343 and maybe reach some agreement on completion of that bill or complete that measure. So as soon as I hear from the Democratic leader I can advise my colleagues on the schedule for the balance of the evening.

If we cannot get the agreement, then we will come back on S. 343. There are a number of amendments that can be offered tonight, including the pending amendment by the Senator from Missouri. Senator ASHCROFT has an amendment pending. So if we cannot reach an agreement, we will come back on S. 343 tonight and the Senator's amendment will be the pending amendment, as I understand it.

There are other amendments that can be offered tonight on S. 343, so I am not at liberty to say whether or not there will be votes. But we will advise our colleagues as soon as we can.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, there has been extensive consultation between the distinguished majority leader and the Democratic leader, and we do have a unanimous-consent request to propound.

I ask unanimous consent that the pending bill, S. 343, be temporarily laid aside; that the Foreign Relations Committee be discharged from further consideration of S. 21; and that the Senate turn to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Mr. President, I reserve the right to object, and it is certainly not my intention to object. Let me make one observation and note a couple of concerns, as we propound the second part of this request.

The observation is this: those who are engaged in trying to work through the remaining differences on the regulation reform bill reported to me just moments ago that real progress has been made this afternoon. I think that we have been able to report progress from time to time.

I think in all sincerity, some effort has been made on both sides to continue to narrow the differences, and we made significant progress over the course of the last several hours. The time that has been spent since about 3 o'clock this afternoon has been well spent.

As it relates to this resolution, I think the recommendation made by the majority leader and the majority whip is a good one. I think laying the bill aside will accommodate the negotiations, and I think that it is safe to assume that we are going to continue to make progress over the course of the next couple of days. We certainly do not relegate any rights to continue to object to closure on the legislation, should we find that progress has not been sufficient. But I think we need to recognize that, indeed, efforts are being made on both sides to try to accommodate the concerns. It is in that context that we want to allow that process to continue.

Mr. LOTT. Mr. President, we certainly appreciate the comments of the distinguished Democratic leader.

I further ask unanimous consent then that the Senate resume S. 343 after the disposition of S. 21, as amended, if amended, and no call for the regular order serve to displace S. 21, except one made by the majority leader after notification of the minority leader, and if a call for the regular order is made, there be 1 hour for debate to be equally divided in the usual form to be followed by the third cloture vote on the Dole-Johnston substitute, and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, again, reserving the right to object, now I simply want to state the two concerns I mentioned a moment ago. First, we have an understanding that over the course of tomorrow morning and early afternoon that there be no votes on amendments or on the resolution itself. A number of Senators have been invited down to the White House to discuss this matter. I think it would be very helpful if that discussion can take place prior to the time we are called upon to make any decisions.

Second, should we find the need to come back to S. 21, it would be very helpful if we had plenty of notice. The majority leader and the majority whip have both indicated that, indeed, it would be their desire to give us plenty of notice.

So it is with those two understandings that we have no objection and encourage Senators to comply with this unanimous-consent agreement and get on with the debate relating to the Dole resolution.

The PRESIDING OFFICER. Is the entire request proposed?

Mr. LOTT. It has been propounded, and if the Chair would like to go ahead and do the ruling, I have one further comment I would like to make.

The PRESIDING OFFICER. Is there objection to the entire unanimous-consent request?

Mr. FEINGOLD. Mr. President, reserving the right to object. I suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from Mississippi has the floor. Does he yield for the purpose of——

Mr. LOTT. First, I was not aware that the Senator had a problem that he wanted to discuss with the minority leader. While that is being done, I would like to respond to a couple of points that the minority leader made.

First, as is always the custom, the majority leader would certainly give notice to the other side, to the minority leader, before any votes would occur. That is always done. Certainly, they would give them the usual courtesy that would be expected in that regard.

Second, I know, also, that the majority leader—while I have not discussed it with him—would want to honor any request for consideration of a meeting that might be occurring on this particular matter with the administration. So I know that the minority leader has already been assured of that. I would like to reconfirm that.

Also, I would like to note, before the Chair rules, that I have been notified that we do not expect any more recorded votes tonight. The majority leader has sent that word. We had discussed that earlier with him and with the minority leader. So the Members should be on notice that there will be no more recorded votes tonight.

I have no further requests. I thank the minority leader for his indulgence. I would like to see if we can get a ruling on the unanimous-consent request.

Mr. FEINGOLD. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, I want to notify the membership that if this agreement cannot be reached, it would be the intent of the leader to go on with the pending legislation, and then we could expect additional recorded votes tonight. I will be glad to yield to the minority leader.

Mr. DASCHLE. Mr. President, I was not aware of the concern of the distinguished Senator from Wisconsin with regard to the regulatory reform bill. We have an hour prior to the time we would go to the third cloture motion under this unanimous consent agreement. He would like to be protected to offer a nongermane amendment relating to a sense-of-the-Senate resolution prior to that time. I think if we could accommodate the Senator from Wisconsin, perhaps we could accommodate this unanimous-consent agreement.

Mr. LOTT. Mr. President, in view of this development and seeing the Senator from North Carolina seeking recognition, while some further discussion takes place, I will withhold that unanimous consent request for now and yield the floor.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

THE ARMS EMBARGO AGAINST BOSNIA

Mr. HELMS. Mr. President, my reaction to this agreement which may soon be entered into is: At long last. On the first day that the Senate this year accepted bills and resolutions to be introduced, this resolution was introduced by the distinguished majority leader with some of the rest of us as cosponsors. The Foreign Relations Committee, of which I am chairman, has not acted on this resolution, at the specific request of the majority leader and others. But I am delighted that finally we are confronting the questions that have been raised about the delay in the resolution.

In short, Mr. President, it is high time for the Senate to acknowledge what is already perfectly clear to any objective observer: The U.N. peacekeeping effort in Bosnia is an abject failure.

The Bosnian Serbs have certainly known this for a long time, as has the beleaguered Bosnian Muslim government. Yet, the United Nations persists in a policy that, at best, has given the appearance of action while, in fact, allowing the slow-motion genocide of Bosnian Muslims.

Lest the President of the United States need reminding, along with the leaders of our European allies, Bosnia was recognized as an independent nation 3 years ago. Commensurate with that status is the explicit right of self-defense. For 3 years, the Bosnian Serbs have pursued an aggressive campaign, aided and abetted by the Government of Serbia. Irrefutable evidence, such as the integrated air defense of these two brutal forces, demonstrates that this is truly a war of aggression being waged by Serbia. How any democratic government can continue to justify the arms embargo against Bosnia on either moral or legal grounds escapes me. It absolutely escapes me.

So-called safe areas are being overrun, U.N. peacekeepers have been taken hostage, humanitarian assistance convoys are either blocked or being looted by Bosnian Serb fighters, and Sarajevo airport has been closed for 3 months. Despite this deteriorating situation, the U.S. Government persists in supporting the illusion of peacekeeping—as if there is any peace to keep in that part of the world. Most recently, President Clinton has stated his intention to spend an additional $95 million on the U.N. so-called rapid reaction force in order to perpetuate this failed policy. Under the current rules of engagement, that force will do nothing to confront Serb aggression.

Mr. President, it would be an exaggeration to suggest that the situation in Bosnia is at a diplomatic standstill. It is moving backward. It appears that the closest the Western Powers can get to a negotiated solution is to reward the Serbian dictator who started this entire war by easing the sanctions against his country. Even this effort—which is an embarrassment to the United States—has fallen short.

So in recognition of this failure, and as chairman of the Senate Foreign Relations Committee, I declare that it is time for us to take a step which should have happened 3 years ago. We must approve this legislation to lift the arms embargo against the Bosnians and allow those people to defend themselves.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. Who seeks recognition?

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. LOTT. Mr. President, I will repeat my earlier unanimous consent request. I understand that we need to start this whole routine over again. I am going to have two unanimous-consent requests.

First, I ask unanimous consent that the pending bill, S. 343, be temporarily laid aside and the Foreign Relations Committee be discharged from further consideration of S. 21, and the Senate turn to its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I further ask that the Senate resume S. 343 after the disposition of S. 21, as amended, if amended, and no call for the regular order serve to displace S. 21, except one made by the majority leader, after notification of the minority leader—and he can be assured that he would get proper notification on that—and if a call for the regular order is made, there be 1 hour for debate, to be equally divided in the usual form, to be followed by the third cloture vote on the Dole-Johnston substitute, and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER (Mr. SANTORUM). Is there objection?

Without objection, it is so ordered.

Mr. DASCHLE. Mr. President, I do not want to confuse the matter any more, so I waited until after the unanimous consent request was proffered.

Let me make sure my colleagues are clear as to what the circumstances are now. I have had the opportunity to consult with the distinguished Senator from Wisconsin. It is my intention to protect his right to offer a sense-of-the-Senate resolution either before cloture or after cloture, if a cloture motion is required; or if no cloture motion is required, we will negotiate with the majority to ensure that the distinguished Senator from Wisconsin has an opportunity to raise the issue that he hopes to address through this sense-of-the-Senate resolution. I appreciate his cooperation in this regard, and as a result, we are now able to go forward.

I think this is a good solution to the matter, and I appreciate everyone's consideration and cooperation.

Mr. LOTT. Mr. President, I want to reiterate, in view of the unanimous consent agreement that we did reach, that was the last issue of the day in terms of recorded votes. There will be no recorded votes until tomorrow when an agreement is reached on when the next vote will be scheduled. There will be no further recorded votes tonight.

I yield the floor.

BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 21) to terminate the United States arms embargo applicable to the government of Bosnia and Herzegovina.

The Senate proceeded to consider the bill.

Mr. FEINGOLD. Mr. President, let me take this opportunity to thank the Senator from Mississippi and the Democratic leader for their help on resolving the issue.

I did not want to offer the sense-of-the-Senate resolution during the core of the debate on the substance of the bill. I do think it is relevant to this bill. I want to thank them for their cooperation.

Mr. LOTT. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I should like to take this occasion to speak strongly in favor of S. 21, the majority leader's resolution on Bosnia.

Mr. President, we have now, for more than 3 years, watched—and I use that word advisedly "watched"—the ongoing tragedy of Bosnia. The aggressions, the rapes, the cold-blooded murders, the ethnic cleansing, which has accompanied the dismemberment of a nation, recognized as a nation, and a member of the United Nations.

We have an administration which has constantly threatened action, and every bit as constantly walked away from that action when its bluff was called.

We have a U.N. protective force which has protected no one but the aggressors. A force dispatched to Bosnia to provide some kind of safety for the victims of aggression has shown itself unable to do so time after time and place after place. Whether around Sarajevo, whether in the isolated areas of refuge, whether in the northwest part of the country—its fate has been the same.

Its fate has either been to protect the Bosnian Serb aggressors against any kind of military action on the part of the United Nations, no matter how modest and ineffective by its very presence and by the ease with which the Bosnian Serbs can take the U.N. personnel as hostage; or alternatively, as was the case just 10 days ago, as an entity which disarmed the defenders of these enclaves and then provided absolutely no defense or support for essentially unarmed victims who now, themselves, are the latest example of the victims of the Serbs' ethnic cleansing.

Mr. President, the former President of the United States, George Bush, was wrong in enforcing an arms embargo against the Bosnians. President Clinton has repeated that and has been wrong to enforce that arms embargo against the Bosnians.

As recently as lunch time today, the caucuses of both parties listened to the same tired presentation from the Secretary of State, and in this case from the Chairman of the Joint Chiefs of Staff, that we have heard for this entire 3 years. That somehow or another to do something, change our policy, to allow those who wish to defend themselves to do so, would lead to some even worse disaster, the taking of more hostages among the U.N. forces, to more deaths and ethnic displacement on the part of the Bosnians.

Yet, the use of this excuse, Mr. President, has resulted in 3 years of violence and displacement and ethnic cleansing and an end to the belief of the United Nations to act effectively in connection with a catastrophe of this sort, and undercutting of the ability of NATO, and most significantly, a lack of belief in the United States of America.

Mr. President, it is simply time to end that bankrupt policy. The proposal that the majority leader has brought to the Senate ends the embargo on one of two conditions: a decision by the United Nations or by the countries supplying troops to the United Nations in Bosnia to withdraw; or a request from the legal Government of Bosnia that the United States lift the arms embargo and a notification to the U.N. Security Council that it has requested that those forces leave.

Mr. President, that is putting the ultimate fate of the Republic of Bosnia squarely in the hands of its own elected Government, which is exactly where it should be. There is a very real possibility that if the troops of that Government can obtain arms even remotely equivalent to those possessed by the aggressors, that they can defend their independence and recover some of the country wrongfully lost to them. And it is way past time, way past time that we allow that decision to be made by the people who have been the victims of this aggression for 3 long years.

The U.N. protective force is not protecting anyone, including itself. It should be gone. Our arms embargo punishes no one except for the victims of aggression. It is simply time that it be brought to a close. The partial and midlevel threats that are being made by this administration will risk the loss of American lives but will not, under any circumstances, change the situation on the ground. What could be more clear, Mr. President, than the proposition that we should not risk the lives of our own men and women in uniform unless their goal is important to the United States and has some definite and worthy policy to be defended?

Nothing that we have heard from the administration about its plans meets those simple tests. If we are willing to do nothing to end this aggression ourselves, we at least should no longer be complicit to its continued success. We should be willing to allow the victims to defend themselves. We should end the arms embargo. We should encourage the present forces from the United Nations to leave. We should arm the Bosnians. And I am convinced, under those circumstances, their chances of regaining the semblance of a country and reaching a peace through some kind of strength will be greatly enhanced.

There is no perfect solution to this catastrophe. But the solution of allowing the victims to defend themselves, to fight for their own freedom, is the least bad of all the solutions before us. And I am profoundly convinced it is the only moral answer to this question.

I yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The majority leader.

Mr. DOLE. Mr. President, I thank the Senator from Washington for his statement and for his support.

Mr. President, I am pleased to be joined by the distinguished Senator from Connecticut, Senator LIEBERMAN, and a long list of bipartisan cosponsors as we again try to lift the illegal and unjust arms embargo on Bosnia and Herzegovina. The legislation we are bringing up today is a modified version of the bill we introduced in January of this year. S. 21 is the number. This bill lifts the United States arms embargo after the withdrawal of United Nations troops from Bosnia and Herzegovina.

Before we start to discuss this legislation I want to make clear: This debate is not just about Bosnia. This is not just about a small European country under attack. This debate is about American leadership and American principles, about NATO strength and credibility, about our place in history.

It was just about a year ago that the Senate last voted to lift the arms embargo on Bosnia. That vote was 58-42. However, in conference a compromise was worked out by the distinguished Senator from Georgia, Senator NUNN, and the administration's representative Chuck Redman. It urged the President to introduce a resolution to lift the arms embargo in the U.N. Security Council if the Bosnian Serbs did not sign the July 1994 contact group plan by October 15. The compromise language also provided that if the Serbs did not sign the plan by November 15, the United States would cease enforcing the arms embargo. Finally, the compromise urged that in the event of Bosnian Serb attacks on U.N. safe areas, the President introduce and support a resolution in the Security Council to provide the Bosnians with defensive weapons to defend these areas.

Now it is a year later. The Bosnian Serbs have still not signed the July 1994 contact group peace plan; the administration has still not taken up a resolution in the U.N. Security Council to lift the arms embargo; and the Bosnian Serbs are about to run over another U.N. safe haven—the second in 2 weeks.

Mr. President, the administration argued last year that lifting the arms embargo would lead to the fall of the three safe havens in the east. The first of these three enclaves has fallen under U.N. watch—with NATO planes overhead. Today NATO planes are buzzing above Zepa, which is about to fall.

Mr. President, all this has occurred in the absence of lifting the arms embargo. Indeed, it has occurred because the arms embargo is preventing the only people willing to fight to defend the Bosnian people from being able to do so—and that is the Bosnians themselves; not the U.N. forces, but the Bosnian Government Forces—Moslems, Croats, and Serbs are willing to die to defend their families, their homes, and their multi-ethnic country.

Last year the administration also made the argument that lifting the arms embargo immediately would endanger allied forces. In this modified Dole-Lieberman legislation we are not lifting the United States embargo until after those countries contributing to UNPROFOR who want to leave, have left.

The administration has also claimed that lifting the embargo would Americanize the war. This is the most difficult argument to understand. The Clinton administration has pledged 25,000 American troops for Bosnia if there is peace. The Clinton administration has pledged 25,000 American troops for Bosnia if there is withdrawal. And the Clinton administration is considering escalating the American involvement for transport and close air support of UNPROFOR forces. Let us not forget, and American Air Force pilot, Scott O'Grady, was recently shot down. In light of such commitments, it is hard to take administration arguments over Americanization seriously. As the Prime Minister of Bosnia said, lifting the arms embargo will not Americanize the war, it will Bosnianize the war—by putting the future of Bosnia back in Bosnian hands, where it should have been for the last couple of years or more.

A more recent concern raised by some is that the withdrawal may take more than 12 weeks. In that regard, this legislation includes a renewable Presidential waiver providing for an additional 30 days should additional time be necessary for the safety and successful completion of the withdrawal operation.

As I mentioned earlier, each time the Senate has taken up this legislation we have been told by the administration that this is not the right time. We have waited. The Bosnians have waited—and they have died.

The bottom line is that the approach pursued by the administration, like that of the Bush administration, is a total failure. The question is whether or not we will continue to contribute U.S. dollars, prestige, and credibility to this catastrophe or change course.

Mr. President, there are no perfect options. There are no easy answers. We now know what has not worked—relying on the U.N. forces to protect the Bosnians. It seems to me that we owe it to the Bosnians and our own American principles of justice and fairness to let the Bosnians defend themselves, and I believe the American people understand this and will support it.

Let me make it clear, as I attempted to do earlier today, we are not talking about more American involvement. We are not talking about American ground troops. We are talking about lifting the arms embargo—maybe helping to train Bosnians, maybe helping to supply weapons, but that could be done in safe areas. And if they secure Russian weapons, which they are already familiar with, there will be very little training necessary.

Also keep in mind that in many cases the Bosnians surrendered the only heavy weapons they had because they were going to be in safe havens. As I suggested, one of the safe havens has been overrun, and another about to be overrun, and the third, Gorazde, is in peril.

I also want to make it clear, because I think there is always a tendency for some to say: Oh, this is politics, this is BOB DOLE, Republican, because we have a Democratic President, the record will reflect that during the Bush administration I think the same two Senators raised this question. We were critical of the Bush administration. I remember talking to Ambassador Zimmerman time after time. I remember calling him and discussing it with him when he was in Yugoslavia, because we were told then that if we did not do something—and I am not talking again about military force; I am talking about sending a word of caution to Mr. Milosevic, the leader of the Serbs, the President of Serbia—this is precisely what would happen.

So this is not a Dole resolution. This is not a Lieberman resolution. This is an action by the Senate, Republicans and Democrats, such as the two of us, Mr. HELMS, Mr. THURMOND, Mr. BIDEN, Mr. D'AMATO, Mr. MCCAIN, Mr. FEINGOLD, Mr. WARNER, Mr. HATCH, Mr. KYL, Mr. MOYNIHAN, Mr. STEVENS, Mr. COCHRAN, Mrs. HUTCHISON, Mr. MACK, Mr. COVERDELL, Mr. PACKWOOD, Mr. MURKOWSKI, Mr. SPECTER, and others, so there is strong, broad bipartisan support.

It is not a conservative matter. It is not a liberal matter. It is a moral issue of whether we will again in this century witness ethnic cleansing, genocide, call it what you will, and do nothing. In this case, all we need to do, as we were reminded again by the Bosnian Foreign Minister today, is to lift the arms embargo. As he said, "We are willing to die for our country." They are not asking us to do that, not asking anybody else to do that. And I know the British do not want to lift the arms embargo. I know President Chirac, the new French President, has other ideas. The British and French cannot seem to get together.

I know the Secretary of State told the Democrat policy luncheon today this is not the time, timing is terrible. Well, that is always the case. It is never the time. It seems to me just the opposite. This is a perfect time. It would seem to me the administration would want us to pass this resolution. It has to go to conference, has to be worked out. It is going to take quite a while—10 days, 30 days, who knows—before it comes back and before it becomes law. And then the President could tell the French and the British that the options are fewer and fewer as far as America is concerned and our involvement is concerned.

So I really hope that we can complete action on this resolution tomorrow. I know the White House will want to try to dissuade some from voting for the resolution. That is certainly a right they have. But I would also suggest this is precisely the very same action the President advocated when he first came to the White House—even before he came to the White House—lift the arms embargo. He also was supporting air strikes.

So it is not that we have figured out some way to be on the other side of President Clinton and have brought this issue to the floor to embarrass the President. We are precisely where the President was before he was elected President, as a candidate, and where he was after he was elected. And I recall a meeting in the White House in the spring of 1993 where Democrats and Republicans came together and we talked about lifting the arms embargo and air strikes.

That has been a long, long time. I do not know how many thousands of people have suffered, how many thousands have died, how many murdered and raped, how many children have gone without food because we did nothing. And then we said, well, this is a European problem; let the Europeans handle it. And then we had the U.N. Protection Forces.

Again, I commend the courage and bravery of every one of those young men, and maybe women in some cases, from all the different countries who are there as U.N. Protection Forces. They are there with good intent. Unfortunately, their good intent has turned into in effect being a buffer for the Serbs. Now the U.N. Protection Forces have found they cannot protect themselves, and they cannot protect the people in the safe havens, and they cannot protect the refugees. In fact, if you watched television the other night, they had a barbed wire entanglement separating the U.N. forces from the refugees so they would not come together.

It seems to me that it is pretty clear. My own view is the British do not want to be humiliated by withdrawing. I have talked to John Major in his office. He is very persuasive. Somehow he believes if we just continue to stay there, this is going to end. And with a new French President, he is being a bit more aggressive. He thinks they ought to do something. So now he wants us to become involved with helicopter gunships and other ways we transport French and other U.N. Protection Forces into the area.

In my view, that would be a mistake, but that may be debated. There may be an amendment to do that before we complete action on the bill.

Finally, it just seems to me it is the right thing to do. It was a year ago. It was before that. The House passed this—not the same legislation—by a vote of 318 to 99, over 3 to 1. I hope we have at least 70 votes or more in the Senate; bipartisan votes, nonpartisan, whatever you like.

I believe we have made progress because we have been cautious. We have respected the timing, and we have delayed from time to time to see if they could not complete negotiation, they could not reach some agreement. But I believe now is the time for us to proceed and to send a signal to the Serbs and, yes, to the British, to the French, but more particularly the Bosnians, that somebody in America, in this case the Senate and the House of Representatives, understands their concerns, and we are willing to support their request that an independent nation, a member of the United Nations, has the right of self-defense as spelled out in article 51 of the U.N. Charter.

That is all this is about. It is not complicated. You can raise all the horror stories. You can give us all the scenarios that might happen. We were told by the foreign minister today there will be no effort by the Moslems to stop the U.N. Protection Forces from leaving. We were also told that there are only 30 U.N. personnel in Serb occupied areas, so it should not take 25,000 American troops to help extricate members of the U.N. Protection Forces.

So as we begin the debate, I again commend my colleagues. I hope that the distinguished Senator from Rhode Island, who I know maybe supports us in his heart, would find it in his heart to support us all the way because he is a very important Member of this body, and I know he feels, as some, maybe he has some reservations, but this is, as he certainly knows, not a partisan effort on behalf of the majority leader in this instance.

AMENDMENT NO. 1801

Mr. DOLE. Mr. President, I send the amendment to the desk in the nature of a substitute.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. DOLE], for himself, Mr. HELMS, Mr. THURMOND, Mr. BIDEN, Mr. D'AMATO, Mr. MCCAIN, Mr. FEINGOLD, Mr. WARNER, Mr. HATCH, Mr. KYL, Mr. MOYNIHAN, Mr. STEVENS, Mr. COCHRAN, Mrs. HUTCHISON, Mr. MACK, Mr. COVERDELL, Mr. PACKWOOD, Mr. MURKOWSKI, and Mr. SPECTER, proposes an amendment numbered 1801.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bosnia and Herzegovina Self-Defense Act of 1995".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) For the reasons stated in section 520 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), the Congress has found that continued application of an international arms embargo to the Government of Bosnia and Herzegovina contravenes that Government's inherent right of individual or collective self-defense under Article 51 of the United National Charter and therefore is inconsistent with international law.

(2) The United States has not formally sought multilateral support for terminating the arms embargo against Bosnia and Herzegovina through a vote on a United Nations Security Council resolution since the enactment of section 1404 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337).

(3) The United Nations Security Council has not taken measures necessary to maintain international peace and security in Bosnia and Herzegovina since the aggression against that country began in April 1992.

SEC. 3. STATEMENT OF SUPPORT.

The Congress supports the efforts of the Government of the Republic of Bosnia and Herzegovina—

(1) to defend its people and the territory of the Republic;

(2) to preserve the sovereignty, independence, and territorial integrity of the Republic; and

(3) to bring about a peaceful, just, fair, viable, and sustainable settlement of the conflict in Bosnia and Herzegovina.

SEC. 4. TERMINATION OF ARMS EMBARGO.

(a) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina, as provided in subsection (b), following—

(1) receipt by the United States Government of a request from the Government of Bosnia and Herzegovina for termination of the United States arms embargo and submission by the Government of Bosnia and Herzegovina, in exercise of its sovereign rights as a nation, of a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina; or

(2) a decision by the United Nations Security Council, or decisions by countries contributing forces to UNPROFOR, to withdraw UNPROFOR from Bosnia and Herzegovina.

(b) IMPLEMENTATION OF TERMINATION.—The President may implement termination of the United States arms embargo of the Government of Bosnia and Herzegovina pursuant to subsection (a) prior to the date of completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina, but shall, subject to subsection (c), implement termination of the embargo pursuant to that subsection no later than the earlier of—

(1) the date of completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina; or

(2) the date which is 12 weeks after the date of submission by the Government of Bosnia and Herzegovina of a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina.

(c) PRESIDENTIAL WAIVER AUTHORITY.—If the President determines and reports in advance to Congress that the safety, security, and successful completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina in accordance with subsection (b)(2) requires more time than the period provided for in that subsection, the President may extend the time period available under subsection (b)(2) for implementing termination of the United States arms embargo of the Government of Bosnia and Herzegovina for a period of up to 30 days. The authority in this subsection may be exercised to extend the time period available under subsection (b)(2) for more than one 30-day period.

(d) PRESIDENTIAL REPORTS.—Within 7 days of the commencement of the withdrawal of UNPROFOR from Bosnia and Herzegovina, and every 14 days thereafter, the President shall report in writing to the President pro tempore of the Senate and the Speaker of the House of Representatives on the status and estimated date of completion of the withdrawal operation. If any such report includes an estimated date of completion of the withdrawal which is later than 12 weeks after commencement of the withdrawal operation, the report shall include the operational reasons which prevent the completion of the withdrawal within 12 weeks of commencement.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

(f) DEFINITIONS.—As used in this section—

(1) the term "United States arms embargo of the Government of Bosnia and Herzegovina" means the application to the Government of Bosnia and Herzegovina of—

(A) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 FR 33322) under the heading "Suspension of Munitions Export Licenses to Yugoslavia"; and

(B) any similar policy being applied by the United States Government as of the date of completion of withdrawal of UNPROFOR personnel from Bosnia and Herzegovina, pursuant to which approval is denied for transfers of defense articles and defense services to the former Yugoslavia; and

(2) the term "completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina" means the departure from the territory of Bosnia and Herzegovina of substantially all personnel participating in UNPROFOR and substantially all other personnel assisting in their withdrawal, within a reasonable period of time, without regard to whether the withdrawal was initiated pursuant to a request by the Government of Bosnia and Herzegovina, a decision by the United Nations Security Council, or decisions by countries contributing forces to UNPROFOR, but the term does not include such personnel as may remain in Bosnia and Herzegovina pursuant to an agreement between the Government of Bosnia and Herzegovina and the government of any country providing such personnel.

PRIVILEGE OF THE FLOOR

Mr. DOLE. Mr. President, I also ask unanimous consent that a legislative fellow in my office, Mr. Ronald A. Marks, be allowed on the Senate floor for the duration of the Senate action on S. 21, the Bosnia and Herzegovina Self-Defense Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Mr. President, I thank the majority leader for his kind words.

Mr. President, once again, the Senate is debating legislation to lift the arms embargo against Bosnia-Herzegovina. Since the Senate first took up this issue in January 1994, I have voted against every attempt to force the United States to lift the embargo unilaterally. I must say that I now find this would be an extremely difficult vote to cast.

The fall of a U.N. protected safe haven—and the impending fall of a second—is a dreadful human tragedy. The terrible images of tens of thousands of Moslem refugees fleeing Serb aggression make us want to find a quick and easy solution to the crisis, but I am afraid there are no easy answers. A Senate vote to lift the arms embargo unilaterally may seem cost-free, but I believe there are serious downsides that could actually make the situation worse.

The legislation before us says that the lifting of the embargo shall occur after UNPROFOR personnel have withdrawn or 12 weeks after the Bosnian Government asks U.N. troops to leave, whichever comes first. We should be honest about what we are debating here. This bill, if passed, will actually trigger a U.N. withdrawal from Bosnia. I would remind my colleagues that the United States has committed to helping our allies withdraw from Bosnia as part of a NATO effort. So, in essence, by passing this bill, we are precipitating the commitment of up to 25,000 United States troops to Bosnia to help with that withdrawal.

It is indeed time for our President, along with our U.N. and NATO allies to consider the future of the United Nations in Bosnia. They know that if the United Nations were to pull out altogether, many areas of Bosnia which are now stable and well supplied due to the U.N. presence would likely face a humanitarian disaster. This is particularly true in central Bosnia where the U.N. presence has fostered a peaceful federation between the Bosnian Croats and Moslems, who until February 1994, had been engaged in a fierce war. The President and our NATO allies must balance that potential catastrophe against the current tragedy which has led many to call for a complete U.N. pullout.

As we speak, the administration and our allies are grappling with that difficult issue. General Shalikashvili met with his counterparts in London regarding this matter this past weekend; British Foreign Secretary Malcolm Rifkind is in Washington today to discuss this issue; and later this week, Secretary Christopher and Secretary Perry will travel to London for negotiations with their European counterparts.

Clearly, I would have hoped we would wait to know the results of these important meetings and await our President's recommendation on the future of UNPROFOR and the role of the United States before embarking on this debate. I believe that Europe bears the brunt of the burden for dealing with the Bosnia crisis. Indeed the Europeans acknowledge this fact and are contributing the bulk of the troops to the U.N. effort. We have no troops on the ground, and that is as it should be. The U.S. Senate, therefore should not take unilateral action that would actually precipitate a U.N. withdrawal. In the end, a decision may have to be made to withdraw U.N. troops, but I do not believe the Senate should make that decision.

I would add that the Bosnian Government, if it wished, could ask the United Nations to leave at any time. But it has not done so. Yet this bill would put the U.S. Senate on record as endorsing, indeed hastening a withdrawal.

A unilateral lifting of the arms embargo after U.N. troops are withdrawn will inevitably be perceived as the beginning of a United States decision to go it alone in Bosnia. It is naive to think we can unilaterally lift the arms embargo, and then walk away. We instead would assume responsibility for Bosnia not only in terms of our moral obligation, but in practical terms as well. If we lift the embargo, who will supply the weapons? How will weapons be delivered? Who will train the Bosnians in using the weapons? The proponents of this bill will argue that it places no obligations on the United States, but everyone knows the Bosnian Government will look to us.

Lifting the embargo without international support would increase American responsibility for the outcome of the conflict. Delivering weapons to Bosnia would likely require sending in United States personnel. Granted, this legislation states that nothing should be construed as authorizing the deployment of United States forces to Bosnia-Herzegovina for any purpose. But I want to emphasize that this would be a U.S. decision to dismantle the embargo. I do not see how we can lift the embargo on our own without sending in the personnel and without providing the wherewithal to carry out the policy.

A unilateral lifting of the embargo—be it now or after U.N. troops are withdrawn—would put the United States in the position of abrogating a U.N. Security Council resolution, and in essence, breaking international law. The embargo is in place as a result of a binding U.N. Security Council resolution and can only be abrogated by a subsequent U.N. Security Council action. A unilateral lifting of the arms embargo would set a dangerous precedent. Other countries could choose to ignore Security Council resolutions that we consider important—such as the embargo against Iraq and sanctions against Libya and Serbia.

In April, the Washington Post reported that Iran was engaging in embargo-busting by supplying plane loads of weapons and military supplies to Bosnian Government forces. If the United States were to lift the embargo unilaterally, we would joint Iran in embargo busting. I would ask my colleagues: Do you want to be in that company? Is Iran a responsible player in the international community?

The answer, of course, is no. If the United States were to break the embargo on its own, we would destroy our credibility as a trustworthy leader in international affairs. A unilateral lifting of the arms embargo would undoubtedly strain our relations with our NATO allies and undermine our standing in other international negotiations completely unrelated to the Bosnian tragedy.

After U.N. troops are safely withdrawn, lifting the embargo multilaterally may indeed be the best course of action. If and when UNPROFOR does withdraw, I believe we should make sure we know where our allies stand on lifting the embargo. Whether or not to lift the embargo should be a multilateral decision. We should not go it alone.

I acknowledge that I see merit in some of the arguments of the amendment's proponents. This is a difficult problem that cuts across partisan lines and that slices to the heart of issues related to U.S. influence and power abroad. We all want to do something in response to the terrible pictures of the old people being wheeled out of eastern Bosnia in wheelbarrows or the frightful sight of the 20-year-old Bosnian hanging from a tree. I am just not convinced, however that voting for this bill will alleviate that suffering. Indeed, I am afraid that we might make matters worse.

We are, as public servants, called upon to exercise our best judgment on this very difficult issue and this is what I intend to do.

I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I thank the chair.

Mr. President, first I would like to request unanimous consent that Frederic S. Baron, a Pearson Fellow in my office, be permitted floor privileges for the duration of the debate on S. 21?

The PRESIDING OFFICER. Without objection, so ordered.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I am honored to join with the distinguished majority leader, the Senator from Kansas [Mr. DOLE], and many others in both parties in introducing this substitute, S. 21.

I do want to indicate at the outset, though, this has been a frustrating path that we have walked together. It has been an honor to walk it with Senator DOLE and to say that this is a path we have walked together in the interest of a strong policy in Bosnia and a fair policy, which is to say one that will arm the Bosnians who have been deprived of their right of self-defense by international action, in which we have participated. This effort, together with Senator DOLE and others, has been done, as he said a few moments ago, on a totally bipartisan, which is to say, nonpartisan, basis, which is the way in which American foreign policy has been at its finest hours.

I specifically point out that Senator DOLE and I began this effort during the previous Republican administration of President Bush, expressing our frustration and opposition to the failure of leadership and the continued imposition of the arms embargo.

Mr. President, we have been here before. By my calculation, we have been here at least seven times before. Each time, excuses are given why this is the wrong time to lift the arms embargo against the Bosnian Government. Explanations are given about what the consequences might be, let alone why the whole idea of lifting the embargo is wrong.

We have continued to believe that the heart of any equitable policy in the former Yugoslavia is to allow both sides to be able to defend themselves. History divided the former Yugoslavia in such a way that only one side, namely, Serbia and its clients, its agents in Croatia and in Bosnia, were left with the warmaking capacity of the former Yugoslavia. Bosnia was left with nothing.

This denial of this fundamental right of self-defense, which each of us can feel in a personal sense, certainly, as we watch the horrors, the atrocities that have gone on once again in Bosnia in the last couple of weeks and see families divided—mothers separated from children, husbands from wives, see women taken off without explanation with God knows what being done to them, men being herded away, young men, men of military age being herded away. These are the human horrific results of this policy.

People have argued against the idea of raising the arms embargo each time we have brought it to this floor, arguing more against it than for an alternative policy. Today we come back, as Senator DOLE has said, not saying that this is the perfect policy, not saying that any policy in a complicated situation is perfect or guaranteed to succeed, but saying with clarity that the current policy has been a terrible failure, has brought suffering and pain and death to the people of Bosnia. But more than that, it has victimized, along with the people of Bosnia, the world's best hopes for order and morality—the United States, NATO, and the United Nations, each suffering significant, deep damage to our credibility, to our status, to our legitimacy in the world.

When the voices and institutions and nations of strength and authority fail to act or act with ambivalence in a way that sends a message of weakness and outlaws continue to be aggressors, then the results are obvious, and you do not have to be a Ph.D. in diplomacy to understand this. If outlaws are marauding in a city in our country and forces of law do not stop them, they will keep marauding until they reach each one of us. And that, in essence, I fear, is what has happened over the last 3 years of inaction by the world communities in Bosnia.

Mr. President, I have a point of view which I feel very strongly about what Bosnia was before this conflict and what has brought us to this point. I have spoken of it before on this floor, and I will just speak to it briefly today.

There are those who like to dismiss or diminish the conflict in the former Yugoslavia and, in some sense, thereby to wash our hands of any responsibility, remove us from any involvement on the basis of this allegation: "These people have been fighting for centuries." There is a hint here that these people are somehow slightly less than human. "They continue to fight; why should we get involved?"

There are two realities. One is that civilizations, cultural and religious, have met in the Balkans. That is the history over the centuries, and there have been conflicts. But the reality is that, in Bosnia particularly, a strong and healthy multiethnic culture and nationality developed.

Somebody said to me, in Sarajevo before this terrible war, it was thought to be offensive for one person to ask another in Sarajevo what their ethnic origin was: Are you a Moslem? Are you a Serb? Are you a Croat? No, they were Bosnians. This was a great, flourishing multiethnic culture.

Second, there is a clear course that I see as I look at the history of this region over the last 6 or 7 years, and that is of an intentional, concerted effort through aggression by Serbians operating out of Belgrade under the leadership of Slobodan Milosevic to create a greater Serbia.

Since 1988, beginning with the takeover of the political machinery in Montenegro and Vojvodina, the illegal suppression of the legal Government of Kosova, which has a large Albanian majority, suppressed, continuing to be victims of harassment and abuse and worse. That occurred in 1989.

Then the mobilization of nationalist feelings in Serbian public polls;

The slow-moving constitutional coup against the Federal Presidency;

The Serbian economic blockade against Croatia and Slovenia in late 1990;

The theft by Serbia that year of billions of dinars from the Federal budget, destroying the Federal economic reform program;

And then the incitement and arming by Serbia out of Belgrade of Serb minorities in Croatia and Bosnia during 1990 and 1991.

That is how we got to where we are. This is no accident. This is no continuation of centuries and centuries of constant fighting. This is a decision made in Belgrade by a leader and a group around him to incite nationalism, to destroy the multicultural, multiethnic society in Bosnia and to take advantage of the instability that existed after the cold war to create a greater Serbia.

What about the embargo that we are debating? Where did that come from? Mr. President, this is not, as some may think, an act of international law. It is an act of policy created and adopted by the Security Council of the United Nations.

The resolution introduced creating an arms embargo, No. 713, was considered by the Security Council at Belgrade's request. Why? Well, I believe it is obvious. Because the forces in Belgrade knew that they had the monopoly and the warmaking capacity, the arms factories, and the weapons that had already been constructed of the former Yugoslavia. Applying an arms embargo put their enemies, the targets of their aggression, at a profound disadvantage.

So at Belgrade's request, in September 1991, the United Nations Security Council adopted this arms embargo, later to be carried out by the member nations, including our own—in this case, by an Executive order issued by President Bush. The world satisfied itself that this was a means to limit the conflict in the former Yugoslavia by stopping the flow of arms. What innocence. What naivete.

In April 1992, Bosnia was recognized as a new state, independent and separate from Yugoslavia. And on May 22, 1992, it was admitted as a member state to the United Nations. Yet, still the embargo that had been applied on the former Yugoslavia, despite the glaring conflict between this application and Bosnia's right of self defense under international law, was applied to Bosnia. That is how we got on the road to where we are now.

In 1992, international television crews gained access to what I could only describe as concentration camps that were being operated by the Serbs, where they were herding Moslems into the camps. We witnessed the emaciated bodies, and we saw evidence of this incredible phrase—"ethnic cleansing." There were 200,000 killed in this war. A couple of million refugees. The world rolls up in horror at the sight of these figures in the concentration camps and the stories of systematic rape—rape as an instrument of war. Serbs were coming into towns not only clearing them out of the Moslems, but grabbing women and raping them, and taking men off to the camps, or slaughtering them on sight.

The world cried out for a response. The Western nations were not prepared to really stand up to the aggression. So what did we do? We sent in the United Nations—which was not good, ultimately, for the people of Bosnia, not good for the United Nations—presumably to perform a humanitarian role. But little by little, that mission crept, to enforce the denied flight zone, enforce and protect the safe havens, sending these brave soldiers wearing the blue helmets of the United Nations in to keep a peace that never was, and putting them into combat positions without the weapons with which to defend themselves.

I heard the other day—and I have not had a chance to check this, but I believe it—that more soldiers wearing U.N. uniforms have been killed in Bosnia than in the gulf war. They are heroes. We sent them effectively on a mission impossible. Several times, confronting the failure of this policy, the increasing way in which the U.N. troops began to be not only an excuse for Western inaction in the face of Serbian aggression, but began to be a cover for Serbian aggression within Bosnia. Every time we would come here in the early years in this effort to lift the embargo, people would say: You cannot do it. If we lift the embargo, the Serbs will seize the U.N. personnel as hostages.

Well, we have not lifted the embargo, and the Serbs have seized U.N. personnel as hostages, and the killing of the Moslems in Bosnia continues.

Mr. President, when we came to the floor January 27, 1994, we passed a sense-of-the-Senate resolution calling on the President to terminate the arms embargo. That measure passed 87 to 9. It was only a sense of the Senate. But the Senate spoke. The world sat idly by, the arms embargo was not lifted, and the people of Bosnia continued to be—using that dreadfully sanitized term—ethnically cleansed, which is to say ripped from their homes, raped, and murdered.

In May 1994, the Senate again considered, and this time passed, two measures. One was a measure that I cosponsored with Senator DOLE, requiring the United States to unilaterally terminate the arms embargo upon the request of the Bosnian Government. That passed 50 to 49. On that day—I suppose in a way that only the Senate of the United States could do—we also passed an amendment offered by Senator NUNN and the previous majority leader, Senator MITCHELL, requiring the President to solicit a multilateral lift of the embargo and to consult with Congress if that did not occur. Again, the Senate spoke. The world sat idly by, the arms embargo was not lifted, and the people of Bosnia were ethnically cleansed, ripped from their homes, raped, and murdered.

Again, in July and August 1994, the Senate addressed the issue of lifting the arms embargo, voted and passed measures calling for its termination. This time the votes rose. The last of these votes was 58 to 42, passing an amendment offered by Senator DOLE and myself to the defense appropriations bill, which called for the lifting of the embargo no later than November 15, 1994. On each of those occasions, the Senate spoke. The world sat idly by, the arms embargo was not lifted, and the people of Bosnia were ethnically cleansed, ripped from their homes, raped, and murdered.

Here we are. It is July 1995. One of the other arguments that was made to us in these many debates I have just described is that if we lifted the arms embargo, the Serbs would seize the safe havens, particularly in the east of Bosnia. Well, we have not lifted the arms embargo and, as we know, the Serbs have seized the safe havens—at a dreadful human cost for the Bosnians.

Srebrenica has fallen. Zepa is under siege now. Failure of our policy could not be clearer. It is time, finally, to act. Again, as in 1992 when the concentration camps were discovered, the world is aroused by these painful sights of human suffering from Bosnia. This is the moment for us, finally, to act—to act against aggression, against immorality, to give the people of this country—the victims—the weapons with which to defend themselves.

Mr. President, the Bosnians have been the greatest victims of the current policy that the West has followed for the last 3½ years, a policy of irresoluteness, at best, a policy of weakness, at worst.

But the Bosnians are not the only victims. We have suffered, as well. When aggression is met by ambivalence, and aggression is met by no response—which has been the case throughout the war in Bosnia—ultimately, we are all going to suffer. We saw it happen just a short while ago directly to America, when Captain O'Grady's F-16 was shot down.

I have gone over this event in some detail with the folks at the Pentagon just to make clear that I understood exactly what happened. Here is what I have learned. We know that the Serbs in Bosnia were able to pick up the F-16 flying over Bosnia on an integrated radar air defense system that has installations in Bosnia, controlled by the Bosnian Serbs, but goes back to Belgrade and Serbia, as well. But what is most infuriating about this is that it is clear to those who are in a position to know that when the Serbian air defense system sighted Captain O'Grady's F-16, they knew it was an American F-16. This may not be known to those who are not involved, and Members of the Chamber, and those who may be watching this debate, but this is a sophisticated air defense system which can look at this plane and determine that it is an American F-16. And not just that. It was able to determine—the Serbs on the ground—that this F-16 was not flying an aggressive flight mission. It was not out to drop weapons, bombs, on Serbian targets, as has happened all too infrequently in this conflict. But that this plane was on a nonaggressive patrol mission, part of Operation Deny Flight, to keep Serb planes on the ground, not in the air.

Seeing it was an American plane, knowing it was on a nonaggressive mission, the Bosnian Serbs intentionally shot it down. It is only by the grace of God and by the depth of his own extraordinary courage that Captain O'Grady is alive today.

Understand the outrageous arrogance, the disrespect for law, the disrespect for the greatest power in the world, the United States, that they showed. These Bosnian Serbs shot down our plane.

What have they paid for that aggression? Nothing. What does that invite? It invites them to attack and overrun a safe haven. Meanwhile Bosnian Army weapons are being held in a U.N. compound. U.N. Dutch soldiers—courageous, effectively unarmed—light arms is all they had. Then the Serbs followed with atrocities against the civilian population.

So we have suffered. We have suffered in the United States. We will continue to suffer, as will the rule of law and the rule of morality, if we stand by and allow this aggression of the Serbs to go unresponded to. Mr. President, that is what this S. 21 proposal is all about.

In 1992, President Clinton supported a policy of lifting the arms embargo and striking from the air. In 1993, Secretary Christopher, in the spring of that year, May I believe, went to Europe to advocate this policy. Apparently, our allies and Britain and France argued against it. That was the end of it.

I honestly believe if we implemented that policy at that point and employed NATO air power, which we could have done against the Serbs with minimal risk to NATO and American personnel, this war would have been over and there would have been a reasonable peace that both sides could have accepted. That is history. It has not happened.

But now, though the hour is late in Bosnia and the situation ever more difficult and complicated, there is no opportunity to get the warring parties to the peace table, unless the Serbs pay some price for their aggression.

It seems to me that our last hope here, our last best hope, is to lift the arms embargo, give the Bosnians the weapons with which to defend themselves, their families, their country, and use NATO air power to strike at Serbian targets. I would not rule anything out.

Let the Serbs worry about where and when we will strike. In Bosnia against Serbian targets or in Serbia, which continues to arm, equip, and actually send Serbian regular soldiers into Bosnia alongside the Bosnian Serbs.

There is strong evidence that in the fall of Srebrenica there were special forces from the Serbian Army, the so-called Serbian Army fighting side by side with the Bosnian Serbs.

This is our last best hope, not just for the people of Bosnia who paid a terrible price, but for the rule of law and order in Europe and throughout the world.

It is the last best hope for NATO to show that in a situation that is complicated and yet where aggression is clear, it will act outside the context of the Soviet-American cold war conflict; that there is still meaning to NATO in this great alliance.

It is the last best hope for the United Nations to restore some measure of credibility to itself as an instrument of hope to victims of aggression and oppression throughout the world.

Mr. President, there will be an extended debate tomorrow, I am sure, on this amendment. I hope and pray that what we will have is the resounding bipartisan majority, the overwhelming majority that Senator DOLE referred to earlier.

Of itself, this is an event that occurs here on the floor of the Senate, far removed from the suffering on the ground in Bosnia, unable effectively to immediately, even it is passed overwhelmingly, bring assistance to the Bosnians, but it will bring them hope.

More than that, I hope that it will combine with what is happening on the ground, which is to say the failure of the U.N. mission, to either lead to a more aggressive use of air power by NATO, as Secretary Perry has spoken of, hopefully, encouragingly to me, in the last 3 or 4 days. If not, then the withdrawal of the U.N. forces, the arming of the Bosnians, and the continued use of NATO air power.

Mr. President, I thank the Chair for his patience. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FRIST). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SPECTER. Mr. President, when we see a photograph of a young woman who has hanged herself in a forest in Bosnia, because she prefers death to the kind of violations which the Bosnian Serbs are inflicting on young women like herself who are Bosnian Moslems; and where we see confirmed reports where the Bosnian Serbs walk into safe havens and root out 11-year-old children who are males, and slit their throats and pile them in heaps; and when we see documents filed by the International Criminal Tribunal for the former Yugoslavia where the indictments read—horrifying prose—about torture and sexual mutilation, in which a prisoner is forced to "bite off the prisoner's testicle," resulting in his death; as horrible as these events are to recite, they are minuscule compared to the horror of what is going on in Bosnia today, and the acts of savagery, brutality, and atrocities being committed by the Bosnian Serbs on the Bosnian Moslems.

The words "ethnic cleansing" hardly begin to describe what is going on in that atrocious situation.

Meanwhile, the democracies of the world, the West, have permitted this atrocious situation to continue. I believe that the time has long passed when there has to be a change in United States policy on how we deal with Bosnia. The time has long passed when there has to be a change in NATO policy on how we deal with Bosnia. And the time has long passed when there has to be a change in U.N. policy, on how we deal with Bosnia.

I believe that the resolution offered tonight is a minimal step forward to try to implement a new policy which is urgently required. It is a minimal step to lift the arms embargo, to let the Bosnian Moslems defend themselves, as they have every right to do under article 51 of the U.N. Charter.

Action by the Senate, by the Congress, by the Government of the United States—depending upon what happens here in the House, the President's reaction, the veto, a possible override or perhaps the impetus of a strong statement by the U.S. Senate—will cause a marked change in U.S. policy and what has to be U.S. leadership. There has been a vacuum in U.S. leadership and I think that is conceded on all sides. It is not a political matter. Republicans were critical of President Bush for the arms embargo. The Senator from Connecticut, Senator LIEBERMAN, has been critical of the President, of his own party. Senator KERREY, of Nebraska, who is vice chairman of the Senate Intelligence Committee, a committee which I chair, has been critical of his own President and is quoted, "The President's leadership has been awful. He campaigned criticizing President George Bush for not doing enough and implied that we were going to take the side of the Bosnian Moslems."

I ask unanimous consent that this newsclip be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. So we are not talking about a matter that is political. The reality is that our President is inexperienced and inattentive and indecisive and ineffective. It is time that leadership came from the United States Senate, as this body had to start the leadership to get the United States forces out of Somalia when we passed a resolution cutting off the funds, as we have the authority to do under our appropriations power.

I submit that leadership by the U.S. Senate may well have the effect of profoundly changing, not only U.S. policy but NATO policy and U.N. policy as well. U.N. peacekeepers have had a "Mission Impossible" in Bosnia, because there is no peace to keep. I submit the U.N. peacekeepers ought to be withdrawn. That is indispensable before the arms embargo is lifted, so that the UN peacekeepers are out of harm's way.

That would then put us in a position to have an option of massive bombing. There are arguments both ways, as to whether the bombing would be sufficient. There is a substantial basis for saying if the bombing were sufficiently intense and if the Bosnian Moslems were armed, that a balance of power could be restored there. We subjected Baghdad to relentless bombing during the gulf war, for months in advance of the invasion.

A question is raised as to whether there ought to be consideration to retaliating against the cities of the Bosnian Serbs. I am not prepared to answer that question. That issue has been raised, as to whether the doctrine of proportionality makes any sense when the only reaction to the attacks of the Bosnian Serbs is a proportional counterattack. That leaves them to call the shots at every turn, because, under the doctrine of proportionality, which has been adopted by the United Nations, the Bosnian Serbs are not at risk. And there is a real question as to whether that policy ought to be abandoned.

Then you have the dual key issue, where every decision has to be approved by the United Nations and NATO. There is very strong reason to believe that the decisions ought not to be made by the United Nations from their record up to the present time. You have the courageous leadership of the French President, Chirac, who says he is prepared to act and he is prepared to take some forceful steps. He asks for support from the United States, with helicopters, for some air cover. I am not sure whether that is a wise course, but that is a request which ought to be considered.

I am opposed to United States participation in a ground war in Bosnia. I do not think we should lend U.S. troops to any such effort. But in terms of air strikes, which are not entirely without risk as we know—one pilot, Captain O'Grady, was downed there—helicopters may or may not be committed. There are also risks involved. But it is something which ought to be considered.

I believe, Mr. President, if we have forceful leadership coming from the United States—and when I say "Mr. President," those who may be watching on C-SPAN2 should know that is our formal way of addressing the Presiding Officer of this body, not the President of the United States—but, if the Senate takes a forceful stand, that could have an impact on leading President Clinton to change his position and it may well be with leadership which comes out of the U.S. Senate that we will change the policy of President Clinton and together we can change the policy of NATO. We can change the policy of the United Nations. We can change the policy of France and Britain, if we undertake what French President Chirac has wanted to accomplish.

Mr. President, when we see the genocide and the atrocities that are going on in Bosnia, we really wonder about America's response in another era. I recall vividly my father recounting his experiences as an American doughboy in the American Expeditionary Force in France in World War I. My father came to this country from Russia to escape the czar's heel. He was not willing to go to Siberia to fight for the czar. But he was ready, willing, able, and really anxious to go to France to fight for America, as he put it, as I remember hearing him talk about it growing up, "to make the world safe for democracy." I know my brother and brother-in-law served in World War II against the scourge of the Nazis and the Japanese after the attack on Pearl Harbor. And I served stateside during the Korean war.

We have a different attitude today, Mr. President, in the United States, as to the extent we are willing to stand up for honor and for values and to stop the kind of atrocities which are going on in Bosnia. But I do believe that the entire policy of the Clinton administration needs reevaluation from top to bottom, and the resolution which is pending right now, to lift the arms embargo, is a step in the right direction. I hope that this will start a debate in the United States Senate so that we can consider the very serious questions which are in issue here, and we can consider the values of the United States, which we so proudly proclaim, and consider acting upon those values and supporting them when we see the kind of atrocities which are going on in Bosnia. And we know the values articulated by the NATO alliance, and we know the values articulated by the United Nations. And it is time we put some action behind those words.

The first step on the action is a step to unilaterally lift the arms embargo. If we move ahead with consultation—and it will take some time—and there is a real question as to whether there would be sufficient votes to pass the resolution and a greater question as to whether there would be sufficient votes to override a Presidential veto, perhaps we will find that we can change the policy of the United Nations and that we will end up acting in concert with France, Great Britain, and the other NATO powers.

But there is a very important issue, Mr. President, which we cannot duck any longer. I am glad to see the resolution offered because I think it is time we took a look at what is going on in Bosnia and look in the mirror to see how we feel about the kinds of values we articulate and the kinds of actions we are prepared to back up.

It is a matter which cries out for leadership. But it is a very difficult matter because of the obvious reluctance and reticence of anyone to see ground troops deployed in Bosnia or to see any casualties inflicted on American fighting men and women. But these are issues which need to be considered. And the American people need to know what is going on there so there can be a public reaction to the kinds of atrocities which are going on—where young women are hanging themselves rather than to be subjected to the atrocities of the Bosnian Serbs and lads taken out in great numbers and having their throats slit apparently so that they will not grow into another generation to pose some theoretical problem for the Serbs; to have the ethnic cleansing, and to have an entire genocide of an entire people.

So I support the pending resolution.

EXHIBIT 1

KERREY CRITICIZES THE PRESIDENT

(By David C. Beeder)

WASHINGTON.—Sen. Bob Kerrey, D-Neb., accused President Clinton Tuesday of a lack of leadership in Bosnia's civil war.

"The president's leadership has been awful," Kerrey said in an interview. "He campaigned criticizing (President George) Bush for not doing enough and implied we were going to take the side of the Bosnian Muslims." Since then, Kerrey said, Clinton has been "sending a message that's pretty strong that the cavalry is coming up over the hill."

In a press conference later, Kerrey said Senate Majority Leader Bob Dole, R-Kan., "is closer to being right" with his plan to disregard a U.N. arms embargo that has handicapped the Bosnian government.

Kerrey said he could support such a plan if it required other countries' approval and if it first called for withdrawal of all U.N. peacekeepers.

At the same time, Kerrey said, the United States must be "careful not to respond emotionally to scenes of violence and atrocities" against one side or the other in the civil war, saying the conflict did not consist of "a single issue where the Muslims are right and the Serbs are wrong."

Kerrey's fellow Nebraska senator, Democrat J.J. Exon, urged caution in responding to events in Bosnia.

"With all the atrocities that are taking place over there, there is a tendency to come unglued," he said.

Exon said he was concerned about a request that the United States send helicopters into combat zones to deliver U.N. reinforcement troops.

"The more people they put in there the more difficult it will be to extricate them," Exon said, noting that Clinton has pledged to send U.S. ground troops to help if the U.N. decides it must withdraw from Bosnia.

Exon said he has always opposed sending U.S. ground troops.

MORNING BUSINESS

REPORT ON THE NATIONAL EMERGENCY WITH SERBIA AND MONTENEGRO—MESSAGE FROM THE PRESIDENT—PM 67

THE PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs.

To the Congress of the United States:

On May 30, 1992, in Executive Order No. 12808, the President declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States arising from actions and policies of the Governments of Serbia and Montenegro, acting under the name of the Socialist Federal Republic of Yugoslavia or the Federal Republic of Yugoslavia, in their involvement in and support for groups attempting to seize territory in Croatia and the Republic of Bosnia and Herzegovina by force and violence utilizing, in part, the forces of the so-called Yugoslav National Army (57 FR 23299, June 2, 1992). I expanded the national emergency in Executive Order No. 12934 of October 25, 1994, to address the actions and policies of the Bosnian Serb forces and the authorities in the territory of the Republic of Bosnia and Herzegovina that they control. The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c). It discusses Administration actions and expenses directly related to the exercise of powers and authorities conferred by the declaration of a national emergency in Executive Order No. 12808 and Executive Order No. 12934 and to expanded sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) (the "FRY (S/M)") and the Bosnian Serbs contained in Executive Order No. 12810 of June 5, 1992 (57 FR 24347, June 9, 1992), Executive Order No. 12831 of January 15, 1993 (58 FR 5253, Jan. 21, 1993), Executive Order No. 12846 of April 25, 1993 (58 FR 25771, April 27, 1993), and Executive Order No. 12934 of October 25, 1994 (59 FR 54117, October 27, 1994).

1. Executive Order No. 12808 blocked all property and interests in property of the Governments of Serbia and Montenegro, or held in the name of the former Government of the Socialist Federal Republic of Yugoslavia or the Government of the Federal Republic of Yugoslavia, then or thereafter located in the United States or within the possession or control of U.S. persons, including their overseas branches.

Subsequently, Executive Order No. 12810 expanded U.S. actions to implement in the United States the United Nations sanctions against the FRY (S/M) adopted in United Nations Security Council ("UNSC") Resolution 757 of May 30, 1992. In addition to reaffirming the blocking of FRY (S/M) Government property, this order prohibited transactions with respect to the FRY (S/M) involving imports, exports, dealing in FRY-origin property, air and sea transportation, contract performance, funds transfers, activity promoting importation or exportation or dealings in property, and official sports, scientific, technical, or other cultural representation of, or sponsorship by, the FRY (S/M) in the United States.

Executive Order No. 12810 exempted from trade restrictions (1) transshipments through the FRY (S/M), and (2) activities related to the United Nations Protection Force ("UNPROFOR"), the Conference on Yugoslavia, or the European Community Monitor Mission.

On January 15, 1993, President Bush issued Executive Order No. 12831 to implement new sanctions contained in U.N. Security Council Resolution 787 of November 16, 1992. The order revoked the exemption for transshipments through the FRY (S/M) contained in Executive Order No. 12810, prohibited transactions within the United States or by a U.S. person relating to FRY (S/M) vessels and vessels in which a majority or controlling interest is held by a person or entity in, or operating from, the FRY (S/M), and stated that all such vessels shall be considered as vessels of the FRY (S/M), regardless of the flag under which they sail.

On April 25, 1993, I issued Executive Order No. 12846 to implement in the United States the sanctions adopted in UNSC Resolution 820 of April 17, 1993. That resolution called on the Bosnian Serbs to accept the Vance-Owen peace plan for the Republic of Bosnia and Herzegovina and, if they failed to do so by April 26, called on member states to take additional measures to tighten the embargo against the FRY (S/M) and Serbian controlled areas of the Republic of Bosnia and Herzegovina and the United Nations Protected Areas in Croatia. Effective April 26, 1993, the order blocked all property and interests in property of commercial, industrial, or public utility undertakings or entities organized or located in the FRY (S/M), including property and interests in property of entities (wherever organized or located) owned or controlled by such undertakings or entities, that are or thereafter come within the possession or control of U.S. persons.

On October 25, 1994, in view of UNSC Resolution 942 of September 23, 1994, I issued Executive Order No. 12934 in order to take additional steps with respect to the crisis in the former Yugoslavia. (59 FR 54117, October 27, 1994.) Executive Order No. 12934 expands the scope of the national emergency declared in Executive Order No. 12808 to address the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the actions and policies of the Bosnian Serb forces and the authorities in the territory in the Republic of Bosnia and Herzegovina that they control, including their refusal to accept the proposed territorial settlement of the conflict in the Republic of Bosnia and Herzegovina.

The Executive order blocks all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons (including their overseas branches) of: (1) the Bosnian Serb military and paramilitary forces and the authorities in areas of the Republic of Bosnia and Herzegovina under the control of those forces; (2) any entity, including any commercial, industrial, or public utility undertaking, organized or located in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces; (3) any entity, wherever organized or located, which is owned or controlled directly or indirectly by any person in, or resident in, those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces; and (4) any person acting for or on behalf of any person within the scope of the above definitions.

The Executive order also prohibits the provision or exportation of services to those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or to any person for the purpose of any business carried on in those areas, either from the United States or by a U.S. person. The order also prohibits the entry of any U.S.-flagged vessel, other than a U.S. naval vessel, into the riverine ports of those areas of the Republic of Bosnia and Herzegovina under the control of Bosnia Serb forces. Finally, any transaction by any U.S. person that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in the order is prohibited. Executive Order No. 12934 became effective at 11:59 p.m., e.d.t., on October 25, 1994.

2. The declaration of the national emergency on May 30, 1992, was made pursuant to the authority vested in the President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), and section 301 of title 3 of the United States Code. The emergency declaration was reported to the Congress on May 30, 1992, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and the expansion of that National Emergency under the same authorities was reported to the Congress on October 25, 1994. The additional sanctions set forth in related Executive orders were imposed pursuant to the authority vested in the President by the Constitution and laws of the United States, including the statutes cited above, section 1114 of the Federal Aviation Act (49 U.S.C. App. 1514), and section 5 of the United Nations Participation Act (22 U.S.C. 287c).

3. There have been no amendments to the Federal Republic of Yugoslavia (Serbia and Montenegro) Sanctions Regulations (the "Regulations"), 31 C.F.R. Part 585, since the last report. The Treasury Department had previously published 853 names in the Federal Register on November 17, 1994 (59 FR 59460), as part of a comprehensive listing of all blocked persons and specially designated nationals ("SDNs") of the FRY (S/M). This list identified individuals and entities determined by the Department of the Treasury to be owned or controlled by or acting for or on behalf of the Government of the FRY (S/M), persons in the FRY (S/M), or entities located or organized in or controlled from the FRY (S/M). All prohibitions in the Regulations pertaining to the Government of the FRY (S/M) apply to the entities and individuals identified. U.S. persons, on notice of the status of such blocked persons and specially designated nationals, are prohibited from entering into transactions with them, or transactions in which they have an interest, unless otherwise exempted or authorized pursuant to the Regulations.

On February 22, 1995, pursuant to Executive Order 12934 and the Regulations, Treasury identified 85 individuals as leaders of the Bosnian Serb forces or civilian authorities in the territories in the Republic of Bosnia and Herzegovina that they control. Also on February 22, Treasury designated 19 individuals and 23 companies as SDNs of the FRY (S/M). These designations include FRY (S/M)-connected companies around the world that are being directed from Cyprus, two Cypriot-owned firms that have had a central role in helping establish and sustain sanctions-evading FRY (S/M) front companies in Cyprus, and the head of the FRY (S/M)'s Central Bank who is also the architect of the FRY (S/M) economic program.

Additionally, on March 13, 1995, Treasury named 32 firms and eight individuals that are part of the Karic Brothers' family network of companies as SDNs of the FRY (S/M). Their enterprises span the globe and are especially active in former East Bloc countries. These additions and amendments, published in the Federal Register on April 18, 1995 (60 FR 19448), bring the current total of Blocked Entities and SDNs of the FRY (S/M) to 938 and the total number of individuals identified as leaders of the Bosnian Serb military or paramilitary forces or civilian authorities in the territories in the Republic of Bosnia and Herzegovina that they control to 85. A copy of the notice is attached.

Treasury's blocking authority as applied to FRY (S/M) subsidiaries and vessels in the United States has been challenged in court. In *Milena Ship Management Company, Ltd.* v. *Newcomb*, 804 F Supp. 846, 855, and 859 (E.D.L.A. 1992) *aff'd*, 995 F.2d 620 (5th Cir. 1993), *cert.* denied, 114 S.Ct. 877 (1994), involving five ships owned or controlled by FRY (S/M) entities blocked in various U.S. ports, the blocking authority as applied to these vessels was upheld. In *IPT Company, Inc.* v. *United States Department of the Treasury*, No. 92 CIV 5542 (S.D.N.Y. 1994), the district court also upheld the blocking authority as applied to the property of a Yugoslav subsidiary located in the United States. The latter case is currently on appeal to the Second Circuit.

4. Over the past 6 months, the Departments of State and Treasury have worked closely with European Union (the "EU") member states and other U.N. member nations to coordinate implementation of the U.N. sanctions against the FRY (S/M). This has included visits by assessment teams formed under the auspices of the United States, the EU, and the Organization for Security and Cooperation in Europe (the "OSCE") to states bordering on Serbia and Montenegro; continued deployment of OSCE sanctions assistance missions ("SAMs") to Albania, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Hungary, Romania, and Ukraine to assist in monitoring land and Danube River traffic; support for the International Conference on the Former Yugoslavia ("ICFY") monitoring missions along the Serbia-Montenegro-Bosnia border; bilateral contacts between the United States and other countries for the purpose of tightening financial and trade restrictions on the FRY (S/M); and ongoing multilateral meetings by financial sanctions enforcement authorities from various countries to coordinate enforcement efforts and to exchange technical information.

5. In accordance with licensing policy and the Regulations, FAC has exercised its authority to license certain specific transactions with respect to the FRY (S/M) that are consistent with U.S. foreign policy and the Security Council sanctions. During the reporting period, FAC has issued 109 specific licenses regarding transactions pertaining to the FRY (S/M) or assets it owns or controls, bringing the total as of April 25, 1995, to 930. Specific licenses have been issued (1) for payment to U.S. or third-country secured creditors, under certain narrowly-defined circumstances, for pre-embargo import and export transactions; (2) for legal representation or advice to the Government of the FRY (S/M) or FRY (S/M)—located or controlled entities; (3) for the liquidation or protection of tangible assets of subsidiaries of FRY (S/M)—located or controlled firms located in the U.S.; (4) for limited transactions related to FRY (S/M) diplomatic representation in Washington and New York; (S) for patent, trademark and copyright protection in the FRY (S/M) not involving payment to the FRY (S/M) Government; (6) for certain communications, news media, and travel-related transactions; (7) for the payment of crews' wages, vessel maintenance, and emergency supplies for FRY (S/M) controlled ships blocked in the United States; (8) for the removal from the FRY (S/M), or protection within the FRY (S/M), of certain property owned and controlled by U.S. entities; (9) to assist the United Nations in its relief operations and the activities of the U.N. Protection Force; and (10) for payment from funds outside the United States where a third country has licensed the transaction in accordance

with U.N. sanctions. Pursuant to U.S. regulations implementing UNSC Resolutions, specific licenses have also been issued to authorize exportation of food, medicine, and supplies intended for humanitarian purposes in the FRY (S/M).

During the past 6 months, FAC has continued to oversee the liquidation of tangible assets of the 15 U.S. subsidiaries of entities organized in the FRY (S/M). Subsequent to the issuance of Executive Order No. 12846, all operating licenses issued for these U.S.-located Serbian or Montenegrin subsidiaries or joint ventures were revoked, and the net proceeds of the liquidation of their assets placed in blocked accounts.

In order to reduce the drain on blocked assets caused by continuing to rent commercial space, FAC arranged to have the blocked personality, files, and records of the two Serbian banking institutions in New York moved to secure storage. The personality is being liquidated, with the net proceeds placed in blocked accounts.

Following the sale of the M/V Kapetan Martinovic in January 1995, five Yugoslav-owned vessels remain blocked in the United States. Approval of the UNSC's Serbian sanctions Committee was sought and obtained for the sale of the M/V Kapetan Martinovic (and the M/V Bor, which was sold in June 1994) based on U.S. assurances that the sale would comply with four basic conditions, which assure that both U.S. and U.N. sanctions objectives with respect to the FRY (S/M) are met: (1) the sale will be for fair market value; (2) the sale will result in a complete divestiture of any interest of the FRY (S/M) (or of commercial interests located in or controlled from the FRY (S/M) in the vessel; (3) the sale would result in no economic benefit to the FRY (S/M) (or commercial interests located in or controlled from the FRY (S/M)); and (4) the net proceeds of the sale (the gross proceeds less the costs of sale normally paid by the seller) will be placed in a blocked account in the United States. Negotiations for the sale of the M/V Bar, now blocked in New Orleans, are underway and are likely to be concluded prior to my next report.

Other than the M/V Bar, the four remaining Yugoslav-owned vessels are beneficially owned by Jugooceanija, Plovidba of Kotor, Montenegro, and managed by Milena Ship Management Co. Ltd. in Malta. These vessels have many unpaid U.S. creditors for services and supplies furnished during the time they have been blocked in the United States; moreover, the owner appears to have insufficient resources to provide for the future upkeep and maintenance needs of these vessels and their crews. The United States is notifying the UNSC's Serbian Sanctions Committee of the United States's intention to license some or all of these remaining four vessels upon the owner's request.

With the FAC-licensed sales of the M/V Kapetan Martinovic and the M/V Bor, those vessels were removed from the list of blocked FRY entities and merchant vessels maintained by FAC. The new owners of several formerly Yugoslav-owned vessels, which have been sold in other countries, have petitioned FAC to remove those vessels from the list. FAC, in coordination with the Department of State, is currently reviewing the sale terms and conditions for those vessels to ascertain whether they comply with U.N. sanctions objectives and UNSC's Serbian Sanctions Committee practice.

During the past 6 months, U.S. financial institutions have continued to block funds transfers in which there is an interest of the Government of the FRY (S/M) or an entity or undertaking located in or controlled from the FRY (S/M), and to stop prohibited transfers to persons in the FRY (S/M). Such interdicted transfers have accounted for $125.6 million since the issuance of Executive Order No. 12808, including some $9.3 million during the past 6 months.

To ensure compliance with the terms of the licenses that have been issued under the program, stringent reporting requirements are imposed. More than 279 submissions have been reviewed by FAC since the last report, and more than 125 compliance cases are currently open.

6. Since the issuance of Executive Order No. 12810, FAC has worked closely with the U.S. Customs Service to ensure both that prohibited imports and exports (including those in which the Government of the FRY (S/M) or Bosnian Serb authorities have an interest) are identified and interdicted, and that permitted imports and exports move to their intended destination without undue delay. Violations and suspected violations of the embargo are being investigated and appropriate enforcement actions are being taken. There are currently 37 cases under active investigation. Since the last report, FAC has collected nine civil penalties totaling nearly $20,000. Of these, five were paid by U.S. financial institutions for violative funds transfers involving the Government of the FRY (S/M), persons in the FRY (S/M), or entities located or organized in or controlled from the FRY (S/M). Three U.S. companies and one air carrier have also paid penalties related to exports or unlicensed payments to the Government of the FRY (S/M) or persons in the FRY (S/M) or other violations of the Regulations.

7. The expenses incurred by the Federal Government in the 6-month period from November 30, 1994, through May 29, 1995, that are directly attributable to the authorities conferred by the declaration of a national emergency with respect to the FRY (S/M) and the Bosnian Serb forces and authorities are estimated at about $3.5 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC and its Chief Counsel's Office, and the U.S. Customs Service), the Department of State, the National Security Council, the U.S. Coast Guard, and the Department of Commerce.

8. The actions and policies of the Government of the FRY (S/M), in its involvement in and support for groups attempting to seize and hold territory in the Republics of Croatia and Bosnia and Herzegovina by force and violence, and the actions and policies of the Bosnian Serb forces and the authorities in the areas of Bosnia and Herzegovina under their control, continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The United States remains committed to a multilateral resolution of the conflict through implementation of the United Nations Security Council resolutions.

I shall continue to exercise the powers at my disposal to apply economic sanctions against the FRY (S/M) and the Bosnian Serb forces, civil authorities, and entities, as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 18, 1995.*

MESSAGES FROM THE HOUSE

ENROLLED BILL SIGNED

At 12:30 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

S. 523. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. THURMOND).

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on July 18, 1995, he had presented to the President of the United States the following enrolled bill:

S. 523. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with

accompanying papers, reports, and documents, which were referred as indicated:

EC-1190. A communication from the Chairman of the Federal Trade Commission, transmitting, pursuant to law, the annual report of the Commission for fiscal year 1992; to the Committee on Commerce, Science, and Transportation.

EC-1191. A communication from the Board of Directors of the U.S. Enrichment Corporation, transmitting, pursuant to law, a plan for the privatization of the USEC; to the Committee on Energy and Natural Resources.

EC-1192. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to Exxon and stripper well oil overcharge funds as of March 31, 1995; to the Committee on Energy and Natural Resources.

EC-1193. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to electric motor vehicles; to the Committee on Energy and Natural Resources.

EC-1194. A communication from the Chair of the State Energy Advisory Board, Department of Energy, transmitting, pursuant to law, a report relative to energy efficiency and renewable energy; to the Committee on Energy and Natural Resources.

EC-1195. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Summary of Expenditures of Rebates from the Low-Level Radioactive Waste Surcharge Escrow Account for Calendar Year 1994"; to the Committee on Energy and Natural Resources.

EC-1196. A communication from the Inspector General of the Department of Health and Human Services, transmitting, pursuant to law reports required under the Superfund Amendments and Reauthorization Act of 1986; to the Committee on Environment and Public Works.

EC-1198. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the National Institute of Environmental Health Sciences report on mercury; to the Committee on Environment and Public Works.

EC-1199. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a memorandum of justification for presidential determination regarding the drawdown of Department of Treasury commodities and services to support Serbia-Montenegro sanctions program enforcement efforts; to the Committee on Foreign Relations.

EC-1200. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, the text of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-1201. A communication from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to provide defense articles and services, including military training, to Jordan to enhance its security in the wake of signing a peace treaty with Israel; to the Committee on Foreign Relations.

EC-1202. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a memorandum of justification for presidential determination regarding the drawdown of defense articles and services for the rapid reaction force; to the Committee on Foreign Relations.

EC-1203. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a Presidential Determination with respect to Bosnia; to the Committee on Foreign Relations.

EC-1204. A communication from the Assistant Legal Adviser (Treaty Affairs), Department of State, transmitting, pursuant to law, the text of international agreements, other than treaties, and background statements; to the Committee on Foreign Relations.

EC-1205. A communication from the Assistant Secretary of State (Legislative Affairs), transmitting, pursuant to law, a Presidential Determination with respect to Haiti; to the Committee on Foreign Relations.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-223. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Appropriations.

"JOINT RESOLUTION—

"Whereas, the Carlton Bridge between Bath and Woolwich, Maine, built in 1926, has structurally, mechanically and functionally deteriorated and is in dire need of replacement; and

"Whereas, the Carlton Bridge provides the only access along coastal Route 1 and supports more than 20,000 jobs critical for the mid-coast region; and

"Whereas, annual average daily traffic currently exceeds the bridge capacity and is projected to double over the next 20 years; and

"Whereas, the Carlton Bridge is located on Maine's most congested highway and provides an essential link for residents of and tourists to Maine's coastal communities and the Eastern United States; and

"Whereas, the economic impact of tourist travel through the mid-coast region, over the Carlton Bridge, annually exceeds $350,000,000, generating more than $80,000,000 in federal, state and local revenues annually; and

"Whereas, the Carlton Bridge provides the only access for emergency vehicles to and from regional hospitals and fire stations; and

"Whereas, the cost to replace the Carlton Bridge is more than double the total annual construction budget of the Maine Department of Transportation; and

"Whereas, federal, state, local and private support and innovative financing is critical to fund the replacement of the Carlton Bridge; and

"Whereas, the Carlton Bridge was recognized by Congress as a demonstration project under the Intermodal Surface Transportation Efficiency Act of 1991; now, therefore, be it

"*Resolved*, That We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to provide financial assistance for the replacement of the Carlton Bridge and in particular to fund the discretionary bridge program at a level sufficient to allow for the replacement of this critical access bridge; and be it further

"*Resolved*, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation."

POM-224. A resolution adopted by the Council of the City of Cleveland Heights, Ohio relative to the Community Development Block Grant Program; to the Committee on Banking, Housing, and Urban Affairs.

POM-225. A resolution adopted by the Township of Robinson, Crawford County, Illinois relative to the Metric System; to the Committee on Commerce, Science, and Transportation.

POM-226. A resolution adopted by the Chamber of Commerce of High Point, North Carolina relative to Amtrak; to the Committee on Commerce, Science, and Transportation.

POM-227. A resolution adopted by the Council of the City of Baltimore, Maryland relative to the U.S. Coast Guard Yard at Curtis Bay; to the Committee on Commerce, Science, and Transportation.

POM-228. A joint resolution adopted by the Legislature of the State of Maine; to the Committee on Commerce, Science, and Transportation.

"Whereas, the current territorial sea limit for the State of Maine is 3 miles; and

"Whereas, waters within the 3-mile territorial sea limit are regulated by the State of Maine with respect to marine fisheries and the waters outside the 3-mile territorial sea limit are not within the jurisdiction of the State; and

"Whereas, the United States Government has extended territorial limits to 12 miles for purposes other than marine fisheries; now, therefore, be it

"*Resolved*, That We, your Memorialists, respectfully recommend and urge the Congress of the United States to extend the territorial sea limit of the State of Maine from 3 miles to 12 miles for the purposes of marine fisheries so that the State of Maine can more effectively manage its marine fisheries resources; and be it further

"*Resolved*, That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable William J. Clinton, President of the United States, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each member of the Maine Congressional Delegation."

POM-229. A resolution adopted by the Legislature of the State of Nebraska; to the Committee on Commerce, Science, and Transportation.

"Whereas, the people of the State of Nebraska enjoy a sister-state relationship with Taiwan; and

"Whereas, commercial interaction with Taiwan has grown substantially in recent years to the mutual benefit of both our citizenry; and

"Whereas, Taiwan has made progress in the democratic political system in recent years; and

"Whereas, Taiwan has had a role in international development programs and humanitarian relief operations; and

"Whereas, the active cultural exchange by and between the sister-states has a positive educational value. Now, therefore, be it

Resolved by the members of the Ninety-Fourth Legislature of Nebraska, First Session:

"1. That the ongoing commercial relationship of the State of Nebraska, with the people of Taiwan should be recognized as serving our mutual interests in an equitable and reciprocal manner.

"2. That the Clerk of the Legislature transmit a copy of this resolution to the Speaker of the House of Representatives, to the President of the Senate of the Congress of the United States, to all members of the Nebraska delegation to the Congress of the United States, and to the President of the United States with the request that it be officially entered in the Congressional Record as memorial to the Congress of the United States."

POM-230. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Commerce, Science, and Transportation.

"JOINT RESOLUTION 25

"Whereas, Air and highway travel is becoming increasingly congested in the Western United States as populations continue to increase in those areas; and

"Whereas, Such congestion may result in an increase in the number of fatal automobile and airplane accidents and in the amount of harmful contaminants released in to the atmosphere; and

"Whereas, The technology to build superspeed trains which operate by magnetic levitation is available and if employed would help eliminate the congested conditions on the highways and in the air and therefore help reduce the rate of fatal accidents and the levels of air pollution; and

"Whereas, Super-speed trains which operate by magnetic levitation can travel in excess of 180 miles per hour and therefore for many trips would be of comparable efficiency to that of most commercial airlines; and

"Whereas, The estimated fare for passengers of such super-speed trains is only about two-thirds of the prevailing fare for passengers of commercial airlines; and

"Whereas, The cost of construction of such a super-speed train system is estimated to be lower per mile than building traditional highways or airports in urban areas; now, therefore, be it

"*Resolved* by the Assembly and Senate of the State of Nevada, jointly, That the President of the United States and Congress are hereby urged to support all federal and state efforts to build and operate super-speed trains which operate by magnetic levitation and to support financially, through grants or otherwise, the development of a national corridor for the travel of such super-speed trains; and be it further

"*Resolved*, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. HATFIELD, from the Committee on Appropriations:

Special Report entitled "Allocation to Subcommittees of Budget Totals from the Concurrent Resolution for Fiscal Year 1996" (Rept. No. 104–115).

By Mr. MACK, from the Committee on Appropriations, with amendments:

H.R. 1854. A bill making appropriations for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes (Rept. No. 104–114).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. STEVENS:

S. 1046. A bill to authorize the Secretary of Transportation to issue certificates of documentation with appropriate endorsements for employment in the coastwise trade of the United States for 14 former U.S. Army hovercraft; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS (for himself and Mr. HOLLINGS):

S. 1047. A bill to authorize the Secretary of Transportation to issue certificates of documentation and coastwise trade endorsements for the vessels ENCHANTED ISLES and ENCHANTED SEAS; to the Committee on Commerce, Science, and Transportation.

By Mr. PRESSLER (for himself and Mr. BURNS):

S. 1048. A bill to authorize appropriations for fiscal year 1996 to the National Aeronautics and Space Administration for human space flight; science, aeronautics, and technology; mission support; and Inspector General; and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. HEFLIN:

S. 1049. A bill to amend the National Trails Systems Act to designate the route from Selma to Montgomery as a National Historic Trail, and for other purposes; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. STEVENS:

S. 1046. A bill to authorize the Secretary of Transportation to issue certificates of documentation with appropriate endorsements for employment in the coastwise trade of the United States for 14 former U.S. Army hovercraft; to the Committee on Commerce, Science, and Transportation.

By Mr. STEVENS (for himself and Mr. HOLLINGS):

S. 1047. A bill to authorize the Secretary of Transportation to issue certificates of documentation and coastwise trade endorsements for the vessels *Enchanted Isles* and *Enchanted Seas;* to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVERS LEGISLATION

Mr. STEVENS. Mr. President, today I am introducing two bills to authorize the Secretary of Transportation to issue certificates of documentation for certain vessels.

HOVERCRAFT

The first bill would authorize the issuance of certificates of documentation with appropriate endorsements for employment in the coastwise trade of the United States for 14 hovercraft formerly owned by the U.S. Army.

These hovercraft were built for the U.S. Army by Bell Aerospace Co. in Buffalo, NY, between 1982 and 1986.

The vessels are 76 feet in length and capable of hauling 30 tons of cargo each.

After being declared surplus by the U.S. Army in 1994, the hovercraft were acquired by Champion Constructors, Inc., a subsidiary of Cook Inlet Region, Inc., of Anchorage, AK.

The hovercraft are intended to be used for transporting cargo and passengers between points in Alaska.

It is my understanding that most of the major components of the hovercraft were constructed and assembled in the United States, but that because some components were constructed in Canada, the hovercraft have been determined by the Coast Guard to be ineligible to operate in the coastwise trade of the United States.

The first bill I am introducing today would allow these vessels to be operated in the U.S. coastwise trade.

I ask unanimous consent that this bill be printed in the RECORD.

VESSELS

Senator HOLLINGS joins me as a cosponsor of the second bill I am introducing today, which would authorize the Secretary of Transportation to issue certificates of documentation with appropriate endorsements for employment in the coastwise trade of the United States for two cruise ships that were built in the United States but that are currently being operated under the Panamanian flag.

It is my understanding that the *Enchanted Isle* and *Enchanted Seas* were built in the 1950's in Mississippi, and that they can carry approximately 1,000 passengers each.

The vessels left the United States coastwise trade and began flying the Panamanian flag in 1972.

A U.S. flag company, International Marine Carriers, is in the process of acquiring the vessels, and would like to employ them in trade in the Gulf of Mexico and along the east coast.

The vessels will provide jobs for U.S. seamen, and it is my understanding that U.S. maritime unions support waiving them into the U.S. trade. The Coast Guard authorization bill passed in the House earlier this year included waivers for the two ships.

I ask unanimous consent that this bill be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1046

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 12106, 12107, and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 App. U.S.C. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue certificates of documentation with appropriate endorsements for employment in the coastwise trade of the United States for the fourteen former U.S. Army hovercraft with serial numbers LACV-30-04, LACV-30-05, LACV-30-07, LACV-30-09, LACV-30-10, LACV-30-13, LACV-30-14, LACV-30-15, LACV-30-16, LACV-30-22, LACV-30-23, LACV-30-24, LACV-30-25, and LACV-30-26.

S. 1047

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), the Act of June 19, 1886 (46 U.S.C. App. 289), section 12106 of title 46, United States Code, section 506 of the Merchant Marine Act, 1936 (46 U.S.C. App. 1156), and any agreement with the United States Government, the Secretary of Transportation may issue certificates of documentation with a coastwise endorsement for the vessels ENCHANTED ISLES (Panamanian official number 14087-84B) and ENCHANTED SEAS (Panamanian official number 14064-84D), except that the vessels may not operate between or among islands in the State of Hawaii.

By Mr. PRESSLER (for himself and Mr. BURNS):

S. 1048 A bill to authorize appropriations for fiscal year 1996 to the National Aeronautics and Space Administration for human space flight; science, aeronautics, and technology; mission support; and inspector general; and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NASA AUTHORIZATION ACT FOR FISCAL YEAR 1996

Mr. PRESSLER. Mr. President, today I introduced the NASA Authorization Act for Fiscal Year 1996. NASA faces two challenges. The first is maintaining America's leadership in aeronautics and space. The second is accomplishing the leadership goal within the confines of a balanced Federal budget. This authorization is intended to allow NASA to meet both of these challenges.

NASA started out this year with a plan to cut $5 billion over 5 years from its budget. Then, the Senate and House developed budget plans which require even deeper cuts. As a result, our bill authorizes a total of $13.8 billion for NASA in fiscal year 1996, a 3-percent decrease from the current funding level of $14.26 billion.

Despite the funding cut, the bill manages to support a diverse and forward-looking space program. It authorizes all of NASA's major current programs such as Mission to Planet Earth, Space Station, Space Science, and Aeronautics and, in almost all cases, at their requested funding levels. At the same time, it prepares NASA for the future by authorizing a number of new starts including the new Reusable Launch Vehicle Technology Development Program aimed at providing private industry the technology to eventually build a Shuttle replacement, and a new radar satellite program to develop and make use of the latest advances in satellite remote sensing technology.

Mr. President, I would now like to make special mention of certain portions of the bill.

I believe Mission to Planet Earth may be NASA's most important and relevant program. The satellite data from Mission to Planet Earth will deliver direct benefits to the taxpayer in contrast to the speculative spinoffs promised by other space activities. For this reason, the bill fully funds this activity at the requested level of $1.36 billion.

Using the latest satellite technology, Mission to Planet Earth will help researchers understand and predict the global climate trends that affect our lives. As a Senator representing an agricultural State, I have a keen interest in this program's potential to provide detailed data on soil conditions, topography, crops, and other information critical to the farming and ranching community. I also take great pride in the selection of the EROS Data Center in Sioux Falls, SD as one of the regional data centers that will collect and distribute this satellite data.

I am very concerned that, under the new budget constraints in which we find ourselves, some may seek to sacrifice Mission to Planet Earth, and space science in general, to fund Space Station. that would be a disservice to the Nation and I will oppose any such move strongly.

I am pleased with the direction of the baseline plan for the Mission to Planet Earth Program and am concerned about the possibility of NASA taking any imprudent and unnecessary efforts to restructure the program. Accordingly, the bill specifically prohibits NASA from changing the program unless, 60 days before such action, NASA has reported to Congress on the nature and overall impact of the planned changes.

The bill also provides the full $2.1 billion requested funding for space station. However, this authorization should not be interpreted as a ringing endorsement of that program. I am a longstanding supporter of the program, but, in recent years, I have become concerned that it has become too expensive, too complex, and too dependent on the contributions of Russia, the latest station partner.

In a June 1995 report, the General Accounting Office [GAO] estimated that the total cost of the design, launch, and operation of the space station will be $94 billion. That is almost seven times the entire annual budget for NASA. Given the history of past missions, it is fair to assume that $94 billion price tag for the program will increase over time. If that happens, we may wake up to find the enormous space station budget has crowded out every other NASA program and that space station has become NASA's only mission. Because of my reservations about space station, I may well reconsider my support in the future.

The bill also supports several new starts at NASA to extend its vision into the next century. The bill authorizes a reusable launch vehicle program, which will support the X-33 and X-34 activities to pave the way for the later development by private enterprise of a replacement for the shuttle in the next decade.

Employing 1970's technologies and costing $400 million per flight, the shuttle may have outlived its usefulness. However, within today's budget constraints, the Government cannot afford to foot the entire bill for a new multibillion spacecraft development program. That is why the reusable launch vehicle program, with its emphasis on sharing financing with industry and its goal of moving our national space transportation system toward privatization, seems a viable concept worth pursuing.

Also authorized are the New Millennium initiative to develop new microminiature technologies aimed at reducing the cost and development times for satellites and two infrared astronomy programs—the Stratospheric Observatory for Infrared Astronomy and the Space Infrared Telescope Facility. The bill also authorizes a new Radar Satellite Program we call "TopSat," and a third shuttle flight for the Shuttle Imaging Radar-C satellite. Because radar satellites have the ability to "see" through cloud cover, they will dramatically enhance the capability of the Nation's existing optical-based satellite systems such as Landsat. With Japan and Europe already operating radar satellite systems, and with Canada poised to deploy one later this year, the United States cannot afford to be left behind in this critical technology.

In my role as chairman of the Senate Committee on Commerce, Science, and Transportation, it has become apparent to me that small-city, rural States like my home State of South Dakota are often forgotten in our vast $70 billion Federal science and technology enterprise. That part of America wants to be part of the technological revolution. More important, it wants to contribute.

It is in the national interest to strengthen the scientific talent, resources, and infrastructure in our rural States through appropriate research, education, and outreach activities. The bill attempts to accomplish this in several ways. It increases funding for the Experimental Program to Stimulate Competitive Research Program [EPSCoR] from its current level of $4.9 million to $6.9 million. NASA's EPSCoR Program, as well as similar programs in six other science agencies, have been instrumental in providing Federal funding for academic research in rural States. Our bill also funds a Rural Teacher Resource Center, a Rural Technology Transfer and Commercialization Center, and a regional science education and outreach center for the Plains States region.

Mr. President, I believe NASA is up to the challenge of keeping America preeminent in aeronautics and space despite the intense budget pressure and despite the increasing competition from other spacefaring nations. It is my belief this authorization bill provides NASA with the support it needs to meet that challenge.

ADDITIONAL COSPONSORS

S. 295

At the request of Mrs. KASSEBAUM, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 295, a bill to permit labor management cooperative efforts that improve America's economic competitiveness to continue to thrive, and for other purposes.

S. 426

At the request of Mr. SARBANES, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of S. 426, a bill to authorize the Alpha Phi Alpha Fraternity to establish a memorial to Martin Luther King, Jr., in the District of Columbia, and for other purposes.

S. 530

At the request of Mr. GREGG, the name of the Senator from Montana [Mr. BAUCUS] was added as a cosponsor of S. 530, a bill to amend the Fair Labor Standards Act of 1938 to permit State and local government workers to perform volunteer services for their employer without requiring the employer to pay overtime compensation, and for other purposes.

S. 603

At the request of Mr. FAIRCLOTH, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 603, a bill to nullify an Executive order that prohibits Federal contracts with companies that hire permanent replacements for striking employees, and for other purposes.

S. 628

At the request of Mr. KYL, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 628, a bill to repeal the Federal estate and gift taxes and the tax on generation-skipping transfers.

S. 770

At the request of Mr. DOLE, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 772

At the request of Mr. DORGAN, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 772, a bill to provide for an assessment of the violence broadcast on television, and for other purposes.

S. 773

At the request of Mrs. KASSEBAUM, the names of the Senator from Arkansas [Mr. BUMPERS], the Senator from Florida [Mr. MACK], the Senator from Missouri [Mr. ASHCROFT], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 773, a bill to amend the Federal Food, Drug, and Cosmetic Act to provide for improvements in the process of approving and using animal drugs, and for other purposes.

S. 877

At the request of Mrs. HUTCHISON, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 877, a bill to amend section 353 of the Public Health Service Act to exempt physician office laboratories from the clinical laboratories requirements of that section.

S. 930

At the request of Mr. SHELBY, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 930, a bill to require States receiving prison construction grants to implement requirements for inmates to perform work and engage in educational activities, and for other purposes.

S. 989

At the request of Mrs. KASSEBAUM, the name of the Senator from Wyoming [Mr. THOMAS] was added as a cosponsor of S. 989, a bill to limit funding of an Executive order that would prohibit Federal contractors from hiring permanent replacements for lawfully striking employees, and for other purposes.

SENATE RESOLUTION 103

At the request of Mr. DOMENICI, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Resolution 103, a resolution to proclaim the week of October 15 through October 21, 1995, as National Character Counts Week, and for other purposes.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the name of the Senator from New Mexico [Mr. DOMENICI] was added as a cosponsor of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week," and for other purposes.

SENATE RESOLUTION 149

At the request of Mr. AKAKA, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of Senate Resolution 149, a resolution expressing the sense of the Senate regarding the recent announcement by the Republic of France that it intends to conduct a series of underground nuclear test explosions despite the current international moratorium on nuclear testing.

AMENDMENT NO. 1530

At the request of Mr. CAMPBELL the names of the Senator from Kentucky [Mr. FORD] and the Senator from North Carolina [Mr. FAIRCLOTH] were added as cosponsors of amendment No. 1530 intended to be proposed to S. 343, a bill to reform the regulatory process, and for other purposes.

AMENDMENTS SUBMITTED

THE COMPREHENSIVE REGULATORY REFORM ACT OF 1995

HUTCHISON (AND ASHCROFT) AMENDMENT NO. 1789

Mrs. HUTCHISON (for herself and Mr. ASHCROFT) proposed an amendment to amendment No. 1786 proposed by Mr. ASHCROFT to the bill (S. 343) to reform the regulatory process, and for other purposes; as follows:

In lieu of the matter proposed to be added, add the following:

"TITLE II—URBAN REGULATORY RELIEF ZONES

SECTION 201. SHORT TITLE.

This Act may be cited as the "Urban Regulatory Relief Zone Act of 1995".

SEC. 202. FINDINGS.

The Congress finds that—

(1) the likelihood that a proposed business site will comply with many government regulations is inversely related to the length of time over which a site has been utilized for commercial and/or industrial purposes in the past, thus rendering older sites in urban areas the sites most unlikely to be chosen for new development and thereby forcing new development away from the areas most in need of economic growth and job creation; and

(2) broad Federal regulations often have unintended social and economic consequences in urban areas where such regulations, among other things—

(A) offend basic notions of common sense, particularly when applied to individual sites;

(B) adversely impact economic stability;

(C) result in the unnecessary loss of existing jobs and businesses;

(D) undermine new economic development, especially in previously used sites;

(E) create undue economic hardships while failing significantly to protect human health, particularly in areas where economic development is urgently needed in order to improve the health and welfare of residents over the long term; and

(F) contribute to social deterioration to a such degree that high unemployment, crime, and other economic and social problems create the greatest risk to the health and well-being of urban residents.

SEC. 203. PURPOSES.

The purposes of this title are to—

(1) enable qualifying cites to provide for the general well-being, health, safety and security for their residents living in distressed areas by empowering such cities to obtain selective relief from Federal regulations that undermine economic stability and development in distressed areas within the city; and

(2) authorize Federal agencies to waive the application of specific Federal regulations in distressed urban areas designated as Urban Regulatory Relief Zones by an Economic Development Commission—

(A) upon application through the Office of Management and Budget by an Economic Development Commission established by a qualifying city pursuant to section 205; and

(B) upon a determination by the appropriate Federal agency that granting such a waiver will not substantially endanger health or safety.

SEC. 204. ELIGIBILITY FOR WAIVERS.

(a) Eligible Cities.—The mayor or chief executive officer of a city may establish an Economic Development Commission to carry out the purposes of section 205 if the city has a population greater than 200,000 according to:

(1) the U.S. Census Bureau's 1992 estimate for city populations; or

(2) beginning six months after the enactment of this title, the U.S. Census Bureau's latest estimate for city populations.

(b) Distressed Area.—Any census tract within a city shall qualify as distressed area if—

(1) 33 percent or more of the resident population in the census tract is below the poverty line; or

(2) 45 percent or more of out-of-school males aged 16 and over in the census tract worked less than 26 weeks in the preceding year; or

(3) 36 percent or more families with children under age 18 in the census tract have an unmarried parent as head of the household; or

(4) 17 percent or more of the resident families in the census tract received public assistance income in the preceding year.

SEC. 205. ECONOMIC DEVELOPMENT COMMISSIONS.

(a) Purpose.—The mayor or chief executive officer of a qualifying city under section 204 may appoint an Economic Development Commission for the purpose of—

(1) designating distressed areas, or a combination of distressed areas with one another or with adjacent industrial or commercial areas, within the city as Urban Regulatory Relief Zones; and

(2) making application through the Office of Management and Budget to waive the application of specific Federal regulations within such Urban Regulatory Relief Zones.

(b) Composition.—To the greatest extent practicable, an Economic Development Commission shall include—

(1) residents representing a demographic cross section of the city population; and

(2) members of the business community, private civic organizations, employers, employees, elected officials, and State and local regulatory authorities.

(c) Limitation.—No more than one Economic Development Commission shall be established or designated within a qualifying city.

SEC. 206. LOCAL PARTICIPATION.

(a) Public Hearings.—Before designating an area as an Urban Regulatory Relief Zone, an Economic Development Commission established pursuant to section 205 shall hold a public hearing, after giving adequate public notice, for the purpose of soliciting the opinions and suggestions of those persons who will be affected by such designation.

(b) Individual Requests.—The Economic Development Commission shall establish a process by which individuals may submit requests to the Economic Development Commission to include specific Federal regulations in the Commission's application to the Office of Management and Budget seeking waivers of Federal regulations.

(c) Availability of Commission Decisions.—After holding a hearing under paragraph (a) and before submitting any waiver applications to the Office of Management and Budget pursuant to section 207, the Economic Development Commission shall make publicly available—

(1) a list of all areas within the city to be designated as Urban Regulatory Relief Zones, if any;

(2) a list of all regulations for which the Economic Development Commission will request a waiver from a Federal agency; and

(3) the basis for the city's findings that the waiver of a regulation would improve the health and safety and economic well-being of the city's residents and the data supporting such a determination.

SEC. 207. WAIVER OF FEDERAL REGULATIONS.

(a) Selection of Regulations.—An Economic Development Commission may select for waiver, within an Urban Regulatory Relief Zone, Federal regulations that—

(1)(A) are unduly burdensome to business concerns located within an area designated as an Urban Regulatory Relief Zone; or

(B) discourages new economic development within the zone; or

(C) creates undue economic hardships in the zone; or

(D) contributes to the social deterioration of the zone; and

(2) if waived, will not substantially endanger health or safety.

(b) Request for Waiver.—(1) An Economic Development Commission shall submit a request for the waiver of Federal regulations to the Office of Management and Budget.

(2) Such request shall—

(A) identify the area designated as an Urban Regulatory Relief Zone by the Economic Development Commission;

(B) identify all regulations for which the Economic Development Commission seeks a waiver; and

(C) explain the reasons that waiver of the regulations would economically benefit the Urban Regulatory Relief Zone and the data supporting such determination.

(c) Review of Waiver Request.—No later than 60 days after receiving the request for waiver, the Office of Management and Budget shall—

(1) review the request for waiver;

(2) determine whether the request for waiver is complete and in compliance with this title, using the most recent census data available at the time each applicant is submitted; and

(3) after making a determination under paragraph (2)—

(A) submit the request for waiver to the Federal agency that promulgated the regulation and notify the requesting Economic Development Commission of the date on which the request was submitted to such agency; or

(B) notify the requesting Economic Development Commission that the request is not in compliance with this Act with an explanation of the basis for such determination.

(d) Modification of Waiver Requests.—An Economic Development Commission may submit modifications to a waiver request. The provisions of subsection (c) shall apply to a modified waiver as of the date such modification is received by the Office of Management and Budget.

(e) Waiver Determination.—(1) No later than 120 days after receiving a request for waiver under subsection (c) from the Office of Management and Budget, a Federal agency shall—

(A) make a determination of whether to waiver a regulation in whole or in part; and

(B) provide written notice to the requesting Economic Development Commission of such determination.

(2) Subject to subsection (g), a Federal agency shall deny a request for a waiver only if the waiver substantially endangers health or safety.

(3) If a Federal agency grants a waiver under this subsection, the agency shall provide a written statement to the requesting Economic Development Commission that—

(A) describes the extent of the waiver in whole or in part; and

(B) explains the application of the waiver, including guidance for the use of the waiver by business concerns, within the Urban Regulatory Relief Zone.

(4) If a Federal agency denies a waiver under this subsection, the agency shall provide a written statement to the requesting Economic Development Commission that—

(A) explains the reasons that the waiver substantially endangers health or safety; and

(B) provides a scientific basis in writing for such determination.

(f) Automatic Waiver.—If a Federal agency does not provide the written notice required under subsection (e) within the 120-day period as required under such subsection, the waiver shall be deemed to be granted by the Federal agency.

(g) Limitation.—No provision of this Act shall be construed to authorize any Federal agency to waive any regulation or Executive order that prohibits, or the purpose of which is to protect persons against, discrimination on the basis of race, color, religion, gender, or national origin.

(h) Applicable Procedures.—A waiver of a regulation under subsection (e) shall not be considered to be a rule, rulemaking, or regulation under chapter 5 of title 5, United States Code. The Federal agency shall publish a notice in the Federal Register stating any waiver of a regulation under this section.

(i) Effect of Subsequent Administration of Regulations.—If a Federal agency amends a regulation for which a waiver under this section is in effect, the agency shall not change the waiver to impose additional requirements.

(j) Expiration of Waivers.—No waiver of a regulation under this section shall expire unless the Federal agency determines that a continuation of the waiver substantially endangers health or safety.

SEC. 208. DEFINITIONS.

For purposes of this Act, the term—

(1) "regulation" means—

(A) any rule as defined under section 551(4) of title 5, United States Code; or

(B) any rulemaking conducted on the record after opportunity for an agency hearing under sections 556 and 557 of such title;

(2) "Urban Regulatory Relief Zone" means an area designated under section 205;

(3) "qualifying city" means a city which is eligible to establish an Economic Development Commission under section 204;

(4) "industrial or commercial area" means any part of a census tract zoned for industrial or commercial use which is adjacent to a census tract which is a distressed area pursuant to section 205(b); and

(5) "poverty line" has the same meaning as such term is defined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

SEC. 209. EFFECTIVE DATE.

The provisions of this title shall become effective one day after the date of enactment.".

GLENN AMENDMENT NO. 1790

(Ordered to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 59, delete entire section 634, "petition for review of a major freestanding risk assessment".

Insert in lieu thereof:

SEC. 634. PLAN FOR THE REVIEW OF RISK ASSESSMENTS.

(a) No later than 18 months after the effective date of this section, the head of each covered agency shall publish, after notice and public comment, a plan to review and revise any risk assessment published before the expiration of such 18-month period if the covered agency determines that significant new information or methodologies are available that could significantly alter the results of the prior risk assessment.

(b) A plan under subsection (a) shall—

(1) provide procedures for receiving and considering new information and risk assessments from the public; and

(2) set priorities and criteria for review and revision of risk assessments based on such factors as the agency head considers appropriate.

(3) provide a schedule for the review of risk assessments. This schedule shall be revised as appropriate based on new information received under (b)(1) and reviewed under criteria developed in accordance with paragraph (b)(2).

(c) The head of each covered agency shall review risk assessments according to the schedule published by the agency under paragraph (a).

GLENN (AND LEVIN) AMENDMENT NO. 1791

(Ordered to lie on the table.)

Mr. GLENN (for himself and Mr. LEVIN) submitted an amendment intended to be proposed by them to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 25, line 23, through page 35, line 8, strike text and insert in lieu thereof the following:

"§ 623. Agency regulatory review

"(a)(1) Not late than 1 year after the date of the enactment of this section, and every 5 years thereafter, the head of each agency shall publish in the Federal Register a notice of proposed rulemaking under section 553 that contains a preliminary schedule of rules selected for review under this section by the head of the agency and in the sole discretion of the heard of the agency, and request public comment thereon, including suggestions for additional rules warranting review. The agency shall allow at least 180 days for public comment.

"(2) The preliminary schedule under this subsection shall propose deadlines for review of each rule listed thereon, and such deadlines shall occur not later than 11 years from the date of publication of the preliminary schedule.

"(3) In selecting rules and establishing deadlines for the preliminary schedule, the head of the agency shall consider the extent to which, in the judgment of the head of the agency—

"(A) a rule is unnecessary, and the agency has discretion under the statute authorizing the rule to repeal the rule;

"(B) the benefits of the rule do not justify its costs or the rule does not achieve the rulemaking objectives in a cost-effective manner;

"(C) a rule could be revised in a manner allowed by the statute authorizing the rule so as to—

"(i) substantially decrease costs;

"(ii) substantially increase benefits; or

"(iii) provide greater flexibility for regulated entities, through mechanisms including, but not limited to, those listed in section 622(c)(2)(C)(iii);

"(D) the importance of each rule relative to other rules being reviewed under this section; or

"(E) the resources expected to be available to the agency to carry out the reviews under this section.

"(b)(1) Not later than 1 year after publication of a preliminary schedule under subsection (a), the head of each agency shall publish a final rule that establishes a schedule of rules to be reviewed by the agency under this section.

"(2) The schedule shall establish a deadline for completion of the review of each rule listed on the schedule, taking into account the criteria in subsection (a)(3) and comments received in the rulemaking under subsection (a). Each such deadline shall occur not later than 11 years from the date of publication of the preliminary schedule.

"(3) The head of the agency shall modify the agency's schedule under this section to reflect any change contained in an appropriations Act under subsection (d).

"(c)(1) Notwithstanding section 623 and except as provided otherwise in this subsection, judicial review of agency action taken pursuant to the requirements of this section shall be limited to review of compliance or noncompliance with the requirements of this section.

"(2) Agency decisions to place, or decline to place, a rule on the schedule, and the deadlines for completion of a rule, shall not be subject to judicial review.

"(d)(1) The President's annual budget proposal submitted under section 1105(a) of title 31 for each agency subject to this section shall—

"(A) identify as a separate sum the amount requested to be appropriated for implementation of this section during the upcoming fiscal year; and

"(B) include a list of rules which may be subject to subsection (e)(3) during the year for which the budget proposal is made.

"(2) Amendments to the schedule under subsection (b) to place a rule on the schedule for review or change a deadline for review of a rule may be included in annual appropriations Act for the relevant agencies. An authorizing committee with jurisdiction may recommend, to the House of Representatives or Senate appropriations committee as the case may be), such amendments. The appropriations committee to which such amendments have been submitted may include the amendments in the annual appropriations Act for the relevant agency. Each agency shall modify its schedule under subsection (b) to reflect such amendments that are enacted into law.

"(e)(1) For each rule on the schedule under subsection (b), the agency shall—

"(A) not later than 2 years before the deadline in such schedule, publish in the Federal Register a notice that solicits public comment regarding whether the rule should be continued, amended, or repealed;

"(B) not later than 1 year before the deadline in such schedule, publish in the Federal Register a notice that—

"(i) addresses public comments generated by the notice in subparagraph (A);

"(ii) contains a preliminary analysis provided by the agency of whether the rule is a major rule, and if so, whether the benefits of the rule justify its costs;

"(iii) contains a preliminary determination as to whether the rule should be continued, amended, or repealed; and

"(iv) solicits public comment on the preliminary determination for the rule; and

"(C) not later than 60 days before the deadline in such schedule, publish in the Federal Register a final notice on the rule that—

"(i) addresses public comments generated by the notice in subparagraph (B); and

"(ii) contains a final determination of whether to continue, amend, or repeal the rule;

"(iii) if the agency determines to continue the rule and the rule is a major rule, describes a final analysis as to whether the benefits of the rule justify its costs; and

"(iv) if the agency determines to amend or repeal the rule, contains a notice of proposed rulemaking under section 553.

"(2) If the final determination of the agency is to continue the rule, that determination shall take effect 60 days after the publication in the Federal Register of the notice in paragraph (1)(C).

"(3) If the final determination of the agency is to continue the rule, and the agency has concluded that the benefits do not justify the costs, the agency shall transmit to the appropriate committees of Congress the cost-benefit analysis and a statement of the agency's reasons for continuing the rule.

"(f) If an agency makes a determination to amend or repeal a major rule under subsection (e)(1)(C)(ii), the agency shall complete final agency action with regard to such rule not later than 2 years of the date of publication of the notice in subsection (e)(1)(C) containing such determination. Nothing in this subsection shall limit the discretion of an agency to decide, after having proposed to modify a major rule, not to promulgate such modification. Such decision shall constitute final agency action for the purposes of judicial review.

"(g) If an agency has not completed review of the rule by the deadline established under subsection (b), the agency shall immediately commence a rulemaking action pursuant to section 553 of this title to repeal the rule and shall complete such rulemaking within 2 years of the deadline established under subsection (b).

"(h)(1) The final determination of an agency to continue a rule under subsection (e)(1)(C) shall be considered final agency action.

"(2) Failure to promulgate an amended major rule or to make other decisions required by subsection (g) by the date established under such subsection shall be subject to judicial review pursuant to section 706(1) of this title.

ROTH AMENDMENTS NOS. 1792–1794

(Ordered to lie on the table.)

Mr. ROTH submitted three amendments intended to be proposed by him to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

AMENDMENT NO. 1792

On page 35, line 23, strike all down through page 38, line 5, and insert in lieu thereof the following:

"(3) the rule adopts the most cost-effective alternative of the reasonable alternatives that achieve the objectives of the statute.

"(c) ALTERNATIVE REQUIREMENTS.—If, applying the statutory requirements upon which the rule is based, a rule cannot satisfy the criteria of subsection (b), the agency head may promulgate the rule if the agency head finds that—

"(1) the rule employs to the extent practicable flexible reasonable alternatives of the type described in section 622(c)(2)(C)(iii); and

"(2) the rule adopts the most cost-effective alternative of the reasonable alternatives that achieve the objectives of the statute."

AMENDMENT NO. 1793

On page 35, line 23, strike all down through page 38, line 5, and insert in lieu thereof the following:

"(3) the rule adopts the alternative with greater net benefits than the other reasonable alternatives that achieve the objectives of the statute.

"(c) ALTERNATIVE REQUIREMENTS.—If, applying the statutory requirements upon which the rule is based, a rule cannot satisfy the criteria of subsection (b), the agency head may promulgate the rule if the agency head finds that—

"(1) the rule employs to the extent practicable flexible reasonable alternatives of the type described in section 622(c)(2)(C)(iii); and

"(2) the rule adopts the alternative with the least net cost of the reasonable alternatives that achieve the objectives of the statute."

AMENDMENT NO. 1794

On page 56, delete lines 17-21 and insert in lieu thereof the following:

"(2) The head of an agency shall place the nature and magnitude of risks to human health, safety, and the environment being analyzed in context, including appropriate comparisons with other risks that are familiar to, and routinely encountered by, the general public."

SHELBY (AND OTHERS) AMENDMENT NO. 1795

(Ordered to lie on the table.)

Mr. SHELBY (for himself, Mr. FRIST, Mrs. HUTCHISON, Mr. LOTT, Mr. HELMS, Mr. COCHRAN, and Mr. GRAMS) submitted an amendment intended to be proposed by them to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 96, insert between lines 20 and 21 the following new section:

SEC. . SMALL BUSINESS REGULATORY BILL OF RIGHTS.

(a) SHORT TITLE.—This section may be cited as the "Small Business Regulatory Bill of Rights Act".

(b) IN GENERAL.—Chapter 5 of title 5, United States Code, is amended by adding at the end the following new subchapter:

"SUBCHAPTER VI—SMALL BUSINESS REGULATORY BILL OF RIGHTS

"§ 597. Definition

"For purposes of this subchapter, the term 'small business' has the same meaning given such term in section 601(3).

"§ 597a. Rights of small businesses prior to enforcement action

"(a) Except as provided in section 597c, each agency shall ensure that its regulatory enforcement program includes—

"(1) implementation of a no-fault compliance audit program;

"(2) a publicized, coherent compliance assistance program available to regulated small businesses under the agency's jurisdiction that provides technical and other compliance related assistance to small businesses upon request of a small business;

"(3) a method to enforce regulations in a uniform, consistent, and nonarbitrary manner nationwide;

"(4) an abatement period of not less than 60 days to allow the small business to correct any violations discovered during an agency inspection before a penalty is assessed; and

"(5) a grace period of not less than 180 days to allow the small business to correct any violation discovered through participation in the programs created under paragraph (1) or (2).

"(b) No penalties or enforcement actions will be assessed or taken if such violations are corrected during the grace period described under subsection (a)(5), so long as the business has not engaged in a pattern of international misconduct. Additional penalties may be assessed on businesses engaging in a pattern of intentional misconduct, not to exceed one and one half times the original penalty.

"§ 597b. Rights after investigative or enforcement action

"Except as provided in section 597c, each small business that has been found in violation of a regulation and was subject to an enforcement action or penalty shall have the right—

"(1) to be free from inspections for 180 days after the date on which the small business obtains certification from the agency that the small business is in compliance with the regulation;

"(2) to have ability to pay factored into the assessment of penalties through flexible payments plans with reduced installments that reflect the business's long-term ability to pay (taking into account cash-flow and long-term profitability); and

"(3) to not have fines paid be used to finance the inspecting agency, but instead credited to the General Treasury of the United States, to be used for reduction of the Federal deficit.

"§ 597c. Exceptions and limitation

"(a) A provision of this subchapter shall not apply if compliance with such provision of this subchapter would—

"(1) substantially delay responding to an imminent danger to person or property;

"(2) substantially or unreasonably impede a criminal investigation; or

"(3) enable any small business to knowingly disregard applicable regulations, except a request for a no-fault compliance audit shall not constitute prima facie evidence of knowingly disregarding applicable regulations.

"(b) A small business shall not be entitled to the benefit of a no-fault compliance audit program under section 597a(1) regarding a particular enforcement issue for 60 days after the business has had an agency-initiated contact regarding such issue.

"(c) This subchapter shall not apply to any rule or regulation described under section 621(9)(B)(i).".

(c) TECHNICAL AMENDMENT.—The analysis for chapter 5 of title 5, United States Code, is amended by adding at the end the following:

"SUBCHAPTER VI—SMALL BUSINESS REGULATORY BILL OF RIGHTS

"Sec.

"597. Definition.

"597a. Rights of small businesses prior to enforcement action.

"597b. Rights after investigative or enforcement action.

"597c. Exceptions and limitation.".

(d) RESPONSIBILITIES OF THE DIRECTOR OF THE OFFICE OF MANAGEMENT AND BUDGET.—

(1) COORDINATION.—The Director of the Office of Management and Budget shall coordinate the implementation of this section and establish a schedule for bringing all affected agencies into full compliance by the effective date of this section. Agencies may be brought into partial compliance before such date.

(2) REPORT.—The Director of the Office of Management and Budget shall submit an annual report to Congress on the progress of the agencies in complying with this section and the amendments made by this section.

(e) EFFECTIVE DATE.—This section shall take effect on the earlier of the date designated by the President or January 1, 1998.

LIEBERMAN AMENDMENT NO. 1796

(Ordered to lie on the table.)

Mr. LIEBERMAN submitted an amendment intended to be proposed by him to amendment No. 1573 submitted by Mr. BOND to the bill S. 343, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

"Petition for alternative method of compliance

"(a) Except as provided in subsection (j) or unless prohibited by the statute authorizing a rule, any person subject to a rule may petition the relevant agency implementing the rule to modify or waive the specific requirements of a rule and to authorize an alternative compliance strategy satisfying the criteria of subsection (b).

"(b) Any petition submitted under subsection (a) shall—

"(1) identify with reasonable specificity the requirements for which the modification or waiver is sought and the alternative compliance strategy being proposed;

"(2) identify the facility to which the modification or waiver would pertain;

"(3) considering all the significant applicable human health, safety, and environmental benefits intended to be achieved by the rule, demonstrate that the alternative compliance strategy, from the standpoint of the applicable human health, safety, and environmental benefits, taking into account all cross-media impacts, will achieve—

"(A) a significantly better result than would be achieved through compliance with the rule; or

"(B) an equivalent result at significantly lower compliance costs than would be achieved through compliance with the rule; and

"(4) demonstrate that the proposed alternative compliance strategy provides a degree of accountability, enforceability, and public and agency access to information at least to that of the rule.

"(c) No later than the date on which the petitioner submits the petition to the agency, the petitioner shall in form the public of the submission of such petition (including a brief description of the petition) through publication of a notice in newspapers of general circulation in the area in which the facility is located. The agency may authorize or require petitioners to use additional or alternative means of informing the public of the submission of such petitions. If the agency proposes to grant the petition, the agency shall provide public notice and opportunity to comment.

"(d) The agency may approve the petition upon determining that the proposed alternative compliance strategy—

"(1) considering all the significant applicable human health, safety, and environmental benefits intended to be achieved by the rule, from the standpoint of the applicable human health, safety, and environmental benefits, taking into account all cross-media impacts, will achieve—

"(A) a significantly better result than would be achieved through compliance with the rule; or

"(B) an equivalent result at significantly lower compliance costs than would be achieved through compliance with the rule;

"(2) will provide a degree of accountability, enforceability, and public and agency access to information at least equal to that provided by the rule;

"(3) will not impose an undue burden on the agency that would be responsible for administering and enforcing such alternative compliance strategy; and

"(4) satisfies any other relevant factors.

"(e) Where relevant, the agency shall give priority to petitions with alternative compliance strategies using pollution prevention approaches.

"(f) In making determinations under subsection (d), the agency shall take into account whether the proposed alternative compliance strategy would transfer any significant health, safety, or environmental effects to other geographic locations, future generations, or classes of people.

"(g) Any alternative compliance strategy for which a petition is granted under this section shall be enforceable as if it were a provision of the rule being modified or waived.

"(h) The grant of a petition under this section shall be judicially reviewable as if it were the issuance of an amendment to the rule being modified or waived. The denial of a petition shall not be subject to judicial review.

"(i) No agency may grant more than 30 petitions per year under this section.

"(j) If the statute authorizing the rule that is the subject of the petition provides procedures or standards for an alternative method of compliance, the petition shall be reviewed solely under the terms of the statute.

BOND (AND ROBB) AMENDMENTS NOS. 1797–1798

(Ordered to lie on the table.)

Mr. BOND (for himself and Mr. ROBB) submitted two amendments intended to be proposed by them to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

AMENDMENT NO. 1797

On page 44, line 14, strike everything after "section 629" through page 46, line 4, and insert in lieu thereof the following:

"Petition for alternative means of compliance

"(a) IN GENERAL.—Any person may petition an agency to modify or waive one or more rules or requirements applicable to one or more facilities owned or operated by such person. The agency is authorized to enter into an enforceable agreement establishing methods of compliance, not otherwise permitted by such rules or requirements, to be complied with in lieu of such rules or requirements. The petition shall identify with reasonable specificity, each facility for which an alternative means of compliance is sought, the rules and requirements for which a modification or waiver is sought and the proposed alternative means of compliance and means to verify compliance and for communication with the public. Where a state has delegated authority to operate a federal program within the state, or is authorized to operate a state program in lieu of an otherwise applicable federal program, the relevant agency shall delegate, if the state so requests, its authority under its authority under this section to the state.

"(b) STANDARDS.—The agency shall grant the petition if the state in which the facility is located agrees to any alternative means of compliance with respect to rules or requirements over which such state has delegated authority to operate a federal program, or is authorized to operate a state program in lieu of an otherwise applicable federal program, and the agency determines that the petitioner has demonstrated that there is a reasonable likelihood that the alternative means of compliance—

(1) would achieve an overall level of protection of health, safety and the environment at least substantially equivalent to or exceeding the level of protection provided by the rules or requirements subject to the petition;

(2) would provide a degree of public access to information, and of accountability and enforceability, at least substantially equivalent to the degree provided by the rules and requirements subject to the petition; and

(3) would not impose an undue burden on the agency responsible for enforcing the agreement entered into pursuant to subsection (f).

"(c) OTHER PROCEDURES.—If the statute authorizing a rule subject to a petition under this section provides specific available procedures or standards allowing an alternative means of compliance for such rule, such petition shall be reviewed consistent with such procedures or standards, unless the head of the agency for good cause finds that reviewing the petition in solely accordance with subsection (b) is in the public interest.

"(d) PUBLIC NOTICE AND INPUT.—No later than the date on which the petitioner submits the petition to the agency, the petitioner shall inform the public of the submission of such petition (including a brief description of the petition) through publication of a notice in the newspapers of general circulation in the area in which the facility or facilities are located. Agencies may authorize or require petitioners to use additional or alternative means of informing the public of the submission of such petitions. If the agency proposes to grant the petition, the agency shall provide public notice and opportunity to comment on the petition and on any proposed enforceable agreement.

"(e) DEADLINE AND LIMITATION ON SUBSEQUENT PETITIONS.—A decision to grant or deny a petition under this subsection shall be made no later than 240 days after a complete petition is submitted. Following a decision to deny a petition under this section, no petition, submitted by the same person, may be granted unless it applies to a different facility, or it is based on a change in a fact, circumstance, or provision of law underlying or otherwise related to the rules or requirements subject to the petition.

"(f) AGREEMENT.—Upon granting a petition under this section, the agency shall propose to the petitioner an enforceable agreement establishing alternative methods of compliance for the facility in lieu of the otherwise applicable rules or requirements and identifying such rules and requirements. Not withstanding any other provision of law, such enforceable agreement may modify or waive the terms of any rule or requirement, including any standard, limitation, permit, order, regulations or other requirement issued by the agency consistent with the requirements of subsection (b) and (c), provided that the state in which the facility is located agrees to any modification or waiver of a rule or requirement over which such state has delegated authority to operate a federal program within the state, or is authorized to operate a state program in lieu of an otherwise applicable federal program. If accepted by the petitioner, compliance with such agreement shall be deemed to be compliance with the laws and rules identified in the agreement. The agreement shall contain appropriate mechanisms to assure compliance including money damages and injunctive relief, for violations of the agreement. The agreement may provide the state in which the facility is located with rights equivalent to the agency with respect to one or more provisions of the agreement.

"(g) NEPA NONAPPLICABILITY.—Approval of an alternative means of compliance under this section by an agency shall not be considered a major Federal action for purposes of the National Environmental Policy Act.

"(h) JUDICIAL REVIEW.—A decision to grant or deny a petition, or to enter into an enforceable agreement, under this section shall be not be subject to judicial review.

"(i) SAVINGS CLAUSE.—A decision to grant or deny a petition or enter into an enforceable agreement shall not create any obligation on an agency to modify and regulation. Nothing in this section shall be construed to diminish the level of protection of public health, safety or the environmental required by statute.

AMENDMENT NO. 1798

On page 1, line 5, strike everything through the end of the amendment and insert in lieu thereof the following:

"Petition for alternative means of compliance

"(a) IN GENERAL.—Any person may petition an agency to modify or waive one or more rules or requirements applicable to one or more facilities owned or operated by such person. The agency is authorized to enter into an enforceable agreement establishing methods of compliance, not otherwise permitted by such rules or requirements, to be complied with in lieu of such rules or requirements. The petition shall identify with reasonable specificity, each facility for which an alternative means of compliance is sought, the rules and requirements for which a modification or waiver is sought and the proposed alternative means of compliance and means to verify compliance and for communication with the public. Where a state had delegated authority to operate a federal program within the state, or is authorized to operate a state program in lieu of any otherwise applicable federal program, the relevant agency shall delegate, if the state so requests, its authority under its authority under this section to the state.

"(b) STANDARDS.—The agency shall grant the petition if the state in which the facility is located agrees to any alternative means of compliance with respect to rules or requirements over which such state has delegated authority to operate a federal program, or is authorized to operate a state program in lieu of an otherwise applicable federal program, and the agency determines that the petitioner had demonstrated that there is a reasonable likelihood that the alternative means of compliance—

(1) would achieve an overall level of protection of health, safety and the environment at least substantially equivalent to or exceeding the level of protection provided by rules or requirements subject to the petition;

(2) would provide a degree of public access to information, and of accountability and enforceability, at least substantially equivalent to the degree provided by the rules and requirements subject to the petition; and

(3) would not impose an undue burden on the agency responsible for enforcing the agreement entered into pursuant to subsection (f).

"(c) OTHER PROCEDURES.—If the statute authorizing a rule subject to a petition under this section provides specific available procedures or standards allowing an alternative means of compliance for such rule, such petition shall be reviewed consistent with such procedures or standards, unless the head of the agency for good cause finds that reviewing the petition in solely accordance with subsection (b) is in the public interest.

"(d) PUBLIC NOTICE AND INPUT.—No later than the date on which the petitioner submits the petition to the agency, the petitioner shall inform the public of the submission of such petition (including a brief description of the petition) through publication of a notice in the newspapers of general circulation in the area in which the facility or facilities are located. Agencies may authorize or require petitioners to use additional or alternative means of informing the public of the submission of such petitions. If the agency proposes to grant the petition, the agency shall provide notice and opportunity to comment on the petition and on any proposed enforceable agreement.

"(e) DEADLINE AND LIMITATION ON SUBSEQUENT PETITIONS.—A decision to grant or deny a petition under this subsection shall be made no later than 240 days after a complete petition is submitted. Following a decision to deny a petition under this section, no petition, submitted by the same person, may be granted unless it applies to a different facility, or it is based on a change in a fact, circumstance, or provision of law underlying or otherwise related to the rules or requirements subject to the petition.

"(f) AGREEMENT.—Upon granting a petition under this section, the agency shall propose to the petitioner an enforceable agreement establishing alternative methods of compliance for the facility in lieu of the otherwise applicable rules or requirements and identifying such rules and requirements. Notwithstanding any other provision of law, such enforceable agreement may modify or waive the terms of any rule or requirement, including any standard, limitation, permit, order, regulations or other requirement issued by the agency consistent with the requirements of subsections (b) and (c), provided that the state in which the facility is located agrees to any modification or waiver of a rule or requirement over which such state has delegated authority to operate a federal program within the state, or is authorized to operate a state program in lieu of an otherwise applicable federal program. If accepted by the petitioner, compliance with such agreement shall be deemed to be compliance with the laws and rules identified in the agreement. The agreement shall contain appropriate mechanisms to assure compliance including money damages and injunctive relief, for violations of the agreement. The agreement may provide the state in which the facility is located with rights equivalent to the agency with respect to one or more provisions of the agreement.

"(g) NEPA NONAPPLICABILITY.—Approval of an alternative means of compliance under this section by an agency shall not be considered a major Federal action for purposes of the National Environmental Policy Act.

"(h) JUDICIAL REVIEW.—A decision to grant or deny a petition, or to enter into an enforceable agreement, under this section shall not be subject to judicial review.

"(i) SAVINGS CLAUSE.—A decision to grant or deny a petition or enter into an enforceable agreement shall not create any obligation on an agency to modify any regulation. Nothing in this section shall be construed to diminish the level of protection of public health, safety or the environment required by statute.

JOHNSTON AMENDMENTS NOS. 1799–1800

(Ordered to lie on the table)

Mr. JOHNSTON submitted two amendments intended to be proposed by him to amendment No. 1574 submitted by Mr. LAUTENBERG to the bill S. 343, supra; as follows:

AMENDMENT NO. 1799

In lieu of the matter to be inserted, insert the following:

"(d) TOXICS RELEASE INVENTORY STANDARDS.—Section 313(d) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(d)) is amended by adding the following to the end of paragraph (2):

"No chemical may be included on the list described in subsection (c) of this section, if the chemical has low toxicity to human health or the environment and if only under unrealistic exposures would such chemical pose one or more of the hazards described in subsection (d)(2)(B) or (d)(2)(C) beyond facility site boundaries. Nothing in this section shall be construed to require the Administrator or a person to carry out a risk assessment under 633 of title 5, United States Code, to carry out a site-specific analysis to establish actual ambient concentrations, or to document adverse effects at any particular location."

(e) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) CHAPTER ANALYSIS.—Part I of title 5, United States Code, is amended by striking the chapter heading and table of sections for chapter 6 and inserting the following:

"CHAPTER 6—THE ANALYSIS OF REGULATORY FUNCTIONS

"SUBCHAPTER I—REGULATORY ANALYSIS

"Sec.
"601. Definitions.
"602. Regulatory agenda.
"603. Initial regulatory flexibility analysis.
"604. Final regulatory flexibility analysis.
"605. Avoidance of duplicative or unecessary analyses.
"606. Effect on other law.
"607. Preparation of analysis.
"608. Procedure for waiver or delay of completion.
"609. Procedures for gathering comments.
"610. Periodic review of rules.
"611. Judicial review.
"612. Reports and intervention rights.

"SUBCHAPTER II—ANALYSIS OF AGENCY RULES

"621. Definitions.
"622. Rulemaking cost-benefit analysis.
"623. Agency regulatory review.
"624. Decisional criteria.
"625. Jurisdiction and judicial review.
"626. Deadlines for rulemaking.
"627. Special rule.
"628. Petition for Alternative Method of Compliance.

"SUBCHAPTER III—RISK ASSESSMENTS

"631. Definitions.
"632. Applicability.
"633. Principles for risk assessments.
"634. Petition for review of a major free-standing risk assessment.
"635. Comprehensive risk reduction.
"636. Rule of construction.

"SUBCHAPTER IV—EXECUTIVE OVERSIGHT

"641. Procedures.
"642. Delegation of authority.
"643. Judicial review.
"644. Regulatory agenda."

(2) SUBCHAPTER HEADING.—Chapter 6 of title 5, United States Code, is amended by inserting immediately before section 601, the following subchapter heading:

"SUBCHAPTER I—REGULATORY ANALYSIS".

AMENDMENT NO. 1800

Strike out subsection 625(e) (page 39, lines 18–24 and page 40, lines 1–7).

THE BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

DOLE (AND OTHERS) AMENDMENT NO. 1801

Mr. DOLE (for himself, Mr. LIEBERMAN, Mr. HELMS, Mr. THURMOND, Mr. BIDEN, Mr. D'AMATO, Mr. MCCAIN, Mr. FEINGOLD, Mr. WARNER, Mr. HATCH, Mr. KYL, Mr. MOYNIHAN, Mr. STEVENS, Mr. COCHRAN, Mrs. HUTCHISON, Mr. MACK, Mr. COVERDELL, Mr. PACKWOOD, Mr. MURKOWSKI, and Mr. SPECTER) proposed an amendment to the bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bosnia and Herzegovina Self-Defense Act of 1995".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) For the reasons stated in section 520 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), the Congress has found that continued application of an international arms embargo to the Government of Bosnia and Herzegovina contravenes that Government's inherent right of individual or collective self-defense under Article 51 of the United National Charter and therefore is inconsistent with international law.

(2) The United States has not formally sought multilateral support for terminating the embargo against Bosnia and Herzegovina through a vote on a United Nations Security Council resolution since the enactment of section 1404 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337).

(3) The United Nations Security Council has not taken measures necessary to maintain international peace and security in Bosnia and Herzegovina since the aggression against that country began in April 1992.

SEC. 3. STATEMENT OF SUPPORT.

The Congress supports the efforts of the Government of the Republic of Bosnia and Herzegovina—

(1) to defend its people and the territory of the Republic;

(2) to preserve the sovereignty, independence, and territorial integrity of the Republic; and

(3) to bring about a peaceful, just, fair, viable, and sustainable settlement of the conflict in Bosnia and Herzegovina.

SEC. 4. TERMINATION OF ARMS EMBARGO.

(a) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina, as provided in subsection (b), following—

(1) receipt by the United States Government of a request from the Government of Bosnia and Herzegovina for termination of the United States arms embargo and submission by the Government of Bosnia and Herzegovina, in exercise of its sovereign rights as a nation, of a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina; or

(2) a decision by the United Nations Security Council, or decisions by countries contributing forces to UNPROFOR, to withdraw UNPROFOR from Bosnia and Herzegovina.

(b) IMPLEMENTATION OF TERMINATION.—The President may implement termination of the United States arms embargo of the Government of Bosnia and Herzegovina pursuant to subsection (a) prior to the date of completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina, but shall, subject to subsection (c), implement termination of the embargo pursuant to that subsection no later than the earlier of—

(1) the date of completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina; or

(2) the date which is 12 weeks after the date of submission by the Government of Bosnia and Herzegovina of a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina.

(c) PRESIDENTIAL WAIVER AUTHORITY.—If the President determines and reports in advance to Congress that the safety, security, and successful completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina in accordance with subsection (b)(2) requires more time than the period provided for in that subsection, the President may extend the time period available under subsection (b)(2) for implementing termination of the United States arms embargo of the Government of Bosnia and Herzegovina for a period of up to 30 days. The authority in this subsection may be exercised to extend the time period available under subsection (b)(2) for more than one 30-day period.

(d) PRESIDENTIAL REPORTS.—Within 7 days of the commencement of the withdrawal of UNPROFOR from Bosnia and Herzegovina, and every 14 days thereafter, the President shall report in writing to the President pro tempore of the Senate and the Speaker of the House of Representatives on the status and estimated date of completion of the withdrawal operation. If any such report includes an estimated date of completion of the withdrawal which is later than 12 weeks after commencement of the withdrawal operation, the report shall include the operational reasons which prevent the completion of the withdrawal within 12 weeks of commencement.

(e) RULE OF CONSTRUCTION.—Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

(f) DEFINITIONS.—As used in this section—

(1) the term "United States arms embargo of the Government of Bosnia and Herzegovina" means the application to the Government of Bosnia and Herzegovina of—

(A) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 FR 33322) under the heading "Suspension of Munitions Export Licenses to Yugoslavia"; and

(B) any similar policy being applied by the United States Government as of the date of completion of withdrawal of UNPROFOR personnel from Bosnia and Herzegovina, pursuant to which approval is denied for transfers of defense articles and defense services to the former Yugoslavia; and

(2) the term "completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina" means the departure from the territory of Bosnia and Herzegovina of substantially all personnel participating in UNPROFOR and substantially all other personnel assisting in their withdrawal, within a reasonable period of time, without regard to whether the withdrawal was initiated pursuant to a request by the Government of Bosnia and Herzegovina, a decision by the United nations security Council, or decisions by countries contributing forces to UNPROFOR, but the term does not include such personnel as may remain in Bosnia and Herzegovina pursuant to an agreement between the Government of Bosnia and Herzegovina and the government of any country providing such personnel.

NOTICES OF HEARINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. MCCAIN. Mr. President, I would like to announce that the Senate Committee on Indian Affairs will be holding a hearing on Tuesday, July 25, 1995, beginning at 9:30 a.m., in G–50 of the Dirksen Senate Office Building on S. 487, a bill to amend the Indian Gaming Regulatory Act, and for other purposes.

Those wishing additional information should contact the Committee on Indian Affairs at 224–2251.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT

Mr. COHEN. Mr. President, I wish to announce that on Tuesday, July 25, 1995, at 9:30 a.m., in room 342 of the Dirksen Senate Office Building, the Subcommittee on Oversight of Government Management and the District of Columbia, will hold a hearing on S. 946, the Information Technology Management Reform Act of 1995.

SUBCOMMITTEE ON PARKS, HISTORIC PRESERVATION AND RECREATION

Mr. CAMPBELL. Mr. President, I would like to announce for the public that a field hearing has been scheduled before the Subcommittee on Parks, Historic Preservation and Recreation.

The hearing will take place Saturday, July 29, 1995 at 10:00 a.m. in the Scott Hart Auditorium of the Department of Agriculture Building in Helena, MT.

The purpose of this hearing is to review S. 745, a bill to require the National Park Service to eradicate brucellosis afflicting the bison in Yellowstone National Park.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Subcommittee on Parks, Historic Preservation and Recreation, Committee on Energy and Natural Resources, U.S. Senate, 304 Dirksen Senate Office Building, Washington, DC 20510–6150.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224–5161.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON AGRICULTURE, NUTRITION AND FORESTRY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Tuesday, July 18, 1995, at 9 a.m., in SR–332, to mark up farm bill titles.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, July 18, 1995, for purposes of conducting a full committee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to review existing oil production at Prudhoe Bay, AK and opportunities for new production on the coastal plain of Arctic Alaska.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, July 18, 1995, beginning at 9:00 a.m. in room SD–215, to conduct a hearing on deficit reduction fuel taxes and diesel dyeing requirements.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Tuesday, July 18, 1995, at 2:00 p.m. to hold a hearing on judicial nominees.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. HATCH. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Health Insurance Reform, during the session of the Senate on Tuesday, July 18, 1995, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT AND INVESTIGATIONS

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Oversight and Investigations of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, July 18, 1995, for purposes of conducting a subcommittee hearing which is scheduled to begin at 2:30 p.m. The purpose of this hearing is to examine the first amendment activities, including sales of message-bearing merchandise, on public lands managed by the National Park Service and the U.S. Forest Service.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON YOUTH VIOLENCE

Mr. HATCH. Mr. President, I ask unanimous consent that the Subcommittee on Youth Violence of the U.S. Senate Committee on the Judiciary, be authorized to meet during a session of the Senate on Tuesday, July 18, 1995, at 10:00 a.m., in Senate Dirksen room 226, on "Guns in Schools: A Federal Role?"

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE TO AMEND RULE XXXIV

Mr. BROWN submitted the following notice in writing:

In accordance with Rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend Senate Rule 34.

The amendment is as follows:

At the appropriate place, insert the following:

"SEC. . DISCLOSURE OF THE VALUE OF ANY PERSONAL RESIDENCE IN EXCESS OF $1,000,000 UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

"Rule XXXIV of the Standing Rules of the Senate is amended by adding at the end the following new paragraph:

'3. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 an additional statement under section 102(a) of the Ethics in Government Act of 1978 listing the category of value of any property used solely as a personal residence of the reporting individual or the spouse of the individual which exceeds $1,000,000, as provided in section 102(d)(1).'"

At the appropriate place in the, insert the following:

"SEC. . DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

"Rule XXXIV of the Standing Rules of the Senate is amended by adding at the end the following new paragraph:

'3. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 the following additional information:

'(a) For purposes of section 102(a)(1)(B) of the Ethics in Government Act of 1978 additional categories of income as follows:

'(1) greater than $1,000,000 but not more than $5,000,000, or

'(2) greater than $5,000,000.

'(b) For purposes of section 102(d)(1) of the Ethics in Government Act of 1978 additional categories of income as follows:

'(1) greater than $1,000,000 but not more than $5,000,000;

'(2) greater than $5,000,000 but not more than $25,000,000;

'(3) greater than $25,000,000 but not more than $50,000,000; and

'(4) greater than $50,000,000'".

ADDITIONAL STATEMENTS

U.N. RAPID REACTION CAPABILITY

Mr. SIMON. Mr. President, I learned in reading a newspaper about Canada's leadership in providing a study on methods of improvement of the U.N. rapid reaction capability.

As many of my colleagues in the Senate know, I have had concerns in this area for some time.

I wrote to Minister of Foreign Affairs Andre Ouellet, and he sent me a letter, which I ask unanimous consent to insert at the end of this statement.

Among other things, he enclosed a background paper, that I also request be inserted at the end of my statement, because it provides practical insights into our situation.

It is interesting that the background paper mentions Rwanda. Senator JEFFORDS and I had the experience of calling a Canadian general, General Daullaire, who was in charge of the small U.N. force in Rwanda when things first started getting difficult. This was in May 1994.

General Daullaire told us that if he could get 5,000–8,000 troops there quickly, the situation in Rwanda could be stabilized.

Senator JEFFORDS and I immediately dispatched a message to the State Department and to the White House.

Nothing of significance happened until October, when the United Nations Security Council authorized action; then the French, to their great credit, immediately sent 2,000 troops to provide a little stability, but the United Nations was slow to act.

We went through a similar situation in Somalia.

Bosnia presents another example of action that is much too slow.

My colleagues know that I have introduced legislation that would authorize up to 3,000 American volunteers among our armed forces to be available on short notice, if the Security Council acts, and the President of the United States approves. I assume other nations would be willing to volunteer a similar, relatively small force.

If the Secretary General of the United Nations had such power at his disposal when authorized by the Security Council, we would not have had some of the difficulties that now threaten our world. And the great threat to the world today is instability.

After the Security Council acted in Somalia, it took 6 weeks to get 500 Pakistani troops to Mogadishu, and when I visited Somalia and found the desperate situation and called the Secretary General about it, he told me that the additional 3,000 troops then authorized would be sent by ship. When I urged that they be sent by plane and that an additional 10,000 troops be sent, he said that our government—the U.S. government—charges so much to send troops by plane that they could not afford it.

I will not go into the rest of the background, but it illustrates the wisdom of the Canadian leadership.

I commend Prime Minister Jean Chretien and Minister of Foreign Affairs Andre Ouellet for their leadership.

And I hope the United States will be an enthusiastic partner and not be a nation that is dragging its feet on this issue.

I urge my colleagues to read the background paper from the Canadian Government. I ask that it be printed in the RECORD.

The material follows:

MINISTER OF FOREIGN AFFAIRS,
Ottawa, Canada, June 8, 1995.

Hon. PAUL SIMON,
U.S. Senate, Washington, DC.

DEAR SENATOR SIMON: Thank you for your letter of February 6, 1995, regarding the Canadian study to improve the United Nations (UN) rapid reaction capability. Your words of support for our efforts are appreciated.

As you are aware, Canada has made UN reform a foreign policy priority. A key element of our position is to ensure that the UN operates with greater efficiency and effectiveness. The Government is committed to the active, continued and effective engagement of the Canadian Forces in international peacekeeping operations.

The aim of the Canadian study is to make practical proposals to enhance the UN's rapid reaction capability in the field of peace operations. My officials are consulting extensively with other interested states to ensure the widest possible support for our initiative. The findings of the study are scheduled to be tabled at the 50th anniversary of the UN General Assembly in the fall of 1995.

For further details of the Canadian study, you may wish to consult the enclosed copies of recent press releases and of my address to the International Conference on Improving the UN's Rapid Reaction Capability.

Once again, thank you for bringing your views to my attention.

Yours sincerely,

ANDRÉ OUELLET.

IMPROVING THE UN'S RAPID REACTION CAPABILITY: A CANADIAN STUDY

INTRODUCTION

At the UN General Assembly in September 1994, Foreign Affairs Minister André Ouellet proposed a concrete step toward the goal of enhancing the UN's responsiveness in the field of peace operations. In committing Canada to making a direct contribution to this end, Mr. Ouellet said:

"The experience of the last few years leads us to believe that we need to explore even more innovative options than those considered to date. Recent peacekeeping missions have shown that the traditional approach no longer applies. As we have seen in Rwanda, rapid deployment of intervention forces is essential.

"In light of the situation, the Government of Canada has decided to conduct an in-depth review of the short-, medium- and long-term options available to use to strengthen the UN's rapid response capability in times of crisis. Among these options, we feel that the time has come to study the possibility, over the long term, of creating a permanent UN military force. We will ask the world's leading experts for their input and will inform all member states of the results of the study."

The Government of Canada has now begun this extensive study.

CONTEXT

The rapid increase in the size, scope and number of peace operations since the end of the Cold War reflects both the ongoing transformation of the international system and the new expectation that the United Nations can and should play a pivotal role in the emerging global order. There have been both startling successes and troublesome failures among the over 21 new missions launched since 1988. However, no firm consensus has developed regarding how and why UN peace operations succeed, or on when the UN should avoid engagement in a given situation that is not yet amenable to an effective peace mission.

Certainly, there have been many recent improvements in how the UN undertakes peace operations. These range from greater political understanding of the mechanism itself in member state capitals, to enhancement of the means available to the Secretary-General in the Secretariat, to a growing sophistication organizationally and operationally at the level of field missions. Many member states remain actively engaged in promoting these improvements and in working incrementally on the full spectrum of peacekeeping issues.

One particular, seemingly intractable issue that to some extent reflects the broader problems outlined above, is that of responsiveness. A review of several missions over the past five years clearly indicates that a more rapid, coherent response to an emerging crisis could have had a much more dramatic impact on the evolving situation than that which actually occurred. The example of Rwanda illustrates the problem in bold relief. Despite various unco-ordinated indications that a crisis was imminent, even a minimal response had to await the onset of crisis. At this point, the detailed planning and mounting of the operation were excruciatingly slow, with deployment of troops taking place months after they were officially committed.

Improving the UN's rapid reaction capability is not a new theme. The first UN Secretary-General, Trygve Lie, raised the subject as early as 1948. Considerable attention was devoted to this issue as early as 1957 in the aftermath of the successful deployment of UNEF I in the Sinai. The Special Committee on Peacekeeping (Committee of 34) has also devoted considerable energy to the concept in the intervening years. Today, this topic is again near the top of the peacekeeping agenda, with a particular focus on the idea of a UN force as one means to achieve this end.

The resurgence of the theme of enhanced responsiveness reflects a number of recent developments in the international arena. With the end of the Cold War, there is no obvious reason why the UN cannot react more quickly to crisis. The absence of bipolar confrontation, and consequent minimal recourse to the veto on the part of permanent members of the Security Council, as well as the apparent end to rigidly defined spheres of influence, suggest that improved Great Power comity should lead to more effective and efficient international co-operation. At the same time, human rights and humanitarian concerns, once held hostage to the Cold War, have surfaced in a compelling way. This has led to a shift in political and strategic calculations from a strict emphasis on order to a more subtle one, in which the idea of justice enjoys priority. Finally, global media coverage continues to generate domestic and international pressure to act quickly, albeit on a selective basis.

These factors pose challenges to the international community. Equally, they offer opportunities to act constructively in developing the necessary instruments to deal quickly and effectively with genuine threats to international peace and security.

OBJECTIVE

The aim of the study is to make practical proposals to enhance the UN's rapid reaction capability in the field of peace operations.

SCOPE

The Canadian study will analyze the problem of rapid reaction capability from the perspective of the UN system as a whole. The functions that need to be performed at the political, strategic, operational and tactical levels will be identified. A key component of this analysis will be a clear description of the crucial interrelationships among these levels, based on the premise that deficiencies and inadequacies in any one sphere directly influence success or failure throughout the system. For example, the ready availability of an operational element remains dependent upon both the generation of political will, and adequate ongoing strategic planning and direction for its effectiveness.

The focus of the study will be at the operational and tactical levels. The greatest challenges lie here, given the virtually complete ad hoc nature of mounting today's peace operations and the slow, inefficient assembly of disparate tactical units in the theatre of operations. Even given adequate warning and the existence of strategic plans to react, there is a virtual vacuum at the operational level in the UN system. At present, there is no standing headquarters that is capable of organizing, integrating and directing forces based on common doctrine and standards.

In keeping with the requirement to make practical recommendations that respond to today's needs, as well as the achievement of potential advances in the future, the study will develop proposals for the short, medium and long terms. In this context, the study of the concept of a UN standing force will involve both its feasibility and modus operandi once established over the long term, as well as the relationship between short- and medium-term projects and their possible cumulative contributions to its ultimate creation.

Finally, the study will look at the impact of a standing force on the activities of regional organizations and their capabilities in this area. Regional actors and organizations should have a high motivation to react quickly to emerging crises in their own regions. Similarly, in some important respects at least, they should be inherently more capable of moving quickly into a theatre of operations. The comparative advantages of operating at a global or regional level will be addressed, and proposals will be developed to achieve a balanced effort in accordance with the intent of Chapter VIII of the UN Charter, and along the lines recently advocated by Secretary-General Boutros Boutros-Ghali.

STRUCTURE

The study will be guided by a steering group of senior officials and military officers, co-chaired by the Department of Foreign Affairs and International Trade and the Department of National Defense. The steering group will oversee the study and commission supporting technical studies as appropriate.

In order to provide the broadest possible international input into the study, an international consultative group is being established. This group, drawn from well-known and accomplished diplomats, government officials, soldiers and academics, will review the work in progress and exchange views as the study proceeds. Three conferences will also be organized under the aegis of the study, to which various member states, non-governmental authorities and specialists will be invited. The first two conferences will draw primarily on Canadian experts, and will focus on the operational/technical and the strategic/political levels, respectively. The third conference will be international in scope, and will be organized around a meeting of the international consultative group in April 1995. The results of all of these conferences will be incorporated into the final report.

Throughout the study process, Canada will consult on a bilateral basis with member states interested in monitoring the progress of and exchanging views on the study. Canada would also hope to collaborate with other member states pursuing similar or complementary ideas.

A key consultative partner during the study will be the UN Secretariat. The steering group will keep the Secretary-General informed of the progress of the study, seek his views as appropriate, and invite relevant Secretariat officials to the conferences.

CONTENT

The study is intended to focus on enhancing the UN's rapid reaction capability. It is not a study on how to improve UN peacekeeping generally. Nonetheless, these two themes have much in common that must be taken into account in the overall context of the study. Therefore, the study will review past experience relevant to the aim of this project, including a review of major concepts and initiatives that represent significant milestones on the road to the present. Particular attention will be paid to developments since the end of the Cold War. Furthermore, the study will be guided by the orientation and concepts articulated by the Secretary-General in An Agenda for Peace. Due regard will be accorded to non-military aspects of peace operations, such as prevention diplomacy, the political component of all such operations and peacebuilding. Peacekeeping will be treated in its broadest context.

The study will focus on the specific issue of improved responsiveness, given the structure and nature of contemporary peacekeeping. This will take account of the interrelationships among the political, strategic, operational and tactical components of any peace operation, as well as the relevance for rapid reaction of the integration of political, humanitarian, police and military elements, including non-governmental organizations (NGOs). Similarly, the study will address the question of command and control systems and their contribution to an improved rapid reaction capability. The conditions under which nations are willing to make their resources available to the UN are crucial to their political commitment and readiness to act. Paramount among these concerns is the nature and competence of command and control structures and relationships. The role of the Security Council in mobilizing political support and providing ongoing guidance is essential.

The study will elaborate the component elements of a rapid reaction capability in a generic sense. This section of the study will address the requirement for, and provision of, among other things, early warning, integrated planning capability, command and control systems, logistics capability and doctrine/standards/interoperability. An important element will be the nature of standing forces, options for their development and a discussion of their potential utility.

Having established the basis for rapid reaction, the study will address in concrete terms what can be done to achieve this capability. The study will outline proposals that logically fit into one of the three time frames envisaged. The implications of a given proposal at one of the four levels (political, strategic, operational and tactical) for the remaining levels will be explored. For example, the establishment of regional stocks in two or more locations has direct implications for how these stocks will be allocated and co-ordinated at the strategic level in New York.

In many cases, short-term proposals will suggest additional measures that might logically follow in the medium and long terms. For example, virtually all proposals for the medium and long term imply an increased capability in the UN Secretariat to cope with additional responsibilities. Therefore, reform and enhancement of the UN Secretariat, a necessary stand-alone requirement to enhance the UN's rapid reaction capability, will also cumulatively establish the necessary strategic apparatus to handle a series of additional medium- and long-term improvements.

Any plan to operate a standing force presupposes adjustments at the political, strategic and tactical levels, which in many cases must be put in place on an incremental basis, starting as soon as possible.

The study will arrive at recommendations and conclusions regarding the desirability and feasibility of implementing a variety of potential measures. It will also make observations and recommendations as to their associated costs.

The study will be submitted to the membership of the UN at the General Assembly in September 1995, and presented to the Secretary-General for his consideration.

NOTICE OF DETERMINATION BY THE SELECT COMMITTEE ON ETHICS UNDER RULE 35, PARAGRAPH 4, REGARDING EDUCATIONAL TRAVEL

• Mr. McCONNELL. Mr. President, it is required by paragraph 4 of rule 35 that I place in the CONGRESSIONAL RECORD notices of Senate employees who participate in programs, the principal objective of which is educational, sponsored by a foreign government or a foreign educational or charitable organization involving travel to a foreign country paid for by that foreign government or organization.

The select committee received notification under rule 35 for Robert McArthur, a member of the staff of Senator COCHRAN, to participate in a program in Germany sponsored by the Hanns Seidel Foundation from July 1 to 8, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. McArthur in this program.

The select committee received notification under rule 35 for Mary Parke, a member of the staff of Senator SIMON, to participate in a program in Germany sponsored by the Friedrich-Naumann-Stiftung Foundation from May 27 to June 3, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Parke in this program.

The select committee received notification under rule 35 for Jonathan M. Harris, a member of the staff of Senator D'AMATO, to participate in a program sponsored by the Korea Economic Institute of America to be held in Korea from May 28 to June 4, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Harris in this program.

The select committee received notification under rule 35 for Reid Cavnar, a member of the staff of Senator SHELBY, to participate in a program in Taiwan sponsored by the Tamkang University from July 1 to 8, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Cavnar in this program.

The select committee received notification under rule 35 for Ridge Schuyler, a member of the staff of Senator ROBB, to participate in a program in Taiwan sponsored by the Tamkang University from July 1 to 8, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Schuyler in this program.

The select committee received notification under rule 35 for Pamela Sellars, a member of the staff of Senator COATS, to participate in a program in Germany sponsored by the Hanns Seidel Foundation from July 1 to 8, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Ms. Sellars in this program.

The select committee received notification under rule 35 for John Luddy, a member of the staff of Senator INHOFE, to participate in a program in Germany sponsored by the Hanns Seidel Foundation from July 1 to 8, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Luddy in this program.

The select committee received notification under rule 35 for Robert H. Carey, Jr., a member of the staff of Senator ABRAHAM, to participate in a program in Germany sponsored by the Hanns Seidel Foundation's Institute for Foreign Relations from July 1 to 8, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Carey in this program.

The select committee received notification under rule 35 for Chad Calvert, a member of the staff of Senator SIMPSON to participate in a program in Japan sponsored by the Association for Communication of Transcultural Study Foundation.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Calvert in this program.

The select committee received notification under rule 35 for Dr. William Spriggs, a member of the staff of Senator MACK, to participate in a program in Berlin sponsored by Wissenschaftszentrum Berlin fur Sozialforschung from June 29 to July 3, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Dr. Spriggs in this program.

The select committee received notification under rule 35 for Wayne Abernathy, a member of the staff of Senator GRAMM, to participate in a program in Mexico sponsored by the Mexican Business Coordinating Council from July 4 to 7, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Abernathy in this program.

The select committee received notification under rule 35 for Derek L. Schmidt, a member of the staff of Senator KASSEBAUM, to participate in a program in Korea sponsored by the Korea Economic Institute of America from May 28 to June 4, 1995.

The committee determined that no Federal statute or Senate rule would prohibit participation by Mr. Schmidt in this program.•

METAMORPHOSIS OF A CONTINENT

Mr. SIMON. Mr. President, the Chicago Tribune carried a remarkable story from Timbuktu, Mali by Liz Sly on what is happening in Africa. Really, it is two stories that are intertwined.

I wish it were possible to put into the RECORD the maps and color shadings to provide a more accurate picture of some of the things that are illustrated in this article.

But those who read the article will note that Africa is a place of hope and promise and despair.

The little-known story of the spread of democracy in Africa is the story of progress that could be reversed easily.

Africa needs our helping hand.

I ask that the Liz Sly article be printed in the RECORD.

The article follows:

[From the Chicago Tribune, July 9, 1995]

METAMORPHOSIS OF A CONTINENT—DEMOCRACY SEEKS HOLD AMID POVERTY, VIOLENCE

(By Liz Sly)

TIMBUKTU, MALI.—Not all of the news out of Africa is bad.

For the first time in its long history, this remote town on the edge of the Sahara has a mayor elected by the people, Harber Sabane, 51, who has high hopes that democracy will help Timbuktu reclaim its status as one of the world's great cities.

First, he acknowledged, there are a number of problems to be ironed out.

"We have problems of development," Sabane said. "We don't have roads. We have a problem of water. We don't have infrastructure. Our ecological system is destroyed because of a lot of droughts and we have a problem of deforestation.

"Another problem is unemployment. We have no industry. We are very, very, very poor. Most people are illiterate and 60 percent of our children don't go to school."

Unfortunately, Sabane could have been describing just about anywhere in sub-Saharan Africa. Once synonymous with everything that was exotic and alluring about the continent, Timbuktu today is typical of everything that is wrong with it—even down to the ethnic fighting last year that killed an estimated 600 people and scared away the tourists, the town's only source of outside income.

By 1990, it had long been clear that sub-Saharan Africa was torn by crises. Poverty, conflict and underdevelopment were compounded by corrupt dictators who enjoyed the backing of rival superpowers concerned more with their own strategic agendas than with human rights or economic progress.

This, however, was supposed to be Africa's "democracy decade" in which the dictators, bereft of their Cold War relevance, would be replaced by elected, accountable governments heralding a new era of freedom and prosperity.

Halfway through the 1990s, those goals are elusive as ever for most parts of the continent. Instead, Africa's democracy decade risks becoming yet another decade of disappointment. Millions of Africans are still waiting for life to improve after more than three decades of freedom from colonialism.

A woeful array of collapsed states, hijacked elections and ethnic conflicts litter the landscape south of the Sahara. And even where democracy is taking root, Africa's hopes of a brighter future are in danger of being buried under the weight of its multiple problems, as Sabane is discovering in Timbuktu.

"The world around Africa is fast coming together and this continent risks being the odd man out," warned U.S. National Security Adviser Anthony Lake on a recent visit to the continent, summing up the world's growing impatience with Africa's failure to find its way in the post-Cold war world.

Chaotic Liberia, Somalia and Rwanda stand out as worst case examples of that failure. The 1990s saw Cold War-inspired conflicts in Ethiopia and Mozambique come to and end. But 2 million Africans have died since the collapse of the Berlin Wall as a result of new wars unleashed directly or indirectly by pressures from the democratic reforms that were supposed to bring them new hope—10 times the number who have died in the war in Bosnia.

A recent report from the London-based International Institute of Strategic Studies found some form of conflict in 26 of sub-Saharan Africa's 48 countries, offering a gloomy assessment for the future. "The potential for sudden outbursts of violence exists in most [African] countries as rising populations meet falling living standards and weak governments confront regional or ethnic movements," it said.

But is Africa's outlook really that bleak? It is just 50 years since the world ended a war that killed 60 million people, and many Africans plead that it is unfair to write off Africa now just because it is going through a period of upheaval.

"From the outside, the universal view is one of despair, and it must be tempting to repudiate the whole continent," said political scientist Mahmood Mamdani, director of the Center for Basic Research in Uganda's capital, Jampala. "But when one lives here, one recognizes the extent of the problems but also the small improvements that are taking place."

For better or worse, the 1990s already have proved revolutionary for Africa. Until 1990, Africa had only three governments that could be considered authentically democratic. Since then, multiparty elections have been held in 35 of sub-Saharan Africa's 48 nations.

From the sandswept streets of Timbuktu to the stately monuments of Cape Town, South Africa, new leaders are experimenting with new ways to address Africa's problems, and new freedoms are flourishing in places that once knew only repression and dictatorship.

Some have proved unexpected success stories, such as South Africa, where the leadership of President Nelson Mandela and the spirit of reconciliation that he represents shine like a beacon of hope for the rest of the continent. Benin, Malawi, Zambia and Namibia are among other countries that have peacefully managed the transition to democracy.

Africa's seeming tendency toward violence should be seen in the context of these seismic changes, argues Gen. Amadou Toumani Toure. He helped bring democracy to Mali, the modern state of which Timbuktu is a part, by overthrowing its hated dictator in a military coup and then handing over power to an elected civilian government.

"Africa is in the throes of a radical transformation," Toure said. "After 30 years of military dictatorship or one-party rule, we are moving to democracy. Sometimes that process is violent, and it gives the impression Africa is in crisis.

"Rwanda, Somalia, Liberia, these are all struggles for power in the new order. Some leaders are resisting change. But take Senegal, Mali, Zambia, where people have chosen the ballot over the bullet.

"Africa does have a future. But each country in history has gone through crisis in arriving at its future. America had a revolution. Europe had many wars. Africa also is in the process of finding its future."

But where does Africa's future lie? With South Africa, which also underwent violence before peacefully embracing change? Or with Somalia and Liberia, which have disintegrated into chaos?

The prognosis for most African countries seems to be hovering precariously between these extremes. Just 17 of the continent's 35 elections have heralded genuinely democratic forms of government, according to a study by the Center for Strategic and International Studies.

In countries such as Burkina Faso, Ghana and Kenya, dictators were voted back into power in questionable elections, and they continue to rule with little regard for democratic principles. In others, such as Nigeria and Zaire, corrupt regimes continue to resist change, making these nations candidates for possible future upheaval.

Mali is typical of those new democracies that are genuinely trying to improve the lives of their people. But they are doing so against a backdrop of poverty, ethnic rivalry and falling Western aid budgets, all of which threaten to confound even the best-intentioned efforts.

Do-or-die economic reforms, ordered by the World Bank as a prerequisite for continued international aid, have produced economic growth in some countries that previously had known only stagnation or decline. But the reforms are causing considerable hardship among ordinary people, threatening these fragile new systems with popular discontent.

Poverty is already a key dynamic fueling conflict in Africa, something overlooked by Toure's interpretation of Africa's crises as the inevitable byproduct of political transformation.

In Mali, which the United Nations ranked the world's seventh poorest country, 1992's peaceful democratic elections coincided with an eruption of hostilities between Tuareg nomads and local Malians in the desert region around Timbuktu.

Although these two groups have fought one another in the past, both sides blame the recent fighting not on ethnic differences but on the country's desperate economic situation. Along the fringes of the Sahara, poverty has been deepened by harsh droughts in the 1970s and 1980s that turned former arable land into desert.

"It's poverty and bad economic conditions that cause this antisocial behavior," said Timbuktu's Mayor Sabane of the fighting, which has subsided.

"The causes of the fighting are economic," agreed Mohamed Ag Ahmed, a leader of one of the Tuareg factions, the Movement and United Fronts of Azawad, which is demanding development aid for Tuaregs in peace talks with the government.

"We could all live on the same land without conflict. But the useful space has shrunk over time. The population of Mali increases 3.5 percent a year, and now there is less land available for an increasing number of people year after year."

The simple logic applies to many parts of the continent. Falling living standards, environmental degradation and high population growth rates risk pushing already impoverished communities to the brink of their capacity to survive, and into competition for scarce resources. It is perhaps no accident that Africa's worst crises of the 1990s all have occurred in nations ranked among the continent's poorest half.

Yet there is no reason why Africa should be as poor as it is. A recent International Monetary Fund survey notes that Africa's "overall low level of economic growth is anything but foreordained."

Sub-Saharan Africa's 540 million people account for 10 percent of the world's population, living on about 15 percent of the Earth. Their land is potentially some of the world's richest, blessed with half the world's gold, most of its diamonds, 40 percent of its platinum and rich reserves of other minerals, oil and natural gas.

But Africans share only 1.3 percent of the world's actual wealth, and a disproportionate burden of the world's suffering. According to the CIA, two-thirds of those in the world risking starvation this year live in Africa. Africa contains 62 percent of the world's AIDS cases and one-third of its refugees.

Africa's entire gross domestic product is smaller than that of the Netherlands, with a population of just 15 million.

Also, Africa is the only part of the developing world where living standards have fallen over the past decade. Despite receiving nearly half the world's total annual aid—$20 billion a year in the 1990s—the average African is no better off today than he or she was at independence from colonialism more than three decades ago.

What brought Africa to this sorry point in its history? Colonialism undoubtedly played a part in setting independent Africa off on the wrong foot, said professor George Ayittey, a Ghanaian national and professor of economics at the American University in Washington.

Independence also proved a hollow word for Africans, for no sooner had they cast off their colonial rulers than Cold War politics intervened to create a new form of foreign interference. Western powers and the Soviet bloc poured billions of dollars into propping up unsavory dictators—$100 billion in the 1980s alone—long after it was apparent that they had no popular support.

But increasingly, Africans are starting to realize that their own leaders are to blame for their plight, Ayittey said.

"The basic reason why we're having all this chaos in Africa is because we had bad leadership," Ayittey said. "The colonial state was very authoritarian but those who took over made things worse."

Uncounted billions of those aid dollars, which could have gone toward building roads or educating children, were squirreled away into Swiss bank accounts for Africa's leaders or spent on weaponry to keep them in power, while ordinary Africans grew steadily poorer.

With the lifting of outside support for Africa's dictators, many of their nations have been exposed as hollow shams, as personal piggy-banks for narrow elites who had failed to unite their multiethnic populations behind them.

In finding its future, Africa therefore has not only to battle harsh new economic realities, but also cope with the burdensome legacy of its past mistakes.

And it can no longer count on the largesse of the outside world to help it through. The West already has given notice that African leaders who fail to heed the new rules of fair play and accountability will have their aid suspended. Yet even those who do can expect no democracy bonanza; in the U.S., a Republican congress is threatening to slash overall aid levels to Africa, and Europe is also cutting aid.

In Timbuktu, a city that lured countless European explorers to their deaths in their quests for its wealth, Mayor Sabane pleads with the world not to forsake Africa now.

"In Africa, we are apprentices in democracy. We need help," he said.

"The current generation is very worried about our situation and wants to lift us out of this malaise and improve our lives. But we must have friendship so that Africa can renew itself and find itself in the modern world."

But could it be too late for a continent that, time and again, has failed to seize opportunities? Will the legacy of mistakes prove insurmountable? Are ordinary Africans, betrayed so many times by past leaders, in the process of being betrayed again?

Or is the continent merely witnessing the death throes of the old order and the birth pangs of a new era, as most Africans would like to believe?

"There is a saying in Africa, 'never lose hope,'" Sabane said.

"We don't lose hope."•

GOVERNMENT SUBSIDY FEEDS FREE MARKET

• Mr. SIMON. Mr. President, Tom Roeser of the Chicago Sun-Times is someone I disagree with frequently, even though I respect him.

On the whole question of assistance for minority businesses, he had a column in the Chicago Sun-Times recently that spoke candidly about something that provides real insight.

As we discuss affirmative action and what should be done to assist in providing opportunities for minorities, I recommend required reading of the Tom Roeser column, and I ask that it be printed in the RECORD at this point.

The column follows:

[From the Chicago Sun-Times, July 7, 1995]

GOVERNMENTAL SUBSIDY FEEDS "FREE MARKET"

(By Thomas F. Roeser)

Not long after I became an assistant secretary of commerce under President Richard Nixon, I stumbled upon an amazing discovery.

The big business community (mostly white-owned), which had long extolled "free" enterprise since the founding of this republic, was hooked far more than I realized on government subsidies.

The Cato Institute has just cataloged 125 programs in the federal budget designed to assist "business"—meaning, of course, mostly white-owned businesses. When I was sworn in, in 1969, I counted roughly $13 billion worth of subsidies. Cato's figure today is $53.7 billion.

The gist of Cato's recommendation is that these subsidies be cut. Very well. But recall that it is mostly white-owned industries that have thus profited since the founding of the republic.

It was clear that I was picked as assistant secretary for minority enterprise because, as a white conservative, I could be fired by a mostly white administration without prompting a racial furor. One recommendation I made lasted: Take a percentage of federal contracts—I called them "set-asides"—and give them to minority-owned businesses. I recommended a 10-year program, after which it would be terminated. It has just now been challenged by the Supreme Court 25 years later.

It was the second proposal, however, that got me fired: Take a tiny percentage of the federal subsidies given to white industry and apportion them to qualifying minority enterprises. The strategy paper containing this recommendation, when sent to the president, resulted in my termination.

No problem. I went back to private industry, happier and wiser than when I had left it. All my life I have been judged a conservative. But I must tell you that whenever big business pays tribute to its growth by mistily referring to itself as "private enterprise," I am impelled to raise the window sash for fresh air. As a government official, I learned too much.

Let's remember, when we wonder what happened to minority enterprise, that white-owned business has leaned heavily on government as on a crutch while its leaders pretend, in speeches to chambers of commerce, that they do not.

This has meant that, for the most part excluding my set-asides, only minority-owned businesses have been expected to practice what white pro-business executives so eagerly trumpet as "free market capitalism."•

PUBLIC BROADCASTING AND TELEVISION VIOLENCE

• Mr. SIMON. Mr. President, today, I would like to draw my colleagues' attention to two recent articles from Current magazine about public television.

One story details the positive contributions of public television in the important area of children's programming. Many have long argued that in addition to its entertainment value, television can be used as a powerful educational resource, particularly for children. Public television has consistently set the standard for putting television to use for this purpose.

"Sesame Street," one of public television's most successful shows, is a favorite for many American children, and indeed for children around the world. Its goals, however, are much loftier than merely entertaining, or marketing to, children. "Sesame Street" works to teach children and prepare them for school. And it is succeeding. In fact, a 4-year study of more than 250 low-income households conducted by the Center for Research on the Influence of Television on Children at the University of Kansas concluded that preschoolers who watch "Sesame Street" regularly score higher on school readiness tests as long as 3 years later.

I am also pleased to report that the American people recognize the value of public television as a public resource. The second Current article examines the high level of public support that public broadcasting enjoys across the country. According to the article, a Roper poll taken in March revealed that Americans ranked public television and radio among the services that provide the best value for the tax dollars. In fact, over 50 percent of those polled rated public television and radio as either excellent or good value.

In this age of television's appeal to the lowest common denominator, public broadcasting generally succeeds in broadening, edifying, and challenging its viewers, and influencing the television medium for the good. Most importantly, public television reaches 99 percent of American households—for free.

I ask that these two articles be printed in the RECORD.

The articles follow:

[From Current, June 19, 1995]

PUBLIC RANKS PUBCASTING HIGH IN VALUE PER DOLLAR

In a Roper Poll taken in March, Americans ranked public TV and public radio among the services that provide the best value for the tax dollar.

Only military defense of the country and the police had higher percentages of the sample calling them an "excellent value" or a "good value." Highways, public schools, environmental protection and the court system ranked lower.

"Quite frankly, I was really surprised," said CPB researcher Janice Jones. "I know that people value public television, but there are a lot of core services on that list."

CPB received the poll results as a regular subscriber to the Roper Poll last month, but the survey firm had added pubcasting to the annual question without CPB asking it to do so, Jones said.

Other tax-supported services had been rated in the poll for many years. The biggest changes between 1986 and 1995 showed environmental protection up 14 points, public transportation up 12, roads and bridges up 11, the police up 9 and military defense up 8 points. Even social welfare programs rose 4 points during that period.

In the poll, public TV was scored an "excellent value" by 13 percent, "good" by 44 percent, "fair" by 24 percent and "poor" by just 10 percent. Eight percent said "don't know."

Public radio got similar scores: "excellent value," 10 percent; "good," 43 percent; "fair," 28 percent; "poor," 10 percent, and "don't know," 10 percent.

Public TV's "excellent value" rating (13 percent) was exceeded only by military defense (17 percent) and the space program (14 percent).

The percentage of respondents who rated public TV and radio as a "poor value" for the tax dollar, 10 percent, was lower than all other services except defense and international intelligence gathering.

VALUE FOR THE TAX DOLLAR

Here is a list of some different services that the government provides using tax dollars it collects from the public. Thinking of what you get for what you pay in taxes, would you read down that list and for each one tell me whether you feel you get excellent value for the dollar, or good value, or only fair value for the dollar, or poor value for the dollar?

Rank and services provided with tax dollars	Percent excellent or good value
1. Military defense of the country	60
2. Police and law enforcement agencies	59
3. Public TV broadcasting	57
4. Public radio broadcasting	53
5. Medical, technological and other research	52
6. Overseeing the safety of food products	50
7. The space program	49
8. Overseeing the safety of prescription drugs	49
9. Highways, roads and bridges	45
10. Public schools	41
11. Environmental protection	41
12. Public transportation	40
13. Sponsorship of the arts	39
14. Overseeing soundness of financial institutions	35
15. The courts	33
16. International intelligence gathering	31
17. Contributions to the United Nations	30
18. Social welfare programs	28

Source: Roper Poll, March 18–25, 1995, courtesy of CPB.

STUDY DETECTS "SESAME STREET" IMPACT ON KIDS

Sesame Street, probably the most-studied children's program on TV, has another accolade for its collection: A major study concludes preschoolers who watch the show regularly score higher on school readiness tests as long as three years later.

The four-year study of more than 250 low-income families was conducted by John C. Wright and Aletha C. Huston of the Center for Research on the Influence of Television on Children (CRITC) at the University of Kansas.

Wright and Huston's report, released May 31, was meant to provide the first overall evaluation of Sesame Street since the groundbreaking program's second season, in 1971.

The children studied were either two or four years old at the beginning and five or seven at the study's end. About 40 percent were African-American, 40 percent were European-American, and 20 percent were Hispanic.

Key findings from the report:

As early as age two, preschoolers who watched Sesame Street and other educational programming scored higher on standardized tests of verbal and math abilities. The more they watched the show, the better they did on the tests, even two to three years later.

The younger the child was when viewing, the stronger Sesame Street's positive influence on school readiness.

Children who watch Sesame Street spent more time reading and pursuing other educational activities than non-viewers.

Children who regularly watched adult and children's non-educational programming performed less well on school readiness tests and spent less time reading or pursuing other educational activities.

The findings held true even after researchers used statistical controls to account for effects of income level, parental education, English-speaking ability, and other factors on the scores.

"Television is a marvelous medium for education that is vastly untapped. . . . The more you watch good programming, the better you do when you get to school. That's news; that's important," said Wright.

Although the study looked at all educational children's programming—not just Sesame Street—the Children's Television Workshop production so dominated preschoolers' viewing it was analyzed separately in Wright and Huston's report.

Because the period studied was 1989–93, newer programs like Barney and Friends and Lamb Chop's Play-Along hadn't been around long enough to make the most-viewed list, and PBS had not yet initiated its PTV Ready to Learn service.

Wright and Huston's report reinforced the findings of a less detailed study with a much larger sample size (10,000 children) released in April.

The CPB—commissioned study, prepared by Westat Inc., found that four-year-old preschoolers who watched one or more PBS programs were more likely to be able to identify colors, count to 20, recognize letters of the alphabet, and tell connected stories when pretending to read.●

ORDERS FOR WEDNESDAY, JULY 19, 1995

Mr. SPECTER. Mr. President, as the last Republican Senator on the floor, I have been asked to proceed with the closing of the body.

I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on tomorrow, Wednesday, July 19; that, following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, there then be a period for morning business until the hour of 9:30, with Senators permitted to speak for up to 5 minutes each; and, further, that the Senate then immediately resume consideration of S. 21, the Bosnia legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. SPECTER. Mr. President, for the information of all Senators, the Senate will resume consideration of the Bosnia legislation and the pending Dole substitute amendment.

All Members should, therefore, be aware that rollcall votes may occur throughout Wednesday's session of the Senate. Also, under the provisions of the prior consent agreement, the majority leader may return to the consideration of the regulatory reform bill by a call for the regular order. Therefore, rollcall votes may occur on that legislation as well, including a third cloture vote on the Dole-Johnston substitute amendment.

RECESS UNTIL 9 A.M. TOMORROW

Mr. SPECTER. Mr. President, if there is no further business to come before the Senate—and I note the absence of any other Senator on the floor—I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:23 p.m., recessed until tomorrow, Wednesday, July 19, 1995, at 9 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, July 18, 1995*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. SHAW].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 18, 1995.

I hereby designate the Honorable CLAY SHAW to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 25 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

LEARNING THE LESSONS OF THE PAST

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, the famous admonition that those who cannot remember the past are condemned to repeat it is often put another way: We must learn the lessons of the past to prevent making similar mistakes in the future. When it comes to the safety of the Nation's blood supply, this simple adage translates into a message of life and death. We know that during the early 1980's blood and blood products became tainted with the virus that causes AIDS. The early clues that there was a problem manifested themselves in the hemophilia community, because people with hemophilia frequently use products made from blood that is pooled from thousands of donors. We now know that during the early 1980's, approximately one-half of the Nation's hemophiliacs—some 8,000 people—became infected with the virus that causes AIDS through the use of contaminated blood-clotting products.

How did this happen? Why did the system that was established to safeguard the supply of blood and blood products fail to heed early warning signs and prove so slow to respond to a dangerous threat? How can we prevent such a tragedy from happening again? More than 2 years ago, I joined with Senators GRAHAM of Florida and KENNEDY of Massachusetts in asking HHS Secretary Donna Shalala to conduct a review of the events surrounding this medical disaster. The results of that intensive and objective review have come to us in the form of a report, presented last week by the National Academy of Sciences' Institute of Medicine—the IOM. The conclusions of this report are important—not just for their candor in describing the quote "Failure of leadership and inadequate institutional decisionmaking processes" unquote to meet the challenge of a deadly new blood-borne disease—but also for their recommended changes to the system.

In underscoring the Federal Government's shared responsibility for the safety of the blood supply, the report concludes that the FDA—which has regulatory authority over blood and blood products—quote "Consistently chose the least aggressive option that was justifiable." On several occasions, the report found, the FDA quote "Did not adequately use its regulatory authority and therefore missed opportunities to protect the public health." Unquote. And it notes that decisionmakers acted with an abundance of caution, seeking to engender quote "a minimum of criticism." Unquote. All of these observations led the IOM to recommend a series of changes in the way the FDA regulates blood and blood products—and improvements in Public Health Service structure to yield early and aggressive response to new threats to the blood supply.

The IOM panel also proposes a no-fault compensation program prospectively for future victims of adverse consequences from the use of blood and blood products. But what about the 8,000 victims of the tragedy that has already happened? Although this question was beyond its purview, the IOM suggested that its prospective recommendation quote "Might serve to guide policymakers as they consider whether to implement a compensation system for those infected in the 1980's" unquote. And so I ask my colleagues to consider H.R. 1023, a bill I introduced in February that now has 110 bipartisan cosponsors. The Ricky Ray Hemophilia Relief Fund Act named for a victim from my old congressional district, as it is known, establishes a compensation program for the victims of hemophilia-associated AIDS. It is based on the premise that has now been supported by the IOM report, that Government shares responsibility for what happened. It is also based on the understanding that blood and blood products are unique—as is the Federal responsibility for them.

We have a national blood policy, put in place in the mid-1970's, that says we have a commitment to a safe supply of blood and blood products. In fact, as part of our recognition that these are unique resources deserving special consideration, we have placed the regulation of blood and blood products under the aegis of two separate laws. Mr. Speaker, as we learn from the mistakes of the past, let us be sure we stand up to our obligations for them. I urge my colleagues to review H.R. 1023 and I hope that the Judiciary Committee will soon hold hearings on this important matter of fair play, as I have now requested. We cannot undo the damage, but we can restore some faith and provide some relief to victims and their loved ones. That would be a good way to go forward.

REMARKS TO THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. OLVER] is recognized for 5 minutes.

Mr. OLVER. Mr. Speaker, I wish to address my remarks to the President of the United States today.

Mr. President, you have taken some truly courageous stands in foreign policy. Your finest hour, I think, came when you insisted that Haiti get its chance at democracy. You insisted that the military junta, which had overthrown the first freely elected President in Haiti's history, must leave. There was nothing to be gained politically. All the polls said not 3 percent of Americans thought we should get involved in Haiti, and there was great risk to American lives. But you did it because it was right.

And your courageous decision to recognize Vietnam, what a gutsy thing to do, the right thing to do. But you will be vilified to your dying day by those who want to prolong the agony of the division which the Vietnam war caused in America. Never mind that 25 years have passed. Never mind that the MIA's from World War II numbered more than all the dead in Vietnam, yet Germany and Japan were our closest

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☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

allies 25 years after the Second World War. Never mind that very prominent, decorated heroes of that war confirm your decision is the right one.

"The War Is Over. Life Goes On." That is the title of a poignant column by William Broyles, Jr., in the New York Times on Sunday, July 16. Mr. Speaker, I will place the text of that column in the RECORD, which is about Vietnam, but also about Bosnia.

[From the New York Times, July 16, 1995]

"THE WAR IS OVER. LIFE GOES ON"

(By William Broyles, Jr.)

Representative Randy Cunningham burst into tears last week at a Congressional hearing on the recognition of Vietnam. Mr. Cunningham, a California Republican who had been shot down as a Navy pilot in Vietnam, was so overcome with emotion describing the deaths of his comrades that he could not go on. When he recovered, he charged that President Clinton was morally wrong to recognize the former enemy.

Any one of us who fought in Vietnam knows the emotions Randy Cunningham must have felt: the deep grief and anger, the sense of loss, the pride, the whole confusing mess. I have wept, been to the wall on the Capitol Mall, traced the names of the fallen, sought out my old comrades, worked with troubled vets, helped build memorials and led parades.

I feel for the families of the 2,000 or so Americans still unaccounted for. But Randy Cunningham's tears leave me cold. The grief we veterans share should be above partisan politics. It is purer, more honorable and lasting. And it is personal. Tears and emotion in politics fuel partisan suspicions and revenge.

Public emotion has turned Vietnam into a haunting specter that has often sapped our military will. Bosnia is our greatest failure of collective security since Munich because we are afraid of repeating the mistakes of Vietnam. But Nazi aggression had little to do with the post-colonial war in Vietnam, which in turn has little to do with Bosnia. The Balkan tragedy does, however, have a lot to do with Munich. Because our memories are so faint and our emotions so vivid, we persist in applying the lessons of the wrong wars. We must put Vietnam behind us.

The Vietnam veterans who support recognition have impeccable credentials: Senator John McCain, Republican of Arizona, was a P.O.W.; Senator John Kerry, Democrat of Massachusetts, won the Navy Cross; Senator Bob Kerrey, Democrat of Nebraska, won the Medal of Honor and left part of a leg in Vietnam. Does their support for recognition mean they are betraying their comrades who are still missing?

That is the hardest question, because the deep, uncompromising rule of the soldier is not to leave your comrades on the battlefield. But the fighting has been over for 20 years. Our battlefields are rice paddies now, tilled by men and women not even born when the guns fell silent. There were more M.I.A.'s in World War II than the total number of Americans killed in Vietnam. Thousands remain unaccounted for after the Korean War. We should continue to try to account for everyone. But the time has come to do so in cooperation with our old enemies.

The reason why is in the mirror. Look at us. Our hair is gray, what little there is. Some of us are grandfathers now. Many of us went to war 30 years ago. Thirty years! That's the time between the start of World War I and the end of World War II. In those earlier 30 years, more than 100 million people died. Millions perished in death camps. Millions more died and were never found. Tens of millions were homeless. The maps of Europe and Asia were redrawn. Whole countries disappeared.

In comparison, Vietnam is a footnote. Yet we can't get beyond it—supposedly because we lost. But our countryside wasn't ripped with bombs, our forests defoliated, our cities pulverized, our people herded into camps. We had casualties, but we did not have millions of refugees and more than a million dead. We weren't thrown into the sea as the British were at Dunkirk.

I never felt defeated. I just felt wasted. I would have fought in World War II. I would fight today in Bosnia. But where I fought was in Vietnam.

And by now the only true response by a soldier should be this: tough. As we said in Vietnam, it don't mean nothing. Which meant, it means everything, but what can you do? In war people die. Sometimes the best people die. We want there to be a reason. Sometimes there is, sometimes there isn't. War is messy and unfair. That's why it needs a clear purpose. There was no clear purpose in Vietnam. There is one in Bosnia.

Ten years ago, I visited the site of the base where I had been a Marine lieutenant, just west of Da Nang. I went with a man named Hien, who had been a company commander in the Vietcong. We had fought each other up and down the rice paddies, mountains and in the jungles. Almost all his comrades were dead or missing.

It was hard not to respect our enemies. They had been bombed by B-52's, bombarded with shells hurled by battleships, incinerated by napalm and white phosphorous, drenched in defoliants. They had no R & R and no Medivacs. They lived in tunnels and caves, never going home and getting no letters for as many as 10 years.

Hien and I met a woman whose husband had been killed where I had fought. She never found his body. Most likely we bulldozed him into a mass grave. That's what we did. We incinerated them, buried them alive, pushed them from helicopters. And they did their best to kill us. That's what happens in a war. What should happen after a war is what the woman said after we had talked long enough to realize her husband had been killed by my platoon, possibly by me. "That was long ago," she told me. "The war is over. Life goes on."

The Vietnamese have hundreds of thousands of M.I.A.'s. Soldiers trying to find the bodies of their lost comrades is a constant theme in Vietnamese novels and films. Their families grieve no less than ours. They know better than anyone the pain we feel. We should all search together for the answers that would help families on both sides finally end this.

I loved the men I fought beside. I feel pride in their courage and unselfishness. But the time has come to say to all my buddies who are missing, as we say to those names on the wall, rest in peace. You did your best. We miss you terribly.

We fought to make Vietnam free and independent. Today it is independent. And if we engage its leaders diplomatically with the same will we showed against the Soviet Union, it will become more free. To recognize Vietnam is not to dishonor the memory of our fallen or missing comrades. It is to recognize the truth. The war is over.

Mr. Speaker, why is it so hard to do the right thing in Bosnia? Granted, you inherited the disastrous American position and policy in Bosnia's version of the Holocaust from George Bush after 20 months of inaction by the European Community, the United Nations, NATO and the United States about the most vicious war in Europe in 50 years. Granted that the pattern of the United Nations issuing resolutions, which it turned out it had no intention of enforcing and which has led to the total and abject humiliation and discredit of the United Nations, had already been set. Granted that the moral and strategic error of the arms embargo placed on only one side in the conflict, placed on the elected government of Bosnia, a sovereign nation, a member of the United Nations, had already been made.

You had a reasonable, credible proposal: Lift and strike. Remember lift and strike? It would be a vast improvement today over the unconscionable cowardice of the Western democracies toward Bosnia. However the United Nations, the European Community, and the United States twist and squirm, the fact remains that Slobodan Milosevic, the last Communist dictator in Europe, has orchestrated the destruction of the most evenly multireligious, multiethnic, multicultural state in Europe, using the most vicious and unspeakable tactics since the Holocaust.

The Serbs have shown that no tactic is beneath them. Ethnic cleansing, concentration camps, destruction of hundreds of mosques and Roman Catholic churches, starvation of populations of Srebrenica, Zepa, Gorazde, and Sarajevo, deliberate bombardment of funeral processions, children in playgrounds, women waiting in water lines, mass deliberate use of rape, slaughter of whole families and whole villages, from the youngest baby to the aged.

Why is it so hard to do the right thing in Bosnia? Is there no end to the cowardice of the West, no end to the stupidity of an arms embargo on only one side in a conflict? Is there no end to the stupidity of never enforcing resolutions for safe havens, for no-fly-zones, for heavy weapon exclusion zones, and no end to the cowardice of backing down again and again and again, sending the clear signal to Milosevic and the Serb rebels that they may continue the slaughter and the rape and the starvation and the ethnic cleansing without fear of reprisal?

Why is it acceptable for United Nations commanders to drink with Serbian war criminals? Why is it acceptable for the Serbs to drag the elected vice president of Bosnia from a United Nations vehicle and execute him on the spot? Why is it acceptable to overrun Srebrenica and other safe havens, drive out thousands of women and children with nothing but what they can carry, raping the women as they flee and bombarding the columns of refugees as they flee? Why is it acceptable for the

Serbs to detain all the male Bosnians between the age of 16 and 65? Will they ever be seen again? Not many of them very likely. Why will you accept this utter barbarity, this humiliation of the United Nations and of our closest allies, and ultimately the shame that inaction brings on all of the civilized world?

Will we really accept and do nothing as Zepa, and then Gorazde, and then Biha, and finally Sarajevo are destroyed and all the people of those cities are ethnically cleansed?

Mr. President, Americans have always done the right thing when confronted with such evil. Mr. President, do the right thing in Bosnia. You will find it is not so hard.

OSHA REFORM—MYTH AND REALITY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. BALLENGER] is recognized for 4 minutes.

Mr. BALLENGER. Mr. Speaker, I want to respond to the campaign of distortions already begun by opponents of OSHA reform.

Since we introduced H.R. 1834, which now has over 100 cosponsors, opponents of reforming OSHA have been saying that our legislation will result in more workers being killed and seriously injured. Such rhetoric pretends that all that stands between workers and serious injury or death is the strong arm of OSHA. Simply put, that's a false picture of what OSHA does.

Most of us know that OSHA is not the primary reason that most employers are concerned with employee safety. There is overwhelming evidence that—even if we ignore the humanitarian concerns that motivate most people—workers compensation and other medical and human resource costs related to employee injuries are far more compelling reasons for employers to provide safe workplaces. OSHA's role is, at best, a helpful complement and sometimes necessary backup to these factors. But more often OSHA has become simply a revenue collector for the Federal Government, finding nitpicking violations of the thousands of pages of OSHA requirements, without regard to whether any workers are actually being harmed by unnecessary risks. That's why our OSHA reform bill is necessary.

The distortions being made are not only of OSHA's role, but of the provisions of H.R. 1834. I hope that the following responses to three of the distortions are helpful to my colleagues in understanding what H.R. 1834 really provides.

Myth No. 1: H.R. 1834 means turning our back on the tragedy at Hamlet.

Fact: No one from North Carolina, as I am, will ever forget the tragedy at Hamlet. The deaths of 26 workers at a chicken processing plant in Hamlet, NC in September 1991 were caused by the fact that workers could not get out of the plant when a fire broke out because of locked fire doors and unmarked fire exits. Several laws prohibiting such locked doors were broken, and the owner of the plant eventually went to jail. H.R. 1834 does not change the laws or reduce the criminal penalties under which the owner of the plant went to jail.

The question of Hamlet, however, was why did no one report the locked doors, especially those Government meat inspectors who regularly visited the plant? Under H.R. 1834, OSHA would be directed to establish programs with other Federal agencies such as USDA and with State and local government inspection agencies, to check facilities specifically for fire code violations, and to report those, if necessary, to OSHA. Had that simple step been in place, the deaths of most if not all of the Imperial Food Products workers would have been avoided.

Myth No. 2: H.R. 1834 would prohibit OSHA from enforcing the law for serious safety and health hazards.

Fact: H.R. 1834 provides that if an employee is injured, killed, or placed in imminent danger due to a violation of an OSHA requirement, a citation and penalty should be issued immediately by OSHA, just as under current law. In other cases, not involving such serious hazards, the employer would have a period of time, set by OSHA, to correct any alleged violations before a citation and penalty would be assessed. But in no case would the employer have the option not to come into compliance—OSHA would still enforce the law, both for serious and nonserious hazards.

Why establish this right to fix nonserious violations? First, it is fairer to employers, most of whom cannot possibly know or consistently follow all of the details of OSHA regulations and interpretations of those regulations. Yet OSHA routinely fines employers thousands of dollars when they are found to be in noncompliance, even when there is no apparent threat to workers' safety. Second, allowing employers the right to fix nonserious violations will help OSHA focus its enforcement resources more effectively. Most often employers will simply make the correction and no citation will be issued. Today, OSHA automatically issues a citation, which the inspector must carefully document in case the citation is challenged. The emphasis, both in inspectors' time and attention, becomes documenting violations, rather than improving safety and health.

In fact, the Clinton administration is now claiming that they want to give employers the same right to fix OSHA violations, but their proposal is weighed down with more regulatory conditions and left to inspector discretion. Legislation is necessary because OSHA has too often focused on collecting penalties rather than on safety and health.

Myth No. 3: H.R. 1834 strips away every working American's right to secure an OSHA inspection for serious safety and health hazards and exposes workers to serious retaliation if they contacted the agency.

Fact: H.R. 1834 provides that employees should first seek to correct health and safety problems with their employers before filing complaints against the employer with the Federal Government. The bill does not take away any employee's right to complain to OSHA.

H.R. 1834 also recognizes that employees who do bring items to the employer's attention, and, if necessary, complain to OSHA about the employer, should be protected by law against retaliation for doing so. The bill enhances the antidiscrimination provisions under the Occupational Safety and Health Act in several ways, most importantly by giving employees who believe they have been retaliated against because they filed a safety or health complaint, a private right of action with make whole remedies if in fact retaliation did take place.

Finally, let me mention some of the statistics which opponents of OSHA reform are using. First, the claim is made, in support of leaving OSHA the way it is, that since OSHA was created the workplace fatality rate has dropped by more than 50 percent. Thankfully, the workplace fatality rate has dropped since 1970, but it has also decreased steadily since the mid-1940's, and the rate of decrease has not really changed since OSHA's creation. The decrease in the fatality rate, while something we are grateful for, does not really argue for OSHA's continuation.

Second, Secretary Reich has begun repeating a figure of "55,000 work-related deaths per year." In fact, the Bureau of Labor Statistics reports that in 1993 there were 6,271 work-related fatalities. We spend lots of money on BLS to collect these numbers—and they are the most accurate numbers available. The Secretary's use of a figure nearly 10 times what his Department reports hardly seems justified.

I believe that OSHA can be made both more effective and more fair—more effective in redefining OSHA's role, and more fair to the employers of this country who provide the jobs on which the economy depends. I urge my colleagues to study the issues, to resist the rhetoric of those who want to keep OSHA as it is, and to help us pass meaningful OSHA reform in H.R. 1834.

30TH ANNIVERSARY OF MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, 30 years ago this month, Congress enacted what has become one of the two most successful and popular Government programs ever conceived—the Medicare Program. The other, of course, is Social Security.

Given the indisputable success of Medicare, you would think that even its most bitter critics from 30 years ago would have to admit that the program has been instrumental in improving the lives of millions of American senior citizens.

But the Republican leadership in Congress is not interested in learning from their party's past mistakes. Although they haven't seen fit to reveal the details of their plan to the American people, it has become all too clear that the Republicans want to rewrite the history of Medicare by gutting the program and charging seniors more for coverage.

In effect, the Republican leadership wants to take us back to the years before Medicare was enacted in 1965—a period when millions of American senior citizens faced either the poor house or premature death if they contracted a serious illness.

It is a simple fact that before 1965, millions of middle class senior citizens who found themselves seriously ill faced bankruptcy in order to pay for care. Those who were already poor faced even greater indignity and often went without any health care at all.

According to the National Council of Senior Citizens, prior to 1965 and the enactment of Medicare, only 50 percent of Americans over the age of 65 had health insurance.

Yet then, as now, the Republican Party in Congress again and again expresses a sort of gut reaction against Medicare.

Thirty years ago, one Minnesota Congressman absurdly stated that Medicare "puts the Nation dangerously close to socialized medicine."

One of his colleagues from Colorado went so far as to say: "By passage of this bill [Medicare], we shall make a shambles out of Social Security." Of course, he didn't mention that he probably would have opposed the creation of Social Security too.

The comments we are hearing from the leadership on the other side today demonstrate clearly that the Republicans in this Congress are indeed the direct ideological descendants of the party that fought tooth and nail to prevent Social Security and Medicare from ever becoming reality.

Just a week ago, one of the Republican leaders stated "I deeply resent the fact that when I'm 65 I must enroll in Medicare."

He went on to demean the program—and the millions of seniors who have earned their Medicare benefits—by saying that Medicare "teaches the lessons of dependence," and that it is "a program that has no place in a free society."

Mr. Speaker, when the new leadership in Congress claims to have won a mandate in last fall's elections, do they actually believe that their supposed mandate includes the dismantling of the Medicare Program?

A mandate comes from the people, Mr. Speaker. And if the leadership of the Republican Party in Congress were interested in pursuing a true mandate—if they truly had the interests of the people at heart—there would be no discussion of pulling the rug out from under senior citizens by gutting Medicare.

The vast majority of Americans—seniors and nonseniors alike—oppose the Republicans' views on Medicare. Rather than acting on a mandate, what the Republican leadership is doing, in effect, is attempting to rewrite the conclusion of the Medicare debate of 1965.

What is the real agenda here, Mr. Speaker? It sounds suspiciously like this generation of Republicans, under the cloak of concern of Medicare's solvency, is simply trotting out the same tired arguments that failed 30 years ago. And we need to expose this for what it is—an effort to destroy Medicare, which in the Republican view, is somehow un-American.

ADMINISTRATION'S REVIEW OF FEDERAL PREFERENCE PROGRAMS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. CANADY] is recognized for 5 minutes.

Mr. CANADY of Florida. Mr. Speaker, tomorrow morning the President will give a major speech announcing the results of the administration's 5-month long review of programs that grant preferences on the basis of race and gender.

Of course, the administration and the media call it a review of affirmative action, but that is not really what the review is about. As originally designed, affirmative action was about nondiscrimination—it required parties to take affirmative action to ensure that no person would be treated with regard to race.

Over the past 25 years, however, this mandate of nondiscrimination has been turned on its head and converted into a requirement to grant preferences on the basis of race and gender. There are now a multitude of Federal programs that grant such preferential treatment. And it is to the future of these preference programs, and not to affirmative action, that the President will be speaking.

With regard to those programs, the issues really are quite simple, and they reduce to this: Should the Government divide its citizens into groups based on race and gender? And should some citizens qualify for special Government benefits based solely upon their membership in a racial or gender group? And if so, how can this regime of preferences be reconciled with the Constitution's fundamental guarantees of individual rights and equal opportunity to all regardless of race or gender?

To put the issue in more concrete terms, is it wise public policy for the Federal Government to award contracts to minority- or women-owned firms when other qualified firms have submitted lower bids? And is it a good idea for Federal agencies and officers to make employment decisions every day with an eye toward meeting numerical hiring and promotion objectives based on race and gender? And is it just to require Federal contractors to grant preferences—to hire by the numbers—in order to keep their Federal contracts?

These are the issues the President should address. I must confess, I can't imagine why it would take 5 months to answer these questions. Either you are in favor or preferences or you are not. Either you think it's acceptable to base hiring and contracting decisions upon race and gender or you do not. These are straightforward questions of principle, and they really do not require extended deliberation.

I am concerned, however, that even after the administration's 5-month review, we will be disappointed tomorrow to learn that the President still has not come to grips with these fundamental issues. Rather than tell us where he really stands, I am concerned—and newspaper reports previewing the speech seem to indicate—that the administration has decided to treat this important issue in a legalistic and bureaucratic manner.

So instead of learning how the President understands the nondiscrimination principle, we are likely to hear how the administration interprets the Supreme Court's recent decision in Adarand versus Pena. And rather than coming to terms with the glaring conflict between racial and gender preferences and the American commitment to individual rights, President Clinton will simply suggest that there are some administrative imperfections in the existing preference programs that need to be fixed.

And we will no doubt here the mandatory disavowal of "quotas," with the confident assertion that because "quotas are illegal, we don't have to worry about them." But this alleged distinction between quotas and other forms of numerical preferences is truly a semantic distinction without a difference. The label, after all, is not the offending practice. What is offensive is the practice of granting preferences on the basis of race and gender, and that practice is no less offensive when called by a name other than a quota.

I may be wrong about the President's intentions. I hope that I am wrong. This issue and the principle it touches on are much too important to surrender to lawyers and bureaucrats. If a society without discrimination is really our goal, then we need to engage in a national dialog about how best to get there. That means getting back to the original purpose of affirmative action by continuing our efforts to reach out to all segments of the community—to make everyone aware of opportunities. But it also means ceasing discrimination now. And that requires ending the Federal Government's massive system of race and gender preferences. President Clinton should embrace the principle of nondiscrimination and act to dismantle the system of preferences—a system which divides Americans and reinforces prejudice.

SAVE MEDICARE FROM BANKRUPTCY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. NORWOOD] is recognized for 5 minutes.

Mr. NORWOOD. Mr. Speaker, I come to the floor this morning with the people back home in mind. For me, home is Augusta, GA, and the 10th District of Georgia. I must tell you how wonderful it was for me to be home this past weekend. Spending time with the hardworking people of the 10th district serves to strengthen my resolve, that what we are doing here in the next few months is what is right for America.

Mr. Speaker, I would ask the people of America to consider the facts of our situation. We are 5 trillion dollars in debt. Fifteen cents of every dollar we spend goes to interest on the debt. The problem of the debt continues to grow out of control. Consider this: On February the 6th, I came to the floor in support of the line-item veto. In my remarks, I noted that the students in Sallie Bullock's calculus class at Madison County High in Danielsville, GA, already collectively owe $310,760. I noted that Mary Mills' 5th grade class at Oconee County Intermediate School in Watkinsville, GA, already owes $365,600. I noted that Martha Scroggs' kindergarten class at Episcopal Day School in Augusta already owes $457,000. Since I gave that speech 5 short months ago, Sallie Bullock's students owe an additional $7,600; Mary Mills' students owe an additional $8,940; and Martha Scroggs' students owe an additional $11,175.

Mr. Speaker, what did those children do to earn that additional debt? How can we so thoughtless saddle children just out of kindergarten with more and more debt? It is immoral and we must bring that to an end by balancing our budget.

Mr. Speaker, it is simply a matter of fact that Medicare will go bankrupt in 7 years. It is a documented fact in a report put out by the Medicare trustees—three of whom are members of the Clinton administration. The solvency of Medicare is not a partisan issue. Medicare is going bankrupt. The Republicans have made a decision to fix Medicare. We will strengthen Medicare so that it may survive well into the next century. We must act to save the system now. Pretending that everything is all right is simply fantasizing.

Mr. Speaker, on this day many centuries ago, Emperor Nero Played his fiddle while the great city of Rome burned to the ground. It appears that all these centuries later, some of my colleagues on the other side have decided to take up Emperor Nero's mantle. Some of my colleagues want to play games. Last week the other side issued the proclamation that if the we, the Republicans, don't speed up the reconciliation process then they will slow the business of the House down. Yes, America—that's right. If we don't speed up; they will slow things down.

Mr. Speaker, let me be the first to say that I will stay here morning, noon, and night to balance our budget and to save Medicare from bankruptcy. I will stay here through the weekends to balance our budget and to save Medicare from bankruptcy. I will be here until the cows come home—if that's what it takes to balance our budget and to save Medicare from bankruptcy. The future of our Nation is at stake—and I would urge my colleagues to rise above the political games others may want to play. The business we are doing for America is too important to be sidetracked by those who would rather fiddle.

THE HISTORY OF MEDICARE AND ITS IMPORTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. DINGELL] is recognized for 5 minutes.

Mr. DINGELL. Mr. Speaker, I rise to discuss the history of Medicare and to discuss the importance of that program to the United States. I have heard a lot of people discuss how it is that Medicare is in trouble. Well, Medicare is one of the best working and most efficient programs in the history of this country. The cost of collecting money and disbursing it is less than 1½ percent.

The problem of Medicare is that costs of Medicare have, like all the costs of all other programs for paying for health, been stressed almost beyond belief by enormous increases which have occurred in health care costs across this country. The problem of Medicare is not one that it is not serving people. On the contrary, it has raised the number of Americans from something like 40 percent to better than 97 percent in the senior citizen category who have health insurance available to them now, something which was previously not available. Now, under Medicare, Americans can be assured that that health care system is going to meet their health care concerns.

Is Medicare going to go bankrupt? Yes, if something is not done. But not until 2002. Nothing need be done to cut the benefits, but rather to assure additional efficiencies. And what really needs to be addressed is to understand that getting control of the overall costs of health care is something which has to be done in order to protect not only Medicare, but Medicaid, Blue Cross, and all of the other health care programs, that are both public and private inside this country.

It is only fair to say that my colleagues on the Republican side of the aisle are talking not about cutting Medicare to save the system, but, rather, they are talking about cutting Medicare in order to make possible a tax cut.

Medicare benefits are going to be cut, according to the Republican budget, about $270 billion. However, a health care cut of this magnitude is going to be matched by a tax cut which will go mostly to the richest 10 percent of the people in this country, and will cost the government about $240 billion.

A wiser approach would be to address the underlying problems of our health care system. A wiser approach would be to see to it that we address the concerns of all in preserving Medicare, but to do so not to provide a tax cut to the wealthy, but rather to address the significant problems which exist in all health care costs and in payments for all health care costs.

You know, it is a matter of history that the Republicans voted overwhelmingly against Medicare, and they opposed it time after time whenever the issue was before this body or was before the House or before the Senate. They opposed it in committee as well as on the floor of the two bodies.

Medicare is something which was enacted because the Democrats forced it through. It is something which will be protected and preserved because the Democrats prevented the Republicans from eviscerating that program or from converting it into a private program. There are significant attempts going on now to privatize Medicare.

One of the remarkable things which occurred in the early discussion was the comments of Republican Members who criticized Medicare, pointing out that it was socialized medicine, claiming that it was going to threaten independence and individual liberties of Americans who would derive benefits under that particular program.

Well, history has shown that Medicare has been one of the great blessings, not only to this country, but to senior citizens, not only to senior citizens, but to the younger Americans who no longer have to choose between providing for themselves, for their own retirement, or the education of their children, and providing for the health care desperately needed by American senior citizens.

This has been one of the great and shining examples of success of Government action in the history of this country. It and Social Security are two of the most popular programs in the lexicon of Government programs, and they are supported by almost everyone. Cuts in those programs would be regarded by almost every American as being something not only unwise, but dangerous from the standpoint of the well-being of our society, our economy and of this country.

Indeed, these programs have not only contributed to the well-being of Americans and their health and peace of mind, but they are also programs which have done much to make meaningful the promise of America.

I urge my colleagues and I urge my fellow Americans to support the idea that Medicare can be saved, not by draconian cuts, but by wise changes in administration. Let us use the money we have in Medicare for protecting the senior citizens and the people of this country, and not for tax cuts to the wealthy.

AMERICANS WANT LESS GOVERNMENT AND LESS REGULATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, you know, last November the American people delivered a mandate to this institution, a supposed mandate as we heard from a previous speaker. The fact of the matter is not a single Republican Governor, Senator, or Congressman was defeated in that election.

Why did Americans vote Republican? It is because they wanted less government. They wanted less regulation. They wanted to get government, in the words of Ronald Reagan, off the people's back.

That is what we are starting to do. Now, it is going to be a long, hard, drawn out process, but, you know, a year ago when I was campaigning, I was talking about how the American hour was upon us, about how Americans had to decide once and for all whether we were going to go back and repeat the same mistakes that we have been making for the past 40 years, or whether we are, instead, going to turn back to those basic simple truths that our Founding Fathers laid as the foundation of this great country.

James Madison said that we have staked the entire future of American civilization on the power of the individual, not on the power of government. Thomas Jefferson said that the government that governs least governs best.

Yet in this time of the American people's call for less government intrusion in their lives, an ominous trend is developing, and we have seen it develop since the Oklahoma City bombing.

Now, the Oklahoma City bombing was an absolute tragedy. I do not think anyone in this Chamber could have looked at those pictures and not been absolutely horrified by what went on in Oklahoma City and the lives that were lost. But the fact of the matter is this: We do not prevent Oklahoma Cities in the future by eviscerating our fourth amendment rights. There is a counterterrorism bill that is coming to the floor in the near future, and some Members have openly said that Americans are going to have to get used to living with less freedoms for more safety.

Well, that is very ironic when you consider what Benjamin Franklin said over 200 years ago. It is almost as if he anticipated an event like this and the gut reaction that it would cause. Ben Franklin said those Americans who are willing to give up freedoms for a little bit of temporary safety deserve neither safety nor freedom.

That is something that we need to remember as we rush quickly toward passing a bill that is going to increase the Federal Government's power to wiretap, to conduct warrantless searches, and to basically give the Federal Government more police power than it has ever had.

Let us take a couple of steps back here and again listen to what the American people were saying last November. They were not saying we are electing Republicans because we like the name "Republican" in front of the candidate. They voted in one of the most historic congressional landslides in recent history for the party they believed was going to represent less government intrusion in their personal lives.

I believe this is a step in the wrong direction, and I believe you are going to see Republicans and Democrats alike coming together and doing what they can to make sure that the American people's will is heard; more importantly, that our fourth amendment rights and our constitutional rights are protected through this time.

You know, anybody that speaks out against the Federal Government's involvement in Waco or Ruby Ridge or some of these other incidents are considered crazies, right wing fanatics. But the fact of the matter is we are finally shining a little bit of light on what happened in Waco and Ruby Ridge, and we have already seen that the No. 2 man at the FBI has had to be demoted because the FBI messed up. At Ruby Ridge they shot an innocent woman and a man's son, and they did so without proper reason. Then they went back behind there and destroyed documents to hide what they were doing.

Let me tell you something, that is not what the American people voted for last November. They voted for less government. They voted also, I might say in conclusion, for honesty and integrity.

As I close, Mr. Speaker, I just have to respond very briefly to what the gentleman from New Jersey said and the gentleman from Michigan. They talked about how much they cared about Medicare. They said they cared abut Medicare so much they were going to allow it to go bankrupt in the year 2002. I think I care about it a little more and the rest of the Members here do, too. We are going to save Medicare.

THE 30TH ANNIVERSARY OF MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Mrs. KENNELLY] is recognized for 5 minutes.

Mrs. KENNELLY. Mr. Speaker, at the end of the month our Nation will celebrate the 30th anniversary of Medicare. This occasion should remind all of us that nearly every single one of us is touched by Medicare. If you are an individual over 65, that is where you look to for your health care. If you are under 65 you certainly think about Medicare when you are planning for your retirement.

We also know that those who have mothers and fathers alive or other relatives that they care about or are concerned about, they know Medicare is there for them. But most of all, this anniversary should make us all think about what Medicare has done for America's older citizens across the board.

Before Medicare, more than half of all senior citizens did not have any health care coverage. Many seniors faced financial ruin when they had to go to the hospital for any length of time, and all too often they were forced to turn to others to help them, sometimes threatening those that they turned to, their financial future. But most of all, Medicare's anniversary should inspire us to know that we have to make sure Medicare is there for all of us.

Eventually, what happened in the past was elderly people had nowhere to turn. Today, 97 percent of all Americans over the age of 65 have health care coverage; 97 percent. And while we must still work to address the problem of long-term care, which is still very much there, Medicare has saved seniors from going untreated or bankrupt when they needed to have health care.

Before Medicare, 35 percent of American senior citizens lived below the poverty line. I think some of us can remember this, in part because a single trip of any length to the hospital destroyed somebody's life earnings. Today, 30 years after Medicare was signed into law, the number of elderly in poverty has declined to 12 percent. Much of this has to do with the Medicare system.

Before Medicare, many of us can remember relatives, friends and neighbors that struggled to pay medical bills in our retirement. I remember a family down the street that was a mother and father and a very young boy, and there was a grandmother and aunt that lived in the same house. The grandmother got sick. I well remember it, because it was the talk of the neighborhood. What were they going to do. They only had limited savings. Eventually what happened was they lost their home.

So it is fitting that our Nation should remember and honor Medicare's past as we in Congress prepare to determine Medicare's future. It is important that we remember what Medicare means to every American as we bring changes to the program.

The budget recently passed by Congress calls for cutting Medicare $270 billion. This reduction will be three times larger than any other cut or any other change in the Medicare system. Thus far my concerns are twofold: First, how much of the $270 billion in Medicare cuts could be averted if Congress was not going to do the change of $245 billion in tax changes in the IRS Code? Second, are advocates being less than forthright when they say the plan will save Medicare?

Everything I have heard to date suggests that we are talking about pushing the solvency date back a couple of years. This is very, very important. But I think we should look at the whole situation. We know that there are Medicare changes that have to be made. Let us make sure we do not have Medicare changes that do not have to be made because the money is going to be used in another way.

Of course, we are still waiting for specific legislation that will implement these massive changes. Unfortunately, it is becoming increasingly clear that we will not see a real proposal until well into September, leaving us little chance to truly consider the large overhaul we should do in Medicare to make sure it is protected into the future.

While it took years to enact the Medicare system, and that history has been written and rewritten, some now seem to want to radically change the program in a matter of weeks. It seems unwise at best to consider fundamental changes in a program that provides health care for 37 million people, with little real opportunity to study and look at what the changes that are being advanced will do. If proposed changes to Medicare make sense, then they can stand the scrutiny of Congress and the American public. But the American people do not want to have a stealth system come in and not know what is going to happen until it has happened.

In keeping with the 30th anniversary of Medicare, let us remember President Johnson's words 30 years ago when he signed that Medicare bill and declared no longer will older Americans be denied the healing miracle of modern medicine, and no longer will this Nation refuse the hand of justice to those who have given a lifetime of service, wisdom and labor to the progress of this progressive country.

We have to remember those words because what all of us want to be sure of is that the Medicare system is there for those people over 65. It has been there, it has been a good program, it should remain there. Let us be very careful what we do.

HONORING ATOMIC VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. ROTH] is recognized for 5 minutes.

Mr. ROTH. Mr. Speaker, this past Sunday we commemorated the distinguished service of an elite group of Americans, very brave Americans. They were not the Green Berets or the Navy Seals. They are not remembered for their service on the battlefield. Yet they served in some of the most extreme of wartime conditions.

I am talking about our atomic veterans, those soldiers who were exposed to radiation during Government experiments after World War II, before the full effects of the exposure of radiation were known.

The Second World War has ended a long 50 years ago. For many of the other veterans, they were spared the fatal shrapnel or the bayonet or the rifle fire. But for the soldiers who were exposed to atomic weapons experiments, the battle continues. Today, they fight against cancer and other diseases that resulted from the nuclear exposure.

As we remember those who died 50 years ago when the atomic bombs were dropped on Hiroshima and Nagasaki, we also must take a moment to remember the veterans who were involved in these nuclear testings of weapons. It is clear as a bell that we have a special obligation to these fearless men.

The VA has cared for these veterans, but their authority to do so expired on June 30. The VA continues to treat our atomic veterans, with the understanding that Congress will come through with legislation to extend their treatment authority. The House has passed the bill, H.R. 1565, to extend VA's obligation to treat atomic veterans through 1997. On behalf of the atomic veterans, I now urge the other body, the Senate, to vote to extend the VA's obligation to treat these brave men who need and deserve the best possible care available.

This past Sunday we recognized atomic veterans on Atomic Veterans Day. Veterans of northeast Wisconsin, including people like Jack DeMoulin of De Pere, WI, who has worked so hard and selflessly on behalf of the atomic veterans, they are the real heroes of the cold war.

Mr. Speaker, we cannot forget our atomic veterans. They were the ultimate guinea pigs in a new technology whose power of destruction was well-known, but whose long-range health consequences was not. We must lift the burden from the shoulders of dedicated soldiers like Jack DeMoulin and the other atomic veterans.

The war has ended, but the atomic veterans, for them the battle rages on. Let us give them the help and support they so desperately need. I ask the Senate to join the House in this legislation and ask the President to sign it so that we can duly fulfill our obligation to the atomic veterans.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 10 a.m.

Accordingly (at 9 o'clock and 49 minutes a.m.), the House stood in recess until 10 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 10 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Our hearts are thrilled, O gracious God, by the gift of renewal and refreshment in our lives, by a spirit that allows us to put aside any tired ways to find new energy, that permits a new attitude to correct habits and develop meaningful and profound ways of service. While we admit it is easier to follow old ways, we pray, O God, we will be open to Your guidance and be honest with ourselves and in harmony with You, our creator and redeemer.

This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Illinois [Mr. LAHOOD] come forward and lead the House in the Pledge of Allegiance.

Mr. LAHOOD led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 457. An act to amend the Immigration and Nationality Act to update references in the classification of children for purposes of United States immigration laws;

S. 790. An act to provide for the modification or elimination of Federal reporting requirements; and

S. Con. Res. 21. Concurrent resolution directing that the "Portrait Monument" carved in the likeness of Lucretia Mott, Susan B. Anthony, and Elizabeth Cady Stanton, now in the Crypt of the Capitol, be restored to its original state and be placed in the Capitol Rotunda.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize 10 Members on each side for 1-minute speeches.

MEDICARE

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, we have heard a lot of hot air from the liberal Democrats about Medicare. But when they talk about Medicare what they really mean is medi-scare. They don't really want to save Medicare from bankruptcy. All they want to do is scare people into voting for their party. For Democrats it is perfectly acceptable to let Medicare go bankrupt—just as long as they have a political issue it doesn't matter what the truth is.

And the truth is that Medicare will be broke in 7 years if we don't take serious action right now. Republicans have not walked away from this issue.

Unfortunately for the American people, liberal Democrats have used Medicare for their twisted scare tactics. You see, liberals can not win elections with the force of their superior ideas. The only strategy that works for liberals is fear and disinformation.

But the American people are smarter than liberals would believe. They will not buy the scare tactics and they will not allow Medicare to go bankrupt. Mr. Speaker, later this month Medicare will turn 30 years old. The Medicare Trustees Board reports that unless something is done quickly, Medicare will not survive another 7 years. Republicans have responded to this warning. We are committed to protecting and preserving Medicare so that it can observe many more anniversaries.

It would be wrong to just ignore the warnings of those in charge of Medicare. But, that is exactly what the Democrats are doing. They ignore the advice of leaders in their own party.

Three of Bill Clinton's cabinet secretaries are on the Medicare Trustees Board, and yet the liberal Democrats here in the House act as if they do not exist. By their silence, liberal Democrats are admitting they would rather see Medicare go bankrupt.

The difference here, Mr. Speaker, is that Republicans want to save Medicare, Democrats do not want to do anything.

REPUBLICAN ABUSE OF POWER

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, I rise today to point out another outrage among the many insults that the Republicans continue to inflict upon this Congress and this country. Since they gained a majority in Congress, the onslaught of injustice has been tremendous.

They have stacked the top committees with the Johnny-come-lately party switchers. They have disenfranchised several Democrats, blocking us from voting, both in committee meetings and on this very House floor.

Legislatively, their crimes against the public have been horrendous. They do not even blush as they cut Medicare, Medicaid, student loans and other educational programs to fund tax cuts for their rich supporters.

The Republicans are drunk with their new found power, and their abuse of this power is rampant and excessive. But America is watching.

TOBACCO FARMERS

(Mr. FUNDERBURK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FUNDERBURK. Mr. Speaker, today and tomorrow thousands of farmers are making their way across my State for the opening of the annual North Carolina tobacco markets; 85,000 North Carolinians grow or manufacture tobacco. Another 154,000 depend on tobacco related spending. It pumps more than $1 billion per year into our economy.

Mr. Speaker, if you have been on a tobacco farm you know it is the most grueling and back-breaking work in agriculture. Most tobacco farmers struggle to survive. Unfortunately, this year they have been hit by twin disasters; bad weather and President Clinton. Too much rain weakened the crop. Too much Clinton and Kessler threaten the industry's survival. Mr. Speaker, the President has let the FDA wage war on thousands of North Carolinians. He talks about jobs, but his politically correct posturing has put over 200,000 jobs on the line in my State. The FDA's charge that the tobacco family is out to addict children is ludicrous on its face.

Mr. Speaker, as tobacco farmers go to market, I want to assure them that the radical left wing of the other party will not get away with its selective persecution of their historic and legal American industry. To the farmers in eastern North Carolina keep up the good work, help is on the way.

TRADE POLICY

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, 20 years ago Gold Star South Korea built radios for Zenith. Then Zenith started to build picture tubes for Gold Star. Yesterday Gold Star South Korea bought out Zenith.

Ladies and gentlemen, Philo T. Fransworth of Utah, father of American television, is rolling over in his grave. This country, the great America, invented television, telephones, typewriters. We do not build one anymore. But do not worry, American workers, you are going to get the high-technology jobs.

Tell me what is more high-technology than a sophisticated electronic device. Beam me up, ladies and gentlemen. Forty-eight billion dollar record quarter trade deficit; $11.5 billion trade deficit for May. Truth is, Democrats are out because they had no trade program. Republicans have no trade program. White House has no trade program.

America is losing our jobs and people are talking about the Mideast. We better start talking about the Midwest.

ANOTHER PROMISE KEPT

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, last year Republicans stood before the American people and made a promise that if we took the majority, we would conduct an audit of the operations of the House of Representatives. Today the findings of this audit are presented.

The audit had to be conducted. For years the American people were inundated by countless stories of misuse and abuse of congressional privilege. The light of truth and accountability had to be shown on the institution that is responsible for spending the American tax dollars.

I would just point out that this would never have happened had the other party remained in the majority. It would never have occurred to the other party to put themselves on the same level of accountability that they hold every other financial institution and every business in America under.

Mr. Speaker, today is a good day on the Potomac and a good day for the institution of Congress. By keeping promises and holding ourselves accountable, we have taken steps toward restoring trust with the American people.

HEAD START

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, children do not have lobbyists in this country. Children do not have political action committees, and children cannot vote.

And it is no wonder, Mr. Speaker, that children are getting the shaft by the Republican cuts in the Head Start Program. Here is a Head Start Program that President Reagan and President Bush wanted to increase funding in. They did not want to cut children out of this program. This goes too far and it is too extreme. This threatens to put children out on the streets.

The Speaker has an earning by learning program, paying children to learn by reading a book. You cannot pay them to read a book if you cannot teach them how to read.

Please support restoring the $137 million cuts to our precious Head Start Programs.

AUDIT RESULTS

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, business men and women across America know the first thing you do when you acquire a new enterprise is to audit the books. Last November the American people took back the House of Representatives from the liberals who had controlled it absolutely for 40 years. When the new American majority assumed responsibility for this institution last January, we took the practical, prudent step of authorizing a complete audit of the House of Representatives.

Today, the results of that first-ever audit are being made public. It will come as no surprise to the American people that the independent audit by Price Waterhouse has proven once again that power corrupts and absolute power corrupts absolutely.

Competence, waste, expediency, mismanagement, confusion, contradiction, living above the law, no accountability, no security, these are among the findings of the auditors being reported today.

The bottom line is inescapable and undeniable. This House, this cherished institution designed by our constitutional forefathers of this great Nation is once again going to be a people's House because we are going to clean it up.

KEEP PROGRAMS THAT ARE MEANINGFUL TO THE MIDDLE CLASS

(Mr. KLINK asked and was given permission to address the House for 1 minute.)

Mr. KLINK. Mr. Speaker, we have been dwelling on Medicare cuts for quite some time during these 1-minute remarks and for good reason. But the gentleman from Indiana who spoke two speakers previous to me talked about cuts in Head Start. He reminded me of a Head Start Program that I visited back in my own district. You could tell when they serve the lunches to these young children at Head Start that some of them had not eaten in quite a long time.

Now, the whole question is, How can you be prepared to learn if you do not have food on your stomach? How can you be prepared to learn when you are not getting that instruction at home? The parents did get them enrolled in the Head Start Program. Teachers talked about the fact that they had made great strides not only with these youngsters preparing them to learn but also with the parents themselves.

Cuts on college loans, cuts on Head Start, cuts in Medicare, cuts in Medicaid, these are going to hurt our people, and also that we can get $245 billion in tax cuts prior to balancing the budget. The elimination of corporate taxes and nonrefundable $500 per child, lower capital gains, this is not going to mean much to the middle class. But Medicare, Head Start, college loans, all of these things mean a great deal.

MORE ON AUDIT RESULTS

(Mr. LINDER asked and was given permission to address the House for 1 minute.)

Mr. LINDER. Mr. Speaker, given the Democrats' track record for balancing the Federal budget, it should come as no surprise that they used less than precise bookkeeping during the 40 years of managing or mismanaging the House of Representatives.

According to Roll Call and a Price Waterhouse audit of the House books, Democrats did not pay the bills they ran up, used numbers convenient to their purpose, and made a mockery of the trust of the American people. Sound familiar? That is the exact same Democrat management style that gave this country $5 trillion of debt.

Having heard the demand of the American people, House Republicans are changing the way Congress operates. It is simply common sense to expect the people's House and the Government to pay their bills. That is what small businesses and American families do across the country. The Government of the greatest Nation on Earth should do no less. We will balance the budget in 7 years. Republicans are administering this House of Representatives with seriousness and reverence appropriate for the leading democracy and not the lackadaisical approach taken during the last 40 years.

CRUMBLING ECONOMY

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, as the Republican revolution patters on about the audit of the House of Representatives, the economy is crumbling around us. It is business as usual in Washington, DC, or, rather, as usual, big business and Wall Street are dictating that we continue our failed trade policies with the enthusiastic support of the new Speaker and the new majority.

We ran a record trade deficit in May. According to the Commerce Department, it was an $11.4 billion trade deficit. That means we exported 228,000 jobs to unfair trading partners around the world.

What does the new majority have to say about that? Well, precious little, because they are too busy filling their campaign coffers with special trips to Wall Street rather than addressing the failed trade policy. Yes, this administration, the Clinton administration, has followed Reagan and Bush in this failure. But the new majority is doing nothing to change it. We need a new trade policy for this country, a policy that brings jobs home to America and protects our economy.

RESULTS OF HOUSE AUDIT

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, I listened with great interest to the preceding speaker pooh-pooh the results of the House audit. My goodness, the most profound news to come out of this new Congress, another promise kept that showed by this audit what blatant disregard House officials had for common mathematics.

Listen to this. Records were so inadequate and so incomplete that the auditors would not render an opinion on the reliability of the House's financial statements. This is the worst evaluation that an auditor can issue. The finance office in this institution under the previous rule processed $700 million a year in expenses and salaries using handwritten ledgers that the auditors cannot make sense out of.

The fact is, Mr. Speaker, this new majority with help from dedicated Members of the new minority will remake this institution in the image of the American people. Today the audit symbolizes another promise made, another promise kept, keeping our word and bond with the American people to get back to basics and get back to business.

REPUBLICANS WANT TO PRIVATIZE MEDICARE

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, a recent Washington Times story confirmed what seniors have feared about Republican plans to cut Medicare. The conservative newspaper reported that the Republican leadership's ultimate goal is to privatize Medicare. Today, the GOP is ready to dismantle Medicare today, to finance their tax cut to the wealthy. But what about tomorrow?

The Gingrich plan to privatize Medicare will mean that seniors will pay more in premiums and deductibles and will lose their choice of doctors. Under the Gingrich plan, recipients who now pay $46.10 per month for Medicare part B would pay more than $110 per month.

Thirty years ago when Medicare was established, 93 percent of Republicans opposed the plan. Now, the Gingrich Republicans are walking in lockstep once again and are out to achieve a 30-year goal, dismantling what they never wanted in the first place—Medicare.

FINDINGS OF FIRST AUDIT

(Mr. LARGENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARGENT. Mr. Speaker, this is a small sample of what the House books look like. I think the American people expect us to not only read the House books but also to have an audit of the House books, and today marks the release of findings of the first—America, did you hear that—the first audit of the House books in history.

In this audit, the auditors found in the last Congress a shocking disregard for financial controls, a disregard for businesslike practice and frequently having waived the rules regarding the House books.

Some of the promises that we made on the first day of this Congress was that Congress would live under the same laws that everybody else has to abide by. I think that is only fair. Another one of the promises that we made was that we would have the first audit ever of the House books.

The auditors have come back and said that the House books are in a shambles.

Mr. Speaker, there is an old adage that says if it does not work at home, do not export it.

Let me tell you, it has not worked in this House for a long time. But this year we are making it work in this home and then export it to the rest of the American people.

□ 1020

MAY'S TRADE NUMBERS

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, just hot off the press, America ran another budget-busting $11.4 billion trade deficit for the month of May, continuing the recordbreaking hemorrhage for 1995 for our country. For the first 5 months of this year, we recorded a trade deficit with the world of over $52 billion, an increase of 30 percent over the same period last year, more lost wages for this country, more lost wealth. What is the administration, the leadership of this House, and every other "blind trader" around Washington doing about this bleeding of America's wealth?

While we chalked up a deficit of $2.8 billion with China just in May and a projected $32 billion deficit with them for this year, the administration is pushing for extension of most-favored-nation for China. With Mexico, after all the promises of increased exports to Mexico, our country is projected to run a $20 billion trade deficit with them this year. American workers can no longer afford to sustain these kinds of trade losses. Let us bring that wealth back to America.

REPUBLICANS STAND FOR CHANGE, DEMOCRATS STAND FOR THE STATUS QUO

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Mr. Speaker, we, the Republican majority, are committed to preserving, protecting, and improving the Medicare system. However, the other side continues to play the political games and ignores the writing on the wall. The Clinton Medicare trustees stated that the program will be bankrupt by the 2002. The fact that the system is going bankrupt makes our efforts more important than ever before.

Our plan gives States the flexibility needed to design effective, innovative health programs tailored to meet the special needs of individual citizens. We will not cut the Medicare Program, instead our proposal includes a spending increase of $340 billion over the next 7 years—a 34-percent increase in Medicare spending per retiree.

We will clean up the waste and inefficiency in the system and provide an improved system for current and future generations.

Bottom line, we stand for change, the Democrats stand for the status quo.

CALLING ON THE SPEAKER OF THE HOUSE TO DENOUNCE RACISM

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Mr. Speaker, it is rare that I come to this well with news that is unpleasant. My tendency is to be very positive about most things all the time. However, I will share several events that I would like to call to Members' attention.

On Thursday, as I was in the elevator 5B in the Rayburn House Office Building, on the very elevator door was written these words: "Niggers equal crime." As if that was not enough, the problem for me was exacerbated when about 3 o'clock on Sunday morning I was awakened by a telephone call. That telephone call said to me, in a prank call, "We are going to join NEWT GINGRICH in killing all niggers."

Mr. Speaker, I urge you this morning to mount this well as Speaker of the House of Representatives, as a leader in this Nation, to let this country know that these epithets do not represent you. In the depths of my heart I would hope that you would help us to make all Americans believe that.

EFFORTS TO SAVE MEDICARE ARE NOT MEAN-SPIRITED

(Mr. KIM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIM. Mr. Speaker, I had a design engineering firm before I joined in Congress 2½ years ago, and at one time I had 150 employees, and I am an expert in mathematics. Let me tell the Members, this is the flat tax that the political leadership proposed, a 17 percent flat tax. This is what is proposed by my colleagues on the other side of the aisle. It is a different bracket based upon income.

Let me plot this. They insist this is a flat tax also. I would like to ask the American people, does that seem flat to them? Let me take a look at this Medicare. Mr. Speaker, this line is leading into bankruptcy within 7 years. The bottom line is what the Republicans are proposing, trying to save and preserve the Medicare system from bankruptcy. Look at these two lines. This green line is simply trying to slow down the rate of increase just a little bit. Still there is an increase. Each year we are spending more money. My colleagues call it cuts, draconian cuts, mean-spirited cuts. I just do not understand this.

FOLDING OF NEW YORK NEWSDAY

(Mr. SCHUMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHUMER. Mr. Speaker, yesterday morning when I woke up in New York, I did what I customarily do, I go to the door of my apartment and pick up the newspapers. Something was missing. That was New York Newsday, the paper that folded that Sunday. All New Yorkers, and particularly those of us who read Newsday and were covered in Newsday, regret this loss very much.

Whether it was their feisty and comprehensive coverage in New York City or the investigations they did or the thoroughness with which they treated the outer boroughs, Brooklyn, Queens, where I come from, or whether it was the complete, fair, and balanced coverage of Washington which made the reader interested in what went on there, New York Newsday is going to be missed. I regret very much that it is not continuing.

It seemed that it was almost about to turn a profit when its life was untimely ended, and yet those of us who know the reporters and editors and delivery people who made this newspaper tick will tell the Members one thing: It did a great job, it improved all of its competitor papers, as they would be the first to admit, and it made our city a better place. New Yorkers and Americans will miss New York Newsday.

OPPOSE THE ANTIFARMER LOWEY AMENDMENT

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, having lived in the middle of Georgia's farm belt all my adult life, I want to make sure the facts are on the table as we debate this year's agriculture appropriations bill.

It concerns me that big city representatives think that cutting farm programs is the simple solution to budget problems. For example, Mrs. Lowey of New York plans to offer an amendment which would lower the support price of peanuts from $678 per ton to $550 per ton.

Now, she thinks that a cut like this will produce savings, but according to USDA it would cost taxpayers around $100 million. That's right, a cut that would cost taxpayers millions.

But that is not all. She also believes that this cut will spell out savings for consumers. Wrong again. Reduction in the farm price for peanuts will not be passed on to the consumers.

In fact, 74 percent of the consumer's cost for peanut butter is added on by food processors after peanuts are sold by farmers. This amendment would actually increase profits for multinational commodity traders and food companies by paying farmers less for their peanuts.

Oppose the antifarmer Lowey amendment. It will not lower Government costs, it will not lower consumer prices, but it will devastate small, family farmers across the country.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Edwin Thomas, one of his secretaries.

PROVIDING FOR CONSIDERATION OF H.R. 2020, TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1996

H. RES. 190

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2020) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered by title rather than by paragraph. Each title shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: beginning with "*Provided further*" on page 33, line 2, through "Maryland:" on line 13; and page 42, line 9, through page 43, line 6. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentleman from Florida [Mr. Diaz-Balart] is recognized for 1 hour.

Mr. DIAZ-BALART. For purposes of debate only, Mr. Speaker, I yield the customary 30 minutes to the gentleman from California [Mr. Beilenson], pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for purposes of debate only.

Mr. Speaker, House Resolution 190 is an open rule, providing for the consideration of H.R. 2020, the Treasury, Postal Service, and general government appropriations bill for fiscal year 1996. H.R. 2020 provides funds for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certainly independent agencies.

The rule waives clause 2, prohibiting unauthorized and legislative provisions, and clause 6, prohibiting reappropriations, of rule XXI against provisions in the bill, except as otherwise specified in the rule.

The rule also provides for the reading of the bill by title, rather than by section, for amendment, and each title is considered as read. In addition, the Chair is authorized to accord priority in recognition to members who have preprinted their amendments in the Congressional Record. And finally, the rule provides for one motion to recommit with or without instructions.

I would like to stress that this rule is an open rule, so open that it does not even restrict dilatory tactics. We are hopeful that Members will not utilize stalling techniques that do not advance debate nor improve the substance of legislation.

This rule does not provide waivers of the rules for any amendments to H.R. 2020. It is a standard open rule, and Members who want to move funds around or reduce funding for certain programs will be able to do so within the parameters of House rules. Any battles regarding the level of funding for particular programs or projects can be decided on the floor in a deliberative manner.

I would like to commend Subcommittee Chairman Lightfoot and Chairman Livingston for their hard work on this bill. As an open rule on this $23 billion measure, House Resolution 190 could not be more fair, and I urge its adoption. Mr. Speaker, for the Record, I include the following information regarding amendments:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 17, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	35	73

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS—Continued

[As of July 17, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Modified Closed[3]	49	47	12	25
Closed[4]	9	9	1	2
Totals:	104	100	48	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 17, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17 H.J. Res. 1	Social Security Balanced Budget Amdt	A: 255–172 (1/25/95).
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are not opposed to the rule for H.R. 2020, the bill making appropriations for the Treasury Department and Postal Service, Executive Office of the President, and several independent agencies for the fiscal year beginning October 1.

This is an open rule. It is not, however, the "open-plus rule" that the other side of the aisle requested just a year ago for this same appropriations bill. The rule waives several House rules that are violated by provisions of the bill, including the rule prohibiting unauthorized and legislative provisions in an appropriations bill, and the bill prohibiting reappropriations. Those same waivers were strongly criticized last year by our friends across the aisle, but as we have noted before in recent days, this is a new day, and the new leadership has now discovered the importance of those waivers of standing House rules in order to move legislation that is essential to the Federal Government's day-to-day operations.

We do not oppose the waivers provided by the rule. We are, however, concerned that the majority would not permit the same waivers for several key amendments that Members sought to offer. We attempted to make several amendments in order last night when the Committee on Rules considered this resolution. Of particular importance to many of us was an amendment offered by the gentlewoman from Colorado [Mrs. SCHROEDER] which would have opened the Federal employees' health benefit plan to all Americans. The gentlewoman argued, we thought quite convincingly, that since the bill itself opens up the Federal Government's health plan to a significant change, she should be permitted to offer her amendment on this matter.

As my colleagues will recall, this was the one key feature of the health care reform debate that most of us seemed to agree on during that ill-fated debate on the issue last year, that all Americans should be able to participate in the health care plan that Members of Congress, their staffs, and Federal employees have access to. Unfortunately, we will not be permitted to debate that simple proposition today because the majority on the Committee on Rules voted on a straight party line vote not to provide the amendment with the gentlewoman from Colorado with the waivers it needed.

We also attempted unsuccessfully to make in order the amendment offered by the gentleman from Kentucky [Mr. WARD] which would have authorized the collection of taxes from former American citizens who renounced their citizenship in order to avoid paying taxes. This is a very clearcut issue, Mr. Speaker. We feel strongly that any wealthy American who renounces his or her citizenship in order to avoid paying taxes on the wealth they have amassed while they have enjoyed the benefits of U.S. citizenship should not be rewarded. Unfortunately, the Members of the House have been denied again the right to vote on this amendment.

We also sought to make in order two amendments dealing with the deficit lockbox issue. The Members, including the gentleman from Oklahoma [Mr. BREWSTER] and the gentlewoman from California [Ms. HARMAN], have been tenacious in arguing their position on this important issue. We continue to believe that they should be allowed to offer their amendment to this year's appropriations bills. We understand the leadership has scheduled a markup session for this week on legislation dealing with this issue.

We certainly welcome that response to an issue that we have been discussing for weeks, but it does not completely allay our concerns. That is, after all, only a committee markup session. We do not know what will happen after that.

Mr. Speaker, it simply does not make sense to pass a measure requiring that all money cut be applied directly to deficit reduction after the appropriations process is over. That is too late. The point is to take any spending cut amendments from these appropriations bills, including the one we are discussing today, and apply those to deficit reduction. If we approve a lockbox bill at the end of the process, that is too late. As it is, we are already behind schedule.

As Members should know, one of the Brewster amendments we sought to make in order last night would have amended House rules by creating a deficit reduction lockbox that would have applied all money cut to deficit reduction during not only the remainder of this year's appropriations cycle, but also would have travel locked in any spending cuts made by the House so far this year.

We also sought, Mr. Speaker, to make in order several other amendments, including four offered by the gentleman from Maryland [Mr. HOYER], the ranking minority member of the Subcommittee on Treasury, Postal Service, and General Government of the Committee on Appropriations that would have restored badly needed funding for the Federal Elections Commission and for the White House offices. We are particularly concerned about the political nature of these cuts.

As Members of the minority pointed out in their views on the committee report, the cuts in the President's Office are contrary to the longstanding practices of the committee, regardless of the political party in power in the White House. The Office of the White House is the office of the President, and should be treated in a nonpartisan manner.

In addition, the FEC is already operating under severe budgetary constraints, and the cuts in this bill will severely hamper its ability to carry out its responsibilities to assure the integrity of elections. We should all be very concerned about this cut, Mr. Speaker. We talk constantly about the need to protect our process and keep it free from outside interests, but this cut is clearly an attempt to reduce the effectiveness of the one agency that oversees in some objective manner the election process.

Many of us are deeply disappointed that H.R. 2020 prohibits Federal employees from choosing a health care policy that provides a full range of reproductive health services, including abortions. In 1993, we wisely reversed this policy that had been in place for a decade. The reinstatement of this policy threatens the right of Federal employees to choose to have an abortion, a right that has been guaranteed by the Supreme Court, and it discriminates against women in public service. I regret that we are taking one more step against ensuring that all women have the right to a safe and legal abortion.

Mr. Speaker, we are concerned about many other provisions of H.R. 2020, but we feel most of them can be addressed by the open rule this resolution provides. Unfortunately, we will be unable to address the restoration of funds for the Council on Economic Advisers, a panel that has always provided us with a long-term look at the economy that we in this body too often ignore.

The bill also cuts, we believe unwisely, funds for the Internal Revenue Service. That makes no sense to us, when we are trying to balance the budget to improve the ability of the IRS to bring in more revenues. In any event, Mr. Speaker, we do not oppose the rule, although we are very concerned, as I have tried to make clear, that we were unable to make in order several key amendments that should have been provided waivers by the committee on rules.

Mr. Speaker, I reserve the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to my distinguished colleague, the gentleman from Florida [Mr. GOSS], a member of the Committee on Rules.

□ 1040

Mr. GOSS. Mr. Speaker, I thank my friend, the gentleman from Florida [Mr. DIAZ-BALART], for yielding me this time.

He is a very, very energetic member of the Committee on Rules and has brought us a very good rule today. I think it is a very fair rule. It is open. It provides necessary protection under the specific rules for the fact that the Congress as a whole we recognize is somewhat behind in all of our authorizing programs, and this rule was set up to help us get back on schedule in completing our appropriations work as soon as possible, which obviously is priority business for our Nation.

As the chairman of the Legislative and Budget Process Subcommittee, which has jurisdiction over the lockbox issue, I want to address the concern we have heard from a number of Members on this subject both in the Committee on Rules hearings and in the corridors and the cloakrooms, Members on both sides of the aisle.

We need to move ahead with the lockbox measure, and we are. Tuesday of last week, our subcommittee held a joint hearing with the Subcommittee on Government Management, Information, and Technology which is chaired by our colleague, the gentleman from California [Mr. HORN].

Our staff has been working practically nonstop since that time, including over the hot days of this weekend, to craft a workable lockbox mechanism. We now have scheduled a full Committee on Rules markup for this Thursday morning.

I know to some Members it seems that this is a simple concept and we should have gotten this done quickly. I would suggest that moving this fast around here is lightning-like, compared to the usual glacial pace.

Locking in savings for deficit reduction once the Congress votes to make cuts in spending bills sounds like a good idea, and it is, and it should be easy to implement, and it is not. There are important rules and technical considerations that simply have to be worked out. There are a lot of players in this.

The Budget Act is a very complicated document, as we all know, and we want to be sure we are closing all the loopholes while we are retaining the power to make the necessary decisions to bring our budget into balance, which we have also promised we will do and voted to do, and we are on that glide path.

It is incumbent upon all of us to make sure we get the thing right the first time, and I do not think I need to remind my colleagues of the countless times we have rushed headlong into something, swept by the momentum of the moment, only to find we have to go back and rewrite it because we made mistakes. The catastrophic health bill comes to mind, something I remember very well.

It is a bit like speeding to the airport to catch a plane. When the policeman pulls you over and gives you a ticket, you end up missing the plane and having to pay the speeding fine. I do not see any reason to do that.

I assure my colleagues that I and the chairman of our Committee on Rules, who has just entered the Chamber and I am sure will speak to this, are fully committed to bringing forward a workable product on a lockbox that can be applied to the appropriations work we have already done and are continuing to do for the fiscal year. In fact, we have the legislative draft ready and we are working that out now with the interested players. I see no reason why we do not have a good product that will survive the markup very well.

This is on fast track. It will be done. The plane is leaving the runway. We just want to make sure that we get to our destination of deficit reduction without hitting a mountain along the way.

I urge support for this rule. I think it is a good, fair rule. I have spoken on the lockbox because it is an issue of concern to a great many people on both sides. I would point out that if we do this the right way with the lockbox, we will be using as our guideposts our CBO figures, which are considerably better in terms of conserving dollars than the OMB figures, which are statutory, because our budget targets are lower.

I think that is an extremely important point. I realize it is technical, inside-the-beltway baseball to be talking about that, but I think our Members need to be sure that the savings are real and that they are made.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to the rule. I rise in opposition because of the lockbox, an issue that I have been greatly concerned with over the last 4 or 5 years. In fact, the origins of this proposal occurred at one of our Democratic retreats when the gentleman from Oklahoma [Mr. BREWSTER], the gentleman from Texas [Mr. EDWARDS], the gentlewoman from California [Ms. HARMAN], and myself were sitting down and wondering why do we not do something like this?

My question to the majority is, why are we stalling on the lockbox? We all know that without this amendment, all spending cuts in appropriations bills are a sham. The funds cut from one program are transferred to another program during a closed-door conference. We have seen this happen year after year after year.

Let us try something completely novel in the appropriations process—honesty. If we are going to say that we are going to cut spending, if we are going to boast to our constituents that we cut waste and saved taxpayer dollars, let us be honest about it. Let us give Members a chance to dedicate those funds that are cut to deficit reduction.

Our constituents would be shocked to learn that spending cuts won in hard-fought floor battles have absolutely no impact on the deficit. I reject the notion that somehow the lockbox is too complicated to work procedurally. My constituents understand it immediately. Mr. Speaker, if there is a will, there is a way.

The lockbox should have been enacted before the House took up this year's appropriation bills because once again these bills are filled with pork. I have heard what the gentleman from Florida has said, but we have no guarantee a separate bill passes the Senate, where every Senator has lots of little goodies in every appropriation bill. We have no guarantee of anything other than that there will be some bill on the floor here. If you put it in the appropriations process, that is where it is going to happen. So let us not fool people.

Last year the Schumer-Crapo-Brewster-Harman lockbox had the support of 135 Members, including then Minority Whip GINGRICH, Representatives KASICH, SOLOMON, and ARMEY, and a whole bevy of spending cutters on the other side.

I do not understand why a bill that made so much sense to the Republican leadership in 1994 is anathema in 1995. I commend both Democrats and Republicans who say "no" to this restrictive rule and "yes" to the lockbox.

Mr. DIAZ-BALART. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, someone, if there is anyone, who proves that where there is a will, there is a way with regard to fiscal responsibility, so much so that on Thursday, just 2 days from now, he has scheduled a markup precisely of legislation on this lockbox issue.

I am very proud of that. I know we have other Members on the floor such as the gentleman from Florida [Mr. GOSS] and the gentleman from Florida [Mr. FOLEY] here who have worked very hard on this issue. I want to thank the chairman of the Committee on Rules for scheduling that markup and for working so hard and diligently with such extraordinary leadership on this issue.

Mr. SOLOMON. I thank the very distinguished gentleman from Miami, FL, for yielding me the time.

Mr. Speaker, I sort of hesitate to stand up now because I get my hackles up. I have a Siberian Husky dog. When he really gets concerned, the fur stands up on his back, and he is ready to attack. Well, I am not going to attack right now, but I just have to call attention to the previous speaker. He is a colleague of mine that I served with in the New York State Legislature. I will say this with all due respect because he probably is recognizing his constituency in New York City, but he is, according to the National Taxpayers Union, one of the biggest spenders in the Congress and has been since the day he arrived here—following through with his previous record in the New York State Legislature.

So when I hear people that are worried about a lockbox and they want to enact a lockbox because it is going to save money, I just sort of have to chuckle. But nevertheless, I will assume that he is going to vote for a lockbox. We are going to put a lockbox out on this floor. We are going to go to the Committee on Rules on Thursday.

I see some of the Members on the other side of the aisle flinching, because they really are worried about a lockbox becoming part of the law, not just a rule of the House but the law of the land. They are shrinking over there. But I am not. Neither are the sponsors of this legislation, H.R. 1923. This is 1,200 pages of cuts. It cuts everything. We put this together, our balanced budget task force, the gentleman from Florida [Mr. GOSS] and the other Members, so that it would be a guide to all of the Members who really are serious about getting this terrible, terrible deficit under control, this sea of red ink which is just literally turning this country into a debtor nation. What is less compassionate than that when we become a debtor nation, because you are not going to be able to take care of those people that truly need help?

Let me tell what the lockbox does that we will markup on Thursday. It may be subject to change because every Member should have input.

Number one, let me give an example. The House votes to reduce spending in an appropriations bill by $100 million. I am going to vote for it. I have voted for all of these cuts that we see on the floor day by day, whether it is the National Endowment for the Arts, whatever it is. I am voting for it because we have to get this spending under control. But let us say the House passes a $100 million cut. Maybe it eliminates the space station or whatever it does. The Senate, the other body, enacts a $50 million cut on that particular function in the budget. The difference is between $50 and $100 million. Now we go to conference. I see the gentleman from Maryland [Mr. HOYER] sitting over there. This proposal does not tie the hands of the appropriators. It lets the House work its will following the committee system, as it should, because that is the only way we are going to make sure that this body functions as it has functioned for 219 years.

The difference is now between $50 and $100 million. They compromise it out at $75 million. It goes back to both Houses for approval. Both Houses approve it.

The $75 million then is locked in. We automatically lower the 602(a) allocations, we automatically lower the 602(b) allocation. That is confusing to the people in the galleries and in the audience, but what that does is this: It means that once those 602(b) allocations are lowered, the money can never be spent again. It can never be redistributed. It is gone. But this is fair. To change that, we would have to come back on this floor of the House and the Senate and pass a resolution raising those 602(b) allocations or 602(a) allocations back up again.

Mr. Speaker, that is lockbox. This is not some phony thing to supposedly take some invisible money, put it in a box and leave it there for some later Congress, or later on in this particular Congress, for Congress to change its mind. We do not do that at all. We do not appropriate the money in the first place and we do not allow it to be spent in the second place later on. That is what we are going to do.

I am going to challenge everybody on both sides of the aisle, all the so-called deficit hawks. Put your vote where your mouth is. We are going to come to this floor with a lockbox bill. I expect every one of you to vote for it, especially those that have been standing up here saying "we're for it," and we are going to see how this Congress comes down.

I predict that this Congress will pass that legislation. Once we do pass the lockbox as a freestanding piece of legislation, then we have ready an amendment which we can attach to every appropriations bill if necessary, and we will have true savings in this Congress.

Mr. Speaker, that is what is going to happen. I do not know how we can move any faster than this, particularly when we have Members on the other side of the aisle and Members on our side of the aisle that do not want a lockbox. But the vast majority of us do. This is the we to get it.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Speaker, deficit hawks—freshmen Members—lockbox supporters—Members of the House—defeat this rule.

Last week, the distinguished chairman of the Rules Committee told this Member on this floor of his intention to have the committee report a rule before the August recess that permitted consideration of the bipartisan lockbox deficit reduction amendment.

The gentleman is sincere and has worked diligently with me, the gentleman from Oklahoma [Mr. BREWSTER], and other lockbox supporters in that effort. And the news of Thursday's markup is heartening.

But prior experience in a related issue causes me to say, "Fool me once, shame on you; fool me twice, shame on me."

Let me remind my colleagues of similar promises made in the last Congress by leaders of my party. Democratic leaders promised that the A-to-Z bill, cosponsored by a majority of House Members, would come to the floor. "Soon" was the operative word.

Soon Labor Day passed. Soon Halloween passed. Soon Thanksgiving passed. No A-to-Z bill. Soon the Congress adjourned.

Now, with control transferred to the other party, the same kinds of promises are being made. The same kinds of institutional forces are coming into play. The gentleman from New York promised lockbox would be available as an amendment to an appropriations bill. Now we are told that lockbox can't come to the floor until after Labor Day—after the House has passed all its appropriations bills.

Today, however, we can avoid that scenario. We are asking Members to help make the gentleman from New York's commitment a reality. Today, a majority of this House can defeat the bill and direct the Rules Committee to make the bipartisan lockbox amendment in order.

As I said last week, Mr. Speaker, this is the lockbox. Look, it's empty. It's empty despite more than $132 million in savings this body has voted in amendments to five appropriation bills.

It's empty because the Rules Committee has, at the direction of the House leadership, again declined to recommend a rule making in order the Brewster-Harman lockbox amendment requiring spending cuts made to bills during floor debate be used solely for deficit reduction.

And the lockbox will remain empty unless my colleagues join in voting to defeat the previous question and the rule providing for consideration of the Treasury-Postal appropriations bill.

Let the will of majority rule this House.

Vote "no" on ordering the previous question and vote "no" on the rule.

Mr. DIAZ-BALART. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Florida [Mr. FOLEY], someone who has arrived recently in the House and yet in the short time that he has been here has already distinguished himself on a number of issues and especially this issue of requiring deficit reduction by a specific mechanism that will be targeted to that purpose. Of course it has become known as the lockbox issue. As the chairman of the Committee on Rules has stated, on Thursday, just the day after tomorrow, we are going to mark up in the Committee on Rules specific legislation to carry this out.

Mr. FOLEY. Mr. Speaker, I want to thank my friend, the gentleman from Florida [Mr. DIAZ-BALART], the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules, and the gentleman from Florida [Mr. GOSS] for hearing us on this issue.

The lockbox is critical to this freshman and to many like myself who came to Congress. I have heard the discussion from others that suggest that this is merely an attempt to stall and to delay. I have to have some faith in this process and for the Members I serve with in order for this House to work.

I have met with the gentleman from New York [Mr. SOLOMON]. I have met with the gentleman from Georgia [Mr. GINGRICH], the Speaker of the House. I have met with the gentleman from Texas [Mr. ARMEY], the majority leader, on this issue. They have looked me in the eye and assured me that the lockbox will be coming to the floor before the August recess.

The gentleman from New York [Mr. SOLOMON], chairman of the Rules Committee, has guaranteed us a Thursday hearing on the full bill. He has been a vocal proponent of the lockbox and has gone with us to every meeting so that we would not be on that proverbial branch hanging out by ourselves.

For those of my colleagues who are unaware of what the lockbox is, it is a simple accounting mechanism to ensure that spending reductions made in the House on appropriations bills are applied toward deficit reduction and not inserted as additional spending later in the appropriations process.

My friend, the gentlewoman from California [Ms. HARMAN], knows the frustration of saving money in the process, to have it swept away by another appropriator or another Member of this Congress to help them in their districts.

Mr. Speaker, we were elected to represent the entirety of the United States of America. It is time that each Member of Congress stopped looking at their district as the only thing they have to be concerned about. If we are to save this Nation, it is going to take 435 dedicated men and women preserving this democracy and the fiscal freedom that this Nation deserves for itself and future generations.

With the assurance from the chairman, I rise in support of the rule. The newspapers carry stories we were going to oppose the Treasury-Postal rule on the floor today. But I am going to give them this opportunity to prove me right, that the truth and the word of a Member is a bond to another Member.

It is the one thing I learned when I first got elected to the House of Representatives in the State of Florida. A Member's word was his bond. You had to trust it like the proverbial handshake amongst business associates. We are going to give it this one opportunity. I trust the gentleman from New York [Mr. SOLOMON], the chairman of the Committee on Rules, I do trust the gentleman from Texas [Mr. ARMEY] is going to give us this vote next week, I say to the gentlewoman from California [Ms. HARMAN]. I urge my colleagues, both Democrats and Republicans, to give us this one chance to prove them right. If they are not, we will join together in the next attempt to prove us willing to move this House in the direction of taking savings and making those savings accrue to the benefit of the American taxpayer.

□ 1100

TRIBUTE TO LENORE DONNELLY

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The Chair acknowledges the contributions of Ms. Lenore Donnelly as chief Democratic page as she announces the Presidential messenger and as she plans to embark upon a well-deserved retirement.

Lenny has been truly instrumental in ensuring the integrity of the page program. She has contributed immeasurably to the education and sense of public service of many young men and young women and the House certainly wishes her well. Congratulations.

(By unanimous consent, Mr. HOYER was allowed to speak out of order for 1 minute.)

TRIBUTE TO LENORE DONNELLY

Mr. HOYER. I join the Speaker in his similar, kind remarks regarding Lenore Donnelly; as we affectionately know her, Lenny. She is an extraordinary public official. Too often the public does not see those who labor. They see the people at the front desk on the television from time to time, but there are so many others around this Chamber who are absolutely critical to the functioning of this organization, to the ensuring that we have the materials at our desks, the CONGRESSIONAL RECORD at our desks.

We recruit and appoint, from all over this country, young people to come here to learn about their democracy. I have, and others have, the opportunity to talk about our pages. But we put into the hands of a few people the stewardship of those pages and Lenny Donnelly is one of those people.

Mr. Speaker, you only need to talk to the pages to understand her vision for them, the affection with which she is held, and the respect with which she is held by so many of them.

We want to tell Lenny at this point in time, and there will be an opportunity over the next 24 hours to say some additional words, how very much all of us in this House appreciate the care and the commitment and contribution she has made to the functioning of this House.

Lenny has done an extraordinary service for her country and an extraordinary service for this House. She has befriended all of us who serve here with her and we thank her so much for that.

Mr. BEILENSON. Mr. Speaker, I yield 4 minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Speaker, I think the rule we have before us today is a mixed blessing. The rule is good because it does not include a number of legislative riders that should be debated on other bills. The Committee on Rules has decided not to make these in order, and I hope it will set an example, frankly, for other bills. We are debating, right now, the VA–HUD bill, which is replete, a third of the bill is authorizing language, very frankly.

But, unfortunately, in an zeal to bring the Treasury-Postal bill to the floor, the Committee on Rules has failed to make in order a number of amendments that I personally wanted to propose. Although they meet the criteria for an appropriation bill, they do not meet the technical qualifications of the new House rule.

It seems to me that this is inappropriate, because they dealt with action taken on appropriations issues within the committee.

For instance, I had hoped to offer an amendment to restore funds for the Council of Economic Advisers, the CEA. The Council of Economic Advisers is a critical agency which advises the President. It was zero-funded in our bill.

This rule, unfortunately, because of the new rule dealing with titles, makes me unable, because there is no language in the bill, to even offer the amendment to have the policy judgment before this House as to whether or not we ought to restore funding, that is an appropriation, for the Council of Economic Advisers. It seems to me that that is right on point on this bill and ought to be allowed. Unfortunately, the Committee on Rules saw fit not to allow that amendment.

In addition, the agency responsible for monitoring Federal mandates, the Advisory Commission on Intergovernmental Relations, was also eliminated and it is not in order for me to suggest the restoration of that.

Mr. Speaker, I understand neither of these provisions are made in order under the rule. I will, however, continue to press for the approval for both of these important areas of government as this process moves forward.

Mr. Speaker, I am also disappointed that the Committee on Rules did not make in order an amendment by the gentleman from Kentucky [Mr. WARD] to close a loophole in the so-called billionaires tax. The amendment of the gentleman from Kentucky [Mr. WARD] would have given the Secretary of the Treasury the authority to collect taxes from individuals who have renounced their U.S. citizenship; billionaires profiting from being Americans in the greatest economic free-market system in the world and who now simply move overseas and say, "Yeah, it was a great country and I earned a lot of money from it, but I am not going to help pay taxes."

I am sure the gentleman from Kentucky [Mr. WARD] will speak about it in the future; billionaires and other wealthy Americans who have renounced their U.S. citizenship yet are no longer participating.

Mr. Speaker, because of these inconsistencies, I regret that I am not going to be able to support this rule and I will oppose the previous question. I am hopeful that that will lose and that then we can offer an alternative rule which will give us an opportunity to consider items which are legitimately within the purview of the appropriations process and are not authorization issues, such as whether we ought to fund certain agencies.

The perverseness of the rule that was adopted at the beginning of this session in effect gags Members, if the Committee on Rules chooses to not protect them, whenever an appropriation committee decides to eliminate an agency. Clearly, Members ought to have the opportunity to come back and say, "No, we ought to restore that agency and have that debate." Under the circumstances of this rule, we will not be able to do that.

Mr. Speaker, I will have a lot to say, of course, on the substance of the bill when and if we get there. But I regret, Mr. Speaker, that I will not be able to support this particular rule.

Mr. DIAZ-BALART. Mr. Speaker, at this time, I do not believe we have any other speakers on this side of the aisle, and I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, yield 4 minutes to the gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Speaker, before I begin my remarks on this issue, I want to join with my colleague, the gentleman from Maryland [Mr. HOYER], in talking about Lenny Donnelly. As a new member, she has been helpful and kind and generous with her time and with her advice and she is back doing it again now.

Mr. Speaker, I want to add my thoughts, my comments, to what the gentleman from Maryland [Mr. HOYER] has said. There are many people who work here who were not elected to work here and maybe could find jobs where they got to go home at night.

But Ms. Donnelly, Lenny, as of course we know her, has been here. She has stayed and she has worked and she has made a fine contribution to this body and to this Nation and for that I think we all owe her a special debt of appreciation.

Mr. Speaker, I rise today to speak in favor of voting against the previous question and against the rule. I say it that way because what I think Members need to understand is that today's vote on the previous question is the only way, the only opportunity we can get the Members of this body on record on this issue of closing the expatriate billionaire's tax loophole.

I have to say it slowly, because it is a mouthful: The expatriate billionaire's tax loophole. What that means in real English is that people who have succeeded, people who have inherited, people who have benefited financially in an incredibly great way from the success that this country offers people and have become so wealthy, they have become so wealthy that it is economically valuable to them to renounce their citizenship are doing so. It is not hundreds, but it is dozens and it is an incredible thing to me.

Mr. Speaker, I ask myself when I think of this issue, and I ask those in the body to think of it this way, can they imagine, they are at home, they are coming out of church or are at a grocery, somewhere in the neighborhood, and somebody says, "Mike, I haven't seen you in a long time. Where have you been?" Can my colleagues imagine saying, "Well, I had to take up residence in the Bahamas, because I wanted to save on my taxes; I have renounced my citizenship"?

Mr. Speaker, I do not think any who are listening today can imagine saying that, but that is what people are doing. All we are asking, as we have asked 12 times before, all we are asking is that they pay their fair share of taxes.

We are not asking them to pay extra. Gracious no. We are not asking them to go beyond what others are doing. We are saying: Pay your fair share. Do what is right, what is expected of you as a citizen, to share in the obligations we have, really, in return for the success that the greatest economic power offers us.

Mr. Speaker, the reason I need an extra minute is to say that this is the 13th time that this issue has been brought up. The 13th time that the Members of this body have had an opportunity, in one form or another, to deal with this issue and do what is right.

So what I am asking my colleagues to do today is to vote "no" on the previous question and to consider that a vote on the issue of making sure that billionaires do not renounce their citizenship without paying their fair share. A "no" on the previous question will put us all on record on this issue.

Mr. BEILENSON. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma [Mr. BREWSTER].

Mr. BREWSTER. Mr. Speaker, the House this year has already passed amendments equalling over $132 million in savings. Most of those so-called savings have already been swept up by the Appropriations Committee for additional spending. Just last week the Appropriations Committee reallocated over $800 million in savings for additional spending.

The Brewster-Harman lockbox amendment to the Treasury-Postal appropriations bill would capture all savings achieved from cuts not only from this year, but in the years to come.

This morning I have learned that the Rules Committee has scheduled a markup for the lockbox on Thursday. I commend the committee for also recognizing the urgency and importance of the lockbox.

But, I would point out that the longer we wait to attach the lockbox to an appropriations bill, the more savings we lose, and the more difficult it becomes to ensure the lockbox's passage in the Senate.

I urge the Rules Committee to make a commitment today to bring the lockbox to the floor as an amendment to a appropriations bill before the August recess. We cannot continue to wait any longer to make sure the cuts we make on the floor directly to deficit reduction.

I have worked with many Members of both sides of the aisle over the last 2 years on the lockbox. And, every Member I have worked with agrees that savings from floor amendments should not be swallowed up and spent later. It must go to deficit reduction.

Mr. Speaker, I urge this House to bring the lockbox to the floor today, and allow Members to offer amendments to the lockbox. Let's have a fair and open debate of this House about the merits of the lockbox while we still have the chance to make it apply to this fiscal year.

Vote against this rule, and bring back the lockbox for floor debate today.

Mr. DIAZ-BALART. Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge a "no" vote on the previous question. If the previous question is defeated, we shall offer an amendment to the rule that will add two new sections to the rule. The effect would be, first, to incorporate the Brewster-Harman lockbox amendments into House rules; and to make in order three amendments to the Treasury-Postal appropriations bill: The Brewster amendment to the bill, the Ward amendment and the Schroeder amendment, all of which I alluded to in my opening statement.

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The new section 2 of the rule would amend House rules to do three things: First, reduce the 602(a) and 602(b) allocation in the House to reflect any amendments adopted by the House to cut Federal spending; second, to create a lockbox, to require all spending cuts made during the remainder of this year's appropriations cycle to deficit reduction; and, third, to retroactively lock in any spending cuts made in the House so far this year.

The new section 3 of the rule would waive points of order against three amendments I just mentioned, a Brewster amendment to apply the lockbox to all appropriations bills, not just the 13 general appropriations bills, the amendment by the gentleman from Kentucky [Mr. WARD] to authorize the IRS to collect taxes from former American citizens who renounce citizenship in order to avoid paying taxes, and, finally, the Schroeder amendment to make all Americans eligible to participate in the Federal employees' health benefits plan.

I urge defeat of the previous question so these good amendments can be made in order.

Mr. Speaker, I am including at this point in the RECORD the amendments that we proposed, as follows:

At the end of the resolution add the following:

(a) clause 4(a) of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new subparagraph:

"(4)(A) Upon the engrossment in the House of any general appropriation bill (or resolution making continuing appropriations (if applicable)), the chairman of the Committee on Appropriations shall—

"(i) reduce the suballocation of new budget authority to the appropriate subcommittee of that committee made under section 602(b)(1) of the Congressional Budget Act of 1974 by the net amount of reductions in new budget authority resulting from amendments agreed to by the House to that bill, and

"(ii) reduce the suballocation of outlays made under section 602(b)(1) of the Congressional Budget Act of 1974 to the appropriate subcommittee of that committee by the net amount of reductions in outlays resulting from amendments agreed to by the House to that bill,

and promptly report those revisions to the House.

"(B) The reductions in suballocations made under subdivision (A) may not be reallocated by the Committee on Appropriations to any other subcommittee.

"(C) In the House of Representatives, the revised suballocations made under subdivision (A) shall be deemed to be suballocations made under section 602(b)(1) of the Congressional Budget Act of 1974.".

(b) Clause 4(b) of rule XI of the Rules of the House of Representatives is amended by adding at the end the following new sentence: "Upon the reporting of revised suballocations to the House by the Committee on Appropriations under paragraph (a), the chairman of the Committee on the Budget shall make appropriate revisions in the allocations to the Committee on Appropriations to reflect the revised suballocations and report those revisions to the House. In the House of Representatives, those revised allocations shall be deemed to be allocations made under section 602(a)(1) of the Congressional Budget Act of 1974.".

(c) Rule XXI of the Rules of the House of Representatives is amended by adding at the end the following new clause:

"9. (a) Any appropriation bill that is being marked up by the Committee on Appropriations (or a subcommittee thereof) of either House shall contain a line item entitled 'Deficit Reduction Lock-box'. The dollar amount set forth under that heading shall be an amount not to exceed the amount by which the appropriate 602(b) allocation of new budget authority exceeds the amount of new budget authority provided by that bill as reported by that committee.

"(b) Whenever the Committee on Appropriations of either House reports an appropriation bill, that bill shall contain a line item entitled 'Deficit Reduction Account' comprised of the following:

"(1) Only in the case of the first appropriation bill considered following enactment of this resolution, an amount equal to the amounts by which the discretionary spending limit for new budget authority and outlays set forth in the most recent Office of Management and Budget sequestration preview Report pursuant to section 601(a)(2) exceed the section 602(a) allocation for the fiscal year covered by that bill and the amount by which the appropriate 602(b) allocation of new budget authority for appropriations bills adopted by the House prior to enactment of this resolution exceeded the amount of new budget authority provided by such bill.

"(2) Only in the case of any general appropriation bill (or resolution making continuing appropriations (if applicable)), an amount not to exceed the amount by which the appropriate section 602(b) allocation of new budget authority exceeds the amount of new budget authority provided by that bill (as reported by that committee).

"(3) Only in the case of any bill making supplemental appropriations following enactment of all general appropriation bills for the same fiscal year, an amount not to exceed the amount by which the section 602(a) allocation of new budget authority exceeds the sum of all new budget authority provided by appropriation bills enacted for that fiscal year plus that supplemental appropriation bill (as reported by that committee).

"(e) Whenever a Member of either House of Congress offers an amendment (whether in subcommittee, committee, or on the floor) to an appropriation bill to reduce spending, that reduction shall be placed in the deficit reduction lock-box unless that Member indicates that it is to be utilized for another program, project, or activity covered by that bill. If the amendment is agreed to and the reduction was placed in the deficit reduction lock-box, then the line item entitled 'Deficit Reduction Lock-box' shall be increased by the amount of that reduction.".

Sec. 3

All points of order are waived against the following amendments:

1. An amendment to be offered by Representative SCHROEDER of Colorado or her designee.

Page 84, after line 17, insert the following:

SEC. 618. PROVISIONS TO MAKE FEHBP AVAILABLE TO THE GENERAL PUBLIC.—(a) IN GENERAL.—(1) Chapter 89 of title 5, United States Code, is amended by adding at the end the following:

"§ 8915. Provisions to require that benefits be extended to the general public

"(a) A contract may not be made or a plan approved unless the carrier agrees to offer to the general public, throughout each term for which the contract or approval remains effective, the same benefits (subject to the same maximums, limitations, exclusions, and other similar terms or conditions) as would be offered under such contract or plan to employees and annuitants and their family members.

"(b)(1) Premiums for coverage under this section shall be established in conformance with such requirements as the Office of Personnel Management shall be regulation prescribe, including provisions to ensure conformance with generally accepted standards and practices associated with community rating.

"(2) In no event shall the enactment of this section result in—

"(A) any increase in the level of individual or Government contributions required under section 8906 or any other provision of this chapter, including copayments or deductibles;

"(B) any decrease in the types of benefits offered under this chapter; or

"(C) any other change that would adversely affect the coverage afforded under this chapter to employees and annuitants and their family members.

"(c) Benefits under this section shall, with respect to an individual who is entitled to benefits under part A of title XVIII of the Social Security benefits) to the same extend and in the same manner as if coverage were under the preceding provisions of this chapter, rather than under this section.

"(d)(1)A carrier may file an application with the Office setting forth reasons why it, or a plan provided by such carrier, should be excluded from the requirements of this section.

"(2) In reviewing any such application, the Office may consider such factors as—

"(A) any bona fide enrollment restrictions which would make the application of this section inappropriate, including those common to plans which are limited to individuals having a past or current employment relationship with a particular agency or other authority of the Government;

"(B) whether compliance with this section would jeopardize the financial solvency of the plan or carrier, or otherwise compromise its ability to offer health benefits under the preceding provisions of this chapter; and

"(C) the anticipated duration of the requested exclusion, and what efforts the plan or carrier proposes to take in order to be able to comply with this section.

"(e) Except as the Office may be regulation prescribe, any reference to this chapter (or any requirement of this chapter), made in any provision of law, shall not be considered to include this section (or any requirement of this section).".

(2) The table of sections for chapter 89 of title 5, United States Code, is amended by adding at the end the following:

"8915. Provisions to require that benefits be extended to the general public.".

(b) STANDARDIZED CLAIMS PROCESSING.—Section 8902 of title 5, United States Code, is amended by adding at the end the following:

"(o) A claim for payment or reimbursement under this chapter (whether electronic or otherwise) shall be submitted on such a standard form or in such a standard manner as may be required by the Office in relation to health benefit plans. Each contract under this chapter shall include appropriate provisions to carry out the preceding sentence.".

(c) ADVANCE DIRECTIVES.—Section 8907 of title 5, United States Code, is amended by adding at the end the following:

"(c) The Office shall—

"(1) prepare information relating to the use of advance directives regarding the type or intensity of care which an individual desires in the event that such individual becomes unable to communicate by reason of incapacity due to illness or injury; and

"(2) require, as a condition for approval of any contract under section 8902, that appropriate provisions be included so that such information may be made available to enrollees of the plan involved.".

(d) DEMONSTRATION PROJECT TO EXAMINE THE FEASIBILITY OF OFFERING FEHBP ENROLLEES THE OPTION OF USING ARBITRATION INSTEAD OF LITIGATION TO RESOLVE MEDICAL MALPRACTICE CLAIMS.—(1) The Office of Personnel Management shall conduct a demonstration project to assess the feasibility and desirability of offering the use of arbitration, instead of litigation, to resolve medical malpractice claims arising out of covered health care services.

(2) For the purpose of this subsection, the term "covered health care services" means any care, treatment, or other service for which the individual who receives such service has coverage under chapter 89 of title 5, United States Code.

(3)(A) The demonstration project shall be conducted as a demonstration project under section 4703 of title 5, United States Code.

(B) In developing a plan for such project under section 4703 of title 5, United States Code, the Office shall include (in addition to any information otherwise required)—

(i) suggestions for incentives that may be offered in order to obtain the voluntary participation of enrollees, such as reductions in premiums, copayments, or deductibles;

(ii) the criteria for identifying the types of health benefit plans which are appropriate for inclusion, and the procedures and conditions in accordance with which any such plan may participate;

(iii) the general framework for arbitration, including (to the extent the Office considers appropriate) methods for the selection of arbitrators, length of hearings, and limitations on damages; and

(iv) the effect of an award resulting from the arbitration process, and the extent to which review of such an award may be obtained.

(4) The evaluation required under section 4703(h) of title 5, United States Code, with respect to the demonstration project shall include data and analysis relating to matters such as—

(A) the number of claims brought for arbitration;

(B) how those claims were disposed of (whether by settlement, hearing, or otherwise), and the percentage of the total number of claims represented by each;

(C) the average dollar amount of those awards or settlements;

(D) the various costs involved in connection with those claims; and

(E) the advantages and disadvantages of arbitration, relative to other methods of dispute resolution, and the extent to which arbitration should continue to be used under chapter 89 of such title.

(e) APPLICABILITY.—The amendments made by this section shall apply with respect to contract terms beginning after the end of the 6-month period beginning on the date of the enactment of this Act.

2. An amendment to be offered by Representative WARD of Kentucky or his designee.

On page 84, following line 17, insert the following provision:

SEC. 664. The Secretary of the Treasury or a designee of the Secretary of the Treasury is hereby granted the authority to collect taxes in the manner prescribed under the provisions of H.R. 1535, which provides tax rules on expatriation.

3. An amendment to be offered by Representative BREWSTER of Oklahoma or Representative HARMAN of California or their designee.

At the end add the following new title:

TITLE VII—DEFICIT REDUCTION LOCK-BOX

DEFICIT REDUCTION TRUST FUND

DEFICIT REDUCTION LOCK-BOX PROVISIONS OF APPROPRIATION MEASURES

SEC. 701. (a) DEFICIT REDUCTION LOCK-BOX PROVISIONS.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"DEFICIT REDUCTION LOCK-BOX PROVISIONS OF APPROPRIATION BILLS

"SEC. 314. (a) Any appropriation bill that is being marked up by the Committee on Appropriations (or a subcommittee thereof) of either House shall contain a line item entitled 'Deficit Reduction Lock-box'.

"(b) Whenever the Committee on Appropriations of either House reports an appropriation bill, that bill shall contain a line item entitled 'Deficit Reduction Account' comprised of the following:

"(1) Only in the case of any general appropriation bill containing the appropriations for Treasury and Postal Service (or resolution making continuing appropriations (if applicable)), an amount equal to the amounts by which the discretionary spending limit for new budget authority and outlays set forth in the most recent OMB sequestration preview report pursuant to section 601(a)(2) exceed the section 602(a) allocation for the fiscal year covered by that bill.

"(2) Only in the case of any general appropriation bill (or resolution making continuing appropriations (if applicable)), an amount not to exceed the amount by which the appropriate section 602(b) allocation of new budget authority exceeds the amount of new budget authority provided by that bill (as reported by that committee), but not less than the sum of reductions in budget authority resulting from adoption of amendments in the committee which were designated for deficit reduction.

"(3) Only in the case of any bill making supplemental appropriations following enactment of all general appropriation bills for the same fiscal year, an amount not to exceed the amount by which the section 602(a) allocation of new budget authority exceeds the sum of all new budget authority provided by appropriation bills enacted for that fiscal year plus that supplemental appropriation bill (as reported by that committee).

"(c) It shall not be in order for the Committee on Rules of the House of Representatives to report a resolution that restricts the offering of amendments to any appropriation bill adjusting the level of budget authority contained in a Deficit Reduction Account.

"(d) Whenever a Member of either House of Congress offers an amendment (whether in subcommittee, committee, or on the floor) to an appropriation bill to reduce spending, that reduction shall be placed in the deficit reduction lock-box unless that Member indicates that it is to be utilized for another program, project, or activity covered by that bill. If the amendment is agreed to and the reduction was placed in the deficit reduction lock-box, then the line item entitled 'Deficit Reduction Lock-box' shall be increased by the amount of that reduction. Any amendment pursuant to this subsection shall be in order even if amendment portions of the bill are not read for amendment with respect to the Deficit Reduction Lock-box.

"(e) It shall not be in order in the House of Representatives or the Senate to consider a conference report or amendment of the Senate that modifies any Deficit Reduction Lock-box provision that is beyond the scope of that provision as so committed to the conference committee.

"(f) It shall not be in order to offer an amendment increasing the Deficit Reduction Lock-box Account unless the amendment increases rescissions or reduces appropriations by an equivalent or larger amount, except that it shall be in order to offer an amendment increasing the amount in the Deficit Reduction Lock-box by the amount that the appropriate 602(b) allocation of new budget authority exceeds the amount of new budget authority provided by that bill.

"(g) It shall not be in order for the Committee on Rules of the House of Representatives to report a resolution which waives subsection (c).".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

"Sec. 314. Deficit reduction lock-box provisions of appropriation measures.".

CHANGES IN SUBALLOCATIONS

SEC. 702. (a) DOWNWARD ADJUSTMENTS.—The discretionary spending limit for new budget authority for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1974, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amount of budget authority transferred to the Deficit Reduction Lockbox for that fiscal year under section 314 of the Budget Control and Impoundment Act of 1974. The adjusted discretionary spending limit for outlays for that fiscal year and each outyear as set forth in such section 601(a)(2) shall be reduced as a result of the reduction of such budget authority, as calculated by the Director of the Office of Management and Budget based upon such programmatic and other assumptions set forth in the joint explanatory statement of managers accompanying the conference report on that bill. All such reductions shall occur within ten days of enactment of any appropriations bill.

(b) DEFINITION.—As used in this section, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations.

(c) RESCISSION.—Funds in the Deficit Reduction Lockbox shall be rescinded upon reductions in discretionary limits pursuant to subsection (a).

SEC. 703. (a) SECTION 302(E) AMENDMENT.—Section 302(e) of the Congressional Budget Act of 1974 is amended to read as follows:

"(e) CHANGES IN SUBALLOCATIONS.—(1) After a committee reports suballocations under subsection (b), that committee may report a resolution to its House changing its House changing its suballocations, which resolution shall not take effect unless adopted by that House.

"(2) A resolution reported to the House of Representatives under paragraph (1) shall be placed on the Union Calendar and be privileged for consideration in the Committee of the Whole after the report on the resolution has been available to Members for a least three calendar days (excluding Saturday, Sundays and legal holidays). After general debate which shall not exceed one hour to be equally divided and controlled by the chairman and ranking minority member of the committee reporting the resolution, the resolution shall be considered for amendment under the five-minute rule. No amendment shall be in order in the House or in the Committee of the Whole Except amendments in the nature of a substitute containing changes in suballocations under subsection (b) which do not breach any allocation made under subsection (a). Priority in recognition for offering the first such amendment shall be accorded to the chairman of the Committee on the Budget or a designee. No amendments to such amendments shall be in order except substitute amendments. Following the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the House together with any amendment that may have been adopted. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion. It shall not be in order to consider a motion to reconsider the vote by which the resolution is agreed to or disagreed to.".

(b) SECTION 602(B)(1) AMENDMENT.—The last sentence of section 602(b)(1) of the Congressional Budget Act of 1974 is amended by striking "or revised".

CBO TRACKING

SEC. 704. Section 202 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(i) SCOREKEEPING.—To facilitate compliance by the Committee on Appropriations with section 314, the Office shall score all general appropriation measures (including conference reports) as passed by the House of Representatives, as passed the Senate and as enacted into law. The scorecard shall include amounts contained in the Deficit Reduction Lock-Box. The chairman of the Committee on Appropriations of the House of Representatives or the Senate, as the case may be, shall have such scorecard published in the Congressional Record.".

Mr. Speaker, I yield back the balance of my time.

Mr. DIAZ-BALART. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I have enjoyed today's debate. I think it is important to emphasize, to recall that what we are bringing forth this morning is the rule to guide the debate on the appropriations bill for the Treasury Department, the Postal Service and the Office of the President. This is not a tax bill. This is the appropriations bill for those agencies of the Federal Government.

With regard to the lockbox issue that was debated, I think very well and at length, I would simply like to remind Members that day after tomorrow the Committee on Rules will hold a markup precisely on the issue of the lockbox. There is specific legislation to address that issue that has been worked on at considerable length that, of course, is always improvable but that we feel confident achieves the purposes that those who have worked so hard on this issue propose to achieve, and so we will be dealing with that issue with specific legislation that will be marked up in the Committee on Rules, as the chairman of the committee has committed to the day after tomorrow.

So this rule, Mr. Speaker, for the deliberation, the debate on the appropriations legislation, the appropriations bill for the Treasury, the Postal Service and the Office of the President, as I stated before, is an open rule. It is a fair rule. I would urge my colleagues to support it.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEILENSON. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the resolution.

The vote was taken by electronic device, and there were—yeas 232, nays 192, not voting 10, as follows:

[Roll No. 516]

YEAS—232

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—192

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Reed
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velázquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

Brown (CA)
Collins (MI)
Ford
Green
Johnson (SD)
Moakley
Rangel
Reynolds
Richardson
Waldholtz

□ 1139

The Clerk announced the following pair:

On this vote:

Mrs. Waldholtz for, with Mr. Moakley against.

Mr. REED, Mr. BARCIA, Mrs. MEEK of Florida, and Ms. VELÁZQUEZ changed their vote from "yea" to "nay."

Mrs. MEYERS of Kansas, Mr. NEY, and Mr. PORTMAN changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LIGHTFOOT. Mr. Speaker, I ask unanimous consent that all Member may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 2020) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1996, and for other purposes, and that I may be permitted to include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 190 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2020.

□ 1140

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2020) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1996, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Iowa [Mr. LIGHTFOOT] and the gentleman from Maryland [Mr. HOYER] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Chairman, I am pleased to present H.R. 2020, a bill making appropriations for the Department of Treasury, the Executive Office of the President, General Services Administration, and various independent agencies for fiscal year 1996. The bill being considered today was given a very appropriate number, H.R. 2020.

☐ 1145

We call it a bill with vision, starting with a strong vision for a future free of debt and deficits. This bill cuts $403 million in real spending from 1995 enacted levels, and that is 3 percent less than last year.

Mr. Chairman, a couple of points I would like to make about the spending portion of the bill that I think may be of interest to some Members.

There are claims that this bill is over 1995 by $401 million in budget authority. That number has been shown in various charts and reflects a comparison of H.R. 2020 to 1995 assuming enactment of the rescission supplemental. The reason this number looks so high is quite simple. H.R. 1944 includes a rescission of $580 million from GSA's Federal Building Fund. As the number for 1995 comes down, the number for 1996 simply looks bigger.

The fact is, the bill is actually a cut in outlays, and that is a real cut in spending by about $403 million. There seems to be a lack of understanding or misunderstanding about the difference between budget authority and outlays among some of our colleagues, particularly some of our newer Members. The fact is, outlays are the money that is spent. It is quite simple. If you can cut outlays, you cut actual spending. We are cutting $403 million in actual spending; these are dollars that will not be spent. That is the number that counts in deficit reduction, not budget authority, because budget authority is simply authority to spend the money. Until you spend it, it does not really count for anything.

As a result, I would like to remind my colleagues the bill is within its section 602(b) allocation in both budget authority and outlays and there are no Budget Act points of order against consideration of the bill.

Mr. Chairman, I will insert a table in the RECORD that compares the bill by account to the amounts appropriated in 1995 and the amounts requested by the President. I would urge my colleagues to look at this chart because, if they review it, I think they will see that each proposed spending level by program is below the 1995 level in every single instance, except for crimes, parts of IRS, and law enforcement activities.

I also would like to thank my colleague, the gentleman from Maryland [Mr. HOYER], and members of our subcommittee, for their work in helping us put this package together. I think it is important to note that about 90 percent of our budget was off limits. We could not touch it because it supports salaries and fixed expenses. We had to make our contributions to deficit reduction using only 10 percent of our allocation. The 602(b) number that we received was a tough one, and we had to make some tough decisions in the process. I think that will be reflected in the bill if people will take time to study and go through it.

Again I would like to thank the gentleman from Maryland [Mr. HOYER] as well as the other subcommittee Members for their cooperation, and also the great work our staff has done in working through this very difficult bill.

As reported, H.R. 2020 also has a vision of change for programs that are under our jurisdiction. One that requires agencies and activities to tighten their belts, to think better and smarter, and to use their resources more wisely. That vision includes the Executive Office of the President.

Mr. Chairman, this is not a partisan measure, despite some attempts being made to label it so. We have had a lot of years of runaway spending in this body, and, as a result, everyone has shared in the wealth over the years. Unfortunately, that has brought us to the point we are at today, where everyone is going to have to share in the pain of cutting back. That includes the Executive Office of the President as well.

The facts speak for themselves. We held 42 hearings over a three month period, including a week's interruption. We heard from 174 witnesses, including members of the administration, the private sector, and Members of Congress. Everyone was given an opportunity to justify their requests for resources in the upcoming fiscal year.

I would also say that, today, Members have had more than adequate time to take a look at what is in our package. After subcommittee markup, it laid out there for almost a week. I shared it with Mr. HOYER and our colleagues on the minority side several days before we went to subcommittee markup. The full committee markup has been available now for over a week. And if people are running in here at the last minute, I would say maybe we should take a look at some of the staff work that is not being done by Members on both sides who are calling at the last minute saying "We didn't know this." There is no excuse. It has been out there a long time and there has been enough time for people to take a look at it.

In preparing this package, we scrubbed the numbers, we looked at what was being requested, we looked at agency accomplishments, their goals, and their plans for the future because that is an important part of the process. We separated out programs that were merely those that were wanted from programs that were truly needed. After doing that, we sat down and wrote the bill.

First and foremost, H.R. 2020 outright terminates agencies and programs that have outlived their usefulness, that produce work that can be accomplished by others parts of the government or private sector, or simply have a place in a leaner and stronger government.

In many cases we found duplication. Where we found duplication, one of those duplicates departed. We successfully terminated four agencies as a result of that process, for first year savings of $7.7 million and 5-year savings of $40.8 million. Those four agencies are gone, nada, zero. They are zeroed out. They don't exist anymore. There is nothing partisan about it. Not even the termination of the Council of Economic Advisers.

Mr. Chairman, to my critics who claim that we are being partisan, I would simply say, think again. As we prepared the bill, I did not sit down and ponder what would be a strong partisan statement. I do not view myself as a partisan individual. I spent my time a bit more constructively, and simply produced and pondered on what could be and should be good Government. Then we sat down and made the mark.

I will challenge my critics who say this bill goes too far as we debate H.R. 2020 here today on the floor. Ironically, H.R. 2020 is also being criticized by those who believe it does not go far enough.

That is right. On the first hand we are being criticized for going too far, and on the second hand, the measure is being criticized for not going far enough. We have a lot of people angry, so that probably tells us we probably have a pretty good bill. If we have everyone upset on all sides, it may be because we are in the mode of making cuts.

But to our critics who say we have not gone far enough, I would simply say to them, stop and think. We need to be smart about the process.

This is a first step in a multiyear process, the bill we will consider today. We have taken programs, we have merged their activities, and started a serious downsizing. Rome was not built in a day, nor did it burn down in a day. I think it took 3 or 4, if I recall history correctly, and the Federal Government cannot stop in its tracks overnight.

It is a big train, and it has been moving for a lot of years, and it cannot be stopped simply by throwing a brick wall up in front of it. If we are going to avoid a crash, what we have to do is apply the brakes in a very slow, a very deliberate, and a very positive manner, to bring this runaway freight train under control.

I remind my colleagues that the programs and accounts funded in this bill serve specific constituencies and meet specific statutory requirements. Public law requires us to do and fund certain activities, the very activities that are funded in this bill.

I would caution my colleagues who think this bill does not go far enough. Not all of our vision for change can be achieved in a year or a single appropriations bill. It takes longer than that. We have, I think, some well thought out plans to achieve a balanced budget over a period of 7 years, and you have to go about that in a very deliberate fashion. This is step one out of six more steps to go in order to get there.

So I urge my colleagues to support the measure. This measure, with 20/20 vision, a healthy vision for agencies under our jurisdiction, and a bill with a vision for a future free of deficits for our children and our grandchildren.

I would say, Mr. Chairman, that the primary rule that we applied in looking at everything that was in this particular package was the notion that there is a great difference between wanting something and actually needing it. In a case where it was determined that an item was merely wanted, it has been downsized or terminated. In a case where it is a need item, we looked very carefully at the needs. In some cases there are slight increases, particularly in the area of the Secret Service, which is faced with an election cycle with security at the Olympics that are coming up at Atlanta. We tried to use some common sense in putting this thing together, and I very strongly urge my colleagues to support the package.

FY 1996 Treasury, Postal Service, and General Government Appropriations Bill (H.R. 2020)

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF THE TREASURY					
Departmental Offices	104,378,000	120,408,000	104,000,500	-377,500	-16,407,500
Office of Inspector General	28,700,000	31,864,000	28,319,000	-381,000	-3,545,000
Financial Crimes Enforcement Network	19,823,000	22,198,000	20,273,000	+450,000	-1,925,000
Treasury Forfeiture Fund (limitation on availability of deposits)	15,000,000	15,000,000		-15,000,000	-15,000,000
Federal Law Enforcement Training Center:					
Salaries and Expenses	58,813,000	35,828,000	36,070,000	-22,743,000	+242,000
Transfers of unobligated balances		(11,800,000)			(-11,800,000)
Acquisition, Construction, Improvements, and Related Expenses	5,815,000	8,163,000	8,163,000	+2,348,000	
Transfer to Salaries and Expenses		(-11,800,000)			(+11,800,000)
Total, Federal Law Enforcement Training Center	64,628,000	43,991,000	44,233,000	-20,395,000	+242,000
Foreign Law Enforcement		14,480,000			-14,480,000
Financial Management Service	183,729,000	189,259,000	181,837,000	-1,892,000	-7,422,000
Bureau of Alcohol, Tobacco and Firearms	420,138,000	400,885,000	391,035,000	-29,103,000	-9,850,000
United States Customs Service:					
Salaries and Expenses	1,395,793,000	1,381,550,000	1,389,829,000	-5,964,000	+8,279,000
(By transfer)	(13,200,000)			(-13,200,000)	
Harbor Maintenance Fee Collection		3,000,000	3,000,000	+3,000,000	
Operation and Maintenance, Air & Marine Interdiction Programs	89,039,000	60,991,000	60,991,000	-28,048,000	
Unobligated balances carried forward (non-add)		(18,733,000)	(18,733,000)	(+18,733,000)	
Customs Facilities, Construction, Improvements and Related Expenses	1,000,000			-1,000,000	
Customs Services at Small Airports (to be derived from fees collected)	1,408,000	1,408,000	1,408,000		
Total, United States Customs Service	1,487,240,000	1,446,949,000	1,455,228,000	-32,012,000	+8,279,000
United States Mint	55,740,000	58,261,000		-55,740,000	-58,261,000
Bureau of the Public Debt	183,468,000	176,965,000	170,000,000	-13,468,000	-6,965,000
Payment of Government Losses in Shipment	500,000	500,000	500,000		
Internal Revenue Service:					
Administration and Management	223,632,000			-223,632,000	
Processing, Assistance, and Management	1,511,266,000	1,805,042,000	1,682,742,000	+171,476,000	-122,300,000
Tax Law Enforcement	4,385,459,000	4,524,351,000	4,254,476,000	-130,983,000	-269,875,000
Information Systems	1,388,510,000	1,879,582,000	1,575,216,000	+186,706,000	-304,366,000
Total, Internal Revenue Service	7,508,867,000	8,208,975,000	7,512,434,000	+3,567,000	-696,541,000
United States Secret Service	483,606,000	541,258,000	542,461,000	+58,855,000	+1,203,000
Violent Crime Reduction Programs:					
Departmental Offices	2,400,000	4,850,000		-2,400,000	-4,850,000
Financial Crimes Enforcement Network	2,700,000	2,221,000	2,221,000	-479,000	
Bureau of Alcohol, Tobacco and Firearms	7,000,000	25,305,000	3,100,000	-3,900,000	-22,205,000
Gang Resistance Education and Training: Grants	9,000,000	7,200,000	12,200,000	+3,200,000	+5,000,000
United States Customs Service	4,000,000	4,685,000	33,865,000	+29,865,000	+29,180,000
Internal Revenue Service: Tax Law Enforcement	7,000,000	19,049,000		-7,000,000	-19,049,000
United States Secret Service	6,600,000	9,800,000	10,000,000	+3,400,000	+200,000
Federal Law Enforcement Training Center		5,090,000	2,500,000	+2,500,000	-2,590,000
Total, Violent Crime Reduction Programs	38,700,000	78,200,000	63,886,000	+25,186,000	-14,314,000
Procurement reform	-33,437,000			+33,437,000	
Total, Title I, Department of the Treasury	10,862,071,000	11,349,203,000	10,815,206,500	-46,864,500	-533,996,500
TITLE II - POSTAL SERVICE					
Payment to the Postal Service Fund	92,317,000	109,094,000	85,080,000	-7,237,000	-24,014,000
Payment to the Postal Service Fund for Nonfunded Liabilities	37,776,000	36,828,000	36,828,000	-948,000	
Total, Title II, Postal Service	130,093,000	145,922,000	121,908,000	-8,185,000	-24,014,000
TITLE III - EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT					
Compensation of the President	250,000	250,000	250,000		
The White House Office	40,022,000	40,193,000	39,459,000	-563,000	-734,000
Executive Residence at the White House:					
Operating Expenses	7,827,000	7,827,000	7,522,000	-305,000	-305,000
White House Repair and Restoration		2,200,000			-2,200,000
Official Residence of the Vice President	324,000	324,000	324,000		
Special Assistance to the President	3,280,000	3,280,000	3,175,000	-105,000	-105,000
Council of Economic Advisers	3,439,000	3,439,000		-3,439,000	-3,439,000
Office of Policy Development	5,058,000	3,867,000	3,867,000	-1,191,000	
National Security Council	6,648,000	6,648,000	6,459,000	-189,000	-189,000
Office of Administration	26,217,000	26,100,000	25,736,000	-481,000	-364,000
Procurement reform	-117,000			+117,000	
Office of Management and Budget	57,754,000	56,272,000	55,426,000	-2,328,000	-846,000
Office of National Drug Control Policy	9,942,000	9,942,000	20,062,000	+10,120,000	+10,120,000
Unanticipated Needs	1,000,000	1,000,000	1,000,000		

FY 1996 Treasury, Postal Service, and General Government Appropriations Bill (H.R. 2020)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Federal Drug Control Programs:					
High Intensity Drug Trafficking Areas Program	107,000,000	110,000,000	104,000,000	-3,000,000	-6,000,000
Special Forfeiture Fund	41,800,000	37,000,000		-41,800,000	-37,000,000
Transfer to other agencies:					
El Paso Intelligence Center	(1,800,000)			(-1,800,000)	
SAMSHA	(14,000,000)			(-14,000,000)	
CTAC (RandD)	(8,000,000)			(-8,000,000)	
ONDCP Director Discretion	(18,100,000)			(-18,100,000)	
United States Customs Service	(13,200,000)			(-13,200,000)	
Total, Federal Drug Control Programs	148,800,000	147,000,000	104,000,000	-44,800,000	-43,000,000
(Transfer to other agencies)	(55,100,000)			(-55,100,000)	
Total, Title III, Executive Office of the President	310,544,000	308,342,000	267,260,000	-43,284,000	-41,082,000
TITLE IV - INDEPENDENT AGENCIES					
Administrative Conference of the United States	1,800,000	2,259,000		-1,800,000	-2,259,000
Advisory Commission on Intergovernmental Relations	1,000,000	1,400,000		-1,000,000	-1,400,000
Committee for Purchase from People Who Are Blind or Severely Disabled	1,682,000	1,800,000	1,682,000		-118,000
Federal Election Commission	26,710,000	29,021,000	27,521,000	+811,000	-1,500,000
Federal Labor Relations Authority	21,341,000	22,230,000	19,742,000	-1,599,000	-2,488,000
General Services Administration:					
Federal Buildings Fund:					
Appropriation	310,197,000	-289,112,000		-310,197,000	+289,112,000
Rescissions	(-715,532,000)			(+715,532,000)	
Limitations on availability of revenue:					
Construction and acquisition of facilities	(604,002,000)		(367,777,000)	(-236,225,000)	(+367,777,000)
Alfred P. Murrah Federal Office Building	(40,400,000)			(-40,400,000)	
Repairs and alterations	(723,864,000)	(911,000,000)	(713,086,000)	(-10,778,000)	(-197,914,000)
Installment acquisition payments	(127,531,000)	(181,963,000)	(181,963,000)	(+54,432,000)	
Rental of space	(2,181,300,000)	(2,339,000,000)	(2,341,100,000)	(+159,800,000)	(+2,100,000)
Building operations	(1,322,025,000)	(1,352,551,000)	(1,389,463,000)	(+67,438,000)	(+36,912,000)
Transfer to Construction and Acquisition		(554,813,000)			(-554,813,000)
Repayment of Debt		(73,433,000)	(73,433,000)	(+73,433,000)	
Emergency funding	(-66,800,000)			(+66,800,000)	
Total, Federal Buildings Fund	310,197,000	-289,112,000		-310,197,000	+289,112,000
(Limitations)	(4,932,322,000)	(5,412,760,000)	(5,066,822,000)	(+134,500,000)	(-345,938,000)
Real Property Activities:					
Appropriation		1,022,213,000			-1,022,213,000
Transfer from FBF		(554,813,000)			(-554,813,000)
Construction and Acquisition - Limitation:					
(Construction - Limitation)		(1,017,213,000)			(-1,017,213,000)
(Acquisition - Limitation)		(5,000,000)			(-5,000,000)
Subtotal		(1,022,213,000)			(-1,022,213,000)
Policy and Oversight		111,827,000	62,499,000	+62,499,000	-49,328,000
Operating Expenses	130,038,000	53,878,000	49,130,000	-80,908,000	-4,748,000
Office of Inspector General	33,090,000	34,407,000	32,549,000	-541,000	-1,858,000
Allowances and Office Staff for Former Presidents	2,215,000	2,181,000	2,181,000	-34,000	
Procurement reform	-8,961,000			+8,961,000	
Total, General Services Administration	466,579,000	935,394,000	146,359,000	-320,220,000	-789,035,000
John F. Kennedy Assassination Record Review Board	2,150,000	2,418,000	2,150,000		-268,000
Merit Systems Protection Board:					
Salaries and Expenses	24,549,000	24,549,000	21,129,000	-3,420,000	-3,420,000
(Limitation on administrative expenses)	(2,250,000)	(2,430,000)	(2,430,000)	(+180,000)	
Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation	10,000,000			-10,000,000	
National Archives and Records Administration	195,238,000	195,291,000	193,291,000	-1,947,000	-2,000,000
Reduction of debt	-3,692,000	-4,012,000	-4,012,000	-320,000	
Procurement reform	-325,000			+325,000	
National Historical Publications and Records Commission: Grants program	9,000,000	4,000,000	4,000,000	-5,000,000	
Information Security Oversight Office		1,482,000			-1,482,000
Office of Government Ethics	8,104,000	8,328,000	7,776,000	-328,000	-552,000
Office of Personnel Management:					
Salaries and Expenses	111,999,000	108,572,000	85,524,000	-26,475,000	-23,048,000
(Limitation on administrative expenses)	(93,934,000)	(102,536,000)	(102,536,000)	(+8,602,000)	
Office of Inspector General	4,009,000	4,037,000	4,009,000		-28,000
(Limitation on administrative expenses)	(8,156,000)	(8,181,000)	(8,181,000)	(+25,000)	
Government Payment for Annuitants, Employees Health Benefits	4,210,560,000	3,746,337,000	3,746,337,000	-464,223,000	
Government Payment for Annuitants, Employee Life Insurance	28,159,000	32,647,000	32,647,000	+4,488,000	
Payment to Civil Service Retirement and Disability Fund	7,339,638,000	7,945,998,000	7,945,998,000	+606,360,000	
Employees Life Insurance Fund (limitation on administrative expenses)	(753,000)	(993,000)	(993,000)	(+240,000)	
Retired Employees Health Benefits Fund (limitation on administrative expenses)	(61,000)			(-61,000)	
Procurement reform	-1,256,000			+1,256,000	
Total, Office of Personnel Management	11,693,109,000	11,837,591,000	11,814,515,000	+121,406,000	-23,076,000

FY 1996 Treasury, Postal Service, and General Government Appropriations Bill (H.R. 2020)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Office of Special Counsel	7,955,000	8,568,000	7,840,000	-115,000	-728,000
United States Tax Court	34,029,000	34,029,000	32,889,000	-1,140,000	-1,140,000
Total, Title IV, Independent Agencies	12,498,239,000	13,134,356,000	12,273,892,000	-224,347,000	-860,464,000
(Limitation on administrative expenses)	(4,319,994,000)	(6,547,113,000)	(5,178,962,000)	(+858,968,000)	(-1,368,151,000)
Total appropriations	23,500,947,000	24,937,823,000	23,178,286,500	-322,660,500	-1,759,536,500
(Limitations)	(4,319,994,000)	(6,547,113,000)	(5,178,962,000)	(+858,968,000)	(-1,368,151,000)
Scorekeeping adjustments:					
Bureau of The Public Debt (Permanent)	119,496,000	126,840,000	126,840,000	+7,344,000	
Funding for IRS compliance	-186,000,000			+186,000,000	
Mint revolving fund	-3,100,000		60,230,000	+63,330,000	+60,230,000
Black Lung savings	-4,800,000			+4,800,000	
Compensation of Members and Judges	-5,950,000			+5,950,000	
Emergency funding	-43,598,000			+43,598,000	
GSA: Federal building fund	-580,412,000			+580,412,000	
Bureau of the Public Debt	-1,800,000			+1,500,000	
Rent reductions	-4,041,000			+4,041,000	
Excess IRS reciepts	-27,800,000			+27,800,000	
GSA Federal building fund obligational authority			-50,237,000	-50,237,000	-50,237,000
Total, scorekeeping adjustments	-739,505,000	126,840,000	136,833,000	+876,338,000	+9,993,000
Total mandatory and discretionary	22,761,442,000	25,064,663,000	23,315,119,500	+553,677,500	-1,749,543,500
Mandatory	11,736,379,000	11,889,400,000	11,889,400,000	+153,021,000	
Discretionary:					
Crime trust fund	38,700,000	78,200,000	63,886,000	+25,186,000	-14,314,000
General purpose	10,986,363,000	13,097,063,000	11,361,833,500	+375,470,500	-1,735,229,500
Total, Discretionary	11,025,063,000	13,175,263,000	11,425,719,500	+400,656,500	-1,749,543,500

Note: Amounts shown in FY 1995 Enacted include effect of pending rescission bill.

Mr. LIGHTFOOT. Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I thank the gentleman for yielding time.

Mr. Chairman, before I speak about the specifics of the bill, I want to pay tribute to the gentleman from Iowa [Mr. LIGHTFOOT]. This is his first year as chairman of the committee. As I said on a number of occasions, I would not have planned that he be chairman of the committee, because it means, of course, that I am not chairman of the committee. But if we had to have a new chairman and I was going to be replaced, I am very thankful that it was the gentleman from Iowa, [Mr. LIGHTFOOT].

The gentleman is one of our finest Members, he is a conscientious, effective leader on his side of the aisle, and he is first an American who cares about the efficiency and effectiveness of the application of the tax dollars of our citizens. He is a pleasure to work with, and I congratulate him for the work he has done to date. He has cooperated with the minority side and with me individually each step of the way, and I would like to thank him for that.

I particularly want to thank the staff, some of whom have been with the committee, and I want to say that they have also cooperated very closely with me individually and other members of the minority side of the committee, and with our staffs. That cooperation, I think, has helped the confidence that each of us have in dealing with one another. We have not agreed on every issue, but we are working cooperatively together.

Having said that, Mr. Chairman, let me make an observation that I make almost every time I start to talk on an appropriations bill. The American public and our colleagues need to understand that we have a financial problem at the Federal level. We have a deficit that must be dealt with. We have a deficit that has been growing. We have a deficit that is crowding out capital funds for economic expansion. I am a supporter of the balance budget amendment, because I believe we need an extrinsic constraint which will force us and, yes, force the American public to make tough choices.

Having said that, Mr. Chairman, it is important for us to realize that the expansion of Federal expenditures has not, and I underline has not, occurred in the discretionary spending items over which the Committee on Appropriations has jurisdiction. In point of fact, as we have pointed out on a number of occasions, the Committee on Appropriations has appropriated less money than the Presidents have asked for since 1981, and, indeed, even before that. But particularly in the administrations of Mr. Reagan and Mr. Bush, Presidents Reagan and Bush, we appropriated about $100 million less than they asked for.

It was not that the appropriation process got out of hand that led to the substantial operating deficits during the last decade. The fact of the matter is entitlements have grown exponentially. The fact of the matter is that we have not come to grips with that, and if we do not come to grips with it, very frankly, we are going to crowd out all discretionary spending, all investment spending, all of the decisionmaking process in which we involve ourselves annually as to where to apply the resources of our Nation.

In point of fact, Mr. Speaker, since 1953 until today, we have gone from spending approximately 18 percent of our Gross Domestic Product in discretionary spending, making decisions where to invest on defense and on the domestic side, to where now less than 8 percent of our GDP at the Federal level is spent on discretionary spending between defense and nondefense discretionary spending.

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Why do I make that preface? Because we are going to have on the floor perhaps an amendment to cut this million dollars or $10 million or $20 million. That is significant money, of course. But the fact of the matter is, it will not solve the deficit. And it is not the reason the deficit grew, notwithstanding what the National Taxpayers Union says on the voting on these individual, sometimes small and sometimes significant, dollar amendments.

The Treasury, Postal bill, Mr. Chairman, has been a hard bill to put together for fiscal year 1996. Based on the deck we have been dealt, however, with our 602(b) allocation, it is an inadequate allocation to fund the priorities and responsibilities in this bill for law enforcement, for tax collection and for other matters.

In addition to law enforcement and revenue collection, the Customs is also in this bill, and every American is worried about the integrity of our borders. Every American is worried about the commerce and the stealing of jobs from the U.S. workers. Customs plays a critical role in that, and they are being sorely tested in terms of the resources that have been made available to them in this bill.

Within the limited resources of which I have just spoken, however, I think the chairman and the committee have tried to do the best job possible in funding the allocations of the agencies under this bill. The $23.2 billion provided in the bill is about $322 million below the amount we appropriated last year and $1.8 billion below the amount requested by the administration; in other words, almost 10 percent below what the administration requested. And I might say, of course, this bill is divided about half discretionary spending, half on the mandatory side in terms of Federal retirement and Federal employment health benefits.

On the positive side, Customs and law enforcement have been funded pretty much at the administration's request. The IRS tax system modernization has been accommodated under the administration's new estimate for fiscal year 1996. The committee bill also includes funding for tax systems modernization at the Internal Revenue Service. This broad effort to update all aspects of IRS's computer and processing systems is, Mr. Chairman, a very high priority for our country.

On the negative side, we have not been able to proceed with the funding of the IRS tax enforcement program off budget and, therefore, have had to spread the program over 7 years, a decision with which I did not agree, do not agree now and which will cost us money.

Mr. Chairman, you will recall that last year we unanimously in a bipartisan fashion had agreement that we would fund the tax enforcement program off budget. Why? It was a $2 billion, 5-year initiative that would gain us over $9 billion, in other words a $4 return for every dollar invested. CBO, OMB and the Congress agreed that it made sense to put that off budget in light of the fact it was a money maker, not a money loser.

However, we have not done that this year. In fairness to the chairman, however, the administration suggested that we put it on budget. Now, to the extent that it does appropriately and accurately reflect expenditures, that made sense. On the other hand, it forced the chairman and the committee to stretch this program over 7 years, and that will cost us revenues and make it difficult to administer at the Treasury Department.

Mr. Chairman, those are some of the more positive aspects. Unfortunately, I and this side of the aisle are very concerned about some aspects of this bill. I believe that there are a number of political decisions. I know the chairman disagrees with that. He says these are economic decisions, fiscal decisions, but I believe we are making some political decisions in this bill which are wrong. The elimination of the Council of Economic Advisors, every head of the Council of Economic Advisors, an institution which advises the President on macroeconomic issues, an institution which everybody that I have talked to says is one of the more objective, outside-of-government advisory groups that we have in Government to advise the President on macro- and micro-economic issues, this is critically important. The President, every day, needs to confront issues which are impacted by his information and perception of what the macroeconomic and microeconomic impacts are of decisions to be made by the White House.

It is wrong to eliminate this agency in the way it was done. There were no hearings. Now, I want to say that we cut the Administrative Conference of the United States the same way. I though we were incorrect and we changed that decision. But the fact of the matter is there were no hearings which were directed at elimination of this agency. And every head, Republican and Democrat, for the last two decades opposes this provision.

The most recent former administration head of the Council of Economic Advisors, Michael Boskin, has written a letter opposing this provision, as have Charlie Schultze and Herb Stein, CEA directors under President Nixon and President Carter.

Furthermore, Mr. Chairman, we have cut the White House office. We have not cut it a great deal, but significantly enough to adversely affect the ability of the White House to run its shop. I will discuss this later in the bill, but this is wrong.

In fact, from 1981 to 1992, under a Democratic House and for the last 6 years of that period, under a Democratic Senate, we essentially accepted the White House's request. For the last 2 years this President has been subjected to cuts from the Republican side not based upon the finances of the office but based upon, in my opinion, the intent to impact adversely the political independence of the President of the United States to make policy judgment as he or she sees fit.

Mr. Chairman, that is wrong. There is not going to be an amendment offered, I understand, which will affect the transportation of the White House. But there are too frequently now folks who are willing to undermine the historical, two-century comity between the President and the legislative branch in the Congress, where the President says to the legislature, you pass your budget, and I will pass mine. Neither will impact the other because both of us have to go to the American public.

I am not talking about the executive departments. I am talking about the White House office. The Office of Management and Budget, and other executive branch offices were cut. I think that is unfortunate. We oppose that.

All reflect an initiative that is politically aimed at the President. The Committee on Appropriations has honored presidential requests, as I have said, in the last period of time that I have been on the committee. I have opposed cuts to President Reagan and President Bush's budget for exactly that reason.

Also, Mr. Chairman, there are cuts to the Federal Election Commission. The inclusion of language restricting the choices for Federal health insurance which we will oppose. They take on a political tone that I do not think is helpful for the bipartisan nature of this bill. I also believe that the elimination of the Advisory Commission on Intergovernmental Relations will interfere, Mr. Chairman, with the executive branch's responsibility to monitor unfunded mandates.

The irony of this bill is we eliminate the Administrative Conference on Intergovernmental Relations, the Commission on Intergovernmental Relations for the purposes of saving $1.4 million. We then provide in this bill a committee provision, protected under the rule language, which provides for an advisory committee on the mandates which we have just eliminated another agency to do. In other words, on the one hand we are going to have money spent, $300-some-odd thousands to accomplish the purpose of an agency that we are now doing away with. It simply does not makes sense, in my opinion.

Mr. Chairman, I am pleased that the full Committee on Appropriations took out a provision which was very foolishly included by the Subcommittee on Treasury, Postal Service, and General Government at markup that would have provided background checks for rich felons so that they could have received approval to have their guns back. We had information at the subcommittee and the full committee that we brought out where you had murderers reapplying for reinstatement of their privileges to have a gun and they were approved. That made no sense. No taxpayer is asking me to spend their money to make sure that criminals get their guns back. That does not make sense, and I am pleased that the chairman saw fit at the full committee to offer language to reinstate language included in our bill in 1992. That language was good then, it is good now. And I am pleased that the chairman put it back in.

Finally, Mr. Chairman, I am concerned that neither the President nor the committee has provided the full 5.9 percent increase that the Civil Service is due as employment cost index and locality pay increases under the Federal Employees Pay Comparability Act. This was an act signed by President Bush in 1990. It tried to provide and did provide for a rational way to compare the private sector and the public sector and to make sure that our work force would be competitive and would be comparable to the private sector. Unfortunately, the President has only provided 2.4 percent in his recommendation. The bill is silent on this issue. And unless the President provides for a higher sum come August, next month, that will be limited to 2.4 percent.

I will be discussing with the President, and I know others will, as to the distribution of that 2.4 percent between comparability adjustment and locality pay, but is it very unfortunate that we are going to be falling further behind the private sector in pay comparability as a result of the actions of the President and of this committee.

Mr. Chairman, in closing, I hope that the provisions that detract from the positive side of the bill can be changed on the floor and during the full legislative consideration of the bill. Again, I thank the chairman for all of his cooperation and inclusion in the work of this committee. I look forward to working with him as we consider the individual titles of this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. LIGHTFOOT. Mr. Chairman, I yield myself such time as I may consume.

I would respond very briefly and thank the gentleman from Maryland for his kind words. When neither of us were chairman on this subcommittee, we started to forge a working relationship and that has continued through both of us having the opportunity to serve as chairman of the subcommittee.

Quite frankly, there are certain things that we have agreed to disagree upon and that is what this whole business is all about.

We both realize it is important that we get this spending bill through. It has to go through. We have to do it in a manner that I think has some common sense. Again, I appreciate his kind words and his cooperation as well.

Mr. Chairman, one of those areas that we agree to disagree on is the Council of Economic Advisers. We in effect cut the offices of the White House about 1.8 percent. I would just call to our colleagues' attention that through the legislative branch appropriation that went through the House, we cut our own budgets there about 8 percent. It is just part of the sharing concept, I think that is necessary as we move toward a balanced budget in 7 years.

Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield back the balance of my time.

Mr. LIGHTFOOT. Mr. Chairman, I yield back the balance of my time.

Mr. LAZIO of New York. Mr. Chairman, I rise in strong support of H.R. 2020, the FY 1996 Treasury Postal Service, and General Government Appropriations Act. I particularly would like to commend the chairman of the Treasury, Postal Service, and General Government Appropriations Subcommittee, the gentleman from Iowa [Mr. LIGHTFOOT] and his colleagues for their efforts in crafting this important legislation.

The bill contains $75.641 million in continued funding for a vitally important project in my district on Long Island, the Central Islip Federal Courthouse. I deeply appreciate the willingness of Chairman Lightfoot and the other members of the subcommittee in working with me to meet this essential need. First announced by the General Services Administration [GSA] in 1991, the Central Islip Courthouse was designed to solve the problems of the only "space emergency" in our nation declared by the U.S. Judicial Conference. That "space emergency" for the Eastern District of New York, was first declared in 1989 and renewed in 1992. These declarations are unique in that these are the only times the Judicial Conference has ever taken such an action.

Without the completion of the Central Islip Federal Courthouse, eastern Long Island's 2.5 million people will continue to have to tolerate what has been described as a "security nightmare," with Federal judges facing the heaviest case load in its history while enduring dangerous, inefficient, costly temporary facilities scattered in five rented locations.

Unlike some other federal courthouse projects, the cost per square foot of the Central Islip Courthouse is well below the GSA average for similar projects. The courthouse will be cost effective, saving taxpayers huge amounts now paid for rent.

I urge my colleagues to support this bill and sufficient funding for the timely completion of the Central Islip Federal Courthouse.

Mr. COLEMAN. Mr. Chairman, I rise in support of H.R. 2020, the Treasury, Postal Service and General Government Appropriations bill, but my enthusiasm for it is tempered by the cuts in valuable programs this legislation proposes.

As a former member of this subcommittee, I feel that the agencies that are funded by this legislation are extremely important to our government. Agencies like the Treasury Department, and its component divisions such as the Customs Service, the Bureau of Alcohol Tobacco and Firearms, the IRS, the Secret Service and others are extremely important to the efficient functioning of our federal government. This legislation also funds the Executive Office of the President, a portion of the Postal Service, and some independent agencies such as the Federal Election Commission, the Federal Labor Relations Commission, the General Services Administration and others.

Because of the importance of all of the above, I am extremely disheartened by some of the cuts this bill makes to some of these agencies. For example, the bill proposes to eliminate the Council of Economic Advisers. The Council has served presidents of both parties for the past 50 years. This group provides long-term economic advice to the President that is both impartial and apolitical. This kind of advice is increasingly important during a time when economic advice a president gets is usually laced with political undertones.

I am also bothered by the reductions made to the Federal Election Commission [FEC] in an upcoming presidential election year. The $2.5 million reduction made to the FEC combined with an earmark of $1.5 million for computer modernization will interfere with the ability of FEC to carry out its duties and ensure the integrity of the upcoming elections. This is not the only agency that suffers a reduction in its budget. Other agencies take significant cuts to their budgets that will affect their ability to carry out their functions.

This bill is also silent on Federal pay. Neither the President nor the Committee has provided the full 5.9 percent increase that the Civil Service is due as employment cost index and locality pay increases under the Federal Employees Pay Comparability Act. Since 1981, Federal employees have lost more than $163 billion in pay and benefits that they were scheduled to receive.

The 2.4 percent raise recommended by the President, which is adopted by this bill, is not fully funded. Even further, this is less than half of the raise owed to Federal workers under existing law. Agencies not involved in law enforcement are forced to absorb the additional cost of the pay increase from their program budgets. This unwise policy results in a hidden 2.4 percent cut in programs at agencies that are already facing severe budget constraints.

Another provision that bothers me directed toward Federal employees is the majority's decision to reinstate a provision in the bill which restricts a Federal employee's choice of a health care insurance plan by prohibiting "Federal funds" from being used to purchase a policy which provides coverage for pregnancy termination, except in instances where the life of the mother is at risk.

Let me be clear, Mr. Chairman, that there are no Federal funds used for the purchasing of health care coverage for Federal employees. The compensation of Federal employees is in the form of salary, health care benefits and retirement benefits. Like private sector employees, they can use their compensation as they see fit. Federal workers choose a health insurance plan and a portion of that is paid for with their health coverage benefit. There are no "Federal funds" involved when a Federal employee decides what to do with his/her salary. The choice of policies is the employee's alone. The reasoning of the Committee that it is the employer's right to restrict the scope of coverage for legal medical services is wrong.

This tampering with the rights of Federal employees is wrong because they are one of our Nation's greatest assets. They are important to my congressional district where they number approximately 13,000 persons. Federal employees are among the finest, most honorable workers in this country. Yet, in this House, many insist on perpetuating an attitude of hostility toward Federal employees. They call them lazy bureaucrats, government vultures or worthless do-nothing Federal employees. This is wrong, Mr. Chairman, and it must be stopped. It should not take an incident like the Oklahoma bombing to change the minds of many in this country with regards to Federal employees.

While I have thus far focused on items I have not liked in this legislation, it does not have some good points. For one, the bill funds the Customs Service at a level that exceeds the President's request. I feel this is important because the Customs Service has a difficult job as the Nation's principal border agency. Customs' responsibilities run the gamut from fighting the scourge of illegal drug trafficking to assessing and collecting duties and tariffs. I would also like to mention that the Customs Service section of the report included items of importance to my congressional district. For instance, there is language supporting: additional Customs inspectors for El Paso, Texas, unified port management, and drug interdiction technologies such as cargo x-ray systems and FLIR's for UH–60 Black Hawk helicopters.

The report also includes $560,000 for security improvements to the El Paso Federal Building. Other items of interest to my congressional district include report language supporting the Gang Resistance Education and Training Program, the Southwest Border High Intensity Drug Trafficking Area, and Operation Alliance.

Finally, Mr. Chairman, I would like to commend the leadership of Chairman LIGHTFOOT. Throughout our hearings and deliberations, the Chairman was very fair and amenable by allowing of minority views and consideration. I am very grateful for his policy of "opening up" the hearings to questioning after allotted time for testimony had expired. The other members of the subcommittee, are also to be complemented for their diligence in pursuing the issues under the subcommittee's jurisdiction. I also would like to thank the staff of both sides for the hard work they displayed in putting together this legislation. They worked many long hours to put together the final product we are debating today.

Mr. Chairman, I will support H.R. 2020, but it is my hope that some of the troubling provisions I have mentioned will be moderated by the Senate and we can settle those differences in conference.

Mr. LIGHTFOOT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. WATTS of Oklahoma) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2020) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

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PERMISSION FOR CERTAIN COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. LIGHTFOOT. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: the Committee on Agriculture, the Committee on Commerce, the Committee on Government Reform and Oversight, the Committee on House Oversight, the Committee on International Relations, the Committee on the Judiciary, the Committee on Resources, the Committee on Small Business, and the Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and there are no objections.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

Mr. HOYER. Reserving the right to object, Mr. Speaker, and I will not object, it is my understanding the minority has been consulted about each and every one of these exceptions to the rule that we adopted in the beginning of the year, and we will not object.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore (Mr. WATTS of Oklahoma). Is there objection to the request of the gentleman from Iowa?

There was no objection.

REPORT ON CONTINUING NATIONAL EMERGENCY WITH RESPECT TO THE FEDERAL REPUBLIC OF YUGOSLAVIA AND THE BOSNIAN SERBS—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. 104–101)

The Speaker pro tempore laid before the House the following message from the President of the United States, which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed.

To the Congress of the United States:

On May 30, 1992, in Executive Order No. 12808, the President declared a national emergency to deal with the threat to the national security, foreign policy, and economy of the United States arising from actions and policies of the Governments of Serbia and Montenegro, acting under the name of the Socialist Federal Republic of Yugoslavia or the Federal Republic of Yugoslavia, in their involvement in and support for groups attempting to seize territory in Croatia and the Republic of Bosnia and Herzegovina by force and violence utilizing, in part, the forces of the so-called Yugoslav National Army (57 FR 23299, June 2, 1992). I expanded the national emergency in Executive Order No. 12934 of October 25, 1994, to address the actions and policies of the Bosnian Serb forces and the authorities in the territory of the Republic of Bosnia and Herzegovina that they control. The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c). It discusses Administration actions and expenses directly related to the exercise of powers and authorities conferred by the declaration of a national emergency in Executive Order No. 12808 and Executive Order No. 12934 and to expanded sanctions against the Federal Republic of Yugoslavia (Serbia and Montenegro) (the "FRY (S/M)") and the Bosnian Serbs contained in Executive Order No. 12810 of June 5, 1992 (57 FR 24347, June 9, 1992), Executive Order No. 12831 of January 15, 1993 (58 FR 5253, Jan. 21, 1993), Executive Order No. 12846 of April 25, 1993 (58 FR 25771, April 27, 1993), and Executive Order No. 12934 of October 25, 1994 (59 FR 54117, October 27, 1994).

1. Executive Order No. 12808 blocked all property and interests in property of the Governments of Serbia and Montenegro, or held in the name of the former Government of the Socialist Federal Republic of Yugoslavia or the Government of the Federal Republic of Yugoslavia, then or thereafter located in the United States or within the possession or control of U.S. persons, including their overseas branches.

Subsequently, Executive Order No. 12810 expanded U.S. actions to implement in the United States the United Nations sanctions against the FRY (S/M) adopted in United Nations Security Council ("UNSC") Resolution 757 of May 30, 1992. In addition to reaffirming the blocking of FRY (S/M) Government property, this order prohibited transactions with respect to the FRY (S/M) involving imports, exports, dealing in FRY-origin property, air and sea transportation, contract performance, funds transfers, activity promoting importation or exportation or dealings in property, and official sports, scientific, technical, or other cultural representation of, or sponsorship by, the FRY (S/M) in the United States.

Executive Order No. 12810 exempted from trade restrictions (1) transshipments through the FRY (S/M), and (2) activities related to the United Nations Protection Force ("UNPROFOR"), the Conference on Yugoslavia, or the European Community Monitor Mission.

On January 15, 1993, President Bush issued Executive Order No. 12831 to implement new sanctions contained in U.N. Security Council Resolution 787 of November 16, 1992. The order revoked the exemption for transshipments through the FRY (S/M) contained in Executive Order No. 12810, prohibited transactions within the United States or by a U.S. person relating to FRY (S/M) vessels and vessels in which a majority or controlling interest is held by a person or entity in, or operating from, the FRY (S/M), and stated that all such vessels shall be considered as vessels of the FRY (S/M), regardless of the flag under which they sail.

On April 25, 1993, I issued Executive Order No. 12846 to implement in the United States the sanctions adopted in UNSC Resolution 820 of April 17, 1993. That resolution called on the Bosnian Serbs to accept the Vance-Owen peace plan for the Republic of Bosnia and Herzegovina and, if they failed to do so by April 26, called on member states to take additional measures to tighten the embargo against the FRY (S/M) and Serbian controlled areas of the Republic of Bosnia and Herzegovina and the United Nations Protected Areas in Croatia. Effective April 26, 1993, the order blocked all property and interests in property of commercial, industrial, or public utility undertakings or entities organized or located in the FRY (S/M), including property and interests in property of entities (wherever organized or located) owned or controlled by such undertakings or entities, that are or thereafter come within the possession or control of U.S. persons.

On October 25, 1994, in view of UNSC Resolution 942 of September 23, 1994, I issued Executive Order No. 12934 in order to take additional steps with respect to the crisis in the former Yugoslavia. (59 FR 54117, October 27, 1994.) Executive Order No. 12934 expands the scope of the national emergency declared in Executive Order No. 12808 to address the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the actions and policies of the Bosnian Serb forces and the authorities in the territory in the Republic of Bosnia and Herzegovina that they control, including their refusal to accept the proposed territorial settlement of the conflict in the Republic of Bosnia and Herzegovina.

The Executive order blocks all property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons (including their overseas branches) of: (1) the Bosnian Serb military and paramilitary forces and the authorities in areas of the Republic of Bosnia and Herzegovina under the control of those forces; (2) any entity, including any commercial, industrial, or public utility undertaking, organized or located in those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces; (3) any entity, wherever organized or located, which is owned or controlled directly or indirectly by any person in, or resident in, those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces; and (4) any person acting for or on behalf of any person within the scope of the above definitions.

The Executive order also prohibits the provision or exportation of services to those areas of the Republic of Bosnia and Herzegovina under the control of Bosnian Serb forces, or to any person for the purpose of any business carried on in those areas, either from the United States or by a U.S. person. The order also prohibits the entry of any U.S.-flagged vessel, other than a U.S. naval vessel, into the riverine ports of those areas of the Republic of Bosnia and Herzegovina under the control of Bosnia Serb forces. Finally, any transaction by any U.S. person that evades or avoids, or has the purpose of evading or avoiding, or attempts to violate any of the prohibitions set forth in the order is prohibited. Executive Order No. 12934 became effective at 11:59 p.m., e.d.t., on October 25, 1994.

2. The declaration of the national emergency on May 30, 1992, was made

pursuant to the authority vested in the President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the National Emergencies Act (50 U.S.C. 1601 et seq.), and section 301 of title 3 of the United States Code. The emergency declaration was reported to the Congress on May 30, 1992, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and the expansion of that National Emergency under the same authorities was reported to the Congress on October 25, 1994. The additional sanctions set forth in related Executive orders were imposed pursuant to the authority vested in the President by the Constitution and laws of the United States, including the statutes cited above, section 1114 of the Federal Aviation Act (49 U.S.C. App. 1514), and section 5 of the United Nations Participation Act (22 U.S.C. 287c).

3. There have been no amendments to the Federal Republic of Yugoslavia (Serbia and Montenegro) Sanctions Regulations (the "Regulations"), 31 C.F.R. Part 585, since the last report. The Treasury Department had previously published 853 names in the Federal Register on November 17, 1994 (59 FR 59460), as part of a comprehensive listing of all blocked persons and specially designated nationals ("SDNs") of the FRY (S/M). This list identified individuals and entities determined by the Department of the Treasury to be owned or controlled by or acting for or on behalf of the Government of the FRY (S/M), persons in the FRY (S/M), or entities located or organized in or controlled from the FRY (S/M). All prohibitions in the Regulations pertaining to the Government of the FRY (S/M) apply to the entities and individuals identified. U.S. persons, on notice of the status of such blocked persons and specially designated nationals, are prohibited from entering into transactions with them, or transactions in which they have an interest, unless otherwise exempted or authorized pursuant to the Regulations.

On February 22, 1995, pursuant to Executive Order 12934 and the Regulations, Treasury identified 85 individuals as leaders of the Bosnian Serb forces or civilian authorities in the territories in the Republic of Bosnia and Herzegovina that they control. Also on February 22, Treasury designated 19 individuals and 23 companies as SDNs of the FRY (S/M). These designations include FRY (S/M)-connected companies around the world that are being directed from Cyprus, two Cypriot-owned firms that have had a central role in helping establish and sustain sanctions-evading FRY (S/M) front companies in Cyprus, and the head of the FRY (S/M)'s Central Bank who is also the architect of the FRY (S/M) economic program.

Additionally, on March 13, 1995, Treasury named 32 firms and eight individuals that are part of the Karic Brothers' family network of companies as SDNs of the FRY (S/M). Their enterprises span the globe and are especially active in former East Bloc countries. These additions and amendments, published in the Federal Register on April 18, 1995 (60 FR 19448), bring the current total of Blocked Entities and SDNs of the FRY (S/M) to 938 and the total number of individuals identified as leaders of the Bosnian Serb military or paramilitary forces or civilian authorities in the territories in the Republic of Bosnia and Herzegovina that they control to 85. A copy of the notice is attached.

Treasury's blocking authority as applied to FRY (S/M) subsidiaries and vessels in the United States has been challenged in court. In *Milena Ship Management Company, Ltd.* v. *Newcomb*, 804 F.Supp. 846, 855, and 859 (E.D.L.A. 1992) *aff'd*, 995 F.2d 620 (5th Cir. 1993), *cert.* denied, 114 S.Ct. 877 (1994), involving five ships owned or controlled by FRY (S/M) entities blocked in various U.S. ports, the blocking authority as applied to these vessels was upheld. In *IPT Company, Inc.* v. *United States Department of the Treasury*, No. 92 CIV 5542 (S.D.N.Y. 1994), the district court also upheld the blocking authority as applied to the property of a Yugoslav subsidiary located in the United States. The latter case is currently on appeal to the Second Circuit.

4. Over the past 6 months, the Departments of State and Treasury have worked closely with European Union (the "EU") member states and other U.N. member nations to coordinate implementation of the U.N. sanctions against the FRY (S/M). This has included visits by assessment teams formed under the auspices of the United States, the EU, and the Organization for Security and Cooperation in Europe (the "OSCE") to states bordering on Serbia and Montenegro; continued deployment of OSCE sanctions assistance missions ("SAMs") to Albania, Bulgaria, Croatia, the former Yugoslav Republic of Macedonia, Hungary, Romania, and Ukraine to assist in monitoring land and Danube River traffic; support for the International Conference on the Former Yugoslavia ("ICFY") monitoring missions along the Serbia-Montenegro-Bosnia border; bilateral contacts between the United States and other countries for the purpose of tightening financial and trade restrictions on the FRY (S/M); and ongoing multilateral meetings by financial sanctions enforcement authorities from various countries to coordinate enforcement efforts and to exchange technical information.

5. In accordance with licensing policy and the Regulations, FAC has exercised its authority to license certain specific transactions with respect to the FRY (S/M) that are consistent with U.S. foreign policy and the Security Council sanctions. During the reporting period, FAC has issued 109 specific licenses regarding transactions pertaining to the FRY (S/M) or assets it owns or controls, bringing the total as of April 25, 1995, to 930. Specific licenses have been issued (1) for payment to U.S. or third-country secured creditors, under certain narrowly-defined circumstances, for pre-embargo import and export transactions; (2) for legal representation or advice to the Government of the FRY (S/M) or FRY (S/M)-located or controlled entities; (3) for the liquidation or protection of tangible assets of subsidiaries of FRY (S/M)-located or controlled firms located in the U.S.; (4) for limited transactions related to FRY (S/M) diplomatic representation in Washington and New York; (5) for patent, trademark and copyright protection in the FRY (S/M) not involving payment to the FRY (S/M) Government; (6) for certain communications, news media, and travel-related transactions; (7) for the payment of crews' wages, vessel maintenance, and emergency supplies for FRY (S/M) controlled ships blocked in the United States; (8) for the removal from the FRY (S/M), or protection within the FRY (S/M), of certain property owned and controlled by U.S. entities; (9) to assist the United Nations in its relief operations and the activities of the U.N. Protection Force; and (10) for payment from funds outside the United States where a third country has licensed the transaction in accordance with U.N. sanctions. Pursuant to U.S. regulations implementing UNSC Resolutions, specific licenses have also been issued to authorize exportation of food, medicine, and supplies intended for humanitarian purposes in the FRY (S/M).

During the past 6 months, FAC has continued to oversee the liquidation of tangible assets of the 15 U.S. subsidiaries of entities organized in the FRY (S/M). Subsequent to the issuance of Executive Order No. 12846, all operating licenses issued for these U.S.-located Serbian or Montenegrin subsidiaries or joint ventures were revoked, and the net proceeds of the liquidation of their assets placed in blocked accounts.

In order to reduce the drain on blocked assets caused by continuing to rent commercial space, FAC arranged to have the blocked personalty, files, and records of the two Serbian banking institutions in New York moved to secure storage. The personalty is being liquidated, with the net proceeds placed in blocked accounts.

Following the sale of the M/V Kapetan Martinovic in January 1995, five Yugoslav-owned vessels remain blocked in the United States. Approval of the UNSC's Serbian Sanctions Committee was sought and obtained for the sale of the M/V Kapetan Martinovic (and the M/V Bor, which was sold in

June 1994) based on U.S. assurances that the sale would comply with four basic conditions, which assure that both U.S. and U.N. sanctions objectives with respect to the FRY (S/M) are met: (1) the sale will be for fair market value; (2) the sale will result in a complete divestiture of any interest of the FRY (S/M) (or of commercial interests located in or controlled from the FRY (S/M)) in the vessel; (3) the sale would result in no economic benefit to the FRY (S/M) (or commercial interests located in or controlled from the FRY (S/M)); and (4) the net proceeds of the sale (the gross proceeds less the costs of sale normally paid by the seller) will be placed in a blocked account in the United States. Negotiations for the sale of the M/V Bar, now blocked in New Orleans, are underway and are likely to be concluded prior to my next report.

Other than the M/V Bar, the four remaining Yugoslav-owned vessels are beneficially owned by Jugooceanija Plovidba of Kotor, Montenegro, and managed by Milena Ship Management Co. Ltd. in Malta. These vessels have many unpaid U.S. creditors for services and supplies furnished during the time they have been blocked in the United States; moreover, the owner appears to have insufficient resources to provide for the future upkeep and maintenance needs of these vessels and their crews. The United States is notifying the UNSC's Serbian Sanctions Committee of the United States's intention to license some or all of these remaining four vessels upon the owner's request.

With the FAC-licensed sales of the M/V Kapetan Martinovic and the M/V Bor, those vessels were removed from the list of blocked FRY entities and merchant vessels maintained by FAC. The new owners of several formerly Yugoslav-owned vessels, which have been sold in other countries, have petitioned FAC to remove those vessels from the list. FAC, in coordination with the Department of State, is currently reviewing the sale terms and conditions for those vessels to ascertain whether they comply with U.N. sanctions objectives and UNSC's Serbian Sanctions Committee practice.

During the past 6 months, U.S. financial institutions have continued to block funds transfers in which there is an interest of the Government of the FRY (S/M) or an entity or undertaking located in or controlled from the FRY (S/M), and to stop prohibited transfers to persons in the FRY (S/M). Such interdicted transfers have accounted for $125.6 million since the issuance of Executive order No. 12808, including some $9.3 million during the past 6 months.

To ensure compliance with the terms of the licenses that have been issued under the program, stringent reporting requirements are imposed. More than 279 submissions have been reviewed by FAC since the last report, and more than 125 compliance cases are currently open.

6. Since the issuance of Executive Order No. 12810, FAC has worked closely with the U.S. Customs Service to ensure both that prohibited imports and exports (including those in which the Government of the FRY (S/M) or Bosnian Serb authorities have an interest) are identified and interdicted, and that permitted imports and exports move to their intended destination without undue delay. Violations and suspected violations of the embargo are being investigated and appropriate enforcement actions are being taken. There are currently 37 cases under active investigation. Since the last report, FAC has collected nine civil penalties totaling nearly $20,000. Of these, five were paid by U.S. financial institutions for violative funds transfers involving the Government of the FRY (S/M), persons in the FRY (S/M), or entities located or organized in or controlled from the FRY (S/M). Three U.S. companies and one air carrier have also paid penalties related to exports or unlicensed payments to the Government of the FRY (S/M) or persons in the FRY (S/M) or other violations of the Regulations.

7. The expenses incurred by the Federal Government in the 6-month period from November 30, 1994, through May 29, 1995, that are directly attributable to the authorities conferred by the declaration of a national emergency with respect to the FRY (S/M) and the Bosnian Serb forces and authorities are estimated at about $3.5 million, most of which represent wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in FAC and its Chief Counsel's Office, and the U.S. Customs Service), the Department of State, the National Security Council, the U.S. Coast Guard, and the Department of Commerce.

8. The actions and policies of the Government of the FRY (S/M), in its involvement in and support for groups attempting to seize and hold territory in the Republics of Croatia and Bosnia and Herzegovina by force and violence, and the actions and policies of the Bosnian Serb forces and the authorities in the areas of Bosnia and Herzegovina under their control, continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States. The United States remains committed to a multilateral resolution of the conflict through implementation of the United Nations Security Council resolutions.

I shall continue to exercise the powers at my disposal to apply economic sanctions against the FRY (S/M) and the Bosnian Serb forces, civil authorities, and entities, as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *July 18, 1995*.

GENERAL LEAVE

Mr. REGULA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1977, the legislation which we are about to consider, and that I may be permitted to include tables, charts, and other material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 187 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1977.

□ 1222

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1977), making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, with Mr. BURTON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole House rose on Monday, July 17, 1995, title III was open for amendment at any point.

Mr. REGULA. Mr. Chairman, I ask unanimous consent to strike the last word, in order that I may address the House to explain the vote situation.

The CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. REGULA. Mr. Chairman, there are two votes pending at this point that were rolled over from title II last night. The first will be a vote on the question of a sale of 7 million barrels of oil from Weeks Island in order to pay for the cost of moving the balance of the oil from Weeks Island to another location in SPR. Presently, Weeks Island is leaking and the oil has to be moved.

There is an amendment pending that would eliminate the language that allows the sale of the 7 million barrels to provide the necessary funds to move the oil and make whatever repairs would be required on the balance of SPR.

The second amendment, Mr. Chairman is an amendment offered by the gentleman from Ohio [Mr. CHABOT] that would eliminate the funding for the National Endowment for the Humanities. Those would be the two amendments that will be before us. The first will be the amendment of the gentleman from Colorado [Mr. SCHAEFER] on the Weeks Island issue; the second will be on the amendment of the gentleman from Ohio [Mr. CHABOT] to defund NEH.

Mr. SCHAEFER. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Colorado.

Mr. SCHAEFER. Mr. Chairman, I have a very short comment. These both were debated last night in full, and I recognize the work the chairman has put in on this particular piece of legislation. We just disagree on this point.

Mr. Chairman, I would ask, am I understanding this correctly, that both of these amendments will have recorded votes? May I ask if both of these amendments have recorded votes?

The CHAIRMAN. The requests for recorded votes are pending from last night.

Mr. REGULA. That is correct. The plan would be a recorded vote on both, probably 15 minutes on the first, and 5 minutes on the second. Would that be correct, Mr. Chairman?

The CHAIRMAN. The votes have not yet been ordered, but the Chair will put that question shortly.

Mr. REGULA. Mr. Chairman, there would then be a 15-minute vote on Weeks Island and a 5-minute vote on the amendment offered by the gentleman from Ohio [Mr. CHABOT].

The CHAIRMAN. That is the intention of the Chair.

Mr. REGULA. If they are ordered, yes.

Mr. SCHAEFER. Mr. Chairman, I intend to move that a quorum is not present, if indeed it is not ordered.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, as the chairman explained, there are two votes pending on the Department of the Interior appropriation bill. The first, of course, is on the amendment by the gentleman from Colorado [Mr. SCHAEFER] respecting Weeks Island; to strike the provision which allows the Secretary of Energy to sell on a one-time basis 7 million barrels of oil from storage at Weeks Island, LA.

The amount to be sold is less than 1 day of oil imports. It is only a little more than 1 percent of the total reserve. If the oil is not sold, this bill will be over its 602(b) allocation, and in conference, $100 million more would have to be covered out of a bill that is already very, very tight. This would place Park Service in jeopardy, Indian health in jeopardy, and place revenue-producing programs in jeopardy.

In addition, Mr. Chairman, if the Department of Energy is unable to attend to the problems at Weeks Island, we are going to be faced with the distinct possibility of an oil spill of far greater magnitude than the *Exxon Valdez*.

The second amendment we will be voting on is the amendment offered by the gentleman from Ohio [Mr. CHABOT] to eliminate all funding for the National Endowment for the Humanities.

□ 1230

His amendment does not accord with either the authorizing committee or the appropriations committee.

As I indicated last night, Mr. Chairman, the National Endowment for the Humanities is a unique organization. It is an organization that promotes the essence, the elements of democracy in our country. To my mind it is one of the must powerful educational forces we have in this country. The NEH helps teachers obtain the tools with which they can better transmit their subjects to more pupils.

The National Endowment for the Humanities has already been cut much too much in my opinion. It has been cut from an appropriation of $172 million to $99.5 million, 42 percent cut. I think that both amendments should be defeated.

SEQUENTIAL VOTES POSTPONED IN COMMUNITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to House Resolution 189, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 41 offered by the gentleman from Colorado [Mr. SCHAEFER]; amendment No. 11 offered by the gentleman from Ohio [Mr. CHABOT].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 41 OFFERED BY MR. SCHAEFER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 41 offered by the gentleman from Colorado [Mr. SCHAEFER] on which further proceedings were postponed and on which the noes prevailed by division vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. SCHAEFER: Page 57, line 7, strike "$287,000,000" and all that follows through "Reserve" on line 21, and insert the following: $187,000,000, to remain available until expended, which shall be derived by transfer of unobligated balances from the "SPR petroleum account".

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 15-minute vote, to be followed by a possible 5-minute vote.

The vote was taken by electronic device, and there were—ayes 157, noes 267, not voting 10, as follows:

[Roll No. 517]

AYES—157

Archer
Armey
Bachus
Baesler
Baker (LA)
Ballenger
Barcia
Barr
Barrett (WI)
Barton
Bateman
Bentsen
Bilbray
Bilirakis
Bliley
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunning
Burr
Burton
Callahan
Calvert
Camp
Cardin
Chambliss
Chenoweth
Christensen
Coburn
Condit
Cooley
Cramer
Crapo
Cunningham
Danner
de la Garza
Deal
Deutsch
Diaz-Balart
Dingell
Edwards
Engel
Everett
Fawell
Fields (LA)
Fields (TX)
Filner
Franks (CT)
Frisa
Frost
Funderburk
Ganske

Gejdenson
Gephardt
Geren
Gillmor
Gordon
Graham
Greenwood
Gunderson
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hinchey
Houghton
Hunter
Hutchinson
Hyde
Jackson-Lee
Jefferson
Jones
Kasich
Kennedy (MA)
Kennelly
Kildee
King
Kingston
Kleczka
LaFalce
Largent
Laughlin
Levin
Lincoln
Linder
Lipinski
LoBiondo
Lucas
Manzullo
Markey
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez

Mink
Molinari
Montgomery
Moorhead
Moran
Nadler
Neal
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Pallone
Parker
Paxon
Pickett
Pombo
Quinn
Roberts
Ros-Lehtinen
Salmon
Schaefer
Scott
Sisisky
Skelton
Slaughter
Smith (MI)
Smith (WA)
Solomon
Spratt
Stenholm
Stockman
Stump
Stupak
Tanner
Tauzin
Taylor (MS)
Thurman
Upton
Visclosky
Wamp
Weller
White
Whitfield
Williams
Wilson
Woolsey
Wyden
Wynn
Young (AK)

NOES—267

Abercrombie
Ackerman
Allard
Andrews
Baker (CA)
Baldacci
Barrett (NE)
Bartlett
Bass
Becerra
Beilenson
Bereuter
Berman
Bevill
Bishop
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Brown (CA)
Brown (FL)
Brown (OH)
Bunn
Buyer
Canady
Castle
Chabot
Chapman
Chrysler
Clay
Clayton
Clement

Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Costello
Cox
Coyne
Crane
Cremeans
Cubin
Davis
DeFazio
DeLauro
DeLay
Dellums
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Evans

Ewing
Farr
Fattah
Fazio
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Gallegly
Gekas
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Green
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Hancock
Hastings (FL)
Hefner
Hilliard
Hobson
Hoekstra
Hoke
Holden

Horn
Hostettler
Hoyer
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kelly
Kim
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Livingston
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McKinney
Meehan
Meek
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mollohan
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Oberstar
Obey
Olver
Owens
Packard
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Riggs
Rivers
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Smith (NJ)
Smith (TX)
Souder
Spence
Stark
Stearns
Stokes
Studds
Talent
Tate
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Vucanovich
Walker
Walsh
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Wicker
Wise
Wolf
Yates
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Collins (MI)
Conyers
Flake
Johnson (SD)
Kennedy (RI)
Moakley
Reynolds
Richardson
Volkmer
Waldholtz

□ 1256

Mrs. CUBIN, Messrs. KIM, WISE, JOHNSTON of Florida, CHRYSLER, ZELIFF, COBLE, TATE, CRANE, PAYNE of New Jersey, GONZALEZ, SMITH of Texas, INGLIS of South Carolina, LAHOOD, and GUTIERREZ changed their vote from "aye" to "no."

Messrs. MENENDEZ, GEJDENSON, KING, KLECZKA, CRAMER, SCOTT, HERGER, ENGEL, NADLER, SALMON, KENNEDY of Massachusetts, Ms. WOOLSEY, and Ms. SLAUGHTER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. JOHNSON of South Dakota. Mr. Speaker, I rise today to inform the House that I inadvertently missed two votes, rollcall Nos. 516 and 517, earlier today due to a malfunction in the House electronic pager system. Had I been present I would have voted "nay" in each instance.

PARLIAMENTARY INQUIRY

Mr. DICKS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DICKS. Mr. Chairman, will the next amendment eliminate all funding for the National Endowment for the Humanities, after the committee cut it by 40 percent?

The CHAIRMAN. The gentleman has not stated a proper parliamentary inquiry.

AMENDMENT NO. 11 OFFERED BY MR. CHABOT

The CHAIRMAN. The unfinished business is the demand for a recorded vote on amendment No. 11 offered by the gentleman from Ohio [Mr. CHABOT] on which further proceedings were postponed and on which the "noes" prevailed by voice vote.

The Clerk will redesignate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. CHABOT: Page 73, strike line 16 and all that follows through page 74, line 15.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 148, noes 277, not voting 9, as follows:

[Roll No. 518]

AYES—148

Allard
Archer
Armey
Baker (CA)
Barcia
Barr
Bartlett
Barton
Bateman
Bilirakis
Bliley
Boehner
Bono
Brewster
Brownback
Bryant (TN)
Bunning
Burton
Callahan
Calvert
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Dickey
Doolittle
Dreier
Duncan
Dunn
Emerson
Everett
Ewing
Fields (TX)
Foley
Frisa
Funderburk
Gallegly
Gekas
Geren
Gillmor
Goodlatte
Gutknecht
Hall (TX)
Hancock
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hostettler
Hunter
Hutchinson
Inglis
Istook
Johnson, Sam
Jones
Kasich
King
Kingston
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lucas
Manzullo
McInnis
McIntosh
McKeon
Metcalf
Mica
Molinari
Montgomery
Moorhead
Myrick
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Parker
Paxon
Petri
Pombo
Quillen
Radanovich
Ramstad
Roberts
Rogers
Rohrabacher
Roth
Royce
Salmon
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Smith (TX)
Smith (WA)
Solomon
Souder
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Walker
Wamp
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Young (AK)
Young (FL)
Zimmer

NOES—277

Abercrombie
Ackerman
Andrews
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barrett (NE)
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bishop
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Burr
Buyer
Camp
Cardin
Castle
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flanagan
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hansen
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hoyer
Hyde
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
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Moran
Morella
Murtha
Myers
Nadler
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Oberstar
Obey
Olver
Ortiz
Owens
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Rangel
Reed
Regula
Riggs
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Spence
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Vucanovich
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
White
Williams
Wilson
Wise

Wolf
Woolsey
Wyden
Wynn
Yates
Zeliff

NOT VOTING—9

Collins (MI)
Dornan
Flake
Kennedy (RI)
Moakley
Reynolds
Richardson
Volkmer
Waldholtz

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So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there amendments to title III?

AMENDMENT OFFERED BY MR. OLVER

Mr. OLVER. Mr. Chairman, I offer an amendment, amendment No. 70.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OLVER:

AMENDMENT NO. 70

At the end of the bill add the following new section:

"SEC. . None of the funds made available in this Act may be used by the Department of Energy in implementing the Codes and Standards Program to plan, propose, issue, or prescribe any new or amended standard—

"(1) when it is made known to the Federal official having authority to obligate or expend such funds that the Attorney General, in accordance with section 325(o)(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)(2)(B)), determined that the standard is likely to cause significant anticompetitive effects;

"(2) that the Secretary of Energy, in accordance with such section 325(o)(2)(B), has determined that the benefits of the standard do not exceed its burdens; or

"(3) that is for fluorescent lamps ballasts.".

POINT OF ORDER

Mr. WALKER. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman from Pennsylvania will state his point of order.

Mr. WALKER. At this point in the bill, the amendment is not raised timely. It has to come at the end of this title rather than in the middle of the title.

The CHAIRMAN. Does the gentleman from Massachusetts wish to be heard on the point of order?

Mr. OLVER. I accept the point of order.

The CHAIRMAN. Until the Clerk reads the last two lines of the bill, limitation amendments are not in order where that point is raised.

Are there amendments to title III?

Mr. GUNDERSON. Mr. Chairman, I move to strike the last word for the purposes of entering into a colloquy with the distinguished chairman of the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 5 minutes.

Mr. GUNDERSON. Mr. Chairman, I want to thank the distinguished chairman of the Interior appropriations subcommittee for engaging in this colloquy with me. All of us in the Congress are faced, as we know, with tough fiscal choices this year. There is nobody who has faced that any more than the chairman of the Interior appropriations subcommittee, as he has tried to deal with the difficult decisions in this area.

I rise, however, this afternoon to caution the chairman that some of the cuts that are being proposed may actually have negative consequences of costing us more than we intended to save. The bill before us does not specify exactly where the money cut from the National Biological Survey is to be taken. However, without specific guidance or direction as to where those cuts should be made, I fear that cuts will be based on some formula that focuses more heavily on meeting the internal agenda of the Department of the Interior rather than on focusing on more broadly what is best for our Nation as a whole.

In fact, this is already illustrated by a recent decision by the Department of the Interior to issue a list outlining labs currently under the jurisdiction of the National Biological Survey that would be closed. One lab slated for closure is the national fisheries lab within the Upper Mississippi Science Center in LaCrosse, WI. I have a letter I would like to insert from Secretary Babbitt at this point in the RECORD that articulates this.

The Upper Mississippi Science Center is a one-of-a-kind research facility. The work this facility performs is unique and essential to the Nation.

Under a contract with 40 different States, the center conducts research which is necessary for registering chemicals and drugs used in aquaculture and marine fisheries. This center is the only research institute in the country with the facilities, personnel, experience, and laboratory practices for the development of information necessary to drug and chemical registration processes.

I am convinced that without an adequate and diverse supply of these chemical and drug products, public safety would obviously be compromised, especially with consumption of seafood products, as that continues to increase. Currently, we inspect seafood products using a system that is both risk-based and science-based. Loss of the national fisheries lab would threaten the supply of products that helps to minimize these risks. Loss of this lab would undoubtedly force us to reinvest greater funding in seafood inspection activities, since a system that is risk-based increases the size and scope in direct proportion with the risk it attempts to curtail.

I would assure the distinguished chairman that my subcommittee, the committee on Agriculture Subcommittee on Livestock, Dairy, and Poultry, will be proceeding with legislative reform of our Nation's meat, poultry, and seafood inspection systems.

If we cut at this time funding to the National Biological Survey for this particular lab without providing specific guidance on where the money should be taken from, it would put this entire process in jeopardy and we would simply have to recreate that inspection and that scientific research process later on.

Therefore, I would request that the chairman would take the necessary actions to ensure that we can reach our combined legislative objectives without forcing us to actually raise the budget deficit.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Chairman, I thank the distinguished chairman of the Livestock, Dairy, and Poultry Subcommittee for his remarks. I especially appreciate his acknowledgement of and support for the deficit reduction activities that my subcommittee is engaged in.

I do not envy the task ahead of the distinguished chairman as he takes up legislation to reform our Nation's systems of meat, poultry, and seafood inspection.

I recognize the fact that any cuts to the Upper Mississippi Science Center put you in a precarious position of having to potentially develop a more intense and costly system of seafood inspection.

Certainly, maintaining the safest, most abundant, highest quality, and most affordable food supply on the planet is in the best interest of all Americans.

I would like to assure the gentleman that while this bill reduces funding by over $60 million for biological research programs, and transfers programs to a research arm within the U.S. Geological Survey, nothing in this bill specifically requires where specific cuts should be made. Those decisions will be made on a priority basis solely within the Department of the Interior.

Towards that end, I would encourage the Secretary of the Interior to proceed cautiously in determining what the highest priority research needs are for lands administered by the Department of the Interior, making those decisions on the basis of national priorities.

Mr. GUNDERSON. I appreciate the gentleman's remarks and would hope that the Department of the Interior would recognize that the decisions we make here in the National Biological Survey in no way are meant to direct specific decisions regarding specific labs.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. OWENS

Mr. OWENS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OWENS: Page 94, after line 23, insert the following new section:

SEC. 318. (a) RESERVATION OF ROYALTY.—Production of all locatable minerals from any mining claim located under the general mining laws, or mineral concentrates or products derived from locatable minerals from any mining claim located under the general mining laws, as the case may be, shall be subject to a royalty of 8 percent of the gross income from such production. The claimholder and any operator to whom the claimholder has assigned the obligation to make royalty payments under the claim and any person who controls such claimholder or operator shall be jointly and severally liable for payment of such royalties.

(b) DUTIES OF CLAIM HOLDERS, OPERATORS, AND TRANSPORTERS.—(1) A person—

(A) who is required to make any royalty payment under this section shall make such payments to the United States at such times and in such manner as the Secretary may by rule prescribe; and

(B) shall notify the Secretary, in the time and manner as may be specified by the Secretary, of any assignment that such person may have made of the obligation to make any royalty or other payment under a mining claim.

(2) Any person paying royalties under this section shall file a written instrument, together with the first royalty payment, affirming that such person is liable to the Secretary for making proper payments for all amounts due for all time periods for which such person as a payment responsibility. Such liability for the period referred to in the preceding sentence shall include any and all additional amounts billed by the Secretary and determined to be due by final agency or judicial action. Any person liable for royalty payments under this section who assigns any payment obligation shall remain jointly and severally liable for all royalty payments due for the claim for the period.

(3) A person conducting mineral activities shall—

(A) develop and comply with the site security provisions in operations permit designed to protect from theft the locatable minerals, concentrates or products derived therefrom which are produced or stored on a mining claim, and such provisions shall conform with such minimum standards as the Secretary may prescribe by rule, taking into account the variety of circumstances on mining claims; and

(B) not later than the 5th business day after production begins anywhere on a mining claim, or production resumes after more than 90 days after production was suspended, notify the Secretary, in the manner prescribed by the Secretary, of the date on which such production has begun or resumed.

(4) The Secretary may by rule require any person engaged in transporting a locatable mineral, concentrate, or product dervied therefrom to carry on his or her person, in his or her vehicle, or in his or her immediate control, documentation showing, at a minimum, the amount, origin, and intended destination of the locatable mineral, concentrate, or product derived therefrom in such circumstances as the Secretary determines is appropriate.

(c) RECORDKEEPING AND REPORTING REQUIREMENTS.—(1) A claim holder, operator, or other person directly involved in developing, producing, processing, transporting, purchasing, or selling locatable minerals, concentrates, or products derived therefrom, subject to this Act, through the point of royalty computation shall establish and maintain any records, make any reports, and provide any information that the Secretary may reasonably require for the purposes of implementing this section or determining compliance with rules or orders under this section. Such records shall include, but not be limited to, periodic reports, records, documents, and other data. Such reports may also include, but not be limited to, pertinent technical and financial data relating to the quantity, quality, composition volume, weight, and assay of all minerals extracted from the mining claim. Upon the request of any officer or employee duly designated by the Secretary or any State conducting an audit or investigation pursuant to this section, the appropriate records, reports, or information which may be required by this section shall be made available for inspection and duplication by such officer or employee or State.

(2) Records required by the Secretary under this section shall be maintained for 6 years after cessation of all mining activity at the claim concerned unless the Secretary notifies the operator that he or she has initiated an audit or investigation involving such records and that such records must be maintained for a longer period. In any case when an audit or investigation is underway, records shall be maintained until the Secretary releases the operator of the obligation to maintain such records.

(d) AUDITS.—The Secretary is authorized to conduct such audits of all claim holders, operators, transporters, purchasers, processors, or other persons directly or indirectly involved in the production or sales of minerals covered by this title, as the Secretary deems necessary for the purposes of ensuring compliance with the requirements of this section. For purposes of performing such audits, the Secretary shall, at reasonable times and upon request, have access to, and may copy, all books, papers and other documents that relate to compliance with any provision of this section by any person.

(e) COOPERATIVE AGREEMENTS.—(1) The Secretary is authorized to enter into cooperative agreements with the Secretary of Agriculture to share information concerning the royalty management of locatable minerals, concentrates, or products derived therefrom, to carry out inspection, auditing, investigation, or enforcement (not including the collection of royalties, civil or criminal penalties, or other payments) activities under this section in cooperation with the Secretary, and to carry out any other activity described in this section.

(2) Except as provided in paragraph (4)(A) of this subsection (relating to trade secrets), and pursuant to a cooperative agreement, the Secretary of Agriculture shall, upon request, have access to all royalty accounting information in the possession of the Secretary respecting the production, removal, or sale of locatable minerals, concentrates, or products derived therefrom from claims on lands open to location under the general mining laws.

(3) Trade secrets, proprietary, and other confidential information shall be made available by the Secretary pursuant to a cooperative agreement under this subsection to the Secretary of Agriculture upon request only if—

(A) the Secretary of Agriculture consents in writing to restrict the dissemination of the information to those who are directly involved in an audit or investigation under this section and who have a need to know;

(B) the Secretary of Agriculture accepts liability for wrongful disclosure; and

(C) the Secretary of Agriculture demonstrates that such information is essential to the conduct of an audit or investigation under this subsection.

(f) INTEREST AND SUBSTANTIAL UNDERREPORTING ASSESSMENTS.—(1) In the case of mining claims where royalty payments are not received by the Secretary on the date that such payments are due, the Secretary shall charge interest on such under payments at the same interest rate as is applicable under section 6621(a)(2) of the Internal Revenue Code of 1986. In the case of an underpayment, interest shall be computed and charged only on the amount of the deficiency and not on the total amount.

(2) If there is any underreporting of royalty owed on production from a claim for any production month by any person liable for royalty payments under this section, the Secretary may assess a penalty of 10 percent of the amount of that underreporting.

(3) If there is a substantial underreporting of royalty owed on production from a claim for any production month by any person responsible for paying the royalty, the Secretary may assess an additional penalty of 10 percent of the amount of that underreporting.

(4) For the purposes of this subsection, the term "underreporting" means the difference between the royalty on the value of the production which should have been reported and the royalty on the value of the production which was reported, if the value which should have been reported is greater than the value which was reported. An underreporting constitutes a "substantial underreporting" if such difference exceeds 10 percent of the royalty on the value of production which should have been reported.

(5) The Secretary shall not impose the assessment provided in paragraphs (2) or (3) of this subsection if the person liable for royalty payments under this section corrects the underreporting before the date such person receives notice from the Secretary that an underreporting may have occurred, or before 90 days after the date of the enactment of this section, whichever is later.

(6) The Secretary shall waive any portion of an assessment under paragraph (2) or (3) of this subsection attributable to that portion of the underreporting for which the person responsible for paying the royalty demonstrates that—

(A) such person had written authorization from the Secretary to report royalty on the value of the production on basis on which it was reported, or

(B) such person had substantial authority for reporting royalty on the value of the production on the basis on which it was reported, or

(C) such person previously had notified the Secretary, in such manner as the Secretary may by rule prescribe, of relevant reasons or facts affecting the royalty treatment of specific production which led to the underreporting, or

(D) such person meets any other exception which the Secretary may, by rule, establish.

(7) All penalties collected under this subsection shall be deposited in the Treasury.

(g) EXPANDED ROYALTY OBLIGATIONS.—Each person liable for royalty payments under this section shall be jointly and severally liable for royalty on all locatable minerals, concentrates, or products derived therefrom lost or wasted from a mining claim located or converted under this section when such loss or waste is due to negligence on the part of any person or due to the failure to comply with any rule, regulation, or order issued under this section.

(h) EXCEPTION.—No royalty shall be payable under subsection (a) with respect to minerals processed at a facility by the same person or entity which extracted the minerals if an urban development action grant has been made under section 119 of the Housing and Community Development Act of 1974 with respect to any portion of such facility.

(i) EFFECTIVE DATE.—The royalty under this section shall take effect with respect to the production of locatable minerals after the enactment of this Act, but any royalty payments attributable to production during the first 12 calendar months after the enactment of this Act shall be payable at the expiration of such 12-month period.

POINT OF ORDER

Mr. POMBO. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. POMBO. Mr. Chairman, the amendment offered by the gentleman from New York [Mr. OWENS] violates clause 2 of rule XXI of the Rules of the House. The amendment is clearly a legislative provision and, therefore, should not be added to the appropriations bill.

The CHAIRMAN. Does the gentleman from New York desire to be heard on the point of order?

Mr. OWENS. Yes, Mr. Chairman.

The point of order which has been raised against this amendment represents gross hypocrisy.

While my amendment does include authorizing language, that is, by proper observance of the rules, not permitted in an appropriations bill, by now it is crystal clear to all of us that this appropriation bill is riddled with scores of authorization provisions, and there are many more appropriations bills on their way through the subcommittee and the committee process which have even more examples of authorization provisions.

This point of order represents an unbridled hypocrisy because both Democratic and Republican Members on the floor here are prevented from proposing the same types of substantive changes to bills that the authors of the appropriations bills clearly are being allowed to propose in subcommittee and in committee.

I will just give you one example in this particular bill, page 478, line 14. There is a $50 million earmark to remain available indefinitely for construction of forest roads by timber purchasers, $50 million. That is legislating. It is legislating in favor of corporate welfare, pure and simple, corporate welfare, but in the bill.

Specifically, in this case, by possibly blocking a vote on my amendment, this point of order would rob the American people of the opportunity to reduce the deficit by almost $2 billion over 7 years, and we all want to reduce the deficit.

Here is a creative way to reduce the deficit. Here is a creative way to get new revenue without taxes. We are all looking for new ways to get revenue without taxes, I am sure.

It is a golden opportunity to also exhibit truth in budget balancing. If you really want to balance the budget, let us deal with some of the giveaways that we are always protecting. With all of the talk I hear about deficit reduction from the other side of the aisle, I am shocked some of my Republican colleagues prefer to continue to allow rich mining companies to continue to pocket the money of hard-working American taxpayers.

This amendment would provide that the royalties would be charged, 8 percent royalty would be charged on the value of minerals produced from hardrock mining by private companies on Federal lands. Currently, the Federal Government does not collect a single dollar in royalties from these companies.

This is precisely the type of taxpayer swindle that the Republicans are not willing to talk about. It is a kind of corporate welfare that exists in the budget and in the appropriations process.

Mr. POMBO. Point of order. I do not believe the gentleman is addressing the point of order which I raised. I believe he does feel very strongly about his amendment, which is out of order, but he is not addressing the point of order which I raised.

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The CHAIRMAN. The gentleman's point is well taken. The gentleman will confine his remarks to the point of order.

Mr. OWENS. The point of order relates to the fact that there is in this appropriation bill, and all the others, legislation of this kind. I just gave my colleagues one example, and this is proposing one that will be very beneficial for the American people in that it will reclaim a giveaway of gold——

Mr. POMBO. Again point of order, Mr. Chairman. He is not addressing the point of order in which I raised.

The CHAIRMAN. The gentleman's point is well taken. The gentleman will confine his remarks to the point of order, whether or not this amendment legislates on an appropriations bill.

Mr. OWENS. Well, I would like to know from the gentleman what is the difference between my amendment at page 47, line 14, of this particular bill which has a $50 million earmark to remain available indefinitely for the construction of forest roads——

Mr. POMBO. Again, Mr. Chairman——

The CHAIRMAN. The gentleman's point of order is well taken. The gentleman will confine his remarks to the point of order at hand.

The Chair is prepared to respond to the point of order.

Mr. OWENS. I am responding to the point of order in that there are under way numerous provisions of the same kind that I have here in appropriation bills. There are examples in this bill. I want to know what is the difference between the kind of amendment that I am proposing and the kind of provisions that are routinely based in the appropriations bills now. Mine would be of great benefit to the American people because it would stop allowing mining companies to rake in $1.2 million a year for mining hard-rock minerals on public lands that belong to——

Mr. POMBO. Again, Mr. Chairman, I have to raise a point of order.

The CHAIRMAN. The gentleman's point is well taken.

The Chair is prepared to rule on this point of order.

For the reasons stated by the gentleman from California the point of order is sustained. This amendment legislates on an appropriation bill——

Mr. OWENS. I appeal——

The CHAIRMAN. The fact that the other language is in the bill against which points of order have been waived, is not relevant.

Mr. OWENS. Mr. Chairman, I appeal the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as the judgment of the Committee?

The question was taken; and the Chairman announced that the ayes appeared to have it.

So the decision of the Chair stood as the judgment of the Committee.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. GUTKNECHT

Mr. GUTKNECHT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GUTKNECHT:

Page 94, after line 24, insert the following new section:

SEC. 318. None of the funds provided in this Act may be made available for the Mississippi River Corridor Heritage Commission.

The CHAIRMAN. Pursuant to the rule, the gentleman from Minnesota [Mr. GUTKNECHT] and a Member opposed will each be recognized for 5 minutes.

The Chair recognizes the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. Mr. Chairman, I yield myself a minute and a half.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Jefferson once said that "The will of the people is the only legitimate foundation of any government." I have heard the will of the people of my district loud and clear and this afternoon I am asking Congress to act upon that will.

These 3 books contain over 12,000 names of constituents from Minnesota, Wisconsin, and Iowa who strongly oppose designating the Mississippi River as a National Heritage Corridor. They believe that such a designation may be the Federal Government's first step towards increased Federal regulation in the 120 counties and parishes along the Mississippi.

The amendment we are offering would eliminate funds for the Mississippi River Heritage Corridor Commission.

Mark Twain once said that the closest thing to eternal life on earth is a government program. Congress created the Commission in 1990 for a 3 year period. They were extended once, and now they're seeking an additional $142,000 for a fifth year. It is time to put an end to this Commission before it grows roots.

There are basically two ways of looking at this Corridor Commission. Either it is, as 12,000 constituents believe, the early stages of a Federal takeover of the Mississippi corridor, or it is, as the Commission supporters have said, an innocuous group with no real power. If the latter is true, continuing to fund the Commission is a waste of taxpayer money. If the people are correct, we should do everything we can to make sure that the Father of Waters does not become the "Mother of all Federal land grabs."

The Commission has had 5 years to get public input on the National Heritage Corridor. To say that it needs an additional $142,000 to conduct 10 meetings is outrageous. Only in Washington could $14,000 per public meeting be considered a bargain.

Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I rise today in strong support of the Gutknecht amendment and commend the gentleman's leadership in bringing this important matter for our action.

For those of you who may not be familiar with this issue, the actual Mississippi River Corridor Study Commission Act of 1989 stated that the final report of the Commission must be submitted no later than 3 years after the date of the first meeting of the Commission. Proponents of this Commission believed this would be a sufficient amount of time and money to complete its work. Well, we are in the fifth year and the study has yet to be completed, and now they are asking for more money.

More alarming, however, is the direction taken by the Commission since its creation. The plan would allow the Federal Government to designate the 120 counties and parishes that border the Mississippi River as an environmental corridor along the river with restrictive zoning requirements. If allowed to take place, this plan would seek to control all land use in adjacent river areas and override all local land use plans in these river counties. It's nothing more than a Federal land grab.

Furthermore, the Mississippi River Heritage Corridor would designate preserve areas to be controlled as the Federal Government sees fit. Even the National Park Service admits that while the general public believes the Heritage Corridor to be an economic revitalization program, it is in reality more preservation oriented. Likewise, I object to the cost of this project which would be seized from the pockets of Missouri taxpayers and I am staunchly opposed to giving Federal bureaucrats the say over the use of private property in these river areas.

Property owners, farmers, ranchers, and true conservationists up and down the river are opposed to this unjust governmental takings and other such efforts, such as The Mississippi River Heritage Corridor, to snatch control of their property. Clearly, we cannot allow preservationist and radical environmental interest groups along with a faceless Washington bureaucracy to dictate the use of thousands of acres of farmland in my home State and throughout the Upper and Lower Mississippi River Valley.

Mr. Chairman, I have heard from hundreds of my constituents on this issue and they oppose it. The Mississippi River Valley produces many millions of dollars worth of agricultural products for both domestic use and export throughout the world. This Federal land use undertaking is misguided and ill-conceived. The Gutknecht amendment must be adopted, and I urge my colleagues to support it.

Mr. YATES. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. Chairman, I think the gentleman from Missouri has a point, when he talks about the fact that the hearings were to have been completed and a report was to have been issued. Nevertheless, I want to rise in opposition to the amendment because there is nothing in the Corridor Commission feasibility report that would in any way provide for the takeover by the Federal Government of Private lands. The authority of the Commission does not in any way allow them to affect private property rights. It does not threaten property rights at all. It does not impose any regulatory burden on businesses or farms. There is nothing in this report that even suggests big government control of the Mississippi River.

I do not know why the Commission should not be allowed to complete its work. I think that there ought to be a deadline imposed on when the final report should be issued and that deadline should be strictly enforced so that any worries that private property owners along the river have can be allayed. Mr. Chairman, I see no basis for this amendment at all, and I oppose the amendment.

Mr. GUTKNECHT. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, we have no problem with this amendment. I think there have been long delays out there in getting anything accomplished, and adding another year of money does not do anything constructive. I have discussed it with the Members up and down the corridors that are involved, and they are very much in favor of the amendment.

Therefore, at least on our side, we are perfectly willing to accept it.

Mr. GUTKNECHT. Mr. Chairman, I would just say that this amendment is being supported by most of the Members who have property adjoining or have parts of their district that adjoin the Mississippi River.

It is also supported by the Minnesota Farm Bureau, Americans for Tax Reform Foundation, the National Taxpayers Union, the National Hardwood Lumber Association, the Illinois Association of Drainage Districts, Private Landowners of Wisconsin, Ogle County Farm Bureau, Blackhawk Area Landowners Association, CRZLR, Inc., Minnesota Agri-Growth Council, Inc., and B.A. Mulligan Lumber & Manufacturing Co.

Mr. Chairman, I say to my colleagues, "I would appreciate your support."

Mr. GUNDERSON. Mr. Chairman, this amendment would essentially eliminate funding for the Mississippi River Heritage Corridor Study Commission, a commission which, like so many study commissions established by Congress, would endure eternally if given the chance.

The Commission was established in 1990 by Public Law 101–398. The purpose of the Commission was to study and determine the feasibility of designating the Mississippi River corridor a national heritage corridor. In addition, the Commission was directed to make recommendations to Congress for preserving and enhancing the unique natural, recreational, scenic and cultural resources of the river corridor.

The law authorized the Commission for 3 years to complete the study, issue a final report and hold public hearings in each of the 10 States bordering the Mississippi River. The law authorized $500,000 a year for the Commission for a 3-year period beginning on the date the Commission initially met. Since July, 1991, when the Commission held its first meeting, Congress has appropriated to the Commission $200,000 for fiscal year 1991, $150,00 for fiscal year 1993, $149,000 for fiscal year 1994, and $149,000 for fiscal year 1995. The Commission has argued that it has been unable to meet its obligations under the law because it has not received the full funding authorized for the study. Given the current fiscal climate and the nature of the Commission, this was an unrealistic expectation.

Authorization for the Commission expired last year. At that time, the Commission had failed to meet any of its obligations. While the Commission completed a draft final report in March 1995, it returned this year and asked that Congress provide another $149,000 so that it could print its final report and hold the required 10 hearings. Congressman REGULA's subcommittee reduced that funding to $142,000, but I strongly urge that no funds appropriated in this bill be allocated to the Commission.

I want to stress that this amendment is not necessarily anti-Commission or anti-heritage area. I believe in preserving the valuable natural resources of the Mississippi River Corridor and feel Congress should be given the opportunity to consider every alternative for providing such protection. In fact, I have consistently supported the Commission, voting in favor of its appropriations every year since the Commission was formed. The Commission approached me last year during the appropriations process and asked for my support on further funding. While I had reservations about funding an unauthorized commission, I felt obligated to my constituents to ensure that Congress was presented with all the facts surrounding heritage area designation. I supported the $149,000 appropriation for the Commission based on Commission members' assurances that they would meet their obligations under the law and complete a final report by the end of 1995.

Despite those assurances, the Commission has returned to this Congress looking for funds, yet there is no final report, and not one hearing has been held. While I don't necessarily think the Commission was a poor idea, the rules have changed this year. We have made a commitment to balance the budget over the next 7 years. An appropriation of $142,000 may not seem like a great sum of money, but if we are going to act responsibly and balance the budget, we cannot continue to provide funds for perpetual commissions and studies.

The Chairman of the Commission has informed me that the Commission will be able to issue its final report regardless of whether Congress provides them these funds. I am glad that funding provided the Commission since 1991 has not gone to waste and that Congress will have the opportunity to review the Commission's recommendations. In addition, this amendment does not preclude any Member from offering a bill in the future to designate the Mississippi River a heritage corridor.

Study commissions such as this have a history of continuing on interminably if provided the funding. This amendment will simply ensure that Congress does not provide funding for an unauthorized program that is failing to get its job done.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT].

The amendment was agreed to.

The CHAIRMAN. The Clerk will read the last 2 lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1996".

AMENDMENT OFFERED BY MR. PARKER

Mr. PARKER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PARKER:

Amendment No. 61:

At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used by the Department of Energy in implementing the Codes and Standards Program to plan, propose, issue, or prescribe any new or amended standard.

(b) CORRESPONDING REDUCTION IN FUNDS.—The aggregate amount otherwise provided in this Act for "DEPARTMENT OF ENERGY—Energy Conservation" is hereby reduced by $12,799,000.

The CHAIRMAN. Pursuant to the rule, the gentleman from Mississippi [Mr. PARKER] and a Member opposed will each be recognized for 10 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. PARKER].

Mr. PARKER. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, my amendment will effectively block for 1 year new rulemakings under the Department of Energy's codes and standards program. DOE has long conducted research and information campaigns to develop and promote energy conservation and efficiency. I applaud those efforts, and my amendment allows continued funding for the DOE's testing and labeling programs, but my amendment will stop funding of standard setting rulemakings currently underway that actually steal away consumer choice. Such rules are supposed to promote energy efficiency and appliances. The problem is that when DOE wrote these rules, they set product standards so high that they end up banning whole types of products and make others uneconomic. If the DOE rules go into effect, jobs in my State will be eliminated, thousands of jobs across America will be destroyed, U.S. manufactured products will be banned, consumer choice will be limited, and whole factories in this country will close.

This is not a proper function of government. The rule in question does not even make sense. For example, DOE's proposed standard will ban the common magnetic ballast last used in fluorescent lighting and permit only a newer electronic ballast. Aside from the fact that this outright eliminates the magnetic ballast industry, the use of electronic ballast has grown from 2 percent of the market in 1987 to 40 percent today. Clearly the market is being driven towards energy efficiency without a new DOE rule. So why are we wasting tax resources on such rulemaking?

Also consider that the electronic ballast that DOE is promoting is presently manufactured mostly in Asia. The band magnetic ballast is made in the United States. It is not our job to pick light bulbs, or dishwashers or washing machines. That job belongs to the consumer. U.S. manufacturers and workers should be able to produce and sell safe products that meet the needs of their customers. When we let DOE make that decision, our citizens loose their consumer choices, and thousands lose their jobs. We need to stop this.

My amendment will save slightly over 12.7 million taxpayer dollars, will redirect DOE efforts to research and provide consumer information, will save tens of thousands of jobs and preserve billions in investments. This amendment provides a 1-year time out and sends a clear signal to the DOE that they have gone too far. To help the department reform this program, I intend to work with the gentleman from Virginia [Mr. BLILEY] and the gentleman from Colorado [Mr. SCHAEFER] of the Committee on Commerce on authorizing legislation to fully remedy this situation, and I ask for my colleagues' vote.

Mr. Chairman, I reserve the balance of my time.

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Mr. YATES. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] is recognized for 10 minutes.

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume.

This amendment is a very drastic measure to fix a problem regarding lamp ballast that no longer exists. The rulemaking programs for building codes and equipment standards is absolutely essential. Secretary of Energy O'Leary wrote to Chairman REGULA on July 12 and said, "I am aware that the proposed rule on lamp ballast has created considerable debate and may be the impetus for Mr. PARKER's amendment, but I want to assure you as strongly as I can that we are listening to the National Electrical Manufacturer's Association, the Electronic Industry's Association, and companies like Magnetek and Philips, who fear that the rule could inherently favor electronic over electromagnetic ballasts. We are examining the economic impacts of standards on manufacturers and on competition, whether there are application differences which warrant separate classes, and we will consider issues such as timing and the stringency of standards."

So said the Secretary of Energy, Mrs. O'Leary, and I think that is reassurance that the evils and the wrongdoings suggested by my friend from Mississippi, Mr. PARKER, have no basis.

There are several other points worth noting about the appliance and building standards program, Mr. Chairman. This program will result in energy savings of 23 quads or 4 billion barrels of oil through the year 2015. Consumers and businesses will receive savings of $1.7 billion annually. Federal standards have been supported by manufacturers and other interested parties because they replaced a patchwork of State standards which were unmanageable and burdensome to industry.

This is a most destructive amendment, and I hope it will be defeated.

Mr. Chairman, I reserve the balance of my time.

Mr. PARKER. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I want to congratulate the gentleman from Mississippi for this amendment. This amendment simply implements authorization language already adopted by the Committee on Science which I chair. That authorization was passed by a voice vote. In fact, an amendment designed to gut this particular approach was defeated overwhelmingly in the committee by a 27 to 9 vote.

What this amendment does is just implements common sense. It says that the big brother, namely the Federal Government, should not tell the U.S. consumer what products they can and cannot buy. Without this amendment, what you have is DOE bureaucrats intending to impose new Federal regulations that deny consumers certain appliances like lights, televisions, washing machines, air conditioners and ovens. The Government wants to decree that certain appliances that use what it considers too much electricity are going to be illegal. That is right, you will not be able to buy them because they will be illegal in the marketplace. These tend to be the less expensive models that middle and working class families can afford. So what you are going to do is take the middle and working class families out of the market and in favor of high-priced appliances that only the wealthy will be able to buy.

So what we are really doing with the Parker amendment is killing the regressive regulatory tax that is being imposed by DOE, unless we go this particular direction.

Just think, with the heat wave that we had this last week, if you had low income Americans unable to buy low cost air conditioners, the fact is you would have even more people suffering. That is typical of what we get in command and control benevolence when the Federal Government comes in. They simply say to low income people, guess what, folks, we are going to price you out of the marketplace. The Parker amendment says let us not price them out of the marketplace.

When I was asked what would be the practical effect of the new DOE rules, I was told I did not have to worry, because they would only raise the price for low income housing, because of the unavailability of lower priced appliances.

That is exactly the point. What we are doing is taxing the poor through higher prices, and giving them a lower quality of life, to please the idealists who want to keep in place this idea that the Federal Government knows all and can do all. I think this amendment is exactly the right approach. I would urge the adoption of it.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I want to be sure I understand. The gentleman has legislation that is moving through your committee that will actually then modify or repeal the Energy Policy Act of 1992 and the one of 1988, and so on down the list, because this present authority flows from these. I just want to be sure I understand there is a potential authorizing bill to repeal that.

Mr. WALKER. Mr. Chairman, reclaiming my time, just to clarify, what we are attempting to repeal is some of the standards for the future. We do maintain the energy efficiency product standards, as does the Parker amendment, the State preemption provisions are retained, and it provides $3.8 million for DOE to continue to test products in order to enforce the current standards, grant waivers and ensure consistent, reliable and uniform product energy efficiency product labeling. We are going to keep the labeling in place; the information would stay in place. We are simply not going to allow the Federal Government to rule products illegal.

Mr. REGULA. But you continue to preempt the States so manufacturers would have one uniform set of standards?

Mr. WALKER. The State preemption standards remain in the Parker amendment, and that is our intention as well.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to the Parker amendment, and I join at the same time the strong disagreement with the fluorescent lamp ballast standard which the Department of Energy proposed last program for national energy efficiency standards.

Now, since the rule that we are operating under prevents me from offering a substitute to the Parker amendment, I will have an alternative to this amendment, one which meets the concerns of fluorescent light ballast manufacturers and workers, as well as the environmental organizations, along the way.

If you total the energy savings for all household appliances from efficiency standards which have been implemented over the last 5 years, each American family is saving $210 and every year. But efficiency helps businesses, too. Well-formulated standards would save industry enough money to create 160,000 additional jobs, and reduced demand for energy helps the environment.

Further, the standard setting process does not have to be contentious. A new standard for refrigerators has been jointly proposed by States, environmental associations, electrical utilities, and the Association of Home Manufacturers. The amendment which has been offered by the gentleman from Mississippi would prevent that new standard from going into effect, even though it has the support of every affected group and would benefit everyone who ever has to buy a refrigerator.

Let us fix the problem of the lamp ballast, which my alternative which I will offer in a few minutes does, by prohibiting any issuance of standards in the fluorescent lamp ballast case, but does not throw out all of our program, which allows us to save money for all Americans.

Mr. Chairman, I would urge that we defeat the Parker amendment and then adopt the Olver amendment, which we will be debating shortly.

Mr. PARKER. Mr. Chairman, I yield myself 20 seconds.

Mr. Chairman, let me just point out the simple fact that the gentleman from Massachusetts [Mr. OLVER] is offering an amendment which separates fluorescent lights and ballast is an admission there is a problem with the new rulemaking. That is the reason why my amendment should pass.

Mr. Chairman, I yield 30 seconds to the gentleman for Illinois [Mr. GUTIERREZ].

Mr. GUTIERREZ. Mr. Chairman, I would like to congratulate the gentleman from Mississippi [Mr. PARKER] on offering this amendment and ask all the Members to support the amendment.

It is 350 jobs and two plants in my district alone. It is a 1-year moratorium. We can return after that year and after all of the discussions are settled, and then come back and see just what the new rules are. That way everybody can work on a level playing field. Three hundred fifty jobs is something, and thousands of jobs across the country, is something that we should consider before we vote on this amendment.

Mr. Chairman, I would like to congratulate the gentleman from Mississippi [Mr. PARKER].

Mr. YATES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, you know, this amendment is really the Luddite amendment of 1955 thus far. In this one amendment, we embody all of the lost lessons of the 1970's in our country. While the Japanese and Germans and others move to a much more energy efficient culture, we continue to pretend that we do not have to make our society more energy efficiency.

In 1987 and 1988 and 1990 again, we passed laws to push the appliance industry, to push these other industries, toward making their appliances, which would in fact otherwise demand we import more oil from the Middle East, to a standard which could meet competition from overseas. We have saved and will continue to save 4 billion barrels of imported oil from the Middle East because of these standards, which have increased the efficiency of every light bulb and every stove and refrigerator in our country. That is all oil fired electricity is, is nothing more than every light bulb and air conditioner being turned on.

If we want to roll back the clock, we can just ignore this morning's news that we have had a dramatic increase in crude oil imports this morning, which resulted in the largest trade imbalance number we have seen for a long time, and we can pretend we live on an island, we can pretend that we do not need to import oil, we can pretend that the Middle East is not in a huge crisis, and we can pretend somehow or another by denying the Federal Government the ability to do it and preempting the States simultaneously, we are not going to fall back into the same trap we had in the 1970's and early 1980's again.

That is why this amendment goes right at the heart of the question of whether or not this Congress has learned the lessons of the crisis in the 1970's in our country. We save on imported oil 4 billion barrels. We in fact make these appliances much more environmentally benign, so we are not polluting as much, and we reduce costs and the need to deal with the Clean Air Act. We in fact create more jobs, which is why Honeywell, Whirlpool, Owens Corning, Firestone, and all the rest of the companies oppose the Parker amendment.

Mr. PARKER. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, I rise in enthusiastic support for the Parker amendment. It will save American jobs, jobs which are being threatened by regulatory maneuvering by the Department of Energy. This amendment would cut $12.8 million in regulatory fat from DOE's budget and preserve a competitive marketplace and promote sensible energy conservation. More specifically, it would prohibit further departmental action on a proposed rulemaking concerning energy efficient standards for certain products.

It is no wonder the Department of Energy received over 8,000 comments on place and promote sensible energy conservation. More specifically, it would prohibit further departmental action on a proposed rulemaking concerning energy efficient standards for certain products.

It is no wonder the Department of Energy received over 8,000 comments on the 1994 proposals. We are talking about one absurd regulation after another. For example, were DOE's proposals to take effect, the size of ovens would have to be so drastically reduced they could not even accommodate a traditional 18-pound Thanksgiving turkey. Refrigerators would have to be made so large they would not be able to fit through standard size doors in apartments and many homes. Consumers would be required to purchase larger air conditioners, even if the room size did not require it.

The proposal for fluorescent lamp ballast, the devices used to start and operate fluorescent lamps, was so misdirected it would actually eliminate the primary ballast technology currently in use, known as electromagnetic ballast. DOE would simply wipe out this useful technology, made exclusively in the United States, in favor of another one, known as the electronic ballast manufactured in Mexico and Asia.

Mr. Chairman, I support the Parker amendment.

Mr. Chairman, electromagnetic ballasts are manufactured in my congressional district. And I can tell you first hand, that this proposed regulation would put some of my constituents out of work. Had the proposal gone into effect, literally thousands of American workers involved in the manufacture of electromagnetic ballasts would have faced unemployment, and estimates suggest that manufacturers of electromagnetic ballasts would have lost hundreds of millions of dollars in capital investment writeoffs. The companies that supply materials for ballasts, and their employees, would also have been severely impacted.

Mr. Chairman, the proposals for ballasts and the other products I mentioned not only would cost American jobs but would severely chill free and open marketplace competition. The Department of Justice itself recognizes this. Let me just read an excerpt from a September 1994 letter from the Assistant Attorney General in charge of the Antitrust Division to the Energy Department:

> For television sets, fluorescent lamp ballasts and professional-style or high-end kitchen ranges it is the Department's judgment based on the available evidence that significant anticompetitive effects are likely to occur.

So, this administration's own Justice Department told DOE that its regulatory proposal would likely cause significant anticompetitive effects. And these anticompetitive effects don't stop there. The DOJ review also said that such anticompetitive effects might also result, under certain circumstances, from the proposed rule for electric water heaters. For microwave ovens, oil-fired water heaters, room air conditioners, and direct heating equipment, the review found there was evidence indicating that anticompetitive effects could result.

Mr. Chairman, not only is DOE attempting to restrain competition, but the evidence shows that competition, without additional regulation, can achieve the very objective DOE purports to seek. Take ballasts for example. The original fluorescent lamp ballast standards working in tandem with market forces are already achieving the program's energy saving objectives. The market penetration of electronic ballasts, the devices that would have been mandated by DOE's 1994 proposal, has increased from 2 percent in 1987 to almost 40 percent in 1994. Moreover, without the heavy hand of DOE it is expected that electronic ballasts will comprise over 50 percent of the market by 1998. A free market approach is resulting in expansion of electronic ballasts, and it is doing so without causing severe economic hardships, creating significant anticompetitive effects, or sacrificing existing energy saving opportunities.

Mr. Chairman, this amendment would save the thousands of American jobs being threatened by these regulatory activities, result in greater energy conservation, and cut almost $13 million in fat from DOE's proposed budget. In addition, it is important to note that the amendment will not prevent implementation of certain useful aspects of the program, relating to establishing testing procedures for products, labeling, and enforcement.

I urge my colleagues to join me in supporting this common sense amendment to save American jobs, cut more regulatory fat from the budget, preserve a competitive marketplace, and promote sensible energy conservation.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. DINGELL], the distinguished former chairman of the Committee on Energy and Commerce.

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Mr. DINGELL. Mr. Chairman, I rise in opposition to the Parker amendment and urge my colleagues to vote against it in the knowledge that they will be able to vote for the Olver amendment which will very shortly afford Members of this body full opportunity to protect the ballast question in a manner which will be satisfactory. It is totally untrue that this is going, that the energy requirements now in place are going to impose burdens on oven manufacturers and on refrigerator manufacturers. That is totally without fact.

My colleagues have forgotten the reason we have these energy efficiency standards. It was to save energy. We did that because of the massive impact on the American economy because of cutoff of oil from the Middle East. If you ever have that happen again, you will understand how Members of Congress react when we have this kind of situation.

I want to observe to my colleagues one thing that is important: The standards-making authority which this amendment would do away with is something which is supported and sought by American industry in the full knowledge that it avoids the problem of standards being imposed by 50 different States. You cannot run a nation when you have 50 different States imposing different standards at the borders. I urge my colleagues to reject this. Vote for the Olver amendment which is coming up next.

Mr. PARKER. Mr. Chairman, I yield 30 seconds to the gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. Mr. Chairman, I rise in support of the Parker-Walker amendment. I hope our colleagues will pay attention to this. This amendment eliminates funding for unnecessary DOE energy efficiency rulemaking. The proposed rulemaking, if left as proposed, would eliminate thousands of American jobs. In my district alone, it would eliminate 1,000 jobs. This amendment solves this problem. The market competition is achieving the objectives sought by the proposed DOE rule. We do not need this kind of rulemaking. Support the Parker amendment.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. OXLEY].

Mr. OXLEY. Mr. Chairman, I rise in opposition to the amendment by the gentleman from Mississippi [Mr. PARKER].

The energy efficiency standards which our committee so assiduously worked on and finally passed on a strong bipartisan basis is truly in danger if the Parker amendment passes. I want to give a lot of credit to the chairman of the appropriations subcommittee, my friend, the gentleman from Ohio [Mr. REGULA], for sticking to his principles on this issue. We have set a strong record.

This is the kind of case where the industry came in, as the gentleman from Michigan and the gentleman from Massachusetts talked about, into our committee and said, we need a national standard for these energy efficiency products. Virtually all of the industry that I am aware of signed off on this. Now when we have some industries that have had the foresight to actually follow the rules and regulations, they are going to be punished if the Parker amendment passes.

That does not make a whole lot of sense. So my sense is, let us support the Committee on Appropriations who knew what they were doing when they passed this particular provision in the committee and certainly the Committee on Commerce that did such yeoman work in setting these standards.

Mr. PARKER. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, it is one thing for us to lose jobs because we cannot compete with foreign competitors. It is quite another thing for us to intentionally regulate jobs out of existence in this country, and that is exactly what this regulation will do.

They talk about the fact that there are 8,000 comments that have come in. That ought to tell somebody something. But will the department go back and start over? No. What they have done is they have piecemealed this up into eight different sections so nobody knows where anybody is at. That is why we have no choice but to come here today and to try to do something like this.

One of my colleagues on the other side suggested earlier that somehow or another the bipartisan commitment was in opposition to the gentleman from Mississippi [Mr. PARKER]. Well, I would reject that. I would suggest if you look at those who support the Parker amendment, you will find the National Electrical Manufacturers Association, the Electronic Industries Association, the International Brotherhood of Electrical Workers, the Industrial Union Department of the AFL–CIO, the National Association of Home Builders, the Flint Glass Workers Union, the National Multi Housing Council, and the National Apartment Association.

Support the Parker amendment.

Mr. PARKER. Mr. Chairman, I yield myself the balance of my time.

Let me just close by saying that a lot has been said about what this amendment will do. The Parker amendment will not affect existing energy efficiency standards and the benefits that they have provided. Its existing national energy efficiency standards will remain in effect. Label requirements to enable consumers to make informed choices among products will remain in effect. Testing procedures to ensure reliability of claims regarding energy efficiency will remain in effect.

People keep talking about pretending. Let us pretend, for instance, that 90 percent of the jobs, 90 percent of the electronic ballasts are not made in Asia. Let us pretend that we are not going to lose all of these jobs.

Please support the Parker amendment. It is the right thing to do, and it gives us a situation where we can correct what has been going on for some time.

Mr. YATES. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. BROWN].

Mr. BROWN of California. Mr. Chairman, I rise in strong opposition to the Parker amendment. This amendment would effectively undermine what has been one of our most successful, cost-effective energy conservation programs.

I can only note with bemusement that the sponsors of this effort are many of the staunchest advocates of risk-cost-benefit analysis. Over the past several months, these members have spared no effort to inform us of the costs to society of regulation, which some industry groups have estimated at $600 billion a year.

Now here is a DOE regulatory program that actually has saved or will save American society a total of about $132 billion in energy costs. For some reason, the authors of this amendment have also seen fit to oppose this cost-saving program, and have made an effort in the Science Committee and now here to kill it.

Now this House has, for better or worse, adopted the position that economic cost-benefit analyses should become the new gold standard for Government regulatory action. We should just sum the benefits, sum the costs, subtract, and then reach our decision with arithmetic certitude.

Well, that calculation has in fact been done for the appliance efficiency program. It happens that the costs of the program to consumers are $59 billion, the benefits are $191 billion, and the benefits exceed the costs by a margin of 3.2 to one.

Now the supporters of this amendment would apparently have us believe that we shouldn't really use a cost-benefit test—we should just trust them to make a subjective and political judgment about the value of this program.

Let's look at the real facts concerning the efficiency program. There has been a great deal of controversy about fluorescent light ballasts, and there is a lot of misinformation on this subject. It is true that there are jobs in the magnetic ballast industry in Mississippi and elsewhere that are in jeopardy.

It is also true, however, that other U.S. firms like Motorola in Buffalo Grove, IL, are producing electronic ballasts and reaping large profits. The electronic ballast business, in which several other U.S. firms participate, is a business of the future and it will grow at the expense of older industries regardless of what DOE does with efficiency standards.

In fact, DOE has sufficient confidence in market forces that they have withdrawn the proposed ballast standard and are considering not issuing any standard in this area.

Unfortunately, the controversy over ballasts and televisions, for which the proposed rule was also withdrawn, is being used as ammunition to eliminate the entire appliance efficiency program.

Much of this program is not controversial at all. Last year, for example, the refrigeration industry sat down with the environmentalists and worked out an agreement on refrigeration efficiency standards for the next century. All the significant refrigerator manufacturers were party to this agreement, which will provide a net savings of about $13 billion for U.S. consumers and reduce refrigerator energy consumption by 25 to 30 percent.

DOE was only too happy to accept this universal and hard-won compromise. It seems to me that this process is exactly the kind of enterprise that this House, Republicans and Democrats, should rally around and support. No new bureaucracy—no litigation—just progress and benefits for the environment, for our balance of payments, and for the pocketbooks of ordinary Americans.

Under Parker-Walker, even this refrigeration standard that has already been agreed could not be implemented. The Parker amendment will also prevent DOE from developing the energy efficiency measurement standards that are used for consumer appliance labeling.

The consumer labeling program, although completely nonregulatory, relies upon accurate energy use determination based on DOE standards that promulgated by rule. These measurement standards need to be revised periodically as usage and design patterns change—the washing machine measurement method is already 15 years out of date and is growing older by the day.

Under Parker, not only will there be no baseline efficiency requirements for appliances, but the information accessible to consumers for making their own marketplace decisions will be increasingly unreliable.

Now before this national program was created in 1987, there was an emerging patchwork of State appliance efficiency standards. Industry finally wanted a national program to ensure consistent standards and greatly simplify business planning and manufacturing. The 1987 law does grant DOE the power to allow separate State standards by petition.

If we gut the DOE program here today, it is highly likely that the Department will use its statutory power to grant a number of State requests for waivers. In fact, just in the past few days California has put such a process in motion, anticipating our action today.

Returning to a patchwork system is not in the interests of anyone—industrialists, environmentalists, or consumers.

In summary, the Parker amendment would set a very unwise policy course for this Nation. Let's stop our reflexive environment bashing, regulation bashing, and bureaucrat bashing and take some sensible, moderate steps to save money for consumers and provide for a sound energy future for our children. Defeat the Parker amendment, support Mr. OLVER's compromise, and I yield back any remaining time.

Mr. YATES. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. REGULA], chairman of our subcommittee.

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] is recognized for 2 minutes.

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding time to me.

I would point out to my colleagues that on October 5, 1992, by a vote of 363 to 60, we established in this body the following policy: It added commercial products to a standards program, setting initial standards for electric motors, central air conditioners, heat pumps, gas and oil furnaces, boilers, water heaters, plumbing equipment lamps—that is the subject of this amendment. It requires the DOE to maintain test procedures and establish a labeling program.

We said, as a national policy, there should be a uniform set of standards established by the Department of Energy on energy efficiency. I think that what the gentleman from Mississippi is discussing should be the subject of an authorizing bill. This is not the proper place to deal with this matter. I would hope that the gentleman would take this issue to the authorizing committee, and, if they should recommend that we modify the action of this body, as I just outlined in the Energy Policy Act that is now the law and passed by an overwhelming majority, this should be discussed in that forum.

Mr. PARKER. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Mississippi.

Mr. PARKER. Mr. Chairman, I have to say to the gentleman that is exactly what I want to do. That is the reason we need this time out. Because the Committee on Commerce will not be meeting until after the first of the year to discuss this issue.

If we allow the rulemaking to go through, what we are going to wind up with is a situation where the jobs are already going to be destroyed, and we are not going to be getting them back. That is the reason we need a postponement of a year in order to get to the point where the gentleman from Virginia [Mr. BLILEY] can take this up in the committee, the gentleman from Colorado [Mr. SCHAEFER] can take it up in the subcommittee and we can resolve these issues.

Mr. REGULA. Reclaiming my time, Mr. Chairman, I understand the gentleman, but I think he would agree that the Olver amendment would accomplish that objective.

Mr. PARKER. Mr. Chairman, if the gentleman will continue to yield, it would accomplish the objective for my little part of it, as far as the jobs in my district. But I am more concerned about the total outlook of what we are doing with this rule.

Mr. REGULA. Mr. Chairman, I am reluctant to go to a total repeal. That would invite the states, in effect, to set different standards. I sympathize with the gentleman's problem, but I think the Olver amendment would solve it.

Mr. SCHAEFER. Mr. Chairman, I support the amendment offered by Mr. PARKER to limit funding for the Department of Energy to conduct rulemakings on energy efficiency standards.

In the past, I have been very supportive of energy efficiency standards. Valuable energy resources, as well as money is saved by reducing our consumption of energy. In addition, by adopting national energy efficiency standards, appliance manufacturers and others have had only one standard to comply with rather than 50 conflicting standards.

However, this year, industry representatives have come to us complaining about how DOE is implementing appliance efficiency standards. Complaints that DOE through its rulemaking, is interfering with the operation of free markets.

Thus, I support this amendment. It will slow down the process at DOE and give the authorizing committee time to look at the merits of the issue. In fact my subcommittee will be holding hearings on this issue before the end of the year.

Thus I support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi [Mr. PARKER].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. YATES. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 261, noes 165, answered "present" 1, not voting 7, as follows:

[Roll No. 519]

AYES—261

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Brewster
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fox
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Goodlatte
Goodling
Gordon
Goss
Graham
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Houghton
Hunter
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Menendez
Metcalf
Mfume
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Ramstad
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Vucanovich
Waldholtz

Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—165

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bilirakis
Bishop
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Clay
Clayton
Coleman
Collins (IL)
Conyers
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Edwards
Ehlers
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fowler
Frank (MA)
Franks (CT)
Furse
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Green
Greenwood
Hall (OH)
Hamilton
Hastings (FL)
Hastings (WA)
Hilliard
Hinchey
Horn
Hostettler
Hoyer
Hutchinson
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennelly
Kildee
LaFalce
Lantos
Largent
Lazio
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Matsui
McCarthy
McDade
McDermott
McKinney
Meehan
Meek
Meyers
Miller (CA)
Mineta
Mink
Moran
Myers
Nadler
Neal
Oberstar
Obey
Olver
Owens
Oxley
Payne (NJ)
Pelosi
Peterson (FL)
Pomeroy
Porter
Pryce
Rangel
Reed
Regula
Rivers
Roemer
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

ANSWERED "PRESENT"—1

Upton

NOT VOTING—7

Browder
Collins (MI)
Kennedy (RI)
Moakley
Reynolds
Richardson
Volkmer

□ 1413

Mr. LEWIS of Georgia and Mr. WYNN changed their vote from "aye" to "no."

Messrs. ENGLISH of Pennsylvania, HEFLEY, CLYBURN, BONO, FROST, COSTELLO, and BLUTE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. UPTON. Mr. Chairman, I voted "present" on the Parker amendment to H.R. 1977, rollcall No. 519 because it almost singularly affects a firm in which I have major personal financial interests.

AMENDMENT OFFERED BY MR. OLVER

Mr. OLVER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OLVER: Amendment No. 70: At the end of the bill add the following new section:

"SEC. . None of the funds made available in this act may be used by the Department of Energy in implementing the Codes and Standards Program to plan, propose, issue, or prescribe any new or amended standard—

"(1) when it is made known to the Federal official having authority to obligate or expend such funds that the Attorney General, in accordance with section 325(o)(2)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)(2)(B)), determined that the standard is likely to cause significant anticompetitive effects;

"(2) that the Secretary of Energy, in accordance with such section 325(o)(2)(B), has determined that the benefits of the Standard do not exceed its burdens; or

"(3) that is for fluorescent lamps ballasts.".

The CHAIRMAN. Pursuant to the rule, the gentleman from Massachusetts [Mr. OLVER] and a Member opposed will each be recognized for 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. OLVER. Mr. Chairman I yield myself such time as I may consume.

Mr. Chairman, let me say that my amendment meets the concerns of labor unions such as the IBEW in relation to the fluorescent light ballast issue, and of environmental organizations such as the League of Conservation Voters, and of businesses such as Honeywell and Whirlpool. My amendment specifically and explicitly prohibits the promulgation of the fluorescent lamp ballast standard without throwing national energy efficiency standards out the window.

□ 1415

My amendment prohibits the Department of Energy from promulgating an efficiency standard if the Attorney General has determined in the course of her review, which is required by law, that the standard is likely to be anticompetitive. Furthermore, all proposed standards would have to show benefits greater than costs in an analysis which considers economic impact of the proposed standard on manufacturers and consumers.

By adopting this language, we prevent regulatory excess without killing off a valuable program that saves the average American family hundreds of dollars in hard cash each year. Furthermore, we do not kill off the possibility of new standards being established for things like the refrigerator standards which have been jointly proposed by States, the environmental organizations and electric utilities, and the Association of Home Appliance Manufacturers.

Mr. Chairman, the Olver amendment helps consumers, businesses, the environment and the economy, and prohibits the anticompetitive effects of the fluorescent ballast standard. I would urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does any Member wish to speak in opposition to the amendment?

If not, does the gentleman wish to speak further?

Mr. OLVER. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. EHLERS].

Mr. EHLERS. Mr. Chairman, I rise in support of the amendment offered by my fellow scientist, Mr. OLVER. Something that many of you may not be aware of is that I spent a considerable amount of my earlier scientific career dealing with subjects relating to energy conservation.

I can assure my colleagues that there is no other source of energy available as cheaply and as readily as that which is obtained through conservation of energy. I believe it is very important for us to have appropriate energy standards which inform the public of the use of energy by the appliances they buy.

I label the Olver amendment as a consumer information amendment. It is very important that the Federal Government serve as a neutral source of information that is available to the public so that they can buy appliances which are energy efficient.

I can relate a simple experience I had when my wife and I first got married and we went shopping for a refrigerator. She decided on the refrigerators she liked because of the features it had, and narrowed it down to two models. One refrigerator cost $250, and one cost $500. Obviously, it seemed, the cheaper refrigerator would be the better buy.

However, I did an energy consumption analysis of those refrigerators, because it was before the time of energy standards, and discovered that in fact the $500 refrigerator over its anticipated lifetime would cost considerably less than the $250 refrigerator. We bought the more expensive model and saved a lot of money.

I hope we, as the Federal Government, can provide enough information so that everyone can make those kinds of decisions.

Mr. DICKS. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Washington [Mr. DICKS] is recognized for 5 minutes.

Mr. DICKS. Mr. Chairman, I just want to ask the gentleman a question here. If I read the gentleman's amendment correctly, there is a positive cost-benefit ratio, and if there is not an antitrust problem, can then the Secretary of Energy promulgate a new rule on fluorescent lamp ballasts? She has said here in her letter to us that she has withdrawn the original proposed rule because it was flawed, but could she now do a new rule on this subject, or is that completely barred by your amendment?

Mr. OLVER. If the gentleman will yield, I thank the gentleman for the question. It is not always possible in the art of drafting legislation to take care of every contingency.

As a matter of fact, in the drafting whereby the Attorney General's determination under the law of anticompetitiveness, that would have in fact precluded the fluorescent light ballast standard from going into effect even without the provision that eliminates the ballasts from this year's considerations for rules.

But in fact the gentleman is correct that for this year, because of the controversy, in order to make absolutely certain that the controversy over fluorescent light ballasts was off the table for this year, there would not be, in my understanding, the opportunity for creating another——

Mr. DICKS. I would have to rise, then, in very strong opposition to this amendment.

What the Secretary of Energy is basically telling us in this: Here is the report to our committee. Fluorescent lamp ballasts, after reviewing the comments in the proposed rule, the Department determined the engineering analysis was flawed.

On January 31, 1995, the Department announced its intention to perform a new analysis and prepare a proposed rule based on the new analysis. Since the January notice, the Department has been meeting with the NEMA, individual manufacturers, and representatives of the American Council for an Energy-Efficient Economy, to develop a new engineering analysis. Once the analysis is completed, the Department intends to prepare a new proposed rule.

It seems to me that starting on the first of the fiscal year, we would then for the next 15 months be barring any opportunity to do a rule even if it was an appropriate rule that would save us energy.

Mr. OLVER. If the gentleman would yield further, the fiscal year is only 12 months, but that is a small point.

Mr. DICKS. We are still here, though.

Mr. OLVER. I would point out, if the amendment becomes law that had been offered previously, there would be no rulemaking of any kind anywhere across the area of energy standards, not only the ballast issue but all other issues. This amendment preserves the possibility of allowing the national standards in areas other than the ballast issue to go forward under the constraints of nonanticompetitiveness.

Mr. DICKS. Would the gentleman answer me this one question? If the Department has a good and appropriate rule, obviously the first rule was fatally flawed. If you were blocking the first rule from going into effect, I would have no problem with what the gentleman is attempting to do, but the gentleman has already won the battle. The Secretary of Energy withdrew that rule. She is now listening to all these people and trying to come up with a new rule. What you are doing here with this amendment is prohibiting for the next 15 months a rule to go into effect on that subject. I think that is wrong. I think the Secretary has already given you what you want, and this goes too far.

Mr. OLVER. If the gentleman would yield further, I would merely point out again that we can have standards with this amendment in all other areas of energy efficiency if they are not anticompetitive, and if there is a positive cost-benefit ratio. But without this amendment, we can have no standards in any of these areas, including the one that you are concerned about. Either way, you do not have within the next 12 months the standard issued in the fluorescent lamp ballast concern. But if we do not adopt this amendment, then we are not going to have any standards in any area.

Mr. DICKS. Is the gentleman opposed to this rule, even if it were a positive rule?

Mr. OLVER. Answering that question, in the two other provisions I would be happy to have a rule go into effect, if it were possible. It is not possible either by the previous amendment or by this amendment.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I just want to advise the Members that we will on our side accept the amendment. It is not inconsistent with Parker. It does not reach as far, but we are willing to accept it.

I hope the authorizing committee will then at the earliest possible moment address the entire situation. I can understand the difficulties both the gentleman from Massachusetts [Mr. OLVER] and the gentleman from Mississippi [Mr. PARKER] are having.

Mr. OLVER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MARKEY].

Mr. MARKEY. Mr. Chairman, I thank the gentleman from Massachusetts for yielding me the time.

Mr. Chairman, this deals with the very specific issue that the gentleman from Mississippi was interested in. It avoids the trap of having the broader repeal of all of the other energy efficiency laws that affect every other appliance. I think that the chairman of the committee is wise in accepting this amendment. It is in fact a very fair compromise that deals with a very specific issue that had been raised by the gentleman from Mississippi. I would hope that the amendment would be accepted.

Mr. OLVER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. OLVER].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to title III?

AMENDMENT NO. 48 OFFERED BY MR. ZIMMER

Mr. ZIMMER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 48 offered by Mr. ZIMMER: Page 94, after line 24, insert the following new section:

SEC. 318. None of the funds made available in this Act may be used (1) to demolish the bridge between Jersey City, New Jersey, and Ellis Island; or (2) to prevent pedestrian use of such bridge, when it is made known to the Federal official having authority to obligate or expend such funds that such pedestrian use is consistent with generally accepted safety standards.

The CHAIRMAN. Pursuant to the rule, the gentleman from New Jersey [Mr. ZIMMER] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, 40 percent of Americans are descended from immigrants who came to this country by way of Ellis Island. Today Ellis Island is a magnificent museum and a national park. Unfortunately it is accessible to the general public only by ferry for a price of $7 per person. This price makes it prohibitive to many of the American citizens who in fact own Ellis Island.

During the last session, there was a pitched battle on the issue of whether to build a new $15 million bridge from Jersey City to Ellis Island for pedestrian access. That bridge for all practical purposes is dead. It was approved in the last Congress, but the appropriation is slated to be rescinded by this Congress.

My amendment provides a commonsense solution to the problem of access to Ellis Island by providing for the use of an existing bridge for public pedestrian access so long as it is consistent with generally accepted safety standards. I will repeat that.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. ZIMMER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, for the benefit of all of us, how would the gentleman define "generally accepted safety standards"? I just want to be sure that I am comfortable with the fact that safety is of primary concern here.

Mr. ZIMMER. Mr. Chairman, I tried to draft the language as neutrally as possible. Generally accepted safety standards seems like an objective criterion that can be defined by published standards.

The initial definition would, of course, be made by the Park Service itself. Given that fact, the director of the Park Service, with the concurrence of the Secretary of the Interior, has told me that he does not oppose this amendment.

Mr. REGULA. If the gentleman would yield further, then it would be the responsibility of the Park Service to enforce safety standards, and whatever the Department would establish would become the standard that would control access to the structure. Is that correct?

Mr. ZIMMER. Reclaiming my time, Mr. Chairman, conceivably someone could litigate that decision, but the initial decision would of course belong to the Park Service.

Mr. Chairman, the bridge of which we speak is some 1,400 feet in length. It is sturdy. It has been in existence since 1986. It is used every day by Park Service personnel and by contractors who are working to renovate the buildings on Ellis Island, and it is being used by their vehicles as well. It has a pedestrian walkway. And the Park Service is planning to upgrade this bridge so it can be used for the several years remaining in the rehabilitation project that is ongoing at Ellis Island.

□ 1430

The Park Service is also planning to extend the permits that are scheduled to expire so this bridge can continue in use.

Safety concerns have been raised by the gentleman from Ohio [Mr. REGULA] and they have been raised by Roger Kennedy, the director of the Park Service, and that is why I have included the language that we discussed in the colloquy in this amendment.

Mr. Chairman, I personally believe the bridge is quite safe at this point and needs little or no upgrading to be suitable for the public. But if I am wrong, and the bridge is unsafe according to generally accepted safety standards, then this legislation would keep the public from using it until it is upgraded.

I do not believe that the Park Service would allow its own employees, on a daily basis, to use a bridge that is unsafe. But in any event, for purposes of this amendment, the issue is moot, because of the language of the legislation. That is why the Park Service and that is why the gentleman from Ohio [Mr. REGULA] have agreed that they would accept this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. REGULA], chairman of the committee.

Mr. REGULA. Mr. Chairman, on the basis of the representations of the Secretary of the Interior and the Director of the Park Service that they have no objection to this, we, therefore, would accept it. I do have a concern on the safety standards and I certainly would respond to any requests for additional funds to ensure that it is totally safe.

Mr. Chairman, I would ask the gentleman, it is limited to pedestrians; is that correct?

Mr. ZIMMER. Mr. Chairman, I would say to the gentleman, yes, my amendment would not open it to vehicular traffic, other than the traffic that already traverses it and the occasional vehicle or garbage truck that services the island.

Mr. REGULA. If the gentleman would continue to yield, the Superintendent of the Statue of Liberty has outlined some concerns and I think they will try to address these to ensure that it does meet all accepted safety standards. On that basis, on the Secretary of the Interior's representations, we have no objection.

Mr. YATES. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Illinois [Mr. YATES] is recognized for 5 minutes.

Mr. YATES. Mr. Chairman, I want the attention not only of the proponent of this amendment, but the gentleman from Ohio [Mr. REGULA], my chairman, as well. In conversations that I had with the gentleman from New Jersey [Mr. ZIMMER] before this amendment was offered, he showed me the letter from the Director of the Park Service saying that he no longer had any objection to it. I understand also that the Secretary of the Interior has no objection to it.

And I have some difficulty, concerned as I am, with possible safety questions that were raised by the chairman of the subcommittee. I have a letter here, a copy of a letter here, dated July 11, 1995, which gives me pause and makes me wonder why the Director of the Park Service and the Secretary of the Interior waived whatever objections they had.

This is a copy of a letter dated July 11, to the Director of the National Park Service from the Superintendent of the Statue of Liberty National Museum on Ellis Island. "Subject: Ellis Island Bridge—Unsafe for Public Pedestrian Use," and he gives the reasons under that:

> Decking is perforated steel which is difficult to walk on and by Building Official Code and Administrative International definition is a tripping hazard.
>
> Side rails are not in compliance with Building Official Code and Administrative International or ADA because of spacing of intermediate rails. Children would be particularly at risk of falling.
>
> Ellis side of the bridge is currently a construction staging area and a site maintenance yard.
>
> The bridge landing area will continue to be a construction staging area if rehabilitation of historic structures on Ellis Island continues.
>
> Bridge does not meet New York and New Jersey building codes for public pedestrian bridge.
>
> Surface material is designed for traction during ice and snow, therefore, if a person falls, they could receive serious cuts.
>
> There is no protection to separate pedestrians from vehicles.

It is signed by M. Ann Belkov.

I know the gentleman has sought to condition the committee's approval with language, but it seems to me to be somewhat inadequate in view of the criticisms raised by Ms. Belkov. And so, Mr. Chairman, I know that I cannot accept the amendment and of course will do as the House wants to do.

Mr. Chairman, I reserve the balance of my time.

Mr. YATES. I yield 1 minute to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I rise in strong opposition to this amendment. There is no good reason for the expenditure of these funds, expecially at a time when we face the possibility of actually closing down national parks.

I want to remind my colleagues that there had been an ongoing effort over the past few years by New Jersey to build a permanent bridge between New Jersey and the island. I strongly oppose this amendment.

Mr. Chairman, as the gateway for more than 12 million immigrants between 1982 and 1954, Ellis Island holds a unique position in our Nation's history. While I certainly share the desire to promote visitor access in the Island, I rise in opposition to the amendment by the gentleman from New Jersey.

The temporary construction bridge that was erected in 1986 between Jersey City and Ellis Island was built for trucks—not pedestrians. It does not meet applicable safety codes for pedestrian use and, according to the National Park Service, it would cost at least $1 million to make the necessary structural safety improvements to the bridge.

But, Mr. Chairman, the problems don't stop there. If pedestrians were to be allowed on the bridge, the landings on both the island and the mainland—which are presently routed through service and maintenance yards—would have to be relocated. This would require the abatement of asbestos and fuel-soaked soils and extensive landscaping, at a cost of at least another million dollars.

There is no good reason for the expenditure of these funds, especially at a time when we face the possibility of actually closing down national parks.

Let me remind my colleagues that there has been an ongoing effort over the past few years by New Jersey to build a permanent bridge between New Jersey and the island. Earlier this year this body voted to stop funding for this project, which would cost as much as $25 million and which—in the words of a Park Service report—would have an unmitigateable, adverse impact on the island's historic and cultural resources.

The supporters of this amendment would like you to believe that pedestrian access is critically needed because the ferry is too expensive or inconvenient. The reality is that a family can spend the entire day at Ellis Island and the Statue of Liberty for less than the cost of going to a movie. Is it worth asking the taxpayers to spend millions of dollars to provide another means of access, particularly when the vast majority of visitors to the island say they prefer to take the ferry anyway?

Every year, more than a million and a half visitors from around the world tour the island. Like their predecessors, visitors travel to the island by boat. Not surprisingly, most tourists to the island say they consider the ferry ride to Ellis Island an essential part of their visit.

The Park Service's use of scarce Federal dollars at Ellis Island would be better spent on the island's historic buildings that are in desperate need of repair. I urge my colleagues to vote against this amendment.

Mr. NADLER. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from New York.

Mr. NADLER. Mr. Chairman, I rise in opposition to this amendment which would prohibit us from tearing down this bridge which is half in my district. This bridge was constructed with the specific intent of being taken down. It is an Army-designed, temporary Bailey bridge.

The only reason it exists is to allow construction vehicles to travel to and from Ellis Island for an ongoing construction project. It is normally used by an advancing military. It is designed to be laid quickly and efficiently and is meant to be used only as a temporary crossing.

Mr. Chairman, an amendment to make it permanent, to prevent us from tearing it down, is an amendment to circumvent the will of this House which voted not to have a permanent bridge here.

Mr. Chairman, I rise in opposition to this amendment.

The bridge my colleague is asking to be turned into a pedestrian foot bridge is an Army-designed Bailey Bridge. This bridge was constructed with the specific intent of being taken down. The only reason it exists is to allow construction vehicles to travel to and from Ellis Island for an ongoing restoration project. This type of bridge is normally used by an advancing military and is designed to be laid quickly and efficiently and is meant to be used only as a temporary crossing. A Bailey Bridge is designed for vehicles and troops wearing combat boots. It is made of perforated metal, an extremely unsafe surface for normal pedestrian use.

In fact, the bridge is far from meeting basic safety standards for pedestrian use. The railings and curbs are inadequate. there is no way to separate vehicle from pedestrian traffic further endangering those that would use the bridge. To make this bridge a stable and long lasting structure would also require additional pilings and reinforcement of its frame. The estimated cost to add the railings, curbs, pilings and other safety features necessary for pedestrian traffic is $5 million. This amendment does not provide the funds for the construction of these safety standards, yet it will not allow the bridge to be taken down. So, when the restoration project is over it will sit, useless, nothing more than a potential navigational hazard to industrial and recreational ships alike. As such, in addition to being an unsafe crossing for families visiting Ellis Island, if the bridge is left in place beyond its useful life it could threaten vessels calling at port facilities in Port Newark—Elizabeth, the Military Ocean Terminal in Bayonne, the Howland Hook marine terminal, South Brooklyn Marine Terminal, Red Hook Container Terminal as well as other marine traffic in the Nations greatest port.

This bridge is not designed for heavy pedestrian use and is not designed to stand the test of time. It is a temporary bridge that will be nothing more then a disaster waiting to happen. I strongly urge my colleagues to defeat this amendment.

Mr. TORRICELLI. Mr. Chairman, I ask unanimous consent to address the committee for 2 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. TORRICELLI. Mr. Chairman, this amendment brings the art form in the Congress of looking to appear to do something, but in fact doing nothing, to a new height.

This amendment, as offered, would save a bridge which has already been determined to be unsafe and yet undermine previous efforts of the Congress to provide a new access to the island.

We are telling the American people that, in fact, we are going to avoid this problem of a $7 ferry ride. New access. Well, in the 103d Congress we just did that. We said we were going to build a new bridge and give new access.

And now, the gentleman from New Jersey [Mr. ZIMMER] comes to the floor offering to save a bridge which for safety reasons no one could walk across, and yet there is no appropriation to fix it or repair it.

There is perhaps no reason to oppose the amendment. It will not do any harm. But there is also no reason to vote for it. We have managed simply to convince people that it looked like we were doing something, while we did nothing.

Now, it may be the impression of some as well, because the gentleman from New Jersey [Mr. ZIMMER] has brought this amendment to the floor that, in fact, he represents this district. In fact, he does not. The gentleman from New York [Mr. NADLER] has jurisdiction over parts of the island and the gentleman from New Jersey [Mr. MENENDEZ] on the remainder.

Mr. MENENDEZ. Mr. Chairman, will the gentleman yield?

Mr. TORRICELLI. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Mr. Chairman, let me briefly say I would have liked to have joined the gentleman from New Jersey [Mr. ZIMMER] in the ranks of those who have been fighting for a pedestrian bridge to give affordable access, but that time was when we had the rescissions vote. That vote, unfortunately, took away the possibility for a pedestrian bridge to go ahead and make sure that lower-income Americans do not have to pay Circle Line, with its exclusive opportunity to bring passengers to the island.

So, Mr. Chairman, this unfortunately, does not do the job that I hoped it would, but the National Park Service has said simply that it will not.

Mr. Chairman, I would like to welcome Mr. ZIMMER to the ranks of those fighting to establish a pedestrian bridge from Liberty State Park in Jersey City to Ellis Island.

I say that I'm welcoming him, because there have been precious few of us who have been out front about making access to one of our most important national historic treasures easy and affordable, and who have worked for legislation that would make that possible. In fact, aside from myself, Senators BRADLEY and LAUTENBERG, and Congressman FRELINGHUYSEN, nobody has really shown much interest at all in helping the millions of families who visit this historic landmark get there easily and safely. As the Representative of the district in which the bridge lies, I'm pleased Mr. ZIMMER has finally joined the effort. We have done all we can to get Governor Whitman to join us, but she still shows no interest in doing so.

This amendment would prevent funds in the bill from being used to demolish an existing bridge to Ellis Island, or being used to prevent pedestrians from using that bridge if it is deemed safe for such use. The bridge is currently used by construction and maintenance vehicles for access to the island.

When I saw Mr. ZIMMER was offering this amendment, I asked people at the Park Service what they thought about it. Their response was most interesting. They told me that they have no intention whatsoever of demolishing the bridge. In fact, they would like to keep the bridge permanently in use for their vehicles, since without it, the cost of transportation for Park Service employees, equipment, trash, and so forth would approach $700,000 annually. It clearly makes little sense to demolish the bridge, and therefore even less sense to bother amending an appropriations bill to prevent a demolition which no one seeks.

Because the Park Service intends to keep the bridge indefinitely for vehicular traffic, there is no hope of its being converted for pedestrian use. This renders the amendment almost entirely moot.

I say almost, because there is still some value to the amendment. Despite its glaring weaknesses, it is one of the best arguments I have seen yet for the construction of a new bridge, exclusively for pedestrian use, which I have been fighting for since my arrival here nearly 3 years ago. Originally, we had wanted to build a pedestrian bridge nearby, because families visiting the island currently must wait in line, sometimes for hours under the summer sun, and then buy tickets from the Circle Line ferry, which has a commercial monopoly on visitor access to the island. During their long wait in the ticket line, these families can all see clearly that there is a bridge linking the island to the shore. Still, they are forced to pay $7 apiece, $20 for a family with two children, for a ferry ride to an island less than a quarter mile off shore. For many of my constituents, who ironically live so close to Ellis Island, the price is a luxury they cannot afford. But, Mr.

Chairman, should visiting a treasure of our national heritage be considered a luxury? Certainly it should not.

Unfortunately, the Zimmer amendment provides no funding for the improvements necessary to make the bridge safe for pedestrians, nor for the construction of a new one. Without funds to upgrade the bridge, it will remain permanently unsafe. Permanently, because not only is there no money to improve it, but the amendment prevents us from demolishing it, too. So we are to be eternally stuck with an unusable bridge. That is one effect of the amendment.

The original purpose of the bridge, to provide access for construction vehicles involved in the restoration of the remaining historic buildings on the island, is further defeated by the bill itself. Language appearing on page 18 prohibits the use of Park Service funds to implement an agreement for the redevelopment of the southern end of Ellis Island. The adoption of this amendment and the passage of the bill would leave us with a construction bridge, but no construction. A bridge which we will then maintain for pedestrians, but which is unfit for pedestrian use. A bridge which some argue supposedly damages the historical integrity of an island, an island full of collapsing historic buildings, but which we can neither improve, replace, nor tear down.

There are funds available for the construction of a footbridge, but the project will be killed in the Republican rescissions bill, if it passes the Senate. In fact, if the new version of the bill isn't passed, I understand that it is the intention of Chairman WOLF to kill the project in the Transportation appropriations bill, even though the Park Service's draft environmental impact statement shows that a new bridge is the most preferable method of providing affordable access. The real battle to provide affordable access to Ellis Island was fought months ago. My colleague from New Jersey could have been much more effective if he had joined us in supporting the bridge during the rescissions process.

With the passage of this amendment and the Interior Appropriations bill, however, it will only be a matter of time before even the most casual observer will see plainly the absurdity of what we will have done here today, and be compelled to seek a real solution such as the one we have advocated for years, but which has been consistently frustrated by political gamesmanship.

Mr. ZIMMER. Mr. Chairman, I ask unanimous consent to proceed for 1 additional minute to respond.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ZIMMER. Mr. Chairman, I would point out to the gentleman who represent the vicinity of the bridge that the mayor of Jersey City endorses this amendment. Jersey City is the New Jersey terminus of the bridge.

Mr. Chairman, I am interested in the statement that this bridge is unsafe for pedestrian use, because it is being used as we speak by pedestrians in the employ of the Park Service. We do not have to spend $15 million for a brand-new bridge. If it is necessary to upgrade this bridge, it would be at minimal cost; certainly far less than $15 million.

I believe we have the best of both worlds here. We can provide for public access without having to spend money which is in fact being rescinded by this Congress, and without giving the Circle Line a monopoly service at $7 a person for access to this national museum.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. ZIMMER].

The question was taken; and the Chair announced that the noes appeared to have it.

RECORDED VOTE

Mr. ZIMMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 230, noes 196, not voting 8, as follows:

[Roll No. 520]

AYES—230

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brownback
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Ganske
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoke
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
LoBiondo
Longley
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McHale
McInnis
McIntosh
McKeon
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (NJ)
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Talent
Tauzin
Taylor (MS)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Ward
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOES—196

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (NE)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Cooley
Costello
Coyne
Cramer
Danner
de la Garza
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Ewing
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frisa
Frost
Furse
Gejdenson
Gekas
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoekstra
Holden
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennelly
Kildee
King
LaFalce
Lantos
Latham
Lazio
Levin
Lewis (GA)
Lincoln
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHugh
McKinney
McNulty
Meehan
Meek
Mfume
Miller (CA)
Mink
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pastor
Pelosi
Peterson (FL)
Pomeroy
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Riggs
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (WA)
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tate
Taylor (NC)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Walker
Walsh
Wamp
Waters
Watt (NC)
Watts (OK)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—8

Collins (MI)
Cox
Crane
Kennedy (RI)
Mineta
Moakley
Reynolds
Richardson

☐ 1502

Messrs. YOUNG of Alaska, WAMP, QUILLEN, QUINN, and MASCARA changed their vote from "aye" to "no."

Messrs. FORBES, THOMAS of California, CHAPMAN, and WHITE changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. KLUG

Mr. KLUG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KLUG: On page 44, after line 19, insert the following:

"SEC. 115. No funds appropriated or otherwise made available pursuant to this Act in fiscal year 1996 shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for any such claim.".

The CHAIRMAN. Under the rule, the gentleman from Wisconsin [Mr. KLUG] and a Member opposed will each be recognized for 10 minutes.

Mr. KLUG. Mr. Chairman, I ask unanimous consent to yield 5 minutes of my time in support of my amendment to the gentleman from West Virginia [Mr. RAHALL], and that he be permitted to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. RAHALL. Mr. Chairman, I appreciate the gentleman from Wisconsin [Mr. KLUG] yielding me 5 minutes to join him in strong support of this amendment, and, before proceeding with my remarks, I yield 2 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE]. I rise in strong support of the amendment.

Mr. ABERCROMBIE. Mr. Chairman, the House has supported a patent moratorium for several years now as an interim step to achieving comprehensive mining reform. And, the House, at least, has addressed the overriding need to reform the 1872 mining law by passing comprehensive legislation during the last Congress. Legislation which the House overwhelming supported on a 3 to 1 margin. Fundamental to any discussion of hardrock mining in this country is the need to end the archaic practice of patenting—or practically giving away—public mineral lands.

As you will recall, the old and outdated mining law of 1872, actually encourages the give-away of billions of dollars of gold, silver and other hard rock minerals that belong to the American taxpayer.

Under the 1872 law, which governs mining for precious metals, like gold, silver and platinum of Federal lands, miners who discover one of these minerals are entitled to a patent—or fee-simple title to the land. Since 1872, the United States has transferred over $231 billion worth of mineral assets to mining companies, charging minimal administrative cost for the land transfer and no royalty whatsoever.

As many of you know, it is the patenting system which legally forced Interior Secretary Bruce Babbitt to transfer ownership of nearly 2,000 acres of public land in Nevada—land containing an estimated $10 billion in gold—to a Canadian-owned mining company for the appalling sum of just $9,765. If we do not stop patenting, through mining reform or through a patenting moratorium pending achievement of mining reform, we will see more and more such cases in the years to come.

We should move to block mining conglomerates from pirating valuable public minerals just because they are able to tie up reform in the Congress.

That is where the provision on a patent moratorium in the Interior appropriations bill comes in.

This patent moratorium would prevent the transfer of 133,000 acres of public land containing an estimated $15.5 billion worth of valuable minerals to international mining conglomerates for practically nothing. This is what we mean by the slogan: "They get the gold, we get the shaft".

That is why we need your vote to maintain the patenting moratorium in this bill.

Unless Congress acts now by enacting this patent moratorium, title to an additional $15.5 billion worth of mineral reserves—which rightfully belong to the American taxpayer—will be signed over to international mining conglomerates for the paltry sum of less than $1 million. These companies will win the golden ring simply by paying $5.00 an acre—and what do the taxpayers get in return? Nothing, an empty pocket.

I understand they dug up Jesse James yesterday. Robbing trains and holding up banks, was just a nickle and dime operation compared to mining public land. Jesse was in the wrong end of the stealing business.

The patent moratorium is not comprehensive mining reform: but it is a very important interim step that will save $15.5 billion worth of minerals from being given away to international corporations.

So, I urge a vote for the Klug-Rahall amendment. I urge an aye vote to put some hard dollar reality into the rhetoric on reducing the deficit. I urge an aye vote to give a break to the American taxpayer instead of a monster giveaway to marauding corporate interests.

Mr. RAHALL. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in opposition to some earlier amendments on the National Endowment for the Arts.

Mr. RAHALL. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, inclusion of the patent moratorium is more important this year than at any other time in the past. As Members will recall, the House voted by a 3 to 1 margin in 1993 to reform the mining law of 1872, a Civil War era law that encourages the giveaway of billions of dollars of gold, silver and other minerals that belong to the American taxpayer. With the support of Members like NEWT GINGRICH, we passed a good bill, a tough bill, but unfortunately the conference committee with the Senate was unable to produce a final bill. And now the Senate, under Republican leadership, is considering a weak bill that will make minor changes that leave the taxpayer and the environment the losers while the mining conglomerates make off with the gold. The Craig bill, if enacted, will result in no royalties, no environmental clean-up, and no reform, which is exactly how the industry lobbyists wrote it.

One of the key issues in the mining reform debate is that of patents. Under the 1872 law, which governs mining for precious metals, like gold, silver and platinum on Federal lands, miners who discover one of these metals are entitled to a patent—or fee-simple title to the land from American citizens and the mineral wealth it contains. Since 1872, the United States has let over 231 billion dollars' worth of mineral assets slip through our fingers in this manner, charging minimal costs for the land transfer and no royalty whatsoever.

We should not give away permanent ownership of the public lands. We don't do that in oil and gas or coal leasing. The states don't do it in hard rock mining. I don't think that many private individuals do it.

Although the mining industry claims patenting is critical to its ability to function, no State gives private companies title to its resources, and yet the companies mine on State land. I know of no private citizens who give mining companies title to their land for mineral exploration and production, and yet they mine on private lands.

And while we are discussing the States, I should point out that mining companies pay royalties to States and private landowners, too, unlike on Federal lands.

The mining industry spent a small fortune last year to prevent reform of the 123-year-old mining law of 1872. It was cheaper for them to pay the lobbyists and make the campaign contributions than to see real reform enacted to safeguard the taxpayers who own this gold. As a result, we can look forward to many more giveaways like the ones Secretary Babbitt signed earlier this year—trading a fortune in public gold for a pauper's ransom.

If we do not stop patenting, through mining reform or through a patenting moratorium pending achievement of mining reform, we will see more and more such cases in the years to come.

The House Appropriations Committee unwisely has not included a moratorium this year. In fact, the committee report includes language which foolishly advocates the rapid transfer of patents presumably to assuage the mining industry which would prefer to continue freeloading off the public lands. If the Department complies with the report language and expedites approval of the 233 patent applications in the pipeline, we will in effect give away 15.5 billion dollars' worth of gold and silver to mining conglomerates. Talk about corporate welfare. I urge Secretary Babbitt to ignore the report language and to continue the careful and cautious route he has pursued in the past.

We cannot be party to the continued looting of the Treasury by foreign gold companies and others. So we should include a patent moratorium because as a practical matter, we should not leave the 1872 law, and particularly the patenting process, on the books should no action be taken on comprehensive reform. If we must again defer until next year—or the year after—comprehensive reform, we should hold the program in abeyance. For while we may not have agreed on the precise design of reform at the point, virtually everyone agrees drastic reform of the mining program is necessary.

So, I urge a vote for the amendment. If we cannot achieve real reform, we will at a minimum stop the giveaway of 15.5 billion dollars' worth of public resources until such time as we do achieve reform.

Mr. RAHALL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, how to get rich at the taxpayers' expense under the patent feature of the mining law of 1872; that is the question here today, and let me count for my colleagues the number of ways:

In Nevada a company that is 70 percent owned by the Anglo-American conglomerate, those wonderful folks from South Africa, is seeking title to Federal lands, Federal lands. All of our names are on the deed with an estimated 1.1 billion dollars' of gold. In return, the American taxpayers would receive a measly $5,080.

Meanwhile, in Montana mining claims have been staked on Federal lands with an estimated 3.4 billion dollars' worth of platinum minerals, and under the mining law of 1872 the Government will have to sell that land to this company for a mere $12,660.

Wow, wow, over 3 billion dollars' worth of valuable minerals owned by the Federal Government in exchange for just over $12,000.

And then, my colleagues, there is my all-time favorite, the amazing and true story of that little old mining claim that grew up into a huge Hilton Hotel. My colleagues, there is this man in Arizona that stakes a mining claim, 61 acres to be exact, and under the mining law he bought them from the Government for just $155. I say to my colleagues, Now, under the mining law, once you receive title to your mining claims, which is called a patent, there is nothing that says you have to actually, well, mine the land. Oh, no. Far from it. Instead, today these mining claims are the site of a huge Hilton Hotel overlooking Phoenix.

Mr. Chairman, for $190 a night guests stay in spacious two-room suites complete with fully stocked refrigerators and wet bars. They are invited to enjoy 18-hole golf courses, desert jeep tours, and sea-salt pedicures, but for their 61 acres, all the taxpayers received was $155, and for the $155 the so-called miner paid the Government for these claims, he estimates that his share of the Hilton Hotel is now worth about $6 billion.

Some of my colleagues may be wondering just how could this be? This is too incredible to be true. Well, it is true.

The bottom line, my colleagues, is that, if we do not pass this Klug-Rahall amendment, the United States may be forced to sell off 133,000 acres of Federal lands, lands owned by all of us as American taxpayers, containing approximately 15 billion dollars' worth of gold, silver, and other hardrock minerals, for either $2.50 or $5 an acre.

That is what is at risk today. That is what is in the patent application pipeline.

This patent moratorium was passed in the previous Congress as part of this same appropriation bill, and I urge my colleagues today to continue this patent moratorium in place until this Congress can enact comprehensive mining law reform. We came close in the last session of Congress. We were not able to finally deliver and see it into law, but this session of Congress I am hopeful we can move with comprehensive mining reform legislation, and, until we do, let us keep this patent moratorium in place.

Mrs. VUCANOVICH. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The CHAIRMAN. The gentlewoman from Nevada [Mrs. VUCANOVICH] is recognized for 10 minutes.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG], chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Chairman, my colleagues, I have heard this argument over and over again about what a great giveaway. This amendment, very frankly, would drive the mining industry, as I have said again and again, off our shores. We would stop what little industry we have left today.

The one bright spot in this industry is the gold mining. Across the United States it employs people, it makes new jobs. This money is not going anywhere. The Federal Government does not make any money, and to say this is a ripoff is the same old litany I have heard time and time again written by the Sierra Club, written by the environmental community, trying to drive our industry off our shores, and all the other countries of the world today, they are trying to get the mining industries to come in, and they are doing it because they delete royalties, they encourage by tax incentives, they give the land away free to get the jobs on their shores.

The 1872 mining law has worked, and I may suggest to the gentleman who just spoke previously he ought to know about the condos, because he has spent many a time in those places.

May I suggest respectfully, if I can, that this amendment offered by the gentleman from Wisconsin and the gentleman from West Virginia was offered last year, was adopted by the majority of them on that side, opposed by our side, and to have our side offering this amendment is wrong. I say to my colleagues, If you want to keep our jobs on our shores, employing people not flipping hamburgers, but doing real jobs that develop a resource and resources on these lands, then you ought to take and turn down this amendment. It is a bad amendment on this legislation, but more than that it is, and sadly the Parliamentarian would not rule in my favor, it is legislation on an appropriation.

And now I remind my leadership we were not going to do that with our side. We are doing it by this amendment today. I do not agree with it. I think it is wrong, it is inappropriate. It is wrong for this Nation, it is wrong for this industry. We must continue to work for America.

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. CALVERT], who is the chairman of the Subcommittee on Energy and Mineral Resources.

Mr. CALVERT. Mr. Chairman, I rise in strong opposition to this amendment which limits the use of funds for the acceptance and processing of mineral patent applications or the issuance of such patents by the Secretary of the Interior.

Mr. Chairman, I am the chairman of the authorizing subcommittee of jurisdiction over the mining law of 1872, as amended. I am also the lead cosponsor of H.R. 1580, the Mining Law Reform Act of 1995. If the amendment to the appropriations bill before us now is adopted, we will have repeated the mistake of the 103d Congress in its attempt to change the mining law.

The real objective of this amendment is to derail attempts to bring about reasonable changes to the 1872 act. The deadlocked end to the conference committee on mining law reform last September 28 followed just 2 days after Congress adopted the fiscal year 1995 conference report which included a mineral patent moratorium for the first time. Was this mere happenstance? Absolutely not.

H.R. 1580 retains the right to receive a patent, after demonstration that a valuable mineral deposit has been discovered, but only upon payment of the appraised fair market value of the land within the claim. The sponsors of this amendment would eliminate patenting altogether without substituting any other provision for making secure the opportunity to mine one's claims. If you want a real solution, vote against this misguided amendment.

□ 1515

Mrs. VUCANOVICH. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. HAYWORTH], a member of the Committee on Resources.

Mr. HAYWORTH. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Wisconsin to limit the use of funds for the acceptance and processing of mineral patent applications or the issuance of such patents by the Secretary of the Interior. The amendment before us does not merely continue the mineral patent moratorium in the fiscal year 1995, as we have been led to believe.

The U.S. Supreme Court has consistently opined that a valid mining claim is "private property in the highest sense of the word." The action of the Secretary to grant title to a mining claim which is supported by a discovery of a valuable mineral deposit and for which all other requirements of law have been met is not discretionary. Rather, it is ministerial. I oppose the present patent moratorium, but at least the present moratorium recognized the prevalent court rulings.

The amendment of the gentleman from Wisconsin [Mr. KLUG] is clearly an infringement on these private property rights. The amendment of my friend from Wisconsin invites a flood of takings litigation by those applicants recognized in last year's bill to have met last year's requirements and for which the Secretary was not barred from spending funds to process or issue mineral patents. The Department's records as of last fall indicated some 388 applications for mineral patents were so vested. This amendment could subject our Government to expensive litigation and a staggering takings liability.

The fact is, Mr. Chairman, this will have a chilling effect on mining companies and on folks who have claims and are filing for the patents. It in essence is a job killer. What we are doing here today is working to create jobs in the private sector, because these jobs are not Republican jobs or Democrat jobs or liberal jobs or conservatives jobs; they are jobs for the people of this country. I stand up and say yes to jobs, and no to the amendment.

Mr. KLUG. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would like to make some points with my colleagues on the other side of this amendment fight and simply say this is not an amendment about whether or not there should be mining. The bottom line in all of this is the fiduciary responsibility of Members of Congress and whether or not we get the proper return for the mining claims that are before us.

Now, there I think, frankly, some problems in this amendment, and it is a creation of the rule which did not allow us to put in language grandfathering in some of the operations in place.

My colleague from Arizona raises a good point. Let me make it very clear that it is my intention that if this amendment passes, I would be willing to work with the gentleman from Ohio [Mr. REGULA] and other members of the Committee on Appropriations to put in language much similar to last year's amendment, which we again were prohibited from doing this time, which would say if mining reform legislation passes then this amendment falls by the wayside.

Second, this amendment, as it said last year, further provides that the Secretary of the Interior shall continue to process patent applications that were filed prior to the date of the enactment of this act if the applicant had fully complied with all the requirements under the general mining laws for such patent.

So I am willing to work with the Committee on Appropriations to get language in place that allows patents in the pipeline to move forward. But the bottom line in all of this, Mr. Chairman, is money. For example, the State of Arizona requires its mining companies to pay anywhere from 2 to 5 percent on current leases; California, 5 percent; Alaska, 3 percent.

If we can get comprehensive mining reform in place which allows the Federal Government to collect the royalties that are due it, I will be glad to work with the gentleman from California [Mr. CALVERT] on passing his legislation. But at the present time, if this moratorium expires on September of 1995, there are three applications pending in front of the Federal Government now worth $5.5 billion: One patent in Nevada on a gold mine worth $1.113 billion, and the taxpayers get from the patent price $5,080; another patent, the McCoy Cove Mine, pending in Nevada, worth $1.4 billion, and the taxpayers get $3,305; the Mount Edmonds Mine in Colorado, recoverable mine value $2.99 billion, and the patent price of $5 an acre, one thousand bucks. So more than $5.4 billion and the taxpayers get $10,000 out of this.

I would be glad to work with my colleagues on the other side of the aisle, because I do not think this is, in my case, whether or not there should be mining in the United States; the bottom line is whether or not we get a fair price for the mining that should and I hope will, take place in the future.

Mr. CALVERT. Mr. Chairman, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from California.

Mr. CALVERT. Mr. Chairman, if the gentleman would like to cosponsor my bill, as he knows, we resolve the issues of a fair royalty on Federal land. This is an improper way to amend this at this time. So I would think the gentleman would like to get on our bill and do it the right way.

Mr. KLUG. Mr. Chairman, reclaiming my time, the gentleman and I have had conversation about this, as he knows. It is not my intention to drive the U.S. mining industry out of the country, but it is my intention to get a fair price for this. I would be willing to work with the gentleman. I said that in the past, and I would be willing to work with him today to get that bill out in the near future or put an incentive in place today to get it done even faster, and that is my intention.

Mrs. VUCANOVICH. Mr. Chairman, I yield 1½ minutes to the gentleman from Washington [Mr. NETHERCUTT], a member of the committee.

Mr. NETHERCUTT. Mr. Chairman, I rise in opposition to this moratorium amendment.

Mr. Chairman, this amendment is a temporary solution that in my judgment is detrimental to the mining industry in America. We can agree that mining reform is overdue. We can agree with that. And as the gentleman from California [Mr. CALVERT] mentioned earlier, we have H.R. 1518 that is in the process of being prepared which will address the objections sought to be imposed by this amendment.

I believe this amendment will discourage mining in America. We can have all the anecdotal information or examples in the world of egregious overreaching, but in fact this mining law has worked over the years, and it is very important, I think, that we keep something in place to make sure that we do not discourage mining and send it to foreign shores.

I was one who opposed the elimination of the Bureau of Mines in my own subcommittee. We lost that battle, but we have cut back in mining throughout this country to the point where there is a disincentive, I think, to even get involved in the mining industry, to provide some jobs and assistance to America.

Interim steps have a way of becoming permanent, and I fear that this particular moratorium amendment will do just that. What we do not want to do is discourage mining in this country. We do not want to send mining operations overseas and be dependent on foreign companies for the production of minerals that we use in this country. This amendment will result in such foreign dependence, and it should be opposed and overridden.

Mr. KLUG. Mr. Chairman, I yield 30 seconds to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, one important fact that we should not overlook in this debate is that the ability to obtain a patent has nothing whatsoever to do with the ability to mine. Ever since we started, since I started the effort to reform the Mining Law of 1872 in the mid 1980's, hundreds of thousands of applications have gone into the Bureau of Land Management, everybody trying to seek a patent. Yet the Bureau can only approve less than 10 a year. It takes 4 years now before you can have a patent go through the process, and yet mining still goes on these patent applications. So the ability to mine is not affected whatsoever by the ability to obtain a patent. The patent process is obsolete.

Mr. KLUG. Mr. Chairman, I yield myself 30 seconds.

Let me just again make four points, if I can. First of all, the General Accounting Office, a survey of 20 patents examined at random, found that the Government had been paid $4,500 for claims worth somewhere between $14 and $48 million. This is an amendment above and fundamentally about money.

Second, as I have already indicated to my colleagues on the other side, I would support language in the appropriations bill during conferences that would put a grandfather clause in for mining patents that are currently in the pipeline, and also firm language that says if mining reform law passes this amendment is null and void.

Finally, when this moves again in September, I will remind my colleagues, $5.4 billion at stake in three claims and we get 1 thousand bucks.

Mrs. VUCANOVICH. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in opposition to the amendment. The issue of hardrock mining on Federal lands is one that is properly within the purview of the appropriate House and Senate authorizing committees. It is the role of those committees, working with the administration, to determine the parameters of mining on public lands.

Mr. Chairman, I want to emphasize that the amendment before us is not the same as last year's. This amendment would put a blanket moratorium on the processing of all mineral patent applications. In last year's bill, we exempted certain patents that had reached a certain point in the patenting process.

One reason for the exemption in last year's bill, Mr. Chairman, was because of a possible "takings" problem. The U.S. Supreme Court has held that mining claims that have reached a certain point in the patenting process are, in every sense of the phrase, private property. If we pass this amendment we could be looking at substantial liability from a "takings" perspective.

The National Association of Manufacturers and the U.S. Chamber of Commerce oppose this amendment. Likewise, I strongly oppose this amendment and urge my colleagues to do likewise.

I would like to point out, as this chart shows, that the Bureau of Land Management's own study of the true costs to miners for patenting of their claims shows the cost of proving discovery, surveying the claims, preparing the application and other legal requirements to be a minimum of $37,900 per 20-acre lode claim, not $5 an acre by any means. In many cases, millions of dollars have been spent on a property in order to achieve patent.

Mr. Chairman, we should ensure a fair return to taxpayers. Comprehensive mining law reform legislation offers the best chance for that. This amendment would derail such legislation while devastating the mining industry at the same time. I oppose the amendment and urge my colleagues to do likewise.

□ 1515

Mr. LUTHER. Mr. Chairman, I wish to support the amendment to extend the moratorium on mining claim patents. I am also a cosponsor of Congressman RAHALL'S legislation to reform the mining patent process because I believe it is time that Congress stop giving away public lands at a fraction of their value at an enormous expense to American taxpayers.

I understand that the patent process played an important role in developing the Western United States. In 1872, there was a legitimate role for the Federal Government to play in providing incentives for Americans to move west and develop that great region of our country.

But today, things have changed and Government policy must likewise change.

Today, we are nearly $4.9 trillion dollars in debt—it is time to establish priorities, identify critical roles for the Government and cut the rest. Whatever national interest our country may once have had in being a provider of cheap land, it is simply not a critical role for the Federal Government to play in 1995. Today American taxpayers do not want their resources turned over to private interests while their national debt continues to rise.

Last November the voters in Minnesota and across the country asked that we change the way Washington operates. When a program has lost its usefulness, we should eliminate it, no matter what the special interests might say. This moratorium amendment is an excellent opportunity for Congress to demonstrate that we can change how Washington operates.

I urge my colleagues to vote for an end to the giveaway of public lands—by voting for the Rahall-Klug amendment.

Mr. GEJDENSON. Mr. Chairman, I rise in strong support of the amendment offered by Mr. RAHALL and Mr. KLUG to restore the moratorium on the issuance of patents for mining claims. I want to thank the gentleman from West Virginia for his tireless efforts over the last several years to fundamentally reform the anachronistic 1872 mining law.

I can think of no reason why my colleagues would not support this commonsense amendment. Patenting, whereby miners get title to public land, is a thing of the past which should have been done away with long ago. In these times of fiscal crisis, the Federal Government can ill afford to continue to "give away" taxpayers' land for $2.50 or $5 an acre. It boggles my mind that we are still selling our resources for the price established in 1872. According to a 1993 General Accounting Office [GAO] study of other major mining nations, the United States is the only country which allows public lands to be sold to mining companies. The survey of South Africa, Canada, and Australia, the third, fourth, and fifth largest mining nations that year, found that these nations retained title to public lands and provided access to miners through leases. If mining continues to be robust in Canada and South Africa without patenting, why do we need to continue this practice here? The answer is we don't.

The examples of the costs of patenting are legendary. Last year, Secretary of the Interior Bruce Babbitt was forced to approve a patent which transferred 1,038 acres of public land containing minerals valued at $10 billion to the Barrick Gold Corp., a Canadian company, for $5,190. This occurred because the moratorium exempted hundreds of patent applications which had progressed to a certain point in the review process. This case demonstrates that even with the moratorium, the American taxpayers continue to get the "shaft."

In spite of the flaws in the moratorium, it is preferable to allowing all patent applications to move forward. Without the moratorium, the Department of the Interior will be forced to approve hundreds of applications to transfer billions worth of gold, silver, and other valuable minerals to private companies without fair compensation to the taxpayers. According to an analysis by the Mineral Policy Center, if the moratorium is not renewed, more than 230 patents involving nearly 140,000 acres of public lands will move through the system and likely be approved. These lands contain in excess of 15 billion dollars' worth of minerals. Without the moratorium, this acreage will be "sold" to mining companies for no more than $700,000. Moreover, because we impose no royalty on hard rock minerals, the American people stand to lose hundreds of millions in lost revenue by transferring these lands out of public ownership.

Mr. Chairman, I strongly support comprehensive mining reform. However, in the absence of that, we are forced to take a piecemeal approach to protect the interests of the American taxpayer. Patenting is a giveaway to private companies, which are often foreign owned. No other major mining nation in the world turns over public land to miners. Most importantly, patenting undermines the principle that the American people should get a fair return on the use of their resources. I urge my colleagues to support the Rahall-Klug amendment.

Miss COLLINS of Michigan. Mr. Chairman, I must wholeheartedly oppose the elimination of the current moratorium on "Patenting" Federal lands subject to hardrock mining claims, and challenge the Republicans to justify this absurd course of action. The General Mining Law of 1872, signed into law by President Ulysses S. Grant, govern the mining of hardrock mineral on about 270 million acres of Federal lands. It allows anyone to buy an acre of land for $5!

Put simply, Mr. Chairman, the Federal Government is selling taxpayer-owned land which contains over $15.5 billion worth of gold, silver and other minerals for $5 an acre!

This country has already let over $231 billion worth of mineral assets slip through the taxpayer's fingers by granting ownership rights to public lands to mining interests at little charge and with no royalty payment. Not only is this robbery, but this is corporate welfare, plain and simple, Mr. Chairman. The only question is, how can the Republicans justify this kind of corporate giveaway program to some of the already wealthiest interests in the United States?

How can they justify this while they continue to complain that we, as Democrats, want to feed starving American children, or educate inner-city youth, or improve the water supply for millions of native Americans? I am appalled, Mr. Chairman. Mostly, I am appalled because I know that Republicans would rather spend crucial tax dollars for their wealthy business friends, like the powerful mining interests that are responsible for the elimination of this moratorium. I am appalled, Mr. Chairman, on behalf of the millions of Americans who still may not realize the extent to which they are being robbed!

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. RAHALL. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 271, noes 153, not voting 10, as follows:

[Roll No. 521]

AYES—271

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Canady
Cardin
Castle
Chabot
Chapman
Chrysler
Clay
Clayton
Clement
Clyburn
Coble
Coleman
Collins (IL)
Conyers
Costello

Coyne
Cramer
Danner
Davis
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Doyle
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gephardt

Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoekstra
Holden
Horn
Houghton
Hoyer
Inglis
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King

Kingston
Kleczka
Klink
Klug
LaFalce
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martini
Mascara
Matsui
McCarthy
McCollum
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Moran
Morella
Murtha

Myrick
Nadler
Neal
Neumann
Nussle
Oberstar
Obey
Olver
Owens
Oxley
Pallone
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Rivers
Roemer
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Scarborough
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays

Sisisky
Skaggs
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Solomon
Souder
Spratt
Stockman
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Walker
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Whitfield
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt

Vucanovich
Waldholtz
Walsh
Wamp
Watts (OK)
Weldon (FL)

Weller
White
Wicker
Williams
Wilson
Young (AK)

NOES—153

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bateman
Bilbray
Bishop
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Chambliss
Chenoweth
Christensen
Clinger
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crapo
Cremeans
Cubin
Cunningham
de la Garza
DeLay
Dickey
Dooley
Doolittle

Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Foley
Gallegly
Gekas
Gillmor
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Istook
Jefferson
Jones
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot

Livingston
Lucas
Manzullo
Martinez
McCrery
McInnis
McIntosh
McKeon
Metcalf
Mollohan
Montgomery
Moorhead
Myers
Nethercutt
Ney
Norwood
Ortiz
Orton
Packard
Parker
Pastor
Paxon
Petri
Pombo
Quillen
Radanovich
Riggs
Roberts
Rogers
Roukema
Royce
Salmon
Saxton
Schaefer
Schiff
Seastrand
Shadegg
Shuster
Skeen
Smith (TX)
Smith (WA)
Spence
Stenholm
Stump
Talent

NOT VOTING—10

Collins (MI)
Crane
Durbin
Geren

Kennedy (RI)
Moakley
Reynolds
Richardson

Stark
Stearns

□ 1548

Mrs. ROUKEMA and Messrs. MOORHEAD, BISHOP, EHRLICH, WELLER, CAMP, CLINGER, and Mrs. SEASTRAND changed their vote from "aye" to "no".

Messrs. GOODLATTE, CASTLE, QUINN, KIM, WHITFIELD, GRAHAM, and Ms. MOLINARI changed their vote to "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. VOLKMER. Mr. Chairman, I move to strike the last word.

The CHAIRMAN. Without objection, the gentleman is recognized for 5 minutes.

There was no objection.

Mr. VOLKMER. Mr. Chairman, earlier today the House voted by a voice vote on an amendment offered by the gentleman from Minnesota [Mr. GUTKNECHT] which would have and did, because it was adopted on a voice vote in the House, remove the funds available for the Mississippi River Corridor Heritage Commission. Had I been here, and I was not able to be here because of, believe it or not, a very good reason, but had I been here, I would have strongly opposed that amendment and explained the good that that Commission is trying to do. I was not able to be here, and if I had, again, I would have asked for a rollcall vote on it. That has been passed.

I do think the House should hear the other side of this story. This Commission was set up by this Congress in law enacted in 1990. The Commission was to study the corridor of the Mississippi River, which is so dear to many of us from the Midwest, to try not only to bring together the 10 States that border along that Mississippi River, but also the communities and the agencies within those States together to have a better partnership within that corridor, basically, to bring about more strength and economic development along that corridor.

Mr. Speaker, the proponents of the amendment said the law provided that they were supposed to have this study done within the 3 years, and I agree with that, that it was to be done within the 3 years, but the law also provided that they were to hold Commission hearings within each State of those 10 States, and they were to be funded at an amount of $500,000 a year in order to do so.

The problem is, Mr. Chairman, and I think many of the public today questions the wisdom of many of us in Congress, the problem was that the Congress did not fund it adequately to hold those hearings in the first 2 years. Thereafter, the funding started and they had the hearings. They now have a draft report that is being prepared, it is available if Members would like to read it, and I think it is very worthwhile. With the money that was provided in the bill, they would have been able to finish up and make their recommendations working with the Park Service.

By the vote of the House, they are not able to do so. What I find very ironic, though, about his whole thing is the Congress first asks citizens of this great country of ours to participate in the governmental process through this type of a commission. These people that are on this Commission are volunteering their time in order to perform this function of Government. Yet it is the same Congress, maybe a later one, but the same institution that says "We are not going to give you any money to do it, folks. If you want to participate in the governmental process, you are good tax-paying citizens, if you want to make recommendations to make the Midwest a better place to live for everybody, we do not want to give you $142,000."

Mr. Chairman, I wonder sometimes about some of the things that we do up here in Congress. I do not wonder, however, about why many of the general public does not think very much of the Congress. In the first place, if Members do not think the Commission should do the study or anything, then repeal the law that set it up. What we have now done is defunded it. The Commission is still out there, still required by law to make the study, to make the recommendations, and we have not given them any money to do it with.

If you were a private citizen out there, as the one from Missouri who is a good friend of mine, who is a very conscientious person, who believes in this Government of ours and likes to participate, and I have talked to him about this amendment, it makes you wonder why a person would ever accept this type of responsibility when this Congress or the next Congress may decide we are not going to let you do it, we do not want you to participate in this system of government of ours.

At first I had thought that we would have possibly a revote when we get in the House. I know the House has taken a lot of time on this bill.

The CHAIRMAN. The time of the gentleman from Missouri [Mr. VOLKMER] has expired.

(By unanimous consent, Mr. VOLKMER was allowed to proceed for 1 additional minute.)

Mr. VOLKMER. Mr. Chairman, the gentleman from Ohio has been so gracious as to permit me to take this time in order to explain the position of how I would have strongly objected to the amendment, and therefore, when we get into the House, I will not ask for a revote on the amendment. Mr. Chairman, I thank the Chairman of the Committee for giving me this time, and I thank the House for being patient with me.

AMENDMENT OFFERED BY MR. CREMEANS

Mr. CREMEANS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CREMEANS: Page 94, after line 24, add the following:

SEC. 318. None of the funds appropriated or otherwise made available by this Act may be used for the purposes of acquiring land in the counties of Lawrence, Monroe, or Washington, Ohio, for the Wayne National Forest.

The CHAIRMAN. Pursuant to the rule, the gentleman from Ohio [Mr. CREMEANS] and a Member opposed will each be recognized for 5 minutes.

The Chain recognizes the gentleman from Ohio [Mr. CREMEANS].

Mr. CREMEANS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offer an amendment to save school districts, fire departments, and small businesses in southern Ohio.

Let me first say, this amendment only effects two districts, both of which are in southern Ohio. We are asking that money from this appropriation not be spent in these two districts. I know it is rare to see a Member of this body ask that money not be spent in his or her district, but the Federal Government has bought enough land in my district. Let the Forest Service go buy land somewhere else or spend it on the schools and the communities effected by the Federal forests. They need the money a heck of a lot more than we need more Government owned trees in Southern Ohio.

Mr. Chairman, the Wayne National Forest has been buying up land in my district for years. The Wayne owns nearly 40 percent of one school district, the Frontier Local School District.

The Federal Government has not met its obligation in PILT payments on the land they already own—let alone what they would like to buy. The Federal Government pays Washington County, OH, about 27 cents an acre each year. The average property tax is about $3.34 an acre in Washington County. How in the world is a school system or a fire department supposed to operate when the Federal Government owns half the land but pays less than 10 percent of its share of the tax duplicate?

These schools are going under and I want to send a message to them that the Federal Government is not going to buy up any more land or steal any more tax dollars from them. This amendment is a commitment to them and does not affect anyone outside southern Ohio. I hope that everyone would join with me and let the people of southern Ohio know that we are listening and the Federal Government is going to leave them alone—which is all they ask.

Thank you, Mr. Chairman, for the opportunity to offer this amendment. The students of the Frontier Local School District appreciate your help.

Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. NEY].

Mr. NEY. Mr. Chairman, I want to applaud my colleague, whose congressional district borders mine, on this very important issue. Members also have to understand that when we look at the Appalachian region, this potential forest goes all the way down from the area of the gentleman from Ohio [Mr. CREMEANS], all the way up through my area in Monroe County, OH, and it would be like a 4-hour drive. If we looked at a map of it, it looks like somebody took a shotgun and just shot the map, because it is just pieces of property bought here and there, small parcels.

I encouraged the Wayne National Forest to have a contiguous area, but really, what they have done in the area of Mr. CREMEANS and in this area, for which I want to thank the gentlemen from Ohio, Mr. REGULA and Mr. CREMEANS, it is really going to help us quite a lot. It is also going to protect Monroe County. Additionally, Senator Monroe, and also representative Metzger and many others are worried about development. The area has been hard hit in Monroe County, so we need some help. I really applaud the gentleman's amendment, and thank him for including this.

Mr. REGULA. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Ohio is recognized for 5 minutes.

There was no objection.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

We are going to accept this amendment. This bill has a moratorium on land acquisition. We have no money in the bill to acquire lands in the three counties in question. Therefore, there is no problem whatsoever in accepting the amendment. I understand the gentleman's concern, and we are pleased to put it in as part of the bill.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Ohio [Mr. CREMEANS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SKAGGS: At the end of the bill, add a new section, as follows:

SEC. . None of the funds appropriated to implement the Act of October 20, 1976, as amended (31 U.S.C. 6901-07) shall be used for payments with respect to entitlement lands (as defined in such Act) regarding which it has been made known to the officer or official responsible for such payments that a state or political subdivision of a state has by formal action asserted a claim of ownership.

☐ 1600

Mr. SKAGGS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me explain what is involved in this amendment. Under the PILT program, which is an acronym standing for "payment in lieu of taxes," the Federal Government makes cash payments to counties to help cover services like fire protection, law enforcement and so forth that these counties provide on Federal land. We do this because the counties obviously do not get tax revenue from these lands but are expected to provide some services.

Recently some of these counties are claiming that these lands are not Federal lands, after all, even though they all became part of the United States through Federal purchase or acquisition and have never been transferred.

Mr. Chairman, get this: Even though these counties assert that these are not Federal lands for ultimate purposes of title or control, these same counties would still like the U.S. Federal taxpayers to make PILT payments to them as if the lands were Federal lands. If there were ever a case of trying to have it both ways, this is it.

It is all the more offensive because some of these counties are effectively using Federal taxpayer moneys to pay their officials and lawyers to try to perfect their legal claim to the very lands on which they are basing their entitlement to PILT payments.

Give me a break. Or, as our colleague, the gentleman from Ohio [Mr. TRAFICANT] might say, "Beam me up."

My amendment simply calls a halt to this absurd practice. If these counties want to claim Federal lands as their own, fine, go ahead, pursue them if you think you have any legal theory to stand on. But do not at the same time be so brash as to claim PILT payments to boot on the very same Federal lands at the very same time.

Let us not permit these jurisdictions to insult our intelligence at the same time that they are tapping the Treasury, especially in these difficult budget times.

Mr. Chairman, I reserve the balance of my time.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I understand why the gentleman might propose this, but this changes the PILT formula. This is a situation that the authorizing committee should address. We have an obligation to make the PILT payments under the law.

Of course these issues are in the courts. The courts need to make a decision. But in the meantime, States have a right to pursue their legitimate claims, but they also have a right to their PILT payments. Their obligations to schools, to the local government, will not stop just because they file a suit in the court.

Let the courts work their will, but in the meantime I think the U.S. Government should honor its obligation as provided in the law. There is nothing in the law that says if there is a lawsuit filed, they do not get the PILT payments. Therefore, we should not interfere with the action by the courts.

Mr. SKAGGS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Colorado.

Mr. SKAGGS. Mr. Chairman, I respect the gentleman's point of view on this, but does he really stand for the proposition that these counties, who are pursuing a legal theory that has been repudiated by the Supreme Court, should nonetheless continue to get Federal money even though it can be used to pay for asserting these specious claims?

Mr. REGULA. Reclaiming my time, the gentleman is making an assumption as to how they use their PILT money. I am assuming they use it for their schools. If they use their general budget to pursue their legitimate claims in court, that is perfectly their right. But in the meantime, under the law, we have an obligation to make the PILT payments.

Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH], a member of the subcommittee.

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in opposition to the amendment. Counties depend on payment in lieu of taxes, or PILT, to make them whole. In a State such as my own, Nevada, where 87 percent of the land is federally managed, making up for the loss of taxes due to Federal management of the land is only fair.

This amendment is directly aimed at Nye County, NV. Currently Nye County is involved in a Department of Justice-filed lawsuit about who owns the land. If the gentleman would work with me to see the Federal Government relinquish control of the land in question, then I think the county would willingly forgo PILT payments. But until the court renders its decision, the county continues to lose tax revenue. This amendment is an unfunded mandate, and I oppose it.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Utah [Mr. HANSEN], chairman of the Subcommittee on National Parks, Forests and Lands of the Committee on Resources.

Mr. HANSEN. I thank the gentleman for yielding me the time.

Mr. Chairman, I hope the people in this Chamber realize this is really a very tough amendment on people. These little counties are out there, 93 percent, some of them, owned by the Federal Government. People from the East come in, they cause fires, we have to put them out. They get hurt, we have to take care of them. They put debris all over, we have to clean it up.

There are 1,500 of these counties out there in the West and over half of them have a claim against the Federal Government.

If we are going to take these 750 counties and say, "Fine, guys, you're out of business," why are we doing this? You look at the situation of people who have 2,477 roads, half of them in my State have claims against the Federal Government on 2,477 roads. Mineral royalties they have claims against, timber royalties, grazing fees, questions over title.

I think it is an outrageous amendment that would gut the whole program and is designed to hurt some people who are trying to maintain what they think is right and courageous.

Remember years ago we had the sagebrush rebellion. I am glad to see that is gone. Now we are seeing the war on the West. This is the kind of amendment that is devastating to the people in the West. I urge that we oppose this amendment.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, I strongly oppose this amendment.

I think it is outrageous to do this to our counties in view of all that is happening throughout the States. We have got whole communities that have been devastated by the various restrictions on the spotted owl and other so-called surrogate species. About the only major activity that can go on is related to public lands.

These communities have substantial expenses in building roads, in providing schools, in providing the services the gentleman from Utah mentioned. Then to put forth an amendment like this that basically will cut off this money that these communities are entitled to receive because of the services they are providing to the Government.

We do not cut off anybody else's money for any reason because they are pursuing a legitimate claim against some branch of the Federal Government. Only here are we seeking to do that. I think that is wrong. I think it comes at a horrible time when our counties are under so much pressure economically right now. I strongly urge Members to defeat this amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] has 30 seconds remaining, and he has the right to close.

Mr. REGULA. Mr. Chairman, I yield 15 seconds to the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I rise in strong opposition to the Skaggs amendment. This would be a punitive action against countless rural communities in the West and would devastate their already fragile economies.

Stopping PILT payments would close roads and schools, stop public services, and cut hundreds of rural counties off at the knees. This will be a reality unless we defeat this amendment.

It is understandable that some of my colleagues don't understand what PILT payments are or how they came to be, for our situation in the rural West is very unique. When the Federal Government owns anywhere from 50 to 80 percent of the land like it does in the West, these areas don't have a tax base source like everywhere else in the country. The fact that the Government owns all of this land in the West is historical circumstance, and as a result the Bureau of Land Management makes payments to these counties for lost revenues that would otherwise result if the land were able to derive operational tax revenues like everywhere else in the country.

Stopping these PILT payments would be counterproductive for the Federal Government, and would deliver a harsh blow to many districts like mine. I urge a "no" vote on the amendment.

Mr. REGULA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I urge all of my colleagues to vote against this amendment. It is simply not fair. Every county has the right, or State, to pursue their claim in court without being penalized. This would be an unfair thing to put a penalty on them for exercising their legitimate rights in the courts.

Mr. SKAGGS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Colorado is recognized for 2½ minutes.

Mr. SKAGGS. Mr. Chairman, let me just respond to some of the characteristics that have been offered up in the comments in opposition to this amendment.

There is nothing punitive about it. It merely puts counties to the choice whether they want to assert that they own land outright that they are also claiming is Federal lands for purposes of PILT payments. You cannot have it both ways.

The punishment, if there is any, is to the Federal taxpayers who are being expected to pay for something twice. I do not believe that that is fair. This has nothing to do with RS-2477 claims or legitimate boundary disputes or rights of way. Any of those sorts of things are really de minimis, since the effect of this amendment would be to have impact on a prorated basis, not ruling out, not invalidating any PILT payment for a county that may have a 2477 right-of-way issue pending.

The final point is that we are not talking about legitimate claims. That is the whole point. The Supreme Court has ruled on this whole question of the county supremacy movement. It has invalidated the legal underpinnings of the movement. These are not valid claims, and we should not be taken to the cleaners for PILT payments at the same time we are having to incur legal expenses to establish continued Federal title to these lands.

Mr. HANSEN. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Utah.

Mr. HANSEN. I appreciate the gentleman yielding.

I am reading from the gentleman's amendment here. It says asserting a claim. That seems to be the pivotal point of this amendment, a county asserting a claim.

I could name a lot of counties that are asserting a claim on RS-2477 roads. It that not a claim, debating whether or not it belongs to the county or whether it belongs to the Federal Government?

Mr. SKAGGS. The amendment speaks in terms of a formal action, meaning a county ordinance or other action of the political subdivision. Again, in most of these situations, if I can reclaim my time, the acreage involved, and these RS-2477 issues compared to the total acreage on which PILT payment is based, is really de minimis.

This is not the problem. The problem is the broadside assertions of county title over all Forest Service lands, over all BLM lands, over all Fish and Wildlife lands, that some 58 counties in our part of the country have asserted. I am just saying they cannot have it both ways. You cannot both get a PILT payment and say, "But it is my land, anyway."

Mr. HANSEN. If the gentleman will yield further, between Alaska and Utah there are over 1,000 of these counties asserting a claim on RS-2477, regardless of size.

Mr. SKAGGS. As I say, those are really de minimis in the context of what this amendment would accomplish.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. SKAGGS].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 56 offered by Mr. KENNEDY of Massachusetts: Page 94, after line 24, insert the following new section:

Sec. 318. None of the funds made available to the Forest Service by this Act may be used for the construction of roads, nor the preparation of timber sales, in roadless areas of 3,000 or more acres in size.

POINT OF ORDER

Mr. HANSEN. Mr. Chairman, I make a point of order that the amendment of the gentleman from Massachusetts [Mr. KENNEDY] violates clause 2 of rule XXI of the rules of the House by requiring substantial new duties on the part of the Secretary of Agriculture to determine roadless areas on national forest lands; therefore creating legislation on an appropriations bill.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. KENNEDY] care to respond to the point of order?

Mr. KENNEDY of Massachusetts. Yes, I do, Mr. Chairman.

Mr. Chairman, this amendment is simply a limitations amendment that states that none of the funds made available to the Forest Service may be used for timber roads construction or timber sales preparation in roadless areas. It seeks to reduce the taxpayers' liability only in roadless areas, the most high-cost areas and most likely to result in below-cost timber sales.

The amendment was filed in accordance with the rules and preprinted in the CONGRESSIONAL RECORD and reviewed by the parliamentarian's office. The parliamentarian and I have been in discussions for many, many hours, until late last night and throughout the day today over this issue. I have some extensive remarks that I would like to make with regard to the objections that have been raised.

First the National Forest Management Act of 1976 directs the Forest Service to inventory all lands and resources that they manage. The Forest Service must devise forest plans that include specific land use designations.

According to the National Forest Management Act, title XVI, the Renewable Resource Assessment, the Secretary of Agriculture shall prepare a Renewable Resource Assessment, analyze the present anticipated uses, create an inventory based on the information developed by the Forest Service and other Federal agencies, provide a description of the Federal service program, and provide for a discussion of important policy considerations.

The statute also requires the land management plans to comply with the National Environmental Policy Act, or NEPA, which means that everything in the forest must be inventoried for an environmental assessment or possible full-blown environmental impact statement.

□ 1615

I would make the Chair aware of the National Forest Management Act, which specifies procedures to ensure that land management plans are prepared in accordance with the National Environmental Policy Act of 1969.

They second specify guidelines which require the identification and suitability of lands for resource management, provide for the obtaining of inventory data on the various renewable resources in soil and water, including the pertinent maps, graphic material, and explanatory aids. On and on it goes.

Second, according to the Forest Service regulations, to implement Congress' laws they must conduct an inventory of all roadless land in each of the national forests and I would like to cite for the RECORD section 219.17, the evaluation of roadless areas.

"Unless otherwise provided by law, the roadless areas within the National Forest System shall be evaluated and considered for recommendation as potential roadless areas, including those previously inventoried must be taken into consideration; areas contiguous to existing wilderness, primitive areas, or administratively proposed wildernesses; areas that are contiguous to roadless and undeveloped areas; and areas designated by the Congress for wilderness study, administrative proposals pending before the Congress," and on and on she goes.

Further, the Forest Service Management Act regulations require that all timber sales must be in compliance with the forest plan, including the requirements of 36 CFR, section 219-14, which require detailed analysis of timber volumes, costs, and other matters.

If I would cite that particular code, that directs the Forest Service to conduct benefit analysis as expressed through gross receipts of the Government. Such receipts shall be based on the expected stumpage prices, the payments in kind from timber harvest, considering the future supply and demand. It takes into account the costs, including the anticipated investments maintenance and operating management and planning costs.

In addition, it takes into account the long-term yield. You do not have to just count the acreage; you have to count the trees to do this. So, the notion that somehow this amendment is out of order because we call for an indication of 3,000 acres, versus 5,000 acres, is ridiculous.

The fact of the matter is that the 5,000-acre designation is for wilderness areas. In order to comply with this, you have got to get down to the actual number of trees that are counted in the specific area.

Most importantly, continuing on the regulations in section 223.83, specifically requires that timber sales prospectus to include data on acreage, road standards for specified roads to be constructed, and the estimated construction costs.

I would cite in that law, a timber sale prospectus shall specify at a minimum, and it goes through a number of different points, but the location and the area of sale, including harvest acreage. A timber sale prospectus shall also include the road standards and the roads to be constructed, the estimated road construction costs and the purchaser credit limit.

The fact of the matter is that the amendment simply limits the Forest Service discretion to build roads or conduct timber sales in roadless areas which they have already identified as part of their inventory and which are 3,000 acres or greater in size.

Fourth, to show that this information is currently available, the Forest Service produced an analysis of the roads that the Forest Service planned to build into roadless areas in last year's Interior appropriations bill.

Those of you who argue that the Forest Service does not already know its roadless areas ignore the mandate placed upon the Forest Service by this committee. As you can see, the current laws provide substantial evidence that the Forest Service is already mandated to know the extent and character of roadless areas in their forests. If they do not know, they just simply have not followed the law.

I would cite again for the RECORD the 1995 Interior appropriations that required the Forest Service to include in its 1996 budget a specific breakdown of all roadless areas planned for entry in the 1996 program with the justification for each planned entry.

Mr. Chairman, in conclusion, this amendment does not require a new duty on the Forest Service. It simply requires them to carry out the current law and to continue to fulfill the requirements placed upon the Appropriations Committee.

I urge the consideration of the amendment.

Mr. HANSEN. Mr. Chairman, in defense of my point of order, let me point out the issue that we have raised to the point of order, and not to the amendment, goes to this: In fact, are we asking the Forest Service to create a new duty? Are we asking them to do something? If so, that should come from the authorizing committee, which I maintain is what we are talking about here.

The Forest Service has no duty to collect infinite amounts of information. They already have collected information on roadless areas more than 5,000 acres, not on areas of more than 3,000 acres.

The Forest Service was asked by the Appropriations Committee to respond to this. Here is what they said. "We do not have a good estimate of how many ongoing or planned projects involve roadless areas of 3,000 acres or more. There has not been a need to collect this information."

"This amendment," the Kennedy amendment, "would require the Forest Service to make a determination of the size of every area for which timber sale or a road construction project is planned to assure that it is not an unroaded area of 3,000 acres or more. We do not have the information necessary to make a reasonable estimate of the cost of this requirement."

Now, if that is not asking for a new duty, I do not know what is and new duties come out of the authorizing committee, not out of the appropriation committee and I would urge that the Chair rule accordingly.

The CHAIRMAN. Does the gentleman from California wish to be heard on the point of order?

Mr. MILLER of California. Mr. Chairman, I rise to speak against the point of order. In my view, the Kennedy amendment is an appropriate limitation and does not violate clause 2 of rule XXI which prohibits legislation on a general appropriation bill.

As set forth in book 8 of Deschler's Precedents, a limitation amendment is in order if it restricts criteria which are within the range of choices given to an official by the authorizing law. To quote, "A limitation may, in fact, amount to a change of policy, but if the limitation is merely a negative restriction on the use of funds, it normally will be allowed."

The Kennedy amendment restricts the discretion that Forest Service officials have in the exercise of their duties to conduct road building and hold timber sales in roadless areas of 3,000 acres or greater in the national forests.

The Kennedy amendment does not impose any new or additional data-gathering duty on the Forest Service beyond existing law.

As a general matter, the Forest Service is obligated to develop land and resource management plans for the National Forest System as required by the Forest and Rangeland Renewable Planning Act of 1974, as amended by the National Forest Management Act, 16 U.S.C. section 160, et. seq.

Purusant to the authorizing act, forest plans determine the availability and suitability of forestlands for resource management. While forest plans are normally revised on 10- to 15-year cycles, section 219.12(D) of the Code of Federal Regulations provides that "[E]ach forest supervisor shall obtain and keep current inventory data appropriate for managing the resources under his or her administrative jurisdiction * * * Data shall be stored for ready retrieval." The forest plans are used as the benchmark for further review and planning of each of the individual sales in compliance with the National Environmental Policy Act.

As a specific matter, CFR section 219.17 directs the Forest Service to evaluate and consider roadless areas as part of their land planning process. The inventory and the evaluation of these roadless areas is to be developed with public participation. The definition of roadless areas are lands which "remain essentially roadless and undeveloped, and which have not yet been designated as wilderness or for nonwilderness uses by law."

It is important to note, as the gentleman from Massachusetts [Mr. KENNEDY] has, that there is no acreage limitation in the CFR section on roadless areas as there is with wilderness.

Mr. Chairman, the Forest Service has a sophisticated land planning system which now includes the use of GIS technology for mapping. No duties to gather information are required by the Kennedy amendment beyond the existing law. The notion that they are unaware and incapable of determining where 3,000 acre or more blocks of roadless areas exist is an insult to the agency. I would point out to my colleagues that 3,000 acres is 5 square miles of land.

The Forest Service is capable of producing this data on a ready basis for roadless areas on a national scale. For example, in response to the directive for the fiscal year 1995 House Interior appropriations report, they submitted data in their 1996 budget request which itemizes 94.9 miles of construction planned for roadless areas, including 70 miles in the National Forest of Alaska.

The fact that they have not presented data to the Congress on the amount of roadless lands in excess of 3,000 acres is simply off the mark. What is relevant to the amendment is that the Forest Service has the existing capability of providing such data and does so on a regular and current basis on a national scale.

What is even more important is that they have the data which can be applied to the individual timber sales in compliance with the Kennedy amendment.

Finally, Mr. Chairman, let me submit on behalf of the argument against the point of order that this data is readily available and this is nothing more than a ministerial act, and that is 36 CFR, chapter 2, which deals with the contents of the advertisement and the contents of the prospective of the sales.

There are some 35, almost 40, requirements that go into this, which include the location and the estimated qualities of timber and the forest products offered for sale. For each sale outside the State of Alaska, which includes a provision the purchaser the credit for construction of permanent roads with total estimated construction costs exceeding $20,000, a timber sale shall include: One, the total estimated construction costs of all permanent roads. When submitting the bids, they have to say exactly how much it is going to cost to have the Forest Service construct those roads.

Under the contents of the prospective, the Forest Service must provide the location and area of sale, including the harvest acreage; the estimated volumes, including the quality of the volume, the size of the trees, the age of the trees, and the class of the trees. Very specific, on-the-ground determinations they must make now on an ongoing basis.

They must include the road standards for specified roads to be constructed; the estimated road construction costs and the purchaser credit limit. If small businesses are involved, the road standards applicable to the construction of the permanent roads and the reference of source of such information; the date of final completion of all permanent roads, where they will go, and when they will be finished; a statement explaining how the Forest Service intends to plan for road construction by forest account or contract and whether or not the higher bidder shall make that determination.

What, in fact, we have is a very detailed process of counting the trees and taking the inventory. What we have is the overlay of a number of Federal laws that require this inventory, require that the inventory be kept current, that the land base be kept current, that the timber base be kept current so that they can, in fact, comply on an annual and regular basis with the National Environmental Policy Act as they let lands for sale for timber sales.

Mr. Chairman, all of this is done on an ongoing basis. The Kennedy amendment is simply a limitation on those functions and tracts of land of 3,000 acres or more.

What we have here is a simple ministerial task to be carried out by the Forest Service; a task and function which is no additional burden to them because it is part of their ongoing requirements under existing authorization and legislation by the Congress and I think the point of order should be overruled.

The CHAIRMAN. Does the gentleman from Washington [Mr. DICKS] wish to be heard on the point of order?

Mr. DICKS. Yes, Mr. Chairman, I wish to be heard on the point of order.

Mr. Chairman, it seems to me that this is a lot more straightforward than we are trying to make it with these long orations about the technicalities. But let us get to the bottom line. We are changing, and the Forest Service has already said in their letter here, that they have been operating on a 5,000 acre basis. We are now going to restrict that to 3,000 acres. That is going to be a major new responsibility, ministerial duty, on the Department of Agriculture and the Forest Service.

They apparently do not have these areas at that small a size. Therefore, it is going to be an additional burden. I think, therefore, it is legislation and is subject to a point of order.

Mr. MILLER of California. Mr. Chairman, in responding to the gentleman's point on the point of order, I would point out the fact is what we have shown, and the gentleman from Washington [Mr. DICKS] may not like the long recitations, but they happen to be the law of the land, is that the Forest Service has this information for every acre of land; for every parcel of land; for every sale they promote.

So to suggest that they do not have it for 3,000 acres, when in fact they have it for every acre, is simply ludicrous on its face.

□ 1630

Mr. TAYLOR of North Carolina. Mr. Chairman, I rise to speak in favor of the point of order offered by the gentleman from Utah.

It is not as simple as the gentleman from California would present it. We are trying to open a broad road here to run through a herd of buffalo instead of just some technical amendment. First of all, under the Wilderness Act, the Secretary of Agriculture has surveyed National Forest lands of at least 5,000 acres which are roadless and meet certain other wilderness criteria, such as first, affected primarily by the forces of nature; second, has outstanding opportunities for solitude or a primitive and unconfined type of recreation; and third, contains ecological, geological, or other features of scenic, or historic value.

If a forest area of any size is roadless but does not meet these other criteria, the Secretary can harvest timber, build roads, or engage in other types of multiple use activities.

The Secretary of Agriculture may not have made determinations of roadlessness in nonwilderness forest lands because the lands did not meet other wilderness criteria. This would be a new test.

For forest areas between 3,000 and 5,000 acres, the Secretary has never been required to make a determination of roadlessness. This is a new requirement imposed on the Secretary by the Kennedy amendment.

Determinations of roadlessness cannot be made solely from maps but requires on-site inspections. The Secretary must also conduct legal and historical research to determine if States and counties have pre-existing RS 2477 rights of way for the construction of highways, which by operation of law can be converted into roads and therefore not subject to the prohibition on road construction and timber sales in the Kennedy amendment.

The last time the Secretary of Agriculture had to survey forest lands for road determinations under RARE II, it took 10 years. And in the 10 years since RARE II, more roads have no doubt been built, requiring new surveys to see if these lands are subject to the Kennedy amendment ban.

The Kennedy amendment cannot execute without substantial new determinations of facts based on physical surveys of 191 million acres of National Forest lands, plus legal and historical research conducted by the Secretary of Agriculture.

The Kennedy amendment creates a new class of de facto wilderness by barring timber sales and road construction without meeting all of the Wilderness Act requirements.

The Kennedy amendment creates a new 3,000-acre wilderness requirement in contradiction of the wilderness release language—language which says that multiple use activities are allowed on nonwilderness designated areas—contained in each State's wilderness bill that passed the Congress.

And the Kennedy road amendment deals with timber primarily and does not consider the fact that many of the roads in the national forest are multiple-use roads.

The CHAIRMAN. The Chair is prepared to rule.

Mr. MILLER of California. Can we be heard on the point raised by the gentleman from North Carolina?

The CHAIRMAN. The Chair is prepared to rule on this.

Mr. MILLER of California. I know you are. I want to make sure you have all the evidence.

The CHAIRMAN. The Chair has heard enough evidence.

Mr. MILLER of California. The Chair sounds like Judge Ito.

The CHAIRMAN. The Chair appreciates the gentleman's sense of humor.

The gentleman from Utah makes a point of order that the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] is not in order as a violation of clause 2 of rule XXI because it imposes new duties not required by law. The amendment limits Forest Service funds in the bill for the construction of roads or for the preparation of timber sales in roadless areas of 3,000 or more acres in size. The Chair notes that, as shown in volume 8 of "Deschler's Precedents," chapter 26, section 22.26, the proponent of an amendment has the burden of showing that the amendment does not change existing law. Under law codified in section 1603 of title 16, United States Code, the Secretary of Agriculture, acting through the Chief of the Forest Service, is required to "develop and maintain on a continuing basis a comprehensive and appropriately detailed inventory of all National Forest System land and renewable resources." The same law, at section 1602 of title 16, requires the Secretary to prepare a recommended renewable resource program providing in appropriate detail for protection, management, and development of the National Forest System including forest development roads and trails. Regulations require the Forest Service to make determinations for the suitability of timber resources to a level of detail that includes direct benefits based on expected stumpage prices to payments in kind from timber harvest considering future supply to vegetation management practices chosen for each type of vegetation. For example, in relation to the timber sale portion of the amendment, the minimum specification for a timber sale prospectus under title 36, Code of Federal Regulations, part 223.83 requires an announcement of harvest acreage for each sale as well as road standards specified for roads to be constructed. Given this level of detail already required of the Secretary, the Chair believes that determinations as to an area's roadlessness by a particular number of acres does not impose new duties on the executive branch. The Chair cites volume 8, section 66.6 of "Deschler's Precedents," where an exception from a limitation that did not prohibit the use of funds for designated Federal activities which were already required by law in more general terms was held in order. In that case the law required a continuing evaluation of the matter as does the law in the case at hand. Therefore the Chair finds the amendment does not legislate and overrules the point of order.

The gentleman from Massachusetts [Mr. KENNEDY] and a Member opposed will each be recognized for 5 minutes.

The Chair recognizes the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I just want to say that I admire the Chair's logic and his brilliance, and I certainly did not agree with my friend from California who suggested that you were anything like Judge Ito. If that be the case, it would be a good day for O.J. Simpson.

In any event, Mr. Chairman, I rise in order to offer this amendment, No. 56, with my colleagues, the gentleman from New York [Mr. BOEHLERT], the gentleman from Wisconsin [Mr. KLUG], the gentleman from Minnesota [Mr. VENTO], the gentleman from Illinois [Mr. PORTER], and the gentleman from California [Mr. MILLER].

Mr. Chairman, this amendment makes a targeted limitation on the prohibiting of the Forest Service from conducting the most egregious sales, building roads in our so-called roadless areas of this country.

Mr. Chairman, even this amendment provides for a very small reduction of just $18 million to stop building roads into the highest mountain areas and into the areas of our country that provide the greatest wilderness, that provide the greatest opportunities for backpacking, which do the greatest amount of environmental damage and provide the highest cost per board foot of any lumber in this country. Those costs end up being paid for by the American people.

It is an egregious form of the kind of corporate welfare that all of the people in this Chamber have vowed to fight against. We do not need taxpayers writing checks to the lumber companies for excessive cost to build roads to areas that they would never on their own consider building themselves. The only reason why these trees get cut down is because the American taxpayer is willing to foot the bill. If we put this bill on a cost-analysis basis, the lumber companies will not cut these trees down, and we will preserve the finest and most beautiful parts of our land and stop the kind of environmental havoc that is taking place as a result of this egregious program.

I yield 1 minute to my good friend, the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I proudly identify with this amendment. I think it makes an awful lot of sense.

The Federal Government has lost $5.6 billion on its timber program, due to timber sales that bring in less than the Forest Service's initial investment and because of subsidies issued for the construction of logging roads.

In fact, timber subsidies are currently several times the Forest Service's annual timber returns.

We are always told that we should operate Government more like a business, and let me tell you, in the private sector this would spell disaster. It would be bankruptcy. They would not do it.

And the problem gets worse when the Government offers subsidies for timber road construction in roadless areas. These areas are usually remote and wild. They are made up of rocky, unmanageable terrain, and the difficulty and cost of building roads in these unmanageable roads and lands is great and nearly impossible for the Forest Service to recoup expenses.

I wish I had a lot of time, but our time is severely limited. I am cooperating as fully as I can, trying to move this along. I proudly identify with this amendment. Let us pass it.

Mr. REGULA. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Ohio [Mr. REGULA] is recognized for 5 minutes.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. TAYLOR], a member of the subcommittee.

Mr. TAYLOR of North Carolina. Mr. Chairman, let us see what is going on here. What we have done to our natural resource policy in this country is like the cat eating the grindstone, just a little bit at a time. We take a few acres here, a few acres there.

What have we done to 191 million acres of U.S. forestlands that were heretofore reserved for timber, one of the prime, part of the multiple-use purpose? We have reduced that to about 25 percent. We already have 100 million acres of that 191 million acres in roadless or wilderness areas—25 percent, less than 50 million acres, of the 191 can even be considered for harvest.

This amendment will cost us another 45,000 jobs. It will cost the taxpayer millions of dollars. It will cost the local taxpayer who gets this money—primarily for education—millions of dollars, and these gentlemen know this.

This is another way of saying we do not want any trees cut in the U.S. forests, and we know that is certainly not the policy of the great portion of the people. We voted almost two-thirds in this House to have a timber salvage bill in order to see that we could start saving tens of thousands of jobs we are losing all over this country.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. DICKS].

Mr. DICKS. The point I want to make is we are now reinventing government. What that means is the Forest Service has been reduced in personnel by 3,000 people. Timber sales have come down dramatically.

If we change the standard from 5,000 acres to 3,000 acres, they are going to have to redo all of their forest plans throughout this country. That will be a disaster that will mean less timber harvesting.

Timber harvesting nationally has come down by 60 percent. So I have supported wildernesses. I voted for my wilderness bill in my State.

But to come in now after this dramatic reduction in timber harvesting and to come in now and say we have got to reduce this standard and change it, is a mistake.

By the way, this is the Clinton administration. There is Jim Lyons and ALBERT GORE and Jack Ward Thomas. They are not going to go out and tear apart the roadless areas in this country, and I think it is an affront. I think it is an affront to this administration to change this standard after what they have done for ecosystem management and improving our environment, and I am shocked the gentleman from Massachusetts would do such a thing.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself 15 seconds.

Last week I saw the gentleman from Washington throw a yellow flag on the gentleman from Oklahoma because he used a technicality. Another fine football player. I cannot believe the gentleman from Washington State would dare to try to use a technicality to rule us out of order today.

Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in strong support of the Kennedy amendment in terms of the Clinton administration's programs in terms of timber. The fact is that the question is do you want to spend this money on harvesting trees or building roads? That is what this is all about.

Time and again there is no reduction in terms of the money in terms of this bill in terms of timber harvest or preparation. The thing is, where are we going to do it? Time and again our colleagues have assured us when they had the salvage sales up here and all their discussion about forest health, that they were not going to go into these roadless areas, all of a sudden when you have an amendment on the floor dealing with areas that are roadless, all of a sudden we are going to go in there and we are going to have to construct roads.

So this really belies the type of representations that were made on the floor here with regard to forest health. This bill has less money in it for forest health than the administration asked. This bill has more money for road building.

The fact is you do not produce jobs by building roads unless you are in the roadbuilding business because they cost money. They cost money in terms of credit, which is not represented in this bill, and they cost money in terms of reconstruction. That means closing roads once they are there so the soil is not moving into the streams and destroying the salmon fisheries across the Pacific Northwest and across this country.

Support the Kennedy amendment.

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. Mr. Chairman, I rise tonight in strong opposition to the amendment offered by the gentleman from Massachusetts. In addition to preserving the health of our forests, the timber sale program at the Forest Service is a net revenue generator for the Federal Government and our local communities.

Last year, the agency produced net revenues of $214 million and returned over $280 million to the local counties where our national forests are located. This occurred while funding levels for timber sales have fallen almost 30 percent over the past 5 years.

Similarly, road construction funding has been cut by 38 percent over the last 5 years. The condition of Forest Service roads have severely declined over the last decade. Reduced funding has and will continue to allow roads to deteriorate beyond what can be repaired by routine maintenance. Major reconstruction is the only way to restore these roads to safe conditions. The Forest Service currently has a $440 million backlog in road construction needs. The funds appropriated by the subcommittee are essential for allowing the agency to meet watershed protection and analysis requirements. For the sake of our economy and our rural communities, the time has come to reverse the trend of reduced funding for roads and timber sales.

□ 1645

Mr. REGULA. Mr. Chairman, I yield 1 minute to the gentleman from Alaska [Mr. YOUNG], the chairman of the Committee on Resources.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong opposition to the Kennedy amendment. I say to the gentleman, "Shame on you, Mr. KENNEDY."

Mr. Chairman, this would cause a loss of $250 million of receipts to the Treasury, and these figures are the Treasury figures, a loss of $60 million in revenue for sharing of counties and schools around these areas, a loss of 15 jobs for every 1 million board feet not harvested, and, if we reduce it by 1 billion board feet, think how many jobs will be lost there, 25-percent reduction to the timber program which is already four times slower than it was 5 years ago.

Let us not kid ourselves. My friends, this amendment is to stop the total timber industry in the United States, especially in the States of Alaska, Washington, Oregon, and California. This is what this is about.

I ask, "Where else do you have 3,000 acres that don't have roads in it already?" This is an attempt to stop all logging so we no longer have the opportunity to reduce a renewable resource.

That is why I say, "Shame on you." This is a renewable source. This is not something that will not grow back. This is something that has to be done, and managed, and should be, and we are not cutting the timber we were 5 years ago, so I suggest respectfully this is a bad amendment, and I urge a "no" vote.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield 40 seconds to the gentleman from California [Mr. MILLER], our cleanup hitter.

Mr. MILLER of California. Mr. Chairman, the gentleman from Washington [Mr. NETHERCUTT] made the point that there is a huge backlog in road construction in the Forest Service. This is about new roads. This is about continuing a program that lost the taxpayers $330 million in fiscal year 1994. This is about the taxpayer, and this is about staying out of the roadless areas because those are the most expensive sales. That is where the litigation is.

Mr. Chairman, we are cutting back on visitor centers, we are cutting back on recreation in this bill. We ought to take that money, and use it, and put it where the people can enjoy it, prosper from it, and the local communities can do the same. We should not be engaging in building new roads and to roadless areas. This amendment itself will save about $18 to $20 million off the current program. That is a huge whopper of a loss. What the Forest Service seeks to do is like if McDonald's said they wanted to build a hamburger stand on the Moon, and they had to use a space shuttle to get its customers there.

This is outrageous. Private enterprise ought to be building these roads, they should not be coming. It is $300 million subsidies. They have been against subsidies all the time.

Mr. Chairman, I rise in support of the Kennedy amendment to preclude the Forest Service budget from building roads and conducting timber sales in roadless areas of our national forests.

Mr. Chairman, many popular Forest Service programs take significant hits in the bill before us. The budget for land acquisition drops from $65.3 million in fiscal year 1995 to $14.6 million, a 78-percent reduction. The budget for construction of recreational roads, trails, and visitor facilities is $72 million less than the administration's request. Construction of Forest Service visitor facilities is down 63 percent and trail construction is cut by 85 percent from the current fiscal year.

But in the midst of these draconian cuts, the committee has somehow found it desirable to pile on taxpayer subsidies to provide corporate welfare for some of their friends in the timber business. The bill provides $57 million in direct subsidies for construction of timber roads and $50 million more in indirect subsidies through the purchaser credit program where we trade national forest trees for roads to the clearcuts.

The bill also provides $189 million for timber sales management which is about $31 million or 20 percent more than the administration's budget request.

Simply put, Mr. Chairman, this bill devastates the budget for campgrounds, visitor facilities, and trails for people to enjoy and use our national forests. Instead, what the people get is what they don't want—more clearcuts and bigger subsidies for those in the timber industry who become dependent upon taxpayer handouts.

As the Congressional Budget Office has explained, in seven of the nine National Forest System regions, annual cash receipts from Federal timber sales have consistently failed to cover the Forest Service's annual cash expenditures. In other words, the Forest Service Timber Program is below-cost, which means that the Forest Service spends more money annually for roads and administrative expenditures than the Treasury receives in revenues. No private business could stay in business managing its assets in such a cavalier manner.

Why should Members care? According to CBO, we should care because below-cost timber sales lead to an increase in the Federal deficit, wasteful depletion of Federal resources through uneconomic harvest, unwarranted destruction of roadless forests valued by many recreational visitors, and Government interference with private timber markets.

Mr. Chairman, the Kennedy amendment reduces, but does not entirely eliminate, below-cost sales. It is a modest amendment intended to put the brakes on the most expensive, money losing sales by preventing new roads and timber sales in major roadless areas.

Mr. Chairman, in a bill where the majority is demanding significant sacrifice in the name of deficit reduction, it is indefensible to heap more money than even the Forest Service says is necessary on taxpayer subsidies for timber sales and road building. To increase environmentally destructive corporate welfare at the same time the bill is cutting the budget for people to use and enjoy our national forests should be a serious embarrassment to the majority.

I urge Members to vote for the Kennedy amendment that will save the taxpayers money and preserve the increasingly rare roadless areas in our National Forest System.

Mr. REGULA. Mr. Chairman, I yield 30 seconds to the gentleman from Oregon [Mr. BUNN].

Mr. BUNN of Oregon. Mr. Chairman, what is outrageous is that we have an amendment on the floor that proposes locking up 60.2 million acres. That is more than the State of Massachusetts and most of the six States surrounding. It is outrageous that we have had mill closure after mill closure, 10 mills in the State of Oregon, 800 jobs lost last year; since 1989, 111 mills, 16,700 jobs. And then we are told that this is a losing proposition.

We made a net; that is net, not gross, net, $213 million last year when we were told we lost 330 million. We made 800 million a few years ago, but we are barely surviving.

I say to my colleagues, "Don't shut us down."

Mr. REGULA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I urge all of my colleagues to vote "no" on this amendment. The roads provide access to harvest the timber crop so that young people can build homes at a reasonable cost. This timber goes into the homes of America, but also it opens up these beautiful forests so the millions of our fellow citizens have an opportunity to fish, to hunt, to camp, to enjoy the forests. We forget that twice the visitor days of the Park Service are in the Forest Service, and these roads provide the necessary access. These forests belong to all Americans, and the people, therefore, should have the right to use them, to use the products of the forest and to enjoy the beauties of the forest for recreational purposes.

I strongly urge a "no" vote on this amendment.

Mr. LUTHER. Mr. Chairman, I support the amendment to prevent the use of funds for timber roads and timber sale preparation in roadless areas. I support it because it makes sound economic sense and will save tax payer over $18 million.

Given the fact that our national debt is approaching $5 trillion, I believe the Federal Government should not bear the responsibility for timber companies to construct logging roads in areas currently without roads. While there may be a case for a logging program, this is an example of where the return to the taxpayer does not justify the cost.

The U.S. Forest Service has already constructed 360,000 miles of logging roads, or 8 times the total number of miles in our interstate highway system. Even with this existing infrastructure, the Forest Service loses money on many timber sales, in part, because of the cost of constructing new roads. And the most, expensive roads to construct are those in roadless areas.

By prohibiting the construction of these roads, we can increase the return on taxpayers' investment in the U.S. Forest Service timber program. This is an example of the type of common sense that voters in Minnesota and across the country are looking for in their elected leaders. It is fiscally responsible.

I urge my colleagues to vote for this common sense amendment.

Mr. PORTER. Mr. Chairman, I rise in support of the Kennedy-Boehlert-Vento amendment to stop the construction of new Forest Service roads in roadless areas.

There is a good reason why these areas have remained roadless in the past. It is costly and environmentally unsound to harvest timber from these areas. Most of the roadless areas are extremely remote, mountainous, and generally not well-suited to timber harvesting. The cost of harvesting and removing timber from these areas is tremendous, and because of the difficulty of constructing good roads on steep slopes, timber sales in roadless areas almost always lose money.

Last year, the Wilderness Society reports that 109 of the 120 National Forests lost money. This is $337 million of the taxpayers money which could be used for more productive programs.

Logging and road building in these areas carries enormous environmental costs as well. Roads contribute to soil erosion and sedimentation of rivers that harm fish and other aquatic organisms.

Mr. Chairman, the Forest Service has claimed that it is moving toward "ecosystem management." If this is true—and we certainly take them at their word—it should not be building roads on remote and untouched tracts of forest lands.

Mr. Chairman, why would we knowingly build roads and harvest timber in areas where it is uneconomical and environmentally damaging to do so? The forests belong to the American people, and I believe that they want to put an end to below-cost timber sales. The first sales to be eliminated ought to be those that have the greatest financial and environmental costs—timber in previously roadless areas.

Mr. Chairman, I urge my colleagues to support the Kennedy amendment and protect our wilderness areas and the taxpayers dollars.

Mr. STUPAK. Mr. Chairman, I rise today to express my opposition to the amendment by Mr. KENNEDY to the Interior appropriations bill. This amendment is designed to reduce funds to the Forest Service for the construction of roads for the preparation of timber sales, in roadless areas. The amendment is also designed to reduce funds to the Forest Service for timber sales in roadless areas.

If enacted, this amendment would shrink the amount of timber acreage suitable for harvesting by roughly one-third. One-third. The Kennedy amendment would have the effect of taking more than 60 million acres and essentially designating them as "wilderness" areas. Sixty million acres, an area nearly the size of New England.

The proposed road construction budget for fiscal year 1996 will provide a total of less than 100 miles of roads in our forests, 100 miles for a total area of nearly two-thirds of a million acres. This averages out to roughly one mile of road for every 1,000 square miles, an area almost the size of the State of Rhode Island, or one-half the size of Delaware.

Most of all, the Kennedy amendment will have a definite impact on small communities, rural communities already hit hard by the decline in funding of roughly one-third in the Federal timber sales program over the past 5 years. Federal timber sales have declined by 60 percent during this same period, a decline that has brought about closures of hundreds of mills and the unemployment of tens of thousands of Americans. This has been the unfortunate reality for many of my constituents, and I believe my colleague from Massachusetts would agree with this Member from Michigan that the last thing we need in America are more jobless, more closed businesses, and more communities struggling to survive.

I ask my colleagues to help these workers, to help these companies, and to help the many communities that will be impacted by this amendment. I ask my colleagues to oppose the Kennedy amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. KENNEDY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 166, noes 255, not voting 13, as follows:

[Roll No. 522]

AYES—166

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bilirakis
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Clayton
Clyburn
Collins (IL)
Condit
Conyers
Costello
Coyne
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Filner
Flake
Foglietta
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Green
Gutierrez
Gutknecht
Hall (OH)
Harman
Hastings (FL)
Hinchey
Horn
Hoyer
Jackson-Lee
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kelly
Kennedy (MA)
Kennelly
Kildee
Kleczka
Klug
LaFalce
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Moran
Morella
Nadler
Neal
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Petri
Porter
Poshard
Ramstad
Rangel
Reed
Rivers
Rohrabacher
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shays
Skaggs
Slaughter
Souder
Spratt
Stokes
Studds
Thompson
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Woolsey
Wynn
Yates
Zimmer

NOES—255

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilbray
Bishop
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coleman
Collins (GA)
Combest
Cooley
Cox
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foley
Fowler
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Greenwood
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Jacobs
Jefferson
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kim
King
Kingston
Klink
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rogers
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Scarborough
Schaefer
Schiff
Seastrand
Shadegg
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Stenholm
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff

NOT VOTING—13

Coburn
Collins (MI)
Crane
Goodling
Istook
Kennedy (RI)
Moakley
Reynolds
Richardson
Sisisky
Stark
Stearns
Stockman

□ 1711

The Clerk announced the following pair:

On this vote:

Mr. Richardson for, with Mr. Stearns against.

Mr. GILCHREST and Mr. KASICH changed their vote from "aye" to "no."

Mr. BALDACCI, Ms. HARMAN, and Mr. FOX of Pennsylvania changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wish to enter into a colloquy with the chairman of the subcommittee, the gentleman from Ohio [Mr. REGULA].

Mr. Chairman, I am concerned with reports about high ranking Forest Service officials telling my constituents and Forest Service employees that direction from the Congress provided in bill language on eco-region management would not really matter. I am alarmed that the Forest Service still wants to go forward with implementation of so-called ecosystem management and eco-region studies.

I do not believe that ecosystem activities have ever been authorized by the Congress, and I was glad to learn that the Nethercutt amendment on this subject would also prevent ecosystem studies in Idaho. I was also glad to learn that the committee report accompanying this bill requires that the Forest Service report by December 1, 1996, on the purposes, the scope, and benefits, as well as the costs associated with ecosystem planning.

I would like to see the report sooner, so that the Committee on Appropriations and the authorizing committees can fully act on and authorize and fund this expensive ecosystem project now under way.

I ask the subcommittee chairman if there is any way to get these reports any sooner?

Mr. REGULA. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we will make every attempt to get the ecosystem report before the next appropriations cycle. If the reports that the gentlewoman heard are true, then we can raise the ecosystem issue with the Senate and address the problem in conference. I do, however, think that the authorizing committee should be involved.

Mrs. CHENOWETH. Mr. Chairman, I thank the gentleman. As a member of both authorizing committees, I am working closely with the Committee on Appropriations, and I intend to follow up in our next set of hearings on the reports that the Forest Service plans to proceed with ecosystem assessments. Although your bill recommended $130 million for ecosystem planning, I am troubled by what I heard, and I hope that the subcommittee helps us address this and requests an explanation.

□ 1715

What I heard was reported from three congressional districts in the northwest, and I look forward to addressing this issue in the conference with the Senate.

Mr. Chairman, I will work on making sure that the authorizing committees deal with these issues.

Mrs. MALONEY. Mr. Chairman, I rise to emphasize how important I think it is for the greatest country in the world to support the arts.

I believe very strongly that there should be a Federal role in arts funding.

Civilizations are remembered for their great battles and their cultural contributions.

The United States spends more on defense than any other country in the world—and next year we're giving the Pentagon $8 billion more than they have requested.

Yet, this Congress wants to slash the Arts and Humanities Endowments with funding set to end entirely in 2 years.

What does this say about our Nation's priorities?

We invest in that which destroys and destroy that which creates.

All developed countries in the world support their visual artists, musicians, performing artists, and cultural institutions.

The amount the United States gives to the three Federal arts agencies, the NEA, the NEH and the IMS, is minuscule compared to what Britain, Canada, The Netherlands, France, Germany and Sweden allocate to the arts.

This year in Germany, Berlin alone will devote 1.1 billion marks, or 730 million dollars, to art and culture.

This amounts to $225 per citizen of Berlin.

In comparison, our National Endowments for the Arts and Humanities will each spend less than a quarter of that amount for the entire United States, or a mere 64 cents per U.S. citizen, the cost of 2 postage stamps.

We should be celebrating the contributions of the arts endowments to our country today, rather than trying to destroy them.

Let me remind my friends on the other side that the agencies on the chopping block today were created by President Richard Nixon and defended by President Ronald Reagan.

These Republicans believed in the importance of a vibrant American culture that could be passed on to future generations.

Yes we need to reduce the size of the Federal Government.

Yes we must cut the budget and reduce the deficit.

But we must also keep our priorities straight.

The leading countries of the world support the arts, often ten times as much as we do.

Why should the wealthiest nation in the world choose to slash and destroy its arts and humanities endowments rather than nurture and encourage them?

Assuring a rich American heritage should be one of the primary responsibilities of this and every Congress.

Public arts and humanities funding, along with public education, is an obligation a government has to its people and to history.

Ms. HARMAN. Mr. Chairman, I would like to express my strong opposition to the amendment offered cutting funds for the National Endowment for the Arts.

At home over this weekend, numerous constituents expressed to me their views that cuts for arts programs in public schools and cultural displays at numerous museums and community facilities will deny our kids the chance to develop creativity and to learn about their cultural heritage.

For example, the city of Venice has hosted numerous performing arts events, art displays, and multi-media activities that have been enormously popular. A terrific display of one museum's collection of Navajo and Pueblo textiles was funded with an NEA grant. Several travelling performing arts and theater groups have staged programs for the benefit of the citizens of Redondo Beach and Manhattan Beach. The cities of San Pedro, Venice, Torrance, Playa del Ray, Hermosa Beach, Redondo Beach and Manhattan Beach have enjoyed special education operatic performances. And students attending the elementary, middle and high schools of many of these same cities have participated in improvisational theater sponsored by a touring performing arts and musical company.

Mr. Chairman, private funds will not take up the slack to continue these activities if the Congress cuts the National Endowment for the Arts. While fair revisions may be appropriate in times of budgetary streamlining, wiping out NEA is not reform.

In fact, cutting funding for NEA is shortsighted. NEA is the Federal Government's vehicle for funnelling funds to local and State arts and humanities councils and organizations. Cutting, if not eliminating, NEA is tantamount to cutting locally-controlled resources. Such an action will have long-term repercussions that could lead to the destruction of community-based arts activities and programs. If this amendment had been successful, the greatest losers would have been our children and grandchildren—those for whom arts education is most important.

While I was unavoidably absent last night during consideration of the Stearns amendment that sought to reduce NEA funding, had I been present, I would have voted "no". But my vote against the Interior Appropriations bill on final passage is based, in part, on my concern over the level of funding for NEA and the majority's intention to eliminate all of its funding over the next several years.

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise today to express my strong opposition to an amendment offered by Representative CRANE which would eliminate funding for the National Endowment for the Arts. As presented, the Interior appropriations bill cuts the NEA budget nearly in half; a cut which I believe will devastate many existing educational arts programs nationwide. As the only voice for South Dakota in the House of Representatives, I must speak out against the outright elimination of programs which bring the benefit of theater, music, dance, and visual art to the people of my rural State.

While many opponents of Federal funding for the arts expound on the monopoly on arts funding that more urban States supposedly enjoy, the invaluable benefits that NEA funding brings to rural States like South Dakota continually go unnoticed. Almost 50 percent of the grant applications to the NEA from South Dakota are approved and funded by the NEA, compared to roughly 20 percent of applications from New York and California. NEA programs exemplify the type of public-private partnerships that have traditionally fostered a collective dedication to arts education and cultural enrichment. The NEA gives State and local arts councils the necessary freedoms to meet local arts and educational needs.

In fiscal year 1994, the NEA provided organizations like the South Dakota Arts Council and American Indian Services, Inc. with $779,500 dollars to develop theater, dance, and other visual arts programs. With these funds, children's theater companies from Minneapolis, MN and Richmond, VA toured several of South Dakota's smaller cities. While larger urban areas have the benefit of multiple theaters and art museums, many South Dakotan's only exposure to theater and dance is through touring groups funded by NEA grants.

In addition to fulfilling its mission of expanding the cultural and artistic horizon for every American, the NEA serves as an impetus for local economies and contributes to the Nation's fiscal well being. The nonprofit arts industry alone contributes $36.8 billion to the U.S. economy and provides over 1.3 million jobs to Americans nationwide. Business, tourism, restaurants, and hotels thrive on the arts. Nonprofit theaters serve annually an audience that has grown from 5 million in 1965 to over 20 million in 1992. In South Dakota alone the economic impact of the arts can be seen both locally and statewide. In Aberdeen, a town of 27,000, the arts provide an average of $8,867 in local revenues annually. Additionally, 18 full time jobs were supported by the nonprofit arts industries in Aberdeen between 1990 and 1992.

As belts are tightened at the Federal, State, and local levels, we cannot stand by and allow the complete elimination of the seed money for programs vital to cultural enrichment and education funded through the National Endowment for the Arts.

Ms. WOOLSEY. Mr. Chairman, I rise to oppose this amendment which would devastate the arts in this country.

You know, the average taxpayer invests about 68 cents a year in the NEA; 68 cents.

For that 68 cents, they get a lot back in return.

For 68 cents, their local arts groups are supported.

For 68 cents, their schools and communities are enriched.

For 68 cents, jobs are created in their towns and cities.

That is why, for the life of me, I can not understand why some Members want to bring the curtain down on our threatres and symphonies, especially when these same Members refuse to even look at cutting Pentagon pork.

Mr. Chairman, investing in the arts reaps longterm benefits for our communities and our Nation.

I urge my colleagues to vote against this shortsighted amendment.

Mr. CASTLE. Mr. Chairman, I believe the humanities agencies are important to the cultural life and diversity of our country—to people of all ages, to people in our inner cities, in our suburbs, and in our rural communities.

There are many, many positive effects of these dollars and what they help fund—for example:

In Delaware, we are fortunate to have tremendously well-run and highly effective division of the arts, State Arts Council, and Delaware Humanities Forum. These organizations, which receive a combined total of about 75 percent of their funds from the national organizations, help fund such diverse exhibitions and events as:

The Delaware Symphony Orchestra, that provides concerts in all three of our counties.

Operadelaware which provides musical education programs statewide;

The visiting scholars program, that brings University of Delaware professors into 137 Delaware classrooms to talk to 60,000 school children about American Presidents, and many other topics;

The beautiful and historic Winterthur Museum and Gardens;

Exhibitions, lectures, films about World War II and its impact on Delaware, which are offered throughout the State;

The Georgetown Possum Point Players, a local theatre group;

The Mid-Atlantic Chamber Music Society;

The Nanticoke Powwow in Millsboro, DE;

Second Street Players, a community theatre group in Milford;

The Dover Art League; and,

The Southern Delaware Chorale.

This is only a sampling of the many positive, quality programs or exhibits these organizations, fostered by the NEA and the NEH, help provide throughout the State of Delaware.

I support a Federal role in funding the arts and humanities, but I do not believe that in a time of tremendous budget deficits and an enormous Federal debt, that virtually any program should be spared from budget cuts or restructuring.

Having said that, the arts and humanities have not been spared. In fact, they have felt the edge of a heavy axe.

Consequently, I urge my colleagues to support the Appropriations Committee actions by voting against any efforts to eliminate or cut further these organizations. They have fared far enough.

Mrs. LOWEY, Mr. Chairman, I rise in strong opposition to the amendment. Cutting the budget of the National Endowment for the Humanities by 40 percent next year is bad enough. This amendment, however, defies all sense of reasonableness. In a nation of such wealth and cultural diversity, this amendment is a tragic commentary on our priorities.

The total budget for the NEH costs each American less than the price of a can of soda, and it leverages funds many times over that in private dollars.

At a time when we are funding B–2 bombers that we don't even need, why must we slash one of the most modest and cost-effective investments that our Government makes in society?

The National Endowment for the Humanities provides funding for student essay contests, teacher seminars, museum exhibitions, documentary films, research grants, public conferences and speakers, and library-based reading and discussions programs. Throughout all of these programs, the NEH helps to provide a greater understanding of our Nation's history and culture.

Before you cast your vote, I urge my colleagues to heed the words of Ken Burns, producer of the highly acclaimed Civil War and Baseball series on PBS. Testifying before the Interior Appropriations Subcommittee earlier this year, Ken Burns declared emphatically that his Civil War series would not have been possible without the Endowment's support. I dare say the majority of my constituents would be willing to sacrifice the price of a can of Pepsi every year to pay for programs like the Civil War, not to mention all the other programs the NEH supports.

Mr. Chairman, this amendment will harm our Nation's schools and damage our cultural heritage. It must be defeated.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to H.R. 1977, the Interior appropriations bill for fiscal year 1996. This short-sighted and extreme bill makes drastic cuts in some of America's most successful and important Federal programs. We have heard a lot of Members these past days talking about how responsible this bill is and how important these cuts are to the future of our country. If only this were true!

In reality, the Gingrich Republicans have promised major tax cuts to those that least need it, have hiked up spending for the military and are now looking to cut hundreds of Federal programs for needy people to pay for their skewed priorities. Moreover, the Gingrich Republicans are so entirely committed to protecting their wealthy friends that they are only targeting certain programs for cuts, not the ones that benefit wealthy mining companies, and so forth. This is neither responsible nor in the best interest of this country's future.

Let's look at some of the programs that will be eliminated to give tax cuts for the financially privileged and more money for the peace-time military and compare them to what is protected in this bill. The Department of Energy's Low-Income Weatherization [WAP] Program is cut by 50 percent in H.R. 1977. Fifty percent! Since 1977, WAP has served over 4 million low- and fixed-income households in the Nation. It protects Americans throughout the country, especially in districts like mine where the winter season is long and bitterly cold, from having to choose between feeding themselves and their families or heating their homes.

At the same time, this bill lifts the moratorium on mining claim patents, which allows mining companies to extract mineral wealth from taxpayer-owned Federal land for as little as $5 an acre. Last year, these big mining companies made $1.2 billion from the minerals they extracted from taxpayer-owned land and paid almost nothing back into the U.S. Treasury. Why should these rich corporations receive corporate welfare while the GOP is slashing the programs that help weatherize the homes of senior citizens and poor Americans and lower their winter heating bills? It is unconscionable and irresponsible.

H.R. 1977 also cuts the National Endowment for the Arts [NEA] and the National Endowment for the Humanities [NEH] by 40 percent this year and will completely eliminate them within 3 years. When you compare how much the NEA and NEH cost taxpayers each year to how much they provide, the argument that eliminating these programs is necessary just does not hold up. Since the NEA was created in 1965, the number of professional theaters, orchestras, dance and opera companies have multiplied greatly at a cost of less than a dollar a year per taxpayer.

In my congressional district in Illinois, recent NEA and NEH grants have enabled the Black Ensemble Theatre Corp. to support their theater season and the People's Music School to continue its professional music training program for inner city youth and adults. Other NEA grants have given students from Maywood, Bellwood, Westchester, Oak Park, Berkeley, and River Forest the opportunity to attend special Chicago Symphony Orchestra concerts and gave the director, Roger Quinn, the chance to make the moving and highly acclaimed movie Hoop Dreams. I strongly oppose these cuts and urge my colleagues to oppose any amendments that reduce spending even more radically for these important programs.

H.R. 1977 also eliminates the Advisory Council on Historic Preservation which advises the President and Congress on relevant issues and terminates all funding for the Department of Interior's pre-listing and listing activities of the Endangered Species Act [ESA] until this law is reauthorized. More specifically, it eliminates $4.5 million from the Fish and Wildlife Services budget for prelisting activities. This is exactly the type of short-sighted and extreme provisions that are rampant in H.R. 1977. The ESA's prelisting activities are designed to stabilize and protect species that would otherwise likely end up on the ESA's protection list. This saves funding and resources down the road before bald eagles, and so forth become dangerously close to extinction and extraordinary measures must be taken to ensure their preservation.

Mr. Chairman, this bill is clearly just another move by the Gingrich Republicans to cut programs that Americans care about and depend on so that they can give billion dollar bonuses and give aways to the rich. I am voting against this skewed bill and urge my colleagues to do the same.

Mr. MILLER of California. Mr. Chairman, the fiscal year 1996 Interior appropriations bill does a great disservice to the American Indian and Alaska Native tribes of our country. While we were able to restore funding for the education of Indian children in public schools, the bill still eliminates funding under the Elementary and Secondary Education Act for adult Indian education, services to children with disabilities, remedial instruction, gifted and talented student grants, and scholarships for Indian students.

Under this bill, the Bureau of Indian Affairs' budget is $101 million below the President's request and the Indian Health Service's budget is $96 million below the President's budget. The IHS budget does not take into account any growth in population or cover inflationary costs. The BIA budget significantly restricts funding for Self-Governance and Self-Determination contracts, water rights negotiations and settlements, new school and hospital facilities, tribal courts, and community and economic development.

In addition, the report accompanying the bill penalizes tribal self-determination and economic growth by directing the Secretary of the Interior to prepare a means-testing report for Indian tribes with gaming revenues. Further, the report directs the Secretary to ignore the law and halt the distribution to Self-Governance tribes of their rightful share of administrative funding.

These actions demonstrate the attitude of the new Republican-controlled Congress toward Indian country—that it's all right to forget the fact that our Nation signed treaties with Indian tribes promising the delivery of these very services; that it's all right to ignore the fact that our Nation has a legal trust responsibility to protect the well-being of the Indian tribes. We should never forget that these tribes have already borne more than their fair share of budget cuts in the past 200 years and we owe more to them than this bill provides.

Mr. CLINGER. Mr. Chairman, I first want to commend Chairman REGULA and his staff for putting this bill together under difficult circumstances. Not only did the chairman have to deal with a tight 602(b) allocation, but—between NBS, the timber program, NEA, NEH, and other programs included in this bill—it has attracted more than its fair share of controversy. I appreciate the chairman's efforts, patience, and perseverance.

The fiscal year 1996 Interior appropriations bill is consistent with the balanced budget resolution Congress recently adopted. It is nearly $1.6 billion below the fiscal year 1995 appropriations—that's a real cut of 11.5 percent.

Nevertheless, I'm confident that the bill responsibly protects and enhances our Nation's priceless natural resources. And as the Member whose district includes the Allegheny National Forest, this is extremely important to me and my constituents.

The bill, I believe, also upholds the multiple-use philosophy of the National Forest System by reversing a 5-year decline in the timber sale budget. Since the late 1980's timber harvest levels on national forests have plummeted over 60 percent. This year's timber sale management appropriation of $188 million represents a modest increase above last year's funding and will allow for a nationwide timber harvest of roughly 4.3 billion board feet.

Some of my colleagues—who supported the piecemeal dismantling of the timber sale program—oppose this funding because, I believe, they want to prevent any timber harvesting on Federal lands. However, I want to point out several points to my colleagues: First, the U.S. Forest Service, by statute, is governed by multiple-use policies. Second, one of the missions of the Forest Service is to help provide the Nation with an adequate supply of timber. And third, timber harvesting is a legitimate and vital forest management tool.

National forests are not national parks, wilderness areas, or wildlife refuges and their management plans must and do reflect this fact.

Having said that, I am proud to say that the Allegheny National Forest is one of the Nation's most environmentally and fiscally well-managed forests. It is a model of how multiple-use policies can work as it balances—with relatively little conflict—the interests of 12 million annual recreational users, the owners of gas and oil rights beneath the forest, and timber harvesters.

Its timber program is above-cost—returning millions of dollars in net receipts to the U.S. Treasury—and, to a large degree, sustains the Allegheny region's economy. In fact, one study from the University of Pittsburgh at Bradford estimated that 42 percent of the jobs in the region, to some extent, rely on harvesting timber in the ANF.

So again, I thank the committee for rejecting the President's inadequate timber program request and for pulling the program back from the brink of extinction and urge my colleagues to defeat any amendment cutting funding from the timber sale program.

Mr. BARRETT of Nebraska. Mr. Chairman, I rise in support for the Appropriations Committee's actions on the National Endowment for the Arts and the Endowment for the Humanities.

As a member of the authorizing committee for the arts and humanities, I'm pleased that the Appropriations Committee has followed our lead. H.R. 1977 represents the first installment on the gradual phase out of federal support for the arts and humanities programs—which is consistent with legislation (H.R. 1557) approved by the Opportunities Committee.

In the past, I've given my support to maintaining federal funding for the arts and humanities because the state councils have provided my rural constituents with access to enriching art and cultural programs. Without these programs, I doubt that my constituents and communities would ever experience the types of programs that our urban neighbors can enjoy daily. But, we have to change our mind set and stop expecting the Federal Government to fund all that we find useful.

And its also time that we recognize that the private sector, which gave $9.6 billion in 1993 for the arts, is already providing the heavy lifting for the arts. Private contributions represented 98 percent of all funds that were spent in 1993 on the arts.

So, if we are ever to get a handle on the deficit and balance our budget, painful but necessary priorities need to be established. And, when I look at the billions being generated by the private sector for the arts, and our own pressing budget problems, then perhaps it is now time for us to cycleout federal funding.

This will not be an easy transition period for our state councils. Many I'm sure will have difficulties in raising the funds from state or private sources to maintain or develop new programs. But I'm ready to lend my private and public support for the state councils. When the House passes H.R. 1557, I'll be giving a donation to Nebraska's arts and humanities councils, and I'll actively encourage my colleagues to also donate funds to their state councils.

Mr. Chairman, H.R. 1997 represents a reasoned and prudent policy that will end immediately the endowments' national grant programs, which have been the subject of so much controversy, and for ending federal support for state arts and humanities councils. The bill cuts arts funding by 39 percent, or $63 million, and cuts humanities funding by 42 percent, or $73 million, from that spend during this past fiscal year. These are sizable cuts and necessary if we are to achieve a balanced budget by 2002.

I encourage my colleague to support the Committee's position and oppose amendments that would either eliminate all funding for the arts and humanities immediately or add monies back to these programs.

Mrs. COLLINS of Illinois. Mr. Chairman, during this past weekend while I was back in my Congressional District, the heat rose to record high temperatures. Tragically, 179 residents of Cook County, and perhaps as many as 300, died from the heat. I wish to take this opportunity to extend my condolences to the families and friends of these victims and to urge residents across the Chicago Metropolitan Area to check on their elderly neighbors and family members to help ensure that the heat does not claim any more victims.

I also want to urge my colleagues to accommodate any requests by Mayor Richard Daley and Governor Jim Edgar for Federal disaster aid to quickly address this tragic situation.

More than 440,000 Americans over the age of 60 live in the City of Chicago. Many of them live in my Congressional District in Chicago and its western suburbs. Extreme temperatures can have a terrifying impact on these seniors and we need to make sure that every step possible is taken to protect them from severe heat and cold. Programs like the Department of Energy's low-income weatherization program and the Low-Income Housing Energy Assistance program (LIHEAP) are specifically designed to prevent such tragedies from occurring. In fact, for many low-income seniors, these programs can literally mean the difference between life or death.

The Department of Energy's low-income weatherization program provides funding for states to make improvements to the homes of poor Americans so that they are better prepared for extreme weather conditions and to lower their heating and cooling bills. Specifically, this program enables states to install ceiling fans, attic fans, and awnings and to tune-up or replace air conditioners. Why do the Republicans want to cut fifty percent of the funds for this program, knowing that lives are at risk? I am waiting for an answer to this question, Mr. Chairman.

Rest assured that I am not in any way suggesting that the Republicans are responsible for the deaths in Chicago. What I am suggesting, Mr. Chairman, is that it is sadly ironic that this week, before the heat wave has even moved from the Midwest, we are debating and voting on H.R. 1977, the FY96 Interior Appropriations Act, which cuts the low-income weatherization program by fifty percent. It is important that we remember that these are not vague, anti-big government cuts that the Republicans are making. Instead, they are devastating reductions to critically important programs that provide life-or-death services to many of our constituents.

Mr. CUNNINGHAM. Mr. Chairman, today I rise in opposition to any effort to alter the longstanding ban on offshore oil drilling on the California coast.

As I am sure that you are well aware, the House Appropriations Committee voted on June 27, 1995, by a 33 to 20 margin, to continue a ban on oil and gas drilling operations on the Outer Continental Shelf. The vote reversed an earlier vote by the Appropriations Interior Subcommittee to remove the moratorium, which has been maintained for the last several years as part of the annual Interior Department appropriations bill.

I have been closely following this issue for many years. I have written to Chairman LIVINGSTON, Appropriations, Chairman REGULA, Subcommittee on the Interior, and to Chairman YOUNG, Resources, to maintain the ban. I have tried to encourage members of Appropriations, and whoever would listen to my pleas, to include the ban in their appropriations bill.

I believe that the Congress must operate in accordance with California's interests in this regard. Governor Wilson has made it clear that Californians are in favor of the moratorium. In fact, the State of California recently enacted a permanent ban on all new offshore oil development in State coastal waters. Californians agree that the environmental sensitivities along the entire California coastline make the region an inappropriate place to drill for oil using current technology. The 1989 National Academy of Sciences [NAS] study confirmed that one exploration and drilling on existing leases and on undeveloped leases in the same area would be detrimental to the environment.

The findings of the NAS study encouraged me to introduce legislation on the opening day of this Congress to address the offshore oil drilling issue for California. My bill, H.R. 219, would prohibit the sale of new offshore leases in the southern, central, and northern California planning areas through the year 2005. In other words, H.R. 219 will ensure that there is no drilling or exploration along the California coast unless the most knowledgeable scientists inform us that it is absolutely safe to do so.

Unfortunately, the moratorium, as included in the Interior appropriations bill, is only extended through October 1996. Therefore, I am hopeful that my legislation will allow for the moratorium to be extended on a longer-term basis until environmental and economic concerns can be addressed.

For all these reasons, I commend the committee for including the moratorium and will oppose any effort that would allow for oil and gas drilling on our U.S. shoreline.

The CHAIRMAN. If there are no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HEFLEY) having assumed the chair, Mr. BURTON of Indiana, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1977) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution 187, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. YATES

Mr. YATES. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. YATES. In its present form, I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

> Mr. YATES moves to recommit the bill, H.R. 1977, to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was rejected.

The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 244, nays 181, not voting 9, as follows:

[Roll No. 523]

YEAS—244

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cox
Cramer
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sanford
Saxton
Schaefer
Schiff
Seastrand
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stenholm
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Thornton
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—181

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Cooley
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Hancock
Harman
Hastings (FL)
Hayes
Hayworth
Hefley
Hefner
Hilliard
Hinchey
Hostettler
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)

Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Poshard
Rahall
Rangel
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Salmon
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Skaggs
Skelton
Slaughter
Stark
Stockman
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thurman
Tiahrt
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—9

Collins (MI)
Crane
Kennedy (RI)
McKeon
Moakley
Myers
Reynolds
Richardson
Stearns

□ 1736

The Clerk announced the following pairs:

On this vote:

Mr. Stearns for, with Mr. Richardson against.

Mr. Myers of Indiana for, with Mr. Moakley against.

Ms. MCCARTHY and Mr. SALMON changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. GENE GREEN of Texas. Mr. Speaker, on Monday, July 17, and Tuesday, July 18, I was in my district and had townhall meetings originally scheduled, and missed rollcall votes 500 through 516. These events were planned prior to the change in the calendar. I missed these votes. I would like to put in the RECORD my intentions for voting and also my votes, as follows:

Intended votes of Gene Green—104th Congress

Rollcall	Vote
500	Yes
501	No
502	No
503	No
504	No
505	Yes
506	Yes
507	Yes
508	Yes
509	Yes
510	No
511	Yes
512	No
513	Yes
514	No
515	No
516	No

PROVIDING FOR THE CONSIDERATION OF H.R. 1976, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore (Mr. HEFLEY). The unfinished business is the vote on ordering the previous question on House Resolution 188 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The CHAIRMAN. The question is on ordering the previous question.

The Chair will reduce to 5 minutes the time for a recorded vote, if ordered, on the question of passage.

The vote was taken by electronic device, and there were—yeas 242, nays 185, not voting 7, as follows:

[Roll No. 524]

YEAS—242

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—185

Abercrombie
Ackerman
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—7

Andrews
Collins (MI)
Crane
Kennedy (RI)
Moakley
Reynolds
Waxman

□ 1756

Mr. DORNAN changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. HEFLEY). The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore (Mr. HEFLEY). Pursuant to House Resolution 190 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2020.

□ 1757

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2020) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1996, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose earlier today, all time for general debate had expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by titles and each title shall be considered read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member who has caused an amendment to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Clerk will designate title I.

The text of title I is as follows:

H.R. 2020

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I—DEPARTMENT OF THE TREASURY

DEPARTMENTAL OFFICES

SALARIES AND EXPENSES

For necessary expenses of the Departmental Offices including operation and maintenance of the Treasury Building and Annex; hire of passenger motor vehicles; maintenance, repairs, and improvements of, and purchase of commercial insurance policies for, real properties leased or owned overseas, when necessary for the performance of official business; not to exceed $2,900,000 for official travel expenses; not to exceed $2,950,000 to remain available until September 30, 1998, shall be available for information technology modernization requirements; not to exceed $150,000 for official reception and representation expenses; not to exceed $258,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Secretary of the Treasury and to be accounted for solely on his certificate; $104,000,500.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, hire of passenger motor vehicles; not to exceed $2,000,000 for official travel expenses; not to exceed $100,000 for unforeseen emergencies of a confidential nature, to be allocated and expended under the direction of the Inspector General of the Treasury; $29,319,000.

FINANCIAL CRIMES ENFORCEMENT NETWORK

SALARIES AND EXPENSES

For necessary expenses of the Financial Crimes Enforcement Network, including hire of passenger motor vehicles; travel expenses of non-Federal personnel to attend meetings concerned with financial intelligence activities, law enforcement, and financial regulation; not to exceed $14,000 for official reception and representation expenses; $20,273,000: *Provided,* That notwithstanding any other provision of law, the Director of the Financial Crimes Enforcement Network may procure up to $500,000 in specialized, unique or novel automatic data processing equipment, ancillary equipment, software, services, and related resources from commercial vendors without regard to otherwise applicable procurement laws and regulations and without full and open competition, utilizing procedures best suited under the circumstances of the procurement to efficiently fulfill the agency's requirements: *Provided further,* That funds appropriated in this account may be used to procure personal services contracts.

FEDERAL LAW ENFORCEMENT TRAINING CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Law Enforcement Training Center, as a bureau of the Department of the Treasury, including materials and support costs of Federal law enforcement basic training; purchase (not to exceed fifty-two for police-type use) and hire of passenger motor vehicles; for expenses for student athletic and related activities; uniforms without regard to the general purchase price limitation for the current fiscal year; the conducting of and participating in firearms matches and presentation of awards; for public awareness and enhancing community support of law enforcement training; not to exceed $7,000 for official reception and representation expenses; room and board for student interns; and services as authorized by 5 U.S.C. 3109: *Provided,* That the Center is authorized to accept and use gifts of property, both real and personal, and to accept services, for authorized purposes, including funding of a gift of intrinsic value which shall be awarded annually by the Director of the Center to the outstanding student who graduated from a basic training program at the Center during the previous fiscal year, which shall be funded only by gifts received through the Center's gift authority: *Provided further,* That notwithstanding any other provision of law, students attending training at any Federal Law Enforcement Training Center site shall reside in on-Center or Center-provided housing, insofar as available and in accordance with Center policy: *Provided further,* That funds appropriated in this account shall be available for training United States Postal Service law enforcement personnel and Postal police officers, at the discretion of the Director; State and local government law enforcement training on a space-available basis; training of foreign law enforcement officials on a space-available basis with reimbursement of actual costs to this appropriation (except that the Director may waive reimbursement and may pay travel expenses, not to exceed 75 percent of the total training and travel cost, when the Director determines that it is in the public interest to do so); training of private sector security officials on a space-available basis with reimbursement of actual costs to this appropriation; travel expenses of non-Federal personnel to attend State and local course development meetings at the Center: *Provided further,* That the Center is authorized to obligate funds in anticipation of reimbursements from agencies receiving training at the Federal Law Enforcement Training Center, except that total obligations at the end of the fiscal year shall not exceed total budgetary resources available at the end of the fiscal year: *Provided further,* That the Center is authorized to obligate funds to provide for site security and expansion of antiterrorism training facilities: *Provided further,* That the Federal Law Enforcement Training Center is authorized to provide short term medical services for students undergoing training at the Center; $36,070,000, of which $8,666,000 for materials and support costs of Federal law enforcement basic training shall remain available until September 30, 1998.

ACQUISITION, CONSTRUCTION, IMPROVEMENTS, AND RELATED EXPENSES

For expansion of the Federal Law Enforcement Training Center, for acquisition of necessary additional real property and facilities, and for ongoing maintenance, facility improvements, and related expenses, $8,163,000, to remain available until expended.

FINANCIAL MANAGEMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Financial Management Service, $181,837,000, of which not to exceed $14,277,000 shall remain available until September 30, 1988 for systems modernization initiatives. In addition, $90,000, to be derived from the Oil Spill Liability Trust Fund, to reimburse the Service for administrative and personnel expenses for financial management of the Fund, as authorized by section 1012 of Public Law 101–380.

BUREAU OF ALCOHOL, TOBACCO AND FIREARMS

SALARIES AND EXPENSES

For necessary expenses of the Bureau of Alcohol, Tobacco and Firearms, including purchase of not to exceed six hundred and fifty vehicles for police-type use for replacement only and hire of passenger motor vehicles; hire of aircraft; and services of expert witnesses at such rates as may be determined by the Director; for payment of per diem and/or subsistence allowances to employees where an assignment to the National Response Team during the investigation of a bombing or arson incident requires an employee to work 16 hours or more per day or to remain overnight at his or her post of duty; not to exceed $10,000 for official reception and representation expenses; for training of State and local law enforcement agencies with or without reimbursement; provision of laboratory assistance to State and local agencies, with or without reimbursement; $391,035,000, of which not to exceed $1,000,000 shall be available for the payment of attorneys' fees as provided by 18 U.S.C. 924(d)(2); and of which $1,000,000 shall be available for the equipping of any vessel, vehicle, equipment, or aircraft available for official use by a State or local law enforcement agency if the conveyance will be used in drug-related joint law enforcement operations with the Bureau of Alcohol, Tobacco and Firearms and for the payment of overtime salaries, travel, fuel, training, equipment, and other similar costs of State and local law enforcement officers that are incurred in joint operations with the Bureau of Alcohol, Tobacco and Firearms: *Provided*, That no funds made available by this or any other Act may be used to implement any reorganization of the Bureau of Alcohol, Tobacco and Firearms or transfer of the Bureau's functions, missions, or activities to other agencies or Departments in the fiscal year ending on September 30, 1996: *Provided further*, That no funds appropriated herein shall be available for salaries or administrative expenses in connection with consolidating or centralizing, within the Department of the Treasury, the records, or any portion thereof, of acquisition and disposition of firearms maintained by Federal firearms licensees: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement an amendment or amendments to 27 CFR 178.118 or to change the definition of "Curios or relics" in 27 CFR 178.11 or remove any item from ATF Publication 5300.11 as it existed on January 1, 1994 without publishing prior notice in the Federal Register and allowing for public comment: *Provided further*, That none of the funds appropriated herein shall be available to investigate or act upon applications for relief from Federal firearms disabilities under 18 U.S.C. 925(c): *Provided further*, That such funds shall be available to investigate and act upon applications filed by corporations for relief from Federal firearms disabilities under 18 U.S.C. section 925(c).

United States Customs Service

SALARIES AND EXPENSES

For necessary expenses of the United States Customs Service, including purchase of up to 1,000 motor vehicles of which 960 are for replacement only, including 990 for police-type use and commercial operations; hire of motor vehicles; not to exceed $20,000 for official reception and representation expenses; and awards of compensation to informers, as authorized by any Act enforced by the United States Customs Service; $1,389,829,000, of which such sums as become available in the Customs User Fee Account, except sums subject to section 13031(f)(3) of the Consolidated Omnibus Reconciliation Act of 1985, as amended (19 U.S.C. 58c(f)(3)), shall be derived from that Account; of the total, not to exceed $150,000 shall be available for payment for rental space in connection with preclearance operations, and not to exceed $4,000,000 shall be available until expended for research: *Provided*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That the Commissioner of the Customs Service designate a single individual to be port director of all United States Government activities at two ports of entry, one on the southern border and one on the northern border.

HARBOR MAINTENANCE FEE COLLECTION

For administrative expenses related to the collection of the Harbor Maintenance Fee, pursuant to Public Law 103–182, $3,000,000, to be derived from the Harbor Maintenance Trust Fund and to be transferred to and merged with the Customs "Salaries and Expenses" account for such purposes.

OPERATION AND MAINTENANCE, AIR AND MARINE INTERDICTION PROGRAMS

For expenses, not otherwise provided for, necessary for the operation and maintenance of marine vessels, aircraft, and other related equipment of the Air and Marine Programs, including operational training and mission-related travel, and rental payments for facilities occupied by the air or marine interdiction or demand reduction programs, the operations of which include: the interdiction of narcotics and other goods; the provision of support to Customs and other Federal, State, and local agencies in the enforcement or administration of laws enforced by the Customs Service; and, at the discretion of the Commissioner of Customs, the provision of assistance to Federal, State, and local agencies in other law enforcement and emergency humanitarian efforts; $60,993,000 of which $5,644,000 shall remain available until expended; in addition, $19,733,000 shall be transferred from the Customs Air and Marine Interdiction Programs, Procurement Account to remain available until expended: *Provided*, That no aircraft or other related equipment, with the exception of aircraft which is one of a kind and has been identified as excess to Customs requirements, and aircraft which has been damaged beyond repair, shall be transferred to any other Federal agency, Department, or office outside of the Department of the Treasury, during fiscal year 1996, without the prior approval of the House and Senate Committees on Appropriations.

CUSTOMS SERVICES AT SMALL AIRPORTS

(TO BE DERIVED FROM FEES COLLECTED)

Such sums as may be necessary, not to exceed $1,406,000, for expenses for the provision of Customs services at certain small airports or other facilities when authorized by law and designated by the Secretary of the Treasury, including expenditures for the salary and expenses of individuals employed to provide such services, to be derived from fees collected by the Secretary of the Treasury pursuant to section 236 of Public Law 98–573 for each of these airports or other facilities when authorized by law and designated by the Secretary of the Treasury, and to remain available until expended.

Bureau of the Public Debt

ADMINISTERING THE PUBLIC DEBT

For necessary expenses connected with any public-debt issues of the United States; $180,065,000: *Provided*, That the sum appropriated herein from the General Fund for fiscal year 1996 shall be reduced by not more than $600,000 as definitive security issue fees are collected and not more than $9,465,000 as Treasury Direct Investor Account Maintenance fees are collected, so as to result in a final fiscal year 1996 appropriation from the General Fund estimated at $170,000,000.

Internal Revenue Service

PROCESSING, ASSISTANCE, AND MANAGEMENT

For necessary expenses of the Internal Revenue Service, not otherwise provided for; including processing tax returns; revenue accounting; providing assistance to taxpayers, management services, and inspection; including purchase (not to exceed 150 for replacement only, for police-type use) and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner: $1,682,742,000, of which $3,700,000 shall be for the Tax Counseling for the Elderly Program, no amount of which shall be available for IRS administrative costs, and of which not to exceed $25,000 shall be for official reception and representation expenses.

TAX LAW ENFORCEMENT

For necessary expenses of the Internal Revenue Service for determining and establishing tax liabilities; tax and enforcement litigation; technical rulings; examining employee plans and exempt organizations; investigation and enforcement activities; securing unfiled tax returns; collecting unpaid accounts; statistics of income and compliance research; the purchase (for police-type use, not to exceed 850), and hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner $4,254,476,000, of which not to exceed $1,000,000 shall remain available until September 30, 1998 for research: *Provided*, That $13,000,000 shall be used to initiate a program to utilize private sector debt collection agencies in the collection activities of the Internal Revenue Service in compliance with section 104 of this Act.

INFORMATION SYSTEMS

For necessary expenses for data processing and telecommunications support for Internal Revenue Service activities, including: tax systems modernization (modernized developmental systems), modernized operational systems, services and compliance, and support systems; and for the hire of passenger motor vehicles (31 U.S.C. 1343(b)); and services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner; $1,575,216,000, of which up to $185,000,000 for tax and information systems development projects shall remain available until September 30, 1998: *Provided*, That of the funds appropriated for tax systems modernization, $70,000,000 may not be obligated until the Commissioner of the Internal Revenue Service reports to the Committees on Appropriations of the House and Senate on the implementation of Tax Systems Modernization.

ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE SERVICE

SECTION 1. Not to exceed 2 per centum of any appropriation made available to the Internal Revenue Service for the current fiscal year by this Act may be transferred to any other Internal Revenue Service appropriation upon the advance approval of the House and Senate Committees on Appropriations: *Provided*, That notwithstanding any other provision of this Act, the Internal Revenue Service is authorized to transfer such sums as may be necessary between appropriations with advance approval of the House and Senate Appropriations Committees: *Provided further*, That no funds shall be transferred from the "Tax Law Enforcement" account during fiscal year 1996.

SEC. 2. The Internal Revenue Service shall institute and maintain a training program to insure that Internal Revenue Service employees are trained in taxpayers' rights, in dealing courteously with the taxpayers, and in cross-cultural relations.

United States Secret Service

SALARIES AND EXPENSES

For necessary expenses of the United States Secret Service, including purchase (not to exceed 665 vehicles for police-type use for replacement only) and hire of passenger motor vehicles; hire of aircraft; training and assistance requested by State and local governments, which may be provided without reimbursement; services of expert witnesses at such rates as may be determined by the Director; rental of buildings in the District of Columbia, and fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control, as may be necessary to perform protective functions; for payment of per diem and/or subsistence allowances to employees where a protective assignment during the actual day or days of the visit of a protectee require an employee to work 16 hours per day or to remain overnight at his or her post of duty; the conducting of and participating in firearms matches; presentation of awards; and for travel of Secret Service employees on protective missions without regard to the limitations on such expenditures in this or any other Act: *Provided*, That approval is obtained in advance from the House and Senate Committees on Appropriations; for repairs, alterations, and minor construction at the James J. Rowley Secret Service Training Center; for research and development; for making grants to conduct behavioral research in support of protective research and operations; not to exceed $12,500 for official reception and representation expenses; not to exceed $50,000 to provide technical assistance and equipment to foreign law enforcement organizations in counterfeit investigations; for payment in advance for commercial accommodations as may be necessary to perform protective functions; and for uniforms without regard to the general purchase price limitation for the current fiscal year; $542,461,000.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by Public Law 103–322, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as follows:

(a) As authorized by section 190001(e), $51,686,000, of which: $33,865,000 shall be available to the United States Customs Service for expenses associated with "Operation Hardline"; $2,221,000 to the Financial Crimes Enforcement Network; $3,100,000 to the Bureau of Alcohol, Tobacco and Firearms for the development and dissemination of ballistic technologies as part of the "Ceasefire" program; $10,000,000 to the United States Secret Service; and $2,500,000 to the Federal Law Enforcement Training Center in Glynco, Georgia; and

(b) As authorized by section 32401, $12,200,000, for disbursement through grants, cooperative agreements or contracts, to local governments for Gang Resistance Education and Training: *Provided*, That notwithstanding sections 32401 and 310001, such funds shall be allocated only to the affected State and local law enforcement and prevention organizations participating in such projects.

GENERAL PROVISIONS—DEPARTMENT OF THE TREASURY

SECTION 101. Any obligation or expenditure by the Secretary in connection with law enforcement activities of a Federal agency or a Department of the Treasury law enforcement organization in accordance with 31 U.S.C. 9703(g)(4)(B) from unobligated balances remaining in the Fund on September 30, 1996, shall be made in compliance with the reprogramming guidelines contained in the House and Senate reports accompanying this Act.

SEC. 102. Appropriations to the Treasury Department in this Act shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901), including maintenance, repairs, and cleaning; purchase of insurance for official motor vehicles operated in foreign countries; purchase of motor vehicles without regard to the general purchase price limitation for vehicles purchased and used overseas for the current fiscal year; entering into contracts with the Department of State for the furnishing of health and medical services to employees and their dependents serving in foreign countries; and services authorized by 5 U.S.C. 3109.

SEC. 103. Not to exceed 2 per centum of any appropriations in this Act for the Department of the Treasury may be transferred between such appropriations. Notwithstanding any authority to transfer funds between appropriations contained in this or any other Act, no transfer may increase or decrease any appropriation in this Act by more than 2 per centum and any such proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 104. None of the funds appropriated by this title shall be used in connection with the collection of any underpayment of any tax imposed by the Internal Revenue Code of 1986 unless the conduct of officers and employees of the Internal Revenue Service in connection with such collection, including any private sector employees under contract to the Internal Revenue Service, complies with subsection (a) of section 805 (relating to communications in connection with debt collection), and section 806 (relating to harassment or abuse), of the Fair Debt Collection Practices Act (15 U.S.C. 1692).

SEC. 105. The Internal Revenue Service shall institute policies and procedures which will safeguard the confidentiality of taxpayer information.

SEC. 106. The funds provided to the Bureau of Alcohol, Tobacco and Firearms for fiscal year 1996 in this Act for the enforcement of the Federal Alcohol Administration Act shall be expended in a manner so as not to diminish enforcement efforts with respect to section 105 of the Federal Alcohol Administration Act.

This title may be cited as the "Treasury Department Appropriations Act, 1996".

☐ 1800

The CHAIRMAN (Mr. DREIER). Are there any amendments to title I?

AMENDMENT OFFERED BY MRS. KELLY

Mrs. KELLY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. KELLY: Page 9, line 20, strike "$1,389,829,000" and insert "$1,392,429,000".

Page 14, line 10, strike "$1,575,216,000" and insert "$1,571,616,000".

Mrs. KELLY. Mr. Chairman, this amendment is very simple and straightforward. It reduces the appropriated amount for Internal Revenue Service by $3.6 million and transfers this amount to the salaries and expenses account for the Customs Service.

Passage of my amendment will mean that the total appropriation for the IRS will be equal with that of the 1995 level, while assisting the Customs Service with the important work that it does on a daily basis.

Mr. Chairman, my amendment is simple but it sends a strong and direct message to the American people. We are all making tough discussions across the board to reduce spending and live within our means and I see no reason why we should not expect the IRS to do the same.

These moneys can be better spent by the Customs Service, and I urge my colleagues to support this proposal.

Mr. FRISA. Mr. Chairman, will the gentlewoman yield?

Mrs. KELLY. I yield to the gentleman from New York.

Mr. FRISA. Mr. Chairman, I rise in support of the Kelly-Frisa amendment to equalize funding for the Internal Revenue Service to the same amount appropriated under the 1995 fiscal year.

At a time when we are asking other agencies and programs to be more efficient, to use dollars more wisely, in some cases do with less but still maintain the same level of services, and in other cases where we are appropriating smaller increases for programs to still be able to balance our budget, I think it is essential that we provide no more funding for the Internal Revenue Service for the 1996 fiscal year than we have for the past year.

Mr. Chairman, I urge all of my colleagues to support this amendment.

Mr. LIGHTFOOT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have had an opportunity to review the amendment proposed by the gentlewoman from New York [Mrs. KELLY]. I simply want to state that we have no objection to the amendment and urge its adoption.

Mr. HOYER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I have had the opportunity to discuss this matter with the gentleman from Iowa [Mr. LIGHTFOOT]. It is my own view that neither IRS nor Customs have sufficient funds, but I understand the thrust of the amendment and we will not oppose it on this side.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. KELLY].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—POSTAL SERVICE

PAYMENTS TO THE POSTAL SERVICE

PAYMENT TO THE POSTAL SERVICE FUND

For payment to the Postal Service Fund for revenue forgone on free and reduced rate mail, pursuant to subsections (c) and (d) of section 2401 of title 39, United States Code; $85,080,000: *Provided*, That mail for overseas voting and mail for the blind shall continue to be free: *Provided further*, That six-day delivery and rural delivery of mail shall continue at not less than the 1983 level: *Provided further*, That none of the funds made available to the Postal Service by this Act shall be used to implement any rule, regulation, or policy of charging any officer or employee of any State or local child support enforcement agency, or any individual participating in a State or local program of child support enforcement, a fee for information requested or provided concerning an address of a postal customer: *Provided further*, That none of the funds provided in this Act shall be used to consolidate or close small rural and other small post offices in the fiscal year ending on September 30, 1996.

PAYMENT TO THE POSTAL SERVICE FUND FOR NONFUNDED LIABILITIES

For payment to the Postal Service Fund for meeting the liabilities of the former Post Office Department to the Employees' Compensation Fund pursuant to 39 U.S.C. 2004, $36,828,000.

This title may be cited as the "Postal Service Appropriations Act, 1996".

The CHAIRMAN. Are there amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III—EXECUTIVE OFFICE OF THE PRESIDENT AND FUNDS APPROPRIATED TO THE PRESIDENT

Compensation of the President

For compensation of the President, including an expense allowance at the rate of $50,000 per annum as authorized by 3 U.S.C. 102; $250,000: *Provided*, That none of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: *Provided further*, That none of the funds made available for official expenses shall be considered as taxable to the President.

The White House Office

SALARIES AND EXPENSES

For necessary expenses for the White House as authorized by law, including not to exceed $3,850,000 for services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 105; including subsistence expenses as authorized by 3 U.S.C. 105, which shall be expended and accounted for as provided in that section; hire of passenger motor vehicles, newspapers, periodicals, teletype news service, and travel (not to exceed $100,000 to be expended and accounted for as provided by 3 U.S.C. 103); not to exceed $19,000 for official entertainment expenses, to be available for allocation within the Executive Office of the President; $39,459,000.

Executive Residence at the White House

OPERATING EXPENSES

For the care, maintenance, repair and alteration, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the Executive Residence at the White House and official entertainment expenses of the President; $7,522,000, to be expended and accounted for as provided by 3 U.S.C. 105, 109–110, 112–114.

Official Residence of the Vice President

OPERATING EXPENSES

For the care, operation, refurnishing, improvement, heating and lighting, including electric power and fixtures, of the official residence of the Vice President, the hire of passenger motor vehicles, and not to exceed $90,000 for official entertainment expenses of the Vice President, to be accounted for solely on his certificate; $324,000: *Provided*, That advances or repayments or transfers from this appropriation may be made to any department or agency for expenses of carrying out such activities.

Special Assistance to the President

SALARIES AND EXPENSES

For necessary expenses to enable the Vice President to provide assistance to the President in connection with specially assigned functions, services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 106, including subsistence expenses as authorized by 3 U.S.C. 106, which shall be expended and accounted for as provided in that section; and hire of passenger motor vehicles; $3,175,000.

Office of Policy Development

SALARIES AND EXPENSES

For necessary expenses of the Office of Policy Development, including services as authorized by 5 U.S.C. 3109, and 3 U.S.C. 107; $3,867,000.

National Security Council

SALARIES AND EXPENSES

For necessary expenses of the National Security Council, including services as authorized by 5 U.S.C. 3109; $6,459,000.

Office of Administration

SALARIES AND EXPENSES

For necessary expenses of the Office of Administration; $25,736,000, including services as authorized by 5 U.S.C. 3109 and 3 U.S.C. 107, and hire of passenger motor vehicles.

Office of Management and Budget

SALARIES AND EXPENSES

For necessary expenses of the Office of Management and Budget, including hire of passenger motor vehicles, services as authorized by 5 U.S.C. 3109; $55,426,000, of which no more than $6,631,000 shall be available for the Office of National Security and International Affairs, no more than $6,699,000 shall be available for the Office of General Government and Finance, no more than $7,368,000 shall be available for the Office of Natural Resources, Energy and Science, no more than $4,085,000 shall be available for the Office of Health and Personnel, no more than $3,867,000 shall be available for the Office of Human Resources, no more than $2,325,000 shall be available for the Office of Federal Financial Management, no more than $5,198,000 shall be available for the Office of Information and Regulatory Affairs, no more than $2,407,000 shall be available for the Office of Federal Procurement Policy, no more than $16,912,000 shall be available for the Office of the Director, the Office of the Deputy Director, the Office of the Deputy Director for Management, the Office of Communications, the Office of the General Counsel, the Office of Legislative Affairs, the Office of Economic Policy, the Office of Administration, the Legislative Reference Division, and the Budget Review Division, of which not to exceed $5,000,000 shall be available to carry out the provisions of 44 U.S.C. chapter 35: *Provided*, That, as provided in 31 U.S.C. 1301(a), appropriations shall be applied only to the objects for which appropriations were made except as otherwise provided by law: *Provided further*, That none of the funds appropriated in this Act for the Office of Management and Budget may be used for the purpose of reviewing any agricultural marketing orders or any activities or regulations under the provisions of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 601 et seq.): *Provided further*, That none of the funds made available for the Office of Management and Budget by this Act may be expended for the altering of the transcript of actual testimony of witnesses, except for testimony of officials of the Office of Management and Budget, before the Committee on Appropriations or the Committee on Veterans' Affairs or their subcommittees: *Provided further*, That this proviso shall not apply to printed hearings released by the Committee on Appropriations or the Committee on Veterans' Affairs.

Office of National Drug Control Policy

SALARIES AND EXPENSES

For necessary expenses of the Office of National Drug Control Policy; for research activities pursuant to title I of Public Law 100–690; not to exceed $8,000 for official reception and representation expenses; for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies, with or without reimbursement; $20,062,000, of which $10,200,000, to remain available until expended, shall be available to the Counter-Drug Technology Assessment Center for counternarcotics research and development projects and shall be available for transfer to other Federal departments or agencies, and of which $600,000 shall be transferred to the Drug Enforcement Administration for the El Paso Intelligence Center: *Provided*, That the Office is authorized to accept, hold, administer, and utilize gifts, both real and personal, for the purpose of aiding or facilitating the work of the Office.

Unanticipated Needs

For expenses necessary to enable the President to meet unanticipated needs, in furtherance of the national interest, security, or defense which may arise at home or abroad during the current fiscal year; $1,000,000.

Federal Drug Control Programs

HIGH INTENSITY DRUG TRAFFICKING AREAS PROGRAM

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the Office of National Drug Control Policy's High Intensity Drug Trafficking Areas Program, $104,000,000 for drug control activities consistent with the approved strategy for each of the designated High Intensity Drug Trafficking Areas, of which no less than $52,000,000 shall be transferred to State and local entities for drug control activities; and of which up to $52,000,000 may be transferred to Federal agencies and departments at a rate to be determined by the Director; and of which up to $3,000,000 may be available to the Director for transfer to Federal agencies, or State and local entities, or non-profit organizations to support special demonstration projects that provide systematic programming to reduce drug use and trafficking in designated targeted areas: *Provided*, That the funds made available under this head shall be obligated within 90 days of the date of enactment of this Act, except those funds made available to the Director to support special demonstration projects which shall be obligated by June 1, 1996.

This title may be cited as the "Executive Office Appropriations Act, 1996".

The CHAIRMAN. Are there amendments to title III?

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will be brief. In this title, unfortunately, as I mentioned in my opening statement, we find a number of cuts that I think are inappropriate.

Mr. Chairman, I am not, frankly, going to offer any amendments. Some are not in order and I understand that and I have discussed with the gentleman from Iowa [Mr. LIGHTFOOT], my friend the gentleman's perception that a couple of these are not in order.

For instance, asking to reinstate the funding for the Council of Economic Advisors, the White House residents, the special assistants to the President, the National Security Council, the Office of Administration and the Office of Management and Budget, all of which have been cut.

Mr. Chairman, I simply rise to express opposition to some of these cuts; not all. The OMB, obviously, is subject to scrutiny review and to such budget action as we deem appropriate. But in terms of the internal agencies of the White House itself, that is the President's personal staff to accomplish his objectives as President, not as leader of the executive department but as President and chief policymaker of the land.

The fact of the matter is, Mr. Chairman, I said earlier, in times past we did not cut those sums under President Reagan and President Bush. There were some exceptions to that statement that I have just made, but it proved the rule.

I regret that we had these cuts, contrary to my chairman, I believe some of them are pretty significant, but we will not be offering amendments at this time and I will hope that we can restore these in conference.

The CHAIRMAN. Are there any amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—INDEPENDENT AGENCIES

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

SALARIES AND EXPENSES

For necessary expenses of the Committee for Purchase From People Who Are Blind or Severely Disabled established by the Act of June 23, 1971, Public Law 92-28; $1,682,000.

FEDERAL ELECTION COMMISSION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the Federal Election Campaign Act of 1971, as amended; $26,521,000, of which no less than $1,500,000 shall be available for internal automated data processing systems, of which not to exceed $5,000 shall be available for reception and representation expenses: *Provided*, That none of the funds appropriated for automated data processing systems may be obligated until the Chairman of the Federal Election Commission provides to the House Committee on Appropriations a systems requirements analysis on the development of such a system.

FEDERAL LABOR RELATIONS AUTHORITY

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Federal Labor Relations Authority, pursuant to Reorganization Plan Numbered 2 of 1978, and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, including hire of experts and consultants, hire of passenger motor vehicles, rental of conference rooms in the District of Columbia and elsewhere; $19,742,000: *Provided*, That public members of the Federal Service Impasses Panel may be paid travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons employed intermittently in the Government service, and compensation as authorized by 5 U.S.C. 3109: *Provided further*, That notwithstanding 31 U.S.C. 3302, funds received from fees charged to non-Federal participants at labor-management relations conferences shall be credited to and merged with this account, to be available without further appropriation for the costs of carrying out these conferences.

GENERAL SERVICES ADMINISTRATION

FEDERAL BUILDINGS FUND

LIMITATIONS ON AVAILABILITY OF REVENUE

The revenues and collections deposited into the Fund established pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)), shall be available for necessary expenses of real property management and related activities not otherwise provided for, including operation, maintenance, and protection of Federally owned and leased buildings; rental of buildings in the District of Columbia; restoration of leased premises; moving governmental agencies (including space adjustments and telecommunications relocation expenses) in connection with the assignment, allocation and transfer of space; contractual services incident to cleaning or servicing buildings, and moving; repair and alteration of federally owned buildings including grounds, approaches and appurtenances; care and safeguarding of sites; maintenance, preservation, demolition, and equipment; acquisition of buildings and sites by purchase, condemnation, or as otherwise authorized by law; acquisition of options to purchase buildings and sites; conversion and extension of Federally owned buildings; preliminary planning and design of projects by contract or otherwise; construction of new buildings (including equipment for such buildings); and payment of principal, interest, taxes, and any other obligations for public buildings acquired by installment purchase and purchase contract, in the aggregate amount of $5,066,822,000, of which (1) not to exceed $367,777,000 shall remain available until expended for construction of additional projects at locations and at maximum construction improvement costs (including funds for sites and expenses and associated design and construction services) as follows:

New Construction:
Colorado:
Lakewood, Denver Federal Center, U.S. Geological Survey Lab Building, $10,321,000
Florida:
Tallahassee, U.S. Courthouse Annex, $9,606,000
Georgia:
Savannah, U.S. Courthouse Annex, $1,039,000
Louisiana:
Lafayette, Federal Building and U.S. Courthouse, $11,826,000
Maryland:
Montgomery and Prince George's Counties, Food and Drug Administration, Phase II, $65,764,000
Nebraska:
Omaha, Federal Building and U.S. Courthouse, $21,370,000
Nevada:
Las Vegas, U.S. Courthouse, $38,404,000
New Mexico:
Albuquerque, Federal Building and U.S. Courthouse, $2,450,000
New York:
Brooklyn, U.S. Courthouse, $49,040,000
Central Islip, Federal Building and U.S. Courthouse, $75,641,000
North Dakota:
Pembina, Border Station, $4,445,000
Ohio:
Youngstown, U.S. Courthouse, $6,974,000
Pennsylvania:
Scranton, Federal Building and U.S. Courthouse Annex, $9,638,000
South Carolina:
Columbia, U.S. Courthouse Annex, $1,425,000
Texas:
Austin, Veterans Affairs Annex, $3,176,000
Brownsville, Federal Building and U.S. Courthouse, $10,981,000
Washington:
Blaine, U.S. Border Station, $6,168,000
Point Roberts, U.S. Border Station, $1,406,000
West Virginia:
Martinsburg, Internal Revenue Service Computer Center, $25,363,000
Non-Prospectus Projects Program, $12,740,000:

Provided, That each of the immediately foregoing limits of costs on new construction projects may be exceeded to the extent that savings are effected in other such projects, but not to exceed 10 per centum unless advanced approval is obtained from the House and Senate Committees on Appropriations of a greater amount: *Provided further*, That the $6,000,000 under the heading of non-prospectus construction projects, made available in Public Laws 102-393 and 103-123 for the acquisition, lease, construction and equipping of flexiplace work telecommuting centers, is hereby increased by $5,000,000 from funds made available in this Act for non-prospectus construction projects, all of which shall remain available until expended: *Provided further*, That of the $5,000,000 made available by this Act, half shall be used for telecommuting centers in the State of Virginia and half shall be used for telecommuting centers in the State of Maryland: *Provided further*, That all funds for direct construction projects shall expire on September 30, 1997, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That claims against the Government of less than $250,000 arising from direct construction projects, acquisitions of buildings and purchase contract projects pursuant to Public Law 92-313, be liquidated with prior notification to the Committees on Appropriations of the House and Senate to the extent savings are effected in other such projects; (2) not to exceed $713,086,000 shall remain available until expended, for repairs and alterations which includes associated design and construction services: *Provided further*, That funds in the Federal Buildings Fund for Repairs and Alterations shall, for prospectus projects, be limited to the amount by project as follows, except each project may be increased by an amount not to exceed 10 per centum unless advance approval is obtained from the Committees on Appropriations of the House and Senate of a greater amount:

Repairs and Alterations:
Arkansas:
Little Rock, Federal Building, $7,551,000
California:
Sacramento, Federal Building (2800 Cottage Way), $13,636,000
Colorado:
Lakewood, Denver Federal Center Building 25, $29,351,000
District of Columbia:
Heating Plant Stacks, $11,141,000
Lafayette Building, $33,157,000

ICC/Connecting Wing Complex/Customs (phase 2/3), $58,275,000

Treasury Department Building, Repair and Alteration, $7,194,000

White House, Roof Repair and Restoration, $2,220,000

Illinois:

Chicago, Federal Center, $45,971,000

Maryland:

Woodlawn, SSA East High-Low Buildings, $17,422,000

New York:

New York, Silvio V. Mollo Federal Building, $4,182,000

North Dakota:

Bismarck, Federal Building, Post Office and U.S. Courthouse, $7,119,000

Pennsylvania:

Philadelphia, SSA Building, Mid-Atlantic Program Service Center, $11,376,000

Puerto Rico:

Old San Juan, Post Office and U.S. Courthouse, $25,701,000

Texas:

Dallas, Federal Building (Griffin St.), $5,641,000

Washington:

Richland, Federal Building, U.S. Post Office and Courthouse, $12,724,000

Nationwide:

Chlorofluorocarbons Program, $50,430,000

Elevator Program, $13,109,000

Energy Program, $25,000,000

Advance Design, $24,608,000

Basic Repairs and Alterations, $307,278,000: *Provided further*, That additional projects for which prospectuses have been fully approved may be funded under this category only if advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That the difference between the funds appropriated and expended on any projects in this or any prior Act, under the heading "Repairs and Alterations", may be transferred to Basic Repairs and Alterations or used to fund authorized increases in prospectus projects: *Provided further*, That all funds for repairs and alterations prospectus projects shall expire on September 30, 1997, and remain in the Federal Buildings Fund except funds for projects as to which funds for design or other funds have been obligated in whole or in part prior to such date: *Provided further*, That of the funds provided for Advanced Design, $100,000 shall be made available for architectural design studies for renovation of the National Veterinary Services Laboratory and a biocontainment facility at the National Animal Disease Center, Ames, Iowa: *Provided further*, That the amount provided in this or any prior Act for Basic Repairs and Alterations may be used to pay claims against the Government arising from any projects under the heading "Repairs and Alterations" or used to fund authorized increases in prospectus projects; (3) not to exceed $181,963,000 for installment acquisition payments including payments on purchase contracts which shall remain available until expended; (4) not to exceed $2,341,100,000 for rental of space which shall remain available until expended; and (5) not to exceed $1,389,463,000 for building operations which shall remain available until expended: *Provided further*, That funds available to the General Services Administration shall not be available for expenses in connection with any construction, repair, alteration, and acquisition project for which a prospectus, if required by the Public Buildings Act of 1959, as amended, has not been approved, except that necessary funds may be expended for each project for required expenses in connection with the development of a proposed prospectus: *Provided further*, That the General Services Administration shall establish a "Federal Triangle Office" reporting directly to the Commissioner of the Public Buildings Service for the purpose of completing the design and construction of the Federal Triangle Building: *Provided further*, That the Federal Triangle Office shall continue to utilize the procurement and operating procedures established for the project pursuant to the Federal Triangle Development Act (40 U.S.C. 1104), and to implement and enforce the Development Agreement and other contracts and agreements developed for the project: *Provided further*, That the Administrator is authorized to enter into and perform such leases, contracts, or other transactions with any agency or instrumentality of the United States, the several States or the District of Columbia, or with any person, firm, association, or corporation as may be necessary to implement the Federal Triangle Project: *Provided further*, That for the purposes of this authorization, buildings constructed pursuant to the purchase contract authority of the Public Buildings Amendments of 1972 (40 U.S.C. 602a), buildings occupied pursuant to installment purchase contracts, and buildings under the control of another department or agency where alterations of such buildings are required in connection with the moving of such other department or agency from buildings then, or thereafter to be, under the control of the General Services Administration shall be considered to be federally owned buildings: *Provided further*, That funds available in the Federal Buildings Fund may be expended for emergency repairs when advance approval is obtained from the Committees on Appropriations of the House and Senate: *Provided further*, That amounts necessary to provide reimbursable special services to other agencies under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 490(f)(6)) and amounts to provide such reimbursable fencing, lighting, guard booths, and other facilities on private or other property not in Government ownership or control as may be appropriate to enable the United States Secret Service to perform its protective functions pursuant to 18 U.S.C. 3056, as amended, shall be available from such revenues and collections: *Provided further*, That revenues and collections and any other sums accruing to this Fund during fiscal year 1996, excluding reimbursements under section 210(f)(6) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 490(f)(6)) in excess of $5,066,822,000 shall remain in the Fund and shall not be available for expenditure except as authorized in appropriations Acts.

POLICY AND OVERSIGHT

For necessary expenses, not otherwise provided, for government-wide policy and oversight activities associated with asset management, property management, supply management, travel and transportation, telecommunications and information technology; to fund the Board of Contract Appeals; services authorized by 5 U.S.C. 3109; and not to exceed $5,000 for official reception and representation expenses; $62,499,000.

OPERATING EXPENSES

For expenses authorized by law, not otherwise provided for, necessary for utilization of excess and surplus personal property; transportation; procurement; supply; and information technology activities; the utilization survey, deed compliance inspection, appraisal, environmental and cultural analysis, and land use planning functions pertaining to excess and surplus real property; accounting, records management, and other support services incident to adjudication of Indian Tribal Claims by the United States Court of Federal Claims; services as authorized by 5 U.S.C. 3109; $49,130,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General and services authorized by 5 U.S.C. 3109, $32,549,000: *Provided*, That not to exceed $5,000 shall be available for payment for information and detection of fraud against the Government, including payment for recovery of stolen Government property: *Provided further*, That not to exceed $2,500 shall be available for awards to employees of other Federal agencies and private citizens in recognition of efforts and initiatives resulting in enhanced Office of Inspector General effectiveness.

ALLOWANCES AND OFFICE STAFF FOR FORMER PRESIDENTS

For carrying out the provisions of the Act of August 25, 1958, as amended (3 U.S.C. 102 note), and Public Law 95–138; $2,181,000: *Provided*, That the Administrator of General Services shall transfer to the Secretary of the Treasury such sums as may be necessary to carry out the provisions of such Acts.

GENERAL PROVISIONS—GENERAL SERVICES ADMINISTRATION

SECTION 1. The appropriate appropriation or fund available to the General Services Administration shall be credited with the cost of operation, protection, maintenance, upkeep, repair, and improvement, included as part of rentals received from Government corporations pursuant to law (40 U.S.C. 129).

SEC. 2. Funds available to the General Services Administration shall be available for the hire of passenger motor vehicles.

SEC. 3. Funds in the Federal Buildings Fund made available for fiscal year 1996 for Federal Buildings Fund activities may be transferred between such activities only to the extent necessary to meet program requirements. Any proposed transfers shall be approved in advance by the Committees on Appropriations of the House and Senate.

SEC. 4. No funds made available by this Act shall be used to transmit a fiscal year 1997 request for United States Courthouse construction that does not meet the standards for construction as established by the General Services Administration and the Office of Management and Budget and does not reflect the priorities of the Administrative Office of the Courts as set out in its approved five-year construction plan.

SEC. 5. The Administrator of General Services is authorized to accept and retain income received by the General Services Administration on or after October 1, 1993, from Federal agencies and non-Federal sources, to defray costs directly associated with the functions of flexiplace work telecommuting centers.

SEC. 6. Of the $11,000,000 made available by this Act and Public Laws 102–393 and 103–123 for flexiplace work telecommuting centers, not less than $2,200,000 shall be available for immediate transfer to the Charles County Community College, to provide facilities, equipment, and other services to the General Services Administration for the purposes of establishing telecommuting work centers in Southern Maryland (Charles, Calvert, and St. Mary's County) for use by Government agencies designated by the Administrator of General Services: *Provided*, That the language providing authority to pay a public entity in the State of Maryland, not to exceed $1,300,000 for the purpose of establishing telecommuting work centers in Southern Maryland, under the heading "Federal Buildings Fund Limitations on Availability of Revenue" in Public Law 103-329 (108 Stat. 2400), is hereby repealed.

SEC. 7. Not to exceed 5 percent of funds made available under the heading "Operating Expenses" and "Office of Policy and Oversight" may be transferred between such appropriations upon the advance approval of the House and Senate Committees on Appropriations.

JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD

For necessary expenses to carry out the John F. Kennedy Assassination Records Collection Act of 1992, $2,150,000.

MERIT SYSTEMS PROTECTION BOARD

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses to carry out functions of the Merit Systems Protection Board pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and direct procurement of survey printing, $21,129,000, together with not to exceed $2,430,000 for administrative expenses to adjudicate retirement appeals to be transferred from the Civil Service Retirement and Disability Fund in amounts determined by the Merit Systems Protection Board.

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

OPERATING EXPENSES

For necessary expenses in connection with the administration of the National Archives and records and related activities, as provided by law, and for expenses necessary for the review and declassification of documents, and for the hire of passenger motor vehicles, $193,291,000: *Provided*, That the Archivist of the United States is authorized to use any excess funds available from the amount borrowed for construction of the National Archives facility, for expenses necessary to move into the facility.

NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

GRANTS PROGRAM

For necessary expenses for allocations and grants for historical publications and records as authorized by 44 U.S.C. 2504, as amended, $4,000,000 to remain available until expended.

OFFICE OF GOVERNMENT ETHICS

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Government Ethics pursuant to the Ethics in Government Act of 1978, as amended by Public Law 100-598, and the Ethics Reform Act of 1989, Public Law 101-194, including services as authorized by 5 U.S.C. 3109, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, and not to exceed $1,500 for official reception and representation expenses; $7,776,000.

OFFICE OF PERSONNEL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses to carry out functions of the Office of Personnel Management pursuant to Reorganization Plan Numbered 2 of 1978 and the Civil Service Reform Act of 1978, including services as authorized by 5 U.S.C. 3109, medical examinations performed for veterans by private physicians on a fee basis, rental of conference rooms in the District of Columbia and elsewhere, hire of passenger motor vehicles, not to exceed $2,500 for official reception and representation expenses, and advances for reimbursements to applicable funds of the Office of Personnel Management and the Federal Bureau of Investigation for expenses incurred under Executive Order 10422 of January 9, 1953, as amended; $85,524,000 and in addition $102,536,000 for administrative expenses, to be transferred from the appropriate trust funds of the Office of Personnel Management without regard to other statutes, including direct procurement of health benefits printing, for the retirement and insurance programs, of which $11,300,000 shall be transferred at such times as the Office of Personnel Management deems appropriate, and shall remain available until expended for the costs of automating the retirement recordkeeping systems, together with remaining amounts authorized in previous Acts for the recordkeeping systems: *Provided*, That the provisions of this appropriation shall not affect the authority to use applicable trust funds as provided by section 8348(a)(1)(B) of title 5, United States Code: *Provided further*, That, except as may be consistent with 5 U.S.C. 8902a(f)(1) and (i), no payment may be made from the Employees Health Benefits Fund to any physician, hospital, or other provider of health care services or supplies who is, at the time such services or supplies are provided to an individual covered under chapter 89 of title 5, United States Code, excluded, pursuant to section 1128 or 1128A of the Social Security Act (42 U.S.C. 1320a-7-1320a-7a), from participation in any program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.): *Provided further*, That no part of this appropriation shall be available for salaries and expenses of the Legal Examining Unit of the Office of Personnel Management established pursuant to Executive Order 9358 of July 1, 1943, or any successor unit of like purpose: *Provided further*, That the President's Commission on White House Fellows, established by Executive Order 11183 of October 3, 1964, may, during the fiscal year ending September 30, 1996, accept donations of money, property, and personal services in connection with the development of a publicity brochure to provide information about the White House Fellows, except that no such donations shall be accepted for travel or reimbursement of travel expenses, or for the salaries of employees of such Commission: *Provided further*, That no funds appropriated herein shall be used to pay administrative expenses or the compensation of any officer or employee of the United States to implement a reduction in force in the Office of Federal Investigations prior to June 30, 1996.

OFFICE OF INSPECTOR GENERAL

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF TRUST FUNDS)

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act, as amended, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles: $4,009,000, and in addition, not to exceed $6,181,000 for administrative expenses to audit the Office of Personnel Management's retirement and insurance programs, to be transferred from the appropriate trust funds of the Office of Personnel Management, as determined by the Inspector General: *Provided*, That the Inspector General is authorized to rent conference rooms in the District of Columbia and elsewhere.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEES HEALTH BENEFITS

For payment of Government contributions with respect to retired employees, as authorized by chapter 89 of title 5, United States Code, and the Retired Federal Employees Health Benefits Act (74 Stat. 849), as amended, $3,746,337,000 to remain available until expended.

GOVERNMENT PAYMENT FOR ANNUITANTS, EMPLOYEE LIFE INSURANCE

For payment of Government contributions with respect to employees retiring after December 31, 1989, as required by chapter 87 of title 5, United States Code, such sums as may be necessary.

PAYMENT TO CIVIL SERVICE RETIREMENT AND DISABILITY FUND

For financing the unfunded liability of new and increased annuity benefits becoming effective on or after October 20, 1969, as authorized by 5 U.S.C. 8348, and annuities under special Acts to be credited to the Civil Service Retirement and Disability Fund, such sums as may be necessary: *Provided*, That annuities authorized by the Act of May 29, 1944, as amended, and the Act of August 19, 1950, as amended (33 U.S.C. 771-75), may hereafter be paid out of the Civil Service Retirement and Disability Fund.

GENERAL PROVISIONS—OFFICE OF PERSONNEL MANAGEMENT

SECTION 1. Section 1104 of title 5, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) by striking "(except competitive examinations for administrative law judges appointed under section 3105 of this title)"; and

(ii) by striking the semicolon at the end of paragraph (2) and inserting in lieu thereof a period; and

(B) by striking the matter following paragraph (2) through "principles."; and

(2) in subsection (b) by adding at the end the following new paragraph:

"(4) At the request of the head of an agency to whom a function has been delegated under subsection (a)(2), the Office may provide assistance to the agency in performing such function. Such assistance shall, to the extent determined appropriate by the Director of the Office, be performed on a reimbursable basis through the revolving fund established under section 1304(e).".

SEC. 2. Subparagraph (B) of section 8348(a)(1) of title 5, United States Code, is amended—

(1) by inserting "in making an allotment or assignment made by an individual under section 8345(h) or 8465(b) of this title," after "law),"; and

(2) by striking "title 26;" and inserting "title 26 or section 8345(k) or 8469 of this title;".

SEC. 3. Section 4(a) of the Federal Workforce Restructuring Act of 1994 (Public Law 103-226; 108 Stat. 111) is amended—

(1) by deleting "FISCAL YEARS 1994 AND 1995" and inserting in lieu thereof: "VOLUNTARY SEPARATION INCENTIVE PAYMENTS.—"; and

(2) in paragraph (1)(A) by striking "and before October 1, 1995,".

SEC. 4. Title 5, United States Code, is amended—

(1) in the second section designated as section 3329 (as added by section 4431(a) of Public Law 102-484)—

(A) by redesignating such section as section 3330; and

(B) by adding at the end thereof the following new subsection:

"(f) The Office may, to the extent it determines appropriate, charge such fees to agencies for services provided under this section and for related Federal employment information. The Office shall retain such fees to pay the costs of providing such services and information."; and

(2) in the table of sections for chapter 33 by amending the second item relating to section 3329 to read as follows:

"3330. Government-wide list of vacant positions.".

OFFICE OF SPECIAL COUNSEL

SALARIES AND EXPENSES

For necessary expenses to carry out functions of the Office of Special Counsel pursuant to Reorganization Plan Numbered 2 of 1978, the Civil Service Reform Act of 1978 (Public Law 95–454), the Whistleblower Protection Act of 1989 (Public Law 101–12), Public Law 103–424, and the Uniformed Services Employment and Reemployment Act of 1994 (Public Law 103–353), including services as authorized by 5 U.S.C. 3109, payment of fees and expenses for witnesses, rental of conference rooms in the District of Columbia and elsewhere, and hire of passenger motor vehicles; $7,840,000.

UNITED STATES TAX COURT

SALARIES AND EXPENSES

For necessary expenses, including contract reporting and other services as authorized by 5 U.S.C. 3109; $32,899,000: *Provided*, That travel expenses of the judges shall be paid upon the written certificate of the judge.

This title may be cited as the "Independent Agencies Appropriations Act, 1996".

The CHAIRMAN. Are there any points of order against title IV? Are there any amendments to title IV?

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Again, I am not going to offer an amendment, again because I have not had that amendment protected by the rule. I regret that, and under the rule that we have adopted, unless I cut from this title, I cannot restore an item that has been cut out entirely. I think that is an unfortunate procedural situation into which I have been put and other Members of the Congress have been put.

Having said that, although I will not offer an amendment, I am hopeful that in conference we will restore the ACIR. That is an organization established some years ago to serve as an Advisory Commission on Intergovernmental Relations.

The new leadership of this House and the Senate has talked about a significant change. That change would incorporate shifting additional responsibilities back to the States and local governments in terms of getting rid of unfunded mandates and in terms of block granting certain programs. All of that gives additional responsibilities to the States and local governments and heightens the focus on how we are interrelating as a Federal Government with our States and localities.

Mr. Chairman, I think it regrettable that a small agency, with which many of us have participated in years past as state legislators, is being put on the chopping block by the committee's action. But, again, it is not in order for me to offer this amendment, so I will not, but I am hopeful, Mr. Chairman, that we will have, if the Senate puts it back in, the ability to retain it in conference. It is a very small sum of money, with, in my opinion, a very large payoff.

The CHAIRMAN. Are there any amendments to title IV?

Mr. HOYER. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Chairman, because I have not offered an additional amendment, I understand the chairman's observation. The Federal Election Commission is an agency that has great interest in this body. Obviously, it deals with each and every one of us in terms of overseeing our accounts.

It has the responsibility of monitoring our campaign finance laws and our disclosure. Clearly the nub of campaign reform was allowing the public to know from whom we receive money, how much money we receive, and how we spend that money so the public can make an informed judgment as to whether or not there is a nexus between the positions we take and the financial support that we get.

That is, in my opinion, the nub of campaign reform. It is critical. But if the public does not get that information in a timely fashion, it is not useful to them.

Therefore, in my opinion, it is important to fully fund the FEC. The chairman's mark is $2.5 million below the commission's request. This is not an increase, as the committee suggests. It is only an increase if you assume the $1.4 million rescission that has not been signed into law. As a matter of fact, that rescission languishes in the other body. As a result, this is a cut in the FEC's appropriation.

The impact of the rescission would be to reduce the staff and, therefore, reduce its ability to oversee our accounts. Again, Mr. Chairman, I think this is an unwise move that we have taken. I am not going to offer an amendment to restore the money, but I want the chairman, as I have told him privately, to know and the House to know, that I intend to work to see if this money can be restored as we go to conference.

The CHAIRMAN. Are there any amendments to title IV?

If not, the Clerk will designate title V.

The text of title V is as follows:

TITLE V—GENERAL PROVISIONS

THIS ACT

SECTION 501. No part of any appropriation made available in this Act shall be used for the purchase or sale of real estate or for the purpose of establishing new offices inside or outside the District of Columbia: *Provided*, That this limitation shall not apply to programs which have been approved by the Congress and appropriations made therefor.

SEC. 502. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 503. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 504. None of the funds made available to the General Services Administration pursuant to section 210(f) of the Federal Property and Administrative Services Act of 1949 shall be obligated or expended after the date of enactment of this Act for the procurement by contract of any guard, elevator operator, messenger or custodial services if any permanent veterans preference employee of the General Services Administration at said date, would be terminated as a result of the procurement of such services, except that such funds may be obligated or expended for the procurement by contract of the covered services with sheltered workshops employing the severely handicapped under Public Law 92–28. Only if such workshops decline to contract for the provision of the covered services may the General Services Administration procure the services by competitive contract, for a period not to exceed 5 years. At such time as such competitive contract expires or is terminated for any reason, the General Services Administration shall again offer to contract for the services from a sheltered workshop prior to offering such services for competitive procurement.

SEC. 505. None of the funds made available by this Act shall be available for any activity or for paying the salary of any Government employee where funding an activity or paying a salary to a Government employee would result in a decision, determination, rule, regulation, or policy that would prohibit the enforcement of section 307 of the Tariff Act of 1930.

SEC. 506. None of the funds made available by this Act shall be available for the purpose of transferring control over the Federal Law Enforcement Training Center located at Glynco, Georgia, and Artesia, New Mexico, out of the Treasury Department.

SEC. 507. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 508. No part of any appropriation contained in this Act shall be available for the payment of the salary of any officer or employee of the United States Postal Service, who—

(1) prohibits or prevents, or attempts or threatens to prohibit or prevent, any officer or employee of the United States Postal Service from having any direct oral or written communication or contact with any Member or committee of Congress in connection with any matter pertaining to the employment of such officer or employee or pertaining to the United States Postal Service in any way, irrespective of whether such communication or contact is at the initiative of such officer or employee or in response to the request or inquiry of such Member or committee; or

(2) removes, suspends from duty without pay, demotes, reduces in rank, seniority, status, pay, or performance of efficiency rating, denies promotion to, relocates, reassigns, transfers, disciplines, or discriminates in regard to any employment right, entitlement, or benefit, or any term or condition of employment of, any officer or employee of the United States Postal Service, or attempts or threatens to commit any of the foregoing actions with respect to such officer or employee, by reason of any communication or contact of such officer or employee with any Member or committee of Congress as described in paragraph (1) of this subsection.

SEC. 509. Funds under this Act shall be available as authorized by sections 4501–4506 of title 5, United States Code, when the achievement involved is certified, or when an award for such achievement is otherwise payable, in accordance with such sections. Such funds may not be used for any purpose with respect to which the preceding sentence relates beyond fiscal year 1996.

SEC. 510. The Office of Personnel Management may, during the fiscal year ending September 30, 1996, accept donations of supplies, services, land and equipment for the Federal Executive Institute, the Federal Quality Institute, and Management Development Centers to assist in enhancing the quality of Federal management.

SEC. 511. The United States Secret Service may, during the fiscal year ending September 30, 1996, accept donations of money to off-set costs incurred while protecting former Presidents and spouses of former Presidents when the former President or spouse travels for the purpose of making an appearance or speech for a payment of money or any thing of value.

SEC. 512. None of the funds made available by this Act may be used to withdraw the designation of the Virginia Inland Port at Front Royal, Virginia, as a United States Customs Service port of entry.

SEC. 513. No part of any appropriation contained in this Act shall be available to pay the salary for any person filling a position, other than a temporary position, formerly held by an employee who has left to enter the Armed Forces of the United States and has satisfactorily completed his period of active military or naval service and has within ninety days after his release from such service or from hospitalization continuing after discharge for a period of not more than one year made application for restoration to his former position and has been certified by the Office of Personnel Management as still qualified to perform the duties of his former position and has not been restored thereto.

SEC. 514. None of the funds made available in this Act may be used to provide any nonpublic information such as mailing or telephone lists to any person or any organization outside of the Federal Government without the approval of the House and Senate Committees on Appropriations.

SEC. 515. COMPLIANCE WITH BUY AMERICAN ACT.—No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

SEC. 516. SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—(a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

(b) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

SEC. 517. PROHIBITION OF CONTRACTS.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, such person shall be ineligible to receive any contract or subcontract made with funds provided pursuant to this Act, pursuant to the debarment, suspension, and ineligibility procedures described in section 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 518. Except as otherwise specifically provided by law, not to exceed 50 percent of unobligated balances remaining available at the end of fiscal year 1996 from appropriations made available for salaries and expenses for fiscal year 1996 in this Act, shall remain available through September 30, 1997 for each such account for the purposes authorized: *Provided*, That a request shall be submitted to the House and Senate Committees on Appropriations for approval prior to the expenditure of such funds.

SEC. 519. Where appropriations in this Act are expendable for travel expenses of employees and no specific limitation has been placed thereon, the expenditures for such travel expenses may not exceed the amount set forth therefore in the budget estimates submitted for appropriations without the advance approval of the House and Senate Committees on Appropriations: *Provided*, That this section shall not apply to travel performed by uncompensated officials of local boards and appeal boards in the Selective Service System; to travel performed directly in connection with care and treatment of medical beneficiaries of the Department of Veterans Affairs; to travel of the Office of Personnel Management in carrying out its observation responsibilities of the Voting Rights Act; or to payments to interagency motor pools separately set forth in the budget schedules.

SEC. 520. Notwithstanding any other provision of law or regulation: (1) The authority of the special police officers of the Bureau of Engraving and Printing, in the Washington, DC Metropolitan area, extends to buildings and land under the custody and control of the Bureau; to buildings and land acquired by or for the Bureau through lease, unless otherwise provided by the acquisition agency; to the streets, sidewalks and open areas immediately adjacent to the Bureau along Wallenberg Place (15th Street) and 14th Street between Independence and Maine Avenues and C and D Streets between 12th and 14th Streets; to areas which include surrounding parking facilities used by Bureau employees, including the lots at 12th and C Streets, SW, Maine Avenue and Water Streets, SW, Maiden Lane, the Tidal Basin and East Potomac Park; to the protection in transit of United States securities, plates and dies used in the production of United States securities, or other products or implements of the Bureau of Engraving and Printing which the Director of that agency so designates; (2) The exercise of police authority by Bureau officers, with the exception of the exercise of authority upon property under the custody and control of the Bureau, shall be deemed supplementary to the Federal police force with primary jurisdictional responsibility. This authority shall be in addition to any other law enforcement authority which has been provided to these officers under other provisions of law or regulations.

SEC. 521. Section 5378 of Title 5, United States Code, is amended by adding: "(8) Chief—not more than the maximum rate payable for GS–14."

SEC. 522. Notwithstanding any other provision of law, there is hereby established in the Treasury of the United States, a United States Mint Public Enterprise Fund (the "Fund"): *Provided*, That all receipts from Mint operations and programs, including the production and sale of numismatic items, the production and sale of circulating coinage, the protection of Government assets, and gifts and bequests of property, real or personal shall be deposited into the Fund and shall be available without fiscal year limitations: *Provided further*, That all expenses incurred by the Secretary of the Treasury for operations and programs of the United States Mint that the Secretary of the Treasury determines, in the Secretary's sole discretion, to be ordinary and reasonable incidents of Mint operations and programs, and any expense incurred pursuant to any obligation or other commitment of Mint operations and programs that was entered into before the establishment of the Fund, shall be paid out of the Fund: *Provided further*, That not to exceed 6.2415 percent of the nominal value of the coins minted, shall be paid out of the Fund for the circulating coin operations and programs: *Provided further*, That the Secretary of the Treasury may borrow such funds from the General Fund as may be necessary to meet existing liabilities and obligations incurred prior to the receipt of revenues into the Fund and the General Fund shall be reimbursed for such funds by the Fund within one year of the date of the loan and retain receipts from the Federal Reserve System from the sale of circulating coins at face value for deposit into the Fund; and transfer to the Fund all assets and liabilities of the Mint operations and programs, including all Numismatic Public Enterprise Fund assets and liabilities, all receivables, unpaid obligations and unobligated balances from the Mint's appropriation, the Coinage Profit Fund, and the Coinage Metal Fund, and the land and buildings of the Philadelphia Mint, Denver Mint, and the Fort Knox Bullion Depository: *Provided further*, That the Numismatic Public Enterprise Fund, the Coinage Profit Fund and the Coinage Metal Fund shall cease to exist as separate funds as their activites and functions are subsumed under and subject to the Fund, and the requirements of 31 USC 5134(c)(4), (c)(5)(B), and (d) and (e) of the Numismatic Public Enterprise Fund shall apply to the Fund: *Provided further*, That at such times as the Secretary of the Treasury determines appropriate, but not less than annually, any amount in the Fund that is determined to be in excess of the amount required by the Fund shall be transferred to the Treasury for deposit as miscellaneous receipts: *Provided further*, That the term "Mint operations and programs" means (1) the activities concerning, and assets utilized in, the production, administration, distribution, marketing, purchase, sale, and management of coinage, numismatic items, the protection and safeguarding of Mint assets and those non-Mint assets in the custody of the Mint, and the Fund; and (2) includes capital, personnel salaries and compensation, functions relating to operations, marketing, distribution, promotion, advertising, official reception and representation, the acquisition or replacement of equipment, the renovation or modernization of facilities, and the construction or acquisition of new buildings: *Provided further*, That the term "numismatic item" means any medal, proof coin, uncirculated coin, bullion coin, or other coin specifically designated by statute as a numismatic item, including products and accessories related to any such medal, coin, or item.

SEC. 523. Section 531 of Public Law 103-329, is amended by inserting, "of the first section", after "adding at the end".

SEC. 524. No funds appropriated by this Act shall be available to pay for an abortion, or the administrative expenses in connection with any health plan under the Federal employees health benefit program which provides any benefits or coverage for abortions.

SEC. 525. The provision of section 524 shall not apply where the life of the mother would be endangered if the fetus were carried to term.

SEC. 526. Notwithstanding any other provision of law, the Administrator of General Services shall delegate the authority to procure automatic data processing equipment for the Tax Systems Modernization Program to the Secretary of the Treasury: *Provided*, That the Director of the Office of Management and Budget shall have the authority to revoke such delegation upon the written recommendation of the Administrator that the Secretary's actions under such delegation are inconsistent with the goals of economic and efficient procurement and utilization of automatic data processing equipment: *Provided further*, That for all other purposes, a procurement conducted under such delegation shall be treated as if made under a delegation by the Administrator pursuant to 40 U.S.C. 759.

SEC. 527. RELIEF OF CERTAIN PERIODICAL PUBLICATIONS.—For mail classification purposes under section 3626 of title 39, United States Code, and any regulations of the United States Postal Service for the administration of that section, a weekly second-class periodical publication which—

(i) is eligible to publish legal notices under any applicable laws of the State where it is published;

(ii) is eligible to be mailed at the rates for mail under former subsection 4358 (a), (b), and (c) of title 39, United States Code, as limited by current subsection 3626(g) of that title; and

(iii) the pages of which were customarily secured by 2 staples before March 19, 1989;

shall not be considered to be a bound publication solely because its pages continue to be secured by 2 staples after that date.

SEC. 528. None of the funds in this Act may be obligated or expended for employee training that does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties.

SEC. 529. (a) Prior to February 15, 1996, none of the funds appropriated by this Act may, with respect to an individual employed by the Bureau of the Public Debt in the Washington metropolitan region on April 10, 1991, be used to separate, reduce the grade or pay of, or carry out any other adverse personnel action against such individual for declining to accept a directed reassignment to a position outside such region, pursuant to a transfer of any such Bureau's operations or functions to Parkersburg, West Virginia.

(b) Subsection (a) shall not apply with respect to any individual who, prior to February 15, 1996, declines an offer of another position in the Department of the Treasury which is of at least equal pay and which is within the Washington metropolitan region.

The CHAIRMAN. Are there any amendments to title V?

AMENDMENT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HOYER:

Amendment No. 6: Strike everything from "Sec. 524" on page 63 line 22 through "term." on line 5 page 64.

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, I would like to ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes, since we have got this 7 o'clock cutoff that we are supposed to meet here tonight to go to the other provision.

Mr. HOYER. Mr. Chairman, we had put an hour on this, but I have a lot of Members on my side of the aisle. I would agree to a limitation to 7 o'clock, but I would not want to go further than that.

Mr. LIGHTFOOT. Mr. Chairman, that is agreeable. That is fine with me. That way we could finish the amendment up.

The CHAIRMAN. The gentleman's unanimous consent request is that all debate end by 7 o'clock on this amendment and all amendments thereto?

Mr. LIGHTFOOT. And equally divided on the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. HOYER. Mr. Chairman, I agree to this time restraint, notwithstanding the fact this is an issue of great emotional impact and great political interest in this body and throughout the country.

This issue deals with the question of abortion. But I would suggest to the Members of this House, it does not deal with the public funding of abortion and that is the issue on which we have substantial disagreement.

The fact of the matter is, we have carried in this bill for some period of time the issue of the Federal employee health benefit plans. During the last 3 years we struck from the bill a prohibition on the use of funds which the public employees supply to the purchase of their Federal employment health policies.

Now, let me put this in context. There are available to Federal employees approximately 345 health benefit plans. A substantial number of those plans provide for the termination of pregnancy. The choice of whether to secure those plans is that of the employees.

Mr. Chairman, a Federal employee, like private sector employees, is paid three ways in their compensation package. Now, the private sector may have additional. They may have stock options, educational options, training options, all sorts of things of that nature, but essentially a Federal employee has three options.

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Those three options are: Salary. A Federal employee is paid X number of dollars as salary.

In addition, the Federal employee is told, if you work for us, part of your compensation package will be the payment of 72 percent of your health care premium, your being the employee's, not the Federal Government's. That is part of the employee's benefit package.

Third, part of that benefit package is their pension; and we make a contribution towards their retirement, of course, as we do on all other Federal and State and local and private sector employees, a FICA contribution since 1983.

Now, what does that mean? That means the employee has, as a compensation package, those three elements. What the amendment that the Chairman has put back, that the committee and full committee has put back in the bill is a provision that again says that none of the funds in this bill may be used to purchase health care insurance which covers the termination of pregnancy, that is, abortion.

Now, again, I said, this is a very controversial and emotional debate. But ladies and gentlemen of this House, this deals with the employee's choice, not the Federal Government's choice. When we had the health care debate in this House, many Members on the other side of the aisle and this side of the aisle said that they believed that individuals ought to have their choice in purchasing their health care program, not the Government's choice, not Members of Congress's choice, but the individual's choice. And because they work for the Federal Government they should have no less rights than any other person who works in America and gets a health care benefit as part of their compensation package, not the Federal Government's.

This is no more Federal money than their salary is. After all, and I would hope that everybody would pay attention, we pay them the salary. That is out of Federal dollars. Are we to say you can't spend that money except in certain ways and only as we choose because that is Federal money? Is that what our position is, that we are going to control their salary dollars?

The Federal employee compensation, health care contribution is their money. This amendment undermines their compensation package. It is wrong. It undermines their own free choice, not of an abortion but of how they spend their money.

I want to tell my friends on that side of the aisle who perceive themselves as conservatives, I would hope that a number of them I see on that side of the aisle who are conservatives, who perceive themselves as conservative—the gentleman from New York [Mr. SOLOMON] is pointing to himself. I presume he will vote with me on this amendment. I hope he will.

The fact of the matter is, I perceive conservatives taking the position that really government ought to stay out of, to the greatest extent possible, personal decisions, personal lives. That is how I perceive conservatives, and that you perceive liberals as those who want to get government into people's lives and making decisions for them that you think can be better made by the individual.

I suggest if that is your philosophy you ought to vote with me to strike this language, because you are substituting the Government's decision here for the individual's decision here.

Mr. Chairman, I would urge my colleagues to vote "yes" on the Hoyer amendment to strike this prohibition.

Mr. LIGHTFOOT. I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment offered by my friend from Maryland. Basically, what we did in the bill, between 1984 and 1993, language was carried in the bill which prohibited paying for health coverage that included abortions under the Federal Health Benefit Plan. This was changed in 1993 to allow that to happen. Very simply, we took the language out that put that restriction in place, returning us back to the original language which had been in place since 1984.

At this point in time, the issue I think boils around should we force taxpayers to pay for something to which there is a great deal of opposition. I think we can argue this thing for hours, and we are not going to change some people's positions on the issue one way or the other. And I certainly understand that and respect people who feel very strongly on both sides of the issue.

But because it is a controversial issue, I believe that is why the original language was put in place back in 1984 which basically said that we would not, through any taxpayer funds, be funding abortions. In essence, as I have mentioned, we are just going back to that original language. That is all we did.

There is concern, I understand, from a number of my colleagues, and quite frankly I share their concern, that the language says that it is only in the case of the life of the mother. It does not include the incest and rape provision that is in what we have come to know as the Hyde amendment.

Unfortunately, to put that language in becomes legislating on an appropriations bill. We are very loathe to do that sort of thing, and we have never carried that language in this bill. So that is the reason it is not in there.

I would say to my colleagues who feel very strongly that that should be part of it, that I agree with them and would work during conference to try to get that language included as well.

Just a brief history on the situation, if you look at how FEHB works, perhaps some enlightenment to those who don't participate in the plan is in order. It is a private insurance system. The Federal Government has a set of private companies who offer insurance to Federal employees. All of us who work for the Federal Government get a list of 25 or 30 insurance companies, and we can select from those companies which one we want to provide our coverage, and we pay the premiums and so on.

In 1995, there were 345 insurance companies under the Federal Employee Health Benefit Plan. Abortion coverage was offered by 178 of them. Not quite half.

Since taxpayer money comes in to make up the Government's matching part of the premium and is used for the Government's matching part of the premium, a portion of this premium is also paid out of the employee's pocket, which obviously they have the right to do with whatever they want to do.

There have been attempts, I think, to compromise on the issue allowing Federal employees to pay for the abortion coverage themselves.

The biggest problem we had, and I offered to work with the gentleman from Wisconsin [Mr. OBEY] on that, is that it will not work for the simple reason that OPM indicates insurance companies would charge a high price for the coverage, almost as high as the cost of the abortion itself, since the companies would assume that the only employees likely to use it would want it. That means that the only viable option is that contained in this bill which says a Federal employee who wants an abortion would have to pay for it themselves.

The bill prohibits any insurance company from offering abortion coverage under FEHB unless the life of the mother is threatened. It is the same language, again, that was carried from 1984 up until 1993 when insurance coverage for abortions was reinstated after having been banned over that period of years.

I think it is a grave matter of personal conscience. I would urge Members to think this through carefully to try to take the emotion out of the argument, which is difficult to do, but I think it is necessary to do, and oppose the amendment, and really allow us just to return our bill back to what has been in place since 1984.

Mr. Chairman, I yield 5 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank my good friend for yielding time to me.

Mr. Chairman, I urge Members to vote no on the Hoyer amendment, which would gut the every effective language that was put into the legislation by the chairman of the committee, the gentleman from Iowa [Mr. LIGHTFOOT]. Let me just remind Members, as the chairman pointed out so well, the language that is in the bill was current law throughout the 1980's and into the 1990's, but regrettably during the last Congress we were unable to get the language put back into the appropriations bill so we began paying for abortion on demand as part of the Federal Employees Health Benefits Program.

Mr. Chairman, I think it is becoming increasingly clear by way of public opinion polls, by way of the kind of feedback that we are all getting from our home districts, that people do not want to subsidize abortion on demand, they do not want taxpayer funds or premium funds being used to subsidize for willful killing of unborn children simply because they are inconvenient, simply because it is a matter of a birth control abortion or for some other reason.

Make no mistake about it. The Hoyer amendment, if it succeeds, would usher in abortion on demand at any time during the pregnancy, and we would have situations where babies are literally dismembered or chemically poisoned simply because we were subsidizing and providing the wherewithal to kill those babies.

Taxpayers do not want any part of this. Let me make that clear. We saw with the national health care reform debate last year, which unfortunately never happened because all of us heard from our constituents that they did not want to provide premium dollars or tax dollars for this grisly business.

Let me remind Members, too, that as part of the Federal employees health benefits plan taxpayers foot approximately 70 percent of the contribution. I think everyone knows that Federal employees, including Members of Congress, do not pay the whole freight, if you will, the entire bill when it comes to our Federal Employees Health Benefits Program.

An overwhelming amount of it, 70 percent, 72 percent to be exact, is footed by the taxpayer. So this is a government-taxpayer-funded issue, not unlike the Hyde amendment. So I would remind Members that if they are for the Hyde amendment they have to be against the Hoyer amendment and for the underlying language that Chairman LIGHTFOOT put in.

You know, I think it is becoming increasingly clear as well, Mr. Chairman, and the fight and debate that is going on in the Committee on the Judiciary on the partial birth abortion whereby children are literally almost completely born only to be killed by the abortionist by sucking the brain out of the baby. And this goes on. And those who accuse those of us on this side of trying to inflame or in any way emotionalize this issue, it is the pro-abortion side, I would submit, that has to apologize or at least explain why they do this kind of violence, why they inflict this kind of violence on unborn children.

Well, the dirty secret of the abortion movement itself are the methods themselves, the chemical poisonings that go on, the injections of high concentrated salt solutions that literally pickle the baby alive inside the mother's uterus, usually takes about 2 hours for the baby to die. It is a very slow and gruesome death. The child swallows, gulps the salt-filled amniotic water, the water inside the amniotic sac, to die a very cruel death.

That is what we would subsidize if we go with the Hoyer amendment, because saline abortions are done in those HMO's and in those hospitals and under the auspices of the Federal Employees Health Benefits Program.

We would also be subsidizing the dismemberment of unborn children, again, the dirt secret of the abortion movement, a child literally dismembered, arms, legs, torso, head, completely cut.

Nobody wants to talk about that. People roll their eyes and say we are bringing emotion into this. These are the plain facts of what abortion does to a baby.

It is violence. We need to be providing positive, nonviolent alternatives to women who have distressful pregnancies, not providing and facilitating by way of taxpayer dollars the killing of their unborn children.

Let me also point out that the Federal Employees Health Benefits Program does not distinguish between lower and upper income employees. Without the Lightfoot language, taxpayers subsidize most of the costs of all Federal employees and their families, even those making over $100,000, so we would be paying for abortions for them as well.

I want to just conclude by reminding Members unborn children are not warts, a pregnancy is not a disease, and if we go with Mr. HOYER's amendment we will be saying that if a child, simply because he or she is inconvenient or unwanted, we will provide the wherewithal, we will provide the means, the money to have that child destroyed.

☐ 1830

Reject the Hoyer amendment, it is anti-child, and support the underlying language of the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. HOYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, for the information of the Members, it appears, because of the leadership on the majority side's desire to move toward a decision on the issue regarding the audit report tonight, that we would like to conclude this debate tonight and resume tomorrow morning, so that it would be our intention not to further debate this issue tonight. That is my understanding; that is the chairman's intention as well. Quite obviously, we are waiting for our leaderships to get here because they want to get to that issue, and I know their interest is to get Members out in a timely fashion this evening. We are prepared to do that. I have discussed that with the chairman. They are not here at this point in time. I presume they will be here shortly.

The CHAIRMAN. Under the unanimous-consent agreement we can proceed with debate until that time.

Mr. HOYER. Mr. Chairman, I yield myself such time as I may consume. Let me follow up on my previous statement.

Mr. Chairman, we are going to have a number of people talk about this issue. The gentleman from New Jersey [Mr. SMITH] just talked. Mr. SMITH and I are very close friends. We have a disagreement on this issue, and it is an issue on which he is a very, very sincere advocate, an able advocate, and deeply convicted advocate of his position. I think his position is a position that is intellectually and morally very defensible, period. I have no quarrel with him on that.

I do, however, make the suggestion again that in this context the gentleman is placing Federal employees in a position that no other employees in America are placed in, and that is:

"If you work for General Motors, you get a health care plan, and you choose a policy if you have alternatives. Now, you happen to have, as a Federal employee, more alternatives than you have perhaps at General Motors. But the fact of the matter is that is perceived as your compensation package, your money, your selection of the insurance policies."

Mr. Chairman, this is not about the Federal Government, and Medicare, and Medicaid paying for an abortion. It is about giving to an employee compensation in the form of a health care contributions to the purchase of an insurance policy. That employee then applies to his or her choice.

Now, just as we, the Federal Government, pays FICA, that is then mine or pays my salary. It is mine or pays my retirement. That is then vested. They cannot take it back from me. This is not their choice of where it goes. This health care benefit is theirs. It is HENRY HYDE's. It is STENY HOYER's. It is JIM LIGHTFOOT's. It is whoever's. It is ours, and we then apply that looking through the list of what policy do I want to purchase? It is not the Federal Government making that choice for us. It is not the Federal Government buying that policy.

Yes, it is Federal dollars. But as I said before my friends got to the floor, the dollars that we are paid in salary are Federal dollars. I ask, "Are we to be then told that, look, those are Federal dollars, and you can't spend them except in a fashion with which we, the Federal Government, agree"? I asked that question rhetorically, but I am wondering if there is a response to it.

Those dollars are the dollars of our employees, not ours, not our dollars, and that is, I respectfully suggest to my good friends, the significant difference between this and the issue of Medicaid, or Medicare, or some other program where the Federal Government actually pays for the services rendered.

Now, I know the deep convictions are that anything that might further the objective is objectionable itself. I understand that. I think that is a fair argument, and I understand that position. It is a position with which I disagree, but not that I lack respect for.

Mr. Chairman, I am hopeful that, as the debate develops tomorrow, that Members will have the opportunity to see the difference between this issue raised on this bill, and the issue raised in the Labor-Health bill, and that difference will be seen as dollars of the employee as opposed to the dollars of the Federal Government.

Yes, the source is the same, but the ownership is different. The ownership is significantly different.

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I rise today in opposition to the amendment offered by Mr. HOYER. This amendment would strike the language in H.R. 2020 that would prohibit the use of funds to pay for abortion or to be used for administrative expenses in connection with any health plan under Federal employees health benefit program. This program provides coverage for abortion, except where the life of the mother would be endangered if the fetus were carried to term. Currently, the American taxpayer bears the burden of providing almost 72 percent of the funds used to purchase health insurance for Federal Employees. That again raises the question: "Should the Federal Government be in the business of funding abortions?" The answer is, of course, no.

The Federal Government does not need to provide funding for abortion coverage in basic health coverage for Federal employees. Abortion is usually not considered part of basic health insurance coverage. Even the Nation's largest provider of individual and group health insurance Mutual of Omaha, specifically excludes all elective abortions from its coverage.

Perhaps some here feel that abortion should be covered because it is simply another medical procedure, much like removing an unwanted tumor or wart. However, the Supreme Court of the United States has said that the Government can distinguish between abortion and "other medical procedures" because "abortion is inherently different from other medical procedures. No other procedure involves the purposeful termination of a potential human life."

At a time when 70 percent of Americans oppose Federal funding of abortion it is appropriate for Congress to uphold the sanctity of life and limit Federal funding of abortion. I urge my colleagues to vote "no" on the Hoyer amendment.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I rise today in support of the Hoyer amendment and in support of the basic right of women to choose, regardless of whether they work in the private sector or they serve in the Federal Government as public servants.

We all are well aware of the fact that the U.S. Supreme Court ruled in Roe versus Wade that a woman's right to a safe and legal abortion is constitutionally guaranteed. This is the law of the land. The provision of the bill that my colleagues and I seek to strike would single out Federal employees and prohibit them from choosing a health care policy which provides a full range of reproductive health services including abortion.

What you may not realize is that currently two-thirds of private fee-for-service plans and 70 percent of health maintenance organizations provide abortion coverage. As most insurance plans today provide coverage for reproductive health care including abortion, to deny Federal health benefit participants this health service is harmful to women's health.

Mr. Chairman, this is not a pro-choice or pro-life issue, it is an issue of discrimination. This provision blatantly discriminates against women who work for the Federal Government, singling them out and denying them the same access to safe reproductive health care that non-Federal workers in State, local, and the private sector would receive.

This is an issue of basic fairness and equity, Mr. Chairman. Fairness to our Nation's public servants who wake up every day and work to serve their country. These women deserve the same quality of care that non-Federal employees have access to every day. These women pay into their health insurance plans, such as Blue Cross-Blue Shield or Atena just like women in the private sector. The difference would be that these women, unlike women in the private sector, would not receive coverage for abortion. Excluding abortion procedures is taking away part of the medical coverage that thousands of Americans currently have. Are we going to treat these hard-working women as second-class citizens because they are employed by the Federal Government? I hope not.

I urge my colleagues to join me in standing up today in support of women's rights—in support of women's health—let's strike this blatantly discriminatory and harmful provision in the bill.

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I rise today in strong opposition to the amendment offered by my good friend and colleague from Maryland [Mr. HOYER]. This is a very simple and straightforward issue. Should the taxpayers and people who are conscientiously opposed be forced to pay for and subsidize abortion on command?

Mr. Chairman, the Congress and the Supreme Court have been very clear on this issue. This amendment flies in the face of the Hyde amendment which this Congress has, on several occasions, upheld which simply says that the Federal Government should not be in the practice of funding abortions with taxpayer money. In upholding the Hyde amendment, the court has said that, and I quote:

> Abortion is inherently different from other medical procedures because no other procedure involves a purposeful termination of a potential life.

Let us not fund abortion on demand with taxpayer money. Let us not force those who are conscientiously opposed to pay for these abortions.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, currently, Federal employees, like other American workers, are permitted to choose a health care plan that covers the full range of reproductive health services. The new majority wants to change that and take American women backward. This is one of the first steps in the radical right's campaign to eliminate the right to choose.

The issue before us today is whether or not this House will allow American women the freedom to choose a private health insurance plan that includes coverage of abortion.

The Hoyer amendment is about giving American women options—of the 345 FEHBP plans, just about half—178—currently cover abortion. If women want to participate in a plan that covers abortions they can. If they find abortion objectionable they can belong to a plan that doesn't cover abortion. The choice is theirs—not mine—and not this institution's.

This is the status quo—and unless we approve Mr. HOYER'S amendment, this House will be taking away health care coverage that Federal employees currently have. There are 1.2 million women of reproductive age who rely on FEHBP for their medical care—1.2 million American women who would lose the right to choose if the Hoyer amendment isn't adopted.

In fact, the provision that Mr. HOYER seeks to strike is so extreme that it doesn't even allow FEHBP plans to cover abortions in the case of rape and incest.

□ 1845

So if you are a Federal employee and you have been raped and become pregnant, the new majority says that you cannot use your own private insurance to have an abortion. That is an outrage.

Basic women's health care includes the full range of redprocutive health services, including abortion. We should not be singling this procedure out. I urge my colleagues to support the Hoyer amendment.

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes, as we continue the tour of the East Coast, to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the amendment by the gentleman from Maryland.

From 1983 to 1993, Congress limited the coverage of abortion services under FEHBP, except in cases in which the life of the woman was at risk. In the fiscal year 1994 Treasury-Postal appropriations bill, we finally restored the coverage that had been provided to most of the rest of this country's work force through their health insurance plans. Today, this bill once again denies this health coverage to Federal employees.

The coverage of abortion services in Federal health plans does not mean that abortions are being subsidized by the Federal Government. Currently, the Government simply contributes to the premiums of Federal employees in order to allow them to purchase private health insurance. Abortion services do not add to the cost of an insurance plan; the additional cost amounts to a few cents per month to cover the cost of administration.

The bill's provision is all the more inequitable because it does not even cover abortions in the case of rape and incest, coverage provided under the Medicaid program and the Hyde amendment. If the funding ban is reinstated, Federal employees will have to pay for abortions with their own money, even in the cases of rape and incest.

Thousands of Federal employees have incomes below or close to the Federal poverty line. For these workers, the cost of an abortion would be a significant hardship, interfering with a woman's constitutionally protected right to choose. And it discriminates against Federal employees.

Mr. Chairman, the Hoyer amendment simply restores the rights of Federal employees to the same health care services covered by most private sector health plans. I urge my colleagues to support it.

Mr. EMERSON. Mr. Chairman, I rise today in opposition to the Hoyer amendment. The Federal Government should not be in the business of funding abortions nor should taxpayers be forced to underwrite the cost of abortions for Federal employees.

The Federal Government currently contributes approximately 72 percent of the money toward the purchase of health insurance for its employees. Thus, taxpayers do provide a majority share of the funds to purchase health insurance for the Federal civilian work force. If this amendment were adopted the American taxpayers would be forced to underwrite the costs of abortion for Federal employees. In addition to taxpayer funds paying for abortions, premiums contributed by conscientiously opposed Federal employees will also be used to subsidize abortion on demand.

Abortion is not just another form of "routine health care". In upholding the Hyde amendment, the Supreme Court has said that the Government can distinguish between abortion and "other medical procedures." The court said, "Abortion is inherently different from other medical procedures, because no other procedure involves the purposeful termination of a potential life."

Mr. Chairman, the language that Mr. LIGHTFOOT incorporated into this bill which would prohibit OPM from allowing Federal employee health insurance plans to cover abortion, except when the mother's life is at stake should remain a part of the Treasury, Postal Service appropriation bill as it has from 1984 through fiscal year 1993, and this amendment should be defeated.

Ms. HARMAN. Mr. Chairman, I rise in strong support of the Hoyer amendment to strike the language that prohibits Federal employees from choosing health care plans that include abortion services.

This is the latest in a series of assaults on a woman's right to choose. The consequence of this assault, like the others being pursued through the appropriations process, is to leave women's rights under Roe versus Wade hollow—and effectively repeal of those rights without directly reversing the Supreme Court's decision.

Earlier this spring, the House passed a ban on privately funded abortions in military hospitals overseas. Then came the provision preventing international family planning organizations from using their own funds to provide abortions. Now the assault continues with a ban on abortion services for Federal employees.

One ban after another—choice opponents are on their way to rolling back a woman's right to choose.

This is a discriminatory change from current policy. Choice opponents in the Congress are now singling out Federal employees to restrict a constitutional right. This is not about Federal funding—employee's own salaries are being withheld. It is about infringing upon employees' rights to bargain for their own benefits.

Congress has no place obstructing private insurance companies from offering services that are necessary to women's health. At least two-thirds of private health insurance plans currently include coverage for abortions.

Prohibiting Federal employees from choosing insurance plans that offer abortion services endangers their health. The question for our House colleagues is whether they can justify limiting Federal employees' constitutionally protected rights and limiting their health care options simply because these women receive benefits through the Federal Employees Health Benefits Plan. I strongly believe we cannot.

Today's vote is part of a larger agenda to rollback a woman's right to choose without directly reversing Roe versus Wade. This provision hurts Federal employees, and I urge my colleagues to vote for equal rights and health services for Federal employees and their dependents.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Maryland [Mr. HOYER] which would strike the bill's provisions prohibiting the use of funds to pay for abortions under the Federal Employees Health Benefits Program [FEHBP].

The Republican majority seeks to return us to the nefarious policy adopted during the Reagan/Bush years where women enrolled in FEHBP were denied access to the full range of legal reproductive health options that are available to women enrolled in private sector health plans. Two years ago, that policy was rightfully put to an end by the Clinton administration which determined that the participating plans and enrollees should be free to make the choices concerning the availability and access to abortion coverage.

Today, no participating health plan is forced to cover abortions, and no participating employee or annuitant is forced to join a plan that covers them. The Office of Personnel Management allows each plan decide on its own whether to provide abortion coverage. This year, only 178 of 345 participating plans do. FEHBP participants have the option of choosing from among the wide variety of plans available the one which best meets their health care needs.

Sections 524 and 525 of this bill will limit the reproductive choices available to women covered by FEHBP. I support their elimination and urge adoption of the Hoyer amendment.

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent to vacate the previous unanimous-consent agreement limiting debate on this amendment, that there be 80 minutes of debate on this amendment and all amendments thereto, and that the time be equally divided and controlled by myself and the gentleman from Maryland [Mr. HOYER] tomorrow when the committee resumes its sitting on this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LIGHTFOOT. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. RIGGS) having assumed the chair, Mr. DREIER, chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2020) making appropriations for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

PROVIDING FOR ADDITIONAL AUDITING BY HOUSE INSPECTOR GENERAL

Mr. ARMEY. Mr. Speaker, I offer a resolution (H. Res. 192) and I ask unanimous consent for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 192

Whereas on January 4, 1995, the House of Representatives voted 430–1, that "during the One Hundred Fourth Congress, the Inspector General, in consultation with the Speaker and the Committee on House Oversight, shall coordinate, and as needed contract with independent auditing firms to complete, a comprehensive audit of House financial records and administrative operations, and report the results in accordance with Rule VI," [House Resolution 6, Section 107];

Whereas on July 18, 1995, the House Inspector General in cooperation with the independent auditing firm presented the findings of the first-ever audit of the House of Representatives under the provisions of the House Resolution;

Whereas this first-ever audit included both the financial and administrative functions of the House, representing a wide range of activities;

Whereas the audit does not reach conclusions in all areas due in part to a "method of accounting underlying the preparation and dissemination of financial management information [that] was simplistic and ill-suited for an organization the size of the House," [Report of Independent Accountants, July 18, 1995];

Whereas "In addition to the deficiencies in accounting and reporting, and in information systems, there are other weaknesses in the House's internal control structure...the severity of these weaknesses affects the reliability of the financial statements, because in the absence of an effective internal control structure, there can be no assurance that all House transactions were properly recorded, accumulated and reported in accordance with the rules, policies and procedures of the House," [Report of Independent Accountants, July 18, 1995];

Whereas it is the sense of the House, including the leadership of both parties, that a followup audit should be completed to further examine the transactions and reports contained therein; and

Whereas the House Inspector General, a nonpartisan appointee who was selected by the former majority and retained by the current majority, has requested and should be given resources necessary to complete this followup audit: Now, therefore, be it

Resolved, That the Inspector General is authorized and directed to take such steps as necessary to carry out any additional auditing required to ensure the completion of the audit of House financial and administrative operations authorized during the One Hundred Fourth Congress by House Resolution 6, Section 107.

SEC. 2. The Inspector General shall complete such additional auditing expeditiously, but in no case later than November 30, 1995.

SEC. 3. The Committee on House Oversight of the House of Representatives shall have the authority to prescribe regulations and to authorize the expenditure of additional funds from the appropriate House accounts as may be required to fully ensure the final completion of the comprehensive audit of House financial and administrative operations.

SEC. 4. The results of such auditing shall be submitted in accordance with House Rule VI, clause 3(d) which provides "simultaneously submitting to the Speaker, the majority leader, the minority leader, and the chairman and ranking minority party member of the Committee on House Oversight a report on each audit conducted under this rule.".

SEC. 5. The results of such auditing, shall to the extent appropriate, be reported by the Inspector General in accordance with House Rule VI, clause 3(e) which provides "reporting to the Committee on Standards of Official conduct information involving possible violations of any Member, officer, or employee of the House any rule of the House or any law applicable to the performance of official duties or the discharge of official responsibilities which may require referral to the appropriate Federal or State authorities pursuant to clause 4(e)91)(C) of rule X.".

Mr. ARMEY (during the reading). Mr. Speaker I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas [Mr. ARMEY] is recognized for 1 hour.

Mr. ARMEY. Mr. Speaker, I yield 30 minutes to the gentleman from Missouri [Mr. GEPHARDT], the distinguished minority leader, for purposes of debate only.

Mr. Speaker, pending that, I ask unanimous consent that the gentleman from California [Mr. THOMAS], be allowed to control my 30 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. THOMAS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Washington [Ms. DUNN], a member of the Committee on House Oversight.

Ms. DUNN of Washington. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, in keeping with the theme of the 104th Congress, we are today keeping another promise we made to the American people. That promise is a commitment to openness and to reform, to let the Sun shine in on the internal operations of the House of Representatives.

As promised, the results of the first audit ever done in the U.S. House of Representatives by the independent nonpartisan firm of Price Waterhouse have been revealed, and, as expected, the auditors found that during a single 15-month time period, from October 1993 to December 1994, the Congress squandered millions of taxpayer dollars because of poor management practices, inefficiencies, and waste in all House operations. Corrective steps recommended by the auditors will help the Congress save the taxpayers over $20 million. We have already begun instituting some of those reforms

Mr. Speaker, the legislation before us for a further forensic audit will help ensure that never again will this honorable institution become a casualty in the course of Members conducting the people's business with the public's money.

We are acting decisively to restore the American people's faith in this institution. Taxpayers deserve full disclosure, and they are finally getting it. They deserve full accountability, and they are finally getting it. They deserve to have their Representatives take responsibility for the way things are run in Congress, and in the 104th Congress, Mr. Speaker, they are finally getting it. And from now on, they always will.

Mr. Speaker, when the auditors cannot even deliver an opinion because financial records were so inadequate or incomplete, we have got a problem. I was told at today's Committee on House Oversight meeting that in the private sector this type of finding of no opinion by the auditors is unheard of. What a shame.

I applaud the bipartisan work of the House leadership, Mr. Speaker, of the Inspector General and the auditors, and I am very pleased to support this bill.

Mr. THOMAS. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. EHLERS], the vice chairman of the Committee on House Oversight.

Mr. EHLERS. Mr. Speaker, I have not been in Congress a long time. I was elected approximately a year and a half ago in a special election. But it took a very short time after my arrival to realize that there was something wrong with the way the books of the House were kept.

I have always insisted on keeping track of the finances in my office during my years in the legislature in Michigan, and I tried to do the same here, and found I simply could not get the answers I needed from the Finance Office.

It is clear that some action had to be taken. I am delighted that at the beginning of this Congress, we passed a resolution virtually unanimously, 430 votes to 1 vote, we passed a resolution asking for an independent outside audit from a major accounting firm.

Today we received the report from the auditor, and the auditor's opinion was that he had no opinion. He could not state an opinion because the House books were in such a mess that he could not conclude whether there had been anything done wrong, any misdeeds performed, or whether the books in fact balanced.

This is a more serious indictment than we expected, and certainly has to be dealt with. The auditor may not have an opinion, but I certainly have an opinion, and my opinion is that we have to straighten this out and straighten it out soon. I am very pleased that the Committee on House Oversight under the chairmanship of the gentleman from California [Mr. THOMAS] has taken action, and we plan to straighten the House books out as soon as possible.

Furthermore, and this resolution speaks to that, we will maintain them in order. We will insist on regular outside audits to make sure that the House books continue to be in order from henceforth.

I think it is incumbent upon us to do that. There is a matter of public accountability. We are responsible to the people of the United States for the money we expend, and we have insisted on the various departments of our Government giving us accountability for the money that we allocate to them. At the very least, we as a House must have accountability to ourselves and to the public for the money that we spend for the operation of this august institution.

I speak strongly in favor of adopting the resolution, and ensuring not only that we straighten out the House books, but also that they will remain in good condition from henceforth.

Mr. Speaker, I pledge to my constituents, I pledge to our colleagues, and I pledge to my colleagues on the Committee on House Oversight, to do everything I can to assist in this effort by the Committee on House Oversight to ensure that the House can be proud of the financial operation of its own affairs.

Mr. GEPHARDT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of this resolution. Obviously, I have co-authored it with the distinguished majority leader. As you know, this resolution directs the inspector general of the House to continue certain aspects of the audit in those areas where Price Waterhouse auditors have recommended further examination.

I join in the introduction of this resolution to fulfill the promise of the audit and to ensure that all questions raised in the course of the audit are fully and completely answered. I urge all Members to support this resolution.

As has been made clear in the audit, the systems and procedures of the House during the audit period were outdated and incomplete. This occurred even though for the entire period of the audit the House Finance Office was under the direction of the nonpartisan administrator picked by Speaker Foley, Mr. Michel, the minority leader, and myself, in a bipartisan way.

The auditors found that the financial information available to them simply did not provide explanations for all transactions and procedures they reviewed. As a result, the auditors were unable to draw final conclusions about certain transactions and procedures.

The auditors themselves have recommended that the House undertake a further review to resolve these differences. The passage of this resolution will accomplish this. The resolution directs the inspector general to finish the work and to reach the conclusions that are necessary to determine if any further action by any relevant House committee is required.

Under the resolution, the inspector general will report no later than November 30 of this year the results of his further review. These reports will be referred to the relevant House committees for appropriate action. This is the right course of action for the House. Any other approach would result in the premature release of information that is incomplete, and, worse, potentially misleading. If the auditors themselves found the information inconclusive, how can Members be expected to be able to explain the questions remaining in the audit?

As the Speaker and I stated in our "Dear Colleague" letter circulated today, we believe that many of the areas of concern identified by the auditors can be explained as products of the inadequate systems and procedures of the House. I believe that this further review will result in additional improvements to the management of the operations of the House. This is the reason that 434 Members of the House voted to undertake this audit in the first place.

□ 1900

We must allow the audit to be completed as it was intended. I urge all Members to vote in favor of this resolution.

Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from California [Mr. FAZIO], distinguished ranking member of the Committee on House Oversight.

Mr. FAZIO of California. Mr. Speaker, as I said earlier today in the committee meeting, and I reiterate now, I fully support the effort that we are completing the first phase of here today. I was obviously one of the many Members who supported it on January 4, and I feel very strongly that this first effort independent audit, the audit of the finances and the administration of the operations of the House, has been conducted in a very effective way. The IG, Mr. John Lainhart, is deserving of our thanks and appreciation. He has taken his full responsibility and worked ably, with the accounting firm of Price Waterhouse, to complete these documents that have been made available to all Members and to the public today.

The gentleman from California [Mr. THOMAS] and the Republican leadership deserve credit for giving the House the impetus to move aggressively to identify ways in which we can improve our business operations by adopting modern management policies and practices as is applicable elsewhere in the private and the public sector.

I personally want to commend Mr. THOMAS, my colleague and good friend, as ever, and the IG for the manner in which this work has been conducted. It is open. It is fair. And it is bipartisan. And that, I think, is the way in which we need to continue this work as we move on to the next segment, which is the purpose of the resolution offered here today.

Let me also say, as an appropriator who has dealt with these matters over a number of years, I have long sought many of the objectives that are included in the work of the inspector general and of this audit.

The resolution assures the American people that upon conclusion of this audit by the IG, they will have 100 percent public accountability for the expenditure of House funds. And to do that, we must have a picture of the House business practices which fully, fairly and accurately portrays the way in which Members dedicate their resources to representing their constituents.

Although the resolution provides for a reporting deadline not later than November 30, I fully expect the inspector general will file his report as soon as possible. Let me say, I would hope that it could be done by the August recess. I will do everything I can personally do to give the IG whatever resources, human and financial, he needs to complete this more focused audit and to report his findings to the Members of this body and to the public.

We need to finish this first and foremost and then we need to move on to the next audit, which will guide us further as we continue to make changes in the operations of this House.

It is very important to point out, this is, yes, an important baseline audit, but really, the first of many that will come. And we all must learn to deal with this form of self-criticism, because ultimately, it is the only way in which we can make the kind of improvements here that we all seek.

So with that, Mr. Speaker, I urge all Members to unanimously support this resolution. It is the proper way to proceed, one that will get the information that we need to the public and yet protect the legitimate due process that ought to prevail here in the House of Representatives.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. SHAW], who is a CPA.

Mr. SHAW. Mr. Speaker, I thank the gentleman for yielding time to me.

I would just like to say that the time has long passed for us to do what this action is calling us to do. We have a sacred trust that is from the people for the taxpayers that they pay into this Government. Accountability is, I think, primary, whether you are talking about ethics or whether you are talking about what we do with the people's money. It is absolutely necessary that all of us be completely accountable for those funds that are entrusted to us. We are at last, I think, brushing away a dinosaur of the past. And that is a dinosaur which did not have accountability here in the House for the funds that we are expending.

I would like to congratulate the leadership on both sides of the aisle for the realization that now the time has come for accountability, that now the time has come to have an independent audit done of the House books.

I would certainly urge a yes vote, as I am sure one is going to come probably without exception, because this is such a commonsense resolution.

Again, I would like to commend the leadership on both sides of the aisle to seeing that this day has finally arrived.

Mr. THOMAS. Mr. Speaker, I yield 1 minute to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Speaker, I thank the gentleman for yielding time to me.

I would just like to say, as a freshman Member of Congress, on the opening day of Congress it was my pleasure to be able to carry the bill that started this audit, and it passed 430 to 1 in this institution. I was delighted at that time, as somebody who ran saying the institution needed to open its doors up and let some fresh air in, to see this finally happen.

Getting the audit report out today, I think that is an important step to be taking. I think it is important that we take this on forward and that we make real changes and real improvements in this institution so the American people can feel like it represents them and it is an open institution, that they know what happens with their taxpayer dollars.

So I urge my colleagues to support this motion that is coming forward and that we can carry on this process in giving the people's House back to the people.

Mr. GEPHARDT. Mr. Speaker, I yield back the balance of my time.

Mr. THOMAS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I think what we have seen here is a continuation of the spirit in which we started this particular Congress.

On opening day we did call for, by resolution, an independent audit. It was virtually unanimous in this House that we move forward with that independent audit. Regardless of the reasons that may have led us to that conclusion, I think everyone here today agrees that it was a positive step. The only regret we all have is that, as outlined in the resolution in several whereas clauses, the books that the independent auditor and the inspector general had to look at where wholly inadequate to coming to some clear and final conclusions about financial transactions over the last 15 months.

This resolution, jointly sponsored by the majority and the minority leader, intends to clarify and rectify those areas of the financial books that the independent auditors were incapable of clarifying. We believe that based upon the representations made to us, the inspector general will be able to resolve the questions that are outstanding. We believe that the system was at fault. There is no reason at this time to try to draw any conclusions at all, given the difficulty of professional auditors in determining with some finality, what occurred.

It would be a service to no one, the American people, Members of this institution, or anyone else, to speculate on what might occur. Rather, the absolute appropriate approach of a House resolution, asking our inspector general to take on what resources are necessary to finalize this audit as soon as possible, but no later than November 30, is not only the appropriate step but really consciously the only one that we can take.

So it is with great pleasure, on a bipartisan note, that we offer for the Members consideration House Resolution 192.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. GEPHARDT. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 20, as follows:

[Roll No. 525]

YEAS—414

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zimmer

NOT VOTING—20

Berman
Brewster
Bryant (TX)
Clay
Collins (MI)
Crane
Hastert
Hyde
Kennedy (RI)
Lantos
Moakley
Murtha
Oxley
Pallone
Reynolds
Stark
Tiahrt
Volkmer
Yates
Zeliff

☐ 1930

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. KENNEDY of Rhode Island. Mr. Speaker, I am including in the RECORD following rollcall votes 517 through 525 an indication of how I would have voted had I been present, to be followed with statements submitted for the RECORD.

I was away from Washington at work back in my district today. However, had I been here I would have responded in the following manner for the rollcall votes on House Resolution 1977, Interior Appropriations for Fiscal Year 1996.

Roll call No. 517, Schaefer amendment, "aye; roll call No. 518, Chabot amendment, "nay"; roll call No. 519, Parker amendment, "nay"; roll call No. 520, Zimmer amendment, "nay"; roll call No. 521, Klug amendment, "aye"; roll call No. 522, Kennedy (MA), "aye"; roll call No. 523, on passage, "nay"; roll call No. 524, ordering the previous question, "nay"; and roll call No. 525, agreeing to the resolution, "aye".

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Speaker, due to the fact that I was unavoidably detained last evening, I missed the rollcall vote on House Resolution 192, which called for the House Inspector General to complete a more detailed audit of the House. Had I been present on rollcall vote No. 525 I would have voted "yes."

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Speaker, on Tuesday, July 18, I missed four rollcall votes during consideration of H.R. 1977, the Interior Appropriations for Fiscal Year 1996. On rollcall votes Nos. 517 and 518, I would have voted "nay." On rollcall votes 519 and 525, I would have voted "aye."

PERSONAL EXPLANATION

Mr. TIAHRT. Mr. Speaker, due to the fact that I was unavoidably detained, I missed the rollcall vote on House Resolution 192, which called for the House inspector general to complete a more detailed audit of the House, Had I been present on rollcall vote No. 525 I would have voted "yes."

RECOGNIZING THE HONORABLE BILL RICHARDSON FOR HIS WORK IN OBTAINING RELEASE OF THE TWO AMERICANS HELD CAPTIVE

(Mr. FATTAH asked and was given permission to address the House for 1 minute.)

Mr. FATTAH. Mr. Speaker, I want to congratulate the gentleman from New Mexico [Mr. RICHARDSON] who is on the floor for his great work and have the House recognize his tremendous deed on behalf of the two Americans who were held captive. He is here. I want the House to extend its appropriate respect for the work of our colleague.•

SPECIAL ORDERS

Mr. SPEAKER pro tempore (Mr. MCINNIS). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

ADDRESSING AMERICA'S GROWING TRADE DEFICIT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oregon [Mr. DEFAZIO] is recognized for 5 minutes.

Mr. DEFAZIO. Mr. Speaker, today we had the latest in a round of disastrous statistics relating to the United States trade policy. We ran a record 1-month trade deficit for May. We ran a near record with Mexico, over $1.5 billion. We are headed toward a $20 billion trade deficit with Mexico; $3.5 billion with that great bastion of democracy and capitalism, the People's Republic of China, a known terrorist nation, oppressing its own people, putting United States citizens in jail, dealing in nuclear weapons, and yet they still have most-favored-nation status.

What is the response of the new Republican majority, the Republican revolution, those who were going to bring change to Washington, DC? Do they defy the established order, the order that has been imposed in Washington, DC, by Wall Street and the multinational corporations? Are they calling for a change in this disastrous trade policy?

We are headed toward a $170 billion trade deficit this year. If we use our own Commerce Department's statistics, that would mean over 3 million American manufacturing, family-wage jobs will be exported from this country due to unfair foreign trade practices.

True, the Clinton White House, Mickey Kantor, our Special Trade Representative, are complicit in this, also. In fact, they did something probably George Bush could not have done had he been reelected, that is, getting both NAFTA and GATT through the House of Representatives and signed into law. So we have complicity at the top on both sides, a complicity of silence.

So much of the campaign contributions flow from the corporations that are doing so well, and so few of the campaign contributions flow from the workers and the communities that are being devastated by this trade policy, this export of technology, this export of jobs. It is time to admit that American trade policy is a failure. How can anybody look at a string of annual growing deficits in trade, every billion dollars meaning 20,000 lost jobs here in the United States of America and say this policy is successful?

There is only one major power in the world we run a trade surplus with, and that is Great Britain, because they are crazier about following the edicts of an economist that has been dead more than 200 years, Adam Smith, than we are. They have opened more of their markets and their country to unfair trading practices than even the United States of America has done.

Every other one of our major industry trading partners and our not-so-major trading partners, like Mexico, have figured it out. That is, that you should have a trade policy that creates wealth in your country, you should have a trade policy that raises wages in your country, you should have a trade policy that creates jobs in your country, you should have a trade policy set up so that you do not run annual account deficits to the tune of $160 billion which puts your currency at risk in the world markets.

All of our trading partners have figured that out. The Japanese laugh at the things we do, the so-called concessions that the Clinton administration got on auto parts. Spark plugs still cost $8 in Japan, and the same spark plug produced in the United States of America still costs $1, and you cannot get that $1 spark plug into Japan or into a Japanese engine because they say theirs are different.

They are not any different. What is different is they are protecting their industry, they are protecting their jobs, and we have done nothing to open those markets. The statistics we got today point to the further failure of that policy.

It is time to begin thinking about a new trade policy for this country. I am urging my colleagues to look at and hopefully sign a letter which I am writing to the President, the Speaker of the House, the majority leader of the Senate and the minority leaders on both sides asking that we name a bipartisan commission to review and investigate our trade policy and formulate a policy that make sense as we guide this country into the next century.

Mr. Speaker, we cannot go on forever piling $160 billion trade deficit on $160 billion trade deficit any more than we can go on piling $200 billion national deficit on deficit year in and year out. You have got to get your trade in balance the same way you have got to get your Federal budget in balance. It is time for a change. I urge Members to join me in this effort.

GOP POSTER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. RUSH] is recognized for 5 minutes.

Mr. RUSH. Mr. Speaker, I rise today as a proud member of a body that was created to allow for differences of opinion and stands for the kind of bipartisan debate and discussion that provides for true representation of all Americans.

It is with great sadness and considerable regret that I learned that my Republican colleagues believe that, in this great House, there is room only for their political opinions and their lockstep ideology—an ideology that smacks of racism, antisemitism, and sexism.

And, as evident by the latest GOP fundraising tactic—a liberals "Wanted" poster—this is an ideology that provokes violence and the worst possible kind of hatred.

The Republican Party clearly knows no bounds when it eagerly targets lawmakers like myself and likens us to outlaws and criminals.

How shameful, that in the age of terrorism that has already struck in Oklahoma City and has made a virtual fortress out of the Nation's Capitol, the Republicans have made my picture into a virtual bull's eye that dares any right wing extremist to take aim and to shoot.

I will not allow a bounty to be placed on my head or on the heads of other black, Jewish, hispanic, or female Members of Congress. Those of us whose faces are plastered on the GOP's Wanted poster speak for thousands of Americans who have sent us to these hallowed halls so that their voices will be heard.

And even a gimmick as dirty and as sinister as this poster will not silence our voices.

We will continue to speak out loudly and clearly as the members of the loyal opposition who dare to take issue with Republican cuts in medicare; with Republican proposals to do away with student aid; and with a Republican agenda that seeks to disenfranchise all but the handful of rich fat cats that fill the Republican coffers.

It is with bitter irony that, after spending much of my lifetime as a target of the FBI, the Chicago police department, and others, my face appears on a Wanted poster only after becoming a Member of Congress. And the individuals who put me there are my own colleagues.

I and the American people have seen these Republican scare and divide tactics before. I well remember the days of Watergate and Richard Nixon's enemies list. Now it looks like NEWT GINGRICH and the Republican Party has their own hit list too.

Those of us who are targets of this cheap shot are ready to fight back.

But, ours will be a fair fight.

One that is based on the issues that the American citizens who sent us here care about.

Mr. Speaker, I include for the RECORD an editorial from the Buffalo News, as follows:

[From the Buffalo News, July 16, 1995]

NASTY POLITICS FROM PAXON—POSTER TARGETS MINORITIES BUT DEMEANS GOP

The National Republican campaign machine, with a crude "wanted" poster, has identified itself with racial politics again. This time it's a Western New Yorker, Rep. Bill Paxon, coming up with a gimmick that puts an ethnic face on ideas that should be debated on their own merits.

The disproportionate loading of the now-infamous poster with the faces of African-American, Jewish and female members of Congress is hard to read as inadvertent.

The poster says "liberal Democrats" who voted against at least seven out of 10 provisions of the Contract With America are its target. But the pictures below show a group that others might have chosen as demonstrating a positive picture of the diversity of this country—a diversity that is still all too poorly represented in the ranks of Congress.

By Paxon's own statement, more than 170 Democrats "failed the Contract With America test." Yet, of the 28 members pictured, 10 are black and eight are Jewish. Nine also are female.

Those numbers in no way reflect the makeup of the Democratic caucus or Democratic opposition to the contract's regressive, counterproductive provisions.

The poster was released as part of a fund-raising letter by the National Republican Congressional Committee. As head of the committee, Paxon must take full responsibility for its divisive tenor. The Republicans should have learned their lesson after the infamous Willie Horton campaign in 1988 linked the Democratic Party to minorities in a way calculated to frighten white voters. But here, the pattern seems to be repeated.

Paxon, who represents a carefully gerrymandered safe Republican district stretching from Amherst east to Auburn, has little to lose personally no matter what campaign tactics he becomes identified with. But the nation loses when politics sinks to a level that panders to ethnic fears.

The selection of pictures says to the white male voters who increasingly make up the Republican base that the GOP's enemies are the people who don't look like them.

That, in turn, is likely to appeal to the anger many on the economic margin already feel over declining economic opportunities that Republicans want to blame on blacks and women trying to penetrate the job markets.

The incident doesn't say much for Paxon's confidence in the Republican platform or the party's ideology. The Republicans should learn to rely on the power of their ideas to win voters' support.

Paxon and the other party honchos are defending their poster. Instead, they should be acknowledging it as a mistake and backing away from what it implies as fast as they can move.

Ms. ESHOO. Mr. Speaker, I rise to speak out on something which never should have seen the light of day in our political process—a new low in tactics to raise money to win elections.

As part of a recent fund raising drive, the National Republican Congressional Committee has issued a special "wanted" poster. This poster features pictures of 28 Democrats who it claims to be targeting for defeat because they voted against the Contract With America 70 percent of the time.

Ninety Democrats have similar voting records, yet the Republican wanted poster consists almost entirely of people who are seldom associated with Republican fund raising lists—African-Americans, women, Jewish-Americans, and Hispanics. In fact, only 6 of the 28 targeted Democrats are white men who are not Jewish.

Despite Republican protests to the contrary, this wanted poster is less about raising money than it is about raising the ugly specter of racism, sexism, and antisemitism.

It's all about appealing to the most base elements of human nature. It's all about degrading the opposition with thinly veiled personal attacks. It's all about manipulating the political forces of division and hate.

This wanted poster illustrates how far the party of Lincoln has fallen.

Today's Republican Party has been captured by the forces of extremism and intolerance. Moderate Republican voices are being drowned out by a chorus of right-wing ideologues who are far outside the mainstream of American thinking.

This wanted poster sends several messages.

It says that while Pat Buchanan and David Duke may have failed in their efforts to win national public office, they have won the hearts and minds of the national Republican Party.

It says that Republicans would rather run with Willie Horton than run on the issues.

It says that Republicans are less concerned about controlling illegal immigration than they are about whipping up fear over Hispanics increasing their presence in our communities.

It says that women who stand up for the right to choose should sit down and be silent.

It says that the gay-baiting and bashing openly practiced by Republican leaders in the House and Senate is a deliberate policy, not a slip of the tongue.

Finally, it says that Republicans are willing to inflame the anti-Government sentiment which contributed to the Oklahoma City tragedy instead of reminding people that public service is a noble calling.

The Republican wanted poster demonstrates a dark side of the majority party and their politics. These below-the-belt tactics have no place in this Nation and its body politic.

I think the Republican Party needs a new wanted poster, and here's what it should say: "Wanted—Tolerance. Civility. Moderation. Inclusion. If found, please apply to the Republican National Congressional Committee for reward."

Mr. Speaker, bigotry belongs in the trash bin of American history, not in the envelopes of Republican fund raising letters.

It's time for those who instigated this effort to recognize their mistake and apologize to the people who they attacked and withdraw this shameful effort.

It's time for them to pledge to the American people that it will never happen again.

And it's time for them to heed the words of President George Washington who wrote that our Government should be one which "* * * gives bigotry no sanction; to persecution no assistance."

AUDIT OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. BROWNBACK] is recognized for 5 minutes.

Mr. BROWNBACK. Mr. Speaker, on the opening day of this Congress, January 4, there were a number of needed reforms that were passed in this institution. One was an audit of the House of Representatives. In looking back on that period of time, we were talking then about, well, when was the last time that the institution of the House of Representatives, the People's House, had been audited?

We looked back and we looked back and we looked back and found out it had never been audited before ever in the history of the institution. It is about time, and that audit was released today. A number of us as freshmen Members coming into this body had asked for and pushed for reforms of Congress, that the Congress itself had grown imperial and aloof.

One of those things that it had failed to have done was audit itself. It asked for that of all sorts of other institutions, both public and private, but not of itself.

□ 1945

Mr. Speaker, the closet doors were thrown open today with the audit coming forth, and it revealed many problems of the House of Representatives and skeletons in the closet, such as the recordkeeping was so shoddy and haphazard that our auditor would not suggest any definite conclusion on the reliability of the financial statements. Oversight was so flexible as to be nonexistent. It was anything goes for some Members in the past.

Mr. Speaker, computing services in the House were woefully inadequate for modern security needs, and accounting practices were, in effect, run on an inappropriate cash basis instead of an accrual accounting basis to account for debts and earnings.

Congress must not operate in the dark. A regular, independent audit coupled with the other reforms of the institution will keep this place honest, and we will begin to rebuild the people's faith in this body.

As much as I am disgusted by the results of the audit, I am proud to have carried the bill authorizing the audit to this floor in January. It was a good way to begin the year. The House audit is the first and only comprehensive and independent audit of House operations, something inconceivable in the recent past.

We are committed to regular audits in the future, just like any other institution. It is embarrassing to realize that the executive branch instituted regular audits the year I was born.

Congress in the past has betrayed the public trust. Now we have to ask, and we must ask, to get that public trust back and to earn it back. An audit is one way of doing that. We must push reforms to the next level. We have already instituted a number of the recommendations made by the Price Waterhouse firm that did the auditing. We need to evaluate the remainder of those.

This audit is one of the best indications of real change in the Congress. People sent us here to change government, and we are doing it.

With this audit, Congress has taken steps toward credibility with the American people. Congress must operate in the open. As we legislate openness and accountability for private companies and public institutions, we have to obey these principles ourselves. The old Congress didn't obey these rules.

The auditors found in the last Congress a shocking disregard for financial control, for institutional management, and just pure common sense.

For example, the audit showed that some of the Members overspent their allowances for staff salaries, office expenses, and official mail. It showed Members being paid twice for their travel expenses. If Congress were a business, an auto repair shop, a farm, a bank, well, by the auditors' own statements, they would not be able to get a loan and they would be bankrupt. If it was a public institution, it would have been violating laws since 1990.

It is time that these practices end, and today we finally had the audit that came forward with the information to open the closet doors. This is only a start. We have to continue these reforms. We have to continue to open this body up to the people so that they can look and see and hear and learn what all is taking place.

This is taxpayer dollars, and this is how the people's decisions are being made. We need to continue to open that up. I am very proud that this first big step was taken today, to open up, and now we have to continue to push this forward. We have to aggressively pursue those things that are put forward in this audit to be able to clean up the People's House.

Mr. Speaker, I am happy to hear of this audit coming forward, and I think the American people will be most interested in its findings.

ADMINISTRATION ATTEMPTS TO DESTROY TOBACCO INDUSTRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. JONES] is recognized for 5 minutes.

Mr. JONES. Mr. Speaker, it is clear that Bill Clinton and Dr. Kessler at the FDA did not get the message of the November 8th elections.

The American people do not want more regulations and more government in their lives. They want far less intrusion and far less regulation.

This latest attempt by the administration to destroy the tobacco industry, through a regulatory power grab, is unprecedented and unwarranted.

It is ironic to me, that the Clinton administration wants to classify nicotine as a drug. I think the administration should spend their time and money fighting the illegal drug trade, that is destroying this country instead of being so concerned about a legal product which has been used since the founding of this country.

The Federal Government has consistently used tobacco as their whipping boy, first trying to finance their big government health care plan on the backs of tobacco and now by trying to regulate them to death.

Let me make it clear, no tobacco farmer or tobacco company is encouraging young people to smoke. As a matter of fact the tobacco industry has established programs to encourage young people not to smoke. In many States, it is illegal to sell cigarettes to minors.

The Clinton administration view is that they know what is best for the American people. They believe that Government has an obligation to be our big brother.

This is big brother at its worst. What next, prohibition of alcohol, caffeine, chocolate?

Ladies and gentlemen, adults over 18 make responsible decisions on caffeine, tobacco, and alcohol every day.

The Government has no business in those decisions and the FDA and Commissioner have no authority to classify nicotine as a drug.

The courts have consistently stated that the FDA has no authority to regulate cigarettes and it is time that Kessler end this witch hunt on the tobacco industry and the tobacco farmer.

If Bill Clinton and Dr. Kessler had ever held a real job, they would understand the struggle that family farmers face.

They would understand that the tobacco farmer has to fight the elements and that most farmers work within a small financial margin.

Congress has already levied numerous taxes on tobacco making the farmers' life even more difficult and his ability to make a profit even slimmer.

Again, I call on the administration to stop the witch hunt of the tobacco industry and tobacco farmers and get on with the business of downsizing Government, reducing the debt, and implementing the mandate of the November 8th elections.

FIRST AUDIT EVER OF THE PEOPLE'S HOUSE

The SPEAKER pro tempore (Mr. MCINNIS). Under a previous order of the House, the gentleman from Arizona [Mr. HAYWORTH] is recognized for 5 minutes.

Mr. HAYWORTH. Mr. Speaker, when I return home to the Sixth District of Arizona and visit with my constituents and talk to them about various issues confronting this body and this Nation, the question always arises: What are you in the Congress doing to take the lead? What differences have you made by example?

Today in this Congress, we reaffirm one of those examples with the announcement of the privately conducted audit of this institution, the first ever, the first in its history finally being completed.

Unfortunately, some of the worst fears of the American people have been confirmed with this report. Because you see, Price Waterhouse, the independent accounting firm with whom we contracted to do the audit, said that the records were so poorly kept that they could not even make an accurate assessment of the problem. What a terrible indictment of the old order, that this, the people's House, had fallen into such disrepair in terms of balancing the ledger books, in terms of keeping track of your money, that the independent accounting firm could not even issue any type of evaluation or accurate opinion. In accounting parlance the worst possible evaluation.

The audit is rife with examples. The House Finance Office, an office which processes $700 million a year in salary and expense checks using handwritten ledgers to keep records. Here in the information age, as we brought the House of Representatives on line and on the Internet through Thomas, as we look to the technological advancements in the computer age, and still in this institution handwritten records. The opportunities for abuse were plentiful. The audit notes bills were paid late, appropriations limits ignored. Little accounting for the property and equipment belonging to this, the people's House, and with the computer program and the computer system that does exist, significant security problems.

Now, be forewarned: It is almost impossible in the course of 6 or 7 months to take this institution and automatically put it on the right track. Certainly more remains to be done, and there may even be a period of time here where we are trying to move from these archaic, unrealistic accounting practices to a fair, honest, and open system. The hard work may still be ahead of us in correcting this as an institution. But I noted with great satisfaction that Members on both sides of the aisle stepped up unanimously I believe, if my math is correct and my recollection correct, to vote for a resolution approving of this audit and carrying on the business at hand.

This morning, during the course of 1-minutes, one speaker had the audacity to pooh-pooh, I guess, just put down the audit process. I note with interest the Member voted for this resolution. I appreciate his commitment there. But the fact is that working together, Members of both parties must remake this institution in the image of the American people. Mr. Speaker, we are committed to that.

THE REPUBLICAN PARTY'S WANTED POSTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Georgia [Ms. MCKINNEY] is recognized for 5 minutes.

Ms. MCKINNEY. Mr. Speaker, 30 years ago, a little bit more than 30 years ago, the Republican Party put out a wanted poster, and the day after this poster was put out, our beloved President was assassinated.

Well, old habits die hard. And so now we find that the Republican Party has once again put out a wanted poster. Now, what is it that they expect to happen to the good people who are on this wanted poster, people who are elected by 580,000 people sent here to do a job, and whose main business is to take care of their constituents back home and to make sure that this is indeed a kinder and gentler Nation. But when you put on a wanted poster black folks, women, Latinos, certain white males, and Jews, and you say that these are people who are aiding and abetting President Bill Clinton's big government, what are you really saying? What you are saying to me, it seems, is that there are too many black people in Congress, there are too many Jews in Congress.

□ 2000

There are too many women out of the house, in this House, making public policy. And what is the result of this kind of racist, anti-Semitic, divisive politics? Something happens in the heartland of America, and I can tell you what happens in the heartland of America. I have received hate mail.

This is just a sample of the hate mail that I receive: "Save America. Nigger genocide." Some people do not even have any feelings. They will sign their name. This one says, "You have a hell of a nerve trying to tell the Supreme Court what they can and cannot do. You lousy niggers." I have another one that says, "Definition of a nigger: An extremely vile and heinous, fecal-colored, wild animal that inhabits America's concrete jungles and walks upright on its hind legs, attempting to mimic human behavior." Then another one here: "Niggers destroy America."

It seems that in the quiet of their homes, people find some kind of pleasure in using the word "nigger." Well, you know, I have heard it all my life. It does not bother me. But some people get off using that word "nigger." That is what happens when you try and divide a nation. That is what happens when you try and divide a country. And that is what happens when you put politics above all else and the bottom line above all else and above all people.

American people are smart, though, and there is hope.

I just received this letter from a young woman in Gainesville, FL. She said, "Dear Congresswoman McKinney: I watched you this morning in regards to the idiotic poster the Republican party distributed labeled 'Wanted liberals.' I realize your office has been under attack recently, due to the Supreme Court decision on redistricting and this most recent incident. As a young white female with all of the advantages of growing up in the upper middle-class neighborhood of Gwinnett County, GA, allow me to be the first to say thank you for speaking the truth. The forces trying to tear you apart are the same people who say that they are trying to protect what I have. I have a lovely home, I have a bright future, and I have a blessed life. I do not need protection for what I have. I need to know that other people will grant the opportunity to achieve what I take for granted."

Mr. Speaker, I think the people get the point.

HEARINGS CONCERNING THE BRANCH DAVIDIAN/WACO AFFAIR

The SPEAKER pro tempore (Mr. MCINNIS). Under a previous order of the House, the gentleman from Tennessee [Mr. BRYANT] is recognized for 5 minutes.

Mr. BRYANT of Tennessee. Mr. Speaker, tomorrow we begin hearings in this House on the 1993 Waco incident.

Mr. Speaker, ours is a Government of laws, not men. In order to preserve the rules of law, our citizens must be assured that their government, its institutions, its officials, and its law enforcement agents are accountable. Accountability is the key to ensuring public confidence in the system in order for all of us to live well. Confidence in one's government is essential to the long-term survival of that government and to the peaceful life of that government's citizens.

The abuse of power threatens any society. However, a government of laws gives stability to a nation, a state, and a community. The abuse of power is tyranny.

Mr. Speaker, when a sizable portion of our citizens become concerned, even fearful, over a perceived lack of accountability by Federal law enforcement, the time has come that we need to clear the air.

These hearings are intended to be a part, to demonstrate how our system works. The members of these investigating committees seek to ascertain the truth. We seek to restore the confidence of the American people in their government. We seek to discover and explore the events leading up to and including what many consider excessive force by law enforcement. We seek a more complete revelation of the details of the Waco events.

The goal of these hearings is to discover the truth, to seek the answers to unanswered questions that linger, that even have festered since earlier hearings.

The surviving Davidians have been tried in court, which yielded new information and mixed verdicts. With respect to individuals involved on all sides, let the chips fall where they may. Those responsible for breaches of law or policy must be held accountable for their abuses of power.

Only by finding the truth can accountability be secured.

If abuses of the Government power in fact occurred, then we must take what we learn at these hearings and move forward with steps that insure such abuses of Government power will not occur again.

Mr. Speaker, I believe Government has its proper roles. While we do not need or want anarchy, we do not want unlimited Government either, nor do we want agents who breach our constitutional rights or God-given rights.

As a former young State's attorney and Federal prosecutor, I worked closely with Federal law enforcement personnel at all levels of government. I believe the majority of enforcement personnel are honorable and only want to do what is legal and just. These hearings are not intended to bash any law enforcement in general or any agency in particular; at least, that is not my purpose in participating in these hearings.

Individuals make decisions, and individuals should bear responsibility for consequences of their actions. That goes for criminal offenders and those in fiduciary roles of Government.

In the bigger picture, it is my hope these hearings will help to restore the American people's confidence in their Federal Government. This country needs a healing, a renewal.

I look forward to these hearings and to the healing effect that is so needed in this great Nation. Let us do our part to restore the rule of law and the preservation of liberty.

THE TRAGIC CONSEQUENCES OF THE "WANTED" POSTER

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Mrs. MEEK] is recognized for 5 minutes.

Mrs. MEEK of Florida. Mr. Speaker, I am one of 28 infamous, so-called infamous, people that appeared on the fundraising poster that was put out by Mr. BILL PAXON of the Republican fundraising committee.

It is respectable to be a Republican. There are many good ones who seek only good for all people. There are others who feel that it is not respectable or to be respected to be racist or sexist.

It is truly disgusting what some people would do, Mr. Speaker, to raise political money. Why, in this period of fear and discontent, uncertainty and danger, when the country is still reeling from the Oklahoma City bombing, the unabolished threats and lawless, paranoid, violent people who can only express themselves by killing other people of defaming other people are inflicting pain and suffering? Why in this unsettled and unsettling climate, Mr. Speaker, would someone put another person's picture on a wanted poster that looks like something the FBI would put in a post office?

This kind of thing can bring fear, particularly to a woman's heart who has to walk many times in dark places and dark corners of this country.

The reason why? The National Republican Congressional Committee, under Mr. PAXON, tells us it is to raise money. I do not think that is a good reason, Mr. Speaker. I guess he has concluded that hate sells.

Hate does not sell in this country, particularly when they are trying to separate God's people, those who are black, those who are white, those who are Jewish, those who are female. That is not the way that our Maker would have us go. So hate does not sell.

If that is the case, then I feel sorry for those who feel that that is so. These people feel that it is OK to feed hate and hysteria. They do not mind advancing their cause by making enemies of those who have honest disagreements with them. Yes, I did not vote for the Contract With America. I did not feel that I wanted to vote for many of the concepts of the contract. Therefore, I voted against it.

I was told that was the reason why I was placed on the poster. That could not be further from the truth, in that there were 70 or 80 other people who voted the same way as I did. Yet their faces did not appear on the contract.

What seemed to be the target on the contract, on the poster, were people of African-American descent, people of Jewish faith, and white women. Those are the people who appeared on this poster.

But I want to say that the Republican Party should repudiate the likes of the kinds of ethics and techniques that Mr. PAXON has used. He has not set a great example for this party. This was the party of Lincoln. This was the party that freed the slaves. So certainly this is not a good way to depict what their party stands for.

I have been in the public a long time. I have been through the lynching period. I have been through the civil rights period. I have been through all of these periods of racial hate. But I had to come to the great Congress of the United States to have the kind of hate poster and the hate mail which I have received here.

Do you know why? This kind of thing, coming from the top of the party, sets a climate of lawlessness and hate, and it provides the atmosphere and the climate for people who want to divide this country, to be able to write us here in Congress the kinds of hate mail and to give us the hate kinds of calls, using our ethnicity as a cloak to form their hate.

This wanted poster is not a healthy sign. It is a sick sign. It is as much a reflection of our times as it is a product of people who think in a sick way.

I have got my own wanted poster, Mr. Speaker, I want decent schools for the people in this country, both black and white and otherwise, and I want better education and training for young people. I want a way the senior citizens can get help in their old age and get long-term care. I want that, Mr. Speaker. I want to make sure that parents who buy food for their children, that the meat will have the proper inspection so they can have good health. I want good health for all people of America. I do not want to think this is a color-blind society. I know it is not. But I want everything good for everybody.

I want to assure these older Americans that they will not go bankrupt if they get sick. My wanted poster is out there, Mr. Speaker, My voting record attests to that. It is composed of goals that all of us should work for, not people to search, target, and destroy, because of hateful literature.

I thought that the Republican Party had come much further than Mr. PAXON has taken them, but I guess he wants to revive the old Nixon enemies hit list.

I call on the Republicans of good faith to repudiate what Mr. PAXON has done.

I have all kinds of hate mail. It is so much of it that I just make one or two excerpts from it to show you the kind of things that come from the kinds of things that are happening in the party now, and it is throwing a very bad light on all the rest of us. "Sit down and shut up," as if I were not elected by the people of Florida. They use the "b" word throughout much of this stuff. I cannot mention it in the hallowed hall of this House. They are saying;

> We are taking our Nation. We took it with force of arms, defended it with force of arms, and we will take it back with force of arms. You and your filthy species are nothing.

I say to them, my father and my forefathers helped to build this country. I will not take a back seat to anyone. I will continue to voice my opinion on this floor of this House.

They continue to say:

> "You are primitive, childish, selfish, petulant, demanding, dependent, arrogant, evil, treacherous creatures regressing to your natural state, Rwanda, Biafra, Somalia, Liberia, South Africa, Mozambique, Ethiopia, Los Angeles, New York, Washington, Atlanta, New Orleans, Miami, that is your legacy. You will pay for what you have done. We are enemies forever. No way around this fact. We cannot and will not coexist with you animals.

I want to say to you, Mr. Speaker, and the rest of this House and the rest of this country, we are God's children like everyone else. We do not have to tolerate this kind of bad literature that comes because it is stirred by the hatred from that poster.

ORDER OF BUSINESS

Mrs. CLAYTON. Mr. Speaker, I ask unanimous consent to address the House for 5 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

Mr. KINGSTON. Reserving the right to object, Mr. Speaker, would the gentlewoman tell us how many other unanimous consent orders there may be tonight?

Mrs. CLAYTON. I would not know. I am only asking for one myself.

Mr. KINGSTON. Mr. Speaker, will the gentlewoman be the last one?

Mrs. CLAYTON. Mr. Speaker, there is one other.

Mr. KINGSTON. Mr. Speaker, I object unless we can get a commitment that this will be the last one, simply because we have the first hour. We would be happy to yield some time in the spirit of dialog, but inasmuch as this is an orchestrated attempt, I do not know that we need to continue.

Mrs. CLAYTON. Mr. Speaker, we are the last two.

Mr. KINGSTON. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

□ 2015

THE MOST WANTED POSTER

The SPEAKER pro tempore. (Mr. McINNIS). Under a previous order of the House, the gentlewoman from North Carolina [Mrs. CLAYTON] is recognized for 5 minutes.

Mrs. CLAYTON. Mr. Speaker, recently certain elements of the Republican Party published a so-called "Wanted" poster, wherein twenty-eight Democratic Members of Congress were identified as targets.

This callous, insensitive, and abhorrent act is offensive, repulsive, and ugly.

I take this opportunity to use these strong terms because the "Wanted" poster targeted a particular group of Members.

Twenty-two of the twenty-eight Democrats are African-American, Hispanic, Jewish or female.

Apart from those classes of individuals, there was no other rhyme, reason or rational relationship to reasonably put these Members in a group—refer to them as "Wanted"—and lace the poster with language such as aiding and abetting—suggesting that these public servants should be associated with criminal allegations.

I was not on the list, Mr. Speaker, but this act was insulting to me as an American and should be insulting to every American who favors freedom, democracy, and the way we function as a Government and as a people.

More than an affront, this act was a very sad deed.

Congressman PAXON claimed that the faces on the "Wanted" poster were chosen because of their voting records.

Another spokesperson claimed that the faces were chosen because of their geographic location.

Still another spokesperson claimed the faces were chosen because they were from areas deemed winnable by Republican strategists.

The fact is that it would appear that little or no thought was given to this disgusting act.

Perhaps this act was driven by the same attitude that created Willie Horton during a recent Presidential campaign.

The fact is that among the faces on the "Wanted" poster are African-Americans, Hispanics, Jewish Americans and women who won their last elections with as much as three-fourths of the vote in their districts.

Few of the faces represent districts that could even remotely be considered politically vulnerable.

This poster appealed to the worst kind of sentiment we can imagine. It appealed to emotions that brought us bull dogs and billy clubs in past years.

And, it appealed to emotions that have brought us Oklahoma City and those organized band of thugs whose purpose is to deny to some the rights that they demand for themselves.

Again, Mr. Speaker, these are strong words that I use—words that I do not ordinarily use on the floor of the House.

But, unless we speak out against this kind of dangerous and demeaning act, none of us will be able to enjoy the fruits of this democracy.

I condemn this condemnable act in the strongest of terms.

WE WANT TO MAKE MEDICARE A BETTER SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Oklahoma [Mr. WATTS] is recognized for 5 minutes.

Mr. WATTS of Oklahoma. Mr. Speaker, we are debating here on the floor of the House or we are having discussion going on concerning Medicare, and I have got a couple of charts here that I want to share.

I want to read, my colleagues, a quote. Today Medicaid and Medicare are going up at three times the rate of inflation. We propose to let it go up at two times the rate of inflation, not three times the rate of inflation. But this quote says the person that made this statement said that we are proposing to let it go up at two times the rate of inflation rather than three times the rate of inflation. That is not a Medicare or Medicaid cut. So, when you hear all this business about cuts, let me caution you that that is not what is going on. We are going to have increases in Medicare and Medicaid and a reduction in the rate of growth.

President Clinton, 1993.

I find that it is interesting, Mr. Speaker, that when we talk about Medicare and Medicaid it seems as though when Republicans talk about Medicaid and Medicare and we are slowing down the rate of growth, it seems that that is a cut. However, when the President talks about slowing down the growth in Medicare or Medicaid, then that seems to be an increase.

I want to share with you a chart here from 1995 through the year 2002 and just wanted to illustrate what the dollar figures are concerning the Medicare spending and the plan that is before America. In 1995, we will spend $178.2 billion. Now, Mr. Speaker, that is per beneficiary, per month, about $401. In 1996, we will spend 191 billion; 1997, 201.8 billion; 1998, 213.8 billion; 19999, 226.3 billion; the year 2000, 238.9 billion; the year 2001, 255.4 billion; and in the year 2002, 274.1 billion.

Now the per beneficiary/per month, dollar amount goes from $401 a month in the year 1995 to the year 2002, going to $561 a month per beneficiary, and I ask the American people, "Where is the cut?"

Mr. Speaker, the Medicare Board of Trustees, and three of these trustees are—six total—three of these trustees were appointed by the President of the United States, his current administration, and those six trustees signed off on the annual report of the Medicare Board of Trustees report that said that by the year 1996 that Medicare would be broken, by the year 2002 Medicare would be bankrupt, if we do not deal with it.

Now that report was consistent in 1994, and it is consistent in 1995. That was the conclusion that, if we do not do something about Medicare, that it would be bankrupt by the year 2002.

So, in the President's plan he refused to deal with Medicare. The Republicans we are choosing to deal with it so we can save Medicare for our children, for our children's children, for future generations. We know that there are people today that depend on Medicare, and, if we let this go unnoticed and do not choose to deal with this, we will have many, many people in this country, especially the senior citizens, that will be crippled tremendously if we do nothing about this.

Mr. GEKAS. Mr. Speaker, will the gentleman yield?

Mr. WATTS of Oklahoma. I yield to the gentleman from Pennsylvania.

Mr. GEKAS. Mr. Speaker, I am very happy to stand here and to commend the gentleman for bringing to the attention of the American people the statistics that you have offered here this evening. We have been struggling for a long time, and you are helping us now, struggling to get the message across to people to be, contrary to the propaganda that we have heard about the cuts in Medicare and Medicaid, and the gentleman has gone a lóng way in dispelling the doubts that are out in the American public. I wanted to commend him for that.

Mr. WATTS of Oklahoma. There is a hundred billion dollars in the Medicare system that was spent in the year 1994, and 44 billion of that was fraud. We want to cut the fraud. We want to made Medicare a better system. We want to preserve it for our children, our children's children, for the future of America.

THE STATUS OF THE MEDICARE PROGRAM IN THE UNITED STATES

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Ohio [Mr. HOKE] is recognized for 40 minutes and the gentleman from Florida [Mr. BILIRAKIS] will be recognized for 20 minutes as the designees of the majority leader.

Mr. HOKE. Mr. Speaker, tonight during the time that we have allotted in the leadership hour for special orders I have asked some of my colleagues to help me talk about the status of the Medicare program in the United States and to try to elucidate for the American people exactly where we are at, where we are going, what our responsibilities are, and how we are going to meet those responsibilities, and I am going to, before I yield any time to my good friends, I want to read a little bit from this report.

This report, Mr. Speaker, is called the Status of the Social Security and Medicare Programs. It is a summary of the 1995 annual reports of the Social Security and Medicare Board of Trustees. It is a very important report because what it does is it forms the basis of all the problems that we have got with Medicare in the U.S., and frankly I urge all Americans to call their representatives at (202) 224-3121 and ask for a copy of this report. Particularly senior citizens will be interested in this.

Let me read to you a little bit about it. It is called A Message to the Public. The Federal Hospital Insurance HI Trust Fund which pays inpatient hospital expenses will be able to pay benefits for only about 7 years and is severely out of financial balance in the long range. The trustees believe that prompt, effective and decisive action is necessary. This is signed by six trustees: Robert Rubin, Secretary of the Treasury; Robert Reich, Secretary of Labor; Donna Shalala, Secretary of Health and Human Services; Shirley Chader, the Commissioner of Social Security; Stanford Ross and David Walker, both trustees.

Now what are the trust funds? There are four trust funds that have been established by law to finance Social Security and Medicare. For Medicare, the Hospital Insurance Trust Fund HI pays for hospital and related care. This is often called part A, for people that are over 65 years old and workers who are disabled. The Federal Supplementary Medical Insurance Trust Fund; this is the SMI Fund, pays for physician and outpatient services, often called part B, for people that are 65 and over and workers who are disabled.

Who exactly are the board of trustees? These are six people who serve as trustees on the Social Security and Medicare Boards, Secretary of the Treasury, Secretary of Labor, Secretary of Health and Human Services, the Commissioner of Social Security and two members appointed by the President and confirmed by the Senate to represent the public. The Boards are required by law to report to the Congress each year on the operation of the trust funds during the preceding years and the projected financial status for future years.

So this report is all about the financial status of Medicare in the United States of America in the future, and, as you will see, they have various scenarios that they are required to follow to let us know exactly what the status will be.

How are the trust funds financed? Well, the trust funds are financed in different ways, but the HI Fund, the hospital insurance fund that is part A, is financed by a tax on earnings. It is unlimited. Beginning with 1994 the taxes are paid on total earnings with no ceiling at 1.45 percent. The part B program is financed in a way that is similar to yearly renewable term insurance, health term insurance. Participants pay premiums that in 1994 covered about 30 percent of the costs. That means the other 70 percent of the cost is covered by the taxpayers out of the general fund of the United States.

□ 2030

The rest is paid for by the Federal Government.

The 1995 monthly premium is $46.10 per month.

How is the financial status of the trust funds tested? Several tests, based on the intermediate assumptions, are used to review the financial status of the trust funds. There is a short-range test, a long-range test, and a future outlook test.

And, finally, although the trust fund ratio line for the part A fund is over the 100 percent level at the beginning of the 10-year period, it falls below that level in 1995, and, as a result, it does not meet the short-range test.

Under the intermediate assumptions, the projected year of exhaustion for the HI Trust Fund is 2002. Under more adverse conditions, as in the high-cost alternative, it could be as soon as 2001.

The cost rate for the part A trust fund is higher than the income rate. We are spending more than we are taking in by rapidly growing amounts throughout the 75-year projection period, and by the end of the period the cost rate is projected to be roughly three times greater than the income rate.

The conclusion is that the status of the Medicare program can be summarized by looking at the results of the tests used to evaluate the financial status of the trust funds and the number of years before each trust fund is expected to be exhausted under the intermediate assumptions.

Here are the conclusions, and my colleagues will not be able to see this, but what they say is that the Social Security Trust Fund will not be exhausted for 36 years. At that point, it will be exhausted, in 36 years; the Disability Insurance Trust Fund, in 21 years; the combined trust funds in 35 years of those two. But the Hospital Insurance, the Part A Trust Fund, will be exhausted in seven years.

It will be able—and here are the written conclusions. "The Part A trust fund will be able to pay benefits for only about 7 years and is severely out of actuarial balance. Because of the magnitude of the projected actuarial deficit in the program and the high probability that the trust fund will be exhausted just after the turn of the century, the trustees urge the Congress to take additional actions designed to control Part A program costs and to address the projected financial imbalance in both the short range and the long range."

This is the section that is called, "A Message from the Public Trustees: The Need for Action."

"During the past 5 years, there has been a trend of deterioration in the long-range financial condition of the Medicare programs and an acceleration in the projected dates of exhaustion in the related trust funds, but to some extent the increasingly adverse projections have come from unforeseen events and from the absence of prompt action in response to clear warnings that changes are necessary.

"These adverse trends can be expected to continue and indicate the possibility of a future retirement crisis as the U.S. population begins to age rapidly. We urge that concerted action be taken promptly to address the critical public policy issues raised by the financing projections for these programs.

"We feel strongly that comprehensive Medicare reforms should be undertaken to make this program financially sound now and over the long term."

This is from three members of the President's Cabinet, the Commissioner of Social Security, and two other people nominated, appointed, by the President and confirmed by the Senate. Let me repeat it.

> We feel strongly that comprehensive Medicare reforms should be undertaken to make this program financially sound now and over the long term. The focus should be on making Medicare itself sustainable, making it compatible with Social Security and making both Social Security and Medicare financially sound in the long term.
>
> And, finally, we strongly recommend that the crisis presented by the financial condition of the Medicare trust funds be urgently addressed on a comprehensive basis, including a review of the programs' financing methods, benefit provisions and delivery mechanisms. Various groups should be consulted and reform plans developed that will not be disruptive to the beneficiaries, will be fair to current taxpayers who will in the future become beneficiaries, and will be compatible with government finances overall.

We strongly recommend that the crisis represented by the financial condition of the trust funds be urgently addressed on a comprehensive basis.

These are the words of three members of the President's Cabinet, the Commissioner of Social Security, and two other individuals appointed by the President and confirmed by the Senate.

Mr. GEKAS. Mr. Speaker, would the gentleman yield?

Mr. HOKE. I would be happy to yield to the gentleman from Pennsylvania.

Mr. GEKAS. Just as I expressed to the gentleman from Oklahoma for taking the floor and telling the American people the truth about the situation in Medicare, I want to commend the gentleman for recapitulating this issue this evening.

Now, let us get this straight. The President of the United States says that Medicare, and the positions that he has undertaken with Medicare, do not constitute cuts in Medicare. Rather, they are slowing the increases of expenditures in Medicare under his plan. That is No. 1.

Mr. HOKE. That is correct. That is exactly correct. He has said very clearly that he is not, we are not, nobody is—the Republicans are not suggesting cuts in Medicare but, in fact, slowing the rate of growth in Medicare.

Mr. GEKAS. So the President says that and the gentleman from Oklahoma has indicated the Republican plan says that, that we are not interested in cutting Medicare. Nobody ever threatened to do that, but, rather, we have to fix the problem, and one of the ways to do it is to recognize that we must slow the growth of Medicare.

OK, so now we have the President of the United States and we have the Republicans in the House of Representatives saying the same thing.

Now, did not the President—I ask the gentleman from Ohio, did not the President say all these things way in advance of the report to which the gentleman has referred this evening from the trustees?

Mr. HOKE. That is correct.

Mr. GEKAS. So now we have the confirmation of what could be determined by the Democrats as a Republican political ploy to say these things, or even if they want to counter their own President who said these very same things, but now how do the Democrats, who are opposing all of these programs of the Republicans, how are they describing the report of the trustees? I have not heard much.

Mr. HOKE. I have not heard them talk much about the report of the trustees. Apparently, the Democrats think that they can score political gain by misrepresenting or distorting or in some way not telling the truth about Medicare and the problem.

Mr. KINGSTON. Will the gentleman yield?

Mr. HOKE. I would be happy to yield to the gentleman.

Mr. KINGSTON. Does the gentleman have the Democrat plan, the Gephardt plan, or the Daschle plan or the Clinton plan?

Mr. HOKE. Yes, I do. Is that the plan you are referring to?

Mr. KINGSTON. That is the plan I have heard that is out there, and that, we have laughed about this for a long time, and today there still has not been a plan offered to save or protect Medicare by the administration, even though it is the administration who reports it is going broke.

Mr. HOKE. I think it is important that we start out with the fundamental understanding, the premise that there is a crisis. We did not make up the crisis. We did not create the crisis. We have not been running this place. But the fact is, there is a crisis. It is right here, honestly.

I urge all senior citizens to call up their representative. They can get a copy of this at (202) 225–3121, (202) 224–3121, I think they both work, and ask for a copy. It lays out the crisis. The crisis is real.

It seems to me, Mr. KINGSTON, that it would be grossly irresponsible for elected Members of Congress not to do something about a financial crisis that is about to affect—and I mean about—in either 6 or 7 years, depending on which scenario one buys into from their report, it is about to engulf senior citizens.

Mrs. SMITH of Washington. Will the gentleman yield?

Mr. HOKE. I would be happy to yield to the gentlewoman from Washington.

Mrs. SMITH of Washington. I listened to the debate, the one today and the one I have been hearing on and off all day. It seems like every time someone stands up, they say, The sky is falling.

I want people to know out there who are relying on Medicare that your bills are going to be paid tomorrow and they are going to be paid the next week and do not worry. A lot of the scare tactics are to scare you into reacting.

I do know that if we do not fix this system that there will come a time where we cannot pay bills. That same report states the law. This trust fund was set up for Medicare to be a trust fund when the money runs out; it cannot pay any more bills. There is enough money there and there is enough money coming in from people's payroll checks, that is where the money comes into, then it pays your medical bills. There is enough money now.

It goes into a problem next year, folks, and we can draw to that trust fund for awhile, but just like your savings account that is giving you interest each month, you are maybe living off of the interest, when you get into the principal, it can run out. And what is going to happen is it is going to run out.

Now, do not let anybody scare you, but do what seniors are doing all over this Nation, come and tell us how. You have told us some things that are right. Fraud and abuse is right. I am finding terrible things in the system. But I do not want to also tell you that it is very——

The SPEAKER pro tempore. Gentlewoman shall sustain. Members are reminded of the policy of the floor that when you address the House, you are to address Members of the House. You are not to address the viewing audience. Just a gentle reminder. The gentlewoman may proceed.

Mr. HOKE. Will the gentlewoman yield for a moment?

Mrs. SMITH of Washington. Certainly.

Mr. HOKE. I think what the gentlewoman is talking about with respect to the exhaustion of the trust funds is shown pretty clearly by this chart.

As the gentlewoman can see, we have got about $150 billion in the Part A trust fund right now. This is what I was just reading about earlier. By the year 2002 or 2001, depending again on the scenario, here is the zero line. You can see that we are depleting that trust fund and that it goes down to zero. And then 2003, 2004, these are according again to the projections of the annual report, and this chart is directly out of that annual report. You can see that we are going to run out of money. We are going to exhaust the funds.

And one of the things you will hear claim is that somehow tax increases will have some impact on this trust fund. The reality is, it will have no impact whatsoever because the tax on earnings that funds the Part A Trust Fund at 1.45 percent of the employee's earnings is set. It is fixed. And nothing short of changing that law will make any difference.

So it does not matter if we increase taxes, income taxes, or decrease them. It has no effect on the trust fund.

Mr. FOX of Pennsylvania. Will the gentleman yield?

Mr. HOKE. Be happy to.

Mr. FOX of Pennsylvania. Congressman HOKE, I think the gentleman is on target with a very important reality here as well. We know from the bipartisan task force, even the President's secretaries of different agencies, that Medicare will run out of money in 7 years. But we in the Republican majority of Congress are not going to let the money run out.

As Congresswoman SMITH had stated, we are going to look for the initiatives from within the Congress and also the public. I have formed, and many other Congressmen on our side of the aisle and others, a Medicare Preservation Task Force. The fact is that health care costs generally are going up 4 percent a year, but Medicare is going up 10 to 12 percent a year, and part of that is the fraud.

Mr. HOKE. May I interrupt for a minute because I think that that fact the gentleman just mentioned really gives room for a tremendous amount of hope with respect to the ability to save Medicare. Because what are we trying to do as Republicans? We are trying to save, we are trying to preserve, protect, and in fact improve it, make it even better.

Mr. FOX of Pennsylvania. Exactly.

Mr. HOKE. If the gentleman is telling me that in the private sector we have got health insurance—I am sorry, health care inflation at 4.5 percent, 4 percent, and in the public sector we are at over 10.5 percent, it seems to me that we ought to be able to follow the lead of the private sector here and get that inflation down.

Now, what we are doing is terms of out own projections?

Mr. FOX of Pennsylvania. The fact is, if the gentleman would yield, $44 billion, billion, that is, with a B, $44 billion is in waste, fraud, and abuse between Medicaid and Medicare. Now, if we can attack that problem and make the changes within this House and the Senate, then we will go a long way toward preserving Medicare and making sure we give the kind of health care for our seniors that we want to give.

Mr. KINGSTON. If the gentleman would yield, the gentleman knows on waste, fraud, and abuse, most of it probably—I am not sure what the breakdown is—actually Medicare legal, meaning if a person, and this happened in the district I represent, that a woman needed her stitches removed, an elderly woman on Medicare, and an ambulance—because the transportation was provided, an ambulance picked her up at her house and instead of taking her to a hospital in her town, took her to a hospital in another town, and instead of billing $200, billed about $1,200, and Medicare pays that.

It is legal, and it is never argued, it is never checked, it is never questioned. And one of the things that we think would help protect and preserve Medicare is to crack down on those kinds of just absolutely wasteful practices that show that people running certain businesses want to take advantage of Medicare, have the ability, and we need to stop that.

Mrs. SMITH of Washington. Will the gentleman yield?

Mr. KINGSTON. Yes.

Mrs. SMITH of Washington. The task force that we had in our district, we have a task force and then we had 900 people come in and talk to us about Medicare so far, elderly people. They have come up with one overriding thing that is a problem, and that is their ability to read their bills. And they find that when they can figure out what is going on, they are their own best watchdogs.

So I think one of the best things that has come to me from them is better readable billing. Now, that is pretty simple, and if they could be their own watchdogs, they could look for mistakes, duplicate billing, and sometimes some really gross things.

I just found one, in looking at one of the reports, of a man who is dying who had $8,000 in therapy that would never apply to a man in his condition billed to him in 1 month. Now, that are things like that going on, and yet, when people cannot understand their own bills, then they have got a problem. Sure does seem that that is a commonsense thing that the people have brought to us that we should be able to deal with.

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Mr. HOKE. Certainly one of the things that we are looking at and considering is to give beneficiaries personal incentives to scrutinize those bills and to ferret out themselves the way that they would look at a bill from the dry cleaner or look at a bill from the phone company.

Mrs. SMITH of Washington. Have you tried to look at those bills? I challenge you to take a look at a hospital bill billed under Medicare. But you are right. They need to look at that.

Mr. HOKE. Those people also need to be given incentives to do that. That is one of the things we are considering. It is important.

I have another chart here I want to just talk about for a moment. One of the things you will hear a lot about on the rhetoric and the demagoguery on this issue that I do not think is particularly helpful is that we are slashing Medicare, cutting Medicare. You typically hear this during debate on the floor. One of the things we get to do in these special orders is we get to dissect an issue and look at it more carefully, thoughtfully, and reflectively as opposed to in a rhetorical and demagogic fashion.

The question here is where is the cut. This tells you exactly on a yearly basis how much the per-beneficiary per-month amount goes up. Here in 1995 we are spending about $401 per beneficiary, per senior citizen on Medicare per month. That goes up in 1996 to $423, in 1997 to 440, up until the year 2002, it is $561. Per year it goes from about $4,800 to over $6,800. That is a substantial increase. In fact on a compounded basis it is about 6.5 percent per year.

This amount, by the way, this per-beneficiary, per-month, it takes into account that we are going to have more people coming in than are going out. When you think about it, this is one of the big problems not only with Medicare but with Social Security as well. That is, that the number of workers per beneficiary in 1995 is 3.3. But the number of workers per beneficiary in the year 2025 will be 2.1.

Mr. KINGSTON. If the gentleman will yield, we have a lot of things we are trying to resolve and address at once. But one of the things we are trying to do is deregulate businesses so that they can expand and create more jobs. We are also trying to get people who are able-bodied off of welfare so that they will go out in the workplace. In doing that, what we are going to do is increase revenues and then have that worker-to-retiree ratio go up. Because many, many years ago it was a 19-to-1 ratio, and the 3.3 is scary enough. We need to actually increase the number of workers to retirees, not just for practical purposes like in Medicare but to decrease the welfare rolls, decrease the rolls on public assistance in general, increase revenues, self-esteem, and make the world a better place so that everybody can enjoy the socioeconomic mainstream of America.

Mr. FOX of Pennsylvania. If the gentleman will yield, just to carry forward what the gentleman from Georgia [Mr. KINGSTON] just said, not only have we in the Republican majority here in Congress made inroads on welfare reform, we also did it with regulatory and legal reform, all ways to help businesses grow, produce and hire and help us be able to find the funds for actual services to make sure that Medicare, which is going to help people in their health care, in fact, have the quality of life they want but decrease the number of bureaucrats that we have in Washington and the bureaucracy in Washington. I think we want to go to direct services and less regulation.

Mr. HOKE. I think one of the things that is important to emphasize as we talk about the Medicare debate is that we are absolutely committed to keeping the current system for anyone who wants to stay in it exactly as it is today. I think that it is very important that senior citizens know that, that they understand and they expect that, and they can look forward to that and be confident that they know that their representatives in Washington, that the Republicans that are now in control of the Congress, are committed to that. I think it is also important for them to know that we are considering various options that will give them choices with respect to Medicare that will in fact not only preserve it, which we are committed to doing, but will actually improve it. Maybe we could talk about some of those choices that we expect to see in the future.

For example, one of the choices would be HMO-type programs, the managed care model where you become a part of a network that provides everything. There are managed care programs today under Medicare in Florida, for example, where everything is covered, including prescription drugs, which right now is not a Medicare benefit, and in some programs even optical benefits are covered.

Mr. FOX of Pennsylvania. I believe hearing aids would also be available through the managed care.

Mr. HOKE. I do not know if it is in any of these programs, but it certainly could be.

Mrs. SMITH of Washington. If the gentleman will yield further, I am hearing some scary things out there. Some people do not want to go into managed care. I think what I like in here at this point in the debate, not between the two of you, but in Congress is that most people are saying that should be an option. If you choose that option and it is a little less costly, we are going to give you more benefits in that option. But if you choose to have another option that is a little more costly, you may need to share in the cost of a more costly option. But you still have a choice.

I think the most exciting thing that I see coming is we are going to have options the seniors have not had before. I think we are going to have better plans. I look at it, and I am going on six grandkids so I have a little bit to go but not as long as some of you. I look at it not on choices. In fact, I want choices now. I want the next 10 years for me to develop a plan where I can take care of myself and I can transfer and not have Medicare. Maybe I can buy my own private plan. Those are some of the things we are talking about. Not just those that are on but those coming on and then the younger ones who are just coming into the work force. What do we do about them? It would be irresponsible to not consider that. We are looking at all three age levels.

Mr. KINGSTON. One of the things that I think is very, very important, and the gentlewoman has certainly touched on it, is that with our senior citizens, more than options, they want certainty. We are going to provide for that certainty by strengthening and protecting Medicare from a financial standpoint. Then for the folks who want options, it is going to be out there if they want it. Then for health care in general, as the gentleman from Pennsylvania [Mr. FOX] said earlier, the Medicare inflation has been so atrocious compared to the private sector or the normal medical inflation, that we are going to work on health care reform in general, portability of coverage so that you can move if you are in a managed care plan from one to the other, if you are in the traditional fee-for-service insurance plan, you can move from that to another, if you want to have a medisave option where you are willing because of your economic bracket to take a higher deductible and pay more of the front-end cost on your own to reduce your premium but still have catastrophic coverage, you can do that. But the great effect of that is actually to help the marketplace become more competitive because people will start shopping around and seeing where they can get the best buy on a lot of health care services.

There are a lot of exciting things that are going on out there, but it is all going to be built on a solid bedrock of certainty for our valued seniors who are on Medicare.

Mr. HOKE. If the gentleman would yield on that point, I think this idea of different options is very important.

I also want to say to the gentlewoman from Washington, I think you are absolutely right with respect to HMO's and managed care. It is a funny thing. The biggest problem that people have with managed care is the concern that they will not be able to be treated by their own doctor. I think that is a very real concern. It certainly is a concern that I take seriously. When you survey you find that people who are able to keep their own doctor going into an HMO are much, much happier with that situation. But I think it would be absolutely wrong to force anybody to be a part of some program that they do not want to be a part of.

Mrs. SMITH of Washington. If the gentleman will yield, I was just picturing a person that is very close to me. If she is listening, she will know who it is. It is a family member. Her doctor is in an HMO, not a system with many doctors coming together for a managed system but an actual HMO. She is happy there, she does not worry, she feels good.

We need to make sure that anybody that is somewhere they feel good and safe gets to stay there and that we protect and preserve that. The last thing we want in all of this is for anyone to be out there being afraid that they will not be able to be taken care of. The mongers that would blow this into an issue politically will try to scare people. I think I can safely say the people I am working with on both sides of the aisle will leave very secure those people that rely on Medicare. Those that rely on it can still rely on it.

Mr. KINGSTON. I think that is a good point, because in this debate, I know there are a lot of people on one side of the aisle who do not want to admit that Medicare is in trouble, but let us just say that the responsible approach is to say the Clinton trustees have said Medicare is going broke. Now, what are we as Members of Congress going to do about it, not as members of the Democrat or the Republican Party but as Members of Congress, what are we going to do about it? Then you have a choice in here. Are you going to work for Medicare or are you going to work for mediscare? I think there are people who have decided it is more politically expedient——

Mr. HOKE. Excuse me, did you say Medicare or mediscare?

Mr. KINGSTON. I think we should put that on the easel so people can see it. I think it is very important that people know that 435 Members of Congress can take the choice. Are they going to work for Medicare or are they going to work for mediscare? One is political and one is responsible.

Mr. HOKE. Let me wrap this up because there is another subject I would like to get to. We only have 10 minutes left in our portion of this hour. I do want to emphasize once more that I would strongly urge senior citizens, people about to become senior citizens, and anybody that is particularly interested in this problem, and it is a problem for every American, particularly tax-paying Americans, because the fact is that health care is the fastest growing segment of the Federal budget. Call your Representative, 202-224-3121, and ask for a copy of the "Status of the Social Security and Medicare Program Summary." It is a 14-page summary. It will explain why there is a real problem and why it would be absolutely irresponsible of us not to deal with that problem.

AUDIT OF THE HOUSE OF REPRESENTATIVES

Mr. HOKE. Mr. Speaker, I want to change the subject, if I may, to something that was released just today, the House audit which was called for by Republicans on the first day of the 104th Congress. I am going to read very briefly from the report of the Price Waterhouse independent auditors of the U.S. House of Representatives.

Mr. KINGSTON. If the gentleman would yield just before you do that, auditing exactly what, or generally what?

Mr. HOKE. What they are doing is they are auditing the books of the House of Representatives. We spend in the House, to run your office, my office, the office of the gentleman from Pennsylvania [Mr. FOX], the office of the gentlewoman from Washington [Mrs. SMITH], and all of the various business organizations of the House, the committees, the committee structure, all of the benefits, all of the people that run this, $700 million per year. That is the budget. Think about that.

Mr. KINGSTON. Is this an annual audit that is done every year?

Mr. HOKE. Excuse me? The House has never, ever, ever, ever, in its entire history been audited by an outside auditor.

Mr. KINGSTON. How often do businesses get audited?

Mr. HOKE. Once a year. Publicly traded companies must be audited once a year and they must file reports with the SEC.

Mrs. SMITH of Washington. If the gentleman will yield, is this a private audit? This is not just something we did ourselves. Did we hire these people, pay them?

Mr. HOKE. We hired one of the Big Six accounting firms, Price Waterhouse, to conduct this audit.

Mrs. SMITH of Washington. Everyone knows Price Waterhouse.

Mr. HOKE. They came in, and I do not know how many people came in. They must have had a team of 20 or 30 accountants who came in and went through the books. That is what they do. They go over the ledgers literally page by page.

Mr. FOX of Pennsylvania. If the gentleman will yield, every State government, local government, and school board has to audit. The House has never audited before?

Mr. HOKE. We have never had an external audit, from an external auditor. We did have an internal audit. I am told it was in 1954. That was the last time we had an internal audit of the House's books.

Mrs. SMITH of Washington. Good enough to hold us that long, huh?

Mr. HOKE. Apparently yes. Let me read some of this. It is stunning. This is the report of the independent accountants, Price Waterhouse.

> The House lacks the organization and structure to periodically prepare financial statements that even after significant audit adjustment and reconstruction are accurate and reliable. The House Clerk's report is a voluminous quarterly document that lists over 90,000 disbursements, but it does not summarize the disbursements in logical groupings or accounts, does not accumulate them beyond one quarter or otherwise place them in a context that could be easily understood. The individual financial reports of House units were of limited use to understanding the finances of the house as a whole because they only constituted small components of the House. The statement of accountability which purportedly accounted for all House transactions reported collections and disbursements in broad account categories but little else. None of the financial information or statements periodically produced by the House's financial and administrative units were suitable for reporting consolidated information in an acceptable financial statement.

Finally, let me read the conclusion, because this is the most stunning part:

> Because the House's accounting and reporting methods were outdated and of limited utility, the accompanying financial statements required significant adjustment to attempt to conform them to generally accepted accounting principles. However, the shortcomings in the House's information systems and the weaknesses in its internal control structure were so severe that they affected the availability and reliability of the data and information supporting the financial statements. Those conditions also made it impractical for us to extend our audit procedures to the degree necessary to determine the effect that these shortcomings might have had on the House's financial statements.

□ 2100

For the reasons stated, we are unable to and do not express an opinion as to whether the supplemental schedules are fairly stated in relation to the consolidating financial statements taken as a whole, and we do not express an opinion on these consolidating financial statements. That is the worst situation, I don't know, are any of you CPAs?

Mrs. SMITH of Washington. Will the gentleman yield?

All I can tell you is if my business had that kind of an audit, I could never get a loan again. I think what it says is there can be no beginnings. I looked at that, and I am like the person with the shovel, you know, digging and looking for the pony.

Mr. HOKE. Looking for the pony.

Mrs. SMITH of Washington. And I looked at it and I thought, some things were obvious. Even before we came in in January, we started making changes, we started digging around, we started opening up files and we started closing things that were not efficient. We started looking at the mail room, we started looking at the way things were done.

My understanding is that this audit said certain things should change. We are already doing a lot of them. But I do not think we will ever know for sure all of what happened between the 1954 audit and the 1995 audit. That is a long time.

What I would like to see us do is go forward. I would love to see us look at this and say, we are a new Congress, we want to go forward. So I was excited to see that we were not going to mess with the results. We were going to turn them over to an independent counsel and let anybody else deal with them outside of this place so that it was not political. I like that, and it kind of excited me that we were already starting along the path to repair.

Mr. FOX of Pennsylvania. To follow up with what Congresswoman SMITH just said, the fact is we just passed a resolution unanimously in this House this afternoon giving the Inspector General the authority to move forward to make the kinds of changes we need. Because in the report, if I can just follow up, the appropriations limits were ignored, bills were paid late in the House, House property and equipment was unaccounted for, and there were significant security problems with their own computer system. So these changes, in order to really help our country and to lead by example, I think it is good that we have this kind of audit and that we actually do the follow-up, as Congresswoman SMITH just stated.

Mr. HOKE. I think that is right, and that we now have audits on an annual base, which is exactly what we are committed to doing.

I think we would be remiss in not pointing out two things: No. 1, that this audit was taken under the first Republican Congress in 40 years; and, No. 2, that we made the promise to the American people that we were going to start out the 104th Congress with an audit, and that is exactly what we did. It is another promise made, another promise kept.

Mr. KINGSTON. If the gentleman will yield, was this done on an inventory and on a cash basis? Because my question that I am leading to is, did we count the number of personal computers? Did we count the papers? Is there inventory missing? And is there cash missing? Is the cash done on an accrual basis, is it done on a cash basis, or could the auditors even tell one way or the other? Because what I am really hearing is, they gave up and they said, this is just too much of a mess.

Mr. HOKE. Well, they tried to do it properly, and I don't think they really gave up. What they did is they kind of threw their hands up in despair and frustration and said, we can't give you the kind of report that you wanted.

Mr. KINGSTON. Well, if the gentleman will yield, Price Waterhouse also does the audit for Washington, DC. Did they say that this was comparable?

Mr. HOKE. My understanding was that the books for Washington, the District of Columbia, were in much better shape than the books for the Congress.

I will read one other thing from this, because I think it is interesting. It says the House used cash basis accounting as its primary means of managing its financial resources and preparing internal and external financial reports.

This meant that the House tracked when it received or spent cash, but not what liabilities or legal obligations or commitments it was incurring, or the value of the assets properly recorded, accumulated and reported in accordance with the rules, policies and procedures that are established by the House itself.

Mr. KINGSTON. So perhaps we can get somebody from the Washington, DC City Council to come show the House how to take care of the books.

Mr. HOKE. Perhaps we can.

Mr. KINGSTON. Not necessary any more, is it?

Mrs. SMITH of Washington. Let's do better than that.

Mr. HOKE. I want to extend my appreciation to the gentlelady from Washington [Mrs. SMITH], the gentleman from Pennsylvania [Mr. FOX], and the gentleman from Georgia [Mr. KINGSTON] for participating with me in this special order.

Mr. Speaker, I want to yield the balance of this hour at this point to the gentleman from Florida [Mr. BILIRAKIS] to discuss Cyprus. I hope that I will have an opportunity, since it just happens that this is also an issue that is near and dear to my heart, to join him on that issue.

GENERAL LEAVE

Mr. BILIRAKIS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous material on this subject of my special order.

The SPEAKER pro tempore (Mr. MCINNIS). Is there objection to the request of the gentleman from Florida?

There was no objection.

CYPRUS: 21 YEARS OF DIVISION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. BILIRAKIS] is recognized for 20 minutes.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman for yielding me the time. I also thank the gentleman and commend the gentleman and the others for basically sharing the facts and the truth regarding the Medicare picture with our viewers out there.

Mr. Speaker, Thursday, July 20, marks the twenty-first anniversary of the illegal invasion and occupation of Cyprus by Turkey. I rise here today, as I have since I first came to the Congress in 1983, to remind us all of this sad day in the history of the Republic of Cyprus.

We must all be reminded that the Green Line, separating the northern part of the island—some 40 percent and Turkish-occupied—from the free portion is the only wall remaining in the world dividing a country.

We must be reminded that our conduct here in this Congress has played a major part in ensuring that wall continues to stand.

On July 20, 1974, 6,000 Turkish troops and 40 tanks landed on the north coast of Cyprus. Turkish forces captured almost 40 percent of Cyprus, representing 70 percent of the country's economic health.

As a result of Turkey's illegal invasion, 1,619 people have never been seen again. Among these 1,619 missing individuals, five are United States citizens.

In addition, more than 200,000 Cypriots were forcibly driven from their homes. They are now refugees—a people without a home.

Today, Turkey continues its occupation of the northern portion of Cyprus, maintaining more than 35,000 troops and some 65,000 settlers there. As I previously mentioned, a barbed wire fence, known as the Green Line, cuts across the island separating thousands of Greek Cypriots from the towns and communities in which they and their families had previously lived for generations.

As you might guess, this has led to frequent incidents and disputes—and in the near future, the settlers and occupying troops will outnumber the indigenous Turkish Cypriots.

At this point, Mr. Speaker, I am pleased to yield to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. I thank the gentleman. As usual, the gentleman from Florida has gone to extra lengths to bring a vital issue to the floor and to utilize the special auspices of the special order to get across a vital message.

The gentleman has begun his presentation with talk about refugees, and about an act of aggression. The invasion was a bold and dastardly act of aggression, was it not? The answer is yes. I will answer my own question.

Refugees became one of the results of this act of aggression. Missing persons is another disaster that came directly because of that act of aggression. Does not this remind you of what is happening in Bosnia?

Here we have a situation where an act of aggression resulted in refugees, in missing persons, in atrocities of every kind of description. The United Nations passed resolutions dealing directly with the Bosnian situation. Here we are in turmoil and dismay at being unable to do anything about what is happening in Bosnia.

Well, we could have all predicted that if only one would set that same eyeglass on the Cyprus situation: an act of aggression, ethnic cleansing, refugees, dastardly atrocities, missing persons. The United Nations passed resolution after resolution to try to do something about it. Their inaction there, in my judgment, laid the groundwork for the inaction that they are now undergoing in Bosnia.

I am sick of it. I no longer can tolerate even a gentle discussion on the Cyprus situation. How can the world community coalesce behind a Desert Storm situation to help Kuwait regain its independence, and indeed, enlist the aid of Cyprus in that effort, and then tolerate a continuing act of aggression? Every single minute that that force occupies the northeastern part of Cyprus is an act of aggression repeated and repeated.

Let us do something about this. We argue about it, we debate it, we pass resolutions, we send letters. The Bosnian situation will never be solved, nor will the Cyprus situation ever be solved, unless the resolve, as evidenced by the individuals who will be speaking this evening, is mounted into legislative action here in the Congress of the United States.

I thank the gentleman for yielding.

Mr. BILIRAKIS, I thank the gentleman for his remarks.

While I am saddened by the anguish that the invasion and occupation has caused the people of Cyprus, I am also inspired and encouraged by their undaunted spirit and determination as they have endured this tragedy.

In fact, the government of cyprus has persisted in making every possible effort to reach a just and lasting solution.

Most recently, in December of 1993, the Cyprus government submitted to the United Nations a bold and innovative proposal calling for the demilitarization of the island-nation. In exchange for the withdrawal of Turkish troops, Cyprus offered to disband its national guard, transfer the national guard's military equipment to an enlarged U.N. peacekeeping force and use the money saved from defense spending for development projects that would benefit both communities. Unfortunately, the Turkish side rejected Cyprus' proposal.

At this point, Mr. Speaker, I would yield to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. I heard what you said, Mr. BILIRAKIS, about the Turkish troops. Are these Turkish Cypriot troops, or are these Turkish troops who have been exported to Cyprus and are occupying the island.

Mr. BILIRAKIS. Clearly exported to Cyprus.

Mr. HOKE. Clearly. There are 35,000 Turkish troops that are standing on the north side, that are an occupying force on this island that was at one time an island paradise that is now divided. They are using, as I understand the situation, they are using Cyprus as a bargaining chip in their own designs and insecurities about their own domestic situation and the longtime problems that they have had with the Nation of Greece generally.

They use Cyprus as a way to get at Greece and create untold misery for the Greek Cypriots who live on that island. I know of one situation particularly in Famagusta where 60,000 people lived in Famagusta, which is just on, as I understand it, and correct me if I'm wrong, but it is just on the north side of the green line.

Now, 21 years ago at the time of the invasion by the Turks of the island of Cyprus, this city was evacuated; 60,000 people were forced to flee from Famagusta and that is now an abandoned city. Nobody is in it. There are these 60,000 people in exile of the Famagusta municipality.

It seems to me that it really is time that we began to identify the genuine source of the trouble over there. We talk a lot about human rights in this body; we talk a lot about our concern for self-determination and the concern that we have that nations be allowed to have their own rights.

Here we are with a situation in Cyprus where the Turks have invaded that beautiful nation where Moslem Cypriots and Christian Cypriots got along for centuries side-by-side, and now for the past 21 years they have not, and the Turks again are using them as a pawn.

There are 1,619, as I understand it, I think that is the correct number, people who are still missing and unaccounted for from that invasion that took place 21 years ago, and of those, five were American citizens, including one who was a young boy, or young man at the time, just in college, who was snatched away, literally in the sight of his parents when they were there on vacation. They are from Michigan, and he has never been seen since, never been accounted for. The Turkish Government refuses to cooperate or give any information about his whereabouts, and certainly he puts a very real and personal face on this tragedy.

I thank you for your leadership and what you are doing. I agree with the gentleman from Pennsylvania that enough is enough, and it is time to act.

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Mr. BILIRAKIS. I thank the gentleman and thank him for his interest during all the time you have been here in the Congress and on all of the other Hellenic issues, and we appreciate your concern and your caring, I say to the gentleman.

Mr. Speaker, tomorrow we will have another chance when the House International Relations Committee begins its mark-up of House Concurrent Resolution 42, introduced by my colleague from New York [Mr. ENGEL] and of which I am an original cosponsor.

This important resolution calls for the demilitarization of Cyprus and insists that all parties to the dispute regarding Cyprus agree to seek a solution based upon relevant U.N. resolutions, including provisions of Security Council Resolution 939. Resolution 939 reaffirms that a solution to the Cyprus problem be based upon a State of Cyprus with a single sovereignty, citizenship and international personality.

Mr. Speaker, I yield to the gentlewoman from New York [Mrs. MALONEY], who has truly been an inspiration on this issue.

Mrs. MALONEY. Mr. Speaker, I want to first thank the gentleman from Florida for once again organizing this special order.

Mr. BILIRAKIS is a true champion of human rights and justice and has been an inspiration to many of us as we attempt to solve the problems of the beautiful island of Cyprus.

The past few years have seen great advances in peace and human rights throughout the world.

The end of the cold war, the triumph of democracy in South Africa, and the movement toward peace in the Middle East and Northern Ireland have been beacons of hope for us all.

In light of these advances, the situation on Cyprus is all the more tragic.

This island remains divided by the continuing shackles of occupation and oppression.

This week, we commemorate the 21st anniversary of the 1974 illegal Turkish invasion of Cyprus and its occupation of 37 percent of the island.

The continued presence of 35,000 Turkish troops represents a gross violation of human rights and international law.

During the invasion, almost 200,000 Greek Cypriots were expelled from their homes. They were removed from the land that had been theirs' for generations. Their property was confiscated.

Worst of all, 1,614 Greek Cypriots and 5 Americans were seized by Turkish troops and remain unaccounted for to this day.

I've shared the pain of some of my own constituents in Astoria, Queens whose beloved family members are still missing. On this issue, there can be no compromise. We will never give up hope that people like Chrisaci Loizoi, Andrew Kassapis, and George Anastasiou will be accounted for.

I'm pleased that last year Congress passed, and the President signed into law, a bill which directs the Department of State to conduct an investigation into the whereabouts of the five Americans that are still missing.

But we must do more. Human decency demands that we use all means at our disposal to account for all of the 1,619 who are missing.

For this reason, I was particularly pleased to play an active role in the passage of an amendment to the Foreign Operations bill offered by my friend and colleague Mr. PORTER that would cut $25 million in United States economic aid to Turkey.

By a decisive vote of 247 to 155, this House spoke out loud and clear that Turkey must be forced to pay a price for its continuing human rights violations and its refusal to act in good faith on the Cyprus issue.

The House did the right thing when it passed the Porter amendment.

I am also pleased that the Clinton administration is taking concrete actions on a variety of issues of importance to the Hellenic community.

The President's appointment of a special emissary to Cyprus, Mr. Richard Beattie, was an important development. Mr. Beattie, and the special emissary to FYROM, Matt Nimitz, have both visited my district and spoken at heavily attended town hall meetings.

The actions of the President and the Congress to help secure the release of the "Omonia Four" represent another example of progress in Greek-American relations. Many of us in this Chamber tonight worked very hard to gain the freedom of these ethnic Greeks who were unfairly imprisoned in Albania.

Just this afternoon, several of us met at length with Ambassador Richard Holbrooke and other top State department officials and urged them to continue to press Turkey to come to a solution on Cyprus.

And there are additional revenues for the supporters of Greece and Cyprus to take to keep Turkey's feet to the fire on these important matters.

I strongly support the March 6 accord which will set a firm timetable for Cyprus' accession to the European Union.

Conversely, the United States should condition the admission of Turkey into the European Customs Union on an improvement on Turkish human rights and progress on the Cyprus issue.

We must likewise carefully monitor recent Turkish actions and bellicose statements with respect to the Law of the Sea Treaty. This important treaty has been signed by nearly 200 nations, including the United States and Greece, but Turkey has not only refused to sign, but has threatened war if Greece asserts its legitimate rights.

We must continue to support the $15 million earmark for economic and peace-enhancing assistance for Cyprus, and I'm pleased that this aid was included in the recently-passed Foreign Operations bill.

Finally, the United States must be mindful of a variety of Turkish abuses, even the ones that do not receive headlines. For example, the gentleman from Florida and I have introduced a House resolution to protect the Eastern Orthodox Ecumenical Patriarchate.

In recent years, there have been terrible terrorist attacks on the Ecumenical Patriarchate premises in Turkey. In addition, religious schools have been shut down and freedom of religion threatened.

Mr. Speaker, I want to conclude by thanking my colleagues, for once again joining in this special order.

We must continue to rise each and every July to commemorate these terrible events and to fulfill our obligation to the missing in Cyprus, and all the Cypriot people that we will never forget their plight.

Mr. BONIOR. Mr. Speaker, I'd like to thank my distinguished colleague, Mr. BILIRAKIS, for organizing this commemoration of a sad and frustrating anniversary.

Twenty-one years—for many American young people, it's a coming of age. But for Cypriots, and for us tonight, its a reminder that on July 20, 1974, Turkish troops invaded their island and began a military occupation.

Today, 35,000 Turkish troops remain on Cyprus. They occupy one-third of the island. In a chilling reminder of the Berlin Wall, a barbed wire fence known as the Green Line cuts across Cyprus, separating thousands of Greek Cypriots from the towns and communities in which their families have lived for generations.

As a result of the invasion 21 years ago, thousands of people were killed, more than 200,000 people were expelled from their homes, and today, more than 1,600 remain missing—including five Americans.

Instead of helping us to locate the missing and enter negotiations aimed toward unity and freedom for Cypriots, Turkey today continues to keep troops on the island.

U.S. Secretary General Boutros Boutros-Ghali just last month called Turkish-occupied northern Cyprus "one of the most highly militarized areas in the world."

Most disturbing of all, when you look at the amount of United States dollars flowing into Turkey today, it is nearly identical to the amount of money Turkey spends to keep those troops housed in Cyprus.

So in effect, American taxpayers are paying to keep Turkish troops housed in Cyprus.

Until Turkey begins to remove its troops from Cyprus, we have no business sending aid to Turkey. That is why I strongly supported the Porter amendment to the foreign operations appropriations bill.

The Turkish Government must know that the division of Cyprus will continue to be an obstacle to better relations with the United States.

Over the past few years, we have witnessed tremendous changes around the world—the fall of the Berlin Wall, the beginning of reconciliation in the Middle East and the end of Apartheid. It is my sincere hope that soon we will be able to add Cyprus to that list of places where peace and freedom have triumphed.

Mr. MANTON. Mr. Speaker, I rise today to join my colleagues in this important special order marking the 21st anniversary of Turkey's invasion of Cyprus. At the outset, I want to thank my colleague Mr. BILIRAKIS for organizing this important special order to commemorate this anniversary.

The division of Cyprus has the distinction of being one of the most intractable in the world today. Since Turkey first invaded Cyprus in 1974, 1619 people including eight Americans last seen alive in the occupied areas of Cyprus have never been accounted for. We must not let the passage of years weaken our resolve to pressure the Turkish Government to provide answers to the families of the missing. We cannot forget their suffering continues.

Mr. Speaker, last year, when marking this solemn anniversary, many of us felt hopeful that this conflict would soon be resolved peacefully through the auspices of the United Nations. Today, while I applaud the efforts of United Nations to resolve the issue of the continuing division of Cyprus, I am very frustrated by Turkish leader Rauf Denktash's stubborn resistance to meaningful negotiations. Its not just Greek Cypriots and their supporters who think Denktash has been unreasonable.

In December of 1993, in an effort to facilitate a peace resolution of the problem, President Clerides submitted to the United Nations a thoughtful and innovative proposal calling for the demilitarization of Cyprus. In exchange for the withdrawal of Turkish troops, Cyprus would disband its National Guard; transfer the National Guard's military equipment to the United Nations peace keeping force; and the money saved from Defense spending for development projects that would benefit both communities. Demilitarization would alleviate the security concerns of all parties and substantially enhance the prospects for a peaceful resolution of the problem. Once again the Turkish side rejected Cyprus' efforts toward ending the tragic unacceptable status quo. In April of this year I was proud to join my colleagues as a cosponsor of House Concurrent Resolution 42, which calls for the demilitarization of Cyprus. I urge my colleagues to join me as a co-sponsor of this very important legislation.

The United States Government has always supported a just and lasting solution to the Cyprus problem. It is important for the Congress to continue to firmly support the people of Cyprus by pressing Turkey to remove its illegal occupation force and to work constructively for a resolution of the problem in accordance with the relevant U.N. resolutions and agreements between the two sides. A just and lasting solution to the problem will benefit both communities on Cyprus, stabilize the often tenuous relationship between Greece and Turkey, as well as constitute a significant step towards peace in the unstable eastern Mediterranean region.

Mr. Speaker, I want to take this opportunity to commend the Secretary General for his tireless efforts to resolve this issue. I also want to recognize the Greek Cypriot people for their valiant commitment to resolving this conflict, despite the seeming bad faith shown by the Turkish side. It is my hope that this will be the last year members must join to discuss the longstanding problems of the people of Cyprus, that next year we may join to celebrate the end to this conflict. Until that happens, the Turkish Government must know we in the United States will continue to mark this anniversary and speak out for rights of the missing.

Mr. DELLUMS. Mr. Speaker, 12 months have passed since we last recognized, and reminded ourselves that July 20, 1974 marks the occupation and division of the Republic of Cyprus. One of the tragic consequences of that invasion and occupation is the continued 'disappearance' of almost 2,000 people.

The passing years only add to our enormous embarrassment that although there is a great deal of evidence to indicate that these individuals were arrested by Turkish military personnel during the invasion and subsequent occupation, that we, the international community, have not been able to negotiate or pressure the Turkish Government into releasing any information on these individuals.

This 21st anniversary of that occupation presents us once again with the opportunity to support the work of the United Nations negotiating team's efforts to persuade Mr. Glafcos Clerides, President of the Republic of Cyprus, and Mr. Rauf Denktash, Turkish Cypriot leader, in reaching an understanding on obtaining information on these detainees.

As always, I am honored to stand with my colleagues in calling upon the President to continue to work with the United Nations in resolving the issues of territorial control in Cyprus, in gaining knowledge of the 1,619 innocent people still missing and in achieving their eventual release.

Mr. ANDREWS. Mr. Speaker, this Thursday will mark the 21st anniversary of Turkey's invasion on the peaceful, self-governing island of Cyprus. For 21 years, Turkey has tried to make the island its own. It has done this by installing 80,000 illegal colonists, by maintaining over 30,000 heavily armed troops on the island, and by moving 200,000 Greek Cypriots from their homes. Through 21 years of hardship, the people of Cyprus have held on to a hope for peace and for the return of their island. Their purpose has not been revenge, but negotiation and reconciliation. Here in the House of Representatives, we have the opportunity to help the cause of justice. I urge my colleagues to support House Concurrent Resolution 42, calling for demilitarization of Cyprus. I encourage them to cosponsor H.R. 3475, legislation I have introduced that would reduce United States aid to Turkey by $500,000 per day until that country complies with several conditions, including progress toward withdrawal from Cyprus. As saddened as I am by their plight, as dismal as their treatment by a foreign force has been, we should all be inspired by the patience, courage and faith shown by the people of Cyprus. Let us make this the year when the people of Cyprus once again can govern themselves with peace and dignity.

Mr. SCHUMER. Mr. Speaker, I would like to applaud and express my gratitude to my fellow colleagues for conducting this special order to acknowledge the 21st anniversary of the Turkish occupation of Cyprus.

This year, the Members of the House meet again to remember this sad day and to denounce the atrocities taking place in Cyprus. There are still 1,619 people missing as a result of the occupation. Five of these missing persons are American citizens. This is an outrage.

In the time since the Turks have taken over Cyprus the situation there has steadily worsened. The widespread violence and violations of human rights can not be ignored. Action must be taken to amend these horrible travesties.

For some time I have been interested in the situation in Cyprus. I have supported legislation which would require an investigation into the whereabouts of United States citizens and others missing from Cyprus. Another bill I have supported would prohibit all United States military and economic assistance for Turkey until the Turkish Government takes responsibility for its actions in Cyprus and complies with its obligations under international law. I hope there will soon be a resolution to the problems in Cyprus once an for all.

Mr. GILMAN. Mr. Speaker, today's Special Order on Cyprus comes on the eve of the 21st anniversary of the brutal invasion by Turkish troops. I congratulate my friend, the gentleman from Florida [Mr. BILIRAKIS] for organizing this Special Order. The international community is still faced with the fact that in excess of 30,000 Turkish military personnel remain on the island to enforce an illegal partition and to protect a self-proclaimed government that has been recognized by only one other country—Turkey itself.

Those of us in Congress who have supported a negotiated settlement to the dispute which has led to the division of Cyprus are painfully aware of the complexities of the issue, the injustices committed, and particularly the suffering over these many long years of the Cypriot people on both sides of the Green line.

Indeed, Cyprus has become a code-word for stale-mate and intractability in international diplomacy.

Last year, the House passed H.R. 2826, which provides for an investigation by the President of the whereabouts of persons mission in Cyprus since 1974. The resolution of the long-lingering question of the whereabouts of 1,619 persons—including 5 Americans—needs to be resolved. The United Nations has been looking into this matter since the early 1980's. But has not solved a single case. I understand that former Ambassador Bob Dillon who has had long experience in the region will head an investigative team. I hope the administration and President Clinton will diligently pursue an investigation that can provide to the families and friends of the missing, some long overdue, answers. It is also hoped that the governments of Turkey and Cyprus will cooperate fully in providing all available information to the President as he conducts this investigation.

Old history and grievances must be placed behind us as we seek to resolve the division of Cyprus. I hope and pray that both sides of the problem will reach within themselves to find and resolve to settle this persistent problem. The Greek Cypriots have demonstrated both, the flexibility and the spirit of compromise in recent rounds in U.N. sponsored talks. The international community and the U.N. should recognize this as we reevaluate our tactics in the light of the most recent failure to move beyond the current situation.

I have urged and will continue to prod the administration to do more to focus the Turkish Government on the necessity of withdrawing from Cyprus without further delay. Regrettably, Prime Minister Ciller appears to be in a weak position, unable to reign in recalcitrant elements among Turkey's political and military establishment. But the fortunes of the people of Cyprus must not be held hostage to internal Turkish political problems.

Twenty-one years is too long a time. There are now young people coming of age in Cyprus who know nothing other than the experience of living in a divided society. For this next generation what can guide them in learning to accept life with a neighboring but different culture? Time is running out for the possibility of achieving a peaceful settlement. The people of Cyprus now have to ask themselves if the enmity between the two communities is truly worth the price of a divided nation.

As we approach the 21st anniversary of Turkey's invasion of Cyprus, let us call on the world community to help resolve this problem of a divided and occupied Cyprus.

Mr. FAZIO. Mr. Speaker, this week marks the 21st year of the occupation and division of the Republic of Cyprus. This island nation that gained its independence from Great Britain over three decades ago was invaded by Turkey in 1974. Since the invasion, northern Cyprus has been in the grip of foreign occupation, a siege marked by violence and bloodshed.

Over 1,600 people—among them 5 United States citizens—have been missing since the island was divided after the invasion. They remain unaccounted for. Their families have no idea whether they are sick or well, dead or alive.

I want to once again profess my support for a negotiated peace on Cyprus, and for the reunification of this Mediterranean nation which has been our faithful ally over the course of its history. Lastly, Mr. Speaker, I wish to thank my colleague from Florida, [Mr. BILIRAKIS] for his devotion and dedication to the Cyprus issue. Every year, Mr. BILIRAKIS is instrumental in calling this special order and providing us with an opportunity to reaffirm our commitment to the innocent victims and families of Cyprus' occupation, as well as to an end to the turmoil and conflict under which Cypriots are forced to live. I am, as always, pleased to join my colleagues in recognition of this solemn anniversary.

Mr. FILNER. Mr. Speaker, I rise today to join my colleagues in commemorating a tragic event—Turkey's military invasion of the Republic of Cyprus in July 1974. But I think we all agree that the even greater tragedy is the fact that 21 years later, Turkey's illegal occupation of northern Cyprus remains in place and the suffering of the people of Cyprus continues.

Driven from their homes and villages, brutalized, and denied information as to the fate of over 1,600 loved ones missing since the invasion, the people of Cyprus have patiently cooperated with international negotiators—for 21 years) in the hopes of securing a peaceful coexistence.

Mr. Speaker, Greek-Americans in San Diego and across the United States also share in the agony created by the occupation of Cyprus. They agonize about mission friends and family, the destruction of the Greek Cypriot culture and the denial of access to ancestral homelands now occupied by the Turkish Army. These people have suffered too long.

And so, together with the Greek-American community, I urge Congress and the administration to adopt a far more active role in pressing the Turkish Government to withdraw its troops from Cyprus, end the human rights abuses there and provide a full accounting of those who are missing.

It is time we let Turkey know that a peaceful resolution to this crisis is tragically overdue.

Mrs. KELLY. Mr. Speaker, I rise today to join with my colleagues in marking the tragic events that occurred 21 years ago on the Island of Cyprus. On July 20, 1974, the Government of Turkey sent troops to Cyprus and forcefully assumed control of more than one-third of the island. This action dislocated much of the Greek Cypriot population, creating a refugee problem that exists to this day. Additionally, over 1,600 Greek Cypriots are still missing or unaccounted for as a result of this brutal invasion.

The Turkish Cypriot community has continually shown its unwillingness to move toward a negotiated settlement with their Greek neighbors. The removal of the roughly 35,000 Turkish troops from the Island of Cyprus is central to any such agreement. However, the Turkish Government is doing the exact opposite. They continue their arms buildup on the island, in effect making any sort of rapprochement all the more unlikely.

The Greek Cypriots have demonstrated repeatedly their flexibility and willingness to compromise in order to bring an end to this long-standing dispute. As late as last year, President Glafcos Clerides of Cyprus unveiled a plan that would demilitarize the island. This proposal should be commended. The United States has also taken steps to facilitate an agreement. Earlier this year, President Clinton appointed a Special Envoy for Cyprus and dispatched Assistant Secretary of State Richard Holbrooke to the region in hopes of helping to achieve a solution.

However, these efforts have failed to produce any movement toward an agreement. It is time that the United States Government take bold steps to show its resolve to the Turkish Government that it is serious about moving toward peace on Cyprus. In this regard, I am pleased to be a cosponsor to House Concurrent Resolution 42, which officially calls for the demilitarization of Cyprus. Perhaps more importantly, I was very encouraged by the passage of an amendment to H.R. 1868, the Foreign Operations Appropriations Act, which cuts economic support funds and military assistance to Turkey until it withdraws its troops from Cyprus, lifts its blockade of Armenia, and makes progress on extending political and economic rights to is Kurdish minorities.

Mr. Speaker, it is with decisive steps such as these that we can begin to hope for a brighter future for Cyprus. I wish to commend the gentleman from Florida, [Mr. BILIRAKIS] for his steadfast work in this area. I look forward to working with him, and all my colleagues who share our concerns, to achieve a unified and peaceful Cyprus in the future.

Ms. ROS-LEHTINEN. Mr. Speaker, today we commemorate the 21st anniversary of a very sad event when a democratic country, Cyprus, fell victim to a foreign army.

Today, all the people of that country continue to suffer the ill consequences of that intervention and a military occupation of part of Cyprus.

The situation in Cyprus deserves our attention.

As a country at the crossroads of the great civilizations of Europe and the Middle East, Cyprus has long been an island where people from all these civilizations and cultures mingled freely and in harmony.

Twenty-one years ago, the population of Cyprus lived in peace and friendship despite the differences in religion, language, and national origin.

The Greek Cypriots did not abuse their electoral strength, and despite being 80 percent of the Cypriot population, they did not use the opportunity to deny the other citizens and residents of Cyprus of their rights to full participation in that democratic system.

Nonetheless, outside intervention led to the division of the country.

Since then, all efforts to restore Cyprus to national sovereignty and to restore the legitimate government's authority over all the national territory have been to no avail.

I sincerely hope that all parties to this conflict will heed the consensus among the democratic states of the world and put an end to its illegal occupation of the northern portion of Cyprus.

A continuation of a divided Cyprus is not in the interest of any of the citizens of that country.

Since the foreign occupation of the northern part of the island, the per capita income of the Cypriots living under the legitimate and recognized Government of the Republic of Cyprus in the south has soared from less than $1,500 in 1973 to $10,430 in 1993, while those who live in the occupied territory have seen their incomes stagnating.

The European Union is moving toward a decision in which the residents of the area under the control of the legitimate Government of Cyprus will be offered membership in the European Union, while simultaneously taking measures to further isolate the residents of the occupied territory from their market opportunities in Europe.

A settlement in Cyprus would be good for all countries in the region.

As I understand it, the European Union is willing to negotiate a customs union with Turkey which would give Turkey duty free access to the 367 million residents of the European Union countries. Thus, both Greece and Turkey will be able to move beyond the misunderstandings and conflicts of the past and become part of a customs union that will bring increased prosperity to both countries.

But that customs union cannot be achieved until there is a settlement in Cyprus to restore the legitimate government to full control of the island, and the withdrawal of all foreign troops from that island.

The expansion of democracy throughout Cyprus is a noble goal, that I urge all Members to support.

Mr. PALLONE. Mr. Speaker, it is with great sadness and frustration that I rise tonight to commemorate the anniversary of an international crisis that has to date defied resolution. Twenty-one years ago, demonstrating a gross disrespect for both international law and human life, Turkish troops stormed into the Mediterranean island Nation of Cyprus and stole its independence. Defiantly ignoring the calls of the United Nations and NATO to allow Cyprus to resume its existence as a free and sovereign country, Turkey currently maintains its illegal occupation of the island with a force of over 30,000.

As we gather here to remember those who have died, as well as those who today live in a divided country, we must also be sure to vigorously communicate our determination to persevere until Cyprus is once again free. We must continue to point out, as I and my fellow cosponsors have done in House Concurrent Resolution 42, that the presence of 30,000-plus Turkish troops "hampers the search for a freely negotiated solution to the dispute regarding Cyprus." Calling for a complete demilitarization of the island, House Concurrent Resolution 42 asks for nothing more than Turkish compliance with the numerous resolutions passed by the United Nations Security Council.

And if the Turks continue to resist the idea of a sovereign, independent Cyprus, let there be no doubt that we will continue—just as I and many of my colleagues joined together to do in voting for the Porter amendment to the fiscal year 1996 foreign operations bill—to cut U.S. assistance to them.

Mr. Speaker, we should be proud of our efforts in the Congress to resolve this situation, but there is much work that still needs to be done. Answers must be found for those who have disappeared, including five Americans who were in Turkish held territory, following the 1974 invasion; in the absence of a complete Turkish withdrawal from the island, human rights improvements for the Cypriots must be secured; and the regional instability caused by tension between Greece and Turkey must be contained.

Thus, although we hope we will not have to return to commemorate this event next year, be assured that we will return for as many years as it takes to once again see a peaceful and independent State of Cyprus.

Mr. Speaker, I again thank the gentleman from Florida [Mr. BILIRAKIS] for organizing this special order and for his leadership on this issue and on many others.

Mr. BILIRAKIS. I thank the gentlewoman for her wonderful words.

Very quickly, getting back to demilitarization. Demilitarization is crucial to a satisfactory resolution of the division of this island-nation. In fact, this couldn't have been made more clear than in a recent report submitted to the U.N. Security Council regarding its resolution renewing the U.N. peacekeeping force in Cyprus. In that report, U.N. Secretary General, Boutros Boutros-Ghali, referred to occupied Cyprus as "one of the most highly militarized areas in the world."

Demilitarization would alleviate the security concerns of all parties and substantially enhance the prospects for a peaceful resolution of the problem.

In addition to these efforts, the United States and the international community have undertaken numerous other endeavors to end the occupation, but again and again the Turkish side has resisted.

Mr. Speaker, I yield to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Speaker, I thank the gentleman for yielding, the other half of the Hellenian Caucus, for yielding, and I thank him for his leadership on this issue.

I note you have a brief amount of time. I will just try to mention some things I do not think have been said, maybe putting this in a different perspective.

When it comes to the topic of Cyprus, there are so many paradoxes involved here. If you go back to September 14, 1829, after a tenacious 8-year battle, Hellenic troops were able to conquer larger Ottoman forces. The Greeks finally won their recognition as a sovereign state. They did that with the support of countries like Russia, Britain, France, and the United States, all supporting a return of democracy to the Greeks.

Yet, now for 21 years, these countries and many others around the world have turned their backs on Cyprus and the situation in Cyprus. It is the Greeks themselves who are credited with the entire concept of democracy. As early as the sixth century B.C., the ideas upon which our own Constitution was written were being debated by the ancient Athenian philosophers. Greeks were the first people to believe all persons are created equal and should be recognized as so, and these people can go and govern their own affairs. Yet, for 21 years on Cyprus, the Greeks who lived there, the Cypriots there, have not been allowed to do that.

Hundreds of years after the Greeks first talked about democracy, our own Founding Fathers referred to the wisdom of Pericles, Plato, and Aristotle in drafting the principles of America's own democracy and Constitution. Yet, we turn our back for 21 years on what has occurred in Cyprus.

When and under what other circumstance would this Nation turn its back on five American citizens captured and held? The gentleman from Ohio [Mr. HOKE] referred to a 17-year-old boy, who is a 38-year-old man, if he is alive. He had his passport in his hand.

The family was there, along with five Americans, along with 1,600 Greek Cypriots, who have not been heard of for 21 years. Yet, our Nation stands by, giving millions of dollars in economic aid to Turkey, giving hundreds of millions of dollars in military aid to Turkey.

In fact, it is amazing, if you take a look at those figures, the amount of money coming from the United States to Turkey is about what it costs that nation to be able to occupy Cyprus each of those 21 years, and every time the United Nations has spoken up on Cyprus, they have found that the Turkish Government has not paid attention. They have ignored everything we have done.

So I say to the gentleman, I am proud to be here on the floor with you commemorating this, and I hope that we never have to do this again, that something before the next anniversary comes up will occur so the people of Cyprus can again know the freedom that Greeks for centuries have talked about and people of this country for 200 years have also spoken about.

JOBS AND EDUCATION

The SPEAKER pro tempore (Mr. McINNIS). Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes as the designee of the minority leader.

TURKISH-OCCUPIED CYPRUS

Mr. BILIRAKIS. Mr. Speaker, will the gentleman yield?

Mr. OWENS. I yield to the gentleman from Florida.

Mr. BILIRAKIS. Mr. Speaker, I thank the gentleman from New York [Mr. OWENS]. I appreciate it so very much. I will not take the full 5 minutes.

Mr. Speaker, as the gentlewoman from New York said, last fall, the President appointed Mr. Richard Beattie as special emissary to Cyprus to lend new impetus in resolving the Cyprus problem. Mr. Beattie, along with State Department Special Cyprus Coordinator, James Williams, have made several trips to Cyprus stressing U.S. resolve in achieving a lasting solution to the problems there.

However, it is evident, Mr. Speaker, that a solution to the 21-year-old problem on Cyprus will not be found until tensions are lessened on the island and the Turkish side agrees to come to the table and negotiate.

I am satisfied that the Government of Cyprus remains committed to seeking a peaceful, just, and viable solution. The acceptance by the Turkish side of U.N. Resolution 939 and of Cyprus President Glafcos Clerides' demilitarization proposal would substantially enhance the prospects of a negotiated settlement.

This past weekend, in my home in Florida, a gentleman said to me that in all the history of the country of Turkey, voluntary negotiations and agreements based on those negotiations are absent. He said, "they don't negotiate."

I truly hope that he is wrong. Turkey has many internal problems. American taxpayer dollars are intended to help them with those problems, not to help them to wage invasions on their neighbors and to illegally occupy other lands. Common sense, a true caring for their own people, their domestic needs, and world opinion all would seem to dictate that Turkey would want to work things out on a problem that they just do not need.

I feel that we in the Congress have a responsibility to use our influence to see that Cyprus is made whole again, to rescue the thousands of Greek-Cypriots who have become refugees in the land of their birth. Like those faithful Cypriots in my district and elsewhere, we must do our utmost in this cause.

Mr. OWENS. Mr. Speaker, last week the House Appropriations Subcommittee on Labor, Health and Human Services and Education reported its appropriations bill for next year. The bill will be considered by the full committee on Thursday and by the full House next week.

On previous occasions, Mr. Speaker, I made it clear that nothing is more important in this House, nothing that we contemplate and nothing that we legislate on is more important than jobs and education.

□ 2130

And in our complex society jobs and education are inextricably interwoven. We cannot really hope to have a decent job in this complex society unless you do have an education.

When I came to Congress 13 years ago, I volunteered, and I wanted very much, to serve on the Education and Labor Committee. I thought that there would be a lot of competition for service on the committee which deals with education and jobs because in my district of course the most important thing that was clearly communicated to me by my constituents was a need for more jobs. We had one of the highest unemployment levels in the country concentrated in my district. People wanted jobs, they needed jobs, and of course, in order to qualify for some of the better jobs, they needed an education. I saw that right away. I wanted to serve on the Education and Labor Committee, and that was the name of the committee at that time, because of the fact that was the way I felt I could give the greatest amount of service to my constituents.

To my great surprise I found there was no great amount of competition for service on the Education and Labor Committee. The smarter members of the freshman class when I came in all told me that the Education and Labor Committee is a graveyard. You cannot get any contributions for our campaigns by serving on the Education and Labor Committee, and, true to form, I found that it was easy for me to get a place on that committee, and I, of course, still wanted a place, but there were many vacancies on Education and Labor, and year after year there were vacancies, and people came on that committee only after they could not find any other place.

But I think it was a great mistake on the part of those who chose that course. Nothing is more important than jobs and education. Nothing that we do is more important than what we do in order to encourage an economy which produces jobs and an economy which makes it possible for people to work and earn decent wages under conditions that are not life-threatening, under conditions that do not destroy the health of workers, and of course closely added to that is the need for education systems that allow people to qualify for these jobs, allow people to be able to operate and earn their own way in our complex society, and allow people also to meet other requirements in our very complex society.

So jobs and education are very important. They are very important, and in the Congressional Black Caucus alternative budget the only area that we propose great increases in the budget, although we were under the mandate to show a balanced budget over a 7-year period, and we met the mandate, and we balanced the budget over a 7-year period, we were not able to give increases elsewhere, but we did increase the education budget by 25 percent. We recognized that function 500, which is education and job training, was the area that had to be given priority.

It was quite pleasant to note that the President, President Clinton, when he decided to announce his own 10-year budget, chose to emphasize and to clearly make education and job training as a priority. The President proposes to increase over a 10-year period by more than $40 billion the education and job training budget. So we clearly have set that priority.

We are quite distressed by the fact that the overall Republican budget cuts in domestic spending call for a 4-percent cut over the 4-year period. Most programs will be cut only 4 percent if you average it all out. However the Republican appropriations bill shows that education has the lowest possible priorities because education is cut by 16 percent, not 4 percent, but by 16 percent, or $3.9 billion is cut out of funding for training and education and an additional 24 percent is cut out of other programs in function 500, labor programs, an additional $2.7 billion.

Now what does this mean in terms of the contract for America, the contract on America, some of us say the contract against America? What is the vision of the people who are in charge? The Republican majority want to do what in the future? They want to do what in the present? They want to do what in the future which leads them to believe that education and job training should be assigned the lowest possible priorities? The Republicans have clearly said that they want to remake America. We are going to remake America. They are going to remake America this year largely through the appropriations process. They are not able to muster the kind of votes in the Senate that are going to allow them to remake America through an authorization process where committee by committee and bill by bill they would be able to pass a bill which—bills which pass the House, so they are going to do it through the appropriations and budget process.

What do they do with jobs and education? Immediately they communicate to us that in the action taken by the Appropriations Committee the jobs and education are assigned a very low priority. The future of America, as envisioned by the Republicans in control of the House, is a future that does not need to have programs which provide the best possible education for the most people in America. The Nation does not need the best possible education system.

Yes, it is true that the Federal Government does not run the education system in America. Everybody knows that we all agree that only about 7 percent of the total education budget is money that comes from the Federal Government. The Federal Government plays a minor role in education. But it is a very pivotal role, and it is a role that needs to be expanded, and not cut off, and not diminished.

We have always prided ourselves on leaving education to the States and to the local school districts. Perhaps we have gone overboard. I think we have gone overboard and allowed too much to be left to the States and the local school boards over the years. We are not like France, or Great Britain, or Japan, or Germany. We do not have a highly centralized Department of Education running education for the whole country. We have never had that; there is no danger of us ever falling into that anytime soon in the next 100 years, I assure you, but we go to the other extreme. Instead of not only not having the highly centralized, centralized, overbearing direction of education from a central point, we are out of the picture too much, and the Federal Government has played too small a role, and for that reason our Nation has fallen behind in terms of the competence and productivity of its workers in terms of the reproduction of a labor force that is going to be able to meet the complexities of the future. We are in deep trouble because we have not played enough role. If the Federal Government were merely to get involved a little more, it would not hurt.

In fact, we could easily go to the point where the Federal Government is supplying instead of the present 7 percent of the total education funding, it can supply 25 percent. In fact, we should move toward that goal where at least 25 percent of the total education funding in America is supplied by the Federal Government, and then we would have 25 percent of the decisionmaking power. Even if we had 25 percent of the decisionmaking power, 75 percent of the decisionmaking power would still be left to the States and to the local governments. So there would be no domination of the Federal Government of education.

We do not need to lessen and diminish our role in education. We need to increase our role in education. It is quite dangerous, any vision of America which says that education is not important. Well, that is the vision that is being offered by the present Republican majority.

Perhaps it is because they are people whose mind-set is shaped by their philosophy that only an elite group can run America and only an elite group needs to get an education. I call them the elite minority that chooses to oppress the majority. Now that is a very difficult phenomenon in a democracy, and the great question is, Will the elite minority that controls the House now and controls the Senate, will an elite minority be able to stampede the great majority of Americans out there into accepting this oppression, accepting this denial of opportunity through education programs, accepting this large cut in job-training programs? Will the elite minority be able to stampede America, and divert their attention and get them interested in so many other things like abortion, and affirmative action, and voting rights, and various other immigrant-bashing, various other diversionary tactics, allow them to downgrade education, abandon job training, at the same time win votes? That is a great question; we do not know what the answer is going to be.

I assume that the majority of Americans will clearly recognize the threat, the danger, to their own well-being of that kind of philosophy and an elitist group which wants to govern only for that small group. It is a danger to the majority. The majority certainly will have at their disposal the instruments for dealing with that kind of philosophy now that it is clearly revealed.

It was not part of the Contract With America. Whether you like the Contract With America or not, in the Republican Contract With America they never stated we are going to downgrade the Federal involvement in education. They never stated we are going to give less money to job training, and less money to schools, and less money for drug-free schools and safe-schools programs. They never stated that. They never said we are going to cut school lunch programs. They never stated that. They never stated we are going to have fewer job training programs. In fact the impression was given that one of the things they definitely wanted to do was have everybody assume personal responsibility for themselves. The great emphasis was on reforming welfare, taking up the call of the President to change welfare as we know it.

They certainly in the Contract With America said they would do something about welfare in terms of making people move from welfare to jobs, and yet the very area which allows people to move from welfare to jobs is the area of education and job training, and that is the area which the Republicans have chosen to cut the most, the most. Sixteen percent they are cutting in education, 24 percent in other labor and job-training programs, 16 percent, 24 percent, in areas where people need the greatest amount of help in order to become self-sufficient in order to be able to get off welfare, in order to, those not on welfare, to be able to go on and get the kind of training they need for the kind of highly specialized and complex jobs that are opening all the time. We cannot have an America that is moving forward if we do not have every possible opportunity to upgrade the work force, every possible opportunity for people to help themselves.

Are Americans better off now than they were before the Contract With America started? Now that the Contract With America has been completed, are you better off now than you were before, or is the Republican concept of a Contract With America now out of control? Have they gone into areas where the contract never intended to go because certain people want to get revenge on labor? Certain people want to experiment with their own ideas about education? Certain people see the Federal Government in a way of local experimentation that might be more advantageous for people who want to privatize the schools or who want to pursue certain elitist agendas that cannot be pursued if you have a Federal Government which is trying to set some standards.

Goals 2000 is zeroed out. They do not want anything to do with Goals 2000. Goals 2000 is now zeroed out by the Republican majority, but Goals 2000 was conceived of by a Republican President following the lead of another Republican President. The whole movement toward reform of the public school education began under Ronald Reagan with the report of "A Nation at Risk." It was continued under George Bush when he set forth America 2000 and held a conference where he set forth six goals for American education.

President Clinton was at that Governors' Conference which set those six goals. President Clinton has followed through from America 2000 to Goals 2000. If you like Goals 2000 and America 2000 side by side, you are going to find they have more in common, they have more similarities, than they have differences. One of the big differences of course in America 2000 President Bush was proposing vouchers and greater privatization of schools, and President Clinton removed that completely from Goals 2000, but in spirit the whole idea of establishing standards where every school system could use those standards as a model, not—there is nothing mandated about it, there is nothing—the Federal Government does to force anybody to do anything, but the Republicans want to move away from the establishment of those standards. There was great bipartisan agreement on the establishment of the standards.

Goals 2000 went forward. It was passed, authorized, and funded with bipartisan support. Suddenly this new majority. The people who want to give us a contract have set off on a different course. They want to revolutionize in the wrong direction. Revolution is always a dangerous course. You know revolution is sometimes a necessary evil. You cannot change things any other way except by having a revolution.

But even the best revolutions go wrong. Revolutions are inherently destructive. They move too fast so rapidly, they try to do so much, that inevitably they will do a lot that is wrong. Why? Why have a revolution in an area where we do not need a revolution, where we have an evolution, a steady progress. Slow but steady movement in the right direction is evolution.

□ 2145

We have a pretty rapid evolution in education, an improvement of education. So why throw in a revolution which cuts off the Federal involvement by cutting off all the funds for Goals 2000 and by also rolling back other programs like chapter 1. Been funded for more than 25 years. Started under Lyndon Johnson to help poor school districts. Chapter 1, title I is now being cut drastically by the Republicans, an almost $1 billion cut.

Head Start for the first time. No Republican President or Democratic President has ever cut Head Start, but Head Start is now being cut by $200 million by the majority, by the Republican majority in the latest proposals to come out of the subcommittee on the Labor, HHS, and Education appropriations. That is what we are up against.

This Contract With America is out of control. The vision that the Republican majority has has to be examined and reexamined, because it is dangerous if it is a vision which sees education as being a low priority.

The assault on education and labor certainly was not openly contemplated or stated as part of the Contract on

America, Contract With America. The contract said nothing about moving not only to downgrade education and to cut off job training programs but also to attack the workplace.

There is an assault on the protection of workers in the workplace. There is an assault on the Occupational Safety and Health Administration and all of the laws that they have promulgated to help protect the safety of workers.

Much of this does not cost any money. Small amounts of money are involved, but the appropriations and budget process is being used in order to cut and destroy the effectiveness of these safety and health programs.

They cannot pass bills and get them through the legislative process and get them signed by the executive branch. So in the absence of being able to pass authorizing legislation and get it signed into law, they are using the back-door approach of the budget and appropriations process.

They have cut off large amounts of funding for OSHA, the Occupational Health and Safety organization. They have cut off money for the Mine Safety Health Administration. They have cut off money for the National Labor Relations Board.

The largest cut of organizations and entities designed to help workers has been NLRB. Thirty percent has been cut. These big numbers might be hard to follow, but just consider your budget for your House for a week, and if it took a 30 percent cut, you know what 30 percent means, if you take your salary for 1 month and you take a 30 percent cut, I have some idea what 30 percent means.

These are relatively small agencies of the Federal Government, the OSHA, Occupational Safety and Health Administration, the Mine Safety Administration, the research arm of OSHA called NIOSH, all very small pieces. Even the National Labor Relations Board, as comprehensive as it is and as important as it is to labor relations, it is still a small part of the overall executive budget.

So when they make these cuts they do great damage. They make it almost impossible for the agencies to function, and they know that. They are legislating through the appropriations process, crippling the agencies. It is an assault on workers.

And you might say, well, who cares about workers? Well, when we say workers, we do not mean people who are out there digging ditches necessarily, people who haul garbage. Workers are wage earners. Anybody who earns a wage is clearly a worker in the category of what we are talking about, and the vast majority of Americans are people who earn hourly wages or they earn salaries on the basis of hourly wages. They have salaries, but they pretty much work on the same basis as hourly workers. If they work over 40 hours, they want overtime, et cetera.

So you have a vast number of people employed by other people who are wage earners or workers. If you want to call them, working class, middle class, or you can even reach out, include some small entrepreneurs. There are a lot of people with small businesses. They earn less than the average hourly wage earner, but they like the independence.

In fact, one of the things that came out when we were doing the studies on health care last year in preparing health care legislation was that a large percentage of the small business owners of America have no health insurance. A large percentage of those people are independent, and they have their own business, and they deprive pleasure from that, and they contribute greatly to our economy, and we need more of them. They cannot afford to even pay for their own health insurance.

So if you are talking about people working every day and they cannot afford to be without a week's worth of earnings, then you could include large numbers of small businesspeople in the same category.

When you get through adding the hourly workers and the salary people who are really working on an hourly basis and you add to them the entrepreneurs and the small business owners, you are talking about two-thirds of America. You are talking about working conditions and earnings for two-thirds of America. So it is two-thirds out there, at least, that we are talking about when we say that the Contract With America has chosen to assault working people, assault the working class.

The middle class is a working class, anybody who is in those categories I mentioned before.

This assault is about more than money. Yes, the balancing of the budget has been touted as one of the major goals of the Republican majority, and it has been conceded by the White House and a lot of other people that maybe we should be unlike all of the other industrialized nations. Maybe this Nation should work toward a balanced budget. A balanced budget might be a good idea.

It may not be absolutely necessary because there are a lot of other industrialized nations like Germany, France, Britain, Holland, that do not have balanced budgets, and they have larger national debts than we do, and they function pretty well, but let us break ground and lead the other industrialized nations into a situation where we have national balanced budgets.

It might be good idea to save money on interest which is mounting all the time. All of it is worth experimenting with. We will accept the need for a balanced budget.

The President makes much more sense than the Republican majority and the Congress. He says let us do it over a 10-year period. Let us not glorify suffering and pain. Let us try to minimize the suffering and pain. Let us not sit comfortably from our vantage point in the elite upper group expecting a tax cut while we let people suffer in the other two-thirds of the economy. Let us try to balance the budget in a way which is fair and spreads the burden to all of us. Maybe we should even balance the budget slowly and look for new sources of revenue.

In the Congressional Black Caucus alternative budget, we proposed that we move toward an increase in the burden, the proportion of the burden of revenue of taxation that is borne by corporations. You know, we have in this country a strange phenomenon where since 1943 the amount of money—the percentage or the proportion of the overall tax burden borne by families and individuals has gone from 27 percent to 44 percent. Individuals and families now bear 44 percent of the total tax burden.

Corporations went in the other direction. They bore almost 40 percent of the total tax burden in 1943. They went from almost 40 percent of the total tax burden down to 11 percent. At one point it got as low as 8 percent of the total tax burden.

Stop and think about that. Every American who is angry out there ought to think about what he is angry at.

You have got good reason to be angry. You have been swindled. Over the years, the Committee on Ways and Means has been owned by corporations. Over the years, the Committee on Ways and Means has allowed itself and the Congress, yours truly included, have sat paralyzed when Ways and Means bills are brought to the floor. You cannot amend them. You cannot do anything about them. And we have not fought vigorously enough and exposed what is going on to a great enough degree to make the American people understand. We have been swindled.

At this point, after adjustments made by the Clinton administration, corporations are carrying about 11 percent of the total tax burden, while individuals and families are paying 44 percent of the total tax burden. And again, under Ronald Reagan it went as low as 8 percent. Corporations were paying as low as 8 percent. So there is good reason to be angry.

But let me come back to my major point here. In the attack on workers, the budget is not of great concern. The numbers and the money is not of great concern. The attack on workers is an attempt to destroy a certain segment of our society, a certain segment of the political infrastructure, a certain segment that does not cater to the philosophy of the elite minority that is in charge now.

That is what we are up against. This assault is designed to destroy the voices and the ability to participate in the political process of two-thirds of the Nation's people. It is assigned to wipe out any influence and any effectiveness that organized labor has. Because organized labor is a very small percentage of the total voting population out there, 16 million and going down, but they have a consolidated solidarity that allows them to have much more influence than the numbers would indicate, and they are one of the few organized forces that is not already controlled by the elite minority that is seeking to change, remake the government of America. They are not under the control of the people who are perpetrating the Contract With America. So they must be destroyed, and that is what this is all about.

The assault on organized labor does not necessarily save money. But it accomplishes another purpose of wiping out the opposition. Couple the two, the assault on education with—an assault on education and job training with an assault on the instrument, the voice, the mechanism by which people can fight for more jobs and better jobs and fight for better education, and you have an indication of what the grand design of the elite minority is.

They have a vision of the future. Their vision of the future and their vision of what America should be is an America that has no room for two-thirds of the people. We are not going to share the great wealth of America with two-thirds of the people. We are going to govern, according to the vision of the elite minority, govern in order to enhance the advantages and refurbish the luxuries of a small elite group, and that is what this grand design was all about.

Turning to education for a minute, let us take a look at some of the cuts that were taken in the education area. Education for disadvantaged students, and Title I program, which supports tutoring and remedial education services for low income children and others who are falling behind in school, the House bill cuts the program by $1.1 billion. That is 17 percent. This is in one year. We are talking about the cuts in that 1-year period, not over the 7-year period; 1.1 million educationally disadvantaged students will be out of the program, 1.1 million students around the country.

The House appropriations bill destroys the drug free schools—the drug free and safe schools program. It cuts it 60 percent, eliminating services to 23 million school children.

Adult education programs support literacy training and basic education for adults. The House bill gouges $25 million out of the program, denying services in this small program to 125,000 adults.

It goes after Head Start, as I stated before. Head Start will have 50,000 fewer children than before. We were proposing that Head Start be increased. George Bush increased Head Start programs. Ronald Reagan increased Head Start programs. For the first time, we have a cut in Head Start programs, after both parties have continually agreed that this was a program that works. It is a program where the funding—and youth employment and training programs, the House bill cuts total training for disadvantaged youth by 54 percent.

To the youth of America, here is the message: Youth of America who are not in school, the programs are cut more than half. If you are in school, we are only cutting 16 percent.

□ 2200

If you are in school, we are only cutting 16 percent, but we care not about the future of the youth of America. We care about putting them in prison, we care about more money for prisons and more money to make certain that law enforcement operations round them up, but we are not interested in educating the youth of America.

To the youth of America we are saying that the summer jobs program, which is already inadequate and funds too few youngsters, will be totally eliminated. It funds about 600,000 youngsters throughout America during the summer months. They get a job if they are low-income youth and they qualify. That is going to be eliminated totally, completely, zero funding is there. For year-round training programs for low-income youth, the cut will be 80 percent. That almost wipes it out. That leaves only 20 percent. Just stop and think, your monthly paycheck or your weekly paycheck, if you cut 80 percent out of it, if you take $8 out of every $10, what do you have left? You can understand how this is a destruction of a program. It does not exist anymore if you make that big a cut in the program.

Training for dislocated workers, people who lose their jobs by having large defense plants close. We said they would be a priority. We promised them, we had a contract with them that as we cut back on the expenditures for defense, workers in those plants would have an opportunity to be relocated, to be retrained, and we had special programs to do that. Now we are suddenly going to cut those programs 34 percent, $446 million. This will mean that 140,000 worker who are in the program already will be dropped out and no new workers of any substantial amount can come in.

Training for low-income adults, those people on welfare that we yell we wanted to get off welfare and get a job, that will be cut by $225 million, denying assistance to 74,000 that we now give assistance to to get off welfare, we are going to have that many fewer who will have the opportunity to get jobs and to get off welfare. This is what we mean when we say we are going to reform welfare, change it as we know it.

It is really not necessary to decimate education and training in order to balance the budget. The issue is how we go about reaching the balanced budget and what programs should be given priority as I said before. The Republicans have clearly decided that education is not a priority. Their budget would cut education spending by $36 billion over the next 7 years. The Congressional Black Caucus, as I mentioned before, has put forward a detailed budget which would, like the Republican plan, eliminate the deficit over 7 years. We have told them how to do it. But our budget doubles the spending for education and training and other human investments. We make education our first priority. We make education our first priority, and President Clinton has also proposed in his 10-year balanced budget plan to make education the first priority. His budget calls for a $140 million over a 10-year period.

It is important that the American people understand that this attack on education and training by the present Republican majority is unprecedented. Every single Federal education training and education program on the books, all that exist now, were enacted with bipartisan support. We had both Republicans and Democrats agreeing. Former Vice President Dan Quayle, not a liberal Republican, not a moderate Republican but proudly a very conservative Republican, he wrote the Job Training Partnership Act, which is the principal job training program in existence now. When he was a Senator, Dan Quayle wrote the Job Training Partnership Act. Now the Republicans are trying to rewrite history and they attack the same Job Training Partnership Act as a failed Democratic program and they want to destroy it. We have always proceeded on a bipartisan basis with every education and training program since I have been in this Congress. We have taken exhaustive painstaking steps and we have made every effort, even when it was quite annoying, to achieve consensus on every bill that we brought forward to the floor. Neither Republicans nor Democrats were happy with every provision of each bill that we passed over the last 13 years, but in their entirety each bill commanded overwhelming bipartisan support.

At the start of this Congress, many believed that this bipartisan approach would continue under the Republican majority. At least in the area of education and job training, we thought we could continue the bipartisan support. After all, education and job training had not been mentioned in the so-called Contract With America. That turned out to be purely wishful thinking. There has been no moderation and no bipartisanship. Our Committee on

Economic and Educational Opportunities has turned into an unrelenting attack dog for the radical right, intent on dismantling and disemboweling each and every education and training program which serves the American people. They even took the first step immediately to change the name of the committee. It has always been called the Committee on Education and Labor. But instead of Committee on Education and Labor, they chose to rename it Committee on Economic and Educational Opportunities, leaving out Labor. The word labor is not contained in the name of the full committee, and the word labor is not contained in the name of any of the subcommittees. The attack on labor, the ideological obsession with destroying labor began with the renaming of this committee.

Since January, the Committee on Economic and Educational Opportunities has taken some of the following actions. We have gutted the school lunch program, as everybody knows. We have told the children of America, the Nation needs your lunch. It is not enough to feed all the hungry. If the money runs out before the end of the year in the case of block grants to the States, children will have to just go hungry. We have to, after all, maintain the money in the budget in order to give a tax cut of more than $200 billion over a 7-year period to the richest Americans. We must save money. The Nation needs the lunch of school children in order to transfer those much-needed funds to the wealthiest Americans who need a tax cut. That is the plan of the controlling Republican majority.

They have repealed Federal child abuse prevention programs, also. Most of our State laws and programs designed to prevent and prosecute child abuse originated with a series of Federal laws enacted during the 1970's. These set out model laws, guidelines and programs and provided States with funds to implement them. By all accounts, it has been an extremely successful Federal-State partnership, improving the detection, the prosecution and the prevention of child abuse. Inexplicably and without a single hearing, the Committee on Economic and Educational Opportunities has gutted all of these laws and taken away the assistance that is provided to States and community-based and parent organizations. Before we adjourn in August for recess, there are indications that this committee will add substantially to this already impressive catalog of carnage.

One of the bills that the committee proposes to act on is the elimination of the Department of Education. In 1995 in America at the end of the 20th century as we go toward the 21st century, they insist on pursuing this agenda of eliminating the Department of Education.

As I said before, our Nation does not have a strong and over centralized Department of Education to begin with. We have too little direction from the Federal level in education.

Now the Republicans are proposing to eliminate that. They will try to do it through the budget process, since they are not able to get agreement with the other body that they can eliminate it right away through an authorization process.

They want to eliminate all small programs. The committee also plans to repeal nearly every remaining elementary and secondary education program on the books. They want to replace them with a lump sum, unrestricted block grant.

The Republicans argue that many of these programs are too small to do any good and should be tossed out. The logic is bizarre. If a program is small and does not require much funding, if it is not hurting the balanced budget process, it is still tossed out. It is still destroyed because it is too small. You are either too large or too small.

B-2 bomber programs, programs to fund the B-2 bomber, on the other hand, are gigantic programs. I guess it is their size, the size of the B-2 bomber program, is what makes it attractive. We can see nothing else attractive about the B-2 bomber program; the B-2 bomber program, which will absorb about $30 billion over the life of the program to build a bomber that nobody needs, that the President says he does not want, that the Secretary of Defense says he does not need, that the Air Force says they do not want.

Nobody wants the B-2 bomber, but the House of Representatives insists on including it in the budget, maybe because it is such a large program that the size of it, the gigantic nature of it, is attractive by itself. Small programs are considered evil, useless, they must be eliminated. But a gigantic program that nobody wants, that will cost $30 billion or more, that at all costs we seek to retain. This is a kind of individual action that results from a vision of America which is distorted to begin with, a vision of America which is front-loaded to deal with the one-third elite population.

If you are going to be concerned with the elitists, then you insist that there be a tax cut of more than $200 billion. If you going to be concerned with the elitists, you insist on the funding of a B-2 bomber. Who makes the profits on a B-2 bomber? The company that manufactures it, the district that is lucky enough to get it as a plant where the planes or parts of it are going to be manufactured. You are playing to a very small group.

If you took the same $30 billion and were to spend it in the civilian sector, you could create twice as many jobs. There are many studies that have been conducted and they all agree: Every dollar spent for military hardware would yield twice as many jobs if you spent them in the civilian sector. We could spend the B-2 bomber money any other way in the civilian sector and create jobs for twice as many people as are created by funding the B-2 bomber.

The assault on education is an assault which is partly driven by a concern for money, the desire to save money by cutting back on the Title I program, the Head Start program, the school lunch program. All the money you save by cutting these programs can be used to fund the more than $200 billion tax cut for the rich, so we understand that that assault is driven by the need to get money to pay for the tax cut for the rich.

The assault on labor is not saving tremendous amounts of money. That is an ideologically driven assault, an assault which shows that the Contract With America is out of control. There are certain people who want to get revenge on labor. There are certain people who think that you can silence a large segment of America if you destroy organized labor which is at the core of the opposition.

So they have mounted this assault on labor unrelentingly starting with the Striker Replacement Act under the Democratic-controlled Congress. We twice passed a striker replacement act, which I call a right to strike act, because the provision in American labor law which allows employers to permanently replace workers, which is unlike any other industrialized nation except South Africa, that is a provision which takes away the right to strike. If you can be permanently replaced, then you really don't have the right to strike.

We passed a bill twice in the House of Representatives under Democratic control. We did have a President who signed it. Now we have a President who has taken the initiative. The President has ordered that in the area of government contracting, they will not contract with any employer who practices the permanent replacement of strikers. Any company that engages in the permanent replacement of strikers cannot do business with the Federal Government under the Executive order issued by the President of the United States.

That Executive order now has been challenged. Our committee, as part of its attack on labor, has proposed a bill to nullify the executive order on striker replacement. It was reported to the House by the full committee as H.R. 1176 on June 14, 1995.

Those of us who are on the committee, of course, we fought the passage of it. But the Republican majority has the numbers. So the President's order, his Executive order which says that no contractor with the Federal Government would be allowed to practice the permanent replacement of strikers, that order is now under attack, and the committee has reported to the full

House now a bill which will strike down and nullify the executive order of the President.

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That is an unprecedented step, by the way. Congress very seldom takes steps to nullify an Executive order of a President.

Another bill that they have passed out of the full Committee on Economic and Educational Opportunities, which used to be called the Education and Labor Committee, as part of the attack on labor, we passed what we call the Team Act. The full committee ordered H.R. 743, the Team Act, favorably reported on Thursday, June 22.

The Team Act can be called more accurately the Company Union Act. The Team Act sets up a situation where companies can establish their own union. Nothing is more dangerous for unions than to have the employers, the management, be able to pick the people they want to bargain with and who they want to work with. The Team Act could be called the Company Union Act, and that is passed as part of the assault on labor. It has come out of the committee and has been reported to the floor.

The OSHA reform, the Occupational Safety and Health Administration, as I said before, is under attack. The OSHA reforms that have been proposed by the chairman of the subcommittee, Mr. BALLENGER, he has introduced a bill, which is H.R. 1834, entitled, "A Comprehensive Reform of OSHA," which could be better described as a death and injury act. It really guts the enforcement of OSHA and makes OSHA into an agency which has no viability. They cannot enforce any of their rules or their standards if they follow the procedures that are established in this act by Mr. BALLENGER and the subcommittee. That has been introduced and is still in the process of holding hearings.

The Fair Labor Standards Act reform is also under the Workforce Protection Subcommittee chaired by Mr. BALLENGER, and they are proposing, first of all, to gut the overtime provisions of the Fair Labor Standards Act. Child labor sections of the act will be dealt with later. They are starting by gutting the most important provisions related to workers, and that is the provision for overtime. That is part of the assault on labor that has gone forward.

Minimum wage. They refuse to deal with minimum wage at all. It is a negative assault on labor. By refusing to consider minimum wage or allowing any legislation to be considered which increases the minimum wage, they are assaulting two-thirds of the population out there suffering from increases in cost of living, living under an obsolete minimum wage standard.

The President and the Democratic leadership of the Congress are sponsoring an increase in the minimum wage of 90 percent over a 2-year period. That is our answer to the assault on the wages of workers.

The Davis-Bacon Act and the Service Contract Act, Davis-Bacon Service Contract Act protect workers when they are on government contracts. They must be paid the prevailing wages of a given area while they are working on a government contract program.

This was a program that was developed by Republicans. Mr. Davis was a Republican; Mr. Bacon was a Republican. It has been legislation always supported by Republicans previously. But now this revolutionary Republican majority wants to wipe out totally, repeal the Davis-Bacon Act.

Fortunately, they have not been able to do this through authorization, so one of the appropriations bills, the Transportation Subcommittee, has placed in the appropriations bill a provision cutting off all funds for the enforcement of Davis-Bacon on projects related to transportation. That is part of the assault on labor.

On and on it goes. The assault on labor, the assault on education, the two primary programs necessary for two-thirds of Americans to survive those are unrelenting, and it must be stopped. It is quite tragic that the vision, the vision that is driving the Republican majority is a vision which is a danger for two-thirds of the population.

Any vision for the future that caters to only a small percentage and refuses to endorse the principle of sharing the riches of our Nation, any such elite, selfish vision is a danger to the America of the future.

Oh, beautiful and spacious skies and acres and miles of rich, productive farmland, this is America which God has been quite good to. God is good to America, and America should be good to its people by sharing the great wealth. Hills and mountains full of gold, silver, copper, and uranium for energy; nature yields so much to America.

This is a land where democracy flourishes, a land with a written Constitution that establishes the framework for law and order, and the peace that comes as a result of that law and order makes rapid, unbroken progress possible. With all of the flaws and faults of our American system, we still have the best government that man has ever conceived.

America with political freedom and a free marketplace, a land where science and technology expand with infinite possibilities. This great America, preserved and protected by thousands of nameless soldiers who fought the tyranny of Tojo in Asia and the tyranny of Hitler in Europe; this America made available to all of us by God, nature and the accidents of history; this America protected and perfected by so many from George Washington, Thomas Jefferson, and millions of unpaid slaves who helped to build it. Abraham Lincoln, Franklin Roosevelt, and all of the soldiers known and unknown, who fought to hold on to our freedoms and our opportunities. This America belongs to all of us.

This is the America which we have to envisage; this is the America which you have to fight to keep; this is the America that the elite minority wants to destroy: The workers, the wage-earners, the salary workers, the small business people, the executives, the owners. This America does not belong to any one group, this belongs to all of the Americans.

The elite oppressive minority shall not prevail. This America belongs to all of us, and we will fight to keep it. We must fight the assault on education; we must fight the assault on labor. We must fight to preserve the America for all Americans.

The SPEAKER pro tempore (Mr. MCINNIS). Under the Speaker's announced policy of May 12, 1995, the gentleman from Pennsylvania [Mr. FOX] is recognized for 60 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I appreciate the opportunity to share a dialog with my colleagues on issues that are very important.

We have talked to a great extent this evening and throughout the week about reform issues. One of the issues that I think is the most exciting that has taken place this week is one where Congressman SMITH from the State of Washington has introduced landmark legislation today, which is in fact going to help revolutionize and improve the credibility, I believe, of campaigns nationally, and I hope that she is successful.

I would ask you, Congresswoman SMITH, if you could tell us the background of why you have brought this legislation forward, and what you hope to accomplish.

Mrs. SMITH of Washington. Mr. Speaker, first I want to thank the gentleman from Pennsylvania [Mr. FOX] for being one of the first people to stand up and say, this makes sense and I want to sign on the bill, and the gentleman is an original sponsor and a brave man in this place to make this change.

This particular change is revolutionary. The reason it had to happen is this is a new Congress. We are doing business different. We are cleaning house, we have changed procedures. We had a major audit of everything going on, and now we need a new way of running campaigns. The old way just will not work any more.

Mr. FOX of Pennsylvania. If the gentlewoman will yield, I think that is what the public said last November. They stated that they not only wanted the Congress to run better, be more accountable, spend less taxes and also spend less money, but they also said, what about cleaning up campaigns so that it is returned to the people and not controlled by special interests.

Please tell us a little bit more about the background, if you would.

Mrs. SMITH of Washington. Mr. Speaker, in Washington State, in 1992, after 4 hard years, we finally passed campaign reform, similar to what I am introducing here, and that many of our Members are already rallying around. What it did is it says, no money from outside your State. It limited PACs severely to where they are there, but they do not talk a lot with money. It eliminated gift places, they were called, office funds, but it is where lobbyists gave gifts so you could buy stereos and fancy clothes and things like that, and it said, no fund-raising while the legislature is in session. If you are voting, the money for your campaign should be contributed far, far away from voting. Therefore, it said no fund-raising. We are only in session there a few months, but it said, no fund-raising during the month before or the month after. So it sterilized.

Mr. Speaker, what this does is about the same. It says, no money from outside your State. No more PAC money, no more D.C. fund-raisers. You go back home, you campaign at home; no more gifts, no more trips.

We are going to change the culture. We are not going to ask all of the people here to jump in and change with their opponents, running back home and playing under the old set of rules. We are going to call unilaterally to disarm at a time certain to where everybody changes the rules and returns campaigns home.

Mr. FOX of Pennsylvania. Is it not true, Congresswoman SMITH, that you are going to level the playing field so that it will not be just incumbents that get reelected, it will be actually the best candidate winning based on merit and not who has the biggest war chest?

Mrs. SMITH of Washington. Definitely. And I think what is going to be hard for this place to get used to is some of the folks have been here 20, 30 years, and some more than that. They have homes established here. Good people. They raised their children here. They have not had to spend as much time in their districts. They go back, they represent their people, but they do not spend much time there, or have to spend much time there. This will force them to go home.

Then in the election year, if your opponent is out there in the streets going door-to-door and they are going out and saying, elect me, it will probably mean this Congress is not in session as much, and those people will have to spend more time in their States, which I think is really effective.

Mr. FOX of Pennsylvania. If the gentlewoman will yield, they have to be more accountable back to the people.

Mrs. SMITH of Washington. Yes. But it will be kind of scary.

This is revolutionary, but I think just like in Washington State, both sides of the aisle, both parties, everybody fought it for a long time. When they finally decided, some of them before it was passed, and some after, that it was OK, now they love it. Because no money can talk while they are voting. Lobbyists can talk with persuasion instead of their checkbooks. Now you will find that most people in Washington State jut cannot imagine going back under the old money system.

Mr. FOX of Pennsylvania. If the gentleman will yield, what has been the rate of growth as your staff and you have brought these facts together for the House, both Republicans and Democrats? What is the total PAC contributions to House campaigns that the gentlewoman has charted here for us tonight?

Mrs. SMITH of Washington. I just happened to bring a chart to show the gentleman.

Mr. FOX of Pennsylvania. That is good.

Mrs. SMITH of Washington. As the gentleman will see, in 1984, just 10 years ago, a little over, there were $80 million a year given by PACs, and now it is $132 million. I think what is significant about that is, and I should have another chart, it is four-to-one to incumbents. So what has happened, except for the little blip last year where some of us were, as I was, a write-in candidate, but some folks really had to take on an incumbent, and it was rare that an incumbent could go out even under a really good challenge. Because first of all, the incumbent had unlimited mailing, which we limit in this and do not let them mail 90 days before the primary and 90 days after.

Mr. FOX of Pennsylvania. If the gentlewoman will yield, what is the House rule now?

Mrs. SMITH of Washington. It is 60 days, and we are going to tighten it down so that it is even tighter.

Mr. FOX of Pennsylvania. So what you have going to be able to do now is make sure that the newsletters or any other communications from an incumbent will actually be related back to governmental work as opposed to those items which are just being sent out in an attempt to be reelected.

Mrs. SMITH of Washington. That is right. If you are trying to level the playing field and you are driving campaigns home and you do it all, but you leave the unlimited franking or reasonably unlimited franking, what happens is the incumbent has these great ideas about twice a week to send out to their colleagues to build their idea. If the idea is that great, it certainly is good in the first year of your term and not just extra good in the last. What we have found is that most of the franking is spent in the latter part of the term instead of the first part.

Mr. FOX of Pennsylvania. If I understand correctly, not only is your legislation going to limit the time period by which franked mail can be sent, but as a result of your efforts and the other reformers that have worked with you in the House, we have now cut by one-third the amount of mail that can be franked generally for House Members.

Mrs. SMITH of Washington. That is right. It will work really well, because we will still be able to communicate, even ask people to come to town halls with fliers and things like that. They will not need as much in the next year, because we are going to cut out what they would mail when this passes. Therefore, it changes politics as usual in the year of the election, but still lets you work with your constituents and communicate with them.

What we will see is what we saw in Washington State: campaigns dropped in cost by a third in one election cycle after the campaign measure passed, and it did not come from people. People's contributions went up, in fact. They realized they were really players.

It came out of the 15 big. Those are the big corporate, the big labor and the big trial lawyer groups, real estate agent groups. all of those groups. All of a sudden they could not give like they could before, and it dropped campaign costs by a third. It dropped campaign costs for all candidates, so there was an equal playing field.

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Mr. FOX of Pennsylvania. With regard to the political action committees, or PAC's, as you discussed what percentage have they been of incumbents' campaigns as relates to other expenditures?

Mrs. SMITH of Washington. I have just got 1994, but this seems to be pretty consistent. Incumbents were getting 53 percent of their contributions from individuals and 44 percent from PAC's and less than 3 percent from parties. Challengers, on the other hand, were getting 11 percent from PACs.

When you take a look at this, obviously PAC's really weighed in heavily for incumbents and not near as heavy for challengers. If you want to win as a challenger, you had to get a lot more individuals, but this will change. In Washington State it just changed substantially.

Mr. FOX of Pennsylvania. As far as the charts there, this is the 1994 figures, the most recent campaigns then. You found, based on what happened in Washington State, that you had a dramatic change in the culture there? Is that right?

Mrs. SMITH of Washington. Yes.

Mr. FOX of Pennsylvania. What happened in Washington State that you are saying today to the American people we think is going to change for Congress as well?

Mrs. SMITH of Washington. We returned campaigns to people. Instead of the legislature operating with fundraisers and evening events and worrying about lobbyists' contributions, they were able to get about business. Instead of having the first few weeks right before the session started with dozens of campaign fundraisers every day, they were able to plan an agenda, because they could not raise money. Instead of the incumbent mass mailing in the last year to be sure they were reelected, they had to get out and get amongst people because they could not do it anymore. It did what we wanted to do. We had to return these campaigns to people and get them away from PAC's.

Mr. FOX of Pennsylvania. Part of the reform effort we have seen in the freshman class as a Republican has been the gentleman from Kansas [Mr. BROWNBACK]. I would ask him to enter our colloquy and give us what he thinks is going to be really the next step.

Mr. BROWNBACK. Thank you very much for the gentleman yielding. I associate my comments with the gentlewoman from Washington and her comments about campaign finance reform, the excellent work she has done in the State of Washington. I think that can carry over to Washington, DC. We need to get this sort of reform taking place. I think the first step about being able to do that is bringing these sort of facts and figures out and bringing to the American people how campaigns are financed, how the system so much favors the incumbent. That is why a number of us support term limits. For one reason, the system so favors incumbents, this is the only way you can get at the system is through term limits.

Another thing, another key portion of it is the campaign finance system. You can see the difference between incumbents and challengers on the chart the gentlewoman from Washington [Mrs. SMITH] puts forward.

I want to say this is a very, very important thing to look at. The American people, on November 8, 1994, said to us, "Look, clean your own House up. Make the government smaller. Get that place under control. Return the people's House to the people." That to me is a lot of what this is about, returning the people's House to the people, having them fund it, having them finance it, having them see and be the focus of our point.

When I go back to eastern Kansas where I represent and where I ran during the campaign, the people kept saying all the time during the campaign, "Don't forget us, don't forget us." It seemed like an odd question to me. "Why do you think we'd forget you?" Then you start getting around the system and how it is built and how it is funded, how it operates, you see pretty quick why the people are scared we are going to forget them. I think the gentlewoman from Washington [Mrs. SMITH] is on target. I applaud her efforts.

Mr. FOX of Pennsylvania. I wanted to ask the gentlewoman further, your legislation does more than change the culture with regard to campaigns and how they are run and leveling the playing field for challengers, but this gift ban where we actually have lobbyists give lunches or golf and things like that, which the public does not appreciate nor understand, what would your bill do in a forward way?

Mrs. SMITH of Washington. You know, I think you keep saying my bill. This is several of our bills, yours, the gentleman from Kansas [Mr. BROWNBACK], but the gift ban section come from an earlier bill that we introduced, the three of us, the gentleman from Kansas [Mr. BROWNBACK], myself, and you earlier in session, and I think either one of you could explain just as well as I can. But it obviously just abolishes gifts, but I would certainly yield to the gentleman from Kansas [Mr. BROWNBACK] to probably explain that just as well as I can, probably better, because he has championed this issue.

Mr. BROWNBACK. The gift ban is pretty simple. It is a "just say no" gift ban. That is just simple, saying "no" to gifts. The American people in many respects think the institution is bought and paid for sometimes by very small gifts and trinkets, other times by very big things, and the gift ban legislation says "just say no," do not accept it, you do not need to take it, why have it. We are paid a reasonable salary, and we get reasonable pay for what we do here. Why do we need to have all of these gifts, plus why are we given gifts in the first place? Is there something going on untold that takes place? Some people think it is, some not.

Mrs. SMITH of Washington. It could be you are so handsome, both of you, but I think it is something else.

Mr. FOX of Pennsylvania. It has more to do with what we are voting on.

Mrs. SMITH of Washington. That is right. I do have something I want to ask you. We have both got pressure on it from other Members. There is a lot of concern about the provisions that eliminate all trips from special interests or any group wanting to lobby this place. Address that, and why we all made that decision, because some of our colleagues are real concerned about the change, away from, to no trips.

Mr. BROWNBACK. To me, the reason for it is very clear and very simple, and that is that frequently institutions or groups will seek to fly somebody as a Member of Congress to a particular place to be able to catch his ear for a longer period of time. I do not think people here are bought and sold for a trip. That does not take place. They get then additional time for the ability to influence a particular Member of Congress on a particular point of view. The people we represent do not get the same chance to do that. That is the idea with this. I do not think Members should be particularly scared about this provision at all, that this is something that we are saying if it is a reasonable trip, if it is worthwhile, we have travel accounts that are associated with this. If there are things that can be used that way, that that is the way that he ought to go with it, but it goes back to the people not trusting what takes place in the House of Representatives. This is their House. We are the people. We are the freshest from the folks. They are saying they do not trust it. Here is another way to try to say, OK, there are some institutional flaws with it. Let us get rid of those. Let us get about our job and let us move on down the road. I think we can operate a very strong House of Representatives without these gifts being given.

Mr. FOX of Pennsylvania. Another reason why I think this makes sense is no one really comes here with the idea, "I want to be in Congress to have a trip or a gift," and no one would come for that purpose, no one would stay for that purpose. Let us get rid of them, restore the confidence and credibility of the institution, along with the other kinds of reforms that are institutionally being made, whether it be legal reform, welfare reform, regulatory reform, all the things that help make the country work better, make sure that Government is more responsive by leading by example within this institution on the gift ban and reforms of campaigns; you are going to attract some quality people who never would have run before.

With term limits, they will all follow us in Congress, revitalize it and make it a stronger, more accountable place.

Mr. BROWNBACK. On that point, that is absolutely true, and plus one thing I would add, in a representative democracy, it is critical that people have trust and faith in the representative and the representative system. They have lost that faith. We have got to do what we can to restore that.

Mrs. SMITH of Washington. Well, you could not have said it any better. I have been wrestling with ways; a lot of amendments, a lot of the bills that have come forward on ethics in campaign and gifts have come from well-intentioned people, and they try so hard to get a bill that will make the people here happy and, and you go through the exceptions, and they might have some logic to them for some person, but when you put them all together and each of these bills that have come before us have exceptions, then there is still the problem of the appearance of evil. We know that most of our colleagues here are pretty honest people. Only a few break rules or are dishonest. They are here to do a good job.

But the American people look at it and go, "Just change," and I think that we cannot any longer just mickey with the system. I think we just have to change it to show them we are really a new Congress, a clean Congress.

Mr. FOX of Pennsylvania. In terms of the legislation filed today and discussed before the press corps of Washington, where do you see the next step? How is it going to be passed? Many people who are entrenched in Washington do not want to see it. How will passage come besides having our support? Where do you think it is really going to have a maximum effort?

Mrs. SMITH of Washington. It is going to come from the American people. It is going to come from the American people. Our plan, as you know, is to go to large groups of Americans, organized groups and small groups, and bring them together and make sure that they lobby their legislator and tell them what they want. If they do not deliver the votes on this, this time next year we will be having the same debate because this place will not change itself. One thing we know after November, this place is really interested in what the voters think. We know they put us in, watching us, and I know they can take us out, and they are not going to accept the old. We have given them a taste of the new, of the change, of the clean Government. We have audited this place. We have reduced staff. We have opened up doors and blown out cobwebs that have never been there before, and they now know we can do it, and I do not think they are going to accept anything else but a cleaning.

Next month the gentleman from Kansas [Mr. BROWNBACK] and myself will be speaking to the United We Stand conference in Dallas, with nearly 10,000 activists from around the Nation. You will be contacting groups, I say to the gentleman from Pennsylvania [Mr. FOX], and we will each individually divide up the Nation and get people to work this bill. People will deliver it, or it will not happen. We are going to do our part. I am going to do my part, and you both are.

But it will take people.

Mr. FOX of Pennsylvania. Like what you did in Washington State, I say to the gentlewoman from Washington [Mrs. SMITH]; that is how we will succeed here.

Mrs. SMITH of Washington. The people let us not.

Mr. FOX of Pennsylvania. One at a time. The people will make a difference. I could reflect also on another item today where reforms like yours being introduced, in fact, we came to fruition, one of the major items that we talked about on day one was to have a House audit so we could find out what the books were like and what the finances were of our own House for the first time ever. I would ask the gentleman from Kansas [Mr. BROWNBACK] for his force reflections on where we are at this point, what has been discovered, and where we go from here.

Mr. BROWNBACK. On day one of this new Congress, we said there were a number of reforms we would pass. One of those things on day one we said we would do was audit the House of Representatives for the first time in the history of this institution, long overdue, particularly when you consider this is the place that has had a House post office scandal, a bank scandal, a restaurant scandal, and any other number, and yet we did not need to have an audit. Well, yes, it needed an audit and we have had an audit released today.

We told people on that opening day, and we told the auditors, "Follow your noses. See what you find in this particular audit, in this situation." Price Waterhouse, a private major accounting firm in this country, had over 100 auditors auditing the House of Representatives for the past, since that time, since January 4 when we passed that, and they only looked back at the past 15 months for as far as when we took over in November 1994, they looked back 15 months, so they are just talking about a time period from the middle of 1993 to November 1994, and auditing this institution back through that period of time. I think they need to go back further and look more thoroughly at this.

But today they released this report, and it was a scathing indictment of the institution and the institutional failures, so much so that these auditors could not issue an opinion as to the fiscal soundness or the financial situation of the House of Representatives. They could not even issue an opinion. They said the records are so bad, they said we had two sets of books during this time period. Now, this is under the old Congress. This is under the Congress that was controlled by one party for 40 years in a row, so two sets of books. We could not find the audit trail sufficiently to be able to tell you what the financial conditions of the House of Representatives is today. They said that if this was a private business, you could not get a loan, because we could not say if your books were solid or not and, furthermore, you would be bankrupt.

They said if you were a governmental institution, which this place is, you would have violated the law since 1990. We are on cash basis accounting. The whole Government went to accrual basis accounting the year I was born except for the House of Representatives.

Now, this is itself a massive indictment of what took place financially in this institution, and this is just a 15-month window that we have examined, and that is coming out today.

Mr. FOX of Pennsylvania. I also noticed in my copy of the report, which went to each Member, and it was a bipartisan initiative, it showed that actually bills had not been paid, equipment was not accounted for, and there were security problem with the computer system, within the internal system. I was happy to see at the end of the day, and I am sure you were as well, that every single Member of this Chamber voted to have the inspector general do the followup work required, hopefully with your help and the gentlewoman from Washington [Mrs. SMITH] we will be able to go backward in time sufficiently suitable enough so we can get the other information we need so we do not see these institutional errors continue.

Mrs. SMITH of Washington. If the gentleman will yield, you know, I looked at this, and again I am an optimist. I thought how great we have the opportunity to change it, and this is a Congress that will. You know we can look back and spend a lot of time on being made, but we can look forward and we can say we know what is wrong and we can make changes.

But also I felt really good because many of the things recommended when it came to Government costs in this is too much, barbershops, beauty shops, all of those things we had already started fixing, the printing costs, all of those. I felt good we had already started changing. I felt good we could see where we could change, and that I believe we can move forward. And I also felt good that we are not as partisan as I have seen in the past and in other layers of Government. We are giving it to an outside counsel to look at. We are not playing around with it. We are not holding our own hearings on it. We are just saying, "Here, you take it, and you followup on this," and I was proud of us for doing that. I think that was a very wise move for this institution to take, to not politically make this a football.

Mr. BROWNBACK. If the gentlewoman would yield for just a moment, I think those are absolutely appropriate comments, and that is what the American people want us to do. They want us to clean our own house up first. They want us to produce a smaller Federal Government, clean up the House of Representatives, and return to the basic values that built the country, and we are getting a good start on doing those things.

I am just amazed that when I ran for Congress, and I ran a lot saying, "We're got to change Congress," I did not comment about—enough about how bad the institution had——

Mrs. SMITH of Washington. Did not even know.

Mr. BROWNBACK. Yes, I guess I didn't realize it, but to never have been audited, to have this sort of lack of ability to even be able to render an opinion, I mean the financial situation just stinks.

What I am happy to see is we have blown the lid off of that. OK; it is no longer just this hidden little dirty secret that is only known around Washington.

Look, here is the audit. I have got some summaries here. The audit is inches thick that we have released out today. Here is what it is, folks. Let us get to the bottom of this, and at least we have blown open the lids on the Capitol, and given the people's House back to the people, and to me this is part about reestablishing the faith of the American people in representative democracy which we absolutely have to do to continue to make the tough choices for the future of our great Nation, which I was just home in Kansas, and I was down in Pittsburg, KS, this past weekend, and people there are saying:

"I'm scared for our Nation."

"I'm scared for our future."

What's going to take place in the future of this country?"

Because they are just fearful we are going to be self-serving, we are not going to take care of the real business we need to, we are not going to clean up the House, and this is a further statement:

"No, we are."

It is a start. We passed the audit bill. Here is the first installment. We are going to continue on it, and we have got to get the bad odor out of the place that we are finally started on.

Mr. FOX of Pennsylvania. Mr. Speaker, I think it is a fact that what is really clear here is that not only are we talking about reforming Government, and that is downsizing, privatizing, consolidating, eliminating agencies which have become bloated or duplicating what is in local governments, much with your work with the New Federalists, Congressman BROWNBACK and Congresswoman SMITH, but what we are also doing is, like you said earlier, the institution itself has become so inbred with the problems of the books having two systems, of having no change, kind of the status quo was maintained. We have a new sign on this House, said the status quo no longer lives here. Everyone is allowed to question everything.

In fact, Mr. Speaker, the Speaker and the leadership is saying to freshmen, "Please question the system," and that goes for the American public. If they got something they think where the Federal Government is off base, we are here as Representatives in Congress and the Senate so we can make those fundamental changes in the institution, in the Federal Government. We want to be more responsive, more accountable, spend less money, do more to help businesses grow, produce, and hire, give individuals to be all they can be as well, and by listening to the American public, going back as often as you do to Kansas and LINDA does, Congresswoman SMITH, to Washington, we will start hearing those kinds of suggestions which will be institutional as well as governmental.

Mr. BROWNBACK. If the gentleman would yield, the gentleman from Minnesota [Mr. GUTKNECHT] that is also in our class, he has a saying that he uses from his grandmother. It says: "If you always do what you always done, you'll always get what you always got."

It is her statement, and what I am so pleased about is that we are not just doing what we always done. The standard thing to do would be to say, OK, when you take over, "Well, let's not really look at the books, the audits. You might get at your own Members. You might get at some people you don't want to."

No, no, we are going to audit the place. The thing we have to do now is be vigilant and make sure that this sticks, that the next time the auditors look at this place, and we do an annual audit, and they look at an audit, they can issue an opinion where the House of Representatives is, and they will not say this place stinks, which is what the auditor said today basically.

I was in the committee where they released the information, and they were saying they cannot compare this to any other institution they have ever audited previously. I mean it has its own set of records, and it seems to serve its members more than be interested in accountability. It was the auditors' own statement. Well, that is a staining indictment on the system. I am glad to say that that system is being thrown out——

Mr. FOX of Pennsylvania. As far as I am concerned, we got a breath of fresh air coming through the Congress today not only with the audit, but with the legislation of the gentlewoman from Washington [Mrs. SMITH] to get a new perspective. This may be a catalyst for change in government reform, political campaign reform, in gift ban, and I was just speaking to a taxi driver earlier this evening. He said:

"You know, I like it the way the place is being questioned now." He said, "I'm reading more books on history. I'm looking into what the Government's doing. I'm glad that you freshmen are questioning things that I always thought should be questioned, and you're doing it, and whether you're a Republican or Democrat in this 104th Congress, things will get better, you'll be more accountable, and you're listening more to the folks back home.

I think they want to make sure we continue doing it.

Mr. BROWNBACK. Yes, and if the gentleman would yield, that is the key to representative democracy, and they feel like all they have had is more of an imperial Congress than a representative democracy. We have got to continue. That is why campaign finance reform, gift ban, the continuation of the audit. Let us continue to looking forward and backward at what is taking place. We have got to reinstill that trust and faith in the American people and this institution.

Mrs. SMITH of Washington. Mr. Speaker, if the gentleman will yield for a brief statement, I think though that we have to remember that we will only be able to do it if the American people are behind us and pushing. This place still have rooms that need to be cleaned, and it gets to be real hard for the oldtimers when they see so much happening, and so the American people are going to have to call and say, "We want the Brownback-Smith-Fox or the Fox-Smith-Brownback Clean Campaign Act." They have to do that. They have to say, "We want the Clean Campaign Act." They need to call their Members and tell them that, if they do not do that, it will not happen because this is going to be a tough change.

When we get into this audit, they need to commend us for doing it, not point fingers at all of us for cleaning it up, and we need the support of the American people. This is going to be a tough job, and we cannot do it by ourselves.

Mr. FOX of Pennsylvania. Well, I want to thank the gentlewoman from Washington [Mrs. SMITH] and the gentleman from Kansas [Mr. BROWNBACK] for their participation in this special order tonight which dealt with reforming the Congress, and for keeping the revolution alive, and we thank them for their efforts and leadership.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CRANE (at the request of Mr. ARMEY) from 2:30 p.m. today through Wednesday, July 19, on account of the death of his father.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FATTAH) to revise and extend their remarks and include extraneous material:)

Ms. KAPTUR, today, for 5 minutes.

Mr. OLVER, today, for 5 minutes.

Mr. DEFAZIO, today, for 5 minutes.

Mr. RUSH, today, for 5 minutes.

Ms. MCKINNEY, today, for 5 minutes.

Ms. BROWN of Florida, today, for 5 minutes.

(The following Members (at the request of Mr. HAYWORTH) to revise and extend their remarks and include extraneous material:)

Mr. BALLENGER, today, for 5 minutes.

Mr. BROWNBACK, today, for 5 minutes.

Ms. SEASTRAND, on July 20, for 5 minutes.

Mr. JONES, today, for 5 minutes.

Mr. FORBES, today, for 5 minutes.

Mr. HAYWORTH, today, for 5 minutes.

Mr. BRYANT of Tennessee, today, for 5 minutes.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Mrs. MEEK of Florida, today, for 5 minutes.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FATTAH) and to include extraneous matter:)

Mr. SKELTON in five instances.
Mr. STARK in two instances.
Mr. FAZIO.
Mrs. COLLINS of Illinois
Mrs. SCHROEDER.
Mr. RAHALL.
Mr. ANDREWS.
Mr. RUSH.

(The following Members (at the request of Mr. HAYWORTH) and to include extraneous matter:)

Mr. SENSENBRENNER.
Mr. CRANE in two instances.
Mr. WATTS of Oklahoma.
Mr. GILLMOR.
Mr. PACKARD.
Mr. WOLF.

SENATE BILLS REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 457. An act to amend the Immigration and Nationality Act to update references in the classification of children for purposes of United States immigration laws; to the Committee on the Judiciary.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 523. An act to amend the Colorado River Basin Salinity Control Act to authorize additional measures to carry out the control of salinity upstream of Imperial Dam in a cost-effective manner, and for other purposes.

ADJOURNMENT

Mr. FOX of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 52 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 19, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1219. A letter from the Acting Director, Defense Security Assistance Agency, transmitting the Department of the Air Force's proposed lease of defense articles to the Taipei economic and cultural representative in the United States [TECRO] (Transmittal No. 29-95), pursuant to 22 U.S.C. 2796a(a); to the Committee on International Relations.

1220. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b(a); to the Committee on International Relations.

1221. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "Review of the Award and Administration of Parking Ticket Processing and Delinquent Ticket Collection Services Contracts," pursuant to D.C. Code, section 47-117(d); to the Committee on Government Reform and Oversight.

1222. A letter from the Deputy Director for Operations and Benefits, District of Columbia Retirement Board, transmitting the financial disclosure statement of a board member, pursuant to D.C. Code, section 1-732 and 1-734(a)(1)(A); to the Committee on Government Reform and Oversight.

1223. A letter from the Chairman, Federal Election Commission, transmitting a copy of a report entitled, "Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office, 1993-1994," pursuant to 42 U.S.C. 1973gg-7; to the Committee on House Oversight.

1224. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1225. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1226. A letter from the Deputy Associate Director for Compliance, Department of the Interior, transmitting notification of proposed refunds of excess royalty payments in OCS areas, pursuant to 43 U.S.C. 1339(b); to the Committee on Resources.

1227. A letter from the Acting Assistant Secretary for Territorial and International Affairs, Department of the Interior, transmitting a draft of proposed legislation entitled, "Pacific Insular Fisheries Empowerment Act of 1995"; to the Committee on Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SHUSTER: Committee on Transportation and Infrastructure. H.R. 714. A bill to establish the Midewin National Tallgrass Prairie in the State of Illinois, and for other purposes; with an amendment (Rept. 104-191, Pt. 1). Ordered to be printed.

Mr. SHUSTER: Committee on transportation and Infrastructure. H.R. 1943. A bill to amend the Federal Water Pollution Control Act to deem certain municipal wastewater treatment facilities discharging into ocean waters as the equivalent of secondary treatment facilities (Rept. 104-192). Referred to the Committee of the Whole House on the State of the Union.

Mr. LEACH: Committee on Banking and Financial Services. H.R. 1858. A bill to reduce paperwork and additional regulatory burdens for depository institutions; with an amendment (Rept. 104-193). Referred to the Committee of the Whole House on the State of the Union.

BILLS PLACED ON THE CORRECTIONS CALENDAR

Under clause 4 of rule XIII, the Speaker filed with the Clerk a notice requesting that the following bills be placed upon the Corrections Calendar:

H.R. 1943. To amend the Federal Water Pollution Control Act to deem certain municipal wastewater treatment facilities discharging into ocean waters as the equivalent of secondary treatment facilities.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LONGLEY:

H.R. 2049. A bill to designate the Federal building located at 33 College Avenue in Waterville, ME, as the "George J. Mitchell Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. BAKER of Louisiana:

H.R. 2050. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for interest on higher education loans and to permit penalty-free withdrawals from qualified retirement plans to pay for higher education expenses; to the Committee on Ways and Means.

H.R. 2051. A bill to amend the Internal Revenue Code of 1986 to restore the deduction for the health insurance costs of self-employed individuals, to provide incentives for certain medical practitioners to practice in rural areas, to provide for the creation of medical savings accounts, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BEILENSON (for himself and Mrs. MORELLA):

H.R. 2052. A bill to amend the Foreign Assistance Act of 1961 to establish and strengthen policies and programs for the early stabilization of world population through the global expansion of reproductive choice, and for other purposes; to the Committee on International Relations.

By Mr. BEREUTER (for himself, Mr. HAMILTON, Mr. ARCHER, Mr. GIBBONS, Mr. CRANE, Mr. MATSUI, Mr. GALLEGLY, Mr. JOHNSTON of Florida, Mr. THOMAS, Mr. ROEMER, Mr. KOLBE, Mr. DREIER, Mr. BENTSEN, Mr. LIGHTFOOT, Mr. SHAW, Mr. CASTLE, Mr. ENGLISH of Pennsylvania, Mr. BROWNBACK, and Mr. ROTH):

H.R. 2053. A bill establishing United States policy toward China; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and

Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. DICKS (for himself, and Mr. MCDERMOTT):

H.R. 2054. A bill to amend the Internal Revenue Code of 1986 to apply the rehabilitation credit to historic ships, aircraft, and other vessels; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 2055. A bill to amend the General Educations Provisions Act expanding the exemption for the release of student records to comply with certain State statutes; to the Committee on Economic and Educational Opportunities.

By Mr. MARTINEZ:

H.R. 2056. A bill to amend the Older Americans Act of 1965 to provide for Federal-State performance partnerships, to consolidate all nutrition programs under the act in the Department of Health and Human Services, to extend authorizations of appropriations for programs under the act through fiscal year 1998, and for other purposes; to the Committee on Economic and Educational Opportunities.

By Mr. TEJEDA (for himself, Mr. BONILLA, Mr. GONZALEZ, and Mr. SMITH of Texas):

H.J. Res. 102. Joint resolution disapproving the recommendations of the Defense Base Closure and Realignment Commission; to the Commission on National Security.

By Mr. ARMEY (for himself and Mr. GEPHARDT):

H. Res. 192. Resolution providing for additional auditing by the House Inspector General; considered and agreed to.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

132. By the SPEAKER: Memorial of the Legislature of the State of Nebraska, relative to the Western Area Power Administration; to the Committee on Resources.

133. Also, memorial of the House of Representatives of the State of Kansas, relative to the 10th amendment to the Constitution of the United States; to the Committee on the Judiciary.

134. Also, memorial of the House of Representatives of the State of South Dakota, relative to memorializing the Congress of the United States to enact legislation to provide for medical savings accounts; jointly, to the Committees on Economic and Educational Opportunities and Commerce.

135. Also, memorial of the House of Representatives of the State of Alabama, relative to urging the U.S. Senate to approve legislation returning reasonableness to the environmental regulatory process; jointly, to the Committees on Commerce, Transportation and Infrastructure, and Science.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 60: Mr. GOODLING, Mr. FUNDERBURK, and Mr. STOCKMAN.

H.R. 65: Mr. DICKS and Mr. STUPAK.

H.R. 103: Mr. GILMAN.

H.R. 123: Mr. TAUZIN, Mr. HERGER, Mr. WILSON, and Mr. WATTS of Oklahoma.

H.R. 218: Mr. DICKEY.

H.R. 303: Mr. DICKS and Mr. STUPAK.

H.R. 359: Mr. SHUSTER and Mr. TORKILDSEN.

H.R. 373: Mr. STOCKMAN.

H.R. 394: Mr. SAM JOHNSON, Mr. PETERSON of Minnesota, Mr. PAXON, Mrs. KELLY, and Mr. SOUDER.

H.R. 713: Mr. SCHUMER, Mr. BONIOR, and Mr. FOGLIETTA.

H.R. 858: Mr. HEFNER, Mr. LUTHER, Mr. THOMPSON, Mr. JEFFERSON, Ms. RIVERS, Mr. ROSE, and Mr. HORN.

H.R. 887: Mr. LUTHER.

H.R. 922: Mr. FIELDS of Louisiana, Mr. PETERSON of Minnesota, and Mr. PICKETT.

H.R. 927: Mr. ENGLISH of Pennsylvania.

H.R. 941: Mr. SCHUMER, Ms. MCKINNEY, Ms. VELAZQUEZ, Mr. OWENS, and Mr. COLEMAN.

H.R. 994: Mr. CONDIT.

H.R. 995: Mr. SHAYS, Mr. LEACH, Mr. SAXTON, Ms. LOFGREN, and Mr. LIPINSKI.

H.R. 1000: Mr. WYNN.

H.R. 1020: Mr. BARR, Mr. ALLARD, and Mr. WATT of North Carolina.

H.R. 1043: Mr. NEY.

H.R. 1119: Mr. CRAPO, Ms. ROYBAL-ALLARD, and Ms. ESHOO.

H.R. 1127: Mr. KASICH, Mr. FRELINGHUYSEN, Mr. SHUSTER, Mr. HUNTER, Mr. MCINTOSH, Mr. CASTLE, Mr. GUTKNECHT, Mr. BASS, Mr. LATOURETTE, Mr. TRAFICANT, Mr. COBURN, Mr. MANZULLO, Mr. MICA, Mr. HILLEARY, Ms. NORTON, Mr. WAXMAN, Mr. BARRETT of Wisconsin, Mr. GOSS, Mr. WAMP, Mr. STOCKMAN, Mr. DOOLITTLE, Mr. GUNDERSON, Mr. HOUGHTON, Mr. SAM JOHNSON, Mr. TALENT, and Mr. LOBIONDO.

H.R. 1143: Mr. MARKEY.

H.R. 1144: Mr. MARKEY.

H.R. 1145: Mr. MARKEY.

H.R. 1203: Mr. BILBRAY, Mrs. CUBIN, and Mr. LATHAM.

H.R. 1204: Mr. LUTHER.

H.R. 1301: Mr. JOHNSON of South Dakota.

H.R. 1309: Mr. EVANS, Mrs. MORELLA, and Mr. KLINK.

H.R. 1444: Mr. BONIOR and Mr. HINCHEY.

H.R. 1513: Mr. DEFAZIO.

H.R. 1579: Mr. STARK.

H.R. 1611: Mr. PICKETT.

H.R. 1627: Mr. TANNER.

H.R. 1631: Mr. HILLIARD.

H.R. 1678: Mrs. ROUKEMA, Mr. KIM, Mr. BARRETT of Nebraska, and Mr. FOX.

H.R. 1803: Mrs. WALDHOLTZ.

H.R. 1833: Mr. HASTINGS of Washington, Mr. LIGHTFOOT, Mr. PORTMAN, Mr. HAYES, Mr. DIAZ-BALART, Mr. CRAPO, Mrs. WALDHOLTZ, and Mr. PAXON.

H.R. 1853: Ms. MCKINNEY and Mr. REYNOLDS.

H.R. 1872: Mr. SKAGGS.

H.R. 1884: Mr. LIPINSKI.

H.R. 1950: Mr. DEFAZIO, Ms. MCKINNEY, Mr. KENNEDY of Rhode Island, and Ms. NORTON.

H.R. 1963: Mr. SENSENBRENNER.

H.R. 1981: Mr. CREMEANS, Mr. ENSIGN, Mr. STEARNS, and Mr. EWING.

H.R. 1985: Mr. SKEEN, Mr. JOHNSON of South Dakota, Mr. REYNOLDS, Ms. VELAZQUEZ, Mrs. LOWEY, and Mr. BARTLETT of Maryland.

H.R. 2013: Mrs. THURMAN, Mr. HYDE, and Mr. TANNER.

H.R. 2026: Mr. FROST, Mr. BORSKI, and Mr. HOKE.

H.J. Res. 89: Mr. DEAL of Georgia, Mr. BACHUS, Mrs. SEASTRAND, Mr. BISHOP, Mr. CALVERT, Mr. HANCOCK, Mr. CUNNINGHAM, and Mr. BUYER.

H. Con. Res. 8: Mr. HOKE.

H. Con. Res. 42: Ms. PELOSI, Mr. POMBO, Mr. SALMON, and Mr. FALEOMAVAEGA.

H. Con. Res. 50: Mr. MANTON.

H. Con. Res. 78: Mrs. THURMAN, Mr. HINCHEY, Mr. MCDERMOTT, Mr. LEVIN, Mr. BOUCHER, Mr. VENTO, and Mr. BEVILL.

H. Con. Res. 79: Mr. LIPINSKI and Ms. ESHOO.

H. Res. 174: Mr. ACKERMAN, Mr. FILNER, Mr. BROWN of Ohio, Mr. MATSUI, Mr. REED, Mr. OLVER, Mrs. LOWEY, Mr. SABO, Ms. LOFGREN, Mrs. MINK of Hawaii, Mr. SCHUMER, Mr. ABERCROMBIE, Mr. BROWN of California, Mr. PALLONE, Mr. FLAKE, Mr. SMITH of New Jersey, and Mr. POSHARD.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1976

OFFERED BY: MR. CAMP

AMENDMENT NO. 47: Page 13, line 24, strike "$31,485,000" and insert $31,930,000".

Page 14, line 2, strike $98,810,000" and insert $98,365,000".

H.R. 1976

OFFERED BY: MR. CASTLE

AMENDMENT NO. 48: Page 25, line 20, strike "$805,888,000" and insert "802,888,000".

Page 31, line 19, strike $629,986,000" and insert $612,986,000".

Page 40, line 10, before "for loans" insert "(plus $200,000,000)".

Page 40, line 20, before ", of which" insert "(plus $40,000,000)".

Page 57, line 20, strike "$821,100,000" and insert "801,100,000".

H.R. 1976

OFFERED BY: MR. CONDIT

AMENDMENT NO. 49: Page 25, line 20, insert before the colon the following: "reduced by $300,000)".

Page 3, line 3, insert before the period the following: "(increased by $300,000, which shall be available for the operation of the Office of Risk Assessment and Coast-Benefit Analysis of the Department)".

H.R. 1976

OFFERED BY: MR. DE LA GARZA

AMENDMENT NO. 50: On page 41, line 3, strike out "$390,211,000, of which $377,074,000" and insert "$385,889,000, of which $372,897,506"; and

On page 46 after line 7 insert the following paragraph:

"RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

"For the cost of direct loans as authorized by the rural development loan fund (42 U.S.C. 9812(a)) for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, $4,322,000, to subsidize gross obligations for the principal amount of direct loans, $7,246,000.".

H.R. 1976

OFFERED BY: MR. DURBIN

AMENDMENT NO. 51: Page 71, after line 2, insert the following new section:

SEC. 726. None of the funds made available in this Act to the Department of Agriculture may be used (1) to carry out, or pay the salaries of personnel who carry out, any extension service program for tobacco; or (2) to provide, or to pay the salaries of personnel who provide, crop insurance for tobacco for the 1996 or later crop years.

H.R. 1976

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 52: Page 54, line 7, strike "the program." and insert in lieu thereof "the program: *Provided further*, That none of the funds in this account shall be available to any State that does not use the competitive bidding process for the procurement of infant formula as required by the Child Nutrition Act as of July 18, 1995."

H.R. 1976

Offered By: Mr. Miller of Florida

Amendment No. 53: Insert before the short title (page 71, after line 2) the following new section:

Sec. 726. None of the funds appropriated or otherwise made available in this Act may be used to administer any price support program for sugar beets or sugar cane under section 206 of the Agricultural Act of 1949 (7 U.S.C. 1446g) or other authority or to establish or administer marketing allotments for sugar and crystalline fructose under part VII of subtitle B of title III of the Agriculture Adjustment Act of 1938 (7 U.S.C. 1359aa–1359jj), unless such administration is in response to a violation of such laws occurring before the date of the enactment of this Act.

H.R. 1976

Offered By: Mr. Sanders

Amendment No. 54: Page 56, line 16, strike "$123,520,000" and insert "$123,020,000".

Page 60, line 15, strike "$904,694,000" and insert "$905,194,000".

H.R. 1976

Offered By: Mr. Sanders

Amendment No. 55: Page 56, line 16, insert before ", of which" the following: "(reduced by $500,000)".

Page 60, line 15, insert before ", of which" the following "(increased by $500,000)".

H.R. 1976

Offered By: Mr. Sanders

Amendment No. 56: Page 60, line 15, strike "$904,694,000" and insert "$904,194,000".

Page 61, after line 22, insert the following:

SYNTHETIC BOVINE GROWTH HORMONE RESIDUE TEST

For the development of a test to show whether synthetic bovine growth hormone (BGH) (also called bovine somatotropin (BST)) is present in milk and to make the test commercially available to dairy producers, processors, and public health and agriculture agencies of the United States, and for the preparation of a report on the impact of the introduction of synthetic bovine growth hormone on small farms in America, $500,000.

H.R. 1976

Offered By: Mr. Sanders

Amendment No. 57: Page 60, line 15, insert before "of which" the following: "(reduced by $500,000),".

Page 61, after line 22, insert the following:

SYNTHETIC BOVINE GROWTH HORMONE RESIDUE TEST

For the development of a test to show whether synthetic bovine growth hormone (BGH) (also called bovine somatotropin (BST)) is present in milk and to make the test commercially available to dairy producers, processors, and public health and agriculture agencies of the United States, and for the preparation of a report on the impact of the introduction of synthetic bovine growth hormone on small farms in America, $500,000.

H.R. 1976

Offered By: Mr. Sanders

Amendment No. 58: Page 71, after line 2, insert the following:

Sec. 726. After April 1, 1996, none of the funds made available in this Act may be used to pay the salaries and expenses of the Food and Drug Administration unless it is made known to the Federal disbursing official concerned that a test has been developed to show whether synthetic bovine growth hormone (BGH) (also called bovine somatotropin (BST)) is present in milk, that such a test is being developed by the FDA as quickly as practicable, or that, despite the input of all interested persons, the development of such a test is impossible at this time.

H.R. 1976

Offered By: Mr. Sanders

Amendment No. 59. Page 71, after line 2, insert the following:

Sec. 726. After April 1, 1996, none of the funds made available in this Act may be used to pay the salaries and expenses of the Food and Drug Administration unless it is made known to the Federal disbursing official concerned that a report has been completed on the impact of the introduction of synthetic bovine growth hormone on small dairy farms in America.

H.R. 1976

Offered By: Mr. Scarborough

Amendment No. 60. Page 56, Line 16, strike "$123,520,000" and insert "$117,853,000".

H.R. 1976

Offered By: Mr. Smith of Michigan

Amendment No. 61. Page 25, line 20, strike the pending dollar amount ($788,388,000) and insert "$793,838,000".

Page 30, after line 13, insert the following new section:

GENERAL PROVISIONS

Sec. 101. Each amount appropriated by this title under the following headings is hereby reduced by 5.02 percent:

(1) "Office of the Secretary".

(2) "Chief Economist".

(3) "National Appeals Division".

(4) "Office of Budget and Program Analysis".

(5) "Chief Financial Officer".

(6) "Office of the Assistant Secretary for Administration".

(7) "Departmental Administration".

(8) "Office of the Assistant Secretary for Congressional Relations".

(9) "Office of Communications".

(10) "Office of the General Counsel".

(11) "Office of the Under Secretary for Research, Education and Economics".

(12) "Economic Research Service".

(13) "National Agricultural Statistics Service".

H.R. 2002

Offered By: Mr. Filner

Amendment No. 3: Page 17, line 8, strike "$18,000,000,000" and insert "$17,990,000,000".

Page 23, line 14, strike the colon and all that follows through "1996" on line 15.

Page 23, after line 15, insert the following: In addition, for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of new loan guarantee commitments under section 511 of such Act, $10,000,000.

H.R. 2002

Offered By: Mr. Filner

Amendment No. 4: Page 23, line 14, strike the colon and all that follows through "1996" on line 15.

Page 23, after line 15, insert the following: In addition, for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of new loan guarantee commitments under section 511 of such Act, $10,000,000.

Page 24, line 24, strike "$628,000,000" and insert "$618,000,000".

Page 24, line 25, strike "$336,000,000" and insert "$326,000,000".

H.R. 2002

Offered By: Mr. Nadler

Amendment No. 5: Page 36, after line 13, insert the following caption:

(INCLUDING RESCISSION)

Page 54, after line 24, insert the following:

Sec. 346. Amounts made available for improvements to the Miller Highway in New York City, New York, which are not obligated before the date of the enactment of this Act are rescinded.

H.R. 2002

Offered By: Mr. Nadler

Amendment No. 6: Page 54, after line 24, insert the following:

Sec. 346. None of the funds made available in this Act may be used to carry out any project for improvements to the Miller Highway in New York City, New York.

H.R. 2002

Offered By: Mr. Nadler

Amendment No. 7: Page 54, after line 24, insert the following:

Sec. 346. None of the funds made available in this Act may be used to carry out any project for improvements to the Miller Highway in New York City, New York, except to the extent that such funds are for liquidating obligations incurred before the date of the enactment of this Act.

H.R. 2020

Offered By: Mr. Hoke

Amendment No. 10: Page 84, after line 17, insert the following new section:

Sec. 628. The amounts otherwise provided in this Act for the Internal Revenue Service for the following accounts and activities are hereby reduced by the following amounts:

(1) "Processing, Assistance, and Management", $171,476,000.

(2) "Information Systems", $188,706,000.

H.R. 2020

Offered By: Mr. Sanders

Amendment No. 11: Page 2, line 23, strike "$104,000,500" and insert "$103,000,500".

Page 3, line 10, strike "$29,319,000" and insert "$30,319,000".

H.R. 2020

Offered By: Mr. Sanders

Amendment No. 12: Page 84, after line 17, insert the following new section:

Sec. 628. None of the funds appropriated by this Act may be used for salaries or expenses of any employee, including any employee of the Executive Office of the President, in connection with the obligation or expenditure of funds in the exchange stabilization fund.

EXTENSIONS OF REMARKS

INTRODUCTION OF H.R. 2043, THE NASA AUTHORIZATION ACT FOR FISCAL YEAR 1996

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mr. SENSENBRENNER. Mr. Speaker, on July 17, 1995, Representative WALKER and I introduced the National Aeronautics and Space Administration Authorization Act for Fiscal Year 1996 in order to continue the process of prioritizing NASA's missions and programs for the remainder of this century. The multiyear space station authorization bill, which the Subcommittee on Space and Aeronautics and the full Science Committee endorsed by wide margins with strong bipartisan support, placed the space station at the top of NASA's list of priorities and provided the programmatic stability NASA needs to reduce costs. The bill builds on this strategy to focus NASA on the goal of becoming the leading R&D agency it once was. By moving NASA away from operating large, expensive programs such as the space shuttle and Mission to Planet Earth, this authorization act will enable NASA to focus on those activities which the agency does best, namely space science and technological research. At the same time, the bill preserves U.S. national interests in the space shuttle and Mission to Planet Earth by laying the foundation to privatize the space shuttle and bring the emerging commercial remote sensing industry into Mission to Planet Earth.

By taking these steps, we bring new revenue streams and capital assets from the private sector into Government space missions. More importantly, we introduce market efficiencies into the large operating systems that NASA created but was never intended to run. In this manner, Congress enables NASA to leverage its resources against those space activities that the private sector cannot perform.

As needed as these measures are, this bill is also important for what it does not do. The Fiscal Year 1996 NASA Authorization Act does not force the precipitous closing of any NASA field centers. While we have encouraged NASA Administrator Daniel Goldin to more aggressively to streamline and consolidate the NASA bureaucracy, Congress must ensure that this process proceeds logically and with long-term programmatic goals in mind. NASA's ongoing zero-based review is the first attempt to restructure the agency without affecting its programs. While this is a commendable effort, congressional action to prioritize NASA programs will also have an impact on the agency's structure. The authorization bill Chairman WALKER and I introduced begins this process by focusing first on NASA's priority programs and then calling for an assessment of Government assets that match those priorities. This assessment will enable the NASA Administrator to identify those elements of NASA that are crucial to its future and then empower the President to work with Congress on those bureaucratic adjustments deemed necessary to bring the agency into line with national priorities. Our bill complements the intention of the VA/HUD/Independent Agencies Appropriations Subcommittee to have the NASA Administrator report his intentions for bureaucratic streamlining to Congress prior to any action, but does not empower the Administrator to close any NASA field centers without first studying the implications of and seeking congressional approval for such an action.

In the end, this bill will help us build a new NASA that once again can lead the United States into a sound economic and technological future.

TRIBUTE TO THE CITY OF BLAKESLEE ON THE OCCASION OF ITS 100TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an exceptional city located in Ohio's Fifth Congressional District. This year, the city of Blakeslee, will celebrate the 100th anniversary of its founding.

Blakeslee is located in Williams County in northwest Ohio. The area has a rich history dating back to earliest settlements in the Ohio Territory. Its position above the St. Joseph River made it a favorite for pioneers traveling West. The city itself dates from its incorporation in 1895.

Today, Blakeslee is a community renowned for its civic pride and commitment to service. Throughout its history there has never been a lack of enthusiasm or volunteer labor for its many projects. The citizens have continually displayed the Ohio tradition of neighborliness and caring for others.

Mr. Speaker, anniversaries are a time to reflect upon past accomplishments. They are also a time to look toward new horizons. I ask my colleagues to join me today in recognizing the history and achievements of the city of Blakeslee and encouraging its citizens to continue to uphold its impressive legacy.

JAPAN APOLOGIZES TO COMFORT WOMEN

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mrs. SCHROEDER. Mr. Speaker, during World War II, the Japanese military was quite brutal in its conquests. They raped and pillaged their way across Asia. At some point the Japanese became concerned that the rapes would provoke a backlash against Japanese troops. Therefore, the military established comfort stations, wherever they went—from the Korean peninsula to the Burmese mountains—to provide sexual services to their soldiers. Over 100,000 young women, mostly Korean, were taken from their homes and forced to serve in these camps as comfort women. They were repeatedly raped, often by dozens of soldiers per day.

As a result of their bondage, many suffer long-term effects of venereal diseases and psychological disorders. In these cultures, rape and prostitution carry such a stigma, that many of the comfort women may never come forward due to the shame associated with the degradation. Those who came forward did so after many years and risked ostracism by their families to do so.

Until 5 years ago, Japan flat out denied the existence of these comfort women. Even after 1992, when they owned up to these war crimes, the Japanese Government denied any legal responsibility to the women involved. Last week, however, Japanese Prime Minister Tomiichi Murayama reached out to these women, announcing that Japan will send official letters of apology to the surviving Korean victims, make financial reparations, and provide medical care for the abuse that they endured. I commend the Japanese Government for taking such strong action on behalf of these women. I hope that Japan's acknowledgement of their responsibility will aid the healing for the victims.

JAPAN TO APOLOGIZE TO "COMFORT WOMEN"—PRIME MINISTER PLANS LETTER TO WWII VICTIMS

(By T.R. Reid)

TOKYO.—Facing serious political trouble in a national election 10 days away, Japan's pacifist Prime Minister Tomiichi Murayama has made a daring decision: He plans to send official letters expressing "humble apologies" to hundreds of victims of Japanese brutality during World War II.

Chief Cabinet Secretary Kozo Igarashi said the unusual plan would be announced next week—just before the July 23 election for the upper house of the national Diet, or parliament—as part of a broader plan of aid and compensation for so-called "comfort women" in several Asian nations.

"Comfort women" is the term used here to describe the hundreds of thousands of women who were forced to serve as sex slaves for Japanese soldiers fighting in various Asian nations during the war. About 800 to 1,000 of these women are believed to be alive today, and each one will receive a personal letter from the prime minister, Igarashi said, as well as cash and medical care.

If Asian nations accept the step as a sincere Japanese apology, the letters might help alleviate lingering bitterness toward Japan in the region. The forced prostitution—which Japan has only acknowledged in the past five years—is one of the cruelest memories of Japan's harsh colonial rule over much of east Asia in the 1940s.

In domestic political terms, though, the move is a gamble, because any form of apology for World War II has proven controversial here.

But it is something Murayama—long a bitter critic of Japan's aggression in the war—believes in personally. And the prime minister is in such hot water politically that a dramatic move may be worth a try.

The coming election will choose 126 members of the Diet's upper house. Because the upper house has only limited powers, the elections for half its seats every three years are often meaningless. For Murayama, however, this one could prove momentous.

Polls and pundits suggest that Murayama's Socialist Party could lose up to three-quarters of the 41 seats it has at stake. In normal times, Japanese political tradition would demand that the chairman of the losing party resign to take responsibility. And if Murayama were to step down as party leader, he would give up the prime minister's spot as well.

Even if voting day turns into disaster for the Socialists, Murayama might avoid the worst-case scenario. The grandfatherly 71-year-old heads an unlikely liberal-conservative coalition government. The parties can't seem to agree on a possible replacement, so Murayama clings to his job despite meager approval ratings.

Still, a big loss on election day would presumably weaken him even more.

There are some 20 parties competing in the election campaign. They range from major political forces like the Liberal Democratic Party—the most conservative of the major parties—and the reform-minded New Frontier Party to tiny, ad hoc groupings such as the UFO Party, the Refreshing New Party and the Sports and Peace Party, headed by a pro wrestler.

The campaign has failed to grab the attention of the public; voter apathy is so broad that many experts think the turnout will drop below 50 percent for the first time in a national election.

All parties seem to be presenting similar, if vague, plans to revive the sputtering economy. The issue agenda is so blank that more than two dozen of the candidates around the country are TV, movie or sports personalities hoping to trade on their famous names.

In those circumstances, it could make good political sense for Murayama to offer his bold proposal on the comfort women.

Igarashi said the government will announce next week the creation of a fund-raising campaign called "The Asian Peace and Friendship Fund for Women," which will collect private donations plus government money to provide compensation and treatment for any survivor of the sex-slave platoons.

When these funds are distributed to the surviving comfort women, they will be sent with a letter, signed by the prime minister, expressing "humble apologies" for the suffering the Imperial Japanese Army caused the women half a century ago. The apology, Igarashi said, will be expressed in highly respectful, subservient language—a linguistic form of groveling.

The proposal for a fund-raising campaign was set forth tentatively last month. Some of the surviving women praised the idea, as did the government of South Korea, the nation where the largest number of survivors live. Others said the plan was inadequate.

But the idea of a personal letter from Japan's head of state has not been broached here previously. Igarashi revealed it today in a meeting with foreign reporters. His goal may be to have the proposal for a "humble apology" letter reported widely overseas, giving the letter some quality of a fait accompli.

But Murayama and his political advisers may have decided that a battle with conservatives on this point could be a political plus in the days before the national election.

Last month, when Murayama pushed for passage of a formal parliamentary resolution of "deep remorse" for Japan's aggression, his efforts seemed to shore up his standing with the public. Although veterans' groups and nationalist conservatives are bitterly opposed, opinion polls here repeatedly show that most people agree Japan should apologize for its role in the war.

The need for an apology is more broadly accepted in the case of the comfort women than for other Japanese actions. But there are still some politicians who say Japan's use of sex slaves was not different from what other armies tend to do.

CHINA'S BROKEN PROMISES

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mr. STARK. Mr. Speaker, I would like to share with you a recent article which appeared in the magazine The Economist which illustrates the dangers of China's weapons proliferation. Since China's nuclear missile promotion threatens every country, it is imperative that the United States adopt policies which promote peace and not appeasement. Following is a text of the article:

CHINA'S BROKEN PROMISES: THE WORLD NEEDS TO MAKE IT KEEP THEM

When it comes to establishing a workable order out of the post-cold-war chaos, there are few more frustrating—or more important tasks than to bind China into the international game. Proud, prickly and, of late, worryingly pugnacious, China has always seen itself as an outsider. In the days when two superpowers, the United States and the Soviet Union, competed to be the top dog, China could bend or break the rules with impunity, playing one off against the other. But now, whether it is smothering regional conflicts, or controlling the spread of missiles and weapons of mass destruction, co-operation, more than competition, is the name of the big-power game. Meanwhile, China is emerging as a more muscular power, in Asia and beyond. For both reasons, China needs to be encouraged to drop its finger-in-your-eye habit.

For a while, it seemed as though China might be preparing to do just that. Three years ago, it did a U-turn and signed the Nuclear Non-Proliferation Treaty (NPT). It has since committed itself, along with the other four undeclared nuclear powers, to reach a comprehensive test ban in 1996. And last year it promised America that it would henceforth observe the guidelines of the Missile-Technology Control Regime (MTCR), which seeks to prevent the spread of those missiles (along with the technology and equipment to build them) whose range and payload make them capable of carrying a nuclear warhead. But look at what China does, not what it says: after seeming to accept these rules, it has bent, or broken, all of them.

In an effort to bolster the authority of the NPT, and to put pressure on the handful of countries that remain outside it, the other main nuclear suppliers now refuse to sell parts and materials to countries that do not accept full international checks on their nuclear industry. As a consequence, India, one of the NPT hold-outs suspected of having the bomb, had been finding it hard to get the enriched uranium it needed to refuel one of its nuclear reactors—until China sold it the stuff. The Indian deal may be a one-off, but China has long kept band nuclear company; it has worked closely with Pakistan, another NPT refusenik that has the bomb, helped fend off action by the U.N. Security Council against North Korea, which is thought to have cheated on its NPT promises in order to get one, and is expanding cooperation with Iran, which wants one.

In a similar vein, when the NPT was extended indefinitely this year, and the nuclear powers, including China, promised the "utmost restraint" in nuclear testing, China waited barely four days before setting off its next underground blast. China is by no means the only nuclear power equivocating over its test-ban promise, but its peculiar determination to have the right to conduct "peaceful nuclear explosions" (indistinguishable from nonpeaceful ones) could yet sink the proposed treaty.

Not all of this behavior has contravened the letter of the international rule book, though at times China seems to have willfully undermined its spirit. However, when it comes to the promise to abide by the restrictions of the MTCR, there is gathering evidence that China has systematically and deliberately broken its promises. China is not yet a member of the MTCR, but it agreed last year in a joint statement with America that it would not, in the future, contravene the MTCR's guidelines. This promise of correct behavior enabled America to lift some commercial sanctions on China's space industry. These had been imposed because, despite public denials, China had sold the parts for MTCR-busting missiles to Pakistan, and possibly others. Now evidence is accumulating that more Chinese missile parts are going to Pakistan; missile-guidance systems and clever machine-tools for making sophisticated missiles are also thought to be going to Iran. As always, it will be hard to come up with cast-iron proof that the agreed rules have been broken. But the evidence gathered so far is strong enough—and worrying enough—for China to be asked by America to explain itself. Once the proof is in, American law dictates that sanctions be applied forthwith.

The missile issue could not have reappeared at a more awkward moment. Relations between China and America are badly strained over President Clinton's decision earlier this year to allow the president of Taiwan—which China regards as a rebellious province only temporarily out of its control—to pay a private visit to the United States. Indeed, the two issues may yet become more dangerously entangled: at times in the past China has shown its displeasure when America has tilted towards Taiwan by deliberately stepping up military sales to the world's outlaw states, and may do so again.

Yet, however damaging the missile issue may seem, the greater harm would come from trying to duck it. The world has too much to lose by turning a blind eye to missile proliferation promoted by any country, let alone one the size of China. And this kind of proliferation, like the nuclear kind, is a threat to all. It should be dealt with by as many countries as possible, not just America. When America first imposed sanctions on China for its missile sales, European companies were among those competing to pick up the business that American companies were being asked to forgo. If, once again, it comes to sanctions on Chinese industries, Europe and Japan should lean just as hard on their companies as America does on its, to ensure that everyone toes the line against proliferation.

TRIBUTE TO THE CITY OF MONTPELIER ON THE OCCASION OF ITS 150TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an exceptional city located in Ohio's Fifth Congressional District. This year, the city of Montpelier will celebrate the 150th year of its founding.

Located in northwest Ohio along the banks of the St. Joseph River, the city dates from 1845 when Jesse Tucker and J.K. Bryner submitted the original plat map. The vision at its founding 150 years ago was to be a village where people live and work together and opportunities abound.

The same vision is true today. Montpelier is renowned throughout Ohio. The village voters have consistently supported the municipal park system and residents now enjoy a park that is the center of summertime activity. Also, the community has provided students in the Montpelier schools with three outstanding new athletic facilities in the past several years.

Montpelier is visited by thousands of tourists who come to enjoy theatrical productions of the Williams County Playhouse. The theater provides top quality entertainment in a setting that includes newly renovated seating and air-conditioning.

The friendly and caring attitude of the residents is shown in many, many ways. The community supports charitable activities through the annual United Fund campaign. The Montpelier Area Foundation is a growing trust fund that provides for improvements affecting the quality of life of its residents.

Mr. Speaker, anniversaries are a time to reflect upon past accomplishments. They are also a time to look toward new horizons. I ask my colleagues to join me today in recognizing the history and achievements of the city of Montpelier and encouraging its citizens to continue to uphold its impressive legacy.

BURMESE NOBEL PEACE PRIZE WINNER FREE AT LAST

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mrs. SCHROEDER. Mr. Speaker, on July 10, 1995, Aung San Suu Kyi stepped outside her house for the first time in 6 years. Since July 1989, Aung San Suu Kyi, leader of the National League for Democracy [NLD] and a 1991 Nobel Peace Prize winner, has been held incommunicado under house arrest by the military government, the State Law and Order Restoration Council [SLORC] of Mynamar, formerly known as Burma.

Aung San Suu Kyi's detention was part of a persistent and ongoing pattern of human rights violations committed by the SLORC since they took power in 1988. When the SLORC took over, they imprisoned thousands who protested against the single-party government on charges of violating martial law.

Aung San Suu Kyi spent almost a year before her arrest campaigning tirelessly for democracy, nonviolence, and human rights with former defense minister Tin Oo, under the rubric of the National League for Democracy. Aung San Suu Kyi's house was raided by the SLORC on July 20, 1989, and she was arrested for "endangering the safety of the state." She has been held these last 6 years without formal charges, unable to communicate even with her family in England. In spite of her imprisonment, her party, the NLD, won 81 percent of the seats in the government. The military government did not acknowledge the election results.

She is now free to resume her fight for democracy. I hope she continues her struggle the same way she began it: Selflessly, tirelessly, and with complete dedication to bringing democracy and respect for human rights to her people.

THE $36-BILLION-DOLLAR MAN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mr. STARK. Mr. Speaker, by detaining Harry Wu and charging him with crimes punishable by death, China shows that its government can be arbitrary and cruel as Mr. Wu's research indicates. For those who are considering trade with China, they should be fully conscious of the human rights violations by their potential trading partner.

If you are planning to trade with the People's Republic of China, you should see or read about the so-called, state-secrets Mr. Wu is accused of stealing from them. These state secrets are actually horrendous human rights violations. Mr. Wu has exposed the true conditions and purposes of the Chinese prison system. Mr. Wu spent nearly two decades in the Chinese gulag. He has traveled back to China at great personal risk and has collected photos and anecdotes revealing the brutal treatment the prisoners receive and the illegal human organ trade which proliferates in the camps. The BBC, CBS, and NBC television have all aired documentaries based on Mr. Wu's research.

All America was moved by the movie, "Schindler's List." Mr. Wu's work is a reminder that "Schindler's List" is not some dusty old historical tale. We today face the same moral challenge. We know that there are Chinese concentration camps. We know that the camps produce goods for sale. Like most German businessmen during Hitler's reign, we can go along and profit from what is happening. Or we can take a stand and say that we won't wallow in this sea of blood for the sake of profits.

GOP PUTTING THE HURT ON SENIORS

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, as big business and the wealthy in this country gather in their boardrooms and backyards to salivate over the massive tax breaks included in the Republican budget proposal, millions of our Nation's seniors sit at home in fear of losing a great portion of their health care coverage due to the $270 billion in cuts to the Medicare program that my colleagues on the other side of the aisle are ramming through this body.

Just what kind of priorities does the majority have? They want to gut Medicare to provide a $245 billion tax cut to those who least need it at a time when we can least afford it. Their answer to the Federal health care challenges facing this country seems to be a quick phone call to Dr. Kevorkian.

There is no doubt that the Republicans are planning to balance the budget on the backs of seniors and then hand them the check when the bill comes due. In fact, the Washington Times recently reported that the GOP leadership has agreed to "offer seniors more choices in the private health care market as an alternative to Medicare," and are set to "raise premiums or reduce reimbursements" for seniors drastically.

Talk about a sham, Mr. Speaker. The GOP obviously doesn't believe in any contract with older Americans. If they did we wouldn't be having this debate.

TRIBUTE TO PARADISE OAKS QUALITY CARE NURSING AND REHABILITATION CENTER ON THE OCCASION OF ITS 25TH ANNIVERSARY

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mr. GILLMOR. Mr. Speaker, it gives me great pleasure to rise today and pay tribute to an outstanding organization located in Ohio's Fifth Congressional District. On August 27, 1995, the Paradise Oaks Nursing and Rehabilitation Center will celebrate their 25th anniversary.

The center serves residents from the counties of Putnam, Paulding, Allen, Van Wert, Defiance, Lucas, and Sandusky. Under the leadership of Administrator Deborah Russ, and the center's dedicated staff of professionals and volunteers, it has steadfastly served northwest Ohio for 25 years.

Selecting a nursing facility for a loved one can be an extremely difficult decision for anyone. Paradise Oaks understands this and strives to make the decision-making process as smooth and gentle as possible.

Mr. Speaker, anniversaries are a time to reflect on past accomplishments. They are also a time to look towards new horizons. The staff at Paradise Oaks has made it their responsibility to serve those in need by keeping pace with the ever increasing challenges facing mankind. I ask my colleagues to join me today in recognizing the achievements of the Paradise Oaks Quality Care Center and encouraging them to continue to uphold what has become the standard for service in Ohio.

PERSONAL EXPLANATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mr. CRANE. Mr. Speaker, due to the death of my father, today I am requesting a leave of absence after 2:00 p.m. I am also requesting a leave of absence for Wednesday, July 19.

ENDANGERED SPECIES ACT

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mr. PACKARD. Mr. Speaker, for decades the liberals in Congress have distorted the original intent of the Endangered Species Act to further their extreme agendas. In November, the voters cried foul and asked Republicans to restore rationality to our environmental laws.

Our reform proposal stops the radical environmentalists in their tracks. They will no longer ride roughshod over our property rights. Instead, Republicans will protect our natural resources as well as our freedoms.

In its current form, the Endangered Species Act creates perverse incentives for landowners to destroy habitat which could attract endangered species. Once these animals migrate there, landowners lose their property rights to the snails, birds, or rats who happen to move in. In essence, the ESA, as currently written discourages the very practices which will ultimately protect endangered species habitats. Instead, we need to ask landowners to participate in preserving our natural resources. Property owners are not villains. Everyone wants to preserve our resources.

In addition, Federal bureaucratic administration and enforcement of the Endangered Species Act is tantamount to Federal zoning of local property. State and local officials have no say in how the ESA is implemented and enforced in their States and communities. State and local officials need to have greater control. They know what is best for their communities.

Mr. Speaker, Congress passed the Endangered Species Act more than 20 years ago. Originally intended to protect animals, this act hurts humans. It is time to give human needs at least as much consideration as those of birds, fish, insects, and rodents. The time has come for a change. Private, voluntary, incentive-driven environmental protection is the only effective and fair answer to this controversial law.

TRIBUTE TO MARVIN D. "SWEDE" JOHNSON

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mr. SKELTON. Mr. Speaker, many Missourians, especially young Missourians, mourn the passing of Marvin D. "Swede" Johnson of Tucson, AZ. He was best known as a former grand consul of the Sigma Chi Fraternity. He was a friend and an inspiration to those who knew him and worked with him through the years.

Marvin D. Johnson, vice president of public affairs for Coors Brewing Co. for the past decade, died of complications from pulmonary fibrosis. He was 66. Johnson was an academic administrator for 35 years at the University of Arizona and University of New Mexico before joining Coors in 1985. He was renowned as a community leader and raised millions of dollars for charities.

Born November 2, 1928, in Willcox, AZ, Johnson worked as a youth at his father's ranch and feed store and earned 17 athletic letters at Willcox Union High School. He received a scholarship at the University of Arizona and made the football team as a walk-on. After graduating from Arizona, Johnson stayed on 27 years as an administrator. He started out in a temporary position, then became director of the student union before being promoted to vice president for university relations. From 1977 to 1985, Johnson was vice president of student affairs at the University of New Mexico in Albuquerque and served as chairman of the Western Athletic Conference. He moved to Coors in 1985.

At Arizona, the alumni foundation was named the Marvin D. "Swede" Johnson Building in 1993, when he also was awarded an honorary doctorate degree by the university. Johnson considered his greatest career achievement the lobbying effort he directed to establish a medical school at Arizona. He also was international grand consul of the Sigma Chi Fraternity from 1983 to 1984, and national chairman for the Council for the Advancement and Support of Education in 1980. He received the New Mexico Distinguished Public Service Award in 1982, the same year he was elected to "Who's Who in America."

He is survived by his wife, Stella; two daughters, Lynn Engel of Foster City, CA, and Karen Riebe of Tucson, AZ; a grandson, Marshall Riebe; and a sister, Ann Johnson McPherson of Houston. Many Members of this body had the opportunity to know Swede through the years, He was an outstanding leader, an inspiring example, and a good friend. Those who knew him will truly miss him.

80TH ANNIVERSARY OF THE FOUNDING OF MAGNOLIA

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mr. ANDREWS. Mr. Speaker, I rise today to recognize an outstanding community, the Borough of Magnolia. On May 12, 1915, a special election was held to create the Borough of Magnolia. This year the borough recognizes its 80th anniversary. In this year of celebration, I commend the people of Magnolia for their commitment to their heritage and their community.

The history of Magnolia begins with the Lenni-Lenape Indians, who inhabited Magnolia over a hundred years ago. At the time, the Indians lived and hunted in the forests of what is today known as Magnolia. The name "Magnolia" originated from a beautiful Magnolia tree which grew on the Alhertson property at 610 W. Eveshan Avenue. Prior to this, Magnolia was known both as Fredersville and Greenland, and was located in old Gloucester Township.

Magnolia was originally divided into two townships, each one having its own specialty. Commerce was the dominant industry in one of the townships. In 1914 Assembly Bill No. 45 was drawn up to create a new township in the County of Camden. On May 12, 1915, the Borough of Magnolia was established. As the township grew, new forms of government were established. On July 27, 1915, a special election was held to vote for a mayor and to establish a council as the residing local government. Harry B. Wolohan became the first mayor of Magnolia.

As the small community began to grow many changes took place. A train stop in the heart of Magnolia brought many people into this community. It was these people that gave Magnolia its small town character. Families such as the Barretts, the Marshalls, the Speegles, the Millers, and other civic minded families made Magnolia what it is today.

With the help of the entire community Magnolia is making significant steps forward. Progress can be seen in better roads, and a more extensive transportation system. An invigoration of environmentally aware citizens is also taking place. These civic minded citizens are becoming interested in preserving the town's environment and heritage for future generations.

In this anniversary year, I commend the town and people of Magnolia for their progress and accomplishments. With continued civic involvement by all residents, Magnolia will continue to grow and thrive. I would also like to recognize Mary F. Martz whose extensive research of Magnolia I have relied upon heavily for these remarks. Happy anniversary.

INTRODUCTION OF THE INTERNATIONAL POPULATION STABILIZATION AND REPRODUCTIVE HEALTH ACT

HON. ANTHONY C. BEILENSON

OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mr. BEILENSON. Mr. Speaker, on behalf of myself and Mrs. MORELLA, I am introducing a bill today to address the rapid growth of the world's population in a comprehensive manner. Our bill, which has also been introduced in the Senate by Senators SIMPSON and BINGAMAN, would make the goal of population stabilization, along with the improvement in health of women and children, a primary purpose of U.S. foreign policy.

We are introducing this legislation because we believe strongly that the United States must take determined action to address what is without a doubt the most urgent crisis facing humanity: The rapid rate of growth of the human population and its dire consequences for the environment, for food supplies, for overcrowding, for immigration pressures, for political stability, and for our own national security.

Global population is now nearly 5.7 billion, and it is growing by almost 100 million every year—by 260,000 every 24 hours. Future prospects, moreover, are even more staggering. If effective action is not taken in the next few years—as today's 1.6 billion children in the developing world under the age of 15 reach their childbearing year—the Earth's population could nearly quadruple to 20 billion people by the end of the next century.

In much of the developing world, high birth rates, caused largely by the lack of access of women to basic reproductive health services and information, are contributing to intractable poverty, malnutrition, widespread unemployment, urban overcrowding, and the rapid spread of disease. Population growth is outstripping the capacity of many nations to make even modest gains in economic development, leading to political instability and negating other U.S. development efforts.

The impact of exponential population growth, combined with unsustainable patterns of consumption, is also evident in mounting signs of stress on the world's environment. Under conditions of rapid population growth, renewable resources are being used faster than they can be replaced. Other environmental consequences of the world's burgeoning population are tropical deforestation, erosion of arable land and watersheds, extinction of plant and animal species, and pollution of air, water and land.

Overpopulation, however, is not a problem for lesser developed countries only. Rapid population growth in already overcrowded and underdeveloped areas of the world has given rise to an unprecedented pressure to migrate, as workers seek decent, and more hopeful lives for themselves and their families. According to a recent report by the United Nations Population Fund [UNFPA], over 100 million people, or nearly 2 percent of the world's population, are international migrants, and countless others are refugees within their own countries. Many of the world's industrialized nations are now straining to absorb huge numbers of people, and in the future, as shortages of jobs and living space in urban areas, and resources such as water, agricultural land, and new places to dispose of waste grow even more acute, there will be even greater pressure to emigrate.

For those of us from Los Angeles and other coastal urban areas that are magnets for immigrants, world population growth is not an abstract issue—it is one that, quite literally, has been laid right at our doorstep. Communities in Los Angeles County, when enormous numbers of both legal and illegal immigrants are settling, are being overwhelmed by the burden of providing educational, health, and social services for the newcomers. And the problem will get bigger: Largely because of immigration, California's population is expected to grow from 31 million, where it stood in 1990, to 63 million by the year 2020.

Time is of the essence. How quickly we provide worldwide access to family planning and reproductive health services is crucial. Like compound interest applied to financial savings, high fertility rates produce ever-growing future populations. For example, if a woman bears three children instead of six, and her children and grandchildren do likewise, she will have 27 great-grandchildren rather than 216. Likewise, if Nigeria, which now has 109 million people, reaches replacement fertility by 2010 rather than 2040 (as currently projected), its eventual population would be 341 million, rather than 617 million. Thus, what we achieve in the way of making comprehensive family planning and reproductive health services available in this decade will determine whether world population stabilizes at double today's level or at triple that level—or more.

Population growth is an enormous problem, but one we can solve—if we make a determined effort to do so. For almost 30 years, population assistance has been a central component of U.S. development assistance and, in that time, has been remarkably successful in lowering birth rates. In many parts of Asia, Latin America and Africa, fertility rates have decreased, often dramatically. Couples are succeeding in having the smaller families they want because of the greater availability of contraceptives that our assistance has made possible.

Today, approximately 55 percent of couples worldwide use modern methods of contraception, compared with 10 percent in the 1960's. But despite this impressive increase in contraceptive use, the demand for family planning services is growing, in large measure because populations are growing. Indeed, over the next 20 years, the number of women and men who wish to use contraception is expected to nearly double.

Similarly, population assistance has contributed to the significant progress that has been made in reducing infant and child mortality rates. Child survival is integrally linked to women's reproductive health, and specifically to a mother's timing, spacing and number of births. But despite substantial progress, a large proportion of children in the developing world—particularly in sub-Saharan Africa and some Asian countries—still die in infancy.

And, while many countries in the developing world have succeeded in reducing maternal mortality rates, the incidence of maternal death and disability remains unacceptably high, constituting a serious public health problem facing most developing countries. According to the World Health Organization, an estimated 500,000 women die every year as a result of pregnancy and childbirth.

At the International Conference on Population and Development [ICPD], held in Cairo last year, the United States was instrumental in building a broad consensus behind a comprehensive Program of Action, which was signed by almost all of the 180 countries that participated in the conference, and which will help guide the population and development programs of the United Nations and national governments into the next century.

The International Population Stabilization and Reproductive Health Act is consistent with the goals and the recommendations of the ICPD: It lays the foundation for focusing U.S. foreign policy on a coordinated strategy that will bring about the widespread availability of contraceptive services and women's and child health programs, as well as educational, economic, social and political opportunities necessary to enhance the status of women.

The bill we are introducing today sets specific health objectives, program descriptions, and funding targets to guide U.S. population programs, and expands U.S. efforts for the treatment and prevention of AIDS and other sexually transmitted diseases.

This legislation also increases the U.S. commitment to providing for universal access to basic education, with an emphasis on eliminating the gap between female and male literacy levels and school enrollment, and promoting equal opportunities for women. Initiatives to increase infant and child survival, as well as to ensure the health and safety of pregnant women, are included as a critical component to achieving the bill's goals.

In addition, our bill expresses support for the United Nations Forward Looking Strategies for the Advancement of Women, as adopted in 1985 by the United Nations Conference ending the Decade of Women, and for the ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, which was signed by the United States in 1980.

Mr. Speaker, our Nation's interest is clear. There can be no doubt that combating rapid population growth is one of the most humane, farsighted and economically effective efforts we can undertake. Every additional dollar spent on these programs will save many times this expense in future U.S. foreign assistance. According to UNICEF, "family planning could bring more benefits to more people at less cost than any other 'technology' now available."

For all these reasons, we believe that population assistance should be a central feature of U.S. foreign policy, and we urge our colleagues to join us in supporting this legislation for that purpose.

INTRODUCTION OF THE INTERNATIONAL POPULATION STABILIZATION AND REPRODUCTIVE HEALTH ACT

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Ms. MORELLA. Mr. Speaker, I am pleased to join with my colleague TONY BEILENSON in introducing the International Population Stabilization and Reproductive Health Act.

There has been a growing realization over the last 10 years that population growth is not a neutral factor in economic development but is a critical factor in environmental degradation and sustainable development programs. It is also increasingly evident that any successful efforts to address these problems must include steps to empower women, providing them with the ability to exercise control over their own lives by assuring access to reproductive and other health services and access to educational opportunities.

In the developing world, the inability of women, especially poor women, to access basic family planning services and information undermines women's efforts to determine their own destiny, increases illness and mortality rates of women and their children, contributes to environmental degradation, and inhibits the ability of families to lift themselves out of poverty.

The impact of human population growth, combined with widespread poverty, is being demonstrated by the mounting signs of stress on our environment, such as tropical deforestation, erosion of arable land and watersheds, extinction of plant and animal species, global climate change, waste management, and air and water pollution.

After more than 25 years of experience and research, the actions needed to rapidly reduce birth rates are well documented. The ability to exercise reproductive choice must be expanded, through the broader dissemination and choice of family planning services which involve the community, especially women, and which meet the needs and values of those who use them.

The International Population Stabilization and Reproductive Health Act will establish accessibility to family planning services and information as a principle objective of U.S. foreign policy.

In addition, the bill recognizes the importance of improving the health, social, and economic status of women as essential for any country's economic progress, and notes that women who participate in the social, economic, and political affairs of their communities are more likely to exercise their choices about childbearing than those who do not.

Of vital importance, this legislation makes the point that comprehensive population efforts which include both family planning services and economic development activities achieve lower birth rates and stimulate more development than those which pursue these objectives independently. It highlights issues such as education and literacy, infant and child survival, and gender equality as the most powerful long-term influence in reducing birth rates, and authorizes funding for support of basic health, nutrition, and education services for children and women.

This legislation represents a compromise among a number of interested parties, including population, women's health, and environmental groups, as well as Democratic and Republican legislators. The bill represents a huge step forward from the policies and attitudes of the 1980's and will help to restore U.S. leadership on this vitally important issue.

TRIBUTE TO BERYL WEBB

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mr. SKELTON. Mr. Speaker, I pay tribute today to Beryl Webb of Oak Grove, MO. Mr. Webb, who served three terms as mayor of Oak Grove, passed away at the age of 93 on July 8, 1995.

Mr. WEBB, a friend of long standing, was well respected by all who knew him. He was known for his commitment to the community of Oak Grove, especially its school system. He served as a member of the Jackson County Sports Authority, the Silver Haired Legislature, the Jackson County Coordinating Council on Aging, and the Board of Equalization. He was a member of the U.S. Chamber of Commerce, the Oak Grove Historical Society, St. Mary's Auxiliary, and was also a Paul Harris Fellow.

So my colleagues I ask you to join with me in remembering an outstanding Missourian. Mr. Webb is survived by his wife, Thelma, two brothers, and four nephews.

TRIBUTE TO MS. DELISHA REESE CONGRESSIONAL BLACK CAUCUS INTERN FOR ILLINOIS' FIRST CONGRESSIONAL DISTRICT

HON. BOBBY L. RUSH

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mr. RUSH. Mr. Speaker, I rise today to give praise and to acknowledge one of my Congressional Black Caucus summer interns, Ms. Delisha Reese. Mr. Reese represents a continuum of outstanding Congressional Black Caucus Foundation interns serving my office and this body.

During the past several weeks, Ms. Reese has been an integral part of my staff, assisting with case work and other office duties. In her short tenure in my office, Ms. Reese performed her tasks admirably, and in doing so she has done an outstanding job of representing the Congressional Black Caucus Foundation Intern Program.

Ms. Reese is a constituent from my district, and I am delighted to have had her work to serve her friends and neighbors. Now Ms. Reese will be leaving to pursue other endeavors. As she departs, I wish to take this opportunity to ask my colleagues to join me in wishing Ms. Reese our sincerest best wishes for a bright and successful future.

I am pleased to enter these words of commendation for Ms. Delisha Reese into the RECORD.

TRIBUTE TO TED GRIFFIN

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mr. SKELTON. Mr. Speaker, today, I pay tribute to Theodore A. Griffin of Jefferson City, MO, who passed away on July 6, 1995.

Mr. Griffin graduated from the School of Journalism at the University of Missouri in Columbia, after serving in the U.S. Navy during World War II. He worked in radio during his college years, and in 1950, he started at KFEQ in St. Joseph, MO, where he worked his way to becoming general manager. He was appointed executive vice president of the Missouri Broadcasters Association in 1971 where he served until 1994.

Mr. Griffin served as chairman of the Red Cross Regional Blood Program, the St. Joseph Chamber of Commerce, heading the legislative liaison group with State government, on the board of the Missouri Broadcasters Association, and was a member of the Missouri Society of Association Executives.

Mr. Griffin was associated with many organizations including the Boy Scouts, Cub Scouts, and Junior Achievement in the St. Joseph area.

He will be missed by all who knew him, both as a friend and as an outstanding Missourian. He is survived by his wife, Dorothea, 4 children, and 10 grandchildren.

INTRODUCTION OF THE OLDER AMERICANS ACT AMENDMENTS OF 1995

HON. MATTHEW G. MARTINEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mr. MARTINEZ. Mr. Speaker, I rise today to introduce the Older Americans Act Amendments of 1995, which is the Clinton administration's proposal for the reauthorization of this critical legislation.

The Older Americans Act celebrates its 30th birthday this year.

In May of this year, 2,300 delegates to the 1995 White House Conference on Aging endorsed the Older Americans Act and stressed the importance of this reauthorization in preparing the aging network for the 21st century.

This bill builds on the successes of the Older Americans Act—while moving the administration of the act toward the reinvention program established under Vice President GORE's director.

The bill moves toward sensible consolidation of programs and streamlining of processes, while providing greater freedom of action by the State units on aging and the area agencies on aging.

However, I should point out that I am not in full agreement with all of the provisions of this bill, and I would hope that, during the markup in the Economic and Educational Opportunities Committee to strengthen any bill in a bipartisan way, to preserve what is now perhaps the most successful Government program ever devised.

I am especially concerned that the bill include provisions that encourage local input to annual plans and to the performance objectives process, including the holding of open hearings at which local providers and local service recipients are encouraged to provide input.

It is the grassroots nature of these programs that is the strength of the Older Americans Act, and any bill we pass must ensure that the kind of input now provided in the law is maintained.

Local input has resulted in programmatic improvements throughout the life of the Older Americans Act.

Local input ensures that those charged with program implementation are constantly aware of the need to meet the needs of people, not the whims of bureaucrats in Washington, the State house, or city hall.

I look forward to this reauthorization effort and call upon my fellow Members on both sides of the aisle to read and consider this important bill, and, if they agree, to cosponsor this bill.

Thank you Mr. Speaker.

MARINE CORPS CHANGE OF COMMAND

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mr. SKELTON. Mr. Speaker, the change of command address when Gen. Carl Mundy relinquished command to Gen. Chuck Krulak was delivered by the Honorable John E. Dalton, Secretary of the Navy. Secretary Dalton states the contributions of General Mundy and the challenge for General Krulak in this speech. I commend it to the Members of this body:

THE MARINE CORPS' CHANGE OF COMMAND

Secretary White, distinguished members of Congress, General Shalikashvili and the members of the Joint Chiefs of Staff, Marines, ladies and gentlemen.

I am proud to serve as the Secretary of the United States Marine Corps. And, I am deeply honored to participate in the change of command of an institution that sets the standards for military leadership around the world.

Today is an important day in the lives of these two great men, General Carl Mundy and General Chuck Krulak. But, they would be the first to tell you that today belongs not to them, but to the Corps.

Their selfless attitude is seen clearly in Carl Mundy's insistence that he not be recognized with any personal decorations at this ceremony.

However, I think you all should know that on behalf of the Department, I have awarded the Navy Distinguished Service Medal to General Mundy. Similarly the Secretary of Defense and each one of our sister services have awarded him their Distinguished Service Medal.

General Mundy, you have served with honor, courage and commitment in a manner befitting the Commandant of the Corps. Our allies thank you, America thanks you and above all your Marines thank you for a lifetime dedicated to the defense of freedom.

Carl's many accomplishments and honors would not have been possible without the love and support of his family; especially his devoted wife, Linda. For nearly four decades Linda has served as a Marine wife and mother. During the past four years she has endeared herself to everyone she has touched and has established a special place in history for herself as the First Lady of the Marine Corps. It was an honor for me to recognize her achievements with the Department of the Navy's Distinguished Public Service Award.

The past four years have been challenging ones for the Navy and Marine Corps team. Amidst the drawdown in force structure, shrinking defense budgets and expanding global commitments, General Mundy has led the Corps to new levels of excellence, efficiency and effectiveness. By encouraging closer integration with the Navy, you have created a Marine Corps with enhanced capabilities that is prepared for every eventuality.

It is this spirit of closer integration between the Navy and Marine Corps that will be a legacy of Carl Mundy to our Naval Service. Such integration and interoperability ensure that the Navy and Marine Corps team will be prepared for the challenges and battlefields of the next millennium.

General Mundy's inspiring leadership, bold courage, and extraordinary vision have perpetuated a dynamic and innovative Corps and have put in place the mechanism to ensure that the Corps will continue to flourish.

Today is another step in the continuing evolution of the Corps—one of America's true national treasures. Today we witness the change of command, the passing of responsibility and acceptance of accountability for the United States Marine Corps.

General Krulak, you now take up the standard for the most elite fighting force in the world. May you command our Corps with strength, vision and the same commitment to core values that marked the leadership of the Commandants who precede you. The Corps will be blessed with the unfailing support of your delightful wife Zandi. On Tuesday of this week the 31st Commandant and his lady celebrated their 31st wedding anniversary.

Today is important not only for Marines, but also for every American, and especially those who have worn a military uniform. It is a special day for us to remember the Corps' heroic past and to celebrate its bright future.

The fundamental military values of honor, courage and commitment are as much a part of the Marine Corps today as they were at its birth in 1775. Marines today understand that these values represent an ideal . . . an ideal worth fighting for.

Fighting for ideals is what the Corps is all about. And, the strength of today's Corps rests on a foundation of extraordinary heroism rising up from the bedrock of America's military history.

It is on that foundation of past heroism that the future of the Corps will be built. It will be a future filled with innovation, flexibility, resourcefulness and above all spirit. It is a spirit which comes from being the best. Marines know that when American interests are threatened or our friends need help . . . America calls the Corps.

Throughout the past four years, Marines have been called very often and, as throughout their history, they have responded with the utmost professionalism. Whether it was Haiti, Somalia, Bosnia or the Arabian Gulf, the Marines were always ready to get the job done * * * and to get it done right.

Whether as warfighters, peacekeepers, or rescuers; the Marines have proven time and time again that America can count on the Corps when there is a threat to our national security.

The Marine Corps of today is just the adaptable, flexible, and resourceful force America needs. In this unsettled and often confusing post Cold War world, the military mission is no longer as clearly defined. For this reason our military forces must adapt in order to succeed.

Adapting is what Marines do best. The Marines have been fighting America's wars for two centuries and continue to be the force of choice for either keeping the peace; or storming the beach.

In the past, Marines have done more beach storming than peacekeeping, but in the future it is clear that both missions will need to be performed. In my mind there is no force in the world more capable of handling the complicated military missions of the future than the United States Marine Corps.

The Corps has had many great Commandants, but none who has led through such a tumultuous period of internal change. Today the Corps has never been better trained, better led, or more ready. Only in this state would Carl Mundy even consider relinquishing command of the Corps.

That is your legacy, "a RELEVANT, READY and CAPABLE Corps of Marines" who embody the traditions of the past and who are ready to meet the challenges of the future. RELEVANT to meet the defense needs of the Nation tomorrow; READY to respond instantly as America's 911 Force to prevent and contain crises or fight today; and CAPABLE of meeting the requirements of our National Military Strategy.

Carl, your days in uniform may soon be over, but your service to the Corps will remain timeless. Your total devotion to the Corps has nurtured America's undying love for Marines. Your determined efforts have ensured that Marines will always be the first to fight in America's defense.

Yesterday afternoon, in the oval office, our Commander in Chief promoted Chuck Krulak to General. In that ceremony President Clinton pointed to Carl Mundy and said emphatically, "Of all the General Officers I have worked with, you were the one I knew was always telling me exactly what you believed. I want you to know how much I appreciate that." The President of the United States could not have offered higher praise.

For fifty years Iwo Jima has been a special place for the Marine Corps, and it was there atop Mount Suribachi that I had the privilege to announce the President's nomination for our 31st Commandant.

So as we consider the significance of this ceremony, a change of command of the Corps that these two Marines have devoted their lives to, I think it appropriate to recall the words of Chaplain Roland Gittelsohn when he dedicated the Fifth Marine Division Cemetery on Iwo Jima fifty years ago. This February, Rabbi Gittelsohn recalled his words at the ceremony commemorating that battle at the Iwo Jima War Memorial beside Arlington National Cemetery. He said:

"Here lie officers and men of all colors, rich men and poor men together. Here are Protestants, Catholics and Jews together. Here no man prefers another because of his faith or despises him because of his color. Here there are no quotas of how many from each group are admitted or allowed. Among these men there is no discrimination. No prejudice. No hatred. Theirs is the highest and purest democracy.

"Any man among us, the living, who failed to understand that, will thereby betray those who lie here . . . whoever lifts his hand in hate against a brother, or thinks himself superior to those who happen to be in a minority, makes of . . . their sacrifice an empty, hollow mockery.

"Thus do we consecrate ourselves, the living, to carry on the struggle they began. Too much blood has gone into this soil for us to let it lie barren."

Those words spoken in honor of fallen Marines and Sailors hold a living truth. The truth is that we, the living must carry on their struggle for liberty and freedom everyday, and in everything we do.

God bless you, and God bless the United States Marine Corps. Semper Fidelis.

IN MEMORY OF BOB HEINEY

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mr. WOLF. Mr. Speaker, a close friend of mine has passed away. He was also a friend of other Members and staff on both sides of the aisle. His name is Bob Heiney and he worked for many years for the National Canners Association—now called the National Food Processors Association.

Several years ago I made a list of people who had made a major impact on my life. After members of my family, Bob Heiney was at the top of the list. He was a mentor, a teacher, and a positive role model to all who knew him. He was honest, decent, ethical, moral. When I think about the opportunities he gave me as a young man, it makes me realize the responsibility that we all have to help and encourage those just starting out in their careers. I shall always remember Mr. Heiney and be grateful for his life.

I would like to share his obituary as follows with my colleagues.

OBITUARY—ROBERT BEN HEINEY

Robert Ben Heiney of Plantation Village, Wilmington, N.C., died July 13, 1995, at Cornelia Nixon Davis Health Care Center.

Mr. Heiney was born in Huntington, IN, on September 16, 1909, the youngest child of Enos Boyd Heiney and Della Miller Heiney. He attended public school in Indianapolis and in Milwaukee, WI. In 1930, he began working for the National Canners Association in Washington, D.C., while a night school undergraduate at George Washington University. He earned a law degree from National University in 1935.

Mr. Heiney served as commanding officer of a Naval gun crew on board an Army cargo vessel in the Southwest pacific during World War II. After the war he returned to work in Washington for the National Canners Association—now called the National Food Processors Association—where he continued his career in government-industry relations as a legislative specialist. Prior to Mr. Heiney's retirement he was also a vice president and director of NCA's public affairs programs. During 37 years as a McLean, VA, resident he served as a volunteer fireman and as president of the McLean Citizens Association, had leadership roles in local PTA organizations, and was a Sunday School director and vestryman for Saint John's Episcopal Church.

Following 44 years of dedicated service with the National Canners Association, Mr. Heiney announced his formal retirement on September 30, 1974. He maintained an interest in the food industry and in political life as partner and private consultant with Frank R. Wolf (currently serving as a member of Congress from northern Virginia) in their firm, H AND W ASSOCIATES. In 1976, the Heineys moved to Lake of the Woods near Locust Grove, VA, where he worked in local church and Lions Club activities and enjoyed boating and golfing.

In 1989, the Heineys moved to Plantation Village in Wilmington, NC, where Mr. Heiney enjoyed gardening, woodworking, bowling and playing bridge. He also participated as a volunteer in the New Hanover County Schools and received a Governor's Award for his volunteer support for the Cornelia Nixon Davis Auxiliary program. Mr. Heiney was an avid reader and throughout his life he was a loyal supporter of both local and national Republican political organizations and their causes.

He is preceded in death by his beloved wife of 60 years, Margaret Laura Roth. He is survived by a son, Robert B. Heiney, Jr., of Portland, OR, and a daughter, Margaret Stouffer, of Virginia Beach, VA., seven grandchildren and one great grandchild. A memorial service will be held at Cornelius Nixon Davis Health Care Center on Monday July 17, at 2:00 p.m. Expressions of sympathy may be made as contributions to the Cornelia Nixon Davis Health Care Center Memorial Garden fund or to the CND Auxiliary.

COL. JOHN JOSEPH McNULTY III

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 18, 1995

Mr. SKELTON. Mr. Speaker, today I wish to congratulate Col. John Joseph McNulty III who will retire from the U.S. Army in August. Colonel McNulty faithfully served his country with the Army over the last twenty 29 years, and, due to his outstanding effort and ability, deserves recognition at this time.

Colonel McNulty enlisted in the U.S. Army on March 9, 1966. After completing basic and advanced training at Fort Dix, NJ, he entered OCS at Fort Knox, KY. Commissioned in March, 1967 as a second lieutenant of armor, he was posted to Fort Hood, TX, and the 2d Battalion, 13th Armor, 2d Brigade, 1st Armored Division as the S–2. Three months later he was given command to Headquarters Company, 2d Battalion, 46th Infantry and remained in command until April, 1968. Lieutenant McNulty was then given a second command, the Headquarters Company of 2/13 Armor. In late summer of 1968 he was assigned as the S–2/Asst S–3 of the 2d Brigade and remained in that position until July, 1969.

In August, 1969, having been promoted in March, Captain McNulty reported to the 11th Armored Cavalry Regiment (Black Horse) in Quan Loi, Vietnam, where he served as the commander of the Regimental Headquarters Troop until December. He returned to the United States and was released from active duty in order to return to college in Texas.

Captain McNulty returned to active duty in March, 1971, and in June returned to Vietnam and 1st Squadron, 1st Regiment of Dragoons (Blackhawk), 23rd Infantry Division (Americal). He served as the squadron motor officer until the squadron deactivated in April, 1972. He was selected to command the honor guard and escort the squadron's colors to Germany where the squadron was reactivated in May, 1972.

He returned to the United States, completed the armored officer advanced course in 1973, moved to Austin and graduated with honors from the University of Texas in 1975 under the Army's Degree Completion Program. Captain McNulty was subsequently assigned to Fort Bliss, TX, and the 3d Armored Cavalry Regiment (Brave Rifles). While there, he served as adjutant and commanded C Troop, First Squadron—his fourth troop/company command.

In 1978, Captain McNulty was assigned to the Seventh Army Training Command in Grafenwoehr, Germany. His task as chief of new equipment training was to design and prepare the training plan for the introduction of both the Abrams tank and the Bradley Fighting Vehicle to USAREUR units. Major McNulty, promoted in February, 1979, returned to the United States to attend the Command and General Staff College at Fort Leavenworth, KS, in summer, 1980. He graduated as a member of the centennial class in June, 1981.

In June 1984, Lieutenant Colonel McNulty assumed command of First Squadron, 3d Armored Cavalry Regiment at Fort Bliss, TX. During the next 25 months, he led the unit successfully through numerous field and gunnery exercises. Relinquishing command in July, 1986, he served as the assistant commandant of the Sergeants Major Academy until June, 1987. In July, Lieutenant Colonel McNulty attended the U.S. Army War College at Carlisle, PA, graduating in June, 1988.

Since June, 1988, Jay McNulty has been a member of OCLL. Initially assigned as the Chief of Special Actions Branch in the Congressional Inquiry Division, June 1989 saw him appointed as chief of that division.

Col. Jay McNulty is culminating his service as Chief, House Liaison Division. He effectively used his vast knowledge of the Army, his personal communication skills, and his management abilities to tell the "Army Story." He represented the Army, continuing his role of resolving complex and sensitive issues with every professional committee, and all 435 personal offices, and leadership offices in the U.S. House of Representatives.

He is indeed the quintessential officer. His selfless service, commitment to excellence, and caring professionalism have continually provided inspiration to those with whom he has served. This exceptional officer truly personifies those traits of courage, competency, and integrity our Nation has come to expect from our Army officers. He has served our Nation well and our heartfelt appreciation and his best wishes for continued success go with him as he prepares for his next endeavor.

SENATE—*Wednesday, July 19, 1995*

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Sovereign Lord God, You have not only called this Senate to give bold and courageous leadership to the internal affairs of our Nation, but also to its role as the leading nation of the world. Today, we confront the complex issues of the war between the Serb forces and the Moslems in Bosnia. We have been stunned and shocked by the ravage and rape, torture and murder, cruelty and carnage of the brutal hatred of this age-old conflict. All attempts to bring resolution to this strife have failed.

Today, this Senate must make hard choices about the extent of our Nation's involvement. This is one of those times when none of the alternatives is free of negative implications. When we don't know which way to turn, we know it is time to turn to You for wisdom and guidance. Lord, draw the Senators together in a spirit of unity as this complicated situation is discussed and they move toward what is the best solution for the future of Bosnia and the world. We confess our need for Your divine insight, but also for Your incisiveness. Most of all Lord, we ask You to intervene miraculously to heal the prejudice and hatred perpetuating this crisis in Bosnia. Bring an end to this brutal conflict and a just peace. We commit to You the crucial decisions of this day. In Your holy name. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The able majority leader is recognized.

SCHEDULE

Mr. DOLE. I thank the President pro tempore. This morning the leader time has been reserved and there will be a period for morning business until the hour of 9:30 a.m.; and I just urge my colleagues—many always ask for a period of morning business, so we have 30 minutes this morning. I hope Senators will show up here in that time if they have anything to say. Then at 9:30 the Senate will resume consideration of S. 21, the Bosnia legislation. I assume rollcall votes can be expected throughout today's session of the Senate. Also, under the provisions of the agreement reached last evening, after a call for the regular order is made by the majority leader, the Senate may resume consideration of S. 343, the regulatory reform bill, and rollcall votes can be expected on that bill as well, including a third cloture vote on the Dole-Johnston substitute. But I do not anticipate any votes on S. 343 today. I think there will be an effort—in fact, I know there is an ongoing effort already in progress of some on each side of this issue—to try to work out some compromises. I am not certain whether any will be achieved, but there is an effort made to do that.

I hope that everybody understands the importance of the regulatory reform bill. In my view, it is probably the second or third most important piece of legislation we have considered this year. It affects almost every family, every small business man or woman, every rancher, every farmer, every big business. And we have tried to make the case. We made a number of concessions. We believe we have a real regulatory reform bill. We believe that it should be supported by 75 percent of the Members of this body. And we did not understand, or at least this Senator does not understand, the reluctance of some on the other side to come to the table, because this is important legislation. It is a battle between those in the private sector and the bureaucracy and those who believe in more regulation and more Government and more micromanagement from Washington, DC.

That is what is at issue here. Win or lose, it will be the issue. It seems to me that it is our obligation to try to put this together so the American people are the winners. We did not have debate on this floor as to whether we lost or they lost or somebody else lost. But obviously, there are some who cannot be satisfied, some who would gut the so-called Dole-Johnston proposal. This is not what it is about. It is about real regulatory reform. So I hope that those who will be meeting today will keep in mind the importance of this for the American people, not the Senate, not the Senators, not somebody's ego, but the importance to the American family where it has been estimated the cost of regulation is about $6,000 per year, which in most cases is more than people pay in Federal income tax. So it is very, very important.

I will also give a report on welfare reform. We are making progress on welfare reform, and we will have other meetings today throughout the day on welfare reform. It is still the hope of the majority leader that on the week of August 7, we will take up welfare reform. And again it is not easy. Everybody has a different view on welfare reform. We believe we made some progress. And I hope, if we can resolve some of the issues, we can start the process of drafting that legislation.

It also will be our intent to take up gift and lobbying reform next Monday. We are hoping to get a time agreement. We have a draft of a time agreement that has not yet been given the Democratic leader. Also, the Ryan White bill is supposedly coming up next Monday. And then also we hope to have some appropriations bills tomorrow and Friday. So, I just state to my colleagues, as far as we can determine at this point, there will be votes throughout the day on Friday and there will be votes on Monday. We will try to accommodate people on Monday by having votes occur later in the afternoon, but there will be votes on Monday.

So, again, I hope we can move ahead on reg reform. It seems to me, rather than to just stand in recess, we might as well move on to the Bosnia resolution, which is highly important, as noted by the Chaplain this morning. There are no easy answers when it comes to this conflict. But it seems to me the best option at this point is to lift the arms embargo, give the Bosnians a right to defend themselves. They are an independent nation. They are a member of the United Nations. And under article 51, they have the right, or should have the right, of self-defense. This is not involving American ground troops. In my view, it certainly does not Americanize the war. If anything, it moves us farther away from the conflict. I believe that would be in our interest and would satisfy the concerns of most Americans.

I reserve the remainder of my leader time.

MORNING BUSINESS

The PRESIDING OFFICER (Mrs. HUTCHISON). Under the previous order, there will now be the period for the transaction of morning business not to extend beyond the hour of 9:30 a.m, with Senators permitted to speak therein for not to exceed 5 minutes each.

Mr. DOLE. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

The assistant legislative clerk proceeded to call the roll.

Mr. LIEBERMAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGISTRATION OF MASS MAILINGS

The filing date for 1995 second quarter mass mailings is July 25, 1995. If a Senator's office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records Office will be open from 8 a.m. to 6 p.m. on the filing date to accept these filings. For further information, please contact the Public Records Office on (202) 224-0322.

AFFIRMATIVE ACTION

Mr. DOLE. Madam President, earlier this month, in homes, neighborhoods, and communities across the country, Americans celebrated our Nation's 219th birthday.

There was, of course, much to celebrate. Over two centuries after the signing of the Declaration of Independence, America remains what she has always been—the beacon of freedom, and the last best hope for all mankind on Earth.

REMEMBERING AMERICAN HISTORY

But as we celebrate these freedoms, and commemorate those who have sacrificed so much along the way, we must also remember that American history is not always a tale of progress and dreams fulfilled.

American history is a history of hope mixed with tragedy—institutionalized slavery, a Constitution which said that African-Americans were only three-fifths human, Jim Crow and "separate but equal."

This legacy is a source of great shame for us precisely because so many of these outrages contradicted one of the founding principles of our Republic—that all men are created equal and that we are all endowed by our creator with certain inalienable rights, including the right to life, liberty and the pursuit of happiness.

Today, in the America of 1995, the evils of discrimination and racism persist. They may not be as blatant as they once were. They may not be as fashionable. But they are out there, lurking in the corners, poisoning young minds, and yes, harming real people in the process.

Over the years, Americans of goodwill have tried to make a difference. We have enacted an array of antidiscrimination laws. And in the 1960's and the early 1970's, the concept of affirmative action was born, the product of a heartfelt desire to rectify past injustices and expand opportunity for all Americans. Many Republicans, acting with the best of intentions, were directly involved in this effort. I, for one, not only supported the landmark Civil Rights Act of 1964 and the Voting Rights Act of 1965, but have also endorsed certain race- and gender-conscious steps to remedy the lingering effects of historic discrimination. That is my record, and I am proud of it.

ONLY A TEMPORARY REMEDY

Few of us, however, believed that these policies would become a seemingly permanent fixture of our society, but that is exactly what they have become today.

During the past 30 years, we have seen the policies of preference grow and grow and grow some more, pitting American against American, group against group, in a bitter competition for a piece of the Government pie.

Somehow, somewhere along the way, fighting discrimination has become an easy excuse to abandon the color-blind ideal. Too often today, the laudable goal of expanding opportunity is used by the Federal Government to justify dividing Americans. That is wrong, and it ought to stop. You do not cure the evil of discrimination with more discrimination.

THE PRESIDENT'S REVIEW: LACK OF LEADERSHIP

President Clinton had the opportunity today to stand up for principle by stating—in the clearest possible terms—that it is wrong for the Federal Government to discriminate against its citizens on the basis of race, color, ethnic background, or gender.

Without hesitation or ambiguity, he could have said "yes" to individual rights, and "no" to group rights; "yes" to the principle of equal opportunity and "no" to the perversion of this principle with the divisive policies of preference.

Instead of clarity—and I have just finished listening to the President—the President has chosen confusion. He has chosen to complicate an uncomplicated issue with an avalanche of words and fine distinctions.

This is not a difficult issue: discrimination is wrong, and preferential treatment is wrong, too. Our Government in Washington should unite the American people, not divide us. It should guarantee equal opportunity, not divide Americans through the use of quotas, set-asides, numerical objectives, and other preferences.

And that is why I will introduce legislation next week designed to get the Federal Government out of the group preference business. The President says he is against quotas. Quotas are only a small part of the entire regime of preferences. It is not enough to oppose "quotas," as if the label is what might be offensive. It is the practice of dividing Americans through any form of preferential treatment that is objectionable.

The President also denounces preferences for "unqualified"—"unqualified" individuals, when the real issue here is not preferences for the unqualified, which virtually every American opposes—why have preferences for the unqualified?—but preferences for the "less qualified" over those who are "more qualified." That is the debate. This distinction is critical. But it is one that the President conveniently ignores.

Madam President, leadership is about making the tough choices. It is about staking out a clear and crisp principle and holding firm to it. And, yes, leadership can sometimes mean putting a little distance between yourself and your political allies. Regrettably, the President is trying to have it both ways.

A CIVIL RIGHTS AGENDA FOR THE 1990'S

Madam President, 2 years ago, I convened a meeting in my office with a distinguished group of African-American leaders with the goal of developing a civil rights agenda for the 1990's, one that is relevant for the needs and challenges of our time. A relevant civil rights agenda means enforcing the antidiscrimination laws that are already on the books—enforcing the antidiscrimination laws that are already on the books. It means removing regulatory barriers to economic opportunity—something we are in the throes of trying to do right now on the Senate floor—including the discriminatory Davis-Bacon Act. It means school choice for low-income, inner-city people and means meaningful welfare reform that will transform lives from ones of dependence to ones of independence. And it means making our streets safer and renewing the war on drugs. After all, our first civil right is freedom from the fear of crime.

This is the real civil rights agenda of our time. Not preferences, not set-asides, not quotas, but the dreams that are built on real opportunity.

Madam President, I would hope when I introduce my bill it will become at least a focus of dialog because I know different people have different views. But none of us believes that discrimination is appropriate. It is wrong. It has always been wrong. It should be punished. And I think that is what this debate is all about.

DANGEROUS TRENDS IN DOWNSIZING MILITARY HEALTH SERVICES

Mr. INOUYE. Madam President, I would like to bring to your attention a matter of serious concern to me regarding the future of our currently superb military forces—and the inextricable link between a quality volunteer force and an equally robust, quality, military health care system.

I have followed closely the downsizing of our military forces over the past several years. The Active Force will have come down from 2.1 million service members in 1990 to 1.45 million by 1997, a 32-percent reduction from cold war levels. The Navy will see its fleet reduced from 546 battle force ships to 346 in the same time period with only 12 aircraft carriers in commission by the end of the century. The Army will go from 18 to 10 active divisions and the Air Force from 24 to 13 active fighter wing equivalents. The Marine Corps will likewise be reduced from a force of 200,000 men and women in uniform to a force of 174,000.

We have repeatedly promised that there will be no more Task Force Smiths—a tragic result of that period of time just prior to the Korean conflict in the early 1950's when we truly had a hollow force. Yet, I see us slowly but surely moving toward this state of readiness—or should I say, unreadiness. Although it causes me great sadness to even contemplate the repeat of such a tragedy, I must tell you that in the not-too-distant future, I envision us once again being called upon to answer to our brave service members and the American people, "Why did we let another Task Force Smith occur?"

I have been here long enough to know what is meant by a hollow military. In the 1970's, 25 percent of new recruits were category IV—the lowest recruitable mental group—and, as a result, 30 percent of our ships—brandnew ships with brandnew equipment—were not fit for combat due to a lack of sailors to man them. For although our military possesses superior technology and superior weapons systems, it is the people who really determine the readiness of our forces. And these people, the men and women in uniform, are recruited from and reflect a cross-section of the American population. Although the services met their recruiting goals last year—and keep in mind that these goals are much lower than they were a few years ago—the military has had to dramatically increase their recruiting budget as well as the number of their recruiters to do so. Even so, it now takes 1.6 times the number of recruiter contacts to achieve one recruit. The reality of our national culture today is that the propensity for young people to join our military is at a 10-year low, down 39 percent among 16- to 21-year old males just since 1991, according to the Army.

While it concerns me to watch the reduction of our forces, I understand and support the need to balance the size of our military services with the threats facing us today and in the near future. However, we must not lose sight of the reality that major armed conflicts are still a very real possibility and could come at any time in the form of aggression by regional powers such as Iraq and North Korea. In his recent testimony before the Senate Defense Appropriations Subcommittee, Vice Admiral Macke, the commander in chief of the United States Pacific Command, called North Korea the nation with the highest threat potential today. Dr. Henry Kissinger, in his testimony before the Senate Armed Services Committee in February, warned that "more and more states are coming into being that feel no responsibility to any global international system or international stability." He also cited the North Korean situation, the proliferation of nuclear and other weapons of mass destruction, and the growth of Islamic fundamentalists as serious threats to our national security that could involve us once again in armed conflict.

More recently and more frequently, however, we have seen a preponderance of internal regional and national conflicts that require our armed services to respond with operations short of war. These operations not only strain our defense capabilities but drain current year defense budgets. When taken into consideration with other security threats, I become gravely concerned about the speed and direction of our force reductions.

Of particular concern to me is the downsizing of the services' medical structure—both peacetime and wartime personnel and units. While I do not wish to tie the hands of the Department or the service chiefs as they restructure their forces, I am increasingly concerned over the severity of reductions to the services' medical departments. In my opinion, the military health service system is being taken down too far, too fast.

The military leaders and decisionmakers have a tendency to see military health care as less important than the men and women who fly airplanes or who drive tanks. However, I caution you that our military is essentially a team, and if one member of the team is weak, the entire team is weak. Although the medical departments might seem less crucial to the preparation for or the outcome of war, I assure you that to the men and women in combat, they are absolutely essential members of the team. To be effective fighting forces, the servicemembers must be able to concentrate on combat and keep their minds completely clear—free from worry about their own well-being and, even more importantly, free from worry about the health and well-being of their spouses and children at home. Without the knowledge and security that their families are well cared for, our military personnel will lose much of their effectiveness that they have so ably demonstrated during the past decade.

First, I will address combat medicine—caring for the soldiers, sailors, marines, and airmen who risk injury and death around the world. When I was injured in World War II, it took 9 hours for me to get to medical care—9 hours. But in 1945 that was not too bad—Americans probably did not expect any faster battlefield evacuation and care. Today, when a soldier or marine is wounded in combat, he or she can be at the hospital within 15 minutes. In fact, we learned in Korea and Vietnam that if we could get wounded soldiers to hospitals within 15 to 30 minutes—and we did that pretty regularly—we could save most of those who survived their initial wounding.

Because of our experiences in these wars, Americans now have come to expect emergency medical services [EMS] systems, 911 phone lines, paramedics with highly technical skills, and advanced EMS and air flight ambulances with sophisticated emergency medical equipment. Most of these capabilities also exist in our military combat health support systems and soon they will have more advanced combat medical technologies such as telemedicine, filmless x rays, and other new medical innovations that will further improve battlefield survival rates. Americans have come to expect this level of care and our service members and their families deserve it.

Trauma experts talk of the golden hour—the first hour after initial injury—when the greatest percentage of patient lives can be saved. Let me give you one example. In March 1994, there was a horrible training accident involving soldiers of the 82d Airborne Division on the green ramp—the area where the paratroopers wait to take off—at Pope Air Force Base, adjacent to Fort Bragg, NC. Many soldiers were saved by the expert buddy aid training that all soldiers receive as part of their combat training. However, many more were saved by the quick response of medical and non-medical personnel who quickly evacuated their comrades to Womack Army Hospital there at Fort Bragg. Several of the most seriously burned soldiers were evacuated to the outstanding Institute of Surgical Research, frequently referred to as the Burn Unit, at Brooke Army Medical Center in San Antonio. And, of course, our world-renowned Air Force evacuation system composed of DC-9 Nightingale aircraft equipped with sophisticated medical equipment and staffed by top-notch flight nurses handled the evacuation of these critically injured soldiers.

All of this takes a lot of medical personnel—trained and experienced in emergency care, in trauma care, and in combat medicine—and a lot of medical resources such as ambulances—helicopters, wheeled and tracked ground ambulances, and, yes, even fixed wing ambulances—as we plan for even longer evacuation lines in future conflicts. It means a lot of medical facilities—especially hospitals—located throughout the evacuation pipeline—combat theater and elsewhere. This requires a robust, quality, flexible, military medical force.

During Operation Desert Shield/Storm, the military medical operations plan called for emptying almost all of the military hospitals in the continental United States as well as some of those in Europe of medical personnel to deploy with the field hospitals to the Middle East. And that was before downsizing was implemented in the medical departments. Today, the medical departments have lost more than 30 percent of their personnel, but are still expected to provide the same level of support to defense plans that call for conducting two nearly simultaneous major regional contingencies [MRC's], possibly in conjunction with one or more operations-other-than-war [OOTW] scenarios. I would like someone to tell me how this is to be accomplished with 30 percent fewer assets. I would also like to know who will provide care for the military family members in such a situation.

As a result of having such a superbly trained and equipped military medical capability, an interesting, but potentially dangerous, precedent has become evident in recent years. Whenever large numbers of people are in need of health care services, whether in this country or elsewhere in the world, the U.S. military medical departments are requested. You might not be aware of this, but the first U.S. military units to be placed under the command of a foreign nation were medical units. Why? Because we have the most sophisticated, comprehensive, state of the art combat medical capability in the world and other nations sending their sons and daughters off to danger want their soldiers to have the best too.

More than just providing combat health services to our deployed service members, a robust health care system is critical to maintaining our quality volunteer force. When the draft ended in 1973, many people both here in Washington and throughout the United States doubted the success of an All Volunteer Force. After all, given the history of the draft and the need to force our citizens to serve their country, how could anyone reasonably expect that there would be enough young men and women who would volunteer to serve—and at a quality that would be acceptable. A great many people were very surprised when the All Volunteer Force not only met previous recruiting standards, but actually exceeded them.

I believe we were able to do this in large part because one of the benefits promised to the potential recruits was world-class quality health care, not only for themselves but also for their family members throughout their career and even after retirement. No one said, "unless we have to downsize." I doubt that very many recruiters explained or even understood themselves the fine distinction between "entitled to" and "eligible for" that separates the statutory provision for health care services for family members of active duty personnel from the retirees and their military dependents. Or that anyone explained about space available care. What the soldiers and sailors and marines and airmen heard, what they were promised, was lifetime health care for themselves and their dependent family members.

And how have the services been able to meet their recruiting goals? By continuing to promise lifetime health care for themselves and their eligible family members. Why? Because the military knows that without this benefit, the recruitment of, and particularly the retention of, quality, career service members would be nearly impossible.

Now our retirees and service members see us breaking our promises to them. Space available care in our peacetime medical facilities in some cases has already disappeared or is rapidly disappearing for our retirees and, in many places, even active duty family members are forced out on the Civilian Health and Medical Program of the Uniformed Services [CHAMPUS] because of drastically downsized or closing medical treatment facilities. If we continue to cut retirement benefits, we will have a difficult time recruiting soldiers, sailors, marines, and airmen for our next war. As Maj. Gen. Jim Pennington, U.S. Army, retired, said, "If we do not stop this constant effort to renege on the promises to those who have served and kept their part of the bargain, we will destroy the Volunteer Force and consequently our national defense."

How important is military health care to the service member? I can tell you, it is very important. I have traveled to a great number of military bases and posts and invariably the first or second question I am asked is about health care—usually not for service members themselves so much as for their family members. Much as we would like to believe that there are millions of patriotic Americans willing to serve their country without any additional incentives, the reality is that our service members want pretty much the same thing most Americans want—including families and the ability to take care of their family members. In World War II, only 4 percent of the soldiers had dependents. In 1973, when the draft ended, 40 percent of our military force had dependents. Today, more than 60 percent of our military personnel have family members. When our troops are deployed away from home—and we are asking them to do that more frequently now—their foremost concern is their families. This is just as true, and perhaps even more so, during times of armed conflict. I cannot overemphasize the importance of the military health care system in providing peace of mind and security for our service members and their families, especially when faced with the possibility of deployments and combat as these men and women are every day.

Madam President, my concerns with the drawdown of our medical forces are in three areas: The civilian workyear reductions directed at the Department of Defense—DOD, medical readiness, and the continual erosion of retiree health care benefits.

CIVILIAN WORKYEAR REDUCTIONS

The DOD is committed to streamlining its civilian workforce in accordance with the National Performance Review [NPR] and the administration's guidance to increase its efficiency and effectiveness. The DOD seeks to do this without sacrificing quality or compromising military readiness. Between 1993 and 1999, the DOD projects a 32-percent reduction in civilian positions. In accordance with the fiscal year 1996 President's budget, the DOD has targeted headquarters, procurement, finance, and personnel staffs. Downsizing the infrastructure in this way should not affect the military services' ability to carry out their mission nor to respond quickly and effectively.

The Military Health Service System's [MHSS] share of these 272,900 civilian reductions is more than 11,000 spaces. However, these positions are predominantly in the business of delivering health care—nurses, lab technicians, and other medical technicians. Less than one-third of the MHSS civilian work force are in the targeted job series. Although the medical ward clerk or medical transcriptionist might appear to be optional, they are as critical to the health care team effort as are the health care providers.

The Congress has been concerned about the adverse impact of downsizing both the military and civilian work force for a number of years. To insure that this downsizing and civilian conversion does not cost the American taxpayers more in contract and other costs, a number of Federal laws have been enacted in recent years.

The Federal Workforce Restructuring Act of 1994, Public Law 103-225, prohibits agencies from converting the work of employees included in the 272,900 civilian reductions to contract performance unless a cost comparison demonstrates that such a conversion would be to the financial advantage of the Government.

Section 8020 of the Defense Appropriations Act for fiscal year 1995, Public Law 103-335, provides specific guidance prohibiting the conversion to contract of any DOD activity "until a most efficient and cost-effective organization analysis is completed on such activity or function and certification of the analysis is made to the Committees on Appropriations of the House of Representatives and the Senate."

Section 711 of the National Defense Authorization Act for fiscal year 1991, Public Law 101-510, prohibits reductions of medical personnel until the Secretary of Defense certifies to the Congress that the number of personnel being reduced is excess to current and projected needs of the services and that CHAMPUS costs will not increase.

And, finally, section 716 of the National Defense Authorization Act for fiscal year 1991 requires congressional notification before any military medical services are terminated or facilities are closed. These restrictions have all been placed on the DOD to ensure that reductions to the MHSS have been thoroughly analyzed for their impact not only on costs, but also on military readiness and preparedness.

In my own State, Tripler Army Medical Center staff can expect to pay 30 percent more for child and maternal health care contract personnel to replace existing civilians. And that is for just one medical unit in one hospital. I understand that the U.S. Army Medical Command's [MEDCOM] experience in contracting for health care services indicates that direct hire civilian employees—the same civilians that the DOD has been mandated to cut—are almost always the most cost-effective alternatives when hiring on the margin one for one.

For instance, a civilian nurse costs $40,000 per year compared to $60,000 for a contract nurse. At Fort Drum, NY, where contracting care is required because there is no inpatient medical facility on post, the per beneficiary costs are 56 percent higher than costs at similar military installations. In fact, the MEDCOM's experience with commercial activities [CA] studies has shown that it is almost always considerably less expensive for the military system to provide health services than it is to contract for them.

The inevitability of these mandated civilian cuts affecting nursing personnel is particularly worrisome, especially in the Army where civilian nurses comprise approximately 50 percent of the work force and where military nurses are being consistently cut more than any other health care profession. As the medical departments downsize, careful consideration must be given to the health professionals such as nurses who are actually providing care. The integration of health promotion, health maintenance, and wellness should be at the forefront of providing quality health care. However, the steep cuts in the endstrength of Army nurses jeopardize the ability of the Army Medical Department [AMEDD] to deliver on its promises to increase access, maintain quality and improve cost-effectiveness of the health care services provided in both peacetime and wartime facilities and settings. With the drastic losses of both military and civilian nurses, the AMEDD has few options other than massive contracting arrangements.

If these contract costs were applied across the full spectrum of the MHSS-directed civilian reductions, what would be that cost? I hope that the appropriate DOD personnel are prepared to answer that question, if indeed, we are to draw down medical civilian personnel. It just does not make good business sense to contract out services that can be provided just as well, and far less expensively, in military facilities. Yet, we continue to subject our medical departments to a civilian work force reduction that is intended largely for administrative positions.

In addition to the experience of the MEDCOM, I understand that the RAND Corp., in a study commissioned by the DOD to comply with section 733 of the National Defense Authorization Act for 1992, Public Law 102-190, concluded that medical treatment facilities' inhouse care is more cost effective than their civilian counterparts by 24 percent overall and even more in some areas such as primary care. The Civilian Health and Medical Program of the Uniformed Services [CHAMPUS] has not been the preferred cost-effective alternative to either the medical departments who bear the major costs of the program or to the beneficiaries who share the cost. The simple fact is that medical inflation in the private sector has skyrocketed over the past several years.

These civilian reductions are all the more disturbing given not only the studies indicating that the MHSS is the most cost-effective alternative, but also given the great strides that the MHSS has made in reorganizing and reengineering toward a business-like culture. For example, the activation of the U.S. Army Medical Command [USAMEDCOM] in 1994 marked a major milestone in re-engineering the Army Medical Department [AMEDD]. In phase I of that re-engineering, the Army Surgeon General's staff in the Washington area has already been reduced by more than 75 percent. We are all very proud that DeWitt Army Community Hospital at nearby Fort Belvoir in northern Virginia was a recent recipient of Vice President GORE's National Performance Review Hammer Award. The DeWitt Army Hospital's Primary Care Reinvention Plan will dramatically improve the way health care is provided to the more than 140,000 beneficiaries in DeWitt's catchment area. The plan includes the establishment of six new satellite clinics, expanded clinic hours to accommodate working parents, a 24-hour nurse advice system, expanded child and adolescent psychiatric services, and the creation of a special Well-Woman clinic. These initiatives increase primary care access and decrease expensive tertiary care costs. In fact, the MHSS abounds with examples such as these cutting-edge innovations in all of the services.

Another long recognized example of the military's enormous contribution to America is the military medical research and development community which is composed of more than 50-percent civilians. These contributions have benefited military readiness, military preventive and curative care, and have impacted tremendously on the kind of civilian health care that has come to be expected by all our citizens. For example, the Army's Medical Research and Material Command [USAMRMC] has unique expertise and facilities for all phases of vaccine development. This includes a hepatitis A vaccine that was recently developed, tested, and demonstrated safe and effective by Army scientists working with SmithKline Beecham Pharmaceuticals. To health care providers, hepatitis A has proven to be a pervasive, but difficult, disease to treat with recovery taking anywhere from several weeks to several months. Hepatitis A is a serious health risk for more than 24 million U.S. citizens that will visit endemic areas this year. In the United States, there are an estimated 143,000 cases occurring each year at a cost of $200 million. This vaccine was the first licensed by the Food and Drug Administration for use in the United States.

The MHSS has long been acknowledged as a leader in research and an expert on many diseases throughout the world. Military units deploying to Somalia, the Persian Gulf, Macedonia, and Haiti received comprehensive advice books prepared by USAMRMC on avoiding local health hazards ranging from disease-carrying insects and poisonous snakes to contaminated food and water, heatstroke, and frostbite. This military unique research and expertise has made, and continues to make, massive contributions to our civilian medical capabilities. In fact, as noted in a recent edition of the television program, "Dateline", the U.S. military has the only capability in our Nation to deal with an invasion of potentially lethal infectious agents, such as the filoviruses, to the United States.

In the area of peacetime medical research, the Medical Research and Materiel Command has led a very successful effort in breast cancer research, HIV-AIDS research, defense women's health research, and malaria research, to name a few. In fact, the Army's successful management of $236.5 million for breast cancer research in 1993 and 1994 has won high praise from both scientific and advocacy groups. Additionally, they have been able to apply 91 percent of the funds directly to research, thus restricting the administrative overhead to a mere 9 percent. Their success has prompted the Congress to ask the DOD to manage another $150 million for breast cancer research in fiscal year 1995.

Other MHSS treatment facilities have similar initiatives underway. Many of these initiatives serve as force multipliers by reducing attrition and enhancing soldier confidence. The U.S. Army Center for Health Promotion and Preventive Medicine [CHHPM] led the effort to develop an outside-the-boot parachute ankle brace that has significantly reduced jump-related ankle sprains common in airborne soldiers. All of these research and preventive medicine initiatives are done for the purpose of improving soldier readiness, providing quality health care for beneficiaries, and improving cost efficiencies.

These successful efforts are possible because of the blending of civilian and active duty medical personnel as a team. The active duty personnel infuse new energy and fresh ideas gleaned from their many varied experiences and provide the mobilization force; the civilians provide institutional memory, continuity, stability, and invaluable expertise gained from years of specialized concentration in highly technical fields. To lose either perspective would severely handicap the ability of the MHSS to continue to produce their outstanding results.

My final, but by no means least important concern, is of the impact on the morale of the dedicated MHSS civilian employees. Preliminary feedback from Tripler Army Medical Center and other health care facilities indicates that the civilian work force continues to see medical military personnel departing as part of the military drawdown. Yet, the workload has not diminished. The beneficiaries—active duty, retired, and family members—continue to come for the health care they were promised and expect.

At the same time, the civilian employees see their own jobs at risk for contracting, probably at greater expense. Our dedicated medical civilians at Tripler and all the MHSS facilities deserve so much better for their dedicated service to their customers—the men and women in our Armed Forces, both present and past.

READINESS

I am also deeply concerned about the medical readiness of our military units and the impact that downsizing will have upon them. The persistent reductions to the military medical structure from downsizing, civilian reductions, base closures, and bottom-liners—those faceless men and women who make decisions without having any idea of how it affects people—have resulted in the instability of the medical system. The MHSS is looking at reductions in medical personnel of more than 30 percent at a time when the beneficiary population is decreasing by about 10 percent.

Medical readiness is a service-unique responsibility with each service focusing on its mission essential requirements. I applaud joint service cooperation as a means of more efficiently utilizing scarce resources. The medical departments of the services have demonstrated that they can work together in many areas—TRICARE—the DOD's managed care program, telemedicine, research, training and more. However, I am concerned with the increasing pressure to centralize medical readiness and eliminate the individual services' autonomy and flexibility. Each service has a unique culture and specialized roles and missions that cannot be accommodated in an entirely purple suited DOD system. Each must preserve a large degree of autonomy.

There is no compelling reason to centrally manage the medical resources of each service under a DOD civilian umbrella. The structure that was created to implement the MHSS's managed care program, TRICARE, is not suited to manage the services' medical readiness assets nor their respective mobilization missions. I, and all of the Congress, will continue to hold each of the service chiefs responsible for military medical preparedness in accordance with their title 10 authority.

The military trains for its readiness mission by caring for all categories of beneficiaries in peacetime. This type of training can not be obtained exclusively in a field environment. However, the needs of both the peacetime health care system and the field health care system must be met, in many cases, by the same personnel who must be able to transition quickly and effectively from one system to the other as the mission requires.

I am also concerned about the premises upon which several ongoing studies are based for decisions on how downsizing will be accomplished. The Nation and even many of our senior policymakers seem to believe that the recent Persian Gulf war and the Somalia peacekeeping operations are evidence that any future military conflicts will be bloodless affairs—that is, wars where there will be no, or at least very few, casualties. Well, I have been in combat and I can assure you that there is no such thing as a bloodless war. We were very lucky in Desert Storm—just plain lucky. There is no reason to assume that we will be that lucky again or that any adversary will again miscalculate so badly. We must not become complacent and delude ourselves that we no longer need medical personnel, hospitals, ambulances, and other medical assets for combat health care or the resources to enhance and to practice combat medicine. That naive belief is irrational and irresponsible in an age of high-technology weapons of mass destruction and global instability.

In the Pacific rim, we need look no further than North Korea to see evidence of a potential conflict that would create thousands of casualties in the first hours of operation. Major military medical centers—like Tripler in Hawaii; the Naval Medical Center, San Diego; Madigan in the State of Washington, and Willford Hall in Texas—must be maintained if we are to be prepared for these conflicts. Any recommendation to downsize these facilities displays ignorance of the lifesaving role these facilities would play.

A recent RAND Corp. study, titled "Casualties, Public Opinion, and U.S. Military Intervention: Implications for U.S. Regional Deterrence Strategies," concluded that once deterrence and diplomacy fail and war begins, public opinion demands that the conflict be escalated to bring finality to the operation. Such was the public opinion in the Persian Gulf war. Many Americans would have preferred that United States forces had continued on to Baghdad to overthrow Saddam Hussein, and many still feel that the operation was not completed when it stopped where it did.

Assuming that such a view is correct, the resulting military decisions to escalate the measures deemed necessary to win a decisive victory could well lead to more, not fewer, casualties. Our military medical facilities must be structured for such an occurrence. Therefore, other recent study recommendations to downsize or close many of our peacetime medical facilities and to greatly reduce military and civilian medical endstrengths imperil military preparedness.

Every day, the dedicated men and women of the military medical departments train in peace for their war mission. To believe that this capability can be contracted out, accomplished in civilian medical institutions, and be made ready for war given a certain amount of time is a certain recipe for disaster.

I have heard the argument that we can park our tanks in motor pools when training dollars are short, but we cannot park our eligible health care beneficiaries outside our hospitals. We have seen what happens to readiness when we do so. Not only do the beneficiaries not get the care they deserve, but medical readiness suffers as well. The Nation can no more sacrifice our medical readiness than we can our combat preparedness.

I believe the basis for a sound medical readiness posture lies in the medical centers. The medical centers function in much the same way as does a Navy battle group. A modern Navy battle group usually consists of an aircraft carrier, surface warships, support ships, and submarines. The medical centers are somewhat like an aircraft carrier. They are very large and do not directly engage in combat. They serve as command and control and training centers for the task force and stand ready to launch their expert systems forward as needed.

Just as the expert systems of the aircraft carriers are its jets and pilots, a medical center's experts are its military personnel, who work in the medical center during peacetime but staff the field hospitals during wartime or operations short of war, and its telemedicine capabilities. The surface warships and submarines are like smaller hospitals, field hospitals, clinics, and field medical units that directly support the combat mission.

These escort ships need the carrier for command and control of its units as well as training for augmentation personnel. Much in the same way, smaller base and installation hospitals and field medical units rely upon medical centers for the establishment of medical policy and procedures—command and control, a pool of qualified and trained clinicians, and projection of its medical expertise forward via telemedicine.

The importance of medical centers cannot be overstated. Much of the success of the MHSS is due to its medical centers. They serve as a medical boot camp for health care personnel such as physicians, nurses, and corpsmen; research and development for new medical procedures, programs, and materials; reference centers for world-class medical knowledge and expertise; and the state-of-the-art inpatient care capabilities of modern medicine.

One essential type of medical boot camp is Graduate Medical Education [GME]. As with other components of the MHSS, GME has also come under attack. Although it is true that certain segments of military medical GME can be restructured and consolidated, the underlying premise of a medical center-based GME program cannot be refuted.

The MHSS benefits tremendously from in-house GME. These benefits include providing specialty and subspecialty care and increases in physician productivity due to the teaching environment. Other benefits include lower patient care expenses, the attraction of more qualified physicians to the academic environment of teaching hospitals, and a higher retention rate of physicians, especially for those trained in military facilities, that leads to lower acquisition and training costs.

Opponents of the MHSS would argue that the need for in-house GME would be removed if older, nonactive duty beneficiaries were not treated in MTF's. Again, studies have consistently shown that military in-house care is less expensive than the civilian sector. If we could get Medicare reimbursement legislation passed, the MHSS could continue to provide low-cost care to retirees and ultimately lower the cost of total Federal expenditures.

Eliminating GME in the military would force military hospitals to rely on the civilian sector for recruiting physicians—the same system that is currently overproducing specialists and underproducing primary care physicians. Current research literature indicates that only 26 percent of those completing residency training go on to primary care practice. The current mix of specialists is inappropriate for accessible and cost-effective care. We should not force the MHSS back to the high-cost U.S. national average.

Our medical centers have also been the projection platforms for telemedicine initiatives. Using commercial off-the-shelf equipment—a digital system camera and a video teleconferencing system, telemedicine enables medical personnel at remote locations to consult with physicians at a medical center and to quickly obtain expert advice on critical or unusual cases. Telemedicine puts the diagnostic firepower of Walter Reed Army Medical Center, the National Naval Medical Center in Bethesda, Maryland, or Tripler Army Medical Center into the hands of the deployed physicians in Somalia, Zagreb, Macedonia, or Haiti.

Just this past December 1994, the life of a 26-year-old soldier was saved in Macedonia. This is not so terribly unusual, except that two of the physicians contributed their diagnostic and treatment expertise while observing the patient on a television monitor at the Casualty Care Research Center in Bethesda, MD. Through Operation Primetime, the battalion surgeon with the 1/15th Infantry Battalion, part of the United Nations Observers in Macedonia, maintained telemedicine links with military medical specialists in Europe and the United States.

The military medical personnel saved that soldier's life by employing medical care forward—once again demonstrating their function as force multipliers. I am very enthusiastic about the possibilities of expanding telemedicine initiatives even further both in our military settings as well as in appropriate civilian settings.

RETIREE HEALTH BENEFITS

The last area of military medicine I will address is the continuous erosion of health care benefits for our military retirees and their eligible family members. As the services strive to improve the access and quality of health care through innovative, business-like plans, the massive civilian and military cuts combined with the decreasing health care dollars seriously threaten their future ability to provide health-care services to the full spectrum of beneficiaries.

The MHSS has embarked on a new managed care plan for non-active duty beneficiaries called TRICARE. The comprehensive health-care benefit under TRICARE will maintain or enhance the scope of services that eligible beneficiaries receive today. The MHSS's capability to provide everyday health care will improve with TRICARE, a plan centered around military hospitals and clinics and supplemented by networks of civilian care providers.

TRICARE presents an opportunity to clearly define military medicine as essential to force readiness, as well as to improve benefit security and choice of delivery for military beneficiaries. There are parts of this plan, however, that concern me. The TRICARE plan requires our retirees to share in the cost of care, and the greater the choice of physicians they desire, the greater the degree of cost-sharing.

This is wrong for two reasons. First, it violates the contract we made with these former service members when they agreed to serve their country in our Armed Forces. We promised them access to free care in our military treatment facilities in exchange for lower wages and often a career of sacrifices during the time of their service. There was no fine print about modest enrollment fees and lower out-of-pocket costs.

Second, I pick up the Wall Street Journal and read that "HMOs Pile Up Billions in Cash, Try To Decide What To Do With It," as was reported on December 21, 1994. I am outraged that our military retirees, many on fixed incomes, will contribute to these organizations' dilemma. The largest of these are for-profit organizations, growing so fast that they overtook nonprofit HMOs as the dominant force in managed care, as reported by the New York Times, on December 18, 1994.

The Nation owes our military retirees and veterans what they were promised. Soldiers, sailors, airmen and marines, their families, retirees and their families, veterans, and surviving family members—these are the people who comprise the military family. Despite pressures to take a short-sighted view, we must honor our obligations to those who have served faithfully. The Congress and the citizens of this country must do so not only because it is the right thing to do, but because if we do not, we will soon be facing a far more serious crisis—another truly hollow force.

We cannot, must not, have contracts that ask more of our retirees and veterans. Any such contract today that does that must be declared null and void with the contract we made with them in years past. We cannot have contracts that restrict access, compromise care, or ask them to make more of a contribution. We placed no such restrictions on our servicemen and women when we sent them to foreign shores.

Lest we think that our servicemembers' tours of foreign shores are a product of days gone by, let me remind you that today we have more than 300,000 servicemembers serving overseas in 146 countries and 8 U.S. territories. In fact, deployments for the

Army have increased threefold since 1990 and more than 700 Purple Hearts and two Medals of Honor have been awarded since November 1989. The military is growing yet another generation of veterans and retirees who have served their country when their country called upon them.

I commend the MHSS for their advances in a standard benefit for all beneficiaries, for their commitment to medical advances such as telemedicine, and for the hard work in which they are engaged as they attempt to right size military health care. However, I caution them that I am watching. I will not tolerate a health care system sized on the backs of our retirees, a system that listens more to shortsighted budget analysts than to good business practices, and to any contract that violates the contract this country made with the men and women who served when called and have already paid their dues.

Madam President, the real bottom line is that the overall health of the entire voluntary military depends on the health of the Defense Health Program. A compromised military health system will rapidly lead to a compromised military capability. I greatly fear that we are heading down that course. For example, I find it truly alarming that for the first time in our Nation's history, the emergency defense supplemental bill is being offset dollar for dollar from its own defense budget. How long will it be before the Department gets wise and when the President says go to Haiti or Bosnia or wherever, the military says, "No, thank you, we can't afford it". I have been involved in our Nation's defense for more than 30 years as a Member of Congress and I have traveled extensively around the world during those many years and I absolutely believe that the best way to prevent war is to prepare for war. The only way to prepare for war is to maintain a healthy, robust military. And absolutely critical to that endeavor is a healthy, robust military medical health system. Let us not forget the painful lessons learned in the past; let us not have another Task Force Smith; let us not repeat the same mistakes. Let us work to ensure a safe and secure future for this great Nation of ours.

I would like to acknowledge the contribution of my Congressional Nurse Fellow, Lt. Col. Barbara Scherb, who prepared this statement. Colonel Scherb is an Army nurse who is currently assigned on a 1-year fellowship in my office.

REPRESENTATIVE RICHARDSON'S SUCCESSFUL HUMANITARIAN MISSION TO IRAQ

Mr. BINGAMAN. Madam President, on another issue, I rise to congratulate my friend and colleague from New Mexico, Representative BILL RICHARDSON, for his recent trip to Iraq that resulted in the early release from prison of two Americans, David Daliberti and William Barloon.

Madam President, we have all been affected by this story. We agonized with the families of these two Americans since their arrest in March when they inadvertently crossed the Iraqi border while trying to visit friends at the United Nations observer post in Kuwait. We recoiled when we learned that their sentence would be 8 years in prison. We watched as others tried to negotiate a solution to the crisis, including the wives of Mr. Daliberti and Mr. Barloon, who visited their husbands in a Baghdad prison. And we worried as a nation when we received reports that both men were experiencing heart trouble that required hospitalization while in the prison.

We have now learned, however, that Representative RICHARDSON has been doing more than simply listening to the news coming out of Iraq like most of the rest of us. He met eight times with the Iraqi Ambassador to the United Nations in New York, sometimes catching a flight from Washington early in the morning so that he could return before votes were cast in the House.

These visits established a feeling of trust that allowed Representative RICHARDSON to travel to Iraq, where he pressed Saddam Hussein for the release of the captive Americans on humanitarian grounds. As with any negotiation, we now know that there were moments of disagreement and misunderstanding with the Iraqi President. Representative RICHARDSON persisted in arguing that releasing these men at this time was the right thing to do.

Madam President, in a world with a seemingly endless number of intractable conflicts and troubles, from Bosnia to Rwanda to North Korea, it is with a sense of relief that as a result of Representative RICHARDSON's successful humanitarian mission to Iraq, we have one less crisis hanging over our country and over the two families that have now been reunited.

All Americans should be proud of Mr. Daliberti and Mr. Barloon for their courage and strength over the past 5 months. I am especially proud of my friend and colleague from my home State of New Mexico for his remarkable achievement in winning their release.

Madam President, I yield the floor.

COMPREHENSIVE REGULATORY REFORM ACT

Mr. KENNEDY. Madam President, on a matter that the Senate has been debating over the period of the last 9 days, regulatory reform bill, it has been temporarily laid aside for now, but I rise at this time to call the attention of my colleagues that the bill contains an unfortunate and unwarranted provision that would drastically undermine fundamental food safety standards in current law. I intended to offer this amendment yesterday prior to the time that the bill was set aside.

I want to speak briefly to this issue. I hope the issue would have been addressed by those in the process of considering the regulatory reform bill, or have an opportunity to address it when the legislation comes back. It addresses one of the very serious failings of this legislation. I want to take a few moments of the Senate time to address it.

This is a different issue than the meat inspection question we debated last week. It involves the unfortunate and unwarranted provision that would drastically undermine the fundamental food safety standards that exist in current law.

America has the safest food supply in the world. Families go to a supermarket to purchase meat or vegetables, to buy baby food or apple sauce for young children they do so, secure in the knowledge that what they buy, and any additives contained in them, meet strict safety standards enforced by the Department of Agriculture and the Food and Drug Administration.

When contaminated food inadvertently reaches the public, these agencies have the power they need to protect the public health. The basic food safety standards were enacted into law many years ago. Today, they are relied on and taken for granted by the American public. That is absolutely how it should be. No one has to give a second thought to the safety of the food that they eat today—and they should not have to start to worry about it tomorrow.

The safety of American food not only benefits consumers, it provides a competitive advantage to the U.S. food industry in the global markets. The label "Made in the USA" on a can or jar of food is a signal to people everywhere that the product meets the highest standards of safety and cleanliness.

Two of the cornerstones of the Federal food safety law are contained in section 409 of the Federal Food, Drug, and Cosmetic Act. The relevant language of that section reads as follows: A food additive shall not be approved "if a fair evaluation of the data before the Secretary fails to establish that the proposed use of the food additive, under the conditions of the use to be specified in the regulation, will be safe: Provided, that no additive shall be deemed to be safe if it is found to induce cancer in man or animal * * *."

This provision is known as the Delaney clause. This simple statement is the basis for the establishment of safety for the food supply in the United States. These two provisions together deal with food safety and also the limitation of carcinogens in pesticides, in food coloring, and in other areas as well, but food additives primarily.

What we have done in this proposal that is before the Senate is changed both of these standards. I wonder why? I wonder where the call is across the country for people that say our food is too safe? I think few would ever have had the circumstance where anyone came up and said "Senator, one of the overwhelming problems we are facing in our country is the food supply that is too safe. Do something about it."

It is very interesting, Madam President, that when the regulatory reform bill was submitted, it repealed, effectively, the Delaney clause that provides restrictions on food additives primarily, into the food supply.

We commented on that in the course of the Judiciary Committee markup. Lo and behold, when that measure was reintroduced here on the Senate, the Johnston-Dole amendment, we found changes not just in the Delaney clause, but we found changes in the food safety, as well—dramatic change.

It just happened between the time it got out of the Judiciary Committee and the time it was reintroduced here, without any hearings, without any notification, without any real explanation in reviewing the record about what was the reason for the changing in our food safety laws. I think that is wrong, and we will have an opportunity in the Senate, should that legislation come back to address it.

Now, as I mentioned, the first paragraph here requires that any additive to food safety must be safe. The second proviso is the Delaney clause, first enacted into law in 1958 and expanded in 1960. The Delaney clause prohibits the use of food additives, food colorings, animal drugs, and in some circumstances pesticides if they are found to cause cancer in humans or in animals. The Delaney clause provides a zero-tolerance standard for cancer-causing substances in food.

In recent years, critics have claimed that the Delaney clause is unscientific and overbroad. Clearly, there has been a revolution in food science and biochemistry since 1958, when the Delaney class was enacted. We now have the technology to identify cancer-causing chemicals in foods, in far smaller trace amounts than possible 40 years ago. We also understand that animals may develop tumors from certain chemicals through pathways of animal biology that humans do not have.

Zero tolerance, therefore, means something different today than it did in 1958. Tiny amounts of substances that could not be detected at all in the 1950's can be detected today. In 1958, testing equipment might have considered zero risk to be a 1 in 100,000 chance of causing cancer. Today, we have scientific instruments that can detect risk levels as low as 1 in 1 billion. Clearly a modern standard of risk is warranted.

Responsible voices have argued for reform of the Delaney clause. The National Academy of Sciences first recommended Delaney reform in a 1987 report. In 1993, the Academy called for a more scientific health-based safety standard for approving pesticides.

Senator LEAHY and I and others have introduced detailed legislation in each of the last three Congresses to implement the Academy's recommendations, and we would welcome the opportunity to continue that complex sensitive task in the committees of jurisdiction.

Unfortunately, the bill before the Senate takes an irresponsible approach to a subject with such grave implications. It contains haphazardly drafted lines in a 97-page bill on regulatory reform that emerges from two Senate committees without any expertise in food safety, without any hearings, and without any public input from the scientific community.

These 10 lines would wipe out the Delaney clause, and in its place they insert a vague standard of negligible or insignificant risk. The phrase "negligible or insignificant risk" is not defined in the bill.

This is on page 71 of the Dole proposal, on lines 21 and 22, where they say:

> . . . shall not prohibit or refuse to approve a substance or product on the basis of safety where the substance or product presents a negligible or insignificant foreseeable risk to human health.

And, if you look at the top, at line 15, it applies not just to Delaney, but it applies to all of this provision.

What is the significance of that? Does negligible or insignificant risk mean a risk of 1 in 1 million? Or 1 in 1,000? How many additional cases of cancer are acceptable under a negligible risk standard? Perhaps a negligible risk means any level of risk that will not cause an immediate health disaster. Codification of such a vague standard would cause a major uncertainty for both consumers and industry. Its interpretation could vary from one administration to another.

In addition, the proposed language does nothing to ensure adequate protection of infants and children who are uniquely susceptible to foodborne toxins because their diets are so different from those of adults.

Madam President, this chart indicates what the current law is. Under the current law the language is, as I mentioned earlier, will be safe, which means a reasonable certainty of no harm. It is a no harm standard. Effectively that is the food standard now in the United States and effectively has been there for a period of some 40 years. How that is being changed at the present time under S. 343 is that food additives may cause negligible or insignificant risk of harm—not too much harm.

So now anyone who goes into the supermarket knows that in whatever part of the supermarket they go to, their food will be safe—the certainty of no harm. That is the current standard and that is the standard that is defined at FDA in their statute. It is defined, understood. It has been tested and it has been court tested and is being adhered to. And that is why we have the safest food in the world.

But in this proposal, in S. 343, it says, "not too much harm," without defining the standard. Whose interest is that in? Is that in the public's interest? Is that in the family's interest? Is that in children's interest, or parents' interest? It is not. But it is in certain of the food industries' interest. Certain food industries want those changes.

They have not testified. They have not submitted the scientific information. They have not come on up here and debated that issue with scientists and other food experts who understand the importance of these kinds of changes. All they have done is had the political muscle to get it into the current bill without any hearings. Madam President, that is not right to think we ought to be moving ahead on that without that kind of consideration of scientists and researchers, understanding the full implications about it, and without any adequate explanation or definition of what is insignificant risk. I have been listening out here on the floor of the Senate to those supporting the Dole-Johnston proposal saying, "We want to have this more specific. We want to really understand what your proposal would be." We would like to ask them to define what is the insignificant risk? It is not defined in their bill and it is not time to play Russian roulette with the health and safety of our food supply by including that into a measure that could become law.

Let us just think about this language in another way. The proposed language in the legislation, also, with the changes in the Delaney provisions which I mentioned which restrict any food additives that can have any cancer-causing products in them, the proposed language does nothing to ensure adequate protection of infants and children who are uniquely susceptible to foodborne toxins because their diets are so different from those of adults. This issue is the central conclusion of the 1993 National Academy of Sciences report. Dr. Philip Landrigan of Mount Sinai Medical Center, who chaired the committee of scientists responsible for the NAS report said, "[i]f you're going to throw Delaney away, you're going to have to replace it with something equally protective of children."

Perhaps Delaney has its flaws, but its zero tolerance for cancer-causing substances clearly and unequivocally protects children, and the Dole-Johnston proposal would clearly and unequivocally expose children to more hazards of cancer.

We know that cancer now kills more children under 14 than any other disease. The incidence of childhood brain cancer and childhood leukemia has increased 33 percent since 1973.

Why would anyone thoughtlessly permit industry to put more carcinogens in the food supply at a moment in time when we are already losing the war on childhood cancer, and adult cancer, too? The incidence of cancer has increased 48 percent since 1950—and that statistic excludes lung cancer, which has also increased dramatically due to smoking. Environmental toxins are already taking a heavy toll on the health of Americans. This is no time to recklessly open the floodgates and permit cancer-causing additives to enter the food supply for the first time in 37 years—the first time in 37 years.

This legislation is irresponsible. It repeals the existing zero risk standard without providing for a clear, scientific measure of risk. It ignores the rising risk of cancer faced by infants and children. This is not a Contract With America, it is a Contract With Cancer.

Madam President, let me just put up here a chart that reflects what the National Academy of Sciences has pointed out that is something that ought to be obvious to all parents. That is, very small children's immune systems, respiratory systems, and nervous systems are all in the early development through childhood and through their teens, and these systems are much more sensitive, as a result of body weight and growth, to the various kinds of environmental toxins in our society. That is understood by any cancer researcher and has been documented by the National Academy of Sciences.

Understanding that, the National Academy of Sciences reviewed the food consumption of infants and into their early teens. What they found out is that there is 21 times the amount of apple juice consumed by small children than adults, 11 times the grape juice, and right down the list—bananas, 7 times as much consumption by small children than adults, all the way down, with milk, and continuing along.

Then over here it gives the percent of diet. Apple juice is 10 percent of the diet for children; milk, 12 percent; orange juice, some 10 percent for the diets of small children. What the National Academy of Sciences said is, since children are the most vulnerable and since they consume these kinds of products, should we not look, for example, at the number of carcinogens that they intake, particularly in the areas of pesticides, so we might be able to prevent the incidence of cancer increasing in the children? They did a thorough study on that, sensitive to the developmental problems of small children and also the types of pesticides that are being used on these products.

Some of their examples: Apples have 123 different pesticides on them. We have to look at this from a scientific point of view. The bottom line on this is the Academy of Sciences says if we are serious about trying to develop a process concerning the use of various pesticides, we ought to determine what are the foods which small children eat primarily and look at the tolerance level for those children and develop a policy that is going to be sensitive to the incidence of carcinogens, cancer forming agents, and the risks that they have. It makes common sense. It can make a difference, particularly when we are seeing the number of child cancers which have been escalating. Do you think that has been included in this regulatory reform? Absolutely not.

Do you think there was any willingness to consider that kind of recommendation of the Academy of Sciences? Absolutely not.

Has there been any willingness on the other side to review or accept or incorporate this kind of concept? Absolutely not, because they have the votes. They have the votes to put at greater risk our food supply and to basically say we are not going to pay any attention to the best science that we have in this country at the Academy of Sciences as it relates to children.

I heard out here during those earlier debates that what we want to do is eliminate bureaucracy and bring in the best science. This is the best science. But the supporters of that program are quite unwilling to address it or to be responsive to it.

Finally, as we know, the Delaney clause currently applies to four different categories of products—food additives, certain pesticides, animal drugs, and food colorings. Different considerations apply to reform in each of these areas.

In the case of pesticides, it may be appropriate to weigh the risks of the chemicals against the importance of a stable food supply. But there is no justification for allowing cancer-causing food colorings. There is no benefit to the public from an M&M colored with red dye-No. 3 versus Red dye-No. 40. If food colorings cause cancer in laboratory rats, they should simply be banned from our food supply.

That would make pretty good common sense—but not the regulatory reform legislation; no willingness to try to give that any kind of consideration.

Thirty-five years ago, in 1960, Congress held hearings to consider legislation to expand the Delaney clause. An industry witness testified that any such expansion would be foolish hysteria. He gave the committee an example of a chemical that caused cancer in animals but that he said posed no risk to human health. That chemical was DES. The tragedy that ensued for thousands of women who took DES should be enough alone to stop the Senate in 1995 from capitulating to the food industry's efforts to weaken public health. We can reform the Delaney clause without destroying it.

At the appropriate time, I will offer an amendment to strike the ill-considered provision in S. 343, and replace it with a sense-of-the-Senate resolution which, if adopted, will put the Senate firmly on record in favor of prompt and responsible Delaney reform.

The amendment states unequivocally that "the Delaney clause in the Food, Drug and Cosmetic Act governing carcinogens in foods must be reformed," and that the current Delaney clause should be replaced by a scientific standard that takes account of the right of the American people to safe food; the conclusions of the National Academy of Sciences concerning the diets of infants and children; the importance of a stable food supply and a sound farm economy; and the interests of consumers, farmers, food manufacturers, and other interested parties.

In addition, the amendment establishes a timetable for responsible legislative action. It states that the Senate should enact Delaney reform, based on this work, by the end of the first session of this Congress—in other words, by the end of this year. It seeks careful, but expedited, consideration of the matter by the committee of jurisdiction, where the scientific experts as well as the food industry will have an opportunity to be heard.

In fact, the Labor and Human Resources Committee is currently considering a comprehensive FDA reform bill. That bill would be an appropriate vehicle for Delaney reform. The views of the Agriculture Committee are also essential to consider legislation of concern to farmers.

Food safety is a complex, technical subject. A substantial body of scientific research exists on this subject that should inform our work in this area through hearings and consultation with the experts. That's what committees are for. Let us do this right.

This bill does not represent a rational, responsible reform of the Delaney clause. Instead, it represents a surrender to business greed for higher profits and to the most irresponsible elements of the food processing industry. Its philosophy on food safety is simple and sinister—let the buyer beware, the public be damned.

And that is only half the problem with this provision. In its zeal to uproot the Delaney clause and assist the food industry, the Dole-Johnston alternative drastically weakens the general food standard in current law.

There is legitimate serious debate about Delaney reform. But there is no serious debate, legitimate or illegitimate, about a wholesale weakening of the general standard that protects food from other harmful additives.

I repeat that, Madam President. As we pointed out, there may be reason—

and I believe that there is reason—for debate about the Delaney clause here. But I do not see, and I wait to hear, what the justification is for changing the safe food standard that we have at the present time that has been in place for 40 years. Who is asking us to do this? Who is requesting it? Where is the mail that is coming in to our colleagues? Who are going to be the beneficiaries of it? Who are going to be put in greater risk because of it?

I think the answers to those questions are quite clear. It is an aspect of the food production industry that is favoring their position, but it certainly is not the families in this country that deserve it.

The Federal Food, Drug, and Cosmetic Act now requires that for a non-cancer-causing food additive to be approved, its sponsor must demonstrate that it will be safe. Under that standard, FDA approves additives today if they present a reasonable certainty of no harm. But under the Dole-Johnston proposal, the language of the Delaney reform is carried over to the general standard for food safety. FDA would be required to approve additives that caused only a negligible or insignificant risk of harm—in other words, instead of the current law standard of no harm, the proposal would establish a weaker standard of not too much harm.

Perhaps this change is inadvertent. It certainly is unjustified and unneeded. Perhaps, in aiming at the Delaney clause on cancer-causing substances, the sponsors mistakenly hit the general food safety standard too. Or perhaps the food industry lobbyists saw their chance and took it—to get out from under the Delaney clause, and get out from under the general food safety standards too.

It is a long way from no harm to not-too-much harm, and before we travel down that road we had better be very sure we know the consequences.

The amendment I will offer when we return to the bill, in addition to dealing with the Delaney clause, will also delete the provision weakening the general food safety standard. The provision seems to be a gratuitous weakening of a standard that is working well in current law and does not need reform. If a change in this important law is not necessary, it is necessary not to change it.

The bedrock food safety standard in current law should not be discarded lightly. Any legislation in this area must reflect the care and deliberation due a subject as important as whether the citizens of this country, especially infants and children, are now to be exposed to a higher risk of cancer and other diseases in the food they consume.

Madam President, toward the conclusion of my remarks I remind the Senate once again what has been happening to cancer incidence in the American population. It has increased by 48 percent since 1950. This is excluding cancers of the lung and the stomach.

Here we see what has been happening. We have seen the treatment of a number of these, particularly childhood cancers, have gotten much better. So the burden among the children in this country in many instances has been increasingly hopefully beneficial in terms of the treatment.

But when we see the continued increase in the incidence of cancer, and the danger that brings, why should we be out here flying in the face of a National Academy of Sciences' study which has recommended how we can protect children, and throwing that recommendation, which represents the best in terms of scientific information, over our shoulder and throwing it to the winds? I fail to understand the logic of that position.

Everyone knows what is going on here. Food industry lobbyists are trying to stampede Congress into hasty action on the Delaney clause that will have drastic long-term consequences for the safety of the food supply of 250 million Americans. I have never heard any consumer say that they think food is too safe.

Those who vote for this amendment go on the record in support of prompt but responsible Delaney reform and against any tampering with the general food safety standard.

The Delaney clause may have outlived its usefulness, but it deserves a decent burial. It deserves to be replaced by a modern safety standard that strikes the right balance between the needs of industry and the health of our children. And the general food safety standard deserves to remain intact.

REGULATORY REFORM AND FOOD SAFETY STANDARDS

Mr. HATCH. Mr. President, contrary to what opponents of S. 343 allege, enactment of our bill would neither undermine the existing standard for food safety nor needlessly expose our citizens—man, woman, or child—to carcinogenic substances.

Although we are today considering the Bosnian arms embargo issue, since the issue of the Delaney clause has arisen, I wanted to take this brief opportunity to respond to some inaccuracies that were propounded in this Chamber today.

I will limit my remarks now to two criticisms raised today: that S. 343 lessens the safety standard for all foods; and that the bill is defective in that it lacks a definition of negligible or insignificant risk.

I plan to defer the rest of my remarks on Delaney clause issues for our continued consideration of S. 343.

As my colleagues are aware, the three Delaney clauses contained within the Federal Food, Drug, and Cosmetic Act to ban a limited group of substances—food additives, color additives, and animal drugs—if they are found in whatever quantity to produce cancer in laboratory animals.

This inflexible zero risk standard in the law is outdated scientifically, as my colleague, Senator KENNEDY, noted earlier.

Some have alleged that the Delaney clause modification language of S. 343 somehow fundamentally undermines our Nation's food safety laws. That simply is not the case. It is unfortunate that some of my colleagues are relying on the interpretation of lawyers at the Food and Drug Administration who apparently cannot read the law—and this is not the first time those in this Chamber have had that experience.

So that this is perfectly clear to my colleagues, I want to walk through this issue so that you can see how the language contained in S. 343 continues to protect the public health.

The Delaney clause modification language in S. 343 states:

> The Secretary of Health and Human Services and the Administrator of the Environmental Protection Agency shall not prohibit or refuse to approve a substance or product on the basis of safety, where the substance or product presents a negligible or insignificant foreseeable risk to human health resulting from its intended use.

This provision of S. 343 harmonizes the safety standard of the three Delaney clause provisions with the safety standard long applied by FDA under the other safety provisions contained within the Food, Drug, and Cosmetic Act.

In other words, there are substances which could be present in food, or added to food, or indeed, used on or in the human body, which are not subject to the Delaney clause language. To single out these three Delaney clause substances for treatment other than that accorded a broader group of substances used for virtually identical purposes is senseless, especially in view of the fact that FDA has a well-established safety standard for those substances which does incorporate the negligible risk standard.

For the edification of my colleagues, I will list these substances: pesticide residues that do not concentrate in processed food; food substances that are not classified as additives because they are generally recognized as safe or were approved by FDA or USDA during the period 1938 to 1958; dietary supplement ingredients; constituents of food additives; constituents of color additives; environmental contaminants in the food supply; cosmetic ingredients; undetectable animal drug residues; and ingredients in nonprescription and prescription drugs, biologics, and medical devices.

To make a distinction in the safety standard for these substances versus food additives, color additives, or animal drugs, is, at best, irrational.

My colleague from Massachusetts has expressed the concern that in amending section 409(c)(3) of the Food, Drug, and Cosmetic Act, the language of S. 343 eliminates the safety standard for all foods from the law.

Specifically, 409(c)(3) says:

> No regulation [food additive approval] shall issue if a fair evaluation of the data before the Secretary—
>
> (A) fails to establish that the proposed use of the food additive, under the conditions of use to be specified in the regulation, will be safe: *Provided*, that no additive shall be deemed to be safe if it is found to induce cancer when ingested by man or animal . . . [Delaney language].

It is my understanding that my colleague is concerned that the way in which S. 343 was drafted, that is, modifying all of 409(c)(3) instead of just the proviso containing the Delaney language, eliminates entirely the existing safety standard.

I believe the implication is that the modification should be made to the proviso only.

I simply do not believe that is an accurate reading of the law, when the totality of the Food, Drug, and Cosmetic Act provisions with respect to food safety are read together.

I want to assure my colleagues that that was not our intent. In fact, I do not recall ever hearing any one suggest that that should be the case, in any discussions I have had on the Delaney clause.

There exist a number of safety standards which apply to food under the Federal Food, Drug, and Cosmetic Act. Some of these standards overlap—that is, more than one standard may apply to a food or food ingredient or constituent, depending on the particular circumstances.

First, there is the general adulteration standard under section 402(a)(1) of the FD&C Act. This section, which applies to food generally, says that a food is deemed to be adulterated (that is, unsafe) if:

> It bears or contains any poisonous or deleterious substance which may render it [the food] injurious to health; but in case the substance is not an added substance such food shall not be considered adulterated under this clause if the quantity of such substance does not ordinarily render it injurious to health.

This safety standard has two parts. For poisonous or deleterious substances added to food, the food is adulterated if the substances may render the food injurious to health. For substances which are not added, that is, they are inherent or not the result of human activity, the adulteration standard is ordinarily injurious to health.

These two principal adulteration standards have been bulwarks in the legislative and regulatory scheme to ensure the safety of food for decades. Indeed, numerous courts have had occasion to interpret these provisions, for example, in *U.S.* v. *Boston Farm Center, Inc.*, 590 F.2d 149 (4th Cir. 1979) and *United States* v. *Anderson Seafoods, Inc.*, 622 F.2d 157 (5th Cir. 1980).

These standards remain unamended in S. 343 and would continue to guarantee the safety of our food supply.

Second, it is important to note that the adulteration standards found in section 402(a)(1) are independent of the requirement that such food ingredients as food or color additives be shown to be safe. Or put more simply, any legislative change to section 409 dealing with food additives, for example, would not affect the adulteration standards in section 402(a)(1).

In fact, FDA has used the 402(a)(1) standard to permit quantities of substances, including recognized carcinogens such as aflatoxin—a naturally occurring toxicant from mold which particularly affects peanuts—to be in food. In such a case, FDA has typically employed risk assessment to determine the level of the carcinogenic poisonous or deleterious substance that presents only an insignificant risk.

Third, numerous other safety standards are set forth in section 402 of the FD&C act. One of the principal additional standards provides that a food is adulterated if it contains a poisonous or deleterious substance which is unsafe within the meaning of section 346.

Section 346 provides that a food containing a poisonous or deleterious substance is unsafe for purposes of section 402, and thus is adulterated unless the substance is required in the production of the food or cannot be avoided by good manufacturing practice.

It is under the principals of section 346 that FDA has regulated environmental contaminants, including such substances as PCBs, a particularly toxic group of chemicals once widely used in industrial production, and PBBs, a flame retardant that was mistakenly applied to food in Michigan.

FDA has implemented this section through the use of action levels and tolerances, which are announced levels of the toxic substance that will be permitted in food.

As Professor Richard Merrill observed in "Regulating Carcinogens in Food: A Legislator's Guide to the Food Safety Provisions of the Federal Food, Drug, and Cosmetic Act," (77 Mich L.Rev. 171 (1978), "Most notably section 406 . . . does not unequivocally preclude the marketing of food that contains an added carcinogenic substance." Professor Merrill adds that "FDA has taken the position that it may establish a tolerance for a contaminant shown to be carcinogenic—and thus 'approve' its presence in food in quantities below the tolerance."

As is the case with respect to section 402(a)(1), the legislative language contained in S. 343 has no effect on the important safety standard found in the interplay between sections 402(a)(2)(A) and section 406.

Fourth, section 402 contains numerous other standards related to the safety of food, including those that pertain to food that contains filthy, putrid or decomposed substance, that has been prepared under unsanitary conditions, that contains unlawful pesticide residues, or if the package of the food contains a poisonous or deleterious substance that may render the food injurious to health, (the same standard as set for in section 402(a).

The second point on which I would like to comment is the contention that not defining insignificant or negligible risk in legislation language is a bad idea.

I take vigorous exception to the idea that the Congress should define these terms in law. Imposition of the zero risk standard by legislative fiat is what led to the Delaney dilemma in the first place.

When Congress first enacted a Delaney amendment in 1958, scientists were not able to detect potentially carcinogenic substances at the parts per million, or parts per billion, levels as they are today. Does this mean that we should lock into the law a one in a million lifetime risk of cancer standard? I think not. What our bill does is allow the agencies to make these definitions. This will allow the law to grow with the science.

In closing, Mr. President, let me reiterate my continued commitment to Delaney reform which both protects the public health and is consistent with sound scientific and regulatory principles. This is long overdue.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 21, which the clerk will report.

The assistant legislative clerk read as follows:

> A bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

Mr. LIEBERMAN. Madam President, I rise to speak in favor of the proposal which I am privileged to cosponsor with the distinguished majority leader and many others of both parties, which would finally lift the arms embargo and do some justice in the former Yugoslavia, by replacing a policy of inaction or half actions that has failed to stem the conflict, has failed to stop aggression, and has failed to protect the victims of that aggression, whose pain we see each night on our television sets.

Madam President, this is a genuinely bipartisan or nonpartisan effort, as it should be, as American foreign policy has traditionally been at its best—above party consideration.

Senator DOLE and I began this effort in 1992 when the incumbent in the White House happened to be a Republican, President Bush. We have continued in 1993, 1994, and 1995, with President Clinton in the White House.

Sadly, each time that we have raised this question of lifting the arms embargo and using allied air power selectively, we have been met with different excuses. A defense, not even really so much a defense of the existing policy, but criticisms, complications, unintended results, that might occur if the arms embargo was lifted.

In that, I think, and I will get to that in a moment or two, we have failed not only to see what was happening on the ground, but to listen to the victims of the aggression. The Bosnians have said repeatedly, over and over again, "We don't want American soldiers on Bosnian soil. We don't need American soldiers on Bosnian soil. We have troops on Bosnian soil, they are Bosnians—in excess of 100,000. They are motivated, understandably, to fight to defend their country, their communities, their families, themselves. Just give us the weapons with which to defend ourselves."

Madam President, we rise again, a bipartisan group. Several tries at lifting the arms embargo having failed, this time we act with some sense of hope that we will be able to achieve, perhaps later today, a strong bipartisan statement that it is time to change our policy. Give the Bosnians the weapons they deserve. Stop denying them their inherent right to defend themselves, a right we have as individuals, the right Bosnians have as a nation, under international law, under the charter of the United Nations.

This is a bipartisan call. Let me read the names of some of the others who are cosponsoring S. 21: Senator HELMS, Senator THURMOND, Senator BIDEN, Senator D'AMATO, Senator MCCAIN, Senator FEINGOLD, Senator WARNER, Senator HATCH, Senator KYL, Senator MOYNIHAN, Senator STEVENS, Senator COCHRAN, the distinguished occupant of the chair, Senator HUTCHISON, Senator MACK, Senator COVERDELL, Senator PACKWOOD, Senator MURKOWSKI, Senator SPECTER. And I am pleased now, Madam President, to ask unanimous consent that Senator CRAIG of Idaho be added as a cosponsor to amendment No. 1801, a substitute to S. 21.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Yesterday, Secretary Perry, the Secretary of Defense, and Secretary of State Christopher, visited with both Republican and Democratic Senators, to report on events that are going on in former Yugoslavia, to discuss some new options, for it sounds like a more vigorous policy, particularly the employment, more aggressively, of NATO air power, and to ask the Senate to delay taking this measure up and lifting the arms embargo, saying it is the wrong time to do it, with the discussions going on now.

Madam President, I have the greatest respect for Secretary Perry and Secretary Christopher. They are distinguished public servants. They have served with extraordinary skill, I think, in their respective positions, but I respectfully disagree with them. I hope that my colleagues will reject this call, this latest call, to delay action on lifting the arms embargo.

I particularly appeal to my democratic colleagues who may have some understandable reluctance to oppose the President. I strongly support the President in general. I just respectfully and sincerely and deeply disagree with the policy the administration has followed in regard to Bosnia.

Madam President, President Clinton, in the campaign in 1992, advocated the policy that I thought then held the best hope of a reasonable solution in Bosnia, and I still think does, which is to lift the arms embargo and strike from the air at Serbian targets, on the basic premise that there is an aggressor here and a victim. The aggressor is Serbia, led by President Milosevic.

As I recounted last night, history will show and the record shows that beginning in 1988, President Milosevic of Serbia took a series of steps—clear, concerted, intentional—to create a greater Serbia by taking advantage of the instability that existed in Europe as a result of the end of the cold war, the coming collapse that could be seen as the years went on. The entity of Yugoslavia began this concerted effort through aggression and other means, to move into Srebrenica, Croatia, to be more aggressive, and control the Albanian majority in Kosovo—aggressive is a tame word; abusive is a correct word—and to move into Bosnia, using Serbian agents, as it were, that is to say Serbs who lived in Bosnia and Croatia, as a fighting force, augmented, supplied, and in some cases actually supported right there by members of the Serbian armed forces—a clear stream of aggression.

President Clinton saw that, I think, in 1992, and brought the policy of lift and strike into office with him, understanding, making the point that if aggression is allowed to go unresponded to, there will be more aggression. History shows us that. Common sense shows us that. If you let common criminals on the streets of any city or town in America continue to hold people up, abuse them, commit acts of assault and battery, larceny, and murder against them without the law taking any stand against that, without threatening them, without forcing them to have any fear, they will continue to do it. And that is exactly what has happened in the last 3½ to 4 years in Bosnia.

In the spring of 1993, Secretary Christopher went over to Europe to speak to our allies in Britain and France, advocating the policy of lift and strike. They refused to go along. And that was the end of that policy for this administration.

So I say to my colleagues, as we listen to the appeals that will be made today by our friends and our leaders in this administration, that, really, what we are asking in putting forward S. 21 today is that the administration be given a chance to implement the policy that it brought into office with it and that was essentially blocked in implementation by some of our good friends and allies in Western Europe who had a different point of view.

At every step, when we have raised the idea of lifting the arms embargo, there has been another reason why it was the wrong time. Earlier it was the wrong time because the United Nations had to be given an opportunity to work its will, or the Owens-Vance peace mission had to be given an opportunity to work its will, or the Serbs had to be given a chance with the Bosnians to accept the peace proposal. It was very detailed, very fair—not so good for the Bosnians, because it left them with about 20 percent of the land that they had before the Serbian aggression began—but give them a chance to accept it. The Bosnians accepted it. The Serbs did not. It was the wrong time to lift the arms embargo because if it was lifted, people said to us, U.N. personnel who are there will be seized as hostages.

The arms embargo was not lifted. The Bosnians continue to be victims of aggression, torture, ethnic cleansing, rape, murder—and yet, as we have seen, tragically, the U.N. personnel were seized as hostages.

Then it was said last year, when we brought up this proposal to lift the arms embargo, you cannot lift the arms embargo, this will anger the Serbs. They will have no reason not to go into the safe areas that the United Nations has created for a humanitarian purpose, to protect the Bosnian victims. We did not lift the arms embargo and what has happened in the last couple of weeks? The Serbs moved into these undefended safe areas like Srebrenica, forcing out thousands—older people. I hate to see those pictures of those old women and men, forced marches, dropped off in the middle of the night in a no-man's land between the Serb and Bosnian forces, forced to walk their way across difficult terrain to find their way to Bosnian territory to get some food and shelter. The harrowing stories of young women taken away by Serbian soldiers from their families for God knows what reason. Young men of military age removed on trumped up charges that they were going to be investigated as criminals or terrorists.

We have seen it before in this conflict. We saw—most notably in 1992 when British television crews found their way to what I would call concentration camps—what happens to these Bosnian men when they were taken away by Serbian forces: the emaciated bodies, the horrible echoes of the Second World War.

They said, if we lifted the arms embargo, we would see this again, what we saw in 1992. We have not lifted the arms embargo, and the Serbs carried all of this out, all these atrocities again.

Did you read the story of the 20-year-old woman, a Bosnian woman, found hanging from a tree at her own hand, blouse and skirt blowing in the wind? People could not really explain what had happened, except there were allegations that she had been taken away by the Serbs, perhaps raped, perhaps abused, perhaps separated. There was no family. No one knew who she belonged to. There were only rumors. Had her parents been separated from her? Did a husband get taken away as a person of military age? These are the consequences of Serbian aggression and the consequences of leaving a people undefended.

Wrong time? Now the argument is that it is the wrong time to lift the arms embargo because of the horrific events in Bosnia in the last couple of weeks—the fall, the conquest of an undefended city. It was no act of bravery by the Serbian forces. There were 40,000 people there with an army whose weapons had been put into the U.N. compound, and U.N. soldiers, Dutch soldiers, brave Dutch soldiers, put into an impossible position with light arms to defend themselves against a Serbian invasion with heavy weapons—tanks, armored personnel carriers, sophisticated weapons. This was no brave military conquest.

As a result of the horrors we are seeing, we are now seeing a pickup in the pace of Western concern, responding to the Western public, who are obviously, all of us, outraged by these atrocities being committed against the Bosnian people. President Chirac proposes that the United Nations should become more aggressive in defending the safe areas, or get out. He is right. The United Nations has become a cover for Serb aggression. Every time the Serbs strike, in fear of reprisal they grab some U.N. soldiers as hostages and frustrate, emasculate, nullify any Western will to take action against them.

And what is the response from Britain and the United States to Chirac's proposal? Uncertain, although now there seems to be a genuine interest in the more aggressive use of NATO air power, at least to protect the safe havens, but also to put the Serbs on notice that other Serbian targets in Bosnia and beyond may be vulnerable.

So we are now asked not to take action on lifting the arms embargo because it somehow may affect the pace of these negotiations about the use of air power. I do not get it. I do not understand that argument. First, I think it is wrong. I think it is wrong to give us yet another argument why we should not be lifting the arms embargo, particularly as every passing day brings more powerful, painful evidence of the failure of the current policy. But it does not make sense. If the United States now, our Government, wants to be part of a more aggressive use of NATO air power to protect and give some meaning to the safe havens, it seems to me if this Senate, in a strong bipartisan majority, rises up and adopts S. 21, we are saying not just to lift the arms embargo, we are crying out. We are saying, united as Americans, as leaders, representatives of the people of the greatest power in the world, a power that has built its strength not just on military might but on the might of its morality, that this policy that the West has been following in Bosnia is a failure.

I think for that message to be in the air, if we can pass this overwhelmingly today on a bipartisan basis, that message in the air as the allies gather again in London on Friday to discuss what course to follow can only help. It can only strengthen the hand of our representatives there, Secretary Perry, Secretary Christopher, to say, look what the Senate of the United States has said now by an overwhelming majority, perhaps even a veto-proof majority: We must strengthen the U.N. posture or we must get out and lift the arms embargo.

So, Mr. President, the time has come. It is long past due. The hour is late in Bosnia. The suffering has gone on there. There is no perfect, no guaranteed solution. But what we clearly know is that the current policy has failed. It has failed for the Bosnian people, it has failed for NATO, for the United Nations, and for the United States. It is time to try the alternative, and this is the alternative.

I thank the Chair.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Mr. President, thank you.

Mr. President, I want to commend the Senator from Connecticut for his leadership in this area and for being the cosponsor with our majority leader on this very important resolution in a bipartisan effort. The Senator from Connecticut has been consistent. He has been there from the beginning, when we started talking about this issue over a year ago. I thank him once again, after what has happened in the last week, for coming forward and saying "enough is enough."

Mr. President, it is time for the United States to end this failed policy of leaving the Bosnian Moslems defenseless. Time after time, Mr. President, we have returned to this debate, and we have watched more people ravaged in Bosnia as we ponder the issue. We cannot continue to wring our hands and withhold from the Bosnian people the means to fight for their own freedom. The time has come for us to end this debate and lift the arms embargo. If we have to do it unilaterally, we must, or in concert with our allies, if we can.

An old adage says it is preferable to die fighting on your feet than to live begging on your knees. I doubt there is a Senator in this body who disagrees with that statement. But it is clear that the Bosnians have made their choice, and it is to fight on their feet.

The Bosnians are not asking us to arm them. They are not asking for American troops to defend them. They are simply asking to be allowed to fight their own fight. It is unconscionable for us to continue to deny them that basic right for survival and liberty. What we have now is a bloodstained policy which denies them the means of defending themselves. And it is one that we should no longer countenance.

Two months ago, Mr. President, I returned from visiting our forces in Macedonia and Croatia more concerned than ever that we are perilously close to direct involvement in this Eastern European conflict. Today, the administration is considering a request from our allies which will only draw the United States deeper and deeper into an implacable situation. The French Defense Minister recently called for the United Nations to expand its mission in Bosnia and to assume a more aggressive stance against the Bosnian Serbs, including more airstrikes and a larger U.N. ground force.

I believe for us to participate in such a plan would be a grave mistake. I have been totally opposed to sending United States ground troops into Bosnia, and in the light of recent developments, my resolve is even stronger. Any decision to involve U.S. forces in additional air support roles would move us two steps closer to a United States ground presence in Bosnia.

The shootdown of Capt. Scott O'Grady served to remind us that providing air support is not without cost. It has the real potential of mission creep—involving us deeper and deeper in this conflict. And make no mistake, we are on the brink.

I have heard the discussions evolve about what is help for extraction of our troops. Is it reconfiguration of our troops anywhere within Bosnia? Is it an emergency? Now we are talking about using American helicopters. American helicopters are the beginning of ground involvement, and we cannot let this happen.

It is clear that the United Nations is conducting a peacekeeping mission in a region where there is no peace. There is no peace in sight. The United Nations is paralyzed and unable to respond and unwilling to retreat.

Last week the Bosnian Serbs attacked a U.N.-designated safe area of Srebrenica. They routed Dutch U.N. forces. They took U.N. forces hostage and drove the inhabitants of the so-called safe area out of their homes—the same inhabitants we have denied the ability to fight for their homes. Even as we debate this matter right this minute, the Serbs are overrunning U.N. outposts and assaulting another supposed safe area, Zepa, with artillery and armored vehicles.

According to the administration, its reluctance to lift the arms embargo stems from the fear that if the embargo should be lifted, the Bosnian Serbs would only be encouraged to go on the offensive and press their attack on the Bosnian Moslems. Encouraged? What is happening now this very minute? I do not think you could say by any stretch of the imagination that anything we would do would change the encouragement that they are now receiving to do the atrocities that they are doing.

This seems to me to be an empty excuse when they are already clearly on the attack. The refugees fleeing Srebrenica and Zepa provide ample evidence of the failure of this embargo where only one side of the conflict is disarmed.

Secretary Christopher said yesterday that lifting the arms embargo unilaterally would force the withdrawal of U.N. troops. I am sorry to say, Mr. President, that would be a positive development. It is the status quo that represents failure. This resolution that we are debating is an acknowledgment that the U.N. can no longer function in Bosnia until both sides are ready to sit down at a table and negotiate peace.

The United Nations is an effective peacekeeper when both sides are seeking peace. This is not the case in Bosnia today. As Bosnian Foreign Minister Muhamed Sacribey said so eloquently just this week, "The U.N. troops have become a hindrance * * * a clumsy reminder of the U.N.'s failure."

The Bosnians need more than bread flown in on a U.N. airlift. The Bosnians need to be able to defend themselves, to get their country back in order. The United Nations has shown that it cannot and will not perform that vital role. So it is time for the U.N. to step aside. Fleeing Bosnian Moslems reportedly have seized weapons from the Ukrainian U.N. forces. Ironically, those seized weapons may represent the most concrete peacekeeping effort yet provided by the U.N. forces to the Bosnians.

I urge the President to turn away from this most recent in a long series of shifts in our American policy. Instead, he should be encouraging the United Nations and our allies to withdraw as swiftly as possible and then lift the arms embargo so the Bosnian Moslems can defend themselves.

Last year when I met with Bosnian Vice President Ganic in the Senate Armed Services Committee, where the distinguished Presiding Officer also was present, he made a poignant appeal. And then he said apologetically, "I realize I am emotional about this issue."

I thought to myself, this man is apologizing for being emotional when his people are unarmed and under assault, his families are being brutalized and murdered, and we in the West are the ones who should be apologizing for denying those people a basic right that we all acknowledge, the right to defend their country.

We have a moral obligation to uphold a U.S. doctrine articulated by Presidents from John F. Kennedy to George Bush: We will lend our support to oppressed people who are willing to fight for their freedom.

It is not always our responsibility to fight for those people, but we certainly ought to be willing to support them in the other ways that we can, and we certainly should not deny them the right to fight for themselves. This is an American principle that we must uphold.

During his compelling testimony before the Armed Services Committee, Vice President Ganic talked of our sacrifices on D-day, but he warned us that 50 years after the defeat of fascism in Europe, it is once again there on the rise in the form of genocide and oppression against the non-Serbian populations of Bosnia.

When a few of us visited with the Prime Minister of Bosnia just 3 weeks ago, he said, "I am puzzled by the U.N. which keeps saying there are two sides to this issue." He said, "There are two sides. One side is shooting and the other side is dying." Not exactly, Mr. President, a level playing field.

Bosnia's Foreign Minister told reporters yesterday, "We are not waiting for anyone anymore. We are not asking for troops to be sent to Bosnia. We are only prepared to count on ourselves and no one else."

Mr. President, we can no longer continue to leave Bosnia defenseless against a well-armed Serbian aggression. The United States has acted unilaterally before, and we will again. We are the leader of the free world. We must lift the arms embargo. Vice President Ganic said, "We are dying anyway. Let us die fighting, fighting for our country."

Mr. President, the time has come for the Senate to heed their pleas and set a date certain for lifting this arms embargo.

I thank the leaders of this effort, Senator DOLE, Senator LIEBERMAN, and the other cosponsors of this very important resolution.

We have talked about this enough. The time has come for us to act decisively as the leader of the free world.

I thank the Chair. I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Connecticut is recognized.

Mr. LIEBERMAN. Mr. President, first, I thank my distinguished colleague and friend from Texas not only for her support of this call for lifting of the arms embargo but for a powerful and eloquent statement of moral principle as well as strategic interest and just good common sense.

Mr. President, I am very pleased at this time to ask unanimous consent that the distinguished occupant of the chair, the Senator from Idaho [Mr. KEMPTHORNE], be added as an original cosponsor of this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. Mr. President, I say to my colleagues or any staff who are following the proceedings in the Chamber, that I am going to continue for a while to deal with some of the issues which I think are involved in this debate, but I am more than happy to yield the floor to any colleagues who wish to speak on this proposal as they come to the floor.

Mr. President, let me focus for a few more moments on the appeal that will be made today again that this is the wrong time to lift the embargo, the wrong time for the Senate to speak out because of the increased pace of discussions between the United States and our allies in Europe about a more robust policy to follow against Serbian aggression or for implementation of the U.N. policy.

I have said a short while ago here that on every occasion when we have proposed lifting the arms embargo, there has always been another reason why people have said to us this is the wrong time. I truly hope and pray that my colleagues will not listen to these entreaties and will join in the strong, bipartisan, nonpartisan outcry against the current policy and plea for implementation of the right of self-defense of the Bosnian people, to which Senator HUTCHISON has so eloquently spoken.

The other fact, in addition to the one I cited earlier, about why I believe passing this proposal will in fact strengthen the administration's hand in discussions with our allies for a robust policy is that it shows not just the impatience but the growing opposition, the strong opposition, the nonpartisan opposition to the current policy. It cannot be sustained anymore. It is not being sustained on the ground in

Bosnia, and it cannot be sustained in the political representative community that we are for the American people.

It is in that sense simply unfair of the Europeans to continue to press this administration to follow a policy that is not the one of lift and strike that it brought into office.

The other thing to say about the timing may be a sad fact, but it is true that there is a temporal discontinuity between what may happen in this Chamber today, hopefully, perhaps tomorrow, in adopting this proposal and what is happening on the ground and the suffering of the Bosnian people and continued aggression of the Bosnian Serbs, as Zepa, effectively undefended, is about to fall; which is to say that even if we adopt this proposal, hopefully by a strong, overwhelming majority, that does not mean it becomes law. Something has to be done by the House. Either this will go to the House or the House will take up a separate proposal. I gather the latter is the more likely course. Then, as this Government of ours works, it will go to a conference committee. That will take some time. And then it will go to the President, and he has some period of time to decide in the normal course whether to sign or veto the proposal.

So do not worry. If I were a Bosnian on the ground suffering, watching my country being taken away from me, watching tens of thousands of my country men and women being forced out of their homes, watching people being raped and murdered, I would worry about the timing, but for those who counsel against action today because of what may happen in London on Friday, do not worry about it. Do not worry about it. Unfortunately, there will be plenty of time, even if we adopt this proposal today or tomorrow, before the arms embargo is actually lifted.

Mr. President, let me now go on to talk about some of what happens on the ground today in Bosnia and what I think is the attitude we have allowed to develop among the leadership of the Serbs and the Bosnian Serbs, which is a wanton disrespect of international order and morality and law.

A story on the radio today that I heard coming in is that as these discussions of a more aggressive Western NATO policy in Bosnia—not to try to turn back Serbian aggression, which has already taken well over 70 percent of the country—but discussions are going on about a more aggressive NATO policy to protect the safe areas, to give some meaning to the word "safe" to make it other than ludicrous, which is truly what it was, ludicrous and horrific for the 30,000 or 40,000 in Srebrenica who did not find that town to be a safe area. In other words, we are talking now about using Western air power and stronger defense forces to give some meaning to a resolution of the United Nations to create six safe areas in Bosnia, one of which has fallen, another of which is about to go, a resolution that I must say has the same source as the arms embargo, which we have painfully respected for so long and at such cost for everyone.

And what is the response of the Serbs to even the discussion of more forcefully enforcing an act of international law, of the international community, of the United Nations? Mr. Karadzic, the President of the Bosnian Serb nation, operating out of Pale, says he warns the Western Powers that Bosnian Serb forces will shoot down any Western planes or helicopters that come in to defend the safe areas. Can you imagine the outrage here, the outrage that we have created? If you again let an aggressor go on and do not make them pay for their aggression, if they are rewarded for their aggression, if they essentially laugh at the United Nations, NATO, the Western World, what is the hope for order, for morality in an international society, in the post-cold war? What is the next step?

Basically the Chirac proposal to protect the safe zones is really like a local police force saying it is going to carry out the law in a local area, and the criminals saying, "If you bring police cars into this area to carry out the law, we are going to throw hand grenades at the police cars." What would our reaction to that be? But that is what we have invited here by our inaction.

We have allowed not a great army, we have allowed a second-rate army, to put it mildly, to hold at bay, to take aggressive action, to punish, not just the Bosnian people, but the greatest military alliance in the history of the world; namely, the North Atlantic Treaty Organization. We have sent in these courageous soldiers wearing the blue helmets of the United Nations saying they are not combatants, giving them light arms, refusing repeatedly under this bizarre, ridiculous dual-key approval approach where NATO troops under fire wearing the U.N. uniform have to get the approval of the U.N. political authorities; namely, Mr. Akashi, to fight back, to call in air power. Efforts to call for strikes have been repeatedly frustrated and turned down. So we send in the United Nations and basically give these heroic soldiers wearing the blue helmets a mission impossible. And what we have done is diminish the credibility of this great allied force, this NATO force which held the Soviet armies at bay for the duration of the cold war and now is being made a fool of by a second-rate military in Serbia, such that the political leader of those Serbs says this morning, has the nerve to warn the West, that his forces will shoot down Western helicopters if they dare to enforce the law, which is to say to protect civilians in safe areas. That is what we have come to.

Uncertainty, irresoluteness, weakness in the face of aggression will always draw more aggression. There is no reason to stop.

Others say that if we lift the arms embargo we will Americanize the war. My first answer to that is the answer that Prime Minister Silajdzic respectfully gave when he was here a while ago. The Prime Minister of Bosnia said in one sense the war has already been Americanized. It is a tragic sense. It is a painful sense, which is to say that the continued American support of the arms embargo, the continued refusal to allow not just that we supply the Bosnians with weapons to defend themselves but that we make it difficult for others to do so, we continue to support this policy in the world community that effectively is America taking a position in this war. Certainly it is so on a moral basis that we have by our continued support of the arms embargo had an effect. We have Americanized the conflict by denying weapons to one side. And of all the bizarre and crazy results, we are denying weapons to the victims of aggression.

Mr. President, as I said last night and I repeat here briefly, there is a tragic history and story to be told here about the origins of this embargo. It began in 1991 when Yugoslavia had not quite broken apart. And it was requested by the Government in Belgrade, the same government of Milosevic that has carried out this policy of aggression for the purpose of creating a greater Serbia.

Why was it requested? Well, with some naivete let me say why I think a lot of people voted for it. The theory that was being presented was that if we closed the flow of arms into the Balkans, we would stop the outbreak of war there. And in 1991 it was possible for people of good faith to accept this argument, which looking back today is preposterous.

But what is even more infuriating is that this arms embargo was requested by the Government in Serbia. And why did they request it? Because they had all the arms they needed. History and fate made it such that the warmaking capacity, the munitions, the military equipment of the former Yugoslavia were almost totally in what became Serbia, operating out of Belgrade.

So I have viewed the arms embargo and certainly the request to support for it by the Government in Belgrade in 1991 as a cynical act which was done with full knowledge of their own intentions, the intention of the Government in Belgrade to begin aggression to extend their domain as a way to prevent their soon-to-be victims from obtaining weapons.

That is the sad and twisted history of this embargo, which some have now raised to the level of great international law. It was an act of politics, an act of policy for some, a well-intended attempt to stop war from breaking out once again in the Balkans.

But how can we have sustained that policy when on the ground it was clear that war had broken out, and the impact of the embargo was to deny one side, the Bosnians, the means with which to defend themselves while the other had plenty? So in response to this argument that lifting the arms embargo Americanizes the war, I offer the statement of the premise that unfortunately America's enforcement of the arms embargo Americanizes the war. There is an extent to which we have blood on our hands here by our inaction, if you will, although it is action. And insofar as we have continued to support the arms embargo, second, in a more direct sense, the war has already been Americanized.

As I have said here before, weakness in the face of aggression encourages more outrageous aggression. And the most powerful testimony to that could be offered by Captain O'Grady in his F-16, taking off on a flight as part of Operation Deny Flight which was the United Nation's effort to enforce the no-fly zone which also was an act of the U.N. Security Council.

What is the no-fly zone? The no-fly zone was the attempt after the initial mistakes of the United Nations to try to tone down the conflict acknowledging that most of the planes in the region were from Serbia. To keep them on the ground or at least not give them that brutal advantage from the air. So Captain O'Grady leaves on this mission flying this American plane, this F-16. As I indicated last night—I will say this again briefly—I pursued this with some intensity and detail because I wanted to understand from a military point of view what did the Serbs on the ground who fired that missile at Captain O'Grady know about that plane he was flying? What was their knowledge and intention as they did that?

And the answers I have received from sources that I trust and have high regard for are, one, that the Serbs in Bosnia on the ground were operating as part of a very sophisticated integrated air defense radar system which actually had been used before the conflict as an air traffic control system for commercial air traffic by the former Yugoslavia. It extends back to Belgrade, although its parts can stand on their own, now being used primarily for military purposes.

The Bosnian Serbs on the ground saw that plane in the air, one of several sorties flown. A large number of sorties are flown everyday as part of Operation Deny Flight. They had the capacity. They knew that that was an American plane. They could identify it. That is how sophisticated their air defense system is and, by the nature of its flight pattern, they also knew, because I asked, that it was part of Operation Deny Flight and not part of an airstrike mission. There have been airstrikes carried out by NATO. They have been very limited. They have been described as pin-prick airstrikes. They have had some partial success. But we never have, in any way, pulled the throttle on the air power capacity we have in that region.

I asked those who know, "Was it possible for the Serbs on the ground, seeing what they had identified as an American plane, an F-16, above to know whether that plane was on an aggressive mission to strike from the air or whether it was part of what I would call a nonaggressive patrol mission to see that Serbian planes had not left the airspace?"

The clear response I received was that because of the patterns the F-16 was flying, it was absolutely clear that this American plane was flying as part of Operation Deny Flight, not on an aggressive mission, on a patrol mission. Again, if I may use a domestic metaphor here, it is as if the police car was going through an area of a town enforcing the curfew and was not on an aggressive mission.

Mr. President, I am very pleased to see the Senator from Delaware [Mr. ROTH], here. I will finish this line of argument and yield to him.

So the Serbs on the ground, with their fingers on the missiles, missiles that they received from the Russians, that the Serbs from Belgrade brought into Bosnia to be at the disposal of the Bosnian Serbs, they knew that that F-16 was not on a mission to do them any harm. It was patroling, and they intentionally shot that American plane down. It is only by the grace of God and, of course, his own extraordinary courage that Captain O'Grady is alive today, through his heroism and bravery and the extraordinary capacity of American equipment that we have supported in this Chamber—global positioning systems to locate a distress signal at critical moments—picked up by American planes, we send in the CH-53 Super Stallion helicopters to pick him up. They are noticed by Bosnian Serbs and they too are fired on. Again, an intentional attack on American planes, in this case helicopters.

What did we do about it? We did not do anything. We did not do anything, I suppose, because the Serbian forces were holding U.N. personnel. I think we should have done something in spite of those hostages that were being held, because it seems to me when you allow people to take hostages and hold them and they render you impotent, then they will simply act more outrageously. But an American plane on a nonaggressive patrol mission was intentionally shot down by the Serbs.

So I offer that as evidence that the war, indeed, has been Americanized. Our soldiers, our pilots flying those missions, the NATO soldiers in U.N. uniforms may think they are noncombatants, but the Serbs do not think they are noncombatants. The soldiers have paid the price.

Lastly, let me talk about Americanizing the conflict. Let me say, it is up to us. We are not going to be drawn into a conflict we do not want to be drawn into. Lift and strike that President Clinton brought into office with him is just that. We have a strategic interest in stemming the conflict in Europe. We have a moral mission of protecting the victims from genocide, but we do not really have enough of an interest, nor does the strategic situation demand it or call for it, to send American troops on the ground.

We do have enough of an interest in stopping this conflict by using allied air power to stem aggression and by giving these people, the Bosnians, the victims, the opportunity to defend themselves.

We are not putting ourselves, if we adopt this, on a slippery slope. It is up to us to make policy. Nothing irretrievably Americanizes this conflict. In my opinion, it is a lame excuse and an insult to our capacity to control the course of our behavior to be in opposition to S. 21, as amended by amendment No. 1801.

Mr. President, I am pleased to see three other distinguished colleagues on the floor. I welcome their entrance into this debate. I yield the floor at this time.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. ROTH. Mr. President, I rise to express my support of S. 21, the Bosnia and Herzegovina Self-Defense Act of 1995. I do so because I regard it as a first step in a more effective strategy to enable the Bosnian people to exercise the right of self-defense to bring this horrible war and its atrocities to an end and to do so in a way that will, in the long term, reinforce the cohesion of the alliance.

Those who argue against this legislation fear that it risks a crisis within the alliance. They fear it will escalate the conflict and its atrocities, as well as expand the war into the surrounding regions. The truth is, Mr. President, current policy has already made these fears today's realities, and with each passing hour, the situation only gets worse.

First, because of the war, the alliance is already well into its worst crisis of cohesion. The current course of events in the Balkan war is only making this acrimony even sharper.

Second, the war in Bosnia is escalating. The Serbs have initiated the largest offensive since the beginning of the conflict. Croatian Serbs and Serbian regulars have crossed over into Bosnia to support the Bosnia Serbs. They have declared the United Nation and NATO to be enemies. They continue to humiliate and attack U.N. and allied forces that are trying to bring peace and humanitarian assistance to that region.

They have shot down an American F-16. We are all witnesses to the Serbs' attacks against the safe havens in Bosnia. We are all witnesses to the ethnic cleansing now underway, and we cannot dismiss new concentration camps the Serbs are establishing and the new waves of rapes and other crimes. Our fears have become reality, and it is now necessary for a new strategy to end this conflict.

The emphasis of a new strategy should be to establish a military balance in former Yugoslavia that will induce and sustain a negotiated settlement. Toward this end, I believe the United States should take the following steps:

First, the United States Government should notify the United Nation and our allies that it favors the withdrawal of the UNPROFOR from Bosnia, and if the Western alliance is to remain cohesive, we must honor the President's commitment to provide United States forces to facilitate the withdrawal of the UNPROFOR.

Second, the United States should help the Bosnia Government attain the military equipment and supplies necessary to defend itself. The Serbian Army inherited from the former Yugoslavia a vast superiority in military equipment and infrastructure, including large numbers of tanks, armored personnel carriers, artillery, and aircraft. These advantages have been preserved by the current arms embargo against Bosnia, and the Serbs are brutally exploiting these advantages. Even with a more disciplined and larger army in terms of personnel, Sarajevo has not been able to overcome their weakness in equipment and supplies. Considering the Bosnian fighters' demonstrated courage and their will to fight, Sarajevo's access to modern arms will help significantly offset the Serb advantages in weaponry and logistical support.

Third, the United States should declare that it will exercise the right to utilize its air power in a sustained and strategic manner against any Serb effort to exploit the UNPROFOR withdrawal and to assist the Bosnian military in defending against any Serb offensives. The commitment to employ air power is necessary to prevent further Serb aggression and massacres. However, the application of American air power is not to win the war for the Bosnians, nor should it be construed as a step toward a commitment of United States ground forces. The war must be fought and won by the Bosnians. The purpose of United States air power would be only to deter further Serb offenses and deny them the advantages they now exploit from their superiority in heavy tanks, artillery, and military equipment and infrastructure.

These steps will help the Bosnian people to more effectively defend themselves on a strategic level. They would contribute to a more even distribution of military power in the region. That would help deny aggressors in the war opportunities and incentives to continue their offenses. Indeed, it would help prompt them to recognize the imperative of achieving a negotiated and peaceful solution to the war.

Mr. President, strong congressional support behind S. 21 is absolutely essential. Strong support will communicate to the world America's determination not to tolerate the aggression now underway in Bosnia. It will demonstrate to our European friends and allies that America is always ready to live up to its commitments, and that America is always prepared and willing to undertake what is necessary to establish and ensure enduring peace and stability in post-cold-war Europe.

I yield the floor.

Mr. SIMON addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. SIMON. Mr. President, I rise in support of the Dole-Lieberman legislation. It is an unhappy situation, and there are no good answers. Whatever course we take is going to be criticized. What we can do is learn from our mistakes.

In 1991, when the aggression first took place, President Bush and the administration should have responded. When Bill Clinton took office, he, after criticizing George Bush during the campaign, should have responded. That is easy for us to say. But what we know is that the situation is deteriorating. If some action is not taken now, it is going to be worse in a month. And if some action is not taken in a month, it is going to be worse in 3 months.

The great threat to the world today is not nuclear annihilation, as it was a decade ago; it is instability, and it is that tyrants somewhere in the world will get the message out of Bosnia that they can move against their neighbors and the community of nations will do nothing. The danger in Bosnia, if appropriate action is not taken, is that it is going to spread. It will spread to Macedonia, Bulgaria, Greece, and Turkey, and we will have a major problem on our hands. And here what the United States has to do is to show some backbone, some muscle.

The community of nations do not question our technical competence. You know, we are increasing defense appropriations as a way to send a message to the world. That is not going to send a message to the world. What the world questions right now is our will, our muscle, our backbone. And when I say "our," I am not talking about the members of the Armed Forces; I am talking about the administration, I am talking about the Senate, I am talking about the House.

Let me just give an illustration. Suppose in the Chicago Police Department, or the Los Angeles Police Department, or the New Haven Police Department, people would enlist. But, tragically, as happens in every major city police department, there is a casualty. Would the city of Chicago, or Los Angeles, or New Haven announce: Sorry, we have some drug dealers here who killed a Chicago policeman, we are going to abandon that portion of Chicago, or Los Angeles, or New Haven because of a casualty. We would recognize that to do that invites more trouble, tragic as the casualty is.

Yet, that is what we did in Somalia. I read in editorials about the disaster of Somalia. Real candidly, George Bush's finest hour was when he had the courage to send our troops there, and we saved hundreds of thousands of lives. And then a decision was made by a retired American admiral to go after General Aideed—frankly, a decision that should have been made—after consultation with Ambassador Oakley and others. But a mistake was made. Nineteen Americans lost their lives, including one who we saw on television being dragged around the streets, and that shocked and stunned all of us. Immediately, there were calls for the United States to get out of Somalia. And we understand that. We do not like casualties. But we have to recognize that if we are going to have stability in the world, those who enlist in armed forces, like those who enlist in the Chicago Police Department, are taking additional risks. And the risk we cannot take is having a world of instability.

After the uproar here in Congress on Somalia, there was a meeting at the White House, about a 2-hour meeting, with about 20 of us, as I recall. A decision was made that by the following March 31, we would pull out all American troops. It was not an agreement I liked, but it was better than pulling out American troops immediately. And that was the sense of this body at that point. Shortly after that decision was made and announced, President Mubarak of Egypt visited the United States. He was in the Blair House. I, at that point, chaired the Subcommittee on Africa. I went down to visit President Mubarak, who was chairman of the Organization for African Unity at that point. Just before I went down, I received a call from someone in the White House—not the President—saying, "Could you ask President Mubarak to keep his troops there longer than March 31?" I made the request—without disclosing a private conversation—and it would not surprise any of you to learn that President Mubarak was not impressed that the most powerful nation in the world and the richest nation in the world said we were getting out of Somalia, but we would like their troops to stay. We did not show determination or fortitude.

Senator NUNN is going to have an amendment which will make clear, if it is adopted, that the U.S. Senate backs, if this amendment is adopted and troops are withdrawn, we have pledged we will use up to 25,000 troops to pull the U.N. forces out.

Frankly, I think if that happens and arms are supplied, there will have to be air cover for the Bosnian Government. This is not going to be a risk-free operation. There will be calls on this floor, once there are casualties, to pull out, to stop.

I think here we have to show the determination and the muscle and the will that recognizes the great threat to the world through today's instability. Bosnia can be a spreading disease. We have to get a hold of this thing.

I think the Dole-Lieberman proposal is a sensible proposal. It is not risk-free. There are no good answers. There are only two answers right here: One is to go in with substantial military muscle; or follow the Dole-Lieberman proposal and let the people of Bosnia defend themselves.

I do not believe there is the will—not just on the part of the United States, but on the part of other governments—to take the first alternative. I do not know whether that would be a realistic alternative also.

No one can guarantee that this is going to work, that this will preserve the Bosnian Government. We have to send a message to tyrants in Asia, Latin America, Europe, everywhere in the world, you cannot move against your neighbors and bring about world instability. The community of nations will respond. We have to respond.

I think this is a well-crafted proposal. I intend to support it. I yield the floor.

The PRESIDING OFFICER (Mr. INHOFE). The Senator from California.

Mrs. FEINSTEIN. Mr. President, I thank the Chair. I thank the Senator from Illinois for some very thoughtful, and I believe, sound comments. I find myself in agreement, Senator, with virtually everything that the Senator said.

I also thank the Senator from Connecticut for what has not been easy for someone on our side of the aisle, to take this level of leadership on the issue. I heard the Senator last night so eloquently put forward these facts.

Perhaps, in 1878, Benjamin Disraeli said it best when he offered these words in the British House of Lords:

> No language can describe adequately the condition of that large portion of the Balkan peninsula—Serbia, Bosnia and Herzegovina and other provinces—[the] political intrigues, constant rivalries, a total absence of all public spirit . . . hatred of all races, animosities of rival religions and absence of any controlling power . . . nothing short of an army of 50,000 of the best troops would produce anything like order in these parts.

And that was said 117 years ago.

We know that when Marshal Tito governed what was known as Yugoslavia, the strong central control kept down these 100-year-old animosities. Today, they have boiled to the point of no return.

Many have characterized UNPROFOR as a complete failure. I believe that exaggerates the case. After all, there has been a dramatic decrease in civilian casualties in Bosnia—from 130,000 in 1992 down to 3,000 in 1994. UNPROFOR deserves much of the credit for this decrease. However, it is undeniable that UNPROFOR has major shortcomings that have been exposed with increasing regularity.

We saw it on May 25, in Tuzla, a so-called U.N. safe-area, when 71 young people, all under age 28, were killed by a single Serb shell—one of many instances when Serb forces have eroded safe areas with attacks—without any retaliation, despite a U.N. Security Council resolution authorizing such responses.

We saw it when 377 U.N. troops were taken hostage in June after a NATO airstrike on a Serb ammunition dump.

We saw it when Capt. Scott O'Grady's F-16 was shot down without a response, as scores of U.N. hostages were still held captive.

We see it every day, as U.N. peacekeepers attempt to protect innocent civilians, sometimes successfully, but often not.

And we saw it on June 10, when the U.N. mission in Sarajevo announced it would not respond to protect Moslem enclaves from attack without the consent of the Bosnian Serbs—the attackers.

I believe it is fair to say that U.N. forces have neither the mandate, the training, the equipment, nor the rules of engagement, to allow them to respond sufficiently to attacks against them or against civilian populations. They are meant to be observers to keep corridors for humanitarian aid open—not fighters.

These problems have taken their toll on public and congressional support for the present course. And they have taken their toll, I think unfairly, on support for UNPROFOR troops.

In Congress, there has been continuing debate over whether a unilateral or a multilateral lifting of the arms embargo against Bosnia, or the withdrawal of UNPROFOR troops altogether is the humane or the inhumane action to take. And because the United States has no troops on the ground in Bosnia, we have less leverage in influencing nations that do have troops on the ground.

But during the past week, events have reached a terrible watershed, and we have seen a startling and devastating turn: The three Eastern enclaves, Srebrenica, Zepa, and Gorazde, are falling to Serb aggression. Ethnic cleansing has taken a giant step forward.

Mr. President, 42,000 civilians from this area of Srebrenica have been separated from their families, and many of them are at this moment still being held hostage in a stadium in nearby Bratunac up here. Literally, thousands of refugees from Srebrenica remain unaccounted for, perhaps up to 20,000. We have heard ominous stories of women being taken hostage and raped, of summary executions, and of bodies lining the nearby roads.

A second safe area, Zepa, with some 16,000 Bosnian residents, is in the process of being overrun. Today, it is reported in the Los Angeles Times that Bosnian Government soldiers have said, they would use the 65 Ukrainian peacekeepers in Zepa as human shields against Serb attacks unless the United Nations called in NATO air power. What we see is that now the Bosnian forces are beginning to use the Serb tactics of taking hostages.

It has been shocking to see the ease with which these areas have and are falling. Dozens of U.N. observation posts have been abandoned, leaving unarmed Bosnian Moslems to try to defend themselves.

The third area, Gorazde, will be next, unless there is a will to use major airstrikes. Airstrikes were successfully employed in April 1994, to prevent a Serb invasion of Gorazde. However, such airstrikes are now made unlikely by the fear that Bosnian Serb forces will retaliate by taking more U.N. troops hostage. UNPROFOR weapons and equipment in the safe areas are being taken by Bosnians and used to fight the Serbs since the world has decided that the Bosnians cannot arm themselves.

This past weekend, I opened the New York Times, and saw photographs of elderly refugees in wheelbarrows, being wheeled over rough roads. I saw sobbing mothers and children. I also saw this picture. To me, it was a call for change.

I do not know this 20-year-old woman's name. She was a refugee from Srebrenica, and as she neared Tuzla, where the first camp was set up, this young woman decided she could not go on. She climbed a tree, tied a rope around her neck, and jumped. A photographer captured the image of her lifeless body hanging from the tree.

It is an image that haunts us. We do not know what humiliations and deprivations this woman suffered. Perhaps she saw a loved one killed. Perhaps she had been raped. Perhaps she simply could not bear the pain of being forced out of her home.

We only know that she could take no more. We only know that finally, the pain was too great. We only know that she could not endure any more suffering, any more indignity, any more barbarism. This was the act of a defenseless, vulnerable, beaten person. It was not the act of someone who had the ability to fight in self-defense.

Just as the anonymous white-shirted young man facing down a column of tanks in Tiananmen Square a few years ago conveyed the unspeakable message of oppression to the world, so did this photograph point eloquently to the world's failure in Bosnia.

The conscience of Europe and America must examine and reverse this terrible downhill slide now.

As the distinguished majority leader said yesterday at the beginning of this debate:

> This debate is not just about Bosnia. This is not just about a small European country under attack. This debate is about American leadership and American principles, about NATO strength and credibility, and about our place in history.

I have been a supporter of this administration's policy to this point, but recently certain things have been made clear:

First, the involved allied powers have stood against ethnic cleansing, and yet ethnic cleansing is taking place unabated on a continuing basis, as an unrelenting Serb military is allowed to rape, maim, and kill innocent people who cannot defend themselves, and whose military the world's powers are preventing from gaining access to sufficient arms.

Although the Bosnian Government forces have a significant manpower advantage over the Serbs, they face more than a 3-to-1 disadvantage in tanks, more than a 2-to-1 disadvantage in artillery, and a nearly 3-to-1 disadvantage in fixed-wing aircraft and helicopters.

Second, UNPROFOR's well-intentioned—and in some parts of the country successful—efforts have been shattered by a mandate that does not let them fight back, but has allowed them to be taken hostage, and allows their weaponry and equipment to be taken from them.

Third, beginning this past weekend, we have seen the fall of one of so-called safe areas; this week—the likely fall of a second; and shortly—the probable loss of third. With 70 percent of Bosnia in Serb hands, we must conclude that the present course needs to be changed.

I agree with those who have argued that the Dole-Lieberman resolution is not perfect. It probably will offend allies we do not want to, and should not, offend. It may contribute to an escalation of the war, and it may increase the likelihood that U.S. troops will be deployed to help UNPROFOR withdraw.

But I believe this resolution, in the absence of any other viable course of action, has one overriding redeeming value: It will establish unequivocally that the U.S. Senate believes that an afflicted and decimated people should be able to defend themselves.

Let me just give an example of the effects of the arms embargo. Earlier this week, I met with the Bosnian Foreign Minister in my office. He explained to me that despite their lack of heavy weapons, the Bosnian Government forces, who outnumber Bosnian Serb forces, have improved their battlefield performance in recent months. But, according to the Foreign Minister, the Bosnian troops still suffer a lot of casualties, the vast majority of which are fatal shrapnel wounds to the head.

Why is this significant? Because the arms embargo prevents the Bosnian Government from buying helmets for its forces. Helmets—one of the most essential pieces of equipment a soldier can have. And without them, many Bosnian soldiers are dying from shrapnel wounds to the head.

As a member of the Foreign Relations Committee, I have tried to learn as much as possible, to listen to and be advised by the experts. But I have not yet seen any viable plan to deal with and prevent the imminent taking of Gorazde.

This weekend, the United States will confer with its NATO allies in Europe on this situation. This meeting, in my view, is key and critical, and I hope that a course of action and a change of mandate will be presented. It is my hope that those attending these meetings will think about a scenario which could create an incentive for the parties to agree to a last cease-fire and cooling off period for a specific period of time, perhaps 3 to 6 months. The cease-fire would be enforced by three powers, using NATO troops under NATO command, employing aggressive air strikes to deter violations. The three powers would obviously be France, Britain, and the United States.

During the cease-fire, UNPROFOR troops and Moslem civilians would be allowed to safely evacuate the remaining indefensible—termed by the experts, everyone I have talked to, as indefensible—eastern enclave without interference, and be relocated to safe areas of Bosnian Government territory in central Bosnia or elsewhere.

At the same time, UNPROFOR troops could be reconfigured to only those areas where they can protect themselves and others, and carry out their mission of keeping open humanitarian aid corridors and facilitating the distribution of aid.

But one thing is clear. If UNPROFOR is to remain in Bosnia at all, their mandate and their mission must be changed. They must be able to defend themselves and fight back under a clear, decisive and expedited field command.

In return, during the cessation of hostilities, the Bosnian Government, the Bosnian Serbs, and the Croats must agree to one last effort to negotiate a fair apportionment of disputed lands.

If an agreement on land apportionment is not reached by the end of the cease-fire period, Britain, France, and the United States would agree to lift the arms embargo multilaterally.

Throughout this period, economic sanctions would be maintained and strengthened where possible against Serbia, with the understanding that they will not be lifted until a settlement in Bosnia is reached.

Perhaps—I say "perhaps"—a scenario like this could have merit. I presented it last Thursday night to the Secretary of State, I presented it to the minority leader, and I have discussed it with the majority leader. I do not know whether it has merit. But I do know that in the absence of any other course of action, people must be able to defend themselves. And in the absence of any other constructive, precise, and well-defined effort, it will be my intention to vote for the Lieberman-Dole resolution.

I thank the Chair. I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LIEBERMAN. I thank the Chair.

Mr. President, I want to respond to the very eloquent, very moving, and very strong remarks of my colleague and friend from California, Senator FEINSTEIN. I appreciate very much the history that she told, the obvious concern and frustration that she expressed for the failure of the current policy, the haunting picture of a 20-year-old woman hanging from a tree, a victim of suicide for reasons that we do not know. But speaking for all of us of what happens when you leave a people defenseless, women defenseless, perhaps she was raped, perhaps she was separated from her family, or perhaps her husband or loved one was carted off with other young Bosnian males, young men; whatever. It is that picture, and so many others, that will haunt us as the indication and evidence and proof of the failure of the current policy and the effect of the current policy.

I heard somebody speaking on one of the television programs today against lifting the arms embargo, a spokesperson for the administration, saying something that has been said over and over again, which is that, if we lift the arms embargo, it will lead to more bloodshed. How much more bloodshed could there be? Over 200,000 killed, 2 million-plus refugees, and the conflict goes on; one side with arms willing to take whatever action is necessary, violating all rules of international morality, with its leaders today the subject of an international inquiry at The Hague as to whether they are war criminals—Milosevic, Karadzic, Mladic, the whole crew.

So will lifting the arms embargo lead to more bloodshed? None of us can say it will not. It may lead to more bloodshed. It may lead to the shedding for the first time in any significant degree of Serbian blood. And until that happens, the Serbs, in by opinion, will not accept the peace at the peace table that the Bosnians could possibly accept. They will only seek unconditional surrender and the continuing death and torture of the Bosnian Moslems.

I appreciate the sincerity of my colleague from California in suggesting the possibility of an alternate course here, a last chance, a 3- to 6-month period in which both sides, the Bosnian Serbs, Bosnia and Serbia, be given a chance to negotiate a peace, after which, if there is failure, the arms embargo will be lifted multilaterally.

I appreciate the sincerity. I wish that such a policy had any chance of working. But I will offer this response to it. In the first place, insofar as part of it involves the movement of the remaining Bosnians who are in the east of Bosnia into the central area of Bosnia around Sarajevo, which is the relatively secure area, although Sarajevo continues to be shelled, unfortunately, it yields ground to the Serbians, which is exactly what they want. They want the greater Serbia, and eastern Bosnia.

But more to the point, every peace offer that has been made by any credible authority, including most significantly the contact group, the international five-nation group that made the peace offer of 51 percent to the Serbs, the remainder to the Bosnians, 20 percent less than the Bosnians had at the beginning of the war before they were defenseless victims of aggression, the Bosnians accepted it; the Serbs did not. That has been the course of every peace offer made.

The Serbs are not accepting terms of peace because they are running willfully, wantonly, brutally throughout the country and nobody is making them suffer. When outlaws are allowed to commit illegal acts, the worst illegal acts—theft of land, eviction of people, rape, murder, slaughter, separation of families—they will continue to do it because nobody stops them. We know that here in our own country. That is why we are all supportive of stronger law enforcement.

So they continue to do that. They are not going to accept the peace. They have not accepted any peace. If I had one shred of hope that they would, I would say it was worth trying to pursue some opportunity to give them that.

Let me add this, that any terms they would accept are unacceptable to the Bosnians, and none of us in the exercise of fairness would ask the Bosnians to accept. They have taken enough abuse. They have suffered enough. It is not for the international community at the point of a Serbian gun to force the Bosnians to accept the decimation of their country. They have already accepted every reasonable or not so reasonable peace plan they have been given.

So I wish I could have some hope for the prospects of yet another cease-fire and a chance for negotiation. But at every turn the Serbs have not only rejected the suggestions; they have deceived us. They have tricked us. They have talked while preparing to attack. And the Bosnians and the United Nations and NATO and the United States have been the victims.

And finally, so far as the suggestion made—and again I respect it and I know it is made in good faith and with a sense of hope—that at the end of the 6-month period Britain and France and the United States would multilaterally lift the arms embargo, I see no indication that our allies and friends in Europe are prepared to commit to that.

So, Mr. President, again I note the presence in the Chamber of colleagues, and I yield the floor.

Mr. KERRY. Mr. President, I ask my colleague if he would be interested in entering into a little bit of a colloquy maybe simply because we all come to the floor and the debate seems to pass by itself in a way. I think it would be helpful if we could talk through it a little bit.

I ask my colleague if it is his judgment that withdrawing UNPROFOR and lifting the embargo, which is essentially the heart of what is in the Senator's amendment, constitutes the policy of choice? Is that what we as a country and we as Senators want to put forward as our first choice policy here, to simply say that if the President of Bosnia says UNPROFOR get out, we lift the embargo, or if UNPROFOR is out, we lift the embargo?

My question is, is there not really a precursor to that, which is in effect a policy that wants to prevent the safe areas from being overtaken, a policy that wants to prevent women from being raped as a matter of war strategy, a policy that wants to guarantee the delivery of humanitarian assistance? Is that not rather the policy of choice for a great nation and a Western civilization, a free people?

Mr. LIEBERMAN. Mr. President, in responding to my friend and colleague from Massachusetts, this is not the first choice, but it is the choice that is offered in the context of the failure of the other choices that have been made, the other choices that have done damage and been inconsistent with the policy of a free people and a great nation and have done extraordinary damage not only to the Bosnian people but to the rule of law.

The policy that this proposal advocates, lifting the embargo and striking from the air, is the policy that President Clinton brought into office with him in 1993, that our allies in Europe opposed, and then the policy was changed.

So, of course, if the United Nations had played any role other than passing resolutions—and I say to my friend, it is my personal judgment that the United Nations has suffered terribly in this conflict because it has been misused and its soldiers, brave soldiers, have been misused.

When did the United Nations go in? It went in after the aggression of the Serbs became clear and the first wave of terrible atrocities became visible to the world, when the concentration camps were seen by British television and sent around the world. Camps that were operated by the Serbs with the Moslems: the haunting pictures, the echoes of the Second World War, emaciated bodies, stories of mass slaughter, rape, all the rest.

The Western Powers could not sit by when that happened, but instead of being forceful, lifting the arms embargo, striking from the air at minimal risk to Western personnel, they threw in the United Nations, on a presumably humanitarian mission, and gave them no weapons with which to defend themselves, and were not willing to stand by the resolutions that were adopted subsequently by the United Nations to deny flight, to protect safe areas.

And what have we had? Sadly, we have had the United Nations serving not as a guarantor of peace and security for the Bosnian people but now, not for a day, not for a month, but for 3 years being a cover for Serbian aggression. And every time we have begun to get up some backbone here to strike back at the Serbs for killing people, for shooting down American planes, for taking U.N. personnel hostage, they have just taken more hostages and said if you strike back at us, we will kill your personnel, and we have walked away. We have moved to the back.

So I say to my friend from Massachusetts, policy of choice? We are late in the game. We are late in the day in Bosnia. If in 1991 and 1992, when the Serbs moved into Slovenia and then Croatia and Bosnia, the world had drawn a line and said: end of the cold war instability or not, do not think you can march now and not pay a price for it. We did not and as a result we have paid a price.

I say to my friend, policy of choice? Let us listen to the victims. Let us listen to the people of Bosnia who have said through us, through their elected representatives over and over again, the United Nations is not helping us; it is hurting us. Get them out of here. Give us the weapons with which to defend ourselves. Please, help us from the air to strike at Serbian targets until we can make this a fair fight.

Mr. KERRY. There is nothing in this amendment about strike.

Mr. LIEBERMAN. No, there is not.

Mr. KERRY. There is nothing in here about strike. This amendment is exclusively what you do if you withdraw. I respectfully suggest to my friend from

Connecticut, I agree with everything he just said. Everything he just said is a wonderful statement of what is wrong with our current policy. The question is, is this a replacement for that policy? And I respectfully suggest to my friend this is not a policy. This is the last step. This is the last step. If the President of Bosnia says UNPROFOR out, under the law UNPROFOR has to get out. So absolutely, unequivocally, I suppose you have no choice morally but to lift the embargo then because you cannot keep an embargo against some people while the others have weapons to kill them.

Mr. LIEBERMAN. That is just what we have done for 3 years.

Mr. KERRY. But that does not mean we ought to continue to do that today. If the policy of choice as the Senator has acknowledged is to stand up, then I ask the question, why do we not stand up today? Sarajevo has not yet fallen. Gorazde has not yet fallen. Zepa may fall. It is in the process. Are we so weak, are we so without guts and policy that we are going to come in here and ratify an amendment that effectively says if the Bosnian President says, "Get out," or UNPROFOR is out, is that all we have to offer in the United States Senate, an epitaph rather than a policy?

Mr. LIEBERMAN. I answer my friend from Massachusetts, he asks, are we so weak? Do we so lack guts? Do we have no policy that this is the alternative? And I say to my friend, look at the history of the last 3 years. And all you will see is weakness, lack of policy, and no guts. And who has paid for it?

Mr. KERRY. I say to my friend, I am not the prisoner of the history of the last 3 years. I hope he is not. I do not think the U.S. Senate——

Mr. LIEBERMAN. I must take into account the history of the last 3 years. At every moment we have brought this proposal up again—Is this the first step? It was the first step that President Clinton brought into office with him and our allies with Europe frustrated with its implementation.

So I say to my friend, obviously we have to look at the history. I say this with respect to my friend from Massachusetts. I know he speaks with sincerity. At every point that the option was given to the Senate, to the House, to the administration, to the Western allies to lift the embargo, stop this immoral refusal to let these people defend themselves, use air power to help them resist aggression, there has always been another excuse for delay.

And so, respectfully, when my friend comes in today and says, is this the replacement for policy—this is what we have been crying out for for more than 3 years. And it is time to stop finding excuses for not at least giving these people the opportunity to defend themselves. If I had any confidence that there would be a stronger Western policy, I would listen—although I would still push forward—but, respectfully, the voices that I hear are not the voices telling me to delay. The voices I hear are the voices of the Bosnian people who have suffered as a result of just what you have used, the words you have used: weakness, lack of guts, and lack of policy.

Mr. KERRY. Let me say to my friend——

Mr. LIEBERMAN. Right now, all right in the newspapers, the British, the French, and our administration are not agreeing on an alternative policy.

Mr. KERRY. I agree. But therein lies the question of leadership and of resolution, not, it seems to me, in a sort of final statement of what you do if nothing else can happen. It seems to me my friend—I think we are talking the same language but coming at it from a different point. My sense is that the problem has not been the defined goal of UNPROFOR. The problem has been the implementation of that goal, the dual-key requirements for airstrikes, the absolute ineffectiveness of the troops on the ground who are armed not to fight back or to enforce most anything but are really so lightly armed as to be invitations to be taken hostage.

The question I think the U.S. Senate ought to be asking itself more appropriately is not what do we do to wash our hands of this situation, which, incidentally, is more complicated than that. And I think the Senator from Connecticut knows that. He is one of the clearest thinkers in the U.S. Senate. If the Bosnian President can effectively say, OK, I want UNPROFOR out, and the Senate now passes a resolution saying one of the circumstances under which we will lift the embargo will be if the President of Bosnia says, UNPROFOR, get out, well, the President is pledged to put 25,000 American troops on the ground in order to help UNPROFOR get out. If I were the President of Bosnia, and I were kind of backed up against the wall, I might just think of saying to myself, "Boy, how do I get the United States over here?"

So, he says, "UNPROFOR get out." All of a sudden there are 25,000 troops in Bosnia. And then you might just want to—I can remember, you know, from the days of being in Vietnam, when the North Vietnamese would dress up like South Vietnamese and attack other people. I can well imagine Moslems putting on the uniforms of the Serbs and attacking Americans and drawing the United States into retaliation against the Serbs, or making it extremely difficult for America to get out in a way that then entangles us. I mean, why give the President of Bosnia the choice of putting 25,000 American troops on the ground in Bosnia-Herzegovina?

Mr. LIEBERMAN. I ask——

Mr. KERRY. Let me finish. It seems to me the Senator from Connecticut and all of us ought to be defining for the country and the world what is at stake here. Pope John Paul said it the other day, that the world is watching, you know, that civilization is standing by and experiencing a great defeat. To the best of my historical recollection, most of what World War II and World War I were about are principles that are fundamentally involved here.

Now, I am not suggesting that they rise to the level of threat that we ought to put American troops on the ground. I have never said that. I believe this is fundamentally the backyard of Europe, with respect to a localized kind of action, and they have got to bear the brunt on the ground. And the French have indicated a willingness to do that. The British seem to be dragging. But one of the reasons they are dragging is that we are not indicating our willingness to be sufficiently supportive with respect to air power and other things.

Now, I will tell you something. I think we ought to say that the United States of America is prepared to run the risk of putting American air people at risk, in harm's way, in the effort to back up our allies on the ground sufficiently to be guaranteeing only one thing—a minimalist capacity to deliver humanitarian assistance and guarantee safe areas.

Now, if the Western World and civilization cannot come together around the notion that a safe area is a safe area and we ought to stand up for it, and if we cannot come up around the notion that the basic laws of warfare ought to be adhered to, and if we are going to walk away in the face of thugism, we will ignore the lessons of history and invite future confrontation and future questions about our leadership and so forth.

I think the Senator agrees with that. So the issue here is, why not change the rules of engagement? Why not pull this away from the dual-key of the United Nations? Why not create a structure where the United States can control its destiny with its allies and not be subject to the politics of Mr. Akashi and Mr. Boutros-Ghali? Why not do what we effectively did in Desert Storm, where we ran the show or undertook that responsibility, and stand up for something before we turn around and say that all we can do is wash our hands and allow people to get weapons several months from now, when in the intervening months the Serbs will very clearly use the time? And if you think you have seen bloodshed and refugees on CNN in the last few days, wait until you see what happens on that course of policy.

Mr. LIEBERMAN. Mr. President, if there had been any indication over the last 3 years that there was the kind of resolve and willingness to stand up against aggression that the Senator from Massachusetts describes, my response would be more open than it is.

The fact is that we have gone through more than 3 years in which the United Nations has acted with weakness and has been a cover for Serbian aggression against the Moslem people. We have acted for 3 years pursuant to a policy that has lacked purpose and force in such a way that we have demeaned the greatest military alliance in the history of the world, NATO, and raised questions about its continued viability. And we have diminished ourselves, the United States, the greatest power in the world.

Mr. President, if I had any hope—and I would like to still have hope—that the United Nations' mission in the specific areas that the Senator from Massachusetts refers to, protecting the safe areas, getting the humanitarian assistance in, would be fortified, I would be glad to see that happen. I would be glad to see that happen. But it would not be for me an excuse not to end this immoral embargo.

How can we justify that for more than 3 years now we have imposed an embargo that, incidentally, is Milosevic's embargo? He called for it in 1991. Why? Because he knew he had plenty of tanks and personnel carriers and planes and weapons. And we went along in naive good faith that was somehow to stop the conflict from breaking out, and with every passing week and month as the conflict went on and the Serbs took more land and kicked more people out of their homes and killed and raped and tortured more people and put them in concentration camps, we continued to enforce that embargo.

May I say, after those 3 years of history, it ill behooves us to raise any questions about the motivation of the leaders of Bosnia, to suggest that we not lift the arms embargo or not give them the right to have some say in determining when they think the U.N. mission has ended all purpose for them and impute that somehow this is their intent to trap us into this——

Mr. KERRY. Why——

Mr. LIEBERMAN. Excuse me. They have been asking for 3½ years that we give them weapons to defend themselves, long before there was ever any talk of American troops. As a matter of fact, at every point, the Bosnians have said, "We don't want American soldiers on the ground. We have plenty of soldiers. We just don't have weapons."

So I say to the Senator from Massachusetts, respectfully, this is not the hour to speak against this proposal on the basis of either what the United Nations might do, after its sorry record of the last 3½ years, or to speak against it, because it finally gives one ear to the victims of this aggression, the direct victims, the Bosnians, or to impute cynical motives to them in this.

Mr. KERRY. Let me say to my friend, if this is not the moment to talk about why this is an incomplete policy, then what is? I mean, the fact is that the President has not to this day asked UNPROFOR to leave. The President of Bosnia has not said, "Get out of here."

So, of course, they are asking to lift the embargo. The best of all worlds is to keep UNPROFOR and have no embargo. I understand that, and so does the Senator. But the Senator also understands why he has not asked UNPROFOR to get out, because UNPROFOR has reduced the number of deaths, because UNPROFOR has provided some safety and succor. And the question is not whether we ought to now trigger the absolute certainty of UNPROFOR being withdrawn, the question is whether or not we ought to make it work.

I totally agree with the Senator's complaints about the weakness and the unfairness and the total inconsistency of this equation of the last years. It has been horrendous.

Mr. LIEBERMAN. Then why does the Senator not support the lifting of the arms embargo? How can the Senator justify that?

Mr. KERRY. I say to my friend, because it is a half solution.

Mr. LIEBERMAN. It has always been a half solution, but we have given them no hope, no solution.

Mr. KERRY. I am prepared to suggest there is hope, and we should offer it. I am prepared to suggest there is a precursor policy to what the Senator is offering. The Senator is offering something I would vote for if it was the final step. I do not believe we have reached the final step, because I have not given up on the notion that Sarajevo and Gorazde and safe areas could be preserved. I think that is a two-bit tinhorn bunch of thugs that make up an army, and the reason they have been able to kick people around that country is because the blue helmets have been lightly armed and have, basically, been targets for hostage taking and because we—we—have been consistently trying to have a no-risk policy.

There is no such thing as a no-risk policy in Bosnia or anywhere. When you put on the uniform of the United States military, you assume the possibility of going to fight. Ever since Vietnam, we have been a country that has been unwilling to understand that risk and scared to take it in certain situations. President Bush went through extraordinary hoops with the Joint Chiefs of Staff in a remarkable series of steps, and with great leadership, I will add, to put together a capacity for this country to recognize its interests and send people into harm's way.

President Reagan did it in Grenada. President Bush did it again in Somalia. President Clinton did it in Haiti. You put on the uniform, there is a risk. I hate to say it, it is a tragedy, but we lose young people for merely the putting on of the uniform. Every month, every week in a training accident, in a catapult that does not work correctly on an aircraft. That is a risk.

I believe that the defense of NATO, I believe that the principles that are at stake here have been, for the whole 3 years that the Senator has said, rightfully on the table and it has been too long in properly coming to this Chamber to be articulated.

But my sense is that I think the Senator has a correct statement. If the President did say get out, of course, you would lift the embargo. If UNPROFOR is out, of course you would lift the embargo, but that is not a policy. That is truly a final statement of where you are when all else is exhausted, and this Senator does not believe all else is exhausted, because UNPROFOR is still there, because we are still here, because the French are prepared to fight and because we should all stand up and offer the leadership that suggests that Pope John Paul is not going to be proven correct, that civilization is just going to stand aside and accept a defeat.

I do not think we need to do that, I say to the Senator from Connecticut, and I think we ought to stand up and assert the rights—look, if we cannot assert the notion that humanitarian aid is going to be delivered, and if we cannot assert the notion that women and children are not going to be blown up when they go to a water fountain to drink, and that men and women are not going to be blown away like clay pipes in a shooting gallery, if we cannot assert those notions, what are we doing? What are the millions of dollars of NATO for? Who are we? If we cannot remember the lessons of World War II only 45 years later, then something is wrong.

I suggest, respectfully, that we have the ability to say to the Serbs, "We're not here to mix in your war. If you want to go out there in the fields and fight, you go do it, and we're not going to get in your way. But you're not going to rape women and you're not going to break the laws of warfare and you're not going to kill innocent women and children and pick off people in areas that the United Nations and the world has called a safe area."

I agree with the Senator. There is ignominy in the last years. But the admission of that should not bring you to simply say we are going to go away and let you guys duke it out in the worst of circumstances.

I believe there is a first policy, and the first policy is to try one last time to make this mission work. If it means take it away from the United Nations, take it away from the United Nations. If it means those countries willing to stand up do it together, then do it that way. But we cannot any longer—I agree with the Senator—we cannot any longer remain the prisoners of this extraordinary political, weak, haphazard, damaging policy that is destroying our capacity to control our own destiny and, most important, the destiny of innocent people.

Mr. LIEBERMAN. Mr. President, this has been an important colloquy. I note that the Senator from Maine has been on the floor for some period of time. I want to yield to him in a moment—both Senators from Maine, as a matter of fact.

I just want to say finally, in response to the Senator from Massachusetts, is this a policy, the lift and strike? You bet your life it is.

Mr. KERRY. There is no strike. There is no strike.

Mr. LIEBERMAN. Excuse me. We do not need in this resolution to order a strike. It is unfortunate enough we have to go to a point in a congressional action to try to urge the administration to lift this embargo which has put blood on our hands. We can determine—and these discussions are apparently finally going on with our allies to strike—this is a policy. This is the best policy. In fact, if we had followed this policy of lifting the arms embargo and striking from the air, I am confident that the war would be over today. I am confident that the war would be over today, because the Serbs would have felt some pain, had some fear about what would happen if they continued their aggression, and that would have brought them to the peace table and we would have had an agreement.

So I say to the Senator from Massachusetts, good luck in your attempt to fortify the United Nations and NATO. Good luck in your attempt—finally, after 3 years of temporizing and irresoluteness and mixed messages and consequent suffering by people in Bosnia and for the rest of the world, good luck in trying to do that.

But that is no excuse for voting against this policy of finally lifting the arms embargo, because regardless of what the effect or intention of the United Nations is, or NATO, this arms embargo is immoral. It strikes at the most fundamental right that we, as individuals, have, to defend ourselves and our families, as countries have under international law in the charter of the United Nations. It is an outrage. So, good luck in strengthening the U.N. mission, if there is any hope in doing that. But it is no excuse for not supporting this proposal, and, unfortunately, because I believe that, I must say this. I do not impugn the motives or the sincerity of the Senator from Massachusetts. It is just the latest in a line of arguments and excuses for not lifting the arms embargo.

Mr. President, I thank my friends from Maine for their patience.

I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine [Mr. COHEN] is recognized.

Mr. COHEN. Mr. President, earlier this year, I had a chance to address a conference in Munich, Germany, and it dealt principally with the issue that we are still struggling with here today. I will repeat some of the comments that I made during that conference because they bear repeating here.

I said:

> We have entered a new world of disorder and our inability to formulate coherent policies and strategies to deal with ethnic conflicts and the expansion of NATO membership has led to cross-Atlantic fear, confusion, incoherence and recrimination—a state of affairs not unprecedented for the NATO alliance.

With respect to Bosnia itself, I observed:

> NATO cannot act unless America leads.
>
> America will not lead unless it can persuade the American people that it is imperative for us to do so.
>
> The conflict in Bosnia is not perceived to involve American interests that are vital. Rather, it is a quagmire where its inhabitants would rather dig fresh graves than bury old hatreds.
>
> The European members of NATO were not willing to wade into the quicksand of ancient rivalries and engage in peacemaking operations so the responsibility was passed to the United Nations, which has fewer divisions than the Pope and none of his moral authority.
>
> As a result, we are all bearing witness to the decimation of a nation that was guaranteed protection under the U.N. Charter while the best we can offer is to seek to minimize the bloodshed by denying arms to the victims of aggression.

So we have a situation where our collective acquiescence to aggression may be the lesser of two evils. But it is nonetheless the participation in the evil of ethnic cleansing that we hoped would never again touch the European continent.

Well, we are still hesitant to take more aggressive action even today. I spoke these words in February because the consequences of our actions cannot be predicted. None of us can predict the full implications of what we are to do and not to do here today. But it was the absence of this predictability that prevented the development of a consensus.

I suggested at that conference that a number of things had to be done—that new leadership is required at the United Nations, and that Mr. Akashi should be asked to resign immediately. I issued that statement in February. I believe it to be the case, even more so, today. I also suggested that when a no-fly zone or weapons-exclusion zone had been declared, it should be enforced and not allowed to be violated with impunity; no tribute or tolls should be paid by UNPROFOR forces to gain passage to help the victims of war; no tolerance should be granted for taking hostages or using them as human shields.

If any harm were to come to UNPROFOR forces, we should take out every major target that allows the Serbs to continue to wage war. That power should be disproportionate to the transgression, and no area in Serbia ruled out of our bombsight.

UNPROFOR should be given the heavy armor necessary to protect its forces and achieve its humanitarian mission.

That is what I suggested at the time in early February. If we were unable to give UNPROFOR—whose troops were trapped in the layers of a disastrous dual-command structure—the authority and firepower to achieve these ends, then we should remove the forces before the United Nations political impotence is allowed to corrode any further the integrity and credibility of NATO.

I think the time has long since passed for us to try to strengthen UNPROFOR. I might take issue with the statement that UNPROFOR has been responsible for significantly reducing the numbers of casualties. I think the UNPROFOR forces should be celebrated and heralded as the heroes that they are for wading into this quicksand, this quagmire of conflict—not a peacekeeping mission. There is no peace there. So they are truly courageous men and women who have sacrificed their lives in order to bring humanitarian relief to those suffering from war.

But, Mr. President, it is too late at this point to say that UNPROFOR should be beefed up, should be given a military role that it has yet to be provided with. I think that time has long since passed.

I was at the briefing yesterday, when Secretary Warren Christopher came before the Republican conference policy lunch, along with General Shalikashvili. I listened with care, because I have also had doubts in terms of the consequences of any action we might take. I listened to what they criticized would be the result of the Dole-Lieberman resolution. They said, First, it would cause the immediate withdrawal of UNPROFOR, with a huge flood of refugees; second, it would Americanize the war; third, the United States obviously has a lot at stake in U.N. resolutions; fourth, it would increase the expansion of the war. General Shalikashvili indicated that the passage of the Dole resolution would make life more difficult for UNPROFOR, and the withdrawal operation would also be made more difficult. I think those are fair observations.

I asked the questions: What would the administration's policy now do? Who would be in control of this beefed-up UNPROFOR mission? Would it be General Boutros Boutros-Ghali? Would it be Mr. Akashi, whose leadership, I think, has been in doubt? Who would order the airstrikes? Who would pick the targets? Who would decide whether the sites were too dangerous to hit, and that it might provoke Serbian response? Who would transport the French troops to the regions they now seek to reinforce?

What is the Russian role in all of this? We know that the Russians historically have been supportive of the Serbs. What has been their role to date? What would be their role in the future? What is the state of negotiations that have taken place behind closed doors at diplomatic levels between Russian negotiators or representatives and our own State Department?

Frankly, Mr. President, I did not hear a satisfactory response. I heard statements of ambiguity, of doubt—no real clear direction of whether or not we would be in charge. I heard statements made like: Well, no longer will we have the disastrous dual-structure arrangement; that is something that would be under the control of the United States. I have not seen evidence of that before. When the forces on the ground have requested military assistance, they have been overruled. Each time we have promised to provide airstrikes, we have done so in the most minimalist of ways—creating a large 20-foot crater at an airstrip which could then be filled in within a matter of 20 or 30 minutes. The option of destroying aircraft on the ground was precluded because that might be too provocative.

So I have yet to hear a clearly enunciated strategy coming from the administration on exactly what the proposal is. The administration has warned that Senator DOLE's proposal would Americanize the war in Bosnia. This is the greatest fear of the administration, and the greatest hope on the part of some in Europe who are looking to shift the blame to the United States for failed policies.

At the same time, I might point out that the administration is considering using U.S. forces to reinforce Gorazde—using helicopters to ferry French troops and provide air cover with attack helicopters and AC–130 gunships. This is a proposal that would immediately Americanize the war.

The administration has also made it clear that it will move French troops to Gorazde only if the United States has a free hand to attack Bosnian Serb—and possibly the Serbian Serb—air defenses that could threaten United States aircraft. The United States would also, I am told—I have not seen it spelled out—insist on a free hand to bomb any other Serb forces that could possibly pose a threat to United States forces or that threaten the success of the mission.

Now, the administration, I think, is absolutely right to insist on eliminating the dual-key arrangement with the United Nations if we are involved with reinforcing Gorazde. But it would make us responsible for the outcome. It would, in fact, Americanize the war.

I believe we have to think very carefully before we decide to try to reinforce Gorazde, as the French have proposed. This would require significant American involvement, and I think the charge would be we are thereby contributing to the Americanization of the war itself.

I think there is a very serious reason to question whether Gorazde can be saved from a determined Serb assault. Gen. John Galvin, who served as both the Supreme Allied Commander in Europe and as a military adviser to the Bosnian Government, came before the Senate Armed Services Committee and testified that the eastern enclaves in Bosnia are militarily indefensible. I think the events of the past 2 weeks only reinforce that assessment.

I know that many American military officers have questioned the French proposal to reinforce Gorazde because of the great difficulty, not only in transporting the troops and equipment there, but also of resupplying them once they are deployed. Agreeing to the French proposal would mean that we are committing our forces to an ongoing mission in which the United States Army aviation troops would be operating in the midst of the Bosnian war.

Even assuming the French proposal is completely successful in deterring a Serb attack on Gorazde, this very success would free up Serb forces who are now focused on the eastern enclaves to move to new targets: Tuzla, Sarajevo or the narrow swath of Moslem-held territory connecting these cities.

If we are seriously going to consider the French proposal, we should not be naive about the implications. It would Americanize the conflict. It would result in ongoing United States Army combat missions in Bosnia. There should be no doubt about that.

I also want to point out, Mr. President, that I believe the administration is refusing to engage in debate on this proposal in a serious way. The administration officials seem to be deliberately mischaracterizing—I was going to say "misrepresenting"; perhaps that is too harsh a word—mischaracterizing what the Dole-Lieberman proposal says, because the administration really does not have a credible argument against it.

During the daily press briefings yesterday, both the White House and the Defense Department spokesmen framed their case against this proposal by saying that by lifting the arms embargo, it would force UNPROFOR to leave Bosnia.

I am going to quote here statements coming out of the administration:

> . . . lifting that arms embargo unilaterally as proposed . . . would lead to an Americanization of the war . . . and drive out UNPROFOR . . .

Kenneth Bacon, a DOD spokesman.

> . . . that decision by the U.S. Congress (to lift the arms embargo) would trigger a decision by UNPROFOR to withdraw from Bosnia and then we would be in the position of having to commit ground troops to extract U.N. personnel from Bosnia . . .

Michael McCurry, White House spokesman.

> [The Dole-Lieberman proposal] as we've said over and over again . . . would draw the United Nations out of Bosnia.

Again, Michael McCurry.

These arguments really have very little to do with the legislation before the Senate. The Dole-Lieberman proposal would lift the arms embargo only if—let me repeat, only if—UNPROFOR withdraws and only after UNPROFOR withdraws.

So it seems to me that the administration's core objection that it would force UNPROFOR to leave Bosnia is not, really, quite relevant.

The administration's argument may be applicable to the original bill that Senators DOLE and LIEBERMAN introduced in January calling for the arms embargo to be lifted in May, even if UNPROFOR were still in place. I think that the sponsors of this resolution have recognized the legitimacy of the administration's argument, and they modified the proposal so it would not take effect unless and until UNPROFOR departs.

I must say, the administration is still refusing to acknowledge the changes that we have in front of us, a different proposal, even though it has been circulating throughout Washington and, indeed, the world, for the past several weeks.

I also think the administration is trying to confuse the issue of unilateral versus multilateral lifting of the arms embargo.

There is a common misperception, spread by those who do not support the resolution, that the United States alone desires to lift the arms embargo in the Government of Bosnia.

That is not the case, Mr. President. In fact, the U.N. General Assembly has called for the lifting of the embargo on Bosnia a number of times, most recently November 1994, in Resolution 49/10. This resolution was passed by the General Assembly without dissent. Close to 100 nations voted in favor of the resolution. Not one voted in opposition.

A similar resolution, No. 48/88, passed the assembly a year before, with 110 nations voting in favor and none voting against.

I think it is simply inaccurate to assert that a lifting of the arms embargo by the United States would be unilateral. There are many other nations who would be eager to join the United States should that prove to be necessary.

I would ask to have printed in the RECORD relevant portions of the two

U.N. resolutions I mentioned, as well as a list of the many nations that have voted for them.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

RESOLUTION 49/10 ADOPTED BY THE GENERAL ASSEMBLY, NOVEMBER 8, 1994

THE SITUATION IN BOSNIA AND HERZEGOVINA

The General Assembly,

22. *Encourages* the Security Council to give all due consideration and exempt the Governments of the Republic and of Federation of Bosnia and Herzegovina from the embargo on deliveries of weapons and military equipment originally imposed by the Council in resolution 713 (1991) of 25 September 1991 and as further outlined in the eighth preambular paragraph of the present resolution;

23. *Urges* Member States as well as other members of the international community, from all regions, to extend their cooperation to the Republic of Bosnia and Herzegovina in exercise of its inherent right of individual and collective self-defense in accordance with Article 51 of the Charter;

RECORDED VOTE ON RESOLUTION 49/10

In favour: Afghanistan, Albania, Algeria, Antigua and Barbuda, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burkina Faso, Cambodia, Cape Verde, Chile, Colombia, Comoros, Costa Rica, Croatia, Djibouti, Ecuador, Egypt, El Salvador, Eritrea, Federated States of Micronesia, Fiji, Gabon, Guatemala, Guyana, Haiti, Honduras, Hungary, Indonesia, Iran, Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyz Republic, Latvia, Lebanon, Lesotho, Libya, Lithuania, Madagascar, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Niger, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Republic of Moldova, Rwanda, Samoa, Saudi Arabia, Senegal, Singapore, Slovenia, Solomon Islands, Sri Lanka, Sudan, Suriname, Syria, The former Yugoslavia Republic of Macedonia, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, United States, Uruguay, Vanuatu, Yemen.

Against: None.

RESOLUTION 48/88 ADOPTED BY THE GENERAL ASSEMBLY, DECEMBER 29, 1993

THE SITUATION IN BOSNIA AND HERZEGOVINA

The General Assembly,

17. *Also urges* the Security Council to give all due consideration, on an urgent basis, to exempt the Republic of Bosnia and Herzegovina from the arms embargo as imposed on the former Yugoslavia under Security Council resolution 713 (1991) of 25 September 1991;

18. *Urges* Member States, as well as other members of the international community, from all regions to extend their cooperation to the Republic of Bosnia and Herzegovina in exercise of its inherent right of individual and collective self-defense in accordance with Article 51 of Chapter VII of the Charter;

RECORDED VOTE ON RESOLUTION 48/88:

In favor: Afghanistan, Albania, Algeria, Antigua and Barbuda, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burkina Faso, Cameroon, Cape Verde, Central African Republic, Chad, Chile, Columbia, Comoros, Costa Rica, Croatia, Cyprus, Djibouti Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Estonia, Federated States of Micronesia, Fiji, Gambia, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Indonesia, Iran, Iraq, Jamaica, Jordan, Kazakhstan, Kuwait, Kyrgyz Republic, Latvia, Lebanon, Lesotho, Libya, Lituania, Madagascar, Malaysia, Maldives, Mali, Marshall Islands, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Namibia, Nepal, Nicaragua, Niger, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Republic of Moldova, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovenia, Solomon Islands, Sri Lanka, Sudan, Suriname, Syria, Tajikistan, The former Yugoslav Republic of Macedonia, Thailand, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, United States, Uruguay, Yemen, Zambia.

Against: None.

Mr. COHEN. Mr. President, let me conclude my remarks by saying that no Member here can stand on the Senate floor with complete assurance that we know what the outcome of our deliberations and ultimately our vote will be.

That is something we cannot predict. There is no foreknowledge of the finality of things in this body or elsewhere. There are great risks involved in whatever decision we choose.

I might point out that the Dole resolution of several months ago has already been taken over by events. Perhaps we could have beefed up the forces several months ago and prevented the Serbs from overrunning the so-called safe haven areas. That is no longer the case. They have been and are being overrun. One or two more remain.

The difficulty, of course, now, is that assuming the Dole resolution were to pass, I think the administration makes a valid point that there is going to be more bloodshed. The Serbs are on the offensive. They are in high gear now. They are moving, there is no doubt about it. If they think that the U.N. forces are coming out with the aid and assistance of the United States, they will move as expeditiously as possible to exact even a greater blood toll. That is something I think that we can anticipate, reasonably, will take place.

I must say that as we have delayed and delayed and delayed and exercised this sort of Hamlet-like irresoluteness, we have witnessed safe area after safe area falling, more atrocities being committed, more rapes, more plunder, more pillage, more arrogance. The notion that the Serbs can flaunt their military power in the face of the United States, or indeed the entire Western world, strikes everyone as simply unacceptable.

We should make no mistake about it. We do not have any real conclusive answers as to what will flow from our action. That is why we have hesitated today.

Perhaps if we had followed Lady Margaret Thatcher's leadership several years ago, we would not find ourselves in the place we are today. Perhaps if we had taken collective action 3 years ago—we can go back and retrace our mistakes. We can go back and say perhaps if we had never recognized Bosnia as a separate state—all the "perhapses" that we can engage in right now—but we are where we are, and what we are witnessing is an ethnic cleansing on a horrific scale.

So we cannot turn away from what is taking place. We are trying not to become engaged in that effort. But I think we have to be very careful on the proposals coming out of our European allies. I give them great credit for their willingness to commit ground forces in an effort to preserve lives. And they have preserved lives. I want to make this point again. They have helped to sustain life in that war-torn country. But I take issue with the notion that UNPROFOR is responsible for cutting down on the numbers, the vast number of casualties. Secretary Perry testified to that in open session of the Senate Armed Services Committee.

I pointed out, at that time, the reason the casualties have fallen is because the Serbs have largely accomplished their objectives. They have cleansed those areas. They have murdered those people, so they achieved most of their objectives, so the casualties have come down. It is not in any way to diminish or denigrate the heroic effort on the part of UNPROFOR, but UNPROFOR really has not been there in order to defend against Serb aggression. They have been trying to deliver food and medicines and carry out a humanitarian mission—against all odds, I might add.

So I think there is danger in whichever direction we go. If we are to follow the French proposal, if we are to be asked to provide the helicopters and gunships necessary to transport French troops to certain regions, I can imagine what the Serb reaction will be. Let us not go at Gorazde, let us go over here to Tuzla. Let us pick a different location. Then we are into ferrying troops here and there with the risk, obviously, of losing our gunships, our transport helicopters, our men and women. That obviously will involve us in a very significant way.

So there is no easy solution. There is no happy ending to this tragic story. And whatever route we take is going to involve risk for the United States.

I listened with great interest to my colleague from Massachusetts saying there are no risk-free options. There are not. Every option we consider has great risks. But we have been standing by, year after year, and we have watched the decimation of a people take place. And we have foundered because we have not had a consensus, we have not had a sense of obligation, we have not had a moral commitment to do much about it, other than to talk.

So I think the time for talking has reached an end. I believe we have to take action. Whether ultimately the Senate will go on record as supporting the Dole resolution remains to be seen. For the first time, I have heard my colleague from Massachusetts suggest an option, something akin to what President Bush put together for the Persian Gulf war. It will be interesting to find out what our allies think about such a proposal. I have not heard such a proposal offered on this floor before, or indeed in any of the international circles. Perhaps there is support for having a Persian Gulf-like armada go off into the hills of Bosnia and Herzegovina. I am not satisfied that is the case.

Nonetheless, I believe the time has come for us to take action, knowing full well there are risks involved. There are risks to the men and women who are in our armed services. There are risks involved that this will be seen as an effort to Americanize the war. There is also the risk that, indeed, the U.S. Senate, by its action, could be blamed for the failure which has preceded any action we might take. Those are risks we have to assume with full knowledge before we finally cast a vote, either today or sometime during the course of the week.

I yield the floor.

Mr. MOYNIHAN. Will the distinguished Senator from Maine yield for a question?

Mr. COHEN. Certainly.

Mr. MOYNIHAN. I know my colleague from Maine has been patiently waiting to address the Senate. I just want to first thank the senior Senator from Maine for what he has said; the very tone, the clarity, and the openness to the complexity that we face.

In November 1992 I made my way into Sarajevo and met, at UNPROFOR headquarters, with General Morillon, who was then the commander. Even as the evening mortars were beginning to descend on the neighborhood and he was heading off for a roadblock, I asked him what would be the possibility of lifting the arms embargo on Bosnia. And he made no comment as such, but said, "By all means, if that is what you want to do, but give me 48 hours to get my people out of here."

It was already clear that, had we enforced the sanctions on Serbia that were voted on May 30, 1992, had we cut off the oil—three-quarters of the oil used in Serbia is imported—if we just stopped it on the Danube, and had we just bombed every bridge in Belgrade, and more, we might have made our point.

We did not. And the UNPROFOR forces were hostages then; they are hostages now. But the Senator is aware that the same General Morillon is now part of the chiefs of staff in the French Government, in Paris. He said just a week ago, "We have to declare war on General Mladic"—that is the commander of the Bosnian Serb forces—"or get out."

It is possible the French now are of that view. It may be that this is a real option. But it seems to me—I will ask the Senator if he does not agree—that it in no way precludes our responsibility under the U.N. Charter, under article 51. It reads so very clearly. It is unambiguous. It is emphatic:

> Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations.

That is the Charter. If we cannot abide by that and allow the Bosnian Government to defend itself, then what has the last half-century been for? Would he not agree?

Mr. COHEN. I agree with my friend from New York. One of the great tragedies in all of this is that the United Nations has been deeply—not fatally perhaps—but deeply humiliated. Day after day after day, we have seen the Serbs flaunt their arrogance to the United Nations. To send blue-helmeted peacekeepers into that region, declare no-fly zones that go unenforced—in fact we see a reversal, an inversion, where the Serbs threaten the United Nations that they will shoot down any aircraft that they see in the no-fly zone. That is a complete inversion.

Mr. MOYNIHAN. Or on first sight of a NATO plane, they will cut the throats of eight Dutch hostages.

Mr. COHEN. Exactly. We have seen them use U.N. forces as hostages, make them pay tribute, demand that they give up 50 percent of their fuel or food or medicines in order to gain passage to the areas for which they were headed. It has been one humiliation after another.

Again, this is not to diminish in any way, to undercut the tremendous heroism being demonstrated by those who are there. But when the ground forces call in and say, "Please send us air cover," and someone sitting in Zagreb, or perhaps back in New York, says, "No, that might be too provocative," there has to be a level of exasperation among those who are now held hostage with the threat of their throats being severed in response to any action taken by the United States.

It seems to me that we have really very few choices here. We can say there is going to be an all-out war declared against the Bosnian Serbs, and mean it; saying we are going to wage holy hell, in terms of your country, for what you have done and continue to do, unless you are willing to sit down and negotiate a peace and not only to say it but to mean it. I am not sure—that means coming, sort of, I call it a Shaquille O'Neal: You come big or you do not come at all. That type of strategy. You come with power, overwhelming power, and you have a united front. It is not the United States, it is not Britain, it is not France; it is the United Nations represented by its members' military forces, meaning you are going to wage war in order to help make a peace.

I have not seen such resolve offered or indeed generated by our European allies to date. It has been, more or less, these half-step, half measures. "Let's see if we cannot contain. Let's see if we cannot work out something." With no real threat that can be made, a legitimate threat, backed up by power. Each time we made a threat the threat has been empty. It has been idle. So each time there has been an idle threat made we have invited the arrogant display on the part of the Serbs.

So I say to my friend, we have some choices here. They are very clear, in terms of either go in, in a very big way, in a united way, in order to help make a peaceful solution—say it and mean it and do it, meaning that nothing is off base. It could be carried all the way to Belgrade if necessary. That runs a risk of running into a controversy with our Russian friends. That is why I raised the question yesterday. What is the role of the Russians in all of this? What have been the state of negotiations between the Russian diplomats and our own? Are they prepared to act, as a member of the United Nations, to really see that a peace is arrived at? Or has it been one of covert support, be it military or moral assistance, to those who continue to snub and to violate the U.N. sanctions? We do not know the answer to this. I do not know the answer to this. They obviously will be a major player. They can have a major impact on what is to take place. Obviously, if the arms embargo were to be lifted, we could foresee more arms going in to the Serbs as well as to the Bosnian Moslems.

Mr. MOYNIHAN. Surely the Senator would agree that it is time the U.S. Senate made its views known.

Mr. COHEN. We have come to that point. We have delayed and been irresolute too long.

Mr. MOYNIHAN. I thank my colleague.

Ms. SNOWE addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Ms. SNOWE. Mr. President, thank you.

Mr. President, I certainly want to commend the distinguished majority leader and the distinguished Senator from Connecticut [Mr. LIEBERMAN] for their bipartisan leadership on this matter. The moral question of whether to lift the arms embargo on Bosnia is a bipartisan issue.

The original cosponsors of this bill represent a distinguished cross-section of the Senate. And the legislation to lift the arms embargo passed the House by an overwhelming vote of 318 to 99. It received broad support from both sides of the aisle. It was sponsored by the Democrats. I believe that the U.S. Senate deserves to take a similar action on the Dole-Lieberman bill.

The Bosnia and Herzegovina Self-Defense Act is not a panacea. It will not bring back to life the Bosnian women who have been raped, mutilated, and torn from their homes by advancing Serbian forces.

It will not return the thousands of Bosnian men who have disappeared into Serbian concentration camps never to be heard from again.

It will not erase 3 years of Serb genocidal atrocities in this war, which the Serbs call ethnic cleansing.

What this bill would do, however, is to return to a country and a people under siege their God-given right to defend themselves against naked aggression. This principle is enshrined in article 51 of the United Nations Charter, which states:

> Nothing in the present Charter shall impair the inherent right of individual or collective self-defense.

Today, Bosnia faces perhaps its gravest threat from Serb forces that have already conquered 70 percent of the country's territory. These are the same forces that on July 11 overran the U.N.-designated safe area of Srebrenica, in blatant violation of the U.N. Security Council and their own earlier agreements.

These are the same forces that promised not to take any future U.N. personnel as hostages, yet captured Dutch peacekeepers as they advanced on the town and used them as human shields against NATO airstrikes.

And these are the same forces that murdered, raped, and disappeared the people of Srebrenica and today they are poised to overrun Zepa, another U.N. safe area, with inevitable similar results.

Mr. President, the Bosnian Government is not asking for United States troops to come to their aid. They are not asking Americans to fight and to die to turn back the aggression of the Bosnian Serbs. They are, however, asking for us to stop impeding their own ability to fight—and, if necessary, to die—to defend their own homes and families from Serbian aggression.

I would like to take a moment to respond to the two main arguments the administration has made against this legislation. No. 1 is that the United States should take this action, but should do so only multilaterally, not unilaterally. I have two responses to this. First, this is an argument that says no matter how bad things may get in Bosnia, we must allow any single permanent member of the Security Council to prevent us from doing what we know to be moral and right.

But there is an equally strong legal argument. I challenge any of my colleagues to find a Security Council resolution that places an arms embargo on the sovereign nation of Bosnia and Herzegovina. In 1991, the Security Council placed an arms embargo on the country of Yugoslavia in a failed effort to prevent the outbreak of violence in the Balkans.

A year later, in 1992, Bosnia, Croatia, and Slovenia gained their independence from Yugoslavia. These countries quickly received diplomatic recognition from the United States and Western Europe, and they were admitted to the United Nations as sovereign states.

At that time, the United States should have simultaneously recognized the legal status of these countries as not being the Federal Republic of Yugoslavia—which today encompasses only Serbia and Montenegro. At that time, we should have had the political courage to do what was right. We did not—and I recognize that this error was made in the waning months of the Bush administration.

Mr. President, I voted for the Hyde amendment to lift the arms embargo 2 years ago in the House. I believe that the Bush administration got this issue wrong, and the Clinton administration continued that error, despite Clinton's campaigning against President Bush's policy in Bosnia. But it is never too late to do what is morally right and legally correct. That is what this bill is intended to do.

The administration's second argument against this bill is curious, because it is logically incompatible with the first, which argues that we should lift the embargo but should do so multilaterally.

The second argument is if we were to lift the embargo at all, it would only encourage more bloodshed, or that the Bosnian Serbs would immediately launch an offensive against remaining Bosnian Government territory to take advantage of their military superiority while they still have it.

I have a simple response to this. Just look at what is happening today—even as we talk—in Bosnia. Do we have any right to determine for the Bosnian people whether they should choose to fight for their lives and their independence against aggression? Must we tell them that their duty to the international community is to die quietly and submissively, to avoid provoking the Serbs even further?

Mr. President, the Dole-Lieberman substitute adds an important element to the original version of S. 21. It delays its effective date to 12 weeks after enactment to permit time for the withdrawal of the U.N. protection force in Bosnia. The President may extend this another 30 days, if necessary, for the safe withdrawal of UNPROFOR.

I think it is also important to mention, especially in response to the Senator from Massachusetts, who earlier said that the Bosnians want both—they want to lift the embargo as well as keep UNPROFOR in place—but that is not what this resolution says. It requires that, prior to the termination of the arms embargo, the United States Government has to receive a request from the Bosnian Government for a termination of the arms embargo. In addition, they have to request the U.N. Security Council for departure of UNPROFOR, and there has to be a decision by the U.N. Security Council, or decisions by countries contributing forces to UNPROFOR, to withdraw UNPROFOR. So the point is that has to occur before we lift the embargo.

I think this resolution, in the final analysis, is perhaps an overdue recognition, unfortunately, that UNPROFOR, as constituted, has no viable mission.

UNPROFOR is incapable of protecting the victims of this war. It is incapable of keeping open humanitarian supply routes. And it has become the pawn of the Serb forces who now routinely using U.N. forces as hostages to protect their own military advances.

In Bosnia, the United States and other Western nations have supported policies that have put NATO and U.N. forces into the midst of a raging civil war with a complicated line of command that weaves and snakes its way through the United Nations through NATO, and through the labyrinth of bureaucracies in various national governments.

This U.N. Protection Force in Bosnia is not a humanitarian mission, because it is not perceived of as neutral. It is not a traditional peacekeeping force, because there is no peace to keep.

And it cannot be merely a fighting force, because it does not have a military mission and does not have adequate rules of engagement required for combat.

Call it the "no-name" defense. No one knows exactly what it is—or what it should become.

But this confusion and timidity has had consequences. It has had consequences for those Bosnians who apparently believed that the United Nations designation of so-called safe areas actually meant anything. And it has had consequences for NATO personnel who struggled to defend themselves under the United Nations mandated rules of engagement.

Last month, Lt. Gen. Wesley Clerk, Director of Plans and Policy of the Joint Chiefs of Staff, revealed in an open session before the Foreign Relations Committee that the NATO flights over Bosnian Serb areas under Operation Deny Flight have been hampered by the U.N. refusal to grant our forces the right to defend themselves. The United Nations has expressly denied past NATO requests for authority to take out Bosnian Serb surface-to-air missile batteries that have fired at our planes enforcing the no-flight zone over Bosnia, the very same missiles that shot down Scott O'Grady during a mission over Bosnia not long ago.

As we all know, NATO made a request to take out the surface-to-air missiles last year when a British plane was shot down, and they were denied. They were denied then and they are denied now because such an action could provoke the Bosnian Serbs—could provoke the Bosnian Serbs. Exactly what are the Serbs doing today?

The key question is whether the status quo is something that makes sense for the long term and whether it is leading to any acceptable solution in Bosnia. I believe that the current situation makes no sense precisely because UNPROFOR has no coherent goal, and it certainly cannot function for the purposes for which it was originally designed and intended. As the loss of innocent human life increases, our options to stem the tide of the bloodbath decrease conversely.

I have long supported the lifting of the United States arms embargo in Bosnia, and that is why I think this resolution is so critically important. Unfortunately, it comes late, is long overdue, knowing the thousands and thousands of casualties in Bosnia, but the fact remains that we have to do what is right now.

I support this measure because I think it clearly gives the Bosnians the understanding that lifting the arms embargo is out of respect for their inherent right of self-defense, and I think we can do no less under these very circumstances. And considering the fact that we look at the safe haven issue and what has already happened—we have lost one, perhaps we will lose another—the fact remains these people, these refugees going to these safe havens think they are protected, and they are not. So the time has come to do something different, to introduce a different dynamic.

I do not support the authorization of ground troops, and again this resolution stipulates very clearly that there will be no authorization of ground troops but for the purposes of training and support of military equipment. I do think we should give the Bosnian Serbs a right to defend themselves.

Mr. President, I ask unanimous consent to have printed in the RECORD an article that appeared in the Washington Post today that was written by Richard Perle, the headline of which says, "Will We Finally Recognize the Right to Self-Defense?"

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, July 19, 1995]

WILL WE FINALLY RECOGNIZE THE RIGHT TO SELF-DEFENSE?

Today the majority leader of the U.S. Senate, Robert Dole, and Democratic Sen. Joe Lieberman will once again propose legislation that would require President Clinton to end U.S. participation in the U.N. embargo barring the supply of arms to the government of Bosnia.

This time, unlike the previous occasions on which similar legislation was defeated, Dole and Lieberman have more than enough votes to win. Administration arguments on Bosnia, steadily undermined by events, are no longer convincing. Indeed, among the growing majority of senators and congressmen who believe the embargo is wrong and should be lifted are many who have, until now, accepted Clinton administration arguments that lifting the embargo would damage NATO, widen and "Americanize" the war and lead to increased casualties among the Bosnians.

The deterioration of the administration's case was inevitable. After all, it was the president himself who argued the invalidity of the embargo during the 1992 campaign and who promised to end it immediately upon taking office. It was the president who dispatched Warren Christopher to Europe in May 1993 with a reasoned, prudent proposal to lift the embargo on Bosnia and provide air strikes to support the Bosnian government.

Sadly, dangerously, Clinton lacks the courage of his convictions. And every member of Congress knows that a weak and indecisive president, acquiescing to allied demands, has been singing Europe's tune since *his* policy—now Dole's—ran into opposition from weak governments in Britain and France.

Many members—but fewer with each diplomatic failure, each humiliation of NATO at Serb hands, each ghastly shelling of women and children—opposed unilateral lifting of the embargo, until now. They believed that diplomacy would soon achieve results, that our European allies, who had sent their sons to create safe havens in Bosnia and keep peace between warring parties, would eventually succeed, that lifting the embargo would weaken or even destroy the North Atlantic Alliance.

Hardly anyone in Washington now believes that diplomacy will succeed or that America's NATO allies have either a serious policy or the will to implement one. Few now agree that the way to save NATO is for the United States to abandon its leadership of the alliance and cave in to weak European policies. And most members of Congress have grown weary of hearing from London and Paris that the U.S. Congress has no right to insist on a new policy because we did not follow British and French folly in sending ground troops to Bosnia. For an increasing number of Americans, those troops were unwisely sent in harm's way with no clear mission under paralytic U.N. guidelines that render them hostages and prevent them from defending themselves, much less the Bosnians they are there to help.

With television images of unbearable brutality and suffering, most members of Congress have found it increasingly difficult to put aside the central truth about the war in Bosnia: that it is a war of territorial aggrandizement carried out by well-armed Serbs, largely against unarmed civilians, a war in which the shelling of towns and villages, rape, pillage and massacre are the instruments of "ethnic cleansing."

They deplore the failure of the United Nations to distinguish between the perpetrators and the victims of aggression. They are angry that NATO forces, including U.S. air forces, have been subordinated to the United Nations. In increasing numbers they believe, as Clinton once did, that the government of Bosnia has an inalienable, inherent right to self-defense of such primacy that it can no longer be abridged in the interests of "NATO unity" or theories about how to contain the war and keep it from spreading. They accept that participation in an embargo that keeps the Bosnian Muslims hopelessly outgunned creates a moral obligation to defend them. Yet they know it is an obligation the West, has cynically failed to honor.

For a while, many members accepted the administration's argument that lifting the embargo would merely prolong the war and increase the suffering. Now they are appalled to hear this argument, from British officials especially. They remember that the same argument could have been made in 1940 when Lend Lease "prolonged" a war that might have been ended quickly by British surrender or Nazi victory.

As they look for an end to the fighting, they now see that with their monopoly of heavy weapons protected by the embargo, the Serbs have no intention of bringing the war to an end. They are placing new credence in Sen. Dole's argument that the surest way to end the fighting in Bosnia is to enable the Bosnians to defend themselves.

Dole's legislation recognizes that the U.N. mission in Bosnia is bankrupt and that the U.N. forces there must be withdrawn as the Bosnians are armed. It contemplates their withdrawal by allowing time for the British, French and other governments that have troops on the ground to bring them home.

Time to get home safely. That is a great deal more than the Western powers have so far given the people of Bosnia.

Ms. SNOWE. I yield the floor.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. May I congratulate the Senator from Maine on a carefully balanced, reasoned, and documented statement. I particularly appreciate the reference to Richard Perle's article this morning. The right of self-defense is an innate right under international law. It was what the U.N. Charter was all about. Fifty years ago this June the charter was adopted, with a very specific decision by President Roosevelt and the United Kingdom, after much debate, that article 51 would be included.

She is so right, I believe. Had we only understood that when the original embargo was placed on Yugoslavia, the Yugoslavian Government in Belgrade—the Serbian Government, in effect—in Belgrade asked for it, knowing it controlled the armaments of Yugoslavia itself and not wishing to have any weapons go to successor states. But when Bosnia and Herzegovina, as with Croatia, as with Slovania, became independent Members of the United Nations, they had a right to arms, a right to defend themselves.

You can make the clearest case, in my view—the Senator may not agree—that the present embargo is illegal and contrary to the charter.

So I thank her, and I hope she is widely attended.

Ms. SNOWE. I appreciate the words of the Senator from New York and his leadership on this issue as well. He is absolutely correct with respect to the arms embargo. Regrettably, it did not happen before. They do have the inherent right of self-defense, and that is what we should give them now.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I wish to thank my colleagues for the excellent debate. I have been listening to the debate all morning on the pending matter. I appreciate the fact that we have underscored again this is not partisan at all. It is nonpartisan, bipartisan. It is not an attack on this administration. As I have said, many of us were just as critical of the previous administration, the Bush administration. But I think the debate is good. I know that the Democratic leader indicates we may not be able to vote today, but hopefully we can tomorrow, or there may be amendments.

Mr. MOYNIHAN. Mr. President, the Senate continues consideration today of the Bosnian arms embargo with the Dole-Lieberman substitute, of which I am a cosponsor and which I rise to support. I rise, sir, in the context of the ceremonies that took place in San Francisco on June 26 where our revered senior Senator from Rhode Island was present, having been present at the creation of the San Francisco Conference, in 1945. He was there 50 years later. And he was then carrying, as he invariably does, his U.N. Charter. And to say, sir, that the issue that confronts us in the Balkans and in Bosnia and Herzegovina, Croatia, and in surrounding areas is the elemental issue which the charter of the United Nations was designed to address. The charter is above all a treaty about the use of force in international affairs. It arose out of the Second World War, which in so many ways was a continuation of the First World War, which began in the setting of territorial aggression, the armed forces of one nation crossing the borders of another for purposes of annexation.

It is a great irony that the First World War began on a street corner in Sarajevo, with the assassination of the Archduke by a young Serb nationalist named Princip. I stood on that street corner Thanksgiving 1992 with bullets from an AK-47 coming across the Princip Bridge. I thought, "My God, this is where the 20th century began and now it is going to end, here." After all we have been through.

The idea of collective security was put in place in San Francisco. We had hoped to do so in the League of Nations, which had failed partly because the United States had not joined but partly because the lessons had not yet been learned and had not yet been absorbed. Here we are 50 years later and it turns out they still have not been absorbed.

The charter provides first of all under article 24 that the Security Council will be responsible for the maintenance of international peace and security.

> In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree in carrying out its duties under this responsibility the Security Council acts on their behalf.

Mr. President, I served as our representative at the United Nations under President Ford. I have been President of the Security Council. And I cannot express how painful it is to see this first test of the charter following the end of the cold war, which paralyzed the United Nations for reasons we understood for so long, but now, in this first test, this clear bright line test, to see us failing. Failing in a manner that history will judge contemptible. We have not yet failed. But we are failing.

Security Council Resolution 836 of June 4, 1993, declared that acting under chapter 7 of the charter, the Security Council decides "To deter attacks against the safe areas." It goes on to authorize UNPROFOR "to take the necessary measures, including the use of force, in reply to bombardments against the safe areas by any of the parties or to an armed incursion into them or in the event of any deliberate obstruction in or around those areas to the freedom of movement of UNPROFOR or of protected humanitarian convoys."

That has been the Security Council proposition for the last 2 years. And we are seeing it being shredded, being treated with contempt, and being made a nullity.

We do so, sir, at the risk not just of the independence and the integrity of the state of Bosnia and Herzegovina, but of the whole world order we had hoped to put in place in San Francisco, with the Second World War still under way in Asia—Japan was to surrender almost 2 months later.

As I remarked earlier to the Senator from Maine, in November 1992 I traveled to Sarajevo and I reported back a long memorandum to the President-elect saying that this would be the central foreign policy issue that would be awaiting him on his inauguration. The trip into Sarajevo was not what it should have been. I was then a member of the Foreign Relations Committee. I was traveling on official business. We informed the NATO command and the United States Air Force that we would be coming, myself and now-Ambassador Galbraith, the Ambassador in Zagreb; that we would be in Frankfurt and hoped to go to Sarajevo. This was sent by cable. It was fully understood we were coming and meant to go down in that part of the world.

We arrived and the base commander knew nothing of our trip. I said I would like to go to Sarajevo, and he piled us into a station wagon and roared across the tarmac and there was a C-130 manned by the West Virginia Air National Guard, propellers just beginning to turn, with a cargo of meals ready to eat for Sarajevo. We got on board, and off we went.

Halfway across Austrian airspace, because countries were opening up their airspace for this purpose, we received a message that said "Members of Congress are not allowed into Sarajevo." I simply said, "Signal back that if the West Virginia Air National Guard could take the risk, so could I and that I had no intention of being diverted." Silence. Then a half hour later a signal came that the airport at Sarajevo had closed, which certainly could have been the case. Sarajevo is in a bowl. The lid of fog goes up and down, up and down.

We landed, diverted to Zagreb, and got off. The American Chargé d'Affaires was there at the airport, which was not far from downtown. I apologized for parachuting in thus, explaining that the airport was closed. He said, "What do you mean it is closed? Two C-130's just took off." The airport was indeed open. Which it is not always, and when it is one knows.

I was lied to, which is not a good practice. It took me a year to get the Air Force to sort out what happened. The word came from Washington. They did not want us to know what was going on in Sarajevo. As the junior Senator from Maine has said, this is a matter that has crossed two administrations. We are not here on a partisan issue. We are here in response to an international emergency which we have helped create.

The Canadians got me in to Sarajevo the next day. The British got me out the day after that. We arrived in Sarajevo and went through hellish small arms fire in a Ukrainian armored personnel carrier. If you have ever been in a Ukrainian armored personnel carrier, you would have a better understanding how they prevailed over the Wehrmacht. If you can live in those, you can live in anything. We went directly to the UNPROFOR headquarters and met with General Morillon. He was very open. When asked should we not lift the embargo on Bosnia—clearly an illegal embargo as Article 51 gives the absolute right to self-defense—Morillon said, "Do so if you want, but give me 2 days to get my people out." They were already hostages. We allowed that to happen by injecting them into a situation where there was no peace to keep. There was just the aggressor and the member state aggressed against.

That is the fundamental fact that Senator DOLE and Senator LIEBERMAN bring before us today. You cannot have seen those UNPROFOR forces without admiring them. I will cite Anthony Lewis in this matter when he referred to General Morillon's recent statement that we have to declare war on General Mladic, commander of the Bosnian Serb forces, or get out. Anthony Lewis went on to say:

> General Morillon's words pithily summed up one lesson of Bosnia for the Western alliance: To intervene in a conflict and pretend there is no difference between the aggressors

> and the victims is not only dishonorable but ineffective.

He say further that the UNPROFOR forces deserve the greatest admiration, but they have been given an impossible task.

A year ago on this floor, I put the same proposition. I said the forces "deserve our utmost support. But if we are to refrain from helping the Bosnians out of concern for their welfare, let us at least be candid and call the members of UNPROFOR what they have become: hostages."

This was a year ago on this floor. I said, if we are going to refrain from helping the Bosnians out of concern for the welfare of those troops, "let us at least be candid and call the members of UNPROFOR what they have become: hostages."

Now this has taken on a miserable, contemptible mode. We are told that—as I read this morning—if Bosnian Serbs see one NATO plane in the sky, they will cut the throats of the Dutch soldiers they have taken hostage. That is what we are dealing with.

At the very minimum, we can understand that the grotesque fact of this whole horror has been our denial to the Bosnian Government of its innate right of self-defense. We have put an embargo on the capacity of the member country aggressed against to defend themselves. Remember that one of the central purposes of the original embargo against Yugoslavia itself was the fact that Belgrade had control of all of the armed forces and the material of the Yugoslav Government. It did not want any successor states to get it, and the Bosnians had none. That they are still there 2½ years later is hard to contemplate. But they are still there. They have begun to arm themselves. They have begun to train, and they have not been overrun.

Now all we are asking is to grant them what is their right at law, which is the right of self-defense.

The issue has been raised, if we act in what we are doing and the United States proceeds unilaterally, will this put in jeopardy the authority of U.N. sanctions in other areas of the world? When we debated this last year, I addressed the question as follows:

> First, we are asked, if we lift this embargo how will we resist other nations lifting embargoes on Iraq, Serbia and Libya? How, that is, shall we distinguish between lambs and lions, between victims and aggressors? By looking at the facts. Iraq was an aggressor, not the victim of "an armed attack" giving rise to Article 51 rights. Serbia is not subject to an armed attack. Nor is Libya. Each of these states is as clearly an aggressor or violator of international law as Bosnia is clearly a victim.
>
> To be clear: lifting the embargo on Bosnia creates no legal or factual precedent for ignoring valid enforcement action taken against an aggressor state. Article 51 applies solely to the victim of an act of aggression.

This right to self-defense was so obvious and fundamental that the United States delegation to the San Francisco Conference at first opposed including language on the right of self defense in the charter for fear that such a provision might be used to limit the right of self defense. In a dispatch to the New York Times from the San Francisco Conference, James Reston described the breakthrough which produced article 51:

> San Francisco, May 15 [1945].—President Truman broke the deadlock today between the Big Five and the Latin American nations over the relations between the American and world security systems.
>
> After over a week of negotiating, during which American foreign policy was being made and remade by a bi-partisan conference delegation, the President gave to the Latin American nations the reassurance which they wanted before accepting the supremacy of the World Security Council in dealing with disputes in the Western Hemisphere. . . .
>
> This assurance was announced late tonight by Secretary Stettinius, who said that an amendment to the Dumbarton Oaks proposals would be proposed reading substantially as follows:
>
> "Nothing in this charter impairs the inherent right of self defense, either individual, or collective, in the event that the Security Council does not maintain international peace and security and an armed attack against a member state occurs. . . ."

Mr. President, we have been here before. That charter was in so many ways written in response to the failure of the collective security arrangements of the League of Nations, of which the most conspicuous was the civil war, so-called, in Spain. A group was put together, called the Lyon Conference, where representatives of Britain, France, Germany, and Italy agreed in 1936 to stem the flow of supplies to both sides. France and Britain complied with the agreement. Germany and Italy ignored it, and in a very little while, the world was at war at large.

I would like to end these remarks by quoting two citations from the New Republic. Both are addressed to the President of the United States:

> [We] urge you to act at once in raising the unneutral embargo which is helping to turn Spain over to the friend of Hitler and Mussolini . . . Is the course of this country determined by the wishes of . . . Great Britain? . . . Perhaps you believe that it is too late to do anything. But you probably believed that last spring . . . Mr. President, we urge you not to hesitate or delay. We can imagine no valid reason for you to do so. You have spoken bravely—in some cases, we believe, so bravely as to be foolhardy. But here is something that you can safely do—and do now. Why not make your acts correspond with your words?

This Telegram to the President was dated February 1, 1939. We did nothing. In no time at all, we were attacked and the war became a world war.

And now, more recently, Mr. President, from the New Republic of May 9, 1994:

> The administration does not grasp that moral principles are also analytically useful. Consider its most frequently stated explanation for its timidity in the Balkans. It is reluctant, it says to "take sides" in the conflict. It aspires to neutrality, in other words, between the Serbs and the Bosnians, between the conqueror and the conquered, between the raper and the raped. This is a kind of blindness, alas, that no major diplomatic initiative will cure.

I think we have all been impressed with the candor of the Assistant Secretary of State for European Affairs, Richard Holbrooke, who called the situation in Bosnia and Herzegovina "the greatest collective failure of the west since the 1930's." That a U.N. declared safe area could be allowed to be taken is shameful. That one week later no measurable response from the United Nations has been recorded is potentially fatal. The analogies to the confusion of the 1930's—the undoing of the League of Nations—are not idle. Our actions, or lack of action, in Bosnia will be defining. It will indicate whether or not we are committed to abiding by the legal structures put in place at San Francisco a half century ago in the wake of two world wars, and now, at long last, tested in a clearest possible setting—a setting in which those wars began, Sarajevo, 1914.

If what we constructed in the wake of two world wars in an effort to prevent the third is not adhered to, the alternative is chaos. It will spread much more rapidly than we think. We will have lost the central legal, moral principle of world order we undertook to set in place—which we defended at enormous costs through 50 years of cold war. Now to see it trivialized and lost in the Balkans is an act for which we will no more be forgiven than were the leaders of Europe that let the war in Spain lead on to their own—the Second World War, from which they have never yet recovered.

Mr. President, it is not too late, although it is very late indeed. The Republican leader and Senator LIEBERMAN are very much to be congratulated. I very much hope the Senate will support them and that the administration will get the message, as well as the rest of the world. They have been listening to us with great care and attention, as well they ought, after the contributions we have made to the rest of the world these past 75 years.

Thank you, Mr. President. I yield the floor.

(Mr. COATS assumed the chair.)

Mr. McCAIN. Mr. President, yesterday the President's spokesman labeled the proposal to lift the arms embargo against Bosnia a nutty idea. Given the quality of invective in what passes for political debate today, Mr. McCurry's remark seems to me a rather light censure.

However, it is fair to observe that to make such a charge, Mr. McCurry had to exceed the already Olympic standards of hypocrisy that the administration has established throughout the many twists and turns of the catastrophe that is its Bosnia policy. Let us consider two truly nutty ideas, offered by the Governments of France and the United States which will be considered at the ministerial level by NATO governments this Friday.

Let us consider what the administration is reportedly proposing to do about the rapidly deteriorating situation in Bosnia.

As I understand it, the administration has rejected French President Chirac's proposal to reinforce peacekeepers in Gorazde. Instead, administration officials have proposed more aggressive NATO air strikes against Bosnian Serb forces currently besieging Gorazde.

Before commenting on the two proposals, Mr. President, I must caution that they are only the proposals of the moment. As France's and the United States positions on Bosnia have experienced for many months now dizzying and frequent metamorphoses, no one can be certain that today's proposals will resemble tomorrow's.

Neither idea has been conceived in anything approaching a historical review of the failure of the United Nations and the West's efforts to resolve the Bosnian conflict or even, apparently, a rational analysis of the present circumstances in Bosnia. Both ideas are certainly unsound as deterrents to Bosnian Serb aggression and as remedies to the decline of the Atlantic Alliance.

Let us first consider President Chirac's call for reinforcing U.N. peacekeepers in Gorazde with an additional force of up to 1,000 French and British troops who would arrive in Gorazde aboard American helicopters, accompanied by American gunships, and after Serbian air defenses had been suppressed by NATO warplanes.

President Chirac has threatened to remove existing French peacekeepers if his plan is not adopted by NATO. I have no idea if his threat is serious or imminent. Nor do I particularly care.

We can be certain, however, that France will withdraw it peacekeepers from Bosnia, as will all other countries who have contributed troops to UNPROFOR, and that the United States will conduct the withdrawal. All that remains uncertain is whether the withdrawal will occur in a few days or a few weeks or a few months. All that will be accomplished by deploying more French or British or Dutch troops to Gorazde is to complicate our contingency planning and to make more dangerous our eventual evacuation of UNPROFOR.

At one point last week, both Presidents Clinton and Chirac indicated their preference that UNPROFOR retake Srebrenica from the Serbs. They wisely re-thought that suggestion moments after making it. However, the difference in degree of foolishness between their previous suggestion and the idea that we can somehow prevent Serbian advances and retain a peacekeeping function by reenforcing UNPROFOR's failure in the eastern safe areas is, quite obviously, only marginal.

Again, the deployment of a few hundred or a thousand or 10 thousand additional forces to UNPROFOR will only increase the number of hostages to fortune currently at risk in Bosnia, exacerbate the confusion in Bosnia about the West's commitment to peace in Bosnia, worsen the burden on the United States when we extract UNPROFOR, and get a lot of Americans and our European comrades-in-arms killed in the bargain.

Only marginally less ridiculous is the administration's proposal to use NATO air power more aggressively to defend Gorazde. What constitutes more aggressive air strikes is, of course, unknown. Since the use of NATO air power in this conflict to date has been so inconsequential, so utterly futile, its more aggressive use could mean little more than an intention to actually harm a single Serbian soldier.

Interestingly, the administration proposes this option to counter President Chirac's proposal because they fear the latter would make NATO a belligerent in this war. What, pray tell, does bombing the Serbs make us—a disinterested third party?

Mr. President, I do not believe in the occasional, or the incremental, or the half-hearted, or the uncertain, or the timid use of American force. History has shown its contempt for doubt and vacillation in the decision making process which sends Americans into harm's way. If we commit force it must be with confidence that we can affect a substantial improvement in the situation on the ground in Bosnia. Can anyone—anyone—be even fairly certain that bombing a little more artillery, or a few more tanks will really deter Serb aggression?

I have never believed airstrikes alone could make difference in the course of the conflict in Bosnia. Winning wars, as I have often observed in our many debates on Bosnia, is about seizing and holding ground. You cannot do that from the air.

I have been strongly opposed to the almost comical pinprick airstrikes authorized by the United Nations. against Serb military targets following Serb attacks on civilians and UNPROFOR forces. I have little faith that the more aggressive use of NATO air power—whatever that entails—will accomplish anything more than to momentarily make the West feel a little better about its manifest failure in Bosnia. My opposition to air strikes today rests in the same argument I made a year ago.

When the United States commits its prestige and the lives of our young to resolving a conflict militarily then we must be prepared to see the thing through to the end. If you start from the premise—and I have heard no voice in Congress oppose this premise—that American ground forces will not be deployed to Bosnia for any purpose other than to help evacuate UNPROFOR, then you identify to the enemy the circumstances under which you can be defeated. You have indicated the conditionality, the half-heartedness of our commitment. And you have told the Serbs: We may bomb you, but if you can withstand that, Bosnia is yours.

NATO's ineffectual use of air power to date has clearly indicated to the Serbs that they can withstand the limit of the West's commitment to Bosnia. No one, no one in Congress, no one in the administration, no one in the Pentagon can tell me with any degree of confidence that even more aggressive air strikes will determine or change in any way the outcome of this war.

The American people and their representatives in Congress have already made the most important decision governing United States involvement in Bosnia. As a nation, we have decided that the tragedy in Bosnia—as terrible as it is, as unjust as it is, as brutal as it is—the tragedy in Bosnia does not directly affect the vital national security interests of the United States. We made that decision when we decided not to send American infantry to fight in Bosnia.

Some in Congress and elsewhere have argued the opposite, that the war in Bosnia does threaten our most vital security interests to the extent that it has the potential to spread throughout the Balkans, and even to provoke open hostilities between two NATO allies. I believe that we can contain the conflict. But for the sake of argument, let us consider the conflict as a direct threat to our security.

If the U.S. Government feels our national interests so threatened then they should—they must—take all action necessary to defend those interests. If our vital interests are at risk then we must say to the Serbs and to Serbia: You have threatened the security of the United States, the most powerful nation on Earth. We intend to defend our interests by all means necessary, and you can expect the invasion of Bosnia by American ground forces supported by all available air and sea power.

But the fact is, Mr. President, that neither Congress nor the President would support such a grave undertaking. Why? Because we cannot make a plausible argument to the American people that our security is so gravely threatened in Bosnia that it requires the sacrifice, in great numbers, of our sons and daughters to defend.

So let us dissemble no longer about how the war in Bosnia threatens the security of the United States. It does not, and we all know it. What the President will apparently decide is to try by the incremental escalation of air power to bluff the Serbs into ceasing their aggression.

As I already argued, the previous use of NATO air power has done little more than aggravate the bleeding of American and NATO credibility. Additional air power, especially the levels contemplated by the President and our allies, will be no more decisive in Bosnia than our previous attempts to bluff the Serbs from the air.

A committed foe—and I have no doubt that the Serbs are committed—can and will resist enormous levels of carnage wrought by air power. In Vietnam, we bombed the Than Hoa bridge over a hundred times, We unleashed the awesome destructive power of the B-52's on Hanoi, a devastation I witnessed personally, and still we did not destroy their will to fight.

I fear the Serbs will endure whatever air strikes NATO next undertakes, and will continue their conquest of Bosnia. I fear this, Mr. President, because the Serbs know in advance the limit of our commitment to Bosnia. They know we will not send troops to fight on the ground. They know there are limits to the escalation of any bombing campaign we are prepared to undertake, because of the extreme tactical difficulties posed by the climate and terrain, and because of the certainty that such strikes will do terrible collateral damage.

Mr. President, I fear that both the Governments of France and the United States, are asking us to increase our involvement in an undefined military adventure in Bosnia where the limits of our force are known to our enemy in advance of its use; where out of concern for our prestige we will be drawn deeper into war or compelled to sacrifice further that prestige and many lives to a cause we were not prepared to win; and where the aggrieved party has been prevented by us from fighting in their own defense even as we decline to fight for them.

There is but one honorable option remaining to us, Mr. President, that is to terminate the failed UNPROFOR mission, remove all U.N. officials from any further responsibility to preside over the destruction of Bosnia; assist in the evacuation of UNPROFOR, and lift the unjust arms embargo against Bosnia. That is what the majority leader and Senator LIEBERMAN's resolution proposes to do, and all the arguments arrayed against it are, in the words of Mr. McCurry, "nutty."

Lifting the arms embargo against Bosnia is the only action which the United States and the U.N. can take that might help the Bosnians achieve a more equitable settlement of this conflict without deploying massive levels of NATO troops to roll back Serb territorial gains.

Better armed and better able to defend themselves, the Bosnians might be able to present a more credible, long term threat to Serb conquests, and by so doing, convince the Serbs to rethink their refusal to relinquish any substantial part of their territorial gains.

But even if lifting the embargo only exacerbates the violence and hastens Serbian advances, it has an advantage that our current Bosnia policies lack—it is just. It is just.

We have all heard the arguments that if the West wants to economize the violence in Bosnia and contain its spread then we will not lift the embargo, but sustain UNPROFOR.

Shall we sustain the policy which allowed the Serbs to block delivery of humanitarian relief; that allowed Srebrenica to fall and that has already stipulated its assent to the imminent fall of Zepa; which tolerates ethnic cleansing and reported war crimes that if even half true should shame us for a generation? Shall we sustain this policy? For what another few days, weeks? Until Gorazde falls? Sarajevo?

Mr. President, if we will not fight for Bosnia, then we are morally—morally—in the wrong to prevent Bosnians from fighting for themselves.

We cannot continue to falsely raise the hopes of the Bosnian people that the West will somehow stop Serb aggression by maintaining unarmed U.N. forces in Bosnia where they serve as likely hostages rather than a deterrent to Serb aggression. We cannot tell Bosnians any longer that it is better to attenuate their destruction rather than to resist it. We cannot any longer refuse the defense of Bosnia while denying Bosnians their right to self-defense. We have come to the end of that injustice, Mr. President.

I cannot predict that Bosnians will prevail over the Serb aggressors if we lift—at this late date—the arms embargo. I cannot predict that Bosnians will even recover enough territory to, make an eventual settlement of the conflict more equitable. I cannot predict that Bosnians will mount anything more than a brief impediment to Serbian conquest of all of Bosnia. But they have the right to try, Mr. President. They have the right to try. And we are obliged by all the principles of justice and liberty which we hold so dear to get out of their way.

Mr. President, I yield the floor and, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HEFLIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HEFLIN. Mr. President, I am not going to really make a speech on the issue of the arms embargo on the Government of Bosnia and Herzegovina, but rather attempt to raise some issues and some questions.

There have been a number of questions about what would happen in the event that the United States unilaterally lifts the arms embargo. Some of the questions that have come to my mind—and for which I do not have the answers—I think are important, and I think we ought to ask a number of questions and attempt to at least analyze those questions, and, of course, hopefully to come up with answers.

Some of my questions are, first, how close to winning the war are the Serbs? Second, if we arm the Bosnians, what are their chances of winning the war? Third, if we arm the Bosnians, and they cannot win the war, then there seems to be a number of questions that ought to be considered, such as the following:

What are the consequences in terms of death and other casualties?

What will be the likelihood of the enlargement of the conflict to other areas and countries?

What period of time will it take to train the Bosnians and assemble arms sufficiently to make the Bosnians into a credible fighting force?

During the period of time that it would take to train the Bosnians and assemble the arms, can the Serbs intensify their fighting sufficiently to make victory for the Serbs inevitable?

What type of victories must the Bosnians win, and how many such victories will be necessary in order to bring about a negotiated peace?

Then, I think one of the ultimate questions we have to ask is what are the prospects of a lasting peace without a complete, unconditional surrender by one side or the other?

I do not know the answer to these questions. But I think these questions ought to enter the thought processes of each Senator in making his decision on this issue.

Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JEFFORDS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JEFFORDS. Mr. President, I rise in support of the Dole-Lieberman substitute amendment to S. 21, the Bosnia and Herzegovina Self-Defense Act of 1995.

The events of the last week in Bosnia are appalling. Not only does the tragedy continue, but the latest attack on so-called safe areas has resulted in a new level of violence aimed at civilians, a new wave of ethnic cleansing and the creation of a whole new refugee population.

The position of the United Nations in Bosnia is increasingly untenable: its role in delivering humanitarian aid is marginal, its role in protecting "safe areas" is dominated by spectacular and deadly failures. The fact that the United Nations chief role in Bosnia increasingly is offering hostage targets to the Bosnian Serbs would be laughable if it were not so sad. Not only are our allies' brave and dedicated soldiers being put at risk, but their role as hostage targets has virtually guaranteed inaction by NATO air power no matter how brutal and blatant Bosnian Serb aggression becomes—whether it is aimed at Bosnian Government forces, at civilians, or even at the U.N. peacekeepers themselves.

The United Nations must strengthen its position in Bosnia or get out. At a minimum, it must reconfigure its troops into stronger and more easily defended units. I am inclined to support efforts by the administration and our European allies to do this, if it can contribute to offering real protection to the currently misnamed "safe areas." In the end, however, if the resulting UN forces have no viable mission to carry out they should be withdrawn. U.S. and NATO assistance in this effort would be appropriate.

I do not support the use of U.S. ground troops to take sides in this war, or simply to assist a feckless U.N. force. But NATO air power can contribute to protection of Bosnian "safe areas" or at least deter further Bosnian Serb aggression. It should be used. We have a moral responsibility to allow the Bosnians to defend themselves and to try to end the one-sided slaughter. And our broader security interests will be seriously damaged if we allow this aggression to go unchallenged, and to spread to Kosovo, Croatia, and eventually Albania, Macedonia, and beyond. Failure to act carries grave risks.

I am under no illusion that solutions to the problems in Bosnia are simple. Some problems defy attempts from the outside to solve them, and this may be a tragedy the United States cannot end, as much as we would like to. But, there are things we can do, and the people of Bosnia have suffered too long. At a minimum, and as an immediate step, we can and should end the unjust arms embargo against Bosnia.

Mr. President, I have been involved and interested in this situation for several years now. I would like to try to put it in some sort of perspective that perhaps all of us can understand where the morality is and where we ought to be.

I was, in August 1992, at a conference in Austria with several European members of Parliament. At that time, I had also just come from visiting Croatia, and had been to the front and visited with refugees that had streamed out, with those that had been victims, and with those that had witnessed the terrible situation with respect to the raping of women, and the deaths of many males which had occurred as a result of the Serb intrusion into the villages and homes of the Bosnian Moslems and Croats.

When I was at that conference, the Chancellor of Austria was present. And I asked the Chancellor—I said, "Why is it not imperative, and certainly rational, for the European Community to step in and stop the fighting in some way?" He looked at me and he said, "Well, we cannot get involved because they are both our friends."

I started to think about that at that conference. It seemed to me that the time you really want to get involved between two of your friends who are fighting is when one of your friends is there handcuffed to a post and the other friend is there beating him with a lead pipe. It seems even more imperative that you ought to get involved and stop the fighting, especially when you consider that the size of those that are standing around watching the fight are more than capable of walking in and resolving the situation. That seems to me the situation we have right now.

Also, at that conference I asked a question of the group there. Well, would it not be right under this situation, if you are not ready to go in and separate your friends from fighting, that perhaps at least you ought to take the handcuffs off the individual that is at the post and perhaps give that individual a weapon or the weapons necessary to be on equal terms with his opponent? No, they said. The answer to that is, well, more people might get hurt that way—with the conclusion, therefore, that it would be better to allow your friend to be beaten to death than to come in and try to separate them because somebody might get hurt.

Take a look at the U.N. situation. There is a way you can look at it and, I think, using that same scenario, understand what has happened there. First of all, in the two opponents, the Serbs and the Bosnian Serbs on the one hand against the Moslems, Bosnian Moslems and Croats on the other, we have a situation where one side is heavily armed and the other is not. The Bosnian Serbs inherited the arms which came from Yugoslavia—howitzers, the tanks, and the airplanes—whereas those weapons are not available to the other side. That is the situation we have now.

It seems to me that again those forces that are standing outside, that have the ability to come in and settle it, are faced with a couple of options, again very similar to the scenario I laid out, and that is we can walk in with force, and we can do it. But then that may put some of our people and others in harm's way.

The other thing we could do is to say, all right, we are going to level the fighting field. In fact, we will not only do that, but if we arm the Bosnians, their forces outnumber the Serb forces. Well, if I am standing there as a Serb force and recognize that, whereas I now have the upper hand because of the weapons I possess, if the United States suddenly enters and changes its policy and says, OK, that is enough, we are now going to arm the other side so they have the same kind of arms you do, all of a sudden I am not in a position of superiority but instead in a position of inferiority.

So that is why I support this amendment, because what we will be doing is aiming a huge weapon at the Serbs instead of their pointing weapons in the other direction, and that leverage alone, in my mind, will bring the Serbs to the conclusion that they have to come to heel and to reach some political accomodation.

The other way, which is represented by our current policy, is to come in and say we will hold a shield up and prevent one side from beating the other. And then, of course, when that got troublesome and we began to get hurt, we let the shield down, and the beating began again with impunity. If we just go in there now and try to strengthen those forces but we still do not raise the shield to protect, we are not going to make any headway at all.

I am a strong believer that if you get involved in these things and you have overwhelming force, the best way to resolve the situation is to make sure that force is available and ready, whether it is the United Nations or ours. Alternatively, as this amendment would provide, we can say, if you do not come in and work out a peace here, we will arm the other side so they have the superiority.

Continuation of this policy which relies on an ineffectual peace force and hamstrings real efforts to assist the war's victim is a very destructive policy with respect to the United Nations. This event could well make the difference as to whether the United Nations is going to be an effective body to prevent war in the future or not. We are at that point where we have to do what is necessary to ensure that we can preserve the ability of the United Nations to make a difference, and, hopefully, we will have the courage to do that.

So I again reflect back upon a year and a half ago or so or 3 years ago now when we were starting to take a look at this, and I have come to the same conclusion again that I came to then, that if we do not as a United Nations intervene in a responsible way, we will cause the United Nations to become an ineffective and unusable organization with respect to this kind of conflict.

I yield the floor.

Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. PELL. Last night when this debate opened, I said I find this a very difficult vote to cast. Hearing the debate this morning, I find some of my colleagues' arguments to be very compelling. Senator LIEBERMAN and others have given us an excellent, eloquent account, for example, of the horror the Bosnian civilians are suffering—of the dreadful behavior of the Serbian forces who are outgunning the Bosnians.

The invasion of two safe areas, areas that the international community said it would protect, outrages us, as it should. We all want to do something to respond to the atrocious Serb behavior in Bosnia. Indeed, the United States and our allies are working hard on a united response.

Lifting the arms embargo certainly seems, at first glance, to offer a cost-free solution to the fall of the safe areas. I, too, am torn. I am still not convinced, though, that we will make things better by passing this legislation. Indeed, we could make things worse, at great risk not only to the besieged in Bosnia but to the United States and to our European allies.

It is time for our President, along with our U.N. and NATO allies, to consider how we will respond to the dreadful, egregious Serbian behavior and, indeed, to consider the very future of the United Nations in Bosnia. The United States and our allies know that if the United Nations were to pull out altogether, many areas of Bosnia, now stable and well supplied due to the U.N. presence, would face humanitarian disaster. This is particularly true in central Bosnia.

The President and our NATO allies must balance that potential catastrophe against the current tragedy which has led many to call for a complete U.N. withdrawal.

We should be honest about what we are debating. This bill, if passed, will actually trigger the U.N. withdrawal from Bosnia. I remind my colleagues that the United States has committed to helping our allies to withdraw from Bosnia as part of the NATO effort, so in essence by passing this bill we are precipitating the commitment of up to 25,000 U.S. troops to Bosnia to help with the withdrawal.

I do believe that if and when a decision is made to withdraw UNPROFOR, the arms embargo will de facto be lifted. And that is just as it should be. We are not at that point yet, though. The troop-contributing countries have not made a decision to withdraw. The U.N. Security Council has not made a decision to withdraw UNPROFOR. The Bosnian Government has not asked UNPROFOR to withdraw. Yet, by passing this bill, the United States Senate would very likely trigger a U.N. withdrawal from Bosnia.

If we pass this bill today, it will inevitably be perceived as the beginning of a U.S. decision to go it alone in Bosnia. It is naive to think we can unilaterally lift the arms embargo and walk away. Instead, we would have to assume responsibilities for Bosnia not only in terms of our moral obligation but in practical terms as well.

Lifting the embargo without international support would increase the American responsibility for the outcome of the conflict. Delivering weapons to Bosnia would likely require sending in United States personnel. Granted, this legislation states that nothing should be construed as authorizing the deployment of U.S. forces to Bosnia and Herzegovina for any purpose. But I want to emphasize that this would be the U.S. decision to dismantle the embargo. I do not see how we can lift the embargo on our own without sending in the personnel and without providing the wherewithal to carry out the new policy.

Another serious concern on this legislation is that it says that the lifting of the embargo shall occur after UNPROFOR personnel have withdrawn or 12 weeks after the Bosnian government asks U.N. troops to leave, whichever comes first. Basically, what this does is it gives the Bosnian Government, not the United States Government, the power to end the United States participation in a U.N.-imposed embargo.

As I have said, if and when UNPROFOR does leave, it is very likely that the arms embargo would be lifted. While the Bosnian Government does indeed have the right to ask UNPROFOR to leave, we should not give the Bosnian Government the power to trigger the unilateral lifting of the embargo. To give them that right is an abdication of U.S. power. Lifting the embargo unilaterally would increase U.S. responsibility in Bosnia, yet this legislation would allow the Bosnian Government to make the decision to increase our involvement.

Finally, I do not want to see happen to the United Nations at this time what happened many years ago when Abyssinia was about to be overrun by Italy. It appealed to the League of Nations, but the League wrung its hands and did nothing. That was the downfall of the League. We do not want to see the same set of circumstances arise here where Bosnia comes and asks for help, and we wring our hands but do not reply.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Mr. President, I rise today to speak to the subject that Senator PELL just addressed. My colleagues are probably tired of my rising and speaking to this subject over the last 3 years. I have been arguing for some time and continue to contend that we need to lift what is, in fact, an illegal as well as immoral arms embargo against the Government of Bosnia-Herzegovina.

Mr. President, observers in the Senate know full well that I am no stranger to this issue. Nearly 3 years ago, on September 30, 1992, I spoke out against the arms embargo on Bosnia after returning from Sarajevo, Tuzla, Belgrade, and various places in Croatia—in short, from having traveled Bosnia, Serbia, and Croatia fairly extensively and observing what was going on. I came back and wrote a report, which I delivered to the President and to the Secretary of State, and spoke on the floor of the Senate and to the Foreign Relations Committee. I recommended a policy that came to be referred to as lift and strike and said that the arms embargo was illegal as well as immoral. After speaking out against the embargo, I introduced the so-called Biden amendment, which was subsequently adopted by the U.S. Senate during the waning months of the Bush Presidency.

The Biden amendment, I would like to remind everyone, is law now. The Biden amendment authorized assistance to Bosnia and Herzegovina through a drawdown of up to $50 million in Defense Department stocks of military weapons and equipment. As I said, it passed. It became law. It gave the President the discretion when to draw down this weaponry.

But we heard then from many people who are now suggesting we should lift the embargo as well as all those who are against it that this weaponry would be of little value to the Bosnian Government and their army, which then as now was made up of Serbs, Croats, and Moslems. Nearly everyone forgets, incidentally, that when hostilities started only perhaps 60 percent of the Serbs in Bosnia, who made up only a portion of the population of Bosnia, were engaged in or supported this vile ethnic cleansing.

To return to the issue of arms, I was told then—incorrectly—that these Bosnian Moslems, Serbs, and Croats who supported the multiethnic Bosnian Government would not be able to use these weapons. Supposedly they had to be trained by Americans and other Westerners. I reminded people then and I remind people now who will raise the same argument that every young Bosnian Moslem, every young Bosnian Croat, every young Bosnian Serb male was conscripted into the Yugoslav Army, trained in the Yugoslav army, and became fully capable of using the weaponry we would send their way.

Mr. President, less than a week after we passed the Biden amendment, on October 5, 1992, I made the following statement.

> Surely the greatest single step the U.N. could take to increase the impact on sanctions on Serbia is to leave the embargo against Serbia in place while lifting the embargo against Bosnia and Herzegovina—an embargo that, however well intentioned—

I might note parenthetically here, I may have been too generous in that remark—

has had the undeniable effect of freezing the people of that country in a state of utter defenselessness.

That was true on October 5, 1992, and now it is clear to the whole world. Since that time I have spoken regularly here on the floor of the Senate and elsewhere against the arms embargo on Bosnia, which flies in the face of article 51 of the U.N. Charter, an article that gives every member state the right to self-defense.

While we have prevented heavy weapons from reaching the victims of aggression, we have not prevented the shells from heavy weapons in the hands of the Bosnian Serb aggressors from reaching the victims of aggression. The Bosnian Serb aggressors have been lavishly supplied with tanks, artillery, planes, and even troops by Serbian strongman Milosevic.

Mr. President, I mentioned my long record of public opposition to this illegal and totally immoral embargo only to remind my colleagues, first, that the embargo has been strangling an innocent victim for years. This is not new. It is just increasingly more dire.

Second, that the issue has been before this House for just as long, and each time we have opted not to act decisively, preferring to give diplomacy one more chance. If one more of my colleagues, as much as I respect them, comes up to me on the floor, as several of my Democratic and one of my Republican friends recently have, and says privately, "Joe, why don't we give diplomacy one more chance?" my answer will be, because I do not want to be a party to a delay that I know is going to result, while we are acting diplomatically, in the corralling of young Bosnian women into rape camps, in the siphoning off of young boys and men into death camps, and in the expulsion of old men and old women from their home areas by the repulsive practice whose grotesque euphemism is ethnic cleansing. Not one single time, not once since September 30, 1992, has any delay resulted in anything other than the death, destruction, humiliation, and genocide of the people of Bosnia.

I bring up this history not in the vein of, "I told you so," but to remind everybody how long this has been going on and to caution my colleagues not to listen to the siren song of inaction one more time. You can convince me once, maybe, not to act; twice; maybe three times, but 7, 8, 9, 10 times? I challenge anyone in this body to give me one shred of evidence that any delay in lifting the embargo has in any way—in any way—enhanced the prospect that fewer women in Bosnia will be raped, that fewer young girls will be raped, that fewer men will be exterminated, and that fewer older people will be expelled from the areas in which their families have lived for centuries. One shred of evidence. I challenge any of my colleagues to come to the floor now or at any time at their convenience and debate that issue with me.

So wait, wait for what?

The third reason I bring up the history on this, is that the President of the United States of America has been and is still authorized to provide $50 million worth of military assistance to Bosnia. This is authorized without any further congressional action required, to be delivered as soon as we take the step of lifting the embargo.

This step has never been more acutely necessary than it is now, Mr. President. Since the Bosnian Serb aggressors brazenly defied the United Nations, in a sense the entire civilized world, by overrunning the U.N. safe area in Srebrenica last week, we have now had the whole world see what I saw and other folks saw firsthand the last time an enclave was overrun, as people were driven into Tuzla as I stood there.

I was meeting with the aid relief workers, and there was a great commotion. Everyone got up out of the makeshift meeting room we were in because great big, old, white dump trucks were coming into Tuzla filled with men and women, holding their young children over their heads and outside the dump truck. There was an air of relief and celebration, and those of us watching thought this holding up their children was part of the celebration. We were, however, to find out as they unloaded this dump truck filled with human beings that the reason they were holding up their children was because other children had been trampled underfoot and smothered to death on the last trip from ethnically cleansed territory into the safe area of Tuzla.

Then the United Nations and the contact group—Russians, French, British, Germans, Americans—said, "Tell you what we're going to do. Through the United Nations, we're going to lay out certain safe areas," which they listed.

I remind everybody what the deal was in the safe areas. The deal was that if the Bosnian Government—primarily Moslems, but also some Croats and Serbs who supported the Government—if they would give up what few weapons they had left in Gorazde and Zepa and Tuzla and Srebrenica, then we, the United Nations, speaking for the world, would guarantee that we would keep the Huns away from the door. We would guarantee that the ethnic cleansing would stop, and we would negotiate.

So then they gave up their weapons and, as JOHN MCCAIN and I mentioned last week on the floor, all one had to do was hold up any newspaper in America and see—and I am not being critical of the troops that are there personally—blue-helmeted and blue-bereted soldiers sitting on armored personnel carriers, sitting on tanks and sitting in trucks, watching as the Bosnian Serbs went in and, before their very eyes, cleansed, in the same way that the Nazis cleansed when they dropped off folks at the Auschwitz train station in cattle cars. They found an interesting thing as they observed this vile ethnic cleansing. All the young women and all the young girls were sent off in one direction. The men who were fighting were not seen anywhere. The old folks were loaded into trucks with the very young children. And armed military personnel sat there, representing the world—they sat there while the Bosnian Serbs, before the very eyes of all the world, culled out these folks as if they were cattle. Then, we were told that if we lifted the arms embargo, do you know what was going to happen? The Bosnian Serbs might really get mad and overrun the safe areas.

Mr. President, being as calm as I can about this, let me remind everyone that safe areas have already been overrun. I plead with some of my colleagues not to come to the floor and tell me what you have been telling me for 2 years—that if we lift the embargo, the Bosnian Serbs will overrun the safe areas. They have already done it in Srebrenica, and they are going to do it very soon in Zepa; they are in the process of overrunning it right now. I spoke with the Bosnian Foreign Minister, and indirectly through him to the Prime Minister, only 2 hours ago. The world has a perverse notion of how to deal with this. The Bosnian Government forces have taken into their protective custody the U.N. protectors of Zepa because of what is going to happen if they do not. If they do not, the Serbs will take the U.N. troops and threaten to kill them. Unless the people in Zepa throw down what few arms they have been able to find, unless they get into trucks, go to rape camps and go to death camps, the Bosnian Serbs are going to kill some of those U.N. blue helmet peacekeepers.

But how is this being portrayed by the Mr. Akashi of the United Nations? He says that the Bosnian Government is no different from the Bosnian Serbs; they are both holding hostage blue-helmeted U.N. peacekeepers. What the Bosnian Government forces know, however, is that if they do not prevent those blue-helmeted peacekeepers from coming under the control of the Bosnian Serbs, they are dead. Mr. Akashi's fallacious moral equivalency is just another example of the twisted logic, the overwhelming rationalization the United Nations and others will undertake to avoid facing the truth of international inaction.

Genocide. Genocide. Genocide. That is what this is about. Many of these brutalized Moslems, as we have been reading in the paper, as a consequence of having been raped or otherwise tortured, have committed suicide. When is the last time we read about that in this century? It is not Joe BIDEN's judgment. World news organizations are reporting this now.

These war crimes and crimes against humanity are no longer deeds known only by the specialists. They are there for all the world to see. These unspeakable deeds would be horrific enough if the government of those unfortunate people, the Bosnian Government, had been unwilling to defend them.

But, Mr. President, the story is far worse than that.

The Government of Bosnia has shown for more than 3 years that its young Moslems, young Croats, and young Serbs, are willing to fight against a foe with vastly superior weaponry, and to die defending their homes, their wives, their mothers, and their sisters. And what have we done? We have forbidden them to get the arms necessary to defend themselves. Instead, we have opted for the cruel deception of alleging that the U.N. Protection Force would defend them.

Well, that has been laid to rest, Mr. President, as an outright fabrication.

Mr. President, after the last few days, even the most naive American cannot hear those words—and I repeat—the U.N. Protection Force—without being sickened by its Orwellian name.

Mr. President, we have to put an end to this madness. We have temporized for far too long. The so-called U.N. Protection Force has abdicated its responsibility to the people it had pledged to defend, and the contact group's diplomacy is at a dead end.

I might add that former Secretary of State, Henry Kissinger, is right that this U.N. Protection Force is not to blame; it has been the excuse. Many of those folks in the protection force are brave and decent and, from my personally meeting with them on two occasions in Bosnia—last year in June, and in September 1992—I know that they are repulsed by this, as well. But, Mr. President, their mandate is not to get involved. For that, I blame the West—not the United Nations, but the West.

Mr. President, the least the United States can do is to allow the victims of oppression to defend themselves. We must lift this illegal, immoral arms embargo now. As an original cosponsor of the Dole-Lieberman legislation, and of previous legislation, I strongly urge my colleagues to support S. 21.

Mr. President, I might add that in order to get more votes —and I do not say that critically—Senators DOLE and LIEBERMAN have apparently already decided to amend the legislation to allow the President the right to postpone lifting the embargo for 30 days at a crack if he believes that the safe and secure completion of the U.N. personnel would otherwise be endangered. I understand the intention of this waiver. But I respectfully suggest, Mr. President, that this waiver will only invite the rabid minority of Bosnian Serbs led by Karadzic and General Mladic and his genocidal troops to go after the U.N. forces as they withdraw, or American forces if they are moved in to help them withdraw.

In conclusion, Mr. President, I say that we have made a botch of our policy in the former Yugoslavia in two successive administrations. President Bush started this awful policy off. He handed it off to President Clinton, and, unfortunately, in my view, this administration has not reacted because of the need to find NATO unity. But there is no unity on this, Mr. President. We should get on the right side of history. We should get on the side that makes the most sense. We should get on the side of morality.

I might add, Mr. President, that there is no need for any American forces in order to lift the embargo. The Moslems have a right to be able to defend themselves. I will end with a quote from the Prime Minister of Bosnia, who, 2 years ago, was Foreign Minister. I have said this to my colleagues before, but I want to remind them, and maybe even awaken their consciences a little bit.

I held a meeting in my conference room and invited about a dozen Senators of both parties. The then Foreign Minister, now Prime Minister Haris Silajdzic—all of you have met him by now, I suspect—was there. When I made the case for lifting the arms embargo and using air power to protect peacekeepers and others while they moved, one of my colleagues said, "I do not want to do that because more death will result. If the U.N. force leaves, more of your people will die."

This Senator was very sincere, because that was the wisdom of the moment. Silajdzic looked at this Senator, for whom I have a great deal of respect, and said, "Senator, please, do me a favor. Allow me the dignity to choose how I will die. Senator, all the UNPROFOR does for us now is to fatten up my wife, my children, my countrymen, and me to be killed incrementally over the winter and the next spring and the summer. I would rather not have the food and have a weapon. Let me choose how I am going to die. For certain, I will die."

Mr. President, that was not a comment of a man engaging in hyperbole. It is a man who puts his life on the line every day. His predecessor said the same thing.

Please, when this legislation comes up, please, we should get on the right side of history and morality and lift the arms embargo that is putting the Bosnian Government in a position where they cannot defend themselves. I yield the floor.

Mr. EXON addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. Mr. President, what is the pending matter before the Senate?

The PRESIDING OFFICER. The pending business is the Dole amendment to S. 21.

Mr. EXON. I thank the Chair.

Mr. President, the United States is caught in a dilemma. For the past 3 years we have been working with our allies to bring the warring factions in what was formerly Yugoslavia to a peace settlement and end the pervasive brutality against innocent men, women, and children.

As we have pursued this diplomatic track, the United States has refused to become involved militarily on the ground to halt the aggression against civilian populations or punish the root sources of the aggression, the Bosnian Serbs against the Bosnian Moslems.

The fact is that there is no political will in America for a level of involvement that may result in Americans dying in Bosnia. It is, as many proponents of the legislation are fond of saying, a European problem.

American national security interests are not at stake, it is said. Let the Europeans get their own house in order.

On its face, Mr. President, that sounds reasonable enough. It is also, as it has most unfortunately turned out, a convenient exercise in face saving for us. It has not worked, obviously. Clearly, the efforts thus far have not stopped the fighting and the killing. There is no peace settlement. The U.N. peacekeepers have been ineffective shields against Serb forces who regard human flesh as fodder and ravenous eyes cast on innocent people, penned in like sheep waiting to be slaughtered.

As a nation, we are outraged at the dark turn of events. The chorus cries louder and more demanding. Something must be done. The United States must lead. The United States recognizes the problem, but the efforts of the Europeans have failed.

There has emerged a political scapegoat theory by some Republicans and some Democrats alike. It is called "Clinton bashing." Blame the President and his leadership, even though I suggest that George Washington could not have led such a collection of wet noodles.

Here lies our dilemma. Our moral outrage has led to an overwhelming desire to do something—anything—to halt Serb aggression. But there is an important restriction on any action that we take: no American can be put at risk. In what is the messiest, most intractable crisis the world has known in this decade, we want a neat, antiseptic solution.

I think it is time for a little realism. I do not think it is going to happen, but we should try. The die is cast. Many of my closest colleagues in the Senate do not see this as I do. They may be correct. I think not.

The bill before the Senate now is not a solution, and it does not fill the leadership vacuum with respect to Bosnia that so many lament. It says let us lift the embargo and let the chips fall where they may. At least we will feel better about ourselves knowing that we have removed an impediment against the Bosnian forces trying to defend themselves, and it keeps our hands clean.

I have heard a lot about "heavy lifting" in the Senate over the years. While we have been talking about S. 21, it is often referred to as lifting. It should not be confused with the substance or the wisdom of S. 21. S. 21 is foreign policy light. It represents an approach that starts a course of events in motion without being honest enough to admit the resulting likely consequences. S. 21 is like a mischievous boy who lights the end of a firecracker and then runs a safe distance out of harm's way.

Mr. President, I say those nations that have displayed the courage and put their soldiers in Bosnia should not be undercut. Our allies, the British, the French, the Dutch, and others are on the ground in Bosnia. We are by our own wishes not. They have lost dozens of their troops to snipers, to mortars, to mines, in an attempt to keep the forces of slaughter at bay. We have not.

The question each of us should consider before we vote for S. 21 is whether it is right to force a decision on our own allies when we enjoy the luxury of not being involved, when our forces are not at risk.

I am not a supporter of the embargo against Bosnia, and I do not believe that the U.N. peacekeepers are effectively protecting the supposedly civilian safe areas. However, let the Bosnians go to the United Nations and ask that the peacekeepers leave. To date, they have not. Or if the situation on the ground in Bosnia becomes untenable, let the nations with troops in Bosnia make the decision that it is best for them to leave. After all, they are risking their lives to protect innocent Bosnians. That should count for something when it comes to the question of who decides that the forces should be withdrawn.

The decision should be made without having the Senate lighting a firecracker under the seat and then running away.

Perhaps the most important part of S. 21 is what it does not say. It does not say what damage will result to NATO if the United States decides to break with our allies on the question of the embargo.

It does not say that a United States decision to unilaterally lift the embargo will endanger compliance with existing embargoes against Serbia, Iraq, Libya, or with economic sanctions against rogue nations in the future.

It does not say that passage of the bill will precipitate the removal of peacekeeping forces which in turn will involve American forces for the possible purpose of extraction.

It does not face up to this consequence and authorize the President to use military forces to safely remove our allies from Bosnia. They are silent on that, evidently by design.

It does not recognize the safe areas may be protected in western Bosnia despite Serb actions in the east and the withdrawal of peacekeepers there.

It does not mention how many more civilians will die when the Serbs step up their attacks before the arms reach the Bosnian Moslem forces under the theory of lifting the embargo.

It does not explain that an infusion of arms from Serbian and Slavic allies will flow freely to counter the arms embargo against Bosnia, likely resulting in heavier fighting and more killing.

It does not talk about who will arm and train the Bosnians and how much it will cost. Do we bear a significant portion of that? How much? It is not surprising that S. 21 is silent on these questions. It not only has the United States light the firecracker underneath our allies and then run off, it has us look the other way conveniently as well. We do not want to know the consequences of our actions or deal with the details. We want a shot of cortisone to allay our guilt complex in the pretense of leadership. Cortisone is not a cure for cancer.

The well-meaning S. 21, in my opinion, will make a bad situation worse. If the authors of the bill feel its passage is necessary due to the lack of coherent, effective policy in Bosnia, they have failed to step up with an approach that will end the fighting. S. 21, in my opinion, is very likely to inflame the fighting to new heights resulting in the deaths and the horrible situation for refugees and the atrocities that are so rampant in that area.

Mr. President, it is a scapegoat approach. It is cleaner and neater and more antiseptic for the United States to unilaterally lift the arms embargo and thumb our noses at our allies. Such an action is counterproductive and obviously endangers an alliance that has furthered the cause of peace on the continent for 50 years. When it comes to the crisis in Bosnia, we are not participants in the solution. We are removed observers who cannot accept that the situation has turned sour. I am reminded of a quotation that, "For every complex problem there is a solution that is both simple and wrong." S. 21 in its present form, in the opinion of this Senator, is such a solution.

Mr. President, I thank the chair. And I yield the floor.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Minnesota is recognized.

Mr. GRAMS. Mr. President, I rise in strong support of S. 21, the Bosnian Self-Defense Act. I want to commend the majority leader for his strong and principled leadership in responding to the escalating crisis in Bosnia. His decisive move to bring this legislation to a vote may prove to be a turning point for U.S. policy in the Balkans. I, like many of my colleagues on both sides of the aisle, have had grave reservations about our Bosnian policy for several years, and even the hearings by the Senate Foreign Relations Committee have done little, if anything, to alleviate my concerns. Frankly, I am amazed at this administration's refusal to recognize numerous foreboding signs for the U.N. mission in Bosnia.

On May 8, the General Accounting Office released a report on the so-called peace operations in Bosnia. In that report GAO states that "UNPROFOR has been ineffective in carrying out mandates leading to lasting peace in the former Yugoslavia." Moreover, it continues, "UNPROFOR's limited effectiveness to deter attacks and provide protection stems from an approach to peacekeeping that is dependent on the constant cooperation of the warring parties." And finally, GAO concludes, "UNPROFOR [has] lost credibility as a peacekeeping force * * *"

I point out this report was released before the Bosnian Serbs took hundreds of U.N. peacekeepers hostage, before the Serbs shot down an American pilot on a NATO operation and before the Serbs began storming so-called U.N. safe areas.

Mr. President, the GAO's report foreshadowed what many in Congress have now concluded, that is, the U.N. operation in Bosnia has failed and is moving toward a state of complete collapse. UNPROFOR cannot even meet the most minimal of its mandates. The U.N. force can no longer protect itself, let alone civilians in safe areas. Moreover, the ongoing offensive by Bosnian Serb forces against U.N.-declared safe areas has underscored the folly of the arms embargo. Imposed before Bosnia even officially existed, the embargo has consistently denied the Bosnians the right to defend themselves. There is not one Member of Congress, not one member of the State Department, and not one member of the Clinton administration who would deny that the arms embargo has allowed the Bosnian Serbs to preserve a powerful military advantage.

With the help of the arms embargo, the 80,000-man Bosnian Serb militia has dominated 70 percent of Bosnia through its near monopoly of heavy weapons. Even with 200,000 soldiers, the Bosnian Government simply cannot compete. The occupation of U.N. safe areas by Bosnian Serbs is the beginning of the end for the U.N. mission. It is another gruesome admission of how the arms embargo continues to condemn the Bosnian people to a slow death. In Srebrenica, Bosnian troops actually outnumbered the attacking Serbs, but the Serb forces had far more firepower. Bosnian forces had no tanks or artillery with which to defend themselves, and once again the United Nations waited too long to call in NATO, too late for airstrikes to make a difference.

Now, the opponents of lifting the arms embargo have repeatedly said they fear the Serbs would make a grab for the "safe areas" in eastern Bosnia. But the Serbs have not waited, even with the embargo in place and UNPROFOR on the ground. The United Nations, with American assistance, is perpetuating a cruel hoax on the Bosnian people. We force them to fight without adequate defenses, promise to protect them from hostile Serb troops, and then let them fend for themselves when they are attacked.

So far the American taxpayers have provided $2.5 billion to support the U.N. operations in Bosnia and they continue to support UNPROFOR to the tune of $500 million a year. Added to this sum is the administration's new pledge to provide another $95 million in cash and military equipment to the European rapid reaction force. Now, this latest action was taken in spite of strong congressional opposition, and it only threatens to deepen United States involvement in the Bosnian quagmire. Unfortunately, the Clinton administration seems determined to sink or swim with the status quo policy in Bosnia. If the President continues to stay the course, he will be in danger of dragging down the Bosnian people, along with American and NATO credibility.

Supporters of lifting the arms embargo in Bosnia are often accused of being naive and unrealistic. I am neither. Ending the embargo is far from a perfect solution. There are many logistical questions that remain to be worked out. But given the events of the last few months, let alone the last few weeks in Bosnia, I see no other option in a civil war with no end in sight and with no peace agreement within reach.

It is those who support the current Bosnian policy who have lost touch with reality. The U.N. peacekeeping mission cannot sustain itself in a country where there is no peace to keep. The United Nations has never been equipped to enforce peace on factions that are still spoiling for war. It is time for the administration to stop acting as if some miracle will occur to save the day.

Just last month the House of Representatives approached an end to the arms embargo with a bipartisan and veto-proof vote of 318 to 99. I urge my colleagues to follow that example and also send a strong message of our own to the President by voting for S. 21. I believe it is the least we can do for the Bosnians and the very least that the American people can expect.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. GORTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GORTON. Mr. President, I appear once again, briefly, to support the majority leader and my distinguished friend and colleague from Connecticut, in the proposal which they have before the Senate to terminate the arms embargo against Bosnia.

Other than to add my voice to that cause, I can add nothing to the eloquence of what they have already said. What began as a policy of convenience and a seeking for time and a diplomatic solution on the occasion of the breakup of Yugoslavia, has not only proven to be a policy failure, a significant contributor to the loss of thousands of lives, and war crimes unmatched in Europe since the era of the Nazis, it has degenerated into a moral swamp, in which the actions of the United States and the United Nations contribute only to the success of the aggressors, to the success of those who have proposed this barbaric system, based on the religious background of the people of Bosnia.

We are fond of saying, as a number of newspapers have, that the time has come to end that arms embargo.

In truth, Mr. President, the time came long since. The distinguished Senator from Delaware, [Mr. BIDEN] in his remarks an hour or so ago, referred to statements that he made in the fall of 1992 which were valid then and are valid today.

The particular occasion for the debate over this resolution today, of course, is the latest set of atrocities on the part of the Bosnian Serbs, the destruction of what we had long trumpeted as a safe haven, the rape of some, the murder of others, the driving out of most of the citizens that were supposedly protected in that safe haven.

Mr. President, I think the failure of our policies and our proclamations cannot better be summarized than it was indirectly in two paragraphs in a story from last Friday's Washington Post about those citizens driven out of Srebrenica to a temporarily safe haven elsewhere. I want to quote those two paragraphs from that news story.

> "This is Major's work," yelled a man on crutches, referring to British Prime Minister John Major. "It is Clinton's work, too. Clinton—always talking so nice and doing nothing."
>
> "They had better take a gun and kill us all," one woman said. And waving her arms towards the masses of dazed people who made up the weeping, nearly hysterical crowd, she added: "Look at what you did for us, all you governments."

That is a tiny portion of the human price we have paid for this arms embargo, for all of the threats not backed up, for all of the promises that got broken, for all of the lives lost. And have we done this in order to protect the lives of Americans? No, Mr. President. Just recently we had one of our Air Force pilots shot down over Bosnia—rescued by a magnificent feat of arms, and celebrated here in this country for his escape, but those who shot him down remain totally unpunished.

Can it not be said that perhaps that last, most recent demonstration of our lack of dedication led to the overrunning of the safe haven, the loss of hundreds, perhaps thousands of lives, and the driving out of tens of thousands of others? We have made ourselves contemptible. We have made ourselves a laughingstock. And it is time to end that policy now.

Will we save more American lives? No. The President has promised that when the war is irretrievably lost, and when the U.N. forces want to come out, we will send troops in to save them—undoubtedly at the expense of casualties. Mr. President, that is a wrong policy as well. The correct policy is to end the arms embargo, to allow, to encourage, to assist in the arming of people desperately anxious to fight for their own freedom and probably capable successfully of fighting for that freedom if they are armed with weapons anywhere near equal to those of their aggressors. That was the correct strategy during the Presidency of George Bush. It has been the correct policy for the 2½ years, at least, of the Presidency of Bill Clinton.

Mr. President, the policies in which we have engaged have undercut, if they have not destroyed completely, our own credibility—not just in the Balkans, but all over the world. They have not only failed to succeed in ending or limiting the war, they have encouraged it. They have not discouraged aggression, they have encouraged it. They have not limited ethnic cleansing, they have increased it. And it is time to end those failed policies. It is time, at the very least, to allow the victims to fight for their own liberties.

It is also time—not at all incidentally, Mr. President, in my view—to end the arms embargo against Croatia and Slovenia as well. Slovenia is not in the news yet. It had succeeded in winning its independence and has been at peace ever since. It threatens no one. There is no reason in the world not to lift the embargo against it. Croatia is 25 percent occupied by a dissident government which is engaged in some, though not all, of the same practices of their compatriots, the Bosnian Serbs.

The only way there is any possibility in this case of proving that aggression and ethnic cleansing and rape and murder do not pay is to allow the victims of those crimes to be able to liberate themselves from those crimes.

So I believe the two principal sponsors of this resolution, the majority leader and the distinguished Senator from Connecticut, who are now on the floor, are proposing exactly what the United States ought to do and I wish to express the hope that the Senate will promptly and overwhelmingly vote in favor of their resolution.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I would like to say a few words about the Bosnia and Herzegovina Self-Defense Act of 1995.

Mr. President, I rise to support S. 21, the bill to terminate the illegal and immoral arms embargo on the Government of Bosnia and Herzegovina. It is time we abandoned this morally and politically bankrupt policy. It is long past time that we permitted the victims of ethnic genocide to defend themselves; it is time we stand for a policy that may not guarantee an easy outcome, but that will put the United States on the side of principle.

That principle is the right to self-defense against conquest by aggression, the right to self-defense against ethnic genocide.

The time has come to declare our intentions to aid the victims in the bloodiest war to wreak mayhem in Europe since World War II. For too long the international community has been hamstrung by diplomatic inertia; for too long have sympathetic nations of the world been frustrated by U.N. and European reluctance to act; for too long have we watched United States policy flit about while Bosnia has suffered attacks against civilians, mass deportations, rape, and ethnic genocide. Washington dithers while Sarajevo burns.

We cannot allow the Serbs to continue with their aggression by continuing to tie the hands of those who wish to defend themselves. The arms embargo has played into the hands of these aggressors; it has failed to make the moral distinction between the victims and the architects of genocide.

The fall of Srebrenica demonstrates the collapse of the multinational mission and the hollowness of U.S. support for it. I believe it is past time for the Clinton administration to abandon this failed policy, rather than continue to make pathetic attempts to rationalize or perpetuate it.

Some have noted that the arms embargo is a carryover of the Bush administration policy on Bosnia. This is true, Mr. President, and I urged President Bush to lift it then. The situation has grossly worsened in the 2½ years since he left office, and it is now President Clinton's responsibility to deal with this international horror.

Last month, Bosnia's Prime Minister made another visit to Washington. To meet with him was to meet with a man fighting for the very existence of his country. I saw him after he went to the White House to meet with Vice President GORE. The Vice President used to be a supporter of lifting the embargo when he was a member of this body. At the White House, he told Prime Minister Silajdzic that the administration would continue to oppose a lift, because a lift would incite the Serbs to attack the safe havens.

The administration had it exactly wrong. The fall of Srebrenica last week demonstrates the collapse of the multinational mission and, with its failure, the failure of U.S. policy supporting it. Now, if anything good can come out of these horrors, it must be that this body will vote to lift the embargo now.

Over the past week we have all been horrified by the pictures and stories coming from Srebrenica, Zepa, and Sarajevo. There is no reason to repeat the horror here, nor is there any excuse to act as if these latest outrages against humanity have been of any surprise. I can only lament that it did not have to come to this.

Many of us who have followed this war have concluded long ago that Serbia and its proxies would not cease in its pursuit of a Greater Serbia. After we saw that the Serbs would use the horror of ethnic genocide as an instrument of war, we could not be surprised about the developments we saw over the past 2½ years.

We could not be surprised when the Serbs continued to attack the civilian population of the so-called safe havens.

We could not be surprised when the Serbs starved Bihac.

We could not be surprised that pinprick airstrikes emboldened the Serbs.

We could not be surprised when the Serbs took U.N. hostages last month.

And, finally, we could not be surprised when it was revealed that U.N. Special Envoy Akashi had recently sent a secret letter to the Bosnian Serbs assuring them that the United Nations would not seek confrontation with them.

And no one, Mr. President, should have been surprised to learn that Belgrade continues to supply and assist its Serbian proxies in Bosnia and Croatia.

We were dismayed, yes. Outraged, yes. But no one who has been watching this war could be surprised.

No one, perhaps, except the policymakers at the White House and State Department. From the constantly shifting statements of the administration, however, it appears that every development has caught them off guard. Their only constancy has been their insistence on refusing the Bosnians the right to defend themselves. This has become incomprehensible.

Today's U.S. policy lies in tatters. It is the product of a misplaced belief in multilateralism. An exaggerated estimate of a ruthless but third-rate foe. A solipsistic faith in the selfless intent of dictators. And an immature and myopic view of geopolitics.

This administration supported the U.N. missions in Bosnia and Croatia. Many of these peacekeepers bravely put their lives on the line feeding the captives in the safe havens. But they never had a peace to keep; they disarmed the victims and aggressors alike, but when the aggressors challenged them by violating Security Council resolution after resolution, the United Nations feared calling in NATO air support.

When the planes came, as rarely they did, they delivered pinprick strikes, destroying a tent here, a truck there. The Serbs laughed and became emboldened. The United Nations became more reluctant to engage. The Security Council resolutions enacted in New York City became worthless documents in Sarajevo, Tuzla, Gorazde, and the other towns of Bosnia.

The United Nations, without a peace to keep, kept the borders set by the aggressors; and if the peacekeepers dared challenge the Serbs, they were taken as hostages.

Multilateralism failed because multilateralism was incapable of acting on the distinction between victim and aggressor. As a result, multilateralism engendered a policy of deference to the aggressor and indifference to victims.

The longer this dynamic went unchallenged, the larger the myth of Serb power grew. Despite the stories of a supine Serbian economy, despite the reports of thousands of military-age men fleeing Serbia, despite the reprehensible and cowardly behavior of any army that could only terrorize unarmed civilian populations, policymakers around the world, including many in our State Department, began to accept the notion of the formidable foe.

They confused the ability to commit unspeakable acts with the ability to sustain a popularly supported war. Even today, so many analysts do not include military assessments of the capabilities of the combatants. But when they do take a hard look at Serbian and Bosnian capabilities, they seem to reach the same conclusion: The Bosnians have the advantage in men and morale; the Serbs, heirs of the Yugoslav Army, have the advantage in heavy weapons. And from these assessments we must conclude again: If we seek to achieve a shift in this war, we must lift the embargo; we must provide the Bosnians with the weapons they need.

Further emboldening the Serbs was the administration's attempts at diplomacy. Taking its diplomatic cue last spring from Russian Foreign Minister Kosyrev—an ally of the Serbs—the administration believed that it could persuade Serbia's Milosevic to pressure Radovan Karadzic to a negotiated peace.

This is one of the most self-deluding diplomatic strategies in modern times, and the administration feigned belief—or maybe, incredibly, actually believed—that Milosevic could be a broker for peace. Representatives of the administration actually stated that Milosevic and Karadzic were competing, and had differing interests. Instead of lifting the arms embargo on the embattled Bosnians, the administration offered to lift the economic embargo on Serbia, which, most analysts agreed, was actually having an affect on Serbia's ability to wage war.

This notion that Milosevic would curb Karadzic was, of course, ridiculous, but the administration persisted. They offered lifting the sanctions if Milosevic recognized Bosnia and Croatia. When he refused, the administration lowered its demands and asked Milosevic to recognize just Bosnia—a move that could have threatened, at that time, to shatter the federation between Bosnia and Croatia, which the administration had claimed was its single greatest accomplishment in this crisis. Milosevic, no fool, knew that he could gain more and refused.

Meanwhile, the evidence kept coming that Milosevic continued to provide armaments to his proxies in Bosnia and Croatia. No one could really be surprised, but many of our allies, and this Administration, looked the other way.

And then Scott O'Grady was shot down by a SAM missile—a NATO jet on a mission to enforce U.N. Security Council resolutions was downed by the Bosnian Serbs. And NATO did not retaliate. History's most successful military alliance—the world's most impressive military force—did not retaliate when a third-rate army that specializes in torturing civilian populations shot down one of its planes. And we did not retaliate when the evidence was revealed that Belgrade had a hand in this, and that Milosevic's army provided parts maintenance, computer and radar support for the SAM system that shot down our F-16.

Mr. President, how much evidence do we need that Milosevic and Karadzic work hand-in-hand? How much more humiliation should we take before we recognize that our diplomacy is based on fatuous delusions?

One of my greatest concerns throughout this conflict has been the administration's inability to see this crisis in the greater context of Europe. Specifically, it has refused to recognize the role that Russia has played in supporting the Serbs, in frustrating any resolution that would be fair to the Bosnians, and in undermining the Western alliance. I am disturbed that very few appear to be focusing on Russia's role in this crisis.

One of Russia's primary foreign policy goals has been to obstruct the expansion of NATO. Last month, when the Russians finally decided to sign on to the President's Partnership for Peace Program, Foreign Minister Kozyrev stated that NATO must "cease to be a military bloc" and must abandon policies of enlargement. Last week, Yuri Baturin, national security adviser to Boris Yeltsin, said that the war in Bosnia is a test of strength between Russia and the West. President Clinton has repeatedly declared that Russia will not exercise a veto over NATO expansion. But I must wonder, Mr. President, when the SAM missile of a Russian ally shoots down a NATO jet over Europe, could not this be construed as a veto over NATO?

I believe that if Russia wants to try its strength against the West by backing the forces of ethnic genocide and by using diplomacy to prevent a just settlement in Bosnia and obstruct NATO enlargement, then we should, again, engage in the challenge. We must lift the embargo and arm the Bosnians. We will be, again and finally, on the side of the morally defensible.

The conflagration in the Balkans, the West's confusion, and America's lack of leadership are casting a pall over the prospect of a NATO enlargement.

NATO is not credible when it inflicts pinprick strikes instead of effective bombing sorties. NATO is not credible when the Serbs can check it by taking hostages.

NATO cannot be credible if its stands idly by when its planes are downed by a third-rate power.

Mr. President, it is time to abandon this failed policy.

While the Clinton administration has wrung its hands, vacillated, and deferred to inconsistent allies, many Members in this body, led by the distinguished majority leader, have declared for some time that the only sensible policy after years of inept and immoral policies is to lift the arms embargo. To demonstrate how important this issue was, Senators DOLE and LIEBERMAN introduced S. 21 on the first day of this historic Congress.

The Bosnians are willing to fight for the right to exist as a peaceful and democratic nation that respects ethnic rights. They have not asked us to defend them, they only ask that we allow them to defend themselves. "We don't need you to die for us," Prime Minister Silajdzic said here on his last visit, barely two weeks after his Foreign Minister was blown out of the sky over Bihac by Serb rockets. "We know very well how to do this ourselves."

But it seems that some outside observers are in a state of weariness brought on by years of inaction against a war of brutal slaughter. We want it to stop; we want the suffering to cease. But we must not confuse our righteous repugnance for human suffering with the Bosnian government's heroic commitment to defend itself.

The Bosnians have a right to defend themselves. Article 51 of the U.N. Charter clearly articulates a nation's right to defend itself from hostile aggression. The majority of the nations of the United Nations have agreed.

Lifting the embargo will lead to the removal of U.N. peacekeepers. These troops have not kept the peace. They have been hostage bait. And, while they have sometimes fought bravely in recent months, their presence over the years has, in too many cases, legitimized Serbian gains. For the United Nations to stay would mean the symbolic defeat of peacekeeping. For the United Nations to leave would indicate that we are ready to return to reality.

I believe that the U.S. should assist in the withdrawal of the UNPROFOR troops. I say so reluctantly, because I do not believe this war requires a role for U.S. ground troops. But I will support the President if he chooses to assist our allies in the withdrawal, provided that the conditions the majority leader has laid out are strictly observed:

First, a withdrawal must occur under NATO or U.S. command. There must be no U.N. role in the command structure.

Second, the rules of engagement must be clear to any potential antagonists: Any attack on U.S. troops will be met with massive and disproportionate retaliatory attacks. If the Serbs take one shot at a United States soldier or a blue helmet that we are escorting out, the United States will retaliate anywhere in Bosnia or Serbia proper.

And finally, U.S. troops are not there to extract equipment. Any military materiel that could fall into Serb hands must be destroyed, if possible, but we will not engage troops for anything but the rescue of personnel.

S. 21 will put into motion a policy that will not bring us peace, but it will allow for the possibility of a real peace. By lifting the arms embargo on beleaguered Bosnia, this bill will allow for the only kind of peace that has worked through history: a peace gained by a balance of power on the ground.

But this will not be a peace guaranteed or easily achieved. We cannot realistically or responsibly let the issue stop here. We know that the chances of increasing the hostilities are great, although a strong signal from the United States in defense of Bosnia will certainly convey a level of seriousness to the Serbs that they have not yet seen, and we should not rule out the possibility that they may respond to this signal with the realization that the terms of the conflict are about to get much worse for them. However, since the Serbs have demonstrated a reckless intent to conquer by genocide, we should not delude ourselves with hopes of an easy settlement.

For this reason, I believe we must concomitantly begin the debate about military assistance to Bosnia. We should declare our support for Bosnia through a program of immediate provisions of military aid and continued humanitarian assistance. In addition, I believe we must also lift the embargo against Croatia, which has also been a victim of Serbian aggression, and without which we cannot effect a successful program to assist the Bosnians.

Mr. President, I also believe that we must consider the use of air strikes—during the extraction of UNPROFOR and while we arm the Bosnians. In addition to providing the necessary support for the Bosnian Government, these air strikes can demonstrate—for the future reference of those who have witnessed NATO's hapless performance to date—that the West is capable of using its military might effectively.

I have always stated that our policy in Bosnia should not require the commitment of United States ground troops. U.S. troops should not be involved in any mission but the support for an UNPROFOR extraction. It has been but one of the many straw men put out by this Administration that lifting the arms embargo would require the commitment of U.S. troops. The administration is either cynically manipulating a legitimate concern of the American people in order to rationalize a failed foreign policy, or it is truly naive in assessing the military and geopolitical realities of the Balkan conflict.

Mr. President, I wish to state very clearly that my objection to our current foreign policy is not partisan. As you have seen, some of the most articulate in this body in favor of lifting the embargo are Democrats. As I stated earlier, I strongly criticized President Bush's support for the arms embargo. As a matter of fact, I was encouraged when Governor Clinton, during his presidential campaign, advocated lifting the embargo. I am, of course, disappointed that now President Clinton has appeared so irresolute.

I believe the Bosnian crisis may permanently shatter the moral stature of our country. The crisis has already severely harmed the credibility of the United Nations. Much more importantly, it threatens the future of NATO, which had been the most successful military alliance in modern history. And it has put the United States—the world's remaining superpower—on the sidelines, while Bosnia burns.

Foreign policy should not be an exercise in naivete or cynicism. It should be a discipline requiring the highest order of judgment, soberly steeped in the awareness that the affairs of mankind are imperfect and recognizing that real options cannot offer panaceas to the bloody intents of the brutal. But U.S. foreign policy has often stood for more than the pragmatic: Our foreign policy, at its best, has been vitalized by principle.

We should be able to make clear distinctions about Bosnia. We should be able to declaim against genocide and put our actions where our denunciations are. We must abandon a policy that has been resolute in its lack of determination. We can make no argument for supporting an arms embargo that perpetuates genocide. And we must declare that we believe in the right of self-defense.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DOLE. I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, in just a minute or two I will ask that we stand in recess until 5:15 p.m, because the Republicans have a conference, and I think a number of my colleagues on the other side are at the White House discussing with the President the Bosnian resolution. There may be a chance we might bring up the rescission package tonight, too. I need to talk to Senator DASCHLE about that. So we will be under a strict time agreement, a limited number of amendments, and an agreement that the leadership on each side will vote against the amendments, as well as most of our colleagues, because this is something that has taken a long time because of a couple of Senators, who certainly are within their rights. But if we cannot reach that agreement, we will not bring it up.

I want to say just one additional word on this resolution.

Yesterday I addressed some of the criticism made by opponents of our legislation, and there are just a couple others I want to review at this point. The first criticism is that the legislation is unilateral in nature. Yes, this bill is unilateral. It provides that the United States will lift the arms embargo only after UNPROFOR withdraws—I would like to repeat, after withdrawal of the United Nations protection forces. This fact is being ignored by the administration and by some of our allies.

In my view, unilateral action as provided by this legislation is hardly a negative, but a positive. What the last 3 years of multilateral hand-wringing have demonstrated is that if the United States does not lead, action is not taken. It is time for leadership. We have been waiting, waiting and waiting for leadership. And so far nothing has happened. We are witnessing this right now. Thousands of civilians have begun to flee Zepa, as the Serbs close in. The United Nations has written Zepa off. And the hand-wringing is beginning with respect to Gorazde—the third eastern enclave. If Gorazde goes, that will be three out of six safe havens have been overrun. The French reportedly have a proposal for Gorazde that they are advocating. The British oppose stronger action and want the status quo. The White House spokesman says the administration is "leaning" toward action—but is not clear if the main objective is to forestall the fall of Gorazde or thwart this legislation.

In fact, the White House press secretary said this is a nutty idea. Well, I hope he tells that to Senator MOYNIHAN and Senator BIDEN and Senator LIEBERMAN and Senator FEINSTEIN and other Democrats who are supporting us. If it is a nutty idea, I am certain they would not want to have anything to do with it.

It is not a nutty idea. It is an idea we have been working on for years, Democrats and Republicans, to de-Americanize the conflict, lift the arms embargo, let Bosnia defend themselves without committing American troops. That is what it is all about. But I see an effort now by the White House at the last moment to stall and not have a vote on this legislation—always something better going to happen; just wait 1 more week, 1 more month. We waited 11 months. It has been 11 months since we had a vote.

In any event, leaning toward more aggressive action is not a substitute for aggressive action. And this is not for airstrikes, which the White House appears to be considering. The obstacle to airstrikes has been and continues to be opposition from some of our allies; namely, the British. Unless that hurdle is overcome, all the reports that the President is "leaning toward" airstrikes is meaningless. Moreover, while many of us in the United States Congress have urged that NATO conduct something more than pinpricks, we must realize that the robust use of NATO air power now is an appropriate, if overdue, reaction to Bosnian Serb action, but does not constitute a policy in and of itself.

Mr. President, what this bill does is commit the United States to leading the way and lifting the arms embargo, but going first does not mean going it alone.

Last fall, nearly 100 countries—nearly 100 countries—in the United Nations General Assembly voted in support of lifting the arms embargo—over 100 countries. It is not just the United States alone.

I believe if the United States was in the lead, others would follow. I believe a number of countries, in addition to the United States, would also provide military equipment or the funds to purchase such equipment.

I also would like to turn for a moment to the argument that

UNPROFOR is neutral and lifting the arms embargo would eliminate that neutrality.

First I point out that the U.N. resolutions are clearly not neutral. In imposing sanctions on Serbia, they recognize who the aggressor is. In committing to protecting the safe havens, on paper, they are acknowledging that the Bosnians need protection from this aggression. Finally, in perpetuating neutrality on the ground operationally, the U.N. peacekeepers are helping the very aggressors that have threatened to attack not only the Bosnians but the United Nations as well. This is not only absurd but a moral outrage.

Finally, I would like to comment on the idea raised by some that there should be another cease-fire and more negotiations. It seems to me that for negotiations to be successful in Bosnia, there needs to be some leverage on the side of the Bosnians. Why should the Serbs agree to anything when they are given free rein to overrun U.N.-designated safe havens?

At this point, the only negotiations that the Serbs might be interested in are the talks to arrange the surrender of the Bosnians. Well, the Bosnians are not ready to surrender. They are ready to fight and die for their country, if we only let them. That is what this debate is about. It is not Democrat; it is not Republican; it is not about liberal or conservative; it is about the U.S. Senate speaking on a very important issue. I hope we can have the vote before we adjourn today.

RECESS UNTIL 5:15 P.M.

Mr. DOLE. Mr. President, I now move that the Senate stand in recess until 5:15 p.m.

The motion was agreed to, and at 4:12 p.m., the Senate recessed until 5:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. ABRAHAM).

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, we are still involved in a Republican conference, and we are still trying to determine whether or not we may be able to bring up the rescissions bill under certain strict limitations and certain agreements on voting against any amendments. We have not reached that agreement yet.

We still hope to get a vote on Bosnia. But I think in view of the fact that we are still tied up in conference, I will suggest that we stand in recess subject to the call of the chair. But I indicate it will probably be before 6 o'clock. If necessary, we are going to have to postpone the conference until tomorrow because I think we have important business to do here, hopefully, this evening.

RECESS SUBJECT TO THE CALL OF THE CHAIR

Mr. DOLE. I move that the Senate stand in recess subject to the call of the Chair.

The motion was agreed to, and at 5:19 p.m., the Senate recessed subject to the call of the Chair whereupon, the Senate, at 6:27 p.m., reassembled when called to order by the Presiding Officer (Mr. ASHCROFT).

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, the Senate Republicans are still in conference, but I think in view of the fact that we have some who wish to speak on the Bosnia resolution, and we are still trying to work out some agreement on the rescissions package, I think it is better if we do business, if the Presiding Officer does not mind missing part of the conference.

If it becomes critical, we can always recess.

Mr. COATS addressed the Chair.

The PRESIDING OFFICER. The Senator from Indiana.

BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. COATS. Mr. President, thank you for the recognition.

We are back on the Bosnia debate. In one sense, this debate should not be necessary. In the normal course of events, the President is the one who holds the duty to provide direction in these matters. I have long believed that our foreign policy ought to be directed by the chief executive officer and ratified by the Congress—the Senate—but not formulated. But the situation is far from normal in this instance.

Our action today on this Bosnia resolution is required by a somewhat unusual, maybe unprecedented failure of leadership on a very important issue. The credibility of our Nation and the existence of NATO are at risk. But it seems that the administration moves from crisis to crisis in Bosnia without a clear definition of what our policy is or ought to be. We have alternated between indifference and almost panic, operating without purpose and often seemingly without principle.

Over 2 years ago, as the policy of "safe havens" was being defined, I came to this floor expressing a concern and a question. "A police action," I said, "protecting safe havens, will probably stop some short-term suffering, but it will answer few long-term questions. After we purchase a temporary peace for fleeing refugees, what is our eventual goal?" I asked. "On this question," I then said, "this administration is silent."

Now it is 2 years later and that eventual goal is still unclear, and that silence has become a source of considerable embarrassment. For, 2 years later, little has changed. The situation is worse.

We have maintained, during that period of time, a one-sided arms embargo against Bosnia which has only served to reinforce the advantages enjoyed by the Serb aggressors.

We have placed critical command decisions in the hands of international bureaucrats who have not brought any military experience, political insight, or even moral courage to their position.

We have made a series of threats against Serbian forces that proved hollow, empty, undermining our credibility with both friends and foes alike around the world.

And we have repeatedly misled Bosnian leaders, first opposing and then supporting various initiatives, leaving the Bosnian Vice President to conclude "We are going to die of these initiatives."

Mistake has followed failure in an unending downward spiral as each safe area became progressively unsafe.

"I don't remember a time," says one expert, "when there was so much scorn for American foreign policy." Former British Secretary David Owen comments, "To the day I go to my grave, I will not understand the policy."

The result has been an American retreat into a purely reactive mode. Our only role, it seems, is to respond to European proposals and initiatives. The only clear objectives of this administration seem to be to appease our allies and avoid political blame.

Now the administration is reduced to floating another French proposal, which repeats every error of the past. It calls on us to place more troops into indefensible positions. It demands that we risk American lives to prove our loyalty to a failed NATO policy. And once again, it has no diplomatic or military end game. It continues an aimless and endless commitment.

The President of France says the use of American helicopters and airmen is necessary "to place the Americans squarely in front of their responsibilities." The effect would be to place our troops squarely in front of bullets as a symbolic commitment to a strategy which no one expects to succeed. It is hard to imagine a policy more destructive to American interests or more likely to lead to pointless loss of life.

The central problem here is pretty clear. The "safe haven" approach has not worked. But even more than that, it could not have worked, even with less United Nations interference, even with more military commitment, because the safe havens were chosen for a humanitarian, not a military mission. Thus, the deployment of forces on the ground and the equipment they were given was matched for this humanitarian purpose, not for a military purpose. The troops were lightly armed and they were heavily restricted.

But now we are being asked to expand that mission to a combat role from militarily indefensible and irrational positions. Each of these areas is a Moslem outpost in a sea of Serbian hostility. We are being asked to man and defend six exposed and vulnerable enclaves, apparently for an indefinite future.

If all this sounds somewhat familiar, it should, because it is a policy that acts as though our experience in Somalia never happened; as though the deaths of those Rangers never took place. We attempted to expand that humanitarian effort into a military operation without holding military positions, without adopting military strategies, and without setting military goals. And under these circumstances, peacekeeping became bloodletting and nothing lasting was accomplished.

Mr. President, we are accustomed to saying all options in Bosnia are bad, which has been used as an excuse for choosing those options which are worse. It is increasingly clear to me that only one approach is justified.

Our goal should be the creation of a viable Bosnian state with defensible borders and the military equipment to uphold them. This goal will never be reached while the embargo remains in force.

I believe we are led to this goal by two very direct American interests.

First is our strategic interest in the containment of this crisis. The worst possible result here would be for the fighting to extend beyond Bosnia, to spread to Macedonia, Kosovo, and beyond. That would bring in other NATO allies and could result in a situation that would be far more difficult in the future than even what we face today. It seems to me the best way to make that result difficult and hopefully impossible is to have a viable Bosnian state in the region to provide a check against Serb aggression.

Second, I suggest we have a moral interest and that moral interest is an eventual peace agreement between the parties in Bosnia. History offers no example of fruitful diplomacy or lasting peace between warring nations where the stronger power has a continued interest in conflict. Therefore, trying to bring both sides into some parity of power will bring them to the table.

All along, my problem with removing U.N. forces and lifting the embargo has been the safety of the safe havens. Establishing indefensible regions and calling them "safe havens" was a mistake in the first place, but that is the course we took and now those safe havens exist.

The President himself, at the beginning, predicted that these areas would become "shooting galleries." But they were adopted anyway, at European insistence, because America offered no alternative.

When one top Clinton official was asked why the President accepted this proposal he responded: "They"—meaning the Europeans—"showed up in town with a plan and he had no choice."

But the status of the safe havens has been the most difficult obstacle to changing the Bosnian policy. What would happen to these people, to whom we offered the temporary illusion of safety, when the United Nations left? But that dilemma, tragically, is quickly coming to an end. Precisely because these isolated areas only existed at the whim of Bosnian Serbs, they are now endangered. An indefinite commitment to safe havens is not, I suggest, a real option.

Mr. President, I suggest a new Bosnian policy embody four principles.

The first principle, there must be a timetable for withdrawal of UNPROFOR, the U.N. Protective Force. British and French troops in Bosnia are now the primary obstacle to any sensible policy in the region. Whenever anyone suggests some responsible action, like lifting the embargo, we are told that this is impossible because UNPROFOR forces, which are primarily British and French and some other nations—those forces would be endangered. In fact every single member of UNPROFOR is now a virtual hostage, preventing a reasonable reassessment of our goals.

One commentator has said, "The U.N. might as well have deployed women and children." UNPROFOR has proven its inability to achieve its stated purpose and now stands as an impediment to a viable alternative policy.

The second principle I suggest is that U.S. troops should not be used to symbolize our commitment to a failed NATO strategy. We are told that the deployment of American troops is necessary rather than risk further divisions in the Atlantic alliance. But this does nothing to rebuild the reputation of NATO, to join it in a policy that is doomed to fail. In fact, to advance down this path will further undermine NATO's fragile credibility. The United States should not accept either the deployment of American forces to defend the safe havens, or the use of 10,000 American ground troops to help extract French and British forces.

The Europeans have proposed this commitment to cement American involvement, not because they are militarily incapable of performing this mission themselves. If we do, however, reach an emergency in which the only means of rescuing the French and British involves a United States role, then I suppose that is part of our duty as an ally, and we ought to have the capability of responding.

In addition, I am not opposed to using American communications, logistic support, and transport to help evacuate UNPROFOR. But this is entirely different than sending American infantry and Marines into the Bosnian quagmire as a show of political solidarity for a failed policy.

The third principle that I would advocate is that after UNPROFOR have been evacuated we should lift the arms embargo on Bosnia. It is certainly preferable that this be done with the cooperation of our allies. But if it cannot be done with their cooperation, I believe that we should take this action unilaterally, as the Dole-Lieberman resolution directs.

The effect of our current policy has been to deny the legitimate and inherent right of Bosnian Moslems to defend themselves. It has also prevented the creation of meaningful borders that could contain Serb aggression in the region. Maintaining the embargo is a violation of both our moral commitments and our direct national interests.

In the short term, lifting the embargo may cause the fight to intensify. But this is a risk the Bosnians themselves seem eager to accept. Even under a crippling embargo, the Bosnians have fought with courage and tenacity. They show increasing organization and capability, and the Bosnian Serbs themselves are overextended and plagued by desertions. All the Bosnian Moslems lack are the heavy arms to match the Serbs. Once some balance or parity is achieved, and both sides have a reason to negotiate, the United States should be aggressive in mediating some solution.

I am not suggesting that this is a policy without risks. It does carry risks. But there is good reason to believe that Bosnian Moslem resistance will not collapse if UNPROFOR leaves. It is the Bosnian Moslems themselves that assert they are prepared to assume their responsibilities.

I cannot forget the personal plea of the Vice President of Bosnia when he testified before the Armed Services Committee: "We repeat over and over again: we are not asking you for your troops to fight for us on the ground. That is our job and our task. But please do not combine any more big words with small deeds. God will not forgive you if you do nothing. Doing nothing creates a tragedy in Bosnia every day."

I suggest that the fourth principle underlying our policy is that America must provide a serious strategy to contain the carnage in the Balkans. The flashpoints of future conflict are Macedonia and Kosovo. Here is where NATO has a compelling interest in building and fortifying a barrier against aggression.

Currently, in these regions, we do not have a deterrent, only a tripwire under ineffective U.N. control. NATO should assume full control of this operation, not as a confused humanitarian effort, but as a serious military commitment.

This, in general, is the approach adopted by the Dole-Lieberman bill. I believe the time has come for the Senate to support a strong measure and fill a vacuum of leadership that exists.

Some will argue that this proposal will weaken NATO. Let me be clear: the health of NATO is essential to American interests. This historic comment is a continuing necessity. But this alliance was successful because its leadership has in the past been unquestioned. And that leadership was effectively provided, throughout the cold war, by America.

There is nothing more likely to destroy NATO than for America to retreat from that leadership and abdicate its role. But that is exactly what this administration has allowed to happen. European leaders have attempted to fill that vacuum, but have not succeeded.

In David Rieff's new book on Bosnia, he concludes: "The story of Bosnian defeat is the story of Western European and North American disgrace. What has taken place in Bosnia has revealed the bankruptcy of every European security institution, from the North Atlantic Treaty Organization to the Conference on Security and Cooperation in Europe, and exposed the fact that nowhere in these great structures was there either intellectual preparedness or moral fortitude for dealing with the crises of the post-cold-war world."

President Chirac commented yesterday, "There is no leader of the Atlantic Alliance." That is unfortunately, tragically true. It is a disaster for Bosnia, for Europe and for the world.

We will not reassert American authority by following European and U.N. officials further into this policy that has not worked. The best way to restore national integrity, I suggest, is by providing it with a strategy that will work. And the best way to preserve NATO is by leading it once again.

Mr. President, I have reluctantly come to the conclusion that lifting of the embargo is a policy option that we should adopt. It is clear that we will not—or should not, hopefully will not—place U.S. troops in an indefensible military situation to achieve an objective that has yet to be defined, in a military manner that has yet to be defined, with an end purpose that has yet to be defined.

Therefore, I believe we should heed their request, and since we will not do that, and since the UNPROFOR forces are ineffective in terms of providing the protection that they promised the Bosnian Moslems, I believe it is time that we assert those principles that I outlined—that we lift the embargo, and that we heed their request to allow them to defend their sovereign state.

Mr. President, I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. BYRD. Mr. President, is the Senate discussing the pending resolution to lift the embargo?

The PRESIDING OFFICER. That is the pending business.

Mr. BYRD. And there is no time under control?

The PRESIDING OFFICER. There is no time under control.

Mr. BYRD. I thank the Chair.

UNITED STATES POLICY TOWARD BOSNIA

Mr. BYRD. Mr. President, this is a difficult debate, and a debate that could significantly affect the situation in Bosnia. The legislation we are considering, to lift the arms embargo on Bosnia, is, on the surface, appealing. It appeals to our instincts to do something to redress the plight of the Bosnian civilian population without getting too personally involved. It appeals to our instincts to "level the playing field," and support the underdog.

Representatives of the Bosnian Government have reinforced the appealing character of this legislation. They have visited with me and with other Senators, and they have assured us that if they only had arms to match the aggressor Serbs, they could secure a safe, ethnically diverse, and democratic Bosnian state without the further help of the United Nations or other Western help, although help would be welcome.

But there is a less appealing side to this legislation, a side that troubles me. This is, as some have noted, an incomplete piece of legislation. There are many unanswered questions raised by this resolution. It is these missing answers that so trouble me.

First, and perhaps most troubling, is that this legislation pushes the United States out in front of allies, out in front, and gets the Congress out in front of the President. There is a meeting of NATO allies scheduled to take place in London this Friday, 2 days from today, to finalize a unified NATO plan for Bosnia. While earlier meetings have failed to reach a consensus view, it is clear that the pressure is on to agree on a unified plan of action. Passage of this bill in advance of that meeting narrows the options for the United States and for our allies. It pushes us out on an untraveled path of unilateral action and leaves our allies to deal with the consequences. We have resisted taking this path for 2 years, and have honored our NATO allies' concerns for the safety of their personnel on the ground in Bosnia.

I cannot understand why this debate cannot wait until after the meeting Why the hurry? The meeting will take place Friday. Why can we not wait until next week to consider this bill?

It was at the urging of his officer corps and Senators who were in that officer corps that thrust Pompey into the fatal decision not to wait and delay attacking Caesar at Pharsala. Pompey controlled the Adriatic with his 500 large warships and his many more small ships. He controlled the lines of transport. It was just a matter of waiting, to let Caesar's army starve to death. But the officer corps wanted action. And so Pompey made the fatal decision to act quickly, and he was defeated at the battle of Pharsalus in 48 B.C.

It was that same impetuosity, that same desire to rush matters that brought about the defeat of Brutus and Cassius at Philippi in 42 B.C. Brutus and Cassius had squared off against Octavian and Antony. Brutus faced Octavian's wing and defeated it. Cassius, who was in control of the left wing, faced Antony and lost. That was the first battle of Philippi. Then came the second battle, in which, again, the Roman general, Marcus Junius Brutus, had the advantages had he waited. But his soldiers taunted him and urged him to fight sooner rather than later. Brutus did so and lost.

So why the hurry? What is the rush? The situation in Bosnia is desperate, but rash action on our part may make it all the more desperate, and may only serve to add withdrawal forces to the numbers of Bosnian civilians facing crisis situations.

This bill also puts U.S. policy partially in the hands of a foreign government. A request by the Bosnian Government would trigger the lifting of the American role in the arms embargo. This disturbs me. U.S. foreign policy should be directed by the President working with the Congress. U.S. foreign policy should be developed within concert with our allies. Its direction and timing should never be deposited in the hands of any foreign government. Never should we allow the actions of a foreign government automatically to trigger a military action on our part.

Yesterday morning, the distinguished ranking member on the Armed Services Committee, Senator NUNN, identified another of the missing elements in this bill. That is, that unilateral U.S. action to lift the arms embargo in violation of U.N. Security Council resolutions brings with it the high probability, if not the virtual certainty, that the U.N. forces would withdraw from Bosnia. Indeed, the Bosnian Government may request the withdrawal of the U.N. forces. That is their right. But either of these actions would most certainly trigger a commitment by President Clinton to deploy some 25,000 U.S. troops to participate in the extraction of the U.N. forces. Well, I believe that Congress should wait for a Presidential decision and a NATO decision to actually commit troops before actively authorizing such an operation. But I agree that we should not ignore this logical consequence of the action that may be taken today or tomorrow, whenever we vote on this measure. But we must also consider the consequences of such actions.

There are those who have assured us that the risks to U.S. and NATO forces of a U.N. withdrawal may be overstated; that most U.N. forces are deployed on Bosnian Government-held territory; and that Bosnian Government forces would not hinder the withdrawal. Therefore, the full 80,000-plus NATO extraction force may not be necessary and the risks of casualties may be reduced. This may all be true—I am not an expert in military planning. I have no personal knowledge of the conditions on the ground in Bosnia. I deplore what I see and what I read and what I hear. But I am hesitant to accept such reassurances when the U.S. Department of Defense continues to support a robust operations plan designed to deter attacks and reduce casualties. And I am concerned by the lack of discussion regarding the situation facing the Bosnian civilian refugees affected by a U.N. withdrawal. What efforts will such refugees make to retain or to retaliate against U.N. peacekeepers in the event of a withdrawal? Will the refugees be left in the former safe areas or will they withdraw along with the peacekeepers to Bosnian Government-controlled territory? This resolution ignores the reality of withdrawal by ignoring such questions.

Another missing element in this debate concerns the funds required to pay for the U.S. share of a NATO withdrawal of U.N. forces. At a time when we are making many very difficult choices required to meet the budget resolution goals and reduce the deficit, we must address the approximately $1 billion bill for U.S. participation in a withdrawal. Let us not forget that. There will be a bill to pay. I am not arguing that we should not lift the embargo because it would prove too expensive. I simply note that the passage of this bill would lead to costs eventually to the United States, and that we must address these costs up front.

This bill is not a simple and appealing low-cost solution to the ugly situation in Bosnia. It carries with it consequences, and those consequences carry a price in both lives and treasure, and the future of our alliances with other nations. If the United States pursues a solo course in Bosnia, and chooses to unilaterally abrogate an international arms embargo against Bosnia, what authority can we muster to argue for the maintenance of other sanctions or embargos against other countries? One compelling example is the case of the sanctions against Iraq. For 4 years, our allies have stayed the course with us to maintain sanctions against Iraq. These sanctions have proven to be the critical tool in pushing a very recalcitrant Iraqi Government to disclose and dismantle their industrial infrastructure for the research and production of weapons of mass destruction. Without the sanctions, the Iraqi biological weapons production complex would not have been revealed, and Southwest Asia and the rest of the world would remain at the mercy of Iraqi-produced anthrax and botulinum bombs. Many of our allies, including prominent members of the coalition in Bosnia, would like to lift the sanctions against Iraq. They want to restore lucrative—lucrative—trade ties with Baghdad, but they have bowed to our compelling interest in maintaining the sanctions, just as we have supported their desires to maintain the arms embargo against Bosnia in order to protect allied personnel on the ground. Our unilateral action on Bosnia would provide our allies with the excuse to deny United States requests concerning Iraq, at a time when the U.N. inspectors there are very close to resolving the few, but critical, remaining issues concerning Iraqi chemical and biological weapons programs.

Finally, I would note that the appealing message trumpeted by this bill and by the Bosnian Government representatives is somewhat disingenuous. It is designed to appeal to our sympathies and to our desire to help, but a lifting of the arms embargo also appeals to our desire not to put Americans in harm's way. Members have argued that U.S. support of the arms embargo has already "Americanized" the conflict. This is not true. The United States, has with other nations, supported a U.N. Security Council resolution to limit arms. Our allies with troops on the ground have reinforced the consensus on maintaining the embargo. If that causes the conflict to be "Americanized," then it also makes it "Britishized" and "Frenchified," and "Spanishized." The act of unilaterally lifting the embargo, pushing our allies out of Bosnia, and leaving the Bosnian Government to look to the United States for support—that unilateral act is what risks "Americanizing" the conflict.

The Bosnian Government representatives have identified three priorities, which also trouble me. First, they seek a lifting of the arms embargo. Although this bill does not promise any U.S. arms or assistance, it is clearly desired and perhaps even expected. The legislative history of United States policy on Bosnia has linked—linked—the lifting of the arms embargo with the provision of up to $200 million in training and assistance, and with the provision of excess United States military equipment at no cost. Do not be surprised to see actions to extend this assistance in the authorization and appropriations bills later this year, even though no promises are made in this bill before us. Additionally, remember that this imperfect arms embargo also affects the Serbs. If we lift the embargo and supply arms to the Bosnian Government, it will not occur in a vacuum. The Serbs will also receive arms from their friends and sympathizers. As the conflict heats up and more nations get involved, are we going to be able to easily walk away?

Second, the Bosnian Government desires a continuation of the NATO "no-fly" zone over Bosnia. Because the Bosnian Government has no air forces while the Serbs do, it seems reasonable to prevent the Bosnian Serb forces from exploiting their advantage in the air, and allow both sides to fight on a level playing field on the ground. The Bosnian Government suggests that this role can be continued by NATO at low risk, despite the shoot-down of American pilot Scott O'Grady, and the losses of other NATO aircraft in the past.

Finally, the Bosnian Government's third priority is NATO airstrikes against Serb forces and ammunition dumps. This is not a level playing field. This is a desire for a playing field tilted in favor of the Bosnian Government. The Bosnian Government wants NATO to intervene to keep the Serbs out of the air, and then use NATO air superiority to attack Serb forces and installations. While the victimization of the Bosnian Moslem civilian population may merit this kind of support, it is exactly the kind of action that leads to greater NATO or United States participation in the conflict. That is where the rub comes. These unheralded priorities disguise the slippery slope of escalating U.S. involvement down which we might slide, and with this resolution we may be pouring more oil on that slick hillside.

These priorities, and the language in the bill, make it clear that United States policy, which up until now has been one of neutrality and conflict containment, will tend to tilt to partisan support of the Bosnian Government and the Bosnian Moslem side in the conflict. I do not think we want to tilt either way. With the adoption of this resolution, we will move toward picking a side—picking a side—in this conflict, and thereby irrevocably tie United States to Bosnia and to the fate and abilities of the Bosnian Government.

And so I urge my colleagues will consider carefully the downside of this legislation before they cast their votes. This bill is not a simple solution to a complex and guilt-laden problem. We must understand the consequences of our actions. I for one do not relish the possibility of emotional speeches of support for the Bosnian victims of this tragic conflict being replaced by emotional speeches decrying the lives of American pilots and soldiers lost in a civil war that everyone acknowledges is not in the vital national security interests of the United States.

Mr. President, I shall vote against the pending bill.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. DeWine). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that I be allowed to proceed in morning business for 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGULATORY REFORM

Mr. BROWN. Mr. President, I rise to address the issue of regulatory reform, which this Senate has debated at length.

I think many Americans, as they listen to the debate, must wonder what the argument is all about. There have been charges that sponsors of S. 343 will eliminate regulations protecting food, clean air, clean water, and that we will eliminate regulation of meat inspection, and so on. All those charges are completely inaccurate. No statutes in those areas are repealed. No regulations are repealed. What this bill basically does is simply require that the Government examine the merits and the cost of new or current regulations.

I think many Americans may wonder, why the filibuster? What is really involved is the question of costs and benefits of regulations. Why does that deserve a filibuster? This regulatory reform bill has been filibustered in a way I have never before seen in a legislative body. Certainly we have had filibusters on the floor before, but seldom have we had filibusters in the committee, which is what occurred in the Judiciary Committee.

What I think is at stake—and why I think you see such vigorous debate of this issue—is the question of unbridled, uncontrolled regulation of an economy goes to the core of people's philosophy about America and American Government.

Last year this country added more than 60,000 pages of new regulations to the Federal Register. I think most Americans, when they hear that, would be shocked. It is true—the Government promulgated more than 64,000 pages of new regulations. If you wanted to read those regulations—and, of course, all Americans are subject to them, and if they violate them, they could be fined, or even on occasion thrown into prison—if you wanted to read the regulations that you are subject to, and if you read it 300 words a minute, which is a very good reading speed for a legal document, it would take you more than a year. In fact, you would be roughly halfway through it. If you read 8 hours a day with no coffee breaks, 5 days a week with no holidays or days off, if you read 52 weeks a year with no vacations, you still would not have even read the new regulations. Add to that the tens of thousands of pages of regulations that already exist.

What is at stake in this debate is not whether you should have a cost-benefit analysis or not. What is at stake is the question of whether or not the Federal Government has any restrictions on its ability to micromanage the economy. What Americans have found is that the details of how you drive the truck, how you dig a ditch, how you operate daily activities in many, many areas, are now controlled by regulations.

What is at stake is, who will make the decisions in this country? Will Government make those decisions about how we run our daily lives in minute detail, or will individuals preserve a right to make decisions about how they function and how their activities are lived? That is an important decision.

I think those who look at the votes in the Senate on this issue will note one thing. In most cases, those Members that have worked for a living in the private sector, who have used their hands and their minds to produce products, goods, or services, are the ones who voted to reform the regulatory process—not all, but most of them. And largely those people who did not have an opportunity, or have not for many decades had an opportunity, to work in the private sector, who have spent their productive lives in government, tended to vote to oppose regulatory reform. It is not surprising that people would reflect their background.

What is sad, though, is that there are not more Members who have walked in those moccasins, so to speak, who have had a chance to be subject to regulation, who understand what it is like to have OSHA inspect their business, understand what it is like to have the EPA come along, or who have run a municipal operation.

We heard in the Constitution Subcommittee the other day from the Governor of Nebraska, who is a Democrat, that they are required by Federal regulations to test for pineapple sprays in Nebraska. It is ludicrous. And, yet, the people of Nebraska are subject to this regulation and are forced to spend their money and their treasury on it, when it has absolutely no relevance to the quality of water in the State of Nebraska.

There are thousands of examples like that. But this is not just about what Nebraskans have to test for in their water, whether there are sprays for pineapples or not; it is about a concept. It is about the concept of who will make the decisions in America. Will working men and women have a chance to decide how they live their daily lives, or is this all to be relegated to minute regulations that come down from the Federal Government?

That is an important principle. I believe if we in America stand for anything, it is for individual opportunity and individual freedom; yes, even at times an opportunity to make a mistake. But Americans believe we have an opportunity and a right to help run our own lives, not simply take dictates from those who govern, no matter how wise or how well meaning.

Do we need regulations? Of course. But 60,000 pages of new ones every year? No society can sustain it. What is at stake is an effort to make regulations responsible and reasonable. What is at stake is individual opportunity to decide how to live their own lives.

I yield the floor, Mr. President.

I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. D'AMATO. Mr. President, I rise today in strong support of S. 21, Senator Dole's bill to lift the United States arms embargo against the Republic of Bosnia and Herzegovina. As the so-called U.N. safe zones fall one by one to Serbian rebel assaults, and their civilian inhabitants face the horrors of ethnic cleansing, we must stand up for the sovereign right of Bosnia to defend itself against this armed aggression.

The U.N. protected areas were initially created to actually protect their inhabitants from ethnic cleansing. The plan was that the U.N. Protection Force, backed by NATO air power, would actually use force to stop the population of these areas from coming to harm. The implicit deal was that the United Nations, through UNPROFOR and NATO, would assume Bosnia's sovereign responsibility to defend its people and its territory, in return for Bosnian cooperation in pursuit of a diplomatic solution to the conflict.

Mr. President, Bosnia has cooperated. Bosnia accepted the contact group's plan that would have left the Bosnian Serb rebels in control of half of their country. Bosnia, in return, had every right to expect the United Nations and NATO to uphold their end of the bargain, and use armed force to defend the Bosnian people in the protected areas from Serbian assault.

We have now seen that neither the United Nations nor NATO is willing to meet its obligations under this arrangement. After the disastrously misguided air attacks on unmanned Serb ammunition bunkers near Pale, the Serbs did again what they have done before—they seized UNPROFOR members as hostages and, in a new violation of the laws of war, chained them to potential targets. Some charge that our allies in UNPROFOR deliberately deployed their forces in militarily untenable positions so that they would serve as de facto hostages, effectively barring the use of force in response to Serb outrages. Whether or not this unsound deployment was deliberate and the actual taking of hostages was foreseen, neither the United Nations nor NATO is now free to use force against the Serbs even if they had the political will to do so.

In fact, the West lacks the political will to use force to protect the safe zones and the people living in them. Srebrenica has fallen and Zepa is about to fall. In my opinion, any of the publicly discussed plans to protect Gorazde are doomed to failure.

The United States Senate should vote today to return to the Bosnian Government the capability to exercise its sovereign right of self defense. The recent attacks to lift the siege of Sarajevo show that the Bosnian Government is not afraid to use force in its own self-defense, and that its people are ready to make tremendous sacrifices for their country. We need to allow them to obtain the tools they need to convert their political resolve and courage into military success.

While I believe that the French plan to insert additional troops in the besieged Gorazde zone is the height of folly—someone wrote that the French have forgotten Dien Bien Phu—I agree with President Chirac's assessment of the performance of the West in this crisis as being the worst since the late 1930's, when we faltered and compromised in the face of Nazi aggression. It is time and past time for us to get out of the Bosnians' way and allow them to obtain the means to defend themselves.

Accordingly, I will vote for this measure and I strongly urge my colleagues to give it their wholehearted support.

ORDER OF PROCEDURE

Mr. DOLE. First of all, Mr. President, let me indicate there will be no more votes this evening. We are still hoping to have the debate tonight on the rescissions bill. We have an agreement that we hope we can reach here in the next moments. It depends on, as I understand, some assurance from the White House to the Senator from Minnesota, Senator WELLSTONE. But it is the majority leader's intention to have the debate tonight, 40 minutes of debate, 20 minutes of debate tomorrow, there be two back-to-back votes, then a vote on final passage, if necessary, tomorrow morning. If we cannot reach that agreement, then I really will give up on it. We tried to accommodate the Senator from Minnesota. It is very important that we pass this bill, but we need to have some movement on the other side.

Second, I have had a lengthy phone conversation with the President about Bosnia. He has asked that we not have a vote on the Bosnian resolution, S. 21, until next week. And I have told the President I would—he asked me to think about it overnight and contact him tomorrow. So I will certainly do that. Without in any way trying to characterize the conversation, I think the President indicated that he knew that the present policy was not working. He knew that the changes would have to be made. He was prepared to provide the leadership necessary to bring about those changes. I think that is about all I can say about it. But, obviously, I wish to cooperate with the President wherever and whenever possible. So it would be my inclination that we not vote on the Bosnia resolution this week. But I will discuss this with some of my colleagues in the morning and get back to the President.

Third, we are still negotiating S. 343, the regulatory reform bill. Under the agreement, I can call for the regular order at any time, but an hour later we could have a cloture vote on S. 343. Obviously, I will give the Democratic leader, Senator DASCHLE, adequate notice before that is done. But there are still some negotiations underway. It is still our hope that we can find some common ground, though I must say some of the demands cannot be met. Perhaps some others can. And we should, hopefully, reach some final decision on that bill sometime tomorrow.

Also, I hope, after we work out the rescissions agreement, that tomorrow morning following the vote on the rescissions package, we will take up legislative branch appropriations. We have notified Senator MACK, the subcommittee chair, so that we will start on our first appropriations bill somewhere between 9:30 and probably about 10 tomorrow morning.

So that is sort of a summary of where we are. And while I dislike not being able the accommodate the staff, we need to wait until we hear from the White House before we know that we can proceed on the rescissions package. Perhaps we will just have a recess until 8:15. At least the staff can get up and walk around.

RECESS UNTIL 8:15 P.M.

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate stand in recess until 8:15.

There being no objection, at 7:55 p.m., the Senate recessed until 8:14 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. BROWN).

The PRESIDING OFFICER. The Chair, in his capacity as the Senator from Colorado, suggests the absence of a quorum. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOLE. Mr. President, we have been unsuccessful in working out an agreement with the Senator from Minnesota. It is unfortunate. We would have hoped he would come to the floor and use some of the time this evening. He has refused to do that. So it seems to me, if you cannot get anybody to cooperate, there is no reason to worry about the rescission package and I am not going to worry about it. Somebody else can worry about it from now on. I have talked to the President about it today. I have talked to the chief of staff at the White House. We thought we had an agreement. We cannot get the agreement.

I am going to ask consent and let somebody object to the agreement as soon as we can find an objector. I wish it were the Senator from Minnesota, Senator WELLSTONE, since he is the one who we are trying to accommodate. It is hard to do.

So, tomorrow we will have morning business from 9 to 10, then we will go on to the legislative branch appropriations. And hopefully, following that, military construction appropriations. And perhaps, maybe by then we will be able to go back to the reg reform bill, S. 343.

UNANIMOUS-CONSENT REQUEST—H.R. 1944

Mr. DOLE. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of H.R. 1944 and that it be considered under the following agreement: One amendment in order to be offered by Senator WELLSTONE, regarding education funding/job training and LIHEAP, on which there be a division, and each of the two divisions be limited to 1 hour to be equally divided in the usual form, with all time to be used this evening with the exception of 40 minutes; then, when the Senate reconvenes on Thursday at 9 a.m., the Senate resume H.R. 1944 and the remaining 40 minutes on the amendment and the 10 minutes for the managers on the bill, to be followed immediately by a motion to table the first Wellstone division, and that following that vote, the majority leader be recognized to place the bill on the calendar. If that action is not exercised, the Senate then proceed immediately to vote on a motion to table the second Wellstone division to be followed immediately by a vote on passage of H.R. 1944.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader is recognized.

Mr. DASCHLE. Mr. President, I appreciate the distinguished majority leader's effort to try to accommodate Senators on our side. The offer that the Senators on our side, Senators WELLSTONE and MOSELEY-BRAUN, have made is that we have three amendments and three votes. This request accommodates two amendments. I know that there are still some outstanding negotiations underway with regard to the third matter.

This is a very important bill. It deals with assistance to be provided in cases in California and Oklahoma, as we all know. I hope, as close as we are, we could continue to try to resolve these differences. But unfortunately, as a result of our inability to resolve that third outstanding matter, on behalf of Senators WELLSTONE and MOSELEY-BRAUN I have to object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Kansas retains the floor.

Mr. DOLE. I would just add, my understanding is the White House is working in good faith. I have talked to the chief of staff, Leon Panetta. And as far as I know, everyone is in good faith. But nobody accepts anybody's good faith, at least the Senator from Minnesota does not. He has every right to have someone object to the agreement, but it is important to the people of Oklahoma City. This bill is important to people in about 39 States. It is not just important to the Senator from Minnesota. The amendment he is talking about is less than $5 million, the third amendment.

I have tried to help him on that amendment. I have asked the White House, myself, to try to accommodate the Senator from Minnesota. I would think, in the spirit of comity, he would let us proceed and have the debate tonight. I assume when the President or chief of staff indicate they think they can work something out, that would be—at least good enough for this Senator. But maybe not the Senator from Minnesota.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there now be a period for morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRESIDENT CLINTON'S ADDRESS ON AFFIRMATIVE ACTION

Mr. KENNEDY. Mr. President, earlier today, President Clinton delivered an eloquent and excellent address on one of the most important issues the Nation faces—the future of affirmative action.

In my view, and I believe in the view of the vast majority of the American people, President Clinton is doing the right and courageous thing. He is preserving and improving the best of affirmative action, and eliminating its abuses.

For a generation, beginning with the Supreme Court's landmark 1954 decision outlawing school segregation, America has made significant bipartisan progress in attempting to end the most blatant forms of discrimination and racism in our society.

Much of this progress has been achieved through affirmative action, involving the leadership of government at every level—Federal, State, and local—and the action of dedicated private citizens.

Unfortunately, discrimination persists, often in subtle forms. We have made real progress, but much more remains to be done. Good jobs still too often remain closed or less available to qualified minorities and women because of bigotry. By helping to assure that every individual has an equal opportunity, affirmative action is one of our most effective means and best hopes for rooting out that bias.

The President is right to broaden set-asides, to oppose quotas, to reject preferences for unqualified individuals and reverse discrimination, and to end programs that have achieved their goals. Every Federal affirmative action program deserves review to see whether abuses have occurred and whether it accords with the Supreme Court's current guidelines.

I commend President Clinton for his leadership and his vision of a more just America. Today was one of his finest hours. At a time when some in the Party of Lincoln are seeking to divide America because of race, we must not retreat from our commitment to fulfill the Constitution's fundamental promise of equal justice for all.

Mr. President, I believe the President's address will be of interest to all of us in Congress and to all Americans, and I ask unanimous consent that it may be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY PRESIDENT CLINTON ON AFFIRMATIVE ACTION, JULY 19, 1995

Thank you very much. To the members of Congress who are here, members of the Cabinet and the administration, my fellow Americans: In recent weeks I have begun a conversation with the American people about our fate and our duty to prepare our nation not only to meet the new century, but to live and lead in a world transformed to a degree seldom seen in all of our history. Much of this change is good, but it is not all good, and all of us are affected by it. Therefore, we must reach beyond our fears and our divisions to a new time of great and common purpose.

Our challenge is twofold: first, to restore the American dream of opportunity and the American value of responsibility; and second, to bring our country together amid all our diversity into a stronger community, so that we can find common ground and move forward as one.

More than ever, these two endeavors are inseparable. I am absolutely convinced we cannot restore economic opportunity or solve our social problems unless we find a way to bring the American people together. To bring our people together we must openly and honestly deal with the issues that divide us. Today I want to discuss one of those issues: affirmative action.

It is, in a way, ironic that this issue should be divisive today, because affirmative action began 25 years ago by a Republican president with bipartisan support. It began simply as a means to an end of enduring national purpose—equal opportunity for all Americans.

So let us today trace the roots of affirmative action in our never-ending search for equal opportunity. Let us determine what it is and what it isn't. Let us see where it's worked and where it hasn't and ask ourselves what we need to do now. Along the way, let us remember always that finding common ground as we move toward the 21st century depends fundamentally on our shared commitment to equal opportunity for all Americans. It is a moral imperative, a constitutional mandate, and a legal necessity.

There could be no better place for this discussion than the National Archives, for within these walls are America's bedrocks of our common ground—the Declaration of Independence, the Constitution, the Bill of Rights. No paper is as lasting as the words these documents contain. So we put them in these special cases to protect the parchment from the elements. No building is as solid as the principles these documents embody, but we sure tried to build one with these metal doors 11 inches thick to keep them safe, for these documents are America's only crown jewels. But the best place of all to hold these words and these principles is the one place in which they can never fade and never grow old—in the stronger chambers of our hearts.

Beyond all else, our country is a set of convictions: "We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the Pursuit of Happiness."

Our whole history can be seen first as an effort to preserve these rights, and then as an effort to make them real in the lives of all our citizens. We know that from the beginning, there was a great gap between the plain meaning of our creed and the meaner reality of our daily lives. Back then, only white male property owners could vote. Black slaves were not even counted as whole people, and Native Americans were regarded as little more than an obstacle to our great national progress. No wonder Thomas Jefferson, reflecting on slavery, said he trembled to think God is just.

On the 200th anniversary of our great Constitution, Justice Thurgood Marshall, the grandson of a slave, said, "The government our founders devised was defective from the start, requiring several amendments, a civil war, and momentous social transformation to attain the system of constitutional government and its respect for the individual freedoms and human rights we hold as fundamental today."

Emancipation, women's suffrage, civil rights, voting rights, equal rights, the struggle for the rights of the disabled—all these and other struggles are milestones on America's often rocky, but fundamentally righteous journey to close up the gap between the ideals enshrined in these treasures here in the National Archives and the reality of our daily lives.

I first came to this very spot where I'm standing today 32 years ago this month. I was a 16-year-old delegate to the American Legion Boys Nation. Now, that summer was a high-water mark for our national journey. That was the summer that President Kennedy ordered Alabama National Guardsmen to enforce a court order to allow two young blacks to enter the University of Alabama. As he told our nation, "Every American ought to have the right to be treated as he would wish to be treated, as one would wish his children to be treated."

Later that same summer, on the steps of the Lincoln Memorial, Martin Luther King told Americans of his dream that one day the sons of former slaves and the sons of former slaveowners would sit down together at the table of brotherhood; that one day his four children would be judged not by the color of their skin, but by the content of their character. His words captured the hearts and steeled the wills of millions of Americans. Some of them sang with him in the hot sun that day. Millions more like me listened and wept in the privacy of their homes.

It's hard to believe where we were, just three decades ago. When I came up here to Boys Nation and we had this mock congressional session, I was one of only three or four southerners who would even vote for the civil rights plank. That's largely because of my family. My grandfather had a grade school education and ran a grocery store across the street from the cemetery in Hope, Arkansas, where my parents and my grandparents are buried. Most of his customers were black, were poor, and were working people. As a child in that store I saw that people of different races could treat each other with respect and dignity.

But I also saw that the black neighborhood across the street was the only one in town where the streets weren't paved. And when I returned to that neighborhood in the late '60s to see a woman who had cared for me as a toddler, the streets still weren't paved. A lot of you know that I am an ardent moviegoer. As a child I never went to a movie where I could sit next to a black American. They were always sitting upstairs.

In the 1960s, believe it or not, there were still a few courthouse squares in my state where the rest rooms were marked "white" and "colored." I graduated from a segregated high school seven years after President Eisenhower integrated Little Rock Central High School. And when President Kennedy barely carried my home state in 1960, the poll tax system was still alive and well there.

Even though my grandparents were in a minority, being poor Southern whites who were pro-civil rights, I think most other people knew better than to think the way they did. And those who were smart enough to act differently discovered a lesson that we ought to remember today. Discrimination is not just morally wrong, it hurts everybody.

In 1960, Atlanta, Georgia, in reaction to all the things that were going on all across the South, adopted the motto, "The city too busy to hate." And however imperfectly over the years, they tried to live by it. I am convinced that Atlanta's success—it now is home to more foreign corporations than any other American city, and one year from today it will begin to host the Olympics—that that success all began when people got too busy to hate.

The lesson we learned was a hard one. When we allow people to pit us against one another or spend energy denying opportunity based on our differences, everyone is held back. But when we give all Americans a chance to develop and use their talents, to be full partners in our common enterprise, then everybody is pushed forward.

My experiences with discrimination are rooted in the South and in the legacy slavery left. I also lived with a working mother and a working grandmother when women's work was far rarer and far more circumscribed than it today. But we all know there are millions of other stories—those of Hipsanics, Asian Americans, Native Americans, people with disabilities, others against whom fingers have been pointed. Many of you have your own stories, and that's why you're here today—people who were denied the right to develop and use their full human potential. And their progress, too, is a part of our journey to make the reality of America consistent with the principles just behind me here.

Thirty years ago in this city, you didn't see many people of color or women making their way to work in the morning in business clothes, or serving in substantial numbers in powerful positions in Congress or at the White House, or making executive decisions every day in business. In fact, even the employment want ads were divided, men on one side and women on the other.

It was extraordinary then to see women or people of color as television news anchors, or, believe it or not, even in college sports. There were far fewer women and minorities as job supervisors, or firefighters, or police officers, or doctors, or lawyers, or college professors, or in many other jobs that offer stability and honor and integrity to family life.

A lot has changed, and it did not happen as some sort of random evolutionary drift. It took hard work and sacrifices and countless acts of courage and conscience by millions of Americans. It took the political courage and statesmanship of Democrats and Republicans alike, the vigilance and compassion of courts and advocates in and out of government committed to the Constitution and to equal protection and to equal opportunity. It took the leadership of people in business who knew that in the end we would all be better. It took the leadership of people in labor unions who knew that working people had to be reconciled.

Some people, like Congressman Lewis there, put their lives on the line. Other people lost their lives. And millions of Americans changed their own lives and put hate behind them. As a result, today all our lives are better. Women have become a major force in business and political life, and far more able to contribute to their families' incomes. A true and growing black middle class has emerged. Higher education has literally been revolutionized, with women and racial and ethnic minorities attending once overwhelmingly white and sometimes all male schools.

In communities across our nation, police departments now better reflect the make-up of those whom they protect. A generation of professionals now serve as role models for young women and minority youth. Hispanics and newer immigrant populations are succeeding in making America stronger.

For an example of where the best of our future lies, just think about our space program and the stunning hook-up with the Russian space station this month. Let's remember that that program, the world's finest, began with heroes like Alan Shepard and Senator John Glenn, but today it's had American heroes like Sally Ride, Ellen Ochoa, Leroy Child, Guy Bluford and other outstanding, completely qualified women and minorities.

How did this happen? Fundamentally, because we opened our hearts and minds and changed our ways. But not without pressure—the pressure of court decisions, legislation, executive action, and the power of examples in the public and private sector. Along the way we learned that laws alone do not change society; that old habits and thinking patterns are deeply ingrained and die hard; that more is required to really open the doors of opportunity. Our search to find ways to move more quickly to equal opportunity led to the development of what we now call affirmative action.

The purpose of affirmative action is to give our nation a way to finally address the systemic exclusion of individuals of talent on the basis of their gender or race from opportunities to develop, perform, achieve and contribute. Affirmative action is an effort to develop a systematic approach to open the doors of education, employment and business development opportunities to qualified individuals who happen to be members of groups that have experienced longstanding and persistent discrimination.

It is a policy that grew out of many years of trying to navigate between two unacceptable pasts. One was to say simply that we declared discrimination illegal and that's enough. We saw that that way still relegated blacks with college degrees to jobs as railroad porters, and kept women with degrees under a glass ceiling with a lower paycheck.

The other path was simply to try to impose change by leveling draconian penalties on employers who didn't meet certain imposed, ultimately arbitrary, and sometimes unachievable quotas. That, too, was rejected out of a sense of fairness.

So a middle ground was developed that would change an inequitable status quo gradually, but firmly, by building the pool of qualified applicants for college, for contracts, for jobs, and giving more people the chance to learn, work and earn. When affirmative action is done right, it is flexible, it is fair, and it works.

I know some people are honestly concerned about the times affirmative action doesn't work, when it's done in the wrong way. And I know there are times when some employers don't use it in the right way. They may cut corners and treat a flexible goal as a quota. They may give opportunities to people who are unqualified instead of those who deserve it. They may, in so doing, allow a different kind of discrimination. When this happens, it is also wrong. But it isn't affirmative action, and it is not legal.

So when our administration finds cases of that sort, we will enforce the law aggressively. The Justice Department files hundreds of cases every year, attacking discrimination in employment, including suits on behalf of white males. Most of these suits, however, affect women and minorities for a simple reason—because the vast majority of discrimination in America is still discrimination against them. But the law does require fairness for everyone and we are determined to see that that is exactly what the law delivers. (Applause.)

Let me be clear about what affirmative action must not mean and what I won't allow it to be. It does not mean—and I don't favor—the unjustified preference of the unqualified over the qualified of any race or gender. It doesn't mean—and I don't favor—numerical quotas. It doesn't mean—and I don't favor—rejection or selection of any employee or student solely on the basis of race or gender without regard to merit.

Like many business executives and public servants, I owe it to you to say that my views on this subject are, more than anything else, the product of my personal experience. I have had experience with affirmative action, nearly 20 years of it now, and I know it works.

When I was Attorney General of my home state, I hired a record number of women and African American lawyers—every one clearly qualified and exceptionally hardworking. As Governor, I appointed more women to my Cabinet and state boards than any other governor in the state's history, and more African Americans than all the governors in the state's history combined. And no one ever questioned their qualifications or performance. And our state was better and stronger because of their service.

As President, I am proud to have the most diverse administration in history in my Cabinet, my agencies and my staff. And I must say, I have been surprised at the criticism I have received from some quarters in my determination to achieve this.

In the last two and a half years, the most outstanding example of affirmative action in the United States, the Pentagon, has opened 260,000 positions for women who serve in our Armed Forces. I have appointed more women and minorities to the federal bench than any other president, more than the last two combined. And yet, far more of our judicial appointments have received the highest rating from the American Bar Association than any other administration since those ratings have been given.

In our administration, many government agencies are doing more business with qualified firms run by minorities and women. The Small Business Administration has reduced its budget by 40 percent, doubled its loan outputs, and dramatically increased the number of loans to women and minority small business people, without reducing the number of loans to white businessowners who happen to be male, and without changing the loan standards for a single, solitary application. Quality and diversity can go hand in hand, and they must. (Applause.)

Let me say that affirmative action has also done more than just open the doors of opportunity to individual Americans. Most economists who study it agree that affirmative action has also been an important part of closing gaps in economic opportunity in our society, thereby strengthening the entire economy.

A group of distinguished business leaders told me just a couple of days ago that their companies are stronger and their profits are larger because of the diversity and the excellence of their work forces achieved through intelligent and fair affirmative action programs. And they said we have gone far beyond anything the government might require us to do, because managing diversity and individual opportunity and being fair to everybody is the key to our future economic success in the global marketplace.

Now, there are those who say, my fellow Americans, that even good affirmative action programs are no longer needed; that it should be enough to resort to the courts or the Equal Employment Opportunity Commission in cases of actual, provable, individual discrimination because there is no longer any systematic discrimination in our society. In deciding how to answer that, let us consider the facts.

The unemployment rate for African Americans remains about twice that of whites. The Hispanic rate is still much higher. Women have narrowed the earnings gap, but still make only 72 percent as much as men do for comparable jobs. The average income for an Hispanic woman with a college degree is still less than the average income of a white man with a high school diploma.

According to the recently completed Glass Ceiling Report, sponsored by Republican members of Congress, in the nation's largest companies only six-tenths of one percent of senior management positions are held by African Americans, four-tenths of a percent by Hispanic Americans, three-tenths of a percent by Asian Americans; women hold between three and five percent of these positions. White males make up 43 percent of our work force, but hold 95 percent of these jobs.

Just last week, the Chicago Federal Reserve Bank reported that black home loan applicants are more than twice as likely to be denied credit as whites with the same qualifications; and that Hispanic applicants are more than one and a half times as likely to be denied loans as whites with the same qualifications.

Last year alone, the federal government received more than 90,000 complaints of employment discrimination based on race, ethnicity or gender. Less than three percent were for reverse discrimination.

Evidence abounds in other ways of the persistence of the kind of bigotry that can affect the way we think, even if we're not conscious of it, in hiring and promotion and business and educational decisions.

Crimes and violence based on hate against Asians, Hispanics, African Americans and other minorities are still with us. And, I'm sorry to say that the worst and most recent evidence of this involves a recent report of federal law enforcement officials in Tennessee attending an event literally overflowing with racism—a sickening reminder of just how pervasive these kinds of attitudes still are.

By the way, I want to tell you that I am committed to finding the truth about what happened there and to taking appropriate action. And I want to say that if anybody who works in federal law enforcement thinks that that kind of behavior is acceptable, they ought to think about working someplace else. (Applause.)

Now, let's get to the other side of the argument. If affirmative action has worked and if there is evidence that discrimination still exist on a wide scale in ways that are conscious and unconscious, then why should we get rid of it, as many people are urging? Some question the effectiveness or the fairness of particular affirmative action programs. I say to all of you, those are fair questions, and they prompted the review of our affirmative action programs, about which I will talk in a few moments.

Some question the fundamental purpose of the effort. There are people who honestly believe that affirmative action always amounts to group preferences over individual merit; that affirmative action always leads to reverse discrimination; that ultimately, therefore, it demeans those who benefit from it and discriminates against those who are not helped by it.

I just have to tell you that all you have to decide how you feel about that, and all of our fellow countrymen and women have to decide as well. But I believe if there are no quotas, if we give no opportunities to unqualified people, if we have no reverse discrimination, and if, when the problem ends—the program ends, that criticism is wrong. That's what I believe. But we should have this debate and everyone should ask the question. (Applause.)

Now let's deal with what I really think is behind so much of this debate today. There are a lot of people who oppose affirmative action today who supported if for a very long time. I believe they are responding to the sea change in the experiences that most Americans have in the world in which we live.

If you say now you're against affirmative action because the government is using its power or the private sector is using its power to help minorities at the expense of the majority, that gives you a way of explaining away the economic distress that a majority of Americans honestly feel. It gives you a way of turning their resentment against the minorities or against a particular government program, instead of having an honest debate about how we all got into the fix we're in and what we're all going to do together to get out of it.

That explanation, the affirmative action explanation for the fix we're in, is just wrong. It is just wrong. Affirmative action did not cause the great economic problems of the American middle class. (Applause.)

And because most minorities or women are either members of that middle class or people who are poor who are struggling to get into it, we must also admit that affirmative action alone won't solve the problems of minorities and women who seek to be part of the American Dream. To do that, we have to have an economic strategy that reverses the decline in wages and the growth of poverty among working people. Without that, women, minorities, and white males will all be in trouble in the future.

But it is wrong to use the anxieties of the middle class to divert the American people from the real causes of their economic distress—the sweeping historic changes taking all the globe in its path, and the specific policies or lack of them in our own country which have aggravated those challenges. It is simply wrong to play politics with the issue of affirmative action and divide our country at a time when, if we're really going to change things, we have to be united. (Applause.)

I must say, I think it is ironic that some of those—not all, but some of those—who call for an end to affirmative action also advocate policies which will make the real economic problems of the anxious middle class even worse. They talk about opportunity and being for equal opportunity for everyone, and then they reduce investment in equal opportunity on an evenhanded basis. For example, if the real goal is economic opportunity for all Americans, why in the world would we reduce our investment in education from Head Start to affordable college loans? Why don't we make college loans available to every American instead? (Applause.)

If the real goal is empowering all middle class Americans and empowering poor people to work their way into the middle class without regard to race or gender, why in the world would the people who advocate that turn around and raise taxes on our poorest working families, or reduce the money available for education and training when they lose their jobs or they're living on poverty wages, or increase the cost of housing for lower-income, working people with children?

Why would we do that? If we're going to empower America, we have to do more than talk about it, we have to do it. And we surely have learned that we cannot empower all Americans by a simple strategy of taking opportunity away from some Americans. (Applause.)

So to those who use this as a political strategy to divide us, we must say, no. We must say, no. (Applause.)

But to those who raise legitimate questions about the way affirmative action works, or who raise the larger question about the genuine problems and anxieties of all the American people and their sense of being left behind and treated unfairly, we must say, yes, you are entitled to answers to your questions. We must say yes to that.

Now, that's why I ordered this review of all of our affirmative action programs—a review to look at the facts, not the politics of affirmative action. This review concluded that affirmative action remains a useful tool for widening economic and educational opportunity. The model used by the military, the Army in particular—and I'm delighted to have the Commanding General of the Army here today because he set such a fine example—has been especially successful because it emphasizes education and training, ensuring that it has a wide pool of qualified candidates for every level of promotion. That approach has given us the most racially diverse and best-qualified military in our history. There are more opportunities for women and minorities there than ever before. And now there are over 50 generals and admirals who are Hispanic, Asian or African Americans.

We found that the Education Department had programs targeted on under-represented minorities that do a great deal of good with the tiniest of investments. We found that these programs comprised 40 cents of every $1,000 in the Education Department's budget.

Now, college presidents will tell you that the education their schools offer actually benefits from diversity—colleges where young people get the education and make the personal and professional contacts that will shape their lives. If their colleges look like the world they're going to live and work in, and they learn from all different kinds of people things that they can't learn in books, our systems of higher education are stronger.

Still, I believe every child needs the chance to go to college. Every child. That means every child has to have a chance to get affordable and repayable college loans, Pell Grants for poor kids and a chance to do things like join AmeriCorps and work their way through school. Every child is entitled to that. That is not an argument against affirmative action. It's an argument for more opportunity for more Americans until everyone is reached. (Applause.)

As I said a moment ago, the review found that the Small Business Administration last year increased loans to minorities by over two-thirds, loans to women by over 80 percent, did not decrease loans to white men, and not a single loan went to an unqualified person. People who never had a chance before to be part of the American system of free enterprise now have it. No one was hurt in the process. That made America stronger.

This review also found that the executive order on employment practices of large federal contractors also has helped to bring more fairness and inclusion into the work force.

Since President Nixon was here in my job, America has used goals and timetables to preserve opportunity and to prevent discrimination, to urge businesses to set higher expectations for themselves and to realize those expectations. But we did not and we will not use rigid quotas to mandate outcomes.

We also looked at the way we award procurement contracts under the programs known as set-asides. There's no question that these programs have helped to build up firms owned by minorities and women, who historically had been excluded from the old-boy networks in these areas. It has helped a new generation of entrepreneurs to flourish, opening new paths to self-reliance and an economic growth in which all of us ultimately share. Because of the set-asides, businesses ready to compete have had a chance to compete, a chance they would not have otherwise had.

But as with any government program, set-asides can be misapplied, misused, even intentionally abused. There are critics who exploit that fact as an excuse to abolish all these programs, regardless of their effects. I believe they are wrong, but I also believe, based on our factual review, we clearly need some reform. So first, we should crack down on those who take advantage of everyone else through fraud and abuse. We must crack down on fronts and pass-throughs, people who pretend to be eligible for these programs and aren't. That is wrong. (Applause.)

We also, in offering new businesses a leg up, must make sure that the set-asides go to businesses that need them most. We must really look and make sure that our standard for eligibility is fair and defensible. We have to tighten the requirement to move businesses out of programs once they've had a fair opportunity to compete. The graduation requirement must mean something—it must mean graduation. There should be no permanent set-aside for any company.

Second, we must, and we will, comply with the Supreme Court's Adarand decision of last month. Now, in particular, that means focusing set-aside programs on particular regions and business sectors where the problems of discrimination or exclusion are provable and are clearly requiring affirmative action. I have directed the Attorney General and the agencies to move forward with compliance with Adarand expeditiously.

But I also want to emphasize that the Adarand decision did not dismantle affirmative action and did not dismantle set-asides. In fact, while setting stricter standards to mandate reform of affirmative action, it actually reaffirmed the need for affirmative action and reaffirmed the continuing existence of systematic discrimination in the United States. (Applause.)

What the Supreme Court ordered the federal government to do was to meet the same more rigorous standard for affirmative action programs that state and local governments were ordered to meet several years ago. And the best set-aside programs under that standard have been challenged and have survived.

Third, beyond discrimination, we need to do more to help disadvantaged people and distressed communities, no matter what their race or gender. There are places in our country where the free enterprise system simply doesn't reach. It simply isn't working to provide jobs and opportunity. Disproportionately, these areas in urban and rural America are highly populated by racial minorities, but not entirely. To make this initiative work, I believe the government must become a better partner for people in places in urban and rural America that are caught in a cycle of poverty. And I believe we have to find ways to get the private sector to assume their rightful role as a driver of economic growth.

It has always amazed me that we have given incentives to our business people to help to develop poor economies in other parts of the world, our neighbors in the Caribbean, our neighbors in other parts of the world—I have supported this when not subject to their own abuses—but we ignore the biggest source of economic growth available to the American economy, the poor economies isolated within the United States of America. (Applause.)

There are those who say, well, even if we made the jobs available, people wouldn't work. They haven't tried. Most of the people in disadvantaged communities work today, and most of them who don't work have a very strong desire to do so. In central Harlem, 14 people apply for every single minimum-wage job opening. Think how many more would apply if there were good jobs with a good future. Our job has to connect disadvantaged people and disadvantaged communities to economic opportunity, so that everybody who wants to work can do so.

We've been working at this through our empowerment zones and community development banks, through the initiatives of Secretary Cisneros of the Housing and Urban Development Department and many other things that we have tried to do to put capital where it is needed. And now I have asked Vice President Gore to develop a proposal to use our contracting to support businesses that locate themselves in these distressed areas or hire a large percentage of their workers from these areas—not to substitute for what we're doing in affirmative action, but to supplement it, to go beyond it, to do something that will help to deal with the economic crisis of America. We want to make our procurement system more responsive to people in these areas who need help.

My fellow Americans, affirmative action has to be made consistent with our highest ideals of personal responsibility and merit, and our urgent need to find common ground, and to prepare all Americans to compete in the global economy of the next century.

Today, I am directing all our agencies to comply with the Supreme Court's Adarand decision, and also to apply the four standards of fairness to all our affirmative action programs that I have already articulated: No quotas in theory or practice; no illegal discrimination of any kind, including reverse discrimination; no preference for people who are not qualified for any job or other opportunity; and as soon as a program has succeeded, it must be retired. Any program that doesn't meet these four principles must be eliminated or reformed to meet them.

But let me be clear: Affirmative action has been good for America. (Applause.)

Affirmative action has not always been perfect, and affirmative action should not go on forever. It should be changed now to take care of those things that are wrong, and it should be retired when its job is done. I am resolved that that day will come. But the evidence suggests, indeed, screams that that day has not come.

The job of ending discrimination in this country is not over. That should not be surprising. We had slavery for centuries before the passage of the 13th, 14th and 15 Amendments. We waited another hundred years for the civil rights legislation. Women have had the vote less than a hundred years. We have always had difficulty with these things, as most societies do. But we are making more progress than many people.

Based on the evidence, the job is not done. So here is what I think we should do. We should reaffirm the principle of affirmative action and fix the practices. We should have a simple slogan: Mend it, but don't end it. (Applause.)

Let me ask all Americans, whether they agree or disagree with what I have said today, to see this issue in the larger context of our times. President Lincoln said, we cannot escape our history. We cannot escape our future, either. And that future must be one in which every American has the chance to live up to his or her God-given capacities.

The new technology, the instant communications, the explosion of global commerce have created enormous opportunities and enormous anxieties for Americans. In the last two and a half years, we have seen seven million new jobs, more millionaires and new businesses than ever before, high corporate profits, and a booming stock market. Yet, most Americans are working harder for the same or lower pay. And they feel more insecurity about their jobs, their retirement, their health care, and their children's education. Too many of our children are clearly exposed to poverty and welfare, violence and drugs.

These are the great challenges for our whole country on the homefront at the dawn of the 21st century. We've got to find the wisdom and the will to create family-wage jobs for all the people who want to work; to open the door of college to all Americans; to strengthen families and reduce the awful problems to which our children are exposed; to move poor Americans from welfare to work.

This is the work of our administration—to give the people the tools they need to make the most of their own lives, to give families and communities the tools they need to solve their own problems. But let us not forget affirmative action didn't cause these problems. It won't solve them. And getting rid of affirmative action certainly won't solve them.

If properly done, affirmative action can help us come together, go forward and grow together. It is in our moral, legal and practical interest to see that every person can make the most of his life. In the fight for the future, we need all hands on deck and some of those hands still need a helping hand.

In our national community, we're all different, we're all the same. We want liberty and freedom. We want the embrace of family and community. We want to make the most of our own lives and we're determined to give our children a better one. Today there are voices of division who would say forget all that. Don't you dare. Remember we're still closing the gap between our founders' ideals and our reality. But every step along the way has made us richer, stronger and better. And the best is yet to come.

Thank you very much. And God bless you.

FIFTY YEARS OF THE ENDLESS FRONTIER

Mr. BINGAMAN. Mr. President, 50 years ago today the Truman White House released "Science—The Endless Frontier," the document that set the course for this country's postwar science and technology policy and that has continuing relevance today, five decades later.

This seminal report was written by Vannevar Bush, Director of the Office of Scientific Research and Development, who had headed up the wartime mobilization of our Nation's scientific and technological resources to defeat our Axis foes. It was written in response to a series of four questions which had been posed to Dr. Bush by President Roosevelt in a letter dated November 17, 1944.

As the Bush report was being released, President Truman was at the Potsdam conference with Churchill and Stalin. Three days earlier in the New Mexico desert, the United States had detonated the first atomic bomb—the Trinity test, although that would remain secret to all but a few leaders and the Potsdam principals until the Hiroshima bombing on August 6.

The research effort which Dr. Bush, a Republican I might add, had headed during the war was the greatest scientific and technological mobilization the world had ever seen. It had included not just the Manhattan Project, but major efforts and great successes in weapons technologies, such as radars, fighter aircraft, bomber aircraft, and code breaking, and in what we call today dual-use technologies, such as the first electronic computer, aircraft engines, medical technologies, and communications technologies.

President Roosevelt had asked Bush four questions:

> First: What can be done, consistent with military security, and with the prior approval of military authorities, to make known to the world as soon as possible the contributions which have been made during our war effort to scientific knowledge?
>
> The diffusion of such knowledge should help us stimulate new enterprises, provide jobs for returning servicemen and other workers, and make possible great strides for the improvement of the national well-being.
>
> Second: With particular reference to the war of science against disease, what can be done now to organize a program for continuing in the future, the work which has been done in medicine and related sciences?
>
> The fact that the annual deaths in this country from one or two diseases alone are far in excess of the total number of lives lost by us in battle during this war should make us conscious of the duty we owe future generations.
>
> Third: What can the Government do now and in the future to aid research activities by public and private organizations? The proper roles of public and of private research, and their interrelation, should be carefully considered.
>
> Fourth: Can an effective program be proposed for discovering and developing scientific talent in American youth so that the continuing future of scientific research in this country may be assured on a level comparable to what has been done during the war?

President Roosevelt added:

> New frontiers of the mind are before us, and if they are pioneered with the same vision, boldness, and drive with which we have waged this war we can create a fuller and more fruitful employment and a fuller and more fruitful life.

Vannevar Bush worked with four advisory committees over the next 7 months to respond to the President's tasking. Unfortunately, Roosevelt had passed away before he could receive this far-seeing report, which fully endorsed his vision of a new and endless frontier of science in the national interest. Instead it was Truman who met with Bush on June 14, 1945, and approved the release of the report. And it was Truman who would oversee the establishment of the National Science Foundation 5 years later after a long congressional debate and the implementation of the report's other recommendations.

What did the report say and why is it still relevant? Mr. President, until the Bush report, we had no national policy for science. Bush argued that this must end. "In this war," he wrote, "it has become clear beyond all doubt that scientific research is absolutely essential to national security." But he went beyond the national security justification for governmental support of research:

> More and better scientific research is essential to the achievement of our goal of full employment . . . Progress in combating disease depends upon an expanding body of scientific knowledge.

Bush saw the Government's role in supporting science and technology as filling needs where the public interest was great, but the private sector would not meet these needs adequately. He wrote:

> There are areas of science in which the public interest is acute but which are likely to be cultivated inadequately if left without more support than will come from private sources. These areas—such as research on military problems, agriculture, housing, public health, certain medical research, and research involving expensive capital facilities beyond the capacity of private institutions—should be advanced by active Government support. To date, with the exception of the intensive war research conducted by the Office of Scientific Research and Development, such support has been meager and intermittent. For reasons presented in this report we are entering a period when science needs and deserves increased support from public funds.

It is striking to me in rereading "Science—The Endless Frontier," how soundly Bush and his colleagues addressed almost every aspect of science and technology policy—from the Tax Code to patent policy to science education to the structure of the postwar science and technology infrastructure in Government. Bush's report put the United States on a course of sustaining preeminence in science and technology for the past 50 years, a course that enjoyed bipartisan support for most of those five decades.

What have our scientists and engineers accomplished with the resources the taxpayers gave them over the past five decades? They won the cold war, put men on the moon, revolutionized medicine, invented computers, pioneered electronics and semiconductor devices, and invented a myriad of new materials that have fundamentally changed our lives.

This is just as Bush predicted half a century ago. Bush had the wisdom to know that new scientific and technological fields would emerge that he could not yet imagine: semiconductor electronics, molecular biology, and materials science to name just three.

Bush had the vision to see that Federal investments in science and technology could transform our lives and contribute to our health, standard of living, and security.

For the past half century, the Federal Government has acted on Bush's vision to foster a science and technology enterprise in this country second to none. It is not an accident that American industries from aerospace to agriculture to pharmaceuticals, in which the Federal Government has made substantial research investments, enjoy world leadership. It is a direct result of the vision of Vannevar Bush, who we remember today as one of the giants of the post-war generation. I ask unanimous consent that the first 12 pages of Bush's report, including Roosevelt's letter and Bush's response to Truman, be printed in the RECORD at the conclusion of my remarks. Any Member who would like a copy of the complete report, which runs 196 pages with appendices, should contact my office.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1)

Mr. BINGAMAN. Unfortunately, Mr. President, the bipartisan consensus on our science and technology policy is now fracturing as we seek to balance the Federal budget. The Republican budget resolution passed at the end of June proposes to slash the Federal research investment across government. By the year 2002, the Federal Government will be spending about $28.5 billion for civilian research and development, down a third from today's investment in real terms.

These figures come from estimates made by the American Association for the Advancement of Science. I ask unanimous consent that an article from the July 3 issue of New Technology Week entitled "GOP Balanced Budget Plan Seen Crippling R&D" together with an accompanying table be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 2)

Mr. BINGAMAN. Federal investments in civilian research as a percentage of our economy and as a percentage of overall Federal spending will be lower in 2002 than at any time in 40 years or more. Our national R&D investment, public and private, will be dipping below 2 percent of gross domestic product (GDP) while almost every other industrialized nation seeks to match the Japanese and German R&D investment levels of almost 3 percent of GDP.

Will this matter? In the short term, perhaps not, other than to the thousands of scientists and engineers who will be displaced. According to a recent White House report, our previous investments have given us a substantial lead in many critical technologies. In the longer term, undoubtedly it will matter. That same report concluded that both the Japanese and Europeans are catching up in many areas and new nations will challenge in the future.

In 1899, Charles Duell, Director of the U.S. Patent Office, proposed to close up shop because "everything that can be invented, has been invented." Luckily, we did not follow such Luddite advice as we prepared for the 20th century. Nor should we today as we prepare for the challenges of the 21st century and seek to maintain this Nation's place as the pioneer leading the family of nations in the exploration of the endless scientific frontier.

The scientific and technological frontier really is still endless. Bush, not Duell, had it right. Scientific revolutions are still only beginning in molecular biology, materials science, and electronics and have not yet begun in areas yet to be discovered. For the past half century the Federal Government has been an excellent steward of the taxpayers' money in this area. Not every project has been a success, nor should they have been. But the payoff to our economy and our security and our well-being—the areas Roosevelt queried Bush about—has been worth many times the investment.

Some in Congress argue for more than decimating our Federal research enterprise on the grounds that civilian applied research spending constitutes "corporate welfare" or "industrial policy." This is fundamentally wrong, for reasons that President Bush first outlined in his speech to the American Electronics Association in February 1990 and which he reiterated throughout the rest of his Presidency. I will not go into a long discussion of that today. But I will note that a Republican pollster has concluded that the American people do not agree with the priority assigned Federal research spending in the Republican budget.

I refer to a report in the same July 3 issue of New Technology Week entitled "Public Surprises Pollsters, Backs Federal R&D." I ask unanimous consent that it also be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 3)

Mr. BINGAMAN. According to this article, Steve Wagner of Luntz Research & Strategic Service, said: "We went looking for things that didn't pan out. We went looking for the degree to which government investment in R&D was seen as corporate welfare, and we didn't find it. We went looking for the degree to which concerns about the deficit cast such a pall over everything that R&D should take a disproportionate or even proportionate cut, and they told us "no." It's fair to say that I was surprised by the extent of support."

Wagner went on to say: "People are very pragmatic." He encapsulated the public's message as: "Jobs are a priority, finding a cure for AIDS is a priority, and if it takes the Government to do it, the Government should do it." And he adds: "If they think government involvement will make the situation better, people will not hesitate to say that's a legitimate function of Government."

Wagner and his fellow pollster Neil Newhouse of Public Opinion Strategies conclude that there is a preference in the public mind for public-private R&D partnerships. Their advice for their House Republican clients reads: "Neither the Government nor private industry is completely trusted to make these (research) investment decisions. The Government remains the agency of the common interest. Private business is seen as more efficient, more disciplined, but also self-interested. These perceptions cannot be changed in the short run, but they can be used: Let the private sector say what is feasible, which technologies offer the promise of payoff, and let the Government say what is in the national interest to develop. A partnership of both entities looking over each other's shoulder will likely be most satisfying to the voters."

When I read this, I thought the pollsters were giving a pretty good description of SEMATECH, the Technology Reinvestment Project, the Advanced Technology Program, the Environmental Technology Initiative, and the many other partnerships which Presidents Reagan, Bush, and Clinton have fostered over the past decade.

Vannevar Bush did not use focus groups and pollsters to figure out the direction of post-war science and technology policy. But without their benefit, he captured the public sentiment both then and today. He saw the need for partnership, for industry to do what it did well in the pursuit of profit and for Government to fill needs that industry would not in the public interest, needs in areas ranging from military research to medical research to applied research in housing, agriculture and other areas designed to generate jobs.

I hope that my Republican colleagues will take the advice of their pollsters. Speaker GINGRICH told the American people on David Brinkley's Sunday morning news broadcast on June 11 that he was worried about the degree to which research budgets were scheduled to be cut. He said: "Yes, I am sufficiently worried that I met with Congressman WALKER, the chairman of the House Science Committee, and with various subcommittee chairmen of the House Appropriations Committee who have science, and asked them to maximize the money that goes into research and development, because I am very concerned that we're going to cut too deeply into science."

Mr. President, recognition of a problem is perhaps the first step to a solution. I have yet to see research and development spared in the budget process in the House appropriations subcommittees, far from it. But perhaps with the help of rereading Science—The Endless Frontier, this generation of politicians will find the resources for Federal R&D investments which our grandchildren will need for their security, their prosperity, and their well-being.

President Clinton and Vice President GORE stand in the long line of American leaders dating from Roosevelt, Truman, and Vannevar Bush who have supported an American science and technology enterprise second to none in the public interest. The Republican budget resolution stands outside that tradition. The sooner Speaker GINGRICH and his Republican colleagues can return to bipartisanship on these vital investments in our Nation's future, the less the damage will be.

Mr. President, I hope that will be soon. I yield the floor.

SCIENCE—THE ENDLESS FRONTIER

LETTER OF TRANSMITTAL

OFFICE OF SCIENTIFIC
RESEARCH AND DEVELOPMENT,
Washington, DC, July 5, 1945.

DEAR MR. PRESIDENT: In a letter dated November 17, 1944, President Roosevelt requested my recommendation on the following points:

(1) What can be done, consistent with military security, and with the prior approval of the military authorities, to make known to the world as soon as possible the contributions which have been made during our war effort to scientific knowledge?

(2) With particular reference to the war of science against disease, what can be done now to organize a program for continuing in the future the work which has been done in medicine and related sciences?

(3) What can the Government do now and in the future to aid research activities by public and private organizations?

(4) Can an effective program be proposed for discovering and developing scientific talent in American youth so that the continuing future of scientific research in this country may be assured on a level comparable to what has been done during the war?

It is clear from President Roosevelt's letter that in speaking of science he had in mind the natural sciences, including biology and medicine, and I have so interpreted his questions. Progress in other fields, such as the social sciences and the humanities, is likewise important; but the program for science presented in my report warrants immediate attention.

In seeking answers to President Roosevelt's questions I have had the assistance of distinguished committees specially qualified to advise in respect to these subjects. The committees have given these matters the serious attention they deserve; indeed, they have regarded this as an opportunity to participate in shaping the policy of the country with reference to scientific research. They have had many meetings and have submitted formal reports. I have been in close touch with the work of the committees and with their members throughout. I have examined all of the data they assembled and the suggestions they submitted on the points raised in President Roosevelt's letter.

Although the report which I submit herewith is my own, the facts, conclusions, and recommendations are based on the findings of the committees which have studied these questions. Since my report is necessarily brief, I am including as appendices the full reports of the committees.

A single mechanism for implementing the recommendations of the several committees is essential. In proposing such a mechanism I have departed somewhat from the specific recommendations of the committees, but I have since been assured that the plan I am proposing is fully acceptable to the committee members.

The pioneer spirit is still vigorous within this Nation. Science offers a largely unexplored hinterland for the pioneer who has the tools for his task. The rewards of such exploration both for the Nation and the individual are great. Scientific progress is one essential key to our security as a nation, to our better health, to more jobs, to a higher standard of living, and to our cultural progress.

Respectfully yours,

V. BUSH,
Director.

THE PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

PRESIDENT ROOSEVELT'S LETTER

THE WHITE HOUSE,
Washington, DC, November 17, 1944.

DEAR DR. BUSH: The Office of Scientific Research and Development, of which you are the Director, represents a unique experiment of team-work and cooperation in coordinating scientific research and in applying existing scientific knowledge to the solution of the technical problems paramount in war. Its work has been conducted in the utmost secrecy and carried on without public recognition of any kind; but its tangible results can be found in the communiques coming in from the battlefronts all over the world. Some day the full story of its achievements can be told.

There is, however, no reason why the lessons to be found in this experiment cannot be profitably employed in times of peace. The information, the techniques, and the research experience developed by the Office of Scientific Research and Development and by the thousands of scientists in the universities and in private industry, should be used in the days of peace ahead for the improvement of the national health, the creation of new enterprises bringing new jobs, and the betterment of the national standard of living.

It is with that objective in mind that I would like to have your recommendations on the following four major points:

First: What can be done, consistent with military security, and with the prior approval of the military authorities, to make known to the world as soon as possible the contributions which have been made during our war effort to scientific knowledge?

The diffusion of such knowledge should help us stimulate new enterprises, provide jobs for our returning servicemen and other workers, and make possible great strides for the improvement of the national well-being.

Second: With particular reference to the war of science against disease, what can be done now to organize a program for continuing in the future the work which has been done in medicine and related science?

The fact that the annual deaths in this country from one or two diseases alone are far in excess of the total number of lives lost by us in battle during this war should make us conscious of the duty we owe future generations.

Third: What can the Government do now and in the future to aid research activities by public and private organizations? The proper roles of public and of private research, and their interrelation, should be carefully considered.

Fourth: Can an effective program be proposed for discovering and developing scientific talent in American youth so that the continuing future of scientific research in this country may be assured on a level comparable to what has been done during the war?

New frontiers of the mind are before us, and if they are pioneered with the same vision, boldness, and drive with which we have waged this war we can create a fuller and more fruitful employment and a fuller and more fruitful life.

I hope that, after such consultation as you may deem advisable with your associates and others, you can let me have your considered judgment on these matters as soon as convenient—reporting on each when you are ready, rather than waiting for completion of your studies in all.

Very sincerely yours,

FRANKLIN D. ROOSEVELT.

DR. VANNEVAR BUSH,
Office of Scientific Research and Development, Washington, D.C.

SUMMARY OF THE REPORT

Scientific progress is essential

Progress in the war against disease depends upon a flow of new scientific knowledge. New products, new industries, and more jobs require continuous additions to knowledge of the laws of nature, and the application of that knowledge to practical purpose. Similarly, our defense against aggression demands new knowledge so that we can develop new and improved weapons. The essential, new knowledge can be obtained only through basic scientific research.

Science can be effective in the national welfare only as a member of a team, whether the conditions be peace or war. But without scientific progress no amount of achievement in other directions can insure our health, prosperity, and security as a nation in the modern world.

For the war against disease

We have taken great strides in the war against disease. The death rate for all diseases in the Army, including overseas forces, has been reduced from 14.1 per thousand in the last war to 0.6 per thousand in this war. In the last 40 years life expectancy has increased from 49 to 65 years, largely as a consequence of the reduction in the death rates of infants and children. But we are far from the goal. The annual deaths from one or two diseases far exceed the total number of American lives lost in battle during this year. A large fraction of these deaths in our civilian population cut short the useful lives of our citizens. Approximately 7,000,000 persons in the United States are mentally ill and their care costs the public over $175,000,000 a year. Clearly much illness remains for which adequate means of prevention and cure are not yet known.

The responsibility for basic research in medicine and the underlying sciences, so essential to progress in the war against disease, falls primarily upon the medical schools and universities. Yet we find that the traditional sources of support for medical research in the medical schools and universities, largely endowment income, foundation grants, and private donations, are diminishing and there is no immediate prospect of a change in this trend. Meanwhile, the cost of medical research has been rising. If we are to maintain the progress in medicine which has marked the last 25 years, the Government should extend financial support to basic medical research in the medical schools and in universities.

For our national security

The bitter and dangerous battle against the U-boat was a battle of scientific techniques—and our margin of success was dangerously small. The new eyes which radar has supplied can sometime be blinded by new scientific developments. V–2 was countered only by capture of the launching sites.

We cannot again rely on our allies to hold off the enemy while we struggle to catch up. There must be more—and more adequate—military research in peacetime. It is essential that the civilian scientists continue in peacetime some portion of those contributions to national security which they have made so effectively during the war. This can best be done through a civilian-controlled organization with close liaison with the Army and Navy, but with funds direct from Congress, and the clear power to initiate military research which will supplement and strengthen that carried on directly under the control of the Army and Navy.

And for the public welfare

One of our hopes is that after the war there will be full employment. To reach that goal the full creative and productive energies of the American people must be released. To create more jobs we must make new and better and cheaper products. We want plenty of new, vigorous enterprises. But new products and processes are not born full-grown. They are founded on new principles and new conceptions which in turn result from basic scientific research. Basic scientific research is scientific capital. Moreover, we cannot any longer depend upon Europe as a major source of this scientific capital. Clearly, more and better scientific research is one essential to the achievement of our goal of full employment.

How do we increase this scientific capital? First, we must have plenty of men and women trained in science, for upon them depends both the creation of new knowledge and its application to practical purposes. Second, we must strengthen the centers of basic research which are principally the colleges, universities, and research institutes. These institutions provide the environment which is most conducive to the creation of new scientific knowledge and least under pressure for immediate, tangible results. With some notable exceptions, most research in industry and in Government involves application of existing scientific knowledge to practical problems. It is only the colleges, universities, and a few research institutes that devote most of their research efforts to expanding the frontiers of knowledge.

Expenditures for scientific research by industry and Government increased from $140,000,000 in 1930 to $309,000,000 in 1940. Those for the colleges and universities increased from $20,000,000 to $31,000,000, while those for research institutes declined from $5,200,000 to $4,500,000 during the same period. If the colleges, universities, and research institutes are to meet the rapidly increasing demands of industry and Government for new scientific knowledge, their basic research should be strengthened by use of public funds.

For science to serve as a powerful factor in our national welfare, applied research both in Government and in industry must be vigorous. To improve the quality of scientific research within the Government, steps should be taken to modify the procedures for recruiting, classifying, and compensating scientific personnel in order to reduce the present handicap of governmental scientific bureaus in competing with industry and the universities for top-grade scientific talent. To provide coordination of the common scientific activities of these governmental agencies as to policies and budgets, a permanent Science Advisory Board should be created to advise the executive and legislative branches of Government on these matters.

The most important ways in which the Government can promote industrial research are to increase the flow of new scientific knowledge through support of basic research, and to aid in the development of scientific talent. In addition, the Government should provide suitable incentives to industry to conduct research (a) by clarification of present uncertainties in the Internal Revenue Code in regard to the deductibility of research and development expenditures as current charges against net income, and (b) by strengthening the patent system so as to eliminate uncertainties which now bear heavily on small industries and so as to prevent abuses which reflect discredit upon a basically sound system. In addition, ways should be found to cause the benefits of basic research to reach industries which do not now utilize new scientific knowledge.

We must renew our scientific talent

The responsibility for the creation of new scientific knowledge—and for most of its application—rests on that small body of men and women who understand the fundamental laws of nature and are skilled in the techniques of scientific research. We shall have rapid or slow advance on any scientific frontier depending on the number of highly qualified and trained scientists exploring it.

The deficit of science and technology students who, but for the war, would have received bachelor's degrees is about 150,000. It is estimated that the deficit of those obtaining advanced degrees in these fields will amount in 1955 to about 17,000—for it takes at least 6 years from college entry to achieve a doctor's degree or its equivalent in science or engineering. The real ceiling on our productivity of new scientific knowledge and its application in the war against disease, and the development of new products and new industries, is the number of trained scientists available.

The training of a scientist is a long and expensive process. Studies clearly show that there are talented individuals in every part of the population, but with few exceptions, those without the means of buying higher education go without it. If ability, and not the circumstance of family fortune, determines who shall receive higher education in science, then we shall be assured of constantly improving quality at every level of scientific activity. The Government should provide a reasonable number of undergraduate scholarships and graduate fellowships in order to develop scientific talent in scholarships and graduate fellowships in order to develop scientific talent in American youth. The plans should be designed to attract into science only that proportion of youthful talent appropriate to the needs of science in relation to the other needs of the Nation for high abilities.

Including those in uniform

The most immediate prospect of making up the deficit in scientific personnel is to develop the scientific talent in the generation now in uniform. Even if we should start now to train the current crop of high-school graduates none would complete graduate studies before 1951. The Armed Services should comb their records for men who, prior to or during the war, have given evidence of talent for science, and make prompt arrangements, consistent with current discharge plans, for ordering those who remain in uniform, as soon as militarily possible, to duty at institutions here and overseas where they can continue their scientific education. Moreover, the Services should see that those who study overseas have the benefit of the latest scientific information resulting from research during the war.

The lid must be lifted

While most of the war research has involved the application of existing scientific knowledge to the problems of war, rather than basic research, there has been accumulated a vast amount of information relating to the application of science to particular problems. Much of this can be used by industry. It is also needed for teaching in the colleges and universities here and in the Armed Forces Institutes overseas. Some of this information must remain secret, but most of it should be made public as soon as there is ground for belief that the enemy will not be able to turn it against us in this war. To select that portion which should be made public, to coordinate its release, and definitely to encourage its publication, a Board composed of Army, Navy, and civilian scientific members should be promptly established.

A program for action

The Government should accept new responsibilities for promoting the flow of new scientific knowledge and the development of scientific talent in our youth. These responsibilities are the proper concern of the Government, for they vitally affect our health, our jobs, and our national security. It is in keeping also with basic United States policy that the Government should foster the opening of new frontiers and this is the modern way to do it. For many years the Government has wisely supported research in the agricultural colleges and the benefits have been great. The time has come when such support should be extended to other fields.

The effective discharge of these new responsibilities will require the full attention of some over-all agency devoted to that purpose. There is not now in the permanent governmental structure receiving its funds from Congress an agency adapted to supplementing the support of basic research in the colleges, universities, and research institutes, both in medicine and the natural sciences, adapted to supporting research on new weapons for both Services, or adapted to administering a program of science scholarships and fellowships.

Therefore I recommend that a new agency for these purposes be established. Such an agency should be composed of persons of broad interest and experience, having an understanding of the peculiarities of scientific research and scientific education. It should have stability of funds so that long-range programs may be undertaken. It should recognize that freedom of inquiry must be preserved and should leave internal control of policy, personnel, and the method and scope of research to the institutions in which it is carried on. It should be fully responsible to the President and through him to the Congress for its program.

Early action on these recommendations is imperative if this Nation is to meet the challenge of science in the crucial years ahead. On the wisdom with which we bring science to bear in the war against disease, in the creation of new industries, and in the strengthening of our Armed Forces depends in large measure our future as a nation.

INTRODUCTION

Scientific progress is essential

We all know how much the new drug, penicillin, has meant to our grievously wounded men on the grim battlefronts of this war—the countless lives it has saved—the incalculable suffering which its use has prevented. Science and the great practical genius of this Nation made this achievement possible.

Some of us know the vital role which radar has played in bringing the Allied Nations to victory over Nazi Germany and in driving the Japanese steadily back from their island bastions. Again it was painstaking scientific research over many years that made radar possible.

What we often forget are the millions of pay envelopes on a peacetime Saturday night which are filled because new products and new industries have provided jobs for countless Americans. Science made that possible, too.

In 1939 millions of people were employed in industries which did not even exist at the close of the last war—radio, air conditioning, rayon and other synthetic fibers, and plastics are examples of the products of these industries. But these things do not mark the end of progress—they are but the beginning if we make full use of our scientific resources. New manufacturing industries can be started and many older industries greatly strengthened and expanded if we continue to study nature's laws and apply new knowledge to practical purposes.

Great advances in agriculture are also based upon scientific research. Plants which are more resistant to disease and are adapted to short growing seasons, the prevention and cure of livestock diseases, the control of our insect enemies, better fertilizers, and improved agricultural practices, all stem from painstaking scientific research.

Advances in science when put to practical use mean more jobs, higher wages, shorter hours, more abundant crops, more leisure for recreation, for study, for learning how to live without the deadening drudgery which has been the burden of the common man for ages past. Advances in science will also bring higher standards of living, will lead to the prevention or cure of diseases, will promote conservation of our limited national resources, and will assure means of defense against aggression. But to achieve these objectives—to secure a high level of employment, to maintain a position of world leadership—the flow of new scientific knowledge must be both continuous and substantial.

Our population increased from 75 million to 130 million between 1900 and 1940. In some countries comparable increases have been accompanied by famine. In this country the increase has been accompanied by more abundant food supply, better living, more leisure, longer life, and better health. This is, largely, the product of three factors—the free play of initiative of a vigorous people under democracy, the heritage of great natural wealth, and the advance of science and its application.

Science, by itself, provides no panacea for individual, social, and economic ills. It can be effective in the national welfare only as a member of a team, whether the conditions be peace or war. But without scientific progress no amount of achievement in other directions can ensure our health, prosperity, and security as a nation in the modern world.

Science is a proper concern of government

It has been basic United States policy that Government should foster the opening of new frontiers. It opened the seas to clipper ships and furnished land for pioneers. Although these frontiers have more or less disappeared, the frontier of science remains. It is in keeping with the American tradition—one which has made the United States great—that new frontiers shall be made accessible for development by all American citizens.

Moreover, since health, well-being, and security are proper concerns of Government, scientific progress is, and must be, of vital interest to Government. Without scientific progress the national health would deteriorate; without scientific progress we could not hope for improvement in our standard of living or for an increased number of jobs for our citizens; and without scientific progress we could not have maintained our liberties against tyranny.

Government relations to science—past and future

From early days the Government has taken an active interest in scientific matters. During the nineteenth century the Coast And Geodetic Survey, the Naval Observatory, the Department of Agriculture, and the Geological Survey were established. Through the Land Grant College Acts the Government has supported research in state institutions for more than 80 years on a gradually increasing scale. Since 1900 a large number of scientific agencies have been established within the Federal Government, until in 1939 they numbered more than 40.

Much of the scientific research done by Government agencies is intermediate in character between the two types of work commonly referred to as basic and applied research. Almost all Government scientific work has ultimate practical objectives but, in many fields of broad national concern, it commonly involves long-term investigation of a fundamental nature. Generally speaking, the scientific agencies of Government are not so concerned with immediate practical objectives as are the laboratories of industry nor, on the other hand, are they as free to explore any natural phenomena without regard to possible economic applications as are the educational and private research institutions. Government scientific agencies have splendid records of achievement, but they are limited in function.

We have no national policy for science. The Government has only begun to utilize science in the Nation's welfare. There is no body within the Government charged with formulating or executing a national science policy. There are no standing committees of the Congress devoted to this important subject. Science has been in the wings. It should be brought to the center of the stage—for in it lies much of our hope for the future.

There are areas of science in which the public interest is acute but which are likely to be cultivated inadequately if left without more support than will come from private sources. These areas—such as research on military problems, agriculture, housing, public health, certain medical research, and research involving expensive capital facilities beyond the capacity of private institutions—should be advanced by active Government support. To date, with the exception of the intensive war research conducted by the Office of Scientific Research and Development, such support has been meager and intermittent.

For reasons presented in this report we are entering a period when science needs and deserves increased support from public funds.

Freedom of inquiry must be preserved

The publicly and privately supported colleges, universities, and research institutes are the centers of basic research. They are the wellsprings of knowledge and understanding. As long as they are vigorous and healthy and their scientists are free to pursue the truth wherever it may lead, there will be a flow of new scientific knowledge to those who can apply it to practical problems in Government, in industry, or elsewhere.

Many of the lessons learned in the wartime application of science under Government can be profitably applied in peace. The Government is peculiarly fitted to perform certain functions, such as the coordination and support of broad programs on problems of great national importance. But we must proceed with caution in carrying over the methods which work in wartime to the very different conditions of peace. We must remove the rigid controls which we have had to impose, and recover freedom of inquiry and that healthy competitive scientific spirit so necessary for expansion of the frontiers of scientific knowledge.

Scientific progress on a broad front results from the free play of free intellects, working on subjects of their own choice, in the manner dictated by their curiosity for exploration of the unknown. Freedom of inquiry must be preserved under any plan for Government support of science in accordance with the Five Fundamentals listed on page 32.

The study of the momentous questions presented in President Roosevelt's letter has been made by able committees working diligently. This report presents conclusions and recommendations based upon the studies of these committees which appear in full as the appendices. Only in the creation of one over-all mechanism rather than several does this report depart from the specific recommendations of the committees. The members of the committees have reviewed the recommendations in regard to the single mechanism and have found this plan thoroughly acceptable.

EXHIBIT 2

GOP BALANCED-BUDGET PLAN SEEN CRIPPLING R&D

(By Anne Eisele)

Federal non-defense research and development programs would be cut by an average of one-third by fiscal year 2002 under a Republican balanced-budget plan approved by both houses of Congress late last week, according to an American Association for the Advancement of Science estimate of the plan's projected effects.

Although the individual program assumptions under House Continuing Resolution 67 are not binding on congressional appropriators, the plan's overall spending targets are obligatory. And they paint a dire scenario for R&D initiatives at the departments of Commerce and Energy, the National Aeronautics and Space Administration, and other agencies.

A total non-defense research and development cut of 33.1 percent would drop spending from the current-year level of $34.3 billion to $22.9 billion by FY 2002, under a compromise worked out between Senate Majority Leader Bob Dole (R-Kan.) and House Speaker Newt Gingrich (R-Ga.).

Not surprising, R&D programs at DOC and DOE—entities that many GOP lawmakers would like to see abolished altogether—take a beating under the GOP plan. Total Commerce Department R&D funding would be halved by 2002, and Energy Department nondefense R&D monies would drop 47.4 percent during the same period.

And while the National Institute of Standards and Technology's Science and Technical Research Services take their biggest beating from inflation, as they lose only one percent over the seven-year period, funding for NIST's $400-million Advanced Technology Program is canceled in FY 1997.

The Economic Development Administration and certain National Oceanic and Atmospheric Administration R&D programs also are zeroed out under the Republican plan. DOE's clean coal technology program would be wiped out, and fossil energy R&D faces an 81.8 percent reduction.

Meanwhile, the National Aeronautics and Space Administration takes it on the chin, sustaining an agency-wide cut of 35.9 percent; its key research areas, aeronautics and human space flight, plummet 43.9 percent and 35.1 percent, respectively. NASA's next-generation wind tunnel development program would be terminated in the upcoming fiscal year.

AAAS Preliminary—Final Budget Resolution—Projected Effects of Concurrent Budget Resolution (H. Con. Res. 67) on Nondefense R&D

[All figures in millions of dollars budget authority]

Agency/Program	Key	R&D** FY 1995 estimated	R&D FY 1996 estimated	R&D FY 1997 estimated	R&D FY 1998 estimated	R&D FY 1999 estimated	R&D FY 2000 estimated	R&D FY 2001 estimated	R&D FY 2002 estimated	R&D*** FY 2002 constant dollars	Constant dollar difference 1995–2002 (percent)
NIH	(13)	10,840	10,732	10,515	10,515	10,515	10,515	10,515	10,515	8,467	−21.9
Agency Health Care Polc	(2)	277	0	0	0	0	0	0	0	0	−100.0
Other HHS R&D	(3)	610	610	610	610	610	610	610	610	491	−19.5
Total HHS R&D		11,727	11,342	11,125	11,125	11,125	11,125	11,125	11,125	8,958	−23.6
NASA Human Space Flt	(1,14)	1,902	1,883	1,816	1,697	1,649	1,533	1,533	1,533	1,234	−35.1
NASA SAT Space R&D	(1,14)	5,072	4,476	4,375	4,263	4,085	4,082	4,082	4,082	3,287	−35.2
NASA Mission Support	(1,14)	1,619	1,711	1,678	1,660	1,651	1,634	1,634	1,634	1,315	−18.8
NASA SAT Aeronautics	(1,14)	882	677	653	639	629	614	614	614	495	−43.9
NASA Wind Tunnels	(2)	400	0	0	0	0	0	0	0	0	−100.0
Total NASA R&D		9,875	8,747	8,523	8,258	8,015	7,863	7,863	7,863	6,331	−35.9
General Science (Physics)	(1)	974	989	940	890	890	890	890	890	717	−26.3
Energy Supply R&D	(1)	2,210	1,790	1,620	1,560	1,486	1,431	1,431	1,431	1,152	−47.8
Fossil Energy R&D	(1)	350	119	107	95	87	79	79	79	64	−81.8
Energy Conservation R&D	(1)	396	213	206	198	193	188	188	188	152	−61.7
Clean Coal Technology	(2)	37	0	0	0	0	0	0	0	0	−100.0
Uranium Enrichment	(1)	3	2	1	1	1	1	1	1	1	−61.7
Total DOE nondef R&D		3,969	3,113	2,874	2,745	2,658	2,590	2,590	2,590	2,086	−47.4
Research & Related Acts	(4,14)	2,061	2,045	2,119	2,197	2,292	2,378	2,378	2,378	1,915	−7.1
Academic Research Infra	(1)	250	100	100	100	100	100	100	100	81	−67.8
Major Res. Equipment	(1)	126	70	55	26	0	0	0	0	0	−100.0
Education and Hum. Res	(1,14)	107	106	107	107	109	110	110	110	88	−17.6
Total NSF R&D		2,544	2,320	2,381	2,430	2,501	2,588	2,588	2,588	2,084	−18.1
Agri Research Serv. R&D	(1)	709	640	640	640	640	640	640	640	515	−27.3
ARS R&D facilities	(13)	44	29	27	24	22	20	20	20	16	−63.4
Coop. State Res/Extension R&D	(1)	419	345	345	345	345	345	345	345	278	−33.6
Coop. State Res/Ext. R&D facil	(13)	63	3	0	0	0	0	0	0	0	−100.0
Economics Research Serv	(1)	54	34	27	27	27	27	27	27	22	−59.7
Natl Agric. Stats Service	(1)	4	3	3	3	3	3	3	3	2	−35.4
Foreign Agricultural Serv	(1)	1	1	1	1	1	1	1	1	1	−29.1
Forest Service	(6)	204	160	156	156	156	156	156	156	126	−38.4
Other USDA R&D	(3)	44	44	44	44	44	44	44	44	35	−19.5
Total USDA R&D		1,540	1,259	1,242	1,239	1,237	1,235	1,235	1,235	995	−35.4
US Geological Survey	(1)	368	295	295	295	295	295	295	295	237	−35.6
Nat'l Biological Service	(1)	167	99	96	94	92	90	90	90	72	−56.6
Bureau of Mines	(1)	103	90	78	66	53	41	41	41	33	−67.7
Nat'l Park Service	(13)	19	18	18	18	18	18	18	18	15	−23.5
Other Interior R&D	(3)	30	30	30	30	30	30	30	30	24	−19.5
Total Interior R&D		686	532	517	502	488	473	473	473	381	−44.4
FHWA (Highway Admin)	(7)	277	130	130	130	130	130	130	130	105	−62.1
Federal Transit Admin	(1)	21	0	0	0	0	0	0	0	0	−100.0
Maritime Admin	(1)	3	0	0	0	0	0	0	0	0	−100.0
Federal Railroad Admin	(8)	28	8	8	8	8	8	8	8	6	−77.6
Other Transporation R&D	(3)	360	360	360	360	360	360	360	360	290	−19.5
Total DOT R&D		687	497	497	497	497	497	497	497	400	−41.7
NOAA R&D Facils	(1)	38	12	12	12	12	12	12	12	10	−75.1
NOAA Operations, Res & Facils R&D	(1)	531	472	465	458	443	429	429	429	346	−34.8
Other NOAA R&D	(2)	19	0	0	0	0	0	0	0	0	−100.0
NIST Sci & Technical Res Service	(4)	214	225	231	239	245	253	260	268	216	−1.0
NIST ATP	(2)	409	0	0	0	0	0	0	0	0	−100.0
NIST Construction	(4)	63	65	67	69	72	74	76	78	62	−0.9
Econ. Develop. Admin	(2)	1	0	0	0	0	0	0	0	0	−100.0
Other Commerce R&D	(3)	10	10	10	10	10	10	10	10	8	−19.5
Total Commerce R&D		1,284	783	784	787	782	777	787	797	642	−50.0
Total EPA R&D	(9)	619	554	554	554	554	554	554	554	446	−27.9
Total Education R&D	(10)	175	5	5	5	5	5	5	5	4	−97.8
Total AID R&D	(10)	314	0	0	0	0	0	0	0	0	−100.0
Total Veterans R&D	(3)	297	297	297	297	297	297	297	297	239	−19.5
Total NRC R&D	(3)	82	82	82	82	82	82	82	82	66	−19.5
Total Smithsonian R&D	(3)	135	135	135	135	135	135	135	135	109	−19.5
Total TVA R&D	(5)	89	0	0	0	0	0	0	0	0	−100.0
Total Corps R&D	(3)	55	55	55	55	55	55	55	55	44	−19.5
Total Labor R&D	(11)	62	26	26	26	26	26	26	26	21	−66.0
Total Other R&D	(12)	164	164	164	164	164	164	164	164	132	−19.5
Total nondefense R&D		34,303	29,911	29,261	28,901	28,621	28,467	28,476	28,487	22,939	−33.1

House Budget Committee Policy Assumptions: Fiscal Year 1996 Budget Resolution prepared by the House Budget Committee, May 10, 1995 and Conference Report for Concurrent Resolution on the Budget for Fiscal Year 1996, June 26, 1995.

** Source: AAAS Report XX: Research and Development FY 1996.

*** Expressed in FY 1995 dollars. Adjusted for Inflation according to GDP deflators.

Key of assumptions:

[1] Based on specific program reduction in House resolution, assuming R&D as percent of appropriation remains constant.

[2] Elimination of account in House resolution.

[3] Not specifically mentioned in either House or conference resolution; assumes freeze at FY 1995 level.

[4] Based on specific program INCREASE in House resolution, assuming R&D as percent of appropriation remains constant.

[5] Planned privatization in House resolution; would no longer be federal R&D.

[6] Reductions in Forest Resources and Management Research and Ecosystems Research in House resolution.

[7] Assumes $150 million reduction each year from elimination of Intelligent Vehicle Development R&D.

[8] Elimination of $20 million in R&D High-Speed Rail in House resolution.

[9] Elimination of $85 million in R&D for ETI; all other R&D frozen at FY 1995 level.

[10] Assumes elimination of all programs containing R&D within agency based on House resolution detail; Howard University R&D added back in conference.

[11] Elimination of ETA R&D in the House resolution; all other R&D frozen at FY 1995 level.

[12] HUD, Justice, and USPS R&D frozen at FY 1995 levels.

[13] Based on specific program reduction in concurrent resolution, assuming R&D as percent of appropriations remains constant.

[14] Conference added $2 billion over seven years to general science above House level; distributed over NASA and NSF research activities (excluding facilities).

Deflators: 1995—1.30; 1996—1.34; 1997—1.38; 1998—1.42; 1999—1.46; 2000—1.51; 2001 est.—1.56; 2002 est.—1.61; 1995-2002—1.24. Deflators from OMB, Budget of the United States Government FY 1996 until FY 2000, then 3.5 percent inflation thereafter.

EXHIBIT 3

PUBLIC SURPRISES POLLSTERS, BACKS FEDERAL R&D

(By Ken Jacobson)

Public opinion researchers went to the districts of some leading House Republicans in April expecting to hear condemnations of federal spending on R&D. Instead, recalls Steve Wagner of Luntz Research & Strategic Service, participants in focus groups they moderated tended to rate R&D an "above-average priority" even though many stood behind efforts to reduce the federal deficit.

"We went looking for things that didn't pan out," says Wagner, whose groups were recruited in New Orleans, the district of House Appropriations Committee Chairman Bob Livingston, and Houston, home of House Majority Whip Tom DeLay and Ways & Means Committee Chairman Bill Archer.

"We went looking for the degree to which government investment in R&D was seen as corporate welfare, and we didn't find it. We went looking for the degree to which concerns about the deficit cast such a pall over everything that R&D should take a disproportionate or even a proportionate cut, and they told us 'no.' It's fair to say," Wagner admits, "that I was surprised by the extent of support" for R&D that was in evidence.

That's not to say that the 10- to 13-voter groups, which met for two hours each, had a very detailed picture of how the federal government spends its R&D dollars. And that's true even though they were chosen to take part in the research—commissioned by IBM, Hewlett-Packard, Kodak, and Genentech—in part of their level of education and their interest in current affairs.

According to Public Opinion Strategies' Neil Newhouse, in charge of groups in House Science Committee Chairman Bob Walker's Lancaster, Pa., district and the Columbus, Ohio, district of House Budget Committee Chairman John Kasich, participants showed awareness that federal R&D encompasses the fields of space, health, and defense, but had little knowledge of specific programs.

Nonetheless, they staunchly defended the federal R&D function. "We pushed people hard in terms of trying to get them to move away from support from R&D. But their support was broad and had a level intensity," Newhouse says, that "contradicted what we saw as the current political environment."

Behind their attitudes may be the fact that, as Wagner puts it, "people are very pragmatic." Far from being greeted with what he regards as "ideological" stances, Wagner says, the researchers heard messages he encapsulates as: "'Jobs are a priority, finding a cure for AIDS is a priority, and if it takes the government to do it, the government should do it.' If they think government involvement will make the situation better, people will not hesitate to say that that's a legitimate function of government."

Still, that doesn't imply an absolute faith in government, or even much faith at all. This mistrust, however, is also directed toward the private sector, and what emerges, according to the researchers, is a preference for public-private R&D partnerships.

"Neither the government nor private industry is completely trusted to make these investment decisions," states a summary of their findings that the two polling organizations issued jointly. "The government remains the agency of the common interest. Private business is seen as more efficient, more disciplined, but also self-interested.

"These perceptions cannot be changed in the short run, but they can be used: Let the private sector say what is feasible, which technologies offer the promise of payoff, and [let] the government say what is in the national interest to develop. A partnership of both entities looking over each other's shoulder will likely be the most satisfying to the voters."

WAS CONGRESS IRRESPONSIBLE? LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, before contemplating today's bad news about the Federal debt, let us have "another go," as the British put it, with our little pop quiz. Remember. One question, one answer.

The question: How many millions of dollars does it take to make a trillion dollars? While you are thinking about it, bear in mind that it was the U.S. Congress that ran up the Federal debt that now exceeds $4.9 trillion.

To be exact, as of the close of business yesterday, Tuesday, July 18, the total Federal debt—down to the penny—stood at $4,929,786,301,717.48, of which, on a per capita basis, every man, woman, and child in America owes $18,713.55.

Mr. President, back to the pop quiz: How many million in a trillion? There are a million million in a trillion.

AFFIRMATIVE ACTION

Mr. LIEBERMAN. Mr. President, I want to speak for just a few moments in reaction to the speech made this morning by President Clinton on the subject of affirmative action. The principle that every individual should have an equal opportunity to rise as high as his or her ability will take them, regardless of race, gender, religion, nationality, or other group characteristic, is a defining ideal of our society. We must be very wary of any deviation from that principle, no matter how well intended. That is why it is clearly time to review all Government affirmative action programs in which an individual's membership in a group, whether defined by race, gender, national origin, or other similar characteristics, may determine whether he or she will be awarded a Government benefit.

Mr. President, while America has clearly not yet realized the national ideal of equal opportunity for all, it is important to note that we have made considerable progress over the three decades since President Johnson issued the first Executive order calling for affirmative action to end job discrimination. I think we should be proud of that progress—long overdue as it may have been. Every President since President Johnson, and every Supreme Court since then, has acknowledged that affirmative action programs were intended to be temporary. In the debate that is ongoing now, and on which the President made a major statement today, I believe we should pause to acknowledge not only our continuing commitment to equal opportunity and the work we still have to do to realize it for all Americans, but also to acknowledge our success in overcoming what was not only a legally sanctioned system of discrimination in our country but also ingrained biases about race and gender which were extremely widespread in our country. We have come a long way from those days. Today, poll after poll shows a very high and broad national consensus about ensuring equal opportunity for all, which, of course, was what the civil rights movement was all about.

Unfortunately, Mr. President, some poorly conceived and implemented affirmative action programs have done more to disturb and confuse that broadly accepted national consensus about equal opportunity than they have done to help their intended beneficiaries. Affirmative action is dividing us in ways its creators could never have intended because most Americans who do support equal opportunity, and are not biased, do not think it is fair to discriminate against some Americans as a way to make up for historic discrimination against other Americans. For, after all, if you discriminate in favor of one group on the basis of race, you thereby discriminate against another group on the basis of race. In discussing this subject the other day, a young man offered me this simple wisdom that we all learned from our mothers and fathers: "Two wrongs," he said, "don't make a right."

President Clinton deserves our praise for his willingness to wade into this fray and examine whether affirmative action programs are advancing our goal of equal opportunity in a manner that is consistent with our ideals and our Constitution. In particular, I am encouraged by the President's expressed commitment to implement the Supreme Court's recent Adarand decision on affirmative action. The Department of Justice has informed all Federal agencies that every program employing race-based or similar criteria must be rigorously examined to ensure that it is narrowly tailored to meet a compelling governmental interest that cannot otherwise be achieved. If a program does not meet that test, it must be significantly changed, or it must be eliminated.

In my own view, Mr. President, most Government programs in which race, gender, or similar status are dominant factors, will not survive the Supreme Court's new Adarand test. If that is in fact the case, we must work together to find new and, I would hope, more broadly acceptable ways to achieve the goal of promoting equal opportunity for all—particularly our poorest neighbors. I accept the premise, as I believe most Americans do, that there is still much work to be done. We must be prepared to devote more resources to enforcing our civil rights laws vigorously. We need to direct our attention, energy, and money to helping poor people, regardless of race or ethnic background, by making greater investments in education and job training, economic opportunity, and empowerment. Doing so would not only be more effective in achieving our national ideal of equal opportunity for all, but I think would restore a sense of traditional American fair play to this field that, sadly, for too many has been lost.

Some critics of affirmative action are simultaneously urging the dismantling of programs that are keys to helping poor people gain the education and skills that will make equal opportunity real for them. I will join the President, as I have before, in fighting both to preserve and reform, where necessary, those programs, and in finding ways to address the profound problems faced by those who are victims not only of discrimination, but of poverty.

I invite all our colleagues within this Chamber, in the House, and all people of good will throughout the country, who are committed to making our society as fair as possible—whatever their party affiliation or views on affirmative action—to join this important effort in the months and years ahead.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:10 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1977. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1977. An act making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Appropriations.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1206. A communication from the Comptroller of the Department of Defense, transmitting, pursuant to law, a notice of a violation of the Antideficiency Act, case number 92-68; to the Committee on Appropriations.

EC–1207. A communication from the Under Secretary of Defense (Acquisition and Technology), transmitting, pursuant to law, a supplemental legislative environmental impact statement with respect to the START II Treaty; to the Committee on Armed Services.

EC–1208. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the fiscal year 1994 financial statements of the United States Mint; to the Committee on Banking, Housing and Urban Affairs.

EC–1209. A communication from the Assistant Attorney General, Office of Legislative Affairs, transmitting, a draft of proposed legislation to provide administrative procedures for the nonjudicial foreclosure of mortgages on properties to satisfy debts owed to the United States, and for other purposes; to the Committee on the Judiciary.

EC–1210. A communication from the Assistant Attorney General, Office of Legislative Affairs, transmitting, a draft of proposed legislation to amend title 17, United States Code, title 18, United States Code, and for other purposes ; to the Committee on the Judiciary.

EC–1211. A communication from Commissioners of the United States Commission on Civil Rights, transmitting, notice of errors in the transmittal of the report "Funding Federal Civil Rights Enforcement"; to the Committee on the Judiciary.

EC–1212. A communication from the Assistant Attorney General, Office of Legislative Affairs, transmitting, a draft of proposed legislation to enable the United States to meet its obligations to surrender offenders and provide evidence to the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law in the Territory of the Former Yugoslavia and to the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of Humanitarian Law Committed in the Territory of Rwanda and Citizens Responsible for Genocide and other such Violations Committed in the Territory of Neighboring States; to the Committee on the Judiciary.

EC–1213. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, transmitting, pursuant to law, the Attorney General's Report on Risk Exposure of Private Entities Covered by the Federally Supported Health Centers Assistance Act of 1992; to the Committee on Labor and Human Resources.

EC–1214. A communication from the Director of the National Science Foundation, transmitting, pursuant to law, the NSF report on women, minorities and persons with disabilities in science and engineering; to the Committee on Labor and Human Resources.

EC–1215. A communication from the Secretary of Health and Human Services, transmitting, a draft of proposed legislation entitled "Older Americans Act Amendments of 1995"; to the Committee on Labor and Human Resources.

EC–1216. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation entitled "ERISA Enforcement Improvement Act of 1995"; to the Committee on Labor and Human Resources.

EC–1217. A communication from the Secretary of Labor, transmitting, a draft of proposed legislation entitled "Individuals with Disabilities Education Act Amendments of 1995"; to the Committee on Labor and Human Resources.

EC–1218. A communication from the Members of the Railroad Retirement Board, transmitting, pursuant to law, the 1995 annual report of the Board on the financial status of the railroad unemployment system; to the Committee on Labor and Human Resources.

EC–1219. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report relative to persons with mental illness in the criminal justice system; to the Committee on Labor and Human Resources.

EC–1220. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a report relative to the impact of the National Voter Registration Act of 1993; to the Committee on Rules and Administration.

EC–1221. A communication from the Chairman of the Federal Election Commission, transmitting, pursuant to law, a proposed regulation relative to "express advocacy"; to the Committee on Rules and Administration.

EC–1222. A communication from the President of the Kennedy Center for the Performing Arts, transmitting, pursuant to law, the annual report of the Kennedy Center for 1994; to the Committee on Rules and Administration.

EC–1223. A communication from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to permit the Secretary of Veterans Affairs to reorganize the Veterans Health Administration notwithstanding the notice and wait requirements of section 510 of title 38, United States Code, and to amend title 38, United States Code, to facilitate the reorganization of the headquarters of the Veterans Health Administration; to the Committee on Veterans' Affairs.

EC–1224. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the cumulative report on rescissions and deferrals, pursuant to the order of April 11, 1986, referred jointly; to the Committee on Appropriations, the Committee on the Budget, the Committee on Agriculture, Nutrition and Forestry, the Committee on Banking, Housing and Urban Affairs; the Committee on Commerce, Science and Transportation; the Committee on Environment and Public Works; to the Committee on Finance; to the Committee on Foreign Relations; to the Committee on the Judiciary; to the Committee on Labor and Human Resources; and the Committee on Small Business.

EC–1225. A communication from the Director of the Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, a supplemental summary of the budget submitted earlier in the year, pursuant to the order of April 11, 1986, referred jointly; to the Committee on Appropriations and to the Committee on the Budget.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–231. A resolution adopted by the Greater Sitka Chamber of Commerce of the City of Sitka, Alaska relative to the timber industry; to the Committee on Energy and Natural Resources.

POM–232. A resolution adopted by the New Jersey State Federation of Women's Club relative to the New Jersey Highlands; to the Committee on Energy and Natural Resources.

POM–233. A resolution adopted by the Minnesota Division of the Izaak Walton League relative to waterfowl production areas; to the Committee on Energy and Natural Resources.

POM–234. A concurrent resolution adopted by the Legislature of the State of Louisiana; to the Committee on Energy and Natural Resources.

"SENATE CONCURRENT RESOLUTION NO. 15

"Whereas, many local groups, local governmental bodies, and interested citizens have shown interest and a keen desire for continued economic opportunity and development in Rapides Parish; and

"Whereas, the opportunity for such continued development could result from the construction of a Job Corp Center at Camp Claiborne; and

"Whereas, there has been great community and political support for such a project; and

"Whereas, the Kisatchie National Forestry Service, which is part of the U.S. Forestry Service, has as of March 14, 1995 deadline, made an application for construction of a Job Corp Center to be located on Camp Claiborne in Rapides Parish; and Therefore, be it

"*Resolved*, That the Legislature of Louisiana does hereby show its support and endorsement of the Kisatchie National Forest Service as the sponsoring agency for a Job Corp Center to be located in Rapides Parish; be it further

"*Resolved*, That a copy of this Resolution be transmitted to the secretary of the United States Senate and the clerk of the United States House of Representatives and to each member of the Louisiana Congressional Delegation."

POM–235. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

"SENATE JOINT RESOLUTION NO. 7

"Whereas, the people of the State of Nevada have a long history of being productive and successful ranchers and farmers; and

"Whereas, the money received from the production and sale of livestock, crops and other agricultural products contributes millions of dollars each year to the economy of Nevada; and

"Whereas, because of Nevada's arid climate and lack of abundant supplies of water, large amounts of land are required to graze cattle and sheep effectively; and

"Whereas, much of the land needed for grazing livestock must be leased under permit from the Federal Government, thereby making many of the ranchers and farmers in Nevada involuntarily dependent upon the Federal Government and its regulations governing the use of the rangelands located on the public lands of the United States; and

"Whereas, the Secretary of the Interior has adopted major reforms to the existing regulations of the Federal Government concerning the management of the rangelands located on the public lands of the United States which will become effective on August 26, 1995; and

"Whereas, such proposed reforms are extremely broad and extensive, and seek to impose numerous changes in the administration of the public rangelands which are not necessary or reasonable in order to maintain the public rangelands in a healthy and productive condition;

"Whereas, a bill has been introduced in the Senate, S. 852 of the 104th Congress, 1st Session (1995), The Livestock Grazing Act of 1995, which would prevent the reforms adopted by the Secretary of the Interior and would establish reasonable provisions relating to the proportional ownership of improvements made on the public rangelands by ranchers in cooperation with the Federal Government, the requirement of compliance with state law relating to water rights, the clarification of the types of violations of federal law relating to the management and administration of the public rangelands which are subject to civil or criminal penalties and other matters relating to the management and administration of the public rangelands of the United States; and

"Whereas, an identical bill has been introduced in the House of Representatives, H.R. 1713 of the 104th Congress, 1st Session (1995); Now, therefore, be it

"*Resolved by the Senate and assembly of the State of Nevada jointly*, That the Nevada Legislature hereby expresses its support for the ranching and farming industries in Nevada; and be it further

"*Resolved*, That the Nevada Legislature opposes any extensive and unreasonable reform of the existing regulations of the Federal Government concerning the management of the public rangelands in Nevada; and be it further

"*Resolved*, That the Nevada Legislature hereby urges the Congress of the United States to pass S. 852 or H.R. 1713 of the 104th Congress, 1st Session (1995), The Livestock Grazing Act of 1995, which would prevent the reforms adopted by the Secretary of the Interior concerning the management of the rangelands located on the public land of the United States and establish reasonable provisions relating to the management and administration of the public rangelands of the United States; and be it further

"*Resolved*, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives, the Chairman of the Senate Committee on Energy and Natural Resources, the Chairman of the House of Representatives Committee on Natural Resources and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM–236. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Energy and Natural Resources.

"Senate Joint Resolution No. 11

"Whereas, the present demand on the limited supply of water in the State of Nevada is threatening the vitality of the lakes in western Nevada including Pyramid Lake and Walker Lake; and

"Whereas, millions of acre-feet of water flow from the rivers of the northwestern United States into the Pacific Ocean each year and are lost to reclamation; and

"Whereas, the water lost to reclamation could be used beneficially in the State of Nevada to preserve the vitality of the lakes in western Nevada including Pyramid Lake and Walker Lake; and

"Whereas, the interregional transfer of water is technologically feasible; now, therefore, be it

"*Resolved by the Senate and Assembly of the State of Nevada, jointly*, That the Nevada Legislature urges the Congress of the United States to investigate the utility of importing water to Nevada from sources outside Nevada; and be it further

"*Resolved*, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM–237. A joint resolution adopted by the Legislature of the Commonwealth of Northern Marianas; to the Committee on Energy and Natural Resources.

"Whereas, through its approval in U.S. Public Law 94–241 of the Covenant to Establish a Commonwealth of the Northern Mariana Islands in Political Union with the United States of America, Congress agreed to a program of financial assistance to help the Northern Marianas' economy develop sufficiently to meet the financial responsibilities of self-government and to raise the standard of living of the islands' people; and

"Whereas, this policy has been highly successful, resulting in a five-fold increase in the gross domestic product of the islands between 1978 and 1992, a level of economic growth that produced sufficient local revenues to support the operations of the Northern Marianas government and raised median family incomes by more than 40%; and

"Whereas, this policy has had long-term support, beginning in 1976 with Ford Administration's approval of the original schedule of grant amounts and continuing with approval in 1986 of U.S. Public Law 99-396 adopting a revised schedule recommended by the Reagan Administration; and

"Whereas, because the U.S. citizens of the Northern Marianas have no representation in the national legislative process, the Congress approved a process of decision-making with respect to changes in the program of financial assistance that required consultations between the federal government and the Northern Marianas; and

"Whereas, agreement was reached in 1992 by the Special Representatives of President George Bush and the Governor of the Northern Marianas for a third schedule of financial assistance, terminating in the year 2000, that features a continuing decrease in federal expenditure from the fiscal year 1989 high of $40 million to $9 million in the agreement's final year, and that also adds a new condition of dollar-for-dollar matching of local funds with federal grants over the life of the agreement; and

"Whereas, the Congress has made appropriations in amounts that conforms to this new schedule of assistance since it was negotiated, and the Northern Marianas, likewise, has annually signed grant pledge agreements adhering to the terms of the 1992 agreement; and

"Whereas, these terms include a match of all federal funds by local funds, that none of these funds will be used for the operation of the northern Marianas government, and that these funds will all be invested in infrastructure to ensure the long-term economic health of the islands; and

"Whereas, the need for federal assistance in building basic infrastructure is apparent, for instance in the intermittent nature of residential water service and that, even when available, water is not safe to drink, and in the contamination of beaches critical to the tourism sector of the economy by fecal coliform bacteria present in near shore waters because of the lack of adequate sewage treatment facilities; and

"Whereas, this new agreement would replace the mandatory appropriation authorized by U.S. Public Law 99-396 in which federal funding is fixed, and would thereby assist in efforts to reach a balanced federal budget by the year 2002; and

"Whereas, the Clinton Administration has arbitrarily and without formal consultation proposed a premature termination of the assistance policy, an action that could freeze economic growth in the Northern Marianas or reverse the progress already made, risking, thereby, a situation in which the Congress might have to step in and correct—an awkward and potentially costly responsibility; Now, therefore, be it

"*Resolved, by the Senate of the Ninth Northern Marianas Commonwealth Legislature, the House concurring*, That the Legislature hereby requests the Congress of the United States of America to complete the transition to full financial responsibility for self-government in the Northern Marianas by fulfilling the terms of the already-negotiated schedule to phase out federal aid for investment in infrastructure; and be it further

"*Resolved*, That the President of the Senate and Speaker of the House of Representatives shall certify the Senate Legislative Secretary and the House Clerk and shall attest to the adoption of this joint resolution and thereafter transmit certified copies to the Honorable Frank Murkowski, Chairman of the Senate Energy and Natural Resources Committee; the Honorable J. Bennet Johnston; the Honorable J. Bennet Johnston; the Honorable Don Young, Chairman of the House Committee on Resources; the Honorable George Miller; the honorable Elton Gallegly, Chairman of the House Subcommittee on Native American and Insural Affairs; the Honorable Eni F.V. Faleomavaega; the Honorable Ralph Regula, Chairman of the House Subcommittee on Interior Appropriations; the Honorable Sidney Yates; the Honorable Slade Gorton, Chairman of the Senate of the Senate Subcommittee on Interior Appropriations; and the Honorable Robert C. Byrd."

POM-238. A resolution adopted by the Assembly of the City and Borough of Juneau, Alaska relative to the Federal Clean Water Act; to the Committee on Environment and Public Works.

POM-239. A resolution adopted by the Minnesota Division of the Izaak Walton League relative to the Great Lakes Initiative; to the Committee on Environment and Public Works.

POM-240. A resolution adopted by the House of the Legislature of the State of Alabama; to the Committee on Environment and Public Works.

"RESOLUTION NO. 258

"Whereas, the United States Environmental Protection Agency is considering a number of new environmental regulations that will affect the oil and gas industry; and

"Whereas, the United States House of Representatives has approved risk assessment and cost benefit analysis legislation that is pending before the United States Senate; and

"Whereas, a study by the American Petroleum Institute estimates that compliance expenditures required by these new regulations could reach $45 million dollars and result in a reduction in oil and natural gas production in Alabama; and

"Whereas, Alabama is a significant energy producing state, producing in excess of 460 billion cubic feet of natural gas and more than 18 million barrels of crude oil and condensate per year; and

"Whereas, revenues from oil and gas industry operations generate more than $100 million dollars annually in severance taxes and royalty income to the state; and

"Whereas, more than 20,000 Alabamians are employed in the state's oil and gas industry; Therefore be it

"*Resolved by the House of Representatives of the Legislature of Alabama*, That we hereby urge the United States Senate to approve legislation returning reasonableness to the environmental regulatory process and urges the Environmental Protection Agency to employ sound scientific principles, risk assessment, and cost benefit analysis before enacting new regulation."

POM-241. A joint resolution adopted by the Legislature of the State of Colorado; to the Committee on Environment and Public Works.

"HOUSE JOINT RESOLUTION 95-1031

"Whereas, the federal "Intermodal Surface Transportation Efficiency Act of 1991" (ISTEA) was designed to be the comprehensive solution to federal surface transportation funding since it replaced the "Surface Transportation and Uniform Relocation Assistance Act of 1987", which marked the end of the interstate era; and

"Whereas, the purpose of ISTEA is "to develop a National Intermodal Transportation System that is economically efficient and environmentally sound, provides the foundation for the Nation to compete in the global economy, and will move people and goods in an energy efficient manner"; and

"Whereas, when it was proposed, ISTEA was designed to give states and local governments flexibility as to how federal moneys were to be spent in their regions but, in fact and practice, the new federal program specifies how these moneys are distributed as well as how they can be spent by states and local governments; and

"Whereas, examples of the distribution categories of ISTEA moneys that have assigned percentages include, but are not limited to, safety, enhancements, population centers over 200,000 people, areas with populations under 5,000 people, transportation projects in areas that do not meet the Clean Air Act standards, and minimum allocation, reimbursement, and hold harmless programs; and

"Whereas, for the six year duration of ISTEA, Colorado will receive an estimated $1.31 billion in federal moneys, compared to $1.43 billion received in the previous six years; and

"Whereas, before the enactment of ISTEA, Colorado was permitted to use a portion of Interstate Maintenance Funds to increase vehicle carrying capacity, but under ISTEA, capacity improvements are limited to High Occupancy Vehicle (HOV) lanes or auxiliary lanes; now, therefore, be it

"*Resolved by the House of Representatives of the Sixtieth General Assembly of the State of Colorado, the Senate concurring herein:* That the Colorado General Assembly requests the 104th Congress of the United States to:

"(1) Amend the federal "Intermodal Surface Transportation Efficiency Act of 1991" to provide more flexibility and local control without the interference and mandates of the federal government.

"(2) Allow the 4.3 cents per gallon fuel tax added by the United States Congress in 1993 to be added to the Highway Trust Fund for distribution to the states as opposed to being assigned to the General Fund.

"(3) Allow the 2.5 cents per gallon fuel tax added by the United States Congress in 1990 to be added to the Highway Trust Fund given the demonstrated need for moneys for transportation systems, and be it further

"*Resolved*, That copies of this Resolution be sent to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, the Speaker of the House and the President of the Senate of each state's legislature of the United States of America, and Colorado's Congressional delegation."

POM-242. A resolution adopted by the Legislature of the State of New Hampshire; to the Committee on Environment and Public Works.

"HOUSE JOINT RESOLUTION NO. 4.

"Whereas, the state of New Hampshire has made, and continues to make, great efforts to implement the 1990 federal Clean Air Act Amendments; and

"Whereas, modifying the 1990 federal Clean Air Act Amendments and the federal regulations for the act would assist the state to better comply with the law; and

"Whereas, modification would improve air quality and would not impede economic development; now, Therefore, be it

"Resolved by the Senate and House of Representatives in General Court convened: That the general court urges the United States Congress and the United States Environmental Protection Agency to modify the 1990 federal Clean Air Act amendments by:

"(1) Reducing the $450 auto emissions repair waiver for at least the first test cycle;

"(2) Implementing a 49-state car emission standard, including that inherently low emission vehicles (ILEVs) should be counted as zero emission vehicles (ZEV) when calculating fleet average and to satisfy the technology advancement component;

"(3) Not requiring California's reformulated gasoline;

"(4) Granting state implementation plans (SIPS) maximum credit for voluntary actions and programs which result in documented lowered levels of emissions; and

"(5) Considering offering incentives for purchasing low emission vehicles (LEVs), ultra low emission vehicles (ULEVs), ILEVs and ZEVs; and That copies of this resolution, signed by the speaker of the house, the president of the senate, and the governor be sent by the house clerk to the President of the United States, the Director of the United States Environmental Protection Agency, the Speaker and Clerk of the United States House of Representatives, the President and Secretary of the United States Senate, and to each member of the New Hampshire Congressional delegation."

POM-243. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Envrionment and Public Works.

"JOINT RESOLUTION NO. 35

"Whereas, the Humboldt National Forest includes approximately 2,500,000 acres in Humboldt County, Elko County, White Pine County, eastern Nye County and Lincoln County; and

"Whereas, the residents of these counties have a long tradition of ranching and farming, the results of which contribute greatly each year to the economies of these counties and to the State of Nevada; and

"Whereas, because of the arid climate and scarcity of water in these areas, large amounts of land are required for grazing, much of which must be leased from the United States Forest Service in the Humboldt National Forest, thereby making many of the ranchers and farmers in these areas dependent on the use of the Humboldt National Forest; and

"Whereas, herds of wild horses and elk are in constant competition with domestic animals for the available forage and water; and

"Whereas, the extensive paperwork requirements of the National Environmental Policy Act and other federal laws further divert resources of the Humboldt National Forest from activities that would directly improve range conditions, promote compliance with grazing permits and lead to the establishment of sustainable conditions; and

"Whereas, conservation groups have now initiated litigation against the Chief of the U.S. Forest Service and the Supervisor of the Humboldt National Forest, requesting the federal court to prohibit the U.S. Forest Service from authorizing grazing permits in the Humboldt National Forest until certain alleged violations of the National Environmental Policy Act and other federal laws are resolved; and

"Whereas, this litigation threatens the livelihoods of farmers and ranchers, polarizes the various users of the public lands, limits constructive dialog directed toward solving actual problems and further diverts resources of the Humboldt National Forest from activities that would directly improve range conditions and promote compliance with grazing permits; and

"Whereas, the multiple-use concept requires all the various recreational, agricultural, educational and scientific users of the public lands to coexist, cooperate and compromise to their mutual benefit; Now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly*, That the members of the 68th session of the Nevada Legislature urge the Congress of the United States to support legislation that recognizes and preserves the value of ranching and farming to the economy and to the very fabric of rural communities; and be it further

"*Resolved*, That Congress is also urged to support legislation that streamlines the paperwork requirements of federal laws affecting the use of the national forests, such as the National Environmental Policy Act, especially legislation that would make the renewal of grazing permits categorically exempt from the requirements of the National Environmental Policy Act; and be it further

"*Resolved*, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-244. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works.

"JOINT RESOLUTION NO. 26

"Whereas, the recent debates concerning certain resolutions may have been construed by those living outside Nevada as disagreement among Nevadans regarding whether the Federal Government should place an interim or permanent repository or other facility for the storage or transportation of high-level radioactive waste and spent fuel in Nevada; and

"Whereas, throughout the debate there was one principle that never varied and was agreed upon by an overwhelming majority of Nevadans and that principle was Nevada's forceful and unyielding opposition to the permanent storage of high-level radioactive waste and spent nuclear fuel in Nevada and any amendment of the Nuclear Waste Policy Act which would allow the siting of an interim storage program or monitored retrievable storage program in Nevada; and

"Whereas, the State of Nevada has studied the economic, social, public health and safety and environmental impacts that are likely to result from the transportation and storage of high-level radioactive waste and spent nuclear fuel and has conclusively determined that transforming this beautiful state into a nuclear waste disposal area would pose a severe threat to the health and safety of the current and future generations of Nevadans and have devastating consequences on the tourist-based economy of the State of Nevada; and

"Whereas, the environmental wonders of this state, from the rim of the Red Rock Canyon, the dramatic depths of the Lehman Caves, the lush alpine meadows and the clear mountain streams of the Great Basin National Park to the heights of the spectacular Ruby Mountains, through the wondrous Black Rock Desert to the emerald shores of Lake Tahoe Basin, through the plethora of wonderful wilderness areas to the glimmering waters of Lake Mead, are far too special a treasure to be spoiled by high-level radioactive waste and spent nuclear fuel; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly*, That the Legislature of the State of Nevada hereby reaffirms its vehement opposition to the permanent storage of high-level radioactive waste in Nevada and its adamant opposition to any amendment of the Nuclear Waste Policy Act which would allow the siting of an interim storage program or monitored retrievable storage program in Nevada; and be it further

"*Resolved*, That this Legislature hereby urges the Congress of the United States to take such actions as are necessary to ensure that the current practice of on-site dry cask storage of high-level radioactive waste is continued until such time as the available technology will allow for the recycling and reuse of high-level radioactive waste; and be it further

"*Resolved*, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and to each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

POM-245. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Environment and Public Works.

"SENATE JOINT RESOLUTION NO. 12

"Whereas, the Aquatic Resources Trust Fund (Wallop-Breaux) was enacted by the U.S. Congress so that the safety and education of the nation's boaters would receive funding similar to that provided for fish and wildlife programs; and

"Whereas, Aquatic Resources Trust Fund monies are not general funds, but rather trust funds derived from the tax boaters pay on marine fuel and, therefore, represent a prime example of the user fee concept, i.e. user pays, user benefits; and

"Whereas, in Tennessee, these funds have helped to steadily decrease boating fatalities so that the past three years have been the lowest on record; and

"Whereas, the loss of these funds will be devastating to Tennessee's boating program by reducing the education and enforcement programs by nearly half; and

"Whereas, the current administration did not ask for these funds as a part of the proposed federal budget, thereby ending an enormously successful program engineered through the cooperative efforts of the American League of Anglers and Boaters, Fish and Wildlife Agencies, Congress, and others; and

"Whereas, these funds cannot be used for budget deficit reduction but rather will transfer to the Sport Fisheries account of the Aquatic Resources Trust Fund, thereby bypassing the intent of the enabling legislation; and

"Whereas, there was bipartisan support in the 103rd Congress in the form of HR 4477 to reinstate this vital funding on a sustained basis; and

"Whereas, there appears to be movement to address this same boating safety funding dilemma in the early days of the 104th Congress; now, Therefore, be it

"*Resolved by the Senate of the Ninety-Ninth General Assembly of the State of Tennessee, the*

House of Representatives concurring, That this General Assembly hereby memorializes the United States Congress to enact legislation which would reinstate Aquatic Resources Trust Fund (Wallop-Breaux) moneys on a sustained funding basis to assure the continued proven success of Tennessee's as well as other states', boating safety and education program, and be it further

"*Resolved*, That the Chief Clerk of the Senate is directed to transmit enrolled copies of this resolution to the Honorable Bill Clinton, President of the United States; the Speaker and the Clerk of the U.S. House of Representatives; the President and the Secretary of the U.S. Senate; and to each member of the Tennessee Congressional Delegation."

POM–246. A joint resolution adopted by the Legislature of the State of Tennessee; to the Committee on Environment and Public Works.

"SENATE JOINT RESOLUTION NO. 11

"Whereas, the quality of Tennessee's water resources is critical to maintaining good health and maximizing recreational opportunities on our streams and reservoirs; and

"Whereas, there exists legislation on both the federal and state level which helps to maintain water quality by controlling the discharge of sewage from vessels; and

"Whereas, enforcement of Tennessee's marine sanitation law is threatened due to ambiguity of the language contained in the federal statute regarding "preemption" of state laws; now, Therefore, be it

"*Resolved by the Senate of the Ninety-Ninth General Assembly of the State of Tennessee, the House of Representatives concurring*, That this General Assembly hereby memorializes the U.S. Congress to enact an amendment to the 'Federal Water Pollution Control Act' (popularly known as the 'Clean Water Act') providing that the several States may enact and enforce their own marine sanitation laws, provided that such laws are consistent and uniform with the federal standards on marine sanitation set out at 33 U.S.C. Section 1322, and be it further

"*Resolved*, That the Chief Clerk of the Senate is directed to transmit enrolled copies of this resolution to the Speaker and the Clerk of the U.S. House of Representative; the President and the Secretary of the U.S. Senate; and to each member of the Tennessee Congressional Delegation."

POM–247. A joint resolution adopted by the Legislature of the State of Nevada; to the Committee on Environment and Public Works.

"JOINT RESOLUTION NO. 40

"Whereas, the State of Nevada has a very strong commitment to protecting the public health and safety and the natural environment; and

"Whereas, the Nevada Legislature has proven this commitment in the area of solid waste management by enacting legislation and authorizing administrative regulations which are necessary to carry out the provisions of subchapter IV of the Resource Conservation and Recovery Act of 1976, as amended; and

"Whereas, the Nevada Legislature, nevertheless, finds the federal requirements in subchapter IV of the Resource Conservation and Recovery Act of 1976, as carried out through the regulations contained in 40 C.F.R. Part 258, too onerous, inflexible and unreasonable in this arid State, with many small population centers and agricultural operations situated far from urban areas; and

"Whereas, excessively stringent federal regulations, short time frames for compliance, small populations and a lack of technical and financial assistance have created an impossible situation for many of Nevada's small rural communities; and

"Whereas, in the absence of financial assistance to carry out the provisions of subchapter IV of the Resource Conservation and Recovery Act of 1976, the federal requirements truly represent an unfunded mandate which reorders valid local priorities; and

"Whereas, the President of the United States, in Executive Order No. 12866, dated September 30, 1993, recognized that the legitimate role of government is to govern in a focused, tailored and sensible way; and

"Whereas, the President of the United States, in his memorandum dated March 4, 1994, relating to the regulatory reform initiative, called for permit streamlining and paperwork reduction and directed federal agencies and departments to "determine whether states can do the job as well; reward results, not red tape; and negotiate with the regulated community"; now, therefore, be it

"*Resolved by the Assembly and Senate of the State of Nevada, jointly*, That the members of the 68th session of the Nevada Legislature urge the United States Environmental Protection Agency to extend by at least 2 years the deadline for small, remote landfills in arid areas to comply with the federal regulations contained in 40 C.F.R. Part 258; and be it further

"*Resolved*, That this Legislature urges Congress to amend subchapter IV of the Resource Conservation and Recovery Act of 1976 as it applies to small, remote landfills in arid areas by establishing a ground-water monitoring exemption, requiring the United States Environmental Protection Agency to identify, with state participation, minimum performance standards and providing states the authority and flexibility to manage such landfills in a manner consistent with those performance standards; and be it further

"*Resolved*, That this Legislature urges Congress to appropriate money for grants to the states to carry out the mandates of subchapter IV of the Resource Conservation and Recovery Act of 1976; and be it further

"*Resolved*, That this Legislature urges the Division of Environmental Protection of the State Department of Conservation and Natural Resources to assert Nevada's authority and discretion over solid waste management programs within this State, propose reasonable regulations for the management of the smallest solid waste landfills and carry out a vigorous technical assistance program for small towns, rural areas and agricultural operations; and be it further

"*Resolved*, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Director of the State Department of Conservation and Natural Resources of the State of Nevada, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

"*Resolved*, That this resolution becomes effective upon passage and approval."

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BURNS, from the Committee on Appropriations, with amendments:

H.R. 1817. A bill making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes (Rept. No. 104–116).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SHELBY (for himself, Mr. CRAIG, and Mr. HELMS):

S. 1050. A bill to promote freedom, fairness; and economic opportunity for families by reducing the power and reach of the Federal establishment; to the Committee on Finance.

By Mr. HATFIELD (for himself, Mr. STEVENS, Mr. COCHRAN, Mr. PELL, Mr. MOYNIHAN, and Mr. REID):

S. 1051. A bill to authorize appropriations for the American Folklife Center for fiscal years 1996, 1997, 1998, and 1999; to the Committee on Rules and Administration.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PELL:

S. Res. 154. A resolution expressing the sense of the Senate that the United States Government should encourage other governments to draft and participate in regional treaties aimed at avoiding any adverse impacts on the physical environment or environmental interests of other nations or a global commons area, through the preparation of Environmental Impact Assessments, where appropriate; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SHELBY (for himself, Mr. CRAIG, and Mr. HELMS):

S. 1050. A bill to promote freedom, fairness; and economic opportunity for families by reducing the power and reach of the Federal establishment; to the Committee on Finance.

THE FREEDOM AND FAIRNESS RESTORATION ACT

• Mr. SHELBY. Mr. President, I am proud to announce the introduction of the Freedom and Fairness Restoration Act in the Senate of the United States of America. Two years ago, the flat tax was not even considered as an alternative in the tax reform debate. One year ago, thanks to the able House majority leader, the flat tax was introduced in the House of Representatives and took the country by storm. Today, I am here to tell the American people the flat tax has found a home in the Senate and the flat tax is not only a legitimate proposal for tax reform, it is the leading candidate.

When considering any proposal for tax reform, one has to ask the question, "Should the Federal Government coerce free individuals by means of tax policy?" I believe the answer is a clear and resounding "No." In other words, tax policy should neither encourage nor discourage the personal decisions of free individuals in America. If one accepts this premise, one has to conclude the best alternative for tax reform is the flat tax. No other tax proposal, not the sales tax, and especially not the Gephardt un-flat tax, has the attribute of neutrality.

The Armey-Shelby flat tax taxes every dollar in the economy once and only once—all at the same rate. As a result, the Armey-Shelby flat tax does not coerce free individuals into making decisions to take advantage of a special interest tax break or to avoid some tax penalty. The basic premise of the Freedom and Fairness Restoration Act is that free individuals know best how to spend their hard-earned dollars.

The current Tax Code, while serving its purpose of revenue collection, has many problems. It contains high marginal rates as well as a hodgepodge of special interest deductions. In addition, the complexity of Federal tax laws cost taxpayers approximately 5.4 billion hours, or $150 billion, just to comply with the current Internal Revenue Code.

As a result, the time has come to abolish the old, inefficient tax system and adopt a new, strict flat tax—20 percent for the first 2 years, and 17 percent thereafter. Generous personal allowances—$31,400 for a family of four—will cut taxes for families and provide a level of progressivity many find essential for tax reform. The flat tax will eliminate the double taxation of savings and promote jobs and higher wages. These attributes of the Armey-Shelby flat tax are the keys that unlock the door to economic prosperity and assures freedom and fairness for all.•

By Mr. HATFIELD (for himself, Mr. STEVENS, Mr. COCHRAN, Mr. PELL, Mr. MOYNIHAN, and Mr. REID):

S. 1051. A bill to authorize appropriations for the American Folklife Center for fiscal years 1996, 1997, 1998, and 1999; to the Committee on Rules and Administration.

THE AMERICAN FOLKLIFE CENTER REAUTHORIZATION ACT

• Mr. HATFIELD. Mr. President, as the Chairman of the Joint Committee on the Library of Congress, I am introducing legislation today to reauthorize the Library's American Folklife Center for fiscal years 1996 though 1999. I am pleased to have all the members of the Joint Committee on the Library and Senator REID join me in this effort as cosponsors.

The American Folklife Preservation Act of 1976 established the American Folklife Center at the Library of Congress with a mandate to "preserve and present American folklife." This remarkable institution contains the Nation's foremost collection of folklife materials, including over 1 million manuscripts, sound recordings, photographs, films, videos, periodicals, and other printed information which chronicle the grassroots cultural traditions of the American people. No other public or private establishment can compare to the Folklife Center's extensive accumulation of American folklife.

In addition to maintaining a comprehensive record of our Nation's diverse culture, the Folklife Center is also an interactive and widely used institution. The folklife reading room is the largest reading room in the Nation with public access to folklife collections and publications. During 1994 the folklife reading room assisted nearly 9,000 researchers. Additionally, the Folklife Center is well known for its popular public exhibitions and presentations, such as the summer folklife music concert series in front of the Jefferson Building. This year the series opened with a performance of cajun zydeco and will close with the Argentine tango. The Folklife Center is also well known for its programs which have traveled throughout the United States. For instance, the Folklife Center's photographic exhibit "Generation to Generation: Sharing the Intangible," which depicts grassroots culture bridging the differences between older and younger individuals, had a brief stay at the Hood River County Historical Museum in Hood River, OR.

Mr. President, the American Folklife Center accomplishes its broad mandate with minimal funding and through the efforts of creative individuals. The Folklife Center has a staff of only 15 and their authorization level has been frozen since 1992. However, in 1994 they raised $330,000—3 times the amount raised in 1990—in private funding and they have a multi-year plan to increase private funding. Consequently, the legislation I am introducing today provides a modest increase in their annual authorization from the current level of $1,120,000 to $1,187,000 for the next 4 fiscal years.

The American Folklife Center is an important investment in preserving our Nation's cultural background that will serve future generations as a historical reference and educational guide. I hope my colleagues will continue to support the Folklife Center by approving this legislation.•

• Mr. REID. Mr. President, I am pleased to join Senator HATFIELD as an original cosponsor to legislation which will reauthorize the American Folklife Center. The Folklife Center provides our country with the invaluable service of preserving the diverse cultures which make up American folklife.

Folklife is defined as the grassroots cultural traditions maintained at the community level and expressed through family, ethnic, occupational, religious, and regional associations. It includes a wide range of creative forms including music, verbal traditions, crafts and dance. It is my strong belief that the preservation of America's heritage is worth funding.

The American Folklife Center contains by far the Nation's preeminent folklife collection comprising over 1 million items in every medium: manuscripts, sound recordings photographs, films, videos, periodicals, and other printed materials. No other institution, public or private, contains such a vast and comprehensive collection of folklife. Further, it is the sole institution in the Federal Government authorized to preserve and present American folklife.

The American Folklife Center's authorization level has been frozen at $1,120,000 since 1992. On this budget, the Center has maintained the largest reading room in the Nation with public access to folklife collections and publications and with formal public reference services, assisting nearly 9,000 researchers in 1994. The Center has provided for programs, presentations, field research projects, publications and exhibitions which strengthen public education about America's heritage and benefit hundreds of thousands of Americans annually. I believe it is time to increase the Center's funding, therefore, our amendment provides for the modest increase in authorization to $1,187,000 a year for the next 4 years. This money will allow the Center to continue with their important work in preserving America's heritage.

In 1976, the American Folklife Center was established with bipartisan support. However, the Archives of Folk Culture has been a part of the Library of Congress since 1928. This long history is evidence of our country's commitment to preserving its heritage.

The Center maintains a unique collection with items from all 50 States. My State of Nevada has diverse folk traditions which are preserved by the Center. Among its unique recordings are Ute, Northern Paiute, Wasoe, and other native American music recordings made by Omer Stewart in 1938 and Willard Rhodes in 1949. There are cowboy songs and stories by "Powder River" Jack H. Lee of Virginia City and oral histories and stories of traditional life made by Duncan Emerich in 1942 and 1950.

Between 1978 and 1982, the Center conducted the Paradise Valley Folklife Project to document and analyze the traditional life and work of a ranching community in Nevada. The project was developed in conjunction with the Smithsonian Institution and the National Endowment for the Arts. Documentary materials from the project include field notes; sound, motion picture, and video records; and 30,000 black and white negatives and color transparencies. The project also resulted in a book, "Buckaroos in Paradise: Cowboy Life in Northern Nevada," an exhibit of the same name at the Smithsonian Institution, and a videodisc, "The Ninety-Six: A Cattle Ranch in Northern Nevada."

In 1989 and 1990, the Center conducted a field research project documenting the culture and traditions of Italian-Americans in the West, which culminated in a traveling exhibition and companion book of essays. The documentary material created during the project includes recordings, photographs, architectural drawings, and other documents from central Nevada. These are just some examples of the work that the Center does in my State of Nevada. However, the Center provides this sort of work for each State's unique history.

The Center is not only a place where history is preserved, it is also a viable working institution which provides a wealth of information from where American artists can draw upon and use these valuable resources. Micky Hart, drummer for the Greatful Dead, has found unreleased and forgotten world music in the archives. This past spring he released his second CD of such sounds, "Music of the Gods," a collection of gamelan music acquired from the Fiji Islanders just before World War II.

The Center is heavily used by artists, historians, and people who simply enjoy learning about our country's cultures. It has successfully performed its duties on minimal funding over the years, and has made great efforts in generating private funds. The Center has demonstrated its dedication to the preservation of American folklife and culture, and greatly deserves the reauthorization our legislation provides.•

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. LIEBERMAN, the name of the Senator from Idaho [Mr. KEMPTHORNE] was added as a cosponsor of S. 21, a bill to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

S. 607

At the request of Mr. WARNER, the names of the Senator from Alabama [Mr. HEFLIN] and the Senator from Arkansas [Mr. PRYOR] were added as cosponsors of S. 607, a bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 to clarify the liability of certain recycling transactions, and for other purposes.

S. 743

At the request of Mrs. HUTCHISON, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of S. 743, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes.

S. 770

At the request of Mr. DOLE, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from Delaware [Mr. ROTH] were added as cosponsors of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 847

At the request of Mr. GREGG, the name of the Senator from Tennessee [Mr. FRIST] was added as a cosponsor of S. 847, a bill to terminate the agricultural price support and production adjustment programs for sugar, and for other purposes.

S. 955

At the request of Mr. HATCH, the names of the Senator from Illinois [Mr. SIMON] and the Senator from Alaska [Mr. MURKOWSKI] were added as cosponsors of S. 955, a bill to clarify the scope of coverage and amount of payment under the medicare program of items and services associated with the use in the furnishing of inpatient hospital services of certain medical devices approved for investigational use.

S. 959

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 959, a bill to amend the Internal Revenue Code of 1986 to encourage capital formation through reductions in taxes on capital gains, and for other purposes.

S. 1000

At the request of Mr. BURNS, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 1000, a bill to amend the Internal Revenue Code of 1986 to provide that the depreciation rules which apply for regular tax purposes shall also apply for alternative minimum tax purposes, to allow a portion of the tentative minimum tax to be offset by the minimum tax credit, and for other purposes.

S. 1006

At the request of Mr. HATCH, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 1006, a bill to amend the Internal Revenue Code of 1986 to simplify the pension laws, and for other purposes.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the names of the Senator from Mississippi [Mr. COCHRAN] and the Senator from North Carolina [Mr. HELMS] were added as cosponsors of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week," and for other purposes.

AMENDMENT NO. 1801

At the request of Mr. LIEBERMAN the names of the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from Idaho [Mr. CRAIG] were added as cosponsors of Amendment No. 1801 proposed to S. 21, a bill to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

SENATE RESOLUTION 154—RELATING TO ENVIRONMENTAL IMPACT ASSESSMENTS

Mr. PELL submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 154

Whereas in 1978 the Senate adopted Senate Resolution 49, calling on the United States Government to seek the agreement of other governments to a proposed global treaty requiring the preparation of Environmental Impact Assessments for any major project, action, or continuing activity that may be reasonably expected to have a significant adverse effect on the physical environment or environmental interests of another nation or a global commons area;

Whereas subsequent to the adoption of Senate Resolution 49 in 1978, the United Nations Environment Programme Governing Council adopted Goals and Principles on Environmental Impact Assessment calling on governments to undertake comprehensive Environmental Impact Assessments in cases in which the extent, nature, or location of a proposed activity is such that the activity is likely to significantly affect the environment;

Whereas Principle 17 of the Rio Declaration on Environment and Development, adopted at the United Nations Conference on Environment and Development in 1992, states that Environmental Impact Assessments as a national instrument shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of the competent national authority;

Whereas on October 7, 1992, the Senate gave its advice and consent to the Protocol on Environmental Protection to the Antarctic Treaty, which obligates parties to the Antarctic Treaty to require Environmental Impact Assessment procedures for proposed activities in Antarctica; and

Whereas the United States is a signatory to the 1991 United Nations Economic Commission for Europe's Convention on Environmental Impact Assessment in a Transboundary Context, a regional treaty that calls for the use of Environmental Impact Assessments as necessary tools to minimize the adverse impact of certain activities on the environment, particularly in a transboundary context: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States Government should encourage the governments of other nations to engage in additional regional treaties, along the lines of the 1991 United Nations Economic Commission for Europe's Convention on Environmental Impact Assessment in a Transboundary Context, regarding specific transboundary activities that have adverse impacts on the environment of other nations or a global commons area; and

(2) such additional regional treaties should ensure that specific transboundary activities

are undertaken in environmentally sound ways and under careful controls designed to avoid or minimize any adverse environmental effects, through requirements for Environmental Impact Assessments where appropriate.

Mr. PELL. Mr. President, many of my colleagues know of the interest that I have long had in the protection of the global commons. As early as 1967 I introduced resolutions containing draft treaty language that eventually resulted in treaties banning the emplacement of weapons of mass destruction on the seabed floor and the use of environmental modification techniques in warfare.

In 1978, a resolution that I had introduced in 1977 was adopted by the Senate, which called on the U.S. Government to seek the agreement of other governments to a proposed global treaty requiring the preparation of an international environmental assessment for any major project, action, or continuing activity which may be reasonably expected to have a significant adverse effect on the physical environment or environmental interests of another nation or a global commons area—Senate Resolution 49, May 18, 1978, Report No. 95-990, July 17, 1978.

My proposed Environmental Impact Assessment Treaty did not aim to prohibit a state from carrying out activities, but rather required it to make a detailed assessment of the impact this activity would have, and to communicate this information to the affected countries. As such, it would play a crucial part in ensuring that the United States would not be negatively impacted by the activities of another state. Alternatively, when the activity was to have an impact on a global commons area, the United Nations Environment Programme [UNEP] was to be the recipient of that information.

The United Nations Environment Programme was created in the aftermaths of the United Nations Conference on the Human Environment, held in Stockholm in 1972. This conference represented the first concerted effort on the part of all nations to integrate human development and the protection of the environment and natural resources for future generations. UNEP has now become the legal entity where most international environmental programs are either initiated or hosted and, as such, is widely recognized as a useful and efficient arm of the United Nations.

The United States has truly been a visionary in this respect, as the ideas embedded in my 1978 resolution were later endorsed in a number of international environmental legal instruments. The United Nations Environment Programme itself endorsed this view when its governing council adopted a series of goals and principles that specify how important these assessments can be, and how and when they should be carried out.

Building on these goals and principles, the U.S. Government, along with other members of the United Nations Economic Commission for Europe, signed the Convention on Environmental Impact Assessment in a Transboundary Context, done at Espoo, Finland on February 25, 1991. While my 1978 resolution initially called for a global treaty applying to all activities worldwide, much of the reflection that followed led to a breakthrough in thinking with which I agree; namely, that a regional approach would be more suited.

The Espoo Convention is a perfect example, as it embodies the commitment by member states to the U.S. Economic Commission of Europe to act in a precautionary manner when dealing with transboundary activities. The convention highlights how and when environmental impact assessments need to be carried out, and an annex to the convention lists the activities that will trigger their application. Because different countries in different areas of the world carry out different activities, separate regional conventions, along with specific lists of triggering activities, are more appropriate than one global treaty.

Even after the Espoo Convention was signed in 1991, other international legal instruments highlighted the need for Environmental Impact Assessments. In 1992, at the conclusion of the United Nations Conference on Environment and Development—the Rio Earth Summit—more than 180 participating nations adopted the Rio Declaration of Principles on Environment and Development. Principle 17 of the declaration states that environmental impact assessment, as a national instrument, shall be undertaken for proposed activities that are likely to have a significant adverse impact on the environment and are subject to a decision of a competent national authority.

This was but the latest indication of the endorsement by the whole international community of environmental impact assessment as a means to ensuring that human activities with a view to enhancing human betterment are undertaken in environmentally sound ways.

On October 7, 1992, the Senate gave its advice and consent to the protocol on environmental protection to the Antarctic Treaty, signed in Madrid on October 4, 1991—Treaty Doc. 102-22. This protocol builds upon the Antarctic Treaty to extend and improve the treaty's effectiveness as a mechanism for ensuring the protection of the Antarctic environment. Among other obligations, it requires application of environmental impact assessment procedures to activities undertaken in Antarctica for which advance notice is required under the Antarctic Treaty. Annex I of the protocol sets out different environmental impact assessment procedures that apply according to whether the proposed activities are identified as having less than a minor or transitory impact, a minor or transitory impact, or more than a minor or transitory impact. This is a very rational approach to environmental impact assessment, an approach to which the Senate gave its advice and consent, and the same approach that my 1978 resolution embodied.

As previously noted, the United States has pursued the objectives of my 1978 resolution—Senate Resolution 49—by becoming a party to the Espoo regional convention of the United Nations Economic Commission of Europe. This convention represents the consensus between the United States and its industrialized allies that the best way to proceed is to require environmental impact assessments before transboundary activities are carried out. As I have explained before, regional treaties are the best possible approach because they allow taking into account the particularities of the region at hand. What the United States and its allies have achieved must now be duplicated by other states, in other regions, so that the adoption of environmental impact assessment truly becomes a standard precautionary measure.

Consequently, the resolution I introduce today builds upon my 1978 resolution—Senate Resolution 49—by urging the administration to encourage other states to pursue the negotiation of appropriate environmental impact assessment requirements in other regional treaties. My resolution acknowledges the history of international efforts carried out since 1978 and allows the Senate to endorse once more these important goals.

NOTICE OF HEARING

SUBCOMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. ROTH. Mr. President, I would like to announce that the Subcommittee on Post Office and Civil Service, of the Committee on Governmental Affairs, will hold a hearing on July 26, 1995. The Postmaster General of the United States will present the Annual Report of the Postal Service.

The hearing is scheduled for 9:30 a.m. in room 342 of the Dirksen Senate Office Building. For further information, please contact Pat Raymond, staff director, at 224-2254.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. COHEN. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Wednesday, July 19, 1995, for purposes of conducting a full committee business meeting which is scheduled to begin at 8:30 a.m. The purpose of this meeting is to consider S. 852, the Livestock Grazing Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. COHEN. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, July 19, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on Medicare.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. COHEN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, July 19, 1995, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COHEN. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, July 19, at 9:30 a.m., for a hearing on the subject of criminal debt collection efforts.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. COHEN. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Wednesday, July 19, at 2 p.m., for a hearing on the subject of criminal debt collection efforts.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. COHEN. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for an executive session, during the session of the Senate on Wednesday, July 19, 1995, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. COHEN. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 19, 1995, at 9:30 a.m. to hold an open hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON CLEAN AIR, WETLANDS, PRIVATE PROPERTY, AND NUCLEAR SAFETY

Mr. COHEN. Mr. President, I ask unanimous consent that the Subcommittee on Clean Air, Wetlands, Private Property, and Nuclear Safety be granted permission to conduct a hearing Wednesday, July 19, at 9:30 a.m., on section 404 of the Clean Water Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE OUTGOING PRESIDENT OF THE AMERICAN SOCIETY FOR CLINICAL LABORATORY SCIENCE

• Mrs. MURRAY. Mr. President, I would like to take a moment to recognize the invaluable contributions that Dana Duzan, outgoing president of the American Society for Clinical Laboratory Science (ASCLS), has made to the clinical laboratory science profession.

In her leadership role with the Society, Ms. Duzan has dedicated herself to promoting the clinical laboratory profession and helping guarantee that the public has access to quality laboratory services. She has strengthened ASCLS's tradition of proactive involvement in government affairs and led the Society in its efforts to ensure that health care reform measures recognize laboratory testing as an integral part of health care delivery. During her tenure, ASCLS worked to maintain the integrity of the Clinical Laboratory Improvement Amendments (CLIA) and protect the laboratory and the public from potentially damaging reform measures such as co-insurance and competitive bidding. And in her efforts to promote the interests of the laboratory profession, she has remained an undaunted champion of patient interests, believing that all Americans have the right to quality, accessible laboratory services.

Ms. Duzan's leadership style reflects the team approach she takes in managing the hematology laboratory at the Sacred Heart Medical Center in Spokane, WA. Her dedication to coalition building can be seen in ASCLS's involvement with a variety of colleague health care organizations, in the Society's commitment to bringing the clinical laboratory industry together as a united front, and in ASCLS's unique partnership with industry leaders.

As president of the Society, Ms. Duzan has worked to further the mission of the Society, including promoting high standards of practice in the workplace, advocating professional autonomy, ensuring professional competence, supporting continuing education, and enhancing the public's understanding and respect for the profession and its practitioners.

In conclusion, Ms. Duzan's love of science, her tireless service to ASCLS and the laboratory profession, and her dedication to making laboratory services available to all make her an inspiration to her professional peers. She is to be commended for her valuable contributions and personal commitment to her work.•

TRIBUTE TO JUDGE MacKINNON

Mr. LEVIN. Mr. President, I rise here today to pay tribute to Judge George Edward MacKinnon. Judge MacKinnon died at his home on May 1, 1995, at the age of 89. In life, Judge MacKinnon was a model public servant, and in death, his work will be remembered and his efforts continued.

Judge MacKinnon served on the U.S. Court of Appeals for the District of Columbia for 25 years. He was named to the appellate bench in 1969 by President Nixon, where he served until shortly before his death. Judge MacKinnon was a dedicated jurist. He spent 6 years serving on the U.S. Sentencing Commission, contributing to the creation of the national uniform-sentencing laws for convicted criminal offenders.

My own association with Judge MacKinnon stemmed from his work as presiding judge of the special court that oversees the independent counsel law. In the 7 years he presided over the three-member court, Judge MacKinnon was instrumental in the successful enforcement of the independent counsel law and helped establish its constitutionality.

Equally important, the judge made the law work on a day-to-day basis, from setting up filing systems and getting a court clerk, to working out conflicts-of-interest for independent counsel and suggesting legislative improvements to the law. Judge MacKinnon ran the court efficiently and effectively. He worked with Congress in an open and constructive manner. In an age of political gamesmanship, he was a civil, bipartisan, and warm spirit. It was his evenhanded, commonsense approach which resulted in great public confidence and the ultimate success of the independent counsel law.

Judge MacKinnon's career in public service did not begin with his 1969 appointment to the bench. Prior to his term as a judge, he served as Assistant to the U.S. Attorney General, U.S. attorney for the District of Minnesota, a Minnesota Representative in the U.S. House, and a Minnesota State representative.

Judge MacKinnon is survived by his wife, Elizabeth MacKinnon; his daughter, Catharine MacKinnon, a noted professor of law at the University of Michigan; two sons, James and Leonard MacKinnon, both of Minneapolis; and four grandchildren.

Judge MacKinnon devoted his entire career to public service. And his lifelong actions for the good of the American people will not be forgotten. It is with this in mind that I pay tribute to Judge George Edward MacKinnon and his family.

ORDERS FOR THURSDAY, JULY 20, 1995

Mr. DOLE. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m. on

Thursday, July 20, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day; there then be a period for morning business until the hour of 10 a.m., with Senators permitted to speak for up to 5 minutes each with the following exceptions: Senator THOMAS, 30 minutes; Senator DASCHLE or his designee, 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. DOLE. Let me again just quickly recap: The legislative branch appropriations. We hope we can get a waiver on the military construction appropriation bill. We hope that we will be closer to some agreement on S. 343. I know there have been good-faith negotiations throughout the day by different groups, and we hope that could be concluded successfully.

As I indicated earlier, I visited with the President by telephone about Bosnia, and I indicated to him I would discuss that with the Democratic leader tomorrow morning and see if we could not reach some agreement.

For the information of all Senators, it is my intention to turn to the consideration of H.R. 1854, the legislative branch appropriations, at 10 o'clock tomorrow, unless there is objection.

ORDER FOR RECESS

Mr. DOLE. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order following the remarks of the Senator from Wisconsin, Senator FEINGOLD.

The PRESIDING OFFICER. Without objection, it is so ordered.

BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT

Mr. FEINGOLD. Mr. President, my comments are about support of this resolution concerning the arms embargo. I know the hour is late, but this is a very, very important subject that has concerned me, as it has concerned so many Members of the Senate, for several years. I am hoping that we come to some resolution of this matter on this occasion.

I understand the majority leader's desire to consider the President's request. I look forward to the results of that discussion and the decisions that come from it. But I do rise tonight in support of the Dole-Lieberman resolution. Let me begin by mentioning three reservations I have about taking this position.

First of all, I think the truest words of the day were those of Senator COHEN of Maine who said, "No one can predict with complete confidence whether our action in this case or inaction in this case will turn out the way we want." This is a situation that requires the greatest humility on the part of a Senator because we cannot know for sure and because it does involve what is obviously life or death for many, many thousands of people in the former Yugoslavia. The facts are about as complex as they can get in a foreign policy situation.

My second reservation in supporting the resolution is that basically I think the President should be our leader in conducting foreign policy, with the assistance of Congress in certain cases; in some cases only with congressional approval. I happen to believe, under the War Powers Act, and article I of the Constitution, that we have a preeminent role in making sure that we do not commit troops without congressional approval. But, generally speaking, I prefer to defer to the President, especially Democratic Presidents, on this kind of an issue.

Third, although I have tremendous respect for the majority leader, I have generally preferred the foreign policy approach of our current President. This President has kept American youth out of wars. He has resisted the temptation to send us into adventures and to take every opportunity to police the world as, unfortunately, other Presidents have failed to do. The President has shown a steady hand and does not believe that we can afford or want to shed the blood to be the policemen of the world.

But, despite these reservations, and while I think the majority leader is a great Senator and I hope he continues in that capacity for many, many years, I have long supported his view that we should lift the arms embargo on Bosnia and we should do so unilaterally, if necessary. I do think it is necessary, and I do think the time is now.

In fact, my hope has been and continues to be that this will truly be a strong bipartisan vote. In fact, when I first got here, Mr. President, long before I realized the majority leader's position, before he was the majority leader, my first resolution as a United States Senator made one simple request: That the arms embargo be lifted for the Bosnian people. That was in March 1993.

Even prior to the election in 1992, before I was a Member of this body, I followed the work of the Senator from Delaware, Senator BIDEN, who had already, before almost anyone else, understood that the key to this situation was not talking about certain American air raids or sending American troops to Bosnia, but giving them the ability to defend themselves.

One of the most stimulating comments of the day, and I listened to a lot of the debate, was that of the Senator from Massachusetts, Senator KERRY, who spoke of lifting the arms embargo, and indicated, as I have heard him say on many occasions, that he supports lifting the arms embargo if we can. But the Senator from Massachusetts indicated that lifting the arms embargo is not a policy.

I am not so sure. In fact, after scores of conversations with people, experts in foreign policy, and the military, my constituents, and especially the leaders of Bosnia itself, I feel, with all due respect, that all signs point to the conclusion that lifting the arms embargo unilaterally is not only morally right, but a very sensible policy, both for the United States and for Bosnia.

I am sure the opposition to lifting is in good faith. But after 2½ years I almost stopped asking questions on the committee where we serve together, the Senate Foreign Relations Committee. I grew weary at the committee meetings and the briefings of the constantly shifting series of excuses for not doing what is right in Bosnia.

The opposition to lifting the arms embargo has been done in a very clever way. It is opposition by question, hundreds of questions, hundreds of scenarios, always the worst-case scenario. It is the most amazing variety of reasons I have ever seen. There are too many reasons being given, too many shifting back and forth, and sometimes contradicting each other. It does not seem credible.

We even heard in the Senate Foreign Relations Committee at a hearing the claim that lifting the arms embargo would lead to an Islamic jihad. Some of these arguments are just way beyond the pale. We are subjected to an astonishing parade of "horribles." But, Mr. President, what is actually happening—not what is projected—is what is horrible and actual unending inhuman horror.

We are urged on the floor today to try one last time. We are told that lifting the arms embargo is just like giving up. But to many Americans, it just makes sense. It looks like to many Americans that we never even got started helping the Bosnians if we could not do the most simple thing, which is to lift the arms embargo. We have never taken the first step and the most important step. We have never lifted the arms embargo so that we have the opportunity not to work with a captive and defeated Bosnia, but with an increasingly viable country, an increasingly viable military, working to defend itself and working perhaps to push back the Serbians to the lines where they were before.

In fact, Mr. President, the comments that I have heard most from all of my constituents is, "Why in the world don't we simply let these folks try and defend themselves?"

Mr. President, other Members of this body did a very good job today answering some of these objections. But I think we ought to reiterate it a little bit. I want to give again the scope of all of the excuses being given for not lifting the arms embargo. Naturally, we have a tendency to want to defer to those who have military expertise. But in some of these cases the answer is very easy and obvious.

For example, there is the claim that lifting the arms embargo will mean that the United Nations will be put in a position where none of its resolutions will be respected; the claim that this is, in effect, thumbing our nose at the United Nations and the Security Council. But the Senator from New York has made the point well that no other situation, no other resolution is in this status. This one involves the violation of article 51 of the U.N. Charter which calls for the right of self-defense for all countries. That is legally superior under the U.N. charter to any particular resolution of this kind.

In other cases, such as Rwanda or Angola or the Sudan, there are arms embargoes but those involve civil wars, internal strife. They do not involve a clear situation of one sovereign entity being involved in attacking another. Mr. President, that argument does not hold water.

Another argument that I have heard and the question that is constantly asked is, "Well, if they get the arms, how are they going to get trained? How are they going to know how to use the guns?"

I sat in a private briefing a couple of weeks ago with a number of Senators and with the majority leader. And the majority leader asked that question of Haris Silajdzic, the Prime Minister of Bosnia. He said, "We know how to use these arms. We are trained. We are not asking for the most sophisticated aircraft." They are simply asking for the normal weaponry of a ground war.

I have here a list of what has actually been requested—certain kinds of defense arms, means of communication, electric power, health, satellite links, various types of vehicles, generators, clothing, surgical equipment. These are the kinds of things that are being requested. The notion that somehow massive special training is necessary is not valid.

Another argument that comes up: "How are the arms going to get there in this difficult situation?" Well, it is a difficult situation. But arms are already getting there despite the embargo to some extent. How do people think the Bosnian Muslims are fighting? Some have gotten through, and particularly with the alliance between Croatia and Bosnia, that sealane. The necessary access to the sea through Croatia would be available to provide the arms.

Another argument made: "We will have to pay for all these arms. It is going to be expensive." It is true. If we want to supply the arms, it will cost something. Senator BIDEN's amendment a few years ago provided for 50 million American dollars. But there is nothing in this resolution that says we have to supply the arms. Other countries are ready do it. I think it is a good idea if we participate. It is not a choice that it is an open checkoff. It simply says they are permitted to obtain arms. There is nothing in this resolution that requires that.

Mr. President, in addition to these examples of sort of legal or tactical questions, there has been very heavy emphasis today on two other arguments. One is, "This is not the right time." And the other is, "This action will 'Americanize' the war." To me, these are probably the two most troubling arguments I have heard lately. They remind me of double talk, or maybe worse. They remind me, in George Orwell's words, of "double speak."

First of all, this notion that it is not the right time—I was told the first time I mentioned this issue in early 1993 that if we would just hang on, "The change is right around the corner; we are going to work this out; we should not lift the arms embargo; it will cause a terrible problem." But after each tragedy we get the same excuse, the same flutter of activity. Things die down for a while, and we are told again that we should wait.

It is also troubling to me that we learn the names of these little towns in Bosnia and witness the tragedy, and then a few days later we do not even remember where the last tragedy occurred. But we are still told, "Wait a little longer; wait until a few more towns go down the tubes."

It has been 30 months. How can someone talking in any way that would be considered straight say that we have to wait longer? How many times must U.S. Senators speak until the message gets through?

I just had my staff tally up how many speeches have been given on this subject since 1993. Just in the U.S. Senate alone, there were 210 speeches by Senators. Almost, I say, the vast majority of them were in favor of lifting the arms embargo.

Mr. President, what are we waiting for? Are we waiting for perfect weather conditions? This is not a moon shot. This is an ongoing, horrible tragedy. And anyone can construct a reason why we should wait. But you cannot wait any longer when you witness every day on the television what can only be described as genocide.

What about this second argument, this mantra, "This is going to Americanize the war"? This one really bothers me. It is a slogan. People say we are committed, we are obligated to send 25,000 ground troops into Bosnia if we lift the arms embargo. When do we vote on that? When did Congress authorize 25,000 troops going into Bosnia? Under my view of the law and the Constitution, the Chair and I should have had a chance to vote on that. We did not do it. We did not make that commitment.

And again, it is the ultimate in double speak to suggest that giving people the right to defend themselves is the thing that will cause us to have to go and defend them. That is what we are being told, that somehow giving them some guns or making sure they can buy some guns is the way to guarantee that all the rest of us would have to go over there and get involved. That is just nonsense. It is the opposite. Lifting the arms embargo is the best way to ensure that American men and women will not have to spill their blood. This is a lesson that the State of Israel has understood very well since 1948.

The one thing that Israel always said is, "We want help in terms of arms, logistical help, but we do not want American men and women to come here and fight on our soil." We always appreciated that sentiment, but it is not just to be nice. It is because the Israelis know that if we send troops onto Israeli soil and American men and women die, the obvious result will be probably a reduction in American support for that effort. That it will turn people off. They will say, "Why help Israel?"

All you have to do is reference Somalia. It is exactly what happened in Somalia. People had compassion. They cared about the people in Somalia. They wanted to help them eat. But when it came to American men and women dying, they really had to question whether we could police the entire world.

Well, the Bosnians understand this. And that is why they are sincere when they say that they did not want our troops. They want some help or at least not have us prevent them from getting the arms to defend themselves. Why can we as a nation say in some instances, "This we can do. We can do no more. But we will do this."?

We do not want to police this situation. The American people will not support this as the absolute core of our national security. We probably are not ready to say in the case of Bosnia that we will bear any burden. But we are ready to do something as a people. We do want the Bosnians to be free. We do want them to be able to turn back Serbian aggression.

So, Mr. President, this is the opposite of the Americanization of the war. This is how Bosnia determines its own destiny.

Mr. President, maybe what has bothered me even more than these more convenient arguments is my problem with the position that the administration has taken when it says over and over again, "We support lifting the arms embargo, but only multilaterally." But they are against unilateral lifting. And time and time again there have been statements from the administration indicating support, not for unilateral but for multilateral lifting of the arms embargo.

A relatively recent example was March 20, 1995, where Mr. Richard Holbrooke stated:

> Only a negotiated settlement has any chance of lasting. This administration is committed to pursuing that goal. What we must not do is worsen the situation by unilaterally lifting the arms embargo. We have always believed the embargo is unfair and worked to end it multilaterally.

This has consistently been the statement of the administration. They oppose unilateral, but they are for the multilateral lifting of the arms embargo. But usually when you look at the actual reasons why they are against the unilateral lift, they are just as true of the multilateral lift. Again, it is halfhearted arguments to justify a policy.

And I know why the administration wants to do this. It is not a bad reason. They do not want to break faith with their allies, the British and the French, in particular, and even our relationship with the Russians, who do not want us to lift the arms embargo. That is the real reason. What they say is they are for lifting the arms embargo if only they could get the French and the British to go along.

Well, Mr. President, it does not hold up. For example, they say if you lift the arms embargo unilaterally, the allied troops will be in danger. Well, what is going on right now? Multilateral action there. And my figures indicate May 28, 377 peacekeepers taken hostage. Just last week at Srebrenica, the attack on the Dutch peacekeepers.

The fact is that under either scenario, unilateral or multilateral, these folks are in danger. They are in danger now, and they would be then. At least if the Bosnians were properly armed, maybe those Serbians who like to go into the safe havens and attack peacekeepers and civilians would think twice if they knew there was a force to oppose them, not just a bunch of U.N. peacekeepers who are not allowed to do anything about them.

Second, it is said that a unilateral lift would upset the Russians. My feeling about that is that that is a completely disingenuous argument because everyone knows the Russians can veto a multilateral lifting request. So the administration knows that is not going to happen. And certainly the Russians did not pay any attention to our feelings about this type of issue when they did their actions in Chechnya.

A third argument is, if you lift the arms embargo, the Serbians will get arms too. Well, they may. But the fact is, they are already very well armed. They were the beneficiaries of the fifth largest stockpile of arms in all of Europe because of this foolish arms embargo.

How would this be different with a multilateral lift? Surely, if there is a multilateral lift and the Serbians want to get more arms, they will get it that way just as they will with the unilateral lifting of the arms embargo.

Finally, the incredible claim that under the unilateral lifting, the war will spread, and to somehow suggest that the war will not spread if we have a multi-lifting of the arms embargo. Why? Why is that the case? Surely it would spread either way to some extent.

So I do not understand how the administration can claim that there is a difference between unilateral and multilateral. And that is deeply troubling to me. I think the administration simply opposes lifting the arms embargo and should be straightforward about it so that the Bosnian people and the Members of Congress could know where they really stand.

So, Mr. President, why? Why have we been subjected to this avalanche of arguments, this manufacturing of arguments to stop lifting the arms embargo? It is to block the lifting of the arms embargo, obviously. But I think it is a symptom of what I like to call the all-or-nothing attitude about the military role of the United States in this world. Either we have to do everything, that our credibility says that if we do one thing we have to send in troops later on or our credibility is shot. I do not buy that. In some cases that may be true. In an alliance with NATO, you bet. That is the pledge. But America cannot and certainly has not signed on to the notion that every time we help somebody do something to defend themselves, we therefore have to commit the entire force of our country. That is not the case. And I do not think it is what the Bosnian people expect.

What is our end game? Are we going to just defend Bosnia and somehow broker a peace agreement and then leave this morsel of a country with no defense, to do what? Are we going to have a permanent U.N. force there? Are we just going to leave someday and hope the Serbians are nice to them?

There is a better scenario, and that scenario is, let these folks continue to learn to defend themselves, to actually defend themselves, to have the pride of having protected their nation. You know, that is how we got started. That is how Israel got started in 1948, and it made all the difference that they won their own freedom. Yes, maybe with other people's arms but with their own strength and courage—and, of course, sacrifice.

What is our plan? To make Bosnia one big safe-haven forever? A country that is going to be free has to be able to defend itself and it has to know how to defend itself. And you need arms in order to do that.

Mr. President, I think lifting the arms embargo is the key to the permanent freedom of Bosnia.

Finally, Mr. President, the question for me more than anything else is, where did anyone get the idea that we have the right to stand in the way of a self-defense of a free people that we have recognized as an independent country? What did we do in 1776? We were not even free. We were supposedly pledged in loyalty to the King of England. We decided we wanted to make our own self-determination. Somebody helped us get some help and some arms because we were standing for our own freedom.

Mr. President, what is the second amendment all about, the U.S. Constitution? I happen to be a believer that that second amendment of the U.S. Constitution is important. I think we do have a right in this country or a reasonable opportunity to defend ourselves. And the reason for that amendment more than anything else was that the right of a people to keep and bear arms is necessary for a free people. That is what this is about, too. It is not just Americans who feel this way about self-defense. It is people in every country, including Bosnia.

Mr. President, do we not remember appeasement in Europe? Do we not remember the constant embarrassment that we were taken in by the Nazis, that we actually believed—speaking here more of Britain than ourselves, of course—but we actually believed they were going to take this much space, just the Sudetenland, just Czechoslovakia, just Poland.

What we are dealing with here are people who—apparently the leaders of Serbia—who want a greater Serbia. They will not stop if we continue to appease them.

Mr. President, do we not remember the Warsaw ghetto? We acknowledged the 50th anniversary of the uprising of the Warsaw ghetto against the Nazis. Did we say, would it not be better if they had not resisted? There would be less bloodshed if they had not taken up arms against the Nazis. That is not what we said. We commemorated the heroism and the courage of people in a concentration camp who, knowing they were going to die, decided to die with dignity.

Mr. President, when I was a teenager I was given a book called "While Six Million Died." The book told a tough story for a young kid who was a Democrat, and still believes that Franklin Roosevelt was the greatest President in this country. It told of how that administration knew of some of the things that were going on to the Jews and others in Europe. It told how we did not really do everything we could do.

Mr. President, I recently toured the Holocaust Museum again, and they talked about the difficulty of President

Roosevelt's decision not to, for example, bomb some of the concentration camps. Well, at least in that case Franklin Roosevelt knew what he was trying to do. He believed, for the greater good of this world, that he could win the war and defeat the Nazis. He had a plan. And with Winston Churchill and others the plan was effective.

But, Mr. President, we cannot use that excuse here. We have no plan. We have no intention of actually stopping Serbian aggression. So it is not understandable why we sit back and wait.

Finally, Mr. President, when all is said and done, should not we ask the Bosnians themselves what they want? Should we impose upon them the notion that we are going to just keep these U.N. forces there for their own good?

I think it is condescending, humiliating, and patronizing to the Bosnian people to suggest that we know better, that it is for their own good that we not lift the arms embargo.

Let me conclude by just reading three statements from the Prime Minister of Bosnia that I think symbolize this issue better than anything else and the need for lifting the arms embargo.

The prime minister has said first that:

> If the Serbs' aggression continues, we prefer military help over food for dead people. The aggression, plus the arms embargo, plus the nondeliverance of aid means death to Bosnia.

And he said in March 1993:

> We would prefer doing it ourselves, but for that we need arms. The arms embargo is what is humiliating. The humiliation is to be slaughtered like an animal and not be able to defend yourself like a man.

Finally, Mr. President, very recently, May 28, 1995, Mr. Silajdzic just laid it on the line, as he has tried time and time again to do. He means it. He does not want American soldiers there. He does not want the Americanization of the war. This is what he wants and this is what he will do. He says:

> The Army of the Republic of Bosnia and Herzegovina is perfectly willing and able to defend our country and our citizens. We do not now, nor have we ever, asked for any ground forces from any country in the world to do our fighting for us. We have the men. We have the courage. But we do not have the means.

That is all they are asking, Mr. President, a chance to protect their own lives, their own women, their own children, and to do something about this heartless Serbian aggression.

So, Mr. President, although I again am eager to hear the outcome of the talks between President Clinton and others in the Congress, I do believe we should move forward as soon as possible to pass this resolution to unilaterally lift the arms embargo.

I thank the Chair and everyone for their patience.

I yield the floor.

RECESS UNTIL 9 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 9 a.m., July 20.

Thereupon, the Senate, at 9:01 p.m., recessed until Thursday, July 20, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 19, 1995:

DEPARTMENT OF EDUCATION

THOMAS R. BLOOM, OF VIRGINIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF EDUCATION, VICE JAMES BERT THOMAS, JR., RESIGNED.

COMMODITY CREDIT CORPORATION

JILL L. LONG, OF INDIANA, TO BE A MEMBER OF THE BOARD OF DIRECTORS OF COMMODITY CREDIT CORPORATION, VICE BOB J. NASH, RESIGNED.

THE JUDICIARY

SIDNEY R. THOMAS, OF MONTANA, TO BE UNITED STATES CIRCUIT JUDGE FOR THE NINTH CIRCUIT, VICE DOROTHY WRIGHT NELSON, RETIRED.

HOUSE OF REPRESENTATIVES—*Wednesday, July 19, 1995*

The House met at 10 a.m.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

O gracious God, from whom all blessings flow and from whom comes every good gift, we are indebted to You for our hopes, our dreams, our faith. On this day we are specially thankful for all those people who use their abilities to alleviate the conflicts between nations or individuals, who work to ease estrangement between the nations and who bring serenity and a peace to others. Our prayer is to repeat the truth that peacemakers are blessed, that those who encourage reconciliation are honored among us, and that those who seek peace will be blessed, for it is in giving to others that we receive Your bountiful gifts of peace in our own hearts. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. BROWN] come forward and lead the House in the Pledge of Allegiance.

Mr. BROWN of Ohio led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will recognize 10 Members on each side for 1-minute speeches.

SAVE MEDICARE

(Mr. LARGENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARGENT. Mr. Speaker, a few weeks ago, the Medicare Trustees, a bipartisan group appointed by both Republican and Democrat administrations, confirmed to Members of the House of Representatives that unless substantial reforms are made, Medicare will go bankrupt in just 7 years.

To reemphasize—if no action is taken to reform Medicare, and spending continues to increase at the current rate, Medicare will go bankrupt by the year 2002.

This is why we have been working in the House to develop proposals to preserve and protect Medicare. During this work the first and foremost concern is to ensure that Medicare patients receive quality, affordable, and easily accessible health care.

After studying the problem, we learned that preserving the financial stability of the Medicare system can be achieved by doing two things.

First, we must simplify the Medicare system—we must cut out burdensome paperwork and redtape. By private industry standards, the program today is an outdated, Government-run bureaucracy.

We must open up more opportunities within Medicare for seniors to have access to the same type of voluntary offerings available in the private sector.

Second, we must aggressively go after waste, fraud, and abuse that exists in the Medicare system. Ten percent or $16 billion of the Medicare budget is spent on fraudulent and abusive claims each year.

Critics are already claiming that this reform is a cut in the Medicare Program. This is simply not true. By enacting these modest reforms, Medicare will continue to increase—but at a slower rate.

In fact, costs per beneficiary will continue to increase from $4,800 per participant in 1995, to $6,400 per recipient in 2002. How is that a cut?

To play politics with this issue does not help in finding a solution to this problem. To do nothing is totally irresponsible, and unacceptable, as it will result in the Medicare system going bankrupt in 7 years.

Our commitment is to simplify Medicare in order to save Medicare—it is just that simple.

HISTORY OF MEDICARE

(Mr. BROWN of Ohio asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROWN of Ohio. Mr. Speaker, 30 years ago this month on July 30, 1965, President Lyndon Johnson in Independence, MO, signed the legislation crating Medicare. Earlier that year, 93 percent of House Republicans, including then-Congressman BOB DOLE from Kansas, opposed the creation of Medicare as we know it. Let me repeat that: 93 percent of Republican Members of the House of Representatives in 1965 opposed the creation of Medicare.

In the 1970's and the 1980's the far right of the Republican Party continued to try to make cuts in Medicare and dismantle that program. Today, in 1995, the mainstream part of the Republican Party, Republican leadership, again wants to dismantle Medicare and end the program as we know it.

They were wrong in 1965 when 93 percent of Republicans opposed Medicare. They were wrong in the 1970's and 1980's when the far right wing of the Republican Party wanted to cut Medicare, and they are wrong today to give tax breaks to the wealthy to the tune of $300 billion and cut Medicare $270 billion.

Mr. Speaker, it is simply not right.

HOUSE AUDIT IS SYMBOL OF REPUBLICAN COMMITMENT TO OPENNESS

(Mr. CALVERT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CALVERT. Mr. Speaker, on opening day of the new Republican Congress we voted to have an independent audit of all House financial records. This week we fulfilled our promise.

Republicans are committed to having regular future audits. We will continue to monitor our progress and instill faith in the American people.

This audit is a symbol of the new Republican Congress and our commitment to openness and reform.

The auditors found that the Democratic controlled 103d Congress had gross disregard for financial controls, business-like practices and frequently waived congressional rules.

We Republicans have already implemented a number of reforms suggested by the auditors. This audit is a road map for future management improvements and for the sake of the American taxpayer we must stay on this course.

The American people deserve this type of government. That is what they voted for on November 8, and that is what the Republican Congress will deliver.

LAWS ARE MEANINGLESS WITHOUT ENFORCEMENT

(Ms. FURSE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Ms. FURSE. Mr. Speaker, question: What is the best way to gut a law when you do not want people to know what you are really doing?

Answer: Do what the new majority is doing, cut all the funding for enforcement, and call it fiscal responsibility.

It is obvious that they do not want to be seen for what they really are, antienvironment. So they have decided to take all the money away from enforcement. Everybody knows a law is meaningless if you cannot enforce it.

The new strategy is so simple, but it is so wrong. Here is how it works. If you and your cronies do not like the Clean Air Act regulations, just slash the enforcement funding, and you gut the act without having to vote against the act.

If you and your special interest friends do not like the environmental protection of the Clean Water Act, just zero out the enforcement budget. If you and your buddies do not like the Endangered Species Act and wildlife protection laws, cut all the enforcement money, and poachers and habitat destroyers will go scott free.

The cuts this Republican Congress is making to our environmental protection laws are extreme, unwise, and underhanded.

MEDICARE

(Mr. EVERETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EVERETT. Mr. Speaker, it is common knowledge that liberal Democrats have absolutely no plan to save Medicare. None. The closest they come to saving Medicare is Bill Clinton's alleged balanced budget. And even here, the Democrats would just delay Medicare bankruptcy by just 3 years—which is not really saving Medicare.

We can also see that liberal Democrats will not even recognize the report of the Medicare Trustees that says Medicare will be stone, cold bankrupt in just 7 years.

After all this, though, Democrats breathlessly defend this program and denounce any Republican effort to save Medicare. Well, my friends you can not have it both ways.

If Democrats want to continue Medicare, but reject the Republican plan, you really only have three options: First, you must increase payroll taxes by 44 percent; or, second, you must immediately decrease Medicare spending by 30 percent; or, third, you must dramatically increase premiums paid by our seniors.

Mr. Speaker, to Republicans none of these possibilities are acceptable. But they show why the Democrats have been so silent about honestly dealing with Medicare.

FOUR JAPANESE TRADING COMPANIES NOW LARGEST IN THE WORLD

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, for years the biggest company in the world—General Motors. Not any more. The new Fortune 500 list, the biggest company in the world, Mitsubishi of Japan; No. 2, Mitsui of Japan; No. 3, Itochu of Japan; No. 4, Sumitomo of Japan; and General Motors, No. 5, barely holding off Marubeni of Japan.

Unbelievable. Mitsubishi is now so big, they are bigger than AT&T, duPont, Citicorp, and Procter & Gamble combined. And, guess what, ladies and gentlemen? All these Japanese companies have one thing in common. They are all trading companies. They make their money selling to America, exporting to your town and my town. And while Japan is selling to America, Congress is fighting over food stamps.

Beam me up. There is no intelligence life left here. No wonder we have a record trade deficit. I yield back my yen.

WE ARE NOT CUTTING MEDICARE

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, according to the President and I quote:

> Today, Medicaid and Medicare are going up three times the rate of inflation. We propose to let it grow at two times the rate of inflation. That is not a Medicare cut or a Medicaid cut. So when you hear all this business about cuts, let me caution you that that is not what's going on.

While this statement is an excerpt from a speech given to the AARP in 1993, the President's words are very relevant to the current debate on Medicare.

House Republicans are not proposing Medicare cuts. In fact, under our balanced budget plan Medicare will still be one of the fastest growing programs in the Federal budget. And spending per Medicare beneficiary will increase from $4,800 this year to $6,700 in 2002.

Mr. Speaker, saving Medicare from bankruptcy is too important for politics as usual. Instead of scaring seniors with imaginary Medicare cuts, my colleagues on the other side of the aisle need to acknowledge the pending crisis in Medicare, roll up their sleeves, and help us preserve, protect, and strengthen this vital program.

REPUBLICAN PLAN TO CHANGE MEDICARE

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DEFAZIO. Mr. Speaker, the Republicans have discovered the crisis in Medicare. We did not hear much about it last year when they stonewalled health care reform. We did not hear a thing about it during the contract in the first 100 days of the Congress or during the elections.

Suddenly they have discovered it. We have got to cut $270 billion out of Medicare. That is the bottom line, they tell us. And these cuts are to be revealed on the 22d of September, not before, and adopted on the 1st of October; 8 or 9 days for debate, discussion, hearings. The largest changes ever in Medicare, in 8 days.

Why 8 days? I think it is because what they are proposing. Beneficiaries who want to enroll in MediGap plans, they are going to penalize them. They are going to make them pay more for Medicare. They do not think you should have MediGap insurance, and the rich people do not need it, so why should average Americans?

MediGap coverages would be prohibited from covering part B expenses. They would increase premiums for Medicare recipients, impose a 20-percent coinsurance on home health services, a 20-percent coinsurance on skilled nursing, a 20-percent coinsurance on clinical laboratory.

This is what they are going to sneak through in 8 days. And now they are trying to cover their fannies.

PROTECTING AND PRESERVING MEDICARE

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, last spring when the President's Medicare Trustees Board released their report on the impending bankruptcy of the Medicare system, there was and still is stone-cold silence on the other side of the aisle. No ideas, only criticism. In fact, even their buddies in the elite liberal media noticed the startling conclusions reached by the Medicare trustees. They concluded that unless we take serious steps right now to save Medicare, it will go bankrupt in 7 years.

Republicans have not dodged this issue. We have already started to take serious action to protect and preserve Medicare, not only for today's seniors, but for future generations. We will not allow Medicare to become a bargaining chip in the same old Washington shell game.

Mr. Speaker, this is not about pitting one generation against another or one party against another. It is about generational equity. We must start now to protect Medicare. The consequences for doing nothing and just criticizing are too expensive to ignore.

MEDICARE CUTS BEING FINANCED BY TAX CUTS FOR WEALTHY

(Mr. DE LA GARZA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DE LA GARZA. Mr. Speaker, this morning we've gathered to talk about the Medicare Program—it's health and its future, and specifically impending cuts. In recent weeks we've heard a lot of facts and figures, and we'll hear even more in the weeks to come as we proceed with our work. As we do, however, I think what we have to keep first and foremost in mind is that we're not talking just about numbers, or charts, or abstract concepts. What we're talking about is the Nation's seniors and their health and health care. I regard this to be among the most important issues we will address in this Congress.

Medicare is a program that is approaching its 30th anniversary. It is a program that has resulted in virtually universal coverage for the elderly. When I say this, I am referring to the fact that 99.1 percent of Americans over age 65 have health insurance coverage. There was a time when that wasn't the case, and that time was not all that long ago.

As we proceed with this debate, I think we all recognize and concur on both sides that there are many areas where we should look to make improvements. The task before us is how do we accomplish this goal in the most effective way.

One way is to reduce fraud and abuse. Every year millions of dollars are lost to health care fraud. That is why I am so pleased to see that the Department of Health and Human Services has formed a national hotline to report health care fraud involving the Medicare and Medicaid Programs. This tough new antifraud initiative is known as Operation Restore Trust. Its toll-free number is 1-800-HHS-TIPS [1-800-447-8477]. This is certainly a very strong weapon to fight health care fraud. However, it is an effort that will not be successful unless individuals participate in this fight. I encourage all citizens to help.

Now with specific regard to cuts we have heard our majority colleagues say they want to cut $270 billion out of Medicare. What I find difficult to fathom is that the beneficiaries of these cuts will be those who are quite affluent and who do not need this type relief. Based on the current plans we have seen to overhaul Medicare, approximately 37 million beneficiaries will have their Medicare benefits cut.

The facts are as follows:

Those who get a tax break are the wealthiest 13 percent of seniors;

Those who pay for the tax break are the poorest 22 percent of seniors;

The average interest income of those who receive the tax break exceeds the total income of those who don't;

And over 4 million seniors of modest means will see a dramatic increase in their out-of-pocket costs.

This, to me, is grossly wrong. We should not cut benefits to one group that is so in need just to give a tax break to another. That is something I cannot condone nor can I support.

What we need to do is work to correct the program. We need to see that it works better and more efficiently—that it is a more streamlined and economic program. We must ensure America's seniors that Medicare will be around for the next 30 years. That must be the goal toward which we work. It certainly is mine.

RESTORING FAITH OF AMERICAN PEOPLE IN CONGRESS

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, in this Congress promises made are promises kept. On the opening day of this Congress, we promised the American people that we would allow an outside, independent firm to audit the books of the House. This is something that had never been done before.

Now that the findings of this audit are seeing the light of day, we can see how very right we were in calling for an audit. It appears that in the previous Congress, the ledgers used to keep track of a $700 million budget were handwritten. Let me repeat that. Hand written ledgers were used to keep track of a $700 million budget.

Can anyone imagine a multi-million-dollar operation in the 1990's using hand-written ledgers? It is beyond baffling.

At first glance, one might say that this audit only confirms the worst suspicions about Congress. I disagree, this audit proves that elected officials can come to Washington to expose the truth. This audit proves that the Republican majority is helping to restore the faith of the American people.

REPUBLICAN MEDICARE CUTS AFFECT US ALL

(Mr. BENTSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BENTSEN. Mr. Speaker, I rise in strong opposition to the devastating Medicare cuts proposed in the Republican budget plan. The Republican plan reduces patient choice and cuts clinical research.

These cuts certainly will mean higher out-of-pocket expenses and reduced choice of doctors for our Nation's senior citizens.

But seniors won't be the only people affected. These cuts will reduce the quality and availability of health care for all Americans by cutting payments for medical education and clinical research.

These Republican cuts will harm some of our Nation's finest teaching hospitals, such as the University of Texas Health Sciences Center and Baylor College of Medicine in my district. The Association of American Medical Colleges estimates that these cuts will reduce payments for medical education by $2.4 billion per year. The University of Texas system estimates it will lose $21 million in Indirect Medical Education payments, and Baylor College of Medicine estimates it would lose $15 million in such payments. These cuts will affect not just seniors but veterans as well since Baylor provides care to the VA Hospital in Houston.

Without sufficient funding, teaching hospitals will have to reduce the number of residents trained and the training offered. Such actions would reduce care for all Americans and kill our investment in quality health care.

Teaching hospitals also provide cutting-edge care for some of our Nation's sickest patients through their trauma centers, burn centers, cancer treatment centers, and other highly specialized facilities not available anywhere else. The proposed cuts will reduce access to these life-saving facilities.

These Medicare cuts are bad for seniors and bad for everyone else as well.

REPUBLICANS PLAN TO SAVE MEDICARE

(Mr. GANSKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GANSKE. Mr. Speaker, I agree with my colleague from Texas on waste, fraud, and abuse in Medicare. Today my committee is holding hearings on waste, fraud, and abuse, a necessary part of the solution. But the Saint Paul pioneer press on June 27 had it right on Medicare. The headline blared, "Elderly win if budget is balanced: Despite cuts in Medicare growths, benefits would increase overall."

Under the GOP budget, Medicare will be one of the fastest growing programs in the Federal Government. In fact, comparing Medicare in the GOP budget with President Clinton's budget, one will find that the President calls for total Medicare spending of $1.679 trillion between 1996 and 2002, while the GOP budget calls for $1.601 trillion, and in 2002, the Republicans balance the budget. We will be spending $274 billion on Medicare. The President, under his proposal, will be spending $289 billion. So what is the beef? Republicans plan to save Medicare period, and do not let anyone tell you differently.

□ 1020

EXPOSING THE EMPIRE OF THE GENTLEMAN FROM GEORGIA

(Ms. McKINNEY asked and was given permission to address the House for 1 minute.)

Ms. McKINNEY. Mr. Speaker, earlier this year while my colleague from Georgia was leading the Republicans in cutting school lunches, he managed to deflect some criticism by making a big deal out of a pet project, "Earning by Learning."

In Monday's Wall Street Journal, however, we learned exactly who was doing all the earning: it was none other than Mel Steely, a close friend of the Speaker and head of this program. According to the Wall Street Journal, 90 percent of the money that comes into "Earning by Learning" goes to Mr. Steely who is also authorized to write the official biography of Mr. GINGRICH.

Is this a new kind of child labor, by exploiting children's education as a way to take care of the Speaker's official biographer.

Mr. Speaker, it is time the empire supporting my Georgia colleague's cult of personality be exposed for what it really is—a scam.

SAVING MEDICARE WITHOUT MUCH HELP

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, we have a choice in this House.

We can preserve, protect, and improve Medicare—or we can watch it go bankrupt—as President Clinton's Cabinet has warned will happen—in less than 7 years.

These are facts. Doesn't sound like much of a choice, does it?

But liberal Democrats are going to try anything possible to frighten our senior citizens into believing Republicans want to cut Medicare.

Meanwhile, the GOP plan calls for increasing each Medicare patient's annual spending from $4,800 to $6,700 per year by 2002.

I'm a graduate of the Kentucky public school system—and back home that's not a cut, that's an increase.

I encourage our friends on the left to offer more ideas and fewer scare tactics.

We can preserve, protect, and improve Medicare. The people in the real world, the private sector, have improved their health care system these past few years.

I'd say we ought to try and do the same.

SAVING MEDICARE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, the pollsters have told the Republicans they need to start telling the American people they are saving the Medicare system. But do you save it by cutting it by $270 billion? The American people are not stupid. The American people can clearly see that a $270 billion cut to their senior citizen health care system to finance a tax break is *not* saving the system.

Only in "Washington speak" could the Republicans say this: We are cutting $270 billion from the Medicare system in order to save it from bankruptcy. And by the way, we are giving a $245 billion tax cut. But we are really saving Medicare by cutting it. How can the Republican majority make this palatable? They say, "Tell the American people this is a steep cut to 'save' the system." Great idea, but the people in my district are much smarter than that. You do not save Medicare by cutting $270 billion from it. The Republicans are not trying to save the Medicare system any more than Hugh Grant was asking for directions.

AUDIT RESULTS

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, yesterday marked another important step in our efforts to reform the internal operations of the House of Representatives. As a member of the Committee on House Oversight, I heard the testimony offered by the outside auditors retained to evaluate the books of the House, the first outside audit of House finances in over half a century.

The auditors state that they had "No opinion." That is a CPA's term for saying they could not express an opinion because they could not even figure out the books in order to know whether or not they were in order.

Things are in such disarray in terms of the House finances and the House books that the auditors said we have to revamp the entire system.

I believe it is very important that we brought this situation to light. It is extremely important that we address the situation. As the Committee on House Oversight, we are pledged to bring this to the attention of the House of Representatives, to put the books in order, and to make sure that all the money spent by the House of Representatives is fully accounted for and properly expended.

REPUBLICAN SECRETS CONCERNING MEDICARE

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, it is becoming clear that the details of how the Republicans will cut Medicare are being held secret for as long as possible. At a time when millions of seniors are beginning to wonder, will my costs really go up more than $1,000 a year out of my pocket, will my choice of physicians really be restricted, no hearings are being held and no details are being discussed.

We all know that the Republican budget, with its tax cuts for America's most privileged, means the cuts are just around the corner. There will be higher out-of-pocket costs for seniors, very considerable higher out-of-pocket costs. There will be restrictions on physician choice. But exactly how, the Republicans are not saying, because they are going to try and sucker punch the American people by floating the details of the plan only days before the vote, notwithstanding the fact that our seniors deserve the chance to see, to evaluate, and to let their Members of Congress know what they feel about these plans.

Tell us how you will cut Medicare, Mr. Speaker.

The American people deserve to know.

PRESERVE AND PROTECT MEDICARE

(Mr. HERGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HERGER. Mr. Speaker, liberal Democrats would like nothing more than to frame the debate over Medicare in terms of generational conflict, where senior citizens are pitted against young people. This line of reasoning is beyond ludicrous.

The crisis that faces Medicare is something that affects everyone. Medicare must be protected and must be preserved for everyone. It must not be used to drive a wedge between people.

Since the beginning of this Congress, Republicans have been committed to ending business as usual here in Washington. That means not ignoring bad news—not even about Medicare. This spring, the Medicare trustees board reported that Medicare will go bankrupt in 7 years. Democrats, have completely ignored this news. They offer no ideas no how to save Medicare.

Mr. Speaker, Republicans will not let Medicare go bankrupt, and we will not allow Medicare to become a political football in a cheap game of generational warfare.

CONTINUE AMERICORPS

(Mr. BAESLER asked and was given permission to address the House for 1 minute.)

Mr. BAESLER. Mr. Speaker, I have been a consistent supporter of

AmeriCorps. I have seen the difference it has meant for my State of Kentucky and charities all over the country.

AmeriCorps is lean and nonbureaucratic, has moved much of the decisionmaking out to the States, and is accountable.

When I see an organization that can take tough actions, it impresses me. The Corporation for National Service just made a very tough decision: it cut off a grant in midstream to the ACORN Housing Corporation.

After a demonstration by a different ACORN in March stopped a speech by the Speaker, some asked whether AmeriCorps had been involved. AmeriCorps acted immediately. They got a signed statement that no AmeriCorps member was involved, and that the two ACORN's were entirely separate.

AmeriCorps could have stopped there. But it didn't. The CEO of the Corporation asked the IG to investigate, and to find out if any of the AmeriCorps money was being used to benefit ACORN.

The IG didn't find any AmeriCorps members involved in the demonstration, but did find that there was a close relationship between the two ACORN's. AmeriCorps has always said it wouldn't permit advocacy, directly or indirectly, so it stopped the grant in its tracks.

Now, it's a better news story when an AmeriCorps program does something great, as they do every day in Kentucky. But it's also important when AmeriCorps does something that won't make the news, but shows the ability to do the right thing just as clearly. I just hope that this Congress also does the right thing, and continues AmeriCorps.

MEDICARE BASHING

(Mr. KIM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIM. Mr. Speaker, I am tired of listening to this Medicare bashing. I want to point out exactly what we are proposing on Medicare on this chart. I want Members to pay attention to this.

This black line is trust fund balance. Right now we have a $150 billion balance, but it is rapidly depleting. At the year 2002, the money will disappear. This blue line is spent. By the time we hit 2002, there will not be any money to spend. There will be a stop payment to all the elderly people.

We recognize this problem because the trust fund commissioned their report back in April. They are the ones that said that, not we; we did not say it. They are the ones, all the members are Clinton appointees. So we come up with this idea. All we try to do is slow down the increase, rate of increase a little bit.

The red one is Mr. Clinton's plan; as we can see, not much difference. All we are trying to do is lower a little bit. We are still spending more money. Mr. Clinton recognized we have to see this problem on this Medicare plan. I do not know why they keep calling this a cut. Is it a cut to the Members?

THE GINGRICH CORPORATE WELFARE MODEL

(Mr. LEWIS of Georgia asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Georgia. Mr. Speaker, this morning Speaker GINGRICH will present a check to students who participate in the Earning by Learning Program which pays schoolchildren $2 for every book they read.

Speaker GINGRICH has touted this program for years, stressing the low overhead as a major selling point. In a speech this January the Speaker declared:

> The money only goes to the kids * * * So if you have $1,000 you can pay for 500 books, whereas in the welfare state model, if you have $1,000, you pay $850 of it for the bureaucracy.

But, lo and behold, according to the Wall Street Journal this week, Mr. GINGRICH's official biographer, Mel Steely, also happens to run this program. And according to this report Mr. Steely and two friends were paid 90 percent, yes 90 percent, of the money raised in the past year for the program.

Ninety percent for the Speaker's friends and 10 percent for the children; this is the way, this is the way things work in the Gingrich corporate welfare model.

THE AUDIT WILL CONTINUE

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, we had the accounting firm of Price Waterhouse do an audit of the House books. When I say we, I mean House Republicans. We had promised as a matter of the Contract With America that the first thing that we would vote on on the first day was to have an audit of the House books that have not been audited as far as I know of in history on an exterior basis. We have never had an external audit of the House books. We did that.

They published their audit just yesterday. I want to read three lines from it. First of all, they say: The House lacks the organization and structure to periodically prepare financial statements. The methods of accounting was simplistic and ill-suited for an organization the size of the House. And in conclusion, because the House's accounting and reporting methods were outdated and of limited utility, we do not express, we cannot express an opinion on the accompanying consolidated financial statements.

What they are saying is our books are such a mess that they cannot even render a financial opinion. We promised that we could fix this. We did the audit. We will continue to do the audit. We will bring the reforms and make good on the promises that we made.

EARNING BY LEARNING CRONYISM

(Mr. WARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WARD. Mr. Speaker, I rise today to address a new program initiated by Speaker GINGRICH called Earning by Learning, a reading program which proports to pay schoolchildren $2 for every book they read. However, according to a story in Monday's Wall Street Journal, last year 90 percent of the money went to an old friend of the Speaker, who is working on the Speaker's biography and was, in fact, on his congressional payroll. That left only 10 cents on the dollar for the kids.

This stands in marked contrast to what the Speaker has said a million times, including a televised lecture on January 21, 1995, that "The only money goes to the kids." He elaborated and said, "So if you have $1,000, you can pay for 500 books." But what we see is typical cronyism.

Mr. Speaker, use all of the money for books, don't mislead the American people, especially when you are using our Nation's children as your stage props.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. CANADY of Florida. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, the Committee on International Relations, the Committee on the Judiciary, the Committee on Science, the Committee on Small Business, the Committee on Transportation and Infrastructure, and the Committee on Veterans' Affairs.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. HEFLEY). Is there objection to the request of the gentleman from Florida?

There was no objection.

TREASURY, POSTAL SERVICE, AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 190 and rule XXIII, the Chair declares in the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2020.

□ 1035

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2020) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain independent agencies, for the fiscal year ending September 30, 1996, and for other purposes, with Mr. DREIER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Tuesday, July 18, 1995, pending was amendment No. 6 offered by the gentleman from Maryland [Mr. HOYER], and title V was open for amendment at any point.

Pursuant to the order of the Committee of that day, further debate on that amendment and all amendments thereto will be limited to 80 minutes, equally divided and controlled by the gentleman from Maryland [Mr. HOYER] and the gentleman from Iowa [Mr. LIGHTFOOT].

The Chair recognizes the gentleman from Iowa [Mr. LIGHTFOOT].

Mr. LIGHTFOOT. Mr. Chairman, the gentleman from Maryland [Mr. HOYER] is detained in full committee. In order to facilitate the debate, we have an agreement with the minority side that I would yield time to the gentlewoman to present her debate and they will yield that time back to us after the gentleman from Maryland [Mr. HOYER] arrives.

Mr. Chairman, I yield 4 minutes to the gentlewoman from New York [Ms. VELÁZQUEZ].

The CHAIRMAN. Is this time yielded from the majority or is this time taken from the side of the minority?

Mr. LIGHTFOOT. Mr. Chairman, it is yielded from the majority's time with the understanding the minority is going to yield an equivalent amount of time back out of theirs so we still end up with the division we agreed on yesterday.

The CHAIRMAN. The gentlewoman from New York. [Ms. VELÁZQUEZ] is recognized for 4 minutes.

Ms. VELÁZQUEZ. Mr. Chairman, I rise in strong support of this amendment. A far-right, self-righteous minority in this Chamber has inserted a repulsive, antiwomen provision into this bill. I implore my colleagues on both sides of the aisle to join me and the majority of the American people in rejecting paternalistic measures such as these.

Some million hard-working, public-minded women currently serve their Federal Government in every State of this Union. They often work under difficult circumstance, and usually for modest pay. Radical zealots in this Congress would now single out these women for discrimination.

No matter that two-thirds of private fee-for-service plans provide the full range of reproductive health services.

No matter that 70 percent of HMO's provide abortion coverage.

No matter that the majority of the people of this Nation support a woman's right to choose.

These self-appointed morality police would nevertheless deny over 1 million women their constitutional right to choose.

The supporters of this extreme provision may argue that they do not require a woman to bring their pregnancies to term—at least not yet. They would merely refuse to fund abortions under the Federal Employees' Health Benefits Program.

For many women, that is a distinction without substance. This antiwomen ban has no place in this appropriations measure. It signals a return to a very recent, shameless decade when this Government presumed to substitute its reproductive judgments for those of mature adult females and their health care professionals.

It is also a first, giant step backward toward the grim, not-to-distant past when back alley abortions were common horrors.

I urge my colleagues not to turn back the clock. Support this amendment, and preserve every woman's right to control her health, and her body, and exercise her sound judgment.

□ 1040

Mr. HOYER. Mr. Chairman, I will yield to the gentleman from Iowa [Mr. LIGHTFOOT] such time as was used by the gentlewoman from New York.

Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Massachusetts [Mr. OLVER], a former member of our subcommittee.

Mr. OLVER. Mr. Chairman, I thank the ranking member for yielding the time to me.

Mr. Chairman, I rise in strong support of the Hoyer amendment.

The right to choose is the law of this land. It is constitutionally protected.

Eliminating this right for one group of women—just because they happen to work for the Federal Government—is discrimination.

Under present law, a Federal employee who opposes abortion can choose 1 of the 345 plans which does not cover abortion.

But under the bill before us, no Federal employee is allowed the option of a plan which covers abortion.

Women in the Federal service should not be singled out and given no choice.

We must support the right of all women to choose. We must support the Hoyer amendment.

Mr. LIGHTFOOT. Mr. Chairman, I reserve the balance of my time.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, I rise in support of this amendment which would remove from this bill dangerous language that once again strikes out at women. The language we are seeking to remove today says that women who work for the Federal Government—women who have made a commitment to public service—should not have the same rights offered to women working elsewhere.

Mr. Chairman, women in this Nation have a constitutionally protected right to choose whether to have an abortion. This is the law of the land.

But some Members of this House, realizing that the vast majority of the American people support a woman's constitutionally protected right to choose, are trying to do away with this fundamental right bit by bit, woman by woman.

We must not allow this to happen.

Because abortion is a legal medical procedure, most major health plans provide coverage for women who choose to have an abortion. Private insurance companies recognize that their female customers are perfectly capable of making this deeply personal choice without interference.

Do we think that our moral judgment is superior to that of the thousands of women serving our communities and our Nation? What do we know that major insurance companies, U.S. corporations, and the majority of our constituents do not know?

It is time to get off the high horse, to quit playing political games with the rights of women and to respect the moral judgment of the women we represent. I urge the adoption of this amendment.

Mr. LIGHTFOOT. Mr. Chairman, I yield 6½ minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I rise in very strong opposition to the Hoyer amendment, and I urge Members to realize that this is a pro-abortion amendment and would provide and facilitate abortion on demand. It would force taxpayers to underwrite the cost of abortions, and premium payers would also have to pay for abortions as well.

Mr. Chairman, let me remind Members that we contribute as taxpayers, we contribute 70 percent, a little over 70 percent, of the funding to the Federal Employees Health Benefits Plan. Not only that, even if it was not a taxpayer-funded issue, by providing this money we are also facilitating, by providing this authority which would be precluded by the underlying language, we are facilitating the demise and the destruction of unborn children.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I want to thank the gentleman, because as I have said yesterday, he is a very close friend of mine, I have great respect for his integrity, and I want to say I think what the gentleman has just said is the gravamen of this debate, and is absolutely correct. This is not a taxpayer funding issue.

Mr. SMITH of New Jersey. Reclaiming my time, Mr. Chairman, it is a taxpayer-funding issue but it also provides and facilitates abortion by granting this authority to the HMO's and other providers of health care under the Federal Employees Health Benefits Program.

Mr. HOYER. Mr. Chairman, if the gentleman will continue to yield for 1 additional second, and I will yield him 30 seconds, so I am not eating into his time, does the gentleman know that CBO does not score this either way?

Mr. SMITH of New Jersey. Mr. Chairman, that is an accounting deal. We are talking about U.S. taxpayer dollars, mine, the gentleman's, going into a fund that then is doled out as part of the Federal Employees Health Benefits Program. Yes, there is a contribution made by the employee, roughly 30 percent, but there is also a 70-percent contribution made by the Federal Government, we as taxpayers, and then there are the premium payers. I myself, my wife and I, got out of Kaiser because they were providing abortions. We were providing premiums, so then both as taxpayer and as premium payer, we were contributing to abortion at Kaiser. We got out of it because we were so upset with the killing of unborn children at Kaiser Permanente.

Mr. HOYER. I understand the gentleman's view.

Mr. SMITH of New Jersey. At the National Prayer Breakfast last year, Mother Teresa addressed thousands of political leaders, including the President of the United States, Bill Clinton. It seems to me no one can listen to Mother Teresa and not be moved to believe that this small, frail, and humble woman, in her stands a very powerful message of peace and hope and of love. She looked directly at the President of the United States and said, "Please don't kill the child. I want the child," she went on. "We are fighting abortion with adoption, by care of the mother and adoption of her baby." Mother Teresa said, "The greatest destroyer of peace today is abortion, because it is a war against the child, a direct killing of an innocent child."

She also went on to point out during her very lengthy comments that "there is a linkage between abortion and other forms of violence. Any country that accepts abortion is not teaching its people to love, but to use violence to get what they want." That is why "the greatest destroyer of love and peace," according to Mother Teresa, and I fully agree, "the greatest destroyer of love and peace is abortion."

Mr. Chairman, abortion is violence. I tried yesterday to point out to some of my colleagues the we need to strip away all of the euphemisms, all of the cover and the cloaking that is done, all of the clever marketing that is done by the abortion industry to conceal the compelling reality, the awesome and gruesome reality of abortion on demand.

Mr. Chairman, abortion methods include dismembering innocent children with razor blades and suction devices or injections of chemical poisons that are designed to kill the child. There is more research being done by some of the pharmaceutical companies to find stronger and more lethal doses, not healing, not chemicals that will provide healing for children, but those that will do the deed more efficiently by killing the unborn child.

Abortion on demand, and this, the Hoyer amendment, facilities abortion on demand, treats pregnancy as a sexually transmitted disease, as a tumor, a wart, a piece of trash to be destroyed. Yet, if any one of us have ever watched an unborn child's image on an ultrasound or a sonogram screen, you cannot help but be awed by the miracle of human life, by the preciousness of a child's being, and moved to pity by the helplessness and the vulnerability of that child. To see an unborn child turning and twisting, kicking and sucking his or her thumb while still in utero, it shatters the myth that the abortion industry so cleverly markets that we are merely removing some tissue or the products of conception, or some of the other dehumanizing words used to describe the unborn child. Peel away the euphemisms that sanitize abortion, and the cruelty to children and their mothers becomes readily apparent to anyone with an open mind.

Mr. Chairman, I have worked for 15 years as a Member of Congress on human rights. I worked with the gentleman from Maryland [Mr. HOYER] on the Helsinki Commission, I am chairman of that commission, for religious freedom, trying to get dissidents out of prisons. I have been all over Europe, the People's Republic of China and other captive nations, but I would submit that the human rights issue of our time is the unborn child, the protection of those children, boys and girls who are routinely killed, some 4,000 each and every day in this country, and many millions more around the globe.

Before this amendment was in place, the U.S. Government paid for 17,000 abortions under the Federal Employees Health Benefits Program. Then the Congress wisely moved in and said "No, we ought not to be doing that. We ought to be protecting life, not taking it," and the language went in and was renewed each and every year during the 1980's and the 1990's, and we stopped this facilitation and funding of abortion on demand.

Seventeen thousand children, that is a lot of kids, a lot of boys and girls who will not be playing basketball or soccer or baseball or any other sport or any other kind of activity because their lives have been snuffed out.

Government ought to care for the innocent and weak. This amendment is antichild. I urge rejection of it.

Mr. HOYER. Mr. Chairman, I yield 5 minutes to the gentleman from Virginia [Mr. MORAN].

Mr. MORAN. Mr. Chairman, I thank my good friend, the gentleman from Maryland, for yielding time to me. He has fought long and hard on this issue.

Mr. Chairman, I do not know that we are ever going to permanently resolve it. I want to say to my friend, the gentleman from New Jersey [Mr. SMITH], I admire his deep-seated, sincere, emotional commitment on this issue. I wish that more people in this country felt as strongly about such an important issue as the gentleman from New Jersey does. In many ways, yes, it is a human rights issue.

However, I think the real issue that we have to face is who makes the decision. It is not really a matter of my trying to dissuade the gentleman from his strongly held views on abortion. I could not do that, because I do not particularly disagree with the gentleman from New Jersey. However, I would suggest that it is not up to him to make that decision for millions of women in this country, particularly those who are covered by the Federal employees health benefits plan.

We have already increased the retirement contribution, we have made sure that any Federal employee now has reason to feel insecure about their job, we have cut 272,900 positions, we have reduced their retirement benefits at the end, when they are ready to retire, and we are now capping their health insurance subsidy that the Federal Government provides, so it is a much worse plan than they would get in a large corporation.

Now we are saying that any woman and family who is employed by the Federal Government is going to be discriminated against in terms of their ability to make a decision with regard to the most personal, private, difficult medical conflicts that will occur in their lives. We are going to make that decision for them. There are 78 million women who have this coverage in the private sector, but because we control the Federal employees health benefits plan, we are going to take away this decision from women who work for our Federal Government.

Mr. Chairman, the American Medical Association looked at this extensively. It is the doctors who we should consult when we make this decision. They came up with the conclusion that when you deny insurance coverage, invariably it leads to very serious complications, it causes women to have to delay an abortion when they would want to do it immediately, before a fetus is formed, but they look around for money to pay for the procedure, and then they have a procedure after the fetus is much further along, which is certainly not what the gentleman from New Jersey or his colleagues would want to happen. It also endangers the life of the woman having the procedure. That is wrong.

What we are trying to do in imposing our moral decisions on all the women who are covered by the Federal employees health benefits plan is wrong. We have no right to be doing this. There is a woman in my district, a Federal employee, she has two children. She got pregnant a third time. She had amniocentesis. It turns out that the fetus had Tay Sachs disease. She knew that that fetus, once born, was not going to live very long. Its spine would not be formed, it was going to have any number of diseases. Its brain probably would not be functioning. It would only suffer after being brought into this world.

She had to make a very difficult decision, because she is a very moral person, as all the people that we are talking about denying this coverage to are moral people trying to do the right thing. She felt it was in the best interests of that life within her body and of her family, to have an abortion. She did not want to have it. But it was the most responsible thing to do. Now, the gentleman from New Jersey [Mr. SMITH] and others would make that decision for her. She will no longer have that option. That option is foreclosed to her. That is wrong.

The view of the gentleman from New Jersey on abortion is not necessarily wrong. But it is wrong to be so intolerant of people who have different views. To impose one's moral decisions like that on others, just because we have the power of the purse, is wrong. We should not be doing it to Federal employees. We should not be doing it to women. We should be trusting women to make their own moral decisions on such profoundly important matters that will affect their bodies, their lives, and their families. I urge the Members, please do not include this in the bill, and support the amendment of the gentleman from Maryland [Mr. HOYER].

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentlewoman from the great State of Connecticut [Mrs. JOHNSON], chairman of the Committee on Standards of Official Conduct, which is a job nobody wants.

Mrs. JOHNSON of Connecticut. Mr. Chairman, I thank my colleague, the gentleman from Iowa, for this opportunity to address the House on what I think is a very, very important issue.

I rise in strong support of the Hoyer amendment. Mr. Chairman, this is not about abortion, this is about equality. This is about personal responsibility. I am a Republican because I believe in personal responsibility. I believe in choice in health benefits, choice in education, work, responsibility. This is not like the Medicaid issue, where people can argue that this is 100 percent taxpayer dollars, and therefore, we have a right to say what those dollars ought to be spent on. These are wages. This is earned income.

Just as I believe every public employee can deal with spending their own earned income responsibly, I believe they can make responsible choices about what health benefit plan they want to participate in, as long as the Federal Government provides them with a significant series of choices of health benefit plans, and indeed, about half of the Federal health benefits plan include abortion and about half do not.

We are doing the responsible thing. We are providing our Federal employees the right to make the choice to invest in the health benefit plan that they choose to invest in as a result of the work they are putting in. This is part of their earned benefit. Therefore, this is not a Medicaid problem, this is an employee problem.

Let us look at the consequences of reaching into the benefit structure and Congress determining how that benefit structure ought to be shaped because there are public dollars involved. If Members vote against this amendment, the next step will be that this Congress will reach into every American's benefit plan, because there is not an American in this Nation whose benefit plan is not subsidized with tax dollars. We spend $80 billion every single year allowing employers to deduct the cost of health benefits. There is not a health benefit plan in America that is not publicly subsidized.

However, those benefit plans that are part of wage structures, where people have earned the right to have salary and benefit, those benefit plans ought to be treated differently than our involvement in Medicaid and ought not to be compromised by this body. Every employee ought to have the right to the full range of legal medical procedures without regard to whether their salary is paid or their health benefits plan is subsidized with public tax dollars. I urge strong support for the Hoyer amendment. Let us differentiate this from the larger debate.

□ 1100

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise in strong support of the Hoyer amendment to H.R. 2020.

Mr. Chairman, today the Republican leadership is making yet another attempt to chip away at a woman's right to choose—the right to choose an abortion.

A few weeks ago, military women who are stationed overseas lost their right to use their own money for a safe and legal abortion in a military hospital.

Now, this appropriations bill will deny women who are Federal employees from receiving safe and legal abortions through their own insurance plans.

Who's next? I'll tell you who is next—poor women; rape victims; incest victims; women whose lives depend on access to safe and legal abortions. Mark my words, they are next.

Mr. Chairman, under the Republican majority, the right of American women to make their own decisions about their reproductive health is threatened every day. We cannot stand by and watch the rights of American women be violated.

I strongly, strongly urge my colleagues to stand up now, before it is too late, before the right to choose rings hollow for most American women. Stand up for the women who devote their lives to service in the Federal Government. Stand up for those women who look to us, Members of Congress, to protect their right to choose. Vote "yes" on the Hoyer amendment.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. MALONEY].

Mrs. MALONEY. Mr. Chairman, the new regime in Congress seized power last year, claiming that the Democrats were out of touch. These Americans wanted Government out of their lives.

But, Mr. Chairman, what the new leadership is doing to a woman's right to choose is proof of just how out of touch the new regime is. The Supreme Court will not allow Congress to outlaw abortions directly, so we are faced with a proposal to prevent Federal employees from purchasing health insurance that covers abortion services.

We hear over and over again that Americans want Government off their backs. Yet today we are faced with this incredibly intrusive vision of Government. Denying abortion services to Federal employees is another knife attack on a woman's right to choose in America.

Mr. Chairman, an overwhelming majority of Americans support the right to choose. The erosion of that right in the 104th Congress defies the national will. It proves that the far right's championing of individual liberty rings hollow. I warn my Republican colleagues, make good on your own rhetoric. Support individual liberty. Protect a woman's right to choose.

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. HAYWORTH], who can play football all by himself.

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Iowa, I think, for that athletic observation.

Again we see and rejoice in the fact, Mr. Chairman, that good people can disagree on a variety of issues. Certainly there is disagreement on this issue this morning.

I rise in strong opposition to the Hoyer amendment. As we observe, there is an important and oftentimes divisive debate in this country about the morality of abortion and the sanctity of human life. It is my strong conviction that elective abortion is the taking of innocent life.

This amendment, however, goes far beyond the question of the legality of abortion. The Hoyer amendment seeks to make abortion a taxpayer-subsidized entitlement by allowing Federal employee health plans to provide abortion.

Currently, 72 percent of Federal employee health care premiums are paid by the Federal Government. It is my belief that Congress has no right to forcibly compel taxpayers, many of whom share my strong beliefs of the rights of the unborn, to pay for elective abortions.

Elective abortion is not health care. The Supreme Court has ruled that "abortion is inherently different from other medical procedures because no other procedure involves the purposeful termination of human life." That finding was in 1980.

I urge my colleagues, especially those with whom I have a philosophical disagreement on this issue, do not make elective abortion a federally funded entitlement. For that reason I would ask my colleagues to join with me in opposition and ultimately to defeat the Hoyer amendment.

Mr. HOYER. Mr. Chairman, I yield 2½ minutes to the distinguished gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. I thank the gentleman for yielding me the time.

Mr. Chairman, I know the American public must be saying, "I cannot believe this issue is back. They settled it last Congress. They settled it in that Congress consistent with the views of the American public. What is it doing back?"

A woman's right to choose should not depend on the vicissitudes of who is in charge. But it would appear that is the case for Federal employees. Mr. Chairman, this is not an issue about abortion. This is about discrimination. This issue is about discrimination in medical services directed at millions of Federal employees.

The other side would not have the nerve to raise this issue unless they characterized the funds involved as Federal funds. That is a transparent mischaracterization. Ask employees at IBM and AT&T whether the share of compensation that they pay for their medical is IBM's or is theirs. Don't insult Federal employees by saying to them that money they have earned, their own compensation, nevertheless still belongs to the Federal Government and is Federal funds.

Mr. Chairman, we are not talking about Medicaid. These are people who work every day, and buy their own health care. Federal employees are not on welfare. It is not up to you to tell them what to spend their health care money for. They can buy any other pregnancy-related service.

We are talking about 1.2 million women of reproductive age who happen to work for the Federal Government, and for that reason incur discrimination in health care. That is an abomination. You can only do it because you can reach your own employees and you cannot reach private sector employees.

How often does an American have to go outside of her own already paid-for health care plan to get medical care? Perhaps you have to go outside of your own health care plan to get a facelift. That is not what this delicate procedure is about.

Mr. Chairman, Federal employees have had enough. They are going through the most severe downsizing in history. They do not know whether they will get their pay raises and locality pay. They are called bureaucrats derisively, when they are risking their lives as FBI agents, or inspecting meat to make sure we do not risk our lives. You get them at work. Please do not get them in the bedroom. Stop the discrimination against Federal employees.

Mr. LIGHTFOOT. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Chairman, it is wrong for taxpayers to be forced to pay for Federal employees' abortions, but that is just what is happening today.

The work of the gentleman from Iowa [Mr. LIGHTFOOT], the chairman, on H.R. 2020 will change that, and it is about time.

Few would disagree that abortion is one of the most divisive issues in our Nation.

So why do the people of this country, many of whom believe abortion is wrong, have to help pay for a Federal employee to have an abortion?

The Lightfoot language would not apply when the mother's life is in danger. It would simply keep taxpayers from subsidizing abortion on demand for Federal employees.

Abortion advocates will call this a radical idea. I suggest that the only radical part of this debate is the current system, where people who believe life is sacred are forced to subsidize the death of innocent children.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. I thank the gentleman for yielding me the time.

Mr. Chairman, this debate has been had over and over again as we have heard this morning. It is an attempt again to make the women of America second-class citizens and the women who work for the Federal Government third class.

It is beyond belief to me that you would say that we are using taxpayers' money, when what we are saying is that we are using the salaries of women who work legitimately for a living. There is not any other string that you put on a Federal employee's salary. Why in the world could you tell women what they can do with theirs?

We do not have any right, and we have no business prohibiting Federal employees' health care plans from offering coverage for legal abortion services to women just because they work for the Federal Government. Federal employees work hard for their salaries and benefits.

We ask a lot of the Federal employees. As the Government continues to downsize, we are asking even more. Right now, as far as pensions are concerned, they are going to be paying more and getting less.

Some of the Federal employees, like park rangers, people who work in parts of the American West, workers in the Murrah Building in Oklahoma City, face injury and death on the job. Do they not at least deserve a health benefits plan that is comparable to those offered in the private sector?

Two-thirds of all private insurers cover abortion and an even higher percentage of HMO's do. Why should Federal employees be treated like third-class citizens?

The argument that the ban on FEHBP coverage of abortions simply keeps Federal tax dollars from being used to pay for coverage is disingenuous. The Federal employee benefits are not Federal handouts. They are part of a Federal employee's wages and compensation.

I do not believe that employees of private businesses would stand for it one minute if their employer told them how to spend their salaries. Federal employees should get the same rights and respect.

Some opponents of this amendment want to use the ban on abortion coverage as one more advance in the fight against the right of American women to make their own personal choice on the abortion issue. I respect the right to oppose abortion. I urge support for the Hoyer amendment.

Mr. LIGHTFOOT. Mr. Chairman, I yield 3 minutes to the gentleman from the boot heel of Missouri, Cape Girardeau [Mr. EMERSON].

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri [Mr. EMERSON].

The CHAIRMAN. The gentleman from the show me State is recognized for 3½ minutes.

Mr. EMERSON. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding me the time.

Mr. Chairman, I rise in opposition to the Hoyer amendment. The Federal Government should not be in the business of funding abortions, nor should taxpayers be forced to underwrite the cost of abortions for Federal employees.

The Federal Government currently contributes approximately 72 percent of the money toward the purchase of health insurance for its employees. Thus, taxpayers do provide a majority share of the funds to purchase health insurance for the Federal civilian work force.

If this amendment were adopted, the American taxpayers would be forced to underwrite the cost of abortion for Federal employees. In addition to taxpayer funds paying for abortions, premiums contributed by conscientiously opposed Federal employees will also be used to subsidize abortion on demand.

Abortion is not just another form of routine health care. In upholding the Hyde amendment, the Supreme Court has said that the Government can distinguish between abortion and other medical procedures.

I was glad to see the gentlewoman from the District of Columbia, in her discussion of the subject, at least distinguish between the efficacy of a facelift and that of an abortion, but a lot of people put them in the same bag. The court said abortion is inherently different from other medical procedures because no other procedure involves the purposeful termination of potential life.

□ 1115

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I thank my friend from Missouri for yielding. I know that there are strong feelings on this issue, but the gentleman keeps saying subsidizing the abortion. The Federal employee, of course, gets a compensation package. The CBO has said there is no difference in the cost to the Federal Government with or without this. It is a choice of the employee of what policy they choose. The Federal Government does not buy the policy.

So my question to the gentleman is, the gentleman from New Jersey said this facilitates. I understand that and I think that is a valid point. All I am saying, and all that we are saying, is that the Federal employee has a compensation package. They have the opportunity to spend that. Whether this is in or out, there is no additional or less cost to the taxpayer. That is my point.

Mr. EMERSON. I understand the gentleman's point, but obviously I agree with the answer of the gentleman from New Jersey.

Mr. HOYER. On the facilitation.

Mr. EMERSON. I might also say, going a point further, we are talking about the most fundamental right, which is the right to life and the right to life should not be an elective choice. It is an entirely different thing.

Many of us in this body see it in an entirely different context than that being advanced by the gentleman from Maryland.

I agree that there is a very different, very fundamental different point of view here as to what an abortion constitutes and whether or not it should be permitted. It is very fundamental.

Mr. SMITH of New Jersey. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I yield to the gentleman from New Jersey.

Mr. SMITH of New Jersey. I think the point whether or not CBO scores it or not is irrelevant. We are talking about a very huge investment of Federal dollars into an employee program that I am a part of, and perhaps every Member of this Congress, over which we have jurisdiction.

OPM has made it very clear, their general counsel year in and year out, that we can limit or we can provide, if the body so chose, to provide abortion on demand. We have that capability. It seems that where we can save even one life, we ought to step in on behalf of that individual, especially when we are facilitating it by tax dollars.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I thank the gentleman from Maryland [Mr. HOYER] for putting forth this amendment. Mr. Chairman, I look in front of me and I see Federal workers. No matter now raucous we get in this House, no matter how difficult the debate is, the Federal workers that I am looking at stay calm and make sure that our bills are complete, say what they are supposed to, and that every vote that is cast is recorded correctly.

Federal workers work hard. Federal workers run the Washington Monument. They run our National Parks. They staff our local Social Security offices, our veterans hospitals and your local soil conservation office, and they work hard and do good work. They work long hours. And as we have seen, obviously, Federal workers are called upon to risk their lives for the United States of America.

So why then, at this point in time, are we going to treat Federal workers as second class citizens? We are trying to deny health care coverage commonly available to almost everybody else in this country. Why should a Federal worker be held hostage to a political battle of wills that we know will take place and will continue to take place?

The answer is they should not be. The answer is we have always been proud in this country of our Federal workers. In other countries there has been problems with workers for the country, because you have to give a bribe. We never had that because we treat our Federal workers fairly and with respect.

In Communist countries, we found out when the Soviet Union fell what was happening with their workers. They were taking advantage of the people. Never in the United States of America does this type of thing happen, because the United States of America treats its Federal workers with respect and fairness.

Mr. Chairman, if we start to pick away at that, to discriminate against a Federal worker, where does it end? I thank the gentleman from Maryland [Mr. HOYER] for this amendment. This amendment says we treat Federal workers differently. That is wrong. That is absolutely wrong. Mr. Chairman, this amendment should win and I thank the gentleman for putting it forth.

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Hoyer amendment. As a Republican, as a mother of three and as a grandmother, I support it.

Mr. Chairman, I am saying today that if the Hoyer amendment fails, we are saying to Federal employees who are the victims of rape and incest that they do not have the same rights to choice and health insurance coverage as other citizens, even those who under present law are covered through Medicaid.

In other words, the Federal employees are third class citizens. I repeat, not even in cases of rape and incest can Federal employees exercise this right to health insurance under this legislation.

The illogic of this position held by many of my idealogically conservative colleagues is very clear to me. The same people who want to get the long arm of the Federal Government out of their lives, and are proposing to repeal all sorts of Government regulations on health and safety, would put the Government in control of this profound personal and moral decision.

Mr. Chairman, we should not even be debating this. This decision should be left to the woman involved, after consultation with her family, her physician, and her religious counselor.

The long arm of the Federal Government should not mandate such a profound moral decision.

Mr. Chairman, I want my colleagues to know that all the Hoyer amendment does is maintain the law as it is currently written and allow women the access to abortion in cases of rape and incest, not just when the life of the mother is in danger.

I do not think that is too much to ask. That is what we do under Medicaid coverage. Let us vote "yes" on the Hoyer amendment.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Mr. Chairman, I rise in strong support of the Hoyer amendment to strike the language that prohibits Federal employees from choosing health care plans that include abortion services.

This is the latest in a series of assaults on a woman's right to choose. The consequence of this assault, like the others being pursued through the appropriations process, is to leave women's rights under Roe versus Wade hollow—effectively to repeal those rights without directly reversing the Supreme Court's decision.

Earlier this spring, the House passed a ban on privately-funded abortions in military hospitals overseas. Then came the provision preventing international family planning organizations from using their own funds to provide abortions. Now the assault continues with a ban on abortion services for Federal employees.

One ban after another—choice opponents are on their way to rolling back a woman's right to choose.

This is a discriminatory change from current policy. Choice opponents in the Congress are now singling out Federal employees to restrict a constitutional right. This is not about Federal funding—employees' own salaries are being withheld. It is about infringing upon employees' rights to bargain for their own benefits.

Congress has no place obstructing private insurance companies from offering services that are necessary to women's health. At least two-thirds of private health insurance plans currently include coverage for abortions.

Prohibiting Federal employees from choosing insurance plans that offer abortion services endangers their health. The question for our House colleagues is whether they can justify limiting Federal employees' constitutionally-protected rights and limiting their health care options simply because these women receive benefits through the Federal Employees Health Benefits Plan. I strongly believe we cannot.

Today's vote is part of a larger agenda to roll back a woman's right to choose without directly reversing Roe versus Wade. This provision hurts Federal employees, and I urge my colleagues to vote for equal rights and health services for Federal employees and their dependents.

Mr. LIGHTFOOT. Mr. Chairman, I yield 3 minutes to the gentlewoman from the State of Washington [Mrs. SMITH], a new Member of our body.

Mrs. SMITH of Washington. Mr. Chairman, I was in my office listening to this debate, and it always gets really confusing, because it comes back to the fact that we are always hearing the argument: It takes a woman's choice away.

This does nothing, nothing, the current bill, with the woman's right to choose. Women can still choose to terminate the life of their unborn baby. They can still terminate the life of their unborn baby clear through, in many States, the day before the birth as long as the woman decides she does not want that baby to take the first breath.

In another bill we will be discussing late term abortions, but that is not the issue here. The issue here today is whether or not American taxpayers, through their tax dollars, should fund a very controversial issue of taking away the life of a baby through the performance of an abortion. Abortion just means taking away the baby's life and deciding that baby will not grow up to be an adult.

Mr. Chairman, these folks still can use their adequate public salaries to buy this procedure from any doctor who will perform it throughout the 9 months of the baby's life, the first 9 months of the baby's life. It just says that people of conscience, including public employees, do not have to have their hard-earned dollars used for this procedure.

I think one thing that is clear in this controversial issue in America is that Americans do not believe their tax dollars should be used for taking a baby's life. Whether they believe that should be legal or not, they do not support taxpayer-funded abortions.

The bill as it came out of committee just says we will go on with the will of the people and we will not use the taxpayers' money to fund abortions. Very simply put: vote against this amendment. You will guarantee a woman's right to choose.

We are not talking about poor women. We are talking about public employees who are substantially, in many cases, and in most cases funded through salaries and should they want to choose to terminate the life of their baby, they can do it from their own money and not the taxpayers'. Vote no on this amendment and yes on the bill.

Mr. HOYER. Mr. Chairman, I yield 2 minutes and 40 seconds to the distinguished gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, I rise in support of the Hoyer antidiscrimination amendment because that is what this amendment is about; discrimination against young women who serve this country as public employees.

We are talking about the young park ranger who is the victim of rape. We are talking about the young nurse at a VA hospital who is the victim of incest. And what does this appropriations bill say to those young women? You cannot have the health care procedure that you and your physician think you should be able to have. That is discrimination, pure and simple.

We know that some 70 percent of the health maintenance organizations and the vast majority of private insurance companies in this country provide to those in the private sector the right to choose the procedure that they and their doctor think is appropriate.

But this bill, which fortunately the gentleman from Maryland [Mr. HOYER] has come forward and attempted to amend through an antidiscrimination provision, says do not consult your doctor, do not consult your family, do not consult with your minister or your rabbi, talk to your Member of Congress.

Mr. Chairman, that is outrageous. It involves the government in the most private of decisions that a young woman might choose to make, and that is wrong and that is discrimination against one group of our population, and that is the young women who serve this country so ably in public service.

Health care benefits are only a form of compensation. They are just like salary. What is the next thing going to be? The same kind of extremist views coming to the floor of this Congress and saying not in the future, not in the future do we want our Federal employees to spend their wages to get an abortion?

That is the same thing that is being done here. A form of compensation is being cut off from these young women, and the next step is to tell them how they are going to spend their Federal wages because those are tax dollars also, and yet they would be permissible under the current bill, but not under the next step.

This provision is harmful to women's health in this country. It suggests they cannot follow their physician's direction. It is unfair treatment. It has nothing to do with tax dollars being spent. It has everything to do with discrimination and the rights of young women.

□ 1130

We hear plenty these days from the political commentators about angry white men. I would say it is time to hear a little more about angry young women of all ethnic origins who should be angry about having this personal decision interfered with by this Congress.

Support this Hoyer antidiscrimination amendment.

Mr. LIGHTFOOT. Mr. Chairman, I yield 3½ minutes to the always calm and quiet gentleman from California [Mr. DORNAN].

Mr. DORNAN. Well, I am a happy warrior Mr. Chairman, and I am in the minority. The world is 53 percent female, and I am not a WASP. I am a white Celtic Catholic, although I associate with mostly WASP's in this House of both genders.

But as a minority male, 47 percent on the globe, let me set history straight here a little bit. People speak about Roe-Wade on the other side of the aisle and a few on this side with reverence. Roe-Wade was a fraud. Roe, Norma McCovey, has never had an abortion. She has three daughters around this country. Each one, she wanted to kill them singly at the time. She never did succeed, thanks, to in the last case, the laws of Texas, and her daughters are all estranged from her, and they say, "When you are through fighting drugs and/or alcohol, mother, will you stop telling the world you wished you had killed us, and then we will reconcile with you." That is the Norma McCovey story.

Roe-Wade is Dred Scott.

Now, for those of you who have, and I understand this, we have got to be civilized in this debate, for those of you that see slavery as the God-awful demonic thing it was, beating and stealing the sweat off the brow of people throughout their whole life and breaking up families, if you cannot equate that with killing them, lynching them in the womb, then, of course, we have a basic disagreement.

The thing you say about choice is if a prospective mother, and my daughter-in-law is now pregnant with our 10th grandchild in the second month; this is when most abortions happen. She is looking forward to movement and quickening. This will be her third and Sally's and my 10th grandchild. I have lived through five of my own and now a 10th, with daughters and son and granddaughters and grandsons, I mean, daughter-in-law and sons-in-law, we are talking about life here.

If a woman says, "I am going to have the baby," she suddenly becomes pro-life. If they choose death, then that is what the pro-choice thing is. It is death or life, and if this is an extremist position, well, I feel your pain because we are going to win this.

It is a funding issue, and those of us who equate it with slavery, who equate it with death, who equate it with flattening a brainwave with sucking brain tissue out, the thing that drives some of you crazy in subcommittee, and it will soon be on the floor as it was on the Senate floor, the partial birth abortion, where you take brain tissue out and kill the child in the birth channel, that is going to be a heck of debate later in this year; for those of you that do not equate it with snuffing out a life, every abortion stops a beating heart. I feel sorry for you because we are in the majority now. On stopping abortions for Federal workers in uniform in military hospitals, I remind you the vote was 230 to 196.

So, when George Bush broke his tax pledge, which had nothing to do with this issue, nine seats shifted in the House, and then a daughter replaced the father. That made 10 votes shift on this issue by sheer terrible coincidence; that was 20 up, 20 down. We shifted to the pro-abortion or pro-choice, if you want to use that term, side. Now, with every pro-lifer at the gubernatorial, Senate and House level winning in the country and 40 pro-abortion either retiring or most of them were defeated, it shifted. 230 was not on funding. This is on funding. Watch us go up to 240.

I repeat, I feel your pain. We will win, Mr. Chairman.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, I rise today in strong support of the Hoyer amendment to the fiscal year 1996 Treasury Postal appropriations bill. Once again, legislation before this Congress threatens women's health and a woman's right to choose—a right guaranteed by the Constitution.

This is an issue of fairness. Women who work for the Federal Government deserve the same quality of care that women in private sector America enjoy. Furthermore, Federal employees should be allowed to use their health insurance to pay for a legal medical procedure.

Federal employees, like their counterparts in the private sector, currently can choose a health care plan that provides coverage for reproductive health services. Two-thirds of private health care plans provide such coverage for their beneficiaries. The Hoyer amendment preserves that right for the 1 million women enrolled in the Federal Employee Health Benefits Program.

Earlier this year, this House voted to prohibit servicewomen stationed oversees from using their own personal funds to obtain abortion services at military hospitals. This bill extends this discrimination another step by singling out women just because they work for the Federal Government.

It is clear that some in this Congress want to take away the right to choose for all women. To those who wish to overturn Roe versus Wade, I say have the courage of your convictions and schedule a vote to do so. This stealth campaign against a woman's right to choose—a right guaranteed by law—is deliberate and it's wrong.

American women have the right to choose. The Hoyer amendment simply reaffirms this right for the million women who work for the Federal Government. I urge my colleagues to support it.

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. GUTKNECHT], another member of our outstanding freshman class.

Mr. GUTKNECHT. Mr. Chairman, I thank the gentleman for yielding me this time.

You know, this is a very difficult, divisive issue, and I think there are strong opinions on both sides.

I respect the people on both sides of this issue. I happen to believe that life is a sacred gift from Almighty God, and I do believe that we have a moral responsibility to stand up and speak out on the things we believe deeply in.

But having respect for that, I understand there are differences, but there is no difference on this, and that is that 72 percent of the funds, of the money that goes toward the purchase of health insurance, comes from the taxpayers of the United States of America. And it is interesting because that 72 percent represents about what you consistently see in the national polls of the American people that say that whether you believe abortion should be legal or illegal, over 70 percent believe that Federal funds should not be paid, used to pay for them.

So the issue here today is not necessarily whether you are for abortion or whether you are against abortion, whether you believe life is sacred or whether you believe it is not sacred. The issue is: Are we going to be used to pay for them?

I think I speak on behalf of the majority of the people in my district; I know I speak for the majority of all American people, whatever they happen to believe on that other issue, that taxpayers' funds should not be used to pay for them, and that is the issue before us today. That is the issue we are going to vote on in a few minutes, and that is why I hope that my colleagues will join me in opposing the Hoyer amendment.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Colorado [Mrs. SCHROEDER], who has been such an outstanding spokesperson for human rights and civil rights in this country.

Mrs. SCHROEDER. Mr. Chairman, I thank the gentleman from Maryland for yielding, and I rise proudly in support of his amendment. The gentleman from Maryland is absolutely correct.

One of the prior gentlemen, speaking on the other side, says, "We will win, we will win." Well, guess what, women will lose. American women will lose if this amendment does not pass.

Why? You hear on the other side people saying, well, conscience, conscience, that we do not want Federal taxpayers, who are paying Federal employees to have to have any of their money go for any of these benefits. Well, if you really want to apply that, then people who do not think the Pentagon should be spending so much money for B-2 bombers should not have to pay their taxes for that percentage, or people who do not believe in blood transfusions should not allow Federal employees to be able to get that done with their health care insurance, and on and on and on.

Is it is not interesting we do not apply this theory of conscience or anything to anything other than women? When it comes to women, we cannot dictate enough to them in this body, and this 104th Congress is ripping up Roe versus Wade every way it can.

It is saying to Federal employees, if we do not pass this amendment, If you are raped, if one of your children is the subject of incest, if you become pregnant and the pregnancy goes amiss and your health is in danger, oh, sure, you can get health treatment for it, but, guess what, you pay. You pay. You cannot have the health care coverage that the Supreme Court says you are entitled to. You are not given the same rights as people in the private sector.

I do not know when we are going to decide that we can lower the boom enough on women. When you look at the beginning of this century, women finally walked into first-class citizenship after working very hard to get that vote. We will soon be celebrating their having had that vote for 75 years, and let me tell you, if this Congress keeps doing what it is doing, we are going to finally learn how to use that vote and say to people we insist on being treated the same as any other citizen and are tired of this.

Vote for the Hoyer amendment.

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. HOSTETTLER].

Mr. HOSTETTLER. Mr. Chairman, I have come to the floor today to express my strong opposition to the gentleman from Maryland's amendment to strike the very reasonable provision in this appropriations bill to restrict abortion coverage in the Federal Employees Health Benefits Program.

We have heard arguments that the prohibition to deny abortion insurance coverage to Federal employees would mean that Congress would violate a woman's right to choose an abortion. This is simply incorrect. Individuals who wish to purchase abortion insurance coverage are free to do so in the marketplace and individuals who wish to end the life of their unborn child can also do so, but at their own cost. Americans should not be required to subsidize abortion on demand.

We are responsible for how we spend every tax dollar that the Federal Government collects from the American taxpayer. And from these tax dollars, the Federal Government currently contributes approximately 72 percent of the money toward the purchase of health insurance for its employees. Thus, taxpayers pay a majority of the funds to purchase health insurance for the Federal civilian work force.

This plan is not like any other health plan. This is the health benefits plan for the employees of the Federal Government and therefore, the American taxpayer needs to be considered as it is their money we are spending. This is not about discrimination, this is not about a woman's right to choose. This is about protecting American taxpayers from paying for something that violates their very core values and beliefs.

I firmly believe that killing an unborn child cannot be compared to every other medical procedure. Unfortunately, ending a pregnancy by an elective abortion may be an option that is available to every woman in this country. This fact does not in any way require that the American taxpayer be forced to finance these morally objectionable procedures. This is not health care. I would contend that this is anything but and I urge you to oppose this amendment.

Mr. LIGHTFOOT. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I rise in opposition to the Hoyer amendment.

I wish colleagues will listen carefully to this.

It gets a little complicated. Basically, if we do not speak up against this, the Hoyer amendment is going to delete two paragraphs within the bill, which will allow abortion on demand.

The Federal Government pays a portion of the Federal employee benefits program; the premium that we all pay, the Government pays a portion of it. Nine million Federal Government employees, their dependents and retirees are covered under this plan.

Should the American taxpayers have an interest in the health care coverage of Federal employees? Absolutely. You bet. Most Americans, even if they can accept the idea of abortions, do not want to pay for them. Asking anyone to subsidize abortions is offensive enough; asking the American taxpayers, whose hard-earned labor pays for the Government employees' salary to underwrite elective abortions is just plain wrong.

I ask all of my colleagues, regardless of what position you are on this, we cannot strike those two paragraphs, because then we will have abortion on demand in the employee's Federal benefit health program.

□ 1145

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I really appreciate the gentleman, the chairman of the subcommittee, yielding this time to me, and I certainly appreciate the leadership that has come from the ranking minority member of that subcommittee for his leadership with regard to this amendment which I think is so important.

Mr. Chairman, I do not understand why we are doing this. With regard to Federal employees we are downsizing, we are increasing their retirement fees that they will be paying, and now we are taking away something else that has been part of their benefits package, their opportunity to choose for their health care.

Currently two-thirds of private fee-for-service plans and 70 percent of health maintenance organizations provide this abortion coverage. To not allow the FEHBP to provide this health service is harmful to women's health, and it discriminates against women and, certainly, Federal employees.

The Federal Employees Health Benefit Plans should be comparable to those that are offered in the private sector which, as I mentioned, overwhelmingly provide the full range of reproductive health services. They are part of the total compensation package earned by Federal and postal employees and thus should cover the full health needs of the employee. Arbitrarily banning any benefit effectively reduces earned wages.

Mr. Chairman, this is a promise made; it should be a promise that is kept.

The inequity of this measure is magnified by the fact that the Federal health care plan pays for other pregnancy-related services. If the funding ban goes into effect again, the approximately 1.2 million women of reproductive age who rely on the FEHB program must either pay with their own private funds or continue with an unintended pregnancy of major dimensions. The restriction would be put in place despite the fact that Federal workers do have a portion of their health premiums deducted out of their own paychecks.

Mr. Chairman, I ask this body to be sensible and to vote for the Hoyer amendment.

Mr. LIGHTFOOT. Mr. Chairman, I yield 2 minutes to the gentleman from the great State of Illinois [Mr. HYDE], our good friend and colleague.

Mr. HYDE. Mr. Chairman, I just wish to weigh in as strongly as I can with great respect to my good friend, the gentleman from Maryland [Mr. HOYER], in opposition to his amendment. If abortion is a good thing, or even a neutral benign thing, and one really believes that, then, as my colleagues know, they should support Mr. HOYER'S amendment. But if they believe that abortion is the purposeful killing of an unborn child, a little life that is on its way to enjoying citizenship, then it is wrong. It is a rejection, a repudiation, of the notion that one should be responsible for one's acts. It is an act not of compassion and of love, but of selfishness and coldness, and abortions are just a bad thing.

Mr. Chairman, that is my conviction. I do not take a gun to anybody's head and say, "You have to think as I think," but I would appeal to the common sense and the logic of people who realize that abortion is really so abhorrent that we hardly use the word. We use "pro choice." We use "reproductive rights." We use all sorts of euphemisms to avoid confronting the fact that abortion is the deliberate killing of a life that has begun and a mother who should be the natural protector of her child suddenly its adversary.

Mr. Chairman, I resent that if my money is paying for this extermination of this pregnancy. It is not a termination. All pregnancies terminate at the end of 9 months, but this is an extermination of a little life that has begun and is entitled in simple justice to at least have that right to life, which is an endowment which the Creator, according to our Declaration of Independence, respected.

Now I say to my colleagues, 72 percent of the costs for these premiums is Federal money, your money and my money, and people say, "Get the Government out of the bedroom." Well, get the Government out of our pockets paying for this heinous activity called abortion.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, this is a difficult debate, and, as has been correctly pointed out, the majority of Americans do not like abortion, but what is equally important to point out is that even a greater majority of Americans do not want the Government to make these kinds of decisions for American families.

I had an opportunity to make this decision. I was a mother at 18 under circumstances that were not optimal, but I made the decision that many people on the other side would want to see me make. I kept my baby. But the choice was much harder, much more difficult, and the life that it created was of a degree that I could have never anticipated. I had never guessed that I would find myself in a job market without skills, that I would be without health insurance, that I would not be able to buy a home, that I would get my education in a piecemeal way. That is what an early pregnancy means in real-life terms, and that is why it is important to let each and every family involved make these decisions for themselves.

I would never, having lived through it, force that kind of a decision on another human being. But the question here today is whether or not we will take away a perfectly legal and constitutionally protected choice for 1 million women simply because they work for the Federal Government. Whether or not we will allow the good burghers who populate Congress to decide the private decisions of American families, nothing could be so antithetical to the individual freedoms that the majority in this House preach in every other arena we discuss. They talk about returning to traditional values; well, let's go back to one that is basic to America: "Mind your own business."

The CHAIRMAN. The Chair wishes to inform the committee that the gentleman from Iowa [Mr. LIGHTFOOT] has 8½ minutes remaining and the gentleman from Maryland [Mr. HOYER] has 7 minutes and 50 seconds remaining.

Mr. LIGHTFOOT. Mr. Chairman, I yield an additional 2 minutes to the gentleman from Illinois [Mr. HYDE].

Mr. HYDE. Mr. Chairman, in response to the gentlewoman's remarks which are common argument against our position, that we should "mind our own business," that brings up a most interesting question:

Whose business is it when a member, tiny little member, of the human family is about to be killed? Is it anybody's business? Is it a matter of privacy only between the doctor and the pregnant woman, or is society involved?

I would remind the gentlewoman of the words of the great English poet, John Donne, who said "Every man's death diminishes me for I am involved in mankind."

Does society have any responsibility for the taking of an innocent human life? Mr. Chairman, she obviously says, "No, turn your back, walk away," and I say, oh, no, we have a responsibility toward fellow human beings to protect them in the most basic right, which is the right to life.

I have seen animals protect their young with a compassion and tenderness that is very instructive. I have seen a crocodile scoop up eggs and carry them down to the waterside with a gentleness that was almost poetic, and then, when I think of the abortion mills, or reproductive health clinics, pardon me, churning out death, it is more than ironic. I say government exists to protect the weak from the strong, and the gentlewoman's party, political party, more than my party, has always been for the ones that are left out, left behind, the forgotten ones, but they sure ignore the unborn, and I take pride in the fact that my party looks to the unborn and will protect that unborn when the mother becomes its deadly adversary.

Ms. RIVERS. Mr. Chairman, will the gentleman yield?

Mr. HYDE. I yield to the gentlewoman from Michigan.

Ms. RIVERS. One of the issues that I see take place on a regular basis or strategy——

The CHAIRMAN. The time of the gentleman from Illinois [Mr. HYDE] has expired.

Mr. HYDE. The gentlewoman from Michigan can get time, Mr. Chairman, and we can have our colloquy.

Mr. HOYER. Mr. Chairman, I yield 50 seconds to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, the strategy that I see going on here is one that is used regularly, which is to argue this debate as if this decision will decide whether or not this choice will be available to American women. I say to the gentleman, "You have lost that argument."

Mr. HYDE. So far.

Ms. RIVERS. The Constitution makes it very clear. This is about who will decide for 100 million women who work for the Federal Government whether it should be families involved making a decision within the law of the land or people here who want to operate in very paternalistic, intrusive, invasive ways in basic decisions. That is where we differ. That is what this issue is not, whether this should or should not happen. It is who should make the decision under the law, and I suggest, and the gentleman argues eloquently in every other area, that the Government is not the best entity to make these decisions.

Mr. HYDE. Mr. Chairman, will the gentlewoman let me say something? Will the gentlewoman yield?

Ms. RIVERS. I yield exactly the amount of time the gentleman yielded to me, which I think was about 8 seconds.

Mr. HYDE. Mr. Chairman, I think Roe versus Wade ranks right us there with Dred Scott as a terrible decision.

Ms. RIVERS. And the gentleman has the right to that opinion.

Mr. LIGHTFOOT. Mr. Chairman, I yield 30 seconds to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I just want to ask or I want to respond to the gentlewoman from Michigan when she said it is the law of the land. I want to read to her what the Supreme Court of the United States has said, that Government can distinguish between abortion and, quote, other medical procedures. In upholding the Hyde amendment the Court said, quote, abortion is inherently different from other medical procedures because no other procedure involves the purposeful termination of a potential life.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. I see the distinguished gentleman from Illinois [Mr. HYDE] leaving the room, and I just want to say to the distinguished gentleman that I have great respect for the gentleman. We work together on many issues. In fact, on my committee I have been a strong advocate for the Adoption Opportunities Act, and I do think we have to encourage those who choose to have a child, and we want to help those mothers and those families protect that child and take care of that child, and that is why I am such a strong supporter and I have always advocated funding for that act. I just want to comment on a few things the gentleman said when we talked about the fact that we believe abortion is a good thing.

I am a mother of three beautiful grown children. I have been married for 34 years. I try to teach my children, and I hope some day I will have grandchildren, and, yes, I agree with the gentleman, to teach responsibility, to teach responsibility for one's own actions. I think we agree on that. But I do not think anybody in this room, or any woman I know who had to face that very difficult decision, would say that abortion is a good thing. When a woman has to make the very difficult decision with her religious counselor, her family, her doctor, or with whom she chooses to make that decision, it is very difficult.

My distinguished colleagues, are we going to say to people who are victims of rape, "Victims of rape, you have to carry that rapist's child"? Are we going to say to victims of incest, to Federal employees who are victims of incest, "You have to carry that person's child"? That seems to me to be uncommon indecency.

So I would like to say it is unfair for us to treat Federal employees with discrimination, and, in fact, why should we be taking women backward?

☐ 1200

Mr. LIGHTFOOT. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, obviously this is a difficult debate. The gentlewoman from New York [Mrs. LOWEY], who just spoke, made comments as far as what a woman faces, and I am sure those are difficult. But I stand here today as a product of an orphanage, and someone did not make the decision to have me terminated when I was a fetus, as the law describes it.

So I think there is a lot more to this than just what one individual thinks. In fact, personally, to my knowledge, there has only been one Immaculate Conception, and I think in this whole issue of unwanted pregnancies, we have too long overlooked the responsibility that the man has in the process as well. I think that is something that we should address. This is not the place to do it here today, but I believe it is part of the problem.

What we did with our subcommittee language was basically take the bill back to language that has existed for nearly 10 years, starting back in 1985. We are talking about an elective procedure, an abortion. It is as elective as getting a facelift, it as elective as getting a hair transplant.

We heard the gentleman from Texas [Mr. DOGGETT] refer to it a moment ago as a health care benefit. I have a little difficulty putting this kind of a procedure under a definition as a health care benefit. We look at a health care benefit as something to cure disease. It is a way to pay for cutting out a cancer. It is a way to repair someone that has been damaged in a car wreck or by abuse on our city streets, which brings me to an interesting point as it relates to abortion.

Under the law of the land, if a pregnant woman is en route to an abortionist to have an abortion and is involved in a car accident and the child she is carrying is killed as a result of that accident, the individual responsible for driving the other car is charged with murder. However, had she been allowed to continue that trip to the abortionist, it would have been considered a health care procedure.

Now, there is something very wrong with that picture. That is why I have stayed out of what is a very emotional debate, because it is difficult not to get emotional when you get into this. But I think because it is such a controversial issue, that the majority of the taxpayers, including those who believe that having an abortion is the right way to go, believe we just should not be using any Federal money to promote, to pay for the process.

I know there are a lot of emotional debates that can be made on either side of the argument. But, again, I would just ask my colleagues to look at this from the perspective as it is in our bill, as purely a funding issue we are talking about, and not the merits of it, and would again urge a no vote on the amendment of the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise on this issue as a father, and I want to point out that there has been a lot of emotional debate here. Let us stick to the facts. The facts are stated on page 63 of the bill, line 22. They say, no funds appropriated by this act shall be available to pay with any health care plan, any health care plan.

Now, in the Federal Government we go to the private sector and we ask the private sector to offer health care plans to our employees. Mr. Chairman, in the State of California that you and I represent, companies like Aetna, Cigna, Foundation Health Care, HealthNet, Blue Cross and Blue Shield, Met Life, Kaiser, and Maxicare, on and on, all offer health care plans not only to Federal employees, but to the 6,000 governments that exist in California, all those local governments, school governments, fire departments, water districts, all of those people that have public employees who are also paid by the taxes that pay the Federal Government.

So this issue before us is not the emotional one that you have been hearing debated. It is a contract issue, and it is a discriminatory issue. It essentially says, and this gets back to my point as a father, I buy a plan for my family. My daughter, 16, 17 years old, just became 17 years old, if she visits me here in Washington, gets raped in Washington, what this plan says is the health care plan I buy cannot cover the medical emergency procedures she would need to terminate a pregnancy caused by rape.

That is absurd. That is discriminatory. It does not just discriminate against women, it discriminates against fathers. It discriminates against people who give their life to come work for the Federal Government. And if this were really what you wanted to do, then you would prohibit States, you would prohibit local governments, you would prohibit everybody in the public sector from having such plans. Mr. Chairman, I urge the support of the Hoyer amendment and reject the bill.

Mr. HOYER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have had a debate, and we have talked about an emotional, wrenching issue. Previously, the gentlewoman from Michigan [Ms. RIVERS] said we have a legal medical procedure. You can refer to it however you want. It depends upon your perspective. This is not a taxpayer's issue. CBO says we will pay the same thing for insurance policies with or without this coverage. Our contribution will be the same. The taxpayer will not be asked to pay one additional nickel.

Yes, the taxpayer pays for the Federal health benefit, but the taxpayer also pays for the salary. Who rises here to say that a Federal employee may not spend their salary money as they see fit on legal objectives in this country? Who here rises to say that?

Apparently, Mr. Chairman, nobody rises to say that.

The fact of the matter is, employees, as I said at the beginning of this debate, have a compensation package. It is composed of three parts: Salary, health benefits, and retirement. Who rises here to say that the retirement of a Federal employee, because it comes, obviously, from taxpayers and the Federal Treasury, cannot be spent except in the way that we tell them to do on legal objectives?

That is what this issue is about, the denigration of Federal employees as employees and as citizens of this country. That is what this debate is all about, Mr. Chairman.

The issue of abortion would be raised if we precluded that from being purchased by anybody, Federal employees or others. But that is not what this issue says. It says if a Federal employee is raped or becomes pregnant as a result of incest, that their health care policy cannot cover that. Who here rises to say that that is a policy that we ought to pursue?

Mr. Chairman, I would hope that we could step back from the passion of this issue, of the strongly held convictions and what I believe to be absolutely justifiable perspectives that Members on both sides of this issue have. It is a difficult issue for Government to deal with.

But I think it is not a difficult issue to say that Federal employees will be in the same position as every other American when they purchase a health care policy. Their employer will pay a portion of the premium, they will pay a portion of the premium, and they will select a policy of their choice.

I would hope that we would expunge this language from the bill.

Mr. LIGHTFOOT. Mr. Chairman, to close debate, I yield the balance of my time to the gentleman from New Jersey [Mr. SMITH].

The CHAIRMAN. The gentleman from New Jersey is recognized for 3 minutes.

Mr. SMITH of New Jersey. Mr. Chairman, why all these abortion votes and debates on appropriations bills? It is precisely because unless we affirmatively and explicitly prohibit funding for abortion in a myriad of Federal programs, like the Federal Employees Health Benefits Program, abortion will be paid for with tax funds. The simple fact of the matter is that the abortion industry is like a lamprey, a leech, draining taxpayer funds from the Federal Treasury unless specific language precludes its use.

The underlying bill language offered by the gentleman from Iowa, Chairman LIGHTFOOT, halts the flow of taxpayer funds for this program, and I congratulate him for his courage and very sensitivity to women and children in doing this.

Two earlier speakers suggested that this debate is not about abortion, but surely it is. However, that line of argument has been used in the past when the Hyde amendment was up, it was about economic equity for poor women vis-a-vis rich women. When the D.C. bill came up, it was the home rule question. When the DOD bill comes up, it is military health care.

Mr. Chairman, this amendment is about abortion. Prior to its inclusion back in the early 1980's, the Federal Employees Health Benefits Program paid for 17,000 abortions. That is a lot of children who have died.

Mr. Chairman, children are not property. Children are not objects. I applaud the feminists when they say women should not be treated as objects. But where is the consistency when the pro-abortion feminists turn around and say unborn children can be reduced to per sona non grata, to someone who can be killed, boys and girls, at will?

The Hoyer amendment would fund the deed of abortion, and that is why I think it is so crucial to realize that we are part of that. We are actually paying for the deed if Members were to support the Hoyer amendment. And the abortion methods are gruesome, literal dismemberment of an unborn child, chemical poisoning of children, injections of poisons. Not injections of medicines that are designed to safeguard, help, and nurture the child, but poisons that have only one intent—destroy the baby, bring on labor, and produce that child.

Some years ago I met a young lady, my wife and I, by the name of Nancy Jo Mann, that is her real name, from Iowa. She had a perfectly legal abortion at 5½ months. She talked about it at great length before a House committee. She said, "Once they put the saline in, there is no way to reverse it. For the next hour and a half, I felt my daughter thrash around violently while she was being choked, poisoned, burned, and suffocated to death. I did not know any of this was going to happen. I remember telling my baby, I didn't want to do this. I wished that she could live, and yet she was dying. And I remember her very last kick on her left side. She had no strength left. I tried to imagine us dying that kind of death, a pillow put over us, suffocating. In 4 minutes we would pass out. We would have the fight of passing out. It took her an hour and a half to die."

The Hoyer amendment, make no mistake about it, will fund chemical poisonings like the one that killed Nancy Jo Mann's baby. That is what this is all about, funding the deed. I urge rejection.

Ms. FURSE. Mr. Chairman, we had a bill on this House floor just a month ago that discriminated against women who are serving in our military by denying them the full range of medical services at military hospitals overseas. Now we have another bill before us that discriminates against our women Federal employees.

Women serving the Federal Government deserve the same civil rights as the vast majority of American women whose private insurance plans cover the full range of reproductive health services.

This Treasury/Postal Service appropriations bill contains a discriminatory policy that represents another step in the anti-choice campaign to take away health insurance coverage for abortion for all women. With this bill, anti-choice Members of Congress are attempting to deny comprehensive insurance coverage to more than 1 million women who work for the Federal Government.

Men who work for the Federal Government are able to get the medical services they need. Unfortunately, this bill treats women like second-class citizens.

Singling out abortion for exclusion from health care plans that cover other reproductive health care is harmful to women's health and discriminates against women in public service.

I urge the House to reverse this unfair and unwise decision and move women forward, not down the road to the back alleys.

Mr. TORKILDSEN. Mr. Chairman, I support the Hoyer amendment.

While I oppose Federal funding of abortion, I strongly take issue with the argument that this bill, in fact includes Federal funding. The benefits package offered to Federal employees is the compensation that they received for public service. If we follow the same logic used by those opposed to this amendment, this Congress will soon be dictating how Federal employees spend their paychecks, because their paychecks are—of course—Federal funding. Voting against this amendment will set a dangerous precedent of congressional encroachment into the personal lives of this Nation's employees. Next, we will be mandating that Federal employees buy only domestic consumer goods, or deny them the option of sending their children to private or parochial schools. These edicts are as ridiculous as the one embodied in this bill.

Frankly, I am shocked that the bill's language does not even include a caveat for victims of rape and incest. Where is the language embodied in the current Hyde amendment? It is absolutely unconscionable that this bill does not provide coverage for those who were forced against their will to engage in sexual intercourse. I thank Chairman LIGHTFOOT for expressing the same concern, but I don't feel this House should just leave this issue up to the Conference Committee. Victims of rape and incest deserve the same coverage that beneficiaries of Federal entitlement programs. It is a fundamental matter of fairness.

Ms. NORTON. Mr. Chairman, I rise in strong opposition to the Packard/Dornan amendment to HR 2020, the Treasury, Postal Service, and General Government Appropriations Bill for fiscal year 1996, and in strong support of the Lightfoot substitute amendment. The Packard/Dornan amendment, in seeking to redress a few well-publicized abuses in a few isolated Federal employee training programs, employs a shotgun approach that would preclude Federal employees from receiving potentially lifesaving information regarding the transmission of HIV/AIDS.

HIV/AIDS is the leading killer of Americans age 25–44. Under the Federal Work Place HIV/AIDS Education Initiative, Federal employees are provided with accurate and comprehensive information on how HIV/AIDS is, and equally important in the work place, is not transmitted. This vitally important initiative is protected under the Lightfoot substitute amendment; it is eviscerated under the Packard/Dornan amendment.

Supporters of the Packard/Dornan amendment would lead people to believe that the Federal Government, in offering such HIV/AIDS training, is acting in an extreme or unusual manner. This is not the case. HIV/AIDS prevention and education training is supported by the Centers for Disease Control and Prevention and the American Red Cross. Likewise, a sizable number of Fortune 500 companies such as AETNA Life Insurance Company, RJR Nabisco, Eastman Kodak, IBM and employ HIV/AIDS training in their work places.

I urge my colleagues' strong opposition to the Packard/Dornan amendment and ardent support for the Lightfoot substitute.

The CHAIRMAN. Under the unanimous consent agreement, all time has expired.

The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOYER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 235, not voting 11, as follows:

[Roll No. 526]

AYES—188

Abercrombie
Ackerman
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Berman
Bishop
Boehlert
Bonilla
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Castle
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Coyne
Cramer
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Foglietta
Foley
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Klug
Kolbe
Lantos
Lazio
Levin
Lewis (GA)
Lincoln
Lofgren
Longley
Lowey
Luther
Maloney
Markey
Martinez
Martini
Matsui
McCarthy
McDermott
McHugh
McInnis
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Moran
Morella
Nadler
Neal
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Porter
Pryce
Ramstad
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Spratt
Stokes
Studds
Tanner
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
White
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOES—235

Allard
Archer
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonior
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flanagan
Forbes
Fowler
Fox
Frisa
Funderburk
Gallegly
Gekas
Geren
Gillmor
Goodlatte
Goodling
Goss
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHale
McIntosh
McKeon
McNulty
Metcalf
Mica
Mollohan
Montgomery
Moorhead
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Portman
Poshard
Quillen
Quinn
Radanovich
Rahall
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thornberry
Tiahrt
Traficant
Tucker
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Andrews
Armey
Bryant (TX)
Collins (MI)
Crane
Ford
Hastert
Moakley
Myers
Reynolds
Stark

☐ 1236

The Clerk announced the following pair:

On this vote:

Mr. Andrews for, with Mr. Armey against.

Mr. MARKEY changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HASTERT. Mr. Chairman, on rollcall vote No. 526, I was unavoidably detained. Had I been present, I would have voted "no."

Mr. HOKE. Mr. Chairman, I move to strike the last word to engage the chairman of the committee in a colloquy.

Mr. Chairman, as we know, the Congress has doubled the IRS' budget over the past 10 years, and the agency has actually increased its employment by 20 percent. Yet there are grave concerns that it remains inefficient, mistake-ridden, and is not up to present commercial practices that are being used in private commercial industry today. Few Americans can really say they are impressed by the IRS and that they believe that the agency deserves the raises it has received in recent years.

In fact, on February 16, 1995, the GAO testified before the gentleman's Committee on Appropriations during a hearing on the IRS' tax system modernization program. The GAO outlined many fundamental problems that would prevent the IRS from implementing that TSM, the tax system modernization system.

Among the glaring problems that were found out are a lack of sufficient technical and management expertise and skills to implement it, an inability to take into account changes during the development of TSM, and a lack of development priorities, performance measures, or technical guidelines.

My understanding is that our budget does in fact cut certain aspects of the IRS' budget for the next year, including some of the more invidious, invasive, and frankly, very difficult regulatory processes that they use to torment Americans. Yet, we are increasing the tax processing area of the budget.

What I would like to know, Mr. Chairman, from the chairman, is what exactly is he doing to make sure that the IRS is not going to abuse the trust that we are putting in them with respect to improving their tax processing methods?

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. HOKE. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, I thank the gentleman for yielding.

In fact, Mr. Chairman, one of the provisions that the gentleman will find within the bill relates to tax system modernization. I would even suggest that the gentleman from Maryland [Mr. HOYER] has been interested in this issue as well. What we are basically doing, we are fencing off any money to be used for TSM until the IRS implements a specific plan that follows the recommendations of the General Accounting Office, which has been very critical of the past actions of IRS, and until such time as that plan is submitted with GAO approval, that money is fenced off. They will not get it this year, so it is off limits until they comply.

I also, when we meet with our Senate counterparts, will carry the gentleman's concerns as well as a lot of the other's with us to that particular meeting, and hopefully keep their feet to the fire until we get the bang for the buck, so to speak.

Mr. HOKE. If I can continue with one other line of thinking, Mr. Chairman, and I thank the gentleman for his input on that, another area that is of a great deal of concern to Members and particularly to me has to do with collections, and what we are doing in that area. We have, I believe, a great deal to learn from what other local and State municipalities have done in this area around the country. The fact is that we have, as I understand it, over $100 billion in uncollected funds. It seems to me that the IRS has exemplified a kind of a top-down bludgeon approach to its collection efforts, as opposed to the sorts of efforts that have been very effective in the private sector.

What are we doing here in the Congress to deal with that problem, and are we doing anything that is going to get into privatizing the collection process so that we are not using this kind of overwrought and heavy-handed Federal and law enforcement type of approach?

Mr. LIGHTFOOT. If the gentleman will continue to yield, in the area of tax collections the figure is closer to $400 billion, rather than $100 billion, which could make a huge hole in the deficit, if we could collect that fund. Quite frankly, the tax systems modernization problem feeds into the problem of not collecting the taxes, because the IRS is working with 1950's and 1960's technology out of cardboard boxes, so it all works together.

Mr. HOKE. People who when handling the House Finance Office were also advising the IRS, would the gentleman say?

Mr. LIGHTFOOT. I am not sure of that connection, but what we are providing in the bill is a pilot project wherein we will allow private collectors to go after some of these legitimately owed taxes, but with all the protections that are necessary to protect the taxpayers and the taxpayers' bill of rights, so there is plenty of protection there.

Mr. HOKE. I am glad to hear that, and I thank the gentleman for the colloquy.

Mrs. MORELLA. Mr. Chairman, I move to strike the last word to enter into colloquy with the chairman of the committee.

Mr. Chairman, would section 528 of the bill, I would ask the chairman, alter the current definition of training in chapter 41 of title V in the United States Code? I ask, because this definition places emphasis on training which will improve individual and organizational performance and assist in achieving the agency's mission and performance goals.

Mr. LIGHTFOOT. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. I would like to inform the gentlewoman that it would not, Mr. Chairman. I share her concerns. I think it is important that agencies continue to use their strategic plans and missions as a framework for conducting their training.

Mrs. MORELLA. I am pleased to hear that, and I thank the gentleman.

Ms. NORTON. Mr. Chairman, I move to strike the last word to engage in a colloquy with the gentleman from Iowa.

Mr. Chairman, I rise to express my concern that the Committee on Appropriations has failed to fund the IRS compliance initiative. The House bill calls for a $139 million cut. According to the IRS, this would result in a loss of 8,000 to 10,000 FTE's.

□ 1245

Last year Congress approved a 5-year initiative at a cost of $405 million annually to hire 5,000 compliance personnel at IRS. The IRS predicted that this initiative would bring in $9.2 billion in revenue that would otherwise go uncollected. The IRS has hired or in many cases reassigned the personnel, and CBO and GAO have indicated that the revenue projection targets are on track.

If this compliance initiative is not fully funded this year, IRS employees may have to be RIF'd and revenue owed the U.S. Government will go uncollected. Such shortsightedness would not be tolerated in the private sector, and should be rejected by us as well.

Mr. HOYER. If the gentlewoman will yield, I want to tell the gentlewoman from the District of Columbia that I share her concerns.

Ms. NORTON. I understand that when the bill goes to conference, the gentleman from Maryland [Mr. HOYER] hopes to provide some additional funding for this program.

Mr. HOYER. If the gentlewoman will yield further, very definitely I will seek additional funding for this program. I plan to work with the administration officials, with the gentleman from Iowa [Mr. LIGHTFOOT], the chairman, and the House and Senate conferees in increasing the funding for this initiative.

As the gentlewoman has observed, by cutting the funding for this initiative and stretching it out, we will collect less funds. The reason last year we put this off-budget was because CBO and, in a bipartisan fashion, the Committee on the Budget agreed that this was a moneymaker, not a moneyloser, so that if we do not invest these funds, we will lose in terms of collections.

I share the gentlewoman's view and I will be pursuing that objective in conference.

The CHAIRMAN. Are there any further amendments to title V?

If not, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—GOVERNMENTWIDE GENERAL PROVISIONS

DEPARTMENTS, AGENCIES, AND CORPORATIONS

SECTION 601. Funds appropriated in this or any other Act may be used to pay travel to the United States for the immediate family of employees serving abroad in cases of death or life threatening illness of said employee.

SEC. 602. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1996 shall obligate or expend any such funds, unless such department, agency, or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from the illegal use, possession, or distribution of controlled substances (as defined in the Controlled Substances Act) by the officers and employees of such department, agency, or instrumentality.

SEC. 603. Notwithstanding 31 U.S.C. 1345, any agency, department or instrumentality of the United States which provides or proposes to provide child care services for Federal employees may reimburse any Federal employee or any person employed to provide such services for travel, transportation, and subsistence expenses incurred for training classes, conferences or other meetings in connection with the provision of such services: *Provided*, That any per diem allowance made pursuant to this section shall not exceed the rate specified in regulations prescribed pursuant to section 5707 of title 5, United States Code.

SEC. 604. Unless otherwise specifically provided, the maximum amount allowable during the current fiscal year in accordance with section 16 of the Act of August 2, 1946 (60 Stat. 810), for the purchase of any passenger motor vehicle (exclusive of buses, ambulances, law enforcement, and undercover surveillance vehicles), is hereby fixed at $8,100 except station wagons for which the maximum shall be $9,100: *Provided*, That these limits may be exceeded by not to exceed $3,700 for police-type vehicles, and by not to exceed $4,000 for special heavy-duty vehicles: *Provided further*, That the limits set forth in this section may not be exceeded by more than five percent for electric or hybrid vehicles purchased for demonstration under the provisions of the Electric and Hybrid Vehicle Research, Development, and Demonstration Act of 1976: *Provided further*, That the limits set forth in this section may be exceeded by the incremental cost of clean alternative fuels vehicles acquired pursuant to Public Law 101–549 over the cost of comparable conventionally fueled vehicles.

SEC. 605. Appropriations of the executive departments and independent establishments for the current fiscal year available for expenses of travel or for the expenses of the activity concerned, are hereby made available for quarters allowances and cost-of-living allowances, in accordance with 5 U.S.C. 5922–24.

SEC. 606. Unless otherwise specified during the current fiscal year no part of any appropriation contained in this or any other Act shall be used to pay the compensation of any officer or employee of the Government of the United States (including any agency the majority of the stock of which is owned by the Government of the United States) whose post of duty is in the continental United States unless such person (1) is a citizen of the United States, (2) is a person in the service of the United States on the date of enactment of this Act who, being eligible for citizenship, has filed a declaration of intention to become a citizen of the United States prior to such date and is actually residing in the United States, (3) is a person who owes allegiance to the United States, (4) is an alien from Cuba, Poland, South Vietnam, the countries of the former Soviet Union, or the Baltic countries lawfully admitted to the United States for permanent residence, or (5) South Vietnamese, Cambodian, and Laotian refugees paroled in the United States after January 1, 1975, or (6) nationals of the People's Republic of China that qualify for adjustment of status pursuant to the Chinese Student Protection Act of 1992: *Provided*, That for the purpose of this section, an affidavit signed by any such person shall be considered prima facie evidence that the requirements of this section with respect to his or her status have been complied with: *Provided further*, That any person making a false affidavit shall be guilty of a felony, and, upon conviction, shall be fined no more than $4,000 or imprisoned for not more than one year, or both: *Provided further*, That the above penal clause shall be in addition to, and not in substitution for, any other provisions of existing law: *Provided further*, That any payment made to any officer or employee contrary to the provisions of this section shall be recoverable in action by the Federal Government. This section shall not apply to citizens of Ireland, Israel, the Republic of the Philippines or to nationals of those countries allied with the United States in the current defense effort, or to international broadcasters employed by the United States Information Agency, or to temporary employment of translators, or to temporary employment in the field service (not to exceed sixty days) as a result of emergencies.

SEC. 607. Appropriations available to any department or agency during the current fiscal year for necessary expenses, including maintenance or operating expenses, shall also be available for payment to the General Services Administration for charges for space and services and those expenses of renovation and alteration of buildings and facilities which constitute public improvements performed in accordance with the Public Buildings Act of 1959 (73 Stat. 749), the Public Buildings Amendments of 1972 (87 Stat. 216), or other applicable law.

SEC. 608. In addition to funds provided in this or any other Act, all Federal agencies are authorized to receive and use funds resulting from the sale of materials recovered through recycling or waste prevention programs. Such funds shall be available until expended for the following purposes:

(1) Acquisition, waste reduction and prevention and recycling programs as described in Executive Order 12873 (October 20, 1993), including any such programs adopted prior to the effective date of the Executive Order.

(2) Other Federal agency environmental management programs, including but not limited to, the development and implementation of hazardous waste management and pollution prevention programs.

(3) Other employee programs as authorized by law or as deemed appropriate by the head of the Federal agency.

SEC. 609. Funds made available by this or any other Act for administrative expenses in the current fiscal year of the corporations and agencies subject to chapter 91 of title 31, United States Code, shall be available, in addition to objects for which such funds are otherwise available, for rent in the District of Columbia; services in accordance with 5 U.S.C. 3109; and the objects specified under this head, all the provisions of which shall be applicable to the expenditure of such funds unless otherwise specified in the Act by which they are made available: *Provided*, That in the event any functions budgeted as administrative expenses are subsequently transferred to or paid from other funds, the limitations on administrative expenses shall be correspondingly reduced.

SEC. 610. No part of any appropriation for the current fiscal year contained in this or any other Act shall be paid to any person for the filling of any position for which he or she has been nominated after the Senate has voted not to approve the nomination of said person.

SEC. 611. Any department or agency to which the Administrator of General Services has delegated the authority to operate, maintain or repair any building or facility pursuant to section 205(d) of the Federal Property and Administrative Services Act of 1949, as amended, shall retain that portion of the GSA rental payment available for operation, maintenance or repair of the building or facility, as determined by the Administrator, and expend such funds directly for the operation, maintenance or repair of the building or facility. Any funds retained under this section shall remain available until expended for such purposes.

SEC. 612. Pursuant to section 1415 of the Act of July 15, 1952 (66 Stat. 662), foreign credits (including currencies) owed to or owned by the United States may be used by Federal agencies for any purpose for which appropriations are made for the current fiscal year (including the carrying out of Acts requiring or authorizing the use of such credits), only when reimbursement therefor is made to the Treasury from applicable appropriations of the agency concerned: *Provided*, That such credits received as exchanged allowances or proceeds of sales of personal property may be used in whole or part payment for acquisition of similar items, to the extent and in the manner authorized by law, without reimbursement to the Treasury.

SEC. 613. No part of any appropriation contained in this or any other Act shall be available for interagency financing of boards, commissions, councils, committees, or similar groups (whether or not they are interagency entities) which do not have a prior and specific statutory approval to receive financial support from more than one agency or instrumentality.

SEC. 614. Funds made available by this or any other Act to the "Postal Service Fund" (39 U.S.C. 2003) shall be available for employment of guards for all buildings and areas owned or occupied by the Postal Service and under the charge and control of the Postal Service, and such guards shall have, with respect to such property, the powers of special policemen provided by the first section of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318), and, as to property owned or occupied by the Postal Service, the Postmaster General may take the same actions as the Administrator of General Services may take under the provisions of sections 2 and 3 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318a, 318b), attaching thereto penal consequences under the authority and within the limits provided in section 4 of the Act of June 1, 1948, as amended (62 Stat. 281; 40 U.S.C. 318c).

SEC. 615. None of the funds made available pursuant to the provisions of this Act shall be used to implement, administer, or enforce any regulation which has been disapproved pursuant to a resolution of disapproval duly adopted in accordance with the applicable law of the United States.

SEC. 616. (a) Notwithstanding any other provision of law, and except as otherwise provided in this section, no part of any of the funds appropriated for the fiscal year ending on September 30, 1996, by this or any other Act, may be used to pay any prevailing rate employee described in section 5342(a)(2)(A) of title 5, United States Code—

(1) during the period from the date of expiration of the limitation imposed by section 617 of the Treasury, Postal Service and General Government Appropriations Act, 1995, until the normal effective date of the applicable wage survey adjustment that is to take effect in fiscal year 1996, in an amount that exceeds the rate payable for the applicable grade and step of the applicable wage schedule in accordance with such section 617; and

(2) during the period consisting of the remainder of fiscal year 1996, in an amount that exceeds, as a result of a wage survey adjustment, the rate payable under paragraph (1) by more than the sum of—

(A) the percentage adjustment taking effect in fiscal year 1996 under section 5303 of title 5, United States Code, in the rates of pay under the General Schedule; and

(B) the difference between the overall average percentage of the locality-based comparability payments taking effect in fiscal year 1996 under section 5304 of such title (whether by adjustment or otherwise), and the overall average percentage of such payments which was effective in fiscal year 1995 under such section.

(b) Notwithstanding any other provision of law, no prevailing rate employee described in subparagraph (B) or (C) of section 5342(a)(2) of title 5, United States Code, and no employee covered by section 5348 of such title, may be paid during the periods for which subsection (a) is in effect at a rate that exceeds the rates that would be payable under subsection (a) were subsection (a) applicable to such employee.

(c) For the purposes of this section, the rates payable to an employee who is covered by this section and who is paid from a schedule not in existence on September 30, 1995, shall be determined under regulations prescribed by the Office of Personnel Management.

(d) Notwithstanding any other provision of law, rates of premium pay for employees subject to this section may not be changed from the rates in effect on September 30, 1995, except to the extent determined by the Office of Personnel Management to be consistent with the purpose of this section.

(e) This section shall apply with respect to pay for service performed after September 30, 1995.

(f) For the purpose of administering any provision of law (including section 8431 of title 5, United States Code, and any rule or regulation that provides premium pay, retirement, life insurance, or any other employee benefit) that requires any deduction or contribution, or that imposes any requirement or limitation on the basis of a rate of salary or basic pay, the rate of salary or basic pay payable after the application of this section shall be treated as the rate of salary or basic pay.

(g) Nothing in this section shall be considered to permit or require the payment to any employee covered by this section at a rate in excess of the rate that would be payable were this section not in effect.

(h) The Office of Personnel Management may provide for exceptions to the limitations imposed by this section if the Office determines that such exceptions are necessary to ensure the recruitment or retention of qualified employees.

SEC. 617. During the period in which the head of any department or agency, or any other officer or civilian employee of the Government appointed by the President of the United States, holds office, no funds may be obligated or expended in excess of $5,000 to furnish or redecorate the office of such department head, agency head, officer or employee, or to purchase furniture or make improvements for any such office, unless advance notice of such furnishing or redecoration is expressly approved by the Committees on Appropriations of the House and Senate. For the purposes of this section, the word "office" shall include the entire suite of offices assigned to the individual, as well as any other space used primarily by the individual or the use of which is directly controlled by the individual.

SEC. 618. Notwithstanding any other provision of law, no executive branch agency shall purchase, construct, and/or lease any additional facilities, except within or contiguous to existing locations, to be used for the purpose of conducting Federal law enforcement training without the advance approval of the House and Senate Committees on Appropriations.

SEC. 619. (a) No amount of any grant made by a Federal agency shall be used to finance the acquisition of goods or services (including construction services) unless the recipient of the grant agrees, as a condition for the receipt of such grant, to—

(1) specify in any announcement of the awarding of the contract for the procurement of the goods and services involved (including construction services) the amount of Federal funds that will be used to finance the acquisition; and

(2) express the amount announced pursuant to paragraph (1) as a percentage of the total costs of the planned acquisition.

(b) The requirements of subsection (a) shall not apply to a procurement for goods or services (including construction services) that has an aggregate value of less than $500,000.

SEC. 620. Notwithstanding section 1346 of title 31, United States Code, funds made available for fiscal year 1996 by this or any other Act shall be available for the interagency funding of national security and emergency preparedness telecommunications initiatives which benefit multiple Federal departments, agencies, or entities, as provided by Executive Order Numbered 12472 (April 3, 1984).

SEC. 621. Notwithstanding any provisions of this or any other Act, during the fiscal year ending September 30, 1996, and hereafter, any department, division, bureau, or office may use funds appropriated by this or any other Act to install telephone lines, and necessary equipment, and to pay monthly charges, in any private residence or private apartment of an employee who has been authorized to work at home in accordance with guidelines issued by the Office of Personnel Management: *Provided*, That the head of the department, division, bureau, or office certifies that adequate safeguards against private misuse exist, and that the service is necessary for direct support of the agency's mission.

SEC. 622. (a) None of the funds appropriated by this or any other Act may be obligated or expended by any Federal department, agency, or other instrumentality for the salaries or expenses of any employee appointed to a position of a confidential or policy-determining character excepted from the competitive service pursuant to section 3302 of title 5, United States Code, without a certification to the Office of Personnel Management from the head of the Federal department, agency, or other instrumentality employing the Schedule C appointee that the Schedule C position was not created solely or primarily in order to detail the employee to the White House.

(b) The provisions of this section shall not apply to Federal employees or members of the armed services detailed to or from—

(1) the Central Intelligence Agency;

(2) the National Security Agency;

(3) the Defense Intelligence Agency;

(4) the offices within the Department of Defense for the collection of specialized national foreign intelligence through reconnaissance programs;

(5) the Bureau of Intelligence and Research of the Department of State;

(6) any agency, office, or unit of the Army, Navy, Air Force, and Marine Corps, the Federal Bureau of Investigation and the Drug Enforcement Administration of the Department of Justice, the Department of Transportation, the Department of the Treasury, and the Department of Energy performing intelligence functions; and

(7) the Director of Central Intelligence.

SEC. 623. No department, agency, or instrumentality of the United States receiving appropriated funds under this or any other Act for fiscal year 1996 shall obligate or expend any such funds, unless such department, agency or instrumentality has in place, and will continue to administer in good faith, a written policy designed to ensure that all of its workplaces are free from discrimination and sexual harassment and that all of its workplaces are not in violation of title VII of the Civil Rights Act of 1964, as amended, the Age Discrimination in Employment Act of 1967, and the Rehabilitation Act of 1973.

SEC. 624. No part of any appropriation contained in this Act may be used to pay for the expenses of travel of employees, including employees of the Executive Office of the President, not directly responsible for the discharge of official governmental tasks and duties: *Provided*, That this restriction shall not apply to the family of the President, Members of Congress or their spouses, Heads of State of a foreign country or their designee(s), persons providing assistance to the President for official purposes, or other individuals so designated by the President.

SEC. 625. Notwithstanding any provision of law, the President, or his designee, must certify to Congress, annually, that no person or persons with direct or indirect responsibility for administering the Executive Office of the President's Drug-Free Workplace Plan are themselves subject to a program of individual random drug testing.

SEC. 626. (a) Beginning in fiscal year 1996 and thereafter, for each Federal agency, except the Department of Defense (which has separate authority), an amount equal to 50 percent of—

(1) the amount of each utility rebate received by the agency for energy efficiency and water conservation measures, which the agency has implemented; and

(2) the amount of the agency's share of the measured energy savings resulting from energy-savings performance contracts

may be retained and credited to accounts that fund energy and water conservation activities at the agency's facilities, and shall remain available until expended for additional specific energy efficiency or water conservation projects or activities, including improvements and retrofits, facility surveys, additional or improved utility metering, and employee training and awareness programs, as authorized by section 152(f) of the Energy Policy Act (Public Law 102-486).

(b) The remaining 50 percent of each rebate, and the remaining 50 percent of the amount of the agency's share of savings from energy-savings performance contracts, shall be transferred to the General Fund of the Treasury at the end of the fiscal year in which received.

SEC. 627. Notwithstanding any other provision of law, there is hereby established a Commission which shall be known as the "Commission on Federal Mandates" (hereafter referred to as the "Commission"): *Provided*, That the Commission shall be composed of nine Members appointed from individuals who possess extensive leadership experience in and knowledge of State, local, and tribal governments and intergovernmental relations, including State and local elected officials, as follows: (1) three Members appointed by the Speaker of the House of Representatives, in consultation with the minority leader of the House of Representatives; (2) three Members appointed by the majority leader of the Senate, in consultation with the minority leader of the Senate: and (3) three Members appointed by the President: *Provided further*, That appointments may be made under this section without regard to section 5311(b) of title 5, United States Code: *Provided further*, That in general, each member of the Commission shall be appointed for the life of the Commission and a vacancy in the Commission shall be filled in the manner in which the original appointment was made: *Provided further*, That (1) Members of the Commission shall serve without pay; (2) Members of the Commission who are full-time officers or employees of the United States may not receive additional pay, allowances or benefits by reason of their service on the Commission; and (3) Each Member of the Commission may receive travel expenses, including per diem in lieu of subsistence, in accordance with sections 5702 and 5703 of title 5, United States Code: *Provided further*, That the Commission shall convene its first meeting by not later than 15 days after the date of the completion of appointment of the Members of the Commission: *Provided further*, That the Commission shall report on Federal mandates as specified in sections 302 (a), (c), (d), (e), and (f) of Public Law 104-4: *Provided further*, That the Commission shall have all authorities specified under section 303 of Public Law 104-4: *Provided further*, That the term "Federal mandate" shall have the same meaning as specified in section 305 of Public Law 104-4, notwithstanding sections 3 and 4 of that law: *Provided further*, That the Commission shall terminate 90 days after making the final report identified above.

AMENDMENT OFFERED BY MR. DUNCAN

Mr. DUNCAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DUNCAN: Page 84, after line 17, insert the following new section:

SEC. 628. The amounts otherwise provided in this Act under the heading "General Services Administration—Federal Buildings Fund—Limitations on Availability of Revenue" for the following purposes are each reduced by $65,764,000:

(1) Aggregate amount available from the Fund.

(2) Total amount available from the Fund for construction of additional projects.

(3) Amount available for new construction, Maryland, Montgomery and Prince George's Counties, Food and Drug Administration, Phase II.

(4) Amount in excess of which revenues and collections accruing to the Fund shall remain in the Fund.

Mr. DUNCAN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 30 minutes, with the time being equally divided between the gentleman from Tennessee [Mr. DUNCAN] and the gentleman from Maryland [Mr. HOYER].

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The gentleman from Tennessee [Mr. DUNCAN] will be recognized for 15 minutes, and the gentleman from Maryland [Mr. HOYER] will be recognized for 15 minutes.

The Chair recognizes the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment that will strike $65 million from the General Services Administration for the purchase of 100 acres of land and for the design and new construction, or at least the beginning thereof, of yet another building for the Food and Drug Administration.

The Citizens for a Sound Economy have strongly endorsed this amendment in a letter that I sent to all of my colleagues yesterday. This amendment is also endorsed by the National Taxpayers Union. The Citizens Against Government Waste so strongly opposes this project that they have announced that they will score this amendment as a key vote for their 1995 congressional ratings.

I serve, Mr. Chairman, on the Subcommittee on Public Buildings and Economic Development, and we did not authorize this building. It has never been in front of our subcommittee.

The main point I want to emphasize is, this could turn out to be a very, very expensive project. Not only will this amendment save $65 million now, but it will also help stop what potentially could involve over $1 billion for a project in Maryland which has been referred to as a Taj Mahal complex.

In 1990, the FDA requested appropriations for a new complex of buildings. The original cost estimates from the GSA and the FDA for these buildings was $1.3 billion. In response to great concern over lavish and excessive Federal construction, the GSA reduced this estimate to somewhere between $810 and $890 million.

I believe, Mr. Chairman, that we are starting down a very slippery slope here. In a few years we could well be reading articles about the billion dollar FDA boondoggle, and Members would wonder how in the world we ever got into such a thing. Well, this is the start.

If we really want to save money, we need to put a stop to this project right now. The FDA already has 2.1 million total square feet of office space. The original plans for the new FDA complex of buildings called for 3.4 million square feet in size, a 1.3 million square footage increase, a 60-percent increase at a time when the entire Federal Government is supposed to be downsizing.

Recognizing that so much change is going to take place at the FDA in the near future, and because this body viewed the original proposed FDA complex as excessive and wasteful, Congress wisely rescinded over $220 million from their plan to build this complex in the rescissions bill. Now we come to the floor today to debate $65 million for a new building toward a defunded complex that is wasteful and fiscally irresponsible at a time when Congress is trying to downsize the Federal Government.

This is $65 million, Mr. Chairman, on top of the $64 million that was left in the rescissions bill to complete the construction of facilities for a brand new FDA Center for Veterinary Medicine, also in Prince Georges County. We have already left in one $64 million, and now here we are with another $65 million.

There have never been hearings held on this building in the Committee on Transportation and Infrastructure. A prospectus has never been submitted to tell us how big the building will be, how much it will cost or even the exact location. This project can turn out to be a very, very expensive item. I strongly believe that any new construction should be gone over with a fine-toothed comb before it is approved, but it has not been done in this case.

A series of hearings has been held in the Committee on Commerce addressing some of these very serious problems. Later this summer, the Committee on Commerce is planning to debate an FDA reform bill that should fundamentally reform the way this agency operates. I understand that our colleagues in the Senate are working on a legislative package to reform the agency, as well.

The FDA's workload and mission could change substantially if FDA reform is enacted as expected. The taxpayer, though, could be stuck with some new and expensive buildings in Maryland, without an agency to fill them, if the agency is downsized and reformed and its mission is changed.

At a time when the Federal Government is downsizing, you would think that all agencies would be decreasing their requests. This request should outrage every taxpayer in America.

The FDA should be greatly reformed. It should be greatly downsized. It should stay where it is, certainly until a thorough review of the agency can be done. With the national debt approaching $5 trillion, Mr. Chairman, we should not be spending exorbitant amounts of money like this to build plush headquarters for FDA bureaucrats.

I know, Mr. Chairman, that our gigantic unelected Federal bureaucracy is by far the most powerful branch of our Federal Government. They get most of what they want. In the end they will probably get all of these new buildings. But this is one time we should stand up for the taxpayers, Mr. Chairman, and we should stand up to the bureaucrats and we should say "no" for this proposed new construction. I urge passage of my amendment.

Mr. Chairman, I reserve the balance of my time.

AMENDMENT OFFERED BY MR. GILCHREST TO THE AMENDMENT OFFERED BY MR. DUNCAN

Mr. GILCHREST. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. GILCHREST to the amendment offered by Mr. DUNCAN: In the matter proposed to be inserted by the amendment, add at the end the following:

The preceding provisions shall not apply if a prospectus has been approved pursuant to the Public Buildings Act of 1959 for the project described in clause (3).

Mr. GILCHREST (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

The CHAIRMAN. The gentleman from Maryland [Mr. GILCHREST] will have to get time from the gentleman from Maryland [Mr. HOYER] or the gentleman from Tennessee [Mr. DUNCAN] under the unanimous-consent agreement.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, I understand what the gentleman from Tennessee is trying to do and I understand why he is trying to do it. I believe that my amendment will serve the gentleman's goals, but I do not believe that we should kill the FDA consolidation program at this point because that in the long run will cost much more money.

My amendment will prohibit any outlays from the Public Buildings Fund until such time as a prospectus for the FDA project is passed. I am aware that the Committee on Commerce intends to exercise its oversight functions over the FDA, and that the committee may decide to change FDA in such a manner that the campus consolidation will no longer be necessary.

As the chairman of the Subcommittee on Public Buildings and Economic Development, I would have no intention of scheduling a markup on such a prospectus until the Committee on Commerce has had time to review the FDA consolidation. The gentleman from Tennessee, who is a member of the subcommittee, will have ample opportunity to make himself heard on this subject and on the effect of the prospectus.

As the gentleman knows, our subcommittee and the full committee have decided to get tough on public buildings. We have already established a moratorium on courthouse construction and we will be looking at the cost of construction on other projects.

If the prospectus for the FDA project in Maryland indicates that we are building a Taj Mahal, then I will work with the gentleman to modify the prospectus or to outright kill the project. But if we want FDA to function more efficiently, and I think we all want that to happen, then it makes sense to consolidate its functions.

We have all heard complaints about how long it takes for the FDA to process an application. Is it any surprise that an agency which is scattered over 22 separate locations is inefficient? If we do not consolidate the FDA, then we will continue to waste money on aging and inadequate leased space. Here is something else: The Federal Government will save money if we own the land and own the building instead of continuing to lease inefficient buildings and costly space.

The other thing is, there is a strong possibility that we will save, if we continue to move forward, large sums of money with the base closing of White Oak, a naval facility in Maryland. The FDA consolidation can move most if not all of these new buildings to the White Oak area, which is what the FDA is looking for, 150 acres.

White Oak will save us millions of dollars, and we will own the land if we move forward now.

I agree with the gentleman, while the FDA consolidation is technically authorized, it is wrong that our subcommittee has never been given the opportunity to exercise its oversight of public buildings and grounds on this project.

If the Duncan amendment goes through, if it is successful, the Committee on Transportation and Infrastructure will never be able to rule on a prospectus for the FDA.

I promise the gentleman from Tennessee that our subcommittee will exercise rigorous oversight of the project and that the Committee on Commerce will have a chance to exercise their oversight as well.

I encourage people to vote for the amendment to the amendment.

Mr. DUNCAN. Mr. Chairman, I understand that we are supposed to debate both my amendment and the Gilchrest amendment at the same time.

Mr. Chairman, I yield 4 minutes to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING of Kentucky. Mr. Chairman, I rise today in support of the Duncan amendment to eliminate the funding for Kessler's Clarksburg castle. The FDA lacks many things but it does not lack office space.

Testimony before the Treasury/Postal Subcommittee clearly indicated that the FDA does not need a new campus to carry out its mission.

Accordingly to the testimony, the FDA has added 23 new buildings to its inventory since 1987. But the FDA argues that it needs more new facilities to further inter-center communication.

Give me a break. Maybe David Kessler hasn't heard of the Internet but Congress has already provided the FDA with state-of-the-art computers that allow its scientists to talk with each other on the net.

The fact of the matter is that Dr. Kessler is the stereotypical out-of control Washington bureaucrat who is certain that he knows better how to spend the taxpayers' money than they do. After all, he has been dubbed "The National Nanny".

The FDA even used the stereotypical studies to decide that they absolutely had to have this campus.

FDA turned down a 400-acre site near Rockville which already has a Metro station and it rejected a similar-size site near the FDA headquarters in Germantown.

Their studies showed that the cost would be between $300 million and $500 million of the taxpayers' dollars and now the cost has grown to $810 million.

To paraphrase Lady Margaret Thatcher: David Kessler has the bureaucrat's disease; he has run out of other people's money to spend.

Well, Mr. Chairman, this is real money that Dr. Kessler wants. And, it comes out of the pockets of the hardworking American taxpayer.

Fortunately, the Appropriations Committee did not fully fund the cost of this project; it provided only the seed money.

But, to the extent that it is funded at all, the more likely it is that we will ultimately end up paying the full inflated cost for this boondoggle.

We all know the routine. Make the initial investment and then it becomes impossible to stop the project even if it isn't justified.

Once we start, we have to keep spending under the guise of protecting our investment.

In Washington logic, even if we don't need Kessler's castle, it would be a waste of money to stop the project after we have purchased land, drawn up plans and maybe even broken ground.

Outside of Washington they think differently. They call this type of foolishness by its real name: waste, throwing good money after bad.

I for one don't buy the Washington logic. We need to practice a little common sense around here.

Unfortunately, the Kessler-led FDA has not been accused of committing common sense on this project.

Any funding of Kessler's castle just does not make sense.

As Dr. Edward Hudgins, the director of regulatory studies at the Cato institute, said in his testimony before the Appropriations Committee:

> The further the plans proceed for this new FDA facility, the tighter fiscal waste and bad policies will be locked into place, even if cuts and reforms are called for.

Let's do the smart thing. Vote to eliminate funding for Kessler's castle. Support the Duncan amendment.

□ 1300

Mr. HOYER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in support of the Gilchrest amendment to the Duncan amendment. Mr. GILCHREST is the chair of the subcommittee that has jurisdiction over this project. The gentleman said that it was technically authorized. I do not know what "technically" is, but it is authorized, but it has not had a prospectus. I support the gentleman's amendment.

Let me say something about the Taxpayers Union, let me say something about waste to the gentleman from Kentucky [Mr. BUNNING], my friend. The fact of the matter is that this consolidation was approved by the Bush administration, proposed by an appointee of President Bush's administration, not by Democrats.

Mr. Chairman, I support their proposal and I would ask the gentleman from Tennessee [Mr. DUNCAN] to listen to this, because I believe the gentleman from Tennessee must know that this proposal, long-term, saves the taxpayers at least a billion dollars.

The fact of the matter is that this consolidation is bringing together two components. This money deals with the component I suggest to my friends from Tennessee and Kentucky, that is not controversial. The testimony that the gentleman referred to before our committee by C. Boyden Gray, the former counsel to the previous Republican administration, said that this matter was not controversial. The Cato Institute also said that. Why? Because it is the drug component with which this money really does not deal that is the controversy.

The food component was determined to be in Prince Georges County because of its proximity to the Beltsville Agricultural Research Center, the premier agricultural research center in the world. And it made sense to put in proximity the food research scientists and the food safety scientists and so that is what they proposed.

What the Gilchrest amendment says is, Mr. DUNCAN's point was made, our committee ought to look at this. I agree with Mr. GILCHREST. That is correct.

But let there be no mistake, the Taxpayers Union may score this and they will be wrong. They will be wrong because to consolidate FDA saves at least, over the next 30 years, at least $1 billion. This is a savings. I urge my colleagues to vote for the Gilchrest amendment and against the Duncan amendment.

Mr. DUNCAN. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from North Carolina [Mr. BURR].

Mr. BURR. Mr. Chairman, like the gentleman from Maryland [Mr. HOYER], I would like to consolidate FDA, but I would like to do it in a different way; through reducing the number of employees in an agency that is a misguided agency. It has grown well beyond its established limits under the Federal Food, Drug and Cosmetic Act. It is unconscionable that we would consider funding $64 million toward a new building to encourage continued growth of an agency that brags about the fact that it is "getting new regulations out faster than ever before."

Under Commissioner Kessler, the FDA has all but abandoned its core mission, the timely approval of drugs and medical devices. Earlier this year they admitted to a congressional subcommittee that they are still sitting on food additive petitions filed as early as March of 1971, for reasons nobody knows. The law requires that these petitions must be reviewed in 180 days or less.

The FDA is requesting additional user fees and funding dollars. At the same time, their average drug approval time is an outrageous 14.8 years. Many medical devices take more than twice as long to approve in the United States then in the United Kingdom—hardly a country known for unsafe product approvals.

The FDA's funding has increased by 237 percent since 1970. Their employment levels have increased by 106 percent. Meanwhile, in the past 5 years the review of 510(k) device applications takes 156 percent longer yet the number of applications they have received has only increased by 12 percent.

So how is Dr. Kessler spending the taxpayer's money? He is seizing orange juice clearly labeled as made from concentrate, just because its brand name included the word "fresh." He has also sent his inspectors to lead police on a raid against sellers of vitamins and health food supplements. He has conducted a campaign against letting doctors and researchers know how drugs might be used for treatments not specifically mentioned on the label.

At a time when we are addressing the need for comprehensive reform and overhaul of the FDA, it seems inconsistent and irresponsible to even consider appropriating funds for a new FDA building. This is an agency that needs to be reigned in—not build up. Let's wait to see what the new and improved FDA looks like after we pass comprehensive reform legislation before we spend $64 million on a new FDA building.

I urge strong support of the Duncan amendment, Mr. Chairman, don't encourage the FDA to live any larger.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I rise to concur with and support the Gilchrest amendment to Duncan. I think it makes good sense.

Here is what we know. No. 1, leasing space is expensive. This proposal by the gentleman from Tennessee [Mr. DUNCAN] could cost us almost $2 billion more than the proposal that we have before us. By obtaining space, we actually save money.

Second, FDA does a lot of important functions. Now, I have heard the term "bureaucrat" thrown around with derision. I take exception to that, because these are scientists that perform vital functions. And while apparently some of my colleagues have a real problem with Dr. Kessler, I would submit that the consumers are very interested in maintaining a high quality FDA.

This consolidation makes sense. There have been revisions to reduce the cost. There is now a new option in Montgomery County to consider the White Oak facility previously owned by the Navy. That would further reduce costs. We have reduced the acreage in this proposal. We have reduced the square footage in this proposal. We have reduced the total dollar cost. We can do this efficiently and save the taxpayers money.

Mr. DUNCAN. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. BOEHNER], the distinguished chairman of our conference.

Mr. BOEHNER. Mr. Chairman, let me say that on November 8, the American people said pretty clearly that they want this new Congress to reduce the size, scope, and cost of Government here in Washington, DC.

At a time when we are going to do that, we have been doing it all year and we are going to keep doing it, why do we want to invest more money in building facilities that are, frankly, never going to be used?

We are not going to need some of these buildings here in town. As we go through this downsizing over the next couple of years, we will have ample room for the FDA, what is left of it, to be consolidated in some other empty buildings. We should not be investing money in buildings we are never going to use.

Mr. DUNCAN. Mr. Chairman, I yield 30 seconds to the gentleman from Oklahoma [Mr. COBURN], a medical doctor.

Mr. COBURN. Mr. Chairman, I rise to support this amendment. I think the FDA is an example of a Government agency totally out of control, with lack of responsiveness to the oversight functions of Congress. We do not get appropriate answers. We do not get answers to the questions we ask when we inquire of them, and I am part of a faction, a group of new freshmen who plan to see a completely different FDA in the next 2 or 3 years.

It is ridiculous to spend money on a building that we are never going to allow the FDA to occupy, and I stand to oppose this. I think it is important that we look at what the FDA is going to look like after this time.

Mr. HOYER. Mr. Chairman, I yield myself 30 seconds.

The building that the doctor refers to, with all due respect to the doctor, there is not a "the building." There is, I think, a real controversy, and the gentlewoman from Maryland will perhaps discuss this, about a building that was proposed in Montgomery County. Most of this money does not go there. Most of this money goes to a building for the food component of FDA.

I would hope that my colleagues would get their facts straight before opposing the gentleman's amendment.

Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from Tennessee for this time to speak on behalf of his amendment and say with all due respect to my friend from Maryland [Mr. HOYER] that, no, now is not the time for a prospectus.

You see, Mr. Chairman, there has been a long period of time where prudent study could have been done of this building. And just to amplify what my friend from Tennessee said, the prospectus was never done during the course of this time to answer the most basic questions: How big this building was going to be; how much it would cost or even the exact location. Today we are hearing some information on this, and then we heard all about consolidation.

My other friend from Maryland talked about the fact that it might save a billion dollars over the next 30 years. Mr. Chairman, we have had funding estimates on this consolidation. They have ranged from $500 million to $1.3 billion. The cost is now estimated at $810 million. Mr. Chairman, let me emphasize the word "estimated." We do not know. The cost will probably go higher.

Mr. Chairman, it is time for the FDA to perform its core mission. It does not need any further facilities. Yes to Duncan, no to Gilchrest.

Mr. HOYER. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would say to my friend from Arizona, that may sound good, but it is not accurate, and I would be glad to discuss it with the gentleman. The fact of the matter is this is a Bush administration-Reagan administration initiative. So we understand one another, this is a previous Republican administration initiative. The fact of the matter is, this figure has gone up and down under both administrations.

Mr. DUNCAN. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Chairman, I rise in support of the Duncan amendment.

Mr. Chairman, the FDA is having a terrible time just taking care of its business. Drugs and lifesaving devices take longer to be approved than they did 30 years ago. I think it is time to support taxpayers for a change. You know, people have died because they could not outwait the FDA.

Now we have before us a $65 million appropriation for a new FDA campus. Even more frightening, the latest estimate for the consolidation of this fine agency has risen from $388 million to more than $800 million.

The FDA has already added two dozen new buildings since 1987. Its budget has risen about $600 million to nearly $800 million.

My colleagues have supplied plenty of other details about this agency run amok. There are plenty of them.

Mr. Chairman, the size, cost, and intrusiveness of big government is finally beginning to shrink. People will soon be able to keep more of their own money. Now is not the time to reward an incompetent, arrogant, agency with a brandnew 500-acre campus.

□ 1315

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding me this time.

You know, I care about the taxpayers and, frankly, if you care about the taxpayers, you are going to vote for the Gilchrest amendment, simple as that.

Food and Drug Administration has a unique and a vital mission. The FDA regulates products which impact virtually every aspect of our lives from cosmetics to canned vegetables to lifesaving drugs. It oversees the Nation's blood supply, monitors over-the-counter painkillers, tests products from pocket-sized pacemakers to $2 million imaging scanners.

Currently, my friends, FDA is scattered over 37 buildings in 13 separate locations in Montgomery and Prince Georges Counties and in Washington. It leads to great inefficiencies.

Also, many of the lab facilities are unsafe and antiquated. As a matter of fact, there have been a series of stories years ago on this which indicated some very dilapidated labs, even rat-infested, that would not pass OSHA reform measures. This is where these tests are taking place.

I want you to know this consolidation is a long time in coming, much longer than many of the Members who are in this House of Representatives, because, frankly, it started in 1989, when there was a consolidation feasibility study which indicated the need for consolidation, and then it went on. The Revitalization Act did an authorization, and in 1991 the decision was made to do it on two campuses, Prince Georges County and Montgomery County.

What it indicated is the site in Prince Georges County would be the center for veterinary medicine, research facilities that already began construction, and it would be the center for food safety and applied nutrition. In Montgomery County would be the center for drug evaluation and research, devices and radiological health, the center for biologics evaluation and research, and the office of the Commissioner, very modest.

I want you to know, my friends, that actually the plan of FDA and GSA would actually save taxpayers in excess of $3 billion to $4 billion over a 30-year period, making the investment in new facilities a very sound economic choice. It will provide the appropriate laboratory space, modestly presented for these efficiencies to take place.

The management of the agency staff and programs will be less complicated. Resources will be easier to manage. Centralization functions, such as warehousing, libraries, EDP equipment, animal care, et cetera, will save money, greatly improve efficiency.

Ground has already been broken for Prince Georges County. The Montgomery County plan is intact. It will save money. It is going to help with what is most needed, and that is the Food and Drug Administration able to make these decisions.

One final point is: I do understand there is concern of those who called for FDA reform saying there is a belief the agency should be less burdensome, et cetera. These need to be addressed, but not here. We are talking about consolidation of the equipment.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Chairman, does the gentleman from Tennessee have the right to close on his amendment?

The CHAIRMAN. No; the gentleman from Maryland has the right to close because he is representing the committee's position.

Mr. HOYER. Mr. Chairman, I yield 1½ minutes to my friend, the gentleman from Maryland [Mr. GILCHREST], chairman of the authorizing committee.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time.

I would like to give an analogy here as to what we are doing and people saying we are saving money or we are not saving money. Try to imagine that you have a 1965 Chevrolet pickup, eight cylinders, that you are renting, you are leasing. You do not own it. It is 1995, and you are having all kinds of problems. You are running on seven cylinders instead of eight cylinders, you have bald tires, you have a leaky engine with oil, and you name it, and you are going to keep it and you think you are going to save money with fuel and repairs. It does not work that way.

The FDA is operating out of buildings that were old chicken houses. They are operating in 22 different facilities that are breaking down.

If we want to save money, if we want to do something about the scatter of buildings, then it is time that we consolidate it in a state-of-the-art facility rather than use the 22 old buildings.

I would encourage people to understand that if we continue the way we are going now, we are throwing good money after bad. We are wasting taxpayers' dollars.

If we want to save tax dollars, then we ought to let the authorizing committee decide whether or not FDA's program is good, not run this thing through the appropriations. Let us do it in the authorizing committee.

If we want a food advocate petition to go through faster, we need the consolidation. If we want medical applications processed faster, we want a new consolidation. If we want to own the property that costs less rather than continue to lease property which costs more, we need to consolidate. Think about the 1965 Chevrolet pickup and a new one.

Mr. HOYER. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. LIGHTFOOT], the chairman of the subcommittee.

Mr. LIGHTFOOT. Mr. Chairman, I thank the gentleman for yielding.

You hate to get into the middle of one of these where you are in it between two friends who have very legitimate disagreement over something. I share many of the concerns expressed by my colleagues over FDA. I think FDA has overreached and has done a lot of things it should not do. It has become an extreme burden, especially to small businesses in labeling. We can go on and on. That is an issue, that is a policy issue.

There is a difference here. This is the Appropriations Committee. We deal with dollars, and it ought to be settled, I think, in the authorizing committee.

The language offered by the gentleman from Maryland [Mr.

GILCHREST], quite frankly, goes along with the policy that we have adopted in this committee. Nothing is in the bill that is not authorized or subject to authorization. If it never gets authorized, it does not happen, which I think puts a little bit of honesty back into the system.

I support my friend, the gentleman from Tennessee [Mr. DUNCAN] and his proposal in principle and what he is trying to do, and will certainly work with him in any way possible to downsize, scale back, diminish FDA, but at this juncture I rise in support of the amendment offered by the gentleman from Maryland [Mr. GILCHREST].

Mr. DUNCAN. Mr. Chairman, I yield myself 1 minute, the remainder of my time.

Mr. Chairman, I am pleased that we have had groups from all over this Nation, such as the National Taxpayers Union, the Citizens Against Government Waste, Citizens for a Sound Economy, all come out strongly in favor of my amendment. I am pleased we have had speakers from all over this Nation speak in favor of my amendment.

I have noticed that the only real speakers in favor of the project have been from Maryland, because I believe this is purely pork for Maryland.

People would be shocked, Mr. Chairman, if they knew we were approving buildings that we do not have prospectuses for, we have not held hearings on, we do not know the total square footage, we do not know the exact cost, we do not even know the exact location.

The amendment offered by the gentleman from Maryland [Mr. GILCHREST], and I have great respect for my friend, the gentleman from Maryland [Mr. GILCHREST], but this amendment is a strategy, a device, a subterfuge designed to ensure this building is built.

My amendment would save $65 million. It would stop this project in its tracks. It would do something for a change for the taxpayers.

The gentleman from Maryland [Mr. GILCHREST] said it would mean the building could never be built. That is not true. The building could be built when we can afford it. With a $5 trillion national debt, we cannot afford this building.

I urge a "no" vote on the Gilchrest amendment and a "yes" vote on my amendment.

The CHAIRMAN. The gentleman from Maryland is recognized to close debate.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Chairman, we have limitation on debate. I have 2½ minutes left. Is that correct?

The CHAIRMAN. The gentleman has 2½ minutes remaining.

Mr. HOYER. We have a limitation. If a subsequent amendment were to be offered after the determination of the amendment offered by the gentleman from Maryland [Mr. GILCHREST] would there be debate time?

The CHAIRMAN. Under the unanimous-consent agreement there would be no time remaining for debate.

Mr. HOYER. Mr. Chairman, I yield myself 1½ minutes.

I am not going to comment on the courthouse in Tennessee that was in this bill under my chairmanship. I know the gentleman from Tennessee would not want to talk about that pork.

This was a Reagan-Bush initiative. It was an initiative to save money, to consolidate, to cut lease costs, as the gentleman says, to buy a new car that is not costing you a lot of money, that you own, not lease.

The Gilchrest amendment speaks to the substance of making sure the authorizing committee controlled by the majority party, the Republicans, makes a determination that this building is a correct initiative, and what the Gilchrest amendment says is that no money is going to be spent unless a prospectus is approved.

Ladies and gentlemen of this House, you ought not strike this money, because if you do, the Taxpayers Union, the Citizens Against Waste, and all of those groups are going to end up seeing that this is going to cost the taxpayers they allegedly are trying to protect more money out of their pockets.

The reason the Reagan and Bush administrations, under whom the FDA, by the way, did all of these awful things, suggested this was to save money, make it more efficient. If you eliminate it, fine, we do not build the building, because the committee will not approve the prospectus.

Vote for the Gilchrest amendment. It makes sense for the taxpayer, and it makes sense for good government and the safety of the American public.

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Maryland [Mr. HOYER] has 1 minute remaining.

Mr. HOYER. Mr. Chairman, I reserve that time. I have no further debate on the Gilchrest amendment.

The CHAIRMAN. The gentleman yields back the balance of his time?

Mr. HOYER. No. We have an amendment pending to the Duncan amendment. We have time limitation. I have a minute left to go.

The CHAIRMAN. The gentleman reserves the balance of his time.

Mr. HOYER. I would move the previous question.

The CHAIRMAN. It is not in order in the Committee of the Whole to move the previous question.

The Chair will put the question on the Gilchrest amendment.

The question is on the amendment offered by the gentleman from Maryland [Mr. GILCHREST] to the amendment offered by the gentleman from Tennessee [Mr. DUNCAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GILCHREST. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2, rule XXIII, the Chair will reduce to 5 minutes the time for a recorded vote, if ordered, on the Duncan amendment without intervening debate or business.

The vote was taken by electronic device, and there were—ayes 185, noes 240, not voting 9, as follows:

[Roll No. 527]

AYES—185

Abercrombie
Ackerman
Archer
Baldacci
Barcia
Bartlett
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bishop
Boehlert
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Castle
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Conyers
Coyne
Cramer
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Dooley
Durbin
Ehlers
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gonzalez
Gordon
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Horn
Hoyer
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Knollenberg
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Lipinski
Livingston
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schroeder
Schumer
Scott
Serrano
Skaggs
Skeen
Slaughter
Smith (NJ)
Spratt
Stark
Stokes
Studds
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

NOES—240

Allard
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger

Barr
Barrett (NE)
Barrett (WI)
Barton
Bass
Bateman
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Klug
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (KY)
Linder
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Young (F L)
Zeliff
Zimmer

NOT VOTING—9

Andrews
Armey
Bryant (TX)
Collins (MI)
Crane
Ford
Moakley
Reynolds
Volkmer

☐ 1349

Messrs. TANNER, PACKARD, FAWELL, MINGE, McINNIS, BONO, CONDIT, and ALLARD, Mrs. ROUKEMA, and Ms. DANNER changed their vote from "aye" to "no."

Mr. SKEEN and Mr. LEWIS of California changed their vote from "no" to "aye."

So the amendment to the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] has 1 minute of time remaining for debate on the Duncan amendment.

Mr. HOYER. Mr. Chairman, I yield myself 1 minute.

The Chairman, I appreciate that the chairman of the Committee on Appropriations and the chairman of the subcommittee voted for the Gilchrest amendment. That, I think, made sense, and made this appropriation subject to a prospectus. But it is clear that the level of hostility directed at the Food and Drug Administration is very high. There is a high level of hostility, suspicion and lack of trust in the FDA.

But, Mr. Chairman, this amendment will not save money. If you at some point in time strike all the FDA, then obviously we will not proceed on this. But the fact of the matter is, this is a savings amendment. This money is in here for the food component essentially, not the drug component, which is the most controversial, but this is for the food component of FDA. Located in proximity to the BARC, the Beltsville Agricultural Research Center; the synergy of those scientists has been put together. It makes sense. But I understand we are not talking about that. The gentleman from Louisiana [Mr. LIVINGSTON] and the gentleman from Iowa [Mr. LIGHTFOOT] were voting for that, but it is clear we are not doing that. I would urge the rejection of the Duncan amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. DUNCAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DUNCAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 278, noes 146, not voting 10, as follows:

[Roll No. 528]

AYES—278

Allard
Andrews
Archer
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Dingell
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (KY)
Lincoln
Linder
Lipinski
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Sensenbrenner
Shadegg
Shays
Shuster
Sisisky
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—146

Abercrombie
Ackerman
Baldacci
Becerra
Beilenson
Bentsen
Berman
Bevill
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Cardin
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Conyers
Coyne
Davis
DeLauro
Dellums
Deutsch
Dicks
Dixon
Durbin
Ehrlich
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gonzalez
Gutierrez
Hastings (FL)
Hefner
Hilliard
Hinchey
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)

Kennelly
Kildee
Klink
Knollenberg
LaFalce
Lantos
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Livingston
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Rahall
Rangel
Reed
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Shaw
Skaggs
Skeen
Slaughter
Spratt
Stark
Stokes
Studds
Thompson
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

Armey
Bryant (TX)
Collins (MI)
Cox
Crane
Ford
Moakley
Reynolds
Seastrand
Volkmer

□ 1411

The Clerk announced the following pair:

On this vote:

Mr. Armey for, with Mr. Moakley against.

Mrs. JOHNSON of Connecticut changed her vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title VI?

If not, the Clerk will read.

The Clerk read as follows:

This Act may be cited as the "Treasury, Postal Service, and General Government Appropriations Act, 1996".

AMENDMENT OFFERED BY MR. PACKARD

Mr. PACKARD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. PACKARD:

Page 84, after line 17, insert the following new section:

SEC. 628. None of the funds made available in this Act may be obligated or expended for any employee training when it is made known to the Federal official having authority to obligate or expend such funds that such employee training—

(1) does not meet identified needs for knowledge, skills, and abilities bearing directly upon the performance of official duties;

(2) contains elements likely to induce high levels of emotional response or psychological stress in some participants;

(3) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations;

(4) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988;

(5) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or

(6) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

Mr. PACKARD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent that all debate on this amendment and any amendments thereto close in 40 minutes, the time to be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. PACKARD] will be recognized for 20 minutes, and the gentleman from Ohio [Mr. HOBSON] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is an extremely important amendment.

My amendment prohibits funding for all nontechnical Federal employee training.

Under the pretense of promoting diversity and AIDS awareness, the administration has been sponsoring mandatory training sessions that go far beyond employees' professional responsibilities. These sessions promote a very controversial cultural agenda in a manner that many people consider offensive.

It is highly inappropriate for the Federal Government to use taxpayers' money to subject Federal employees to attacks on religious teachings and other forms of social engineering.

The Clinton administration forces Federal workers to submit to some of the most offensive training I have ever seen. This administration-mandated instruction includes such things as cult indoctrination into "new age" religious beliefs and how-to sessions on condom use and sex techniques.

I first became aware of this kind of training 2 months ago during Transportation Subcommittee hearings into FAA training. Frankly, their testimony was among the most disturbing I have ever heard in all my years in Congress. Employee after employee recounted horrifying incident after incident.

Let me give you a sense of what I heard. One FAA employee explained how he was forced to walk through a gauntlet of his female coworkers. Trainers compelled the females to grope their male coworker's private parts. Horrified, the FAA employees asked their trainers why they had to endure such a humiliating experience. The instructors told the male FAA employee, "Now you know what it is like to be sexually harassed."

If that does not shock you, listen to this story. One FAA employee testified how she was forced to strip to her underwear and tie herself to a male colleague—also clad only in his underwear. They remained this way for at least 24 hours. They had to shower together, sleep together, and use toilet facilities together—all this while tied together, undressed.

□ 1415

I looked into the matter and found a variety of appalling training regimens Federal employees must endure. For instance, the Clinton administration mandates AIDS and HIV training, which includes topics ranging from anal sex for birth control methods, how-to lessons on things like condoms, sex techniques, and even the proper way to clean needles in order to shoot up intravenous drugs. Why the Government is involved in teaching people how to use illicit drugs and how to be involved in aberrant sex techniques is beyond me.

What is worse, if an employee refuses to take the training, or complains about certain techniques and aspects of the training, it jeopardizes their jobs or their job promotion. It reflects negatively on their job evaluation files.

My amendment puts an end to all this lunacy. I urge my colleagues to support my efforts to protect Federal workers and ensure that taxpayer dollars fund only those things vital to the functionings of Government and to the workplace. I think most hard-working American taxpayers would agree that training Federal employees to use illegal drugs or to use condoms properly or to have sex techniques taught to them in forced and required training mechanisms is absolutely wrong. If President Clinton is going to require all Federal employees to take training, it had better be job related and noncontroversial.

Mr. Chairman, I reserve the balance of my time.

AMENDMENT OFFERED BY MR. HOBSON AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. PACKARD

Mr. HOBSON. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. HOBSON as a substitute to the amendment offered by Mr. PACKARD: Page 84, after line 17, insert the following new section:

SEC. 628. None of the funds made available in this Act may be obligated or expended for any employee training when it is made known to the Federal official having authority to obligate or expend such funds that such employee training—

(1) does not upgrade employee productivity and effectiveness;

(2) does not meet identified needs for knowledge, skills, and abilities bearing upon the performance of official duties;

(3) is inappropriate to the workplace;

(4) is designed to change participants' personal values or lifestyle outside the workplace;

(5) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; or

(6) does not provide an acceptable alternative for those employees articulating a religious or moral objection to participating in an HIV/AIDS training program.

Mr. HOBSON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN. The gentleman from Ohio [Mr. HOBSON] is recognized for 20 minutes.

Mr. HOBSON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my substitute amendment would require that any Federal training be, first, related to employee productivity and effectiveness; second, be appropriate for the workplace; third, provide advanced notification of the content and methods to be used in the training; and fourth, grant employees an opt-out if they raise religious or moral reasons for the training. The Packard-Dornan amendment reacts to methods and abuses in training programs that I agree with, but I think it goes too far.

It is so restrictive that it results in incomplete information being presented Federal employees that they need. One person could kill an entire program. Let me be clear that my substitute addresses these legitimate concerns about abuse in training programs and prevents them in the future. However, instead of prohibiting certain types of information, my substitute allows it, provided that it meets certain strict qualifications. First, it must be workplace specific, and second it must improve the effectiveness of the Federal employees, two requirements which should be the centerpiece of any Federal training programs.

In the Ohio Senate I sponsored a bill that established a lot of health care protocols for treating persons who were affected with the AIDS virus. A big part of that piece of legislation was education. I believe education is very necessary in the prevention of the transmission of certain diseases. From this experience, though, I also learned and understand the intense emotion that surrounds this issue, but this is a health issue that we need to discuss and not hide from.

Just because there has been abuse in training programs, we should not use that as leverage to penalize people by not allowing appropriate education. We should not use that as leverage to withhold training, and we should not use that as leverage to prevent health care education.

I think the pendulum is swinging too far, certainly. Training abuses were part of a pendulum that swung too far in the wrong direction. I think the Packard-Dornan amendment swung too far in the other direction. I think my substitute stakes out a responsive middle ground tradition. Let us not narrow training programs so far that important information is prohibited, but let us narrow them, one, so they are workplace specific and, two, improve the effectiveness of Federal employees.

Mr. Chairman, I reserve the balance of my time.

Mr. PACKARD. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, my amendment permits training to prevent the transmission of AIDS and HIV virus. It does virtually all the things that the substitute wants to do, except that my amendment prevents the very sensitive and very, very objectionable, to many people, parts of the training that gets into the details of sex education and condom education and a variety of other issues that I think should have no place as required government-mandated training.

The substitute allows people to opt-out if they have objections to the training, but that is not adequate. My amendment prevents the objectionable part of the training, whereas the substitute literally perpetuates the objectionable training. There has been very similar language in the existing law as what is in the substitute as it relates to AIDS and HIV.

Mr. HOBSON. Mr. Chairman, I yield 3 minutes to the gentleman from Indiana [Mr. VISCLOSKY], a member of the subcommittee.

Mr. VISCLOSKY. Mr. Chairman, I rise in strong support of the Hobson substitute and in opposition to the Packard amendment. HIV-AIDS is now the leading killer of Americans ages 23 to 44, who are the core of our work force. Employees' fears about contracting HIV and working with HIV-positive employees undermine productivity in the workplace. That is why companies like RJR Nabisco and IBM provide AIDS education for their employees. However, the Packard amendment would essentially shut down AIDS education in the Federal Government. Under the Packard amendment, a single employee who found AIDS education to be offensive could shut down the program for all employees.

I do not think any employee should have to sit through training they find offensive. That is why I support the Hobson substitute, which allows employees with a moral or religious objection to any training to receive an alternative which is acceptable to them.

The Packard amendment limits HIV-AIDS training to the medical implications of HIV-AIDS and the workplace rights of HIV-positive employees. That means that educators cannot provide medically accurate, appropriate information about how HIV is and is not transmitted.

Under the Packard amendment, all educators could do is to tell people the medical implications of HIV, how sick they will be if they catch the disease, and tell them not to discriminate against people with HIV. The effect of the amendment is to create more fear and discrimination and not less. If an employee asks "Can I get AIDS from a telephone? Can I get AIDS from a hug? If my co-worker is bleeding to death, how can I help without getting sick?" the Packard amendment would prohibit AIDS educators from answering these specific questions.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. VISCLOSKY. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I would say to the gentleman, that is really not true. My amendment does not prohibit instructions on how to avoid the transmission and the acquiring of AIDS or HIV. It allows all of that kind of training, but it does not permit the very sensitive part of training, such as how to put on a condom.

Mr. VISCLOSKY. My understanding is if an employee objects based on the curricula that is involved and the trainer that is involved, he essentially shuts down that process.

Mr. PACKARD. Only for that one employee. The training still goes on, but that employee can walk out. History has shown that would be a black mark on that employee's record.

Mr. VISCLOSKY. Reclaiming my time, Mr. Chairman, talking about sexually transmitted diseases is never easy or comfortable, but this is a sexually transmitted disease. We cannot provide accurate information about this epidemic and how it is spread if we leave that information out. Properly trained experts can present that information.

Mr. PACKARD. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Texas [Mr. DELAY], our majority whip.

Mr. DELAY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in very strong support of the Packard amendment, and in very strong opposition to the amendment of my good friend, the gentleman from Ohio. I am going to try to explain why. I understand the intent of the gentleman from Ohio, but I think what he is doing is keeping the status quo, because as I read his amendment, nothing really changes in what we are trying to get at.

The Packard amendment would prohibit taxpayer dollars from being spent on shocking and offensive so-called non-technical employee training programs. I am appalled, not only at what we are forcing Federal employees to engage in, but that these outrageous activities are being funded by the hard-earned tax dollars of our constituents.

As the gentleman from California [Mr. PACKARD] has explained, this issue arose during hearings of the Subcommittee on Transportation of the Committee on Appropriations, of which I am a member. FAA employees testified about how they were forced to walk through large groups of female coworkers who were instructed to grope and fondle the participants. The unbelievable justification for these activities by the FAA was that this was a method to show men how it felt to be sexually harassed.

Another FAA employee testified about how, during a training session, she and her colleagues were forced to strip to their underwear and tie themselves to a coworker of the opposite sex for periods exceeding 24 hours. They were forced to eat, sleep, bathe, and use toilet facilities while tied together.

Mr. Chairman, I cannot believe there are any Members of this body that could support these kinds of activities, much less go home and tell their constituents that they voted to spend their money for this damaging and ill-conceived program. This amendment, the Packard amendment, will also address the so-called AIDS-HIV awareness training that the Clinton administration mandates on all Federal employees, where they are forced to endure how-to sessions regarding condoms, sexual techniques, and devices.

Let me just read what the administration's rules are for AIDS instruction, and what they tell their trainers. They tell their trainers to avoid certain terms, such as—outrageous things, terms such as "husband and wife"; avoid such terms as "homosexual men," "promiscuous," "sexual preference," and "addict." The trainers are to deflect homophobic comments during a training session, saying, "there is some division of opinion on that point."

Trainers are to watch out for troublemakers among the pupils. A Federal worker who takes an intransigent point of view, in their words, on condom distribution in schools, or needle distribution, is pegged as a partisan. A heckler is someone who expresses disbelief, disgust, or scoffs at content and process. I am quoting from the manual.

Mr. Chairman, what does this have to do with Federal workers doing their job? One Federal worker recently recounted how she was offended when an instructor of one of these training sessions began talking about her grandmother's likely sex practices. This is going on in our Federal Government right now. A Defense Department employee who walked out of a session said:

> I do not believe I should sit next to a female and be told how to do intercourse. I do not want to be in mixed company and talk about a lifestyle I'm not involved in, that I do not approve of. I do not care to be instructed by Big Brother in things that I avoid.

If we do not defeat the Hobson amendment, we will never get the opportunity to vote for the Packard amendment. With all due respect to my friend, the gentleman from Ohio, his amendment does not change the status quo in any significant way. We need to stop these kinds of politically correct nonsense. We need to vote against the Hobson amendment and for the Packard amendment.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. PELOSI], a member of the committee.

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding time to me. I particularly want to thank him for his leadership in bringing this very intelligent approach and solution to the problem to the floor.

I certainly identify with the concerns that the gentleman from California [Mr. PACKARD] has expressed. We all do. It sounds ridiculous. It is hard to imagine how the Bush administration could have mandated those activities in the FAA that were referenced in Mr. PACKARD's remarks. I say that because some of the examples that he used have nothing to do, absolutely nothing to do with the AIDS education program. That is, indeed, part of the Clinton administration initiative on prevention in order to make people more aware of how AIDS is transmitted, and to end discrimination in the workplace to people affected by HIV-AIDS.

□ 1430

The Hobson amendment, which was originally authored by the gentleman from Iowa [Mr. LIGHTFOOT] but is being carried today by the gentleman from Ohio [Mr. HOBSON], differs from the Packard language in a very substantial way. It is a substitute on how AIDS education is addressed.

The Packard amendment would not allow information that is appropriate to be presented on how HIV is transmitted and how it is not transmitted. It is really a gag rule. In fact, in answer to one question that we had about what would be the answer to an employee who wanted more information about how AIDS is transmitted, the answer is, "We are going to give him or her an 800 number to call."

Under the Hobson substitute, all employees must be notified of the content and methods to be used in any training, including AIDS training. If the individual employee articulates a moral or religious objection, then the agency is required to offer an alternative to the training program which is acceptable to the employee.

The Hobson approach is far more reasonable than a total ban on HIV information. It addresses the problem without ending a program which has contributed to the prevention of AIDS.

Mr. Chairman, our colleagues, the gentleman from Texas [Mr. DELAY] in particular, have addressed our taxpayers' money being spent. The best taxpayers' dollars that can be spent should be spent on AIDS prevention.

Mr. PACKARD. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. Mr. Chairman, I rise in opposition to the Hobson amendment. I have great respect for the gentleman from Ohio and his skills as a legislator, but let me point out to my colleagues, first of all that we need to understand a little background on this amendment.

The gentleman from California [Mr. PACKARD] sits on the Subcommittee on Transportation where there were hearings on this matter. Mr. PACKARD did not come to his understanding by accident or because of some political pressure or some special interest groups came up to the gentleman from California [Mr. PACKARD]. His legislation came about because he had a strong emotional feeling, a mental feeling, about this after listening to the hearings in the Subcommittee on Transportation.

This identical language that he has offered has already passed the Subcommittee on Transportation. He thought the Subcommittee on Transportation would be voted on first. But, no, we have got Treasury and Postal first so now we are talking about it and it is being amended by Mr. HOBSON.

How long has the Hobson amendment been in the offing and studied? The gentlewoman from California [Ms. PELOSI] says it started with the gentleman from Iowa [Mr. LIGHTFOOT]. The gentleman from Iowa [Mr. LIGHTFOOT] did not want to do it. Then we had the gentleman from Maryland [Mr. HOYER]. He did not want to do it. Then we had the gentleman from Ohio [Mr. HOBSON]. He wanted to do it.

The thought that went into their amendment does not compare with the amount of thought that has gone into the amendment of the gentleman from California [Mr. PACKARD]. Others have talked about it in certain ways, but the bottom line is there has been an abuse by the FAA in instructing people on new age and human potential philosophy which has disturbed all of us.

If we go about amending the Packard amendment with the Hobson, we are going to change it—Mr. Packard's amendment—whole intent. I urge my colleagues to think about the history of this amendment, that basically it is the same amendment that came forward in the Transportation Subcommittee and was agreed on completely. It is in the transportation bill now. But now we have a last-minute effort by the gentleman from Ohio [Mr.

HOBSON] to amend it. He is amending it in a way that is not appropriate or in a suitable way that reflect what were the results from the hearings.

I urge defeat of the Hobson amendment.

Mr. HOBSON. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise in support of the Hobson amendment to H.R. 2020 and to commend the gentleman from Ohio for his efforts to reform and maintain AIDS education programs in the Federal workplace. Similar educational programs have effectively educated Federal employees on the prevention of HIV transmission and the accommodation of people with AIDS in the workplace. It is important to note that similar programs have been successfully utilized by major corporations in the private sector such as. IBM, RJR Nabisco, and Eastman Kodak.

I understand that this type of education may cause some Government employees to confront issues that may make them uncomfortable. However, I believe that the Hobson amendment provides safeguards which will allow Government employers to disseminate information required to manage the situation where a fellow employee is struck with this tragic disease, while providing safeguards requiring that the educational program directly relate to job performance and productivity. In addition, this amendment addresses the religious and moral concerns of individual employees who raise objection to this type of training by requiring the Government employer to provide an alternative program which is acceptable to that individual employee. Accordingly, Mr. Chairman, I urge my colleagues to support the Hobson amendment.

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to my colleague, the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, the amendment of my good friend, the gentleman from Ohio [Mr. HOBSON], is nice, it is very nice, but it does not get the job done.

It is designed, and you can tell by the groups supporting it—he may not be aware of this—it is designed to have gigantic loopholes in it that you can drive a Mack truck through.

Everybody on this side and a handful on my side are saying this is the Packard-Dornan amendment that Hobson is supposed to wipe out. No, it is not. Mine was tougher than the amendment of the gentleman from California [Mr. PACKARD] by three words, "in the workplace."

There should only be taxpayer dollars spent, and that is all the people watching this Chamber, Mr. Chairman, about a million and a quarter, and a full gallery watching what is going to happen to their tax dollars.

Teaching people about colored condoms and sex toys and filthy talk out there in every single Federal position across this country, about stuff that does not happen in the workplace? I did not know people had sex in the workplace. They are not supposed to. They are not supposed to. And we are not supposed to be spending taxpayers' dollars lecturing people about what they do in their private time.

It is supposed to be about sensitivity to people who are HIV positive, that you are not going to get it at the water cooler, by a handshake, by a hug. You treat them with respect and decency. There but for the grace of God goes someone I love or maybe even precious to me.

I am not against this training, but we should not be teaching bisexuality is normal to every other lifestyle, and here is how you switch-hit and go AC/DC. You do not do that stuff on taxpayer money in the workplace.

If Packard had been perfected the way I testified by rules, but forgot to have it pre-published the day before, it would have said no taxpayer money to teach anybody off the job, eating up thousands of man-hours paid for by the taxpayer—excuse me, person-hours—and teaching them about things that have nothing to do with safety or sensitivity in the workplace.

I hope in conference we will add, and the gentleman from California [Mr. PACKARD] agrees, the words "in the workplace." Dornan was the right way to go. Packard is 99 percent there. We should get in the words "in the workplace."

Hobson is well-meaning, nice, but has gigantic loopholes. That is why you are going to see people who support homosexuality—and pardon me for smiling, bisexuality, what is that? Nobody even knows what bisexuality is. It used to be called lust and not caring who you are with if the lights are out.

No, we are way off base wasting taxpayers' dollars on this issue. I do not mind teaching some sensitivity about scary plagues sweeping across, not the land, but pandemic, raging out of control worldwide. I say defeat Hobson, support Packard, and perfect it with 3 words: "In the workplace."

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in support of the substitute amendment offered by the gentleman from Ohio [Mr. HOBSON] and in strong opposition to the Packard amendment.

The Hobson amendment is a clear and practical approach to the HIV/AIDS prevention training and other government-wide training initiatives. It would allow for the delivery of highly effective training which benefits the organization and its workers while not compromising the beliefs and values of employees.

In that, it contrasts the amendment of the gentleman from California [Mr. PACKARD], which would limit access to HIV/AIDS awareness training, even to those employees who wish to attend the training. The Packard amendment would render the AIDS training initiative useless, would put an entire work force and their children at risk. My understanding is that the Packard amendment would prevent discussions of how HIV/AIDS is transmitted.

I ask, if you attended an HIV/AIDS awareness training course, and you left not knowing how HIV/AIDS is transmitted and whether you were at risk, what would you think of the training? You would think it was ineffective and irresponsible, and you would be right, particularly in light of the fact that so many young Americans are dying in the prime of their lives.

I could give statistics that AIDS is the principal cause of death for Americans between 25 and 44 years of age, and approximately 50 percent of permanent full-time civil servants are in this age group. The workplace where most adults, including young adults, spend time every day is a logical point of access for prevention education to a significant proportion of the Federal work force.

The Hobson amendment would protect the principles of HIV/AIDS education and personnel management outlined by President Reagan. President Reagan understood that you cannot separate AIDS issues from organizational performance and bottom-line results. President Reagan encouraged American businesses to examine and consider adopting education and personnel management policies addressing AIDS.

Business leaders have embraced that recommendation, not just because it was the right thing to do but because it also made business sense.

We had a hearing in my Subcommittee on Civil Service where we had representatives from the business community who commented on how effective good HIV/AIDS training is for morale, for productivity, for the well-being of Americans.

I ask for support of the Hobson amendment.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. I thank the gentleman from Ohio for yielding me the time.

Mr. Chairman, I rise in support of the Hobson substitute and in opposition to the amendment offered by the gentleman from California [Mr. PACKARD] and supported by the gentleman from California [Mr. DORNAN].

The Packard-Dornan amendment tells Federal employees that there is a killer out there but that the Federal Government is not going to let them learn how to stop it. Right now, with

AIDS being in the crisis it is, if you want to talk about prevention of AIDS, you have to talk about condoms, and you should give employees the right to learn about condoms if they wish to.

The Hobson amendment allows any employee to opt out of training and also requires advance notice of what is going to be mentioned in that training program, so those members or those employees who have an objection on moral or religions grounds can opt out of any training program under the Hobson amendment.

It has been proven that HIV/AIDS prevention programs save lives and that the American people overwhelmingly support these programs. A recent poll showed that 72 percent of Republican voters would support maintaining or even increasing funding for AIDS prevention and education.

These programs are so widely supported because nearly every American family can somehow relate to the tragedy of losing a friend, a loved one or a child. AIDS kills without regard to gender, age, race, or life-style. Beyond the enormous human tragedy involved, AIDS education is also cost-effective and practical. Would we rather spend a small amount of money now on prevention programs or much more later on costly medical bills?

Vote "no" on the Packard-Dornan amendment and vote "yes" on the Hobson substitute.

Mr. HOBSON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to point out that there is a lot of misapprehension and misunderstanding about what this amendment does.

First, I would point out to some of the speakers after they have spoken that we do have the "inappropriate in the workplace" language.

If Members will read the Packard amendment, I believe the Packard amendment leaves out the ability to discuss how the AIDS virus is transmitted, and I think this is a very important discussion that should go on.

□ 1445

I agree with the fact that under the Bush administration, and under this administration, there appear to have been inappropriate training sessions. These should not have been approved and should not have gone on and I do not disagree with that at all.

But I think we should not get away from the appropriate way to take care of that. I think we should allow these people to have these and to stay in them if they want to stay in them.

I think, on the other hand, if they do not want to go, then they do not have to go. And if they do not want to go, they should not be able to kill the program for everybody else that wants to go.

Mr. PACKARD. Mr. Chairman, I yield 4 minutes to the gentleman from Virginia [Mr. WOLF], chairman of the Committee on Transportation of Infrastructure, the committee that heard the first experiences on this issue.

Mr. HOBSON. Mr. Chairman, I yield 15 seconds to the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, I rise in opposition to the Hobson amendment. It is vague. It cannot be implemented, and the Hobson amendment puts great pressure on the Federal employee, and as a former Federal employee, we ought not put this pressure on them.

Let me tell my colleagues, put this back where it was. We had hearings. There was New Age training going on in the Department of Interior. Let me tell my colleagues what the hearings said.

One person came before us, we had Federal employees, they said, "I thought the topics unusual and the confrontations between students and the trainers somewhat unsettling, particularly in the use of abusive language and obscenities directed toward the students." He, the instructor, mentioned that 66 percent of psychotherapy patients are Catholics or Jews; that religion was fear-inducing and repressive. He characterized religion as more farfetched than the Flat Earth Society.

He discussed the arrogance of Christianity. He said that evil exists only as a function of the mind. Another one talked about post-traumatic stress that she went through. It has ruined their life and they have had to leave because of this training.

An air traffic controller, a person said he was forced to walk through a gauntlet of females, not unlike the Navy's Tailhook scandal, where he was groped and partially undressed by a group of females. He described how this affected his life. Listen to this. This is what the man said that Federal training did to him.

He said, "During the next few weeks, I would wake up in the middle of the night to find my wife sobbing. She became depressed and bitter. She would tell me she knew that I had done nothing wrong, but it was obvious that she didn't look at me in the same way. Our marriage had started to suffer as a result. She began to see a psychiatrist," his wife. And then, "Things are still no better. We both feel that our marriage still suffers as a result of the FAA training."

The stories went on. And what the Packard language does, it says that this will not go on anymore. And, second, in the area of AIDS let me make it clear, the Packard language would permit the understanding of AIDS.

I think there ought to be that type of language. I think there ought to be training. I think there ought to be education. We should explain to somebody that if somebody has AIDS, that is okay. We can sit next to them. We can talk to them. We can touch them. We can be friends. This is not the way that it has been explained that I heard.

The hearings that we held, and if you watched them on Nightline, and if you read the IG reports, it pitted person against person. It devalued a man and woman's religion. No Federal funding, no Federal funding, no taxpayer dollar ought to be why we destroy a man and a wife and their religion whereby people have to go and get psychiatric care. Read the IG report.

Mr. Chairman, I strongly oppose the Hobson amendment. I know the gentleman from Ohio is a good Member. If he could have sat through these hearings, and heard how this has destroyed people's lives, and it happened under the Bush administration too, as well as sometimes under the Clinton administration. I strongly support the gentleman and I salute the gentleman for offering the amendment.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, during the Reagan and Bush administration is when, of course, this occurred. I just wanted to make clear that nobody on the committee, and you did hold extensive hearings in the Committee on Transportation and Infrastructure of what happened at FAA during that era, nobody on the committee, Republican or Democrat, countenanced that kind of training.

But I think it is very clear, if the gentleman would permit me a moment to just say we think, on our side of the aisle and I hope on yours, that education about HIV is extremely important. A lot of us understand that AIDS happens to be the leading killer now of all Americans between the ages of 25 and 44. Every 17 minutes an American dies of AIDS.

Mr. WOLF. Mr. Chairman, reclaiming my time, we could still have the training that the gentleman from Texas said, and I think it is appropriate that we have it, under the Packard amendment. I hope the Packard amendment will stay in, otherwise we will just destroy these Federal employees and it is inappropriate that we do it.

Mr. HOBSON. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, the Hobson amendment is a very sensible amendment. I want to commend him, and I also want to commend my good friend from California [Mr. PACKARD]. The gentleman is a fine man and a fine Member, but his amendment is a bad one.

Mr. Chairman, I want to make it clear that this is not a new issue. The question of handling of awareness meetings and courses of that sort did not begin with President Clinton. As a matter of fact, it took place first under Mr. Bush in 1990.

That program was clearly and patently offensive. It also was granted on some rather sweetheart terms. It was terminated by this administration, and the individual at NTSB who started it went on a sabbatical. It would have been more appropriate that he had left the Federal service in its entirety, but that was not the case. In any event, the practices about which I complained when I was Chairman of the oversight subcommittee were brought to a halt, and they are no longer practiced.

The big differences between the amendment offered by the gentleman from Ohio and the gentleman from California are, and there is only one, and that is whether you can explain to Federal employees in an intelligently run and responsible program what are the causes of HIV. Under the amendment offered by my good friend from California, you cannot do that.

Now, if you will look at what goes on in Europe and in other countries around the world, they have recognized that dealing with HIV is something that can be dealt with only by education. And you have to talk about some nasty things to explain to people how they expose themselves to an absolutely incurable and hopelessly fatal disease.

Mr. Chairman, I would urge my colleagues to recognize that the amendment offered by my friend from California is offered about 4 years late.

PREFERENTIAL MOTION OFFERED BY MR. DINGELL

Mr. DINGELL. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. DINGELL moves that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Michigan [Mr. DINGELL] is recognized for 5 minutes in support of his motion.

Mr. DINGELL. Mr. Chairman, it is time that we recognize that this country should join the rest of the world in an intelligent effort to alert our people to not only the peril of AIDS, which is the largest killer now of young Americans up to the age of 45, but is also a hopeless, fatal, and incurable disease.

I would urge my colleagues to recognize that there is no vaccine. All the billions that we have spent on it will do nothing. The only defense at this moment which this country possesses against that is education.

Education is not pretty, because you have to talk about some pretty ugly, nasty things. But they are things which have to be discussed if we are going to prevent and to reduce the threat of AIDS to Americans of all races, of all creeds, of all colors, and of all ages, because, remember, it is incurable, it is fatal, and people are going to die of it and the number of people who are going to be exposed is going to continue to grow.

Now, if that does not concern you, then contemplate, if you please, the situation which is going to exist under the current state of affairs with regard to the incredible economic costs that it is going to impose upon this country, upon industry, upon the health care system, and upon everything else that we depend upon for the economic well-being of this country.

I would point out to you that it can break Medicare and Medicaid. It can break Blue Cross and Blue Shield. It can break the private health insurance plans, and it can break the employer-operated plans.

Mr. Chairman, this amendment would preclude the Federal Government from participating in that by banning the instruction in what might cause AIDS.

Now, to come back to the whole question that is before us, the only basic difference between the two amendments, the amendment offered by my dear friend from California and the amendment offered by my dear friend from Ohio, is the AIDS instruction and prevention of AIDS cannot be conducted under the amendment offered by the gentleman from California [Mr. PACKARD] but can be offered under the amendment which is offered by the gentleman from Ohio [Mr. HOBSON].

That is strong enough argument alone for defeating the amendment that is offered by my dear friend from California. But I would have the committee know something else, and that is the question here is not has Clinton gone wild and begun to have some kind of wild employee awareness programs and programs of that sort taught and enforced against an unruly band of Federal employees.

That was done under the Bush administration. It is not done under this administration. It was terminated in this administration in 1993. It was one of the first acts that was done by President Clinton in response to complaints that were raised by the Subcommittee on Oversight and Investigations and the Committee on Commerce.

I like my good friend from California. He is one of the best Members we have around here and I respect him more than I can tell, but the fact of the matter is his amendment is a bad one and it ought not to be adopted.

The amendment offered by the gentleman from Ohio is one which accomplishes all of the purposes. If there are abuses here, and I discern none and I have watched them very closely since President Clinton terminated the Bush program, if there are abuses or if they are likely to recur, they can be dealt with under the amendment that is offered by the gentleman from Ohio.

Given that, Mr. Chairman, I would urge my colleagues to recognize if abuses are in existence, they ought to be dealt with, and they can be dealt with, even though they do not exist at that time, under the amendment offered by the gentleman from Ohio.

But the gentleman from California, perhaps through some drafting misfortune, has given an amendment that says that your cannot conduct any instructional program which will warn or which will reach about the perils and how to avoid them of AIDS and all of the evils that are associated with that.

Mr. WAXMAN. Mr. Chairman, will the gentleman yield?

Mr. DINGELL. I yield to the gentleman from California.

Mr. WAXMAN. Mr. Chairman, I think the gentleman from Michigan [Mr. DINGELL] has set out the case extremely well. In all the hearings we have had over the years about the AIDS epidemic, we have come to one clear conclusion. We ought to be honest with the American people, give out the facts that are scientifically based and let people know the information.

Now, if someone as an employee is squeamish, as I understand the substitute amendment by the gentleman from Ohio, they need not be participating in these instructions. They ought to make the decision. Government should not be squeamish in giving honest facts to the people.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent to vacate my preferential motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

PARLIAMENTARY INQUIRY

Mr. PACKARD. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. PACKARD. Mr. Chairman, do I get 5 minutes on his motion?

The CHAIRMAN. If the gentleman objects, he is entitled to 5 minutes in opposition to the motion.

Mr. PACKARD. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The gentleman from California [Mr. PACKARD] is recognized for 5 minutes.

Mr. PACKARD. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON], the chair of the full Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, I have heard the arguments on the other side in favor of the amendment by the gentleman from Ohio.

I would just like to say that I think that the argument is far more eloquent and emotional than it is factual. But I have looked at both amendments, and I ascertain that the amendment by the gentleman from California permits AIDS training, AIDS awareness sessions, but seeks strictly to prohibit Federal funds going for training that involves these gauntlets that have been performed by some Federal agencies and departments in the last several months, in which Federal employees are called to sessions whether they wish to go or not, instructed and embarrassed and perhaps even touched and fondled for causes that not only do not concern them, but in some instances violate their religious principles, violate their moral beliefs, and are contrary to their fundamental outlook on life.

□ 1500

Now, it strikes me as absolute common sense to adopt the gentleman from California's amendment and to reject any modification, any watering down of that amendment, which, in fact, is what the amendment, the well-intentioned amendment offered by the gentleman from Ohio, in my estimation, seeks to accomplish.

I might also say that there have been statements on the floor that this is an attempt to be honest with the American people. Look, folks whether you like it or not, the whole subject of AIDS escapes honesty with the American people. I am not seeking to get into an area from which I cannot extract myself, but the fact is AIDS is a communicable disease. Yet it is not treated like any other communicable disease in modern times. It is capable of being passed from one human being to another, and we do not attempt to deal with it as we do other diseases. That has to be faced up to, if you are going to be totally honest with the American people; you have to understand how AIDS is transmitted through blood or otherwise.

I think the entire medical community has to reexamine how we deal with AIDS. I do not have the magic bullet. I do not have a way to resolve the question. I certainly do not have a cure for AIDS. I wish I did. I wish that this Nation did. But this Congress is appropriating massive amounts of money for the purposes of seeking, of finding that cure, to eliminate the suffering and the pain and the anguish and the death that results as this disease gets passed from one AIDS patient to another.

Now, that being said, we have to also understand that hysteria and emotionalism simply is not the answer to this problem.

Let us deal with it forthrightly and not force our Federal employees to do things they should not be doing.

Mr. PACKARD. Mr. Chairman, I yield the balance of my time to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I thank the gentleman from California for yielding me the time.

I rise in opposition to the amendment offered by our friend, the gentleman from Ohio, for a number of reasons.

But, No. 1, Mr. Chairman, here we go again, taking a question of grave medical concern and turning it into a question of political concern. Is AIDS a terrible disease? Yes. Should people have education on the disease? Yes.

But what is reasonable and what is rational and what is appropriate, that is the question we confront today. Why not quite simply, Mr. Chairman, have pamphlets, pamphlets for Federal employees that they may read at their desks in their work stations with numbers to call if they have more questions? Is that not a reasonable and rational way to deal with the problem, or does it presume that Federal employees are illiterate and somehow that is inappropriate? No, it is commonsensical. That is what we have to do here to, yes, get out the information, disseminate that information, but not transform a dread disease into a vehicle for training in the workplace that is altogether inappropriate.

Much has been said about the mandate of November 8. Some have called it a revolution. I never tire of saying, "Call it a revolution if you will, but understand this, it is a revolution built on what is reasonable and what is rational."

The amendment by my good friend, the gentleman from Ohio, is the wrong approach.

"No" on Hobson, "yes" on Packard, common sense and proper education is the proper role in the Federal workplace to deal with this dread disease.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the motion offered by the gentleman from Michigan [Mr. DINGELL] unless the gentleman from Michigan [Mr. DINGELL] chooses to withdraw his motion.

Mr. DINGELL. Mr. Chairman, I ask unanimous consent to withdraw the motion.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. HOYER. Mr. Chairman, reserving the right to object, the gentleman has made some good points under his motion, and I ask the gentleman, in the——

Mr. PACKARD. Regular order, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. HOYER. I believe the gentleman from California spoke under his reservation, and if that is what we continue to do——

The CHAIRMAN. No, the gentleman is mistaken. The gentleman from California had 5 minutes to speak in opposition to the motion.

Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. HOBSON. Mr. Chairman, I yield 2½ minutes to the gentleman from Maryland [Mr. HOYER].

Mr. HOYER. Mr. Chairman, I rise in favor of the Hobson amendment and in opposition to the Packard amendment.

First of all, let me speak to the Packard amendment. But, ladies and gentlemen, I want to speak to all of these made-known amendments. What the Packard amendment says is that none of the funds made available in this act may be obligated or expended for any employee training when it is made known to the Federal official having authority to obligate or expend such funds that such employee training, et cetera, et cetera, made known by whom? Somebody on the street who calls up the official and says, "Hey, this training is inappropriate?"

Under the ruling of the parliamentarian, ladies and gentlemen of the House, you ought to understand this, you cannot offer such amendment if it requires the Federal official to take any affirmative action. You cannot impose additional duties, which means that the Federal official has no ability to even decide whether this is some crazy person making it known to them.

The fact of the matter is this is a wrong process. This procedure makes no sense, and we ought to stop it.

Now, this is consistent with previous parliamentary rulings. But I would suggest to my friends on the majority side we ought to stop this by rule, because it makes no sense. What if an amendment passed saying, as to the Secretary of Defense, none of the funds appropriated in this bill can be expended if it is made known to the Secretary of Defense that the funds are being inappropriately used against the citizens of "X" country? What does "inappropriately" mean and "made known"? By whom?

The gentleman from California [Mr. PACKARD], I defy you or anybody else to tell me: "Made known" by whom? Anybody with any responsibility? Anybody with any brains? Anybody with any knowledge? It does not say. We do not care, apparently. Just "made known," by anybody who may pick up the phone and call and say, "Hey, this is a problem," or some employee disgruntled with the Secretary or the official who wants to disrupt the process, fax them, send them a note, whatever? This is irrational.

That does not mean that the House will not do it. I understand that. But it is irrational.

The Hobson amendment tries to come to grips with a very serious problem in a serious way. That is why I rise to support the Hobson amendment, because what we have, as the gentleman from Michigan indicated, is a very serious problem, and we ought to solve it in a serious way.

Mr. HOBSON. Mr. Chairman, I yield myself 1½ minutes, the balance of my time.

First of all, under my amendment, the course must be workplace-specific, it must improve the effectiveness of the Federal employees. I do not want to lose sight of that. That is, I think, a common ground that needs to be addressed here.

What I think is also important is that in the opt-out provision, each individual that wants to can opt out without killing the program for the rest of the people who may wish to get the training.

I think the Packard amendment is deficient in the fact that it does not allow the training or the understanding of how this disease is transmitted. I think that is a very important message that needs to be sent across this country to save people's lives.

This is a design to treat all people the same, and it is designed to try to save lives. It is trying to get to the people that need the appropriate training.

I do not believe that the Packard amendment, however well meaning it is, does that. I think I agree with those who say that there have been wrong programs in this and wrong things have been done, and I applaud the gentleman from California [Mr. PACKARD] for trying to get at that, and I voted for his original amendment.

But after looking at it, I thought it was deficient and this was a better way to go about it, and that is why I put up this amendment with this type of language in it so that we can save people's lives and see that they get the appropriate training.

Mr. Chairman, I yield back the balance of my time.

Mr. PACKARD. Mr. Chairman, I yield myself the balance of my time, which I believe is 1½ minutes.

Let me just very succinctly now say what is in my amendment and what I think is deficient in the Hobson substitute.

The technical and health risks can still be included in the training in my amendment. Transmission and the spread of AIDS will remain in the training program. My amendment does not preclude that. The workplace risks and rights can still be included in the training.

What we do not think is appropriate AIDS training is how to use drug needles so that we can use illicit drugs more easily, how to put condoms on, how to have sex and the techniques of sex, and so forth. I do not believe that that is necessary for adult workers, Federal workers. These are not the role of the Federal Government.

A vote for the Hobson amendment will prevent a vote to stop bizarre training. There will not be a vote on the Packard amendment if the Hobson amendment passes.

We think the Members of Congress should have a vote on the Packard amendment, and we urge a strong "no" vote on the Hobson amendment and a "yes" vote on the Packard language.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. HOBSON] as a substitute for the amendment offered by the gentleman from California [Mr. PACKARD].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. PACKARD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2, rule XXIII, the Chair will reduce to 5 minutes the time for a recorded vote, if ordered, on the Packard amendment, without intervening debate or business.

The vote was taken by electronic device, and there were—ayes 201, noes 223, not voting 10, as follows:

[Roll No. 529]

AYES—201

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bilbray
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Coyne
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Durbin
Edwards
Ehlers
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gillmor
Gilman
Gonzalez
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hobson
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
Kolbe
LaFalce
Lantos
LaTourette
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
McCarthy
McCrery
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Porter
Pryce
Quinn
Ramstad
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Smith (MI)
Spratt
Stark
Stokes
Studds
Stupak
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Yates

NOES—223

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bevill
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Costello
Cox
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Everett
Ewing
Fields (TX)
Foley
Fowler
Fox
Franks (CT)
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Goodlatte
Goodling
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Knollenberg
LaHood
Largent
Latham
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
Mascara
McCollum
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Portman
Poshard
Quillen
Radanovich
Rahall
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Traficant
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bryant (TX)
Collins (MI)
Crane
Fazio
Ford
Matsui
Moakley
Reynolds
Rush
Wynn

□ 1533

Messrs. STUMP, HOLDEN, FOLEY, HALL of Ohio, and DAVIS, and Mrs. LINCOLN changed their vote from "aye" to "no."

Messrs. HINCHEY, HORN, and SMITH of Michigan changed their vote from "no" to "aye."

So the amendment offered as a substitute for the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. PACKARD].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. UPTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 283, noes 138, not voting 13, as follows:

[Roll No. 530]

AYES—283

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bevill
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Upton
Vento
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—138

Abercrombie
Ackerman
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bilbray
Bishop
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Foglietta
Forbes
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gibbons
Gilman
Green
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson, E.B.
Johnston
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Kolbe
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Maloney
Manton
Markey
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Reed
Richardson
Rivers
Roybal-Allard
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Yates

NOT VOTING—13

Bryant (TX)
Collins (MI)
Crane
Fazio
Flake
Ford
Martinez
Matsui
Moakley
Oxley
Reynolds
Rush
Wynn

□ 1542

Mr. KLINK and Mrs. KELLY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RUSH. Mr. Chairman, because of my attendance at an engagement off the Hill today I was unavailable to cast my vote for rollcall Nos. 529 and 530.

Had I been present I would have voted "aye" on the Hobson substitute amendment, rollcall No. 529, and I would have voted "nay" on the Packard amendment, rollcall No. 530, to H.R. 2020, Treasury-Postal Service-General Government appropriations for fiscal year 1996.

PERSONAL EXPLANATION

Mr. WYNN. Mr. Speaker, as a result of my attendance at a funeral today, I missed two rollcall votes. Had I been present I would have voted "yes" on rollcall No. 529 and "no" on rollcall No. 530.

Mr. OBEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we had a needless blowup here Thursday night for a variety of reasons, which I am not going to go into. I would very much like to see that not happen again. But if we are going to have outrageous pieces of garbage like this peddled by individual Members of this House at the door which smear the reputation of individual Members, then I think we ought to have a rule that requires every Member who circulates something like this to have their name on the sheet.

We just had an amendment offered by a Republican, the gentleman from Ohio [Mr. HOBSON], a distinguished and honorable Member of this House, and yet the scandal sheet that was distributed at the door reads, "Defeat the Hoyer substitute; Hoyer equals illegal drug use; Hoyer equals sex training; Hoyer equals new age cult training; Hoyer equals condom training; Hoyer equals religious indoctrination."

□ 1545

These are five dirty lies. I want to know which Member of the House takes responsibility for bringing this garbage to the House floor. We have to treat each other with respect. It would be kind of nice if at least you had the right name on the sheet. I would also suggest that there is not a single Member of this House who would want to see the things happen that this sheet allegedly describes.

Whoever did this ought to be ashamed of themselves.

The CHAIRMAN. Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS:

Amendment No. 12. Page 84, after line 17, insert the following new section:

SEC. 628. None of the funds appropriated by this Act may be used for salaries or expenses of any employee, including any employee of the Executive Office of the President, in connection with the obligation or expenditure of funds in the exchange stabilization fund.

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 60 minutes and that the time be equally divided between the gentleman from Vermont [Mr. SANDERS] and a Member in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. SANDERS. Mr. Chairman, I object. There are a lot of Members who have waited about 7 months to discuss this issue and have never had that opportunity. I do not want to deny any Member the opportunity to speak on it.

The CHAIRMAN. Objection is heard.

Mr. LIGHTFOOT. Mr. Chairman, would the gentleman compromise on an hour and 15 minutes?

Mr. SANDERS. Mr. Chairman, an hour and 20 minutes.

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent that debate on this amendment and any amendments thereto be limited to 1 hour and 20 minutes, the time to be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The gentleman from Vermont [Mr. SANDERS] will be recognized for 40 minutes, and the gentleman from Iowa [Mr. LIGHTFOOT] will be recognized for 40 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a simple and straightforward amendment which should be supported by progressives, by conservatives, by moderates and everybody else.

It should, in fact, be supported by every Member of Congress who is concerned about the proper separation of powers as defined by our Constitution and who cares about fiscal responsibility.

This amendment prevents the President of the United States, Bill Clinton, or any future President, from appropriating money from the Exchange Stabilization Fund to bail out Mexico or any other country without the approval of Congress.

In January of this year, the President announced that he felt it necessary to bail out the Mexican economy as a result of the devaluation of the peso. He initially indicated that he wanted congressional approval for his bailout and, in fact, won early support from congressional leaders of both parties. However, it soon became clear to the administration that they did not have the support for this bailout from a majority of the Members of Congress or from the American people. Poll after poll showed overwhelming opposition to the bailout, and more and more Members of Congress, Republicans, Democrats and the Independent, voiced disapproval of the bailout.

Mr. Chairman, understanding that he did not have the votes in Congress to go forward with this proposal, President Clinton acted unilaterally and provided Mexico with a minimum of $20 billion in loans and loan guarantees, $20 billion.

Mr. Chairman, this amendment is not about the wisdom or the folly of President Clinton's action in January or how successful or unsuccessful it might have been. That is an important discussion but not the main focus of my amendment.

This amendment deals with one fundamental issue, one fundamental issue, and that is whether the Congress of the United States accepts its responsibility under the Constitution to appropriate funds or whether it will continue to abdicate that responsibility to the executive branch. That is the issue under discussion.

If Members of this body support the $20 billion loan and loan guarantee program developed by the President for Mexico, they have every right to get on this floor to fight for that funding and to win a majority of the Members. Maybe they can and maybe they cannot. I do not know. But I do know that it is cowardly, irresponsible and probably unconstitutional for the Congress to abdicate its responsibility on this issue and not vote on the matter.

Mr. Chairman, during the last several weeks, we have been having heated debates on the floor of the House about whether to appropriate $2 million for this program or $20 million for that project. Debates have gone on hour after hour, and some of them have been extremely heated. In every case, the final decision was made by a vote in this body in which every Member participated, and that is the way it is supposed to be.

Mr. Chairman, how can we spend hour after hour debating a $5 million appropriation but not have any debate, not have any votes when we are talking about putting at risk $20 billion of taxpayer money as was the case with the bailout for Mexico? How can we ask our constituents back home to put up all of this money when we have not cast a vote on it?

It seems to me to be absurd that we have dozens and dozens of votes for small appropriations but no vote for a $20 billion appropriation which puts at risk so much of our taxpayers money.

I might add for the Members that if they think this issue is past history, they are wrong. The Treasury Department has already indicated, in a public hearing, that there is a possibility that they may be back for more money for the Mexican bailout in fiscal year 1996. Will the Congress cop out again? Or will we have the guts to accept our responsibility?

Mr. Chairman, this legislation should be supported in a bipartisan fashion, and I am delighted that we will have Members from both parties speaking in support of this amendment. This amendment should also not be considered as an attack on President Clinton, because it will apply to all presidents from here on in.

Mr. Chairman, I reserve the balance of my time.

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent to yield myself half of my time, 20 minutes, to the gentleman from Maryland [Mr. HOYER], and I ask that he may control that 20 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

Mr. LIGHTFOOT. Mr. Chairman, I yield myself such time as I may consume.

On behalf of our side, I would like to offer an apology to the gentleman from Maryland [Mr. HOYER] over the incident that the gentleman from Wisconsin [Mr. OBEY] brought to the floor. I totally agree with Mr. OBEY. It was totally uncalled for, and that sort of thing should not happen in this House.

I do not know who did it, but I would offer my apologies to Mr. HOYER in lieu of anyone else.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. LIGHTFOOT. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I want to thank the gentleman.

My colleagues, the issues with which we deal are emotional. There are a lot of strong feelings on both sides of the issues. We are different parties and sometimes antagonistic to one another's interests, and we are protagonists in debate. But the distribution of materials which are false, which are misleading and, in this case, totally inaccurate in undermining of the comity that we ought to have in this body.

I try to treat every person in this body with respect. In return, I expect to be treated with respect. I do not think I need to say more, but to want to say that the gentleman from Iowa [Mr. LIGHTFOOT] is one of those Members who I most respect and for whom I have a great deal of affection. I very much appreciate his comments.

Mr. LIGHTFOOT. Mr. Chairman, I yield 5 minutes to the gentleman from Iowa [Mr. LEACH].

Mr. LEACH. Mr. Chairman, I would begin by saying I have the deepest respect for my distinguished friend from Vermont. This is a very profound issue. There will be bipartisan support. There is also going to be bipartisan opposition.

Here let me express some of my concerns about the amendment of the gentleman. In the abstract, all of us are concerned about one or another Federal program or agency. For some it might be national security. For others agriculture, health care or the arts. That does not mean it is appropriate for Congress to single out parts of agencies in this kind of hamstringing way. The precedent that is established in this kind of approach is very troubling for this body to manage.

But in the specific, and much more importantly, the gentleman from Vermont and others in both parties evidenced such powerful opposition to the Mexican initiative that was considered in February and January and March that it became a factor in this House refusing to deal with the issue. And so this House looks at this issue from the perspective of refusing to deal rather than having taken an active position of either consent or opposition.

I may have differed with the gentleman then and now. But, with the understanding that bad news could always break out at any time, it is clear that to date the Mexican initiative appears to be working. The Chairman of the Federal Reserve Board, for instance, testified this morning before the committee that both the gentleman from Vermont and I sit on, that it is working maximally. This Member believes it has probably moved from a 60- to 70-percent likelihood of success to an 80- to 90-percent likelihood of success.

□ 1600

Indeed, from an American perspective, the embarrassment could be that we will be making a great deal of money on the loans and loan commitments we have made, with our lending charges being almost twice the cost of borrowing from the Federal Treasury. Here, let me stress, not only, if the program works, will we be making money, but we will be avoiding socially diversive consequences in the country of Mexico, which could have precipitated massive flows of illegal immigrants which would have been costly to the United States taxpayer and to our own system of governance.

The irony is that this amendment, as it is brought before this body, disallows the United States of America from using the Exchange Stabilization Fund to defend the dollar. The irony also is that we might be precluded from actually receiving a profit on the risk we have taken with the Mexican initiative. Both of these are counterproductive circumstances.

Those are not the only ironies that are troubling, Mr. Chairman. For a Congress that favors, presumably, stability in the world, we by this approach would be introducing a new, massive element of instability in exchange rates. For a Congress that wants to be cohesive, we make it very difficult to be credible if we attempt to seek punitive actions against those responsible for policy the leadership of this Congress signed off on. By the leadership, I mean the leadership of both parties.

Mr. Chairman, I recognize we have an honest difference of opinion on the Mexican policy, but this approach has the effect of standing as much as a vote of no confidence against the Speaker and the majority leader and minority leader as it does the President of the United States.

Mr. Chairman, let me also stress that if we look at the Mexican issue, it strikes me this administration gets pretty good marks for how it handled the crisis once it developed. The marks, if one is taking a historical perspective, if one is bent on criticizing the administration, that are less than good relate to the reasons that the crisis was precipitated in the first place. On those grounds, the administration, particularly in 1994, could come under a reasonable criticism. However, for what has been done in 1995, in my judgment, there is an excellent chance this will be considered one of the great successes, not failures, of this administration.

Let me also say that I think it is important to look to the future. As we look to the future, it is self-apparent that the international community did not have at its disposal the right kinds of equipment and capacities to deal with a crisis of this nature. We marshalled, maximally, a $50 billion worldwide system of support, 40 percent of which came from the United States.

It is clear that this war for economic stability in Mexico stretched the resources of the international community. We do not have the capacity to fight in tandem two stabilization wars, or three or four of similar magnitude. The challenge for this body is, instead of sniping at a past decision—which in my belief represented an act of extraordinary courage from a President reeling with weakness, from this Congress which was new, and from a presidency in Mexico which was also new and that responded collectively with surprising wisdom; the challenge for this body is to develop ways for the international community to share in the kinds of obligations that come into place when this kind of crisis emerges in the future.

Instead of sniping, what we ought to be looking at are constructive efforts to improve both international law and international institutions to take the burden off the publics of individual countries. While the risk in the Mexican initiative was put disproportionately on the United States public, it looks, at this point, as if it was well merited and as if it is going to produce a profit.

Mr. Chairman, I would only say to my distinguished colleague from Iowa, this amendment should, respectfully, be defeated.

Mr. SANDERS. Mr. Chairman, I yield 6 minutes to the gentlewoman from Ohio, Ms. MARCY KAPTUR.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding time to me. I want to rise in very strong support of the Sanders amendment.

To my good friend, the gentleman from Iowa [Mr. LEACH], I would say what is going on has nothing to do with sniping, it has nothing to do with a new President, nothing to do with a new leadership in the Congress. It has everything to do with the establishment of precedent in a republic that is over 200 years old.

I want to commend the gentleman from Vermont [Mr. SANDERS] for forcing us to meet our constitutional responsibilities. If any Member believes it is wrong that the Government of the United States, by the agreement of perhaps six men, decided to send billions of dollars to Mexico to bail out their investments, without a vote of Congress, without a vote of Congress, if members believe that was wrong, as I do, they will support the Sanders amendment.

The backdoor use of an obscure fund in the Treasury called the Economic Stabilization Fund, a fund that the Clinton administration essentially raided, with the collusion of about four leaders in this House and a few over in the Senate, is unprecedented in both magnitude of the dollars involved, the purposes for which the fund was originally established several decades ago, and also the duration and risk attached to what has been done.

Mr. Chairman, I really respect my colleague, the gentleman from Iowa, as a staunch defender of our Constitution. Thus, it surprises me a bit to hear him argue in the way he has argued this afternoon. Our country has never extended loans to a foreign country on a medium- or long-term basis from this fund, never $20 billion and more of commitment. This particular commitment was 20 times as large as any prior use of this fund. Never has it been the will of this Congress to provide the executive branch with unlimited authority of this sort.

Mr. LEACH. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, I would only make one modest point. I think several of the points of the gentlewoman are correct. On the point of precedent, though, I would say that the fund was set up for this purpose. It has been used for this purpose in the past, but never at this magnitude. The magnitude is unprecedented. That is the unprecedented point. However, the legal authority is there. We have carefully reviewed that legal authority, so as a constitutional issue, I would beg to differ with the gentlelady.

Ms. KAPTUR. If I might reclaim my time from the gentleman, Mr. Chairman, this is where the nub of the argument really lies, in terms of the Constitution. When this fund was established, the purpose was to prop up the dollar, not the peso, but the purpose of the fund was for short-term currency exchanges, not medium-term loans, not long-term loans, for another government, for another government to refinance its investors, those people that had speculated in that market.

I think that the gentleman, being a party to the agreement, obviously would want to defend it, but I think that when we have a backdoor form of foreign aid, this is not healthy. This is not healthy for our country, it is not healthy for the confidence of Members here, nor of the America people. We should have a debate.

Mr. Chairman, what is so troubling about this particular matter is we have never been allowed to have a full debate on the floor of this Congress. It has been bottled up by the committees of jurisdiction. Our efforts to get discharge petitions signed have been very interesting to watch, to move this bill to the floor in other forms, but I think the gentleman's point is incorrect. In fact, this fund was established to prop up the dollar, not any foreign currency.

Mr. LEACH. Mr. Chairman, if the gentlewoman will continue to yield, the gentlewoman is precisely correct on what the fund was set up to do under original law, but the law was changed in 1977 under the Gold Reserve Act. It was precisely changed to allow greater flexibility in usage of these funds, and they have been used for this purpose many times since 1977, with full concurrence of the Congress of the United States.

Ms. KAPTUR. Mr. Chairman, let me just say that historically the fund was never used either for this magnitude, this duration, or this purpose. What has happened during the 1980's, and this is why I call this a backdoor form of foreign aid, if this was necessary to prop up the political environment of this continent and of this hemisphere, then that is what the debate ought to be about, but the fact is we took over $20 billion of our taxpayers' money and put it at risk. It is still at risk.

The long-term debt of Mexico, and if we look at what is happening with the internal dynamics of that country, with its private banks, with the loans that are owned by the private sector, this is not over, as my good friend knows, probably as well as anyone in this institution. This is not the way to do it. This is not the way to do it. I think the gentleman is creating a real paradox inside for Members who may wish to have an open debate on the merits of how we relate to Mexico, but I think this completely erodes that confidence.

Mr. HOYER. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me start out by saying that it would be nice if we could go back to a time where we could live within out borders, trade within our borders, our economy would remain within our borders, and we would not have to worry about what goes on in other countries. However, that time has long passed. The problem with this amendment is that it tries to take us back to where we cannot go. It guts our policy as a nation to intervene in the world currency markets, and in particular, to defend the dollar. That would be a big mistake. We must not tie the hands of any administration to protect the dollar.

In the last 18 months we have seen dramatic drops in the value of the dollar, and we have seen some efforts where the dollar has starteed to stabilize. To do this today would undermine those efforts. Then the result would be a continuing fall of the dollar, a rise in interest rates, a rise in mortgage rates, and that would be detrimental to our economy, which I think would be contrary to what the proponents are trying to accomplish.

Second of all, let us talk a little bit about Mexico. I do not disagree with the proponents wanting to come down and debate the issue of Mexico. I am more than willing to come down and debate it. However, let us talk about a couple of facts with regard to Mexico. No. 1, it is our third largest trading partner. Those facts will not change.

No. 2, we know that exports are down to Mexico, in part because of the economic situation that has gone on there. However, we have to remember that if we had not taken care of the situation, that exports would have been way down in Mexico, and we would have had an economic collapse on our hands. There are 80 million people who live there. They are not going anywhere. They are not going to move anywhere. They are going to be there along the border, a 2,000-mile border with the United States, so we have no choice but to face up to the situation and deal with it.

I would agree with the distinguished chairman of the Committee on Banking and Financial Services, that the policy does appear to be working. I would argue that the figures are not exactly correct, because it appears to this point that we have issued loan guarantees and Treasury swaps in the range of about $10.5 to $11 billion, not $20 billion. However, the policy does appear to be working. Mexico has been able to reenter the capital markets, it has been able to have more capital inflow into the country, and that will work to our benefit.

Let me address another issue that I think is a myth that has been out there. There are a lot who believe that our policy was geared primarily to the benefit of Wall Street investment bankers, but the fact of the matter is that over 50 percent of the bonds, the Mexican Treasury bonds which would have defaulted, were held by United States institutional investors. United States institutional investors are not one or two people who reside on Wall Street. They are pension funds, they are people like you and me, who invest in 401(k)'s and our savings and our retirement.

Mr. COX of California. Mr. Chairman, will the gentleman yield?

Mr. BENTSEN. I yield to the gentleman from California.

Mr. COX of California. Mr. Chairman, is the gentleman speaking of the tesebonos?

Mr. BENTSEN. Yes.

Mr. COX of California. The gentleman is aware that the tesebonos were payable in pesos rather than in dollars. Why does the gentleman believe they would have defaulted?

Mr. BENTSEN. Reclaiming my time, Mr. Chairman, I believe they would have defaulted if there was a collapse, if we had not stepped in, if we had allowed the Mexican economy to collapse. I think they would not have been able to make their payments.

Mr. COX of California. If the gentleman will continue to yield, does the Mexican Government not have the sovereign capacity to issue pesos to repay their sovereign debt?

Mr. BENTSEN. The Mexican Government does have the ability to do that.

Mr. Chairman, let me finish my statement quickly by saying this amendment is misguided. I understand the gentlewoman's concern on the policy, and I would be glad to debate that, but this is a straitjacket on our policy to intervene in the currency markets, which any nation, particularly this Nation, should have the ability to do. It is a mercantilist policy. It is misguided.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. BENTSEN. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. I will just say, that is exactly what we want. We want a debate on the merits of the policy and the precedent being established.

☐ 1615

Mr. BENTSEN. Reclaiming my time, that is fine, but let us not tie the hands of any administration to intervene in the currency markets to defend the dollar.

Ms. KAPTUR. Let us do it under the law.

Mr. SANDERS. Mr. Chairman, I yield 5 minutes to the gentlewoman from Missouri [Ms. DANNER].

Ms. DANNER. Mr. Chairman, I rise in support of the Sanders amendment to suspend funding for disbursing exchange stabilization funds to Mexico.

Because I know everyone here is aware of the origins of the $48 billion Mexican bailout package, I will not review it again. However, I want to be sure that we all remember that, despite the size of this bailout, Congress has never directly voted on whether or not to approve it.

Mr. Chairman, while this amendment will not immediately cut off funding, it will show that Congress is unwilling to relinquish our control over the Nation's spending.

Mr. Chairman, I think the House should also be aware that as the year has progressed, unappropriated money has continued to flow to Mexico. In fact, by late May, Mexico had already borrowed the maximum amount the Treasury Department allowed to be dispersed before July 1. On June 29, Mexico announced they will draw down an additional $5.5 billion of the $10 billion which became available July 1. In addition, the United States backed IMF has loaned the Mexican Government $8 billion.

Where has the bailout money gone? Well, of the $17 billion Mexico has borrowed through the bailout package, they have spent $6 billion to redeem dollar-denominated bonds, $3 billion to pay off other public debt, $4 billion to pay off dollar deposits withdrawn from Mexican banks and $2 billion to enable Mexican companies to redeem foreign debts.

This money did not go to the Mexican people, it went to foreign investors who made a bad investment decision, and are now being spared the consequences because the United States taxpayer is paying for their mistakes.

I know that this amendment will not bring back the money which has already gone to Mexico, and it will not immediately stop additional taxpayer dollars from flowing to Mexico. However, it will allow Congress to reclaim the constitutional role in controlling the spending of taxpayer's money for the next fiscal year, and that is certainly the least we can do.

I urge all Members to support the Sanders amendment.

Mr. LIGHTFOOT. Mr. Chairman, I yield 6 minutes to the gentleman from Texas [Mr. DE LA GARZA].

Mr. HOYER. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. DE LA GARZA].

The CHAIRMAN pro tempore (Mr. WALKER). The gentleman from Texas is recognized for 6½ minutes.

Mr. DE LA GARZA. Mr. Speaker, listening to the distinguished chairman of the Committee on Banking and Financial Services, I was very happy that he mentioned the facts, and gave an accurate description of what this fund is all about.

What I am going to very respectfully and quite reluctantly have to explain is that this is no more, no less than Mexico bashing. We are still fighting NAFTA. We did not fight Canada. Oh, no. But are still arguing about Mexico.

Let me give some facts. Mexico is not going to be swallowed by the ocean. It is going to be there forever. The border is not going to change, they will be our neighbors always. What we do with Mexico to stabilize the peso is for my side of the river, for the American side of the river. When the peso is weak for whatever reason, it is McAllen and San Antonio and Dallas and Houston that suffer.

But what disturbs me the most is that in the debate on NAFTA, and I hate to go back to it, we got to a Mexico-bashing binge. I share blood with the Mexican people. And when you insult them, you insult me.

They discussed the environmental issues, that Mexico would not fulfill the obligations incurred by NAFTA. I am going to put in the RECORD later a story about how United States companies are complaining how harshly Mexico is treating them about cleaning up the environment.

United States companies are saying the Mexican Government has closed 28 factories in the State of Tamaulipas, they have sanctioned about 80, but here we are still saying, "Oh, they're not cleaning up the environment."

Mexicans have died for the United States of America. There is a Medal of Honor winner from Mexico. They are our brothers. They are our neighbors. They will not go away. They will not be swallowed by the ocean they will remain our southern border.

Yes, we should correct, but I doubt that there is any—I do not know what word to use—integrity in any argument about the fund, when we know what motivates the problem with the fund and how much money that would go to Mexico.

My side of the river is suffering. They are asking me, "Can you get us SBA loans because we are losing all this business that is not coming from Mexico?"

Mexico has been our stern ally politically, socially, and economically. Let me tell you, the best interests of the United States of America and our very national security demands a stable Mexico, socially, economically, politically.

That is why we at times intervene in Mexican affairs, rightly or wrongly, to try and make them more equal to us. But the bottom line, my dear friends, is that we, the United States of America, took two-thirds of the territory of Mexico in a way that has yet to be explained: Texas, New Mexico, Arizona, California. But now we are on an alien-bashing binge, in California, in the Northeast, anything that does not look like us—blond, blue-eyed, tall.

Would you believe I have Irish blood? I have Italian blood. My children have, through my wife, German blood. My family came when it was Spain, they lived there when it was Mexico, they lived there when it was Texas, they lived there when we were Confederates, but we are citizens of the United States of America and proud of it. But anyone who for any other reason than fact demeans the Mexican people, I resent, because I share blood with them.

It is unfortunate that this issue has been brought up. I have no question about the seriousness of the gentleman who offered the amendment. But it is being used for all the other purposes.

We hear, "we want the Vietnamese out of California, we want the Salvadorans out of California, we do not want the Mexicans anymore, we want no aliens. They are getting into our political grounds, they are getting our social services, they are coming to get aid" and so forth.

Mr. Chairman, that should not be the issue. Every one that is here, with the exception of probably my dear good friend, the gentleman from Iowa [Mr. LIGHTFOOT], and Senator CAMPBELL, everyone that is here, came, or their ancestors came, as aliens. You demean your ancestry when you now say, "Oh, the aliens are taking over our country." My friends that is what we are all about.

We should stick to the facts. But I cannot, because I see behind the eyes of the debate and the speaking of the debate. I see bashing Mexico. That is not correct. That is not proper. The best interests of the United States of America demand a stable Mexico. Anything that we do, the stabilizing of the Mexican peso was done for the States of Texas and Ohio and Indiana and all the people that sell in Mexico or sell to our Mexican friends who come to our country, specifically in the border States.

Mr. GONZALEZ. Mr. Chairman, if the gentleman will yield, I wanted to ask the gentleman to yield to identify with him. We are fellow Texans and we have a very similar, almost identical background. I identify with him.

Just to clarify the point that I have often and repeatedly said when I have been called an Hispanic, I say, "No, I am not Hispanic, I am just a plain old Mexican." The fact that where we come from and what we identify with, and up in these sections of the country the history that is ignored, I thank the gentleman for recalling it.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the speech from the gentleman from Texas was very moving and interesting but totally irrelevant to what we are talking about right now. I bitterly resent the gentleman's suggestion that anyone here is Mexico bashing.

The issue is whether the taxpayers of the United States were put at risk $20 billion without one word of discussion or one vote on the floor of the House. If the gentleman disagrees with me, then he should participate in that debate on the floor of the House. Maybe he will win. Maybe he will not. But that is the way democracy works and that is what the Constitution mandates.

Mr. Chairman, I yield 8½ minutes to the gentleman from California [Mr. COX].

Mr. COX of California. Mr. Chairman, I thank the gentleman for yielding me the time. I thank him for bringing this amendment to the floor. I am happy to rise in support of it.

I would like to go through a little bit of what we have heard on the floor thus far and respond to it.

First, my distinguished colleague from Iowa has said that Congress is to blame for refusing to deal with the issue of the Mexican bailout. I beg to differ. Along with my colleague, I worked on a task force appointed by the Speaker of the House.

Mr. LEACH. Mr. Chairman, will the gentleman yield on that point? The gentleman used my name.

Mr. COX of California. I yield to the gentleman from Iowa.

Mr. LEACH. Mr. Chairman, I said in the background of this debate was the failure of the Congress to act. I did not use the verb "to blame."

Mr. COX of California. I do not know that I heard the gentleman say anything different than that. What I said was that I heard the gentleman to say that Congress refused to deal with the issue. I beg to differ. I do not believe that Congress is at fault for refusing to deal with this issue.

As I was about to say, I served on a task force with the gentleman from Iowa and negotiated with the administration on their proposed legislation, on their proposed plan for what became the Mexican bailout. I worked with Larry Summers from the Department of the Treasury. We worked with representatives from the White House.

It became clear after the legislation took shape that there was not much support for it in the House of Representatives or in the Senate. The response of the administration was, therefore, to pull the bill. That is why Congress did not have an opportunity to vote on it before anything else could happen, even though Congress at the behest of the Speaker and the majority leader in the Senate, and in very bipartisan fashion, this task force had Democrats and Republicans on it, were working to put together a proposal that could come to the floor.

Before that could happen, the administration announced that they were going to seek to do this unilaterally without congressional authorization, that they were going to seek to commit $20 billion in U.S. resources unilaterally. That is what happened. It is not the case that Congress refused to deal with this issue. Rather, President Clinton pulled the bill because he did not have the votes. Those are the facts.

Second, we have heard several people talk about the policy, whether or not it is working, whether or not it is a success. I would say, if I had more time, that there is much economic data to suggest that the conditions that have been imposed along with the loan guarantees by international organizations have done as much if not more harm than good to Mexico.

□ 1630

But we ought not be debating the policy. We had a chance, as members of the task force, to do that. We would have had a chance to do so on the floor the House and on the floor of the Senate, if there had been a vote, but that never happened.

Mr. FRANK of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. COX of California. I yield to the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Mr. Chairman, I am just puzzled by the gentleman's view of who controls the legislative schedule. If the Speaker of the House of Representatives wanted to present the bill, he could have presented it. Does the President have the right to pull any bill? Because if he does, if any time the President says, "Pull the bill," the Speaker is going to comply, I will go get the list right now and we can be out of here for recess in about an hour.

Mr. COX of California. Mr. Chairman, reclaiming my time, the gentleman from Massachusetts [Mr. FRANK] headed up the Democratic task force that was drafting the legislation that would have come to the floor, if the President had not acted unilaterally.

Mr. FRANK of Massachusetts. Mr. Chairman, if the gentleman would continue to yield, if the Speaker had wanted it to come to the floor, it would have come to the floor. The gentleman should not make this a partisan issue, when it is not. There was a joint consultation. The suggestion that the President unilaterally can stop this House from acting on legislation that the Speaker wants to bring forward is nonsensical.

Mr. COX of California. Mr. Chairman, reclaiming my time and yielding no further, because I only have a finite amount, the rest of the story, which the gentleman from Massachusetts conveniently leaves out, is that we came back to the floor after the President unilaterally acted and deprived us of the opportunity to vote.

The gentlewoman from Ohio was especially active in the Banking Committee drafting a resolution that I would be surprised if the gentleman from Massachusetts did not vote for. We did schedule a vote, although the President presented us with a fait accompli.

We said, "All right. At the very least provide us with documents. Show us what it is that you think justifies your acting unilaterally, because Congress does not intend simply to abandon its responsibility and give up the power of the purse."

There was a deadline that the President did not observe. He did not provide the documents in response to the overwhelming vote of this House. Perhaps somebody can tell me precisely what the vote was, but it was more than 300 of us who voted, out of 435, to require that by a date certain in March the President send up those documents.

When the President did not do so, we acted again in Congress. We passed the Mexican Debt Disclosure Act. It was a statute signed into law by the President. He did not have any choice, even though he did not like it, because it was attached to the Defense supplemental appropriations bill. Under that statute he was required to turn over documents.

That statute required that the President turn over all of the requested documents and that the President certify that all of those documents had been provided. The President has yet to make that certification, long after the deadline in the statute. The President, according to the opinion of the general counsel of the House of Representatives, is now violating the law in that respect.

So, Mr. Chairman, do we have the right to come to the floor and say that even though some of us are strong supporters of Mexico. Some of us who live in California and share a border with Mexico believe that nothing is more important than our relationship with our closest neighbor in terms of our foreign trade, our international security and so on, that even though we support that relationship and believe very strongly in friendship with our Mexican neighbors, that we think before we give anyone $20 billion in U.S. resources, we ought to vote on it first in Congress.

Mr. Chairman, I am a strong supporter of Israel. We had a nationwide debate on whether to give $10 billion, half the amount, in loan guarantees to Israel. It was a tough vote. I voted in favor of it. Some Members voted against it, but that is the way these decisions should be made.

Never in American history has $20 billion been extended through the Exchange Stabilization Fund, or any other piggy bank of the President of the United States, to some foreign government without the assent of Congress.

What is our entire foreign aid budget this year? $11.5 billion. Roughly double that is the amount the President committed without checking with this Congress. The gentleman from Vermont would now have us vote on a very simple amendment and I would like to refer to the text of that amendment, because it is different than described by some of the opponents.

What it says is that we cannot spend appropriated moneys under this act on the Exchange Stabilization Fund if the purpose is to bolster a foreign currency. We can continue to do it without checking with Congress at all if the purpose of it is to defend the dollar in international exchange markets.

So, yes, we could even use the Exchange Stabilization Fund to defend the foreign currency if the President would check with the Congress first. And for that reason, I urge all of my colleagues to vote for this amendment.

Mr. BENTSEN. Mr. Chairman, will the gentleman yield?

Mr. COX of California. I yield to the gentleman from Texas.

Mr. BENTSEN. Mr. Chairman, let me ask a question. Does the gentleman from California [Mr. COX] think that it is proper for the U.S. Government to join with other central banks to intervene in the foreign currency markets to affect the price of other currency which will, therefore, affect the price of the dollar?

Mr. COX of California. Mr. Chairman, of course I agree. And this amendment is not about our central bank, which is the Federal Reserve. Let me respond. I only have a moment left. We are not talking about our central bank here. We are talking about the Exchange Stabilization Fund, which is set up by statute for the purpose of defending the dollar. It is clarified in the amendment by the gentleman from Vermont [Mr. SANDERS] and I think it is a very sound amendment.

Mr. Chairman, I am one who believes in energy in the Executive. Before I served in Congress, I worked in the White House counsel's office. When Bill Clinton is in that White House, I want Bill Clinton to be a strong, energetic executive, because that is what America needs.

I support Executive powers. I support the line-item veto. I support repeal of the War Powers Resolution. I was down here a few days ago arguing in behalf of that. I support revising the 1974 Budget Act to put the President back in the process.

But that is not what this is about. This is about the power of the purse, which under any reading of the Constitution belongs here in Congress. We are here on this vote to reclaim it. Vote "yes" on the Sanders amendment.

Mr. HOYER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Chairman, first, with regard to stabilizing the currency, the notion that you stabilize one currency without looking at others is a little bit odd. As a matter of fact, my recollection is that when the Mexican crisis was averted, we can debate for how long, that was good for the dollar. The dollar was threatened by this. So as a matter of fact this did have the effect, I recall, of bolstering the dollar in the short term.

I am opposed to the amendment. I think what the President did was reasonable. It has so far succeeded, compared to the alternative. People forget the eternal wisdom of one of the great commentators on the human condition, Henny Youngman: The important issue is always compared to what? Having not done this, and having had the collapse in Mexico that would have occurred, would have had very negative consequences.

But I also want to address the rather extraordinary history that we just heard from the gentleman from California [Mr. COX], a member of the Republican leadership.

We have been reading about the strong Speaker and the strong leadership. It now turns out that the Speaker of the House and the majority leader of the House and the Republican leadership will not bring a bill to the floor if the President does not want them to. No one knew that before.

The Speaker, as I recall, supported what the President did. Now, I just read in the paper yesterday that the Speaker made a statement about Taiwan. Henry Kissinger called him up and he changed his mind. Did the Speaker change his mind? The Speaker supported this action of the President. Did Henry Kissinger call him and make him change his mind again? Maybe we will have to read tomorrow's New York Times.

The notion that the President of the United States stopped this House from voting, when control of the legislative agenda is in the Republican hands, is nonsense. Did Senator DOLE refuse to bring it to a vote in the Senate because of consideration for the President?

Let us not debase this with that kind of partisanship. There was, in fact, joint consultation. It was one of the most bipartisan things that has been done all year. The chairman of' the Committee on Banking and Financial Services was taking a very responsible decision. People might agree or disagree. He was trying to work it out. I disagreed with him on some specifics, but there was joint bipartisan leadership consultation to do this.

So the notion, particularly from a member of the Republican leadership, that this was a Democratic thing thwarted by the President is really not a useful way to debate this. It really does a disservice to the Speaker. Is the Speaker some helpless child? He is tied up somewhere and he could not bring this bill to the floor?

If the Speaker wanted the bill to be brought to the floor, he could have brought it to the floor. I think the Speaker would have said this was as important as rhinoceroses and tigers, and he got a vote on rhinoceroses and tigers and he probably could have sneaked this one in. So, let us not have that kind of unfair mischaracterization.

Now, as far as the legislation is concerned, it is relevant to the stabilization of our currency in the broadest sense. And I believe if my colleagues will go back and check, that the dollar, in fact, benefited from the announcement of this deal. And that, in fact, let me put it this way, if we learned tomorrow that this was falling apart and that Mexico was going to be in serious trouble, I do not think that would be good for the dollar. I think that, in fact, that would destabilize the dollar. So in the broader sense, this, I think was useful.

These are difficult questions. I am not happy with the internal situation in Mexico. I was not ready to vote for the legislation, because I wanted more conditions dealing with labor rights in Mexico. But it is because of the interconnection of our economy and theirs that I wanted those.

As, in fact, things deteriorate in other countries, that has a negative effect on us in two ways: A negative competitive effect, because an implosion standards there has a downward pull on standards here; and it means they do not buy as much.

Given the difficult situation with bipartisan consultation, the President did, I think, something that was courageous and has worked well. But to have a member of the Republican leadership make that kind of partisan attack, inaccurately suggesting that the President somehow kidnaped the Speaker, kidnaped the majority leader, hornswoggled the Senate, and kept this from being voted on is simply wrong.

Mr. LIGHTFOOT. Mr. Chairman, I yield 7 minutes to the other gentleman from Iowa [Mr. LEACH]. There are only two of us.

Mr. LEACH. Mr. Chairman, I thank my distinguished and good friend for yielding, and, as an aside, I want to thank him for his kind comments that related to the comments of the gentleman from Wisconsin [Mr. OBEY].

Let me make one minor correction to the statement, virtually all of which I agreed with, of the distinguished gentleman from Massachusetts [Mr. FRANK]. The real power in the House on that issue rested with the gentleman from Massachusetts, not the President. The reason the Speaker did not bring a bill up was that we could not get majority support in either party, as symbolized by some of the concerns of the gentleman from Massachusetts.

But I also think from a historical perspective, to be fair to the President, it is important to point out that a point was reached 4 months ago in which the leadership, which was working on the issue, came to the conclusion that majority support was unlikely to be achieved on a timely basis and this information was conveyed to the President with the recommendation, given the significant diceyness of the day, that he act utilizing executive authority at that time.

So the recommendation came on a timing basis from the Congress of the United States, from the leadership of the Congress, recognizing that Members, like the gentleman from Vermont and the gentleman from California and the gentlewoman from Ohio did not support the legislation, and that Executive initiative that we believed, after careful legal review was legal and was constitutional, should be taken.

But I want to make the distinction between ESF and certain appropriated programs. The Exchange Stabilization Fund was established, I believe, in 1934. The original appropriation, and my understanding is the only appropriation, was about $200 million.

It now has resources of about $42 billion, which relate to earnings in the fund in interventions and defense of the dollar and other currencies. So we are talking about a fund that was built up 95-plus percent outside the appropriations process.

Mr. Chairman, I would also stress that the Exchange Stabilization Fund allows us the capacity to quickly intervene. If we unilaterally disarm our capacity to defend the U.S. dollar, overnight we will precipitate a weakening of the dollar. In macroeconomic terms, this will cause a rising of interest rates, which will be to the disadvantage of the United States of America.

I would also state that it will weaken the United States capacity to maintain a principal role as a major reserve currency. That role allows seniorage, which earns us a great deal of money every year and is also a stabilizing influence for American business. A gyrating dollar is not in the interest of the United States commerce.

I would also stress that in many regards the Mexican crisis represents the first issue of a new financial order. In that crisis, in a bipartisan way, the President of the United States worked with the new leadership of another party in the Congress, and came up with an ad hoc bipartisan approach which also provoked bipartisan criticism.

I would say to the gentlewoman from Ohio and the gentleman from Vermont that there are two parts of your argument I totally agree with. It would have been vastly preferable for Congress to have acted. It is also true that this is an unprecedented usage of these funds in terms of magnitude, although not in principle. Having said that, I personally believe the President of the United States is to be credited. The Speaker of the House is to be credited. The minority leader is to be credited with working to try to constructively come up with an arrangement which is legal—although with unprecedented aspects—and which fits the times.

Mr. Chairman, nothing could be more ironic, that after what appears at an early stage to be an extraordinarily successful program, we were to undercut that program and at the same time, in the same way, weaken the capacity of the United States to work in traditional ways with the Exchange Stabilization Fund to defend the dollar in the future.

Ms. KAPTUR. Mr. Chairman, will the gentleman yield?

Mr. LEACH. I yield to the gentlewoman from Ohio.

Ms. KAPTUR. Mr. Chairman, the gentleman used the term "arrangement" to describe what has occurred in our country on this particular issue. He said the reason a bill could not be brought up on the floor here is perhaps there would not have been a majority of votes.

Would the gentleman agree this is not a parliamentary system, this is not a monarchy, this is a Democratic republic?

Each of us does have a right to express our views and in this instance, yes, an arrangement was made by a handful of individuals in this Government, and we have not met our constitutional responsibilities. Would the gentleman agree this is not a parliamentary system or a monarchy?

□ 1645

Mr. LEACH. Certainly this is a constitutional arrangement. This arrangement was constitutional, although it would have been preferable for this body to have acted on its own, but the legal authority was there for the President to act.

Mr. BENTSEN. Mr. Chairman, will the gentleman yield to me?

Mr. LEACH. I yield to the gentleman from Texas.

Mr. BENTSEN. The distinguished Chairman of the Committee on Banking and Financial Services, the way this amendment is written, do you believe it would prohibit the Treasury Secretary from being able to intervene to support the dollar by buying or selling foreign currencies, whether it is the deutsche mark or the yen?

Mr. LEACH. Without doubt, this is an amendment as written that has that effect, and it should be on those grounds alone, however one stands in the Mexican issue, defeated.

Mr. SANDERS. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, perhaps a little review of the debate over the adoption of NAFTA would be in order at this point.

There were many of us who stood on the floor and bitterly opposed the adoption of NAFTA, and one of the many points we made was that it was clear in the oligarchy that runs Mexico that they had artificially overvalued the peso in order to make them look a more attractive trading partner with more buying power.

Now, we were wrong. We were wrong. I admit it. We said the peso was overvalued by 25 percent. The markets say the peso is at least overvalued by 40 percent, probably more, except the United States intervened in a bailout to save it.

Now the free market would have found a value for the peso. This is free trade. Why do we not let free markets work? I suspect it is because of a whole heck of a lot of large investors on Wall Street. The 50-percent that are institutional, are not institutional, whichever it is, had billions of dollars on the line. They had only been making 40 and 50 percent interest.

I can understand that the taxpayers should bail them out. These poor investors, 40, 50 percent interest. All my constituents are accustomed to getting that return in their savings account, and if their savings alone went down, they would expect to get bailed out if they had been getting 40 or 50 percent. Get all their capital back. Right? Right? No. Did not happen here. Should not happen there.

We do not know who was invested in Mexico because Mexico will not tell us, and the United States Government will not tell us. We are bailing them out with $20 billion of our taxpayers' money, and we are not entitled to get a list of the recipients.

The New York Times had a really interesting graphic. They showed the flow of the money. The money went from the U.S. Treasury in Washington to the Federal depository institution in New York, and it went from there to the brokerage houses in New York, and it went from there offshore to the Bahamas into tax-free accounts.

Who owns those tax-free accounts? Average Mexicans? Average Americans? People with their pension funds? No. Special interests, big investors, big-time Wall Street folks, international investors, and others. This is who we are bailing out.

Nothing has changed. We had a Republican revolution. Nothing has changed. Nothing. Those same people are dictating the trade policy of this country, and when they could not jam a bill through the House of Representatives, even with the support of the Speaker of the House, they then pressured the administration and got them to cut a back room deal. And we still do not have the documents and the disclosure.

What else would we spend $20 billion on without a vote, without the documents, without the disclosure, without knowing who the beneficiaries are? I do not think there is anything else that could go through this House.

We spent hours debating the elevator operators' salary on this floor. $20 billion, colleagues. If you vote no on this amendment, there is one thing the people of your district will know. You have voted to endorse the back room deal, the bailout of Mexico.

A vote no on this amendment is a vote to send the dough to Mexico with no accountability on the part of this House or on the part of the administration and no accountability to the taxpayers. Just remember that.

If you vote yes, you are asking for accountability, and you are saying these sort of things should not happen without a vote of the elected representatives of the people.

We do not commit our taxpayers' funds to bail out big investors and foreign interests without the consent of the duly elected representatives of the United States, or we should not. Vote for this amendment. Vote no, and you are voting to endorse the bailout.

Mr. HOYER. Mr. Chairman, I yield 4 minutes to the distinguished gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, with some reluctance, out of respect for the author, I rise in opposition to the amendment.

I do not think, by the way, it is fair to say that he is bashing Mexico. I think that is, if I might say, very unfair. We ought to be able to talk on the floor of this House without saying that someone who disagrees with us is bashing this or that. I think reasonable people can differ.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. LEVIN. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, very respectfully, and I tried to be respectful, but it is always whenever anything related to Mexico is brought up, it is basically the same people. So what deduction can we get from that, regardless of the mainstream issue?

I thank the gentleman, appreciate his comments.

Mr. LEVIN. I just think we have to be careful about our deductions sometimes, and I am on the gentleman's side on this one, but I do not think the people who disagree with me are bashing Mexico. I was with them on NAFTA, and I was not bashing Mexico, and I would still vote against NAFTA if it came up today. I think the jury is out.

But, look, this amendment is not a wise amendment. First of all, it is much too broad. It would prohibit, in essence, any use of the fund to bolster any foreign currency.

Now, we have done that 90 times in the last decade, 90 times. Are we going to insist there be a congressional vote every time the fund is going to be used for stabilization? Now, this is 90 times to bolster a foreign currency. That is what I understand from Treasury.

Now, this is not wise. Sometimes bolstering a foreign currency is in the advantage of the United States of America. It better be, or else we should not be bolstering that foreign currency.

We should have bolstered the yen 15 years ago. We would have been much better off without a strong dollar.

So this amendment is much, much too broad, and I think sometimes these broad swings are going to be misunderstood, and in this case, I think it would be.

Let me also point out, this is not the use of $20 billion like foreign aid. This is a loan guarantee, in essence, and so no one should misunderstand that we appropriated $20 billion to go to Mexico. That is not what happened.

Now, third, let me say just a word about what has happened in terms of Mexico and U.S. economic relationships.

I am concerned about the trade imbalance that is growing, but if the Mexican economy had collapsed, if you want to put it this way, NAFTA might have turned out even worse. The trade imbalance could have become even more serious.

It was important for the United States that the peso collapse be addressed. That is why we did it. And it was not only for a few small big investors. There were pension funds that had large-scale investments in Mexico. Average Joe and Jane Public had their money at stake here.

So I say to the gentleman from Vermont [Mr. SANDERS], it is useful to discuss this rather unusual case of using the ESF on a long-term basis. That is somewhat unique in its history. But taking the ax to the ESF is not a wise approach. Let us raise this problem. Let us do it in an intelligent, in an intelligible way. Let us not cut off our nose to spite our face. I oppose this amendment.

Mr. SANDERS. Mr. Chairman, could I inquire as to how much time is remaining?

The CHAIRMAN pro tempore (Mr. WALKER). The gentleman from Vermont [Mr. SANDERS] has 11 minutes remaining, the gentleman from Iowa [Mr. LIGHTFOOT] has 2 minutes remaining, and the gentleman from Maryland [Mr. HOYER] has 7 minutes remaining.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman and Members of the House, I would hope that we would support the Sanders amendment because it does violate the relationship between this House and the people we represent and the President of the United States. When we make an expenditure of $20 billion, we ought to have the right to vote on it.

The notion that somehow this is the instrument, these are the tools of the new financial order, is to suggest that we are the lender of last resort and there will be no risk for hot money on Wall Street. We cannot hide this problem behind the pension funds that were there. Maybe they should not have been there.

The financial problems and the risk in the Mexican market were discussed in business journals across this country and across this world. If you read the Wall Street Journal, if you read Forbes, if you read Fortune, if you read Barrons, everybody was commenting on how fraudulent the system was in support of its peso many months before.

The night that Mr. Greenspan came up here and Mr. Rubin and others, they said that this was a surprising development, and then when they laid out what happened, they said it was perfectly predictable.

We ought to have some say in that. And the other part of this is, we ought to know who we are paying off.

Orange County is going through serious problems. They are going through what potentially could be a bankruptcy, if not a full-blown bankruptcy. The fact of the matter is, they are negotiating with their creditors. A lot of this money was simply hot money that was looking for returns far beyond what they could expect. They stood to lose 70, 80 percent of their investment had we not intervened.

Could we have delayed the payoffs? Could we ask for time? Could we ask for terms? Could we have negotiated with the Fidelity people who overextended their investors into this operation? Could they wait like school districts are waiting in Orange County? Could they wait like water districts, like cities and counties are having to wait for payments?

But we never got to a point of discussing that. We never had to make that because we do not know where the money went. That is the term. That is what you should be doing.

People ask you all the time, "Why don't you run it like a business?" Nobody would have done this. Nobody would have handed out $20 billion with no terms and no disclosure, and we should not have allowed it to happen in the names of our constituents.

Mr. HOYER. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the problem with the Sanders amendment is that it really deals with the symptom. It is not a cure.

It is a little bit like going to your doctor and saying you have got a hangnail, a sore toe, and he says, we are going to take your leg off above the knee. That really is not the answer to the problem, and that is certainly what we are doing here. Trying to take away the Economic Stabilization Fund or the operation of the Economic Stabilization Fund is certainly not the answer.

I know it is argued that this is sending a message, we are trying to send a signal here, but this is not the right one. What I think this has demonstrated is that the institutions that we have are not working very well. The institutions that were developed at the time of Bretton Wood a generation and more ago are not working very well.

The Economic Stabilization Fund was used in this instance, basically, as it was intended to be used, in a much larger degree than I think anybody had ever anticipated that it would.

Should we in Congress have more control over that? Should we exercise more authority over that? That can reasonably be argued. But I think it cannot be argued, at least it has not in any court been argued, that it was not within the law that Congress had passed. And I think what is abundantly clear is that the institutions we have today are not working in this age of electronic fund transfers where in a nanosecond money can be transferred around the world a dozen different times.

Now, we have heard here on the floor a lot about bailing out big Wall Street investors. That is not the case. What is different about this financial crisis in Mexico that has never been replicated, we have never seen before in the world, is this is the first mutual fund crisis that we have seen.

□ 1700

Literally tens of thousands, hundreds of thousands, even millions of investors are involved through mutual funds. It is not the case as it was in 1982 where one could go to the bank and say to the banks, "You deal with this problem in Mexico."

So finally, Mr. Chairman, the question is, Is this working? Well, the jury is out; that has been said already here. But what is the alternative? Clearly what we are seeing in Mexico with the Mexico peso crisis was greater instability in financial markets all over the world from places as remote as South Africa, Thailand, and of course in our own hemisphere, in Argentina. A very critical problem was developing in Argentina. We needed, the world needed, to act, and we did not act unilaterally in this regard because our allies were involved in this as well.

We acted, and we acted correctly. The solutions are not good, none of them were good at the time, but under the circumstances it is my view that it was the right choice. Now it is time for us, in a cool, detached way for the Banking Committee and the other relevant committees of this Congress, to take a look at what should be the long-term solution. But, Mr. Chairman, the Sanders amendment is not the answer, and I hope this body will vote "no."

Mr. SANDERS. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. STOCKMAN].

Mr. STOCKMAN. Mr. Chairman, I think what we have done here is we have abdicated, we have abdicated our responsibility to the Constitution, and we should be ashamed in this body. We sit here and duck our responsibility. That is what we did here. We were given the job of controlling the money. That is where this comes from, from this body. But when it came time for our job to be voted upon, we slipped out and slithered out and allowed the administration to do it for us. That is wrong.

Currently the banks in Mexico are under a great deal of financial strain, and they are predicting they may collapse, and the reason they are collapsing is because of the strings that were attached to this bailout.

Let me repeat that. The banks are on the verge of collapsing in Mexico. They are charging these little campesino bankers, these little campesino people, 90 percent interest. That is not compassion. I do not think that is compassion. I do not think anybody in this body would consider that compassion. They cannot make those interest-rate payments because we up in this country are telling them, dictating to them, what banking rates they should be charged. So they cannot fulfill their obligations.

Mr. Chairman, when they cannot fulfill their obligations, they cannot pay the banks, and when they cannot pay the banks, the banks do not collect the money, the banks will fall.

Mr. Chairman, there is no financial expert that says the Mexican banks are in better status today than they were before the bailout. Those are facts that cannot be denied. All we have done is made a situation which was OK worse.

We are fooling ourselves. We are just rolling this money over, and in a short time we will be at this same situation. Mark my words, we will be doing it again.

I am for loan guarantees. I would have voted for loan guarantees for Israel, but we never had an opportunity to vote on that, and I am glad that the gentleman from Vermont has stuck up for the American taxpayer and has stuck up for the campesino in Mexico, and to sit here and say it is a racist thing or anything else is an outright lie. If anything, it is more compassion and more feeling.

Mr. Chairman, those people have been under the boot of a very repressive government, and it is wrong for us to sit here in silence and duck our abilities. We were elected here to do something, and I think the gentleman from Vermont, I owe him a great deal. I say to the gentleman, "You are wonderful, and I think that we need to support this amendment, and it is wrong for us to duck our responsibility, and thank you for bringing it to the floor so we can show exactly where we stand."

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding this time to me, and let me sum up by saying nothing is more important in this debate than the integrity of our Constitution and meeting our constitutional responsibilities in this body. We have never had a chance to vote on the merits of this issue. The economic stabilization fund has never been used for this purpose.

I say to my colleagues, You can try to slide around it, but the point is $20 billion is at risk, and we have not been able to vote on it, 20 times more than that fund has ever been used for in the past only to defend the dollar, and now to prop up the currency of another government.

A few years ago in the Committee on International Relations, and I commend my colleagues to read it, there was a magnificent hearing in which the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] talked about the dangers of this economic stabilization fund and the fact that we should not be permitting the kind of intended interventions that were being contemplated even back then but were not permitted in the case of Poland, and they said the money should be put on budget, we should not be doing back-door foreign aid through the economic stabilization fund. So Poland could not get help. It was discriminated against through that fund, but in this instance the policy was executed against the best wisdom of the highest ranking people at the U.S. Treasury Department. They advised against that years ago.

So let me say to the gentleman from Vermont, I commend you on your amendment. No Member of Congress can hide under a rock on this one.

Stand up for the Constitution. Stand up for our responsibilities. Support the Sanders amendment.

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. HOYER. Mr. Chairman, does the gentleman from Iowa have the right to close?

The CHAIRMAN. The gentleman is correct.

Mr. HOYER. Do I have a right to be before him in the order? Is there a precedence of order in closing in light of the fact he and I agree? We are both representing the committee on obviously the majority and minority side.

The CHAIRMAN. There is no prescribed way of proceeding here. It is at the discretion of the Chair.

The Chair thinks, for the purpose of symmetry, that it would probably be better to allow the gentleman from Vermont [Mr. SANDERS] to precede the gentleman from Iowa [Mr. LIGHTFOOT], but there is no prescribed order.

Mr. HOYER. I do not know whether the chairman of the Committee on

Banking and Financial Services desires any further time as we end this debate. If he does, I would be willing to yield him some time.

Mr. LEACH. Mr. Chairman, I appreciate the gentleman's offer, but I do not.

Mr. HOYER. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, much has been said about the utilization of the economic stabilization fund recently by the President. It is clear that when we talk about constitutional responsibility, it does not mean that the Congress has to act in every instance. It is, I think, not accurate to say that, because the Congress has the ability or power to do something, that it must do something. In point of fact what we all know happened is a majority of the Congress decided that they would just as soon have the President, in concert with the leadership of both parties in the House and the Senate, proceed to address this crisis.

Now we do that on many occasions. We do it in committee when we know there could be amendments offered, but we decide not to offer amendments, or we decide not to bring bills to the floor. I suggest to my colleagues that in a fact that is what has happened in this instance.

Now, as it relates to the amendment itself, I would reiterate that the amendment has the, I think, very sincere flaw, not because the gentleman wanted to have that flaw, but because from a parliamentary standpoint it was necessary for him to include the made-known language if his amendment was to be in order, but, my colleagues of the House, what does this mean that no funds can be spent for any employee, including any employee of the executive office, in connection with the obligation or expenditure of funds in the—stabilization fund when it is, quote, made known to the Federal official to whom such amounts are made available in this act that such obligations or expenditures is for the purpose of bolstering any, not Mexican, any, foreign currency?

What does that mean? Does it mean that one Member out of 435 from the Congress can call up the Secretary of Treasury and say this is being used for the purposes of bolstering a foreign currency? And then preclude that official from taking further action because nothing in here says that the public official must be convinced that that is the fact. Why? Because if that report was required, the amendment would be out of order. Nothing in this amendment requires that the informer who makes it known needs to be credible or that the informer who makes this known need have any information whatsoever on this issue.

Mr. COX of California. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from California.

Mr. COX of California. Mr. Chairman, I would observe only that under the status quo, speaking of legal technicalities, the President of the United States was able to commit $20 billion in taxpayer resources and claimed to be doing so within the language of the law because they stretched it so far. I would prefer if the law were changed.

Mr. HOYER. Reclaiming my time, the gentleman begs the question. The amendment, the substance of the amendment, and the gentleman is a law professor, a very erudite individual, Member of this House; the amendment is simply frankly, in my opinion, unenforceable, or in the alternative, if enforceable, almost impossible to have any rational application of, because there is no, no standard or criteria in here as to the Secretary or other official having it made known on what basis of credibility information or status.

So I would hope that this House in an amendment that could have very serious consequences, very serious consequences on which there has been no hearing, on which there has been this limited debate, would reject this amendment, not because my colleagues agree or disagree with what was done, not because my colleagues voted for or against NAFTA, not because my colleagues would vote for or against similar legislation in the future, and not because, as some would interpret, that they have a motivation to allow the President to do anything he wants, but on the sole criteria that this legislation is inappropriate on this bill and is a dangerous piece of legislation in this context.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. STEARNS].

Mr. STEARNS. I say to my colleagues, "This is going to be the vote on whether your support the bailout of Mexico." Make no bones about it. If you're against the bailout of Mexico, you should vote to support Mr. SANDERS. You know time and time again we get on the House floor, and we say what is this amendment about. Let me just take a few moments to read the first two or three sentences of this amendment because too many people come on this floor and don't know what the amendment is about.

Well, this is it:

> No amount made available in this Act may be used for the salaries or expenses of any employee, including any employee of the Executive Office of the President, in connection with the obligation or expenditure of funds in the exchange stabilization fund when it is made known to the Federal official to whom such amounts are made available in this Act that such obligations or expenditure is for the purpose of bolstering any foreign currency.

Now, my colleague from Maryland says where does he get the idea of Mexico. Read the bill. We did a $25 billion bailout of Mexico. So I am saying to the House, my colleague from Vermont is just trying in this small way to say, "Let's have a vote on this floor on the bail out," Vote "yes" on the Sanders-Cox amendment.

□ 1715

Mr. SANDERS. Mr. Chairman, I am delighted to yield 1 minute to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Sanders amendment. Congress, as has been said today over and over again, has never given the opportunity to vote on the Mexican bailout. Leaders in this House simply knew that a majority of Members of Congress were troubled about the bailout, had questions that people did not want to answer, and the administration and people supporting NAFTA or supporting the Mexican bailout in this institution did not want to answer those questions. Congress, as you recall, a year-and-a-half or so ago barely passed NAFTA. The public opposition to this bailout was even greater than the public concern and opposition to NAFTA. The questions about the bailout ranged all over the board about what kind of collateral there was going to be, what happens if there is default, how much money is committed, why are we doing this bailout, who benefits from the bailout, do the Mexican people benefit, do the American people benefit, do people in Wall Street benefit, where are the benefits of this bailout? None of those questions was answered in this institution, in this body, because we never had a vote. A "no" vote, Mr. Chairman, on this Sanders amendment, is a stamp of approval for the bailout.

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, we have been told that this is a success that has bolstered the dollar. Actually, if you remember, the dollar reached record lows versus the German mark and the Japanese yen about a month and a half ago, and many of the pundits said that there were three reasons. First was NAFTA, second was our U.S. deficit, and third was our international deficit. But they emphasized NAFTA. They said, we have inextricably, through the bailout, linked the U.S. dollar to the peso, we have linked our currency to the currency controlled in secret by an oligarchy, one that has been known to profit and artificially benefit billionaires in its own country and oppress its own people. The standard of living of the people of Mexico has dropped 40 percent since December.

This is not a success. It is simple. If you are against the Mexican bailout, vote yes on Sanders. If you want to implicitly or explicitly take the only opportunity you will be offered this year to vote on this, if you want to endorse the bailout, vote no.

Mr. LIGHTFOOT. Mr. Chairman, before closing, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH], for a unanimous-consent request.

Mr. LEACH. Mr. Chairman, based on the fact that two Members, one from each side, have read an amendment that is not the amendment under consideration, I ask unanimous consent that the Clerk read the amendment that is under consideration before this body.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS.

Amendment No. 12: Page 84, after line 17, insert the following new section:

SEC. 628. None of the funds appropriated by this Act may be used for salaries or expenses of any employee, including any employee of the Executive Office of the President, in connection with the obligation or expenditure of funds in the exchange stabilization fund.

POINT OF ORDER

Mr. SANDERS. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SANDERS. Mr. Chairman, the amendment that was given to the Chair reads differently than what the Clerk has read.

The CHAIRMAN. The Chair wishes to inform the Committee that the amendment that was just reported by the Clerk is the only amendment that was provided to the desk.

Mr. SANDERS. That is not correct, sir.

The CHAIRMAN. The Clerk has reported the amendment that was provided to the desk.

Mr. SANDERS. Mr. Chairman, we have a problem. We absolutely gave the amendment that was here to the Clerk.

The CHAIRMAN. Does the gentleman ask unanimous consent to withdraw the amendment which was just reported by the Clerk and submit another amendment?

Mr. HOYER. Mr. Chairman, I ask unanimous consent that the gentleman from Vermont [Mr. SANDERS] be given the opportunity to withdraw the amendment that apparently is at the desk and substitute the amendment which reads after "stabilization fund", "* * * when it is made known to the Federal official to whom such amounts are made available in this Act that such obligation or expenditure is for the purpose of bolstering any foreign currency."

Mr. Chairman, this will provide a degree of comity. The gentleman from Vermont clearly thought that was the amendment, and, very frankly, what he thinks was the amendment is what I have in front of me.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

Mr. LEACH. Mr. Chairman, reserving the right to object, I would only suggest that a moment be given to the gentleman from Vermont [Mr. SANDERS] to explain the meaning of his amendment. I have read both amendments. They have a similar objective and are dissimilarly flawed, but, nonetheless, flawed, but I think the gentleman ought to be given the right to explain the difference.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. SANDERS. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Vermont?

There was no objection.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS: Page 84, after line 17, insert the following new section:

SEC. 628. No amount made available in this Act may be used for the salaries or expenses of any employee, including any employee of the Executive Office of the President, in connection with the obligation or expenditure of funds in the exchange stabilization fund when it is made known to the Federal official to whom such amounts are made available in this Act that such obligation or expenditure is for the purpose of bolstering any foreign currency.

The CHAIRMAN. The gentleman from Iowa [Mr. LIGHTFOOT] has 2½ minutes remaining and is entitled to close the debate, and the gentleman from Vermont [Mr. SANDERS] has 1½ minutes remaining.

Mr. SANDERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I have great respect for my friend, the chairman of the Committee on Banking and Financial Services, the gentleman from Iowa [Mr. LEACH], and the other Members who have risen in opposition to this amendment. But in all due respect, what this amendment is about is one very, very simple fact. That is, whether the Members of the House of Representatives will exercise their constitutional responsibility and vote on issues of enormous consequence to the people of this country.

It makes no sense that we debate endlessly on $1 million appropriations, and then absolve ourselves of the responsibility of debating and voting on legislation and on an appropriation that could cost the taxpayers of this country $20 billion.

What this amendment is about is that when we go home, we will tell our constituents that we have the guts to deal with the tough issues; we will have the guts to say that if another bailout is requested, we vote it yes or we vote it no, but we did not duck the issue.

So for all of those people in the House who think that we have got to stand up and be counted, I urge a "yes" vote.

Mr. LIGHTFOOT. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Iowa is recognized for 2½ minutes.

Mr. LIGHTFOOT. Mr. Chairman, I rise in opposition to this amendment. Not because of the debate we have had here today; it has been an interesting debate. We have talked about a lot of different things. People are characterizing this as a vote on the Mexican bailout. It is anything but that.

The reason that we oppose the amendment is quite simple. We do not have jurisdiction over this particular agency in this committee. We have not held any hearings on the subject. The exchange stabilization fund does not have an appropriation. It was first funded, I believe, back in 1934, I wasn't alive then, and it has lived off its own assets and interest ever since. In effect, this amendment stops the exchange dead in its tracks, and, as a result, I think we create some very perilous waters for this committee and for the country.

The fact of the matter is, the law gives the Secretary of the Treasury the authority to operate the fund in any manner that he sees fit. Maybe that is too much authority. If it is, this is not the place to debate it.

This is the Appropriations Committee. I do not know how many times we are going to have to say it to get it through people's minds, there is a difference between policy and appropriation. We do not do policy here. Maybe we did abuse it in the Mexican case. But the way to change this is to change the law, not to put a rider on an appropriations bill, another gimmick, that says the Congress really did not mean anything with the law that it already passed.

Mr. Chairman, I would also like to point out that the purpose of this fund is to defend the value of the dollar in foreign exchange markets. If international investors hear that the United States cannot defend its own currency, there is a potential we could see the value of our own money fall. I do not believe we want that situation in place in our country today.

I very strongly urge a no vote on the Sanders amendment, again, for the simple reason, it does not belong in this bill. We have no jurisdiction over it. There is not an appropriation for it. If you want to debate this issue, it needs to be taken up in the correct policy committee.

The CHAIRMAN. All time has expired under the unanimous consent agreement.

The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 245, noes 183, not voting 6, as follows:

[Roll No. 531]

AYES—245

Abercrombie
Ackerman
Allard
Andrews
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Barcia
Barr
Barrett (WI)
Bartlett
Bass
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonior
Bono
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Coble
Coburn
Collins (GA)
Combest
Condit
Conyers
Cooley
Costello
Cox
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Deal
DeFazio
Dellums
Deutsch
Dickey
Doolittle
Dornan
Doyle
Duncan
Durbin
English
Ensign
Evans
Everett
Ewing
Fields (LA)
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Frisa
Funderburk
Furse
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Graham
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hinchey
Hoke
Holden
Horn
Hostettler
Hunter
Hutchinson
Inglis
Istook
Jacobs
Johnson (SD)
Jones
Kaptur
Kasich
Kennedy (RI)
Kildee
Kim
Kingston
Kleczka
Klink
Klug
LaHood
Lantos
Largent
LaTourette
Lewis (GA)
Lewis (KY)
Lincoln
Lipinski
Livingston
LoBiondo
Lucas
Luther
Manzullo
Martinez
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McKinney
McNulty
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moorhead
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Oberstar
Owens
Packard
Pallone
Paxon
Peterson (MN)
Petri
Pombo
Pomeroy
Poshard
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shuster
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stark
Stearns
Stockman
Stokes
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thurman
Tiahrt
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Visclosky
Waldholtz
Wamp
Ward
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wise
Wolf
Wyden
Young (AK)
Young (FL)
Zimmer

NOES—183

Archer
Baldacci
Ballenger
Barrett (NE)
Barton
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bishop
Boehlert
Bonilla
Borski
Boucher
Brown (CA)
Brown (FL)
Camp
Canady
Cardin
Castle
Clay
Clayton
Clinger
Clyburn
Coleman
Collins (IL)
Coyne
Davis
de la Garza
DeLauro
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
Eshoo
Farr
Fattah
Fawell
Fazio
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gonzalez
Goss
Green
Greenwood
Gunderson
Gutierrez
Hamilton
Hefner
Hilliard
Hobson
Hoekstra
Houghton
Hoyer
Hyde
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kelly
Kennedy (MA)
Kennelly
King
Knollenberg
Kolbe
LaFalce
Latham
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lightfoot
Linder
Lofgren
Longley
Lowey
Maloney
Manton
Markey
Martini
Matsui
McCarthy
McDade
McDermott
McKeon
Meehan
Meek
Menendez
Miller (FL)
Molinari
Moran
Morella
Murtha
Myers
Nadler
Nussle
Obey
Olver
Ortiz
Orton
Oxley
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Porter
Portman
Pryce
Quillen
Richardson
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Spratt
Stenholm
Studds
Tejeda
Thomas
Thompson
Thornton
Torkildsen
Torres
Vento
Volkmer
Vucanovich
Walker
Walsh
Watt (NC)
Waxman
White
Williams
Wilson
Woolsey
Wynn
Yates
Zeliff

NOT VOTING—6

Bryant (TX)
Collins (MI)
Crane
DeLay
Moakley
Reynolds

Mrs. COLLINS of Illinois and Messrs. NUSSLE, HILLIARD, and FRANKS of Connecticut changed their vote from "aye" to "no."

Messrs. MICA, PACKARD, TOWNS, and YOUNG of Alaska changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mrs. CHENOWETH. Mr. Chairman, I move to strike the last word, in order to engage in a colloquy with the gentleman from Iowa.

Mr. Chairman, the report on this bill, H.R. 2020, includes language that provides $7.5 million for antiterrorism activities for the Bureau of Alcohol, Tobacco and Firearms. I would ask the gentleman, does this include resources for activities to be authorized under the President's antiterrorism legislation that has not yet been brought to the House floor?

Mr. LIGHTFOOT. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, the answer is absolutely not. The $7.5 million in the bill is for the chemists, the investigators who specialize in explosives investigations working on the Oklahoma City bombing. As the gentlewoman is aware, that bombing occurred after the President submitted his budget.

Mrs. CHENOWETH. Mr. Chairman, am I to understand that this colloquy will become part of the legislative history of this bill and clarifies the language of the report?

Mr. LIGHTFOOT. Absolutely, yes.

Mrs. CHENOWETH. Mr. Chairman, am I correct that any changes to ATF's authorities are not within the jurisdiction of this Committee, and there are no such changes in this bill?

Mr. LIGHTFOOT. Again, the gentlewoman is absolutely correct.

AMENDMENT OFFERED BY MRS. CHENOWETH

Mrs. CHENOWETH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. CHENOWETH: Page 84, after line 17, insert the following new section:

SEC. 628. None of the funds made available by this Act may be used to provide bonuses or any other merit-based salary increase for any employee of the Bureau of Alcohol, Tobacco and Firearms.

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes, and the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. HOYER. Reserving the right to object, Mr. Chairman, I do not think this is a particularly complicated amendment. I would suggest that we reduce the time to 10 minutes.

Mrs. CHENOWETH. Mr. Chairman, I object.

The CHAIRMAN. Pending is the unanimous-consent request of the gentleman from Iowa [Mr. LIGHTFOOT] that 20 minutes of time be allotted for the Chenoweth amendment and all amendments thereto.

Mr. HOYER. Mr. Chairman, I withdraw my reservation of objection.

Mr. DURBIN. Mr. Chairman, reserving the right to object, I would just like to ask the gentleman from Iowa to clarify whether the 20-minute limitation, 10 minutes to a side, also applies to any amendments to this amendment.

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, I would tell the gentleman from Illinois that that is correct. That is why we wanted the 20 minutes.

Mr. DURBIN. I object, Mr. Chairman.

The CHAIRMAN. Objection is heard.

The gentlewoman from Idaho [Mrs. CHENOWETH] is recognized for 5 minutes on her amendment.

Mrs. CHENOWETH. Mr. Chairman, this amendment provides a strong statement about an agency that is now under investigation and going through hearings in the House because of the events at Waco and at Ruby Ridge in Idaho. It prevents any member of ATF from receiving any bonuses or salary rewards this year until the Waco and the Ruby Ridge and other investigations have been concluded.

Mr. LIGHTFOOT. Mr. Chairman, will the gentlewoman yield?

Mrs. CHENOWETH. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, I have looked at the gentlewoman's amendment and reviewed it, and have no objection to it. I am ready to accept the amendment.

Mrs. CHENOWETH. I appreciate that, Mr. Chairman. Mr. Chairman, the BATF has been involved in some activities, some very serious activities that are of great concern to the American people. Among those is tolerating and promoting racism in their good old boys parties. They have bungled the Waco, TX, raid and the entrapment of Randy Weaver. They are accused of abusing the rights of ordinary Americans, and its own employees.

Mr. Chairman, we need to take a hard look at this agency whose roots began in only 1971, but the purpose of this was simply to collect Federal taxes on distilled spirits. However, on July 1, 1972, the agency, formerly located within the IRS, became a separate bureau within the USDT. Although Ronald Reagan wanted to abolish the agency in the early 1980's, BATF not only survived, but received new legal responsibilities in the latter part of this decade, to the point that they had become one of the largest and one of the most invasive agencies in this Nation.

I think we were all shocked to read in the Washington Times that the ATF got 22 planes to aid in surveillance. I may ask, when was the ATF authorized to do this activity? Mr. Chairman, these planes would have been equipped, and they also were modified to carry one sidewinder missile under each wing, a snake-eyed bomb, firebombs, and cluster bombs. Mr. Chairman, I ask, when did this agency receive this kind of authorization?

I want to make it clear, and I agree with the chairman, the gentleman from Louisiana [Mr. LIVINGSTON], that there are very good cops in the BATF, but as Time magazine has pointed out in their cover page story, there is something deeply wrong in this agency, and I think the Congress needs to assure the American people that we are prepared to take decisive action.

Mr. BARTLETT of Maryland. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I had two fundamental problems with the report language in this bill.

□ 1800

The first of those problems was I believe taken care of by the colloquy which made it very clear that to continue antiterrorism activities that were initiated after the Oklahoma City bombing was meant to refer only to the involvement of ATF in the use of their experts in explosives in the continuing investigation of the Oklahoma City incident. This was not meant to authorize any other activity on the part of ATF.

My second problem is addressed by this amendment. This amendment if one looks at it sends a relatively mild message that the Congress is less than enthusiastically happy with ATF leadership and Bureau performance. The death of over 20 innocent children at Waco and the recent Good Ol' Boy Roundup are just two reasons we need to send this message. Support the Chenoweth-Bartlett amendment. Send the message.

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 20 minutes with the time to be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. Under the unanimous-consent agreement, the gentlewoman from Idaho [Mrs. CHENOWETH] will control 10 minutes of the time, and a Member in opposition to the amendment will control 10 minutes of the time.

Mr. HOYER. Mr. Chairman, I rise in opposition and claim the time.

The CHAIRMAN. The gentleman from Maryland [Mr. HOYER] will be recognized for 10 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, I rise in strong support of the Chenoweth-Bartlett amendment to cut this BATF funding. The fact is that the BATF is a law enforcement department within the Federal structure that has not had enough oversight over the term of its existence. We have the same problem with the BATF today that we had with the FBI in the 1960s.

It can be seen in a spectrum of outcomes that have been very obvious on the front pages of the paper as well as outcomes that have not been so obvious. I want to talk about two of them.

One is this probe of the conduct of agents that has been publicized in the Washington Post as well as in the Washington Times, in the New York Times, and every newspaper in the country.

Mr. HOYER. Mr. Chairman, will the gentleman yield?

Mr. HOKE. I will not yield. I have a very short time. The gentleman has his own time. I will yield on the gentleman's time if he wants.

Mr. HOYER. The gentleman has more time on his side than we have.

Mr. HOKE. I will not yield. I have 2 minutes.

Mr. Chairman, this is an article that describes a Good Ol' Boys Roundup in rural Tennessee, that officials acknowledge that this was something that was done for members of the BATF.

The fact is there is not enough oversight, there is not enough accountability. It is a bureau that needs to be reined in, it needs to be given a strong signal. That is exactly what this amendment does.

Particularly, I want to illustrate one other thing that happened in my district, in Parma, OH, not 3 weeks ago, where BATF surrounded a single house all night long, it cut off the electricity to all the surounding homes in that neighborhood, and finally because it had an insufficient search warrant, it completely abandoned what it was doing.

It is a bungling agency that needs to be reined in.

PARLIAMENTARY INQUIRY

Mr. ENGEL. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ENGEL. Mr. Chairman, I understand that there are 10 minutes allocated to each side. Does the 10 minutes on the side in favor of the amendment include the 6 minutes that they had previous to the allotment of the 10 minutes each?

The CHAIRMAN. The Chair wishes to inform the gentleman that there was no unanimous-consent agreement during the first 6 minutes of debate. The unanimous-consent agreement was struck after consultation between the two sides.

Mr. ENGEL. It hardly seems fair that one side should get 16 minutes and the other side 10 minutes.

The CHAIRMAN. The unanimous-consent agreement was 10 minutes per side as they proceeded.

Mr. ENGEL. Mr. Chairman, would it be in order to ask unanimous consent to modify the agreement so that each side could have the same amount of time?

The CHAIRMAN. By unanimous consent, a modification to the agreement can take place.

Mr. BURTON of Indiana. Mr. Chairman, I do not think anybody on our side would object.

The CHAIRMAN. Has the gentleman completed his parliamentary inquiry?

Mr. ENGEL. Yes.

Mr. Chairman, I ask unanimous consent that each side would have the 16 minutes; that the side in opposition would also have the additional 6 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, I would just like to make this comment. I believe that this side would not object to each side having an extra 5 or 10 minutes should they want to do that. But to use time that has already expired I think would be something that is not fair. I would not object and I do not think anybody on our side would object if they wanted an extra 5 minutes on each side. But to include time that has already been consumed I do not think would be acceptable.

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. Further reserving the right to object, I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, we originally had asked for an agreement on 20 minutes. There was objection to that. As the Chair knows, we went ahead with the Chenoweth amendment under the 5-minute rule. I believe the Chair said 6 minutes was consumed in that process while the objection was overcome on the other side.

Mr. Chairman, how many minutes do we have left on both sides combined?

The CHAIRMAN. The gentlewoman from Idaho [Mrs. CHENOWETH] has 8 minutes remaining and the gentleman from Maryland [Mr. HOYER] has 10 minutes remaining. The gentleman from Maryland [Mr. HOYER] has the right to close as he represents the committee position.

Mr. LIGHTFOOT. Mr. Chairman, if we could get a unanimous-consent agreement to give the gentleman from Maryland [Mr. HOYER] an additional 5 minutes, would that work to keep everybody happy? Then it is equal on both sides. We have already had 6 on our side. I am trying to get it equal on both sides. I am not playing the role of one side or the other. I want it equal.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. HOYER. Mr. Chairman, reserving the right to object, if the gentleman would make it 3 additional minutes that we would have. You had 6 additional minutes. If we just have 3 additional minutes.

Mr. LIGHTFOOT. I am sorry. Three minutes would make it correct.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa that the gentleman from Maryland [Mr. HOYER] have 3 additional minutes?

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, if you make it equal on both sides, I will not object. But if you are going to do that, I will object.

The CHAIRMAN. Objection is heard.

The gentleman from Maryland [Mr. HOYER] is recognized for 10 minutes.

Mr. HOYER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have not come to the well before. I have spoken from there. I want to impress upon the Members, I think this is a very important and perfidious amendment.

The House better come to its senses, those of us who are new and those of us who have been here. Ladies and gentleman of the House, this is serious business we are about. The American public sent us to do serious things. The American public expected of us responsibility. The American public expected us to think about what we are doing.

It is quite obvious that we, yes, have a new group elected that wants to have a revolution and does not like certain agencies in the Government of the United States. I understand that. That is a fair thing to come to Washington with, and it is fair to act to do away with those agencies. But let me tell you what is not fair: to come and attack those people who have been working on behalf of the policies this Congress adopted.

The gentleman from Ohio [Mr. HOKE] spoke earlier and made a totally inaccurate representation. He flashes around a paper. He would not yield to me. Yes, 6 to 12 AFT individuals. And he said it was for ATF. In fact the majority of people there were local law enforcement people from the South.

Mr. HOKE. Mr. Chairman, will the gentleman yield?

Mr. HOYER. No, I will not yield.

Mr. HOKE. If you are going to attack me, you are not going to yield?

Mr. HOYER. I did not attack you. I said you were wrong. There is a difference.

Mr. HOKE. Will you yield?

Mr. HOYER. No, I will not yield.

Mr. HOKE. You will not yield even though you used my name?

Mr. ENGEL. Mr. Chairman, regular order.

The CHAIRMAN. The gentleman from Maryland controls the time.

Mr. HOYER. The fact is, if he will read the newspaper that he waved around, it said approximately 6 to 12 ATF folks, some Secret Service, some Customs, some DEA, and mostly local law enforcement officials from throughout the region.

The fact of the matter is that I think some people did something wrong. They should not have done it. There are over 1,000 employees who will be affected by this amendment. In this amendment, we say none of the employees of ATF, none of the money may be used to provide bonuses or any other merit-based salary increase for any employee of the Bureau of Alcohol, Tobacco and Firearms.

Is there one person on this floor who can honestly say that one or two or three of the folks who work at BATF are not employees who are deserving of merit increases, of bonuses, of recognition for heroic action, just because there are some who do not act in the manner that we would want, or because the agency for which they work has a mission with which some of us or maybe many of us do not agree?

Ladies and gentlemen of this House, this is an ax where a scalpel may be needed. Let us think about what we are doing. If you want to do away with ATF, you have that opportunity. That is the way it should be done, not to say to the employees who work at ATF, at our request, the overwhelming majority of whom are trying to do the best job they know how, that none of the funds in this bill can be used to give them a merit increase or a bonus for heroic behavior or any other behavior.

Ladies and gentlemen of this House, as I said earlier, we have significant and strong differences of opinion, but that does not mean we need to act irrationally. I frankly was opposed to the last amendment because I thought the message that the sponsors wanted to send about the bailout of Mexico was affected by an amendment which may affect many, many nations and may affect the stabilization of our dollar and of other currencies. Another meat ax approach to important, serious issues.

I ask the House to reject this amendment. In voting to reject this amendment, not to in any way be interpreted as sanctioning bad activity at ATF or adopting the premise that ATF is an agency that you want to support, but an action that says, "I am a responsible Member of the House, of 435 people, who is going to support or oppose amendments or proposals based upon their merit and their impact and their accomplishment of objectives that I support."

□ 1815

I ask every Member of this House to reject this amendment.

Mr. ENGEL. Mr. Chairman, will the gentleman yield?

Mr. HOYER. I yield to the gentleman from New York.

Mr. ENGEL. Mr. Chairman, I thank the gentleman and I could not put it any better. To me this amendment is simply an amendment, frankly, to pander to the militias and to pander to people who have loony conspiracy theories about Waco and the Weaver case in Idaho. I do not think we need to bash Federal employees.

If there are Federal employees that did something wrong, then those Federal employees ought to be drummed out or prosecuted, but do not tarnish a whole group of people because there may be a few rotten apples. It is like saying if a Member of Congress does something wrong, does that cast negative views on all 435 Members of Congress? Why penalize people who were not there?

The underlying attitude here of somehow conspiracy theories or somehow we have to pander to the militias I think is very, very dangerous. This is a dangerous amendment and it ought to be rejected.

Mr. HOYER. Mr. Speaker, I reserve the balance of my time.

PREFERENTIAL MOTION OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer a preferential motion.

The Clerk read as follows:

Mr. OBEY moves that the Committee rise and report the bill back to the House with the recommendation that the enacting clause be stricken.

The CHAIRMAN. The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes in support of his motion.

Mr. OBEY. Mr. Chairman, I want to say that as one citizen of this country, I think there is a lot that is wrong in the BATF. I am also concerned about some of the things that have happened in the FBI.

I think that just as I was outraged when anti-war demonstrators were treated in a way not consistent with their civil liberties during the Vietnam war, I am also outraged when individual citizens, it does not matter whether they belong to the militias or anything else, have their civil rights violated by any agency in today's America. I think we need to be equally outraged about that.

But having said that, I simply want to read the language of this amendment. It says, "None of the funds made available by this act may be used to provide bonuses or any other merit-based salary increase for any employee of the Bureau of Alcohol, Tobacco and Firearms."

What that really says is that if the general at the top of the agency screwed up, that it is the PFC at the bottom who pays the price. I did not know that was the kind of fairness meted out by the House of Representatives. I thought we could do better than that.

What it says is that if a Member of Congress does something stupid, their employee should be penalized. An awful lot of employees would be penalized unjustly if we allowed that principle to govern.

Mr. Chairman, I would simply say that what this amendment does, clumsy as it is and misguided as it is, is it simply shoots the troops in the field for the mistakes of people running the agency.

If there are mistakes in the agency, get them fixed. If there are mistakes by people higher up in the agency, correct them. Under this language, an individual employee could blow the whistle on their own agency for misconduct and they could not be rewarded by their government. Does anybody really think that makes sense? I doubt it. I hope not.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. OBEY. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, let me tell my colleagues what this amendment is all about. This amendment is inspired by the gun lobby, the National Rifle Association and their associate groups, which would like to see the BATF and its activities regulating criminal firearms trafficking disappear.

This amendment is the kind of political effort which makes extremist militias stand up and cheer. This punishes the BATF, the very agency which closely monitors the activities of these extremist paramilitary groups. This amendment is disgraceful. And let me tell my colleagues, it is without precedent.

When the Federal Bureau of Investigation was found guilty of discrimination in employment, did we decide then to sanction every agent of the FBI? No.

When Operation Tailhook occurred to the shame and embarrassment of many in this Chamber and in the Pentagon, did we sanction all of the pilots serving in the U.S. Navy? No.

When one CIA employee was found guilty of treason, did we decide to sanction every employee of the CIA? No, because simple elemental justice tells us that is wrong.

The amendment by the gentlewoman from Idaho [Mrs. CHENOWETH] says that every employee of BATF shall be punished, because some may have transgressed the law. Consider for a moment these employees, some 4,000 strong, who literally put their lives on the line for every American family, every day, suppressing illegal gang activity, working on drug trafficking, trying to stop the criminal trafficking of firearms.

This morning they got up and put on their uniforms and their vests and went out and put their lives on the line, I tell the gentlewoman from Idaho. And despite an act of heroism by one of them that might have saved someone's life, the gentlewoman is saying, unequivocally, no recognition, no bonus. Why? Because someone else in the agency offended her sense of justice or sensibility.

That is so basically unfair, it really should not be considered seriously by this Chamber. If someone is guilty of wrongdoing in this agency, let them answer for it and let them pay the price. Do not punish all the employees in this agency.

The CHAIRMAN. Is there a Member who rises in opposition to the motion of the gentleman from Wisconsin [Mr. OBEY]?

The gentlewoman from Idaho [Mrs. CHENOWETH] is recognized for 5 minutes.

Mrs. CHENOWETH. Mr. Chairman, I rise in opposition to the motion, and I yield 2 minutes to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, I stand in opposition to the motion and I think it is important that we understand what is happening procedurally in this debate. We are debating a motion to rise and to basically strike the enacting clause of the bill which would kill the bill. The real purpose of the motion, though, is to stop debate on this issue and to move us ahead without getting resolution of the question.

It has been argued that we do not need to take this type of action to address the concerns about the ATF. What is not apparent, however, is that there were efforts to look at other parts of the bill which have been halted by not getting the kind of support that is necessary on the floor; efforts to look at the enforcement funding at the ATF; the kinds of issues that would be much more credible in terms of attacking the problems that many of us see with the handling of ATF issues around the country, but those efforts have been stopped.

Certainly, it is possible that a better-crafted approach to this can happen, but this is this bill that we are talking about and this is the type of approach that we have been able to move forward on. I am sure that as we move forward on the debate on this bill, and on other bills, we can find more effective ways to do it. But this is an opportunity to send a message and to make a start in terms of telling the American public that we are now having debate, we are now having a hearing, and we are now looking at finding answers to questions about what happened at Waco and what happened at Ruby Ridge and what are we going to do in the future to deal with it?

In this Congress, we use the vehicles we have to raise those issues and to make our points. I think we would all agree that as we address them, we will ultimately need to refine the approach that we take until it is pinpointed and it is effective. But today, this is the vehicle we have and this is the motion that we have and I think we ought to reject the motion of the gentleman from Wisconsin [Mr. OBEY] that we rise.

Mr. OBEY. Mr. Chairman, I ask unanimous consent to withdraw my motion.

Mrs. CHENOWETH. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The gentlewoman from Idaho is recognized.

Mrs. CHENOWETH. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STOCKMAN].

Mr. STOCKMAN. Mr. Chairman, it is interesting that the other side, when I was running against the former chairman of the Committee on the Judiciary, he stated, and I quote, "Burning to death was too good for them. I prefer a slower method."

What do we have? Is there a threshold of conscience on the other side that we have found out now that there is racism rampant in the department? Where do we rise and say that this is wrong? Do we stay silent? Now it is coming out on "Nightline" and "20/20," other news shows, other credible mainstream shows, saying "What is going on? There is something wrong,"and they do not want to talk about it.

Mr. Chairman, I think the other side should be ashamed. We need to talk about this and this motion to rise is a fraud and an unrealistic motion. We need to vote this motion down, but I ask the other side: At what point do you say we have to to stand up and say what is going on is wrong?

I do not criticize the gentlemen that are in the front-lines. One of the boys that passed away, was shot at Waco, was a camp counselor just near my home; one mile. He died. But I think in his memory we need to preserve freedom. And freedom is what this country is about and we are being denied the access to discuss this issue by this cheap motion.

Mrs. CHENOWETH. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. HAYWORTH].

Mr. HAYWORTH. Mr. Chairman, I thank the gentlewoman from Idaho [Mrs. CHENOWETH] for yielding me time and welcome the opportunity to speak against the motion of the gentleman from Wisconsin [Mr. OBEY]. The fact is, it is our constitutional prerogative to act at this juncture, because through the appropriations mechanism, we do have a chance to send a clear signal and to establish sound policy.

Mr. Chairman, I rise to fully associate myself with the comments of the gentleman from Idaho. Yes, the process can be reformed at some juncture, or refined I should say, but this is our opportunity to say "no" to the mysterious new air force of the BATF; to take a serious look at what has transpired in recent days; and to say enough is enough. It is time to rein in this agency and we do it through the appropriations mechanism.

Mr. CHAIRMAN. The question is on the preferential motion of the gentleman from Wisconsin [Mr. OBEY].

The motion was rejected.

Mr. HOYER. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, I have a lot of good friends on this side of the aisle, but yet I am in opposition to my friends today. I think as we step back and look, as the gentleman from Maryland [Mr. HOYER] said, this is an ax. We need a scalpel. I think this is a shotgun. I think this is messy.

I get mad at the USDA frequently, but does that mean that I think that the local ASCS officers should be penalized for those decisions? I get mad at the Post Office a lot. Should my personal mail carrier have his pay frozen because of what goes on in Washington? I get mad at the mayor. Do I want to penalize the clerk at city hall?

That is what we are doing. We are talking about freezing the salary of secretaries, mechanics, janitorial personnel, for things that they have absolutely no control of.

I have got problems with BATF. I have concerns about this air force; I think we should look into the 22 airplanes. I think an amendment to reduce their funding may be a good idea. Investigating the "Good Ole Boys" networks, that would be something good. Investigating Waco, that would be good. Investigating the Randy Weaver involvement, that is good.

But what we are talking about doing is because of managerial decisions, we are going to penalize secretaries and mechanic's pay raises for the next year.

Mr. HOKE. Mr. Chairman, will the gentleman yield?

Mr. KINGSTON. I yield to the gentleman from Ohio.

Mr. HOKE. Mr. Chairman, my understanding is that this is only for merit pay and bonuses and the whole purpose is it will not freeze salaries.

Mr. KINGSTON. Mr. Chairman, reclaiming the time, if a secretary is on merit pay, he or she will not get a salary increase. And if they do a good job and are entitled for discretionary bonus, we are talking about none.

I believe that what we should do is deal with BATF in a broader picture. Let us not get mad at them for what happened in Waco and then do the same thing in a different way on them here. Let us be a little more above the fray of what you are saying is their own management style. Let us go in there and say, "Cut the funding."

Mrs. CHENOWETH. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas [Mr. TIAHRT].

Mr. TIAHRT. Mr. Chairman, this is not about the NRA or some militia group. This is about good behavior and bad behavior.

When I go back into my district they say, In a free society, if you have some actions that you want to approve of, you reward it and if you have some actions you do not want to approve of, you do not reward it.

We have some actions that we do not approve of. In fact, there are two agencies that the people in my district say they are afraid of. One is the IRS and the other is the ATF.

□ 1830

So when we are to reward good behavior, we should not do it by giving money for things that we do not agree with.

Now, we have got the investigation going on about the good old boy retreat down in Tennessee and allegedly, allegedly it is anti-Semitic, it is sexist, it is racist, some romp in the woods. If that is true, then none of us should agree with it, none of us on both sides. We should disapprove of that type of activity, and all this is doing, it is not like we are starving the people out here at the ATF. In the last rescission, we added in an additional $34,823,000. We have been handing money over to them.

What we are trying to do is send a message there is some kind of behavior, as a Congress, we do not approve of. It includes Waco, where we had over 80 people that were terminated by this government without a trial, without a judge, and without a jury, and we have the incidents in Ruby Ridge, where, again, a 14-year-old-boy, and Randy Weaver's wife, and I do not agree with him politically, I do not agree with him, but he does not deserve what he got; again, without a trial, without a judge, without a jury, human life was taken. We must not reward this type of behavior.

I think this sends that message. It does not say there is a salary freeze; it says there is no merit increase. We are sending a message to them we are not going to reward this kind of behavior.

So I think this is a good way for us to send this message to them. We certainly do not want to encourage anyone who disregards human life.

I just encourage those of us to vote in favor of the amendment.

Mrs. CHENOWETH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, this amendment is not perfect, and there will be other opportunities to approach this issue, but if I may quote the bard, "The problem, dear Brutus, is not in the gentlewoman's amendment. It is in yourselves."

You should have had hearings on this in 1993. There was another disgrace.

Mr. HOYER. Mr. Chairman, if the gentleman will yield, we had hearings.

Mr. DORNAN. No.

Mr. HOYER. I do not have them here.

Mr. DORNAN. Oh, no.

Mr. HOYER. Oh, yes.

Mr. DORNAN. Not the type of hearings we were asking for on our side.

I reclaim my time.

There was another issue where you had no hearings at all. That is similar, and that is the brutal death of 19 young Americans, our special ops and rangers, men in Somalia, no hearings, and that was in October. Back in April when this happened, there was so much lying and coverup and confusion, none of it excusing the atrocity and mass murder at Oklahoma City.

I do not care about the militia, militias. Of 10 presidential candidates, only one was not spooked by that issue, me. I said, "Get a life or join the Guard if you are young, or teach a Little League team or soccer team, if you are older."

I flew in the Guard with a Minuteman on the tail of my aircraft. I thought I was in the militia. That is how much I knew about militia. I thought it was the National Guard or the Air Guard.

None of this has to do with them. It has to do with things like this photograph. Who is the ATF to run up a flag before the bodies of 24 children are removed from the ashes? Some of them died choked to death on CS gas.

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. There has been a lot of reference made to news reports and so on. I said I was going to accept the gentlewoman's amendment. I am about to change my mind, because that is exactly the kind of garbage that is being distributed, the flag——

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. LIGHTFOOT. Would the gentleman from Maryland [Mr. HOYER] yield me 30 seconds?

PARLIAMENTARY INQUIRY

Mr. DORNAN. Mr. Chairman, parliamentary inquiry. How much time do we have on each side?

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. DORNAN. You did not hear me. I asked a parliamentary inquiry. I asked how much time is on each side.

The CHAIRMAN. The gentleman from Maryland has 2 minutes remaining, and the gentlewoman from Idaho has 4 minutes remaining.

Mr. DORNAN. If my friends would like 30 seconds from that side, I would like 30 seconds from our side.

The CHAIRMAN. Who yields time?

Mrs. CHENOWETH. Mr. Chairman, I yield 30 additional seconds to the gentleman from California [Mr. DORNAN].

Mr. LIGHTFOOT. Mr. Chairman, if the gentleman will yield, I will try and give some of it back.

Mr. DORNAN. That was to me?

Mrs. CHENOWETH. I yield 30 seconds to the gentleman from California [Mr. DORNAN].

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from Iowa, but do not take it all, Mr. Chairman.

Mr. LIGHTFOOT. The flags in that photograph, hold it up again, this is typical of what has been done. If you notice the picture is cut off right at the top of the American flag. Those flags were at half mast as a memorial to the Americans that died at Waco, the Texans that died there, and the ATF agents that died. That is not a celebration of victory, as you said.

Mr. DORNAN. No; no. Reclaiming my time, there are four gold stars on there for the young agents sent to their death by the worst leadership I have seen in any agency, domestic agency, in recent history. My heart goes out to the four gold stars, not to the idiots who sent them into combat.

Mrs. CHENOWETH. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, I would like to put it in perspective, because the Tailhook example was brought up on the other side and said that all members had not been chastised, and I would like Members to know that even as we sit here today, those members in the United States Navy that were commanders are still waiting after a year to be selected as captain because of Tailhook, and so they were chastised, and they were penalized. We took and fired the Secretary of the Navy, the chief of naval operations, two flag officers, and I want to tell Members on both sides, whatever the issue is, that all Navy people are not bad, all ATF agents are not bad, and I agree with that.

But we need to send a message to the Navy, which we did, and I think we need to send a message not only to the AFT but to the committee that is holding the hearings to hurry these things through.

When my daughter is bad, or daughters, I do not increase their allowance. Now, they can always prove themselves, but I would also ask, you know, the gentlemen on both sides of this issue that when we take a look at these kinds of issues, we do need to go after the people that are responsible, and I would say if you fire the Secretary of the Navy and you fire the chief of naval operations and all the other flag officers, then maybe you ought to look at the top, Janet Reno, who is responsible for this issue, and be consistent.

Mrs. CHENOWETH. Mr. Chairman, I yield 30 seconds to the gentleman from Iowa [Mr. LIGHTFOOT], the chairman.

Mr. LIGHTFOOT. Mr. Chairman, I thank the gentlewoman for yielding.

The gentleman from California [Mr. CUNNINGHAM] I think hit on a key issue we need to address. The top management in ATF tried to discipline people in Waco, and many of his decisions were overturned, and through the Fair Labor Standards Act and the Federal Employees Protection Act, these agents were made to go back to the agency against the wishes of the Director.

He currently is under a situation with an agent who he fired for behavior unbecoming a law enforcement officer, but yet through this hearings appeal panel board, he is forced to take this individual back, give him a gun and put him on the street. That issue has to be addressed. Management has to be able to function. They have to be able to weed out people that are not beneficial to the agency.

Mrs. CHENOWETH. Mr. Chairman, I yield 1½ minutes to the gentleman from Indiana [Mr. BURTON].

Mr. BURTON of Indiana. Mr. Chairman, first of all, let me say this: That does not affect cost-of-living increases. It is only merit pay and bonuses, and the purpose of the amendment is to send a very strong signal to the BATF that we do not want innocent women and children or anybody else killed because somebody makes a big mistake, because they do not think these things out well.

At Ruby Ridge and at Waco, Americans were killed unnecessarily because of bad judgment, because of mistakes that were made, and that needs to be changed. We need to send a very strong signal that that needs to be changed.

No American should be killed by a Federal agent of any agency because of bad judgment, because they made a mistake and, therefore, signals have to be sent.

I cannot understand why the BATF now has an Air Force. It makes no sense to me. Why do they have weapons of that type? That is for the military, not for the BATF.

Let me say one more thing real quickly. At this good old boys network that my colleagues are concerned about racism, there are members of these agencies that they have on videotape with tee shirts depicting the Reverend Martin Luther King in gunsights' crosshairs, with black boys in hoods straddling across police cars. These are people from these agencies, the BATF. A signal needs to be sent that that kind of situation, that kind of thing should not be tolerated, and that is what this amendment is all about.

Mr. HOYER. Mr. Chairman, I yield 60 seconds to the gentlewoman from California [Ms. WATERS].

Ms. WATERS. Mr. Chairman, I am extremely impressed with the newfound consciousness about racism that is being displayed here this afternoon. I do not wish the actions of the ATF, which some of us are certainly going to deal with and must be dealt with, to be used as a shield for those who want to protect the actions of the militia and other kinds of things.

I would say to this body that it does not make good sense to punish secretaries and mechanics, et cetera, et cetera, for the actions of a few, maybe at the top, and I do not want my colleagues to be fooled to think that some of us who work on this business of racism day in and day out are going to be fooled or sucked in on these kinds of arguments.

I ask you to vote against this senseless amendment. It does not do any good to take away the bonuses of innocent people to get at what they care about, and I say let us deal with racism in a real way at some point in time on this floor.

Mr. HOYER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, following some of these incidents, there were at least five hearings. We had days of hearings, the gentleman from Iowa [Mr. LIGHTFOOT] and I. The fact of the matter is that the director resigned under pressure. The head of the law enforcement side of ATF, after Waco, resigned. The fact of the matter is they are gone. The agents to which the gentleman from Iowa [Mr. LIGHTFOOT] referred were disciplined. They are not in law enforcement.

But the fact of the matter is this is painting with a very broad brush everyone who serves us, everyone whom we ask day in and day out to go out and risk their lives to make this country safer.

Do some transgress? Yes. Rodney King was a transgression. But we did not damn the entire police force of Los Angeles nor cut their salaries because we knew it was critical for the safety of our streets and our country and our democracy that we maintain law and order in this country.

Ladies and gentlemen, do not, with a broad brush damn everybody who serves this country so well.

Reject the Chenoweth amendment.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Idaho [Mrs. CHENOWETH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. CHENOWETH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 111, noes 317, not voting 6, as follows:

[Roll No. 532]

AYES—111

Allard
Armey
Baker (CA)
Barr
Bartlett
Barton
Boehner
Bonilla
Bono
Brownback
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Camp
Chabot
Chenoweth
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crapo
Cubin
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Emerson
English
Ensign
Everett
Frisa
Funderburk
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hilliard
Hoke
Hostettler
Hunter
Hutchinson
Johnson, Sam
Jones
Kelly
Kim
LaHood
Largent
Latham
Laughlin
Lewis (KY)
Manzullo
McInnis
McIntosh
Metcalf
Mica
Moorhead
Myers
Neumann
Ney
Nussle
Paxon
Petri
Pombo
Quillen
Radanovich
Roberts
Rogers
Rohrabacher
Roth
Royce
Salmon
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Skelton
Solomon
Souder
Stearns
Stenholm
Stockman
Stump
Tate
Taylor (NC)
Thornberry
Tiahrt
Traficant
Upton
Volkmer
Vucanovich
Wamp
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Young (AK)

NOES—317

Abercrombie
Ackerman
Andrews
Archer
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TN)
Calvert
Canady
Cardin
Castle
Chambliss
Chapman
Christensen
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Harman
Hastert
Hastings (FL)
Hayes
Hefner
Heineman
Hinchey
Hobson
Hoekstra
Holden
Houghton
Hoyer
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moran
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Norwood
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quinn
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Spence
Spratt
Stark
Stokes
Studds
Stupak
Talent
Tanner
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Waldholtz
Walker
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
White
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

NOT VOTING—6

Bryant (TX)
Collins (MI)
Crane
Horn
Moakley
Reynolds

□ 1903

Mr. GOODLING changed his vote from "aye" to "no."

Messrs. COBLE, COLLINS of Georgia, and BARR changed their vote from "no" to "aye."

So, the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. HORN. Mr. Speaker, due to the fact that I was unavoidably detained at a meeting and missed the rollcall on the Chenowith amendment to the Treasury appropriations bill, had I been present for rollcall Vote No. 532, I would have voted "nay" against the proposal which sought to prohibit use of funds to provide bonuses or any other merit-based salary increase for any employee of the Bureau of Alcohol, Tobacco and Firearms.

AMENDMENT OFFERED BY MR. WARD

Mr. WARD. Mr. Chairman, I offer an amendment.

The clerk read as follows:

Amendment offered by Mr. WARD: Page 84, after line 17, insert the following new section:

SEC. 628. None of the funds made available in this Act may be used to issue any tax compliance certificate required under section 6851(d)(1) of the Internal Revenue Code of 1986 of any individual departing the United States, except when it is made known to the Federal official having authority to obligate or expend such funds that a system is in place to collect taxes in the manner prescribed under the provisions of H.R. 1535 (as introduced in the House of Representatives on May 2, 1995), which provides tax rules on expatriation.

Mr. WARD (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. LIGHTFOOT. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 25 minutes, with the time being equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

Mr. WARD. Mr. Chairman, reserving the right to object, as we discussed between both sides, a 25 minute limit, it was my understanding that it was a 25-minute limit on this amendment. So I would not object to a 25-minute limit on the Ward amendment.

The CHAIRMAN. The unanimous-consent request of the gentleman from Iowa is that the 25-minute limit apply to the Ward amendment and all amendments thereto.

Mr. WARD. Would the Chair restate that? I apologize to the gentleman from Iowa. I just want to make sure, if I may, that we have the full 25-minutes.

The CHAIRMAN. The gentleman reserves the right to object and may proceed under his reservation.

Mr. WARD. With that reservation, if we can have 25-minutes on this amendment and on the issue that this amendment represents. That is what I am looking for, that is what I thought we had, and that is what I would like.

The CHAIRMAN. The unanimous-consent request of the gentleman from Iowa was that 25-minutes be allowed on the Ward amendment and any amendments thereto.

Mr. HOYER. Mr. Chairman, will the gentleman yield on his reservation?

Mr. WARD. I yield to the gentleman from Maryland.

Mr. HOYER. Mr. Chairman, I do not know of any amendments to the Ward amendment. I do not know whether the Chairman does or not. But I would, if there are no amendments to it, then I would suggest that we agree with the gentleman from Kentucky [Mr. WARD] that we have 25 minutes on the Ward amendment. I do not know of any amendments, so I do not think it really affects the debate. Am I wrong? Are there amendments that the gentleman from Iowa knows of?

Mr. LIGHTFOOT. If the gentleman would yield under his reservation, would the gentleman agree to the language of the Ward amendment and all amendments thereto and we go 30 minutes? That would give the gentleman 25 minutes, and an extra 5 minutes if somebody wants to offer one.

Mr. HOYER. If the gentleman will yield further, in my discussions with the gentleman from Kentucky [Mr. WARD], he wanted and asked for 25 minutes on the Ward amendment. He was then concerned about any amendments. I said that I did not know of any amendments to the Ward amendment. There may be, but I do not know about them. If there are none, however, it seems to me that as a practical matter we can agree with the gentleman from Kentucky that it would be on the Ward amendment, because I do not think there are any other amendments.

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. WARD. Further reserving the right to object, I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. Mr. Chairman, could I suggest that we word the unanimous consent request to say that we would have 25 minutes of debate on the Ward amendment and an additional 5 minutes on any that might be added thereto, therefore protecting the 25 minutes?

Mr. WARD. I would have no objection.

Mr. LIGHTFOOT. Mr. Chairman, then that would be the request, 25 minutes on the Ward amendment and an additional 5 minutes on any amendments thereto.

Mr. WARD. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The CHAIRMAN. The gentleman from Kentucky [Mr. WARD], the author of the amendment, will be recognized for 12½ minutes, and a Member in opposition to the amendment will be recognized for 12½ minutes.

The Chair recognizes the gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I would begin by thanking the gentleman from Iowa [Mr. LIGHTFOOT] for his understanding on the allocation of the time.

Mr. Chairman, what we are talking about here, this amendment is to close the expatriate billionaire tax loophole, a loophole that we have tried one dozen times to close. Twelve times we have attempted in this body to deal with this issue, and 12 times we have been turned back. I do not know why. I do not know what the motives of our opponents could be behind turning this back. But I can tell you that it does not make sense for us not to close a loophole, to just clean up some language in the law.

It is not a new tax. It is not changing anything but the effectiveness of the laws we have in place to close this loophole, to make it so that billionaires who renounce their citizenship pay their taxes.

Mr. Chairman, this is a group of people who have said no to America, who are turning their backs on this country. Why? To save on their tax liability. That is what we will be talking about.

The CHAIRMAN. Is there a Member wishing to manage time in opposition to the Ward amendment?

Mr. ARCHER. Mr. Chairman, I rise in opposition to the Ward amendment.

The CHAIRMAN. The gentleman from Texas [Mr. ARCHER] will be recognized for 12½ minutes.

AMENDMENT OFFERED BY MR. ARCHER TO THE AMENDMENT OFFERED BY MR. WARD

Mr. ARCHER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. ARCHER to the amendment offered by Mr. WARD: On lines 8-9, strike "H.R. 1535 (as introduced in the House of Representatives on May 2, 1995)" and insert "H.R. 1812 (as reported by the Committee on Ways and Means on June 16, 1995).

The CHAIRMAN. Under the unanimous-consent agreement, 5 minutes will be allotted to debate the amendment offered by the gentleman from Texas [Mr. ARCHER].

□ 1915

PARLIAMENTARY INQUIRY

Mr. HOYER. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOYER. Mr. Chairman, I understand the gentleman from Texas, the chairman of the Committee on Ways and Means, has an amendment. I presume that is what is going to occur at the end of the 5 minutes?

The CHAIRMAN. The Committee will proceed with debate on the underlying amendment. That is the spirit of the unanimous-consent request that we have received.

Mr. HOYER. I thank the Chair for the fair interpretation.

The CHAIRMAN. The gentleman from Texas [Mr. ARCHER] is recognized for 2½ minutes, and a Member in opposition to the amendment will be recognized for 2½ minutes.

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in his amendment, the gentleman from Kentucky refers to H.R. 1535, which was introduced by the ranking minority member of the Committee on Ways and Means, Mr. GIBBONS. He and I both share the view that it is important to address the issue of expatriation for tax avoidance purposes. However, we differ in our views as to how best to do it.

I have introduced legislation to prevent tax-motivated expatriation, H.R. 1812, which the Committee on Ways and Means has considered and reported favorably, rejecting Mr. GIBBONS' approach, which is part of Mr. WARD's amendment. It is our intention to bring H.R. 1812 to the floor in the near future.

H.R. 1812, as reported by the Committee on Ways and Means, is much tougher than the approach taken in H.R. 1535. The nonpartisan Joint Committee on Taxation has estimated that H.R. 1812 would raise $2.4 billion for expatriates over the next 10 years, far more than the $800 million that they estimate would be raised by the Gibbons bill, H.R. 1535, which is referred to in the underlying Ward amendment.

The approach of H.R. 1535 was considered by our committee and found to be unsatisfactory for numerous reasons, including reduced revenue, difficulty in enforcement, and questions of constitutionality.

Mr. Chairman, I urge Members to approve my perfecting amendment, which would substitute H.R. 1812, a tougher proposal than the underlying bill in the Ward amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is there a Member who wishes to control time in opposition to the Archer amendment?

Mr. WARD. Mr. Chairman, I rise in opposition to the Archer amendment.

The CHAIRMAN. The gentleman from Kentucky [Mr. WARD] is recognized for 2½ minutes in opposition to the Archer amendment.

Mr. WARD. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I had come to the floor to speak in support of the Ward amendment to prohibit the use of funds for the issuance of so-called sailing certificates pursuant to section 6851(d)(1) of the Internal Revenue Code. As those who are listening understand, sailing certificates are simply a certification seeking to say that expatriates have complied with their obligations to the U.S. Government.

Now before us we have the Archer amendment, which is an amendment to the Ward amendment. I would like to speak against that and have to oppose that, though Mr. ARCHER is my chairman. But this has come before the Committee on Ways and Means and a great deal of thought has been given to this situation.

What the bottom line continues to be with the Archer proposal is that it is a loophole. The reasons for the opposition now that I stand to oppose the gentleman from Texas [Mr. ARCHER], this country depends on the voluntary compliance of its citizens to collect its taxes. We are not arguing anywhere tonight about taxes are too high or we pay too many taxes. It is just how this Government is run, on the hard-earned taxes paid by its citizens.

In that respect, we are unique in this world. This system has worked. The willingness of our citizens to continue to voluntarily comply with our tax laws is threatened when very, very wealthy individuals can avoid that responsibility.

So to put it in the clearest language possible of why I am opposed to the Archer amendment to the amendment is this amendment to the amendment does not protect tax avoidance by expatriates who have patience. You just have to have patience.

It does not prevent tax avoidance by expatriates who plan ahead. You can do that if you have the means and you have the attorneys and you have got the wherewithal. It does not prevent tax avoidance by expatriates who have foreign assets.

So what we are talking about today is taking legislation that we have dealt with in the Committee on Ways and Means, and it simply requires millionaires to hire a higher priced lawyer and accountant to avoid paying their taxes.

The Joint Committee on Taxation Report on Expatriates clearly states that proper tax-planning techniques can be used to avoid all taxation, if you are in the right place at the right time with the right means. The Committee on Ways and Means bill proscribes only.

Mr. ARCHER. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. THOMAS], a respected member of the Committee on Ways and Means.

Mr. THOMAS. Mr. Chairman, I invite you to go over to the Random House Dictionary of the English Language over here, and on page 322 look up the word chutzpa. It says: unmitigated effrontery or impudence; gall.

This amendment takes a bill that never got a recorded vote in committee and substitutes it, in essence, for a bill that passed the Committee on Ways and Means. That is gall. That is chutzpah. And it ain't going anywhere.

The CHAIRMAN. All time has expired. We will now proceed with debate on the underlying amendment by the gentleman from Kentucky, [Mr. WARD].

The gentleman from Kentucky is recognized.

Mr. WARD. Mr. Chairman, I would, first, like to thank the gentleman for his compliment.

Mr. Chairman, I yield 1 minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, if you are going to characterize this amendment in the fashion that the gentleman from California [Mr. THOMAS] just did, I think you ought to take into account what is going to occur if it passes. It means that Benedict Arnold billionaires, and I do not know what page you will find Benedict Arnold, but perhaps some Member of the opposition can enlighten me. Benedict Arnold billionaires who wanted to abandon their United States citizenship are not going to be able to do it and get away with it and take their money with them.

Now, that is the bottom line. If that is what we are being characterized, if our actions are being characterized in that manner as being chutzpahs, as having some gall, it seems to me the real gall is to think that someone can renounce their citizenship, can take their money with them, and we are supposed to treat them as if they were a refugee.

I coined that phrase Benedict Arnold billionaires, and if this is going to be the thirteenth time we are going to be defeated on trying to get billionaires to pay their taxes, then let it be, and let the opprobrium fall on the opposition.

The CHAIRMAN. The Chair wishes to inform the Committee that the gentleman from Texas has 12½ minutes remaining, and the gentleman from Kentucky has 11 minutes remaining.

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentleman from Hawaii has spoken several times on the floor with great emotion. If he wishes to implement a proposal that will correct the problem he is talking about, he should vote for the Archer amendment.

The Archer amendment is far tougher, far stronger, and constitutional. It generates, as I said, $2.4 billion of revenue for the Treasury, whereas the bill that the gentleman is speaking for generates only $800 million. It clearly is a pansy approach to this problem compared to the Archer amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WARD. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, I have yet to talk to anyone in central Texas who can even imagine renouncing their citizenship in order to avoid paying their taxes, people who have earned their sustenance in this country, in the freedom of this country, who would then renounce their citizenship in order to get the maximum after-tax benefit from the sustenance of this country.

There is a suggestion by my colleague from Texas that a way has been found to solve this problem. The way that has been found, according to the administration, is a way that leads to about $100 million in additional revenues, whereas the proposal that Mr. WARD advances and has been advanced by the ranking member, Mr. GIBBONS, would yield $1.7 billion over 5 years in additional revenues.

I think, therefore, that the arguments that the gentlewoman from Connecticut has advanced, that the Archer amendment will only allow expatriates who are patient, who hire the best-priced advisors to continue what they have been doing in the past, has great merit.

Mr. ARCHER. Mr. Chairman, I yield 2 minutes to the gentleman from Iowa [Mr. LIGHTFOOT], a respected member of the Committee on Appropriations.

Mr. LIGHTFOOT. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, originally, I was going to oppose the Ward amendment for one reason. It does not belong on this appropriations bill. It deals with changing the Tax Code, and that is out in the jurisdiction of Mr. ARCHER's Committee on Ways and Means.

I would also make the argument we would not even be having this debate if we had a Tax Code that was not so dilatory that it causes people to want to leave the country because the burden has become so high. But that is a debate for another day.

If the Archer amendment is accepted, I would change my position and support the Ward amendment, because we have tried to work very closely with Mr. ARCHER in the Committee on Ways and Means whenever we are dealing with tax issues so that we did not get cross-jurisdictions.

I think it is important that we have the input now of the chairman of that committee, and if the Archer amendment is accepted on the floor, then I would vote for the Ward amendment as amended.

Again, original opposition was because it really does not belong on this bill. But since it is here, I think this would be a common sense way to deal with it.

Mr. WARD. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. GIBBONS], the distinguished ranking member of the Committee on Ways and Means.

Mr. GIBBONS. Mr. Chairman, if the Archer amendment passes, I cannot support the Ward amendment. The Archer proposal was adopted, as I recall, in the Committee on Ways and Means on a party line vote. Every Democrat voted against it.

I do not believe it will collect the money that it is advertised to collect. If you are going to collect any money from these billionaires that leave here, you have got to get it before they leave. If they get out of the country with their money, there is no way you are going to ever get it.

Any first-year tax planner can tell you hundreds of ways around the Archer amendment, and it just will not work. I repeat, I do not want to be partisan about this, but the Archer amendment passed in the Committee on Ways and Means on a strictly partly line vote. It will not work.

If you are going to get the money, you got to get it before they leave, and that is what our proposal does. If Archer is adopted, forget about Ward.

Mr. ARCHER. Mr. Chairman, I yield 1 minute to a member of the committee, the gentleman from Nevada [Mr. ENSIGN].

Mr. ENSIGN. Mr. Chairman, I rise in support of the Archer amendment.

During the conference bill when we first heard about this expatriate situation, we were criticized by the other side of the aisle for not voting for this expatriate proposal when we had 15 minutes to read about it. We said it was wrong, we should take and be patient and have hearings on this, which I commend my chairman, Mr. ARCHER, for having.

In these hearings, the nonpartisan Joint Tax Committee pointed out that the bill that the gentleman from Florida [Mr. GIBBONS] had brought forward would leave a loophole that if you inherited the money and then expatriated at that point, you could avoid paying all tax. So if there is a loophole, it is in Mr. WARD's amendment as currently stated under Mr. GIBBON's bill.

So if you want to avoid the loophole for billionaires, the Archer amendment is the amendment to support, and I encourage my colleagues to support the Archer amendment.

Mr. WARD. Mr. Chairman, I yield myself such time as I may consume.

I need to say now that is chutzpa squared. To say that we are adding a loophole is just absurd.

Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, let me read from the dissenting views of the minority on the Archer amendment so we are reminded.

It does not prevent tax avoidance by expatriates who have patience. That means they can wait it out.

It does not prevent tax avoidance by expatriates who plan ahead. They can plan and get out of this.

It does not prevent tax avoidance by expatriates who have foreign assets.

It does not prevent tax avoidance by expatriates who have U.S. assets with enough wealth to use the present loopholes.

It is not administrable.

It does little to prevent avoidance of estate and gift taxes.

The Archer amendment, more than anything else, pussyfoots on this issue. The Ward amendment would hit it directly. I urge support of the Ward amendment and that we vote against the Archer amendment.

□ 1930

Mr. ARCHER. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. THOMAS], a member of the Committee on Ways and Means.

Mr. THOMAS. Mr. Chairman, talk about circular arguments, the gentleman from Michigan just read the dissenting views. That is the Democrats on the Committee on Ways and Means continuing to try to justify why H.R. 1535 is the bill that should be in front of us.

As a matter of fact, the Democrats had so much confidence in H.R. 1535 that they did not even ask for a rollcall vote. They refused to even put the votes up in committee. They went quietly. They went meekly. It was a reasonable effort on their part. We listened to Undersecretary Samuelson tell us that this administration had not pursued these people who were leaving. And let us get one thing straight, no one here is in favor of anyone renouncing their citizenship for purposes of avoiding taxes. No one here is in favor of that.

The question is, how do you deal with the issue? You will recall earlier in the year, when my colleagues tried to rush to judgment on that issue and we said: Wait a minute. Let us ask the responsible people. Let us take it to the nonpartisan Joint Committee on Taxation and see if they can analyze ways in which we can go after these people, not to avoid going after these people but to really go after them.

The Joint Committee on Taxation said: The approach by the gentleman from Florida [Mr. GIBBONS] on H.R. 1535 was fatally flawed. There is a loophole in the bill. When you come of age, if you have got the right tax lawyers, and these people have the money, when you have an election period there is a window of opportunity in which you can decide to cut out and lose judgment.

There is no perfect mechanism. If there was a perfect mechanism, we would not have this issue on the floor. The reason I said the gentleman from Kentucky [Mr. WARD] had an amendment that was full of chutzpah is very simple. He is trying to take a bill which was introduced, no recorded vote ever anywhere in any subcommittee or committee, and substitute that measure for the will of the Committee on Ways and Means on a recorded vote that passed H.R. 1812.

The chairman of the committee wants to take the work product of the committee, passed by a recorded vote, a majority of the committee, and substitute it for the flawed work product that the Democrats would not even bring to a vote in the committee.

It just seems to me that, when you take a look at the work product of the Joint Committee on Taxation, that produces more money, that closes more doors, that got a majority of votes, that that is the route to take. It makes no sense whatsoever to try to keep alive a flawed bill which did not even deserve a recorded vote by virtue of the Democrats in the committee. Frankly, I think we should take to heart the advice of the gentleman from Florida [Mr. GIBBONS]. Pass the Archer amendment and then in the words of Mr. GIBBONS, the Ward amendment is not worth anything and we ought to vote it down.

I say to the gentleman from Florida [Mr. GIBBONS] that he is right. Pass the Archer amendment and then vote the Ward amendment down.

Mr. WARD. Mr. Chairman, I yield 2 minutes to the gentleman from Louisiana [Mr. HAYES].

Mr. ARCHER. I yield 1 minute to the gentleman from Louisiana [Mr. HAYES].

The CHAIRMAN. The gentleman from Louisiana [Mr. HAYES] is recognized for 3 minutes.

Mr. HAYES. Mr. Chairman, my dad was born in the little town of Coushatta, LA, which never dreamed of having a millionaire, much less a billionaire. He was born there in 1909. So the time that he was a young man, and whose ambition was to go to college, that was short-circuited by a national Depression. And instead of being a kid with an education, he became a kid who carried the burden of educating his family. So the only dream he had left without the opportunity to go to college was to work hard and do well. And nobody could stop him from that.

So by working hard and doing well, by the time in the 1960s, when Jack Kennedy was President, he was a 91 percent taxpayer. And never on any occasion at our dinner table did anyone ever suggest that you walk out on the country that gave him the opportunity to do that. Never on the day when only 9 cents of a tax dollar was left in his pocket did he remotely suggest that you leave the shores of this country for money.

Now, the reason that I would give this admonition to those of my friends on this side of the aisle, as I stand here as someone who voted for 9½ of the 10 items in the Contract With America, but notice the term Contract With America. That is bilateral; you have got to give as well as get. And if all you are doing is worrying about how you avoid ever giving a dime, then you ought to get what you deserve, and that is the scorn of every other hard-working American who wants part of that dream.

Mr. SHAW. Mr. Chairman, will the gentleman yield?

Mr. HAYES. I yield to the gentleman from Florida.

Mr. SHAW. Mr. Chairman, I find myself more in agreement with the gentleman in the well than in disagreement.

I would like to point out to the gentleman and ask him a simple question: If you had a bill that was trying to attack the same problem, one of them was scored as netting $800 million and the other was being scored as netting over $2 billion, which one do you think would have the most holes in it or the most loopholes? I am sure the gentleman would answer me, certainly the one for $800 million has a whole lot more loopholes than the one for over 2 billion.

Do the gentleman agree with that?

Mr. HAYES. Mr. Chairman, I do in part agree, but the problem is, my degree is in tax from Tulane University. I practiced law for really rich people who figured out how not to pay their taxes. I did a damn good job of it, but let me tell the gentleman something: I came to Congress for bigger and higher reasons. It is time to tell those folks, we want you to make more money, but we would kind of like you to stay around here and spend a little of it.

Mr. SHAW. Mr. Chairman, if the gentleman will continue to yield, I would say to the gentleman then that I am sure with that type of good common sense and legal background as he has that he will support the Archer substitute.

Mr. HAYES. Mr. Chairman, I wish I could.

Mr. ARCHER. Mr. Chairman, I reserve the balance of my time.

Mr. WARD. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. GIBBONS], distinguished ranking member of the committee.

Mr. GIBBONS. Mr. Chairman, I know we are in a very technical discussion, and I feel sorry for all the Members of Congress who have to listen to this. And this is an honest difference of opinion. The vote that has been referred to that was taken in the Committee on Ways and Means was a party line vote. Not a single Democrat voted for the Archer bill. We did not put up a substitute because we just get outvoted and slaughtered by the Republicans in the Committee on Ways and Means. There is no chance. We have never carried an amendment in the Committee on Ways and Means since this Congress that amounted to a tinker's whatever.

And we have very professional staff. They tell us that the Archer amendment cannot work. All you have to do, if you have as much money as these people do, you do not have to make any tax moves. You have got plenty of income. And you wait for the 10 years to run out and then you cash in your chips.

Plus we have to chase these people all over the world to find them and keep up with them. The only way you are ever going to collect any money out of them is, you have to get them before they leave. You have got to get them before they leave or there is no way to collect any money out of them.

Mr. BUNNING of Kentucky. Mr. Chairman, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from Kentucky.

Mr. BUNNING of Kentucky. Mr. Chairman, for 40 years the Democrats controlled the Committee on Ways and Means.

Mr. GIBBONS. Reclaiming my time, Mr. Chairman, I have heard that before, and I do not yield any further. I have heard that garbage for a long time.

On a party line vote, the Archer bill was adopted. If they stick it on, the Ward amendment, kiss the Ward amendment goodbye. It is not worth a hoot with the Archer bill on there. The Archer bill, when it comes to the floor, will not collect any money.

This is just a ploy. That is all it is. It is a big charade that they just put on over there. Their bill will not collect any money. If they stop and think about it, they will know that. But the bill that we had, we did not even bring it up. We have been rejected on party line votes time and time again on the Committee on Ways and Means. So If you adopt Archer, forget about the main amendment.

The CHAIRMAN. The gentleman from Kentucky [Mr. WARD] has 2½ minutes remaining, and the gentleman from Texas [Mr. ARCHER] has 5½ minutes remaining. The gentleman from Kentucky [Mr. WARD] is entitled to close the debate.

Mr. ARCHER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I have a great deal of amity in my feeling toward the gentleman from Florida [Mr. GIBBONS], the ranking Democrat on the committee. But his argument is simply that we should not go by the official estimators. The official estimators control this body.

At times I do not agree with them. He is saying, they do not know what they are doing; pay no attention to them.

All of what we must comply with to determine what we do toward the deficit is determined by these estimates. He does not want to believe them. That is certainly his prerogative. But the reality is, the official estimators say that the Archer amendment will produce $2.4 billion and that the Gibbons proposal, which is part of the Ward amendment, will produce $800 million. They are the people that determine whether we have complied with the budget requirement or not. And they have examined this very carefully. They know that tax consultants will advise people who are recently the beneficiary of legacies of large amounts, now is the time to leave. Get out of here because you pay nothing under the Gibbons proposal.

I do not believe that is what the people of this country want. I think they want something that will have teeth in it, that those who impartially score and estimate say will produce the greatest degree of success in this issue.

He is correct, we all want to try to get at this issue. The gentleman from Louisiana [Mr. HAYES] is correct; the gentleman from Kentucky [Mr. WARD] is correct. But I would submit to my colleagues that my amendment will do a better job.

Mr. Chairman, I reserve the balance of my time.

Mr. WARD. Mr. Chairman, I reserve the balance of my time, for the purposes of closing debate.

Mr. ARCHER. Mr. Chairman, I yield back the balance of my time.

Mr. WARD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to thank the Members of this body who are watching in their offices and who are watching here in the Chamber, because you have truly had an opportunity to see a unique debate, a debate where the Republicans are arguing with the Democrats about their proposal raising more tax revenue than the Democrats. I guess we have seen everything. I guess we have seen it all. Because really what that revenue estimate issue is about is whether you take the estimates of the Joint Committee on Taxation, the Committee on Ways and Means, whether you take the estimates of the Department of Treasury, you will find a different estimate from everybody you ask for an estimate.

What we are doing in this proposal is firmly and once and for all not creating new taxes, not increasing taxes, no. All we are doing is closing a very clear, specific, widely known tax loophole. That loophole is the expatriate billionaire tax loophole.

What it says is that if you care so much about money that you are willing to turn your back and renounce your American citizenship, you get a tax break. To me the answer is simple. The result should be clear. And I ask my colleagues for a no vote on the Archer amendment to the Ward amendment and then a yes vote on the Ward amendment.

Stand up. Be counted. Say that each of us should pay our fair share.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. ARCHER] to the amendment offered by the gentleman from Kentucky [Mr. WARD].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ARCHER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to clause 2(c) of rule XXIII, the Chair may reduce to 5 minutes the minimum time for electronic voting, if ordered, on the underlying Ward amendment.

The vote was taken by electronic device, and there were—ayes 231, noes 193, not voting 10, as follows:

[Roll No. 533]

AYES—231

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—193

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeuer
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

Bryant (TX)
Collins (MI)
Crane
de la Garza
Jefferson
Moakley
Neal
Reynolds
Spence
Studds

□ 2005

Mr. DIXON changed his vote from "aye" to "no."

Mr. COMBEST changes his vote from "no" to "aye."

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. WARD], as amended.

The amendment, as amended, was rejected.

The CHAIRMAN. Are there further amendments to the bill?

Mr. BILBRAY. Mr. Chairman, I move to strike the last word for the purpose of engaging in a colloquy with the subcommittee chairman.

I appreciate my colleagues' courtesy and I thank the Chair. I would ask that we address a concern involving the maintaining of competitivization in the U.S. Postal Service and would ask for a colloquy.

Mr. LIGHTFOOT. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. I yield to the gentleman from Iowa.

Mr. LIGHTFOOT. I would be pleased to engage the distinguished gentleman in a colloquy.

Mr. BILBRAY. Mr. Chairman, I understand that the distinguished subcommittee chairman has requested the General Accounting Office to compare the cost to the U.S. Postal Service of contracting for remote bar code service versus having the work done in-house.

Mr. LIGHTFOOT. The distinguished gentleman from California is correct. I understand GAO will release its report in about 1 month.

Mr. BILBRAY. I thank the chairman. I further understand that while the GAO is in the process of finalizing this report, the results will show that the Postal Service is potentially foregoing millions of dollars of savings by performing remote bar code service in-house rather than continuing to contract with the private sector.

As the chairman well knows, the Postmaster General has been making the rounds on Capitol Hill over the past several months urging Congress for support for the changes in the Postal Reorganization Act that will make the Postal Service more businesslike. Yet, when it comes to the remote bar code system, the reason why I raise this issue is the estimated savings of contracting the bar code system was $4.3 billion over the next 15 years. The Postal Service continues to terminate the private sector role in this program and adds tens of thousands of civil service employees at the time of dismembering the system.

Mr. Chairman, I obviously share your concern with the wasteful spending of the Postal Service, particularly when the bureaucratic civil service jobs are created at the direct expense of private sector companies. It is therefore my understanding, Mr. Chairman, that based on the GAO's cost comparison, you intend to proceed with an appropriate communication to the Postmaster General urging him to consider the possibility of suspending the transition of private sector remote code service contracts.

Mr. LIGHTFOOT. The gentleman is correct.

Mr. DELAY. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. I yield to the gentleman from Texas.

Mr. DELAY. I applaud the chairman's efforts to support greater levels of contracting out at the U.S. Postal Service. The chairman should be proud that his leadership on this issue is in direct harmony with the mandate of the 104th Congress: to shrink the Federal Government.

I find it ironic that while on the one hand the Postal Service is asking for Congress' help to make the Service more businesslike, on the other hand is eliminating the private sector's role in an information technology program that was developed specifically for private sector operation.

I urge the chairman to continue to pursue this line of inquiry with the Postal Service, and preserve the private sector's role in the RBCS program.

Mr. LIGHTFOOT. If the gentleman will yield further, I would like to thank both the distinguished majority whip and distinguished gentleman from California for their thoughts on this important issue. I agree that it makes absolutely no sense for the Postal Service to spend hundreds of millions of dollars more to do work in-house that was designed to be contracted out.

The Treasury-Postal Subcommittee will continue to monitor this issue closely and take all appropriate steps to ensure the continued involvement of the private sector in the bar coding program.

Mr. BILBRAY. I thank the distinguished subcommittee chairman for his encouraging words.

The CHAIRMAN. Are there further amendments to the bill?

Mr. HOYER. Mr. Chairman, I move to strike the last word.

We are at the end of this bill.

□ 2015

Mr. HOYER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we started this bill yesterday. In a relatively short period of time we considered the central portions of this appropriation bill. Today we have been on issues of importance, but frankly only in a few instances relating directly to the level of appropriations.

I want to say to the chairman of the committee, as I said at the beginning, the chairman has been fair, he has been open, he has conducted himself in every way as a gentleman, and for my side of the aisle, not just for me as the ranking member or the minority members of the committee, but for our staff and for all Members on this side I want to tell the chairman we appreciate his handling of this bill.

I further want to thank the gentleman from California [Mr. DREIER]. I think, while this has not necessarily been the most difficult bill, it has been a difficult one, and for our side of the aisle I want to tell him that I think he has been fair and presided with an equal hand. We appreciate that on our side of the aisle.

Mr. Chairman, I will, when we rise and come back, make a motion to recommit. I very much regret that I will not be able to support this bill. I am not going to debate at length my reasons for that. We have debated them here. I think we have inadequate resources to meet the responsibilities of law enforcement, and Customs, and some other areas, but it is not because of the chairman, in my opinion, who wanted to take that action. It is because we have squeezed the discretionary side of the budget very hard.

My colleagues, I am for balancing the budget, but I am also investing in America. I am for having this country provide the opportunity for our children and for our grandchildren that is essential if they are to enjoy the kind of good life that we have.

So, Mr. Chairman, regrettably I will be opposing final passage of this bill, but it is not because of any reason other than the resources available to it were insufficient to allow Chairman LIGHTFOOT and the committee, the subcommittee and full committee, to recommend to this House resources adequate to fund the priorities of this bill.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Are there further amendments to the bill?

Mr. LIGHTFOOT. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to insert at this point in the RECORD language concerning the Model State Drug Laws Conference:

MODEL STATE DRUG LAWS CONFERENCE

Language in the ONDCP appropriation states that funds can be used for participation in joint projects or in the provision of services on matters of mutual interest with nonprofit, research, or public organizations or agencies. This language could include conferences held by Governors to review Model State Drug laws proposed by the President's Commission on Model State Drug laws.

Mr. Chairman, I also want to add my thanks to Mr. HOYER's to you for the great job you have done this afternoon and yesterday, and I thank the gentleman from Maryland [Mr. HOYER] and members of our subcommittee, and Members on his side of the aisle who were able to get, I think, reasonable time agreements on many of these amendments that everyone wanted to speak to in order to allow everyone to have their say-so not 435 times, but maybe only 40 times, as is the nature of this group.

I also would be very remiss if we did not pay tribute to the hard-working staff who has really made all this happen. As most of us know, we end up getting the credit, but the staff does all the work. Michelle Mrdeza, who is one of the few female clerks, on her maiden voyage has done an outstanding job along with Betsy Phillips, Dan Cantu, Jeanne Kochniarczyk, who is with us. Jenny Mummert, who is gone right now, is a brand-new mother, who brought her offspring by the office the other day, and Bill Deere on my personal staff, Terry Peel on the majority staff, and Seth Statler on Mr. HOYER's personal staff. They have been good people to work with. We have enjoyed the process, if one can enjoy that when they are doing something like that.

In closing I would only like to say to our colleagues that I am sorry the gentleman from Maryland [Mr. HOYER] cannot support the bill, but we are $430 million in outlays under last year. This is a downpayment on balancing the budget. There is pain in the bill which probably is necessary in these times. We have difficult numbers to work with, and I think we have done probably the best job we can do.

Mr. DOOLEY. Mr. Chairman, I rise today to express my support for $4.7 million for the Federal courthouse project located in Fresno, CA. Because the Committee chose not to fund any new starts, this project did not receive any funding. However, I believe that the unique circumstances surrounding the Fresno Courthouse project merit further consideration by the Appropriations Committee. I am currently working with our Senators from California to ensure that funding is included in the Senate's Treasury, Postal Service, and General Government appropriations bill.

Mr. Chairman, today there is a crisis in Fresno. The Fresno courthouse has fewer courtrooms than judges, and the court has projected that five more judges will be appointed within the next eight years. The Fresno Division of the Eastern District, which represents 2.3 million persons, has the largest population per judgeship of any U.S. District, and the Bureau of Census ranks Fresno as first among the fastest growing cities in America. The court system cannot handle its current case load with its available resources, and the only solution is to build additional courtroom facilities.

When the GSA began investigating the overcrowding problem several years ago, they sought to identify all available options. GSA came to the conclusion that it would be in the taxpayers best interest to build a new facility rather than renovate the current building or build an addition to the current building. The City of Fresno has taken a responsible approach to helping the crisis at the Fresno District Court. They have agreed to donate 4.5 acres in the downtown region, not far from the current courthouse's location. The agreement between Fresno and the GSA will save the taxpayers $4.7 million since purchasing the land will not be necessary.

I would like to stress that this appropriation would be for the design phase only and not for land acquisition as was requested in the President's budget. In addition to donating the land, Fresno will also complete all site preparation, and will build 392 new public parking spaces around the project. The environmental impact study has been completed and the last public hearings have been held (without negative reaction). Because Fresno is willing, at this time, to donate the land for the courthouse project, we need to act quickly to codify this agreement. By appropriating funds for this project now, we can save taxpayers the cost of purchasing land in the future.

Mr. Chairman, as I stated earlier, this is an unique situation. We have a demonstrated need for a new courthouse and we have the local government willing to assist this project thereby reducing the taxpayers burden to complete the Fresno Courthouse Project. This is the type of cooperative agreement the Federal Government ought to embrace, not discourage. By not appropriating funds for this project, we may not have the opportunity to enter into similar agreements in the future.

Mr. LIGHTFOOT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. GOODLATTE) having assumed the chair, Mr. DREIER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2020) making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purpose, had directed him to report the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment adopted by the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. HOYER. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. HOYER moves to recommit the bill, H.R. 2020, to the Committee on Appropriations.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 211, not voting 7, as follows:

[Roll No. 534]

YEAS—216

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Boucher
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Costello
Cox
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fox
Franks (CT)
Frelinghuysen
Frisa
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Gutknecht
Hamilton
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Petri
Pombo
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanders
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Talent
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Traficant
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—211

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bishop
Boehlert
Bonior
Borski
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Castle
Chapman
Chenoweth
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Cooley
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Fowler
Frank (MA)
Franks (NJ)
Frost
Funderburk
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Graham
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hancock
Harman
Hastings (FL)
Hefley
Hefner
Hilliard
Hinchey
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Kolbe
LaFalce
LaHood
Lantos
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Porter
Rahall
Ramstad
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanford
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Stump
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torkildsen

Torres
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—7

Bryant (TX)
Collins (MI)
Crane
Jefferson
Moakley
Reynolds
Studds

□ 2042

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. LIGHTFOOT. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2020, the bill just passed, and that I be allowed to include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2058, THE CHINA POLICY ACT OF 1995, AND HOUSE JOINT RESOLUTION 96, DISAPPROVING EXTENSION OF MOST-FAVORED-NATION STATUS TO THE PRODUCTS OF CHINA.

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–194) on the resolution (H. Res. 193) providing for consideration of a bill establishing United States policy toward China and a joint resolution relative to most-favored-nation treatment for the People's Republic of China, which was referred to the House Calendar and ordered to be printed.

POSTPONING VOTES DURING FURTHER CONSIDERATION OF H.R. 1976, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1976 pursuant to House Resolution 188 the chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

Mr. DURBIN. Mr. Chairman, reserving the right to object, and I do not plan to object, but I wanted to make sure it is clear, will there be any record votes taken this evening?

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Speaker, I have a plan for this evening. If the gentleman will allow me, I would like to go ahead and run through it.

The plan of action for this evening is if this unanimous-consent agreement is agreed to, we would proceed as follows: Take a minimum amount of general debate, say 10 or 15 minutes on each side, and since we are reading this bill under the 5 minute rule, no Members' rights are denied since they can always move to strike the last word and make their statements. Then we will take up the chairman's amendment made in order under the rule for a total of 10 minutes debate, and take a record vote on this amendment only. Then we would begin to read the bill for amendments, but take no further votes this evening, and we would roll the votes until tomorrow.

Mr. DURBIN. Mr. Chairman, further reserving the right to object, I yield to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, it was my understanding that we would not proceed past the end of title I. Is that correct?

Mr. SKEEN. If the gentleman will yield, we would like to finish title I, if we can. We will test the waters.

Mr. OBEY. We will not go beyond title I?

Mr. SKEEN. No, we will not, unless we get a chance to.

Mr. OBEY. If the gentleman will yield further, I also thought the understanding was that there would be no further action taken after 10:15 p.m.

Mr. SKEEN. That is correct. I am sorry I did not mention that to the gentleman, but 10:15, we will try to wind it up here this evening by as early as 10:15. There will be only one vote.

Mr. DURBIN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1976, and that I be allowed to include extraneous and tabular material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 188 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1976.

□ 2047

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes, with Mr. KLUG in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Mexico [Mr. SKEEN] will be recognized for 30 minutes, and the gentleman from Illinois [Mr. DURBIN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased to bring before the House today H.R. 1976, which makes appropriations for Agriculture, Rural Development, Food and Drug Administration and related agencies.

Before I begin in this discourse, I would like to say that I appreciate very much the opportunity to serve once again with the distinguished Member of this body, Mr. DURBIN, as my ranking member. He was my chairman in our life a year or so ago, and it has been a real pleasure and it is a real compliment to me that he would come back on this committee as the ranking member.

I also want to thank the members of the committee that have worked so hard and diligently and given of themselves to this process, and also the great staff that we have that support us all. I want them to know that I appreciate all their help, all their associations in the work we have done. I think the work product will reveal the quality of that work.

Mr. Chairman, I know many of my colleagues think of this simply as the Agriculture appropriations bill. It does, of course, provide funds for the very diverse activities of the U.S. Department of Agriculture, but its scope reaches every American citizen and goes far beyond the borders of this great country.

Before I begin, I want to say we have been living in sin for a certain great span of time, Mr. Chairman. That is, as the Committee on Appropriations, we have poached on the area of the authorizing committee, so we have decided to have a prenuptial agreement and divide this territory up and to get a property settlement and so on.

But, anyway, we are working together, and I am delighted to have the cooperation of the House Agriculture Authorization Committee. We understand the problems that we have had to go through to make this an equitable and very harmonious situation, and we hope that it continues.

This bill provides funds for:

A system of agriculture which allows less than 2 million farmers and ranchers to produce a safe and abundant supply of food for nearly 250 million Americans and others around the world;

Research programs at our universities, which keep us the most competitive producer of agricultural products in the world;

The Food and Drug Administration's efforts to ensure safe supplies of foods, drugs, and medical devices;

A wide variety of domestic feeding and nutrition programs, including food stamps, the Women, Infants and Children feeding program, known as WIC, and food distribution programs for the elderly and homeless, some 26 nutritional or feeding programs we handle on a renewable basis every session of this Congress;

Housing and economic develop programs, rural areas which provide not only shelter, but also create jobs and economic activity throughout the country;

Export programs for bulk products and processed foods which this year will reach a record $50 billion, generating millions of jobs in the production, processing, and transportation industries, and contributing to yet another year of agricultural export trade surpluses;

And food aid for developing countries and for emergencies such as the tragic situation in Bosnia.

Mr. Chairman, this bill is the result of 8 weeks of hearings in which 325 witnesses testified, for which we have 7 volumes of hearings available to the public, covering every detail of the programs covered by this legislation.

The bill totals $62.5 billion, which is $5.5 billion less than fiscal year 1995, and $4.4 billion less than the President's request.

Mandatory spending is 80 percent of the bill and totals $49.2 billion. Discretionary spending is 20 percent of the bill and totals $13.3 billion, which is $1.6 billion less than the President's request and $85.5 million less than the current year's spending.

The bottom line is we are right on our discretionary allocation for both budget authority and outlays.

Mr. Chairman, there are very few accounts in this bill which have not been reduced or frozen at current levels of spending. I would like to remind my colleagues that this comes on top of nearly 10 percent in cuts in the fiscal year 1995 bill.

There are few small but essential increases in the bill including:

The food safety and inspection service which protects every one of us as consumers;

Conservation technical assistance for farmers as well as rural and urban communities;

Guaranteed loans for rural housing which help offset a large cut in direct loans; and

Money for USDA to begin an information sharing program to support the Department's plan to close field offices and consolidate operations which actually saves money in the long run.

There is an additional $260 million for the Women, Infants and Children's program, known as WIC, but this does not, and I repeat does not, provide for an increase in the program. It only maintains program participation at the end of the fiscal year 1995 level of 7.3 million individuals.

Otherwise, we have made large cuts in rural housing and development programs, freezing other accounts at current year levels, and eliminating some entirely.

Mr. Chairman, there is no money for university construction, either for new buildings or to complete ongoing projects. More than 80 special research and extension programs have been eliminated.

Finally, Mr. Chairman, the bill provides for current level funding for the Commodity Futures Trading Commission and allows the Rural Telephone Bank to begin privatization.

Mr. Chairman, I want to take a minute to explain the difficulty in comparing this year's accounts with last year's. As most of you know, the USDA is the first Federal department in many years to undergo massive reorganization. As that is happening, there are many well-known agencies such as the Farmers Home Administration and the Rural Electrification Administration that have disappeared. As their functions were consolidated and placed elsewhere in other agencies, such as the Consolidated Farm Service Agency and the Rural Utilities Service, it is very difficult to show increases and decreases in the budget.

As often happens in the formulation of appropriation bills, the authorizing committee raised certain objections to provisions in our bill which were limitations on spending and mandatory programs. I have had several meetings with my good friend, the distinguished chairman of the Committee on Agriculture, the gentleman from Kansas [Mr. ROBERTS] God love the gentleman, I do, too, and I am pleased to say we have worked out an agreement on these differences, at least for now.

Mr. Chairman, shortly, I will offer an en bloc amendment which makes several changes in the bill as agreed to by the authorizing committee, and this amendment, which is part of the rule, makes the following changes to H.R. 1976:

The limitations on the Conservation Reserve Program, the Wetlands Reserve Program and the Export Enhancement Program are stricken, as is a provision that would have prohibited certain disaster payments for livestock feed producers who refuse crop insurance;

The salaries and expense accounts of the Consolidated Farm Service Agency is reduced by $17.5 million;

The Great Plains Conservation Program is eliminated for a savings of $11 million;

The loan level for section 502 direct housing is reduced from $900 million in the bill to $500 million, while the guaranteed program is increased from $1.5 billion to $1.7 billion, for a net savings of $83.6 million;

The Rural Development Loan Fund, one of several programs supporting economic development in rural areas, is eliminated, for a savings of $37.6 million; and

Funds available for the Rural Development Performance Partnership Program for rural utilities, which is essentially a block grant for water and waste disposal loans and grants and solid waste management grants, is reduced from $562 million in the bill to $435 million.

Mr. Chairman, this amendment is budget neutral. Producing this bill has been a long and difficult effort, Mr. Chairman, and I have told several of my colleagues that my joy at finally being in the majority and being a subcommittee chairman has been severely dampened when I finally got there and found out there was no money.

But as difficult as producing this bill was, it would have been absolutely impossible without the active participation of my subcommittee colleagues from both sides of the aisle.

I would like to personally thank my good friend, the gentleman from Indiana, Mr. MYERS, and my other Republican colleagues, JIM WALSH, JAY DICKEY, JACK KINGSTON, FRANK RIGGS, GEORGE NETHERCUTT, and our chairman, the gentleman from Louisiana, Mr. LIVINGSTON, and their hard-working staff members who put in so many long hours on this bill. A special thanks again to my good friend from Illinois, the distinguished former chairman and now ranking member of the subcommittee, DICK DURBIN.

The programs funded by this bill have been supported for years by Democrats, Republicans, and Independents alike, and, likewise, I would like to express deep appreciation to my other Democratic friends and colleagues, MARCY KAPTUR, RAY THORNTON, NITA LOWEY, and to the distinguished ranking member of the full committee, the gentleman from Wisconsin, Mr. OBEY, and to their staffs for all their hard work and contributions to this effort.

Mr. Chairman, this is a good bill, and it makes its fair share of contributions to the goal of a balanced budget. It looks out for the interests of farmers, ranchers, consumers, urban America, rural America, and I ask my colleagues on both sides of the aisle to support this bill.

Mr. Chairman, I reserve the balance of my time.

□ 2100

Mr. DURBIN. Mr. Chairman, I yield myself such time as I may consume.

I want to personally thank my colleague and friend, the chairman of this committee, JOE SKEEN of New Mexico. There are accolades which are tossed around this floor very loosely. I want those who are listening to know that I am genuinely sincere in saying that my service in this Congress has been enhanced from the time I arrived by the fact that the gentleman from New Mexico [Mr. SKEEN] and I have worked together, first on the Committee on Agriculture and now on the Committee on Appropriations.

He is a gentleman. He is an honorable man. He is very bipartisan. It has been my pleasure to work with him, and I consider it to be one of the highlights of my service in the House of Representatives.

That is not to say that we will not disagree on a few elements in this bill. I am sure we will. But the fact is that we work closely together to try to come up with a bill that addresses a very serious problem. We have an important area of Federal spending here when it comes to agriculture, rural development, the Food and Drug Administration and related agencies. And this year as last year, we were asked to cut more than $1 billion in discretionary spending.

These are not the kind of illusory cuts that you might have heard of in other bills. These are real cuts and real programs. Some of them are cuts which I am not happy with and the chairman is not happy with either. But this is our fate in life, to meet this responsibility, to help reduce this federal budget deficit.

I might say that the gentleman from New Mexico has done his very best, as I have, too, to preserve important programs for American agriculture which is too often taken for granted. I regret that some of the programs that we have cut which are important to rural development will in fact reduce the opportunity for building new housing in small town America and modernizing sewer and water systems. We will debate that a little bit later, I am sure.

I do want to salute my colleague from New Mexico for one effort which he made at my request, and I know he took some grief for it. He insisted on maintaining the level of funding for the WIC program at this year's case load level. For those who are not familiar with the program, the women, infants, and children program is an effort by the Federal Government to make sure that low-income and poor mothers and children do not go hungry, either during the pregnancy or after the child is born.

This program has been a spectacular success. Across America, in clinics far and wide, men and women come together to counsel pregnant mothers on the appropriate nutrition during their pregnancy in the hopes that their children will be born healthy with a bright future. Time and again we have succeeded. What is a modest investment in tomorrow's leaders in America has paid off handsomely.

The administration had hoped when elected that we could expand this program dramatically. Budget realities have reduced that prospect. But the gentleman from New Mexico was very diligent in his efforts to make sure that the caseload of people, women and children, served this year, this fiscal year, would be maintained into the next fiscal year, which required several hundred million dollars of additional expenditure.

I can assure the gentleman that I personally appreciate his efforts in this regard and his efforts overall in putting together a very difficult bill. As I said, we may disagree on some particulars as we go into the bill, but I know that he has come to the table in good faith in an effort as the new chairman to do a professional job. I can assure all those listening on both sides of the aisle he has done just that.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding time to me. I wish to rise in support of our agriculture appropriations bill this year, to commend our very distinguished chairman in his maiden voyage as chair of this subcommittee and also to thank our ranking member for his terrific service.

This will be the last bill that, second to the last bill, that he will be handling on this floor. We thank him for the tremendous contribution that he has made over the years both as chair and now as ranking member of this committee.

I wanted to insert my full remarks in the RECORD tonight, because the subject of agriculture is so important to not just rural America but to urban America, to the nutrition needs of our people. But I wanted to say beyond that, as a member of this committee, I cannot think of a better committee in this Congress to serve on.

In listening to some of the debate that occurred here this afternoon, frankly, I was embarrassed at the level of dialog on both sides of the aisle. At one point I had teenage students here with me from my district, and I had to usher them out of the gallery because I was so embarrassed at some of the language being used here on the floor.

If I had to pick one committee in this Congress to say how the whole place should function, it would be this particular subcommittee, with the comity, the good will, with the gentlemanly and ladylike behavior that members of this committee display toward one another; frankly, the good humor as well.

I think a lot of that is due to the leadership of our chair, the gentleman from New Mexico [Mr. SKEEN] who is truly a man for all seasons. We appreciate what he is as a person as much as what he does as chair of this committee. Frankly, I think if we had more Members like him, with his spirit on both sides of the aisle in this institution, I think the Nation would be much better off.

I rise in support this evening of this measure. I know with its passage, the Nation will have been bettered.

Mr. Chairman, I rise today in support of the Agriculture appropriations bill and commend our chairman, the gentleman from New Mexico, and our ranking member, the gentleman from Illinois, for their outstanding leadership in putting together a responsible bill. This bill continues our support for American farmers which are the most productive in the world as well as fulfills an important commitment for advancing agriculture and nutrition to rural and urban America.

The bill is fiscally prudent and includes a total of $13.3 billion for discretionary programs which is $135,571,000 less than the amount appropriated in Fiscal Year 1995 and $1.6 billion less than the budget request.

For mandatory programs, which are 80% of the funding in this bill, the committee provides $49.2 billion a decrease of $5.5 billion below the amount available for fiscal year 1995 and $4.4 billion below the budget request.

The committee faced difficult decisions in meeting the needs of U.S. agriculture and related programs in this bill. Only three programs, meat and poultry inspection, conservation and the Women, Infants, and Children's Feeding Program received increases in funds.

Those who serve farmers and work with Agriculture are taught over and over again that there is a big difference between money and wealth. Our job on this Committee on Agriculture is to help create the wealth of America through the investments that we make through this department.

To call this an agriculture bill is a bit misleading. Nearly 60 percent of the programs funded by our subcommittee are nutrition programs, primarily foodstamps. The bill also funds rural development, food assistance, and export programs as well as the Food and Drug Administration.

Mandatory spending not under the jurisdiction of this subcommittee accounts for a majority of the appropriations in this bill. Discretionary spending in this bill amounts to $13.4 billion in budget authority.

I would like to commend the chairman and the members of the subcommittee for putting together a bill that meets the budget mandate bill. We were faced with tight budget constraints that forced us to eliminate a number of programs including the Great Plains Conservation Program as well as 80 special research and extension projects. The bill also places a moratorium on funding for all university research buildings and facilities.

Tough choices had to be made. Yet while faced with tight budget constraints we were still able to shift resources to priority programs.

We continued funding for TEFAP, the Emergency Food Assistance Program, which provides vital support to our community food pantries and senior centers.

The Women, Infants, and Children Feeding Program is provided with a $290 million increase to cover inflation and food cost increases to maintain 1995 participation levels. WIC decreases infant mortality rates and investments in WIC are offset by decreases in long term Federal Medicaid expenditures.

Traditional farm programs however continue to receive a decreasing portion of our spending. With the upcoming debate on the 1995 farm bill, it is my hope to begin targeting our scarce agricultural dollars to small family farmers.

In the decade of the 1980's we have slowly eroded the basis of American agriculture—the family farmer—and are moving in the direction of large corporate farms. We must ensure that to ensure that prices are maintained at a level high enough to compensate for costs or production and to maintain standards of living in order to attract and retain individuals in farm production. We must also negotiate trade agreements which encourage and enhance the ability of family farmers to compete in world markets.

In agriculture trade, we must also work to recapture lost markets and increase exports. As American agricultural exports grow, foreign agriculture exports are being shipped to the United States in greater magnitude. Since 1981, our agricultural exports have declined from $43.8 billion to a low of $26.2 billion in 1986 and back to $42.2 billion for 1992. Under the USDA programs, the profit has gone to the exporter but the cost is charged to the farmer.

Since 1981 agricultural imports have increased from $10.8 billion to $24.3 billion in 1992. In many cases these are products our own farmers could be selling.

In closing, I want to again commend the chairman and the ranking member for putting together a solid bill under difficult budget constraints. I urge the Members to support this fiscally responsible measure.

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

I would like to engage in a colloquy with my good friend from Kansas, Mr. ROBERTS, chairman of the authorizing committee, if I might.

While I understand that some Members are anxious to see certain policy changes in the Federal farm programs, I am concerned that if the appropriations process becomes the vehicle for these legislative changes, the chances for true and longlasting reforms may be lost. I know my friend from Kansas shares these concerns, and I ask if he can offer any assurances to Members with amendments that their issues will be addressed in the coming farm bill debate.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman for his question, and I thank my longtime friend and colleague from New Mexico for the opportunity to really discuss this problem.

Let me say that I would like to associate myself with the remarks from the distinguished gentleman from Illinois in regard to the accolades that are due to the gentleman from New Mexico. They are not loose, as he has described. There is a snug-fit accolade that is well deserved on the floor of the House. The gentleman from New Mexico should wear it proudly.

Let me begin by saying how much the members of the authorizing committee appreciate the hard work that the gentleman and the members of his subcommittee and staff have really put into fashioning this very, very difficult bill. We have worked very closely with him to develop the legislation on the floor today, and this bill has our support.

However, it would be unfortunate if the hard work he has done to really create a good bill was overshadowed by some amendments that are really inappropriate. I do share the concern that this bill should not be the vehicle to take up major farm policy debates. The Committee on Agriculture will be bringing a major and comprehensive reauthorization of all farm programs to the floor later this year.

During the course of committee consideration of the farm bill, we will be considering major changes of all the programs addressed by the amendments that are proposed here today. The difference is that in the farm bill these changes can be considered, in the context of the total policy package that will provide long-term coherent framework for the farm and rural sector. The Committee on Agriculture encourages all Members of the House to bring their concerns to us and work with us as we mark up the farm bill.

Let me repeat that: To every Member who has a concern about agriculture program policy, to all watching in their offices and all the staff that may be watching, the committee encourages all Members of the House to bring their concerns to us and work with us as we mark up the farm bill. Bring them to me or bring them to the former chairman and the distinguished ranking member, the gentleman from Texas [Mr. DE LA GARZA].

Let me assure the Members with interest in specific policy changes that, if the farm bill we bring to the floor does not satisfy the Members' policy concerns, there will be an opportunity for any Member to bring those concerns before the House at that time.

The gentleman from Texas [Mr. DE LA GARZA] shares in that concern and also shares in regard to that policy opportunity.

Today we need to get down to the serious business of appropriating funds for rural America in the fiscal year of 1996. Issues concerning farm policy for the rest of this century should be deferred until the authorizing committee brings the farm bill to the floor. That will be in September.

I urge my colleagues to withhold their amendments until the Committee on Agriculture has had time to consider the issues individually. This is not the appropriate time or place for authorizing amendments.

Mr. SKEEN. Mr. Chairman, I want to thank the gentleman and my friend for his assurance that all Members will be given an opportunity to address the issues that they deem important, and I thank him for the partnership that we have.

Mr. DE LA GARZA. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, I thank the gentleman for yielding to me. I take the time only to echo the words of our chairman and to agree with all of the accolades that he has made about the chairman and about our ranking member. We certainly appreciate the concern and the dedication and the sensitivity which the distinguished chairman has shown to the authorizing committee and to those that work in that area.

I associate myself strongly and wholeheartedly with the remarks of our chairman, the gentleman from Kansas [Mr. ROBERTS].

Mr. SKEEN. Mr. Chairman, I reserve the balance of my time.

Mr. DURBIN. Mr. Chairman, I yield 4 minutes to the gentlewoman from New York [Mrs. LOWEY], the newest member of our subcommittee.

I guess it is odd for people to be watching this and wondering what a resident of New York City is doing on the Committee on Agriculture. But I can tell you that she has noted, as many have, that this bill goes far beyond addressing the concerns of rural America. It addresses nutrition programs and environmental concerns which are of as much importance to her home city and home State as well.

Mrs. LOWEY. Mr. Chairman, I want to thank the chairman and our minority ranking member, the gentleman from Illinois [Mr. DURBIN], for the cooperation they have shown me on this committee.

This is an extraordinary bill, in fact, because, as our member said, Mr. DURBIN is from Illinois, this bill serves all of our communities across this country. It has really been an honor and a privilege for me to serve on this committee. I want to especially thank the chairman and the ranking member for their help and for the knowledge which they have offered, and certainly our staff.

At this moment I would like to engage the gentleman from Kansas [Mr. ROBERTS] in a colloquy.

I understand that there is quite a bit of discussion about the proper venue in which to alter the Federal peanut program. But I must say that those of us who favor elimination of the program have heard that we are not going to be able to sufficiently debate and vote on this matter during consideration of the farm bill.

I would ask the gentleman if he believes that debate on the agriculture appropriations bill is the only time during which we will be able to get a vote on this issue?

Mr. ROBERTS. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, I would inform the gentlewoman, and I appreciate the question, the answer is "no." I know that you and some of your other colleagues have serious concerns about the peanut program. I want to assure you that the Committee on Agriculture has heard those concerns and is working on some real policy changes and a plan to reform the program.

It is my hope that we can come to an agreement on a reform plan that all the Members of this body will be happy with and that we can avoid a protracted floor fight at the time of the farm bill. With that in mind, I would ask the gentlewoman if she would consider withdrawing her amendment and let us continue the progress, and let me add, we are making real progress, to address your concerns about this program and the concerns of the growers and everybody connected with the program.

Mrs. LOWEY. Mr. Chairman, I am particularly pleased to know that there is progress made on this issue, because I think the gentleman is aware of the serious concerns that I and many of our colleagues have with this program.

I look forward to seeing the result of the Committee on Agriculture deliberations, but if the reform plan that the gentleman's committee comes up with does not adequately address the problems I and many of my colleagues have with this program, can the gentleman assure me that there will be an opportunity to discuss and vote on this issue on the floor during debate on the farm bill?

Mr. ROBERTS. Mr. Chairman, if the gentlewoman will continue to yield, I will tell the gentlewoman, the answer is a firm yes. If the Committee on Agriculture cannot reach an agreement on reforming the program that satisfies the concerns of you and your colleagues, I can assure you, as I have said in my previous colloquy with the gentleman from New Mexico, that you and your colleagues will have an opportunity to address these issues simply during the farm bill debate.

Mrs. LOWEY. Mr. Chairman, I thank the gentleman. I will not offer the amendment this evening. I appreciate the gentleman's consideration of this very important issue.

Mr. DE LA GARZA. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Texas.

Mr. DE LA GARZA. Mr. Chairman, I also wish to thank the gentlewoman for her cooperation and agree with the chairman in assuring her that because of her generosity and understanding our situation on this legislation, we will work nonetheless to assure her and those that feel like her that we will give them ample opportunity. In the meantime, we ourselves are trying to correct any deficiencies in the program. So I am assuring her we will work together, and we appreciate her understanding of the issue this evening.

Mrs. LOWEY. Mr. Chairman, I just want to thank the gentleman for his comments. I want to also make it very clear that those of us who consume the products of all your hard work on the farm are very involved with this issue, and we appreciate the gentleman's comments and we look forward to working with him.

Mr. SKEEN. Mr. Chairman, I yield 5 minutes to the gentleman from Florida [Mr. MILLER].

□ 2115

Mr. MILLER of Florida. Mr. Chairman, I appreciate the comments of the distinguished chairman of the Committee on Agriculture concerning the ability to offer amendments on the agriculture reauthorization bill later on this year. As the gentleman may know, I am the author, along with 95 other Members of Congress, of a bill to repeal the sugar program.

As we balance the budget, the American people want a fair process and must see that everything is on the table. America's wheat growers, corn growers and others have seen farm programs slashed since 1985. Yet, unlike the other programs of wheat and corn, the sugar program has conspicuously not been on the table. The generous benefits to the large cane and beet producers have not been reduced at all during the last two farm bills. Meanwhile, benefits to wheat farmers have been effectively reduced by 40 percent since 1985 and the budget process may require cuts amounting to another 25 percent.

In fact, the U.S. Department of Agriculture's equity analysis dramatically indicated that the Federal Government supports sugar growers at $472 per acre, more than 20 times the $23 per acre that wheat farmers receive. Faced with a broken sugar program and the farm bill inequity, we believe our bill, H.R. 1687, which has 96 cosponsors, a fair way to provide America's sugar farmers with a market-oriented sugar policy.

It removes the excessive price supports and domestic cartel-like provisions, taking the government out of micromanaging the sugar industry, yet it leaves in place the program's import quotas to protect our farmers from subsidized sugars.

Many in the House of Representatives are eager to see what the Committee on Agriculture will do with respect to sugar.

Mr. Chairman, at this time I would like to engage in a colloquy with the gentleman from Kansas [Mr. ROBERTS], the distinguished Chairman of the committee, and inquire about his intentions regarding the sugar program.

Mr. Chairman, I would ask the gentleman what are his intentions with respect to the sugar programs?

Mr. ROBERTS. We have very good intentions.

Mr. MILLER of Florida. I hope so.

Mr. ROBERTS. The road to a good farm program is paved with good intentions.

Mr. Chairman, I know that the gentleman from Florida [Mr. MILLER] and some of his other colleagues have serious concerns about the sugar program, as well as other farm programs. I want to assure him, as I have assured the gentleman from New Mexico and the gentlewoman from New York, that the Committee on Agriculture plans to pursue a market-oriented policy to this program.

It is my hope that we can come to an agreement on policy changes that all Members of this body will be happy with and that we can avoid a protracted floor fight at the time of the farm bill.

With that in mind, I would ask the gentleman, as I have asked the other Members of this body, to withdraw his amendment and permit the authorizing committee to address these issues.

Mr. MILLER of Florida. Mr. Chairman, then I understand and appreciate the chairman's commitment to reform the sugar program. I look forward to seeing the results of the Committee on Agriculture's deliberations. Indeed I have already testified before the specialty crops subcommittee for over two hours, a very enjoyable two hours I might remind the gentleman, of my concerns about the programs.

Many members have expressed concerns with the domestic marketing allotments and the high loan rate. After the committee finishes its work, if Members believe that more needs to be done, can the gentleman assure us that we will be afforded the opportunity to debate and vote on our amendment to the sugar program?

Mr. ROBERTS. Mr. Chairman, the answer is yes, I would tell the gentleman. And after the Committee on Agriculture finishes its consideration of the sugar program, if he is not satisfied with the committee's actions, I can assure the gentleman and his colleagues that they will have an opportunity to amend the sugar program during the farm bill debate.

Many are called; few are chosen. The gentleman from Florida will be one of the chosen.

Mr. MILLER of Florida. Mr. Chairman, I appreciate the gentleman's commitment to the honest and open debate on the issue. We respect the right and the prerogative of the distinguished chairman of the House Committee on Agriculture to have the initial opportunity to address the sugar program and I will not be offering the amendment to the appropriations bill.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman. I think the gentleman from Virginia would like to be recognized to address the same concerns and questions that the gentleman from Florida has.

Mr. DAVIS. Mr. Chairman, will the gentleman yield?

Mr. MILLER of Florida. I yield to the gentleman from Virginia.

Mr. DAVIS. Mr. Chairman, I will be brief. First of all, I want to thank my colleague from Florida, Mr. MILLER, for his leadership in this matter and I thank my friend from Kansas for the assurances he has given us today.

This fall, in the House we will be debating a new farm bill. We will also be debating the budget reconciliation bill that will balance the Federal budget in 7 years, which is going to force substantial cuts in farm commodity programs, such as wheat, dairy, corn, cotton and rice.

While these programs have faced an average 40 percent cut since 1985, sugar has not been cut one iota. I believe this is unacceptable and we can face this issue during the farm bill.

Mr. Chairman, I just want to add I think every citizen is paying a hidden tax today because of the sugar program. It takes money out of the pockets of American consumer to the tune of $1.4 billion every year in higher food prices. I thank my colleagues for their efforts.

Mr. Chairman, I rise today to discuss the Miller amendment to repeal the government sugar program. There is no plausible reason why our government is involved with setting and controlling the price of sugar. It is big government at its worst. It benefits a wealthy few. It promotes the destruction of one of our prized environmental landmarks—the Florida Everglades.

The November elections signaled that the American people wanted a change in the way we in Washington do business. Getting the Federal Government out of this program is a very good place to start. Every citizen pays a hidden tax that takes money out of the pockets of American consumers to the tune of more than $1.4 billion every year in higher food prices according to GAO. This hidden tax has cost Americans more than $10 billion over the last decade. In addition, the consumer interest group Public Voice has recently estimated that the sugar program has cost the Federal Government $110 million annually because of higher purchase prices for sugar and sugar-containing products used in domestic feeding and food programs. This is money that the American people could be saving, investing, or using to buy needed items for their families. But because of this program, they must pay higher prices on everything containing sugar all because of the Federal Government controls in the marketplace.

I have great respect for the distinguished chairman of the House Agriculture Committee, Mr. ROBERTS and also respect his committee's right to deal with the future of the sugar program. I want him to know that the nearly 100 co-sponsors of the Miller amendment to repeal the sugar program are watching his committee closely. We look forward to working with him in this endeavor, and working with my friend, Mr. FOLEY, from Florida, who represents many of these growers and shares a different perspective on this issue.

Mr. DURBIN. Mr. Chairman, I yield 5 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, I also want to add my commendation and also observation that the authorizing committee in agriculture works with a certain amount of respect across party lines. And it is good to also see that the appropriating and authorizing committees are also working well with each other.

Mr. Chairman, I want to commend both my colleague, the gentlewoman from New York [Mrs. LOWEY], who is respectful of the fact that with the farm bill we will have the opportunity to discuss the issues that she is concerned about.

Mr. Chairman, I do want to raise some concerns that I have about this particular bill, not because it has not been well intended, but there are some cuts, Mr. Chairman, that I think we need to observe and bring to the attention of our colleagues.

Mr. Chairman, Speaker GINGRICH last week cautioned this House about a mindless march towards a balanced budget, without regard to the merits of certain programs, I agree with that statement.

The Agriculture appropriations bill, which we are considering, is typical of that kind of budget cutting, a mindless march, without regard to the great pain and suffering we will cause a large number of people, and without regard to the dislocation of communities.

It is for that reason that I intend to support and perhaps offer amendments, designed to spare programs of merit that are slashed by this bill or by other amendments.

Agriculture has consistently reduced spending and has absorbed drastic cuts over the last several years.

Again, we will absorb reductions in operations and support of our commodities programs. But, much in this bill goes too far.

This bill intrudes heavily into the jurisdiction of the Agriculture Committee, legislating, in many instances, instead of appropriating.

Among the many provisions to H.R. 1976, there is one that is particularly egregious to Republicans and Democrats alike—the unamendable en bloc that is to be offered by our colleague, Congressman JOE SKEEN, who is, acknowledged, a very considerate person and a good person to work with.

That amendment, among other actions, zeros out funding for the Rural Development Loan Fund Account.

That account funds the vital empowerment zones and enterprise communities program, including loans and grants for water and waste disposal; community facilities; guaranteed business and industry loans and other programs.

We are also facing drastic cuts in two housing programs that effectively serve rural and low-income Americans—the 502 Direct Loan Program and the 515 Rural Rental Housing Program.

Section 502 provides the opportunity for home ownership for people who otherwise would have no chance to own their own home. It also provides loans to farmers for housing for themselves and their workers.

Section 515 is the only housing program available for very low-income people. It is essential to the housing needs of citizens in rural areas.

All of these programs should be the recipients of our unwavering support; instead they face decimation.

These programs often provide the only means for rural communities to support local initiatives and also provide avenues in which to combine Federal, State, local, and private funding initiatives—thus allowing limited Federal dollars to be expended with the support from other resources.

Empowerment Zones and Enterprise Communities are prime methods through which government can encourage self-sufficiency, a key element of the Contract With America.

In my district, funds from the Rural Development Loan Fund Program Account have been allocated to renovate a defunct hospital site into a facility the citizens of Wilson can use for jobs, training, and business expansion.

In addition, it is expected that in fiscal year 1995, the Rural Housing and Community Development Service will provide over 30,000 home ownership loans to rural families.

Moreover, thousands rely on the Section 515 Program. At one time, this program was funded at $540 million.

Last year, I and others joined in an effort to restore the program to its current level of $220 million, after a proposed cut which nearly eliminated the program.

Another cut in the Section 515 Program will render it nearly ineffective.

What happens next year? How much more deeply can we cut? It is our intent to phase out all rural programs?

And, while this bill is cutting programs to help people survive, it is also cutting programs that could allow them to thrive.

The bill severely limits the Export Enhancement Program, for example. Agriculture exports have been vital to our balance of trade situation, yet this bill will make it more difficult for us to compete globally.

Cooperative State research, education, and extension programs are cut.

The implementation of new meat and poultry inspection regulations are hindered by this bill.

The list seems unending.

It would appear that we are engaged in a mindless march.

A balanced budget is important, but if in seeking to balance the budget, we create a serious imbalance among our citizens and in our communities, this march could lead us to places we do not intend to go.

Let's heed the admonition of the Speaker.

Let's balance the budget, but let's make program cuts that are meaningful, not mindless.

Mr. SKEEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I thank the gentleman from New Mexico [Mr. SKEEN] for his fine work on this document dealing with agriculture. I would like to thank our colleagues for their colloquy earlier on the sugar and peanut program.

Mr. Chairman, let me suggest to all Americans listening and to Members of Congress, when we talk about America's food supply we have one of the finest, safest, most affordable food supplies in the world. I think it important when we talk about these programs that we put them in the context that they deserve; that we are feeding America's families.

We are doing it efficiently, we are doing it safely, and we are supplying the world's food needs. So when we talk about farm bills and we talk about in the abstract of eliminating programs, let us look at the consumers that would be affected by our actions.

Let us remember that when we order ice tea in the restaurant, they give you sugar. When we are riding on the airplanes, they give you peanuts. There is a reason for that; because they are inexpensive, because they are abundant, and because they are available.

So, Mr. Chairman, I appreciate the comments of the gentleman from Florida [Mr. MILLER] and the gentleman from Virginia [Mr. DAVIS] tonight to give us the opportunity in September to fully debate the farm bill in the appropriate forum, in the farm bill where it belongs.

I thank the gentleman from Kansas [Mr. ROBERTS], the chairman, for his efforts to bring this bill to the floor ultimately when we can discuss it, debate it in the full context of making certain that America continues to be the leader in food production, not only for ourselves and our citizens, but for occupants around the globe.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I want to say a word to my colleagues from America's great cities, or from those places that do not have farms or agriculture production at all. I know that sometimes the farm portion, the ag portion of this bill, and particularly the ag bill that will come later out of the House Committee on Agriculture, can get a little arcane if you do not deal with production farming. But there are a couple of facts that I want to share with my urban or nonagriculture colleagues.

One out of every six jobs in America happens because of agriculture. Agriculture makes up 16 percent of America's gross domestic product. Now, what are the cost of farm programs and are they going up or are they coming down? In less than the last 10 years, in just 9 years, since 1986, the cost of agriculture programs has dropped 60 percent. The Federal cost of farm programs has dropped 60 percent in 9 years.

By the way, entitlements, the Federal cost of entitlements, have doubled during that same time period.

Farm programs amount to less than 1 percent of Federal spending, so the farm portion of this program that we may vote on tonight and will complete tomorrow, will be less than 1 percent of all the Federal spending we will be called upon to enact this year.

Finally, Mr. Chairman, I want to make this point to my colleagues. Americans paid just 8 percent of their income for food. Our European friends spend an average of 17 percent of their income for food and our Japanese friends spend 20 percent of their income for food. Why? Because Federal farm programs stabilize price by stabilizing production.

□ 2130

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON], a committee member.

Mr. KINGSTON. Mr. Chairman, fellow Members of the House and Representatives representing grocery buyers, let me talk to you a little bit about what the previous speaker just said about our European counterparts spending 17 to 20 percent of their energy on groceries.

In America we do not do that, and yet every time I pick up the Readers Digest, it seems that the way to balance the budget is always on the back of agriculture. Americans spend 11 percent of their income on farming. And what is the investment your government makes in order to make this possible?

Look at this chart right here. We see what the Federal Government spends money on: Social Security, defense, Medicare, Medicaid, interest on the debt. Where is agriculture? Under 1 percent. That is what the farm programs are costing our taxpayers, and yet time and time again you hear, "Cut the farm bill, cut the farm bill."

Have we ever cut the farm bill? This is what we have reduced in discretionary agricultural spending since 1986, almost $26 billion, and today, 1995, we are at $10.6 billion.

What other Federal Government program has dropped like that?

Support the farm bill.

Mr. DURBIN. Mr. Chairman, I yield 1½ minutes to the gentleman from North Carolina [Mr. ROSE].

Mr. ROSE. Mr. Chairman, I want to rise and thank the gentlewoman from New York [Mrs. LOWEY] and the gentleman from Florida [Mr. MILLER] for their colloquy with the chairman of the Committee on Agriculture, and I want to also associate myself with the remarks of the gentleman from Florida [Mr. FOLEY].

I held a hearing on the General Accounting Office audit of the peanut program and the sugar program, and what we found was that the General Accounting Office was saying that the consumer was paying too much, and by that they meant the first purchaser of sugar and the first purchaser of peanuts, who is not the housewife, not the consumer, but the manufacturers. I asked them, "Did you ask the sugar and the peanut people if we give them a reduction in the price level, will you pass that on to the American housewife?" They said, "Yes." We asked them, "What did they say?" "They said 'no,' they could not do that."

My friends, we could give sugar and peanuts to the candy manufacturers of this country, and that is who is driving this train, we could give them the peanuts, we could give them the sugar, and you would not see one nickel decrease in the price of a candy bar.

I hope that between now and the farm bill we can have an opportunity to go into this. I would be glad to reduce the price of port levels of both of these commodities if the savings were passed directly to the American housewife.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I thank the gentleman for yielding.

I rise to discuss in support of this appropriation. I represent the State of California. You are always hearing about California being a state of 32 million people. But what you may not know is the largest industry in California is agriculture.

Per year, $18 billion in farm sales generates over $70 billion in economic activity annually and employs over 2 million people on the farm and related jobs. Nearly 1 out of every 6 California jobs depends on agriculture.

The fastest-growing sector of this economy is the agricultural export market, which now derives nearly $13 billion in economic activity and supports over 137,000 jobs in California.

Despite the Uruguay round agreement on GATT, California's agricultural exports are up against the heavily subsidized foreign competition that still dominates the global marketplace. The European Union, for example, outspent the United States in export subsidies by more than 6 to 1 and will be able to maintain this historical advantage under GATT.

Chile just announced a $25 million export promotion, and Norway has initiated a $20 million program to promote just salmon exports.

This is the real world of global competition.

With the help of the market promotion program, we run a trade surplus of $14 billion per year with Japan, our biggest agricultural export market, and it grew by $500 million just in last year alone. The market promotion program helps California agriculture develop, expand, and maintain foreign markets. Eliminating the market promotion program would amount to unilateral disarmament.

The USDA estimates that for every dollar in the market promotion program, the funds generate an average of $16 in agricultural exports. I support the market promotion program in this bill and would urge my colleagues to reject any amendments to delete or diminish it.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Illinois [Mrs. COLLINS], who has been a leader in this Congress on many issues and has a recognized expertise in the area of meat inspection and food safety.

Mrs. COLLINS of Illinois. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I want to thank the gentleman from New York for withdrawing his language that would have blocked issuance of the new meat safety rule. The Agriculture Department has been working on this rule for about 6 years and is finally about ready to issue the rule.

I also want to thank the gentleman from Illinois [Mr. DURBIN], who has worked very, very hard on this issue, and even though he has mentioned that I have been a hard worker on this particular matter, so has he. He has been a yeoman on this particular issue which is critically important—to all Americans.

To block it now would only further delay bacterial testing of meat and poultry which is the only way, I repeat, the only way to determine whether meat has the deadly E. coli or other bacteria.

Bacteria contamination of meat is what caused the death 2 years ago of young Alex Donley of Chicago, IL. It is also what killed 4 children and made 600 others gravely ill 2½ years ago in the Jack-in-the-Box food poisoning incident in Washington State.

Mr. Chairman, the new meat rule has been the object of constant attack from the very beginning of this Congress. Opponents of the meat safety rule tried to kill it in the regulatory moratorium bill; they tried to kill it last week in the Senate's regulatory reform bill; and they tried to kill in this bill.

I, for one, completely oppose any further delay in the issuance of this regulation. Only bacterial testing can tell us whether the meat and poultry our families consume may be deadly.

Mr. Chairman, again I thank the gentlemen, both gentlemen, in fact, for withdrawing, first of all, the gentleman from Wisconsin [Mr. ROTH] for withdrawing his amendment. I thank the gentleman from Illinois [Mr. DURBIN] who worked so hard on this issue, and I am very pleased the Agriculture Department will be able to go forward with this important new meat inspection program.

Mr. DURBIN. Mr. Chairman, I yield back the balance of my time.

Mr. SKEEN. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Miss COLLINS of Michigan. Mr. Chairman, I must register my very strong opposition to the Republican proposal to limit the number of people who can participate in the WIC program, a program that for decades has sought to reduce some of the effects of severe poverty on infants and children in this country.

WIC's annual appropriation already limits the number of women, infants, and children who can be served. An additional participation cap, as proposed by the Republicans, would likely result in serving fewer eligible people next year, by creating additional administrative burdens.

Currently, some 3 million eligible women, infants, and children are unable to receive WIC benefits. These are overwhelming statistics, given the fact that WIC saves lives and is highly cost-effective. WIC reduces infant mortality, low birthweight and anemia and therefore, saves money by averting medical and other related expenditures. For every dollar spent by WIC on pregnant women, taxpayers save between $1.92 and $4.21 in Medicaid costs for newborns and their mothers.

Not only is such a cap morally wrong, but it simply does not make good fiscal sense. The participation gap would discourage State innovation, cause taxpayer dollars to be spent less efficiently, and result in participation declines. There are better ways to achieve the Appropriation Committee's goal of fiscal responsibility. We owe it to our country to show greater moral leadership than my Republican colleagues have shown. And we owe it to our country to show the kind of compassion that will lead to a brighter, healthier future for our children.

Mr. MARTINI. Mr. Chairman, I rise today with regard to the Federal peanut program. There are several members of this House, including myself, which would like to see major reform or the outright elimination of this program.

I am pleased that the Chairman of the Agriculture Committee, Mr. ROBERTS of Kansas, has made a commitment to this entire body that this issue will be addressed when his committee takes up the reauthorization of the entire Federal farm programs later this year.

The peanut program has two peculiar aspects to it. First, and foremost, the peanut program subsidizes the price of peanuts received by farmers and raises the cost of peanuts and peanut products for the consumers. Second, in order to grow peanuts to be sold for human consumption, peanut farmers have established a quota system that forces potential farmers to rent licenses from a few "quota-holders" that were granted over a century ago. This license system along with other Federal Government restrictions raises the cost of peanut production by 26 percent. This cost is also passed along to the consumer. These consumers are the individuals who make up my Congressional District in northern New Jersey.

The General Accounting Office estimates that the peanut program costs American consumers between $314 and $514 million a year in higher prices. In an era of tight budgets and a promise to achieve a balanced budget it is clear this program needs to be restructured. We have made a promise to make the Federal Government smaller, smarter, and less costly, and ending this program would be another step toward that end.

All businesses are required to produce revenue or face the harsh reality of termination, why should the Federal Government treat peanut producers any differently? In a country that values competition, a peanut program that shelters the industry from competitors is contrary to the very principles that founded this great Nation.

Mr. Chairman, this is why I call upon the Chairman of the Agriculture Committee to restructure or eliminate the quota and price supports for peanuts. I urge my colleagues in the House of Representatives to eliminate the peanut program from the folds of the Federal Government's wings.

Mr. BEREUTER, Mr. Chairman, this Member rises in support of H.R. 1976, the Agriculture appropriations bill for fiscal year 1996.

This Member would like to commend the distinguished gentleman from New Mexico [Mr. SKEEN], the chairman of the subcommittee, and the distinguished gentleman from Illinois [Mr. DURBIN], the ranking member of the subcommittee for their hard work in bringing this bill to the floor.

Mr. Chairman, this Member certainly recognizes the severe budget constraints under which the subcommittee operated. The subcommittee was forced to make some difficult funding choices in order to stay within its budget allocation. In light of these limitations, this Member is grateful and pleased that this legislation includes funding for several important projects of interest to the State of Nebraska.

First, the bill provide $423,000 for the Midwest Advanced Food Manufacturing Alliance. The Alliance is an association of twelve leading research universities and corporate partners. Its purpose is to develop and facilitate the transfer of new food manufacturing and processing technologies.

The Alliance awards grants for research projects on a peer review basis. These awards must be supported by an industry partner willing to provide matching funds. During the first year of competition, the Alliance received 30 proposals requesting nearly $1 million, but it was limited to funding 14 proposals for a total of $393,617. Matching funds from industry totaled $623,148 with an additional $134,000 from in-kind funds. These figures convincingly demonstrate how successful the Alliance has been in leveraging support from industry.

Mr. Chairman, the future viability and competitiveness of the U.S. agricultural industry depends on its ability to adapt to increasing world-wide demands for U.S. exports of intermediate and consumer good exports. In order to meet these changing world-wide demands, agricultural research must also adapt to provide more emphasis on adding value to our basic farm commodities. The Midwest Advanced Food Manufacturing Alliance can provide the necessary cooperative link between universities and industries for the development of competitive food manufacturing and processing technologies. This will, in turn, ensure that the United States agricultural industry remains competitive in a increasingly competitive global economy.

This Member is also pleased that this bill includes $200,000 to fund a drought mitigation project at the Agricultural Meteorology Department at the University of Nebraska-Lincoln. This level of funding will greatly assist in the further development of a national drought mitigation center. Such a center is important to Nebraska and all arid and semi-arid states. Although drought is one of the most complex and least understood of all natural disasters, no centralized source of information currently exists on drought assessment, mitigation, response, and planning efforts. A national drought mitigation center would develop a comprehensive program designed to reduce vulnerability to drought by promoting the development and implementation of appropriate mitigation technologies.

Another important project funded by this bill is the Alliance for Food Protection, a joint project between the University of Nebraska and the University of Georgia. The mission of this Alliance is to assist the development and modification of food processing and preservation technologies. This technology will help ensure that Americans continue to receive the safest and highest quality food possible.

This Member is also pleased that this legislation includes $1.5 billion in loan authority for the Farmers Home Section 502 Middle Income Loan Guarantee Program. This is a housing program this Member proposed and pushed through his membership on the House Banking Committee. After a very successful 20 state demonstration program in 1991, the 502 unsubsidized loan guarantee program was expanded to all 50 States in 1992. The subcommittee members are to be commended for recognizing the value of this program and providing funding levels more in line with the demand for the program from lenders, borrowers, and future homeowners.

Mr. Chairman, in conclusion, this Member supports H.R. 1976 and urges his colleagues to approve it.

Mrs. VUCANOVICH. Mr. Chairman, as a former member of the Agriculture Appropriations Subcommittee, I recognize the difficulties faced by the Chairman and ranking member and I commend them for their efforts on this bill. H.R. 1976 provides $15.9 billion in agricultural programs but still saves $5.2 billion, compared to spending last year. However, with tough challenges come tough decisions, and I am faced with one today. I am concerned about an amendment to be offered later during this debate and the effect this will have on low-income housing for people in my State of Nevada and throughout the Nation. Specifically, 502 direct housing loans help those low and very-low income families who are unable to obtain financing elsewhere. Without these funds, it will be difficult or impossible for people to achieve the American Dream of owning their own home. In addition, I am concerned about other reductions to rural programs including rural waste disposal projects and rural development.

Although reluctant, I will support this amendment because it does have some good provisions in it regarding the Conservation Reserve Program and the Wetlands Reserve Program. However, I urge the Chairman to continue to fight to restore funding for the 502 housing program and some of the other rural programs in conference.

Mr. MARTINI. Mr. Chairman, the sugar program fixes the price of sugar, guaranteeing business high profit margins in an industry that is not suffering significant losses. In fact, the Federal Government takes it a step further by limiting imports to further increase the price of sugar. These efforts swell the price of sugar to double the price paid in most foreign nations.

My colleague, DAN MILLER of Florida, has been a leader in the effort to reform this program. Congressman MILLER should be commended for going against an interest which has a strong representation in his home State. He said, long before the election results told us, that the American people expect changes in Washington, beginning with the elimination of programs like the sugar subsidy. I am pleased that Mr. MILLER has received the commitment from the chairman of the Agriculture Committee, Mr. ROBERTS, to work to restructure this program.

While the wealthy sugar producers claim that the industry can not survive without the subsidy, nothing could be further from the truth. In fact, Mr. Chairman, the sugar program subsidizes the wealthiest plantation owners. The 33 plantations represent only 0.2 percent of all sugar producing farms, yet they receive one-third of all farm-level benefits from the program. In addition, the General Accounting Office estimates that the program costs American consumers $1.4 billion a year through the increased prices of products that contain sugar.

The citizens of my district sent me to Washington with a specific goal in mind. That goal was to eliminate or restructure all the Federal programs that are outdated. The Federal sugar program is exactly the type of program that I seek to eliminate from the government books.

Mr. Chairman, I urge the Federal Government to get out of the sugar business. While it may be a sweet deal to the sugar producers, it leaves a bittersweet taste in the mouths of the American public.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment printed in House Report 104–185 is now pending. That amendment shall be considered read, shall be debatable for 10 minutes, equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations, and shall not be subject to amendment or to a demand for division of the question.

If that amendment is adopted, the bill, as amended, shall be considered as the original bill for the purpose of further amendment under the 5-minute rule.

Further consideration of the bill for amendment shall proceed by title and each title shall be considered read.

Pursuant to the order of the House of today, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

AMENDMENT MADE IN ORDER BY HOUSE RESOLUTION 188

The CHAIRMAN. The Clerk will designate the amendment printed in House Report 104–185.

The text of the amendment is as follows:

Amendment made in order by House Resolution 188:

On page 25, line 20 strike $805,888,000 and insert $788,388,000.

On page 34, line 16 strike the "and" and all that follows through "590p(b))," on line 20; and on page 35, line 13 strike $47,000,000 and insert $36,000,000.

On page 35, line 25 strike $77,000,000 and insert $210,000,000.

On page 40, line 10 strike $2,400,000,000 and insert $2,200,000,000; and on line 11 strike $1,500,000,000 and insert $1,700,000,000.

On page 40, line 20 strike $191,460,000 and insert $107,840,000 and strike $2,550,000 and insert $2,890,000.

On page 46, strike lines 8 through line 2 on page 47.

On page 50, line 22 strike $562,000,000 and insert $435,000,000.

On page 67, strike lines 10 through 17.

On page 67, line 18 strike 717 and insert 715.

On page 67, line 21 strike 718 and insert 716.

On page 69, line 6 strike 719 and insert 717.

On page 69, strike lines 12 through 18.

On page 69, line 19 strike 721 and insert 718.

On page 70, strike lines 5 through 11.

On page 70, line 12 strike 723 and insert 719.

On page 70, line 15 strike 724 and insert 720.

On page 70, line 20 strike 725 and insert 721.

The CHAIRMAN. Pursuant to the rule, the gentleman from New Mexico [Mr. SKEEN] and the gentleman from Illinois [Mr. DURBIN] will each be recognized for 5 minutes.

The Chair recognizes the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like again to explain the en bloc amendments.

Mr. Chairman, the limitations on the Conservation Reserve Program, the Wetlands Reserve Program and Export Enhancement Program are stricken from the original bill, as is the provision that would have prohibited certain disaster payments for livestock feed producers who refused crop insurance.

The salaries and expenses account of the Consolidated Farm Service Agency is reduced by $17.5 million. The Great Plains Conservation Program is eliminated for a savings of $11 million. The loan level for section 502 direct housing is reduced from $900 million in the bill to $500 million, and the guarantee program is increased from $1.5 billion to $1.7 billion, for a savings of $83.6 million.

The Rural Development Loan Fund, one of several programs supporting economic development in rural areas, is eliminated for a savings of $37.6 million. Funds available for the Rural Development Performance Partnerships Program for rural utilities, which is essentially a block grant for water and waste disposal loans and grants and solid waste management grants, is reduced from $562 million in the bill to $435 million.

Mr. Chairman and colleagues, this amendment is budget neutral, and that is the en bloc amendment, Mr. Chairman.

Mr. Chairman, I reserve the balance of my time.

Mr. DURBIN. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I appreciate the gentleman yielding time.

I rise to oppose the chairman's en bloc amendment because it contains further reductions in direct loans available through the section 502 rural housing program. My district covers most of the rural areas of my State. Over the past year these low-interest loans have allowed 89 families in my district who otherwise could not secure a loan to buy or build their own home. These families earn an average of about $22,000 a year, which is only a little bit more than half the average income in Massachusetts.

Even in the most rural areas of my district, homes cost upwards of $85,000. The 89 loans this year in my district are worth almost $5 million.

This loan program is the one chance that many families have to own their homes. In fact, it is the only Federal assistance for low-income rural homeownership.

Section 502 funding has already been cut by about 20 percent over the past 5 years, and the Skeen amendment would so reduce the funding for the direct loan portion of the program that only about 8,000 families in the whole country could be assisted next year. This is no way, in my view, to encourage people who are working hard to pay their bills and raise their kids, yet dream of owning their own home.

I would urge my colleagues to vote against the Skeen amendment.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. CALLAHAN].

Mr. CALLAHAN. Mr. Chairman, I agree very much with the former speaker here with respect to the 502 housing program. It is a very valuable and essential program that is working in America.

There are 130,000 people standing in line waiting for this.

We have 13,000 people here in America standing in line waiting for October 1 and waiting for the money under the 502 program. Unfortunately, we are not going to be able to put it in this bill at this time, but I will assure you that the chairman of the committee is sincere in his effort to work with us to try to find some opportunity, try to find some way to properly fund the 502 program, because he agrees with us that it is essential that we do it.

There is just not enough money under the agreement that they have with the Committee on Agriculture to do it now. I think that we have worked out a way where we can get an additional $10 million put in. That will be offered by me under title III.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from New Mexico.

Mr. SKEEN. We are essentially looking for other monies to put back in the program. If we find any, which I think we can, we will put it back in the 502 housing. We also have the concern for and respect for that program and how well it has worked.

Mr. CALLAHAN. I know you do, Mr. Chairman. That is my point here. I am encouraging people to support your en bloc amendment. Let us get on with it. Let us get to title III. We found a way to recapture some of it. We can probably recapture some more during the process.

□ 2145

Mr. SKEEN. Mr. Chairman, if the gentleman would further yield, this is exactly what we have had to do because we did the en bloc very quickly, and so we are going to do everything that we can to make that program whole again.

Mr. CALLAHAN. I know that, and I appreciate that.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, as chairman of the authorizing committee I want to make it very clear for everybody on the floor and who has concerns about the housing programs the gentleman will be offering an amendment under a different title, we have $10 million, staff informs me that really leverages to $50 million, and the gentleman has indicated that while he has some concerns over the housing situation, he will vote for the en bloc amendment. We will address that issue in other titles.

I would urge a yes vote on the en bloc amendment.

Mr. CALLAHAN. That is right. I encourage my colleagues to vote for the en bloc amendment.

Mr. DURBIN. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin [Mr. OBEY], the minority spokesman on the appropriations subcommittee.

Mr. OBEY. Mr. Chairman, let me simply say that farmers in my area have virtually given up on that expectation that they will get any kind of rational national farm policy which will be at all fair. They face, for instance, milk marketing arrangements which are ridiculously outmoded and biased against our region of the country. But at least they held out some hope that there would be some modicum of rural development which would help in terms of housing, and in terms of water, and in terms of sewer, and the problem with this en bloc amendment is that it further damages those programs. It cuts help for the program which provides people to buy their first home in rural America. I do not think that is a good idea. It amazes me that the reductions in the rural sewer, and water loan and grant programs will mean, for instance, that if this House buys the B-2 program, that we will spend more on just one B-2 bomber than the entire cost of all of those programs for 4 years on just one of those bombers.

Mr. Chairman, it makes absolutely no sense to me, it makes absolutely no sense to the farmers I represent or certainly to the nonfarmers who occupy rural America in districts like mine, and therefore, while I have great respect and affection for the distinguished chairman of the subcommittee, I do not much approve of the amendment which will be offered, and I would urge Members to vote against that amendment.

Mr. SKEEN. Mr. Chairman, I understand the gentleman's concern and also appreciate the respect and so on, and I would be disappointed if he had not made some comment contrary to the best efforts of this thing. We are going to try to get there.

Mr. Chairman, how much time do I have remaining?

The CHAIRMAN. The gentleman from New Mexico [Mr. SKEEN] has 1½ minutes remaining.

Mr. SKEEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I rise in strong support of the Skeen en bloc amendment. This amendment reflects the work done between the authorizers and appropriators to put forward a bill that both committees can support. This amendment makes the difficult choices in discretionary spending to reach the requirements of the budget resolution.

Many of the spending choices reflected in the en bloc amendment are painful. I wish we didn't have to make them, but we do. Later this year, the Agriculture Committee will be bringing a farm authorization bill to the floor that will contain ever harder choices. The en bloc amendment before us today will allow the House to make clearer and more accurate decisions on how we should approach all farm and rural spending.

The gentleman from New Mexico [Mr. SKEEN] and his colleagues on the Agriculture Appropriations Subcommittee have faced up to their budget responsibilities and provided in this amendment honest spending reductions in their discretionary area of responsibility. Adoption of this amendment is crucial to securing the support of all the agriculture community for this bill. I strongly urge the House to pass the Skeen en bloc amendment.

Mr. DURBIN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me say that I understand why the chairman entered into an agreement with the chairman of the Committee on Agriculture on this amendment, but I do not particularly care for the terms of it. Let me tell my colleagues two specific areas that I think are wanting in this en bloc amendment and give them two specific reasons to vote against it.

My colleagues have heard about the cuts in the rural housing program. Last year we spent $1.2 billion on rural housing programs under 502, which is a single-family dwelling program, usually for communities of 50,000 population or less. The administration asks for the same amount of money. With this en bloc amendment we will cut the spending to $500 million, less than half of what it is in the current fiscal year.

The gentleman from Alabama [Mr. CALLAHAN] was correct. We have over 100,000 people hoping and praying that they will be able to realize the American dream in their small towns through this housing program, and we will be saying no to more than half of those. In fact, we will be saying no to virtually all of them in the outyears if we follow the course predicted by this en bloc amendment. So there is a substantial cut in rural housing.

Now my colleagues say, "Well, Mr. DURBIN, now that you've said that, where will you come up with the money?" One of the things the Committee on Agriculture insisted on was a provision which allows those who are in livestock to have special benefits. In other words, we have a provision in the law now which says:

If your livestock feed could be covered by crop insurance; in other words, if you had the ability to protect yourself in case of a disaster, then the Federal Government is not going to race to your rescue if a disaster occurs.

Now that is a provision in law that is sensible because we ought to encourage people, "Buy insurance. Cover yourself. Don't come begging to Uncle Sam."

Well, the Committee on Agriculture insisted on lifting that provision and saying that livestock feed that is lost because of a disaster will now be eligible for a disaster payment even if the livestock producer could have bought crop insurance and could have protected himself.

My colleagues, that is the wrong message. If we are going to cut back in Federal spending, and particularly in disaster spending, the message should be, if insurance is out there, buy it, and if you don't buy it, it is at your own peril.

Please join me in opposing the en bloc amendment.

The CHAIRMAN. The question is on the amendment made in order by House Resolution 188.

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SKEEN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 240, noes 173, not voting 21, as follows:

[Roll No. 535]

AYES—240

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doggett
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (RI)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Longley
Lucas
Luther
Manzullo
Martini
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Taylor (NC)
Thomas
Thornberry
Thornton
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—173

Abercrombie
Ackerman
Andrews
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gilchrest
Gonzalez
Gordon
Green
Gutierrez
Hamilton
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lazio
Levin

Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Lowey
Maloney
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Mineta
Minge
Mink
Mollohan
Morella
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pomeroy
Poshard
Rahall
Rangel
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Spratt
Stark
Stokes
Stupak
Tanner
Taylor (MS)
Tejeda
Thompson
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—21

Blute
Bryant (TX)
Collins (MI)
Crane
Hall (OH)
Harman
Jefferson
Manton
Martinez
Miller (CA)
Moakley
Moran
Murtha
Reynolds
Schiff
Sisisky
Studds
Tate
Tauzin
Volkmer
Yates

□ 2211

Mr. GILCHREST and Mr. POMEROY changed their vote from "aye" to "no."

So the amendment made in order by House Resolution 188 was agreed to.

The result of the vote was announced as above recorded.

Mr. SKEEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. KINGSTON], having assumed the chair, Mr. KLUG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1967) making appropriations for Agriculture, rural development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

PERSONAL EXPLANATION

Mr. BLUTE. Mr. Speaker, on rollcall vote No. 535, I was unavoidably detained and missed the vote. Had I been present, I would have voted in the affirmative.

PERSONAL EXPLANATION

Mr. MORAN. Mr. Speaker, during rollcall vote No. 535 on H.R. 1976 I was unavoidably detained. Had I been present I would have voted "no."

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Speaker, on Wednesday, July 19, I missed two rollcall votes during consideration of H.R. 2020, the Treasury, Postal Service, general Government appropriations for fiscal year 1996, and one rollcall vote during consideration of H.R. 1976, the Agriculture appropriation for fiscal year 1996. On rollcall vote No. 527 I would have voted "aye." On rollcall No. 528 I would have voted "nay." On rollcall No. 535 I would have voted "nay."

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE PRIVILEGED REPORT ON DEPARTMENT OF COMMERCE AND RELATED AGENCIES APPROPRIATIONS BILL, FISCAL YEAR 1996

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for the Department of Commerce, Justice, and State, the judiciary and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XXI, points of order are reserved.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore laid before the House the following communications from the Chief Administrative Officer of the House of Representatives:

OFFICE OF THE CHIEF ADMINISTRATIVE OFFICER, HOUSE OF REPRESENTATIVES,
Washington, DC, July 18, 1995.

Re State of Illinois versus Melvin Reynolds.

Hon. NEWT GINGRICH,
Speaker, House of Representatives,
Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that my Office has been served with a subpoena issued by the Circuit Court of Cook County, Illinois.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,
SCOT M. FAULKNER,
Chief Administrative Officer.

□ 2215

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2002, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES FOR FISCAL YEAR 1996

Mrs. WALDHOLTZ, from the Committee on Rules submitted a privileged report (Rept. No. 104–195) on the resolution (H. Res. 194) providing for the consideration of the bill (H.R. 2002) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

CONGRESS MARCHES TOWARD BIPARTISAN REFORM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I believe this has been a historic week for colleagues on both sides of the aisle. It is a continuation of the 104th Congress's march to bipartisan reforms. Looking over the last 6 months, some of the more notable days in the House have been those that have seen institutional change.

First of all, the accountability law, sometimes called the Shays Act, has been passed, which, in fact, requires that all the laws we pass here in Congress will, in fact, apply to Congress itself. In years past, we found there were laws passed such as fair labor standards, civil rights laws, and family leave that did not apply to Congress. Now, passed by the House and the Senate, signed into law by President Clinton, the accountability law requires that Congress be under the same laws that it passes for others, and our staffs will have the same protections.

We have also passed a one-third cut in franking. This is a measure which will give a reduction in the amount of free mail, or taxpayer-paid mail, for each Member, and, in fact, will restore some degree of an even playing field for challengers and incumbents.

We have also had a reduction in pensions for House Members. That is a measure which is closer to the level given to Federal workers in their pensions, and it is certainly a step in the right direction for this House.

We have also outlawed proxy voting in committees. If you are on a committee and you want to vote, you have to be there. It makes a lot of sense, and you might have thought it would have been adopted prior to the 104th Congress. But that was one of the early reforms adopted.

Also we have had legislation introduced which I support and many other Members on both sides of the aisle support, and that is a bán on gifts, Mr. Speaker, from lobbyists. No one can believe that a $25 gift, whether it be a meal or a token of appreciation from a lobbyist, certainly is something we do not want to have. It would not influence our vote anyhow, so let's just ban them. That is a bill we hope will pass soon.

The audit of House records, this is the historic item this week which came to fruition. While we adopted the rule to allow the audit, this week the auditors came forward from Price Waterhouse and, after a thorough examination of the books, found that, first of all, the books are not clear. But what is clear is there are unpaid bills, there is a breach of the security system for our computers, and there is not a clear accounting, Mr. Speaker, of all the equipment that we have here in the House, to say the least.

Mr. Speaker, as a result of a bipartisan House resolution passed last evening, we will, in fact, continue the audit by the firm of Price Waterhouse to make sure that we have our fiscal house in order for this Chamber and continue the kinds of savings we have already realized this year, with $155 million already in savings in the running of the House by reducing one-third of the committee staffs, eliminating 3 committees, 25 subcommittees, and now we are going to have the sale of one of our buildings.

In addition, Mr. Speaker, we have had the closing of the House folding room. We are working on privatizing, downsizing, consolidating, and reducing the number of Federal agencies we have, and I believe the House is moving forward by just reducing our own staffs as a way of example, saying we can do that with the Federal Government generally and having more service to the people, but less bureaucracy to support them.

We also have the legislation from the gentleman from Florida [Mr. MICA] to sunset Federal regulations, and my bill which would sunset Federal agencies that are being duplicated by State government or by the private sector.

Mr. Speaker, so as far as I am concerned, and I think many other Members, we are on our way to great reform, not only for the Federal Government spending less money and being more accountable, but making sure we reform the House, which is the people's House.

NO END IN SIGHT IN HAITI

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. GOSS] is recognized for 5 minutes.

Mr. GOSS. Mr. Speaker, another week has gone by and by all accounts there are still more questions, more uncertainties regarding the situation in Haiti. I am happy to report, however, that Ambassador Dobbins of the State Department Haiti working group has removed one uncertainty. In hearings last week he took the time to clarify the amount of money the United States taxpayers paid for the intervention in Haiti. As you know, we have been using a rough figure frequently cited in the press—something in the neighborhood of $2 billion. In fact, Ambassador Dobbins told the Senate Foreign Relations Committee that for just the period between the occupation of Haiti in September 1994 and the March 1995 takeover by the United Nations mission in Haiti, the Clinton administration only spent $1.2 billion. That is a load off of my mind. Of course, my constituents will still be interested to know what progress has been achieved toward a more democratic and stable Haiti for the sum of $1.2 billion of their tax dollars.

How, for example, is the elections process going? This week, the long-awaited OAS assessment of the June 25 Haitian elections was finally released. The conclusion? According to OAS Secretary-General Cesar Geviria: "It is difficult for us to say that this was free and fair. Everybody knows there were a lot of flaws." Given the abuse that credible observer organizations like the International Republican Institute took when they offered the same conclusion, I am surprised at the resounding lack of interest in Mr. Geviria's statement in both the Clinton administration and the media. Secretary General Geviria also went on to say he hopes Haitian officials will "find a way to get these results accepted" and "solve some of these problems in the three elections we have ahead." We hope so too, but there are signs that the process may already be seriously damaged. The first of those upcoming elections, originally slated for this weekend, are supposed to be a makeup day for areas where gross irregularities, administrative snafus, or ballot-burning meant Haitians could not exercise their right to vote. As of Tuesday these elections have been indefinitely postponed.

Added to this is the fact that 23 of the 27 parties participating in the June election continue to reject the process, and therefore the results. They have vowed to boycott both the makeup elections and the runoffs set for some time in August. There is also a growing list of disturbing events to consider. The shooting of a mayoral candidate during the elections and a deputy candidate 2 days later were disturbing enough. This week Deputy Mayor Elect Johnny Charles was attacked by knife-wielding thugs. If the security environment deteriorates, it will simply add another disincentive for Haitians who might otherwise participate in the political process as either voters or candidates.

Time is passing and each day brings us closer to the February date envisioned for the withdrawal of U.S. troops and the end of the U.N. mission. But the lack of progress on elections and growing questions regarding security point to a possible continuation of the mission well into the new year. Mr. Speaker, each day that passes means more bills added to the $1.2 billion tab that the American taxpayers have already paid in Haiti. My constituents and I would like to know: Is the end in sight?

REFORM IN CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kansas [Mr. BROWNBACK] is recognized for 5 minutes.

Mr. BROWNBACK. Mr. Speaker, I appreciate being able to speak to the body about what has taken place here recently, and that is the House audit that occurred yesterday and was released to the public yesterday. The reason I want to bring this up is this last weekend and for a number of months and throughout the campaign that I went through in eastern Kansas, a number of people talked to me about the things that they saw that they wanted to see changed.

They wanted to see reduction in the Federal Government, and they wanted to see us return to basic values. But one of the big things that they saw that they really wanted to see happen was the reform of the Congress. They had lost faith in this institution to represent them and not be just self-serving to itself.

Well, yesterday, a second big step occurred on that, where we had an audit released to the House of Representatives for the first time ever. I say second big step. The first big step was taken on January 4 of this year when this body agreed virtually unanimously to conduct its first ever audit. Why it took so many years, I do not know. But we finally agreed on January 4. That was a historic step, to audit this body, that has had so many scandals to it, the post office scandal, the bank scandal, the restaurant scandal.

The second big step was the audit that came out yesterday. It was quite revealing. The auditors themselves say that they cannot issue an opinion as to the fiscal conditions of the House of Representatives because the records are so bad. They just cannot even issue an opinion about what is the condition of the financial records here in this audit.

They identified millions of dollars that are not accounted for in the body. They make over 200 recommendations of changes that need to take place, like privatizing the gift shop, privatizing the supply store, centralized personnel records, establishing storage space fees to make warehouse storage for congressional inventories self-supporting, eliminating and contracting out the House office furnishing functions, and they go on and on and on.

The reason for me to point this out is this past weekend I was in Pittsburgh, Kansas, in my district, for a four State farm show. We had about an hour and a half town meeting at this farm show where a number of people gathered underneath a tent and we carried this on radio throughout much of the southern portion of my district. And it was interesting.

The lead question was not about what are we going to do about the farm bill, although there was interest on that, and it was not so much really about how are we going to reform what is taking place within the Federal Government. The lead question I got was when are you going to clean up the House itself? I noted the reforms we have done, a one-third cut in staff reductions, reducing ice buckets, or eliminating ice buckets being delivered to our office, and some of the proposals being put forward about the gift ban.

But one of the biggest things we have to do to reinstill the faith and confidence of the American people in their representative body is follow through on this audit, wherever our noses lead us to, whatever we might see that needs to be changed to open up. The second big step has taken place. We have got a lot further to go, and I recommend that many people look at this audit and see what is in it. It is a scathing indictment of the financial condition and how his House has been operated in the past. It is scathing.

□ 2230

I have never seen an audit of a governmental body that has been declared such a mess of an institution. The first two big steps have been taken. We have got to keep pressing forward with these reforms that are suggested in the audit and keep looking and searching and finding until we lift the dome off of everything and show the people what has been going on.

FRENCH NUCLEAR TESTINGS

The SPEAKER pro tempore (Mr. KINGSTON). Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I want to commend the President of France for having recently acknowledged a very serious matter that for some 50 years every French head of state has denied any involvement of the French Government.

Last Sunday, Mr. Speaker, President Jacques Chirac of France publicly stated that the Government of France was an accomplice and was involved in the deportation of some 75,000 Jews, whom a majority were French citizens and many refugees also—their deportation to Nazi Germany during World War II. These Jews were sent to Nazi death camps, and according to reports only about 2,500 survived. In his remarks, President Chirac said, "France, the homeland of the Enlightenment and the rights of man, a land of welcome and asylum, on that day committed the irreparable. Betraying its word, it delivered its dependents to their executioners."

Mr. Speaker, I admire President Chirac for saying these noble words, but I would admire him even more if he would be consistent with his statements and policy towards resumption of nuclear bomb explosions in the South Pacific.

Quoting from President Chirac's own words, Mr. Speaker, if France is truly the homeland where the rights of men are respected and honored, then why is President Chirac giving a deaf ear—an unwilling spirit—to listen and to examine carefully the plans and requests from leaders of countries from around the world, especially the leaders of countries and territories representing some 28 million men, women, and children of the Pacific region, to stop this insane practice of exploding nuclear bombs in these Pacific atolls.

Mr. Speaker, if France is truly the homeland of the enlightenment, then why is the President of France not giving serious consideration to reason and commonsense thinking by the majority of humanity throughout the world—do not explode nuclear bombs in the middle of the Pacific Ocean—given the fact that the Pacific Ocean covers almost one-third of our planet's surface. Mr. Speaker, may I also remind the President of France that two-thirds of the world's population reside in the Pacific region.

Mr. Speaker, the president of France makes the point that exploding eight more nuclear bombs in the South Pacific is a necessary step to improve France's nuclear deterrent system. The fact of the matter is, Mr. Speaker, the technology to improve the trigger mechanism to explode nuclear bombs is already available. It has been done, and guess which country has this technology. We do. The United States of America.

Mr. Speaker, it is my understanding our country was willing—and is still willing—to share the technology with France, so France does not need to spin its wheels again to continue a testing program when the answers are already known to questions concerning nuclear explosions.

So, Mr. Speaker, I raise another point concerning President Chirac's decision to rescind France's 1992 moratorium on nuclear testing. President Chirac said the decision by his government to resume its nuclear testing program in the South Pacific is in the highest interest of the Government of France. Mr. Speaker, I submit I have a problem with President Chirac's claim that exploding eight nuclear bombs—each bomb ten times more powerful than the nuclear bomb that was dropped on the Japanese city of Hiroshima, and killing over 100,000 men, women and children at the height of the conflict with Japan during World War II—the problem, Mr. Speaker, is that these eight nuclear bombs President Chirac's government intends to explode during an 8-month period starting in September of this year, these nuclear bombs are going to be detonated on two South Pacific atolls in French Polynesia.

The President of France claims that exploding these eight nuclear bombs on these Pacific atolls is ecologically safe and that the marine environment will not in any way be affected by it.

Mr. Speaker, the President of France is not an expert on nuclear bomb explosions, and certainly I'm not an expert on this matter, but doesn't it make sense, Mr. Speaker—common sense, that is—I strongly suggest to President Chirac that a panel of nuclear scientists from around the world be invited to these Pacific atolls and allow them the opportunity to fully examine what the French Government has done after already conducting 139 underwater nuclear bomb explosions and 41 atmospheric nuclear bombs under the Moruroa Atoll.

Mr. Speaker, the French Government claims these nuclear bomb explosions are being conducted underground and not underwater. Mr. Speaker, I submit this claim is yes and no. The reason for my saying this is that the Morurao Atoll is made up entirely of coral reefs and marine life, but in the middle of the atoll is a volcanic formation shaped like a cone, but is below sea level. So what the French officials have done is drill some 139 of these holes into this volcanic formation, and accordingly in the middle of this volcanic mountain the nuclear bombs are detonated.

Mr. Speaker, what concerns me and nuclear scientists throughout the world is that after exploding nuclear bombs 139 times inside this volcanic formation—something has to give after doing this for the past 20 years.

Nuclear scientists have expressed serious concerns about leakages of nuclear contamination directly into the ocean, and the consequences of marine environmental contamination to all forms of marine life can never be restored to life again. That's the danger, Mr. Speaker.

Mr. Speaker, why is the French Government so afraid to allow a panel of knowledgeable and expert scientists to examine the Moruroa Atoll, if all that the French Government alleges on safety and health to humans are true?

So, Mr. Speaker, while these nuclear bomb explosions will explode inside a volcanic formation—this volcanic mountain-like formation is surrounded entirely by the Pacific Ocean. Mr. Speaker, while it is quite convenient for the French Government to claim a 12-mile territorial jurisdiction around the Moruroa Atoll, the fact is, the ocean surrounding the atoll does not discriminate on whereby nuclear contamination is carried freely and dispersed by the ocean currents—and these ocean currents affect the entire Pacific Ocean.

Mr. Speaker, if the President of France continues to refuse to listen and to stop his government's nuclear testings in the Pacific, I am left one other possible option—declare and ask the goodness of the American people to boycott all French products being sold in the United States and throughout the world.

I also make an appeal, Mr. Speaker, for our musicians and leaders noted in the media and entertainment business to set September 1 of this year to conduct concerts, musical arrangements and gatherings to protest French nuclear testing in the Pacific.

Mr. Speaker, I include for the RECORD the following information.

[From the Los Angeles Times, July 18, 1995]

GOVERNMENT WATCH—NATIONAL CONFESSION

Credit President Jacques Chirac with the moral and political courage at last to say unequivocally what other French heads of state have refused to say for 50 years. Credit him with publicly recognizing France's direct responsibility in the deportation of some of the 75,000 Jews—many of them refugees but the majority French citizens—who were seized and shipped to Nazi death camps during World War II.

Official French complicity in this crime against humanity has long been known and documented. Yet for decades successive governments sought to place responsibility solely on the country's German occupiers, later adding the collaborationist Vichy regime to the roll of those guilty. Chirac, in remarks at a memorial service for 13,000 Jews who were seized in Paris in 1942 and transported to the death camps, was explicit about the actual French role. "France, the homeland of the Enlightenment and the rights of man, a land of welcome and asylum, on that day committed the irreparable." His nation owes those victims, he said, "an everlasting debt."

It's seldom easy for proud nations to admit crimes or follies. Only in 1976, for example did President Gerald R. Ford apologize on behalf of the government for the hysteria-prompted wartime internment of 120,000 people of Japanese ancestry 34 years earlier. That great wrong had long been widely recognized.

In France for more than five decades it was official denial that prevailed. President Chirac, to his great credit, has made any further denial untenable.

[From Newsweek, July 24, 1995]

FUTURE SHOCK—

(By John Barry)

The terrorists went undetected. In the noon-hour crush of a spring day in midtown Manhattan, the two men with suitcases looked like hotel-bound businessmen. Nobody gave them a second glance as they bought sandwiches from a street vendor and sat on one of the benches by Rockefeller Center. After a moment, they seemed to rummage in the contents of the bags. Only the blinding fireball that vaporized the attackers and instantly killed tens of thousands of New Yorkers announced that nuclear warfare had finally come home to the nation that first split the atom. And by then, of course, it was too late to avert catastrophe.

For years, versions of that nightmare scenario have been grist for doomsday prophets. It was pure hype. A terrorist group with the funds and know-how to develop a knapsack nuke would have had to be so big, rich and sophisticated as to rival a good-sized nation—hardly a recipe for keeping a secret. The routes to the prize—breeding plutonium in a reactor or refining uranium in a giant enrichment plant—are strewn with technical obstacles. Theft of the primary materials was the only way to short-circuit that laborious process, and the nuclear fraternity's huge stores of A-bomb ingredients were tightly protected. So what really mattered was keeping sensitive technology out of the hands of would-be nuclear powers, convincing nervous nations that the U.S. nuclear umbrella would protect them, monitoring peaceful uses of atomic energy—and heading off a showdown with the U.S.S.R.

Those goals were achievable—but history has turned the nuclear threat on its head, and the terrorist scenario has become frighteningly real. For veterans of the nonproliferation struggle, these are in one sense the best of times, because the terrifying contest between Washington and Moscow is largely over. The United States and Russia are dismantling their ICBMs and their multiple warheads as fast as they can. Their remaining missiles are no longer targeted at each other. And this spring, U.S. negotiators persuaded more than 170 signatories to the Nuclear Non-Proliferation Treaty (NPT) to extend it indefinitely—in return only for vaguely worded security guarantees from the nuclear powers. But these are the worst of times, too, because in the debris of the cold war remain tens of thousands of nuclear weapons and thousands of tons of bomb-grade plutonium and uranium. A terrorist bomb made with as little as 13 pounds of pure plutonium would pack the punch of 1,000 tons of TNT even if it fizzled. The main problem, still, is Russia. But today the problem is Russian weakness, not strength. "The situation in the former Soviet Union today is the single most important event in the history of nuclear proliferation," says a senior Pentagon official.

That history so far is one of restraint. In 1963 President John F. Kennedy said he was haunted by fears that by 1975 there could be as many as 20 nations with nuclear weapons. Back then, there were four declared nuclear powers: the United States, the Soviet Union, France and Britain; China exploded a bomb the next year. That's still the official roster (three other nations have gone nuclear without admitting it: Israel, India and Pakistan). Meanwhile, Argentina, Brazil, South Africa and Romania all have elected over the last decade to give up nuclear programs. Taiwan and South Korea began preliminary efforts to build a bomb in the 1970s, but gave up under heavy U.S. pressure. Most recently, Ukraine, Belarus and Kazakhstain disavowed the nuclear legacy that fell to them when the U.S.S.R. split up. "The NPT has succeeded beyond the wildest dreams of its authors," says John Holum, director of the Arms Control and Disarmament Agency. "Non-nuclear has become a global norm."

Those still knocking at the clubhouse door remain a long way from getting the keys. Consider Iraq, which has drawn most of the attention since the end of the gulf war, when U.N. inspectors began carting away boxes of plans outlining Saddam Hussein's $10 billion nuclear program. Iraqi scientists may not have been as far along as the documents indicated. It seems the scientists lied to please the boss. "[The program] was a disaster," says Bob Kelley of Los Alamos, who has made 27 trips to Iraq as part of the monitoring effort. "The leadership got taken for a ride. They didn't know what they were doing."

Other pretenders are scarcely in better shape. Libya's Muammar Kaddafi still wants a bomb, but a Russian intelligence study concluded in 1993 that his poor engineering and technology base put that out of his reach for "the foreseeable future." North Korea has taken a buyout—$4.5 billion worth of nuclear reactors from South Korea. And although the North Koreans may already have produced as much as 26 pounds of plutonium, Russian experts say scientists there don't have the computers or design know-how to make a bomb. Iran's nuclear ambitions go back to the shah, but poor infrastructure, demoralized personnel and political factionalism under the ayatollahs create huge barriers to building an "Islamic bomb," experts agree. In all, the nuclear wanna-bes are a sorry lot.

But what happens with a nuclear power heads in the same direction as such Third World basket cases? The collapse of the Soviet Union has opened the door to proliferation—by states or terrorists—on a scale that previously was unimaginable. In the START treaties of 1991 and 1993, the United States and the former Soviet Union agreed to drastically reduce their strategic warheads. The problem is that in Russia that has meant moving some 3,000 warheads a year from under control of the military, where safeguards have been stringent, to the civilian Ministry of Atomic Energy (Minatom), where U.S. experts charge the protection against theft has become so slipshod that some think the best answer may be to slow down or even stop the whole disarmament process.

Just about every U.S. specialist on the issue has had an epiphany about how vast the problem is. For Charles Curtis of the U.S. Energy Department, it was when he was taken into Building 116 of the Kurchatov Institute in the Moscow suburbs. About 160 pounds of weapons-grade uranium cast into shiny spheres was stored in high-school-style lockers and secured by a single chain looped through the handles. There was no other security. William Potter, who tracks nuclear thefts for the Monterey Institute of International Studies in California, was transfixed by a Russian Navy investigator's report on the theft of almost 10 pounds of enriched uranium from one of the Russian Navy's main storage facilities for nuclear fuel, the Sevmorput shipyard outside Murmansk. The thief had climbed through one of many holes in the wooden fence surrounding the fuel-storage area, sawed through a padlock on the warehouse door, lifted the lid on a container and broken off three pieces of a submarine reactor core. "Potatoes were guarded better," the investigator said.

Flimsy locks aren't the most frightening weakness. While security for the U.S. nuclear program depends on high-tech gadgetry backed by armed guards, Russia has depended on control of people. "They had watchers watching watchers, backed by very strict control on movement," said one Energy Department official. Will hard times fray the watchers' loyalty? Frank von Hippel, a Princeton physicist, noticed big new dachas going up inside the barbed-wire perimeter of Chelyabinsk-70, a closed city for Russian nuclear scientists. When he asked who owned the houses, his Russian companion cut him a glance and replied, "The night people"—black marketers. Former Los Alamos weapons designer Stephen Younger recalls how the director of the weapons lab at another closed city, Arzamas-16, called him aside to beg for emergency financial aid, adding that his scientists were going hungry. "You are driving us into the hands of the Chinese," the man said.

How much may already have leaked? The CIA lists 31 cases of thefts or seizures, most allegedly involving low-grade Russian materials found by German police, in the first six months of this year alone. But many of the cases resulted from "sting" operations, part of a pre-emptive strategy initiated by Western intelligence agencies since 1992. Some Russians charge that the operation has actually created a market. Still, some cases are chilling. In Prague last December, police found almost six pounds of highly enriched uranium in the back seat of a Saab; also in the care were a Czech nuclear scientist and two colleagues from Belarus and Ukraine. "We're starting to see significant quantities of significant material," says a White House source. Adds a Pentagon official, "If just one bomb's worth gets out, people are going to wake up real fast."

Some members of Russian President Boris Yeltsin's staff are already sounding the alarm. After a presidential inquiry last fall, staffers identified nine facilities they said urgently require modern security systems. But everyone agrees that the list barely begins to address the problem: U.S. experts say not one of the nearly 90 facilities where a total of 700 tons of weapons-grade materials are stored has adequate security. The outcry seems to have had an impact on Minatom, a huge bureaucracy whose director, Victor Mikhailov, is legendary in Washington for resisting foreign interference. In June, Mikhailov agreed to let teams of U.S. experts go to five of his facilities "to facilitate development of joint improvement plans." U.S. experts also will install and demonstrate new security systems at the Arzamas and Chelyabinsk complexes. Moscow's Kurchotov Institute already has the new system.

Paying for all that will require major outlays. U.S. officials estimate that the new equipment will cost $5 million per site: a total of $450 million if Russia agrees to harden security at all its storage facilities. The Clinton administration has begun discussions in NATO, in the International Atomic Energy Agency and among members of the Group of Seven about how the costs might be spread around. The Russian presidential commission studying the problem paints an even grimmer picture. It says upgrading security will cost $17 billion. Nobody knows where that kind of money might come from. But in the meantime, the Russians have begun to adopt a drastic but simple strategy—closing the doors to nuclear plants, even to their own inspectors. Asked if it would be possible to visit one nuclear site, Mikhailov's spokesman said that "because of Chechnya, no one can go anywhere." Evidently security has already been tightened against possible attacks by Chechen separatists.

In place of the arms race, a new race is on—to see how quickly Russian can be cajoled and helped into throwing up enough safeguards to prevent some of the world's most lethal materials' leaking into the wrong hands. In the meantime, the Pentagon is spending $100 million this year in an effort to identify high-tech "counterproliferation" tools to track and, if necessary, take out rogue nuclear powers. And policy specialists already are wrestling with the dilemma of how the United States can both cut military spending and continue to convince Japan and other friends around the world that they don't need their own nuclear weapons. It's still a battle to make sure "The Day After" isn't just a day away.

[From the Los Angeles Times, July 17, 1995]

CHIRAC ADMITS FRANCE'S COMPLICITY WITH NAZIS

(From Times Wire Service)

PARIS.—President Jacques Chirac acknowledged Sunday what a generation of political leaders did not—that the French state was an accomplice to the deportation of tens of thousands of Jews during World War II.

At a ceremony to commemorate the 53rd anniversary of the roundup of at least 13,000 Jews at a Paris stadium—the biggest during the war years—Chirac said that French complicity with the Nazis was a stain on the nation.

"These dark hours soil forever our history and are an injury to our past and our traditions," Chirac told the gathering at the former site of the Velodrome d'Hiver stadium in western Paris.

"The criminal folly of the [German] occupier was seconded by the French, by the French state," he said.

Chirac, a conservative who took office in May, is the first French president to publicly recognize France's role in the deportations of Jews under the Vichy regime of Marshal Philippe Petain, which collaborated with the Nazis.

In all, about 75,000 Jews were deported from France to Nazi concentration camps during World War II. Only 2,500 survived.

Chirac's predecessor, Socialist President Francois Mitterrand, maintained that the Vichy regime did not represent the French republic and its actions were not those of the state.

That attitude pained France's large Jewish community, which has long pressed authorities to come to grips with the nation's collaborationist past.

At dawn on July 16, 1942, French police banged on doors throughout Paris, pulling men, women and children from their homes and rounding them up at the cycling stadium. The families were imprisoned for three days without food or water, then deported to Auschwitz. Only a handful returned.

"France, the nation of light and human rights, land of welcome and asylum, accomplished the irreparable," said Chirac. "Betraying its word, it delivered its dependents to their executioners."

In a clear warning against today's extreme-right National Front, Chirac also urged vigilance against attempts by some political parties to promote a racist, anti-Semitic ideology.

Noted Nazi hunter Serge Klarsfeld hailed Chirac for his "courage" and said that the president's words were "what we had hoped to hear one day."

Chirac's statements culminated a process that gained pace in 1994 when a court for the first time convicted a French citizen, Paul Touvier, of crimes against humanity. The former pro-Nazi militia chief is serving a life term for ordering the executions of six Jews in June 1944.

Several deportation survivors attended Sunday's ceremony, along with representatives of the Jewish community and the archbishop of Paris, Cardinal Jean-Marie Lustiger, a Jew who converted to the Roman Catholic faith.

LOBBYING REFORM

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Maryland [Mr. EHRLICH] is recognized for 60 minutes as the designee of the majority leader.

Mr. EHRLICH. Mr. Speaker, I rise tonight to talk about a very important issue, really one of the issues that I believe we were sent here to address, which is lobbying reform, ending taxpayer funded lobbying by special interests, Mr. Speaker. And the problem is one of the best kept secrets in this town and on this floor.

Special interests lobby for taxpayers' money and then use that taxpayers' money to create political operations that serve to lobby for even additional money. It is a vicious cycle, Mr. Speaker. It is taxpayer abuse, and it is an outrage.

More than 40,000 special interests received at least 39 billion, Mr. Speaker, that is with a B, dollars in federal grants during 1990. Because accounting records are not complete and because some records are not available for inspection, there is no way of knowing how much taxpayers' money is being used to direct lobbying and political efforts. There are, however, specific examples, Mr. Speaker, of recipients of federal grants that lobby the government.

Examples of abuse, Mr. Speaker, on Flag Day in June, the ABA, the American Bar Association, staged a rally at the Capitol to protest a proposed constitutional amendment protecting the desecration of the American flag. Last year, the ABA received more than $10 million in grants in Washington. The Nature Conservancy used a $44,000 grant from the Department of Commerce to lobby for defeat of a Florida referendum.

At the request of Interior Secretary Bruce Babbitt, the National Fish and Wildlife Federation lobbied to protect the National Biological Service from cuts in FY 1995 rescissions. The foundation has received hundreds of thousands of dollars in federal grants from the Interior Department.

Since 1993, Mr. Speaker, the EPA has distributed more than $90 million in federal grants to more than 150 special interests, including the Sierra Club, the Natural Resources Defense Council, and other groups that are lobbying against the regulatory reform component of the Contract with America, an issue near and dear to my heart because it currently formed the focal point of our campaign for this House.

The federal dollars also make many special interests appear to be a larger force in the political arena than they would be if they relied solely on private business. This is a very important point, Mr. Speaker.

For example, the National Council of Senior Citizens receives more than 96 percent, that is 96 percent of its funding from this Congress. AARP receives 66 percent; Planned Parenthood, 33 percent, et cetera.

Because special interests do not open their books for public inspection, there is no way to guarantee that they are not using taxpayer dollars for political advocacy. In many cases, however, these federal dollars free up the group's private resources to be spent in direct political lobbying and other advocacy activities.

Mr. Speaker, Representatives ISTOOK, MCINTOSH, and myself have a bill to stop this taxpayer abuse.

The bill bans grantees from using taxpayer-funded grant money, Mr. Speaker, to lobby the government. Because money is fungible, the bill also places strict limits on the amount of lobbying that grantees can do with their nongrant funds.

To ensure the law is followed, Mr. Speaker, grantees must open their books to audits and submit annual reports to GAO and agencies that award the grants. Most importantly, the bill gives taxpayers the information and the authority they need to root out abuses on their own so they can recover in an appropriate way these grant funds from the government.

American need to have confidence that their hard-earned tax dollars are not being wasted. Under this program, their money is not going down a rat hole.

If Americans knew this happened every day, Mr. Speaker, they would be rightly outraged.

We have gathered many, many groups throughout the country who support this legislation, including the Association of Concerned Taxpayers, Citizens for a Sound Economy, the American Family Association, the National Restaurant Association, Americans for Tax Reform, the Competitive Enterprise Institute, the National Taxpayers Union, Citizens Against Government Waste, the National Federation of Independent Business, the National Association of Wholesaler Distributors, the Chamber of Commerce, the National Beer Wholesalers, Senior Coalition, and the list goes on and on, Mr. Speaker.

There are a lot of people, there are a lot of groups in this country engaged with respect to this issue who understand how important the issue is and support our reform efforts.

Just to conclude with a few remarks, Mr. Speaker, it has been popular to criticize this reform measure as "defunding the left." The left, the right and the center have nothing to do with respect to this particular piece of legislation, whether groups on the right or groups on the center or groups on the left are violating the law, we need to know. I particularly do not care what particular ideological group they happen to fall into. It is unfortunate, Mr. Speaker, that everything is spun and subject to political spin in this town. This is not about ideology, other than, Mr. Speaker, cleaning up this House and the way we conduct business in Washington, DC.

One last point, Mr. Speaker. We seem to have lost the distinction in this country when it comes to nonprofit lobbying efforts between an advocate and the mission of the nonprofit. The purpose, the bottom line with respect to this bill, Mr. Speaker, is to return the primacy of special, of nonprofit groups to their targeted areas, to their missions, to their goals and away, Mr. Speaker, from going to the public, coming to this town, coming to this floor and asking forevermore additional moneys to fund their advocacy programs.

There is a clear distinction between the two concepts, Mr. Speaker. The purpose of this bill, the bill put forward by Represenatives MCINTOSH, ISTOOK, and EHRLICH is to reestablish that dichotomy, that very important distinction between nonprofits who view their essential mission in life to accomplish their goals, to fulfill their missions and other nonprofits who simply seek to expand their ability to gain public dollars.

That should not be their primary mission; being a lobbyist should not be what they are about. That is the bottom line to their reform measure. I have been very pleased to receive the sort of response from our district and from around the country, from the groups I mentioned earlier and from just individual citizens who are very happy to see true nonideological reform efforts take place in this House.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SANDERS) to revise and extend their remarks and include extraneous material:)

Mr. OLVER, for 5 minutes, today.

Mr. WISE, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. FALEOMAVAEGA for 5 minutes, today.

Mrs. CLAYTON, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

(The following Members (at the request of Mr. EHRLICH) to revise and extend their remarks and include extraneous material:)

Mr. MCINNIS, for 5 minutes, today.

Mr. BROWNBACK, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. SANDERS) and to include extraneous matter:)

Mr. FRAZER.

Mr. LIPINSKI.

Mr. SERRANO.

Mr. TOWNS.

Mr. HAMILTON in three instances.

Mr. LANTOS.

Mr. CLYBURN in three instances.

Ms. NORTON.

Ms. WOOLSEY.

Mr. GORDON.

Mr. MORAN.

Mr. BROWDER.

Mr. THOMPSON.

(The following Members (at the request of Mr. EHRLICH) and to include extraneous matter:)

Mr. SMITH of New Jersey.

Mr. MCINNIS.

Mr. TIAHRT.

Mr. PACKARD.

Mrs. MYRICK.

Mr. GILMAN.

Mr. HASTERT.

Mr. HANSEN.

Mr. HORN.

Mr. ARMEY.

Mr. RADANOVICH.

Mr. EVERETT.

Mr. CUNNINGHAM.

Mr. GOODLING.

ADJOURNMENT

Mr. EHRLICH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 45 minutes p.m.) the House adjourned until tomorrow, Thursday, July 20, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1228. A letter from the Chairman, Board of Governors, Federal Reserve System, transmitting the mid-year monetary policy report, pursuant to the Full Employment and Balanced Growth Act of 1978; to the Committee on Banking and Financial Services.

1229. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense articles and services sold commercially to International Maritime Satellite Organization [INMARSAT] (Transmittal No. DTC-50-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1230. A letter from the Auditor, District of Columbia, transmitting a copy of a report entitled, "The Propriety of the Agreement Between Merrill Lynch and Lazard Freres, Who Served as the District's Financial Advisor," pursuant to D.C. Code, section 47-117(d); to the Committee on Government Reform and Oversight.

1231. A letter from the Assistant Attorney General, Department of Justice, transmitting a draft of proposed legislation to provide administrative procedures for the nonjudicial foreclosure of mortgages on properties to satisfy debts owed to the United States, and for other purposes; to the Committee on the Judiciary.

1232. A letter from the Secretary of Energy, transmitting the Department's report entitled, "Annual Report of the Metals Initiative", pursuant to section 8 of the Steel and Aluminum Energy Conservation and Technology Competitiveness Act of 1988; to the Committee on Science.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. CLINGER: Committee on Government Reform and Oversight. H.R. 1655. A bill to authorize appropriations for fiscal year 1996 for intelligence and intelligence-related activities of the U.S. Government, the community management account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes: with an amendment (Rept. 104–138 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

Mr. SOLOMON: Committee on Rules. House Resolution 193. Resolution providing for consideration of a bill establishing United States policy toward China and a joint resolution relating to most-favored-nation treatment for the People's Republic of China (Rept. 104–194). Referred to the House Calendar.

Mrs. WALDHOLTZ: Committee on Rules. House Resolution 194. Resolution providing for the consideration of the bill (H.R. 2002) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–195). Referred to the House Calendar.

Mr. ROGERS: Committee on Appropriations. H.R. 2076. A bill making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–196). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALLARD:

H.R. 2057. A bill to establish the Cache La Poudre River National Water Heritage Area in the State of Colorado, and for other purposes; to the Committee on Resources.

By Mr. BEREUTER:

H.R. 2058. A bill establishing United States policy toward China; to the Committee on International Relations, and in addition to the Committees on Ways and Means, and Banking and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BROWN of California:

H.R. 2059. A bill to authorize appropriations to the National Aeronautics and Space Administration for human space flight, science, aeronautics, and technology, mission support, and inspector general, and for other purposes; to the Committee on Science, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ARMEY:

H.R. 2060. A bill to promote freedom, fairness, and economic opportunity for families by reducing the power and reach of the Federal establishment; to the Committee on Ways and Means, and in addition to the Committees on Government Reform and Oversight, the Budget, and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COOLEY:

H.R. 2061. A bill to designate the Federal building located at 1550 Dewey Avenue, Baker City, OR as the "David J. Wheeler Federal Building"; to the Committee on Transportation and Infrastructure.

By Mr. EHRLICH (for himself, Mr. MFUME, Mrs. MORELLA, Mr. GILCHREST, Mr. BARTLETT of Maryland, Mr. HOYER, and Mr. WYNN):

H.R. 2062. A bill to designate the Health Care Financing Administration building under construction at 7500 Security Boulevard, Baltimore, MD as the "Helen Delich Bentley Building"; to the Committee on Transportation and Infrastructure.

By Mr. EMERSON:

H.R. 2063. A bill to disapprove sentencing guideline amendments relating to cocaine base; to the Committee on the Judiciary.

By Mr. EVERETT (for himself, Mr. BEVILL, Mr. BISHOP, Mr. BROWDER, Mr. CRAMER, and Mr. HILLIARD):

H.R. 2064. A bill to grant the consent of Congress to an amendment of the Historic Chattahoochee Compact between the States of Alabama and Georgia; to the Committee on the Judiciary.

By Mr. FRANK of Massachusetts (for himself, Ms. RIVERS, Mr. VENTO, Mr. BERMAN, Mr. SERRANO, Mr. BONIOR, Mr. WAXMAN, Mr. HINCHEY, Mr. MILLER of California, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. GEPHARDT, Ms. VELÁZQUEZ, Mr. GEJDENSON, Mr. WYNN, Mr. ACKERMAN, Mr. WILSON, Ms. WOOLSEY, Mr. LANTOS, Ms. KAPTUR, Mr. DEFAZIO, Mr. VISCLOSKY, Ms. LOFGREN, Mr. REED, Mr. OLVER, Mr. STARK, Mr. CONYERS, Mr. ROMERO-BARCELO, Mr. SANDERS, Mr. FILNER, Mrs. MINK of Hawaii, Ms. NORTON, Mr. OWENS, and Mr. EVANS):

H.R. 2065. A bill to prohibit the importation of goods produced abroad with child labor, and for other purposes; to the Committee on International Relations, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLING:

H.R. 2066. A bill to amend the National School Lunch Act to provide greater flexibility to schools to meet the dietary guidelines for Americans under the school lunch and school breakfast programs; to the Committee on Economic and Educational Opportunities.

By Mr. HANSEN:

H.R. 2067. A bill to facilitate improved management of National Park Service Lands; to the Committee on Resources.

By Mr. MCHALE:

H.R. 2068. A bill to reduce the size of the House of Representatives to 295 Members; to the Committee on the Judiciary.

By Mr. MORAN:

H.R. 2069. A bill to help avoid the costs and disruptions of agency shutdowns when there is a lapse in appropriations; to the Committee on Appropriations.

H.R. 2070. A bill to provide for the distribution within the United States of the U.S. Information Agency film entitled "Fragile Ring of Life"; to the Committee on International Relations.

By Mr. PETERSON of Florida (for himself, Mr. MORAN, Mr. DOOLEY, Mr. CLEMENT, Mr. POSHARD, Mr. STENHOLM, Mr. MARTINEZ, Mr. GIBBONS, Mrs. MEEK of Florida, and Mr. COLEMAN):

H.R. 2071. A bill to promote cost containment and reform in health care; to the Committee on Commerce, and in addition to the Committees on Ways and Means, Economic and Educational Opportunities, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. SMITH of Washington (for herself, Mr. BROWNBACK, Mr. FOX, Mr. METCALF, and Mr. TATE):

H.R. 2072. A bill to amend the Federal Election Campaign Act of 1971 to ban contributions to candidates in elections for Federal office by persons other than individuals and political party committees, to amend the Rules of the House of Representatives to ban gifts, and for other purposes; to the Committee on House Oversight, and in addition to the Committee on Rules, Government Reform and Oversight, and Standards of Official Conduct, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK (for himself and Mr. MCCOLLUM):

H.R. 2073. A bill to disapprove sentencing guideline amendments relating to cocaine base and money laundering; to the Committee on the Judiciary.

By Mr. WILLIAMS:

H.R. 2074. A bill to designate certain Bureau of Land Management Land in the State of Montana to preserve unique cultural and natural features; to the Committee on Resources.

By Mr. ROGERS:

H.R. 2076. A bill making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes; committed to the Committee of the Whole House on the State of the Union and ordered to be printed.

By Mr. MCHALE:

H. Res. 195. Resolution amending the Rules of the House of Representatives to reduce the time for a recorded vote from 15 minutes to 2 minutes, and for other purposes; to the Committee on Rules.

H. Res. 196. Resolution amending the Rules of the House of Representatives to eliminate the discretion of the Speaker to name another Member to perform the duties of the Chair without the approval of two-thirds of the Members, and for other purposes; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

136. By the SPEAKER: Memorial of the General Assembly of the State of Nevada, relative to urging the Congress of the United States, the U.S. Environmental Protection Agency, and the Division of Environmental Protection of Nevada to resolve problems of small landfills with environmental regulations; to the Committee on Commerce.

137. Also, memorial of the Legislature of the State of Maine, relative to memorializing the President and the Congress of the United States to support the Low Income Home Energy Assistance Program; to the Committee on Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mrs. THURMAN introduced a bill (H.R. 2075) for the relief of Robert L. Quinn; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 42: Mr. BERMAN, Mr. ORTON, AND Ms. NORTON.

H.R. 248: Mr. BALDACCI, Mr. LIPINSKI, and Mr. WAXMAN.

H.R. 263: Mrs. SCHROEDER and Ms. ESHOO.

H.R. 264: Mr. SHAW and Ms. ESHOO.

H.R. 351: Mr. PETRI, Mr. BEILENSON, Mr. LIVINGSTON, Mr. HANCOCK, Mrs. MEYERS of Kansas, Mr. LIPINSKI, and Mr. HASTINGS of Washington.

H.R. 359: Mr. PORTMAN.

H.R. 470: Mrs. KELLY and Ms. MCCARTHY.

H.R. 528: Mr. CRAMER.

H.R. 739: Mr. YOUNG of Alaska.

H.R. 789: Mrs. SEASTRAND.

H.R. 820: Mr. MONTGOMERY, Mr. SANFORD, Mr. CHAMBLISS, Ms. MOLINARI, Mr. TALENT, Mr. LEWIS of Georgia, Mr. ANDREWS, and Mr. ZIMMER.

H.R. 911: Mr. CARDIN, Mrs. ROUKEMA, and Mr. SMITH of New Jersey.

H.R. 945: Mr. SABO, Mr. GUTKNECHT, and Mr. MOLLOHAN.

H.R. 995: Mr. BARTON of Texas.

H.R. 1057: Mr. STENHOLM, Mrs. SMITH of Washington, Mr. BRYANT of Tennessee, Mr. EHLERS, Mr. KIM, Mr. MORAN, and Mr. ENGEL.

H.R. 1078: Ms. ESHOO and Mr. RAHALL.

H.R. 1083: Mr. BLILEY.

H.R. 1161: Mr. FIELDS of Texas, Mr. BRYANT of Tennessee, and Mr. DIAZ-BALART.

H.R. 1384: Mrs. THURMAN.

H.R. 1398: Mr. TALENT, Mr. GEPHARDT, Mr. SKELTON, Ms. MCCARTHY, Ms. DANNER, Mr. HANCOCK, Mr. EMERSON, and Mr. VOLKMER.

H.R. 1402: Ms. ESHOO.

H.R. 1434: Mr. MINETA.

H.R. 1443: Mr. BEREUTER.

H.R. 1448: Mr. HOBSON.

H.R. 1459: Mr. REYNOLDS.

H.R. 1462: Ms. ESHOO, Mr. REYNOLDS, Mr. YATES, Mr. KENNEDY of Massachusetts, Mr. HALL of Texas, Mr. FILNER, Mr. ENGEL, Ms. NORTON, and Mr. GEJDENSON.

H.R. 1506: Mr. PETERSON of Minnesota.

H.R. 1533: Mr. LUTHER.

H.R. 1567: Mr. STUPAK.

H.R. 1593: Mrs. THURMAN.

H.R. 1594: Mr. FUNDERBURK and Mr. SKEEN.

H.R. 1611: Mrs. THURMAN.

H.R. 1627: Mr. PETERSON of Florida, Mr. MICA, Mr. PACKARD, Mr. PETE GEREN of Texas, and Mr. EHRLICH.

H.R. 1713: Mr. SCHAEFER.

H.R. 1735: Mr. COLEMAN.

H.R. 1739: Mr. SMITH of New Jersey.

H.R. 1754: Ms. LOFGREN.

H.R. 1767: Mr. STUMP.

H.R. 1856: Mrs. SEASTRAND.

H.R. 1876: Mr. PETERSON of Minnesota, Mr. VISCLOSKY, Mr. MENENDEZ, and Mr. YATES.

H.R. 1882: Mr. TANNER and Mr. ENGLISH of Pennsylvania.

H.R. 1884: Mr. GEKAS.

H.R. 1915: Mr. SKEEN.

H.R. 1920: Mr. MEEHAN, Mr. UNDERWOOD, Ms. LOFGREN, Mr. RANGEL, Ms. FURSE, Ms. NORTON, and Mr. LUTHER.

H.R. 1932: Mr. HAYWORTH, Mr. LARGENT, Mr. CHRISTENSEN, Mr. HUTCHINSON, Mr. LEWIS of Kentucky, Mr. NEUMANN, and Mr. MCINTOSH.

H.R. 1965: Mr. STARK, Mrs. MALONEY, Ms. LOFGREN, AND Ms. ESHOO.

H.R. 1972: Mrs. MINK of Hawaii, Mr. KNOLLENBERG, Mr. SCHAEFER, Mr. TATE, Mr. DIAZ-BALART, and Mr. PETE GEREN of Texas.

H.R. 1987: Mr. GILMAN.

H.R. 1994: Mr. CRANE, Ms. DANNER, Mr. ENSIGN, Mr. FATTAH, Mr. UNDERWOOD, Mr. CLYBURN, Mr. GENE GREEN of Texas, Mr. TANNER, Mr. SMITH of New Jersey, Mr. DOOLITTLE, Mr. ORTIZ, Mr. JACOBS, Mrs. KELLY, and Mr. FILNER.

H.J. Res. 89: Mrs. KELLY, Mr. QUINN, and Mr. COBURN.

H. Con. Res. 10: Mr. FIELDS of Louisiana, Ms. PRYCE, Mr. COX, Mr. KIM, Mr. MOORHEAD, Mr. SENSENBRENNER, and Mr. CRAPO.

H. Con. Res. 50: Mr. BONIOR.

H. Res. 118: Mr. ZIMMER, Mr. REYNOLDS, Mr. DURBIN, Mr. MEEHAN, Mrs. MALONEY, Mr. SCHUMER, Ms. WATERS, Ms. JACKSON-LEE, Mrs. MINK of Hawaii, Mr. ENGEL, Mrs. MEEK of Florida, Ms. VELAZQUEZ, Mrs. THURMAN, Mr. MARKEY, and Ms. LOFGREN.

H. Res. 122: Mr. MINETA.

PETITIONS, ETC.

Under clause 1 of rule XXII,

30. The SPEAKER presented a petition of the Council of the City and County of Denver, CO, relative to opposition to S. 240; which was referred to the Committee on Commerce.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1976

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 62: Page 29, line 24, strike "$10,400,000,000" and insert "$10,394,820,000".

H.R. 1976

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 63: Page 29, line 24, after the dollar amount, insert the following: "(reduced by $5,180,000)".

H.R. 1976

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 64: Page 71, after line 2, add the following new section:

SEC. 726. None of the funds appropriated or otherwise made available by this Act for the Market Promotion Program may be used to promote the sale or export of alcohol or alcoholic beverages.

H.R. 1976

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 65: Page 71, after line 2, add the following new section:

SEC. 726. None of the funds appropriated or otherwise made available by this Act may be used to promote the sale or export of alcohol or alcoholic beverages.

H.R. 1976

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 66: Page 71, after line 2, add the following new section:

SEC. 726. None of the funds appropriated or otherwise made available by this Act may be used to promote the sale or export of alcohol or alcoholic beverages of a type subject to a tax under subpart A, C, or D of part I of subchapter A of chapter 51 of the Internal Revenue Code of 1986.

H.R. 1976

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 67: Page 71, after line 2, add the following new section:

SEC. 726. None of the funds appropriated or otherwise made available by this Act for the Market Promotion Program may be used to promote the sale or export of alcohol or alcoholic beverages of a type subject to a tax under subpart A, C, or D of part I of subchapter A of chapter 51 of the Internal Revenue Code of 1986.

H.R. 1976

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 68: At page 71 of the bill, after line 2, insert after the last section the following new section:

SEC. 726. Of the funds made available to the Food and Drug Administration ("FDA") under this Act, not more than $72,190,800 may be used for surveillance and enforcement activities for the Devices and Radiological Program, other than for the implementation of the requirements of the Mammography Quality Standards Act (42 U.S.C. §§201 note, 263b, 263b note (1992)).

H.R. 1976

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 69: At page 71 of the bill, after line 2, insert after the last section the following new section:

SEC. 726. None of the funds made available in this Act for the Food and Drug Administration may be used to prevent the dissemination of reprints of articles when it is made known to the Federal official having authority to obligate or expend such funds that the articles reference an approved, cleared, or otherwise legally marketed drug or device and have been published in peer-reviewed scientific or medical publications, or other generally recognized scientific materials, including articles discussing cost-effectiveness claims; and none of the funds made available under this Act may be used to prevent the dissemination of scientific or medical information or the demonstration of techniques or procedures using medical devices when it is made known to the Federal official having authority to obligate or expend such funds that such information is about an approved, cleared, or otherwise legally marketed drug or device and is distributed at, or such demonstration is given using a legally marketed device at, a continuing medical education accredited program.

H.R. 1976

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 70: Page 71, after line 2, insert the following new section:

SEC. 726. None of the funds appropriated in this Act for "Special Supplemental Food Program for Women, Infants, and Children (WIC)" may be made available to any State when it is made known to the Federal official having authority to obligate or expend such funds that such State does not use, with respect to the procurement of infant formula for the WIC program, a competitive bidding system, or any other cost containment measure that yields equivalent savings, in accordance with section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), as in effect on July 18, 1995.

H.R. 1976

OFFERED BY: MR. SANDERS

AMENDMENT NO. 71: Page 3, line 3, insert after "$3,748,000" the following: "(increased by $1,000,000)."

Page 56, line 16, insert before ", of which" the following: "(reduced by $3,000,000)".

Page 60, line 15 insert before ", of which" the following: "(increased by $1,000,000)".

H.R. 1976

OFFERED BY: MR. SANDERS

AMENDMENT NO. 72: Page 3, line 3, insert before "." the following: "(increased by $1,000,000)."

Page 56, line 16, insert before ", of which" the following: "(reduced by $3,000,000)".

Page 60, line 15, insert before ", which" the following: "(increased by $1,000,000)".

H.R. 1976

OFFERED BY: MR. SANDERS

AMENDMENT NO. 73: Page 56, line 16, insert before ", of which" the following: "(reduced by $1,000,000)".

Page 60, line 15, insert before ", of which" the following: "(increased by $500,000)".

H.R. 1976

OFFERED BY: MR. SANDERS

AMENDMENT NO. 74: Page 71, after line 2, insert the following:

SEC. 726. None of the funds made available in this Act may be used to pay the salaries and expenses of the Chief Economist of the Department of Agriculture when it is made known to the disbursing official concerned that a report on the impact of the introduction of synthetic bovine growth hormone on small dairy farms in America will not be completed by April 1, 1996.

H.R. 1976

OFFERED BY: MR. SANDERS

AMENDMENT NO. 75: Page 71, after line 2, insert the following:

SEC. 726. None of the funds made available in this Act may be used to pay the salaries and expenses of the Food and Drug Administration when it is made known to the Federal disbursing official concerned that a test to show whether synthetic bovine growth hormone (BGH) (also called bovine somatotropin (BST)) is present in milk is not being developed by the FDA and the development of such a test is possible.

H.R. 1976

OFFERED BY: MR. THOMPSON

AMENDMENT NO. 76: Page 40, line 10, insert "(less $50,000,000) before "for loans".

Page 40, line 11, insert "(less $50,000,000) before "shall".

Page 40, line 20, insert "(less $85,000)" before "of which".

Page 40, line 20, insert "(less $85,000)" before 'shall be for".

Page 45, line 10, strike "$6,437,000" and insert "$7,080,700".

Page 45, line 19, strike "$500,000,000" and insert "$550,000,000".

H.R. 2002

OFFERED BY: MR. NADLER

AMENDMENT NO. 8: Page 36, after line 13, insert the following caption:

(INCLUDING RESCISSION)

Page 54, after line 24, insert the following:

SEC. 346. Amounts appropriated for improvements to the Miller Highway in New York City, New York, which are not obligated before the date of the enactment of this Act are rescinded.

H.R. 2002

OFFERED BY: MR. NADLER

AMENDMENT NO. 9: At the end of the bill, add the following new title:

TITLE V

ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to incur new obligations for improvements to the Miller Highway in New York City, New York.

H.R. 2002

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 10: Page 7, line 20, strike "$2,566,000,000" and insert "$2,565,607,000".

H.R. 2002

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 11: Page 24, strike lines 1 through 19.

H.R. 2002

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 12: Page 27, line 9, strike "$1,665,000,000" and insert "$999,000,000".

Page 27, line 12, insert "and" after the semicolon.

Page 27, line 15, strike the semicolon and all that follows through "project" on page 30, line 6.

H.R. 2002

OFFERED BY: MR. BREWSTER

AMENDMENT NO. 13: Page 63, after line 6, add the following new title:

TITLE V—DEFICIT REDUCTION LOCK-BOX

DEFICIT REDUCTION TRUST FUND

DEFICIT REDUCTION LOCK-BOX PROVISIONS OF APPROPRIATION MEASURES

SEC. 501. (a) DEFICIT REDUCTION LOCK-BOX PROVISIONS.—Title III of the Congressional Budget Act of 1974 is amended by adding at the end the following new section:

"DEFICIT REDUCTION LOCK-BOX PROVISIONS OF APPROPRIATION BILLS

"SEC. 314. (a) Any appropriation bill that is being marked up by the Committee on Appropriations (or a subcommittee thereof) of either House shall contain a line item entitled 'Deficit Reduction Lock-box'.

"(b) Whenever the Committee on Appropriations of either House reports an appropriation bill, that bill shall contain a line item entitled 'Deficit Reduction Account' comprised of the following:

"(1) Only in the case of any general appropriation bill containing the appropriations for Treasury and Postal Service (or resolution making continuing appropriations (if applicable)), an amount equal to the amounts by which the discretionary spending limit for new budget authority and outlays set forth in the most recent OMB sequestration preview report pursuant to section 601(a)(2) exceed the section 602(a) allocation for the fiscal year covered by that bill.

"(2) Only in the case of any general appropriation bill (or resolution making continuing appropriations (if applicable)), an amount not to exceed the amount by which the appropriate section 602(b) allocation of new budget authority exceeds the amount of new budget authority provided by that bill (as reported by that committee), but not less than the sum of reductions in budget authority resulting from adoption of amendments in the committee which were designated for deficit reduction.

"(3) Only in the case of any bill making supplemental appropriations following enactment of all general appropriation bills for the same fiscal year, an amount not to exceed the amount by which the section 602(a) allocation of new budget authority exceeds the sum of all new budget authority provided by appropriation bills enacted for that fiscal year plus that supplemental appropriation bill (as reported by that committee).

"(c) It shall not be in order for the Committee on Rules of the House of Representatives to report a resolution that restricts the offering of amendments to any appropriation bill adjusting the level of budget authority contained in a Deficit Reduction Account.

"(d) Whenever a Member of either House of Congress offers an amendment (whether in subcommittee, committee, or on the floor) to an appropriation bill to reduce spending, that reduction shall be placed in the deficit reduction lock-box unless that Member indicates that it is to be utilized for another program, project, or activity covered by that bill. If the amendment is agreed to and the reduction was placed in the deficit reduction lock-box, then the line item entitled 'Deficit Reduction Lock-box' shall be increased by the amount of that reduction. Any amendment pursuant to this subsection shall be in order even if amendment portions of the bill are not read for amendment with respect to the Deficit Reduction Lock-box.

"(e) It shall not be in order in the House of Representatives or the Senate to consider a conference report or amendment of the Senate that modifies any Deficit Reduction Lock-box provision that is beyond the scope of that provision as so committed to the conference committee.

"(f) It shall not be in order to offer an amendment increasing the Deficit Reduction Lock-box Account unless the amendment increases rescissions or reduces appropriations by an equivalent or larger amount, except that it shall be in order to offer an amendment increasing the amount in the Deficit Reduction Lock-box by the amount that the appropriate 602(b) allocation of new budget authority exceeds the amount of new budget authority provided by that bill.

"(g) It shall not be in order for the Committee on Rules of the House of Representatives to report a resolution which waives subsection (c).".

(b) CONFORMING AMENDMENT.—The table of contents set forth in section 1(b) of the Congressional Budget and Impoundment Control Act of 1974 is amended by inserting after the item relating to section 313 the following new item:

"Sec. 314. Deficit reduction lock-box provisions of appropriation measures.".

CHANGES IN SUBALLOCATIONS

SEC. 502. (a) DOWNWARD ADJUSTMENTS.—The discretionary spending limit for new budget authority for any fiscal year set forth in section 601(a)(2) of the Congressional Budget Act of 1974, as adjusted in strict conformance with section 251 of the Balanced Budget and Emergency Deficit Control Act of 1985, shall be reduced by the amount of budget authority transferred to the Deficit Reduction Lockbox for that fiscal year under section 314 of the Budget Control and Impoundment Act of 1974. The adjusted discretionary spending limit for outlays for that fiscal year and each outyear as set forth in such section 601(a)(2) shall be reduced as a result of the reduction of such budget authority, as calculated by the Director of the Office of Management and Budget based upon such programmatic and other assumptions set forth in the joint explanatory statement of managers accompanying the conference report on that bill. All such reductions shall occur within ten days of enactment of any appropriations bill.

(b) DEFINITION.—As used in this section, the term "appropriation bill" means any general or special appropriation bill, and any bill or joint resolution making supplemental, deficiency, or continuing appropriations.

(c) RESCISSION.—Funds in the Deficit Reduction Lockbox shall be rescinded upon reductions in discretionary limits pursuant to subsection (a).

SEC. 503. (a) SECTION 302(E) AMENDMENT.—Section 302(e) of the Congressional Budget Act of 1974 is amended to read as follows:

"(e) CHANGES IN SUBALLOCATIONS.—(1) After a committee reports suballocations under subsection (b), that committee may report a resolution to its House changing its suballocations, which resolution shall not take effect unless adopted by that House.

"(2) A resolution reported to the House of Representatives under paragraph (1) shall be placed on the Union Calendar and be privileged for consideration in the Committee of the Whole after the report on the resolution has been available to Members for at least three calendar days (excluding Saturdays, Sundays, and legal holidays). After general debate which shall not exceed one hour to be equally divided and controlled by the chairman and ranking minority member of the committee reporting the resolution, the resolution shall be considered for amendment under the five-minute rule. No amendment shall be in order in the House or in the Committee of the Whole except amendments in the nature of a substitute containing changes in suballocations under subsection (b) which do not breach any allocation made under subsection (a). Priority in recognition for offering the first such amendment shall be accorded to the chairman of the Committee on the Budget or a designee. No amendments to such amendments shall be in order except substitute amendments. Following the consideration of the resolution for amendment, the Committee shall rise and report the resolution to the house together with any amendment that may have been adopted. The previous question shall be considered as ordered on the resolution to final adoption without intervening motion. It shall not be in order to consider a motion to reconsider the vote by which the resolution is agreed to or disagreed to.".

(b) SECTION 602(B)(1) AMENDMENT.—The last sentence of section 602(b)(1) of the Congressional Budget Act of 1974 is amended by striking "or revised".

CBO TRACKING

SEC. 504. Section 202 of the Congressional Budget Act of 1974 is amended by adding at the end the following new subsection:

"(i) SCOREKEEPING.—To facilitate compliance by the Committee on Appropriations with section 314, the Office shall score all general appropriation measures (including conference reports) as passed by the House of Representatives, as passed the Senate and as enacted into law. The scorecard shall include amounts contained in the Deficit Reduction Lock-Box. The chairman of the Committee on Appropriations of the House of Representatives or the Senate, as the case may be, shall have such scorecard published in the Congressional Record.".

H.R. 2002

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 14: Page 54, line 24, insert the following:

SEC. 346. (a) Of the amount provided in this Act for necessary expenses of the Office of the Secretary, $2,500,000 shall be transferred and merged with the appropriation in this Act for the operation and maintenance of the Coast Guard.

(b) None of the funds in this Act may be used to close any multimission small boat station.

H.R. 2002

OFFERED BY: MR. FOGLIETTA

AMENDMENT NO. 15 At the end of the bill, add the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. Each dollar amount otherwise specified in this Act under the heading "FEDERAL TRANSIT ADMINISTRATION—Formula Grants" is hereby increased by, and none of the funds made available in this Act may be used to implement or execute highway demonstration projects authorized by Public Laws 100–17 and 102–240 for which total obligation for fiscal year 1996 exceed, $135,000,000 and $200,000,000, respectively.

H.R. 2020

OFFERED BY: MR. HOBSON

(Amendment to the Amendment Offered by Mr. Packard)

AMENDMENT NO. 16: Page 84, after line 17, insert the new section:

SEC. 628. None of the funds made available in this Act may be obligated or expended for any employee training when it is made known to the Federal official having authority to obligate or expend such funds that such employee training—

(1) does not upgrade employee productivity and effectiveness;

(2) does not meet identified needs for knowledge, skills, and abilities bearing upon the performance of official duties;

(3) is inappropriate to the workplace;

(4) is designed to change participants' personal values or lifestyle outside the workplace;

(5) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; or

(6) does not provide an acceptable alternative for those employees articulating a religious or moral objective to participating in an HIV/AIDS training program.

EXTENSIONS OF REMARKS

FREEDOM AND FAIRNESS RESTORATION ACT

HON. RICHARD K. ARMEY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. ARMEY. Mr. Speaker, today I am introducing with Senator SHELBY the Freedom and Fairness Restoration Act, which features a flat tax on all income as a complete replacement for today's complex, archaic Tax Code.

I first introduced this bill June 16, 1994, and since that time have received over 5,000 letters of enthusiastic support. They include such phrases as "Yes! Yes! Yes!" "It's about time" "Hallelujah" "Let's do it" and "Amen!"

In my view, the American people support the flat tax because of four chief virtues—it's simple, honest, progrowth, and fair. It's simple enough Americans can file their taxes on a return the size of a postcard. It's honest because it shows us right up front how much Government is costing us. It will promote economic growth and raise living standards because it eliminates the bias against saving, slashes marginal tax rates, and allows resources to seek their most efficient use. Finally, it's fair because it is true to the uniquely American definition of fairness: Everyone should be treated the same.

Mr. Speaker, the flat tax is more than just a tax system which provides Americans the convenience of filing postcard-sized returns. It's also a vision of what America can be again—a formula for rejuvenating our economy, freeing our entrepreneurial talent, and reviving stagnant family wages. It's a commonsense plan for returning to a Government that is simple, honest, and fair to all our citizens. And who knows? It might just restore people's ability to trust their Government. And this is why the flat tax is in America's future.

Mr. Speaker, I ask that the summary of my bill be included in the RECORD following my statement.

AMERICAN DREAM IN DANGER

WHY WE NEED THE FREEDOM AND FAIRNESS RESTORATION ACT

Our government is too big, and it spends, taxes, and regulates too much. This is the central crisis facing America today. Consider . . .

More Americans work for government than are employed in manufacturing.

The U.S. public sector is now larger than the entire economy of any country in the world except Japan and the United States itself.

The average American family pays more in taxes than it spends on food, clothing, and shelter combined.

Every American works from January 1 to July 10, more than half the year, not to support a family, but just to pay the costs of government taxes and regulation.

AN UNFAIR TAX SYSTEM

Perhaps the greatest ball-and-chain on America's freedom and prosperity is the income tax. After eight decades of being "reformed," our tax system is so complex . . .

Even the Internal Revenue Service can no longer give accurate advice on it.

The IRS sends out eight billion pages of forms and instructions each year. Laid end to end, these would stretch 28 times the circumference of the earth.

Americans spend 5.4 billion man-hours each year calculating their taxes—more man-hours than it takes to build every car, truck and van produced in the United States.

The tax code puts a drag on our economy worth an estimated $232 billion a year in compliance costs, an amount equal to $900 for every man, woman, and child in the country.

A FUNDAMENTAL CHOICE

Government has become America's number one growth industry—and a danger to the American Dream. As a nation, we face a fundamental choice: Should the government become ever larger as our freedom diminishes? Or should we take dramatic action now to halt the growth of government and restore greater freedom for our citizens? The Freedom and Fairness Restoration Act says, Enough is enough. Its authors believe ordinary Americans are better equipped to make their own financial decisions than politicians and tax lobbyists in a far-off capital. More than a sweeping overhaul of the tax code, the FFRA is a comprehensive assault on oversized government, designed to halt its growth, expose its true cost, and limit its influence on the lives of free Americans. It would radically reorder the tax and spending activities of the government. Here's what it would mean for America:

1. Creates a flat tax

Simple. Replaces the current complicated tax system with a flat tax so simple Americans can file their taxes on a form the size of a postcard.

Fair. Repeals special preferences in the tax code and is true to the uniquely American definition of fairness: Everyone should be treated the same.

Pro-growth. Ends double taxation of saving, thus promoting investment and job creation. Rewards work by lowering marginal tax rates. Creates a neutral tax system which will liberate individuals to make financial decisions based on common sense economics, not arcane tax rules.

Pro-family, Eliminates the marriage penalty. Effectively doubles the deduction for dependent children. By ending the double taxation of savings, provides all Americans with the tax equivalent of an unlimited Individual Retirement Account.

Pro-taxpayer. Protects taxpayers by requiring a supermajority of Congress to raise the tax rate or add loopholes.

Paid for. Raises nearly as much money as the current tax system, while providing the American people with a modest tax cut, paid for with spending cuts.

2. Controls spending

Sets rigid spending caps. Sets unbreachable caps on federal spending that will ensure spending growth is limited and the federal budget reaches balance by the year 2002.

Sunsets most programs. Genuinely reinvents government by ending the legal authorization for most federal programs, thus requiring Congress to fundamentally reexamine programs before spending taxpayer dollars on them.

THE FREEDOM AND FAIRNESS RESTORATION ACT

BILL SUMMARY

History. The FFRA was introduced by Rep. Dick Armey of Texas on June 16, 1994, and subsequently introduced in the 104th Congress by Congressman Armey and Sen. Richard Shelby of Alabama on July 19, 1995. Copies of the bill, which is designated H.R. 1060 in the House and S. 1050 in the Senate, may be obtained by calling the House Document Room at (202) 225-3456. The bill is divided into two sections, called titles.

TITLE 1—A NEW, FAIR TAX SYSTEM

Replaces the income tax with a 17 percent flat tax

The bill repeals today's complicated income tax system in toto and replaces it with a low, simple flat tax. Under the bill, every dollar of income in the economy is taxed, with wage and pension income collected from individuals and all other income collected from businesses. Individuals pay 17 percent of wage income calculated on a return so simple it can fit on a postcard. Businesses pay 17 percent of business income, calculated on an equally simple return.

Individual Wage Tax. Individuals pay 17 percent of all wages, salaries, and pensions, after subtracting family allowances. When fully phased in in 1998, the family allowances will be $11,350 for a single person, $22,700 for a married couple filing jointly, and $5,300 for each dependent. These allowances are indexed to inflation. The flat tax replaces the current income tax system, but not Social Security and Medicare payroll taxes. Social Security benefits would not be taxed.

Business Tax. All business income, whatever the source (corporate, partnership, sole proprietor, professional, farm, and rental profits and royalties) is taxed at the one low rate. Businesses pay 17 percent of the difference, if positive, between revenues and expenses. Expenses are defined as purchases of goods and services, capital equipment, structures, land, wages and contributions to employee retirement plans. No deductions are permitted for fringe benefits, interest, or payments to owners. Collecting business income earned by individuals at its source—the business—allows for a simple, airtight system that ensures all income in the economy is taxed.

Benefits of the flat tax

Simplicity. Because the existing system's maze of exemptions, loopholes, depreciation schedules, graduated rates, and targeted tax breaks is eliminated, taxpayers will save countless hours and expense in filing their yearly tax returns. The Tax Foundation, a Washington, D.C.-based nonprofit organization which closely monitors federal tax policy, estimates the flat tax would reduce compliance costs by 94 percent.

Fairness. The flat tax will restore fairness to the tax law by treating everyone the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

same. No matter how much money you make, what kind of business you're in, whether or not you have a lobbyist in Washington, you will be taxed at the same rate as everyone else. While applying only the single rate to all income, the flat tax is also progressive—thanks to the generous family allowance. A family of four earning $30,000 would pay no income tax, the same family earning $50,000 would pay 6 percent, and the family earning $200,000 would pay 14 percent. The family allowances also take millions of lower-income taxpayers off the tax rolls entirely.

Economic Growth. By eliminating the bias against saving, slashing marginal tax rates, and allowing resources to seek their most efficient use, the bill will spur productive investment and economic growth. If the bill passed this year, it would increase the annual income of the typical American family by $4,300 by 2002.

Protects against higher deficits

The bill is carefully designed to safeguard taxpayers against higher deficits. In the first year after enactment, the tax rate is set at 20 percent to provide modest tax relief while limiting initial revenue loss. This initial tax cut is fully paid for with cuts in federal spending. In the third year, the rate is lowered to 17 percent, providing additional tax relief. Lowering the rate will be possible for two reasons. First, the bill's low marginal rate and neutral treatment of saving will spur economic growth and thus expand revenue to the Treasury. Second, the bill's spending reforms, detailed in Title 2 below, will reduce expenditures. In short, higher revenue coupled with lower spending will reduce future deficits, free up resources to be returned to the American people, and thus permit a freedom dividend to the American taxpayer in the form of a lower tax rate.

Guards against higher taxes

To help prevent a future Congress from raising taxes, rewarding a special interest, or complicating the tax code, the bill contains a provision which requires a 60 percent supermajority of the House and Senate to (1) raise the tax rate, (2) create multiple tax rates, (3) lower the family allowance, or (4) add a loophole.

TITLE 2—REAL SPENDING RESTRAINT

Sunsets most federal programs

All discretionary and unearned entitlement programs are sunset, i.e., set to expire automatically, within two years of enactment of the bill, and again following each decennial census thereafter. The following earned entitlements are not sunsetted: Social Security, Medicare, veterans' benefits, federal retirement. Across-the-board sunsetting will force Congress to reexamine every program individually and decide which ones deserve to be continued rather than which ones should be cut—the true way to reinvent government.

Caps entitlement spending

The bill provides that the total level of entitlement spending, excluding Social Security, may not exceed the increase in inflation as measured by the consumer price index, plus the growth in eligible population. If the increase in these programs, exceeds this level, an automatic entitlement sequester to eliminate the excess spending will fall on all entitlements except Social Security.

Entitlement spending now accounts for more than half of all federal spending and is the fastest growing portion of the budget. The entitlement sequester will place strong pressure on Congress to make genuine reforms when reauthorizing sunsetted programs.

Caps total federal spending

The bill sets caps on overall federal spending, bringing the federal budget to balance by the year 2002. If spending exceeded the maximum spending amount established in law, an across-the-board sequester would cut 80 percent from domestic discretionary spending and 20 percent from defense spending.

The bill also contains a "look-back sequester." On July 1 of each fiscal year, the President's Office of Management and Budget is required to determine the extent to which the spending cap may be exceeded. If OMB finds the limit will be exceeded, a look-back sequester will eliminate the excess spending under the same 80-20 formula.

Brings the President back into the budget process

The bill restores the President to full participation in the annual budget process by requiring that Congress pass a joint resolution, which requires his signature, rather than a concurrent resolution, which does not require his signature, at the beginning of the process each year. Requiring a joint resolution not only restores some of the President's lost influence over spending, but it prevents the House and Senate from disregarding the budget resolution, because a joint resolution, unlike a concurrent one, has the force of law.

TRIBUTE TO ZELMAR STEVENSON GORDON

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mrs. Zelmar Stevenson Gordon as she celebrates her retirement from Browne Junior High School in the District of Columbia.

Mrs. Gordon was born in Florence, SC, to the late Rev. Leo T. Stevenson and Mrs. Utensile Jackson Stevenson. She was educated in the Florence County public schools and later received her bachelor of science degree from Savannah State College. Mrs. Gordon continued her post graduate studies at the University of the District of Columbia.

Mrs. Gordon's teaching career began in Georgia as a classroom teacher. In 1964 she moved to Washington, DC, and began her career with the District of Columbia public schools. After more than 30 years of service in education, she is retiring from Browne Junior High School, where she has served as a teacher and assistant principal. Truly, her commitment to education has taken her well beyond the call of duty. In addition to her duties as assistant principal, Mrs. Gordon sponsored many after-school programs designed to keep children from the ills of society, including school trips and educational enrichment.

Active in her community, Mrs. Gordon is a member of Trinidad Baptist Church, where she sings in the gospel chorus and works diligently to serve the church and community. Her civic and professional affiliations include: Delta Pi Epsilon National Professional Honorary Society for Business Education, Alpha Kappa Alpha Sorority, and the Fort Washington Area Boys and Girls Clubs.

A dedicated family person, she is married to John Gordon and is the mother of three sons, Jeffrard, Jon, and Jason. Mr. Speaker, I congratulate Mrs. Zelmar Stevenson Gordon on her retirement and join her family and friends in saluting her on July 22, 1995, at the Trinidad Baptist Church in Washington, DC.

ATTITUDES TOWARD EDUCATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 12, 1995 into the CONGRESSIONAL RECORD.

HOOSIER ATTITUDES TOWARD EDUCATION

One of the more interesting questions to ask Hoosiers is what they expect from the public schools. My general impression is that Hoosiers have a favorable opinion of public education in their own community, but they have many opinions about improving the quality of education.

Teaching the basics: Hoosier parents strongly support effective teaching of the basics. They want their children to master the essential skills of the ability to read and write English, to do arithmetic, and to have a good basic understanding of science, history and geography.

I find that Hoosiers generally give their local elementary and secondary schools high marks and think very well of the teachers, principals, programs and overall effort. Most parents believe that their children are well prepared for work and higher education.

Employers and college educators do not always agree. They frequently find missing the discipline and dedication to learning, and proficiency in the basic literary and computational skills. They also want to see more emphasis on standards of behavior, such as how to speak and dress properly, and how to be punctual.

I am always impressed by how traditional Hoosiers are in their approach to education. Adults seem to think they got a better education in the basics than children are getting today. They certainly want to see academic standards raised and they believe that schools should hold students accountable for doing their best.

I also find among Hoosiers some discomfort with the new teaching methods that educators often espouse, such as the teaching of English composition by encouraging students to use the written word early and often with less emphasis on spelling and grammar; or the new math which places more emphasis on teaching theories and concepts as opposed to learning by rote.

Discipline and safety: Parents emphasize repeatedly the importance of schools providing a safe and orderly environment in which education takes place. Their biggest concern is the lack of discipline in the local school system and they always put discipline as the most important factor needed for a student to learn along with good teaching.

Parents recognize that providing a safe and orderly environment conducive to learning is a much more difficult task today than it was in their generation. They believe that the schools have to be very tough in emphasizing good habits such as being on time and being disciplined and dependable.

Across the country there is deep concern about drugs and gun violence in the nation's schools. I really do not find much emphasis on that in talking with Hoosiers about Indian schools but there is some concern about gangs, fighting and other disciplinary problems. They certainly do not approve of students bringing drugs or weapons to school.

Traditional values: I have been especially interested in the attitude of Hoosiers toward the teaching of values, morals and character. Parents want public schools to teach values, but they put strong emphasis on tolerance. Hoosiers understand, however, that the best schools cannot take the place of a strong and loving family.

Parents are quite clear about the values they want taught: honesty, respect for others, solving problems without violence and a heavy emphasis on equality, fairness and getting along with other students. They like the idea that all of us should live together harmoniously and believe schools have to teach values which unite us as a nation, rather than divide us on racial and ethnic lines.

Most seem to favor teaching specific moral values in the classroom, but when it comes to a broad concept of character education Hoosiers seem divided, many of them supporting it but many of them saying it should be left to the parents and the churches.

Federalism issues: Hoosiers favor the longstanding approach of having state and local governments take primary responsibility for elementary and high school education. They believe that decisions on school curricula, administration and organization should be made at the state and local levels, not in Washington. They reject the federal government mandating education goals and standards.

Hoosiers strongly favor federal support for higher education, particularly in providing grants, loans and other federal assistance to students from moderate income families. Many parents tell me of the importance of sending their children to college, but express concerns about the rising costs of a college education. For many families, federal education assistance makes a difference in whether and where a child can go to college.

Conclusion: A strong education system in Indiana and around the country is important for many reasons. It helps boost the productivity of our economy, which means higher living standards for workers and their families. It also means Americans better able to participate in the workings of democracy, and, most importantly, an improvement in the quality of individual lives. One of the best investments our country can make is in education.

I share the priority Hoosier parents give to education. I agree that state and local governments must take the lead on education issues. The federal government can, where appropriate, lend a helping hand, but should focus its main efforts on providing a strong and healthy economy which can free up resources at the state and local level for education programs.

I do not believe Congress should meddle in the educational affairs of the nation's schools. It should not write guidelines for instruction, textbooks or tests, or teacher preparation, or other matters. Congress must be extremely careful that in pushing for national standards it exercise restraint, and not try to direct what is taught, how it is taught, and how it is tested. Schools work best when they are managed by people closest to them.

COMPREHENSIVE TELECOMMUNICATIONS REFORM

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. GORDON. Mr. Speaker, as we begin debate on comprehensive telecommunications reform, this statement offers a unique perspective on one aspect of the industry.

GOVERNMENT CAN CONTINUE SERVICES WITH PAY-PER-CALL

(By Richard J. Gordon, Chairman, Teleservices Industry Association)

When Abraham Lincoln was President there were no telegraph machines in the White House. To receive reports from his generals on Civil War battlefields, the President had to walk to the building next door. That building housed the federal government's only telegraph equipment, equipment already commonplace to the railroads and a good many private businesses.

Until Herbert Hoover was President, the Oval Office did not have a telephone. By the time there was one on the President's desk, millions already were in heavy use by businesses and private citizens.

American businessmen have long been ahead of their governments in accepting, developing and using the latest technology.

Today, audiotext, already a four-billion-dollar business in the private sector, finally is getting attention in the public sector. Both state and federal government agencies, such as the Occupational Safety and Health Administration, are taking advantage of pay-per-call.

At the Office of Planning and Building in Sacramento, California, citizens can telephone a 900 number, request information by punching in their fax numbers and receive copies of requested documents in about the time it will take the reader to finish this article.

Moreover, to provide information on over one million corporations, New York's Department of State operates a 900 number that costs a caller $4.00 per call. This "teleservice" keeps seven people busy answering some 500 calls per day. What once cost the State $250,000 yearly to answer telephone inquiries, now is a faster service whose users bear the costs.

To appreciate the value of teleservices, one only has to visit his local Department of Motor Vehicles, Post Office or wait in line or on "hold for the next available customer service representative." To all for whom time is money, pay-per-call to access government is an attractive and economical option.

It is not a new idea that those most benefiting from government services should pay a charge. For nearly forty years, gasoline taxes and license fees have, in whole or in part, financed state and federal highway systems.

Why do trucks pay higher fees than automobiles? Everyone seems to accept the logic of the answer: they use the highways more and wear them out faster.

It is difficult to determine why it has taken so long for government to serve its "customers" with efficient pay-per-call applications.

Perhaps citizens had become too accustomed to free access, free information and even free publications from their governments.

Ironically, we have come to accept that banks and other businesses bill for a myriad of services which were once free-of-charge. Customers now accept that service, and more specifically "fast" and "express" services, have monetary value.

The Contract with America, passed by the new majority in Congress, cuts the cost of government by reducing services. Deferring costs by requiring users to pay for "instant" service may be the only way for some government agencies to justify their continuance.

Another boost to government lethargy has been the bad rap given the 900 industry through its early and nearly-exclusive use as an adult service.

Because of the industry's own determined efforts to protect its services from improper and illegal usage, adult services using 900 numbers virtually have disappeared. Most applications that utilize a 900 number now fall under the category of Business-to-Business Teleservices.

Today, every touch-tone telephone is a miniature market. With access to 800 and 900 numbers, callers can order merchandise, obtain personal bank balances, have their voices heard or their votes tallied, and be talked through astonishingly complete menus for ordering an amazing array of goods and services.

Once again, the private sector has embraced a new technology, enhanced it with countless unique and practical innovations, significantly improved lives and created profits.

Now it is past time for government to assess its own timid samplings, to observe the widespread public uses and applications, and to bring to citizens and taxpayers the efficiencies and economies of broader use of pay-per-call services.

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100 BLACK MEN

HON. BENNIE G. THOMPSON

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. THOMPSON. Mr. Speaker, I rise today to congratulate the 100 Black Men of Jackson, MS who hosted the 100 Black Men of America National Convention July 10 through 15, 1995 in Jackson, MS. This organization is a welcome force in the Jackson community. Members volunteer their time and effort to work with economically disadvantaged youths. They visit schools, take students to their place of employment and entertainment events that introduce them to a segment of life that they would not ordinarily get an opportunity to come in contact with. Members of the Jackson, MS chapter include college presidents, a congressman, businessmen, clergymen, doctors, lawyers, and many other professionals.

The national organization was founded in 1976, and strives to improve the quality of life for African-Americans and other minorities. This organization, not only defines problems but attacks them head on. Through its mentoring program, the organization serves as role models for low-income African-American males from single parent households. Many of these youths are becoming first generation college students.

The African-American community is plagued by alarming statistics indicating that 50 percent of U.S. black males drop out of high school and that, more black males are involved with the criminal justice system, either in prison, on probation or parole, than in college. These statistics emphasize the need more than ever for the 100 Black Men.

Please join me in saluting the 100 Black Men of Jackson, MS.

TRIBUTE TO ALMENIA STEVENSON WILLIAMS

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Mrs. Almenia Stevenson Williams as she celebrates her retirement from Anacostia Senior High School in the District of Columbia.

Mrs. Williams was born in Florence, SC to the late Reverend Leo T. Stevens and Utensile Jackson Stevenson. She was educated in the Florence County public schools and later received her bachelor of science degree in business education from Savannah State College and master of arts degree from the Catholic University of America. She furthered her studies at the University of the District of Columbia, Howard University and Trinity College.

Mrs. Williams began her teaching career in the public schools of Cedartown, GA. In 1966, she began her 29-year career with the District of Columbia public schools, serving at Anacostia Senior High School for the past 16 years. Mrs. Williams' dedication to students is not limited to the confines of classroom instruction. She served as the Student Government sponsor and worked with the Future Business Leaders of America.

In addition to dedicated service to her profession, Mrs. Williams is active in numerous civic and professional organizations including the National Business Education Association, Ladies First Aid Union of Churches, and Alpha Kappa Alpha Sorority. She is also a longtime member of Trinidad Baptist Church, where she is the business manager for the chorus choir and the recording secretary for the nurses unit. Mr. Speaker, I congratulate Mrs. Almenia Stevenson Williams on her retirement and join her family and friends in saluting her on July 22, 1995 at Trinidad Baptist Church.

THE SUPREME COURT

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 19, 1995 into the CONGRESSIONAL RECORD.

THE SUPREME COURT

The U.S. Supreme Court recently completed its 1994–1995 term. While the subject of the Supreme Court doesn't come up very often in my discussions with Hoosiers, the Court's actions have a significant impact on the lives of all Americans.

This term was marked by the emergence of a strong and unified conservative majority on the Court. The conservatives displayed a desire to reconsider long-settled constitutional principles on everything from race and religion to federalism and privacy. This is a Court with an activist's appetite and react. It is the political conservatives on the Court who are casting aside precedents and making new law. It is the so-called liberals who are constantly pushing judicial restraint and respect for continuity. The conservatives on the Court who for years have been deploring judicial activism are now judicially very active.

It is premature to say whether this conservative brand of judicial activism will continue in future years. The conservative majority holds a narrow 5-4 edge on the Court, and two of the Justices, O'Connor and Kennedy, appear to be reluctant activists, struggling where possible to find common ground with their more liberal colleagues; and Chief Justice Rehnquist is likely to retire in the near future. Even so, the conservatives are, at least for the time being, making their mark on the Court.

What follows is a summary of the key decisions from this term.

AFFIRMATIVE ACTION

The Court issued several decisions which weaken the legal underpinnings of affirmative action. While all the cases were decided by narrow 5-4 majorities, they reflect a strong aversion to affirmative action programs and will have wide-ranging consequences.

In a case involving a federal highway construction project, the Court held that federal programs designed to benefit minorities are unconstitutional unless they serve a compelling government interest and are narrowly tailored to address past discrimination. The ruling will almost certainly have the effect of curtailing such programs.

In a second case involving the Kansas City school system, the Court ruled that the lower federal courts in Missouri had improperly ordered the state to help pay for a major school integration plan. The decision underscored the Court's impatience with continued federal court involvement in school desegregation cases.

In a third case involving a Georgia redistricting plan, the Court held that the use of race as a "predominant factor" in drawing district lines makes the districts presumptively unconstitutional. Many states, particularly in the South, had created majority-black or hispanic districts in the last round of redistricting in an effort to comply with the federal Voting Rights Act. The Court's decision, however, raises doubts about the constitutionality of most, if not all, of these plans, and may lead to the election of fewer blacks to Congress.

FEDERALISM

The Court also addressed fundamental questions about the distribution of power between states and the federal government. In one case, the Court overturned a federal law banning gun possession within 1000 feet of a school. Congress, in passing the law, had relied on its constitutional powers to regulate interstate commerce. The Court said Congress failed to prove that gun possession at or near schools had enough bearing on interstate commerce to justify federal involvement. The decision marked a striking departure for the Court, which has, for the last 60 years, tended to defer to Congressional judgment in this area. It is uncertain, however, whether the decision signals a broader attack on federal regulation under the Commerce Clause, or merely singles out a poorly drafted law.

In another, closely-watched case, the Court ruled that in the absence of a constitutional amendment, states may not limit the number of terms that members of Congress may serve. The decision had the effect of overturning term-limit measures approved in 23 states. The Court reasoned that the Constitution had clearly set forth the qualifications for service in Congress—age, residency and citizenship—and those qualifications could not be further restricted by the states. The House defeated a term limits amendment earlier this year, but the issue will likely be revisited next year.

OTHER KEY DECISIONS

The Court issued several other groundbreaking decisions this term. In one case, which will certainly have an impact on high schools in Indiana and around the country, the Court held that a school district may require that all students take drug tests as a condition of playing sports. In a victory for environmentalists, the Court held that federal regulators may stop private landowners from developing their property in ways that could destroy the habitat of endangered wildlife species.

Two religion cases opened the door to greater government accommodation of religious speech. First, the Court held that the University of Virginia must provide a financial subsidy to a student religious publication on the same basis as other student publications. This marks the first time the Court has ever approved government funding for a religious activity. Second, the Court ruled the Ku Klux Klan had a free speech right to erect a cross in a state park in Ohio.

CONCLUSION

This Court is engaging in a very fundamental debate on the very nature and source of the legitimacy of the national government. Several of the Justices have said that the federal government exists only to the extent that the states permit it to do so. This Court has a very deep skepticism about federal power.

Conservatives now control the Court, and even the left leaning Justices are hardly in the same camp as Blackmun, Brennan or Marshall. The Clinton appointments, Ginsburg and Breyer, are moderate on economic issues and fairly liberal on social issues. What's missing is a justice who sees the Court as a way to promote social justice. The new left is much more pragmatic than the old left.

Whatever the center of the Court ideologically speaking, it can be said that the present majority is fragile. The replacement of a single justice could make a big difference in the dynamics of the Court.

TRIBUTE TO MIGUEL ANGEL AMADEO

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. SERRANO. Mr. Speaker, today I join the community organization 52 People for Progress, Inc., to do honor to Mr. Miguel Amadeo for his noteworthy musical and public accomplishments. Mr. Amadeo is a dear personal friend and an invaluable member of our South Bronx community.

Better known as Mike, he started his musical career at the age of 16. Since then, he has composed over 200 songs. A humble man, his talent has been shared with various prominent Latino artists such as Johnny Albino, Cuarterto Los Hispanos, Héctor Lavoe, Andy Montanez, Willie Colon, and Celia Cruz, among others.

Besides being a gifted and prolific composer, Mr. Amadeo is also a dedicated member of our South Bronx community. He has been a longtime supporter of the organization 52 People for Progress which aspires to improve the conditions of the community through music, culture, and art. He worked for 40 years serving customers at his record store, Casa Amadeo, in the South Bronx. Indeed, in the late 1970's when businesses were fleeing, Mike stayed, endured and continued to write his songs and serve his loyal clientele.

The music of Miguel Amadeo has enlightened and brought hope to thousands of listeners. His gentle nature has changed the lives of many individuals who have been touched by him. It is not frequent that we find both, musical talent and commitment to the community, in one individual.

Mr. Speaker, I am proud to recognize citizens like Mr. Amadeo, who with their talent, fortitude, diligence, and relentless dedication give back to their community and set an example for others to follow. Today, Mike will receive a well deserved public recognition in the same community theater he helped to build. I ask my colleagues to join me and the South Bronx community in conveying best wishes and deep gratitude to Mr. Miguel Amadeo.

CONGRESS' CONSENT IS NEEDED BY THE HISTORIC CHATTAHOOCHEE COMMISSION

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. EVERETT. Mr. Speaker, today I, along with members of the Alabama and Georgia delegations, rise to introduce a measure on behalf of the Historic Chattahoochee Commission, a State agency of both Alabama and Georgia.

On October 14, 1978, President Carter signed Public Law 95–462 which granted the consent of Congress to the Historic Chattahoochee Compact between the States of Alabama and Georgia. Earlier, both States had passed identical legislation to authorize the creation of this compact for the operation of the Historic Chattahoochee Commission. The Commission, a bi-State heritage tourism agency, serves 11 Georgia and 7 Alabama counties along the lower Chattahoochee River.

At present, the Historic Chattahoochee Commission's board nomination process is cumbersome. The commission's 28 board members—14 from each State—are appointed "* * * by the historical commission or organization or similar historical body or other designated authority in each of the counties represented by the Commission who shall be bona fide residents and qualified voters of the party states." In some counties, there are no historical or preservation groups and organizations. In other countries, there are two or three historical or preservation organizations. County or city governments and even some tourism or commerce organizations have been called upon to nominate board members in counties without historical or preservation groups. This process is often confusing and time consuming. In an effort to resolve this inefficiency, the Historical Chattahoochee Commission's board of directors proposed to amend the interstate compact to simplify the commission's board selection procedures. This legislation seeks to ease this process.

In 1993, the Alabama Legislature approved Act 93–643 and the Georgia General Assembly endorsed Act 326 which amended the Historical Chattahoochee Commission's interstate compact to provide for a different board selection process. This amendment, and the legislation I am introducing today, specifies that

> The Commission shall consist of 28 members who shall be bona fide residents and qualified voters of the party states and counties served by the Commission. Election for vacant seats shall be by majority vote of the voting members of the Commission board at a regularly scheduled meeting.

On August 19, 1993, the Alabama Attorney General's office rendered an opinion that the Historical Chattahoochee Commission,

> * * * cannot use the amended version of the enabling legislation to select new board members until the consent of Congress is given by the amending of Public Law 95-462.

On February 2, 1994, the Georgia Attorney General's office issued an opinion that:

> * * * the Georgia amendment expressly requires that both the Georgia and Alabama amendments of the Historic Chattahoochee Compact be approved by Congress prior to becoming effective. Without such approval, the Commission does not have the authority to act under the Georgia or Alabama amendment.

With this requirement in mind, it is with pleasure that I join with my colleagues Representative BEVILL, Representative BISHOP, Representative BROWDER, Representative CRAMER, and Representative HILLIARD in seeing that the amendment to the Historical Chattahoochee Commission's interstate compact becomes effective. Senator SHELBY has introduced S. 848 in the Senate and he is joined in support by Senators HEFLIN, COVERDELL, and NUNN.

During the 104th Congress, I look forward to gaining the support of the House in advancing this legislation expeditiously, as it has already been approved by the States of Alabama and Georgia.

SYLACAUGA, AL, HONORS SINGER, ACTOR JIM NABORS AS NATIVE SON

HON. GLEN BROWDER

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. BROWDER. Mr. Speaker, Sylacauga, AL, is an exceptionally pleasant, attractive community in the Third District of Alabama, which I have the honor to represent in this House of Representatives. Members of the House may be familiar with the fact that the Capitol contains marble from Sylacauga. So does the U.S. Supreme Court, the Lincoln Memorial and a number of other beautiful buildings across America.

Sylacauga is a small, progressive city with almost 25,000 residents. It has good schools, libraries, museums, parks, churches, and a diversified industrial base—all of the things that would make a person want to call Sylacauga home.

One of the city's best known native sons is Jim Nabors, who will be coming back home to Alabama on July 28. The occasion will be Jim's presentation of the memorabilia from his career in entertainment to the native son collection at Sylacauga's Isabel Anderson Comer Museum.

Jim's collection was assembled during more than 35 years as a singer, actor, and comedian. As many of us remember, Jim appeared for years as the star of "Gomer Pyle USMC" and later in the "Jim Nabors Hour," where his remarkable singing ability was featured.

Despite his international fame as a singer and entertainer, Jim has always taken pride in introducing himself to the world as a small town guy "from Sylacauga, AL." Obviously he has not forgotten where he came from and it is equally apparent that Sylacauga has not forgotten him.

In addition to the presentation and reception at the museum, Jim will participate in the grand finale of Sylacauga's outstanding program in commemoration of the 50th anniversary of the end of World War II. He will open the celebration with his popular rendition of the Star Spangled Banner. He also will present awards and certificates of appreciation to veterans of World War II.

I want to take this opportunity to congratulate the city of Sylacauga on this valuable gift of Jim Nabor's memorabilia and to commend Jim for being the kind of person that his hometown is proud to remember.

FOURTH ANNIVERSARY OF UKRAINIAN INDEPENDENCE

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. GILMAN. Mr. Speaker, on July 16 I had the privilege of addressing a group of Ukrainian-Americans in Glen Spey, NY, concerning developments in the New Independent State of Ukraine.

In honor of the upcoming fourth anniversary of the independence of Ukraine, I would like to insert some of my remarks into the RECORD at this point for the review of my colleagues.

As we approach the anniversary of Ukrainian independence this August 24, I invite my colleagues to join me in expressing our very best wishes for the success of political and economic reforms in that important European State.

Mr. Speaker the text of my speech follows. I am hopeful that my colleagues may find it of interest.

> It is good to be here with some of my good friends from the Ukrainian-American community.
>
> I would like to take a moment to say a few things about Ukraine, now approaching the fourth anniversary of its independence.

The last few years have not been easy ones for the Ukrainian people.

Despite Ukraine's natural weath—particularly in its agricultural resources—it has suffered greatly from its dependence on trade links purposely created by the former communist regime to control Ukraine—and from the physical and psychological residue left in the wake of many decades of communist repression, propaganda and corruption.

By no means, however, can Ukraine be considered as down and out.

As we all well know, Ukraine and its people have weathered far worse times—times of world war, times of civil war, times of mass starvation, and times of fascist and communist dictatorship and atrocities.

I am very confident that, with the help and understanding of its friends—particularly that of the United States—Ukraine will begin to gain its feet and move forward to the long-term prosperity and democracy it richly deserves.

I am more confident of this than ever before, given the strong leadership of Ukrainian President Leonid Kuchma.

Since his election last year, President Kuchma and his government have moved with determination to implement the economic reforms that Ukraine so badly needs.

In closing, let me note how the United States has helped and is continuing to help Ukraine in this difficult time.

We have provided vital assistance to Ukraine to help it begin retraining its military forces and to settle and retrain those of its troops that are demobilized as Ukraine dismantles its soviet-era nuclear missiles.

We have assisted Ukraine in arriving at agreements with Russia concerning Russian compensation for Ukrainian nuclear warheads and concerning Russian energy supplies for Ukraine.

I am also certain that at this time our government is continuing to advise the Ukrainian government on how to arrive at an acceptable agreement with Russia concerning the division and basing of the Soviet-era Black Sea Fleet.

The United States quite frankly played a crucial role in arranging the recent agreement of Ukrainian debt rescheduling.

That agreement helped Ukraine qualify for the billions of dollars in loans and credits it is now receiving from international financial institutions.

Finally, assistance from the United States in support of economic reforms in Ukraine is helping that country in several very important ways.

The United States is helping the Ukrainian government target its limited resources to best help the most needy segments of its population during the transformation to a market-based economy commences.

It is helping train Ukrainian entrepreneurs, bankers, businessmen and students.

The United States is helping transfer state-owned enterprises to private ownership by Ukrainian citizens.

It is helping Ukrainian energy industries to become more efficient and productive.

We are helping the Ukrainian government and the Ukrainian Parliament to better organize themselves and operate in a manner that will fulfill their proper roles in a democratic government.

The United States is helping Ukraine find the means to shut down the dangerous reactors at Chernobyl—and to help the unfortunate victims of radiation poisoning from the 1986 reactor explosion, both in Ukraine and in neighboring Belarus.

Perhaps most important, United States assistance is helping fund programs to explain to the Ukrainian people the changes that are underway and how they will help build a better Ukraine for them and their children.

In closing, let us, as we look to the future, realize that we must continue to work to ensure the stability of Ukraine—because the stability of all of Europe may depend upon it.

In that regard, it makes a great deal of sense for us to continue assisting Ukraine and to work to see that Ukraine takes its rightful place in Europe, particularly with regard to organizations such as the European Union and NATO.

May God Bless America.

And, may God bless peace, democracy, and prosperity for Ukraine.

LEGISLATIVE ACCOMPLISHMENTS OF THE REPUBLICAN LED CONGRESS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. PACKARD. Mr. Speaker, I would like to take this opportunity to taut a few of the accomplishments of the 104th Congress. Contrary to the claims of the Democratic Leadership Council that despite all the hype about the Republican revolution, the Republicans have offered very little, the Republican led Congress has ended business as usual in Congress and continues to lead the charge in implementing the changes mandated by the American people last November.

On the first day of the 104th Congress we passed the Congressional Accountability Act so that Congress applied all laws to itself that it imposes on everyone else. The House then proceeded to eliminate three committees and 25 subcommittees, to cut one-third of committee staff, to implement truth-in-budgeting baseline reform, to limit the terms of the Speaker and the committee and subcommittee chairmen, to ban proxy voting in committee, to open committee meetings to the public and to order first every comprehensive audit of its books.

The House for the first time ever approved a balanced budget amendment. Even though the Senate failed to pass the amendment, the House GOP committed to balance the budget by the year 2002. Six separate bills were passed to undo last year's flawed Clinton crime bill. The House passed a sweeping welfare reform bill that ends welfare as we know it by rewarding the dignity of work and self-respect over illegitimacy, family disintegration, and non contribution to society.

We provided much needed tax fairness to families so they can keep more of their hard earned money. We repealed the unfair Clinton tax hike on Social Security benefits, raised the earning limitations on seniors who work past the age of 65 so they are not punished for staying in the work force and provided tax incentive for long-term care coverage.

The Clean Water Act continues Congress' commitment to the environmental protection of our Nation's waterways while restoring common sense to environmental protection. We have undone Clinton's efforts to hollow out the military and restored some money cut out over the past 2 years to ensure military readiness and modernization. We have eliminated and prioritized our Nation's overseas interests. We continue our commitment by eliminating three Federal agencies and two dozen foreign aid programs.

The rescission package is a first step toward a less costly Government. We cut $16.4 billion in wasteful spending by eliminating unauthorized programs and consolidating duplicative programs. And we slashed our own spending in Congress by $155 million.

Mr. Speaker, I venture to say that in 40 years of Democratic control, the Congress never accomplished as much as the Republican led 104th Congress. I would suggest our friends at the DLC take a closer look at their facts.

UPCOMING INTERNATIONAL CONFERENCE ON WOMEN

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. SMITH of New Jersey. Mr. Speaker, yesterday the Subcommittee on International Operations and Human Rights, which I chair, held a hearing on the upcoming Fourth International Conference on Women, currently scheduled to be held in Beijing later this summer.

Numerous eloquent witnesses called attention to certain features of the draft document that this conference will almost certainly adopt. While there is much that is positive in the document, there is also a systematic denigration of marriage, childrearing, and family. As was pointed out at our hearing by Cecilia Royals of the National Institute of Womanhood, the document disparages a central life experience of 90 percent of the world's women, and attempts to turn women who emphasize family life into a new marginalized class.

I would like to put before my colleagues the testimony of another witness: Diane Knippers, president of the Institute on Religion and Democracy, and cochair of the Ecumenical Coalition on Women and Society [ECWS] Beijing team. Ms. Knipper's testimony offers several reasons for doubting the draft document's effectiveness as a tool for promoting the human rights of women.

TESTIMONY OF DIANE L. KNIPPERS

The adoption of the Universal Declaration on Human Rights in 1948 gave the world a powerful mechanism for holding nations accountable for the basic rights of all persons. Sadly, in recent years we have seen efforts to erode these basic standards as authoritarian governments argue that human rights are not universal, but are culturally relative. But another form of erosion is more subtle, more insidious, and more dangerous. It is the trend toward defining every conceivable social goal as a human right—whether or not these social goals are properly the responsibilities of governments and whether or not they are even obtainable. The result is obvious. When everything is considered a right, finally nothing can be defended as a right.

The Fourth World Conference on Women and its draft Platform for Action offer prime examples of this erosion. The adoption of this platform will undermine the pursuit of basic human rights. Even more troubling, it will also sacrifice efforts on behalf of women whose rights are the most repressed and abused in favor of the controversial social goals of Western gender feminists. This is a tragedy.

Let me cite several examples of the human rights flaws in the draft Platform for Action and the conference itself.

A. The draft Platform's commitment to universality is unsure.

Every reference to universal human rights is bracketed. If this document does not affirm universality it will mark a serious regression in the progress toward human rights within the international community.

B. The call to address the basic rights of women is blurred and minimized in the draft Platform's context of social engineering and expansive and questionable goals.

Serious abuses of rights of women, even when mentioned in the document, are diminished in the context of grandiose plans for re-engineering society. For example, achieving for all women the basic right to vote and participate in elections is a much more urgent task than working to ensure equality of outcomes such as equal numbers of men and women in all parliaments.

Let me offer examples of abuses of women that are mentioned in the draft Platform, but diminished by the larger context. There is the urgent need to combat prostitution and pornography, particularly involving children. A recent report of a religious group which operates ministries in Thailand to young women who have been forced into prostitution tells of girls as young as 12 sold to brothels. One child said the brothel owner would beat her to make her stop crying while she was "entertaining" customers.

Another example is slavery, which has not been eradicated but is still practiced in nations such as Mauritania and Sudan. A recent fact-finding team organized by Christian Solidarity International reports that local officials estimate that some 1,000 women and children have been taken into slavery in the last five years from one Sudanese town alone. Team members met a 14-year-old Sudanese girl who had been kidnapped and sold into slavery when she was seven. Yet the atrocity of human slavery gets only passing mention in the 121-page Platform for Action.

Such blatant and egregious human rights abuses are trivialized in the context of a document that takes on the grandiose aim to redefine gender roles in every society with no reference to biological differences between men and women.

C. The Platform will result in the expansion of the coercive and intrusive powers of governments and international agencies in the lives of individuals and families.

The goals of the draft Platform for Action—particularly (1) defining equality as outcome rather than opportunity and (2) obliterating any distinctive male or female roles—will lead inexorably to the expansion of the coercive power of governments. There is no question that this will contribute to anti-democratic practices. It will also undermine the rights of individuals and families (beginning with the rights of parents to train their own children).

D. Serious human rights abuses, such as religious repression, are ignored.

The most serious omission in the draft Platform is any acknowledgement of freedom of conscience or of religion for women. Throughout the document, religion is cited as a source of repression of women. There is only one brief (and still bracketed) acknowledgement of the spiritual needs of women. But nowhere in 121 pages does the document call for religious freedom for women.

Women should have the right to engage in religious practice, to change their religion, and to propagate their religious faith, particularly to their children. Women who change their religion should be free of the threat of state-imposed divorce or the threat of having their children taken from them. The irony is that this conference on women is being held in a country which currently imprisons women for practicing their faith.

E. Holding the Fourth World Conference on Women in China also serves to undermine international human rights standards.

The Ecumenical Coalition on Women and Society is calling upon the U.S. government to boycott the Beijing women's conference unless two conditions are met. The first is that Harry Wu must be freed from prison. The second is that our government must obtain assurances from the Peoples Republic of China that U.S. citizens and other UN conference participants will enjoy the basic rights of freedom of conscience, freedom of opinion and expression, and freedom of peaceful assembly as guaranteed in the Universal Declaration of Human Rights.

Women in non-governmental organizations going to Beijing are being told that they risk interrogation if they meet in groups of more than five, that they cannot meet in hotel rooms, they can't unfurl banners, they can't take in religious literature, they can't engage in corporate prayer outside a special tent, they can't take unregistered computers or fax machines into hotel rooms. How can we begin to discuss human rights in a climate in which those rights are ignored and abused? It would be unconscionable for the United States to participate in such a sham.

CONCLUSION

Women are brutally denied basic human rights in many parts of the world. Women suffer denial of educational opportunities and property rights, forced abortion and forced sterilization, genital mutilation, prostitution, rape, female infanticide, the threat of execution for apostasy or blasphemy, slavery—the list goes on and on.

The campaign to combat the truly horrible abuses of women is undermined by linking women's rights with highly questionable economic, social, and environmental theories. The Beijing agenda goes far beyond basic rights for women. The draft Platform claims that peace and development cannot be achieved unless women represent 50 percent of all national and international political and economic agencies. How or why women are uniquely capable of bringing in this utopia is never explained.

The danger of the Beijing women's conference is that it attempts sweeping and unnecessary social change—change that will undermine rather than enhance the rights of women. The draft Platform for Action equals or surpasses the Marxist-Leninist experiment in its ambition. The draft Platform for Action calls for the most intrusive, arrogant, and radical restructuring of the social order in human history—all on the baseless assumption that this will produce a just, prosperous, and peaceful world. I'm convinced of the opposite. It is the road to tyranny and oppression for women and for men.

ENVIRONMENTAL POLICY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 5, 1995, into the CONGRESSIONAL RECORD.

ENVIRONMENTAL POLICY

U.S. environmental policy is at a crossroads. On the 25th anniversary of Earth Day, we can take great pride in the advances that have been made in environmental protection. We have succeeded in reducing the levels of lead and other dangerous pollutants from the air. Lakes and rivers once so contaminated they could catch on fire, now support large fish populations. Endangered species like the eagle and the buffalo have been saved from extinction and are now thriving.

The challenge ahead is to build on these successes, but in smarter, more cost-effective ways. The objectives of our environmental laws are almost always worthy: cleaner air; safer drinking water; protection of endangered species and so forth. The issue is whether current laws go about achieving these goals in the most sensible way.

Cleaning up the environment has become much more complicated. At the time of the first Earth Day in 1970, there was a broad consensus that the environment was a mess and that the government had to do something about it. Today that consensus is much less firm. There are competing claims about the environment's condition, strong rivalries within the environmental movement, and active opposition to environmental regulation. Furthermore, the nature of environmental regulation is changing. Whereas in the past government regulators focused on large polluters, such as the local factory, new regulations aim to curb pollution from more diffuse sources, such as runoff from farm lands.

COMMAND AND CONTROL

Most environmental programs are of a "command and control" variety. The federal government sets regulations which the public and private sectors must follow. For example, the Clean Air Act mandates how much pollution factories can emit and the Resource Conservation and Recovery Act directs industry to dispose of hazardous waste in a certain manner.

This regulatory approach can be credited with improving environmental quality over the last 25 years. The question now is whether it is the correct approach for the 21st Century. The current regulatory system offers the advantages of uniformity, administrative efficiency, and predictability, but it has drawbacks as well.

First, "command and control" can be too inflexible. It takes a one-size-fits-all approach to regulation. For example, the Safe Drinking Water Act requires all localities to test for a broad menu of contaminants even if there is little or no chance that a community's water system has been exposed to certain contaminants. Localities cannot pursue innovative alternatives that could achieve the same level of water quality at lower cost.

Second, the current system can be very expensive. Pollution controls, for example, cost an estimated $26 billion per year. Protecting the environment will cost money—and in many cases, that money is well spent—but I am concerned we are not getting the best return on the dollar. Some programs don't work as well as they should. The

Superfund program, for example, was designed to clean up the nation's most hazardous waste sites, but too much funding has been wasted in overhead and litigation costs. Other laws mandate, at great cost, compliance from state and local governments or private enterprises, often without any financial assistance from the federal government.

Third, the "command and control" approach can be too complex. Our environmental statutes have evolved into a cumbersome system that tends to over-specify compliance strategies and mandate extensive reporting requirements.

NEW APPROACH

We need to rethink how we regulate the environment. This does not mean repealing current standards, but rather defining a sensible role for the federal government. There continues to be a federal role in protecting the environment. Many environmental problems, such as water and air pollution, cross state and even international borders, and, consequently, demand a national response. Furthermore, most Americans want federal leadership on environmental issues.

I believe the following principles should, where appropriate, guide future environmental policy with the objective of making regulation more flexible, less costly and less complex.

First, we should work to find market-based solutions to environmental problems. Such an approach might entail providing incentives to private business or local governments to meet or exceed environmental standards; or creating a system of marketable pollution permits. Market-driven solutions offer the promise of achieving environmental objectives in a way that is more cost-effective and less disruptive to industry.

Second, we should encourage cooperation between the federal government and the regulated community. Environmental regulation will always involve some tension between the two, but the federal government can take steps to minimize such conflict by working cooperatively with businesses, landowners and other private interests to find solutions.

Third, we should give more discretion to state and local governments in managing environmental problems. The federal government has the expertise to set national standards for environmental protection and compliance strategies. State and local governments, however, are often closer to the problems, and may have better ideas about solving them in innovative, cost-effective ways.

Fourth, we should allocate federal resources to the most pressing environmental problems, particularly in an era of tight federal budgets. Too many federal dollars are wasted on programs of marginal social or economic benefit. Federal agencies should conduct risk assessment, based on scientific evidence, and cost-benefit analysis before implementing new regulations.

CONCLUSION

Protecting the environment today demands something more than the standard regulatory prohibitions. The environmental movement has taught us the responsibility of protecting our own natural heritage. We now must reshape our efforts with a new openness to what works and what does not work in environmental protection.

IN SUPPORT OF SISTER CITIES

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. MORAN. Mr. Speaker, I rise today to express my support for the United States Information Agency and their continued funding of the Sister Cities International Program. The USIA is responsible for our Government's overseas academic and cultural programs. They conduct a variety of activities to promote democratic and free market values and to foster international understanding of U.S. policies. The Sister Cities Program is a vital part of this effort. I am proud to demonstrate my support for this worthwhile cause, and as a former mayor, Alexandria, VA, I am pleased to submit for the RECORD the attached letter from the U.S. Conference of Mayors International Affairs Committee.

SISTER CITIES INTERNATIONAL,
June 17, 1995.

An Open Letter to Congress:

We, the undersigned Mayors of The U.S. Conference of Mayors' International Affairs Committee, urge our elected Representatives and Senators in the United States Congress to preserve important United States Information Agency (USIA) supported programs such as Sister Cities International that enable us to build bridges with communities overseas.

Through programs supported by the USIA, diverse elements from our communities—business, working people, educators, and many individuals and organizations—have forged strong economic and cultural ties with their international counterparts. These vibrant programs have afforded us the opportunity to create people to people relationships which have brought countless contributions to our communities.

The special relationships developed as a result of these international partnerships reap tangible returns for the modest resources that are used to sustain them. Across the United States, substantial construction projects, special trade relationships, provided direct access to foreign markets for American goods and services, and increased tourism are just a few of the ways they have boosted our local economies and enhanced international understanding.

The lives of our citizens and their children, in their homes and in their classrooms, are enriched by interacting with people from our sister cities. It is important for the people of our communities to gain a better understanding of just how interdependent our world is. For some of our citizens this may be the only exposure they will ever receive to people who live in other countries.

We are united in our belief that for many reasons our communities are strengthened when we are internationally engaged. We call upon you to maintain the modest funding USIA currently receives to support these programs.

Sincerely,

Patricia S. Ticer, Mayor of Alexandria, VA; Jerry E. Abramson, Mayor of Louisville, KY; Cardell Cooper, Mayor of East Orange, NJ; Susan S. Weiner, Mayor of Savannah, GA; Meyera E. Oberndorf, Mayor of Virginia Beach, VA; Leonard M. Creary, Mayor of Lyndhurst, OH; Kane Ditto, Mayor of Jackson, MS; Mike Johanns, Mayor of Lincoln, NB; Mary Rhodes, Mayor of Corpus Christi, TX; Joseph P. Ganim, Mayor of Bridgeport, CT; Saul N. Ramirez, Jr., Mayor of Laredo, TX; Patsy Jo Hilliard, Mayor of East Point, GA; Richard A. Lang, Mayor of Modesto, CA; Raul J. Valdes-Fauli, Mayor of Coral Gables, FL; James S. Whitaker, Mayor of Lynchburg, VA; Jack Geraghty, Mayor of Spokane, WA; Neil G. Giuliano, Mayor of Tempe, AZ; Raul G. Villaronga, Mayor of Killeen, TX; Dennis W. Archer, Mayor of Detroit, MI;

Norm Coleman, Mayor of St. Paul, MN; Gus Morrison, Mayor of Freemont, CA; Dr. William E. Ward, Mayor of Chesapeake, VA; J. Christian Bollwage, Mayor of Elizabeth, NJ; H. Brent Coles, Mayor of Boise, ID; Gerald Wright, Mayor of West Valley City, UT; Martin J. Chavez, Mayor of Albuquerque, NM; Chuck Hazama, Mayor of Rochester, MN; Ann Azari, Mayor of Fort Collins, CO; Martha S. Wood, Mayor of Winston-Salem, NC; Charles V. Smith, Mayor of Westminster, CA; Robert A. Pastrick, Mayor of East Chicago, IN; Lynn F. Pett, Mayor of Murray, UT; Charles A. DeVaney, Mayor Augusta, GA; Peter A. Clavelle, Mayor of Burlington, VT; and Charles E. Box, Mayor of Rockford, IL.

TRIBUTE TO DR. RICHARD C. STEIN, M.D.

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Ms. WOOLSEY. Mr. Speaker, I rise today to pay tribute to Dr. Richard Stein, M.D., who is retiring after more than 32 years of service as an outstanding physician with Kaiser Permanente in San Rafael and Santa Rosa, CA, which are located within the congressional district I am privileged to represent. Dr. Stein was Physician-in-Charge at the Kaiser Permanente Clinic when it came to Santa Rosa in 1980, and since 1989, he has served as Physician-in-Chief. Dr. Stein has been a cornerstone in Kaiser's outstanding record of service here in northern California and, in particular, he has been instrumental in overseeing the provision of quality medical care services for many residents of Sonoma County.

Because Dr. Stein has worked with Kaiser since 1962, he has played an integral role in the development of the innovative health maintenance organization which Kaiser pioneered in our country. I am proud of the leadership that Kaiser has taken in creating a healthcare system that is accessible, affordable, and high quality, and recognize that it takes the vision, courage, and hard work of people like Dr. Stein to make these ideals a reality.

After graduating from the New York University Medical School in 1956, Dr. Stein started his medical career by serving his country as the Chief of Pediatrics for the United States Air Force, 3970th USAF Hospital. In addition to his many years of leadership with Kaiser, Dr. Stein has served on a variety of community and medical association boards and is currently a member of the Sonoma County Medical Association Board.

Mr. Speaker, Dr. Stein is a superb example of the excellence and dedication of our healthcare professionals who have provided our Nation with the best healthcare services in the world. As we celebrate Dr. Stein's 32 years of service to this community, I wish to recognize his commitment to the people of Sonoma County, and to thank him for his long record of service to all of us.

MORTON BAHR: LEADER OF THE AMERICAN LABOR MOVEMENT

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. LANTOS. Mr. Speaker, I rise today to pay tribute to one of the outstanding leaders of the American labor movement, as well as a dear friend. Morton Bahr has been extraordinarily influential and effective in fighting to advance the cause of the American worker. For Morty, greater worker empowerment has been a lifelong commitment, a commitment that culminated with this election to the presidency of the Communications Workers of America in an especially demanding period for the communications industry, as well as organized labor.

Morty has made worker training and education programs a top priority in his struggle for a better educated and more productive workforce. Moreoever, he has sought to bridge the gap between management and workers by bring the workers into the decisionmaking arena, contributing, in this way, to the development of a more responsible and efficient labor force.

The globalization of the economy poses a unique challenge to the American economy in general and the American worker in particular. Morty, through his membership in the Executive Committee of the Postal, Telegraph and Telephone International, has managed to represent the interests of the American workers and secure their competitiveness in the world market.

Morty, in addition to being the champion of the C.W.A., has made invaluable contributions to many worthwhile causes. As one of the founders and a cochairman of the "Jobs with Justice" community-labor action coalition group, as vice chairman of the United Way Board of Governors and also as an executive committee member of the Democratic National Committee, he has offered service to the economic and political life of the community as a whole.

People have often referred to Morty as one of the most influential leaders in the American labor movement, a designation which is fully accurate and well deserved. I rise today to honor Morty's many wonderful accomplishments and ask my colleagues to join me in extending our heartfelt appreciation for his leadership.

IMPROVEMENT MANAGEMENT OF NATIONAL PARK SERVICE

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. HANSEN. Mr. Speaker, today I am introducing legislation to facilitate improvement management of the National Park Service. The bill I am introducing today amends two separate statutes, the Land and Water Conservation Fund Act and the 1970 Act to Improve the Administration of the National Park System.

The first title of the bill clarifies the existing authority of the National Park Service to make minor boundary revisions. Currently, the National Park Service has some generic authority to make such boundary adjustment "is an arbitrary one made on a case-by-case basis." In 1991, Congress passed legislation to authorize a 19-acre donation of land to Ocmulgee National Monument. In 1992, the National Park Service accepted a 125-acre donation at Shiloh National Military Park without any legislation. What is needed is legislation to define what is meant by a minor adjustment to ensure consistency and to relieve Congress from spending time on relatively insignificant and noncontroversial legislation.

The second title to this bill authorizes the National Park Service to enter into agreements to provide essential facilities for park administration, visitor use and park employee housing on non-Federal lands. Currently authorities restrict the use of Federal moneys on non-Federal lands and frustrate efforts to initiate partnership projects on adjacent non-Federal lands.

For example, park administrative and visitor center locations may often make better sense and serve the public better on non-Federal lands. These locations open opportunities for partnerships, such as the recent proposal at Rocky Mountain National Park to provide a visitor center on private land next to the park at no construction cost to the Federal Government.

I urge my colleagues to support both of these good Government measures to improve the management of the National Park System.

TRIBUTE TO THE JANE DOUGLAS CHAPTER OF THE NATIONAL SOCIETY, DAUGHTERS OF THE AMERICAN REVOLUTION'S CONSTITUTION WEEK

HON. EDDIE BERNICE JOHNSON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise to commend the Jane Douglas Chapter of the National Society, Daughters of the American Revolution for designating September 17 through 23 as Constitution Week.

Constitution Week commemorates the 208th anniversary of the drafting of the Constitution of the United States of America.

The Daughters of the American Revolution understand the importance of the provisions and principles contained in the Constitution. Recognition of this historic event is an opportunity for all Americans to realize the achievements of the Framers of the Constitution and the rights, privileges, and responsibilities it affords.

Again, I commend the Jane Douglas Chapter of the National Society, Daughters of the American Revolution, for its genuine effort in urging all our citizens to reflect during Constitution Week on the many benefits of our Federal Constitution and American citizenship.

TRIBUTE TO CHICAGO RIDGE MAYOR, EUGENE L. SIEGEL

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. LIPINSKI. Mr. Speaker, I rise today to pay tribute to Mr. Eugene L. Siegel, an outstanding public leader and resident of the third Congressional District in Illinois. Gene Siegel has dedicated 20 years of public service to the community of Chicago Ridge.

Mr. Siegel began his political career in 1963 when he was appointed as the deputy coroner for the Cook County Coroner's Office. After serving in that position for 8 years, Gene accepted another appointment as the assistant chief to the Cook County Sheriff's Office. In 1987, he accepted yet another appointment as administrative assistant to the State Treasurer's Office. Mayor Siegel was also a member of the Cook County Criminal Justice Commission for 6 years; one of two mayors in all of Cook County serving in that capacity. He is also a past associate of the Crisis Center for South Suburbia.

In 1975, Gene was elected as part-time mayor of Chicago Ridge to fill an unexpired term. He was re-elected in 1977, 1981, 1985, 1989, and in 1993, was elected as a full-time mayor. At the present time, Mayor Siegel is serving as vice-chairman of the Southwest Council of Mayors, and is the legislative chairman for the Southwest Conference of Local Government. Also, he is serving as vice-president and a member of the board of directors for the Illinois Municipal League. He is a member of the Midway Airport Task Force and a member of the Cook County advisory board on community development block grant applications.

So far, during his tenure as mayor, Mayor Siegel has accomplished a tremendous amount on behalf of the residents of Chicago Ridge. Gene created a solvent tax base by instrumenting the development of the Chicago Ridge Mall in 1981, and the Commons of Chicago Ridge in 1988. These developments allow his administration to hold the line on property owner's taxes and still permit such village improvements as the improvement of Ridgeland Avenue to establish commercial land use and the installation of an adequate water system with a two-million-gallon reservoir and a pumping station. The mayor has worked diligently to make Chicago Ridge a beautiful and safe place to live and raise a family. Under his administration, countless streets have been paved with storm sewers, curbs, gutters, and modern street lighting and traffic signals have been installed at hazardous intersections. Presently, the mayor is working on development projects that include the Industrial Park, a 130 acre parcel of property, and the Chicago Ridge Commons TIF Extension.

Mayor Siegel is a dedicated public servant who has worked to build a genuine community feeling in Chicago Ridge. Throughout his 20 years as mayor, Gene has maintained an open door policy for all his constituents and employees. Also, he and his wife have been residents of Chicago Ridge for 39 years.

I ask my colleagues to join the residents of Chicago Ridge and myself in expressing our gratitude to Mayor Siegel for his many years of devotion to public service. I look forward to working with Mayor Siegel for many more years to come.

THE QUEEN MARY: FROM MAJESTIC PASSENGER LINER TO GALLANT TROOPSHIP OF THE SECOND WORLD WAR

HON. STEPHEN HORN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. HORN. Mr. Speaker, as the our Nation honors those whose sacrifices and dedication brought an end to the Second World War, we must also include the *Queen Mary*. Just as devoted as those who carried rifles in combat or wore riveters' masks on the home front, the *Queen Mary* sailed above and beyond the call of duty with her wartime assignment. Her combat troopship uniform of camouflage gray paint may have temporarily hidden her normally glamorous fittings, but she—because those who toiled above and below her decks—had a heart and soul that showed through that dull exterior and served as a beacon of hope and inspiration in those dark days.

It is a privilege to join with those who are honoring the *Queen Mary* for her wartime service. I have included a detailed history of her wartime activities in the CONGRESSIONAL RECORD so that generations to come may know of her contributions in the fight to preserve freedom. May she continue to serve an inspiration to us all.

THE QUEEN MARY: FROM MAJESTIC PASSENGER LINER TO GALLANT TROOPSHIP OF THE SECOND WORLD WAR

THE LAUNCHING OF THE QUEEN MARY

In May of 1930, Britain's Cunard Steamship Company awarded John Brown and Company of Clydebank, Scotland, the task of constructing what was being hailed as the "ultimate ship." Less than a year later, production was stopped due to Cunard's financial hardships. With the help of the British Government and some creative financing, John Brown and Company was able to continue production on the Cunard ship, and the Royal Mail Steamer, christened the Queen Mary, was launched at Clydebank on September 26, 1934.

It would be another 18 months before she would make her first transatlantic voyage. During that period workers labored night and day to install engines, fittings and the furnishings that would ensure the Queen Mary's reign as the world's ultimate passenger liner. When the ship set out on her maiden voyage from Southampton on May 27, 1936, she was a floating resort boasting five dining areas and lounges, two cocktail bars and swimming pools, a grand ballroom, a squash court and a small, but well equipped hospital. She carried some of the world's most rich and famous passengers, from the Duke and Duchess of Windsor to many of Hollywood's screen idols. She was considered by the elite as the only civilized way to travel.

THE TRANSFORMATION INTO TROOPSHIP

When she docked in New York Harbor in September of 1939, the civilian passengers she carried would be her last for years to come. With the outbreak of the Second World War, the Queen Mary was called up for duty.

To transform her into a troopship, she was stripped of her signature Cunard red, black and white and slapped with a coat of camouflage gray. Placed in storage, along the Hudson River, were her finer amenities including several miles of plush carpeting, expensive art deco furnishings, and more than 200 cases of crystal, china and silverware. The luxuries were replaced by an underwater sound detection system, a single four-inch gun, a mine sweeping protective system, and a degaussing girdle meant to neutralize magnetic mines. More than 2,000 stateroom doors were removed in order to install tiers of wooden bunks and rows of canvas hammocks. Once posh shops and boutiques were now the site of military offices.

Future refits would include the installation of several thousand standing room bunks to the ship's Promenade Deck, first-class swimming pool, and ladies' drawing room. Additional toilet facilities would be added as well as storage areas to house the several hundred tons of food and water that would be consumed by the many troops. Enhancements to the armament and the anti-aircraft defenses. Included a 40mm cannon, a 24 single-barrel 20mm cannon, six three-inch high/low angle guns and four sets of two-inch rocket launchers.

Any trace of elegance, except her graceful silhouette, had vanished.

THE GRAY GHOST ERA

The Queen Mary was the largest and fastest troopship to sail, capable of transporting as many as 16,000 troops at a speed of 30 knots. Even Adolf Hitler couldn't stop her, despite his offer of $250,000 and the Iron Cross to any U-Boat captain that could sink her. During the war, The Grey Ghost would encounter several close calls with the enemy, however, she would always manage to outwit the combined military intelligence of Germany, Italy and Japan.

After the United States entered the war near the end of 1941, the Queen Mary—now fondly referred to as The Grey Ghost—began transporting American troops. On August 1, she successfully carried a record number of 16,000 troops and crew across the Atlantic, but her second trip of similar proportions would not be so fortunate. On September 27, 1941, The Grey Ghost left New York Harbor bound for the United Kingdom. Five days later she was nearing Scotland when the bridge watch sighted the British cruiser H.M.S. Curacao, a 4,200-ton veteran of the First World War. It was now being used as an anti-aircraft escort ship. The Grey Ghost's Senior First Officer became increasingly concerned about the Curacao's proximity and ordered that the Queen Mary turn slightly away from the approaching ship. In a split second, the massive troopship sliced the smaller vessel in half. The Grey Ghost was ordered not to stop for any reason and she carried on despite the disaster. She sustained sizable damage to her stem, while the Curacao sank rapidly. Of the 439 aboard the Curacao, only 101 men survived.

In June of 1943, The Grey Ghost began her duty as a GI shuttle, making transatlantic crossings on a schedule that resembled her pre-war party days. The six day GI "shuttle" had thousands of men passing time playing card and dice games, watching nightly films or reading books. Those with more religious ties spent time in the ship's Protestant, Catholic or Jewish chapels. Daily lifeboat and abandon ship drills also made the monotomy more bearable, and some units occupied their time with training lectures and exercise. Eating and sleeping schedules were rotated in order to accomodate the troops. The elegant First-Class Dining Room became a 24-hour mess hall.

The Grey Ghost also served as a means of transporting prisoners, patients and "very important passengers." Her most notable wartime passenger was British Prime Minister Wintson Churchill. Churchill and his entourage of government officials were housed in staterooms outfitted with the trademark Cunard luxuries. Instead of having to stomach such wartime staples as chipped beef on toast, Churchill and his staff savored such specialties as macaroni Bolognaise, Navarin of Lamb and Corn Ox Tongue. Cigars and dinner mints, displayed on silver trays bearing Churchill's family coat of arms, were passed butler-style for all to enjoy. Despite the indulgence. Churchill and his staff maintained a grueling schedule aboard. Plans were orchestrated for an allied invasion; aerial offensives against Hitler were worked through, and many other strategies were in place before the ship reached its destination.

THE END OF THE WAR

On May 7, 1945, Nazi Germany surrendered ending the Second World War in Europe and in August, Japan would be forced to do the same. Almost immediately, The Grey Ghost began transporting American soldiers home. As the ship approached New York Harbor, troops swarmed the upper decks to get their first glimpse of the Statue of Liberty. Within two months, the troopship had returned more than 31,000 American soldiers to their native land, and the numbers would increase dramatically as similar voyages were made.

The ship's final tour of duty was one of her most pleasant, "Operation Diaper" was announced in January 1946, and more than 66,000 women and children were to be transported to their new homes in America and Canada. Before she could begin her "Bride and Baby" voyages, the ship had to be demilitarized in order to comfortably accommodate the women and children. Each of the staterooms was equipped with six comfortable beds—compared to the 12 to 16 standing room bunks occupied by the troops. Additional cabins, which would house expectant mothers, were installed with call bells connected to the ship's hospital. The functional mess halls—designed to move the troops in and out—were restored to relaxing dining areas complete with starched linens, china, crystal and silverware. The ocean liner was also given a clean sweep from stem to stem as engines, boilers and steering equipment were examined. Although her exterior was still painted a dull gray, the ship took on an air of elegance as she prepared for yet another historic voyage.

In February of 1946, the Queen Mary joined the "Bride and Baby" fleet and traveled from Southampton to New York in just five days. The war brides enjoyed an array of lectures, classes and social gatherings such as cooking and sewing classes; English language lessons; afternoon teas; bingo games and dancing lessons. The Queen Mary traveled more than 31,000 miles and transported more than 12,000 war brides and their children to America before embarking on several "Bride and Baby" voyages to Canada. Overall, the Queen Mary safely transported nearly 25 percent of all service dependents brought from Europe following the end of the war.

THE LEGEND

After transporting more than 800,000 troops, traveling 600,000 miles and playing a major role in virtually every Allied campaign, the Queen Mary retired from her 79-month military career. In the course of her duties, the Queen Mary had become a shipping pioneer. She was the first to carry 10,000 people at one time, the first to transport an entire American military division in a single crossing, and the first and only ship to ever carry 16,500 persons on a single voyage. The Queen Mary was constantly hunted by the enemy, but was never attacked. She never had to fire her guns in anger and never lost a single passenger to enemy action.

FLEXIBILITY FOR SCHOOLS TO MEET THE DIETARY GUIDELINES

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. GOODLING. Mr. Speaker, last year the Congress enacted changes to the National School Lunch Program and required schools to meet the Dietary Guidelines for Americans under the school lunch and breakfast programs.

Schools were allowed to use nutrient-based menu planning, assisted nutrient-based menu planning or a food-based menu system—which was the only method of menu planning used under prior law—as long as they met the dietary guidelines.

On Tuesday, June 13, 1995, the Department of Education published their final regulation on the School Meal Initiatives for Healthy Americans.

Schools throughout the Nation are concerned about the implementation of these final regulations. Of special concern are changes to the food-based menu system which will add from 10 cents to 17 cents to the cost of school meals. The reason for the increased cost is the requirement to add additional servings of grains, bread, and fruits and vegetables. Even schools currently meeting the dietary guidelines under the previous food-based menu plan would have to enact such changes. Estimates are that this will add $550 million per year to school costs—just for food. The alternative would be to use the nutrient standard menu plan, which would require schools to make a significant investment in computer hardware and require extensive training and technical assistance to implement the new software and procedures associated with this plan.

The legislation introduced today, will continue to require schools to meet the Dietary Guidelines for Americans. However, it will permit schools to use any reasonable approach to meet the dietary guidelines, including nutrient-based menu planning, assisted nutrient-based menu planning or a food-based menu system contained in the regulations issued by the Department. This legislation will neither negate nor postpone the requirement that schools implement the Dietary Guidelines for Americans as currently required by law.

This is sound policy and reflects my support for providing students with healthy meals which both meet the dietary guidelines and which provide schools broad flexibility in designing menus which appeal to students.

ELECTIONS IN ARMENIA—REPORT OF OBSERVERS

HON. GEORGE P. RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1995

Mr. RADANOVICH. Mr. Speaker, earlier this month, the Republic of Armenia held national elections. The country's citizens were called to the polls to decide both who would serve in their National Assembly and whether they would adopt a new constitution.

Because this was Armenia's first post-Soviet election for these purposes—a President was democratically elected in 1991—there was widespread international interest. Additionally, controversy occurred in electoral preliminaries that prompted a widespread wish that the process be internationally monitored.

At the request of the Armenian Embassy, I was invited to join as an observer. Although commitments in my own schedule precluded personal participation, two members of my senior staff agreed to my request that they take part.

My decision to be so represented in the Armenian electoral process had a particular basis in my constituency. California's San Joaquin Valley, and especially the community of Fresno, much of which I represent, is the home of many American citizens whose forebears came to this land from Armenia. Thus, the term, "diaspora," is heard to define the settlement of Armenians in the 19th Congressional District and other parts of America.

The report prepared by my staff members, Mr. Speaker, I believe is worthy of being examined by our colleagues, and I ask that it be entered in the CONGRESSIONAL RECORD accordingly. In doing so, I also want to add my appreciation to the individuals and institutions that their report notes afforded assistance in conducting their mission.

Finally, I wish to offer special thanks to the Lincy Foundation for covering the costs of travel and lodging for my staff members. By doing so, as is permitted by House ethics rules, the Foundation made it possible for an important international undertaking to go forward without its having to be a burden on the public purse.

REPORT TO THE CONGRESSMAN

(By Will Dwyer II, Counsel; and Steve Samuelian, District Director)

INTRODUCTION

The maxim that the past is prologue certainly helps an understanding of modern Armenia.

More than two millennia ago, the then kingdom of Armenia controlled an empire that stretched from the Mediterranean to the Caucasus. But, it fell first under the Byzantine Empire, followed by the Muslim Turks, then the Mongols, the Ottomans, and the Soviets.

Subordination to and maltreatment by foreign powers produced an intense national sensibility. Indeed, the Armenian-American author, playwright, and novelist William Saroyan (born in Fresno in 1908) captured that consciousness in perhaps his most famous quotation about his ancestors, "When two of them meet anywhere in the world, see if they will not create a new Armenia."

In this century, Armenia and her people have been put to tortured tests. An estimated 1,750,000 Armenians were massacred or deported by the Turks in and around 1915. With the fall of the Ottoman Empire, Armenia was briefly independent from 1918 until it was occupied by the Red Army in 1920, ultimately being incorporated into the USSR in 1936.

The so-called "glasnost" or openness policy that was adopted by the Soviet Union in the mid-1980s saw Armenian national identity reawakened. A declaration of independence was made in August 1990 but it was ignored by Moscow.

Armenia boycotted the March 1991 USSR referendum on the preservation of the Soviet Union, and held its own referendum in September 1991. After 94% of the Armenian people voted for secession from the USSR, independence was formally proclaimed.

By March 1992, Armenia had joined the new Commonwealth of Independent States, been accorded diplomatic recognition by the USA, been admitted into the Conference on Security and Cooperation in Europe (OSCE), and become a member of the United Nations.

What democracy has added to Armenia, two neighboring countries and nature, itself, have been busy subtracting.

Energy supplies and raw materials do not flow readily into Armenia because its traditional foe Turkey imposes a border blockade on the west as does Azerbaijan on the east. Those embargoes aggravate the national need to rebuild from an earthquake that hit Armenia on December 7, 1988, destroying 48 villages, and leaving 25,000 people dead and more than half a million homeless.

The Armenian conflict with Azerbaijan is rooted in many centuries of Christian Armenian and Shiite Muslim Azeri enmity over Nagorno-Karabakh, an autonomous region in southwestern Azerbaijan. Eighty percent of the enclave's total population of 193,000 are ethnic Armenians.

Since 1988, Nagorno-Karabakh has been in rebellion against the Republic of Azerbaijan. The conflict has claimed more than 15,000 lives and left an estimated 1 million people homeless. In 1994, Azerbaijan allowed Russian troops into its territory to help bring an end to the fighting.

THE ELECTION

Against this backdrop of history, culture, and economic tribulation, the adult (18 and older) members of the 3.6 million Armenian population, a third of whom live in the ancient capital city of Yerevan, were called to the 1,590 polling places of this landlocked, Maryland-sized country on July 5, 1995. (The official number of eligible voters was stated to be 2,189,804.)

Voters made their decisions on three ballots:

1. A referendum ballot regarding adoption or rejection of the Constitution (adoption requires a simple majority as long as the votes

in favor equal at least one-third of all listed voters).

2. A candidate ballot on the "majoritarian" system providing for the election on 150 National Assembly Deputies (one candidate is elected in each district provided he or she receives a majority of the votes cast in the district and the total votes received is at least 25 percent of the total votes cast).

3. A bloc ballot for political public organization on the "proportional" system providing for the country-wide election of 40 additional National Assembly Deputies (votes are cast not for individuals but for a political party that has selected a list of candidates to fill any seats won by it, based on a percentage share of all votes cast as long as their bloc receives a minimum of five percent).

Post-election reports by the Armenian government relate that "an estimated 65 percent of the eligible voters cast ballots for about 1,500 candidates who were campaigning for 150 majoritarian seats of the 190-seat parliament." Preliminary figures indicate the pro-government Hanrapetutiun (Republic) bloc gained "a clear majority" of the parliamentary seats. The same reports also say that the Constitution was favored by 68 percent of the voters, assuring its adoption.

The fairness and freeness of Armenia's election are likely to be debate sources for some time to come. There is little doubt that during the run-up to Election Day, the banning of a leading opposition party, closing of the newspapers, the disqualification of several of the opposition parties, and other deprivations of human rights raised serious questions about fair play.

In addition, we share a concern that even if the government has evidence of wrongdoing on the part of several Dashnak party leaders (as the government claims) that may not be sufficient justification for banning the entire party from participation in elections. It certainly is not justification for the closing of several newspapers, many of which were not even Dashnak, but the newspapers of other opposition parties that are not included in the government's allegations. It also needs noting that one of the newspapers closed is the undisputed leading newspaper in the Republic of Armenia with the most circulation and readers.

Where one observed actual balloting played a part in judging how well or poorly the system functioned. At some of the precincts we monitored, voting seemed to proceed smoothly. At others, objections were heard over procedural shortcomings in polling place practices. For example, Steve was witness to posters on the doors of several polling stations urging a "yes" vote on the government supported constitution.

We believe that general unfamiliarity with conducting elections contributed to difficulties of a mechanical kind. We also are of the view that lack of training and organization contributed to the election-day problems.

We share the concern issued by the U.S. State Department on January 18 about the pre-election closing of newspapers and banning of parties. Furthermore, we share the concern that many international organizations have expressed that the jailed opposition party leaders have been held for over six months without any evidence being brought forth by the government. As well, the fact that the prisoners have not been allowed visits by their lawyers or family members is a cause for concern. These actions do not seem to accord with democratic principles of due process.

Let it also be said that we recognize that Armenia is a young nation and that its current government faces difficult circumstances that include two unjust blockades and an economy that has been burdened for over seventy years with socialist policies. In addition, the tradition of closed elections in Armenia makes it difficult for the Armenian government to immediately and instantly make Armenia a Western U.S.-style democracy. The government has made some notable progress on economic reforms towards private property ownership and a market economy; it deserves recognition for these achievements.

Our observer work leads both of us to endorse, without reservation or condition, the content of the two-page press release issued by the OSCE Parliamentary Assembly delegation in the wake of the election. We also are aware that many of the monitors with whom the two of us collaborated during our Armenian activity also accept this statement as constituting an objective evaluation worthy of broad appropriation. To that end, we incorporate it in our report hereat:

[Press Release 6-7-95]

OSCE PARLIAMENTARY ASSEMBLY

PARLIAMENTARY ELECTIONS IN ARMENIA

A delegation of the OSCE Parliamentary Assembly monitored the parliamentary elections in Armenia on 5 July 1995 at the invitation of the Supreme Council of the Republic of Armenia. The Delegation, which was led by Annette Just, Member of the Parliament of Denmark, included 13 parliamentarians from eight countries and four members from the International Secretariat. Countries represented in the delegation include: the Czech Republic, Denmark, Estonia, Finland, Greece, the Netherlands, Romania and Sweden.

During their visit to Armenia, the OSCE Parliamentary Assembly delegation met with representatives from registered and unregistered political parties, the mass media, the Chairman of the Central Electoral Commission, the President of the Supreme Council, the President of Armenia, the Chairman of the Supreme Court, the Minister of Foreign Affairs, members of national minority groups, and non-governmental organizations.

On election day, members of the Delegation visited 15 administrative regions of Armenia, including Yerevan, and 60 polling stations, including their opening and closings.

The Delegation congratulates the government of Armenia for holding its first multiparty elections and recognizes this effort as a first and vital step towards democratic development. The Delegation also strongly encourages the citizenry of Armenia to participate in any subsequent rounds of voting that may be necessary to seat the new Parliament. In order for Armenia to take further steps in the democratization process, the OSCE Parliamentary Assembly delegation believes it is vital for the population of the republic to continue to participate fully and peacefully in all aspects of the electoral process. If election results or procedures are disputed, they must be protested through the appropriate legal channels and exhausted in the appeals process.

It is the opinion of the OSCE Parliamentary Assembly delegation that a lack of democratic traditions (both in governmental bodies and in the politically active population) in Armenia may have caused some difficulties in the electoral process in the republic. However, these were not determined to be the sole reason for all of the problems which were observed. The delegation considers that the elections, while generally well run in terms of procedures on the day of the elections, were also seriously marred by other pre-election conditions. Therefore, the delegation believes that the elections may only be considered by international standards as generally free but not fair.

The government is to be commended for allowing large numbers of domestic monitors to be an integral part of the election process. Inviting international monitors to observe elections is also an important step in opening up the electoral process. The following areas were highlighted as significant problems by Delegation members calling into question the fairness of the overall process (particularly in the pre-election period):

(1) Level Playing Field—(a) A six-month ban on the activities of an entire political party (as opposed to individuals accused of crimes) resulted in the removal of a major opposition voice from the elections process.

(b) A significant number of accusations of violence and intimidation against independent candidates (to encourage their withdrawal from the election) were heard by the delegation from a sufficient number of sources to raise reasonable speculation that such instances occurred.

(2) Election Law and Implementation—(a) The system to resolve complaints and grievances within the time required was insufficient to address the large number of appeals that were made. This potentially precluded some candidates from participating in the elections.

(3) Election Management & Conduct—(a) A lack of standardized procedures and training of local polling station workers resulted in disparities in conditions between polling sites. Although this may not have been intentional on the part of authorities, it belied the fact that apparently no effort was made to educate officials on correct procedures for democratic elections.

(b) Voter lists appeared to be grossly outdated and included large numbers of voters who no longer reside in those districts.

(4) Voter Information, Media Access & Coverage—(a) Although technical problems and a lack of media sources exist in Armenia, insufficient press coverage resulted in significantly large numbers of voters not knowing anything about candidates, platforms, or referendum issues.

(b) The heavy involvement of the executive branch of government, through the broadcasting and distribution of biased information to voters and displayed at polling sites, greatly overshadowed opposition points on view regarding the referendum and the campaign.

The Delegation wishes to note that although procedural and technical violations were witnessed in some polling stations, this generally appeared to be due to poor organization by local officials. Proper procedures at polling stations were observed to be more the rule than the exception. Adherence to the one-man one-vote principle was generally observed, as was the sanctity of the secret ballot. The Delegation also wishes to emphasize that a multiple number of parties and points of view were represented in the election and there appeared to be a definite choice between candidates. This combination of circumstances allowed for generally free election activity on July 5. Pre-election flaws, however, marred overall election fairness.

Although the conduct of the elections and referendum in Armenia was not perfect, the Delegation urges the Armenian population to continue to strive for the republic's future democratic development through continued high turnouts in subsequent run-off elections.

The Delegation will immediately send its initial findings to the Annual Session of the OSCE Parliamentary Assembly, currently meeting in Ottawa, Canada, and will present its final report to the subsequent Annual Session of the OSCE Parliamentary Assembly in Stockholm, Sweden, scheduled for July 2-6, 1996.

Further information can be obtained from Mr. Eric Rudenshiold, Program Director of the OSCE Parliamentary Assembly: Raadhusstraede 1, 1466-Copenhagen K, Tel +45 3332 9400, Fax +45 3332 5505

Congressman, it was an honor to represent you and your constituent interest in officially observing the recent Armenian elections. Thank you for permitting us the opportunity.

In closing, we add our appreciation to:

The Lincy Foundation for its generosity in making our mission possible without cost to American taxpayers, especially Jim Aljian for handling details superbly.

The Armenian Assembly of America, especially Tim Jemal of its Washington office and Edith Khachatourian and her staff in Yerevan for visit logistics.

The Armenia National Committee of America, especially Chris Hekimian, its Governmental Affairs Director, for so helpfully preparing us with information.

The Embassy of the Republic of Armenia, especially Ambassador Rouben Shugarian and First Secretary Tigran Martirossian for visa and related help.

The Armenian Technology Group (ATG), especially Executive Director Varoujan Der Simonian of Fresno and Chairman Dr. Arthur O. Hazarabedian of Lafayette, California for effective examples of assistance.

The American Embassy in Yerevan, especially Ambassador Harry J. Gilmore, Deputy Chief of Mission Ted Nist, and USAID Representative (Caucasus Regional Office) Fred E. Winch for hospitality and briefings.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 20, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 21

9:30 a.m.
Finance
To hold hearings to examine foreign tax issues, including the deferral of income tax on the earnings of U.S. businesses operating overseas, section 956A of the Internal Revenue Code, and the tax treatment of passive foreign investment companies and foreign sales corporations; to be followed by hearings on pending nominations.
SD-215

Rules and Administration
Business meeting, to mark up S. Res. 126, to amend the Senate gift rule.
SR-301

10:00 a.m.
Judiciary
To hold hearings to examine certain activities of the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury, and recent events in Tennessee.
SH-216

11:00 a.m.
Foreign Relations
To hold hearings on the nomination of Mark D. Gearan, of Massachusetts, to be Director of the Peace Corps.
SD-419

JULY 24

10:00 a.m.
Judiciary
To hold hearings to examine child pornography on the Internet.
SD-226

JULY 25

9:30 a.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 45, to require the Secretary of the Interior to sell Federal real and personal property held in connection with activities carried out under the Helium Act, S. 738, to prohibit the Bureau of Mines from refining helium and selling refined helium, and to dispose of the United States helium reserve, and S. 898, to cease operation of the government helium refinery, authorize facility and crude helium disposal, and cancel the helium debt.
SD-366

Governmental Affairs
Oversight of Government Management and The District of Columbia Subcommittee
To hold hearings on S. 946, to facilitate, encourage, and provide for efficient and effective acquisition and use of modern information technology by executive agencies.
SD-342

Indian Affairs
To resume hearings on S. 487, to amend the Indian Gaming Regulatory Act.
SD-G50

10:00 a.m.
Judiciary
To hold hearings to examine issues relating to prison reform.
SD-226

11:00 a.m.
Appropriations
Treasury, Postal Service, and General Government Subcommittee
Business meeting, to mark up H.R. 2020, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 1996.
SD-192

2:00 p.m.
Foreign Relations
East Asian and Pacific Affairs Subcommittee
To hold hearings on the current status of United States-SINO relations.
SD-419

2:30 p.m.
Governmental Affairs
To hold hearings on S. 929, to abolish the Department of Commerce.
SD-342

JULY 26

9:30 a.m.
Labor and Human Resources
To hold hearings to examine emerging infections and their impact on society.
SD-430

10:00 a.m.
Judiciary
To hold hearings to examine punitive damages reform.
SD-226

2:00 p.m.
Commission on Security and Cooperation in Europe
To resume hearings to examine the Chechnya crisis, focusing on prospects for peace.
2200 Rayburn Building

JULY 27

9:30 a.m.
Governmental Affairs
To resume hearings on S. 929, to abolish the Department of Commerce.
SD-342

10:00 a.m.
Judiciary
Business meeting, to consider pending calendar business.
SD-226

AUGUST 1

2:00 p.m.
Judiciary
To hold hearings on pending nominations.
SD-226

AUGUST 2

9:30 a.m.
Indian Affairs
Business meeting, to consider pending calendar business; to be followed by oversight hearings on the implementation of the Indian Tribal Justice Act (P.L. 103-176).
SR-485

CANCELLATIONS

JULY 20

9:00 a.m.
Agriculture, Nutrition, and Forestry
Business meeting, to continue to mark up proposed legislation to strengthen

and improve U.S. agricultural programs.

SR–332

9:30 a.m.

Energy and Natural Resources

To hold hearings on S. 871, to provide for the management and disposition of the Hanford Reservation, and to provide for environmental management activities at the Reservation.

SD–366

SENATE—*Thursday, July 20, 1995*

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. We have a guest Chaplain this morning. When I first came to the Senate he was my press officer. Later my legislative assistant, later my administrative assistant. One of the finest men I have ever known. He is now a lay preacher, author of many books, and an outstanding citizen.

We are honored to have him with us, Harry Dent, of Columbia, SC.

PRAYER

The guest Chaplain, Harry Shuler Dent, Sr., of Columbia, SC, offered the following prayer:

Let us pray:

Our Father, who art in Heaven, hallowed be Your name. May Your will be done on Earth as it is in Heaven. May all Americans, and especially the membership of this august body of distinguished lawmakers, be a part of Your solution to the evils, the moral meltdown, and the hurts that plague our country and people across the world. May we be Your guiding star of moral and spiritual righteousness for all Americans and all the people of the world.

Please take us as a nation and change us individually and collectively where we need to be transformed so we may be guardians and purveyors of Your great commission and the great commandment as presented to us by Jesus. Use us to turn America and the world to Your will, for Your glory and for the good of all mankind. Amen.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. DOLE. Mr. President, this morning leader time has been reserved. There will be a period for morning business until the hour of 10 a.m.

Following morning business, it will be our intention to go to the legislative branch appropriations bill. I hope we can get permission or clearance to do that. There will be rollcall votes, I understand, on that. It is also my hope that we can bring up the military construction appropriations bill. That would need the consent of our colleagues.

We need to do six appropriations bills before the August recess—whenever that starts. This will be very helpful. We will at least complete action on two of those this week. We still have the matter of the rescissions package, which I am not going to worry about anymore, for the next few days. I had it up to my eyeballs with the rescissions package.

Then we have also S. 343. There could be a vote on cloture today on regulatory reform. It seems to me we have just about reached—we have been negotiating, I think, in good faith.

We have had people on both sides. I think we are prepared to make some additional changes if that will be helpful. But I do not see much movement on the other side, as far as votes are concerned. It seems to me that that vote could come today. I will be visiting with the distinguished Democratic leader, Senator DASCHLE, and will make a judgment, whether that be today, tomorrow, or next week.

I did indicate to the President that I was inclined to accede to his request for Bosnia, but I want to talk to some of my colleagues on both sides of the aisle who are cosponsors. I certainly want to cooperate with the President where possible. I have indicated to the Democratic leader if we could work out some agreement on a vote on that early next week, that we certainly would try to accommodate the President's request.

Beyond that, depending on what happens today, we could be on the Ryan White measure tomorrow. On Monday, we will be considering gift and lobbying reform. On Tuesday, we hope to go to foreign ops and the State Department authorization bill. That will probably take at least 2 or 3 days.

I advise my colleagues, as far as we know at this point, there will be votes throughout today. There will be votes tomorrow. If there should be any change, I will certainly come to the floor and make the announcements so my colleagues on both sides of the aisle will have notice.

I reserve the balance of my leader's time.

MORNING BUSINESS

The PRESIDING OFFICER (Mr. ASHCROFT). Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 10 a.m. with Senators permitted to speak therein not to exceed 5 minutes each.

RESCISSIONS

Mr. WELLSTONE. Mr. President, I will manage the minority leader's time. Mr. President, I want to respond to the majority leader in a very positive, and by no means personal, way.

Mr. President, first of all, I thank the majority leader. He is quite right. There have been negotiations that have gone on for some time. I believe that we would be ready very soon to go forward on the rescissions package.

There were several issues. The majority leader has now been working with us. We have agreed to have debate on a number of amendments—one dealing with the low-income energy assistance, and the second one, which I really want to talk about and hope that there will be some change and restore some of the funding for this program. The other has to do with the job training and education programs.

Mr. President, the only disagreement—and I believe it will be worked out—has to do with a counseling program which, I say to my colleague from Missouri, I would like to talk about for a long time. I will not, because other colleagues want to speak, and I will get a chance to speak later.

This is an interesting program, Mr. President. The ratio, Members will like this, of paid staff to beneficiaries is 1 to 2,000. It is not topped down. It is out in the States. This is a program that is extremely important. It is what we are all about. It is basically a few paid staff that in turn nurture a lot of volunteers that in turn provide seniors with just basic information about their health care coverage. People sometimes find that bewildering, and sometimes there is unfortunately some ripoff when it comes to supplementary Medicare coverage. It is extremely successful.

The majority leader said last night, and he is quite correct, that he has now been working with us and actually is helping me to restore the funding to this program. It does not require a lot of resources. We are talking about restoring $5 million. It was a $10 million program. By the way, Mr. President, sometimes these numbers seem small to Members but this program makes a huge and positive impact in the lives of a good many very vulnerable citizens.

The only confusion and disagreement was that I was waiting for the reprogramming of this. I thank the White House for their help. I certainly would like to thank the minority leader. What I wanted to be careful about, and this just simply had not been worked out yet, is that the reprogramming was not a "rob Peter to pay Paul." I did not want to take this money from another program that was extremely helpful, for example, to seniors.

So, Mr. President, the only delay, and I think it is a very slight delay, and I see no reason why we cannot go forward, is to make sure we have a reprogramming done. I also wanted to make sure that my colleagues had some understanding on appropriations. I mean, both the majority chair of the committee, Senator HATFIELD, and the minority chair, Senator BYRD, I wanted to make sure that they were fully apprised of where we were going on the reprogramming. That just did not happen last night. That is the one missing piece. It all goes together. There would not be a need for a third amendment if we work that out. I think we will.

Mr. President, I will just say what I have said all along, which is—I am speaking for myself; I think Senator MOSELEY-BRAUN would say the same thing—we really believed that it was important that the bill not just go through here without some debate and discussion. We wanted an opportunity to have some amendments. We have agreed to a limited time. We are ready to go forward, and I think we can.

Again, I say to the majority leader and I say to colleagues, at this point in time we have one piece to work out. I believe that will happen this morning. I see there is no reason why we cannot get the reprogramming part taken care of—that will be the piece that the majority leader and I are now working together on, which is of course always the best way to proceed, if you can—and then we will have a limit, time limit on two amendments that will deal with the two other areas. Then we will have a vote.

Mr. President, I say this morning because I am quite confident that we can move forward and I will be ready to do so when the majority leader is ready to do so. We will just wait to work this out on the reprogramming part, and then we should be ready to go. That is what we have been aiming for all along.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

THE RESCISSIONS BILL

Mr. BOND. Mr. President, I am encouraged that we could have some movement on the rescissions bill. There are many important issues that are facing this body right now. I happen to think that regulatory reform is extremely important, not only for small businesses, for farmers, but for the growth of our American economy.

But, as we look at these long-range programs, we have a very severe short-term problem. I have the distinction of chairing the Veterans Administration, HUD, and Independent Agencies Appropriations Subcommittee. This so-called rescissions bill is actually an emergency and rescissions bill. It is the supplemental emergency bill because the Federal Emergency Management Agency is getting very close to running out of money. We have had disasters, such as the California earthquakes and fires and floods, we have had the bombing in Oklahoma City, we have had floods in the Midwest, and the money available for FEMA is about at its end. Nobody expects a disaster to occur and the Feds to say, "Sorry, we cannot come. We do not have any money." But we are about at that point.

That is why this bill, the emergency supplemental and emergency rescissions bill, is vitally important. That is No. 1.

Second, we have had our defense budget drawn down because of police actions, responding to needs in various parts of the country. The distinguished chairman of the Defense Appropriations Subcommittee will tell you, if we do not get this bill through, in September we are going to have to shut down operations for ships, for airplanes. That means that American pilots, who have to maintain their currency, will not be getting that currency. It will be dangerous to them.

These are the needs for the emergency supplemental. But let me tell you first hand, as one who worries every day about funding the vitally important functions of assisted housing, of medical care for veterans, of EPA, NASA, and others, what is going to happen if we do not pass the rescissions bill. This is not a question of reprogramming and we are going to fine tune things here and there. We have taken a rescission hit. We have, in this rescissions bill, given up $8 billion in budget authority. That is money appropriated for the current year but which will not be spent until future years.

The reason we had to do that is because HUD, primarily, has been spending out of control. And, in HUD, when you appropriate money 1 year, you get the budget authority out there but it starts spending out in future years. So 60 percent of the dollars that will be spent next year in the subcommittee that I chair are spent as a result of previous years' appropriations. And our limit, what we can spend in that year, is determined by the actual outlays.

We have, in all, over $6 billion of budget authority rescinded in HUD under this bill. We have worked with Housing and Urban Development, we have worked with our colleagues on the other side, and while nobody likes to cut budget authority, they have agreed that this is the least harmful.

Let me tell you what happens if that rescissions bill does not go through. If that rescissions bill does not go through, we have another billion dollars of outlays in the Department of Housing and Urban Development that we cannot control. And that is likely to mean that we will not have the money to continue to provide public housing in federally assisted housing for all of the 4.8 million families that depend upon HUD funding for their housing during the coming fiscal year of 1996. We are going to be hard pressed to fund that housing and other vitally important programs like CDBG, and HOME, and the work of the Veterans Administration and NASA, as it is. I think we can do it if this rescissions bill passes.

If this rescissions bill continues to languish as people try to work out reprogramming for the last 2½ months of this fiscal year, if we do not get the rescissions bill, those who hold up the rescissions bill will have to go home and explain why some people are going to be thrown out, thrown out of federally assisted housing they now occupy.

The subcommittee on Labor and HHS has $1.3 billion in outlays that depend upon this bill. This rescissions bill is vitally important. I urge my colleagues to move it.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE LINE-ITEM VETO

Mr. DORGAN. Mr. President, this has been a very interesting year in Congress with the change in control in both the House and the Senate; in some ways refreshing, in some ways very disappointing. This is the year of reform and change. Many of the changes and reforms are useful and interesting. Many others are just downright nutty. I will give you an example of some.

The notion that when the Soviet Union is now gone we should start to build star wars with money we do not have at a time when this project clearly is not necessary. In my judgment, that's a nutty idea.

We stick $9 billion into defense that the Department of Defense says it does not want or does not need. That makes no sense to me. That is not reform or change.

Maybe, as one had suggested, charge admission to tour the U.S. Capitol. In other words, charge the American citizens admission to take tours in the U.S. Capitol in order to raise money to reduce the deficit? It seems to me that qualifies as a nutty idea.

Provide laptop computers for poor kids at a time when you are cutting school lunches? Another nutty idea.

I have said there are a lot of goofy ideas. There are some good ideas, some of which I have supported, one of which is the line-item veto. I want to ask some questions about that this morning.

On February 6 of this year, this Senate passed a bipartisan proposal on the line-item veto. I happen to think, and have thought for a long while, it makes sense for a President to have a line-item veto. Most Governors have it. The President ought to have it.

We passed a line-item veto here in the Senate on March 23. The House passed it on February 6. It is now over 120 days, and the question is, where is the line-item veto?

Today we are going to start on our first appropriations bill. Soon those appropriations bills will go to the White House. My guess is that those who wrote the Contract With America and included the line-item veto in the contract, those who were so urgent about the need for a line-item veto as they spoke on the floor of the Senate and the House, are now less interested in really having a line-item veto if it means that a Democratic President in the White House has a line-item veto to get rid of Republican pork in appropriations bills.

I noticed yesterday, in a newspaper, "Gingrich Gets $200 Million in New Pork," it says in the headline. I do not know what this is about. It is just "pork" in an appropriations bill—"Gingrich Gets $200 Million in New Pork," in an appropriations bill.

I am going to go to a markup in 10 minutes, in which I know there are about five or six provisions in this authorization bill that represent special little projects in someone's State.

So what happens to the line-item veto? Why do we not have a line-item veto moving so that the President might sign the bill and have the authority to remove this pork with a line-item veto in appropriations bills this Congress is going to pass?

I think I know what has happened to it. The House of Representatives 120 days later has not even appointed conferees to go to a conference with the Senate on the line-item veto. Why have they not appointed conferees? Because I do not think they really want a line-item veto. I do. I voted for it. I voted for it many times in Congress. And I felt in March of this year when the Senate passed it, and the month before when the House passed it, that maybe those who said it was an urgent priority on the other side of the aisle were serious. It now appears they were not serious at all. It now appears to me they were much more interested in producing pork than producing a line-item veto bill.

If there is a lost and found department in the Congress, I hope someone will call and ask, where is the line-item veto bill?

One of our colleagues has treated us to a big yellow sign every day which says, "Where is Bill?"—which is not in my judgment a very respectful reference to the President. But "Where is Bill?"—asking, "Where is the President's budget?"

I guess, if I were inclined with that sort of approach, I could bring a chart here that says, "Where is the bill?"—and hang up "120 days" on the chart to ask the question, "Where is the line-item veto bill?"

We passed it. The House passed it. And there is no conference because the House has not even appointed conferees. Is the reason they have not appointed conferees because they want to lard up the appropriations bills with pork, $200 million in pork by the Speaker of the House and they do not want a Democratic President to veto the pork out of these bills? If that is the reason, they are wallflowers when it comes to fighting the deficit.

Let us decide to cast this line-item veto bill, get it through conference, and get the President to sign it. Let us have a bite at these appropriation bills right now with this deficit. If you care about public policy and about the line-item veto, if you voted for it in the Senate, as I did, if you voted for it in the House, as the majority did, I hope they would start asking the question, "Where is the line-item veto?" Why do we not expect the Speaker to appoint conferees? Why do we not have a conference report, bring it from the House, have the Senate pass it, and get it back to the President so that he can exercise the line-item veto on these bills?

THE ORGANIZATION OF ECONOMIC COOPERATION AND DEVELOPMENT

Mr. DORGAN. Mr. President, I would like to go to one other subject today briefly. It is one that almost no one knows anything about, including the Presiding Officer. It is called the Organization of Economic Cooperation and Development or OECD. It is an international organization that we pay 25 percent of the total cost. I do not think anybody in here really knows much about it. There are a lot of international organizations.

This year the United States will contribute about $62 million to fund the OECD. We are a member of the OECD. I am told that they meet in the finest places in the world and are headquartered in Paris. When they hold a meeting, they hold a meeting in a fine, great hotel in one of the great cities of the world. Folks come from all over the world to attend OECD meetings, the Organization of Economic Cooperation and Development.

One of the things they did recently is approve a report, a document statement, in which this country participated and signed, that talked about how you apportion the tax burden of international corporations among the countries in which they do business.

This little document said the OECD, with the United States signing the document, rejects something called global formulary apportionment. It does not mean much to anybody. But what it means to me is this country signs on a dotted line, along with the other member countries of the OECD, saying the United States is willing to give up or forgive about $15 billion a year in taxes that ought to be paid to America that will not be paid.

Seventy-three percent of the foreign-based corporations doing business in the United States pays zero in Federal income taxes, despite the fact they earn hundreds of billions of dollars here. There are companies that sell cars, VCR's, television sets, and other products—whose names you would recognize instantly—that do business here every day earning billions of dollars and pay zero in U.S. income taxes. Not pay a little bit—pay nothing in Federal income taxes.

Why is that? It is because the IRS is stuck with an outdated tax enforcement system which the foreign corporations love, and which foreign governments love as well. It is called the arm's-length method, which is used to evaluate transfer pricing that exists between related corporations. Tens of thousands of foreign corporations do business in the United States through U.S. subsidiaries that they own and control. These integrated companies sell things to themselves back and forth, and establish their own prices on those transactions. That is why we have examples of tractor tires being sold between corporations that are related for $7.50 for a tractor tire; a piano for $50; a safety pin for $29; toothbrushes for $18. Why would corporations price tractor tires at $7.50? Because they are moving profits in or out of countries with corporations they control, and that is called transfer pricing.

We use a system in taxing called the arm's length methodology which is an archaic, buggy-whip system. It is like taking two plates of spaghetti and trying to attach the two ends together; taking different corporations and connecting them together to save in a market system. It is a system that is totally unworkable and unenforceable. The result is massive tax avoidance. This country is losing to the tune of $15 billion a year, in my judgment, because we have not replaced this flawed system with a simple formula approach, as the States have used successfully for decades. I might say with respect to domestic businesses operating in different States that there is a standard formula that is used to apportion profits between jurisdictions using the amount of payroll, property, and sales as a guide. But the IRS's continued use of the arm's length method means we are losing $15 billion every year from the biggest international corporations in the world which do not pay taxes, despite earning huge profits in this country.

Our U.S. representative at the OECD signs on to an agreement that says we reject the use of formulary apportionment.

So as a result of that, I wrote to the Secretary of the Treasury and the Secretary of State and said tell me about the OECD. Who is involved in these negotiations? Where were the meetings held? What corporations were involved to persuade them to do this? They said we cannot give you that information. It is confidential. You have no right to the working papers of the OECD. They are secret.

I said, Wait a second. I am part of a group that funds them; about $62 million this year from U.S. taxpayers' will go to the OECD. You are saying that we do not have a right to see the information?

I asked a series of detailed questions of both the Secretary of the Treasury and also of the Secretary of State to try to understand what is going on. The fact is you cannot get information. It is secret or otherwise unavailable, they say. If it is so secret, maybe they do not need our money. Maybe they do not need $62 million.

I want to share with my colleagues the money that goes to OECD. At a time when we are saying we do not have enough money to deal with problems in this country, including problems of families who are struggling very hard, a whole range of areas, nutrition, education, and so on, here is what has happened to OECD, the Organization of Economic Cooperation and Development.

In 1990, the American taxpayers contributed $36 million to the OECD. In 1995, $62 million—only 5 years later and our share nearly doubled. That is pretty interesting. In fact, from 1994 to 1995 the OECD, this little number in the State Department goes from a $50 million to a $62 million contribution.

We wrestle and debate on the floor of the Senate about why we have $5 million here or $10 million there. Mr. President, $62 million now goes to OECD, and it is on a steep increase; nearly doubling in the last 5 years.

They are off making deals with international corporations, and with other countries in a manner that will affect us by, in my judgment, shortchanging us probably $15 billion a year in taxes that we ought to get that we will not from foreign corporations that make profits here. Then they said to us you have no right to see the information.

Well, I would say to the Secretary of the Treasury, if you think that is going to stand, you are wrong. When the appropriations bill comes to the floor and you want more money, you had better be here with a lot of information. Otherwise, in my judgment, we are going to have a whole series of votes on the OECD, and you may lose a whole lot of money because you cannot say to us give us the money for these international organizations, but we do not have any interest in telling you about what these organizations are doing and what the policy implications are for this country.

So I would say to the Secretary of the Treasury and to the State Department, if they are listening, that they will not enjoy the debate we will have when the appropriations bill comes to the floor if they think we should spend $50 million or about $63 million as they have now requested in 1996 for OECD, and still take the position that we have no right to the information developed by this organization.

This is I know an arcane and difficult issue. And there are not many people that are even very interested in it. When I talk about the arm's-length method of tax enforcement versus a formulary method of tax enforcement, when you talk about transfer profits, transfer pricing, and enforcement methods, I understand why people's eyes fog over.

But I do not understand why a small business person who starts up a business and makes a profit and is required to pay taxes should have to watch as another large international business enters the American marketplace, has $5 billion worth of sales, make three-quarters of a billion dollars in net profit and pays zero in taxes to the U.S. Government.

It is not fair, and it ought to stop. We ought to expect those foreign corporations that do business in America to pay their contribution on their profits just as our Main Street businesses do every single day.

There is, I know, a web of complexity about all of this. I know that the State Department and the Treasury Department and others view this in some respects as a foreign policy issue and in some respects as an economic policy issue—only they understand and no one else is capable of understanding.

I might say the Senator who is presiding at the moment was recently a Governor of a State. The States faced this problem. They faced it because we have a lot of businesses that do business in every State in the Union, and the question was, how do we divide their profits? How do we know what part of their profits go to Indiana, Ohio, or North Dakota?

The States grappled with this and came up with a three-factor formula, and they said we are going to pass something called UDITPA, uniform division of income tax—payroll, property and sales. You make $10 million and 1 percent of your payroll, 1 percent of your property, and 1 percent of your sales were in that State, then 1 percent of that profit should be allocated as the tax base, and that is the way it worked.

The fact is the States have led on this issue for decades; they solved this problem. And you look at what the Federal Government is doing with international corporations with exactly the same problem, and they are using a buggy-whip approach that is losing billions of dollars.

More importantly than losing the money, we have created the situation where we say to foreign corporations, You come in here and do business and you will receive a major advantage. You can do business and play a game so that you do not have to pay any taxes, but the American businesses that stay here at home and do business only here at home must pay certain taxes on their profits.

What is the consequence? The consequence is that the American business is disadvantaged because the foreign competitor gets by tax free. And that is the problem here.

I have alerted by letter and received apparently one giant yawn from the bureaucracy of this problem, and I wanted to alert them that they are not going to have a very pleasant August and September with their appropriations bills if they think they can tell folks in the Congress that they want $63 million for an international organization which send its representatives to the finest hotels in the world to meet for a while and sign documents that, in my judgment, contravene this country's interests, and then say to us who appropriate the money, "Take a hike" when we ask them to show us the documents that were used and all of the information that was developed in the construct of this policy.

Mr. President, it was therapeutic, if nothing else, to be able to talk about this in the Chamber this morning, and we will have a lengthier discussion on this subject when their appropriations bills come forward.

LINE-ITEM VETO

Mr. President, let me make one final point. I will again be addressing the question of a line-item veto in the coming days because it is time for the House to appoint conferees, time for a conference, time to have a line-item veto. I want to find out who is interested in producing a line-item veto versus who is interested in providing pork. If we are interested in the line-item veto, and I am—and I guess I voted for it 15 or 20 times in my career—I hoped when I voted for it in March we would not be debating in July whether or not we are going to have a line-item veto. Some, apparently, have decided to move into slow motion here while there is a Democrat in the White House. That is not the way the line-item veto works. And while we see headlines that say "Gingrich Gets $200 Million in New Pork," I would ask, where is the line-item veto?

Pork is bipartisan and done on a bipartisan basis. I would like to have a line-item veto in the hands of Democrat or Republican Presidents to address it. If someone has some notion of where this bill is or what is holding it up, maybe we can find out if we can get a line-item veto in the hands of this President before these appropriations bills get to the White House.

Mr. President, I yield the floor.

Mr. President, I make a point of order a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SANTORUM. I thank the distinguished Presiding Officer.

WELFARE REFORM

Mr. SANTORUM. Mr. President, I rise to continue a forum that we started here as the 11 freshman Republican Members of the 104th Congress to talk about the issues that were important to us during the campaign that are now coming to the floor of the Senate and give a perspective of those who are more freshly from the hustings to the Senate and to the people listening.

Today, the issue that we are going to discuss—and I know the Presiding Officer, the Senator from Missouri, has been an outstanding advocate in his short tenure in the Senate on this issue—is welfare reform. Senator ASHCROFT served as the Governor of Missouri for 8 years and instituted welfare reform and has been a tremendous advocate for really dramatic reform in the States.

Later today, Senator ASHCROFT, along with Senator GRAMM, Senator GRAMS, and others, is going to have a press conference to discuss a version that we are going to put forward which I believe, of all the bills that have been introduced to date, both in the House and the Senate, is probably the most dramatic, the most forward looking, the most flexible, and the most meaningful welfare reform package that has been put forward. When I say meaningful, I mean meaningful to the people who are in the welfare system or who may find themselves at some future time being caught in that net.

We believe this is a dramatic departure from business as usual, and it is something I am very excited about. I have worked on the welfare reform issue as a member of the House Ways and Means Committee and chaired the Republican task force last session of Congress to come up with a Republican welfare reform bill. We worked 9 or 10 months in extensive meetings and came up with a bill—it was included as part of the Contract With America—called the Personal Responsibility Act. That formed the basis of the bill that was eventually passed, H.R. 4, by the House, and what we have done really is take that product and taken it one step further and allowed more State flexibility, more local experimentation.

One of the provisions that is in the bill that I am very proud of that the Senator from Missouri was the author of is a provision that says that community organizations, local community organizations, nonprofits, churches could actually be the welfare agency in a local community, really get back to what we know works. And what we know works in dealing with the problems of poverty are people who are in the community, who care about the people that they are serving, not someone hired from the State capital to monitor caseload, but someone who lives next door, who goes to the same church as the person who is going through the difficult time in their life.

Those are the kinds of really dramatic reforms that are in the Gramm bill that we are going to be introducing today. And I am excited about it. I think it is a good mark. It shows where we want to be ultimately on the issue of welfare reform: Multiple block grants, some flexibility within those block grants to allow States to deal with emergencies or an increase in maybe the number of people who need nutritional assistance, so they can move from one fund to another maybe people—there is an increasing surge in day care requirements. The same thing allows that kind of flexibility for the State to be able to move funds around from account to account. I think that is an important change. Again, the Senator from Missouri was the one that put forward these ideas. So I am excited about that bill.

Let me say that I do not think that is where we are going to end up. That is where I would like to end up. So I am on the bill. That is where I would like to end up. That is where I would like to see somebody come down and say, this is the way we should go, this is the dramatic step forward we should take.

But just like the House where there were bills that were introduced that were more dramatic than was passed, H.R. 4, I think we will have to come up with a more modest approach if we are going to get the 60 votes required to pass a welfare reform bill in this body. And I am confident we can do that.

I am, also, at the same time—having worked with Senator ASHCROFT, Senator GRAMM, and others, working with Senator PACKWOOD, Senator DOLE, and others—trying to come up with a bill that we can form that takes, hopefully, a lot from the Gramm bill, but reaches across to try to get Members who may have concern about providing too much State flexibility, too much local control and provide some sort of compromise that can get the required votes to pass this Chamber.

I think this issue and the opportunity to make dramatic changes is here. And this issue is too important for us to hold out for the perfect solution. I think we need it out there as a goal. But at the same time I think we have to be practical and understand that we have to get what we can today. And if we can, as will be in the Packwood bill, also in the Gramm bill, is a block grant of the AFDC Program to allow States the flexibility to put forward their own plan for welfare recipients, to give them the opportunity to get into jobs, to get into job training, and put stiff work requirements, put a time limitation—those kinds of things that we know work in getting people off the welfare dependency cycle back into the mainstream of American life. Those are the kinds of things that we need to say, "States, do the innovation, do the work that is necessary for your individual States to be able to transition people off." We are going to give that flexibility, and in both bills.

That is only a small piece of the welfare pie, AFDC, what many people, certainly a lot on the other side, consider to be welfare. I think welfare is a much broader category. They say AFDC is the welfare program, Aid to Families With Dependent Children. If we can block grant that program, end the entitlement nature, end the dependency that results from someone being guaranteed money for doing things that, frankly, most people would say are not what we want them to do: Have children out of wedlock, do not get a job, do not get job training, do not try to do anything to get yourself out. We will give you more money. I think that is a very perverse incentive. End that entitlement. Say that after a certain period of years, you cannot continue in this life. That we will help you but you must help yourself. It is a contract between those who want to help and those who are to be helped. That piece alone, if we can block grant that piece, send it to the States, give them the opportunity, with a string that says you have a 5-year limitation, you have to have a work requirement; if we can do that piece alone, I think we will make a major change in the lives of millions of Americans and give them the opportunity that they have not seen under this system, which is intended to be compassionate but is nothing but destructive to millions of lives, families, and communities across America.

We have that opportunity today. I think we can get 60 or more votes for that provision. We should go as far as we can. We should try to do more. We should do food stamp reforms. I would like to see a block grant for food stamps. I do not know if we can get a block grant for the Food Stamp Program. If we can get major reforms that came out of the Agriculture Committee that require work for people who are on food stamps, that get rid of a lot of the waste and fraud that encourage electronic benefits transfer, which is being used just north of here in Maryland and other places, in isolated programs, for example, in Berks County in Pennsylvania, using the debit card as opposed to a food stamp. It cuts down tremendously on fraud. We need to encourage that for States to be able to do more of that, to reduce the amount of food stamp fraud, which I know is a very sensitive issue among millions of Americans who see the fraud every day at the grocery store.

Those are the kinds of things that we can and should debate here on this floor. And I am hopeful that we can bring a bill—I want to doff my cap to the majority leader for his courage in setting forth the last week of the session before the recess to do welfare reform so that we can come here and have a great debate before we get into the reconciliation process after we come back, but have a debate focused solely on the issue of welfare reform. Many have encouraged the majority leader to just fold welfare reform into reconciliation and consider it all one big package. I think that is a mistake. I do not think it gives welfare the kind of focus that it deserves in changing America.

So I appreciate the opportunity to come here and talk about this. I want to again congratulate the Presiding Officer for his tremendous work on this issue. And I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

WELFARE REFORM, NOT REFORMATORY

Mr. WELLSTONE. Mr. President, first of all, before my colleague leaves, we come here to speak on the floor and we have other engagements. Let me just say to him that I think we are totally in agreement on the need for a full discussion and debate. Hopefully, it will be one that is done with a considerable amount of substance and grace and dignity on welfare. I do think it would be a mistake to fold this into a reconciliation bill because I think whenever you are considering such a major departure from public policy—and this is a major departure of public policy—it is a mistake to fold it into the reconciliation bill where you really do not have the opportunity for the debate and discussion.

I say to my friend from Missouri that, if he is going to speak in morning business, I would really prefer to let him have the time, so I will just take 2 minutes rather than taking up the rest of the time for now. I do think there are a couple of things that concern me about what is called welfare reform.

First of all, I want to make sure it is not reformatory as opposed to reform. It seems to me real welfare reform enables a family—and in the main we are talking about women and children—to make the transition from welfare to workfare. Now, we have been talking about that for a long time. Actually, Franklin Delano Roosevelt talked about that in 1935 when what we now know as the AFDC Program was introduced as a part of the Social Security Act.

The problem is when we talk about moving to workfare as opposed to welfare, it is very difficult to have any welfare reform unless, in fact, there is affordable family child care. I mean, it is very difficult today for a single parent. Almost all of these single parents are women. In some ways I wish more were men. And I wish there were less single parents, period, No. 1; and, No. 2—and I think the Chair and I agree on this—men took more responsibility. But if we are going to say to a single parent, "You need to work," there are a couple of critical ingredients to make sure this is real welfare reform and not reformatory. One is for especially smaller children, that there is affordable child care. That is not done on the cheap.

I know that in Minnesota, one of the problems that we have run into—and I think we are doing a really good job on welfare reform—is we have long waiting lists. As a result of that, many of the mothers that you talk to cannot make the transition to work because they simply cannot afford or find—not custodial—but developmental child care for their children.

A welfare family is not 1 mother and 10 children. We are usually talking about one mother and two children.

I will be done because I do not want to take the time away from my colleague from Missouri and we will have plenty of time for debate on this.

The second point is the one we talk about all the time, which is we have to somehow figure out where health care reform fits into this, because all too often what happens is a single parent goes back to school, a mother goes back to school, a community college, maybe then finishes up at the University of Minnesota, then tries to get a job. The Washington Post had a very, very good portrait about this. What happens is, you are no longer receiving Medicaid, you are paying child care, and if you look at the wages that are out there for jobs, you are behind. So we have to make sure that, in fact, families are able to make this transition without punishing families. So I think the health care reform piece is critically important.

Finally, I think this is a challenge for all of us. I think it goes well beyond welfare reform policy. We really need to look at the fundamental question of standard of living in this country and the squeeze on the vast middle class and what has been going on for the last 15 years, plus—I am not pointing the finger in any party direction—and I think the overwhelming challenge is to have an economy that produces good jobs that people can count on. I think that has to be part of welfare reform as well, so a mother has a job that pays a wage, has benefits on which she can support her children. I think we need to look at these much more carefully.

I could say more. I will not. My colleague is anxious to speak. I yield the floor.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Missouri.

RESTORE HOPE AND OPPORTUNITY

Mr. ASHCROFT. Mr. President, it is true that there is a broad consensus that people understand what we have attempted to do with our welfare system has been a failure. If you want to see what our current Washington-based, one-size-fits-all welfare program has done, to see how the perverse incentives of the welfare system have failed, I guess you could go just a couple blocks from here. There you can see a generation raised by welfare and fed through food stamps, but literally starved of nurture and hope. You will meet young teens in their third pregnancy. You will meet children who not only do not have a father, but they do not know any other child with a father. These are tragedies of the current system, and these are the realities against which reform must properly be judged.

There has been a great deal of reporting recently on divisions in our discussion on welfare. I would like to make something as clear as I possibly can. While it may have taken us some time to reconcile our differences in terms of the strategy that we have, we have never forgotten the horror of our current system, we have never disagreed on our fundamental values, and we have never wavered from our central commitment, and that is to end the system of welfare we have now, to strengthen States and communities, to restore hope and opportunity to the millions of Americans for whom such words now are tragically words without definition or words without meaning.

I might add that it is important for us to understand that as well meaning as we might be in Washington in seeking to find a single solution to all of the problems that relate to the needs of people that would move them from dependence to independence, it would be inappropriate for us to try and find a solution because there are lots of solutions that are going to be necessary, and no one garment will fit all children and no one vehicle will carry all loads and no single system imposed from Washington on this great Nation will be productive in moving people from the web of dependency to the opportunity of independence.

We really need for the creative capacity of the States, the innovation and the energy of people who are working to develop their own systems and the commitment that that investment in their own systems brings, to be allowed in a new system which would give States the opportunity through block grants to develop the strategies which will elicit the response among the citizens of the communities that those States represent.

So as we work together, and I am pleased to have had the opportunity to work with so many people in this respect, through vigorous discussions and the discussions I have had have been no more vigorous with anyone than those discussions which I have had with the distinguished Senator from Pennsylvania who inhabits the Chair at this moment. But it is that kind of discussion, it is that kind of exchange, it is that kind of a collusion of ideas that provides the opportunity for the truth to emerge and for the real progress to be made.

In the weeks ahead as we debate welfare, it is my hope that this debate will serve as a trial. It should be a trial that will indict the abuses, the horrors, the lies of our current Washington-knows-best, one-size-fits-all perverse, incentive-laden system of welfare. It is my intention in the weeks ahead to try and ensure that an understanding of the current system happens so that we can avoid making the mistakes of the past over again. Someone much wiser than I has said appropriately that those who ignore history are destined to repeat it. Let us not be destined to repeat the horror of our welfare system.

Today, I just want to begin by talking about an incident that probably all of us remember, because we cannot forget. In February of 1994 in the process of a routine drug raid in Chicago, police stumbled upon 19 young children, some handicapped, living on dirty mattresses in an unspeakably filthy six-bedroom apartment infested with roaches and soiled with animal dirt.

The Chicago Tribune reported it this way:

> The children of [six] mothers from [six] fractured families * * * [were found] vacantly watching TV * * * [and] fighting over the remains of a chicken bone that the family dog had eaten.

President Clinton said that the despair and wasted human potential within that one Chicago apartment was not merely a social problem from far off places like Calcutta, India, but the heart of a very domestic problem occurring in urban centers all around America.

Among the adults that lived in that apartment, more than $65,000—more than $65,000—per year was received annually in public assistance, aid that took the form of cash payments, food stamps, medical care. Somehow, some way that money was not having its intended effect.

A system designed with the best intentions, unfortunately is leading to the destination of the road paved with best intentions; a system designed with the best intentions is eliciting and encouraging the worst behavior; a system which built change of dependency rather than breaking shackles.

In that house, there were no fathers to be found, no hope to be found for anyone. This is a tragedy that happens all across America, and it is a tragedy of our current system.

So as I conclude, let me just say that as we consider welfare reform, let the true measure of our reform never be the dollars that we might save, or the bureaucracy that is cut, or the programs that are reduced. But let our measure of reform be found in the ability to move people from hopeless governmental dependence to hopeful economic and personal independence, from the grasp of a perverse system of Government programs to the embrace of the loving and caring communities and the limitless opportunities of America.

Mr. President, I thank you.

Mr. INHOFE addressed the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

WELFARE REFORM THE COUNTRY WANTS

Mr. INHOFE. Mr. President, I see morning business is about to be concluded. I want to make a couple comments about our subject of the day, the welfare reform the country so desperately wants.

The post-election survey showed that there are three major elements to the mandate of the election of 1994. They were: We want to do something to eliminate the deficits; we want to do something meaningful about regulatory reform; and we want real welfare reform.

Mr. President, I am very proud that we in this House, the Senate, and over in the other body, submitted and adopted a budget resolution that is going to end up eliminating the deficit by the year 2002. So the President could not veto it, or I am sure he would have. Nonetheless, I think we are on our way to fulfilling that mandate. Regulatory reform—we are working on that right now, and I think we will end up with a product by the end of the week in getting it out.

Welfare reform is more difficult, because it seems that everybody campaigns on it, until they get here, and then they do not want to do anything about it. The two most important points are the exploding welfare costs and the crisis of legitimacy. In 1935, when AFDC was enacted, 88 percent of the families who received State cash relief were needy because the fathers had died. Benefits were intended primarily to enable the widow to care for her children at home.

Today, AFDC serves divorced, deserted, and never-married mothers and their offspring. Since the beginning of the program in 1965, in the last 30 years, State and Federal Governments have spent $5.4 trillion on welfare, providing cash, food, housing, medical care, and social services. For the $5.4 trillion spent since 1965, you could buy the entire industrial infrastructure of the United States—every factory, machine, store, every hotel, television station, office building, and still have money left over.

The PRESIDING OFFICER (Mr. COVERDELL). The Chair advises the Senator that his time has expired.

Mr. INHOFE. I understand that. I ask for 30 more seconds.

Mr. DOLE. I will be glad to yield some of my leader time.

Mr. INHOFE. I will just conclude by saying that we have an opportunity to do something about this—one of the three major mandates of the election in 1994. It is incumbent upon to us do this. We have introduced legislation that will give true welfare reform and take the profit out of illegitimacy, and the people of America are demanding that we do it.

Thank you, Mr. President.

MID-YEAR REPORT—1995

The mailing and filing date of the 1995 mid-year report required by the Federal Election Campaign Act, as amended, is Monday, July 31, 1995. All principal campaign committees supporting Senate candidates for election must file their reports with the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116. You may wish to advise your campaign committee personnel of this requirement.

The Public Records office will be open from 8 a.m. until 7 p.m. on the filing date for the purpose of receiving these filings. For further information, please do not hesitate to contact the Office of Public Records on (202) 224-0322.

THE PRESIDENT REQUESTS A DELAY ON BOSNIA VOTE

Mr. MCCAIN. Mr. President, I noted that Senator DOLE was asked to delay a vote on Bosnia until some time next week, as I understand it. I will support Senator DOLE in whatever decision he makes. I understand that when the President of the United States asks for action to be taken that concerns national security, that request must be given great credence, and if Senator DOLE decides to delay that vote, I am sure that every Member of this body will support that decision.

If Senator DOLE decides otherwise because of events that transpire in

Bosnia—and I will point out that the media reports are that Zepa has fallen, as well, and events are unraveling there; more U.N. forces are being threatened with being taken hostage again—then I would support that decision as well.

I gave a long speech yesterday on the issue of Bosnia. I also addressed the issue of airstrikes. I am deeply concerned about the prospect of "aggressive airstrikes," exactly what that means, and what the rules of engagement are, and if those airstrikes fail, what do we do next? I am convinced that if the Bosnians are assured—as they are being assured—that there will never, under any circumstances, be any U.S. ground involvement, we will learn a lesson we have learned throughout this century: air power alone is not an ultimate determinant in the outcome of a conflict.

I yield the floor.

WAS CONGRESS IRRESPONSIBLE? LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, on that evening in 1972 when I learned that I had been elected to the Senate, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 23 years I have been in the Senate.

Most of them have been concerned about the magnitude of the Federal debt that Congress has run up for the coming generations to pay. The young people and I always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 22, 1992. I wanted to make a matter of daily record of the precise size of the Federal debt which as of yesterday, Wednesday, July 19, stood at $4,932,430,021,919.50 or $18,723.59 for every man, woman, and child in America on a per capita basis.

DESIGNATING SENATOR SIMON TO SERVE ON THE SPECIAL COMMITTEE ON WHITEWATER

Mr. DASCHLE. Mr. President, I would like to advise the Senate that, pursuant to the authority granted in Senate Resolution 120, the Senator from Delaware [Mr. BIDEN] has designated the Senator from Illinois [Mr. SIMON] to serve as the Committee on the Judiciary's representative on the Special Committee on Whitewater.

CONCERNING LEGISLATION TO SUSPEND THE REACHBACK TAX

Mr. COCHRAN. Mr. President, today I am sending a "Dear Colleague" letter to all Senators with information concerning S. 878, a bill I introduced to amend the Coal Industry Retiree Health Benefit Act of 1992. Specifically, the legislation suspends the so-called reachback tax. My letter responds to issues raised about this legislation by my distinguished colleague from West Virginia, Senator ROCKEFELLER. I hope this information will be helpful to all Senators in considering the merits of the bill.

I ask unanimous consent that my letter and the enclosed fact sheet be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 19, 1995.

DEAR COLLEAGUE: In late May, I sent you a letter seeking your support for S. 878—a bill to provide equitable relief for the Reachback companies from the retroactive tax imposed by the Coal Industry Retiree Health Benefit Act of 1992 (Coal Act). You have since received a letter from Senator Rockefeller expressing alarm at S. 878 and concern about attempts to amend the Coal Act.

On Thursday, June 22, the House Ways and Means Subcommittee on Oversight held a hearing on the Coal Act. The hearing examined the inequities of the Coal Act, its impact on the Reachback companies, and the current and projected surplus in the Combined Benefit Fund. Last month, a federal district court ruled the Coal Act unconstitutional and enjoined its application to the Unity Real Estate Company.

Contrary to the fears expressed by proponents of the Coal Act, I have no intention of jeopardizing in any way the benefits promised to retired miners by the members of the Bituminous Coal Operators Association (BCOA). Nor will S. 878 do that. A fact sheet attached to this letter specifically responds to some of the concerns expressed in Senator Rockefeller's letter regarding S. 878.

I am optimistic that, based on the record established in the House hearing together with other information which has been developed, we can move forward to amend the Coal Act in a way which relieves its harsh impact on the Reachback companies, while at the same time insuring the benefits which were in fact promised to the retired miners by the BCOA.

Sincerely,

THAD COCHRAN,
U.S. Senator.

Enclosure.

REACHBACK TAX FACTS—A PRIMER ON THE COAL INDUSTRY RETIREE HEALTH BENEFITS ACT OF 1992

The Fiction: S. 878 would "create a new tax break for certain companies. . ."

The Fact: Creating a new tax break is the last thing which S. 878 would do. S. 878 would relieve several hundred American companies unjustly subjected to a retroactive tax under the financing mechanism of the Coal Act.

The Fiction: S. 878 "jeopardizes the health benefits of retired miners. . ."

The Fact: This is incorrect. Here is what S. 878 does:

Provides for any surplus in the United Mine Workers of America (UMWA) Combined Benefit Fund to be used as a premium credit for the Reachback companies unfairly and perhaps illegally taxed by the Coal Act;

If there is no surplus in the Combined Benefit Fund, Reachback companies would receive no premium credit;

If the fund falls within 10 percent of its operating expenses, Reachback companies would be required to immediately resume premium payments.

Trustees of the fund acknowledged, and the GAO confirmed, on October 1, 1994, that the fund had 96,237 beneficiaries receiving coverage for hospitals, physicians, vision, hearing, speech, ambulance, hospice, home health, psychotherapy and group therapy, pregnancy and medically-necessary abortion, drug and alcohol rehabilitation plus prescription drugs and life insurance.

Our best information suggests only 29 percent of those beneficiaries are retired bituminous coal miners. Some 85 percent of those covered by this fund already are eligible for Medicare. The fund covers retired miners and spouses, parents, children, grandchildren and other dependents in the home. Not one of those beneficiaries has ever had a claim rejected because the fund was insolvent—much less in jeopardy of insolvency.

The Fiction: The Coal Act "has successfully ensured that the health benefits which were promised by these miners' employers continue."

The Fact: Reachback companies never signed contracts promising to provide lifetime healthcare benefits to former employees, much less to their families. Many of the Reachbacks have been out of the bituminous coal business 10, 20, 30 and even 40 years. Others have been non-union operators for decades.

The unfortunate truth is the Congress should not have created a new tax against the class of companies now known as Reachbacks. Reachback companies had no legal or moral commitments or promises—and certainly no binding contracts—which obligated them to pay lifetime healthcare benefits and life insurance for former employees and their families. However, those companies which do have such obligations, should fulfill those obligations.

The Fiction: "In the late 1980s and early 1990s, a number of large companies had stopped paying into the employer fund which financed the health benefits of their former workers. This placed the health benefits of the retirees at risk."

The Fact: In truth, the crisis atmosphere was created by the UMWA and the Bituminous Coal Operators' Association (BCOA). The BCOA did not comply with the contract provisions for increased health care benefit contributions. The UMWA did not pursue the legal remedies to enforce the contract guarantee provisions which would have assured the financial health of the funds.

Furthermore, it was the BCOA and the UMWA who pooled their resources in 1991 to launch, promote and win passage of a new funding mechanism benefitting both the union and the BCOA. That solution was to reach back across the decades to impose retroactive Federal taxes on private businesses.

Under this ill-conceived policy, any company which had ever signed a National Bituminous Coal Wage Agreement (NBCWA) between 1950 and 1987 would have to pay $2,349.38 per year, per beneficiary assigned by the Social Security Administration. The annually-adjusted premiums run from 1993 through 2043. The Treasury Department and the Internal Revenue Service also must participate in this overreach of Federal tax authority to impose $100 per day, per beneficiary penalties on any Reachback company which does not pay promptly.

The Fiction: ". . . Many of these companies (the Reachbacks) have been held liable for the lifetime health benefits of their former employees in a slew of court decisions based on their contractual commitments."

The Fact: This is inaccurate. This complex claim is traced to a clause inserted in the 1978 pension and benefit trust documents. In short, the clause said any employer which ever employed any participant covered by a UMWA benefit plan is obligated to the terms and conditions of the of the National Bituminous Coal Wage Agreement of 1978, as amended, and to any successor agreements.

The truth is there is nothing in the so-called "evergreen" litigation to suggest—much less to hold—that companies are liable to provide lifetime health benefits to their former employees. More importantly, a final decision on the "evergreen" theory has yet to be made, as the "evergreen" litigation remains pending before at least three different federal judges.

Since passage of the Coal Act, the facts have demonstrated that the Reachback companies never authorized or agreed to any obligation which would have perpetually bound them to contribute to UMWA funds, without regard to the terms of their contracts with the UMWA or whether their employees continued to be represented by the union.

Furthermore, there is absolutely nothing in the so-called "evergreen" clause which would apply to all of the Reachbacks. Consider these two glaring facts, then ask yourself how "evergreen" could possibly be linked to the Reachbacks:

First, the so-called "evergreen" clause did not even appear in any of the trust documents until 1978. Many of the Reachback companies did not sign or agree to the 1978 or later NBCWAs.

Second, even among those companies which did sign the 1978 or later agreement, the so-called "evergreen" clause could impose no liability on the majority of companies which left the bituminous coal industry. That's because the clause is based on the amount of bituminous coal produced and/or the number of UMWA coal miner hours worked. If there is no bituminous coal produced, there are no tons or miner hours to drop into an equation. Therefore, there is no math here on which to build a case of branding the Reachbacks as party to the retiree healthcare program, the Coal Act or the Combined Benefit Fund.

The Fiction: "Holding Reachback coal companies liable for the healthcare benefits of their former employees was the best way to shore up the health benefits trust fund and simply means expecting that promises are kept."

The Fact: The Reachbacks made no promises to provide lifetime healthcare benefits for industry retirees. These Reachbacks satisfied all of their obligations, including claims from the union, when they left the bituminous coal business or ended their association with the union. Far from "dumping" or "orphaning" former employees, as some would suggest, the Reachback companies were participating in a multi-employer retiree health benefits system.

Historically, as companies chose not to participate in subsequent bituminous coal wage agreements, the remaining signatory companies continued covering the costs of retirees who had worked for others. Companies entering the business which signed a bituminous coal wage agreement paid into the funds on the same basis as companies which had been in the business, although they may not have had any retirees. This approach was the core concept behind the multi-employer retiree health benefits system.

When Reachbacks ended their participation in bituminous coal wage agreements, they had contributed many millions of dollars to pay benefits for retired miners from other defunct companies or from companies which had elected not to sign future wage agreements.

The Fiction: "The Cochran bill pretends that a surplus in the health fund exists. That phoney surplus is then used to give a tax break to this favored group of companies."

The Fact: Trustees and managers of the fund itself have confirmed a huge surplus exists. The fund has reported these surpluses in each monthly statement. A telephone call today will confirm this. The General Accounting Office (GAO) estimated last June the surplus would be at $103 million at the end of the fund's first fiscal year, October 1, 1994. The GAO was off by 10 percent. The fund actually reported an almost $115 million surplus on October 1, 1994. Although the magnitude of the surplus was debated by three expert witnesses at the June 22 hearing, it was clear that the fund will continue to sustain a steady surplus into the next century.

The Fiction: Reachbacks are "a favored group of companies."

The Fact: This is incorrect. Congress harmed all of these Reachbacks, devastated many and ruined others. It certainly did not do them any favors. The tax has caused perhaps irreparable damage to many small and family-owned businesses. It has forced the cancellation or postponement of hard-earned raises for hundreds of thousands of innocent working men and women throughout the country.

The Fiction: "Make no mistake about it, the deficit would be increased in order to pay for this tax break. . ."

The Fact: The deficit was increased by passage of the Reachback Tax. Repeal of the Reachback Tax would lower the deficit. The Reachback provision of the Coal Act increased the deficit because it immediately appropriated an additional $10 million to the Social Security Administration. Those funds were consumed long ago and Social Security still has a staggering backlog of Reachback appeals.

Passage of the Reachback Tax also has forced the Department of Health and Human Services, the Department of Treasury, the Internal Revenue Service, the Department of Justice and other Federal agencies to spend millions of dollars to administer, monitor, enforce and adjudicate the tax. The Reachback Tax also robbed the Treasury of millions in revenues because the tax was fully deductible to the corporations to pay it.

The Congressional Joint Tax Committee has indicated it is likely that Federal tax receipts will increase if the Reachback Tax is repealed. This gain to the Treasury will occur because the contributions to the fund are fully deductible from corporate taxable income.

Furthermore, the presence of a private union welfare plan in the budget is, in itself, improper Federal tax policy and budget policy.

The Fiction: The Finance Committee held Coal Act hearings.

The Fact: No such hearings occurred on the Coal Act. The Senate Finance Subcommittee on Medicare and Long Term Care did hold hearings on the Coal Commission Report on Health Benefits for Retired Coal Miners.

The Fiction: The GAO wrote Senator Cochran May 25 "to inform him there is not a growing surplus in the health fund."

The Fact: Several members of Congress, including me, have asked the GAO to update its audit of the fund. We are waiting for that report, which the GAO said it could not have ready for the June 22 House Ways and Means Subcommittee on Oversight hearing. The GAO has not reported to me that the fund's surplus is shrinking. What the GAO did report is that a private consulting firm, using medical cost trend rates well above accepted national and industry standards, produced a report per scenarios drawn by the union fund managers that showed the fund might show a deficit in the early years of the next century. However, the GAO and another highly-respected private accounting firm previously have suggested the fund will enjoy surpluses in the next century. Towers, Perrin actuaries forecast a $2.6 billion surplus when the fund runs its course in 2043.

The Fiction: "The claimed growing surplus in the fund does not exist and has never existed."

The Fact: This is inaccurate. The reality of a surplus is not subject to interpretation. Trustees and managers of the fund have confirmed to all interested parties that the fund is in surplus and has been in surplus the past two years. The annual and monthly reports published by the fund confirm this.

The Fiction: "There are 341 companies that are currently responsible for paying for health benefits under the act."

The Fact: In a June 8 letter from the fund, the acting executive director reported 473 companies are being billed for premiums. There was no accounting for the over 200 other companies which had signed NBCWA contracts between 1950 and 1987 and which were originally published as Reachbacks. That list included such notable American businesses as General Motors, which the fund said was obligated for 90 beneficiaries, or $2,114,442 this year alone.

The Fiction: "Ernst and Young found that the fund is likely to run a $39 million deficit by the year 2003."

The Fact: That's only one scenario Ernst and Young suggested in a set of projections commissioned by the fund. Ernst and Young also found a healthy surplus in the fund in another scenario. The scenarios which suggested a deficit used medical cost trend rate projections which are 3.0 to 4.4 percent higher than nationally accepted industry standards. Interestingly, Ernst and Young uses 5.5 percent medical trend rate calculations to provide retiree healthcare projections to clients who are Reachback companies. Ernst and Young agreed to use 8.1 percent to 9.9 percent medical cost trend rates to figure projections for the UMWA's combined benefit fund.

The Fiction: "The Cochran Dear Colleague says that a court ruling on the constitutionality of the Coal Act is a year away.

The Fact: The Federal District Court in Pittsburgh ruled June 7 that the Coal Act was a violation of the Fifth Amendment of the Constitution. (*Unity Real Estate Co.* v. *Trustees of the United Mine Workers of America Combined Benefit Fund*) Numerous other suits and appeals are pending. It is likely that the Supreme Court will be the final arbiter of the constitutionality of the Coal Act.

The Fiction: "The healthcare and security of many vulnerable people rest on the ability of the Senate to deal with the facts and reject myths being spread by companies looking to back away from their own promises."

The Fact: The UMWA retirees' health benefit plan should not be the responsibility of the Senate. Rather, it is clearly in the hands of the individuals, their trade union and the companies which have signed and agreed to contracts promising such healthcare and security.

The Fiction: "This issue is complex and that complexity can be confusing."

The Fact: This is not a confusing issue. Far from it. Actually, it is quite clear cut and straight forward.

The Congress should never have been drawn into the collective bargaining process between the coal miner union and the coal mine owners.

The union and the owners became strange bedfellows in the coalition which lobbied for passage of the Coal Act and now is fighting any change in the Reachback Tax.

This legislation has cost American taxpayers tens of millions of dollars.

Reachback companies made no promises to provide lifetime healthcare benefits to members of the UMWA and should not be subjected to a retroactive, unfair, unjust and perhaps illegal federally-mandated tax and taxpayer-subsidized straightjacket to pay for those benefits.

Hundreds of innocent private businesses and hundreds of thousands of innocent Americans have wilted because of the poison sprayed on them by the ill-conceived Reachback Tax.

Even if we in the Congress were to enact remedial legislation this week, where would these companies, their employees, managers and shareholders go to recoup the tens of millions of dollars in premiums already dumped into their fund, as well as their lost incomes, lost wages and lost expenses?

M.I.T. PRESIDENT CHARLES M. VEST—IN SEARCH OF MEDIOCRITY: IS AMERICA LOSING ITS WILL TO EXCEL

Mr. KENNEDY. Mr. President, as the budget process continues, Congress is required to define priorities and make difficult choices about funding, particularly funding that will affect educational opportunities for our students, the strength of our research base, and the Nation's competitiveness in the global economy in the years ahead. In a recent address to the National Press Club, Charles M. Vest, president of Massachusetts Institute of Technology, described in compelling terms the need to maintain our strong, bipartisan commitment to funding university-based reseach. I believe that his address entitled, "In search of Mediocrity: Is America Losing its Will to Excel?" will be of interest to all of us in Congress concerned with these priorities, and I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

[From the National Press Club, July 18, 1995]

IN SEARCH OF MEDIOCRITY: IS AMERICA LOSING ITS WILL TO EXCEL?

(By Charles M. Vest)

I appreciate the opportunity to talk with you this afternoon. I note that the company of speakers I join includes, among others, both movie actors and movie subjects. Next week, this Club will hear from Jim Lovell, the astronaut who commanded the Apollo 13 mission. The Apollo 13 drama reminds us that science and technology are an essential part of the human adventure.

But science and technology are not just activities for astronauts and academics.

Science and technology affect our lives every day and they create immense benefits and opportunities for all of us. Their progress over the past few decades has been as dramatic as the movie that Americans are flocking to see.

What are some of these benefits?

You would expect me, as a university president, to have a catechism to recite. But listen instead to what the CEOs of 16 major U.S. corporations said recently. In an unprecedented joint statement entitled A Moment of Truth for America, they said:

"Imagine life without polio vaccines and heart pacemakers. Or digital computers. Or municipal water purification systems. Or space-based weather forecasting. Or advanced cancer therapies. Or jet airlines. Or disease-resisting grains and vegetables. Or cardiopulmonary resuscitation."

That . . . and much, much, more . . . is what science and technology—and our nation's universities—have made possible.

But today, rather than building upon this success, we are about to undermine it.

The Congressional budget resolution proposes to reduce the budget for civilian research and development by over 30 percent. The long-term outlook is no better in the Administration's new budget proposal.

Do we know what that will mean for the advancement of the knowledge that fuels the American economy and creates a better quality of life? Our budget choices would be simpler if we had such wisdom and foresight!

We live in an age in which knowledge holds the key to our security, welfare, and standard of living . . . an age in which technological leadership will determine who wins the next round of global competition . . . and the jobs and profits that come from it . . . an age in which events move so rapidly that almost 80 percent of the computer industry's revenues come from products that did not even exist just two years ago.

The cornerstone of our era—the information age—is education. Today, America's system of higher education and research is the best in the world. Period. But will it be the world's standard of excellence ten years from now? If the nation is to be preeminent a decade hence, if we are not only to compete but lead, then we must sustain these unique American institutions.

Why? What is so special about our research universities?

First, the weaving together of teaching and research in a single organization gives us excellent research, and it gives us superior education. Universities combine research and teaching to create vital learning communities—open communities of scholars that advance our understanding and introduce fresh and innovative young minds into the creation of knowledge * * * thereby educating the next generation of scientists and engineers.

And second, research universities are the foundation of our entire national research infrastructure. Supporting the advancement of scientific and technical knowledge is an investment. It is an investment in the future of our human capital—people and their ideas. It is an investment in the future quality of life, health, and welfare of the American people.

This two-part rationale was articulated 50 years ago this month in a report to President Truman entitled Science—The Endless Frontier. It presented the vision of Vannevar Bush, who had directed the nation's wartime science effort. That vision set a confident America on a search for excellence. And America has benefited beyond measure from this quest.

Under current budget scenarios, however, we are in danger of disinvesting in our future. The cost of doing so * * * and of drifting toward mediocrity in science, technology, and advanced education is simply too great to pay.

We must regain our vision, our confidence, and our will to excel.

The Federal government is rightly concerned about the budget deficit. It is making hard choices. We all have to make hard choices. But these decisions have to be based on a vision of the future and on an understanding of what hangs in the balance.

Is a one-third reduction in civilian research and development really a savings? Or is it a body blow to our national innovation system, our future competitiveness, and our leadership?

In the current debate, many seem unwilling or unable to retain, let alone enhance, our national excellence in science and advanced education. Instead of pursuing our endless opportunities, we are in danger of drifting toward mediocrity.

This need not be the case. It must not be the case.

It used to be that universities and the federal government—in the White House and on Capitol Hill—and the voting public—had a broadly shared sense of the benefits to be derived from investing in education and research . . . and a shared commitment to the future.

This commitment is rapidly fading. Although leaders in both parties and in both branches of government are struggling to retain it, it is fading.

Today, the future has no organized political constituency.

Since the 1980s, when I began my career as a senior university administrator, I have seen an unraveling of a once fruitful partnership between universities and the government. Its fabric has been frayed by a steady onslaught of policy and budget instability, rule changes, investigations, and deepening distrust.

Congressional hearings and media exposés on the reimbursement of the costs of federally sponsored research have tarnished the image of universities. Most of the real issues have long since been addressed, but a residue of misunderstanding and cynicism remains.

At the same time, the federal government has steadily asked the universities to take on added missions and requirements without providing the resources to meet them.

It is in this strained environment that the nation is now debating the future federal role and responsibility for university research and education in science and technology.

The issue before us transcends partisan politics. The issue is whether Washington budgeteers and decision-makers have the political will and the vision to serve society's long-term need for new knowledge, new technologies, and, above all, for superbly educated young men and women.

Sometimes the debate sounds strange to the ears of this academic. During an important recent mark-up session, for example, a Congressman actually commented: "I don't give a damn about the science, but I sure love the politics!"

There are those of us who would like to see those sentiments reversed! And this includes the American public. Recent polls show that nearly 70 percent of the American public thinks it is very important for the government to support research, and nine out of ten want the country to maintain its position as a leader in medical research. In fact, 73 percent are willing to pay higher taxes to support more medical research.

What we need now is not a partisan political debate. What we need to come together again in the best interests of the next generation.

We are all facing pressures to cut costs and become more effective and efficient—in government, academia, and industry.

Industry is doing its part . . . by production better, more competitive products, improving processes, reducing cycle times, improving quality, and meeting environmental challenges. The same intense competitive pressures that stimulated these changes, however, have increasingly focused industrial R&D on short-term objectives. Appropriately so. But research of more general and longer term value has been scaled back tremendously.

Industry's nearly total R&D focus on rapidly commercializing products, when combined with growing constraints on support of university research, could devastate our national innovation system. It could well leave us without a shared, evolving base of new scientific knowledge and new technology. It could destroy the primary source of tomorrow's products, jobs, and health.

Many Americans have long been concerned that we were mortgaging our children's future with ever-increasing federal budget deficits. Rightly so. We must not, however, foreclose on their future by failing to invest in their education . . . and in the research that will be the basis of their progress.

We must be wise enough to balance our priorities, with both the present and the future in mind. Such a balance clearly requires our research universities to transform with the times.

I certainly recognize this. Our unique qualities do not exempt us from change. We cannot expect a 1945 policy to be applied unchanged in 1995. Nor can we expect to be exempted from intense budgetary pressures. But there are enduring principles that must be sustained. We must strike the right balance between holding to fundamentals and reforming ourselves if we are to continue our journey toward that "endless frontier."

How are we to do this?

First, each member of the education and research partnership must learn how to be efficient, productive and excellent. Industry has learned how to add value, improve quality, and become more cost-effective—and is significantly more competitive as a result. Government is struggling to do the same. Research universities must follow suit.

At MIT, we have enlisted private-sector help to reengineer many of our administrative activities in order to improve our effectiveness and reduce our annual costs by $40 million. There will be a corresponding reduction in our staff. Similar efforts are taking place at universities around the country. We also are exploring exciting ways to use new information technologies, like the World Wide Web, to improve teaching and learning. And radical revisions in our engineering and management curricula to meet the needs of a new era are well underway.

Increasing effectiveness is one thing we can do. Specialization is another.

I believe that each college and university should focus on what it does best. There is not enough money for every institution to do everything. We need institutional differentiation. Each of us—from community colleges to research universities—must focus our attention on where we can make the greatest contribution. Across-the-board reductions may be politically palatable, but they are likely to produce mediocrity.

We need to make tough judgment calls and we need to support the most effective programs. This isn't easy. But government at all levels, and industry, must make the decision to support excellence . . . not to engage America's research universities in a war of attrition. Let's not do to our research universities what we've done to our K-12 school system.

Improving productivity and changing what needs to be changed are only partial answers to our problem. Even more important is adhering to the two basic principles that have guided us to success over the past half-century.

The first principle is understanding that research funding is an investment in our future.

A variety of studies put the return on this investment in the range of 25 to 50 percent. A more dramatic assessment is provided by my colleague Michael Dertouzos, who is the director of MIT's Laboratory for Computer Science. He points out that over the last three decades, the Department of Defense has funded university research in information technology to the tune of some $5 billion. These university programs created one-third to one-half of the major breakthroughs for the computer and communications industry. Today, these businesses account for $500 billion of U.S. Gross Domestic Product. That is a return on the investment of at least 3,000 percent.

Another measure of return on the investment in university research is jobs. A 1989 study by the Bank of Boston found that MIT graduates and faculty alone had founded over 600 companies in Massachusetts. These companies, with annual sales totaling $40 billion, created jobs for over 300,000 people in the region.

Similarly, the Chase Manhattan Bank identified 225 companies in the Silicon Valley founded by MIT students, alumni, and faculty. These companies recorded revenues in excess of $22 billion, accounting for over 150,000 jobs.

Similar stories can be told by public and private universities all across the country. Remember this return on investment when you hear talk about the cost of research and education in the national budget debate.

In the budget debate, it is important to remember a second principle that also has served us extremely well: federal dollars for university research do double duty. They support the conduct of research and they educate the next generation.

Here is how it works: Most graduate students in science and engineering are supported by federal grants and contracts that pay their tuition and enable them to attend the university. In return for this investment in their future, these students perform much of the actual research. And let me tell you, the lights in their laboratories burn late into the night. They are working to pay for their education.

Student involvement in research is not confined to the graduate level. At MIT, for example, nearly 80 percent of our undergraduates join faculty research teams. Their learning experience and their substantive contributions to research are simply astounding.

This blending of teaching and research is at the heart of America's research universities. For when you think about it, research is the ultimate form of teaching and learning. Fred Terman, a great leader of Stanford University, and a driver in the creation of Silicon Valley, was once asked whether he wanted his university to emphasize teaching or research. Terman's reply was: "I want this to be a learning university." He captured the essence of our institutions.

Now, however, this integration of teaching and research is at risk. Why? Because government agencies are paying less and less of the actual costs of the research they sponsor. In order to make up the difference, universities are being forced to tap scarce resources that are not intended for this purpose. This creates enormous pressures to increase tuition—precisely what we do not want to do.

In addition, government regulations are increasing—in both magnitude and inflexibility. For example, the latest federal regulations have boosted the cost of our undergraduate research program so dramatically that this innovative educational experience is in jeopardy.

The linkage between education and research, the idea of research as an investment rather than as a cost—these are vital principles which we neglect at our peril.

There are several other principles as well, including accountability for results in research and education; a commitment to access and opportunity; the free and open competition of ideas; and a dedication to excellence.

Those young people with the talent to discover new sources of energy, to unlock the workings of the mind, or to find the cure for AIDS come from all strata of our society. Many require financial assistance. All deserve access to the best education we can provide. Because all of us will depend on their leadership and their innovation in the decades ahead.

Who are these young people who will lead us into the future? Let me introduce two of them from MIT.

First, meet Jennifer Mills. Jennifer is a physics undergraduate from Portland, Oregon. In the summer of her junior year, she wrote much of the computer code that was used to produce the remarkable images from the Hubble Space Telescope that we all saw on television when the Shoemaker/Levy comet collided with the planet Jupiter.

And meet James McLurkin, from Baldwin, New York. James graduated last month with an undergraduate degree in electrical engineering and a minor in mechanical engineering. As a senior, he created a tiny robot that may well revolutionize certain kids of surgery . . . enabling surgeons, for example, to operate inside the body without touching the patient directly.

These are the kinds of young men and women in whom we, through the Federal government, must invest if we are to embrace excellence rather than mediocrity.

Unfortunately, no organized political constituency protects the interests of our future. No interest groups fund telephone banks and direct mail operations to activate grass roots voters on behalf of investments in tomorrow. No political action committee invests in students like Jennifer or James.

But every citizen will suffer if we are short-sighted in the allocation of resources.

If we do not invest in research and advanced education, we will not win the battles against polluted air and water, crumbling bridges and highways, infant mortality, Alzheimer's disease, or hunger in the world, to name just a few.

We all have the responsibility to become trustees and guardians of our future . . . and the future of our daughters and sons:

University faculty must continually enhance the learning process, and we must do a better job of explaining to the public what we do, why we do it, and how it relates to their values and needs.

Industry leaders need to explain the benefits to the economy of research and development . . . and their responsibilities to the entire national innovation system.

Public policy makers need to take the long view . . . and they will do that if we, the public, insist that they do.

And, yes, the media have a critical role to play . . . by discussing the importance of these issues and by elevating the national debate.

In many ways, it has been the end of the Cold War that has brought us to this point . . . a point of uncertainty and opportunity.

We now must have the foresight and wisdom to turn our intellectual powers to solving the problems of a new age. We must have the will to sustain our economic security, eradicate the scourge of disease, create the jobs of tomorrow, lift the shadow of ignorance, and heal the earth's environment.

Meeting these challenges will require vision, confidence, and the will to excel. And it will require us to continue exploring the frontiers of the unknown. For the key to a vibrant future lies more in what we do not know, than in what we do know. We must sustain excellence in research and advanced education.

Thank you very much.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the majority leader.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

Mr. DOLE. Mr. President, I am advised that this request has been cleared by the Democratic leader.

I ask unanimous consent that the Senate now turn to the consideration of H.R. 1854, the legislative branch appropriations bill.

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 1854) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets, and the parts of the bill intended to be inserted are shown in italic.)

H.R. 1854

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Legislative Branch for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I—CONGRESSIONAL OPERATIONS

SENATE

EXPENSE ALLOWANCES

For expense allowances of the Vice President, $10,000; the President Pro Tempore of the Senate, $10,000; Majority Leader of the Senate, $10,000; Minority Leader of the Senate, $10,000; Majority Whip of the Senate, $5,000; Minority Whip of the Senate, $5,000; and Chairmen of the Majority and Minority Conference Committees, $3,000 for each Chairman; in all, $56,000.

REPRESENTATION ALLOWANCES FOR THE MAJORITY AND MINORITY LEADERS

For representation allowances of the Majority and Minority Leaders of the Senate, $15,000 for each such Leader; in all, $30,000.

SALARIES, OFFICERS AND EMPLOYEES

For compensation of officers, employees, and others as authorized by law, including agency contributions, $69,727,000, which shall be paid from this appropriation without regard to the below limitations, as follows:

OFFICE OF THE VICE PRESIDENT

For the Office of the Vice President, $1,513,000.

OFFICE OF THE PRESIDENT PRO TEMPORE

For the Office of the President Pro Tempore, $325,000.

OFFICES OF THE MAJORITY AND MINORITY LEADERS

For Offices of the Majority and Minority Leaders, $2,195,000.

OFFICES OF THE MAJORITY AND MINORITY WHIPS

For Offices of the Majority and Minority Whips, $656,000.

CONFERENCE COMMITTEES

For the Conference of the Majority and the Conference of the Minority, at rates of compensation to be fixed by the Chairman of each such committee, $996,000 for each such committee; in all, $1,992,000.

OFFICES OF THE SECRETARIES OF THE CONFERENCE OF THE MAJORITY AND THE CONFERENCE OF THE MINORITY

For Offices of the Secretaries of the Conference of the Majority and the Conference of the Minority, $360,000.

POLICY COMMITTEES

For salaries of the Majority Policy Committee and the Minority Policy Committee, $965,000 for each such committee, in all, $1,930,000.

OFFICE OF THE CHAPLAIN

For Office of the Chaplain, $192,000.

OFFICE OF THE SECRETARY

For Office of the Secretary, $12,128,000.

OFFICE OF THE SERGEANT AT ARMS AND DOORKEEPER

For Office of the Sergeant at Arms and Doorkeeper, $31,889,000.

OFFICES OF THE SECRETARIES FOR THE MAJORITY AND MINORITY

For Offices of the Secretary for the Majority and the Secretary for the Minority, $1,047,000.

AGENCY CONTRIBUTIONS AND RELATED EXPENSES

For agency contributions for employee benefits, as authorized by law, and related expenses, $15,500,000.

OFFICE OF THE LEGISLATIVE COUNSEL OF THE SENATE

For salaries and expenses of the Office of the Legislative Counsel of the Senate, $3,381,000.

OFFICE OF SENATE LEGAL COUNSEL

For salaries and expenses of the Office of Senate Legal Counsel, $936,000.

EXPENSE ALLOWANCES OF THE SECRETARY OF THE SENATE, SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE, AND SECRETARIES FOR THE MAJORITY AND MINORITY OF THE SENATE

For expense allowances of the Secretary of the Senate, $3,000; Sergeant at Arms and Doorkeeper of the Senate, $3,000; Secretary for the Majority of the Senate, $3,000; Secretary for the Minority of the Senate, $3,000; in all, $12,000.

CONTINGENT EXPENSES OF THE SENATE

INQUIRIES AND INVESTIGATIONS

For expenses of inquiries and investigations ordered by the Senate, or conducted pursuant to section 134(a) of Public Law 601, Seventy-ninth Congress, as amended, section 112 of Public Law 96–304 and Senate Resolution 281, agreed to March 11, 1980, $66,395,000.

EXPENSES OF THE UNITED STATES SENATE CAUCUS ON INTERNATIONAL NARCOTICS CONTROL

For expenses of the United States Senate Caucus on International Narcotics Control, $305,000.

SECRETARY OF THE SENATE

For expenses of the Office of the Secretary of the Senate, $1,266,000.

SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

For expenses of the Office of the Sergeant at Arms and Doorkeeper of the Senate, $61,347,000.

MISCELLANEOUS ITEMS

For miscellaneous items, $6,644,000.

SENATORS' OFFICIAL PERSONNEL AND OFFICE EXPENSE ACCOUNT

For Senators' Official Personnel and Office Expense Account, $204,029,000.

OFFICE OF SENATE FAIR EMPLOYMENT PRACTICES

For salaries and expenses of the Office of Senate Fair Employment Practices, $778,000.

SETTLEMENTS AND AWARDS RESERVE

For expenses for settlements and awards, $1,000,000, to remain available until expended.

STATIONERY (REVOLVING FUND)

For stationery for the President of the Senate, $4,500, for officers of the Senate and the Conference of the Majority and Conference of the Minority of the Senate, $8,500; in all, $13,000.

OFFICIAL MAIL COSTS

For expenses necessary for official mail costs of the Senate, $11,000,000.

RESCISSION

Of the funds previously appropriated under the heading "SENATE", $63,544,724.12 are rescinded.

ADMINISTRATIVE PROVISIONS

SECTION 1. (a) On and after October 1, 1995, no Senator shall receive mileage under section 17 of the Act of July 28, 1866 (2 U.S.C. 43).

(b) On and after October 1, 1995, the President of the Senate shall not receive mileage under the first section of the Act of July 8, 1935 (2 U.S.C. 43a).

SEC. 2. (a) There is established in the Treasury of the United States within the contingent fund of the Senate a revolving fund, to be known as the "Office of the Chaplain Expense Revolving Fund" (hereafter referred to as the *"fund"). The fund shall consist of all moneys collected or received with respect to the Office of the Chaplain of the Senate.*

(b) The fund shall be available without fiscal year limitation for disbursement by the Secretary of the Senate, not to exceed $10,000 in any fiscal year, for the payment of official expenses incurred by the Chaplain of the Senate. In addition, moneys in the fund may be used to purchase food or food related items. The fund shall not be available for the payment of salaries.

(c) All moneys (including donated moneys) received or collected with respect to the Office of the Chaplain of the Senate shall be deposited in the fund and shall be available for purposes of this section.

(d) Disbursements from the fund shall be made on vouchers approved by the Chaplain of the Senate.

SEC. 3. Funds appropriated under the heading, "Settlements and Awards Reserve" in Public Law 103–283 shall remain available until expended.

SEC. 4. Section 902 of the Supplemental Appropriations Act, 1983 (2 U.S.C. 88b–6) is amended by striking the second sentence and inserting the following: "The amounts so withheld shall be deposited in the revolving fund, within the contingent fund of the Senate, for the Daniel Webster Senate Page Residence, as established by section 4 of the Legislative Branch Appropriations Act, 1995 (2 U.S.C. 88b–7).".

SEC. 5. (a) Any payment for local and long distance telecommunications service provided to any user by the Sergeant at Arms and Doorkeeper of the Senate shall cover the total invoiced amount, including any amount relating to separately identified toll calls, and shall be charged to the appropriation for the fiscal year in which the underlying base service period covered by the invoice ends.

(b) As used in subsection (a), the term "user" means any Senator, Officer of the Senate, Committee, office, or entity provided telephone equipment and services by the Sergeant at Arms and Doorkeeper of the Senate.

SEC. 6. Section 4(b) of Public Law 103–283 is amended by inserting before "collected" the following: "(including donated moneys)".

SEC. 7. Section 1 of Public Law 101–520 (2 U.S.C. 61g–6a) is amended to read as follows:

"SECTION 1. (a)(1) The Chairman of the Majority or Minority Policy Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for salaries for the Majority and Minority Policy Committees of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable for such committees.

"(2) The Chairman of the Majority or Minority Policy Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for expenses, within the contingent fund of the Senate, for the Majority and Minority Policy Committees of the Senate, to the account from which salaries are payable for such committees.

"(b)(1) The Chairman of the Majority or Minority Conference Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for salaries for the Majority and Minority Conference Committees of the Senate, to the account, within the contingent fund of the Senate, from which expenses are payable for such committees.

"(2) The Chairman of the Majority or Minority Conference Committee of the Senate may, during any fiscal year, at his or her election transfer funds from the appropriation account for expenses, within the contingent fund of the Senate, for the Majority and Minority Conference Committees of the Senate, to the account from which salaries are payable for such committees.

"(c) Any funds transferred under this section shall be—

"(1) available for expenditure by such committee in like manner and for the same purposes as are other moneys which are available for expenditure by such committee from the account to which the funds were transferred; and

"(2) made at such time or times as the Chairman shall specify in writing to the Senate Disbursing Office.

"(d) The Chairman of a committee transferring funds under this section shall notify the Committee on Appropriations of the Senate of the transfer.".

(b) The amendment made by this section shall take effect on October 1, 1995, and shall be effective with respect to fiscal years beginning on or after that date.

HOUSE OF REPRESENTATIVES

SALARIES AND EXPENSES

For salaries and expenses of the House of Representatives, $671,561,000, as follows:

HOUSE LEADERSHIP OFFICES

For salaries and expenses, as authorized by law, $11,271,000, including: Office of the Speaker, $1,478,000, including $25,000 for official expenses of the Speaker; Office of the Majority Floor Leader, $1,470,000, including $10,000 for official expenses of the Majority Leader; Office of the Minority Floor Leader, $1,480,000, including $10,000 for official expenses of the Minority Leader; Office of the Majority Whip, including the Chief Deputy Majority Whip, $928,000, including $5,000 for official expenses of the Majority Whip; Office of the Minority Whip, including the Chief Deputy Minority Whip, $918,000, including $5,000 for official expenses of the Minority Whip; Speaker's Office for Legislative Floor Activities, $376,000; Republican Steering Committee, $664,000; Republican Conference, $1,083,000; Democratic Steering and Policy Committee, $1,181,000; Democratic Caucus, $566,000; and nine minority employees, $1,127,000.

MEMBERS' REPRESENTATIONAL ALLOWANCES

INCLUDING MEMBERS' CLERK HIRE, OFFICIAL EXPENSES OF MEMBERS, AND OFFICIAL MAIL

For Members' representational allowances, including Members' clerk hire, official expenses, and official mail, $360,503,000: *Provided*, That no such funds shall be used for the purposes of sending unsolicited mass mailings within 90 days before an election in which the Member is a candidate.

COMMITTEE EMPLOYEES

STANDING COMMITTEES, SPECIAL AND SELECT

For salaries and expenses of standing committees, special and select, authorized by House resolutions, $78,629,000.

COMMITTEE ON APPROPRIATIONS

For salaries and expenses of the Committee on Appropriations, $16,945,000, including studies and examinations of executive agencies and temporary personal services for such committee, to be expended in accordance with section 202(b) of the Legislative Reorganization Act of 1946 and to be available for reimbursement to agencies for services performed.

SALARIES, OFFICERS AND EMPLOYEES

For compensation and expenses of officers and employees, as authorized by law, $83,733,000, including: for salaries and expenses of the Office of the Clerk, including not to exceed $1,000 for official representation and reception expenses, $13,807,000; for salaries and expenses of the Office of the Sergeant at Arms, including the position of Superintendent of Garages, and including not to exceed $750 for official representation and reception expenses, $3,410,000; for salaries and expenses of the Office of the Chief Administrative Officer, $53,556,000, including salaries, expenses and temporary personal services of House Information Systems, $27,500,000, of which $16,000,000 is provided herein: *Provided*, That House Information Systems is authorized to receive reimbursement from Members of the House of Representatives and other governmental entities for services provided and such reimbursement shall be deposited in the Treasury for credit to this account; for salaries and expenses of the Office of the Inspector General, $3,954,000; for salaries and expenses of the Office of Compliance, $858,000; Office of the Chaplain, $126,000; for salaries and expenses of the Office of the Parliamentarian, including the Parliamentarian and $2,000 for preparing the Digest of Rules, $1,180,000; for salaries and expenses of the Office of the Law Revision Counsel of the House, $1,700,000; for salaries and expenses of the Office of the Legislative Counsel of the House, $4,524,000; and other authorized employees, $618,000.

ALLOWANCES AND EXPENSES

For allowances and expenses as authorized by House resolution or law, $120,480,000, including: supplies, materials, administrative costs and Federal tort claims, $1,213,000; official mail for committees, leadership offices, and administrative offices of the House, $1,000,000; reemployed annuitants reimbursements, $68,000; Government contributions to employees' life insurance fund, retirement funds, Social Security fund, Medicare fund, health benefits fund, and worker's and unemployment compensation, $117,541,000; and miscellaneous items including purchase, exchange, maintenance, repair and operation of House motor vehicles, interparliamentary receptions, and gratuities to heirs of deceased employees of the House, $658,000.

CHILD CARE CENTER

For salaries and expenses of the House of Representatives Child Care Center, such amounts as are deposited in the account established by section 312(d)(1) of the Legislative Branch Appropriations Act, 1992 (40 U.S.C. 184g(d)(1)), subject to the level specified in the budget of the Center, as submitted to the Committee on Appropriations of the House of Representatives.

ADMINISTRATIVE PROVISIONS

SEC. 101. Effective with respect to fiscal years beginning with fiscal year 1995, in the case of mail from outside sources presented to the Chief Administrative Officer of the House of Representatives (other than mail through the Postal Service and mail with postage otherwise paid) for internal delivery in the House of Representatives, the Chief Administrative Officer is authorized to collect fees equal to the applicable postage. Amounts received by the Chief Administrative Officer as fees under the preceding sentence shall be deposited in the Treasury as miscellaneous receipts.

SEC. 102. Effective with respect to fiscal years beginning with fiscal year 1995, amounts received by the Chief Administrative Officer of the House of Representatives from the Administrator of General Services for rebates under the Government Travel Charge Card Program shall be deposited in the Treasury as miscellaneous receipts.

SEC. 103. The provisions of section 223(b) of House Resolution 6, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, establishing the Speaker's Office for Legislative Floor Activities;

House Resolution 7, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, providing for the designation of certain minority employees; House Resolution 9, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, providing amounts for the Republican Steering Committee and the Democratic Policy Committee; House Resolution 10, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, providing for the transfer of two employee positions; and House Resolution 113, One Hundred Fourth Congress, agreed to March 10, 1995, providing for the transfer of certain employee positions shall each be the permanent law with respect thereto.

SEC. 104. (a) The five statutory positions specified in subsection (b), subsection (c), and subsection (d) are transferred from the House Republican Conference to the Republican Steering Committee.

(b) The first two of the five positions referred to in subsection (a) are—

(1) the position established for the chief deputy majority whip by subsection (a) of the first section of House Resolution 393, Ninety-fifth Congress, agreed to March 31, 1977, as enacted into permanent law by section 115 of the Legislative Branch Appropriation Act, 1978 (2 U.S.C. 74a-3); and

(2) the position established for the chief deputy majority whip by section 102(a)(4) of the Legislative Branch Appropriations Act, 1990;

both of which positions were transferred to the majority leader by House Resolution 10, One Hundred Fourth Congress, agreed to January 5 (legislative day, January 4), 1995, as enacted into permanent law by section 103 of this Act, and both of which positions were further transferred to the House Republican Conference by House Resolution 113, One Hundred Fourth Congress, agreed to March 10, 1995, as enacted into permanent law by section 103 of this Act.

(c) The second two of the five positions referred to in subsection (a) are the two positions established by section 103(a)(2) of the Legislative Branch Appropriations Act, 1986.

(d) The fifth of the five positions referred to in subsection (a) is the position for the House Republican Conference established by House Resolution 625, Eighty-ninth Congress, agreed to October 22, 1965, as enacted into permanent law by section 103 of the Legislative Branch Appropriation Act, 1967.

(e) The transfers under this section shall take effect on the date of the enactment of this Act.

SEC. 105. (a) Notwithstanding any other provision of law, or any rule, regulation, or other authority, travel for studies and examinations under section 202(b) of the Legislative Reorganization Act of 1946 (2 U.S.C. 72a(b)) shall be governed by applicable laws or regulations of the House of Representatives or as promulgated from time to time by the Chairman of the Committee on Appropriations of the House of Representatives.

(b) Subsection (a) shall take effect on the date of the enactment of this Act and shall apply to travel performed on or after that date.

SEC. 106. (a) Notwithstanding the paragraph under the heading "GENERAL PROVISION" in chapter XI of the Third Supplemental Appropriation Act, 1957 (2 U.S.C. 102a) or any other provision of law, effective on the date of the enactment of this section, unexpended balances in accounts described in subsection (b) are withdrawn, with unpaid obligations to be liquidated in the manner provided in the second sentence of that paragraph.

(b) The accounts referred to in subsection (a) are the House of Representatives legislative service organization revolving accounts under section 311 of the Legislative Branch Appropriations Act, 1994 (2 U.S.C. 96a).

SEC. 107. (a) Each fund and account specified in subsection (b) shall be available only to the extent provided in appropriation Acts.

(b) The funds and accounts referred to in subsection (a) are—

(1) the revolving fund for the House Barber Shops, established by the paragraph under the heading "HOUSE BARBER SHOPS REVOLVING FUND" in the matter relating to the House of Representatives in chapter III of title I of the Supplemental Appropriations Act, 1975 (Public Law 93-554; 88 Stat. 1776);

(2) the revolving fund for the House Beauty Shop, established by the matter under the heading "HOUSE BEAUTY SHOP" in the matter relating to administrative provisions for the House of Representatives in the Legislative Branch Appropriation Act, 1970 (Public Law 91-145; 83 Stat. 347);

(3) the special deposit account established for the House of Representatives Restaurant by section 208 of the First Supplemental Civil Functions Appropriation Act, 1941 (40 U.S.C. 174k note); and

(4) the revolving fund established for the House Recording Studio by section 105(g) of the Legislative Branch Appropriation Act, 1957 (2 U.S.C. 123b(g)).

(c) This section shall take effect on October 1, 1995, and shall apply with respect to fiscal years beginning on or after that date.

SEC. 107A. For fiscal year 1996, subject to the direction of the Committee on House Oversight of the House of Representatives, of the total amount deposited in the account referred to in section 107(b)(3) of this Act from vending operations of the House of Representatives Restaurant System, the cost of goods sold shall be available to pay the cost of inventory for such operations.

SEC. 108. The House Employees Position Classification Act (2 U.S.C. 291, et seq.) is amended—

(1) in section 3(1), by striking out "Doorkeeper, and the Postmaster," and inserting in lieu thereof "Chief Administrative Officer, and the Inspector General";

(2) in the first sentence of section 4(b), by striking out "Doorkeeper, and the Postmaster," and inserting in lieu thereof "Chief Administrative Officer, and the Inspector General";

(3) in section 5(b)(1), by striking out "Doorkeeper, and the Postmaster" and inserting in lieu thereof "Chief Administrative Officer, and the Inspector General"; and

(4) in the first sentence of section 5(c), by striking out "Doorkeeper, and the Postmaster," and inserting in lieu thereof "Chief Administrative Officer, and the Inspector General".

SEC. 109. (a) Upon the approval of the appropriate employing authority, an employee of the House of Representatives who is separated from employment, may be paid a lump sum for the accrued annual leave of the employee. The lump sum—

(1) shall be paid in an amount not more than the lesser of—

(A) the amount of the monthly pay of the employee, as determined by the Chief Administrative Officer of the House of Representatives; or

(B) the amount equal to the monthly pay of the employee, as determined by the Chief Administrative Officer of the House of Representatives, divided by 30, and multiplied by the number of days of the accrued annual leave of the employee;

(2) shall be paid—

(A) for clerk hire employees, from the clerk hire allowance of the Member;

(B) for committee employees, from amounts appropriated for committees; and

(C) for other employees, from amounts appropriated to the employing authority; and

(3) shall be based on the rate of pay in effect with respect to the employee on the last day of employment of the employee.

(b) The Committee on House Oversight shall have authority to prescribe regulations to carry out this section.

(c) As used in this section, the term "employee of the House of Representatives" means an employee whose pay is disbursed by the Clerk of the House of Representatives or the Chief Administrative Officer of the House of Representatives, as applicable, except that such term does not include a uniformed or civilian support employee under the Capitol Police Board.

(d) Payments under this section may be made with respect to separations from employment taking place after June 30, 1995.

SEC. 110. (a)(1) Effective on the date of the enactment of this Act, the allowances for office personnel and equipment for certain Members of the House of Representatives, as adjusted through the day before the date of the enactment of this Act, are further adjusted as specified in paragraph (2).

(2) The further adjustments referred to in paragraph (1) are as follows:

(A) The allowance for the majority leader is increased by $167,532.

(B) The allowance for the majority whip is decreased by $167,532.

(b)(1) Effective on the date of the enactment of this Act, the House of Representatives allowances referred to in paragraph (2), as adjusted through the day before the date of the enactment of this Act, are further adjusted, or are established, as the case may be, as specified in paragraph (2).

(2) The further adjustments and the establishment referred to in paragraph (1) are as follows:

(A) The allowance for the Republican Conference is increased by $134,491.

(B) The allowance for the Republican Steering Committee is established at $66,995.

(C) The allowance for the Democratic Steering and Policy Committee is increased by $201,430.

(D) The allowance for the Democratic Caucus is increased by $56.

JOINT ITEMS

For Joint Committees, as follows:

JOINT ECONOMIC COMMITTEE

For salaries and expenses of the Joint Economic Committee, $3,000,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON PRINTING

[(TRANSFER OF FUNDS)

[For duties formerly carried out by the Joint Committee on Printing, $750,000, to be divided into equal amounts and transferred to the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate. For the purpose of carrying out the functions of the Joint Committee on Printing for the remainder of the One Hundred Fourth Congress only, the rules and structure of the committee will apply.]

For salaries and expenses of the Joint Committee on Printing, $1,164,000, to be disbursed by the Secretary of the Senate.

JOINT COMMITTEE ON TAXATION

For salaries and expenses of the Joint Committee on Taxation, [$6,019,000]

$5,116,000, to be disbursed by the Clerk of the House.

For other joint items, as follows:

OFFICE OF THE ATTENDING PHYSICIAN

For medical supplies, equipment, and contingent expenses of the emergency rooms, and for the Attending Physician and his assistants, including (1) an allowance of $1,500 per month to the Attending Physician; (2) an allowance of $500 per month each to two medical officers while on duty in the Attending Physician's office; (3) an allowance of $500 per month to one assistant and $400 per month each to not to exceed nine assistants on the basis heretofore provided for such assistance; and (4) $852,000 for reimbursement to the Department of the Navy for expenses incurred for staff and equipment assigned to the Office of the Attending Physician, which shall be advanced and credited to the applicable appropriation or appropriations from which such salaries, allowances, and other expenses are payable and shall be available for all the purposes thereof, $1,260,000, to be disbursed by the Clerk of the House.

CAPITOL POLICE BOARD

CAPITOL POLICE

SALARIES

For the Capitol Police Board for salaries, including overtime, hazardous duty pay differential, clothing allowance of not more than $600 each for members required to wear civilian attire, and Government contributions to employees' benefits funds, as authorized by law, of officers, members, and employees of the Capitol Police, [$70,132,000] *$69,825,000*, of which [$34,213,000] *$33,906,000* is provided to the Sergeant at Arms of the House of Representatives, to be disbursed by the Clerk of the House, and $35,919,000 is provided to the Sergeant at Arms and Doorkeeper of the Senate, to be disbursed by the Secretary of the Senate: *Provided*, That, of the amounts appropriated under this heading, such amounts as may be necessary may be transferred between the Sergeant at Arms of the House of Representatives and the Sergeant at Arms and Doorkeeper of the Senate, upon approval of the Committee on Appropriations of the House of Representatives and the Committee on Appropriations of the Senate.

GENERAL EXPENSES

For the Capitol Police Board for necessary expenses of the Capitol Police, including motor vehicles, communications and other equipment, uniforms, weapons, supplies, materials, training, medical services, forensic services, stenographic services, the employee assistance program, not more than $2,000 for the awards program, postage, telephone service, travel advances, relocation of instructor and liaison personnel for the Federal Law Enforcement Training Center, and $85 per month for extra services performed for the Capitol Police Board by an employee of the Sergeant at Arms of the Senate or the House of Representatives designated by the Chairman of the Board, [$2,560,000] *$2,190,000*, to be disbursed by the Clerk of the House of Representatives: *Provided*, That, notwithstanding any other provision of law, the cost of basic training for the Capitol Police at the Federal Law Enforcement Training Center for fiscal year 1996 shall be paid by the Secretary of the Treasury from funds available to the Department of the Treasury.

ADMINISTRATIVE PROVISION

SEC. 111. Amounts appropriated for fiscal year 1996 for the Capitol Police Board under the heading "CAPITOL POLICE" may be transferred between the headings "SALARIES" and "GENERAL EXPENSES", upon approval of the Committees on Appropriations of the Senate and the House of Representatives.

CAPITOL GUIDE SERVICE AND SPECIAL SERVICES OFFICE

For salaries and expenses of the Capitol Guide Service and Special Services Office, $1,991,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than forty individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

ADMINISTRATIVE PROVISION

SEC. 112. (a) Section 441 of the Legislative Reorganization Act of 1970 (40 U.S.C. 851) is amended by adding at the end the following new subsection:

"(k) In addition to any other function under this section, the Capitol Guide Service shall provide special services to Members of Congress, and to officers, employees, and guests of Congress.".

(b) Section 310 of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) is repealed.

(c) The amendment made by subsection (a) and the repeal made by subsection (b) shall take effect on October 1, 1995.

STATEMENTS OF APPROPRIATIONS

For the preparation, under the direction of the Committees on Appropriations of the Senate and the House of Representatives, of the statements for the first session of the One Hundred Fourth Congress, showing appropriations made, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriations bills as required by law, $30,000, to be paid to the persons designated by the chairmen of such committees to supervise the work.

[ADMINISTRATIVE PROVISION

[SEC. 112. (a) Section 441 of the Legislative Reorganization Act of 1970 (40 U.S.C. 851) is amended by adding at the end the following new subsection:

["(k) In addition to any other function under this section, the Capitol Guide Service shall provide special services to Members of Congress, and to officers, employees, and guests of Congress.".

[(b) Section 310 of the Legislative Branch Appropriations Act, 1990 (2 U.S.C. 130e) is repealed.

[(c) The amendment made by subsection (a) and the repeal made by subsection (b) shall take effect on October 1, 1995.]

OFFICE OF COMPLIANCE

For salaries and expenses of the Office of Compliance, as authorized by section 305 of Public Law 104–1, the Congressional Accountability Act of 1995 (2 U.S.C. 1385), $2,500,000.

OFFICE OF TECHNOLOGY ASSESSMENT

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the orderly closure of the Office of Technology Assessment, $3,615,000, of which $150,000 shall remain available until September 30, 1997. Upon enactment of this Act, $2,500,000 of the funds appropriated under this heading in Public Law 103–283 shall remain available until September 30, 1996: Provided, That none of the funds made available in this Act shall be available for salaries or expenses of any employee of the Office of Technology Assessment in excess of 17 employees except for severance pay purposes.

ADMINISTRATIVE PROVISIONS

SEC. 113. Upon enactment of this Act all employees of the Office of Technology Assessment for 183 days preceding termination of employment who are terminated as a result of the elimination of the Office and who are not otherwise gainfully employed may continue to be paid by the Office of Technology Assessment at their respective salaries for a period not to exceed 60 calendar days following the employee's date of termination or until the employee becomes otherwise gainfully employed whichever is earlier. A statement in writing to the Director of the Office of Technology Assessment or his designee by any such employee that he was not gainfully employed during such period or the portion thereof for which payment is claimed shall be accepted as prima facie evidence that he was not so employed.

SEC. 114. Notwithstanding the provisions of the Federal Property and Administrative Services Act of 1949, as amended, or any other provision of law, upon the abolition of the Office of Technology Assessment, all records and property of that agency (including Unix system, all computer hardware and software, all library collections and research materials, and all photocopying equipment), with the exception of realty and furniture, are hereby transferred to the jurisdiction and control of the Library of Congress, Congressional Research Service, to be used and employed in connection with its functions.

CONGRESSIONAL BUDGET OFFICE

SALARIES AND EXPENSES

For salaries and expenses necessary to carry out the provisions of the Congressional Budget Act of 1974 (Public Law 93–344), including not to exceed $2,500 to be expended on the certification of the Director of the Congressional Budget Office in connection with official representation and reception expenses, [$23,188,000] *$25,788,000*: *Provided*, That none of these funds shall be available for the purchase or hire of a passenger motor vehicle: *Provided further*, That none of the funds in this Act shall be available for salaries or expenses of any employee of the Congressional Budget Office in excess of [219] *244* full-time equivalent positions: *Provided further*, That any sale or lease of property, supplies, or services to the Congressional Budget Office shall be deemed to be a sale or lease of such property, supplies, or services to the Congress subject to section 903 of Public Law 98–63: *Provided further*, That the Director of the Congressional Budget Office shall have the authority, within the limits of available appropriations, to dispose of surplus or obsolete personal property by inter-agency transfer, donation, or discarding.

[In addition, for salaries and expenses of the Congressional Budget Office necessary to carry out the provisions of title I of the Unfunded Mandates Reform Act of 1995 (Public Law 104–4), as authorized by section 109 of such Act, $1,100,000.]

ADMINISTRATIVE PROVISION

SEC. [113] *115*. Section 8402(c) of title 5, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following:

"(7) The Director of the Congressional Budget Office may exclude from the operation of this chapter an employee under the Congressional Budget Office whose employment is temporary or intermittent.".

ARCHITECT OF THE CAPITOL

OFFICE OF THE ARCHITECT OF THE CAPITOL

SALARIES

For the Architect of the Capitol, the Assistant Architect of the Capitol, and other personal services, at rates of pay provided by law, [$8,569,000] *$8,876,000*.

TRAVEL

Appropriations under the control of the Architect of the Capitol shall be available for expenses of travel on official business not to exceed in the aggregate under all funds the sum of $20,000.

CONTINGENT EXPENSES

To enable the Architect of the Capitol to make surveys and studies, and to meet unforeseen expenses in connection with activities under his care, $100,000.

CAPITOL BUILDINGS AND GROUNDS

CAPITOL BUILDINGS

For all necessary expenses for the maintenance, care and operation of the Capitol and electrical substations of the Senate and House office buildings, under the jurisdiction of the Architect of the Capitol, including furnishings and office equipment; including not to exceed $1,000 for official reception and representation expenses, to be expended as the Architect of the Capitol may approve; purchase or exchange, maintenance and operation of a passenger motor vehicle; and attendance, when specifically authorized by the Architect of the Capitol, at meetings or conventions in connection with subjects related to work under the Architect of the Capitol, [$22,832,000] *$23,132,000*, of which [$3,000,000] *$2,950,000* shall remain available until expended: *Provided, That hereafter expenses, based on full cost recovery, for flying American flags and providing certification services therefor shall be advanced or reimbursed upon request of the Architect of the Capitol, and amounts so received shall be deposited into the Treasury to the credit of this appropriation.*

CAPITOL GROUNDS

For all necessary expenses for care and improvement of grounds surrounding the Capitol, the Senate and House office buildings, and the Capitol Power Plant, $5,143,000, of which $25,000 shall remain available until expended.

SENATE OFFICE BUILDINGS

For all necessary expenses for maintenance, care and operation of Senate Office Buildings; and furniture and furnishings to be expended under the control and supervision of the Architect of the Capitol, $41,757,000, of which $4,850,000 shall remain available until expended.

HOUSE OFFICE BUILDINGS

For all necessary expenses for the maintenance, care and operation of the House office buildings, $33,001,000, of which $5,261,000 shall remain available until expended.

CAPITOL POWER PLANT

For all necessary expenses for the maintenance, care and operation of the Capitol Power Plant; lighting, heating, power (including the purchase of electrical energy) and water and sewer services for the Capitol, Senate and House office buildings, Library of Congress buildings, and the grounds about the same, Botanic Garden, Senate garage, and air conditioning refrigeration not supplied from plants in any of such buildings; heating the Government Printing Office and Washington City Post Office, and heating and chilled water for air conditioning for the Supreme Court Building, Union Station complex, Thurgood Marshall Federal Judiciary Building and the Folger Shakespeare Library, expenses for which shall be advanced or reimbursed upon request of the Architect of the Capitol and amounts so received shall be deposited into the Treasury to the credit of this appropriation, [$32,578,000] *$31,518,000*: *Provided*, That not to exceed $4,000,000 of the funds credited or to be reimbursed to this appropriation as herein provided shall be available for obligation during fiscal year 1996.

LIBRARY OF CONGRESS

CONGRESSIONAL RESEARCH SERVICE

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of section 203 of the Legislative Reorganization Act of 1946 (2 U.S.C. 166) and to revise and extend the Annotated Constitution of the United States of America, [$75,083,000] *$60,084,000*: *Provided*, That no part of this appropriation may be used to pay any salary or expense in connection with any publication, or preparation of material therefor (except the Digest of Public General Bills), to be issued by the Library of Congress unless such publication has obtained prior approval of either the Committee on House Oversight of the House of Representatives or the Committee on Rules and Administration of the Senate: *Provided further*, That, notwithstanding any other provision of law, the compensation of the Director of the Congressional Research Service, Library of Congress, shall be at an annual rate which is equal to the annual rate of basic pay for positions at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

GOVERNMENT PRINTING OFFICE

CONGRESSIONAL PRINTING AND BINDING

For authorized printing and binding for the Congress and the distribution of Congressional information in any format; printing and binding for the Architect of the Capitol; expenses necessary for preparing the semimonthly and session index to the Congressional Record, as authorized by law (44 U.S.C. 902); printing and binding of Government publications authorized by law to be distributed to Members of Congress; and printing, binding, and distribution of Government publications authorized by law to be distributed without charge to the recipient, [$88,281,000] *$85,500,000*: *Provided*, That this appropriation shall not be available for paper copies of the permanent edition of the Congressional Record for individual [Senators,] Representatives, Resident Commissioners or Delegates authorized under 44 U.S.C. 906: *Provided further*, That this appropriation shall be available for the payment of obligations incurred under the appropriations for similar purposes for preceding fiscal years.

This title may be cited as the "Congressional Operations Appropriations Act, 1996".

TITLE II—OTHER AGENCIES

BOTANIC GARDEN

SALARIES AND EXPENSES

For all necessary expenses for the maintenance, care and operation of the Botanic Garden and the nurseries, buildings, grounds, and collections; and purchase and exchange, maintenance, repair, and operation of a passenger motor vehicle; all under the direction of the Joint Committee on the Library, $3,053,000.

[CONSERVATORY RENOVATION

[For renovation of the Conservatory of the Botanic Garden, $7,000,000, to be available to the Architect of the Capitol without fiscal year limitation: *Provided*, That the total amount appropriated for such renovation for this fiscal year and later fiscal years may not exceed $21,000,000.]

ADMINISTRATIVE PROVISIONS

SEC. 201. (a) Section 201 of the Legislative Branch Appropriations Act, 1993 (40 U.S.C. 216c note) is amended by striking out "$6,000,000" each place it appears and inserting in lieu thereof "$10,000,000".

(b) Section 307E(a)(1) of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c(a)(1)) is amended by striking out "plans" and inserting in lieu thereof "plants".

LIBRARY OF CONGRESS

SALARIES AND EXPENSES

For necessary expenses of the Library of Congress, not otherwise provided for, including development and maintenance of the Union Catalogs; custody and custodial care of the Library buildings; special clothing; cleaning, laundering and repair of uniforms; preservation of motion pictures in the custody of the Library; preparation and distribution of catalog cards and other publications of the Library; hire or purchase of one passenger motor vehicle; and expenses of the Library of Congress Trust Fund Board not properly chargeable to the income of any trust fund held by the Board, [$195,076,000 (less $1,165,000)] *$213,164,000*, of which not more than $7,869,000 shall be derived from collections credited to this appropriation during fiscal year 1996 under the Act of June 28, 1902 (chapter 1301; 32 Stat. 480; 2 U.S.C. 150): *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than the $7,869,000: *Provided further*, That of the total amount appropriated, $8,458,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other materials including subscriptions for bibliographic services for the Library, including $40,000 to be available solely for the purchase, when specifically approved by the Librarian, of special and unique materials for additions to the collections.

COPYRIGHT OFFICE

SALARIES AND EXPENSES

For necessary expenses of the Copyright Office, including publication of the decisions of the United States courts involving copyrights, $30,818,000, of which not more than $16,840,000 shall be derived from collections credited to this appropriation during fiscal year 1996 under 17 U.S.C. 708(c), and not more than $2,990,000 shall be derived from collections during fiscal year 1996 under 17 U.S.C. 111(d)(2), 119(b)(2), 802(h), and 1005: *Provided*, That the total amount available for obligation shall be reduced by the amount by which collections are less than $19,830,000: *Provided further*, That up to $100,000 of the amount appropriated is available for the maintenance of an "International Copyright Institute" in the Copyright Office of the Library of Congress for the purpose of training nationals of developing countries in intellectual property laws and policies: *Provided further*, That not to exceed $2,250 may be expended on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for activities of the International Copyright Institute.

BOOKS FOR THE BLIND AND PHYSICALLY HANDICAPPED

SALARIES AND EXPENSES

For salaries and expenses to carry out the provisions of the Act of March 3, 1931 (chapter 400; 46 Stat. 1487; 2 U.S.C. 135a), $44,951,000, of which $11,694,000 shall remain available until expended.

FURNITURE AND FURNISHINGS

For necessary expenses for the purchase and repair of furniture, furnishings, office and library equipment, $4,882,000, of which $943,000 shall be available until expended only for the purchase and supply of furniture, shelving, furnishings, and related costs necessary for the renovation and restoration of the Thomas Jefferson and John Adams Library buildings.

ADMINISTRATIVE PROVISIONS

SEC. 202. Appropriations in this Act available to the Library of Congress shall be available, in an amount not to exceed $194,290, of which $58,100 is for the Congressional Research Service, when specifically authorized by the Librarian, for attendance at meetings concerned with the function or activity for which the appropriation is made.

SEC. 203. (a) No part of the funds appropriated in this Act shall be used by the Library of Congress to administer any flexible or compressed work schedule which—

(1) applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15; and

(2) grants such manager or supervisor the right to not be at work for all or a portion of a workday because of time worked by the manager or supervisor on another workday.

(b) For purposes of this section, the term "manager or supervisor" means any management official or supervisor, as such terms are defined in section 7103(a) (10) and (11) of title 5, United States Code.

SEC. 204. Appropriated funds received by the Library of Congress from other Federal agencies to cover general and administrative overhead costs generated by performing reimbursable work for other agencies under the authority of 31 U.S.C. 1535 and 1536 shall not be used to employ more than 65 employees and may be expended or obligated—

(1) in the case of a reimbursement, only to such extent or in such amounts as are provided in appropriations Acts; or

(2) in the case of an advance payment, only—

(A) to pay for such general or administrative overhead costs as are attributable to the work performed for such agency; or

(B) to such extent or in such amounts as are provided in appropriations Acts, with respect to any purpose not allowable under subparagraph (A).

SEC. 205. Not to exceed $5,000 of any funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress, in connection with official representation and reception expenses for the Library of Congress incentive awards program.

SEC. 206. Not to exceed $12,000 of funds appropriated to the Library of Congress may be expended, on the certification of the Librarian of Congress or his designee, in connection with official representation and reception expenses for the Overseas Field Offices.

SEC. 207. Under the heading "Library of Congress" obligational authority shall be available, in an amount not to exceed [$86,912,000] *$99,412,000* for reimbursable and revolving fund activities, and [$5,667,000] *$7,295,000* for non-expenditure transfer activities in support of parliamentary development during the current fiscal year.

SEC. 208. Notwithstanding this or any other Act, obligational authority under the heading "Library of Congress" for activities *funded by the Agency for International Development* in support of parliamentary development is prohibited, except for Russia, Ukraine, Albania, Slovakia, [and Romania,] *Romania, and Egypt* for other than incidental purposes.

[SEC. 209. (a) Section 206 of the Legislative Branch Appropriations Act, 1994 (2 U.S.C. 132a–1) is amended by striking out "Effective" and all that follows through "provided", and inserting in lieu thereof "Obligations for reimbursable activities and revolving fund activities performed by the Library of Congress and obligations exceeding $100,000 for a fiscal year for any single gift fund activity or trust fund activity performed by the Library of Congress are limited to the amounts provided for such purposes".

[(b) The amendment made by subsection (a) shall take effect on October 1, 1996, and shall apply with respect to fiscal years beginning on or after that date.]

SEC. 209. The Library of Congress may for such employees as it deems appropriate authorize a payment to employees who voluntarily retire during fiscal 1996 which payment shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code.

SEC. 210. (a) PURPOSE.—The purpose of this section is to reduce the cost of information support for the Congress by eliminating duplication among systems which provide electronic access by Congress to legislative information.

(b) DEFINITIONS.—For the purpose of this section, the term "legislative information" means information about legislation prepared by, or on behalf of, the entire Congress, or by the committees, subcommittees, or offices of the Congress, to include, but not limited to, the text of bills and amendments to bills; the Congressional Record; legislative activity recorded for the Record and/or the current Senate or House bill status systems; committee hearings, reports, and prints.

(c) Consistent with the provisions of any other law, the Library of Congress shall develop and maintain, in coordination with other appropriate Legislative Branch entities, a single legislative information retrieval system to serve the entire Congress.

(d) The Library shall develop a plan for creation of this system, taking into consideration the findings and recommendations of the study directed by House Report No. 103–517 to identify and eliminate redundancies in congressional information systems. This plan must be approved by the Senate Rules and Administration Committee and the House Oversight Committee. The Library shall provide these committees, as well as the Senate and House Appropriations Committees, with regular status reports on the implementation of the plan.

(e) In formulating its plan, the Library shall examine issues regarding efficient ways to make this information available to the public. This analysis shall be submitted to the Senate and House Appropriations Committees as well as the Senate Rules and Administration Committee and the House Oversight Committee for their consideration and possible action.

ARCHITECT OF THE CAPITOL

LIBRARY BUILDINGS AND GROUNDS

STRUCTURAL AND MECHANICAL CARE

For all necessary expenses for the mechanical and structural maintenance, care and operation of the Library buildings and grounds, $12,428,000, of which $3,710,000 shall remain available until expended.

GOVERNMENT PRINTING OFFICE

OFFICE OF SUPERINTENDENT OF DOCUMENTS

SALARIES AND EXPENSES

For expenses of the Office of Superintendent of Documents necessary to provide for the cataloging and indexing of Government publications and their distribution to the public, Members of Congress, other Government agencies, and designated depository and international exchange libraries as authorized by law, [$16,312,000] *$30,307,000*: *Provided*, That travel expenses, including travel expenses of the Depository Library Council to the Public Printer, shall not exceed $130,000: *Provided further*, That funds, not to exceed $2,000,000, from current year appropriations are authorized for producing and disseminating Congressional Serial Sets and other related Congressional/non-Congressional publications for 1994 and 1995 to depository and other designated libraries.

[ADMINISTRATIVE PROVISION

[SEC. 210. The last paragraph of section 1903 of title 44, United States Code, is amended by striking out the last sentence and inserting in lieu thereof the following: "The cost of production and distribution for publications distributed to depository libraries—

["(1) in paper or microfiche formats, whether or not such publications are requisitioned from or through the Government Printing Office, shall be borne by the components of the Government responsible for their issuance; and

["(2) in other than paper or microfiche formats—

["(A) if such publications are requisitioned from or through the Government Printing Office, shall be charged to appropriations provided to the Superintendent of Documents for that purpose; and]

["(B) if such publications are obtained elsewhere than from the Government Printing Office, shall be borne by the components of the Government responsible for their issuance.".]

GOVERNMENT PRINTING OFFICE REVOLVING FUND

The Government Printing Office is hereby authorized to make such expenditures, within the limits of funds available and in accord with the law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act as may be necessary in carrying out the programs and purposes set forth in the budget for the current fiscal year for the Government Printing Office revolving fund: *Provided*, That not to exceed $2,500 may be expended on the certification of the Public Printer in connection with official representation and reception expenses: *Provided further*, That the revolving fund shall be available for the hire or purchase of passenger motor vehicles, not to exceed a fleet of twelve: *Provided further*, That expenditures in connection with travel expenses of the advisory councils to the Public Printer shall be deemed necessary to carry out the provisions of title 44, United States Code: *Provided further*, That the revolving fund shall be available for services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level V of the Executive Schedule (5 U.S.C. 5316): *Provided further*, That the revolving fund and the funds provided under the headings "OFFICE OF SUPERINTENDENT OF DOCUMENTS" and "SALARIES AND EXPENSES" together may not be available for the full-time equivalent employment of more than [3,550 workyears] *3,900 workyears by the end of fiscal year 1996*: *Provided further*, That activities financed through the revolving fund may provide information in any format: *Provided further*, That the revolving fund shall not be used to administer any flexible or compressed work schedule which applies to any manager or supervisor in a position the grade or level of which is equal to or higher than GS–15: *Provided further*, That expenses for attendance at meetings shall not exceed $75,000.

GENERAL ACCOUNTING OFFICE

Salaries and Expenses

For necessary expenses of the General Accounting Office, including not to exceed $7,000 to be expended on the certification of the Comptroller General of the United States in connection with official representation and reception expenses; services as authorized by 5 U.S.C. 3109 but at rates for individuals not to exceed the per diem rate equivalent to the rate for level IV of the Executive Schedule (5 U.S.C. 5315); hire of one passenger motor vehicle; advance payments in foreign countries in accordance with 31 U.S.C. 3324; benefits comparable to those payable under sections 901(5), 901(6) and 901(8) of the Foreign Service Act of 1980 (22 U.S.C. 4081(5), 4081(6) and 4081(8)); and under regulations prescribed by the Comptroller General of the United States, rental of living quarters in foreign countries and travel benefits comparable with those which are now or hereafter may be granted single employees of the Agency for International Development, including single Foreign Service personnel assigned to AID projects, by the Administrator of the Agency for International Development—or his designee—under the authority of section 636(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2396(b)); [$392,864,000] *$374,406,000*: *Provided*, That not more than $400,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in fiscal year 1996: *Provided further*, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $8,000,000 of such funds shall be available for use in fiscal year 1996 *and, in addition, the following sums are appropriated, to be available for the fiscal year beginning October 1, 1996 and ending September 30, 1997, for the necessary expenses of the General Accounting Office, in accordance with the authority, and on such terms and conditions, as provided for in fiscal year 1996, including $7,000 for official representation and reception expenses, $338,425,400: Provided further, That not more than $100,000 of reimbursements received incident to the operation of the General Accounting Office Building shall be available for use in 1997: Provided further, That notwithstanding 31 U.S.C. 9105 hereafter amounts reimbursed to the Comptroller General pursuant to that section shall be deposited to the appropriation of the General Accounting Office then available and remain available until expended, and not more than $6,000,000 of such funds shall be available in fiscal year 1997: Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the Joint Financial Management Improvement Program (JFMIP) shall be available to finance an appropriate share of JFMIP costs as determined by the JFMIP, including the salary of the Executive Director and secretarial support: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the National Intergovernmental Audit Forum or a Regional Intergovernmental Audit Forum shall be available to finance an appropriate share of Forum costs as determined by the Forum, including necessary travel expenses of non-Federal participants. Payments hereunder to either the Forum or the JFMIP may be credited as reimbursements to any appropriation from which costs involved are initially financed: *Provided further*, That to the extent that funds are otherwise available for obligation, agreements or contracts for the removal of asbestos, and renovation of the building and building systems (including the heating, ventilation and air conditioning system, electrical system and other major building systems) of the General Accounting Office Building may be made for periods not exceeding five years: *Provided further*, That this appropriation and appropriations for administrative expenses of any other department or agency which is a member of the American Consortium on International Public Administration (ACIPA) shall be available to finance an appropriate share of ACIPA costs as determined by the ACIPA, including any expenses attributable to membership of ACIPA in the International Institute of Administrative Sciences.

[ADMINISTRATIVE PROVISION]

ADMINISTRATIVE PROVISIONS

[SEC. 211. (a) Effective June 30, 1996, the functions of the Comptroller General identified in subsection (b) are transferred to the Director of the Office of Management and Budget, contingent upon the additional transfer to the Office of Management and Budget of such personnel, budget authority, records, and property of the General Accounting Office relating to such functions as the Comptroller General and the Director jointly determine to be necessary. The Director may delegate any such function, in whole or in part, to any other agency or agencies if the Director determines that such delegation would be cost-effective or otherwise in the public interest, and may transfer to such agency or agencies any personnel, budget authority, records, and property received by the Director pursuant to the preceding sentence that relate to the delegated functions. Personnel transferred pursuant to this provision shall not be separated or reduced in classification or compensation for one year after any such transfer, except for cause.

[(b) The following provisions of the United States Code contain the functions to be transferred pursuant to subsection (a): sections 5564 and 5583 of title 5; sections 2312, 2575, 2733, 2734, 2771, 4712, and 9712 of title 10; sections 1626 and 4195 of title 22; section 420 of title 24; sections 2414 and 2517 of title 28; sections 1304, 3702, 3726, and 3728 of title 31; sections 714 and 715 of title 32; section 554 of title 37; section 5122 of title 38; and section 256a of title 41.]

SEC. 211. (a) Section 732 of title 31, United States Code, is amended by adding a new subsection (h) as follows:

"(h) Notwithstanding the provisions of subchapter I of chapter 35 of title 5, United States Code, the Comptroller General shall prescribe regulations for the release of officers and employees of the General Accounting Office in a reduction in force which give due effect to tenure of employment, military preference, performance and/or contributions to the agency's goals and objectives, and length of service. The regulations shall, to the extent deemed feasible by the Comptroller General, be designed to minimize disruption to the Office and to assist in promoting the efficiency of the Office.".

SEC. 212. Section 753 of title 31, United States Code, is amended—

(1) by redesignating subsections (b), (c), and (d) as (c), (d), and (e), respectively.

(2) by inserting after subsection (a) a new subsection (b) as follows:

"(b) The Board has no authority to issue a stay of any reduction in force action."; and

(3) in the second sentence of subsection (c), as redesignated, by striking "(c)" and inserting "(d)".

SEC. 213. The General Accounting Office may for such officers and employees as it deems appropriate authorize a payment to officers and employees who voluntarily separate on or before September 30, 1995, whether by retirement or resignation, which payment shall be paid in accordance with the provisions of section 5597(d) of title 5, United States Code.

TITLE III—GENERAL PROVISIONS

SEC. 301. No part of the funds appropriated in this Act shall be used for the maintenance or care of private vehicles, except for emergency assistance and cleaning as may be provided under regulations relating to parking facilities for the House of Representatives issued by the Committee on House Oversight and for the Senate issued by the Committee on Rules and Administration.

SEC. 302. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 303. Whenever any office or position not specifically established by the Legislative Pay Act of 1929 is appropriated for herein or whenever the rate of compensation or designation of any position appropriated for herein is different from that specifically established for such position by such Act, the rate of compensation and the designation of the position, or either, appropriated for or provided herein, shall be the permanent law with respect thereto: *Provided*, That the provisions herein for the various items of official expenses of Members, officers, and committees of the Senate and House of Representatives, and clerk hire for Senators and Members of the House of Representatives shall be the permanent law with respect thereto.

SEC. 304. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 305. (a) It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 306. (a) Upon approval of the Committee on Appropriations of the House of Representatives, and in accordance with conditions determined by the Committee on House Oversight, positions in connection with House parking activities and related funding shall be transferred from the appropriation "Architect of the Capitol, Capitol buildings and grounds, House office buildings" to the appropriation "House of Representatives, salaries, officers and employees, Office of the Sergeant at Arms": *Provided*, That the position of Superintendent of Garages shall be subject to authorization in annual appropriation Acts.

(b) For purposes of section 8339(m) of title 5, United States Code, the days of unused sick leave to the credit of any such employee as of the date such employee is transferred under subsection (a) shall be included in the total service of such employee in connection with the computation of any annuity under subsections (a) through (e) and (o) of such section.

(c) In the case of days of annual leave to the credit of any such employee as of the date such employee is transferred under subsection (a) the Architect of the Capitol is authorized to make a lump sum payment to each such employee for that annual leave. No such payment shall be considered a payment or compensation within the meaning of any law relating to dual compensation.

SEC. 307. None of the funds made available in this Act may be used for the relocation of the office of any Member of the House of Representatives within the House office buildings.

[SEC. 308. (a)(1) Effective October 1, 1995, the unexpended balances of appropriations specified in paragraph (2) are transferred to the appropriation for general expenses of the Capitol Police, to be used for design and installation of security systems for the Capitol buildings and grounds.

[(2) The unexpended balances referred to in paragraph (1) are—

[(A) the unexpended balance of appropriations for security installations, as referred to in the paragraph under the heading "CAPITOL BUILDINGS", under the general headings "JOINT ITEMS", "ARCHITECT OF THE CAPITOL", and "CAPITOL BUILDINGS AND GROUNDS" in title I of the Legislative Branch Appropriations Act, 1995 (108 Stat. 1434), including any unexpended balance from a prior fiscal year and any unexpended balance under such headings in this Act; and]

[(B) the unexpended balance of the appropriation for an improved security plan, as transferred to the Architect of the Capitol by section 102 of the Legislative Branch Appropriations Act, 1989 (102 Stat. 2165).

[(b) Effective October 1, 1995, the responsibility for design and installation of security systems for the Capitol buildings and grounds is transferred from the Architect of the Capitol to the Capitol Police Board. Such design and installation shall be carried out under the direction of the Committee on House Oversight of the House of Representatives and the Committee on Rules and Administration of the Senate, and without regard to section 3709 of the Revised Statutes of the United States (41 U.S.C. 5). On and after October 1, 1995, any alteration to a structural, mechanical, or architectural feature of the Capitol buildings and grounds that is required for a security system under the preceding sentence may be carried out only with the approval of the Architect of the Capitol.

[(c)(1) Effective October 1, 1995, all positions specified in paragraph (2) and each individual holding any such position (on a permanent basis) immediately before that date, as identified by the Architect of the Capitol, shall be transferred to the Capitol Police.]

[(2) The positions referred to in paragraph (1) are those positions which, immediately before October 1, 1995, are—

[(A) under the Architect of the Capitol;

[(B) within the Electronics Engineering Division of the Office of the Architect of the Capitol; and

[(C) related to the design or installation of security systems for the Capitol buildings and grounds.

[(3) All annual leave and sick leave standing to the credit of an individual immediately before such individual is transferred under paragraph (1) shall be credited to such individual, without adjustment, in the new position of the individual.]

SEC. [309] *308*. (a) Section 230(a) of the Congressional Accountability Act of 1995 (2 U.S.C. 1371(a)) is amended by striking out "Administrative Conference of the United States" and inserting in lieu thereof "Board".

(b) Section 230(d)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1371(d)(1)) is amended—

(1) by striking out "Administrative Conference of the United States" and inserting in lieu thereof "Board"; and

(2) by striking out "and shall submit the study and recommendations to the Board".

SEC. [310] *309*. Section 122(d) of the Military Construction Appropriations Act, 1994 (Public Law 103–110; 2 U.S.C. 141 note) is amended by adding at the end the following new sentence: "The Provost Marshal (U.S. Army Military Police), Fort George G. Meade, is authorized to police the real property, including improvements thereon, transferred under subsection (a), and to make arrests on the said real property and within any improvements situated thereon for any violation of any law of the United States, the District of Columbia, or any State, or of any regulation promulgated pursuant thereto, and such authority shall be construed as authorizing the Provost Marshal, with the consent or upon the request of the Librarian of Congress or his assistants, to enter any improvements situated on the said real property that are under the jurisdiction of the Library of Congress to make arrests or to patrol such structures.".

[SEC. 311. (a)(1) Effective as prescribed by paragraph (2), the administrative jurisdiction over the property described in subsection (b), known as the Botanic Garden, is transferred, without reimbursement, to the Secretary of Agriculture. After such transfer, the Botanic Garden shall continue as a scientific display garden to inform and educate visitors and the public as to the value of plants to the well-being of humankind and the natural environment.

[(2) The transfer referred to in paragraph (1) shall take effect—

[(A) on October 1, 1996, with respect to the property described in subsection (b)(1)(A); and

[(B) on the later of October 31, 1996, or the date of the conveyance described in subsection (b)(1)(B), with respect to the property described in that subsection.

[(b)(1) The property referred to in subsection (a)(1) is the property consisting of—

[(A) Square 576 in the District of Columbia (bounded by Maryland Avenue on the north, First Street on the east, Independence Avenue on the south, and Third Street on the west) and Square 578 in the District of Columbia (bounded by Independence Avenue on the north, First Street on the east, and Washington Avenue on the southwest), other than the property included in the Capitol Grounds by paragraph (20) of the first section of Public Law 96–432 (40 U.S.C. 193a note);

[(B) the site known as the Botanic Garden Nursery at D.C. Village, consisting of 25 acres located at 4701 Shepherd Parkway, S.W., Washington, D.C. (formerly part of a tract of land known as Parcel 253/26), which site is to be conveyed by the District of Columbia to the Architect of the Capitol pursuant to Public Law 98–340 (40 U.S.C. 215 note);

[(C) all buildings, structures, and other improvements located on the property described in subparagraphs (A) and (B), respectively; and

[(D) all equipment and other personal property that, immediately before the transfer under this section, is located on the property described in subparagraphs (A) and (B), respectively, and is under the control of the Architect of the Capitol, acting under the direction of the Joint Committee on the Library.

[(c) Not later than the date of the conveyance to the Architect of the Capitol of the property described in subsection (b)(1)(B), the Architect of the Capitol and the Secretary of Agriculture shall enter into an agreement to permit the retention by the Architect of the Capitol of a portion of that property for legislative branch storage and support facilities and expansion of such facilities, and facilities to be developed for use by the Capitol Police.

[(d)(1) Effective October 1, 1996, all employee positions specified in paragraph (2) and each individual holding any such position (on a permanent basis) immediately before the transfer, as identified by the Architect of the Capitol, shall be transferred to the Department of Agriculture.

[(2) The employee positions referred to in paragraph (1) are those positions which, immediately before October 1, 1996, are under the Architect of the Capitol and are primarily related to the functions of the Botanic Garden.

[(3) All annual leave and sick leave standing to the credit of an individual immediately before such individual is transferred under paragraph (1) shall be credited to such individual, without adjustment, in the new position of the individual.

[(e)(1) Notwithstanding the transfer under this section, and without regard to the laws specified in paragraph (2), the Architect of the Capitol shall retain full authority for completing, under plans approved by the Architect, the National Garden authorized by section 307E of the Legislative Branch Appropriations Act, 1989 (40 U.S.C. 216c), including the renovation of the Conservatory of the Botanic Garden under section 209(b) of Public Law 102–229 (40 U.S.C. 216c note). In carrying out the preceding sentence, the Architect—

[(A) shall have full responsibility for design, construction management and supervision, and acceptance of gifts;

[(B) shall inform the Secretary of Agriculture from time to time of the progress of the work involved; and

[(C) shall notify the Secretary of Agriculture when, as determined by the Architect, the National Garden, including the renovation of the Conservatory of the Botanic Garden, is complete.

[(2) The laws referred to in paragraph (1) are section 2 of the Act entitled "An Act providing for a comprehensive development of the park and playground system of the National Capital.", approved June 6, 1924 (40 U.S.C. 71a), and the first section of the Act entitled "An Act establishing a Commission of Fine Arts.", approved May 17, 1910 (40 U.S.C. 104).

[(f)(1) Except as provided in paragraph (2), effective October 1, 1996, the unexpended balances of appropriations for the Botanic Garden are transferred to the Secretary of Agriculture.

[(2) Any unexpended balances of appropriations for completion of the National Garden, including the Conservatory of the Botanic Garden, under subsection (e) shall remain under the Architect of the Capitol.

[(g) After the transfer under this section—

[(1) under such terms and conditions as the Secretary of Agriculture may impose, including a requirement for payment of fees for the benefit of the Botanic Garden, the National Garden and the Conservatory of the Botanic Garden shall be available for receptions sponsored by Members of Congress; and

[(2) the Secretary of Agriculture, through the Botanic Garden, shall continue, with reimbursement, to propagate and provide such plant materials as the Architect may require for the United States Capitol Grounds, and such indoor plant materials and cut flowers as are authorized by policies of the House of Representatives and the Senate.]

SEC. [312] *310.* Any amount appropriated in this Act for "HOUSE OF REPRESENTATIVES—Salaries and Expenses—Members' Representational Allowances" shall be available only for fiscal year 1996. Any amount remaining after all payments are made under such allowances for such fiscal year shall be deposited in the Treasury, to be used for deficit reduction.

SEC. 311. Section 316 of Public Law 101–302 is amended in the first sentence of subsection (a) by striking "1995" and inserting "1996".

This Act may be cited as the "Legislative Branch Appropriations Act, 1996".

Mr. DOLE. Mr. President, I now ask unanimous consent that the committee amendments be considered, en bloc, agreed to, en bloc, and considered original text for the purpose of further amendment, and that no points of order be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the committee amendments were agreed to.

Mr. DOLE. Mr. President, let me indicate that we are happy to have the managers here this morning on the first appropriations bill. We hope to dispose of six appropriations bills before the August recess. This is certainly an indication that we are on target. We had these bills scheduled for tomorrow. We will do them today. Maybe we can do something else tomorrow. I wish the managers success, and I hope we can do it quickly.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Florida [Mr. MACK].

Mr. MACK. Mr. President, I am pleased to present the fiscal year 1996 legislative branch appropriations bill, H.R. 1854, to the Senate. Simply put, with this bill the Congress leads the way in fulfilling our commitment to reduce the size, scope, and cost of the Federal Government.

But, of equal importance to keeping our promise to the American people in reducing the size and cost of Congress is making these reductions in a thoughtful and responsible manner. The bill we present today does not compromise the legislative and oversight responsibilities of Congress.

Mr. President, I would like to take a moment to describe the approach the committee took in arriving at these funding levels. This past January, I sent a letter to each of the Senate officers and legislative branch support agencies asking them to undergo a serious programmatic review of each of their activities and services they provide to Congress.

In doing so, they were asked to take a long and hard look at their core missions and statutory responsibilities. They were asked to explore ways of using technologies to make their operations more efficient and productive. They were asked to explore opportunities for consolidation and restructuring of their functions and services. Following their top to bottom review, the results were incorporated into new budget justifications which were presented in hearings before the subcommittee.

I am deeply appreciative to each of the Senate officers and agency heads. I want to thank in particular the former Secretary of the Senate, Ms. Sheila Burke and her successor, Mr. Kelly Johnston, and the Senate Sergeant at Arms, Howard O. Greene, for their cooperation. These offices met, and even exceeded their goals of reducing their budgets by 12.5 percent. Without their commitment and the dedication of their respective staffs the committee would not have been able to produce the legislation that the Senate considers today.

Mr. President, as any member of the committee will tell you, these decisions were not easy. But, we have, in great measure, accomplished what we set out to do, respond to the clear and unmistakable message sent by the American people last November—change the way we do business here in Washington, reduce spending, and bring runaway spending in control and balance the Federal budget.

I would like to summarize the highlights of the bill:

The total funding for the legislative branch appropriation is $2,190,380,000, a reduction of just over $200 million or 8.45 percent below the fiscal year 1995 level.

For the funding of the operations of the Senate the committee's recommendation is $426.9 million a $33.7 million reduction. In addition, the committee rescinds $63.5 million of unobligated funds from previous years.

Within the Senate accounts the funding for committees reflects a 15-percent reduction. As I have already mentioned, the funding for the offices of the Secretary of the Senate and Sergeant at Arms are reduced by 12.5 percent.

Again, I want to reiterate or make the point that these reductions are from this year's level. This is not some reduction from some arbitrary, inflated baseline. These are reductions from this year's expenditures.

Mr. President, in last years bill the Senate passed into law a ban on unsolicited mass mailing which has resulted in tens of millions of dollars in savings to the taxpayer. Again, this year the committee freezes official mail cost at $11 million.

The statutory allowances for Senator's offices are not reduced. The recommended funding for Members' office salaries and expenses should be sufficient to cover fiscal year 1996 expenditures.

Mr. President, S. 2, the Congressional Accountability Act, which was passed into law early this year, mandates that Congress comply with the very same employment and labor laws that private businesses must comply with. And, just like businesses all around the country, there is a cost to compliance. This bill includes $2.5 million appropriation for the establishment of the new Office of Compliance. This is a new joint item with the House. Each Member should be aware that the costs associated with the Congressional Accountability Act will require future increases in expenditures. The committee has included report language that directs the offices of the Senate to make regular reports to the committee regarding issues of compliance and associated costs.

As to the major support agencies of Congress: the Library of Congress has level funding compared to fiscal year 1995, with the exception of $3 million increase for the National Digital Library Program. I want to commend the Librarian of Congress, Dr. James Billington, for his efforts in strengthening the Library and the services it provides to the Nation. The digital library effort is one of several forward thinking programs initiated by the Library of Congress which will insure the Library's position as one of our leading institutions.

We have included a $2.6 million increase for the Congressional Budget Office so that it may perform studies mandated by the Unfunded Mandate Reform Act.

The GAO is reduced 15 percent from fiscal year 1995 levels and we have included an advance appropriation for fiscal year 1997 which will result in a two year reduction of 25 percent.

The Office of Technology Assessment is eliminated in the bill. The committee has included termination costs in fiscal year 1996 which total $3.6 million.

Mr. President, each Member of the Senate should know that this bill complies with the specifics of the Senate budget resolution which provides a dramatic and necessary outline for balancing the Federal budget by the year 2002. The budget resolution specifies the reductions to the General Accounting Office and the elimination of the Office of Technology Assessment.

In regards to the 2-year 25-percent reduction in the funding for the General Accounting Office, I want to thank Senator ROTH, chairman of the Government Affairs Committee, and his staff for their cooperation in identifying and recommending needed changes at GAO. With their assistance, I am confident that the GAO will be able to perform its core statutory mission.

Also, I want to thank the Comptroller General, Charles Bowsher, for his help. He will tell you that the funding levels will be difficult and will force structural changes, but he is committed to making the General Accounting

Office the model for the rest of the Federal Government in productivity and efficiency as we continue to restructure and downsize the Federal Government.

Mr. President, I expect an amendment to be offered that restores funding for the Office of Technology Assessment. I know that there are Members who feel strongly about this issue and we will debate the merits should it be offered. I must point out to the Members of the Senate that the Senate budget resolution specifies the elimination of OTA, and quite frankly, the services and information that OTA provides can be obtained from a great variety of sources that do not require a $21 million dollars expenditure.

Mr. President, while this bill accomplishes our stated goal of reducing Congressional spending by $200 million, much more needs to be done in the coming year. While the office of the Architect of the Capitol is reduced by 10 percent in title I of this bill, the Congress will undertake a much more thorough review of its structure and organization by way of a Joint House-Senate Leadership Taskforce. The taskforce will, with the assistance of the Architect of the Capitol, identify services and operations that could be more cost efficiently performed by outside contractors.

The committee report also directs the Government Printing Office to initiate a study to analyze the structure and services of the Superintendent of Documents and the Federal Depository Library Program; the program which assures the American people ready and dependable access to government information.

While the committee would have preferred to make more substantial changes to the structure and funding of the Architect of the Capitol and the Government Printing Office, we clearly need more information before making these decision. Finally, I want to thank our ranking member, Senator MURRAY, as well as the other members of the subcommittee, for their hard work and cooperation in crafting this measure. Additionally, this year's bill builds upon the years of hard work and dedication of Senator REID, our former chairman. Senator REID extended a great deal of time and cooperation to me as ranking member, and I thank him for that.

Mr. President, I would yield the floor to our ranking member and floor manager, Senator MURRAY, for any statement she would wish to make.

Mrs. MURRAY. Thank you, Mr. President.

Mr. President, I rise in support of the H.R. 1854, the fiscal year 1996 Legislative branch appropriation bill. I note that this is not the first year in which the committee has made the effort to constrain the spending of the legislative branch. As Senator MACK stated last year in his opening floor remarks on the fiscal year 1995 legislative branch appropriation bill, "This is the fourth year in a row now that we have held funding at or below the previous year's levels in real dollars." Mr. President, that means that this is the fifth year in a row that the Senate Appropriations Committee has reported a bill in which we have held funding at or below the previous year's levels—in fact, this year the committee-reported bill is over $200 million below the level enacted for fiscal year 1995.

The chairman has provided in his remarks a detailed explanation of all of the recommendations contained in the committee-reported bill. Without repeating those details, I would simply direct all members to a summary table on pages 65 and 66 of the committee report for the two titles of the bill. For title I, congressional operations, the committee recommends a total of a little over $1.5 billion. That is a reduction of $126 million below the fiscal year 1995 appropriated level and $275 million below the total budget estimates for fiscal year 1996 for congressional operations. Title II of the bill, as shown on page 66 of the report, provides funding for other agencies for which the committee recommends a total of $686 million. In total, as is depicted in the summary table, the bill as reported by the full committee provides $2.1 billion, a reduction of just over $200 million below the fiscal year 1995 enacted bill and a reduction of $427 million below the budget estimates for fiscal year 1996.

There are a number of differences between the House-passed bill and the committee's recommendations, several of which I would now like to address. First, for the Architect of the Capitol, the House bill did not fund the operations of the Flag Office. The Senate Appropriations Committee chose, instead, to continue that office but with the cost of this operation fully covered by the prices charged to the public for the flags themselves.

For certain security functions of the Architect of the Capitol, the House bill recommended the transfer of staff from the Architect of the Capitol to the Capitol Police. The Senate committee-reported bill disagrees with that recommendation and has left that security function within the Office of the Architect.

The committee-reported bill does not agree with the House recommendation that the Botanic Garden be transferred to the Department of Agriculture. In addition, the House provided $7 million for the renovation of the Conservatory and capped the total project at $21 million. The Senate committee-reported bill has deleted all funding for that purpose.

Finally, Mr. President, for the Office of Technology Assessment (OTA), the House-passed bill included a floor amendment which provided for the continuation of the functions of the OTA within the Congressional Research Service at a level of $15 million. H.R. 1854, as reported by the Senate Appropriations Committee, includes a total of just over $6 million for the OTA. This amount will allow for the orderly completion and distribution of approximately 30 reports which the OTA is currently undertaking and a maximum of 17 employees is provided for closing the Office. In addition, from within the amount appropriated for fiscal year 1996, $150,000 is recommended to remain available until September 30, 1997, to provide for unemployment claims that may arise.

I would note, however, that during the committee markup of the bill, an amendment offered by the distinguished Senator from South Carolina, Senator HOLLINGS, which I supported, would have provided $15 million for the OTA—the cost of which was offset by a 1.08-percent reduction of the salaries and expenses of certain of the congressional support agencies. That amendment was defeated by a rollcall vote of 11–13.

I believe that the OTA provides a valuable service for the Congress on a bipartisan basis and I will have more to say during this debate about the OTA in support of an amendment which I anticipate may be offered to overturn the committee's recommendation.

In conclusion, I again compliment the very able chairman of the subcommittee, Senator MACK. I have learned a lot during my first year as ranking member of this subcommittee, and I am pleased that we have been able to do our share in carefully examining the expenditures of the legislative branch to ensure that they are cost-effective and, where possible, we have recommended reductions in keeping with our overall efforts to reduce Federal spending.

Mr. BYRD. Mr. President, are there committee amendments?

The PRESIDING OFFICER. The Chair advises the Senator from West Virginia that they have been adopted en bloc.

Mr. BYRD. The bill, as amended, is open to amendment?

The PRESIDING OFFICER. That is correct.

Mr. BYRD. Mr. President, I shall offer an amendment.

Mr. President on previous occasions, I have come to the Senate floor to speak on the matter of honoraria and outside income earned by the media. While no overall disclosure policy exists within the communications industry, there does seem to be more scrutiny being paid to the practice of the press in accepting speaking fees.

It is an issue of increasing concern to me, and one that I believe deserves closer attention. I suspect that most journalists would agree that they have a unique and often unequaled influence on the American public. There is no match—none—no match for the leverage the media have over the public dissemination of information. In order to stay attuned with current events, we all must rely on the press' interpretation of each day's occurrences.

Some members of the press take the position that, as private citizens, they have no obligation—none—to disclose information to the public regarding the acceptance of outside income. Although I can appreciate that line of thinking, it represents a defensive position that has little basis in reality. From my point of view, the members of the media need to adopt a position regarding such income, a position that reflects some common sense. Of course, in a perfect world, all of us who affect public policy, either through the elective process or through the interpretation of that process, want to be thought of as being above reproach. We all want our work to be seen as benefiting the common good and, as a result, we do not expect our motives to be challenged. Unfortunately, human nature has to be factored into the equation. There is no doubt that the American people have a negative opinion of elected officials and a negative opinion of the press. Some of that attitude is well founded. Let us be honest, there are members of both of these professions who have behaved unethically in the past and thus have tainted all of us. There is no avoiding this fact, and to pretend otherwise is not only unrealistic but it is also disingenuous.

In response to the public's criticism, Members of Congress adopted disclosure rules that prohibit their acceptance of honoraria. I led the fight. This action was seen by some politicians at the time as an overreaction to criticism and an unnecessary effort, but the prevailing attitude was to let the sunshine in and take away the appearance of unethical behavior. In point of fact, the Congress has gone even further, as I say, by adopting legislation that I sponsored to increase the salaries of Members of Congress, but also to prohibit the acceptance of honoraria, prohibit it entirely. That was my amendment.

Many members of the press, however, have adopted the position that, as private citizens, they should not be subject to this type of scrutiny. Though they are not elected officials, nevertheless, in reality they do retain a great deal of influence, massive influence within the political process. It is singularly the media's decision as to which topics of information are noteworthy and, as such, which topics should be reported on. As purveyors of the news, the press have enormous power, enormous power to persuade—far greater, in fact, than does any single politician, or group of politicians.

Edmund Burke recognized this when he referred to the fourth estate as having more power than any of the other estates.

It is this very power, unchecked and freewheeling, that journalists can no longer ignore and brush aside. There is as much need for the press to be made accountable to the public as there is for elected officials to be made accountable to the public. To resist public disclosure—that is all I am asking, just disclose outside earned income—to resist public disclosure as a matter of principle is unwise. Principle, however, is on the other side of the issue.

We all know that nothing gives a greater feeling of credibility than the willingness to show that there is nothing to hide. Lay it out. I have urged the members of the press to recognize their extraordinary position in our system of Government, and to face the inherent responsibility that comes with that position. I believe it is time for the communications industry as a whole to take the bull by the horns and develop its own standards. That is what I would like to see happen; the communications industry should develop its own standards with respect to disclosure of outside earned income. Journalists should forgo the narrow defense of their individual freedoms and face up to the broader obligation of trust which they bear in our political process.

I am offering an amendment, Mr. President, and it is a sense-of-the-Senate amendment—today—regarding the disclosure of outside income earned by accredited members of the Senate press corps. I am not talking about salaries. This does not infringe on anybody's constitutional rights. It does not infringe upon the freedom of the press, as set forth in the American Bill of Rights. There is nothing in that Bill of Rights that says you should not have an accounting to the public of some things.

This amendment is intended to provide a "truth in reporting requirement" for the media that cover this institution, this Senate. I repeat that I have grown increasingly concerned with the communication industry's inability or unwillingness to adopt ethical standards that properly reflect their role in our system of Government. In this day of instant access, the media's leverage over the dissemination of information is unequaled. Their power of persuasion goes well beyond the newspaper headlines or the nightly news report or the radio talk show. The members of the media, as the purveyors of our daily news, singularly decide which items are newsworthy and, as such, which items deserve the attention of the public.

Today's press, as I have said already, have enormous power, enormous power. There is nothing like it anywhere in the world. And it is time that they acknowledge the responsibility that comes with that power. Coupled with that fact is the American people's increasing cynicism of Washington. At a time when the public's distrust of Members of Congress and the public's distrust of journalists is at an all-time high, I believe it is important to take the necessary steps to instill confidence in the process of Government. Over the years, the press have been exceedingly critical—and rightly so—of particular elected officials who have abused their positions.

In 1991, in an effort to address the appearance of impropriety, the Congress passed legislation installing disclosure requirements that prohibit any Member from accepting compensation from outside groups. That was a positive step. Though there was resistance to this prohibition, the prevailing attitude was, as I said earlier, to let a little sunshine work its way into the Chamber and to take away the appearance of unethical behavior.

Recently, there have been reports of journalists receiving thousands of dollars in speaking fees, thousands of dollars in speaking fees from the very groups that they are covering. Despite this apparent conflict, some members—not all, but some members—of the press take the position that, as a private citizen they have no obligation—no obligation—to disclose information regarding their acceptance of outside earned income. They say, "That is nobody else's business. I am a private citizen. The public has no business in knowing what I take in speaking fees."

The impetus for my amendment is neither an attempt to hamper the media's ability to do their job nor is it an effort to infringe in any way upon their first amendment rights. Instead, the goal of the amendment is simply to apply a level of credibility to the press that reflects the importance of their profession.

It is my hope that there can be consensus in the Senate in requiring the media to disclose their earned outside income. And I intend to offer a separate Senate resolution that would, hopefully, lead to the establishment of disclosure rules starting with the 104th Congress and set into place rules for a yearly filing by reporters who seek credentialing with the Senate Press Gallery.

I am not attempting to have any impact upon the House and its rules or regulations. But I would anticipate that the Rules Committee in the Senate would then hold hearings to ensure a complete airing of all views on the subject. Come one, come all. Let us hear what you have to say. Let us work together.

This is not an attempt to sandbag the press or to prevent their input or to influence their input. The point of this amendment is to show that it is time for the media to be accountable. I would prefer that they would voluntarily take the steps to make themselves accountable. I hope they will do that. But right now—today—their sphere of influence is unfettered and unequal.

For the press to simply resist public disclosure on a matter of principle is unwise, and it is unacceptable. I believe that the entire industry must realize its full responsibility—its full responsibility—to its viewers, to its readers, and to its listeners.

In light of that, this amendment is a beginning in the effort to address at the very least the perception of a media double standard. The media were right in saying that we elected officials ought to be accountable to the public, that we ought to disclose how much this group pays us for an appearance, or how much this group pays us for having a cup of coffee downtown at some club. We ought to disclose how much this or that group pays us for a 10-minute speech or for a 30-minute speech. Lay it out.

My amendment went further. At first we disclose it. And then my amendment said we will eliminate entirely the acceptance of honoraria for ourselves and on the part of our staffs. I am not saying the same with respect to the press. I am not saying they should eliminate it. I am simply saying they should disclose it. Let the sunshine in. Let their colleagues, let their coworkers know. Let everybody know. Let the public know.

It is time for journalists to forgo, as I say, the narrow defense of their individual freedoms to face up to the broader obligations of trust in our political process.

Mr. President, this is what the amendment says:

It is the sense of the Senate that the Senate should consider a resolution in the 104th Congress, 1st Session, that requires an accredited member of any of the Senate press galleries to file an annual public report with the Secretary of the Senate disclosing the identity of the primary employer of the member and of any additional sources of earned outside income received by the member, together with the amounts received from each such source.

(b) For purposes of this section, the term "Senate press galleries" means—

(1) the Senate Press Gallery;

(2) the Senate Radio and Television Correspondents Gallery;

(3) the Senate Periodical Press Gallery; and

(4) the Senate Press Photographers Gallery.

AMENDMENT NO. 1802

(Purpose: To express the sense of the Senate that the Senate should consider a resolution requiring each accredited member of the Senate Press Gallery to file an annual public report with the Secretary of the Senate disclosing the member's primary employer and any additional sources and amounts of earned outside income)

Mr. BYRD. Mr. President, I send my amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. BYRD] proposes an amendment numbered 1802.

Mr. BYRD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) It is the sense of the Senate that the Senate should consider a resolution in the 104th Congress, 1st Session, that requires an accredited member of any of the Senate press galleries to file an annual public report with the Secretary of the Senate disclosing the identity of the primary employer of the member and of any additional sources of earned outside income received by the member, together with the amounts received from each such source.

(b) For purposes of this section, the term "Senate press galleries" means—

(1) the Senate Press Gallery;

(2) the Senate Radio and Television Correspondents Gallery;

(3) the Senate Periodical Press Gallery; and

(4) the Senate Press Photographers Gallery.

Mr. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD certain published articles pertinent to my remarks.

The first is entitled "Fee Speech," by Ken Auletta, from the September 12, 1994, New Yorker; the second, "Take the Money and Talk," by Alicia C. Shepard, which appeared in American Journalism Review; and "Where the Sun Doesn't Shine," by Jamie Stiehm, which appeared in the May/June 1995 issue of the Columbia Journalism Review.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the New Yorker magazine, Sept. 12, 1994]

FEE SPEECH

(By Ken Auletta)

The initial hint of anger from twenty-five or so members of the House Democratic leadership came on an hour-and-a-quarter-long bus ride from Washington to Airlie House, in rural Virginia, one morning last January. They had been asked by the Majority Leader, Richard A. Gephardt, of Missouri, to attend a two-day retreat for the Democratic Message Group, and as the bus rolled southwest the convivial smiles faded. The members of the group began to complain that their message was getting strangled, and they blamed the media. By that afternoon, when the Democrats gathered for the first of five panels composed of both partisans and what were advertised as "guest analysts, not partisan advisers," the complaints were growing louder. The most prominent Democrats in the House—Gephardt; the Majority Whip, David E. Bonior, of Michigan; the current Appropriations Committee chairman, David R. Obey, of Wisconsin; the Democratic Congressional Campaign chairman, Vic Fazio, of California; Rosa L. DeLauro, of Connecticut, who is a friend of President Clinton's; and about twenty others—expressed a common grievance: public figures are victims of a powerful and cynical press corps. A few complained of what they saw as the ethical obtuseness of Sam Donaldson, of ABC, angrily noting that, just four days earlier, "Prime Time Live," the program that Donaldson co-anchors, had attacked the Independent Insurance Agents of America for treating congressional staff people to a Key West junket. Yet several months earlier the same insurance group had paid Donaldson a thirty-thousand-dollar lecture fee.

By four-thirty, when the third panel, ostensibly devoted to the changing role of the media, was set to begin, the Democrats could no longer contain their rage, lumping the press into a single, stereotypical category—you—the same way they complained that the press lumped together all members of Congress.

They kept returning to Donaldson's lecture fees and his public defense that it was ethically acceptable for him to receive fees because he was a private citizen, not an elected official. The Airlie House meeting was off the record, but in a later interview Representative Obey recalled having said of journalists. "What I find most offensive lately is that we get the sanctimonious-Sam defense: 'We're different because we don't write the laws.' Well, they have a hell of a lot more power than I do to affect the laws written."

Representative Robert G. Torricelli, of New Jersey, recalled have said, "What startles many people is to hear television commentators make paid speeches to interest groups and then see them on television commenting on those issues. It's kind of a direct conflict of interest. If it happened in government, it would not be permitted." Torricelli, who has been criticized for realizing a sixty-nine-thousand-dollar profit on a New Jersey savings-and-loan after its chairman advised him to make a timely investment in its stock, says he doesn't understand why journalists don't receive the same scrutiny that people in Congress do. Torricelli brought up an idea that had been discussed at the retreat and that he wanted to explore: federal regulations requiring members of the press to disclose outside income—and most particularly television journalists whose stations are licensed by the government. He said that he would like to see congressional hearings on the matter, and added. "You'd get the votes if you did the hearings. I predict that in the next couple of Congresses you'll get the hearings."

Gephardt is dubious about the legality of compelling press disclosure of outside income, but one thing he is sure about is the anger against the media which is rising within Congress. "Most of us work for more than money," he told me. "We work for self-image. And Congress's self-image has suffered, because, members think, journalistic ethics and standards are not as good as they used to be."

The press panel went on for nearly three hours, long past the designated cocktail hour of six. The congressmen directed their anger at both Brian Lamb, the C-SPAN chairman, and me—we were the two press representatives on the panel—and cited a number of instances of what they considered reportorial abuse. The question that recurred most often was this: Why won't journalists disclose the income they receive from those with special interests?

It is a fair question to ask journalists, who often act as judges of others' character. Over the summer, I asked it of more than fifty prominent media people, or perhaps a fifth of what can fairly be called the media elite—those journalists who, largely on account of television appearances, have a kind of fame similar to that of actors. Not surprisingly, most responded to the question at least as defensively as any politician would. Some of them had raised an eyebrow when President Clinton said he couldn't recall ten- or fifteen-year-old details about Whitewater. Yet many of those I spoke to could not remember where they had given a speech just months ago. And many of them, while they were unequivocal in their commentary on public figures and public issues, seemed eager to dwell on the complexities and nuances of their own outside speaking.

Sam Donaldson, whose annual earnings at ABC are about two million dollars, was forthcoming about his paid speeches: in June, he said that he had given three paid speeches so far this year and had two more scheduled. He would not confirm a report that he gets a lecture fee of as much as thirty thousand dollars. On being asked to identify the three groups he had spoken to, Donaldson—who on the March 27th edition of the Sunday-morning show "This Week with David Brinkley" had ridiculed President Clinton for not remembering that he had once lent twenty thousand dollars to his mother—said he couldn't remember. Then he took a minute to call up the information from his computer. He said that he had spoken at an I.B.M. convention in Palm Springs, to a group of public-information officers, and to the National Association of Retail Druggists. "If I hadn't consulted my computerized date book, I couldn't have told you that I spoke to the National Association of Retail Druggists," he said. "I don't remember these things."

What would Donaldson say to members of Congress who suggest that, like them, he is not strictly a private individual and should make full disclosure of his income from groups that seek to influence legislation?

"First, I don't make laws that govern an industry," he said. "Second, people hire me because they think of me as a celebrity; they believe their members or the people in the audience will be impressed." He went on, "Can you say the same thing about a member of Congress who doesn't even speak—who is hired, in a sense, to go down and play tennis? What is the motive of the group that pays for that?" He paused and then answered his own question: "Their motive, whether they are subtle about it or not, is to make friends with you because they hope that you will be a friend of theirs when it comes time to decide about millions of dollars. Their motive in inviting me is not to make friends with me."

Would he concede that there might be at least an appearance of conflict when he takes money from groups with a stake in, say, health issues?

Donaldson said, "At some point, the issue is: What is the evidence? I believe it's not the appearance of impropriety that's the problem. It's impropriety." Still, Donaldson did concede that he was rethinking his position; and he was aware that his bosses at ABC News were reconsidering their relaxed policy.

Indeed, one of Donaldson's bosses—Paul Friedman, the executive vice-president for news—told me he agreed with the notion that on-air correspondents are not private citizens. "People like Sam have influence that far exceeds that of individual congressmen," Friedman said, echoing Representative Obey's point. "We always worry that lobbyists get special 'access' to members of government. We should also worry that the public might get the idea that special-interest groups are paying for special 'access' to correspondents who talk to millions of Americans."

Unlike Donaldson, who does not duck questions, some commentators chose to say nothing about their lecturing. The syndicated columnist George Will, who appears weekly as a commentator on the Brinkley show, said through an assistant, "We are just in the middle of book production here. Mr. Will is not talking much to anyone." Will is paid twelve thousand five hundred dollars a speech, Alicia C. Shepard reports in a superb article in the May issue of the American Journalism Review.

ABC's Cokie Roberts, who, according to an ABC official, earns between five and six hundred thousand dollars annually as a Washington correspondent and is a regular commentator on the Brinkley show in addition to her duties on National Public Radio, also seems to have a third job, as a paid speaker. Among ABC correspondents who regularly moonlight as speakers, Roberts ranks No. 1. A person who is in a position to know estimates that she earned more than three hundred thousand dollars for speaking appearances in 1993. Last winter, a couple of weeks after the Donaldson-"Prime Time" incident, she asked the Group Health Association of America, before whom she was to speak in mid-February, to donate her reported twenty-thousand-dollar fee to charity. Roberts did not return three phone calls—which suggests that she expects an openness from the Clinton Administration that she rejects for herself. On that March 27th Brinkley show, she described the Administration's behavior concerning Whitewater this way: "All of this now starts to look like they are covering something up."

Brit Hume, the senior ABC White House correspondent, earns about what Roberts does, and is said to trail only Roberts and Donaldson at ABC in lecture earnings. This could not be confirmed by Hume, for he did not return calls.

At CNN, the principal anchor, Bernard Shaw, also declined to be interviewed, and so did three of the loudest critics of Congress and the Clinton Administration; the conservative commentator John McLaughlin, who now takes his "McLaughlin Group" on the road to do a rump version of the show live, often before business groups; and the alternating conservative co-hosts of "Crossfire," Pat Buchanan and John Sununu.

David Brinkley did respond to questions, but not about his speaking income. Like Donaldson and others, he rejected the notion that he was a public figure. Asked what he would say to the question posed by members of Congress at the retreat, Brinkley replied, "It's a specious argument. We are private citizens. We work in the private marketplace. They do not."

And if a member of Congress asked about his speaking fee, which is reported to be eighteen thousand dollars?

"I would tell him it's none of his business," Brinkley said. "I don't feel that I have the right to ask him everything he does in his private life."

The syndicated columnist and television regular Robert Novak, who speaks more frequently than Brinkley, also considers himself a private citizen when it comes to the matter of income disclosure. "I'm not going to tell you how many speeches I do and what my fee is," he said politely. Novak, who has been writing a syndicated column for thirty-one years, is highly visible each weekend on CNN as the co-host of the "Evans & Novak" interview program and as a regular on "The Capital Gang."

What would Novak say to a member of Congress who maintained that he was a quasi-public figure and should be willing to disclose his income from speeches?

"I'm a totally private person," he said. "Anyone who doesn't like me doesn't have to read me. These people, in exchange for power—I have none—they have sacrificed privacy."

In fact, Novak does seem to view his privacy as less than total; he won't accept fees from partisan political groups, and, as a frequent critic of the Israeli government, he will not take fees from Arab-American groups, for fear of creating an appearance of a conflict of interest. Unlike most private citizens, Novak, and most other journalists, will not sign petitions, or donate money to political candidates, or join protest marches.

Colleagues have criticized Novak and Rowland Evans for organizing twice-a-year forums—as they have since 1971—to which they invite between seventy five and a hundred and twenty-five subscribers to their newsletter, many of whom are business and financial analysts. Those attending pay hundreds of dollars—Novak refuses to say how much—for the privilege of listening to public officials speak and answer questions off the record. "You talk about conflicts of interest!" exclaimed Jack Nelson, the Los Angeles Times Washington bureau chief. "It is wrong to have government officials come to speak to businesses and you make money off of it."

Mark Shields, who writes a syndicated column and is the moderator of "The Capital Gang" and a regular commentator on "The MacNeil/Lehrer NewsHour," is a busy paid lecturer. Asked how much he earned from speeches last year, he said, "I haven't even totalled it up." Shields said he probably gives one paid speech a week, adding, "I don't want, for personal reasons, to get into specifics."

Michael Kinsley, who is the liberal co-host of "Crossfire," an essayist for The New Republic and Time, and a contributor to The New Yorker, is also reluctant to be specific. "I'm in the worst of all possible positions," he said. "I do only a little of it. But I can't claim to be a virgin." Kinsley said he appeared about once every two months, but he wouldn't say what groups he spoke to or how much he was paid. "I'm going to do a bit more," he said. "I do staged debates—mini 'Crossfire's'—before business groups. If everyone disclosed, I would."

The New Republic's White House correspondent, Fred Barnes, who is a regular on "The McLaughlin Group" and appears on "CBS This Morning" as a political commentator, speaks more often than Kinsley, giving thirty or forty paid speeches a year, he said, including the "McLaughlin" road show. How would Barnes respond to the question posed by members of Congress?

"They're elected officials," he said. "I'm not an elected official. I'm not in government. I don't deal with taxpayers' money."

Barnes's "McLaughlin" colleague Morton M. Kondracke is the executive editor of Roll Call, which covers Congress. Kondracke said that he gave about thirty-six paid speeches annually, but he would not identify the sponsors or disclose his fee. He believes that columnists have fewer constraints on their speechmaking than so-called objective reporters, since columnists freely expose their opinions.

Gloria Borger, a U.S. News & World Report columnist and frequent "Washington Week in Review" panelist, discloses her income from speeches, but only to her employer.

Borger said she gave one or two paid speeches a month, but she wouldn't reveal her fee. "I'm not an elected official," she said.

Like Borger, Wolf Blitzer, CNN's senior White House correspondent, said that he told his news organization about any speeches he made. How many speeches did he make in the last year?

"I would guess four or five," he said, and repeated that each one was cleared through his bureau chief.

What would Blitzer say to a member of Congress who asked how much he made speaking and from which groups?

"I would tell him 'None of your business,'" Blitzer said.

Two other network chief White House correspondents NBC's Andrea Mitchell and CBS's Rira Braver—also do little speaking. "I make few speeches," Mitchell said. "Maybe ten a year. Maybe six or seven a year. I'm very careful about not speaking to groups that involve issues I cover." She declined to say how much she earned. For Braver, the issue was moot. I don't think I did any," she said, referring to paid speeches in the past year.

ABC's "Prime Time Live" correspondent Chris Wallace, who has done several investigative pieces on corporate-sponsored congressional junkets, said he made four or five paid speeches last year. "I don't know exactly," he said. Could he remember his fee?

"I wouldn't say," he replied.

Did he speak to business groups?

"I'm trying to remember the specific groups," he said, and then went on. "One was the Business Council of Canada. Yes, I do speak to business groups."

So what is the difference between Chris Wallace and members of Congress who accept paid junkets?

"I'm a private citizen," he said, "I have no control over public funds, I don't make public policy."

Why did Wallace think that he was invited to speak before business groups?

"They book me because they feel somehow that it adds a little excitement or luster to their event," he said. He has been giving speeches since 1980, he said, and "never once has any group called me afterward and asked me any favor in coverage."

But isn't that what public officials usually say when Wallace corners them about a junket?

Those who underwrite congressional junkets are seeking "access" and "influence," he said, but the people who hire him to make a speech are seeking "entertainment." When I mentioned Wallace's remarks to Norman Pearlstine, the former executive editor of the Wall Street Journal, he said, "By that argument, we ought not to distinguish between news and entertainment, and we ought to merge news into entertainment."

ABC's political and media analyst Jeff Greenfield makes a "rough guess" that he gives fifteen paid speeches a year, many in the form of panels he moderates before various media groups—cable conventions, newspaper or magazine groups, broadcasting and marketing associations—that are concerned with subjects he regularly covers. "It's like 'Nightline,' but it's not on the air," he said. He would not divulge his fee, or how much he earned in the past twelve months from speeches.

Greenfield argued that nearly everything he did could be deemed a potential conflict. "I cover cable, but I cover it for ABC, which is sometimes in conflict with that industry," he said. Could he accept money to write a magazine piece or a book when he might one day report on the magazine publisher or the book industry? He is uneasy with the distinction that newspapers like the Wall Street Journal or the Washington Post make, which is to prohibit daily reporters from giving paid speeches to corporations or trade associations that lobby Congress and have agendas, yet allow paid college speeches. (Even universities have legislative agendas, Greenfield noted.) In trying to escape this ethical maze, Greenfield concluded, "I finally decided that I can't figure out everything that constitutes a conflict."

Eleanor Clift, of Newsweek, who is cast as the beleaguered liberal on "The McLaughlin Group," said that she made between six and eight appearances a year with the group. Her fee for a speech on the West Coast was five thousand dollars, she said, but she would accept less to appear in Washington. She would not disclose her outside speaking income, and said that if a member of Congress were to ask she would say, "I do disclose. I disclose to the people I work for. I don't work for the taxpayers."

Christopher Matthews, a nationally syndicated columnist and Washington bureau chief of the San Francisco Examiner, who is a political commentator for "Good Morning America" and co-host of a nightly program on America's Talking, a new, NBC-owned cable network, told me last June that he gave between forty and fifty speeches a year. He netted between five and six thousand dollars a speech, he said, or between two and three hundred thousand dollars a year. Like many others, he is represented by the Washington Speakers Bureau, and he said that he placed no limitations on corporate or other groups he would appear before. "To be honest, I don't spend a lot of time thinking about it," he said. "I give the same speech."

David S. Broder, of the Washington Post, who has a contract to appear regularly on CNN and on NBC's "Meet the Press," said that he averaged between twelve and twenty-four paid speeches a year, mostly to colleges, and that the speeches are cleared with his editors at the Post. He did not discuss his fee, but Howard Kurtz, the Post's media reporter, said in his recent book "Media Circus" that Broder makes up to seventy-five hundred dollars a speech. Broder said he would support an idea advanced by Albert R. Hunt, the Wall Street Journal's Washington editor, to require disclosure as a condition of receiving a congressional press card. To receive a press card now, David Holmes, the superintendent of the House Press Gallery, told me, journalists are called upon to disclose only if they receive more than five per cent of their income from a single lobbying organization. Hunt said he would like to see the four committees that oversee the issuing of congressional press cards—made up of five to seven journalists each—require full disclosure of any income from groups that lobby Congress. He said he was aware of the bitter battle that was waged in 1988, when one committee issued new application forms for press passes which included space for detailed disclosure of outside income. Irate reporters demanded that the application form be rescinded, and it was. Today, the Journal, along with the Washington Post, is among the publications with the strictest prohibitions on paid speeches. Most journalistic organizations forbid reporters to accept money or invest in the stocks of the industries they cover. But the Journal and the Post have rules against reporters' accepting fees from any groups that lobby Congress or from any for-profit groups.

Hunt, who has television contracts with "The Capital Gang" and "Meet the Press," said that he averaged three or four speeches a year, mostly to colleges and civic groups, and never to corporations or groups that directly petition Congress, and that he received five thousand dollars for most speeches.

William Safire, the *Times* columnist, who is a regular on "Meet the Press," was willing to disclose his lecture income. "I do about fifteen speeches a year for twenty thousand dollars a crack," he said. "A little more for overseas and Hawaii." Where Safire parts company with Hunt is that he sees nothing wrong with accepting fees from corporations. He said that in recent months he had spoken to A.T. & T., the Pharmaceutical Research and Manufacturers of America, and Jewish organizations. Safire said that because he is a columnist his opinions are advertised, not hidden. "I believe firmly in Samuel Johnson's dictum 'No man but a blockhead ever wrote except for money,'" he went on. "I charge for my lectures. I charge for my books. I charge when I go on television. I feel no compunction about it. It fits nicely into my conservative, capitalist—with a capital 'C'—philosophy."

Tim Russert, the host of "Meet the Press," said that he had given "a handful" of paid speeches in the past year, including some to for-profit groups. He said that he had no set fee, and that he was wary of arbitrary distinctions that say lecturing is bad but income from stock dividends is fine. Russert also raised the question of journalists' appearing on shows like "Meet the Press," which, of course, have sponsors. "Is that a conflict? You can drive yourself crazy on this."

Few journalists drive themselves crazy over whether to accept speaking fees from the government they cover. They simply don't. But enticements do come from unusual places. One reporter, who asked to remain anonymous, said that he had recently turned down a ten-thousand dollar speaking fee from the Central Intelligence Agency. A spokesman for the C.I.A., David Christian, explained to me, "We have an Office of Training and Education, and from time to time we invite knowledgeable non-government experts to talk to our people as part of our training program." Does the agency pay for these speeches? "Sometimes we do, and sometimes we don't," he said. Asked for the names of journalists who accepted such fees, Christian said the he was sorry but "the records are scattered."

Time's Washington columnist, Margaret Carlson, who is a regular on "The Capital Gang," laughed when I asked about her income from speeches and said, "My view is that I just got on the gravy train, so I don't want it to end." Carlson said she gave six speeches last year, at an average of five thousand dollars a speech, including a panel appearance in San Francisco before the American Medical Association (with Michael Kinsley, among others). She made a fair distinction between what she did for a fee and what Treasury Secretary Lloyd Bentsen tried to do in 1987, when, as Senate Finance Committee chairman, he charged lobbyists ten thousand dollars a head for the opportunity to join him for breakfast once a month. "We are like monkeys who get up onstage," Carlson said, echoing Chris Wallace. "It's mud wrestling for an hour or an hour and a half, and it's over."

There are journalistic luminaries who make speeches but, for the sake of appearances, do not accept fees. They include the three network-news anchors—NBC's Tom Brokaw, ABC's Peter Jennings and CBS' Dan

Rather—all of whom say that they don't charge to speak or they donate their fees to charity. "We don't need the money," Brokaw said. "And we thought it created an appearance of conflict." Others who do not accept fees for speaking are Ted Koppel, of ABC's "Nightline"; Jim Lehrer, of "The MacNeil/Lehrer News Hour"; Bob Schieffer, CBS' chief Washington correspondent and the host of "Face the Nation"; and C-SPAN's Brian Lamb.

ABC's senior Washington correspondent, James Wooten, explained how, in the mid-eighties, he decided to change his ways after a last lucrative weekend: "I had a good agent and I got a day off on Friday and flew out Thursday after the news and did Northwestern University Thursday night for six thousand dollars. Then I got a rental car and drove to Milwaukee, and in midmorning I did Marquette for five or six thousand dollars. In the afternoon, I went to the University of Chicago, to a small symposium, for which I got twenty-five hundred to three thousand dollars. Then I got on a plane Friday night and came home. I had made fifteen thousand dollars, paid the agent three thousand, and had maybe two thousand in expenses. So I made about ten thousand dollars for thirty-six hours. I didn't have a set speech, I just talked off the top of my head." But his conscience told him it was wrong. "It's easy money," Wooten said.

As for me, *The New Yorker* paid my travel expenses to and from the congressional retreat. In the past twelve months, I've given two paid speeches; the first, at New York's Harmonic Club, was to make an opening presentation and to moderate a panel on the battle for control of Paramount Communications, for which I was paid twelve hundred dollars; the second was a speech on the future of the information superhighway at a Manhattan luncheon sponsored by the Baltimore-based investment firm of Alex. Brown & Sons, for which my fee was seventy-five hundred dollars. I don't accept lecture fees from communications organizations.

Like the public figures we cover, journalists would benefit from a system of checks and balances. Journalistic institutions, including *The New Yorker*, too seldom have rigorous rules requiring journalists to check with an editor or an executive before agreeing to make a paid speech; the rules at various institutions for columnists are often even more permissive. Full disclosure provides a disinfectant—the power of shame. A few journalistic institutions, recently shamed, have been taking a second look at their policies. In mid-June, ABC News issued new rules, which specifically prohibit paid speeches to trade associations or to any "for-profit business." ABC's ban—the same one that is in place at the *Wall Street Journal* and the *Washington Post*—prompted Roberts, Donaldson, Brinkley, Wallace, and several other ABC correspondents to protest, and they met in early August with senior news executives. They sought a lifting of the ban, which would allow them to get permission on a case-by-case basis. But a ranking ABC official says. "We can agree to discuss exceptions but not give any. Their basic argument is greed, for Christ's sake!" Andrew Lack, the president of NBC News, said that he plans to convene a meeting of his executives to shape an entirely new speaking policy. "My position is that the more we can discourage our people from speaking for a fee, the better," he said. And CBS News now stipulates that all speaking requests must be cleared with the president or the vice-president of news. Al Vecchione, the president of MacNeil/Lehrer Productions, admitted in June to having been embarrassed by the American Journalism Review piece. "We had a loose policy," he said. "I just finished rewriting our company policy." Henceforth, those associated with the program will no longer accept fees to speak to corporate groups or trade associations that directly lobby the government. The New Yorker, according to its executive editor, Hendrik Hertzberg, is in the process of reviewing its policies.

Those who frequently lecture make a solid point when they say that lecture fees don't buy favorable coverage. But corruption can take subtler forms than the quid pro quo, and the fact that journalists see themselves as selling entertainment rather than influence does not wipe the moral slate clean. The real corruption of "fee speech," perhaps, is not that journalists will do favors for the associations and businesses that pay them speaking fees but that the nexus of television and speaking fees creates what Representative Obey called "an incentive to be even more flamboyant" on TV—and, to a lesser extent, on the printed page. The television talk shows value vividness, pithiness, and predictability. They prefer their panelists reliably pro or con, "liberal" or "conservative," Too much quirkiness can make a show unbalanced; too much complexity can make it dull. Time's Margaret Carlson told me, not entirely in jest, "I was a much more thoughtful person before I went on TV. But I was offered speeches only after I went on TV." Her Time colleague the columnist Hugh Sidey said that when he stopped appearing regularly on television his lecture income shrivelled. Obey wishes that it would shrivel for the rest of the pundit class as well. An attitude of scorn often substitutes for hard work or hard thought and it's difficult to deny that the over-all result of this dynamic is a coarsening of political discourse.

Celebrity journalism and the appearance of conflicts unavoidably erode journalism's claim to public trust. "My view is that you're going to start having character stories about journalists," Jay Rosen, a journalism professor at New York University and the director of the Project on Public Life and the Press, told me recently. "It's inevitable. If I were a big-name Washington journalist, I'd start getting my accounts together. I don't think journalists are private citizens."

[From the American Journalism Review, June 1995]

Take the Money and Talk

(By Alicia C. Shepard)

It's speech time and the Broward County Convention Center in Fort Lauderdale.

ABC News correspondent and NPR commentator Cokie Roberts takes her brown handbag and notebook off of the "reserved" table where she has been sitting, waiting to speak. She steps up to the podium where she is gushingly introduced and greeted with resounding applause.

Framed by palm fronds, Roberts begins her speech to 1,600 South Florida businesswomen attending a Junior League-sponsored seminar. Having just flown in from Washington, D.C., Roberts breaks the news of the hours-old arrest of a suspect in the Oklahoma City bombing. She talks of suffragette Susan B. Anthony, of how she misses the late House Speaker Tip O'Neill, of the Republican takeover on Capitol Hill. Then she gives her listeners the inside scoop on the new members of Congress.

"They are very young," says Roberts, 52. "I'm constantly getting it wrong, assuming they are pages. They're darling. They're wildly adept with a blow dryer and I resent them because they call me ma'am." The audience laughs.

After talking for an hour on "Women and Politics," Roberts answers questions for 20 minutes. One woman asks the veteran correspondent, who has covered Washington since 1978, when there will be a female president.

"I think we'll have a woman president when a woman is elected vice president and we do in the guy," Roberts quips.

This crowd loves her. When Roberts finishes, they stand clapping for several minutes. Roberts poses for a few pictures and is whisked out and driven to the Miami airport for her first-class flight back to Washington.

For her trouble and her time, the Junior League of Greater Fort Lauderdale gave Roberts a check for $35,000. "She's high, very high," says the League's Linda Carter, who lined up the keynote speakers. The two other keynote speakers received around $10,000 each.

The organization sponsored the seminar to raise money for its community projects, using Roberts as a draw. But shelling out $35,000 wouldn't have left much money for, say, the League's foster care or women's substance abuse programs or its efforts to increase organ donors for transplants.

Instead, Roberts tab was covered by a corporate sponsor. JM Family Enterprises. The $4.2 billion firm is an umbrella company for the largest independent American distributor of Toyotas. The second-largest privately held company in Florida, it provides Toyotas to 164 dealerships in five southern states and runs 20 other auto-related companies.

But Roberts doesn't want to talk about the company that paid her fee. She doesn't like to answer the kind of questions she asks politicians. She won't discuss what she's paid, whom she speaks to, why she does it or how it might affect journalism's credibility when she receives more money in an hour-and-a-half from a large corporation than many journalists earn in a year.

"She feels strongly that it's not something that in any way shape or form should be discussed in public." ABC spokeswoman Eileen Murphy said in response to AJR's request for an interview with Roberts.

Roberts' ABC colleague Jeff Greenfield, who also speaks for money, doesn't think it's a good idea to duck the issue. "I think we ought not not talk about it." he says. "I mean that's Cokie's right, obviously," he adds, but "if we want people to answer our questions, then up to a reasonable point, we should answer their questions."

The phenomenon of journalists giving speeches for staggering sums of money continues to dog the profession. Chicago Tribune Washington Bureau Chief James Warren has created a cottage industry criticizing colleagues who speak for fat fees. Washington Post columnist James K. Glassman believes the practice is the "next great American scandal." Iowa Republican Sen. Charles Grassley has denounced it on the Senate floor.

A number of news organizations have drafted new policies to regulate the practice since debate over the issue flared a year ago (see "Talk is Expensive," May 1994). Time magazine is one of the latest to do so, issuing a flat-out ban on honoraria in April. The Society for Professional Journalists, in the process of revising its ethics code, is wrestling with the divisive issue.

The eye-popping sums star journalists receive for their speeches, and the possibility that they may be influenced by them, have drawn heightened attention to the practice, which is largely the province of a relatively small roster of well-paid members of the media elite. Most work for the television networks or the national news weeklies; newspaper reporters, with less public visibility, aren't asked as often.

While the crescendo of criticism has resulted in an official crackdown at several news organizations—as well as talk of new hardline policies at others—it's not clear how effective the new policies are, since no public disclosure system is in place.

Some well-known journalists, columnists and "Crossfire" host Michael Kinsley and U.S. News & World Report's Steven V. Roberts among them, scoff at the criticism. They assert that it's their right as private citizens to offer their services for whatever the market will bear, that new policies won't improve credibility and that the outcry has been blown out of proportion.

But the spectacle of journalists taking big bucks for speeches has emerged as one of the high-profile ethical issues in journalism today.

"Clearly some nerve has been touched," Warren says. "A nerve of pure, utter defensiveness on the part of a journalist trying to rationalize taking [honoraria] for the sake of their bank account because the money is so alluring."

A common route to boarding the lecture gravy train is the political talk show. National television exposure raises a journalist's profile dramatically, enhancing the likelihood of receiving lucrative speaking offers.

The problem is that modulated, objective analysis is not likely to make you a favorite on "The Capital Gang" or "The McLaughlin Group." Instead, reporters who strive for objectivity in their day jobs are often far more opinionated in the TV slugfests.

Time Managing Editor James R. Gaines, who issued his magazine's recent ban on accepting honoraria, sees this as another problem for journalists' credibility, one he plans to address in a future policy shift. "Those journalists say things we wouldn't let them say in the magazine. . . ." says Gaines, whose columnist Margaret Carlson appears frequently on "The Capital Gang." "It's great promotion for the magazine and the magazine's journalists. But I wonder about it when the journalists get into that adversarial atmosphere where provocation is the main currency."

Journalists have been "buckraking" for years, speaking to trade associations, corporations, charities, academic institutions and social groups. But what's changed is the amount they're paid. In the mid-1970s, the fees peaked at $10,000 to $15,000, say agents for speakers bureaus. Today, ABC's Sam Donaldson can get $30,000, ABC's David Brinkley pulls in $18,000 and the New York Times' William Safire can command up to $20,000.

When a $4.2 billion Toyota distributor pays $35,000 for someone like Cokie Roberts, or a trade association pays a high-profile journalist $10,000 or $20,000 for an hour's work, it inevitably raises questions and forces news executives to re-examine their policies.

That's what happened last June at ABC. Richard Wald, senior vice president of news, decided to ban paid speeches to trade associations and for-profit corporations—much to the dismay of some of ABC's best-paid correspondents. As at most news organizations, speaking to colleges and nonprofits is allowed.

When Wald's policy was circulated to 109 employees at ABC, some correspondents howled (see Free Press, September 1994). Protests last August from Roberts, Donaldson, Brinkley, Greenfield, Brit Hume and others succeeded only in delaying implementation of the new guidelines. Wald agreed to "grandfather in" speeches already scheduled through mid-January. After that, if a correspondent speaks to a forbidden group, the money must go to charity.

"Why did we amend it? Fees for speeches are getting to be very large," Wald says. "When we report on matters of national interest, we do not want it to appear that folks who have received a fee are in any way beholden to anybody other than our viewers. Even though I do not believe anybody was ever swayed by a speech fee. I do believe that it gives the wrong impression. We deal in impressions."

The new policy has hurt, says ABC White House correspondent Ann Compton. Almost a year in advance, Compton agreed to speak to the American Cotton Council. But this spring, when she spoke to the trade group, she had to turn an honorarium of "several thousand dollars" over to charity. Since the policy went into effect, Compton has turned down six engagements that she previously would have accepted.

"The restrictions now have become so tight, it's closed off some groups and industries that I don't feel I have a conflict with," says Compton, who's been covering the White House off and on since 1974. "It's closed off, frankly, the category of organizations that pay the kind of fees I get." She declines to say what those fees are.

And it has affected her bank account. "I've got four kids . . ." Compton says. "It's cut off a significant portion of income for me."

Some speakers bureaus say ABC's new policy and criticism of the practice have had an impact.

"It has affected us, definitely," says Lori Fish of Keppler Associates in Arlington, Virginia, which represents about two dozen journalists. "More journalists are conscious of the fact that they have to be very particular about which groups they accept honoraria from. On our roster there's been a decrease of some journalists accepting engagements of that sort. It's mainly because of media criticism."

Other bureaus, such as the National Speakers Forum and the William Morris Agency, say they haven't noticed a difference. "I can't say that the criticism has affected us," says Lynn Choquette, a partner at the speakers forum.

Compton, Donaldson and Greenfield still disagree with Wald's policy but, as they say, he's the boss.

"I believe since all of us signed our contracts with the expectation that the former ABC policy would prevail and took that into account when we agreed to sign our contracts for X amount," Donaldson says, "it was not fair to change the policy midstream." Donaldson says he has had to turn down two speech offers.

Greenfield believes the restrictions are unnecessary.

"When I go to speak to a group, the idea that it's like renting a politician to get his ear is not correct," he says. "We are being asked to provide a mix of entertainment and information and keep audiences in their seats at whatever convention so they don't go home and say, 'Jesus, what a boring twoday whatever that was.'"

Most agree it's the size of the honoraria that is fueling debate over the issue. "If you took a decimal point or two away, nobody would care," Greenfield says. "A lot of us are now offered what seems to many people a lot of money. They are entertainment-size sums rather than journalistic sizes."

And Wald has decided "entertainment-size sums" look bad for the network, which has at least a dozen correspondents listed with speakers bureaus. It's not the speeches themselves that trouble Wald. "You can speak to the American Society of Travel Agents or the Electrical Council," he says, "as long as you don't take money from them."

But are ABC officials enforcing the new policy? "My suspicion is they're not, that they are chickenshit and Cokie Roberts will do whatever the hell she wants to do and they don't have the balls to do anything," says the Chicago Tribune's Warren, whose newspaper allows its staff to make paid speeches only to educational institutions.

There's obviously some elasticity in ABC's policy. In April, Greenfield, who covers media and politics, pocketed $12,000 from the National Association of Broadcasters for speaking to 1,000 members and interviewing media giants Rupert Murdoch and Barry Diller for the group. Wald says that was acceptable.

He also says it was fine for Roberts to speak to the Junior League-sponsored business conference in Fort Lauderdale, even though the for-profit JM Family Enterprises paid her fee.

"As long as the speech was arranged by a reasonable group and it carried with it no taint from anybody, it's okay," says Wald. "I don't care where they [the Junior League] get their money."

Even with its loopholes, ABC has the strictest restrictions among the networks. NBC, CBS and CNN allow correspondents to speak for dollars on a case-by-case basis and require them to check with a supervisor first. Last fall, Andrew Lack, president of NBC News, said he planned to come up with a new policy. NBC spokesperson Lynn Gardner says Lack has drafted the guidelines and will issue them this summer. "The bottom line is that Andrew Lack is generally not in favor of getting high speaking fees," she says.

New Yorker Executive Editor Hendrik Hertzberg also said last fall that his magazine would review its policy, under which writers are supposed to consult with their editors in "questionable cases." The review is still in progress. Hertzberg says it's likely the magazine will have a new policy by the end of the year.

"There's something aesthetically offensive to my idea of journalism for American journalists to be paid $5,000, $10,000 or $20,000 for some canned remarks simply because of his or her celebrity value," Hertzberg says.

Rewriting a policy merely to make public the outside income of media personalities guarantees resistance, if not outright hostility. Just ask John Harwood of the Wall Street Journal's Washington bureau. This year, Harwood was a candidate for a slot on the committee that issues congressional press passes to daily print journalists.

His platform included a promise to have daily correspondents list outside sources of income—not amounts—on their applications for press credentials. Harwood's goal was fuller disclosure of outside income, including speaking fees.

"I'm not trying to argue in all cases it's wrong," says Harwood. "But we make a big to-do about campaign money and benefits lawmakers get from special interests and I'm struck by how many people in our profession also get money from players in the political process."

Harwood believes it's hypocritical that journalists used to go after members of Congress for taking speech fees when journalists do the same thing. (Members of Congress are no longer permitted to accept honoraria.)

"By disclosing the people who pay us," says Harwood, "we let other people who may have a beef with us draw their own conclusions. I don't see why reporters should be afraid of that."

But apparently they are. Harwood lost the election.

"I'm quite certain that's why John lost," says Alan J. Murray, the Journal's Washington bureau chief, who made many phone calls on his reporter's behalf. "There's clearly a lot of resistance," adds Murray, whose newspaper forbids speaking to for-profit companies, political action committees and anyone who lobbies Congress. "Everybody likes John. But I couldn't believe how many people said—even people who I suspect have very little if any speaking incomes—that it's just nobody's business. I just don't buy that."

His sentiment is shared in the Periodical Press Gallery on Capitol Hill, where magazine reporters applying for press credentials must list sources of outside income. But in the Radio-Television Correspondents Gallery, where the big-name network reporters go for press credentials, the issue of disclosing outside income has never come up, says Kenan Block, a "MacNeil/Lehrer NewsHour" producer.

"I've never heard anyone mention it here and I've been here going on 11 years," says Block, who is also chairman of the Radio-Television Correspondents Executive Committee. "I basically feel it's not our place to police the credentialed reporters. If you're speaking on the college circuit or to groups not terribly political in nature, I think, if anything, people are impressed and a bit envious. It's like, 'More power to them.'"

But the issue of journalists' honoraria has been mentioned at Block's program.

Al Vecchione, president of MacNeil/Lehrer Productions, says he was "embarrassed" by AJR's story last year and immediately wrote a new policy. The story reported that Robert MacNeil accepted honoraria, although he often spoke for free; partner Jim Lehrer said he had taken fees in the past but had stopped after his children got out of college.

"We changed [our policy] because in reading the various stories and examining our navel, we decided it was not proper," Vecchione says. "While others may do it, we don't think it's proper. Whether in reality it's a violation or not, the perception is there and the perception of it is bad enough."

MacNeil/Lehrer's new policy is not as restrictive as ABC's, however. It says correspondents "should avoid accepting money from individuals, companies, trade associations or organizations that lobby the government or otherwise try to influence issues the NewsHour or other special * * * programs may cover."

As is the case with many of the new, stricter policies, each request to speak is reviewed on a case-by-case basis. That's the policy at many newspapers and at U.S. News.

Newsweek tightened its policy last June. Instead of simply checking with an editor, staffers now have to fill out a form if they want to speak or write freelance articles and submit it to Ann McDaniel, the magazine's chief of correspondents.

"The only reason we formalized the process is because we thought this was becoming more popular than it was 10 years ago," McDaniel says. "We want to make sure [our staff members] are not involved in accepting compensation from people they are very close to. Not because we suspect they can be bought or that there will be any improper behavior but because we want to protect our credibility."

Time, on the other hand, looked at all the media criticism and decided to simply end the practice. In an April 14 memo. Managing Editor Gaines told his staff, "The policy is that you may not do it.

Gaines says the new policy was prompted by "a bunch of things that happened all at once." He adds that "a lot of people were doing cruise ships and appearances and have some portion of their income from that, so their ox is gored."

The ban is not overwhelmingly popular with Time staffers. Several, speaking on a not-for-attribution basis, argue that it's too tough and say they hope to change Gaines' mind. He says that won't happen, although he will amend the policy to allow paid speeches before civic groups, universities and groups that are "clearly not commercial."

"Academic seminars are fine," he says. "If some college wants to pay expenses and a $150 honorarium, I really don't have a problem with that."

Steve Roberts, a senior writer with U.S. News & World Report and Cokie Roberts' husband, is annoyed that some media organizations are being swayed by negative publicity. He says there's been far too much criticism of what he believes is basically an innocuous practice. Roberts says journalists have a right to earn as much as they can by speaking, as long as they are careful about appearances and live by high ethical standards.

"This whole issue has been terribly overblown by a few cranks," Roberts says. "As long as journalists behave honorably and use good sense and don't take money from people they cover, I think it's totally legitimate. In fact, my own news organization encourages it."

U.S. News not only encourages it, but its public relations staff helps its writers get speaking engagements.

Roberts says U.S. News has not been intimidated by the "cranks," who he believes are in part motivated by jealousy. "I think a few people have appointed themselves the critics and watchdogs of our profession. I, for one, resent it."

His chief nemesis is Jim Warren, who came to Washington a year-and-a-half ago to take charge of the Chicago Tribune's bureau. Warren, once the Tribune's media writer, writes a Sunday column that's often peppered with news flashes about which journalist is speaking where and for how much. The column includes a "Cokie Watch," named for Steve Roberts' wife of 28 years, a woman Warren has written reams about but has never met.

"Jim Warren is a reprehensible individual who has attacked me and my wife and other people to advance his own visibility and his own reputation," Roberts asserts. "He's on a crusade to make his own reputation by tearing down others."

While Warren may work hard to boost his bureau's reputation for Washington coverage, he is best known for his outspoken criticism of fellow journalists. Some reporters cheer him on and fax him tips for "Cokie Watch." Others are highly critical and ask who crowned Warren chief of the Washington ethics police.

Even Warren admits his relentless assault has turned him into a caricature.

"I'm now in the Rolodex as inconoclast, badass Tribune bureau chief who writes about Cokie Roberts all the time," says Warren, who in fact doesn't. "But I do get lots of feedback from rank-and-file journalists saying, 'Way to go. You're dead right.' It obviously touches a nerve among readers."

So Warren writes about Cokie and Steve Roberts getting $45,000 from a Chicago bank for a speech and the traveling team of television's "The Capital Gang" sharing $25,000 for a show at Walt Disney World. He throws in parenthetically that Capital Gang member Michael Kinsley "should know better."

Kinsley says he would have agreed a few years ago, but he's changed his tune. He now believes there are no intrinsic ethical problems with taking money for speaking. He does it, he wrote in The New Republic in May, for the money, because it's fun and it boosts his ego.

"Being paid more than you're worth is the American dream," he wrote. "I see a day when we'll all be paid more than we're worth. Meanwhile, though, there's no requirement for journalists, alone among humanity, to deny themselves the occasional fortuitous tastes of this bliss."

To Kinsley, new rules restricting a reporter's right to lecture for largesse don't accomplish much.

"Such rules merely replace the appearance of corruption with the appearance of propriety," he wrote. "What keeps journalists on the straight and narrow most of the time is not a lot of rules about potential conflicts of interest, but the basic reality of our business that a journalist's product is out there for all to see and evaluate."

The problem, critics say, is that without knowing who besides the employer is paying a journalist, the situation isn't quite that clear-cut.

Jonathan Salant, president of the Washington chapter of the Society of Professional Journalists, cites approvingly a remark by former Washington Post Executive Editor Ben Bradlee in AJR's March issue: "If the Insurance Institute of America, if there is such a thing, pays you $10,000 to make a speech, don't tell me you haven't been corrupted. You can say you haven't and you can say you will attack insurance issues in the same way, but you won't. You can't."

Salant thinks SPJ should adopt an absolute ban on speaking fees as it revises its ethics code. Most critics want some kind of public disclosure at the very least.

Says the Wall Street Journal's Murray, "You tell me what is the difference between somebody who works full time for the National Association of Realtors and somebody who takes $40,000 a year in speaking fees from Realtor groups. It's not clear to me there's a big distinction. I'm not saying that because you take $40,000 a year from Realtors that you ought to be thrown out of the profession. But at the very least, you ought to disclose that."

And so Murray is implementing a disclosure policy. By the end of the year, the 40 journalists working in his bureau will be required to list outside income in a report that will be available to the public.

"People are not just cynical about politicians," says Murray. "They are cynical about us. Anything we can do to ease that cynicism is worth doing."

Sen. Grassley applauds the move. Twice he has taken to the floor of the Senate to urge journalists to disclose what they earn on the lecture circuit.

"It's both the amount and doing it," he says. "I say the pay's too much and we want to make sure the fee is disclosed. The average worker in my state gets about $21,000 a year. Imagine what he or she thinks when a journalist gets that much for just one speech?"

Public disclosure, says Grassley, would curtail the practice.

Disclosure is often touted as the answer. Many journalists, such as Kinsley and Wall Street Journal columnist Al Hunt—a television pundit and Murray's predecessor as bureau chief—have said they will disclose their engagements and fees only if their colleagues do so as well.

Other high-priced speakers have equally little enthusiasm for making the information public. "I don't like the idea," says ABC's Greenfield. "I don't like telling people how much I get paid."

But one ABC correspondent says he has no problem with public scrutiny. John Stossel, a reporter on "20/20," voluntarily agreed to disclose some of the "absurd" fees he's earned. Last year and through March of this year Stossel raked in $160,430 for speeches—$135,280 of which was donated to hospital, scholarship and conservation programs.

"I just think secrecy in general is a bad thing," says Stossel, who did not object to ABC's new policy. "We [in the media] do have some power. We do have some influence. That's why I've come to conclude I should disclose, so people can judge whether I can be bought."

(Stossel didn't always embrace this notion so enthusiastically. Last year he told AJR he had received between $2,000 and $10,000 for a luncheon speech, but wouldn't be more precise.)

Brian Lamb, founder and chairman of C-SPAN, has a simpler solution, one that also has been adopted by ABC's Peter Jennings, NBC's Tom Brokaw and CBS' Dan Rather and Connie Chung. They speak, but not for money.

"I never have done it," Lamb says. "It sends out one of those messages that's been sent out of this town for the last 20 years: Everybody does everything for money. When I go out to speak to somebody I want to have the freedom to say exactly what I think. I don't want to have people suspect that I'm here because I'm being paid for it."

On February 20, according to the printed program, Philip Morris executives from around the world would have a chance to listen to Cokie and Steve Roberts at 7 a.m. while enjoying a continental breakfast. "Change in Washington: A Media Perspective with Cokie and Steve Roberts," was the schedule event at the PGA resort in Palm Beach during Philip Morris' three-day invitational golf tournament.

A reporter who sent the program to AJR thought it odd that Cokie Roberts would speak for Philip Morris in light of the network's new policy. Even more surprising, he thought, was that she would speak to a company that's suing ABC for libel over a "Day One" segment that alleged Philip Morris adds nicotine to cigarettes to keep smokers addicted. The case is scheduled to go to trial in September.

At the last minute, Cokie Roberts was a no-show, says one of the organizers. "Cokie was sick or something" says Nancy Schaub of Event Links, which put on the golf tournament for Philip Morris. "Only Steve Roberts came."

Cokie Roberts won't talk to AJR about why she changed her plans. Perhaps she got Dick Wald's message.

"Of course, it's tempting and it's nice," Wald says of hefty honoraria. "Of course, they [ABC correspondents] have rights as private citizens. It's not an easy road to go down. But there are some things you just shouldn't do and that's one of them."

[From the Columbia Journalism Review, May–June 1995]

WHERE THE SUN DOESN'T SHINE—FINANCIAL DISCLOSURE FOR JOURNALISTS DOESN'T FLY

(By Jamie Stiehm)

Journalists don't like to politick on their own behalf; they'd much rather cover politics as a spectator sport. But every so often a few souls in Washington are asked—if not told—by their bureau chiefs to run for the prestigious Standing Committee of Correspondents in one of the congressional press galleries. In the case of the daily newspaper gallery, this is an inner circle, democratically elected, that makes important logistical decisions affecting coverage of both Congress and the national political conventions. Hence the tendency of the bigger newspapers and wire services to exercise their clout to get their people in there.

So this year, chances are that if he had kept quiet, John Harwood of the Wall Street Journal, the only candidate from one of the "Big Four" national newspapers, would have won. But instead, Harwood chose to ignite a controversial issue that has divided the journalistic community ever since Ken Auletta's September 12 New Yorker article made it the talk of the town: whether journalists should disclose to their peers and the public their "outside income"—that is, income earned from speeches and sources other than their day jobs.

"I think it's time we do a better job of disclosing the sort of potential conflicts we so often expose in the case of public officials," Harwood wrote to 2,000 colleagues in a campaign letter. In an interview, he adds, "Given the impact the media have on public policy discussions, we should be willing to subject ourselves to more scrutiny."

This philosophy did not play too well with the masses. As they paid campaign calls around town, Harwood and the Journal's Washington bureau chief, Alan Murray, could hardly help noticing that the disclosure proposal did not excite enthusiasm. "I was surprised," Murray states flatly, "to find out so many of my colleagues oppose the right thing to do."

Yet only a handful of daily gallery members, the so-called celebrity journalists who make substantial money from speaking engagements, would likely have serious outside income to disclose. (Harwood himself says that he earned only $300 last year from an outside source, for a speech he gave to the World Affairs Council.) The vast majority of the gallery members are beat reporters who might reasonably resent what some see as an invasion of privacy. "What business of the gallery is it what my income is?" says Stephen Green, of Copley News Service, who also ran and lost. "People who are paying your salary should decide whether you have a conflict or not." Alan Fram of The Associated Press, the big winner, opposed disclosure partly on the ground that reporters are private citizens, not public officials.

Fram and Green see "philosophical perils," as Green put it, in "licensing" reporters by requiring them to reveal certain facts and activities. "That opens up a door we don't want to walk through," says Fram. "What's the next step? Voting registration?"

Of the three press galleries that accredit reporters on Capitol Hill—the daily, periodical, and radio-TV galleries—only the periodical press gallery requires members to list all sources of earned income. This rule has always applied to the periodical gallery, largely because it receives more applications from people who might be moonlighting as trade association lobbyists, government consultants, or corporate newsletter writers.

Harwood argues that he only wants the daily gallery to do what the periodical gallery already does: put the sources, not the amounts, of outside income on record for any other gallery member to look up. He would go one step further, however, and make records available to the general public, not just journalistic peers: "Put the judgment out there."

Would writing these things down prevent anything impure from taking place? Maybe: environmental lawyers, for example, have found that the most effective laws are the "sunshine" statutes that made certain polluting practices less common simply by requiring companies to report them.

Anyway, the results are in. Out of a field of five, Harwood lost narrowly to the three winners: Fram of AP, Sue Kirchhoff of Reuters, and Bill Welch of USA Today, none of whom share his views. Is financial disclosure for journalists an idea whose time has come? If Harwood's loss is a good sounding of the current state of journalistic opinion, the answer is: not yet.

Mr. BYRD. Mr. President, I yield the floor.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MACK. Mr. President, I am prepared to accept the amendment of the distinguished Senator from West Virginia because it is the beginning, not the end, and it is a sense-of-the-Senate resolution that will begin the process for a complete hearing on the matter. As I understand it, it is a sense-of-the-Senate resolution that in essence calls for a separate Senate resolution to be offered in the future during the 104th Congress that would in essence call for the Rules Committee to begin the process of complete hearings on the issue.

Mr. BYRD. The Senator is correct.

Mr. MACK. Mr. President, while I have indicated that I am prepared to accept the amendment, I think it is fair to say that there are questions with respect to the concept as it relates to members of the Senate Press Gallery only, as I understand it.

Mr. BYRD. It pertains only to the credentialing of members of the Senate Press Gallery.

Mr. MACK. I thank the Senator.

Mr. President, I do believe that several of the points that the Senator from West Virginia made during his comments with respect to the amendment were, in fact, on target, specifically the issue as to the power of the press in choosing what to cover. There is a tendency for us in public life to hear—and I guess from time to time believe—that we have been inaccurately quoted. My own experience is that has not really been a problem. The issue which I think is important—the issue which I think the publishers of newspapers have said themselves—is that the power of the press is really to choose what to cover and what not to cover.

My point for making this is that the individuals who are members of the Press Gallery in the Senate, frankly, and from my perspective, are not the ones that determine what is going to be covered and what is not.

So I think that frankly there will have to be a complete hearing on the issue to make a determination about whether the Senate in fact should move on this concept. But at this point, as I said a moment ago, I am prepared to accept the amendment.

Mr. BYRD. Mr. President, I thank the distinguished Senator, the manager of the bill, for his comments and for his support in offering to accept the amendment.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Washington.

Mrs. MURRAY. Mr. President, I have listened carefully to the words of the Senator from West Virginia on his sense-of-the-Senate resolution and am also willing to accept the amendment on the grounds that I see it as the precursor to having a hearing on this so that all sides can be aired. I would want to make sure that we were not precluding anyone's ability to be in the Press Gallery with this kind of amendment. I think those kinds of questions and answers can be gathered. I understand that is what this amendment is trying to attain and with that would not object to it.

Mr. BYRD. Mr. President, I thank the minority manager. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. MACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is on agreeing to the amendment of the Senator from West Virginia [Mr. BYRD]. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from North Carolina [Mr. HELMS] is necessarily absent.

The PRESIDING OFFICER (Mr. DEWINE). Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 60, nays 39, as follows:

[Rollcall Vote No. 312 Leg.]

YEAS—60

Akaka
Baucus
Bennett
Bond
Boxer
Bradley
Breaux
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cohen
Conrad
Craig
Daschle
Dole
Dorgan
Faircloth
Feingold
Ford
Glenn
Grams
Grassley
Gregg
Harkin
Hatfield
Heflin
Hollings
Inouye
Jeffords
Johnston
Kennedy
Kohl
Lautenberg
Leahy
Lott
Mack
McConnell
Mikulski
Moseley-Braun
Murkowski
Murray
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Shelby
Simpson
Smith
Snowe
Stevens
Thomas
Thurmond
Warner
Wellstone

NAYS—39

Abraham
Ashcroft
Biden
Bingaman
Brown
Bryan
Cochran
Coverdell
D'Amato
DeWine
Dodd
Domenici
Exon
Feinstein
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Hutchison
Inhofe
Kassebaum
Kempthorne
Kerrey
Kerry
Kyl
Levin
Lieberman
Lugar
McCain
Moynihan
Nickles
Packwood
Roth
Santorum
Sarbanes
Simon
Specter
Thompson

NOT VOTING—1

Helms

So the amendment (No. 1802) was agreed to.

Mr. BYRD. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MCCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I commend the Appropriations Committee for bringing this bill to the floor. Senator HATFIELD, Senator BYRD, Senator MACK, and Senator MURRAY, in my view, have crafted a bill that reduces the amount we will spend on the legislative branch by over $200 million and an amount which is $427 million below the fiscal 1995 budget estimate.

This is an excellent piece of legislation. It is certainly not perfect, but I, again, congratulate the managers of the bill for an outstanding effort to reduce spending on the legislative branch. Obviously, it is where we must begin if we are going to ask other sectors of America to experience spending cuts as well. I thank my colleagues.

Mr. DOMENICI. Mr. President, I want to share with the Senate my congratulations to the subcommittee, in particular the subcommittee chairman, Senator CONNIE MACK, because we started out this year on our side of the aisle—and I am very pleased this has become bipartisan—with the suggestion that if we are going to fix the fiscal policy of our Nation, we ought to start by fixing our own House, and we ought to save some money for the taxpayers in terms of what we spend on the U.S. Senate.

I happen to cochair our Republican task force with my friend, CONNIE MACK. We recommended that we take $200 million out of the Senate's expenditures out of the legislative budget. I am pleased to report that we were taken almost literally by the chairman. He saved $200.041 million. So if every subcommittee that was charged with reducing the expenditures of our Government looked to the budget resolution for its assumptions, or to what my friend, CONNIE MACK, looked to—it was a resolution by the Republicans to take $200 million out—if everybody did their jobs that well, this would be a pretty good year.

Frankly, I want to make one other point. I am not saying that the budget resolution assumption should be adopted by any committee because I understand the Budget Act said the appropriators will make the final decision. It also said on the entitlement, the committees that write the law change the law. If we do not start getting rid of some agencies of our Federal Government, some functions of the Government, some programs of the Government, we are just putting off for another year what is inevitable. It will just get worse, not better. Good programs will have to be reduced, rather than those that are marginal and perhaps not needed.

Why do I state that? Because in this appropriations bill, this subcommittee has succeeded in doing away with one of the many service organizations that help the U.S. Senate do its work. As I understand it, over a 2-year phase, we will eliminate what we recommended in our early resolutions to the subcommittee. We will be getting rid of one of those service organizations, is that not correct?

Mr. MACK. That is correct. I just say to the Senator that there probably will be an amendment proposed later in the morning, or in the early afternoon, to restore the Office of Technology Assessment.

Again, we did take the direction from both the early resolution by our conference but also the budget resolution that said, if we are going to meet this target, we are going to have to make not only reductions, but we are going to have to eliminate some of the agencies, and we have done that. I thank the Senator for his help on that.

Mr. DOMENICI. Mr. President, I am not prejudging that vote. I am speaking to the bill as it currently is. I was a member of the appropriations committee that voted to sustain their work with reference to the service organization we say we should get rid of over 2 years. I hope that the U.S. Senate, every time we have an issue like this—and it will come up today—that we not always think how can we save it and make sure it is still around and look at it again.

Sooner or later, you have to make decisions that you do not need everything, everything in the budget, and that the Senate does not need everything that currently serves the Senate. If you do not start doing that, then I do not believe we have a lot of credibility. I do not believe the American people are going to buy it for a minute that we ought to be cutting other programs, and we cannot get rid of one organization that helps us do our job.

Sooner or later, we have to be examples, and it has to be real, not rhetoric. I commend the subcommittee and its chairman. I hope the debate will center around, can we really do with less and still do our jobs? I believe we can. I do not see any shortage of professional talent helping us around here, scientific or otherwise. We have so many groups of science institutions that can help us, I do not know that we need our own $22 million science service organization. That is what the issue will be.

I yield the floor and thank the chairman for his work and his ranking member for her diligent work.

AMENDMENT NO. 1803

(Purpose: Expressing the sense of the Senate that the 104th Congress should consider comprehensive campaign finance reform legislation)

Mr. FEINGOLD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Wisconsin [Mr. FEINGOLD], for himself, Mr. McCAIN, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. WELLSTONE, Mr. BRADLEY, Mr. SIMON, Mr. BIDEN, Mr. LEAHY, Mr. AKAKA, and Mr. GRAHAM, proposes an amendment numbered 1803.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. MACK. I object, Mr. President.

The PRESIDING OFFICER. The clerk will continue reading.

The bill clerk read as follows:

At the appropriate place, insert the following new section:

SEC. . CAMPAIGN FINANCE REFORM.

(a) FINDINGS.—

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . CAMPAIGN FINANCE REFORM.

(a) FINDINGS.—The Congress finds that—

(1) the current system of campaign finance has led to public perceptions that political contributions and their solicitation have unduly influenced the official conduct of elected officials;

(2) the failure to limit campaign expenditures in any way has caused individuals elected to the United States Senate to spend an increase portion of their time in office raising campaign funds, interfering with the ability of the Senate to carry out its constitutional responsibilities;

(3) the public faith and trust in Congress as an institution has eroded to dangerously low levels and public support for comprehensive congressional reforms is overwhelming; and

(4) reforming our election laws should be a high legislative priority of the 104th Congress.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that as soon as possible before the conclusion of the 104th Congress, the United States Senate should consider comprehensive campaign finance reform legislation that will increase the competitiveness and fairness of elections to the United States Senate.

AMENDMENT NO. 1804 TO AMENDMENT NO. 1803

(Purpose: To express the sense of the Senate in regard to the consideration of certain legislative issues)

Mr. MACK. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Florida [Mr. MACK], for Mr. McCONNELL, proposes an amendment numbered 1804 to amendment No. 1803.

In lieu of the language proposed to be inserted, insert the following:

It is the sense of the Senate that before the conclusion of the 104th Congress, comprehensive welfare reform, food stamp reform, Medicare reform, Medicaid reform, superfund reform, wetlands reform, reauthorization of the Safe Drinking Water Act, reauthorization of the Endangered Species Act, immigration reform, Davis-Bacon reform, State Department reauthorization, Defense Department reauthorization, Bosnia arms embargo, foreign aid reauthorization, fiscal year 1996 and 1997 Agriculture appropriations, Commerce, Justice, State appropriations, Defense appropriations, District of Columbia appropriations, Energy and Water Development appropriations, Foreign Operations appropriations, Interior appropriations, Labor, Health and Human Services and Education appropriations,——

Mr. FEINGOLD. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

Mr. MACK. I object.

The PRESIDING OFFICER. The clerk will continue reading.

The bill clerk continued reading as follows:

Legislative Branch appropriations, Military Construction appropriations, Transportation appropriations, Treasury and Postal appropriations, and Veterans Affairs, Housing and Urban Development, and Independent Agencies appropriations, reauthorization of the Older Americans Act, reauthorization of the Individuals with Disabilities Education Act, health care reform, job training reform, child support enforcement reform, tax reform, and a "Farm Bill" should be considered.

Mr. MACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. Mr. President, I ask unanimous consent that Senator FEINGOLD be recognized to speak for up to 20 minutes on the pending amendment, No. 1803, to be followed by 20 minutes for debate prior to a motion to table under the control of Senator McCAIN, and that following the conclusion or yielding back of time, Senator DOLE or his designee be recognized to make a motion to table the Feingold amendment, and that no further amendments be in order prior to the motion to table.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. MACK. Mr. President, I further ask that once the motion to table is made, the amendment be laid aside until 2:30 in order to consider other amendments.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair. I thank the Senator from Florida for his cooperation. I am working on an agreement on this amendment.

I have offered this amendment today concerning the need for campaign finance reform because I firmly believe that there is a broad majority of Senators on both sides of the aisle who believe our campaign finance laws are in need of significant repair.

My resolution asks the Members of the U.S. Senate whether they believe we have a seriously flawed system of campaign financing and whether they believe we should consider changing it during the 104th Congress.

It is a simple proposition, but I think it is a very important one. I could not be more delighted that this resolution has bipartisan support in its cosponsorship. It includes the Senator from Arizona [Mr. McCAIN], the Senator from California [Mrs. FEINSTEIN], the Senator from Vermont [Mr. JEFFORDS], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Illinois [Mr. SIMON], the Senator from Vermont [Mr. LEAHY], the Senator from New Jersey [Mr. BRADLEY], the Senator from Delaware [Mr. BIDEN], the Senator from Florida [Mr. GRAHAM], and the Senator from Hawaii [Mr. AKAKA].

Mr. President, this resolution does not propose any specific reforms. It does not mention spending limits or public financing or PAC contributions or any of the other proposals that have been connected in the past with campaign finance. It merely says that sometime during the next year and a half this Chamber should consider legislation that will restore a greater degree of fairness and competitiveness to the elections that are involved to elect people to the Senate.

Why is this necessary? It seemed that significant campaign finance reform was going to be achieved in the 103d Congress. Unfortunately, the effort fell apart as House and Senate negotiators were unable to bridge their differences. I am the first to say there was blame on the part of both parties for this falling apart, but I am offering this resolution today because there has not been any sort of indication that the Senate will be considering this issue either this year or next year. It is not even mentioned in the Republican contract. It is not on the majority leader's list of items we need to do before the August recess. I am afraid that it might not even be on the list of the things we need to do before the turn of the century if we do not pass some kind of resolution.

It is clear that the campaign spending in our political system is spiraling out of control. The FEC recently released some startling numbers with respect to the level of spending in the 1994 elections. According to the FEC, the 1994 elections were the most expensive in history, sporting a price tag of $724 million. That is a 62-percent increase—Mr. President, a 62-percent increase—from aggregate spending just 4 years earlier in 1990.

The effect of this escalation in spending to me is a sort of politics of exclusion as it becomes increasingly difficult for average working Americans to run for public office. It is very distressing that candidates are first and foremost judged on their fundraising ability and their personal wealth rather than their merits as candidates. I think most of us would agree that the democratic political system should encourage individuals to run for elective office but that is not what our current system does.

If anything, the current system sends a message that political campaigns are expressly reserved for the very few who have the ability to do what the current system requires of them to run an effective campaign, and we all know it. The message we get is that if you cannot raise and spend millions of dollars, you are not really an effective or viable candidate.

If you are a powerful member of the Senate Appropriations Committee, as was my opponent in 1992, and you have the ability to raise nearly $6 million for a campaign, then the current system, of course, accommodates you. If you are independently wealthy and if you decide you would like to use your wealth to run for elective office, as the current trend seems to me, then the current system also accommodates you.

If you are a schoolteacher and serve part time in the city council and decide you would like to run for the U.S. Senate, then the current system tells you that based on your income level, employment status, and other such factors, you are automatically a long-shot candidate. Your positions on the issues are at best secondary. Your experience as a teacher and your record on the city council is secondary. Why? Because you lack substantial campaign funds, or a war chest as it is called now, that will inhibit you from getting your message across to a statewide electorate. This makes you a long shot, and the thought of not running at all has to cross your mind.

This has to change. Unfortunately, despite the nearly universal agreement that something needs to be done to curtail campaign spending and improve the election process, time and time again Congress fails to pass the needed legislation. So I offer this resolution today because there needs to be, first of all, a clear statement that campaign finance reform should be on the agenda for this Congress. It is not even mentioned, as I said before, in the Republican contract, and we need to figure out a way to get it onto the agenda.

The only effort that has been made in the whole Congress this session on campaign finance reform was to take away the campaign finance system we have that has helped make Presidential elections more fair. Thankfully, we defeated that effort, and we did it on a bipartisan vote. It is now time to refocus our efforts on fixing the congressional system and to find answers to a disturbing question. That is, how, Mr. President, can we expect ordinary Americans to run for elected office when the price tag is literally, literally millions of dollars and the costs escalated at a rate of over 60 percent in the past 4 years?

I know recently there was a handshake between the Speaker of the other body and the President about a commission. I noticed there was no Member of this body who was a party to that agreement, so it did not terribly impress me in part for that reason. But the Speaker recently just backed off of that anyway, so let us not assume that any sort of commission will even be created let alone believe that it will make a difference.

There is no reason at all for this body not to move forward on this. We cannot pretend that this is not a pressing problem, and we cannot pretend that we do not know how to deal with it. Congress has to demonstrate to the American people that it can act responsibly and decisively and that it can approach this problem in a bipartisan manner.

On another front, Mr. President, the set of figures recently released by the FEC gives us some telling data, surprising data. For example, contributions by political action committees to all congressional candidates back in 1990 totaled $149 million. Now, this went up slightly in 1992 to $178 million but stayed in 1994 at $178 million. So, Mr. President, PAC contributions, even though many people would like to see them eliminated, have been fairly level over the past three election cycles.

On the other hand, and this is what really shocked me, contributions and loans from candidates themselves—in other words, those who contribute to their own campaigns—increased at a rate of 37 percent from the 1992 level. So personal contributions to your own campaign is now sort of the new growth industry in the area of campaign financing.

That means the greatest increase in campaign financing comes from candidates that finance themselves. That translates into an electoral system tailored only for those who either have access to a large base of campaign contributors or another group, those who have the personal wealth and means to afford an expensive political campaign. Either way, again, the schoolteacher that serves on the city council is becoming increasingly less likely to have any chance at all of seeking this office and attaining it.

Mr. President, not too long ago, I heard one of the candidates for President, the Senator from Texas, say something that I found kind of fascinating. Announcing his bid for the Republican nomination to the White House in 1996, the Senator from Texas stated that he had the most reliable friend you can have in American politics, and that is ready money.

There was a time when the most reliable friend you could have in politics was a strong record on the issues, substantial grassroots support, or maybe even the endorsement of a large newspaper in your State. But a candidate for the Presidency has indicated that he may be the best candidate in 1996 not because of his stance on the issues, not because of his popularity with the voters in his party, but because he has the most money, or at least did at that time, of the eligible candidates.

Those remarks are simply an accurate portrayal of what our election system has become. It is not so much about your stance on the issues or the speeches you give on the campaign trail or even the countless volunteers that the Senator from Minnesota and I remember so well from our campaigns who usually sit in unairconditioned offices all day stuffing envelopes for you.

Sadly enough, our election system has become all about money—who has it, who can raise the most, and who can spend the most. It is no longer one person, one vote. It is more $1, one vote, or $1 million, 1 million votes.

I was a supporter last year of S. 3, the campaign finance reform bill, and that bill was filibustered. I did not believe that it was a perfect bill, but on balance I believe it represented a substantial improvement over the current system and it clearly would have installed a level of fairness back into our campaign system.

On the first day of the 104th Congress, I introduced S. 46, another attempt to try to reform our campaign system. I do not hold out any false hopes that my bill will become law in the near future. That is why I am certainly willing to compromise on this issue and to work with my colleagues on both sides of the aisle to write a bill that will somehow get us off the road we are on of further protecting incumbents and encouraging multimillion dollar campaigns.

I do, however, in working with the Senator from Arizona, who has been a tremendous partner in this issue, believe that certain principles have to be included. A good bill has to provide incentives to keep campaign spending down to a reasonable level, and it has to provide some sort of assistance to legitimate but underfunded challengers, so that our elections will indeed be competitive and fair. I also want to see candidates raise more of their funds in their own home States rather than constantly crisscrossing the country looking for funding from the west to the east coast.

Mr. President, for the past several months, the Senate has been diverting almost all of its attention to the Republican Contract With America. This was the campaign that said, "Put us in power and we will change the way Washington does business." But it is disappointing again that this subject has not really come up. How can you change "business as usual" without suggesting that we need to change the outrageous degree of fundraising, the disproportionate influence of out-of-State special interests, and the lack of competitive challengers to well-placed incumbents?

Though it was not part of the contract, I know there are Members on the other side of the aisle who truly are committed to comprehensive campaign finance reform. And I continue to believe that we can have a bipartisan reform bill. In fact, Mr. President, just look at very recent history. We have had statements by the Senator from Kentucky indicating:

> The 102nd Congress is faced with many challenges, not the least of which is ensuring the credibility of this institution and the electoral process of our Nation. To that end I [Senator McConnell], along with the Senate Republican leader, Senator Dole . . . am introducing the Comprehensive Campaign Finance Reform Act. This bill is the most sweeping legislation ever put forth on this issue. [This reform act] would restore integrity and competitiveness to our electoral process while preserving constitutional rights and our 200-year-old democratic freedoms.

That is from January 1991, by the Senator from Kentucky.

More recently, in January 1993, the now majority leader stated:

> Just as Congress needs reforming, so, too, does the way in which you are elected to Congress. And today, as we have done before, Senate Republicans will be introducing legislation to reform our campaign finance system. . . .
>
> Again, this is an area in which I think we are going to need bipartisan effort if we are to have a meaningful campaign finance reform bill. . . .
>
> So I hope that we can maybe impose some deadline—30, 60 days—for Democrats and Republicans to work out a bipartisan package.

The majority leader then went on to say:

> If ever there was an issue that cried out for bipartisan cooperation, it is campaign finance. Senator Boren of Oklahoma and Senator McConnell of Kentucky are this Chamber's acknowledged campaign finance reform experts. Perhaps if Senator Mitchell and I gave them 30 days to get together and hammer out a comprehensive reform proposal, they would succeed.

And, finally, Mr. President, simply a copy of the front page of S. 7, which is the legislation by the majority leader and many other Members on the other side of the aisle calling for Federal campaign finance reform.

So it is clear that the other side is on record in favor of doing this.

Let me simply reserve the remainder of my time at this point and say that this is the amendment which we worked, on a bipartisan basis, to put together that can at least start us on the real road to campaign finance reform, not just a resolution, not just a commission, but a true bipartisan effort that I hope will bear fruit.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. CAMPBELL). The Senator has 6 minutes 8 seconds.

Mr. FEINGOLD. I yield 5 minutes to the Senator—may I withhold?

Mr. McCAIN. Will the gentlemen yield 3 minutes to me?

The PRESIDING OFFICER. The Senator from Arizona has 20 minutes under the unanimous-consent agreement.

Mr. McCAIN. OK.

Mr. FEINGOLD. I yield the floor.

Mr. McCAIN. Mr. President, I yield myself whatever time I may consume.

While my friend from Florida is here, I want to talk about two aspects of this situation. One is what just transpired that brought us to this time agreement. As my colleague from Florida knows, I served 12 years in both the House and the Senate in the minority status. And one of the things that frustrated me enormously as a member of the minority was that I was unable to get issues that were important to me and my constituents before this body.

I will say that the previous majority leader on the other side of the aisle, on numerous occasions I went to Senator Mitchell and said, "Senator Mitchell, I want a vote on this issue. I'll be glad to agree to a time agreement. I will be glad to have whatever parameters you decide so as not to interfere with the functioning of this body." I will tell you, Mr. President, Senator Mitchell always granted me that vote.

For us to start in with parliamentary maneuvering not allowing people who have a reasonable amendment with an agreement for a reasonable time frame, I think is a betrayal, frankly, of what we were seeking over the last 12 years in my experience in the minority. The Senator from Wisconsin spent all day yesterday on the floor waiting to be recognized. The Senator from Wisconsin was willing to have a reasonable time agreement so he could get a simple sense-of-the-Senate resolution before this body with an up-or-down vote on it or a tabling motion.

Now, it seems to me—it seems to me—that if we are going to conduct business around here with comity, if someone has a reasonable request—a reasonable request—we should grant that request. Now, this was a sense-of-the-Senate resolution about a strongly held view by the Senator from Wisconsin. And I hope in the future we can avoid this kind of thing and sit down and say, OK, what will the arrangements be? If not today, next week or next month or even next year. But filling up the tree with parliamentary maneuvering, I think, is beneath us.

I want to make one additional point, Mr. President, if I may. Campaign finance reform is something that the American people want. In 1994 the American people said, "We do not like the way you do business in Washington. We do not like the way you do business." And they also said, "We do not like the way you get there." I know, that message was clear. And I am confident, because I believe in representative government, Mr. President, that sooner or later we will address this issue, because it is the will of the people. They do not like what is going on. Now we may make it worse, I do not know. I think we can make it better. But no average citizen in America believes that the system under which we elect Presidents of the United States and the system under which we elect representatives to Congress is a fair and equitable system, because of the role that money plays in these campaigns.

If I could just, as an aside, say to my friend from Wisconsin—just an aside—if he is going to quote Republicans now, it would be fair if he quoted the latest deal that people can have that the Democratic National Committee gave if you want to have breakfast with the President or meetings with the President, all those good deals. Let us put some balance in this now. Let us not make it a partisan issue. There are egregious activities on both sides on this issue.

But getting back to the fundamental point, I do not believe, Mr. President, that 1 or 2 or 5 or 10 Senators will be able to block the will of the American people.

Now, what the Senator from Wisconsin and I are seeking to do is set forth a framework, which we will be introducing this week, for campaign finance reform that has the fundamental elements that we believe are the will of the American people. We want to engage in a debate. We want—it is not a perfect document—we want to engage in the kind of consensus building that will lead us to a fundamental reform of the system that most Americans think is broken. And I think we have that obligation. I would like to work with all of my colleagues and any of them on this issue. But I greatly fear that unless we do this, unless we embark on this very difficult effort, the American people will lose further confidence in us and their system of government and the way we select our leaders, whether it be a Presidential campaign or any other.

So, I think it is an important issue, and I think the Senator from Wisconsin had the right to see at least what the will of the Senate is here. Maybe his motion will be tabled. I do not know. But the fact is that we need to get about addressing this issue, and we proved in the last few years that we cannot do it on a partisan basis. It has to be on a nonpartisan basis.

Mr. President, I thank my colleagues and I want to thank whoever worked out the agreement for this time agreement and the tabling motion to give the Senator from Wisconsin an opportunity to get a vote on this issue as to what the will of the Senate is.

Mr. FEINGOLD. Will the Senator from Arizona yield for a question?

Mr. McCAIN. Yes; I will be glad to yield to the Senator from Wisconsin.

Mr. FEINGOLD. Let me, first of all, ask the question and say that I fully agree with the Senator from Arizona that it certainly would not be accurate to assign to only one party the blame on this issue. In fact, in my comments I indicated that this thing went down last session not just because of a Republican filibuster but also, I think, because of substantial Democratic opposition in the other body. That has to be said. There have been many different analyses of what happened on November 8, but I ask the Senator from Arizona if he does not think in part the problem of the Democrats had to do with the failure to reform this system when they were in control?

Mr. McCAIN. I agree with my colleague on that. But I also think there is no doubt that on both sides of the aisle there was such a strong preference for the status quo that clearly the issue was not given the priority that it deserved, which I think was the primary reason for its failure. I will say, it was a bipartisan failure as well.

Mr. President, I reserve the remainder of my time.

Mr. FEINGOLD. Mr. President, I will take a moment of my time. I want to comment, in light of the comments of the Senator from Arizona. I have only been here 2½ years, but I have never seen a greater demonstration of bipartisanship and courage as I have seen on the part of the Senator from Arizona in his willingness to try to make sure a Member of the minority party and himself have an opportunity to raise an issue of this kind.

That is exactly the kind of conduct that the American people have been crying out for, and it has been a tremendous experience for me to know that in this body, that people assume is so partisan, that these kinds of experiences do and can occur.

So I want to thank him at this point, and I look forward to working with him on this issue.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield the floor?

Mr. FEINGOLD. I do yield and reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FEINGOLD. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 5 minutes 20 seconds.

Mr. FEINGOLD. I yield 4 minutes to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota has 4 minutes.

Mr. WELLSTONE. Mr. President, I am very pleased to be an original cosponsor of this amendment with the Senator from Wisconsin and the Senator from Arizona. As I understand the amendment, it really says nothing more than we should, during this Congress, take up this issue of campaign finance reform. It is an extremely reasonable amendment, one I think that should engender the support of Democrats and Republicans.

A very good friend of mine who is going to be leaving the Senate, PAUL SIMON, wrote a book not too long ago, and I had a chance to read a rough draft. The first chapter was on campaign finance reform. I said to the Senator, "That should have been the first chapter, because this is really the root issue."

I think it is the root issue and really the root problem for several reasons. I only have 4 minutes today, but we will be coming back to this over and over again, because I think we are going to insist on this reform during this Congress.

First of all, it is a root issue, Mr. President, because I think, in a way, this mix of money and politics, which really becomes the imperative of American politics, if you will, this money chase, it undercuts democracy and it undercuts democracy for two reasons.

First of all, it undercuts the very idea that each person in Colorado, Minnesota, Washington, or Florida should count as one and no more than one, because that is not really what is going on any longer to the extent that big money has such a dominant influence in politics.

Second of all, it undercuts democracy because it represents corruption, but not the corruption of individual officeholders, but rather a more systemic type of corruption where too few people have too much wealth and power. That is what is skeptical, cynical about public affairs, and all of us, Republicans and Democrats alike, have the strongest possible self-interest in having your citizens really believing in politics and public affairs. But when people see this influence of money, they become very cynical.

Mr. President, it also has a lot to do, unfortunately, with representation or lack of representation. I remember during the telecommunications bill—and I am not trying to pick on any group of people—but the reception room was packed with people. Some people just march on Washington every day, they are lobbyists or others, they represent a lot of big money, they make big campaign contributions.

I have to say, when we talk about low-income energy assistance, which I think we will be talking about, cuts in low-income energy assistance or nutrition programs for children, whatever, you never see that mix of money and politics. Those citizens are just as much citizens as any group of citizens having the same representation. I think something is terribly wrong.

So, Mr. President, I have introduced bills in the past, I have introduced a bill this Congress, offered amendments, and have given enough speeches about the need for campaign finance reform. I say to the Senator from Wisconsin, I am proud to be part of this effort. I think we ought to pass this bill, and we ought to pass it this Congress. I think it is the strongest and most important thing we can do.

I also have to tell you, Mr. President, that from my own point of view—Mr. President, how much more time do I have?

The PRESIDING OFFICER. The Senator has 20 seconds.

Mr. FEINGOLD. May I intervene here to say to the Senator from Minnesota, if he will yield for a moment, the Senator from Arizona has some additional time which he has indicated he will be willing to yield to the Senator from Minnesota, if the Senator wants more time.

Mr. WELLSTONE. I thank the Senator from Wisconsin. I think probably 5 minutes more will be fine.

Mr. FEINGOLD. Mr. President, I ask unanimous consent that 5 minutes of the time of the Senator from Arizona be given to the Senator from Minnesota.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Minnesota has 5 minutes of the time of the Senator from Arizona.

Mr. WELLSTONE. I thank the Senator from Wisconsin.

I say to my colleague from Wisconsin, I view all of these reform efforts—the gift ban and lobbying disclosure, which we take up on Monday, and the campaign finance reform—to be just critical measures, because I think people have to believe in this process or they are not going to believe in the products of this process.

I think people feel that politics has become a game they cannot play. I think people feel like this is a political process that does not represent them well. I think people feel like only a few people are well represented in politics.

We have to make our political process more accountable, more honest, more open, with more integrity, and I cannot think of a better way to do it than to take strong action and pass a comprehensive gift ban and lobbying disclosure bill next week—I know we are going to have spirited, long, hard, tough debate about that—and, in addition, pass this campaign finance reform bill sometime this Congress. Again, the only thing this amendment says is we should take this up.

Mr. President, I will make one final point. I am now up for reelection. I was so hoping we could pass a campaign finance reform bill. I absolutely hate the system and the way in which we have to raise money. I think almost every single Senator does.

I said in Minnesota, and for several years, I will only raise $100; if nothing changed, I will have to raise money to run against other people. With all the ads on TV, communications becomes the weapon of electoral conflict and all of us end up having to do that.

But, quite frankly, all of us ought to get together in a bipartisan way once and for all to pass a reform bill that really would, I think, make this political system operate in a much more effective way, not just for Democrats and not just for Republicans, but for all the people in this country. I think that is critically important.

We have gone through this debate before and, quite often, any time there is any kind of campaign finance reform bill, people say, even if there is a minimum amount of public money—maybe we can do without any—even if there is a minimum amount, people say this is food stamps for politicians.

It is not. The elections do not belong to the politicians, they belong to the people back in our States. I think the Senator from Arizona is absolutely on the mark when he says that one of the strong messages that has come from people—it came in the 1990 election in Minnesota; it came in the 1992 election the Senator from Wisconsin was involved in; and the 1994 election—is people want to see change, people want to see reform.

So, Mr. President, I hope that all of my colleagues will vote for this amendment. This amendment just says we make a commitment to bring this question up. We make a commitment, Democrats and Republicans together, to introduce a bill and to pass this legislation. I think this amendment ought to receive 100 votes because, quite frankly, I think that is the sacred trust we have of people in our country. They want us to make this change. They want more democracy, not less. They want more opportunities for people to run for office. They want more openness in the political process. They yearn for a political process they can believe in. What better thing could we do than to take up campaign finance reform, along with gift ban and lobbying disclosure, and pass a reform bill of which all of us can be proud.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I ask unanimous consent that I may be yielded such time as I may require, on the time of the Senator from Arizona.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I thank the Senator from Minnesota. He and I have worked together on many issues. We sat down, as he indicated, in the beginning of this Congress and listed a couple of our top priorities of what we would like to see happen here. At the very top of the list was our shared belief that if there is anything that needs to be changed in this country, it is the way we finance campaigns. Three Members of this body, including the Senator from Minnesota, myself, and the Senator from Washington, Senator MURRAY, did get elected even though we were not Members of Congress and were not personally wealthy. But we all know we are the exceptions to the rule.

Mr. WELLSTONE. How does the Senator know that I am not personally wealthy?

Mr. FEINGOLD. I saw the recent reports on the Members of the Senate. You were not high on the list. I regret to say that neither was I.

Mr. WELLSTONE. I stand corrected.

Mr. FEINGOLD. We all had campaigns that people watched. Do you know why? Because we were not supposed to win, because of big money. Even though we happen to be sitting here and it is a wonderful thing to have this opportunity, there are thousands and thousands of Americans as well qualified as any one of us who decided not to get into the fray because of the money, because of the absolutely daunting nature of the amount of money that is required to run for the U.S. Senate.

Mrs. MURRAY. Will the Senator yield?

Mr. FEINGOLD. Yes.

Mrs. MURRAY. I compliment the Senator on his amendment that comes before us today and for his perseverance on this critically important topic of campaign finance reform.

Let me just say that I agree with you. We need more people running for office in this country. We need the best and the brightest. It is indeed a sad note that people decide not to run, not to be here, simply because the daunting task of raising millions of dollars overwhelms them. That is not, to me, what this country is about or what democracy is about.

Until we reform the campaign finance laws and level the playing field, we are not going to get back to a point that allows everyone to be here and to speak out on the important issues of the day. I commend the Senator for the amendment, and I urge its adoption.

Mr. FEINGOLD. I thank the Senator. As I look at Senator MURRAY and the Senator from Minnesota, I know we were all serious candidates. But we know that among the things that got attention were things like Senator MURRAY's tennis shoes and I had a blue van with an Elvis Presley "endorsement." The Senator from Minnesota had a green bus. I think those were fine and they had to do with a serious process that was connected with it. I do not think it should be necessary for somebody to just happen to hit the right moment and right sense of the people in their State. We ought to be able to get our message out with fairness and equality.

As I look at the Senators, I want to compliment the Senator from Washington in helping us get this agreement. She is trying to get this appropriations bill approved. She is managing it for the Democratic side. We did want to get this on other bills, as we indicated. We thought there were perhaps slightly more appropriate vehicles, such as the telecommunications bill. This is where you get the daunting nature of the task and the discouragement of candidates. If you look at the contributions in the report of Common Cause on the telecommunications bill, among the levels of contributions to Members of this body from groups involved with that bill, one Senator received $273,000. Many others received in the one hundred ninety thousands and in the one hundred seventy thousands. There are over 20 people who got over $100,000 in campaign contributions in connection with that issue.

We thought that would be a good bill to do it on, but people urged us to let that bill alone. Now the regulatory reform bill—that is the one on which I spent a lot of time here trying to attach it to. I heard one Senator in this body say that in the 23 years he has been here, he has never seen the business community more unified on an issue. That is sort of good news and bad news. Of course, we all want to be probusiness when we can, but when you have complete unanimity in the business community, I think sometimes you have to take a look at the other side, and what people who might be affected by it would do. The report of

Public Citizen, again, shows enormous levels of contributions, Senators receiving over $300,000 in contributions from the interests in that issue, and many others in the $200,000 or $100,000 category. That is just an interest relating to that one particular bill. So we decided to use this bill as a vehicle to make this simple statement. I believe, Mr. President, that this is the beginning.

People often say, what is the point of a sense-of-the-Senate resolution? Well, what we are trying to do, as the Senator from Arizona knows, is to try to take the first step. You have to take the first step, which is to get everybody on record either for or against the concept of campaign finance reform. It is regrettable that we are a quarter of the way through the 104th Congress and we have not even taken that first step.

But I hope today, when the tabling motion is made, that the Members consider what the view of the people of this country is. I am confident that whether you are Republican or Democrat, the American people are generally disgusted with the way these campaigns are financed. Perhaps the California Senate race was the most extreme example. When you tell someone that a person spent $28 million of his own money trying to get elected to the U.S. Senate, they really wonder whether they have anything to do with the process at all anymore. How can they possibly even dream of running for the U.S. Senate if that is the kind of ante that is required?

So, Mr. President, I reserve the remainder of my time and yield the floor.

The PRESIDING OFFICER. Who yields time?

The Chair informs the Senator from Wisconsin that he has 2 minutes 55 seconds remaining.

Mr. FEINGOLD. Mr. President, I yield back the remainder of my time.

Mr. MACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, I have listened to the debate on this issue. The debate has not changed. I came to the conclusion years ago that we are never going to get campaign finance reform if we leave it up to the two parties, because there is always the case that the party in the majority will obviously try to fix it to suit them and make it a little better for the majority than members of the minority.

That has been true in the past, and I assume it will be true today. In fact, I suggested a number of times that we have a commission of outsiders with no ax to grind to take a look at campaign finance reform. I guess that is pretty much what Speaker GINGRICH and President Clinton suggested to each other up in New Hampshire.

In any event, it seems to me that with all the things we have yet to do in this Congress, and certainly campaign finance reform is important, we have regulatory reform right now. It means a lot more to most families than campaign finance reform. It costs each family about $6,000 per year, and we are about 2 votes short of getting 60 votes to move on regulatory reform. It is much more important than campaign finance reform. We are taking money out of someone's pocket. They may not care a thing about politics and never contributed a nickel to anyone. We cannot do that, because we cannot get the votes on the other side.

We have welfare reform to take up. It will take a long time. I just suggest that this may be a matter of great priority with a few Members of the Senate. It does affect all Members. We can all reach down and find some horror stories.

In fact, we could go to the White House if we had $100,000—I think that is the going rate to do business with the President—$100,000. They have different packages for different people of different economic circumstances. That does raise eyebrows, when people say, "I have to see the President. It is $100,000"—I guess that is per couple. That is only $50,000 apiece.

Maybe that is what the people have in mind here. I assume this would apply to the executive branch as well as the Congress. There are excesses. There are people who get elected without a lot of money. I am finding out right now in the Presidential race, the worst part of the job is trying to raise the money. I do not ask people for money. I will not call people. I will not make telephone calls. I do not like to do that. I do not mind somebody else asking, but I do not like to ask.

In any event, this may have some merit, but with all the other things we have on our plate, and with part of the August recess already slipping away, I know this says "by the end of the 104th Congress," and it seems to me that it will be even more difficult next year because then we are in an election year, when everybody wants to be involved in politics, politics becomes the focus of a lot of people.

Mr. President I move to table the underlying amendment, No. 1803, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, amendment No. 1803 is set aside until 2:30 p.m. today

Mr. DOLE. Mr. President, I will just conclude, we are making some progress. I think the American people are probably happy that now the laws we impose on them also apply to Congress. We have done that this year. That was a big step in the right direction. It probably means we will not pass so many crazy laws because they now also apply to Congress.

On Monday, we will take up gift ban reform and lobbying reform. We will overhaul that. We are also considering a constitutional amendment later on this year to limit terms of Members of the House and the Senate.

It is not that we are not aware that some of these things, I think, cry out for action. We are addressing more, in this first year, than we have addressed in the years past. We will continue to try to make improvements, so that the American people understand that. But I think also we need to keep our eye on the ball. A lot of these other issues do not mean a great deal to the American people, too.

AMENDMENT NO. 1805

(Purpose: To stop the practice of hiring elevator operators for automatic elevators)

Mr. BROWN. Mr. President, I rise to offer an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN], proposes an amendment numbered 1805.

The amendment is as follows:

On page 3, line 26, add at the end the following, "The account for the Office of Sergeant at Arms and Doorkeeper is reduced by $10,000, provided that there shall be no new elevator operators hired to operate automatic elevators.

Mr. BROWN. Mr. President, this budget that is brought to the floor, I think, deserves commendation of all of the Members. This is an extraordinary departure from past policies. It involves literally a 16-percent cut that the President had requested for funding for Congress, and virtually a 9-percent real cut, actually a little over that, 9.13-percent real cut, over what we spent in the past year.

I am not aware of any Congress that has taken such dramatic action in the history of our country, to reduce its expenditures. Certainly in terms of dollars that have been cut from the budget, this has to be the all-time record winner. I think the distinguished chairman and the ranking member deserve a great deal of credit for bringing this kind of proposal to the floor.

It reflects a sincere and real interest in coping with some of our problems with regard to the budget. It does it in a very important way. It does it by setting an example.

It not only talks about reducing spending, but it proposes a budget for the Senate itself that reduces spending. That, I think, is the critical key element, if we are to have credibility in trying to deal with our budget problems. It is no secret to anyone here that this country has the biggest deficit of any nation in the world. It is no secret here that this country has the biggest trade deficit of any nation in the world. It is no secret here that we have one of the lowest savings rates of any major industrialized country in the world.

The American people believe it is long past time we ought to face up to these problems. So this budget that is for the Senate itself sends an important message. It sends an important message, not because we are the biggest part of Federal spending, it sends a very important message because we set an example. You cannot say one thing and do another, and that is what has been the problem with so many past Congresses. They talked about deficit reduction, but each year they increased spending and they increased spending on themselves.

So I look at this budget with great admiration for the fine people who spent long hours to try to find real savings, and they have done it.

There is one item that I think deserves attention and it is included in the amendment that I brought forward. It does not call for the dismissal of any elevator operators, but it does suggest that we should not hire new ones. As elevator operators on the automatic elevators retire, this measure contemplates that we would not replace them. I think it is important. Some will say, "Oh, come on," but I believe it is very important because we have to set an example. If our efforts to deal with the deficit are to have any credibility at all, we have to be willing in our own House to set the example.

How do the American people respond when they hear we hire elevator operators to operate automatic elevators? I will tell you, real people think it is nuts. Real people, who work for a living every day, real people who have to pay the tax bills every day, think it is ludicrous for us to have people push the buttons for us.

Over the years I have heard almost every kind of excuse for hiring patronage employees to operate the elevators. I must tell you, it is my perception the major reason this phenomenon occurs is, first, because people did it in the past, and, second, because many of these positions are patronage.

Over the years, I have heard people talk about how critical it was to get here on time for votes and that having the elevator operators was a key element in that. I have no doubt that the people who say that are sincere. I must tell you, I think it is bunk. If people want to get here for votes on time, they come. We do not have elevator operators in the office buildings. We do have elevator operators on the elevators reserved for Senators, and that may be a different question for a different day. But those seem to operate just fine.

I have every confidence that every Member of the Senate is capable of pushing the buttons to move the elevator from the bottom floor to the second floor in order to arrive here in time for votes. I have every confidence they are able to push the button from the second floor, to push the B button to get down to the basement. To suggest Members of this body cannot move through the elevators without elevator operators on automatic elevators is absurd.

But more important, there is a very important point that Members should consider with this. If we are not willing to eliminate elevator operators on automatic elevators, what kind of confidence can this country have if we are going to deal with $200 billion to $300 billion deficits? What kind of belief can they have that we are going to stick with a budget plan that lasts 7 years? If we are not willing to make even a modicum of effort to control spending in our own house, on an item as frivolous as this, how can they believe that we intend to reduce the deficit by hundreds of billions of dollars? The answer is they will not. And the answer is, it is important Americans believe that we have a new Government and new commitment and a new willingness to deal with problems.

Is this a small item? Of course it is. But the symbolism is terribly important.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida, [Mr. MACK].

Mr. MACK. Mr. President, the Senator from Colorado has gained a tremendous reputation over the years for his efforts to reduce Federal spending, and I compliment him on that. I was interested in his comments about having "every confidence that Members can push the buttons on the automatic elevators." That was an unquestioned level of confidence. It has been a long time since I have heard that level of confidence in our colleagues. But I accept that comment.

I would say to the Senator, I am prepared to accept the amendment but it does, in fact, go counter to the approach that the committee has taken with respect to reducing the expenditures of the Federal Government, particularly the Congress, the legislative branch. We had a very significant request, if you will, or directive given to us, to reduce the legislative branch budget by over $200 million, which, in fact, we have accomplished with about $41,000 to spare. We accomplished that, however, not by having the committee try to find every item throughout the legislative branch that any of us, or either of us, thought was important to cut. I will say to my friend and colleague that I think it is more important that we give a direction, or a directive, to the individuals responsible for the various functions of the legislative branch, indicating to them what we think they should do as far as a total is concerned, and ask them to, in essence, make the best judgment about how to reach that goal. I believe with our having taken that approach, we have been successful in our effort.

The Sergeant at Arms was given a directive of a reduction of 12.5 percent. The Sergeant at Arms came back with a little bit over 14 percent, and should be complimented for that achievement.

But as I indicated a moment ago, even though I have a different approach in bringing about significant reductions to the legislative branch, I am prepared to accept the amendment.

Mr. BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, I would be remiss if I did not note that our new Sergeant at Arms has done a very admirable job. He has already cut the number of elevator operators from 20 to 10, and saved over $118,000 in this fiscal year. So I would not want a moment to pass without recognizing what I think is a very dramatic change in policy by the new Sergeant at Arms. I think this amendment will help affirm that very significant effort.

The PRESIDING OFFICER. Is there further debate? The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I, too, will not object to accepting this amendment. Let me just add, I concur with the manager of the amendment, Senator MACK, who I think has done an outstanding job working with the different departments. The Sergeant at Arms did come back with a 14.5-percent cut. They are definitely going to be looking at how they can do that in the coming months when we will see the effect of that. It is, I think, difficult for us to micromanage them from this point, but I am willing to accept this amendment.

Let me at this point say, in doing so, I also want to send my compliments to our current elevator operators, whom I think many of us do not take the time to say "thank you" to so often. They are always kind and courteous and efficient. I appreciate the fact that they find me in the crowds. I know that is not a problem that some of the other Members have.

But they are always here, they are always smiling, they are on time. I think oftentimes when we have amendments like that, it is seen as a slam on some people who are doing a very efficient job, and, I think, one that we do not say "thank you" for, often enough.

So let me take this opportunity to thank them for the job that they do for all of us.

THE PRESIDING OFFICER. If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1805) was agreed to.

Mr. MACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SPECTER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

AMENDMENT NO. 1806

(Purpose: Expressing the sense of the Senate regarding war crimes in the Balkans)

Mr. SPECTER. Mr. President, I send a resolution to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

Mr. SPECTER. Mr. President, I ask that it be modified to be put in the form of an amendment to the pending bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Pennsylvania [Mr. SPECTER] proposes an amendment numbered 1806.

Mr. SPECTER. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following new section:

SEC. . (a) FINDINGS.—The Congress finds that—

(1) war and human tragedy have reigned in the Balkans since January 1991;

(2) the conflict has occasioned the most horrendous war crimes since Nazi Germany and the Third Reich's death camps;

(3) these war crimes have been characterized by "ethnic cleansing", summary executions, torture, forcible displacement, massive and systematic rape, and attacks on medical and relief personnel committed mostly by Bosnian Serb military, para-military, and police forces;

(4) more than 200,000 people, mostly Bosnian Muslims, have been killed or are missing, 2.2 million are refugees, and another 1.8 million have been displaced in Bosnia;

(5) the final report of the Commission of Experts on War Crimes in the Former Yugoslavia, submitted to the United Nations Security Council on May 31, 1995, documents more than 3500 pages of detailed evidence of war crimes committed in Bosnia;

(6) the decisions of the United Nations Security Council have been disregarded with impunity;

(7) Bosnian Serb forces have hindered humanitarian and relief efforts by the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and other relief efforts;

(8) Bosnian Serb forces have incessantly shelled relief outposts, hospitals, and Bosnian population centers;

(9) the rampage of violence and suffering in Bosnia and Herzegovina continues unchecked and the Untied Nations and NATO remain unable or willing to stop it; and

(10) the feeble reaction to the Bosnian tragedy is sending a message to the world that barbaric warfare and inhumanity is to be rewarded: Now, therefore, be it

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate hereby—

(1) condemns the war crimes and crimes against humanity committed by all sides to the conflict in the Balkans, particularly the Bosnian Serbs; and

(2) condemns the policies and actions of Bosnian Serb President Radovan Karadzic and Bosnian Serb military commander Ratko Mladic and urges the Special Prosecutor of the International Criminal Tribunal for the Former Yugoslavia to expedite the review of evidence for their indictment for such crimes.

(3) It is the sense of the Senate that the Special Prosecutor for the International Criminal Tribunal for the Former Yugoslavia should investigate the recent and ongoing violations of international humanitarian law in Bosnia and Herzegovina.

(4) The Senate urges the President to make all information, including intelligence information, on war crimes and war criminals available to the International Criminal Tribunal for the Former Yugoslavia.

(5) It is the sense of the Senate that the President should not terminate economic sanctions, or cooperate in the termination of such sanctions, against the Governments of Serbia and Montenegro unless and until the President determines and certifies to Congress that President Slobodan Milosovic of Serbia is cooperating fully with the International Criminal Tribunal for the Former Yugoslavia.

Mr. SPECTER. Mr. President, this amendment is being offered so that the Senate will have an opportunity to articulate a forceful condemnation of the war crimes and crimes against humanity, committed by all sides in the conflict in the Balkans, particularly the Bosnian Serbs, so that the Senate will have an opportunity in the final analysis to condemn the policies and actions of the Bosnian Serb President, Radovan Karadzic, and the Bosnian Serb military commander, Ratko Mladic, and urge the special prosecutor in the International Criminal Tribunal for the former Yugoslavia to expedite the review of evidence for their indictment for such crimes.

I had spoken on this subject generally on Tuesday evening following the introduction of the resolution by our distinguished majority leader calling for lifting the arms embargo so that the Bosnian Moslems may have an opportunity to defend themselves.

I support the action of the majority leader in urging the adoption of that resolution. It seems to me that the mission of the U.N. forces in Bosnia has been a mission impossible when they are charged to keep the peace when there is no peace to keep. U.N. forces ought to be withdrawn so that they can no longer be held hostage and so that then the Bosnian Moslems may have an opportunity to defend themselves under article 51 of the U.N. Charter, and that there may be appropriate help from the United Nations, NATO, and the United States by way of massive airstrikes. But there has not been a condemnation of the action of the Bosnian Serbs by this body, and I think that is very important.

The conduct of the Bosnian Serbs has been on a level of brutality and inhumanity which has been virtually unparalleled at least since World War II, and the nations of the world have stood by and have watched these atrocities and ethnic cleansing go on without a denunciation of this kind of conduct.

Hopefully, the International Criminal Tribunal will ultimately bring to justice all of those involved up to and including the highest levels. While the Western democracies articulate values of decency and humanity, we have sat back and have watched this atrocious conduct unfold.

There is little left of dignity and honor or basic human dignity in what has gone on in Bosnia, and at the very minimum this conduct ought to be condemned in the most forceful possible terms, which is what this resolution calls for.

I have introduced it for that purpose and to speak briefly on some of the underlying factors. I have told the managers of the bill that I would not insist on a rollcall. There is no reason to take an additional 20 minutes of the Senate's time to have what would most probably be a unanimous vote.

However, these are matters which ought to be called to the attention of the American people and the people of the world as forcefully as possible. It is my hope that the President of the United States will speak out on this subject, and that the President of the United States will use the forcefulness of the bully pulpit of the White House to acquaint the American people with what is occurring.

We have seen confirmed reports of the Bosnian Serbs rounding up young men, 11 and 12 years of age, and slitting their throats and placing them in heaps. We have seen the photographs in the public press of young Moslem women from Bosnia going into the fields and hanging themselves because that kind of suicide is preferable to the kind of brutality which is being inflicted by the Bosnian Serbs. We have seen the active reports from the safe havens of the United Nations which have been invaded by the Bosnian Serbs, taking away elderly women, taking away elderly men, committing the most atrocious kind of conduct.

I am not going to take a great deal of time here today, with the pendency of the other legislation. But I would cite just a couple of examples which are illustrative:

The Bosnian Serbs going to a Moslem victim and cutting off two fingers of each victim's hand so as to make the sign of the cross; and then they cut the prisoner's nose and ears off; and finally cut their throats, causing death.

Another example, a woman hiding in a barn with her husband and two young daughters, ages 13 and 7. Five Chetniks, Serbian paramilitaries, find them, beckon the father over, and in the sight of his two young daughters and wife, brutally murder him with a gun without his having uttered a word.

In the presence of an elderly woman, the husband is accosted by Bosnian Serbs, as they were fleeing, slicing his throat right in front of her, causing death.

Mr. President, I ask unanimous consent that examples be admitted into the RECORD, without going through them in detail at this moment which chronicles and specifies the kinds of blatant atrocities which are being perpetrated by the Bosnian Serbs.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXAMPLES OF WAR CRIMES OR CRIMES AGAINST HUMANITY IN THE FORMER YUGOSLAVIA

EXAMPLE 1

The Final Report of the Commission of Experts to Investigate War Crimes in the Former Yugoslavia reveals the existence of 150 mass graves containing between 5 and 3,000 bodies and over 700 detention facilities in which, up until March 1994, an estimated 500,000 persons were imprisoned, murdered, tortured, and raped.

The estimated number of tortured persons is over 50,000.

The estimated number of raped women is over 20,000.

The Serb policy of ethnic cleansing included total forceful transfer of civilian populations from Serb controlled areas in flagrant violation of international humanitarian law as well as the destruction of public and private property, including religious and cultural heritage.

All of the above constitute war crimes and crimes against humanity and could even rise to the level of genocide.

EXAMPLE 2

The camp commanders.—Zeljko Meakic:

A. Complicit in the killing of, and in the causing of serious bodily or mental harm to, and in the deliberate infliction of conditions of life on, Bosnian Muslims and Bosnian Croats people, intending to bring about their physical destruction as a national, ethnic or religious group

B. Held individually responsible for the crimes committed by his close subordinates (deputies and shift commanders) and by the guards who regularly and openly killed, raped, tortured, beat and otherwise subjected prisoners to conditions of constant humiliation, degradation, and fear of death.

C. Personally beat the prisoners upon arrival with batons and other weapons

D. Kicked one prisoner who was tortured in the chest.

EXAMPLE 3

Zoran Zigic and Dusan Knezevic ordered prisoners to drink water like animals from puddles on the ground, jumped on their backs and beat them until they were unable to move; as the victims were removed in a wheelbarrow, one of the Serbs discharged the contents of a fire extinguisher into the mouth of one of the victims.

EXAMPLE 4

Dusan Tadik and others: Belonged to a group of Serbs from outside the camp, who called on one day prisoners out of their rooms, severely beat them with various objects and kicked them on their heads and bodies. After one of the four prisoners was beaten, two other prisoners were called on and ordered by a member of the group to lick his buttocks and genitals, and then to sexually mutilate him; one of the two covered the prisoner's mouth to silence his screams, and the other bit off the prisoner's testicle. This prisoner and two other died from the attack; the fourth one, who was severely injured, was thrown onto the back of a truck with the dead and driven away.

EXAMPLE 5

Most recently, in the wake of the fall of Srebrenica, there are numerous accounts of new Serbian cruelty: throats slit, women raped before women and children were packed on buses for a mass ethnic deportation.

Twenty-year-old woman made her way into a grove of trees near the refugee camp at night and hung herself.

Hundreds of men were reportedly killed by Serbs and thousands taken away for investigation of "possible war crimes."

One refugee reported that the buses carrying the Muslims were stopped outside Srebrenica and Serbs took young men and women off. "They made us watch while they cut the men's throats and raped the women." (New York Times, 15 July)

EXAMPLE 6

In Potocari, where there was a U.N. base to which many refugees fled, there were accounts of Bosnian Serb soldiers coming into the factories were refugees where spending the night.

"They took some young boys with them, kids who were probably between 12 and 17 years old. Later we heard screaming outside. . . . On Wednesday morning we went outside. . . . I saw seven of the boys with their throats cut, and two others hanging from a tree."

The same night, Serb soldiers reportedly abducted three women, ages 12, 14, and 23. When the three returned several hours later, they were naked and covered with scratches and bruises, and the two youngest were bleeding from the assault. At dawn, the 14 year-old "slipped off to the side. She took a scarf she had with her, tied it around her neck and hanged herself from a beam."

Wednesday morning, the Serbs "took about 15 women. When the women started to scream, the Chetniks [Serb soldiers] covered their mouths and dragged them away. We left the factory on buses a few hours later and by the time we left none of the women had come back." (New York Times, July 17, 1995)

EXAMPLE 7

Thousands of thin and exhausted Bosnian Muslim men have begun pouring into Tuzla after being missing since the fall of Srebrenica a week ago.

One soldier told of seeing a father shoot his badly wounded son when he could carry his child no farther.

Others said they saw comrades commit suicide during the long walk by pulling the pins on hand grenades and holding them to their necks or by standing next to them as they exploded.

"There were dozens and dozens of dead bodies on my trail."

U.N. High Commissioner for Refugees said about 19,000 of Srebrenica's 42,000 residents still are not officially accounted for. (Gazette-Montreal, July 18, 1995)

Another U.N. official relayed the following account: "One woman told us that her husband was grabbed by the Bosnian Serbs as they were fleeing Srebrenica and they slit his throat right in front of her. She said she saw the bodies of at least eight other men whose throats had also been cut.

EXAMPLE 8

A report from the Bosnian War Crimes Commission in 1992 claimed that since the beginning of the war, at least 260,000 people had passed through concentration camps and prisons set up by the Serbs while 10,000 people had been killed in them.

EXAMPLE 9

The Report described the mutilation and torture of men, women and children by Serbs: "One account . . . claims that Serbian fighters burned alive elderly people who refused to leave their homes and forced mothers to drink the blood of their murdered children." (The Daily Telegraph August 3, 1992)

EXAMPLE 10

One candidate for prosecution would be Gen. Ratko Mladic, the commander of Serbian forces in Bosnia and Herzegovina. Mladic was the Yugoslav Army commander in the Serbian-controlled area of Knin in Croatia before being transferred to Bosnia to head army forces there. Following the army's nominal withdrawal from Bosnia, he stayed on as Serbian commander and was overheard on Serbian radio frequencies disregarding subordinates who questioned artillery attacks on the residential neighborhood of Velesice in Sarajevo because of the number of Serbian residents there. "Burn it all," Mladic instructed his troops, ordering them to shell the area with the heaviest weapons in the Serbian arsenal: 155-millimeter howitzers. (The Nation, August 31, 1992)

EXAMPLE 11

Zerina Hodzic's account of what happened to her husband is typical: I was hiding in the barn with my husband Rifet age 35 and our two daughters ages 13 and 7. Five Chetniks Serbian paramilitaries found us and pointed their index fingers at my husband and beckoned him toward them. One of the Chetniks shot him without ever having uttered a word.

Mr. SPECTER. A summary, Mr. President, was contained in the final report of the Commission of Experts to Investigate War Crimes in the Former Yugoslavia. That report specifies the existence of some 150 mass graves containing between 5,000 and 3,000 bodies each, and 700 detention facilities where up to 300,000 persons were imprisoned, murdered, tortured, and raped; with tortures estimated at some 50,000, and rapes estimated at some 20,000.

And I will further call attention, Mr. President, to the fact that in the proceedings in the international criminal tribunal for the former Yugoslavia, that Bosnian Serb commanders are being held responsible for atrocities. In the case of two of the commanders, they were held responsible for the acts of their subordinates, which gives rise to an expectation that officials at the highest level may be held responsible in the International Criminal Tribunal.

Mr. President, it is a difficult matter as to how far the United States and NATO can go in assisting the Bosnian Moslems. I have said on this floor that I am opposed to the use of ground forces in that arena. It is an open question as to whether other support can be given, such as heavy bombing, which could perhaps bring about a balance of power between the Bosnian Serbs and the Bosnian Moslems, giving the Bosnian Moslems an opportunity to defend themselves. But there are a wide range of options.

I believe that if the people of this country understood the intensity of the barbarism which is going on, when you have acts like cutting off ears and cutting off noses, slicing the throats of young boys, and have the brutal conduct leading young women to hang themselves rather than be subjected to the atrocities from the Bosnian Serbs, there might well be a different public reaction. And there might well be a different leadership reaction if the President would speak out to the Nation as a whole, using the force of his bully pulpit. Some people watch C-SPAN 2 and some people hear and see what we are doing. But it is too hard for people to follow the atrocities that are occurring, too hard for people to follow the fine print in all the newspapers to see exactly what is going on. But if the people of America were aware of what is going on, I think there would be widespread public outrage, just as outrage has been expressed by this Senator and others on this Senate floor.

So it is minimal, but I think the least that we can do, to express our outrage and to have the voice of the Senate speak out in condemning the action of the Bosnian Serbs, condemning the action of the Serbian President Radovan Karadzic and the Serbian military leader Slobodan Milosevic, and asking the special prosecutor of the tribunal to review the issue of indictment, that if we will not act directly in a military sense, that at least we will put those people on notice that what they are doing will not be ignored, and will be subject for criminal prosecution at a later date, by analogy to the Nuremberg war trials. The day of reckoning may come, and those leaders and all those that can be identified will face the death penalty in a court of law for their acts of brutality in Bosnia today.

I yield the floor.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. First, let me commend my friend from Pennsylvania for his leadership on this issue. I was unaware that the Senate did not yet issue a statement of the denunciation of these kinds of atrocities. I agree with him absolutely that it is time we did so. And I appreciate what he has done here today.

Mr. President, I ask unanimous consent that I might be allowed to proceed as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

TERM LIMITS

Mr. BENNETT. Mr. President, if I may be allowed a moment or two to speak personally, I would like to refer to events that took place in the Senate yesterday and tie them back to my campaign, which is fast fading into memory, but some portions of which are pretty firmly etched in my memory as I am sure is the case with everyone here.

During the campaign, one of the issues that was raised continually by my constituents was the issue of term limits, because they said they had the feeling that the system was so unresponsive back here in Washington that something had to be done structurally to shake it up. Knowing a little bit about the Senate and the way it worked, I suggested to some of my constituents that while we debated the overall issue of term limits, which probably will require a constitutional amendment, there was something else that could be done quickly without a constitutional amendment that could change the character and perhaps free up the way things are done in the Senate. Specifically, I suggested to my constituents that it would be a good thing if we limited the terms of committee chairs in this body so that someone who assumed a committee chair would not assume the posture of divine right in that circumstance and then stay there forever and ever, dispensing whatever favors or power goes along with that assignment.

My constituents liked that and indeed many of them said to me as they came to me in the closing days of the campaign, "We are going to vote for you but we want your personal pledge when you get there you really will work for significant change in the way business is done."

Of course, as you do in a political campaign, when somebody says that to you, you say, "Why, of course you have my pledge that I really will work to see that that is done."

When I arrived here in January of 1993 and suggested term limits for committee chairs, I found a very interesting circumstance. Among my fellow freshmen Senators, one of whom is on the floor here today, there was great sympathy, there was great agreement: Yes, we need to limit term limits, if you will, the time of committee chairs. Among the freshmen Republicans, we had unanimity on that issue. But there were only six of us. And we were told when you have been here a little longer, when you understand how the system works a little better, you will not be quite so zealous to call for the term limits of committee chairs.

Well, when I went back home, I found myself hoping people did not ask me, "What have you done to carry out your campaign pledge to see to it that there would be some structural reform in the way the Senate does its business?"

When I did get asked, I would say, "I am trying." And then when they pressed for details, I would say, "Well, I am in concert with all my fellow freshmen"—the Republican six, as we became finally, with the addition of KAY BAILEY HUTCHISON—"We are working hard." And my constituents would begin to get that look on their face that says, "Yeah, we heard that before. You're going to try to do something but, in fact, nothing is really going to change, and the longer you are back there, the more you are going to become part of the system and everything is going to stay the way it's always been."

There was another election that took place. The distinguished occupant of the chair was part of that, and instead of 6 Republican freshmen, all of a sudden we had 11 Republican freshmen. And added to the 6, that gave us 17, which constituted a sufficient block of the Republican conference that all of a sudden we were being listened to in ways we had not been when there were just 6 of us.

Mr. President, as you well know, yesterday the Republicans had a marathon session talking about the way things should be structured in the Republican conference. And out of that session came an action which I applaud wholly; that is, the Republicans have agreed to term limit the chairmanship of a Senate standing committee. I wish we could amend the rules of the Senate itself so that it was written into the Senate rules and had the protection of the two-thirds requirement so that it could not be altered, except by a subsequent vote of 67 Senators. I do not think we can do that. I do not think the votes are on the floor to do that.

But I can now, with a clear conscience and a smile on my face, say to my constituents: "I may not have been able to work successfully to change the rules of the Senate, but I have joined with my colleagues in an effort, successfully, to term limit chairmen, at least those who are Republicans."

If I may be allowed a slightly partisan note, Mr. President, I hope that will be the case for many years to come; that is, that all of the chairs of all of the committees will be Republicans for at least as long as I serve in the body. In that case, our failure to change the Senate rules will not make any difference.

I think the Republican conference needs to be congratulated for taking this step. It demonstrates a willingness to allow those of us who are newcomers more of an opportunity to hold positions of responsibility perhaps sooner than would otherwise be the case. It allows for fresh ideas and fresh approaches to come into the system more openly than would have been the case if we had stayed with the old rule.

There is still much that I would like to do in the name of congressional reform. If I could sit down and write the rules all by myself, I would change a lot of the rules around here, and I have introduced a bill to do that. At the moment, it has only attracted a single cosponsor. That is one of my fellow freshmen. Maybe I could work to get another 10 names or so on it, but I recognize the reality of this place. It is going to take a little more time and maybe, Mr. President, another election or two before we start some of the fundamental restructuring of the Senate rules that I would like to see happen.

But I am delighted that we have not waited for those elections to take place and for that time to come. In the Republican conference, we have moved with dispatch and, I may say, a large majority. I do not want to leave the impression that the decision to term limit committee chairs was a close one and that those of us who are freshmen or sophomores had a difficult time winning a very narrow victory. As we made our case, our more senior brethren, and on occasion sister or two, decided we were right and the vote was not close. The vote was 38 to 15 saying we will, in fact, recognize the call that is out there among the American people to bring the procedures in this body up to date with modern approaches and opening it up so that those who do not want to make a full-time career out of service in the Senate but simply come here for a term or two, will, in fact, still have the opportunity to receive leadership assignments and represent their constituents in that circumstance.

When people talk to me about the overall issue of term limits, I tell them in my case, you do not have to worry about it. At my age, term limits are built in. Some say to me, "Well, look at the senior Senator from South Carolina. Maybe you will be here 20 or 30 years." If that is the case, I will be in my nineties, and I think I would rather do something else than serve in the Senate at that age.

So, Mr. President, I appreciate the indulgence of the Senate in allowing me to make this comment, allowing me, if you will, to crow a little to my constituents back home over the fact that we have taken this first step that I did pledge to work toward while I was in the election, and express my satisfaction and gratitude to my fellow members of the Republican conference for this decision.

With that, Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. INHOFE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BENNETT). Without objection, it is so ordered.

THE 1994 ELECTION MANDATE

Mr. INHOFE. Mr. President, I sat presiding in the chair listening intently as the Senator from Utah talked about the mandate, as he understood it, when he was elected to the U.S. Senate in 1992.

As one who was elected 2 years later, in 1994, that mandate was not quite the same. It was interesting that those individuals who are talking about term limits did not really address the fact that we have a problem, in that we have the same leadership within each party in the U.S. Senate, as they were concerned about the term limits of individuals serving in the House and in the Senate.

Maybe it is unique to my State of Oklahoma that we had such an intense interest in the fact that people should come here as citizens, serve for a period of time, and then go home and serve under the laws that they passed. It seems as if the term limits debate has become very silent now. I have decided that one reason is that they felt if we had such a turnover, as we had in both Houses of Congress this last time, maybe people do not think that there is a need for term limitation anymore. But I saw a poll that was taken yesterday. I saw the poll that was taken last week, and I was shocked to find out that 72 percent of the American people have very strong feelings about limiting the terms in which Members of the House and Members of the Senate can serve.

I did not expect this because I have heard so many people around the beltway—which is not really real America—say we do not need it anymore because we know now that we can flesh things out and get new blood.

I think that the poll, as it was interpreted, says that people like what happened on November 8, 1994, but they are not real sure that they want to wait 20 years for the same thing to happen again. We are, indeed, better off to have people here who have been in the real world.

I got to thinking about the arguments, since I was the one who proposed term limits many, many years ago. When I was running for office, I stated I would do everything I could—the same as the Senator from Utah said he would do everything he could—to see to it that the terms of leadership would be limited. I made that same commitment to continue the effort to limit terms.

I observed something when I was first elected to the U.S. House of Representatives. I have to say, Mr. President, that I am a truly blessed individual. I decided 35 years ago, when all my kids were grown and the runt of my litter was out of college and off doing her thing, that I would do what I always wanted to do and run for Congress. That happened in 1986.

When I arrived in Congress, I found something that shocked me. That is, that the prevailing ideas and mentality of those who are in power in Congress was totally alien to what people outside the beltway thought.

For example, I categorize the thinking of Congress, the majority of Congress who are making the decisions, who are setting the agenda, who are carrying on the debate, into four categories, what they really believe. First, in terms of crime, they really believed that punishment was not a deterrent to crime. In the second area, they believed that government, in concert with Congress, can run the lives of the people of America better than people could in the private sector. They believe that the cold war is coming to an end. Of course, subsequently it was ended, and therefore it is not necessary to put more money in our Nation's defense. That money should go into social programs. They felt that deficit spending is not bad public policy.

When we stop to think about those four areas, almost everything, at least that this Member, former Member of the House experienced, found very offensive, fell into one of those four categories. People felt, as far as the deficit is concerned, they said, "Well, we are all right on the deficit. We are not concerned about that. After all, we owe it to ourselves," without realizing everything we are spending today we are borrowing not from anyone who is here in this Chamber today or in the gallery, or even those who may be watching, but the future generations, such as my three grandchildren. They are the ones who will pay for all this fun we are having up here.

Every time we try to cut some of the fat out of government, cut a social program, the people stand up with bleeding hearts and talk about how can we do this to those poor people who need these programs. Right now, we are in the middle of, and we are reminded that all we are trying to do is take the profit out of illegitimacy, and get people more responsible for their own acts.

Insofar as the defense is concerned, I am embarrassed to stand here and say we are operating with a budget right now that is less than the budget that we are spending on social welfare programs, when we combine State and Federal programs. We are operating on a defense budget that is less than it was in 1980, when we had hollow forces, when we could not afford spare parts. We all remember. It is all in the history. Yet, some believe that the threat that is out there today is greater than the threat that we were facing during the cold war.

At least during the cold war, Mr. President, we could identify who the enemy was. There were two superpowers. So we knew who it was.

Right now, in accordance with comments made not by conservative Republicans, like I am, but by Democrats, Jim Woolsey, who is the Chief Security Adviser to the President of the United States, Bill Clinton, said that we know there are between 20 and 25 nations that have developed or are developing weapons of mass destruction. They are all developing the means to deliver those weapons of mass destruction. We have the Saddam Hussein's and the Qadhafi's, and those out there able and willing to buy technology that is on the market.

Here we are, with a group of people who really believe that there was not any threat out there, when the vast majority of the people of America who voted in the elections in November of 1994 said, "Yes, we need a strong national defense."

Government and its relationship to our lives in 1987, when I first got to the U.S. Congress, the majority of people in leadership really believed that the only thing wrong with America was we did not have enough government regulation. We needed more government regulation. When, in fact, that is exactly what is the problem.

Why did these individuals believe these things? They believed these things because many of them had come straight from the fraternity house to Congress—never been out in the real world, never exposed to real people. So they completely lost touch.

That is what precipitated what I refer to as the revolution of November 8, 1994, when we had the greatest turnover in contemporary history. People finally decided, whether they are Democrats or Republicans, back in the real world, that they wanted to make major changes in government as we know it.

Here we are with the reregulation bill that is right now kind of on high center. All we are trying to do is say to the people who voted in new people in Congress, "Yes, we heard you, loud and clear. We are going to get rid of this overregulated society."

Someone on a radio talk show not long ago, in fact, the No. 1 radio talk show in America, the host said if you want to compete with the Japanese, export our regulations to Japan and we will be competitive with the Japanese.

We truly are an overregulated society. I have told this story many times, people that I know back in my State of Oklahoma. A guy name Keith Carter, in Skiatook, OK, invented a spray that you put on horses, and apparently it works. Whatever it does, it must work, because he had four employees, and a couple years ago they moved to a larger place down the street from his house, still in Skiatook, OK. He called me up, 4 days before Christmas—this was 2 years ago—and he said, "Congressman INHOFE"—at that time I was in the House of Representatives—he said, "The EPA came along and put me out of business." I said, "What did you do wrong?"

"When I moved down the street 2 years ago, I forgot to notify Washington and the EPA that I had moved." I said, "You mean they did not know where you were?" He said, "I notified the regional office, but they did not tell Washington."

So we got it taken care of. He called back a little later, and he said, "I appreciate all you did for me, and you got me back in business, but now I have another problem. I have $25,000 worth of bottled spray produced during the 2 weeks I was revoked that they say I cannot use."

This is the type of overregulation we have in society today. I think the reregulation bill is going to come out. I think the people of America will have to speak up again and let them know, let Members know, that they are still interested in reducing the abusive role of government as we have come to know it today.

Mr. President, term limits is a very real thing today, and just because we made some major turnovers does not mean that we should not continue the good thing that happened in 1994. A lot of people say, "Well, you cannot do that; you are taking away my constitutional right to vote for someone as I see fit." It was not very long ago when we had to impose term limits on the President of the United States. And it has worked very well since then.

We could use the same arguments. Well, you have taken away my right to vote for someone who has already served two complete terms. Almost every State in the Union right now has term limits on its Governors. The vast majority of the States that have the petition process, the initiative process, were able to either vote in or through an initiative and impose term limits on themselves. However, the U.S. Supreme Court came along and said, "No, you cannot do that." So it can only be done, to be effective and endure the future generations, is to do it with the constitutional amendment.

I intend to continue in that fight. I believe that the message is loud and clear. There are a lot of messages that came out of the elections.

I mentioned that the majority of people who had been operating without term limits and have been here since they graduated from college and did not have experience in the real world, that they honestly did not believe that punishment was a deterrent to crime.

Senator RICHARD SHELBY, from Alabama, and I introduced a bill that would change our prison system and put the work requirements back in. People say, "How cruel can you be, because these people are poor products of society, and it is not their fault they did something that is wrong. You should not be punishing them."

There is an article, Mr. President, you ought to read. It was in last November's Readers Digest. It says, "Why Must Our Prisons Be Resorts?" And it talks about the new golf courses that they are putting in next to the polo field, or next to the boccie courts. Whatever that is. And how we are going to have to take care of—they do not even call them prisoners anymore in some prisons, they call them clients, because they do not want to offend them.

I may be old fashioned in my thinking. I think punishment has deterred crime. I think history showed that. When we passed the soft-on-crime bill, the omnibus crime bill of 1994, that was the midnight basketball and dancing lessons and all that, the American people were offended by that and those individuals who voted for that bill, most of them, were voted out of office in November 1994. It was just another one of those areas where, if you had been inside the beltway listening to people around here, you forget what the real people at home are thinking. Because it is a different mentality here in Washington, DC.

I do not think that Oklahoma is unique in that respect. I will share an experience that will offend, I think, some of the people here. But it is something that happened to me.

The State of Oklahoma is, by registration, a very strong Democrat State. But the Democrats in the State of Oklahoma are very conservative. They are unlike the Democrats that we have here in Washington. I had an experience down in McCurtain County. McCurtain County in Oklahoma, Mr. President, is what we call severe little Dixie. There are not any Republicans. They are all Democrats. I remember being down there in the campaign and my opponent was an incumbent, the same as I was, an incumbent from the House, both running for the Senate, so we each had records.

I remember someone standing up in a meeting of about 45 people in McCurtain County. I was the only Republican who was in that room that day, including a New York Times reporter who was following me around. Someone stood up in far southeastern Oklahoma, where there are not any Republicans, and said "Inhofe, you are going to be the first Republican to carry McCurtain County since statehood, the State of Oklahoma statehood in 1907." I said, "Why is that?" He said, "Because of the three G's." He said, "God, gays, and guns."

Let us look at what they were really saying. He said school prayer was an issue in southeastern Oklahoma—school prayer, gays in the military was an issue, and gun control was an issue. During deer season, they closed schools. These are real people. These are not the kind of people you find around the beltway. And this gets right back to the whole idea of term limits.

I really, honestly, believe in my heart that we would not have a lot of the problems that we have had since the 1960's about the role of Government in our lives, we would not have the huge deficits we find ourselves with—if we do not change our spending behavior, a person who is born today is going to have to spend 82 percent of his or her lifetime income just to service Government. And this is what we are going to change.

So I believe the term limit debate is going to be revived again, even if I am the one who has to revive it, because I think the vast majority of Americans honestly and sincerely in their hearts believe that those of us in Congress should someday have to go out and make a living under the laws we passed. The only way to ensure that is if we have limitation of terms.

Early in this country's history it was not necessary. We had people who came in and they could only afford to be here for a short period of time. They did their patriotic duty and they went back and lived with the laws they passed. I think that is exactly what is coming back to America and it is going to serve my grandchildren and all of America very well.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JOHNSTON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. INHOFE). Without objection, it is so ordered.

The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I ask unanimous consent I be allowed to proceed for 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE REGULATORY REFORM BILL

Mr. JOHNSTON. Mr. President, I want to give my colleagues a report on the regulatory reform bill as I see it. As of last night, those of us who were in favor of regulatory reform had presented a list of four amendments which we were willing to concede to. In my judgment, they went further than I would have liked to have gone. One dealt with that issue of least cost. In the current Dole-Johnston amendment, least cost is not the test. We have made that repeatedly clear. However, we have offered an alternative that is framed in terms of the language that the opponents of regulatory reform wished, and we have heard nothing back from that, at this point, together with three other amendments we were willing to go along with.

As I understand it, those who are opposed to the Dole-Johnston proposal are urging people not to vote for cloture on the grounds that there is this great negotiation going on that is getting close. If there is such a negotiation going on, I am not aware of it. We are waiting for an answer and not receiving one.

I do not know whether the majority leader is going to call for another cloture vote or not. At this point, I must say, it appears we do not have the votes for cloture, which means the regulatory reform bill will go down to defeat. The majority leader, of course, is in charge of the schedule, but I am advised that is a busy schedule.

Unfortunately, there are members of the other party who would like the issue of regulatory reform not to pass, to have the issue. There are Members on this side of the aisle, I think, who would like the issue for the opposite reason. And many of us are in the middle, who fervently believe we ought to have regulatory reform, that it is one of the most wasteful operations of Government that we now have, that we have an opportunity, really to do something important, something that will really make sense out of the regulatory problems we have today.

I very strongly believe that. I have very strongly believed in regulatory reform for 2 years now, since the Senate initially passed, last year, by a vote of 94 to 4, a risk-assessment proposal. Now, when we are on the threshold of being able to get it done, unfortunately it appears it is going down the drain, mainly by arguments against the Dole-Johnston bill which are simply not correct; some of which, by the administration, are made disingenuously, in my view.

To say the test is least-cost under the Dole-Johnston bill is just not true. It is there in very plain language, very plain language. Nevertheless, I think we will probably, if I read the majority leader correctly, have another cloture vote; and failing in that, which I guess we will, it will be farewell to regulatory reform. That is a real shame. And I do not understand the opposition to this bill.

If there are amendments that need to be made, let us know about them. There is nothing, nothing, zero, going on, in terms of trying to resolve this question. It looks as if it is a lost cause, and I regret that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, I want to take this occasion to commend the Senator from Louisiana for his leadership on this issue, and assure him that this is one Senator who agrees. I do not want it held as an issue. I want it as an accomplishment.

I think we would all be better off if we went home and campaigned on our accomplishments than on our rhetoric and on our demagoguery on these issues.

I know the Senator from Louisiana has labored long and hard on this issue. He has shown his usual patience. I served as a member of a committee which he chaired and discovered that patience in a variety of circumstances.

I am grateful to him for his statement here today, and want to align myself with his plea, for whatever we will do on my side of the aisle, to say let us not hold this as an issue, let us do the very best we can to bring it to a head, get cloture and get this done.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER (Mr. KYL). The Senator from North Dakota.

Mr. DORGAN. Mr. President, I was interested. As the Senator from Louisiana began speaking he talked about speaking on behalf of those who want regulatory reform. I do want to say I think the Senator from Louisiana is one of the best Members of the U.S. Senate, is one of the most thoughtful, bright, and interesting Members of the U.S. Senate.

I will say to him, however, that I do not think there is a division in this body between those who want regulatory reform and those who do not. I am someone who supports the Glenn-Chafee substitute. It is in my judgment a legitimate, serious substitute that will in and of itself create substantial regulatory reform.

So I really do not think this is a question of a group of people who want things just the way they are, and who love the status quo with all current regulations. It is not the case. Most Members of the Senate, I believe, feel very strongly that there are some Government regulations that are silly, that are intrusive, that are totally inappropriate, and that simply overwhelm for no good cause a lot of Americans who are trying to run small businesses, or big business for that matter. We want to change that.

But we also care very much about important, good regulations that work. I know the Senator from Louisiana does as well. He has heard me describe before the circumstances with respect to the Clean Air Act. The Senator was describing the other day circumstances in which I believe it was EPA was describing the kind of approaches here on regulations as a result of popular public opinion or public opinion polls. I understood what the Senator was saying.

On the other hand, in the 1970's America woke up and decided as a result of a new consciousness with Earth Day and other things that we cannot keep spoiling the nest we are living in, that we have to stop polluting the air and start cleaning the air, that we have to stop polluting the water and start cleaning our water. If that was the public will, I applaud EPA, and others, and applaud the Congress for saying this is the public will, to let us decide to hitch up and do it.

Twenty years later, as the Senator from Louisiana well knows, we now use twice as much energy in America and have cleaner air. Is it perfect air? No. We still have some air quality problems. But instead of the doomsday scenario that a lot of folks felt we were heading toward with continually degrading our airshed, we have over the last 20 years, even as we have substantially increased our use of energy, cleaned America's air. We have cleaner air and less smog. I happen to feel very proud of that. I think that is an enormous success story.

Not many people even know it. No one will talk about it, because success does not sell. Failure and scandal sells. Success does not. We have fewer problems with acid rain. We have cleaner rivers, cleaner streams and cleaner lakes in America now than we had 20 years ago. That is quite a remarkable accomplishment and achievement once our country decided we were going to do things the right way. I am enormously proud of that.

I just do not think under any condition we want to retreat on those fundamental principles. We are fighting for clean air, we are fighting for clean water, and we are fighting to maintain a safe food supply. All of those things are important.

I join the Senator in his concern about trying to streamline regulations with regulatory reform. The desire for regulatory reform, I think, is shared by virtually every Member of this body. The division at the moment is a division between those of us who want to do this in the manner described in the Glenn-Chafee substitute versus those who want to do it in the manner described in the Dole-Johnston substitute.

I just took the floor in order to say that I think there is a uniform desire here to do the right thing with respect to regulations. We do not in any event want to roll back the regulations that have allowed us to achieve significant victories in the last 20 years with respect to clean air, clean water, and safe food. That is what I think the real debate is about.

So I appreciate the thoughts of the Senator from Louisiana. I wanted to rise to make that point.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I will stand corrected—this is not against those who are against the bill as opposed to those who are for it. I think the Senator from North Dakota correctly states that it is those who are for the Glenn-Chafee bill and those who are for Dole-Johnston bill. The difference is that many of us regard the Glenn-Chafee bill as being a permissive bill; that is, it permits the agencies to engage in regulatory reform but it does not require them to do so. Whereas, Dole-Johnston does. We are operating under an Executive order now that on its face requires it, but actually does not require it. And if we are talking about a permissive kind of bill, in my view, that is what we have now.

To be sure, it has resulted in great advances forward. Look, all of the laws for which we voted—I voted for all of these, the Clean Air Act, the Clean Water Act, et cetera—have made some great advances. And if you want to keep the present status quo, I would say the thing to do is vote for Glenn-Chafee. Glenn-Chafee will not pass, in my view. I just think it is unfortunate that this is being painted as an ongoing negotiation.

Mr. KERRY. Will my friend yield?

Mr. JOHNSTON. Yes.

Mr. KERRY. It is the last comment previously made on the floor that helped bring me to the floor, and I thank my friend from North Dakota for already responding to some degree, and I know the Senator from Ohio is now here. Let me just respond to that.

We are perfectly prepared to sit down, and we have been on an ongoing basis. Yesterday afternoon, I believe, I got in written form a response to the most recent suggestions that we made with respect to the bill. The principal sponsor of the bill is on the floor now. I know he will say that he is not stuck in the mud or cement or anything with respect to the fact that the Glenn-Chafee bill in and of itself, in its entirety, is somehow presumed to be the only vehicle to pass. We understand that full well. Nor are we in a position that is embracing a no-bill strategy. We have a lot of folks on our side of the aisle, myself included, who would like to vote for regulatory reform, number one, and who are prepared—in fact, more than prepared—we are already agreed in our negotiations to arrive at new decisional criteria.

There are some outside who do not want that. But we have agreed that cost evaluation and risk assessment are appropriate things in a modern society to do to make a judgment about whether or not you are spending more money than the benefit you are getting.

The problems that remain, however, are significant. When you have 48 Senators, obviously going to diminish by 1, 2, 3—we all understand how it works around here. But when you have a sufficient number of Senators still saying this bill is a problem, and much more importantly, I say to my friend, when you have the President of the United States and his full Cabinet saying in its current form this bill will be vetoed, then there ought to be a legitimate effort here by all of us to legislate in a way that precludes that veto or try to reach a reasonableness where the best effort has been made to do so.

With all due respect, we still have a problem where we are still fighting and the Senator knows what it is about. It is about these 88 different standards, new standards for litigation, and the fact we do not feel we have sufficiently made this a bill which will, indeed, be reform. Our fear is that this bill in its current form is going to result in the agency being so swamped with petitions and having to respond to so much judicial review that they simply cannot do what they were intended to do, which is protect the health, the safety, and the environmental concerns of Americans.

Now, I do not know how many times we have to say it. There are stupid agency rules in existence. I am confident that people of good faith can sit down and identify them. There are excesses where agencies have even reached beyond the stated intent of a statute.

That is not what we are here to do. I am confident if we sit down further and continue to be able to try to reach somewhere between what Senator GLENN and Senator CHAFEE have put forward and what the Dole-Johnston bill represents, there ought to be a meeting of the minds.

Mr. JOHNSTON. If the Senator will yield, we submitted four major proposals and have asked can we clear those. Every time there is an argument—yesterday we had an argument about whether this is least cost. My friend from Michigan said no because there is this word "nonquantifiable." I said, "I have an amendment here to take it out. Would you permit me to do so?"

"Not now."

Then there were other speeches back to back. We could not take it out. Now, we offered four amendments yesterday which I thought were agreeable amendments. Can we at least have agreement to take those out, to try to improve the bill on matters that we agree on, does not seem to be possible.

Mr. KERRY. Let me say to my friend——

Mr. GLENN addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana has the time.

Mr. GLENN. Will the Senator yield?

Mr. JOHNSTON. Mr. President, I will yield for a question.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. GLENN. I was surprised in my office to hear practically the death knell being rung over our efforts to get regulatory reform. The Senator is aware that he sent us a fax last night, and we are working out the answer to that. Meanwhile, each one of the cloture votes that we have had have allowed us to make some progress. We have made a lot of progress on this regulatory reform bill. They have offered to substitute "least cost" for "greater net benefits"—this is an improvement and if we can write it up properly, we may be able to agree to their proposal. "Net benefits", as I understand it, is in the Executive order language. They want to use that language in the decisional criteria, and we are willing to consider their proposals. We are making progress.

We have also made progress on litigation opportunities and judicial review, as I understand it. I believe we agree that the final rule will be what is challengeable. We do still have a problem with the many new petition process. We are working on that. I think the Senator from Louisiana agreed a couple days ago at least on reasonable alternatives. Where it says "reasonable alternatives," I believe his suggestion is to limit those alternatives that the agency has to consider to three or four. This is a major issue. We have not all agreed on that yet, but I think we can make major steps forward.

Now, on automatic repeal of a schedule for some rules, I think we are pretty close on that. We still do not agree on a third area, though—on special interests, such as including the toxics release inventory in this bill.

That is a major concern. We have made substantial progress in a number of areas here, and we have three or four more to go. But the Senator from Louisiana states that we have not gotten back with an answer yet to a proposal last evening. I am sure the Senator from Louisiana will agree this is very complex legislation. We have been working on it all morning and are going to meet on it this afternoon.

So I hope we still continue in good-faith negotiations. I think we have made a lot of progress, and this is probably as complex a bill and as far-reaching for every man, woman and child in this country as anything we will consider in this Congress.

I think we are making progress here. We are about to go to a meeting where we are going to talk about some of these very complex issues. We are supposed to meet at 2:15. And we are negotiating in good faith. I certainly do not read into our processes here anything except good faith on both sides.

So I was a little bit surprised to hear the doom and gloom that I heard in my office a little while ago, and that is the reason I came over to the floor. I think we are making good progress on this. There are a number of areas that I think we can agree on, and I hope we can have more before the afternoon is over.

Mr. JOHNSTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, I wish I could share the optimism of my friend from Ohio. He and the Senator from Massachusetts are both my good friends. I have great respect for their good faith, for their sagacity in all of these matters. But, Mr. President, it was my understanding that today we were going to have our final cloture vote and nothing seems to be happening. It seems, at least it is my view, that the requests for amendments are in sort of an expanding file; you get one and you agree to it, and then 2 or 3 days later it comes back to you as a criticism of the bill because somehow you did it wrong.

It is a complicated bill. It is not that complicated. It is fairly straightforward. Some of these four amendments were strike amendments, to strike provisions that people disagreed with. Now, we ought to do that. We ought to say, "I ask unanimous consent that we strike this." We cannot get agreement even to strike the language that is used against us. And the reason is, I think, because it improves the bill and helps get toward cloture.

I hope that there is hope, but I do not share that hope.

When it comes down to the final vote, whenever that is, and this bill goes down, there will be those who say, "Oh, we were so close." I, for one, would just like to say I do not believe we are that close. To say that there are 88 ways to appeal or to attack on appeal, using that logic there are billions of ways because there is only one appeal and one standard for appeal. That is, is the final agency action arbitrary and capricious?

Now, you can use an unlimited number of arguments making sense or not making sense, but those 88 standards are not standards for appeal. They are simply things that somebody can argue. Why not make it 1,000? It is limitless what you can argue to a court. There is no limit. But there is one standard: Was the final agency action arbitrary and capricious?

That is the standard—only one—and only one appeal.

This came out of the Justice Department. They produced this long list of 88. If that is the kind of logic that we have to face from the Justice Department, there is no hope on this bill, because it defies logic. One appeal and one standard.

Mr. KERRY. Mr. President, let me just answer my friend, if I may.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. This is an example of how close, but in a sense how far, because the 88 standards that are here are not currently in the law. In the current law for rulemaking there is one page that describes what an agency has to do to make a rule.

You talk about what this grassroots revolution is all about in an effort to kind of get the process closer to America and less government; one page is the current law. This bill creates 66 new pages of requirements. That is more government.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. KERRY. I would like to finish the point. I will be happy to yield for a question on that, sure.

Mr. JOHNSTON. Yes. I was going to say in the Glenn-Chafee amendment, does it not also have standards? If so, how many new standards?

Mr. KERRY. It does not have the same structure, no. It leaves discretion to the agency. It does not create 66 new pages of exactly how the rulemaking is going to take place. Let me be more precise to my friend. The struggle we are having is over a couple of words which will clarify the stated intent of the Senator from Louisiana, but not the written intent. The stated intent of the Senator from Louisiana was accurately just portrayed. And I agree with him.

The Senator just said, "All you can do is make a judgment about the final rule as to whether or not the final rule is arbitrary and capricious." I agree with him. That is the standard we want. That is what he says he wants. That is what he says the bill does. We disagree. We believe that because of the lack of clarification in one paragraph that, in fact, the Senator inadvertently is opening up all of the procedural standards to review. If we will simply make clear in the text with the language we have sought that it is indeed as he says, not as to the procedure, but exclusively as to the final rule only, without regard to the procedure except as it fits into the whole record, we will solve that problem.

Now, I ask the President or anybody listening if that really sounds so unreasonable. And the problem is that every time we get to the point of saying, "Why cannot we codify your intent," we run into a stone wall. So it makes us feel, "Well, gee whiz, if we cannot codify with specificity the stated intent, which does not serve us anything when you go to court afterward, something is wrong here."

Now, I say to my friend, he is a very good lawyer. He knows exactly what will happen. If you go to page 52, line 4, paragraph 633, there is a requirement here: The agency must use the best reasonably available scientific data and scientific understanding. If a claimant wants to come in with a good lawyer and say the agency did not use the best reasonably available scientific data, and therefore their decision was arbitrary and capricious, you have opened up each procedural section here to that kind of individual appeal.

And, in addition to that, you have procedural requirements that amount to that. All we are saying is if you do not intend each of these subsections to become the basis of that appeal, let us just say it. If we say it, we have solved our problem.

Mr. JOHNSTON. Well, Mr. President, if I may reply to that, what we intend, what we say very clearly, is that it is the final agency action that is judged by the standard of arbitrary and capricious, that the risk-assessment and the cost-benefit analysis will be part of the record. And that any violations may be used solely—we use the word "solely" advisedly to determine whether that final agency action is arbitrary and capricious.

Now, the standard that the Senator just read, did you use the best science, may or may not bear on the question of the final rule being arbitrary and capricious. If it is one of these rules where the issue is the quality of the science, and if they did not use proper science, but rather subjected the American public to billions of dollars in regulation, which flies in the face of good science, then, yes, that violation could be conceivably arbitrary and capricious, make the final agency action arbitrary and capricious. In most instances, it would not be.

But the very idea of having risk assessment and cost-benefit analysis is to find out what the cost is and to make the agency focus on science and use good science. Because, Mr. President, the reason I brought up risk assessment almost 2 years ago was that I found, in the committee I chaired at that time, that they were not using good science, that they were ignoring their own scientists, that they did not have the foggiest notion what the regulations were going to cost.

In one particular case, it was $2.3 billion dealing with a nonexistent risk, and they did not know what it was going to cost. They had ignored their own scientists. Now, that goes on—not every day, not in every regulation. And, yes, we make some great progress on a lot of these environmental laws. And I voted for virtually every one.

But do not ever think, Mr. President, because the air is cleaner and the water is cleaner and all of that, that there are not great excesses in our environmental regulation system. If you just want to make it permissive, you know, say these are good employees of the Government and they are doing their job well and the air is cleaner, well, that is fine. If that is what you believe, then you know, business as usual is good. It is making progress in one sense.

I do not believe that is so, Mr. President. I think I can prove it. I think I have proven it.

Mr. KERRY. I do not disagree with what the Senator just said. But he did not, in effect, answer the problem that I posed. Now we have language that we have given to the Senator. The Senator has accepted one form of language, but the Justice Department tells us that we have not cured the problem we are talking about. We have given him new language which we think cures it.

Mr. JOHNSTON. What is the new language that is——

Mr. KERRY. Let me point to another kind of problem just to kind of articulate, I think, the good faith with which we are framing some of these issues. There is a rulemaking petition process. I have agreed, Senator GLENN has agreed, and Senator LEVIN has agreed that all of us think any American entity, a corporation, some kind of environmental group, that feels aggrieved by a decision, ought to have some means of redress for that sense of grievance. They ought to be able to come into the agency and say, "Hey, wait a minute. This is a crazy rule. We want you to be able to review this rule."

We agree with that. I am sure most of us would say that is reasonable. We do not want Americans running around, companies or individuals, feeling as if there is no path to a legitimate review.

What we do not want, Mr. President, is an unlimited Pandora's box for gaming the system, where one company can come in and bring a petition, then their cohort friend company could come in and bring a petition, then another company associated in the same industry but not the same could come in and bring a petition. Under the requirements of the bill—I say to my friend in the chair and others—this is not going to reduce Government. This is not going to streamline the agency process. This is not going to lift the burden of regulation. It is going to create far more gridlock than we have had before because you are going to take a fixed number of employees with a shrinking budget, give them greater responsibility to answer petitions, greater responsibility to go to court, to the judiciary, greater responsibility to do risk assessment, greater responsibility to do cost evaluation. And there will be less people to do it.

Mr. JOHNSTON. Will the Senator yield at that point?

Mr. KERRY. This is an unfunded mandate. My friend from Ohio said this: "This is the mother of all unfunded mandates."

Mr. JOHNSTON. Mr. President, if my friend will yield, I have two questions. First of all, I have not seen the judicial review language. If it has been done, there may be some progress.

Mr. KERRY. Mr. President, the problem with this is, we are trying to write one of the most complicated pieces of legislation in none of the committees to which the jurisdiction falls. The committee to which the jurisdiction fell was the Governmental Affairs Committee. They sent us the Glenn-Roth bill at the time. It came out to us 15 to 0. So we did have a bipartisan consensus about how to approach this.

Mr. JOHNSTON. Not on the Glenn-Chafee bill.

Mr. KERRY. No, not Glenn-Chafee. I said Glenn-Roth. I said Glenn-Roth. And the only change between Glenn-Roth and Glenn-Chafee, I believe fundamentally, is the fact that the sunset is out and there is a minor change or two. But the other committee, the Environment and Public Works Committee that has jurisdiction, was completely bypassed. The Judiciary Committee, as everybody knows from the report, barely had an opportunity to legislate.

Now, what did we get? We got a bill written in back rooms, cloakrooms—who knows where—offices. It comes to the floor, and now we are trying to write legislation. So it is difficult when you are weighing the impact of each of these words to do it in an afternoon, with a Whitewater hearing and a Bosnia debate and all the other meetings that we go to. It is not a question of bad faith.

Mr. JOHNSTON. Will the Senator yield.

Mr. KERRY. Let us look at the rulemaking petition process. Here is what it says:

> Each agency shall give an interested person the right to petition.

So we are opening up to everybody in America the right to petition.

> For the issuance, amendment or repeal of a rule, for the amendment or repeal of an interpretive rule or general statement of policy or guidance, and for an interpretation regarding the meaning of a rule, interpretive rule, general statement of policy or guidance.

There are 14 different things that somebody can come in and just petition, "I want this changed."

> The agency is then required to grant or deny a petition and give written notice of its determination to the petitioner with reasonable promptness but, in no event, later than 18 months afterwards.

So all of these requests could come in. You have a fixed period of time to provide the answer. You have no additional personnel to do it.

> The written notice of the agency's determination will include an explanation of the determination and a response—

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

VOTE ON MOTION TO TABLE AMENDMENT NO. 1803

The PRESIDING OFFICER. The hour of 2:30 having arrived, by previous order, the question occurs on agreeing to the motion to lay on the table amendment No. 1803 offered by the Senator from Wisconsin [Mr. FEINGOLD]. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

I also announce that the Senator from Delaware [Mr. BIDEN] is absent because of attending a funeral.

I further announce that, if present and voting, the Senator from Delaware [Mr. BIDEN] would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 41, nays 57, as follows:

[Rollcall Vote No. 313 Leg.]

YEAS—41

Abraham
Ashcroft
Bennett
Bond
Burns
Campbell
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hutchison
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McConnell
Murkowski
Nickles
Packwood
Roth
Santorum
Shelby
Simpson
Smith
Stevens
Thomas
Thurmond

NAYS—57

Akaka
Baucus
Bingaman
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Byrd
Cohen
Conrad
Daschle
Dodd
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Helms
Hollings
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
McCain
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Snowe
Specter
Thompson
Warner
Wellstone

NOT VOTING—2

Biden
Inouye

So, the motion to lay on the table the amendment (No. 1803) was rejected.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. Thompson). Without objection, it is so ordered.

AMENDMENT NO. 1807 TO AMENDMENT NO. 1803

Mr. DOLE. Mr. President, I send a perfecting amendment to the Feingold amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mr. Dole] proposes an amendment numbered 1807 to amendment No. 1803.

Mr. DOLE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike all after the word Sec. and insert the following: "It is the sense of the Senate that before the conclusion of the 104th Congress, comprehensive welfare reform, food stamp reform, Medicare reform, Medicaid reform, superfund reform, wetlands reform, reauthorization of the Safe Drinking Water Act, reauthorization of the Endangered Species Act, immigration reform, Davis-Bacon reform, State Department reauthorization, Defense Department reauthorization, Bosnia arms embargo, foreign aid reauthorization, fiscal year 1996 and 1997 Agriculture appropriations, Commerce, Justice, State appropriations, Defense appropriations, District of Columbia appropriations, Energy and Water Development appropriations, Foreign Operations appropriations, Interior appropriations, Labor, Health and Human Services and Education appropriations, Legislative Branch appropriations, Military Construction appropriations, Transportation appropriations, Treasury and Postal appropriations, and Veterans Affairs, Housing and Urban Development, and Independent Agencies appropriations, reauthorization of the Older Americans Act, reauthorization of the Individuals with Disabilities Education Act, health care reform, comprehensive campaign finance reform, job training reform, child support enforcement reform, tax reform, and a "Farm Bill" should be considered.

Mr. DOLE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I yield to the Senator from Kentucky.

Mr. McCONNELL. Mr. President, I had earlier offered a second-degree amendment which listed a variety of issues that the new Republican majority feels should be addressed in this Congress. Then there was a motion made to table the underlying Feingold amendment, which was defeated.

I point out there were 41 votes in favor of the motion to table, therefore against the Feingold amendment. I think it is reasonable to assume that, if there were an effort to force this Democratic agenda item onto this——

The PRESIDING OFFICER. The Senator will suspend. The Senate will be in order.

Mr. McCONNELL. Mr. President, I think it is reasonable to assume, given the outcome of the Feingold sense-of-the-Senate resolution, that any effort to, essentially, muscle this Democratic agenda item onto the Republican Senate would likely be greeted with a filibuster. But of course that was just a sense-of-the-Senate resolution. I suppose people can read into it whatever they choose.

The second-degree that the Republican leader has forwarded to the desk simply adds campaign finance to the whole litany of other issues. It listed a whole variety of things the Senate ought to be addressing and simply adds campaign finance to it. Those who feel campaign finance ought to be on the agenda of the 104th Congress surely ought to have no objection to the amendment now before us.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Is there further debate? The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 1854, the legislative branch appropriations bill for fiscal year 1996.

The bill, as reported provides $2.1 billion in new budget authority and $2 billion in outlays for the Congress and other legislative branch agencies, including the Library of Congress, the General Accounting Office, and the Government Printing Office, among others.

When outlays from prior year appropriations and other adjustments are taken into account, the bill totals $2.2 billion in budget authority and $2.3 billion in outlays. The bill is under the subcommittee's 602(b) allocation by $38 million in budget authority and less than $500,000 in outlays.

I want to commend the distinguished chairman and ranking member of the legislative branch subcommittee for producing a bill that is substantially within their 602(b) allocation.

I am pleased that this bill incorporates most of the changes endorsed by the Republican Conference last December and achieves the goal of reducing legislative branch spending by $200 million from the 1995 level. It is important that the Congress set an example for the rest of the country by cutting its own spending first.

Another important feature of this bill is that it provides an increase of $2.6 million over the 1995 level for the Congressional Budget Office to enable that agency to meet the new requirements that were created in the Unfunded Mandates Reform Act passed earlier this year.

I urge the Senate to adopt this bill and to avoid offering amendment which would cause the subcommittee to violate its 602(b) allocation.

I ask unanimous consent that a table relating to spending totals be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

LEGISLATIVE BRANCH SUBCOMMITTEE

[Spending totals—Senate-reported bill; fiscal year 1996 in millions of dollars]

Category	Budget authority	Outlays
Nondefense discretionary:		
Outlays from prior-year BA and other actions completed		206
H.R. 1854, as reported to the Senate	2,130	1,981
Scorekeeping adjustment		
Subtotal nondefense discretionary	2,130	2,188
Mandatory:		
Outlays from prior-year BA and other actions completed	92	92
H.R. 1854, as reported to the Senate		
Adjustment to conform mandatory programs with Budget Resolution assumptions	−2	−2
Subtotal mandatory	90	90
Adjusted bill total	2,220	2,278

LEGISLATIVE BRANCH SUBCOMMITTEE—Continued

[Spending totals—Senate-reported bill; fiscal year 1996 in millions of dollars]

Category	Budget authority	Outlays
Senate Subcommittee 602(b) allocation:		
Nondefense discreationary	2,168	2,188
Mandatory	90	90
Total allocation	2,258	2,278
Adjusted bill total compared to Senate Subcommittee 602(b) allocation:		
Nondefense discretionary	−38	−0
Mandatory		
Total allocation	−38	−0

Note: Details may not add to totals due to rounding. Totals adjusted for consistency with current scorekeeping conventions.

Mr. KEMPTHORNE. Mr. President, I rise today in strong support of H.R. 1854, the legislative branch appropriations bill. I especially want to thank Senator MACK, the subcommittee chairman, for his commitment to fund the Congressional Budget Office at a level which will allow the CBO to carry out the duties given them under the Unfunded Mandates Reform Act of 1995. The $2.6 million appropriation included in this bill for CBO provides the necessary funding and staffing to allow them to perform the cost estimates required under the Mandates Reform Act without inhibiting their ability to perform their primary responsibilities. As the committee report stated, failure to do so would create an unfunded mandate within the Congress itself.

The Unfunded Mandate Reform Act of 1995 passed both Houses of Congress with the support of more than 90 percent of the Members in each body and it deserves a commensurate level of fiscal support to fulfill its mission. It is important legislation that forms the cornerstone for the congressional reform that is taking place in the 104th Congress. Senator MACK was an early cosponsor of my mandate relief legislation and he never waived from his commitment to see it enacted into law.

AMENDMENT NO. 1804 WITHDRAWN

Mr. DOLE. Mr. President, I ask unanimous consent that amendment No. 1804 be withdrawn and the vote occur at 4 p.m. on amendment No. 1807.

So the amendment (No. 1804) was withdrawn.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOLE. That will accommodate one of our colleagues on the other side and also permit the Senator from South Carolina to proceed with his amendment.

Mr. HOLLINGS addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

AMENDMENT NO. 1808

Mr. HOLLINGS. Mr. President, I have an amendment at the desk and I ask for its immediate consideration.

The PRESIDING OFFICER. Does the Senator wish to offer an amendment to the bill itself or to the pending amendment?

Mr. HOLLINGS. If there is no objection, to the bill itself.

The PRESIDING OFFICER. Without objection, the pending amendment will be temporarily set aside, and the clerk will report.

The bill clerk read as follows:

The Senator from South Carolina [Mr. HOLLINGS], for himself, Mr. HATCH, Mr. STEVENS, Mr. ROBB, Mr. LIEBERMAN, Mr. WELLSTONE, and Mr. KENNEDY, proposes an amendment numbered 1808.

Strike page 29, line 6, through page 30, line 20, and insert in lieu thereof the following:

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public law 92-484), including official reception and representation expenses (not to exceed $5,500 from the Trust Fund), $15,000,000: *Provided*, That the Librarian of Congress shall report to Congress within 120 days after the date of enactment of this Act with recommendations on how to consolidate the duties and functions of the Office of Technology Assessment, the General Accounting Office, and the Government Printing Office into an Office of Congressional Services within the Library of Congress by the year 2002: *Provided further*, That notwithstanding any other provision of this Act, each of the following accounts is reduced by 1.12 percent from the amounts provided elsewhere in this Act: "salaries, Office of the Architect of the Capitol, Architect of the Capitol"; "Capitol buildings, Architect of the Capitol"; "Capitol grounds, Architect of the Capitol"; "Senate office buildings, Architect of the Capitol"; "Capitol power plant, Architect of the Capitol"; "library buildings and grounds, Architect of the Capitol"; and "salaries and expenses, Office of the Superintendent of Documents, Government Printing Office": *Provided further*, That notwithstanding any other provision of this Act, the amounts provided elsewhere in this Act for "salaries and expenses, General Accounting Office," are reduced by 1.92 percent.

Mr. FEINGOLD. Mr. President, will the Senator yield for just a moment?

Mr. HOLLINGS. I ask unanimous consent that I may yield to my colleague from Wisconsin without losing the right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Thank you, Mr. President. I thank the Senator from South Carolina very much.

I just want to briefly comment on what we just resolved with regard to the campaign finance reform issue.

I am very gratified by the bipartisan vote, very strong vote, including 11 Members on the opposite side of the aisle, against tabling the sense-of-the-Senate resolution with regard to the issue of bringing up and considering campaign finance reform during the 104th Congress. It is one of the strongest bipartisan votes we have had on this floor during this 104th Congress.

Now the majority leader has suggested that as a perfecting amendment. In addition to a number of items that were originally in the Mack substitute that did not include campaign finance reform, they have now offered to include in that list—for the first time—campaign finance reform. It is something that should be considered during the 104th Congress.

Mr. President, this is precisely what we had hoped for, a vote by the Senate. I hope, given the fact that it is the majority leader's intention to support his own proposal, that we will have very, very strong bipartisan support to add that to the list.

This is a shift from earlier in the day when the proposal by the Senator from Florida listed many important items but did not include—in fact excluded—campaign finance reform.

So we are extremely pleased that we will have the vote, another vote in addition to the other one that we had, with the vote which was very strong, to indicate that before we leave here in the 104th Congress on a bipartisan basis we should reform this terrible system.

I again thank the Senator from South Carolina for his courtesy.

Mr. HOLLINGS. Mr. President, I thank the distinguished colleague. I thank the Chair.

Mr. President, this amendment is one to retain the Office of Technology Assessment. It first occurred over on the House side. The bill came out of the committee abolishing the Office of Technology Assessment but on the floor the House added $15 million for its continuance, taking it out of the hide of the Library of Congress.

On yesterday, Mr. President, at the full appropriations committee markup, I offered an amendment. I was not quite prepared then, and I should be better prepared at this moment. Yesterday, I was not quite prepared because I wanted to present the amendment without cutting the Library of Congress. The fact of the matter is we had a very close vote, and if I had had the proxies of absent Members, this amendment would not be necessary today. It would have been adopted in committee and on the bill at the moment.

Be that as it may, Mr. President, I have now clarified the provisions of this $15 million. The President's budget for the Office of Technology Assessment is some $22 million, and this continues OTA but levels a 30-percent cut, at a level of $15 million, to be obtained from a 1.12-percent cut from the various legislative accounts—the Office of the Architect of the Capitol, the Capitol Building, Capitol Grounds, Senate office buildings, the Capitol Power Plant, the salaries and expenses of the Superintendent of Documents, the Government Printing Office, and a 1.92-percent cut out of the GAO. We thought, twofold; one, we could make that a little over 1-percent cut across the board, obtain the $15 million, keep OTA in harness, and otherwise, Mr. President, have a study recommendation made by the distinguished colleague from Alaska, who is no longer but served with distinction as the chairman of the Office of Technology Assessment. His suggestion was that we have a study on how best to consolidate the various legislative or congressional services within this segment of the budget and save money.

There is no question that this amendment not only saves OTA, but it saves money. It is bipartisan. I offer this amendment for myself, Mr. HATCH, Mr. STEVENS, Mr. ROBB, Mr. LIEBERMAN, Mr. KENNEDY, Mr. WELLSTONE, and others who support this legislation. We have now solved the problem relative to the Library of Congress; Dr. Billington—and he is a good friend and an outstanding librarian—has been doing his homework.

Mr. President, I do not have charts or prepared statements. I agreed to limit my comments without charts so let me get right to the heart of the matter.

Back in the Nixon administration, they abolished the Office of Science Adviser, and at that particular time the various committees were crowding in saying we have to learn about this, we have to know about that. We always referred it to the Office of Science Adviser. We could depend on it; it had credibility.

They said, let us get together in a bipartisan fashion, which we did, with alternating between the House and the Senate as chairman, alternating between Democrats and Republicans. We have had quite a successful administration at the Office of Technology Assessment.

One way it saves us money is by having these distinguished boards, advisory panels, counseling the Office of Technology Assessment. They are comprised of college presidents, heads of the science departments from the institutes of technology, and others around the country who give outstanding assistance free of charge, counseling on the various technological questions.

If we go right to it, I think one of the principal objections is that the needs for these studies will not go away. If each committee crowds in on the technological needs for information from the General Accounting Office, obviously the General Accounting Office will go out and hire all of these people and meet themselves coming around the corner having in all probability expended more money.

Now, what is wrong? This crowd—and I guess I am in on it, too, because I get frustrated on figuring out where you try to save money. I have been through the exercise of freezes, the cuts of Gramm-Rudman-Hollings, a value-added tax allocated to the deficit, and all the other attempts made to get us in the black. Unfortunately, in today's political climate, individual chairmen come around and say, "Well, I have got to eliminate something." And more or less, if this amendment passes, it would take away a Brownie point from their political resume.

It is easy to go campaign next year and say, "I am for economy, and I got rid of the Office of Technology Assessment. That is saving $15 million." Come on. Two nights ago ABC reported on a particular misguided missile, $4 billion. You never heard this crowd that is fussing about $15 million—we took almost 2 hours in the Appropriations Committee trying to save $15 million or trying to sustain the need to know of the Members of this Congress. But they do not talk about that $4 billion.

Now, that is where the Congress ought to really be working. Do not come around here to get a Brownie point on a political resume about how we saved and got rid of the Office of Technology Assessment. That is good in the 20-second bite. They will not just say how much they saved and everything else of that kind. But instead they cry in frustration, "Well, if we can't cut this, where can we cut?"

I can give them a list. I voted this morning against the space station. I was former chairman of Commerce, Science, and Transportation. I do not like to vote against the space station, but I am trying to maintain the space program. And you see, you learn from experience. They came forward with the space station at $8 billion. The next thing you know it was at $17 billion. The next thing you know it was $30 billion. We have had four revisions of cutting it back until all I think we are going to get is the booster or the thruster up in space and we'll call it a station before we get through.

Now they have a new angle—that it is a matter of comity with the Soviets and everything else. Fine business. If we were fat, rich, and happy, a space station could well be in order. But we are broke. This Congress and Government around here for 15 years now has been spending on an average of $200 billion more than we are taking in. So we are not paying our way, and we have to not just cut; we have to forgo.

Another one, AmeriCorps. I believe in voluntarism, but I expect it. We had it when we had Hurricane Hugo. I stood in the rain that weekend, and we counted up volunteers from 38 States that had come around to help us. The first plane that landed in Hurricane Andrew or whatever it was down there at Homestead was our plane that carried generators, clean water, and personnel. We had Spanish-speaking police officers, and you saw them at Hurricane Andrew in the recovery. No cost to Florida, we sent them down from Charleston.

The people of America believe in volunteering, and they will continue to work to help their neighborhoods. Oh, it is good to say on your resume I believe in voluntarism and I voted for AmeriCorps. But instead, I withheld my vote. So I have been saving the money.

So do not come around here saying, "Oh, if we cannot get rid of this." You are not getting rid of it. The need is there. What you are doing is eliminating the most economical approach, the most technologically adept approach to this technological need.

Now, that is the best statement I can make. I note that some of the other Senators want to talk, but I can mention some of the examples of where we save the Government not just millions but billions.

The distinguished Senator from Alaska, I do not know whether he can approach the floor. On yesterday, we talked about the spectrum auction, and that came out of the Office of Technology Assessment. And we put it up, and in the last 2 years now we have brought to the Government $12 billion—not $15 million, $12 billion—from those auctions. So here is a money-making entity.

Those who are frustrated and say, "If I cannot cut this, where can I cut?" I cannot understand those who are committed to ignorance. We are trying to find out. We are trying to learn. We, who have been dealing with the Office of Technology Assessment, study very closely and look at their particular commitments. We just do not take anything and everything.

In fact, all of the requests made are bipartisan. They come from the chairmen and the ranking members of the committees themselves. We get way more requests than we respond to and cannot take on each and every question that would come. So it comes with a real need from the Congress itself. OTA has responded. It has done a professional job. There is no criticism in this debate about the quality of work.

I am not going to try to overwhelm you and bring all the studies and everything else. But we can get into a few of them. I am pleased—I have checked this amendment through with our distinguished ranking member, the Senator from Washington, and I will be glad to adjust it.

Do not tell me that we can give everything to GAO; we know GAO can do it. That is not true. I worked closely for years as chairman of the Legislative Appropriations Subcommittee, working with Elmer Staats and everything else. What we had to do was cut out all the term papers that were being made for high school graduates and everything over there. They will take on anything to keep the work going. Let us not do that. Let us keep the Office of Technology Assessment at an economical price and continue it and not abolish it in the political urge to get rid of something here.

I yield the floor.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, there is no one in the Senate I have more respect for than the junior Senator from the State of South Carolina. But having said that, I am not sure who would have won in the Appropriations Committee if all the proxies had been given. That is something we do not know. The fact of the matter is, this amendment was brought up before the Appropriations Committee in an effort to remove this, and that amendment lost.

Mr. President, I, for 6 years, served as chairman in the Legislative Branch Subcommittee of the Appropriations Committee. And we went through some very rough times. In prior years, there was quite a bit of money to pass around in the legislative branch. There came a time when there had been cutbacks in Washington generally, and no place has it been focused more than in the legislative branch. So for my friend from South Carolina to talk about going into the black box where all these secret things are, or the A-12, we all know that we cannot do that here today. We are bound by what is in the Legislative Branch Subcommittee of Appropriations. That is all we can deal with. We cannot deal with A-12's, space stations, or black box matters. We have to deal with what we have in this very tiny little Appropriations Subcommittee.

And what we have is the fact that we have to cut $200 million from this subcommittee. This amendment will cut approximately—this—what has been done on the subcommittee level takes approximately $22 million. It is a tremendous step forward to arriving at the goals we have to meet.

Mr. President, the Office of Technology Assessment is a luxury. It is something that would be nice to have if we had lots of money like we used to have. But we do not have the money that we used to have, and we have to look someplace to make cuts. The amendment offered in the Appropriations Committee took the money from the Library of Congress. Well, it is obvious that that has not sold very well. And now, there is an across-the-board cut, cutting things like the General Accounting Office.

Mr. President, if there has been one entity that has been hit hard in the legislative branch for the past 6 years, it has been the General Accounting Office. Last year, the General Accounting Office was hit with $69 million in cuts. This next year, it is $45 million in cuts. It has been cut back about 25 percent, and that is a significant cut for the watchdog of Congress. The General Accounting Office has saved this country billions and billions and billions of dollars. And they are now cut back to the point where they have significantly cut back on the work that they can do, the requests that we make to them that they can meet. The Office of Technology Assessment did 50 major reports last year, 50 major reports for $22 million. Now, Mr. President, CRS, where the money was originally to be taken, an example of a different workload, CRS did 11,000 reports last year.

The work the OTA does can be done by other agencies. I have had the OTA do work for me. They do fine work. But we do not have the ability to have in our garage three Cadillacs. We have to start cutting back until we wind up with maybe two Chevrolets, or I should say a Ford and a Chevrolet, or maybe a Ford and a Chrysler, however you want to combine it. But, Mr. President, we cannot have three luxury automobiles anymore. All we can have is the General Accounting Office and all we can have is the Congressional Research Service, which the congressional staff depends on around here to meet the requests of constituents at home and Members of the Senate. Our staffs depend on the Congressional Research Service. They did not depend on the Office of Technology Assessment.

Now, Mr. President, I say that the work of the OTA can be done by other agencies. The General Accounting Office can do their work. They are not a bunch of accountants. They have scientists there. They call in scientific panels all the time. We have been told in this debate that they have distinguished boards, advisory panels. Well, that is not hard to copy. That is not hard to do. The General Accounting Office does the same thing.

It is interesting to note, in one of the most scientific matters we have had before this body in a decade; namely, the superconducting super collider, we did not see a word from the Office of Technology Assessment on the superconducting super collider—one of the most scientific measures brought before this body in the last decade. OTA did not write a report on it.

I repeat the words of the Senator from South Carolina: If we cannot cut funding for this agency, then we cannot cut funding for anything. If this is not fat and something that we do not need, then there is not anything we can do—$22 million in this very tiny little subcommittee.

The proposed amendment attempts to keep OTA alive. We do not kill things around here; we just kind of choke them to death. What we are going to wind up doing with all these budget cuts is having a significant number of entities, none of which work very well—OTA cutting at 25 percent. I respectfully submit to this body that the budgets in this Legislative Branch Appropriations Subcommittee are stretched to the near breaking point.

We have heard a lot about the Library of Congress and we should hear a lot about the Library of Congress. We have worked very hard to maintain the structure of the Library of Congress. The Senator from South Carolina indicated what they have done in the House is they said, "Well, we are not going to cut OTA. We will have the Library of Congress do it." What kind of way is that to do business; $16 million out of the Library's budget? That is what they are going to go to conference on. That is the House's position. That is not the way to run Government. It is certainly not the way to run a business.

Mr. President, we cannot, in my opinion, having worked on this subcommittee for 6 years, continually cut these entities that make up this Legislative Branch Appropriations Subcommittee: The General Accounting Office, cut to the very core. The Government Printing Office cut, cut. We have significant security needs. We are doing our best to maintain those. This amendment will take from that.

I just do not think it is right that we have an entity that did 50 reports last year—CRS did 11,000, the General Accounting Office did hundreds and hundreds of reports. We all recognize there is no agency that we depend on more than the Congressional Research Service.

Mr. President, I respectfully submit, I repeat, that the time has come when we as Members of Congress have to make some decisions. We cannot have everything as we used to. We have to make some cuts. And we can only work with what we have. I repeat: We cannot go out and look at A-12 airplanes, black box matters. We cannot look at space stations. We can only look at what the law allows us to look at. That is this Appropriations subcommittee that deals with the things that run the legislative branch.

I call upon my colleagues to defeat this amendment. In the gesture of what we are trying to do around here, to make a more efficient Government, to save money, we are going to have to eliminate programs, we are going to have to eliminate entities and agencies around here. That is the only way we can do it. We cannot keep everything and take a little bit here and a little bit there. We have to start making major decisions. This is a major decision. This involves almost $22 million a year.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I speak in support of the amendment of the Senator from South Carolina, Senator HOLLINGS. I am also expressing my support for preserving the Office of Technology Assessment. I am not here to make a case that it be preserved with a certain amount of dollars. I am not here to make a case that we maintain the status quo. I am not here to say that OTA can not function with less people. I am not even here to say that you ought to maintain the Office of Technology Assessment Board, and I am a member of that board.

I am here to say that OTA ought to continue or at least its function as a congressional aid ought to be maintained. We need OTA because it provides information so that we can identify existing and probable impacts of technological application. The application of technology impacts upon a lot of public policy that we make in the Congress of the United States.

We need to have a great deal of confidence in the information that is available for changes in public policy or the creation of public policy.

Before I ever came to Congress, Congress saw the need for this sort of information. By statute, OTA must secure unbiased information regarding the impact of technological application.

OTA is one of the few truly neutral sources of information for the Congress. In a very real sense, OTA is our source of objective counsel when it comes to science and technology and its interaction with public policy decision making.

There are plenty of places for information in this town, but so many of these sources of information come from the private sector—and there is nothing wrong with the private sector; there is nothing wrong with organizations protecting their own interests, even if it is in the area of science and technology. But if we do not have an unbiased source of information, then we have to rely on organizations with a stake in keeping alive programs that benefit their interests.

Special interests can fund research, that goes without saying. But it seems to me that Congress ought to have an independent source of information representing all interests in science and technology. Pretty much the same way that the subcommittee has made a determination that a lot of other agencies that it funds ought to exist because of their independence. The General Accounting Office is an example. The subcommittee this year decided that the General Accounting Office should get less money next year than this year and it that it ought to be streamlined and have staff reductions. But that respected organization is being maintained because the subcommittee felt that a postaudit agent, that is responsible to the Congress, should continue to exist.

It is not any different for science and technology. We ought to have an independent source of information, unbiased, not tied to any special interest. The information that OTA provides comes to us and we use it to determine public policy that has a scientific or technological basis.

It goes without saying that except for a few professionals here and there, like a medical doctor or an engineer, there are not very many Members of Congress who are experts in technical and scientific issues. Of course, we have our personal staff and we have committee staff. But our committee staffs lack the time and the expertise to do in-depth analysis of these issues. OTA can do that.

Congress is not made up of a wide range of professional backgrounds. Two-thirds of the Senators are lawyers. Half the House of Representatives, I believe, is made up from the profession of law.

As I remind you so often, there are only a few of us in this Congress who are farmers. But I would not rely on my judgment on highly technical and highly scientific agriculture issues the same way that I can rely upon OTA when they do studies in these areas that are so essential to agriculture. It puts me in a much better position, and my colleagues in a much better position, to make decisions on agricultural policy based on science and technological based information.

Neither the Federal Government nor the private sector can do analysis geared to the particular interests of congressional committees. OTA can do just that. And it is the smallest and the least expensive congressional agency.

OTA is intimately interfaced with Congress through its bipartisan Technology Assessment Board. I am a member of that board and know something about the operation of it. The board does not need to exist just because I am a member of it.

It does not matter whether CHUCK GRASSLEY is a member of that board or not; you can eliminate the Board, if you want, but still keep OTA's function. There might be better ways to get the job done than the way it was originally set up.

OTA works closely with Congress through its bipartisan Technology Assessment Board. The Board is equally made up of Democrats and Republicans. I have served on this board since 1987 and I can certify the Board ensures compliance with statutory and procedural requirements for each OTA project. This is a unique governance for oversight purposes. Other agencies—like GAO—do not have this special bipartisan group overseeing their operation.

I want to assure all my colleagues that OTA resources are carefully managed in this bipartisan way, and I can certify that the OTA board carefully screens for—and most importantly, does not allow duplicate work. Projects are not self-generated; they are initiated at the request of congressional committees. The committees that have requested the most studies are the Senate Commerce, Science and Transportation; Senate Energy and Natural Resources Committee; Senate Environment and Public Works Committee; Senate Governmental Affairs Committee; Senate Agricultural, Nutrition, and Forestry Committee; Senate Armed Services Committee; Senate Finance Committee; Senate Veterans' Affairs Committee; and the Senate Committee on Indian affairs.

A few of my colleagues have said that the GAO can do the work that OTA currently does. I disagree. I do not show any disrespect for the General Accounting Office in regard to that. In fact, I have been a requester of help from the General Accounting Office and they do a good job. But the General Accounting Office is not equipped to do the highly technical and scientific work that is done by OTA.

Let me explain the backgrounds of the staff of the particular agencies. The General Accounting Office's staff, process, and traditions are primarily those of an audit and program evaluation unit. Only four percent of the GAO staff have Ph.D's, and few of these doctorates are in science and engineering. In contrast, 58 percent of OTA's staff has Ph.D's in these areas, and half of those hold degrees in hard sciences. The GAO has relied on prior or concurrent work of the OTA for scientific and technical aspects of the study.

It seems to me that speaks more to the point raised about what GAO can do and not do in this area than anything I can say. GAO relies on OTA for highly scientific and technological information.

As we continue moving into a highly technical world, we must ensure that we know how public policy impacts future trends and the reverse of that. OTA provides a very high level of expertise to help us understand these trends, while balancing the views of opponents and proponents of various courses of action.

OTA translates modern technical material for legislative and oversight purposes and gives us a heads up on important but complicated science and technology issues in areas like space, defense, and energy.

OTA's studies on energy crops, for example, are particularly important for farm States such as mine. Their study on the "Potential Environmental Impact of Bioenergy Crops" showed that energy crops, such as switch grass, could have net environmental benefits, rebutting the concerns of certain environmentalists.

This study and other studies they have done are going to be very helpful as we debate the farm bill and as we look for new crops to maintain the viability of the farm community. As the domestic supplies of oil and gas diminish and dependence upon foreign sources continues to increase, we will be looking for new ways, even beyond ethanol, for instance, to use farm products to fuel our machines and vehicles. That is also an issue regarding the energy independence of our country, for national security purposes. OTA is doing very good work on renewable bioenergy fuels for transportation which can help us address our economic issues in rural America.

In addition, OTA helps the Congress make decisions that save the U.S. Government money.

I have some examples of where OTA actually helped us save money. OTA's study of the Social Security Administration plan to purchase computers saved $368 million. OTA's cautions—a while back now, I might say—about the Synthetic Fuel Corporation helped to secure $60 billion of savings.

Let me explain that to you. Many thought that it would take $80 billion to do the work of the Synthetic Fuel Corporation. OTA testified that $80 billion was an overestimate. In the final analysis, Congress put up only $20 billion for the Synthetic Fuel Corporation. This saved the taxpayers $60 billion.

OTA's studies of preventive services for Medicare have assisted legislative decisions for the past 15 years. Studies of pneumonia vaccines and pap smears that showed Medicare would save money by paying for these medical services for the elderly, and Medicare patients would save money. Both proposals passed as legislation.

OTA's work on nuclear power plants has played a central role in eliminating poorly conceived and burdensome regulations on the U.S. power industry.

I urge you to look very closely at the amount of money that is being spent on OTA. I urge you to look very closely at whether the number of people employed is the right number. I urge you to look at the administrative setup. I even urge you to consider abolishing the board of the Office of Technology Assessment, if you want. But I also urge you to look at the product of the OTA, and you will come to the same conclusions in 1995 that Congress came to when it was set up: that we need independent sources of information, particularly in science and technology, which we did not have and we will not have after this day if this is abolished.

I firmly believe, Mr. President, that OTA offers a unique and essential service for Congress, and I am very impressed with OTA's credible analyses of the developments in technology and related public policy issues. I urge my colleagues to support this amendment that preserves the functions of the Office of Technology Assessment.

Mr. GLENN. Mr. President, "What's Good from Government." Now there is a topic you do not see often these days. Yet on May 15, 1994, this was the title of an article that appeared in Library Journal discussing the sixty-three finest government publications in 1993. Out of the 20 selected federal government publications that were honored, three of these reports were issued by the congressional Office of Technology Assessment, including one called, "Proliferation of Weapons of Mass Destruction: Assessing the Risks."

Here is what Keay Davidson, a reviewer in the San Francisco Chronicle had to say about the report on April 7, 1995:

> For years, OTA has generated some of the most readable and useful reports imaginable about US research and its impact on social, political, military and economic policy. I always look forward to its reports, which are extraordinarily clear, thoughtful and well-illustrated—extraordinary considering that they come from a government agency. When's the last time you actually enjoyed reading a government document? Not long ago I was on a plane flight, completely absorbed by an OTA report on US efforts to control nuclear weapons and other "technologies of mass destruction."

The distinguished journal, Foreign Affairs reviewed another report in a recent series of OTA studies on nonproliferation and came to the following conclusion: "The Office of Technology Assessment does some of the best writing on security-related technical issues in the United States, as evidenced by this excellent volume."

Of course, this is not the first time that OTA has been recognized for excellence. The June 1989 issue of Washington Monthly featured a story on OTA, holding it up as a model for the rest of the government—over a picture of the Lincoln Memorial, the Washington Monument, and the Capitol, the cover of this journal declared, "At Last! A Government Agency That Works." Indeed, in the last 4 years, 24 OTA reports have been selected in national competitions as among the best government publications nationwide, even worldwide.

None of this acclaim surprises me. OTA has had a long and distinguished track record of publishing informative studies on nonproliferation issues. In 1977, OTA issued a 270-page book on Nuclear Proliferation and Safeguards that is still valuable reading. In a hearing on April 4, 1977, of the Subcommittee on Energy, Nuclear Proliferation, and Federal Services of the Committee on Governmental Affairs, I called this study a "landmark document" that "will make a substantial contribution to everyone's understanding of this highly complex and emotionally charged issue."

Highly complex indeed—I can say without doubt that halting the global spread of weapons of mass destruction is one of the most vexing problems that either the Executive or Congress has had to confront in modern times. The political and diplomatic problems of addressing this threat are bad enough. But the technological aspects of this problem are so complex that many public officials and citizens around the country have just given up—they need help to sort out the issues, weigh the stakes, and outline courses of action.

The OTA has responded to this need in a manner which brings credit not just to the agency, but to our system of government: I am proud that the U.S. Congress recognized the need for such an agency 23 years ago. My purpose today, however, is to praise OTA for the specific work over the last few years on the subject of weapons proliferation. I urge all of my colleagues in the Senate and the House, even those who have called OTA "a luxury we cannot afford," to sample some of the following reports on weapons proliferation issues.

First, "Nuclear Safeguards and the International Atomic Energy Agency" OTA-ISS-615, June 1995, 147 pages (released this month; also available in a 22-page summary).

This report reviews the origins of the Iaea, describes its safeguards system in terms that non-specialists can easily understand, discusses numerous options for strengthening the IAEA safeguards system, and outlines other possible initiatives to strengthen the global nuclear nonproliferation regime.

Second, "Proliferation and the Former Soviet Union"; OTA-ISS-605, September 1994, 92 pages.

This report is essential reading for all who are concerned about twin problems of "loose nukes" and the "brain drain" following the breakup of the Soviet Union. The report documents specific problems with respect to weaknesses in national systems of nuclear accounting, controls over exports, and the ability to police borders.

Third, "Export Controls and Nonproliferation Policy"; OTA-ISS-596, May 1994, 82 pages.

Here the OTA addresses the contributions and limitations of export controls as a tool of nonproliferation policy. The study offers insights and technical details about the export licensing process, in particular measures to make this process more efficient and effective in achieving nonproliferation objectives.

Fourth, "Technologies Underlying Weapons of Mass Destruction"; OTA-BP-ISC-115, December 1993, 263 pages.

This report is a basic primer about the fabrication and effects of weapons of mass destruction. It is essential reading for anybody both for those who have official responsibilities to tackle this problem, and those who are simply curious about what all the fuss is about concerning these deadly weapons.

Fifth, "Proliferation of Weapons of Mass Destruction: Assessing the Risks"; OTA-ISC-559, August 1993, 123 pages.

I have already discussed this award-winning above. If a reader has no background on proliferation issues and wants to read just one report for the clearest possible introduction to the subject, this is the report to read.

Sixth, "The Chemical Weapons Convention: Effects on the U.S. Chemical Industry"; OTA-BP-ISC-106, August 1993, 69 pages.

The Senate will take up ratification of the Chemical Weapons Convention later this year. An important topic in this process will be the costs to U.S. industry from complying with this convention. Given that the treaty will cover controls over chemicals that are either produced or used throughout the Nation, this study should be of great interest indeed.

If the publication of 6 major studies in less than two years is not enough to illustrate the productivity of this agency, critics might consider that OTA is well underway on yet another report in this series, this time on assessing U.S. responses to proliferation after it has occurred.

Congress established OTA in 1972 after determining that, although the applications of technology are "increasingly extensive, pervasive, and critical in their impact," no executive or Legislative branch agencies were capable of providing Congress with "adequate and timely information, independently developed, relating to [their] potential impact." In its 23 years, OTA has filled that need—and in an age when cost/benefit analyses will figure so prominently in evaluating Federal actions, I can think of no more greater need in Congress than for the types of skills and services that OTA offers today.

This is why the presidents of the National Academy of Sciences, the National Academy of Engineering, and the Institute of Medicine have warned that closing OTA will diminish the quality of advice to Congress. Representing the interests of over 240,000 electrical engineers nationwide, the Institute of Electrical and Electronics Engineers calls OTA a "highly regarded and respected institution" that serves as an "irreplaceable asset" to Congress. The world's largest scientific organization, the American Association for the Advancement of Science, says that abolishing OTA would be a "strategic error for Congress" that would seriously harm the national interest.

OTA does not only prepare formal high-quality reports—Congress has repeatedly drawn upon the agency's inhouse expertise to provide short-notice testimony, briefings, and replies to congressional questions on many high technology subjects on the policy agenda. Following the nerve gas attacks in Tokyo and the bombing of the Federal building in Oklahoma City, for example, OTA staff were able to respond both promptly and comprehensively to repeated congressional questions.

To whom will Congress turn if the next explosion in an American city involves a weapon of mass destruction? Though the Executive can occasionally be helpful in providing information, there is no substitute for Congress having an independent, bipartisan source of expertise on exactly such technically-complex issues. I can assure my colleagues, I know where I would like to turn in the years ahead, to the Office of Technology Assessment.

I ask my colleagues to join me in saluting OTA for having performed its mission with dignity and professional excellence. This is not an agency Congress can do without.

Mr. PELL. Mr. President. I am in support of the effort to preserve the Congressional Office of Technology Assessment. The OTA, on whose board I currently sit, has been of profound and indispensable use to the Congress in the carrying out of its function of an independent source of complex, unbiased analysis of the technology issues facing our country today. I firmly believe that it would be short-sighted and unwise for us to eliminate entirely this agency, even as we strive to effectuate budget savings with the legislative branch.

The OTA was created in 1972 as a result of a far-sighted, bipartisan effort led by the Senate Committee on Foreign Relations then ranking Member, Senator Clifford Chase of New Jersey. It evolved from the need to have objective, expert analysis to assist the Congress in assessing the potential effects of a nuclear war on the United States. Again in the late 1970's, the OTA conducted a more comprehensive and detailed study on the same issue. These two studies were among the first comprehensive unclassified efforts to provide realistic assessments of just what nuclear war might mean for the citizens of this and other country's. They proved to be extremely valuable in helping inform the Congress as we developed national policy in this area.

Since those studies, the OTA has proved itself time and again in hundreds of studies across the board spectrum of technology assessment. Throughout its tenure, it has become recognized around the world of its cogent, professional, and unbiased work. It would be foolhardy to shelve that expertise now in a blind effort to simply slash budgets.

I am thankful that under the amendment, another revered and invaluable congressional institution, the Library of Congress, will not be subject to budget cuts in order to spare the OTA. Both of these organization have an exemplary record of in their service to the Congress and I am glad that a mean has been found to adequately preserve the functions of both.

I am hopeful that my colleagues will join me in this effort to preserve a scaled-back OTA and in doing so, insure that the Congress will continue to be able to make informed, reasoned decisions regarding the complex technology issues that it will inevitably face in the future.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. BENNETT. Mr. President, we are in an interesting time. I say that reminded me of the old Chinese curse, "May you live in interesting times." I have been through this kind of time in my private life, and I would like to share with you some observations there, as I then addressed the question of what to do about the Office of Technology Assessment.

I remember visiting with a CEO of a fairly large corporation, and he told me of a very difficult experience that he had just been through in his company. He said, "I have just gone through the whole company, looked at everything, and ended up cutting back here, cutting back there, leaving a lot of blood on the floor, if you will, as I have had to clean up the company. And then I said to all of the employees who survived this exercise, this is it, this is as deep as we are going to cut, and you can all relax now because you have passed the test, and we have seen to it that everything that is excess, everything that is wasteful has been taken care of."

Then, he said to me, "I quietly in my own office went to my calendar, flipped the pages forward about 3 years, and wrote down, 'Do it again,' because I realized no matter how zealous we were in trying to keep from getting duplication and creating redundant services and getting too fat, no matter how hard we worked at it, in about 3 years time in our company we would suddenly wake up and discover we had too many people doing the same thing, and I would have this same kind of circumstance again."

We do not do that in the Federal Government. That is, we do not go 3 years ahead and write down, "Do it again." Instead, once something gets started, it continues, regardless of whether or not it has outlived its usefulness.

The PRESIDING OFFICER. We have a previous order to vote at 4 o'clock.

Mr. MACK. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1807

The PRESIDING OFFICER (Mr. CRAIG). Under a previous order, the question is on agreeing to the amendment numbered 1807, offered by the majority leader, to the amendment numbered 1803. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The result was announced—yeas 91, nays 8, as follows:

[Rollcall Vote No. 314 Leg.]

YEAS—91

Abraham
Akaka
Ashcroft
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Brown
Bryan
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—8

Breaux
Bumpers
Dodd
Hollings
Mikulski
Moseley-Braun
Sarbanes
Simon

NOT VOTING—1

Inouye

So the amendment (No. 1807) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GORTON. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MOYNIHAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1808

Mr. MOYNIHAN. Mr. President, I rise simply for the purpose of expressing the appreciation of this Senator—and I think I can speak for the Joint Committee on the Library—that the proposal pending by the distinguished senior Senator from South Carolina will not affect the Library of Congress. It has taken very severe budget cuts and budget freezes over the years. Its world function, its national role, and its indispensable service to the U.S. Congress would be in jeopardy were more to take place.

Our distinguished Librarian, Dr. James Billington, has made this clear in forceful, in cogent, and in concise terms. His argument has clearly prevailed.

I want to express my appreciation to the Senator for this purpose, and to state just incidentally my agreement—I am sure most of us will also agree that the Office of Technology Assessment has an important role. It has been here a quarter century. It was established for a role and it ought to continue. I simply want to make those comments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. Mr. President, let me just indicate what I am doing here.

I am trying to determine whether or not we will go to S. 343, which is regulatory reform, which I had a right to do under the order. That is why I do not want to get bogged down with some other amendment because I need to give an hour or so, or some advance notice to the minority leader, Senator DASCHLE. Then there would be 1 hour of debate and then there would be a vote on cloture on S. 343.

Following that, we would, if cloture is not invoked, either move on to something else, or I assume somehow we get back to this bill, which I thought would take 2 hours. We started at 10 o'clock.

I want to accommodate the Senator if I can. Does he want to speak for 10 minutes or 15 minutes?

Mr. KENNEDY. Less than that. I know the Senator from Utah was addressing this issue as well. I am more than glad to either proceed or wait until after the Senator from Utah, and then at a time that the leader wants to gain control of the floor to make a request, I would withhold.

Mr. DOLE. If I could request that I be recognized at 5 p.m.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, I wanted to speak briefly——

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. But I understood from the Senator from Florida that the Senator from Utah was in the middle of a statement. I will be glad to wait until after he concludes.

Mr. President, I will yield the floor, but before doing so, I ask unanimous consent that when the Senator from Utah concludes, I might be recognized.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BENNETT addressed the Chair.

The PRESIDING OFFICER (Mr. THOMAS). The Senator from Utah.

Mr. BENNETT. Mr. President, I thank the Senator for his courtesy.

It is true I was in the middle of a statement when the regular order intervened and we had the vote. I do not have much more to say, but I was in the middle of making the point that every organization inevitably ends up growing more than it really needs to. There is an inertia—it is almost organic—in organizations that says we start this, which is a good thing, and it grows a little, and then we start another, which is a good thing, and it grows a little. And just like a plant, organizations need to be pruned back every once in a while. I have done it in my business. I know there are others here who have business experiences who have had to do this.

As we address this OTA circumstance, it is my feeling that this is what we have here. OTA in my belief has been a good agency. It has done good work. I hear the Senators talk about its work, and I agree. If you look at just the OTA, you would come to the conclusion that it deserves to remain.

At the same time, Mr. President, that OTA was doing its work, the Library of Congress was building a capacity to deal with technology issues. At the same time, the GAO was looking into many issues that were the same kinds of issues as OTA. And as we looked at this within the committee, I came to the conclusion that we have simply proliferated capacity in this area throughout the Government, that it is time to prune the bush.

Now, I am sorry personally for those who are connected with OTA that they are the ones who have felt the pruning shears and that the function will be transferred, if we continue with the actions recommended by the subcommittee, to other agencies. This is always a wrench for the individuals involved, and they say, with some degree of fairness, "Why me? I have done a good job. I have done what the Congress has asked me to do. I have produced a report that is of sound value. Why are you cutting back on me?"

Those of us who are in this position must look at the entire Government, not just one agency at a time. When we do that, we have to say to those who are feeling the effect of the pruning shears, if it were not you, it would have to be someone else because there is redundancy here.

We have the responsibility in the overall budget circumstance to do as the CEO I was referring to in my beginning remarks, go through and clean out the duplication and sharpen up the organization.

I realize this is not an exact analogy, but nonetheless it illustrates the point. I read a column recently where the columnist was talking about a television station that went off the air because of financial difficulties. They did not want to lose their license, so they said we in fact will keep broadcasting a signal while we work out our financial difficulties. They put on the air the picture of fish, tropical fish, and broadcast that 24 hours a day to keep their place. When they solved their problems financially, and they could go back to regular programming, they took the fish off the air and put on the regular programming. And what happened, Mr. President? They were deluged with phone calls complaining about the fact that they had canceled the fish.

It seems that once something gets started, it develops a constituency regardless of whether or not there are other options.

Now, I am not, as I say, suggesting in any way that the OTA is simply broadcasting of the fish, but they have developed a constituency that is appropriately calling for their preservation in an atmosphere when there are other facilities capable of doing this.

So painful as it is, Mr. President, difficult as it is to explain to the individuals who are doing a good job, I have come to the conclusion that as a total Government we have the capacity elsewhere to do what we have been doing in the OTA. It has become redundant because of what we have funded in the Library of Congress and in the General Accounting Office, and I support the subcommittee's report that says this is the place we shall prune.

I thank the Chair.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I know that there are other Members who want to speak, so I shall not take much time.

Mr. President, I wish to just review for the Senate where we are on this issue of OTA. The issue no longer is the size of the budget. That issue has been basically agreed to. So this is not something that is in addition. This is not something that we are adding. The total amounts in terms of the budget have effectively been agreed to and that really is not before the Senate.

The issue that is before the Senate is whether we are going to retain the capability of OTA to deal with technological issues which can be helpful to the Congress and to the American people generally. That is only the issue.

So we have to evaluate now whether that can be done with the existing agencies, the Congressional Research Service, or other agencies, or whether it is best to try to hold together the capability that has been developed in OTA, to be able to give advice, counsel, and judgment to the Congress on matters of technology that we are going to face in terms of the future.

That is basically the issue. Now, I say to my good friend from Utah, the fact is we have had the expression of the American Academy of Sciences, the Institutes of Medicine, American Academy of Energy, and science advisers to Republican and Democrat Presidents alike. All are in agreement that this function ought to be maintained. They had an opportunity to say no, let us separate out OTA and let it go to CRS or let it go to other agencies; we do not believe that it will really make much difference in the ability of Congress to get this information.

They were asked that very question, and the most important, prestigious institutes that deal with the most complex issues of technology and new technology and advanced technology have recognized and respected OTA for being the center of excellence for technology, to advise us in the Congress and Senate.

So if the issue of the budget is out of the way, we have to ask ourselves what is in the best interests really of the Congress generally, the House and the Senate, and even the executive and the public because these studies are made available to the public, and what is really the best way to do it, because you have to face the fact that we in the Congress are going to be faced with these technology issues into the future of this country—increasing technology, cutting edge technology, technology that is going to be at the heart of the American economy after the turn of the century and in many respects is there even now.

I can see in my own State with biotechnology, telecommunications, fiber optics, the wide range of new kinds of technology. And the question is, how does that impact the lives of the American people? And how will it affect that?

We do have a resource that is special, that has been recognized, not just by Members of Congress, but by the most prestigious, important and significant institutes that are dealing with these issues, that have made their judgment. And so whether it has been in those institutes or whether it is the CEO's of the top companies in this country that are devoting the greatest amount of their own resources in terms of technology that respect this expertise, whether it is the former science advisers under Republicans and Democrats alike, they have all come virtually to this conclusion: It is important to maintain OTA as an institute. Where it is going to sit and within the various framework of existing agencies is a matter of administration. And I think that could be worked out by reasonable individuals in the course of the conference with the House of Representatives.

But what we should not lose is that capability, that capacity, that kind of integrity which has been of value to this Congress on issues involving DNA, on new technologies in education, on the issues of polygraph. Their recommendations that they made to the Congress were later taken and put into law by Senator HATCH and myself. On instance after instance so many areas of important technology, OTA has been there. I have agreed with some of their conclusions, differed with others. I think every Member of the Congress realizes it really represents an extraordinary degree of knowledge and awareness and background and experience and really the best in terms of bringing evaluations of technology. It is an asset that we cannot afford to lose. And I hope very much that the amendment will be accepted.

I strongly support the amendment to maintain the Office of Technology Assessment as a valuable and needed arm of Congress.

OTA was created 23 years ago by the Technology Assessment Act of 1972. In the years since then, OTA has become a world-renowned source of information and analysis on current technology issues. It plays an invaluable role in helping Congress assess and apply scientific and technological advances for the benefit of the American people.

OTA's budget is currently $22 million. Clearly, OTA is prepared to tighten its belt substantially along with the rest of the Federal Government. In fact, under the able leadership of Dr. Roger Herdman, OTA has already taken major cost-cutting measures on its own initiative.

But regrettably, the bill before us proposes to eliminate this needed and unique agency.

Each year, OTA prepares dozens of formal assessments, background papers and case studies on subjects ranging from adolescent health to nuclear disarmament. OTA's well-researched and carefully reasoned reports are must-reading in the committees of Congress that address scientific issues, and in the executive branch and private industry as well.

OTA enjoys the full support of the scientific community. The American Association for the Advancement of Science has called it:

> Unique and highly respected . . . [a] model for legislative bodies around the world . . . Its demise would have serious negative impacts on Congress' ability to do its job well, and on the national interest.

The prospect that OTA might be abolished has also brought expressions of alarm from the National Academy of Sciences, the Institute of Medicine, and the National Academy of Engineering. It would be difficult to find any serious scientific organization that is not deeply concerned about the impact of this proposal on the quality of technology-related legislation.

The chief executive officers of Monsanto, Eastman Kodak, and many other Fortune 500 companies have expressed support for the agency. Science advisers to Republican and Democratic Presidents alike have endorsed OTA's preservation. These are not the reviews one would expect for an irrelevant or superfluous or unneeded organization. The experts outside the beltway know that modest funding for OTA is a wise investment for Congress and an excellent bargain for the Nation.

OTA's large impact on the legislative process is out of proportion to its relatively small size. Let me offer just a few examples:

In the wake of the Oklahoma City bombing, Congress debated a bill promoting technologies to help prevent terrorism and enhancing the ability of law enforcement agencies to apprehend those who commit such crimes. OTA had already laid the groundwork for this discussion. In July 1991 and in January 1992, OTA issued a pair of reports that evaluate technology for bomb detection and target hardening, airline passenger profiling, and other antiterrorism strategies. Not only were these reports helpful to those drafting counterterrorism legislation, but within days of the Oklahoma City bombing, OTA staff conducted indepth briefings on the subjects for Members of Congress and their staffs.

During the floor debate on medical malpractice 2 months ago, OTA's landmark studies on medical negligence and defensive medicine seemed to be in the hands of every Member. Senators KYL, MCCONNELL, and others made much of OTA's conclusion that "the one reform consistently shown to reduce malpractice cost indicators is caps on damages." I was on the other side of that debate, but I had no cause to challenge OTA's credibility or impartiality.

OTA's study in the 1980's on polygraph testing is also a landmark document. It is recognized as the definitive review of scientific research on this topic. The report was used and cited extensively by the Senate Committee on Labor and Human Resources, then chaired by Senator HATCH, during the legislative process that led to enactment of the Employee Polygraph Protection Act. That bill was signed into law by President Reagan in 1988.

OTA has been in the forefront of efforts to evaluate the cost effectiveness of medical technologies. It produced the first report documenting the health and economic benefits of vaccinating the elderly against influenza. Based directly on these findings, Congress included coverage for these vaccinations in Medicare, a step that has prevented thousands of deaths and saved millions of dollars that Medicare would otherwise have spent on hospital costs.

On the other hand, OTA documented in 1989 that cholesterol screening of the elderly would not be cost effective. That report was a major factor in the decision not to cover this screening under Medicare, saving the program substantial amounts.

In the late 1970's research on recombinant DNA was considered potentially dangerous and had aroused widespread public concern. More than a dozen bills had been introduced in Congress to halt genetic research. But OTA's 1981 analysis, "Impacts of Applied Genetics," helped to convince key Members of Congress of the economic potential of this emerging science. Today, biotechnology has expanded the boundaries of medicine, agriculture and commerce. The United States leads the world in this field, and OTA deserves a share of the credit.

In its report, "Building Future Security: Strategies for Restructuring the U.S. Defense Industry," OTA conducted a comprehensive analysis of defense technology and the Nation's industrial base. It proposed a major restructuring of the military industrial complex, in order to maintain defense capabilities during the transition to the post-cold-war economy, while meeting pressing domestic needs. The report has greatly assisted deliberations on this subject in both the legislative and executive branches.

There are many other fields in which OTA's influence has been substantiated. Its work on computer technology in the classroom has helped to shape important legislation on education. Over a period of many years, OTA has been deeply involved in Congress' evaluation of the Clean Air Act. When the *Exxon Valdez* disaster occurred off the coast of Alaska in 1989, OTA's suggestions on maritime precautions were incorporated in the Oil Pollution Act of 1990.

These are just a few examples of timely and incisive OTA reports that have improved the quality of legislation.

Some contend that OTA's work can be handled by other congressional support agencies. I have the utmost respect for the Congressional Research Service and the General Accounting Office, but neither agency is equipped to take on the exceptionally challenging and specialized tasks of OTA. Although CRS and GAO existed 23 years ago, we recognized the need at that time for a smaller but expert agency with the specific mission of advising Congress on science and technology. That need is even greater today. It would be a tragic mistake to drain the reservoir of expertise that OTA has developed over the past 23 years, and try to reinvent it in some other congressional support agency.

Let's be clear. This is not a budgetary issue. The amendment proposes no new expenditure of funds, only that a very small portion of the money already allotted for the support agencies under this bill be used to preserve OTA. The sole question now is structural—whether we should keep OTA's expertise intact and centralized, or whether we should disperse OTA's responsibilities among the other support agencies and suffer the consequences.

One way or another, the work of technology assessment must go forward. It is simply a matter of common sense to keep intact the one agency that already knows how to do this job and meet the needs of Congress in this highly specialized field. Breaking up OTA in the name of streamlining Congress makes no sense.

It should also be emphasized that this amendment involves no cut in funds for the Library of Congress. The concerns of Library supporters have been completely addressed—the Library will not be cut.

In the years ahead, as we move into the 21st century, there will be even greater need to rely on OTA for impartial assessment of technology-related policies. The world of science and its impact on public policy are becoming more complex, not less. Technology is central to every aspect of American life, from biotechnology to law enforcement, from agriculture to education. It would be a serious mistake to limit our ability as a legislature to evaluate and respond to the scientific and technological challenges facing Congress, the Administration, and the Nation.

The Office of Technology Assessment has performed the task we assigned to it superbly. It continues to serve an indispensable role. It should bear its fair share of the current budget crisis—but it should not be abolished.

I urge adoption of the amendment.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I have been listening to my colleague from Massachusetts. As everybody in this body knows, we do not always agree. In fact, there are some that think we disagree quite often.

But I have to say he is right on this issue. I have watched what OTA has done for the whole time I have been in the Congress. And I have to tell you, if you are going to shift that burden to CRS or some other support group, you are going to spend more money than you spend on OTA and you are not going to have the congressional benefits that come to Congress as a whole that you get from OTA. As a matter of fact, we have all kinds of Ph.D.'s at OTA. Over half, 58 percent of OTA staff hold doctorates. And all of the support people that are volunteers from outside are the greatest scientists in the world—at least from this country—who also support OTA. And that is a benefit you cannot quantify because if we had to pay for all that what it is really worth, we could not afford to pay for it.

So there is a lot to this. I do not think we should make the mistake of cutting OTA yet. I am the first to admit that we have to make cutbacks here. I think OTA has to suffer its fair share. So I am not arguing for 100 percent of OTA's budget. I wish we could because I think it is working over the long run, because this is the one arm of Congress that does give us, to the best of their ability, unbiased, scientific and technical expertise that we could not otherwise get where most everybody has confidence in what they do.

Mr. President, I support the amendment offered by Senator HOLLINGS to restore some funding for the Office of Technology Assessment [OTA] during the next fiscal year.

Mr. President, my support for this amendment should not be confused with a failure to recognize the very difficult task the Legislative Branch Subcommittee is faced with this year in making its share of budget reductions. There is no question that Congress must contribute its share to deficit reduction, especially in light of the budget resolution we have just passed. I commend the managers of this bill on what they have been able to bring to the floor.

However, I am concerned about one of the rationales used to justify the elimination of OTA. I do not agree that there is no longer a need for OTA. On the contrary, I believe that Congress' need for technical scientific analysis will increase.

As our economy becomes increasingly complex and technologically oriented, Congress will require, more than ever, an ability to effectively analyze technology in making policy decisions. The question is, Mr. President, can another support agency do the work for which OTA has become recognized? Some of our colleagues believe the answer is a simple yes.

I respectfully disagree.

Fifty-eight percent of OTA's staff hold Ph.D., half of which are in the hard sciences. No other agency can make this claim. Nor can any other agency make the claim that it has the ability to call upon a network of in excess of 5,000 technical experts from all over the country who provide the best information available on science- and technology-related topics. Nor is there the level of scrutiny and review placed upon any other support agency from the time a request is made to the time the product is officially released in final form.

The product expected from OTA and the type of review that this small, specialized agency is mandated to undergo produces what I believe everyone in this body would agree is desirable: thorough, objective, and accurate analysis.

Relying on other, existing agencies to fulfill this mission asks these organizations, whose specialty is a highly specific quick turnaround study, to expand capability to do more comprehensive assessments in areas for which they may not even have in-house expertise.

Let me state this another way: The primary mission of OTA is not to do studies for immediate use by the Congress. OTA's charter is to be more forward-looking, more comprehensive, and more technical.

With fewer than 5 percent of Congress' membership having technical training, we cannot afford not to have this capability. Needless to say, I would not be making this argument if the proposal were for a legal research office.

This brings me to the budget implications of this amendment. And, let me state strongly for the record that I absolutely agree that reductions have to be made everywhere. I do not advocate that OTA be restored to 100 percent of its current level. OTA, like all other federally funded agencies and programs has to absorb its share of the necessary reductions.

My distinguished colleague from South Carolina, Senator HOLLINGS, has done an excellent job in finding the necessary offsets so as not to disrupt the overall budgetary outlays already contained in this bill and in the budget resolution. He has gone the extra mile to make sure that these offsets are germane, that they are fair, that they are cognizant of the concerns that have been expressed by the affected agencies whose budgets will further be reduced by this amendment.

But I have to say, for example, under the House proposal, the Congressional Research Service would be required to provide the entire $15 million outlay for the continuance of OTA's functions, a burden that is understandably quite overwhelming and, quite frankly, unfair to the Library of Congress. CRS's burden under the House proposal takes on added significance when you know time has been taken to ensure that the structural changes required by the provision will maintain the integrity of both support agencies.

In contrast, the Hollings amendment not only maintains OTA's independence, but it does not require any additional budget outlays be taken from the Library of Congress, as stipulated in the chairman's mark. This provision also eliminates the additional need to make the House-required structural adjustments that would create an even greater burden upon the Library of Congress.

Now, we recognize the reality that the structural adjustments will be necessary as overall budget outlays shrink over the next several years. The Hollings amendment stipulates that the Library of Congress undergo an evaluation of how the services of GAO, OTA, GPO, and CRS can be consolidated by the year 2002. This is a responsible approach under the circumstances. That will allow us time to ensure that the services provided by OTA can be most effectively maintained over the long term while recognizing that inevitable structural and budgetary changes will continue to be necessary for the years to come.

All I can say is that, as a conservative who believes that we have to cut back, who believes we need to reach that balanced budget by the year 2002, having served with OTA and understanding the interworkings of OTA and having watched what they have done for all the 19 years I have been in the Congress, I have to say it would be a tragedy for us to cut it out completely. And I do not think you could find any other area of Government that will provide the services that we need that OTA provides. And Heaven knows, in this very complex world, this complex present time, we in Congress have got to have that kind of equity at our beck and call. OTA has provided it for us. And I hope that folks will vote for the Hollings amendment.

Therefore, Mr. President, I commend Senator HOLLINGS for his leadership on this amendment, of which I am pleased to be a cosponsor.

I encourage all of my Senate colleagues to support this important measure.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I served on the Office of Technology Assessment Board from January of 1974 to January 1992. Since it was established, OTA has completed 721 studies to date. During the period I was there, 18 years, I obtained board approval for four studies that addressed Alaska's needs.

For instance, we had one study that addressed our rural village sanitation problem in Alaska. We had another that addressed the technical feasibility of transporting some of our very abundant fresh water from Alaska to California, which had been suggested to alleviate water shortages there. It did not prove to be economically feasible. We had another one concerning the technological considerations of generating power in very remote arctic villages. And another was the review of oil production challenges in an arctic environment.

There were three others that touched my State in that period of time. One addressed the *Exxon Valdez* disaster; one for oil and gas development in deep water, and in arctic waters in particular; and another one, addressing nuclear waste in the former Soviet Union. They were not particularly at my request, but I did support them.

I want the Senate to know that in my time on this board I became convinced that this is a shared staff. And I have often referred here on the floor of the Senate to the benefits derived from this shared staff in the Office of Technology Assessment. Not only do we share staff, but by virtue of the professional staff we have in the Office of Technology Assessment, they attract onto Washington boards and panels the leading experts of our Nation, if not the world, in the development of new technology.

I think that without this OTA, what will happen is—and now I am speaking in my role as the chairman of the Rules Committee—that we will face increasing demands from individual committees for funds to hire people to do the same thing that the OTA does. The only difference is we will have, as we did before OTA, several committees exploring the same subject with people who are not the experts of the country and without the basic experience of the OTA in framing the issues for review by Congress.

As I came over here today, I picked up from the edge of my desk some of the OTA reports that I have reviewed over the years. This is "Critical Connections, Communications for the Future, A Summary," prepared for the Congress in January 1990. It addressed, as my friend from South Carolina mentioned, the frequency spectrum problem. It was this summary that got me thinking about frequency spectrums. And for three Congresses, I asked Congress to change the policy of dealing with the spectrum that the FCC has under its jurisdiction in our airwaves.

They used to have a policy of having a lottery when a block of frequencies from the spectrum was available. It was announced, and people filed an application. It was literally a lottery. There was a drawing. And for $20 you got a slice of the spectrum that could be worth anything from nothing to $1 billion.

I felt that this summary would convince anybody that this system of disposing of a very valuable commodity, if maintained in the future, was wrong. It led to, as the Senator from South Carolina has stated, action finally in 1993 by the Congress. Last year we received $12 billion for the sale of units of the spectrum. We have OTA to thank. At least the people who have paid any attention to what is done with OTA's work understand where the credit belongs.

Here is another one, March 1992, "Global Standards, Building Blocks for the Future." I keep that on my desk and find it interesting.

"Finding a Balance: Computer Software, Intellectual Property and the Challenge of Technological Change."

They have another one that I keep and I think other Senators might be interested in it. It is dated June 1993: "Advanced Network Technology."

They went into another background paper at our request: "Accessibility and Integrity of Network Information Collections." That was later in 1993.

Incidentally, one of OTA's members referred me to this. It was a cover story of the fall issue of Up Link. Anyone who wants to catch up with what we are talking about should read "Digitally Speaking," a very interesting article.

All I am telling you is, Mr. President, and Members of the Senate, that this entity has led us to become aware of and become interested in and to try to utilize developing technology to meet the needs of the United States. I know of no other way we can get that except through shared staff.

The House has access to OTA. The Senate has access to it. We have equal representation on this body, Republicans and Democrats, and we always have, since its inception, without regard to which party controlled the House or the Senate.

Now we face a challenge to the very existence of OTA, and I am compelled to rise and say I think that OTA is a misguided target. I do believe, as the Senator from Utah said, we can make reductions in the expenditures by OTA. We have made a 15-percent reduction in the staffs of every committee in the Senate. There is no reason why we could not make a 15-percent reduction in OTA, and that was the intent.

But now we face a question of obliteration of the OTA. I want to tell the Senate that I believe the studies that I have seen by OTA have been at the request of a Senate committee or a House committee or by individual Senators, but none of them goes through without approval of the OTA board. None of them go through without a majority of the vote of three Members of each party from each House.

This is a very restrained board in terms of committing money of the United States. I have not agreed with some of the studies, and the record will show I voted against some of them. I voted against some of them because I did not think they involved the assessment of technology. They involved trying to pursue the application of technology. But if we keep to the subject and restrict the OTA to what it was intended to do, it is one of the most valuable entities I have found in the Senate to get access to material that is current about technology.

We are entering an era now of technology expanding at an explosive rate, the likes of which the world has never seen. We are going to see developments—and I saw AMO sitting here a while ago, our good friend Mr. HOUGHTON from the House. Talk to him sometime about fiber optics and how it came about that we have that concept now in the world.

We are looking at technology. We are at the edge of a precipice, Mr. President. The precipice is one that we can fall down into a chasm or we can analyze the way to get across that chasm into a future that is so bright you can hardly imagine it.

I was talking to some of my interns today, and they asked me about what we are going to do in my State when the oil runs out, what happens to our State, supported primarily by oil revenues. I remarked to them about Mr. HOUGHTON's company. Who would have thought in the days gone by we would take grains of sand from a beach and turn it into the most capable means of conveyance of communications known to man.

When it comes down to it, we have used technology in this country to stay ahead militarily, to stay ahead economically, to meet the needs of our people, and yet here we are about ready to do away with the one entity in the Congress that tries to collate and analyze and deliver to Members of Congress credible, timely reports on the development of technology.

I believe, more than most people realize, that we are changing the course of history in this Congress, but this is not one of the hallmarks of that change. This entity ought to be out in the forefront of that change, and it will not be unless it is properly funded and maintained. I support this amendment.

Mr. MACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. Mr. President, I ask unanimous consent that the recognition of Senator DOLE at 5 p.m. be postponed for 15 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I rise in support of retaining the Office of Technology Assessment. I support the agency and hope that my colleagues will consider it favorably.

OTA is a unique and valuable asset of the Congress. For many years it was also unique to the United States; but within the past few years, it has been used as a model by many democratic nations for establishing their own technology assessment organizations.

OTA is a small agency with 143 permanent employees and an annual budget of $22 million. The agency analyzes science and technology issues in depth for the Congress. It provides Congress with objective, nonpartisan reports and offers options for Members in dealing with related public policy issues. Its studies are initiated by full committees of the Senate and/or House and are approved by the Technology Assessment Board, TAB, which oversees the agency. That Board consists of six Senators and six Representatives, equally divided by party.

OTA is a first rate scientific organization. Its retention has been supported by the National Academy of Sciences, the American Association for the Advancement of Science, the American Physical Society, Dr. Sally Ride, and a host of important companies, such as TRW.

OTA is unique on the Hill because of the bipartisan Technology Assessment Board. No other support agency has such a mechanism to ensure balance between the interests of both Houses and of both parties. This structure is instrumental in keeping the work objective and balanced, as well as acting as a priority-setting mechanism for the work that is conducted, ensuring that it has broad interest. It enables Congress to leverage OTA's limited resources to greatest effect.

OTA works almost entirely on a bipartisan basis, doing major projects requested by both chairmen and ranking minority members. Since 1980, 79 percent of OTA reports have been requested on a bipartisan basis.

OTA is unique to the Hill in that no such bipartisan organization could exist in the executive branch. For many years, the party holding the majority in Congress did not control the White House. That is again the case. Many of us find OTA's independent, bipartisan analysis very helpful under these circumstances; we do not have to rely on the information and analysis supplied by the executive agencies. Furthermore, over the years, OTA has developed an excellent working relationship with executive agencies—based in part on their bipartisanship, in part on their impartiality, and in part on their professionalism. No other congressional entity elicits this type of cooperation from Federal agencies.

I want to illustrate this with an anecdote. A few years ago the National Institute of Justice at the Justice Department was at odds with industry over standards and testing for police body armor, known as bullet-proof vests. They consulted with Republican and Democratic staffs of the Senate Judiciary Committee to try to break the impasse, but the committee realized it was dealing with technical issues beyond its depth. Finally, the NIJ suggested—and the committee readily concurred—that the problem should be turned to OTA. OTA's reputation for impartiality would give it the credibility to solve the problem, which it did.

OTA leverages its core staff by making extensive use of outside advisory groups, workshops, contractors, reviewers, drawn from both Government and the private sector, here and abroad. Unlike many other agencies, the OTA process ensures that OTA gets extensive input from outside the beltway. Every year, over 5,000 experts help us better understand the complex issues that we need to understand to legislate effectively. But unlike some executive agencies or institutes like the National Academy of Science, OTA does not impanel groups that get together to deliver wisdom while the staff merely writes what they say.

In OTA assessments, it is the staff that writes the reports. They listen to advice, get outside review, and eventually pass products through the TAB to certify that they are unbiased. Outside experts and stakeholders do not write the reports. They provide guidance and advice and collective expertise often well beyond OTA's. But OTA staff filters and assimilates this, uses it in conducting analyses, and seeks further review.

OTA's work differs from other congressional support agencies because its work is based only in the science and technology area; the information is not readily available for look-up in the immediate scientific literature; it is not an audit of a current issue or a project of costs. The indepth process and review of the issues is unique only to OTA, and the scientific and technological expertise of OTA's staff facilitates this approach. With the budget reductions other congressional support agencies are making, it is unrealistic to assume they could pick up OTA's work.

I come from a region that understands that high technology is the area of the future that will provide us the jobs and information that we need. That is what OTA is all about. It does not get information from here. It goes all the way across the Nation to my State to help establish the policies and procedures we need in this Senate. It has been highly reliable, and I think it would be a grave mistake for this Congress to lose it.

I did hear one of my colleagues say that we need to consolidate. Who would not agree in this time of budget cuts? But I remind my colleagues that in the Hollings amendment he requires the Librarian of Congress to report to Congress within 120 days on how they could consolidate the OTA, GPO, and GAO. I think that amendment looks to their recommendations, which I think is reliable. We need the agencies to tell us how they can be efficient and reach those goals. I remind my colleagues, also, that I have heard some say, "If we cannot cut here, where can we cut?"

This bill in front of us cuts $200 million. It shows where effectively we can cut. I remind everyone that OTA is cut by 25 percent in this amendment. This is a very important agency to me. I hope we do not lose it this year, because I think we will see what the future brings us, and that technology and science is even more critical in the years to come.

Mr. MACK. How much time do we have remaining?

The PRESIDING OFFICER. I believe until 5:15, which is approximately 10 or 11 minutes.

Mr. MACK. I ask the Senator from South Carolina how much additional time he would need?

Mr. HOLLINGS. As the distinguished Senator from Florida knows, I do not need very much time. I am trying to respond to a request that we have on this side to vote around 5:45. Is that agreeable?

Mr. MACK. I must say to the Senator that I was under the impression that he and I would be the last to speak on this issue, and I had asked for a delay of recognition of Senator DOLE until 5:15, with the intention of having a vote at 5:15. I understand that it would be the intention of the Senator to delay his vote until 5:45.

Mr. HOLLINGS. I have a request on this side by the leader here.

Mr. MACK. Then at this point, I will suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MACK. Mr. President, this debate has gone on for some time now with respect to OTA. I will attempt to make my comments brief. While it was mentioned a moment ago that OTA is unique to the Hill, or to the Senate, it is not unique, though, in what has happened to it.

The Office of Technology Assessment was begun, I believe, in 1972. The idea was that it would be a small cadre of individuals, to make some decisions, would gather information together as to what scientific and technical data is available and provide that to Members of the Congress.

We now have an Office of Technology Assessment that has 203 people, with an expenditure of over $23 million annually. Again, those folks have said that we need a counterbalance to the administration. Well, it is interesting that the administration has something like just under $5 million in its budget for its science advisor, with 39 people.

Another point I will make is that I was called by a number of people asking me to reconsider the proposal to eliminate the Office of Technology Assessment. One of those individuals that called me said, "Frankly, after I found out what was going on at OTA, I thought it was a small cadre of individuals, a small tight-knit group that would get this information out to Members of the Congress, and I found they had $23 million for their budget." He said, "That should not be."

There is a sense that if we eliminate OTA, somehow science and technology in America will come to a crashing halt. Again, earlier today we heard about the significance of a grain of sand, if you will. A grain of sand has turned out to be a very significant item on this planet, which is, in essence, responsible for the computer. Is it not interesting that the computers we deal with today, somehow or another, magically occurred without the Office of Technology Assessment in the Congress of the United States?

During our committee hearings, we had testimony and review of a number of documents. Again, this is the Office of Technology Assessment. Here is a report entitled "Understanding Estimates of National Health Expenditures Under Health Reform."

I make the claim that, frankly, that has very little to do with the Office of Technology Assessment.

There is study after study where there is duplication, where we basically—when I say duplication, I mean duplication in the sense of the outside, where we can turn to America and ask them for information that is available. We do not need to spend $23 million in a year in order to bring that about.

Another point: I think that probably one of the most significant scientific debates or debates about technology that we have had in the Congress in years is the issue of the super collider. Interestingly enough, there was no report from OTA on the super collider, again, one of the most significant new technologies that the Congress was considering.

There are those who say that now that we have the budget battle out of the way, this is really not an issue about whether we will cut $200 million; it is a question of where.

Mr. President, I refer to a chart behind me showing the history of GAO's full-time equivalent. We began the process in 1993 to reduce the staff and the size of GAO. It has gone from 5,150 down to 3,865 as proposed under this bill. It is going to go further as a result of what we do in 1997, and what is proposed in this bill as well. This amendment says we ought to go further.

Chuck Bowsher, the Comptroller General of the United States, was not happy to learn that over a 2-year period we would reduce his budget by 25 percent, but he worked with us. We asked him the best way to go about it, and we worked out a plan. We will cut $68 million from GAO this year. Now, with this amendment, GAO will be asked to cut an additional $7 million out of their budget.

This is the wrong way to do it. Mr. President, I urge my colleagues to vote against this amendment. This is only the beginning of the debate. Imagine, here it is, the first appropriations bill, we have suggested eliminating the OTA, an agency, in essence, which we believe is not necessary because we believe we can get the information from a whole series of sources. And we are hearing stories here on the floor of the Senate that basically say if we eliminate OTA, we will end the technology revolution in America. Mr. President, that is impossible because the technology revolution in America is driven in the private sector, not in Government. I yield the floor.

Mr. HOLLINGS. Mr. President, I understand we are trying to terminate debate on this particular amendment and then the leader wishes a vote on another matter.

Let me thank Members for the bipartisan support and the experts that we have heard in the debate, especially the distinguished ranking member of our committee, who has studied it closely. We made the cuts. We were using a $22 million figure. The distinguished chairman now of that subcommittee says it is $23 million, so now it amounts to more than a 30-percent cut that we are cutting the Office of Technology Assessment.

When he talks of the number of employees, Mr. President, there are 4,707 employees over there at GAO. I think we perhaps ought to consolidate it a little bit more.

These arguments that we have heard out of the whole cloth, never have I heard that the Office of Technology Assessment never studied one of the greatest advancements in science and technology, the super collider. They certainly did not, because they have to be asked by these committees, and the committee chairmen were already in favor of it, and they did not want that study. Now, if we had that studied, and they asked, we would have had it, and we might have done away with the super collider a lot quicker, which perhaps the Senator from Florida and I and the Senator from Nevada and I agree on. It is $36 billion in research and studies and development over in the Pentagon—billions. The distinguished Senator from Nevada says we have to economize. But then the Senator from Utah says, "Wait a minute. We have to look at the entire Government."

I do not know how to satisfy these arguments. We have worked to protect the Library of Congress in this amendment and hope that our colleagues will support us.

The PRESIDING OFFICER (Mr. ABRAHAM). Under the previous order, the hour of 5:15 having arrived, it is time to recognize the majority leader.

Mr. MACK. Mr. President, I move to table the Hollings amendment.

Mr. DOLE. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second. The yeas and nays were ordered.

Mr. DOLE. Before we start the vote, I will enter a unanimous-consent request. I am waiting for Senator DASCHLE. In that request will be that, regardless of the outcome of the cloture vote, notwithstanding rule XXII, immediately following the cloture vote, Senator MACK be recognized to move to table the Hollings amendment. He has done that. So the vote will occur on the motion to table the amendment No. 1808.

Mr. DASCHLE. Mr. President, as I understand it, the unanimous-consent agreement just propounded by the majority leader would then require two recorded votes beginning at 6:15.

Mr. DOLE. I did not propound it. I wanted to wait until the Senator was on the floor.

BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

Mr. DOLE. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 1801, in the nature of a substitute.

COMPREHENSIVE REGULATORY REFORM ACT

Mr. DOLE. I exercise my right to call for the regular order, thereby beginning 1 hour of debate prior to a cloture vote on the reg reform bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

A bill (S. 343) to reform the regulatory process, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 1487, in the nature of a substitute.

Ashcroft amendment No. 1786 (to Amendment No. 1487), to provide for the designation of distressed areas within qualifying cities as regulatory relief zones and for the selective waiver of Federal regulations within such zones.

Hutchison/Ashcroft amendment No. 1789 (to Amendment No. 1786), in the nature of a substitute.

Mr. DOLE. I ask unanimous consent that all second-degree amendments under rule XXII must be filed by the time of the cloture vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I further ask unanimous consent that regardless of the outcome of the cloture vote, and notwithstanding rule XXII, immediately following the cloture vote, the motion to table by Senator MACK be voted on, on amendment No. 1808, the legislative appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. I also ask unanimous consent that if cloture is not invoked, the Senate resume the legislative appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT—S. 21

Mr. DOLE. Mr. President, I think we have an agreement on Bosnia.

Let me indicate, as I said last night, I did have a phone visit with the President of the United States, and obviously I want to cooperate with the President. I think we now have an agreement that does that. I thank the Democratic leader.

I ask unanimous consent that S. 21 be temporarily laid aside; that on Tuesday, July 25, the majority leader, after notification of the minority leader, may resume consideration of S. 21, the

Bosnia Self-Defense Act, and the following amendments be the only first-degree amendments in order to the Dole substitute, and they be subject to relevant second degrees, following a failed motion to table: There be a Nunn amendment, relevant; Nunn amendment, U.S. participation; Nunn amendment, multilateral embargo; Nunn amendment, relevant. Two Nunn relevant amendments. Four amendments by the distinguished Democratic leader or his designee, relevant amendments; a Byrd amendment, relevant; Kerry of Massachusetts amendment, relevant.

I further ask unanimous consent that, following the disposition of the above-listed amendments, the Senate proceed to vote on the Dole substitute, as amended, if amended, to be followed by third reading, and there be 4 hours of debate equally divided between Senator DOLE and Senator NUNN, and then final passage of S. 21 as amended, if amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOLE. So, Mr. President, now we have the 1-hour debate before the cloture vote. Senator JOHNSTON is here, Senator ROTH is here, and there will be a cloture vote and then we will be back on the legislative appropriations bill. Hopefully we can finish that tonight.

Then, we will have the debate, hopefully, on the rescissions bill tonight. I will be talking with the Democratic leader about that.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I think the two unanimous-consent agreements are ones we feel very, very encouraged by. I think there is little likelihood that all of the amendments that were listed in the unanimous-consent agreement dealing with Bosnia will be utilized, but I think it does allow for whatever extenuating circumstances may occur as a result of the ongoing meetings. But I certainly appreciate the cooperation and the sensitivity demonstrated by the majority leader on this issue. I hope at some point next week we can finalize our work on this resolution, however it may turn out. So tonight, I hope we can have a good debate on the cloture motion and also complete our work on the rescissions bill so we leave nothing other than the votes tomorrow morning on the rescissions package.

There is a good deal of work we can do tonight. I hope Members are all aware that there will be additional votes, at least two additional votes tonight and perhaps more, subject to whatever else may be brought up as a result of legislative appropriations.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

Mr. BROWN. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business before the Senate is S. 343, the regulatory reform bill.

Mr. BROWN. Mr. President, I call up my amendment 1550.

The PRESIDING OFFICER. The Dole substitute is not open to amendment at this time.

Mr. JOHNSTON. Mr. President, parliamentary inquiry: Who is it that controls the time?

The PRESIDING OFFICER. At this point, the time is controlled by the two leaders or their designees.

Mr. DOLE. Mr. President, I designate Senator HATCH.

Mr. DASCHLE. I designate Senator GLENN.

The PRESIDING OFFICER. Who yields time?

Mr BROWN addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, what is the pending business of the Senate?

The PRESIDING OFFICER. The Hutchison amendment No. 1789.

Mr. BROWN. Mr. President, I ask unanimous consent to set aside that amendment so I may offer my amendment No. 1550.

The PRESIDING OFFICER. Is there objection?

Mr. JOHNSTON. Mr. President, I hate to object, but I think we have the 1-hour debate before the cloture vote.

Mr. BROWN. Let me assure the Senator. My hope is this could be unanimously accepted but I would be happy to agree to a 5-minute time limit. Let me explain very quickly.

Mr. JOHNSTON. Mr. President, if one of the Senators can see if we can clear it, then we might not have any debate.

Mr. BROWN. I thank the Senator.

Mr. JOHNSTON. Mr. President, I wonder if the Senator will yield me 10 minutes?

Mr. HATCH. Could the Senator take 5 now and if he needs more I will be happy to?

Mr. JOHNSTON. Fine.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. JOHNSTON. Mr. President, it is like that tennis match I saw the other night, where the games were even and they were in the tie breaker. It is 6-all, in the tie breaker, and there is 1 point that is going to make the difference. And it is this vote. The question is, Does regulatory reform survive or not? Mr. President, it will survive if this cloture vote is granted.

We have been told that there is ongoing negotiation. I can tell you, there are at least three points which are not solvable, and upon which negotiation is not getting closer but is getting further away. Let me explain those three points.

First, can you review existing rules? All of those rules out there which have been adopted, some without consideration of science, some without the foggiest notion as to what they would cost, some defying logic, some being adopted in opposition to what their own scientists have said—can you review those existing rules?

In the Dole-Johnston substitute, you can review those existing rules. In the Glenn substitute, there is no right to review existing rules.

Second, the question of what we call decisional criteria. That is a very minimum, commonsense rule that says in order to have a rule you have to be able to certify that the benefits justify the cost. Mr. President, you would think that would be not only common sense but that would be a rule of logic, a rule of proceeding as to which all Federal bureaucrats would adhere. But there is a gulf between the two sides in this dispute. We have decisional criteria. The Glenn substitutes have what you might call standards for discussion. That is, you can discuss whether or not the benefits justify the cost, but it is not a test and it is not going to be used by anybody in determining the reasonableness or the arbitrariness of that regulation.

Finally, there is a question of whether the court can review the risk assessment, or the cost-benefit ratio for determining whether or not that rule is arbitrary and capricious. I will read the latest draft.

> The adequacy of compliance or failure to comply shall not be grounds for remanding or invalidating a final agency action.
>
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In other words, it does not matter how bad this risk assessment is; it does not matter how central the science is to the question to be done; it does not matter whether it is junk science that uses all scientists on one side of a question; it does not matter how unreasonable, how outrageous the failure is to comply with the risk assessment or cost-benefit analysis—the court may not remand that case to cure that error. That is exactly what we are asked to do.

Mr. President, we are getting nowhere fast. In my view, it is a question of whether you want real regulatory reform or whether you want sham regulatory reform. If you want sham, really if you want business as usual, then vote no on cloture, because that is what you will get and you will be able to go around and say how great these bureaucrats are and what a good job they are doing, because they are going to continue to do exactly what they are doing now.

If cloture is voted, and I hope and trust it will be, there are a lot of amendments we are perfectly willing to consider.

But there has to be an end to this process. We cannot have amendments out of the expanding file where they keep coming and they keep coming.

Mr. President, the things that we have solved here—judicial review, we thought we had solved that; supermandate, we accepted their language; we thought we had solved decisional criteria; we thought we had solved agency overload, had taken Sally Katzen's own concept; we dropped the Tucker Act; we dropped the chevron language; we upped the threshold from $50 million to $100 million; we gave new language on TRI; we are willing to do more; we are willing to discuss the Delaney rule; we did away with Superfund. Mr. President, we have done a lot. I think we have solved all the problems. Sally Katzen gave a list of nine faults with the original Johnston proposal. And I think we have solved all nine of them.

Now we have found that some of our solutions use the words of the opponents—conceding to them. They used those very words against us which they admitted, which they confected. They used those words against us. Mr. President, I do not think it is reasonable.

I hope my colleagues will bring this debate to an end so we can get on with the amendment process, and so we can pass a bill. Otherwise, it is R.I.P. It is so long to risk assessment.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I do not really recognize what has happened here by the description we just heard on the floor. We have been negotiating in good faith. There has been a lot of progress made. We started out with decisional criteria. They wanted a least-cost. We wanted cost-benefit. The compromise was made that we go to greater net benefits.

Some of the departments still have some problems with that. We are working some of those things out. So we have made progress in that area.

Judicial review—it went to the final rule. But one of the real killers in this is the fact that we still have unlimited new petition processes. That is just a way of saying that anybody that has an interest in killing any particular legislation or any particular regulation will have the opportunity by the possibility of not just a few but hundreds and hundreds of potential routes in the petition process by which they can prevent legislation or prevent regulations being written that might benefit all of America. Yet, they can stop it with this particular bill with those petition processes. That is a killer. We made some proposals on that.

It was my understanding, in talking to the majority leader on the floor about an hour and a half ago, that maybe there was some give in that area and perhaps we would be willing to talk about the petition process, which they were not willing to do before.

Another one that is a killer on this is going to require that when an agency reviews the rule that all reasonable alternatives have to be considered. That is an infinite direction. That is a direction to do something that is probably not possible to do, to take all reasonable alternatives. We wanted to do what the distinguished Senator from Louisiana proposed back several days ago, and that was limit that to perhaps just three or four. We were willing to do that. That is fine.

The sunset provision on this, we made progress in that particular area.

On the special interest section, there were proposals made on that that they were willing to discuss. The toxics release inventory, we want to do that.

At each step along the way what has happened is when we have gotten a letter, a proposal that listed the real answers to some questions we had, we have responded. We are in that same position right now. We are responding. A letter will go back which we worked on early today and earlier this afternoon. That letter is going back right now proposing some give and take in these particular areas.

Why we have to go to a cloture vote now I do not know. My own personal bottom line on these things has narrowed down through all of this process over the last 2 weeks to the no new petition process, to limiting the reasonable alternatives to three or four, as was already agreed to, and to striking that section on special interests. That is the one that is a real killer as far as health and safety goes because it leaves the toxics release inventory. It takes it out. It takes out Delaney which needs modification but not just elimination. And food safety, health, things like that go by the board.

So I just disagree strongly that we have not made considerable progress on this bill.

Now let me start with some truths in this debate. We have heard lots of horror stories about bad regulations on the floor from the proponents of S. 343. I do not have to hear those on the floor. I get enough of them when I go back home. Many of the stories brought out on the floor here were just plain false. I gave the rebuttal to some of those things on the floor here where we think they went too far. Some of the ones were completely valid. We have pointed them out on the floor too.

Let me respond to several of the accusations that the Senator from Louisiana has made about the Glenn-Chafee bill.

He says our lookback provisions for review of existing rules has "no teeth." That is wrong. We do have judicial review of the agency requirements to review rules, but we do not let special interests petition to put rules on the list. Instead, we provide a process where interest groups can appeal to Congress to have a rule reviewed. And that makes more sense. It is more fair.

He says our judicial review language allows more avenues into reviewing parts of cost-benefit analysis and risk assessment than the Dole-Johnston bill. I do not feel that is true. In fact, I think it is not true. We state explicitly in our language that "the court shall not review to determine whether the analysis or assessment conformed to the particular requirements" of cost-benefit analysis and risk assessment. We would like them to do the same. I think we are making progress in that area, too.

Senator JOHNSTON wrote a letter to me, Senator BIDEN and Senator BAUCUS in March of this year stating all of his concerns with the Dole bill as it was then. Many of the issues he raised—like too much judicial review and the petition process—are still valid problems in the Dole-Johnston bill. In fact, he stated explicitly in his letter that he did not agree with a petition process for the review of rules. Now he is calling the Glenn-Chafee bill weak for not having such a process.

No. 3, many have accused us of not really being serious about regulatory reform. Let me give you a little background on our good-faith effort to put together a viable regulatory reform package.

The Governmental Affairs Committee reported out a strong regulatory reform bill with full bipartisan support 15 to nothing, coming out of committee with 8 Republicans and 7 Democrats. This bill formed the basis for the Glenn-Chafee substitute. It is a strong, a balanced approach to regulatory reform. It will relieve the regulatory burden on businesses as well as protect the environment, the health, and the safety of the American people.

On the other hand, the Judiciary Committee, on which the Dole-Johnston bill is based, had a very divisive debate on this bill, and they ended up reporting out the bill without amendment.

Before bringing the Dole-Johnston bill to the floor, we sat down with the supporters of S. 343 and had very serious negotiations on two different occasions. We outlined our concerns; we provided written changes to their language. And for the most part our concerns were dismissed out of hand.

Now, after a strong vote on the Glenn-Chafee substitute and two losing cloture votes, they wanted us to come back to the table and negotiate one more time. And we did that yesterday because we want regulatory reform.

I am as dedicated to regulatory reform as anybody in this body. We need it. But we want commonsense reform.

We do not want regulatory rollback that is disguised in the rhetoric of regulatory reform. We cannot tie the agencies up in unneeded bureaucratic steps for a variety of new lawsuits. That is not regulatory reform. That is what this bill does.

We gave Senator HATCH a list of changes that were necessary before we could consider supporting the Dole-Johnston bill. They appear to be moving on a few important issues. Today they are proposing to:

First, change—this was yesterday—change the "least cost" language in decisional criteria and replaced it with "greater net benefits."

Second, modify a few parts of their judicial review language, including getting rid of "interlocutory review," which is encouraging. However, there are still some questions in this area.

Third, they would possibly adopt the sunset language in the Glenn-Chafee bill.

Fourth, they said they would discuss the toxics release inventory.

But these are not definite changes, and, even so, this bill still has significant problems. First, it has six new petition processes. All, except one, are judicially reviewable and must be granted or denied by an agency within a certain period. This is just a formula to tie up the agencies and prevent them from doing their jobs effectively.

They do not change the effective date of this bill. That means that as soon as this bill becomes law everything on that date must immediately comply with the many rigorous requirements of this bill. This captures all the rules that are out there in the pipeline right now, and will send agencies back to square one on some regulations delaying them unnecessarily.

This is a poor use of Government resources.

Third, they still have special interest fixes. They say they are willing to discuss TRI, and we want to talk about that. But making a cloture vote now does not permit that to happen right now. We think these provisions simply do not belong in a regulatory reform bill. The Governmental Affairs Committee and the Judiciary Committee have held no hearings on these issues. In effect, we are taking jurisdiction away from the committees of normal jurisdiction in these areas. These are special interest fixes, clear and simple.

Fourth, they still have major changes to the Administrative Procedure Act, including adding new petitions. These are unnecessary. They will only add to litigation.

Fifth, too many rules are covered, given the Nunn amendment that sweeps in any rule that has a significant impact on small businesses. These are just some of the major issues still outstanding.

Now, we still want to work in good faith with Senator HATCH, Senator DOLE, Senator JOHNSTON, and others, but we do not want medicine that is worse than the disease itself. And we need sensible, balanced, regulatory reform. The bill as it is now would permit any interest group to tie up in legislation anything for an indefinite period of time that they did not want to see go through. That is not reg reform. That is regulatory favoritism for the favored few. I do not see that that does anything for the American people.

Under the Glenn-Chafee bill——

The PRESIDING OFFICER. The 10 minutes have elapsed.

Mr. GLENN. I yield myself another 2 minutes.

What we do in that bill is try to hit a balance. We provide redress for reg reform that has gone too far. We provide review over a period of time for every single law, every single rule and reg that is out there now. At the same time, we do not dump all of the health and safety regulations that have been built up over the last 25 years, just toss them out or have the possibility by the processes we are providing in this law of throwing them out.

That would be a mistake. We do not want to throw out the baby with the bath water. What we set up in our bill, the Glenn-Chafee bill, was an evenhanded approach to this thing. All you can say when you are setting up a bill like the Dole-Johnston bill that provides means by which any interested party can prevent a rule or regulation from going into effect for an indefinite period of time—and that is exactly what this bill does—it cannot be termed anything except regulatory favoritism. That is not in the best interests of the American people.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I yield 3 minutes to the distinguished Senator Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, first I would like to compliment my friend and colleague, Senator HATCH, from Utah and also Senator ROTH, from Delaware, for their patience in working on this bill. I will admit that they have shown greater patience than myself. They have, I think, done an outstanding job in managing this bill. It is a very difficult bill. I also want to compliment the majority leader of the Senate, Mr. DOLE.

I will tell you, we are going to have this third cloture vote, and I think this is the vote. I have heard some of my colleagues say, well, we need to make some more adjustments. We have made I think over 100 adjustments to this bill. I might go through a list, or maybe put a list in the RECORD, of some of the changes we made.

I remember 10 days ago they said we need to increase the threshold from $50 to $100 million. That has been done. We need to eliminate the provisions dealing with Superfund. That has been done. We need to clarify that it does not jeopardize health and safety. We have done that as well. We have had many people mention that it does have a supermandate in it. We said, no, it does not have a supermandate. It does not override the law.

Mr. President, my point is that we have bent over backward to negotiate with our friends and colleagues who have different views, but we have to draw this thing to a closure. We have to have it come to a conclusion. We need to have, unfortunately, cloture. I say unfortunately; I do not like cloture. But if we are going to end this bill, we have to have cloture. We have over 250 amendments filed—250 amendments—many of which are very arbitrary. Some are serious.

I wish to compliment my friend and colleague, Senator JOHNSTON from Louisiana, because he has worked tirelessly to put this package together. Is it perfect? No; but is it a giant step toward reining in unnecessary and overly expensive regulations? Yes; it is. And it needs to pass. The cost of regulations today exceeds $6,000 per family. And that is growing out of control. We need to rein it in. This is the bill to do it.

We cannot do it if we do not get cloture. I do not think we are going to have another cloture vote. I think this is it. If we do not get cloture today, my guess is we are killing this bill for this Congress, and a lot of people have worked too hard for that to happen. For all my colleagues who say they want regulatory reform, if they want it, they need to vote for cloture. We will have the opportunity to make some adjustments to improve the bill if that is necessary.

I urge my colleagues to vote for cloture and let us pass a positive bill that will rein in unnecessary regulations.

Mr. HATCH. Mr. President, I yield 6 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. CHAFEE. Mr. President, I am going to vote for cloture on the next vote, this vote coming up. If regulatory reform means rules that are more cost effective and based on better science and information, then I am for regulatory reform. I continue to believe that the Senate can produce a good regulatory reform bill. So I will vote for debate on this bill to go forward.

Now, I do not think this bill is perfect. There are over 200 amendments pending to this bill. Some of these amendments, if enacted, would roll back the progress that has been made to protect health and the environment over the past 25 years. Every Senator will be reserving judgment on that final vote to see the final package when the day is done. In other words, this is no commitment on my part to vote for the final bill. We will see what it looks like.

If cloture succeeds, I will be working to improve this bill. I have spoken to Senators HATCH and ROTH about provisions that continue to cause me concern, and they have agreed with some of those concerns and promised to work with me on those items.

Let me say I am grateful to the majority leader and to the Senator from Utah Mr. [HATCH] and the Senator from Delaware, Mr. [ROTH] for their willingness to address the concerns that I have expressed. We have put together a package of amendments that will be offered later. They have promised support for those amendments. They will make several changes to this bill that will resolve some of my major concerns.

This package of amendments will strike the provision in the bill that requires agencies to pick the least costly regulatory option. That will no longer be required. They will not be required to pick the least costly option. Instead, they are to select the option that provides the greatest net benefit. Now, this is a very significant change.

This package that we are talking about makes several changes to the judicial review provisions, including deletion of the item that would have required substantial support in the record for all the facts on which the rule is based. That is deleted.

The package also deletes the automatic sunset of existing rules. It scales back the large number of petitions that could be filed under the Administrative Procedure Act. These amendments will definitely improve this bill.

It is time, in my judgment, to complete work on this and move on to other important business in the Senate. We have a lot before us. If we work hard, we can get a good regulatory reform bill.

Mr. President, I will certainly be striving to achieve that.

Mr. COHEN. Will the Senator yield?

Mr. CHAFEE. I would.

Mr. COHEN. I would like to associate myself with the Senator's remarks and indicate that I wish to commend him for the effort he has made to try to persuade our colleagues to move closer to the position of the Senator from Rhode Island and the Senator from Ohio.

Mr. President, I have been engaged in the debate over regulatory reform since February when the Government Affairs Committee held a series of hearing on the issue. I was involved in the negotiations over the bill that emerged from the committee and held a field hearing in April where Mainers had an opportunity to express both support for and opposition to regulatory reform.

I have also carefully watched the debate that has transpired on the Senate floor over the past 2 weeks. Tuesday there was a vigorous debate on the Glenn-Chafee substitute, which, to my disappointment, was narrowly defeated.

I believe that there has been sufficient time for all views to be aired and that extended debate has let to substantive improvements in Dole-Johnson bill. S. 343 has changed a great deal since its introduction. Its supermandate has been significantly modified, its petition process has been narrowed, and the scope of judicial review has been reduced. Due to an amendment on the floor, the threshold for rules to qualify for cost-benefit analysis has been raised from $50 to $100 million, a change that will help agencies target resources at remedying rules that impose the greatest burden on the economy.

Additional negotiations have taken place during this week, since the first cloture petition failed, and some additional concessions have been made to opponents of the bill. I believe that both sides have negotiated in good faith, and I applaud Senators HATCH and others involved in the process for accepting a number of reasonable changes to the underlying bill.

While these changes do not go far enough to ameliorate the concerns I have previously expressed about the bill, there comes a time when the majority must be permitted to impose its will. I believe that time has now come.

I would prefer to see a bill that relied more on Congress to improve the regulatory system than the courts, and I would like to try more incremental reform instead of flooding our agencies with such burdensome analytical requirements that their effectiveness may be hampered.

Yesterday I had occasion to discuss this legislation with Philip Howard, author of the book that has been cited dozens of time during the course of this debate, "The Death of Common Sense." To summarize his views, the man who wrote the book about common sense believes that the bill, in its current form, does not make sense. Its over reliance on litigation and Rube-Goldbergesque petition process will complicate the regulatory process instead of streamlining it. We might well do better to start all over again and try to come up with a bill that is less complicated, but would achieve the goal of meaningful regulatory reform.

Even though I have been unable to convince my colleagues on these issues, I will not stand in the way of permitting an up or down vote on the approach that they support. But if cloture is obtained, I will vote against the bill.

Even if the bill passes the Senate, there remains a long way to go before the bill becomes law. The legislation that passed the House is clearly unacceptable. By voting for cloture today, I am not suggesting that I will vote for cloture on a conference report that contains the same defects as the House bill or exacerbates the weaknesses of the Senate bill.

But the time has come for the process to move forward. I still hold out hope that the bill will continue to be improved and a bipartisan regulatory reform bill will be enacted into law during this session of Congress.

Mr. CHAFEE. Mr. President, I think we share those concerns. We do not have any idea what will emerge from conference, and we are not sure what is going to happen to these amendments that are before us that will be taken up. So my commitment is to vote for cloture. That completes my commitment.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. I yield 7 minutes to the distinguished Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I think most Members of this body want a strong regulatory reform bill. I hope most Members of this body also want to make sure that we preserve important health, safety, and environmental protections. The problem with the current version, the most recent version of the bill before us, is that it fails both tests. The bill before us has such procedural complications, so many grounds for litigation, so many appeals to court, that it will not cure the patient. And this patient is sick. It is going to choke this patient with litigation that for the first time will be permitted on just about every request that is made to an agency. Under this bill, for the first time, if you make a request to an agency for an interpretation of a general statement of policy, then the letter that you get back from the agency—and there are tens of thousands of these letters—is subject to judicial review.

We have not had judicial review of agency letters giving guidance, statements of policy, or interpretations of interpretive rules. For the first time; for the first time.

Probably 90 percent of the paper that comes out of an agency in terms of giving guidance to small business people is going to be subject to litigation. This is not curing the patient, this is killing the patient. This is choking the patient to death instead of giving corrective surgery. Now, that is the current version, the current version of the Dole-Johnston bill.

Now, we understand there are going to be some changes that will be offered in this as a result of negotiations, and that is fine, if, in fact, those changes are agreed to by the Senate, and if there is a chance to debate and review these things to see whether or not, in fact, it has happened. But we have just been informed of this in the last few minutes. In the last few minutes, we are now informed there is going to be a whole bunch of additional changes that are going to be made in the Dole-Johnston bill, and changes are needed.

The problem is, there are a lot of additional changes which are needed, as well. There are amendments at the desk which are relevant, which will be precluded from being offered if cloture is invoked. That is a critical distinction, because cloture will prevent the sponsors of relevant amendments which are not technically germane from offering those amendments. And may I say, that is also going to be true of changes in the proposals which are going to be offered by the Senator from Rhode Island. That language has not been offered yet. Amendments to that language presumably are not going to be in order because that language was not even in the bill at the time the cloture motion was filed.

Yet, if cloture is invoked, amendments which are relevant to the bill which was on file when cloture was filed will be precluded, as well as amendments to these new changes which have been discussed in the last few minutes.

Now, we have made too much progress to legislate this way. We have had negotiations which have been fruitful. We have made progress which I think is reflected by the fact that the Senator from Rhode Island is now saying that many of his concerns have been addressed. That represents progress because many of the Senator's concerns are the same concerns that this Senator has and many other Senators have.

But there are other concerns which we can address if we will continue a process which has made some progress. To suddenly terminate these negotiations by voting cloture and to rule out probably dozens of relevant amendments that many of us have filed in this bill is not the way to address regulatory reform.

Mr. President, whether or not cloture succeeds—and I hope it fails—these negotiations should continue. I think all of us that have been involved in these negotiations, as long and as time consuming as they have been, at times as frustrating as they have been, can honestly say we have made substantial progress. The last thing that we did was to submit a package proposal, and as far as I know, we have not yet received a package response.

But rather than get involved in the debate over what the last item of negotiation was, let me simply say that we have made significant progress during these negotiations and that will be suddenly terminated and upset if cloture is invoked, which prevents relevant amendments from being offered. And amendments to language which has not even yet been seen, but which presumably will be accepted, according to the Senator from Rhode Island, are also going to be precluded, because that language which is going to be presumably accepted was not part of the bill at the time that the cloture motion was filed.

I do not know of anyone who has worked harder for regulatory reform in this body than the Senator from Ohio. As long as I have been here, he has fought for regulatory reform, including cost-benefit analysis, risk assessment, and other changes. The bill which he sponsored, along with the Republican chairman of the Governmental Affairs Committee, got unanimous, bipartisan support in Governmental Affairs. That bill represented significant progress. That bill got 48 votes, basically, in this body a few days ago.

There is, I believe, again, almost a consensus that we must do things differently in the regulatory area. The Senator from Ohio has been a stalwart fighter for regulatory reform. I think it is a mistake to derail the process which we now have, which is to negotiate a strong regulatory reform package, but one that does not choke the patient in the name of reforming regulations. We can have clean air, clean water, a safe environment, and we also can get rid of the abuses of the regulatory process. We cannot have both.

The version that I have last seen, at least—the last version that we have—does not yet achieve those goals. Therefore, I hope that cloture will not be invoked, and that we will then pick up that negotiating process and conclude it. It was moving along quite well until this cloture motion was filed. I am afraid that this cloture motion, instead of advancing the goal which we all share of strong regulatory reform, will derail those negotiations. And that would be too bad.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. Mr. President, I yield to the distinguished Senator from Missouri 2 minutes.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the distinguished manager of this bill. He has done an excellent job with respect to the negotiations. They have been going on since February. We have been working on this bill for over a month. The last package that was presented to us by the other side actually gutted the provisions that small business needs in regulatory flexibility. They took out three other main provisions that small business wants.

As I have said on this floor before, small business has made regulatory reform a top priority. The number three item of the delegates to the White House Conference on Small Business was making regulatory flexibility work for small business. We have just successfully negotiated with the distinguished chairman of the Environment and Public Works Committee, Senator CHAFEE, a commonsense change in regulatory flexibility that harmonizes it with the provisions in cost-benefit. So you have cost-benefit and regulatory flexibility for small business. So they work together.

Mr. President, we have gotten down to what we call in Missouri "Show me time." We have had a lot of talk, a lot of nice words. But the time has come to show me whether you are for small business or against it. Small business and agriculture, working men and women in America today want reasonable, commonsense regulations. We have had good input from both sides in this body. We now have a bill that ought to move forward. We are in a position to do so.

So I urge my colleagues to invoke cloture, to cut off the filibuster. Let us get about the job of reforming regulations and see that we can have the commonsense protections that regulations give us without unnecessary burdens.

I thank my colleague from Utah.

The PRESIDING OFFICER. Who yields time?

Mr. GLENN. Mr. President, I yield 7 minutes to the distinguished Senator from Massachusetts.

The PRESIDING OFFICER (Mr. BENNETT). The Senator from Massachusetts.

Mr. KERRY. Mr. President, I would like to begin by sharing with our colleagues a statement by the Vice President this afternoon:

> This afternoon, the Senate will consider shutting off debate on the Dole regulatory reform bill. I urge Senators to reject the motion and continue debate. The bill sells out to special interests and puts the health and safety of all Americans at risk. It creates more bureaucracy and more loopholes for lawyers and lobbyists to challenge and weaken health and safety standards. In essence, it threatens the progress we have made over the past 25 years to protect us from unsafe drinking water, contaminated meat and dangerous workplaces.
>
> The American people expect and deserve better. The President supports passage of true regulatory reform legislation. However, this bill fails to achieve it. It should be opposed if it cannot be changed, and should it come to the President's desk, he would veto it.

So the choice here, Mr. President, is whether we go through an exercise which will end up in a Presidential veto or whether we recognize what is really the choice here. The Senator from Louisiana suggested the choice is whether you want regulatory reform or not. That is not the choice before the U.S. Senate.

The choice is whether you want to have a bill that, in the guise of regulatory reform, tears at the capacity of the regulatory process to work and undoes years of progress with respect to the health and safety and environment on behalf of special interests, or whether you want to continue to negotiate in an effort to come up with a bill that is fair and reasonable.

Let me answer the questions of the Senator from Louisiana himself. He suggested to the Senate the question, can you review existing rules, and said, under Dole-Johnston, you can, but under Glenn you cannot. That is not true. That is just not true.

Under the Glenn bill, you have the ability to get on to the schedule through the agency, and even if the agency turns you down you have the ability to have judicial review, and if judicial review turns you down, you have the ability to come before the U.S. Congress and have the Congress put you on the list. That is review: Congressional review, judicial review, and agency review.

The Senator suggested that on decisional criteria, there is somehow a gulf between both sides. He said that in Dole-Johnston there is decisional criteria, but in Glenn-Chafee there is not. But the truth is, we have come to a point of compromise on decisional criteria, and we have given by accepting something that is not even in the Glenn-Chafee bill. We put into our compromise an acceptance of the concept of decisional criteria so that you will, for the first time, have risk assessment and cost evaluation. That is a giving by both sides, which is reflective of what the compromise process ought to be.

The last question the Senator asked was whether or not you can review in the end. He suggested that somehow we are trying to set up a process that will preclude review of the cost evaluation or the risk assessment. I say to my friend, that is not accurate. We are prepared to accept, and have accepted, the concept of cost analysis review taken into the whole record and judged for arbitrariness and capriciousness, and we have accepted the notion of risk assessment being reviewed as part of the whole record and taken into consideration for arbitrariness and capriciousness.

What we disagree on to this day is whether or not the language set out in the Dole-Johnston bill sufficiently precludes the procedural aspects from being thrown into the mix in a way that increases more regulatory process.

Mr. President, I have shown this before. I show it again because it is not heard. If Philip Howard's book about the death of commonsense suggested that the current regulatory process represents that death, this bill is the funeral, not just for commonsense but for the progress we have made on the health and safety and the environment, because it creates 88 different standards, formal standards, which will become part of the record which will then be subject to the review that the Senator will not assist us in guaranteeing will draw the distinction between procedure and the overall record.

I respectfully say to my colleagues, this is not a vote about whether you want regulatory reform or not. It is a vote about whether or not we are going to continue to put this bill in a position to become a sensible bill that represents the resurrection of commonsense as opposed to its death.

This bill, in its current form, has more petition processes than any agency could conceivably live under. If you are in favor of streamlining Government, if you are in favor of reducing bureaucracy, if you are in favor of taking the maddening chase of Washington out of the process, then you should not vote for cloture, because the fact is that this bill has such a tier of petitioning processes with so many requirements for evaluation, with so many time periods of a fixed certain time that you are going to have this bureaucracy tangled up on top of each other without the ability to serve the American people, which is their purpose.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. KERRY. Mr. President, I hope our colleagues will allow us to try to continue and to negotiate a reasonable bill.

Mr. HATCH. I yield 2 minutes to the distinguished Senator from Vermont.

Mr. JEFFORDS. Mr. President, I rise to say that I am pleased we are making, I think, constructive progress on this bill. I have watched the bill as it has progressed, and I have not supported cloture up to this point, because I felt it was necessary to keep pressure on to make sure that constructive progress was made.

I have seen things with respect to cost benefit, to net benefit and matters of change relative to judicial review and substantial other improvements. There are also other amendments pending which I believe can improve this bill. Whether they will improve this bill to the point that I could vote for it, I am not at all sure. But I will watch the progress as we go along.

The filibuster should not be used purely to prevent passage of bills, but it should be used in a meaningful way to ensure that an opportunity is made for constructive change and constructive passage of a piece of legislation.

So although I have not supported cloture in the past, it is my view that it is time to allow us to continue, recognizing that by granting cloture does not mean the debate closes, but rather that we will have amendments which are already filed and are relevant to be taken up.

So I look forward to seeing what kind of progress we have made, what the bill looks like and, therefore, it is my intention to vote for cloture this time, whereas I have withheld my vote in the past two attempts.

Mr. HATCH. I thank the Senator from Vermont. I yield 3 minutes to the distinguished Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I rise to urge my colleagues to come together to support the ongoing effort to reform the regulatory process. We want to make regulations both more efficient and more effective. We want to protect health, safety, and the environment in a more effective way, and we want to reduce the cumulative regulatory burden that impacts on all of us as consumers, wage earners and taxpayers.

This is a call for progress, not retreat. Since the beginning of this session, I have stated repeatedly that regulatory reform should be a bipartisan issue and virtually everyone who has examined the regulatory process, regardless of their political bent, has concluded that it needs to be reformed.

Let me just take a moment to share some revealing statements.

President Clinton, in the preamble to Executive Order 12866 on regulatory planning and review, stated:

> The American people deserve a regulatory system that works for them, not against them: a regulatory system that protects and improves their health, safety, environment, and well-being and improves the performance of the economy without imposing unacceptable or unreasonable costs on society; regulatory policies that recognize that the private sector and private markets are the best engine for economic growth; regulatory approaches that respect the role of State, local, and tribal governments; and regulations that are effective, consistent, sensible, and understandable.

The Executive order then concludes that "We do not have such a regulatory system today."

In a seminal report, "Risk and the Environment," a bipartisan, blue ribbon panel of the Carnegie Commission has emphasized:

> The economic burden of regulation is so great, and the time and money available to address the many genuine environmental and health threats so limited, that hard resource allocation choices are imperative.

Justice Stephen Breyer, who was nominated to the Supreme Court by President Clinton, has testified:

> Our regulatory system badly prioritizes the health and environmental risks we face.

Paul Portney, vice president of Resources for the Future, has observed that "Much good can come from a careful rethinking of the way we assess risks to health and the environment and the role we accord to economic costs in setting regulatory goals."

All of these quotes show quite clearly that there is a very real and pressing problem with Federal regulation. This is not about rolling back environmental, health, and safety standards. This is about reforming the regulatory process so we can achieve more good with our limited resources. This is not a one-party issue.

Mr. President, let me point out that today, the managers of S. 343, again, have agreed to many changes to accommodate the concerns of our colleagues. I doubt that our distinguished

Vice President has had the opportunity to review these changes. But I hope he will, because I think if he did, he would see that this legislation that we are proposing today means real reform to a system that is badly out of kilter.

Let me point out that we have agreed, for example, to add new language to make perfectly clear that S. 343 does not contain a supermandate. We have also agreed to amend the cost-benefit decisional criteria of section 624 to replace the least-cost test with a greater net benefits test. Moreover, we have agreed to streamline the petition provision to section 553; to delete interlocutory appeals; to replace the automatic sunset in section 623 with a provision in the Glenn-Chafee substitute providing for a rulemaking to repeal a rule; and to delete the requirement that a rule have substantial support in the rulemaking files.

Mr. President, these changes show clearly that we are acting in good faith to meet the concerns of our colleagues who want regulatory reform. I now call upon those who want to help this effort to step forward and support cloture. We must reform the regulatory process in a meaningful way, and the Dole-Johnston compromise would provide the reform we need. It would be a terrible waste to destroy this unique opportunity to reform the regulatory process.

Mr. President, I yield back the remainder of my time.

CLEAN WATER ACT PENALTIES

Mr. PRESSLER. Mr. President, it is my intent to offer an amendment to lift the unfair burden of excessive regulatory penalties from the backs of local governments that are working in good faith to comply with the Clean Water Act.

Mr. President, the goal of the underlying legislation is to bring common sense to the regulatory process. That is the goal of my amendment.

Under current law, civil penalties begin to accumulate the moment a local government violates the Clean Water Act. Once this happens, the law requires that the local government present a municipal compliance plan for approval by the Administrator of the Environmental Protection Agency [EPA], or the Secretary of the Army in cases of section 404 violations. However, even after a compliance plan has been approved, penalties continue to accumulate. In effect, existing law gives the EPA the authority to continue punishing local governments while they are trying to comply with the law.

When I talk with South Dakotans, few topics raise their blood pressure faster than their frustrating dealings with the Federal bureaucracy. Government is supposed to work for us, not against us. Mr. President, this is clearly a case where the Government is working against cities and towns that are trying to comply in good faith with the Clean Water Act.

In South Dakota, the city of Watertown's innovative/alternative technology wastewater treatment facility was built as a joint partnership with the EPA, the city, and the State of South Dakota in 1982. The plant was constructed with the understanding that the EPA would provide assistance in the event the new technology failed. The facility was modified and rebuilt in 1991 when it was unable to comply with Clean Water Act discharge requirements. Unfortunately, the newly reconstructed plant still was found to violate Federal regulations. The city now faces a possible lawsuit by the Federal Government and is incurring fines of up to $25,000 per day.

The city of Watertown has entered into a municipal compliance plan with the EPA. Under the agreed plan, Watertown should achieve compliance by December 1996. However, that plan does not address the issue of the civil and administrative penalties that continue to accumulate against the city.

Under the law, Watertown could accumulate an additional $14 million in penalties before the treatment facility is able to comply with the Clean Water Act requirements.

Mr. President, I do not know of any cities in South Dakota that can afford those kinds of penalties.

My amendment would offer relief to cities like Watertown. Under my amendment, local governments would stop accumulating civil and administrative penalties once a municipal compliance plan has been negotiated and the locality is acting in good faith to carry out the plan. Further, my amendment would act as an incentive to encourage governments to move quickly to achieve compliance with the Clean Water Act.

This amendment simply is designed to address an issue of fairness. Local governments must operate with a limited pool of resources. Localities should not have to devote their tax revenue both to penalties and programs designed to comply with the law. It defies common sense for the EPA to be punishing a local government at the same time it is working in good faith to comply with the law. My amendment restores common sense and fairness to local governments. By discontinuing burdensome penalties, local governments can better concentrate their resources to meet the intent of the law in protecting our water resources from pollution.

Mr. President, I see the distinguished chairman of the Environment and Public Works Committee on the floor. I know my colleague is aware of my amendment, and that it would affect the Environmental Protection Agency, which is within the jurisdiction of his committee.

Mr. CHAFEE. I thank the Senator from South Dakota. The Senator raises some understandable concerns regarding the imposition of civil and administrative penalties on municipalities working to comply with the Clean Water Act.

As my colleague knows, my committee will soon begin consideration of the reauthorization of the Clean Water Act. I believe the Senator's proposed amendment is worth considering as part of the Clean Water Act. In fact, in August, I intend to hold a hearing to discuss changes to the Clean Water Act.

Rather than offer the amendment to the pending legislation, I invite the Senator from South Dakota to testify at this hearing on the very issue addressed in his amendment. Further, the Senator from South Dakota has my assurance that the Environment and Public Works Committee will give his proposal full consideration during its deliberation of the Clean Water Act.

Would that be satisfactory to the Senator?

Mr. PRESSLER. The suggestions of the Senator from Rhode Island indeed are satisfactory. I look forward to testifying before his committee on the issue of allowing the waiver of civil and administrative penalties for municipalities working toward compliance with the Clean Water Act.

I would like to emphasize that the National League of Cities, the National Association of Counties, and the South Dakota Department of Environment and Natural Resources have expressed strong support for my proposed amendment. In addition, my amendment is supported by the Democratic leader and by the chairman of the Subcommittee on Drinking Water, Fisheries and Wildlife.

My chief concern in seeking to enact this measure is to prevent Watertown, SD, from being forced to pay penalties that are accumulating while the city is devoting its limited resources to compliance with the law.

Mr. CHAFEE. I understand the distinguished Senator's concerns. I recognize that his measure already has bipartisan support and the backing of a number of local government organizations. I also recognize the strong desire of the Senator from South Dakota to assist the people of Watertown. For those reasons, I intend to work with my friend from South Dakota and give his proposal full consideration in my committee.

Mr. PRESSLER. I thank my friend from Rhode Island for his willingness to consider this important measure. I look forward to working with him to ensure that local governments are treated fairly under the Clean Water Act.

Mr. HATCH. I yield to the distinguished Senator from New Mexico.

Mr. DOMENICI. Mr. President, within the last 48 hours, I heard a story I want to share with the Senate. Two businessmen, who, 15 years ago, were working people, got into a business. They worked hard. The banks lent them some money. In both cases, they are very wealthy today, and they have families. They struggled through 15 to 18 years of hard work in businesses.

One of the most deplorable statements I have ever heard is that these two men have both said openly and publicly, "I do not want my sons to go into business. Business is not worth it anymore." That is what we are talking about here. They did not say that because business was too hard for them, but because Government had made it too hard for them, and it did not justify their hard work and dedication sufficiently for them to want their sons to join and go into the private sector as young businessmen and struggle in the American regulatory environment of today.

That is what this evening is about. We are choking that kind of enthusiasm. And I can tell you—I do not know if it is widespread, but I am frightened to hear it. If it becomes widespread in America, it will choke what America needs most—risk-takers, small business people who are thrilled enough about it, that they would love to have their kids join them and go into business.

So if we wonder who we are working for—the Vice President's letter says "special interests." Whenever there is nothing else to talk about, the Vice President or somebody in the White House says, "special interests." Our special interest is the small business men and women in America, who create the jobs, create the wealth. They cannot stand it anymore. How much longer do we have to stay on the floor before we send them a little hope that what we are doing is not going to continue as it has been? You know, I do not think they would believe us anyway. The more they watch what is going on here on the floor, I am confident that if any of them did, they are even more sure that we do not know whether we are ever going to help them or how we are going to help them.

SMALL BUSINESS ADVOCACY AMENDMENT

Mr. DOMENICI. Mr. President. I am pleased the Senate has accepted my small business advocacy amendment to the regulatory reform bill. Several issues have been raised relative to this amendment that I believe warrant clarification.

First, a concern has been raised about the issue of timing; that small businesses will have input into the regulatory process prior to a notice of proposed rulemaking is issued and that other affected interests do not have this special treatment. In response to this concern, let me quote several findings from the July 1994 "Small Business Forum on Regulatory Reform—Findings and Recommendations of the Industry Working Group:"

> The work groups clearly felt that early communication and input from small business owners and other stakeholders would be key ingredients in the achievement of the dual objectives of participation and partnership. . . . Many agencies track in-house, by computer, the progress of all proposed regulations which have reached the drafting stage. Each agency presently prepares and submits to OIRA a regulatory agenda every six months which includes all regulations proposed by the agency.
>
> Much discussion and deliberation took place in the work groups regarding the earliest date at which input should or could be solicited from stakeholders affected by a proposed regulation. At any given moment in time, there may be hundreds of ideas and concepts afloat in an agency. To solicit input at the very inception of the idea would impose too much of a burden upon the agency and the small business community. Often one, two or even more years pass while a regulation is in the development stage, supporting information is being gathered and analyses are being made. At the same time, waiting until a regulation has been drafted, and a notice of proposed rulemaking [NPRM] has been published in the Federal Register, may result in the loss of the opportunity for stakeholders to provide meaningful input early enough in the process.

Let me emphasize, the working groups—which included participants from the Environmental Protection Agency and the Department of Labor—met in multiple sessions over a 3 month period of time. A total of 70 Government representatives participated in the work sessions. The report stated that although the interagency groups worked independently, their reports reached similar conclusions:

> Their similarity suggests that the problems facing both small business owners and the agencies in the regulatory process may be universal, extending across industry and agency lines. The groups all agreed that a comprehensive, multi-agency strategy, with improved public involvement, is likely to be the most cost-effective way to improve the quality of regulations and to enhance regulatory compliance.

As the working groups noted:

> . . .waiting until a regulation has been drafted, and a notice of proposed rulemaking [NPRM] has been published in the Federal Register, may result in the loss of the opportunity for stakeholders to provide meaningful input early enough in the process.

The working groups explored various ways to address the need for early input, suggesting an Electronic Regulatory Information Center [ERIC] or electronic dockets to advise the most interested parties of forthcoming regulatory initatives. These suggestions have considerable merit, not only for small businesses but for any others who are interested in the impending regulations.

It is absolutely true that the small business advocacy amendment has singled out small businesses as important entities deserving early participation in the regulatory process. I believe the specific requirements for input, as articulated in the amendment, are wholly consistent with existing statutes, various Executive orders, and countless studies and reports that require or recommend small business collaboration in the process. And, as evidenced by the agency working groups in the small business forum on regulatory reform, early participation has a beneficial impact on the relationship of the stakeholders and the Federal Government.

I believe I speak for millions of small business men and women when I say that a "partnership" with their government is what they are after, not the present "adversarial" relationship. Let us not be afraid to change the present system—we know it is not working at its optimum. If we need to change the entire system so other affected members of the public have a means of voicing their particular concerns early in the process, then let us do it. Let us not, however, be fearful that early input or early participation by small businesses is detrimental to the process or gives them an unfair advantage. Early participation is already supported as one of the best ways to address potential problems.

It was my intent, and the intent of those who cosponsored this measure, to provide a much-needed mechanism for two federal agencies to be able to address what they, themselves, have already recognized as a deficiency in the present system: The need for early input for information and discussion purposes to make the process more efficient and effective.

I am pleased that this principle of reaching out to affected citizens is one with which we seem to all agree. I suggest, therefore, that if this mechanism works as we all believe it will, that it may just have a positive impact on the way all regulations are developed in the future, for all of our citizens who wish to make things work more efficiently and effectively. The bottom line is that the regulatory process should be a collaborative effort between the public and the Federal Government.

As important, small businesses should not be seen as autonomous, faceless, inhuman entities trying to skirt the health, safety and well-being of their fellow citizens. These are men and women—and in my State, the majority of new businesses are small businesses, and the majority of those are women-owned businesses—who are trying to make a living, with fairness and good business practices. They may hang out their shingle as a CPA firm, establish a women's magazine for the local community, set up a hardware or supply company, or make salsa to sell at the local museum—they all fit the definition of small businesses. When there is criticism that the workers may be shortchanged in a new regulatory process, I suggest we should consider changing our definition of workers. These men and women are workers, and their voices are as critical to the process as are, for example, the voices of a 20,000-plus member labor union.

The second issue I want to clarify is that a post-regulation survey may be a burden on an agency. I strongly support efforts to reduce the paperwork burden on all Americans, including our federal agencies. Relative to this survey, I cannot believe that agencies are disinterested in how their regulations are working. We, in Congress, certainly receive enough inquiries requesting revisions to various regulations to know that some regulations need changes. And, we certainly know that small businesses find complying with multiple regulations imposes an incredible burden on them because a company of 25 employees must comply with most of the same regulations as a company of 1000 employees: this costs time and money a small company often does not have.

To better understand the impact of a major regulation on small entities, a survey will provide vital information as to how well it is working and whether there are ways to adjust the regulation to meet changing circumstances or needs. Why should such a survey be a burden or incur a frightening scenario to an agency? The agency does not have to be involved with the survey —it will hire a firm to conduct the survey and provide its findings. And, there is nothing in this amendment that mandates a small business must respond to a survey or that the agency must adhere to any of its findings. In fact, from all of the information I have received from the New Mexico Small Business Advocacy Council—which I established 2 years ago—and other small business suggestions, small businesses would love the opportunity to provide an assessment of how a regulation is working, either pro or con.

Mr. President, I and others have been listening to the men and women in our States who have said there is a problem with the regulatory process. In effect they have been telling us in every possible way they can that they need to be a participant in this process; they would like to offer suggestions that will make regulations work better; that they have some common sense suggestions that can make the regulatory process a participatory one. But, there is no mechanism that provides an informal way of getting their message out. Everything is complicated. Everything is rigid. And, nobody cares.

We are offering a possible solution so that the voices of millions of men and women-owned small businesses can be heard. We are offering a mechanism for a question and answer survey to be conducted that may provide some meaningful insights as to how regulations, including, for example, how health and safety standards can be better implemented.

I am proud of this amendment. I do not believe the majority of Americans are fearful of this approach; it is an inventive one that we hope is responsive to legitimate concerns.

I believe the revisions worked out prior to the amendment's acceptance helped clarify its intent. I hope we can wholeheartedly embrace this innovative approach to "hearing" from our American men- and women-owned small businesses. Their voices—their counsel and advice—can help make our regulatory process more responsive and workable. Everyone will benefit.

SOUND SCIENCE AND RISK ASSESSMENT

Mr. DOMENICI. Mr. President, I would like to register a small historical footnote during the debate on the regulatory reform bill. During consideration of the Clean Air Act Amendments in 1990, Senator DOLE and I started to ask questions about how the Environmental Protection Agency did risk assessments and what those risk assessments meant.

We and many of our colleagues were surprised, and somewhat incredulous, as we learned that these risk assessments involved unrealistic assumptions about human exposure and overly conservative assumptions multiplied by other overly conservative assumptions. I still refer with wonderment—and I know Senator DOLE does this as well—at the so-called mythical man standing at the fenceline breathing a pollutant continuously for 70 years, never bothering to leave for work or to raise a family—or even move 20 feet away.

As a result of this inquiry, we established under the Clean Air Act a Commission on Risk Assessment and Management to advise the Congress and the administration on appropriate principles of risk before the residual risk section of the air law takes effect. We also commissioned the National Academy of Sciences to do a report on current risk assessment practices. That report, entitled "Science and Judgment in Risk Assessment," was issued last year, and contained a number of criticisms in the way that the Environmental Protection Agency presently conducts its risk assessments during rule promulgation.

As a result of this activity, I sought and got an amendment during reauthorization of the Safe Drinking Water Act last year that would have required regulations issued under that act to be based on the best available peer-reviewed science. Such good science was clearly needed with regard to the operation of the Safe Drinking Water Act. For example, EPA has consistently proposed a minimum contaminant standard for radon in drinking water which could cost water systems upward of $12 billion in capital cost alone, even though EPA's own Science Advisory Board criticized that standard for not focusing limited resources on more important risks.

My good science amendment was a specific remedy in one law. But I believe that there is an urgent need for realistic and plausible exposure scenarios and sound science in all risk assessments. I am pleased, therefore, that the Dole bill requires that risk assessments be based only on the best available science, a basic requirement which has been sorely needed for far too long.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HATCH. How much time is left?

The PRESIDING OFFICER. The Senator from Utah controls 8 minutes. The Senator from Ohio has 4 minutes.

Mr. JOHNSTON. Will the Senator yield me 2 minutes?

Mr. HATCH. I would like to yield the last 2 minutes to the distinguished Senator from Louisiana, if I can. First, I will yield myself all but the last 2 minutes. I would like to have notice when 6 minutes is used.

I really have to say that I am very upset right now with some of the arguments that I have heard from the other side, because they could not have read this bill, could not understand the concessions that we have made time after time, day after day, meeting after meeting, hour after hour, and make the statements that were made today.

Some on the other side are so worried about subjecting the bureaucracy to too many "hoops," that they forget the American public out there and how many hoops they have to jump through.

Let me tell you, we are being regulated to death in this country. What about the hoops that the American citizens have to jump through because of a bureaucracy inside this beltway that does not consider their needs and enacts silly, stupid, dumb regulations that are wrecking our country. On this bill, we have had it with some in the media, who continue to completely misrepresent, in the most despicable way, what this bill means.

I assure you that we would not have some of these Senators voting for cloture today if they thought for a minute that some of these representations were true. Now, we do not believe that the latest Kerry-Glenn proposals are right. They not only do not address our offers made on Tuesday, which were made to meet both side's concerns, in words that we thought we had agreed on in the meetings; but then their counteroffer significantly expands the areas of disagreement by adding new issues. That is what we have been going through the whole time. We get to where we think we have it, and the next thing you know, 10 more issues are on the table.

Let us worry a little more about the American people. This bill takes care of providing that the best science will be applied, and that the right decisions will be made, and that the bureaucracy will have to be accountable for the first time in the history of this country. This is one of the most important bills in the history of this country because it means getting the status quo, the overwhelming, unthinking bureaucracy, off of our backs and makes them become more responsible to issue good regulations, rather than bad, based upon the best science available.

It gets the American public from underneath the horrendous burden of unnecessary, silly, and dumb regulations. If there is a funeral, to use the metaphor used by one of my colleagues, it is "a funeral for common sense" if we do not pass this bill. If there is a funeral on the other side of that quotation, then it is the celebration of the status quo. I would have to say that most of the opponents of this bill have not even read it. They could not have read it and made some of the comments that they made.

We have tried and we have worked very, very hard to bring people together. We have been criticized—Senator ROTH and I, in particular—we have been criticized by people on both sides of the aisle. Our goal is to bring together the best bill we can, that will stop some of the overregulatory killing that is happening in this country today.

We think we are there. That does not mean if we invoke cloture that we will not continue to work to try and satisfy our sincere colleagues on the other side, not the least of whom is Senator GLENN, who has worked very hard to try and resolve this. I know he is very dedicated, and sincerely so, to resolve these problems. There are a number of others who are as well, and I want to pay tribute to them.

This is a key vote for small business. Every small businessman in the country has to be watching this vote. I have to say even harmonized reg flex has cost-benefit criteria. We have done so much to try and make this bill acceptable to both sides. I think it should be acceptable. We will continue to work, but I think we need to invoke cloture. It seems to me the time is now. We have waited long enough. Frankly, it is time to do this.

The other side is so worried about subjecting the bureaucracy to too many hoops. What about the American public? What about the hoops that the American public has to go through to satisfy the horrendous burden of regulation?

If this is a funeral for common sense and a celebration of the status quo, most of the opponents of this bill have never read it.

We believe that the latest Kerry-Glenn-Levin proposals not only do not address our offer made Tuesday in good faith to meet that side's concerns, but significantly expands the areas of disagreement by adding new issues.

First and foremost, the proposal to strike the decisional criteria section and replace it with a certification process is unsatisfactory. The decisional criteria section is at the heart of Dole-Johnston because it is the mechanism that both sets the standard for cost-benefit analysis and assures that the analysis is done by the agencies. We believed that their side had agreed to the concept of a decisional criteria section, but that the language of the standard needed to be negotiated. Their proposal to strike this section constitutes the most significant area of disagreement.

Other significant areas of disagreement include their proposal to limit the reasonable alternatives that an agency must disclose in a rulemaking to three or four. While the number of options for a particular rulemaking may be small, in certain circumstances it may be greater, and disclosure of all relevant options is necessary for effective public participation in the rulemaking process and for judicial review.

We also object to the elimination of the petition processes. The right of the American people to petition their government is a fundamental constitutional right. We believe that Congress has a duty to assure the efficacy of this right. Consequently, we object to the deletion of these provisions from S. 343. As to eliminating the petition for review of a major rule, we believed that we had already reached an agreement to keep this provision as part of the agency review of rules section and are disappointed and somewhat surprised at your suggestion to eliminate it. As to the section 553(l) petition process for nonmajor rules, the suggestion to strike this subsection will render this longstanding APA petition process virtually useless. This is because the section 553(l), for the first time, establishes an 18-month time limit for agencies to answer the petitions. The lack of a time limit has rendered the present APA petitions moribund.

Other significant areas of disagreement with their most recent proposal includes striking TRI, the Delaney Clause reformation, and the section 707, the consent decree reform provision.

Furthermore, new issues have been raised for the first time which makes closure even more difficult. These include weakening the regulatory flexibility judicial decisional criteria, and, as stated above, the limiting of the reasonable alternative requirement to a few options. The raising of these new issues contravenes our understanding that we had just a limited universe of four items—decisional criteria, judicial review, sunset, and petitions—to negotiate. Obviously, we cannot continue these negotiations forever; we have already in good faith made over 100 significant and technical changes to the bill.

CHANGES WE ARE PROPOSING TO S. 343

First, judicial review. Language is changed in section 625 to clarify that there is no independent review of the procedures of the bill, but that judicial review will be of the rulemaking file as a whole under an "arbitrary and capricious" test.

Second, decisional criteria. Further language is suggested to clarify that there is no supermandate in the decisional criteria section; and adopt the greater-net-benefits test.

Third, section 553(1) petition. Strike language providing for petition of interpretive rules and guidance documents.

Fourth, section 623 petition—agency review. Add requirement that the court, to the extent practicable, shall consolidate petition review in one proceeding.

Fifth, reg flex. Amend section 604, subsection (c) of title 5 to change the standard to one of compliance burdens.

Sixth, substantial support test. Strike substantial support test in section 706.

Seventh, sunset. Adopt language of Glenn-Chafee substitute on sunset.

I ask unanimous consent to have printed in the RECORD a letter and attachment on this subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, July 20, 1995.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, Russell Senate Office Building, Washington, DC.

Hon. WILLIAM V. ROTH, Jr.,
Chairman, Committee on Governmental Affairs, Hart Senate Office Building, Washington, DC.

Hon. J. BENNETT JOHNSTON,
Ranking Member, Committee on Energy and Natural Resources, Hart Senate Office Building, Washington, DC.

DEAR ORRIN, BILL AND BENNETT: We have received your letters dated July 19, and are pleased to see progress on several of the key regulatory reform issues. As you know, however, our July 18 list of major issues was a package, and several of our key issues were not addressed in your letters.

Attached is a list of amendments we need included in our package of amendments. This list represents a revision of our July 19 proposed amendments. The major issues are as follows:

First, we cannot accept a bill that provides new opportunities for litigation, or delays or stops needed health, safety, or environmental protections. We have always opposed the new judicially reviewable petition processes contained in Dole/Johnston, which will result in bureaucratic gridlock and excessive litigation. Glenn/Chafee contains a workable review process. In the interest of compromise, the attached amendments would modify the Glenn/Chafee review process in order to provide for judicial review of the agency schedule and for review of major freestanding risk assessments. Your proposal to accept the Glenn/Chafee action-forcing rulemaking provision, as opposed to an automatic sunset, is an important, positive step.

It does not, however, address our concerns about the new petitions and the review process.

Second, our July 19 offer included cost-benefit analysis, but not a new and inflexible decisional criteria. While your counteroffer proposed a revision to the decisional criteria that we are willing to consider, continuing concern about the effect of decisional criteria recommend that we discuss this issue further before making any final decisions.

Third, with regard to judicial review and unwarranted litigation, we propose a variation on standards for judicial review. The elimination of the interlocutory review language in Dole/Johnston sec. 625(e) is a good step, and we assume this includes the elimination of the Reg Flex interlocutory appeal provisions. Also, the elimination of the "substantial support" language in Dole/Johnston sec. 706(a)(2)(F) is a welcome change.

Fourth, on the subject of special interest issues, while we continue to believe that it should not be included in the legislation, we are certainly willing to discuss the Toxic Release Inventory. We remain equally concerned with the other special provisions we have identified, as well.

Finally, important issues not addressed in your July 19 letters include a limitation on "reasonable alternatives," a future effective date, a limitation on extension of deadlines, the number and scope of rules covered under the law, and revisions to the Regulatory Flexibility Act. The specific language and/or filed amendments for each of these issues is contained in the Attachment.

While we are pleased to see progress on key regulatory reform issues, each of these issues is part of a package. We are not able to accept proceeding with any of these as individual amendments without addressing the package as a whole. We hope you will look closely at this letter and the attached language, and respond to us. Working together in this way, we are confident that we can develop a regulatory reform proposal that can be accepted by the vast majority of our colleagues. We look forward to hearing from you.

Sincerely,

John Glenn,
Carl Levin,
John Kerry.

Specific Language, 7/20 Response to 7/19 Roth/Hatch and Johnston Letters

1. Decisional criteria.

A. Discussion needed on decisional criteria standards and relation to underlying statutes.

B. Limit alternatives agencies must consider to a limited number of alternatives.

C. Strike regulatory flexibility decisional criteria and replace Regulatory Flexibility Act judicial review (Glenn Amendment #1656).

2. Litigation opportunities.

A. Strike petition processes (Levin Amendment #1648):

On page 11, strike lines 5 through 19.

On page 12, strike lines 9 through 12.

On page 59, strike line 10 and all that follows through page 60, line 23.

On page 44, strike line 14 and all that follows through page 46, line 4.

B. Standards for Review:

Offer—revise D/J s. 625(d):

"(d) Standards for Review.—In any proceeding involving judicial review under section 706 or under the statute granting the rulemaking authority, failure to comply with this subchapter or subchapter III may not be considered by the court except for the purpose of determining whether the final agency action is arbitrary and capricious or an abuse of discretion (or unsupported by substantial evidence where that standard is otherwise provided by law)."

Response—substitute the following:

"(d) Standards for Review.—In any proceeding involving judicial review under section 706 or under the statute granting the rulemaking authority, the information contained in any cost-benefit analysis or risk assessment required under subchapter II or III may be considered by the court as part of the administrative record solely for the purpose of determining whether the final agency action is arbitrary, capricious, or an abuse of discretion. The adequacy of compliance or the failure to comply with subchapter II or III shall not be grounds for remanding or invalidating a final agency action, unless the agency entirely failed to perform a required cost benefit analysis or risk assessment."

C. Interlocutory Review:

Offer—strike D/J s. 625(e).

Response—Accept, provided that this includes striking the Nunn/Coverdell Reg Flex interlocutory review provisions.

D. Scope of Review:

Offer—strike D/J s. 706(a)(2)(F) re: "substantial support in the rulemaking file".

Response—Accept.

3. Agency review of rules.

Offer—Replace Dole/Johnston sec. 623(i) with Glenn/Chafee sec. 625(g) language re: agency initiation of rulemaking to repeal a rule.

Response—Judicially reviewable petitions for review are unacceptable. Substitute G/C sec. 625 for D/J sec. 623 with changes as proposed in 7/19 follow-up to the 7/18 "Proposed Package", i.e.:

A. Strike sec. 625(c), and insert in lieu thereof:

"(c) Agency decisions regarding deadlines for review of rules contained in a schedule issued pursuant to subsection (b) shall not be subject (b) shall not be subject to judicial review." [COE95.845—p. 18, 1. 4–10];

B. Strike sec. 625(h)(2) [COE95.845—p. 21, 1. 22–25 as modified];

C. Insert a new subsection at the end of sec. 625:

"(i) For purposes of this section, the term "rule" shall include a risk assessment, not associated with a rule, that has an effect on the United States economy equivalent to that of a major rule." [COE95.845—p. 21].

4. Special interest sections—Strike relevant sections: e.g., Lautenberg #1574 (TRI), Glenn/Levin #1658 (consent decrees), Kennedy #1614 (Delaney), and Kennedy food safety.

5. Other.

A. Provide for a reasonable future effective date of 180 days after enactment (Glenn Amendment #1657).

B. Limit the extension of statutory and judicial deadlines (to allow agencies time to implement new regulatory process requirements) to 2 years (Chafee Amendment #1591).

C. Limit the number of rules covered by the legislation under the Nunn/Coverdell amendment.

Mr. GLENN. I yield such time to the Senator from Michigan as he may need. The Senator from Michigan came here, and his No. 1 item was to see if we could not get into regulatory reform. He was president of the city council in Detroit and had so many programs, and he has been working on it since he has been here.

I yield to him for a parliamentary inquiry.

Mr. LEVIN. I make the parliamentary inquiry, Mr. President, that if cloture were invoked, are amendments which are relevant, according to the unanimous consent, in order or out of order, if, while they are relevant, are not technically germane.

The PRESIDING OFFICER. The relevant standard is considerably broader than the germaneness standard, so they would not be in order.

The PRESIDING OFFICER. The Senator from Ohio has 3 minutes and 16 seconds.

Mr. HATCH. May I make a parliamentary inquiry on my time? Is it not true that both sides can agree post-cloture and add language to the bill?

The PRESIDING OFFICER. Only by unanimous consent.

Mr. GLENN. Mr. President, we all want sensible regulatory reform. I want regulatory reform as badly as anybody here. We have worked on it for years in our committee, the Governmental Affairs Committee, but I want balanced regulatory reform, not regulatory reform slanted so much that anybody that objects to a particular regulation coming out could tie it up in courts in judicial review for almost an unlimited period of time.

We have negotiated in good faith on this, back and forth, and I am sorry we have to go to another cloture vote on this because contrary to what has been said here, we have made a lot of progress. We did not have time enough to go through all of it.

Mr. President, S. 343, the Dole-Johnston bill, does not fix the problem. It was quoted a moment ago that President Clinton said the American people deserve a system that works for them. We do not have such a system today. I submit that S. 343 does not give that balanced system either.

The President has taken initiatives on this and already cut out 1,200 pages of regulation out of 13,000 pages reviewed. So they are working hard at making corrections. We do not need a bill that does nothing but provide regulatory favoritism. That is all we can call this, when they insist on keeping in such things as provisions gutting the toxics release inventory that protects people around plants, and so on. That is just not right that we pass something like that.

We, in good faith, submitted another proposal this afternoon. We gradually, one by one, as proposals have been sent back and forth between the two sides, have worked out a lot of our differences, and this is one of the most complicated bills, one of the most complicated pieces of legislation that we can have, because it refers to so many aspects of law. It affects every man, woman, and child in this country.

In that respect, I ask unanimous consent that the article out of this week's issue of Newsweek called "Of Helmets and Hamburger" be printed in the Record.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

Of Helmets and Hamburger

CONGRESS: DECIDING WHAT YOU EAT AND BREATHE

Soon after Lori Maddy moved into her Sedgwick County, Kans., farmhouse in 1982, she noticed that wind blowing from the direction of the nearby Vulcan Chemicals plant carried a smell like "the inside of an inner tube." So Maddy joined with neighbors to ask Vulcan what, exactly, it was venting. None of your business, Vulcan replied. Then came a 1986 law requiring companies to report—not stop, just report—their toxic releases. Vulcan turned out to be spewing 50 percent of Sedgwick's total emissions, including carcinogens. Spurred by local outrage, Vulcan voluntarily reduced its pollution by 90 percent. "We felt obligated," says plant manager Paul Tobias, "to win back the public's trust."

The Toxics Release Inventory (TRI) seems to be a smart way to reduce pollution, but Congress has put TRI and every other federal health, safety and environment rule in the crosshairs. The House passed a strong regulatory-rollback bill in February. Last week the Senate fought over whether it, too, would (pick one) "wage a full frontal assault on the American people and their environment," as Environmental Protection Agency chief Carol Browner put it, or "take the heavy hand of the federal government out of people's lives," as GOP Sen. Olympia Snowe of Maine said.

Washington is already well down the road to deregulation. Congress is moving to free the states to raise speed limits and eliminate the requirement that motorcyclists wear helmets (table). The U.S. Fish and Wildlife Service wants to exempt small-property owners from the Endangered Species Act so they can build on their land even if that damages the habitat of a rare breed. EPA and the Occupational Safety and Health Administration no longer fine first offenders. But the House's antireg bill, and now the leading Senate version, are much broader, affecting anyone who eats meat, drinks water or breathes:

Meat: Bob Dole, sponsor of the Senate bill, wants to deliver regulatory relief this year. But smack in the middle of the Senate debate came news that five children in Tennessee had gotten *E. coli* poisoning, which comes from contaminated hamburger. Such outbreaks, say consumer groups, will become even more common if Dole gets his way. In its current form, they charge, the Dole bill requires federal agencies to prove by extensive analysis that any proposed rule—including better meat inspection—is the cheapest way to protect the public. Showing that the rule's benefits (avoiding 4,000 deaths, 5 million illnesses and up to $3.7 billion in medical costs a year) are greater than its cost to industry ($245 million a year) wouldn't automatically be good enough. Dole disputes this, but there's no doubt that under his plan industry could sue to overturn the rules on much weaker grounds than current law allows. Dole, says Adam Babich of the Environmental Law Institute, is trying to solve "the problem of too much bureaucracy by adding bureaucracy. It would flunk its own cost-benefit test."

Air and water pollution: If the GOP proposals had been law in the 1970s, some regulations on air and water quality might never have made it. The cost-benefit analysis of banning lead in gasoline, for example didn't clearly show that it would spare children much neurological damage. EPA went ahead anyway, and subsequent research shows that the lead phaseout cut blood lead levels far more than EPA expected. The GOP's new plan would also affect existing regs on how much pesticide and fecal bacteria can be in drinking water. Rules would automatically expire every five to 10 years unless an agency reanalyzed (and, possibly, relitigated) them.

Republicans respond with horror stories of regulators run amok. Some are hyped, but many are not. Limits on how much chloroform from paper mills may pollute drinking water, they say, cost $99 billion per year-of-life saved. Even Clinton has a bit of regulation-cutting religion; he's eliminated hundreds of silly federal rules. But more rollback seems inevitable. Ironically, it's coming at a time when GOP budget cutting—EPA is looking at a 40 percent hit—will make it even tougher for agencies to meet the stiffer requirements for justifying rules. But maybe that's the idea.

REGULATIONS GO ON THE BLOCK

Washington appears determined to review, and in some cases dismantle, health and safety rules. The results will affect everything from beef to how fast you can drive.

Status quo	GOP plan	Democratic retort
Inspectors "poke and sniff" for spoilage, but 4,000 people a year die anyway. USDA proposes more scientific methods.	The Senate bill would require the USDA to prove that the benefits of its new inspection system outweigh the costs.	The GOP plan would delay reasonable reforms that would save hundreds from dying and millions from getting sick
The United States imposes a cap of 65 mph on rural interstates and 55 on most others. Motorcyclists must wear helmets.	The Senate voted to drop all federal speed limits and let states set their own caps. Bikers may go bareheaded.	The government estimates that up to 4,750 more traffic deaths could occur each year without federal speed limits
The EPA regulates pollutants from lead in gasoline to fecal bacteria in water. Cost is secondary or not considered at all.	The EPA would have to choose the cheapest way to reduce pollution risks. Industry could then challenge the rules in court.	Lawsuits could delay new regulations for years, and even existing rules would be vulnerable to court challenge
Department of Transportation's design and safety standards, including airbags and crushable front ends, save lives.	Federal officials would have to submit all past and future safety rules to a detailed cost-benefit analysis.	Detroit always challenges federal safety rules; under the GOP bill it would prevail more often, and more lives could be lost

Mr. GLENN. Mr. President, it details some of the problems involved, and I wish we had time to read it in the RECORD. It puts it very well, that what we are doing here is not only providing regulatory reform if we pass the Dole-Johnston bill, we are providing the possibility of rolling back health and safety laws developed over the last 25 years that have proven invaluable, have provided for better health, have provided for better safety for our own citizens. We do not want to take a chance of rolling that back.

The bill that I proposed, known as the Glenn-Chafee bill, was one that hit a real balance. We provided redress for these regulatory excesses, and we all agree that there are regulatory excesses. They are all over the place. We hear about these every time we go back home.

We correct them, but we correct them in the right way, providing a process that cannot be used to override the system, cannot be used to overflow the system, cannot be used to swamp the system.

That is what S. 343 has the potential of doing. We want regulatory reform. We want regulatory reform as badly as anybody. I am sorry we cannot continue this negotiation today. I hope our colleagues will not let cloture be invoked and will vote against it so we can continue with these negotiations.

Mr. HATCH. Mr. President, just to make one point, if we invoke cloture tonight, this Senator is going to work with the other side. I know the Senator from Delaware will. I know the distinguished Senator from Louisiana will.

On all relevant amendments, we will work on those with them, and what we can agree on we will put in by unanimous consent. I just want people to understand that.

This cloture vote is very, very important. It has a lot to do with whether we will ever get regulatory reform.

I yield the balance of my time to my colleague from Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana has 2 minutes and 20 seconds.

Mr. JOHNSTON. Mr. President, we have had a lot of talk here on the floor about good faith and negotiation, and there has, in fact, been good faith and good negotiation by both sides.

Believe me, Mr. President, the majority leader has yielded and yielded and yielded, and I have given a list of those things he has yielded. There was some progress made on the bill.

Mr. President, ultimately there are a few basic differences. Really, three in number. A lot of small ones, but three basic differences on this bill that constitute a wide chasm and a wide gulf.

Now, the first is whether we can question existing rules. I have heard it said you could. Mr. President, let me read what the Glenn substitute says. The Glenn substitute says, "The head of the agency, in his sole discretion, picks what is to be reviewed." In his sole discretion. When you get around to a review, it says, "judicial review of the agency action taken pursuant to these requirements shall be limited to review of compliance or noncompliance with this section." You review at the sole discretion of the head of the agency.

Now, Mr. President, if that is a right to challenge an existing regulation, then I am not a U.S. Senator, because, Mr. President, it is no right at all. It is business as usual.

The head of the agency has that discretion right now. If you want to keep things exactly as they are, then vote against cloture. I say vote for the Glenn amendment. We have already voted for the Glenn amendment once and it went down. It constitutes the bureaucrats preservation act, because it keeps things exactly as they are.

Mr. President, we can make more progress in negotiation if cloture is voted, but unless we have an end to this process, Mr. President, there is an end to this bill. I believe strongly in this bill. I hope we will get cloture. I hope we can get an act passed.

Mr. DASCHLE. Mr. President, I understand that all time has expired, so I will use part of my leader time to comment briefly on the pending resolution.

I note that my colleagues have made the case very well. Those who have preceded me in opposition to this cloture motion, I think, have made the case that I would simply like to summarize prior to the time we come to a vote.

The first and most important point is that this vote is unnecessary. There is no effort to filibuster. No one is delaying final passage on this bill. No one is trying to stop us from coming to a conclusion on this legislation. There has been a sincere attempt, by virtually every Senator involved in this debate, now for several weeks, to try to improve the legislation and accommodate the very difficult points that have been raised and in many cases resolved as a result of those negotiations. So that is point No. 1; no filibuster.

Point No. 2, there has been, as my colleagues have indicated, substantial progress since the day we began this effort several weeks ago; substantial progress. Senator KERRY, Senator CHAFEE, Senator GLENN, Senator LEVIN, and Senator JOHNSTON on our side have all indicated that progress, as a result of these negotiations, has been real. And I think the latest testament to the fact that progress is being made is what the Senator from Rhode Island has just announced. As a result of the efforts in the last 24 hours, he, too, has been able to get additional concessions as a result of these negotiations, concessions that would not have been made were we not at this point in this deliberative process, concessions that we have been talking about now for some time. So, with each stage in the development of this debate, additional progress has been made up until this very afternoon.

Point No. 3, from the outset we have laid out some principles that we say are essential to a good bill. They are very simple.

First and foremost, we have to have a bill that does not roll back laws that have provided cleaner air, purer water, and safer food.

Second, we will not support a bill loaded with special interest fixes.

Third, we will not have a bill that results in an avalanche of litigation from hundreds and hundreds of lawyers.

That is it. Those are our principles. We are guided by those and it is in that effort to maintain our allegiance to those principles that we continue to negotiate in good faith. I believe those concerns have not yet been adequately addressed. I believe equally as strongly, though, that we can get there. I believe the Glenn-Chafee bill would have gotten us there, and 48 Senators agreed with us on that matter. But most important in the statement, I want to emphasize right this minute: We are willing to continue to go into that room, continue to work, continue to work out the differences, as has been the case now for several days.

Finally, let me make a point about the issue raised by the distinguished Senator from Michigan. If, indeed, we are going to come to closure on this bill, one of the most important things we have to do is ensure that those Senators who have amendments that are relevant but not germane can be protected. Regardless of whether or not we come to closure in the next couple of days on this bill, it is very important that those who want to make additional contributions to this legislation, to try to improve the bill with or without negotiations that may or may not come to any fruitful conclusion, they ought to be protected in their right to offer those amendments and have them successfully debated and ultimately voted on. A vote against cloture ensures that they will have that right, and I think it is very, very important that everyone understand that.

So, I think, in essence, the message is very simple. A vote against cloture is a vote for progress, progress that has been demonstrated over and over again as we have resolved these differences and as we continue to work for final passage, as we continue to guarantee that the principles we laid out at the very beginning can be protected.

I am optimistic that we can achieve that. I believe we can continue to work in good faith to accomplish what remains. And I believe voting against cloture today is the fastest way to get there.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Mr. President, I will just take a minute or two because I know we have had a lot of debate here and we have had a lot of negotiations. In fact, we have been negotiating since April. This is about the 10th day now on this bill.

I think what we have forgotten—we keep talking about we have to satisfy this Senator, that Senator—somewhere out there some small business man or woman or farmer is saying, what are these people doing in the U.S. Senate? We have been on this bill 10 days. We had about 2 weeks of negotiation before that. We have made over 100 changes. When do we stop? When we satisfy every liberal Senator on the other side of the aisle? Then you could not find the rest of us voting for it.

I note in the latest offer they made they say, "We are not able to accept proceeding with any of these as individual amendments without addressing the package as a whole." So you take this package, then tomorrow you will have another package, oh, just four or five more things we thought of or the staff thought of or the administration thought of or the bureaucrats thought of.

It is one thing to say we are for regulatory reform. But we are not going to have it unless we have cloture. So the moment of truth is about to arrive. The moment of truth is about to arrive. I have heard all the speeches. I have listened to the speeches. I suppose everybody wants some vague regulatory reform. But by the time we adopt every amendment we have had proposed by some of my colleagues, we would not have regulatory reform. We would satisfy the bureaucracy, which is apparently what some wish to do. The Senator from Louisiana just read a piece of the Glenn bill, "in sole discretion." They make the determination.

So I hope my colleagues will understand, we have a lot of work to do this year. In fact, we just voted earlier today on an amendment, I think it had regulatory reform in it. I think the vote was 91 to 8—91 people voted for this broad bill that had regulatory reform, tax reform, grazing reform, all the reforms we could think of; 91 to 8 voted for it. So there ought to be 91 votes for cloture.

I just hope my colleagues—we have made a lot of progress. Every Republican will now vote for cloture. That is up from about 49; now it is 54. But we cannot get there alone. I tell the American people, we cannot have regulatory reform without at least a half dozen on the other side. It is not possible to satisfy the concerns of some. It is never possible in any legislation.

I do not know what a filibuster is, but it seems like after a couple of weeks we ought to make some decisions. There are a lot of amendments filed, relevant, germane. There are still opportunities to improve this bill after cloture is invoked. Some of these things, in my view, we ought to just say, "If we cannot reach an agreement, there ought to be an up-or-down vote." We would win some, the other side would win some, but at least we would have some resolution.

So I urge my colleague, particularly on the other side of the aisle—and I know you are under extreme pressure. I know the little sweatshop is working right outside the corridor here. I know there are a lot of people coming out there with arms that are hurting. Some have slings. I know the pressure is great, all the way from the White House, the President, the Vice President, every bureaucrat in town is concerned about this bill because they do not want it to happen.

I think it is time we just, in the next 20 minutes, think about the American people during the vote—people in Kansas, Rhode Island, Georgia, Virginia, New York—wherever. So, before we cast our vote—Oregon. Anybody else who is here. We are all one big country. It is going to be one big vote.

I thank my colleagues.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order, pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the Dole-Johnston substitute amendment to S. 343, the regulatory reform bill:

Bob Dole, Christopher S. Bond, Bill Roth, Frank H. Murkowski, Rod Grams, John Ashcroft, Spencer Abraham, Craig Thomas, Pete V. Domenici, Bill Frist, Fred Thompson, Mike DeWine, Thad Cochran, Larry E. Craig, Bob Smith, Chuck Grassley.

CALL OF THE ROLL

The PRESIDING OFFICER. Under the previous order, the mandatory quorum call has been waived.

VOTE

The PRESIDING OFFICER. The question is, Is it the sense of Senate that debate on the amendment numbered 1487 to S. 343, the regulatory reform bill, shall be brought to a close? The yeas and nays are required under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. PELL (when his name was called). Mr. President, on this vote, I have a pair with the senior Senator from Hawaii [Mr. INOUYE]. If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "aye." I, therefore, withhold my vote.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The yeas and nays resulted—yeas 58, nays 40, as follows:

[Rollcall Vote No. 315 Leg.]

YEAS—58

Abraham
Ashcroft
Bennett
Bond
Breaux
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—40

Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hollings
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pryor
Reid
Robb
Rockefeller
Sarbanes
Simon
Wellstone

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Pell, for

NOT VOTING—1

Inouye

The PRESIDING OFFICER. On this vote, the yeas are 58, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is not agreed to.

Mr. REID. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Florida.

Mr. MACK. I would like for the RECORD to indicate that my colleague from Nevada, Senator REID, joins me in the tabling motion.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. Let me indicate to my colleagues this will not be the last vote this evening because we will try to finish the legislative branch appropriations this evening and then later on in the evening, much later on in the evening, we will take up the rescissions bill. When everything else is done, nothing else is left to do, we will take it up.

VOTE ON AMENDMENT NO. 1808

The PRESIDING OFFICER. The question is on agreeing to the motion to table the amendment to H.R. 1854 offered by Mr. HOLLINGS. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 54, nays 45, as follows:

[Rollcall Vote No. 316 Leg.]

YEAS—54

Abraham
Ashcroft
Baucus
Bennett
Brown
Bryan
Burns
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Frist
Gorton
Graham
Gramm
Grams
Gregg
Harkin
Hatfield
Helms
Hutchison
Inhofe
Kassebaum
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Nickles
Nunn
Packwood
Pressler
Reid
Roth
Santorum
Shelby
Smith
Specter
Thomas
Thompson
Thurmond
Warner

NAYS—45

Akaka
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bumpers
Byrd
Campbell
Cohen
Conrad
Daschle
Dodd
Feinstein
Ford
Glenn
Grassley
Hatch
Heflin
Hollings
Jeffords
Johnston
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moynihan
Murkowski
Murray
Pell
Pryor
Robb
Rockefeller
Sarbanes
Simon
Simpson
Snowe
Stevens
Wellstone

NOT VOTING—1

Inouye

The motion to table the amendment (No. 1808) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the motion was agreed to.

Mr. GRAMM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

COMPREHENSIVE REGULATORY REFORM ACT

The Senate continued with the consideration of the bill.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. DOLE. Mr. President, I want to thank my Republican colleagues and four of our colleagues on the other side who voted for regulatory reform and congratulate those who stuck together to bury it. It seems to me they have been successful.

I will just say, we thought we made a good effort. There is always more and more and more, and maybe this is all a way to keep the bill from going to the White House where the President indicates he would veto it.

We have had months of negotiation, hundreds of changes, 10 days of consideration, and then we are told, "Oh, we just need more time." Either we are for regulatory reform or we are not. We cannot satisfy everybody in the Chamber, and those people made their choices.

After the vote, people said, "Oh, we just need to negotiate more. Let's just have some more negotiations."

The truth is that our bill largely tracks President Clinton's Executive order but has one important difference. This bill will ensure the requirements are actually carried out.

I particularly want to commend Senator JOHNSTON for his work, and his tireless efforts. He came to me—it seems like months ago now, but I guess it was just weeks—and he said, "We are not going to get anywhere unless we make some changes in this bill." So we set about to make changes. Today, all across America—I do not have a copy—we are being flooded with statements by the Democratic National Committee on this vote about how Senator DOMENICI is for dirty meat, and Senator WARNER and somebody else is for dirty meat. They mixed it up a little, depending on where you live. It has a little cartoon there with our pictures in the middle. Very nicely done.

I think that has been the purpose right along—to try to get a campaign issue. Forget about the farmers and ranchers in Montana, or Kansas, or Virginia, or somewhere else. Forget about the small businessmen and women all across America. We have to protect the bureaucracy. We cannot have the bureaucracy overworked in Washington, DC. That is what we have heard for the last 3 days.

Not many people in Russell, Kansas, are worried too much about the bureaucracy in Washington, DC. They have never seen it, most of them. They have felt it in their wallets, and they feel it when they open up their little business, and they feel it when they go out of business, and they feel it on the farm, and they feel it on the ranch, and they feel it all across America. But they cannot have regulatory reform because we cannot get the cooperation. Everything in this Senate needs 60 votes. To get 60 votes, you end up with nothing. I do not believe that is what the American people expect us to do.

We can hold our heads high, those of us who voted for cloture. We can look the small businessman in the eye, and we can look the rancher in Montana in the eye, or wherever he may live, and say we did our best, we tried once, twice, three times. We were told, oh, nobody is delaying this bill; we do not want to delay this bill, and we are all for regulatory reform—until a vote came.

Mr. President, I do not know—I think I know what the final outcome is. I do not want to cause any anxiety for my friends on the other side, but I thank Senator BREAUX and Senator HEFLIN and Senator NUNN for their votes, because I know the pressure was great, intense, and steady.

I assume we could have put together a package that would have gotten 100 votes. It would not have been worth anything, but we could have said we all voted for regulatory reform. Particularly, Senator ROTH and Senator HATCH, and others on this side, have worked so hard to try to bring it together. But I think there is a little bit of principle left in this argument. We would like to think that we have at least 58 votes. That is 58 percent of the Senate that would like to have regulatory reform. Eighty-eight percent of the American people would like to have it. But we cannot get it because we are short 2 percent. Two percent of the Senate is denying about 85 or 90 percent of the American people regulatory reform.

That is a right we all have. We have all been through it. Some of us have been on the other side. I do not know of any more important bill than this one. But I think the dye has been cast. I am willing to entertain any legitimate concerns, but no more of these four or five pages that say at the end, "we are not able to accept proceeding with any of these individual amendments without addressing the package as a whole." Then I assume that if this were addressed, there would be another one ready. They are endless.

So I regret that we have failed the American people—again. But there will be other opportunities. I, again, thank my colleagues on this side of the aisle for being 100 percent for regulatory reform. One hundred percent. You cannot get any better than that.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. Mr. President, I listened with great care to the comments made by the distinguished majority leader. I hope that he will not be discouraged. I hope that, given all the progress we have made so far, we go right back and make some more. I do not think there is a Senator here who would deny that we need regulatory reform. But I also think that virtually every Senator who has examined this issue has concluded that indeed it was one of the most far-reaching, most complex issues we are going to address this year.

We have all been around this place. We all know that when it comes to issues with the magnitude we are talking about now, it is not something you pass on a Tuesday afternoon. I can recall having come here several years ago and spending more than a month on the Clean Air Act. We spent a month. We negotiated and we said we do not know that there is ever going to be a chance to make anymore progress. Lo and behold, we stuck to it because the leaders on both sides said we had to, and what do you know, we did it.

I remember Senators on the other side last year talking about how we really want health care, but it is just not yet exactly what we want, so let us keep negotiating. We talked until we never got health care, unfortunately. I remember talking about the need for campaign finance reform, and vote after vote on cloture, and people on the other side said we have to have campaign finance reform, but this is not the bill. I do not know what their motivation was in voting against cloture on those occasions. I know a lot on that side did not want health care reform, and that is a legitimate position. A lot did not want campaign finance reform, and that is a legitimate position. But a lot of people on this side want regulatory reform. We are continuing to work on this bill because we are not in agreement yet.

I believe that we can reach agreement. I believe that there is a legitimate desire on the part of more and more people to try to resolve these outstanding differences, to get a bill very soon. I just remind all of our colleagues, the bill that was defeated 48 to 52 passed unanimously; Republicans and Democrats voted unanimously for the bill in the Governmental Affairs Committee. If it was so bad then, why did every single Republican vote for it?

I also remind my colleagues, of the 41 votes cast so far, 27 of them have been offered by Senators on the other side. Only 14 amendments have been offered on our side. So I do not want to delay this thing. I do not want to find anymore reasons to delay final passage. Senators on our side are as frustrated as those on the other side. But it is through that frustration that we must work to accomplish what I believe we all truly want—a good bill, a bill that can bring us an ultimate resolution on something that we all recognize we need.

I yield the floor.

Mr. DOLE. Mr. President, of the 27 amendments on this side, many of them were offered to accommodate requests on the other side, to make the bill "better."

I do not believe the vote on the Glenn amendment reflected the vote that came out of the committee unanimously. As I recall listening to the Senator from Delaware, that is not the case. It is a different bill entirely. I ask the Senator from Delaware, am I accurate, or have I misstated the problem?

Mr. ROTH. I say to the distinguished majority leader that what we voted for in Committee was entirely different from what was voted for on the floor in the Glenn substitute. The Glenn substitute was toothless. Take, for example, the lookback. The lookback was purely discretionary on the part of the agency head. In our legislation, every rule had to be reviewed in 10 years, or it expired, terminated.

So it is totally false to say that it was the same legislation.

Mr. GLENN. Mr. President, what I just heard here just does not happen to be the truth. It does not square with the facts.

What we brought to the floor was basically the Roth-Glenn bill. It is the same bill with three major changes—A strict definition of a major rule, $100 million a year, no automatic sunset review, and simplified risk assessment, which was what the National Academy of Science recommended. Outside of those three things, I think—and I can be corrected—I believe it is largely word for word the same thing we brought out of committee unanimously.

Only those three major items were added to the bill that came out of committee. If anyone can show me different, get up on this floor and say that. To say that I misstated and that I misrepresented the Glenn-Chafee bill is just flat not right. It is basically word for word the same as the Roth-Glenn bill that came out of committee, with those three changes I just mentioned.

I want to correct that so we make sure all Members know that.

Mr. ROTH. Mr. President, I do not want to extend the debate on this, but I do want to make it perfectly clear that there were significant differences between the Glenn substitute offered on this floor and what passed out of the Governmental Affairs Committee.

It is a fact that, as far as cost-benefit analysis was concerned, the use of it was totally discretionary in the bill proposed by Senator GLENN; whereas, in the Governmental Affairs Committee, it had to be reviewed and included as part of the review.

When it came to the lookback of rules, it was discretionary, totally discretionary on the part of the agency head as to whether there would be any rule on the schedule. Whereas, in contrast, in the Governmental Affairs Committee bill, every rule had to be reviewed in a 10-year period or it was terminated.

So, while a lot of the language was the same, the fact was the thrust was different, because in one case there were requirements that cost-benefit be done, and the other there was not.

Mr. GLENN. Mr. President, we will make an analysis and enter in the RECORD tomorrow what the exact changes were. I do not believe that is a fair representation of the bill. We will make the entry in the RECORD tomorrow after we have had a chance to analyze both bills, side by side.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1825

(Purpose: To ensure equal opportunity and merit selection in the award of Federal contracts)

Mr. GRAMM. I hate to bring this debate to a close, but let me send an amendment to the desk and ask for its immediate consideration, and I ask that the complete amendment be read.

The PRESIDING OFFICER. The pending amendments will be set aside. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. GRAMM] proposes an amendment numbered 1825.

Mr. EXON. Mr. President, since I have the floor, I lost the floor at the discretion of the Chair, and I do not wish to delay this matter a great deal, but I do think that the discussion that has taken place between the majority leader, the minority leader, and others——

The PRESIDING OFFICER. Is the Senator seeking to object to the reading being dispensed with?

Mr. EXON. I believe I was recognized by the Chair in my own right, was I not?

The PRESIDING OFFICER. The regular order is the reading of the amendment to proceed.

The Chair recognized the Senator from Nebraska on the assumption that he might request the reading not proceed. But if the Senator does not rise for that purpose——

Mr. EXON. Would the Chair kindly explain the rules to the Senator? I believe the rules say that when an amendment is offered, if the Chair chooses to recognize someone else, that is within the authority of the Chair. Is that not correct?

The PRESIDING OFFICER. That is correct, if the amendment has been read in its entirety. The amendment was being read when the Senator from Nebraska sought recognition. Recognition is often sought for the purposes of asking unanimous consent that the reading be dispensed with, and the Senator from Nebraska was recognized with that in mind.

Mr. EXON. I certainly want to abide by the rules of the Senate, and after the amendment has been read I will seek recognition again and let the Chair make the ruling that the Chair thinks is proper at that particular time.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

At the appropriate place, insert the following new section:

SEC. . PROHIBITION ON FUNDING OF CONTRACT AWARDS BASED ON RACE, COLOR, NATIONAL ORIGIN, OR GENDER.

(a) PROHIBITION.—For fiscal year 1996, none of the funds made available by this Act may be used by any unit of the legislative branch of the Federal Government to award any Federal contract, or to require or encourage the award of any subcontract, if such award is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(b) OUTREACH AND RECRUITMENT ACTIVITIES.—This section does not limit the availability of funds for technical assistance, advertising, counseling, or other outreach and recruitment activities that are designed to increase the number of contractors or subcontractors to be considered for any contract or subcontract opportunity with the Federal Government, except to the extent that the award resulting from such activities is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(c) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—This section does not limit the availability of funds for activities that benefit an institution that is a historically Black college or university on the basis that the institution is a historically Black college or university.

(d) EXISTING AND FUTURE COURT ORDERS.—This section does not prohibit or limit the availability of funds to implement a—

(1) court order or consent decree issued before the date of enactment of this Act; or

(2) court order or consent decree that—

(A) is issued on or after the date of enactment of this Act; and

(B) provides a remedy based on a finding of discrimination by a person to whom the order applies.

(e) EXISTING CONTRACTS AND SUBCONTRACTS.—This section does not apply with respect to any contract or subcontract entered into before the date of the enactment of this Act, including any option exercised under such contract or subcontract before or after such date of enactment.

(f) DEFINITION.—As used in this section, the term "historically Black college or university" means a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the minority manager of the bill, who has precedence over all other Senators when there is a combination of Senators seeking recognition.

AMENDMENT NO. 1826 TO AMENDMENT NO. 1825

Mrs. MURRAY. Thank you, Mr. President. I send to the desk an amendment and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for herself, Mr. DASCHLE, Ms. MOSELEY-BRAUN and Mr. COHEN, proposes an amendment numbered 1826 to amendment No. 1825.

The amendment is as follows:

In lieu of the text proposed to be inserted, insert the following: "None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Adarand Constructors, Inc.* v. *Pena* on June 12, 1995."

REGULATORY REFORM

Mr. EXON. Mr. President, I understand now we are on the affirmative action matter. Before we go into that, I will make a few brief remarks with regard to the exchange between the majority leader, the minority leader, and others, with regard to the bill that just failed with the third cloture vote.

I encourage the majority leader to recognize the fact that there are many, if not all Members on this side of the aisle, that are just as much concerned about regulatory reform as those on the other side of the aisle.

I was, frankly, rather amused to hear the majority leader say it takes 60 votes to get anything done around here. Does anyone remember last year? Does anyone remember last year, when we had to have 60 votes to do anything, with the possible exception of adjournment?

Now, the facts of the matter are, as one Senator who has been on many sides of many issues on this floor, I simply say that I was with the majority leader on a very close vote not too long ago with regard to how we are going to balance the Federal budget, and a constitutional amendment to do that.

Once again, the Senate is so closely divided on this issue, regulatory reform, because it is a very key issue.

I say to the majority leader that at least as one Senator, and I know from the meetings that I attended there are others, as so ably stated by the Democratic leader, that we think we are very close. We get down to these situations, though, and the old bulls lock horns. The old bulls like to say unless you do it my way, you are against regulatory reform.

I think there is general consensus for regulatory reform. I was very pleased that the Senate voted on the Glenn amendment, 52 to 48. I thought we were very close under that kind of a proposal.

Now, whether or not the Glenn amendment is exactly the same as that which was indicated earlier as not being necessarily true or not, I think that most reasonable people would agree that the Glenn amendment is extremely close, if not identical, which I would agree, to what was, I think, unanimously passed out of the committee at one time. I simply say that we are not nearly as far apart from resolving this important issue of regulatory reform as I think the majority leader has indicated.

I do not wish to impugn the motives of the majority leader at all. But I noticed on several occasions he indicated 100 percent Republican support for the measure, which implied, with the three or four other Democrats that he also complimented for their help, that all was lost because of minority Democrats just would not yield.

Sometime or other, the minority has to stand up when they think things are not going correctly. Why can we not take the Glenn amendment, that was defeated on a very close rollcall, 52 to 48, and use that as a means to come together in a bipartisan fashion? But, oh, no, we cannot do that. We have to use, as the basis of consideration, the proposition that the majority leader has indicated it is not possible, under the circumstances, to come together.

I say to the majority leader and my colleagues on that side, whom I frequently vote with, I think we are that close. I do not believe there is any sincere effort for most of us on this side of the aisle to be obstructionist, as the majority leader seemed to indicate in his remarks. I therefore suggest that it is time that we not give up. It is a time that we start working together on this matter of regulatory reform, which I think is very, very important.

But I want to compliment the Democratic leader for saying this probably is the most far-reaching bill that we will even consider or pass in this session of the Congress. It is a very important matter and there are some major concerns on this side of the aisle, some of which are not necessarily shared by this individual Senator. But I happen to feel it is critically important for us to recognize and realize, when we pass major pieces of legislation, we must take the time to consider as best we can. And I happen to feel it should be clear to all that, when we get ourselves into a situation where we are passing this type of legislation, major legislation under anyone's definition of that, that 60 votes should be in order. I think the 60 votes are there. I really believe we can get things done in this particular matter if we just keep on trying.

Therefore, I say to the majority leader, come forth once again, Mr. Majority Leader, come forth and talk to the minority leader. I feel very confident that we are that close to coming up with something I think would be generally satisfactory—not totally satisfactory, because this is a piece of legislation that is obviously so complicated and so difficult that we are probably never going to get unanimous consent. However, I say to the majority leader, come, let us reason together. I have talked at great length about this with the minority leader, and I think the minority leader is in a position to speak for enough of us on this side that we could get cloture.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1827 TO AMENDMENT NO. 1825

Mr. EXON. So, with those comments, Mr. President, I send an amendment to the desk in the second degree and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Nebraska [Mr. EXON] for Mrs. MURRAY proposes an amendment numbered 1827 to amendment No. 1825.

Strike all after the first word and insert: "None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Aderand Constructors, Inc.* v. *Pena* on June 12, 1995. This section shall be effective one day after enactment."

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REGULATORY REFORM

Mrs. HUTCHISON. Mr. President, I would just like to talk, again, about regulatory reform. We have been discussing, on this floor, who killed regulatory reform. But the rank and file small business person out in America knows one thing for sure. Regulatory reform just died in the U.S. Senate and the small business person who has been looking for relief so he or she would be able to grow and prosper and create the new jobs that keep our economy vital are not going to have that opportunity because we have not done the job we said we would do to try to get the harassment of Federal regulations off the backs of our small business people.

We have been working on this bill for 10 days. There are hundreds of amendments still left on the bill that we failed to get cloture on once again. We have had three cloture votes. What is it going to take? We have been in rooms meeting, talking about the issues that were raised. But the bottom line is, in 10 days of intense negotiations, floor debate, working on this bill, we have failed and the small business people of our country especially are going to understand that we did not get regulatory reform. And when 54 out of 54 Republicans voted for it to go forward, I think they are going to figure out who wanted regulatory reform.

We just passed bills that open trade in the world: NAFTA, GATT, so we would have the opportunities to compete. But our business people cannot compete when they are so saddled with regulations that they have to add costs to their product because of the regulations and, therefore, the product will not sell in the international marketplace because it is priced too high. That is the bottom line. That is why it hurts the ability to create jobs in this country, when we have so many regulations that our businesses are spending money in lawsuits and regulatory compliance and they cannot put the money where it needs to be, and that is trying to make their product better, giving jobs to people to create the products and being able to sell those products anywhere in the world because we can be competitive.

So, Mr. President, something died here today and I do not think the small business people of our country are going to be asking who did it. But they are going to know that their regulatory burdens are not going to be lifted.

Mr. President, that is a pretty sad message to have to send to the small business people of this country. We cannot let regulatory reform die like this, by two votes. It would be unconscionable. So I hope the Democrats will get together, and I hope they will say the rhetoric is real and say what we can really do to take away the 300 amendments that are now pending on the bill. And if they are serious, they can do something about it.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. FORD. Mr. President, let me just say, I have been listening to all this back and forth. I think it is part of the process. It does not bother me too much. But I listened to my constituents. One Senator gets up and says it this way. Another Senator gets up and says no, it is this way and you are wrong. No, you are wrong.

Somebody has to be right and somebody has to be wrong. I learned from the other side of the aisle how to file amendments. They bring them in here 100 at a time, you know? They taught us how to put the amendments on. Now we get accused of having a few amendments out. We talk about NAFTA. Something happened to NAFTA in the House because they cut off the ability to help Mexico by eliminating the funding.

The Democrats did not do that, Republicans did. There is a scenario going here, bouncing back and forth like a ping-pong ball. I think it is time everybody understand we do not intend to let this bill die. That is No. 1.

No. 2, we want to continue to talk. I have been here day and night. I do not think any of the Senators have had to spend the night here recently. Get the cots. The Senator from Texas probably remembers all-night sessions. You know, it gets to be an interesting occasion. It is awfully hard to keep somebody on the floor. It is awfully hard to get any kind of rest, but we have been here all night. Recently we have not done that. That is the debate of this institution.

So when you start badmouthing each other around here, I do not think it helps anyone. It just hardens the situation. I think we ought to continue to talk, continue to work. We want to make as good a bill as we possibly can.

I have never heard in any of the remarks tonight what it does to individuals. What does it do to the general public? What does it do to the worker? What are these things we are trying to do here now?

I hear nothing about big business. Big business had a 14-percent increase in profits the first quarter and individual hourly wages went down. Something is going well out there, if they are making that kind of money. Somehow we have to come together and think about the individual and working with the companies.

Mr. President, I had not intended to make any remarks. I do not normally make many speeches on the Senate floor. But I just think this knocking each other out here, just hardens the situation. It creates gridlock, to come out here and get accused of things. We do what we think is best. I do not always win. I am having a hard time winning anything right now. But I understand the procedure. I was here for 6 years when the Republicans were in the majority in the Senate before. I went from majority to minority. Then all of a sudden we got it back again. We are back someplace else.

So it is the system, and the system is debate. The system is talking. The system is communicating. The system is doing the best job you can, and you have to have something that you really believe in. And when you vote for it, you voted on the best piece of legislation that can be proposed to this institution. Sure, we have disagreements. That is what it is all about. That is what the committee system is all about. We do basically the same thing in committees that we do on the Senate floor. We listen to witnesses. We make up our mind. We offer amendments. We vote on amendments, and we vote the legislation up or down to send it to the Senate floor. That is part of the system. Then we do it basically again. It goes through the mill several times before it goes to the President for signature.

This is not a stealth Congress. A stealth Congress is to do it real quick and get rid of it before you get someone to jump on you or before the phone starts ringing off the hook, before people start sending out letters. Stealth Congress is do it quick and get it over with.

Some things are too important to do them quickly and get it over with. Some things are too important to individuals in this Chamber. And I learned from Majority Leader Mike Mansfield that on the Senate floor everybody is equal except the majority leader and the Democratic leader in this case. And the Chair recognizes them before anybody else. I understand that. That is a precedent. We exercise that. But everybody else has an individual right here. So we exercise that. I hope that we never lose that and that we start working together rather than try to divide, which will not get us together in the future.

I yield the floor, Mr. President.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

Mr. GRAMM. Mr. President, I think we are talking about unanimous-consent requests here that will allow both of these amendments to be voted on. So let me go ahead and talk about my amendment, which is the amendment that is trying to eliminate set-asides in the Federal procurement process—in the context of this bill as a beginning. And then let me explain why the Murray amendment is a sham amendment that does not deal with the problem but that simply gives cover to those who want to allow set-asides in the funding for the legislative branch.

Let me begin with my amendment. My amendment is the amendment that we have worked on with outside legal groups. It has been endorsed by the leadership in the House, it is being offered by Congressman GARY FRANKS, and it is basically an effort to focus in on one particular problem.

This is a precise, surgical amendment, and what it says is this: The bill before us is the legislative branch appropriations and this amendment deals with nothing except legislative branch appropriations. I plan to offer a similar amendment on other appropriations bills that come to the floor of the Senate this year.

What this amendment says is that in the letting of contracts, in spending money, none of the money will be spent in such a way that requires or encourages the awarding of any contract or subcontract if such an award is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

So what this amendment says in its first part is that when we spend money through the congressional branch of Government, we have to engage in competitive bidding, and that when someone submits the low bid who is qualified, that person will get the contract, and that in no circumstance can the low bidder, who is at least equally qualified, be denied the contract to give it to someone else based on a preference that flows from race, color, national origin, or gender.

That is part 1 of my amendment.

Part 2 of my amendment has to do with outreach and recruitment activities. And part 2 of the amendment makes it very clear that nothing in this amendment would prevent any effort to help people bid on contracts, to hold seminars on bidding, provide assistance to people who want to bid on contracts, or go out and inform people of the existence of those contracts.

In short, we can expend money. We can exercise tremendous effort to try to help people get on the playing field and to compete. But once contract offers have been submitted, then the selection process must be based on merit—and on merit alone.

The next provision of the bill makes it clear that we are not seeking here to override contracting that is done with schools designated as historically black colleges and universities.

The next provision of the bill makes it clear that this is all prospective. We are not going to go back and undo any existing contracts. In addition, we are not going to override any existing court orders. If a court acts in the future and finds that a remedy for discrimination is the establishment of a set-aside, we are making it very clear that would stand.

Now, basically, that is what my amendment does. And if my amendment is adopted, what it will do is end set-asides in contracting for the legislative branch of Government. If this amendment is adopted and it becomes law, what it means is that none of the money appropriated in this bill can be used for the purpose of letting a contract where anybody is given a contract based on race, color, national origin or gender.

Now, let me talk a minute about the Murray amendment, because what we have in the Murray amendment is the same convoluted language that the President used yesterday. This is more of the same effort to try to use words to confuse. Let me just read it to you, and I think that if you think about it a minute it jumps out at you as to what this amendment is trying to do. Let me read you the language:

> None of the funds made available in this act may be used for any program for the selection of Federal Government contracts when such program results in the award of Federal contracts to unqualified persons.

Mr. President, no one is saying that people who get contracts because of race or color or national origin or gender are necessarily unqualified. That is not the point. In fact, it seems as though the whole purpose of this language is to confuse. What we are saying is they are not necessarily the best qualified. They very well may be qualified, but the point is somebody else might have been better qualified or have submitted a lower bid. If all we are doing is saying that you cannot grant contracts to people who are unqualified, as the Murray amendment says, then we are not doing anything unless I can come in and say: Well, look, I bid a contract to build a sidewalk here at the Capitol and I bid the contract at $55,000. Someone who was given preference bid the contract at $155,000, and they got the contract. But under the Murray amendment, the only way that I could get any relief, if I was the contractor who bid it at $55,000, would be if I could prove that the contractor who got the bid for $155,000 was unqualified.

Now, they may be qualified; they may be unqualified, but the point is the Federal Government should not be paying $155,000 for work that it can get for $55,000. Nor should it be letting contracts in America where somebody is given a special advantage over somebody else.

We listened yesterday as the President gave a very passionate speech, but when you got down to the specific language of the details of the proposal, it was more doubletalk. And the doubletalk basically is the implication that this is an issue about whether a privileged contractor is qualified. It is an issue of whether they are the best qualified.

The second issue has to do with the fact that you cannot give somebody preference over somebody else without discriminating against the person who is not receiving the preference.

In the final analysis, something that the President clearly is clever enough to understand but was hoping we were not clever enough to understand is that whenever you give somebody a special advantage on the basis of race or color or national origin or gender, that means someone else is discriminated against because they do not get that benefit. I believe that what we have got to do is to end set-asides in contracting and what better place to start than in the legislative branch of Government.

So we have before us two amendments. One amendment is a serious, real amendment which says that none of the funds contained in this bill will be used for contracts where someone is given a special privilege so that they get a contract that on the basis of merit they would not have gotten. The other amendment says that none of the funds will be used to award a contract if doing so results in the award of Federal contracts to unqualified persons.

Mr. President, that is not the issue here. The issue here is not whether the contractor who got advantage based on race or color or national origin or gender was qualified. The question is were they the best qualified.

The amendment then goes on to use many terms which are very difficult, if not impossible, to define. For example, "In reverse discrimination." Well, by definition, if the most qualified contractor with the lowest price did not get the contract, I think any reasonable person would call that reverse discrimination.

Now, Mr. President, here is the point, and then I will yield the floor because I understand that an agreement may have been worked out. If you are for set-asides, I think you ought to have courage enough to stand up and say it. If you believe that in America we ought to legislate unfairness for some reason, that we ought to reject merit, and that we ought to give people contracts based on their race, their color, their national origin, or their gender, it seems to me that you ought to do something that President Clinton did not have courage enough to do yesterday. That is, you ought to stand up and say it, and you ought to vote against my amendment.

It seems quite another thing to offer an amendment which basically says that you cannot give a contract to an unqualified person. The point is that many people—in fact, I would guess in almost every case the loser of competitive bidding every day in America in public contracting is qualified. It is not the point that they are not qualified. The point is they are not the best qualified. They did not offer the best bid. They did not offer the lowest price. Therefore, they should not have gotten the contract.

So if you vote for the Murray amendment, in my humble opinion, what you are doing is simply seeking political cover because you do not want to tell people you are for set-asides. I am opposed to set-asides. There is only one fair way in America to decide who gets a job; there is only one fair way to decide who gets promoted; there is only one fair way to decide who gets a contract, and that is merit.

And if you do it any other way than merit, it is inherently unfair, it is inherently divisive, and it ultimately pits people against each other based on their group. The genius of America is competition based on individual decision making and individual qualities. What makes America work is that in America we are not part of groups; we are individuals, and we have an opportunity to be judged as individuals based on our merit.

While some will say that trying to stop unfairness written into the law of the land, because for 25 years we have had unfairness written into the law of the land in set-asides and quotas, and people in America know it and they resent it and they want it changed, what we are doing when we eliminate set-asides is we are going back to the unifying principle of America. And that principle is merit.

What we are saying is that if any contractor in America wants to bid for a Government job, they have as good a chance to get that contract as anybody else. They have a chance to be judged on their merit on their bid. To do it any other way is totally and absolutely unfair. And I believe it should be rejected.

UNANIMOUS CONSENT AGREEMENT

Mr. GRAMM. Mr. President, I ask unanimous consent that there be 120 minutes for debate on the pending Gramm amendment, No. 1825, and the Murray amendment, which would be modified to reflect that it be added at the appropriate place in the bill, and that the time be equally divided between Senator Gramm and Senator Murray. And that following the conclusion or yielding back of time, the Senate proceed to vote on the Gramm amendment, to be followed immediately by a vote on the Murray amendment, as modified, and that no amendments be in order prior to the disposition of the two amendments, and that the Exon amendment, 1827, be withdrawn. Mr. President, I ask unanimous consent that the time already consumed by both sides be considered subtracted from the overall time limitation.

The PRESIDING OFFICER (Mr. BURNS). Is there objection?

Mrs. MURRAY. Reserving the right to object. Mr. President, I will not object. I would just like to know how much time would be left then on both sides?

The PRESIDING OFFICER. The Senator from Washington would have 1 hour and the Senator from Texas would have 44 minutes.

Mrs. MURRAY. Thank you, Mr. President.

The PRESIDING OFFICER. Is there objection?

Mr. SPECTER. Reserving the right to object. I would like the stipulation added to give this Senator 10 minutes.

The PRESIDING OFFICER. Would the Senator from Pennsylvania restate his request?

Mr. SPECTER. As I understand it, there is 1 hour on each side.

The PRESIDING OFFICER. The Senator from Washington has 1 hour. The Senator from Texas has 44 minutes.

Mr. SPECTER. Perhaps I can inquire of the Senator from Washington if I might have 10 minutes on your side?

Mrs. MURRAY. I would be willing to yield 10 minutes from my side to the Senator.

Mr. SPECTER. I thank the chair. I will not object.

The PRESIDING OFFICER. Is there objection?

Hearing none, so ordered.

So, the amendment (No. 1826), as modified, is as follows:

> At the appropriate place in the bill, insert the following:
>
> SEC. . None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Adarand Constructors, Inc.* v. *Pena* on June 12, 1995.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

Mrs. MURRAY. Mr. President, I sit here tonight and I think about the words "affirmative action," and I listened to the words on the floor. I wonder sometimes if we have all grown up in the same country because I grew up in a country that said you have equal opportunity, an equal chance and an equal ability in this life to get a good education, to get a good job and make it in this country.

Mr. President, that is what the affirmative action program means to this Senator from the State of Washington who stands here tonight on the floor of the Senate as one of eight women in this body.

Mr. President, when I hear the words "quotas," "reverse discrimination," "preferences for unqualified individuals," I am astounded because that is not what I see in affirmative action today. And I think it is a twisting of the debate to try and make people think this program is about something that it is not about. This program is about giving people an ability to make it in a country where we care about all individuals, no matter who they are or where they come from or what they look like.

And I think that is a particularly important agenda to retain in this country. It certainly is one I want for my children and my grandchildren who will follow me.

The amendment that I have put forward says quite clearly that no Federal funds can go to any affirmative action program that results in quotas, in reverse discrimination, or in the hiring of unqualified persons. The amendment makes it very clear to the agency that its affirmative action programs must be completely consistent with the Supreme Court's recent decision in the Adarand case that affirmative action programs could be justified only if they served a compelling interest and were narrowly tailored.

The amendment recognizes that the battle against discrimination in America has not yet been won. And I invite all of you to go out into our schools, to go out into our institutes of higher education, to go out into the workplace and see that it is not yet won for women and for minorities. And affirmative action programs are very important to winning that battle.

Mr. President, as I listen to the amendment that comes before us—and I heard my colleague from Texas say he was going to offer this amendment on every appropriations bill—I wonder how much money he is talking about and who he is going after. I did not have time, of course, to put this into a chart that all of you could see. Frankly, I thought I would save the Senate money because that is what we are trying to do. So I did not make a chart. But I will share with you what I have on this.

The total awards that are given in Government contracting, prime contracts, is $160 billion. Of that, $1.9 billion—$1.9 billion—out of $160 billion go to women-owned business awards. That is who we are targeting in the underlying amendment. That is who—$1.9 billion out of $160 billion. A very small amount, $6.1 billion to small disadvantaged business awards. A total of about $8 billion out of $160 billion—$160 billion—$8 billion going to small disadvantaged business and women-owned business. That is who we are targeting in the underlying amendment.

It seems very clear to me that it is a good goal in this country to assure that disadvantaged people, that people who do not have the same opportunities, are given the ability to move ahead in the workplace. And I urge my colleagues to defeat the Gramm amendment and to vote for the Murray amendment. That is a positive way to move in affirmative action in this Nation.

Mr. President, I ask the Senator from Maine how much time he would need?

Mr. COHEN. Ten minutes.

Mrs. MURRAY. I yield 10 minutes to the Senator from Maine.

Mr. COHEN. I thank my colleague for yielding.

Mr. President, I was intrigued with the Senator from Texas' comment toward the very end of his presentation where he said that for 25 years we have legislated unfairness. We have passed legislation not based on quality, but rather on race and gender.

The 25 years stood out in my mind because it tended to ignore that for 200 years we have tolerated and practiced unfairness. We said that all men are created equal. That is our defining document. Not "all women are created equal." Not "all blacks are created equal." They were not even treated as human but only three-fifths human, as slaves, as pack mules. We broke up their families, and we humiliated them for years and years—not 25 years—but a couple of hundred years or more. And suddenly we come back and say, "Well, it is all equal now. The field is completely level. We live in a colorblind society." Does anyone here really believe that, that we live in a colorblind society?

There was an item in the paper recently about "good ol' boys" getting together for a good old time. They were Federal employees—ATF, maybe FBI, maybe Secret Service, maybe IRS. Does anyone here truly believe that we do not live in a colorblind society today, that discrimination does not exist?

The Senator from Texas says that we should not let someone get a contract based on a preference. He believes that if you give someone a special preference, you impose a disadvantage on others. That is one side of the argument. How about whenever you impose on someone a special disadvantage by virtue of their race or gender? It seems to me that you give someone or another group a special advantage.

The Senator from Texas would like to have the best-qualified people receiving contracts. I agree. How about Jackie Robinson, do you think he was the best-qualified player at the time? How about Satchel Paige, do you think he was the best-qualified pitcher at the time? Was he granted access to the professional leagues? Jackie Robinson, yes, he was the first to break through the color-barrier, after years and years of practiced racial discrimination. Satchel Paige played the prime of his career in the Negro Leagues, only making it into the big leagues after the color-barrier had been broken. But he made it to the Hall of Fame nonetheless.

The difficulty is, of course, that none of us believe in quotas, because quotas are arbitrary, they are capricious, they are without merit. But the Senator from Texas believes we should have not more group preferences. Well, how about veterans? Is that in the amendment? I do not think so. I hope not. But make no mistake, we grant preferences to many groups.

We grant preferences to veterans because they have made a great sacrifice for this country. We take that into account and we grant them preferences, regardless of what their contribution was. Some served in combat. Some served as medics. Some served as flight assistants. Some served back in the United States. They all were willing to make the commitment, so we treat them as a group and we give them special consideration, as we should.

How about small businesses? Are we prepared to eliminate the small business set-aside, and give no more preferences in government contracts to small business? Should we let them go up against the giant conglomerates, without a care of how small or how capable they are. Even if they cannot compete against the big guys—tough luck, no special consideration.

I know that there is some disagreement about affirmative action, even within the minority community. There are some who feel that the very existence of affirmative action has stamped the red letters of "AA" on their foreheads; that they somehow have been stamped as affirmative action babies; that people believe they could not make it on their own, notwithstanding their capabilities; that they are seen only as the beneficiaries of affirmative action.

I watched a program just this evening where one very passionate individual said, "I don't want to support any program that infers or implies that I am somehow inferior." That really is not the issue, because he is not inferior. The problem is that he and others have been victims of societal discrimination. Others call it racism for that is what it is. The truth is that they were not judged based on their quality, they were not judged based on their merit, they were not judged based on the content of their character, but they were judged based on the color of their skin. That has been the practice over the centuries in this country.

Yes, progress has been made. But I listened to the stories of the Tuskegee airmen and I remember the turmoil they experienced fighting in World War II, feeling they had to fight two enemies: one called Hitler, the other called racism in this country.

I listened and I remember very well Congressman LOUIS STOKES, who was a member of the Iran-Contra committee, speaking about what it felt like for him to make a contribution to his country in the service, but to be barred from eating and sleeping in the same barracks as his white counterparts. It did not matter that he was prepared to die on the battlefields; that was OK. You are equal out on the battlefields, you are just not equal in the barracks, you go to the other room, you go to the other fountain, you sleep in another place.

That has been changed, not through the marketplace, but through actual affirmative action on the part of the U.S. Congress. We changed that. We helped to legislate the beginnings of equality—not entirely, but we helped to legislate at least a part of the way. But it still exits day in and day out.

I can give you example after example of people who walk into places of employment who are turned down, not because they are not qualified or the best qualified, but simply because of the color of their skin or even their gender. So we have not arrived at a color-blind society. I know there are those on the floor who will say our goal must be a color-blind society, and I agree, but we are not there yet, not when you put Martin Luther King's photograph in the cross-hairs on a T-shirt, not when you put signs up that say, "No blacks"—and I am qualifying it a bit here—"are allowed to cross this line."

The Senator from Texas says this is simply a surgical strike on this particular piece of legislation. But he has already indicated there is going to be surgery after surgery. This is only one surgical strike. We have a bombardment coming until every aspect of any kind of remedial action for past, present and future discriminatory policies are eradicated.

So why have we had set-asides? We ought to face the issue, why have we had set-asides? It is because blacks and other minorities have been frozen out and women have been locked out of opportunities. We have had 200 years-plus of this discrimination, but only 30 years of trying to overcome that. We are not trying to put unqualified people into positions, but to give those people who are qualified an opportunity to break through the barriers that we have allowed to exist for a long, long time. The point of affirmative action is not to establish quotas, it is to allow qualified people to overcome discrimination.

So the Senator from Texas asked the question: If you believe we ought to legislate unfairness, then you support the amendment that has been offered as a substitute. I would put it another way: If you believe we ought to ignore unfair practices, if you believe we ought to allow those who have been historically and to this day are treated unfairly in the marketplace to continue to be discriminated against, then you vote for the amendment of the Senator from Texas.

Mr. President, I think the choice is pretty clear. I hope when the vote finally comes that we will reject overwhelmingly the amendment of the Senator from Texas and support that of our colleague from the State of Washington.

The PRESIDING OFFICER. Who yields time?

Ms. MOSELEY-BRAUN addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized. Who yields time?

Mrs. MURRAY. Mr. President, I thank my colleague from Maine for his very eloquent remarks and support. I hope all our colleagues had the opportunity to hear what he had to say. I yield as much time as she needs to the Senator from Illinois.

The PRESIDING OFFICER. The Senator from Illinois.

Ms. MOSELEY-BRAUN. Mr. President, I thank the Senator from Washington for yielding.

At the outset, I want to tell you a little story that happened in my lifetime. When I was very young, 7 or 8 years old, we went south on the train from Chicago to the city of New Orleans. We were going through Alabama. We stopped at a train station, and there were water fountains. This is in the days Senator COHEN has referenced, the days when there was official segregation in this country.

We stopped at a train station. One of the water fountains was labeled "colored." My mother, because she did not want to start a ruckus in the train station, would not let us go to the colored fountain to get a drink of water, even though we were thirsty.

My little brother, however, who was about 5, laid out in the train station and had a temper tantrum because he wanted to have some colored water. He thought it was going to come out of the fountain pink, blue, green, yellow, and red, a rainbow of colors, and he was determined to have some colored water.

Mr. President, I want to suggest the amendment of the Senator from Texas is colored water. This amendment tries to convince us that it is an amendment in favor of fairness and an amendment in favor of diversity, an amendment in favor of America and the kind of country that we are, a diversity of people, people of all colors and genders and coming together, and that somehow or another this supports that vision of America.

But, in fact, just as we all knew that the water coming out of that fountain in that segregated train station in Alabama was not pink and green and blue, we knew in our hearts, we knew it was just plain old water, but it was going to be set aside. It was different water. It was a segregated situation for those of us who were not white.

We know at the base that this amendment seeks to roll back the clock and turn back the gains that women and minorities—as limited as they may be—have made in this country in the last several decades.

You know, maybe we should thank the Senator from Texas because, quite frankly, this issue was bound to come to the floor. He has already said he is going to have it on every bill. Maybe we should have this debate on every bill. But I think it is of critical importance that we tell the truth about what this amendment is and point out to the American people that colored water is not pink and green. It is not a rainbow. Colored water is just that—it is something that is less than what is given to everybody else.

This amendment of the Senator from Texas is just that—it is something less. Yes, we are indeed clever enough to use his words to understand exactly what he is talking about in this amendment. And this world will understand exactly what he is talking about with this amendment.

The Senator from Maine talked about the past and the ugly history that we all know about in this room. Let me submit that the issue of affirmative action is not as much about the past, or even the present, as it is about the future—the future that these young people will have, the future that we give to the next generation of Americans.

If that future is going to allow for us to build as a nation on our diversity, as a strength of our Nation as opposed to weakness, then we must defeat this attempt by the Senator from Texas and every other one he or anybody else comes up with on this floor. If we are going to send a signal that we believe in opportunity for America, then we must defeat this attempt to roll back opportunity.

There is no question, as the Senator from Washington pointed out, affirmative action does not guarantee anything to anybody. It is not a carving stone where you get it just because of your belonging to a group. It is a principle based on merit. It is not about quotas.

Frankly, when we talk about preferences, the Senator from Maine is exactly right. We have all kinds of preferences. We have preferences for senior citizens; we have preferences for people, depending on where they live; we have preferences for people based on the fact that they served in the military, whether they ever saw a war or not; we award preferences because we think there is an objective, a value, if you will, that is important to promote.

So why, then, this argument that somehow or another, by allowing an opportunity to compete for women and minorities, that sets up some preference that may not be logically or ethically or intellectually supported? Why, then? Given the history, and given where we are and the fact that the evidence makes it clear that discrimination and exclusion for women and minorities still exists, not only in our community, but also in our economy.

There were, in the report that the President had done, "The Affirmative Action Review," results from random testing. They make the point that there was a series of tests conducted between 1990 and 1992. It revealed that blacks were treated significantly worse than equally qualified whites 24 percent of the time, and Latinos were treated worse 22 percent of the time, et cetera, et cetera. It goes on.

So we know, everybody here knows that discrimination still exists, even though we are all, I hope, committed to its eradication. We all know that is a fact. But discrimination notwithstanding, the fact is that the numbers do speak for themselves. Why is it that we are still looking at a situation in which, for our procurement in this Nation, at this time 50 percent of the population being female, 1.21 percent of the contracts awarded in 1993 went to women-owned businesses—1.21 percent. The amendment of the Senator from Texas seeks to roll that back.

Now, does this suggest that 98.89 percent of the people that got the contracts were better qualified than that 1.21 percent of women-owned businesses? I think everybody in this room and everybody listening knows that there are other explanations for why that figure is so low.

So why, then, is it inappropriate to suggest that we give women-owned businesses, that we give minority-owned businesses a shot; that we give them a chance to compete, not based on any lack of qualifications, but, indeed, based on qualifications? Why are we suggesting that we close the door on that chance, that we shut down that opportunity and indeed cripple the diversity that I believe—and I hope my colleagues will concur—is at the heart of the future of America.

The fact of the matter is that that diversity has been talked about in many instances by businesses in this country as a business imperative. We are in a global economy with global markets, and not everybody in the world who does business is male, and not everybody in the world who does business is white, and not everybody who does business in the world speaks English, for that matter. So does it not make sense for us to, if you will, stir the competitive pot a little bit, to allow for an equality of opportunity for all Americans to participate in this economy and in building this Nation for this global economy and preparing our country to compete in this world market? Does it not make sense for all Americans to allow every child a chance to participate on an equal basis, to give everybody a shot—not that we guarantee a young person a chance when we allow for a college scholarship. We do not guarantee them an "A" in chemistry, but we guarantee them a chance to get into the classroom so that possibly if they are an "A" student, our Nation will benefit from the contribution they can make.

Well, that is the whole point of affirmative action, Mr. President. That is the whole point of the kind of initiatives that have been taken to provide, if you will, sheltered markets for women and minorities, and it is not as though anybody has abused any of this. There are only 1.21 percent women-owned businesses.

Last year, Senator HUTCHISON and I worked to pass legislation calling for a 5 percent procurement goal—goal, not quota; not a guarantee, but a goal—for women-owned business. Five percent. Half of the population in this country are female. We said, How about 5 percent? This amendment would roll that back and say, you have 1.21 percent now and last year we thought it would be a good idea to move the goalposts and allow you to at least compete, to try to get to 5 percent. And now we are going to say, well, all bets are off, here is your colored water, drink it and be happy. I do not think that is the will of this U.S. Senate. At least, I certainly hope not.

I would go further to say that the position that is expressed in the Gramm amendment has already been rejected by seven out of nine of the Supreme Court Justices in the recent case of Adarand versus Peña. I would like to read what Justice O'Connor said in Adarand. I think it is something we need to hear. This was the author of the majority opinion that said race-based classification had to withstand strict scrutiny. She said:

> The unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country is an unfortunate reality, and Government is not disqualified from acting in response to it.

Yesterday, President Clinton made a statement in which he said we are going to comply with the law, with Adarand; we are not going to allow for any quotas. We are going to make sure the programs, where they have not worked appropriately, are going to work right. We are going to do this right. He called upon the American people, really, to speak to the higher angels of our nature, to what kind of future do we want to see. Do we want a future in which diversity becomes part of the energy of this country, where if you, again, stir the competitive pot and allow minorities to participate in the economy and allow women to participate in the economy and allow Americans all to participate in this economy and to participate in making our Nation strong? The President thought that was a sensible approach.

I daresay, Senator MURRAY's amendment, which I strongly support, underscores that notion. Her amendment says that "none of the funds in this act may be used for any program when such program results in the award to unqualified persons in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court in Adarand."

So her amendment says we are going to do this right, do it consistent with the law. Senator GRAMM's amendment, on the other hand, says we are just going to knock the feet from underneath the table of opportunity, and we are going to tell women and minorities, "Do not bother to come around. We have nothing for you. And, indeed, if you are going to compete, you are going to have to do it as though you were not female, minority, or as though you were starting on a level playing field."

I think everybody knows that is colored water.

Now, I mentioned appealing to the higher angels of our nature. I know many other people are waiting to speak on this. I would like to yield the floor so that they can. But I would like to refer to Abraham Lincoln, who, of course, was a U.S. President from my State of Illinois. I like to refer to him because he was one of the greatest Presidents this country has ever had. He said in an 1862 address to Congress:

> Fellow-citizens, we cannot escape history. We of this Congress and this administration will be remembered in spite of ourselves. No personal significance or insignificance can spare one or another of us. The fiery trial through which we pass will light us down, in honor or dishonor, to the last generation. . . . We—even we here—hold the power and bear the responsibility. In giving freedom to the slave, we assure freedom to the free—honorable alike in what we give and what we preserve. We shall nobly save or meanly lose the last, best hope of earth. Other means may succeed; this could not fail. The way is plain, peaceful, generous, just—a way which, if followed, the world will forever applaud, and God must forever bless.

Mr. President, Abraham Lincoln was talking about the great conflagration that this country went through. At the same time, I think that we are right now at another kind of crossroads in this country that will determine whether or not we will go forward, we will nobly save or meanly lose the last, best hope of Earth.

This Nation's future will depend on whether or not we can open our arms, and whether or not we can provide for equality of opportunity, a chance for every American. I appeal to my colleagues not to close that chance down, not to shut the door on the efforts that have begun by women and minorities to integrate themselves as full participants in the economic and cultural and social life of this great Nation.

Our future is at stake in this vote and the following votes. I encourage my colleagues to take the high road and to support the Murray amendment and to reject this attempt—reject this attempt—to divide us and to send us back to a day which, I think, is one that none of us will be proud to visit again. Thank you very much. I yield the floor.

Mr. GRAMM. Mr. President, I always love it when Abraham Lincoln is quoted. I think everyone in this body agrees with the quote that we just heard. In fact, the Nation fought a bloody civil war over it and ended up the winner from having settled the issue, which had to be settled, and was settled correctly.

That is not what Abraham Lincoln said about fairness. In fact, there is another Lincoln quote that goes right to the heart of this issue. That Abraham Lincoln quote is where Abraham Lincoln sought to say, what is the objective of government in providing fairness? On this issue, which applies directly to this point, Abraham Lincoln said, "The best that a government can guarantee is a fair chance and an open way."

I do not believe, Mr. President, that any living Lincoln scholar would argue that if Abraham Lincoln stood here on the floor of the Senate today, he would support a provision that gave one American an advantage over another when the American who lost the advantage had merit on his side.

I do not believe that Abraham Lincoln would have argued that two wrongs make a right, which is an argument that we heard earlier today presented, as well as a bad argument can be presented. But it is a bad argument, nonetheless.

Let me begin by trying to answer each of the points that were made. First of all, the Adarand decision. Senator MURRAY's amendment conforms to Adarand because it has no choice but to conform to it because it was based on the Constitution of the United States.

Contrary to the distinguished Senator from Illinois, my amendment is written in total conformity with Adarand. In fact, it has written on page 3 language consistent with the Adarand decision. That is, if the court finds that a contractor was subject to discrimination, the court may provide a remedy with a set-aside to correct the impact of that particular discrimination.

My amendment has the core of the Adarand decision written right into it. In no way is it inconsistent with Adarand, nor could it be, since the Adarand decision is now binding.

Now, let me go through the points. One of the things I want to thank my colleagues for is that nobody argued that the Murray amendment was a real amendment. We heard arguments that my amendment would end set-asides, and that set-asides should not be ended, that people should be given preference, and that it is perfectly acceptable in America to give contracts to people who are not the low bidder and who might not have merit. I want to thank them for doing that, because that is something that Bill Clinton did not have the courage to do in his speech the other day.

Nobody here tried to argue that, to say that you could not give a contract to someone who was unqualified, somehow represented a real alternative to the amendment. Everybody that has spoken thus far has made it very clear that this is an issue about set-asides, and that they are for them, and that they believe that preferences are right, and that they are somehow justified.

Now, here is how they are justified. Senator MURRAY says they are justified because under 8(A) contracting there is only $8 billion, that they are justified because we are giving only $8 billion on a noncompetitive basis, and we are spending so much money, and that is so little money, so the unfairness involved here is relatively small, and, therefore, we ought to continue to do it.

Now, it does not take into account all the other contracts that have some set-aside written in them. Just about every highway contract in America has a set-aside for subcontractors. Set-asides create unfairness. That is what the Adarand decision was about.

The second argument is an argument that 90 percent agree there has been terrible unfairness in our country. I think everyone realizes that. I think it is part of our history. I think the greatness of America is that we have worked to overcome it. I am proud of that. I take a back seat to no one in hating bigots and hating racism and hating prejudice. Hate is a strong word, and I use it advisedly.

Two wrongs do not make a right. We cannot correct inequity in America by making inequity the law of the land. We cannot correct things that happened 200 years ago by discriminating against people in America in 1995.

The only way to have a clean break with the unfairness of the past is to purge unfairness from the present and the future. I believe we need to be absolutely relentless in enforcing the civil rights laws. It is fundamentally wrong to give somebody a job when someone else is better qualified. It is fundamentally wrong to promote someone based on some privilege they are granted, rather than promoting the person who had the better record.

It is profoundly wrong, in fact, it is un-American, to give somebody a contract when they were not the low bidder, when they were not the high-quality bidder. I do not believe that two wrongs make a right. I think what we have to do is relentlessly pursue fairness. You cannot have fairness by legislating unfairness. That is what this debate is about.

The next argument is that women get only 1.21 percent of the contracts. I remind my colleagues, women own over half the wealth in America. It is almost certainly true that, given the fact that women own over half of General Motors and General Electric and General Dynamics, trying to take the set-asides in a particular program of the SBA and say that those are the only contracts that women are getting is inaccurate. Women are running large corporations, women are running businesses that are not applying for contracts under set-asides and which get contracts in America every day.

The next argument is: Allow people to have a shot. Continue set-asides so that people have an opportunity to compete.

People have an opportunity to compete in America because our system today, and we thank God that it is so, is based on merit and competition. Not that it is perfect. Not that we do not need to work relentlessly to make it closer to being perfect. But the point is, people are allowed to compete. And to say that people cannot compete unless they are given a special privilege, I think, perverts the whole idea of equality. The idea that by ending set-asides we are saying to women and to minorities, "Do not come around," assumes that only with set-asides can women and minorities compete.

Finally, the argument for equal opportunity is completely turned on its head here. What my amendment seeks to do is to bring fairness back to the American system of contracting. For 35 years in America, beginning with an Executive order under Lyndon Johnson, compounded by an Executive order under Richard Nixon, and now written into numerous laws and regulations, we have written in quotas and set-asides. We have written in a system that consistently, in terms of the programs that are targeted for this purpose, grants contracts not based on merit but grants contracts based on privilege. That is fundamentally un-American. It is fundamentally wrong and it needs to end.

The American people, by overwhelming margins, are opposed to set-asides. We are spending the taxpayers' money. How can we be good stewards of the taxpayers' money when we grant a contract to someone who was not the high-quality or low-cost bidder? I think we cannot.

It is fundamentally unfair to give a contract to someone who did not win it on merit. What my amendment seeks to do, and does it explicitly, is this. It preserves our ability to spend money to recruit, to educate, to help. Under my amendment we can go out and advertise contracting all over the country. We can target the advertising to specific groups. We can help specific groups in learning how to do Government contracting. We can help them get onto the playing field. But that is where help ends and competition begins. Because under my amendment, unlike the amendment of Senator MURRAY, once people are on the playing field, once the contracts are submitted, we are then forced to make the judgment on merit and merit alone.

I conclude by simply saying this. There is no other way to make decisions that are fair, other than on merit. As long as we make decisions on any basis other than merit, they are inherently unfair. As long as we make decisions on any other basis besides merit, then we are judging our fellow Americans as part of groups rather than as individuals. When the whole world is torn apart with struggles where people feel themselves more part of a group than part of a nation, I think this is a destructive policy that divides Americans. And I think it needs to end.

Our goal as Americans has always been that people would be judged as individuals. As a great American once said, "that they would be judged by the content of their character and not the color of their skin."

Set-asides are wrong. They are unfair. They are un-American. And they should end.

I reserve the remainder of my time.

Mr. SPECTER. Will the Senator from Texas yield for a question?

Mr. GRAMM. The Senator has 10 minutes. I would be happy if he uses his time. I will preserve mine. I have people coming to speak.

Mr. SPECTER. If I may ask the Senator from Texas a question on my time?

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. On my time, then, I ask the Senator from Texas this question.

He makes the comment that his amendment is consistent with Adarand, and said further that it would have to be.

I will call the attention of the Senator from Texas to the opinion of Justice O'Connor, saying,

> The unhappy persistence of both the practice and the lingering effects of racial discrimination against minority groups in this country is an unfortunate reality and Government is not disqualified from acting in response to it.

Then, Justice O'Connor goes on to say,

> When race-based action is necessary to further a compelling interest, such action is within constitutional constraints if it satisfies the "narrow tailoring" test set out in this Court's previous cases.

Well, the first question would be: Having stated that the Senator from Texas agrees with Adarand, then would the Senator from Texas not agree with what Justice O'Connor has said, that a race-based preference is appropriate when it is narrowly tailored to satisfy a compelling State interest?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me pose a parliamentary inquiry. Is it in order for a Senator on his time to ask me a question?

The PRESIDING OFFICER. If unanimous consent is given.

Mr. GRAMM. Mr. President, let me try to answer this one. Then I will go with the regular order. I am not objecting.

Let me say this: What I have done in section B on page 3 is simply made it clear that if a set-aside is granted as a remedy to an act of discrimination that has occurred where the party that is being subject to the set-aside committed discrimination, then clearly it would be allowed under section B. I believe that is consistent with the Adarand ruling. And I believe it is consistent with what I am trying to achieve here.

My objective is not to ratify the Adarand ruling; my objective is to end set-asides—except in those cases where the court might order them as a specific remedy to discrimination which has been committed by the party that the set-aside is being imposed on. For example, if the courts found that a contractor had engaged in discrimination against a subcontractor, under my amendment they would have the potential remedy to order that the contractor grant a set-aside of the contract to the party that has been discriminated against. But under my amendment, they could not order that the contractor—or my amendment would not order that the contractor have a set-aside program for people who have never been discriminated against by him and may never have been discriminated against by anyone else.

Mr. SPECTER. Mr. President, that is very interesting but not a response to my question. And with 10 minutes I cannot engage in a dialog with the Senator from Texas.

I submit to the body that under the standards articulated by the Senator from Texas in the Adarand case, his amendment must fail because where there is a preference based on action by the Government, or where there is a preference based where a previous court order has not been complied with, that is satisfied under Adarand.

And Justice O'Connor goes on to point out that in the Paradise Case, United States versus Paradise, in 1987, every Justice of this Court—that would include Justice Scalia—agreed that the Alabama Department of Public Safety's "persuasive, systematic, and obstinate discriminatory conduct" justified the narrowly tailored race-based remedy.

One of the difficulties, Mr. President, in considering a matter of this complexity within the confines of a 2-hour time limit is that it does not give nearly enough opportunity to go into depth on these very intricate issues. And I think it is worth noting that both the Speaker of the House of Representatives and the majority leader of the U.S. Senate decided not to take up this complex question in this session until, as the Speaker put it, there could be other determinations made to help women and minority groups in America.

The first notice I had of the amendment by the Senator from Texas was shortly before he presented it on the floor. It is a very, very complex matter, and it is one really where the Senate cannot deal intelligently in the course of 2 hours of debate.

My own view, Mr. President, is that it would be vastly preferable to deal with discrimination on an individualized basis, and that we really ought to have an EEOC which did not have a backlog of 100,000 cases. I am very much opposed to discrimination in any form, and that includes reverse discrimination, as the Supreme Court of the United States struck down reverse discrimination against white males in the Memphis firefighters case, when the layoff orders discriminatorily applied to white males.

But there are situations where the unanimous Supreme Court has decided that where there has been a situation where the Court has ordered a remedy, and it has been disregarded, or when there is State action such as the activity of the Alabama State Police, that a remedy is required and a remedy is entirely in order.

The comments by Justice O'Connor, it should be noted, were concurred in by Chief Justice Rehnquist and by Justice Anthony Kennedy. And it is a very important fact, as noted by the Court, that the persistence of both the practice and the lingering effects of race discrimination against minority groups in this country constitute an unfortunate reality, and Government is not disqualified from acting in response to it.

I must say, Mr. President, that on short order, the amendment offered by the Senator from Washington cannot really be considered appropriately, and at sufficient length either. But it is my hope that this body does not act summarily and hastily in an effort to deal with the very important point involved here.

In the last few seconds that I have, let me ask the Senator from Texas one further question as to whether he would agree that a preference based on race would be justified in the case of United States versus Paradise, where, as noted, the Alabama Department of Public Safety had a pervasive, systematic, and obstinate discriminatory conduct by consistently refusing to hire any African-American, which a unanimous Court, including Justice Scalia, said justified the narrow race-based remedy, whether the Senator from Texas would agree that that is proper, and that it is not within the confines of his amendment but, in fact, would be prohibited on the face of his amendment.

Mr. GRAMM. Mr. President, if I might respond, let me say that the case that is referred to by our distinguished colleague from Pennsylvania has to do with quotas. My amendment has to do with set-asides. So they are entirely different subjects.

But let me say that I refer him to section B on the page where I, specifically, in my amendment, provide a remedy based on a finding of discrimination by a person to whom the order applies.

So that, if a contractor, which is the relevant subject here, engages in discrimination, a remedy that the Court can use under this amendment is to impose a set-aside, and clearly, in that case, different than a quota case which would have no application here, it would be permissible.

The PRESIDING OFFICER (Mr. FRIST). The time yielded to the Senator from Pennsylvania has expired.

Mr. SPECTER. May I have 1 additional minute?

Mrs. MURRAY. Yes. I yield 1 additional minute.

Mr. SPECTER. Since the Senator from Texas bases the distinction of set-aside as contrasted with quotas—this Senator is very much opposed to quotas—then would he agree that a preference based on race would be justified in the face of a discriminatory practice as indicated by the State of Alabama?

Mr. GRAMM. I believe that, if it is proven that an employer is engaged in discrimination, a justifiable remedy is to set a quantifiable goal whereby they demonstrate as a way of undoing that discrimination that it no longer exists. The point is in my amendment I specifically allow that with regard to set-asides.

Mr. SPECTER. That would be a preference.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I have a number of speakers who want to speak on my side. I would like to know how much time is left on both sides.

The PRESIDING OFFICER. The Senator from Washington has 18 minutes 45 seconds. The Senator from Texas has 32 minutes 39 seconds.

Mrs. MURRAY. I would be happy to let the Senator from Texas use his time since I have a number of speakers. We do not have much time at this point.

Mr. GRAMM. Mr. President, let me make a couple of points. And then, since the distinguished Senator from Washington has those here who want to speak, she can go ahead and allow them to do it.

The distinguished Speaker of the House has endorsed this amendment. This amendment is expected to be offered to the defense appropriations bill by Congressman GARY FRANKS, and the principal cosponsor is the Speaker of the House. What the Speaker of the House is going to do, in addition to supporting this amendment, is to support other independent programs that are aimed at doing two things: No. 1, creating more opportunity; No. 2, relentlessly pursuing the civil rights laws of the land. But it is clearly incorrect, and verifiably so, to say that the Speaker of the House does not support this approach. In fact, he is a cosponsor of the amendment that will be offered by Congressman GARY FRANKS. Congressman FRANKS and I have joined together on this effort.

One of the distinctions that continues to be made, which is a distinction that cannot sustain any rational analysis, is an effort to say that some people can be given preference without engaging in reverse discrimination against others.

This, Mr. President, is falling back into this rhetoric barrage from the President yesterday where the President gave a wonderful, passionate speech against discrimination in America. I could have given 90 percent of that speech and have felt as passionate as the President did. But when he got down to the heart of matter, this mumbo jumbo terminology comes into effect.

And what the President said—and what we have seen touched on here on two occasions—is the following: I am for giving some people preference. But I am not against creating—I am not for treating anybody else unfairly. I want to, in the process—it seems to me that our colleagues who oppose ending set-asides in America are saying—I want to give these groups preference because I believe that they deserve it either based on past actions in the country or based on the fact that in the big scheme of things this is not that much money, but it is not my intention in doing that to discriminate against anybody else.

That basically is what is being said.

That is a nonsensical statement, Mr. President, because if we have a contract bid and we have the five of us who are here and we all have a bid on the contract, and if Senator DOMENICI is given the contract because a preference is given to people from New Mexico, when in fact the Senator from Illinois has submitted the low bid, and let us say, to make the case as clear as possible, we are all qualified to do the job, by the very act of giving Senator DOMENICI the contract, anyone who had a lower bid than he did has been discriminated against.

The point is you cannot give preference to one group or to one individual without discriminating against another individual or group. This is the nonsensical position that the President has sought to argue.

There is only one way to decide who ought to get a contract in America, and that way is merit. There is only one way to fairly decide who gets a job, who gets a promotion, or who gets a contract, and that is merit. When you decide it on any other basis, you are inherently unfair and you are inherently discriminating against people who would have won the contest on merit. Once you start doing this, you are building unfairness into the system.

We need to end set-asides. We need to be relentless in our pursuit of the equality of opportunity. You cannot promote fairness by legislating unfairness. We cannot correct the ills of the country 10 years ago, 20 years ago, 200 years ago or even yesterday by writing the same unfairness into the law of the land. If someone is discriminated against, the courts have the power, under my amendment, to use a specific set-aside to remedy it, but they cannot simply argue that they are part of a group that is given preference.

What my amendment does is end set-asides. What the amendment of the Senator from Washington does is cloud the issue by saying that contracts cannot be given to people who are unqualified.

The issue is not that the bidder who gets the contract is unqualified. The issue is when you have a set-aside, the bidder who gets the contract is not necessarily the best qualified. And that is a key distinction. That is why one amendment is trying to end set-asides and why the other amendment is a ruse to protect them, to foster and to continue the unfairness that is imposed on the system.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, civil rights remains the unfinished business of America. We have taken very bold steps in recent decades toward racial and gender equality, but discrimination in this Nation persists, sometimes in very obvious forms, and sometimes, in very subtle forms.

The recent report of the Labor Department's Glass Ceiling Commission highlights the many problems still encountered by victims of discrimination seeking to move up the ladder in firms across America. That study, which resulted from legislation sponsored by Senator DOLE, reported that 97 percent of the top executive positions in Fortune 1500 companies were held by white men, who are just 43 percent of the work force.

According to U.S. Department of Labor statistics, black and Hispanic men in 1993 were about half as likely as white men to be employed as managers or professionals and much more likely to be employed as operators, fabricators, and laborers. Black and Hispanic women were much more likely than white women to be employed in generally lower paid service occupations.

In the Nation's largest companies, only six-tenths of 1 percent of senior management positions are held by African-Americans, four-tenths of 1 percent by Hispanic-Americans, three-tenths of a percent by Asian-Americans. White males make up 43 percent of our work force, but hold 95 percent of these jobs. Only 9 percent of American Indians in the work force hold college degrees.

These are just a few statistics that indicate that a level playing field does not exist in the American work force. Much remains to be done. We will not eradicate race and gender bias in the work force by ignoring it—we must continue our efforts to increase the participation of individuals who traditionally have been excluded. Only then can we claim to be a nation of opportunity. Only then can our diversity truly become our strength.

We are now in the midst of a significant debate over how best to fight discrimination. This debate is sometimes very difficult, and often very painful.

The issue of discrimination is too important to be grist for the mill of partisan politics. We must examine the methods of fighting discrimination, but we should not question the goal of realizing truly equal opportunity for all Americans.

Affirmative action is one of our most effective means and best hopes for realizing that goal, and for rooting out bias based on race and gender.

The President said it best: "When done right, affirmative action works. It contributes to greater diversity in environments where none existed. It provides opportunity for individuals who have been denied opportunity through hatred, exclusivity, and ignorance."

Civil rights is and has always been a bipartisan issue in Congress. The Party of Lincoln has produced many stalwart supporters of strong civil rights legislation: former Senators Everett Dirksen, Jacob Javits, Lowell Weicker, and Jack Danforth have led the way in the past, and many of our Republican colleagues carry on that distinguished tradition today.

We must continue that bipartisan effort in the ongoing battle against discrimination in all its ugly forms.

If there have been abuses of affirmative action, then we need to review and address those abuses. Every Federal affirmative action program should be reviewed to determine whether it has been effective or detrimental.

But we must be careful to protect those programs that have worked and that continue to work well.

President Clinton is right to broaden set-asides, to oppose quotas, to reject preferences for unqualified individuals and reverse discrimination, and to end programs that have been unsuccessful.

And he is right to support the continuation of a program that continues to make a difference in the lives of those who would otherwise remain on the fringes of society, despite their qualifications, their education, their hard work, and their integrity. Those principles are the essence of the Murray amendment, and I urge the Senate to approve it.

Long ago, our forefathers founded this Nation with the fundamental promise of equal justice for all. We as a nation have not yet achieved that promise, but we have taken bold steps toward its fulfillment. We must not retreat from that promise.

Ms. MIKULSKI. Mr. President, I rise to oppose the amendment offered by Senator GRAMM to kill affirmative action initiatives in Federal contracts, and I support the second degree amendment offered by my colleague, Senator MURRAY.

I oppose the Gramm amendment because we cannot walk away from the people in our society who have either been left out or pushed aside. We must have tools to deal with persistent bias.

Mr. President, the second degree amendment is very clear. No Federal funds can go to any affirmative action program that results in quotas, in reverse discrimination or in hiring of unqualified persons.

It makes very clear that affirmative action programs must be completely consistent with the Supreme Court's recent Adarand decision. That decision says that affirmative action programs could be justified.

The second degree amendment recognizes that the war against discrimination is not won. It still exists today.

And affirmative action is just one tool needed to help win that fight. But, other tools are needed too—education, employment, and Federal contracts.

Mr. President, I support enforcing the law. That means no quotas because they are illegal. That means no discrimination because it is illegal—and totally unacceptable.

Mr. President, affirmative action is about persistent bias in our system, bias in our government agencies, and unfortunately bias in the hearts of many people.

I'm talking about persistent bias against minorities, against women, and against economic empowerment.

What do I mean when I say persistent bias? I mean when people are told throughout their lives "no" based on their race, gender, or ethnicity.

When they are told no you can't go to that school, no you can't belong to that club, no you can't go to that college, no you can't have that job, no you can't have that promotion, no you can't have that salary.

Persistent bias exists. The Supreme Court knows it. Statistics show it. And every day, someone in the United States feels it.

Mr. President, statistics prove that persistent bias exits. The Glass Ceiling report shows the disparity against minorities and women.

Black men with professional degrees earn 79 percent of what white men make with the same degree and in the same job.

The report states that white men make up 43 percent of the work force, but hold 95 percent of the senior management positions.

And women and minorities who do make it to the top, make less than their male counterparts. Why is this the case? Persistent bias.

It's not just about race, it's about gender too.

Exactly how far have women come? Only 5 percent of senior managers in Fortune 2000 industrial and service companies are women.

Women are over 99.3 percent of dental hygienists, but are only 10.5 percent of dentists. Women are 48 percent of all journalists, but hold only 6 percent of the top jobs in journalism. And it's 1995.

Mr. President, with facts and statistics like these, the need for affirmative action programs is crystal clear.

I'm against discrimination. Everybody else says they are too. But the problem is that many people don't practice what they preach.

Throughout America, growing and pervasive economic insecurity has created immense anger and anxiety. We've heard it all. Some say that minorities and women are the problem. And so, many attack affirmative action.

Everyone is afraid of losing their job, being downsized or being left behind.

Blacks and whites, men and women are being pitted against each other—most often for political gain. But, let's be clear. Scapegoating takes us nowhere.

Look at how we all benefit from having an inclusive society where everyone has the opportunity to achieve and compete. Affirmative action has just begun the process of opening up the competition to everyone.

Between 1982 and 1987, the number of women-owned businesses rose more than 58 percent.

And now we see more women and minorities in law enforcement, firefighting, skilled construction work, and as doctors, and lawyers. But, it's not enough.

Discrimination is still alive and well. My constituents write me repeatedly about discrimination in our Federal Government agencies and right here in our own U.S. Congress.

Mr. President, We must provide an opportunity ladder. The Gramm amendment cuts off that opportunity.

You don't have to sacrifice quality when you pursue equality. Affirmative action is not a guarantee for those who could not otherwise succeed. It's simply an opportunity to compete. I support giving everyone that opportunity.

I'm going to fight for equality, fairness, and a merit-based society, with real opportunity structure so that people can make it, and the end of persistent bias. We have to show people that we are on their side.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent to add Senator DODD and Senator FEINSTEIN as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I yield 5 minutes to the Senator from Illinois [Mr. SIMON].

Mr. SIMON. Mr. President and my colleagues, I thank my colleague from Washington for yielding. I rise in strong support of her amendment and in opposition to the amendment of the senior Senator from Texas.

Let me give you a very practical example. When I was in the State legislature, a young African-American contractor just starting off wanted to do a little bit of curbing work at Scott Air Force Base. He could not get a bond. I went to bat for him. I could not believe the barriers that were there for this person to get a surety bond so he could get a construction job.

We finally, after screaming and hollering, broke through, and he built up a business and eventually moved to Atlanta and became one of the 10 wealthiest African-Americans in our country. The barriers are there for a great many people, and surety bonds are a good illustration.

I introduced a bill last session—I believe I have introduced it again this session—to say you cannot discriminate in the issuance of surety bonds. Why, you would think a little bill like that would have no trouble at all. What a storm of opposition it got.

We have to make opportunity for people. Has anyone here ever heard of a country club that is all white and all male? Well, they are all over the place. We know it. And that is where a lot of business gets done.

Can affirmative action be abused? Of course, it can be abused, like education and religion and a lot of other things, but it is sound.

We are talking about opportunity. I heard my friend, Rev. Joseph Lowery, from Atlanta, on NPR yesterday. He heads the Southern Christian Leadership Conference. On affirmative action, he said those who resist, they push somebody outside; you have to stay out in the rain all night. Then in the daytime you invite them in, and they are standing on the oriental rug and we say, "Sorry, we cannot give you any business because you are wet."

We have to recognize that there have been some abuses in our society.

Let me just give you one example. Today, the average woman who works makes 72 cents as much as the average male. That is not good. But it used to be 59 cents. That is progress. I have seen a lot of progress in our society, and if this is adopted, this is just one step down the road to knocking out other affirmative action.

We all practice some affirmative action. It is very interesting that in Senator GRAMM's amendment, he accepts that we are going to have affirmative action for historically black colleges and universities. I applaud him for taking that step, but what is true for historically black colleges and universities ought to be true for women and minorities who are in business also.

What we have to do in our society is make opportunity for people. The amendment offered by our colleague from Washington moves on some of the abuses without saying let us stop doing this. And make no mistake, if this is adopted, there will be other amendments in the future.

When my friend from Texas says, well, people can go to court and get this resolved, let us say you are a small contractor and you cannot get a surety bond. No. 1, you probably cannot afford to go to court. No. 2, going to court sounds like an easy remedy —and I see I am getting the look from the Presiding Officer here now—but the reality is that it is just not a realistic option. The Gramm amendment should be defeated.

The PRESIDING OFFICER. The time of the Senator has expired.

Who yields time?

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from New Mexico.

Mr. DOMENICI. Mr. President, Senator GRAMM knows that I hold him in high respect, but frankly I do not think this is the way we ought to handle a matter of this importance. Everybody that is speaking tonight in the Chamber obviously is well motivated, but from my standpoint there is an awful lot of discussion in the Chamber that ignores reality.

The reality is that the U.S. Supreme Court, while it said we have to do these things differently, acknowledged that there is discrimination in the United States. I believe there is. I believe we are doing better. And clearly we are better than we were 100 years ago and better than 50 years ago.

Mr. President and fellow Senators, there is no question that this is an important issue—discrimination. And to come to the floor on an appropriations bill, no public hearings that I know of, no committee hearings that I am aware of, and to suggest that on each appropriations bill we are going to tailor some way to get rid of affirmative action in the United States, in my opinion, is as apt to miss the point as it is to solve anything.

Frankly, in the United States of America, we cannot rely solely upon the discrimination laws of this land to bring equity and fairness to Americans. In fact, many of us would stand up and say society is already overburdened by antidiscriminatory legislation and that there ought to be a better way to bring some equity into this system.

Now, I am a staunch proponent of capitalism, but I tell you, to come to the floor and say that the capitalist system will break down if everything is not based on competition and merit, is to ignore reality.

There is plenty of rule and regulation of the capitalist system that sets apart many things that are not based upon either merit or competition. And the truth of the matter is we ought to find a way to comply with the Supreme Court's decision and do something about discrimination from the standpoint of opportunity. Not from the standpoint of going to court to enforce one's rights.

And I submit we can find some ways. It certainly is not what we are doing today. And it is not what either of these amendments will accomplish in my opinion.

The Senator from Washington yielded time to me, and I will say to my good friend, I was not for her amendment either. It is too difficult to understand. We ought not be debating it here at 9:20 with 10 or 15 minutes per speaker. This is an important issue, really. And perceptionwise, it is a gigantic issue. And I do not know why we have to do it this way. I do not know why we have to say to the millions of Americans who are worried about discrimination, "It is just plain and simple. There is nothing to it. Just come to the floor. And I have 16, 20 words. We will fix it all up."

My friend from Texas is a great wordsmith and I have great respect for him. But I submit to him this is not the way to do business. I will not convince him because he is convinced that this is a most important issue. And for that, I admire him. He has always spoken his piece. But this is not the way to address this issue in the United States of America on an hour's notice on an appropriations bill about the legislature of the United States and how we pay for it. And we ought not do it. Both amendments ought to be defeated. And we ought to pass a legislative appropriations bill tonight.

I yield the floor.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Let me thank my colleague from New Mexico. And I agree with him we should not be legislating on this appropriations bill. As the ranking member on this committee, I did not chose this evening and this time to have this debate. It was certainly brought before us by the Senator from Texas. And under that I offered my amendment to second degree it. I am not afraid to debate this. But I agree with you. It should not be done on a legislative appropriations bill.

I thank the Senator.

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. I could not disagree with my colleague more strongly. We are getting ready to spend billions of dollars in the first appropriations bill of this year. The American people have debated this issue. The President of the United States spoke at great length on it yesterday. It has been an element in the platform of my party for over a quarter of a century.

This is an issue which is well understood and it is not complicated. The issue here is, should we have contracting through the Federal Government, in this case through the legislative branch of our Government, that part that we control directly—should we be letting contracts as a Congress not on merit but rather on race, color, national origin, or gender?

I say no. The American people say, overwhelmingly, no. And if we let these appropriations bills pass without ending set-asides, then we are continuing a practice that the American people clearly rejected in the 1994 election, and that, by huge a majority, the American people want fixed.

This is not an amendment that was born out of thin air. This is the amendment that has been worked on by many, many people. It is a joint effort that I have undertaken with Congressman GARY FRANKS in the House. His cosponsor is NEWT GINGRICH and the amendment is supported by the entire House leadership. And what the amendment says is very, very simple. It says that none of the money we are going to be spending under this bill can be used for the purpose of granting contracts that are awarded in total or in part based on race, color, national origin or gender.

My amendment clearly allows for an outreach program. The Government can spend any amount of money, helping people learn how to bid, helping people to get to the site of the bidding, helping people put together their bid. But, under this amendment, once the bids are offered, the contract has to go to the most qualified contractor. The contract cannot be given to someone on the basis of preference rather than on the basis of merit. The amendment is drafted so as to allow the courts to grant a specific remedy when a person is discriminated against. Now let me touch on several other issues that have been raised by other speakers before I yield the floor.

No. 1, there have been abuses in the past. No one disagrees with that. No one could live in America and not understand that there have been abuses in the past. The point is, by legislating abuses and unfairness in the present and in the future, do we correct the unfairness of the past? Do two wrongs make a right? If two wrongs make a right, then the adage we learned as children must be incorrect.

Second, a point was made it is difficult for some contractors to go to court. That is equally true for contractors who are discriminated against by set-asides.

The Senator claims to be offering an amendment as an alternative to mine, which says that programs cannot be awarded to unqualified persons. The issue here is not whether the person who gets the contract is qualified, the issue is, are they the best qualified?

The fact that the Court said under Adarand that certain types of quotas could be allowed under the Constitution does not mean that the Court said they have to be used. We are able to set by law whether we want quotas or not. And I do not want them. We are able to set by law whether we want set-asides or not. And I do not want them. I think merit is the only fair way to decide who gets a contract in America. And the fact that the Adarand case said that it is constitutional for Congress to have very narrowly focused set-asides does not mean that the Court said Congress has to have them. It simply said that it would allow them to stand under the Constitution. But no one questions that we have the right to limit them.

Quite frankly, my amendment does not totally ban set-asides. In the case where a subcontractor or a contractor can prove that they were discriminated against in the past, on the basis of that proof a set-aside could be used to remedy a specific wrong which is proven.

The idea that some have argued here is that we have a pure system of capitalism that breaks down when there are impurities in it—I make no such argument tonight. America can survive set-asides. America has survived quotas and set-asides for 25 years. I never cease to be amazed that our system overcomes not only the illness but the absurd prescription of the doctor. It survives not only the natural problems we have, but the problems we impose on ourselves. But the point is, do we want to continue to allocate contracts in America, spending the taxpayers' money, on a discriminatory basis or do we want to demand merit? I want to demand merit.

Final point. This is not a difficult issue to understand. And I want to emphasize this one more time because I am certain that there will be those when the vote is cast who will look at the Murray amendment and say, well, I voted to fix this problem. But the issue here is very simple. Under my amendment we ban set-asides based on race, color, national origin, or gender, period. Under the substitute amendment which is going to be voted in sequence, what it bans is granting an award to an unqualified person. The issue in set-asides is not that the person who gets the contract is unqualified, the issue is that they are not necessarily the best qualified. Is it fair to give a contract to a qualified person when another person is better qualified? If you have two qualified builders, and one submits a bid for $100,000 and one submits a bid for $200,000, is it OK to give the contract to the one who bids $200,000 simply because they are qualified?

The point is, and I am very proud of the fact that nobody here has claimed that in opposing my amendment, they are doing anything other than supporting set-asides, period. That is what the issue is.

There is going to be one real vote on one real amendment. If you are against set-asides in contracts and you want a merit system, then you want to vote for my amendment. If you are not against set-asides, you want to vote "no." If you simply believe that we ought to continue discrimination written into the law of the land, as long as the person who is getting the privilege is qualified, even if they are less qualified, even if they have a higher bid on their contract, then you could find the Murray amendment acceptable. But this is a very clear issue. I think everybody understands what it is about.

Again, when we are spending money is the time that we ought to talk about the conditions under which it is going to be spent. If my amendment is adopted, every contract that we let through the legislative branch of Government will be done on merit, and the contractor with the highest quality work and the lowest price will get the contract. That is the only fair way to do it. The American people support it. It is the American way, and I think it is time we get back to it.

I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Will the Senator from Texas yield for a question on his time?

Mr. GRAMM. How much time does the Senator have?

The PRESIDING OFFICER. The Senator from Texas has 16 minutes, 52 seconds, and the Senator from Washington, 8 minutes, 45 seconds.

Mr. GRAMM. Mr. President, if the Senator uses her time up, I will, at that point, yield for a question.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Mr. President, I yield 5 minutes to the Senator from Connecticut.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I may not take all 5 minutes because I know others want to be heard as well.

If he had not said it, I think I would have said it. I want to commend our colleague from New Mexico this evening for his comments. I will support the Murray amendment, which is the one distinction, and I do that because I think having an alternative is necessary.

Frankly, as the Senator from Washington and the Senator from New Mexico have said, we ought not to be considering any of these amendments. I say, with all due respect to my colleague from Texas, that it was once said by some sage that for every complex problem, there is oftentimes offered a simple solution, and it is usually wrong.

With all due respect, I suggest to my friend from Texas that people have debated and discussed and thought about this issue for a great deal of time on how we try and deal with what the Senator from New Mexico has very appropriately and properly said, regretfully, deeply so, there is still racism in our country, there is still discrimination based on gender. Anyone who thinks otherwise is living on a different planet than I am. That is a fact.

No one has yet come up with a perfect solution as to how we solve these problems. The Senator from Washington has offered something on which I think all of us agree. Maybe we ought to this evening support that amendment, because I hear the debate all the time about quotas and reverse discrimination. Her amendment at least puts us on record on those issues. I think that is worthy of support.

We had the President yesterday give a major speech on this issue. He has been under significant pressure for some months to come up with some ideas and solutions on how we might address the issue of affirmative action. Whether or not you agree with everything he said in his speech, he has laid out a roadmap, a plan on how we might deal with these issues.

I think it is only fitting and proper that we in this body at least exercise a modicum of the same degree of deliberation as we look at these issues. To suggest in the space of an hour or hour and a half, with an amendment thrown up this evening, that we are going to solve this problem once and for all, I think is terribly, terribly shortsighted.

So I urge my colleagues this evening, whether you agree philosophically with the Senator from Texas or not, this amendment ought to be rejected, and the people, through this body and the legislative process, can decide what best action we ought to take.

Mr. President, let me say for my part, I happen to think that affirmative action in this country has made us a stronger, a better, a richer nation, because we have reached out to people. Merely look in your own neighborhoods and communities and recognize today what a better country this is than it was even 2 or 3 decades ago when major portions of our population were denied public access to basic facilities.

We are not talking 100 years ago. We have come a long way as a people. The great strength of our country is our diversity, and we need to grope and figure out how we can constantly be more inclusive. That is our strength. It is not our weakness.

Too often when people address this issue, they appeal to the emotions of people. There are people who are troubled today, worried, frustrated about jobs and their families and their futures, and it is so easy to come along and to point to some problem as the reason for their difficulties and then to appeal to those emotions. This is not a time for that. We need to figure out together, in this body and elsewhere, in the private sector and public sector, how we can come together and help address this difficulty.

This is not the way to go about this. This is not the answer, no matter how appealing the language may be. This is not going to help us solve our problems. It divides us, and that is not what we ought to be about in the U.S. Senate. We ought to be seeking the common ground that the President talked about the other night and that the Senator from New Mexico addressed in his brief remarks.

The Senator from New Mexico is right; this is not the time or the place. There is a place, there is a time, but this is not the answer to it. So I urge my colleagues to reject the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. GRAMM addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mr. GRAMM. Mr. President, let me just respond very briefly. I do not think there is anyone here who argues that there is no racism in America or that we do not have any discrimination today. I think we all know that, thank God, there is not as much as there used to be, but if there is any, and there clearly is, it is too much.

The point is, however, that we cannot correct unfairness in America by making unfairness the law of the land. We cannot correct injustices of the present or the past by legislating injustice in the present to carry us into the future.

The point is that any time people are judged on the basis of anything but merit, it is unfair. That is our definition of discrimination. That is our definition of prejudice.

What we are doing with set-asides is legislating discrimination into the law of the land, the idea being that if wrongs have existed, if wrongs exist today, that somehow we can correct them by making another wrong the law of the land. I reject that. I think that is faulty logic, and making unfairness the law of the land, it seems to me, simply holds the system up as being corrupt.

Second, I want to make it clear that I have not used the term "affirmative action" once in this debate, and I never use the term "affirmative action." When Lyndon Johnson chose the term "affirmative action" in 1965, it is clear to me that he chose it for one and only one reason: Nobody knew what it meant. And it is equally clear that nobody knows what it means today.

I have sought to deal with one issue, set-asides, the granting of contracts on the basis of something other than merit. I make it very clear in the amendment, something that I have worked on with Members of the House and the Senate and outside groups, that there is nothing in this amendment that prohibits outreach, that prohibits recruitment.

The legislative branch of Government could spend an unlimited amount of money trying to get people to bid on contracts, trying to help them bid, trying to outreach to them, trying to school them, trying to be of assistance to them. All of that is perfectly allowable under this amendment. But where this amendment draws the line is that once the contracts are submitted, you cannot decide who gets the contract on the basis of race, color, national origin, or gender. You have to decide it on merit. That is the American way of doing things. Any other way is inherently unfair, is inherently discriminatory, and it is discrimination written into the law of the land.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. Will the Senator yield for a question at this time?

Mr. GRAMM. Yes, I will yield.

Mrs. MURRAY. I thank the Senator. I wanted to ask the Senator specifically about his amendment. Obviously, we are dealing with the legislative branch appropriations here. What programs funded under legislative appropriations are there that concern the Senator and that brought this amendment to us at this time?

Mr. GRAMM. Mr. President, reclaiming my time to respond, we have, throughout our appropriations process, through Executive order and through law, set up a system where routinely contracts are granted on a nonmerit basis.

I did not choose this bill. This bill happens to be the first appropriations bill that came up. But I think the good thing about choosing it is we begin by practicing what we preach, because all the other appropriations bills have to do with the executive branch of Government.

So what I am saying here is that any contract let, whether we are doing construction work on the Capitol, or whether we are doing work at the Library of Congress, or whether we are doing work at the Congressional Research Service, or whether we are building the new dorm for pages—a dorm that I did not even know existed, which is why I always vote against this bill, because there is always something in these legislative appropriations—or has been until this year, and I have more confidence now than in the past—that I do not know about. So what this would say is, to give you an example, in the subcontracting or the contracting on the page dorm, that contracts have to be let on a merit basis. They cannot be let on the basis of a set-aside, clear and simple.

Mrs. MURRAY. Will the Senator further yield for a question?

Mr. GRAMM. I will yield for one last question.

Mrs. MURRAY. I appreciate that because I wanted to ask the Senator this. Under the legislative branch appropriations in fiscal year 1995, the Library of Congress awarded five contracts for a total of $10 million that would be affected by your amendment. Out of, I believe it is, well over $266 million total contracts, only five of those would be affected by your amendment. I am curious as to why you are approaching that for such a minute number on this appropriations bill.

Mr. GRAMM. The Senator has said that under SBA there are only $8 or $9 billion of set-asides. But my response is that this is a matter of principle, it is not a matter of money. It is a matter of principle. The principle is, if it were one nickel, if it were one penny, do we want to be on record in the greatest deliberative body in the history of the world, in the greatest democracy that the world has ever known, saying that we want money we expend—in this case on legislative branch activities—spent in a discriminatory way?

So you can argue that there were only $10 million of contracts here and $8 billion there, and there may have been some in subcontracts. But the point is not the money. The point is the principle. This is not a complicated issue. This is something we should be doing because the principle is as clear as the morning Sun.

Should contracts be let on merit? Or should they be let on a system of preference? In America, do we have competition among individuals? Or do we have competition among groups? That is the issue here. It is a very fundamental issue. It is a very simple issue.

I want to be relentless in our pursuit of equality of opportunity, and we cannot pursue equality of opportunity by legislating bias, by legislating discrimination, by legislating unfairness. The American way is merit. No other way is acceptable. It is not an issue about money. It is an issue about principle because it goes to the very heart of who we are as a people and what we stand for.

I yield the floor.

Mrs. MURRAY. I have one quick additional question. Would the Senator yield?

Mr. GRAMM. How much time remains?

The PRESIDING OFFICER. The Senator from Texas has 8 minutes 36 seconds. The Senator from Washington has 4 minutes.

Mr. GRAMM. I will yield for one last question.

Mrs. MURRAY. I just wanted to know if veterans preferences were acceptable to the Senator.

Mr. GRAMM. A veterans preference is a preference we have set out in law as an inducement for people to serve in the military. It is part of the reward that they get for service. Any American can join the military if they can meet the mental and physical requirements, and in doing so, they know as part of their package that they not only get the pay, they not only get the retirement, but they get a veterans preference in terms of public employment.

It is perfectly reasonable that our Nation has set out a goal of encouraging people to join the military, and many people have taken the opportunity to serve. In fact, the veterans preference now brings diversity to the Federal Government. It is a preference that promotes the very objectives that our colleagues claim they want. But it is an objective that is promoted through service. It is an earned benefit. That is the distinction.

The PRESIDING OFFICER. Who yields time?

Mrs. MURRAY. I yield 2 minutes to the Senator from Minnesota.

Mr. WELLSTONE. Thank you, Mr. President. I guess that having 2 minutes really proves the point that Senator DOMENICI from New Mexico made earlier with a considerable amount of eloquence. This is an important, really fundamental issue that goes to the core of who we are as a people and a society. It really should not be debated tonight on an appropriations bill—the legislative appropriations bill.

I guess about all I can say in 2 minutes is that I wish it was the case when I visit hospitals—now being a grandfather with two small grandchildren—that I could look at a child and feel reassured that that child, regardless of gender, or regardless of race, or regardless of disability, would have the same opportunity. That is called equality of opportunity. I am the son of a Jewish immigrant from Russia, and I think that is one of the most important principles to me in our country, which is why I love our country so much. But, Mr. President, that is not the case.

I think that we ought to think long and hard before we pass an amendment which, I believe, is very extreme, and I believe that its effect—I do not know about purpose—turns the clock back a good many decades. I think it would be a profound mistake for us to support the Gramm amendment. I think that the Murray/Cohen/Daschle/Moseley-Braun amendment, if we are going to have this debate tonight, should and must be the prudent middle ground for us.

Mr. GRAMM. Mr. President, for 30 years we have had unfairness built into the law of the land. I am trying to turn the clock forward to the future, where not only do we have a goal of equal opportunity and merit as a nation, but that our laws reflect it.

In terms of what we all wish when we see our children, I think we all hope for them a society where ultimately merit triumphs. We have heard a lot tonight about problems in America's past, and there are a lot of them. But I think, also, we have to give ourselves credit. America is the greatest, freest country in the history of the world. Since our colleague brought up looking at his grandchildren and thinking about their future, let me conclude on that remark by talking about America in action.

My wife's grandfather came to this country as an indentured laborer to work in the sugarcane fields in Hawaii. I do not know whether they let him vote during that period or not. But they certainly let him work, and he worked off that contract.

His son, my wife's father, became the first Asian American ever to be an officer of a sugar company in the history of Hawaii. Under President Reagan and President Bush, his granddaughter, my wife, became chairman of the Commodity Futures Trading Commission, where she oversaw the trading of all commodities and commodity futures, including the same sugarcane her grandfather came to this country to harvest so long ago.

That is not the story of an extraordinary family. That is the story of a very ordinary family in a very extraordinary country. I want every child born in this country to have the same opportunities that my wife's grandfather had when he came to America. But we are not going to grant those opportunities by writing unfairness into the law of the land. We are not going to fix problems and unfairness in the past by writing unfairness into the law.

There is only one fair way to decide who gets a job, who gets a promotion, and who gets a contract. That fair way is merit, and merit alone.

What my amendment tries to do is go back to merit. This is not a sweeping amendment. This amendment applies to this bill, this year. What this amendment says, very simply, is this, that in letting contracts—it does not apply to contracts that already are in existence, but on the contracts that we will enter into through the funds that we appropriate this year, new contracts—that the letting of those contracts will be on a fair, competitive basis, where merit will be the determining factor.

This is not a revolutionary idea. Although, I guess in a sense it is a revolutionary idea. It is the most revolutionary idea in history. It is the American idea. It is the American ideal. Merit should be the basis of selection and award. That is what my amendment says.

The amendment which is offered, the alternative, says that you should not give contracts to people who are not qualified, but that begs the question of whether someone else was better qualified. Merit is what I seek in this amendment. If you believe in it, I think you should support the amendment. If you support set-asides, I believe you should vote against my amendment and you should vote for the amendment of the Senator from Washington [Mrs. MURRAY].

I reserve the balance of my time.

Mrs. MURRAY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. The Senator from Washington has 2 minutes and the Senator from Texas, 3 minutes.

Mrs. MURRAY. I yield 1 minute to the Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you very much, Mr. President, and I thank the Senator from Washington. I will be very brief.

The Senator from Texas keeps referring to two wrongs not making a right. We all know that the first wrong which he refers to, the history as well as the present experience that we had in this Nation, was discrimination.

Let me submit to everyone who is listening, the second wrong is not affirmative action. It is not our effort to fix that tragic legacy. The second wrong lies in this amendment in shutting the door, closing down the small efforts, the small steps we have taken, to remedy, to provide for opportunity, to give people a shot, to give people a chance.

I say to my colleagues, as someone who is both minority and female, I am not comforted at the notion that by getting rid of affirmative action anybody is doing me a favor. So I encourage my colleagues to defeat the amendment from the Senator from Texas.

UNANIMOUS-CONSENT AGREEMENT

Mr. MACK. Mr. President, I have a consent agreement that has been approved on both sides of the aisle on a matter other than this bill.

Mr. DOLE. Mr. President, as some of my colleagues may know, I am in the process of preparing legislation that is designed to get the Federal Government out of the business of granting group-preferences. I will be introducing this legislation next week.

This legislation will stand for a simple proposition—that the Federal Government should neither discriminate against, nor grant preferences to, individuals on the basis of race, color, gender, or ethnic background.

Whether it is employment, or contracting, or any other federally conducted program, our Government in Washington should work to bring its citizens together, not to divide us. Our focus should be protecting the rights of individuals, not the rights of certain groups.

The amendment offered by my distinguished colleague from Texas is consistent with the approach embodied in the bill I will be introducing next week. And of course, I look forward to working with him as well with all of my colleagues on both sides of the aisle.

Rather than the piecemeal approach of amending each of the appropriations bills, I would prefer to address this very, very important issue more thoroughly and as a separate matter—and that's the point of my bill—to serve as a starting point for this discussion.

This legislation may not be perfect, but it is my hope that it can act as the basis for a serious, rational, and, yes, optimistic dialog on one of the most contentious issues of our time.

Of course, our country's history has many sad chapters—slavery, Jim Crow, separate but equal. And, of course, discrimination persists today. We do not live in a color-blind society. I understand this.

But, Mr. President, fighting discrimination should not be an excuse for abandoning the color-blind ideal. The goal of expanding opportunity should not be used to divide Americans by race, by gender, or by ethnic background. Discrimination is wrong, and preferential treatment is wrong, as well.

So, Mr. President, our goal should be to provide equal opportunity—but not through quotas, set-asides, and other group preferences that are inimical to the principles upon which our country was founded.

A relevant civil rights agenda means conscientiously enforcing the antidiscrimination laws. It means outreach and recruitment. And it means knocking down regulatory barriers to economic opportunity, including repeal of the discriminatory Davis-Bacon Act; enacting school choice programs for low income innercity families; and fighting the scourge of violent crime that is unquestionably one of the biggest causes of poverty today.

This is the agenda upon which dreams can be built—and it is an agenda that this Congress should be relentlessly pursuing.

UNANIMOUS-CONSENT REQUEST—H.R. 1944

Mr. MACK. Mr. President, I have a consent agreement that has been approved on both sides of the aisle on a matter other than this bill.

I ask unanimous consent that following the disposition of the legislative appropriations bill, the Senate turn to the consideration of H.R. 1944 and it be considered under the following agreement:

One amendment in order to be offered by Senators WELLSTONE and MOSELEY-BRAUN regarding Education Funding/Job Training and LIHEAP, on which there be a division, and each of the two divisions be limited to 1 hour, to be equally divided in the usual form with all time being used tonight except for 30 minutes under the control of Senator WELLSTONE; and that at 10:20 a.m. the managers be recognized to utilize 10 minutes for debate to be followed by Senator WELLSTONE to be recognized for his 30 minutes of debate, to be followed by a vote on a motion to table the first Wellstone division, and that following that vote, the majority leader be recognized to place the bill on the Calendar, and if that action is not exercised, the Senate then proceed immediately to a vote on a motion to table the second Wellstone division and that following that vote the majority leader be recognized to exercise the same right with respect to placing the bill on the Calendar, and if that action is not utilized the Senate proceed immediately to a vote on passage of H.R. 1944.

Mr. WELLSTONE. Reserving the right to object.

Ms. MOSELEY-BRAUN. Mr. President, I object.

The PRESIDING OFFICER. The objection is heard.

Mrs. MURRAY. Mr. President, how much time is remaining?

The PRESIDING OFFICER. One minute, 6 seconds.

Mrs. MURRAY. I want to thank all of my colleagues who have come to the floor tonight to speak so eloquently for equal opportunity.

I yield my remaining time to the Senator from Maine, Senator COHEN.

Mr. COHEN. Mr. President, at the heart of the amendment of the Senator from Texas is that everything should be decided on merit. That makes the assumption that we are all starting off on a level playing field. That makes the assumption that we all have equal opportunity and we are born with that equal opportunity.

That completely ignores what is a reality of our lives—that not everybody has an equal opportunity, not everyone has equal access to education, not everyone has the same opportunity to break through various barriers.

There is the assumption that everything is decided on merit. If that is the case, why do we have laws against monopolies? Why do we just not say the company that gets the biggest, that provides the most for the least should prevail in every case? Why do we need to break up monopolies if everything is to be decided on merit?

We have law to prevent that because we understand that not everyone is treated equally in the marketplace.

The PRESIDING OFFICER. The Senator from Texas has 3 minutes and 20 seconds.

Mr. GRAMM. Let me begin with the last point. No one has ever argued, nor does anyone believe, that any two people are born equal. No one believes that the playing field is level.

If the mother of the Senator from Maine loved him and my mother did not love me, no law can ever make us equal. I do not know how much property the father of the Senator from Maine owned when he was born as compared to any other Member. Society cannot guarantee equality, except in one way, and it is what Abraham Lincoln called a fair chance and an open way. There is no legislative remedy to an unlevel playing field other than leveling it in the future so that people can compete. Because there have been wrongs in the past does not justify making those wrongs the law of the land in the future.

I believe that merit does not hold people down. Merit liberates people.

I think we are down to a moment of decision. I want to use my final moments in defining what I have offered, a very limited amendment that says on this bill, this year in the Congress in congressional spending, that we will provide under this appropriation that contracts cannot be let on any basis other than merit.

Nothing in my amendment limits outreach, limits recruitment, nothing in my amendment overturns an existing contract, nothing in my amendment overturns a court order or prevents the court from issuing an order in the future to remedy a specific problem.

What my amendment seeks to do is to bring back to America, and in this particular bill, legislative branch spending, the concept of merit. The alternative which is offered by the Senator from Washington simply says that contracts have to go to qualified persons. That is not the issue, Mr. President. The issue is not that the person who gets a discriminatory contract is unqualified. The issue is that they are not the best qualified candidate. The issue is they did not submit the lowest bid or the best value.

There is only one fair way to decide who gets a job, who gets promoted, and who gets a contract. That is merit. That is what I am trying to bring back to this individual appropriation bill.

If you oppose set-asides, and a huge percentage of the American people do, then I urge Members to vote for my amendment and vote against the Murray amendment. The Murray amendment simply precludes giving contracts to people who are not qualified. My amendment requires giving contracts to people who are the best qualified. That is the test of merit. Not that the loser of the competition has no merit; it is who has the most merit. That is the issue.

The PRESIDING OFFICER. Time has expired.

Mrs. MURRAY addressed the Chair.

AMENDMENT NO. 1827 WITHDRAWN

The PRESIDING OFFICER. Under the previous order, amendment No. 1827 is withdrawn.

So the amendment (No. 1827) was withdrawn.

The PRESIDING OFFICER. The vote is on amendment No. 1825.

The Democratic leader.

Mr. DASCHLE. Mr. President, I want to use just a couple of minutes of my leader time to comment on the pending matter prior to the vote. I will be very brief.

Since the days of the New Deal, our Government's goal has been to expand opportunity, to give more Americans a fair chance to succeed, to open doors, not to close them.

Affirmative action has been a bipartisan part of that goal for 30 years, since the days of the civil rights revolution.

President Johnson issued the Executive order which authorizes programs of affirmative action. President Nixon greatly expanded and strengthened that Executive order 5 years later. For more than 30 years, Members of the Congress, Republicans and Democrats alike, all supported the policy.

In 1986, when President Reagan's advisors were urging him to repeal that Executive order, 69 Members of the Senate, Republicans and Democrats alike, joined in a letter to the President urging that he resist that advice.

In 1991, 4 years ago, the Congress enacted the Civil Rights Act of 1991, reversing Supreme Court rulings which undermined fundamental civil rights—and part of the bill included the Glass Ceiling Commission, to study why women, who are 45 percent of the work force are less than 5 percent of top management in the private sector.

Just 1 year ago, the full Senate, Republicans and Democrats alike, without a single dissenting voice, voted to establish a Government-wide goal of 5 percent of contracts for women-owned businesses.

If affirmative action was needed 9 years ago; if a study of women's workplace role was needed 4 years ago; if a Government-wide goal for women-owned businesses was a good idea 1 year ago—then those who now, suddenly oppose all affirmative action, all goals, all efforts to study the makeup of our work force, have a responsibility to explain to the American people what has changed.

In fact, not much as changed. Our goal is a colorblind society. But identifying a goal and reaching it are two different things.

We have not yet reached that goal, and until we do, the amendment of the Senate from Texas should be voted down. It is an effort to divide people, not to find common ground. It is a political effort, and it deserves to fail.

I yield the floor.

VOTE ON AMENDMENT NO. 1825

The PRESIDING OFFICER. The question is on amendment No. 1825.

Mr. GRAMM. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. DEWINE). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT] and the Senator from North Carolina [Mr. FAIRCLOTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 36, nays 61, as follows:

[Rollcall Vote No. 317 Leg.]

YEAS—36

Abraham
Bennett
Brown
Burns
Byrd
Coats
Coverdell
Craig
D'Amato
Dole
Exon
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Helms
Hollings
Inhofe
Kempthorne
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Pressler
Shelby
Smith
Thomas
Thurmond
Warner

NAYS—61

Akaka
Baucus
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Bryan
Bumpers
Campbell
Chafee
Cochran
Cohen
Conrad
Daschle
DeWine
Dodd
Domenici
Dorgan
Feingold
Feinstein
Ford
Glenn
Graham
Harkin
Hatfield
Heflin
Hutchison
Jeffords
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Packwood
Pell
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Simon
Simpson
Snowe
Specter
Stevens
Thompson
Wellstone

NOT VOTING—3

Ashcroft
Faircloth
Inouye

So the amendment (No. 1825) was rejected.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, before the next vote, as I understand, there will no more amendments on this bill unless I offer the rescissions package.

Mr. MACK. It is my understanding that there are no further votes necessary on the legislative appropriations bill, that if we were to——

Mrs. MURRAY. Mr. President, I do believe we will have a vote on the pending question.

Mr. DOLE. Right. I mean after this next one.

Is there any demand for a rollcall on final passage?

Mr. MACK. No; it has been cleared on both sides.

Mr. DOLE. If we cannot get an agreement on the rescissions package, I intend to offer it as an amendment and then have the Wellstone-Moseley-Braun amendments and do it all tonight. We are not going to add any more time in the morning. We have been trying to put this together for 3 weeks. I have been here a long time. I have never been so frustrated in my life. So if they want to stay here tonight and keep everybody else here half the night, I am prepared to offer the rescissions package as an amendment as soon as we complete the next vote. If they are prepared to enter the agreement we thought we had, we are prepared to do that. So we can think it over during this vote, and I am prepared to offer the amendment right after this vote.

Mr. STEVENS addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. I informed the manager of the bill I did have an amendment on OTA.

I would call the attention of the Senate to the fact that the bill which has come to us from the House takes the money for the OTA from the Library of Congress, something that I wish to avoid. The House voted strongly in the Chamber on that matter.

I think we have made a mistake, not correcting that situation to protect the Library of Congress. But perhaps we can do it in conference.

In view of the problems that the majority leader just announced, I will not offer that amendment now, but I want the Senate to know I think we are making a big mistake to leave this situation where the House has voted overwhelmingly to maintain OTA but to take the money out of the Library of Congress. And we have not solved that problem here, in my opinion. I disagree with the manager of the bill and his solution. It is not a solution. The GAO has informed a lot of Senators here that they can perform the role of OTA, which in my opinion is ludicrous. But I will not offer the amendment at this time.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 1826

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1826, as modified. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT] and the Senator from North Carolina [Mr. FAIRCLOTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 84, nays 13, as follows:

[Rollcall Vote No. 318 Leg.]

YEAS—84

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Campbell
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Johnston
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lugar
Mack
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Snowe
Specter
Stevens
Thomas
Thurmond
Warner
Wellstone

NAYS—13

Burns
Byrd
Chafee
Dole
Gramm
Inhofe
Jeffords
Kassebaum
Kyl
Lott
McCain
Smith
Thompson

NOT VOTING—3

Ashcroft
Faircloth
Inouye

So the amendment (No. 1826), as modified, was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. FORD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BINGAMAN. When it comes to controlling Government spending, nothing stands out in my mind more than the $1 billion that the Federal agencies toss out the window every year in energy waste.

The Federal Government is our Nation's largest energy waster. This year agencies will spend almost $4 billion to heat, cool, and power their 500,000 buildings.

Both the Office of Technology Assessment and the Alliance to Save Energy, a nonprofit group that I chair with Senator JEFFORDS, have estimated that Federal agencies could save $1 billion annually.

To achieve these savings, agencies just need to buy the same energy saving technologies—insulation, building controls, and energy efficient lighting, heating, and air-conditioning—that have been installed in many private sector offices and homes.

I know what you may be thinking, "Here we go again with another crazy idea about how we need to give agencies more money so they can hopefully save money sometime in the future."

Well, you are wrong. Why? Because there are now businesses, known as energy service companies, that stand ready to upgrade Federal facilities at no up-front cost to the Government—that's right, at no up-front cost to the Federal Government.

These companies offer what are called energy saving performance contracts which provide private sector expertise to assess what energy saving technologies are most cost effective, provide nongovernmental financing to make the improvements, install and maintain the equipment, and guarantee that energy savings will be achieved.

Agencies pay for the service over time using the energy costs they have saved—if they do not see the saving they do not pay for the service—it's that simple, that's the guarantee.

This type of contract is used every day in the private sector and State and local government facilities. For instance, Honeywell Corp. has entered into these energy-saving arrangements with over 1,000 local school districts nationwide, allowing schools to reinvest $800 million in savings in critical education resources rather than continuing to pay for energy waste.

Unfortunately, even though Congress first authorized Federal agencies to take advantage of this innovative business approach in 1986, agencies have been dragging their heels.

To help get things moving, the Department of Energy recently prepared streamlined procedures to encourage their use.

Now is the time for Congress to put the agencies' feet to the fire on financial reform of Government energy waste. Agencies must enter into these partnerships with the private sector.

That's why, today, I am introducing an amendment calling for the agencies to reduce Government energy costs by 5 percent in 1996. I'm also asking that agencies report back to us by the end of 1996 to ensure that they have actually taken action to reduce their energy costs.

You know, we are often called upon up here to make really hard controversial decisions that please some and anger others. This is a winner for everyone. If 1,000 local school boards have examined it and are reaping the savings, I say it's about time we got our Nation's biggest energy waster on track too.

With this one, simple reform, we will create thousands of job and business opportunities in every one of our States, improve the environment by reducing air pollution, and save ourselves hundreds of millions of dollars every year, at no up-front cost to taxpayers.

UNANIMOUS CONSENT AGREEMENT—H.R. 1944

Mr. HATFIELD. Mr. President, I would like to propound a unanimous-consent agreement relating to a rescision package that has been here before the Senate. I understand that it has been agreed to by the parties involved and the leadership on both sides of the aisle.

Mr. President, I ask unanimous consent that following the disposition of the legislative appropriations bill, the Senate turn to the consideration of H.R. 1944 and it be considered under the following agreement:

One amendment in order to be offered by Senators WELLSTONE and MOSELEY-BRAUN regarding education funding, job training, and low-income energy assistance, on which there be a division, and each of the two divisions be limited to 1 hour each, to be equally divided in the usual form and with all time being used tonight except for 30 minutes under the control of Senators WELLSTONE and MOSELEY-BRAUN; and that at 10:10 a.m. the managers be recognized to utilize 20 minutes for debate to be followed by Senators WELLSTONE and MOSELEY-BRAUN to be recognized for their 30 minutes of debate, to be followed by a vote on a motion to table the first Wellstone division, and that following that vote, the majority leader be recognized to place the bill on the calendar, and if that action is not exercised, the Senate then proceed immediately to a vote on a motion to table the second Wellstone division, and that following that vote, the majority leader be recognized to exercise the same right with respect to placing the bill on the calendar, and if that action is not utilized, the Senate proceed immediately to a vote on passage of H.R. 1944.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

LEGISLATIVE BRANCH APPROPRIATIONS FOR FISCAL YEAR 1996

The Senate continued with the consideration of the bill.

Mr. MACK. It is my understanding that there has been a request for a recorded vote. So I ask for the yeas and nays.

Mr. FORD. Mr. President, before we go to that, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1803

The PRESIDING OFFICER. Without objection, the amendment, No. 1803, as amended, is agreed to.

So the amendment (No. 1803), as amended, was agreed to.

AMENDMENT NOS. 1806, 1828, 1829, 1830, 1831, AND 1832

Mr. MACK. Mr. President, I ask unanimous consent that the pending Specter amendment and the following five amendments, which I have sent to the desk on behalf of Senators DOLE, SIMON, LIEBERMAN, BINGAMAN, and myself be considered agreed to, en bloc, the motions to reconsider be laid upon the table, en bloc.

So the amendment (No. 1806) was agreed to.

So the amendments (No. 1828, 1829, 1830, 1831 and 1832) were agreed to, as follows:

AMENDMENT NO. 1828

(Purpose: To retain the Capitol Guide Service and Special Services Office)

On page 27 of the bill, strike all between lines 1-25, and insert the following:

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $1,628,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than thirty-three individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, $363,000, to be disbursed by the Secretary of the Senate.

AMENDMENT NO. 1829

(Purpose: To repeal the prohibitions against political recommendations relating to Federal employment, and for other purposes)

At the appropriate place, insert the following new section:

SEC. . REPEAL OF PROHIBITIONS AGAINST POLITICAL RECOMMENDATIONS RELATING TO FEDERAL EMPLOYMENT.

(a) IN GENERAL.—(1) Section 3303 of title 5, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 33 of title 5, United States Code, is amended by striking out the item relating to section 3303.

(2) Section 2302(b)(2) of title 5, United States Code, is amended to read as follows:

"(2) solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of—

"(A) an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or

"(B) an evaluation of the character, loyalty, or suitability of such individual;".

AMENDMENT NO. 1830

At the end of Sec. 308(b)(2) insert:

(c) The amendments made by this section shall take effect only if the Administrative Conference of the United States ceases to exist prior to the completion and submission of the study to the Board as required by Section 230 of the Congressional Accountability Act of 1995 (2 U.S.C. 1371).

AMENDMENT NO. 1831

(Purpose: To add a general provision)

At the end of the bill, add the following:

SEC. . (a) The head of each agency with responsibility for the maintenance and operation of facilities funded under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5-percent reduction in facilities energy costs from fiscal year 1995 levels. The head of each such agency shall transmit to the Treasury of the United States the total amount of savings achieved under this subsection, and the amount transmitted shall be used to reduce the deficit.

(b) The head of each agency described in subsection (a) shall report to the Congress not later than December 31, 1996, on the results of the actions taken under subsection (a), together with any recommendations as to how to further reduce energy costs and energy consumption in the future. Each report shall specify the agency's total facilities energy costs and shall identify the reductions achieved and specify the actions that resulted in such reductions.

AMENDMENT NO. 1832

On page 60, line 1, strike all through the period on line 17.

Mr. MACK. Mr. President, I ask unanimous consent that the bill be read a third time and the Senate proceed immediately to vote on the passage of the bill with no other intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass?

So the bill (H.R. 1854), as amended, was passed.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. MACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATFIELD. Mr. President, I will take this opportunity to congratulate the managers of the first appropriations bill to come to the floor, Senator MACK of Florida and Senator MURRAY of Washington State. We started them off here on the trail to sort of get a feel of the body in terms of acting on these appropriations measures. They have not only demonstrated the skill in putting the bill together in the committee framework, but certainly here managing on the floor.

Mr. President, this is a very tough year for the Appropriations Committee. It is a tough year for all Members, but especially the Appropriations Committee, because in effect we are playing the implementer, the mortician, the executioner, and many other roles in terms of the budget resolution and all the other various forces that are forcing Members to face up to some of these fiscal problems.

I hope that at an appropriate time we reconsider an action that would permit legislation on appropriations, because this type of legislation attracts all kinds of policy issues. It should not be on this bill or on any other appropriations bill. We must resist that effort on the floor and on the part of the committee. Since we found the test case, we will bring some more appropriations bills. But I want to thank these managers.

I have one further point to make, and that is when I visited Antarctica and was introduced to the culture of penguins, and one of the things about the culture was that there are seals, giant seals under the ice. The penguins go along the edge of the ice looking into the water to see if there are any seals there, and they are not certain by their vision. So pretty soon they nudge one into the water, and if they swim away, there are no seals and the others jump in.

So to speak, an analogy can be drawn here tonight. We have had the seal test and it has passed well. I congratulate my colleagues.

Mr. MACK. Mr. President, I want to thank the chairman. At least, I think I want to thank the chairman for his remarks. I appreciate that and appreciate his assistance as we have begun this process.

I also want to thank Keith Kennedy and Larry Harris for the work they have done to prepare us and the bill and to assist as we move forward. And again, to Senator MURRAY, it has been a pleasure working with the Senator through conference and completing the bill.

Mrs. MURRAY. Mr. President, I, too, want to thank the appropriations Chair, as well as the ranking member, Senator BYRD, who have been very helpful in this process, and in particular to thank the Senator from Florida, Senator MACK, for a job well done.

We have not agreed on every part, but he has been wonderful to work with and I appreciate his willingness to step down and go through this with me. I thank him, and Jim English, who worked with me.

I appreciate the opportunity to work with you on my first bill, Senator.

UNANIMOUS-CONSENT AGREEMENT—S. 1817

Mr. MACK. Mr. President, I ask unanimous consent that at 9 a.m. on Friday the Senate begin consideration of H.R. 1817, the Military Construction Appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESCISSIONS ACT, 1995

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1944) making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

AMENDMENT NO. 1883

(Purpose: To strike certain rescissions, and to provide an offset)

Mr. WELLSTONE. Mr. President, I send an amendment to the desk on behalf of myself and Senator MOSELEY-BRAUN and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Minnesota [Mr. WELLSTONE], for himself and Ms. MOSELEY-BRAUN, proposes an amendment numbered 1833.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

On page 38, strike lines 24 and 25 and insert the following: "under this heading in Public Law 103–333, $204,000 are rescinded: *Provided*, That section 2007(b) (relating to the administrative and travel expenses of the Department of Defense) is amended by striking "rescinded" the last place the term appears and inserting "rescinded, and an additional amount of $319,000,000 is rescinded": *Provided further*, That of the funds made available".

Beginning on page 34, strike line 24 and all that follows through page 35, line 10, and insert the following: "Public Law 103–333, $1,125,254,000 are rescinded, including $10,000,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $2,500,000 for the School-to-Work Opportunities Act, $4,293,000 for section 401 of the Job Training Partnership Act, $5,743,000 for section 402 of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $100,010,000 for carrying out title II, part C of such Act, $2,223,000 for the National Commission for Employment Policy and $500,000 for the National Occupational Information Coordinating Committee: *Provided*, That of such $1,125,254,000, not more than $43,000,000 may be rescinded from amounts made available to carry out part A of title II of the Job Training Partnership Act, not more than $35,600,000 may be rescinded from amounts made available to carry out title III of the Job Training Partnership Act, and no portion may be rescinded from funds made available to carry out section 738 of the Stewart B. McKinney Homeless Assistance Act: *Provided further, That* service delivery areas may''.

On page 41, strike lines 6 through 11 and insert the following:

''Public Law 103–333, $91,959,000 are rescinded as follows: From the Elementary and Secondary Education Act, title II–B, $29,000,000, title V–C, $16,000,000, title IX–B, $3,000,000, title X–D, $1,500,000, title X–G, $1,185,000, section 10602, $1,399,000, and title XIII–A,''.

Beginning on page 43, strike line 25 and all that follows through page 44, line 2, and insert the following: ''Public Law 103–333, $13,425,000 are rescinded as follows: From the Elementary and Secondary Education Act, title III–B, $5,000,000, title''.

On page 107, line 21, (relating to the administrative and travel expenses of the Department of Defense) strike ''$50,000,000'' and insert ''$382,342,000''.

Ms. MOSELEY-BRAUN. Mr. President, I thank Senator WELLSTONE for starting this ball and getting this issue and debate going.

Frankly, in spite of the fact that I know there are a number of people who are concerned about this particular legislation and where it is going, I think it is absolutely regrettable that we are just taking up as important an issue as this at 10:55 p.m. on a Thursday night following a major debate around the legislative appropriations bill.

The rescission issue has been held somewhat in limbo for the last couple of weeks, in large part because Senator WELLSTONE and I both argued and agreed and suggested to our colleagues that the issues raised, the substantive issues raised in the rescissions action was too important to be let go in what Senator WELLSTONE called in a stealth manner.

Forgive me, Mr. President, it is late, and I think we are all a little bleary-eyed, but the fact is we are now taking up, in fact, in stealth fashion, and limiting debate, on what I think is a very vitally important issue that should have had the kind of debate around priorities and around the import and the significance of the rescissions legislation in the context of where we are going with the budget.

I was actually kind of delighted to hear Senator HATFIELD's description of the seal test, because if anything, in terms of a seal test, this rescission legislation, I think, indicated the first step that we are taking as a legislative body in responding to the desperate need—and I think it is a desperate need—to get our fiscal house in order.

Last year, Mr. President, I cosponsored the balanced budget amendment, because I believed that if we were serious about our future, if we were serious about not handing to the next generation a legacy of debt, if we were serious about reducing Federal deficits and taking the steps necessary to achieve balance, to get on the glidepath to a balanced budget and not bankrupting the country by the turn of the century, if we were going to do that, we ought to move in the direction of trying to achieve budget balance.

The good news, Mr. President, is that this time the Senate, in the budget that has been adopted, did achieve budget balance, or headed in the direction of budget balance, or put us on the glidepath in that direction. The bad news, in my opinion, it did it in a way that speaks very poorly of priorities and speaks very poorly of the allocation of contribution by various sectors of our population.

If anything, the problem with the rescissions bill, and I point out to those night owls who are listening and who get sometimes turned off by the more technical language that we use, a rescissions bill is taking back. It is a take-back.

It is the first step. It takes back money that was appropriated last year and says OK, we are not going to do that after all. We are going to rescind, we are going to turn that around, and then we are going to go forward. So in that regard the take-back bill from last year's appropriations effort in the context of this session is the seal test, in some ways, that the Senator from Oregon referred to. It is the first step that we take on the glidepath toward a balanced budget.

Unfortunately, the seal test and the first step that is taken by this rescissions bill, I believe, calls for more sacrifice from the most vulnerable populations in our country than ought to be the case in any rescission package or, frankly, in this budget.

In fact, by one analysis by the Center on Budget and Policy Priorities, it was found after analyzing the numbers and how the cuts weigh in, the center found that some 62 percent of the cuts in this rescissions bill would come from discretionary programs to serve low- and moderate-income individuals, even though that group of Americans represent only 12 percent of discretionary spending overall.

That sounds kind of technical, 62 percent for low- and moderate-income individuals. But the cuts that this bill would have us undertake come in areas that, frankly, again, I just, for one, not only personally cannot accept, but that I believe would be inappropriate for us to accept as our first step on this glidepath. If anything, our priorities ought to reflect shared sacrifice. We are going to have to all step up to the plate as Americans and make some sacrifice in order to get our fiscal house in order. We are all going to have to make a contribution to resolving budget deficits and to getting us on a glidepath, if you will, to budget balance, at least a glidepath that is opposite to the trends that we have taken, that we are taking right now.

I served as a member of the President's Bipartisan Commission on Entitlements and Tax Reform. There was no question, if there is one message out of the entire hearings and the information that we looked at in terms of the budget, it was that current trends, budget trends are unsustainable and that we had to change the way that we do business. That is one of the reasons why this rescissions bill is so important and that is why I believed, and still believe, that it was so critically necessary to have the debate in the sunshine, to have the debate in the daytime, to allow people to know what it was that we were talking about, what was at stake and what were the issues.

In the first instance, among the cuts in this bill that are sought to be restored by the Wellstone/Moseley-Braun division, and it is a division because the amendment is in two parts, among the restorations are a program that I have worked on, education infrastructure, to help rebuild some of the dilapidated schools around this country, schools that are falling apart. I do not think it is a secret, at this point, given the discussion about the condition of American schools, our schools are falling apart. They are not equipped to prepare our youngsters for the 21st century. We do not have the infrastructure in them even to make them computer ready, if you will. In many instances, the electricity is not there.

So we are really, I think, missing the boat and really shortchanging our children by refusing to even take some small steps toward getting our schools in better shape. But that was cut. That program was terminated altogether in this legislation.

Safe and Drug-Free Schools and Communities—that was cut by $15 million. Again, youngsters who have difficulty going to school for fear of being shot by the drug dealers, that kind of a cut is a major impediment to their education.

Education technology, another $17 million cut. You talk education technology, it is clear what that is; the whole idea we are going into this information age without allowing our youngsters to get adequately prepared.

Eisenhower Professional Development, to help teachers be better teachers. Again, another set of cuts. This one, Eisenhower Professional Development, was cut by $69 million. Again, I think that is inappropriate.

Then we get to the really difficult cuts. I say really difficult only because it hits people who are probably more in need than just about any other group: Homeless veterans jobs training. The homeless veterans job training program was cut by $5 million. How we can cut something for homeless veterans, in terms of job training, is a mystery to me. Yet that was a decision that was made as part of this rescissions compromise.

Displaced worker training. With all the base closings and all the dislocations in our economy with job downsizing and the like, again, to cut displaced worker training by $67 million seemed to me to be inappropriate.

Adult job training was cut, JTPA adult job training, cut by $58 million. JTPA youth training cut by $272 million. Again, in communities particularly where there is less than—and there are communities in this country, Mr. President, and I am sure you are aware of them—in which there is about 1 percent—in fact I will be specific. In a community in the city of Chicago, in my State of Illinois, 1 percent private employment, 1 percent. That is economic meltdown. If we do not undertake some steps to provide for job training and job readiness for people who live in communities with 1 percent private employment in them we are setting ourselves up for a black hole to develop in our social fabric from which we may never recover. Again, those cuts, it seems to me, are inappropriate. And as the seal test, as that first step on the glidepath, seems to me to be the absolute wrong place for us to go.

Interestingly, this amendment calls for an offset. Because we are all talking about, "Can we pay for these things?" The offset which would pay for these restorations, which the Wellstone/Moseley-Braun amendment suggests, comes from the administration and travel budget of the Department of Defense. According to the General Accounting Office, the DOD has that money and money to spare when it comes to administration and travel. Certainly, the absorption of these costs would not be something that would cripple the ability of our military to travel around the world.

So it would seem, starting from the notion that there ought to be shared sacrifice, the amendment that Senator WELLSTONE and I put together—again I hope he will be able to talk about in the sunshine—would have gone a long way to restoring our capacity to respond to some of the most vulnerable populations and respond to people who are least able to take the impact of the cuts of this rescission legislation.

The second part, the second division of the amendment has to do with the Low Income Home Energy Assistant Program, LIHEAP. Mr. President, I know you probably noticed in the newspapers, in the city of Chicago in this last couple of weeks we had a heat wave that left almost 300 people dead. Mr. President, 300 people died because they could not physically tolerate the heat that came into the city. Chicago, IL, does not have a cooling assistance program under LIHEAP, although those things are allowed. It does not have a cooling assistance program but it does have heating assistance. It is one thing about the city of Chicago, and the State really, but as beautiful as it is, it is known for some extremes of temperature. It can go from having 300 people die because there is no assistance and they are too poor to move to the nearby hotel into an air-conditioned room, but at the same time, come winter, when the temperatures fall to below zero, it is just as likely that in the absence of LIHEAP, in the absence of heating assistance for poor people, we will see the same kind of loss of life and the same kind of attendant tragedy.

That is a preventable tragedy and it has been prevented over time by the Low Income Home Energy Assistance Program. It is a program that provided energy assistance for heating and cooling to economically disadvantaged individuals, particularly senior citizens, particularly the elderly, in all 50 States. The LIHEAP program was cut by $319 million in this rescissions package and I daresay, given the need for the assistance, particularly for senior citizens, given the vulnerability of these populations to die when the temperature gets over 100 degrees or die when it gets under 32, it was inappropriate for us to take that kind of cut, inappropriate for us to head on this glidepath, calling on them to make a sacrifice that, unfortunately, in all too many instances, could well be the supreme sacrifice.

So that is what this amendment is about. I know we have 30 minutes tomorrow to debate this issue. I know, also, there are other things about this legislation that encourage my colleagues to want to move it quickly.

As I stated from the beginning of this debate, I was never interested, no one was interested in holding up relief for California or relief for Oklahoma City, and those are parts of this rescissions legislation. So no one has been interested in doing that. But at the same time, for us to respond to those emergencies and at the same time trample over the emergency that is faced by the low-income individuals who have faced 62 percent of the cuts in this bill seems to me to take a wrong step, in the wrong direction, in the wrong way.

So we thought it appropriate and believe it appropriate to have a chance to talk at length about these issues. While we will get to talk about it for half an hour tomorrow morning, and we will be able to pass the issue, there are other parts of this legislation of the rescissions bill that are problematic. There are some environmental issues that are problematic.

But, again, we all know that part of the legislative process is that things that you do not like often get wrapped up in things that you do like. In fact, one of my colleagues a few moments ago used an expression that I have liked to use over the years. The expression is that those who love the law and who love sausages should not watch either of them being made. Quite frankly, this legislation, I think, fits into that category very well because it has a combination of some palatable initiatives such as California and Oklahoma City, and then an awful lot that would just make you, in my opinion, gag on what has happened here.

Quite frankly, I think that the issue that is on fire is the one that we really do need to engage, an entire legislative body with everybody participating and talking about—the direction that our country will take as we try to achieve budget balance and integrity in the way we handle these fiscal year issues.

Quite frankly, one of the things people ask me very often is, "What do you like about being in the Senate?" And I tell them that I cannot imagine—I am sure the Presiding Officer will relate to this—I cannot imagine a more exciting time to serve in the U.S. Senate or to serve in policymaking, the policy of a legislative body of our Government, precisely because so many of the issues that have been around for a long time, as well as issues that are new to our time, are now facing us four square and calling on us for resolution, calling on us to express an opinion; issues that 5 years ago did not get talked about. I mean, when they were building up huge budget deficits nobody really talked about it. What should be our foreign policy? You had a Soviet Union. It was pretty clear-cut. Now we have to construct something.

What is going to be the direction in terms of diversity? We just had the vote on affirmative action. What kind of economy are we going to have in the future? All of these issues and a host more that I know I could stand here probably the rest of the night to talk about, all of these issues are before us now.

So when it comes to specifically the issue of budget priorities, now is the time for us to take up that debate and not to handle it willy-nilly. Let us get it done, kind of make those sausages faster, but in a way to allow us to really have a comprehensive and coherent debate and input from every Member of this U.S. Senate. That is what we were sent here to do.

Again, to the extent that my colleagues had concern that the holding up of this legislation would have untold effects, I am optimistic that those effects will not be untold and that we will be able to go forward, and hopefully we will pass the Wellstone/Moseley-Braun amendment. I am not unrealistic about that. But I would encourage my colleagues to take a look at the amendment, a serious look at the amendment, recognizing that we have to have deep and painful cuts in some regards.

But the question I put to every Member as you take up the issue of how to vote on this amendment to the rescissions bill is whether or not low-income individuals should have to suffer 62 percent of that pain. I do not think they do. And I hope that is not the signal and the message that gets sent by this body tomorrow when we take this issue up to vote.

I thank the Chair. I yield the floor.

SUBSTITUTE SALVAGE PROGRAM

Mrs. MURRAY. Mr. President, I rise today to voice my serious concerns about H.R. 1944, the fiscal year 1995 rescissions bill. I'll get right to the point: this is a bad bill. Its relevance to the budget process in Washington, DC, is minimal, and its relevance to the American people is marginal.

This bill cuts $16 billion from the Federal budget. We recently passed a resolution that cut over $1 trillion; what's the logic in even debating this bill? We have only a few days left in the fiscal year, and yet we are proposing to go back and cut already-appropriated funds for virtually no good policy reason. This bill cuts commitments and goes back on promises made by this Senate less than 1 year ago.

This bill has another problem. I believe the language about timber salvage included in the bill by my colleague, the senior Senator from Washington, will backfire. I believe it will hurt—not help—timber communities and workers in the Northwest.

Mr. President, this timber salvage authorizing language is designed to accomplish three things: respond to a timber salvage problem resulting from last year's forest fires and recent insect infestations; speed the rate of timber sales under the President's forest plan, option 9; and release a few timber sales remaining from legislation passed by Congress 4 years ago.

These are goals with which I agree. My problem is with the method. I believe the language contained in this bill will cause a blizzard of lawsuits, cause political turmoil within the Northwest, and take us right back to where we were 4 years ago.

Our region has been at the center of a war over trees fought in the courtrooms and Congress for almost a decade. We have a history of waiving environmental laws to try and solve timber problems; that strategy has not worked.

In fact, that strategy has made the situation worse. Until 1993, the Forest Service was paralyzed by lawsuits, the courts were managing the forests, and public discourse in the region was dominated by acrimony. The language in this bill will reopen those old wounds. Mr. President, I strongly believe that would not be in the best interest of the region.

During floor consideration of this bill last spring, I offered an amendment that would have taken a more moderate approach to salvage operations. My amendment was narrowly defeated 46-48. I respect the will of the Senate in that regard. However, when the rescissions bill reached the President's desk, he vetoed it, citing among other things problems with the timber language.

Mr. President, I learned before the July recess that a deal was being worked out on this issue. Despite my obvious interest in and concern about the salvage issue, I was not involved in the negotiations. I was not consulted during the process. Had I been, I would have been more than willing to work out a compromise in good faith. Unfortunately, that did not happen. I have reviewed the language, and frankly, I still have very serious concerns.

The language in the bill before us is almost exactly the same as was contained in the conference report vetoed by the President, with three minor changes. While these changes may add flexibility, the fundamental problems in the bill remain: it rolls over current laws governing land management, and it cuts the public completely out of the process. Therefore, I cannot support it.

Mr. President, there is a legitimate salvage issue right now throughout the West. Last year's fire season was one of the worst ever. There are hundreds of thousands of acres with burned trees rotting where they burned. I believe that many of these trees can and should be salvaged and put to good public use.

I believe there is a right way and a wrong way to salvage damaged timber on Federal lands. The wrong way is to short-cut environmental checks and balances. The wrong way is to cut people out of the process. The wrong way is to invite a mountain of lawsuits.

The right way is to expedite compliance with the law. The right way is to ensure that agencies work together and make correct decisions quickly. The right way is to let people participate in the process—so they don't clog up the courts later. My amendment, and my approach to the negotiations, would have focused on these points.

Mr. President, there is a reasonable, responsible approach to ensuring salvage operations move forward. Unfortunately, the bill before us doesn't take it. Instead, it recklessly goes too far, too fast.

Attaching a major harvesting amendment to an appropriations bill like this—worked out at the last minute, behind closed doors—is no way to make good public policy. Instead, the timber language should be developed through the normal authorizing process. The Senator from Idaho [Mr. CRAIG], has a bill pending in his committee that would establish a forest health program. There have been some hearings on that bill, and I have already stated my interest in working with him on his bill.

Mr. President, there have been numerous editorials and articles written about this provision, most of which have urged the President and the Congress to reject these sweeping changes. In addition, recent statistics on employment and growth rates within the timber industry indicate the picture of the industry is not as bleak as some have predicted. I ask unanimous consent to insert some of these materials in the RECORD at the conclusion of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. MURRAY. In summary, I believe this is the wrong bill at the wrong time. The Senate has passed its own balanced budget resolution, and recently passed the conference report. The cuts in this rescissions bill are paltry by comparison. And the timber salvage provisions go too far without adequate safeguards and public participation.

I urge my colleagues to oppose this unnecessary, harmful bill.

EXHIBIT 1

WESTERN STATES GAIN 14,251 IN TIMBER JOBS—JANUARY 1993—SPRING 1995

[In thousands]

States	Timber related jobs		
	January 1993	December 1994	April/May 1995
Utah	3,863	5,131	....
Washington	51,700	....	54,700
Oregon	61,200	....	61,600
New Mexico	2,100	2,100	....
Colorado	10,400	....	12,100
Arizona	6,400	....	8,500
Idaho	16,017	....	16,500
California	84,400	....	90,600
Montana	8,000	....	7,100
Totals	244,080	7,231	251,100

These figures are based on the most current data available from state economists. The numbers represent job losses or gains in the lumber, wood manufacturing, paper and allied industries.

The net gain in timber jobs since the 1992 elections for these eight western states is 14,251 jobs. There is no need for salvage sufficiency language.

[From the Seattle Post-Intelligencer, June 1995]

CLINTON'S VETO THE RIGHT ACTION

President Clinton has done the right thing in vetoing a bill that made the wrong cuts in the budget and left too much leeway for cheating in salvage timber sales in the Northwest.

The president said it's wrong to cut education programs but to fund members of Congress' pet pork-barrel projects such as roads. The bill cut $16.4 billion from previously approved social programs.

"We must recognize that the only deficit in this country is not the budget deficit. There's a deficit in this country in the number of drug-free children. There's a deficit . . . in the number of safe schools. There's an education deficit," he said in wielding the pen for his first veto.

It took perhaps even more courage for the president to set himself up for cheap-shot charges by Northwest Republican lawmakers that he is anti-job because he insists that the nation's forests be harvested under rule of law. But there are sure to be further attempts to circumvent proper practices, and Clinton should stand tall against them.

The bill, using poorly defined criteria, would have given the timber industry three penalty-free years to remove "damaged" trees that pose a fire threat. The trees would have been removed without the benefit of the standard environmental safeguards that are meant to protect salmon streams and watersheds, and citizens would have been legally barred from filing suit to object to any violation of environmentally sound harvesting no matter how gross.

The salvage program must get under way, and Congress is perfectly capable of passing legislation that provides for responsible removal of trees that pose a fire hazard without abandong environmental safeguards.

But by sending the White House an irresponsible proposal for timber salvage, Congress has thrown away valuable time and risked further fire losses in the Northwest woods.

Members of this state's delegation should have insisted on using their time to prepare an acceptable plan for this summer's fire season rather than in devising a political booby-trap for the president.

LOGGING BILL FLAWED

A case can be made for salvage logging of some federal forest lands that have a dangerous accumulation of dead or diseased trees that pose a fire hazard.

But a case cannot be made for the sweeping salvage-logging proposal now under consideration in Congress that sets aside environmental safeguards and promises to raid the treasury for the benefit of private timber companies.

The overly broad language of the bill renders it unacceptable; more important, existing law makes it unnecessary.

The bill arbitrarily mandates a doubling of the amount of timber to be felled over the next two years from federal lands, whether or not that much timber needs to be salvaged, and thus opens the door for a giveaway of public property.

That's because it cleverly stipulates that no so-called "health management activities" directed by the legislation shall be precluded simply because they cost more than the revenues derived from sale of the salvaged timber.

And the bill says that any environmental review, however cursory it may be, "shall be deemed to have satisfied the law."

Sponsors wrongly imply that the bill is needed to permit the Forest Service to conduct salvage logging. But Sierra Club attorney Todd True notes, "Existing law already gives the agency authority" for whatever salvage logging it deems necessary due to threat of fire and insect infestations.

Last summer's huge, costly fires in Eastern Washington forests provided clear evidence of the folly of the Forest Service's past policy of suppressing natural wildfires. It bears noting that the agency followed that practice partly to protect adjoining commercial timberlands.

If Congress doesn't gut the Forest Service's budget for environmental impact studies, those important reviews can be done in a timely manner and permit defensible salvage-logging operations.

[From the Los Angeles Times, June 22, 1995]

THE LOGGER'S AX: NO WILD SWINGS—CLINTON SHOULD HOLD FIRM AGAINST AMENDMENT THAT THREATENS FORESTS

In the early days of his presidency, Bill Clinton productively approached the volatile issue of forest management by breaking with the tired "jobs versus owls" rhetoric of past years. Through his 1993 Forest Summit he showed he understood both the need to preserve dwindling federal forests and the painful dislocations that new limits on logging would cause. He led by talking with all sides and instituting programs to retrain displaced workers. But now, locked in battle with congressional Republicans, Clinton seems to be in danger of abandoning that principled approach.

Last month he rightly vetoed a congressional recisions bill that was loaded with special-interest riders. One of them, the deceptive "Emergency Two-Year Salvage Timber Sale Program," in essence would have ordered the U.S. Forest Service to sell as much as 3.2 billion board feet of "salvage" timber from national forests. It would have allowed logging of trees killed by windstorms, fire, insects or disease and permitted selective thinning of forests to control forest fires. The legislation, pushed hard by timber companies, also would have forced the Forest Service to sell twice as many trees as it felt appropriate. Further, these sales would have been exempt from environmental review and public comment. Worst of all, the language was so vague that virtually any tree, living or dead, standing or fallen, could have been defined as "salvage," even the dwindling stands of old-growth redwoods in California's national forests. For these reasons Clinton should stick to his guns as Republicans seek to include this nasty amendment in a compromise recisions package. The President reportedly is considering accepting it.

Even the staid Sunset Magazine highlights a special report entitled "The Crisis in Our Forests" in its current issue. Sunset doubts that stepped-up salvage operations would markedly improve forest health or prevent the spread of wildfires.

The salvage amendment has nothing to do with cutting wasteful government spending but everything to do with wasteful cutting. The President must hold firm—the amendment must go.

[From the Washington Post, May 3, 1995]

CHOPPING BLOCK

It isn't just spending that would be cut by the bills the House and Senate passed a month ago rescinding appropriations for the current fiscal year. A fair amount of timber would likely be cut, too—cut down, that is. Each version of the bill includes a rider aimed at sharply increasing the timber harvest this year and next in the federal forests.

If the riders did no more than urge an increase in the harvest or order that the harvest be as large as possible under the law, that would be fair enough. There's always a great dispute about the amount of timber that can best be taken from the national forests and other public lands. The total the past few years has been well below the level to which the industry became accustomed in the 1970s and 1980s. The timber lobby says the cut should be increased—it argues among much else that there is currently an enormous amount of dead and dying timber in the forest that will otherwise go to waste—and the new majority in Congress agrees.

But the riders don't stop there. To make sure that no obstacles in the form of conservation laws, environmental groups and courts can stand in the way, they also take the extraordinary step of suspending for the purpose of this "salvage timber sale" the entire array of federal forest management and environmental statutes that might otherwise apply. Timbering undertaken under terms of the riders "shall be deemed to satisfy" such laws no matter what their requirements, the riders say. The House version also seeks to overcome any existing court orders that might interfere with the sale; it says the sale can be conducted despite them.

The industry says the reason for all this is not just that it wants to increase the cut and has a receptive Congress but that an emergency exists in the forests. Because they are so overgrown, there's a greatly increased danger of fire, and their health has declined in other ways that a stepped-up salvage operation will help to cure—so say the supporters. They add that without suspension of the laws, environmental groups will go to court and block the necessary actions.

Opponents of the riders, including the administration, say the necessary salvage cutting can go on without suspension of the laws—a lot of salvage cutting occurs every year already—and that suspension would only be a license to log where otherwise the companies could not, in ways that would leave the forests less healthy, not more.

The opponents make the more plausible case. This is grabby legislation. If there is a genuine need to increase salvage and other such operations in the forests, even to increase them rapidly, surely that can be done without abandoning the entire framework of supporting law. Likewise, if Congress wants to change the law with regard to management of the forests, it ought to do so in the normal way, not tack a decision of such importance on the back of a supplemental appropriations bill. The measure is shortly to go to conference; the conferees should cut the budget, not the trees.

[From the Denver Post, May 8, 1995]

CLINTON SHOULD VETO TIMBER BILL

President Bill Clinton should veto a timber measure because the proposal is bad environmental policy and a shoddy way to make federal law.

The timber proposal is buried in a larger measure that deals with trimming federal spending. Clinton compromised with Senate Republicans to make the rescissions bill, as the main measure is called, less draconian than the first version adopted by the U.S. House.

However, the larger bill has been burdened with a bunch of special-interests, anti-environmental provisions. The worst would let logging companies cut an enormous amount of extra timber from the national forests. Gluing such harvesting proposals onto an already complex and controversial measure is a deceitful way to mold federal law, so they all should be removed from the bill.

Actually, the Senate would have stripped the timbering portions from the measure weeks ago, except Ben Nighthorse Campbell, Colorado's junior U.S. senator, deserted his moderate environmental leanings and voted to keep the logging provisions in the main bill. Coloradans who had hoped Campbell would remain an independent voice even after he changed from a Democrat into a Republican were sorely disappointed by his partisan performance on this matter.

There are ways to cut timber, including methods to salvage lumber from dead or dying trees, without severely damaging the forests. But this measure is especially troubling because it tosses aside most environmental considerations the Forest Service usually weighs before deciding how much logging to allow.

When the rescissions bill lands on Clinton's desk, the President should veto it because of the timber and other environmental provisions. When Congress votes whether to override the veto, Campbell this time should side with common sense instead of letting his new partisan allies dictate his behavior.

SHIFT IN U.S. TIMBER POLICY PUTS FORESTS, FISH AND WILDLIFE AT RISK—CONGRESS MOVES TOO FAST, WITH TOO LITTLE THOUGHT

The pendulum in the nation's timber policy is swinging too fast and too wide.

The public has become accustomed—dazed may be the correct term—to the daily headlines of sharply revised public policy on welfare, immigration, food programs and more.

But the sudden shift in federal timber policy is more than even the most blase citizen may be able to accept.

The U.S. Senate Appropriations Committee has followed the House's lead in opening big areas of our national forests to harvesting without the normal regulations to protect fish, wildlife and the environment and without allowing the public to bring legal challenges.

The committee-passed proposal directs the forest service to set aside existing environmental laws. Although the original intent of the legislation was to speed up the salvage of dead and dying timber, this measure may go beyond that. It gives sole discretion to the Forest Service to harvest wherever it wants. Only designated wilderness areas are off-limits.

No one can be sure what forests and what areas might be subject to harvesting—or how carefully it would be done.

The public will not stand by and watch the years of protecting our forests against environmental damage be wiped out in a spurt of action by a Congress that has so many pro-harvest allies in its midst.

Our forests can be harvested without damage to our environment. But doing so requires more scientific and technical thought than Congress appears willing to devote. The final protection against abuse is the legal system. If that access also is prohibited, then all of us should worry.

Citizens should demand that Congress slow down and remember its stewardship duties to the public land.

Narrowly focused salvage harvesting is acceptable. Abandoning our traditions of environmental protection and legal accountability is not.

Mr. DOMENICI. Mr. President, I rise in support of H.R. 1944, the revised emergency supplemental appropriations and rescissions bill for fiscal year 1995.

It is time for Congress to complete this bill and provide the emergency disaster assistance that is needed in at least 40 States to respond to natural disasters.

It is time to complete action on the rescissions in the bill so that agencies can close out the fiscal year, and Congress can address the funding issues for the new fiscal year. The Senate will be turning to the fiscal year 1996 funding bills this week.

I am pleased that the President will support this bill. It provides funding the administration requested to respond to the tragic bombing in Oklahoma City and to carry out a proposed counterterrorism initiative.

Mr. President, the bill before us will save $15.3 billion in budget authority and $0.6 billion in outlays from the current fiscal year through the rescissions in the bill. As chairman of the Senate Budget Committee, I ask unanimous consent that a table displaying the relationship of the bill to the Senate Appropriations Committee's budget allocation be placed in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

H.R. 1944, EMERGENCY SUPPLEMENTAL AND RESCISSIONS

[Fiscal year 1995, in millions of dollars, CBO scoring]

Subcommittee		Current status[1]	H.R. 1994[2]	Subcommittee total	Senate 602(b) allocation	Total comp to allocation
Agriculture—RD	BA	58,117	−82	58,035	58,118	−83
	OT	50,330	−30	50,300	50,330	−30
Commerce—Justice[3]	BA	26,693	−290	26,403	26,903	−500
	OT	25,387	−99	25,288	25,429	−141
Defense	BA	241,008	−50	240,958	243,630	−2,672
	OT	249,560	−38	249,522	250,713	−1,191
District of Columbia	BA	712	–	712	720	−8
	OT	714	–	714	722	−8
Energy—Water	BA	20,293	−234	20,059	20,493	−434
	OT	20,784	−52	20,732	20,749	−17
Foreign Operations	BA	13,537	−117	13,654	13,830	−176
	OT	13,762	−241	14,003	14,005	−2
Interior	BA	13,577	−282	13,295	13,582	−287
	OT	13,968	−79	13,889	13,970	−81
Labor—HHS[4]	BA	265,870	−2,520	263,350	266,170	−2,820
	OT	265,718	−212	265,506	265,731	−225
Legislative Branch	BA	2,459	−17	2,443	2,460	−17
	OT	2,472	−12	2,459	2,472	−13
Military Construction	BA	8,735	–	8,735	8,837	−102
	OT	8,519	–	8,519	8,519	−0
Transportation	BA	14,193	−2,624	11,568	14,275	−2,707
	OT	37,085	−22	37,063	37,072	−9
Treasury—Postal[5]	BA	23,589	−639	22,950	23,757	−807
	OT	24,221	−40	24,181	24,225	−44
VA—HUD	BA	89,891	−8,354	81,537	90,257	−8,720
	OT	92,438	−126	92,312	92,439	−127
Reserve	BA		−325	−325	2,311	−2,636
	OT		−130	−130	1	−131
Total appropriations[6]	BA	778,674	−15,300	763,374	785,343	−21,969
	OT	804,957	−600	804,358	806,377	−2,019

[1] In accordance with the Budget Enforcement Act, these totals do not include $3,905 million in budget authority and $7,442 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $841 million in budget authority and $917 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount as an emergency requirement.

[2] In accordance with the Budget Enforcement Act, these totals do not include $3,455 million in budget authority and $443 million in outlays in funding for emergencies that have been designated as such by the President and/or the Congress.

[3] Of the amounts remaining under the Commerce-Justice Subcommittee's 602(b) allocation, $17.1 million in budget authority and $1.2 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

[4] Of the amounts remaining under the Labor-HHS Subcommittee's 602(b) allocation, $27.0 million in budget authority and $5.8 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund

[5] Of the amounts remaining under the Treasury-Postal Subcommittees 602(b) allocation, $1.3 million in budget authority and $0.1 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

[6] Of the amounts remaining under the Appropriations Committee's 602(a) allocation, $68.8 million in budget authority and $9.9 million in outlays is available only for appropriations from the Violent Crime Reduction Trust Fund.

Note.—Details may not add to totals due to rounding.

Mr. HATFIELD. Mr. President, what is the parliamentary situation?

The **PRESIDING OFFICER.** The Senator from Illinois has another 11 minutes 33 seconds left.

Mr. HATFIELD. I have 30 minutes.

The **PRESIDING OFFICER.** That is correct.

Mr. HATFIELD. The proponents?

The **PRESIDING OFFICER.** They have 11 minutes 32 seconds available.

MORNING BUSINESS

Mr. HATFIELD. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

The **PRESIDING OFFICER.** Without objection, it is so ordered.

TRIBUTE TO THE LATE DOLLYE HANNA

Mr. THURMOND. Mr. President, each day, Members of this body rise to pay tribute to men and women who have had an impact on our Nation in one manner or another. On any given day the RECORD will contain passages praising elected officials, captains of industry, and others who have accumulated a list of accomplishments that are usually nothing less than impressive and oftentimes enviable. Today, I want to recognize a woman who does not possess such a vita, but is nevertheless worthy of recognition, the late Mrs. Dollye Hanna, who recently passed away at the age of 98.

Though Mrs. Hanna, or "Momma Doll" as she was affectionately known by her family and friends, was not involved in either public service or the private sector, she did dedicate her life to the noblest endeavor there is, her family. In her almost century on this earth, she was a loving wife, mother, grandmother, great grandmother, and great-great grandmother. She set an example for kindness and caring, and as the matriarch of the family, she left her strong mark and influence on four generations of Hannas.

During a service held in her memory last month, Mrs. Hanna was remembered as a woman who was: a lady; a mother; a friend; someone who spanned time; and as a child of The Father. I cannot think of a more flattering or appropriate manner in which to remember this special woman who devoted herself to caring for her husband, children, and extended family. She is someone who will certainly be missed by all those who knew her, and my sympathies go out to all those who knew and cared for this remarkable lady, especially her grandchildren: E.G. Meybohm; Robert L. Meybohm; Dollye W. Ward; Mildred W. Ghetti; and Hanna W. Fowler.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 1:55 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2020. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2020. An act making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies, for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute:

S. 919. A bill to modify and reauthorize the Child Abuse Prevention and Treatment Act, and for other purposes (Rept. No. 104–117).

By Mr. HATCH, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 103. A resolution to proclaim the week of October 15 through October 21, 1995, as National Character Counts Week, and for other purposes.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. HATCH, from the Committee on the Judiciary:

James L. Dennis, of Louisiana, to be U.S. circuit judge for the Fifth Circuit.

(The above nomination was reported with the recommendation that he be confirmed.)

By Mr. PRESSLER, from the Committee on Commerce, Science, and Transportation:

Roberta L. Gross, of the District of Columbia, to be Inspector General, National Aeronautics and Space administration.

Vera Alexander, of Alaska, to be a member of the Marine Mammal Commission for a term expiring May 13, 1997.

Robert Clarke Brown, of New York, to be a member of the Board of Directors of the Metropolitan Washington Airports Authority for a term of 6 years.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. HATCH (for himself and Mr. BAUCUS):

S. 1052. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions and to provide for carryovers and carrybacks of unused credits; to the Committee on Finance.

By Mr. LIEBERMAN (for himself and Mr. D'AMATO):

S. 1053. A bill to amend the Internal Revenue Code of 1986 to promote capital formation for the development of new businesses; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. PRESSLER (for himself, Mr. STEVENS, Mr. BAUCUS, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BUMPERS, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. GORTON, Mr. HOLLINGS, Mr. KERRY, Mr. LAUTENBERG, Mr. LOTT, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. PELL, Mr. PRYOR, Mr. ROTH, and Mr. SIMON:

S. Res. 155. A resolution expressing the sense of the Senate that the action taken by the Government of Japan against United States air cargo and passenger carriers represents a clear violation of the United States/Japan bilateral aviation agreement that is having severe repercussions on United States air carriers and, in general, customers of these United States carriers; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. BAUCUS):

S. 1052. A bill to amend the Internal Revenue Code of 1986 to make permanent the credit for clinical testing expenses for certain drugs for rare diseases or conditions and to provide for carryovers and carrybacks of unused credits; to the Committee on Finance.

THE ORPHAN DRUG ACT OF 1995

Mr. HATCH. Mr. President, today I am introducing the Orphan Drug Act of 1995, legislation to modify and extend permanently the orphan drug tax credit. Identical legislation has been introduced in the House by Representatives by NANCY JOHNSON and ROBERT MATSUI. This credit encourages private firms to develop treatments for rare diseases. As many of my colleagues know, this medical research tax credit expired at the end of 1994. I am pleased that my good friend and colleague from Montana, Senator BAUCUS, is joining me.

Since the 1983 enactment of the orphan drug tax credit, we have seen very encouraging progress in developing new drugs to alleviate suffering from a number of so-called orphan diseases. The name "orphan" was coined to reflect a perceived lack of concern about diseases that affect relatively small numbers of people.

Mr. President, the incentive provided by this credit gives hope to individuals who suffer from such rare but devastating conditions as Tourette's syndrome, Huntington's disease, and neurofibromatosis. Many drugs designated as orphan drugs have a much smaller potential market than even the 200,000 patients referred to in the definition in this bill—sometimes they are for conditions that affect as few as 1,000 persons in the United States. This means that without some incentive there is simply no possibility for a firm to profit from its decision to develop drugs that treat these diseases.

Fortunately, the "orphan" perception has been changing over the 12 years that this research credit has been in effect. In fact, Mr. President, pharmaceutical companies have made great strides in discovering treatments for these orphan diseases. While only seven orphan drugs were approved by the FDA in the decade before the credit's initial passage, over 100 have been approved since and approximately 600 are now in development.

For example, the FDA recently approved the first-ever treatment for Gaucher disease, a debilitating and sometimes fatal genetic disorder. This disease afflicts fewer than 5,000 people worldwide, yet Genzyme Corp. expended its time and money to search for a treatment precisely because of the orphan drug credit's incentives.

Mr. President, this credit's effectiveness has been tested for the past 12 years, and it has passed with flying colors. Few provisions of the Tax Code can claim to have clearly reduced human suffering and to have expanded our store of medical knowledge. This credit has done both.

By helping small, entrepreneurial firms to take advantage of the orphan drug credit, we can make it even more effective. Currently, Mr. President, the tax credit only serves as an incentive for companies that earn a current-year profit. Under the previous law, if the credit could not be used immediately, it was lost forever. For large, profitable drug companies, this was rarely a problem.

However, for many small, start-up pharmaceutical companies, this current-year restriction makes the credit of little or no use. These firms typically lose money in the early years since they put all available funding into research. They only expect to see profits many years into the future. While many of the Nation's drug breakthroughs have come from these small firms, Mr. President, the credit's current structure has left them out in the cold.

In order to improve the credit's usefulness, this bill will allow firms to carry the credit back 3 years and carry it forward 15 years. This will give small, growing companies an incentive to find ways to treat these rare diseases that cause so many to suffer.

In my home State of Utah, a healthy biomedical industry is emerging. In the course of research, scientists often stumble upon treatments that could, if developed, improve the lives of victims of rare diseases. However, because of the high cost of drug experiments and the enormous expense involved in gaining FDA approval, many researchers reluctantly set these promising drug innovations aside. Mr. President, this should not happen, not when so many are suffering from these rare diseases, and we have an effective credit available that has proven its benefits.

I urge my Senate colleagues to join me in sponsoring this legislation. Mr. President, I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1052

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CREDIT FOR CERTAIN CLINICAL TESTING EXPENSES MADE PERMANENT; CARRYOVER AND CARRYBACK OF UNUSED CREDITS.

(a) CREDIT MADE PERMANENT.—Section 28 of the Internal Revenue Code of 1986 (relating to clinical testing expenses for certain drugs for rare diseases or conditions) is amended by striking subsection (e).

(b) CARRYOVER AND CARRYBACK OF UNUSED CREDITS.—Paragraph (2) of section 28(d) of such Code is amended by adding at the end the following flush sentences:

"Rules similar to the rules of subsections (a), (b), and (c) of section 39 shall apply to the credit under this section. No credit under this section may be carried under such rules to a taxable year beginning before January 1, 1995."

(c) TECHNICAL AMENDMENTS RELATED TO CARRYOVER AND CARRYBACK OF CREDITS.—

(1) CARRYOVER OF CREDIT.—

(A) Subsection (c) of section 381 of such Code (relating to items of the distributor or transferor corporation) is amended by adding at the end thereof the following new paragraph:

"(27) CREDIT UNDER SECTION 28.—The acquiring corporation shall take into account (to the extent proper to carry out the purposes of this section and section 28, and under such regulations as may be prescribed by the Secretary) the items required to be taken into account for purposes of section 28 in respect to the distributor or transferor corporation."

(B) Paragraph (2) of section 383(a) of such Code (relating to special limitations on certain excess credits, etc.) is amended by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively, and by inserting before subparagraph (B) (as so redesignated) the following new subparagraph:

"(A) any unused clinical testing credit under section 28,".

(2) CARRYBACK OF CREDIT.—

(A) Subparagraph (C) of section 6511(d)(4) of such Code (defining credit carryback) is amended by inserting "any clinical testing credit carryback under section 28 and" after "means".

(B) Subsection (a) of section 6411 of such Code (relating to tentative carryback and refund adjustments) is amended—

(i) by inserting "by a clinical testing credit carryback under section 28," after "172(b)," in the first sentence, and

(ii) by striking "net capital loss" the first place it appears in the second sentence and all that follows before "in the manner and form" and inserting "net capital loss, unused clinical testing credit, or unused business credit from which the carryback results and within a period of 12 months after such taxable year or, with respect to any portion of a clinical testing credit carryback or business credit carryback attributable to a net operating loss carryback or a net capital loss carryback from a subsequent taxable year, within a period of 12 months from the end of such subsequent taxable year or, with respect to any portion of a business credit carryback attributable to a clinical testing credit carryback from a subsequent taxable year within a period of 12 months from the end of such subsequent taxable year,".

(C) Paragraph (1) of section 6411(a) of such Code is amended by inserting "unused clinical testing credit," after "net capital loss,".

(d) EFFECTIVE DATE.—

(1) SUBSECTION (a).—The amendment made by subsection (a) shall apply to amounts paid or incurred after December 31, 1994.

(2) CARRYOVERS AND CARRYBACKS.—The amendments made by subsections (b) and (c) shall apply to taxable years beginning after December 31, 1994.

ADDITIONAL COSPONSORS

S. 187

At the request of Mr. MCCAIN, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 187, a bill to provide for the safety of journeymen boxers, and for other purposes.

S. 254

At the request of Mr. LOTT, the names of the Senator from Utah [Mr. BENNETT], the Senator from Minnesota [Mr. WELLSTONE], and the Senator from Connecticut [Mr. LIEBERMAN] were added as cosponsors of S. 254, a bill to extend eligibility for veterans' burial benefits, funeral benefits, and related benefits for veterans of certain service in the United States merchant marine during World War II.

S. 308

At the request of Mr. HATFIELD, the name of the Senator from Mississippi [Mr. COCHRAN] was withdrawn as a cosponsor of S. 308, a bill to increase access to, control the costs associated with, and improve the quality of health care in States through health insurance reform, State innovation, public health, medical research, and reduction of fraud and abuse, and for other purposes.

S. 356

At the request of Mr. SHELBY, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 356, a bill to amend title 4, United States Code, to declare English as the official language of the Government of the United States.

S. 559

At the request of Mr. SIMPSON, the names of the Senator from Mississippi [Mr. COCHRAN], the Senator from Tennessee [Mr. THOMPSON], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 559, a bill to amend the Lanham Act to require certain disclosures relating to materially altered films.

S. 863

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 863, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for physician assistants, to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 864

At the request of Mr. GRASSLEY, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 864, a bill to amend title XVIII of the Social Security Act to provide for increased Medicare reimbursement for nurse practitioners and clinical nurse specialists to increase the delivery of health services in health professional shortage areas, and for other purposes.

S. 955

At the request of Mr. HATCH, the names of the Senator from Arkansas [Mr. BUMPERS] and the Senator from Arizona [Mr. KYL] were added as cosponsors of S. 955, a bill to clarify the scope of coverage and amount of payment under the Medicare program of items and services associated with the use in the furnishing of inpatient hospital services of certain medical devices approved for investigational use.

S. 968

At the request of Mr. MCCONNELL, the names of the Senator from Idaho [Mr. KEMPTHORNE] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 968, a bill to require the Secretary of the Interior to prohibit the import, export, sale, purchase, and possession of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 969

At the request of Mr. BRADLEY, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of the child, and for other purposes.

S. 974

At the request of Mr. GRASSLEY, the name of the Senator from Arizona [Mr. KYL] was added as a cosponsor of S. 974, a bill to prohibit certain acts involving the use of computers in the furtherance of crimes, and for other purposes.

S. 1009

At the request of Mr. D'AMATO, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of S. 1009, a bill to prohibit the fraudulent production, sale, transportation, or possession of fictitious items purporting to be valid financial instruments of the United States, foreign governments, States, political subdivisions, or private organizations, to increase the penalties for counterfeiting violations, and for other purposes.

SENATE JOINT RESOLUTION 26

At the request of Mr. SIMPSON, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of Senate Joint Resolution 26, a joint resolution designating April 9, 1995, and April 9, 1996, as "National Former Prisoner of War Recognition Day."

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the name of the Senator from Louisiana [Mr. BREAUX] was added as a cosponsor of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week," and for other purposes.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the name of the Senator from Louisiana [Mr. JOHNSTON] was added as a cosponsor of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as "National Historically Black Colleges and Universities Week," and for other purposes.

SENATE RESOLUTION 155—RELATIVE TO UNITED STATES/JAPAN AVIATION DISPUTE

Mr. PRESSLER (for himself, Mr. STEVENS, Mr. BAUCUS, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BUMPERS, Mr. COCHRAN, Mrs. FEINSTEIN, Mr. GORTON, Mr. HOLLINGS, Mr. KERRY, Mr. LAUTENBERG, Mr. LOTT, Ms. MOSELEY-BRAUN, Mr. MURKOWSKI, Mr. PACKWOOD, Mr. PELL, Mr. PRYOR, Mr. ROTH, and Mr. SIMON) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 155

Whereas the Governments of the United States and Japan entered into a bilateral aviation agreement in 1952 that has been modified periodically to reflect changes in the aviation relationship between the two countries;

Whereas in 1994 the total revenue value of passenger and freight traffic for United States air carriers between the United States and Japan was approximately $6 billion;

Whereas the United States/Japan bilateral aviation agreement guarantees three U.S. carriers "beyond rights" that authorize them to fly into Japan, take on additional passengers and cargo, and then fly to another country;

Whereas the United States/Japan bilateral aviation agreement requires that, within 45 days of filing a notice with the Government of Japan, the Government of Japan must authorize United States air carriers to serve routes guaranteed by their "beyond rights";

Whereas United States air carriers have made substantial economic investment in reliance upon the expectation their rights under the United States/Japan bilateral aviation agreement would be honored by the Government of Japan;

Whereas the Government of Japan has violated the United States/Japan bilateral aviation agreement by preventing United States air carriers from serving routes clearly authorized by their "beyond rights"; and

Whereas the refusal by the Government of Japan to respect the terms of the United States/Japan bilateral aviation agreement is having severe repercussions on United States air carriers and, in general, customers of these United States air carriers: Now, therefore, be it

Resolved, That the Senate—

(1) calls upon the Government of Japan to honor and abide by the terms of the United States/Japan bilateral aviation agreement and immediately authorize United States air cargo and passenger carriers which have pending route requests relating to their "beyond rights" to immediately commence service on the requested routes;

(2) calls upon the President of the United States to identify strong and appropriate forms of countermeasures that could be taken against the Government of Japan for its egregious violation of the United States/Japan bilateral aviation agreement; and

(3) calls upon the President of the United States to promptly impose against the Government of Japan whatever countermeasures are necessary and appropriate to ensure the Government of Japan abides by the terms of the United States/Japan bilateral aviation agreement.

Mr. PRESSLER. Mr. President, I rise today to submit a resolution expressing the concern of the United States Senate over the Government of Japan's violation of the bilateral aviation agreement between our two countries and its continued refusal to respect this agreement.

I am pleased so many of my colleagues from both sides of the aisle have joined me in submitting this resolution. It speaks volumes about the importance of the issue. In particular, I thank my good friend from Alaska, Senator STEVENS, who has worked very closely with me on this matter for some time.

As I said last month when I addressed the Senate at length on the United States/Japan aviation dispute, this issue is extraordinarily straightforward: Should the United States allow Japan to unilaterally deny United States carriers rights guaranteed those carriers by the United States/Japan bilateral aviation agreement? The clear and unequivocal answer is "no."

If we tolerate and accept this breach, it would establish a very dangerous precedent for U.S. international aviation relations. The Chinese among others are very carefully watching how the United States reacts in this dispute. The potential ramifications are much broader than aviation. We would send the nations of the world the message it is okay to pick and choose which provisions of agreements with the United States they want to abide by. That is a very dangerous message. One we must not send.

I was pleased when the Department of Transportation issued a show-cause order to the Government of Japan on June 19 in response to its violation of our air service agreement. The administration was absolutely correct in doing so. If anything, the show-cause order could have been issued sooner, but quite correctly, the administration was patient in its good faith talks to try to resolve this dispute. The Government of Japan left us with no other option.

A month has passed since the show-cause order was issued. The United States continues to negotiate in good faith with the Government of Japan. Unfortunately, the Government of Japan continues to refuse to honor the United States/Japan bilateral aviation agreement. I am not surprised because time is on the side of Japan. The longer Japan delays, the longer they prevent our carriers from competing against their inefficient carriers. Time is definitely on their side.

Mr. President, for today and the future, the economic stakes of this trade dispute are tremendous and therefore the administration must be prepared to impose strong countermeasures. We cannot negotiate indefinitely while our carriers suffer severe economic damages.

I cannot emphasize enough the significance of the economic stakes of the United States/Japan aviation dispute. For example, in 1994 the total revenue value of passenger and freight traffic for United States carriers between the United States and Japan was approximately $6 billion. During that same year, the value of cargo shipped by air between the United States and Japan was roughly $47 billion. This figure increases to approximately $132 billion when one considers the value of cargo shipped by air between the United States and all Asian countries. These figures speak loudly for themselves.

These statistics are indeed impressive. Yet they do not tell the whole story. While both the current size and the potential for the future of our aviation market to Japan and beyond to other Asian countries are impressive, the figures cited earlier do not rise to their proper level of significance until one considers the more than $65 billion trade deficit the United. States currently has with Japan.

As chairman of the Senate Committee on Commerce, Science, and Transportation, all too often I see parochial fighting among U.S. air carriers undermine our country's international aviation policy. This infighting sets off a chain reaction on Capitol Hill. The political firestorm that results unfortunately often prevents the Secretary of Transportation from making the strongest possible international aviation agreements. Instead, we accept international agreements that may serve the best political interest of an administration, but that all too often fail to produce the greatest possible economic gain for our country. Foreign nations know this is our Achilles heel in international aviation negotiations. They know it and they exploit it.

Mr. President, this resolution puts the Senate on record in clear opposition to the actions of the Japanese Government. It is designed to place the administration in a position of political strength from which it can deal with this vitally important international aviation matter. I had hoped the show-cause order would serve as a wake-up call to the Government of Japan. Apparently it has not.

It is my hope this resolution will further drive home the message to the Government of Japan that international agreements are to be honored, not unilaterally disregarded. I urge all of my colleagues to support this resolution.

AMENDMENTS SUBMITTED

THE LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

BYRD AMENDMENT NO. 1802

Mr. BYRD proposed an amendment to the bill (H.R. 1854) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . (a) It is the sense of the Senate that the Senate should consider a resolution in the 104th Congress, 1st Session, that requires an accredited member of any of the Senate press galleries to file an annual public report with the Secretary of the Senate disclosing the identity of the primary employer of the member and of any additional sources of earned outside income received by the member, together with the amounts received from each such source.

(b) For purposes of this section, the term "Senate press galleries" means—

(1) the Senate Press Gallery;

(2) the Senate Radio and Television Correspondents Gallery;

(3) the Senate Periodical Press Gallery; and

(4) the Senate Press Photographers Gallery.

FEINGOLD (AND OTHERS) AMENDMENT NO. 1803

Mr. FEINGOLD (for himself, Mr. McCAIN, Mrs. FEINSTEIN, Mr. JEFFORDS, Mr. WELLSTONE, Mr. BRADLEY, Mr. SIMON, Mr. BIDEN, Mr. LEAHY, Mr. AKAKA, Mr. GRAHAM, Mr. KERRY, and Mr. LAUTENBERG) proposed an amendment to the bill H.R. 1854, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . CAMPAIGN FINANCE REFORM.

(A) FINDINGS.—The Congress finds that—

(1) the current system of campaign finance has led to public perceptions that political contributions and their solicitation have unduly influenced the official conduct of elected officials;

(2) the failure to limit campaign expenditures in any way has caused individuals elected to the United States Senate to spend an increasing portion of their time in office raising campaign funds, interfering with the ability of the Senate to carry out its constitutional responsibilities;

(3) the public faith and trust in Congress as an institution has eroded to dangerously low levels and public support for comprehensive congressional reforms is overwhelming; and

(4) reforming our election laws should be a high legislative priority of the 104th Congress.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that as soon as possible before the conclusion of the 104th Congress, the United States Senate should consider comprehensive campaign finance reform legislation that will increase the competitiveness and fairness of elections to the United States Senate.

McCONNELL AMENDMENT NO. 1804

Mr. MACK (for Mr. McCONNELL) proposed an amendment to amendment No. 1803 proposed by Mr. FEINGOLD to the bill H.R. 1854, supra; as follows:

In lieu of the language proposed to be inserted, insert the following:

It is the sense of the Senate that before the conclusion of the 104th Congress, comprehensive welfare reform, food stamp reform, Medicare reform, Medicaid reform, superfund reform, wetlands reform, reauthorization of the Safe Drinking Water Act, reauthorization of the Endangered Species Act, immigration reform, Davis-Bacon reform, State Department reauthorization, Defense Department reauthorization, Bosnia arms embargo, foreign aid reauthorization, fiscal year 1996 and 1997 Agriculture appropriations, Commerce, Justice, State appropriations, Defense appropriations, District of Columbia appropriations, Energy and Water Development appropriations, Foreign Operations appropriations, Interior appropriations, Labor, Health and Human Services and Education appropriations, Legislative Branch appropriations, Military Construction appropriations, Transportation appropriations, Treasury and Postal appropriations, and Veterans Affairs, Housing and Urban Development, and Independent Agencies appropriations, reauthorization of the Older Americans Act, reauthorization of the Individuals with Disabilities Education Act, health care reform, job training reform, child support enforcement reform, tax reform, and a "Farm Bill" should be considered.

BROWN AMENDMENT NO. 1805

Mr. BROWN proposed an amendment to the bill H.R. 1854, supra; as follows:

On page 3, line 26, add at the end the following, "The account for the Office of Sergeant at Arms and Doorkeeper is reduced by $10,000, provided that there shall be no new elevator operators hired to operate automatic elevators."

SPECTER AMENDMENT NO. 1806

Mr. SPECTER proposed an amendment to the bill H.R. 1854, supra; as follows:

At the appropriate place insert the following new section:

SEC. .

(a) FINDINGS.—The Congress finds that—

(1) war and human tragedy have reigned in the Balkans since January 1991;

(2) the conflict has occasioned the most horrendous war crimes since Nazi Germany and the Third Reich's death camps;

(3) these war crimes have been characterized by "ethnic cleansing", summary executions, torture, forcible displacement, massive and systematic rape, and attacks on medical and relief personnel committed mostly by Bosnian Serb military, para-military, and police forces;

(4) more than 200,000 people, mostly Bosnian Muslims, have been killed or are missing, 2.2 million are refugees, and another 1.8 million have been displaced in Bosnia;

(5) the final report of the Commission of Experts on War Crimes in the Former Yugoslavia, submitted to the United Nations Security Council on May 31, 1995, documents more than 3500 pages of detailed evidence of war crimes committed in Bosnia;

(6) the decisions of the United Nations Security Council have been disregarded with impunity;

(7) Bosnian Serb forces have hindered humanitarian and relief efforts by the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, and other relief efforts;

(8) Bosnian Serb forces have incessantly shelled relief outposts, hospitals, and Bosnian population centers;

(9) the rampage of violence and suffering in Bosnia and Herzegovina continues unchecked and the United Nations and NATO remain unable or unwilling to stop it; and

(10) the feeble reaction to the Bosnian tragedy is sending a message to the world that barbaric warfare and inhumanity is to be rewarded: Now, therefore, be it

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate hereby

(1) condemns the war crimes and crimes against humanity committed by all sides to the conflict in the Balkans, particularly the Bosnian Serbs; and

(2) condemns the policies and actions of Bosnian Serb President Radovan Karadzic and Bosnian Serb military commander Ratko Mladic and urges the Special Prosecutor of the International Criminal Tribunal for the Former Yugoslavia to expedite the review of evidence for their indictment for such crimes.

(3) It is the sense of the Senate that the Special Prosecutor for the International Criminal Tribunal for the Former Yugoslavia should investigate the recent and ongoing violations of international humanitarian law in Bosnia and Herzegovina.

(4) The Senate urges the President to make all information, including intelligence information, on war crimes and war criminals available to the International Criminal Tribunal for the Former Yugoslavia.

(5) It is the sense of the Senate that the President should not terminate economic sanctions, or cooperate in the termination of such sanctions, against the Governments of Serbia and Montenegro unless and until the President determines and certifies to Congress that President Slobodan Milosovic of Serbia is cooperating fully with the International Criminal Tribunal for the Former Yugoslavia.

DOLE AMENDMENT NO. 1807

Mr. DOLE proposed an amendment to amendment No. 1803 proposed by Mr. FEINGOLD to the bill, H.R. 1854, supra; as follows:

Strike all after the word "SEC." and insert the following: "It is the sense of the Senate that before the conclusion of the 104th Congress, comprehensive welfare reform, food stamp reform, Medicare reform, Medicaid reform, superfund reform, wetlands reform, reauthorization of the Safe Drinking Water Act, reauthorization of the Endangered Species Act, immigration reform, Davis-Bacon reform, State Department reauthorization, Defense Department reauthorization, Bosnia arms embargo, foreign aid reauthorization, fiscal year 1996 and 1997 Agriculture appropriations, Commerce, Justice, State appropriations, Defense appropriations, District of Columbia appropriations, Energy and Water Development appropriations, Foreign Operations appropriations, Interior appropriations, Labor, Health and Human Services and Education appropriations, Legislative Branch appropriations, Military Construction appropriations, Transportation appropriations, Treasury and Postal appropriations, and Veterans Affairs, Housing and Urban Development, and Independent Agencies appropriations, reauthorization of the Older Americans Act, reauthorization of the Individuals with Disabilities Education Act, health care reform, comprehensive campaign finance reform, job training reform, child support enforcement reform, tax reform, and the Farm bill should be considered".

HOLLINGS (AND OTHERS) AMENDMENT NO. 1808

Mr. HOLLINGS (for himself, Mr. HATCH, Mr. STEVENS, Mr. ROBB, Mr. LIEBERMAN and Mr. KENNEDY) proposes an amendment to the bill, H.R. 1854, supra; as follows:

Strike page 29, line 6, through page 30, line 20, and insert in lieu thereof the following:

For salaries and expenses necessary to carry out the provisions of the Technology Assessment Act of 1972 (Public Law 92-484), including official reception and representation expenses (not to exceed $5,500 from the Trust Fund), $15,000,000: *Provided*, That the Librarian of Congress shall report to Congress within 120 days after the date of enactment of this Act with recommendations on how to consolidate the duties and functions of the Office of Technology Assessment, the General Accounting Office, and the Government Printing Office into an Office of Congressional Services within the Library of Congress by the year 2002: *Provided further*, That notwithstanding any other provision of this Act, each of the following accounts is reduced by 1.12 percent from the amounts provided elsewhere in this Act: "salaries, Office of the Architect of the Capitol, Architect of the Capitol"; "Capitol buildings, Architect of the Capitol"; "Capitol grounds, Architect of the Capitol"; "Senate office buildings, Architect of the Capitol"; "Capitol power plant, Architect of the Capitol"; "library buildings and grounds, Architect of the Capitol"; and "salaries and expenses, Office of the Superintendent of Documents, Government Printing Office": *Provided further*, That notwithstanding any other provision of this Act, the amounts provided elsewhere in this Act for "salaries and expenses, General Accounting Office," are reduced by 1.92 percent.

THE COMPREHENSIVE REGULATORY REFORM ACT OF 1995

HATCH (AND ROTH) AMENDMENT NO. 1809

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. ROTH) submitted an amendment intended to be proposed by them to the bill (S. 343) to reform the regulatory process, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

"§ 625. Jurisdiction and judicial review

"(a) REVIEW.—Compliance or noncompliance by an agency with the provisions of this subchapter and subchapter III shall be subject to judicial review only in accordance with this section.

"(b) JURISDICTION.—(1) Except as provided in subsection (e), subject to paragraph (2), each court with jurisdiction under a statute to review final agency action to which this title applies, has jurisdiction to review any claims of noncompliance with this subchapter and subchapter III.

"(2) Except as provided in subsection (e), no claims of noncompliance with this subchapter or subchapter III shall be reviewed separate or apart from judicial review of the final agency action to which they relate.

"(c) RECORD.—Any analysis or review required under this subchapter or subchapter III shall constitute part of the rulemaking record of the final agency action to which it pertains for the purposes of judicial review.

"(d) STANDARDS FOR REVIEW.—In any proceeding involving judicial review under section 706 or under the statute granting the rulemaking authority, failure to comply with this subchapter or subchapter III may not be considered by the court except for the purpose of determining whether the final agency action is arbitrary and capricious or an abuse of discretion (or unsupported by substantial evidence where that standard is otherwise provided by law).

ROTH (AND HATCH) AMENDMENT NO. 1810

(Ordered to lie on the table.)

Mr. ROTH (for himself and Mr. HATCH) submitted an amendment intended to be proposed by them to the bill S. 343, supra; as follows:

At the end of the amendment add the following:

"Notwithstanding any other provision of this act, 623(i), 625(d), 625(e) and 706(a)(2)(F) shall not be effective, and the following shall apply:

(d) COMPLETION OF REVIEW OR REPEAL OF RULE.—If an agency has not completed review of the rule by the deadline established under subsection (b), the agency shall immediately commence a rulemaking action pursuant to section 553 of this title to repeal the rule and shall complete such rulemaking within 2 years of the deadline established under subsection (b).

(e) STANDARDS FOR REVIEW.—In any proceeding involving judicial review under section 706 or under the statute granting the rulemaking authority, failure to comply with this subchapter or subchapter III may not be considered by the court except for the purpose of determining whether the final agency action is arbitrary and capricious or an abuse of discretion (or unsupported by substantial evidence where that standard is otherwise provided by law).

HATCH (AND ROTH) AMENDMENTS NOS. 1811–1814

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. ROTH) submitted four amendments intended to be proposed by them to the bill S. 343, supra; as follows:

AMENDMENT NO. 1811

In lieu of the matter proposed to be inserted, insert the following:

"Notwithstanding the provision of 623(e)(3) the following shall apply:

"(3) A petition for review of final agency action under subsection (b) or subsection (c) shall be filed not later than 60 days after the agency publishes the final rule under subsection (b). The court shall, to the extent practicable, consolidate such actions in one proceeding."

AMENDMENT NO. 1812

In lieu of the matter proposed to be inserted, insert the following:

"Notwithstanding section 553(l) of title 5 of the United States Code, the following shall apply:

"(l) RULEMAKING PETITION.—(1) Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule."

AMENDMENT NO. 1813

In lieu of the matter proposed to be inserted, insert the following:

"Notwithstanding the provisions of 624(a), the following shall apply: CONSTRUCTION WITH OTHER LAWS.—The requirements of section 624 shall supplement and not supersede, any other decisional criteria otherwise provided by law. If, with respect to any rule to be promulgated by a Federal agency, the agency cannot comply as a matter of law, both with a requirement of section 624 and any requirement of the statute authorizing the rule, such requirements of section 624 shall not apply to the rule."

AMENDMENT NO. 1814

In lieu of the matter proposed to be inserted, insert the following:

"Notwithstanding any provision of this Act to create a subsection(c) of section 604 of Title 5 of the United States Code, the following shall apply:

(b) REGULATORY FLEXIBILITY ANALYSIS.—

(1) FINAL REGULATORY FLEXIBILITY ANALYSIS.—Section 604 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(c)(1) Except as provided in paragraph (2), no final rule for which a final regulatory flexibility analysis is required under this section shall be promulgated unless the agency finds that the final rule minimizes compliance burdens on small entities to the maximum extent possible, consistent with the purposes of this subchapter, the objectives of the rule, and the requirements of applicable statutes.

"(2) If an agency determines that a statute requires a rule to be promulgated that does not satisfy the criterion of paragraph (1), the agency shall—

"(A) include a written explanation of such determination in the final regulatory flexibility analysis; and

"(B) transmit the final regulatory flexibility analysis to Congress when the final rule is promulgated.".

CRAIG (AND OTHERS) AMENDMENTS NOS. 1815–1817

(Ordered to lie on the table.)

Mr. CRAIG (for himself, Mr. HATCH, and Mr. ROTH) submitted three amendments intended to be proposed by them to an amendment to the bill S. 343, supra; as follows:

AMENDMENT NO. 1815

In the matter to be inserted strike "the agency head may promulgate" and insert in lieu thereof "the agency head may (and if the agency has a nondiscretionary duty to issue a rule, shall) promulgate".

AMENDMENT NO. 1816

In lieu of the matter proposed, insert the following:

"Notwithstanding the provisions of section 626 of this Act, the following shall apply:

"§ 626. Deadlines for rulemaking

"(a) STATUTORY.—All deadlines in statutes that require agencies to propose or promulgate any rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

"(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

"(2) the date occurring 6 months after the date of the applicable deadline.

"(b) COURT-ORDERED.—All deadlines imposed by any court of the United States that would require an agency to propose or promulgate a rule subject to section 622 or subchapter III during the 2-year period beginning on the effective date of this section shall be suspended until the earlier of—

"(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

"(2) the date occurring 6 months after the date of the applicable deadline.

"(c) OBLIGATION TO REGULATE.—In any case in which the failure to promulgate a rule by a deadline occurring during the 2-year period beginning on the effective date of this section would create an obligation to regulate through individual adjudications, the deadline shall be suspended until the earlier of—

"(1) the date on which the requirements of section 622 or subchapter III are satisfied; or

"(2) the date occurring 6 months after the date of the applicable deadline.

AMENDMENT NO. 1817

In lieu of the matter proposed, insert the following:

"Notwithstanding Section 553(f)(4) the following shall apply; (4) A description of the factual conclusions upon which the rule is based."

NUNN AMENDMENTS NOS. 1818–1819

(Ordered to lie on the table.)

Mr. NUNN submitted two amendments intended to be proposed by him to amendment No. 1700 submitted by him to the bill S. 343, supra; as follows:

AMENDMENT NO. 1818

On page 1, line 8 insert before the semicolon the following: ", except that this subparagraph shall not apply to more than 150 such rules (or sets of closely related rules) proposed by the agency during any fiscal year".

AMENDMENT NO. 1819

On page 1, line 8 insert before the semicolon the following: ", except that this subparagraph shall not apply to more than 100 such rules (or sets of closely related rules) proposed by the agency during any fiscal year".

NUNN AMENDMENTS NOS. 1820–1821

(Ordered to lie on the table.)

Mr. NUNN submitted two amendments intended to be proposed by him to amendment No. 1698 submitted by him to the bill S. 343, supra; as follows:

AMENDMENT NO. 1820

On page 1, line 8 insert before the semicolon the following: ", except that this subparagraph shall not apply to more than 100 such rules (or sets of closely related rules) proposed by the agency during any fiscal year".

AMENDMENT NO. 1821

On page 1, line 8 insert before the semicolon the following: ", except that this subparagraph shall not apply to more than 150 such rules (or sets of closely related rules) proposed by the agency during any fiscal year".

JOHNSTON AMENDMENT NO. 1822

(Ordered to lie on the table.)

Mr. JOHNSTON submitted an amendment intended to be proposed by him to amendment No. 1574 submitted by Mr. LAUTENBERG to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

In lieu of the matter proposed to be inserted, insert the following:

"(d) TOXICS RELEASE INVENTORY STANDARDS.—Section 313(d) of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11023(d)) is amended by adding the following to the end of paragraph (2):

"No chemical may be included on the list described in subsection (c) of this section, if the chemical has low toxicity to human health or the environment and if only under unrealistic exposures would such chemical pose one or more of the hazards described in subsection (d)(2)(B) or (d)(2)(C). Nothing in this section shall be construed to require the Administrator or a person to carry out a risk assessment under section 633 of title 5, United States Code, to carry out a site-specific analysis to establish actual ambient concentrations, or to document adverse effects at any particular location."

BOND (AND ROBB) AMENDMENT NO. 1823

(Ordered to lie on the table.)

Mr. BOND (for himself and Mr. ROBB) submitted an amendment to amendment No. 1797 submitted by Mr. BOND to amendment No. 1487 proposed by Mr. DOLE to the bill S. 343, supra; as follows:

On page 1 line 4, strike everything through the end of the amendment and insert in lieu thereof the following:

"Petition for alternative means of compliance

"(a) IN GENERAL.—Any entity subject to one or more human health, safety or environmental rules may petition an agency to modify or waive such rules. The petitioned agency is authorized to enter into one or more enforceable agreements establishing alternative means to demonstrate compliance, not otherwise permitted by such rules, to be complied with in lieu of such rules. The petition shall identify with reasonable specificity, the facilities for which an alternative means of compliance is sought, the rules for which a modification or waiver is sought, the proposed alternative means of compliance, and the proposed form of an enforceable agreement.

"(b) STANDARDS.—(1) The agency shall grant a petition under this section if the agency determines that the petitioner shows there is a reasonable likelihood that the alternative means of compliance—

(A) would achieve an overall level of protection of health, safety and the environment at least substantially equivalent to or exceeding the level of protection provided by the rules subject to the petition;

(B) would provide a degree of public access to information, and of accountability and enforceability, at least substantially equivalent to the degree provided by the rules subject to the petition; and

(C) would not impose an undue burden on the agency responsible for enforcing the agreement entered into pursuant to subsection (f).

(2) In making the determinations under this subsection, the agency shall take into account any relevant cross media effects of the proposed alternative means of compliance, and whether the proposed alternative means of compliance would transfer any significant human health, safety or environmental effects between populations or geographic locations.

"(c) OTHER PROCEDURES.—If the statute authorizing a rule subject to a petition under this section provides specific available procedures or standards allowing an alternative means of compliance for such rule, which are neither designed to assist the implementation of the existing method of compliance nor codifications of the constitutional right to petition the government, such petition shall be reviewed consistent with such procedures or standards.

"(d) PUBLIC NOTICE AND INPUT.—No later than the date on which the petitioner submits the petition to the agency, the petitioner shall inform the public of the submission of such petition (including a brief description of the petition) through publication of a notice in the newspapers of general circulation in the area in which the facility or facilities are located. Agencies may authorize or require petitioners to use additional or alternative means of informing the public of the submission of such petitions. If the agency proposes to grant the petition, the agency shall provide public notice and opportunity to comment on the petition and on any proposed enforceable agreements.

"(e) DEADLINE AND LIMITATION ON SUBSEQUENT PETITIONS.—A decision to grant or deny a petition under this subsection shall be made no later than 240 days after a complete petition is submitted. Following a decision to deny a petition under this section, no petition, submitted by the same person, may be granted unless it applies to a different facility, or it is based on a change in a fact, circumstance, or provision of law underlying or otherwise related to the rules subject to the petition.

"(f) AGREEMENT.—Upon granting a petition under this section, the agency shall propose one or more enforceable agreements establishing alternative methods of compliance for the facilities subject to the petition in lieu of the otherwise applicable rules. Not withstanding any other provision of law, such enforceable agreements may modify or waive the terms of any human health safety or environmental rule, including any standard, limitation, permit condition, order, regulation or other requirement issued by the agency consistent with the requirements of subsection (b) and (c), provided that the state in which the facility is located agrees to any modification or waiver of applicable rules. If accepted by the owner or operator of a facility, compliance with such agreement shall be deemed to be compliance with the laws and rules identified in the agreement. An agreement entered into under this section shall provide for enforcement as if it were a provision of the rule or rules being modified or waived.

"(g) NEPA NONAPPLICABILITY.—Approval of an alternative means of compliance under this section by an agency shall not be considered a major Federal action for purposes of the National Environmental Policy Act.

"(h) JUDICIAL REVIEW.—A decision to grant or deny a petition, or to enter into an enforceable agreement, under this section shall not be subject to judicial review.

"(i) SAVINGS CLAUSE.—A decision to grant or deny a petition or enter into an enforceable agreement shall not create any obligation on an agency to modify any regulation.

HATCH (AND LOTT) AMENDMENT NO. 1824

(Ordered to lie on the table.)

Mr. HATCH (for himself and Mr. LOTT) submitted an amendment intended to be proposed by them to the bill S. 343, supra; as follows:

In lieu of the matter proposed insert the following: "No chemical may be included on the list described in subsection (c) of this section if exposures from reasonably anticipated releases cannot reasonably be anticipated to cause the adverse effects described in subsection (d)(2)(B) or (d)(2)(C).

"Nothing in this section shall be construed to require the Administrator or a person to carry out a risk assessment under Section 633 of Title 5, US Code, or a site-specific analysis to establish actual ambient concentrations or to document adverse effects at any particular location."

THE LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

GRAMM AMENDMENT NO. 1825

Mr. GRAMM proposed an amendment to the bill H.R. 1854, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . PROHIBITION ON FUNDING OF CONTRACT AWARDS BASED ON RACE, COLOR, NATIONAL ORIGIN, OR GENDER.

(a) PROHIBITION.—For fiscal year 1996, none of the funds made available by this Act may be used by any unit of the legislative branch of the Federal Government to award any Federal contract, or to require or encourage the award of any subcontract, if such award is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(b) OUTREACH AND RECRUITMENT ACTIVITIES.—This section does not limit the availability of funds for technical assistance, advertising, counseling, or other outreach and recruitment activities that are designed to increase the number of contractors or subcontractors to be considered for any contract or subcontract opportunity with the Federal Government, except to the extent that the award resulting from such activities is based, in whole or in part, on the race, color, national origin, or gender of the contractor or subcontractor.

(c) HISTORICALLY BLACK COLLEGES AND UNIVERSITIES.—This section does not limit the availability of funds for activities that benefit an institution that is a historically Black college or university on the basis that the institution is a historically Black college or university.

(d) EXISTING AND FUTURE COURT ORDERS.—This section does not prohibit or limit the availability of funds to implement a—

(1) court order or consent decree issued before the date of enactment of this Act; or

(2) court order or consent decree that—

(A) is issued on or after the date of enactment of this Act; and

(B) provides a remedy based on a finding of discrimination by a person to whom the order applies.

(e) EXISTING CONTRACTS AND SUBCONTRACTS.—This section does not apply with respect to any contract or subcontract entered into before the date of the enactment of this Act, including any option exercised under such contract or subcontract before or after such date of enactment.

(f) DEFINITION.—As used in this section, the term "historically Black college or university" means a part B institution, as defined in section 322(2) of the Higher Education Act of 1965 (20 U.S.C. 1061(2)).

MURRAY (AND OTHERS) AMENDMENT NO. 1826

Mrs. MURRAY (for herself, Mr. DASCHLE, Ms. MOSELEY-BRAUN, Mr. DODD, Mrs. FEINSTEIN and Mr. COHEN) proposed an amendment to amendment No. 1825 proposed by Mr. GRAMM to the bill, H.R. 1854, supra; as follows:

In lieu of the text proposed to be inserted, insert the following: "None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Adarand Constructors, Inc.* v. *Pena* on June 12, 1995."

MURRAY AMENDMENT NO. 1827

Mr. EXON (for Mrs. MURRAY) proposed an amendment to amendment No. 1825 proposed by Mr. GRAMM to the bill, H.R. 1854, supra; as follows:

Strike all after the first word and insert: "None of the funds made available in this Act may be used for any program for the selection of Federal Government contractors when such program results in the award of Federal contracts to unqualified persons, in reverse discrimination, or in quotas, or is inconsistent with the decision of the Supreme Court of the United States in *Adarand Constructors, Inc.* v. *Pena* on June 12, 1995." This section shall be effective one day after enactment."

DOLE AMENDMENT NO. 1828

Mr. MACK (for Mr. DOLE) proposed an amendment to the bill, H.R. 1854; supra; as follows:

On page 27 of the bill, strike all between lines 1-25, and insert the following:

CAPITOL GUIDE SERVICE

For salaries and expenses of the Capitol Guide Service, $1,628,000, to be disbursed by the Secretary of the Senate: *Provided*, That none of these funds shall be used to employ more than thirty-three individuals: *Provided further*, That the Capitol Guide Board is authorized, during emergencies, to employ not more than two additional individuals for not more than one hundred twenty days each, and not more than ten additional individuals for not more than six months each, for the Capitol Guide Service.

SPECIAL SERVICES OFFICE

For salaries and expenses of the Special Services Office, $363,000, to be disbursed by the Secretary of the Senate.

SIMON (AND OTHERS) AMENDMENT NO. 1829

Mr. MACK (for Mr. SIMON for himself, Mr. Reid, Mr. SIMPSON, Mr. LOTT and Ms. MOSELEY-BRAUN) proposed an amendment to the bill, H.R. 1854; supra, as follows:

At the appropriate place, insert the following new section:

SEC. . REPEAL OF PROHIBITIONS AGAINST POLITICAL RECOMMENDATIONS RELATING TO FEDERAL EMPLOYMENT.

(a) IN GENERAL.—(1) Section 3303 of title 5, United States Code, is repealed.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—(1) The table of sections for chapter 33 of title 5, United States Code, is amended by striking out the item relating to section 3303.

(2) Section 2302(b)(2) of title 5, United States Code, is amended to read as follows:

"(2) solicit or consider any recommendation or statement, oral or written, with respect to any individual who requests or is under consideration for any personnel action unless such recommendation or statement is based on the personal knowledge or records of the person furnishing it and consists of—

"(A) an evaluation of the work performance, ability, aptitude, or general qualifications of such individual; or

"(B) an evaluation of the character, loyalty, or suitability of such individual;".

LIEBERMAN (AND GRASSLEY) AMENDMENT NO. 1830

Mr. MACK (for Mr. LIEBERMAN, for himself, and Mr. GRASSLEY) proposed an amendment to the bill, H.R. 1854; supra; as follows:

At the end of SEC. 308(b)(2) insert:

(c) The amendments made by this section shall take effect only if the Administrative Conference of the United States ceases to exist prior to the completion and submission of the study to the Board as required by Section 230 of the Congressional Accountability Act of 1995 (2 U.S.C. 1371).

BINGAMAN AMENDMENT NO. 1831

Mr. MACK (for Mr. BINGAMAN) proposed an amendment to the bill, H.R. 1854; supra; as follows:

At the end of the bill, add the following:

SEC. . (a) The head of each agency with responsibility for the maintenance and operation of facilities funded under this Act shall take all actions necessary to achieve during fiscal year 1996 a 5-percent reduction in facilities energy costs from fiscal year 1995 levels. The head of each such agency shall transmit to the Treasury of the United States the total amount of savings achieved under this subsection, and the amount transmitted shall be used to reduce the deficit.

(b) The head of each agency described in subsection (a) shall report to the Congress not later than December 31, 1996, on the results of the actions taken under subsection (a), together with any recommendations as to how to further reduce energy costs and energy consumption in the future. Each report shall specify the agency's total facilities energy costs and shall identify the reductions achieved and specify the actions that resulted in such reductions.

MACK AMENDMENT NO. 1832

Mr. MACK proposed an amendment to the bill, H.R. 1854; supra; as follows:

On page 60, line 1, strike all through the period on line 17.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT OF 1995

WELLSTONE (AND MOSELEY-BRAUN) AMENDMENT NO. 1833

Mr. WELLSTONE (for himself and Ms. MOSELEY-BRAUN) proposed an amendment to the bill (H.R. 1944) making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occured at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes; as follows:

On page 38, strike lines 24 and 25 and insert the following: "under this heading in Public Law 103-333, $204,000 are rescinded: *Provided*, That section 2007(b) (relating to the administrative and travel expenses of the Department of Defense) is amended by striking "rescinded" the last place the term appears and inserting "rescinded, and an additional amount of $319,000,000 is rescinded": *Provided further*, That of the funds made available".

Beginning on page 34, strike line 24 and all that follows through page 35, line 10, and insert the following: "Public Law 103-333, $1,125,254,000 are rescinded, including $10,000,000 for necessary expenses of construction, rehabilitation, and acquisition of new Job Corps centers, $2,500,000 for the School-to-Work Opportunities Act, $4,293,000 for section 401 of the Job Training Partnership Act, $5,743,000 for section 402 of such Act, $3,861,000 for service delivery areas under section 101(a)(4)(A)(iii) of such Act, $100,010,000 for carrying out title II, part C of such Act, $2,223,000 for the National Commission for Employment Policy and $500,000 for the National Occupational Information Coordinating Committee: *Provided*, That of such $1,125,254,000, not more than $43,000,000 may be rescinded from amounts made available to carry out part A of title II of the Job Training Partnership Act, not more than $35,600,000 may be rescinded from amounts made available to carry out title III of the Job Training Partnership Act, and no portion may be rescinded from funds made available to carry out section 738 of the Stewart B. McKinney Homeless Assistance Act: *Provided further*, That service delivery areas may".

On page 41, strike lines 6 through 11 and insert the following: "Public Law 103-333, $91,959,000 are rescinded as follows: From the Elementary and Secondary Education Act, title II-B, $29,000,000 title V-C, $16,000,000, title IX-B, $3,000,000, title X-D, $1,500,000, title X-G, $1,185,000, section 10602, $1,399,000, and title XIII-A,".

Beginning on page 43, strike line 25 and all that follows through page 44, line 2, and insert the following: "Public Law 103-333, $13,425,000 are rescinded as follows: From the Elementary and Secondary Education Act, title III-B, $5,000,000, title".

On page 107, line 21, (relating to the administrative and travel expenses of the Department of Defense) strike "$50,000,000" and insert "$382,342,000".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE AND TRANSPORTATION

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Thursday, July 20, 1995, session of the Senate for the purpose of conducting an executive session and markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. MACK. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet on Thursday, July 20, 1995, beginning at 9:30 a.m. in room SD-215, to conduct a hearing on Medicare.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 20, 1995, at 4 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to hold a business meeting during the session of the Senate on Thursday, July 20, 1995, at 8:30 a.m. in SD226.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. MACK. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Organ Transplant Act Reauthorization, during the session of the Senate on Thursday, July 20, 1995, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS

Mr. MACK. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, July 20, 1995, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON DRINKING WATER, FISHERIES, AND WILDLIFE

Mr. MACK. Mr. President, I ask unanimous consent that the Subcommittee on Drinking Water, Fisheries, and Wildlife be granted permission to conduct a hearing Thursday, July 20, at 9 a.m., on reauthorization of the Endangered Species Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SOCIAL SECURITY AND FAMILY POLICY

Mr. MACK. Mr. President, I ask unanimous consent that the Subcommittee on Social Security and Family Policy of the Committee on Finance be permitted to meet on Thursday, July 20, 1995, beginning at 9:30 a.m. in room SR–418, to conduct a hearing on international population assistance programs and S. 1029, the International Population Stabilization and Reproductive Health Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE OF INTENTION TO AMEND THE STANDING RULES OF THE SENATE

Mr. BROWN. Mr. President, I submit the following notice in writing: "In accordance with rule V of the Standing Rules of the Senate, I hereby give notice in writing that it is my intention to move to amend Senate Rule 34."

At the appropriate place insert the following:

SEC. . FINANCIAL DISCLOSURE OF INTEREST IN QUALIFIED BLIND TRUST.

(a) IN GENERAL.—Rule XXXIV of the Standing Rules of the Senate is amended by adding at the end the following new paragraph:

"3. In addition to the requirements of paragraph 1, Members, officers, and employees of the Senate shall include in each report filed under paragraph 2 an additional statement under section 102(a) of the Ethics in Government Act of 1978 listing the category of the total cash value of any interest of the reporting individual in a qualified blind trust as provided in section 102(d)(1) of the Ethics in Government Act of 1978.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

(2) EXCEPTION.—With respect to an individual who is precluded by the terms of the trust instrument from receiving information on the total cash value of any interest in a qualified blind trust on the date of enactment of this section, the amendment made by this section shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 2001 and thereafter.

ADDITIONAL STATEMENTS

THE NASA AUTHORIZATION BILL FOR FISCAL YEAR 1996

• Mr. BURNS. Mr. President, yesterday, Senator PRESSLER and I introduced the NASA authorization bill for fiscal year 1996 which I have enthusiastically cosponsored. The bill authorizes a total of $13.8 billion for the agency, a 3-percent decrease from the requested level of $14.26 billion. That funding should allow NASA to continue the important missions that already are underway such as space station, Mission to Planet Earth, and the aeronautics and space science programs. It should also prepare NASA for the future by authorizing several new missions, such as an effort to develop a shuttle replacement and a new radar satellite program.

Mr. President, as you know, we are in a budget crisis of sorts and NASA deserves a great deal of credit as one of few Federal agencies to respond to it early and responsibly. In 3 years, NASA cut the space shuttle budget from $4 billion to $3.1 billion. It developed a redesign of space station that was $5 billion less expensive than the earlier space station *Freedom* concept. Mission to Planet Earth has been reduced from a $17 billion armada of satellites to a $7 billion focused satellite system. Earlier this year, faced with the prospect of deep congressional budget cuts across all of the Government, NASA took the initiative and developed a plan to cut $5 billion in 5 years, without reducing program content.

But NASA did not stop there. This year, it conducted a comprehensive zero-based review of all of its activities and programs to achieve even greater savings. That review looked at a broad range of money-saving measures such as work force reductions, elimination of redundant activities, consolidation of functions, and operating more efficiently. I understand that, within the administration, NASA's efforts are often cited as the model for reinventing government.

After 3 consecutive years of brutal budget cuts, NASA is now down to the bone. To require additional reductions would force NASA to cancel important space programs, close vital facilities, or layoff essential skilled personnel. That would decimate the Nation's science and technology base. Equally important, it would decimate the morale of the good men and women who have made our space program the subject of movies like "Apollo 13" and inspired thousands of scientists, engineers, and schoolchildren across our country.

It is time for the bloodletting to stop and to give NASA the support it needs to face the challenges of the future. This NASA authorization bill is designed to do just that.

The bill provides the full $2.1 billion requested level for space station. This program is NASA's most costly, complex, and controversial activity and we are all aware of the many criticisms leveled against it. However, space station is precisely the kind of bold vision that NASA was created to pursue. Space station will enable the United States and the international science community to conduct unique microgravity research and expand our knowledge about humans' ability to live and work in space. If past missions are any indication, the space station will undoubtedly yield breakthroughs in biomedicine and advanced materials. We can probably also expect exciting spinoffs just as past space missions have spawned microelectronics, pacemakers, advance water filtration systems, communications, and many other products and services we now take for granted.

I must admit concern about the heavy reliance of the current station plan on the Russians. I remain troubled by the possibility that the program might collapse if the Russians were to withdraw for any reason. However, I am still a strong Station supporter and the full funding provided in the bill will keep the program on track for a first element launch in 1997.

The bill also provides full funding for Mission to Planet Earth. Mission to Planet Earth is NASA's $7 billion satellite program aimed at studying how the oceans, land, and atmosphere work as a system in order to understand and predict global climate change. For those of us representing farm States, weather and water are our lifeblood. Mission to Planet Earth promises dramatic improvements in our ability to predict climate change and manage our scarce water resources. If those expectations are met, the program will easily pay for itself in lives and property saved and improved water management.

Mr. President, in my view, one of the most important areas within NASA is aeronautics—the first A in NASA. For many years, aeronautics seemed to be reduced to a small A status. It always seemed to take a back seat to the higher-profile space missions. However, under Dan Goldin's leadership, that is beginning to change and NASA is giving aeronautics the backing it deserves.

To me, the aeronautics research is critical to maintaining U.S. technological leadership and aerospace competitiveness. For instance, the high speed research program is developing pre-competitive technologies in support of supersonic aircraft. It is estimated that the first country to market such an aircraft stands to gain $200 billion in sales and 140,000 new jobs. Similarly, the advanced subsonic technology program funds research in support of subsonic airplanes—a market that generates one million jobs and contributes over $25 billion annually to the U.S. trade balance. These programs are money-makers and it is in the national interest to give them whatever support they need. Accordingly, our NASA bill authorizes aeronautics research at the requested level of $891 million for fiscal year 1996.

As a final point, Mr. President, I note that the bill also authorizes a collection of activities and initiatives designed to extend NASA's vision to include our rural States. Our rural States can make an enormous contribution to the civilian space program if only given the chance. For example, in May, Prof. Steve Running of the University of Montana testified before the Science Subcommittee about his efforts to use remote sensing satellite data in forest and crop management. To embrace our rural States in our space program, the bill contains a $2 million increase for the EPSCoR program, which funds important research in our rural States. It also funds another Rural Teacher Resource Center to the existing nine Centers, as well as an additional rural technology transfer and commercialization center, to fill in coverage gaps in those two programs. Further, it provides funding for an Upper Missouri River Basin hydrology project. This project should help the Nation develop better strategies for predicting, and responding to, the flooding and other water management problems that have plagued the Missouri River region in recent years.

Mr. President, I believe that this bill provides NASA with the support it requires to continue and build on its important work in space and aeronautics and I urge my colleagues to support this legislation when it reaches the floor later this year. Thank you, Mr. President.•

COMPREHENSIVE HEALTH CARE

Mr. SIMON. Mr. President, the need for comprehensive health care is apparent in the numbers. We have 41 million Americans without health care coverage.

But these are not just numbers.

We are talking about real people and real problems.

When you look at the individual cases, you see the tragedy of our present policy.

At the end of my remarks, I am inserting into the RECORD a letter from Mrs. Mary Davis that is largely self-explanatory.

It tells what is happening in one family.

Why we cannot respond, I do not know.

As some of my colleagues know, I have introduced a bill calling for health care coverage for pregnant women and children six and under.

I am pleased that Senator CHAFEE of Rhode Island has expressed an interest in the legislation.

I hope we can emerge with a bipartisan consensus to at least cover pregnant women and children six and under. That would take care of the needs of this one family, at least for a short time, and protect a great many others.

It is not a substitute for universal coverage, but it is a step in the right direction.

I ask that Mrs. Davis' letter be printed in the RECORD.

The letter follows:

JUNE 19, 1995.

Hon. PAUL SIMON,
U.S. Senator, United States Congress, Washington, DC.

DEAR SENATOR SIMON: I am writing to you with a very distressing problem.

Our granddaughter was born May 2, 1994 16 weeks premature. At the time of her birth, her mother had been unemployed because of medical problems; her father was laid off in April of that year from his job. They applied for assistance and received care for mother and baby. Bethany was in the hospital for 4 months, and although doing well, she has lost her eye sight. She is in therapy for work on her hip joints and she had allergies and has a history of respiratory problems. They moved in with us shortly after Jennifer was dismissed from the hospital, because they had no income. We are in the ministry and live in a parsonage.

In November of last year, Andy went back to work and they were able to secure a house for $150.00 per month. Andy brings home about $150 after taxes. As it should be, Jennifer was picked up by Andy's insurance, however, Bethany remained on a medical card because her dad's insurance, Blue Cross and Blue Shield, refused to cover her. Bethany is in therapy for her legs, regular doctor visits, and she has had two surgeries on her eyes last October in Detroit. She is scheduled to have more surgeries. However, it is understood that she will probably only have light vision.

Cost of living became so that Jennifer was forced to return to work just to keep rent and utilities paid. This past week, Jennifer and Andy were notified that Bethany would be losing her medical card and all coverage as of July 1, just because her mother had gone back to work. Jennifer works for Kentucky Fried Chicken and brings home about $150 per week. Beth does receive SSI of about $401 per month. By losing these medical benefits, she will not be able to keep regular office visits, because the clinic requires payment each and every time, she can no longer go to Detroit for eye surgery because the doctor won't take her without coverage, and she probably will have to give up the therapy on her legs, because they cannot afford the costs.

Tell me what they are suppose to do. Both insurance coverage that their jobs provide, refuse to insure Bethany and now she is losing her assistance. These two young kids and Bethany have been through a lot this last year. Now they have a blind child who cannot get assistance. Can something be done?

I wouldn't have your job for nothing. Being in the ministry, we realize just how difficult it is to please everyone, but I don't care if you are Democrat or Republican, I am neither, but someone has to do something about medical coverage.

I believe you are trying. But tell me where do you go to get help for the innocent children. She cannot go on medicaid or medicare, because she has not worked and not put anything into the system. She will never be able to read, drive or get around on her own. I realize that technology may be available in years to come that will be beneficial to her, but what is going to happen to her now.

I hope that you will be able to read this. I know that we are just a small amount of the millions you must hear from daily, but I just couldn't sit and do nothing with my distress and care for this beautiful little girl who is struggling to live.

God bless you and your family. May you gain the wisdom and the ability to lead us to a better way of life for everyone.

Respectfully yours,

MARY F. DAVIS.•

BILL SMULLIN HONORED

• Mr. HATFIELD. Mr. President, the broadcasting and cable industry will honor an Oregon legend this fall, when television pioneer Bill Smullin will be inducted into the Broadcasting and Cable Hall of Fame.

Bill's life is remembered for his contributions and achievements, including the establishment of broadcast and cable television in southern Oregon and northern California. In 1930, Bill Smullin founded Oregon-California Broadcasting, Inc., and later began the fist VHF television station in Oregon. His company provided cable television in the region by transmitting signals via microwave from Portland and San Francisco to southern Oregon.

Those of us who had the honor of knowing Bill have fond personal memories. He was as giving to the community as to his friends. I know his family is pleased that he is being afforded this prestigious professional honor and send my congratulations to them.•

A TRIBUTE TO RALPH O. BRENNAN

• Mr. BREAUX. Mr. President, I rise today to pay tribute to a fellow Louisianian, Mr. Ralph O. Brennan, who will be honored August 4 by the Louisiana Restaurant Association for his distinguished career in the food service industry. A member of the world-famous Brennan restaurant family of New Orleans, Mr. Brennan has long exemplified a commitment to community service, participatory democracy and creating opportunities for all Americans.

He has diligently served, and continues to serve, the $290 billion food service industry and its 9.4 million employees. A past president of the Louisiana Restaurant Association, he currently is chairman of the board and president of the National Restaurant Association, a major trade group here in Washington. He is also a trustee of the Association's educational foundation, and will be an industry delegate to the first White House Conference on Travel and Tourism in October 1995. In all of these capacities he urges independent restaurateurs from around the country to participate fully in the democratic process by getting to know their elected representatives at every level of government and then making it their responsibility to keep those officials informed. He facilitates their involvement through a toll-free hotline, numerous personal appearances and—perhaps most important—leading by example, through frequent visits to his Members of Congress and, on occasion, delivering testimony before congressional committees.

With his sister, Cindy, Mr. Brennan owns and operates two award-winning restaurants in the New Orleans French Quarter, thereby helping to preserve the rich culinary heritage of that great city which his family has successfully endeavored to do for three generations. But, as an industry leader, he is determined to preserve far more than just a great family tradition. Mr. Brennan has dedicated his life to preserving the boundless opportunities that food service affords individuals the rest of society could ignore, like recent immigrants, those without education or professional skills, and those on public assistance. Entry-level restaurant positions—washing dishes, bussing tables, assisting with food preparation—are a proven first step up a viable career ladder for millions of Americans; in fact, 60 percent of today's restaurant owners and managers started out in what some unknowing and insensitive people might refer to as dead-end restaurant jobs. In the restaurant business, upward mobility is the rule rather than the exception.

Mr. President, as this Congress continues its debate on welfare reform, I salute Mr. Brennan for working to ensure that the unmatched employment and training opportunities afforded by the food service industry will be something all Americans can be proud of in the future.•

CALIFORNIA: A SOCIETY THAT CUTS CHILD WELFARE BUT BOOSTS JAILS

Mr. SIMON. Mr. President, I do not believe I have ever met Prof. Robert C. Fellmeth of the University of San Diego, but I read what he had to say in the Los Angeles Times about cutting back on assistance to the poor while, at the same time, we hand largess to the wealthy.

Statistics differ somewhat, but the California situation mirrors the national situation.

If we are doing what is politically popular, I do not know, but what we are doing is certainly wrong.

What we need is not Senators and House Members who follow the latest public opinion poll on tax cuts or anything else, but people who try to lead, and sometimes do the unpopular, in order to reduce poverty in our country, to improve education and to do the things that are needed for a better future.

The incredible increase in prison construction and incarceration has done nothing to decrease the crime rate in our country. If putting people in prison reduced the crime rate, we would have the lowest crime rate in the world, with the possible exception of Russia.

While Professor Fellmeth zeroes in on the California situation, it is worthwhile for my House and Senate colleagues to read what he has to say because they will find a striking similiarity between the California action and the Federal action.

I ask that his statement be printed in the RECORD.

The material follows:

[From the Los Angeles Times, July 5, 1995]

CALIFORNIA: A SOCIETY THAT CUTS CHILD WELFARE BUT BOOSTS JAILS

(By Robert C. Fellmeth)

Despite what we often hear from the governor and the Legislature, spending for the welfare of our children has been in steady decline.

An example: The governor claims to have given politically popular K-12 public education "high priority" and "saved it from cuts" for the last several years. But figures from the second annual Children's Budget, completed by the Children's Advocacy Institute, show a steady decline each year, including proposed spending for 1995-96.

At the federal level, Congress proposes to change child spending from "entitlements" based on how many children qualify for assistance to "block grants," set at a static figure for five years. The Republican leadership contends that such a policy will curb what it calls "runaway spending." In contrast, the Children's Budget reveals that such a freeze means substantial reductions year to year, imposed without consideration of need or consequences.

Budgets based on raw numbers, or numbers with only inflation or only population changes considered—but not adjusted by both—slowly but inexorably squeeze out infrastructure investment. In California this failure has allowed a largely undiscussed disinvestment in children to accumulate over the past six years.

From 1989-90 to the current year, Aid to Families With Dependent Children has been cut 20%, the three child-related Medi-Cal accounts an average of 23% and public education 7.5%

The consequences in terms of flesh and blood are momentous: The Children's Budget reveals that AFDC for 1.8 million children in California has been cut from close to the federal poverty line to only 75% of that wholly inadequate amount. The governor now proposes to reduce AFDC to just 64% of the poverty-line figure, posing a clear danger of malnutrition and permanent health damage. Wilson also proposes further cuts in AFDC assistance after six months of help; the Republican House would cut children off altogether after two years if Mom does not have a job.

Ironically, the same gradual suffocation has been applied to GAIN, the major program providing child care and job training for AFDC mothers. Here there is a 9% decline from 1989 and a proposed further cut of 12%.

The typical AFDC recipient—contrary to public perception—is 29, white, recently divorced, with two children and no child support. Her problem is not a desire for welfare dependency but the far more prevalent dilemma of paternal abandonment. Is it relevant that childcare help and job training, without which she does not have a chance, have been cut? Less than 10% of AFDC parents get child-care help.

The minimum wage is another example. If it had been adjusted to match inflation over the past 20 years, it would be just above $12,000, the federal poverty line for a family of three. But if our typical divorced mother of two obtains full-time employment at minimum wage (as many must do), she will earn $8,840 before deductions—about what full-time child care for her children will cost. Would we take such a population and cut their wages every year by 3% to 5%? That is what the current numbers accomplish.

We are spending more in one area: jailing of criminals. California now has the highest juvenile incarceration rate of any state, in a nation with the highest juvenile incarceration rate among all developed countries. California's adult prison population has increased from 19,000 in 1977 to 132,000 this year, at an operating cost of $20,000 per prisoner per year. The state is now preparing for 341,000 prisoners and 41 new prisons over the next eight years. Is there a relationship between unlimited prison spending and years of decreases in basic investment in children's programs?

To be sure, many of our problems can be traced to private irresponsibility—a dependency mentality by some and, for more, a frightening abandonment of children by biological fathers. But public spending makes a difference.

Children Now indexes show that a record 28.6% of California children live in poverty and 20% have no access to private or public health care. We also have high infant disability, record low test scores and increasingly violent juvenile crime.

Each of these aspects has a relationship to public spending. It is no accident that California's falling test scores, for example, correlate with the worst student-teacher ratio in the nation and a per-pupil spending level now nearing the bottom five states, just ahead of Alabama and at half the level of New Jersey.

California is one of the richest jurisdictions in the world—we can boast of having more vehicles than licensed drivers—and our wealth increases each year. The governor predicts that personal income will increase 6% in each of the next two years.

And our tax burden has decreased. In 1989-90, we spend $6.88 from the general fund for every $100 in personal income; in the current year, we are spending $5.86 per $100, and the governor proposes a further reduction to $5.50. At the same time, he is calling for a $7-billion tax cut for the wealthy over the next three years.

Could the governor make his cutback proposals if the right numbers were used and understood? The fact is that for six years we have been giving to the wealthy and taking from the children. We just haven't been talking about it.•

WEST VIRGINIA EDUCATION

• Mr. ROCKEFELLER. Mr. President, I rise today to congratulate and commend the counties of Mercer, Monroe, McDowell, Summers, Raleigh, and Wyoming in West Virginia and their commitment to participating in a parental involvement program called, Teachers Involving Parents Successfully [TIPS].

This program seeks to promote teachers working more closely with parents to help the children learn and succeed in school.

Too often, we forget that the condition of children's lives and their future prospects largely reflects the well-being of their families. When family support is strong, stable, and loving, children have a sound basis for becoming caring and competent adults. In contrast, when parents are unable to give children the attention and support they need in the home and for school, children are less likely to achieve their full potential. As a result, many of our Nation's gravest social problems stem from problems in our families.

However, Mr. President, there is genuine reason for hope and optimism. In my home State of West Virginia, under the leadership of local education officials, a new program is changing the lives of children and their families. Its development and expansion of community-based family support provides parents with the knowledge, skills, and support they need to work with their children and the school system. Its success has been achieved through a collaborative effort among State and Federal programs, including chapter I and other programs targeted for at-risk students, and private sector efforts in the community. Each month, 2,000 special education guides are distributed, as well as news releases, public service announcements, and radio reminders that focus the community on the need for parental involvement. Teacher training and support materials have also been provided to every school in a successful effort to coordinate teacher, parent, and child activity both inside and outside of school.

When I was chairman of the bipartisan National Commission on Children, we urged individuals and the country as a whole to reaffirm a commitment to forming and supporting strong, stable families as the best environment for raising children. The West Virginia TIPS Program is an extension of that goal, and its success is a tribute to those counties that have worked so hard to insure its development. The parents, children, and teachers in these counties are providing new opportunities for children and families. Their commitment to make a difference has ensured the success of the family, which is the best strategy for helping our children. They deserve our support and best wishes for continued success.•

OPPOSITION TO S. 956, THE NINTH CIRCUIT COURT OF APPEALS REORGANIZATION ACT OF 1995

• Mrs. MURRAY. Mr. President, I rise in opposition to S. 956, a bill to divide the ninth judicial circuit into two circuits.

This is the fourth time since 1983 that a bill to split the ninth circuit has been introduced in the U.S. Senate. The proposal has failed to become law because the ninth circuit is operating well and providing uniform and consistent interpretation of Federal laws across the nine Western States, and the territories of Guam and the Northern Mariana Islands.

The courts of the ninth circuit are functioning well, and, in many instances, serve as models for the rest of the country. The ninth circuit has prided itself on its experiments in judicial administration, and has been a national leader in developing innovative caseload management and court administration techniques.

The vast majority of judges, lawyers, and bar organizations in the ninth circuit have voted on several occasions against the division of the circuit.

Mr. President, I urge my colleagues to oppose this bill and to resist the temptation to meddle with an institution that is successfully administering justice in the American West.

Just 4 years ago, a comprehensive subcommittee hearing was held in the Senate on nearly identical legislation, and the proposal failed to emerge from committee. The proponents of S. 956 have identified no new reasons or change of circumstances to justify reopening this issue.

Mr. President, the ninth judicial circuit has prepared a detailed position paper opposing S. 956. I agree with the circuit's reasoning, and I commend this paper to my colleagues. I also urge them to join me in opposing this bill which is both unwise and unnecessary.

I ask that the complete text of the "Position Paper in Opposition to S. 956—Ninth Circuit Court of Appeals Reorganization Act of 1995" be printed in the RECORD.

The material follows:

POSITION PAPER IN OPPOSITION TO S. 956—NINTH CIRCUIT COURT OF APPEALS REORGANIZATION ACT OF 1995 (6/22/95)

Prepared by: The Office of the Circuit Executive for the United States Courts for the Ninth Circuit, P.O. Box 193846, San Francisco, California 94119–3486; Tel: 415–744–6150/Fax: 415–744–6179. [6/30/95]

Proposed legislation: S. 956 would divide the present Ninth Circuit into two unequal-sized circuits. The new Twelfth Circuit would consist of the states of Alaska, Idaho, Montana, Oregon, and Washington (6 districts), with 9 active circuit judges. The new Ninth Circuit would consist of the states of Arizona, California, Hawaii, and Nevada, and the territories of Guam and the Northern Mariana Islands (9 districts), with 19 active circuit judges.

The Ninth Circuit opposes S. 956. The Ninth Circuit is functioning well and has devised innovative ways of managing its caseload that are models for other circuits. As the nation's largest circuit, it benefits from significant advantages because of its size and believes division of the circuit is unnecessary and unwise. The Circuit Executive's Office for the United States Courts for the Ninth Circuit has prepared the following information in "question and answer" format to assist decisionmakers to understand the circuit's position on S. 956.

1. WHAT WOULD THE PROPOSED LEGISLATION DO?

S. 956 would create two courts—one 19-judge court and one 9-judge court—in place of a single 28-judge court. A basic problem with this proposal is that it creates more administrative problems than it solves. Quantitatively, such a circuit court would have a very small caseload. The aggregate number of cases in such a circuit based on the most recent statistics would be 1935,[1] making it the circuit court with the second smallest caseload in the country,[2] with only the First Circuit court having fewer cases. Of the 11 regional circuits, the circuit court with the median volume is the Second, with 3,986 cases; the proposed northern circuit would be less than half that number. Take away the northern states, and the Ninth Circuit court would still have the largest volume in the country. In short, such a proposal creates a very small circuit and gives not much relief.

In general, S. 956 presumes that two smaller circuits will do a better job of maintaining consistency and deciding cases promptly than the present circuit. The proposal ignores the central fact of appellate dockets: caseloads are constantly growing and dividing the circuit would simply create two courts with increasing caseloads without dealing with the fundamental problems resulting from expanding caseloads with no increase in judicial resources.

2. HOW DOES THIS BILL DIFFER FROM EARLIER PROPOSED LEGISLATION?

This is the ninth legislative proposal to split the Ninth Circuit since 1940. It is nearly identical (except for the alignment of Hawaii and the Territories) to measures introduced by Senator Gorton in 1983, 1989, and 1991. Each of those measures failed to emerge from committee and died at the conclusion of the legislative session. The Subcommittee on Courts and Administrative Practice of the Senate Committee on the Judiciary conducted a legislative hearing on the 1989 bill (S. 948) on March 6, 1990. The sponsors of the current bill have advanced no reason for dividing the circuit that was not fully considered and rejected in 1990. They have pointed to no change in circumstances that would justify yet another examination of this issue.

3. ARE THERE DRAWBACKS TO THE PROPOSED BILL?

The Ninth Circuit has functioned successfully in its present configuration for over 100 years. Any effort to abolish a successful, established institution should be cautiously examined. The proposed bill could create serious legal and administrative problems and costs that do not now exist:

(1) the potential for inconsistent law relating to admiralty, commercial trade, and utilities along the Western seaboard, including Alaska, Hawaii, and the Territories;

(2) the opportunity for litigants to forum shop by filing their cases in whichever circuit, northern or southern, they feel is most sympathetic to their cause;

(3) the substantial cost of setting up duplicative administrative structures;

(4) the loss of advantages of size (see Question #4, below);

(5) the rejection of the expressed will of the vast majority of the judges and lawyers in the circuit who oppose its division.

Common sense suggests the inadvisability of creating a new regional circuit that would require duplication of functions that are already being satisfactorily performed in a larger circuit. Administratively, the creation of a new circuit would require duplicative offices of clerk of court, circuit executive, staff attorneys, settlement attorneys, and library, as well as courtrooms, mail and computer facilities. In addition, approximately 40,000 square feet or new headquarters space would be required, all of which would duplicate offices and space in San Francisco. Further, a small circuit, with its concomitant small caseload, would underutilize judicial resources and reduce the opportunities for efficiencies available to a larger circuit.

Lawyers expressed particular concern that dividing the extended coastline in the West between two circuits would create inconsistent and conflicting application of maritime, commercial, and utility law in the two circuits, making commerce more difficult and costly, and requiring them to research the law of two circuits for every potential cross-circuit transaction. Potential inconsistencies would be especially troubling in the application of utility rates along the entire Pacific seaboard by the Bonneville Power Administration. These rate and administrative disputes should remain in a single service area, the Ninth Circuit.

On four occasions in the past 15 years, the federal judges in the Ninth Circuit and elected representatives of practicing lawyers who participate in the Ninth Circuit Judicial Conference have voted overwhelmingly in opposition to splitting the circuit. The current Almanac of the Federal Judiciary, Vol. 2, based on extensive polling, reports that the lawyers "almost unanimously praise" the court, and, with regard to circuit splitting, "all seem to agree that such a division would be difficult and probably unsatisfactory." (1995-1, 9th Cir.)

4. ARE THERE ADVANTAGES TO A LARGE CIRCUIT?

A single court of appeals serving a large geographic region promotes uniformity and consistency in the law and facilitates trade and commerce by contributing to stability and orderly progress. In many respects, the size of the Ninth Circuit is an asset that has improved both decisionmaking and judicial administration. The court of appeals is strengthened and enriched, and the inevitable tendency to regional parochialism is weakened, by the variety and diversity of backgrounds of its judges drawn from the nine states comprising the circuit. The size of the circuit has also allowed the circuit to draw upon a large pool of district and bankruptcy judges for temporary assignment to neighboring districts with a temporary but acute need for judicial assistance.

The Ninth Circuit is a national leader in developing innovative solutions to caseload and administrative challenges. The ABA Appellate Practice Committee's Report applauded three specific operational efficiencies:

> . . .issue classification, aggressive use of staff attorneys, and a limited en banc-[that] were developed by the Ninth Circuit precisely to address the issues of caseload and judgeship growth that the Subcommittee identified, and hold promise for other circuits as they continue to grow. (at p. 10).

The Ninth Circuit has served as a laboratory for experimentation in a host of other areas—from decentralized budgeting to cameras in the courts, from block case designations to improved state-federal judicial relations, from alternative dispute resolution to appellate commissioners, from improved tribal court relations to alternative forms of capital case representation. The results have inured to the benefit of the entire Judiciary. As the congressionally-mandated Federal Courts Study Committee noted in 1990, "Perhaps the Ninth Circuit presents a workable alternative to the traditional model." Final Report of the Federal Courts Study Committee (1990).

5. WHAT IS THE POSITION OF THE SPONSORS?

In remarks introducing S. 853 (the immediate predecessor of S. 956[3]), Senator Gorton of Washington asserted the following grounds for the proposal: (1) a decrease in consistency of decisions due to size; (2) unmanageable caseloads; (3) inability to appreciate the interests of the Northwest; and (4) a decline in the performance of the circuit. 141 Cong. Rec. S7504 (daily ed. May 25, 1995) (statement of Sen. Gorton). Senator Burns of Montana echoed his colleague's concerns and suggested employment and local economic stability are threatened by delays in resolving lawsuits affecting timbering, mining, and water development. Delays in criminal appeals, especially those involving the death penalty, also are of concern to the Senators. 141 Cong. Rec. S7504 (daily ed. May 25, 1995) (statement of Sen. Burns) The circuit's specific responses to these contentions are set forth in the following sections.

6. HAS THE SIZE OF THE CIRCUIT ADVERSELY AFFECTED CONSISTENCY?

Consistency of court of appeals decisions is important to provide coherent guidance to lower courts and litigants. The Ninth Circuit has instituted case management devices that have effectively reduced conflicts between panels and maintained a high level of consistency in its decisions.

Since 1980, the use of a limited *en banc* panel to resolve intracircuit conflicts has proven highly effective. All 28 active judges participate in determining whether a case will be heard *en banc*. Each call for an *en banc* vote leads to careful evaluation of the development of the law of the circuit in that area. If a majority of the judges votes to hear a case *en banc* (which happens less than a dozen times a year), ten members of the court chosen at random plus the chief judge serve as the limited *en banc* court. Judges and lawyers have expressed a high degree of satisfaction with the limited *en banc* process; only a handful of requests have been made for a full court rehearing after the limited *en banc* panel has issued a decision, and none have been granted.

An objective, highly-praised scholarly study of consistency of the law in the Ninth Circuit concluded "the pattern of [multiple relevant precedents] exemplified by high visibility issues. . . is not characteristic of Ninth Circuit jurisprudence generally. Nor is intracircuit conflict." *Restructuring Justice: The Innovations of the Ninth Circuit and The Future of the Federal Courts* (1990). A recent FJC study reached a similar conclusion:

> In sum, despite concerns about the proliferation of precedent as the courts of appeals grow, there is currently little evidence that intracircuit inconsistency is a significant problem. Also, there is little evidence that whatever intracircuit conflict exists is strongly correlated with circuit size.

Structural and Other Alternatives for the Federal Courts of Appeals (1993).

Of greater concern is the potential for increased Intercircuit conflicts that would be spawned by the division of circuits. Dividing the Ninth Circuit would place an additional burden on the United States Supreme Court to resolve conflicts that are now handled internally within the circuit.

Nor is keeping abreast of the decisions of the Ninth Circuit a significant problem. For the past seven years, the number of published opinions issued by the circuit has remained relatively constant. In large part due to efficiencies and innovative case management methods pioneered in the circuit, the court has been able to accurately identify those selected precedential cases that truly merit publication and those routine cases which are most appropriately disposed of by a written decision sent only to the parties.

7. IS THE NINTH CIRCUIT'S CASELOAD EXCESSIVE WHEN COMPARED TO OTHER CIRCUITS?

While the caseload for the Ninth Circuit Court of Appeals is the highest in the Nation in absolute numbers, the caseload level is clearly not excessive when compared to other circuits, using either of two standard measurement approaches.

Because federal statutes require that nearly all of the work of an appellate court be conducted by three-judge panels, the most accurate measure of a court's ability to manage its caseload is the number of appeals filed and terminated per panel. In 1994, the Ninth Circuit stood at 868 appeals filed per panel, very close to the median of 832 and substantially below the numbers for the two circuits that emerged from the split of the Fifth Circuit in 1980. For the same year, the Ninth Circuit stood at 914 appeals terminated per panel, slightly above the median of 866.

Caseload levels may also be measured by case terminations per judge. The current Ninth Circuit rate of merit case terminations per judge is 446, a number which is exactly the national median. By either measure, the caseload levels in the Ninth Circuit approach the middle range for federal appellate judges.

In contrast, under the proposed bill, the new Twelfth Circuit, with nine judges, would seriously underutilize its judicial resources and create huge disparities between the two circuits. Using projected Twelfth Circuit filings of 1935, a nine-judge court would have 645 filings per panel. The new Ninth Circuit, with 19 judges and filings of 6391, would have 1014 filings per panel, or 57% more cases per panel when compared to the judges in the Twelfth Circuit and the third highest per panel filings figure in the nation.

7. IS REGIONALISM APPROPRIATE FOR AN APPELLATE COURT?

Sponsors of the legislation to divide the circuit cite the need for a court free from domination by California judges and California judicial philosophy. They assert that the Northwest states confront emerging issues that are unique to that region and that cannot be fully appreciated or addressed from a California perspective.

The premise that a judge's place of residence prejudices his or her determination of cases was rejected as completely unacceptable by former Chief Justice Warren Burger in his remarks concerning an earlier version of the sponsor's legislation: "I find it a very offensive statement to be made that a United States judge, having taken the oath of office, is going to be biased because of the economic conditions of his own jurisdiction." (Record, August 2, 1991, S 12277) Calling an earlier version of legislation to split the circuit "environmental gerrymandering," then-Senator Pete Wilson of California echoed Justice Burger's concerns, stating:

> The judges of the Circuit are there to apply the law, not make it. Second, even in their application of the law, it is not intended that federal courts abide by a sense of localism. That is the role of the state and local courts.

Ninth Circuit Court of Appeals Reorganization Act of 1989: Hearings on S. 948 Before the Subcomm. on Courts and Administrative Practice of the Senate Comm. on the Judiciary, 101st Cong., 2d Sess. 286 (1990) (written statement of Hon. Pete Wilson, U.S. Senate).

Similarly, the ABA Appellate Practice Committee's Subcommittee To Study Circuit Size reported that "a majority of the Subcommittee questions whether regional differences should be a criterion in determining circuit size. * * * The role of circuit courts is primarily to apply federal law—a law that with few exceptions is to be applied uniformly across the land." (at p. 3).

8. WHAT IS THE NINTH CIRCUIT'S RECORD OF PERFORMANCE?

One measure of the efficiency of an appellate court is the average amount of time required to decide a case from the period between filing a notice of appeal and rendering of a final decision. In 1983, when an earlier version of legislation to split the circuit was proposed, the court had 4583 new filings and the average length of time from filing the notice of appeal to final decision was 10.5 months. In late 1989, the court of appeals headquarter (where cases are processed) was badly damaged and closed by the Loma Prieta earthquake in San Francisco. Court staff was scattered among six different temporary buildings until late 1991. During this period, the court has 7257 new filings and the average length of time from filing the notice of appeal to final decision role to 15.6 months. Since the court was consolidated in a single location in 1991, processing times have substantially improved. In 1994, the most recent period for which figures are available, the court received 8092 new filings, and, despite vacancies, had reduced the average length of time from filing the notice of appeal to final decision to 14.5 months, slightly less than the time required in the Eleventh Circuit.

The average time from filing to disposition, however, does not accurately reflect the time the cases are actually in the judges' hands. In the Ninth Circuit, the average time from oral argument submission to disposition—that is, the actual time the judges have the cases in their hands—is 1.9 months, or .5 months less than the national average. In short, what the court needs to reduce disposition times is more judges. Hundreds of cases are available to be heard by judges; there simply are not enough judges to hear them. This is the "swell" in pending cases referred to when S. 853 was introduced. 141 Cong. Rec. S7504 (daily ed. May 25. 1995) For this reason, in 1992 the Ninth Circuit requested additional judgeships. The Judicial Conference of the United States endorsed the request which is now pending before Congress. With four current vacancies on the court, the average time to disposition is unlikely to improve substantially until new judges come on board. Obviously this central problem would not be alleviated by dividing the circuit and the proposed split would materially increase the caseload of judges in the remaining Ninth Circuit.

9. IS CIRCUIT DIVISION THE SOLUTION TO GROWING CASELOADS?

The presumption that increasing the number of circuits would solve the problem of expanding federal court caseloads is the underlying fallacy of S. 956. Cases are resolved by judges, not circuits, and increasing the number of circuits without increasing the number of judges would only exacerbate the problem.

Even with the proposed division of the Ninth Circuit, the population shift and growth that is increasing litigation in the West would continue to increase the workload of the two new circuits. The old Fifth Circuit encountered the same situation when it was divided into the Fifth and Eleventh Circuits in 1980. Before the split, the Fifth Circuit had 4914 filings and 27 judgeships, compared to the Ninth Circuit's 4262 filings and 23 judgeships. By 1994, the combined Fifth and Eleventh Circuits' filings had increased 241% to 11,858, while the Ninth Circuit's had increased 190% to 8115. Dividing the Fifth Circuit had no effect on the growth of the caseload, which is at the root of the size issue.

In its study on circuit size, the ABA Appellate Practice Committee's Subcommittee to Study Circuit Size "found no compelling reasons why circuit courts of various sizes—ranging from a few judges to fifty—cannot effectively meet the caseload challenge. Indeed for every argument in favor of smaller circuits, there is an equally compelling argument for larger circuits." Report (October 1992), as p. 5. The Federal Judicial Center's recent analysis of structural alternatives in response to the mandate of the Federal Court Study Committee concluded:

> [T]here can be no doubt that the system and its judges are under stress. That stress derives primarily from the continuing expansion of federal jurisdiction without a concomitant increase in resources. It does not appear to be a stress that would be significantly relieved by structural change to the appellate system at this time. Structural and other Alternatives for the Federal Course of appeals (1993), at p. 155.

The Ninth Circuit is functioning well and is handling its caseload in a timely and responsible manner. It is a leader in innovative case management techniques and its size offers numerous advantages, including: the application of a uniform body of law to wide geographic area, economies of scale in case processing, the ability to serve as a laboratory for experimentation in judicial administration and adjudication, and the diversity of background of its members. The vast majority of judges and lawyers in the circuit support retention of the circuit in its present form and reject circuit division as a response to the caseload crisis.

Further Information Relating to the Issue of Splitting the Ninth Circuit:

ABA Appellate practice Committee, subcommittee to Study Circuit Size, Report (October 1992).

Baker, Thomas, "On Redrawing Circuit Boundaries—Why the Proposal to Divide the United States Court of Appeals for the Ninth Circuit Is Not Such a Good Idea," 22 Ariz. S.L.J. 917 (1900).

Federal Judicial Center, J. McKenna, Structural and Other Alternatives for the Federal Courts of Appeals (1993).

Final Report of the Federal Courts Study Committee (1990).

Fourth Biennial Report to Congress on the Implementation of Section 6 of the Omnibus Judgeship Act of 1978 (1989).

Hellman, A. ed., Restructuring Justice: The innovations of the Ninth Circuit and The Future of the Federal Courts (1990).

Ninth Circuit Position Paper—1991.

Ninth Circuit Position Paper—1989.

Proposed Long Range Plan for the Federal Courts (1995).

U.S. Senate, Committee on the Judiciary, Ninth Circuit Court of Appeals Reorganization Act of 1989: hearings on S. 948 Before the Subcomm. on the Judiciary, 101st Cong., 2d Sess. (1990).

1. The caseload figures for the proposed new Ninth and new Twelfth Circuits are based upon internal court statistics for FY 1994.

2. All references are to regional circuits (the First through the Eleventh) and exclude comparisons to the two circuits that are based upon special jurisdiction rather than geography (the District of Columbia and the Federal Circuits).

3. Senator Gorton's remarks were made when he introduced S. 853 on May 25, 1995. That bill created a new Twelfth Circuit with seven judges and a new Ninth Circuit with nineteen judges. On June 22, 1995, Senator Gorton introduced a corrected bill that is identical to S. 853 except for a new Twelfth Circuit with nine judges and a new Ninth Circuit with nineteen judges. This paper is a response to the new bill and to the remarks made that the introduction of the earlier bill, S. 853.●

THE MEDIA, CENSORSHIP, AND PARENTAL EMPOWERMENT

● Ms. MIKULSKI. Mr. President, I rise today to speak on how best to control the viewing habits of America's children.

We are in a communication revolution. We have all heard about the information highway. We know that there is more and more information available to all of us. And more information available to children. Much of it is good, and some of it is bad. The information highway includes ever-increasing numbers of television channels. These new and changing channels and the programs they broadcast are coming into our living rooms.

There is a good side to this growing technology and information, but we also know there is a bad side. Studies tell us that by the time a child enters high school, that child will watch over 8,000 murders and 100,000 acts of violence on television. How can parents know and control what their kids are watching. How can they control it when they are away from home working? How can they control what their kids see on the living room television when they are busy in the kitchen?

For some the solution is simple, just censor the networks or moviemakers. I believe there is a better way. It is the approach I believe in, and that is the approach that uses technology and information.

Mr. President, I am proud to cosponsor the Media Protection Act of 1995. This is the V-chip bill. A television that has this V chip will allow parents to block out programming that they don't want their children to see when they are away or in another room. This automatic blocking device will be triggered by a rating system that the networks can develop themselves. This is not censorship. It is no more censorship than the current movie theater rating system that was created by the movie industry less than three decades ago.

I am also pleased to cosponsor the Television Violence Report Card Act of 1995. This is the information part of what parents need. This legislation will encourage an evaluation of programming to let parents know just what to watch for or watch out for.

Some call this legislation censorship, but it is not. It is parental empowerment and parental involvement, and maybe a way to stem the tide of violence that kids are exposed to every day and evening they watch television.•

"WHY NOT ATOM TESTS IN FRANCE?"

• Mr. SIMON. Mr. President, the Washington Post had an editorial titled, "Why Not Atom Tests in France?"

The policy of France is unwise, just as our earlier policy of continuing tests was unwise.

France is not doing a favor to stability in the world with these tests.

I hope that the French Government will reconsider this unwise course.

At this point, I ask unanimous consent that this op-ed piece be printed in the RECORD.

The material follows:

WHY NOT ATOM TESTS IN FRANCE?

France's unwise decision to resume nuclear testing was an invitation to the kind of protests and denunciations being generated by Greenpeace's skillful demonstration of political theater. But even before Greenpeace set sail for the test site, several Pacific countries vehemently objected to France's intention of carrying out the explosions at a Pacific atoll. The most cutting comment came from Japan's prime minister, Tomiichi Murayama. At a recent meeting in Cannes the newly installed president of France, Jacques Chirac, confidently explained to him that the tests will be entirely safe. If they are so safe, Mr. Murayama replied, why doesn't Mr. Chirac hold them in France?

The dangers of these tests to France are, in fact, substantial. The chances of physical damage and the release of radioactivity to the atmosphere are very low. But the symbolism of a European country holding its tests on the other side of the earth, in a vestige of its former colonial empire, is proving immensely damaging to France's standing among its friends in Asia.

France says that it needs to carry out the tests to ensure the reliability of its nuclear weapons. Those weapons, like most of the American nuclear armory, were developed to counter a threat from a power that has collapsed. The great threat now, to France and the rest of the world, is the possibility of nuclear bombs in the hands of reckless and aggressive governments elsewhere. North Korea, Iraq and Iran head the list of possibilities. The tests will strengthen France's international prestige, in the view of many French politicians, by reminding others that it possesses these weapons. But in less stable and non-democratic countries, there are many dictators, juntas and nationalist fanatics who similarly aspire to improve their countries' standing in the world.

The international effort to discourage the spread of nuclear weapons is a fragile enterprise, depending mainly on trust and goodwill. But over the past half-century, the effort has been remarkably and unexpectedly successful. It depends on a bargain in which the nuclear powers agree to move toward nuclear disarmament at some indefinite point in the future, and in the meantime to avoid flaunting these portentous weapons or to use them merely for displays of one-upmanship. That's the understanding that France is now undermining. The harassment by Greenpeace is the least of the costs that these misguided tests will exact.•

ON THE RELEASE OF AUNG SAN SUU KYI

• Mr. MOYNIHAN. Mr. President, after 6 years of unjust detention by the Burmese military, Nobel Peace Prize winner Aung San Suu Kyi is free. While this is cause for celebration and great relief from those of us who have long called for her release, one cannot fail to stress that there is also great outrage that she was incarcerated in the first instance. The State Law and Order Restoration Council [SLORC], the military Junta in Burma, has sought to thwart democracy at every turn.

Led by Aung San Suu Kyi, the National League for Democracy [NLD] party won a democratic election in 1990, while she was under house arrest, yet the SLORC has never allowed the elected leaders of Burma to take office. Instead they have forced these leaders to flee their country to escape arrest and death.

The United States Senate has often spoken in support of those brave Burmese democracy leaders. We have withheld aid and weapons to the military regime, and have provided some, albeit modest amounts, of assistance to the Burmese refugees who have fled the ruthless SLORC. Pro-democracy demonstrators were particularly vulnerable, yet having fled the country they found themselves denied political asylum by Western governments. In 1989, Senator KENNEDY and I rose in support of the demonstrators and won passage of an amendment to the Immigration Act of 1990 requiring the Secretary of State and the Attorney General to clearly define the immigration policy of the United States toward Burmese pro-democracy demonstrators. Congress acted again on the Customs and Trade Act of 1990 to adopt a provision I introduced requiring the President to impose appropriate economic sanctions on Burma. The Bush administration utilized this provision to sanction Burmese textiles. Unfortunately these powers have never been exercised by the current administration.

The SLORC regime had to be denounced. The Senate continued to press for stronger actions. On March 12, 1992, the Foreign Relations Committee unanimously voted to adopt a report submitted by myself and Senator MCCONNELL detailing specific actions that should be taken before the nomination of a United States Ambassador to Burma would be considered in the Senate.

Last year the State Department Authorization Act for 1994–95 contained a provision I introduced placing Burma on the list of international outlaw states such as Libya, North Korea, and Iraq, an indication that the United States Congress considers the SLORC regime to be one of the very worst in the world. The Senate also unanimously adopted S. 234 on July 15, 1994, calling for the release of Aung San Suu Kyi and for increased international pressure on the SLORC to achieve the transfer of power to the winners of the 1990 democratic election.

Thankfully, Aung San Suu Kyi has now been released. But the struggle in Burma is not over. The SLORC continues to wage war against its own people. Illegal heroin continues to be produced with their complicity. And the SLORC continues to thwart the transfer to democracy in Burma. The New York Times concludes appropriately:

> The end of Ms. Aung San Suu Kyi's detention must be followed by other steps toward democracy before Myanmar is deemed eligible for loans from multilateral institutions or closer ties with the United States. It is too soon to welcome Yangon back into the democratic community.

We in the Senate must rededicate ourselves to the strong support of those in Burma working to overcome this tyranny. I congratulate Aung San Suu Kyi on her extraordinary bravery and determination, and celebrate with her family the news of her release.

I ask that the July 13, 1995, editorial be printed in the RECORD.

The editorial follows:

[The New York Times, July 13, 1995]

NEW HOPE FOR BURMESE DEMOCRACY

The release of the political prisoner Daw Aung San Suu Kyi in Yangon, formerly Rangoon, is good news. Mrs. Aung San Suu Kyi, who won the Nobel Peace Prize in 1991, had been under house arrest for nearly six years. The next test for the regime, which changed the name of the country from Burma to Myanmar, will be to follow Ms. Aung San Suu Kyi's freedom with a return to some form of political pluralism and with other improvements in human rights.

Mrs. Aung San Suu Kyi's National League for Democracy won elections under her leadership in 1990. The military refused to recognize the results, imprisoning and intimidating many of the newly elected legislators. Burmese expatriates say torture is still routinely used in prisons and by the military in its repression of ethnic minorities.

Mrs. Aung San Suu Kyi's release has rekindled the hopes of many Burmese for a return to democracy. At her first public appearance, she stuck a conciliatory note, saying she wanted to promote dialogue with the military junta. She acted properly in cautioning against unrealistic expectations. Nevertheless, hundreds of people have made the pilgrimage to her home in Yangon since her release, demonstrating the deep loyalty of her followers.

But Mrs. Aung San Suu Kyi is re-entering a society in which her own name has been a forbidden word, where personal freedoms are severely restricted and political life brutally curtailed. She refused to make any deals with the authorities to gain her freedom, and she has made it clear that she intends to pursue her democratic goals.

Myanmar is eager to break its isolation and join the region's economic boom. Japan, which covets its rich natural resources, is already preparing to warm up relations with Yangon. But Myanmar will need substantial help from agencies like the World Bank and the International Monetary Fund to join the international economy.

The end of Ms. Aung San Suu Kyi's detention must be followed by other steps toward democracy before Myanmar is deemed eligible for loans from multilateral institutions or closer ties with the United States. It is too soon to welcome Yangon back into the democratic community.

INSULAR AREAS APPROPRIATIONS AUTHORIZATION

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate now turn to the consideration of Calendar No. 134, S. 638, regarding the insular areas, that the committee substitute be agreed to, that the bill be read for a third time, and passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senate proceeded to consider the bill (S. 638) to authorize appropriations for United States insular areas, and for other purposes, which had been reported from the Committee on Energy and Natural Resources, with an amendment to strike all after the enacting clause and inserting in lieu thereof the following:

SECTION 1. TERRITORIAL AND FREELY ASSOCIATED STATE INFRASTRUCTURE ASSISTANCE.

Section 4(b) of Public Law 94–241 (90 Stat. 263) as added by section 10 of Public Law 99–396 (99 Stat. 837, 841) is amended by deleting "until Congress otherwise provides by law." and inserting in lieu thereof: "except that, for fiscal years 1996 and thereafter, payments to the Commonwealth of the Northern Mariana Islands pursuant to the multi-year funding agreements contemplated under the Covenant shall be limited to the amounts set forth in the Agreement of the Special Representatives on Future Federal Financial Assistance of the Northern Mariana Islands, executed on December 17, 1992 between the special representative of the President of the United States and special representatives of the Governor of the Northern Mariana Islands and shall be subject to all the requirements of such Agreement with any additional amounts otherwise made available under this section in any fiscal year and not required to meet the schedule of payments set forth in the Agreement to be provided as set forth in subsection (c) until Congress otherwise provides by law.

"(c) The additional amounts referred to in subsection (b) shall be made available to the Secretary for obligation as follows:

"(1) for fiscal year 1996, all such amounts shall be provided for capital infrastructure projects in American Samoa; and

"(2) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: Provided, That, in fiscal year 1997, $3 million of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed $3 million may be allocated, as provided in Appropriation Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands, including, but not limited to detention and corrections needs. The specific projects to be funded shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with each of the island governments and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing and updating the five year plan for capital infrastructure needs, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed $2 million per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: *Provided further*, That the cumulative amount set aside for such emergency fund may not exceed $10 million at any time.

"(d) Within the amounts allocated for infrastructure pursuant to this section, and subject to the specific allocations made in subsection (c), additional contributions may be made, as set forth in Appropriation Acts, to assist in the resettlement of Rongelap Atoll: *Provided*, That the total of all contributions from any Federal source after January 1, 1995 may not exceed $32 million and shall be contingent upon an agreement, satisfactory to the President, that such contributions are a full and final settlement of all obligations of the United States to assist in the resettlement of Rongelap Atoll and that such funds will be expended solely on resettlement activities and will be properly audited and accounted for. In order to provide such contributions in a timely manner, each Federal agency providing assistance or services, or conducting activities, in the Republic of the Marshall Islands, is authorized to make funds available, through the Secretary of the Interior, to assist in the resettlement of Rongelap. Nothing in this subsection shall be construed to limit the provision of ex gratia assistance pursuant to section 105(c)(2) of the Compact of Free Association Act of 1985 (Public Law 99–239, 99 Stat. 1770, 1792) including for individuals choosing not to resettle at Rongelap, except that no such assistance for such individuals may be provided until the Secretary notifies the Congress that the full amount of all funds necessary for resettlement at Rongelap has been provided.".

SEC. 2. FEDERAL MINIMUM WAGE.

Effective thirty days after the date of enactment of this Act, the minimum wage provisions, including, but not limited to, the coverage and exemptions provisions, of section 6 of the Fair Labor Standards Act of June 25, 1938 (52 Stat. 1062), as amended, shall apply to the Commonwealth of the Northern Mariana Islands, except—

(a) on the effective date, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall be $2.75 per hour;

(b) effective January 1, 1996, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall be $3.05 per hour;

(c) effective January 1, 1997 and every January 1 thereafter, the minimum wage rate shall be raised by thirty cents per hour or the amount necessary to raise the minimum wage rate to the wage rate set forth in section 6(a)(1) of the Fair Labor Standards act, whichever is less; and

(d) once the minimum wage rate is equal to the wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall thereafter be the wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act.

SEC. 3. REPORT.

The Secretary of the Interior, in consultation with the Attorney General and Secretaries of Treasury, Labor and State, shall report to the Congress by the March 15 following each fiscal year for which funds are allocated pursuant to section 4(c) of Public Law 94–241 for use by Federal agencies or the Commonwealth to address immigration, labor or law enforcement activities. The report shall include but not be limited to—

(1) pertinent immigration information provided by the Immigration and Naturalization Service, including the number of non-United States citizen contract workers in the CNMI, based on data the Immigration and Naturalization Service may require of the Commonwealth of the Northern Mariana Islands on a semiannual basis, or more often if deemed necessary by the Immigration and Naturalization Service,

(2) the treatment and conditions of non-United States citizen contract workers, including foreign government interference with workers' ability to assert their rights under United States law,

(3) the effect of laws of the Northern Mariana Islands on Federal interests,

(4) the adequacy of detention facilities in the Northern Mariana Islands,

(5) the accuracy and reliability of the computerized alien identification and tracking system and its compatibility with the system of the Immigration and Naturalization Service, and

(6) the reasons why Federal agencies are unable or unwilling to fully and effectively enforce Federal laws applicable within the Commonwealth of the Northern Mariana Islands unless such activities are funded by the Secretary of the Interior.

SEC. 4. IMMIGRATION COOPERATION.

The Commonwealth of the Northern Mariana Islands and the Immigration and Naturalization Service shall cooperate in the identification and, if necessary, exclusion or deportation from the Commonwealth of the Northern Mariana Islands of persons who represent security or law enforcement risks to the Commonwealth of the Northern Mariana Islands or the United States.

SEC. 5. CLARIFICATION OF LOCAL EMPLOYMENT IN THE MARIANAS.

(a) Section 8103(i) of title 46 of the United States Code is amended by renumbering paragraph (3) as paragraph (4) and by adding a new paragraph (3) as follows:

"(3) Notwithstanding any other provision of this subsection, any alien allowed to be employed under the immigration laws of the Commonwealth of the Northern Mariana Islands (CNMI) may serve as an unlicensed seaman on a fishing, fish processing, or fish tender vessel that is operated exclusively from a port within the CNMI and within the navigable waters and exclusive economic zone of the United States surrounding the CNMI. Pursuant to 46 U.S.C. 8704, such persons are deemed to be employed in the United States and are considered to have the permission of the Attorney General of the United States to accept such employment: Provided, That paragraph (2) of this subsection shall not apply to persons allowed to be employed under this paragraph.".

(b) Section 8103(i)(1) of title 46 of the United States Code is amended by deleting "paragraph (3) of this subsection" and inserting in lieu thereof "paragraph (4) of this subsection".

SEC. 6. CLARIFICATION OF OWNERSHIP OF SUBMERGED LANDS IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Public Law 93-435 (88 Stat. 1210), as amended, is further amended by—

(a) striking "Guam, the Virgin Islands" in section 1 and inserting in lieu thereof "Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands" each place the words appear;

(b) striking "Guam, American Samoa" in section 2 and inserting in lieu thereof "Guam, the Commonwealth of the Northern Mariana Islands, American Samoa"; and

(c) striking "Guam, the Virgin Islands" in section 2 and inserting in lieu thereof "Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands.".

With respect to the Commonwealth of the Northern Mariana Islands, references to "the date of enactment of this Act" or "date of enactment of this subsection" contained in Public Law 93-435, as amended, shall mean the date of enactment of this section.

SEC. 7. ANNUAL STATE OF THE ISLANDS REPORT.

The Secretary of the Interior shall submit to the Congress, annually, a "State of the Islands" report on American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia that includes basic economic development information, data on direct and indirect Federal assistance, local revenues and expenditures, employment and unemployment, the adequacy of essential infrastructure and maintenance thereof, and an assessment of local financial management and administrative capabilities, and Federal efforts to improve those capabilities.

SEC. 8. TECHNICAL CORRECTION.

Section 501 of Public Law 95-134 (91 Stat. 1159, 1164), as amended, is further amended by deleting "the Trust Territory of the Pacific Islands," and inserting in lieu thereof "the Republic of Palau, the Republic of the Marshall Islands, the Federated States of Micronesia,".

So the bill (S. 638), as amended, was read for the third time and passed as follows:

S. 638

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. TERRITORIAL AND FREELY ASSOCIATED STATE INFRASTRUCTURE ASSISTANCE.

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"(c) The additional amounts referred to in subsection (b) shall be made available to the Secretary for obligation as follows:

"(1) for fiscal year 1996, all such amounts shall be provided for capital infrastructure projects in American Samoa; and

"(2) for fiscal years 1997 and thereafter, all such amounts shall be available solely for capital infrastructure projects in Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Federated States of Micronesia and the Republic of the Marshall Islands: *Provided*, That, in fiscal year 1997, $3 million of such amounts shall be made available to the College of the Northern Marianas and beginning in fiscal year 1997, and in each year thereafter, not to exceed $3 million may be allocated, as provided in Appropriation Acts, to the Secretary of the Interior for use by Federal agencies or the Commonwealth of the Northern Mariana Islands to address immigration, labor, and law enforcement issues in the Northern Mariana Islands, including, but not limited to detention and corrections needs. The specific projects to be funded shall be set forth in a five-year plan for infrastructure assistance developed by the Secretary of the Interior in consultation with each of the island governments and updated annually and submitted to the Congress concurrent with the budget justifications for the Department of the Interior. In developing and updating the five year plan for capital infrastructure needs, the Secretary shall indicate the highest priority projects, consider the extent to which particular projects are part of an overall master plan, whether such project has been reviewed by the Corps of Engineers and any recommendations made as a result of such review, the extent to which a set-aside for maintenance would enhance the life of the project, the degree to which a local cost-share requirement would be consistent with local economic and fiscal capabilities, and may propose an incremental set-aside, not to exceed $2 million per year, to remain available without fiscal year limitation, as an emergency fund in the event of natural or other disasters to supplement other assistance in the repair, replacement, or hardening of essential facilities: *Provided further*, That the cumulative amount set aside for such emergency fund may not exceed $10 million at any time.

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SEC. 2. FEDERAL MINIMUM WAGE.

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(a) on the effective date, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall be $2.75 per hour;

(b) effective January 1, 1996, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall be $3.05 per hour;

(c) effective January 1, 1997 and every January 1 thereafter, the minimum wage rate shall be raised by thirty cents per hour or the amount necessary to raise the minimum wage rate to the wage rate set forth in section 6(a)(1) of the Fair Labor Standards act, whichever is less; and

(d) once the minimum wage rate is equal to the wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act, the minimum wage rate applicable to the Commonwealth of the Northern Mariana Islands shall thereafter be the wage rate set forth in section 6(a)(1) of the Fair Labor Standards Act.

SEC. 3. REPORT.

The Secretary of the Interior, in consultation with the Attorney General and Secretaries of Treasury, Labor and State, shall report to the Congress by the March 15 following each fiscal year for which funds are allocated pursuant to section 4(c) of Public Law 94-241 for use by Federal agencies or the Commonwealth to address immigration, labor or law enforcement activities. The report shall include but not be limited to—

(1) pertinent immigration information provided by the Immigration and Naturalization Service, including the number of non-United States citizen contract workers in the CNMI, based on data the Immigration and Naturalization Service may require of the Commonwealth of the Northern Mariana Islands on a semiannual basis, or more often if deemed necessary by the Immigration and Naturalization Service,

(2) the treatment and conditions of non-United States citizen contract workers, including foreign government interference with workers' ability to assert their rights under United States law,

(3) the effect of laws of the Northern Mariana Islands on Federal interests,

(4) the adequacy of detention facilities in the Northern Mariana Islands,

(5) the accuracy and reliability of the computerized alien identification and tracking system and its compatibility with the system of the Immigration and Naturalization Service, and

(6) the reasons why Federal agencies are unable or unwilling to fully and effectively

enforce Federal laws applicable within the Commonwealth of the Northern Mariana Islands unless such activities are funded by the Secretary of the Interior.

SEC. 4. IMMIGRATION COOPERATION.

The Commonwealth of the Northern Mariana Islands and the Immigration and Naturalization Service shall cooperate in the identification and, if necessary, exclusion or deportation from the Commonwealth of the Northern Mariana Islands of persons who represent security or law enforcement risks to the Commonwealth of the Northern Mariana Islands or the United States.

SEC. 5. CLARIFICATION OF LOCAL EMPLOYMENT IN THE MARIANAS.

(a) Section 8103(i) of title 46 of the United States Code is amended by renumbering paragraph (3) as paragraph (4) and by adding a new paragraph (3) as follows:

"(3) Notwithstanding any other provision of this subsection, any alien allowed to be employed under the immigration laws of the Commonwealth of the Northern Mariana Islands (CNMI) may serve as an unlicensed seaman on a fishing, fish processing, or fish tender vessel that is operated exclusively from a port within the CNMI and within the navigable waters and exclusive economic zone of the United States surrounding the CNMI. Pursuant to 46 U.S.C. 8704, such persons are deemed to be employed in the United States and are considered to have the permission of the Attorney General of the United States to accept such employment: *Provided*, That paragraph (2) of this subsection shall not apply to persons allowed to be employed under this paragraph.".

(b) Section 8103(i)(1) of title 46 of the United States Code is amended by deleting "paragraph (3) of this subsection" and inserting in lieu thereof "paragraph (4) of this subsection".

SEC. 6. CLARIFICATION OF OWNERSHIP OF SUBMERGED LANDS IN THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

Public Law 93-435 (88 Stat. 1210), as amended, is further amended by—

(a) striking "Guam, the Virgin Islands" in section 1 and inserting in lieu thereof "Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands" each place the words appear;

(b) striking "Guam, American Samoa" in section 2 and inserting in lieu thereof "Guam, the Commonwealth of the Northern Mariana Islands, American Samoa"; and

(c) striking "Guam, the Virgin Islands" in section 2 and inserting in lieu thereof "Guam, the Commonwealth of the Northern Mariana Islands, the Virgin Islands.".

With respect to the Commonwealth of the Northern Mariana Islands, references to "the date of enactment of this Act" or "date of enactment of this subsection" contained in Public Law 93-435, as amended, shall mean the date of enactment of this section.

SEC. 7. ANNUAL STATE OF THE ISLANDS REPORT.

The Secretary of the Interior shall submit to the Congress, annually, a "State of the Islands" report on American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia that includes basic economic development information, data on direct and indirect Federal assistance, local revenues and expenditures, employment and unemployment, the adequacy of essential infrastructure and maintenance thereof, and an assessment of local financial management and administrative capabilities, and Federal efforts to improve those capabilities.

SEC. 8. TECHNICAL CORRECTION.

Section 501 of Public Law 95-134 (91 Stat. 1159, 1164), as amended, is further amended by deleting "the Trust Territory of the Pacific Islands," and inserting in lieu thereof "the Republic of Palau, the Republic of the Marshall Islands, the Federated States of Micronesia,".

DISTRICT OF COLUMBIA TRANSPORTATION PROJECTS

Mr. HATFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 144, S. 1023.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1023) to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. WARNER. Mr. President, I am pleased that the Senate is considering legislation today to allow the District of Columbia to move forward with transportation projects that are critically needed for the entire metropolitan Washington region.

I want to make clear to my colleagues that this legislation is consistent with the temporary match waivers that Congress has provided in 1975, 1982, and 1991. Under previous matching share waivers, 39 States have utilized this flexibility.

The legislation before the Senate is again a temporary waiver of the local matching share required before a State, or in this case the District of Columbia, can obligate Federal highway dollars. It is not a complete forgiveness of their financial obligation to provide a 20 percent match of these Federal dollars.

This legislation requires the District to repay these matching requirements by the end of fiscal year 1996—September 30. If the District fails to comply, their 1997 Federal highway apportionments will be reduced.

The legislation also requires that these Federal funds are to be used to maintain and upgrade National Highway System routes in the District, and other projects which the Secretary of Transportation determines to be important to the entire region.

Any other project the District decides to move forward with must be matched with local funds. In other words, this bill only temporarily waives the local match for those projects important to maintaining the District's most heavily traveled roads.

Mr. President, during the committee's consideration a provision was added to require the Department of Transportation to report to the Congress on those projects funded in 1995. This provision gives us further assurance that the District will properly use these funds on those most regionally significant projects. The committee has made clear that following a review of the use of the 1995 apportionments, if these funds were not allocated to worthy projects, then the committee will reconsider the waiver for fiscal year 1996.

These are the same roads which serve as the gateways to our Nation's Capital and are the major commuter arteries for the metropolitan region.

These are the same roads which contribute to the functioning of the Federal Government and serve the thousands of tourists from our States who travel here each year.

Mr. President, it is important to emphasize that this legislation is necessary to reduce congestion which plagues the entire region. The projects to benefit from this legislation are ones that compliment the transportation priorities of Virginia and Maryland, such as the 14th Street Bridge and Pennsylvania Avenue.

Also, I ask unanimous consent to have printed in the RECORD a copy of a letter from Virginia Secretary of Transportation Martinez placing Governor Allen's administration solidly in support of this legislation, and a letter in support from the distinguished Representative from the District of Columbia, Ms. NORTON.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF VIRGINIA,
OFFICE OF THE GOVERNOR,
July 7, 1995.

Hon. JOHN WARNER,
U.S. Senate, Russell Senate Office Building, Washington, DC

DEAR SENATOR WARNER: This letter is to provide the Commonwealth of Virginia's position on the proposed legislation to authorize the U.S. Secretary of Transportation to increase the federal share of certain highway projects in the District of Columbia for fiscal years 1995 and 1996. This legislation would in effect provide a temporary waiver of the local match for highway projects in Washington, D.C.

It is important for the economic health of Northern Virginia and the region to continue the development of critical transportation improvements. The regional projects that Virginia is working with the District include the 14th Street Bridge improvements and certain Intelligent Transportation System (ITS) projects.

Virginia supports this measure to allow the needed transportation projects to move forward this construction season and not delay much needed projects. If we can provide any additional information, please do not hesitate to call me.

Sincerely,
ROBERT E. MARTÍNEZ.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 17, 1995.
Hon. ROBERT DOLE,
Majority Leader of the Senate,
Washington, DC.

DEAR SENATOR DOLE: On July 11, the Senate Environment and Public Works Committee passed legislation, introduced by Senator John Warner, that would waive the local match of federal highway funds for the District of Columbia for FY 1995 and FY 1996. I write now to seek your assistance in getting this legislation through the Senate.

Without swift passage of this legislation in both chambers, before August 1, $82 million in FY 1995 apportioned monies and a similar amount in FY 1996 will be unavailable. It is essential to the economic health of the District and the region to repair the gateway streets used by regional commuters and 20 million visitors annually.

No new highway projects are planned this fiscal year in the District; nor have any bids been solicited over the past 18 months because the District's fiscal crisis has left the city unable to meet the matching funds requirement for federal monies. As you know, this federal money does not linger in the government bureaucracy but gets flushed right into the private sector when a city bids from private sector contractors to work on the projects.

The waiver in the Warner bill is based on precedents from P.L. 94-30 in 1975, P.L. 97-424 in 1982 and P.L. 102-240 in 1991. With the waiver, vital District projects to improve the major gateways into the city could proceed, aiding more tourists and commuters than D.C. residents, and providing desperately needed jobs and economic development for the city.

Please help.

Best personal regards.

Sincerely,

ELEANOR HOLMES NORTON.

Mr. WARNER. Mr. President, on a related matter, I would like to share with the Senate my longstanding interest in preserving the historic integrity of Constitution Avenue. This panoramic avenue has witnessed many landmark events in our Nation's history. It links the Lincoln Monument to the U.S. Capitol with many of the principal U.S. Government offices, national museums, and the National Gallery of Art gracing this historic avenue.

Unfortunately it has fallen into a serious state of disrepair. It has become a corridor overburdened with mobile street vendors.

Formerly known as B Street, it was renamed Constitution Avenue in 1913 and hosted President Franklin Roosevelt's inaugural parades. President Roosevelt was the first President to break with tradition and host his inaugural parade along Constitution Avenue rather than the formerly used routing along Pennsylvania Avenue.

Today I believe that the historic beauty of Constitution Avenue is marred by an increasing number of vendor vehicles permanently located along this corridor. These vendors create gridlock, as they scramble to park, during peak usage of this vital corridor. They distract from the intrinsic beauty and historic tradition of this corridor. Cannot the users and visitors to this great Capital City have one avenue free of commercial buildings and commercial vehicles?

I have shared these views with the Mayor of the District of Columbia, and I will continue to work for these goals.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the bill be considered and deemed read a third time, passed, and that the motion to reconsider be laid upon the table, and that any statements relating to the bill be placed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the bill (S. 1023), was deemed read for a third time and passed, as follows:

S. 1023

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "District of Columbia Emergency Highway Relief Act".

SEC. 2. DISTRICT OF COLUMBIA EMERGENCY HIGHWAY RELIEF.

(a) TEMPORARY WAIVER OF NON-FEDERAL SHARE.—Notwithstanding any other law, during fiscal years 1995 and 1996, the Federal share of the costs of a project within the District of Columbia described in subsection (b) shall be a percentage requested by the District of Columbia, but not to exceed 100 percent of the costs of the project.

(b) ELIGIBLE PROJECTS.—A project referred to in subsection (a) is a project—

(1) for which the United States—

(A) is obligated to pay under title 23, United States Code, on the date of enactment of this Act; or

(B) becomes obligated to pay under title 23, United States Code, during any portion of the period beginning on the date of enactment of this Act and ending on September 30, 1996; and

(2) that is—

(A) for a route proposed for inclusion in the National Highway System; or

(B) of regional significance (as determined by the Secretary of Transportation);

with respect to which the Mayor of the District of Columbia certifies that sufficient funds are not available to pay the full non-Federal share of the costs of the project.

(c) REPAYMENT.—

(1) OBLIGATION TO REPAY.—Not later than September 30, 1996, the District of Columbia shall repay to the United States, with respect to each project for which an increased Federal share is paid under subsection (a), an amount equal to the difference between—

(A) the amount of the costs of the project paid by the United States under subsection (a); and

(B) the amount of the costs of the project that would have been paid by the United States but for subsection (a).

(2) DEPOSIT OF REPAID FUNDS.—A repayment made under paragraph (1) with respect to a project shall be—

(A) deposited in the Highway Trust Fund established by section 9503 of the Internal Revenue Code of 1986; and

(B) credited to the appropriate account of the District of Columbia for the category of the project.

(3) FAILURE TO REPAY.—

(A) DEDUCTIONS.—If the District of Columbia fails to make a repayment required under paragraph (1) with respect to a project, the Secretary of Transportation shall deduct an amount equal to the amount of the failed repayment from funds appropriated or allocated for the category of the project for fiscal year 1997 to the District of Columbia under title 23, United States Code.

(B) REAPPORTIONMENT.—Any amount deducted under subparagraph (A) shall be reapportioned for fiscal year 1997 in accordance with title 23, United States Code, to a State other than the District of Columbia.

SEC. 3. REPORT TO CONGRESS.

Not later than November 1, 1995, and November 1, 1996, the Secretary of Transportation shall prepare and submit to the Committee on Environment and Public Works of the Senate and the Committee on Transportation and Infrastructure of the House of Representatives a report describing—

(1) each project within the District of Columbia for which an increased Federal share has been paid under section 2;

(2) any specific cause of delay in the rate of obligation of Federal funds made available under section 2; and

(3) any other information that the Secretary of Transportation determines is relevant.

ORDERS FOR FRIDAY, JULY 21, 1995

Mr. HATFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 9 a.m. on Friday, July 21, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, that the time for the two leaders be reserved for their use later in the day, and that the Senate then immediately begin consideration of H.R. 1817, the military construction appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. HATFIELD. Mr. President, for the information of all Senators, under the previous order, the Senate will resume consideration of the MILCON appropriations bill at 9 a.m. tomorrow. Also, under the unanimous consent agreement entered into earlier this evening, the Senate will resume consideration of the rescissions bill at 10:20 tomorrow morning. Under that agreement, there will be approximately 40 minutes of debate remaining on the bill. Following that debate, at approximately 11 a.m. the Senate will proceed to vote on a motion to table the first Wellstone amendment. That vote may be followed by an immediate vote on the motion to table the second Wellstone amendment to be followed by a vote on passage of the rescissions bill.

All Senators should, therefore, be aware that rollcall votes will occur throughout Friday's session of the Senate.

RECESS UNTIL 9 A.M. TOMORROW

Mr. HATFIELD. Mr. President, if there is no further business to come before the Senate, I now ask that the

Senate stand in recess under the previous order.

There being no objection, the Senate, at 11:27 p.m., recessed until tomorrow, Friday, July 21, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 20, 1995:

DEPARTMENT OF STATE

JAMES A. JOSEPH, OF VIRGINIA, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SOUTH AFRICA.

IN THE AIR FORCE

THE FOLLOWING-NAMED OFFICER FOR PROMOTION IN THE REGULAR AIR FORCE OF THE UNITED STATES TO THE GRADE OF BRIGADIER GENERAL UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be brigadier general

COL. WILLIAM J. DENDINGER [redacted]

IN THE ARMY

THE FOLLOWING-NAMED OFFICER TO BE PLACED ON THE RETIRED LIST IN THE GRADE INDICATED UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTION 1370:

To be lieutenant general

LT. GEN. JOHN P. OTJEN [redacted]

THE FOLLOWING-NAMED OFFICERS FOR PROMOTION IN THE REGULAR ARMY OF THE UNITED STATES TO THE GRADE INDICATED, UNDER THE PROVISIONS OF TITLE 10, UNITED STATES CODE, SECTIONS 611(A) AND 624:

To be permanent major general

BRIG. GEN. ROBERT W. ROPER, JR [redacted]
BRIG. GEN. EDWARD L. ANDREWS [redacted]
BRIG. GEN. DAVID K. HEEBNER [redacted]
BRIG. GEN. MORRIS J. BOY [redacted]
BRIG. GEN. ROBERT R. HICKS, JR [redacted]
BRIG. GEN. STEWART W. WALLACE [redacted]
BRIG. GEN. JAMES M. WRIGHT [redacted]
BRIG. GEN. CHARLES W. THOMAS [redacted]
BRIG. GEN. GEORGE H. HARMEYER [redacted]
BRIG. GEN. JOHN F. MICHITSCH [redacted]
BRIG. GEN. LON E. MAGGART [redacted]
BRIG. GEN. HENRY T. GLISSON [redacted]
BRIG. GEN. THOMAS N. BURNETTE, JR [redacted]
BRIG. GEN. DAVID H. OHLE [redacted]
BRIG. GEN. MILTON HUNTER [redacted]
BRIG. GEN. JAMES T. HIL [redacted]
BRIG. GEN. GREG L. GILE [redacted]
BRIG. GEN. JAMES C. RILEY [redacted]
BRIG. GEN. RANDALL L. RIGBY [redacted]
BRIG. GEN. DANIEL J. PETOSKY [redacted]
BRIG. GEN. MICHAEL B. SHERFIELD [redacted]
BRIG. GEN. JAMES C. KING [redacted]
BRIG. GEN. JOSEPH G. GARRETT, II [redacted]
BRIG. GEN. LEROY R. GOFF, II [redacted]
BRIG. GEN. DANIEL G. BROWN [redacted]
BRIG. GEN. WILLIAM P. TANGNEY [redacted]
BRIG. GEN. CHARLES S. MAHAN, JR [redacted]
BRIG. GEN. JOHN J. MAHER, II [redacted]
BRIG. GEN. LEON J. LAPORTE [redacted]
BRIG. GEN. CLAUDIA J. KENNEDY [redacted]

THE FOLLOWING-NAMED OFFICERS, ON THE ACTIVE DUTY LIST, FOR PROMOTION TO THE GRADES INDICATED IN THE U.S. ARMY IN ACCORDANCE WITH SECTIONS 618, 624 AND 628, TITLE 10, UNITED STATES CODE. THE OFFICER IDENTIFIED WITH AN ASTERISK IS ALSO BEING NOMINATED FOR APPOINTMENT IN THE REGULAR ARMY.

MEDICAL CROPS

To be lieutenant colonel

*JOHN D. PITCHER [redacted]

MEDICAL CORPS

To be major

RAY J. RODRIGUEZ [redacted]

IN THE NAVY

THE FOLLOWING-NAMED U.S. NAVAL ACADEMY GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

KYUJIN J. CHOI [redacted]
WILLIAM D. DAY [redacted]
JASON W. HAINES [redacted]
MURZBAN F. MORRIS [redacted]

HOUSE OF REPRESENTATIVES—*Thursday, July 20, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. EMERSON].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 20, 1995.

I hereby designate the Honorable BILL EMERSON to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Reverend Dr. William Hobbs, Spring Glen Church, Hamden, CT, offered the following prayer:

Sovereign God, holy and gracious, be known in this Chamber where men and women wield authority with far-reaching implications. Make these servants who were clever enough to get elected wise enough to serve the public good, and both fair and compassionate enough to address the needs of all the people, placing people above politics, regarding them as neighbors to be served and joined in service.

Protect them from the terrible temptation of the love of power so they may know the power of love. Let them see across these aisles not enemies to be ridiculed and defeated, but compatriots to join in common enemies of poverty, fear, insecurity, and injustice.

So let Your reign of peace with justice find support here and everywhere, most gracious and almighty God. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Kansas [Mr. TIAHRT] come forward and lead the House in the Pledge of Allegiance.

Mr. TIAHRT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

A WARM WELCOME FOR REV. BILL HOBBS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, it brings me great pleasure to welcome here this morning the Reverend Bill Hobbs, my constituent, to the House of Representatives, to the people's House.

Reverend Hobbs indeed serves the people. He is from Hamden, CT, where he presides over the community's largest Protestant congregation at the Spring Glen Church.

Since arriving in 1984, Reverend Hobbs has led his congregation in countless community service efforts. Among their many projects are the food and fuel bank programs. These are critical efforts. The Spring Glen Church has willingly accepted the responsibility of feeding its community's hungry. This, along with helping to provide heat to low-income households during the cold Connecticut winters, is a testament to the congregation's commitment to those in need.

The church is a valuable community resource. It has opened its doors to several civic and community organizations in need of its support. The congregation generously provides to these groups whatever it can. Reverend Hobbs and his congregation help to bridge a critical gap to those who do not qualify for State and Federal aid, and yet still require assistance.

I salute the generous efforts of Reverend Hobbs and Hamden's Spring Glen Church for their selfless service to the community. I thank them for their continuing commitment to these ongoing efforts.

It is our distinct pleasure to have the Reverend Hobbs with us today, and we thank you, Reverend Hobbs, for joining with us today and for your blessing.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that 1-minutes will be limited to 20 today, 10 to each side.

THE NATIONAL DIALOG ON MEDICARE

(Mr. BARTLETT of Maryland asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Mr. Speaker, it has been several weeks now since the Board of Trustees of Medicare issued their report saying that by 2002 Medicare will be broke. We are now engaged in a national dialog on this subject. And where have we come in this dialog?

I think that the little plate here shows it very well. Are we talking about Medicare, or are we talking about MediScare. The last thing this country needs, Mr. Speaker, is all of the half-truths and untruths that are issuing from the other side of the aisle, that are meant to frighten our senior citizens.

What we need is a considered debate on this subject. Apparently my colleagues on the other side of the aisle are content to maintain the status quo by these scare tactics, and let Medicare go bankrupt.

Mr. Speaker, the Republican majority will not let this happen. We are committed to preserving, protecting, and strengthening Medicare for this generation and future generations.

ARBITRARY CUTS IN MEDICARE ARE IMPRUDENT

(Mr. DOYLE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOYLE. Mr. Speaker, I rise today to speak on behalf of our communities, hospitals, and the health of today's and tomorrow's senior citizens. If we are to bring about Medicare reform which will prove to be truly beneficial, we must first reach a consensus that reforms must achieve specified goals without creating new, more difficult problems

In the Pittsburgh area alone, there are seven hospitals which would face almost certain shutdown as a result of these proposed cuts. It is neither prudent nor logical to make devastating cuts to Medicare in such an arbitrary fashion. The sound-thinking, hard-working people of western Pennsylvania and across this country will tell you that putting the cart before the horse will get Medicare nowhere fast.

A recent national poll shows that 72 percent of the American public oppose Medicare cuts being made to pay for tax breaks. One has to question how making major cuts to Medicare in part to fund tax breaks could be construed by anyone as fiscally conservative.

I urge my colleagues to oppose these ill-conceived and reckless cuts which not only shake the current foundation, but cause irreparable damage to the future stability of the Medicare system.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

ACT NOW TO SAVE MEDICARE, NOT LATER

(Mr. TIAHRT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TIAHRT. Mr. Speaker, the liberals are continuing their scare campaign against the seniors of our country, telling them that Republicans are going to take away their Medicare benefits. In fact, Mr. Speaker, the liberals sound like they want to change the name from Medicare to MediScare.

But I would like to tell you something: I like Medicare, I like providing seniors with crucial medical security. And let me tell you what else I like. I like the idea of Medicare lasting a long, long time, so that future generations will also enjoy medical security.

But the President's Board of Trustees on Medicare tell us the system is going bankrupt in 7 years. Unless we act now, the future looks bleak.

Mr. Speaker, I would like to tell my liberal colleagues, let us forget the MediScare tactics. Let us channel our energy into something productive. Work with us to save Medicare, and please stop scaring our senior Americans.

WE NEED SPECIFICS ON CHANGES IN MEDICARE

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Mr. Speaker, I believe it was old Will Rogers who said all I know is what I read in the papers, and were he around today, he would have a great deal in common with the seniors and the people who care about seniors, who are concerned about Medicare.

Because you see, all that our Republican colleagues have had to say about their specific plan to change and alter and reform and refine Medicare is that they think that ought to be done. If American seniors or Will Rogers were to have read the Times on Monday, they would have learned one of the specifics of this particular secret plan, that the Republicans think that Medicare beneficiaries should be discouraged from buying insurance to cover what Medicare does not cover already.

The Republicans evidently believe that MediGap coverage insulates patients from the cost of care; in essence, that our seniors are not paying enough for the care that they receive today.

We have had two Members this morning come up and talk about Medicare. They have failed to outline one specific change. They should be talking about MediScare, because they are scared to death to tell the American people how they are going to increase the cost of Medicare to every senior in this land.

DURBIN HARASS-THE-TOBACCO-FARMER AMENDMENT

(Mr. CHAMBLISS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHAMBLISS. Mr. Speaker, I urge my colleagues to oppose what I call the Durbin harass-the-tobacco-farmer amendment to the Agriculture appropriations bill. Having lived in Georgia's farm belt all my adult life, I understand farm programs. Representing the 10th largest tobacco producing district in the country, I understand the importance of the tobacco program to family farmers in my State and across this country.

Now there is a big difference between improving farm programs and harassing farm families. The Durbin amendment is clearly downright harassment of tobacco farm families.

It does not improve the program, it strangles the farmers who participate. For example, if the Durbin amendment passes, the farmer would not have information on the safest use of chemicals and he would not benefit from his required participation in the crop insurance program.

But the Durbin amendment goes farther. In fact, it would not just affect the farmer, it would affect us all. This provision has the potential to prevent a buy-out of the program which could cost the taxpayers of this country an unbelievable $1 billion.

If you do not want to throw a blindsided knockout punch to family farmers and to rural districts of America then I urge you to vote "no" on the Durbin amendment.

MEDICARE CUTS TO FUND TAX BREAKS

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Mr. Speaker, indeed there is a MediScare, and there is a MediScare because the seniors know the truth about what is happening. They know that the new Republican majority has found this little piggy bank, this little piggy bank that had "Medicare Trust Fund" written on it, and they have crossed out "Trust Fund" and they are not using the Medicare piggy bank to pay for the crown jewel of their contract.

What is the crown jewel of their contract? Tax breaks for people who make over $350,000 a year. Seniors think that is unfair, when they also hear that Medicare is going broke. Let me tell you how much faster it is going to go broke if you keep using it as a piggy bank to pay for tax cuts.

When you look at the Medicare tax cut and you look at what it is going to cost to give everybody who makes more than $350,000 a year a $20,000 a year per person tax cut, it almost looks identical.

That is why there is MediScare, and they ought to absolutely be believing there is a MediScare. We ought to stop it.

TAX CUTS AND TAX INCREASES HAVE NO IMPACT ON MEDICARE TRUST FUND

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, I think that the Members on the other side of the aisle do not understand how Medicare is funded. It is funded by a 1.45-percent payroll tax that is levied on employees and matched by employers, and if that tax is not paid, it will not be funded at all. It does not come from the general revenues of the Federal Government, it comes from a trust fund.

It does not matter if we raise one penny of taxes other than the 1.45 percent. It does not matter if we raise those or if we cut them. It has no impact whatsoever. The trust fund will go bankrupt completely in 7 years, regardless of what we do with those taxes. So tax cuts and tax increases in the general revenue have absolutely no impact on the Medicare trust fund.

TAX BREAK DETRIMENTAL TO NATION

(Mr. HILLIARD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HILLIARD. Mr. Speaker, we cannot allow the extreme right wing agenda of the Republican party to ruin this Nation in order to give a shameless tax break to their wealthy supporters. How can the Republicans cut programs like Medicare and Medicaid for seniors, and health programs for mothers and infants, and, yes, still propose this obscene tax break for the rich?

Mr. Speaker, this shameless tax break is bad for the working men and women of America, and, if it is bad for them, it is bad for Americans. And, yes, Republicans are bad for America.

REPUBLICANS HAVE HEEDED WARNINGS ON MEDICARE CAPS

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, I do not know what we are talking about here when the other side is talking about cuts in Medicare. It seems to me that going from $4,800 per recipient per year to $6,700 is an increase.

Mr. Speaker, unlike the liberals on the other side of the aisle, Republicans have heeded the warnings of the Medicare Trustees Report. That report concluded that immediate action is needed to save Medicare for future generations.

Republicans are fully aware that millions of Americans rely on Medicare to help meet their health care needs. That is why it is called Medi-Care, because it provides care for our parents and grandparents.

On the other hand, liberal Democrats want to exploit this issue. To them this is MediScare. They want to scare people into believing something that is not true. Their tactics are fear, and their goal is to divide the American people.

Mr. Speaker, Medicare is too important a program to be allowed to go bankrupt. The American people must know that Republicans intend to protect and preserve Medicare. We will protect it for current and future beneficiaries, and we will not allow Medicare to become MediScare.

TAXES, TAXES, TAXES

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, retirement tax, income tax, property tax, excise tax, sales tax, beer tax, tobacco tax, cable tax, telephone tax, gasoline tax, hotel tax, surtaxes, taxes on taxes, and, don't forget when you die, inheritance tax. But also how about tolls, user fees, service charges, licenses, transfers. And some experts around the country are saying we don't need tax reform.

Beam me up, Mr. Speaker. Maybe, just maybe, these so-called experts are so dumb, we could throw them at the ground and they would probably miss.

REAL CUTS BEING MADE IN FEDERAL EXPENDITURES

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, I am very disappointed once again this morning to hear the other side of the aisle talking about imaginary cuts to Medicare, cuts which have never been proposed by the Republicans and which we never plan to implement. I want to show you the cuts that the Republicans are implementing, and this chart shows the beginning of that effort.

We might call it a Sav-O-Meter. The legislative branch we have cut by $150 million; foreign aid by $1.5 billion; the energy and water budget by $1.6 billion; the Interior budget by $1.6 billion.

We are just starting. We are only partway through the appropriations process, and we have already cut $5 billion out of the Federal budget compared to last year. We expect to go up to about $21 billion.

What does this mean to Mr. and Mrs. Taxpayer of America? Roughly at this point about $50 per family in cuts already. We expect to get up in the neighborhood of $210 to $250 in cuts for the average American family. Those are real cuts. Those are cuts the people will notice. They are not the imaginary cuts the other side talks about.

PROGRAMS DESPERATELY NEEDED BY CHILDREN BEING CUT

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Mr. Speaker, just this week Columbia University released a poll where they asked our Nation's children what is your biggest fear or concern in school today, in 1995?

Well, what would you guess they answered? Was it an equation in an algebra test? That would have been my biggest worry. No. Was it a biology test? No. Was it drugs in school? Yes.

By a 2-to-1 margin, our children are more worried about drugs in school than algebra, biology, or even guns in school. So what are we doing about that? What did the Republicans do with our Drug Free School Program, which has received bipartisan support through the years? They cut it by 60 percent; 23 million children are going to be cut off Drug Free School Programs.

Now, unless you have got a lobbyist around here, sometimes it means that you do not fare very well. Let's cut the space station. Let's cut B-2 bombers. Let's not cut something our children desperately need.

INTRODUCTION OF THE GOVERNMENT ACCOUNTABILITY ACT

(Mr. MARTINI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARTINI. Mr. Speaker, I rise today to express my concern over the Supreme Court's recent decision in Hubbard versus United States. In that decision the high court overturned a Federal statute that has been used to prosecute Members of Congress and others who intentionally and knowingly release false or deceptive information to Congress. The current law no longer is applicable to such situations.

As a former Federal prosecutor, I know that section 1001 of 18 U.S. Code is a critical provision of law, which protects the Federal Government from potential waste, fraud, and abuse.

That's why in response to the Supreme Court's decision, I have introduced the Government Accountability Act (H.R. 1678) which will extend the false statement statute to all three branches of the Federal Government.

If Congress fails to act, unscrupulous public officials, contractors, and private citizens will be able to engage in acts of fraud and misconduct against the Federal Government without fear of punishment.

Mr. Speaker, we are here to serve the American people not ourselves.

In closing, I urge my colleagues to cosponsor H.R. 1678 which brings accountability back to the Federal Government.

□ 1020

TAX BREAKS FOR THE WEALTHY

(Mr. BROWN of California asked and was given permission to address the House for 1 minute.)

Mr. BROWN of California. Mr. Speaker, I have a modern day Robin Hood story to tell. Except this one, unlike the original story, does not have a noble ending. You see, the Robin Hood of Capitol Hill has it backward: He is stealing from the poor to give to the rich.

Of course, Republicans do not want to admit this. But how else can we describe the Republican plan to cut Medicare to pay for tax breaks for the wealthy?

Consider this: The median income of senior citizens in 1993 was about $15,000 for males and $8,500 for females. About 3.8 million seniors lived below the poverty level in that year.

It is this group of citizens—27 million of them—that will have about $1,060 per year in Medicare benefits taken from each of them in order to give 1.1 million of America's richest people a $20,000 tax break.

Now if the Republicans want to have a substantive debate about how to improve Medicare and rein in its costs to ensure future solvency, then let us have that talk. But the Republicans' current effort is not about that. It is about finding ways to pay for tax cuts for the wealthy under the guise of saving Medicare.

Mr. Speaker, Republicans are not so stealthy that their Robin Hood-in-reverse crusade will go unnoticed by seniors.

MEDICARE

(Mr. LARGENT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LARGENT. Mr. Speaker, Medicare is not a Republican issue—it is not a Democrat issue—it is an American issue. Recently, a bipartisan group appointed by both Republican and Democrat administrations reported to the Congress that Medicare will go bankrupt within 7 years if we take no action.

I believe we must prevent bankruptcy by simplifying and strengthening Medicare. We must simplify the system so that Medicare patients can more easily understand the program. In addition, we must strengthen Medicare to make it financially safe and secure for both current and future beneficiaries.

We must work to ensure that senior Americans have the same rights to health care services as Members of Congress.

In response to critics who are already claiming that this reform is a cut in the Medicare Program, I say this is simply not true. By enacting these modest reforms, Medicare will continue to increase—just at a slower rate.

In fact, costs per beneficiary will continue to increase from $4,800 per participant in 1995, to $6,400 per recipient in 2002. Now you tell me, how is this a cut?

To play politics with this issue does not help in finding a solution to this problem. To do nothing is totally irresponsible, and unacceptable.

AFFIRMATIVE ACTION

(Mrs. CLAYTON asked and was given permission to address the House for 1 minute.)

Mrs. CLAYTON. Mr. Speaker, I want to commend President Clinton for his eloquent, thoughtful, and perceptive statement on a very sensitive and difficult subject—affirmative action.

The President outlined an approach to this issue which not only conforms to the state of the law, including the Adarand case, but takes into account the muddied history of discrimination in this Nation, and takes into account the concerns that some have raised about affirmative action.

I agree with the President that fraud and abuse, fronts and pass-throughs, in affirmative action programs should not and will not be tolerated.

I also agree with the President that reverse discrimination, quotas, and promoting unqualified individuals has no place in our society.

The President's words went a long way to begin the important process of healing in America—urging us to "reach beyond our fears and our divisions".

The President pointed out that, "When affirmative action is done right, it is flexible, it is fair, and it works."

While we begin to debate the issues surrounding affirmative action we must not get caught up in the political rhetoric and fervor that plays on fears and insecurities. We must focus on the realities and the meaningful, productive, work left to be done.

WHERE IS THE DEMOCRAT'S MEDICARE PLAN?

(Mr. KIM asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KIM. Mr. speaker, I would like to talk about Medicare this morning. Let us take a look at this chart closely. The red one is the existing plan which is leading to bankruptcy. The red one, bottom, is trust fund balance. As you can see, in the year 2002 the money will be totally depleted.

The blue one is the Republican plan. What we are trying to do is slow down the increase, slow down the rate of increase.

Right above is the green plan, which is the Clinton plan. As you can see, the Clinton plan, the Republican plan, there are not that many differences. The only difference is the Republican plan tries to save Medicare, which is 7 years, and the Clinton plan is stretching out to 10 years.

My colleagues from the other side are complaining and bashing and attacking us. Let us see what their plan is.

Here it is. Nothing. They have absolutely no plan, no idea, no vision, except attack and attack and bash. I think it is silly.

LET US NOT ROB OUR CHILDREN'S FUTURE

(Mr. ENGEL asked and was given permission to address the House for 1 minute.)

Mr. ENGEL. Mr. Speaker, there go our Republican friends again. First they cut Medicare to give tax breaks to the rich, and now they are cutting education, our children's future, to give tax breaks to the rich.

A subcommittee today is cutting $3.9 billion off education, robbing America's children. Goals 2000, setting education standards, cut; safe and drug-free schools, cut; chapter 1 funding to help our schools, cut; Eisenhower Program for teacher training, cut; and adult and vocational training, cut. And why? To give tax breaks for the rich.

What will this mean to middle class America? More students per class, and local and State property taxes increasing. Student loans were taken away from our children by the Republicans, and now, on top of Medicare, they are going to cut education again.

These are middle-class kids that are going to suffer. Eighty-nine percent of jobs created in this country require postsecondary training. What are the Republicans doing for that? Cut again.

We have a plan. It is a plan of compassion. Let us fix what needs to be fixed, but let us not cut and rob our children's future.

FRAUD IN MEDICARE

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, Medicare was established to help our seniors, not to make unscrupulous companies wealthy at their expense.

Today I am talking about the fraud in Medicare. Listen to the items that ABC Home Health Care put on their Medicare tab: Maid service payments for condominiums; golf pro shop expenses; airplane and automobile expenses for personal trips; and lobbying expenses.

They use promotional and marketing gimmicks such as gourmet popcorn, golf tees, earrings, cufflinks, combs, and sewing kits to recruit new members.

This is not a club but a home health care service. We should all be concerned.

Taxpayers are footing the bill for these luxury items.

Money was no object because ABC Home Health Care put it on the Medicare tab. Medicare was billed to the tune of $14 million for just 1 year.

We cannot allow this to happen, this fraud to continue in the Medicare Program.

MEDICARE FRAUD AND ABUSE

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, yesterday the GAO issued a report outlining charges against ABC Home Health Care for defrauding American taxpayers through the Medicare Program. The Democrats want to reform the Medicare system, but you do not do it by picking the seniors' health care pockets dry.

What we want to do is to scrap the tax break plan and stop this private sector ripoff of the public sector.

The GAO said that this Georgia company did do this: $140,000 for airplane costs; $21,000 for a pilot's salary; $16,000 for alcohol at a leadership conference.

Get this one: $84,000 for gourmet popcorn. My mother and father have never done this. This is, again, a ripoff by the providers and the private sector of the public sector. Scrap the tax break plan and stop picking at our senior citizens.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, the Committee on International Relations, the Committee on the Judiciary, the Committee on Resources, the Committee on Small Business, the Committee on Transportation and Infrastructure, and the Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. EMERSON). Is there objection to the request of the gentleman from New York?

Mr. MCNULTY. Reserving the right to object, Mr. Speaker, my colleague from New York is correct. We have consulted with the ranking members of these committees, and we have no objection to the request.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York.

There was no objection.

PROVIDING FOR THE CONSIDERATION OF H.R. 2058, CHINA POLICY ACT OF 1995, AND HOUSE JOINT RESOLUTION 96, DISAPPROVING EXTENSION OF MOST-FAVORED-NATION TREATMENT TO THE PRODUCTS OF CHINA

Mr. SOLOMON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 193 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 193

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 2058) establishing United States policy toward China. The bill shall be debatable for ninety minutes equally divided and controlled by the chairman and ranking minority member of the Committee on International Relations. The previous question shall be considered as ordered on the bill to final passage without intervening motion except one motion to recommit. The motion to recommit may include instructions only if offered by the minority leader or his designee.

SEC. 2. After disposition of H.R. 2058, it shall be in order to consider in the House the joint resolution (H.J. Res. 96) disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China. The joint resolution shall be debatable for one hour equally divided and controlled by Representative Wolf of Virginia and Representative Archer of Texas or their designees. Pursuant to sections 152 and 153 of the Trade Act of 1974, the previous question shall be considered as ordered on the joint resolution to final passage without intervening motion except one motion to table, if offered by Representative Wolf or his designee. The provisions of sections 152 and 153 of the Trade Act of 1974 shall not apply to any other joint resolution disapproving the extension of most-favored-nation treatment to the People's Republic of China for the remainder of the first session of the One Hundred Fourth Congress.

The SPEAKER pro tempore. The gentleman from New York [Mr. SOLOMON] is recognized for 1 hour.

Mr. SOLOMON. Mr. Speaker, for the purposes of debate only, I yield 30 minutes to the gentleman from California [Mr. BEILENSON]. During the consideration of this resolution, all time yielded is for the purpose of debate only.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this rule was unanimously adopted by the Committee on Rules, and I am proud to say that the arrangement worked out by this rule was unanimously agreed to on a bipartisan basis by the principal parties involved with the legislation.

What the rule does is to first make in order in the House the bill, H.R. 2058, the China Policy Act of 1995, as introduced by the gentleman from Nebraska [Mr. BEREUTER].

The rule provides for 90 minutes of general debate, equally divided between the chairman and the ranking minority member of the Committee on International Relations. While we originally considered limiting this to 1 hour of debate, we expanded the debate time at the request of the bipartisan group that had negotiated a compromise with Mr. BEREUTER.

The rule further provides for one motion to recommit the bill, which, if containing instructions, may be offered by the minority leader or his designee. I would point out to my colleagues that this latter provision is in keeping with the new House rule adopted on January 4 of this year which guarantees to the minority the right to offer a motion to recommit with instructions, and I quote from rule XI, clause 4(b), "if offered by the minority leader or his designee." That is what is contained in the House rules.

This is a guarantee we Republicans were denied on numerous occasions when we were in the minority but which we promised to give the minority if we became the majority.

Mr. Speaker, the rule goes on to provide that after the disposition of H.R. 2058, the House may proceed to the consideration in the House of House Joint Resolution 96, introduced by the gentleman from Virginia [Mr. WOLF], disapproving the extension of most-favored-nation status to the products of the People's Republic of China.

The rule provides for 1 hour of general debate, divided equally between the gentleman from Virginia and the chairman of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER].

Pursuant to the terms of the fast track procedures, the previous question is considered as ordered to final passage on the joint resolution, except that one motion to table the resolution is in order, if offered by the gentleman from Virginia [Mr. WOLF] or his designee.

Finally, the rule provides that the fast track procedures of the Trade Act shall not apply to any other disapproval resolution relating to MFN for China for the remainder of this session of Congress.

Mr. Speaker, before I turn to the policy aspects of the measures before us, I just want to comment on the cooperation we have received from the parties on all sides of the issue involved here in crafting this rule. As I mentioned earlier, this was reported from the Committee on Rules on a unanimous vote, thanks to the gentleman from California [Mr. BEILENSON] who is managing for the minority. This was also due in no small part to the cooperation and compromise among all concerned that has taken place in crafting the legislative bill made in order by the rule.

I especially want to pay tribute to the gentleman from Nebraska [Mr. BEREUTER] for his open-mindedness and willingness to listen to other Members. I also commend the gentleman from Virginia [Mr. WOLF] and the gentlewoman from California [Ms. PELOSI] who have labored for so long in these vineyards, for their accommodating attitudes in reaching agreement on a consensus bill.

I would be remiss if I did not single out the distinguished chairman of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER], and the ranking minority member of the committee, the gentleman from Florida [Mr. GIBBONS], and the Committee on International Relations chairman, the gentleman from New York [Mr. GILMAN], and the gentleman from Indiana [Mr. HAMILTON] for all their work on this issue.

Mr. Speaker, this is a good rule, a fair rule and a bipartisan rule that will enable us to debate the issues and vote on two distinct yet related propositions relating to the People's Republic of China. I hope that we will adopt this rule.

Turning now, Mr. Speaker, to the substance of the issue itself, I cannot avoid making the observation that two things have remained constant since the House began having this annual China MFN debate 5 years ago. Those two constants are simply these: Our trade deficit with China keeps going up, and the conditions within China itself keep going down, keep getting worse.

Is there a single problem that troubles the United States-China relationship which has gotten better in the last 5 years? I ask all of my colleagues listening to this debate today to answer that question. Has anything gotten better since we debated this 1 year ago? The Chinese Communists' brutal disregard for human rights, how about that? The severe restrictions on freedom of speech, press and assembly and association, have they gotten better? Members know the answer. The continued denial of prison visits by international observers, has that improved? No. The continued jamming of Voice of America, still going on. The ongoing sales of missiles and weapons of mass destruction to terrorist regimes, still going on. The unrestrained use of prison labor in the manufacture of export products, in competition to the shirt that I am wearing, made by Americans in the United States of America, has that gotten better? No; it has gotten worse, and the proof is out there.

The massive military buildup, particularly in offensive weapons systems. I mention again, offensive weapons systems, which threaten the peace of the entire East Asian region.

Do my colleagues know that the People's Republic of China has more than doubled its defense budget in the last 5 years while other countries, like the United States of America and all of our NATO allies, all countries around the world have decreased their military spending?

□ 1040

There is China's continued reliance on predatory trade practices, and I could just go on and on. To top it all off, the Chinese regime has arrested a man named Harry Wu, an American citizen, whose only crime was to tell the world the truth about China's gulag and the prison labor system. That is his only crime. Yet, he is being detained. God knows what is going to happen to him.

Mr. Speaker, the list of abuses goes on and on and on. Every one of these problems has gotten worse during a period of time in which China's exports to the United States have gone up, listen to this, have gone up 233 percent. And our trade deficit against China has gone up by a staggering 377 percent since 1989, and we sit here and allow this to continue to happen, putting Americans out of work.

That is what is wrong with giving an outlaw regime MFN status. The trade becomes a one-way street. In 1989, the year of Tiananmen Square, about 23 percent of China's total exports came to the United States, 23 percent. By last year, that figure had risen to nearly 37 percent, and yet the Chinese Communist regime continues to thumb its nose at everything our country stands for. America, the leader of democracy throughout the world, they thumb their nose at us.

I would just ask the proponents of MFN, when do the benefits start? When can we expect to see a change in Chinese behavior? The hometown newspaper of the gentlewoman from California [Ms. PELOSI] said it best.

A recent editorial in the San Francisco Examiner said that our current approach to China proves that "Once you get rolled, it's easier to get rolled again. The Chinese have little reason to think the United States will make good on any threat," because we never follow through.

Continuing to read from the Examiner editorial: "Instead of calling the shots, the United States is treated by the Chinese as a bothersome supplicant." Is that not something, this great Nation?

Continuing to read: "Such back-of-the-hand treatment should not come as a surprise. For years now the United States has seen how China treats its own citizens."

Mr. Speaker, I would simply close this portion of my remarks by noting that no Member of this body should be surprised by the current state of United States-China relations. If Members do not think about anything else today, I hope that they will at least ponder this: A China which is not at peace with its own people will not be at peace with the United States or any other country in the world. That is why human rights have to be at the center of the United States-China relationship, because American interests are ultimately inseparable from our American values. Anything and everything we do should be to promote those American values.

Mr. Speaker, we will be conducting the MFN debate this year under a different format from what we have used in previous years. The whole point of what this House will be doing today is to send a united and unmistakable message to China that the freely elected representatives of the American people are putting human rights and American values back into the central focus of the United States-China relationship.

Reasonable men and women can have an honest disagreement over the relative merits of MFN, and there are good people on both sides of this argument, Republicans and Democrats alike. However, let there be no mistake about it, Members of this Congress are unanimous in our determination to see an end to the abuses that China's Communist regime is perpetrating on its own people and on the world at large.

Mr. Speaker, I ask all of the Members to think about this point as we debate this issue over the next 3 hours.

Mr. Speaker, I include for the RECORD the following material:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 19, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open [2]	46	44	36	72
Modified Closed [3]	49	47	12	24
Closed [4]	9	9	2	4
Totals:	104	100	50	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 19, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 19, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95)
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95)
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield myself such time as I, may consume.

Mr. Speaker, we support the rule. As my colleague on the other side of the aisle has indicated, this rule will provide for the debate on two measures, H.R. 2058, the China Policy Act of 1995, and House Joint Resolution 96, the resolution disapproving the extension of most-favored-nation treatment to the People's Republic of China. The rule allows 90 minutes of debate on the China Policy Act and also provides for 1 hour of debate on the resolution disapproving MFN to China.

This is not an unusual rule for this legislation, which has critical implications for United States policy toward China. In the past, the Committee on Rules has brought two measures to the floor under one rule. My colleagues on both sides of the aisle are in total agreement with the rules resolution, and many of my colleagues, including the distinguished author of the disapproval resolution, the gentleman from Virginia, Mr. WOLF, as well as the gentlewoman from California, Ms. PELOSI, and the gentleman from Nebraska, DOUG BEREUTER, have worked many hours to reach agreement on the proper legislative approach. They have done an excellent job. They deserve, as the gentleman from New York already has, they deserve to be commended. I am glad we will have a chance to debate this issue.

The Chinese have one of the worst human rights records in the world. Individual rights of people are routinely repressed. Scholars and intellectuals are imprisoned, and women are often forced to have abortions if they try to have more than one child.

In 1989, the world was horrified when the Chinese killed their own students at Tiananmen Square. Now, 6 years later, not much has changed. China continues to violate basic human rights of its own people, and those living in Tibet as well. It also routinely contributes to nuclear weapon and missile proliferation among terrorist states.

Many of us in the Congress believe that tough economic sanctions by the United States is the only way to convince China to stop its human rights violations. By denying MFN status and reversing China's $30 billion trade surplus, we may get some concessions. If the Chinese Government refuses to hear the protests of those who respect basic human dignity, perhaps it will listen if money is at stake.

We are glad Mr. Speaker, that we will have a chance to debate this issue and to bring the bill of the gentleman from Nebraska [Mr. BEREUTER] to the floor, the so-called China Policy Act, which addresses some of the serious flaws in our current policy toward China. Again we reiterate; we support this rule, and we urge our colleagues to join us in voting for it. It is a fair and a good rule.

Mr. Speaker, I reserve the balance of my time.

Mr. SOLOMON. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. DREIER], the vice chairman of the Committee on Rules. Even though he and I disagree on this matter, he is an expert, and I will be interested in hearing what he has to say.

Mr. DREIER. Mr. Speaker, I thank the chairman of the Committee on Rules for his very kind remarks. As I look in the Chamber here, it was, believe it or not, exactly 1 year old today, July 20, 1994, that my colleague, the gentlewoman from California, Ms. PELOSI, my colleague, the gentleman from Virginia, Mr. WOLF, my colleague, the gentleman from New York, Mr. SOLOMON, the gentleman from Maryland, Mr. HOYER, the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON, our colleague, the gentleman from Arizona, Mr. KOLBE, and the gentleman from Oregon, Mr. Kopetski, our former colleague, joined in the first bipartisan, bicameral debate on a very important question that came forward. That question was, should U.S. trade policy be used to enforce human rights?

I would say to my colleagues who participated in that, they remember very well that we had a difficult time determining exactly what the exact question was going to be. We all agreed, we all agreed that U.S. trade policy should be used to promote human rights, but we decided to take the negative position, that U.S. trade policy should not be used to enforce human rights. That is for a very simple and basic reason. I remain convinced that trade promotes private enterprise, which creates wealth, which improves living standards, which undermines political repression.

If we look at the very serious challenges that lie ahead for the most populous Nation on the face of the Earth, a country which has five times the population of the world's only complete superpower, the United States of America, we clearly have an obligation to remain engaged.

Right here in the United States, we know full well that there are thousands and thousands of jobs that depend on our exports to the People's Republic of China. In fact, 360,000 jobs hinge on our exports, so clearly, cutting off trade with China would jeopardize economic growth right here in the United States.

Quite frankly, I believe that it is extraordinarily important for us to look at the gains which have been made in China over the past several years, since we worked to deal with this issue of engagement. As my friends here on the House floor know full well, I take a back seat to no one when it comes to demonstrating outrage at the issue of human rights violation.

The gentlewoman from California [Ms. PELOSI], and I joined with the gentleman from Virginia [Mr. WOLF] and others in marching, following the Tiananmen Square massacre from right here in the Capitol up to the Chinese Embassy to protest the Tiananmen Square massacre. The fact of the matter is we have to realize that if we are going to continue to deal with the improvement of human rights, there is nothing, nothing that we could do to jeopardize it in a greater way than to bring to an end, bring to an end the engagement policies that we have had over the past several years.

Mr. Speaker, last year I went with my father and traveled throughout China, and had fascinating experiences there. As I talked to people who worked, peasants and others, clearly they carried the strong message that as the old leaders of China fade from the scene, they do not want to see us leave their country economically devastated. It is for that reason that they encouraged us to maintain MFN with China.

As we also look at the situation which exists there, it is very clear that there are many things that we as a country can continue to do to improve the quality of life of the people of China. Just this week we received a letter from Jack Valenti, our friend with the Motion Picture Association of America, in which he talked about that to near record crowds; the movie "Forrest Gump" is playing in China. Let us think about the movie "Forrest Gump," that great American drama, set with the backdrop of 20th century American history. What an amazing message to have moving throughout the country of 1.2 billion people living today under political repression.

My hometown newspaper, the Los Angeles Times, just this week had a very important article talking about individuals within China from all across the economic spectrum who are benefiting from the kind of engagement that we have going on today. The benefits have been very, very great: black and white TV's are even appearing in caves in China. When one thinks about that kind of exposure to the West, we are clearly, clearly on a path toward improving the situation there.

I hope very much that we will be able to now move ahead in a bipartisan way. This is a new day, because there is recognition that while we can never tolerate the reprehensible human rights violations, the violation of Harry Wu's rights and others' rights, we need to do everything that we possibly can to move ahead with this very important policy of engagement. I thank my friends for working in a very close bipartisan way with the gentleman from California [Mr. BEREUTER], and others to bring this about.

Mr. BEREUTER. Mr. Speaker, I yield such time as she may consume to the distinguished gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Speaker, that is music to my ears. I thank the gentleman from California [Mr. BEILENSON] from the Committee on Rules for being so generous in yielding, and also the chairman of the Committee on Rules, my good friend, the gentleman from New York [Mr. SOLOMON], for bringing this rule to the floor, and for his championing the cause of freedom throughout the world, and his relentless advocacy for human rights in China.

It is with a great deal of pleasure, Mr. Speaker, that I rise in support of the Bereuter legislation, H.R. 2058, which is designed to move United States-China policy in the right direction by sending a strong message to the Chinese Government that the United States Congress is concerned about human rights in China and Tibet.

I have been pleased to work in this endeavor with my distinguished colleague, the gentleman from Virginia [Mr. WOLF]. With all due respect to the previous speaker, the gentleman from California [Mr. DREIER], we should all take a back seat to the gentleman from Virginia as an advocate for human rights throughout the world, in his advocacy for human rights. Mr. WOLF is an inspiration to this Congress, and it is a privilege to work with him.

I was particularly pleased that the leadership of this Congress, the office of the Speaker, and of the Democratic leader worked to help us merge our bills, forge a compromise under the leadership of the gentleman from Nebraska [Mr. BEREUTER], and I am grateful to him for his leadership and his receptiveness to our ideas.

As many Members know, and I address the mechanics of this because we are on the rule, as many know, we had three options out there. We had the motion offered by the gentleman from Virginia [Mr. WOLF] for total revocation; we had the legislation of the gentleman from Nebraska [Mr. BEREUTER]; and we had the Wolf-Pelosi legislation, which we believed was the strongest possible message on human rights for this Congress. We have, I think happily, been able to merge the Bereuter bill and the Wolf-Pelosi bill into the product we have here.

Indeed, we were very pleased to have many of the provisions in the bill of the gentleman from Virginia [Mr. WOLF] and the bill of the gentleman from Nebraska [Mr. BEREUTER], but I commend the gentleman from Nebraska for having initiatives that were even stronger than some of ours and with which we were very pleased to associate ourselves.

As with any compromise, some people may not be happy with it, but as I say on this China issue, if it is good enough for the gentleman from Virginia [Mr. WOLF] it should be good enough for the rest of us.

Why is it that we need to come here again to discuss this issue and to present a policy for China in the Congress of the United States? Our colleagues who have spoken before me, the gentleman from New York [Mr. SOLOMON] taking the lead, have spoken of some of the concerns that this Congress has with China. They fall into three categories, by and large: human rights, proliferation of weapons of mass destruction, and, obviously, unfair trade practices; and MFN is related to trade. It is appropriate that we are here.

The reason this debate comes up annually, and the gentleman from California [Mr. DREIER] said we were 1 year talking about this, 1 year to the day, is because the President must request a special waiver to grant MFN to China; hence, the proposed motion of the gentleman from Virginia [Mr. WOLF] to deny the President's request.

In those three areas of human rights, trade, and proliferation, in this past year there has been no progress. Indeed, the Chinese continue to violate international standards and norms, and the missile technology control regime, in transferring technology to Pakistan, to Iran, and making the Middle East a very dangerous neighborhood, as well as the world a less safe place.

If there were no other consideration, the issue of the proliferation of nuclear technology to unsafeguarded countries would be enough reason for us to deal with this MFN issue on this floor. What is dismaying about all of this is that instead of addressing this issue, the Clinton administration on June 22—this notice was in the CONGRESSIONAL RECORD on June 22: "Notice of termination of the suspensions of licenses for the export of cryptographic items to the People's Republic of

China—Message from the President." It is in the June 22, 1995, CONGRESSIONAL RECORD. I have it available for our colleagues.

This is all to say, Mr. Speaker, that there is a double standard with this administration when it comes to China. We have defined Iran as a rogue country. We have made a strong point of saying we will not trade with them. We have chastised, and more, Russia for their trade with Iran.

We have looked the other way when China has done the same, and indeed, and indeed, in the same timeframe, we have lifted—the President has gotten a blanket waiver against the prohibition of sale of encryption technologies to China. This is, I think, a big mistake. The human rights violations continue, highlighted, of course, by the arrest of Harry Wu, a champion of democracy, a scholar at the Hoover Institution at Stanford University, a distinguished American, an internationally recognized champion of human rights, and his release must be immediate, as the bill calls for.

However, I would also like to say that Harry's plight is not only that of an individual, but representative of the thousands and thousands and thousands of people who are in prison labor camps in China who Harry's advocacy was for. He had been arrested for 19 years for criticizing the Soviet invasion of Hungary. He knew of what he spoke in terms of brutality in slave labor camps. It continues. His telling the truth about that has landed him in a Chinese jail. As an American citizen he deserves our fullest support. I urge our colleagues to avail themselves of our yellow ribbons on his behalf.

He is not the only one, obviously, in prison that we are concerned about. There are thousands who are; in particular, Wei Jingsheng, Bao Tong, Chen Ziming, some of the champions of Chinese democracy. Indeed, in the last few months, many leaders and intellectuals in China have been arrested for merely signing petitions asking for an end of corruption and more democratic reforms in China. Obviously, my colleagues know I could go on all day about the violations of human rights in China.

On the subject of trade, when we first started this debate in 1989, for that year, for 1989, China had a $6 billion trade surplus with the United States. That means, as Members know, within our trade relationship they profited by $6 billion. This past year, it was $30 billion. It went $6, $9, $12, $18, $24, $30. This year it will be closer to a $40 billion trade surplus, inching closer year by year to the same kind of deficit that we have with Japan, but absent the same kind of allowing of products into their markets that even Japan does. Then Members know what our complaint is with Japan.

I do not want to bring up the issue of Taiwan in terms of recognition, but just in terms of this one figure. In China there are 1.2 billion people. In Taiwan there are approximately 19 million people, and Taiwan imports from the United States twice as much as mainland China imports from the United States, so the trade issue must be addressed, not only in terms of slave labor and violations of trade agreements, but in addition to the lack of market access for American products into China, which is also a trade violation.

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What does the administration do? The administration not only gave them MFN but this past January gave the Chinese the same trade privileges, reductions in tariffs, that World Trade Organization members have, even though China is not a member of the World Trade Organization and living up to any of the standards or requirements of the WTO.

Again, our concern is with China. The disappointment is with the administration in the way they respond to human rights, trade and proliferation violations.

This China Policy Act that the gentleman from Nebraska [Mr. BEREUTER] has authored establishes a framework for diplomatic relationships between the United States and China. It calls upon the President to undertake intensified diplomatic initiatives to persuade the Chinese Government to unconditionally and immediately release Harry Wu.

The provisions of the legislation are available to our colleagues, but since it is new I will just touch on a few:

Adhere to prevailing international standards regarding proliferation of weapons of mass destruction, including halting the export of ballistic missile technology and the provision of other weapons of mass destruction to Iran, Pakistan, and other countries of concern; respect internationally-recognized human rights—we know what they are—press, freedom of religion, assembly, et cetera; releasing all political prisoners and dismantling the Chinese gulag and forced labor system; ending coercive birth control practices; respecting the rights of the people of Tibet and ethnic minorities; curtailing excessive modernization and expansion of its military capabilities. It goes on to more on that.

Adhere to rules of international trade regime; comply with the prohibition on all forced labor products coming into the United States; and reduce tension with Taiwan through dialogue and confidence-building.

The bill specifies the administration should undertake diplomatic initiatives bilaterally with China and multilaterally in the United Nations, the World Bank, the World Trade Organization and in our bilateral relations with other countries.

In order to hold the President accountable for undertaking these initiatives, the bill requires a report to Congress within 30 days of enactment and at least every 6 months thereafter.

H.R. 2058 also places Congress firmly on the record in support of the pro-democracy movement in China. For the first time we commend the men and women working in the democracy movement, particularly those people who so bravely petitioned the Chinese Government for the promotion of political, economic and religious freedom.

Finally, the Bereuter bill requires the administration to get Radio Free Asia up and running. This important initiative has been stalled for too long. The bill mandates that within 90 days of enactment, Radio Free Asia shall commence broadcasting to China.

I urge my colleagues to give a strong vote on the Bereuter bill, on the China Policy Act, because it will allow the United States Congress to send a unified message to the Chinese Government that its continuing violations of internationally recognized human rights are not acceptable.

The reason that I am pleased with this bill and one of the reasons I support the bill is because it does hold the President accountable. Last year when the President did not abide by the Executive order he had issued the year before, he instead proposed some initiatives, a code of conduct for businesses, funding for Radio Free Asia. The list goes on and on. The fact is that the adherence to it was zero.

It is important, I think, for us to hold the administration accountable. A vote for the China Policy Act will do that. I think it is very important for this Congress. We have been engaged in advocacy for a long time. We will always be engaged in advocacy for the causes of concern to us. But absent a coherent China policy that maybe the State Department proposes, the Commerce Department appears to dispose, I think it then behooves the Congress to set forth a framework that will have a positive impact on our relationship with China.

I think the message should be very clear that a prosperous, strong and democratic China is in the best interest of the United States. We look forward to a great future with the Chinese people, but in doing so we want to do it on the basis of recognition of international norms and indeed norms that the Chinese Government has signed on to but has not abided by.

By supporting the Bereuter bill, we can speak with one voice on behalf of those fighting for freedom in China. I urge my colleagues to vote for the bill.

In closing, I wish once again to commend my colleagues on that side, the gentleman from New York [Mr. SOLOMON], the gentleman from Virginia [Mr. WOLF], and particularly in this case the gentleman from Nebraska [Mr. BEREUTER] for his leadership in bringing e willing to go through the trouble of least mentioning, of at least telling e tyrants in China, "We know who ou are" or "We know your genuine ture."

"We know that you murder prisoners nd that you sell their organs. We now that you use slave labor. We now that you force women to have bortions."

By not extending MFN, we would mply be telling the Chinese tyrants, We know who you are and we're telling the world who you are. Recognizing he geopolitics, which we are not ignoring, we're telling you who you are."

I wish that we would have that vote oday. If not, I think we are making at east some progress with the well-thought-through and negotiated legislation presented by the gentleman om Nebraska [Mr. BEREUTER]. But his is an issue that will not go away ntil China truly is normal. Then we an tell the world community they are ot a rogue regime. They are normal.

Mr. HALL of Ohio. Mr. Speaker, I ield 2 minutes to the gentleman from aryland [Mr. CARDIN].

Mr. CARDIN. Mr. Speaker, we should ot be timid in using trade with the nited States to stand up for human ights. This Nation has stood tall, ometimes alone, for the rights of people around the world against some very trong governments.

Some of the proudest moments in the istory of this Nation were when we watched Soviet emigres settle in new omes around the world. We saw the estruction of the Berlin Wall, the historic elections in South Africa, knowing full well the role that we played in he United States to bring about these istoric moments.

Trade was a critical tool in those hanges. MFN and denying it to the Soviet Union played a critical role in he actions of the Soviet Union in Eastern Europe. Trade sanctions gainst South Africa was a critical tool n bringing about the changes in South frica.

The current conditions in China, as it elates to respect for human rights, is utrageous. We should not be timid in aking economic action as it relates to China. It will work. China, as the Soviet Union of the pre-1990's before it, hould not be granted unrestricted MFN. We should stand tall for human ights against these nations. It will work.

Mr. HALL of Ohio. Mr. Speaker, I ield 2 minutes to the gentleman from Georgia [Mr. LEWIS].

Mr. LEWIS of Georgia. Mr. Speaker, thank my friend and colleague for ielding me the time.

Mr. Speaker, I strongly support this ule. I want to thank the gentleman rom New York [Mr. SOLOMON], the hairman, the gentleman from Virginia Mr. WOLF], the gentlewoman from California [Ms. PELOSI] and the gentleman from Nebraska [Mr. BEREUTER]

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this legislation to the floor. I once again thank the leadership of the House for accommodating our concerns.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I am not here today to talk about Harry Wu or Tiananmen Square or human rights. Those issues should be addressed. But I think commerce and trade should be looked at in a little bit of a different vein here, folks.

Let me say this: America does not need to go bankrupt trying to effect some social reforms in China.

Let us look at the record. China has been convicted of dumping in American markets, placing phony "made in America" labels on cheap Chinese imports, violating international prison labor law, violating United States copyright law, closing Chinese markets, and that is only the tip of the iceberg. Their average wage is 17 cents an hour. They still employ slave labor.

Let us look at some facts. Right now China enjoys a one-way street, a $37 billion trade surplus with America, second only to Japan. At least Japan makes us some promises. China makes us threats. China says if you mess with MFN, they will crack down on soybeans, corn, aircraft, grain. They will not tolerate it. Unbelievable, ladies and gentlemen.

I believe that a Congress that will allow China to dictate trade terms is the same Congress that has destroyed many American jobs.

Let us talk some business. How do you compete with foreign imports with a wage factor so limited and low? Then they rip off our markets illegally and we extend the red carpet treatment, talking about all the great business we are going to attain.

This is a dream world. The Constitution is very clear on this: Congress shall regulate commerce with foreign nations. One of the main problems financially in America is the Congress of the United States talking about balanced budgets and all of these other sideline issues and missing the whole boat. You cannot balance the budget of the United States buying much more than you sell. That is what we are doing, and it is our trade problem, folks.

I am going to oppose any more most-favored-nation trade status for China for one reason: They do not deserve it. It is time to regulate trade with China.

One last thing, ladies and gentleman. We are either going to take on the trade issue in America or we will continue to have huge budget deficits and tremendous loss of jobs. You cannot separate them.

Mr. SOLOMON. Mr. Speaker, I yield 3½ minutes to the gentleman from Florida [Mr. DIAZ-BALART], another outstanding member of the Committee on Rules who formerly served on the Committee on Foreign Affairs and is certainly very knowledgeable on this issue.

Mr. DIAZ-BALART. Mr. Speaker, I thank the gentleman, the chairman of the Committee on Rules, for yielding me the time.

Mr. Speaker, I want to thank our distinguished colleagues who have worked so diligently and so exhaustively on this issue: The gentleman from Nebraska [Mr. BEREUTER]; of course the gentleman from Virginia, [Mr. WOLF], the tireless champion for human rights throughout the world; the gentlewoman from California [Ms. PELOSI] who has distinguished herself in her career for her advocacy on behalf of democracy and human rights in China; the gentleman from New York [Mr. SOLOMON], my chairman and dear friend; the gentleman from New Jersey [Mr. SMITH] who is here and who has worked so tirelessly on this issue as has the gentleman from Illinois [Mr. HYDE] and others.

Mr. Speaker, this is a fair rule. I rise in support of it. I would prefer today to see a vote on the denial of the extension of MFN to China. But I will support the Bereuter legislation. I think it is a fair, well-thought-out piece of legislation.

What we are dealing with, Mr. Speaker, here today on this issue really I think is related to the following question: What is the goal, or what should be the goal of our public policy? The maximization of profit for our businesses at all costs, even at the cost of ignoring, of not even mentioning the Orwellian nature of the Chinese regime?

I know, Mr. Speaker, the geopolitics involved when we analyze China. I know that China is the historical adversary of Russia, and I know the size of China and the great number of human beings that reside there.

May I recommend to our colleagues the book by our colleague, the gentleman from North Carolina [Mr. FUNDERBURK], written with regard to his experience when he was United States Ambassdaor to Romania under Ceausescu, his brilliant synthesis of how those rogue regimes look to most-favored-nation status as legitimization of their conduct. They know who they are, but they want to be told by the leader of the free world, the United States in effect, and we do that with MFN, "You're normal. We are ignoring your rogue status. We are ignoring the nature of your brutality."

That is what MFN is. When we deny MFN, there are no tariffs involved. It is simply a political statement which tells rogue regimes, in this case the Chinese regime, that they are not what they really are. That, in effect, is what MFN is.

I think that we have to realize and ask this question about ourselves: Are for all their good work. We must send a very strong message to China.

Mr. Speaker, we must send a strong message to China. We must let China know that if they want to join the community of nations, they must treat their people with respect and dignity. We must tell them that selling arms to Iran, a terrorist nation, is unacceptable.

Harry Wu's arrest is only the most recent reminder of China's longstanding human rights abuses. We cannot forget the day the tanks rolled into Tiananmen Square. Terrible human rights abuses continue to this day.

Political prisoners in China and Tibet are brutally tortured. Religious leaders are imprisoned. Democratic reformers are jailed. There is no freedom of speech, no freedom of press, no freedom at all.

We have a moral obligation and a mandate to tell China to change its ways. As a Congress and as a nation, we cherish freedom, and we must speak out.

We cannot stand by while China stifles dissent and disagreement. We cannot stand by while the Chinese Government tortures its prisoners. We cannot stand by while China exports goods made in slave labor camps. We cannot stand by while China detains an American citizen, Harry Wu, and threatens him with the death penalty.

I truly believe that if you do not stand for something, you will fall for anything. We cannot have trade at any cost. We must not let the democracy movements in China and Tibet fall. We must stand with the people who are fighting for freedom. I urge my colleagues to support this Rule.

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Mr. SOLOMON. Mr. Speaker, I yield 4½ minutes to the gentleman from New Jersey [Mr. SMITH] who has been one of the leaders for human rights throughout this world for many, many years in this body, and we just admire and respect him so much.

Mr. HALL of Ohio. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Speaker, let me say that the gentleman from New York [Mr. SOLOMON], especially on the issues related to China, has been a stalwart and it is so good to be working with him and the gentleman from Virginia [Mr. WOLF] and the gentlewoman from California [Ms. PELOSI] and many others.

China is one of the worst, most egregious abusers of human rights in the world today. In report after report issued by our own State Department, and numerous human rights organizations, examples of wide-ranging abuses of human rights indicate that no aspect of human life is free from the repressive and the insidious control of the butchers of Beijing.

Mr. Speaker, last year, a year and a half ago, I thought the President had it right. He issued an Executive order. He laid down very clear, nonambiguous markers. Significant progress in human rights had to be achieved or MFN was a goner. He stated this and made very, very much about it. As a matter of fact, during his race for the Presidency, he accused Mr. Bush of coddling dictators.

But I am very sorry to say that as we saw a deterioration of the human rights situation in China and a significant regression, this President, Bill Clinton, blinked. He did a complete flip-flop, backed off a very principled stand, and then coddled the dictators, the very butchers of Beijing that he was so rightfully critical of during the campaign and during the early months of his Presidency.

It is shameless. The situation in China on religious freedom has gotten significantly worse. Li Peng issued two sweeping decrees, 144 and 145, to crack down on the house church movement and on the fledgling Catholic church in the People's Republic of China. One could be part of the officially government-sanctioned, government-run church, but if they dared to worship God and read their Bible in their home, or assemble to praise God, they are going to have their door broken down and the public security police are going to yank them off to prison for interrogation and for beatings.

The situation of Harry Wu, I think, crystallizes what is going on in China today. Here is a man who spent 19 years in the Laogai, was in the gulag system, faced unbelievable repression, the use of hunger as a means of torture.

He spoke at a subcommittee hearing. I am the chairman of the International Operations and Human Rights Subcommittee, and Harry and other survivors of the Laogai system came forward and talked about their terrible experiences in that gulag system. Many of those products which end up in our stores. They are being sold in our supermarkets and in our stores across the country.

We have what we call a memorandum of understanding with the People's Republic of China, to check out the use of gulag labor for export, and it is a farce. They do not allow us access to those. The gentleman from Virginia [Mr. WOLF] and I went to Beijing Prison No. 1 and saw socks and jelly shoes being made, but it was one of those rare instances when we were actually able to see what was being made with prisoners and other people who were held in incarceration.

Harry Wu, Mr. Speaker, should tell us all what can happen when an American citizen traveling on a duly issued visa and passport, is held incommunicado and denied access by our own Embassy, against all the rules, and now continues to languish in China against his will. It tells us that the human rights situation is abysmal.

He has been a tremendous witness to the sorriest state of human rights in China and, thankfully, we are today beginning to bring some focus on what is actually occurring there.

On the issue of forced abortion, Mr. Speaker, which I know Members have heard me talk about since 1979 when it was first initiated in that country, just the other day I received a letter from a woman in China who heard me talking about it on Voice of America and she wrote me this letter: "I've been hesitating to write you until today. At the end of May I heard a report on V.O.A. about your concern over China's cruel policy of forced abortion."

"As a Chinese woman who has just been forced to have an abortion at that time, I really agree with you. What is a real woman without the personal right to have one more child, especially when she is expecting a baby and obliged by the state to kill that baby."

Mr. Speaker, she went on to say, "Considering human rights in China, we suffer more than any other countries, if we don't have the right even to get birth to a baby. What's the use of any other rights? Please don't mention my name in public since I could be severely punished." And she went on in her letter to talk about what some of her friends have gone through.

Mr. Speaker, on gulag labor, on religious repression, on forced abortion, all of these human rights abuses, the Tiananmen Square and other dissidents who continue to be rounded up. Wei Jing Cheng, who met with Assistant Secretary John Shattuck and 2 weeks later was dragged into prison. Here is the hero to the Democracy Wall movement who had the audacity to meet with the Assistant Secretary for Human Rights. He met with me 2 weeks earlier in Beijing and because he met, he was dragged off and we have not heard from him since.

This is a very cruel regime, Mr. Speaker. To be dealing with the Chinese today, and to act as if there is nothing going on human rights wise, is like dealing with the Nazis back in the 1930's. This is a cruel dictatorship. Let us not forget that. Their people do not have rights.

And when we talk about empowerment, empowerment has not worked. Yes, trains may run on time and we may be having this robust trading relationship, but they have had regression in human rights. They have gone in the opposite direction. Rather than liberalization, they have become more repressive.

There is a compromise piece of legislation that will be offered. I think it is a good start. I would have hoped that we would have revoked MFN. The President shamelessly delinked it, after making all the right noises for months. He delinked it when human rights got worse in China. For years to come, that will be seen as one of the worst decisions this President has ever made and another indication of the vacillation of the Clinton Presidency.

Mr. Speaker, I urge Members to vote for the Bereuter legislation. I do think it makes a strong statement. Radio Free Asia is needed now more than ever and language in this legislation admonishes the President to do that. It is a good bill. We could have had better, but I urge support for it.

Mr. HALL of Ohio. Mr. Speaker, I yield 5½ minutes to the gentleman from Connecticut. [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, we have today an opportunity to take a small step forward on behalf of human rights for the people of China. In is a very small step. It takes very little courage on our part, for we risk nothing, either economically or our own personal freedom.

There is must more that has to be done. For people listening to this debate, it must often be difficult to reconcile a country of a billion people with a focused discussion on only one or two individuals: Harry Wu, an American citizen who had all the proper documents to enter China, sitting in prison; a handful of others that are occasionally mentioned.

What we do here today, and focusing on Harry or one or two others, it to try to get across to people what is going on today in China. I first met Harry Wu 3 or 4 years ago. He came to testify about slave labor and prison labor. He had with him a hidden camera as he met with Chinese officials.

Posing as an American businessman, Harry asked how could he be guaranteed the quality that he wanted in his products being made in a prison. In a free market, in a factory where workers come voluntarily, their pay and benefits have an impact on the product. But he asked, how could he be guaranteed the product make by people who were enslaved by the Chinese government could have that quality? And the Chinese official, on camera, took her hands and said, "We beat them. We beat them."

American consumers are out here today purchasing products made by men and women who are in prison and beaten to keep up the quality that international corporations demand of the products they sell across the globe.

We are going to take a small step here today, but there is an opportunity for American citizens to take a much larger step in the message to the Chinese tyrants.

When you buy something, take a look at where it is made. If you have an opportunity to buy something made in the United States or a country that respects human rights, make the purchase from that country. There are products at the same price. New Balance sneakers made in the United States cost the same as those sneakers made by people enslaved in China. Buy the American product.

If the Chinese officials see their percentage of sales in the United States drop, we will not have to wait for a Congress or an administration to take sufficient steps to get that message across to the Chinese Government.

We, as citizens in this country, together have the ability to have an impact on the policies within China. The tens of billions of dollars worth of products that are sold in this country each and every year provide the financing to sustain their system of government.

Together, we can make that difference. Every time you go out to the store, take a look at where the product is made. If the product is made in a country that oppresses human rights, as China does, try not to buy that product. Maybe you cannot make it 100 percent of the time. If you do it once in a while, if you do it twice, whatever time you can do that, you will help people like Harry Wu who have risked their lives to take this action.

When I grew up as a young man, I was told of an old Polish lady who saved my father's life. My father, a Lithuanian Jew at the time, was hiding from the Nazis. The borders have moved so often, it is hard to tell. It was Poland at that time; today it is Lithuania.

She took this man in at risk of losing their eight children. When I think of courage, I think of this woman. To save an individual's life, not a family member, she risked not only her own life, but she risked the lives of her eight children.

That courage that is asked of us here on this floor as American citizens does not come to the same chart even. We are protected by civil rights and civil liberties. We live in the greatest democracy in the world. But together we can help, without risk, the lives of those today imprisoned in China.

Join us in boycotting Chinese-made products. Write to legislators and senators who oppose the Chinese Government's continued oppression, and we will make a small difference in the lives of Chinese citizens. A billion people in China have a right to expect that they can live with some dignity and without oppression from their own government.

Today we in the Congress will make a small step in sending a message to the Chinese Government. The American citizenry together can send a much larger message. Let us not forget Harry Wu and the millions like him in China. Let us stand together for freedom and individual rights. Let us not forget the heroes of Tiananmen Square. Let us do our small part in fighting for freedom.

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Mr. SOLOMON. Mr. Speaker, I yield 2 minutes to the very distinguished gentleman from Illinois [Mr. MANZULLO], a member of the Committee on International Relations.

Mr. MANZULLO. Mr. Chairman, the Bereuter resolution moves this country in the direction of putting additional pressure on China in terms of human rights violations. We can do that, and we can also have MFN status with China.

This country exports more than $9 billion a year of goods to China. That is close to 200,000 jobs in this country. If we do not have MFN status with China, that will be only one of eight countries with which we have no MFN status with in the entire world.

Last year, I spent an entire day with Counsel General Wang Li from China in the 16th district in Illinois, which has 1,500 factories. He told me there are 300 cities in China that have in excess of 1 million people. Seventy-five percent of those cities do not have an airport, and he said that China is in the process of building over 200 airports. This is the time to expand our trade with China.

Look what happened this past week. China signed a $1 billion agreement with Mercedes-Benz in a joint partnership to build the minivan in China. That could have been signed with Chrysler, and I hope one day eventually that will happen. What we have to do is to keep open the channels of communication.

To deny MFN status would be to close that avenue.

President Nixon said in a letter to President Bush in 1989, that "in the current emotion of the moment our Nation seem to be forgetting an important point: A modernized, unified, and effectively governed China that has good relations with us is by far the preferred solution for advancing American security interests in East Asia." It was true in 1989; it is true in 1995. Let us move forward and recognize that 60 percent of all world trade is occurring in the Pacific rim.

Mr. SOLOMON. Mr. Speaker, as I yield to the next speaker, let me thank the gentleman from Ohio [Mr. HALL]. He has taken over on his side of the aisle as the manager of this rule. He is truly one of the outstanding Members of this body, who has stood up for the oppressed people around this entire world. And we admire him and respect him as well.

Mr. Speaker, I yield 3¾ minutes to the gentleman from Virginia [Mr. WOLF], the gentleman who has led the fight for human rights all over this world.

Mr. WOLF. Mr. Speaker, I want to personally thank the gentleman from New York [Mr. SOLOMON] for his faithfulness over the years; also the gentlewoman from California [Ms. PELOSI] for her faithfulness on this. She was like

Margaret Thatcher on this, and I also want to thank the gentleman from Nebraska [Mr. BEREUTER] for his willingness to kind of work this out, and I want to thank the Speaker personally because his involvement made a difference.

So much I want to say. I tell the gentleman from Illinois [Mr. MANZULLO] that, if we had traded with Hitler, I do not think it would have made any difference, and I went to the Holocaust Museum and saw the documents where they said it would just have more business with Hitler, he will change, and he did not change.

There is a lot bad going on in China. This is a good resolution, it is a good bill, and I support it, but keep in mind, I will tell the gentleman when he talks about business, there are Catholic priests in jail that we now have in jail in China. How much business is it worth for our Catholic priest to be in jail? There are Protestants who have been arrested in church. How much money in trade and factories is it worth for that American? Harry Wu, an American prisoner, is in jail. They have more gulags and slave labor camps.

The gentleman met with a Chinese counselor. How about going into slave labor camps? That is the problem. When our people go to China and meet, they have dinner with Li Peng. They do not go into the house churches and into the slave labor camps.

Do not forget they are trading nuclear weapons with Iran and Iraq. Do not forget the missile violations, the chemical war violations. Do not forget they are plundering Tibet. Do not forget they have arrested the men and women connected with the Dalai Lama. There are a lot of bad things that China has done, and we should recognize this.

Although this resolution is good, because it finally gets the Congress in a bipartisan way to come together, my last comment is this:

People talk about MFN. We would not have granted MFN to the Soviet Union. When Shcharansky was in Prime Camp 35, we would not have granted MFN to the Soviet Union, and both sides know it. When Sakharov was under house arrest in Gorky, we all stood together, Republicans, Democrats, Liberals, and Conservatives, because there was pressure to do it, and God bless Ronald Reagan, and where is he when we need him now? He stood firm and called them the Evil Empire. We would not have granted MFN to Czechoslovakia when Havel was under arrest. No way we would have done it. A Member would have been embarrassed to come down to the floor and say, "Havel is in jail, let's give him MFN."

And I thank the gentleman from Georgia [Mr. LEWIS], who is not here. We would not have lifted sanctions and done anything for South Africa when Nelson Mandela was in.

So this is a good resolution. It puts the Congress on record. But let us not drip with sour grapes and say China is going to build all these airports, and they are going to do all these wonderful things.

How about what the gentleman from Ohio [Mr. TRAFICANT] and the gentlewoman from Ohio [Ms. KAPTUR] will tell us? We have lost millions of jobs, millions of jobs.

This is a trade issue. Their imbalance is almost $40 billion, a trade imbalance. We have lost a million jobs. It is a slave labor issue. It is a persecution of religious faith, Catholic, Protestant, Buddhist. It is all these other issues. They sold weapons to Iraq that were used against American men and women to kill people in the gulf.

Having said that though, I just did not want the reports to go off that everything was wonderful. Having said that, the Bereuter resolution is a good resolution, and it is my prayer that we could come together and solve this problem. Every night I pray that China, in my prayers that China, will be free, and hopefully with the work that the gentleman from Nebraska [Mr. BEREUTER] has done and coming together, we put pressure on, there will be freedom, and 10 years from now there will be freedom in Tiananmen Square, freedom in China, and democracy, and I want to again thank the gentleman from Nebraska [Mr. BEREUTER]. I will be eternally grateful to the Speaker for his help, the gentleman from New York [Mr. SOLOMON] for his faithfulness, and the gentlewoman from California [Ms. PELOSI] for her doggedness in staying with this issue.

The SPEAKER pro tempore (Mr. EMERSON). The gentleman from New York [Mr. SOLOMON] is recognized for 15 seconds.

Mr. SOLOMON. Mr. Speaker, let me just say this rule was negotiated with the minority, the Democratic and Republican leadership. It is a good rule, it is a fair rule, and I hope Members come over here and vote for it. As a matter of fact, I hope there is not even a recorded vote on it.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

CHINA POLICY ACT OF 1995

Mr. BEREUTER. Mr. Speaker, pursuant to House Resolution 193, I call up the bill (H.R. 2058) establishing United States policy toward China, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The text of H.R. 2058 is as follows:

H.R. 2058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "China Policy Act of 1995".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The People's Republic of China comprises one-fifth of the world's population, or 1,200,000,000 people, and its policies have a profound effect on the world economy and global security.

(2) The People's Republic of China is a permanent member of the United Nations Security Council and plays an important role in regional organizations such as the Asia-Pacific Economic Cooperation Forum and the ASEAN Regional Forum.

(3) The People's Republic of China is a nuclear power with the largest standing army in the world, and has been rapidly modernizing and expanding its military capabilities.

(4) The People's Republic of China is currently undergoing a change of leadership which will have dramatic implications for the political and economic future of the Chinese people and for China's relations with the United States.

(5) China's estimated $600,000,000,000 economy has enjoyed unparalleled growth in recent years.

(6) Despite increased economic linkages between the United States and China, bilateral relations have deteriorated significantly because of fundamental policy differences over a variety of important issues.

(7) The People's Republic of China has violated international standards regarding the nonproliferation of weapons of mass destruction.

(8) The Government of the People's Republic of China, a member of the United Nations Security Council, is obligated to respect and uphold the United Nations Charter and Universal Declaration of Human Rights.

(9) According to the State Department Country Report on Human Rights Practices for 1994, there continue to be "widespread and well-documented human rights abuses in China, in violation of internationally accepted norms...(including) arbitrary and lengthy incommunicado detention, torture, and mistreatment of prisoners.... The regime continued severe restrictions on freedom of speech, press, assembly and association, and tightened control on the exercise of these rights during 1994. Serious human rights abuses persisted in Tibet and other areas populated by ethnic minorities.".

(10) The Government of the People's Republic of China continues to detain political prisoners and continues to violate internationally recognized standards of human rights by arbitrary arrests and detention of persons for the nonviolent expression of their political and religious beliefs.

(11) The Government of the People's Republic of China does not ensure the humane treatment of prisoners and does not allow humanitarian and human rights organizations access to prisons.

(12) The Government of the People's Republic of China continues to harass and restrict the activities of accredited journalists and to restrict broadcasts by the Voice of America.

(13) In the weeks leading to the 6th anniversary of the June 1989 massacre, a series of petitions were sent to the Chinese Government calling for greater tolerance, democracy, rule of law, and an accounting for the

1989 victims and the Chinese Government responded by detaining dozens of prominent intellectuals and activists.

(14) The unjustified and arbitrary arrest, imprisonment, and initiation of criminal proceedings against Harry Wu, a citizen of the United States, has greatly exacerbated the deterioration in relations between the United States and the People's Republic of China, and all charges against him should be dismissed.

(15) China has failed to release political prisoners with serious medical problems, such as Bao Tong, and on June 25, 1995, revoked "medical parole" for Chen-Ziming reimprisoning him at Beijing No. 2 Prison, and Chinese authorities continue to hold Wei Jingsheng incommunicado at an unknown location since his arrest on April 1, 1994.

(16) The Government of the People's Republic of China continues to engage in discriminatory and unfair trade practices, including the exportation of products produced by prison labor, the use of import quotas and other quantitative restrictions on selected products, the unilateral increasing of tariff rates and the imposition of taxes as surcharges on tariffs, the barring of the importation of certain items, the use of licensing and testing requirements to limit imports, and the transshipment of textiles and other items through the falsification of country of origin documentation.

(17) The Government of the People's Republic of China continues to employ the policy and practice of controlling all trade unions and continues to suppress and harass members of the independent labor union movement.

(18) The United States-Hong Kong Policy Act of 1992 states that Congress wishes to see the provisions of the joint declaration implemented, and declares that "the human rights of the people of Hong Kong are of great importance to the U.S. Human Rights also serve as a basis for Hong Kong's continued prosperity,". This together with the rule of law and a free press are essential for a successful transition in 1997.

(19) The United States currently has numerous sanctions on the People's Republic of China with respect to government-to-government assistance, arms sales, and other commercial transactions.

(20) It is in the interest of the United States to foster China's continued engagement in the broadest range of international fora and increased respect for human rights, democratic institutions, and the rule of law in China.

SEC. 3. UNITED STATES DIPLOMATIC INITIATIVES.

(a) UNITED STATES OBJECTIVES.—The Congress calls upon the President to undertake intensified diplomatic initiatives to persuade the Government of the People's Republic of China to—

(1) immediately and unconditionally release Harry Wu from detention;

(2) adhere to prevailing international standards regarding the nonproliferation of weapons of mass destruction by, among other things, immediately halting the export of ballistic missile technology and the provision of other weapons of mass destruction assistance, in violation of international standards, to Iran, Pakistan, and other countries of concern;

(3) respect the internationally-recognized human rights of its citizens by, among other things—

(A) permitting freedom of speech, freedom of press, freedom of assembly, freedom of association, and freedom of religion;

(B) ending arbitrary detention, torture, forced labor, and other mistreatment of prisoners;

(C) releasing all political prisoners, and dismantling the Chinese system of jailing political prisoners (the gulag) and the Chinese forced labor system (the Laogai);

(D) ending coercive birth control practices; and

(E) respecting the legitimate rights of the people of Tibet, ethnic minorities, and ending the crackdown on religious practices;

(4) curtail excessive modernization and expansion of China's military capabilities, and adopt defense transparency measures that will reassure China's neighbors;

(5) end provocative military actions in the South China Sea and elsewhere that threaten China's neighbors, and work with them to resolve disputes in a peaceful manner;

(6) adhere to a rules-based international trade regime in which existing trade agreements are fully implemented and enforced, and equivalent and reciprocal market access is provided for United States goods and services in China;

(7) comply with the prohibition on all forced labor exports to the United States; and

(8) reduce tensions with Taiwan by means of dialogue and other confidence building measures.

(b) VENUES FOR DIPLOMATIC INITIATIVES.—The diplomatic initiatives taken in accordance with subsection (a) should include actions by the United States—

(1) in the conduct of bilateral relations with China;

(2) in the United Nations and other international organizations;

(3) in the World Bank and other international financial institutions;

(4) in the World Trade Organization and other international trade fora; and

(5) in the conduct of bilateral relations with other countries in order to encourage them to support and join with the United States in taking the foregoing actions.

SEC. 4. REPORTING REQUIREMENTS.

The President shall report to the Congress within 30 days after the date of enactment of this Act, and no less frequently than every 6 months thereafter, on—

(1) the actions taken by the United States in accordance with section 3 during the preceding 6-month period;

(2) the actions taken with respect to China during the preceding 6-month period by—

(A) the United Nations and other international organizations;

(B) the World Bank and other international financial institutions; and

(C) the World Trade Organization and other international trade fora; and

(3) the progress achieved with respect to each of the United States objectives identified in section 3(a).

Such reports may be submitted in classified and unclassified form.

SEC. 5. COMMENDATION OF DEMOCRACY MOVEMENT.

The Congress commends the brave men and women who have expressed their concerns to the Government of the People's Republic of China in the form of petitions and commends the democracy movement as a whole for its commitment to the promotion of political, economic, and religious freedom.

SEC. 6. RADIO FREE ASIA.

(a) PLAN FOR RADIO FREE ASIA.—Section 309(c) of the United States International Broadcasting Act of 1994 (22 U.S.C. 6208(c)) is amended to read as follows:

"(c) SUBMISSION OF PLAN.—Not later than 30 days after the date of enactment of the China Policy Act of 1995, the Director of the United States Information Agency shall submit to the Congress a detailed plan for the establishment and operation of Radio Free Asia in accordance with this section. Such plan shall include the following:

"(1) A description of the manner in which Radio Free Asia would meet the funding limitations provided in subsection (d)(4).

"(2) A description of the numbers and qualifications of employees it proposes to hire.

"(3) How it proposes to meet the technical requirements for carrying out its responsibilities under this section.".

(b) INITIATION OF BROADCASTING TO CHINA.—Not later than 90 days after the date of enactment of this Act, Radio Free Asia shall commence broadcasting to China. Such broadcasting may be undertaken initially by means of contracts with or grants to existing broadcasting organizations and facilities.

The SPEAKER pro tempore. Pursuant to House Resolution 193, the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Indiana [Mr. HAMILTON] will each be recognized for 45 minutes.

The Chair recognizes the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I yield myself 7½ minutes.

Mr. Speaker, my colleagues, make no mistake about it. United States relations with the People's Republic of China have deteriorated to a very troubled level. Currently, United States-China relations are cool and formal, and are dominated by a series of disputes. In this environment, animosities and grievances—on both sides—could boil over and cause an irreparable breach. Indeed, a new cold war, this time with the PRC, is not entirely impossible—but it is avoidable. We must all approach this debate today with a deep sense of gravity and care regarding the long-term importance and fragility of Sino-American relations.

Clearly, Mr. Speaker, a further, unnecessary deterioration in Chinese-American relations is not in the United States national interest. It would not serve our security goals; nor would it serve our human rights objectives. It would not advance our trade and economic objectives. Simply put, I emphasize to my colleagues today that what we do here today should not aim to isolate or demonize China or foster the attitude in this country that China is an enemy. They are not an enemy. We should have the objective of improving the Chinese-American relationship while, at the same time, always acting in our national interest. These goals are not incompatible.

Having said that however, this Member steadfastly believes that the United States must remain engaged with China. This does not mean that we should ignore the many legitimate differences between our two nations. It is entirely proper that we make weapons proliferation, human rights, and the proper treatment of U.S. nationals, such as Harry Wu, our foreign policy objectives of the highest order. H.R. 2058, the China Policy Act of 1995, does precisely that. It fills a crucial gap by setting forth both clear policy objectives for the United States-China relationship and appropriate directions to the executive branch.

Mr. Speaker, this Member has carefully and painstakingly worked to draft legislation that accurately and comprehensively describes the House of Representatives' objectives and our concerns with regard to the Government of the People's Republic of China. With significant contributions from the gentleman from Virginia [Mr. WOLF], the gentlewoman from California [Ms. PELOSI], and with the support of the House leadership as well as bipartisan staff assistance from the House International Relations Committee, we have crafted bipartisan legislation that nearly every Member, in good conscience, can support.

The China Policy Act of 1995 concisely states the United States' foreign policy grievances with the People's Republic of China. This legislation very specifically calls upon the President of the United States to undertake the following diplomatic initiatives, to report on their progress, and to use every available diplomatic means to cause China to accomplish the following reforms:

First, permit freedom of assembly, freedom of association, freedom of press, and freedom of religion.

Second, end arbitrary detention, torture, forced labor, and other mistreatment of prisoner.

Third, release all political prisoners, including Harry Wu, and dismantle the Chinese gulag and forced labor system.

Fourth, end coercive birth control practices.

Fifth, respect the legitimate rights of ethnic minorities and the people of Tibet.

Sixth, curtail excessive modernization and expansion of China's military capabilities.

Seventh, halt provocative military actions in the South China Sea.

Eighth, implement, and enforce international trade agreements.

Ninth, comply with prohibitions on all forced labor exports to the United States.

Tenth, reduce tensions with Taiwan.

Finally, this legislation commends the petition and democracy movement in China of brave men and women who are committed to the promotion of political, economic, and religious freedom. And, it also attempts to assist them and all Chinese in their endeavors by requiring the speedy implementation of the already authorized Radio Free Asia initiative.

Mr. Speaker, this legislation is both an alternative to a damaging MFN denial for China and also a positive statement of congressional concerns. It is the beginning, hopefully, of a process of formulating a clearer and more comprehensive policy toward China. Since we don't have a clear statement of policy emanating from the executive branch, we will begin the U.S. effort here today.

Of course, this legislation and the criticisms of China that it outlines, will not be welcomed by Beijing's leaders, but it will give hope to millions of Chinese who suffer from a denial of fundamental rights. Moreover, it states U.S. concerns forthrightly. Unlike a denial of normal trade status, which is really what MFN treatment entails, this legislation is not as likely to fuel the recent downward cycle of action and reaction that has gravely endangered U.S. interests.

Mr. Speaker, China is in the midst of a prolonged succession struggle. This power struggle has enormous implications for China's future and its relations with the United States, and for global security and the world economy. Since the triumph of the Communists in 1949 China had been dominated by two leaders, Mao Tse-tung and Dung Xiaoping. What leader or what collective leadership will next succeed to that mantle of power in the PRC? What will be their ideology, values, and policies? We cannot discern or determine that, but we can and must make sure that we do not give advantage to those who would take China backward economically or make it more aggressive and assertive internationally.

By extending normal trade status while simultaneously stating and acting upon our serious concerns with the practices and policies of the People's Republic of China we are making several very important points.

First, we want to see a prosperous Chinese people.

The American system of free enterprise is the envy of the world, including China. In fact, many dissidents in China support extension of most favored nation or normal trade status to China because they know that economic freedom often precedes other freedoms as well. In Taiwan, for example many people will soon vote for a President for the first time. In other Asian countries, political freedoms following economic liberalization has been the norm rather than the exception.

Second, we support the development of a Chinese Government that can protect the civil and political rights of its own people with stable and accountable institutions.

Fragmentation or chaos of the Chinese Government is neither in the interest of the United States or the people of China. Human rights abuses occur in China not only because of failed official policies of the Chinese government but also because of the corruption and lack of respect for the rule of law. Stable institutions which abide by the rule of law are essential to provide the proper protection that the Chinese people necessarily demand and should enjoy.

Third, we respect a China that can defend itself, but we must demand a China that adheres to its international commitments to coexist peacefully, respect international legal norms, and refrain from aggressive military action.

As chairman of the Asia and Pacific Subcommittee of the House International Relations Committee, this Member would note that cooperation with China has been an important key to preventing an explosive, perhaps nuclear, confrontation with North Korea. And while we have very grave concerns about a number of China's transactions with countries like Iran and Pakistan, it is important to note that we have been actively engaged with the PRC on proliferation issues. We have succeeded in preventing a number of dangerous sales, and we continue to press on other matters of concerns. I would tell my colleagues—no, I warn my colleagues—that if we disengage from China, we will have absolutely no influence over what China exports, or to whom.

In closing, Mr. Speaker, I urge my colleagues to pause for a moment to consider the importance of our long-term interests with China. Let me remind everyone, in all candor, that China will be one of the two or three most important strategic relationships this Nation will have in the coming decades. China will be one of the two or three most important countries in the world early in the next century. Quite simply, China is too big, and too dynamic, and too strategically important to ignore or push to an enemy status.

I raise this point not to alarm this body, for we should never be intimidated from promoting human rights and market economies. At the same time, however, we must focus on building a positive relationship with the Chinese people and their Government. We must not let our very real and substantial current problems with the PRC damage the fundamentally friendly attitude of the Chinese people toward the United States. The people of China are favorably predisposed toward the United States, and they share a general desire to embrace our freedoms.

Mr. Speaker, I urge my colleagues to speak out forthrightly about our concerns, but to do it in a fashion that will ultimately bring us closer to the desired goals of freedom and human rights for all people, and a growing rapport and trust between our two governments. It must be clear that we speak with deep and serious conviction, but with friendship and constructive ends.

I urge adoption of H.R. 2058, the China Policy Act of 1995, and yield back the balance of my time.

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Mr. Speaker, I reserve the balance of my time.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GIBBONS], the distinguished ranking member of the Committee on Ways and Means.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise here to support the Bereuter proposal. I think it is a sound, constructive proposal. I want to commend the gentleman from Nebraska [Mr. BEREUTER] and every Member, Democrat and Republican, who cooperated in putting together this sound piece of public policy.

I love the stem winding, desk thumping speeches that some of our colleagues give, but when you ask yourself what is the solution, the solution really is the Bereuter proposal. We have a terrible condition in China, but let me let you in on a secret. It has been that way for 6,000 years.

When I first went to China shortly before we began any kind of relationship with them at all over a 40-year period, they were just finishing the cultural revolution, in which millions of Chinese had been displaced and rooted out of their families and their homes and transported around the country and hundreds of thousands of Chinese had been slaughtered. Fortunately, no Americans lost their lives in there because we did not have an American national in the whole country of China at that time.

China has never experienced the types of freedoms that we in the Western world have developed so torturously over so many thousands of years. They have never had religious freedom or freedom of speech. They have never had the freedom of assembly or any of the freedoms we cherish. They need them, they want them, and they will eventually get them, but we have to lead the way, and we should never go to the same disastrous type of program that we carried out for about 40 years in which we threw ourselves out of China and isolated ourselves from China.

Our trade situation with China is not good, but it is better than the terrible situation that we had in the past. It is going to improve. I love all this discussion about slave labor, and I hope some of the people are listening to this. I do not know of any State in the United States that does not have slave labor. All of us in our States produce goods that are sold in commerce that we Americans consume that were made by slave labor in our own prisons. It has been against the law so long as I can remember to import any of those kinds of goods in the United States.

So we have tried to keep them out. I am sorry some of them slip in, but it is against the law and anybody that is convicted of importing those kinds of goods is going to be penalized. We are doing our best to penalize Americans for knowingly doing that kind of thing.

But I doubt that there is a Member of Congress here that has not slept on a bed or sat at a desk or used a filing cabinet that was not made by prison labor in the United States.

Mr. Speaker, I am sorry that my time is up, but support the Bereuter amendment. It is a good, constructive proposal.

Mr. BEREUTER. Mr. Speaker, I yield 1 minute to the gentleman from Arizona, Mr. MATT SALMON, a new member of the Committee on International Relations, who not only has lived in China for a substantial period of time, but speaks Chinese.

Mr. SALMON. Mr. Speaker, I am proud to be a cosponsor of H.R. 2058. I believe it is a big bold step in the right direction. I am really pleased that the gentleman from Nebraska [Mr. BEREUTER] has taken this initiative.

Mr. Speaker, I would also like to talk a little bit about my experience. I served a mission for my church in Taiwan from 1977 to 1979. Most of the people that I became friends with over there were people that lived in mainland China and escaped the oppression of China under Mao Tse-tung. At that time they watched their families, many of them being killed, murdered before their very eyes. Many of them watched their parents be severely punished, sometimes beaten, sometimes even killed, for praying in public.

As China engaged the Western world, I was heartened, I was encouraged, by her desire to become more open politically, economically, and socially. But as with many Americans, much of that optimism was extinguished by Tiananmen Square, and part of me died that day. Since that day China has steadily marched backward, stifling freedom, flouting human rights, and demonstrating disregard.

I do support doing business with China. I think it is a step in the right direction, but we need to make sure they understand we will be watching and the people that do business over there need to not be accepting, but step forward and do the right thing.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. MATSUI], who has been one of the prime movers on this matter of China.

Mr. MATSUI. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, first of all, I would like to congratulate both the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Indiana [Mr. HAMILTON], the two cosponsors of this legislation, and certainly to the gentleman from Virginia [Mr. WOLF], and the gentlewoman from California [Ms. PELOSI], who actually worked very closely with both cosponsors to put together this legislation in a way I believe that all of us will be able to support; second, what I believe is important, to send a signal to the Chinese that is unified that truly represents the true feelings of this Nation. So I would like to thank them for making this debate very comfortable for all of us in this House of 435 Members.

I would have to say, and I believe I will just reiterate what the gentleman from Nebraska [Mr. BEREUTER] has said, that the United States-China relationship will probably be the most important relationship that the United States will have for the next 20 years. That is whether China is viewed by this country as our enemy, or whether this country views China as an ally, or perhaps something in between.

China has 22 percent of the world population, 1.2 billion people. Their economic growth rate is over 10 percent per year, and probably will grow much greater than that. Lloyd Bentsen, before he left as Secretary of the Treasury, said that for the next 15 years China will be building an equivalent to 18 Santa Monica freeways per day, and that means the Japanese, the Europeans, and all other countries are moving into China now, trying to influence China's behavior.

I have to say one of the experts that spoke on the rule perhaps has a little amnesia. President Clinton is basically following the policies of the Ford, Reagan, Bush, Carter, Nixon years in terms of our relations with the Chinese. That is because they all understood the permanence and importance of our relations with that country.

Now, there is no question that what the Chinese have been doing over the past decade, now coming to light, is something that we all in this country abhor, and certainly we understand that there were certain universal principles that all major great nations must comply with. But the way to really do it is not to isolate the Chinese, but to engage the Chinese.

That is what basically the Bereuter resolution does. It tells the Chinese that there are certain behaviors that we do not accept, but at the same time it attempts to normalize our relations with the Chinese. That is why this resolution, this bill, is so important for us, because ultimately it is the heirs of all of us in this room, the heirs of all of us in this country, that will benefit in terms of peace and understanding among nations and people of these nations, if in fact we can find some way with the United States, China, and other countries, to begin the normalization process with this Nation.

Mr. Speaker, I urge support of this bill.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 3 minutes to the gentleman from New York [Mr. GILMAN], the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I want to thank the chairman and ranking minority member of Asia and Pacific Subcommittee, Mr. BEREUTER and Mr. BERMAN, for bringing this important compromise resolution before us today. And I want to commend my colleague from Virginia, Mr. WOLF, and the gentlelady from California, Ms. PELOSI, for their hard work and participation in this issue. Their struggle on behalf of human rights in China is exemplary.

It has been 6 years since the Tiananmen Square Massacre and a full 10 years since his holiness, the Dalai Lama, visited the Congress and told us about the repression in Tibet. During this time period, whenever the Congress attempted to bring about a change in Beijing's egregious behavior we were admonished, in so many words, by State Department experts that "now is not the time. There is a political transition period underway in China and if we took any substantive action we would be strengthening the hand of the hardliners in Beijing."

And so for the last decade whenever the Congress attempted to respond to China's use of slave labor, oppression of religious and political speech and thought, international property rights violations, unfair trade practices, arms proliferation, repression in occupied Tibet, threatening military exercises off the coast of Taiwan, a massive military buildup, the recent aggressive actions in the South China Sea and its obstruction to Taiwan's attempt to enter the United Nations, we were told to back off.

Accordingly, I wonder when the State Department will recognize that its China policy is fundamentally flawed? It is currently a failure on trade. It is a failure on human rights. And it is a failure on arms proliferation.

We all understand the necessity of constructively engaging China. But it is all too painfully obvious from the results that we are failing in our goals of encouraging pluralism, of respect for human rights, for trade, for regional security, and for recognition of the wishes of the people of Taiwan.

While I support the State Department's efforts to constructively engage China, we have yet to see positive results from the process. The State Department must find a way to overcome the debilitating flaw in its China policy that sweeps aside responsive action with broad brush stroke generalizations about transition periods.

Until the State Department does that, the Congress must step in and respond to the many seriously unacceptable actions taken by the Communist Government in Beijing. Accordingly, I urge my colleagues to support the Bereuter resolution. It is a balanced, good first step toward building a more productive China policy. It sets forth some significant goal posts in our relationship with the People's Republic of China.

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Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for yielding time to me.

I want to commend, first of all, the gentlewoman from California [Ms. PELOSI], the gentleman from Virginia [Mr. WOLF], the gentleman from Nebraska [Mr. BEREUTER], the gentleman from California [Mr. BERMAN], the gentleman from Indiana [Mr. HAMILTON], the gentleman from California [Mr. MATSUI], the gentleman from New York [Mr. GILMAN], and the gentleman from New Jersey [Mr. SMITH], and all the Members who worked so very hard on this issue.

Mr. Speaker, this debate today really comes down to one very simple question: What does America stand for as a nation?

Do we stand for democracy?

Do we stand for human rights?

Are those the values this Nation holds dear?

Or do we just stand up for those things when they're convenient?

Mr. Speaker, we all know that China is a nation that tortures, abuses, and imprisons its own people.

A nation where freedom of speech and freedom of religion do not exist.

A nation where people who speak out against the Government disappear without a trace.

And by extending most-favored-nation status to China, by giving them special treatment, we put our stamp of approval on all of it.

Mr. Speaker, I don't think America should be in the business of licensing torture.

But if we as a nation can't speak out against a Communist country that arrests and imprisons our own citizens, if we can't use our leverage to bring Harry Wu home, then we really have lost our way as a nation.

Harry Wu's only crime is that he told the truth about what's happening in China today.

He had the courage to tell the world about the torture and prison labor.

He had the courage to stand up for democracy and human rights.

And for that, he got arrested.

Now he's looking to us to speak out for him.

It's time we stand up for him.

By passing the Bereuter resolution today, we will send a crystal clear message to the dictators in Beijing: Let Harry Wu go.

But it's not enough for this Nation simply to stand up for human rights when our own people are threatened.

For 200 years, we have been the beacon for democracy around the world.

If we don't stand up for the rights of the Chinese people, if we don't stand up to the butchers of Beijing then nobody else will.

This isn't just in our moral interests.

This is in our economic interest as well.

Today, China is running a $30 billion trade surplus with the United States.

A good part of the reason is that China pays its people about 17 cents an hour.

They export products to America made with prison labor.

By extending most-favored-nation status to China, we are taking jobs away from our own people.

Mr. Speaker, we shouldn't be afraid to use trade to promote democracy and human rights.

MFN isn't a gift to be awarded. It's a privilege that must be earned.

China has not earned the right to receive special treatment from the United States.

I urge my colleagues: Support the Bereuter resolution.

And let the world know that America stands for democracy and human rights.

Mr. BEREUTER. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SMITH], a member of the Committee on International Relations.

Mr. SMITH of New Jersey. Mr. Speaker, yesterday the Subcommittee on International Operations and Human Rights, which I chair, finally got the opportunity to hear the real-life stories in open hearing from some of the Chinese women who have had their babies killed by forced abortion in the People's Republic of China.

After having had to take the extraordinary step of issuing subpoenas to bring these women out of U.S. prisons where they have been held for 2 years by the Clinton administration, which is trying to deport these women back to their tormentors, yesterday we heard these women describe the horror, the humiliation, the suffering, the pain and the loss of being subjected to both forced abortion and forced sterilization.

Even though these and many other women like them have been found to be completely credible by the INS, these victims are poised to be forced back to their oppressors in China because the Clinton administration reversed a very human policy of the Bush administration, by providing asylum to women who have had a forced abortion or have a well-founded fear of force abortion or forced sterilization.

Bill Clinton, Mr. Speaker, has turned his back on these victims, and he is trying to force them back. Hu Shu Ye broke down in tears yesterday as she described the pain and suffering of being dragged by the family planning cadres in China to the abortion mill to have her six-month-old unborn child destroyed. When she was able to regain her composure during the hearing, later in the hearing, she told us that she was bleeding so profusely that the Chinese officials were unable to involuntarily sterilize her. But 5 months later they were back at her door physically dragging her to be forcibly sterilized.

These women, their tears that they shed yesterday at the hearing and their profound suffering is the reality of tens of millions of women in the People's Republic of China, in that terrible dictatorship.

I have led two human rights missions to China, Mr. Speaker. Religious repression has intensified since the Clinton administration delinked MFN from human rights. Oppression of political dissidents has gotten worse. For every prominent dissident they have released, usually on the eve of some important decision in the United States, they have taken many, many others and many of those that we do not know about. And now they have taken a U.S. citizen, Harry Wu.

Not only do these human rights problems get worse every single month that we continue to truckle to China, but they keep discovering new horrors. The PRC dictatorship times the executions, for example, of prisoners for the convenience of rich foreigners who pay for the harvest of the prisoners' organs. Now we learn that states who supported abortion clinics sell human embryos, and there are even some credible reports that late-term unborn children are actually being consumed as a new health food. Mr. Speaker, ideas have consequences, and the central organizing idea behind the PRC dictatorship is the utter devaluation of the individual human being. They have consequences.

Mr. Speaker, let me conclude. There is no moral or practical difference between trading with the PRC dictatorship and trading with the Nazis.

Mr. Speaker, I include for the RECORD the following information:

JULY 18, 1995.

[Primary Sources: The Pueblo Institute, Amnesty International, The Cardinal Kung Foundation]

ROMAN CATHOLICS IMPRISONED AND DETAINED IN CHINA

1. Father Fan Da-Duo. A priest of Beijing Diocese. Reportedly under house arrest and unable to administer sacraments.

2. Father Guo Qiushan: A priest of Fu'an, Fujian province. Arrested July 27, 1990. Released in August 1991 for health reasons. Currently under house arrest.

3. Father Guo Shichum: A priest of Fu'an, Fujian province. Arrested July 27, 1990. Released in August 1991 for health reasons. Currently under house arrest.

4. Bishop John Yang Shudao: Bishop of Fuzhou, Fujian province. Arrested February 28, 1988. Transferred to house detention in February 1991. Restricted to home village and under close policy surveillance.

5. Bishop Mathias Lu Zhensheng: Age: 76. Bishop of Tianshui, Gansu province. Arrested late December 1989. Released about April 26, 1990 for reasons of health. Restricted to home village.

6. Bishop Casimir Wang Milu: Age: 55. Bishop of Tianshui diocese, Gansu province. Arrested April 1984. Released April 14, 1993. Activity is strictly monitored and restricted.

7. Father John Baptist Wang Ruohan: A priest from Tianshui diocese, Gansu province. Arrested June 16, 1994. Currently detained in Tianshui jail.

8. Father John Wang Ruownag: A priest from Tianshui diocese, Gansu province. Disappeared December 8, 1991. Resurfaced after a period of detention but movement and activity are closely monitored and severely restricted.

9. Father An Shi'an: Age: 81. A priest of Daming diocese, Hebei province. Arrested late December 1990. Released December 21, 1992. Current whereabouts unknown. Believed to be under restrictions of movement.

10. Father Chen Yingkui: A priest of Yixian diocese, Hebei province. Arrested in 1991. Sentenced to three years' of "reeducation through labor." Reported to be released.

11. Father Chi Huitain: Arrested April 17, 1995. Currently being held at an unknown location.

12. Father Peter Cui Xingang: Age: 30. A priest of Donglu village, Qingyuan count, Hebei province. Arrested July 28, 1991. Reportedly released but activities are restricted and monitored.

13. Father Gao Fangzhan: Age: 27. A priest of Yizian diocese, Hebei province. Arrested May 1991. Currently being held without trial. Reportedly released but activities are restricted and monitored.

14. Father Peter Hu Duoer: Age: 32. Arrested December 14, 1990. Severely tortured during his detention. Reportedly released but activities are restricted and monitored.

15. Father Li Jian Jin: Age: 28. A priest of Han Dan, Hebei Province. Arrested March 4, 1994. Currently being held in Ma Pu Cun detention center.

16. Father Li Zhongpei: Arrested December 1990. Sentenced to three years' "reeducation through labor." Although Chinese authorities have reportedly released him, he has not been seen since his release.

17. Father Liu Heping: Age: 28. Arrested December 13, 1991. Reportedly transferred to house arrest; actions restricted and monitored.

18. Father Liu Jin Zhong: A priest of Yixian, Hebei province. Arrested February 24, 1994. Reportedly released but activities are restricted and monitored.

19. Father Lu Dong Liang: A priest of Feng Shi, Dong Ging Liu, Hebei province. Reportedly released but activities are restricted and monitored.

20. Father Lu Gen-You: Arrested in 1994. Reportedly released but activities are restricted and monitored.

21. Father Ma Zhiyuan: Age: 28. Arrested December 13, 1991. Reportedly released but activities are restricted and monitored.

22. Father Pei Guojun: A priest of Yixian diocese, Hebei province. Arrested between mid-December 1989 and mid-January 1990. Reportedly released but activities are restricted and monitored.

23. Father Pei Xhenping: A priest of Youtong village, Hebei province. Arrested October 21, 1989. Reportedly released but activities are restricted and monitored.

24. Father Shi Wande: A priest of Baoding diocese, Hebei province. Arrested December 9, 1989. Reportedly released but activities are restricted and monitored.

25. Father Sun Hua Ping: Arrested June 30, 1994. Currently held in a detention center of Lin Ming Guan, Shi Zhuang Cun, Yong Nian Xian, Hebei province.

26. Father Wang Jiansheng: Age: 40 Arrested May 19, 1991 and sentenced to three years' "reeducation through labor." Reportedly released but activities are restricted and monitored.

27. Father Xiao Shixiang: Age: 58. A priest of Yixian diocese, Hebei province. Arrested December 12, 1991. Reportedly released but activities are restricted and monitored.

28. Father Yan Chong-Zhao: A priest of Handan diocese, Hebei province. Arrested September 1993. Currently held in detention center in Guangping county, Hebei province.

29. Father Zhou Zhenkun: A priest of Dongdazhao village, Boading, Hebei province. Arrested December 21, 1992. Reportedly released but activities are restricted and monitored.

30. Bishop Guo Wenzhi: Age: 77. Bishop of Harbin, Heilongjiang province. Reportedly released but activities are restricted and monitored.

31. Father Joseph Jin Dechen: Age: 72. A priest of Nanyang diocese, henan province. Arrested December 18, 1981. Sentenced to 15 years in prison and five years deprivation of rights. Paroled May 21, 1992 but confined to his home village of Jinjiajiang where he remains under restrictions of movement and assocation.

32. Father Li Hongye (or Hongyou): Age: 76. Bishop from Luoyang, Henan province. Arrested July 7, 1994. Conflicting reports make his current status unknown. Diagnosed with stomach cancer.

33. Bishop John Baptist Liang Xishing: Age: 72. Bishop of Kaifeng diocese, Henan province. Disappeared and presumed rearrested March 18, 1994. Reportedly released but activities are restricted and monitored.

34. Father Zhu Bayou: A priest of Nanyang diocese, province. Released on parole but restricted to the village of Jingang, Henan.

35. Father Jiang Liren: Age: 80. Bishop of Hohht, Inner Mongolia. Arrested December 1989. Transferred to house arrest in April 1990.

36. Bishop Mark Yuan Wenzai: Age: 69. Bishop of Nantong, Jiangsu province. Currently under the custody of the local Patriotic Church bishop and forced to live at the church in Longshan.

37. Father Liao Haiqing: Age: 64. A priest of Fuzhou, Jiangxi province. Arrested August 11, 1994. Released in mid-November. Currently under police surveillance.

38. Father Xia Shao-Wu: Arrested December 30, 1994. Currently held by Public Security Bureau officials Hebei.

39. Bishop Zeng Jingmu: Arrested September 17, 1994. Reportedly released but activities are restricted and monitored.

40. Father Li Zhi-Xin: A priest in the city of Xining, Qinghai province. Arrested March 29, 1994. Reportedly released but activities are restricted and monitored.

41. Father Vincent Qin Guoliang: Age: 60. A priest in the city of Xining, Qinghai province. Arrested November 3, 1994. Sentenced to two years' "reeducation through labor." Currently detained at Duoba labor camp.

42. Bishop Fan Yufel: Age: 60. Bishop Zhouzhi, Shaanxi province. Arrested in spring 1992. Transferred to house arrest in September 1992.

43. Bishop Lucas Li Jingfeng: Age: 68. Bishop of Fengxiang, Shaanxi province. Placed under house arrest April 1992. Reportedly released but activities are restricted and monitored.

44. Bishop Huo Guoyang: Bishop of Chongqing, Sichuan province. Arrested early January 1990. Reportedly released in early 1991 and currently under police surveillance in Chongqing City, Sichuan.

45. Bishop Li Side: Bishop of Tianjin diocese. Arrested May 25, 1992. Exiled in July 1992 to a rural parish of Liang Zhuang, Ji country and is forbidden to leave. Currently held under house arrest.

46. Bishop Shi Hongzhen: Auxiliary bishop of Tianjin diocese. Activities severely restricted. One report states he is under house arrest.

47. Father Su De-Qien: A priest of Tianjin diocese. Must report to Public Security once a month. Unable to administer the sacraments since December 1993.

48. Father Gu Zheng: Age: 50. Arrested October 6, 1994. Released late November 1994 but remains under strict police surveillance.

49. Deacon Dong Linzhong: Deacon of Dongdazhao Village, Baoding, Hebei province. Arrested December 21, 1992. Reportedly released but activities are restricted and monitored.

50. Deacon Wang Tongshang: Deacon of Baoding diocese, Hebei province. Arrested December 23, 1990. Sentenced to three years of "reeducation through labor." Reportedly released but activities are restricted and monitored.

51. Sister Wang Yuqin: Age: 23. Arrested April 25, 1995. Although most of the 30-40 people arrested with her have been released, she remains in detention. Also fined 900 Chinese Yen, the equivalent of 3 months income.

52. Wang (or Wong) Ruiying: Arrested June 1994. Currently being held in a detention center in Cheng An Xian, Hebei province.

53. Zhang Guoyan: Age: 45. Sentenced in 1991 to three years' "reeducation through labor." Reportedly released in March 1993.

54. Cui Maozai: Age: 42. Arrested April 26, 1995. Released but activities are restricted and monitored.

55. Gao Jianxiou: Age: 46. Arrested April 26, 1995. Released but activities are restricted and monitored.

56. Gao Shuyun: Age: 45. Arrested April 1995. Currently held at Chongren Sein detention center. Reportedly beaten so severely that she cannot feed herself. Released but activities are restricted and monitored.

57. Huang Guanghua: Age: 43. Arrested April 1995. Reportedly released but activities are restricted and monitored.

58. Huang Meiyu: Age 40. Arrested April 1995. Reportedly released but activities are restricted and monitored.

59. Lu Huiying: Age 51. Arrested April 1995. Reportedly released but activities are restricted and monitored.

60. Pan Kunming: Age 30. Arrested April 1995. Sentenced to five years in prison.

61. Rao Yanping: Age 18. Arrested April 1995. Sentenced to four years in prison.

62. Wu Jiehong: Age 46. Arrested April 1995. Released but activities are restricted and monitored.

63. Wu Yinghua: Age 30. Arrested April 1995. Released but activities are restricted and monitored.

64. You Xianyu: Age 42. Arrested April 1995. Released but activities are restricted and monitored.

65. Yu ChuiShen: Age 50. Arrested April 26, 1995. Sentenced to three years in prison.

66. Zeng Yinzai: Age 60. Arrested April 26, 1995. Released but activities are restricted and monitored.

67. Zeng Zhong-Liang: Arrested December 30, 1994. Released but activities are restricted and monitored.

68. Zhang Wenlin: Age 60. Arrested April 1995. Released but activities are restricted and monitored.

69. Zhu Changshun: Age 40. Arrested April 26, 1995. Released but activities are restricted and monitored.

70. Zhu Lianrong: Age 49. Arrested April 1995. Released but activities are restricted and monitored.

71. Wang Dao-Xian: Arrested April 21, 1994. Released but activities are restricted and monitored.

72. Xu Funian: Age 51. Arrested at the end of 1994 and sentenced to two years' "reeducation through labor."

73. Zhang Yousheng: Arrested in December 1990 or early 1991. Sentenced to three years' imprisonment. Chinese authorities reported his release in June 1993. Activities are restricted and monitored.

74. Yu Qi Xiang: Age 19. Arrested April 26, 1995. Sentenced to two years in prison.

JULY 3, 1995.

[Primary Sources: Amnesty International, International Campaign for Tibet]

BUDDHIST MONKS AND NUNS IMPRISONED AND DETAINED IN TIBET

1. Apho: Age: 36. A monk of Bu Gon monastery. Arrested January 13, 1994. Currently held in Chamdo prison.

2. Bakdo: A monk of Ganden monastery. Arrested May 1992. Currently held in Gutsa prison.

3. Buchung: Age 25. A monk of Sungrabling monastery. Arrested July 4, 1993. Sentenced to 4 years in prison. Currently held in Drapchi prison.

4. Champa Choekyi: A nun of Shungsep monastery. Arrested December 9, 1993.

5. Champa Gyatso: Age: 20. A monk of Ganden monastery. Arrested March 9, 1993. Currently held in Gutsa prison.

6. Champa Tsondrue: Age: 17. A monk of Ganden monastery. Arrested June 19, 1994. Currently held in Gutsa prison.

7. Chigchen: Age 21. A monk of Palkhor monastery. Arrested July 3, 1992. Currently held in Gyangtse jail.

8. Chime: Age 25. A monk Dunbu monastery. Arrested May 30, 1993.

9. Chime Drolkar: Age 18. A nun of Shungsep monastery. Arrested October 1, 1990. Sentenced to 7 years in prison. Currently held in Drapchi prison.

10. Chimi: A nun of Garu monastery. Arrested June 16, 1993.

11. Choede: Age: 20. A monk of Yamure monastery. Arrested January 9, 1995.

12. Choekyi Gyaltsen: Age: 24. A nun of Shar Bumpa monastery. Arrested June 14, 1994. Currently held at Gutsa prison.

13. Choekyi Vangmo: Age: 20. A nun of Shar Bumpa monastery. Arrested June 14, 1994. Currently held at Gutsa prison.

14. Choekyi Tsomo: A nun of Bumthang monastery. Arrested March 13, 1994.

15. Choenyi Drolma: A nun of Shugsep monastery. Arrested December 9, 1993.

16. Choephel: A monk arrested October 20, 1993.

17. Choezom: A nun of Chubsang monastery. Arrested August 12, 1992.

18. Chung Tsering: Age: 30. A monk of Ganden monastery. Arrested May 13, 1994.

19. Dakar: Age: 20. A nun of Nagar monastery. Arrested August 17, 1993.

20. Damchoe Gyaltsen: Age: 24. A nun of Garu monastery. Arrested June 15, 1992. Sentenced to 4 years in prison. Currently held at Drapchi prison.

21. Dawa: Age: 21. A monk of Ganden monastery. Arrested March 20, 1992. Currently held at Gutsa prison.

22. Dawa: Age: 27. A monk of Ganden monastery. Arrested March 20, 1992. Currently held at Gutsa prison.

23. Dawa: Age: 20. A monk of Phurchok monastery. Arrested May 24, 1994.

24. Dawa Gyaltsen: Age: 17. A monk of Tsepag monastery. Arrested June 4, 1993. Sentenced to five years in prison. Currently held at Drapchi prison.

25. Dawa Norbu: Age: 19. A monk of Palkhor monastery. Arrested July 3, 1992. Currently held in Gyantse jail.

26. Dawa Samdup: A monk of Drepung monastery. Arrested between October 16 and 21, 1993. Currently held at Gutsa prison.

27. Dawa Sonam: Age: 16. A monk of Ganden monastery. Arrested May, 1992. Currently held in Gutsa prison.

28. Dawa Tsering: Age: 22. A monk of Dralhaluphug monastry. Arrested September 30, 1989. Sentenced to 8 years in prison. Currently held in Drapchi prison.

29. Dekyi Nyima: A nun of Gura monastery. Arrested May 25, 1994.

30. Delo: Age: 23. A monk of Ganden monastery. Arrested May, 1992. Current held in Gutsa prison.

31. Dhundup Gyalpo: Age: 17. monk. Arrested June 26, 1993. Sentenced to 3 years in prison. Currently held in Sangyyip prison.

32. Dondrup Gyatso: Age: 20. A monk of Dranang monestry. Arrested June 6, 1993. Sentenced to 3 years in prison. Currently held in Drapchi prison.

33. Dondrup: A monk of Rabkung monestry. Arrested September 30, 1990.

34. Dondup: Age: 17. A monk of Ganden monastery. Arrested May, 1992. Current held in Gutsa prison.

35. Dorje: Age: 25. A monk of Ganden monastery. Arrested April 11, 1992. Sentenced to 6-8 years in prison. Currently held in Drapchi prison.

36. Dorje: Age: 15. A monk of Dunbu monastery. Arrested May 30, 1993.

37. Dorje Tsomo: Age: 18. A nun of Chubsang monastery. Arrested August 12, 1992.

38. Dradul: Age: 23. A monk of Dunbu monastery. Arrested May 30, 1993.

39. Drakpa Tsultrim: Age: 41. A monk of Ganden monestry. Arrested March 7, 1988. Sentenced to 8 years in prison. Currently held in Drapchi prison.

40. Dunrup Yugyal: Age: 23 A monk of Ganden monastery. Arrested March 3, 1993. Currently held in Gutsa prison.

41. Gokyi: Age: 23. A nun of Garu monastery. Arrested June 16. 1993. Sentenced to 3-5 years in prison. Currently held in Drapchi prison.

42. Gyaltsen Choedron: Age: 25. A nun of Garu monastery. Arrested August 21, 1990. Sentenced to 9 years in prison. Currently held in Drapchi prison.

43. Gyaltsen Choezom: Age: 24. A nun of Garu monastery. Arrested August 21, 1990. Sentenced to 9 years in prison. Currently held in Drapchi prison.

44. Gyaltsen Drolkar: Age: 22. A nun of Garu monastery. Arrested August 21, 1990. Sentenced to 12 years in prison. Currently held in Drapchi prison.

45. Gyaltsen Drolma: Age 16. A nun of Garu monastery. Arrested June 9, 1991. Currently held in Gutsa prison.

46. Gyaltsen Kalsang: Age 22. A nun of Chubsang monastery. Arrested March 21, 1992. Currently held in Gutsa prison.

47. Gyaltsen Kunga: Age: 23. A nun of Garu monastery. Arrested June 14, 1990. Sentenced to 2 years in prison. Currently held in Drapchi prison.

48. Gyaltsen Kunsang: Age: 22. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 2 years in prison. Currently held in Drapchi prison.

49. Gyaltsen Kunsang: Age: 25. A nun of Garu monastery. Arrested between June 5 and 22, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

50. Gyaltsen Lhagdron: Age: 26. A nun of Garu monastery. Arrested August 21, 1990. Sentenced to 7 years in prison. Currently held in Drapchi prison.

51. Gyaltsen Lhaksam: Age: 25. A nun of Garu monastery. Arrested August 21, 1990. Sentenced to 7 years in prison. Currently held in Drapchi prison.

52. Gyaltsen Lhazom: Age: 25. A nun of Garu monastery. Arrested June 9, 1991. Currently held in Gusta prison.

53. Gyaltsen Lodroe: Age: 17. A monk of Tsepak monastery. Arrested June 4, 1993. Sentenced to 6 years in prison. Currently held in Drapchi prison.

54. Gyaltsen Lungrig: Age: 24. A nun of Michungri monastery. Arrested August 12, 1990. Sentenced to 5 years in prison. Currently held in Drapchi prison.

55. Gyaltsen Nyinyi: Age: 24. A nun of Garu monastery. Arrested between June 5 and 22, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

56. Gyaltsen Pema: Age: 17. A nun of Garu monastery. Arrested June 9, 1991. Currently held in Gutsa monastery.

57. Gyaltsen Sangmo: Age: 24. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 2-3 years in prison. Currently held in Drapchi prison.

58. Gyaltsen Sherab: Age: 25. A nun of Chubsang monastery. Arrested between May 10 and 16, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

59. Gyaltsen Sherab: Age: 19. A nun of Shar Bumpa monastery. Arrested June 14, 1994. Currently held in Gutsa prison.

60. Gyaltsen Tengye: Age: 21. A monk of Ganden monastery. Arrested June 20 1994. Currently held in Gutsa prison.

61. Gyaltsen Tsultrim: Age: 22. A nun of Garu monastery. Arrested between May 4 and 14, 1993. Sentenced to 4-5 years in prison. Currently being held in Drapchi prison.

62. Gyaltsen Zoepa: Age: 20. A monk of Ganden monastery. Arrested June 21, 1994.

63. Jamchok: Age: 28. A monk of Lithang monastery. Arrested August 20, 1993.

64. Jampa: Age: 26. A monk of Rame monastery. Arrested July, 1992. Currently held in Tsethang jail.

65. Jampa: Age: 30. A monk of Pomda monastery. Arrested August, 1993.

66. Jampa Choejor: Age: 16. A monk of Chamdo monastery. Arrested February 8, 1994. Currently being held in Shritang prison.

67. Jampa Dedrol: Age: 15. A nun of Michungri monastery. Arrested February 13, 1993. Currently being held in Gutsa prison.

68. Jampa Drolkar: Age: 21. A nun of Nagar monastery. Arrested August 17, 1993.

69. Jampa Gelek: Age: 18. A monk of Ganden monastery. Arrested March 9, 1993.

70. Jampa Legshe: Age: 27. A monk of Phenpo Naland monastery. Arrested July 3, 1993. Sentenced to 4 years in prison. Currently held in Drapchi prison.

71. Jampa Rangdrol: Age: 21. A monk of Ganden monastery. Arrested April 11, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

72. Jampa Tashi: Age: 26. A monk at Serwa monastery. Arrested March 29, 1994. Sentenced to 12 years in prison. Currently held in Powo Tramo prison.

73. Jampa Tenzin: Age: 20. A monk of Ganden monastery. Arrested May 6, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

74. Jampa Tenzin: Age: 22. A monk of Ganden monastery. Arrested May 13, 1992. Sentenced to 2 years in prison. Currently being held in Drapchi prison.

75. Jampa Tseten: Age: 22. A monk of Ganden monastery. Arrested May 6, 1992. Sentenced to 7 years in prison. Currently being held in Drapchi prison.

76. Jampel Changchub Yugyal: Age: 32. A monk of Drepung monastery. Arrested March or April, 1989. Sentenced to 19 years in prison. Currently being held in Drapchi prison.

77. Jampel Dorje: Age: 15. A monk of Dunbu monastery. Arrested May 30, 1993. Sentenced to 2 years, 6 months in prison.

78. Jampel Gendun: Age: 31. A monk of Ganden monastery. Arrested March 20, 1992. Sentenced to 9 years in prison. Currently held in Drapchi prison.

79. Jampel Losel: Age: 27. A monk of Drepung monastery. Arrested April 27, 1989. Sentenced to 10 years in prison.

80. Jamyang: Age: 28. A monk of Ganden monastery. Arrested March 20, 1992. Currently being held in Gutsa prison.

81. Jamyang Dhondup: Age: 29: A monk of Lithang monastery. Arrested August 20, 1993.

82. Jamyang Dolma: Age: 23. A nun of Shar monastery. Arrested June 15, 1994.

83. Jamyang Kunga: Age: 22. A monk of Dunbu monastery. Arrested November 7, 1992. Sentenced to 4 years in prison. Currently being held in Drapchi prison.

84. Jigme Dorje: Age: 27. A monk of Serwa monastery. Arrested March 29, 1994. Sentenced to 15 years in prison. Currently being held in Powo Tramo prison.

85. Jigme Yandron: Age: 24. A nun of Shungsep monastery. Arrested August 28, 1990. Sentenced to 12 years in prison. Currently being held in Drapchi prison.

86. Jigme Yangchen: Age: 23. A nun of Shungsep monastery. Arrested October 1, 1990. Sentenced to 7 years in prison. Currently held in Drapchi prison.

87. Kagye: A monk of Ganden monastery. Arrested May, 1992. Currently held in Gutsa prison.

88. Kelsang: A monk of Ganden monastery. Arrested May, 1992.

89. Kelsang: Age: 16. A monk of Tsepak monastery. Arrested June 3, 1993. Currently held in Gutsa prison.

90. Kelsang Chodak: Age: 20. A monk of Drepung monastery. Arrested December 15, 1990. Sentenced to 5 years in prison. Currently held in Drapchi prison.

91. Kelsang Dawa: Age: 21. A monk of Tsome monastery. Arrested May 15, 1992. Sentenced to 3-5 years in prison. Currently held in Drapchi prison.

92. Kelsang Gyaltsen: Age: 25. A monk of Dingka monastery. Arrested March 17, 1991. Sentenced to 6 years in prison. Currently being held in Drapchi prison.

93. Kelsang Phuntsog: Age: 21. A monk of Sera monastery. Arrested August 4, 1991. Currently held in Gutsa prison.

94. Kelsang Thutob: Age: 46. A monk of Drepung monastery. Arrested April 16, 1989. Sentenced to 18 years in prison. Currently held in Drapchi prison.

95. Kelsang Tsering: A monk of Dakpo monastery. Arrested January, 1992. Currently held in Medro jail.

96. Khyentse Legrup: Age: 21. A monk of Chideshol monastery. Arrested November 7, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

97. Kunchok Tsomo: Age: 15. A nun of Garu monastery. Arrested June 17, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

98. Kunsang Jampa: Age: 20. A monk of Dakpo monastery. Arrested March 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

99. Legshe Phuntsog: Age: 23. A monk of Phenpo monastery. Arrested July 3, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

100. Lhagyal: Age: 23. A monk of Samye monastery. Arrested between June and September, 1991. Sentenced to 3-4 years in prison. Currently being held in Drapchi prison.

101. Lhaga: Age: 23. A monk of Chideshol monastery. Arrested August 27, 1993. Sentenced to 3 years in prison. Currently being held in Drapchi prison.

102. Lhakpa: Age: 22. A monk of Draglhaluphug monastery. Arrested between October 6 and 25, 1989. Sentenced to 8 years in prison. Currently being held in Drapchi prison.

103. Lhakpa Tsering: Age: 20. A monk of Dunbu monastery. Arrested May 30, 1993.

104. Lhundrup Monlam: Age: 26. A monk of Palkhor monastery. Arrested March 15 or 16, 1990. Sentenced to 4-5 years in prison. Currently held in Drapchi prison.

105. Lhundrup Togden: Age: 24. A monk of Palkhor monastery. Arrested December 1989. Sentenced to 14 years in prison. Currently being held in Drapchi prison.

106. Lhundrup Zangmo: Age: 23. A nun of Michungri monastery. Arrested between August 12 and 21, 1990. Sentenced to 9 years in prison. Currently being held in Drapchi prison.

107. Li-Ze: A monk of Dakpo monastery. Arrested January 1992. Currently being held in Medro jail.

108. Lobsang: Age: 28. A monk of Lithang monastery. Arrested August 20, 1993.

109. Lobsang: Age: 22. A monk of Dunbu monastery. Arrested May 30, 1993.

110. Lobsang Choedrak: Age: 19. A monk of Sera monastery. Arrested February 23, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

111. Lobsang Choedrag: Age: 18. A monk of Nyemo Gyache monastery. Arrested February 3, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

112. Lobsang Choedrag: Age: 18. A monk of Dakpo monastery. Arrested March 11, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

113. Lobsang Choedrak: Age: 22. A monk of Drak Yerpa monastery. Arrested September 15, 1993.

114. Lobsang Choedron: Age: 17. A nun of Michungri monastery. Arrested February 3, 1992. Currently held in Gutsa prison.

115. Lobsang Choedron: Age: 23. A nun of Michungri monastery. Arrested August 22, 1990. Sentenced to 5 years in prison. Currently held in Drapchi prison.

116. Lobsang Choedron: Age: 22. A nun of Michungri monastery. Arrested August 22, 1990. Sentenced to 5 years in prison. Currently held in Drapchi prison.

117. Lobsang Choedron: A nun of Bumthang monastery. Arrested March 13, 1994.

118. Lobsang Choejor: Age: 32. A monk of Ganden monastery. Arrested March 7, 1988. Sentenced to 9 years in prison. Currently held in Drapchi prison.

119. Lobsang Choekyi: Age: 21. A nun of Garu monastery. Arrested between June 5 and 22, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

120. Lobsang Choezin: Age: 17. A monk of Ganden monastery. Arrested June 20, 1994. Currently held in Gutsa prison.

121. Lobsang Dadak: Age: 23. A monk of Ganden monastery. Arrested September 1989. Sentenced to 9 years in prison. Currently held in Drapchi prison.

122. Lobsang Dargye: Age: 27. A monk of Ragya monastery. Arrested November 16, 1992.

123. Lobsang Dargye: Age: 27. A monk of Serwa monastery. Arrested March 29, 1994. Sentenced to 15 years in prison.

124. Lobsang Dargye: Age: 23. A monk of Sangyak monastery. Arrested between May 11 and 16, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

125. Lobsang Dargye: A monk of Sangyak monastery. Arrested December 7, 1994.

125. Lobsang Dolma: Age: 24. A nun of Shar Bumpa monastery. Arrested June 1994.

126. Lobsang Donyo: Age: 19. A monk of Drak Yerpa monastery. Arrested August 28, 1993. Currently held in Taktse jail.

127. Lobsang Dorje: Age: 20. A monk of Phurchok monastery. Arrested May 16, 1992. Sentenced to 9 years in prison. Currently held in Drapchi prison.

128. Lobsang Dradul: Age: 18. A monk of Ganden monastery. Arrested June 10, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

129. Lobsang Drolma: Age: 22. A nun of Michungri monastery. Arrested February 3, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

130. Lobsang Drolma: Age: 18. A nun of Garu monastery. Arrested between June 5 and 22 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

131. Lobsang Gelek: Age: 22. A monk of Sera monastery. Arrested in November or December 1989. Sentenced to 12 years in prison. Currently held in Drapchi prison.

132. Lobsang Gelek: Age: 23. A monk of Ganden monastery. Arrested May 6, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

133. Lobsang Gendun: A monk of Sang-ngag monastery. Arrested December 2 or 7, 1993.

134. Lobsang Gyaltsen: Age: 22. A monk of Nechung monastery. Arrested May 19, 1993.

135. Lobsang Gyaltsen: Age: 22. A monk of Shelkar monastery. Arrested June 14, 1993.

136. Lobsang Gyaltsen: Age: 23. A monk of Nechung monastery. Arrested May 19, 1993.

137. Lobsang Gyaltsen: Age: 19. A monk of Tsepak monastery. Arrested June 4, 1993. Sentenced to 6 years in prison. Currently held in Drapchi prison.

138. Lobsang Jampa: Age: 23. A nun of Shar Bumpa monastery. Arrested June 1994.

139. Lobsang Jampa: Age: 29. A monk of Ganden monastery. Arrested March 20, 1992. Sentenced to 8 years in prison. Currently held in Drapchi prison.

140. Lobsang Jampa: Age: 44. A monk of Drepung monastery. Arrested July 6, 1991. Currently held in Seitru prison.

141. Lobsang Kalden: A nun of Bumthang monastery. Arrested March 13, 1994.

142. Lobsang Khedrup: Age: 16. A monk of Ganden monastery. Arrested March 20, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

143. Lobsang Legshe: Age: 21. A monk of Ganden monastery. Arrested March 20, 1992. Sentenced to 5 years in prisons. Currently held in Drapchi prison.

144. Lobsang Lodrup: Age: 21. A monk of Phurchok monastery. Arrested May 16, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

145. Lobsang Lungtok: Age: 23. A monk of Ganden monastery. Arrested March 20, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

146. Lobsang Ngawang: Age: 22. A monk of Dakpo monastery. Arrested between March and May 1992. Sentenced to 8 years in prison. Current held in Drapchi prison.

147. Lobsang Palden: Age: 21. A monk of Phurbu Chog monastery. Arrested May 16, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

148. Lobsang Palden: Age: 22. A monk of Shelkar monastery. Arrested June 14, 1993.

149. Lobsang Palden: Age: 32. A monk of Ganden monastery. Arrested March 7, 1988. Sentenced to 10 years in prison. Currently held in Drapchi prison.

150. Lobsang Phuntsog: Age: 22. A monk of Drepung monastery. Arrested August 1991. Sentenced to 4 years in prison. Currently held in Drapchi prison.

151. Lobsang Samten: Age: 18. A monk of Ganden monastery. Arrested March 3, 1993. Currently held in Gutsa prison.

152. Lobsang Sherab: Age: 18. A monk of Purchok retreat. Arrested May 16, 1992. Sentenced to 8 years in prison. Currently held in Drapchi prison.

153. Lobsang Tashi: Age: 41. A monk of Zitho monastery. Arrested March 4, 1990. Sentenced to 5 years in prison. Currently held in PoZungma prison.

154. Lobsang Tengue: A monk of Sera monastery. Arrested in 1983. Currently being held in Gutsa prison.

155. Lobsang Tenzin: Age: 21. A monk of Ganden monastery. Arrested March 20, 1992. Currently held in Gutsa prison.

156. Lobsang Tenzin: Age: 18. A monk of Sera monastery. Arrested August 14, 1991. Currently held in Gutsa prison.

157. Lobsang Tenzin: A monk of Sang-ngag monastery. Arrested December 2 or 7, 1994. Currently held in Taktse prision.

158. Lobsang Thargye: A monk of Sand Nak Kha monastery. Arrested May 16, 1992.

159. Lobsang Thupten: Age: 16. A monk of Purchok monastery. Arrested August 5, 1992.

160. Lobsang Thupten: Age: 32. A monk of Sera monastery. Arrested July 6, 1992. Currently held in Gutsa monastery.

161. Lobsang Trinley: A monk of Dakpo monastery. Arrested January 6, 1992. Currently held in Medro jail.

162. Lobsang Tsegye: Age: 27. A monk of Serwa monastery. Arrested March 29, 1994. Sentenced to 15 years in prison. Currently held in Powo Tramo prison.

163. Lobsang Tsondru: A monk of Drepung monastery. Arrested 1990. Sentenced to 6–7 years in prison. Currently held in Drapchi prison.

164. Lobsang Yangzom: A nun of Bumthang monastery. Arrested March 13, 1994.

165. Lobsang Yarphel: Age: 20. A monk of Ganden monastery. Arrested between June 10 and 13, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

166. Lobsang Yeshe: Age: 18. A nun of Shar Bumpa monastery. Arrested June 1994.

167. Lobsang Yeshe: Age: 21. A monk of Ganden monastery. Arrested March 20, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

168. Lobsang Zoepa: Age: 19. A monk of Dakpo monastery. Arrested August 22, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

169. Loden: Age: 51 A monk of Gyu-me monastery. Arrested March 1993.

170. Lodro Pema: A nun of Shungsep monastery. Arrested December 9, 1993.

171. Migmar: Age: 17. A monk of Dunbu monastery. Arrested May 30. 1993.

172. Migmar: Age: 27 A monk of Dunbu monastery. Arrested May 30, 1993.

173. Migmar Tsering: Age: 20. A monk of Dunbu monastry. Arrested May 30. 1993.

174. Namdrol Lhamo: Age 28. A nun of Chubsang monastery. Arrested May 12, 1992. Sentenced to 12 years in prison. Currently held in Drapchi prison.

175. Namgyal Ghoedron: A nun of Shungsep monastery. Arrested December 9, 1993.

176. Ngawang Bumchok: Age: 22. A monk of Drepung monastery. Arrested June 15, 1992. Sentenced to 5 years in prison. Currently held in Drapchi Prison.

177. Ngawang Chendrol: Age: 18. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 3 years in prison. Currently held in Drapchi prison.

178. Ngawang Chenma: Age: 24. A nun of Garu monastery. Arrested June 5, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

179. Ngawang Chime: Age: 19. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 4 years in prison. Currently held in Drapchi prison.

180. Ngawang Choedrak: A monk and Chant master. Arrested April 1993.

181. Ngawang Choedron: A nun of Choebup monastery. Arrested June 28, 1993.

182. Ngawang Choekyi: Age: 23. A nun of Toelung monastery. Arrested May 14, 1993. Sentenced to 4 years in prison. Currently being held in Drapchi prison.

183. Ngawang Choekyi: Age: 21. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 4 years in prison. Currently being held in Drapchi prison.

184. Ngawang Choenyi: Age: 20. A monk of Kyemolong monastery. Arrested May 8, 1993. Sentenced to 4 years in prison. Currently held in Drapchi prison.

185. Ngawang Choekyong: A monk of Sang-Ngag monastery. Arrested between December 2 and 7, 1994. Currently held in Taktse prison.

186. Ngawang Choephel: Age: 29. A monk of Lithang monastery. Arrested August 20, 1993.

187. Ngawang Choeshe: Age: 24. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

188. Ngawang Choezom: Age: 22. A nun of Chubsang monastery. Arrested March 21, 1993. Sentenced to 11 years in prison. Currently held in Drapchi prison.

189. Ngawang Choglang: Age: 25. A monk of Sungrabling monastery. Arrested June 28, 1993. Sentenced to 5 years in prison. Currently being held in Drapchi prison.

190. Ngawang Dadrol: Age: 17. A nun of Garu monastery. Arrested between June 15 and 22, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

191. Ngawang Dawa: Age: 16. A monk of Drepung monastery. Arrested September 9, 1991. Sentenced to 6 years in prison. Currently held in Drapchi prison.

192. Ngawang Debam: Age: 24. A monk of Sera monastery. Arrested August 8, 1991. Currently held in Gutsa prison.

193. Ngawang Dedrol: Age: 23. A nun of Chubsang monastery. Arrested May 14, 1992. Currently held in Gutsa prison.

194. Ngawang Dedrol: Age: 24. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 7 years in prison. Currently being held in Drapchi prison.

195. Ngawang Dipsel: A monk of Drepung monastery. Sentenced to 4 years in prison. Currently being held in Drapchi prison.

196. Ngawang Dorje: Age: 21. A monk of Shedrupling monastery. Arrested August 12, 1992. Sentenced to 3 years in prison. Currently being held in Drapchi prison.

197. Ngawang Drolma: Age: 18. A nun of Michungri monastery. Arrested March 13, 1993. Currently held in Gusta prison.

198. Ngawang Gomchen: Age: 20. A monk of Drepung monastery. Arrested August 1991. Currently held in Gutsa prison.

199. Ngawang Gyaltsen: Age: 21. A monk of Sera monastery. Arrested May 3, 1991. A monk of Gutsa prison.

200. Ngawang Gyaltsen: Age: 36. A monk of Drepung monastery. Arrested April 4, 1989. Sentenced to 17 years in prison. Currently held in Drapchi prison.

201. Ngawang Gyatso: A nun of Toelung monastery. Arrested May 13, 1992. Currently held in Gutsa prison.

202. Ngawang Jamchen: Age: 24. A monk of Drepung monastery. Arrested September 27, 1991. Sentenced to 5 years in prison. Currently held in Drapchi prison.

203. Ngawang Jigme: Age 17. A monk of Drepung monastery. Arrested in September or October 1991. Sentenced to 6 years in prison. Currently held in Drapchi prison.

204. Ngawang Jigme: Age: 20. A monk of Medro monastery. Arrested June 6, 1993. Sentenced to 6 years in prison. Currently held in Drapchi prison.

205. Ngawang Jinpa: A monk of Sang-Ngag monastery. Arrested between December 2 and 7, 1994.

206. Ngawang Keldron: Age: between 19 and 22. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 5 years in prison.

207. Ngawang Kelsang: A nun of Nyemo Gyaltse monastery. Arrested June 1993.

208. Ngawang Kelzom: Age: 24. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 2–5 years in prison. Currently held in Drapchi prison.

209. Ngawang Kelzom: Age: 24. A nun of Chubsang monastery. Arrested June 14, 1993. Sentenced to 2 years in prison. Currently held in Drapchi prison.

210. Ngawang Khedup: Age: 24. A monk of Drepung monastery. Arrested June 15, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

211. Ngawang Kunsang: Age: 26. A nun of Garu monastery. Arrested in January or February 1990. Sentenced to 14 years in prison. Currently held in Drapchi prison.

212. Ngawang Kunsel: Age: 20. A nun of a Garu monastery. Arrested May 25, 1994.

213. Ngawang Kyema: Age: 23. A nun of Garu monastery. Arrested June 22, 1993. Sentenced to 4 years in prison. Currently held in Drapchi prison.

214. Ngawang Lamchen: Age: 23. A monk of Sungrabling monastery. Arrested June 28, 1993.

215. Ngawang Lamchung: Age: 22. A monk of Kyemolung monastery. Arrested December 12, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

216. Ngawang Lamdrol: Age: 19. A nun of Garu monastery. Arrested May 25, 1994.

217. Ngawang Ledoe: A monk of Sera monastery. Arrested 1983. Currently held in Gutsa prison.

218. Ngawang Legsang: Age: 22. A monk of Kyormolong monastery. Arrested 28, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

219. Ngawang Legshe: Age: 22. A monk of Kingka monastery. Arrested March 17, 1991. Sentenced to 4 years in prison. Currently held in Drapchi prison.

220. Ngawang Legyon: A monk of Sang-Ngag monastery. Arrested December 2 or 7, 1994.

221. Ngawang Lhaksam: Age: 24. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 5 years in prison. Currently held in Gutsa prison.

222. Ngawang Lhundrup: Age: 22. A monk of Kingka monastery. Arrested April 1991. Sentenced to 6 years in prison. Currently held in Drapchi prison.

223. Ngawang Lhundrup: Age: 33. A monk of Drepung monastery. Arrested May 16, 1991. Currently held in Gutsa prison.

224. Ngawang Lhundrup: Age: 19. A monk of Shedrupling monastery. Arrested August 12, 1992. Currently held in Gutsa prison.

225. Ngawang Lobsang: Age: 23. A nun of Phenpo Namkar monastery. Arrested July 16, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

226. Ngawang Lochoe: Age: 23. A nun of Toelung monastery. Arrested May 14, 1992. Sentenced to 10 years in prison. Currently held in Drapchi prison.

227. Ngawang Losel: A monk of Sang-Ngag monastery. Arrested between December 2 and 7, 1994. Currently held in Taktse prison.

228. Ngawang Losel: A monk of Ganden monastery. Arrested June 4, 1993.

229. Ngawang Lungtok: Age: 19. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

230. Ngawang Namdrol: Age: 23. A nun of Toelung monastery. Arrested May 14, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

231. Ngawang Namling: Age: 28. A monk of Drugyal monastery. Arrested June 27, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

232. Ngawang Ngondron: A nun of Toelung monastery. Arrested May 13, 1992. Currently held in Gutsa prison.

233. Ngawang Ngon-Kyen: Age: 19. A monk of Nyethang monastery. Arrested between May 7 and 31, 1994.

234. Ngawang Nordrol: Age: 23. A nun of Samdrup Drolma monastery. Arrested May 14, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

235. Ngawang Nyidrol: Age: 23. A nun of Chubsang monastery. Arrested July 6, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

236. Ngawang Nyima: Age: 23. A nun of Garu monastery. Arrested between June 5 and 22, 1992. Sentenced to 4 years in prison. Currently being held in Drapchi prison.

237. Ngawang Nyima: Age: 22. A nun of Chubsang monastery. Arrested May 14, 1992. Currently held in Gutsa prison.

238. Ngawang Oeser: Age: 22. A monk of Drepung monastery. Arrested April 16, 1989. Sentenced to 17 years in prison. Currently held in Drapchi prison.

239. Ngawang Palden: Age: 28. A monk of Dunbu monastery. Arrested August 28, 1992. Sentenced to up to 10 years in prison. Currently held in Drapchi prison.

240. Ngawang Palgon: Age: 33. A monk of Drepung monastery. Arrested June 15, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

241. Ngawang Palmo: Age: 22. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 3 years in prison. Currently held in Drapchi prison.

242. Ngawang Palsang: Age: 20. A monk of Medro monastery. Arrested June 6, 1993. Sentenced to 6 years in prison. Currently held in Drapchi prison.

243. Ngawang Pekar: Age: 29. A monk of Drepung monastery. Arrested March 1989. Sentenced to 8 years in prison. Currently held in Drapchi prison.

244. Ngawang Pelkyi: Age: 18. A nun of Garu monastery. Arrested June 22, 1992. Sentenced to 3 years in prison. Currently held in Trisam prison.

245. Ngawang Pema: A nun of Bumthang monastery. Arrested March 13, 1994.

246. Ngawang Pemo: Age: 22. A nun of Garu monastery. Arrested June 14, 1993. Currently held in Gutsa prison.

247. Ngawang Phulchung: Age: 34. A monk of Drepung monastery. Arrested April 16, 1989. Sentenced to 16 years in prison. Currently held in Drapchi prison.

248. Ngawang: Age: 21. A monk of Drepung monastery. Arrested May 15, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

249. Ngawang Phuntsog: Age: 22. A nun of Toelung monastery. Arrested May 14, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

250. Ngawang Phurdron: A nun of Toelung monastery. Arrested May 13, 1992. Currently held in Gutsa prison.

251. Ngawang Rabjor: Age: 20. A monk of Drepung monastery. Arrested September 27, 1991. Sentenced to six years in prison. Currently held in Drapchi prison.

252. Ngawang Rigdrol: Age: 21. A nun of Garu monastery. Arrested between June 5 and 22, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

253. Ngawang Rigdrol: Age: 22. A nun of Phenpo Namkar monastery. Arrested July 17, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

254. Ngawang Rigzin: Age: 29. A monk of Drepung monastery. Arrested April 1989. Sentenced to 9 years in prison. Currently held in Drapchi prison.

255. Ngawang Samdrup: Age: 18. A nun of Garu monastery. Arrested June 17, 1992. Sentenced to 9 years in prison. Currently held in Drapchi prison.

256. Ngawang Samten: Age: 20. A nun of Garu monastery. Arrested June 5, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

257. Ngawang Samten: Age: 22. A monk of Drepung monastery. Arrested between March 9 and 11, 1991. Sentenced to 4 years in prison. Currently held in Drapchi prison.

258. Ngawang Sangden: A nun of Bumthang monastery. Arrested March 13, 1994.

259. Ngawang Sangdrol: Age: 18. A nun of Garu monastery. Arrested June 17, 1992. Sentenced to 9 years in prison. Currently held in Drapchi prison.

260. Ngawang Sangye: A monk of Ganden monastery. Arrested March 9, 1993. Currently held in Gutsa prison.

261. Ngawang Shenyen: Age: 25. A monk of Kyemolung monastery. Arrested March 18, 1989. Sentenced to 6 years in prison. Currently held in Drapchi prison.

262. Ngawang Sherab: Age: 23. A monk of Kyemolung monastery. Arrested June 16, 1993. Sentenced to 4 years in prison. Currently held in Drapchi prison.

263. Ngawang Sherab: Age: 24. A monk of Jamchen monastery. Arrested March 11, 1992. Sentenced to up to 10 years in prison. Currently held in Drapchi prison.

264. Ngawang Sonam: Age: 21. A nun of Chubsang monastery. Arrested June 14, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

265. Ngawang Songtsen: Age: 24. A monk of Jokhang monastery. Arrested March 1989. Sentenced to 7 years in prison. Currently held in Drapchi prison.

266. Ngawang Sothar: Age: 23. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

267. Ngawang Sungrab: Age: 20. A monk of Drepung monastery. Arrested September 27, 1991. Sentenced to 10 years in prison. Currently held in Drapchi prison.

268. Ngawang Tendrol: Age: 18. A nun of Toelung Ngengon monastery. Arrested May 14, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

269. Ngawang Tengye: Age: 23. A monk of Ganden monastery. Arrested May 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

270. Ngawang Tenrab: Age: 37. A monk of Drepung monastery. Arrested March 16, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

271. Ngawang Tensang: Age: 21. A monk of Drepung monastery. Arrested September 14, 1991. Sentenced to 10 years in prison. Currently held in Drapchi prison.

272. Ngawang Tenzin: Age: 23. A nun of Chubsang monastery. Arrested May 16, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

273. Ngawang Tenzin: Age: 18. A monk of Kyemolung monastery. Arrested February 19, 1992. Currently held in Gutsa prison.

274. Ngawang Tenzin: Age: 21. A monk of Kyemolung monastery. Arrested March 18, 1989. Sentenced to 8 years in prison. Currently held in Drapchi prison.

275. Ngawang Thoglam: A monk of Sang-Ngag monastery. Arrested December 2 or 7, 1994. Currently held in Taktse prison.

276. Ngawang Thupten: Age: 18. A nun of Garu monastery. Arrested May 29, 1993.

277. Ngawang Thupten: Age: 19. A monk of Drepung monastery. Arrested September 10, 1991. Sentenced to 4 years in prison. Currently held in Drapchi prison.

278. Ngawang Trinley: Age: 27. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

279. Ngawang Tsamdrol: Age: 21. A nun of Toelung monastery. Arrested May 14, 1992. Sentenced to a total of 10 years in prison. Currently held in Drapchi prison.

280. Ngawang Tsangpa: Age: 21. A monk of Nyethang monastery. Arrested between May 27 and 31, 1994.

281. Ngawang Tsedrol: Age: 22. A nun of Chubsang monastery. Arrested May 14, 1992. Currently held in Gutsa prison.

282. Ngawang Tsondru: Age: 23. A monk of Drepung monastery. Arrested June 1, 1993. Sentenced to 6 years in prison. Currently held in Drapchi prison.

283. Ngawang Tsondru: Age: 26. A monk of Dingka monastery. Arrested March 17, 1991. Sentenced to 4 years in prison. Currently held in Drapchi prison.

284. Ngawang Tsultrim: Age: 24. A monk of Kyemolung monastery. Arrested March 18, 1989. Sentenced to 6 years in prison. Currently held in Drapchi prison.

285. Ngawang Tsultrim: A monk of Sera monastery. Arrested May 1993.

286. Ngawang Wangmo: A nun of Chubsang monastery. Arrested May 14, 1992. Currently held in Gutsa prison.

287. Ngawang Woeser: Age: 28. A monk of Dingka monastery. Arrested March 1991. Sentenced to 5 years in prison. Currently held in Drapchi prison.

288. Ngawang Yangchen: Age: 22. A nun of Chubsang monastery. Arrested August 12, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

289. Ngawang Yangdrol: Age: 23. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

290. Ngawang Yangkyi: A nun of Tsangkhung monastery. Arrested August 21, 1990. Currently held at Drapchi hospital.

291. Ngawang Yangkyi: Age: 22. A nun of Garu monastery. Arrested June 4, 1993. Sentenced to 4 years in prison. Currently held in Drapchi prison.

292. Ngawang Yeshe: Age: 22. A monk of Serkhang monastery. Arrested February 11, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

293. Ngawang Zangpo: Age: 20. A monk of Drepung monastery. Arrested August 1991. Currently held in Gutsa prison.

294. Ngawang Zoepa: Age: 25. A monk of Rong Jamchen monastery. Arrested between September 11 and 19, 1992. Sentenced to up to 10 years in prison. Currently held in Drapchi prison.

295. Ngawang Zoepa: Age: 28. A monk of Dingka monastery. Arrested March 17, 1991. Sentenced to 5 years in prison. Currently held in Drapchi prison.

296. Norbu: Age: 20. A monk of Ganden monastery. Arrested March 9, 1993. Sentenced to 4 years in prison. Currently held in Drapchi prison.

297. Norbu: Age: 20. A monk of Yamure monastery. Arrested January 11, 1995.

298. Norgye: Age: 23. A monk of Rong Jamchen monastery. Arrested September 19, 1992. Sentenced to 4–5 years in prison. Currently held in Drapchi prison.

299. Norzang: Age: 15. A monk of Dunbu monastery. Arrested May 30, 1993.

300. Norzin: A nun of Shungsep monastery. Arrested December 9, 1993.

301. Nyidrol: A nun of Chubsang monastery. Arrested May 14, 1992. Currently held in Gutsa prison.

302. Nyima: Age: 28. A monk of Ganden monastery. Arrested April 2, 1994.

303. Nyima: Age: 18. A monk of Phurchok monastery. Arrested May 24, 1994.

304. Nyima Gyaltsen: Age: 23. A monk of Tsepak monastery. Arrested June 4, 1993. Sentenced to 6 years in prison. Currently held in Drapchi prison.

305. Nyima Tenzin: Age: 27. A monk of Pangpa monastery. Arrested December 29, 1993.

306. Nyima Tsamchoe: Age: 25. A nun of Garu monastery. Arrested June 22, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

307. Palden Choedron: Age: 19. A nun of Shungsep monastery. Arrested October 1, 1990. Sentenced to 9 years in prison. Currently held in Drapchi prison.

308. Pasang: Age: 24. A monk of Dunbu monastery. Arrested May 30, 1993.

309. Pasang: A monk of Dakpo monastery. Arrested January 1992. Currently held in Medro jail.

310. Pasang: Age: 15. A monk of Tsepak monastery. Arrested June 3, 1993. Currently held in Gutsa prison.

311. Passang: A monk of Drepung monastery. Arrested June 1993.

312. Pema Drolkar: Age: 18. A nun of Michungri monastery. Currently held in Gutsa prison.

313. Pema Oeser: Age: 16. A nun of Nagar monastery. Arrested August 17, 1993.

314. Pema Tsering: Age: 23. A monk of Serwa monastery. Arrested March 29, 1994. Sentenced to 15 years in prison. Currently held in Powo Tramo prison.

315. Pendron: A nun of Shungsen. Arrested December 12, 1993.

316. Penpa: Age: 20. A monk of Ganden monastery. Arrested March 9, 1993. Sentenced to 3 years in prison. Currently held in Drapchi prison.

317. Penpa: Age: 19. A monk of Dunbu monastery. Arrested May 30, 1993.

318. Penpa: Age: 21. A monk of Sungrabling monastery. Arrested July 4, 1993. Sentenced to 3 years in prison. Currently held in Drapchi prison.

319. Penpa: Age: 22. A monk of Sungrabling monastery. Arrested July 4, 1993. Sentenced to 6 years in prison. Currently held in Drapchi prison.

320. Penpa Wangmo: Age: 20. A nun of Michungri monastery. Arrested February 13, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

321. Pepar: Age: 21. A monk of Ganden monastery. Arrested May 1992. Currently held in Gutsa prison.

322. Phetho: Age: 21. A nun of Chubsang monastery. Arrested August 18, 1991. Currently held in Gutsa prison.

323. Phuntsog: Age: 21. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 8 years in prison. Currently held in Drapchi prison.

324. Phuntsog Changsem: Age: 18. A monk of Drepung Monastery. Arrested September 14, 1991. Sentenced to 8 years in prison. Currently held in Drapchi prison.

325. Phuntsog Chenga: Age: 22. A nun of Garu monastery. Arrested June 14, 1993. Currently held in Gutsa prison.

326. Phutsog Choedrag: A monk of Sang-Ngag monastery. Arrested December 2 or 7, 1994.

327. Phutsog Choejor: A monk of Sang-Ngag monastery. Arrested December 2 or 7, 1994.

328. Phutsog Choekyi: Age: 22. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 6–7 years in prison. Currently held in Drapchi prison.

329. Phuntsog Dadak: A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 4 years in prison. Currently held in Gutsa prison.

330. Phuntsog Demei: Age: 22. A monk of Drepung monastery. Arrested May 13, 199?. Sentenced to 8 years in prison. Currently held in Drapchi prison.

331. Phuntsog Dondrup: Age: 17. A monk of Drepung monastery. Arrested September 10, 1991. Sentenced to 4 years in prison. Currently held in Drapchi prison.

332. Phuntsog Gonpo: Age: 19. A monk of Drepung monastery. Arrested September 14, 1991. Sentenced to 5 years in prison. Currently held in Drapchi prison.

333. Phuntsog Gyaltsen: Age: 26. A monk of Ganden monastery. Arrested March 7, 1988. Sentenced to 12 years in prison. Currently held in Drapchi prison.

334. Phuntsog Jigdral: A monk of Sang-Ngag monastery. Arrested December 2 or 7, 1994. Currently held in Taktse prison.

335. Phuntsog Jorchu: Age: 26. A monk of Drepung monastery. Arrested August 1991. Sentenced to 5 years in prison. Currently held in Drapchi prison.

336. Phuntsog Legsang: Age: 21. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

337. Phuntsog Lochoe: Age: 24. A nun of Chubsang monastery. Arrested March 21, 1992. Sentenced to 7 years in prison. Currently held in Drapchi prison.

338. Phuntsog Lhundrup: A monk of Sang-Ngag monastery. Arrested December 2 or 7, 1994.

339. Phuntsog Namgyal: Age: 23. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

340. Phuntsog Nyidron: Age: 23. A nun of Michungri monastery. Arrested between October and December 1990. Sentenced to a total of 17 years in prison. Currently held in Drapchi prison.

341. Phuntsog Nyimgbu: A monk of Drepung monastery. Arrested October 1993. Currently held in Gutsa prison.

342. Phuntsog Pema: Age 23. A nun of Michungri monastery. Arrested between October and December 1990. Sentenced to 8 years in prison. Currently held in Drapchi prison.

343. Phuntsog Peyang: Age 27. A nun of Garu monastery. Arrested May 25, 1994.

344. Phuntsog Rigchog: Age 28. A monk of Nyethang monastery. Arrested May 31, 1994.

345. Phuntsog Samten: Age 24. A monk of Nyethang monastery. Arrested September 4,

1991. Sentenced to 10 years in prison. Currently held in Drapchi prison.

346. Phuntsog Samten: Age 23. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

347. Phuntsog Segyi: Age 22. A monk of Drepung monastery. Arrested May 13, 1992. Sentenced to 8 years in prison. Currently held in Drapchi prison.

348. Phuntsog Seldrag: Age 17. A monk of Nyethang monastery. Arrested May 31, 1994.

349. Phuntsog Tendon: Age 14. A monk of Nyethang monastery. Arrested May 31, 1994.

350. Phuntsog Thoesam: Age 23. A monk of Nyethang monastery. Arrested June 1, 1993. Sentenced to 7 years in prison. Currently held in Drapchi prison.

351. Phuntsog Thrinden: Age 19. A monk of Nyethang monastery. Arrested May 31, 1994.

352. Phuntsog Thubten: Age 30. A monk of Rame monastery. Arrested June 12, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

353. Thuntog Thutop: Age 20. A monk of Drepung monastery. Arrested September 14, 1991. Sentenced to 5 years in prison. Currently held in Drapchi prison.

354. Phuntsog Tsamchoe: Age 22. A nun of Chubsang monastery. Arrested March 3, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

355. Phuntsog Tsering: Age 20. A monk of Nyethang monastery. Arrested September 4, 1991. Sentenced to 5 years in prison. Currently held in Drapchi prison.

356. Phuntsog Tsomo: Age 19. A nun of Garu monastery. Arrested May 25, 1994.

357. Phuntsog Tsungme: Age 21. A monk of Sera monastery. Arrested May 26, 1991. Currently held in Gutsa prison.

358. Phuntsog Wangden: Age 23. A monk of Nyethang monastery. Arrested September 4, 1991. Sentenced to 5 years in prison. Currently held in Drapchi prison.

359. Phuntsog Wangdu: Age 25. A monk of Ganden monastery. Arrested June 18, 1993.

360. Phuntsog Wangmo: Age 21. A nun of Garu monastery. Arrested May 25, 1994.

361. Phuntsog Zoepa: Age 19. A monk of Nyethang monastery. Arrested May 31, 1994.

362. Phurbu: Age 19. A monk of Ganden monastery. Arrested October 10, 1989. Sentenced to 7 years in prison. Currently held in Drapchi prison.

363. Phurbu: Age 23. A monk of Ganden monastery. Arrested September 30, 1989. Sentenced to a total of 9 years in prison. Currently held in Drapchi prison.

364. Phurbu: Age 16. A monk of Tsepak monastery. Arrested June 3, 1993. Currently held in Gutsa prison.

365. Phurbu Tashi: Age 15. A monk of Dunbu monastery. Arrested May 30, 1993. Sentenced to 2 years, 6 months in prison.

366. Phurbu Tashi: Age. 20. A monk of Pangpa monastery. Arrested December 29, 1993.

367. Phurbu Tsamchoe: A nun of Tsangkhung monastery. Arrested June 10, 1991. Currently held in Gutsa prison.

368. Phurbu Tsering: A monk of Tashi Lhunpo monastery. Arrested June 15, 1993.

369. Rigzin Choekyi: Age: 24. A nun of Shungsep monastery. Arrested August 1990. Sentenced to 12 years in prison. Currently held in Drapchi prison.

370. Rigzin Tsondru: A nun of Shungsep monastery. Arrested December 9, 1993.

371. Rinchen Drolma: Age: 23. A nun of Garu monastery. Arrested June 14, 1993. Sentenced to 2-4 years in prison. Currently held in Drapchi prison.

372. Rinchen Sangmo: Age: 20. A nun of Garu monastery. Arrested June 22, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

373. Samten Choesang: Age: 20. A nun of Phenpo Namkar monastery. Arrested July 16, 1993. Sentenced to 6 years in prison.

374. Samten Sangmo: Age: 20. A nun of Phenpo Namkar monastery. Arrested July 16, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

375. Seldroen: Age: 17. A nun of Shar Bumpa monastery. Arrested June 14, 1994. Currently held in Guta prison.

376. Shenyen Logsang: A monk of Kyemolung monastery. Arrested June 16, 1993.

377. Sherabl Drolma: A nun of Shungsep monastery. Arrested December 9, 1993.

378. Sherab Ngawang: Age: 12. A nun of Michungri monastery. Arrested February 3, 1992. Sentended to 3 years in prison. Currently held in Trisam prison.

379. Shilok: Age: 33. A monk of Dunbu monastery. Arrested March 30, 1992. Currently held in Tsethang prison.

380. Sodor: Age: 20. A monk of Lhoka monastery. Arrested August 16, 1989. Sentenced to a total of 7 years in prison. Currently held in Drapchi prison.

381. Sonam: A monk of Drak Yerpa monastery. Arrested August 1994. Sentenced to 5 years in prison. Currently held in Drapchi prison.

382. Sonam Bagdro: Age: 24. A monk of Ganden monastery. Arrested March 20, 1992. Sentenced to Gutsa prison.

383. Sonam Choephel: Age: 12. A monk of Cunbu monastery. Arrested May 30, 1993. Sentenced to 3 years in prison.

384. Sonam Drolkar: A nun of Dechen Khul monastery. Arrested May 16, 1992. Currently held in Gutsa prison.

385. Sonam Gyalpo: A monk of Tashilhunpo monastery. Arrested July 1, 1993.

386. Sonam Tenzin: A monk of Dakpo monastery. Arrested January 1992. Currently held in Medro jail.

387. Sonam Tsering: Age: 20. A monk of Yamure monastery. Arrested January 11, 1995.

388. Sotop: Age: 23. A monk of Sungrabling monastery. Arrested March 1989. Sentenced to 7 years in prison. Currently held in Drapchi prison.

389. Tapsang: Age: 22. A nun of Sungsep monastery. Sentenced to 5 years in prison. Currently held in Gutsa prison.

390. Tashi Dawa: A monk of Ganden monastery. Arrested May 1992. Currently held in Gutsa prison.

391. Tendar Phuntsog: Age: 62. A monk of Potala monastery. Arrested March 8, 1989. Sentenced to up to 10 years in prison. Currently held in Drapchi prison.

392. Tenpa Wangdrag: Age: 49. A monk of Ganden monastery. Arrested March 7, 1988. Sentenced to 14 years in prison. Currently held in Powo Tramo prison.

393. Tenzin: Age: 23. A monk of Ganden monastery. Arrested June 1, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

394. Tenzin: Age: 20. A monk of Ganden monastery. Arrested May 7, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

395. Tenzin: Age: 24. A monk of Bu Gon monastery. Arrested January 13, 1994.

396. Tenzin Choekyi: Age: 19. A nun of Michungri monastery. Arrested March 11, 1993.

397. Tenzin Choekyi: A nun of Choebup monastery. Arrested June 28, 1993.

398. Tenzin Choephel: Age: 16. A monk of Ganden monastery. Arrested March 9, 1993. Currently held in Gutsa prison.

399. Tenzin Dekyong: Age: 15. A nun of Michungri monastery. Arrested March 13, 1993. Currently held in Gutsa prison.

400. Tenzin Dradul: Age: 18. A monk of Ganden monastery. Arrested March 9, 1993. Currently held in Gutsa prison.

401. Tanzin Drakpa: Age: 23. A monk of Dakpo monastery. Arrested December 6, 1991. Sentenced to 8 years in prison. Currently held in Drapchi prison.

402. Tenzin Dragpa: Age: 24. A monk of Ganden monastery. Arrested June 10, 1992. Sentenced to 8 years in prison. Currently held in Drapchi prison.

403. Tenzin Kunsang: A nun of Bumthang monastery. Arrested March 12, 1994.

404. Tenzin Namdrak: Age: 23. A monk of Phakmo monastery. Arrested August 13, 1993. Sentenced to 6 years in prison. Currently held in Drapchi prison.

405. Tenzin Ngawang: Age: 21. A nun of Michungri monastery. Arrested between August 12 and 21, 1990. Sentenced up to 5 years in prison. Currently held in Drapchi prison.

406. Tenzin Phuntsog: Age: 24. A monk of Ganden monastery. Arrested March 20, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

407. Tenzin Rabten: Age: 21. A monk of Shelkar monastery. Arrested June 14, 1993.

408. Tenzin Thupten: Age: 20. A nun of Michungri monastery. Arrested between August 12 and 21, 1990. Sentenced up to 14 years in prison. Currently held in Drapchi prison.

409. Tenzin Trinley: Age: 23. A monk of Dunbu monastery. Arrested November 7, 1992. Sentenced to 3-4 years in prison. Currently held in Drapchi prison.

410. Tenzin Wangdu: Age: 19. A monk of Ganden monastery. Arrested between June 10 and 13, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

411. Thapke: Age: 17. A monk of Dunbu monastery. Arrested May 30, 1993.

412. Tharpa: Age: 17. A monk of Phurchok monastery. Arrested May 24, 1994.

413. Thupten Geleg: Age: 16. A monk of Nyethang monastery. Arrested May 31, 1994.

414. Thupten Kelsang: Age: 18. A monk of Phurchok monastery. Arrested May 16, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

415. Thupten Kelsang: Age: 19. A monk of Lo monastery. Arrested May 4, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

416. Thupten Kunga: Age: 70. A monk of Rong Jamchen monastery. Arrested April 10, 1992.

417. Thupten Kunkhyen: Age: 17. A monk of Chideshol monastery. Arrested November 7, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

418. Thupten Kunphel: A monk of Drepung monastery. Arrested March 20, 1992. Currently held in Gutsa prison.

419. Thupten Monlam: Age: 20. A monk of Dunbu monastery. Arrested August 8, 1992. Sentenced to up to 10 years in prison. Currently held in Drapchi prison.

420. Thupten Phuntsog: Age: 26. A monk of Rame monastery. Arrested June 22, 1992. Sentenced to 5 years in prison.

421. Thupten Tsering: Age: 25. A monk of Sera monastery. Arrested May 19, 1993. Currently held in Seitru prison.

422. Thupten Tsondru: Age: 23. A monk of Chideshol monastery. Arrested April 6, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

423. Topgyal: Age: 21. A monk of Bu Gon monastery. Arrested February 1994.

424. Trinley Choedron: Age: 18. A monk of Drepung monastery. Arrested May 13, 1995.

Sentenced to 3 years in prison. Currently held in Drapchi prison.

425. Trinley Choezom: Age: 18. A nun of Michungri monastery. Arrested February 3, 1992. Sentenced to 5 years in prison. Currently held in Drapchi prison.

426. Trinley Gyaltsen: Age: 16. A monk of Tsepak monastery. Arrested June 4, 1993. Sentenced to 3 years in prison. Currently held in Drapchi prison.

427. Trinley Gyamtso: Age: 24. A monk of Labrang monastery. Arrested September 1994.

428. Trinly Tenzin: A monk of Drepung monastery. Arrested either May 12 or 13, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

429. Tsamchoe: A nun of Garu monastery. Arrested June 1, 1992.

430. Tsamchoe: Age: 19. A nun of Nagar monastery. Arrested August 17, 1993.

431. Tsering: Age: 20. A monk of Dunbu monastery. Arrested between September and November 1992.

432. Tsering: A nun of Michungri monastery. Arrested March 11, 1993.

433. Tsering: Age: 23. A monk of Lhodrak monastery. Arrested June 28, 1993.

434. Tsering Choedron: A nun of Chubsang monastery. Arrested May 14, 1992. Currently held in Gutsa prison.

435. Tsering Choedron: A nun of Shungsep monastery. Arrested December 11, 1992.

436. Tsering Choekyi: A nun of Sungsep monastery. Arrested December 12, 1992.

437. Tsering Donden: Age: 26. A monk of Dunbu monastery. Arrested May 30, 1993.

438. Tsering Dondrup: Age: 25. A monk of Nyethang monastery. Arrested September 4, 1991. Sentenced to 5 years in prison. Currently held in Drapchi prison.

439. Tsering Phuntsog: Age: 26. A monk of Ganden monastery. Arrested March 20, 1992. Currently held in Gutsa prison.

440. Tsering Phuntsog: Age: 24. A monk of Palkhor monastery. Arrested in July or August 1990. Sentenced to 13 years in prison. Currently held in Drapchi prison.

441. Tsering Samdrup: Age: 21. A monk of Ganden monastery. Arrested June 19, 1994. Currently held in Gutsa prison.

442. Tsering Tashi: Age: 20. A monk of Sera monastery. Arrested May 26, 1991. Currently held in Gutsa prison.

443. Tseten: Age: 22. A nun of Garu monastery. Arrested January 1990. Sentenced to 6 years in prison. Currently held in Drapchi prison.

444. Tseten Ngodrup: Age: 19. A monk of Phagmo monastery. Arrested August 13, 1993. Sentenced to 4 years in prison. Currently held in Drapchi prison.

445. Tseten Nyima: A monk of Ganden monastery. Arrested May 1992.

446. Tseten Samdup: Age: 17. A monk of Ganden monastery. Arrested May 1992.

447. Tsetob: Age: 28. A monk of Bu Gon monastery. Arrested January 13, 1994.

448. Tsetse: Age: 47. A monk of Bu Gon monastery. Arrested January 13, 1994. Currently held in Chamdo prison.

449. Tsultrim Donden: Age: 23. A monk of Drepung monastery. Arrested May 12, 1992. Sentenced to 4 years in prison. Currently held in Drapchi prison.

450. Tsultrim Gyaltsen: Age: 23. A monk of Sungrabling monastery. Arrested July 5, 1993.

451. Tsultrim Nyima: Age: 21. A monk of Ganden monastery. Arrested May 1992. Currently held in Gutsa monastery.

452. Tsultrim Sherab: Age: 19. A monk of Sungrabling monastery. Arrested July 5, 1993.

453. Tsultrim Tharchin: A nun of Shungsep monastery. Arrested December 11, 1993.

454. Tsultrim Topgyal: Age: 20. A monk of Sungrabling monastery. Arrested June 28, 1993.

455. Tsultrim Zangmo: Age: 23. A nun of Shar Bumpa monastery. Arrested June 14, 1994.

456. Tsultrim Zoepa: Age: 23. A monk of Sungrabling monastery. Arrested July 5, 1993.

456. Walgon Tsering: A monk of Qinghai monastery. Arrested September 1994. Currently held in Hainan County prison.

457. Wangdu: Age: 22. A monk of Jokhang monastery. Arrested March 8, 1989. Sentenced to a total of 8 years in prison. Currently held in Drapchi prison.

458. Yangdron: A nun of Shungsep monastery. Arrested December 11, 1993.

459. Yangzom: Age: 23. A nun of Chubsang monastery. Arrested March 21, 1992. Currently held in Gutsa prison.

460. Yeshe Choezang: A nun of Shungsep monastery. Arrested December 11, 1993.

461. Yeshe Dolma: Age: 28. A nun of Shar Bumpa monastery. Arrested June 15, 1994.

462. Yeshe Drolma: Age 24. A nun of Chubsang monastery. Arrested August 12, 1992. Sentenced to 3 years in prison. Currently held in Drapchi prison.

463. Yeshe Dradul: Age: 24. A monk of Sungrabling monastery. Arrested March 13, 1989. Sentenced to 5-6 years in prison. Currently held in Drapchi prison.

464. Yeshe Jamyang: Age: 19. A monk of Serkhang monastery. Arrested February 11, 1992. Sentenced to 3-4 years in prison. Currently held in Drapchi prison.

465. Yeshe Jinpa: Age: 20. A monk of Sungrabling monastery. Arrested June 28, 1993.

466. Yeshe Kalsang: Age: 20. A monk of Gyaldoe monastery. Arrested June 6, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

467. Yeshe Khedrup: Age: 20. A monk of Ganden monastery. Arrested May 6, 1992. Sentenced to 6 years in prison. Currently held in Drapchi prison.

468. Yeshe Kunsang: A nun of Shungsep monastery. Arrested December 11, 1993.

469. Yeshe Ngawang: Age: 22. A monk of Sungrabling monastery. Arrested March 13, 1989. Sentenced to a total of 14 years in prison. Currently held in Drapchi prison.

470. Yeshe Samten: Age: 22. A monk of Kyemolong monastery. Arrested June 19, 1993. Sentenced to 5 years in prison. Currently held in Drapchi prison.

471. Yeshe Tsondu: A nun of Shungsep monastery. Arrested December 12, 1993.

July 3, 1995

[Primary Source: The Puebla Institute]

PROTESTANTS IMPRISONED AND DETAINED IN CHINA

1. Dai Gullang: Age: 45. Arrested August 25, 1993. Sentenced without trial to three years' "reform through labor." Currently held in Xuancheng Labor Camp, Anhui province.

2. Dai Lanmei: Age: 27. Arrested August 25, 1993. Sentenced without trial to two years' "reform through labor." Currently held in Xuancheng Labor Camp, Anhui province.

3. Fan Zhi: Arrested after August 1991.

4. Ge Xinliang: Age: 27. Arrested August 25, 1993. Sentenced without trial to two years' "reform through labor."

5. Guo Mengshan: Age: 41. Arrested July 20, 1993. Sentenced without trial to three years' "reform through labor." Reportedly held at Xuancheng Labor Camp, Anhui province.

6. Jiang Huaifeng: Age: 61. Arrested late September 1994. Sentenced to two years' "reeducation through labor." Currently detained at Xuancheng Coal Mine Labor Reform Camp in southern Anhui.

7. Leng Zhaoqing: Arrested after August 1991.

8. Li Haochen: Arrested September 1993. Reportedly sentenced to three years' "reform through labor." Originally held in Mengcheng county prison, but current whereabouts are unknown.

9. Liu Wenjie: Arrested July 20, 1993. Length of sentence unknown. Reportedly detained in Xuancheng Labor Camp, Anhui province.

10. Wang Yao Hua: Age: early 30s. Arrested 1993. Sentenced to three years' "reeducation through labor."

11. Wang Dabao: Arrested after August 1991.

12. Xu Hanrong: Arrested after August 1991.

13. Yang Mingfen: Arrested after August 1991.

14. Xu Fanian: Age: 51. Arrested late September 1994. Sentenced to two years' "reeducation through labor." Currently detained in Xuancheng Coal Mine Labor Reform Camp, southern Anhui.

15. Zheng Shaoying: Arrested after August 1991.

16. Zhang Guanchun: Arrested after August 1991.

17. Zhang Jiuzhong: Arrested in 1993. Sentenced to two years' "reform through labor."

18. Zheng Lanyun: Arrested July 20, 1993. Reportedly detained in Xuancheng Labor Camp, Anhui province.

19. Gou Qinghui: Arrested June 3, 1994. Detained in Beijing.

20. Wang Huamin: Arrested June 3, 1994. Detained in Beijing.

21. Wu Rengang: Arrested June 3, 1994. Detained in Beijing.

22. Xu Honghai: Arrested June 3, 1994. Detained in Beijing.

23. Chen Zhuman: Age: 50. Arrested December 14, 1991. Sentenced without trial to three years' "reeducation through labor." Reported detained in a prison in Quanzhou, Fujian.

24. Han Kangrui: Age: 48. Reportedly detained in Longtian town detention center.

25. He Xianzing: Age: 53. Arrested December 23, 1993. Reportedly detained in Jiangjing town detention center.

26. Lin Zilong: Age: 81. Arrested December 23, 1993. Reportedly held in administrative detention in Fuqing police station jail.

27. Yang Xinfei: Age: 67. Under police surveillance.

28. Bai Shuqian: Arrested 1983. Sentenced to 12 years' imprisonment. Reportedly detained in Kaifeng, Henan.

29. Du Zhangji: Arrested 1985. Sentenced to eight years in prison. Not known to have been released.

30. Geng Menzuan: Age: 65. Arrested July 9, 1983. Sentenced to 11 years in prison and five years deprivation of political rights.

31. He Suolie: Arrested 1985. Sentenced to five years in prison. Not known to have been released.

32. Kang Manshuang: Arrested 1985. Sentenced to four years in prison. Not known to have been released.

33. Pan Yiyuan: Age: 58. Arrested February 2, 1994. Reportedly detained in Zhangzhou Detention Center.

34. Qin Zhenjun: Age: 49. Arrested July 9, 1983. Sentenced to nine years' in prison. Reportedly released but movement is restricted and remains under police surveillance.

35. Song Yude: Age: 40. Arrested July 16, 1984. Sentenced to eight years' imprisonment. Released April 1992 but still deprived of political rights.

36. Wang Baoquan: Age: 67. Arrested July 9, 1983. Sentenced to six years' imprisonment. Reportedly released but still denied political rights.

37. Wang Xincai: Age: 31. Arrested July 9, 1983. Sentenced to 15 years' imprisonment. Currently held at Henan Provincial Prison No. 3, Yuzian.

38. Xu Yongze: Age: 52. Arrested April 16, 1988. Sentenced to three years' imprisonment. Released May 20, 1991. Remains under strict police surveillance and is reportedly forced to report periodically to the local Public Security Bureau.

39. Xue Guiwen: Age: 38. Arrested July 9, 1983. Sentenced to six years' imprisonment and deprived of political rights for 5 years. Released, but still deprived of political rights.

40. Zhao Donghai: Sentenced in 1982 or 1983 to 13 years' imprisonment.

41. Xu Fang: Age: 21. Arrested September 1993.

42. Chen Xurong: Arrested in May or June 1992. Sentenced to three years' "reeducation through labor." Currently held in Wangcun, Zibo, Shandong province.

43. Fan Zueying: Arrested May or June 1992. Sentenced to two years' "reeducation through labor." Currently held in Wangcun, Zibo, Shandong. Should have been released in 1994 but no release has been reported or confirmed.

44. Li Qihua: Arrested May or June 1992. Sentenced to three years' "reeducation through labor." Currently held in Wangcun, Zibo, Shandong.

45. Li Cuiling: Arrested May or June 1992. Sentenced to three years' "reeducation through labor." Currently held in Wangcun, Zibo, Shandong.

46. Liu Limin: Arrested May or June 1992. Sentenced to two years' "reeducation through labor." Should have been released in 1994 but no release has been reported or confirmed.

47. Liu Ping: Arrested May or June 1992. Sentenced to three years' "reeducation through labor." Currently held in Wangcun, Zibo, Shandong.

48. Qin Zingcai; Arrested May or June 1992. Sentenced to three years' "reeducation through labor." Currently held in Wangcun, Zibo, Shandong.

49. Sun Faxia: Arrested May or June 1992. Sentenced to two years' "reeducation through labor." Should have been released in 1994 but no release has been reported or confirmed.

50. Sun Fuqin: Arrested May or June 1992. Sentenced to two year's "reeducation through labor." Should have been released in 1994 but no release has been reported or confirmed.

51. Sun Jingxiu: Arrested May or June 1992. Sentenced to two years' "reeducation through labor." Should have been released in 1994 but no release has been reported or confirmed.

52. Wang Guiqin: Arrested May or June 1992. Sentenced to three years' "reeducation through labor." Currently detained in Wangcun, Zibo, Shandong.

53. Wu Xiuling: Arrested May or June 1992. Sentenced to three years' "reeducation through labor." Currently held in Wangcun, Zibo, Shandong.

54. Yang Zhuanyuan: Arrested May or June 1992. Sentenced to three years' "reeducation through labor." Currently held in Wangcun, Zibo, Shandong.

55. Zheng Jikuo: Arrested June 1992. Sentenced to 9 years' imprisonment. Held in an unknown location.

56. Zheng Yunsu: Arrested June 1992. Sentenced to 12 years' imprisonment. Reported held at the Shengjian Motorcycle Factory labor camp near Jinan city.

57. Zheng (given name unknown): Son of Zheng Yunsu (No. 56). Arrested June 1992. Sentenced to five years' imprisonment. Held in an unknown location.

58. Zheng (given name unknown): Son of Zheng Yunsu (No. 56). Arrested June 1992. Sentenced to five years' imprisonment. Held in an unknown location.

59. Zhou Wenxia: Arrested May or June 1992. Sentenced to two years' "reeducation through labor." Should have been released in 1994 but no release has been reported or confirmed.

60. Pei Zhongxun: (Korean name: Chun Chul) Age: 76. Ethnic Korean. Arrested August 1983. Sentenced to 15 years' imprisonment. Currently held in Shanghai Prison No. 2.

61. Xie Moshan: (Moses Xie) Age: early 70s. Arrested April 24, 1992. Released July 23, 1992 but movements are severely restricted and he is required to report periodically to the local Public Security Bureau. Mail is regularly intercepted and read by local authorities.

62. He Chengzhou: Reportedly had a bounty for his capture (dead or alive) placed on his head in early 1992.

63. Lalling (given name unknown): Reportedly being held in the Yunan State Prison near the Burmese border.

64. Nawlkung (given name unknown): Reportedly being held in the Yunan State Prison near the Burmese border.

65. Wang Jiashui: Reportedly had a bounty for his capture (dead or alive) placed on his head in early 1992.

Mr. HAMILTON. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I rise in strong support of the resolution. What the resolution does is, it enables us to voice our very serious concerns about various Chinese policies and actions, while at the same time underscoring our desire for a good Chinese-American relationship.

I want to try to put this United States-China relationship into context. That relationship is of enormous importance to the United States and to international peace and security. It is a very complex relationship, and it is extremely difficult to manage. We have very tough disagreements and issues with the Chinese on human rights and nonproliferation and trade. It seems to me what we in the Congress ought to be doing is helping the President manage that difficult relationship. We should not make that relationship more difficult.

Let me be very blunt about it. Good Chinese-American relations are very much in the interest of the United States for several reasons.

China, already the largest country in the world, now possesses one of the world's largest economies as well. As a permanent member of the United Nations Security Council, China is not only a key country in Asia but has a significant impact on United States efforts to resolve an array of problems far removed from Asia. China is one of the world's five acknowledged nuclear weapons states. United States efforts to halt the spread of weapons of mass destruction can succeed only if China cooperates with us and the rest of the international community.

China has the world's largest standing army whose capabilities have been significantly enhanced in recent years. Stability throughout East Asia depends in large measure on Chinese intentions and objectives which are themselves in part a function of Beijing's ties with Washington.

On the economic front, American exports and American jobs are dependent upon good relations with China. Last year we sold $9 billion worth of goods to China. These exports supported 180,000 high-wage American jobs. We ignore the affairs of Asia and China at our peril. Three times in the past half century, young American men and women have laid down their lives in Asian wars. It is impossible to envision a coherent Asian policy for the United States without a policy of continual engagement with China. The United States will be greatly handicapped in promoting its interests in Asia unless we enjoy at least a decent relationship with the Chinese.

That is what this resolution is all about. It is supported by those who support MFN for China and those who oppose MFN. But for the first time in 6 years, this House is able to speak on China with a single voice, and that is a highly welcome development.

When we frequently hear in this country conflicting signals about our views on China, there can be no misunderstanding how this House feels about China and the resolution puts it forward very clearly.

We believe China is a terribly important country with a bright future. We hope to have cordial relations with the people of China and with their government. Nonetheless, there are a lot of actions by the Chinese Government that cause us grave concern. We must balance multiple interests when we deal with China: Promoting human rights and democracy; securing China's strategic cooperation in Asia and the United Nations; controlling proliferation of weapons of mass destruction; expanding United States economic ties. An engagement with China, rather than isolation, is most likely to promote those varied United States interests. That is the message this resolution conveys.

I suspect none of us is pleased with every single clause in the resolution. But on balance, I believe this resolution does an admirable job reconciling the various points of view of Members.

There are many in this Chamber who deserve high praise for their work on this: The gentleman from Nebraska [Mr. BEREUTER], the gentleman from California [Mr. DREIER], the gentleman from California [Mr. MATSUI], the gentleman from Virginia [Mr. WOLF], the gentlewoman from California [Ms. PELOSI], and many others. I commend them for their work.

This resolution is good for America. It is good for American interests. It places the House of Representatives clearly on the side of economic and political reform in China, while recognizing that the best way to encourage that reform is through a policy of engagement.

I urge my colleagues to vote "yes" on the Bereuter resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I thank the distinguished gentleman from Indiana for his excellent statement and for his help.

Mr. Speaker, I yield 3 minutes and 30 seconds to the gentleman from Arizona [Mr. KOLBE], one of the great experts in the Congress of the United States.

Mr. KOLBE. Mr. Speaker, by now it is apparent that the United States-China bilateral relationship is in the worst shape it has been in at least a decade and continues in a downward spiral. The Chinese—in the throes of a prolonged leadership transition—have done little to stem the deterioration. The prolonged detention of Harry Wu, an American citizen, is unwarranted and all of us condemn it. With our vote on this bill today, we have an opportunity to send a strong message to the Chinese that such actions are repugnant to the American commitment to human rights and our sense of justice. Thus, I enthusiastically urge my colleagues to support H.R. 2058.

This bill, the China Policy of 1995, condemns the actions of the Chinese Government on issues such as its continued violation of internationally recognized standards of human rights and nuclear nonproliferation as well as its discriminatory and unfair trade practices. It directs the administration to pursue intensified diplomatic initiatives to persuade China to alter its policies.

Just as important, and unlike the annual efforts to revoke China's most-favored-nation trade status, this bill does not jeopardize our political and economic relationship in a way that could well prove counterproductive for both nations and undermine our ability to cooperate with China on critical national security issues, such as nuclear proliferation issues in North Korea.

I am proud to be an original cosponsor of this legislation. It is important that we let Beijing know its abhorrent human rights, nuclear proliferation, and trade actions will not go unnoticed. However, at the same time, we must also help those within China intensify the pressure now building for political and social change.

I believe that we can accomplish this and promote human rights in China by engaging them increasingly in trade and economic relations. This policy requires extension of MFN. That is not a contradiction of terms or of policy. The best foreign policy tools available to us to encourage political reform abroad are policies that promote capitalism and economic opportunity. Such policies are powerful levers for political change precisely because they are powerful levers for economic change. That is a policy that has worked successfully in such diverse countries as South Africa, Korea, Taiwan, and Chile.

Our foreign policy toward China should embrace tools of reform and change—not condition them. These are precisely the tools we can use to promote the evolution of Chinese society so that its people can press for political reform from within. They are the tools to stimulate Chinese society to adopt a more pluralistic and democratic political process. That, in turn, will inevitably lead to a greater respect for human rights and personal liberty. There are examples previously mentioned that support this proposition. One concrete result of economic liberalization in China is the way that it has spawned a parallel civil justice system based on the rule of law, rather than rule by law. While some may question whether increasing the number of lawyers in China is true reform, I would argue that it is if the contract law that develops and other legal reforms lead to parallel development of law that protects human rights. Will it? None of us can say with certainty, but history suggests that it will.

Revocation of trade with China would almost certainly retard—not promote—the cause of human rights in China. United States economic sanctions would harm the emerging Chinese private sector and the dynamic market-oriented provinces in southern China, which depend on trade. This would weaken the very forces in Chinese society pressing hardest for reforms. We must not undermine the brave efforts of reform-minded Chinese who have come to depend on economic opportunity as a means of ultimately achieving political freedom in China. Lasting reform in China can only be driven from within. We must continue to work toward that end.

The United States-China relationship is very complex. There is no country on this globe that has brought more fascination or caused greater aggravation to Americans than China, but none of us doubts the potential for good in this world that will flow from improved political and economic relations. Today, we agonize over how we can promote human rights in China, advance peace in Asia, and protect our own national security interests in that region. But, in this debate, let us not lose sight of the common goals which should unite all of us.

Again, I urge my colleagues to vote "yes" on H.R. 2058.

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Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 2 minutes to my neighbor, the gentleman from Iowa [Mr. LIGHTFOOT], a subcommittee chairman of the Committee on Appropriations.

Mr. LIGHTFOOT. Mr. Speaker, I rise today in support of the alternative bill offered by Mr. BEREUTER and in opposition to House Joint Resolution 96.

I think everyone agrees that improving human rights in China is a priority, and I know people on both sides of this issue are eager to see the end of human rights violations in China. But, while this is an important issue for the United States to pursue, it is not the only issue at stake and I firmly believe we will not and cannot improve human rights by revoking MFN.

As you know, on May 26, 1994, President Clinton announced his decision to delink human rights issues in China from the extension of MFN. By Executive order, later endorsed by Congress, the President proposed a policy of broad, comprehensive engagement with China.

The President's decision, which I fully support and applaud, recognizes the fact that denying China MFN status will not prompt Chinese leaders to improve human rights conditions. In the short term, it will only harm the economies of both the United States and China. In the long term it would give European and Japanese businesses a competitive advantage, allowing them greater access to China's huge market of 1.2 billion people.

Mr. BEREUTER's bill offers a constructive alternative for all of us who have serious concerns about human rights, weapons proliferation, abuse of American citizens in China, and other critical issues between the United States and China. I am pleased to support this bill, and urge the administration to act quickly and earnestly to fulfill its requirements. If we treat China as an enemy, it will react as an enemy. Keeping our eye on the big picture is key to a successful relationship. A little tough love never hurt anyone.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of a policy of frank and constructive engagement with China and its 1.2 billion citizens. I believe this policy can best be carried out both by renewing China's most favored nation trading status and by approving the legislation before us expressing strong disapproval of China's human rights abuses. I commend the Members involved in this debate for coming together for a policy which is good for the Chinese people and America.

Like many of my colleagues, I am frustrated by the Chinese Government's lack of progress toward democracy and respect for the rights of its own people. I am angry about the detention of Harry Wu, and I join the administration and my colleagues in condemning the detention of this American citizen in the strongest possible terms, and demanding his immediate release.

But I believe it would be a mistake to isolate China from the world community through actions such as denial of MFN. China is experiencing tremendous turmoil. Its government is in transition. Its market economy continues to expand, which I believe will lead to an inevitable clash between the freedom of the market and the lack of freedom in China's political system. We must do everything we can to ensure that when that clash occurs, freedom wins—freedom in the marketplace and freedom at the ballot box.

I believe that constructive economic engagement with the people of China will encourage such freedom.

But I also believe that we must be frank and forceful when we disagree with the policies of the Chinese Government. The bill put forth by Mr. BEREUTER and Mr. HAMILTON accomplishes both goals, and I urge my colleagues to support the legislation.

Mr. HAMILTON. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Speaker, I rise in support of H.R. 2058, the Bereuter-Wolf bill which sets forth a clear policy on China by the Congress, and requires the President to report back to Congress every 6 months on the progress China is making toward achieving democracy as we reward them with MFN status.

It sets forth international standards of conduct on nuclear proliferation, international standards on human rights, and the lack of access to their markets.

Last year Members of Congress were told that the provision of most favored nation [MFN] for China would give an incentive to Chinese leaders to be responsible with respect to how they treat their citizens and address the trade deficit.

Since then, thousands of Chinese have been wrongfully imprisoned and persecuted and the Chinese leadership has continued to prevent freedom of association, speech, and religion.

Although China is going through political and social changes, its leaders must know that the United States stands firm in our defense of the basic principles upon which our democracy was founded—freedom of speech, freedom of religion, and freedom of affiliation. The detention of Harry Wu, an American citizen and a Hoover Institute scholar from Stanford University, which I am privileged to represent, and a globally recognized human rights leader is the most recent example of how oppressive the Chinese Government is.

This resolution addresses the significant economic inequities which exist between our two countries. In 1989 the trade deficit was $6 billion; today it is closer to $40 billion. Our trade deficit with China will exceed our trade deficit with Japan in the next few years if we do not forge a clear policy to deal with it.

But the most valuable export our great Nation has is democracy and the best lesson in democracy we can give the world are the standards upon which our democracy rests and celebrates.

I urge my colleagues to support the Bereuter-Wolf bill, which will send a strong and clear message to the Chinese leadership that the Congress of the United States insists on these values in return for granting most-favored-nation status.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 2½ minutes to the gentlewoman from Washington [Ms. DUNN], who has been very active on trade issues.

Ms. DUNN of Washington. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of the Bereuter-Wolf bill, which sends a strong, and appropriate, message to China without jeopardizing United States national interests or United States workers.

China's continued human rights abuses are an unavoidable issue in United States-China relations. We Americans care deeply about certain inalienable rights. However, linking trade policy to these concerns by new threats to withdraw MFN for China's shortcomings would be highly counterproductive to our long-term national interests and to the release of Mr. Harry Wu.

Our Nation's trading practices and policies have been the subject of lively debate in America since the birth of our Nation. And on this particular question—MFN for China—we have wrestled for years.

The China MFN issue has been hung up on two competing policy goals: Is our goal to maximize our own United States jobs? Or is it to make the cause of human rights primary as a means to achieving our best long-term interests?

The answer, I believe, is both. The goals are not mutually exclusive.

For instance, I believe all of us can agree that compassion for the suffering in China is useless if our policy has no effect other than to put our own people out of work. We have made no difference in the life of those suffering overseas while only increasing the numbers of those suffering here at home.

Mr. Speaker, I believe these criteria must become our compass. We should extend MFN to a nation if: They allow U.S. investors and advisors in; the rule of law is advancing in that country; a multilateral action is unattainable or unsustainable; or we have that nation's assistance on a critical geopolitical issue.

Conversely, we should deny MFN status to governments abusing their people only if an effective multilateral action is doable and the U.S. can expect no help from that government on other critical geopolitical issues, if they do not allow U.S. employers or advisors into their country, and if they do not respect the rule of law.

Mr. Speaker, the genius of the Bereuter-Wolf bill is that we give full voice to our American concerns for human rights without self-defeating linkage to trade policy. That is the appropriate response, and I want to thank both Mr. BEREUTER and Mr. WOLF for crafting this solution.

Mr. HAMILTON. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Speaker, I rise today in support of the Bereuter-Wolf-Pelosi bill. I commend these sponsors for their commitment to this issue and willingness to reach compromise language. H.R. 2058 sends a strong signal that this Chamber is deeply concerned about certain and specific activities currently occurring in the People's Republic of China. In addition to human rights issues, this bill addresses our diplomatic relationship and other pressing issues such as weapons proliferation prison labor and unfair trade practices.

All of us on this floor today share deep concerns about the continuing problems related to the rights and treatment of Chinese citizens. I recently signed a letter with over 70 of my colleagues—from both sides of the aisle—calling on China's Premier to immediately release Mr. Harry Wu.

Each year we debate the issue of China and more specifically the extension of most-favored-nation status to China [MFN]. At this juncture, I have never believed that disapproving extension of MFN would improve conditions in China.

For many years, it has been my fear that failure to extend MFN would significantly weaken our political and economic position with the central government in China. China's economic growth is booming. Its economy is expected to double by the year 2000 and will be the biggest economy into the next century. Recent growth has been driven by private- and foreign-owned enterprise surpassing state-run enterprises plagued by performance and financial problems. Economic reforms aided by foreign investment and expertise have rerouted economic power from state-run industry. Change is occurring everywhere. One can see clearly the successes of United States investment particularly in southern China and its spreading. Due to its high rate of growth, China will need to replace its aging infrastructure. The potential market for high technology and services, for example, is enormous. China will need to purchase power generating equipment, aerospace and telecommunications equipment to name a few. And we should be there.

Already we have seen shifts in the dynamics of China's Government structure. Central government control over the daily lives of Chinese citizens is weakening as economic liberalization has led to greater autonomy, expansion of basic freedoms, and improved standards of living for Chinese citizens.

China is currently undergoing domestic change both politically and economically. Furthermore, the United States-China relationship is clearly in transition. But that should not preclude us from pursuing engagement with the Chinese at all levels.

Clearly, advancing human rights must remain a priority of U.S. foreign policy. The United States-China trade relationship has increased the exposure of the Chinese people to Western cultural influences and business principles. Trade and investment are part of a greater effort to promote long-term progress toward political pluralism and democracy in China. To revoke MFN would sever our economic relationship and would remove one of our most successful means of influence in China to date.

Again, I commend my colleagues for reaching agreement and putting forth this language. I urge my colleagues to support this measure and maintain MFN for China.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 2 minutes to the gentleman from North Carolina [Mr. FUNDERBURK], a member of the Committee on International Relations and a former Ambassador.

Mr. FUNDERBURK. Mr. Speaker, I may have to be the only person in the House to have to say this and do this, but having lived 6 years in a harsh Communist dictatorship, I cannot silently stand by and do nothing. When you have witnessed pastors and priests being killed, churches being bulldozed, and Bibles being turned into toilet paper, you learn how not to deal with Communist dictators.

Mr. Speaker, the legislation before us is just what Beijing ordered. Here we have legislation filled with tough-sounding but meaningless threats. This has a laundry list of demands from the Beijing Communists, ranging from asking the President to undertake new initiatives to persuade the Chinese to treat their people humanely to asking them to stop their accelerating military expansion.

I ask, Mr. Speaker, when has any Communist regime responded to friendly requests to change its behavior? Pass the Bereuter bill and all Members will hear from the Communist will be the laughs of doddering old rulers who will once again have put one over on Uncle Sam. This bill will not free one dissident, it will not close one slave camp, it will not stop the purchase of one new Soviet-made submarine. As the philosopher said, this is nonsense on stilts.

□ 1230

The deal worked out, with the possible exception of Radio Free Asia is meaningless. We ask, we request, we hope, we dream. Let's get real.

Where is the enforcement mechanism? There is none. MFN aid goes to Communist elites who line their pockets. It never goes to the people. MFN perpetuates the Communist dictatorship in power. An engagement policy did not bring about the fall of communism. Engagement via MFN keeps the Communist elites in power and perpetuates persecution, murder, and gulags.

It was building up U.S. defense and U.S. determination, peace through strength, SDI that won the cold war, not appeasement, not engagement, not stability, rhetoric. You do not stop dictatorships by preemptively caving in to their demands.

Unfortunately, they do not talk or act tough at Foggy Bottom. As Senator Richard Russell said, we need an American desk at the State Department and in the U.S. Government.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Speaker, it is once again the time of year we discuss the renewal of MFN for China. In the past, we have attempted to link human rights to the renewal of MFN. Last Congress, we made the decision to renew MFN and to pursue other courses of action to improve human rights in China.

At this point in time, it would be counterproductive to revoke MFN status for China. Economic liberalization is a key element for improving human rights. The opening of the markets in China will provide higher wages and a better way of life for Chinese citizens. Usually, improved economic conditions help improve human rights.

American businesses conducting business in China should set an example. We need to be leaders on the issue of human rights. Our businesses need to be a model of excellence on human rights.

Human rights is an extremely important issue. Basically, it is the dignity of an individual. I commend Congressmen BEREUTER and HAMILTON for introducing H.R. 2058. This legislation reminds China that we have not forgotten about their current human rights situation.

This measure demands the immediate release of Harry Wu. In addition, the legislation recognizes various areas in which China has made human rights violations. This legislation requires the President to take action to improve the situation. The President will be required to report his progress within 30 days of enactment.

I urge you to support this legislation. This legislation states that human rights is still a priority.

Mr. BEREUTER. Mr. Speaker, I yield 1½ minutes to the gentleman from Washington [Mr. WHITE], who has already become very active on trade issues in the Congress.

Mr. WHITE. I thank the gentleman for yielding me the time.

Mr. Speaker, my district overlooks both sides of the shipping lanes of Puget Sound. It is one of the biggest trading districts in the United States. China is our biggest trading partner. Every year there are billions of dollars coming into my district because of trade with China.

But, Mr. Speaker, that is not a good enough reason for me to vote for most-favored-nation status for China. We should not sell the Chinese people into slavery just to bring trading profits into our district.

Mr. Speaker, the reason to vote for this bill is because it is the only way to bring the Chinese people out of slavery. We have seen plenty of examples of that in recent history. In Eastern Europe, in Tiananmen Square, it is only after expanded contacts with the West that we see the people themselves rising up and demanding human rights from their own governments.

Mr. Speaker, it is the fax machine, not the trade sanction, that freed Eastern Europe, and it is the fax machine, not the trade sanction, that will free China.

I ask my colleagues, do not vote for this bill because it is going to bring trading profits to the United States. Vote for this bill because it is the best way, really the only way, to bring freedom, human rights, and prosperity to the Chinese people.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. ROEMER].

Mr. ROEMER. Mr. Speaker, it is said that the definition of a successful life is helping one person breathe easier. In those terms, I think Harry Wu is a hero because he has breathed life into a nation, into China, with his courage to fight against the human rights abuses over there.

As a strong supporter of MFN, I strongly condemn the Chinese Government for incarcerating Mr. Wu. I call on the Chinese to unconditionally and immediately release Mr. Wu from prison. This is important to strong supporters of MFN, to opponents of MFN, and to the American people. I hope the Chinese people and government are listening.

We will continue to work on this for hours and days and weeks after this resolution. With this in mind, Mr. Speaker, it is important to note from Madison to Kissinger and Nixon, our foreign policy is not based upon one person but on 3 pillars: on human rights, on economic interests, and on national security interests.

When we combine all three of those, I think we have a compelling case that we must continue to engage the Chinese, to push them and leverage them toward human rights improvements, toward opening their markets, because it is in our interests, our human rights interests, our economic interests and our middle-class job interests. Who is going to sell the next semiconductor computer chip to the Chinese? Are we just going to tell the Japanese they can have that market? Who is going to sell the next high-definition television? It is going to be an American high-definition television produced in America, and we are going to get the benefit by that.

I thank the gentleman from Nebraska [Mr. BEREUTER] and the gentleman from Indiana [Mr. HAMILTON]. My respect goes out to the gentleman from Virginia [Mr. WOLF] and the gentlewoman from California [Ms. PELOSI].

Mr. BEREUTER. Mr. Speaker, I yield 2½ minutes to the gentleman from California [Mr. GALLEGLY], a distinguished and active member of the Committee on International Relations.

Mr. GALLEGLY. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise today, as a cosponsor, and in strong support of H.R. 2058, the China Policy Act introduced by our colleague from Nebraska and the chairman of the East Asian Subcommittee, Mr. BEREUTER.

With the end of the cold war in Europe and the transformation of Russia into a democratic government with an open market economy we must now turn our attention to China with the intent of achieving the same results.

The emergence of China as a great political and economic force and a nuclear super-power poses an enormous challenge to this Nation both strategically and economically. The need for the United States to develop an open, aggressive, cohesive, and consistent policy toward Beijing is of paramount importance.

This is not to say we should close our eyes or turn a deaf ear to the unacceptable behavior of the regime in Beijing. Clearly, their poor human rights record, their recent military actions with respect to the Spratly Islands, their sale of M-9 missiles to Pakistan and perhaps Iran, their unwillingness to renounce the use of force against the Republic of Taiwan, and the recent jailing of American citizen, Harry Wu, defies every international norm and standard governing missile proliferation, the use of military force, and human rights.

However, denying most-favored-nation status at this time is not the way to actively engage the Chinese and to encourage reform, openness and respect for international standards of behavior.

The expression of our concern is what H.R. 2058 attempts to do. It says that we in this Congress do not accept China's current behavior and that we call on the President to intensify diplomatic efforts to encourage China to moderate its intolerable internal human rights policies and to respect external international norms.

I believe open dialog and continued diplomatic and economic contact is the best way to provide the United States the opportunity to promote internal economic reform, political liberalization, and respect for human rights in China. Without this constructive engagement, China is less likely to move toward the role of the responsible world power we would like China to become.

I urge the Members to vote for H.R. 2058 and against the resolution of MFN disapproval.

Mr. BEREUTER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Wisconsin [Mr. ROTH], who is chairman of the Subcommittee on International Economic Policy and Trade.

Mr. ROTH. Mr. Speaker, I thank my friend from Nebraska for yielding me the time. I want to congratulate the gentleman in the chair for the great job he is doing.

Mr. Speaker, I am going to vote for this bill. This is a good bill. It is not a perfect bill, but I think it is the right approach. The question we hear often here in Congress is, just how long do we have to put up with the misguided conduct of the Chinese? How long? Well, just as long as we put up with it. We have all the leverage in our hands.

We have a $29 billion trade deficit with China, the second largest trade deficit with any country in the world. This year we are having a huge trade deficit, the largest in American history. We buy most of their exports. In fact, half of the Chinese exports come right here to the United States, to the detriment, I may say, many times of our workers and to the detriment of our trade deficit.

We have all the leverage. We have all the chips. The question is, do we have the will? Maybe if we had a little reciprocity before, a little tit-for-tat before, we would not have to pass this bill today. Mr. Wu would be here; an American citizen would be here in the United States where he belongs.

This bill sets forth what we expect from China. The President will report, as I interpret this bill, every 6 months on the initiative in 8 areas. We must be faithful to the goals and the commitments that we have as a Nation. I think this bill helps focus on that.

I hear others tell us that China is a giant but that we are unwilling to confront a China today. I do not think that is the case. I think we are willing to stand up for what we believe in. I think this bill helps us do that.

After all, we have to have the courage of our convictions. A great writer wrote, "Hope is lost, much is lost. Courage is lost, all is lost." That is why I think this bill is the right approach. It is a measured approach.

This bill sets forth, I think, the right temper, the right approach, and I would hope that other people would endorse it and vote for this bill because I think it is the best approach, the right direction for America to take in these times.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 4 minutes to my friend and colleague the distinguished gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I thank my good friend, the gentleman from Florida, for yielding me the time.

Mr. Speaker, this House is united in wanting to have good relations with China. This House is united in recognizing how important China is. But this House is divided in deciding how we can see to it that China's abominable human rights policy, China's continued sale of weapons of mass destruction to highly questionable countries, and China's one-sided trade policy with the United States come to an end.

There is no dispute that China has one of the worst human rights records on the face of this planet. Since human rights were "de-linked" from the issue of giving them most-favored-nation treatment 1 year ago, human rights conditions in China have significantly deteriorated.

Thousands of Chinese citizens are imprisoned in forced labor camps for nonviolent opposition to the regime. The repression of Tibet continues unabated. The Chinese Government enforces sickening and draconian birth control policies of forced sterilization and forced abortions.

This bill has some redeeming features. It condemns these human rights violations, but unfortunately it does not have teeth. It does not do anything but admonish the Chinese.

To give meaning to our condemnation, we have to give our action real teeth. The only way to make this condemnation meaningful is to deny MFN to the Chinese. If you vote for this bill, as I will, you should also vote for legislation to deny MFN to China.

Only by taking strong and effective action do totalitarian governments change their policies. Economic sanctions against South Africa were the key element in bringing about the end of apartheid. We were urged by the previous administration not to enact sanctions, to engage the South Africans in constructive dialog.

□ 1245

But it was only after we put sanctions on South Africa that the sickening practice of apartheid ended. We got the attention of the Chinese when this House voted for my resolution calling for the Olympic games not be held in Beijing. We got the attention of the Chinese when this House voted for my resolution calling for our Government to issue a visa to President Li of Taiwan.

China is now illegally holding an American citizen, Harry Wu, who was entrapped by the Chinese in going there. They gave him the visa, and when he arrived they arrested him. China is selling missile technology. China has a trade surplus of over $30 billion with the United States.

There are plenty of other sources of textiles and Barbie dolls and Christmas tree lights. India and lots of other developing countries would like to sell those things to us, but the Chinese have a $30 billion-plus trade surplus with us.

I commend the gentleman from Nebraska [Mr. BEREUTER] and all of my colleagues with whom I had the pleasure of working for improving human rights in China for this legislation. But we must not approve this legislation believing that this is China policy. This is a part of China policy. It lays out the problems with China. It provides no effective mechanism of enforcement.

Mr. Speaker, just as the apartheid Government of South Africa laughed at us until we provided economic sanctions, so the rulers in Beijing are capable of taking rhetoric from this body. What they are unwilling to take, and what we should force them to take, is economic sanctions. I urge my colleagues to vote for this bill, but I also urge my colleagues to vote for House Joint Resolution 96 to deny most-favored-nation treatment to China.

Mr. BEREUTER. Mr. Speaker, it is my pleasure to yield 2 minutes to the distinguished gentleman from California [Mr. ROHRABACHER], a member of the Committee on International Relations.

Mr. ROHRABACHER. Mr. Speaker, I rise in support of H.R. 2058, the Bereuter amendment, which is legislation to symbolically stand for democracy and to make a statement about human rights. Unfortunately, statements and symbolism are not enough.

We need to make tangible policy decisions, as well. And without tangible policy decisions, statements and symbolism, as are encompassed in H.R. 2058, lack meaning. So I will be supporting H.R. 2058, but we must insist, if we are sincere in this effort, on having some tangible action as well.

In fact, tyrants assume that we do not even mean what we are saying when we make statements and there is no change in policy that follows. We are confronting today a regime that controls China, a dictatorial regime that now holds one of our own citizens, Harry Wu, as prisoner, but also smashes the human rights of its own people and is more and more becoming belligerent to its own neighbors.

We are not talking about what we will do and what relations we will have with the people of China. All of us want to have good relations with the people of China. We reach out to them. We want good relations with all people of the world. The question is what will we do about this tyrannical regime, this monstrous oppressor that controls these people? Will we be on the side of the people of China, or will we be on the side of the oppressor?

We will have to do more than symbolism and statements. We must follow this measure with an elimination of most-favored-nation status with this regime, because we should believe in free trade between free people, not free trade with tyrannies and dictatorships; a trade relationship that only bolsters those in power and does nothing to further the cause of democracy.

Mr. Speaker, we have seen that in this debate over and over again where we have heard the argument that trade will improve democracy. That does not work. Let us put pressure on these people in Beijing to improve their democracy and to improve the respect for human rights and to release Harry Wu.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged at this time to yield 1 minute to the distinguished gentlewoman from California [Ms. PELOSI], who has coauthored the pending legislation and has continued to bring clarity to this issue.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for yielding and his kind remarks. I am only taking 1 minute now, because I had the opportunity to speak much longer earlier on the rule.

Mr. Speaker, I want to once again commend the gentleman from Nebraska [Mr. BEREUTER], for his leadership and working with the gentleman from Virginia [Mr. WOLF], and with me and with others, to bring together this compromise.

The previous speaker, the gentleman from California [Mr. ROHRABACHER], is a gentleman whose courage and relentless advocacy for human rights is well-known to this body and I respect him enormously. I would not be supporting this legislation, though, if I thought it was just a statement.

Mr. Speaker, I think that even before we merged our two bills, Mr. BEREUTER had strong language in his legislation addressing United States concerns with China and teeth in saying that there is a reporting requirement that the President must report to this body on issues regarding trade, human rights, and proliferation.

This is all very important. It is a step forward to us. I am pleased with the legislation and it comes at a time, a very critical time in China with the succession that might be likely soon, and also at a time when Harry Wu, an American citizen, a distinguished scholar, is being held by the Chinese.

Mr. Speaker, I hope that our colleagues will support this legislation and I hope that the Chinese will release Harry Wu soon.

Mr. BEREUTER. Mr. Speaker, it has been a pleasure to work with the gentlewoman from California [Ms. PELOSI], and she is correct in reminding about the reporting requirements and I could say Radio Free Asia.

Mr. Speaker, I yield 2 minutes to the gentleman from Virginia [Mr. WOLF], the other gentleman that I worked with who has been invaluable in working with me.

Mr. WOLF. Mr. Speaker, I want to again thank the gentleman from Nebraska [Mr. BEREUTER], as I did before, and thank the gentlewoman from California [Ms. PELOSI]. Both were very good. The gentleman from Nebraska was very balanced and Ms. PELOSI was like Margaret Thatcher working for something in London; she never gave up.

Mr. Speaker, I rise in support. I would hope that there would be a strong, large vote; that any Members who have any reservations on each side, I would hope that they would put those reservations aside so we can send a strong bipartisan message.

Third, it puts the Congress on record for the first time in a united way. There are clear objectives. It calls for action by the administration. It calls that Radio Free Asia will be established within 3 months, whereby the people in China can hopefully hear what is happening in places like in the U.S. Congress.

It calls for a Presidential report for the first time. If anyone is listening in China, it puts the Congress on record in support of the democracy movement in China. And is that not a great day for those who gave their life in Tiananmen Square and other places to know that the Congress now has given its official imprimatur on the democracy movement? And, as a gentlewoman from California [Ms. PELOSI] says, it makes a strong statement on Harry Wu.

Mr. Speaker, it is our hope and prayer that the Chinese see that we have come together; that the one thing they can do to give a sign of reconciliation would be the release of Harry Wu.

Mr. Speaker, I rise today in support of H.R. 2058, the China Policy Act of 1995 sponsored by the distinguished chairman of the Subcommittee on Asia and the Pacific, Mr. BEREUTER.

H.R. 2058 is a compromise reached after several hours of discussions between the gentlewoman from California, Representative

PELOSI, the gentleman from Nebraska, Representative BEREUTER, and myself. It is a good bill because it garners support from both sides of the MFN issue and both sides of the aisle. I hope it will pass with an overwhelming majority. Passing H.R. 2058 with a unanimous vote will send a powerful message of concern to the Communist government in Beijing and a powerful message of support for the burgeoning Chinese democracy movement.

I will say that the U.S. Congress is united in its deep concern about China's treatment of Harry Wu; its continuing human rights violations; its violation of international nonproliferation standards and its unfair trading practices. This is the toughest language on China to come out of Congress in a while and it will plow new ground.

Personally, I think that the United States has no business giving nondiscriminatory trade status to the world's largest Communist government. I think revoking MFN is our strongest hook. However, I think it is more important for our ultimate goal of promoting democracy in China to speak with a united voice. That's why those of us on both sides of the issue have come together around this legislation.

The Communist government in China maintains the world's largest system of slave labor camps—the laogai—which are used as the central cog of repression to harshly stifle dissent and break the human spirit. Harry Wu, who sits in a Chinese prison right now because of his commitment to exposing China's laogai system, has documented over 1,000 forced labor camps in China.

China's strict one-child-per-family policy has resulted in gross violations of human rights, including forced abortion and sterilization. In my office, I have a 40-minute video filmed by a crew from Channel 4 in Great Britain showing the dying rooms in China's state-run orphanages where baby girls who become ill are left to die of starvation and neglect. The video also shows the abhorrent conditions in China's orphanages where children, mostly girls, are forced to grow up almost totally devoid of nurture and attention because of China's one-child-per-family policy.

We know that the Communist government in Beijing has sold nuclear weapons and technology to Iraq and Iran and M–11 missiles to Pakistan.

We know almost conclusively that the Chinese Government takes the internal organs of executed prisoners without consent, young men around 20 years old are the preferred donors, and sells them to foreign buyers for around $30,000 each. Harry Wu has documented it, the BBC has documented it, Human Rights Watch/Asia has documented it, Amnesty International has documented it, and a Hong Kong newspaper has documented it. I would be happy to share the BBC tape with any Member interested in viewing it. Even a Chinese Government official admitted it at a U.N. meeting several years ago. When asked now if this kind of despicable behavior occurs, the Chinese Government, of course, denies it. That is not surprising but it does not mean it doesn't happen.

We know that Catholics and Protestants who dare to worship independently of government control are continually thrown in jail, harassed, and in some cases beaten by Chinese security officials. Estimates indicate that there are 20–50 million Christians in China who refuse to worship in China's Government-sanctioned churches. The official Protestant and Catholic churches in China, which combined, claim a membership of only 10 million, must use the Government-sanctioned doctrine. As the Chinese Government becomes more wary of dissent and unrest in this uncertain period of transition, surveillance on Chinese Christians has been stepped up.

In Tibet, conditions have worsened since we looked at the MFN issue last year. As of April 26 of this year, there had already been more political arrests in Tibet in 1995 than there were in all of 1994. Prisoners have died in the past year as a result of mistreatment while in prison including a 24-year-old nun. Tibetan monks continue to be thrown in jail or forced into exile. The Chinese Government has placed restrictive guidelines on Tibetan monasteries and refused repeated requests by the Dalai Lama for talks to work out a peaceful settlement.

Now the Chinese Government is holding Harry Wu, a brave American citizen and human rights activist. He was detained just weeks after President Clinton renewed China's MFN status. He is being investigated for the simple crime of speaking the truth about China's laogai camps. This arrest is a clear indication that China thinks the U.S. Government is weak and more interested in appeasing business interests than speaking up for what is right.

These kinds of abuses are not new in China. They have gone on for years while the U.S. Government pursues a weak policy, or perhaps no policy. President Clinton has been unwilling to speak out boldly and forcefully and instead has promised to promote our interests through engagement. So far, it's been an empty promise. Nothing has happened and I'm not convinced—and that's saying it nicely—the administration is doing anything to promote human rights in China.

Congress as a whole has not spoken out boldly and forcefully—but that is about to change.

H.R. 2058 sets a new standard for progress. It sets out clear objectives for U.S. policy.

It demands the release of Harry Wu immediately and unconditionally.

It requires the adherence to international nonproliferation standards and requires China to immediately halt the export of ballistic missile technology and weapons of mass destruction.

It clearly and unequivocally calls on the Clinton administration to intensify diplomatic efforts to persuade the Chinese Government to respect the internationally recognized rights of its citizens and says specifically what Congress considers progress in this area.

It also commends the Chinese people's internal democracy movement—one of the most important provisions in the bill.

H.R. 2058 has teeth. It requires Radio Free Asia to be on the air in China within 3 months of enactment. Radio Free Asia will promote democracy in China and will give democracy reformers and other interested listeners news and information they will not hear from the Government-controlled media. Radio Free Europe was a powerful force in the democratization of Eastern Europe and I am convinced it will have the same effect in China. Radio Free Asia has been authorized by this body force, but so far, the U.S. Information Agency has been slow in getting it on the air. This bill steps up the pace.

Finally, the bill requires the administration to report to Congress every 6 months on the actions taken and the progress made in achieving the human rights and proliferation objectives outlined in the bill.

Again, this is tough language that requires action. We will be able to look at this issue every 6 months and see exactly what has been tried and achieved. We will also see what has not been done.

I support H.R. 2058 because it is a building block. It has the support of the major Chinese dissident groups and human rights organizations. If we pass H.R. 2058, next year we will be able to ask these questions:

Has the Chinese Government taken concrete steps to dismantle the forced labor camps?

Has the Chinese Government ended coercive birth control practices?

Has the Chinese Government ended crackdowns on Catholics and Protestants?

Has the Chinese Government begun to respect the rights of the people of Tibet?

Does the Chinese Government allow totally free worship, free press, and freedom of associations?

Have political prisoners been set free?

Does China adhere to the provisions of the Nuclear Nonproliferation Treaty and the missile technology control regime?

If the answer to any of these is no, Congress will be obligated to act. We will know where to look for progress.

I urge my colleagues to vote "yes" on the Bereuter bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am privileged to yield 2 minutes to the distinguished gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Speaker, I rise in support of the resolution. I think everyone here on this floor should be proud that we are debating this issue of human rights in China. Indeed, if all the other democracies in this world were having this kind of a debate, I think this situation might be different.

A major problem with the use of MFN in this instance is, and has been, that we have been alone and other nations have not followed suit. Indeed, they have simply stepped into the vacuum. And so, then the issue is this, I think: If we are not going to use MFN, how are we going to be sure that we do not leave a vacuum in several key areas; human rights, and the critical trade issue?

In the human rights area, I think this country, the administration, has been taking steps in the right direction. For example, it forced a vote at the United Nations recently to condemn China's human rights record. That failed by 1 vote, as I understand it. And I think today we are calling on the administration to continue these efforts in the United Nations; indeed to intensify them.

In the critical area of trade, as our trade deficit with Japan continues to grow, I understand the President is going to announce soon the appointment of a commission to look into Asian Pacific trade and investment policies. We need to confront, with China, trade issues as we did intellectual property. If not MFN, we have to find another method, other instrument, to make sure that there is free and fair trade with China.

So, Mr. Speaker, as we join together to support this resolution, let us be sure that it is followed up by steps both on human rights and on trade policies.

Mr. BEREUTER. Mr. Speaker, it is a pleasure to yield 1½ minutes to the distinguished gentleman from California [Mr. DORNAN], a member of the Committee on National Security.

Mr. DORNAN. Mr. Speaker, I thank the gentleman from Nebraska [Mr. BEREUTER] for the hard work that he and Members on both sides of the aisle have been putting in; hours and hours of burning the midnight oil trying to remove us from the horns of a dilemma.

Last night I watched "Nightline." I saw Harry Wu, videotaped just weeks before he left on this last courageous journey where he has disappeared somewhere to the world's most populous nation, and I thought, if we pull away most favored nation, is it an execution order? Or even worse than execution, a disappearance, to slowly die as a missing person for 10, 15, 20 years in some Chinese gulag?

This is as hard an issue as were sanctions over South Africa. I changed regularly on that issue, always toward the same goal as those who were liberals that wanted the most severe sanctions. But trying to listen to Buthelezi on one side, and listening to the self-serving voices of the white tribe on South Africa, I may have come down on the wrong side several times.

Mr. Speaker, I want to be on the right side on this one and that is why during the vote I will be reading every word of Mr. BEREUTER's well-crafted work product.

Mr. Speaker, I ask unanimous consent to put a statement in the RECORD about how the Republican Party was born. It was founded over one main issue, the terrible and horrific abomination of slavery. It was a travesty and gross belittlement of one class of people. It was a national disgrace, a dark sin upon our collective conscience, and it was removable only, as Lincoln predicted, through the subsequent shedding of precious American blood.

This time, the people we must want to serve are locked up in China, a slave state. May we pray that what we do in this body serves the one goal we all want; liberty and freedom for the people in a slave state.

Mr. HASTINGS of Florida. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from California [Ms. HARMON].

Ms. HARMON. Mr. Speaker, I ask unanimous consent to revise and extend my remarks.

Mr. Speaker, I rise in strong support of H.R. 2058, the China Policy Act, and in opposition to House Joint Resolution 96, the MFN disapproval resolution.

I have often said that the next century will be the Asian century as China, the world's largest underdeveloped economy, takes off. American companies need to gain footholds in this market early. Our competition is already poised if we retreat.

China is already an important market for America, and for California, which has exports valued at over $1.5 billion to China last year. In my congressional district, dozens of companies and thousands of jobs in a wide range of industries depend on the Chinese market. Small companies like Rainbow Sports, which produces golf equipment, and Contact Enterprises of Torrance, which manufactures industrial parts, depend on sales to China. A Hughes satellite project for China provides over 1,000 jobs in my district. As the Chinese economy grows, more opportunities to create American jobs will grow as well.

But United States interests in maintaining engagement and dialogue with China are not limited to jobs and trade. We have a strong interest in seeing China treat its people according to international human rights standards. China's trade links with the United States have resulted in economic liberalization, and a nation whose economy is increasingly free and open must afford its people rights and freedoms as well. Without such changes political upheaval is inevitable, regardless of the state of the economy.

China's military might and weapons-export policies also present the United States with urgent security concerns. As a member of the National Security Committee, I am particularly concerned about nuclear and missile proliferation. It is my firm belief that maintaining strong economic and diplomatic links with China—links which the removal of MFN would threaten—is the key to bringing China's arms export policy in line with international goals and standards.

Two consecutive administrations, with strong bipartisan support from Congress, have pursued a policy of engagement with China which has shown considerable success. China signed the Nuclear Non-Proliferation Treaty in 1992 and agreed to join the Missile Technology Control Regime. It has also agreed to further discussions with the United States on all aspects of nuclear proliferation, including China's trade with Iran and Pakistan. We must assure China meets its international obligations. By contrast, cutting off MFN will merely isolate that country, ending a constructive dialogue and imperiling the progress that must be made. The China Policy Act strikes the right balance by letting China know how immensely important this issue is to United States-China relations, without ending MFN, the basis for those relations.

Mr. Speaker, China has a long way to go toward recognizing the rights of its citizens. Harry Wu must be freed. But revoking MFN would not be a helpful step in achieving these goals. The China Policy Act, developed with bipartisan consultation, sends a strong and constructive message to China. I strongly urge its passage.

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Mr. HASTINGS. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman from Florida [Mr. HASTINGS] for the generous grant of time.

Mr. Speaker, I think there is broad agreement here on the problem: the egregious violations of human rights in China, the use of prison labor, the imprisonment of Harry Wu, a United States citizen, the unfair trade practices of China, those that make the Japanese look like proponents of Adam Smith and free trade, unfair trade practices that resulted last year in a $29 billion surplus with the United States, headed towards $40 billion trade surplus with the United States this year according to the Commerce Department. That means we are going to export 8 million United States jobs to China because of their unfair trade practices. We disagree over the solution.

What does this resolution say? Intensify diplomatic initiatives. Well, we have been doing that every year now for about a decade. A report from the President. Well, we have been having reports from the President since the Reagan administration on the abuses in China. We know what they are, and it has not changed a bit, but there is one new, very serious, initiative. We are going to broadcast Radio Free Asia into China within 90 days. The geriatric oligarchy of China is quaking in their boots. Yes, they are quaking in their boots.

We will not be allowed to vote on the resolution of disapproval. A quick sleight of hand is going to move to table it. Why is that happening? Because last night, for the first time, we saw a crack in the free-trade dogma that has dictated policy under both Democrats and Republicans in this institution in the vote on the bailout of Mexico, and suddenly, after the leaders, the Republican leaders and the Democratic administration, lost a vote on the bailout of Mexico which came to the floor, they do not want to allow a vote on the resolution of disapproval of

MFN for China because they are afraid there might be an honest vote in this House where people would say we have been gumming this issue for years. The Chinese will take $40 billion in unfair trade practices and laugh all the way to the bank. They will only understand real action.

Repeal MFN.

Mr. HASTINGS. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Ohio [Ms. KAPTUR], my good friend and colleague.

Ms. KAPTUR. Mr. Speaker, I thank the gentleman from Florida [Mr. HASTINGS] for yielding this time to me and rise with a heavy heart as we discuss this entire situation involving China, and I see—as the American birthright—the ideal that this Nation and others around the world are conceived in liberty and should be dedicated to the proposition that all people are created equal with certain inalienable rights. I think that is what our Nation is here for, as a beacon to the rest of the world, but what we see so often is that our foreign policy has been directed to certain financial interests, and in fact our foreign policy, rather than being a representation of the best ideals in us, has really become a kind of deal-making exercise.

Mr. Speaker, we should probably call China MFN the Boeing MFN because supporters of MFN for China and keeping that special trade status protected say that exports to China will create jobs here. However Boeing, one of the chief beneficiaries of nearly $2 billion worth of airplane sales to China, recently announced over 5,000 people in our country are being laid off because they are going to replace that production with production in China, and I think what is so troubling is that China has done nothing to promote democracy. It has done nothing to stop China from selling missile technology to rogue nations like Pakistan. China has done nothing to end labor abuses in its own country affecting both men and women who are voiceless as we debate there today. They have done nothing to end human rights abuses like the detention and arrest of American citizen Harry Wu.

But in fact our China policy not only does not stand up for democracy, but from an economic standpoint has led to a flood of cheap imports into our country—expected to reach over $32 billion this year alone—representing an increase over last year, and in fact since China's crackdown on democracy in 1989, our country has suffered a net loss of over $100 billion in China.

Mr. Speaker, when we debated the crime bill, we talked about three strikes and you're out. It seems to me here we have got five strikes and you're out, and we ought to go back to the negotiating table and figure out what we stand for fundamentally as citizens of the freest nation on Earth.

China MFN is just another smokescreen for the rights of capital surmounting the rights of people and the ideals of democratic freedom. Free trade can only exist among free people. When is the United States of America going to recall its own birthright?

I am very upset that the Wolf amendment will not be offered here for a vote up or down in this Congress today. I stand here with a very heavy heart. I ask, "Why don't we stand up for what our Constitution says we are here for?"

Mr. HASTINGS. Mr. Speaker, I yield 2 minutes to my good friend, the distinguished gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Speaker, I rise today in support of the China Policy Act.

I support the China Policy Act, because I believe that the time has come to quit coddling the tyrants in Beijing.

It is time to say to the Chinese Government that "Human rights abuses; forced abortions; and acts, such as imprisonment of an American citizen, Harry Wu, is not tolerable."

Mr. Speaker, we are Americans. We stand for freedom. We fight for democracy, and we have not forgotten Tiananmen Square.

To my colleagues on both sides of the aisle, I want to remind you, this is not a partisan issue. This is an opportunity to do what is right. If you support democracy and human rights, vote for the China Policy Act.

Mr. BEREUTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as I said before, China has millions more dissidents than those who openly brave the hard suppression of human rights. The one thing that unites the people in China with a narrow leadership clique, however, is the memory of the destruction of China's sovereignty during the last two centuries and the imposition of unequal treaties and other indignities on the part of first the Western powers and then Japan.

I tell my colleagues a certainty, that as nothing else the denial of normal trade status will unite China's people behind their Government and identify the United States as hostile to their interests. On the other hand, the legislation before us today recognizes the importance of China while specifying the deep concerns of the American people about the PRC and then requiring diplomatic conduct from the Presidency, and reports and Radio Free Asia.

A number of well-known China dissidents, for example, including Chi Ling and Won Won To have warned that the denial of MFN status will endanger China's current economic opening and close off current widening exposure of Chinese to the outside world. The dissident movement exists in China precisely because growing foreign investment and China's expanding foreign trade have created a fast burgeoning middle class with the same expectations as middle classes throughout the world. It thrives on a freer flow of information brought about by the introduction of Western telecommunications technology and access to the international media.

Mr. Speaker, the denial of MFN will set back the democracy movement in China even more than it sets back the Chinese economy and chokes off the prosperity of Hong Kong.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this is a true consensus bill and in the nature of foreign policy. It has support of a broad range of individuals who have done extraordinary work in bringing the China Policy Act to this floor. Led by the gentleman from Nebraska [Mr. BEREUTER], the gentlewoman from California [Mrs. PELOSI], and the gentleman from Virginia [Mr. WOLF] and others, we now come to the position of being able to at least speak very clearly with reference to a consensus that has developed in this House that will not be as exacerbating as perhaps some would like for us to put forward. It does not link China policy to trade. It incorporates key additional human rights language which is and was a continuing concern of many Members of this body. It sends a clear message regarding troubling China activities such as, as has been so often mentioned and justifiably so, the unjustified detention of Harry Wu, the violation of basic human rights that we all are concerned about, the sale of missile components in violation of nonproliferation commitment, and I personally yesterday had a visit from State Department officials because I shared immense concern with reference to the potential for sale of missile components to Pakistan and to Iran. I was assured that there are sanctions in the event these allegations come to fruition that will cover these matters. It also deals with the unfair trade practices that have been mentioned by so many Members here. In short, it establishes the United States policy objectives, will expedite the startup of Radio Free Asia, and we do, for the efforts that have been ongoing, commend China in spite of the fact that we recognize that there is much more that they should do in their movement toward democracy.

It is very difficult for us to speak as clearly as we have in this measure, and I commend all of our colleagues for the extraordinary work that they have done in bringing to us a true consensus bill which, in my judgment, is how foreign policy should be made in this body.

Mr. Speaker, I reserve the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield 2½ minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Speaker, I believe in open markets and in a vibrant international marketplace in which the United States is an active trading partner with all nations.

But, I have some real problems with extending most-favored-nation trading status to a country like China where the people who produce the goods that China exports to us are not free.

It is not much of an exaggeration to say that while we prohibit the import from China of goods made using prison labor, the harsh fact is that all the goods produced there are the products of prison labor.

The country is so unfree that it claims that the Government of China owns all the labor of all Chinese people.

When you want to hire a Chinese person to work for an American company, you pay the Chinese Government a lot of money, but the person who does the work never sees the money. The government pockets maybe $20 a day for a factory worker, while the worker gets less than a dollar of that.

This is not free trade. This is slavery.

The Chinese exported this system to Cuba, where the same thing happens. The Castro dictatorship is more than happy to sell the services of Cuban workers to unscrupulous foreign investors, and to keep all the money for itself while tossing a few pennies a day to the person who actually has to do the work.

Both in Cuba and in China, the system is a moral outrage and reeks of the slave trade of the 19th century.

Unfree labor is not the only problem with doing business with China.

It is a country where there is no respect whatsoever for the human rights of its citizens—nor for the human rights of American citizens.

The arrest of Harry Wu, an American citizen, is only one example of this. It is just one small element in an abysmal Chinese human rights situation.

Forced abortion. We all know this issue. We know it happens and it happens a lot.

And we know that there are many killings of born and unborn little girls.

And, we know that these practices violate every known standard of human rights since God made man.

There are reports that aborted fetuses are sold and eaten.

The trafficking in human organs that is practiced in China is another outrage. One hears rumors of condemned prisoners being executed according to the marketing needs of those who have sold their organs to wealthy foreigners needing a heart, liver, kidney, or other transplant.

I could go on and on and on with one outrage after another that is taking place in China.

I thank the gentleman for highlighting these outrages.

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Mr. BEREUTER. Mr. Speaker, I yield 1 minute to the gentleman from Texas [Mr. STOCKMAN].

Mr. STOCKMAN. Mr. Speaker, I just want to say that the gentlewoman was making a point. She outlined some serious allegations and some serious charges. In 1930, we heard serious charges before, and we said we are not sure, and we did nothing. Now, 50 years later, we hear the same allegations, and, again, America is doing nothing. There is something wrong.

What lessons have we learned from history? None, apparently. We should not trade with a barbarous nation such as China, and we should vote to cut their MFN.

This is more than just a symbol. We cannot even purchase anything without the label "China" on it. I was offended July 4 when I took out of my pocket an American flag, and on it it said "Made in China." That is an outrage. We need to stop trading with these guys. It is wrong, and America needs to stand up and say so.

Mr. HASTINGS. Mr. Speaker, I yield back the balance of my time.

Mr. BEREUTER. Mr. Speaker, I yield the balance of my time to the gentleman from California [Mr. DREIER], the distinguished gentleman who has worked very hard on Sino-American relations and trade issues.

The SPEAKER pro tempore (Mr. EMERSON). The gentleman from California is recognized for 4½ minutes.

Mr. DREIER. Mr. Speaker, I thank my very good friend from Nebraska, and rise in very strong support of the Bereuter resolution. The gentleman has worked long and hard on this issue, along with many of our colleagues, and I believe that this is a very important day in the history of the U.S. Congress and in world history.

Mr. Speaker, speaking of history, when I look back on one of the most interesting years in the last quarter of a century, 1989 has to stand out. We observed that year the crumbling of the Berlin Wall. We saw the tremendous changes take place as we saw the first transition of one democratically elected government to another in El Salvador. We saw political pluralism emerge in Nicaragua. We saw great speeches made right here in this Chamber by Vaclav Havel from then Czechoslovakia, from Lech Walesa, the leader of Poland, an electrician from the Gadansk Shipyard. To me, one of the most moving speeches came from the first democratically elected President in the history of South Korea.

Now, one of the arguments that I have made time and time again, and many of our colleagues have joined in this, is if we look over the past several years at countries where tremendous political repression has existed, we chose as a nation not to impose trade sanctions, countries like Taiwan, countries like Argentina, countries like Chile, and nations like South Korea.

Well, on October 18, 1989, just a few months after the tragic Tiananmen Square massacre, President Roh Tae Woo stood right behind me here. He does not speak English at all, but he, out of respect to this body, delivered his speech in broken English. He phonetically delivered his statement to us. And there was an item in that which to me really demonstrates where we stand today and what it is that we are trying to do.

He said:

> The forces of freedom and liberty are eroding the foundations of closed societies. The efficiency of the market economy and the benefits of an open society have become undeniable. Now these universal ideals, symbolized by the United States of America, have begun to undermine the fortresses of repression.

Mr. Speaker, that statement was made in 1989, right here in this Chamber, and we have seen tremendous changes take place in the ensuing 6 years. We proceeded during that 6-year period with engagement with China with most-favored-nation trading status. And my colleagues are right in talking about the fact that things have not necessarily gotten better. They have in many ways gotten worse. But it is important for us to look at some areas of improvement.

Remember, we are talking about a nation that has a history that spans four millennia. Now, we cannot expect a change to take place overnight, but we do realize that exposure to western values has gone a long way toward improving things.

We have seen the establishment of a stock market in Shanghai. The reports to come from that have been incredible. Obviously, any economic visitor in Shanghai would love to have the opportunity to see how their stocks are doing. Well, how do they find those reports? It has to be printed in the newspaper.

One of the things that the government of China is having a very difficult time doing is keeping any kind of political reporting out of that information that is disseminated through the free flow of economic activity in Shanghai. Mr. Speaker, it seems to me that we must realize that trade promotes private enterprise, which creates wealth, which improves living standards, which undermines political repression, and that is exactly what is happening here.

We are not going to change things overnight. We have a long way to go. But if we believe for one moment that shutting the door with China will all of a sudden get Harry Wu released, that is preposterous. If we believe that closing the door will improve the plight of those many people in China who are seeking economic opportunity, we are crazy to believe that. The two southern provinces of Guangdong and Fujian see

Chinese people literally clawing their way to get in there. Why? Because that is the place that they can find economic opportunity.

So I believe that this is a very balanced approach that the gentleman from Nebraska [Mr. BEREUTER] is taking, and I again congratulate him for all that he has done, the work of the Committee on International Relations, working closely with members of the Committee on Ways and Means. I believe that we have a positive solution to a very, very tough problem. Mr. Speaker, this is a great day. This is an historic day as we look towards the most important relationship between two countries on the face of the Earth.

I support the Bereuter resolution.

Mr. STOKES. Mr. Speaker, I rise in strong support of H.R. 2058, which condemns China's violations of human rights and calls for China to grant access to American exports. H.R. 2058 crafts a reasonable compromise between those who would want to extend most-favored-nation status to China unconditionally, and those who agree with me that denial of most-favored-nation status is the best means of influencing China.

We must not forget the Tiananmen Square massacre or the Chinese Government's brutal suppression of student protestors. Rather, we must answer the Chinese peoples cry for freedom and democracy by continuing to press for adherence to international human rights standards.

Under H.R. 2058, the Congress calls for the immediate release of United States citizen Harry Wu who was recently arrested by the Chinese Government; calls on the President to pressure China to adhere to international weapons nonproliferation agreements; calls on China to release political prisoners, respect the rights of Tibetans, and end the practice of coercive abortions. It is important to note that this legislation does not in any way disturb the President's decision to extend most-favored-nation status to China for the coming year.

In addition to these human rights abuses, H.R. 2058 includes additional conditions that call on China to permit greater access by United States exporters to China's markets by ending that nations unfair trade practices. American working men and women deserve to have the support of the United States Government in the attempt to force China to adopt a fair trade policy.

All of the objectives embodied in H.R. 2058 are reasonable standards which we should expect any nation wishing to acquire most-favored-nation trading status to satisfy. Certainly, no one could argue that the language of H.R. 2058 would impose too heavy a burden on the Chinese Government, or that the conditions are unduly harsh.

Mr. Speaker, H.R. 2058 is a fair and just bill which allows China the opportunity to reform their conduct, and make progress toward internationally recognized standards of human rights, without being punished. If there is no progress toward the goals established in this bill in China, then the denial of further favorable trade status will be necessary to convey the message to the Chinese Government that their conduct will not be tolerated by the international community. I strongly urge all my colleagues to take a stand for human rights, and vote for passage of H.R. 2058.

Mr. Speaker, I rise today to express my strong support for the H.J. Res. 96, a bill to disapprove most-favored-nation (MFN) treatment for China. H.J. Res. 96 is carefully targeted to send a strong message to the Chinese Government that continued suppression of human rights, flaunting of international agreements on nuclear nonproliferation, and engaging in unfair trade practices cannot be tolerated, ignored, or rewarded.

Denying most-favored-nation status for China is a reasonable response to the continuing controversy over trade and human rights policy in regards to China. It is absolutely imperative that this House insist that the United States Government not reward the Chinese regime which brutally massacred pro-democracy demonstrators in Tiananmen Square just 6 years ago, and continues to hold prisoner an American citizen with carte blanche on the importation of their goods into our market. Granting most-favored-nation status for all Chinese products rewards the Chinese regime for its intransigence on human rights, and its refusal to engage in fair trade.

Mr. Speaker, despite the arguments of those who support totally unfettered trade with China, the fact remains that trade and human rights are inextricably linked. A nation that suppresses its peoples' human rights also suppresses their wages. This, in turn, leads to an unnatural advantage in trade, which adversely impacts American businesses and workers, and causes the loss of American jobs.

In fact, the United States trade deficit with China is now over $30 billion a year, second only to our trade deficit with Japan. Yet, despite the freedom we grant to Chinese imports to the United States, China does not grant most-favored-nation status to United States goods, and continues to bar certain United States goods from the Chinese market. For those who advocate free trade, it seems rather illogical and inconsistent to grant free access to our market to a country which denies free access to their market for our goods.

Nearly 30 percent of China's total exports are to the United States, which means that most-favored-nation status for their goods is vital to the Chinese economy. Therefore, most-favored-nation status is logically the most effective tool for influencing the Chinese Government to improve their record on human rights. If the United States continues to grant most-favored-nation status to Chinese goods, without requiring improvements in human rights, there is no incentive for the Chinese regime to alter their policies. I ask my colleagues who support unrestricted most-favored-nation status for China to identify what other means we have available to influence the Chinese Government? They cannot give me an answer, because they have no answer.

Mr. Speaker, I strongly urge all my colleagues to insist that the United States stand up for the principles of human rights, and for the freedom of the Chinese people. Vote for H.J. Res. 96 and send a clear, unmistakable message to the dictators in Beijing, and your constituents, that you believe in freedom and democracy for people all over the world.

Mr. PORTER. Mr. Speaker, in the last Congress former Congresswoman Helen Bentley of Maryland and I combined to pass into law Radio Free Asia, a new surrogate radio to be aimed at repressive regimes in China, in North Korea, in Laos, in Vietnam, in Burma, and other Asian nations. Today, the gentleman from Nebraska [Mr. BEREUTER] has focused his policy alternative to the withdrawal of most favored nation tariff status from China on starting surrogate broadcasting to China. His is the proper way to go.

Withdrawing MFN may seem an effective means of moving the Beijing Government away from repression and toward the norms of international human rights. But it only seems so. On further examination one can see that the results of such withdrawal would likely rather be retaliation against American companies doing business in China and no progress on the rule of law. Moreover, MFN is a one-shot gun. Once fired there is no further bullet. Once withdrawn, the tariffs rise, Chinese retaliation follows, and markets change.

No, Mr. Speaker; this is not the approach that the United States should follow. Mr. BEREUTER has it right. Beam a message of truth to China—tell them the truth about what is happening in their own society to their own people—and create the pressure for change from within. Radio Liberty and Radio Free Europe, the surrogate radios of the cold war, gave not only truth, but hope to millions in Eastern Europe and the former Soviet Union that ultimately helped to undermine and bring down their totalitarian, communist regimes. Radio Free Asia would play the same role.

I am a great supporter and believer in the effectiveness of the Voice of America which beams to China and to societies across the world the message of our country to their people. It is among the most cost effective means of promoting American values to people everywhere. Surrogate radio is not the same. Surrogate radio is radio that broadcasts the messages of their own people to those societies. That relates to them not only in their own language but by their own people and in their own cultures. It reports the truth about what is happening not only around the world but, more importantly, within that society and not within the American idiom but within theirs. Surrogate radios are not to supplant the Voice of America—our voice to the world. Surrogate radios are not to provide an alternative to the VOA. Surrogate radios have always operated right along side VOA and complemented its good work. Both are extremely effective in their different missions, both spend the relatively small sums required to sustain them effectively as well, and both are necessary to advance the purposes of our foreign policy.

Now VOA has, unfortunately, been sending a message that our radios are a zero sum game, that money put toward RFA is money taken away from VOA. I don't favor that and I don't know anyone that does. And yet it has been extremely difficult to get RFA up and running and this administration has spoken a good commitment to it without following its good words with action. It is my hope that the Bereuter amendment will receive an overwhelming vote and send a message to the White House that this is our policy of choice and that the President had better get aboard and start acting as the engineer of this train.

Last year, the question of funding and starting up RFA was faced in the appropriation for Commerce, State, Justice where the gentleman from West Virginia [Mr. MOLLOHAN], then the chairman, failed to fund RFA. I offered an amendment to ensure that the commitment to RFA was known to the then chairman and it passed overwhelmingly. I hope Congress will again today go on record to send the message strongly that RFA's time has indeed come.

We should, in approving the policy choice in Bereuter, also make the commitment to provide sufficient funds to make FRA a reality. These funds should not come from VOA. But I would say, Mr. Speaker, if we continue to see from VOA the kind of effort to slow and side-track RFA start-up that has been all too evident, then, perhaps, we should, indeed, consider using VOA funds for this purpose.

Mr. Speaker, Harry Wu, is my friend, the friend of all of us, the friend of every person who loves human freedom. He returned to China, the nation of his birth, and put himself at great risk to make the truth known about China's egregious labor prison camps and its heinous market in human organs. His is just the latest example of the oppressive practices of the Beijing regime. Since last year's vote not to withdraw MFN, which I supported, human rights violations by the Chinese Government have worsened, not improved. The Chinese communist regime makes it easy to generate support in Congress for RFA. They are clearly their own worst enemy.

Now, Mr. Speaker, they will argue, as they always do, that these are matters only of internal concern, that the United States is yet again intruding itself in Chinese matters, that what they do to their own people is none of our affair. Yet we need only remind them that they are signatory to the Universal Declaration, that they made a commitment—which has since rung hollow—to observe the tenents of basic rights for every human being. And I would say one thing further: that we are our brother's keeper; that the denial of Harry Wu's rights is the denial of my rights and yours and of every person in this chamber and on this Earth. That once we can convince China and the rest of the world that every person deserves respect, that every person has the right to worship and speak and write in the way he or she chooses, that governments must rule only through law created democratically by the people—then may China and other nations which deny these basic rights take their place among the nations of the world who will live in peace and harmony and work together toward a better life for all peoples. We all look forward with all the Harry Wu's—and there are hundreds of millions of them in China—to that day.

Mr. TORKILDSEN. Mr. Speaker, I support the China Policy Act, sponsored by my colleague from Nebraska, the distinguished chair of the Asia and Pacific subcommittee.

I agree with my colleagues on both sides of the aisle that Congress must be concerned with the illegal and unjust arrest and current incarceration of American Harry Wu by Chinese officials. We must use all available diplomatic means to resolve this situation and see that Mr. Wu is returned to freedom.

However, we must not be so short-tempered and short-sighted as to vent our frustration by revoking Most Favored Nation status for China. Revoking MFN status is not something the United States should do lightly in any situation.

The recent deterioration of relations with China is indeed a cause for great concern. In today's Post Cold War world, the United States has many vital security concerns in Southeast Asia. In this region of the world where great strides are being made toward democratization, America must remain vigilant in our support of international human rights.

Perhaps the time has come for the United States to be more circumspect with regard to Beijing's policies and reputation. Yet, one thing is sure—the time has not come to end MFN for China and ostracize this emerging nation, which may hold the ultimate key to peace and stability in Asia. We will never succeed in fostering real democratization for millions of Chinese tomorrow if we decide to impose an economic quarantine on China today.

It is possible to support MFN status for China and still fight for Harry Wu's return home—and I urge my colleagues on both sides of the aisle to do just that. I urge them to support H.R. 2058 to support the safe return of Harry Wu.

Mr. BARRETT of Nebraska. Mr. Speaker, I rise in opposition to House Joint Resolution 96 that would deny Most-Favored-Nation [MFN] trade status to China.

I can understand the reasons why the gentleman from Virginia [Mr. WOLF] proposed an MFN disapproval resolution. But, I'm not convinced that an embargo—the effect of withdrawing MFN status—would punish China's use of prison labor, human rights abuses, and possible violations of arms control agreements.

Taking away MFN will actually strip us of a powerful tool that we can use to push for change, while having a negligible effect on China. Denying MFN to China forces us to turn our backs on Chinese human rights abuses. But MFN gives us the leverage and access needed to encourage improvements in China's treatment of its citizens.

Let's keep the lines of free ideas open through trade. Discussion between two friendly trading partners is more effective than criticism between nations involved in an embargo or trade war. Change is generated by communication and cooperation, not alienation.

I encourage my colleagues to support the committee's position in opposing this measure and support the continuation of MFN status to China. I believe we can do what's best for trade while engaging the Chinese to produce change.

Mr. MANZULLO. Mr. Chairman, I would also like to add to the RECORD an article from Business Week magazine that highlights how increased economic activity and Western contacts have improved overall human rights, especially in the southeastern provinces in China. Change sometimes comes too slowly for Americans but I am confident that the inevitable triumph of democracy and respect for human rights will happen one day soon in China just as it has in other parts of the world.

[From Business Week, June 6, 1994]

CHINA—IS PROSPERITY CREATING A FREER SOCIETY?

The contrast is stark. Chinese authorities continue their crackdown on dissenting voices and put security forces on alert in Tiananmen Square. At the same time, in the grimy central city of Wuhan, a professor is bringing a new concept to China's heartland: the rule of law. Armed with a Yale Law School degree and a team of young associates, Wan Exiang runs China's first public-interest legal center. From his bustling offices, Wan takes on government officials—including members of the much-feared national police, the Public Security Bureau (PSB)—who have long ridden roughshod over individual rights.

Increasingly, Wan is winning. In one recent case, his Center for the Protection of the Rights of Disadvantaged Citizens came to the defense of an entrepreneur from Hangzhou who left his job as a technician at a state-backed company to start his own business. Accusing the man of taking company patents, police put him in detention, ransacked his home, and confiscated all his belongings. After a plea from the man's wife, Wan dispatched two lawyers to represent him. They won—and got the PSB to pay damages of 500 yuan—the equivalent of six weeks' salary. Altogether, the center, which is funded in part by the Ford Foundation, has received 1,600 requests for help.

As the June 4 anniversary of the 1989 Tiananmen massacre approaches, President Clinton is poised to make the politically costly decision to renew China's most-favored-nation trading status (page 102). He is doing so even though China has been cracking down hard on its most vocal dissidents. It has re-arrested Wei Jingsheng, a leader of the "Democracy Wall" movement of the late 1970s. Beijing has imprisoned many other political activists and has rounded up religious and labor leaders.

But no matter what an increasingly jittery leadership does to repress and control, a quiet revolution is taking place. Across the Middle Kingdom, the glimmerings of a freer society can be seen in the actions of Chinese such as Professor Wan. China's contact with the U.S. and the rest of the world is helping make that happen. Although Clinton's decision was in part based on pure commercial reasons, it does reflect a growing view among experts that the annual debate about human rights in China has been overtaken by deeper, grassroots change in the world's most populous nation.

An explosion of information technology, for example, has allowed the Chinese to link up to the world with fax machines, telephone lines, satellite dishes, and personal computers. Thanks to market-oriented reforms, millions of Chinese can now decide where to work and live instead of being told. A growing local media, aligning with regional power brokers, is spotlighting tension between provincial authorities and Beijing. And workers and peasants are becoming more vocal about protesting corruption, layoffs, and taxes.

Two or three years ago, signs of people circumventing or undermining totalitarian rule could be dismissed as anomalies. But no longer. Just as China's economic boom has brought increased prosperity to millions, so too is life for ordinary Chinese becoming easier and freer. "There has been a substantial evolution—economic, social, and political—that makes the state less intrusive in people's lives," says Kenneth G. Lieberthal, a China expert at the University of Michigan.

Indeed, the central judgment that Deng Xiaoping made 15 years ago now appears to be proving faulty. Deng reckoned that by opening the door to the outside world, China could absorb foreign investment, trade, and technology while spurning the cultural and political influences, or "bourgeois liberalization," that would challenge Communist Party rule.

But years of double-digit economic growth are transforming Chinese society itself, loosening Beijing's control over 1.2 billion people. In Guangdong, workers angered by dangerous factory conditions have formed more than 800 illegal trade unions. In Beijing, live talk shows allow radio listeners to discuss once-taboo subjects, from urban pollution to extramarital affairs. In a Shanghai factory, the subject at mandatory Communist Party meetings is bonuses, not politics. And in coastal cities and interior villages, attendance at underground churches is soaring. Virtually no one accepts the ideology called communism anymore.

SHIFTING SANDS

Many of these grassroots changes have frightened the Communist Party leadership, which is already rattled by Deng's deteriorating health and an inevitable power struggle. Yet the earth continues to shift under the leadership's feet. Beijing must encourage growth to stay in power, but that only increases the potential for greater individual freedom. Only a few years ago, the government could dictate where citizens lived and worked, when they married, and when they could have a child. But today, a rising middle class is quietly challenging centralized control. "Change is happening from the bottom up, regardless of what happens with the Communist Party," says David S. Goodman, a fellow at Murdoch University's Asia Research Center in Perth, Australia.

That doesn't mean China's transition to the post-Deng era will be smooth. The party still maintains its monopoly on power. Moreover, the state controls the media and arrests whomever it wants. In Tibet and Xinjiang, ethnic minorities face severe repression. Meanwhile, the tumultuous move to a market economy has created a political and social powder keg. The economy grew 12.7% in the first quarter, barely cooling off from its 13% pace in each of the past two years. Inflation is 24.6% in the big cities, and corruption among officials is widespread. In 1989, that combination led to large antigovernment demonstrations. If similar unrest breaks out after the death of 89-year-old Deng, the leadership may once again call in the troops.

As the years after Tiananmen have shown, however, the People's Liberation Army isn't interested in turning back the clock. It's making too much money in its lucrative businesses, ranging from toys to tourism. Likewise, the party can be counted on to beat back outright challenges to its rule, but its members are also making money in China's rush to get rich.

NEW SUITS

Where once the party and central government could dictate just about anything, now they must compete for power with provinces, cities, giant quasipublic corporations, and even workers and peasants. As a result, China continues to evolve away from the totalitarian model of the Maoist era and the authoritarian regime of the Deng era. "The system is losing its central control," says M. Scot Tanner, an expert on Chinese politics at Western Michigan University. He argues that China is gradually becoming a "soft authoritarian" regime like Taiwan or South Korea in the early 1980s.

An unlikely arena for this clash of interests is the nation's rudimentary legal system. As in Wuhan, a new set of laws and property rights is evolving throughout China. In a country where the rule of law has long been subordinate to *guanxi*, or personal connections, the Chinese have started to turn to the judicial system to resolve business and personal disputes.

Chinese citizens are suing almost everyone—from local enterprises to the police. For instance, Zheng Chengsi, a slender, bespectacled professor in Beijing, brought suit against two of his former students last year after discovering they had plagiarized more than 60,000 words from his work on—of all things—intellectual-property rights. Zheng's lawyers filed the case in Beijing's East District court last year. The defendants tried, in vain, to persuade Zheng to settle. But he insisted he didn't want damages. "My rights were violated," he says. "I wanted these things to be published." In August, Zheng got his wish: The judge ordered the defendants to publish details of the case in nationally circulated newspapers.

Like Zheng, most Chinese plaintiffs are involved in disputes with other civilians. But some citizens are challenging government officials in court. In 1992, Liu Benyuan, an entrepreneur in Sichuan province, sued local cadres who tried to take away his mineral-water bottling plant. They were upset because Liu refused to pay them off. Besides his bottling plant, they also closed his chemical and printing factories. Liu fought back. Last February, a court ruled in his favor, giving him back his businesses.

China's legal system is ill prepared to handle the growing clamor for justice. As claims multiply, the number of lawyers is expected to quadruple, to about 200,000, by the year 2000. Many citizens continue to distrust the system's impartiality, since local officials often treat courts as arms of their governments. And when the courts do act independently, they often have great difficulty enforcing their judgments. That led editors of the official *Legal Daily* newspaper on May 23 to issue a daring call for an independent judiciary. "The idea of economic rights is spilling over into other areas such as individual rights," says Helena Kolenda, a Beijing-based lawyer with the New York law firm Paul, Weiss, Rifkind, Wharton & Garrison. "It has sparked a consciousness."

The demand for more rights is moving beyond individual lawsuits and sparking organized, large-scale protests. Two groups recently staged sit-down strikes in front of the Shanghai municipal building, protesting government secrecy and consumer ripoffs. The unrest has also spread to the countryside, where 75% of China's population lives. Last year, about 4,000 Guangdong villagers conducted a demonstration on a main thoroughfare. They were upset that local cadres had sold off prime farmland to Hong Kong real estate developers.

More worrisome to Beijing, unrest is spreading in factories, where workers increasingly are organizing. That has spooked the government, adding to worries that dissidents and intellectuals are reaching out to disgruntled workers. But as state-owned enterprises lay off employees, workers throughout China are going on strike. In March, there were 270 strikes in Liaoning, Shaanxi, and Sichuan provinces, several lasting as long as 40 days and involving 10,000 workers. In Tianjin last fall, laid-off workers marched on a state-run factory, carrying signs asking: "How can we feed our children?" Says Trini Leung, Chinese labor expert at the University of Hong Kong: "Labor unrest is bubbling very hot, and the authorities are worried."

Like peasants in the countryside, urban Chinese workers are furious about the rampant corruption and lawlessness among some well placed officials. One day last fall, a Shanghai bus driver found his way blocked by parked limousines in front of a karaoke bar frequented by government and Communist Party officials. When the bus driver told the chauffeurs to move, a group of men fatally beat him. Shanghai's bus drivers responded with a wildcat strike, refusing for several days to drive on the busy route.

The state hopes to prevent an explosion of labor unrest by encouraging laid-off workers to find jobs in the growing private and quasipublic sectors. But the unrest is not limited to the public sector. Workers at foreign joint ventures run by Taiwanese, Hong Kong, and other foreign investors have struck to protest abysmal working conditions. In Fujian province, where Taiwanese companies employ more than 400,000 people, workers often spend 16 hours a day on the job without overtime pay. Migrant workers in Guangdong joint ventures typically make $35 a month, less than half of what local residents make for the same work. Last fall, 49 workers died in fires at two factories run by investors from Hong Kong and Taiwan.

Even with its many problems, the private sector's growth has made it much harder for Big Brother to keep tabs on each citizen. Economic reform has vastly increased mobility for ordinary Chinese. That has undercut the *dang an*, or personal dossier, system. The DANG AN, which includes an employee's family background, political leanings, and class status, once was used by officials to retain workers, limit promotions, and even ruin careers. But now, Chinese are going into business for themselves, while foreign corporations don't care about such dossiers.

With the declining importance of the dossier, the party's stifling presence in the workplace has been drastically reduced. Party bosses are no longer the decision-makers. And the political meetings that were once mandatory are no longer held at wholly owned foreign ventures or at many joint ventures. Even at state enterprises, less time is spent mouthing Marxist mantras. At China Textile Machine Co. in Shanghai, political meetings have been pared from an hour a week to 20 minutes. "The empty talk is gone," says Zheng Bohua, the company's deputy general manager. "Now we discuss production."

U.S. companies, although anxious to defend their commercial interests in China, argue that they, too, are changing the thought processes of Chinese workers. Learning how to make individual decisions does leave a deep imprint. And working for a Western company almost automatically means a higher standard of living, with better pay and benefits. "If I were asked to go back to a state enterprise, that would be hard to deal with," says Ren Shouqin, 54, vice-president at China Hewlett-Packard Co. in Beijing. HP sent him to the Monterey Institute of International Studies for an MBA.

SOAPS AND CNN

At HP's headquarters in Beijing, well-heeled young women and men work at computer terminals, watch educational videos, send electronic mail, and read foreign magazines. In the Beijing area, 100,000 to 200,000 Chinese citizens work for foreign companies in offices that increasingly resemble the home office. Cai Ping, a 23-year-old manager in HP's personnel department, regularly communicates with HP staffers in Hong Kong and Palo Alto, Calif. "It's as if we're in the same building," she says. "Right now, I'm in touch with the trends of the world."

It's not just elite workers at foreign multinational corporations who are in touch with the rest of the world. In Guangdong, millions of people get their news from two Hong Kong television stations. With a satellite dish, moreover, they can get up to 18 other stations. Despite a ban on such dishes, they are common fixtures in the Guangdong urban landscape. Millions of Chinese who understand English will soon be able to watch Cable News Network.

Of course, the state-controlled media remain on a tight leash, and authorities still strike out at individual journalists who hit too-sensitive nerves. In April, Xi Yang, a reporter for a Hong Kong newspaper who had written about plans for an interest-rate increase, was sentenced to 12 years in prison for allegedly "stealing state financial secrets."

But commercial imperatives are creating the potential for more reliable news. TV stations in wealthy coastal cities have stepped up coverage of social and economic news. A recent protest in Shanghai was covered by one government station, despite efforts by city officials to black it out. Most of the time, stations stick to more popular fare to lure a broader audience—and advertisers. Taiwanese soap operas are now common, as are news stories about prostitution and corruption.

TALK RADIO

At the same time that local governments are opening commercial TV stations and newspapers, party organs are on the decline. The circulation of *People's Daily* dropped from 2.3 million in 1992 to 1.65 million last year. With the government cutting back on press subsidies, the fight is on for advertising dollars and for circulation gains. Some papers have responded by printing fewer political screeds and more alluring tales of sex and violence.

Economic change has emboldened the business press. As millions of Chinese have become stockholders for the first time, the business press has become more aggressive in shaking up China's corporations and shining a light on corruption. An increasingly influential business paper is the *Shanghai Securities News.* The paper warns of stock market shenanigans and covers civil lawsuits involving companies. A few weeks ago, the paper ran the first word of a lawsuit by a widow who sued a securities firm after her husband committed suicide. She claims the firm forced him to engage in illegal insider trading. "This paper really tells us the truth," says one investor.

Radio is also slowly moving away from the party line. Talk radio abounds in the large cities, where people's frustrations and desires anonymously spill out over the airwaves. On Guangdong radio, callers regularly criticize the government, sounding off on everything from police brutality to trade policy. On one recent evening, crime is the big concern, as listeners complain about robberies on buses, highways, and city streets.

American talk radio it's not. But this profusion of media outlets has created a forum for the country's various power groups to fight their battles. In the past, the powerful Propaganda Ministry could homogenize the country's newspapers. Now, as the decentralized economy has given more power to regional chieftains, various factions are vying for control. With conservatives and reformers wielding control of media outlets, China has not one official press but several. People's Daily, controlled by the conservatives, therefore reports on strikes and rural unrest to demonstrate the dangers of policies advocated by reformers such as Vice-Premier Zhu Rongji, while Shanghai papers report on successful reforms.

Even though China's media can hardly be called free, the emergence of divergent voices means the center's ability to control people's minds has vanished. The very values upon which communism was founded are shifting. Since so few Chinese believe in its ideology, the Communist Party's leaders have no option but to press ahead with economic modernization—even as it unleashes social changes. To justify its existence, the party has to deliver prosperity, not class struggle. These pressures can only mount as more Chinese accumulate wealth.

THE DOOR IS OPEN

To contain the damage, Beijing's leaders have adopted a strategy of strategic retreats. By pulling back in certain areas, the leaders hope they can limit popular unrest and triumph in the end. But it's unlikely that 1.2 billion Chinese will be content with just the beginnings of a legal system, a freer press, and a trade-union movement. Having won those gains in the past few years, they are pressing for more.

Faced with these demands, the Communist Party will be confronted with tough choices. It can lash out, as it did in 1989. Or it can begin to transform itself, as did autocratic parties in Taiwan and South Korea. A violent crackdown would be a huge step backward and would be unlikely to work in the long term. As the years after 1989 have demonstrated, hard-liners cannot repress an entire society and still preserve economic reform.

No one is arguing that China is about to blossom into a multiparty democracy. The government's strategy is to co-opt potential pressure groups before they become independent political forces. The technocratic leaders who are gradually taking over the reins of power from the old-time revolutionaries are more willing to allow interest groups to express their viewpoints—but only as long as they remain within the confines of a single party.

For now, many Chinese say they are too busy making money to think about politics. Young Chinese, in particular, are learning that wealth means the freedom to travel, to buy foreign newspapers, to win a court case against a corrupt government official. "If you have money," says a taxi driver in Fuzhou, "then you can buy human rights." By this reckoning, the best thing Washington can do to nurture greater rights in China is to make sure its doors remain as open as possible to investment and ideas. "We have confidence about the future," says Aven Yang, senior manager for materials at Northern Telecom Ltd.'s joint venture manager for materials at Northern Telecom Ltd.'s joint venture in Shekou. "There is bread, and the door is open. We don't want the door to close." The rest of the world should make sure it doesn't.

By Joyce Barnathan in Shanghai, with Pete Engardio in Guangzhou, Lynne Curry in Beijing, Dave Lindorff in Hong Kong, and Bruce Einhorn in New York.

Mr. KIM. Mr. Speaker, I rise today in opposition to House Joint Resolution 96, legislation that would disapprove the President's decision to renew most-favored-nation [MFN] status for the People's Republic of China [PRC]. My reason for doing so is simple: While I share my colleagues concerns about the Chinese Government's actions regarding human rights, missile proliferation, and other bilateral matter, I do not believe that these issues should be linked to the basic foundation of trade between the United States and the PRC. I believe that there are more appropriate and effective means to address these important noneconomic concerns.

The People's Republic of China [PRC] has been denied permanent MFN trading status since 1951, when Congress revoked MFN status for all Communist countries. However, under the provisions of the Trade Act of 1974, the United States can grant temporary MFN status to China if the President issues a so-called "Jackson-Vanik" waiver.

In June of this year, President Clinton exercised this option—as he has in each of the previous years of his administration—and extended the Jackson-Vanik waiver for China for an additional year. In considering House Joint Resolution 96, we must now decide whether to exercise our congressional prerogative to disapprove this waiver—and deny MFN status for China. Following this debate, I hope Congress can move forward on the consideration of granting permanent MFN status for China and putting an end to this annual source of Sino-American tension.

In making this important decision, there are two questions that we must answer: First, is it in our national economic interest to continue MFN for China? Second, how does extending MFN for China influence our efforts to effectively address human rights and other bilateral problems between the United States and China?

The answer to the first question is unequivocally yes. Extending MFN to China would clearly yield substantial economic benefits to the United States.

China is our Nation's fastest growing major export market. America exported $9.8 billion worth of goods to China in 1994, an increase of 5.9 percent over 1993. These exports supported approximately 187,000 American jobs, many of which are in high-wage, high-technology fields.

But these benefits are only the tip of the iceberg. With a population of more than a billion people—and a GNP that has grown at an average rate of 9 percent since 1988—and 12 percent last year—the future export potential of the Chinese market is enormous. In industries such as power generation equipment, commercial jets, telecommunications, oil field machinery and computers, China represents a virtual gold mine of economic opportunity for American businesses.

The importance of such a market is hard to understate: In a world where most existing major markets are saturated or are quickly maturing, it is critical that we find new and expanding markets for American products. China is just such a market. In fact, it represents one of the last reservoirs of raw economic potential left for American businesses to tap.

In short, if cultivated properly, a vigorous trading relationship with China could be a badly-needed cornerstone of American export growth—and overall economic growth—over the next few decades.

Denying MFN for China, however, would put that relationship at risk. I want to point out that MFN is a misnomer. MFN is not preferential treatment—it is equal treatment. By denying MFN for China, we would be denying China the same trading status that all but six of our trading partners have been granted.

Even worse, we would actually be punishing China by placing exorbitant "Smoot-Hawley" tariff rates, established earlier this century on the Chinese goods. For example, with MFN, waterbed mattresses exported to the United States from any MFN country—including China—would face a tariff of 2.4 percent. Without MFN, the tariff on this product would be 80 percent—an increase of 3,300 percent. This kind of punitive tariff would, for all intents and purposes, close the American market to Chinese products.

In other words, continuing MFN does not constitute special treatment for China—but rescinding MFN would deny China the trade status that we grant to virtually every other nation in the world.

How would China be expected to respond to such a punitive action? There's no way to know for sure * * * but I suspect that the Chinese would retaliate by quickly closing their market to American goods and would take their business elsewhere—an event that our international competitors, especially the Japanese and the EC, would note with glee.

And, even if a full-fledged trade war with China is avoided, there is still the risk of destroying all of the progress made so far on other United States-China trade issues.

For example, the United States has recently reached an historic accord with the People's Republic of China on protection of intellectual property rights and market access. The accord contains a commitment on the part of the Chinese to crack down on piracy and to enforce intellectual property laws. It would also require China to finally open its markets to United States audio-visual products. Rescinding MFN for China would undermine this progress, and would eliminate any possibility of future progress on other trade related issues—such as full enforcement of the 1992 bilateral agreement prohibiting prison-made goods.

And there remain other serious trade problems between the U.S. and the PRC that need to be addressed.

For example, despite signing the 1958 New York Convention on Recognition and Enforcement of Arbital Awards, China refuses to enforce any claims awarded against Chinese firms under this agreement. As a result, American businesses such as Revpower, which was granted a $6.6 million arbital award for contracts that were violated and property that was unjustly expropriated, have never been able to collect what they are due. Such incidents raise questions about China's sincerity in enforcing such agreements and whether United States investments are safe in the PRC.

There are also many trade disagreements associated with the PRC's accession to the World Trade Organization [WTO] that need resolution, including the issue of permanent MFN status—which I support.

The fact is MFN provides the basic foundation to negotiate with China on these kind of trade issues. Without MFN, there is no trading relationship—and no reason for China to listen to us on trade related issues.

Finally, American consumers—especially those with limited incomes—are also penalized by denying MFN for China.

Many of the low-cost goods that American consumers have become so used to buying come from China. If we deny MFN, we will raise prices dramatically on those goods and undermine competition that lowers the price on goods from elsewhere. The result is an implicit tax increase on average American consumers, especially low-income families. For example, an extra $5–$10 dollars on a shirt may not be much for a Member of Congress, but for an average working family, this cost increase directly affects their standard of living.

In short, denying MFN for China can only have negative consequences for the United States. At a minimum, rescinding MFN would destroy the progress we have already made and would jeopardize future progress towards establishing an equitable trading relationship with the PRC. At maximum, denying MFN would cause a full-fledged trade war in which the Chinese market would be closed to American products.

Either way, the end result would be that American companies would effectively be shut out of one of the most rapidly expanding export markets in the world—sending hundreds of billions of dollars of future American exports down the drain. And in addition to these lost jobs, the standard of living of average working families will be lowered due to increased prices of consumer goods.

This scenario is easily avoidable. By continuing MFN status for China, we can take the next step toward promoting a strong economic relationship with this important trading partner—and put ourselves in position to reap the economic benefits that the Chinese market offers.

It is clear then, that extending MFN for China is in our national economic interest. However, the United States should not make foreign policy decisions based solely on raw economic benefits. In this case, we must also consider the effect that today's decision will have on our efforts to promote human rights and regional security.

I can understand the motivation of some of my colleagues who want to link MFN trade status to other issues like human rights, missile proliferation, the arrest of Harry Wu, population control activities and regional security. They are trying to fill the void on these important issues resulting from the Clinton administration's lack of a coherent, long-term China policy. I agree with them completely that this void must be filled—I disagree with the method. MFN linkage is not the way to promote progress on these other issues.

First, I believe that continuation of MFN for China will help promote further economic development and reform in the PRC. In the long term, I believe this economic reform will result in political reform. That is the exact trend that happened in Taiwan and South Korea and is currently happening in Indonesia and Malaysia.

Second, while perhaps having a short-term punitive effect on China, the denial of MFN makes it more difficult to address our long list of important non-trade concerns.

What incentives is there for China to adhere to human rights standards, comply with agreements it voluntarily made regarding missile exports and the proliferation of other weapons of mass destruction, halt nuclear testing, release Harry Wu, ensure a smooth transition in Hong Kong, and engage in responsible negotiations on regional security issues if the United States denies MFN? MFN denial is considered a hostile action by Beijing.

The struggle to succeed aged paramount leader Deng Xiaoping has already begun. Denying MFN would only exacerbate relations and play directly into the hands of the hardliners who are using tensions in Sino-American relations to bolster their position. The reformers—many of whom are dependent on further economic growth so sustain their popularity and reform program—would be undercut by the denial of MFN. And, it is these very reformers who will more likely address the human rights and proliferation concerns we have. So why give their opponents ammunition?

Mr. Speaker, if the Clinton administration had a coherent China policy which could effectively and forcefully address these serious concerns, then Congress would not feel compelled to have to step-in and fill the void. Unfortunately, we must.

However, in doing so, I urge my colleagues to do what is best for long-term American interests and not become sidetracked by short-term political expediency. I urge a "no" vote on the Resolution of disapproval.

Therefore, it is my hope that we will look at MFN for China, not as a point of contention between our two nations, but rather as the beginning of change that will bring new understanding within China. Economic gains result in further progress on human rights which can only promote a new era of security cooperation between the United States and China.

Thank you Mr. Speaker.

Mr. LAZIO. Mr. Speaker, the China question has vexed American policymakers for over a century as we struggle to define our relationship.

China is the most populous nation on Earth and offers an enormous market for United States products. In 1994 United States companies had $9.3 billion in sales to China. Last year, companies in my home State of New York sold China nearly $600 million in goods, and New York ranks fourth in the Nation in total export sales to that country. Importantly, exports to China support some 180,000 United States jobs.

China remains the key to the balance of power in Asia, and is well on its way to being the leading player in the Asia-Pacific region. Many experts believe that the Chinese economy will someday be the largest in the world, larger than even our own.

The United States Government cannot ignore such a geopolitical giant, and for us to deny China MFN status would be foolish and an unwise policy. China's cooperation is essential in dealing with global challenges of nonproliferation, the environment, refugees, and controlling narcotics traffic. Moreover, a unilateral trade embargo by the United States will have little effect since Japanese and European corporations will quickly move to fill the void. Importantly, we will lose the only leverage we have over China to bring about Democratic reforms and persuade them to conform with acceptable standards of international behavior. Without a strong economic presence in China, the United States will have little, if any, capacity to influence the evolution of the Democratic process in China.

Of course, we have numerous problems with the Chinese Government. We are deeply troubled by: consistent human rights abuses; the unfair imprisonment of American citizen, Harry Wu; an unwillingness to adhere to international standards of nonproliferation of nuclear weapons; a refusal to recognize the legitimate rights of ethnic minorities; and provocative military measures in the South China Sea. These are issues which must be addressed.

The Chinese Government should not feel that renewing MFN is a reward for its behavior, and we must keep the pressure on all fronts to push for Democratic reform. The pathway to democracy is through free and open markets, and renewing China's MFN status makes sense. It is good for our commercial and strategic interests, and it lays the groundwork for sustainable long-term progress in human rights as well as promoting many other important issues. Mr. BEREUTER's China Policy Act, which I support, does this. It also sends an important signal to the Chinese Government that its continued violations of internationally recognized human rights are clearly unacceptable. Therefore, I urge my colleagues to support Mr. BEREUTER's China Policy Act.

Mr. ACKERMAN. Mr. Speaker, I rise in strong support of Mr. BEREUTER's resolution.

It is fully within our rights to criticize the Chinese Government's highly inappropriate behavior, underscored recently by the case of Harry Wu. There is no doubt in my mind that we cannot stand idly by while an American citizen is treated with such disregard. The imprisonment of Mr. Wu is an insult to every American.

I also applaud Mr. WOLF's and Ms. PELOSI's support for the China Policy Act. Their efforts were instrumental in forming the final language of this bill. With that said, I must add that House Joint Resolution 96, revoking MFN for China, must be rejected. It is the wrong message to send, and if we insist on sending it, it will hurt us. It is legislation that will accomplish nothing politically.

In that respect, what we are doing here is not symbolic. It is not kowtowing to China. It is not standing on the sidelines of the issue.

In fact, we are sending a very strongly worded message to China's leaders that we are very unhappy with their conduct. In answer to those who question a lack of action, this bill would require regular reports from the administration to Congress detailing China's progress in those areas of concern to us—particularly human rights violations, nuclear proliferation, and unfair trade practices.

We are not simply sending them a hint of our displeasure. We are actively pursuing a change in their policy. And we will be doing so without harming our own interests.

Critics of extending MFN to China counter that revocation of this status is the only way that we can affect change in China. They claim that we can only make ourselves heard, and persuade the Chinese to adhere to international norms, by disengaging ourselves economically—even at the expense of American industry. That is totally incorrect.

It has been said before, and I will reiterate it. We do need to express our displeasure with the Government and ensure that our concerns are heard and understood. For that reason, we need to remain engaged in China—economically and politically. Without those avenues, we will not have the leverage to accomplish what all of us in Congress, and in the United States, deem to be of the utmost importance—securing the full observance of human rights, democratic reforms, economic liberalization, and preventing the proliferation of China's weapons of mass destruction.

There is no argument here that we have many problems and concerns with China's internal policies and trade practices. We need to make it clear to the Chinese Government that their intolerable policies will not go unanswered. And in answering we will use all of the means necessary within our relationship to convey our views to them. However, we need to act within the construct of our established relationship, thereby working toward our goal of a free and democratic China. I commend Mr. BEREUTER on his well-written and well-directed bill, and I urge its swift passage.

Mr. MARKEY. Mr. Speaker, the Chinese Government, and the defense industrial companies through which it operates, has established itself as the arms supplier of choice for many of the world's rogue states. We have granted China most-favored-nation status, and Beijing has responded by becoming the most eager vendor in the international nuclear marketplace. While we, in Congress, have been appropriating billions of dollars to encourage peace and security around the world, Beijing has been selling weapons of mass destruction to the highest bidders, regardless of the consequences. Over the past several years, the Chinese Government has: Delivered missile guidance systems to Iran; sent M–11 ballistic missile technology to Pakistan and aided Pakistan's efforts to develop a covert nuclear weapons program; sold Silkworm missiles to Iraq; and provided nuclear technology to Algeria.

In addition to sending sensitive technologies to outlaw nations, China continues to increase its military muscle at home by: Pursuing a secret program to develop biological weapons; continuing its underground nuclear test explosion program despite an international testing moratorium in effect since 1992; and conducting military exercises in the East China Sea just north of Taiwan.

Mr. Speaker, Beijing has a rapsheet that would make any thug proud. But instead of getting 10 to 20, the Chinese Government keeps getting billions of dollars worth of tax breaks which have helped it run up a massive trade surplus with the United States.

Over the years, I have stood in the well of the House to speak out against a Chinese regime which ignores international security rules, systematically oppresses it own people, and demands preferential trade status while refusing to provide equal access to its own market. Since last year, the Chinese Government record has deteriorated even further: American citizen Harry Wu has been detained, political prisoners are still being held in a Chinese "Gulag Archipelego" stretching across the country, and China's trade and proliferation policies remain dismal.

I stand here today in support of H.R. 2058, the China Policy Act of 1995, which I believe will send a message to Beijing's ruling clique: We're watching you. We'll be checking your progress in the nonproliferation, trade, and human rights. And it's time to clean up your act.

I still however, support a complete cut-off of MFN status for China because I don't believe we should label as "most favored" the regime operating in Beijing. I hope that this bipartisan bill serves as a wake-up call for China's dictators.

Mr. CRANE. Mr. Chairman, I rise in support of the view that China's MFN trade status should be preserved. As the previous Bereuter bill makes clear, the Chinese Government is, in many ways, a brutal and anachronistic regime, intolerant of dissent and responsible for grave human rights abuses. Yet under this repression flourishes one of the world's largest and most rapidly growing economies.

Free-market reforms taken in the name of "Leninist Capitalism" have dramatically increased in the well-being of Chinese citizens to the degree that per capita income in China now doubles every 6 to 7 years, United States commercial involvement in China has been an integral part of this dramatic change, contributing significantly to the improvement of living conditions in China.

There are currently over 2,000 United States companies with $6 billion invested in mainland China. A close look at these operations reveals countless separate contributions to Chinese well-being above and beyond basic employment. United States businesses offer management development programs, scholarships, on site medical clinics, and gifts to charitable causes in China. Operating under the strictest standards of safety, hygiene, and environmental protection, these firms, by their presence and example, spread United States values and ideals throughout the communities in China where they are located.

As employees of United States companies, Chinese citizens are able to interact with their government on a more independent basis than would be possible absent United States support and employment. Pluralism and personal liberty also are enhanced through government to government contacts, scientific exchanges, personal travel, and increased international awareness of Chinese Government activities.

While beneficial to the average Chinese citizen, United States commercial involvement in China also is critical to United States economic and strategic objectives. Since 1980, when MFN was first granted to China, United States exports have increased 438 percent compared to an overall increase in United States exports of 156 percent during the same time period. As other speakers will lay out, a policy that preserves United States interaction with Chinese society puts us in the best position to leverage the Chinese Government in the sensitive areas of weapons proliferation, North Korea, and market access for United States exports.

House Joint Resolution 96, would set back all progress the United States is making with China. Such a policy of unilateral confrontation must be rejected in favor of a strategy that preserves United States leadership in Asia, and maintains our commitment to the people of China, Hong Kong, and Taiwan.

Mr. CLEMENT. Mr. Speaker, denying most-favored-nation status to China is not in the best interest of the United States.

Because of its size and location China will be a pivotal nation in the Pacific rim well into the 21st century. The damage inflicted by revoking MFN to China will have serious consequences for our economy.

China has one of the fastest growing economies and is one of the largest markets in the world. United States businesses have made significant inroads into the Chinese market. In 1993, Tennessee companies exported $58 million in goods to China. In 1994, Tennessee companies exported $384 million to China, a 567-percent increase. Just last December, Nashville hosted the first economic summit to help Tennessee businesses learn how to capitalize on the Chinese market.

Denying MFN to China would surely result in retaliatory action against American goods, and the loss of hundreds of thousands of jobs across America which are dependent upon our future trade with China. In fact, a Chinese delegation will be visiting Tennessee to pursue joint venture projects with 30 Tennessee businesses. If we vote to deny MFN today we are voting to kill jobs, and we are robbing States such as Tennessee of millions of dollars in potential revenue.

China is an extremely fertile market with tremendous possibilities. American businesses and the American economy need China. If U.S. companies are forced to pull out, you can be sure there are plenty of other nations that will be all too happy to fill that void. Most importantly, China needs America. The presence of businesses from the West have contributed greatly to the transition of the Chinese market from that of state-run to privately owned and operated establishments.

I certainly understand my colleagues concerns about China's human rights record, and I join them in condemning these practices. I believe we should continue to push for human rights improvements in China. Trade has been the avenue which has allowed the West to make tremendous strides in bringing about a more open and free society in China.

The United States is committed to being a leader in the international community. We have been very successful because we have led by example. It would be impossible for the United States to lead by example if we did not have a presence in China.

Mr. Speaker, I urge the defeat of this resolution.

Mr. BARRETT of Nebraska. Mr. Speaker, I rise in opposition to H.J. Res. 96 that would deny most-favored-nation [MFN] trade status to China.

I can understand the reasons why the gentleman from Virginia proposed an MFN disapproval resolution. But, I'm not convinced that an embargo, the effect of withdrawing MFN status, would punish China's use of prison labor, human rights abuses, and possible violations of arms control agreements.

Taking away MFN will actually strip us of a powerful tool that we can use to push for change, while having a negligible effect on China. Denying MFN to China forces us to turn our backs on Chinese human rights abuses. But MFN gives us the leverage and access needed, to encourage improvements in China's treatment of its citizens.

Let's keep the lines of free ideas open through trade. Discussion between two friendly trading partners is more effective than criticism between two nations involved in an embargo or trade war. Change is generated by communication and cooperation, not alienation.

I encourage my colleagues to support the committee's position, in opposing this measure, and support the continuation of MFN status to China. I believe we can do what's best for trade while engaging the Chinese to produce change.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, as we debate China's most-favored nation status, we must view American policy toward China with consideration of many issues.

Those issues include human rights, trade, the peaceful transition of Hong Kong and weapons proliferation.

Human rights must continue to be a vital consideration as America formulates its policy toward China, as well as policy toward other areas of the world.

Obviously, we are all concerned about China's recent behavior, and the detention of American Harry Wu. Regardless of our action here tonight, Mr. Wu must be released, and we should continue to pursue that result.

However, the United States must pursue policies which are specific to each of the issues which affect our relationship to China in order to achieve positive results.

The continuation of China's most-favored-nation status is a necessary part of America's policy toward China.

To be effective, to spread the word of freedom around the world, America must continue to be engaged in world events.

Through American influence, positive changes can be made in other societies, including China. The transfer of information, which our trade relationship provides, is crucial to achieving change in China, without MFN, this change will not occur.

Mr. STARK. Mr. Speaker, I am very disappointed that the China Policy Act contains no teeth, and I urge support of the resolution disapproving MFN for China.

How long are we going to appease the murderous, nuclear proliferating, United States-citizen-arresting regime in Peking?

Most of us have seen the movie, "Schindler's List." What is going on in China is similar: factories churn out goods made with slave labor. By giving MFN to China, we give China a $37 billion trade surplus with us—and a lot of that is blood money. The world community failed to do the right thing 50 years ago. We are failing to do the right thing now. We should be ashamed.

Yesterday, I nominated my constituent, Mr. Harry Wu, for the 1996 Nobel Peace Prize for his determined efforts on behalf of human rights. I am saddened and disappointed that the Congress will not act with the same courage as demonstrated by Mr. Wu.

Mr. HOYER. Mr. Speaker, I rise today in support of H.R. 2058. I want to commend the efforts of my good friends Ms. PELOSI and Mr. WOLF against the human rights atrocities in China.

Mr. Speaker, the United States has granted MFN renewal to China annually since 1980. Since the massacre in Tiananmen Square in 1989, we have been extremely focused on China's human rights performance. There are some Members who de-link international trade and human rights and believe that the infusion of Western business practices and ideas will lead to greater freedom in China.

Mr. Speaker, it has been 6 years since the Chinese regime directed the brutal massacre of pro-democracy protesters in Tiananmen Square. There has been little change, at best, in the dismal human rights record of the Chinese government.

There still has not been a full accounting for the victims of the 1989 crackdown. And, furthermore, just 2 months ago, scores of well-known activists and intellectuals were rounded up and arrested for filing open petitions to the government urging a complete list of those who died.

Over the past 2 years this Congress has been, in my opinion, lenient toward the continued denials of freedom of expression, association, and religion in China.

Clearly, the time has come to send a clear and strong message to President Zemin and the National People's Congress that the United States will no longer stand idly by as products are made by slave labor for export, dissidents are permanently exiled, and torture and denial of medical care continues in Chinese prisons and labor camps.

The bill before us clearly states the Congress' outrage at China's violation of international nonproliferation standards. It also calls upon China to respect and uphold the U.N. Charter and universal declaration of human rights.

Despite previous concessions and promises made by the Chinese regime on human rights, the State Department recently reported that there continues to be widespread and well-documented human rights abuses in China.

Mr. Speaker, let me be clear * * * I agree that we must engage the Chinese. I recognize the over $9 billion of exports to China last year and the thousands of American jobs associated with those products and services.

However, we should not help underwrite the totalitarian regime in China any longer. This MFN debate is very different than others in the past.

This is a hallmark moment in United States-Sino relations. The post-Deng Xiaoping transition period approaches. With the fall of the Soviet Union, the Korean peninsula has become the most dangerous place on the planet.

As we have learned in country after country in Europe, the United States develops its strongest alliances and ensures its lasting security when we stand firmly and unequivocally for the principles upon which our own Nation was founded.

Mr. Speaker, whether we like it or not, the fact is that MFN is the only bargaining power we have with the Chinese each year. Our continued policy of unconditional engagement and economic stimulus to encourage human rights and nuclear nonproliferation is a failed policy.

H.R. 2058 directs the President to undertake intensified diplomatic initiatives to persuade the Chinese Government to, among other things, adhere to prevailing international standards regarding nonproliferation of weapons and respect the internationally recognized human rights of its citizens.

These initiatives will be carried out in our bilateral relations with China, and through the United Nations, the World Bank, and the WTO.

This bill requires the administration to report every 6 months on the progress of these initiatives and the Chinese Government's willingness to bring about reform.

Essentially, this bill will not allow the administration to walk away from the reality of the human rights abuses or nuclear proliferation.

It will also require the Chinese to make real reforms now, rather than empty and worthless concessions days before MFN renewal each year.

Mr. Speaker, there is a general consensus in the Congress that the best China policy is one that advocates a prosperous, strong, and democratic China. This bill is a compromise which makes great strides toward effectively pressuring the Chinese to make needed reforms, while not denying MFN status to China at this time. For that reason, I will support this bill. Thank you.

Ms. JACKSON-LEE. Mr. Speaker, I rise today to address the longstanding and difficult issue of China's atrocious record on human rights and its most-favored-nation-trading status.

As a new Member of the House, I am not oblivious to the serious human rights abuses that China commits against its citizens. I was horrified by the slaughter of the students at Tienamen Square in 1989. And today am very troubled by the arrest of U.S. citizen Harry Wu. The students were crying out for freedom and justice, a practice that we take for granted in this country. Instead of negotiating an end to the demonstration, Premier Li Peng ordered the needless slaughter of unarmed civilians. I consider this an indefensible act beyond explanation.

But, the question remains, how do we as a body and as a country work to bring an end to the practices of the Chinese Government? Do we completely divest and not do business with over 1 billion people? Or, do we continue to invest and hope that by engaging the regime we can effect change from the inside? I fear that this is a difficult problem to reconcile.

I am committed to making sure that human rights are an integral part of U.S. foreign and trade policy. Recently, I have introduced, and passed, an amendment to the Foreign Operations Appropriation bill that brings greater awareness to the human rights violations of the Ethiopian Government. It is in that vein that I wish to discuss the situation with China tonight. Even though the Ethiopians have made improvements in their human rights record, our Nation must continue to encourage and monitor the situation there. This policy must also be for China.

There are many practices that the Chinese Government engages in that anyone would find reprehensible.

Short "show" trials with only cursory attention to the facts of the case;

Executions by a gunshot to the back of the head. The convicted prisoner's family is then charged for the price of the bullet. I have been told that the Government has just increased the price of the bullet;

Gulag style prisons where slave labor is commonplace; and

The organs of executed prisoners are quickly removed for transplant. This begs the question of the motivation for many of executions.

I supported, with an overwhelming number of my colleagues, H.R. 2058, the China Policy Act. This bill, for the first time, requires that the President present a biannual report on the progress of China's human rights.

The China Policy Act has many points and congressional findings, such that:

Charges against American citizen and human rights activist Harry Wu should be immediately dismissed;

China has violated international standards regarding the nonproliferation of weapons of mass destruction;

China has engaged in a program of modernizing and expanding its military;

China continues its practice of lengthy detention without trial, torture, and inhumane treatment of prisoners, and has failed to release political prisoners such as Wei Jingsheng, Bao Tong, and Chen-Ziming;

China continues to restrict free speech and trade unions;

China does not allow access to prisons by humanitarian and human rights organizations;

China continues to crackdown on the pro-democracy movement;

China continues to harass journalists and the Voice of America;

China continues to engage in discriminatory and unfair trade practices, including products made with prison slave labor; and

China continues to repress Tibetans and other religious and ethnic minorities.

The passage of the China Policy Act is a step in the right direction. We must continue to pressure the Chinese Government for change. I realize that it is very difficult to balance the necessity to trade with an estimated $600 billion economy and our Nation's commitment to human rights.

China must treat its citizens with basic decency.

China must stop the proliferation of weapons of mass destruction. China must come into line with the rest of the civilized nations.

But, this body and this Nation must also carry the same standards of human rights for other nations with which we deal. Be it China, Cambodia, Bosnia, or Zaire, the United States must continue to be a beacon and champion of human rights for the rest of the world.

As a Nation we can demand no less of ourselves and with those who are members of the United Nations and with whom we conduct business.

I am hopeful that China will continue to improve its human rights record. We must assist Harry Wu in his efforts to be free and be diligent in our insistence that China comply with basic human rights standards. Time is running out and the patience of many of my colleagues is wearing thin. Soon, China will no longer be a favored nation. The clock is running and only the Chinese can make it stop. My support and vote for H.R. 2058 along with my colleagues is a start and we must do more.

The SPEAKER pro tempore. All time has expired.

Pursuant to House Resolution 193, the previous question is ordered.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEREUTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 416, nays 10, answered "present" 1, not voting 7, as follows:

[Roll No. 536]

YEAS—416

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)

Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—10

Burton
Chenoweth
Funderburk
Jones
Kaptur
Pickett
Scarborough
Seastrand
Souder
Stockman

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—7

Bachus
Collins (MI)
Jefferson
Moakley
Nadler
Owens
Reynolds

□ 1346

Mrs. CHENOWETH, Mr. JONES, Mr. BURTON of Indiana, and Mrs. SEASTRAND changed their vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. NADLER. Mr. Speaker, earlier today I was unavoidably detained and missed rollcall No. 536 on the Bereuter amendment. Had I been present, I would have voted "aye."

□ 1345

PARLIAMENTARY INQUIRY

Mr. DEFAZIO. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. EMERSON). The gentleman will state it.

Mr. DEFAZIO. Mr. Speaker, did I understand the Chair to say the bill is passed? Was there not a further pending vote on the resolution of disapproval?

The SPEAKER pro tempore. The Chair would advise the gentleman that the bill has passed. There is an addition measure to be considered.

Mr. DEFAZIO. A separate resolution?

The SPEAKER pro tempore. Separate under the rule.

Pursuant to section 2 of House Resolution 193, it is now in order to consider House Joint Resolution 96.

DISAPPROVAL OF EXTENSION OF MOST-FAVORED-NATION TREATMENT TO THE PRODUCTS OF THE PEOPLE'S REPUBLIC OF CHINA

Mr. ARCHER. Pursuant to House Resolution 193, I call up the Joint Resolution (H.J. Res. 96), disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The text of House Joint Resolution 96 is as follows:

H.R. RES. 96

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Congress does not approve the extension of the authority contained in section 402(c) of the Trade Act of 1974 recommended by the President to the Congress on June 2, 1995, with respect to the People's Republic of China.

The SPEAKER pro tempore. Pursuant to House Resolution 193, the gentleman from Texas [Mr. ARCHER], and the gentleman from Virginia [Mr. WOLF] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Texas [Mr. ARCHER].

Mr. ARCHER. Mr. Speaker, I yield such times as he may consume to the gentleman from Texas [Mr. ARMEY], the distinguished majority leader.

Mr. ARMEY. Mr. Speaker, pursuant to an agreement between the minority, the majority, and the interested parties, the chairman of the Committee on Ways and Means, the gentleman from Texas [Mr. ARCHER], and the gentleman from Virginia [Mr. WOLF], will each control 10 minutes to debate the motion to table, after which the gentleman from Virginia [Mr. WOLF] will be recognized to move to table the motion of disapproval.

Mr. GEPHARDT. Mr. Speaker, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Speaker, I agree with the procedure, and I will be happy to handle our time.

PARLIAMENTARY INQUIRY

Mr. DEFAZIO. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman from Oregon will state his parliamentary inquiry.

Mr. DEFAZIO. Mr. Speaker, if I understand the majority leader, he said on a nondebatable motion, there was some agreement to debate it, 10 minutes being allocated to two Members. I am wondering if that requires unanimous consent.

The SPEAKER pro tempore. No; the allocation of debate time is in order under the rule.

Mr. DEFAZIO. The rule made specifically in order that a nondebatable motion to table be debatable, but not the resolution itself?

The SPEAKER pro tempore. The gentleman is correct that debate will precede the motion to table.

The Chair recognizes the gentleman from Texas [Mr. ARMEY].

PARLIAMENTARY INQUIRY

Mr. LANTOS. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state it.

Mr. LANTOS. I would ask, Mr. Speaker, are both sides in control of the time in favor of tabling this motion?

The SPEAKER pro tempore. The Chair would note that the rule, House Resolution 193, allocates debate time for consideration of the joint resolution and does not require that the time be divided between proponents and opponents.

Mr. LANTOS. If I may continue my parliamentary inquiry, Mr. Speaker, I believe House rules do. We have had precedent for that when there was both on the majority and minority side the determination to grant Most Favored Nation treatment to Romania. I objected on parliamentary grounds, and the Speaker at that time granted me part of the time to express the views of those who are opposed to the tabling motion.

The SPEAKER pro tempore. The Chair will state that the rule was adopted pursuant to the rules of the House, and the rule that was adopted by the House is the rule that is in effect for the consideration of this resolution.

Mr. LANTOS. May I continue my parliamentary inquiry, Mr. Speaker?

The SPEAKER pro tempore. The gentleman may continue.

Mr. LANTOS. Mr. Speaker, is there any rule of the House which mandates that a portion of the time be allocated to opponents of a proposed legislation if both the majority and the minority are on one side?

The SPEAKER pro tempore. In the case of a specific rule, the specific rule controls, and a specific rule has been adopted.

Mr. LANTOS. Under those circumstances, Mr. Speaker, I ask unanimous consent that those of us who are opposed to tabling this motion be allocated half the time.

Mr. ARCHER. Mr. Speaker, reserving the right to object, and I do feel constrained to object, because there has been agreement between the majority and the minority as to how this issue will be debated, so I am constrained to object.

The SPEAKER pro tempore. Objection is heard.

The Chair would state that the gentleman from California [Mr. LANTOS] could ask anyone possessing time to yield to him.

The Chair recognizes the gentleman from Texas, the majority leader.

Mr. ARMEY. Mr. Speaker, let me begin my comments by commending Members on both sides of the aisle for the professional manner in which they have worked together to write the resolution just passed by the House. Specifically, I would like to commend the minority leader, the chairman and ranking members of the Committee on Ways and Means, the gentleman from Nebraska [Mr. BEREUTER], the gentlewoman from California [Ms. PELOSI], and the gentleman from Virginia [Mr. WOLF], all of whom made great efforts to ensure passage of this important resolution that sends a strong signal to the Chinese Government about the need for human rights reforms, while encouraging them to become a responsible actor in the world economy.

I believe that continuing a trade relationship with China, including encouraging the Chinese to enter the World Trade Organization on a commercial basis, where they accept all the obligations as well as the benefits of membership, combined with other diplomatic initiatives, is the best way to move China toward human rights and democracy.

I am concerned that escalating tensions between the two nations, if allowed to continue, and Mr. Speaker, if I may again, to emphasize this point, I am concerned that escalating tensions between the two countries, if allowed to continue, will further set back our ability to encourage the march of democracy and free market in China.

The message sent by the House resolution, combined with granting MFN treatment, strikes the right balance. Accordingly, I commend the House for its action today and strongly urge my colleagues to support the following motion to table the motion of disapproval.

Mr. Speaker, if I may just finish on a personal note, where I may dare speak for all the House in this action today, what we have done today, despite our many disappointments in the behavior with respect to human rights of the Chinese Government, is to express our hopes and dreams for the Chinese people. It is our belief that a world in which they are free to trade is a world in which they can find greater freedom, greater peace, greater prosperity.

We are willing to accommodate the Chinese people's right to participate in that world, and we again emphasize on behalf of the Chinese people, on behalf of freedom throughout the globe, our encouragement to their government to observe human rights.

Mr. COOLEY. Mr. Speaker, will the gentleman yield.

Mr. ARMEY. I yield to the gentleman from Oregon.

Mr. COOLEY. Mr. Speaker, I want to voice my objections to my position on the last vote. If I would have known that the rule was set in such a way, and some of my colleagues over there, that we would not have the opportunity to debate House Joint Resolution 96, I would not have voted in the affirmative on H.R. 2058.

Mr. WOLF. Mr. Speaker, I yield 5 minutes to the gentleman from Missouri [Mr. GEPHARDT], the minority leader, and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, this is a troubling moment for the House of Representatives. I would say that 95 percent of this House believed that we were going to have the opportunity to vote on an actual resolution of disapproval for MFN for China because of their human rights record, because of their unfair trade practices, because of their acting in concert with nuclear terrorists and in violation of the nonproliferation treaty.

For a whole host of reasons, a large number of Members of the House wanted to vote on a straight up-or-down resolution of disapproval. That will not be allowed, Mr. Speaker. A deal was cut, we were not informed of this deal, it was not explicit in the rule, but a deal was cut. I found out about it this morning in a meeting over on the Senate side. They knew about it, but it certainly was not provided to Members of this body.

Now, Mr. Speaker, we are going to have to vote on a motion to table. Vote "no" on the motion to table. If Members want to vote up or down on MFN for China, if Members want to send something other than a meaningless message, they can paper it over all they want, but what did the resolution we just adopted do? Intensify diplomatic initiatives, for the 10th year in a row; a report from the President for the 10th year in a row about the abuse in China; but there is one new significant act, we are going to broadcast Radio-Free America into China, while they continue all the same unfair trade practices, the same repression of human rights, arresting of United States citizens, dealing with nuclear proliferation. That is all going to continue.

All they want is the money. They do not care what we say. They do not care about empty words and gestures. They understand one thing: money and power. Did appeasement work in Bosnia? Do Members think appeasement is going to work any better with the oligarchy, the gerontocracy that runs China? No. We are going to get one vote. Vote against the motion to table. That is the only vote we will get on MFN.

Mr. ARCHER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the debate here today has testified, the United States bilateral relationship with China is deeply troubled. Frankly, I do not see a time in the immediate future when relations between our countries will not be marred by difficult disputes. They arise out of authoritarianism, government repression, and vast cultural differences.

My goal for the United States is to pursue democratic reforms in China by maintaining a strong United States presence. This is the only way to influence the turbulent change that is occurring there.

House Joint Resolution 96 is the wrong approach because it would sever trade ties between United States citizens and the people in China we want to help the most. The commercial opportunities set in motion by MFN trade status have given Chinese workers and firms a strong stake in the free-market reforms occurring in China. Business relationships make possible the transmission of our values and beliefs. They put U.S. citizens in a position to lead by example.

Denying MFN to China would inflict a high cost on United States firms. The 180,000 United States jobs which are supported by United States exports to China are at stake. More difficult to quantify is the damage we would do to the future competitiveness of United States companies. Shutting them out of the Chinese market will cripple their efforts to succeed in Asia over the long-term.

China's economy is now ranked as the third largest in the world, behind only the United States and Japan. Continuing to embark on massive infrastructure programs, China is spending billions of dollars annually in sectors where the United States leads—sectors such as high-technology equipment, aerospace, petroleum technology and telecommunications. With per capita income doubling every 6 or 7 years, the Chinese economy is expanding at an astounding pace.

U.S. interests on questions of national security are also at stake in this debate. If the United States is to find common ground with China on issues such as North Korea, weapons proliferation and military expansion in the South China Sea, we need a functioning bilateral relationship.

American policy toward China must continue to rest on a clear view of our long-term interests, both economic and strategic. We can and should denounce human rights abuses, but without the tools of engagement, we make ourselves powerless to ease the vise of state control in China.

I commend the gentleman from Nebraska [Mr. BEREUTER] and my colleagues from both sides of the aisle for their hard work in achieving a unified House position on the message we need to send to the Chinese and the mechanism by which we have dealt with the legislation today. We need a tough but flexible approach to China that intelligently balances United States interests in this strategically important region of the world.

□ 1400

Mr. Speaker, I reserve the balance of my time.

Mr. GEPHARDT. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. LANTOS].

Mr. LANTOS. I thank my good friend the distinguished leader for yielding me the time.

Mr. Speaker, what is at stake now is something far more important than MFN for China. What is at stake is the integrity of the workings of this House.

Many of us voted for the earlier resolution under the assumption, which was made very clear to us, that we will have an opportunity to vote up or down on MFN for China. Many of us spoke on the previous resolution, indicating our willingness to support the rhetoric of that resolution but demanding the opportunity of expressing ourselves vis-a-vis China in a way that China understands.

I earnestly plead with my colleagues under present circumstances to vote against the motion to table. We are not dealing not just with the China issue. We are now dealing with the integrity of the procedures of this House.

Many of us came in here seeing that the previous resolution was verbiage, very little teeth in it, practically none. That is why we got a practically unanimous vote. The feeling of the House is divided on MFN for China, and we should have an opportunity to debate most-favored-nation treatment for China as we have had that opportunity every single year since I have served in this body.

There is no reason why the 104th Congress will decline a vote on most-favored-nation treatment for China. It will go ahead, anyway, even if we win, because the President will veto our vote and we will not have the numbers to override it. But it goes to the integrity of our procedures. I am making a sincere plea on both sides to reject the motion to table so we can have an up-or-down vote on MFN for China.

Mr. GEPHARDT. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I apologize to any Member who felt that this procedure was wrong, and any part that we took in setting the procedure was not meant to knock anybody out of expressing their view.

I am going to vote to table. I am as troubled and frustrated as anyone in this country and in this body about what is happening in China. The gentleman from Virginia [Mr. WOLF], the gentlewoman from California [Ms. PELOSI], the gentleman from Nebraska [Mr. BEREUTER], and the others who have talked on this issue and been vocal on this issue feel as strongly as anybody in this country.

The truth is none of us know what to do to get China to change. We do not want it to be another Soviet Union and we do not want a 40-year cold war with the largest country in the world. We are all horribly frustrated that this country does not seem to be able to change, to give its people human rights.

Whatever happens on this vote to table, and I believe we will have a vote, and probably we should have a vote, but whatever happens, China must get one message from this debate, and that is that this country will not stand by forever and have people's human rights violated to the extent this country is violating people's human rights. The day will come, if there is not change, when all 435 people in this body will say enough is enough, and we will not go forward with trading with people that will not give people basic human rights.

Time is running out for our patience. We say to China with one voice, Democrat, Republican, liberal, conservative, and moderate, "Please, come into the world of nations, give people human rights, give people basic human decency."

Mr. ARCHER. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GIBBONS], the ranking minority member of the Committee on Ways and Means, and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. EMERSON). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GIBBONS. Mr. Speaker, I yield 1½ minutes to the gentlewoman from California [Ms. PELOSI]. I know of no one who is better qualified in this entire body to speak on this subject.

Ms. PELOSI. Mr. Speaker, I thank the gentleman for his kind words and for yielding me the time.

Mr. Speaker, I rise to say to my colleagues that I hope that you will take the lead of our Democratic leader, the gentleman from Missouri [Mr. GEPHARDT], and of the gentleman from Texas [Mr. ARMEY] to let this motion to table pass. I think it is in the interest of promoting human rights in China, of addressing our concerns about unfair trade practices and the proliferation issue.

I want to commend once again the gentleman from Nebraska [Mr. BEREUTER] for his leadership in working with the gentleman from Virginia [Mr. WOLF] and with me to accommodate many of the provisions of our own Wolf-Pelosi bill into his bill.

God knows over the years the gentleman from Virginia [Mr. WOLF] and I have fought the fight on MFN in China. I still think an appropriate route to go might have been to condition or to target certain products for revocation of MFN. But the options that we have before us are to send a very clear, unified message of support and concern about those issues.

Not only that, and I address my colleague the gentleman from Oregon because I know of his concern on these issues, the Bereuter bill has teeth. It has a reporting requirement for the President. We have not had that before.

Let us be frank with each other about this issue. Part of the time in this body we have been trying to get leverage with the Chinese, and part of the time we have been trying to get leverage with the President of the United States to use whatever means at his disposal to improve human rights, eliminate the unfair trade practices, and address the proliferation issues. This legislation gives us leverage with the President because of the reporting requirement.

I urge my colleagues to allow the motion to table to pass, I hope without a vote, because I think a small vote on the motion to table will send a wrong message to the Chinese Government that that is the measure of support for concern in China instead of the Bereuter bill. I urge our colleagues to do as our leader has requested.

Mr. GIBBONS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I urge our colleagues to please follow the wise, enlightened, as well as passionate, work of the gentlewoman from California on this subject. I know of no one in this body, and I have followed this issue for 20 years, who has worked harder and more diligently and more intelligently on the very difficult problem.

As she says, and let me reiterate it, let us not dilute the message to the Chinese Government and the Chinese people that is included in the bill that we just passed by an overwhelming vote here in the House. We do not want to dilute that. We want that message to get through very clearly.

Please lay the motion to cut off MFN on the table, which is not going anywhere, will not pass, all of us know it is not going to ever become law, and let us act realistically on this. Let us act together, and follow the lead of the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentlewoman from California.

Ms. PELOSI. Mr. Speaker, I am not sure that the motion to revoke would not pass. It may not become law. But I will not concede that we did not have that leverage with this body.

Mr. WOLF. Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, I echo the remarks of the minority leader. Let us just tell everybody on this floor right now, this is the last time. Next year there is going to be a vote on a resolution of disapproval, and we are going to revoke most-favored-nation treatment for China unless that regime becomes a decent government in this world of ours.

Mr. Speaker, 1 year ago, when President Clinton severed the link between human rights and the annual renewal of China's MFN status, and the Chinese communist regime responded by issuing an official statement through its Foreign Ministry that called upon the United States to show sincerity and to take concrete action toward improving United States/China relations.

Can you imagine that? We hand them a $29 billion trade surplus in 1994 alone and softpedal our other concerns, and still the dictators in Beijing call on us to demonstrate sincerity and to take concrete action.

That is what they said. Here is what I said. On August 9, 1994, when the House debated whether or not to renew China's MFN, I listed all of the abuses that have taken place in China "in the context of 14 straight years of MFN treatment."

And I concluded, "No, Mr. Speaker, appeasing China does not earn us their respect and their cooperation. It earns us their contempt."

Now listen to these words: "Frankly, on the human rights front, the situation had deteriorated." That was Assistant Secretary of State Winston Lord last January 11—some 7 months after human rights considerations were delinked from MFN.

What a shocker. "On the human rights front, the situation has deteriorated."

But then Lord went on to say, "China is a somewhat difficult partner these days." Well, hello?

Few things in life are more unsettling than the sight of a crestfallen U.S. diplomat expressing his disappointment at the intransigent behavior of a communist regime.

My only question is: Partner in what?

Mr. Chairman, and Members, I actually do fear that we have entered into a kind of partnership with China, but certainly not the kind of partnership that Winston Lord had in mind.

It is a partnership that reveals that some elements in the American business community are so anxious to make a quick buck in China, and their supporters in government are so anxious to curry favor with the dictators in Beijing, that there is no policy or practice carried out by the Chinese Communist regime that we are not prepared to tolerate in the interest of preserving business as usual.

United States exports to China—which were already low to start with because China does not give MFN treatment to us—rose by 60 percent in the 5 years between 1989 and 1994.

During that same period, since the Tiananmen Square massacre, Chinese exports to the United States rose by 223 percent. And our trade deficit with China has gone up by a staggering 377 percent—to a level of $29.5 billion in 1994 alone.

In 1989, about 23 percent of China's total exports came to the United States. By 1994, that figure had risen to nearly 37 percent.

The trade deficit we are running with China will approach $40 billion this year and, within 2 years, it will be larger than the one we have with Japan.

And what do we have to show for all this? More specifically, what progress can be pointed to by those who advocate trade or commercial engagement—to use the administration's term—as the means for getting the Chinese regime to modify and reform its course?

The answer is already in as far as human rights are concerned.

Things have gone from horrible to worse, if that was even possible.

One effort after another to try to get China to open up has failed. That isn't me saying it—the State Department is saying it.

Yes, China loves our money. China loves its access to American markets. It's our ideas that have made America so successful a democracy that the Chinese dictatorship cannot stand.

But, today, I want to discuss a vitally important issue that is only now starting to get the international attention it deserves.

China's defiance of the nuclear nonproliferation regime is well known.

But only now is notice being taken of the rapid and unwarranted buildup of military power that China has been pursuing since 1989.

As long ago as 1980, China successfully test-fired an ICBM capable of delivering a nuclear warhead to a target up to 8,000 miles away.

But until 1989, most credible outside observers regarded the Chinese armed forces as being a rather cumbersome, bloated, politicized, and somewhat antiquated operation that might prove to be more of a hindrance to China's superpower ambitions than anything else.

All of that has changed since 1989. The gradual decline in military spending that had been seen since the late 1970's was reversed decisively in the aftermath of Tiananmen Square.

In 1994 alone, military spending in China rose by 22 percent over the previous year, which itself had seen a 13 percent increase over the year before that. All told, military spending has more than doubled since 1989.

And these figures I have cited represent only the tip of the iceberg—they are the figures which the Chinese regime publishes officially.

The true costs of research and development, procurement, and subsidies to the defense industry are evidently spread—and hidden—throughout China's national budget.

Along with this dramatic acceleration in military spending, China has totally revised its military doctrine since 1989.

The historic reliance on a huge, land-based army has been replaced by new emphases on the building of an expanded and survivable nuclear strike capability and the development of a modern navy.

Since the late 1980's, and aside from the rapid expansion in its fleet of surface ships, China has launched 11 submarines, each to be armed with 12 short-to-intermediate range missiles capable of delivering a nuclear warhead to a target up to 3,500 miles away.

In preparing for this debate, I was astonished to learn that the authoritative Jane's Information Group, based in London, has estimated that if present economic trends in China continue, and if military spending continues to grow at its present rate, by the year 2000 China will have the second largest defense budget in the world—and it could total well over $100 billion a year.

Mr. Speaker, all of this is taking place at a time when virtually every other country on earth is reducing its military spending.

Moreover, it is coming at a time when China's borders have been more secure than at any time in at least the last 150 years.

I sadly fear that the current sabre-rattling in the Spratly Islands, which are 900 miles from China and well within the territorial waters of the Philippines, is only a small taste of what it is to come.

Mr. Speaker, I believe United States policy toward China is wrong-headed and leading us to disaster. I believed this under President Bush and I believe it under President Clinton.

When are we going to see the Chinese regime for what it truly is?

A remorseless, ambitious, amoral, self-confident, even cocky, communist dictatorship that is bent on achieving regional dominance throughout the Far East—that's what it is.

And the Far East isn't where China's ambitions stop. Believe me, a China which is not at peace with its own people will not be at peace with America.

During the cold war, there were Members of Congress who criticized—and rightly so, in certain instances—some of the unsavory characters and regimes with which our Government was pursuing a relationship in the interest of containing communism.

But what is our excuse now? Now that the Soviet Union has collapsed, what is the urgency of maintaining business-as-usual with the likes of Beijing?

From 1945 on, we were faced with the reality of Soviet power and ambition. It was there—we had no choice but to try to contain it.

But in the 1990's, we seem bound and determined to do what ever we can to help give the Chinese Communist regime the means to realize its national ambitions.

Not that the people of China will benefit. They will suffer the consequences of this folly just as surely as we will.

That is why, Mr. Speaker and Members, I believe human rights and American values have to be put back into the central focus of the United States-China relationship.

Mr. Speaker, I implore all Members to vote for the temporary cutoff of most-favored-nations-status to China until they abandon their rogue status that has no respect for human rights or human life itself.

Mr. WOLF. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, let me just say that I despise the Chinese Government as much as anybody in this body. Let me just back up before I say that and say, if there is any blame for the procedure today, it is my fault. If you blame, blame me.

We met with the dissidents, we met with those who have family members in jail, we met with the Christians in China, and they said this would be the best procedure for them. They said if we could get a good, strong vote, and in the resolution that many of you maybe did not even read, do not denigrate the resolution. It for the first time puts the Congress on record in support of the democracy movement.

Let me tell you, those of you who love MFN, it has put you on a spot, because next year if the Chinese have not stopped all they are doing, many of you are going to be morally obligated to take it away. This is good and this is what the dissidents in China said. This is what the people who are students have come and said. This helps them. And I wanted to do it.

Second of all, Harry Wu is a friend of mine. I helped bring Harry to town. I feel responsible in some respects for Harry being in jail. I have been in touch with Harry's wife for the last few weeks. She has been by my office. We have set up all the meetings. I care about Harry. What happens to Harry is partially my responsibility.

□ 1415

My colleagues are men and women who are absolved from it. They did not bring him to town. They did not hold the hearings. They did not push Harry's organ transplant video out. I did, and he is my responsibility. And if I offended anybody, I apologize, but I take the full and complete responsibility for the procedure that we are doing.

Go back into China. They are killing people in China 25 and under and using their kidneys for transplant. We know that. We know that because of Harry. We have been trying to get many of our colleagues to come and see the film; not many have come and seen the film.

We also know that they have a forced population policy. The gentleman from New Jersey [Mr. SMITH] has been a leader in that. We have a video, that we could not get many of our colleagues to come to see, that we showed the other day where there are dying rooms. They put baby girls in these rooms and they die. They die. They do not feed them.

My colleagues say, "What are you talking about?" Come to my office. I will show you the video. That is what they do. We know they sold weapons. They sold weapons to Iraq that killed American men and women. We know that. We know they are selling chemical weapons. We know what they are doing with regard to their nuclear technology. They are selling weapons to the Khartoum Government in Sudan that are being used to kill black Africans in the Sudan.

I know how bad they are. I know they are worse than many of my colleagues even think they are. Do I believe that business is necessarily going to change them? I don't believe it. I am not a mercantile Republican Cato libertarian. I don't believe business necessarily changes it.

Mr. Speaker, I have been to the Holocaust Museum and I saw the people that made the same argument with Nazi Germany in 1933 and 1935 and 1937. Do a little more business and maybe it will change them. I do not believe it will.

I have met with Li Peng, the gentleman from New Jersey [Mr. SMITH] and I. He is a butcher. He has blood on his hands. The blood drips from his hands. And some day when Li Peng stands before the King of Kings and the Lord of Lords, he is going to have to explain what he did and how he killed all of those people.

But what does that get us now? We can put our frustration and offer it, and I apologize and ask my colleagues' forgiveness. I beg their forgiveness if I offended anybody. But if we get a vote with 35 or 38, we will confuse the Chinese. They do not know what that means; they know what this means.

And many of my colleagues, many of them voted for this really without reading it. This is tough. The gentleman from Nebraska [Mr. BEREUTER] did a great job. And I take my hat off to the Speaker. The Speaker was involved in working this out. I do not think we could have done it if he had not put his personal prestige on the line. This was not some fly by night thing we did. This will help the democracy movement in China.

As I made a note, as I commented the first time I debated it, I said every night I pray for China. I pray that China is free. I remember once I was at a town meeting several years ago and a lady asked me, "What happened? Why did communism fall?" And you know what I said to her? I said what any Republican would say. I said, "It fell because we had the B-1 and Ronald Reagan was tough and all."

And you know what she said? She said, "Young man that is not why it fell. Maybe that helped, but" she said, "communism fell because many of us as little girls and boys have been praying for the defeat of communism."

Mr. Speaker, we should pray and we can pray for the defeat of communism in China and I believe it will come. We will all live to see it. We will live to see the day when they can sell Popsicles in Tiananmen Square and laugh and run and do all those things. Do my colleagues want that to happen? The resolution you passed is the right thing. Do not even have a vote to table, because it will confuse people.

Mr. Speaker, my last comment is the Congress has been on record and my colleagues are going to have to deal with this next year. Unless the Good Lord takes me, I am coming back next year and if there has been no change, we are going to put in a motion to disapprove.

The last thing I say to the business community, if they happen to be listening, I would have hoped that the business community would have taken the same attitude that the gentleman from Nebraska [Mr. BEREUTER] and many Republicans and Democrats who have come together. The business community has been silent. They have been silent.

It reminds me of the statement about selling the rope to hang themselves. They have been silent and that has been disappointing. I would have hoped that Boeing would have spoken out and I would have hoped that TRW would have spoken out, but they went silent.

But the Congress did not go silent. We have a lot to be proud of. The message that I want the Chinese peasants to hear tomorrow morning when they listen to the little crystal set and they pick up the TV station or radio show, the United States Congress, the people's Congress, the Congress that the American people elect here, will send a message that we care deeply; that we commend, not condemn, the freedom movement; that we condemn slave labor; that we condemn the organ transplants; we condemn the forced population policy. We condemn all of them.

Mr. Speaker, we require this administration, which has been equally bad as the Bush administration on this, to make reports, so next year when this comes out we have the reports that are due.

Lastly, Mr. Speaker, Radio Free Asia whereby when we go to Eastern Europe they would say that the Radio Free Europe made a difference.

I want to thank those who were involved in this. Again, it is my fault for messing up, if we messed up. It was a mistake of the heart and not of the mind, if you will.

Now, I would hope and pray that there be no vote, but I understand that Members would do it.

Mr. ARCHER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 193, and sections 152 and 153 of the Trade Act of 1974, the previous question is ordered.

MOTION OFFERED BY MR. WOLF

Mr. WOLF. Mr. Speaker, pursuant to House Resolution 193, I offer a motion.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Pursuant to House Resolution 193, Mr. WOLF moves to lay the joint resolution, House Joint Resolution 96, on the table.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia [Mr. WOLF] to lay the joint resolution on the table.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LANTOS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 321, nays 107, not voting 6, as follows:

[Roll No. 537]

YEAS—321

Ackerman
Allard
Archer
Armey
Baesler
Baker (LA)
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Dunn
Durbin
Edwards
Ehlers
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Herger
Hilleary
Hinchey
Hoke
Hostettler
Houghton
Hyde
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kasich
Kelly
Kennedy (RI)
Kennelly
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McIntosh
McKeon
McNulty
Meehan
Meek
Meyers
Mica
Miller (FL)
Mineta
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Roth
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanford
Sawyer
Saxton
Schaefer
Schiff
Schumer
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Towns
Tucker
Upton
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Ward
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—107

Abercrombie
Andrews
Baker (CA)
Ballenger
Barr
Brown (OH)
Bunning
Burr
Burton
Cardin
Chapman
Chenoweth
Coble
Coburn
Cooley
Cox
DeFazio
Dellums
Diaz-Balart
Doolittle
Dornan
Duncan
Ehrlich
Engel
Evans
Fields (LA)
Forbes
Ford
Frank (MA)
Funderburk
Gejdenson
Goodling
Goss
Graham
Gutierrez
Hefley
Hefner
Heineman
Hilliard
Hobson
Hoekstra
Holden
Horn
Hoyer
Hunter
Hutchinson
Inglis
Jones
Kaptur
Kennedy (MA)
Kildee
King
Lantos
Lewis (GA)
Lewis (KY)
Lipinski
Markey
McDermott
McInnis
McKinney
Menendez
Metcalf
Mfume
Miller (CA)
Mink
Nadler
Oberstar
Olver
Orton
Owens
Pallone
Parker
Payne (NJ)
Pombo
Porter
Rohrabacher
Ros-Lehtinen
Rose
Royce
Sanders
Scarborough
Schroeder
Scott
Seastrand
Sensenbrenner
Slaughter
Smith (NJ)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stockman
Taylor (MS)
Taylor (NC)
Thompson
Torricelli
Traficant
Velazquez
Vento
Waldholtz
Wamp
Waters
Watt (NC)
Weldon (PA)
Wynn

NOT VOTING—6

Bachus
Clay
Collins (MI)
Jefferson
Moakley
Reynolds

☐ 1444

Messrs. DOOLITTLE, WAMP, WYNN, COBLE, LEWIS of Kentucky, Ms. WATERS, and Messrs. SPENCE, PORTER, HEFNER, and GRAHAM changed their vote from "yea" to "nay."

Messrs. SMITH of Michigan, WISE, ACKERMAN, CUNNINGHAM, BECERRA, RANGEL, RAHALL, REED, DICKEY, Mrs. MEEK of Florida, Mr. ORTIZ, and Mr. MEEHAN changed their vote from "nay" to yea."

So the motion to table was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

☐ 1445

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 1976, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. EMERSON). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 188 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1976.

□ 1445

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes with Mr. KLUG in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Wednesday, July 9, 1995, the amendments en bloc printed in House Report 104–185 offered by the gentleman from New Mexico [Mr. SKEEN] had been disposed of.

The Clerk will designate title I.

The text of title I is as follows:

H.R. 1976

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I

AGRICULTURAL PROGRAMS

PRODUCTION, PROCESSING, AND MARKETING

OFFICE OF THE SECRETARY

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Office of the Secretary of Agriculture, and not to exceed $75,000 for employment under 5 U.S.C. 3109, $10,227,000, of which $7,500,000 shall be available for InfoShare: *Provided,* That not to exceed $11,000 of this amount, along with any unobligated balances of representation funds in the Foreign Agricultural Service shall be available for official reception and representation expenses, not otherwise provided for, as determined by the Secretary.

EXECUTIVE OPERATIONS

CHIEF ECONOMIST

For necessary expenses of the Chief Economist, including economic analysis, risk assessment, cost benefit analysis, and the functions of the World Agricultural Outlook Board, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1622g), and including employment pursuant to the second sentence of the section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $3,748,000.

NATIONAL APPEALS DIVISION

For necessary expenses of the National Appeals Division, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $25,000 is for employment under 5 U.S.C. 3109, $11,846,000.

OFFICE OF BUDGET AND PROGRAM ANALYSIS

For necessary expenses of the Office of Budget and Program Analysis, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $5,000 is for employment under 5 U.S.C. 3109, $5,899,000.

CHIEF FINANCIAL OFFICER

For necessary expenses of the Office of the Chief Financial Officer, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109, $4,133,000: *Provided,* That the Chief Financial Officer shall reinstate and market cross-servicing activities of the National Finance Center: *Provided further,* That none of the funds appropriated or otherwise made available by this Act shall be used to obtain, modify, re-engineer, license, operate, implement, or expand commercial off-the-shelf financial management software systems or existing commercial off-the-shelf system financial management contracts, beyond general ledger systems and accounting support software, at the National Finance Center until thirty legislative days after the Secretary of Agriculture submits to the House and Senate Committees on Appropriations a complete and thorough cost-benefit analysis and a certification by the Secretary of Agriculture that this analysis provides a detailed and accurate cost-benefit analysis comparison between obtaining or expanding commercial off-the-shelf software systems and conducting identical or comparable software systems acquisitions, re-engineering, or modifications in-house.

OFFICE OF THE ASSISTANT SECRETARY FOR ADMINISTRATION

For necessary salaries and expenses of the Office of the Assistant Secretary for Administration to carry out the programs funded in this Act, $596,000.

AGRICULTURE BUILDINGS AND FACILITIES AND RENTAL PAYMENTS

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313, including authorities pursuant to the 1984 delegation of authority from the Administrator of General Services to the Department of Agriculture, for programs and activities of the Department which are included in this Act, $110,187,000, of which $20,216,000 shall be retained by the Department for the operation, maintenance, and repair of Agriculture buildings: *Provided,* That in the event an agency within the Department should require modification of space needs, the Secretary of Agriculture may transfer a share of that agency's appropriation made available by this Act to this appropriation, or may transfer a share of this appropriation to that agency's appropriation, but such transfers shall not exceed 5 percent of the funds made available for space rental and related costs to or from this account. In addition, for construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the programs of the Department, where not otherwise provided, $25,587,000, to remain available until expended; making a total appropriation of $135,774,000.

ADVISORY COMMITTEES (USDA)

For necessary expenses for activities of advisory committees of the Department of Agriculture which are included in this Act, $800,000: *Provided,* That no other funds appropriated to the Department in this Act shall be available to the Department for support of activities of advisory committees.

HAZARDOUS WASTE MANAGEMENT

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Department of Agriculture, to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961, $15,700,000, to remain available until expended: *Provided,* That appropriations and funds available herein to the Department for Hazardous Waste Management may be transferred to any agency of the Department for its use in meeting all requirements pursuant to the above Acts on Federal and non-Federal lands.

DEPARTMENTAL ADMINISTRATION

(INCLUDING TRANSFERS OF FUNDS)

For Personnel, Operations, Information Resources Management, Civil Rights Enforcement, Small and Disadvantaged Business Utilization, Administrative Law Judges and Judicial Officer, Disaster Management and Coordination, and Modernization of the Administrative Process, $27,986,000, to provide for necessary expenses for management support services to offices of the Department and for general administration and disaster management of the Department, repairs and alterations, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 is for employment under 5 U.S.C. 3109: *Provided,* That this appropriation shall be reimbursed from applicable appropriations in this Act for travel expenses incident to the holding of hearings as required by 5 U.S.C. 551–558.

OFFICE OF THE ASSISTANT SECRETARY FOR CONGRESSIONAL RELATIONS

For necessary salaries and expenses of the Office of the Assistant Secretary for Congressional Relations to carry out the programs funded in this Act, including programs involving intergovernmental affairs and liaison within the executive branch, $3,797,000: *Provided,* That no other funds appropriated to the Department in this Act shall be available to the Department for support of activities of congressional relations.

OFFICE OF COMMUNICATIONS

For necessary expenses to carry on services relating to the coordination of programs involving public affairs, for the dissemination of agricultural information, and the coordination of information, work, and programs authorized by Congress in the Department, $8,198,000, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), of which not to exceed $10,000 shall be available for employment under 5 U.S.C. 3109, and not to exceed $2,000,000 may be used for farmers' bulletins.

OFFICE OF THE INSPECTOR GENERAL

For necessary expenses of the Office of the Inspector General, including employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and the Inspector General Act of 1978, as amended, $63,639,000, including such sums as may be necessary for contracting and other arrangements with public agencies and private persons pursuant to section 6(a)(9) of the Inspector General Act of 1978, as amended, including a sum not to exceed $50,000 for employment under 5 U.S.C. 3109; and including a sum not to exceed $95,000 for certain confidential operational expenses including the payment of informants, to be expended under the direction of the Inspector General pursuant to Public Law 95–452 and section 1337 of Public Law 97–98.

Office of the General Counsel

For necessary expenses of the Office of the General Counsel, $27,860,000.

Office of the Under Secretary for Research, Education and Economics

For necessary salaries and expenses of the Office of the Under Secretary for Research, Education and Economics to administer the laws enacted by the Congress for the Economic Research Service, the National Agricultural Statistics Service, the Agricultural Research Service and the Cooperative State Research, Education, and Extension Service, $520,000.

Economic Research Service

For necessary expenses of the Economic Research Service in conducting economic research and analysis, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $53,131,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225).

National Agricultural Statistics Service

For necessary expenses of the National Agricultural Statistics Service in conducting statistical reporting and service work, including crop and livestock estimates, statistical coordination and improvements, and marketing surveys, as authorized by the Agricultural Marketing Act of 1946 (7 U.S.C. 1621–1627) and other laws, $81,107,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109.

Agricultural Research Service

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to enable the Agricultural Research Service to perform agricultural research and demonstration relating to production, utilization, marketing, and distribution (not otherwise provided for); home economics or nutrition and consumer use including the acquisition, preservation, and dissemination of agricultural information; and for acquisition of lands by donation, exchange, or purchase at a nominal cost not to exceed $100, $705,610,000: *Provided*, That appropriations hereunder shall be available for temporary employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $115,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That appropriations hereunder shall be available for the operation and maintenance of aircraft and the purchase of not to exceed one for replacement only: *Provided further*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for the construction, alteration, and repair of buildings and improvements, but unless otherwise provided the cost of constructing any one building shall not exceed $250,000, except for headhouses or greenhouses which shall each be limited to $1,000,000, and except for ten buildings to be constructed or improved at a cost not to exceed $500,000 each, and the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building or $250,000, whichever is greater: *Provided further*, That the limitations on alterations contained in this Act shall not apply to modernization or replacement of existing facilities at Beltsville, Maryland: *Provided further*, That the foregoing limitations shall not apply to replacement of buildings needed to carry out the Act of April 24, 1948 (21 U.S.C. 113a): *Provided further*, That the foregoing limitations shall not apply to the purchase of land at Beckley, West Virginia: *Provided further*, That not to exceed $190,000 of this appropriation may be transferred to and merged with the appropriation for the Office of the Under Secretary for Research, Education and Economics for the scientific review of international issues involving agricultural chemicals and food additives: *Provided further*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing or operating any research facility or research project of the Agricultural Research Service, as authorized by law: *Provided further*, That all rights and title of the United States in the property known as USDA Houma Sugar Cane Research Laboratory, consisting of approximately 20 acres in the City of Houma and 150 acres of farmland in Chacahula, Louisiana, including facilities and equipment, shall be conveyed to the American Sugar Cane League: *Provided further*, That all rights and title of the United States in the Agricultural Research Station at Brawley, California, consisting of 80 acres of land, including facilities and equipment, shall be conveyed to Imperial County, California: *Provided further*, That all rights and title of the United States in the Pecan Genetics and Improvement Research Laboratory, consisting of 84.2 acres of land, including facilities and equipment, shall be conveyed to Texas A&M University: *Provided further*, That the property originally conveyed by the State of Tennessee to the U.S. Department of Agriculture, Agricultural Research Service, in Lewisburg, Tennessee be conveyed to the University of Tennessee.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

BUILDINGS AND FACILITIES

For acquisition of land, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities as necessary to carry out the agricultural research programs of the Department of Agriculture, where not otherwise provided, $30,200,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That funds may be received from any State, other political subdivision, organization, or individual for the purpose of establishing any research facility of the Agricultural Research Service, as authorized by law.

Cooperative State Research, Education, and Extension Service

RESEARCH AND EDUCATION ACTIVITIES

For payments to agricultural experiment stations, for cooperative forestry and other research, for facilities, and for other expenses, including $166,165,000 to carry into effect the provisions of the Hatch Act (7 U.S.C. 361a–361i); $20,185,000 for grants for cooperative forestry research (16 U.S.C. 582a–582–a7); $27,313,000 for payments to the 1890 land-grant colleges, including Tuskegee University (7 U.S.C. 3222); $31,485,000 for special grants for agricultural research (7 U.S.C. 450i(c)); $11,599,000 for special grants for agricultural research on improved pest control (7 U.S.C. 450i(c)); $98,810,000 for competitive research grants (7 U.S.C. 450i(b)); $5,051,000 for the support of animal health and disease programs (7 U.S.C. 195); $1,150,000 for supplemental and alternative crops and products (7 U.S.C. 3319d); $475,000 for rangeland research grants (7 U.S.C. 3331–3336); $3,500,000 for higher education graduate fellowships grants (7 U.S.C. 3152(b)(6)), to remain available until expended (7 U.S.C. 2209b); $4,350,000 for higher education challenge grants (7 U.S.C. 3152(b)(1)); $1,000,000 for a higher education minority scholars program (7 U.S.C. 3152(b)(5)), to remain available until expended (7 U.S.C. 2209b); $4,000,000 for aquaculture grants (7 U.S.C. 3322); $8,000,000 for sustainable agriculture research and education (7 U.S.C. 5811); and $6,289,000 for necessary expenses of Research and Education Activities, of which not to exceed $100,000 shall be for employment under 5 U.S.C. 3109; in all, $389,372,000.

None of the funds in the foregoing paragraph shall be available to carry out research related to the production, processing or marketing of tobacco or tobacco products.

NATIVE AMERICAN INSTITUTIONS ENDOWMENT FUND

For establishment of a Native American institutions endowment fund, as authorized by Public Law 130–382 (7 U.S.C. 301 note.), $4,600,000.

EXTENSION ACTIVITIES

Payments to States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, Micronesia, Northern Marianas, and American Samoa: For payments for cooperative extension work under the Smith-Lever Act, as amended, to be distributed under sections 3(b) and 3(c) of said Act, and under section 208(c) of Public Law 93–471, for retirement and employees' compensation costs for extension agents and for costs of penalty mail for cooperative extension agents and State extension directors, $264,405,000; payments for the nutrition and family education program for low-income areas under section 3(d) of the Act, $59,588,000; payments for the pest management program under section 3(d) of the Act, $10,947,000; payments for the farm safety program under section 3(d) of the Act, $2,898,000; payments for the pesticide impact assessment program under section 3(d) of the Act, $3,363,000; payments to upgrade 1890 land-grant college research, extension, and teaching facilities as authorized by section 1447 of Public Law 95–113, as amended (7 U.S.C. 3222b), $7,664,000, to remain available until expended; payments for the rural development centers under section 3(d) of the Act, $921,000; payments for a groundwater quality program under section 3(d) of the Act, $10,897,000; payments for the agricultural telecommunications program, as authorized by Public Law 101–624 (7 U.S.C. 5926), $1,184,000; payments for youth-at-risk programs under section 3(d) of the Act, $9,700,000; payments for a food safety program under section 3(d) of the Act, $2,400,000; payments for carrying out the provisions of the Renewable Resources Extension Act of 1978, $3,241,000; payments for Indian reservation agents under section 3(d) of the Act, $1,697,000; payments for sustainable agriculture programs under section 3(d) of the Act, $3,463,000; payments for cooperative extension work by the colleges receiving the benefits of the second Morrill Act (7 U.S.C. 321–326, 328) and Tuskegee University, $24,708,000; and for Federal administration and coordination including administration of the Smith-Lever Act, as amended, and the Act of September 29, 1977 (7 U.S.C. 341–349), as amended, and section 1361(c) of the Act of October 3, 1980 (7 U.S.C. 301n), and to coordinate and provide program leadership for the extension work of the Department and the several States and insular possessions, $6,181,000; in all, $413,257,000: *Provided*, That funds hereby appropriated pursuant to section 3(c) of the Act of June 26, 1953, and section 506 of the Act of June 23, 1972, as amended, shall not be paid to any State, the District of Columbia, Puerto Rico, Guam, or the Virgin Islands, Micronesia, Northern Marianas, and American Samoa prior to availability of an equal sum from non-Federal sources for expenditure during the current fiscal year.

OFFICE OF THE ASSISTANT SECRETARY FOR MARKETING AND REGULATORY PROGRAMS

For necessary salaries and expenses of the Office of the Assistant Secretary for Marketing and Regulatory Programs to administer programs under the laws enacted by the Congress for the Animal and Plant Health Inspection Service, Agricultural Marketing Service, and the Grain Inspection, Packers and Stockyards Administration, $605,000.

ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SALARIES AND EXPENSES

(INCLUDING TRANSFERS OF FUNDS)

For expenses, not otherwise provided for, including those pursuant to the Act of February 28, 1947, as amended (21 U.S.C. 114b–c), necessary to prevent, control, and eradicate pests and plant and animal diseases; to carry out inspection, quarantine, and regulatory activities; to discharge the authorities of the Secretary of Agriculture under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C. 426–426b); and to protect the environment, as authorized by law, $333,410,000, of which $4,799,000 shall be available for the control of outbreaks of insects, plant diseases, animal diseases and for control of pest animals and birds to the extent necessary to meet emergency conditions: *Provided*, That in fiscal year 1996, amounts in the agricultural quarantine inspection user fee account shall be available for authorized purposes without further appropriation: *Provided further*, That no funds shall be used to formulate or administer a brucellosis eradication program for the current fiscal year that does not require minimum matching by the States of at least 40 percent: *Provided further*, That this appropriation shall be available for field employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $40,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available for the operation and maintenance of aircraft and the purchase of not to exceed four, of which two shall be for replacement only: *Provided further*, That, in addition, in emergencies which threaten any segment of the agricultural production industry of this country, the Secretary may transfer from other appropriations or funds available to the agencies or corporations of the Department such sums as he may deem necessary, to be available only in such emergencies for the arrest and eradication of contagious or infectious diseases or pests of animals, poultry, or plants, and for expenses in accordance with the Act of February 28, 1947, as amended, and section 102 of the Act of September 21, 1944, as amended, and any unexpended balances of funds transferred for such emergency purposes in the next preceding fiscal year shall be merged with such transferred amounts: *Provided further*, That appropriations hereunder shall be available pursuant to law (7 U.S.C. 2250) for the repair and alteration of leased buildings and improvements, but unless otherwise provided the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

In fiscal year 1996 the agency is authorized to collect fees to cover the total costs of providing technical assistance, goods, or services requested by States, other political subdivisions, domestic and international organizations, foreign governments, or individuals, provided that such fees are structured such that any entity's liability for such fees is reasonably based on the technical assistance, goods, or services provided to the entity by the agency, and such fees shall be credited to this account, to remain available until expended, without further appropriation, for providing such assistance, goods, or services.

BUILDINGS AND FACILITIES

For plans, construction, repair, preventive maintenance, environmental support, improvement, extension, alteration, and purchase of fixed equipment or facilities, as authorized by 7 U.S.C. 2250, and acquisition of land as authorized by 7 U.S.C. 428a, $12,541,000, to remain available until expended.

AGRICULTURAL MARKETING SERVICE

MARKETING SERVICES

For necessary expenses to carry on services related to consumer protection, agricultural marketing and distribution, transportation, and regulatory programs, as authorized by law, and for administration and coordination of payments to States; including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $90,000 for employment under 5 U.S.C. 3109, $46,662,000, including funds for the wholesale market development program for the design and development of wholesale and farmer market facilities for the major metropolitan areas of the country: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

Fees may be collected for the cost of standardization activities, as established by regulation pursuant to law (31 U.S.C. 9701).

LIMITATION ON ADMINISTRATIVE EXPENSES

Not to exceed $58,461,000 (from fees collected) shall be obligated during the current fiscal year for administrative expenses: *Provided*, That if crop size is understated and/or other uncontrollable events occur, the agency may exceed this limitation by up to 10 percent with notification to the Appropriations Committees.

FUNDS FOR STRENGTHENING MARKETS, INCOME, AND SUPPLY (SECTION 32)

(INCLUDING TRANSFERS OF FUNDS)

Funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c) shall be used only for commodity program expenses as authorized therein, and other related operating expenses, except for: (1) transfers to the Department of Commerce as authorized by the Fish and Wildlife Act of August 8, 1956; (2) transfers otherwise provided in this Act; and (3) not more than $10,451,000 for formulation and administration of marketing agreements and orders pursuant to the Agricultural Marketing Agreement Act of 1937, as amended, and the Agricultural Act of 1961.

In fiscal year 1996, no more than $23,900,000 in section 32 funds shall be used to promote sunflower and cottonseed oil exports as authorized by section 1541 of Public Law 101–624 (7 U.S.C. 1464 note), and such funds shall be used to facilitate additional sales of such oils in world markets.

PAYMENTS TO STATES AND POSSESSIONS

For payments to departments of agriculture, bureaus and departments of markets, and similar agencies for marketing activities under section 204(b) of the Agricultural Marketing Act of 1956 (7 U.S.C. 1623(b)), $1,000,000.

GRAIN INSPECTION, PACKERS AND STOCKYARDS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses to carry out the provisions of the United States Grain Standards Act, as amended, for the administration of the Packers and Stockyards Act, for certifying procedures used to protect purchasers of farm products, and the standardization activities related to grain under the Agricultural Marketing Act of 1946, as amended, including field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $25,000 for employment under 5 U.S.C. 3109, $23,058,000: *Provided*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building.

INSPECTION AND WEIGHING SERVICES

LIMITATION ON INSPECTION AND WEIGHING SERVICES EXPENSES

Not to exceed $42,784,000 (from fees collected) shall be obligated during the current fiscal year for inspection and weighing services: *Provided*, That if grain export activities require additional supervision and oversight, or other uncontrollable factors occur, this limitation may be exceeded by up to 10 percent with notification to the Appropriations Committees.

OFFICE OF THE UNDER SECRETARY FOR FOOD SAFETY

For necessary salaries and expenses of the Office of the Under Secretary for Food Safety to administer the laws enacted by the Congress for the Food Safety and Inspection Service, $450,000.

FOOD SAFETY AND INSPECTION SERVICE

For necessary expenses to carry on services authorized by the Federal Meat Inspection Act, as amended, the Poultry Products Inspection Act, as amended, and the Egg Products Inspection Act, as amended, $540,365,000, and in addition, $1,000,000 may be credited to this account from fees collected for the cost of laboratory accreditation as authorized by section 1017 of Public Law 102–237: *Provided*, That this appropriation shall not be available for shell egg surveillance under section 5(d) of the Egg Products Inspection Act (21 U.S.C. 1034(d)): *Provided further*, That this appropriation shall be available for field employment pursuant to section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $75,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That this appropriation shall be available pursuant to law (7 U.S.C. 2250) for the alteration and repair of buildings and improvements, but the cost of altering any one building during the fiscal year shall not exceed 10 percent of the current replacement value of the building: *Provided further*, That none of the funds appropriated or otherwise made available by this Act may be used by the Secretary of Agriculture to promulgate, implement, or administer any rules of the Food Safety and Inspection Service, as set forth in parts 301–391 of title 9, Code of Federal Regulations, pursuant to the agency's proposed rule: Pathogen Reduction; Hazard Analysis and Critical Control Point (HACCP) Systems: Docket No. 93-016P; published on February 3, 1995, and any successor dockets published thereafter, except that the Secretary may take such action after a committee has been established, in accordance with the negotiated rulemaking procedures provided in 5 U.S.C. 561 et seq., and that committee has transmitted, within nine months of establishment of such committee, a report based on a review of (1) HACCP principles; (2) current rules and other administrative requirements; and, (3) proposed rules and petitions pending before the agency.

OFFICE OF THE UNDER SECRETARY FOR FARM AND FOREIGN AGRICULTURAL SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Farm and Foreign Agricultural Services to administer the laws enacted by Congress for the Consolidated Farm Service Agency, Foreign Agricultural Service, and the Commodity Credit Corporation, $549,000.

CONSOLIDATED FARM SERVICE AGENCY

SALARIES AND EXPENSES

For necessary expenses for carrying out the administration and implementation of programs delegated to the Consolidated Farm Service Agency by the Secretary under the Federal Crop Insurance Reform and Department of Agriculture Reorganization Act of 1994, $788,388,000: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities (but not the funds) of the Commodity Credit Corporation to make program payments for all programs administered by the Agency: *Provided further*, That other funds made available to the Agency for authorized activities may be advanced to and merged with this account: *Provided further*, That these funds shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $500,000 shall be available for employment under 5 U.S.C. 3109.

STATE MEDIATION GRANTS

For grants pursuant to section 502(b) of the Agricultural Credit Act of 1987, as amended (7 U.S.C. 5101–5106), $2,000,000.

DAIRY INDEMNITY PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses involved in making indemnity payments to dairy farmers for milk or cows producing such milk and manufacturers of dairy products who have been directed to remove their milk or dairy products from commercial markets because it contained residues of chemicals registered and approved for use by the Federal Government, and in making indemnity payments for milk, or cows producing such milk, at a fair market value to any dairy farmer who is directed to remove his milk from commercial markets because of (1) the presence of products of nuclear radiation or fallout if such contamination is not due to the fault of the farmer, or (2) residues of chemicals or toxic substances not included under the first sentence of the Act of August 13, 1968, as amended (7 U.S.C. 450j), if such chemicals or toxic substances were not used in a manner contrary to applicable regulations or labeling instructions provided at the time of use and the contamination is not due to the fault of the farmer, $100,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That none of the funds contained in this Act shall be used to make indemnity payments to any farmer whose milk was removed from commercial markets as a result of his willful failure to follow procedures prescribed by the Federal Government: *Provided further*, That this amount shall be transferred to the Commodity Credit Corporation: *Provided further*, That the Secretary is authorized to utilize the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of making dairy indemnity disbursements.

AGRICULTURAL CREDIT INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by 7 U.S.C. 1928–1929, to be available from funds in the Agricultural Credit Insurance Fund, as follows: farm ownership loans, $585,000,000, of which $550,000,000 shall be for guaranteed loans; operating loans, $2,300,000,000, of which $1,700,000,000 shall be for unsubsidized guaranteed loans and $200,000,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $750,000; for emergency insured loans, $100,000,000 to meet the needs resulting from natural disasters; and for credit sales of acquired property, $22,500,000.

For the cost of direct and guaranteed loans, including the cost of modifying loans as defined in section 502 of the Congressional Budget Act of 1974, as follows: farm ownership loans, $28,206,000, of which $20,019,000 shall be for guaranteed loans; operating loans, $91,000,000, of which $18,360,000 shall be for unsubsidized guaranteed loans and $17,960,000 shall be for subsidized guaranteed loans; Indian tribe land acquisition loans as authorized by 25 U.S.C. 488, $206,000; for emergency insured loans, $32,080,000 to meet the needs resulting from natural disasters; and for credit sales of acquired property, $4,113,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $221,541,000, which shall be transferred to and merged with the following accounts in the following amounts: $208,446,000 to "Salaries and Expenses"; $318,000 to "Rural Utilities Service, Salaries and Expenses"; and $171,000 to "Rural Housing and Community Development Service, Salaries and Expenses".

CORPORATIONS

The following corporations and agencies are hereby authorized to make expenditures, within the limits of funds and borrowing authority available to each such corporation or agency and in accord with law, and to make contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the budget for the current fiscal year for such corporation or agency, except as hereinafter provided.

FEDERAL CROP INSURANCE CORPORATION FUND

For payments as authorized by section 516 of the Federal Crop Insurance Act, as amended, such sums as may be necessary, to remain available until expended (7 U.S.C. 2209b).

COMMODITY CREDIT CORPORATION FUND

REIMBURSEMENT FOR NET REALIZED LOSSES

For fiscal year 1996, such sums as may be necessary to reimburse the Commodity Credit Corporation for net realized losses sustained, but not previously reimbursed (estimated to be $10,400,000,000 in the President's fiscal year 1996 Budget Request (H. Doc. 104–4)), but not to exceed $10,400,000,000, pursuant to section 2 of the Act of August 17, 1961, as amended (15 U.S.C. 713a–11).

OPERATIONS AND MAINTENANCE FOR HAZARDOUS WASTE MANAGEMENT

For fiscal year 1996, the Commodity Credit Corporation shall not expend more than $5,000,000 for expenses to comply with the requirement of section 107(g) of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, 42 U.S.C. 9607(g), and section 6001 of the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6961: *Provided*, That expenses shall be for operations and maintenance costs only and that other hazardous waste management costs shall be paid for by the USDA Hazardous Waste Management appropriation in this Act.

The CHAIRMAN. Are there any amendments to title I?

AMENDMENT OFFERED BY MR. WALSH

Mr. WALSH. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 24, on line 13 after the word "building" strike all down through and including "agency" on page 25, line 5.

Mr. WALSH. Mr. Chairman, in the movie "Cool Hand Luke," one of my favorites, perhaps the most memorable line was that of the boss of a prison labor camp to a recalcitrant Luke: "What we have here is a failure to communicate."

Well, that is what we have had here with these new regulations for meat inspection. There was bad faith between and among the stakeholders—FSIS, the inspectors, consumer activists, the industry, the State departments of agriculture and the USDA.

We set about to solve this problem. My amendment would have established a negotiated rulemaking, a statutory process, formalized and detailed. It would have established this needed dialog—a process for communication.

I did this because some of the principals had no faith in the current dialog. I did it out of a concern that small businesses might be put out of business for no good reason. And I did it, in spite of what critics said, out of a concern that there would be a delay in implementing the new higher standards because of lengthy litigation.

I truly believed that given the alternatives we had, this was the best way to proceed.

Obviously others disagreed with this approach. Mr. DURBIN of our subcommittee and Secretary of Agriculture Glickman took issue. They said it was a delay, but they admitted there were problems with the process.

We worked together, sometimes at odds, but always in the direction of finding the common ground. On Tuesday the Secretary sent a letter that I reviewed with Mr. ROBERTS, chairman of the Committee on Agriculture; Mr. SKEEN, chairman of the Subcommittee on Agriculture Appropriations; and Mr. GUNDERSON, chairman of the Agriculture Subcommittee on Livestock, Dairy, and Poultry. All felt that the Secretary's personal commitment to involve himself was not only important but critical to providing good faith in a new, more inclusive process.

The Secretary pledged a number of things.

Mr. Chairman, I include the letter from Secretary Glickman for the RECORD.

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, DC, July 18, 1995.

Hon. JAMES WALSH,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR JIM: I appreciated the frank exchange of ideas during our recent meeting on the meat and poultry inspection regulatory process. That and other discussions I have had with Members of Congress convince me that we are all seeking the same goal of modernizing and improving the current meat and poultry inspection system to provide the safest possible food to the American consumer. I am personally committed to ensuring a thoughtful, thorough, and objective analysis by the Department of Agriculture (USDA) of all comments.

Unfortunately, I cannot agree that your amendment which requires the Department to establish a committee and await its report before moving forward is the best means of attaining our common objective. The unnecessary delay involved in suspending the current regulatory process is not consistent with the need to move to a Hazard Analysis and Critical Control Point (HACCP) based inspection system as quickly as possible.

I sincerely share the desire to ensure that the regulatory process carefully weighs all relevant viewpoints in an undertaking of this magnitude. I therefore intend to create, as part of the rulemaking process, focused and extensive public meetings for direct discussion of the key concerns that were raised during the comment period. These public meetings will begin within the next few weeks and will provide all interested parties the opportunity for direct discussion of the major issues as well as other issues identified during the comment period and possible options for resolving these issues. Participants will include representatives of all stakeholders, including industry, producers, the scientific community, consumers, the Food Safety and Inspection Service (FSIS) and my office. These public meetings will be held to ensure that all outstanding questions are explored thoroughly and a full and frank discussion and exchange of ideas occurs. These meetings will be part of the record upon which the final rule is based. Furthermore, I intend to host personally a food safety forum this summer to identify both legislative and regulatory mandates that need to be changed to improve and reform the system. The public meetings and forum will not unnecessarily delay the issuance of a final rule and should reassure all parties that the regulatory process has included a comprehensive debate of all significant issues and related concerns.

While the adoption of a HACCP-based inspection system is needed, it is also important to address the integration of the new HACCP system into the current meat and poultry inspection system. I fully understand the importance of preventing bureaucratic layering and ensuring the best utilization of public and private funds. To ensure this second step of regulatory modernization and integration is achieved, FSIS will soon publish a comprehensive set of rulemaking notices to review current FSIS regulations, directives, policy notices, and policy memoranda. To be consistent with the HACCP-based inspection system, USDA will then review, revise, or repeal its existing regulations, as needed. I have directed FSIS to accelerate its work in this area. I am firmly committed to seeing that all existing food safety and inspection regulations are improved so redundancy is eliminated. Our proposed regulatory actions to achieve those objectives, which will include addressing integration of the HACCP system and the current system, will be published in the Federal Register before the HACCP final rule is published and any additional regulatory actions necessary to achieve these objectives will be completed before HACCP is required to be implemented.

I am making these commitments recognizing that a successful food safety system depends upon an active partnership among government, producers, industry, processors and the consuming public. I hope that with these steps we can avoid a divisive legislative debate and proceed together toward our common goal of improving our inspection system.

Sincerely,

DAN GLICKMAN,
Secretary.

Mr. Chairman, most important is the Secretary's effort to put good faith back into this. He is a new Secretary and we need to give him this opportunity.

The agreement that Secretary Glickman, Mr. ROBERTS, Mr. SKEEN, Mr. DURBIN, and I worked out is Government at its best. It demonstrates that the executive and legislative branches can work together in good faith to do the people's business. That is the reason we were sent by our constituents to Congress, and I firmly believe that this entire legislative process has benefitted the public, the industry, and will result in a safer food supply for American families.

Mr. Chairman, for that reason, I have made my motion to strike the bill language.

Mr. DURBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me say at the outset that this has been an important debate, I think one of the more important debates over the period of time that I have served on this subcommittee, because it has focused on an issue which is literally a life and death issue for American families.

I want to commend my colleague from New York. Over the past several weeks, we have had some real differences of opinion, but I want to salute the gentleman, because he has made an effort in a bipartisan manner to find a reasonable solution to a very difficult problem. Let me try to describe it to you in my terms and to give you an idea of why it is so important.

It was my good fortune at an early point in my life to work in a slaughterhouse. I spend 12 months as a college student working my way through college in a slaughterhouse. I learned a lot. I still eat meat, but I learned a lot about the inspection process, its strengths and its weaknesses.

There are many weaknesses in the current meat and poultry inspection system. But let me say at the outset, the United States is blessed like no other country in the world with one of the safest food supplies. We should never lose sight of that. As consumers, we can be more confident of what we buy in a store and eat in a restaurant than we can in most any other country in the world.

But I came to understand as a young man working in that slaughterhouse that the system we have today does not reach the level of scientific sophistication which American consumers want. Literally, Federal meat and poultry inspectors stand and watch as carcasses go by on the line. If they do not see or smell something unusual, they end up giving it a blue stamp, and off it goes to the store and eventually to our refrigerators and tables.

We now know that it not enough. The tragedy in the State of Washington 2 years ago, which my colleague, the gentleman from Washington [Mr. DICKS], will describe in a moment, riveted our attention on the fact that some of the most vulnerable people in America are subject to dangerous illness and in many cases death from contaminated meat and poultry.

So we decided to do something about it, to move beyond the inspection system which we have used for over 85 years, to something more scientific and up-to-date. What an undertaking it is. Imagine all of the different groups interested in this issue, not just the obvious groups, the meat and poultry processors and producers, but also those who are interested in health issues and consumer issues, the business side of the equation, all of these people, some 200 different groups, coming together and trying now to reach an agreement, if they can, on a new system of meat and poultry inspection.

The gentleman from New York I think accurately represented the anxiety of some of these groups that they are not being taken seriously at the table, that they do not have a voice in the process, and that their concerns are not being weighed as they should be. The gentleman has prevailed on the Secretary of Agriculture to step in personally, as we will and as he has promised, and his word is good, that he will make sure as best he can it will be an orderly process with a good conclusion.

I might add, as Secretary Glickman has personally, we cannot guarantee that everyone will end up happy when it is all over. What we can do is get everyone their day in court, everyone an opportunity to express themselves.

Over the past 2 weeks I have received phone calls from Tarpov Packing Co. in Granite City, and Hansen Packing Co. in Jerseyville, IL, small operations, saying, "DICK DURBIN, you are our friend, we know you want to help us, but do not do something that will put us out of business." I understand that. We do not want to put them out of business. We want to make changes that are sensible and reasonable, that protect American consumers.

As I said before, the reason why this is a more important debate than most is it is literally a life and death issue.

Nancy Donley of Chicago is a person I have come to know over the past several weeks. I talked to her just yesterday. This Tuesday was the second anniversary of the death of her 6-year-old son Alex. Alex ate a hamburger, it was contaminated with E. coli, and it killed him. She has written letters, which I will not read to you here but which havé been part of the record in our committee, which I think would touch the heart of everyone.

So as we focus on this issue, it goes beyond numbers, it goes beyond bureaucracy, it goes beyond agency, it goes to the very human tragedies which can occur if we do not do our job right.

I salute the gentleman from New York, he is doing the right thing today. I think he has made real progress on this issue. I look forward to a satisfactory conclusion.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to be very brief here. I want to commend the chairman of the Committee on Agriculture, Mr. ROBERTS, and I certainly want him to have an opportunity to speak, and I know he will, for his leadership in this effort. Also, I want to complement my colleague on the Committee on Appropriations, the gentleman from New York [Mr. WALSH]. Coming from the State of Washington, I see some of my colleagues from Washington State on the floor. We had a very serious E. coli breakout in our State 3 years ago. Three young children died, hundreds were sick, and so I was definitely very concerned in the appropriations committee when there was an effort to delay the implementation of the new regulations, which our ranking member, the gentleman from Illinois [Mr. DURBIN], so carefully described, someone who has had great experience in this area.

But I think this is a model of how we should work these problems out, and I commend the gentleman from New York for engaging Secretary Glickman and the chairman of the authorizing committee and the Democratic Members, and they were able to work out a reasonable compromise on this issue. We will not delay the new regulations from going into place.

What the gentleman from New York wanted, properly, and I wanted to commend the chairman, too, the gentleman from New Mexico [Mr. SKEEN], for facilitating this, was that all the parties should be heard. He talked about a negotiated rulemaking, which I happen to believe this was too complicated an issue for that, but we got the same achievement by giving all the parties the ability to participate.

□ 1500

The most important thing is we are protecting the American consumers. Seven thousand people a year die from salmonella or E. coli and hundreds more, hundreds of thousands more are sick and ill. So this is a serious consumer issue, and some of us on the Committee on Appropriations have been very concerned that there has been a pattern of, in essence, gutting health, safety and environmental legislation in the name of helping the private sector. That is not right. The American people do not want unsafe meat. They do not want unsafe drinking water.

So I commend the gentleman from New York for working this problem out and getting a satisfactory result that is in the interest of the country and in the interest of consumers and certainly in the interest of the people of Washington State, because we went through a terrible crisis just a year or so ago.

So I commend the gentleman and I support his motion to strike.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to associate myself with the words of my friends, the gentleman from Washington [Mr. DICKS] and the gentleman from Illinois [Mr. DURBIN], as well. Most of us had never heard of E. coli before a few years ago. A child in my district also was affected and died. If Members can imagine the parents, very loving parents telling them that they were relieved when their child died because of the extreme pain and agony that that child was going through, it kind of reemphasizes the issue to them.

I think, second, and the gentleman from Washington [Mr. DICKS] has talked about this, E. coli is still out there. What happens in our meat processing, if you still have fecal material left on the meat and that meat moves on, it can turn into the E. coli. And they say, well, all you have to do is cook your hamburger well. I personally do not want it on there in the first place. I think it is something that in our food processing that we can. I would like to, again, thank the leadership of the gentleman from Illinois [Mr. DURBIN], because I do not think without his leadership this whole issue would have come to resolution.

I would also like to thank the gentleman from New York [Mr. WALSH], because I think at times when we look at dialog, it is good, but when we take action where children's lives are at risk, I think it is very, very important.

We have a group in San Diego called Stop, and they have been very active. And I am sure that in Washington State they have got an equal group that are parents that have gone through this disaster with their children. I would like to commend all parties. I think this is something in bipartisanship that I think is a proud day. I thank God we had not a failure to communicate on this issue.

Mr. ROBERTS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to also take this opportunity to congratulate my friend and colleague, the gentleman from New York, [Mr. WALSH], and also especially my good friend and former colleague Secretary Glickman, for their hard work and statesmanship, I think, in resolving this very complex problem. This agreement in part grew out of a meeting between Secretary Glickman, the former chairman and current distinguished ranking minority member of the House Committee on Agriculture, the gentleman from Texas, [Mr. DE LA GARZA], the current chairman of the appropriate subcommittee that will be bringing a meat inspection, a food safety inspection bill to the floor, the gentleman from Wisconsin, [Mr. GUNDERSON], the gentleman from Missouri [Mr. VOLKMER], and probably the godfather of all meat inspection legislation in regards to sound science, the gentleman from Texas, [Mr. STENHOLM], and myself.

I would like to thank each of these individuals for really coming together in a bipartisan spirit to underscore the importance of restoring really some credibility to the rulemaking process.

By doing so, I think it is obvious we have averted what had been a very divisive debate on meat inspection policy. I think that really food safety goals are better served by careful, reasoned discussion than by real emotional rhetoric. It is understandable but I think this process certainly is preferable.

Secretary Glickman has assured Mr. WALSH that he will personally take control of the rulemaking process for the Mega Reg. Secretary Glickman has also pledged that he will ensure all stakeholders, as has been indicated, consumers, small and large processors, scientists, inspector unions and producers, all now will have an opportunity to really participate in developing a balanced and workable inspection regulation.

Our problem is not that we have too little inspection and also regulation. Our problem is that we have the wrong kind. We do not need some more additional regulatory burdens. We need a sound-science, risk-based system.

So, again, I want to really credit the Secretary and I also want to thank the gentleman from Wisconsin, [Mr. GUNDERSON] who will be bringing to the committee and to the floor a total comprehensive food safety plan. We are talking about meat. We are talking about poultry. And we are talking about seafood. So your House Committee on Agriculture will address this. It will be commensurate with the rulemaking process of the Secretary of Agriculture.

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. Mr. Chairman, I want to make sure that I understand exactly what we are doing. The greatest problem I probably have in the 19th Congressional District is the harassment of our small country butchers. We have never had an illness in the 19th Congressional District because of tainted meat or poultry from any of our local country butchers. They are harassed morning, noon, and night, and I am afraid they will soon all be out of business and then we will only have to rely, unfortunately, on big meat producers and packers and so on.

I think I caught the gentleman saying that the small business person will get some protection in all of this.

Mr. ROBERTS. Mr. Chairman, the Secretary of Agriculture has indicated that they will give every consideration to the small business community, whether it be small meat locker plants or a small meat packing house.

I would like to point out that 98 percent of all food-borne illnesses come from handling and preparation. If everybody would simply do what their grandmother and their home economics instructor and their 4-H instructor and common sense and the Department of Agriculture recommends, wash their hands and thoroughly cook their meat, we would not have this problem.

And so I can assure the gentleman that Secretary Glickman has in effect assured me and the rest of the Members of the House Committee on Agriculture that the concerns of the small business community will be addressed. I thank the gentleman for raising this issue.

Mr. STENHOLM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I, too, want to commend all of the parties that have worked out a very satisfactory short-term compromise that gives this Member the hope for the first time in 8 years that we might actually be seeing a light at the end of the tunnel of dealing with our meat and poultry inspection system.

As one who has authored legislation and passed legislation in 1986, only to have the frustration of seeing it torn apart by the 200-plus groups that the gentleman from Illinois [Mr. DURBIN] spoke about a moment ago, each having their own idea about how best to improve upon the best food safety system the world has ever known, I see now the chance, thanks to the leadership of Secretary Glickman, the gentleman from New York [Mr. WALSH], and the efforts that he has made and all of the other parties, I see the opportunity now through the House Committee on Agriculture and other interested parties working with the gentleman from Wisconsin [Mr. GUNDERSON], the chairman, and the gentleman from Kansas [Mr. ROBERTS], I see the opportunity for us to finally come to an agreement by bringing all of the parties together, having the free and open debate in this House Chamber of how best to deal with meat and poultry inspection.

I look forward to that day, because I believe it is far overdue. Many of the tragedies that have occurred should not have occurred and would not have occurred, as Mr. ROBERTS has said, from some of the simplistic ideas but also from the standpoint that we could in fact make the necessary changes if we would all come to the table. That is not what was happening, as the proposed rulemaking was occurring. Mr. WALSH pointed that out and correctly so.

But now we have an agreement in which everyone will come together, work on a resolution. I hope it is a light at the end of the tunnel and not another train coming toward us. But I do believe today that it is truly a light at the end of the tunnel. I look forward to being a part of eventually resolving this very important issue.

Mr. THORNTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to associate myself with the remarks made by the gentleman from Texas and to add my congratulations to all those who have given us truly a remarkable event in this session of the Congress, an event in which we have reached across the aisle to adopt a bipartisan accord, one that is reasonable and proper and in the public interest. It has come about because of the leadership of our chairman, the gentleman from New Mexico [Mr. SKEEN], and his steady hand at providing an opportunity for each of us to participate; for the gentleman from New York [Mr. WALSH] and his diligence and persistence and working with our own ranking minority member, the gentleman from Illinois [Mr. DURBIN]. It has truly been an excellent example of the kind of cooperation in the public interest which we need to have more of in this House.

I want to commend all of those who are party to this and urge that we make a record of our support for this amendment.

Ms. DUNN of Washington. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to commend the gentleman from New York, Mr. WALSH, and also the gentleman from Kansas, Chairman ROBERTS, and the gentleman from Illinois, Mr. DURBIN, the gentleman from Wisconsin, Mr. GUNDERSON, the gentleman from New Mexico, Chairman SKEEN, and all the people who helped to forge this agreement with the Secretary of Agriculture, our former colleague, Dan Glickman, on new meat safety inspection rules that will benefit all Americans.

This agreement is especially significant to those of us from Washington State, as my colleague the gentleman from Washington [Mr. DICKS] has said, because in January of 1993, my first year as a Member of Congress, three little children died and 67 were hospitalized in Washington State because of an E. coli outbreak that was traced to a local fast food outlet in my district.

Now, a little over 2 years later, with the combined efforts of the gentleman from New York [Mr. WALSH], the committees and the other gentlemen, and the Secretary of Agriculture, we can finally put into place a meat safety regime to ensure the production of clean, safe, quality meat that restores consumer confidence.

I want to add a special note of thanks to our colleague from Washington State, Mr. NETHERCUTT, who is also a member of the subcommittee, for his help on this critical issue.

Mr. Chairman, in memory of 2-year-old Michael Nole, 2-year-old Celina Shribbs, and 17-month-old Riley Detwiler, the little children who died from E. coli, my thanks for the diligent efforts of all the Members of Congress who are involved in bringing to fruition safer food for all Americans.

Mr. DE LA GARZA. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise is support of the proposed agreement between all of the parties concerned and the gentleman from New York [Mr. WALSH], and endorse it.

Mr. Chairman, in light of recent compromises I rise to support the removal of requirements within the Agriculture Appropriation bill which limit funding for work on the February 3, 1995, Pathogen Reduction/HACCP proposed regulation. Agriculture Secretary Glickman has offered a reasonable resolution, as laid out in his July 18, 1995, letter to Mr. WALSH, the author of the limitation language, that allows for the rule development to proceed on schedule but grants additional input for stakeholders on a major regulatory change.

The controversy surrounding the development of a rule for our meat and poultry inspection system pertaining to microbiological pathogens and Hazard Analysis Critical Control Point methodology was over the process of how the rule is developed. Unfortunately, some in the media has started to turn this controversy into a discussion over whether children would or would not die because of this particular proposed regulation. It is always a human tragedy when anyone dies due to food-borne disease and especially children who have their entire lives ahead of them. But I feel it is important to understand that the Secretary's letter makes commitments assuring that there is a continued development of a good rule that improves our meat and poultry inspection system. A rule that all can support. A rule that will minimize potential lawsuits concerning the final regulation which could cause real delays in meat and poultry inspection reforms.

It is also important to note that modernization of the inspection system through a spirit of cooperation of all stakeholders is paramount to realize real improvements in the safety of the meat supply. The most important guidelight for all interested in changes to our food safety system must be the best science that can be afforded. The entire process should be driven by sound science not politics.

I cannot emphasize enough that this rule is but a step in a continuous series of steps where the goal is reducing food-borne illness. Note that I said reducing food-borne illness, not eliminating it. Elimination of food-borne illness is not a reality. It is scientifically and economically impossible to achieve zero food-borne risks at this time and it becomes a disservice to the public to imply that the Government can supply or regulate a food delivery system into one without risks, but one we can rely on and that the people can trust and give us the maximum protection possible.

I want to thank Secretary Glickman for his involvement in the matter and his interest in restoring confidence in the process. I commend Mr. WALSH of New York for his leadership in finding a path of compromise in which all sides win.

Mr. LAHOOD. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to compliment the gentleman from New York, Congressman JIM WALSH, as being a man for all seasons. He not only leads the bailout of Washington, DC, now he leads the bailout for those of us in the ag community.

I also want to speak on behalf of the Terry Joneses of the world. Terry Jones and his wife own a meat locker in Jacksonville, IL. I had the occasion to visit Terry and his wife recently about this issue of Government regulation or Government overregulation. What they told me was that, if these regulations had been put into effect, they would be out of business, as I think would many small business people who are in the meat locker business, who care a great deal about their customers and in no way would want to see harm come to them.

I do not intend to take the 5 minutes, but I want to express on behalf of all the small meat locker business men and women, not only across Illinois but across the country, that a good compromise has been worked out, and their considerations will be considered. I compliment the gentleman from New York [Mr. WALSH], the gentleman from Illinois [Mr. DURBIN], and certainly the Secretary of Agriculture. Common sense is being used and will be used, and I think all consideration will be given now so that small business people's concerns will be taken into account.

Mr. GUNDERSON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I simply want to follow that of my colleagues to point out a couple of things. First and foremost, of course, is joining all my colleagues in our commendations of those who have worked out this agreement. You would think they were leaving Congress, with all the nice things we are saying about them, but we mean it. I think what has been done here is important. I want to point out three specific factors and then we will move the process along.

First and foremost, this process, this agreement that has been reached is important because it has slowed the process down, and it has guaranteed that people are going to have input. As the gentleman from Illinois before me just articulated, there are real problems with these proposed regulations, as they affect the small slaughterhouses across this country, and we have got to make sure that their concerns are heard and considered in the development of the rules.

□ 1515

Second, along that same line, the very significant part of this agreement is that the Secretary has become involved, and he has taken a personal sense of responsibility in ownership of what has been done. Those of us who have worked with and known Dan Glickman when he was a Member of this House know that when he makes this kind of commitment he is going to keep it, and I think that is very important for all of us to understand.

The third thing I want to point out, and part of the reason many of us have raised concerns about the so-called HACCP regulation, you cannot do HACCP under existing Federal statute, because they are diametrically opposed to each other in science, so if you want a science-based HACCP regulation, as I think every Member of Congress and every member of the industry and every member of the consumer groups do, then Members have to recognize there have to be some kind of statutory changes.

As the gentleman from Kansas [Mr. ROBERTS] says, we will in my subcommittee, at the conclusion of the farm bill, continue a process that was initiated this spring, and we will bring forth comprehensive meat, poultry, and seafood legislation, and we will give this committee, we will give this Congress, a chance to modernize our legislation in that regard.

Mrs. COLLINS of Illinois. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me add my thanks and sincere appreciation for all of the hard work for all of the members of the Committee on Appropriations and Committee on Agriculture to get these food, meat, and poultry regulations well on their way.

Members may recall that about 2 years ago we raised the issue in what was then called the Committee on Energy and Commerce, on the Subcommittee on Commerce, Consumer Protection, and Competitiveness. It is really very rewarding to see how, when the issue has been raised, even in the last Congress, early in the last Congress, about something as important as meat and poultry safety, food safety, to be able to be here and stand on this floor and say that we have seen that dream come to real fruition.

Again, I want to sincerely thank all of those who worked so hard on this issue, because I, as well as other people, who were seriously concerned about what happened in the E. coli, the terrible things that happened to people, I am happy to say this has now happened. I cannot say enough about the hard work, the unity, and the cooperation between not only members of those committees, but between the administration of the Department of Agriculture as well. It shows government at its best, and I think we all did a good job, and everybody is to be congratulated.

Mr. DURBIN. Mr. Chairman, will the gentlewoman yield?

Mrs. COLLINS of Illinois. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I am going to ask for a rollcall vote on this to establish the bipartisan support which we have discussed today on the floor, not only for the HACCP process, but for a speedy and expeditious process that brings these rules to a point where they will be protecting American families. I just wanted to make that point. I will be asking for a rollcall vote on the motion offered by the gentleman from New York [Mr. WALSH]. I think it will demonstrate the bipartisan feeling we have on this issue.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. WALSH].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DURBIN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, further proceedings on the amendment offered by the gentleman from New York [Mr. WALSH] will be postponed.

AMENDMENT OFFERED BY MR. ALLARD

Mr. ALLARD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ALLARD: No. 30: Page 2, line 11, strike "$10,227,000, of which $7,500,000" and insert, "$9,204,300, of which $6,750,000".

Page 3, line 3, strike "$3,748,000" and insert "$3,373,200".

Page 3, line 15, strike "$5,899,000" and insert "$5,309,100".

Page 3, line 21, strike "$4,133,000" and insert "$3,719,700".

Page 4, line 19, strike "$596,000" and insert "$536,400".

Page 5, line 23, strike "$800,000" and insert "$720,000".

Page 7, line 19, strike "$3,797,000" and insert "$3,607,150".

Page 8, line 3, strike "$8,198,000" and insert "$7,378,200".

Page 9, line 3, strike "$27,860,000" and insert "$26,467,000".

Page 9, line 12, strike "$520,000" and insert "$468,000".

Page 9, line 17, strike "$53,131,000" and insert "$50,474,450".

Page 10, line 3, strike "$81,107,000" and insert "$77,051,650".

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on the amendment and all amendments thereto close in 20 minutes, 10 minutes on each side, the time to be divided equally.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. The gentleman from Colorado [Mr. ALLARD] will be recognized for 10 minutes, and the gentleman from New Mexico [Mr. SKEEN] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. Chairman, I yield myself such time as I may consume. First, Mr. Chairman, I would like to compliment my colleague, the gentleman from New Mexico, for putting together a good bill which makes a firm contribution by achieving a balanced budget by 2002. I appreciate all the hard work he has put into allocating our very scarce resources among the many worthwhile projects covered by this measure.

The Committee on Appropriations has made some important cuts in this bill; however, we see no reason for the House to ignore an opportunity to make additional reductions in the bureaucracy, especially here in Washington. I realize that it has been tough for the Members of this House, and particularly the Committee on Agriculture, to struggle with what priorities we should have in the agricultural area. However, Mr. Chairman, we simply need to keep in mind that we cannot go ahead and cut those programs that benefit farmers and not let the bureaucracy here in Washington share in those cuts.

Last November, the people spoke clearly about their desire to downsize Federal Government. Taxpayers were tired of sending the hard-earned money to Washington, DC, to pay for larger Federal bureaucracies. Farmers often ask why farm programs continue to get cut while the Department of Agriculture bureaucracy goes untouched. It is time to listen to the voters and start shrinking this huge 110,000 person bureaucracy. It is in this spirit of downsizing that the gentleman from Kansas [Mr. BROWNBACK] and I offer this amendment.

In recent years the funding for the bureaucracy of the USDA has been held constant. Without our amendment, this bill would continue this trend, despite the reduced role for agriculture programs assumed in the budget resolution. Appropriations for administration for 1996 would be $313 million. This is slightly above the 1995 level. This number rises to $320 million if the new info share program is included. In times of baseline budgeting, we would have considered this to be a cut, but we have changed the way that Congress does business. Now a cut is only a cut if spending is actually reduced below the prior year's level.

Mr. Chairman, our amendment is supported by the National Taxpayers Union and Citizens for a Sound Economy. It cuts 10 percent from the offices of the Secretary, the chief economist, the office of communication, the chief financial officer, the advisory committees, the Assistant Secretary of Administration, and the Undersecretary for Research, Education, and Economics. We have provided for a 5 percent cut for the Economic Research Service, the National Agriculture Statistics Service, the Assistant Secretary for Congressional Relations, and the general counsel. Some offices, such as the inspector general, have been exempted entirely from this amendment, because they have offered what we consider to be a sufficient justification to retain the funding allocated to them by the Committee on Appropriations.

Mr. Chairman, this amendment is consistent with the budget resolution. The House-passed budget resolution assumed that $44 million in savings could be achieved by reduction in the funding for the administrative offices and programs covered by our amendment. We have scaled that back to $12 million in cuts. This is very reasonable in light of the over $320 million available for the Department's administrative expenses.

Mr. Chairman, let me now address the Department's reorganization. The National Performance Review states that after reorganization, personnel at the USDA headquarters should be reduced 8 percent, resulting in an annual savings of about $73 million. To date, savings in the higher administrative levels have not appeared to be anywhere near this magnitude. Similarly, the Agriculture Reorganization Act mandated personal reductions of $7,500. However, this is to be accomplished by the year 1999. This is too far away. This amendment would provide the added nudge that is necessary to start the process of downsizing the bureaucracy now.

Mr. Chairman, I reserve the balance of my time.

PARLIAMENTARY INQUIRY

Mr. DURBIN. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DURBIN. Mr. Chairman, I understand the debate was limited to 20 minutes, 10 on a side. Could the Chair tell me how the 20 minutes is divided between the majority and minority party?

The CHAIRMAN. To the best of the Chair's understanding, the gentleman from Colorado [Mr. ALLARD] as the proponent of the amendment, controls 10 minutes, and the gentleman from Colorado [Mr. SKEEN] in opposition, controls 10 minutes.

Mr. SKEEN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DURBIN] and I ask unanimous consent that he be allowed to control that time.

The CHAIRMAN. It is the understanding of the Chair that the gentleman from New Mexico is opposed to the amendment.

Mr. SKEEN. I am opposed to the amendment, Mr. Chairman.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. Under the unanimous consent agreement, the gentleman from New Mexico [Mr. SKEEN] will control 5 minutes, and the gentleman from Illinois [Mr. DURBIN] will control 5 minutes.

Mr. DURBIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment. I wonder if the gentleman from Colorado and those who are proponents to this amendment have any idea of what we have already done in the U.S. Department of Agriculture, and what we are doing in this bill.

The gentleman comes before us this afternoon with a suggestion of cutting $12 million out of 13 different agencies, $12 million is a lot of money. The gentleman from New Mexico [Mr. SKEEN], as chairman of the subcommittee this year, will cut $1.2 billion from discretionary spending in the Department of Agriculture. It is not as if we have not bitten the bullet. We have chewed right through it. Last year we cut $1.3 billion. This year we cut $1.2 billion. These are serious cuts. As a result of these cuts, the U.S. Department of Agriculture has had to make dramatic changes.

Let me give Members an idea of some of the things USDA has done: Totally reorganized the agency, reducing from 43 to 29 the number of agencies under USDA; field offices being restructured; 1,170 county-based offices will be closed or consolidated. As of June, offices have already been closed in 224 counties across the United States. Our goal in employee reduction is 13,000 employees over the next 6 years. It represents one-fourth of the headquarters staff, 20 percent of administrative staff years, and the savings from these reductions already in place will be over $4 billion.

What the gentleman does with his amendment is to say: "Well, my dog is bigger than your dog. I can cut more than you can. I am a real fiscal conservative. We will find some more to cut." We can all play that game, but when it is all over, while this department is downsizing, can it still perform its functions?

I will say to the gentleman from Colorado, his phone will be ringing, as mine will be ringing, when farmers and others who want services from this department find their phone calls go unanswered. His phone will be ringing, as mine will, as people are calling and say, "What happened? I am mired in bureaucracy and red tape. I cannot get an answer." We can all keep trumping one card higher than the other, but the fact is the gentleman from New Mexico [Mr. SKEEN] made a substantial cut in this agency. We did the same thing last year. They are on board. In fact, they are out in front of the whole Federal Government in terms of reorganization and reinventing government. Now the gentleman just wants to do a little more. I am afraid if the gentleman does this, frankly, we will not only have to RIF people early, which may be unfair, but will in fact affect the very basic functions of this department.

Mr. ALLARD. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Colorado.

Mr. ALLARD. Mr. Chairman, I thank the gentleman for yielding.

I would just remind the gentleman that we are only talking about less than a 4-percent reduction. My phone is already ringing from farmers who say, "Look, what is happening to us and our programs?" Yet the bureaucracy in Washington seems to slide along with about the same spending levels. What I am talking about as the chief economist, we are talking about offices here in Washington, not the field offices out there that serve farmers.

Mr. DURBIN. Reclaiming my time, Mr. Speaker, I would ask the gentleman this. In the U.S. Department of Agriculture, what is the largest single agency employer? Does the gentleman know?

Mr. ALLARD. I do not know that.

Mr. DURBIN. I will tell the gentleman, it is the Forest Service.

Mr. ALLARD. I would have guessed it is the Food Stamp Program.

Mr. DURBIN. The Food Stamp Program is administered by the States, as I am sure the gentleman knows. It is the Forest Service. The USDA has about 120,000 employees, and out of that the Forest Service has approximately 33,000 employees. It has continued to grow, and incidentally, is not under our jurisdiction in this bill, while other agencies of USDA have been held stagnant and reduced.

Therefore, if the gentleman is getting calls from people saying "What about that bureaucracy in USDA," tell them it is the Forest Service. That is the area where it has grown. In the other areas it is not growing. There are an awful lot of jokes that are tossed around about how many people work at USDA, but I will tell the Members this: They do a lot of hard work and important work. I am afraid the gentleman's amendment is an effort to trump us and go a little bit better, cut a little bit deeper, and in fact, when the services are not there, people are going to say, "Why in the heck are we paying our taxes if nobody is there to answer the phone?"

Mr. ALLARD. Mr. Chairman, if the gentleman will continue to yield, I have looked seriously at what I have proposed here and spent some time with the Committee on Appropriations staff. We initially looked at a $28 million cut. We are looking at some of the functions that we are carrying on here in Washington that were, we felt, of high enough priority that we should not include them in the amendment, things like the National Appeals Division and some programs in Department administration, the inspector general, the buildings and facilities, and hazardous waste management. There are other programs that need to be reduced.

Mr. DURBIN. Reclaiming my time, Mr. Chairman, unfortunately, the gentleman does not sit through the weeks of hearings that we sit through and listen to these agencies. Just to mention the inspector general's office, do you know what they spend half of their time investigating? Food stamp fraud.

□ 1530

Mr. ALLARD. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. The inspector general's office spends half of its time investigating food stamp fraud.

Mr. ALLARD. Would the gentleman yield for a correction?

Mr. DURBIN. Regular order, Mr. Chairman. I will be glad to yield to the gentleman at some point, but please allow me to use my time.

The CHAIRMAN. The time of the gentleman from Illinois [Mr. DURBIN] has expired.

Mr. ALLARD. Mr. Chairman, I yield myself 30 seconds for a correction.

Mr. Chairman, the amendment that I had proposed does not cut the inspector general.

Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. BROWNBACK].

Mr. BROWNBACK. Mr. Chairman, I think some valid points have been raised here. Let me be succinct and brief on this.

There are real cuts that are taking place in the agriculture programs. There are real cuts that have been taking place since 1986. I think I have lived through a fair number of those. I was Kansas Secretary of Agriculture for the past 6 years. I think I have a little bit of an idea what that is about. They are proposed in the budget resolution that has been passed by both Houses to a further cut next year of $1 billion of what the farmers receive out of the program, $1 billion.

The bureaucracy that we are talking about, and I recognize the valid comments of the gentleman from Illinois, the bureaucracy we are talking about is flat line spent for the next several years. It is a flat level spending while the farmers get less money in their pockets.

I simply think we are going to have trouble going out to farmers and saying, yes, we have to balance the budget, make these cuts, and you are going to have less money. They say, "What about the USDA in Washington, the bureaucracy?" We say, "We have to have the same amount of money, people and everything in the centralized office."

I think this is a good, prudent amendment. It is a 4-percent overall cut in the upper levels, the bureaucracy here, not out in the field staff, not out in the field offices.

A second point I would quickly make is, the first year I came in as Kansas Secretary of Agriculture, I was presented a 7-percent across-the-board agency cut. Recognize, I am talking millions at the State level and this is billions here, so I know the magnitude of the difference. But what it forced me to do is make real changes in my operation, the things we knew we needed to have take place but we did not have the political impetus and force to do it. I think it will help as well.

What we are talking about, ladies and gentlemen, is being able to go out and face farmers that are going to be facing real continued reductions, and we have had reductions already since 1986, real continued reductions so that, yes, we start if first in Washington, we make real cuts there, and this is going to be difficult, but this whole process is.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I rise in strong opposition to the gentleman's amendment. I share the gentleman's concerns about cutting farm programs and not cutting the bureaucracy. I do not think the gentleman fully understands that this committee has made significant reductions in what he calls the bureaucracy in this bill.

This bill does make real cuts in real programs, downsizes the Federal Government and ensures the most efficient use of taxpayers' dollars. Let me just cite several examples. All the programs that the gentleman's amendment proposes to reduce, with three exceptions, have already been reduced in this bill by $2.5 million.

The Office of the Chief Economist: This office established pursuant to USDA reorganization by transfers was reduced by $66,000 below the 1995 level.

Office of Budget and Program Analysis was reduced by $104,000.

Congressional Relations: The committee recommendation consolidated all the congressional affairs and activities into one account and cut it by 25 percent.

Economic Research: The committee recommendation is $805,000 below the 1995 level, or $1.5 million below the budget request.

The National Agricultural Statistics Service is $317,000 below the 1995 level.

Mr. Chairman, we take our role very seriously in budget cutting. I think the committee has produced a bill that is responsible. I urge the Members of the House to support the committee's recommendation and defeat the gentleman's amendment. We have tried our level best to do the best we could with what we had. I think that this amendment goes too far and undoes some of the fine work that we have done.

Mr. ALLARD. Mr. Chairman, I yield 2 minutes to my friend and colleague, the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I thank the gentleman from Colorado [Mr. ALLARD] for yielding me the time.

Mr. Chairman, I have an amendment at the desk that calls for a $12 million reduction out of the Washington bureaucracy but puts some of that money namely, $5.5 million, back to State and county offices.

The substitute version that came out of the Committee on Rules cuts an additional $17.5 million out of State and county operations. I think that is more. If you want to talk about phone calls, where you get the phone calls is when they go into the county offices and they cannot get service.

I worked in USDA in Washington for 4 years as deputy administrator of programs; a tremendous number of hardworking, good civil servants in that department. However, today we have 10,700 employees here in Washington, DC. They should be out in the country.

I support the gentleman's amendment. I think it is reasonable. Out of that 10,000, out of every 100 employees we can reduce by 4 employees what is here in Washington, DC.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I just would like to reiterate the cuts that are already being made as a result of the reorganization of last year is one-fourth of the headquarters staff in Washington in USDA. We talk about the Chief Financial Officer alone, and you look at the cuts: a 17-percent cut from last year's spending.

We will have an amendment a little later by the gentleman from California [Mr. CONDIT] that will propose to add $200,000 to the account so that the Risk Assessment Office, which is awfully important to many of us in agriculture, can be adequately funded. The gentleman from Colorado would cut it $375,000 more. The gentleman from California [Mr. CONDIT] already says, and correctly so, he needs $200,000 to do the job.

We are going to write a farm bill a little bit later on. There is going to be a request for a lot of information. The Chief Financial Officer will be required. We are not going to have the money to do it because we have already made the cuts.

I wish the gentleman from Colorado [Mr. ALLARD] would have supported us last year in the Committee on Agriculture when we talked about this, when we had the reorganization bill up before the Committee on Agriculture. All of the things that we were talking about doing then, which are now cutting 1,170 county-based offices, are being cut as a result of actions that are already being taken. Please do not make an additional cut on top of that.

Mr. ALLARD. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have heard a lot about cuts that are going to go back out in the field, and they are not. I remind the Members that these are cuts for bureaucracy here in Washington. Let me point out a few of the agencies that have not been cut: General Counsel; Building and Facilities; department administration; Inspector General; Office of Budget and Program Analysis.

Let me again remind the Members of what the total budget figures look like for the bureaucracy here in Washington, DC, $314 million in 1994. In 1995, it is $311 million. And in 1996, we are looking at $313 million.

The funds available to the Department of Agriculture for administration total $313 million; $320 million if the new Info Share Program is included. This amendment is less than 4 percent of all that.

One might get the impression, listening to this debate, that our amendment proposes to eliminate offices or accounts. The fact is that we are proposing only 10 or 5 percent cuts, and a number of administrative accounts are not cut at all.

I have no doubt the department officials perform important work and that we are asking that we get by with less, but we are asking this of all aspects of the Federal Government. No one ever suggested balancing the budget would be easy. When we are cutting back on farm programs, slowing the growth of Medicare, eliminating some agencies entirely, we need to reduce bureaucracy as well. Every amendment counts.

Mr. Chairman, I yield back the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New Mexico [Mr. SKEEN] is recognized for 2 minutes.

Mr. SKEEN. Mr. Chairman, I rise in opposition to this amendment with a great deal of reluctance. The gentleman from Colorado [Mr. ALLARD] is a good Member of this Congress.

I am sorry that we just did not understand his interest, along with the interest of the gentleman from Kansas [Mr. BROWNBACK], and some of the others, in making these cuts. We would have taken them under our wing in the committee and worked through this together, because right now from his own figures, we are still below the 1994 figure for the Department of Agriculture.

Mr. Chairman, we have made those cuts. We have made the reductions where we can, and there must be some reason or some rationale to what we do. We should not be out here just cutting without knowing what the consequences are. We should not just be making mindless cuts.

Certainly part of our job here as legislators is to make sure that agencies of the Federal Government operate as intended in the laws that we have enacted. Many of these cuts have severe impacts on agencies, and starting right here from headquarters all the way up and down the line.

We have made those cuts. We must understand that they have to function, the agency has to have some function left. We cannot add cuts upon cuts and still expect them to function. These cuts will not allow some of these agencies to operate if we adopt this amendment.

I would suggest that these cuts fall in the area of not very good government. We should not be here doing these cuts when we do not understand the consequences.

I urge Members to vote against this amendment. These agencies have already paid their fair share in deficit reduction. Let us not do things when we have no idea of what we are doing.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Colorado [Mr. ALLARD].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. SKEEN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, further proceedings on the amendment offered by the gentleman from Colorado [Mr. ALLARD] will be postponed.

AMENDMENT OFFERED BY MR. CAMP

Mr. CAMP. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CAMP: Page 13, line 24, strike "$31,485,000" and insert $31,930,000".

Page 14, line 2, strike $98,810,000" and insert $98,365,000".

Mr. CAMP. Mr. Chairman, I urge support for this amendment to transfer $445,000 from competitive research grants to restore funding for special grant research for sustainable agriculture. Continuing research for sustainable agriculture is crucial to maintaining an acceptable balance between the need to protect American agriculture, the family farm, and our precious environment.

Mr. Chairman, I urge my fellow Members to support this amendment. One of the reasons that American farm families are able to provide the best food in the world at the lowest prices is because our universities have been able to conduct revolutionary research. By continuing this research, we enable the agriculture industry to find newer and safer ways to expand their crops while protecting our precious environment.

Michigan State University is on the cutting edge of such research. Their studies on the management of municipal and animal organic waste, and the use of grazing systems to improve livestock production are providing valuable data which will assist the farm families of today—and tomorrow.

Their studies, which also include the inclusion of cover crops in field crop rotations and water table management studies, are continuing to improve soil composition on American farms. This improves the health and productivity of crops and livestock which benefits us all.

In addition to assisting the American farm family with productivity, their research also studies the effect of various pesticides on our environment.

This amendment will restore the funding for Michigan State University's special research grant for sustainable agriculture. We offset the cost of this program, which is $445,000, by transferring these funds from the competitive research grants.

Michigan State is strategically located in the sensitive environmental area of Michigan which includes 2,300 miles of shoreline, 20,000 slow moving creeks, rivers and streams, and hundreds of inland lakes. Water table management is critical in this area. The lessons learned in this sensitive area can be applied elsewhere in similar situations.

In these days of global competitiveness, it is vital that American farm families are given the opportunity to grow and prosper. With this research, they can continue to provide the kind of quality products we've come to appreciate. In order to ensure that research on newer and safer ways to provide those products continues, we must support programs like this one.

Sustainable agriculture strikes a fair balance between increasing profits for the American farm families and preserving and protecting our precious environment.

This is a minimal price to pay for all that we can benefit from effective and efficient research.

Mr. Chairman, I yield to the gentleman from Michigan [Mr. BARCIA].

Mr. BARCIA. Mr. Chairman, I rise in support of the amendment offered by the gentleman from Michigan [Mr. CAMP]. I believe, also, that it is vital that we restore funds for sustainable agricultural research as part of this appropriation.

This amendment restores $445,000, the same amount as was available in fiscal 1995, to continue work which seeks to develop production methods that are profitable for farmers and have less impact on the environment.

All of our major advances in agriculture have come as a result of research. If we are to improve production practices with an eye toward a better management of the environment, then careful and sustained research will be necessary to develop better production methods.

As the fiscal 1996 hearings for the Department of Agriculture pointed out, this research effort targets compost integration, rotational grazing, cover crops, and water table-nutrient contamination management. This last element is the continuation of subirrigation research work that is vital in my part of Michigan if we are to adequately protect and efficiently use our groundwater resources.

The hearings most explicitly demonstrated that farm areas in Michigan are drained by more than 20,000 miles of slow-moving creeks and streams, and the leeching of nutrients into groundwater is a major environmental concern. This work is conducted at several locations throughout Michigan, including within my congressional district, and need to be continued.

Mr. CAMP. Mr. Chairman, I yield to the gentleman from Michigan [Mr. CHRYSLER].

Mr. CHRYSLER. Mr. Chairman, I rise in support of the amendment offered by my colleague. Research in sustainable agriculture is necessary to continue to develop agricultural program methods that are profitable for farmers and have less impact on the environment. Not only will the farmers themselves benefit from this valuable research but also the economies of the surrounding communities. I urge my colleagues to join me in voting for the Camp amendment.

Mr. SKEEN. Mr. Chairman, if the gentleman will yield, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. CAMP].

The amendment was agreed to.

□ 1545

AMENDMENT OFFERED BY MR. CONDIT

Mr. CONDIT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONDIT: Page 25, line 20, insert before the colon the following: "(reduced by $300,000)".

Page 3, line 3, insert before the period the following: "(increased by $300,000)".

Mr. CONDIT. Mr. Chairman, I rise today to offer an amendment that would fulfill a commitment that the 103d Congress began on risk assessment and cost-benefit analyses. My amendment would transfer $300,000 from the salary and expenses of the consolidated Farm Service Agency to the Office of Chief Economist in the Department of Agriculture.

I understand the gentleman from New Mexico [Mr. SKEEN] has a substitute amendment that he plans to offer to my amendment, and I want to thank the chairman and his staff for working with us over the last several days to ensure funding for this important office and what it intends to do.

This money will be used to carry out the statutory requirement of the establishing of the Office of Risk Assessment and Cost Benefit Analysis. As some of you may be aware, the USDA office of risk assessment was a mandate under the USDA department reorganization legislation signed by the President last fall.

Risk assessment and cost-benefit analysis has served as the cornerstone for regulatory reform during the first 7 months of the 104th Congress. While steps taken by the Department to put this office on the right track, the current funding in the agriculture appropriations bill would not allow the office to meet its mandated obligation, as prescribed under the USDA reorganization legislation of the 103d Congress.

I urge Members to support my amendment, and the Skeen substitute, and I reserve the balance of my time.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. CONDIT. I yield to the gentleman from Kansas [Mr. ROBERTS] who has been a strong supporter of the risk assessment effort.

Mr. ROBERTS. Mr. Chairman, I would just like to emphasize the gentleman has been a real leader in the unfunded mandates effort several Congresses ago when it was not popular, and now when it is, and his efforts to put an office of risk assessment within the Department of Agriculture was a real initiative, a real reform effort in the Committee on Agriculture during the last session.

Unfortunately, because of the budget pressures, it was not funded. We need this money. It is a good effort and I commend the gentleman and I support the amendment wholeheartedly.

AMENDMENT OFFERED BY MR. SKEEN AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. CONDIT

Mr. SKEEN. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. SKEEN as a substitute for the amendment offered by Mr. CONDIT: On page 3, line 3 strike $3,748,000 and insert $3,948,000; On page 14, line 2 strike $98,365,000 and insert $98,165,000; and

On page 14, line 20 strike $389,372,000 and insert $389,172,000.

Mr. SKEEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. SKEEN. Mr. Chairman, I will explain the amendment. This has to do with the Office of Risk Assessment, and my amendment transfers $200,000 from the Competitive Research Grants Program under the Cooperative State Research, Education, and Extension Service to the Chief Economist.

This money is needed to supplement existing funding and will be used to both enter into contracts with experts in the field of risk assessment to provide USDA with guidance in how its Office of Risk Assessment and Cost Benefit Analysis should operate, and hire an economist to work in this office. That is the intent and the explanation of this amendment and I ask for its adoption and support its passage.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Mexico [Mr. SKEEN] as a substitute for the amendment offered by the gentleman from California [Mr. CONDIT].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. CONDIT], as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. CASTLE

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. CASTLE: Page 25, line 20, strike "$805,888,000" and insert "802,888,000".

Page 31, line 19, strike $629,986,000" and insert $612,986,000".

Page 40, line 10, before "for loans" insert "(plus $200,000,000)".

Page 40, line 20, before ", of which" insert "(plus $40,000,000)".

Page 57, line 20, strike "$821,100,000" and insert "$801,100,000".

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

Mr. SANDERS. Mr. Chairman, reserving the right to object, how many more amendments do we plan to offer?

Mr. DURBIN. Mr. Chairman, if the gentleman will yield, it is my understanding the gentleman from New Mexico [Mr. SKEEN], the chairman of the committee, has suggested the time limit on the Castle amendment and all amendments thereto.

Mr. SKEEN. Mr. Chairman, if the gentleman will yield, I did not mean to say the whole gamut. I would like to say 20 minutes on the entire gamut of amendments.

Mr. Chairman, I will give the gentleman from Illinois 5 minutes.

Mr. DURBIN. I thank the gentleman.

Mr. SANDERS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. The debate time will be limited to 20 minutes; 10 minutes to be controlled by the gentleman from Delaware [Mr. CASTLE] and 10 minutes in opposition, 5 minutes by the gentleman from New Mexico [Mr. SKEEN] and 5 minutes by the gentleman from Illinois [Mr. DURBIN].

Mr. CASTLE. Mr. Chairman, I am offering an amendment that is based on two principles. One is that encouraging homeownership is good for our economy and society and, two, in the effort to balance the budget, spending cuts must be allocated fairly.

My amendment would restore $200 million of the $400 million cut in the section 502 direct loan homeownership program made by yesterday's manager's amendment. The program was cut 45 percent last year and now the bill before us would reduce the 502 rural housing program by another 42 percent.

Mr. Chairman, I have the utmost respect for the gentleman from New Mexico [Mr. SKEEN] and I know he is a supporter of rural housing. The Appropriations Committee originally recommended a level of $900 million for the 502 program. However, after the committee found that it could not include savings from certain mandatory spending programs, the chairman felt he had to make an additional $400 million cut in the 502 direct program.

I understand the difficult choices the gentleman from New Mexico has had to make. This budget is extremely tight and it has to be. I am not seeking to restore the 502 program to its fiscal year 1995 level or even to the level originally recommended by the committee. My amendment will still leave the program with $233 million less than its current year funding, a cut of 25 percent from last year.

Mr. Chairman, what do these numbers mean to real people in our rural communities? They mean a lot. The 502 direct loan program is the only affordable homeownership program that serves low- and very low-income families in rural areas.

The typical direct loan borrower is working and is making $15,165 per year. These are hard-working people trying to achieve the American dream of owning their own home. The 502 direct program is the most effective program to help them make that dream a reality.

This program works. It helps people who would otherwise be unable to afford a home make the step to home ownership. While these families have very low income, they pay their mortgages. The 30-day delinquent rate is only 6.8 percent and the 90-day rate is 1.6 percent. There is currently a 2- to 3-year waiting list for these loans.

We are not meeting the need with the current level of funding, much less with the cut proposed in this bill. A loan level of $900 million would assist about 14,000 new homeowners. Cutting it to $500 million would provide only 7,800 loans.

Mr. Chairman, my proposed amendment would allow us to help almost 11,000 families in rural areas across the Nation. Remember, the actual appropriations for this program are much lower than the loan levels they provide. In fiscal year 1995, an appropriation of $228 million provided $933 million in loans.

Under this bill, we would appropriate only $102.6 million to provide $500 million in loans. My amendment would add a modest $40 million to an appropriation of $142.6 million and $700 million in loans.

In southern Delaware, like many rural areas, affordable housing is scarce and often substandard. The economy in these communities is often more sluggish than more populated areas. When families can buy homes, they give the economy of the entire community a shot in the arm. Construction provides new jobs and expanded tax base for schools and other investments and increased sales and tax revenues.

A single family 502 direct loan generates 1.75 jobs, $50,201 in wages, and $20,506 in annual tax revenues in rural America. In short, the program not only provides homes to low-income rural families, it provides jobs and tax revenues to rural communities.

Mr. Chairman, this amendment is a matter of fairness. The rural housing 502 direct loan program is taking a disproportionate cut in the effort to balance the budget. My amendment would simply restore some funding for home loans to low-income rural families.

The amendment is budget neutral. Most important, it would help more rural families achieve the American dream the American dream of home ownership. I urge my colleagues to approve this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I understand what the gentleman from Delaware [Mr. CASTLE], my friend and colleague, is trying to do here to restore money to the section 502 direct loan program. But in doing so, his amendment would seriously damage other programs which have already been cut significantly. Mr. Chairman, I regret that I have to oppose this amendment.

When we dropped the limitations against some mandatory programs and had to go back into discretionary programs to look for additional savings, we looked closely at every account and made our decisions after a great deal of deliberation. That includes all the accounts that the gentleman from Delaware [Mr. CASTLE] proposes to cut to restore funds to the 502 direct loan program.

The en bloc amendment, which we have agreed to, cuts an additional $17.5 million from salaries and expenses of the Consolidated Farm Service Agency. Money for PL–480 humanitarian aid has declined steadily from $1.7 billion to just about $1 billion.

The refugee situation in Bosnia grows more tragic every day and this program is essential to American aid efforts there as it is to American aid programs in central Africa.

Conservation programs have been reduced by 40 percent in the past 2 years and this amendment will mean less money for important soil erosion and water quality programs in both rural and urban areas, and I repeat, rural and urban areas.

According to the Department of Agriculture, a $21 million cut in Conservation Operations would mean a reduction of 400 staff years, permanent closing of 140 field offices, 50,000 farmers will not be able to receive technical assistance, and 3.1 million acres of land will not be treated for conservation measures such as soil erosion.

Mr. Chairman, we have tried very hard in this bill to distribute cuts fairly and to distribute the funds carefully to meet our budget-cutting obligations. The bill, as amended, does that and I urge my colleagues to reject this amendment which simply throws away many long, hard weeks of work and effort and makes severe cuts in essential programs.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, very briefly, the numbers on this are on the Consolidated Farm Service Agency, after this cut, and this is not the bill cut in that it is only $3 million, it simply freezes it at the 1995 level.

The Natural Resources Conservation Service, my amendment would still provide a $22.3 million increase over this year. In the grants program on transportation, the title 2 grants, my amendment would provide over $801 million for this program, an increase over the request and only 3 percent cut from 1995, while this program is facing cuts of 45 and 44 percent in each of the last 2 years. I do not think they are even comparable.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I was chairman of the working group in the Committee on the Budget dealing with HUD and with the old Farmer's Home Administration.

I would suggest, Mr. Chairman, and to this body, that it should not be the goal of the U.S. Government to be in the banking business. We should be moving to guaranteed loans, which is much more effective, much less costly for taxpayers.

That is what this committee did. They moved and expanded the guaranteed loan program from $1 billion to $1.7 billion to serve many more clients than direct loan programs can. We should not be in the direct loan program.

Mr. CASTLE. Mr. Chairman, I yield 15 seconds to myself in response. The guaranteed loan programs do not serve this population. They serve a population at twice the income of this.

Mr. Chairman, and I yield 1 minute to the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I just wanted to say that in the 5th district of Northwest Iowa, this is extremely important and I support this amendment. We virtually have no unemployment in the area. Our problem is housing. This goes right to the heart of the real needs of the people in my district, the rural areas, and I strongly support this amendment. I thank the gentleman for offering it.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

□ 1600

Mr. STENHOLM. Mr. Chairman, I, too, would like very much to be supportive of the gentleman's amendment today for the reasons of housing, but again it is not that simple, and, when we look at the work that the committee has done, they had a tough call to make, and they have made that call, and, when my colleague says in the area of the FSA office he is only bringing it down to freezing at last year's level, he is overlooking two rather significant facts, and that was what I tried to point out to the gentleman from Colorado [Mr. ALLARD] a moment ago. As a result of the reauthorization we are reducing from 43 to 29 agencies in USDA. The FSA office on the same amount of money as last year is going to have to administer two additional programs. That is part of the reorganization. So what sounds like a very innocuous, simple amendment gets very complicated when it actually gets into how to implement it out there in the country.

So this is one of those areas that we would all like to be very supportive of, but again, as a result of the reorganization ongoing and that we are plowing through ground that none of us really understand the true effects of as yet I, too, must reluctantly, but rather firmly, oppose the amendment offered by the gentleman from Delaware [Mr. CASTLE] today.

Mr. CASTLE. Mr. Chairman, I yield myself 15 seconds just to rebut what the distinguished gentleman from Texas [Mr. STENHOLM] said.

Three million dollars is the reduction in FSA in this particular amendment, $3 million, and yet we are looking at a program that is almost savaged in terms of the cuts which are going on. I think the comparison makes ours fair.

Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, a couple more facts here:

Last year 130,000 people applied for what we used to call the farmer's home loan, and that is 130,000 that applied, 15,000 were able to take advantage of the money that was available. This year, under the present conditions, it would only be 8,000 people able to take advantage of it. Two years ago 27,000 people were able to take advantage of it. We have reduced those important farm programs by just a small amount. That small amount can be transferred into rural housing.

The importance of rural housing cannot be expressed enough. We have people that are working with children that must rent. They are not really contributing to the tax base of the community, they are not building up equity for their family. With a small amount of rural home loans by the Federal Government we are not only going to help those rural families, we are going to contribute to the community, and many of those rural families that we are helping with this loan money are children of farmers who deserve the dollars.

Mr. Chairman, I encourage my colleagues to vote for the Castle amendment.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Alabama [Mr. CALLAHAN].

(Mr. CALLAHAN asked and was given permission to revise and extend his remarks.)

Mr. CALLAHAN. I thank the gentleman for yielding this time to me.

Mr. Chairman, I could not agree more with Governor CASTLE. I think that this 502 program is one of the finest Government programs that has ever been concocted here in Washington. It does provide a very needed service to our American people, people who are working, people who are trying to make a substantial position in their life or their families who cannot go to a bank. It is very crucial and very important that we fund it, and I support the funding of it, but not in this way.

I say to the gentleman, Governor, I think that you're on the right track, but I think that the committee has worked hard. We have found another $10 million, and I'm going to introduce an amendment which I think is going to be accepted. That will increase the lending authority another $50 million. So that's going to help some.

The chairman of the committee has told me that they are going to try to work in the Senate with the Members of the Senate and in the conference committee to increase that, but I think that we ought to give due credit to the chairman of the committee for the hard work he has done under some very extreme circumstances, recognize he is supportive as the gentleman and I are, that we want to increase the funding for the 502 program. We are going to increase it, but just not in this manner.

So, Mr. Chairman, I reluctantly oppose the amendment and urge my colleagues to vote "no" in this case and trust us, and I know that that is something coming from a politician, but trust the chairman, that he is going to help us try to correct the problem that exists in the bill.

So, I encourage my colleagues to continue to support the 502 program but to vote "no" on this particular amendment.

Mr. DURBIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to speak against this amendment, and I would like to agree with the previous speaker from Alabama. What the gentleman from Delaware is setting out to do is very important. I think he has accurately identified a real problem that we face in small-town America. It applies to the State of Illinois, virtually every State, because in the smaller communities low-income families are finding it impossible to own a home and to certainly own a quality home. The average income of the families, the borrowers who applied for 502 housing, is about $15,000 a year, and to put that in simple terms, it is a husband and a wife each earning a little bit more than the minimum wage who are trying to get their first starter home, and if there is ever anything we in America value as part of the American dream, that is it, and the gentleman from Delaware is trying to find resources to put into this program, and I am with him 100 percent.

But, as the gentleman from Alabama and the gentleman from New Mexico said, he has turned to the wrong places to find them because he is causing pain in other areas which I am afraid is equal to or greater than the pain to be felt in the housing area. "When you want to cut $21 million from conservation operations," I tell my friend from Delaware, "you are going to permanently close 140 field offices across the United States, 3.1 million acres will not be treated with conservation measures, 50,000 farmers will not receive technical assistance, and 11½ million tons of soil erosion will occur."

Mr. Chairman, if someone is listening to that, they will say, "So what? Water flows into rivers every day." The so what is that in my town of Springfield, IL, in Dover, DE, in places all across the United States where we rely on a public water supply, this sedimentation causes great pain and problems from the viewpoint of the quality of water and the quantity of water. So where we think we are saving money and cutting conservation we are adding to the expense of living in a city.

The same thing can be said for other cuts proposed by the gentleman. His cuts in the consolidated Farm Service Agency of $17½ million—I am sorry; his cuts are in addition to the $17½ million made last night in the en bloc amendment. This is going to hurt that agency, in doing its job overall. The cuts in Public Law 480, on humanitarian aid: We have been cutting back in Public Law 480 year, after year, after year, and what is left is very little to try to respond to genuine world crises in a very moderate way. I know the gentleman is just as sensitive to that as I am.

So, Mr. Chairman, I would join with the gentleman from Alabama [Mr. CALLAHAN], who said earlier that we want to help put more money in 502. I think the sources identified by the gentleman from Delaware are not the places to turn to, and I will be opposing his amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the gentleman from Delaware for yielding this time to me, and I certainly do recognize and commend the work of the chairman and the ranking member in coming up with a bill under very difficult circumstances, and what I hear from a number of different Members is that the very commendable amendment being proposed in its principle by the gentleman from Delaware whose amendment I support is—wants to do the right thing, but takes the money from the wrong place. But here we are cutting out of a program of housing home ownership for low-income families. We are taking that one down by about 50 percent, more than 50 percent, over a 2-year period, and the whole program is coming down, the whole program in agriculture coming down less than 10 percent in its total, so it seems to me we ought to be able to find a way of putting some more money into the program for the 502 program here.

It is a program that takes families who are on the edge of making it and allows them to have a stake in their community. It is their own chance for owning their own houses, in fact the only Federal program that gives assistance for low-income home ownership, so I would support the gentleman's amendment and hope that it would be adopted.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, the gentleman from Delaware [Mr. CASTLE] and I have had conversations, and I support the direction he is going. I just disagree where he is taking his sources, and I do not know if I get in a colloquy with him to suggest later on we will have a better opportunity to discuss, and the gentleman probably disagrees with my amount and my source, but let me share with my colleagues I do support the gentleman's effort, and I do think that he and I share the right goals. It is just I do not want to devastate these other programs when that money is taken from them, leave them ineffective and inoperative.

So, I am trying to find a way to accommodate the gentleman's desire, but I am also recognizing I am going to have an amendment in title III which obviously is more ideal, and I may not have the numbers. Do I offer to lose all of the compromise?

But I think we will have a chance to visit this again, and I would just hope that the gentleman from Delaware can find it to be supportive since he wants to move in that direction anyhow. He would be able to amend mine, if necessary, to allow it to accommodate our goals.

Mr. CASTLE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Delaware is recognized for 2 minutes.

Mr. CASTLE. Mr. Chairman, it is a very interesting amendment. I have never presented an amendment on this floor or anywhere else for that matter. Everybody got up and said, "Gee, it is a great program, it is a great idea to fund it more. This is one of the best things we do in the United States of America, but we just simply can't do it." And I understand everyone's good will and am not being facetious at all when I say that, but the bottom line is I think we can do it. I think this amendment is the best vehicle in which to do it.

Mr. Chairman, I appreciate the comments of the gentlewoman from North Carolina, but the bottom line is fairly simple. The FSA concern, we are reducing that by $3 million. In the Natural

Resources Conservation Service my amendment would still allow $22.3 million increase over this year, and we only have a 3-percent cut in the title II grants for the various services to foreign governments on food grants.

This is in comparison, my colleagues, to a 45-percent reduction last year in this wonderful program we run, a 42-percent reduction this year if we do not do anything about it, which is simply incredible in light of the fact that we have people standing in line, the program works, people pay back their loans, practically everybody supports it.

Mr. Chairman, in my judgment this is a program which seems to meet all the litmus tests we want of trying to balance our budget, give people an opportunity and particularly help in our rural areas where we have good people who are out there working, earning a small income but enough to be able to buy a home. I have been in these homes, I have been at these settlements, I have seen how this program works, and it is an excellent program, and I am just worried if we wait until some other time we will not be able to resolve all the problems before us.

So, Mr. Chairman, I would encourage us to go ahead with this amendment and perhaps that will be the jumping-off point for future negotiations, and I hope we would all support the Castle amendment to help keep this program we all agree is outstanding alive.

Mr. SKEEN. Mr. Chairman, I yield the remaining 30 seconds of my time to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I, too, rise in reluctant opposition to the gentleman from Delaware's amendment. We all agree on the importance of this program. The difficulty is our subcommittee has spent countless hours allocating very scarce resources to the many important programs that we have. This delicate balance that we have woven together is affected very heavily by the offsets that the gentleman from Delaware [Mr. CASTLE] provides, so I look forward to, in title II of this bill, supporting Mr. CALLAHAN's amendment to do precisely the same thing, just not at the same magnitude.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Delaware [Mr. CASTLE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. CASTLE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, 1995, further proceedings on the amendment offered by the gentleman from Delaware [Mr. CASTLE] will be postponed.

□ 1615

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment, numbered 71.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SANDERS: Page 3, line 3, insert after "$3,748,000" the following: "(increased by $1,000,000)."

Page 56, line 16, insert before ", of which" the following: "(reduced by $3,000,000)".

Page 60, line 15 insert before ", of which" the following: "(increased by $1,000,000)".

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes.

Mr. SANDERS. Mr. Chairman, reserving the right to object, we are talking about the survival of the American family farm. I would ask for 30 minutes.

Mr. SKEEN. Mr. Chairman, I insist on 20 minutes.

Mr. SANDERS. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The gentleman from Vermont is recognized for 5 minutes.

Mr. SANDERS. Mr. Chairman, did the chairman say 25 minutes?

Mr. SKEEN. Mr. Chairman I will meet the gentleman halfway, 25 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico [Mr. SKEEN] that debate on this amendment and all amendment thereto be limited to 25 minutes?

There was no objection.

The CHAIRMAN. Time for debate on this amendment is limited to 25 minutes, which means the gentleman from New Mexico [Mr. SKEEN] will control 6 minutes and 15 seconds, the gentleman from Illinois [Mr. DURBIN] will control 6 minutes and 15 seconds, and the gentleman from Vermont [Mr. SANDERS] will control 12 minutes and 30 seconds.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the CBO scored this amendment and found it saves both budget authority and outlays. This amendment is simple: It cuts funding for the Foreign Agricultural Service by $3 million, and adds back only $2 million, $1 million to the chief economist to report on the impact of synthetic RBGH on small dairy farms, and another $1 million to the FDA to develop an RBGH level test. The remaining $1 million goes into deficit reduction.

Mr. Chairman, injections of synthetic bovine growth hormone, otherwise known as RBGH, or BST, are presenting a very serious and multifaceted problem since the Monsanto Corp. introduced the product into the market last year.

RBGH or BST is a new genetically engineered hormone that forces cows to produce greater than normal amounts of milk. The introduction of RBGH is having the impact of lowering farm income and threatening the very existence of the family dairy farm. Soon after the introduction of BST, the Milwaukee Sentinel reported on the "Sea of new milk triggered in part by the introduction of bovine growth hormone."

As milk production increases, the prices that farmers receive for their product declines. Given the reality that family dairy farmers have already seen a major drop in the real prices that they receive for their milk, the further decline of milk prices because of Monsanto's BST is an absolute disaster.

The truth of the matter is that in my State of Vermont, family farmers are being driven off of the land in increasing numbers. This is happening in Wisconsin, in Minnesota, all over the America, and this is a terrible tragedy for those of us who believe in family farming.

The Office of Management and Budget estimates that dairy surpluses caused by BST injections will cost farmers $1.3 billion in lost income over the next 5 years. They acknowledge that farmers are going to be receiving significantly less income.

Let me tell you something, Mr. Chairman, that the loss of family farms in Vermont or Wisconsin is not only a tragedy for our States, it is a tragedy for America. It will be a very bad thing when a handful of large agribusiness corporations control the production and distribution of dairy products in this country. It will be a tragedy when all over this country we see family farmers going out of business. That is why this amendment provides the chief economist in the Department of Agriculture with $1 million to report on the economic impact of BST on the small dairy farms in America.

Mr. Chairman, I strongly urge Members to support this study and vote for this amendment.

The introduction of RBGH to dairy farming also results in higher Federal spending. Deficit hawks, listen up. With more milk being produced, more money is spent on purchasing the milk surplus. OMB estimates it will cost the Federal Government $500 million over the next 5 years to pay for the surplus created by the introduction of BST.

Further, Mr. Chairman, the irony of all ironies is that the synthetic bovine hormone serves no useful purpose other than making Monsanto, a multibillion dollar corporation, a little bit richer. That is all that it does.

If you are interested in deficit reduction, you should support this amendment that provides $1 million in direct savings and addresses this expected $500 million lost.

Synthetic BGH is not just an economic issue, it is a consumer issue.

Consumer polls show us that up to 90 percent of American consumers want RBGH milk labeled. They want it labeled. State labeling legislation that has been passed in Vermont and other States clearly underscores this very strong consumer support for labeling. Labels would enable consumers to support the continued existence of family farms, deficit reduction, and the humane treatment of cows.

Consumers around the world are leery of RBGH. The European parliament voted unanimously to extend its ban on the import of dairy and meat products from animals which had been treated with the drug.

Mr. Chairman, this amendment provides $1 million to the FDA to develop a simple and inexpensive test so that we will know whether the milk coming from a cow, if that cow has been injected with BST or not. It is a very important consumer issue.

Mr. Chairman, I reserve the balance of my time.

Mr. DURBIN. Mr. Chairman, I yield myself two minutes.

Mr. Chairman, I understand where my colleague from Vermont is coming from. There is no doubt that many changes in science are changing farming, and that has been the case since the turn of the century. There is no question that these changes have forced many small operations out of existence, and they will continue to. And with their disappearance, we will lose part of the American way of life, and some of that will be to our detriment as a nation.

But it is literally impossible for us to ignore scientific change and advances and its impact on farming. This chemical, this bovine growth hormone, has a consequence of increasing the milk production of America's dairy cows.

Now, the fact is, we did not need more milk. We had plenty already, but now this chemical is helping each cow to give more milk. My dairy farmers in my district are using it because they believe it is the wave of the future. They believe that fewer cows producing more milk can be the wave of the future.

The gentleman from Vermont I am sure is correct that some dairy producers will not be able to accommodate this change and may go out of business, but we cannot turn back the hands of time. We cannot ignore the science that has come about.

I disagree with my colleague from Vermont in his suggestion that there is something inherently dangerous with this chemical. There have been no fewer than 2,000 separate studies of this chemical, and we have found no harmful effects from the bovine growth hormone. The trace elements which we find of this chemical in milk are so minute, one part per billion, and if you want to put that in perspective, I am told that is the equivalent of one second in approximately 32 years, that is the concentration we find of this chemical in milk, and it causes no problem because it is already a naturally occurring hormone in a cow's milk.

Our Nation's milk supply is the very safest in the world. It is tasted over and over and over again before it reaches the consumer. Mr. Chairman, I oppose the gentleman's amendment.

Mr. SANDERS. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I will not make any bones about it. I do not like BST. I do not like BGH. I think its effect on the economy and rural sociology will be profound. But we do not have to get into that to assess the desirability of the gentleman's amendment.

My good friend from Illinois says that the consequence of BGH use is to increase dairy production. That is true. That is the problem, because that leads to other consequences. And when you have a large increase in dairy production, you are going to also have a large increase in turmoil in rural communities and a great disruption of the rural economy and rural sociology.

I hate to see anything happen which further weakens rural areas, which further weakens small towns, and which, therefore, further weakens the work ethic, which I think is rooted more deeply in those small communities than any other place in America.

I would observe that all the gentleman is asking, if I understand the amendment correctly, is that in the context of an amendment which saves $1 million on the deficit, he simply asks that a study be done to determine what the economic impacts of this chemical will be.

Now, I know that many farmers in my district think that if you took every agriculture economist in the world and laid them end to end, that it would be a good thing. But nonetheless, I think that it would be very good for everybody on all sides of this issue to have a full understanding of the impact of this chemical. All the gentleman is asking for is that we know not only what the scientific effect will be in terms of increased dairy production, but what that will lead to in terms of the dairy economy, the consequences that has for rural America, and the consequences it has for the Federal budget.

Regardless of how you feel about the chemical, there is nothing wrong with this amendment. In fact, it could put a lot of political arguments about it to rest. I would urge that Members support the amendment.

Mr. SKEEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. SANDERS. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin.

The CHAIRMAN. The gentleman from Wisconsin is recognized for 2½ minutes.

Mr. ROTH. Mr. Chairman, I thank my friends for yielding time to me.

Mr. Chairman, We should all be concerned about milk safety and supply, and believe me, in Wisconsin, for example, and around the country we are. Everything is stainless steel, as clean as can be. But that is not the issue here. The issue here, as I interpret this amendment, is we are going to spend $1 million to do another study. But we have already done so many studies. Every study has shown that BGH is safe. It has even been approved by FDA.

So what is the purpose of another $1 million study? To take it out of our market promotion program? If there is anything we need in agriculture, especially in dairy, it is to sell more of our products overseas. So I do not want to see any money diverted from that for another meaningless study.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, will the gentleman tell the people of America, his colleagues, how many family farms in Wisconsin have gone out of business and how many farmers have been thrown off the land?

Mr. ROTH. Mr. Chairman, reclaiming my time, yes, we have had too many dairy farms go out of business in the State of Wisconsin and in other parts of the country. But that is not the issue here. That is not the issue here.

BGH is not going to be decided here in this Chamber. BGH is not going to be decided on the dairy farm. You know where BGH is going to be decided? It is going to be decided by the consumer when they walk into the grocery store and supermarket, and if they buy the milk, it is going to be produced by BGH. If they do not, it will not be. It is a consumer's issue here.

Mr. SANDERS. The gentleman comes from the great State of Wisconsin. Farmers are being driven off the land in Wisconsin. I had farmers coming to my office in tears because they are working 80 hours a week and losing their farm. Here is the question: Will the gentleman tell his colleagues how many farmers in Vermont have been driven off the land because of the introduction of BST? Do you know the answer?

Mr. ROTH. No one knows the answer.

Mr. SANDERS. That is why I want the study.

Mr. ROTH. People have not been driven off the farms because of BGH. I am not in favor of BGH. We have enough milk production. There are a lot of other reasons. That is not the issue.

Mr. SANDERS. What is the issue?

Mr. ROTH. I have read your amendment. You want to take $1 million for another study, and I am saying we do not need any more studies. We already know the answer.

Let me just say that what the issue basically here is, we do not want to divert this money from the market promotion program, because that is a promotion program that is helping our dairy farmers. We already have enough studies in BGH. We do not need any more.

□ 1630

The CHAIRMAN. The gentleman from New Mexico [Mr. SKEEN] has 4 minutes and 15 seconds remaining, the gentleman from Vermont [Mr. SANDERS] has 3½ minutes remaining, and the gentleman from Illinois [Mr. DURBIN] has 4 minutes and 15 seconds remaining.

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

My good friend from Wisconsin has got it wrong, and my good friend from Illinois has got it wrong. So-called progress is not necessarily a good thing. It is the function of human beings to determine what is good and what is not good.

Right now one of the reasons that family farmers all over this country are being driven off of the land is the prices that they are receiving are dropping precipitously. The reason their prices are dropping is we have too much milk. If we believe in the importance of the family farm, and I know the people in Vermont do, I know the people in Wisconsin do, and I know the people in America do, then we have a right to say, why are we using a synthetic hormone. And here is where my friend from Illinois is wrong. All of the studies that I have seen suggest that BST makes cows sicker and increases the rate of mastitis. That is not, that is an established fact by many studies. When cows get sicker, farmers are obliged to use more antibiotics.

Nobody here suggested that the milk that comes from those cows is unhealthy. What we are simply saying is, what sense does it make when we already have too much milk to be supporting a product which increases milk production, which makes cows sicker, which drives family farmers off of the land?

Whether we can do anything about that or not, I do now know. But at the very least, we can do two things:

No. 1, $1 million for a study so my friend from Wisconsin will know what the impact of BST has been on his farmers. No. 2, a simple study developed by the FDA so we can have a test to know whether the milk comes from BST cows or does not.

Mr. Chairman, I reserve the balance of my time.

Mr. DURBIN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, a friend of mine who is a farmer in Jacksonville, IL, who has been in the business for a long time told me that when he started in the early 1950's, after getting out of World War II, it took him up to an hour to cultivate an acre of land. With today's equipment he can do it in a few minutes. He can also find out that his production on each acre has grown dramatically because of the fertilizer and the herbicides and pesticides which we have developed. So now he is farming acreage which used to be farmed by many other farmers. That is the march of science.

I would also say to my friend from Vermont, please do not create the suggestion in anyone's mind that there is anything suspicious about America's milk supply. At the Prairie Farms Dairy in Carlinville, IL, I walked into the sterile room with the stainless steel tanks and was told that that milk is tested no fewer than four different times before it reaches the consumer to find any evidence of impurity or any evidence of antibiotic. If any of it is found, the entire shipment is cast aside.

It is the safest milk supply in the world. To suggest otherwise is unfortunate.

Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, I rise in strong opposition to this amendment for a number of reasons. First of all, we have done the studies mandated by this Congress in the past to determine its effect before it was approved. The reality is, it is here. We cannot change that. We have got to go on from this point forward.

Second, what you are doing to fund a study that has already been done by OTA is to take money from the foreign ag service. The number one thing we can do to help America's dairy farmers is to do the export promotion after GATT, after NAFTA, so that we can get the market development. We are not going to get our dairy farmers the income we would like to through a government price support system as we balance the budget. That is not going to happen.

The only place we are going to get income for those dairy farmers is increasing our exports, tightening up our domestic supply. I want to point out to the gentleman, a year ago, just after BST was approved, the MW, the Minnesota-Wisconsin price, was 11.25. Today it is 11.42. The prices have not gone down because of BST.

Mr. SANDERS. Mr. Chairman, I yield 1½ minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Chairman, I am very much in support of this amendment because I believe it will help us save the small family dairy farmer, and it will also promote health and safety for dairy consumers across the country.

It has been alleged that we ought to leave this to the marketplace, let consumers decide. The fact of the matter is that consumers do not know. They do not know when they walk into the marketplace, to the supermarket whether or not the cheese or the milk that they are buying comes from cows that have been injected with bovine growth hormone. We want them to find out. We want to have it labeled, and we want that study to produce the kind of information which will result in that labeling.

This current project, this injection of this hormone is already costing family farmers more than $200 million a year. We want to get the dairy herds of the United States off of drugs. They are now getting hooked on drugs. Bovine growth hormone leads to the imposition of other drugs to alleviate the causes of the imposition of bovine growth hormone. Let us get the dairy herd of the United States off drugs.

The tests that we have currently to ensure the purity of milk in this country do not account for the presence of these drugs, so people do not know whether there is a problem with these drugs. We want that information, and that is what the Sanders amendment will produce.

Finally, the Europeans have rejected the importation of American dairy products into Europe. The European Union has said no to American dairy products because they are fearful of the effects of this bovine growth hormone on consumers in their countries. They have said that they cannot guarantee their safety. The British journal Lancet and others have recently outlined that very clearly.

Let us pass this amendment. It is very important.

Mr. DURBIN. Mr. Chairman, let me say that the bovine growth hormone is naturally occurring in milk now. It is virtually impossible to differentiate the synthetic growth hormone from that naturally occurring. It is in such limited concentrations that it poses no health risk based on these 2,000 studies.

Mr. Chairman, I yield the balance of my time to the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I want to thank the gentleman for yielding time to me.

Mr. Chairman, there are two main aspects to this issue. No. 1, in my view it is not inevitable that we continue to see a decline in family farms who in Vermont and throughout this country are the backbone of America.

It is important that this Congress stand up and fight as hard as we can to protect those extraordinarily hardworking Americans who have given us so much.

No. 2 is, as the gentleman from New York [Mr. HINCHEY] pointed out, this is also a consumer issue. Without getting into a great debate, the time is not now to do that, consumers do have a right to know whether the dairy products they are injecting come from cows that were injected with bST or whether they do not.

My friend from Illinois is not quite right, because tests, if made available, if developed, can tell us whether the milk comes from bST-injected cows or not. That is why we are providing funding to develop that test. My friend from New York also pointed out that in Europe they are concerned about the issue. They have placed a moratorium on the use of bST.

So, from the point of view of saving the family farm, from the point of view of giving the consumer the right to make a choice about the product he or she ingests, let us pass this amendment. It is terribly important.

I thank the gentleman from Illinois for yielding time to me.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, as one of the few dairy farmers that still is milking cows on my farm, I would like to put out a statement in the RECORD in opposition to this amendment.

The hormone bST occurs naturally in all milk. The FDA determined that bST will neither adversely affect the health of cows, nor the individuals who consume the milk produced from the these cows. This determination was based on over 2,000 studies. Extensive testing has been going on for the past 10 years. Supplemental hormones, for example, estrogens treating women during menopause, have been used in humans for the past 20 years.

The issue now is whether the Government discourage biotechnologies which have been proven safe. I believe that producers, not Government bureaucracies, ought to make decisions involving the economics of their respective operations.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I rise in opposition to the amendment.

History is a marvelous teacher. This argument that the future, the future of the family farm will be affected by this vote, I think, is somewhat in doubt. Several hundred years ago, there was a group of individuals in England, I believe, referred to as the Luddites who opposed the imposition, "imposition," of mechanization tractors on farmers. They went around hitting the tractors with hammers.

In the early 1970's, I, as a Peace Corps volunteer, went to Asia to work as an agriculture extension agent. India was a net importer of grains and there was a marvelous American scientist named Norman Borlaug who developed the triple gene variety of wheat, it was a dwarf variety of wheat that outproduced the domestic varieties, the native varieties by twofold without fertilizer, merely by just changing the seed. By adding fertilizer, you could increase yields by fourfold. The net result is India now exports wheat and rice.

Yes, we are losing family farms. New York in the 1980's lost 10 percent of its farms per year. That was 10 years before bST was licensed to be used in the United States.

It is more of a function of high property taxes that is driving small family farms out of business. Too much Government is the answer there.

Mr. Chairman, we all have concerns about bST. The gentleman from Wisconsin [Mr. GUNDERSON] explained quite clearly, as did the gentleman from Wisconsin [Mr. ROTH]. We had 10 years of testing in the laboratory before it was even brought to the farm for field tests.

And once it was brought to the farm for field tests, the results were positive. There was some increase in mastitis because the animals were milked more.

Mr. ROTH. Mr. Chairman, will the gentleman yield?

Mr. WALSH. I yield to the gentleman from Wisconsin.

Mr. ROTH. Mr. Chairman, it is interesting that under this amendment, we would be labeling bST. That would give the Europeans just another reason to discriminate against our products and keep them out.

Mr. WALSH. Mr. Chairman, I urge opposition to this amendment.

Mr. SKEEN. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New Mexico [Mr. SKEEN] is recognized for 2 minutes and 15 seconds.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, it is absolutely untrue what the gentleman from Wisconsin [Mr. ROTH] said. This does not call for labeling on BST.

Mr. SKEEN. Mr. Chairman, with all due respect to my friend, the gentleman from Vermont [Mr. SANDERS] and his concerns and so forth, but he is barking up the wrong tree. He has already contradicted himself several times in his statement.

First of all, we have been doing the tests. They have been exhaustive. We have gone over and over and over this thing.

There is nothing wrong with BST. It is a naturally occurring hormone in milk today. You cannot distinguish the synthetic from the natural. It does not take family farmers off of the farm. It allows them to stay there because with fewer cows, they can produce the same amount of milk and the feed increment is a lot less. So it is also an economical concern as well. It helps small farmers compete because they do not have to increase herds to increase production. They just use the hormone.

The FDA and the World Health Organization have confirmed that milk from these supplemented cows is safe and that the level of BST is the same as in any other milk, as I have said before. FDA did not require labeling of milk from supplemented cows because the milk is safe and the same in composition as other milk.

The following facts illustrate the high degree of practical difficulty in developing a test to distinguish rbST in milk:

All milk contains bST. The level of bST is unchanged in milk from supplemented cows. bST is present in milk only in extremely minute levels. rBST and BST are biologically and functionally indistinguishable. Four variants of BST occurred naturally in all milk and the four naturally occurring variants in the Monsanto rbST all differ from each other by only one or two amino acids. These amino acids are normal constituents of bST and milk.

□ 1645

Fearmongering is a wonderful practice in this country today when it comes to food. Any time we have an issue related to food, it is easy to take it out and start fearmongering that particular product. Mr. Chairman, I think, with all due respect to the gentleman, we ought to concern ourselves with understanding the effect of our scientific improvements and not be afraid of them, because it has made this country the best producer of milk.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SANDERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, further proceedings on the amendment offered by the gentleman from Vermont [Mr. SANDERS] will be postponed.

Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II

CONSERVATION PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR NATURAL RESOURCES AND ENVIRONMENT

For necessary salaries and expenses of the Office of the Under Secretary for Natural Resources and Environment to administer the laws enacted by the Congress for the Forest Service and the Natural Resources Conservation Service, $677,000.

NATURAL RESOURCES CONSERVATION SERVICE

CONSERVATION OPERATIONS

For necessary expenses for carrying out the provisions of the Act of April 27, 1935 (16

U.S.C. 590a–590f) including preparation of conservation plans and establishment of measures to conserve soil and water (including farm irrigation and land drainage and such special measures for soil and water management as may be necessary to prevent floods and the siltation of reservoirs and to control agricultural related pollutants); operation of conservation plant materials centers; classification and mapping of soil; dissemination of information; acquisition of lands, water, and interests therein for use in the plant materials program by donation, exchange, or purchase at a nominal cost not to exceed $100 pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); purchase and erection or alteration or improvement of permanent and temporary buildings; and operation and maintenance of aircraft, $629,986,000, of which not less than $5,852,000 is for snow survey and water forecasting and not less than $8,875,000 is for operation and establishment of the plant materials centers: *Provided*, That appropriations hereunder shall be available pursuant to 7 U.S.C. 2250 for construction and improvement of buildings and public improvements at plant materials centers, except that the cost of alterations and improvements to other buildings and other public improvements shall not exceed $250,000: *Provided further*, That when buildings or other structures are erected on non-Federal land, that the right to use such land is obtained as provided in 7 U.S.C. 2250a: *Provided further*, That this appropriation shall be available for technical assistance and related expenses to carry out programs authorized by section 202(c) of title II of the Colorado River Basin Salinity Control Act of 1974, as amended (43 U.S.C. 1592(c)): *Provided further*, That no part of this appropriation may be expended for soil and water conservation operations under the Act of April 27, 1935 (16 U.S.C. 590a–590f) in demonstration projects: *Provided further*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) and not to exceed $25,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That qualified local engineers may be temporarily employed at per diem rates to perform the technical planning work of the Service.

WATERSHED AND FLOOD PREVENTION OPERATIONS

For necessary expenses to carry out preventive measures, including but not limited to research, engineering operations, methods of cultivation, the growing of vegetation, rehabilitation of existing works and changes in use of land, and only high-priority projects authorized by the Flood Control Act (33 U.S.C. 701, 16 U.S.C. 1006a), in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001–1005, 1007–1009), the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and in accordance with the provisions of laws relating to the activities of the Department, $100,000,000, to remain available until expended (7 U.S.C. 2209b): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $200,000 shall be available for employment under 5 U.S.C. 3109: *Provided further*, That not to exceed $1,000,000 of this appropriation is available to carry out the purposes of the Endangered Species Act of 1973 (Public Law 93–205), as amended, including cooperative efforts as contemplated by that Act to relocate endangered or threatened species to other suitable habitats as may be necessary to expedite project construction.

WATERSHED SURVEYS AND PLANNING

For necessary expenses to conduct research, investigation, and surveys of watersheds of rivers and other waterways, and for small watershed investigations and planning, in accordance with the Watershed Protection and Flood Prevention Act approved August 4, 1954, as amended (16 U.S.C. 1001–1009), $14,000,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $110,000 shall be available for employment under 5 U.S.C. 3109.

CONSERVATION PROGRAMS

For necessary expenses, not otherwise provided for, in planning and carrying out projects for resource conservation and development and for sound land use pursuant to the provisions of section 32(e) of title III of the Bankhead-Jones Farm Tenant Act, as amended (7 U.S.C. 1011; 76 Stat. 607), and the provisions of the Act of April 27, 1935 (16 U.S.C. 590a–f), and the provisions of the Agriculture and Food Act of 1981 (16 U.S.C. 3451–3461), to carry out the program of forestry incentives, as authorized in the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101), including technical assistance and related expenses, and for carrying out a voluntary cooperative salinity control program pursuant to section 202(c) of title II of the Colorado River Basin Salinity Control Act, as amended (43 U.S.C. 1592(c)), to be used to reduce salinity in the Colorado River and to enhance the supply and quality of water available for use in the United States and the Republic of Mexico, to be used for the establishment of on-farm irrigation management systems, including related lateral improvement measures, for making cost-share payments to agricultural landowners and operators, Indian tribes, irrigation districts and associations, local governmental and nongovernmental entities, and other landowners to aid them in carrying out approved conservation practices as determined and recommended by the Secretary, and for associated costs of program planning, information and education, and program monitoring and evaluation, $36,000,000, to remain available until expended (7 U.S.C. 2209, 16 U.S.C. 590p(b)(7)): *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $50,000 shall be available for employment under 5 U.S.C. 3109.

WETLANDS RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the wetlands reserve program pursuant to subchapter C of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837), $210,000,000, to remain available until expended: *Provided*, That the Secretary is authorized to use the services, facilities, and authorities of the Commodity Credit Corporation for the purpose of carrying out the wetlands reserve program.

CONSOLIDATED FARM SERVICE AGENCY

AGRICULTURAL CONSERVATION PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry into effect the program authorized in sections 7 to 15, 16(a), 16(f), and 17 of the Soil Conservation and Domestic Allotment Act approved February 29, 1936, as amended and supplemented (16 U.S.C. 590g–590o, 590p(a), 590p(f), and 590q), and sections 1001–1004, 1006–1008, and 1010 of the Agricultural Act of 1970, as added by the Agriculture and Consumer Protection Act of 1973 (16 U.S.C. 1501–1504, 1506–1508, and 1510), and including not to exceed $15,000 for the preparation and display of exhibits, including such displays at State, interstate, and international fairs within the United States, $75,000,000, to remain available until expended (16 U.S.C. 590o), for agreements, excluding administration but including technical assistance and related expenses (16 U.S.C. 590o), except that no participant in the agricultural conservation program shall receive more than $3,500 per year, except where the participants from two or more farms or ranches join to carry out approved practices designed to conserve or improve the agricultural resources of the community, or where a participant has a long-term agreement, in which case the total payment shall not exceed the annual payment limitation multiplied by the number of years of the agreement: *Provided*, That no portion of the funds for the current year's program may be utilized to provide financial or technical assistance for drainage on wetlands now designated as Wetlands Types 3 (III) through 20 (XX) in United States Department of the Interior, Fish and Wildlife Circular 39, Wetlands of the United States, 1956: *Provided further*, That such amounts shall be available for the purchase of seeds, fertilizers, lime, trees, or any other conservation materials, or any soil-terracing services, and making grants thereof to agricultural producers to aid them in carrying out approved farming practices as authorized by the Soil Conservation and Domestic Allotment Act, as amended, as determined and recommended by the county committees, approved by the State committees and the Secretary, under programs provided for herein: *Provided further*, That such assistance will not be used for carrying out measures and practices that are primarily production-oriented or that have little or no conservation or pollution abatement benefits: *Provided further*, That not to exceed 5 percent of the allocation for the current year's program for any county may, on the recommendation of such county committee and approval of the State committee, be withheld and allotted to the Natural Resources Conservation Service for services of its technicians in formulating and carrying out the agricultural conservation program in the participating counties, and shall not be utilized by the Natural Resources Conservation Service for any purpose other than technical and other assistance in such counties, and in addition, on the recommendation of such county committee and approval of the State committee, not to exceed 1 percent may be made available to any other Federal, State, or local public agency for the same purpose and under the same conditions: *Provided further*, That not to exceed $11,000,000 of the amount appropriated shall be used for water quality payments and practices in the same manner as permitted under the program for water quality authorized in chapter 2 of subtitle D of title XII of the Food Security Act of 1985, as amended (16 U.S.C. 3838 et seq.).

CONSERVATION RESERVE PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the conservation reserve program pursuant to the Food Security Act of 1985 (16 U.S.C. 3831–3845), $1,781,785,000, to remain available until expended, to be used for Commodity Credit

Corporation expenditures for cost-share assistance for the establishment of conservation practices provided for in approved conservation reserve program contracts, for annual rental payments provided in such contracts, and for technical assistance.

The CHAIRMAN. Are there any amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III

RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR RURAL ECONOMIC AND COMMUNITY DEVELOPMENT

For necessary salaries and expenses of the Office of the Under Secretary for Rural Economic and Community Development to administer programs under the laws enacted by the Congress for the Rural Housing and Community Development Service, Rural Business and Cooperative Development Service, and the Rural Utilities Service of the Department of Agriculture, $568,000.

RURAL HOUSING AND COMMUNITY DEVELOPMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Rural Housing and Community Development Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, as amended, title V of the Housing Act of 1949, as amended, and cooperative agreements, $53,315,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed $500,000 may be used for employment under 5 U.S.C. 3109.

RURAL HOUSING INSURANCE FUND PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For gross obligations for the principal amount of direct and guaranteed loans as authorized by title V of the Housing Act of 1949, as amended, to be available from funds in the rural housing insurance fund, as follows: $2,200,000,000 for loans to section 502 borrowers, as determined by the Secretary, of which $1,700,000,000 shall be for unsubsidized guaranteed loans; $35,000,000 for section 504 housing repair loans; $15,000,000 for section 514 farm labor housing; $150,000,000 for section 515 rental housing; $600,000 for site loans; and $35,000,000 for credit sales of acquired property.

For the cost of direct and guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, as follows: section 502 loans, $107,840,000, of which $2,890,000 shall be for unsubsidized guaranteed loans; section 504 housing repair loans, $14,193,000; section 514 farm labor housing, $8,629,000; section 515 rental housing, $82,035,000, provided the program is authorized for fiscal year 1996; and credit sales of acquired property, $6,100,000.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $390,211,000, of which $377,074,000 shall be transferred to and merged with the appropriation for "Rural Housing and Community Development Service, Salaries and Expenses".

RENTAL ASSISTANCE PROGRAM

For rental assistance agreements entered into or renewed pursuant to the authority under section 521(a)(2) or agreements entered into in lieu of forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Housing Act of 1949, as amended, $535,900,000; and in addition such sums as may be necessary, as authorized by section 521(c) of the Act, to liquidate debt incurred prior to fiscal year 1992 to carry out the rental assistance program under section 521(a)(2) of the Act: *Provided*, That of this amount not more than $5,900,000 shall be available for debt forgiveness or payments for eligible households as authorized by section 502(c)(5)(D) of the Act, and not to exceed $10,000 per project for advances to nonprofit organizations or public agencies to cover direct costs (other than purchase price) incurred in purchasing projects pursuant to section 502(c)(5)(C) of the Act: *Provided further*, That agreements entered into or renewed during fiscal year 1996 shall be funded for a five-year period, although the life of any such agreement may be extended to fully utilize amounts obligated.

SELF-HELP HOUSING LAND DEVELOPMENT FUND

For the principal amount of direct loans, as authorized by section 523(b)(1)(B) of the Housing Act of 1949, as amended (42 U.S.C. 1490c), $603,000.

For the cost of direct loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974, $31,000.

COMMUNITY FACILITY LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, $34,880,000, and for the cost of guaranteed loans, $3,555,000, as authorized by 7 U.S.C. 1928 and 86 Stat. 661–664, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until expended for the disbursement of loans obligated in fiscal year 1996: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $200,000,000 and total loan principal, any part of which is to be guaranteed, not to exceed $75,000,000: *Provided further*, That of the amounts available for the cost of direct loans not to exceed $1,208,000, to subsidize gross obligations for the principal amount not to exceed $6,930,000, shall be available for empowerment zones and enterprise communities, as authorized by Public Law 103–66: *Provided further*, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1996, they remain available for other authorized purposes under this head.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $8,836,000, of which $8,731,000 shall be transferred to and merged with the appropriation for "Salaries and Expenses".

VERY LOW-INCOME HOUSING REPAIR GRANTS

For grants to the very low-income elderly for essential repairs to dwellings pursuant to section 504 of the Housing Act of 1949, as amended, $24,900,000, to remain available until expended.

RURAL HOUSING FOR DOMESTIC FARM LABOR

For financial assistance to eligible nonprofit organizations for housing for domestic farm labor, pursuant to section 516 of the Housing Act of 1949, as amended (42 U.S.C. 1486), $10,000,000, to remain available until expended.

MUTUAL AND SELF-HELP HOUSING GRANTS

For grants and contracts pursuant to section 523(b)(1)(A) of the Housing Act of 1949 (42 U.S.C. 1490c), $12,650,000, to remain available until expended (7 U.S.C. 2209b).

RURAL COMMUNITY FIRE PROTECTION GRANTS

For grants pursuant to section 7 of the Cooperative Forestry Assistance Act of 1978 (Public Law 95–313), $1,000,000 to fund up to 50 percent of the cost of organizing, training, and equipping rural volunteer fire departments.

COMPENSATION FOR CONSTRUCTION DEFECTS

For compensation for construction defects as authorized by section 509(c) of the Housing Act of 1949, as amended, $495,000, to remain available until expended.

RURAL HOUSING PRESERVATION GRANTS

For grants for rural housing preservation as authorized by section 552 of the Housing and Urban-Rural Recovery Act of 1983 (Public Law 98–181), $11,000,000.

RURAL BUSINESS AND COOPERATIVE DEVELOPMENT SERVICE

SALARIES AND EXPENSES

For necessary expenses of the Rural Business and Cooperative Development Service, including administering the programs authorized by the Consolidated Farm and Rural Development Act, as amended; section 1323 of the Food Security Act of 1985; the Cooperative Marketing Act of 1926; for activities relating to the marketing aspects of cooperatives, including economic research findings, as authorized by the Agricultural Marketing Act of 1946; for activities with institutions concerning the development and operation of agricultural cooperatives; and cooperative agreements; $9,520,000: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not exceed $250,000 may be used for employment under 5 U.S.C. 3109.

RURAL BUSINESS AND INDUSTRY LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the cost of guaranteed loans, $6,437,000, as authorized by 7 U.S.C. 1928 and 86 Stat. 661–664, as amended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That such sums shall remain available until expended for the disbursement of loans obligated in fiscal year 1996: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of guaranteed loans of $500,000,000: *Provided further*, That of the amounts available for the cost of guaranteed loans including the cost of modifying loans, $148,000, to subsidize gross obligations for the loan principal, any part of which is guaranteed, not to exceed $10,842,000, shall be available for empowerment zones and enterprise communities, as authorized by Public Law 103–66: *Provided further*, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1996, they remain available for other authorized activities under this head.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $14,868,000, of which $14,747,000 shall be transferred to and merged with the appropriation for "Salaries and Expenses".

RURAL ECONOMIC DEVELOPMENT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For the principal amount of direct loans, as authorized under section 313 of the Rural Electrification Act, for the purpose of promoting rural economic development and job creation projects, $12,865,000.

For the cost of direct loans, including the cost of modifying loans as defined in section

502 of the Congressional Budget Act of 1974, $3,729,000.

In addition, for administrative expenses necessary to carry out the direct loan program, $584,000, which shall be transferred to and merged with the appropriation for "Salaries and Expenses".

ALTERNATIVE AGRICULTURAL RESEARCH AND COMMERCIALIZATION REVOLVING FUND

For necessary expenses to carry out the Alternative Agricultural Research and Commercialization Act of 1990 (7 U.S.C. 5901–5908), $5,000,000 is appropriated to the alternative agricultural research and commercialization revolving fund.

RURAL BUSINESS ENTERPRISE GRANTS

For grants authorized under sections 310B(c) and 310B(j) (7 U.S.C. 1932) of the Consolidated Farm and Rural Development Act to any qualified public or private nonprofit organization, $45,000,000, of which $8,381,000 shall be available through June 30, 1996, for assistance to empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, after which any funds not obligated shall remain available for other authorized purposes under this head: *Provided*, That $500,000 shall be available for grants to qualified nonprofit organizations to provide technical assistance and training for rural communities needing improved passenger transportation systems or facilities in order to promote economic development.

RURAL TECHNOLOGY AND COOPERATIVE DEVELOPMENT GRANTS

For grants pursuant to section 310(f) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1932), $1,500,000.

RURAL UTILITIES SERVICE

RURAL ELECTRIFICATION AND TELEPHONE LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

Insured loans pursuant to the authority of section 305 of the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), shall be made as follows: 5 percent rural electrification loans, $90,000,000; 5 percent rural telephone loans, $70,000,000; cost of money rural telephone loans, $300,000,000; municipal rate rural electric loans, $500,000,000; and loans made pursuant to section 306 of that Act, $420,000,000, to remain available until expended.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct and guaranteed loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), as follows: cost of direct loans, $35,126,000; cost of municipal rate loans, $54,150,000; cost of money rural telephone loans, $60,000; cost of loans guaranteed pursuant to section 306, $2,520,000: *Provided*, That notwithstanding sections 305(c)(2) and 305(d)(2) of the Rural Electrification Act of 1936, borrower interest rates may exceed 7 percent per year.

In addition, for administrative expenses necessary to carry out the direct and guaranteed loan programs, $29,982,000, which shall be transferred to and merged with the appropriation for "Salaries and Expenses".

RURAL TELEPHONE BANK PROGRAM ACCOUNT

The Rural Telephone Bank is hereby authorized to make such expenditures, within the limits of funds available to such corporation in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out its authorized programs for the current fiscal year. During fiscal year 1996 and within the resources and authority available, gross obligations for the principal amount of direct loans shall be $175,000,000.

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, including the cost of modifying loans, of direct loans authorized by the Rural Electrification Act of 1936, as amended (7 U.S.C. 935), $770,000.

In addition, for administrative expenses necessary to carry out the loan programs, $3,541,000.

DISTANCE LEARNING AND MEDICAL LINK GRANTS

For necessary expenses to carry into effect the programs authorized in sections 2331–2335 of Public Law 101–624, $7,500,000, to remain available until expended.

RURAL DEVELOPMENT PERFORMANCE PARTNERSHIPS PROGRAM

(INCLUDING TRANSFERS OF FUNDS)

For the cost of direct loans, loan guarantees, and grants, as authorized by 7 U.S.C. 1926, 1928, and 1932, $435,000,000, to remain available until expended, to be available for loans and grants for rural water and waste disposal and solid waste management grants: *Provided*, That the costs of direct loans and loan guarantees, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That of the total amount appropriated, not to exceed $4,000,000 shall be available for contracting with the National Rural Water Association or other equally qualified national organization for a circuit rider program to provide technical assistance for rural water systems: *Provided further*, That of the total amount appropriated, not to exceed $18,700,000 shall be available for water and waste disposal systems to benefit the Colonias along the United States/Mexico border, including grants pursuant to section 306C: *Provided further*, That of the total amount appropriated, $18,688,000 shall be for empowerment zones and enterprise communities, as authorized by Public Law 103–66: *Provided further*, That if such funds are not obligated for empowerment zones and enterprise communities by June 30, 1996, they shall remain available for other authorized purposes under this head.

In addition, for administrative expenses necessary to carry out direct loans, loan guarantees, and grants, $12,740,000, of which $12,623,000 shall be transferred and merged with "Rural Utilities Service, Salaries and Expenses".

SALARIES AND EXPENSES

For necessary expenses of the Rural Utilities Service, including administering the programs authorized by the Rural Electrification Act of 1936, as amended, and the Consolidated Farm and Rural Development Act, as amended, $19,211,000, of which $7,000 shall be available for financial credit reports: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of 706(a) of the Organic Act of 1944, and not to exceed $103,000 may be used for employment under 5 U.S.C. 3109.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from New York [Mr. WALSH]; the amendment offered by the gentleman from Colorado [Mr. ALLARD]; the amendment offered by the gentleman from Delaware [Mr. CASTLE]; and the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. WALSH

The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York [Mr. WALSH] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Chairman. This first vote will be 15 minutes. Pursuant to the order of the House of Wednesday, July 19, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—ayes 427, not voting 7, as follows:

[Roll No. 538]

AYES—427

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford

Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velázquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Collins (MI)
Conyers
Jefferson
Lewis (CA)
Moakley
Mollohan
Reynolds

□ 1706

Messrs. BLILEY, HEFLEY, and GREENWOOD changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 40 OFFERED BY MR. ALLARD

Mr. CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mr. ALLARD] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 196, noes 232, not voting 6, as follows:

[Roll No 539]

AYES—196

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bilbray
Bliley
Blute
Boehlert
Boehner
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Calvert
Camp
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cunningham
Deal
Diaz-Balart
Dickey
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Furse
Gallegly
Gekas
Gilchrest
Gilman
Goodlatte
Goss
Graham
Green
Gutknecht
Hancock
Hansen
Harman
Hastert
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hutchinson
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Kasich
Kelly
Kennedy (RI)
Kim
King
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Lewis (KY)
Lincoln
Lipinski
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCarthy
McInnis
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myrick
Nethercutt
Neumann
Norwood
Nussle
Owens
Oxley
Paxon
Pickett
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Reed
Roberts
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Stearns
Stockman
Stump
Talent
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Upton
Visclosky
Waldholtz
Walker
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Young (FL)
Zeliff
Zimmer

NOES—232

Abercrombie
Ackerman
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Bateman
Becerra
Beilenson
Berman
Bevill
Bilirakis
Bishop
Bonilla
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Callahan
Canady
Cardin
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Cremeans
Danner
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Dunn
Durbin
Edwards
Engel
Evans
Everett
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
Frost
Funderburk
Ganske
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gonzalez
Goodling
Gordon
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Hastings (FL)
Hastings (WA)
Hayes
Hefner
Hilliard
Hinchey
Holden
Houghton
Hoyer
Hunter
Hyde
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Johnston
Jones
Kanjorski
Kaptur
Kennedy (MA)
Kennelly
Kildee
Kingston
Klink
LaFalce
Lantos
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Linder
Livingston
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McIntosh
McKinney
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pomeroy
Poshard
Quillen
Rahall
Rangel
Regula
Richardson
Riggs
Rivers
Roemer
Rogers
Rose
Roth
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Scott
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (TX)
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Towns
Traficant
Tucker
Velázquez
Vento
Volkmer
Vucanovich
Walsh
Wamp
Ward
Waters

Watt (NC)
Waxman
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—6

Collins (MI)
Cubin
Jefferson
Moakley
Reynolds
Torres

Messrs. TORRICELLI, NUSSLE, TAYLOR of Mississippi, KLECZKA, GILMAN, FORBES, and FOLEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WAMP. Mr. Chairman, on rollcall 539, I meant to vote "yes" and I accidentally voted "no."

AMENDMENT NO. 48 OFFERED BY MR. CASTLE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Delaware [Mr. CASTLE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 96, noes 332, not voting 6, as follows:

[Roll No. 540]

AYES—96

Andrews
Baker (LA)
Barr
Bass
Bateman
Bentsen
Blute
Boehlert
Boucher
Burton
Canady
Castle
Chrysler
Clinger
Cooley
Davis
DeFazio
Dickey
Doggett
Dooley
Duncan
Dunn
Edwards
Ehlers
English
Ensign
Ewing
Fawell
Filner
Foley
Fox
Franks (NJ)
Frelinghuysen
Frisa
Furse
Gilchrest
Gillmor
Goss
Harman
Hefley
Hobson
Holden
Horn
Houghton
Hutchinson
Hyde
Inglis
Kelly
Kennedy (MA)
Kim
King
Kolbe
LaHood
Latham
Lazio
Leach
LoBiondo
Longley
Luther
Martini
McCollum
McHale
Metcalf
Meyers
Mfume
Miller (FL)
Molinari
Neal
Olver
Ortiz
Orton
Owens
Oxley
Pickett
Porter
Portman
Quinn
Ramstad
Roukema
Sanders
Saxton
Schumer
Shaw
Sisisky
Skelton
Smith (NJ)
Smith (WA)
Stearns
Stockman
Torkildsen
Velázquez
Vento
Wise
Wyden
Zeliff
Zimmer

NOES—332

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Cardin
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dingell
Dixon
Doolittle
Dornan
Doyle
Dreier
Durbin
Ehrlich
Emerson
Engel
Eshoo
Evans
Everett
Farr
Fattah
Fazio
Fields (LA)
Fields (TX)
Flake
Flanagan
Foglietta
Forbes
Ford
Fowler
Frank (MA)
Franks (CT)
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hoekstra
Hoke
Hostettler
Hoyer
Hunter
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
Klug
Knollenberg
LaFalce
Lantos
Largent
LaTourette
Laughlin
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Poshard
Pryce
Quillen
Radanovich
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanford
Sawyer
Scarborough
Schaefer
Schiff
Schroeder
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shays
Shuster
Skaggs
Skeen
Slaughter
Smith (MI)
Smith (TX)
Solomon
Souder
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—6

Collins (MI)
Dicks
Jefferson
Moakley
Reynolds
Weldon (PA)

□ 1722

Mr. COLLINS of Georgia and Mr. TEJEDA changed their vote from "aye" to "no."

Mr. EDWARDS changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 71 OFFERED BY MR. SANDERS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Vermont [Mr. SANDERS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 70, noes 357, not voting 7, as follows:

[Roll No. 541]

AYES—70

Abercrombie
Ackerman
Andrews
Barrett (WI)
Becerra
Beilenson
Brown (OH)
Collins (IL)
Conyers
Coyne
DeFazio
Dellums
Doyle
Duncan
Engel
Eshoo
Evans
Fattah
Fields (LA)
Filner
Flake
Frelinghuysen
Furse
Gutierrez
Hinchey
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kleczka
Levin
Lewis (GA)
Lipinski
Lofgren
Maloney
Manton
Markey
McNulty
Meehan
Menendez
Mfume
Mink
Moran
Nadler
Oberstar
Obey
Olver
Pallone
Pelosi
Peterson (FL)
Rahall
Rangel
Reed
Rivers
Roybal-Allard
Sabo
Sanders
Schumer
Scott
Sensenbrenner
Serrano
Shays
Stupak
Torkildsen
Torricelli
Tucker
Velázquez
Vento
Woolsey
Wyden

NOES—357

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Camp
Canady
Cardin
Castle

Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Dreier
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
Meek
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Rush
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Seastrand
Shadegg
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Towns
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Ballenger
Calvert
Collins (MI)
Jefferson
Moakley
Owens
Reynolds

□ 1731

Mr. FOLEY, Mr. RADANOVICH, and Ms. McKINNEY changed their vote from "aye" to "no."

Mrs. MINK of Hawaii, Ms. PELOSI, Mr. LEWIS of Georgia, and Mr. OLVER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BALLENGER. Mr. Chairman, on rollcall vote No. 541, I was detained. Had I been present, I would have voted "no."

□ 1730

Mr. LAHOOD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage the distinguished chairman of the House Agriculture Appropriations Subcommittee in a colloquy.

Mr. Chairman, it is my understanding that the bill, H.R. 1976, provides funding for the treatment and reduction of atrazine in three lakes in Illinois.

Mr. Chairman, knowing of your commitment and the commitment of the distinguished ranking member, the gentleman from Illinois [Mr. DURBIN], to the environment and your concern for human safety, I want to let you know that Lake Springfield, which is in my district and also in the district of the gentleman from Illinois [Mr. DURBIN], is experiencing the same problems as the other three Illinois lakes. Lake Springfield is the drinking water source for the city of Springfield, the capital city of Illinois. Lake Springfield has experienced the floodwaters and constant rain that fell throughout the Midwest this year. Consequently, this forced the city to spend an additional $200,000 for water treatment.

For instance, the atrazine levels in Lake Springfield reached a high of 25 parts per million during the high water levels in the spring.

Mr. Chairman, I have some articles that I am including in the RECORD detailing the severity of the problem in Lake Springfield.

The atrazine level in Springfield was a subject of a comical parody of the top 10 good things about having atrazine in our water, to name a few, makes Lipton iced tea more brisk, restaurants will now ask, "Atrazine or no atrazine?" And finally, smoke detector, carbon monoxide detector or, now I get an atrazine detector.

Mr. Chairman, I commend you and the committee for proactively assisting central Illinois in dealing with this problem.

I would ask, with the chairman's indulgence, to include Lake Springfield to share equally in any final conference report that appropriates funds to reduce atrazine in the State of Illinois.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, the gentleman is correct, and I would be happy to work with the gentleman from Illinois when we get to conference on this bill to ensure that his request is addressed.

Mr. LAHOOD. I would also like to acknowledge my friend, the gentleman from Illinois [Mr. DURBIN], the ranking member, who fully supports this effort and has lent his support to it. I thank him. I know the residents of Springfield, both the 20th and the 18th districts, appreciate our mutual efforts.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Illinois.

Mr. DURBIN. Let me add my voice in support of the effort of the gentleman from Illinois [Mr. LAHOOD] here. He represents the watershed which serves Lake Springfield, which is in my district, and we have a common concern, because we both represent that city and many residents who rely on that water supply. I think his suggestion is a very valid one. I will do my best in conference to work with the gentleman from New Mexico [Mr. SKEEN] to implement it.

AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DE LA GARZA:

AMENDMENT No. 50: On page 41, line 3, strike out "$390,211,000, of which $377,074,000" and insert "$385,889,000, of which $372,897,506"; and

On page 46 after line 7 insert the following paragraph:

"RURAL DEVELOPMENT LOAN FUND PROGRAM ACCOUNT

"For the cost of direct loans as authorized by the rural development loan fund (42 U.S.C. 9812(a)) for empowerment zones and enterprise communities, as authorized by title XIII of the Omnibus Budget Reconciliation Act of 1993, $4,322,000, to subsidize gross obligations for the principal amount of direct loans, $7,246,000.".

Mr. DE LA GARZA. Mr. Chairman, this amendment will restore $4,332,000 in budget authority for the rural development loan fund program to continue direct loans to rural empowerment zones and 30 rural enterprise communities established last year.

We know, and we sympathize with the problems of the appropriators, but

I think that we have found a way to restore these funds, Mr. Chairman, by reducing the amount given to the administrative function of the rural housing, because the loans on rural housing have all been reduced by substantial amounts, and it is our intention that the reduction that would accrue from not having to do that work be taken from the administrative side and provided for the technical assistance to the empowerment zone.

Mr. Chairman, the empowerment zones and enterprise community are the poorest of the poor. The nominated areas have to be less than 30,000, must have an unemployment below the poverty line, over 35 percent. They must have pervasive poverty and unemployment. And with all of the good intentions that these programs were dedicated to last year, I think that it would be in our own best interests to establish them, establish confidence in the community, get them to working together, matching funds and all of the work that has been done basically by the poor themselves, and I think it would be appropriate.

I do not think that we do any damage to the area where we are transferring from, and it is not our intention to do any damage, but I think, and hopefully, that novel and innovative ways could be found between now and final passage. We will leave that to the distinguished Members, the chairman, and ranking member and their staff.

Mr. Chairman, thank you for the opportunity to explain my amendment. It would restore $4,322,000 in budget authority for the Rural Development Loan Fund Program account to continue direct loans to the three Rural Empowerment Zones and 30 Rural Enterprise Communities established last year. This will support a loan amount of $7.2 million, the same level as was contained in the version of H.R. 1976 reported out by the Appropriations Committee.

The Empowerment Initiative involving these areas will help them to help themselves by providing Federal loans and grants that will be matched with State assistance and other nonmonetary assistance such as targeted tax credits and technical assistance from a variety of Federal, State, and local agencies.

Mr. Chairman, the localities involved in this initiative are some of the most impoverished rural areas in the United States. Each zone or community selected to participate in this effort put together a long-range detailed plan for utilizing the funds and technical assistance that will be provided to them. The loans that go out under the Rural Development Loan Fund are among the most effective in creating jobs in rural America. The lending history of the RDLF program shows an average job creation of 25–30 jobs for every $110,000 loaned out. This combination provides the potential for a tremendous return on the Federal Government's investment in areas in desperate need of economic activity.

My amendment as drafted would pay for the restoration of the Empowerment Zones/Enterprise Communities funding through a decrease in the appropriation available for the administrative expenses of the Rural Housing and Community Development Service. I will work with my colleague, Mr. SKEEN, and the Department to find alternative sources should they indicate that a cut in this agency would hinder its ability to effectively deliver the programs under its jurisdiction.

Mr. Chairman, I urge the support of my colleagues for the amendment.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. DE LA GARZA. I yield to the gentleman from New Mexico.

Mr. SKEEN. I want to say to my very good friend from the great State of Texas and distinguished ranking member and former chairman of the Committee on Agriculture, and, by the way, my chairman when I was a member on the Committee on Agriculture. I will never forget your advice, "Don't overtalk an issue, and if you see me run that gavel handle across my throat, it means sit down." Well, you do not have the gavel, so I can go on.

The gentleman from Texas [Mr. DE LA GARZA] has offered an amendment to restore $4.3 million for empowerment zones and enterprise communities under the Rural Development Loan Fund program account. Funds for this program were eliminated as part of the en bloc amendment, because in order to make the necessary additional savings from discretionary spending, we eliminated all funding for this account.

The gentleman's amendment appears to be budget neutral because it takes a like amount from the administrative expenses of the Rural Housing and Community Development Service. I say to my good friend from Texas, the committee knows about the importance of the empowerment zones and enterprise communities and has funds for them in three other accounts in this title.

However, each of these accounts has different objectives, and so I will be happy to accept the gentleman's amendment and thank him for his interest and strong support for rural America.

Mr. DE LA GARZA. I thank the distinguished chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DE LA GARZA].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. CALLAHAN

Mr. CALLAHAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CALLAHAN: Page 40, line 10, strike "$2,200,000,000: and insert "$2,250,000,000".

Page 40, line 20, strike "$107,840,000" and insert "$118,335,000".

Page 39, line 24, strike "$53,315,000" and insert "$42,820,000".

Mr. CALLAHAN. Mr. Chairman, this afternoon and last night and all through this debate and all through the debate in the Committee on Agriculture as well as the Committee on Appropriations, we focused an awful lot on the 502 housing program, and I think that has been most healthy because a lot of people know about this in the House that did not know about this wonderful program that exists here in our country for people who need financing capabilities who cannot get it because of low income.

We have such a program here in this great country of ours, this 502 program. Firemen and policemen and other hardworking people for the first time in their lives have an opportunity to have the financing capability of a nice home at a reasonable cost, and let me tell you, it is a working program, one of the finest programs that this country knows, and I think that all of us now, through all of this debate, finally recognize how important it is.

We do have a dilemma, though, in this appropriation process, and let me tell you, both the gentleman from Illinois [Mr. DURBIN] and our colleague, the gentleman from New Mexico [Mr. SKEEN], have helped us tremendously as have their staffs, trying to find an opportunity to insert some more money, but there is just no capability here.

But we are optimistic that there will be a capability, as we flow through the process and get into conference committee with the Senate, and they have pledged to me that they are going to do even more to make certain that this program receives the necessary money that it needs.

We have 130,000 people whose applications have been approved who are waiting in the fiscal year starting October 1, hoping to get their first home. We are not going to be able to provide this service of all of them, but this is going to be a good start, and with the cooperation of the gentleman from Illinois [Mr. DURBIN] and the gentleman from New Mexico [Mr. SKEEN], we have come up with opportunities to add another $10 million as displayed in my amendment, which will create a capability of another $50 million in lending capability.

So I appreciate the staff of the committee working with me to find this resource. I am hopeful that we will finds more moneys, more resources, but I appreciate the spirit of working cooperation that I have received from the gentleman from New Mexico [Mr. SKEEN] and the gentleman from Illinois [Mr. DURBIN], as well as the gentlewoman from North Carolina [Mrs. CLAYTON], who has worked hard at this on her own.

Mrs. CLAYTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I join my colleague in support of this amendment. I tell you, I do it reluctantly, but I do it very proudly because I know he is moving in the right direction.

Obviously, I would have my amendment that would have restored it up to the level, or at least yesterday I wanted it restored up to the level we had it originally. Today I tried to restore it up to $1 billion and found I could not sustain a point of order.

I think the gentleman from Alabama [Mr. CALLAHAN] has done us a service of finding a way where we can begin the process.

Let me speak to the need of it. I think we need not underestimate because we have this compromise working. There is need to push for more, as the gentleman from Alabama [Mr. CALLAHAN] said, in terms of the numbers. Already in my State there are 2½ years' worth of applications at the level at which we were funded last time, $1.4 billion. So now that we are moving back, can you understand where we moved to $500 million, and now we are raising this to $50 million, that we are cutting back essentially all of the opportunity for 3 and 4 years.

My plea to you is to recognize what we are doing in destabilizing these communities. Having an investment in your first home not only is an investment for the families and their children but it is an investment in the community. It is a tax base. It is really having a piece of the American pie.

I would urge both sides of the House, if, as the gentleman from Alabama [Mr. CALLAHAN] has indicated, if in the conference we could find more money, we would encourage you to do that because this is just such a small opportunity. But I do urge that we support this because it means that at least this Congress recognizes that 502 has been a very effective program. It is a program that not only serves families well but also serves our communities well.

☐ 1745

Mr. DURBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I stand in strong support of the Callahan-Clayton amendment. This 502 program is critically important to lower-income working families and smalltown America. The gentleman from Alabama is right. There are people waiting in line for a piece of the American dream. We have got to not only add the money that was suggested, but keep looking for more. I will be working with the gentleman from New Mexico [Mr. SKEEN] to accomplish that, and I thank my colleague for his leadership as well as the gentlewoman from North Carolina.

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment, I think, demonstrates very clearly the difficulty that we were in and we have been in. To make additional cuts in the discretionary program, an increase of $50 million in the loan level for section 502 direct loans, requires more than $10 million of subsidy, and this amendment would take that money from the salaries and expense accounts of the Rural Housing and Community Development Service. In 1996 that account will be used for, among other things, the closing and restructuring of USDA field offices, and that reorganization plan will save many millions of dollars in the long run. I know how important the 502 housing program is to many Members, and it is important, as well, to me, and I will agree to this amendment. If we can do better for the 502 in the conference, we will certainly be trying to do exactly that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama [Mr. CALLAHAN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WATT OF NORTH CAROLINA

Mr. WATT of North Carolina. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. WATT of North Carolina:

Amentment No. 46: Page 40, line 16, before the period insert the following:

": *Provided*, That notwithstanding section 520 of the Housing Act of 1949, the Secretary of Agriculture may make loans under section 502 of such Act of properties in the Pine View West Subdivision, located in Gibsonville, North Carolina, in the same manner as provided under such section for properties in rural areas".

Mr. WATT of North Carolina. Mr. Chairman, this provision would permit the subdivision in my congressional district, known as Pineview West subdivision, to be eligible once again for financing for the 502 program which was just discussed in the prior amendment. This was an eligible rural area as of the 1980 census. As a result of the 1990 census this still-rural area became a part of the standard metropolitan statistical area, and so it lost its designation as a rural area that would qualify under the 502 program.

Last year in the 103d Congress I offered this amendment which was adopted by the House Banking Committee in the housing reauthorization bill, and the housing reauthorization bill of course passed the House last time but was not acted on by the Senate.

This would not add any additional money. It would simply allow this one subdivision to compete along with other rural areas for 502 funds, and I ask the support of my colleagues.

Mr. DURBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I stand in support of this amendment. I think it is a reasonable request by the gentleman, I think it has been reviewed by the majority as well, and I hope that we can pass this with a voice vote very quickly.

Mr. SKEEN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, we were reluctant to accept it, but we know of no real objection to it, so we accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina [Mr. WATT].

The amendment was agreed to.

Mr. HASTINGS of Washington. Mr. Chairman, I move to strike the last word for the purposes of a colloquy.

Mr. Chairman, a number of fruit producers in my central Washington district have expressed concern about the report language pertaining to the United States importation of Mexican avocados. They fear that it could continue current restrictions on United States imports of Mexican avocados, and we will have the unintended consequences of diminished access to Mexico for our products.

In Washington State the apple industry expects to suffer a 50-percent reduction in exports to Mexico this year due to a costly onsite inspection program mandated by Mexico. Washington cherry exports to Mexico were also halted 4 years ago in response to alleged pest concerns. Representatives of the tree fruit industry have told me that these actions were in response to United States restrictions on Mexican avocados.

The language in the report states that in order to modify the current restrictions on Mexican avocados this product must be scientifically viewed, adequately safeguarded with enough time provided for public comment.

Mr. Chairman, does this mean that, if adequate pest risk assessment is concluded, if APHIS, the Animal and Plant Health Inspection Service, has certified that adequate safeguards have been taken and that industry has been afforded adequate comment period as spelled out in the proposed APHIS rule announced earlier this month, that the United States importation of fresh avocado fruit grown in Mexico will go forward?

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, my response is "yes."

Mr. HASTINGS of Washington. Mr. Chairman, I know that our fruit industry producers in central Washington will be very relieved to know that they will not be the target of inappropriate retaliation by the Mexican Government due to the overly stringent United States restrictions on avocados.

AMENDMENT OFFERED BY MRS. CLAYTON

Mrs. CLAYTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. CLAYTON:

Amendment No. 34: Page 40, line 10, insert "(less $70,000,000) before "for loans".

Page 40, line 11, insert "(less $70,000,000) before "shall".

Page 40 line 14, strike "$150,000,000" and insert "$220,000,000".

Page 40, line 20, insert "(less $119,000)" before ", of which".

Page 40, line 20, insert "(less $119,000)" before "shall be for".

Page 40, line 23, strike "$82,035,000" and insert "$92,973,000".

Mr. SKEEN. Mr. Chairman, I reserve a point of order against the amendment.

Mrs. CLAYTON. Mr. Chairman, this amendment would increase the level of 515 by an amount of $70 million raising it back to the $220 million which is currently. I understand I am going to have a point of order, so it may not indeed be allowed, but let me share this with my colleagues.

This is a program that 2 years ago had $540 million, and it was cut last year to $220 million, and it was several of us who worked on that to retain the $220 million for 515.

Why is this important? Mr. Chairman, this is the only housing available to rural America at very low rates. Rental housing is very scarce to find. In fact, adequate housing period is very scarce to find in rural areas, and to conceive of not having this little resource to advocate for the poorest of the poor seems to me is unfounded, and it has moved in the wrong direction, and the $70 million would only bring it up to the $220 million which is the current area.

I would like to think that we could perfect this, that we would not have to have a point of order. I ask the gentleman from New Mexico [Mr. SKEEN] if he could help us out on that, help me understand. Is there a possibility that we can perfect this without having a point of order?

Mr. SKEEN. Mr. Chairman, will the gentlewoman yield?

Mrs. CLAYTON. I yield to the gentleman from New Mexico.

Mr. SKEEN. I understand the gentlewoman, and I have gained a great deal of respect and fondness for her, but I have to tell my colleagues this. I must make a point of order against it, the amendment, because it is in violation of section 302(f) of the Congressional Budget Act, as amended, and the Committee on Appropriations filed a subcommittee allocation for fiscal year 1996 on July 20, 1995, House Report 104–197.

Mr. Chairman, this amendment would provide new budget authority in excess of the subcommittee allocation. It is not permitted under section 302(f) of the act. However, Mr. Chairman, I ask that the amendment be ruled out of order, but I want to tell the gentlewoman I want to work with her on her problem.

Mrs. CLAYTON. Could we get a commitment that we try to find money if it is possible during the conference?

Mr. SKEEN. The gentlewoman has that commitment from me, and I appreciate her forbearance. This breaches our 602(b) allocation by $10,819,000 by the way.

Mrs. CLAYTON. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from North Carolina?

There was no objection.

The CHAIRMAN. The amendment offered by the gentlewoman from North Carolina [Mrs. CLAYTON] is withdrawn.

AMENDMENT OFFERED BY MR. BEREUTER

Mr. BEREUTER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 31: Page 40, after line 25, insert the following:

In addition, for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of guaranteed loans under a demonstration program of loan guarantees for multifamily rental housing in rural areas, $1,000,000, to be derived from the amount made available under this heading for the cost of low-income section 515 loans and to become available for obligation only upon the enactment of authorizing legislation.

Mr. BEREUTER. Mr. Chairman, the amendment that this Member is offering is virtually identical to a provision included in last year's Agriculture appropriations measure.

This Member has taken a strong interest in rural housing programs, and has been successful in efforts in the Banking Committee to authorize new, more cost-effective approaches to rural housing development. One such initiative, which the distinguished chairman of the subcommittee, Mr. SKEEN, and the distinguished ranking Member, Mr. DURBIN, have helped to make a reality, was the highly successful Section 502 Middle Income Loan Guarantee Program. This Member is pleased that this measure contains $1.5 billion in guarantee authority for that program. Now, this Member is seeking support to help make a new multifamily loan guarantee program a reality.

In the 103d Congress this Member introduced legislation to create a new multifamily loan guarantee program. That legislation would create a demonstration for a new Federal loan guarantee program for the construction of multifamily rental housing units. That legislation passed the House in the 103d Congress as part of H.R. 3838, the Housing and Community Development Act of 1994, passed July 22, 1994. Because H.R. 3838 died when the Senate failed to act on it in the last hours of the 103d Congress, this Member reintroduced the legislation, which was passed by the Housing Subcommittee as part of H.R. 1691, and is now awaiting further action by the full House.

Also, with bipartisan support on the Appropriations Committee, we were successful in including $1 million funding for this program in the Department of Agriculture appropriation for fiscal 1995, making it possible to finance approximately $25 million in guarantees, contingent upon the authorization of the demonstration program. Unfortunately, because the Senate never passed an authorization bill, that $1 million was never used. As this Member fully expects that the demonstration program will gain an authorization this year, this Member is offering this amendment to H.R. 1976 to allow $1 million of the credit subsidy allocation to be used to fund the new multifamily loan guarantee program, contingent upon that authorization. This amendment is similar to the final language adopted in the 103d Congress. This Member's staff has discussed this amendment with the distinguished Chairman's, Mr. SKEEN's, staff, and this Member understands that he is supportive. This Member greatly appreciates that support, and asks that the amendment be accepted.

Mrs. CLAYTON. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentlewoman from North Carolina.

Mrs. CLAYTON. Mr. Chairman, I ask the gentleman to help me understand how this would work with the current 515 program. This is at a slightly higher income level, and it is a guaranteed loan.

Mr. BEREUTER. It is a supplementary program to the 515 program which is a direct loan program, and it would be for those people whose income is 80 percent to 115 percent median area income, just as the 502 loan guarantee program, which is now 2 years old, serves this category, economic category, above the 80 percent by meeting income level.

Mrs. CLAYTON. So it is identical to the 502 unsubsidized guarantee for the same income level.

Mr. BEREUTER. It is almost identical, but that is of course a single-family program, and this would be for five units or more multifamily unit construction.

Mrs. CLAYTON. I support strongly 515. Obviously I support 515 for reasons that it serves the very poor, but I also supported 502 because it serves both the very poor as well as those not so poor who do not qualify for loans that are not guaranteed. So I want to join the gentleman in support.

Mr. BEREUTER. Mr. Chairman, I appreciate the distinguished gentlewoman from North Carolina's support, and I know how important her interest is, and successful, in housing.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I think this is a great idea, and we hope the gentleman can get his authorization through. We will accept the amendment.

Mr. BEREUTER. Mr. Chairman, I appreciate that.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Illinois who has been so crucial in helping me with the 502 loan guarantee program.

Mr. DURBIN. Mr. Chairman, the gentleman from Nebraska [Mr. BEREUTER] has really shown us some leadership. This is an innovative approach to providing housing with limited exposure for Federal taxpayers and maximum investment in good housing for people living in rural areas. We were glad to support him last year. I am sorry the authorization did not go through, and I am happy to support him again this year.

Mr. LAZIO of New York. I rise in support of this amendment, offered by Mr. Bereuter, that will appropriate one million dollars for a rural rental multifamily loan guarantee demonstration program. This type of loan guarantee will leverage private-sector resources in order to provide and expand affordable rental housing opportunities. This provision is not new; during the 103d Congress, the House passed a similar provision in the housing authorization bill—H.R. 3838, The Housing and Community Development Act of 1994, which was not enacted into law. During this Congress, the Housing and Community Opportunity Subcommittee, of which I serve as chairman, has reported out legislation in H.R. 1691 that will authorize a sec. 515 multifamily loan guarantee program to be operated by the Rural Housing and Community Development Service. During this period of severe budget constraints, this type of demonstration provides Government an opportunity to form partnerships with the private and nonprofit sector to provide and expand affordable housing in rural areas. I urge support of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. BEREUTER].

The amendment was agreed to.

AMENDMENTS OFFERED BY MR. OWENS

Mr. OWENS. Mr. Chairman, I offer two amendments which were printed in the RECORD as amendment No. 22, and I ask unanimous consent that these amendments be considered en bloc.

The CHAIRMAN. The Clerk will designate the amendments.

The text of the amendments is as follows:

Amendments offered by Mr. OWENS:

Page 49, line 20, strike "RURAL TELEPHONE BANK PROGRAM ACCOUNT" and all that follows through line 12 on page 50.

Page 70, strike lines 12 through 14.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. SKEEN. Mr. Chairman, I object.

Mr. OWENS. The gentleman objects to what; the amendment being offered en bloc?

Mr. SKEEN. To the amendment being offered en bloc.

The CHAIRMAN. Objection is heard.

AMENDMENT OFFERED BY MR. OWENS

Mr. OWENS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OWENS: Page 49, line 20, strike "RURAL TELEPHONE BANK PROGRAM ACCOUNT" and all that follows through line 12 on page 50.

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Mr. OWENS. Mr. Chairman, this amendment is a continuation of the effort to get truth in budget balancing and to have it be made clear to the American people, have it on the record, that we are continuing to rob the cities and the people of the cities in order to take care of the programs and the institutions that support rural America.

I have nothing against giving all the possible support to farmers and institutions that serve farmers and rural America, but why are we robbing the cities? Why are we taking away a program for summer employment for youth? 600 young people will not be employed because the Committee on Appropriations is going to strike that program, cut it to zero. We are cutting away job training programs for youth, job training programs for adults. We are drastically cutting title I programs, almost $1 billion for poor youth.

When it comes to this bill, we continue old institutions that have been draining the taxpayers for some time, even though they promised they would have a limited life and go out of existence.

Here is an example of one of those situations. Suddenly silence has descended on the House in terms of challenging some of these programs, but I think it is very important to get on the record exactly what is going on with respect to the robbing of the cities in order to take care of defunct and obsolete rural institutions.

This amendment would strike legislative language in H.R. 1976 which blocks the pending privatization of the Rural Telephone Bank and would delete the more than $3.5 million in appropriations provided for the operation of the bank. The Rural Telephone Bank was created in 1971 to provide an additional source of credit for rural telephone companies which did not qualify for subsidized direct loans and loan guarantees available from the Department of Agriculture.

At the time, taxpayers were promised that the RTB would be a time limited venture, comparable to the Federal land banks. We were assured that the initial Federal capital outlay would be repaid by eventual privatization of the bank. Privatization. The other side is fond of privatization when it comes to programs that are serving people in the cities. Why don't we have privatization here for this program?

The bank's enabling legislation directed that this privatization would begin on September 30, 1995, this year. The Clinton administration has been preparing to carry out the bank's privatization and has not requested any additional funding to support the bank, but H.R. 1976 derails those plans. It blocks privatization and it provides a new infusion of tax dollars to keep it running as a Federal entity. We are going to continue a government program which is slated to be a private program.

Yes, I want to remind my colleagues that this is in addition to the loan subsidies that were provided already by the USDA's rural utility service. In doing this, the Committee on Appropriations insists it supports privatization. It just wants more time to study the issue. Frankly, Mr. Chairman, I think 25 years is long enough to study the issue.

This privatization of the Rural Telephone Bank is not coming out of the blue. It was mandated 25 years ago. This was a promise that Congress made to the taxpayers in 1971. If we tell people on welfare two years is enough, you have to get off, five years is enough, you have to get off, tell people in public housing, two years is enough, you have to get out, why don't we set some limits on the other subsidized programs across the country? We have farm subsidy programs not being discussed here, $20,000, $30,000 going to a family. It has been happening for the last 30 years, but nobody is talking about ending it.

This amendment will strike the legislative language and move on to have the privatization take place. I think it is very important that we support this amendment, which is consistent with all we have been preaching. It would assure this promise is kept and the privatization proceeds on course.

It should also be noted that this is one of those rare issues on which President Reagan and President Clinton agree. President Reagan tried to privatize the Rural Bank in 1981 and was rebuffed. He was told it was too soon and we should wait until 1995 to privatize. 1995 is now here, and President Clinton wants to follow the lead of President Reagan.

No more studying, stalling, no more excuses. Let us keep the promise and scrape this barnacle off the hull of the Federal Government. We do not want the taxpayers to be burdened with this any longer than they have to. Let us privatize the Rural Telephone Bank. I urge a yes vote on this amendment.

Mr. SKEEN. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the Rural Telephone Bank was created by Congress in 1971 as a supplemental source of financing for the rural telephone program, and nothing is more essential to rural America than good telecommunications systems. I ought to know. I am probably the last Member of Congress to ever have a phone after I became a Member of Congress, and I appreciate the effort of this particular program, and appreciate it very much, because it allows families to live where they work, and particularly in rural country.

Nothing is more essential than good telecommunications systems for basic telephone services for individuals, communication systems that can attract manufacturing and service companies to create jobs. You do not have to have a headquarters company in the United States now because we have the kind of telecommunications that allows you to locate your headquarters anywhere you want it and put your warehouses somewhere else and your printing somewhere else, and that is a boon to rural communities, to educational and medical programs that give rural schools, and health care centers access to data bases in urban areas.

The Rural Telephone Bank is an important part of this particular picture, Mr. Chairman. Almost every State in the union has districts which need rural communications service. I have already pointed out that we have had to freeze or cut many of the accounts that provide services to rural areas, and this account is among them.

The loan level remains at the same loan level as fiscal year 1995, at $175 million. The cost of the loan subsidy is very modest, $770,000, which is also the same as 1995. Administrative expenses are $3.5 million, which is $5.2 million less than fiscal year 1995.

Finally, Mr. Chairman, there is simply no need for this amendment. By law, the Rural Telephone Bank must privatize, and our bill provides for that process to begin in fiscal year 1996.

Mr. Chairman, I strongly oppose this amendment, and ask my colleagues to oppose it as well.

Mr. DURBIN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to take exception to my friend from New York, who suggested that somehow there is a war on cities and the rural areas have been exempted. This bill is a perfect example of a bill which is balanced in what it tries to do for the entire Nation.

It is true it serves rural areas and agriculture, which is important to all of us, regardless of where we live. But it is also a fact that a major portion of the spending in this bill literally goes into the gentleman's home city, as it does in mine, and all across the Nation, for programs like the food stamp program, child nutrition program, special milk program, the WIC Program, feeding for the elderly, and so many others that are important.

In the area of nutrition, this bill literally serves the Nation. It is not a bill directed to rural areas. There are specific programs that are directed to rural areas, and the gentleman addresses one, the Rural Telephone Bank.

I think we all concede and the committee report language says explicitly we are moving toward privatization of this bank, and I think it should be done. But we have to do it in an orderly way. What is at stake here is telephone service in areas of very sparse population, where in fact many of the large telephone companies have decided they do not want to build their subsidiaries. We have over the years created telephone cooperatives and others to deal with that service, much as we did in delivering electricity to those areas.

None of us want to jeopardize that. These are good, hard working people. We want to modernize it, we want to privatize it. I think the gentleman from New York is on the right track, but I think to do it precipitously with this amendment eliminating it may cause unintended consequences.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from New York.

Mr. OWENS. Mr. Chairman, will the gentleman tell me what date will be an acceptable date for the final privatization? We are past the deadline.

Mr. DURBIN. Mr. Chairman, reclaiming my time, the administration has made the proposal to privatize, and we are still waiting for their suggestions. The authorizing and appropriating committees are waiting for specific language. I wish I could tell you when that would be forthcoming.

Mr. OWENS. Would you estimate September 1996 instead of 1995? Can you make an estimate of how long it is going to take? It has been 25 years.

Mr. DURBIN. President Clinton does not take all my calls directly, but I would be happy to join the gentleman in perhaps a party line call that the two of us could make on maybe even a rural telephone program and get in touch with him to find out.

Mr. OWENS. Could the gentleman tell us what percentage the food stamp program has been cut?

Mr. DURBIN. The cuts for the food stamp program? I would have to look at it to be sure here, but it looks like in the fiscal year that we are presently in it was $25.1 billion, and that in the next fiscal year it will be $25.9 billion. So there is an increase, if I am not mistaken, in the food stamp program expenses.

Mr. OWENS. You are saying it has not been cut at all?

Mr. DURBIN. No, there are no cuts.

Mr. OWENS. With inflation as a factor, there are no cuts?

Mr. DURBIN. It looks like it is an increase of about $770 million over last year.

Mr. OWENS. The proposal to block-grant the food stamp program has been dropped?

Mr. DURBIN. Let me tell the gentleman, it is not part of this bill. It is my understanding we do not have any proposal in here relative to block grant. The gentleman and I share an opinion on block granting. The bill addresses the program as it currently exists.

Mr. OWENS. The food stamp program is now an entitlement. It will no longer be an entitlement once it is block granted, and there are proposals to block grant it, so areas like mine will have to take a huge cut if they depend on the States to continue after it reaches the levels it is funded at the Federal level.

Mr. DURBIN. The gentleman and I share the same view on this. I hope what you just described does not occur. This bill does not do that. This bill does not fund the program anticipating that will happen.

Mr. ROBERTS. Mr. Chairman, will the gentleman yield?

Mr. DURBIN. I yield to the gentleman from Kansas.

Mr. ROBERTS. Mr. Chairman, I share the concern in reference to the food stamp program. This appropriations bill actually increases that. It was this gentleman on the Committee on Agriculture that made a very determined effort simply not to block grant the food stamp program.

I would say what has already been said by my colleague from New Mexico and the distinguished gentleman from Illinois, this bill allows us to privatize. We are going to do that. The OMB wanted to do it immediately. We would end up here with a situation where many rural telephone companies would not have access to the money to borrow from. It would cause utter chaos in the communications system out in our rural areas. It is really not commensurate with the food stamp program.

We will privatize. We will get there from here. I would just urge the gentleman to allow us to do this work under the bill that we would like to do, and I will be happy to work with the gentleman in regard to food stamps.

Mr. OWENS. If the gentleman will yield further, I am happy to hear that the Committee on Appropriations is committed to the privatization of the program with all deliberate speed. I hope that speed is not too deliberate.

Mr. ROTH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I just want to briefly talk about this particular amendment. As I look at this amendment, what this amendment will do is eliminate $4.3 million in appropriations for the Rural Telephone Bank Program, and, second, it strikes a provision barring any of the bill's funds from being used to retire more than 5 percent of the Bank's Class A stock.

I am really concerned about the impact of this amendment on areas in our country where we have small independent telephone companies, States like

Wisconsin. I cannot think of a State that is not impacted by this amendment.

Now, in this Congress we have been told a lot and talked a lot, we hear a lot about competition in the communications industry. In fact, we are in a major bill here this fall on this particular issue. But this program has fostered competition. This program has fostered competition by providing a source of capital to these small companies. The effect of the gentleman's amendment would be to terminate this program, which will lead to less competition. Let me say that again, less competition, and poorer service.

So I am asking and request that Members, especially from rural districts, look at this amendment, because it is going to hurt service. But it is going to do more than that, because if you do not have a good telephone service you are never going to have industry that produces jobs in those areas, and we need jobs in these rural areas. So this is not only going to harm our telephone and associated services, but it is going to harm the economies in these rural areas.

So I ask my colleagues to oppose the amendment for those reasons.

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. ROTH. I yield to the gentleman from New York.

Mr. OWENS. Is the gentleman saying he is opposed to privatization of the Telephone Bank? He never wants to privatize it? He wants it to remain as it is forever, so the Federal Government will subsidize it for anything?

Mr. ROTH. Mr. Chairman, reclaiming my time, I never said anything about privatizing. I am in favor of privatizing. I am interpreting this amendment as to how it would affect our rural areas, not only my own State but every State of the Union. It is going to hurt not only telephone service, but hurt those areas in expanding their economy for jobs, because if you do not have good telephone service, good communication service, especially in the high-technology world we are moving into, you are never going to have industry locate in those rural areas. That is precisely what we are trying to do, so as to entice industry to those areas.

□ 1815

Mr. OWENS. Mr. Chairman, will the gentleman be offering the same agreement next year? The logic will still be there. You are saying we should never privatize again?

Mr. ROTH. Mr. Chairman, I am just saying what this amendment is going to do to your rural areas.

Mr. SKEEN. Mr. Chairman, I move to strike the requisite number of words.

I would ask the gentleman a question, if I might. I appreciate his concern.

Would the gentleman take the word of this chairman and the chairman of the House Committee on Agriculture that we will get something done in this area and give it every consideration? Would the gentleman withdraw his amendment?

Mr. OWENS. Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from New York.

Mr. OWENS. Mr. Chairman, would the gentleman repeat that? Do I have the chairman's word?

Mr. SKEEN. The Subcommittee on Agriculture, Rural Development, Food and Drug Administration, and Related Agencies, myself, the gentleman from Kansas, [Mr. ROBERTS] of the full House Committee on Agriculture, that we will work with the gentleman on this particular issue. We would appreciate very much the gentleman withdrawing his amendment at this time. Because I do not think it gets the gentleman where he wants to go. But we want to help the gentleman if he is interested in privatization. We would like to work with the gentleman.

Mr. OWENS. Mr. Chairman, can I interpret that the gentleman will be willing to set a date for privatization?

Mr. SKEEN. Absolutely, set a date any time.

Mr. OWENS. Mr. Chairman, I appreciate the gentleman's pledge.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV

DOMESTIC FOOD PROGRAMS

OFFICE OF THE UNDER SECRETARY FOR FOOD NUTRITION AND CONSUMER SERVICES

For necessary salaries and expenses of the Office of the Under Secretary for Food, Nutrition and Consumer Services to administer the laws enacted by the Congress for the Food and Consumer Service, $440,000.

FOOD AND CONSUMER SERVICE

CHILD NUTRITION PROGRAMS

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the National School Lunch Act (42 U.S.C. 1751–1769b), and the applicable provisions other than section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1772–1785, and 1789); $7,952,424,000, to remain available through September 30, 1997, of which $2,354,566,000 is hereby appropriated and $5,597,858,000 shall be derived by transfer from funds available under section 32 of the Act of August 24, 1935 (7 U.S.C. 612c): *Provided*, That up to $3,964,000 shall be available for independent verification of school food service claims: *Provided further*, That $1,900,000 shall be available to provide financial and other assistance to operate the Food Service Management Institute.

Notwithstanding any other provision of law, no funds other than provided in this Act may be available for nutrition education and training and the Food Service Management Institute.

SPECIAL SUPPLEMENTAL NUTRITION PROGRAM FOR WOMEN, INFANTS, AND CHILDREN (WIC)

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses to carry out the special supplemental nutrition program as authorized by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786), $3,729,807,000, to remain available through September 30, 1997: *Provided*, That for fiscal year 1996, $20,000,000 that would otherwise be available to States for nutrition services and administration shall be made available for food benefits: *Provided further*, That $4,000,000 from unobligated balances for supervisory and technical assistance grants may be transferred to and merged with this account: *Provided further*, That the participation level on September 30, 1996, shall not exceed 7.3 million: *Provided further*, That up to $6,750,000 may be used to carry out the farmers' market nutrition program from any funds not needed to maintain current caseload levels: *Provided further*, That none of the funds in this Act shall be available to pay administrative expenses of WIC clinics except those that have an announced policy of prohibiting smoking within the space used to carry out the program.

FOOD STAMP PROGRAM

For necessary expenses to carry out the Food Stamp Act (7 U.S.C. 2011–2029), $27,097,828,000: *Provided*, That funds provided herein shall remain available through September 30, 1996, in accordance with section 18(a) of the Food Stamp Act: *Provided further*, That funds provided herein shall be expended in accordance with section 16 of the Food Stamp Act: *Provided further*, That this appropriation shall be subject to any work registration or workfare requirements as may be required by law: *Provided further*, That $1,143,000,000 of the foregoing amount shall be available for nutrition assistance for Puerto Rico as authorized by 7 U.S.C. 2028.

COMMODITY ASSISTANCE PROGRAM

For necessary expenses to carry out the commodity supplemental food program as authorized by section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c(note)), section 204(a) of the Emergency Food Assistance Act of 1983, as amended, and section 110 of the Hunger Prevention Act of 1988, $168,000,000, to remain available through September 30, 1977: *Provided*, That none of these funds shall be available to reimburse the Commodity Credit Corporation for commodities donated to the program: *Provided further*, That none of the funds in this Act or any other Act may be used for demonstration projects in the emergency food assistance program.

FOOD DONATIONS PROGRAMS FOR SELECTED GROUPS

For necessary expenses to carry out section 4(a) of the Agriculture and Consumer Protection Act of 1973 (7 U.S.C. 612c (note)), section 4(b) of the Food Stamp Act (7 U.S.C. 2013(b)), and section 311 of the Older Americans Act of 1965, as amended (42 U.S.C. 3030a), $215,000,000, to remain available through September 30, 1997.

FOOD PROGRAM ADMINISTRATION

For necessary administrative expenses of the domestic food programs funded under this Act, $108,323,000, of which $5,000,000 shall be available only for simplifying procedures, reducing overhead costs, tightening regulations, improving food stamp coupon handling, and assistance in the prevention, identification, and prosecution of fraud and other violations of law: *Provided*, That this appropriation shall be available for employment pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed $150,000 shall be available for employment under 5 U.S.C. 3109.

AMENDMENT OFFERED BY MR. HALL OF OHIO

Mr. HALL of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HALL of Ohio: Page 53, line 24, strike the colon and all that follows through "7.3 million" on line 26.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 20 minutes, the time to be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. The gentleman from Ohio [Mr. HALL] will be recognized for 10 minutes, and the gentleman from New Mexico [Mr. SKEEN] will be recognized for 5 minutes, and the gentleman from Illinois [Mr. DURBIN] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Chairman, I yield myself such time as I may consume.

I am very glad to introduce the bipartisan amendment with the gentlewoman from New Jersey [Mrs. ROUKEMA]. Our amendment will simply remove the cap on the number of people who can participate in the WIC program.

As many of my colleagues know, WIC is a very effective program at reducing infant mortality. This legislation, if passed, would be the first time ever that a cap is placed on the number of people who may participate in WIC.

While we have always funded WIC in our annual appropriation bills at a specific level, we have never capped the number of people who may qualify. By striking the cap, our amendment allows for greater flexibility at the local level. It encourages the WIC directors to find the most cost-efficient ways to run the program in order to serve the most people.

The Hall-Roukema amendment has been scored by the Congressional Budget Office and is budget neutral. It will not change the level of WIC funding in this bill.

Mr. Chairman, of all of the domestic hunger programs in America, few are as efficient, effective and respected as the WIC program. By promoting breast feeding and providing nutrition supplements and food prescriptions to qualified participants, WIC serves a critical need for America's most vulnerable people, low-income mothers, infants and children.

WIC also provides access to maternal, prenatal, pediatric health care services for this targeted high-risk population. It is a short-term intervention program designed to influence lifetime nutrition and health behaviors.

Five Wall Street CEOs called WIC in written testimony the health care equivalent of a AAA-rated investment. The WIC program reduces infant mortality and low birth weight. The GAO says that for every dollar spent on WIC, America realizes a $3.50 saving in health care cost.

WIC fights hunger among our poor, but it is also a good investment. It will prevent spending money down the road.

Mr. Chairman, I am also concerned that the cap on participation will create an unnecessary layer of bureaucracy. It will create an administrative nightmare for USDA and the States as they attempt to determine an appropriate cap formula to ensure that States do not add too many participants to their rolls.

Mr. Chairman, the cap could hold up the distribution of funds until appropriate administrative procedures are in place at the Federal, State and local levels. Since a set amount is appropriated for WIC, there really is no need to cap the number of people who may participate.

A cap would force local WIC directors to turn participants away from the program, even if they have the money to serve them through efficient program management.

Mr. Chairman, I would urge you to vote for the Hall-Roukema amendment. It is budget neutral. It provides for more flexibility to the local WIC directors. It would allow cost savings to help poor people.

Please support this amendment and remove the cap on participation in the WIC program.

Mr. Chairman, I reserve the balance of my time.

PERFECTING AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. GOODLING: Page 53, line 25 insert after "1996," the following: "with Federal (and not State) funding".

Mr. GOODLING. Mr. Chairman, the amendment that I am offering would retain the $7.3 million cap for participation on the WIC program. However, it would limit the effect of participants served with Federal program dollars.

I have been a strong supporter of WIC over the years and have worked to make sure that WIC works and is a good program. This said, I also believe there is a strong need for us to balance the Federal budget. However, we cannot reduce the cost of Federal programs contained in this appropriation bill solely through reductions in programs which support our Nation's farmers.

I understand concerns have been raised about the participation cap and the need to continue to increase WIC participation. My solution to the problem is to restrict the cap to Federal dollars. This is important because if you will look at the dollars that some States have spent beyond what is spent on the Federal level, you will discover my State, for instance, spends $6 million additional money. New York spends $21 million additional money. Other States spend additional money. And, therefore, the cap would not affect what the State puts in.

However, I think it is very, very important to understand that in doing this I in no way believe that next year we should count what the State puts in as far as numbers we are to serve with Federal dollars. We serve numbers with Federal dollars that we put in. The State dollars then would provide for the additional that they want to spend.

So my amendment merely says that the cap does not include dollars that are spent by State and local governments on the program.

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

I will try to address both of these interests.

First of all, Mr. Chairman, the amendment offered by the gentleman from Ohio [Mr. HALL] strikes the provision capping WIC participation at 7.3 million. That cap is only a 1-year cap in 1996. It is not to be a cap in future years.

Mr. Chairman, I rise in opposition to the gentleman's amendment, and let me tell you why.

First, let me say that this committee has always been a great supporter of the WIC Program, and with the track record of the program over the years, I do not think anyone on the committee or in Congress can be accused of being against poor pregnant women, infants and children. And this year is no exception.

Mr. Chairman, let me tell you what the committee has done this year for WIC and why. Because of inflation and food cost increases, it costs the Federal Government more every year just to maintain the existing participation level for certain programs such as WIC and school lunch. What the committee has done is provide enough money to cover inflation and food cost increases to maintain the same number of participants in fiscal year 1996 that will be in the program at the end of fiscal year 1995.

Mr. Chairman, to do this, the committee had to find $290 million from an allocation that was $424 million less in outlays than the previous year. To find this kind of money, we had to make severe reductions in rural development, conservation, and research programs that are vital to keeping this country prosperous.

Capping participation at the end of fiscal year 1996 at 7.3 million allows the program to continue at the same level as 1995 while the Congress decides what to do with the program in the welfare reform bill.

Mr. Chairman, without an adjustment in the committee's allocation to account for inflation costs, we cannot afford $300 million increases every year to maintain existing caseloads at the expense of other programs in the bill.

Mr. Chairman, I would request that the gentleman from Ohio withdraw his amendment and allow the program to continue in fiscal year 1996 while Congress works its will on the welfare reform.

The CHAIRMAN. The Chair will attempt to clarify the situation for Members who are confused. The amendment of the gentleman from Pennsylvania [Mr. GOODLING] is a perfecting amendment to the original text.

Pending the decision on that amendment, then the Hall amendment will attempt to strike that entire section which may or may not include the Goodling amendment.

PARLIAMENTARY INQUIRY

Mr. DURBIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DURBIN. Mr. Chairman, we agreed to a time limitation at the outset of 20 minutes to the Hall amendment and all amendments thereto. If I understand the Chair's explanation, the Goodling amendment does not amend the Hall amendment so it is not subject to that time limitation.

The CHAIRMAN. That is correct. The Chair is certainly willing to entertain an agreement to include that time consideration for the Goodling amendment.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that the time limitation include the Goodling amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

Mr. GUNDERSON. Reserving the right to object, I think we need to get a handle on how much time has been consumed on both sides regarding the Hall amendment so we have some idea out of that 20-minute allocation what is left to understand the difference between the Hall and Goodling amendments before we agree to a time limit.

The CHAIRMAN. The Chair will attempt to clarify the time situation as best as he can.

The gentleman from Ohio [Mr. HALL] has only used 3 minutes of his 10 minutes, which means he still has 7 minutes remaining. The gentleman from Illinois [Mr. DURBIN] still controls 5 minutes.

The time of the gentleman from New Mexico [Mr. SKEEN] since it was directed at the Goodling amendment, does not count against the original cap, so the gentleman has 5 minutes remaining.

Mr. DURBIN. Mr. Chairman, if the gentleman will yield under his reservation, I say to my friend and colleague from New Mexico, the difference here is that the Hall amendment has been printed in the RECORD and has been subject to review.

The Goodling amendment, I am sure offered in good faith, was first brought to us just a few minutes ago, and we have not had a chance and really need an opportunity to discuss it, I think, on the floor so that we understand it and its impact on the proposal by the gentleman from Ohio [Mr. HALL].

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that debate on the Goodling amendment be limited to 10 minutes, the time to be equally controlled.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 10 minutes and the gentleman from Illinois [Mr. DURBIN] will be recognized for 10 minutes. After that debate is completed, the Committee will then return to the Hall amendment.

The Chair recognizes the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. KILDEE].

Mr. KILDEE. Mr. Chairman, I would like to engage in a colloquy with my good friend and my chairman, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. HALL and the gentlewoman from New Jersey, Mrs. ROUKEMA, have worked very hard and researched their amendment. I know exactly what it will do. It will give some flexibility to WIC directors if the food inflation rate is down. It will serve more people, and food inflation may very well be down this year. It looks like it will be down.

If they save some money on infant formula bidding, competitive bidding, which is going to be restored, I am sure, in the Senate, we know then that it would not cost the taxpayers any more money, that they will have more flexibility to serve more people.

For example, just on the question of the competitive bidding for infant formula, that saves about $1 billion a year, enabling us to serve well over 1 million extra people a month.

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I would ask the gentleman, what will the effect of his amendment be that will be different from the amendment offered by the gentlewoman from New Jersey [Mrs. ROUKEMA] and the gentleman from Ohio [Mr. HALL] which will leave this flexibility and not cost the taxpayers any more, because this is not an entitlement, not even a cap entitlement?

Mr. GOODLING. Mr. Chairman, will the gentleman yield?

Mr. KILDEE. I yield to the gentleman from Pennsylvania.

Mr. GOODLING. My amendment does not need any research. My amendment is very, very simple. It says: "Insert after 1996 the following: 'with Federal, not State, funding.' "

What I am saying is the cap does not apply to money that is spent by States. For instance, the $6 million that my State spends, I do not have Michigan on here, so I do not know how much more the gentleman spends, but the $15 million that Massachusetts spends and the $21 million that New York spends is not part of that cap. In other words, if they put on, if my State puts on another 10,000 people, using the State money that they got from saving on their competitive bidding and all of these kinds of things, or money from their own funds, that is not part of the cap.

Mr. KILDEE. The money they rebate?

Mr. GOODLING. If the gentleman will continue to yield, that would be State money.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [MR. HALL].

Mr. HALL of Ohio. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I am very concerned about this amendment because it appears to be a gutting amendment, and I believe it is. The reason I say that is that I have known all day that in fact the amendment was going to be offered by the gentleman from Pennsylvania [Mr. GOODLING]. We had asked his office several times if we could see it, it was never produced. We just saw it about 2 minutes ago.

In fact, what he is trying to do is in fact produce a vote on his first, which confuses the issue and which we have before us. The issue is we are not trying to increase the money for the WIC program. I wish personally it could be increased, but we have to live with that fact. What we are trying to say is that we want to take the cap off the number of people. We want to give the flexibility, the creativity, the innovation to the WIC directors around the country to add more people, still using the same amount of money.

I took the chance and I bothered a number of WIC directors around the country and called them by phone, and said, "What is going to happen here with this whole process if we put a cap on people?" And all the WIC directors said: "We are going to be very conservative, we are not going to be aggressive, we are not going to be innovative. There is going to be a lot more money in the program that there will be penalties on, probably. What will happen is that more people that could participate in the WIC program will probably drop off the program, because as the publicity comes out that we are really restricting the program, less people will apply, and in the long run, you will have less people. What will happen is next year you will say, 'See, there are less people participating,' more money probably will be sent back to the Government, and you will say, 'You did not even spend the money in the first place, because what you are doing is you are stopping the WIC directors from doing their job. You are wasting money.'"

For that reason I certainly oppose the Goodling amendment. It is a gutting amendment.

Mr. GOODLING. Mr. Chairman, I yield myself 3 minutes. I just want to take issue with the gentleman from Ohio. I do not take second seat anyplace to him in my effort to make sure that WIC is effective and WIC works. I have worked just as hard as he has, and maybe longer. If he wants to make a statement that I am trying to gut something, he had better have some facts and figures. The reason we have not had anything to present before is because we were clearing with the Parliamentarian exactly what the language would have to be. That is why it took as long as it took.

Let me point out, Mr. Chairman, we are talking as if somehow or other we are restricting people from participating in WIC. In 1993 $97 million was returned. In 1994, $100 million was returned. In 1995, $125 million of that will be returned. We will need $70 million of that when the late vouchers come in; however, there will still be $55 million additional money. Why has it been returned? Primarily because we pumped so much money in so rapidly that there was not an infrastructure out there in order to do the job and do it with quality. Therefore, I do not want to take a back seat to anyone in relationship to my efforts on the part of WIC over the years.

Mr. KILDEE. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Michigan.

Mr. KILDEE. Mr. Chairman, there is no one over here who questions the gentleman's intentions at all, we are just worried about the language. We know that. We are worried about the language, what the effect will be, not the gentleman's intentions at all, because his record is very good in that.

What I worry about is one thing. It appears that food inflation costs will be down this year, less than in previous years, so that food inflation being down, it would appear, then, that we could feed more people. If we cap the number of people, we cannot take advantage of that low inflation for food costs. That is one of the problems I see with the gentleman's amendment.

Mr. GOODLING. The gentleman served 6.3 back in March, he will probably serve about 7.2 by the end of the year. They are allowing him to go to 7.3. I can understand what they are doing. The only way they can slow down the growth, and that is what we are talking about on every issue that comes to the Congress of the United States, the only way they can do that is to cap the numbers. Otherwise, every time we say "the numbers are," then the Agriculture Department will say, "This is how much money you need to feed that many people in WIC."

Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. GUNDERSON].

Mr. GUNDERSON. Mr. Chairman, I thank the gentleman for yielding time to me.

Obviously, I rise in support of the Goodling amendment, Mr. Chairman. I think it is important to understand with the Goodling amendment, along with what the committee has done, it is to try to put together the means by which we can manage this program in an intelligent way.

The gentleman is probably right, that food inflation will be down this year, but I do not think just because food inflation is down that we ought to send a signal that in the year of welfare reform being developed in this country, that we want to go around and stack the rolls, build up the baseline, and then if something happens in welfare reform, all of a sudden we are back here next year and we go, "What do we do?" We have falsely created this hope that all these people are going to get covered, we do not have the money to cover them. Then we have a real problem.

I think what we are trying to do here is recognize that in order to fully serve that baseline that exists, the committee has increased WIC by $260 million this year, and we are saying there is no indication that in order to serve that baseline we have to increase the caseload above that, because inflation is not going to cause that.

Mr. GOODLING. Mr. Chairman, I just merely want to say that what I am trying to do is make sure that those extra participants that the State can add to the program have that opportunity; that this cap does not affect what the State does with State money.

Mr. KILDEE. If the gentleman will yield to me further, I want to make it clear to all the body here that the WIC program is not an entitlement program. It requires an appropriation each year. It is not even a capped entitlement, which I tried to get it to be, but it is not. Each year we have to appropriate for this, so it is not an entitlement program, it is not something that we are going to be obligated to. We have to appropriate each year.

Mr. GOODLING. I am not involved in this entitlement fight, or how much you increase, or anything else. I am involved in the State, that those the State put on are not part of that cap. It is just as simple as that. I think the amendment is about as clear as any amendment could ever be.

Mr. DURBIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to say at the outset that I believe the gentleman from Pennsylvania [Mr. GOODLING] is attempting to improve the appropriations bill, but I think there is a flaw in the approach that he is using. If I am not mistaken, I believe the gentleman from Pennsylvania stated during the course of the debate that if a State should save money in the WIC program by competitive bidding for infant formula, and getting a lower cost per can, saving money, that the money that they saved he believes would be State funds that could be used to increase participation. The gentleman is nodding his head in agreement, and I believe that is what he said.

Unfortunately, we have received information that suggests that that is not the case. What we have been told is that the rebates that the States receive under WIC cost containment contracts are legally Federal funds and not State funds. As a result, what the gentleman from Pennsylvania has done is to create disincentives for the States to make this a more cost-efficient program.

That is not what we want to do here. I think what we want to do is to say to each one of the States: "Feed as many pregnant women and new mothers and their children as possible at the lowest possible cost, and if you can do that more cost-effectively and save money in the process, we want you to expand your program and bring in more eligible people." That is the intent of the gentleman from Ohio [Mr. HALL], it is my philosophy, and I think it is one we ought to share.

I think the difficulty here is that the money saved on cost containment is going to be considered Federal, and as a result, with the amendment of the gentleman from Pennsylvania [Mr. GOODLING], that money cannot be used to expand participation, so I would like to urge that we defeat the Goodling amendment and adopt the Hall amendment. By defeating the Goodling amendment, we will overcome this problem I have just described. By adopting the Hall amendment, we will say to the States, "Be more cost-efficient, do the best you can for the mothers and their children, and if you can save money and expand the program to help more mothers and kids have a healthy pregnancy and healthy kids, that is a goal that we all share."

I would urge the defeat of the Goodling amendment and the adoption of the Hall amendment.

I reserve the balance of my time, Mr. Chairman.

The CHAIRMAN. The question is on the perfecting amendment offered by the gentleman from Pennsylvania, [Mr. GOODLING].

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. DURBIN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, further proceedings on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING] will be postponed.

The debate is now on the amendment offered by the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Chairman, I yield 4 minutes to the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Chairman, I think in view of that last debate, I would hope that this is more direct and straightforward, if not less controversial. However, I have to rise in strong support of the amendment offered by the gentleman from Ohio [Mr. HALL]; I like to call it the Hall-Roukema amendment, and I want to express appreciation to the author of the amendment because of his untiring commitment to hunger and family issues.

Mr. Chairman, I want to explain again what this amendment is. It is very direct. It eliminates the cap on the number of people who participate in the WIC program. It has nothing to do with the amount of money. We are talking about the numbers of people, not the volume of money.

Currently approximately 6.9 million families are enrolled in WIC, and under the bill the enrollment would rise to 7.3 million. That is not the end of the story. It has been amply outlined by both the gentleman from Ohio [Mr. HALL] and the gentleman from Illinois [Mr. DURBIN] that the Department of Agriculture will have to divide these slots up, and really create another bureaucracy in and of itself among the several States.

However, there are other reasons why I am in favor of this and opposed to the committee approach, because what we need is smaller government and more efficient government, and it should go back to the States, as we did in H.R. 4, the original bill, of which I am a member of the committee that wrote that bill. The participation cap in this bill does very little to make government smaller. The cap will substantially increase the WIC bureaucracy, and undermine the program, in my opinion.

More to the point, however, the fact is that there will be no reason without the Hall amendment to pursue strong cost containment measures at the State level, since any savings could not be used to bring more needy women and children into the program, but the money would be turned over to the USDA as unspent funds. That is the most important thing, because it is completely contradictory to what we did in H.R. 4, the family nutrition program, which was a Republican-initiated program to direct back to the States the opportunity for less bureaucracy, streamlining of the program.

Really, in many ways, and in a direct way, the amendment offered by the gentleman from Ohio [Mr. HALL] is completely consistent with eliminating bureaucracy and giving the WIC directors at the State level the complete flexibility they need for more efficiency within their State. I think that it must again be remembered that this amendment does not change the amount of money. We are simply saying, "WIC directors, you improve your program, you increase the opportunities for women and children, and you will not have a cap on the number of people." I think it is clear that it is the kind of efficiency that we sought to have, it is the kind of efficiency that Republicans talk about, about being smarter and better, and I think it will bring benefits for all of the people that are under this program. It is not a welfare program, but it is a nutrition program that has proven itself as a cost-saver from beginning to end, not only in terms of better health, but in terms of efficiency of delivery at the State level.

Mr. Chairman, I rise in strong support of the Hall/Roukema amendment and urge its adoption. I would like to particularly thank my good friend from Ohio for his tremendous work on hunger issues for so many years. In an institution that is built on words, there is no one in this House who has displayed such an untiring commitment through his actions. He has been a champion of the children and families.

Having had the privilege of serving as the first ranking minority member of the former Select Committee on Hunger, I know something about this subject. I had the honor of working closely with then-Chairman Mickey Leland and his successor, Mr. HALL, on a range of hunger issues—both domestic and international.

Mr. Chairman, our amendment is simple. It eliminates the cap on the number of people who can participate in the WIC program. Currently, approximately 6.9 million families are enrolled in the WIC program nationwide. Under this bill, enrollment is allowed to rise to 7.3 million and no higher.

But that is it. End of story. No matter the economic conditions. No matter the need.

Without the Hall amendment and with the participation cap in place, however, there is absolutely no reason to pursue strong cost-containment measures, since any savings could not be used to bring more needy women and children into the program, but would be turned over the USDA as unspent funds.

Finally, allow me to address specifically my Republican colleagues—my colleagues who joined me in voting in March to move the WIC program into the family nutrition block grant of H.R. 4.

And why did we do that? To give the Governor's and the States flexibility to operate their programs as effectively and efficiently as possible.

Now you can make the case that the participation cap defeats the purpose of the block grant by removing the incentive to streamline your State's program. Why should they go through the motions of reforming their programs when the USDA will be the bureaucracy that benefits—and not the children?

Let me be clear: our amendment does not say that we will increase funding for WIC next year. It simply says that WIC offices around the country should have the ability to help those who need assistance.

Let me spell out for you just what that means.

It means that the Department of Agriculture will have to divide 7.3 million slots among the various States. In effect, bureaucrats in Washington will be establishing a state-by-state WIC quota system. That alone should cause everyone in this chamber to think twice about opposing the Hall amendment.

But there are other reasons.

While I am the first to say that we need to make government smaller and more efficient, this bill presents the wrong approach.

The participation cap in this bill does very little to make government smaller. In fact, the cap will substantially increase WIC bureaucracy, undermining a program that is nothing short of an American success story.

I want to point out to my colleagues that one of the most important elements of WIC, and perhaps the element that distinguishes the WIC program from others, is the incentive to save money through cost-containment.

WIC is not welfare. It is an effective, efficient and respected health-based nutrition program. At a time when only 66 percent of eligible participants are enrolled, we would be derelict in our duty if we refused to educate more eligible women about this life-saving program.

While it is easy to get lost in a debate about mandatory and discretionary spending, about how much money to spend and where to do it, we must not lose sight of the human element here.

When the health and well-being of expectant and postpartum mothers and their children hang in the balance, we cannot afford to be wrong.

Support the Hall-Roukema amendment. Eliminate the cap place on WIC participation, and support a program that protects the women and children who need our help.

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Mr. HALL of Ohio. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I want to express my support for the Hall-Roukema amendment to the Agriculture appropriations bill that would lift the WIC participation cap.

How would the participation cap be enforced? Would each State be assigned a participation cap? How would the USDA come up with an appropriate and fair formula that would prevent States from adding more participants to their rolls?

This cap would create an administrative nightmare for the USDA and would most likely ensure a decline in WIC participation. In an effort to comply with the law, most States would probably come in below the participation cap. Moreover, States with a surplus at the end of the year would be forced to turn away eligible participants.

WIC is an effective prevention program that saves on future health care costs. WIC provides food, education, and child care to poor women, infants, and children. It is estimated that one in five children in our country is living in poverty, and five million children under the age of 12 go hungry each month. No child in our country should go to bed hungry. Only well-nourished children reach their full potential and become productive, contributing members of society.

Hunger is caused by poverty. Poverty and hunger are a violence against humanity, whether they occur in the streets where we live or in a far-off Bosnian village.

I urge my colleagues to allow WIC directors the flexibility to manage their State WIC programs. Allow the States the flexibility to include as many WIC participants as their budgets will allow. Vote for the Hall-Roukema amendment.

Mr. MARTINI. Mr. Chairman, I rise in strong support of the Hall-Roukema amendment to remove the cap on WIC participation.

Considering the cost-effectiveness of WIC, and by now we are all familiar with the statistics on Medicaid savings that this program can provide, we should try our best to expand WIC's rolls, not limit them.

The WIC program in my area serves only about 60 percent of the eligible population.

Nationally, the number is closer to 65 percent.

I understand that we will never be able to serve 100 percent of the eligible WIC population.

Some people we will never be able to reach, and realistically speaking, we simply do not have the Federal resources to cover everyone right now.

So the status quo already forces us to place limits on WIC each fiscal year when we determine a funding level in an appropriations bill.

This is unfortunate, but merely a recognition of the actual situation.

That said, why are we now implementing a numerical cap?

As we reformed the welfare system last March, and as this new majority has taken various and new approaches to making the Federal Government work better, one overriding theme has been consistently stated.

How many times in the 104th Congress have we heard the phrase: "We must get government to do more with less"?

Well, we have not given WIC less money this time around.

In fact, we have increased its funding.

But this cap in effect tells WIC administrators across the country: Don't bother trying to implement new policies to be more efficient. Don't bother trying to stretch your budgets to reach more people with the same amount of funds.

You can't expand the rolls of your clients beyond what they have already reached, despite your best efforts to the contrary.

This is big-government, top-down management at its worst, and it should be eliminated. Without a cap, we can send a signal to WIC administrators that we want them to expand their clientele. We will reward their innovative and expansive outreach efforts, not discourage them.

Support flexibility and decentralization in the delivery of our social services by voting in favor of the Hall-Roukema amendment.

Mr. DURBIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in support of the Hall amendment. Let me tell what has happened in my home State. The State of Illinois put out for competitive bid infant formula, and it turns out that the WIC Program in the United States, which I understand serves 40 percent of the infants in America, obviously is one of the major purchasers of infant formula.

So when a State like mine, as large as it is, decides to ask the companies that make the formula to enter a competitive bid, they had quite a bit of competition and quite a bit of savings. They ended up with a rebate of $2.06 on every can of infant formula purchased under the WIC Program in Illinois and because they were so successful in competitive bidding, turned around and took this money and expanded the program, just what we want them to do, to be cost efficient, save money and expand the program.

We do not want to create an incentive, or disincentive I should say, for States to enter into competitive bidding. Just the opposite. Let us have them spend their tax dollars as effectively as possible, save the money and help as many families as possible. That is why the Hall amendment should be agreed to.

Mr. Chairman, I yield back the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a very good program and I still must oppose the amendment because if we do take the cap off and if you do have the efficiencies in the State operations, that is wonderful except we will put more people on the rolls and that is going to cause us to raise more money next year.

Mr. Chairman, we do not have the money. It is not here, and if we raise that capital, take the lid off of the 7.3 million, it puts us in jeopardy because it does allow the States to put more people on, which is wonderful from the States' perspective, but from the national level, it is very precarious because we just do not have any sources to raise the money. That is the problem.

I still, Mr. Chairman, have to oppose the Hall amendment, and reluctantly so because it is a good program. It has been one of the best feeding programs we have got, of the 26 nutrition programs that we are funding today in the Federal Government.

Mr. Chairman, I appreciate what the gentleman is trying to do and admire the work that he has done, but it puts us in an untenable position, and we maintain our opposition to this proposal to remove the cap because, once again, we did overfund it last year.

States could not pick up the slack, they could not get the organization work done to put more people on, so we had to take money out in the rescission package. It has been kind of an ungodly nightmare, but I think that I understand where you are going and I hope the gentleman understands our position and I have to oppose it.

Mr. HALL of Ohio. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, in closing, I would say that what we are doing here is we are removing the cap of 7.3 million people who can participate in this program in 1996. This does not change the level of funding which is appropriated in this bill. This is budget neutral according to CBO. We are not trying to increase the money.

It provides more flexibility to the WIC directors to manage their State programs. Just ask them. They want the flexibility. They want the ability to be innovative.

It is bipartisan. The administration is strongly in support of this amendment. The National Association of WIC Directors, strongly in support of it. Bread for the World, strongly in support of it. Center on Budget Priorities, strongly in support of this amendment.

Vote against the Goodling amendment, Vote for the Hall-Roukema amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. HALL].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HALL of Ohio. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of July 19, further proceedings on the amendment offered by the gentleman from Ohio [Mr. HALL] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there further amendments to title IV?

If not, the Clerk will designate title V.

The text of title V is as follows:

TITLE V—FOREIGN ASSISTANCE AND RELATED PROGRAMS

FOREIGN AGRICULTURAL SERVICE

(INCLUDING TRANSFERS OF FUNDS)

For necessary expenses of the Foreign Agricultural Service, including carrying out title VI of the Agricultural Act of 1954, as amended (7 U.S.C. 1761–1768), market development activities abroad, and for enabling the Secretary to coordinate and integrate activities of the Department in connection with foreign agricultural work, including not to exceed $128,000 for representation allowances and for expenses pursuant to section 8 of the Act approved August 3, 1956 (7 U.S.C. 1766), $123,520,000, of which $5,176,000 may be transferred from Commodity Credit Corporation funds, $2,792,000 may be transferred from the Commodity Credit Corporation program account in this Act, and $1,005,000 may be transferred from the Public Law 480 program account in this Act: *Provided*, That the Service may utilize advances of funds, or reimburse this appropriation for expenditures made on behalf of Federal agencies, public and private organizations and institutions under agreements executed pursuant to the agricultural food production assistance programs (7 U.S.C. 1736) and the foreign assistance programs of the International Development Cooperation Administration (22 U.S.C. 2392).

None of the funds in the foregoing paragraph shall be available to promote the sale or export of tobacco or tobacco products.

PUBLIC LAW 480 PROGRAM AND GRANT ACCOUNTS

(INCLUDING TRANSFERS OF FUNDS)

For expenses during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1691, 1701–1715, 1721–1726, 1727–1727f, 1731–1736g), as follows: (1) $291,342,000 for Public Law 480 title I credit, including Food for Progress programs; (2) $25,000,000 is hereby appropriated for ocean freight differential costs for the shipment of agricultural commodities pursuant to title I of said Act and the Food for Progress Act of 1985, as amended; (3) $821,100,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title II of said Act; and (4) $50,000,000 is hereby appropriated for commodities supplied in connection with dispositions abroad pursuant to title III of said Act: *Provided*, That not to exceed 15 percent of the funds made available to carry out any title of said Act may be used to carry out any other title of said Act: *Provided further*, That such sums shall remain available until expended (7 U.S.C. 2209b).

For the cost, as defined in section 502 of the Congressional Budget Act of 1974, of direct credit agreements as authorized by the Agricultural Trade Development and Assistance Act of 1954, as amended, and the Food for Progress Act of 1985, as amended, including the cost of modifying credit agreements under said Act, $236,162,000.

In addition, for administrative expenses to carry out the Public Law 480 title I credit program, and the Food for Progress Act of 1985, as amended, to the extent funds appropriated for Public Law 480 are utilized, $1,750,000.

SHORT-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $5,200,000,000 in credit guarantees under its export credit guarantee program for short-term credit extended to finance the export sales of United States agricultural commodities and the products thereof as authorized by section 202(a) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

INTERMEDIATE-TERM EXPORT CREDIT

The Commodity Credit Corporation shall make available not less than $500,000,000 in credit guarantees under its export credit guarantee program for intermediate-term credit extended to finance the export sales of United States agricultural commodities and the products thereof as authorized by section 202(b) of the Agricultural Trade Act of 1978 (7 U.S.C. 5641).

COMMODITY CREDIT CORPORATION EXPORT LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFERS OF FUNDS)

For administrative expenses to carry out the Commodity Credit Corporation's export guarantee program, GSM-102 and GSM-103, $3,381,000; to cover common overhead expenses as permitted by section 11 of the Commodity Credit Corporation Charter Act and in conformity with the Federal Credit Reform Act of 1990, of which not to exceed $2,792,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Foreign Agricultural Service, and of which not to exceed $589,000 may be transferred to and merged with the appropriation for the salaries and expenses of the Consolidated Farm Service Agency.

The CHAIRMAN. Are there any amendments to title V?

If not, the Clerk will designate title VI.

The text of title VI is as follows:

TITLE VI—RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION, DEPARTMENT OF HEALTH AND HUMAN SERVICES

FOOD AND DRUG ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Food and Drug Administration, including hire and purchase of passenger motor vehicles; for rental of special purpose space in the District of Columbia or elsewhere; and for miscellaneous and emergency expenses of enforcement activities, authorized and approved by the Secretary and to be accounted for solely on the Secretary's certificate, not to exceed $25,000; $904,694,000, of which not to exceed $84,723,000 in fees pursuant to section 736 of the Federal Food, Drug, and Cosmetic Act may be credited to this appropriation and remain available until expended: *Provided*, That fees derived from applications received during fiscal year 1996 shall be subject to the fiscal year 1996 limitation: *Provided further*, That none of these funds shall be used to develop, establish, or operate any program of user fees authorized by 31 U.S.C. 9701.

In addition, fees pursuant to section 354 of the Public Health Service Act may be credited to this account, to remain available until expended.

BUILDINGS AND FACILITIES

For plans, construction, repair, improvement, extension, alteration, and purchase of fixed equipment or facilities of or used by the Food and Drug Administration, where not otherwise provide, $15,350,000, to remain available until expended (7 U.S.C. 2209b).

RENTAL PAYMENTS (FDA)

(INCLUDING TRANSFERS OF FUNDS)

For payment of space rental and related costs pursuant to Public Law 92–313 for programs and activities of the Food and Drug Administration which are included in this Act, $46,294,000: *Provided*, That in the event the Food and Drug Administration should require modification of space needs, a share of the salaries and expenses appropriation may be transferred to this appropriation, or a share of this appropriation may be transferred to the salaries and expenses appropriation, but such transfers shall not exceed 5 percent of funds made available for rental payments (FDA) to or from this account.

DEPARTMENT OF THE TREASURY

FINANCIAL MANAGEMENT SERVICE

PAYMENTS TO THE FARM CREDIT SYSTEM FINANCIAL ASSISTANCE CORPORATION

For necessary payments to the Farm Credit System Financial Assistance Corporation by the Secretary of the Treasury, as authorized by section 6.28(c) of the Farm Credit Act of 1971, as amended, for reimbursement of interest expenses incurred by the Financial Assistance Corporation on obligation issued through 1994, as authorized, $15,453,000.

INDEPENDENT AGENCIES

COMMODITY FUTURES TRADING COMMISSION

For necessary expenses to carry out the provisions of the Commodity Exchange Act, as amended (7 U.S.C. 1 et seq.), including the purchase and hire of passenger motor vehicles; the rental of space (to include multiple year leases) in the District of Columbia and elsewhere; and not to exceed $25,000 for employment under 5 U.S.C. 3109; $49,144,000, including not to exceed $1,000 for official reception and representation expenses: *Provided*, That the Commission is authorized to charge reasonable fees to attendees of Commission sponsored educational events and symposia to cover the Commission's costs of providing those events and symposia, and notwithstanding 31 U.S.C. 3302, said fees shall be credited to this account, to be available without further appropriation.

The CHAIRMAN. Are there any amendments to title VI?

If not, the Clerk will designate title VII.

The text of title VII is as follows:

TITLE VII—GENERAL PROVISIONS

SEC. 701. Within the unit limit of cost fixed by law, appropriations and authorizations made for the Department of Agriculture for the fiscal year 1996 under this Act shall be available for the purchase, in addition to those specifically provided for, of not to exceed 665 passenger motor vehicles, of which 642 shall be for replacement only, and for the hire of such vehicles.

SEC. 702. Funds in this Act available to the Department of Agriculture shall be available for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901–5902).

SEC. 703. Not less than $1,500,000 of the appropriations of the Department of Agriculture in this Act for research and service work authorized by the Acts of August 14, 1946, and July 28, 1954 (7 U.S.C. 427, 1621–1629), and by chapter 63 of title 31, United States Code, shall be available for contracting in accordance with said Acts and chapter.

SEC. 704. The cumulative total of transfers to the Working Capital Fund for the purpose of accumulating growth capital for data services and National Finance Center operations shall not exceed $2,000,000: *Provided*, That no funds in this Act appropriated to an agency of the Department shall be transferred to the Working Capital Fund without the approval of the agency administrator.

SEC. 705. New obligational authority provided for the following appropriation items in this Act shall remain available until expended (7 U.S.C. 2209b): Animal and Plant Health Inspection Service, the contingency fund to meet emergency conditions, and integrated systems acquisition project; and Foreign Agricultural Service, middle-income country training program.

New obligational authority for the boll weevil program; up to 10 percent of the screwworm program of the Animal and Plant Health Inspection Service; Food Safety and Inspection Service, field automation and information management project; funds appropriated for rental payments; funds for the Native American institutions endowment fund in the Cooperative State Research, Education, and Extension Service, and funds for the competitive research grants (7 U.S.C. 450i(b)) shall remain available until expended.

SEC. 706. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 707. Not to exceed $50,000 of the appropriations available to the Department of Agriculture in this Act shall be available to provide appropriate orientation and language training pursuant to Public Law 94-449.

SEC. 708. No funds appropriated by this Act may be used to pay negotiated indirect cost rates on cooperative agreements or similar arrangements between the United States Department of Agriculture and nonprofit institutions in excess of 10 percent of the total direct cost of the agreement when the purpose of such cooperative arrangements is to carry out programs of mutual interest between the two parties. This does not preclude appropriate payment of indirect costs on grants and contracts with such institutions when such indirect costs are computed on a similar basis for all agencies for which appropriations are provided in this Act.

SEC. 709. Notwithstanding any other provision of this Act, commodities acquired by the Department in connection with Commodity Credit Corporation and section 32 price support operations may be used, as authorized by law (15 U.S.C. 714c and 7 U.S.C. 612c), to provide commodities to individuals in cases of hardship as determined by the Secretary of Agriculture.

SEC. 710. None of the funds in this Act shall be available to reimburse the General Services Administration for payment of space rental and related costs in excess of the amounts specified in this Act; nor shall this or any other provision of law require a reduction in the level of rental space or services below that of fiscal year 1994 or prohibit an expansion of rental space or services with the use of funds otherwise appropriated in this Act. Further, no agency of the Department of Agriculture, from funds otherwise available, shall reimburse the General Services Administration for payment of space rental and related costs provided to such agency at a percentage rate which is greater than is available in the case of funds appropriated in this Act.

SEC. 711. None of the funds in this Act shall be available to restrict the authority of the Commodity Credit Corporation to lease space for its own use or to lease space on behalf of other agencies of the Department of Agriculture when such space will be jointly occupied.

SEC. 712. None of the funds in this Act shall be available to pay indirect costs on research grants awarded competitively by the Cooperative State Research, Education, and Extension Service that exceed 14 percent of total Federal funds provided under each award.

SEC. 713. Notwithstanding any other provisions of this Act, all loan levels provided in this Act shall be considered estimates, not limitations.

SEC. 714. Appropriations to the Department of Agriculture for the cost of direct and guaranteed loans made available in fiscal year 1996 shall remain available until expended to cover obligations made in fiscal year 1996 for the following accounts: the rural development loan fund program account; the Rural Telephone Bank program account; the rural electrification and telecommunications loans program account; and the rural economic development loans program account.

SEC. 715. Such sums as may be necessary for fiscal year 1996 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 716. (a) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that in expending the funds the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c; popularly known as the "Buy American Act").

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROHIBITION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

SEC. 717. Notwithstanding the Federal Grant and Cooperative Agreement Act, marketing services of the Agricultural Marketing Service may use cooperative agreements to reflect a relationship between Agricultural Marketing Service and a State or Cooperator to carry out agricultural marketing programs.

SEC. 718. PROHIBITION ON USE OF FUNDS FOR HONEY PAYMENTS OR LOAN FORFEITURES.—Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available by this Act shall be used by the Secretary of Agriculture to provide for a total amount of payments and/or total amount of loan forfeitures to a person to support the price of honey under section 207 of the Agriculture Act of 1949 (7 U.S.C. 1446h) and section 405A of such Act (7 U.S.C. 1425a) in excess of zero dollars in the 1994, 1995, and 1996 crop years.

SEC. 719. None of the funds in this Act may be used to retire more than 5% of the Class A stock of the Rural Telephone Bank.

SEC. 720. None of the funds appropriated or otherwise made available by this Act may be used to provide benefits to households whose benefits are calculated using a standard deduction greater than the standard deduction in effect for fiscal year 1995.

SEC. 721. None of the funds made available in this Act may be used for any program, project, or activity when it is made known to the Federal entity or official to which the funds are made available that the program, project, or activity is not in compliance with any applicable Federal law relating to risk assessment, the protection of private property rights, or unfunded mandates.

The CHAIRMAN. Are there any amendments to title VII?

If not, the Clerk will read the last 3 lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1996".

Mr. TORKILDSEN. Mr. Chairman, I support the Hall-Roukema amendment, and I commend my colleagues for bringing this important issue to the floor. It will maximize the potential of a time-tested and needed program, while remaining completely budget neutral.

The program's motto is "WIC Works Wonders" and indeed it does:

In over 70 evaluation studies, WIC has demonstrated improved pregnancy and reduced anemia in children;

Medicaid beneficiaries have experienced a lower infant mortality rate;

Four- to five-year-old children have increased immunization rates and improved vocabularies.

WIC serves 6.5 million women and children monthly, saving the Government over $700 million every year in health and education expenditures. With such a significant return on our investment, I regret that this Congress is unable to provide for additional cases in the coming year. However, this amendment will at least give cost-conscious States the opportunity to expand their own caseloads if additional funds become available. A participation cap is counterproductive and potentially harmful to a program that deserves our full support.

I urge my colleagues to support WIC by voting for the Hall-Roukema amendment.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by the gentleman from Pennsylvania [Mr. GOODLING]; the amendment offered by the gentleman from Ohio [Mr. HALL].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

PERFECTING AMENDMENT OFFERED BY MR. GOODLING

The CHAIRMAN. The pending business is the demand for a recorded vote on the perfecting amendment offered by the gentleman from Pennsylvania [Mr. GOODLING] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

The vote was taken by electronic device, and there were—ayes 230, noes 193, not voting 11, as follows:

[Roll No. 542]

AYES—230

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—193

Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Ward
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—11

Abercrombie
Collins (MI)
Gallegly
Goodling
Jefferson
Moakley
Pallone
Reynolds
Saxton
Volkmer
Waters

☐ 1916

Messrs. VENTO, BARCIA, TAUZIN, and JACOBS changed their vote from "aye" to "no."

Ms. PRYCE, Mrs. KELLY, Mr. FLANAGAN, and Mr. TORKILDSEN changed their vote from "no" to "aye."

So the perfecting amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PALLONE. Mr. Chairman, during rollcall vote No. 542 on H.R. 1976 I was unavoidably detained. Had I been present I would have voted "nay".

AMENDMENT OFFERED BY MR. HALL OF OHIO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. HALL] on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 278, noes 145, not voting 11, as follows:

[Roll No. 543]

AYES—278

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Becerra
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Bereuter
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Bilirakis
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Buyer
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Canady
Castle
Chapman
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Clement
Clyburn
Coburn
Coleman
Collins (IL)
Condit
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Coyne
Cramer
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de la Garza
DeFazio
DeLauro
Dellums
Deutsch
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Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Engel
English
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
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Gonzalez
Gordon
Graham
Green

Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hayworth
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Heineman
Hilleary
Hilliard
Hinchey
Hoekstra
Holden
Horn
Hoyer
Inglis
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Klug
LaFalce
LaHood
Lantos
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
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McCarthy
McCollum
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McDermott
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McHugh
McInnis
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
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Mfume
Miller (CA)
Mineta
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Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
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Rangel
Reed
Regula
Richardson
Rivers
Roemer
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stupak
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Waldholtz
Wamp
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Waters
Watt (NC)
Waxman
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Weldon (PA)
Weller
White
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NOES—145

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Bartlett
Barton
Bass
Bateman
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
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Callahan
Calvert
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
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Collins (GA)
Combest
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Cubin
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Diaz-Balart
Dickey
Doolittle
Dornan
Duncan
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Emerson
Everett
Ewing
Fields (TX)
Foley
Frisa
Funderburk
Ganske
Gekas
Goodlatte
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Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hefley
Herger
Hobson
Hoke
Hostettler
Houghton
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Hutchinson
Hyde
Istook
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Knollenberg
Kolbe
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Latham
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCrery
McIntosh
McKeon
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Packard
Paxon
Pombo
Porter
Radanovich
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Solomon
Stockman
Stump
Talent
Taylor (NC)
Thomas
Thornberry
Tiahrt
Vucanovich
Walker
Walsh
Watts (OK)
Whitfield
Wicker
Young (AK)
Zeliff

NOT VOTING—11

Cardin
Collins (MI)
Dreier
Gallegly
Goodling
Jefferson
Moakley
Reynolds
Saxton
Smith (WA)
Volkmer

☐ 1925

The Clerk announced the following pair:

On this vote:

Mr. Moakley for, with Mr. Dreier against.

Messrs. WELLER, WAMP, GRAHAM, FORBES, and LONGLEY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Ms. DUNN of Washington. Mr. Speaker, on Rollcall No. 543, I ask that the RECORD reflect that I intended to vote "yes."

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I wish to comment on title V of the bill. I strongly support title II funding to feed starving people, and I urge the committee to preserve and enhance funding for the P.L. 480, title II, program.

Mr. Chairman, with the budget constraints we are under, we need to make cuts in foreign assistance. My committee's bill, the American Overseas Interests Act passed the House on June 8 by reducing spending over $3 billion in fiscal year 1996 and fiscal year 1997. We did this while increasing funding for programs that actually saved lives—disaster assistance, refugee relief and food aid. Simply put, the Public Law 480 title II program saves lives by feeding starving people.

Through the title II food aid program, the American people feed 2.7 million displaced and war-affected people within Bosnia and another 2 million in Angola. Thirteen million mothers and children on the Indian subcontinent depend on this program for daily nutrition. Closer to home, over 1 million Haitians depend on this program for nutrition, helping to ensure the survival of the democracy there. The title II program is designed to work with the leading American relief agencies such as Care, Catholic Relief Services, Save the Children and World Vision. These organizations, which raise most of their funds through private donations, represent the best in America and our mission to the poor.

This year, the Appropriations Committee wisely chose not to make budget savings for the title II program by recommending last year's level of $821 million. Unfortunately, this will still represent a cut for the program. Under a little known provision—section 416(b) of the Agricultural Act of 1949—the Secretary of Agriculture is authorized to provide commodities acquired by the Commodity Credit Corporation [CCC] to the title II program. In fiscal year 1993, over 2 million metric tons of foods were donated under 416. Because CCC stocks have dwindled, in fiscal year 1994 only 160,000 metric tons were delivered and this year no "416" food will be available.

Mr. Chairman, for all the work we have done, hunger is still a problem in the developing world. Even under the optimistic estimates of the administration, we will fall over 400,000 metric tons of food short of the needs of starving people around the world. Recognizing this need, the International Relations Committee included a 2-year authorization for a minimum of 2.025 million metric tons of food to be delivered under the title II program. Cost estimates show this would be equal an authorized funding level of $863 million for this program in fiscal year 1996 and fiscal year 1997.

Mr. Chairman, the Title III Government-to-Government Program is a new one, created in 1990. While it has worthy goals, it clearly does not have the priority that the title II program has in saving lives. The administration recognized this when it proposed cutting the title III program by $100 million, down to $50 million. The Budget Committee recommended ending the title III program altogether. Working with Representative BEREUTER on the House floor, we saved the program in the American Overseas Interests Act at the $25 million level. Given the needs of starving people, I believe that the Appropriations Committee should reflect the authorizing committee levels and emphasize the life-saving mission of the title II program.

I want to thank Chairman SKEEN and Representative DURBIN for their work on this issue. They have done good work on this bill and I will strongly support it on final passage.

I ask that since I will be unable to offer my amendment to title V to transfer $25 million from the public law 480 Title III, Government-to-Government Program; to the public law 480 Title II program. I strongly support funding for the title II program.

AMENDMENT OFFERED BY MR. DURBIN

Mr. DURBIN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DURBIN: Page 71, after line 2, insert the following new section:

SEC. 726. None of the funds made available in this Act to the Department of Agriculture may be used (1) to carry out, or pay the salaries of personnel who carry out, any extension service program for tobacco; or (2) to provide, or to pay the salaries of personnel who provide, crop insurance for tobacco for the 1996 or later crop years.

Mr. DURBIN. Mr. Chairman, I have an amendment at the desk, and I would like to inquire of the chairman of the committee if he would like to enter into a unanimous consent as to the time for the debate on this amendment relative to the tobacco program, and I would like to suggest to the chairman that we limit the debate on this amendment and all amendments thereto to 1 hour, 30 minutes on each side.

Mr. SKEEN. If the gentleman will yield, would the gentleman accept 40 minutes, 20 minutes on each side?

Mr. DURBIN. I would like to think that could happen. But honestly I have 20 requests for time to speak. I think 30 minutes is realistic on each side.

Mr. SKEEN. The gentleman is bound and determined to extend this thing. Thirty minutes each side?

Mr. DURBIN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto be limited to 1 hour, 30 minutes, equally divided by myself and the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I yield my time on this side to the gentleman from Kentucky [Mr. ROGERS].

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois [Mr. DURBIN]?

There was no objection.

The CHAIRMAN. The time limitation on this amendment will be 1 hour, equally divided, 30 minutes by proponents and opponents, and all amendments thereto. Time for the proponents will be controlled by the gentleman from Illinois [Mr. DURBIN], and the opposition by the gentleman from Kentucky [Mr. ROGERS].

POINT OF ORDER

Mr. EWING. Mr. Chairman, I reserve a point of order against the Durbin amendment and ask that he explain the amendment.

Mr. DURBIN. Mr. Chairman, may I correctly assume this time will not be taken from the debate time on the amendment?

The CHAIRMAN. The Chair will make that concession.

Mr. DURBIN. Soon?

The CHAIRMAN. Yes.

Mr. DURBIN. I might respond to the inquiry from the gentleman from Illinois that this amendment has been changed and does two things. It says that none of the funds made available in this act, this appropriation to the Department of Agriculture, may be used, No. 1, to carry out or pay the salaries of personnel who carry out any extension service program for tobacco or, No. 2, to provide or to pay the salaries of personnel and provide crop insurance for tobacco for the 1996 or later crop years.

Mr. EWING. Mr. Chairman, I make a point of order against the amendment.

PARLIAMENTARY INQUIRY

Mr. DURBIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. DURBIN. Mr. Chairman, would the Chair clarify the status of time on this inquiry and this point of order?

The CHAIRMAN. The inquiry does not come out of debate time.

Mr. DURBIN. I thank the Chair.

Mr. EWING. Mr. Chairman, rule XXI, clause 2(c) provides that no amendment to a general appropriation bill shall be in order if changing existing law.

□ 1930

The burden is also on the proponent of an amendment to a general appropriation bill to prove the language offered under the guise of a limitation does not in fact change existing law (CONGRESSIONAL RECORD, pp 18666–7, June 16, 1976), or impose additional duties on Federal officials, not required by law (CONGRESSIONAL RECORD, May 28, 1968, p 15350), or implicitly requires Federal officials to make judgments and determinations not otherwise required of them by law (CONGRESSIONAL RECORD, July 31, 1969, pp 21653, 21675). It is submitted that even an implicit restriction on authority to incur obligations otherwise included in an existing contract is legislative in nature and not a limitation on funds (July 13, 1987, CONGRESSIONAL RECORD, p 19507).

Section 508(b)(1) of the Federal Crop Insurance Act requires the Federal Crop Insurance Corporation to offer a catastrophic risk protection plan to indemnify producers for crop loss due to loss of yield or prevented planting and such coverage is provided for tobacco.

Section 508(b)(5) of the Federal Crop Insurance Act provides that producers shall pay a fee for such catastrophic coverage and section 508(b)(7) provides that to be eligible for price support and a number of other benefits from USDA the "producers must obtain at least the catastrophic level of insurance for each crop" grown on the farm (with certain exceptions for minor crops not applicable here).

What is mandated in the Federal Crop Insurance Act, that is, catastrophic insurance coverage, whether obtained from a Federal Agency in the field (a county office of USDA) or a private insurer under an agreement for sale from the Federal Crop Insurance Corporation is not only limited by this amendment, but is effectively denied to producers. The provisions of Public Law 103–354 (the Federal Crop Insurance Reform Act of 1994) would be suspended by the Amendment, at least for the period of the 1996 fiscal year, for catastrophic as well as "buy-up" coverage of insurance.

Moreover, the Secretary of Agriculture and the Board of Directors and the manager of the Federal Crop Insurance Corporation [FCIC] would have added duties of changing their regulations, changing their contracts with their insured producers many of whom are automatically renewed through a continuing contract and whose contracts would have to be cancelled by the Secretary, an additional duty. They must also change their reinsurance agreements with private insurance companies who serve as agents for the Government in offering catastrophic and buy up insurance coverage under existing agreements that would have to be amended. The reason for the latter is that, the agreements between the FCIC and the private insurers are normally multiyear, but for fiscal year 1996 because there is an element of Government funds, over and above the premium, involved in the catastrophic and buyup coverage in crop insurance, some action would have to be taken by the Secretary or the manager of the FCIC to change the insurance company agreement. There would also be costs involving advertising notices to producers, banks, and other lending institutions about the proposed change to cancel coverage. Other "wind-down" costs involving cancelled coverage in 1996, as well as the duties and costs involved in reinstituting notices and regulations concerning coverage availability in fiscal year 1997. Heretofore, because tobacco was covered by general notices on major crop coverage there would be a need for notices to banks and institutions offering credit and to tobacco producers when the coverage would be terminated in 1996 and then reinstituted for 1997 tobacco crops.

Finally, it is submitted that if the Amendment were adopted that it could have the effect of denying conventional crop insurance coverage for tobacco, but make tobacco producers eligible for the Noninsured Crop Disaster Assistance Program (NAP) of section 519 of the Federal Crop Insurance Act (7 U.S.C. 1519). This program provides disaster assistance, without insurance premiums being paid, mainly where catastrophic coverage is not available. I note that crops specifically included are Christmas trees, turf grass and industrial crops. However because there could be added cost to the Government of $17 million in FY 1996 according to USDA if such coverage was given for tobacco crops if this Amendment were to be adopted, that possibility should be considered in the ruling on this Amendment as a violation of section 602 of the Budget Act.

Also, Mr. Chairman I point to the colloquy last night between Chairman ROBERTS of the Agriculture Committee and other members when he urged them to take up matters such as this in the farm bill and not try to change the appropriations bill into a farm bill.

He stated he would work with them in such an undertaking.

The CHAIRMAN. Is there further discussion on the point of order?

Mr. DURBIN. Mr. Chairman, the amendment which I have offered neither changes the law nor imposes any new duties on any Federal employee. Under the rules of the House, the House is free to specify what is not to be funded in a bill. The House may decline to fund specific activities under rule XXI. This is a strict limitation and totally within the four corners of the existing rules and limitation amendments which have been allowed time and again.

Mr. EWING. Mr. Chairman, I believe that I have answered those remarks by the gentleman from Illinois [Mr. DURBIN] and I would insist on my point of order.

The CHAIRMAN. The gentleman does insist on his point of order, and the Chair is prepared to rule.

The gentleman from Illinois [Mr. EWING] makes the point of order that the amendment offered by the gentleman from Illinois violates clause 2 of rule XXI by legislating on a general appropriation bill.

The amendment of the gentleman from Illinois [Mr. DURBIN] is in the form of a limitation. It prohibits funds in the bill from being used to carry out, or pay the salaries of personnel who carry out, certain tobacco programs, including crop insurance for tobacco.

The precedent cited by the gentleman from Illinois [Mr. EWING] (July 13, 1987, which appears in the CONGRESSIONAL RECORD at p. 19507) is distinguishable. The language ruled out on that occasion was a proviso in a paragraph of a general appropriation bill proscribing the incurring of obligations for certain facilities that was not in the form of a proper limitation on funds in the bill.

The amendment offered by the gentleman from Illinois [Mr. DURBIN] however, is in the form of a straight limitation. It is a negative restriction on the availability of funds in a general appropriation bill that merely restricts the availability of funds and refrains from prescribing duties or requiring determinations of governmental officials. A straight limitation on funds is not considered as changing existing law but as merely constricting the range of objects to which the accompanying appropriation may be put.

Accordingly, the Chair overrules the point of order under clause 2 of rule XXI.

Mr. DURBIN. Mr. Chairman, I want to salute my colleagues who have joined me in offering this amendment. The gentleman from Utah [Mr. HANSEN] and the gentlewoman from Washington [Mrs. SMITH] have been kind enough to join me in this bipartisan effort. This is an important and perhaps historic debate on the floor of the U.S. House of Representatives. We will decide tonight in no small measure whether Uncle Sam is going to get out of the tobacco business.

Let me tell my colleagues what every Member of Congress in this Chamber has faced and what I have faced many times throughout my career in town meetings where ordinary Americans asked a very difficult question. "Congressman," they say, "if the Federal Government tells us that tobacco kills you and is dangerous for you, why in God's name do the Federal taxpayers have to subsidize the growth of this tobacco?"

And time and again my colleagues on the floor here will answer, "Well, perhaps it is not such a good idea; we ought to do something about it." Tonight my colleagues have a chance to do something about it because tonight this amendment addresses two specific areas of spending on the Federal tobacco program, mainly the Extension Service and the crop insurance program.

Mr. Chairman, I wish it were within my legislative power to completely abolish the tobacco programs at the Federal level tonight with this amendment, but, because of budgetary constraints, I cannot. What I will attempt to do with this amendment is to address two large parts and very serious parts of our Federal tobacco program, and I hope in so doing to not only demonstrate why this is good philosophically, but good from a budgetary viewpoint.

First and foremost, the tobacco growers and their supporters on the floor will tell us time and again until they are blue in the face that the tobacco program does not cost the taxpayers anything. My colleagues will hear that tonight at least a dozen times and believe each time they have heard it that it is not true. The tobacco program costs American taxpayers each year $42 million, $42 million of Federal tax money going to support an industry that generates $40 billion a year in sales, 40 billion. These are not mom-and-pop pauper operations. These are huge tobacco companies working in many instances with huge tobacco growers, and we still subsidize their effort.

The amendment which I have introduced addresses the Extension Service. We have men and women in the Extension Service traveling across the country giving advice to growers and farmers as to the best way to grow their crop. What we are saying is get them out of the tobacco business. They can advise people who are growing crops that are good for us how to grow those crops more efficiently, but tobacco, tobacco is the only subsidized crop by the Federal Government which, when used according to manufacturers' directions, will kill us. It is not an ordinary agricultural crop. It is a killer, and each year it is the No. 1 preventable cause of death in America. We cannot say that about cotton, or corn, or wheat, sugar beets, or any other commodity that the Department of Agriculture deals with.

The second area is crop insurance. Those who grow tobacco buy insurance in the likelihood or in the circumstance where their crop might be endangered because of floods or drought, whatever it happens to be. They pay a premium, but the premium does not cover the cost of the program. In other words, when they get paid back, they receive more back from the Government than they paid in premium. The difference is paid for by America's taxpayers, and that unfortunately adds again to the cost that we pay each year to the tune of about $23 million.

Today's debate is not about whether small tobacco farmers will survive. One acre of tobacco can generate 2,000 pounds of product a year, currently selling, I understand, for about $1.80 a pound; in other words, $3,600 gross. Now it is much more labor-intensive than most other crops, but a person with 1 acre of tobacco under cultivation can expect to make several thousand dollars from that 1 acre. In my part of the world where we grow corn, if someone can net $200 an acre from growing corn, they are lucky. If someone is a tobacco grower under the program, we are talking in terms of several thousand dollars.

The program continues, the tobacco allotment program will continue, those profits will continue for those families. They can afford to buy their own crop insurance.

The issue here is should the Federal Government use taxpayers' dollars to subsidize this crop. I will tell my colleagues I would like to have every Member of Congress tonight to have an opportunity the next time that a town meeting comes up to say, "Yes, I cast a "yes" vote for the Durbin-Hansen-Smith amendment to make it clear that Uncle Sam ought to get out of the tobacco business. We have no business subsidizing the growth, production, and processing of a product which kills hundreds of thousands of Americans each year."

Mr. Chairman, I reserve the balance of my time.

□ 1945

Mr. ROGERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise to speak against the amendment. Let us be clear what the Durbin amendment does. This amendment does not reduce spending in this appropriations bill. Read it for yourself. We will not cut a penny in this bill. What the amendment does do though is discriminate against the small farmers in the tobacco growing regions of this country in favor of large corporate growers.

Let us be sure what we are doing here. You are giving the big advantage to the big corporate growers, and you are cutting out the very small one acre plot growers. That is who you are hurting, I would say to the gentleman from Illinois [Mr. DURBIN]. That is who this amendment hits. Whether the gentleman is aiming there or not, that is where it hits. They will be denied basic assistance available to any other farmer, particularly the big farmers.

The corn farmer in the gentleman's district is welcome to get help from the extension agent, thank you very much. But my farmer is told, "No, we don't like what you grow, we are going to refuse to help you." It says to my farmers, "Even though Federal law requires you to participate in the crop insurance program, we are prohibiting you from doing so," forcing that small family farmer to break the law that this Congress wrote.

The intent of this amendment, as the gentleman said, is to get people to quit smoking. Well, let me explain to Members how this thing works. The gentleman from Illinois [Mr. DURBIN] does not understand that the tobacco allotment program holds down production of tobacco. If you lift that program, the big, huge corporate growers are going to grow tobacco like it is going out of style. They will import tobacco from all over the world. People are going to smoke cigarettes, it will be foreign tobacco or big producer tobacco, and the cigarette prices will plummet, and you will see a rash of smoking increases. The tobacco control growth program holds down the production of tobacco, propping up the price of cigarettes. You remove that, and cigarettes go dirt cheap.

Mr. Chairman, I ask you, is that what you really want? While you promote smoking, you are killing off the small growers in the country in favor of the large corporate growers. I urge Members, reject Durbin.

Mr. DURBIN. Mr. Chairman, I yield 3 minutes to the gentleman from Utah [Mr. HANSEN], a cosponsor of the amendment.

Mr. HANSEN. Mr. Chairman, let me point out to Members that this amendment we are working on does not hurt the family farmer. They still have access to tobacco price support programs and their crops will still be in demand. Furthermore, tobacco is a very lucrative business and I am sure they can afford to stay in this business.

Let me tell you about a man who is my neighbor, Dr. Chuck Edwards. Chuck Edwards is the foremost expert in the West in taking care of people who have cancer of the jaw and the larynx. You ought to see that. I wish Dr. Edwards was here and everybody in this House was forced to look at this, and everybody in America, because what he does is he shows these films. He takes their face off and puts it up over their head, and then he goes into that area and he cuts off their jaw, and then he puts a hole in their trachea, and that is how they breathe.

He talks about all these young people who take this little round can they keep in their back pocket, and take it like this and stuff it down in their mouth. He says, "There is 100 percent chance, if they live to the age of 60, we will take their jaw."

Who in their right mind can tell me, what doctor will stand up and say that this is not one of the greatest killers there is in America today? And we subsidize it. This is a Kevorkian budget subsidy if I have ever seen one.

We find ourselves in the position where we talk about 350,000 people that went up in smoke in a mushroom cloud in the days of Hiroshima and Nagasaki. Now we kill 400,000 of them, and this group, this Congress, supports it. It is unbelievable to me that Congress will take it upon themselves to support this kind of thing.

I do not worry about my friends here that smoke. That is fine. Go ahead. We are old guys. We are going to die anyway. I am worried about that kid, that teenager. Do not tell me the Marlboro man and Joe Camel is there to try to get him to change from one to another. That is there for one reason and one reason only, and that is to get youngsters to smoke. There is a 31 percent increase in 2 years of 8th graders, 31 percent increase, that are now smoking.

I would suggest that Members read this month's issue of Reader's Digest. It talks about a tobacco lobbyist. It talks about all the money he received to walk around here and convince you and convince me that we are supposed to do everything in our power to keep this subsidy on.

This is the time that America can make a difference. This is a time to do something for the American people. I urge Members to support the Durbin-Hansen-Smith amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. HEFNER].

Mr. HEFNER. Mr. Chairman, that is a kind of tough act to follow. This the first time you have heard there is no subsidy for tobacco, and if this amendment passes, not one person, not one person is going to stop smoking. It has nothing to do with people stopping smoking, and it is not going to affect the argument that the gentleman made.

Let me tell you who it is going to hurt. It is this small farmer who averages about three acres. People in North Carolina are already telling me they are losing two-thirds of their crops this year, and if they do not have insurance, they are broke. They cannot go diversify. They cannot go and become some other kind of farmer. They cannot go to Illinois and rent some land and grow corn on three acres. You cannot make enough money growing corn on three acres.

This is not going to stop one individual in this country of ours from beginning to smoke, or quit if they already smoke. But what it is going to do, it is going to hurt that small farmer, that is trying to send his kids to school, to get them through school and get them through one of our universities where they can go out, get some training, and get a better job. They are trying to raise their families. They made commitments. They cannot diversify.

Mr. Chairman, this is not a health amendment, this is an economic amendment. You are not going to stop one individual in the United States of America from smoking because of the Durbin amendment. What you are going to do is you are going to penalize this small farmer that is up to his ears in debt, he has obligated his farm, and he is trying to make it from year to year. That is who you are going to devastate, and that is who we are not here to devastate, is the small farmer.

I would urge Members, when you consider your vote, consider that small farmer and his family that is trying to make a living. He and the wife both work and the children work, and it is a legal product, and it was $5.8 billion that came into the economy of this country last year because of tobacco. It is legal. Vote against the Durbin amendment.

Mr. DURBIN. Mr. Chairman, I yield two minutes to the cosponsor of the amendment, the gentlewoman from the State of Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I first want to thank the gentleman from Illinois [Mr. DURBIN] and the gentleman from Utah [Mr. HANSEN] for having the courage. I found out over the last couple of days it takes courage to go up against the tobacco industry. You not only get a lot of calls to your office, you get a lot of pressure.

This amendment will not just save $23 million, but it is the right thing to do. On my desk each day I read in front of me, it is a quote from Abraham Lincoln, and it says "I am not bound to win, but I am bound to be true. I am not bound to succeed, but I am bound to live up to what light I have. I must stand with anybody that stands right and part with him when he goes wrong. Abraham Lincoln."

I am parting with you who are supporting the tobacco industry because I think you are wrong. I have to tell you that when I go into my home area one of the top issues that they ask me is, Linda, in downsizing government, have you got rid of that tobacco subsidy yet? And I said no, but I am going to do it. I just did not realize how bad it would be.

I want to tell you clearly this is a subsidy. Some say when the government pays for your insurance it is not a subsidy. Some say when they pay for the extension agents to help you grow a better crop to market to our children, it is not a subsidy. But when I tell you the bottom line is $23 million spent from your taxes, folks, you in this room and the other folks out there in America, I have to tell you, it is $23 million, and they should be giving us money.

My mother died younger than I am of cancer. I had a friend die over the weekend of cancer, a young man, a pack-a-day smoker. There is no justification for subsidizing tobacco. Teach them to grow another crop. It is a lucrative crop, but they can grow another crop. I am not saying right now they cannot grow the crop. I am just saying, do not spend the taxpayers' money. Please folks, do what is right. Do not do what the tobacco industry wants.

They were prowling the halls here yesterday and the day before. Ignore them and do what is right and vote against the tobacco subsidy and for this amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from western Kentucky [Mr. WHITEFIELD] to explain that there is no tobacco subsidy anymore.

Mr. WHITFIELD. Mr. Chairman, there has been a lot of discussion this evening about the tobacco industry, and when you talk about the tobacco industry, what you are talking about is 126,000 small farmers around this country who have grown tobacco legally in America since really the founding of this country in Jamestown.

Really what this amendment is about, this administration has made a conscious effort to try to destroy the tobacco industry. It is a legal crop and there are many things in our society that we do not like. We do not like to see bad things happen to children or women or anybody else.

My mother-in-law, for example, smoked until she was 94 years old, and we know that smoking does cause cancer in some instances, and other times it does not cause cancer. But it is an individual decision. It is not something that the Government should be dictating.

This amendment, this Durbin amendment, is a discriminatory amendment against small tobacco farmers who have the right to grow a legal crop, and I think it would be a serious mistake to adopt the amendment, and I urge its defeat.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia [Mr. BISHOP].

Mr. BISHOP. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in opposition to the Durbin amendment. It would devastate the economy of key Southern States like Georgia. Tobacco growers would be only farmers who will be punished. This is a punitive effort.

Since the Depression, we have been denied access to government research, to education, and to extension services for a legal crop. We are not talking about growing marijuana here. We are talking about a legal crop. And it is an administrative nightmare that is about to be created here. It is misguided.

What the amendment says with regard to extension agents' salaries is that the salaries will not be paid if they provide any services to help tobacco growers. But what about the people in those counties that do not grow tobacco? Their salaries would be cut, so they cannot even help the ones who grow corn.

That does not make any sense. This amendment is misguided, it is punitive, it is a slap in the face to southern States. It is a slap in the face of farmers, small family farmers, who work hard. Why shouldn't they have crop insurance if they grow a legal product? Why should they not be able to help support their families and the economy of this Nation?

Nine thousand farmers in my State of Georgia make their living growing tobacco. Twenty-eight thousand warehouses, other in the retail industry. Overall, the tobacco industry contributes to the economy of Georgia thousands and thousands and thousands of dollars for a legal product.

I submit to you that the amendment is misguided, it is an administrative nightmare, it will punish the growers of crops that are non-tobacco crops in counties where they do grow tobacco. It just makes absolutely no sense. It is a case that reminds me of the years of prohibition.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] has 23 minutes remaining, and the gentleman from Illinois [Mr. DURBIN] has 20 minutes remaining.

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Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, this is the kind of debate that mystifies the American people. The Federal Government and every medical expert in this country has told us that cigarette smoking is the leading cause of preventable death. On tonight's news, we heard that young people are starting to smoke again in large numbers. That is a public health menace.

So on the one hand, we are telling people not to smoke, and on the other hand, we are subsidizing the tobacco industry. What kind of signal is this to the American people? What kind of signal is it to our children? How are we going to explain to people that we are going to cut back on school lunches, we are going to cut back on programs for poor people and the elderly, but we are going to continue subsidizing the tobacco farmers?

We do not dictate whether a person smokes or not. That is an individual decision. But it ought not to be sudsidized by the American people in any way, shape or form.

This amendment is a small step. There are other subsidizations that we have through the tax deductions that the tobacco companies take in order to promote their product, and there is no product for which more money is spent to promote than tobacco itself, something like $3-, $4-, $5-billion a year.

They are making an enormous amount of profit from the disease and death of people who are their customers. I believe they are enlisting kids to become smokers to replace those that are dying off.

Do not subsidize it with taxpayers' funds. I urge adoption of the Durbin amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. BURR].

Mr. BURR. Mr. Chairman, in fact, we are here tonight and I rise in opposition to an amendment that does need exploring. The truth is that we are here to talk about an amendment that will, in fact, eliminate crop insurance to one small segment of our agricultural industry, tobacco, while corn, wheat and everything else continues to receive that special privilege.

We say to an extension agent, you can go to a farm and you can talk about other agricultural products. You can even discuss the grass in that farmer's front yard. But if he asks you about tobacco, by law, Congress says you cannot talk to him about it. It does seem a little strange, and it does not make a lot of sense.

The authors of this amendment are not trying to balance the budget. They are not even trying to streamline the Department of Agriculture. They want to kill a crop. They want to kill tobacco.

Will they kill the family farm? Absolutely. Do they care? Absolutely not. Farmers are trying daily to survive, to pay their mortgage, to educate their children, to contribute to their community. But they do not care.

I would say one thing to the authors of this bill. If you want to kill tobacco, then introduce a bill. Be brave enough to ask for what you want. Do not hide behind something that kills people who do not have a voice in it, the small farmers in this country.

This is exactly the type of legislation, Mr. Chairman, that in fact the American people are sick of and I as a Member of Congress am sick of it. Do what is right. Defeat the Durbin amendment.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Utah [Mrs. WALDHOLTZ].

Mrs. WALDHOLTZ. Mr. Chairman, the discussion tonight is not about whether this is a legal crop. It is. This is not about trying to drive farmers out of business. We are not trying to take anyone's livelihood away from them.

The question tonight is about whether the Government of the United States is going to encourage behavior that we know kills people.

Mr. Chairman, we are talking in this Congress about how to preserve and protect Medicare. We are tearing our hair out to figure out how we can preserve those benefits for people for the coming generations. Yet, it has been estimated that over the next 20 years we will spend $800 billion on Medicare patients who need treatment for smoking-related illnesses, $800 billion.

It is not just impacting seniors. It is impacting children. Pregnant women who smoke have a 50 percent greater chance of a miscarriage or a low birth weight child. So we are impacting our children. We are impacting our seniors.

The question we have to ask ourselves tonight is why the government of the United States should encourage and subsidize that behavior by paying for people to find out how to grow more tobacco, by paying for crop insurance for tobacco.

Yes, it is a legal activity, but pay for it on your own. The government of the United States should no longer encourage a behavior that harms our children, that harms our seniors, by continuing to pay for this activity.

Those who want to continue to smoke, to use tobacco, to grow tobacco, let them do it on their own. But let us stop paying for it.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. GORDON].

Mr. GORDON. Mr. Chairman, let me first recognize the sincerity of the proponents of this amendment, but let me also say very clearly I rise in opposition to this amendment, and I want to clarify what this amendment is not about.

This amendment is not about smoking, whether juvenile or adult smoking. It has nothing to do with smoking. This amendment is not about deficit reduction. It has nothing to do with deficit reduction.

Every small family farmer pays an assessment on every pound of tobacco that they grow. This amounts to over $30 million a year that goes to the Treasury, so it has nothing to do in any way with deficit reduction.

What it does have something to do with is whether or not small, rural counties and communities in the South can exist. Tobacco is the only crop they can grow in these communities, unlike in Illinois and other communities where they have farms with hundreds of acres, long rows where you get on that tractor, and you drive a half mile and your turn around and you drive back.

You cannot do that in these little communities. These are hilly country, rocky country. About the only thing they can grow is tobacco, and that is why the average tobacco patch is only 3.3 acres. It takes a family. It is squat labor. It is the whole family that gets out and works together to get this crop in and then get it in the barn.

Without the tobacco, it means that there are no grocery stores, because there is no one to buy groceries. There is no filling stations, because there is nobody to buy gas. There is no pharmacies, because there is no one to go to the drugstore.

So make no mistake about it. This amendment is not about deficit reduction. This amendment is not about smoking. It is about allowing small communities in the South to continue to be able to exist and allowing farmers to raise their family and see that they are able to improve their life, just like everyone here wants to see their family's life improved.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. EWING], chairman of the Subcommittee on Risk Management and Speciality Crops.

Mr. EWING. Mr. Chairman, I thank the gentleman for allowing me to speak out on this.

I wish that my colleague from Illinois would have introduced a bill, if he really wanted to get smoking, to make it illegal. I am a reformed smoker, and I understand that. I do not encourage it.

But what you are doing here, you are not affecting the program at all. You are just twiddling with it around the edge. You are doing things to a program that provides income to the American Treasury, that provides export and helps us with our balance of trade.

My colleagues, go to Kentucky, go to Georgia, go to North Carolina and see how these people live and see if the Durbin amendment is not affecting the lives of small people. It is.

If you want to make tobacco illegal, do it. Try and do it up front. But do not twick around the edge. That is not fair to the people you are messing with, and it certainly is not fair to this Congress.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Indiana [Mr. VISCLOSKY].

Mr. VISCLOSKY. Mr. Chairman, I rise in strong support of the Durbin-Hansen-Smith amendment.

I would like to address three sets of people here: children, farmers, and tobacco companies.

The gentleman from Utah [Mr. HANSEN] in his remarks earlier said that smoking among eighth graders has increased 30 percent in the last 3 years. As the gentleman from Illinois [Mr. DURBIN] asked rhetorically several years ago, would any of you be happy if your eighth grader came home tomorrow and said, dad, mom, I started smoking today? Would you be happy if that happened?

We talked about a lot of farmers here today. We ought to talk about a lot of kids and the $6 billion that the tobacco companies spend every year on promotion and advertising to get these kids addicted.

Second, I represent a district that lost 38,000 jobs, count them, between 1977 and 1987, and I am very sympathetic with the problem that the tobacco farmers are having. But I find it very interesting that the tobacco companies do not care. If they care, we, 2 years ago, would not have had to enact a limitation on imported tobacco coming into this country because so much of the tobacco that the companies use was from other countries, not from those poor farmers who are losing their jobs who they trot out in front of them to take that first volley of fire, because they have no place to hide.

Finally, the issue of saving $23 million, that is still a lot of money from where I come from, and if you want to protect those farmers, if you want to give them insurance, let the tobacco companies take some of their $6 billion in profits and spend $23 billion to help those farmers insure their tobacco so they can continue to grow it in safety.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Kentucky [Mr. BAESLER], the only tobacco farmer in the House of Representatives.

Mr. BAESLER. Mr. Chairman, I think we have had a lot of discussion about what this amendment is not.

Being a tobacco farmer, this year in June we are all in Kentucky putting out tobacco and working with it. What this amendment tells me as a tobacco farmer and all of the other farmers in Kentucky and North Carolina, if I have a disease in my crop this summer, if I have something going wrong in my field, I cannot go ask the county extension agent what the problem is.

It also tells me later on when that disease, blue mole or black shag, takes all of my crop, that I am not entitled to Federal crop insurance to help pay for that disaster. If the Ohio River floods, on one side we might be in Illinois, those farmers can acquire Federal crop insurance to take care of them. A tobacco farmer from Kentucky cannot.

This is not about health. This is about fairness. We are going to tell one group of farmers in the United States who pay their taxes, tobacco generates $12 billion a year to the United States, State and local governments. We are going to tell one group of farmers, you are not deserving to go to the extension service to get help. Every other farmer in the United States is, but you cannot.

We are going to tell that same group of farmers, if the Durbin amendment passes, you cannot have Federal crop insurance to protect your investment.

You folks do not know the first thing about the profitability of tobacco. I have heard three people here talk about the profitability who are basically ignorant about the profitability of tobacco.

So it is a question of fairness. It is not a question of health. It is a question of fairness. Tell these farmers they are not as deserving as all of the other farmers, and continue [Mr. DURBIN], continue, the gentlewoman from Washington [Mrs. SMITH], continue to take the money from these farmers and what they generate throughout this country, but do not let them participate like the other farmers.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Chairman, we have heard numerous times, maybe 50 times in the course of all of these amendments, that we want to send somebody a message. It is stated in a variety of ways, generally dealing with small amounts of money in some way or another. I think we send the most confused message possible with respect to our tobacco policies in the United States of America.

We indeed have support systems for crop insurance, for extension and for various other aspects, but it would indicate in that way that we bless the growing and the selling of tobacco and the Federal Government is a part of it.

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On the other hand, we condemn it. The Surgeon General condemns it, we have studies which have condemned it, we have proclamations which do so. We do know a few things. We know tobacco is very deadly, that it can create great mischief in our society, but we know there are huge costs attached to this well beyond the $23 million we are talking about here tonight.

We have other costs. When we look at Medicare, Medicaid, we look at lost productive time in our economy, there are all manner of ways in which we can measure the cost in terms of what has happened with tobacco.

We know our children suffer because of tobacco. I did not even know what Joe Camel was. I thought it was sort of a joke when I heard about it. Then somebody pointed out to me that it was appealing to children, and was a very serious problem in terms of tobacco is concerned.

I believe even if the Federal Government removes itself from the ring, the big tobacco companies will probably move in and help out with the small farmers. I do not think there will be any loss there. I think at that point the Federal Government will be sending one clear message to everybody in the United States of America, and that is that we are not going to be involved in tobacco; that if you are going to smoke, smoke with great caution; that we can sell the programs of trying to make sure we go out and point out the problems to the people of the United States of America.

It is for this reason that I support the Durbin-Hansen-Smith amendment. I hope that all of us would, and all of us would realize the problems caused by tobacco. Tonight we can start to make the changes in this country that will be in the best interests of all of us.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. JONES].

Mr. JONES. Mr. Chairman, I rise tonight in opposition to the Durbin amendment. The denial of extension services and Federal crop insurance will destroy the family farmer and the economy of rural America. In my State of North Carolina alone, the production of tobacco employs approximately 260,000 people; more specifically, one in 12 people have a tobacco-related job.

Every year the Federal Government counts on $25.9 billion in tobacco-related revenues, compared to the approximately $16 million in costs to USDA to administer the program, quite a return for the Federal Government.

Mr. Chairman, I would like to ask my fellow Members, who will shoulder the revenue loss? The taxpayer? I think not. In this time of budget cuts, we need to think twice before attacking the very heart of an industry that gives back so much to this country. Mr. Chairman, I ask Members to vote no on the Durbin amendment.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the Durbin-Hansen-Smith Amendment. This amendment would save $23 million by eliminating Federal funding for tobacco extension services, and crop insurance.

Under the Durbin proposal, debate on the future of the tobacco price support program is deferred to the Farm Bill. However, there are other tobacco-related activities that are costing the taxpayers money. Administrative costs to run the price support program and related crop insurance, as well as marketing costs to promote the auction sales and production of tobacco are subsidies that keep the red ink flowing.

The tobacco industry makes large profits on their products. As a matter of fact, 68 cents of each dollar that is spent by consumers on tobacco products goes to manufacturers and distributors. Only 3 cents goes to the growers. Manufacturers are turning their sights overseas, while the number of tobacco farms and manufacturing jobs have dropped. Ironically, the policies set forth by Congress to help the small family tobacco farmer are actually benefiting the tobacco industry. I believe that we will be able to address the plight of the small family farmer when the House debates the 1995 farm bill.

The amendment before us is merely an extension of legislative actions taken by past Congresses. In 1994, the Agriculture appropriations bill extended the prohibition on tobacco assistance to the Agriculture Department's research programs. This amendment extends the prohibition to crop insurance and extension services.

It is time for the Federal Government to get out of the tobacco business. I urge my colleagues to seize the opportunity to move one more step toward accomplishing that goal by supporting the Durbin-Hansen-Smith amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I rise in strong opposition to the Durbin-Hansen-Smith amendment. This misguided amendment will not allow small tobacco farmers to call upon the guidance of their USDA agent about some important environmental concerns, such as how to distribute fertilizer without causing damage to soil or water, or how to apply insecticide safely and properly, or how to combat agricultural plagues, such as blue mold and target spot. These are matters important to our environment. It would also strip away from the tobacco farmer his ability to purchase crop insurance, like all other farmers can do.

Mr. Chairman, this amendment is a direct assault on the hardworking men and women, farmers who grow tobacco in my district and in the southern part of the United States. Even worse, some would have us believe that this amendment eliminates the Federal Government subsidy to tobacco-related programs.

Let me set the record straight. There is no direct government subsidy for tobacco. The gentleman from Kentucky [Mr. ROGERS] has already spoken to that. Furthermore, and I think importantly, tobacco's importance to our Federal, State, and local government can be summed up in one figure. That figure is $62,300. Sixty-two thousand dollars is the amount of money per acre that tobacco generates for the public sector. This is money that flows into the general revenue of the U.S. Treasury and that of many of our States, to be used for discretionary spending on such things as agricultural programs.

I believe these numbers in fact speak for themselves. The Federal Government does not subsidize the tobacco program. Tobacco does contribute very positively to the U.S. Treasury. However, this amendment would allow any farmer in the Nation to utilize USDA services, except our tobacco growers. This amendment would allow any farmer in the United States to participate in Federal crop insurance, except tobacco growers. Do not be fooled by this amendment. It is not about smoking, it is blatant discrimination against small tobacco farmers. Vote against this amendment.

Mr. DURBIN. Mr. Chairman, I yield 3 minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, I rise in support of Durbin-Hansen-Smith amendment, to finally end the $23 million giveaway to the tobacco industry. Each year 420,000 people die from tobacco-related illnesses, which makes it the leading cause of preventable death in the United States today. Each day 3,000 kids pick up their first tobacco product. According to the FDA's diagnosis, they become inflicted with a pediatric disease. This epidemic costs our Nation's economy over $100 billion in health care and lost productivity. How can we give one cent of taxpayer money to support this industry?

The tobacco industry spends billions, not $23 million, Mr. Chairman, but billions of dollars in advertising and marketing to entice children. An industry that snares 3,000 new customers a day into a lifelong addiction does not need our help. Already Joe Camel is more recognizable to 5-year-olds than Ronald McDonald. We should be debating how to regulate and restrict this industry, not how to support it.

Not only does the tobacco industry target children, it has the distinction of not being truthful to the Congress, to numerous Federal agencies, and to the American people. How many times have we heard that the tobacco industry does not market to children, that nicotine is not addictive, or that the level of nicotine is not manipulated by tobacco companies?

Mr. Chairman, the tobacco industry has not been telling the truth. The American Medical Association knows that they are lying. The FDA knows that they are lying. The American people know that they are lying. According to their own internal documents, the tobacco industry knows that they have consistently misrepresented the truth. When are we, my colleagues, going to learn?

Usually when I rise in favor of eliminating programs, I like to point out that in order to balance the budget, difficult choices need to be made, and that as conscientious legislators, we have to balance the good programs and what they achieve with their cost to the American taxpayers. Not today, not with tobacco, not with this amendment. The Durbin-Hansen-Smith amendment is an easy choice. We must pass this amendment tonight.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. MEEHAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I would ask the gentleman, does he realize that the amendment that is being offered by the gentleman from Illinois [Mr. DURBIN] is being directed at the small tobacco growers, not Phillip Morris? They would benefit. They would be allowed to grow tobacco by the tons of acres. It is the small farmers that are being hurt by this amendment, does the gentleman realize that?

Mr. MEEHAN. I am well aware of it. That is a $23 million giveaway long, long overdue. I think it is time we turn around and give the American taxpayer a break and give the American public a break.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Chairman, I urge my colleagues to oppose what I call "the harass the tobacco farmer" amendment to the agriculture appropriations bill. Having lived in Georgia's farm belt all my adult life, I understand farm programs. I live in the most diversified agricultural county east of the Mississippi River. I have had the privilege of working with farmers on a daily basis for the last 26 years. I understand how farm programs work. I understand that there is a big difference in improving farm programs and harassing farm families.

Let me tell the Members what the difference is, why we are talking about corporate farmers versus small farmers. A corporate farmer does not depend on crop insurance to pay his bills. He does not depend on crop insurance to educate his children or pay his operating loan. The small farmer does.

The corporate farmer does not depend on the extension service agent. The corporate farmer can afford to go to Athens or Tifton or Lexington and hire a specialist to come in and check his field. The small farmer depends on that extension agent who comes to his field and works tireless hours, day and night. If Members do not want to throw a blindsided knockout punch to the family farmer of this country and to the rural district of America, I urge Members to vote "no" on the Durbin amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING of Kentucky. Mr. Chairman, I rise in strong opposition to the Durbin amendment. This is a mean-spirited attack on the small farmer throughout the South. The gentleman from Illinois [Mr. DURBIN] does not like smoking, but this amendment will not stop one person from smoking. It will only hurt the small tobacco grower in my district and throughout the South.

The opponents of tobacco always imply that we should not pay farmers to grow tobacco. We do not. Let me repeat that, the Federal Government does not pay subsidies to farmers to grow tobacco. The government only pays for the administrative cost of the tobacco program, which the farmers pay back to the government. Over $20 billion in Federal, State and local taxes are paid by the tobacco companies annually into the Treasury of Kentucky and the United States of America.

Sure, our government also offers some of the same programs, like crop insurance and extension service, to tobacco farmers, but we should offer them the same services that the other farmers receive. We need that help with our small tobacco farmer. We have to have the same help that the farmers of the gentleman from Illinois [Mr. DURBIN] have in Illinois from our extension service, so we know how to do it better in Kentucky. Remember, it is a legal commodity. They are not outlaws, our small farmers.

This bill will do not one thing, I say to the gentlewoman from Washington [Mrs. SMITH] and the gentleman from Utah [Mr. HANSEN], to prevent smoking. It will not only hurt the big tobacco companies, it will not decrease the deficit, it will only treat the small farmers of America like criminals.

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It is bad policy. It is unfair. It is wrong to do it, and I urge the defeat of the Durbin amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, this debate is neither about the morality of smoking nor the mortality of tobacco. This amendment offered by my colleague, the gentleman from Illinois [Mr. DURBIN] who I respect, does not either address the value or disvalue of smoking, although I respect his position. In fact, I am one who does not advocate smoking; in fact, fear that smoking is a health problem.

Mr. Chairman, this is misdirected. This is misdirected to achieve a noble goal, a noble goal to say to people they should not smoke because smoking is bad for your health. It is an adult election. Certainly we do not want to encourage tobacco companies, to make sure they advocate smoking for children, at least this Member does not.

The Durbin amendment does neither of these issues, address health value, nor does it raise the opportunity for people to cease smoking. It actually will hurt our Nation's farmers. You have heard that over again.

Mr. Chairman, in my district, I have more flue-cured tobacco grown in my district than any other part of this country, and I expect you naturally to say that, EVA CLAYTON, because you are from North Carolina. Yes, I am from North Carolina and I know that my farmers are not the villains. They are, indeed, the victims.

They are people who often tell their boys and girls, "I teach you to grow it but I teach you not to smoke it." They are trying desperately to make a living, a decent living for their life. In fact, many of them wish they did not grow tobacco, but that is their fate in life.

Mr. Chairman, why should we discriminate against those who happen to be growing a legal crop that they will receive no extension service, and when they need crop insurance, they will not receive any crop insurance? This is misguided. It is discriminatory in its application, whether worthy or not.

Mr. Chairman, I urge defeat of the Durbin amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr.Chairman, I rise in strong opposition to the Durbin amendment. I understand the gentleman's objectives, but I think he misses the mark. What happens here is we are not going to reduce the consumption of tobacco. We are going to reduce perhaps production.What does that do? It ruins the economy of many southern States and communities, and it ruins millions of small farmers.

Mr. Chairman, it is wrong to hold our tobacco farmers responsible for the consumption of tobacco products, just as it would be irresponsible to hold grain farmers responsible for the local drunk.

Ladies and gentlemen, we have the wrong target. We are hurting the wrong people. We are going at this in the wrong way. This is the wrong place with the wrong amendment.

Mr.Chairman, I urge strong opposition to this amendment and ask you to vote against it tonight.

Mr. ROGERS. Mr. Chairman, I yield 1 minute, Mr. Chairman, to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, I rise in opposition to this amendment and I do so because there are really two issues here. One is economic and one is philosophical. Economically the gentleman from Illinois [Mr. Durbin] is telling us that this is going to save $23 million, then $10.6 million, when, in fact, the USDA estimates that this will cost $5.4 million.

Let us not fool ourselves. This is not saving money. It is not directed to save money. What it really is is philosophical. And philosophically, the gentleman from Illinois feels passionately against tobacco and I understand that, but I would say to him that this is authorizing; it is not appropriating.

I do not understand why we do not have legislation introduced. We are seven months into Congress. I do not think any of the three authors of this amendment have authored legislation so that we could have the great tobacco debate in the committees of Congress, and I think that is what we need to do.

Mr. Chairman, we should get this thing over with. There are vehicles to get probably where we want to go, but as it is, when Members take noble aim at the tobacco industry, they only hit the tobacco farmer.

Mr. ROGERS. Mr. Chairman, I reserve the balance of my time.

Mr. DURBIN. Mr. Chairman, I yield myself such time as I may consume.

Ladies and gentlemen of the House, about 8 years ago to the day I stood in this well and offered an amendment. It was an amendment to ban smoking on airplanes. When I offered that amendment, it was opposed by every leader on the House of Representatives floor, Democrat and Republican alike.

I had been around here for 5 years. My staff and my closest friends told me I was crazy to take on the tobacco lobby; they were too big and too powerful and I was not only going to lose, but I was going to be embarrassed in the way that I lost. Eight years ago on this floor, by a margin of five votes, we passed the ban on smoking on airplanes.

The people who spoke that day represented the diversity of the U.S. House of Representatives as those who have spoken this evening in support of this amendment. The gentleman from Utah [Mr. HANSEN], the gentlewoman from Washington [Mrs. SMITH], so many others, represent political points of view far different than my own on most issues. But we have come together on this issue because we find common ground and agreement in a basic understanding and a basic premise.

Mr. Chairman, the premise is the one I began this debate with. Why on God's green Earth, if we tell every American that this crop will kill you, do we, as taxpayers, go on year in and year out subsidizing the growth, production and processing of this product?

I want to commend my colleagues for their fortitude in standing up this evening and speaking on behalf of this amendment. For those who are watching, it may seem like an easy thing to do. Believe me, it is not. They have risked, I am sure, some evil glances from colleagues and perhaps more. Some of them have decided not to come to the floor this evening and I can understand why they did not. This is not an easy issue to deal with.

The tobacco lobby in this town is one of the most powerful and pervasive. They are everywhere. They are undoubtedly watching this and writing down every word to use it against all of us. I thank my colleagues for coming up and supporting this amendment.

Let me tell you about this amendment.

Yes, it is only $23 million out of a $1.5 trillion budget. It could be a lot more money we could be talking about, but it is a significant change that we are talking about here.

If this amendment passes this evening, it will clearly send a signal to the Committee on Agriculture when they write their tobacco program that Members of Congress, Democrats and Republicans alike, have had it with the Federal subsidy of tobacco. When we passed the ban on smoking on airplanes 8 years ago, people said, "So what? Two-hour flight, so what?" It ended up triggering a debate across America on secondhand smoke that reached every restaurant and every public building in the last 8 years. You see it when you even walk into this building.

Right behind me, if you want to know what the tradition is in this Chamber, carved on that little podium up there are tobacco leaves. That is right. We have been into tobacco in this place for a long time. Tonight is our chance to break it, for Uncle Sam to finally get off the tobacco habit.

There is a lot at stake here. This is not another farm crop. This is the only crop subsidized by American taxpayers which, when used according to manufacturers' directions, will kill you. It is the only one.

My colleagues who come up here and say treat it like any other farm crop would like to ignore the death and destruction caused to American families every year by this insidious crop. It is time for us once and for all to break the tobacco habit at the Federal level, to put an end to this subsidy. This measure tonight, the Durbin-Hansen-Smith amendment, is a step in that direction.

Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to my colleague the gentleman from Kentucky [Mr. LEWIS].

Mr. LEWIS of Kentucky. Mr. Chairman, this amendment is unrealistic, unnecessary and unfair.

Mr. Chairman, this amendment prevents people who grow tobacco from taking part in the Federal Crop Insurance Program.

But just last year congress passed a bill making the crop insurance program mandatory. Sounds like a catch-22 to me.

The Durbin amendment will hurt small farmers the most. It's the family farmer who depends most on the advice and help of extension services.

It is simply unfair to single out one crop and one type of farmer.

Mr. Chairman, maybe some people think the tobacco farmer has an easy, lucrative life. I'd say those people have never watched folks work in a tobacco patch.

I'll be happy to show them around Kentucky's second district.

First the Clinton health plan, then the FDA, now the Durbin amendment.

All for a crop using a few million dollars worth of assistance that brings in nearly 20 billion in taxes and trade surplus. 20 billion!

I urge my colleagues to vote "no" on the Durbin amendment, and call an end to the war on tobacco.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. FUNDERBURK].

Mr. FUNDERBURK. Mr. Chairman, yesterday morning I addressed the opening of the Smithfield, North Carolina tobacco market. I spoke to hundreds of farmers who made their way across my district to sell their crop in rural Johnston County.

These farmers are not the giant tobacco corporations the Clinton administration, the FDA and some in Congress attack. These are small farmers who struggle from year to year just to make ends meet. These are the people who provide the jobs, pay the taxes, and fight our wars.

If you have been on a tobacco farm, you know it is the most backbreaking work in agriculture. This year the small farmers of North Carolina have been hit by twin disasters, bad weather and President Clinton. Too much rain weakened the crop, too much Clinton and Kessler threaten the industry's survival.

If that were not enough, here comes the Durbin amendment with another kick in the teeth to the 200,000 men, women and children in my State who depend on tobacco for survival. This amendment is bad legislation. It does nothing the authors claim. It punishes no one they want to punish. Vote "no" on Durbin.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to my colleague, the gentleman from Kentucky [Mr. WARD].

Mr. WARD. Mr. Chairman, we have heard from the opposition. We have heard from the proponents. What we have heard from the proponents is that only 3 cents of a dollar that is spent on cigarettes goes to the farmer.

But, listen, tonight we are going after that very farmer who gets only 3 cents on the dollar. We are punishing families who grow on average 3 acres of tobacco. To make ends meet, members of that family work day and night on that farm. Tobacco is a very laborious job. But also to make ends meet, they work in factories in my district in Louisville.

Not one bit of tobacco is grown in my congressional district, or just a tiny bit. It is grown around the Commonwealth of Kentucky by people who rely on its income to keep their family farm. Let us not attack the lease of the people who benefit from tobacco in this country. Vote against the Durbin amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. ROSE].

Mr. ROSE. Mr. Chairman, I knew the gentleman from Illinois [Mr. DURBIN] had been too nice all night and all day, that he had a sword in his pocket somewhere, and here it came.

But listen to me carefully, my friends. I have spent 24 years working on this particular crop and this particular problem. If you want to put American farmers out of the tobacco business, support the Durbin amendment.

And if you then want the companies that buy tobacco to smile all the way to the bank, and go to Brazil and buy tobacco for 30 and 40 cents a pound, support the Durbin amendment. If you want the cigarette companies to make more money than they are making tonight and be able to sell cigarettes cheaper to the young people of this country, support the Durbin amendment.

The gentlewoman from North Carolina [Mrs. CLAYTON] said it very well. If you want to take a family, rural, poor, black and white, that has 5 acres of tobacco that can make 2,000 pounds an acre, 5 acres times 2,000 is 10,000 pounds of tobacco.

□ 2045

A poor rural family can supplement their income with $10,000 to $12,000. That is the difference between them staying on the farm or moving into your city and getting on your welfare program. If that is what you want, some more poor people in your cities, vote for the Durbin amendment.

This is incredible, to offer an amendment to deny price support and pesticide advice to farmers and then piously walking around here saying, we are saving the people of this country from the dangers of smoking. You all can do better than that.

Make cigarettes illegal. Go after outlawing cigarettes. I will join you in banning unattended cigarette machines.

Please, vote against the Durbin amendment. Ye know not what you do if ye vote for it.

ANNOUNCEMENT BY THE CHAIRMAN

The CHAIRMAN. The Chair will remind our guests in the gallery, please, that public demonstrations of either support or opposition are not permitted.

The Chair thanks them very much for their courtesy.

Mr. ROGERS. Mr. Chairman, to close the debate on our side, I yield the remaining time to the gentleman from Ohio [Mr. BOEHNER], the chairman of the Republican Conference.

Mr. BOEHNER. Mr. Chairman, I want to thank my colleague for yielding time to me.

Ladies and gentlemen, we know this amendment that is before us tonight has nothing to do with smoking. It is not even about public policy. It does not even have anything to do with the tobacco program.

What this is tonight, ladies and gentlemen, is about politics, not about policy. This is about big government telling the American people what they can and they cannot do. It is nothing more than harassing small farmers in 23 States in America that have grown tobacco for 300 years. It is another step down the path toward political correctness that some on the left want to continue to advance in this Chamber.

My colleague, tonight let us say no to more, bigger and better government here in Washington. Let us say no to political correctness, and let us say no to the amendment offered by the gentleman from Illinois [Mr. DURBIN].

Ms. FURSE. Mr. Chairman, I rise today in support of the Durbin-Hansen-Smith amendment. I have often spoken of the need for our Government to have the right priorities as we move to balance the budget. Funding tobacco-related programs is more than a bad priority; it is wrong for our Government to directly or indirectly encourage the use of tobacco.

Tobacco use kills over 400,000 people every year in America. What makes these deaths even more tragic is that they are wholly preventable. Uncle Sam must stop simultaneously spending taxpayers' dollars to encourage tobacco use through these Agriculture programs, then discourage tobacco use through public health campaigns, and then pay for medical treatment when smoking gets people seriously ill. This policy just doesn't make sense. Let's stop it today.

In Congress, we should be in the business of preventing deaths, not encouraging them. I urge all my colleagues to support the Durbin-Hansen-Smith amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. DURBIN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DURBIN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, further proceedings on the amendment offered by the gentleman from Illinois [Mr. DURBIN] will be postponed.

AMENDMENT OFFERED BY MR. BUNNING

Mr. BUNNING of Kentucky. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BUNNING of Kentucky:

Page 71, after line 2, insert the following new section:

"SEC. . Notwithstanding any other provision of this Act, none of the funds in this Act shall be made available to or for the Food and Drug Administration.".

Mr. BUNNING (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. BUNNING of Kentucky. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a simple amendment. It strikes all funding for the food and drug administration from the bill.

The amendment is meant to send a shot across the bow of the FDA. It's a rogue agency that's out of control and Congress needs to slap it down.

At a time when we are cutting the size of Government and slashing red tape, the FDA is heading in the opposite direction. It wants broader regulation and bigger bureaucracies.

Dr. David Kessler, the FDA Commissioner, summed up his philosophy pretty well a couple of years ago when he proudly noted that the FDA was "Getting new regulations out faster than ever before."

When you stop to consider that the FDA is probably the most powerful government agency in the world with direct regulatory authority over a trillion dollars worth of our economy, Dr. Kessler's regulatory glee is more than a little frightening.

But, still, what have all of these new regulations got us?

Back in the 1970's it took 5 to 7 years to develop a new drug and get it approved. Now it takes 12.

As recently as 1992 the median approval time for medical devices was 102 days. Last year it climbed to 182 days.

It took 3½ years for the FDA to approve the kidney treatment drug interlukin-2, even though nine other countries had already approved it. During this time, an estimated 25,000 Americans died of kidney cancer.

Because of a 7-year delay in the approval of a heart medicine commonly known as beta blockers, the director of Tufts University Center for the study of drug development estimates that 119,000 Americans died who might have been helped by this drug.

All of this has happened in spite of the fact that the FDA has continued to expand. Since 1990, the FDA's budget has grown 27 percent. The number of employees who work for the agency has climbed 14 percent.

Mr. Chairman, we might have more regulations than ever before. But I believe that in their zeal to safeguard the American public from every possible evil, Dr. Kessler and the FDA have actually been slowly regulating America to death.

Mr. Chairman, last November the voters told us they don't want more Government and more regulation. They want less.

They want less Government interference in their day-to-day lives. They want less micromanaging by Federal bureaucrats.

And the American people certainly don't want Federal agencies pumping out rules and regulations faster than ever before.

But, in case the FDA hasn't noticed, the age of the welfare state is ending. The time when the Federal Government acted as a nanny for the public is passing.

In a recent op-ed piece, former Delaware Governor Pete Dupont even went so far as to dub Dr. Kessler the "National Nanny". This is one nanny who has been slowly suffocating the children.

Mr. Chairman, I'm a realist. I don't hold out much hope that my amendment will pass the House. But I want to send a message.

We have to let Dr. Kessler and the FDA know that some of us in Congress are watching. Some of us recognize that the Commissioner is out of control, and the FDA is out of control.

And more importantly, I think that we need to continue sending the signal that the time of Government passing more and more regulations in the name of compassion for its citizens is passing. FDA regulations are raising health costs. FDA regulations are killing people.

I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. DINGELL].

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Chairman, I am delighted to see the gentleman from Kentucky offer this amendment, and I congratulate him for it. This makes the issue very clear.

This is the kind of amendment that we Democrats love to see Republicans offer. It is the kind of amendment that will lead the voters of America and the consumers of America to vote the offeror out and all who vote for it. I urge my colleagues to join in supporting the gentleman from Kentucky.

What does the Food and Drug Administration do? It protects against bad and dangerous blood and dangerous blood products. It protects against filthy, dirty, adulterated, contaminated food manufactured and imported into this country. It protects the American public against unsafe biological products.

It protects the American people against unsafe products which are medical devices. It protects the American people against contaminated, dangerous, and unsafe commodities such as cosmetics. It protects the American people against the distribution of materials which affect the health of the American people and which are, in fact, not safe. It assures that products which are sold in commerce are, in fact, efficacious.

It has come into being because the Congress needed a body which would protect the American people against things like sulfanilamide elixer, which killed millions of Americans in the 1930's or against milk which was made safe and preserved by the addition of formaldehyde. It protects Americans against the kind of situation which we saw created generations of European babies who were born with flippers and without hands and legs, because of thalidomide.

I have been more critical than anybody else in this body about the Food and Drug Administration and about their failures, and I have seen to it that one administrator of the Food and Drug Administration has left public service and that a number of them have gone to jail.

I have seen to it that the entirety of the generic drug portion of the Food and Drug Administration has left that service, and we have cleaned it up.

Drugs are safe in this country, and they are safer here than anywhere in the world. Foods are safer in this country than anywhere in the world because of Food and Drug, and American women can buy cosmetics in the knowledge that they are safe, and the American mother can buy food for her baby in the knowledge that that food is going to be safe and not risk the health and the welfare of that child.

America can look to its food, America can look to its cosmetics, America can look to its appliances, to its blood and every other commodity that affects health and that sustains life and know that it is safe because of the Food and Drug Administration.

No other country until the world can have that comfort and satisfaction, and I would urge my colleagues, as they vote on this piece of legislation and on this particular amendment, to understand it is easy to criticize, but it is very, very hard to make the situation better.

Mr. SKEEN. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. DURBIN] and ask unanimous consent that he be allowed to control that time.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. DURBIN. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Chairman, I would urge my colleagues in the strongest possible way to oppose this amendment.

The FDA needs reform, and I have introduced the first comprehensive bill in this session to get that reform. But make no mistake about it, the Bunning amendment would cripple the safety mission of the Food and Drug Administration.

My colleagues, let me say I know of no major industry group in our country that wants to go as far as the Bunning amendment. The biotechnology industry, which we have so much hope for in the 21st century, is certainly not going to want to cut all of this funding. The device industry, which also shows such great promise, does not want to go this far. The pharmaceutical industry does not want to go this far. They all believe that the Food and Drug Administration needs reform.

□ 2100

We can do that on a bipartisan basis, but let us not turn back the clock, let us not play Russian roulette, with the safety of the America public. Vote no on the Bunning amendment.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the gentleman from New Mexico [Mr. SKEEN] for yielding this time to me.

Colleagues, make no mistake about it. This is a very, very unwise amendment, and I guess in a sense it is appropriate that it follows on the heels of the Durbin amendment, which was in my view a very modest amendment. This is a shot across the bow of the FDA all right, but it comes from the cannons of the American tobacco industry, and the reason for this amendment is one reason and one reason only, and that is that the FDA in the face of overwhelming medical and scientific evidence is on the verge of classifying nicotine as an addictive substance. So we need to be clear on, frankly, the motives behind this amendment.

Again, Mr. Chairman, it is very unwise. The FDA is making improvement, and working with industry, and expediting the rulemaking process, and I strongly urge the defeat of this amendment.

Mr. BUNNING. Mr. Chairman, I yield myself such time as I may consume.

In response to the gentleman from Michigan I would like to just give him some information he might not have, that on July 14 of this year the FDA agents swooped into the headquarters of Synthetic Systems of Seattle, WA, to seize a device that poses a serious threat to the American people. What was the device? It was a chair that had a massage machine attached to it. They came in, and it was a relaxation machine, and the FDA, without warning, came in and removed it, stopped the sale of a relaxing chair machine that had a massage motor attached to it. If that is not an agency out of control, I have never seen one.

I would like to respond to my good friend, the gentleman from California [Mr. RIGGS]. I understand that the timber industry in his area needs help, and we understand that this Congress took steps to take care of that. I really personally resent the implication that the only reason that we are offering this amendment is that the FDA might, might, consider classifying tobacco as an addictive drug. There is no proof of that, and he knows it.

Mr. Chairman, I reserve the balance of my time.

Mr. DURBIN. Mr. Chairman, I yield a minute and a half to the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Chairman, I am just shocked at the debate that we are hearing this evening. The story the gentleman just told, as far as I know, is an anecdote that is not correct. It did not happen. I have heard these stories over and over again, and they turn out, when we investigate them, to be untrue. This is not the basis for ending an agency that protects the safety of the American people by approving drugs to be effective and protecting us from a food supply that may poison us.

I think this an irresponsible amendment. If this amendment were to be adopted, it would keep the FDA from getting drugs and devices on the market. Our industry in this country for drugs and devices are the marvel and leader of the world because they work with FDA, and, when FDA approves them, everyone recognizes that the FDA approval means that those products do what they are intended to do. They are safe, they are effective, and our industry has been profitable and saves lives.

Let us preserve the FDA and defeat this amendment. I think it is thoroughly irresponsible to want an appropriations bill to do away with the Food and Drug Administration. I wonder what the authorizing committees are all about, what the policy committees are supposed to be doing, if we are going to have amendments dropped out here on the floor without any debate, without any hearings, without any real thought being given to whether the FDA ought to be preserved, in some ways reformed, but made to work as it has done and can continue to do in the future.

The CHAIRMAN. The time of the gentleman from California [Mr. WAXMAN] has expired.

Mr. BUNNING of Kentucky. Mr. Chairman, in yielding such time as he may consume to the gentleman from California [Mr. WAXMAN] for the purposes of a colloquy, does the gentleman believe the things written in CRS are factual?

Mr. WAXMAN. I would.

Mr. BUNNING of Kentucky. The gentleman called me a liar.

Mr. WAXMAN. I did not call the gentleman a liar, but let me tell my colleague, if he would yield to me, I will explain to him my point, and I have heard the story over and over again about the FDA sneaking into offices, and when I investigated it, it just was not true, it just was not accurate.

Mr. BUNNING of Kentucky. So the fact of the matter is the FDA did swoop down on this company in Seattle and do exactly what I said, and that is right here, in case the gentleman is interested, on page 28 of the Congressional Service. Let me get the date for the gentleman.

Mr. WAXMAN. If the gentleman will continue to yield, perhaps they were enforcing the law. I think the gentleman is overreacting to something that is not accurate.

Mr. BUNNING of Kentucky. I say to the gentleman, "If you call me a liar, I react to it."

Mr. WAXMAN. This is about the anecdote he is relating to the House.

Mr. SKEEN. Mr. Chairman, I urge a "no" vote, and I yield back the balance of my time.

Mr. RICHARDSON. Mr. Chairman, I rise in opposition to the Bunning amendment. I understand that there are some very volatile, negative opinions surrounding the FDA, but it would be irresponsible to simply eliminate all of the programs the Agency oversees.

Reforms at FDA may be necessary, but there are effective and far less draconian methods of accomplishing that than by obliterating the Agency.

Last year I worked with a broad, bipartisan group of Congressmen to pass the Dietary Supplements bill, which brought common sense to the treatment of dietary supplements.

In that effort, we addressed what some considered to be regulatory excess and unreasonable restrictions on the part of FDA. However, even those in the nutrient and supplement industry who objected to FDA's tactics would not suggest that the entire Agency be abolished.

FDA governs the safety of all drug products, is working towards an AIDS vaccine and AIDS diagnostic tests, researches veterinary medicine products and devices, and ensures that food labeling is truthful. Surely we will not say to our constituents that these functions are no longer necessary.

Committees of jurisdiction in this body are free to use their oversight authority to curb overzealous FDA activity, and the appropriations process is always available to shift an Agency's priorities. But to destroy these health research and enforcement programs without a full and open debate would be careless and unproductive.

I urge my colleagues to vote "no" on the Bunning amendment.

Mr. DURBIN. Mr. Chairman, I yield myself such time as I may consume.

Think about this amendment for just a second. The amendment offered by the gentleman from Kentucky [Mr. BUNNING] will close down the Food and Drug Administration. It will close it down, no funding, and then tomorrow what will happen? The Food and Drug Administration, which is responsible for monitoring the Nation's blood supply so that when someone is in an accident and goes to the emergency room they do not have to worry about that transfusion passing the HIV virus to them? Out of business. The Food and Drug Administration which inspects mammography clinics where our wives and loved ones who go in for breasts examinations can be assured the instruments are accurate and the people working there are professional; the FDA inspects those. Out of business. The Food and Drug Administration which review drugs on the market to try to protect us from disease and help live our lives a little longer, live a little longer, out of business. I ask if this is the Republican revolution that was voted for last year. Is this what they were looking for to get Government off our back, to take the Food and Drug Administration out of business of making sure that the foods, and drugs, and medical devices coming into our homes are safe and effective? I do not think so. I think what Americans are looking for are smart people here in this Chamber pushing for legislation to make more effective Government, not closing down the Food and Drug Administration.

Mr. Chairman, this is a kind of extreme position which I hope all Members of Congress would understand is unwise for America's future. Democrats and Republicans alike should defeat this amendment and perhaps join the gentleman from Kentucky in reforming this agency. There are things we can do to reform it, but turning out the lights is hardly reform. It really closes down an agency that is vitally important to every American family. I hope we will all join in defeating this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. BUNNING].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. WAXMAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, further proceedings on the amendment offered by the gentleman from Kentucky [Mr. BUNNING] will be postponed.

Mr. SKEEN. Mr. Chairman, I would like to ask the Chair to proceed now to have the votes at this time, and I ask unanimous consent that we do this.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I rescind that request, and we will let the gentleman from Wisconsin [Mr. OBEY] proceed, and I think then we will have the votes immediately after, and that will take 10 minutes.

The CHAIRMAN. The gentleman from New Mexico [Mr. SKEEN] withdraws his request to proceed with votes that had been rolled over from earlier this evening.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OBEY: Page 71, after line 5, insert the following new section:

Sec. 726. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out a market promotion program pursuant to section 203 (7 U.S.C. 5623) of the Agricultural Trade Act of 1978 that provides assistance to recipients other than those identified at 7 Code of Federal Regulations 1485.13(a)(1)(i)(J), 1485.12 (a)(2)(ii), and 1485.15(c) or that provides assistance to organizations with annual gross sales of $20,000,000 or more unless it has been made known to the official responsible for such expenditures that the organization is a cooperative owned by and operated for small organizations that are members of the cooperative.

Mr. SKEEN (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes.

Mr. ZIMMER. Reserving the right to object, Mr. Chairman, I have proposed an amendment that has a considerable amount of support that deals with the same general program that the gentleman from Wisconsin [Mr. OBEY] is addressing, the market promotion program.

I intend to offer my amendment as a substitute for the amendment of the gentleman from Wisconsin [Mr. OBEY], and the agreement that had been reached with the leadership and with the chairman of the subcommittee was that the discussion of the market promotion program would be 1 hour, 30 minutes, divided between the two sides.

Continuing under my reservation, Mr. Chairman, if the amendment offered by the gentleman from Wisconsin is passed, it will in effect preempt the amendment that I have offered in a timely manner, and so I must object to this unanimous-consent request.

The CHAIRMAN. The Chair is willing to entertain suggestions from the gentleman from New Mexico.

Mr. SKEEN. Mr. Chairman, I ask the gentleman if we will have a 10-minute debate, we will accept his amendments, and no votes on that tonight?

Mr. ZIMMER. I reluctantly reject that proposal. The understanding that I reached with the gentleman was that my amendment would be entitled to 1 hour of debate. There are many Members who feel very strongly about this on both sides of the issue, and in effect that debate will be preempted, it will be truncated, by the debate on the gentleman from Wisconsin, Mr. OBEY's amendment. Mr. OBEY is trying to deal with the problem in a good-faith manner, but in a much more limited way than our striking amendment and elimination of the program.

I believe it is entirely appropriate for us to debate the elimination of the program and the limitation and the reduction of the program in the same general debate, and so I must reluctantly object to any unanimous-consent request that does not give proponents and opponents of Mr. OBEY's amendment and my substitute an aggregate of 60 minutes.

□ 2115

Mr. OBEY. Mr. Chairman, if the gentleman will yield under his reservation, I simply ask a question.

Mr. Chairman, the situation, as I understand it, is simply that we are trying to work out a mechanical problem. We are trying to facilitate the completion of all of these appropriation bills this week.

The difficulty we have is that I cannot be on the floor at the same time I am supposed to be in the committee helping to move forward the Labor-HEW appropriations bill.

I do not believe that the gentleman's amendment is in any way inconsistent with mine. Frankly, I had expected that there would be a very truncated discussion on mine, vote up or down, and then we would proceed to the gentleman's, which I think has probably much more interest than mine. But I think the gentleman misunderstands if he thinks that our amendment in any way precludes his amendment. It does not. The gentleman's amendment is simply much more restrictive than ours and can be offered, even though ours is offered, even in the unlikely event that mine is adopted.

Mr. ZIMMER. Mr. Chairman, with all respect, I understand that the gentleman has proposed the same amendment in years past, and it is not designed intentionally as a way to inoculate against the complete elimination of the MPP, but that will be its effect, and that is why I am insisting that we be able to debate them both in the same hour.

Mr. SKEEN. Mr. Chairman, there is a dissimiliarity in the two amendments. One is a limiting amendment; the other one is an omission, a complete omittance of a program. The Zimmer amendment is freestanding and will get its own time, and I will assure the gentleman that he will have a full hour of time, regardless.

Mr. ZIMMER. Mr. Chairman, you have been very fair and very understanding. We have had a number of conversations about this. But with all respect, it is not a question of time, it is a question of timing.

If the Obey amendment is to succeed, it will, for all practical purposes, forestall any reasonable debate on my amendment.

Mr. SKEEN. Mr. Chairman, we will not have any votes on the amendment of the gentleman from Wisconsin [Mr. OBEY] this evening.

The CHAIRMAN. With all due respect to my colleagues on the floor, this has gotten a little bit out of the bounds of normal operating procedure. We have already heard objections to the suggestion of a time limitation by the gentleman from New Mexico [Mr. SKEEN] and the gentleman from Wisconsin [Mr. OBEY]. The Chair is inclined to proceed with the Obey amendment and recognize for 5 minutes on each side, unless the chairman of the committee has a suggestion on how else we proceed, very quickly.

Mr. ZIMMER. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The Chair recognizes the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, all I am trying to do is to offer an amendment which I expect will be opposed by both sides for opposite reasons. I am simply rising today to offer an amendment that is trying to put some rationality in the export marketing program, which is going to be debated a good deal tomorrow or later this evening as well.

I simply am offering an amendment which suggests that it does not cut any money out of the marketing program. All it suggests is that support under this marketing program should not be allowed for any corporation that has sales of $20 million or more unless it is essentially a co-op. That is all the amendment does.

I have 10 reasons for proposing this amendment. They are the Ernest and Julio Co., the Dole Co., Pillsbury Co., Tyson's Foods, M&M Mars, Campbell Soups, Seagrams, Hershey, Jim Beam Whiskey, Ralston Purina.

I enjoy virtually all of those products. I just do not want to have to subsidize all of them.

At the same time, I think there is room for an export marketing program provided that it is not gobbled up by the big boys.

Now I recognize that those who want the program to stay as is are going to oppose my amendment because they think they have a better chance of killing an amendment to cut off the program. I also recognize that some Members think they have a good chance to cut off the entire program, and they do not want to vote for my amendment because they think it gets in the way. I apologize for that inconvenience. But I do think that once in a while around here there is room for a middle way. That is all I am trying to do.

With that, in an effort to simply try to move this forward so that Members can go home and the committee can continue to debate the rest of the amendments and roll the votes until tomorrow, I thank the chairman.

AMENDMENT OFFERED BY MR. ZIMMER AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. OBEY

Mr. ZIMMER. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. ZIMMER as a substitute for the amendment offered by Mr. OBEY: Strike the text of the amendment and insert the following:

"SEC. 726. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act may be used to pay the salaries of personnel who carry out a market promotion program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623).

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided in this Act for "Commodity Credit Corporation Fund—Reimbursement for Net Realized Losses" is hereby reduced by $110,000,000".

PARLIAMENTARY INQUIRY

Mr. DURBIN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DURBIN. Mr. Chairman, during the course of the evening, we have had suggested time limitations on debate. Does the chairman want to make a time limitation request on the Zimmer amendment?

The CHAIRMAN. The Chair will consider a time limitation request.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 1 hour and that the time be equally divided.

The CHAIRMAN. Does the gentleman refer to debate of both the substitute and the underlying Obey amendment or only to the Zimmer substitute?

Mr. SKEEN. Mr. Chairman, yes, both.

The CHAIRMAN. Does it refer to both the Zimmer amendment and the Obey amendment or only the Zimmer amendment?

Mr. SKEEN. Mr. Chairman, that is my understanding.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

Mr. SCHUMER. Reserving the right to object, Mr. Chairman, just a clarification. I presume the one hour, I do not care what kind of limit is on the Obey amendment, which we did not know about and came as a surprise, but we were promised one hour on the Zimmer amendment last night for foregoing doing it last night, and I would ask that it be one hour on the Zimmer amendment and then whatever time the gentleman from Wisconsin [Mr. OBEY] is willing to accept on his substitute amendment be added to that.

Mr. CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

Mr. SCHUMER. Reserving the right to object, I would ask the gentleman from New Mexico [Mr. SKEEN] to modify his proposal for 1 hour on the Zimmer amendment and whatever he wants to add, 10 minutes or whatever, to the Obey amendment.

Mr. Chairman, continuing my reservation of objection, I yield to the gentleman from Wisconsin [Mr. OBEY].

Mr. OBEY. Mr. Chairman, I would simply like to point out that if we are going to start cross-walking these things, I have an amendment to the gentleman's amendment, and that also ought to be included in the discussion. I would simply prefer to have a five-minute debate on my amendment on the other side. I do not care if the vote is taken tonight or tomorrow, and as far as I am concerned, I do not care how long we stay here tonight debating the gentleman's amendment. I would suspect that they could all be rolled until tomorrow.

Mr. SCHUMER. Mr. Chairman, continuing my reservation of objection, does the gentleman care which order they are debated and voted upon?

Mr. OBEY. Mr. Chairman, if the gentleman will continue to yield, I have already debated mine. I do not need any more time on mine. I would offer another substitute.

Mr. SCHUMER. Mr. Chairman, the proposal I would make is that we spend 1 hour on the Zimmer amendment, no more debate on the Obey amendment, and then move to vote on the Zimmer substitute and then the Obey amendment.

Mr. Chairman, continuing my reservation of objection, I yield to the gentleman from New Mexico [Mr. SKEEN].

Mr. SKEEN. Mr. Chairman, I have a counter for the gentleman, and I would say this, let us do two votes now and get them out of the way, and then we will give you all the time necessary for the Obey and Durbin and Bunning.

Mr. SCHUMER. Mr. Chairman, just a point of clarification from the gentleman, those two votes are not either the Zimmer or the Obey amendment?

Mr. SKEEN. Mr. Chairman, if the gentleman will continue to yield, neither one of those.

Mr. SCHUMER. Mr. Chairman, I have no objection to that.

Mr. WAXMAN. Mr. Chairman, reserving the right to object, I have no objection to rolling over votes while we are all here listening to the debate, but if we are going to vote and then have debate while all of the Members are gone and then vote tomorrow, I find that a highly offensive procedure. There will be no one to hear the debate on either side. So if the proposal is to have our votes and have the debate on that one amendment only and roll it over to have the vote thereafter or roll it over until tomorrow and not have all of the other amendments brought up tonight, I will not object, but I do not think it is proper to have a lot of amendments debated when members are not even here to hear the debate.

The CHAIRMAN. The Chair will enforce regular order. There is no pending question.

Mr. OBEY. Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Wisconsin?

Mr. BUNNING of Kentucky. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard. The amendment is not withdrawn.

Mr. SKEEN. Mr. Chairman, everybody is a little offended about everybody's other little offenses tonight, and I am sure it is becoming a very prickly situation. I would once again offer, let us do the two votes that we have pending now that we have rolled over and do them now. We will also discuss this amongst the interested parties during the vote, and we will then come up with some resolution on what time to afford the two interested parties during the vote, and we will then come up with some resolution on what time to afford the two interested parties on the issue that we have got that the gentleman from New Jersey [Mr. ZIMMER] and the gentleman from Wisconsin [Mr. OBEY] are interested in.

□ 2130

PARLIAMENTARY INQUIRY

Mr. DEUTSCH. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DEUTSCH. Mr. Chairman, the inquiry is very similar to what the gentleman from New York [Mr. SCHUMER] just mentioned. Is it the intention of the chairman of the subcommittee to have debate tonight and then no votes tonight after those next two amendments?

The CHAIRMAN. That is not a parliamentary inquiry. A parliamentary inquiry must be directed to the Chair.

Mr. DEUTSCH. Mr. Chairman, I am asking the Chair to ask the chairman. I think a lot of us are concerned that we are going to have debate this evening on a lot of significant matters.

The CHAIRMAN. The Chair has a number of responsibilities, one of which, however, is not to announce the program for the evening.

There is a pending proposal by the gentleman from New Mexico [Mr. SKEEN] to proceed to the two votes that were postponed from earlier in the evening. That would be possible if the pending amendment to the bill were withdrawn. Is there objection?

Mr. DURBIN. Reserving the right to object, Mr. Chairman, are those two votes first on the Durbin-Hansen-Smith amendment on the tobacco program, and second on the Bunning amendment, on the Food and Drug Administration?

Mr. SKEEN. That is correct.

Mr. DURBIN. Those are the two votes we would have now, Mr. Chairman?

The CHAIRMAN. The gentleman is correct.

Mr. DURBIN. In that case, Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. There is still a pending amendment by the gentleman from Wisconsin [Mr. OBEY]. He cannot withdraw his amendment because of the objection of the gentleman from Kentucky [Mr. BUNNING]. We must dispose of the pending business involving the gentleman from Wisconsin [Mr. OBEY] before we can move to the other one.

Is there objection to the request of the gentleman from Wisconsin [Mr. OBEY]?

Mr. BUNNING. Mr. Chairman, I withdraw my objection.

The CHAIRMAN. Without objection, the amendment of the gentleman from Wisconsin [Mr. OBEY] will be withdrawn.

There was no objection.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to order of the House of Wednesday, July 19, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by the gentleman from Illinois [Mr. DURBIN] and the amendment offered by the gentleman from Kentucky [Mr. BUNNING].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series. The first vote is 15 minutes.

AMENDMENT OFFERED BY THE MR. DURBIN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Illinois [Mr. DURBIN] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 223, not voting 12, as follows:

[Roll No 544]

AYES—199

Ackerman
Andrews
Archer
Armey
Baldacci
Barrett (WI)
Bartlett
Bass
Becerra
Beilenson
Bereuter
Berman
Bilbray
Blute
Borski
Brown (CA)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Canady
Cardin
Castle
Coburn
Collins (IL)
Conyers
Costello
Cox
Coyne
Crapo
Cunningham
Davis
DeFazio
DeLauro
Dellums
Deutsch
Doggett
Dornan
Dunn
Durbin
Ehlers
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fields (LA)
Foglietta
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Furse
Ganske
Gejdenson
Gibbons
Gilchrest
Gilman
Goss
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hansen
Harman
Hayworth
Hefley
Hinchey
Hobson
Hoekstra
Hoke
Horn
Hyde
Jackson-Lee
Jacobs
Johnson (SD)
Johnston
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King
Kleczka
Klug
Kolbe
LaFalce
Lantos
Largent
Lazio
Leach
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manzullo
Markey
Martini
McCarthy
McCollum
McDermott
McHale
McInnis
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mfume
Miller (CA)
Miller (FL)
Mineta
Minge
Molinari
Moorhead
Moran
Morella
Myrick
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Orton
Owens
Packard
Pallone
Payne (NJ)
Pelosi
Petri
Porter
Poshard
Pryce
Quinn
Ramstad
Rangel
Reed
Richardson
Riggs
Rivers
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Salmon
Sanders
Sawyer
Saxton
Scarborough
Schiff
Schroeder
Schumer
Seastrand
Sensenbrenner
Shaw
Shays
Shuster
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Stokes
Studds
Talent
Tate
Torkildsen
Torricelli
Traficant
Upton
Velazquez
Vento
Visclosky
Waldholtz
Walsh
Waxman
Weldon (FL)
Weldon (PA)
White
Wolf
Woolsey
Wyden
Young (FL)
Zeliff
Zimmer

NOES—223

Abercrombie
Allard
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barton
Bateman
Bentsen
Bevill
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (FL)
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooley
Cramer
Crane
Cremeans
Cubin
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Doyle
Duncan
Edwards
Ehrlich
Emerson
English
Everett
Ewing
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Franks (CT)
Frisa
Frost
Funderburk
Gekas
Gephardt
Geren
Gillmor
Gonzalez
Goodlatte
Gordon
Graham
Green
Gunderson
Hall (TX)
Hamilton
Hancock
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefner
Heineman
Herger
Hilleary
Hilliard
Holden
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Inglis
Istook
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kennelly
Kingston
Klink
Knollenberg
LaHood
Latham
LaTourette
Laughlin
Levin
Lewis (CA)
Lewis (KY)
Lightfoot

Lincoln
Linder
Livingston
Longley
Lucas
Manton
Martinez
Mascara
Matsui
McCrery
McDade
McHugh
McIntosh
McKinney
Meek
Mica
Mink
Mollohan
Montgomery
Murtha
Myers
Nethercutt
Ney
Norwood
Nussle
Ortiz
Oxley
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Portman
Quillen
Radanovich
Rahall
Regula
Roberts
Rogers
Rose
Sabo
Sanford
Schaefer
Scott
Serrano
Shadegg
Sisisky
Skaggs
Skeen
Skelton
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Towns
Tucker
Vucanovich
Walker
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Weller
Whitfield
Wicker
Williams
Wise
Wynn
Young (AK)

NOT VOTING—12

Collins (MI)
Dreier
Gallegly
Goodling
Jefferson
Lewis (GA)
Moakley
Reynolds
Stark
Volkmer
Wilson
Yates

□ 2153

Messrs. WAMP, CHRISTENSEN, and MASCARA changed their vote from "aye" to "no."

Messrs. COSTELLO, MFUME, HYDE, SAWYER, SAXTON, ENGEL, and KIM changed their vote form "no" to aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. BUNNING

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Kentucky [Mr. BUNNING] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

Mr. WAXMAN. Mr. Chairman, I withdraw my demand for a recorded vote.

The CHAIRMAN. The demand for a recorded vote is withdrawn.

So the amendment was rejected.

AMENDMENT NO. 8 OFFERED BY MRS. LOWEY

Mrs. LOWEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mrs. LOWEY: At the appropriate place in the bill, insert the following new section:

SEC. . None of the funds made available in this Act may be used to provide deficiency payments and land diversion payments described in paragraph (1), or other payments described in paragraph (2)(B), of section 1001 of the Food Security Act of 1985 (7 U.S.C. 1308) to any person when it is made known to the Federal entity or official to which the funds are made available that the person has an annual adjusted gross income of $100,000 or more from off-farm sources.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

Mr. ROBERTS. Mr. Chairman, reserving the right to object, everyone else objected this evening, I just thought it was my turn. Under my reservation, I would like to ask the distinguished gentleman from New Mexico what the arrangement is in regard to the many amendments we have pending, and of course the very important amendment by the two gentlemen who are not on the Authorizing Committee and not on the Appropriations Committee, but must have 1 hour of debate and an immediate vote as opposed to the 10 or 15 or 20 other votes that affect policy, but we are going to debate them tonight, not have votes, roll them over into the next day so nobody will know what they are voting on.

Mr. Chairman, is that the business of the Committee?

Mr. SKEEN. Mr. Chairman, if the gentleman will yield, I tell this wonderful gentleman that he is exactly right and to not have a fit until we get this thing reduced to some kind of a settlement. I appreciate everybody's patience. This has been a very difficult situation.

Mr. ROBERTS. Mr. Chairman, further reserving the right to object, I would tell my dear friend and all the sheep that he has and the one he rode in on with a saddle. With a saddle.

Mr. SKEEN. I thank the gentleman. The beauty is in the eyes of the beholder.

Mr. ROBERTS. In the saddle. My concern is this.

□ 2200

My concern is that the agreement has been reached between two of our colleagues, and I was a tad sarcastic when I said neither were members of the Authorizing Committee and the Appropriating Committee, reserving 1 hour of debate, which is essential to the market promotion program, which is a very important program not only for the farm program but for American export and all of that.

However, we have at least 8, 10, 15 other amendments on means testing, the farm program, on the Export Enhancement Program, on the Food for Peace Program and on and on. Now, we are not going to have an hour of debate in that regard. We are going to announce that we are going to roll the votes until tomorrow.

I doubt if there are more than six people on the floor when we announce that, and so the debate will not be heard, but we will come in very quickly as of tomorrow, and we will vote, and we will roll those votes, and I have a little problem with that because it is so late at night.

I think each issue deserves this kind of a policy debate, and I will tell you that if some of these key amendments are passed which I consider to be very counterproductive I will urge every member of the Committee on Agriculture to vote no, and this bill will go down.

Now I am not for that. I am not for that. But I think we are getting a little far afield here in terms of reasoned debate on the very key amendments that affect our Nation's policy.

If that is what we are going to do I guess we will just have to go and do it. I do not want to be obstreperous, well, I do want to be obstreperous; I do not want to really pose an obstacle, but the gentlewoman is going to offer an amendment here on means testing. It should have a 30 to 45 minutes at least an hour debate. It will gut the current farm program.

Mr. Chairman, I withdraw my reservation of objection. If that is how we are going to do this, why, fine, but I am just telling you this is a hell of a way to run a railroad.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

Mr. THOMAS. Mr. Chairman, reserving the right to object, I do not want to threaten or anything else. I just do not know what we are doing. What is it that has been requested? What is the unanimous-consent request?

Mr. SKEEN. Once again, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes, and that is the business before this committee on the Lowey amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

Mr. THOMAS. Reserving the right to object, Mr. Chairman, does that include a vote on that amendment?

Mr. SKEEN. No.

Mr. THOMAS. Does the gentleman from New Mexico intend to have a vote tonight following debate on this amendment?

Mr. SKEEN. No; at this present time, no.

Mr. THOMAS. Then I object.

The CHAIRMAN. Objection is heard.

Mr. ARMEY. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There is no objection.

The CHAIRMAN. Pending the recognition of the gentlewoman from New York [Mrs. LOWEY], the gentleman from Texas is recognized for 5 minutes.

Mr. ARMEY. Mr. Chairman, let me first express my appreciation to the managers of the bill, both on the Republican and the Democratic side, and to those Members who have exercised their right to bring forward amendments for their willingness to work together and try to negotiate time limits on this bill, even though they are free under the rule to hold each amendment to the 5-minute rule. They have worked very hard together trying to work out time limits for the convenience of the body, and I want to express my appreciation for everyone who has worked with the floor managers toward that end.

This is a rough schedule, I know. I have heard about it quite a bit.

Let me just tell you, 2 weeks ago, or was it a week ago, the leadership team on both sides of the aisle as well as that from the Senate went to the White House and we talked to the President about how seriously important it is for us to move these appropriations bills as quickly as possible. The President of the United States, in his concern for this process, knowing how much we must get done before this year is over, encouraged both the House and the Senate to work through the August recess, and the President was most sincere in his encouragement out of a desire to have this work done, knowing what we must do later.

We made a decision that we would prefer to preserve the August recess out of consideration for the fact that each and every Member of this body already has a scheduled recess period that should not be disrupted.

We further hope to make it possible for each and every Member of this body to avoid working on weekends between now and that August recess, and yet we share the President's conviction we must complete these bills before we adjourn for the August recess.

In that interest, we are, in fact, keeping a rigorous schedule. We prefer not to deny any Member their right to have an amendment. Irrespective of whether or not they are on the authorizing committee or the Committee on Appropriations, the Member has a right to offer this amendment.

We prefer not to write rules where the Committee on Rules would dictate the terms of debate in terms of the time. We prefer instead to place our confidence in the bill managers working in conjunction with the people who have the amendment to make reasonable time limit agreements freely and voluntarily among themselves out of consideration for their colleagues. And that is working reasonably well.

How badly must it work before we write rules that diminish the right of another Member to participate in the process in the interests of time? I do not think it is working that badly, and I again applaud those folks.

Now it is an innovation for us to roll votes while we are in the Committee of the Whole, and we understand it is an innovation that probably does not have a lengthy tradition, but it's something that we thought we could do out of consideration for the Members, and I think to some extent it has worked fairly well.

I must say that some Members with amendments like the gentlewoman from New York [Mrs. LOWEY] are able to feel confident working with the bill managers that a 20-minute time limit will suffice for the purpose of the debate. Others feel very strongly that maybe an hour might be required. But I should ask you, is that Member who says, "I really feel like I need an hour" being more unreasonable than that Member that says, "I insist on operating under the 5-minute rule"? It does not take that many Members to talk for more than an hour under the 5-minute rule.

So I think even that Member that might have said, "I would like to have an hour working with the bill managers" should be appreciated for the effort they made.

Now, again, let me just say I am sorry that the objection has been made. I think it is unfortunate with respect to the good effort that was made by the people involved in negotiating this time. But still, nevertheless, we still have our hopes to complete our desire and that of the President with respect to the completion of these bills before we adjourn on recess on the fourth of August. We still have our hope and our desire that we can do so without working weekends between now and then. We still have our hope and our desire we can do so without diminishing the rights of the Members to participate, and we will continue to work toward that.

But I must tell you, for us to maintain that schedule, we will have to finish this bill tonight. Now, we can, in fact, make a decision to not finish tonight, if you would prefer to not have your adjournment for the weekend at 3 o'clock tomorrow.

These are tough tradeoff decisions we have to make, and again let me thank the bill managers and those with amendments for their willingness to participate freely and voluntarily in negotiating limits on this time so that we can accommodate these tough configurations of choices.

Mr. GEPHARDT. Mr. Chairman, will the gentleman yield?

Mr. ARMEY. I yield to the gentleman from Missouri.

Mr. GEPHARDT. Mr. Chairman, I would say to the gentleman that we have worn out this body with night after night meetings until 9 and 10 o'clock, and if your announcement means that without being able to get this unanimous-consent request we are going to sit here and grind through both amendments and vote through the night in order to get done, we are going to leave the Members totally exhausted and unable to come back here tomorrow and get the rest of the work done.

We understand what you are trying to do, and we are trying to be helpful. Our Members on both sides, as you have said, have worked hard together to try to reach unanimous-consent agreements, and they have had a good deal of success.

It is late. One of the reasons we are having trouble keeping the agreements coming is because people are getting short of temper. They are wearing out. With the greatest of respect, I suggest that we leave tonight and we come back tomorrow, maybe with a fresher attitude, and we try to go back to getting unanimous-consent requests and vote on the amendments as they come.

You have every right in the world to say that we are going to meet on Friday, maybe to a later time. Maybe the Friday and Monday of next week that you asked for us to be off has to be taken away. But I think people would rather work in the daylight hours and into the early evening. Nine o'clock might be a time beyond which we should not go. And if you will do that I think you will finish your schedule.

Mr. ARMEY. I thank the distinguished gentleman from Missouri, the distinguished minority leader for that recommendation, and again I would like you to know we try to take as many innovations as we feel are feasible under consideration.

At this point, I think all of our work would be more facilitated, Mr. Chairman, if I would surrender my time and let the floor managers get back to work on this bill.

The CHAIRMAN. The gentlewoman from New York controls the time. No other Member may be recognized unless she yields time.

Mr. LAFALCE. Mr. Chairman, I ask unanimous consent, given the statements of the distinguished majority leader and minority leader, to renew the request that was previously made by the distinguished floor manager of this bill, that is that the gentlewoman from New York [Mrs. LOWEY] be entitled to, as I recall, a half an hour, and that the votes would then be rolled until tomorrow.

Mr. THOMAS. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The gentleman from California reserves the right to object.

First, does the gentlewoman from New York [Mrs. LOWEY] yield for that request?

Mrs. LOWEY. I certainly accept that Mr. Chairman.

The CHAIRMAN. The gentlewoman from New York yields for that request.

Mr. THOMAS. Mr. Chairman, the original request, I believe, was for 20 minutes, if I am correct, 30 minutes, which could have been already completed. We would have started to vote, and we would have gone home.

To say that we are going to roll the vote over until tomorrow on an issue which is absolutely critical to my district when somebody else decides they have an amendment, it is going to be a half an hour debate, but the vote will not occur until later.

I commend the majority leader for packaging votes on a rollover basis during the day. It has certainly been a time saver. But when you have a half an hour debate and say you are going to postpone the vote until tomorrow, that is an aberration of the concept of rolling votes. That amendment is critical.

PARLIAMENTARY INQUIRY

Mr. ARMEY. Mr. Chairman, parliamentary inquiry, who controls the time?

The CHAIRMAN. The gentlewoman from New York controls the time. Will she yield to the majority leader?

Mrs. LOWEY. Yes, Mr. Chairman.

Mr. ARMEY. Reserving the right to object for just a clarification, and I beg the gentlewoman's forgiveness. The gentleman from California did make an important point, and I am sorry I forgot to make this point, and I think the body should know it. There will be no more rolled votes this evening.

That is to say again, we will not roll votes over, collect votes. The votes will take place at the time they are called.

The CHAIRMAN. The gentlewoman from New York controls time.

Mrs. LOWEY. I just want to be sure that at the end of yielding the time I still have the 30 minutes, 15 minutes on each side to debate.

The CHAIRMAN. There is objection to the unanimous consent request. There is not a time limitation, and at this time, the gentlewoman is recognized under the 5-minute rule.

Mr. LINDER. Mr. Chairman, reserving the right to object.

The CHAIRMAN. The gentleman from Georgia will hold his request. There is no pending unanimous consent request. The gentleman from California has objected.

□ 2215

POINT OF ORDER

Mr. THOMAS. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. THOMAS. Mr. Chairman, I did not object on the last unanimous-consent request.

The majority leader has told me there will be no rolling of votes, and that the vote will be called when the amendment is ended, and I will serve notice, I will not object, but when the debate is ended, I will ask for a rollcall vote.

The CHAIRMAN. Under the unanimous-consent request the amendment is debatable for 30 minutes, 15 minutes controlled by proponents, 15 minutes by opponents.

Mr. LINDER. Further reserving the right to object, Mr. Chairman, is it in order for the gentlewoman from New York [Mrs. LOWEY] to move for a motion to allow the debate to occur and the vote to occur also?

The CHAIRMAN. There is no objection. We can enter the order immediately, and we can begin debate.

Hearing no objection, there will be a 30-minute cap on this debate.

The CHAIRMAN. There was no objection. The gentlewoman from New York [Mrs. LOWEY] will control 15 minutes, and an opponent will control 15 minutes.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY] for 15 minutes.

Mr. ROBERTS. Mr. Chairman, I reserve a point of order against the amendment until the gentlewoman from New York [Mrs. LOWEY] has explained her amendment.

The CHAIRMAN. The gentleman from Kansas [Mr. ROBERTS] reserves a point of order against the amendment offered by the gentlewoman from New York [Mrs. LOWEY] but asks first she have the opportunity to explain her amendment.

The point of order is reserved.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY] for 15 minutes.

PARLIAMENTARY INQUIRIES

Mrs. LOWEY. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentlewoman will state her parliamentary inquiry.

Mrs. LOWEY. Mr. Chairman, is the gentleman from Kansas proceeding with his point of order?

The CHAIRMAN. The gentleman from Kansas reserves his point of order.

Mr. ROBERTS. Mr. Chairman, has the gentlewoman explained her amendment?

The CHAIRMAN. The gentlewoman from New York [Mrs. LOWEY] may proceed with explaining her amendment. She controls 15 minutes of time.

Is the gentleman from New Mexico [Mr. SKEEN] opposed to the amendment?

Mr. SKEEN. Yes, I am, Mr. Chairman.

The CHAIRMAN. Then the gentleman from New Mexico [Mr. SKEEN] will control 15 minutes of time as well.

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Lowey-Greenwood-Andrews-Schumer amendment would disqualify those earning more than $100,000 in off-farm income for receiving subsidy payments. That is off-farm income. The proposal would stop wealthy landowners who often do not live or work on their farms from receiving these subsidies.

Mr. Chairman, the farm subsidy program was originally intended to help family farmers stay on their land and produce a crop. Today, too many subsidies go to independently wealthy, non-resident farm owners who do not work their own land. This amendment affirms our commitment to those family farmers who struggle each year to keep their farms an grow a crop.

There are many people engaged in this debate who are saying we should eliminate all agricultural subsidies. I do not agree. But clearly we must make this program more accountable to the needs of America's farmers. This rational change in the program will ensure that those people receiving these subsidies truly deserve them.

In an era of tight budgets, how can we justify giving these subsidies to millionaires like Sam Donaldson? It just does not make sense.

According to USDA, this proposal will only affect 2 percent of farm owners. The proposal is supported by the Clinton administration, and groups as diverse as Citizens Against Government Waste, Citizens for a Sound Economy, the Environmental Working Group, the National Taxpayers Union, and USPIRG. It is in the CBO's Spending and Revenue Options, and even the Heritage Foundation supports the concept.

CBO estimates that this amendment will save $41 million in fiscal year 1996 alone, and USDA estimates a 5-year savings of $450 million.

Mr. Chairman, this proposal makes fiscal sense, and it makes policy sense. I urge my colleagues to support the Lowey-Greenwood-Andrews-Schumer amendment.

Mr. SKEEN. Mr. Chairman, I yield 8 minutes to the gentleman from Kansas [Mr. ROBERTS].

The CHAIRMAN. Does the gentleman from Kansas insist on his point of order?

Mr. ROBERTS. Mr. Chairman, I reserve my point of order and ask the gentlewoman for several clarifications, if I might.

Would the gentlewoman advise me as to how people would make known to the Secretary of Agriculture that a person has an annual adjusted gross off-farm income in excess of $100,000 and what the Secretary would do to obtain such information?

Mrs. LOWEY. Mr. Chairman, will the gentleman yield?

Mr. ROBERTS. I yield to the gentlewoman from New York.

Mrs. LOWEY. Mr. Chairman, I received assurance that the Department of Agriculture would understand the intent of this amendment and would put in place appropriate steps to carry out the intent of this amendment.

Mr. ROBERTS. That the Secretary would put into place appropriate steps to carry out the amendment?

Mrs. LOWEY. I am saying that I understand that the Department of Agriculture would understand the intent of the amendment and the appropriate process would follow.

Mr. ROBERTS. Well, let me keep on with my questioning if I might.

Would the gentlewoman advise me whether the Secretary would verify the information received on off-farm income and what the Secretary would do with that information?

Mrs. LOWEY. Mr. Chairman, as I believe this body is aware on appropriations bills, we have the right to offer a limitation amendment, but we do not have the right to dictate the policy. The intent of the amendment is clear.

Mr. ROBERTS. Would the gentlewoman please clarify for me and the membership what calendar year does her amendment apply to—1995? 1996?—and what duties it would impose on the Secretary or other Federal agencies?

Mrs. LOWEY. Mr. Chairman, may I have clarification on the gentleman's questions? Are they all part of the point of order?

Mr. ROBERTS. I am just reserving the point of order under the 5 minutes. If I could, I will reclaim my time for clarification to determine if this gentleman would raise a point of order.

Mr. Chairman, I think it is extremely important to know how the gentlewoman's amendment would be administered if, in fact, it even would be administered.

Mrs. LOWEY. Would the gentleman clarify the point of order?

Mr. ROBERTS. I would like to know if the gentlewoman's amendment, if the restriction that somehow the Secretary of Agriculture would administer without the gentlewoman telling the Secretary how to administer it, would that be applicable to 1995, or 1996, or what year?

Mrs. LOWEY. Mr. Chairman, I believe, as the gentleman is aware, the amendment is printed in the RECORD, and the gentleman will have to state his point or order.

Mr. ROBERTS. In other words the gentlewoman cannot tell me whether this is applicable to crop year 1996 or 1995. I am just asking the gentlewoman a simple question.

Mr. Chairman, I can understand the concern of the gentlewoman because she does not know.

In order to implement her amendment, and this is the final question, and we will get to the end of this, would the Secretary obtain income tax returns from the IRS, or require producers to bring in a tax return, or require producers to certify their off-farm income in order to verify any off-farm income?

Mrs. LOWEY. I believe, Mr. Chairman, that the amendment speaks for itself. The intent is clear, and, if the gentleman does not have a point of order, I believe we should proceed.

Mr. ROBERTS. Mr. Chairman, I will raise the point of order once I get the clarification if, in fact, the gentlewoman can tell me. I am not trying to be argumentative. I am trying to find under clarification whether a point of order should lie against the gentlewoman's amendment. I have discussed this with the gentlewoman prior to discussion as of this late hour. What I am trying to determine is will her amendment in any way require anybody to come in and ask for information of our Nation's farmers. Will her amendment require anybody to go and obtain information? If the information does come in, will anybody verify it?

☐ 2230

Mr. ROBERTS. Mr. Chairman, is there any additional duties required of the secretary under the gentlewoman's amendment?

Mrs. LOWEY. Mr. Chairman, as I understand it, it is not the responsibility of myself to develop the point of order.

Mr. ROBERTS. So the answer is no.

Mrs. LOWEY. Mr. Chairman, the intent of the amendment is clear.

Mr. ROBERTS. Mr. Chairman, so the answer is no.

Mrs. LOWEY. Mr. Chairman, as I understand it, I do not have the obligation to develop the point of order.

Mr. ROBERTS. So then would the gentlewoman agree that what we have here is the equivalent of a strong intent, and I am not trying to put words in the gentlewoman's mouth, a strong intent, a sense of the House then in terms of intent, sort of a sense of the House resolution that this would be the intent of the gentlewoman? In terms of mandatory legislation, that that would not apply here; this is more of a sense of the House of Representatives that this would be the case?

Mrs. LOWEY. Mr. Chairman, I think the intent of this amendment is clear. It was ruled in order by the parliamentarian, and as I understand it, we do not have an obligation to define it further. This amendment certainly expresses the intent.

Mr. ROBERTS. Mr. Chairman, I am not going to raise a point of order. I will not raise a point of order. I will simply, for discussion purposes, proceed.

I think the House can understand what is apparent here. We have no way of knowing how this is going to be enforced. It is a simple attempt here that the only option the secretary has in this regard, and I am talking about Secretary Glickman, a former friend and colleague of us all, is to somehow sit back and let the information in regard to all farm income simply come to him.

Now, maybe a farmer, in a fit of taxpayer-induced guilt, will walk into the secretary's office with a certified copy of his tax return and tell Secretary Glickman that he makes more than $100,000 off the farm and please request that the secretary now pay him. However, barring this kind of situation, this amendment will be, because the secretary cannot, I repeat, cannot, deny any farm program payments for which a producer is eligible under current law without making some kind of active determination that some producers off-farm income exceeds the $100,000.

In other words, passively waiting for off-farm income information to come floating into his office is not a basis for denying payments that the courts, the courts will find acceptable when the secretary begins denying payments to producers.

Let me also say that other than the point of order concern and that there are no marching orders whatsoever on how this is going to be implemented and that every farmer in America, the 98.3 percent who do not make anything close to $100,000, will have to fill out forms and paperwork if this is administered, and the gentlewoman is careful to say that she will not do that, think of the forms and the regulations that everybody is going to have to put up with.

Now, there are several other reasons why this is not a good idea.

Mr. Chairman, the real victims here are not the people that have been pilloried simply because they have off-farm income, the doctors, the lawyers, the Sam Donaldsons. Lord knows, I do not care if Sam Donaldson gets a farm program payment. It is the tenant. The tenant will lose their lease. The tenant will be forced to go to cash rent because the landowner will not continue with crop share.

This amendment will hurt the very people that we are supposed to be helping. Every farmer in the country, if this is implemented, is going to have to deal with the IRS in some form; 1.7 of America's farmers are in this category.

I can tell you if they have off-farm income in excess of $100,000, this will be the lawyer and CPA full employment act of 1995. They will separate out that income, and it will not achieve what is intended. We will not have the savings.

Mr. Chairman, I will not raise a point of order. I thank the gentlewoman. I respect the gentlewoman. I urge a no vote on the gentlewoman's amendment.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GREENWOOD].

Mr. GREENWOOD. Mr. Chairman, I rise to commend the gentlewoman from New York for offering this fiscally conservative and well considered amendment. The Lowey amendment simply ensures that those who need subsidy payments receive them.

This not only benefits the American taxpayers but it greatly benefits those small-independent farmers who need subsidies to survive.

Too often, Mr. Chairman, the Federal Government gives subsidies to those who simply do not need them. We have seen this in too many of our Federal programs, however, this has been particularly true with agriculture subsidies.

Independently wealthy, non-resident farm owners have been collecting taxpayers dollars for farm subsidies, and in turn, taking resources away from those farmers who depend on these subsidies for their very existence.

This assistance was never meant to support someone's hobby, which happens to be farming. To the contrary: It was developed to help those farmers who truly depend on the land; those farmers who every year have the threat of the bank foreclosing on their only means of income; and, those farmers who live day-by-day with the threat of losing their land and their crop because of inclement weather.

Mr. Chairman, I need not remind any of my colleagues what the message was last November. The American Public wants real reform, no more giveaways, or out of control programs.

I urge all of my colleagues to support the Lowey amendment. We can no longer mortgage our children's future to subsidize those who do not need it.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I have no quarrel whatsoever with any of the statements that were made by the gentleman from Pennsylvania. The problem is, none of that applies to this amendment. If someone is passively involved, if it is a hobby of farming, if they do not have labor or management involvement, the 1987 Budget Reconciliation Act said that they cannot participate.

Those people have already been taken care of. Please read this amendment. What it says is that you are going to deny the funds to these people when it is made known to the Federal entity. When it is made known? How? When it is made known, it is going to be denied. And it is adjusted gross income of $100,000, adjusted gross income.

Come with me to Shafter, California, to Wasco, California, to Pixley, California. Who runs the tractor equipment shop? Who runs the fertilizer shop? Who are the small businessmen in these agriculturally oriented towns? The folks who farm as well. You deny them $100,000 gross income, and they are not either going to be able to be the businessmen or they are not going to be able to farm, and those small towns need both to survive.

It is a poorly conceived amendment. You are going after the wrong target. I am with you if you want to get the Sam Donaldsons and the passive people who do not really put labor or management into farms. We have already gotten rid of those folks. You are creating a nightmare in terms of IRS forms, and you are going to destroy small towns by taking small businessmen who are also farmers who provide two good services. And you are saying, you cannot do both.

It is a bad amendment. Please vote no.

AMENDMENT OFFERED MY MR. MINGE TO THE AMENDMENT OFFERED BY MRS. LOWEY

Mr. MINGE. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. MINGE to the amendment offered by Mrs. LOWEY: Line 8 is amended to insert the following language after the word "person": "who resides in an incorporated municipality with a population that exceeds 50,000, as determined by the 1990 census, or the person"

Mr. DURBIN. Mr. Chairman, I reserve a point of order against the amendment to the amendment.

The CHAIRMAN. A point of order is reserved.

Under the previously agreed to unanimous consent agreement, the amendment by the gentleman from Minnesota is not separately debatable and must be dealt with in the time parameters now controlled by the gentleman from New Mexico [Mr. SKEEN] and the gentlewoman from New York [Mrs. LOWEY].

The Chair recognizes the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I rise in support of the amendment being offered by the gentlewoman from New York, and I would like to put this into a perspective that may not have been noted to this point in the debate.

Several years ago, the United States Congress passed a law which recognized that we have a limited amount of resources available to pay farmers in America. We came to the understanding that we cannot pay every farmer all of the eligible amounts that they might be entitled to under a program. So we said, there is a $50,000 payment limitation. No matter how large your farm might be, no matter how complicated your personal circumstances, that is it, $50,000.

Many farmers then raced off to meet with their accountants and attorneys to figure out how to get around it, how to put the farm in the brother's name or in the uncle's name, the son's and daughter's, wife and everybody so that they could split it up and everybody would get $50,000. But it did not work in some instances and some of the wealthy or bigger farmers in my part of the world basically got out of the program.

What the gentleman from New York is suggesting is that we recognize this reality again. It is not just a $50,000 payment limitation now. It is who will receive it. Who will receive it. Pick up your investment manuals, and you will find a lot of recommendations and advice on where to put your money. Stocks and bonds and mutual funds and investments and gold and silver and this and that, some will suggest, buy farmland. Good investment.

Well, the folks that make that decision, the investors who buy farmland are interesting people, but I do not think we should shed a lot of tears about those folks.

What we are dealing with here are people with off-farm income in excess of $100,000. How many farmers today receiving money under the program fall into that category? Off-farm income in excess of $100,000? A few Members of Congress, I might add. But 2 percent, overall 2 percent of the farmers have off-farm income in excess of $100,000. So are we going to decide now to sacrifice these programs and to cut back severely to benefit that 2 percent of investors? I hope not.

The CHAIRMAN. Does the gentleman from Illinois [Mr. DURBIN] have a point of order against the amendment offered by the gentleman from Minnesota to the amendment offered by the gentlewoman from New York?

Mr. DURBIN. Mr. Chairman, I withdraw my reservation of a point of order.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. STENHOLM].

(Mr. STENHOLM asked and was given permission to revise and extend his remarks.)

Mr. STENHOLM. Mr. Chairman, I rise in opposition to this well-intended but having an entirely different effect amendment than the gentlewoman proposes.

It is true, several years ago, in fact, 1981, this Congress decided to move farm policy in a market-oriented direction and away from subsidization. And we have proceeded steadily in that direction and we will continue so in this year, the 1995 farm bill.

Applying an income test fundamentally modifies the function of agricultural programs and breaks the link between the programs and the accomplishments of national objectives under the current law. Producers would be excluded on the basis of a randomly selected income test.

Listen again to the answers of the gentlewoman from New York as she attempted to answer the questions of the gentleman from Kansas [Mr. ROBERTS]. She could not and would not for a very good reason. There are no good answers.

If she did answer them, there would in fact have been a point of order logically applied to this amendment, because we ought not to be dealing with these kind of matters on an appropriation bill. We ought to be debating them as we change the direction of farm policy.

If we want to go back to a fully subsidized, away from market-oriented direction, then let us do that in the 1995 farm bill. But to fundamentally change tonight by means testing, you simply will move away from market orientation.

The unintended consequences are many. Means testing could cause a decline in the number of producers who participate. We know what will happen with means testing. The 2 percent that we are talking about tonight will immediately cash rent their farms to their tenants. When you cash rent, that will have an obvious effect on that tenant farmer. The tenant farmer will have to go to the bank, will have to borrow the money to put it up. That is the rules of the FSA office today.

There are so many reasons to oppose this amendment tonight. I could go on, but time is limited.

☐ 2245

Mr. Chairman, I urge opposition to the amendment, and would urge the gentlewoman to seriously consider withdrawing the amendment.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise to oppose the Minge amendment and support the underlying Lowey amendment. Mr. Chairman, this has been a revolutionary year, or promises to be a revolutionary year with respect to the budget of the United States. This Congress has made decisions to give school districts less money to teach children how to read, for better or for worse, I think for worse. It has made decisions to dredge fewer rivers. It has made decisions to raise rates of interest for students for student loans. It has made decisions to reduce school lunch allocations.

Now we are being asked to do the following: we are being asked to say that people who own farms, who have gross adjusted income other than from farming of more than $100,000 a year, other than from farming, should no longer be given a Federal welfare check.

In the same year, my colleagues, in which we are saying that we can cut back on school lunches and student loans and environmental protection, are we not ready to say to those who own farms and have income other than from farming, other than from farming, in excess of $100,000 a year, that it is about time that they took a cut, too?

If this is to be a revolutionary year in the Federal budget, let the revolution continue with the Lowey amendment. Support it. It is the right thing to do.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. LUCAS].

Mr. LUCAS. Mr. Chairman, most in America understand the term "learn from our mistakes." However, it seems Congress sometimes forgets this fundamental dogma of society.

Does the author of this amendment realize that over the years numerous changes have been made in the way Federal farm program payments have been made, limited and targeted to certain individuals? These changes have always been made by the Committee on Agriculture and have had a wide variety of results, sometimes intended, sometimes not so intended.

Who does this amendment really impact? Banning the so-called wealthy landowners with large off-farm incomes from participating in the programs will create collateral damage, surely unforeseen by the author of this amendment. This amendment will not hurt rich people, it will hurt the small tenant farmers who rent from someone, who inherited their property, or left agriculture for other opportunities. These amendments hinge on many factors, or agreements, I should say, including crop yields, weather, good management, and yes, Federal farm programs.

If a source of income was stripped out of this equation, the small tenant farmer is likely to be pushed off the land or forced to move to a cash rent agreement, which moves all the production risk to the producer and away from the landowner.

Mr. Chairman, let me make a personal observation about this issue. I am a career farmer and rancher from western Oklahoma. I have experienced the euphoria of a bountiful harvest, and the financial burdens of a short crop. I know what it is like to be a young farmer just starting out, being primarily a cattle rancher, a cow-calf operation. It has been about 10 years since I have participated in any Federal program, and I have no plans to start in the future.

Being a Member of Congress, and the compensation that comes along with this job, the author's amendment would prohibit me from participating in any of these programs. I do not quibble with that. I do argue the fact that should I decide to change the focus of my agribusiness, this amendment would place a young farmer-rancher from my home county who is just trying to start out in farming at a disadvantage. With this limitation, Mr. Chairman, we force them to cash rent, take them out of crop share, put the burden only on the small producer, and wipe him or her out.

Mrs. LOWEY. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in support of this amendment. Let me just make a couple of points. First, I think every one of us knows that farming is very tough work. It is backbreaking. It depends on weather and other vicissitudes far away from what people do. I think that there is a great deal of sympathy, with justification, for the American farmer. However, we are not really talking about the American farmer here. We are talking about people who have large, large non-farm incomes who are not farmers. They may own land, but they are not farmers.

Everyone says that this will decimate the farm programs. Mr. Chairman, let me tell the Members who we are dealing with. We are dealing with a number of people who receive less than 2 percent of all the deficiency payments, not 2 percent of the farmers. It is far less than 2 percent of the farmers. It is probably less than half of 1 percent of the farmers. It is 2 percent of the entire farm income. What does the average family farmer make? Between $30,000 and $35,000 for getting up early in the morning, working late at night, working hard, worrying about the weather. We are not talking about those people. We are talking about the people who do not deserve this kind of price support from the Government, and who ruin it for the rest of the farmers.

Every time there is one of these TV things on, the whole program gets knocked. If Members want to reform the program before it goes away, this is a very, very logical amendment to support, and I urge my colleagues to do it.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentlewoman from Arkansas [Mrs. LINCOLN].

Mrs. LINCOLN. Mr. Chairman, I thank the gentlewoman for yielding time to me.

With all due respect to the gentlewoman from New York, we are not talking about windowbox gardens, we are talking about large farming operations that provide an abundant and affordable food supply on the grocery stores shelves of this Nation.

I would like to reiterate what the chairman of the Committee on Agriculture, the gentleman from Kansas, [Mr. ROBERTS] says; it is impractical to try to implement this amendment. To the gentleman from California, we have taken care of the extreme situations like Sam Donaldson, with active participation language in the 1987 budget reconciliation. We are talking about the difference here between crop rent and cash rent. We are not hitting the people that the gentlewoman from New York is fully trying to get at. We are going to be damaging the small farmers across this Nation that are providing an affordable and abundant food supply on the grocery store shelves.

Mr. Chairman, I encourage my colleagues to vote against this amendment. With all due respect to the gentlewoman, I do believe she does not quite understand. I come from a seventh-generation farm family. Most of the farmers in my district are hardworking farmers. They understand, too, that if they do not have that subsidy in order to be able to pay back that cash rent, there is absolutely no way they will be able to continue farming.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, entitlement spending is the fastest growing portion of the Federal budget. And if we don't do something to slow the rate of growth now, in 35 years the entire budget will be spent on mandatory programs.

Most people know that Medicare and Social Security are entitlement programs, but they don't realize that farm subsidies and business tax breaks are entitlements, too. If we want to be even-handed about making spending cuts to eliminate the deficit, every mandatory spending program will have to be on the table.

The Lowey-Schumer amendment is a reasonable and fair approach to curbing farm entitlements. Let's face it, a farmer with an annual non-farm adjusted income of more than $100,000 doesn't need any more government handouts.

If we're serious about balancing the budget, and getting a handle on the growing national debt, we need to stop giving money to people who clearly don't need it.

Vote for the Lowey-Schumer amendment, and put some reasonable limits on farmers' access to the Federal trough.

Mrs. LOWEY. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN], the ranking minority member.

Mr. DURBIN. Mr. Chairman, since the gentleman from Minnesota offered his amendment under this restricted time, we will not have any time to debate it, but I would like to explain what he has done, or tries to do with his amendment. He wants to say it just is not a question of whether or not you happen to be a person with off-farm income over $100,000, he wants to limit it to only those people who live in incorporated municipalities with a population that exceeds 50,000. I guess that is the city folks he has gone after, but the fact is I live in a part of the world where rich people live out in the country, too. If we are going after folks with off-farm income in excess of $100,000, it really does not make any difference to me where they live.

Mr. MINGE. Mr. Chairman, will the gentleman yield? I think he has misinterpreted the amendment.

Mr. DURBIN. I do not think I have.

Mr. MINGE. Yes, he has turned it inside out.

Mr. DURBIN. What we have here is a restriction that only applies to those who reside in incorporated municipalities. I do not know what the gentleman is doing this for, but frankly, it goes beyond the intent of the amendment offered by the gentlewoman from New York. I hope we will defeat the amendment offered by the gentleman from Minnesota [Mr. MINGE], and then adopted the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the intent of this amendment is very clear. We want to be sure that the farm subsidy programs are helping the farmers who are farming the land, keeping the farmers on their land. This amendment only pertains to those people, too often very wealthy investors with more than $100,000 in off-farm income.

We understand many of the questions which have been posed to us today. They are just not relevant. This amendment only pertains to those investors with off-farm income over $100,000. They should not be receiving a subsidy in these very difficult times. We were on a committee today that was cutting student loans and cutting all kinds of programs that help our people in all of our communities around this country. Why should somebody with an income over $100,000 get a farm subsidy paid for with taxpayer dollars? It is the right thing to do. I hope Members will support this amendment.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. BARRETT].

Mr. BARRETT of Nebraska. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, in the interest of time, I rise in strong opposition to the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

Mr. Chairman, I rise in opposition to the Lowey amendment, to limit farm program payments based on a producer's off-farm income.

You've already heard it said on the floor today, you've heard it from other members of the Agriculture Committee, and now I'm going to say it again. This is not the time, nor the proper bill, to be reforming and tinkering with Federal farm programs.

In just 2 months, we will have a farm bill out here on the floor, and I will welcome debate on this issue. Save your amendment for that time.

Agriculture will do its share and more, toward deficit reduction and a balanced budget. We're going to report out a farm bill that saves $13.4 billion in mandatory farm program spending over the next 7 years, just as was proposed in our final budget resolution. That's a chunk of money out of the pockets of the people who put the food on your table, but we are going to do it.

Finding that $13.4 billion in savings may mean that we may have to abandon totally the whole price-support, supply-management farm program we've had around since the 1930's. I can assure you as chairman of the subcommittee that will start to draft the farm bill, that we are looking at all alternatives.

We may bring out a bill that has an expanded payment limitation, tied to off-farm income as proposed in this amendment; or the issue may be moot under some new agriculture support system. The amendment proposes a cut-off of $100,000—how do we know if that is the correct cut-off, without knowing the context of the program for the next 5 or 7 years?

Let's wait and debate payment limitations in the proper context, that being the 1995 farm bill. Oppose this amendment.

Mr. SKEEN. Mr. Chairman, I yield the final 1 minute to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, we have had lots of folks here from large metropolitan areas telling us how we should micromanage our farm program. However, once again, those who would like to micromanage this program have created a rule that is going to hurt the very people that they say they are trying to help. What will this program, which affects at most only 1.7 percent of the participants in agriculture, do? It is going to do just as other speakers have said. It is going to cause those landowners who then will not be able to participate in this program to shift from their rent programs to cash rent programs. Then the risk is all going to be shifted to the tenants.

This will allow the landlord to protect against his loss, and the tenants will then not be able to share with the landlord some of the benefits of this program. The tenant will then have his ability to secure bank financing risked and put at jeopardy, and the net result will be no loss of income to those who are being attacked in this proposal, and instead, an economic harm to the farmer-tenant.

Why should we take a step now in this House to try to micromanage the farm plan when the Committee on Agriculture, which is served by those who understand these programs, is going to be getting a full review of it in the next few months? Let us let those who know what is going to be done by these programs do the managing.

Mr. FAZIO of California. Mr. Chairman, I rise in opposition to the amendment offered by my good friend, Congresswoman NITA LOWEY, which would prohibit commodity payments to producers with off-farm income exceeding $100,000.

This amendment is short-sighted because it severely undervalues the critical importance of the off-farm contribution to agriculture.

But I also think it conveys a basic lack of understanding of what is happened on the farm in the U.S. today.

First, let's realize how small a target the gentlelady is shooting at—the Department of Agriculture tells us that the households targeted by the this amendment represent less than 2 percent of all farm operator households and receive just 2.3 percent of all deficiency payments.

Second, let's examine the American firm today so we can put this amendment in a little context.

Today, only 57 percent of the 945 million acres of U.S. farmland is actually owned by those who farm it. The rest is cash-rented or crop-shared.

Excluding this rented land from payments would undermine the conservation and supply control objectives of Federal farm policy.

It is important to remind my colleagues that these are not income distribution programs.

We are talking about price stabilization programs for important crops which, in turn, permit American consumers to pay less of their incomes for food than any other country in the world.

We are talking about conservation programs for important cropland to protect our farmlands from erosion and to protect our waterways from excessive runoff.

Without the incentive of farm payments, these owners would be longer be bound by strict conservation and land management rules.

As a result, we would jeopardize vast amounts of environmentally sensitive land, and we would impair the ability of the program to stabilize markets for important crops.

We must also remember that these owners share the financial risks of crop production with farm operators. These off-farm investors infuse significant capital into the agricultural sector, generating many of the jobs, and much of the economic activity in rural America.

Without this capital, farmland values could decrease, creating equity problems for farmers and creditors alike.

This investment is a critical source of funding for those who would not be able to farm otherwise.

This amendment would deny the right to farm to thousands of young farmers who are starting off with limited resources, and who lack the large amounts of cash that would be needed to buy their own land in order to farm.

These owners are, in many cases, retired farmers, or sons and daughters of farmers, who are only trying to keep the farm in the family. Often, they make it possible for their siblings or offspring to remain on the farm.

In short, farm programs are not welfare programs. income tests like this amendment help to discourage productivity and efficiency, and in the long run, undermine the competitiveness of U.S. agriculture in world markets.

I strongly oppose the gentlelady's amendment, and I urge my colleagues to vote "no" on the Lowey amendment.

Ms. HARMAN. Mr. Chairman, imagine this scenario: A so-called farmer who lives in a fancy Los Angeles home, drives a luxury car, and enjoys a salary of well over $100,000 from a downtown Los Angeles business may receive a check every year from the U.S. Department of Agriculture as a deficiency payment for the wheat on his Kansas farmland. He may never even visit this land, yet checks are delivered, without fail, to his home in Los Angeles every year.

Unbelievably enough, checks for gentlemen farmers just like this are arriving in mailboxes in big cities across the country at taxpayer expense. There are 735 so-called farmers receiving subsidies in the city of Los Angeles alone, and I know they are not living on family farms. They may grow tomatoes in their backyards, but certainly not wheat, rice, feed-grain or cotton—the crops for which deficiency payments are made.

The U.S. Government has been paying so-called farmers who live in big cities and have an annual adjusted gross income of $100,000 or more from off-farm sources far too long. Over the past decade, taxpayers have paid more than $1.3 billion to city-dwelling farmers whose permanent full-time residence is in the heart of one of the 50 most populous urban areas in the United States.

I strongly support the Lowey amendment, and I encourage all of my deficit hawk colleagues to join me. During a time when reducing the deficit is of tantamount importance, this Government handout should be among the first to go. This amendment will save taxpayers $41 million in fiscal year 1996 alone.

As a supporter of the balanced budget, I believe that cutting payments like those to city-dwellers making over $100,000 is critical to achieving our goal. For this deficit hawk, there are many tough budget choices ahead, but this is not one of them. Cutting subsidies for those who don't need them is fiscally responsible, and it's the right thing to do.

This amendment will keep subsidies out of the hands of wealthy, nonresident farmowners who don't need or deserve them without curtailing subsidies to hardworking, family farmers. Please join me in supporting the Lowey amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Minnesota [Mr. MINGE] to the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York [Mrs. LOWEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mrs. LOWEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 158, noes 249, answered "present" 8, not voting 19, as follows:

[Roll No. 545]

AYES—158

Ackerman
Andrews
Barcia
Barrett (WI)
Becerra
Beilenson
Berman
Bilbray
Bilirakis
Blute
Borski
Brown (OH)
Bryant (TX)
Bunn
Cardin
Clay
Collins (IL)
Conyers
Coyne
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Doyle
Duncan
Durbin
Engel
Ensign
Eshoo
Evans
Fattah
Fawell
Filner
Flake
Flanagan
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frisa
Furse
Gejdenson
Gilman
Gonzalez
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Harman
Hinchey
Holden
Horn
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (SD)
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
Klug
LaFalce
Lantos
Largent
Lazio
Levin
Lewis (GA)
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Markey
Martini
Mascara
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Payne (NJ)
Pelosi
Petri
Porter
Ramstad
Rangel
Reed
Rivers
Rohrabacher
Roukema
Roybal-Allard
Royce
Rush
Salmon
Sanders
Sanford
Scarborough
Schroeder
Schumer
Sensenbrenner
Shadegg
Shaw
Shays
Slaughter
Smith (WA)
Stearns
Stockman
Stokes
Stupak
Talent
Tate
Torkildsen
Torres
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Woolsey
Wyden
Zimmer

NOES—249

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Bevill
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Bono
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Dornan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Everett
Farr
Fazio
Fields (LA)
Fields (TX)
Foley
Forbes
Fowler
Franks (CT)
Frost
Funderburk
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Goodlatte
Gordon
Goss
Gunderson
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kim
Kingston
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Lucas
Manton
Manzullo
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meek
Metcalf
Mink
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Sawyer
Saxton
Schaefer
Schiff
Scott
Seastrand
Serrano
Sisisky
Skaggs
Skelton
Smith (NJ)
Smith (TX)
Souder
Spence
Spratt
Stenholm
Stump
Tanner

Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Traficant
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff

ANSWERED "PRESENT"—8

Dooley
Ewing
Ganske
Meyers
Myers
Sabo
Skeen
Smith (MI)

NOT VOTING—19

Boucher
Brown (CA)
Collins (MI)
Dreier
Foglietta
Gallegly
Gibbons
Goodling
Jefferson
Martinez
Moakley
Reynolds
Shuster
Solomon
Stark
Studds
Volkmer
Wilson
Yates

□ 2319

Mr. EWING changed his vote from "no" to "present."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. SMITH of Michigan. Mr. Chairman, inasmuch as I have a pecuniary interest in the amendment offered by the gentlewoman from New York [Mrs. LOWEY], I am abstaining from rollcall vote No. 545.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, I regret my unavoidable absence for rollcall votes numbered 542 through 545. I was tending to a family emergency.

Had I been present, I would have voted as follows: on rollcall vote No. 542, "aye"; on rollcall vote No. 543, "nay"; on rollcall vote No. 544, "aye"; on rollcall vote No. "545, "nay."

Mr. SKEEN. Mr. Chairman, I move to strike the last word.

I think my colleagues may be interested in hearing this.

Mr. Chairman, I would like to present this proposal to give us a road map, and I hope that we have got agreement. To begin with, no more votes tonight. We will finish the debate on everything on the bill, debate only, with the exception of MPP, which we will take up tomorrow morning under the following agreement: Zimmer, 60 minutes; Obey, 10 minutes; Kennedy, 20 minutes; Deutsch, 20 minutes.

Tomorrow we would proceed as follows: The House will meet at 10 a.m. We will do 10 1-minutes on a side, rule on the transportation bill, general debate on transportation, get into transportation for about an hour. Then we would rise after the first vote is ordered, take record votes on the agriculture bill rolled from this evening, 5-minutes to summarize Hoke, take debate plus the votes on MPP as I described, and the final passage on the agriculture bill and hope to go home by 3 p.m., not a.m.

□ 1120

Mr. SKEEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. LAHOOD] having assumed the chair, Mr. KLUG, Chairman of the Committee of the Whole House on the State of the Union reported that the Committee, having had under consideration the bill (H.R. 1976) making appropriations for Agriculture, rural development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

LIMITING AMENDMENTS TO BE OFFERED DURING FURTHER CONSIDERATION OF H.R. 1976, AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATION ACT, 1996

Mr. SKEEN. Mr. Speaker, I ask unanimous consent during further consideration of the bill H.R. 1976 in the Committee of the Whole pursuant to House Resolution 188 on the legislative day of Friday, July 21, 1995, after disposition of any questions earlier postponed under the authority granted by the order of the House of July 19, 1995, no further amendment shall be in order except the following—

First, the amendment of Representative ZIMMER, to be debatable for 60 minutes;

Second, the amendment of Representative OBEY, to be debatable for 10 minutes;

Third, the amendment of Representative KENNEDY of Massachusetts, to be debatable for 20 minutes; and

Fourth, the amendment of Representative DEUTSCH, to be debatable for 20 minutes, and further—

That each amendment—

First, may be offered only in the order specified;

Second, may be offered only by the specified proponent or a designee;

Third, shall be considered as read;

Fourth, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent;

Fifth, shall not be subject to amendment, except as specified; and

Sixth, shall not be subject to a demand for division of the question in the House or in the Committee of the Whole, and further—

That when proceedings resume after postponement on the amendment offered by Representative HOKE, that amendment shall again be debatable for 10 minutes equally divided and controlled by the proponent and an opponent.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

Mr. WAXMAN. Reserving the right to object, Mr. Speaker, I wish to inquire of the subcommittee chairman the time limits he indicated, are those for debates for this evening on those amendments?

Mr. SKEEN. Mr. Speaker, will the gentleman yield?

Mr. WAXMAN. I yield to the gentleman from New Mexico.

Mr. SKEEN. No, Mr. Speaker.

Mr. WAXMAN. Those are for debate for tomorrow?

Mr. SKEEN. Yes.

Mr. WAXMAN. And what will we debate this evening?

Mr. SKEEN. Tonight we do whatever anybody brings up tonight.

Mr. WAXMAN. So we will go on with other amendments?

Mr. SKEEN. And then roll the votes until tomorrow and do the MBP tomorrow.

Mr. WAXMAN. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATION ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 188 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1976.

□ 2325

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes, with Mr. SHAYS (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier tonight, the amendment offered by the gentlewoman from New York [Mrs. LOWEY] had been disposed of.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. HOKE

Mr. HOKE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOKE: Page 71, after line 2, insert the following new section:

SEC. 726. The amounts otherwise provided in this Act for under the heading "Public Law 480 Program Accounts" are hereby reduced by the following amounts:

(1) The amount specified in paragraph (1) under such heading, $129,802,000.

(2) The amount specified in paragraph (2) under such heading, $8,583,000.

(3) The amount specified for the cost of direct credit agreements, $104,329,000.

Mr. HOKE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes.

Mr. DURBIN. Reserving the right to object, Mr. Chairman, is there a problem with 20 minutes? 25?

Mr. SKEEN. OK; 25 minutes.

The CHAIRMAN pro tempore. Is there objection to the amended request of the gentleman from New Mexico?

Mr. POMEROY. Reserving the right to object, Mr. Chairman, does the amendment go to the appropriate title? To which title does the amendment address?

The CHAIRMAN pro tempore. The gentleman is adding a new section to the end of the bill.

Mr. POMEROY. To the end of the bill?

The CHAIRMAN pro tempore. Yes.

Mr. POMEROY. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

Mr. HOKE. Reserving the right to object, Mr. Chairman, just for clarification, the time will be controlled by me on our side and by someone that the chairman will designate in opposition.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Ohio [Mr. HOKE] will be recognized for 12½ minutes, and the gentleman from Illinois [Mr. DURBIN] will be recognized for 12½ minutes.

The Chair recognizes the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, Congressman MEEHAN and I are offering an amendment that would reduce the funding level for title I of the Agricultural Trade Development and Assistance Act of 1954 by $113 million to the level requested by the President and approved in the fiscal year 1996 budget resolution that we passed.

Our amendment does not reduce title II emergency humanitarian food aid, nor does it reduce title III food grants for the poorest countries. Indeed, the Hoke-Meehan amendment would not deny humanitarian food aid to Bosnia or any other war-torn or impoverished country.

Under title I, U.S. agriculture commodities are sold on long-term credit at below market interest rates. The original objective of title I was to move large amounts of surplus U.S. agricultural commodities. In the 1950's the program amounted to more than 80 percent of U.S. food foreign aid and fully 20 percent of the total value of U.S. agricultural exports.

Today we no longer possess huge agricultural surpluses. In 1994, title I represented only about 10 percent of U.S. food foreign aid and less than one-half of 1 percent of all U.S. agricultural exports.

Supporters of title I claim that it promotes economic development, but according to the GAO and the U.S. Department of Agriculture, title I's contribution to sustainable economic development is minimal.

In fact, title I sometimes results in a short-term increase in the food supply of some recipient countries, which in turn drives down the price of local farm products and distorts the agricultural markets of those countries. This has resulted in reduced domestic agricultural production, ultimately defeating our purpose of fostering long-term sustainable economic development.

In fact, it is for that very reason that Egypt and Pakistan, whose local farm economies were disrupted by title I assistance, have pulled out of the program completely.

Some supporters argue that title I develops foreign markets for U.S. agribusiness conglomerates that they might not otherwise have. But GAO has found that because title I subsidizes agricultural commodities at below market rates, whatever market shares may be gained by U.S. companies in the short term won't necessarily develop into long-term commercial relationships at prevailing market prices. In other words, once the subsidy is eliminated, the market no longer exists.

What title I does accomplish is it enriches a small number of giant agribusiness conglomerates, like Archer-Daniel-Midlands, Cargill, Bunge, and Continental Grain Co., all of whom maintain a well-funded stable of Washington lobbyists.

So we have to ask what possible justification is there for an 80-percent increase in the title I program above the administration's request and the budget resolution, especially when we are trying to balance the budget.

The Hoke-Meehan amendment does not affect humanitarian aid in any way whatsoever. It does not touch title II or title III. Rather, the Hoke-Meehan amendment is about ending corporate welfare in the form of Federal subsidies for a program that not only does not work, but which has actually harmed the very people we have intended to help.

This is a clear example of what happens when you give a person a fish, but refuse to teach them how to fish.

Thus, I strongly urge my colleagues to vote for the Hoke-Meehan amendment that will conform title I's funding level to that approved by the fiscal year 1996 budget resolution.

□ 2330

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Louisiana [Mr. LIVINGSTON].

(Mr. LIVINGSTON asked and was given permission to revise and extend his remarks.)

Mr. LIVINGSTON. Mr. Chairman, this well-intended amendment is what I would call the shoot-yourself-in-the-foot amendment. It is Pub. L. 480 funding which in fact over the years has been cut by 24 percent, just in the last 2 years. Total food aid tonnage has dropped from 8 million tons in 1993 to an expected 4 million tons in 1995, a 50 percent cut. The United States has retreated from giving food to the hungry. Other donor countries have not been able to fill the gap, and 750 million people in the world are hungry each and every day of their lives.

Half of these people are children. If the children survive, most will suffer from lifelong disabilities and disease due to poor health and nutrition. We can and have helped millions of people through our Food and Peace Program and our Food for Progress Programs. But we cannot if we cut this program.

Each dollar spent on food aid in this program has at least a double impact. First, the funds are spent here in the United States to grow, process, fortify, bag, can, rail, barge, and ship agricultural commodities.

Second, the commodities are provided to poor countries that cannot afford to buy adequate amounts of food to meet basic needs.

In the marketing year 1992–93, 40 countries that had graduated from U.S. food assistance programs imported $13 billion of agricultural products from the United States, which was 31 percent of U.S. agricultural exports that year.

The proposed cuts in Pub. L. 480 will cause pain not only for the countries that are recipients of our largesse, but also for our own people. We will deny money to the people that are starving, the chronically hungry. The food that is not sent to them which is used in the program not only provides food for today for them but also is linked to their health care, to their education, to their work programs, which provide opportunities for people tomorrow.

Most importantly, in sum, Mr. Chairman, if we cut the money in this program, we will be denying jobs to Americans, American citizens, farmers, grocers, shippers, longshoremen, et cetera, et cetera, et cetera. People are dependent on this program in this country and around the world, and if we cut this program as severely as the gentleman has suggested, we will indeed be shooting ourselves in both feet.

Mr. DURBIN. Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I rise in very strong opposition to the Hoke amendment to cut $113 million from the Food for Peace program. Mr. Chairman, the food assistance provided by Pub. L. 480 is not a favor we do for the world. For 40 years Congress has supported the Food for Peace program on a bipartisan basis because it serves our interests. Pub. L. 480 not only responds to the humanitarian needs of people suffering from food shortages; it enhances our national security by promoting economic development and political stability in less developed countries while cultivating markets for U.S. agricultural commodities.

The Food for Peace program is an important part of our Nation's foreign policy. In North Dakota we strongly believe an ounce of prevention is worth a pound of cure, and Pub. L. 480 is that ounce of prevention. By promoting economic development and political stability in less developed nations, Pub. L. 480 is a very cost-effective insurance policy against political unrest and even military conflict that could threaten our own national security.

Pub. L. 480 also benefits our economy by cultivating foreign markets for U.S. agriculture exports. In fact, 43 of our top 50 consumer Nations of American agriculture exports were once U.S. foreign aid recipients. Between 1990 and 1993, U.S. exports to developing and transition Nations increased. Exports increased $46 billion.

Finally, Pub. L. 480 is a vital tool in the post-GATT era. While the Uruguay round ratchets down export subsidies, other market development tools are no longer available. If history is our teacher, we know that the Europeans will redirect export subsidy reductions into GATT-legal market development programs. For us to cut programs like Pub. L. 480 is engaging in unilateral disarmament while other nations seek to develop their international markets.

☐ 2340

Those who seek to destroy our export programs, like the amendment before us represents, will reap what they sow: lost jobs, a weaker economy, and little hope of regaining our share of the international market.

Mr. Chairman, Pub. L. 480 feeds the hungry, supports our foreign policy objectives, and provides vital support for U.S. agriculture exports. Therefore, I strongly urge my colleagues to vote against the Hoke amendment.

Mr. DURBIN. Mr. Chairman, I would like to yield 30 seconds to the gentleman from Missouri [Mr. SKELTON].

The CHAIRMAN pro tempore. The gentleman from Ohio [Mr. HOKE] has the time.

Mr. HOKE. Mr. Chairman, I would be happy to go out of order and allow the gentleman from Illinois [Mr. DURBIN] to yield 30 seconds to the gentleman from Missouri [Mr. SKELTON].

Mr. DURBIN. Mr. Chairman, I yield 30 seconds to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. I much appreciate the gentleman yielding time to me, Mr. Chairman.

Mr. Chairman, as has been pointed out by two speakers tonight, the pole star of this whole debate is the fact that those countries that once were the recipients of this food for peace have graduated and are part of the export market of the United States of America. As we work on this amendment, as we think about it, we should think about the future, because our future is in exports, that is the balance of trade. That is where we make our money as a Nation.

Mr. HOKE. Mr. Chairman, I yield myself 15 seconds to say this is not humanitarian aid, this is not food grants for the poorest countries; these are grants to big agriconglomerates. This is corporate farm welfare.

Mr. Chairman, I am delighted to yield 3 minutes to the distinguished gentleman from Massachusetts [Mr. MEEHAN] cosponsor of the amendment.

Mr. MEEHAN. Mr. Chairman, this amendment will bring some reason back to the expenditure of taxpayer money for the Pub. L. 480, title I program. The present funding level in the bill is $120 million above the administration's request. That is an incredible 80 percent above the administration's request.

In a letter to the Committee on Appropriations, OMB Director Alice Rivlin expressed the administration's opposition to this increase in funding. As Director Rivlin stated, "The subcommittee has funded Pub. L. 480 in excess of the President's request, title I has been shown to have limited effectiveness in advancing its goal of market development. The administration urges the committee to reduce this program so that higher priority programs can be funded."

As with scores of other Federal programs, this initiative, when begun, had a valid policy purpose. In the 1950's, impediments such as the inconvertibility of foreign currencies, and the lack of foreign exchange held by potential customers, limited the commercial export of large domestic agricultural commodity surpluses. The situation that now exists is a far cry from the circumstances that existed in the 1950's. Even though this program has been redirected in recent years these reforms have not solved many of its inherent problems.

In a recent report, the GAO stated "the importance of title I, domestically and internationally, has declined significantly since the program's inception. Increased food aid donations from other countries and the establishment of new USDA export assistance programs has reduced the importance of title I aid as a humanitarian, surplus disposal, and export assistance program."

Programs such as the Commodity Credit Corporation's short and intermediate-term credits, and the Export Enhancement Program, are also designed to penetrate new markets. In light of these complementary programs the current funding level in the bill for title I is excessive.

I wish to assure my colleagues that this funding in no way diminishes the emergency and humanitarian food programs available through title II and III of Pub. L. 480. Nor is this amendment an attack on the ocean freight differential, otherwise known as cargo preference.

This amendment is about providing a responsible level of funding for a program that needs additional reform and focus in order for it to accomplish its stated goal.

The reduction provided for in this amendment will still enable the U.S. Department of Agriculture to continue this program, and to support the expansion of markets in developing countries.

I urge my colleagues to support the amendment.

Mr. SKEEN. Mr. Chairman, I yield 3 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding time to me.

Mr. Chairman, I rise today in very strong opposition to this amendment, which would effectively cause very significant harm, and would undermine an important market-building tool for this Nation's agricultural industry. Forty-three out of 50 countries that used to be recipients of U.S. food aid have developed into cash-paying customers of U.S. agricultural commodities. Titles I, II and III of Pub. L. 480 each have a distinct purpose in helping recipients evolve from nations in chronic poverty to countries with stable economies, and to diminish these operations undermines the integrity of the program overall.

Public Law 480 is a very unique foreign aid program. I would appreciate Members' attention to this. Each dollar spent on food aid has an impact here in the United States, as well as the recipient Nation. First, the funds are spent in the U.S. to grow, process, fortify, bag, can, rail, barge, and ship agricultural commodities. Then the commodities are provided to poor countries that cannot afford to buy adequate amounts of food to meet very basic needs.

Title I, the portion of food aid that is committed to countries that exhibit long-term potential to become customers of U.S. agriculture, is a meaningful program that allows countries to make the transition between grant beneficiaries to commercial customers of U.S. commodities. As such, the authorizers and the appropriators have agreed that it is very important that we maintain funding for this program at the 1995 level, the Committee on Appropriations and the Committee on Agriculture, to meet the overall budget numbers. The plan presented in H.R. 1976 achieves this designated goal.

Title I is a particularly important aspect of the Pub. L. 480 program because it is targeted at developing commercial markets for U.S. commodities. Many examples exist of countries that have successfully made the transition from a concessional buyer to a hard cash purchaser, one of the most poignant being Egypt, which now buys nearly one-half billion dollars a year in U.S. wheat and feed grains.

How can we dispute the merits of investing in a program that has been so successful in cultivating a customer that now constitutes about 1 percent of our total agricultural exports through its bulk grain imports alone? Let us not forget that the half-billion that Egypt now spends on grains creates an estimated 10,000 jobs right here in the United States.

The CHAIRMAN pro tempore. The Chair will inform the Members that the gentleman from Ohio [Mr. HOKE] has 1½ minutes remaining, the gentleman from Illinois [Mr. DURBIN] has 3¼ minutes remaining, and the gentleman from New Mexico [Mr. SKEEN] has 15 seconds remaining.

PARLIAMENTARY INQUIRY

Mr. HOKE. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. HOKE. Is it correct that we had 12½ minutes to begin with, Mr. Chairman?

The CHAIRMAN pro tempore. The gentleman is correct. The gentleman is correct, our time is not correct. We will correct that. The gentleman from Ohio [Mr. HOKE] has 5½ minutes remaining.

Mr. HOKE. Could the Chair review all of the times, please?

The CHAIRMAN pro tempore. The Chair would be delighted to. The gentleman from Ohio [Mr. HOKE] has 5½ minutes remaining, the gentleman from Illinois [Mr. DURBIN] has 3¼ minutes remaining, and the gentleman from New Mexico [Mr. SKEEN] has 15 seconds remaining.

Mr. HOKE. Mr. Chairman, who has the right to close the debate?

The CHAIRMAN pro tempore. The committee position closes the debate.

Mr. HOKE. Therefore, the gentleman from New Mexico, with 15 seconds, gets to close debate.

The CHAIRMAN pro tempore. He may ask time from the gentleman from Illinois, but the committee position closes.

Mr. HOKE. Mr. Chairman, I yield 90 seconds to the distinguished gentleman from California [Mr. ROYCE].

Mr. ROYCE. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of this amendment, which would reduce spending for Public Law 480 to the level requested by the administration, and to the level provided for in the budget resolution which we adopted in May. The level proposed in the bill for this program is approximately 80 percent more than the administration requested. It exceeds the adopted 1996 budget resolution assumptions by more than $100 million.

Proponents argue that the amount in the bill is the same as the current year level. However, those levels have been proposed for rescission, and a GAO study completed just three weeks ago at the request of the House and Senate authorizing committees concludes that, and I am going to quote from that GAO report, concludes that the program as currently instructed does not significantly advance either the economic development or the market objectives of the 1990 act.

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That GAO report goes on to say that the program should either be seriously restructured or should be scrapped entirely. I believe we should take the time to study the GAO report findings before we dump $100 million more into this program than was requested.

I urge my colleagues here to vote "aye."

Mr. DURBIN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me say in opposition to this amendment, I hope that the gentleman who is offering this amendment will be sensitive to the fact that we have cut Public Law 480 funding 24 percent over the past 2 years. The needs around the world have gotten much worse. Some 750 million people are hungry each and every day of their lives. This debate here turns on budgetary terms, dollar amounts, outlays and budget authority. But anyone who has traveled overseas and actually seen what the Public Law 480 program means to real living people I think can put it in a new perspective. The United States has a reputation of being a generous, charitable country, and we have come to the rescue of many people in distress in the past. Public Law 480 has been one of our best efforts. What the gentlemen from Ohio and Massachusetts seek to do with their amendment is to cut some 500,000 metric tons of food aid in the next year. They insist that this will not hurt starving people, but history tells us they are wrong.

Last year funds from Title I were shifted to Title II to cover some of the emergency food aid needs in the Rwandan crisis. This year additional emergency food aid is needed in Rwanda, Burundi, parts of the former Yugoslavia and the Soviet Union. Who knows where next year's crises will be? We do know that if the Hoke-Meehan amendment is adopted, fewer funds and no surplus commodities will be there to provide in response.

I know that it is not fashionable politically to be in support of food aid programs for starving people overseas. There are not many people who will cheer you back in your district for that. But the bottom line is this program has been around for 30 years and has been a great source of pride to Americans as we have seen heart-wrenching pictures on television and in the news media which have called our attention to the fact that with all our challenges in the United States, there are other places in the world in far worse conditions.

This cut in Title I may seem very easy to us sitting here in the comfort of the United States of America. But for the people who are literally starving to death halfway around the world, this is a cut that should not take place. Our committee considered this Public Law 480 and actually made a reduction below last year's expenditure. What we are trying to do now is to appeal to the gentlemen offering this amendment and those who will vote on it and ask them to take into consideration that there still will be a role for the generosity and charity of the United States in helping those poor people overseas who literally are the least of our brethren.

I rise in opposition to this amendment, and I hope my colleagues will join me in voting against it.

Mr. HOKE. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. I thank the gentleman for yielding me the time.

Mr. Chairman, the gentleman from Illinois referred to humanitarian aid and aid for those in the throes of poverty and those who are afflicted by warfare. Those portions of Public Law 480 are not affected by this amendment. This amendment deals with title I which was designated as a way to get rid of America's huge agricultural surpluses back when we had huge surpluses. Today title I is a program that gives good intentions a bad name. It wrecks local farm economies in countries we are trying to help by driving down the cost of food so local farmers cannot compete and earn a decent price. It creates short-term opportunities for select shippers and a coterie of exporters and shipping companies. But this is an advantage that is temporary and fleeting. It is a hothouse situation, because it depends on the below-market financing that is provided.

One point that has not been mentioned is that this program provides a tremendous opportunity for corruption in the countries that are receiving the assistance, and some of the recipients of money under this program are amongst the most corrupt in the world.

Mr. Chairman, I believe that what we should do with this amendment is simply to reverse an astounding 80 percent increase that the committee adopted over the President's request and over our own budget resolution, keeping the essential and humanitarian aspects of this law and removing that part which is not justified.

Mr. HOKE. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN pro tempore (Mr. SHAYS). The gentleman from Ohio [Mr. HOKE] is recognized for 2 minutes.

Mr. HOKE. Mr. Chairman, the opponents of this bill would like you to believe that what this bill is about is humanitarian aid and food aid and Food for Peace and all of these wonderful sounding things that none of us would ever want to oppose. But the fact is that that is not what this is about. What this is about is the baldest kind of corporate welfare, the very kind of corporate welfare that we are trying to eliminate, and in this case it is agri-corporate welfare. The money goes to the largest conglomerates of agriculture in the United States. It also goes to some shippers on a smaller basis. But this title does not in any way go to humanitarian or emergency aid. It is exactly the kind of subsidies that not only are wrong because they give disproportionate amounts of money to companies in the private sector that ought not get them but it is also wrong because what it does is it actually creates problems for the countries that receive the money themselves and it creates a kind of a welfare dependence that has been well-documented in other places with respect to the bad impacts that it has had on those local economies. It has happened in Africa, it has happened in El Salvador with respect to milk products, and we continue to do this.

This is not to help with humanitarian aid foreign countries that are truly poor and need the help. This is to help American agri-conglomerates that simply do not need it. I strongly urge my colleagues to look at this carefully and closely and to adopt this amendment. It is going to exactly what we already passed in this House and it goes to exactly what the President and the administration have called for.

Mr. SKEEN. Mr. Chairman, I have 15 seconds in which to close this thing. I oppose this vehemently and strongly and urge a "no" vote on it. I thank the Chairman for the 15 seconds.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. HOKE].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. HOKE. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Wednesday, July 19, further proceedings on the amendment offered by the gentleman from Ohio [Mr. HOKE] will be postponed.

AMENDMENT NO. 41 OFFERED BY MR. MC INTOSH

Mr. MCINTOSH. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 41 offered by Mr. MCINTOSH: At page 71 of the bill, after line 2, insert after the last section the following new section:

SEC. 726. None of the funds made available in this Act shall be used to increase, from the fiscal year 1995 level, the level of Full Time Equivalency Positions (whether through new hires or by transferring full time equivalents from other offices) in any of the following Food & Drug Administration offices: Office of the Commissioner, Office of Policy, Office of External Affairs (Immediate Office, as well as Office of Health Affairs, Office of Legislative Affairs, Office of Consumer Affairs, and Office of Public Affairs), and the Office of Management & Systems (Immediate Office, as well as Office of Planning and Evaluation and Office of Management).

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

Mr. DURBIN. Mr. Chairman, reserving the right to object, is 10 minutes acceptable?

Mr. SKEEN. If the gentleman will yield, it certainly is acceptable to me, Mr. Chairman.

Mr. MCINTOSH. Mr. Chairman, if the gentleman will yield, I have about 6 or 7 minutes.

Mr. SKEEN. Shall we make it 12 minutes?

Mr. DURBIN. Twelve minutes is acceptable.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Indiana [Mr. MCINTOSH] will be recognized for 6 minutes, and 6 minutes will be equally divided between the gentleman from New Mexico [Mr. SKEEN] and the gentleman from Illinois [Mr. DURBIN].

The Chair recognizes the gentleman from Indiana [Mr. MCINTOSH].

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Mr. MCINTOSH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment deals with the employment in the front office at FDA. The FTE levels at FDA's nonoperational managerial offices have increased by over 25 percent from fiscal year 1989 levels. This growth in overhead expenditures represents an inefficient use of resources that must be reversed.

The savings that will be achieved in overhead reductions can be used to redirect their efforts toward hiring additional employees to provide additional approval for much-needed drugs, devices and other medical products. Such a reinvestment will increase the ability of the agency to timely review product applications.

The amendment I am offering would prevent an increase from the fiscal year 1995 levels in the level of full-time employees in the following offices: the Office of the Commissioner, the Office of Policy, the Office of External Affairs, and the Office of Management Systems.

Mr. Chairman, this is one of several amendments that I was planning to offer tonight. The other amendments I am not going to offer. I have spoken with the gentleman from Virginia [Mr. BLILEY], the chairman of the authorizing committee, and the gentleman from Florida [Mr. BILIRAKIS], the chairman of the subcommittee. They share my concerns.

I wanted to address some of the issues and the problems that have been caused by the failure of FDA to have sufficient employees in some of the agencies that are operational, that do approve the drugs, the devices and the other medical products.

First of all, we have discovered that there is an increasing amount of surveillance and oversight that the agency does of the industry. This oversight effort has increasingly led them to slow down the approval of new drugs and new therapies and in many ways harass the manufacturers of products who may disagree with the FDA's chosen method of operation.

I hear time and time again from people who we have suggested could come and testify before my Subcommittee on National Economic Growth, Natural Resources and Regulatory Affairs that they are afraid to do so because the agency has such an overwhelming enforcement authority. My amendment would have simply directed them to limit expenditures on enforcement to 10 percent so that they can turn their efforts to seeking new product approvals.

I plan to work with the gentleman from Virginia [Mr. BLILEY] and the gentleman from Florida [Mr. BILIRAKIS] in making sure that that redirection of priorities occurs in their reauthorization bill later this fall.

Finally, another issue is off-label uses. I was going to offer an amendment that would have said the FDA had to discontinue efforts to prevent the distribution of medical literature and other means of promoting off-label uses in drugs.

Let me give the body a little background in this, and I have to tell you that working with FDA in this areas is a little bit like entering into Alice in Wonderland.

The FDA has an unwritten policy that prevents manufacturers from disseminating enduring materials such as medical journals, the Journal of the American Medical Association, and other highly reputable journals and textbooks if they contain information about nonapproved, that is, the FDA has not yet sanctioned, uses of a manufactured product, even through the agency has determined the product is safe for use for other purposes.

They do not allow this until the agency has either examined the journal article or the material or approved the product for the off-label use.

This is where Alice meets the Mad Hatter. It takes years and years to get that type of approval for additional uses and costs the companies millions of dollars. Meanwhile, patients suffers because they are not able to have their doctors learn about this treatment and be able to get the most recent medical information.

Let me tell you, off-label uses are critical for treating children and others such cancer. Virtually all of the new treatments developed in this country come about when doctors start using labeled existing drugs in new ways, off-label uses.

The FDA has also a draft policy that prohibits virtually all support, financial or otherwise, by drug and medical device manufacturers of any educational activities designed to disseminate truthful, accurate information and designed to provide training with respect to off-label uses.

This is just nuts. You have got big, powerful, wealthy drug companies and device manufacturers willing to spend their money to train doctors on how to use these newest techniques, and the FDA has a new draft policy saying they cannot do it. The Mad Hatter strikes again.

FDA's actions raise serious first amendment concerns. Are we to say that manufacturers of these devices cannot disseminate truthful and accurate information? FDA's policies already have and continue to significantly inhibit the free flow of peer reviewed, scientific information about drug uses.

Ironically, while the agency does not prevent physicians from prescribing uses of therapeutic products, in other words, the doctor can use the off-label use, the devices and the drugs have, even though they have not been approved by FDA for that use, the agency policies have significantly curtailed the ability of doctors to receive information about that, to receive the understanding in journals, such as the Journal of the American Medical Association, about what they think these off-label uses are.

Of course, in the world of Alice in Wonderland, as the Queen said, execute first, trial later. I urge the body to adopt my amendment and send a message to the agency that this is no longer going to be the practice.

Mr. SKEEN. Mr. Chairman, we on this side would be glad to accept the gentleman's amendment.

Mr. Chairman, I yield 2½ minutes to the gentleman from Minnesota [Mr. GUTKNECHT].

Mr. GUTKNECHT. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise in support and I stayed up because I wanted to talk on this issue of the McIntosh amendment.

Earlier tonight we had a rather heated exchange here on the floor of the House talking about the FDA between the gentleman from Kentucky and the gentleman from California. I think the gentleman from Kentucky referred to the FDA as a rogue agency out of control. That may have been too strong, Members of this body. But I do believe that Mr. Kessler and his agency needs to have their horns trimmed and be put on a shorter leash.

Earlier today, the gentleman from California [Mr. WAXMAN] talked about a credibility question about a story that was shared on the floor of this House. I want to share a couple of stories tonight, several of them that I believe to be true, one that I absolutely know to be true.

I have in my district and in the State of Minnesota a number of medical device companies and an awful lot of physicians who work with them. Among other things, they have developed a number of new technologies which are being used in other countries, but they cannot or have not gotten approval here in the United States.

For example, there is a simple device which can prevent people from having a second heart attack called a stint. I have cardiologists in my area who literally have to go now over to Europe to do the research on those technologies because they cannot get the approval, and it takes so long, and it is so expensive in the United States.

In fact, when they go to Europe, sometimes they actually smuggle back into the United States liquid injectable aspirin because it is not available in the United States because it is too expensive to get FDA approval, and it takes too long, and it is not worth it. There are not enough people that need it.

In fact, one of my cardiologists was in this town a few months ago for an international exposition, and he went down to look at technologies which are available in virtually every other country in the world but they are not available in the United States because the FDA takes so long and it is so expensive to get them approved.

Let me just share this also. I believe this to be true. The last time the FDA approved a new food additive in the United States was 5 years ago.

We are going to have hearings I understand next week, and they are going to be talking about some of the raids that this agency has been conducting on medical device companies. I know that we are going to, hopefully, have some hearings in the McIntosh committee.

I do support this amendment, but I do believe what we really need is to rein in on this agency so that we can have the same devices here in the United States that they are enjoying in Europe and Japan.

Mr. DURBIN. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon [Mr. WYDEN].

Mr. WYDEN. Mr. Chairman, first, I wanted to say to the gentleman from Indiana that I appreciate the way he has addressed this issue. It seems to me that all Members should want to see more dollars devoted to the drug approval process and less to bureaucracy, and I think we can agree on that on a bipartisan basis.

We do need comprehensive FDA reforms. I have introduced legislation towards this end. I know a number of our colleagues have as well.

We ought to be pushing for tighter time lines to get products out, save money, save time, and on this matter of off-label drug uses, I think we can come up with a policy that ends FDA's censorship over important medical journal articles and at the same time protects consumers.

For example, what I have proposed is we say that these journal articles would be made available, but the FDA, if they found questions in a journal article, would be in a position to add additional information so this would supplement what was out in a journal article.

This, I found, has been acceptable to industry. It has been acceptable to the cancer groups that the gentleman from Indiana [Mr. McINTOSH] has correctly discussed. This is the kind of constructive work we can do on a bipartisan basis.

I want to tell the gentleman from Indiana, I am very pleased that he has kept his amendment on the question of freezing front-office dollars.

Mr. DURBIN. Mr. Chairman, I yield 1½ minutes to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I commend the gentleman for the way he has offered his amendments and that he has not offered the others. I want to tell him I will be pleased and happy to work with him on his concern with regard to the Food and Drug Administration.

I do want to inform my colleagues that the food and drug law has been written in a very harsh fashion by the

Congress of the United States because of the fact that it is susceptible to serious abuse, not by the honest people in the prescription pharmaceutical industry or in the device industry but rather by fly-by-nights who come in and go out and who will use pharmaceuticals and use other devices in an improper fashion.

The law requires that these devices and that these prescription pharmaceuticals and other things be, first, safe and, second, that they be effective, that they do not hurt and that they do what they are supposed to do.

It is FDA's difficult mission to see to it that products are used in the fashion for the purposes that they are used for. They can be tested.

I will tell my colleagues that the testing process is long, and it is so for a very good reason. Other countries have had massive scares over pharmaceuticals and other things which have caused huge health problems in the country, and I would just remind my colleagues about the thalidomide scare of some years ago where a whole generation of European children were born with flippers and without hands and arms and were otherwise deformed. That was something which created a massive scare in this country and resulted in a very major change. The result was a good piece of legislation which has been balanced.

It is possible, I think, that it shall and can be reviewed, and I would look forward to working with the gentleman toward that purpose.

Mr. SKEEN. May I inquire of the Chair how much time we have left?

The CHAIRMAN pro tempore (Mr. SHAYS). The gentleman from New Mexico has 30 seconds remaining. He is the only gentleman who has time.

Mr. SKEEN. Mr. Chairman, I yield that to my ranking member, the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. I want to thank my colleague from New Mexico for yielding me the time.

Mr. Chairman, let me say that I am glad that the gentleman from Indiana has offered this amendment this evening, and we look forward to working with him, and I hope we do not lose sight of the fact of the important mission that the Food and Drug Administration has.

They should be reformed, they should be improved, and we can work toward that end, but they certainly perform an invaluable function which no other Federal agency does. I hope that in our criticism of the present practices we do not overlook much of the good that is being done by a lot of hard-working professional people.

I support the amendment by the gentleman from Indiana.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Indiana [Mr. MCINTOSH].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANFORD: Page 71, after line 2, insert the following new section:

"SEC. 726. None of the funds appropriated or otherwise made available in this Act shall be used for the construction of a new office facility campus at the Beltsville Agricultural Research Center.".

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes and that the time be equally divided.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from South Carolina [Mr. SANFORD] will be recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Mr. DURBIN. Mr. Chairman, I claim the time in opposition to the amendment.

The CHAIRMAN pro tempore. The gentleman from Illinois [Mr. DURBIN] will be recognized for 5 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. SANFORD].

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Mr. SANFORD. Mr. Chairman, this amendment prevents the construction of a new 350,000-square-foot office building in Maryland. With so many pressing demands on our Nation's budget and so many different ways to cut this budget, the logical budget is: Why here? Why now?

I think there are 4 good reasons that make a lot of sense as to why we ought to look at this. The first, GSA, Government Services Administration, controls 644 million square feet, let me say that again, 644 million square feet of office space. That is enough office space to fill the commercial cores in New York, Chicago, Los Angeles, and Houston combined. That says to me, with that kind of office space intact and this revolution that is supposedly taking place here in Washington, do not we have enough? Do we really need to go out and add another 350,000 square feet of space.

Second, even if we do, I think we would be putting the cart before the horse if we built this building now. The reason being, this fall the farm bill comes out, and that is going to have a lot to do with whether the Ag Department is growing, staying the same or shrinking. If it happens to be shrinking, which could well be the case given the fact we have got 114,000 folks on staff which roughly works out to about one for every six working farmers, if it were to actually be cut, we may not need this building, or if it were not to be cut, look at the number of different agencies ceilings and different departments that are talking about being closed here in Washington.

Again, I think that has done to do with why the National Capital Planning Commission, which is the Federal agency in charge of watching out how different agencies control space, has disapproved this plan and disapproved this building. They, in fact, say the following: "It appears that the opportunities may exist for meeting virtually all of USDA's fiscal year 2000 administrative space requirements within its existing inventory, without construction of the Beltsville office complex." I think they know more about this than most of us. I ask we heed their advice.

Third, the budget. KASICH and his budget crew came up with a plan that gets us to a balanced budget by the year 2002. This building was not included as part of that budget.

Finally, National Taxpayers Union and Citizens for a Sound Economy think this amendment would make a lot of sense.

I hope my colleagues will join.

Mr. Chairman, I yield back the balance of my time.

Mr. DURBIN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to this amendment.

I wonder if the gentleman from South Carolina would take a microphone at his leisure. I would just like to ask him two or three questions.

First, I would like to ask the gentleman, has he ever been in the south building of the Department of Agriculture?

Mr. SANFORD. If the gentleman will yield, I have run by it practically every morning.

Mr. DURBIN. Ever been inside?

Mr. SANFORD. No.

Mr. DURBIN. I think it is important you go inside before you get deeply into this amendment. You know what you are going to find? A 60-year-old building that is a fire trap. The reason we got into this debate, because many of us are worried about the safety and security of the men and women who work in that building. When a fire alarm goes off anywhere inside that building, they literally have to evacuate every employee. It is not divided by corridors or sections so that in the event of a fire or emergency they can even protect the people inside.

The ventilation system is so antiquated that not only it does not heat and cool the building, in fact what it does is endanger the people working in there.

So we are talking about in the first instance a genuine fire trap which on any given day could cause a great embarrassment to the gentleman from California when a tragedy might strike.

Point number 2, does the gentleman know how much money we expect from the Federal taxpayers by building the new campus at Beltsville and replacing the leased space which we are currently using for U.S. Department of Agriculture across the city of Washington?

Mr. SANFORD. I have heard upwards, close to $1 billion.

Mr. DURBIN. The figure I have is not that high, $200 million over 10 years. Unfortunately, the Department of Agriculture, with reduced status, fewer functions, fewer employees, is spread all over the D.C. area. We are paying rent. Unfortunately, we are paying too much for that rent. We went through this battle last year and said there has got to be a better way.

It turns out if we build the building and occupy it and depreciate it, it is cheaper for taxpayers. It is not just a matter of building a building. It is a matter of getting out of expensive leased space to do it.

The reason I asked the gentleman these questions is my first reaction when I heard about a new building was the same as his, for goodness sakes, at this time, this is the wrong place and time to do it.

Yet I went down there and took a look at the south building.

Mr. SANFORD. On those two points, if the gentleman would yield, on the south building, as you might notice, my amendment does nothing to preclude reconstruction to the south building.

Mr. DURBIN. Reclaiming my time, here is the practical difficulty. In order to do the kind of work that is necessary on the south building, the GSA did extensive surveys and found that they had to take the employees out as the construction was taking place.

That is why this whole plan that we have developed involves moving out to Beltsville for temporary quarters and eventually moving back into a renovated south building, and then using what is constructed at Beltsville for permanent facilities so all the leased space can come together into something we own.

I am sure the gentleman's life experience, like my own, we rented for years, it was not worth much, finally bought a home, and now I take a lot more pride in it.

Mr. SANFORD. If the gentleman will yield, I would agree absolutely in a static environment, but the problem is we know right now we are not working in a static environment. I think that actually has a lot to do with why the National Capital Planning Commission, in fact, disapproved the plan and, in fact, said because things like the Department of Commerce may one day be an empty building and because a host of other agencies are looking at dropping numbers rather than increasing numbers, there may be more than enough space in Washington, DC.

Mr. DURBIN. Reclaiming my time, I will tell the gentleman there are many possibilities. There are many eventualities. There is one solid hard cold fact. The south building of the U.S. Department of Agriculture today is a fire trap. It is dangerous to tens of thousands of people who go there every day. It could not pass the most basic fire and safety inspection. And I do not think the gentleman from South Carolina, certainly the gentleman from Illinois, would not want it on his conscience that we are not doing everything we can to protect those employees.

That is why I got into this. I think what we have come up with is a reasonable approach that ultimately will save taxpayers $200 million and do it in a very professional way.

I would add that I am not an expert at this. We gave to the General Services Administration the responsibility to come up with a plan. They came up with one. We went back and forth and negotiated with the U.S. Department of Agriculture.

From the gentleman to come in now and say, well, we have got problems, let us get rid of that, you still are going to have a south building that is a fire trap. You are still going to have leased space that costs you dearly.

Mr. SANFORD. If the gentleman will yield again, I want to reemphasize my amendment in no way precludes renovation to the south building. The whole idea is putting the cart before the horse. All I am suggesting by this amendment is, given all that may be happening in terms of downsizing the Federal Government, maybe, just maybe since it is federally owned land, this building would be going on out in Maryland since that space is not going anywhere.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from South Carolina [Mr. SANFORD].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SANFORD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. (Mr. SHAYS). Pursuant to the order of the House of Wednesday, July 19, further proceedings on the amendment offered by the gentleman from South Carolina [Mr. SANFORD] will be postponed.

Are there further amendments to the bill?

AMENDMENT OFFERED BY MR. OLVER

Mr. OLVER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. OLVER: Page 71, after line 2, insert the following new section:

SEC. .(a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act shall be used to pay the salaries of personnel to provide assistance to livestock producers under provisions of title VI of the Agricultural Act of 1949 if crop insurance protection or nonuninsured crop disaster assistance for the loss of feed produced on the farm is available to the producer under the Federal Crop Insurance Act, as amended.

(b) CORRESPONDING INCREASE IN FUNDS.—The amount otherwise provided in this Act for "Rural Development Performance Partnerships" is hereby increased by $60,000,000.

Mr. OLVER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes, the time to be equally divided, I will claim 5 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN pro tempore. The Chair recognizes the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I yield myself such time as I may consume.

The language of my amendment prohibits benefits under the livestock feed program for losses which could be covered under the crop insurance program.

The subcommittee had provided $80 million for the livestock feed assistance program, and by the language that I offer, by limiting that livestock feed assistance program to those who could not use the Federal Crop Insurance Program, we can reduce the needs for the livestock feed assistance amount from $80 to $20 million, and in that process we are able to free up $60 million which then can be used for the rural development performance partnerships, which is essentially the moneys that hundreds of communities all over this country use in districts all over the country in rural areas of the country, use to develop drinking water systems, waste water treatment systems, by either grants or loans, or a combination of grants and loans in most instances, and for solid waste management systems.

The communities that get this money are small communities, the most stressed communities probably in this country outside of the very core urban areas. They are communities without a strong tax base, without a strong commercial base. They are continually under stress, and they are of a severely limited capacity to deal with what are extremely capital-intensive programs and where the per capita costs of those capital-intensive programs happen to be exceedingly high, therefore, because of the low population of rural communities.

All that is required here is that if crop insurance is available, it is to be used rather than using the livestock feed assistance, and that gives us the $60 million available for the program.

Now, this is a program which in the present fiscal year was counted at almost $700 million. Under the program as it now stands in the bill, it would be down to $430 million, and so the addition of 60 would bring that up a little bit and change a 40-percent cut in this program for so many communities all over the country, in infrastructure grants and loans, it would allow that cut to be only a 30-percent cut.

So I would hope that we would adopt this amendment and help these hundreds of communities all over the country that this money can be used for.

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I strongly oppose the amendment.

I yield the remainder of my 5 minutes to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. I thank my good friend and colleague from New Mexico for yielding me the time.

I rise in strong opposition to the gentleman's amendment. The amendment, while I am sure really redirects funds into an important program, and the gentleman and I have discussed this at length, for example, the cuts in the water and sewer programs which we all hope can be restructured, and we all hope that we can find additional funds for these very important programs, but the gentleman's amendment also restructures, or throws a monkey wrench is a better word, into an important reform of the crop insurance and disaster program that was just implemented by the Committee on Agriculture just this past year.

This major new reform that was designed to save the taxpayers billions of dollars and move our farmers away from dependence on the Government disaster programs really has not had a chance to work, and already the gentleman has simply brought an amendment that has not been considered by the authorizing committee. We have had no hearings, and it would fundamentally change the protections designed for the livestock industry.

We left the livestock disaster program in place because there was no other way to cover them. As I have indicated, it is entirely possible that some changes in the newly reformed crop insurance disaster protection program will be needed. As a matter of fact, we are going to have a major overhaul of the crop insurance program. It is underfunded, and it is mandatory, and we have several proposals that I think would be very, very salutory.

But these proposed changes should receive the same careful consideration as the original reform provisions. For example, this amendment does not make it clear how we are to treat a livestock producer who grows 25 percent of his feed and then purchases the rest. Is this producer to lose all of his disaster protection because he is prudent enough to provide a fraction of his own feed?

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Mr. Chairman, these are exactly the kind of problems that caused us, after long thought, to design the program in its present state. Certainly a more careful consideration should be given before the program is changed or simply used for a bank for vitally needed sewer and water programs. We should reject this amendment.

I would only add that this amendment also abridges the agreement that the authorizers and the appropriators have reached, at least on our side of the aisle, after many, many meetings, and the $60 million that would be used by the gentleman would be into a situation where we would either double-score it and it would not count in regards to our scoring responsibilities or the Ag Committee is going to have to go find another $60 million to cut in regards to our budget responsibilities.

We have an agreement with the gentleman from New Mexico [Mr. SKEEN] and the chairman of the committee, and the chairman of the Committee on the Budget that the appropriators will make the appropriate cuts in regards to their budget responsibilities and the authorizers in our pasture will make our cuts.

I know the gentleman is extremely concerned about the water and sewer programs. This is the wrong way to go about it. I will be more than happy to work with the gentleman to find some money in the appropriate discretionary account.

And one last thing: In the last several weeks we have had a real disaster in farm country more especially with our cowboys in reference to the terrible weather, 100 degrees, 105 degrees, 110 degrees. In feedlots all across the country and on ranches all across the country we have had heavy livestock losses, and all prices in the livestock sector are very depressed. This is exactly the wrong time to take the emergency program for livestock producers that we hope we will not use during a time when they are experiencing very heavy losses due to weather-induced conditions.

So, Mr. Chairman, I would urge the gentleman to perhaps work with us, perhaps maybe withdraw his amendment, but if he insists on going on ahead, we will have to oppose it very, very strongly.

Mr. OLVER. Mr. Chairman, I yield myself 45 seconds, and then I will yield the remainder of my time to the ranking member of the committee.

Mr. Chairman, I would just like to point out that, if there is a livestock loss which would not now be covered, not now be coverable, under the crop insurance program, that the livestock loss is still covered under the livestock feed program. That is the provision, that is the language of the legislation, that I have provided. So there is no problem, at least as I understand it, there.

Secondly, if what we are doing is banking $60 million so that it will be easier there for the dealings on the problem of mandatory expenditure, then I think this will be much more valuable to put this where it can be used where 40 percent cuts were being made and use only 30 percent cuts in the infrastructure accounts which all of our communities do.

Mr. Chairman, I yield the balance of my time to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, everyone seems to agree that we should put more money into water and sewer programs. We all know there are a lot of communities that need them. Otherwise they cannot improve their systems for public health reasons. The obvious question here is whether or not this provision, when it comes to livestock feed programs, should be allowed to continue.

I agree with the gentleman from Massachusetts it should not. So many of these farmers, and cowboys and ranchers want to be rugged individualists and say, "No, I'm not going to buy crop insurance, I'm on my own, buddy, leave me alone," and then things get tough, and guess what?

They come and knock on Uncle Sam's door and say, "Well, now I need some help."

What this amendment says is, "Grow up." If you got crop insurance available, buy it, and, if you don't, you're going to pay. If you have a disaster, you're not going to get as much money from the Federal Government."

Is that a radical suggestion? I think that ought to be the policy across the land, to tell producers and business people that, if there is insurance available, use it, and, if they do not use it, they are going to suffer as a result of it.

Now, to say we are going to hold them harmless regardless I think creates bad conduct on their part. The gentleman from Missouri and I were co-chairs of a disaster task force. We now spend or compensate for about 95 percent of the disasters and losses in the United States. We cannot afford to continue to do it. Individuals have to accept more personal responsibility.

The CHAIRMAN pro tempore (Mr. SHAYS). The gentleman from New Mexico [Mr. SKEEN] has 30 seconds remaining.

Mr. SKEEN. Mr. Chairman, I yield 30 seconds to the gentleman from Kansas [Mr. ROBERTS].

Mr. ROBERTS. Mr. Chairman, I would really hope it would not come to this, to get back into this whole argument on the disaster program and crop insurance. The mandatory crop insurance program is underfunded. It is not working well in high-risk agriculture country mainly because of the efforts of the gentleman from Illinois.

Now we will adhere to our responsibilities in regards to crop insurance, and we are trying to move away from the disaster program. But to try to rewrite an unworkable crop insurance bill right in the middle of an appropriation bill when we are trying to do it in the farm bill is just not the way to do business. I want water and sewer programs, but that was a very untoward remark by the gentleman from Illinois, and I resent it.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Massachusetts [Mr. OLVER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. OLVER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to the order of the House of Wednesday, July 19, 1995, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. OLVER] will be postponed.

Mr. BARRETT of Nebraska. Mr. Chairman, I would like to submit for the record a copy of a letter from Agriculture Secretary Glickman expressing the administration's support and commitment to agricultural export programs such as the Market Promotion Program and the Export Enhancement Program.

DEPARTMENT OF AGRICULTURE,
Washington, DC, July 19, 1995.

Hon. BILL BARRETT,
Chairman, Subcommittee on General Farm Commodities, Committee on Agriculture, U.S. House of Representatives, Washington, DC.

DEAR BILL: As the United States House of Representatives considers the fiscal year 1996 appropriations bill for the Department of Agriculture (USDA), I would like to express my commitment to USDA's export programs.

With the help of the Market Promotion Program (MPP), the Export Enhancement Program, and USDA's other export programs, U.S. agricultural exports are expected to reach a record level of $51.5 billion in 1995. These programs have proven that they work, achieving export growth nearly every year since they were first enacted in 1985. MPP, in particular, has proven its worth, helping the high value exports that it targets to quadruple over the last decade. Our farmers and ranchers depend upon foreign markets—23 percent of cash farm receipts is now earned from exports.

In the current world trade environment, I view these programs as critical tools. The Uruguay Round Implementation Act was enacted last year largely because of the support it received from American agriculture. The agricultural sector will benefit greatly from that agreement, but funding for export promotion and the so-called "green box" programs is critical. The Uruguay Round agreement permits countries to continue to subsidize and promote agricultural exports. Our competitors are doing just that.

The fact is, the competition is well on its way towards seizing new market opportunities. The European Union (EU) will spend $54 billion under the Common Agricultural Policy to support its agricultural sector in 1996, including $9 billion for export subsidies. The EU will spend $7 million more for wine export promotion this year ($93 million) than USDA will invest in promotion for all products under MPP. Competitors are also increasing GATT-legal spending for export promotion and credit guarantees. Last year, competitors spent $500 million on export promotion. This year, Canada announced a new credit guarantee program for about $713 million.

I know there is an urgent need to control spending and to reduce the federal deficit, but I urge you to resist efforts to balance the budget on the backs of America's farmers and ranchers. I appreciate your support of our joint efforts to promote U.S. agricultural exports.

Sincerely,

DAN GLICKMAN,
Secretary.

Mr. MILLER of California. Mr. Chairman, the committee report accompany H.R. 1976, the fiscal year 1996 Agriculture appropriations bill, contains a provision that will seriously affect the availability of food on Indian reservations. In the report, the Appropriations Committee directs the Secretary of Agriculture to begin the termination of the Food Distribution Program on Indian Reservations, commonly known as the commodities program. Indians who benefit from the commodities program are to be transferred to the Food Stamp Program. Given the current levels of poverty and hunger on Indian reservations, the phase out of the commodities program is an unwise and uninformed maneuver that is nothing short of another clear breach of this Nation's trust responsibility to native Americans.

The administration requested $78.6 million for reservation commodities in fiscal year 1996. The committee's bill provides for $65 million, a decrease of $13.6 million—17 percent. The President's request reflects the fact that the commodities program must operate with a $0 carry-in for fiscal year 1996 as opposed to carry-ins of $13.4 million in fiscal year 1994 and $27.3 million in fiscal year 1995, as well as the fact that food costs have risen steadily, from $45.6 million in fiscal year 1994 to $47.7 million in fiscal year 1995 to an estimated $49.2 million in fiscal year 1996.

The commodities program serves more than 110,000 native Americans each month who reside on or near reservations in 24 States. The reservation commodities program was the only commodities program maintained by the Nixon administration following the institution of the national Food Stamps Program in 1974. Both Congress and the Nixon administration carefully examined food needs and determined that the Food Stamps Program would not adequately meet the needs of native Americans living on or near reservations.

The main reason that the Food Stamps Program is unsuited for Indian reservations is that the program requires individuals to trade food coupons for food at grocery stores. In many reservation areas there are simply no or few grocery stores, round trips of up to 100 miles to buy groceries are not uncommon, and transportation is often unavailable. In addition, the prices for foods at existing on-reservation stores are generally much higher than those at off-reservation stores. In other words, food stamps will buy less at reservation stores than off-reservation stores. Thus, this bill not only makes it harder for Indians to get food, but it also makes it likely that they will end up with less food.

In addition, while tribes operate the distribution of commodities, States operate the Food Stamps Program. Conversion to the Food Stamps Program will require native Americans to travel vast distances to the nearest State food stamp office. Other problems with the food stamps program include a differing set of eligibility rules, and the likelihood that nonperishable foods, which make up the bulk of the commodities programs, will be less available under the food stamps program because stores are less likely to stock them.

Finally, it appears that conversion to the Food Stamp Program will result in increased costs to the Federal Government. In fiscal year 1994, the average per month cost of food stamp benefits was $69.01 compared to $33.51 for commodities. Thus, conversion to food stamps would more than double the per-person food cost of service to Indian beneficiaries.

In sum, the Appropriation Committee's plan to phase out the commodities program will not only increase hunger and hardship on Indian reservations but will also increase costs to the Federal Government. This policy is clearly anti-Indian and, without any hint of hesitancy or remorse, literally takes food out the mouths of the poorest of the poor. Mr. Chairman, the Indian population which is dependent upon the commodities program needs our protection and not our spite. As trustees and fiduciaries to the more than 550 native American tribes, we should treat them better.

Mr. VENTO. Mr. Chairman, I rise in opposition to the fiscal year 1996 Agriculture appropriations bill, which carries through on the directives of the House Republicans' welfare reform plan by cutting food stamps and other nutrition programs.

As we saw with their welfare reform measure, the new majority in the House wants to launch an extreme and broad-based attack on poor children and families. As part of this attack, they are cutting the Food Stamp Program, one of the most essential programs for people in need, and capping the number of participants which may receive assistance from the Special Supplemental Food Program for Women, Infants, and Children [WIC]. WIC is a program with such proven benefits as fewer premature births, fewer fetal deaths, and better cognitive performance in children, one family would have to leave the WIC program for another to be served.

Under this appropriations bill, inflation will no longer be considered as a factor when determining a family's eligibility for food stamps. This means that families will either become ineligible for benefits or see their benefits reduced as inflation impacts their income and ability to meet their basic needs. The bill also cuts overall funding for food stamps in 1996 by $1.7 billion compared to this year 1995. States predictably will tighten eligibility requirements in order to try to keep down costs and the result will mean that fewer poor families will be able to receive food assistance. Furthermore, this bill completely eliminates the food stamp contingency reserve which is used to shore up the program when the need for food stamps becomes greater than optimistically low limits estimated. Republicans claim that cutting funding for food stamps and other public assistance programs will move people off of welfare. The question is: where are the children, women and the elderly going? Not only is the GOP cutting food stamps, but they are intent on cutting the social safety net of education, training, child care, shelter, and medical care in numerous proposals and measure being advanced in this Congress.

The WIC program is among the most successful and cost-effective of our Federal nutrition programs and promotes the health and well-being of our country's children. Currently, the WIC program can not even provide benefits for all eligible women and children due to lack of funds. I have supported full funding of this program, which should be a high priority if we value our future enough to care for our children. However, Republicans want to further limit the number of children who may benefit from the program by capping the number of participants at current levels. This will decrease the effectiveness of this program by ruling out any opportunity for a response from the Government when there is an increase in the number of children and families in need of services.

Nutrition programs provide an extremely valuable way to promote good health and prevent disease for some of our most vulnerable citizens. When we fund nutrition programs, we invest in children and families and create economic and social benefits for all. When the Republicans cut back on nutrition programs, we will see a rise in malnutrition and a resulting rise in health care costs. The Republican approach to nutrition programs is to cut off benefits with the notion that you can forcefeed change and reduce poverty through such harsh action. I do not support this approach and I believe that the Federal Government has a role in helping people. I oppose this bill because of the shortfall in funding and the policy changes that are being superimposed through this ill considered appropriation process.

Mr. CHAMBLISS. Thank you, Mr. Chairman. Last night my colleagues from New York, Ms. LOWEY withdrew her amendment to the Agriculture appropriations bill which pertains to the peanut program. I commend the gentlelady for withdrawing her amendment and would state that I appreciate the fact that the gentlelady now agrees that the farm bill needs to be written in the Agriculture Committee as opposed to the appropriations process.

We members of the Agriculture Committee have been working very diligently to reform all agriculture programs. I have been particularly involved in working on a reform of the peanut program that will be a more market oriented program and will still provide a safety net for peanut growers.

That bill will address the concerns of the gentlelady and I think will satisfy the vast majority of those that have objections to agriculture programs.

Again, I thank the gentlelady for allowing the authorizing committee to do its job.

Mrs. VUCANOVICH. Mr. Chairman, as a former member of the Agriculture Appropriations Subcommittee, I recognize the difficulties faced by the chairman and ranking member and I commend them for their efforts on this bill. H.R. 1976 provides $15.9 billion in agricultural programs but still saves $5.2 billion, compared to spending last year. However, with tough challenges come tough decisions, and I am faced with one today. I am concerned about an amendment to be offered later during this debate and the effect this will have on low-income housing for people in my State of Nevada and throughout the Nation. Specifically, 502 direct housing loans help those low- and very-low-income families who are unable to obtain financing elsewhere. Without these funds, it will be difficult or impossible for people to achieve the American Dream of owning their own home. In addition, I am concerned about other reductions to rural programs including rural waste disposal projects and rural development.

Although reluctant, I will support this amendment because it does have some good provisions in it regarding the Conservation Reserve Program and the Wetlands Reserve Program. However, I urge the chairman to continue to fight to restore funding for the 502 housing program and some of the other rural programs in conference.

Mr. CUNNINGHAM. Mr. Chairman, I cannot begin to express how pleased I am that a compromise was reached yesterday between Agriculture Secretary GLICKMAN and Representative WALSH regarding the implementation of meat and poultry safety rules.

Representative WALSH's withdrawal of his amendment to the fiscal year 1996 Agriculture appropriations bill is a clear sign of his commitment to enact change into the current food handling process. The new agreement will allow for additional public hearings to be held to consider the views of all interested parties throughout the rule-making process. I am relieved that there will not be a delay of the USDA's implementation of safeguards and standards to improve meat inspection.

Unfortunately, the issue of safe food and the devastating effect of foodborne illness are not new to me. I have closely followed this issue since the 1993 E.coli outbreak on the West Coast. I have had the pleasure of working with members of STOP [Safe Tables Our Priority], an organization founded by victims' families who are dedicated to the prevention of foodborne illness.

Until the tragedies were highlighted a few years ago, I do not believe that people were aware of the inherent dangers associated with the consumption of raw meat products. It is unfortunate that a number of deaths occurred before significant changes were made to the current food handling processes.

I think that we would all agree that our Nation's meat inspection policy must be improved. Obviously, a system that was created in 1906, and has changed very little since that time, is in need of repair. A new inspection system based on HACCP or hazard analysis and critical control points, is needed to prevent problems from occurring throughout the production process.

Once again, I commend my colleague, Representative WALSH, for his willingness to compromise with the administration regarding the procedural problems in an effort to improve the current system. I also want to applaud the efforts of the ranking minority member of the Agriculture Subcommittee, Representative DURBIN, in bringing this matter to the House's attention. I believe that the risks are too high to wait any longer to implement change into the current food handling process. We cannot rest until everything is being done to protect the safety of our food, and provide for the well-being of our loved ones.

Mr. HILLEARY. Mr. Chairman, I am amazed that the gentleman from Illinois is willing to offer an amendment that will not only directly affect the livelihood and well being of some 124,000 farms in 16 States, but also stop a program that has been benefiting all taxpayers by reducing the Federal deficit. This amendment doesn't affect the big tobacco companies as they might want you to think. It hurts the mom and pop American farmer. It unfairly discriminates against tobacco farmers by denying them access to Federal crop insurance. This is insurance that tobacco farmers have already paid millions of dollars for.

These folks aren't breaking the law and yet the proponents of this amendment would like to treat them like criminals. They want to deny them access to valuable government research, education, and extensions services. The same privileges that farmers of other legal crops all have access to.

These same proponents of this amendment say that these farmers should grow different crops. What they don't understand is in some of these areas tobacco is one of few crops that is capable of growing in their soil. That's why we have family traditions going from generation to generation of growing tobacco in these rural communities.

It's time we leave the small tobacco farmer alone and let them get on with making a living. This amendment is not going to stop one person from smoking, but it will hit rural communities across America with losses of thousands of jobs and dollars.

I urge all of my colleagues to vote "no" on the Durbin amendment.

Ms. PELOSI. Mr. Chairman, I rise today to express my strong support for the amendment offered by Mr. DURBIN, our colleagues from Illinois. This amendment restores some sense of perspective to the Agriculture appropriations process, a sense of perspective that seems to be missing in the original language of the bill.

Let's clarify what's at stake here: The E. coli bacteria killed 500 people last year, and sickened over 20,000 more. Most of those killed were innocent children who are not alive today because the food they ate was inspected using practices that were first implemented over 90 years ago.

While our meat inspection process remains stuck in the past, this microscopic bacteria continues to evolve and grow more virulent. It kills its victims by liquefying their organs, a cruel death made all the more tragic by the fact that this viscous bacteria is incredibly easy to detect using existing technology.

The capable people at the USDA have set up new standards to combat E. coli and other deadly bacteria, but this bill, as written, is designed to forbid the meat inspectors from performing these simple tests. Please, someone explain to me the logic behind this legislation.

I urge my colleagues to consider their vote on this issue very carefully. We all want to trim unnecessary waste out of the Federal Government. But you know as well as I that the main goal of this legislation is not to rid American citizens of an unneeded expenditure. This bill is not in the best interest of the American citizens. The only interest being served here is the interest of a small group of people who are hiding their profit motive behind the rhetoric of deregulation.

I ask you: Is the health of our children for sale? We have the means to stop these needless deaths. Join with me in supporting the Durbin amendment.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise in strong support of the Hall-Roukema amendment to the Agriculture Appropriations for fiscal year 1996. This amendment eliminates the cap on the number of people who can participate in the WIC Program. In an effort to return power to the States, make our Government more efficient, and help countless individuals, it is essential to remove this cap. This amendment will give the State WIC administrators the opportunity to help as many WIC participants as possible.

WIC is a respected prevention program which effectively fights hunger, reduces infant mortality, provides education, and cares for low-income women, infants, and children, so they can reach their full potential in life. With this counterproductive cap, the WIC Program will impact fewer lives.

The Hall-Roukema amendment is a budget-neutral amendment which would remove the cap of $7.3 million on the WIC Program, without changing the funding level appropriated in this bill. The elimination of the cap would encourage cost-containment measures which would generate more savings which, in turn, will serve more needy participants. The cap only serves to cause unnecessary redtape in a time when we are working to down-size Government and limit Government intrusion into people's lives.

I urge my colleagues to support the Hall-Roukema amendment and provide States with the incentive and ability to stretch their funds and help eligible individuals enter the WIC Program.

Mr. FRANKS of Connecticut. Mr. Chairman, I rise in strong support of the amendments which eliminate the Market Promotion Program in the Agriculture appropriations bill. The Market Promotion Program, a prime example of corporate welfare, gives millions of Federal dollars to multibillion-dollar corporations for the promotion of American products in foreign countries. During a time when so many Americans are asking to us to balance the budget, how can we keep funding corporate welfare in the guise of the Market Protection Program?

Four amendments to the Agriculture appropriations bill would either make cuts or eliminate the Market Protection Program. First, the Zimmer-Schumer amendment prohibits any of the bill's funds from being used to pay the salaries of persons who carry out the Commodity Credit Corporation's market promotion program. Second, the Obey amendment cuts the bill's funds from being used to pay the salaries and expenses of personnel for certain large producers who participate in the MPP. Third, the Kennedy amendment prohibits the CCC from using funds to promote the sale or export of alcohol. Finally, the Deutsch amendment prohibits funds from being used to promote or provide assistance for mink industry trade associations. The amendments make the cuts in the Market Promotion Program to get the wealthy American corporations off of welfare.

The Federal Government and American taxpayers can no longer afford these corporate handouts. I urge my colleagues to support these amendments and eliminate the MPP.

Mr. SKEEN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. SHAYS, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

COMMUNICATION FROM THE CHIEF ADMINISTRATIVE OFFICER OF THE HOUSE OF REPRESENTATIVES

The Speaker pro tempore laid before the House the following communication from Scot M. Faulkner, Chief Administrative Officer of the House of Representatives:

CHIEF ADMINISTRATIVE OFFICER,
HOUSE OF REPRESENTATIVES,
Washington DC, July 20, 1995.

RE: State of Illinois v. Melvin Reynolds
Hon. NEWT GINGRICH,
Speaker, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to rule L (50) of the Rule of the House that my Office has been served with a subpoena issued by the Circuit Court of Cook Country, Illinois.

After consultation with the General Counsel, I have determined that compliance with the subpoena is consistent with the privileges and precedents of the House.

Sincerely,

SCOT M. FAULKNER,
Chief Administrative Officer.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. VOLKMER (at the request of Mr. GEPHARDT) for today, after 6 p.m., on account of illness of spouse.

By Mr. BACHUS (at the request of Mr. ARMEY) until 4:30 p.m. today, on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. ZIMMER) to revise and extend his remarks and include extraneous material:)

Mr. HORN, for 5 minutes, on July 21.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. DURBIN) and to include extraneous matter:)

Mr. NEAL of Massachusetts.
Ms. DELAURO.
Mr. LANTOS.
Mr. ACKERMAN.
Mrs. MALONEY.
Mr. PALLONE in two instances.
Mr. SERRANO.
Mr. FRAZER.
Mr. MILLER of California.
Mr. KENNEDY of Massachusetts.
Mrs. MEEK of Florida.
Mr. COYNE.
Mr. RAHALL.
Ms. HARMAN.

(The following Members (at the request of Mr. ZIMMER) and to include extraneous matter:)

Mrs. SMITH of Washington.
Mr. ROGERS.
Mr. PACKARD.
Mr. SCHIFF.
Mr. MARTINI in two instances.
Mr. HASTERT.
Mr. ZIMMER.
Mr. HORN.
Mr. GUNDERSON.

ADJOURNMENT

Mr. ZIMMER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 40 minutes a.m.), the House adjourned until today, Friday, July 21, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1233. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-95, "Vending Site Lottery and Assignment Amendment Temporary Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1234. A letter from the Chairman, Federal Election Commission, transmitting proposed regulations repealing three obsolete provisions of its rules (11 C.F.R. sections 104.17, 110.1(g), and 114.12(d)), pursuant to 2 U.S.C. 438(d); to the Committee on House Oversight.

1235. A letter from the Administrator, General Services Administration, transmitting an informational copy of the lease prospectus for the Patent and Trademark Office, northern Virginia, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

1236. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation entitled, "Vaccine Excise Tax Amendments of 1995"; to the Committee on Ways and Means.

1237. A letter from the Secretary of Education, transmitting a draft of proposed legislation entitled, "The Accelerated Direct Loan Program Implementation and Student Loan Marketing Association Transition Act of 1995"; jointly, to the Committees on Economic and Educational Opportunities and Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. LIVINGSTON: Committee on Appropriations. Report on the Revised Subdivision of Budget Totals for fiscal year 1996 (Rept. 104-197). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LONGLEY:

H.R. 2077. A bill to designate the U.S. Post Office building located at 33 College Avenue in Waterville, ME, as the "George J. Mitchell Post Office Building"; to the Committee on Transportation and Infrastructure.

By Mr. ENGLISH of Pennsylvania (for himself, Mr. Neal of Massachusetts, Mr. Houghton, and Mr. Dooley):

H.R. 2078. A bill to amend the Internal Revenue Code of 1986 to clarify the excise tax treatment of draft cider; to the Committee on Ways and Means.

By Mr. FRISA:

H.R. 2079. A bill to provide amnesty from criminal and civil tax penalties for individuals who, within the 6-month amnesty period, notify the Internal Revenue Service of previous nonpayments or underpayments of Federal income tax and pay such underpayments in full; to the Committee on Ways and Means, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GEJDENSON:

H.R. 2080. A bill to amend title 38, United States Code, to provide priority health care by the Department of Veterans Affairs for veterans who received nasopharyngeal irradiation treatments while serving in the Armed Forces; to the Committee on Veterans' Affairs.

By Mr. HANSEN (for himself, Mr. Doolittle, and Mr. Shadegg):

H.R. 2081. A bill to recognize the validity of rights-of-way granted under section 2477 of the Revised Statutes, and for other purposes; to the Committee on Resources, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NORTON (for herself, Mr. Davis, Mrs. Morella, and Mr. Wynn):

H.R. 2082. A bill to amend title 5, United States Code, to provide for the establishment of priority placement programs for Federal employees affected by a reduction in force, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. OBEY (for himself, Mr. Hinchey, Mr. Bryant of Texas, and Ms. Pelosi):

H.R. 2083. A bill to provide for a tax reduction in the case of low economic growth; to the Committee on Ways and Means.

By Mr. SANDERS (for himself, Mr. Meehan, Mr. McDermott, Mr. Owens, Mr. Stark, Mrs. Mink of Hawaii, Mr. Oberstar, Mr. Shays, Mr. Johnston of Florida, Mr. Evans, Ms. Velazquez, Mr. Moran, Mr. Yates, Mr. DeFazio, Mr. Dellums, Mrs. Maloney, Mr. Hinchey, Mr. Rangel, Mr. Gonzalez, Mr. Obey, Mr. Gutierrez, Mrs. Schroeder, Mr. Kleczka, Mr. Lipinski, Mr. Lewis of Georgia, Mr. Stupak, Mr. Reynolds, and Mr. Markey):

H.R. 2084. A bill to authorize the Secretary of Agriculture to impose labeling requirements for milk and milk products produced from cows which have been treated with synthetic bovine growth hormone, to amend the Agriculture Act of 1949 to require the Secretary of Agriculture to reduce the price received by producers for milk that is produced by cows injected with synthetic bovine growth hormone, to direct the Secretary of Health and Human Services to develop a synthetic BGH residue test, and for other purposes; to the Committee on Agriculture.

H.R. 2085. A bill to amend the Federal Food, Drug, and Cosmetic Act to require labeling for milk and milk products produced from cows which have been treated with synthetic bovine growth hormone, to direct the development of a synthetic bovine growth hormone residue test, and for other purposes; to the Committee on Commerce.

By Mr. SHAYS (for himself, and Mr. Clinger):

H.R. 2086. A bill to increase the overall economy and efficiency of Government operations and enable more efficient use of Federal funding, by enabling local governments and private, nonprofit organizations to use amounts available under certain Federal assistance programs in accordance with approved local flexibility plans; to the Committee on Government Reform and Oversight.

By Mr. STOCKMAN:

H.R. 2087. A bill to provide that human life shall be deemed to exist from conception; to the Committee on the Judiciary.

By Mr. STOCKMAN:

H.R. 2088. A bill to amend title 23, United States Code, relating to the sale of alcoholic beverages to persons who are less than 21 years of age; to the Committee on Transportation and Infrastructure.

By Mr. TATE:

H.R. 2089. A bill to provide for a change in the exemption from the child labor provisions of the Fair Labor Standards Act of 1938 for minors between 16 and 18 years of age who engage in the operation of automobiles and trucks; to the Committee on Economic and Educational Opportunities.

By Mr. LANTOS (for himself, and Mr. Gilman)

H. Con. Res. 84. Concurrent resolution expressing the sense of the Congress concerning freedom of the press in Russia; to the Committee on International Relations.

By Mr. QUINN (for himself, Mr. Visclosky, Mr. Cremeans, Mr. Holden, Ms. Kaptur, Mr. Doyle, Mr. Hoke, Mr. Brown of Ohio, Mr. Shuster, Mr. Rahall, Mr. Chrysler, Mr. Evans, Mr. Mascara, Mr. Bevill, Mr. Durbin, Mr. McHale, Mr. Lipinski, Mrs. Thurman, and Mr. Wise):

H. Con. Res. 85. Concurrent resolution authorizing the use of the Capitol Grounds for an event sponsored by the American Iron and Steel Institute to demonstrate the use of steel building materials in the construction of residential homes; to the Committee on Transportation and Infrastructure.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

138. By the SPEAKER: Memorial of the House of Representatives of the State of Alabama, relative to expressing opposition to the Congress of the United States with respect to pending bills to reduce benefits for coal miners; to the Committee on Economic and Educational Opportunities.

139. By the SPEAKER: Also, memorial of the Senate of the State of Nevada, relative to urging the Congress of the United States to amend the Social Security Act and the Internal Revenue Code of 1986 to allow States to make payments for certain services provided to, and to provide certain services to, recipients of Medicaid who have disabilities; jointly, to the Committees on Ways and Means and Commerce.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 104: Mr. Skeen.

H.R. 328: Mr. Crane.

H.R. 436: Mr. Hall of Texas, Mr. Hutchinson, and Mr. Pete Geren of Texas.

H.R. 500: Mr. Parker.

H.R. 580: Mr. Luther and Mr. Baker of California.

H.R. 616: Mr. Reynolds.

H.R. 739: Mr. BARTON of Texas.

H.R. 743: Mr. HAYWORTH, Mr. CLINGER, Mr. BARTON of Texas, and Mr. CHAMBLISS.

H.R. 752: Mr. KLINK, Mr. SCHAEFER, Mr. CLAY, Mr. JOHNSTON of Florida, Mr. FRISA, Mr. DORNAN, Mr. HUTCHINSON, Mr. ANDREWS, Mr. SKEEN, Mr. DAVIS, Mr. GILCHREST, Mr. STUDDS, Mr. WARD and Mr. ARMEY.

H.R. 783: Mr. COOLEY.

H.R. 835: Ms. JACKSON-LEE and Mr. RAHALL.

H.R. 883: Mr. RUSH.

H.R. 942: Mr. LEWIS of Georgia and Mr. HOKE.

H.R. 969: Mr. BARCIA of Michigan, Mr. DEFAZIO, and Mr. ANDREWS.

H.R. 995: Mr. CANADY.

H.R. 997: Mr. EMERSON, Mr. JOHNSTON of Florida, Mr. MANTON, Mr. SHADEGG, Mr. STUPAK, and Mr. WILSON.

H.R. 1018: Mr. CHRISTENSEN.

H.R. 1046: Mr. REYNOLDS.

H.R. 1050: Ms. KAPTUR.

H.R. 1073: Mr. ROMERO-BARCELO, Mr. WATT of North Carolina, Mr. SAWYER, Mr. JOHNSTON of Florida, Mr. BEILENSON, Mrs. MORELLA, and Mr. HEINEMAN.

H.R. 1074: Mr. FROST, Mr. ROMERO-BARCELO, Mr. WATT of North Carolina, Mr. JOHNSTON of Florida, Mr. BEILENSON, and Mrs. MORELLA.

H.R. 1114: Mr. SCHAEFER, Mr. PETRI, and Mr. HALL of Texas.

H.R. 1127: Mr. ARCHER, Mr. VOLKMER, Mr. BROWNBACK, Mr. EHLERS, and Mr. ROTH.

H.R. 1161: Mr. WARD.

H.R. 1162: Mr. ROYCE and Mr. HUTCHINSON.

H.R. 1184: Mr. HUTCHINSON.

H.R. 1280: Mr. JOHNSON of South Dakota.

H.R. 1299: Mr. HORN.

H.R. 1328: Mr. SKEEN.

H.R. 1381: Mr. FRAZER.

H.R. 1384: Ms. RIVERS.

H.R. 1386: Mr. RADANOVICH, Mr. GOSS, Mr. GILLMOR, and Mrs. SEASTRAND.

H.R. 1458: Mr. BEVILL.

H.R. 1514: Mr. KLINK, Mr. HINCHEY, Mr. MOORHEAD, Mr. TAYLOR of Mississippi, Ms. FURSE, Mr. LINDER, Mr. FRANKS of New Jersey, Mr. GREENWOOD, Mr. DEUTSCH, Mrs. VUCANOVICH, Mr. GEPHARDT, Mr. SKEEN, Mr. BOEHLERT, Mr. HASTERT, Mr. HUTCHINSON, Mr. THORNBERRY, and Mr. HAYWORTH.

H.R. 1594: Mr. HORN.

H.R. 1619: Mr. RADANOVICH, Mr. CUNNINGHAM, and Mr. MANTON.

H.R. 1660: Mr. ENGEL, Mr. HORN, and Mr. DELLUMS.

H.R. 1699: Mr. SCARBOROUGH.

H.R. 1754: Mr. BOUCHER.

H.R. 1769: Mr. DREIER.

H.R. 1799: Mr. FLANAGAN.

H.R. 1802: Mr. HOLDEN.

H.R. 1818: Ms. PRYCE, Mr. RADANOVICH, Mr. GOSS, Mr. WAMP, Mr. TATE, Mr. FAWELL, Mr. STUMP, Mr. METCALF, Mrs. SEASTRAND, and Mr. ROGERS.

H.R. 1834: Mr. CLINGER, Mr. EWING, and Mrs. FOWLER.

H.R. 1885: Mr. PARKER.

H.R. 1960: Mr. SAXTON and Mr. STEARNS.

H.R. 2003: Mrs. MORELLA, Mr. LAFALCE, Mr. GENE GREEN of Texas, and Mrs. LOWEY.

H.R. 2058: Mr. HAMILTON, Mr. BERMAN, and Mr. ACKERMAN.

H.R. 2064: Mr. BACHUS.

H. Con. Res. 60: Mr. PALLONE.

H. Con. Res. 79: Mr. WILLIAMS.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2002

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 16: Page 53, line 15, strike "$8,421,000" and insert $5,421,000".

H.R. 2002

OFFERED BY: MR. NADLER

AMENDMENT NO. 17: Page 46, lines 3 through 7.

Redesignate subsequent sections of title III of the bill accordingly.

H.R. 2076

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 1: Strike page 36, line 21, through page 38, line 4.

EXTENSIONS OF REMARKS

AMERICAN LONGSHOREMAN JOBS

HON. LINDA SMITH

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mrs. SMITH of Washington. Mr. Speaker, I take the well of the House today to talk about American longshoreman jobs that are being needlessly lost. The Secretary of State is charged with compiling a list of countries who reciprocate with the United States in allowing their longshoremen work while in a host port. That list is fatally flawed.

The Government Accounting Office [GAO] has been very critical of the Secretary of State for the manner in which the State Department compiled its reciprocity list. A better analysis of the situation and the rendering of a new list, as required by law, would keep potentially large numbers of American longshoremen jobs from being lost. Currently, the work product of the Secretary of State has led to opportunities for crew members aboard foreign commercial vessels to perform longshore work in American waters. The potentially high job losses caused by the Department of State's misinterpretation of Congress' intent to protect American longshore jobs could be disastrous for our workers.

According to my esteemed colleague, the senior Senator from Washington State, SLADE GORTON, the Department of State's misinterpretation of the reciprocity law "may open the door to allowing more foreign crewmen to perform longshore work in the U.S." I agree with Senator GORTON. Now is not the time to allow more American jobs to flow overseas, certainly not at the hand of our own State Department and certainly not contrary to the intent of Congress.

Now is the time for the Secretary of State to revisit the reciprocity issue and consider the GAO's recommendation to evaluate industry practices and collective bargaining agreements which reserve longshore work exclusively for foreign crews. Starting in the 1980's, foreign ship owners began to tie up their ships and load logs using their own crews. Before the 1980's, this work had always been reserved for American longshoremen. The U.S. Court of Appeals for the Ninth Circuit upheld the International Longshoremen's and Warehousemen's Union position that this practice violated several Immigration and Naturalization Service [INS] regulations. Still, this practice goes unchecked by our State Department despite the intent of Congress to rectify this situation.

Mr. Speaker, we don't need another legislative answer to this problem. Congress has already addressed this issue by passing bi-partisan amendments to the Immigration and Naturalization Act which affirmed the rights of American waterfront workers. What we need today is action by the Secretary of State in reviewing the list of countries who grant reciprocity to American longshoremen and publish a new list which is fair to the American worker.

I ask all my colleagues who value the sanctity and preservation of American jobs to urge the Secretary of State to review the reciprocity list and preserve the intent of Congress to keep American jobs from needlessly being lost to foreign crew members.

FAIR TAX TREATMENT FOR HARD APPLE CIDER

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. NEAL. Mr. Speaker, today Congressmen ENGLISH, HOUGHTON, and I are introducing legislation that will provide fair tax treatment for hard apple cider. The purpose of this legislation is to clarify the tax treatment of draft cider.

Under current law, draft apple cider is taxed at a much higher rate than beer despite the fact the two beverages have a similar alcohol level. Hard apple cider is taxed as wine and is subject to a tax of $1.07 per wine gallon. Whereas, beer is subject to a tax of 22.6 cents per gallon.

Hard apple cider has an alcohol level below 7 percent and this is much lower than the alcohol level of beer. Also, beer and hard apple cider are packaged and marketed in a similar fashion. Hard apple cider is becoming a popular alternative to beer.

This legislation will tax apple cider at the same rate as beer. The Joint Committee on Taxation has estimated this legislation would cost $5 million over 5 years. This small tax change would allow hard apple cider producers to compete fairly with beer. The current tax prohibits many apple growers from producing cider. Apple growers and producers in our districts would prosper because hard apple cider is made from culled apples, the least marketable apples.

Senator LEAHY is introducing companion legislation. I urge you to cosponsor this legislation which will provide equity to the draft cider industry.

SHRINERS HOSPITALS HONORED WITH PRESTIGIOUS NOVA AWARD

HON. HAROLD ROGERS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. ROGERS. Mr. Speaker, the Shriners Hospitals for Crippled Children have always been recognized for the quality medical care they deliver in their 22 orthopaedic and burn hospitals located throughout North America. Recently, I was pleased to learn that the Shriners Hospitals have been honored for their latest initiative as the 1995 recipient of the prestigious NOVA Award sponsored by the American Hospital Association.

Since being founded almost 75 years ago, the Shriners Hospitals have been providing completely free care to their young patients without any Government payments, any insurance payments or payments from any third party. All expenses are covered through the generosity of the American people.

The Shriners Hospitals have received the 1995 NOVA Award for their innovative CHOICES program. CHOICES is the acronym for Children's Health Care Options Improved through Collaborative Efforts and Services, and it represents a new era of public-private partnership in the delivery of health care services.

Launched in 1988 at the Shriners Hospital in Lexington, KY, in collaboration with the Kentucky Commission for Children with Special Health Care Needs, the CHOICES program coordinates the care of special needs children to avoid duplication of services for some and lack of care for others.

CHOICES helps to fill this gap in services through facilitated referrals and coordinated care between the Shriners Hospitals and community-based government providers. At the conclusion of CHOICES' Phase I, 4 Shriners Hospitals and 10 State programs were participating in the partnership. Phase II will involve six more Shriners Hospitals and the States that they serve.

The CHOICES program stands as an example of the type of creative, comprehensive response we need to meet the challenges of health care delivery for the 21st century. I am proud to congratulate the Shriners Hospitals for their forward looking approach and for their seven decades of commitment to the special children they serve.

TRIBUTE TO EDWIN L. ZEHNDER

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to honor a man who has devoted much of his life to helping and brightening the lives of others. On July 25, Mr. Edwin Zehnder will celebrate his 75th birthday. On this historic day, citizens of Frankenmuth will also celebrate the vast contributions which Edwin has made to his community.

Since 1965, Edwin and his wife, Marion, have been the proprietors of Zehnder's of Frankenmuth restaurant, one of the most famous and top 10 independent restaurants in total sales in the United States. Throughout

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the century, the Zehnder family has maintained its commitment to friendly service and the best oven-roasted chicken in Michigan.

In the three decades that Edwin has run Zehnder's, he has taken the Michigan landmark created by his father, William, and expanded it into the largest tourist location in Michigan's historic Frankenmuth. The 84,000-square-foot restaurant now accompanies a retail gift store, a retail food store, and a bakery. Vacationers from around the country have stopped at world-famous Zehnder's for a sample of the outstanding cuisine and festive atmosphere.

Edwin's commitment to community service does not stop at the doors of his Frankenmuth restaurant. Edwin and Marion have remained active in their community and their church for years. As owner of one of the greatest tourist spots in Michigan, Edwin has spent his career making contributions to the State's hospitality-tourism industry.

Mr. Speaker, Edwin's dedication to his community, his family, and his business have served over the years as an inspiration to all who know him. I know you will join my colleagues and I in wishing Mr. Edwin Zehnder a happy and healthy 75th birthday. May his future be marked with continued success.

INTRODUCTION OF THE FEDERAL SERVICE PRIORITY PLACEMENT PROGRAM ACT OF 1995

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Ms. NORTON. Mr. Speaker, today I am introducing the Federal Service Priority Placement Act of 1995. This bill directs the Office of Personnel Management [OPM] to establish a governmentwide interagency placement program for Federal employees affected by reductions-in-force [RIFs]. I believe that the immediate enactment of this legislation is essential to respond to the needs of employees who, through no fault of their own, will be adversely affected by the massive downsizing of the work force ordered in the Federal Workforce Restructuring Act of 1994 (P.L. 103–226) and increased under the recently passed budget resolution for fiscal year 1996. Recall that no plan or rationale that matched the number of employees to be eliminated with the administration's National Performance Review efficiency objectives was ever offered. Indeed, the number kept changing, going from initially 100,000, then to 272,900, and will undoubtedly go even higher under the new Congress, giving the downsizing the appearance of deficit reduction without efficiency goals. As such, RIF's may well be inevitable in the future, notwithstanding the widespread use of buyouts by Federal agencies.

The purpose of the legislation is to ensure that the Federal Government selects its own displaced employees over outside hires when filling vacant positions. RIF'ed employees are a valuable resource of dedicated civil servants in whom the Government has invested training and knowledge. It is in the Government's best interest to take advantage of the continued positive contribution these employees can make rather than to discard the Government's investment and start all over with new hires. We will not achieve a government that works better and costs less if the talents and energies the government has helped to produce are not rechanneled where they are needed in the government. The Federal Service Priority Placement Program Act of 1995 would facilitate the placement of RIF'ed employees at other agencies by requiring that those agencies with vacant positions within RIF'ed employees' commuting areas offer jobs to such qualified employees first.

Last fall OPM launched its new Interagency Placement Program [IPP], an initiative that combines the old Displaced Employee Program and the Interagency Placement Program. I believe that the new IPP is sure to be as ineffective as the two programs it replaced because OPM only refers registrants for vacancies to be filled by competitive appointment. Most important, agencies need only consider, and are not required to hire qualified OPM referrals. Agencies can avoid hiring the RIF'ed employee by simply filing an objection with OPM. In the context of the most extraordinary downsizing in the Federal Government's history, this hardly seems fair to qualified employees RIF'ed to satisfy an undocumented quota having nothing to do with their own qualifications or record of service.

A 1992 GAO study makes clear that a clear and direct statutory mandate that agencies give RIF'ed employees a mandatory hiring preference over outside job applicants is warranted. Otherwise, it is not at all clear that agencies will voluntarily give up their prerogative under the existing OPM placement program to reject displaced workers and hire whoever they want to fill vacant positions.

The President's National Partnership Council, a new Federal labor-management organization, has likewise recognized the need for the Federal Government, in the midst of such massive downsizing, to be more activist in trying to place displaced employees. In a July report, the Council advocated a governmentwide placement policy that gave displaced or RIF'ed employees priority over outside hires. Similarly, in an NPR draft report entitled the "Federal Human Resource Management Reinvention Act of 1995," the administration endorses requiring agencies to give their own displaced employees and displaced employees from other Federal agencies placement priority over new outside hires.

The Federal Service Priority Placement Act of 1995 protects the Federal Government's sizable investment in personnel training and education while accomplishing the goal of governmentwide downsizing in the most orderly and humane fashion.

RADIO CITY MUSIC HALL ROCKETTES CELEBRATE 70TH BIRTHDAY

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to honor the 70th birthday of the Radio City Music Hall Rockettes. Over its 70 year existence, the Rockettes have contributed greatly to the richness of culture in New York City, the country at large, and throughout the world.

When formed in 1925, the Rockettes were first known as the Missouri Rockets, Russell Markert's Girls, or the Roxyettes. Since 1934, the now-famous dance troop changed its name to Radio City Music Hall Rockettes and has called New York its home ever since.

Through the Roaring Twenties and the Great Depression, two world wars, and through the social, economic, and political upheavals of the past four decades, the Rockettes have endured. For many people, the Rockettes have come to symbolize a part of the American dream. Generations of young dancers from small towns to the largest cities have wanted to become a part of the Rockettes.

Moreover, the Rockettes have evolved into an American icon recognized throughout the world. At the invitation of the French Government, they represented the United States in the 1937 Paris Exposition Grand Prix and won. Since then, the Rockettes have entertained millions of people performing not only at Radio City, but also entertaining our military troops, visiting international dignitaries, and heads of state and U.S. Presidents. In addition, they have also performed for several benefit groups, including the Heart Association, International Human Rights, and the Peter Allen AIDS Foundation.

The Rockette Alumnae Association is a not-for-profit organization whose membership of over 400 former Rockettes represents the seven continuous decades of working American women who have shared in the history of this uniquely American institution. A special anniversary celebration sponsored by the alumnae is scheduled for August 5, 1995, at the Plaza Hotel in New York City. Funds raised in this event will be donated to the Julliard School of Music, where the school's first dance scholarship was established and endowed by the Rockette Alumnae in the name of its founder, Russell E. Markert.

Mr. Speaker, the Rockettes' contribution to the cultural history of America is as broad as the many women who have been with the dance troop, and the millions of people who have attended its shows. I ask my colleagues to join me in saluting the Radio City Music Hall Rockettes on their 70th birthday, and wish them success as they continue enriching our lives into the 21st century.

TRIBUTE TO HERMAN O. WILEY, M.D.

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. PALLONE. Mr. Speaker, I rise to pay tribute to the late Herman O. Wiley, M.D., of Red Bank, NJ, who passed away last month.

Dr. Wiley was born on June 12, 1912, in the Bronx, NY, the only son of William and Ethel Wiley. He was educated in the public schools of New York and was a graduate of Virginia State University, where he met and married

Maeble Harston Wiley, his devoted and loving wife of 60 years. He subsequently attended and graduated from Howard University Medical School. Dr. Wiley was a veteran of World War II, and served as a captain in the Medical Corps of the U.S. Army in Italy and North Africa.

A long-time resident of Red Bank, Dr. Wiley was elected to and served on the Red Bank Board of Education for 18 years. He was also active and held office in numerous civic and social organizations, and received many awards and commendations for his devoted service to his community. Among the awards were Alpha Phi Alpha Fraternity's Regional Man of the Year award, a Distinguished Service award of the Red Bank NAACP and the Westside Ministerium, and an award as Man of the Year from the Kiwanis Club. He was a charter member of Zeta Episolon Lambda Chapter of Alpha Phi Alpha Fraternity and a member and past president of the Red Bank Men's Club. He was also a member of the National Guardsmen, Inc., and a member of the H.M. Club of America. He was a member of the New Jersey Medical Association and the American Medical Association and was formerly affiliated, before his retirement in 1994, with Monmouth Medical Center, Long Branch, NJ, and Riverview Medical Center, Red Bank, NJ.

Mr. Speaker, it is a great honor for me to pay tribute to Dr. Wiley, a patriot who served his country with distinction during a time of war, and then came home and continued to serve our society in many ways; as a physician, a leader in community affairs and as a devoted husband and father. He will be missed deeply by his family, friends, colleagues and by our entire community.

INTRODUCTORY STATEMENT ON R.S. 2477

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. HANSEN. Mr. Speaker, I am introducing legislation that would once and for all resolve the issue known as RS 2477 right-of-ways across Federal lands. RS 2477 right-of-ways provide the rural West access across the expanses of Federal lands in the West. For 110 years, counties, cities, States, and individuals were allowed to establish necessary right-of-ways across Federal lands to provide travel routes between towns, to schools and to homes. In 1976, Congress terminated this ability to establish new right-of-ways but failed to provide the mechanism to adjudicate the established routes. My legislation is a reasonable and efficient way to resolve the thousands of RS 2477 right-of-way claims that exist in the West.

In 1866, Congress promoted the settlement and use of western lands be enacting R.S. 2477, a self-executing, open-ended grant of right-of-ways across public lands. The grant acted as an offer. Where the public accepted the offer, property rights became vested in the holder. The rights were severed from the public domain and are entitled to the same protection as any other property that is not owned by the Federal Government.

RS 2477 simply states:

> And be it further enacted, That the right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.

While the language of the grant and the legislative history accompanying the grant may be sparse, the purpose of the grant is not in doubt. As Senator Steward stated, "The mineral lands must remain open and free to exploration and development. * * * It would be a national calamity to adopt any system that would close that region to the prospector." The grant was a crucial element of Congress' scheme to settle the public lands of the West. Access rights were needed across the vast Federal domain to accommodate Congress' goals of economic progress in the West. RS 2477 helped achieve those goals.

In short, the West grew up around these right-of-ways. They made it possible for one settlement to communicate and trade with another. They made it possible for citizens to legally traverse the broad expanse of public lands in order to interact with the rest of the forming Nation. It is no wonder, then, that courts have commented that revocation of RS 2477 rights would make Congress' original act "a delusion and a cruel and empty vision."

Secretary Babbitt currently has pending regulations that would lead to the closure of thousands of right-of-ways across the West that would cripple our ability to travel, engage in commerce, or access our property. My legislation will resolve these issues in a fair and equitable fashion. I urge my colleagues to support this measure.

RECOGNITION OF THE 200TH ANNIVERSARY OF THE HEBREW CONGREGATION LOCATED IN ST. THOMAS, VI

HON. VICTOR O. FRAZER

OF THE VIRGIN ISLANDS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. FRAZER. Mr. Speaker, on behalf of the people of the U.S. Virgin Islands, I would like to share with the Members of this body, and the people of this country, a distinction of which we are proud but a fact that is little known to most of our fellow Americans, namely that the Hebrew Congregation of St. Thomas, VI proudly boasts that it is the oldest synagogue building in continuous use under the American flag.

In 1796, a small Jewish community of St. Thomas founded the congregation and called it Blessing and Peace. Comprised of only nine families in 1801, the congregation increased to 22 with the arrival of Jewish settlers from England, France, St. Eustatius, and Curacao in 1803. In 1804, the small synagogue was destroyed by fire and was not replaced until 1812. This thriving congregation continued to grow, and in 1823 the building was dismantled and a larger one erected and renamed "Blessing and Peace and Loving Deeds," the Hebrew name it carries to this day. This structure was built in the city of Charlotte Amalie on one of the city's historical landmarks known as Synagogue Hill; it is here the current synagogue stands.

In 1831, the congregation, which by now numbered 64 families, witnessed a citywide fire which destroyed the synagogue. This dedicated and closely knit congregation rebuilt and reconsecrated their synagogue in 1833. The entire island community, along with assistance from the worldwide Jewry, assisted in this noble undertaking. The lovely synagogue is still actively used today by over 200 families and is the only synagogue on the island of St. Thomas. Since the doors of the synagogue opened in 1833, there has always been a weekly Shabbat Service. Our synagogue also has the distinction of holding the first confirmation ceremony for Jewish youth ever in the Western Hemisphere. This monumentous event took place on October 14, 1843.

In 1850, the congregation numbered between 400 and 500 members and the King of Denmark sanctioned and approved a constitution for the Kehilla community. This code of law governed the Jewish community, regulated its membership dues, and established its voting procedures with great precision. Members of the Jewish community held offices of trust and honor on St. Thomas. This period of Jewish activity on St. Thomas was significant and can only be equaled by the present day accomplishments.

Everything in the synagogue is original and dates back to 1833. The benches, the Ark, and the bima are all made of mahogany wood which flourished on the island, but were decimated through overuse by the lumber industry. The chandeliers are from Europe. The lamps are made of Baccarat crystal. The peripheral chandeliers have since been electrified, but the central ones are still lit by candles on important holidays. The walls are specially designed to be hurricane proof, as are the windows. They allow for the free passage of air while blunting the force. The stones are locally quarried, but the bricks come from Europe. The huge sailing ships that arrived from Spain, Portugal, England, Holland, and Denmark had relatively little to sell in the Virgin Islands, and so, filled the hulls of the ships with bricks to be used as ballast. Once they arrived in the islands, the bricks were unloaded and used for local building needs while the ships took back to Europe the locally produced rum and sugar. The cement that holds the bricks together is a mortar made from sand, limestone, and molasses. It is said that in earlier years, children used to lick the walls of the synagogue to taste the sweet molasses. The four pillars that support the building symbolize the four matriarchs in Judaism; they are Sarah, Rachel, Rebecca, and Leah. These pillars, like those at the entrance to the building, were handmade in Denmark from rounded bricks especially for the synagogue.

Another unusual feature of the synagogue is the sand floor. Legend tells us that it is symbolic of the desert through which Moses and the children of Israel wandered for 40 years. The more acceptable explanation had to do with the fact that this was originally a Sephardic orthodox community. During the Spanish Inquisition, when Catholic Spain persecuted all other religions and forcibly converted them to Catholism, the Jews were forced to practice their religion in the privacy of their home. This was an offense punishable by death. Since religious worship had to be performed in secrecy, they met in cellars and used sand on the floor to muffle the sound of their prayers.

Our beautiful synagogue is a gem in the midst of the Caribbean. Visitors of all faiths experience wonder and awe when standing within its simple and stately interior. On behalf of the Hebrew congregation of St. Thomas and the people of the Virgin Islands, I invite you, Mr. Speaker, my colleagues, and my fellow Americans to visit this treasure in the American paradise, and join us in celebrating the bicentennial of this national treasure.

WESTERN PAPERS DECRY ATTACKS ON RESOURCE AGENTS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. MILLER of California. Mr. Speaker, we are all familiar with the rhetoric of the special interests who benefit from public resources—mining companies, subsidized irrigators, timber companies, coal companies. We hear the same inflated rhetoric from the leaders of the media, county rights, property rights, and Western movements:

> The government is threatening our property; the government is controlling our land; the government is conspiring to take away our liberties.

And, moreover, we are told that these allegedly anti-Western actions are promoted by Eastern elites who just don't understand the Western way of life.

The fact is that vigorous defense of our public resource and environmental protection laws is spread throughout the West and the Southwest just as it is through every other region of the country. People in Utah and Montana, California and Oregon, Idaho and Arizona are just as outraged by our giving away of billions of dollars to international mining corporations as people in New York and Florida. They are just as angered by the billions we waste on subsidized forest practices or irrigation subsidies.

The so-called Western voices we hear, in many cases, are the voices of anti-government extremists and the free-enterprise spouting but publicly subsidized corporations that are conspiring to destroy sound management practices.

No aspect of the extremist assault on the environment is more outrageous than the growing threats, intimidations and assaults on law enforcement officials who defend public resources and the people who use them. This House just voted to cut law enforcement funds for the Bureau of Land Management, on whose lands more than 12,000 crimes occurred last year. We have been unable to secure formal hearings in the Judiciary and Resources Committees on the issues of militias and attacks on Federal law enforcement officials. So, the attacks go on, the threats go on, and the Republican leadership of the Congress turns a deaf ear—or worse—to this scandalous behavior.

Now, Mr. Speaker, the fact is that people in the West do not share the extremist analysis or the extremist agenda. As usual, it is a tiny fraction of people who, for whatever misguided reason, have decided that the government is the enemy. Large numbers of Western Members of the House have joined us in passing legislation to protect the environment and to reform resource policy as recently as last year.

The reason is that westerners don't like to see their lands desecrated or their resources exploited any more than southerners or easterners. If you're a taxpayer living in Boise or Billings, or Salt Lake, or Seattle, you're every bit as outraged as the hundreds of millions of dollars with which we subsidize grazers, or irrigators, or mining companies. People are moving to these Western areas because they treasure the land and want it preserved, not opened up, blown up and peeled back in the relentless search for private profit.

I want to insert into the RECORD a recent editorial from the Seattle Times-Intelligencer, a distinguished Western newspaper, that speaks eloquently to these issues. I am also including an editorial from the San Francisco Examiner and Chronicle that speaks to the obsession of the Republican leadership with the Waco shootout but its seeming indifference to the threats to public officials.

[From the Seattle Post Intelligencer]

RISING TO THE DEFENSE OF FEDERAL LAND AGENTS

A member of Congress finally has stood up to defend federal land managers in the West who have been under attack from extremists who imagine that they are above the law.

Rep. George Miller, D-Calif. has called for Congress to examine what can be done about the rising tide of violence against government officials who are discharging their legal duties. He rightly chastised Western congressional colleagues who carelessly "legitimize" their paranoid fringe constituencies.

Violence toward and intimidation of federal officials is simply unacceptable, and no member of Congress should be in the business of appearing to indulge it.

Officials of the Forest Service, Fish and Wildlife Service, Bureau of Land Management and National Park Service all report instances of violent acts and threats against their employees. The BLM has been bombed in Nevada, and guns have been drawn on national park rangers and fish and wildlife agents, Miller said.

Miller said the Western lawmakers most guilty of providing a small group of extremists "the political space to continue the attacks" are Sen. Larry Craig, R-Idaho, who recently advocated taking guns away from law officers on federal lands; Rep. Helen Chenoweth, R-Idaho, for stating that citizens have good reason "to be afraid of their government," and Rep. Barbara Vucanovich, R-Nev., who suggested that federal officials can avoid having guns drawn on them by "exhibiting sensitivity."

All of those lawmakers ought to know better. They deserve condemnation, not to mention a generous dose of ridicule, for their irresponsible statements.

Miller also found fault with House Speaker Newt Gingrich's fulsome remark that "The thing Easterners ought to understand . . . is that there is across the West a genuine sense of fear of the federal government. This is not an extremist position in much of the West."

We beg to differ, Mr. Speaker. If there is any genuine sense of fear across the West, it's a fear of lawless lunatics, not of the duly sworn agents of representative democracy.

"Will the speaker next rise with words of sympathy for the 'genuine fear' felt by the Bloods and the Crips, by the Aryan Nation and by the Ku Klux Klan?" Rep. Patricia Schroeder, D-Colo., asked in a floor speech.

It is indeed "irrational," as Miller contends, to suggest that the federal government should retreat from its duties because of the paranoid delusions of a few frustrated citizens who fantasize that fish and wildlife agents are the vanguard of a tyrannical New World Order.

[From the San Francisco Examiner and Chronicle, July 16, 1995]

WHACKED OUT ON WACO—THE ONLY CONSPIRACY HOUSE REPUBLICANS WILL FIND IN HEARINGS ON THE BRANCH DAVIDIAN SIEGE IS THEIR OWN: TO GET THE PRESIDENT

If you believe this week's hearings into the 1993 Waco disaster will ferret out the truth, you might as well join the National Rifle Association, become a survivalist and move to Montana.

The hearings, called by House Republicans to investigate the siege of the Branch Davidian compound and its conclusion by holocaust, aren't about law enforcement. They're about politics.

They seek to embarrass President Clinton and butter up those increasingly visible radical right wingers who believe in the black helicopters and buy into the theory that maintenance marks on Indiana road signs are really secret codes for invading United Nations troops.

It's really too bad the Rev. Jim Jones isn't around to tell the House "probers" how he was harassed by government agents and forced to dispense poisoned Flavor-Aid to more than 900 of his followers in the Guyanese jungle. Just like David Koresh, Jones oozed phony charisma, stockpiled weapons and kept his enslaved and soon-to-be-slaughtered followers, including children, in brainwashed thrall.

The truth about Jonestown is that Jim Jones was a mass murderer.

The truth about Waco is that Koresh was a mass murderer. He gave the orders to start shooting when federal agents showed up in February 1993, resulting in a bloodbath. And he gave the orders to incinerate four score of his followers 51 days later when agents started to knock down the walls of his hypocrisy.

The feds made serious mistakes—but they were acting at all times to save lives, not snuff them out. After the final raid, Attorney General Janet Reno became a folk here because she shouldered the blame. But she relied on bad information: There was no evidence children were being abused inside the compound. A September 1993 Treasury Department report—thicker than the San Francisco telephone white pages—details the bad decisions. Heads rolled, and policies changed.

Preoccupied with elections and its "Contract With America," the GOP couldn't get to oversight until now. The grotesque irony is that these congressional hearings take place when the terror of the Oklahoma City bombing is still in people's bones. How can House Republicans skip over the murder of 168 innocent Americans in order to dredge up ghosts of Waco?

Politics conquers all.

Incidentally, David Koresh is not the optimal Republican poster boy.

The hearings we need would inquire into real enemies: the paramilitary groups of disillusioned, disaffected souls who pose a threat to American values and lives. The Oklahoma City bombers—perhaps acting to "avenge" Waco—demonstrated the danger. Law-abiding citizens are, and ought to be, scared stiff of these gunslinging conspiracy nuts.

In a sense, the Waco hearings provide cover for a new-found right to hate government. The motto becomes: "Don't tread on me—or I'll blow you up," Great stuff to stamp with a congressional seal.

Congress isn't famous for consistency. Still for budget whackers, this bunch sure can spend the bucks on show hearings.

Instead of this ox goring—if we must indulge the inbred cousins of James Watt who wind up in Congress—let's throw a big, old-fashioned ox roast. Guests can eat the beast, chug Coors beer, listen to Pat Boone, snip a little barbed wire, shoot targets in the head and maybe do a little strip mining. Everybody goes home fat and happy instead of hot to put a bullet through the first federal agent they run across.

Consider it Wise Use.

BANNING FLAG BURNING; "EXTINGUISHING LIBERTY"

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. SERRANO. Mr. Speaker, unaccustomed as I am to quoting Cal Thomas, I would like to share his column on amending the U.S. Constitution to allow prohibitions on burning the American flag with my colleagues. The article, from the May 6 issue of World magazine, follows:

EXTINGUISHING LIBERTY

Watching the Fourth of July festivities in Washington (and around the country on television) showed the depth of love most Americans have for this country. That is why a constitutional amendment to ban the burning of the American flag is so silly, stupid and unnecessary.

No one forced the millions of people waving flags—who respect and honor the republic for which it stands—to love America. They exhibited a spontaneity no law can impose. When the House last month passed a constitutional amendment that would, should the Senate and states concur, outlaw flag burning, it continued a game politicians have been playing with public school prayer. The rules of the game are that the social problems confronting America can be fixed from the top—a kind of "trickle-down" morality.

Politicians love this because they have done much to promote such a view, which advances their careers and preserves their jobs. Many others hold this belief because it absolves them of responsibility for fixing what is wrong with their own priorities and transfers it to government. And when government increasingly reveals its inability to repair social damage, we blame not ourselves but government and politicians, deepening the cynicism against institutions and those who work in them.

There hasn't been a lot of flag burning since the Vietnam War. Sen. Howell Heflin (D-Ala.) says that's why now, with the heat of passion reduced, is the best time to ban it.

But any time is a bad time for such a ban. First, what constitutes a "flag"? Is it only the cloth that waves from a flagpole or can it be one that is stapled to a wooden stick? Is the reproduction of the Stars and Stripes on a napkin, patch, or coffee cup considered a flag? Some flags are made in Taiwan or in other nations. Would they count as American flags? I saw a chair upholstered in a flag. If the chair was thrown on a bonfire during a protest rally, would that violate the proposed constitutional amendment? And why is burning being singled out for prohibition? What about stomping, spitting or pouring paint on the flag?

Those who would ban flag burning have placed the American flag in a category and context that is idolatrous. Idolatry is defined as "the worship of a physical object as a god; immoderate attachment or devotion to something." While we don't worship or devote ourselves to the flag as we might be a religious symbol or being, the attachment some would force on the rest of us comes pretty close to resembling that definition.

The Fourth of July overwhelms us all with the number of displayed and waved American flags. As with speech, the best way to overcome the ugly variety is with more and more beautiful speech, along with a common rejection of the ugly speaker and his words. When a flag is burned, it is the protester, not the flag, who is demeaned. He reveals his base ingratitude when he burns a symbol of a nation great enough even to allow him to indulge in moronic behavior.

Banning flag burning will increase the probability flags will be burned. Allowing it removes the political stinger.

FREEDOM OF THE PRESS IN RUSSIA—AN ISSUE OF HIGHEST PRIORITY

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. LANTOS. Mr. Speaker, I rise to call the attention of my colleagues to an incident that took place in Russia in the last few days—an incident that raises serious questions about freedom of the press and also about the future of democracy in Russia. NTV, the only major independent television network in Russia, broadcasts a political satire program in which puppets are easily recognizable caricatures of leading Russian political figures. The program satirizes public figures. The program—called "Kukly" ("Puppets")—is similar to programs that are broadcast in Britain, France, Hungary, and a number of other countries.

After a recent show, however, the Russian Prosecutor General brought criminal charges against the producers of the show on the grounds that the country's leading public figures were victims of "a conscious and public humiliation of their honor and dignity, expressed in an indecent way." If that standard were observed in the United States, David Letterman, Jay Leno, a host of radio talk show hosts, and any other number of television and movie producers would have been slapped into prison long ago. In a democracy, one of the consequences of a free press and freedom of expression is that public figures are subject to public scrutiny by both responsible and irresponsible media. It is not pleasant to be inaccurately or derisively treated by the media, but I dare say that most of my colleagues have some experience in this regard.

The action of the Prosecutor General in Moscow, however, raises the most serious and the most fundamental questions about democracy in Russia and about future developments there. Initiating criminal proceedings against the producers of a political satire puppet program may be the source of witty headlines in the press—the Washington Post headlined its story yesterday "Satirists Skewer Russian 'Puppet' Government"—but the matter is extremely serious.

The prosecution of these criminal charges, however, is suspect on its face. Why is the Prosecutor General focusing his attention on supposedly criminal actions on a political satire television program? There are far more serious crimes—real crimes—which do not seem to attract the attention of the prosecutor. The suspicious murder of the popular Russian television journalist Vladimir Listeyev of Ostankino TV remains unsolved after nearly a year. Furthermore, the prosecutor and law enforcement officials still has not found the murderers of journalist Dmitri Kholodov of Komsomolskahya Pravda, who was killed by a package bomb while he was in the final stages of an investigation into corruption in the military. There are real issues of unsolved crimes—real crimes—which the Prosecutor General could deal with. Why undertake proceedings against the producers of a television program?

The answer to that question, Mr. Speaker, is that this criminal proceeding is only a small part of a much larger effort to intimidate the media and to bring the independent television and other media into line, particularly since parliamentary elections in Russia are scheduled for this December and Presidential elections are to follow 6 months later. The independent television station NTV, which is being charged for its irreverent puppet-treatment of the Russian leaders, has also been particularly hard-hitting in its coverage of the government's military actions in Chechnya. The station recently broadcast an interview with the leader of the group of Chechen guerrillas who held more than a thousand Russians hostage in southern Russia last month. Criminal charges are also pending against NTV for broadcasting that interview.

The effort of government agencies to intimidate the media in Russia is a serious challenge to efforts to institutionalize democracy. Freedom of the press and the right of free expression are the most fundamental of the rights of any democratic society. Freedom of speech is absolutely essential if democracy is to exist, and without it, true democracy cannot exist. Russia does not have a tradition of an independent and free and open media; therefore, this effort at intimidation is intended as a warning to journalists throughout the country.

Mr. Speaker, it is essential that we in the Congress of the United States affirm our concern and interest in freedom of expression and an unfettered independent media in Russia. With our distinguished colleague, the chairman of the International Relations Committee, Congressman BEN GILMAN of New York, I am today introducing legislation that expresses the strong concern of the Congress that freedom of expression and freedom of the press be protected and guaranteed in Russia.

Mr. Speaker, I invite my colleagues in the Congress to join us in cosponsoring this important affirmation of our concern for freedom of expression in Russia. Our Nation has a strong interest in the positive and democratic development of Russia, and freedom of the press is essential to that process. There should be no question about our commitment to that vital principle.

The text of our resolution is as follows:

HOUSE CONCURRENT RESOLUTION 84

A resolution expressing the sense of the Congress concerning freedom of the press in Russia.

Whereas the end of the Cold War and the collapse of the Soviet Union has brought new and unique opportunities for democratic political change and market-oriented economic reform in Russia;

Whereas, the commitment to the spirit of these democratic reforms and to the full implementation of these reforms has been tentative and inconclusive thus far;

Whereas one of the fundamental tenets of democracy and one of the most important means of assuring the continuation of democratic government is an independent and free press, which can exist only in an environment that is free of state control of the media and the absence of any form of state censorship or official coercion of any kind and is protected by the rule of law;

Whereas freedom of the press and freedom of expression in Russia today is being threatened by some forces within the Russian government, particularly since the dramatic reporting of the war in Chechnya;

Whereas there have been reports in the Russian press, including the official press, of efforts to establish a government committee that would impose censorship on the press in Russia;

Whereas there have been persistent reports regarding the possible issuance of government decrees that would undermine or compromise the independence of privately-owned television stations and other media enterprises which have provided factual reporting on the war in Chechnya or which have editorialized against Russian military action in Chechnya;

Whereas there has been recent evidence of government involvement in actions against independent television outlets and those who use or finance such businesses, including a widely-reported assault on the office of the Most Group, which owns NTV and other media outlets, and, furthermore, allegations of the involvement of presidential security forces in that assault have never been denied;

Whereas the latest effort to intimidate the press involves the launching of a criminal investigation by the Prosecutor General against the largest private television network, NTV, and threatening action against the producers of a political satire program in which puppets are used to caricature prominent Russian officials and personalities;

Whereas the suspicious murder of popular television journalist Vladimir Listeyev of Ostankino TV remains unsolved after nearly one year;

Whereas the assassination of journalist Dmitri Kholodov of Komsomolskaya Pravda, who was killed by a package bomb while he was in the final stages of an investigation into corruption in the military, also remains unsolved;

Whereas journalists in Russia, including both foreign and domestic journalists, have faced harassment, risked arrest, had equipment confiscated, been beaten and even murdered as a result of their efforts to report objectively regarding events in Chechnya; and

Whereas a free and independent information media is essential to the conduct of free, open, fair and democratic elections which are scheduled later this year in Russia; now therefore be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that

(1) A free press is vital to the development and consolidation of democracy in Russia;

(2) Freedom of the press and freedom of expression must be safeguarded against those forces who would suppress or censor these essential fundamental democratic rights;

(3) To protect freedom of the press and freedom of expression, the right and opportunity of independent entrepreneurs to establish, operate, and maintain independent media outlets must be protected and safeguarded;

(4) Russian government leaders, including the President, the Prime Minister, and Members of the Russian Duma, should fully support freedom of the press and the right of free expression in Russia; and

(5) The President and the Secretary of State are requested to convey to appropriate Russian government officials, including the President, the Prime Minister, and the Minister of Foreign Affairs, this expression of the views of the Congress.

INS CHECKPOINTS

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. PACKARD. Mr. Speaker, I would like to share with my colleagues the concerns of Richard and Anne Hicks of Laguna Niguel, constituents from my district. In a letter to me, they expressed their frustration with the Immigration and Naturalization Service [INS] inland border checkpoints in California. Closing the inland check points and reallocating these resources to the California border is cost effective and efficient. I have the same concerns as Mr. and Mrs. Hicks and I would like to share their comments with you.

Today on our way to/from San Diego from Laguna Niguel—we were disgusted while observing the huge traffic back-up surrounding the San Clemente outpost. This is a low payoff investigation as it is 60 miles north of the border. We resent this intrusion especially when it deters transportation on our busy Southern California freeways, and uses the 'needle in the hay stack' method of immigration control.

Mr. Speaker, I support controlling illegal immigration. My constituents understand first hand, just how ineffective inland checkpoints are.

Effective and efficient control starts at the borders themselves, not 60 miles north. I attached an amendment to the 1996 Commerce, Justice, State bill to move scarce resources from the checkpoints to the border. In order to stop illegal immigrants in their tracks, we need to plug up the source—the California-Mexico border.

OUTSTANDING HIGH SCHOOL SENIORS FROM THE FIRST CONGRESSIONAL DISTRICT OF NEW MEXICO

HON. STEVEN SCHIFF

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. SCHIFF. Mr. Speaker, the following graduating high school students from the First Congressional District of New Mexico have been awarded the Congressional Certificate of Merit. These students have excelled during their academic careers and proven themselves to be exceptional students and leaders with their scholastic achievements, community service, and participation in school and civic activities. It is my pleasure to be able to recognize these outstanding students for their accomplishments. I, along with their parents, their teachers, their classmates, and the people of New Mexico, am proud of them.

CERTIFICATE OF MERIT AWARD WINNERS, 1995

Albuquerque Evening High School, George Strimbu, 3200 Central SE, Albuquerque, NM 87106.

Albuquerque High School, Eva Dubuisson, 3025 Delano Place NE, Albuquerque, NM 87106.

Bernalillo High School, Jessica Marie Archibeque, PO Box 675, Bernalillo, NM 87004.

Cibola High School, Aaron Olson, 6371 Sandpiper Trail, Rio Rancho, NM 87124.

Del Norte High School, Jean Yates, 7405 El Morro NE, Albuquerque, NM 87109.

Eldorado High School, Luke Wittenburg, 10100 Modesto, Albuquerque, NM 87122.

Estancia High School, Mary Perea, PO Box 18, Torreon, NM 87061.

Evangel Christian Academy, Leah Henderson, 7317 Appomahon Pl. NE, Albuquerque, NM 87109.

Freedom High School, Kamila Szewcayk, 8205 Trumbull SE, Apt. G, Albuquerque, NM 87108.

Highland High School, Lisa Smith, 1012 Parkland Place SE, Albuquerque, NM 87108.

Hope Christian School, Vivian Lee Sisneros, 4506 Dusty Trail Ct., Albuquerque, NM 87120.

La Cueva High School, Jamie Mahan, 12090 Roma Ave. NE., Albuquerque, NM 87123.

Los Lunas High School, Emily Williams, 09 Blueberry Lane, Los Lunas, NM 87031.

Manzano High School, Joshua Stephenson, 12238 Kinley NE, Albuquerque, NM 87123.

Menaul School, Rose Allyson Abeyta, 3617 San Pedro NE, Albuquerque, NM 87110.

Moriarty High School, Julie Ann Johnson, 44 Apple Ranch, Tijeras, NM 87059.

Allison Fitzpatrick, PO Box 334, Sandia Park, NM 87047.

Mountainair High School, Shawna Shovelin, PO Box 183, Mountainair, NM 87036.

New Futures School, Berenice Lopez, 6109 Dennison SW, Albuquerque, NM 87102.

Rio Grande High School, Jason Hunter, 221 Rossmoon Road SW, Albuquerque, NM 87102.

School on Wheels High School, Yvette Garcia, 432 Merlida SW, Albuquerque, NM 87121.

St. Paul X High School, Catherine A. Csepregi, 908 Sierra SE, Albuquerque, NM 87108.

Sandia High School, Meredith Ford, 7228 Vivian Dr. NE, Albuquerque, NM 87109.

Sandia Preparatory School, Rebecca Debenport, 2224 Dietz Place NW, Albuquerque, NM 87107.

Valley High School, Antonio E. Jaramillo, 3103 9th Street NW, Albuquerque, NM 87107.

West Mesa High School, Nicole J. Abeyta, 3016 Corona NW, Albuquerque, NM 87120.

HONORING CHIEF JOSEPH ROWLEY

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Ms. DELAURO. Mr. Speaker, today it is my pleasure to honor a distinguished citizen from my district, Chief of Police Joseph Rowley. After 36 years of exemplary service, Chief Rowley retired on July 14 from the Orange Police Department.

Chief Rowley had dedicated his life to serving his country and his community. After serving honorably in the U.S. Air Force, he joined the Orange Police Department as an officer in 1959. Time after time, he distinguished himself with his hard work and commitment to enhancing public safety. During his years of service to the Orange Police Department, he received three letters of commendation and one letter of recognition for his performance in various criminal cases. One of the most notable awards was a letter of commendation for his leadership of the investigation and conviction of two murderers.

His ability to lead earned him numerous promotions, culminating in his being named chief of police in 1990. As chief, he has served with distinction for the past 5 years. Indeed, Chief Rowley is well known to Orange residents for his outstanding courage and dedication to crime fighting. His efforts have truly made the town of Orange a better and safer place to live. I know his wife, Jacqueline, and his three children take great pride in Chief Rowley's exemplary record.

Mr. Speaker, I am proud to salute the leadership and selfless service displayed by Chief Rowley during his 36 years with the Orange Police Department. I join his friends and colleagues, who are honoring him on this evening of July 20 at the Racebrook Country Club, in wishing him a long and happy retirement.

HONORING THE SOUTH FLORIDA FOOD RECOVERY FOR CHRISTMAS IN JULY

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mrs. MEEK of Florida. Mr. Speaker, on July 4, 1995, South Florida Food Recovery celebrated our Nation's independence in unique fashion. A nonprofit organization which regularly provides food to our area's needy, South Florida Food Recovery provided joy to over 1,200 underprivileged children by sponsoring their first annual Christmas in July celebration.

Having begun the collection on Christmas Day 1994, over 4,000 toys were distributed to children on the day of the event. Two fully-decorated Christmas trees served as the backdrop while volunteers dressed as Santa Claus handed out cookies, candy-canes, and other treats. The morning was truly heartwarming for all who participated.

South Florida Food Recovery has demonstrated that the Christmas spirit can be felt throughout the year. That they held Christmas in July in conjunction with Independence Day makes their efforts even more special. What a wonderful way for Americans to join for a July 4th celebration.

LET'S DEBATE THE TEAM ACT ON ITS MERITS

HON. STEVE GUNDERSON

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. GUNDERSON. Mr. Speaker, as U.S. manufacturers have reorganized to compete in the global marketplace, they have turned more and more to employee involvement to motivate their work force and improve productivity. Employee involvement consists of a structure in which employees and managers seek joint solutions to workplace problems through cooperation. Employees and employers alike agree that involving employees in workplace decisionmaking has several positive effects, including giving employers a greater voice in workplace decisions and increasing productivity.

I have advocated employee involvement in all types of workplaces for over 4 years. However, this management approach is only legal in unionized workplaces under current law. Section 8(a)(2) of the National Labor Relations Act makes employee involvement in nonunion settings illegal. It is an ultimate irony that in nonunionized companies, the employer can dictate the safety clothing employees wear and even the type of food in the cafeteria, but employers and employees cannot address these issues and arrive at a consensus. This restriction may have made sense in 1935, but in 1995, when 88 percent of the work force is not unionized, it should no longer apply. As the recent study by Princeton Survey Research Associates shows, workers of all stripes prefer cooperation 3 to 1 over unions.

In January, I introduced the Teamwork for Employees and Managers [TEAM] Act along with BILL GOODLING, Chairman of the Economic and Educational Opportunities Committee, and HARRIS FAWELL, Chairman of the Subcommittee on Employer-Employee Relations. The bill makes a technical change to section 8(a)(2) to allow employee involvement in nonunion settings. The TEAM Act does not seek to eviscerate the representational role of unions, but to give nonunion employees the same ability to communicate with management as unionized employees. The business community has supported this bill through the TEAM Coalition, a group of many different employers and associations.

About a week ago, the International Association of Machinists and Aerospace Workers [IAMAW] sent a letter to several companies that are TEAM Coalition members and whose employees the union represents. The letter uses thinly veiled language to threaten ongoing employee involvement programs between the company and the union unless the company leaves the TEAM Coalition. I find such implicit threats appalling, contrary to the spirit of employer-employee cooperation, and detrimental to workplace harmony.

Instead of promoting employee involvement for all workers, one organization has threatened to end it for those workers who can legitimately cooperate with employers in the workplace. This raises opposition to a new level of absurdity. It makes no sense for the IAMAW to threaten the very programs that the union has helped and has itself sanctioned, in the only legal type of employee involvement available today. This action is truly antiworker because it only affects union members. These are the very programs that are empowering workers and providing them more control over their job, and over the direction of the company. I wonder what the reaction of line workers would be to this tactic.

Throughout the debate on the TEAM Act, I have tried very hard to promote the TEAM Act as a proworker initiative that expands legal employee involvement without being antiunion. I have asked my colleagues to temper suggested legislative language. I have tried to be responsive while promoting legitimate employee involvement in nonunion settings.

The Economic and Educational Opportunities Committee has responded as well. When many in organized labor believed that the TEAM Act would allow employers to bypass existing unions, Representative TOM PETRI offered, and the committee accepted, an amendment to make clear that employers cannot circumvent existing unions when starting employee involvement programs. The companies must receive agreement from the union. The committee has also entertained other possibilities for improvement suggested by our Democratic colleagues. But organized labor continues to argue the TEAM Act is explicitly antilabor.

I would hope that companies and organizations that have joined the TEAM Coalition would resist pressure tactics such as the one raised by the IAMAW. Congressional action should be premised on honest debate over legislation. All interested parties should undertake vigorous and open debate on the merits of this legislation and let the chips fall where they may. But if pressure is applied to squelch one view, then the debate becomes a game of underhanded tricks. Employer-employee cooperation is very effective in union settings. Because a competitive work force is vital to U.S. economic success, we should at least investigate the merits of applying meaningful cooperation tq the nonunion work force as well.

THE MERCER COUNTY FLOOD RELIEF EFFORT

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. RAHALL. Mr. Speaker, I rise today to bring to your attention the outstanding coalition of organizations which has been the backbone of the relief effort to alleviate the effects of the severe flooding in West Virginia's Mercer, Mineral and Nicholas Counties. Mercer

County, which is in my district, was the hardest hit by the floods. Instrumental in aiding the people of Mercer County carry out the arduous task of rebuilding and cleaning up has been, the Red Cross, the West Virginia National Guard, and a number of local volunteer fire departments and rescue squads.

Mr. Speaker, resident's homes, businesses, schools, and roads have been devastated by the high waters. Fortunately, no lives were lost. Sifting through the mud and debris, many have struggled to find the scattered remains of personal belongings and are in a sense of helplessness when assessing the structural damage to their homes. The businesses which the residents depend on so dearly for jobs and services have suffered heavy damages. There has been damage to city halls, police departments, hospitals, and other institutions vital to the surrounding communities. Schools have also fallen victim to the indiscriminate wrath of the flood waters. Thirteen bridges have given way to the mighty waters, and chunks of pavement have been severed from the roads. The total amount of damage is estimated to run in excess of $7 million. Now, the citizens of Mercer County face the challenge of rebuilding their lives.

The Red Cross in Mercer County, under the direction of Warren Zorek, has been at the forefront of the relief effort. The special teams and volunteers sent into the area have proven invaluable to the residents of Mercer County's hardest hit localities, providing food, clothing, and shelter to displaced and distressed families and individuals. The men and women of the Red Cross are currently continuing their efforts to get the disabled communities back on their feet and moving again.

Upon visiting the afflicted areas, Maj. Gen. Joseph Skaff, Adjutant General of the West Virginia National Guard, announced that he would send personnel and equipment to help in the restoration of Mercer County. A total of 16 members, 4 dump trucks, and 4 all-terrain vehicles were dispatched to the area to aid in the removal of debris. The Guard's assignments were coordinated with the local civilian authorities. They have tremendously eased the burden on the residents, who have expressed their sincere gratitude for the services that are being provided.

There were also a number of volunteer fire departments and rescue squads who evacuated residents, and were on hand to pump the muddy waters out of homes. Among them were the East River, Bluewell, Green Valley, Glenwood, Oakvale, Bluefield, and Princeton fire departments and rescue squads. Their combined numbers totaled more than 150 men and women. It is of utmost importance that the members of a community and its surrounding areas come together, as the people of Mercer County have, in order to overcome such catastrophes. A strong community effort can have excellent results despite the dire conditions which may exist.

Local, State, and Federal officials surveyed the ravaged communities of Mercer county. Having heard the stories of the fear and heartache which the flood victims suffered, and having seen the damage first hand, the State Office of Emergency Services made the request to Governor Gaston Caperton that he seek a disaster declaration for the area. On July 5, the Governor signed the request for Mercer County to be declared a disaster area, and then forwarded it to President Clinton. On the same day I sent a letter to the President urging my strongest possible support for the disaster relief request, and expressed agreement with the Governor in that the disaster is larger than can be effectively handled by the State. I am pleased to say that the Federal Emergency Management Agency approved Mercer County for Federal relief assistance on July 12.

The communities are now one step further on the road to recovery, and I would like to personally thank the men and women of these organizations for the hard work that they have put into this effort. Their contributions and good will shall be well remembered by those whose suffering and anguish have been lessened by such caring and humanitarian people.

TWENTY-FIRST ANNIVERSARY OF THE TURKISH OCCUPATION OF CYPRUS

HON. JOSEPH P. KENNEDY II

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. KENNEDY of Massachusetts. Mr. Speaker, I had hoped that this would not be necessary. Yet here we are again, observing yet another anniversary of this awful tragedy—the occupation of Cyprus by Turkish forces.

The whole world recognizes the injustice of the situation:

The United Nations has adopted a Security Council Resolution calling for a settlement that respects the sovereignty of Cyprus.

The European Union has taken steps to include Cyprus as a member state. Greece is cooperating in the process by lifting its veto against Turkey's customs union with the EU. Yet Turkey remains intransigent. More must be done.

I am pleased that President Clinton has demonstrated his commitment to a resolution of the problem by this appointment of a Special Presidential Emissary for Cyprus.

Recently, President Clerides of Cyprus proposed a plan that calls for the demilitarization of the island. With more than one third of Cyprus under foreign occupation by 30,000 troops, demilitarization offers an opportunity to build an atmosphere of trust that could bring the sides closer to a framework for a resolution.

Mr. Speaker, I support President Clerides' efforts to introduce a new approach that recognizes the need for bold diplomatic initiatives to solve this intractable problem. The world has seen many promising signs for the cause of peace. The fragile processes in the Middle East and Northern Ireland are two examples where progress has occurred despite great difficulties and decades old animosities. We have an opportunity now to commit ourselves to an initiative that offers the possibility of demilitarizing this land which has suffered so much.

But these hopeful signs do not quiet the suffering of the island's people. International diplomatic efforts are meaningless if they do not lead to a resolution. For twenty-one years, the people of Cyprus have lived under foreign occupation. Twenty-one years! The families who grieve for fathers and mothers and sons and daughters killed or missing since the occupation have waited too long for a just settlement.

Mr. Speaker, it is my sincere hope that this is the last time we find ourselves on the floor of this House marking yet another anniversary of this occupation.

CYPRUS

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. MARTINI. Mr. Speaker, I rise today on the 21st anniversary of Turkey's illegal occupation of the independent Island of Cyprus. This is a dilemma that must be addressed.

Today, there is no more hope for a settlement to the crisis then there was 20 years ago. It is a shame that a country that was founded with such promise and vision has deteriorated into a land torn by faction.

The tiny Island of Cyprus gained its independence from Great Britain in 1960. The Cypriots are divided along ethnic lines with 76 percent of the citizens of Greek origin and 19 percent of Turkish origin. To take into account this ethnic division, the first provision of the Cyprus constitution required a Greek Cypriot President and a Turkish Cypriot Vice President. Upon independence, the United States praised the new country for its "effort to create a new state based on the cooperation of different ethnic communities."

However, peace on the Island of Cyprus lasted only until 1963 when President Makarios proposed constitutional revisions that strengthened the Greek majority. The strenuous relationship deteriorated until 1974 when Greek hardliners supported a coup of President Makarios. In response to these threatening acts, the Turkish Government sent troops into Cyprus and seized control of a significant portion of the island.

Today, the two ethnic groups live in separate areas of the island with the United Nations maintaining a buffer zone. Settlement efforts have stalled on differences of how to solve the matter. In fact, a recent calmness on the island has disturbed some officials in the United Nations. The Secretary General of the U.N. has stressed that it is not a reason for optimism, but rather a cause for serious concern. It signifies not a peace initiative, but a strengthening of forces. In response to these actions, on June 27, 1995, the House approved an amendment by my colleague, Congressman JOHN PORTER of Illinois, to the foreign operations appropriations bill—H.R. 1868—that would reduce the aid to Turkey by 50 percent until they withdraw their troops from Cyprus. I supported this measure.

Mr. Chairman, tumult such as this must come to an end. It is time that peace comes to the Island of Cyprus.

"TWENTY ONE YEARS OF DIVISION ON CYPRUS"

HON. WILLIAM J. COYNE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. COYNE. Mr. Speaker, I want to express my strong support for a peaceful end to the presence of Turkish military forces in Cyprus.

Today, July 20, 1995, marks the 21st anniversary of Turkey's invasion and occupation of the Island of Cyprus. The time is clearly long overdue when the occupation and division of Cyprus should be ended. The time has come to provide answers to questions over persons who have been missing for over two decades since the invasion of Cyprus. The time has come to bring peace and unity to the people of Cyprus.

The United States of America has clearly stated its commitment to a Cyprus settlement that respects the single sovereignty and territorial integrity of this island. I want to commend President Clinton for the leadership his administration has offered in support of international efforts to resolve the issue of a divided Cyprus. This administration has expressed clearly and consistently its support for an end to the illegal division of Cyprus.

Last fall, President Clinton appointed Richard Beaatie as Special Presidential Envoy for Cyprus to lend new impetus to United States efforts to resolve the Cyprus problem. Last month, President Clinton also elevated State Department Special Coordinator for Cyprus James William to ambassadorial rank to provide a further indication of U.S. resolve. The United States has also initiated, in conjunction with Great Britain, confidential talks between Greek Cypriots and the Turkish Cypriots. While these talks were to eventually break down due to Turkish intransigence, the resolve of the United States and the Clinton administration remain unshaken in its support for a peaceful settlement of the Cyprus division.

The international community has also spoken with a clear voice against the continued division of the Island of Cyprus. U.N. Security Council adopted Resolution 939 on July 29, 1994, which calls for a Cyprus settlement "based on a state of Cyprus with a single sovereignty and international personality and a single citizenship, with its independence and territorial integrity safeguarded, and comprising two politically equal communities as described in the relevant Security Council resolutions, in a bicommunal and bizonal federation, and that such a settlement must exclude union in whole or part with any other country or any form of partition or succession."

The Greek Cypriots are also speaking with a clear voice in support of a peaceful resolution to the division of Cyprus. Greek Cypriot President Clerides recently issued a demilitarization proposal that seeks to bring an end to Cyprus' status as what U.N. Secretary General Boutros Boutros-Ghali called "one of the most highly militarized areas in the world. President Clerides' proposal states that the Government of Cyprus will disband its military force, turn over its military hardware to the U.N. peacekeeping force, and pledge all outyear appropriations that would be otherwise earmarked for defense toward maintaining the U.N. force if the Republic of Turkey will end its illegal occupation of this island. The way is clear for ending the division of Cyprus which has brought so much suffering to the people of the island if the Turkish Government will embrace this opportunity to obtain a peaceful end to the division of Cyprus.

Mr. Speaker, it is my hope that the people of Cyprus will soon live free from foreign occupation and illegal division. Twenty-one years of occupation is far too long and I want to join with my colleagues in urging the Government of Turkey to end its occupation of Cyprus.

THE TURKISH OCCUPATION OF CYPRUS MUST END

HON. DICK ZIMMER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 20, 1995

Mr. ZIMMER. Mr. Speaker, today marks the 21st anniversary of the illegal Turkish occupation of 40 percent of the island of Cyprus. As I have in the past, I once again urge Turkey to end that occupation so that the people of Cyprus can work toward a peaceful, democratic and independent future.

This House recently approved an amendment by Congressman PORTER to reduce United States aid to Turkey. This amendment was in part the result of Turkey's blind disregard for the territorial integrity of Cyprus.

The Porter amendment represented the second time we have voted to reduce aid to Turkey because of its abuses of human rights and international law. I hope it will be the last.

Turkey must realize that we are growing impatient with its empty promises to address the Cyprus problem. For 20 years it has ignored or rejected virtually all calls to end its occupation and resolve the problems it has created.

As a result, there are still five Americans whose whereabouts remains unknown after they were swept up in the Turkish invasion of Cyprus in 1974. There are also 1,614 Greek Cypriots who were abducted during that invasion and who remain unaccounted for today.

Seventeen years ago, Congress agreed to lift the partial arms embargo it had imposed on Turkey for treaty violations on the condition that Turkey would work toward a lasting resolution of the Cyprus problem.

And what has happened in 17 years? Nothing, Mr. Speaker. Rather than trying to resolve the problem, in fact, Turkey has aggravated it by declaring, in 1983, the independence of its occupied land on Cyprus and naming it the "Turkish Republic of Northern Cyprus."

That was not the peaceful resolution that Cyprus had expected. And it is time that we make it clear that our patience with procrastination and broken promises is exhausted.

Mr. Speaker, I continue to support legislation offered by Mr. ANDREWS and Mr. PORTER that would ban all aid to Turkey until the Turkish Government complies with a number of conditions relating to human rights, as well as the condition that Turkey withdraw its troops from Cyprus.

Until Turkey withdraws its troops, we have little hope for a resolution. If we do not demand decisive action by Turkey and hold that nation accountable for its deeds, we will be back here next year sadly noting the 22d anniversary of the Turkish invasion of Cyprus.

SENATE—*Friday, July 21, 1995*

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious Father of all the families of the Earth, this Sunday we institute Parent's Day. We pray that this special day, established by Congress and signed into law by the President, will be a day to recall America to a new commitment to the family.

We ask You to bless parents as they live out the high calling of being parents. Help them to learn from the way You parent all of us as Your children. You have shown us Your faithfulness, righteousness, and truthfulness. You never leave or forsake us; You respond to our wants with what is ultimately best for our real needs. You love us so much that You press us to become all that You intended.

As parents, we commit ourselves to moral purity, absolute honesty, and consistent integrity. Help us to be dependable people in whom our children experience tough love and tender acceptance along with a bracing challenge to excellence and responsibility. May our example of patriotism raise up a new generation of Americans who love You and their country.

Be with parents when they grow weary, become discouraged, or feel that they have failed. Be their comfort and courage. Remind them they are partners with You in launching children into the adventure of living for Your glory and by Your grace. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader.

SCHEDULE

Mr. BURNS. Mr. President, I wish to mention that this morning the leaders' time has been reserved and the Senate will begin consideration of H.R. 1817, the Milcon appropriations bill. Under the consent agreement entered into last night, at 10:20 this morning the Senate will resume consideration of the rescissions bill. At that time, there will be 40 minutes of debate remaining and as many as three stacked rollcall votes to occur following the debate at approximately 11 a.m. Senators should therefore expect votes throughout today's session of the Senate.

With that, I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDENT pro tempore. The able Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I wonder if I could have unanimous consent for about a minute as in morning business to introduce a bill.

The PRESIDING OFFICER (Mr. SANTORUM). Is there objection to the request of the Senator from Alaska? Without objection, it is so ordered.

Mr. MURKOWSKI. Good morning, Mr. President. I thank my colleagues, the Senator from Montana and the Senator from California, who have been so gracious to extend me a minute this morning.

(The remarks of Mr. MURKOWSKI pertaining to the introduction of S. 1054 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

MILITARY CONSTRUCTION APPROPRIATIONS, 1996

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of H.R. 1817, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1817) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Appropriations, with amendments, as follows:

(The parts of the bill intended to be stricken are shown in boldface brackets and the parts of the bill intended to be inserted are shown in italic.)

H.R. 1817

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, for military construction, family housing, and base realignment and closure functions administered by the Department of Defense, and for other purposes, namely:

MILITARY CONSTRUCTION, ARMY

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Army as currently authorized by law, including personnel in the Army Corps of Engineers and other personal services necessary for the purposes of this appropriation, and for construction and operation of facilities in support of the functions of the Commander in Chief, **[**$611,608,000**]** *$496,664,000*, to remain available until September 30, 2000: *Provided*, That of this amount, not to exceed **[**$50,778,000**]** *$44,034,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further, That of the funds appropriated for "Military Construction, Army" under Public Law 102–143, $6,245,000 is hereby rescinded.*

MILITARY CONSTRUCTION, NAVY

For acquisition, construction, installation, and equipment of temporary or permanent public works, naval installations, facilities, and real property for the Navy as currently authorized by law, including personnel in the Naval Facilities Engineering Command and other personal services necessary for the purposes of this appropriation, **[**$588,243,000**]** *$542,186,000*, to remain available until September 30, 2000: *Provided*, That of this amount, not to exceed **[**$66,184,000**]** *$49,477,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor.

MILITARY CONSTRUCTION, AIR FORCE

(INCLUDING RESCISSIONS)

For acquisition, construction, installation, and equipment of temporary or permanent public works, military installations, facilities, and real property for the Air Force as currently authorized by law, **[**$578,841,000**]** *$532,616,000*, to remain available until September 30, 2000: *Provided*, That of this amount, not to exceed **[**$49,021,000**]** *$23,894,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor: *Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 102–136, $2,765,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Air Force" under Public Law 102–368, $13,240,000 is hereby rescinded.*

MILITARY CONSTRUCTION, DEFENSE-WIDE

(INCLUDING TRANSFER OF FUNDS *AND RESCISSIONS*)

For acquisition, construction, installation, and equipment of temporary or permanent public works, installations, facilities, and real property for activities and agencies of the Department of Defense (other than the

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

military departments), as currently authorized by law, [$728,332,000] *$818,078,000*, to remain available until September 30, 2000: *Provided*, That such amounts of this appropriation as may be determined by the Secretary of Defense may be transferred to such appropriations of the Department of Defense available for military construction or family housing as he may designate, to be merged with and to be available for the same purposes, and for the same time period, as the appropriation or fund to which transferred: *Provided further*, That of the amount appropriated, not to exceed [$68,837,000] *$83,992,000* shall be available for study, planning, design, architect and engineer services, as authorized by law, unless the Secretary of Defense determines that additional obligations are necessary for such purposes and notifies the Committees on Appropriations of both Houses of Congress of his determination and the reasons therefor*: Provided further, That of the funds appropriated for "Military Construction, Defense-wide" under Public Law 101–519, $3,234,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Defense-wide" under Public Law 102–136, $6,800,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Defense-wide" under Public Law 102–380, $8,590,000 is hereby rescinded: Provided further, That of the funds appropriated for "Military Construction, Defense-wide" under Public Law 103–110, $8,131,000 is hereby rescinded.*

MILITARY CONSTRUCTION, ARMY NATIONAL GUARD

(INCLUDING RESCISSIONS)

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$72,537,000] *$93,121,000*, to remain available until September 30, 2000.

MILITARY CONSTRUCTION, AIR NATIONAL GUARD

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air National Guard, and contributions therefor, as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$118,267,000] *$134,422,000*, to remain available until September 30, 2000*: Provided, That of the funds appropriated for "Military Construction, Air National Guard" under Public Law 103–110, $6,700,000 is hereby rescinded.*

MILITARY CONSTRUCTION, ARMY RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Army Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$42,963,000] *$48,141,000*, to remain available until September 30, 2000.

MILITARY CONSTRUCTION, NAVAL RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the reserve components of the Navy and Marine Corps as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$19,655,000] *$7,920,000*, to remain available until September 30, 2000.

MILITARY CONSTRUCTION, AIR FORCE RESERVE

For construction, acquisition, expansion, rehabilitation, and conversion of facilities for the training and administration of the Air Force Reserve as authorized by chapter 133 of title 10, United States Code, and military construction authorization Acts, [$31,502,000] *$32,297,000*, to remain available until September 30, 2000.

NORTH ATLANTIC TREATY ORGANIZATION SECURITY INVESTMENT PROGRAM

For the United States share of the cost of the North Atlantic Treaty Organization Security Investment Program for the acquisition and construction of military facilities and installations (including international military headquarters) and for related expenses for the collective defense of the North Atlantic Treaty Area as authorized in military construction authorization Acts and section 2806 of title 10, United States Code, $161,000,000, to remain available until expended.

FAMILY HOUSING, ARMY

For expenses of family housing for the Army for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$126,400,000] *$71,752,000*, to remain available until September 30, 2000; for Operation and maintenance, and for debt payment, [$1,337,596,000] *$1,339,196,000*; in all [$1,463,996,000] *$1,410,948,000*.

FAMILY HOUSING, NAVY AND MARINE CORPS

For expenses of family housing for the Navy and Marine Corps for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$531,289,000] *$504,467,000*, to remain available until September 30, 2000; for Operation and maintenance, and for debt payment, [$1,048,329,000] *$1,051,929,000*; in all [$1,579,618,000] *$1,556,396,000*.

FAMILY HOUSING, AIR FORCE

For expenses of family housing for the Air Force for construction, including acquisition, replacement, addition, expansion, extension and alteration and for operation and maintenance, including debt payment, leasing, minor construction, principal and interest charges, and insurance premiums, as authorized by law, as follows: for Construction, [$294,503,000] *$261,137,000*, to remain available until September 30, 2000; for Operation and maintenance, and for debt payment, [$863,213,000] *$850,059,000*; in all [$1,150,730,000] *$1,111,196,000*.

FAMILY HOUSING, DEFENSE-WIDE

For expenses of family housing for the activities and agencies of the Department of Defense (other than the military departments) for construction, including acquisition, replacement, addition, expansion, extension, and alteration, and for operation and maintenance, leasing, and minor construction, as authorized by law, as follows: for Construction, $3,772,000, to remain available for obligation until September 30, 2000; for Operation and maintenance, [$30,467,000] *$42,367,000*; in all [$34,239,000] *$46,139,000*.

DEPARTMENT OF DEFENSE FAMILY HOUSING IMPROVEMENT FUND

(INCLUDING TRANSFER OF FUNDS)

For the Department of Defense Family Housing Improvement Fund, $22,000,000, to remain available until [expended] *September 30, 2000*: *Provided*, That, subject to thirty days prior notification to the Committees on Appropriations, such additional amounts as may be determined by the Secretary of Defense may be transferred to this Fund from amounts appropriated in this Act for Construction in "Family Housing" accounts, to be merged with and to be available for the same purposes and for the same period of time as amounts appropriated directly to that Fund: *Provided further*, That appropriations made available to the Fund in this Act shall be available to cover the costs, as defined in section 502(5) of the Congressional Budget Act of 1974, of direct loans or loan guarantees issued by the Department of Defense pursuant to the provisions of, and amendments made by, the National Defense Authorization Act for fiscal year 1996 pertaining to alternative means of acquiring and improving military family housing and supporting facilities.

HOMEOWNERS ASSISTANCE FUND, DEFENSE

For use in the Homeowners Assistance Fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966, as amended (42 U.S.C. 3374), $75,586,000, to remain available until expended.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART II

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $964,843,000, to remain available until expended: *Provided*, That not more than [$224,800,000] *$325,800,000* of the funds appropriated herein shall be available solely for environmental restoration.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART III

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $2,148,480,000, to remain available until expended: *Provided*, That not more than [$232,300,000] *$236,700,000* of the funds appropriated herein shall be available solely for environmental restoration.

BASE REALIGNMENT AND CLOSURE ACCOUNT, PART IV

For deposit into the Department of Defense Base Closure Account 1990 established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991 (Public Law 101–510), $784,569,000, to remain available until expended: *Provided*, That such funds will be available for construction only to the extent detailed budget justification is transmitted to the Committees on Appropriations: *Provided further*, That such funds are available solely for the approved 1995 base realignments and closures.

GENERAL PROVISIONS

SEC. 101. None of the funds appropriated in Military Construction Appropriations Acts shall be expended for payments under a cost-plus-a-fixed-fee contract for work, where cost estimates exceed $25,000, to be performed within the United States, except Alaska, without the specific approval in writing of the Secretary of Defense setting forth the reasons therefor: *Provided*, That the foregoing shall not apply in the case of contracts for environmental restoration at an installation that is being closed or realigned where payments are made from a Base Realignment and Closure Account.

SEC. 102. Funds appropriated to the Department of Defense for construction shall be available for hire of passenger motor vehicles.

SEC. 103. Funds appropriated to the Department of Defense for construction may be used for advances to the Federal Highway Administration, Department of Transportation, for the construction of access roads as authorized by section 210 of title 23, United States Code, when projects authorized therein are certified as important to the national defense by the Secretary of Defense.

SEC. 104. None of the funds appropriated in this Act may be used to begin construction of new bases inside the continental United States for which specific appropriations have not been made.

SEC. 105. No part of the funds provided in Military Construction Appropriations Acts shall be used for purchase of land or land easements in excess of 100 per centum of the value as determined by the Army Corps of Engineers or the Naval Facilities Engineering Command, except (a) where there is a determination of value by a Federal court, or (b) purchases negotiated by the Attorney General or his designee, or (c) where the estimated value is less than $25,000, or (d) as otherwise determined by the Secretary of Defense to be in the public interest.

SEC. 106. None of the funds appropriated in Military Construction Appropriations Acts shall be used to (1) acquire land, (2) provide for site preparation, or (3) install utilities for any family housing, except housing for which funds have been made available in annual Military Construction Appropriations Acts.

SEC. 107. None of the funds appropriated in Military Construction Appropriations Acts for minor construction may be used to transfer or relocate any activity from one base or installation to another, without prior notification to the Committees on Appropriations.

SEC. 108. No part of the funds appropriated in Military Construction Appropriations Acts may be used for the procurement of steel for any construction project or activity for which American steel producers, fabricators, and manufacturers have been denied the opportunity to compete for such steel procurement.

SEC. 109. None of the funds available to the Department of Defense for military construction or family housing during the current fiscal year may be used to pay real property taxes in any foreign nation.

SEC. 110. None of the funds appropriated in Military Construction Appropriations Acts may be used to initiate a new installation overseas without prior notification to the Committees on Appropriations.

SEC. 111. None of the funds appropriated in Military Construction Appropriations Acts may be obligated for architect and engineer contracts estimated by the Government to exceed $500,000 for projects to be accomplished in Japan, in any NATO member country, or [in] *countries bordering* the Arabian Gulf, unless such contracts are awarded to United States firms or United States firms in joint venture with host nation firms.

SEC. 112. None of the funds appropriated in Military Construction Appropriations Acts for military construction in the United States territories and possessions in the Pacific and on Kwajalein Atoll, or in *countries bordering* the Arabian Gulf, may be used to award any contract estimated by the Government to exceed $1,000,000 to a foreign contractor: *Provided*, That this section shall not be applicable to contract awards for which the lowest responsive and responsible bid of a United States contractor exceeds the lowest responsive and responsible bid of a foreign contractor by greater than 20 per centum.

SEC. 113. The Secretary of Defense is to inform the appropriate Committees of Congress, including the Committees on Appropriations, of the plans and scope of any proposed military exercise involving United States personnel thirty days prior to its occurring, if amounts expended for construction, either temporary or permanent, are anticipated to exceed $100,000.

SEC. 114. Not more than 20 per centum of the appropriations in Military Construction Appropriations Acts which are limited for obligation during the current fiscal year shall be obligated during the last two months of the fiscal year.

(TRANSFER OF FUNDS)

SEC. 115. Funds appropriated to the Department of Defense for construction in prior years shall be available for construction authorized for each such military department by the authorizations enacted into law during the current session of Congress.

SEC. 116. For military construction or family housing projects that are being completed with funds otherwise expired or lapsed for obligation, expired or lapsed funds may be used to pay the cost of associated supervision, inspection, overhead, engineering and design on those projects and on subsequent claims, if any.

SEC. 117. Notwithstanding any other provision of law, any funds appropriated to a military department or defense agency for the construction of military projects may be obligated for a military construction project or contract, or for any portion of such a project or contract, at any time before the end of the fourth fiscal year after the fiscal year for which funds for such project were appropriated if the funds obligated for such project (1) are obligated from funds available for military construction projects, and (2) do not exceed the amount appropriated for such project, plus any amount by which the cost of such project is increased pursuant to law.

(TRANSFER OF FUNDS)

SEC. 118. During the five-year period after appropriations available to the Department of Defense for military construction and family housing operation and maintenance and construction have expired for obligation, upon a determination that such appropriations will not be necessary for the liquidation of obligations or for making authorized adjustments to such appropriations for obligations incurred during the period of availability of such appropriations, unobligated balances of such appropriations may be transferred into the appropriation "Foreign Currency Fluctuations, Construction, Defense" to be merged with and to be available for the same time period and for the same purposes as the appropriation to which transferred.

SEC. 119. The Secretary of Defense is to provide the Committees on Appropriations of the Senate and the House of Representatives with an annual report by February 15, containing details of the specific actions proposed to be taken by the Department of Defense during the current fiscal year to encourage other member nations of the North Atlantic Treaty Organization, Japan, Korea, and United States allies [in] *bordering* the Arabian Gulf to assume a greater share of the common defense burden of such nations and the United States.

(TRANSFER OF FUNDS)

SEC. 120. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, proceeds deposited to the Department of Defense Base Closure Account established by section 207(a)(1) of the Defense Authorization Amendments and Base Closure and Realignment Act (Public Law 100-526) pursuant to section 207(a)(2)(C) of such Act, may be transferred to the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991, to be merged with, and to be available for the same purposes and the same time period as that account.

[SEC. 121. No funds appropriated pursuant to this Act may be expended by an entity unless the entity agrees that in expending the assistance the entity will comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a–10c, popularly known as the "Buy American Act").

[SEC. 122. (a) In the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this Act, it is the sense of the Congress that entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products.

[(b) In providing financial assistance under this Act, the Secretary of the Treasury shall provide to each recipient of the assistance a notice describing the statement made in subsection (a) by the Congress.

[(TRANSFER OF FUNDS)

[SEC. 123. During the current fiscal year, in addition to any other transfer authority available to the Department of Defense, amounts may be transferred among the Fund established by section 1013(d) of the Demonstration Cities and Metropolitan Development Act of 1966 (42 U.S.C. 3374); the account established by section 2906(a)(1) of the Department of Defense Authorization Act, 1991; and appropriations available to the Department of Defense for the Homeowners Assistance Program of the Department of Defense. Any amounts so transferred shall be merged with and be available for the same purposes and for the same time period as the fund, account, or appropriation to which transferred.

[SEC. 124. The Army shall use George Air Force Base as the interim airhead for the National Training Center at Fort Irwin until Barstow-Daggett reaches Initial Operational Capability as the permanent airhead.

[SEC. 125. (a) In order to ensure the continued protection and enhancement of the open spaces of Fort Sheridan, the Secretary of the Army shall convey to the Lake County Forest Preserve District, Illinois (in this section referred to as the "District"), all right, title, and interest of the United States to a parcel of surplus real property at Fort Sheridan consisting of approximately 290 acres located north of the southerly boundary line of the historic district at the post, including improvements thereon.

[(b) As consideration for the conveyance by the Secretary of the Army of the parcel of real property under subsection (a), the District shall provide maintenance and care to the remaining Fort Sheridan cemetery, pursuant to an agreement to be entered into between the District and the Secretary.

[(c) The Secretary of the Army is also authorized to convey the remaining surplus property at former Fort Sheridan to the Fort Sheridan Joint Planning Committee, or its successor, for an amount no less than the fair market value (as determined by the Secretary of the Army) of the property to be conveyed.

[(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property (including improvements thereon) to be conveyed under subsections (a) and (c) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the Lake County Forest Preserve District, and the Fort Sheridan Joint Planning Committee, respectively.

[(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interests of the United States.]

SEC. 125. None of the funds appropriated in this Act may be transferred to or obligated from the Pentagon Reservation Facility Renovation (Phase I), unless the Secretary of Defense certifies that the total cost for the planning design, construction and installation of equipment for the renovation of the Pentagon Reservation will not exceed $1,218,000,000.

SEC. 126. In addition to amounts appropriated elsewhere in this Act, $228,098,000 is hereby appropriated, to remain available until September 30, 2000, to the following accounts in the amounts specified:

Military Construction, Army, 1996/2000, $20,000,000;

Military Construction, Navy, 1996/2000, $10,400,000;

Military Construction, Air Force, 1996/2000, $37,000,000;

Military Construction, Defense-Wide, 1996/2000, $10,000,000;

Military Construction, Army National Guard, 1996/2000, $63,236,000;

Military Construction, Army Reserve, 1996/2000, $35,282,000;

Military Construction, Air National Guard, 1996/2000, $34,550,000;

Military Construction, Air Force Reserve, 1996/2000, $3,150,000;

Family Housing, Navy and Marine Corps, 1996/2000, $8,480,000; and

Family Housing, Air Force, 1996/2000, $6,000,000.

This Act may be cited as the "Military Construction Appropriations Act, 1996".

PRIVILEGE OF THE FLOOR

Mr. BURNS. Mr. President, I ask unanimous consent that Warren Johnson be given floor privileges during consideration of this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Debbie Allen, a congressional fellow in my office, be extended floor privileges during the pendency of this action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURNS. Mr. President, I am pleased to bring before the Senate the military construction appropriations bill and report for fiscal year 1996.

Mr. President, this bill was reported out of the full Appropriations Committee on Wednesday. The bill recommended by the full Committee on Appropriations is for $11.159 billion. This is $461 million over the budget request, $18 million under the House bill, and $2.424 billion over the level enacted last year. Compared to last year's enacted level, the budget proposed a $2 billion increase in the regular military construction program.

Also, I am pleased to report to the Senate that the bill is within the committee's 602(b) budget allocation for both budget authority and outlays.

Mr. President, it has not been easy putting this bill together. Earlier this year, the subcommittee received an allocation that provided for a $461 million increase to the budget request. However, $161 million of this amount provides for a transfer from the Defense appropriation to the military construction appropriation for the Pentagon renovation.

This account was put into the Defense bill in 1993 in the form of a revolving fund. By putting it back into the military construction appropriation we will bring more visibility to the program. This transfer means our allocation is really $180 million under the House.

The Committee on Appropriations in the House approved an appropriations bill that was $500 million over the budget request.

Mr. President, this bill has some points I want to mention. The bill fully funds the base closure and realignment accounts. This include $784 million for this year's round of base closures. This has been an extremely difficult year for many States with regard to the brac process. We made sure that there would be no impediments to moving forward with the decisions that the President has approved. Mr. President, this account makes up 35 percent of our appropriation.

However, I am extremely concerned with the growth of this program. The base closure program cannot replace a regular military construction program. Our military bases that will remain open will have investment requirements which must be met. But as the base closure program grows, it will continue to crowd out the regular military construction program.

In addition, the subcommittee is asking the General Accounting Office to help us evaluate the future requests for the base closure accounts. If the Department is unable to get the cost of base closures under control, it has a responsibility to reorient other priorities in the Defense budget so adequate funding is available to pay for the routine military construction requirements of the active services and the Guard and Reserve.

We supported the Secretary's initiative to provide more housing to our military members. This is part of the $4.2 billion included in this bill for family housing.

We did not, however, support the Air Force's request to build new senior and general officer quarters. We will not support building new homes for generals when there are families of enlisted people on waiting lists for homes.

We also addressed the shortfalls that continue to plague our Reserve component; $263 million was added for the Reserve component. In each case these funds are for quality of life or readiness.

Mr. President, the administration has available to it the same information the subcommittee has. The administration knows that the construction backlog of the Army Guard, the Air Guard, the Army Reserve, the Navy Reserve, and the Air Force Reserve is billions of dollars and that backlog is growing, even as the force levels are being reduced.

So against this construction requirement, the administration budgeted only $182 million for the entire Guard and Reserve component of the Department of Defense. We could not allow this to happen.

We have only reduced the administration request of $179 million for the NATO Security Investment Program by 10 percent. We believe this is a responsible reduction considering the requirements that may be put upon NATO in the near future.

Mr. President, before I close I want to thank the ranking minority member for his participation and his contributions to the subcommittee this year. I also want to thank Dick D'Amato of his staff as well and Warren Johnson and Jim Morhard on my staff. We would not have gotten here without their tireless work.

Mr. President, at this time, I yield the floor to my friend from Nevada, the distinguished minority member.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I fully support the recommendations in this bill that is now before the Senate. I compliment the chairman of the subcommittee, the distinguished Senator from Montana [Mr. BURNS], for his excellent work and that of his staff.

The chairman of the subcommittee and I have enjoyed an open and productive working relationship in bringing the recommendations in this bill to the Senate.

As the chairman mentioned, this bill emphasizes quality of life, particularly in family housing in barracks for single soldiers. It funds the Secretary of Defense's initiative to get the private sector into the military housing market and help relieve some of the tremendous backlog of needs for both new and renovated housing, which averages over 30 years of age throughout the services. We have homes that people are living in that are over 50 years old in many installations throughout the United States.

My colleagues might wonder why this bill is the only subcommittee mark above the level of a fiscal year 1995 freeze. The reason is that the very large amount was needed to fund the base closure and realignment accounts, as the chairman has already indicated, almost $4 billion, or more than a third of the entire amount recommended in the bill. In spite of this, we met our 602(b) allocation.

Without the need to fund the downsizing of the military through the BRAC process, the bill would be almost $2 billion below the freeze level. Otherwise, Mr. President, the bill is extremely frugal. Overseas construction has been reduced somewhat, as has NATO funding, which this Member believes should be the beginning of a down path to have the European Community bear a more fair share of their burden in NATO.

I commend the chairman for taking the many requests from Senators to include projects in this bill. This is necessitated, in large part, because the Department of Defense has again, as it has in the past, refused to adequately fund the construction projects for the National Guard and Reserve, requiring the subcommittee to review many worthy projects suggested by Senators and the Guard and Reserves and to come up with a fair and equitable solution to the problem.

I add, Mr. President, in time of crisis, we rely heavily on the Guard and Reserve. During the gulf war crisis, we called upon the Guard and Reserve to bear more than their share of the burden, especially based on how we have funded them in the past. It simply would be unfair to not give them some consideration simply because they have been ignored by the Pentagon.

The administration requested only $182 million for the Guard and Reserve, compared to $574 million appropriated in fiscal year 1995. We are well below last year's level, recommending $452 million, which is a 20-percent reduction. The subcommittee has used strict criteria for evaluating these projects suggested by Members, and a strong effort was made to take all Members' interest into consideration.

While no Senator that I am aware of has been fully satisfied, I think the result is as fair and equitable as possible, given the significant budget constraints that we are working under.

Mr. President, I believe that this is a good product, and I hope that the Senate will support it.

I thank at this time the staff director, Jim Morhard and his assistant, Warren Johnson, for their work and cooperation with my staff, Dick D'Amato, a member of the Appropriations Committee assigned to me to work on this and other appropriations matters, and B.G. Wright also of the Appropriations Committee, Peter Arapis of my personal staff and a congressional fellow who has been working with me for the past 6 months, Debbie Allen.

Mrs. BOXER addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I ask unanimous consent to speak as in morning business not to exceed 20 minutes.

Mr. REID. Mr. President, I am wondering if the Senator could end her remarks about 25 till, because we have a Senator offering an amendment and we have limited time.

Mrs. BOXER. Absolutely.

The PRESIDING OFFICER. The Senator is recognized until 9:35.

HEARINGS ON ALLEGATIONS OF MISCONDUCT

Mrs. BOXER. Mr. President, because the Senate polices itself, there has been much debate over the years about how the Senate should address allegations of misconduct. This debate has intensified in recent weeks because the Select Committee on Ethics has determined that allegations of wrongdoing made against a sitting Senator are supported by substantial, credible evidence.

With this determination, the case moved into a formal investigative phase. As of today, in what appears to be a break with well-established traditions, no public hearings into this case have been scheduled. I have written the Ethics Committee and informed them that if no public hearings were scheduled by the end of this week, I would seek a vote on the matter by the full Senate. Mr. President, I have the legislation prepared and will seek to offer it next week. It is very straightforward and it will require that the pending case be treated in the same fashion as all other cases. I trust the Republican leadership will allow me a vote on my amendment in this very important matter, because the Senate's reputation is at stake.

I will take some time today to explain why I believe that the Ethics Committee should follow its longstanding practice and schedule public hearings in this case.

When an allegation of misconduct is received by the Select Committee on Ethics, it conducts a preliminary inquiry, the first stage of its procedures. If, at the conclusion of the preliminary inquiry, the committee determines that there is reason to believe improper conduct may have occurred, the committee may conduct a more exhaustive review called an initial review.

To proceed beyond an initial review into the investigative phase, a rigorous test must be met. The committee must determine that there is "substantial credible evidence which provides substantial cause for the committee to conclude that a violation" within its jurisdiction has occurred. If the committee finds that substantial credible evidence of wrongdoing exists, the case now enters the investigative phase. So, Mr. President, there is a preliminary inquiry, there is the initial review, and then there is the investigative stage.

This three-tiered process for evaluating allegations of impropriety was established by this Senate in 1977. Since then, every case reaching the investigative phase has included public hearings. Let me repeat that, Mr. President. Since 1977, every single case reaching the investigative phase has included public hearings.

Mr. President, even before the formal procedures were established in 1977, when the Ethics Committee was created, the Senate followed the practice of holding public hearings in cases of alleged misconduct of its Members. For example, in 1954, extensive hearings were held by a special committee investigating misconduct by Joseph McCarthy. And as long as 65 years ago, in 1929, a special subcommittee of the Judiciary Committee held hearings to investigate alleged misconduct by Senator Hiram Bingham, and the committee made the complete records public.

In other words—and I think this is important for Senators to understand—even before the three-tiered procedure was established, investigations into alleged impropriety included extensive hearings and full public disclosure.

In 1978, shortly after the Ethics Committee was established, there was alleged financial misconduct by a Member of the Senate. After completing a preliminary inquiry, the committee voted to conduct an initial review, and then a full investigation. During that stage—the first in the history of the Senate—public hearings were held from April 30 to July 12.

Following these hearings, the committee recommended that the Senator be censured because his conduct tended to "bring the Senate into dishonor and disrepute." In one day of debate on October 11, 1979, the Senate accepted the committee's recommendation.

The following year, the committee faced its most serious allegation of misconduct. In 1980, a Senator was indicted on nine criminal charges ranging from bribery to fraud, stemming from the Abscam sting operation. The Ethics Committee deferred its investigation until the criminal case was concluded. After the Senator was convicted, the committee authorized a formal investigation.

As has been its practice, the committee held public hearings into the charges once it reached the investigative phase. The committee, then chaired by Senator Malcolm Wallop, found the Senator's conduct "ethically repugnant" and recommended that the Senator be expelled. Rather than face expulsion, the Senator resigned.

In 1989, a Senator was accused of financial misconduct related to a book deal and his ownership and use of a condominium and was investigated by the Ethics Committee. The committee followed the same procedure—a preliminary inquiry, initial review, and finally, a formal investigation.

In the investigative phase of that case, the Committee held public hearings on the allegations. One month after the hearings, the Ethics Committee submitted to the Senate a resolution recommending censure for "reprehensible" conduct "in violation of statutes, rules, and Senate standards." And the Senate upheld that decision.

I think it is important to note that after that investigation, some Senators were critical of the length of time it took to fully investigate ethics complaints—nearly 2 years in that case. Several Senators suggested streamlining the operations of the committee by reducing the number of investigative stages. But the chairman of the committee, Senator HOWELL HEFLIN, and the vice chairman, Senator Warren Rudman, noted that the three-tiered procedure is designed for the protection of the accused, because its first two stages are conducted in private, while the last stage is conducted in public. The Senate historian has summarized the arguments of the chairman and vice chairman as follows, and I think this is important for Senators to hear:

> The multistage process was actually designed to protect the individual being investigated. Under the committee's rules, the two early portions of an inquiry were carried out in closed session, and only the third stage—the formal investigation and hearing—was conducted in public. In fact, on a number of occasions . . . the confidentiality of the procedure had protected Senators against whom unjust charges had been brought.

So here we have the historian of the Senate making the case that in the third stage of the investigation, it must and should go public.

It is clear that the Ethics Committee procedures were intended to include a public airing and disclosure of the cases, once the committee has determined that the allegations were supported by substantial credible evidence.

The most recent Ethics Committee complaint to reach the investigative stage involves a Senator accused of improper conduct related to the S&L industry. In conducting its preliminary inquiry, the committee conducted extensive public hearings over a two-month period. That Senator was disciplined by a new form of reprimand, where the full Senate did not adopt a resolution of censure, but it was required to assemble on the Senate floor to hear a strongly worded committee reprimand.

Mr. President, this is a simple matter of fact: Since the Ethics Committee adopted its current procedures in 1977, every case to reach the investigative stage has included public hearings.

And furthermore, it is an indisputable matter of historical fact that in investigating allegations of improper conduct, the Senate has a well-established practice and record of conducting hearings. This practice dates back to a time before the Ethics Committee was formed.

Now, why are public hearings important? Because they demonstrate to the people—out in the sunlight—that we take seriously our constitutionally mandated responsibility to discipline our own, to discipline our own for unethical conduct. Each time an allegation of misconduct surfaces, the bonds of trust between the Congress and the people are strained. But by facing these allegations head-on, by holding public hearings and supporting appropriate disciplinary actions, we begin to repair those bonds of trust. Covering up our problems and attempting to hide them from the people only makes matters worse. And that is not the way we should function as a democracy.

Mr. President, I have taken the Senate's time today to discuss this issue because it now appears that the Ethics Committee is on the verge of abandoning its well-established procedure of conducting public hearings, in a case currently before it—a case that has reached the investigative stage. In my view, such a significant departure from established practice demands the attention of the full Senate and of the American people.

For more than 2½ years, the Ethics Committee has been considering very serious allegations against the junior Senator from Oregon. On May 17 of this year, the committee completed its inquiry of the case and voted unanimously to proceed to the final investigative stage. In adopting its resolution for investigation, the committee found "substantial credible evidence" to support numerous allegations of sexual and official misconduct.

It is my view that the Ethics Committee should follow the normal practice of the Senate and hold public hearings on these allegations promptly. There is nothing about this case that warrants making an exception. I am very disappointed that a number of Senators have advocated the opposite, and have indicated their desire to keep this investigation behind closed doors.

Mr. President, opponents of public hearings in this case have raised three objections.

First, they say public hearings on this matter would bring the Senate into disrepute. I argue that the opposite is true. As former Chief Justice Brandeis said, "Sunlight is said to be the best of disinfectants." By acknowledging problems and demonstrating a willingness to discipline our own, we strengthen the Senate and the bonds with the people. We win confidence from the people by discharging our responsibilities frankly and openly—no matter how controversial the issue. But we irrevocably lose the people's respect by sweeping our problems under the committee room rug. The Senate is not a private club; it is the people's Senate. We do not go in the back room, light up a cigar, and decide these cases.

Second, opponents of public hearings in this case say that the allegations are so explosive that hearings would degrade into a circus-like atmosphere. I understand these concerns. However, I have confidence that the committee can discharge its responsibilities with dignity. What is the message here? Is it that the more embarrassing the charges, the more a Senator will be protected behind closed doors? That would be a terrible message to send to the American people.

I ask another question: If all the other issues were dealt with in public, is it a signal that if the issue were sexual misconduct you get the safe haven of a private club? That would be a terrible message.

Third, some opponents of hearings in the open argue that these hearings would be unfair to those who make the complaints because they could be subjected to uncomfortable questions and difficult cross-examination. I am confident that the committee will treat all witnesses fairly. In fact, several of the complainants in this case traveled to Washington to ask the Senate to hold public hearings.

Moreover, the Ethics Committee can decide under current Senate rules to close any portion of a hearing if it decides it is necessary to protect a witness. That is an important point. Under the rules of the Senate, the Ethics Committee may close any part of a hearing to protect a witness.

If it is true that hearings in this case would be painful—and it probably is—I must ask, is it the responsibility of a Senator merely to avoid painful issues? The Anita Hill hearings were painful, and what came of it? A national debate about sexual harassment that led to increased public awareness and better laws. Embarrassing? So were the Watergate hearings. Painful? So were the Waco hearings, where this week a young girl went before a committee and millions of viewers and described in detail the most despicable sexual abuse. The description was so graphic, in fact, that the committee felt compelled to warn television viewers in advance.

Hurtful? Think of Vince Foster's widow, who 2 years later has to turn on the television and see that story before her again. Mr. President, personal discomfort is, unfortunately, part of our job.

I hope I have explained why holding public hearings in this case is also part of our job. There is no reason to make an exception in this case and break with well-established procedures. That is what this issue is about.

I also feel obligated to discuss what this issue is not about. It is not about any other Senator. It is not about partisan politics. It is not about personalities. Perhaps the most shocking thing to me in this process has been the private and public threats to a Senator who simply wants to continue the tradition of public hearings. I will not be deterred. I believe most Senators will support public hearings.

Mr. President, I urge the Ethics Committee again today, on this Senate floor, to call a meeting of their committee, which last week they canceled, which this week they have not scheduled, to open this particular case to the public. It is, without doubt, the right thing to do.

However, if the committee refuses to do this, I will have no alternative, as I have said before, but to bring this issue to the Senate floor directly. My legislation is ready. It is straightforward. I will offer it at the earliest opportunity next week if we have no action.

In my view, a major procedural change overturning decades of well-established precedent must be debated by the full Senate. I think this is very, very serious. The charges are serious against the Senator, but equally important, is that the precedents of this U.S. Senate not be cast aside.

I yield the floor.

Mr. WELLSTONE. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Reserving the right to object, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MILITARY CONSTRUCTION APPROPRIATIONS, 1996

The Senate continued with the consideration of the bill.

Mr. BURNS. Mr. President, I ask unanimous consent that the committee amendments be agreed to en bloc to H.R. 1817, provided that no point of order shall be considered as having been waived by reason of this agreement, and that the bill as thus amended be considered as original text for the purpose of further amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the committee amendments were agreed to.

Mr. BURNS. Mr. President, I also ask unanimous consent that Senator BINGAMAN be recognized for the purpose of offering an amendment, and that a time agreement has been reached, an hour equally divided on both sides, with Senator BINGAMAN in charge, and the managers in charge of the opposite side.

Mr. REID. Mr. President, I ask unanimous consent that the unanimous-consent request be amended to reflect that there be no second-degree amendment in order, except a perfecting amendment that the Senator has to offer, and the hour time agreement would apply to all—to the amendment and the perfecting amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, would the Senator agree, if a vote is ordered, to have a vote at the same time as the votes relating to the rescissions bill?

Mr. BINGAMAN. Mr. President, I advised the Republican manager earlier that I am glad to do that, except that I think I would like to reserve the right of each of the sponsors, Senators MCCAIN and Senator KERREY, to speak for a few moments about the bill.

If they have not had a chance to do that, I want to have that opportunity.

Mr. REID. That would be under the time that the Senator controls.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1834

(Purpose: To reduce by $300,000,000 the amount appropriated by the bill)

Mr. BINGAMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Mexico [Mr. BINGAMAN], for himself, Mr. MCCAIN, and Mr. KERREY, proposes an amendment numbered 1834.

The amendment is as follows:

On page 22, between lines 2 and 3, insert the following:

SEC. 127. Notwithstanding any other provision of this Act, the total amount appropriated by this Act for military construction and family housing is hereby reduced by $300,000,000.

Mr. BINGAMAN. Mr. President, I asked that the amendment be read because I think it is very straightforward. Members should not have any difficulty understanding what the amendment is. It is an amendment offered by myself, Senator MCCAIN, and Senator KERREY from Nebraska.

What it does is it proposes to strike $300 million from this bill and to bring the level of spending in this bill back to the level that the President requested. That request from the President, from the administration, was not an insubstantial request. It was almost $2 billion above last year's level. The budget request was for $10.698 billion for military construction and family housing, which was an increase of $1.963 billion over the 1995 appropriation.

The budget request included a major initiative on family housing, an increase of $605 million above the 1995 level. It also included $1.2 billion in additional funding to carry out the base closure and realignment that has been ordered by current and past base closure commissions.

So we are, in this amendment, not trying to interfere with a substantial increase in military construction funding over last year's level. The President felt that was appropriate. The administration felt it was appropriate. We are not, in this amendment, trying to attack that. What we are saying, though, is that we need to have some limit on the extent of the add-ons that we, in Congress, engage in, if, in fact, we do have a concern about deficit reduction—and we clearly need to have that concern.

The committee was able to find about $400 million to reduce in what the President requested; another $57 million in rescissions from prior-year appropriations. If the committee had stayed within the President's request, that would have given them an amount of $474 million to earmark for various items that are called to the attention of committee members of this body on both sides of the aisle.

Mr. President, $474 million did not appear to be enough for Member items. The committee added an additional $300 million to cover those items, and I believe this is a luxury that we cannot defend to the American people at a time when deficit reduction is paramount in the Nation's political agenda, and deserves to be paramount in the agenda of the Nation when our debt is ballooning to almost $5 trillion.

The committee will argue that the projects that they have added, the $747 million in all that they have added, meet the criteria which the Senator from Arizona, my cosponsor on this amendment, has been in the forefront of establishing. That is, all of these projects are in the Pentagon's 5-year plan and they have merely moved up the execution of the projects for this next fiscal year. They will argue that the National Guard has come to rely on these add-ons because the Pentagon always leaves out things which are necessary for the National Guard.

These arguments do have some merit, and I think they can be used to justify the most important $474 million of add-ons. But in my view, the arguments cannot justify the marginal $300 million that has been added to that. Unlike the cuts which we will make in future appropriations bills which come before the Senate in areas such as education and research and health, the projects which are ultimately cut if our amendment is approved will be in future defense requests, some next year, some as late as the year 2001. Essentially, these are projects which the administration said are meritorious, but we cannot afford them this year. What I am saying by this amendment, and what my cosponsors are saying, is we agree with that. We cannot afford the additional $300 million this year.

I say to my Democratic colleagues who will bemoan cuts in various domestic discretionary programs—and I will agree with them that some of those cuts are inappropriate—but how can we in the Congress justify adding funds for marginal projects in this bill while we are making those cuts in domestic discretionary programs? And I would say to my Republican colleagues, many of whom, like the Senator from Arizona, feel the investment in defense is inadequate, is this the place where additional funding should be spent if we have additional funding to spend in defense?

I do not believe the American people want us to conduct business as usual. It is always striking to me that when the Defense authorization bill passes, and we generally make significant policy decisions in that Defense authorization bill, unfortunately, in our hometowns and in our home States the headlines in the local papers are about the military construction projects that are funded in the Defense bill. So I understand there is a local imperative that drives the funding of these military construction projects.

I do believe we need to at least hold the level of increase to the very substantial level that the administration has asked for and not add to it in this bill. The way we propose this legislation, it would be up to the Appropriations Committee to make a decision as to where the priority is and where it wants to spend that $474 billion of addons. I have no argument with them on that. That is the nature of our committee structure, and I think they can make that decision.

If we do not stop business as usual in this bill, then where are we going to? Mr. President, $474 million in add-ons is enough. I, for one, do not support going with an additional $300 million above and beyond that. I hope a majority of the Senate will agree, after all of the speeches have been made on deficit reduction, that the message sent by adding $774 million in add-ons is inappropriate, and the American people would not support it.

Let me conclude by just reading a short statement from the administration on this. The administration says in this statement of administration policy:

> The Administration is committed to balancing the Federal budget by the [fiscal year] 2005. The President's budget proposes to reduce discretionary spending for [fiscal year] 1996 by $5 billion in outlays below the FY 1995 level. The Administration does not support the level of funding assumed by the House or Senate Committee 602(b) allocations.
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> * * * * *
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> The Administration strongly objects to $648 million in funding for approximately 100 unrequested military and family housing construction projects. With the Nation facing serious budget constraints, such a spending increase is not affordable.

Mr. President, let me also point out there is an item in here that I think people just need to be aware of. That is, this subcommittee of Appropriations has been given the job of funding, as I understand it, the renovation of the Pentagon. There is $161 million in this bill for renovation of the Pentagon. I support that funding. Frankly, when I saw the figure, I was a little bit taken aback and thought maybe this is a bit excessive. I know that is a big building, but $161 million is a lot of renovation. Then I noticed in the bill, on page 20 of the bill, a provision which really did, I think, cause me to think we should focus on this. It says, "None of the funds appropriated in this act may be transferred to or obligated from the Pentagon reservation facility renovation unless the Secretary certifies that the total cost for planning, design, construction, installation of equipment for the renovation of the Pentagon will not exceed $1.2 billion."

Mr. President, I thought the $161 million was a little excessive. Now I understand the $161 million is next year's installment on renovation of the Pentagon. It is $1.2 billion which this committee is saying is the total that they are going to agree to provide.

So I make this point for my colleagues, just to make the point we are not being stingy with the military. This is not a case of the military being totally left unfunded. They are getting nearly a 20-percent increase from last year's funding in military construction. We are agreeing here to go up to $1.2 billion to renovate the Pentagon. In our amendment, we are not in any way interfering with the addition of $474 million of Member interest items. We are just saying, let us draw the line someplace, and that someplace ought to be at the level that the administration requested. That means we ought to strike $300 million of those add-ons as part of this bill.

So that is a brief explanation. My colleagues from Arizona and Nevada wish to speak on this. I, therefore, reserve the remainder of my time, and I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BURNS. Mr. President, I think the Senator from New Mexico raises a couple of good points. If you look to see what we have done in the past, we have been very negligent in providing housing, especially for our enlisted personnel in the military. When we changed the philosophy on how we were to maintain our military forces, when we went to an all-military Army, Navy, and Marine force, we made a covenant with those people that if they are volunteering and they make this a career, we are going to provide some kind of quality of life. I think this is the first time that we have made an investment this large in the infrastructure for the quality of life for our enlisted people.

I was shocked when visiting some of the bases that we actually have people who are living off base, who have to go to lease a house, or rent a house, or even purchase a house. This has caused them to qualify for food stamps. I do not think this is very good when we ask those people to stand in harm's way for this country and to represent us in some areas where maybe some of us would refuse to go.

I am very much aware that for the first time we have changed the thrust of military construction.

Then let us look at another end of it. In the base closing and the realignment, we are trying to move some of the facilities that we have closed into private hands, to dispose of that property. But due to some environmental laws, like third-party liability, those properties are not worth anything until we clean those properties up. And that is where the big expense is coming in with base realignment. We have chosen to close military facilities to save money. We are having to shift some funds over into BRAC in order to close those facilities and make them available to either private sales or to be used for some other part of Government operations.

Mr. BINGAMAN. Mr. President, could I ask the Senator from Montana if he would yield for a question?

Mr. BURNS. I am happy to yield.

Mr. BINGAMAN. I want to be sure there was understanding between us. Our amendment does not cut any of the funds that are being appropriated to carry out the BRAC recommendations, either the previous BRAC recommendations or these BRAC recommendations. They are strictly add-ons in other areas and not in BRAC.

Mr. BURNS. I would respond to the Senator and say this: Because we had to use up so much money in that, we had to have money for the Guard and Reserves. The President's request had very little for the support of our Guard and Reserves and facilities around the country outside of the normal activity of our military because so much of the original request is taken up by base closure and realignment.

Mr. BINGAMAN. Mr. President, let me ask one additional question of my colleague. He understands also that our amendment does not interfere with the appropriation of $474 million in add-ons which would totally satisfy the Guard money or Reserve money add-ons, as I understand it. What we are saying is that above and beyond, if the Appropriations Committee chose to give that a priority, there would be funding to do all the Guard and Reserves. It is just a question of whether or not we are going to add $300 million more to that.

So I want to be sure that was clear, Mr. President.

Mr. BURNS. I appreciate the concerns of the Senator from New Mexico, but the shift of trying to direct our dollars into quality of life caused some of that in some areas.

So with that, I really believe that there is as much fairness and thrust in this bill as we could possibly have and still complete the mission of military construction.

Mr. President, I yield the floor and reserve the remainder of my time.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BINGAMAN. Mr. President, I yield 10 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 10 minutes.

Mr. McCAIN. Mr. President, I congratulate Senator BURNS and Senator REID for a very fine piece of legislation. I would like to talk about some of the details of it. But the issue before us is the Bingaman amendment.

Mr. President, I support the Bingaman amendment. I want to just point out one simple fact. If you asked the military leadership in this country what their priorities are, "If you had $300 million, what would you do with that money," I promise you, Mr. President, that military construction would be somewhere around seventh or eighth on their priority list. And the fact is that we add money for military construction because it helps us as Members of the U.S. Congress.

Mr. President, if I had $300 million in addition, I would take it and modernize the force, I would provide more steaming hours and flying hours, and I would try to reduce the backlog of depot maintenance, which in some cases is 3 or 4 years. There are myriad uses that I could find for this money before military construction, and the military leadership in this country will tell you the same thing. If they had requested $300 million in addition, it is nowhere to be found.

So, Mr. President, the point is that it is not that these are not good and worthwhile projects that the committee has earmarked for. In fact, they meet the criteria. And I want to congratulate Senator BURNS and Senator REID for adhering to the criteria that we have laid down in the authorizing committee and now has been adopted by the appropriating committee. It is not that they are not good projects. It is all a matter of priority as to where we spend the taxpayer dollars.

The Bingaman amendment, in my view, Mr. President, has nothing to do with the quality of the projects for which these moneys are being spent. It all has to do with the priorities of where we spend taxpayer dollars that are earmarked for defense.

This bill is $300 million more than that requested by the President of the United States and requested by the Pentagon.

Mr. President, the issue is very much more complicated than that. I want to say again that Senator BURNS, Senator REID, and the subcommittee have come up with a good bill. They made progress over the last year, and begin to limit add-ons of unrequested military construction projects.

Last year, the Congress added over $1 billion for specific unrequested military construction projects. This bill, although I believe it is too high in total, adds only about half of that amount.

I am particularly pleased that the committee apparently, as I mentioned, adhered to the stringent criteria adopted in last year's Defense authorization bill. And there are many laudable provisions in the bill, including approval of the new family housing initiative; increased emphasis on environmental restoration funding for the BRAC accounts; no funding for the requested Army museum; they deleted land transfer language which was contained in the House bill; authorization for the Services to use barracks construction funding for renovation, if that would be a less costly alternative; and a specific requirement that all projects must be specifically authorized, since the bill contains projects which are not in the Senate version of the authorization bill.

Finally, I am particularly pleased that the Appropriations Committee chose to give more visibility to the ongoing efforts to renovate the Pentagon complex.

There are two areas where I am very disappointed in the recommendations of the Appropriations Committee. First, the $300 million add-on—and, as I repeat, I have not heard from one of the military service chiefs that military construction is their highest priority. And it is about time, I say to my colleagues, that we listen to the military as to their priority rather than our own.

Mr. President, at the full committee markup, an amendment was offered to add another $250 million in unrequested projects to the military construction budget above the request and above the subcommittee's mark. I argued against the amendment at the time because I believed that these additional funds would be better used for higher priority requirements of our military service chiefs or to meet the must-pay bills for ongoing contingency operations. Secretary Perry requested $1 billion in order to pay for ongoing contingencies which will not be canceled in the upcoming year. We authorized $125 million, not the $1 billion. That is one area where these additional add-ons could have gone.

Ultimately, the Armed Services Committee chose to authorize half that amount, an additional $125 million of the total of $7 billion added to the budget request for military construction above the total amount requested in these accounts. While all of these additional projects also met the established criteria, I continue to believe unrequested military construction projects should not be funded while validated military requirements go unfunded.

I will work very hard during floor consideration and conference with the House National Security Committee to limit the total amount of add-ons to not more than the level recommended by the Senate Armed Services Committee. Therefore, I urge the appropriators to make those reductions in the bill today in the form of the Bingaman amendment.

Mr. President, the bill language directs the Department of Defense to include funding in 1997 budget requests for three specific projects:

A new national range control center at White Sands missile range in New Mexico; a child development and galley facility at Fallon Naval Air Station in Nevada; and a new construction project at Fort Lawton, WA.

Mr. President, we do not need to do those kinds of things. Let us let the Pentagon make the recommendations themselves.

Mr. President, during this first year using the evaluation criteria for Member add-ons which was adopted last year, I have discovered an oversight which I hope to correct for next year's budget review. I intend to add to the established criteria a requirement that requests for add-ons be screened for priority against the relevant service's unfunded military construction priorities.

For this year's bills, I have asked my staff to work with the military services to verify that each of the unrequested military construction projects added by Congress are the next highest priority projects for the services. I also believe it would be useful for the Department of Defense to do their part and temporarily withhold obligation of funds for unrequested military construction projects which are determined to be low priority. I am preparing a letter to the Secretary of Defense suggesting that he request congressional approval to transfer any funds appropriated for low-priority projects to higher priority military construction projects.

Mr. President, the good news is that the total amount of military construction add-ons this year will be significantly less than the $1 billion added last year. In just 1 year that is significant progress. The bad news is that when additional funds are available for defense, it is difficult to argue successfully that none of these additional funds should be spent for military construction projects. But even with the additional defense funding, must-pay bills and high-priority military requirements go unfunded. We still have a long way to go in the fight to eliminate unnecessary spending from the military construction bill.

I wish to congratulate Senator BURNS for a good bill and the fine work that he and his staff and Senator REID and his staff have done. We do not need the $300 million in addition.

If the Bingaman amendment fails, then, Mr. President, I will be compelled to vote against the bill.

I urge all my colleagues to vote for the Bingaman amendment.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. COVERDELL). The Senator from Arizona has 1 minute 20 seconds.

Mr. MCCAIN. Mr. President, I yield back the remainder of my time to Senator BINGAMAN.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Montana.

Mr. BURNS. I yield 7½ minutes to the distinguished Senator from South Carolina [Mr. THURMOND].

The PRESIDING OFFICER. The Chair recognizes the Senator from South Carolina.

Mr. THURMOND. Mr. President, I wish to compliment Senator BURNS and Senator REID for their leadership in bringing this bill to the floor. They have done a good job.

In large part this military construction appropriations bill mirrors the construction priorities and criteria for projects established by the Armed Services Committee. I am particularly pleased by the emphasis placed on projects that will enhance the quality of life of the men and women in our military and on projects which will enhance the readiness of our Armed Forces. The bill also fully funds the base closure account request and provides the necessary funds to support environmental compliance projects. Both are areas which have historically been used as sources of funds for other projects.

Mr. President, I believe this is a sound bill, and I urge my colleagues to support it.

Because I believe this is a good bill, I oppose the Bingaman-McCain amendment.

There should no longer be any doubt that the administration's proposed defense budget is underfunded. Although Secretary Perry increased funding for quality of life construction projects over the next 6 years by $2.7 billion, there are very serious shortfalls in the Department's military construction programs. Let me identify just a few of the most startling:

According to the Congressional Research Service the current backlog of deferred maintenance and repair for family housing alone totals over $2 billion; Air Force Housing units do not measure up to contemporary standards; 75 percent of the Army's family housing does not adequately meet Department of Defense Standards; 80 to 85 percent of the Army barracks do not meet current Department of Defense Standards; the Navy's current funding requirement for revitalization of family housing is $1.7 billion; and, at current funding levels it would take over 40 years to eliminate the space and revitalization backlog for Navy and Marine Corps housing.

Mr. President, in addition to these startling figures, there are requirements for new mission facilities that are not being addressed in the administration's budget request. There are both active and reserve units which have been assigned new missions or new equipment but have not been provided the facilities to accomplish their new missions or support that equipment. This military construction appropriations bill provides for some of those shortfalls.

Because there are always allegations that some of the projects in the bill may be wasteful, I had my staff review each project. They reported that to the best of their knowledge each project that is in this bill but not in the Armed Service Committee's bill meets the same rigorous criteria that Senator MCCAIN and Senator GLENN, the chairman and ranking member of the Readiness Subcommittee, impose on projects included in the Armed Services Committee's bill.

Mr. President, some of my colleagues may not appreciate the additional funding and construction projects included in this bill. However, I am confident that the men and women of our armed services and their families who will benefit from these projects will be most appreciative.

I ask my colleagues to support the bill and vote against the Bingaman-McCain amendment.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. BURNS. Mr. President, I yield 5 minutes to the distinguished Senator from Missouri [Mr. BOND].

The PRESIDING OFFICER. The Chair recognizes the Senator from Missouri.

Mr. BOND. I thank the Chair and I thank the managers of the bill for giving me this opportunity.

I rise as a Senator from Missouri and, as important, as cochairman of the National Guard Caucus to register strong objections to this amendment. I appreciate very much the thoughtful comments of the distinguished chairman of the Armed Services Committee. I think his report on the review done by his staff on these projects should allay any fears that any of our colleagues may have about the projects in this bill.

As has already been noted, the Senate this year was again forced by the administration to make sure that defense infrastructure would be adequately funded. Active force infrastructure has traditionally been adequately funded, or at least better funded, whereas the National Guard forces traditionally have been underfunded. Why has it been this way, many have asked? The answer which is whispered through the halls of this building is that the Department of Defense relies on Congressmen and Senators to take care of the Guard. It is no accident that most of the people in the Pentagon are active military, and they realize that if they take care of their needs, they hope those of us who live in the real world will take care of our citizen soldiers. We have done so before. We are trying to do so now and we will in the future, because most of us—I think a significant majority of this body—care about the welfare and the readiness of the National Guard and the Air National Guard even if there are some who do not.

Now, this year the administration proposal funded the Army Guard infrastructure to the tune of $18 million—$18 million for the entire Army Guard infrastructure for all 50 States and Puerto Rico; $18 million for the entire Army Guard as against $473 million for the Army, which in and of itself was shortchanged by some $38 million by the administration.

If the Senators respect our citizen soldiers and the vitally important missions that they provide in our States, as well as in support of our national defense mission, then they must rectify this shoddy treatment of those who protect us.

My colleague from Montana, the distinguished chairman of the subcommittee, and his ranking member, the Senator from Nevada, have done just that. They have done it with strict adherence to the rigorous set of standards for the necessary quality of life and readiness projects included in the mark of the bill that came out of the Appropriations Committee.

The Air National Guard received $85 million, approximately half of the funding required for much-needed projects.

Let me state that in my State of Missouri, for instance, we had sought money, and this bill provides money, to improve sewer systems in order to ensure that our disaster relief headquarters, located at an Air National Guard facility, can be utilized during flood disasters. Do the sponsors of the amendment want to deny the citizens of Missouri adequate protection?

I found with great interest, as I looked on page 45 of this bill, that the State of New Mexico has this same kind of project. It happens to be that the storm drainage system and other storm drainage system provisions, two different provisions for New Mexico, are included because they happen to be at active bases.

I do not believe that our needs for disaster relief protection and services are any less because they happen to be at an Air National Guard facility rather than an active base.

The distinguished chairman of this committee considered each of the programs added to this military construction bill for the practicality of it being executed in fiscal year 1996, assured it was the highest priority for the base commanders and the National Guard tags, site availability, its inclusion in the FYDP and its overall quality of life and readiness importance. These are critically important projects, and I am very pleased that the managers of the bill decided to include these measures in this appropriations measure.

If any of my colleagues are thinking about voting for this amendment, let me assure you, it is to turn your back on our National Guard personnel. Currently, this is the only place we have to maintain the infrastructure readiness and the quality of life necessary to make sure our National Guard can function in its civil and national defense mission. We are trying to get the administration to acknowledge the Guard's requirements, but let us not hamstring our Guard for the administration's shortsightedness.

I urge my colleagues to support the managers of the bill and to defeat this amendment.

I yield the floor, and I thank the Chair.

The PRESIDING OFFICER. The Senator's time has expired. Who yields time?

Mr. DOMENICI. Mr. President, I rise in opposition to the amendment to reduce funding in the military construction appropriation bill by $300 million.

The committee used stringent criteria for producing this bill. As I understand them, projects were selected if they met one of the following minimum criteria.

The project is included in the Defense Department's future year's defense plan; the project can be executed in fiscal year 1996; the project is authorized in fiscal year 1996; or the project is the highest priority for the base.

Mr. President, I think these criteria are reasonable and I believe the subcommittee has done an excellent job in producing this bill.

The 1996 budget resolution provided an additional $7 billion in budget authority and $2 billion in outlays above what the President requested.

These additional funds can only be used for defense activities.

Certainly some of these funds should be used to adequately fund military construction and family housing projects which are key to readiness and quality of life for military personnel—and this is exactly what the Appropriations Committee did.

I urge my fellow Senators to vote against this amendment.

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Nevada.

Mr. REID. Mr. President, I ask unanimous consent that the time at 10:20 be extended for 5 minutes; that the proponents of the bill have 5 minutes and those opposing the bill have 5 minutes and that will close debate. We will yield back the rest of that time.

I ask unanimous consent that the vote occur on or in relation to the Bingaman amendment No. 1834 immediately following the stacked votes relating to the rescissions bill, which will begin at approximately 11 a.m. this morning.

Mr. BINGAMAN. Reserving the right to object, I just want to be sure I will get the opportunity to sum up and make the case for my amendment last.

Mr. REID. That is appropriate.

Mr. BINGAMAN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. REID addressed the Chair.

The PRESIDING OFFICER. The Senator from Nevada.

Mr. REID. Mr. President, I think the last two statements have told it all. I do not think anyone would consider the chairman of the Armed Services Committee, the senior Senator from South Carolina, a big spender. I do not know of anyone in the history of the U.S. Senate that has had more of a reputation for watching where the pennies go than the Senator from South Carolina, and he has stated that this amendment should be resoundingly defeated.

We also have heard from the chairman of the National Guard Caucus and, in effect, he has also said that the Pentagon tends to protect its own and they do not really consider their own the National Guard and the Reserve component of the military. They would rather use the money on their own and, therefore, traditionally what they do is nothing regarding the Guard and Reserve. We for many years have had to be the spokesperson for the Guard and Reserve. That is not the way it should be, but that is the way it is. The Guard and Reserve deserve more than what this administration and what the Pentagon has given them in this budget and budgets gone by.

Mr. President, this add-on, as we call it, is not for anything that is lavish. What we are saying is that we believe that family housing is important. Family housing is important. We have people living in homes with their families, homes over 50 years old, built during the Second World War and built to last during that war. The war is long since gone and people are still living in those homes.

As the chairman of the subcommittee has announced, there are facilities in the United States where people cannot live on base. They are living off base. Because it costs so much money, they have to draw food stamps, even though they are part of the U.S. military. That is wrong.

We also are concerned in this bill about single soldier barracks. We think they deserve more. Facilities were constructed very rapidly during the Second World War and were to last through the war, and now 50 years later, soldiers are living in the same places. They deserve more.

We have been very frugal as it relates to officers housing. There were numerous requests for housing for general officers that we did not honor. We went and looked at family housing and single soldier barracks.

These add-ons are not a budget buster. All Members should understand, we are not busting any budget. We are totally within our 602(b) allocation, but we felt our Guard and Reserve deserve more than what they were given by the Pentagon and by this administration.

The committee evaluates rather than the Pentagon. It is as simple as that. That is not the way it should be, but, Mr. President, that is the way it is. The budget requested by the Department of Defense has, once again, in past years neglected to address the military construction needs of the National Guard, both Army and Air.

I say to the senior Senator from Arizona, there are lots of other places these moneys could be spent, but this is a Military Construction Subcommittee budget and that is where we are obligated to spend the money, not on giving the Navy more days to practice their specialities in the water, doing all the things that the Senator from Arizona indicated should be done. We recognize there is a lot more need in the military, but in the Military Construction Subcommittee, we have put the money where it should best be spent. I have not heard anyone say these projects are not worthwhile. They are needed.

The administration requested only $182 million for the Guard and Reserve, compared—listen to this—to $574 million appropriated last year. This year's recommendation is 20 percent less than last year, $452 million.

Also included in this bill, as I have indicated and as has been spoken by the Senator from New Mexico, is a $161 million appropriation to begin renovation of the Pentagon. That, too, was put up earlier as part of the history of this country. It is badly in need of repair, and we are beginning that. That is also a burden on this budget.

This bill, I again indicate and emphasize, is a long-overlooked quality-of-life initiative, particularly in family housing and barracks. These initiatives make up nearly one-third of the total military construction markup.

We should be given some credit for that, Mr. President. These are not programs that are wasteful. The chairman of the full committee, the Armed Services Committee, has come here and said this is important. We must do a better job for the people that are defending our country. During times of crisis, the Guard and Reserve are called upon, and in the future, with the cutbacks we have had, they will be called upon even more. We must recognize that it is necessary to fund this bill as outlined.

The PRESIDING OFFICER. The Chair advises that the manager's time has expired.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, am I correct that there is an additional 5 minutes reserved for me?

The PRESIDING OFFICER. The Senator is correct.

Mr. BINGAMAN. Mr. President, let me make the obvious point here that this is not a question of whether people support the military, or the National Guard, or family housing, or money for base realignment and closure. The President, in the budget sent to this Congress, asked for an increase of just about 20 percent in military construction from last year for military construction and family housing both.

There is a request for $605 million—an additional $605 million—for family housing, above what we had last year. There is over $1.2 billion in additional funding to carry out base realignment and closure.

The amendment that I am offering in no way interferes with any of that funding. The amendment that I am offering says that, in addition to what the President requested, the subcommittee can add $474 million of add-ons. But they should not be able to go above that. It should not be $774 million of add-ons. That is all I am saying. Let us keep the amount spent in this area within the confines of what the administration requested.

Mr. President, we have two standards in this Senate and in this Congress. It is one standard when it is military spending and a totally different standard when it is domestic spending. You are seeing a very good example of it in the arguments being made around here right now.

Deficit reduction was a big issue in this Senate last month. I remember lots of speeches last month, the month before that, and the month before that, about how we have to make tough decisions. The time has come, and business as usual cannot continue. The American people want some change; they do not want excessive spending in these areas. Well, that is what this amendment is about.

All this talk about the National Guard—all of the requests for the National Guard that are being funded could be funded in the $474 million of add-ons that we are not in any way interfering with. The family housing—the $605 million there—we are not interfering with that. The simple fact is, Mr. President, the additional $300 million that is in this bill, which I am now proposing we strike, is not a priority for the military; it is not a priority for the country.

The Senate needs to go on record about whether we are serious about deficit reduction. We are very good at giving speeches, going home and saying, boy, we are really doing the right thing, and we are making the tough decisions. This is not that tough a decision, Mr. President. This is $300 million that the military says is not a priority. There is no reason why we need to be going ahead and spending it. That is the simple issue.

I believe the taxpayers of this country would support our amendment to delete this $300 million and have it available for a higher priority—military use, or have it able for some domestic use, which would be a higher priority—or apply it to deficit reduction, which is what the amendment calls for. It essentially says let us not spend that $300 million which is not a priority.

So that is the amendment. I hope very much the Senate will support it. I think the people send us here to Congress to make tough decisions about what our priorities are. If deficit reduction is a priority, people ought to vote for this amendment.

I appreciate the chance to explain the amendment.

I yield back the remainder of my time.

Mr. BURNS. Mr. President, one-third of this BRAC is living conditions, and the rest of it is for readiness. We must never forget about that. By a previous order, this vote will come in the stack with the rescissions votes.

I move that this amendment be tabled, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. BYRD. Mr. President, reserving the right to object, how many votes are being stacked?

The PRESIDING OFFICER. The Chair advises the Senator from West Virginia that according to this agreement, there would be four.

Mr. BYRD. Would there be an explanation of the vote just prior to taking that vote?

Mr. BURNS. I say to my friend from West Virginia, that has not been established. But I have no problem with that. Do we need a minute on each side?

Mr. BYRD. Four minutes equally divided, how about that?

Mr. BURNS. I have no problem with that.

Mr. BYRD. I thank the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR ADDITIONAL DISASTER ASSISTANCE, FOR ANTI-TERRORISM INITIATIVES, FOR ASSISTANCE IN THE RECOVERY FROM THE TRAGEDY THAT OCCURRED AT OKLAHOMA CITY, AND RESCISSIONS ACT, 1995

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of H.R. 1944, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1944) making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Wellstone/Moseley-Braun Amendment No. 1833, to strike certain rescissions, and to provide an offset.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, first of all, I would like to take this occasion to thank Senators WELLSTONE and MOSELEY-BRAUN, the minority leader, the majority leader, the White House, and all the participants who have sought to resolve this issue and bring this to a vote on the rescissions package. I also thank Senator BYRD, as our ranking member of this subcommittee, for giving leadership in every instance of this committee's activity. And I especially want to thank Senator BYRD for his participation, as well.

Mr. President, the Wellstone amendment adds back $651 million into the rescissions package, or reduces rescissions by that figure; $332 million for 8 education and job training programs; and $319 million for the Low-Income Energy Assistance Program.

These add-backs are over and above the levels for these programs negotiated with the President of the United States, the White House, the House of Representatives and the Senate, as well, and this includes the Democratic leadership of both the House and Senate.

In the case of youth training, education technology, and the Eisenhower Professional Development Programs, the add-backs in the Wellstone amendment exceed the levels agreed to in the so-called Dole-Daschle compromise. That was back when the rescissions package was being acted upon by the Senate. And the Dole-Daschle compromise became our point of reference, our guidelines in the conference with the House of Representatives. That was the original rescissions package.

Let me emphasize again that in those areas, the Wellstone amendment exceeds those levels that this Senate passed. The provisions of H.R. 1944 are the product of extensive negotiations over several months.

To add back funding for these programs at this time jeopardizes the enactment of this bill. I say that because of the fact that if we change this bill, it goes back to the House of Representatives again for an action, and if the House of Representatives refuses to adopt any changes that we have made in this rescissions package at this time, they can demand a conference, and we would be back into that process of a conference. Notwithstanding that, we would be thrown back in the situation of negotiating again with the White House, who vetoed the first bill.

To add back funding for these programs at this particular time jeopardizes the enactment of this bill, which is an emergency supplement to assist in providing for disaster assistance, for antiterrorism initiatives, for assistance in the recovery of the tragedy that occurred in Oklahoma City, and for making rescissions.

Additionally, the Wellstone amendment jeopardizes funding for fiscal year 1996 for the very programs he seeks to protect. Without enactment of H.R. 1944, the Labor-HHS and Education subcommittee alone will be forced to absorb an additional $3 billion in budget authority and $1.3 billion in outlays within its already reduced allocations for 1996, because of the reduced budget resolution.

The committee already has a tough job ahead. Adoption of the Wellstone amendment would make that job even more difficult by putting off until another day on reducing the growth of Federal spending.

Mr. President, how many minutes did I use?

The PRESIDING OFFICER. The manager has 5 minutes and 40 seconds.

Mr. HATFIELD. I yield to the Senator from West Virginia.

Mr. BYRD. Mr. President, Senator HATFIELD is one of the finest chairmen that I have had the pleasure to work with and to observe during my 37—going on 37—years in the Senate. He has a bright intellect. He has an understanding manner. He is gracious always. He is a gentleman. He speaks with conviction. He is one of my real profiles in courage that I have seen during all these years. It is a pleasure to work with the Senator. I admire the Senator. I respect him, and hold for him the highest, very highest, personal esteem.

Mr. President, as Senators may recall, many months ago the Senate and House initiated an appropriations bill for urgently needed FEMA funds and that measure, H.R. 1158, contained rescissions which were more than sufficient to cover the FEMA supplemental request as well as additional, smaller supplemental items that were contained in that measure.

After House and Senate passage, a conference agreement on H.R. 1158 was reached and, after passing the House, was taken up by the Senate on May 25 and was adopted by a vote of 61–38. At the time, there were a number of Members on this side of the aisle who felt that the conference agreement should be defeated because it did not contain a number of the items that were included in the Senate bill, pursuant to the Dole-Daschle amendment.

Nevertheless, I urged the President to sign the conference agreement on H.R. 1158 because it contained the appropriations for FEMA disaster assistance of $6.7 billion. It also made a very sizable reduction in the deficit. We were told that by the end of May, or shortly thereafter, FEMA would no longer be able to obligate funds to finance relief efforts associated with the Northridge earthquake and with other declared disasters throughout the Nation resulting from floods and storms in 40 States.

Nevertheless, the President chose to veto H.R. 1158 and he set forth his reasons for doing so in correspondence to the Congress which accompanied his veto message.

Following that veto, the House and Senate leadership reached an agreement with the President on a package of changes to H.R. 1158. Those changes were incorporated into a new bill, H.R. 1944, which passed the House of Representatives some weeks ago. Senators may recall that during an attempt to pass H.R. 1944 prior to the Fourth of July recess, Senators WELLSTONE and MOSELEY-BRAUN exercised their right to insist that the bill not be passed under a unanimous-consent agreement and that they be allowed to offer amendments to the measure.

Negotiations with the leadership have been ongoing since the recess in order to find a way to accommodate Senators WELLSTONE and MOSELEY-BRAUN and to also ensure that the Senate finally pass this very important appropriation and rescissions bill and get it to the President for his signature so that its provisions can take effect. As a result of those negotiations, an amendment is pending which was proposed by Senators WELLSTONE and MOSELEY-BRAUN.

Mr. President, I fully understand the importance which Senators WELLSTONE and MOSELEY-BRAUN place on the program for which they are proposing addbacks. I also have no qualms with their proposed offsets for those addbacks—namely DOD administrative and travel expenses.

Mr. President, I compliment both the distinguished Senators. I admire them for their pluck, their courage and for their convictions. I wish that more Senators could demonstrate the same kind of courage and convictions and pluck. It takes courage. It takes courage to stand up in the face of criticism that was directed against them. I have no criticism of them.

I do have, as I say, a tremendous admiration for both Senators, fighting for what they believe in. Who can quarrel with that? After all, this is the Senate, the forum of the States, in which Senators can stand on their feet and speak as long as they wish to speak. I shall always defend their rights to do that. So I fully understand the importance of these programs. I share their views.

I will not, however, vote for the amendment because if either part of the amendment is adopted, that would cause the bill to go back to the House for further consideration. I do not know what the House would do at that point. I do know that further delay would be inevitable. Mr. President, it is time to end the months of delay that have occurred on this bill and send it to the President for his signature. He has indicated that he will sign it—he will sign it—in its unamended form.

I will reiterate the key provisions of the bill: It contains an appropriation of just over $6.5 billion for emergency disaster assistance for the victims of various disasters; under the Byrd amendment, the bill will reduce the deficit by approximately $9 billion; and the rescissions contained in the bill will result in a freeing-up of approximately $3.1 billion in outlays for fiscal year 1996 appropriation bills, which can be used for other purposes. This is so because the outlays which would have occurred in 1996 from the appropriations for which these funds are rescinded will no longer be required. This will help ease the pain for the various appropriation subcommittees with jurisdiction over important discretionary programs in achieving the deficit reduction targets for fiscal year 1996.

Mr. President, I once again congratulate the chairman of the committee, Senator HATFIELD, for the tireless effort he has put forth in helping to resolve the differences between the President, the House, and various Senators on these difficult matters. I know that a number of Senators are still displeased with this bill but, on balance, I believe that it deserves the support of the Senate for the reasons I have set forth.

The need to pass this rescission bill cannot be overstated. The Appropriations Committee has begun its work on the fiscal year 1996 bills. Failure to capture the outlay savings contained in this bill will make things even more difficult in the weeks ahead when the Senate takes up the fiscal year 1996 bills.

Several subcommittees are planning to mark up their bills next week. However, whether they are in compliance with their allocations is linked to action on this bill. In the case of the Interior bill, for example, it means a difference of over $100 million. So if we don't pass this bill, the Interior Subcommittee will have to go in and cut over $100 million in addition to the over $860 million already being cut below this year's level.

The PRESIDING OFFICER. The Chair advises that the Senators from Illinois and Minnesota have 30 minutes.

Mr. WELLSTONE. Mr. President, if I could get the attention of the Senator from West Virginia, I thank the Senator for his gracious remarks. It means a great deal to me personally and I am sure to Senator MOSELEY-BRAUN as well.

Mr. BYRD. I thank the Senator.

Mr. WELLSTONE. Mr. President, principle and people, not power and prerogatives, that is what this debate is about.

Two Fridays ago we came to the floor and we said, regarding these kinds of cuts in programs that have such a dramatic impact on people's lives in our States and around the country, this cannot be a Stealth Senate, we demanded the right to have debate, to introduce amendments, and to have those amendments voted on. Now that will happen. That is a victory.

There would have been more amendments, but in one area, where I could not understand why in the world the Senate was making cuts, a counseling program for elderly people so they do not get ripped off on some of the health care plans that are presented to them, that money has been restored through reprogramming—a victory.

But it is about more than power and prerogative, it is about principle and it is about people. We gave our word from the very beginning that we wanted the opportunity to have these amendments on the floor. It has taken 2 weeks of tough negotiations for that to happen. We wanted this to be done in an accountable way. And we live up to our word.

But there is more than power and prerogative here. Last night the majority leader—it is his prerogative—decided we would get started on this bill at 10:30 or 11 o'clock at night, to use up time. Why not have more of the debate during the day when people in the country can observe it and make up their own mind? That is prerogative. That is power.

The majority leader has also made it clear to everyone in this Chamber that if his motion to table our amendments—there will be two separate votes—does not succeed, he will pull the bill. What is this all about? The majority leader says, and I want to make it clear: If you should succeed, Senator WELLSTONE and Senator MOSELEY-BRAUN, I will pull the bill. That is power and prerogative.

But let me please talk about people. The Low-Income Energy Assistant Program, the total cost was $1.3 billion—about the cost of one B-2 bomber. And Senator BYRD and Senator HATFIELD and Senators, when you voted this bill initially out of the Senate, you voted for that full expenditure. You have not contradicted your vote when you vote on low-energy assistance today. But in this deal, that we in the Senate had nothing to do with, we saw a 25-percent cut, $319 million.

Mr. President, I come from a cold-weather State. For most of the low-income energy assistance people it is not an income supplement, it is a survival supplement. Mr. President, 53 percent of them work at low wages; 32 percent are senior citizens; 41 percent are households with small children; 50 percent earn under $6,000 a year. And there are about 300,000 people in my State that depend on this, and many more would be eligible but the funding levels have been cut so dramatically over the years we cannot even help all the people that need some assistance.

I thought we are all our brothers' and sisters' keeper. But please remember it is not just heating assistance, it is cooling assistance. My God, 450 people in our country have died in the last week and a half, 2 weeks; elderly, most of them poor, no air-conditioning, no cooling assistance. And we are cutting this program. What does this say about our priorities? GAO report: "Travel Process, re: Engineering. DOD Faces Challenges in Using Industry Practices to Reduce Costs." All about waste in Pentagon travel budget.

Washington Post series, "Billions Go Astray, Often Without A Trace: Defense Department."

In the LIHEAP amendment I just say, can we not transfer $319 million from all this waste and put it into the Low-Income Energy Assistance Program? Mr. President, my colleague from Illinois will talk with eloquence and power about job training programs for dislocated workers, about job training programs for veterans, about children's programs, education programs. I have not met one Minnesotan in one cafe who has said to me, "Senator, when you do this deficit reduction, cut those job training programs for dislocated workers." Mr. President, all of my colleagues need to understand, when we talk about the Low-Income Energy Assistance Program, which will be the first vote, the House of Representatives has zeroed it out. They did it at 3 a.m. last week. They zeroed the program out. This vote today is all about whether we are going to continue it. That is the meaning of this vote.

There is power and prerogative, and some people here are saying, "If I loose, I will pull the bill." But what about the people in the country who lose? Many Senators signed a letter saying there ought to be the $1.3 billion, that is not too much. Forget the power and prerogative, forget the deal, I say to my colleagues. If we restore this funding for the Low-Income Home Energy Assistance Program, it will go to the House of Representatives and it could be back here at 1 p.m. We all know that. And you cannot say to the people you represent: I am sorry, you go without heating assistance, you are going to be homeless, or you are going to be cold, or you are going to die because of summer heat, because we made a deal with the House and it will take us a few extra hours to pass this bill. My God, I do not see the values behind that kind of position.

I am sorry the White House was a part of this deal. I am sorry the deal was made late at night and then it came over here. And we made it clear we were not going to just let it sail through.

But I say to my colleagues, you do not represent the White House. It does not matter whether you are a Democrat or Republican, we took the position before in the Senate that there ought to be adequate funding. You represent the people back in your States. And people are counting on you.

So I say to my colleagues, this is not about power and prerogative. This is about people and principles. I appeal to every Democrat and every Republican, please, Senators, do not be generous with the suffering of other people.

Let me repeat that. These are not statistics, these are not charts, these are not deals, these are not abstractions. Whatever State you come from, hot weather or cold weather, whether you are a Democrat or Republican: Please do not be generous with the suffering of other people. Vote your principles. Vote for what you believe in. We should win this vote.

I yield the floor. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Chair assumes you are dividing the time.

Mr. WELLSTONE. That is correct.

The PRESIDING OFFICER. In which case you would have 5 minutes 50 seconds.

Mr. WELLSTONE. I will reserve that time. I yield to my colleague.

The PRESIDING OFFICER. The Chair recognizes the Senator from Illinois.

Ms. MOSELEY-BRAUN. Thank you, Mr. President. Thank you, Senator WELLSTONE, for that passionate speech, and one which, I think, sets the tone for the debate on this amendment.

At the outset, I want to add my thanks to the Senator from West Virginia, Senator BYRD, for his kind and complimentary remarks. Frankly, I can think of no higher compliment than to be commended by a Senator who is known worldwide as the dean of the Senate and, indeed, the historian of the Senate. And I can think of no one who has a greater respect for the traditions of this institution and the importance of that tradition than he. So, to have him give such a kind compliment this morning is a singular honor, and I am very grateful to him for it.

I also thank the Senator from Oregon for his diligence in working with us on this matter, because it is something about which both Senator WELLSTONE and I, and I hope many other Senators, feel strongly.

Mr. President, I spoke to the issue of priorities last evening, and I will touch on that again. But I want to speak, really, more in a legislative context, about what it is that is going on here and what we have done and what we are attempting to do. There is an old expression that those who love the law and who love sausages should not watch either of them being made.

So it is with H.R. 1944. To read the title of this bill, it says, "Making emergency supplemental appropriations for additional disaster assistance." Nobody can be against disaster assistance—for "antiterrorism initiative"—something we all would applaud—for "assistance in the recovery from the tragedy that occurred at Oklahoma City." Again, something for which I know there must be unanimous consent.

And here comes the poison pill: And "making rescissions for the fiscal year ending September 30, 1995, and for other purposes." That is the rescissions portion of this legislation that gives rise to this amendment and the controversy that we have had over the last few weeks.

The rescissions portion of this legislation has several aspects to it that I think all Senators ought to a pay attention to. In the first instance, it is, as Senator WELLSTONE points out, a matter of priorities, a matter of principle, a matter having to do with the direction we take as we proceed on the glidepath toward a balanced budget.

In this Senate the members of the Budget Committee adopted a budget resolution which had, on the one hand, the good news that it began to put us on a glidepath toward a balanced budget and began to assert that we were going to begin to get our fiscal house in order.

Mr. President, as a supporter of the balanced budget amendment I could not have been more pleased that we had started in the direction of getting our fiscal house in order and beginning to achieve budget balance. However, Mr. President, this is why this amendment is so important. I was very concerned with the budget resolution, as I am with H.R. 1944, that the approach that we take toward a balanced budget does not fall on one segment of Americans, particularly the most vulnerable Americans, to make more sacrifice, to give more than they can afford to give than any other group of Americans. That is essentially the issue of priorities that is raised in this Wellstone/Moseley-Braun amendment.

Some 62 percent of the cuts in this rescissions portion of this bill come from programs that serve low-income individuals. As we approach balanced budget, I think we have to, as we take the first step toward a balanced budget, ask ourselves a question: As a nation, are we going to call on low-income individuals to make more of a sacrifice than middle-income individuals, than middle-income communities, more than the wealthy?

Without talking about class warfare—this is not intended to be class warfare, Mr. President—the point is we have to take a look at the whole of what we do because a budget is not just about numbers. It is not an abstract exercise. A budget is about people and about priorities, and it makes some very profound statements about the direction in which we intend to have this country go.

Unfortunately, the cuts in this bill, as the first step to the budget exercise, suggest a set of priorities and a direction that I think is most unfortunate. In the first instance, Senator WELLSTONE talked about the cut in low-income heating assistance. That can have real dramatic and particular effect on hundreds of thousands of low-income individuals, particularly senior citizens, all over this country.

The second place that concerns me greatly has to do—and this is the second division of this amendment—with the cuts specifically in the area of education and job training. We are calling upon our children to make sacrifices and to make cuts that we are not calling upon our generals to make, Mr. President. And that, it seems to me, is poor public policy.

Specifically, the bill eliminates the education infrastructure program which is designed to help rebuild some of the dilapidated elementary and secondary schools around this country and the safe and drug-free schools and communities program. These cuts do not take into account that thousands of young people in many communities across this country cannot learn, cannot get to school because of the drug wars that rage in too many of our urban centers and our communities across this Nation overall.

This bill would cut the Education Technology Program—who would argue the point but that we need to make certain that our young people are equipped to go into the 21st century with the same access to education, technologies, and innovations of the information age as any other group of youngsters anywhere else in the world? We are relegating and, frankly, dooming our own youngsters to be in a second-class position when it comes to competing in this international economy if we do not provide them with the tools, with the capacity, and with the access to technologies that they will need to be able to access in the 21st century.

The Eisenhower Professional Development Program—another education cut. Who would argue with the notion that we ought to promote the training of teachers so that the people who train our young people will be able to give them a world-class education.

Those are where the education cuts come from, Mr. President, in this rescissions bill. And that is one of the reasons why we have argued that as a matter priority, we ought to send a signal that it is not acceptable to us that our youngsters take these kinds of cuts, that the initiatives that we have for education, which is our investment not only in the future but our investment in the present, in our human capital, in our human infrastructure, that these are not cuts that ought to be made in this legislation.

To go further, the second part of the cuts in this division of the amendment has to do with job training. If you want to talk about vulnerable populations, I would point out at the outset that one of the first cuts that this second part of the rescissions bill makes is against job training for homeless veterans. How we can say it is OK to cut job training for homeless veterans and not offset those cuts with money from the travel and administrative budget out of the Department of Defense is incomprehensible to me.

Homeless veterans programs get cut in this legislation as does displaced worker training. Displaced workers, people laid off from their jobs from the base closings, or from some event in the various downsizing going on, need assistance to make the transition so their families do not have to go through the trauma of being dependent on welfare and public assistance. Yet, we are going to cut displaced worker training in this legislation.

Mr. President, I know areas certainly in my State of Illinois in which there is 1 percent private sector employment—1 percent. It sounds almost incomprehensible that we could have that kind of economic meltdown in any part of our Nation. With 1 percent private sector employment, and in some instances as high as 89 percent unemployment among teenagers, how then do we say, well, we have to get this bill passed because we do not want it to go back to the House and then go ahead and cut some $272 million out of job training for teenagers who do not have any other option.

That is what is at stake, Mr. President, with this legislation. And I submit to my colleagues, as I did last night, and I spoke to this bill last night, that the real significance—the cuts are bad enough—but the real significance is the direction that this puts us. Our assent to this legislation as it is currently written suggests that it is OK for the budget debate to go forward allowing for these kinds of cuts in these kinds of sensitive areas in which, if anything, we ought to invest our energies as opposed to withdraw our support, and that is the priority debate that we ought to be able to engage at this time.

An interesting thing happened here, Mr. President. This is one of the reasons for the emergency nature of this legislation. The budget that I referenced that has been adopted presumed that this legislation is already passed. The budget presumes that this is already done and it is OK, and we are just going to go forward down the path of trying to achieve balance based on not only these cuts but cuts that are slated to happen in future.

I would just point my colleagues to what has already happened in the House of Representatives with regard to education, with regard to job training, with regard to investment in people, and say, if this is not a precursor of things to come, if this is not the ghost of Christmas present, then what is coming out of the House certainly is the ghost of Christmas yet to come. And it will not be a very nice Christmas at all. Indeed, if anything, I believe that it will cause great strains in the social fabric of our country. I believe that it will put us on the wrong path and exacerbate not only wealth disparity, but exacerbate our inability to provide for a strong America in the future.

That, it seems to me, is the issue. There is no question, Mr. President, that as we address the whole issue of how we get on the glidepath to a balanced budget but that everybody is going to have to make a sacrifice.

I served on the President's Commission on Entitlements and Tax Reform. There is just no question but that we are going to have to have some budget discipline, but that we all are going to have to tighten our belts a little bit, but that we are going to have to have cuts in some areas.

I ask you if it is at all appropriate to have the cuts in areas that provide job training for homeless veterans? I ask you if it is appropriate for us to have the cuts in areas that have to deal with technology training for students? I ask you if it is altogether appropriate to cut the funding for heating assistance for low-income individuals in winter?

The Senator from Minnesota referenced the heat wave that we had in Illinois recently. Quite frankly, we have had over 376 deaths come from the heat wave. Illinois does not have a heating program under LIHEAP, although, frankly, it could. The point I make, there have been 376 deaths from heat this summer, but anybody who knows anything about this United States knows that we have a saying in Chicago: "If you don't like the weather in Chicago, wait a minute."

So this next winter is likely to be as cold as it was hot last week. Are we going to sit back and say, well, it is OK that it is just too bad that those 376 people died. Is that part of the brutal equation that we are buying into as part of our approach to budget discipline? I do not think so.

I think, as Senator WELLSTONE has eloquently said, we should not be too generous with the suffering of others. Yes, we should make cuts, but those cuts should be fairly spread out; that sacrifice should be shared, and it should not fall on any segment of Americans, particularly the most vulnerable communities and constituencies in our country, to give more than their fair share.

Unfortunately, H.R. 1944 calls on the most vulnerable to give the most; those who have the least have to give the most under this bill. I hope this is not the direction that we will take as we engage in this budget debate.

I call upon my colleagues to look closely at what is in this bill. I read the title but look at what actually goes on here. I am not going to get into the debate about what it does for the environment. It has some environmental language that is in my opinion, atrocious. I will not get into that because that was not the focus of these amendments and we have limited time this morning, limited time that I will add, by the way, is unfortunate also because this ought to be a debate in which every Member of the Senate engages.

I ask my colleagues to look at the legislation. Read the bill. It may sound phenomenal but read the bill. It is not too much to ask. And then take a look at exactly where the fine print takes you. The fine print, in my opinion, takes you on a path on which we do not need to go, that frankly is beneath this great body.

I hope my colleagues will support this amendment, allow us to go back and revisit the issue of priorities, allow us to go back and revisit the shared sacrifice and have rescissions legislation and then as we go forward a budget that accurately reflects a vision for America that will give us a stronger America going into the 21st century and not one that is weakened by a shortsighted approach such as this.

The division we are debating here today would restore $319 million for the Low-Income Home Energy Assistance Program [LIHEAP].

I strongly support the LIHEAP program. This program helps economically disadvantaged individuals pay their heating bills during the winter. It also helps these individuals pay their cooling bills during unbearable heat waves like the one which recently swept across the country and is being blamed for up to 376 heat-related deaths in Chicago alone.

Last year, the LIHEAP program assisted 5.6 million households—including 200,000 households in Illinois—with an average income of $8,257.

Of these households, 55 percent included at least one child under 18 while 43 percent included at least one senior citizen.

Although the LIHEAP program is designed to help the neediest members of our society, its funding has steadily declined from $2.1 billion in fiscal year 1985 to $1.3 billion in fiscal year 1995. As a result, 20,000 eligible households in Illinois were denied assistance last year due to a shortage of funds.

I am convinced that further cuts in the LIHEAP program will force even more of our Nation's elderly to have to choose between putting food on their tables and heating their homes.

These cuts will also force energy providers to have to choose between not getting paid for the energy they provide and cutting off their neediest customers.

I voted for the original Senate rescission bill which did not propose any cuts in the LIHEAP program.

I voted against the conference report on H.R. 1158 in no small part because of the $319 million cut it would make in the LIHEAP program.

I urge my colleagues to oppose this cut by supporting the division that Senator WELLSTONE and I have introduced.

I will yield the remainder of my time to the Senator from Minnesota.

The PRESIDING OFFICER. The time of the Senator from Illinois has expired.

Mr. KENNEDY. Mr. President, I strongly support the Wellstone amendment, which will restore funding for the Low-Income Home Energy Assistance Program.

Over 6 million people received aid with heating costs under the program last winter, including 143,000 households in Massachusetts. It also provided urgently needed relief in the previous winter, which was extremely harsh.

Three-quarters of the families receiving LIHEAP have incomes below $8,000. These families spend an extremely burdensome 18 percent of their income on energy costs, compared to the average middle-class family, which spends only 4 percent.

Researchers at Boston City Hospital have documented the heat-or-eat effect—higher utility bills during the coldest months of the year force low-income families to spend less of their money on food and more of it on heat. The result is increased malnutrition among children.

The study found that almost twice as many low-weight and under-nourished children were admitted to the Boston City Hospital emergency room immediately following the coldest month of the winter. No low-income family should have to choose between heating and eating.

But it is the low-income elderly who are at the greatest risk if LIHEAP is cut back, because they are the most vulnerable to hypothermia. In fact, older Americans accounted for more than half of all hypothermia deaths in 1991.

In addition, elderly households are much more likely than other families to live in homes built before 1940. These homes tend to be less energy efficient, and the elderly who live in them are at greater risk.

In addition, low-income elderly who have trouble paying their energy bills are often driven to rely on room heaters, fireplaces, ovens, and woodburning stoves in order to save money on central heating. Between 1986 and 1990, heating sources like these were the second leading cause of fire deaths among the elderly. In fact, the elderly were up to twelve times more likely to die in a heating-related fire than adults under 65.

LIHEAP is a program that makes a difference in all these cases. It makes a difference in human terms. It has been a lifeline to Edythe Aston, an 81-year-old elderly woman living in Melrose, MA. She received funding under the program to replace a dangerously defective furnace in her basement. Her furnace was in such disrepair that she said it could have either shut down altogether or exploded. The LIHEAP assistance she received not only allowed her to heat her house, it also gave her peace of mind that she was safe in her home.

Finally, LIHEAP also benefits communities through its job-creating impact on the local economy. As Robert Coard, president of Action for Boston Community Development, wrote in a Boston Globe article last month, LIHEAP "employs large numbers of community people who may have trouble finding work in industries requiring sophisticated high-technology skills. Many are multilingual—a major asset for this program. The oil vendors who work with the program include many mom-and-pop businesses that depend on fuel assistance to survive. The dollars spent go right back into the economy."

The winter of 1993–94 was an especially harsh one. For the entire month of January 1994, the average temperature in Boston was only 20 degrees, and the price of oil rose to meet the increased demand for heat.

LIHEAP should not be a partisan issue. If Senate Republicans are serious about helping and not hurting the elderly and low-income families, they will join us in restoring these funds. They will stop raiding the wallets and the furnaces of those who need help the most.

I urge my colleagues not to freeze out the Low-Income Home Energy Assistance Program, and to support the Wellstone amendment.

The PRESIDING OFFICER. The Senator from Minnesota has 5 minutes and 50 seconds.

Mr. WELLSTONE. Mr. President, parliamentary inquiry. Is there any other time on the opposing side?

The PRESIDING OFFICER. The only time remaining is the time of the Senator from Minnesota.

Mr. WELLSTONE. Mr. President, first of all, let me just say to my colleague from Illinois that it has been a real honor to be in the Chamber of the Senate with her throughout this last couple weeks.

I say to my colleague from Illinois that I think she is quite right about process. This is just a glimpse of what is to come in terms of really a lack of standard of fairness when it comes to who is asked to tighten their belt. And perhaps it is also a glimpse of what is to come in terms of trying to have a stealth Congress, where you make these cuts at 3 a.m. in the House, you make deals, and come over to the Senate.

I say to the Senator I believe, since this is a glimpse of what is to come, that for us this is just the beginning. This is just the beginning. This will become, I believe, a very important, historic debate in the Senate. I know we are very determined to make sure that happens.

Mr. President, I wish to just summarize because I had a chance to speak earlier, and I wish to speak to one thing I have heard said several times that I really want Senators to think about before they vote. I am just going to take the Low-Income Energy Assistance Program because we are going to have two votes, two different amendments will be voted on.

Mr. President, many Senators, Democrats and Republicans alike, are on record supporting the LIHEAP program. This $319 million that we are trying to restore from the Pentagon travel administrative budget is money that we voted for in the Senate. Senators are for this. The House has now zeroed it out after this deal was made. They have zeroed it out.

This is a vote that could very well determine the future of this program. But to vote to restore this funding is consistent with the position I think of a majority of Senators in this Chamber. It has nothing to do with contradicting the prior vote.

Second, Mr. President, just because the majority leader says if I should fail in my attempt to table these amendments—let us start with the one on LIHEAP—I will pull the bill, I doubt it. We have disaster relief for Oklahoma and California. Senator MOSELEY-BRAUN and I have been very consistent about this. That is why we said we wanted the right to have these amendments. We want some democracy; we want some openness here, and that is why we made it clear once we were able to obtain that right we will go forward. I doubt the majority leader will pull this bill.

Third, I say to my colleagues, it is a difficult argument for you to make back home to the people you represent, and I know you care about, that somehow you had to vote for these cuts in the Low-Income Energy Assistance Program that you do not support because this bill would then have to go back to the House and it would take a few more hours. This bill could go back to the House, and it could be back here at 1 o'clock.

Forget the deals, forget inside Washington politics and think about the people who we represent even if those people do not have the big bucks, even if they are not the heavy hitters, even if they are not the big players.

This vote goes to the whole question of the heart and soul of the Senate. Mr. President, 450 people have died in the last 2 weeks. Cooling assistance is part of this program. My colleague from Pennsylvania is one of the champions of this program. He would be the first to say that. Why are we cutting this program?

Mr. President, I just say this one more time. Whether it is a cold weather State, where this is not an income supplement, this is a survival supplement, whether we are talking about heating assistance or cooling assistance, the total appropriations for this bill were less than one B–2 bomber. And we want to take just $319 million out of a Pentagon travel administrative budget that the GAO says is bloated and wasteful, with all sorts of articles: "Billions Go Astray, Often Without a Trace," and just make sure we have a modicum of funding for low-income energy assistance.

That will be the first vote. I will say it one more time to my colleagues. Before you vote, please think deeply about this. I appeal to Senators: Do not be too generous with the suffering of other people. We can restore this $319 million and we can send this bill over to the House, and it will be back here at 1 p.m. Convenience between House and Senate is an inside process and deals have nothing to do with justice and fairness and what we stand for.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may be permitted to speak for 4 minutes.

Mr. WELLSTONE. Mr. President, reserving the right to object, if the Senator is going to speak against our position, then I would ask for more time on our side.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Mr. WELLSTONE. I would object unless we could have a unanimous consent——

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, I ask unanimous consent that I be permitted to speak for 4 minutes and if the Senator from Minnesota chooses 4 more minutes, it be up to his discretion.

The PRESIDING OFFICER. Is there objection?

Mr. REID. Objection.

The PRESIDING OFFICER. The Senator from Nevada objects.

Mr. WELLSTONE. Mr. President, I would not object at all.

The PRESIDING OFFICER. Objection is noted.

Mr. SPECTER. Mr. President, I ask unanimous consent that I may be permitted to speak up to 3 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. Mr. President, I would object, but I would be pleased to have 3 minutes for the Senator from Pennsylvania and 3 minutes for the Senator from Minnesota and the Senator from Illinois.

The PRESIDING OFFICER. Is there objection?

Mr. REID. I object.

The PRESIDING OFFICER. Objection is noted.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I would like the record to show that we were for all debate today. We wanted it during the daytime. This was not our decision.

Mr. REID. Regular order.

Mr. SPECTER. Mr. President, I ask unanimous consent that I be permitted to speak up to 2 minutes. This is my subcommittee's bill, and I have things to say.

The PRESIDING OFFICER. Is there objection?

Mr. WELLSTONE. I object unless we have 2 minutes to respond.

The PRESIDING OFFICER. Objection is heard.

Mr. SPECTER. Mr. President, I ask unanimous consent that there be 4 additional minutes equally divided.

Mr. HATFIELD. Mr. President, I will have to object to that.

The PRESIDING OFFICER. Objection is heard.

All time has expired.

Mr. HATFIELD. Mr. President, I move to table the first division of the Wellstone amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON MOTION TO TABLE DIVISION I OF AMENDMENT NO. 1833

The PRESIDING OFFICER. The question occurs on agreeing to the motion to lay on the table division I of amendment No. 1833 offered by the Senator from Minnesota [Mr. WELLSTONE]. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT] and the Senator from North Carolina [Mr. FAIRCLOTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 40, as follows:

[Rollcall Vote No. 319 Leg.]

YEAS—57

Bennett
Bond
Breaux
Brown
Burns
Byrd
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
Daschle
DeWine
Dole
Domenici
Exon
Frist
Gorton
Graham
Gramm
Grams
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kyl
Lott
Lugar
Mack
McCain
McConnell
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Roth
Santorum
Shelby
Simpson
Smith
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—40

Abraham
Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Bryan
Bumpers
Campbell
Cohen
Conrad
Dodd
Dorgan
Feingold
Feinstein
Ford
Glenn
Grassley
Harkin
Hollings
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Robb
Rockefeller
Sarbanes
Simon
Snowe
Wellstone

NOT VOTING—3

Ashcroft
Faircloth
Inouye

So the motion to lay on the table division I of amendment No. 1833 was agreed to.

Mr. DOLE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that all remaining votes in the voting sequence be limited to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I move to table the second division of the Wellstone amendment and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON THE MOTION TO TABLE DIVISION II OF AMENDMENT NO. 1833

The PRESIDING OFFICER. The question occurs on the motion to table division II of amendment No. 1833, offered by the Senator from Minnesota [Mr. WELLSTONE].

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT] and the Senator from North Carolina [Mr. FAIRCLOTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The result was announced—yeas 65, nays 32, as follows:

[Rollcall Vote No. 320 Leg.]

YEAS—65

Abraham
Bennett
Biden
Bond
Breaux
Brown
Bryan
Burns
Byrd
Chafee
Coats
Cochran
Coverdell
Craig
D'Amato
Daschle
DeWine
Dole
Domenici
Dorgan
Exon
Ford
Frist
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Heflin
Helms
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kyl
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Roth
Santorum
Shelby
Simpson
Smith
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—32

Akaka
Baucus
Bingaman
Boxer
Bradley
Bumpers
Campbell
Cohen
Conrad
Dodd
Feingold
Feinstein
Glenn
Harkin
Hollings
Kennedy
Kerry
Kohl
Lautenberg
Leahy
Levin
Moseley-Braun
Moynihan
Murray
Pell
Pryor
Robb
Rockefeller
Sarbanes
Simon
Snowe
Wellstone

NOT VOTING—3

Ashcroft
Faircloth
Inouye

So the motion to lay on the table division II of the amendment (No. 1833) was agreed to.

Mr. BRADLEY. Mr. President, I would like to clarify one important question regarding additional legislative language in this bill governing the Community Schools Program passed last year in the crime bill. I appreciate the assistance of the chairman in ensuring that $10 million of the $26.5 million originally appropriated will remain available to assist communities that have designed programs to use school buildings for constructive activities for young people to keep them safe and out of trouble during the afternoons, evenings and weekends.

Additional language was added to the House limiting the use of funds somewhat further than in the authorizing legislation. After this rescission becomes law, funds may be used only for entrepreneurship, academic, or tutorial programs, or for workforce preparation. Although this is a slightly narrower definition than in the original authorization, it follows closely my original intent in developing the program, which was not to encourage purely recreational activities.

The Department of Health and Human Services has done a wonderful job of getting this program underway. Despite a tight deadline, more than 700 applications were received by the May 5 deadline.

Almost all of these applications feature the components that are identified as permissible under the modified requirements in this legislation. However, some of the best applications put these activities in a broader context, including activities such as mentoring and conflict resolution, in keeping with the purpose of crime prevention. Other applications focus on academic and tutorial activities, but address topics outside the underlying school curriculum, which is in keeping with the intent of the legislation, since we did not want to duplicate or subsidize existing school activities.

All of these applications were prepared and the initial evaluation conducted under the original, slightly less restrictive, authorizing language. I would be greatly concerned if HHS were required to start from scratch, reopening the application and evaluation process, in order to meet the most restrictive interpretation of these new constraints.

Therefore, I would like to ask whether it is the chairman's understanding that, under this new language, more comprehensive programs that center around the activities described, but set those activities in the context of a broader program of mentoring or related methods, would be permissible?

Mr. HATFIELD. I thank the Senator from New Jersey for his inquiry. My response is that, he is correct in his reading of this language. The intent is to ensure that academic, tutorial, or work and entrepreneurship programs constitute the primary feature of any local initiative funded through the Community Schools Program. I appreciate that there may be other activities or methods, such as mentoring, that are necessary as part of a more comprehensive program for youth. Community organizations that have already developed applications under the original authorization language should not be required to rewrite their applications to eliminate all mention of such incidental activities.

Mr. BRADLEY. I thank the Senator. I believe this will provide needed clarity to the Department and to the 700 community applicants. This said, however, I would reiterate the intent of this restrictive language: in making these grants, the Department of Health and Human Services should not fund programs that are primarily recreational in nature, or whose primary feature is not academic, tutorial, or directed at developing the potential of young people as workers or entrepreneurs.

Mr. HATFIELD. This is my view also, and I believe it will help to make this program successful.

CENTER FOR ECOLOGY RESEARCH AND TRAINING

Mr. LEVIN. Mr. President, I am concerned about the rescission contained in H.R. 1944 for the EPA Center for Ecology Research and Training in Bay City, MI. The bill rescinds $83 million from this planned facility, leaving about $10 million for close-out costs only.

This facility is very important to my State and I would hope the Appropriations Committee would consider at a minimum funding for the docking and maintenance facility component of the project in the fiscal year 1996 VA, HUD, and independent agencies appropriations bill. A docking and maintenance facility is needed for EPA's Lake Guardian research vessel, which provides important monitoring and research in the Great Lakes.

Mr. BOND. I thank the Senator from Michigan for his remarks. Let me assure him that I understand how important this project is to his State.

The bill rescinds funds for this project primarily because EPA is in the midst of a major reorganization of its research laboratories. EPA already has 39 laboratories, and there is great concern as to whether a new facility is needed or can be afforded at this time.

I understand the plans for the center include a super computer center, a training center, a docking and maintenance facility, and environmental research and analytical chemistry laboratories.

As part of the Agency's laboratory reorganization, EPA should study whether the docking and maintenance facility is critically important in Bay City, and if so, determine the associated construction and operating costs. This information should be provided to the Appropriations Committee as soon as possible so that it may be considered in the fiscal year 1996 appropriation bill for EPA.

The committee will give close consideration to the Senator from Michigan's recommendation for this project, as well as information from the EPA. While I cannot provide any guarantees for funding, I ensure my friend from Michigan that it will receive our serious and careful consideration.

Mr. LEVIN. I appreciate the assurances of the distinguished chairman of the Appropriations Subcommittee. I hope he will also work with me to ensure that EPA is able to fulfill its legal and moral obligations to acquire and remediate, if necessary, contaminated properties where acquisition by EPA has begun.

Mr. BOND. I will make every reasonable attempt, within available funds, to provide EPA with the ability to satisfy the Agency's obligation.

Mr. LEVIN. I thank the Senator from Missouri. His assurances and those expressed by Congressman LIVINGSTON regarding this project, improve the future prospects for the dock and maintenance facility, if not the entire project.

Mr. GORTON. Mr. President, today the Senate will vote to adopt, and send to the President for his signature, H.R. 1944, the revised fiscal year 1995 rescission bill. The legislation before the Senate today is an important first step toward a balanced budget. Once we get to that balanced budget—roughly 7 years from now—the Nation will be relieved of a terrific burden on its people and our economy. There's another form of relief in the rescission bill before us today, and its specifically targeted at natural resource based communities across our Nation that have been destroyed by misguided Federal policies.

The emergency salvage timber provision in this legislation, which has been the subject of many intense negotiations over the past few days, was included in the original rescission bill vetoed by the President, as a way to provide some short-term relief to timber communities in my State.

For 6 long years, rural timber communities in my State have been under siege from their Federal Government, and the implementation of environmental laws that have neglected to consider the impacts of these laws on people. Federal agencies have gone literally unchecked in their imposition of regulations, and restrictions on people and their property, and, the cumulative effects of these actions have resulted in the destruction of rural communities and their way of life.

Mr. President, I know the people who live and work in these communities—Forks, Morton, Aberdeen Port Angeles, Colville—and I am proud to call them my friends. I get angry when actions by the Federal Government result in the destruction of their way of life. Forks, Washington is no different than any other rural community across America. What is different about Forks is that the community has largely been shut down. And what is different about Forks is that the Federal Government has done little, if anything, to acknowledge the fact that this community has forever been changed.

Today timber communities must fight for every log that gets to their mill. Timber communities fight against clever—and not so clever—environmental attorneys that file lawsuits to block Federal timber sales. If success is measured in the number of sawmills shut down, the number of small business with closed doors, the number of workers collecting unemployment checks, and number of close-knit families that have unraveled, then environmental extremists have been hugely successful.

It is fundamental to our ideal of the American dream that an individual have the ability to choose his or her livelihood. As a father and a grandfather, I see endless opportunities for my children and grandchildren, to pursue a career or life's work that will bring them great happiness. I believe this to be a tenet of our American way of life that should not be undermined or compromised, and this Senator will fight to protect and enhance such opportunities, not compromise them.

But Federal agencies and Federal environmental laws have compromised—if not sold out—the dreams of people in timber towns across my State. It was not enough that an individual's life's work was casually disregarded by his Government, but the response from the Federal Government—and from urban area leaders—to their plight was to simply suggest that timber workers just find another job. The arrogance of this statement speaks for itself.

To add insult to injury, this administration put forward a plan—Option 9—that would pour money—hundreds of millions of dollars—into myriad bureaucracies, training programs, forms, and procedures that was supposed to ease the pain of a policy designed to essentially eliminate a vital part of our region's workforce and economy.

Mr. President, it is crystal clear to this Senator, and I hope to many of his colleagues, that the answer to this problem is not arrogant statements that look down upon the time honored way of life in our rural communities, or throwing money at the problem and hoping it will go away. The answer to this problem is simple, we must change the laws that have brought us to this point.

The legislation before us today is an emergency measure that will bring a degree of relief to people in timber communities in my State. It's a good starting point, but this Senator intends to address the underlying statutes that have brought us to this point in the first place.

The history of the emergency salvage timber provision dates back to what is commonly known as "section 318" of the fiscal year 1990 Interior appropriations bill. That provision was crafted by the chairman of the Appropriations Committee, Senator HATFIELD, together with other members of the Pacific Northwest congressional delegation, to address the timber supply shortage in our region. The provision included what is commonly known as "sufficiency language"—language insulating timber sales from frivolous legal challeges filed under various environmental statutes. The sufficiency language included in Section 318 was ultimately challenged all the way to the Supreme Court, where the Court ruled in favor of the goals and principles put forward in the legislation.

The emergency salvage timber provision in the rescission bill before the Senate today includes sufficiency language that was carefully crafted to mirror the sufficiency language in section 318. Why? Section 318 has been tested by legal challenge, and it has survived. The sufficiency language in H.R. 1944 does not attempt to chart new territories on this front, but to follow the carefully crafted language that has been held up under close scrutiny.

In 1992, this Senator offered an amendment on the Senate floor to the fiscal year 1993 Interior appropriations bill that would have granted the authority to the Secretary to move forward with salvage timber sales. During the Senate debate on that amendment, I cautioned the Senate that to allow salvage timber to continue to build up on the floor of our Nation's forests would result in devastating wildfires in future years. The Senate rejected that warning, and my amendment was soundly defeated.

And again, just last year, during the House-Senate conference on the fiscal year 1995 Interior appropriations bill, I attempted to offer an amendment that would give the Secretary the authority to offer salvage sales to improve forest health conditions in our Nation's forests. My amendment was soundly rejected by the Democratic-controlled Congress.

But this year, things are different. Today, after years of struggle and suffering, the voices of timber families in Washington State have finally been heard. Today, the Senate will finally pass legislation, and send it to the President that will result in real relief for people in my State. Real relief, Mr. President, not simply promises on paper to be waved around at press conferences.

EMERGENCY SALVAGE TIMBER PROVISION

The provision in H.R. 1944 is virtually identical to that which passed the House and Senate in the conference report to H.R. 1158. The conference report to H.R. 1158 was, of course, vetoed by the President. The legislation before the Senate today includes four key modifications to the timber language included in the conference report to H.R. 1158. Allow me to briefly explain these changes, and the rationale behind each.

First, in subsection (c)(1)(A) of H.R. 1944, the change worthy of notice was included at the request of the administration. This Senator did not believe that this change was necessary because of the way that the entire provision is drafted. The fundamental concept of the timber language is that the Secretary has the discretion to put forward the salvage timber sales of which he approves. Consequently, I was baffled by the administration's demand that in this subsection language be included to give direction to the Secretary "to the extent the Secretary concerned, at his sole discretion, considers appropriate and feasible" that timber salvage sales "be consistent with any standards and guidelines from the management plans applicable to the National Forest or Bureau of Land Management District on which the salvage timber sale occurs." The administration demanded that some mention of "standards and guidelines" be included in this section. After a series of negotiations this is the compromise that the House and Senate worked out with the administration.

Subsection (c)(1)(A) gives the administration the broadest latitude to prepare the salvage timber sales that it deems appropriate. It already has the discretion to make the decision of whether or not to put forward a sale that is consistent with the standards and guidelines of a particular forest unit or BLM district. Essentially this request by the administration and the language ultimately included at its request is nothing more than redundant.

Subsection (k) releases sales that were authorized under section 318 of the fiscal year 1990 Interior appropriations bill. Roughly 300 mbf of timber sales have been held up due to agency gridlock over the marbled murelett. The administration asked the House and Senate to include in (k)(2) its definition of "occupancy." That change in subsection (k)(2) of the Emergency Salvage Timber provision would undermine the ability to move these sales forward. That suggestion was soundly rejected by the House and Senate authors of the provision.

The language of (k)(2) requires that if a threatened or endangered bird species is "known to be nesting" in the sale unit that the administration not harvest that unit, but come up with an equal amount of timber in exchange for preserving that unit. This was written to give the administration flexibility to protect that individual sale unit in which the bird resides.

I wish to clarify that it is the intention of the House and Senate authors of this provision that the administration must provide physical evidence that the bird is "nesting" in that unit before the administration may enact (k)(3) to avoid the harvest of that sale unit.

The administration also requested that the date in subsection (k) be changed from 30 days for the release of the sales, to 45 days. The House and Senate authors of the provision included this request in H.R. 1944.

The third change included at the request of the administration relates to subsection (l)—Effect on Plans, Policies, and Activities—of the Timber provision. The subsection addresses the effect that salvage timber sales have on other multiple use activities. The provision was revised to create a limited exception to language that prohibits modifying land plans and other administrative actions as a consequence of implementing the section. The change, as requested by the administration, allows for modifications under extremely limited circumstances when needed to meet the salvage program agreed to by the conferees, or to reflect the particular effect of the salvage sale program.

It is critical to note that this modification expressly prohibits the administration from using salvage timber sales as the basis for limiting other multiple use activities. If the administration does need to modify an existing plan or program, project decisions, such as salvage sales, or other activities, cannot be halted or delayed by the modification. This is a critical point. This provision, as included in the conference report to H.R. 1158, was requested by the U.S. Forest Service as a way in which to ensure that the Forest Service would not be subject to legal challenge for the "cumulative effects" of a salvage sales when combined with another multiple use activity.

Last, the fourth change requested by the administration is, perhaps, the most interesting. The administration requested that the expiration date of the timber language be changed from September 30, 1997 to December 31, 1996. The administration aggressively pursued this request, with the express knowledge that its own agency officials in the Forest Service specifically asked the House and Senate conferees on H.R. 1158 to extend the Senate passed date of September 30, 1996 to September 30, 1997. The Forest Service made this request of the conferees for budgetary and planning purposes. Despite this fact, the administration was undaunted, however, in their desire to change the date to December 31, 1996.

When asked why the administration needed the date to be changed to December 31, 1996, the response was this: the current administration cannot control the actions of future administrations.

This is certainly an interesting concept, and an idea that I totally reject. Why? We cannot predict what will happen between now and the next election. Will we continue to have a Republican controlled House and Senate? Will one body return back to Democratic control? This is the subject of elections, and should not be the subject of policy discussions. But this President, unlike almost any other in recent history, has made election politics a consideration in nearly every one of his policy deliberations.

Aside from these changes the principle of the timber language in this legislation remains the same. The timber language simply provides the President the ability to keep the multitude of promises that have been made and broken to the people who live and work in timber communities in the Pacific Northwest. It's just that simple.

Briefly, the three components of my amendment are: emergency salvage timber sales, Released timber sales, and option 9.

Emergency salvage timber sales: An emergency situation exists in our Nation's forests created by past wildfires, increased fuel load, or bug infested and diseased timber stands. Time and again, the administration has publicly committed to putting together an aggressive salvage timber program. My amendment gives the administration the ability to do just that.

The bill language directs the Forest Service and BLM expeditiously to prepare, offer and award salvage timber sale contracts for the thinning and salvaging of dead, dying, but infested, downed, and burnt timber on these Federal lands nationwide, and to perform the appropriate revegetation and tree planting operations in the areas in which the salvage operations have taken place.

The bill language deems the salvage timber sales to satisfy the requirements of applicable Federal environmental laws. It also provides for an expedited process for legal challenges to any such timber sale, and limits administrative review of the sales.

Released timber sales: Language has also been included to release a group of sales that have already been sold under the provisions of Section 318 of the fiscal year 1990 Interior and Related Agencies Appropriations Act. The harvest of these sales was assumed under the President's Pacific Northwest forest plan, but their release has been held up due to extended subsequent review by the U.S. Fish and Wildlife Service. Release of these sales will remove tens of millions of dollars of liability from the government for contract cancellation. The only limitation on release of these sales is in the case of a nesting of an endangered bird species with a known nesting site in a sale unit. In this case, the Secretary must provide substitute volume for the sale unit.

Option 9: First, let me make clear that I do not agree with, or support, option 9. I do not believe it comes close to striking an appropriate balance between the needs of people and their environment. My amendment simply provides the Forest Service and Bureau of Land Management the authority to expedite timber sales allowed for under option 9. The administration promised the people in the region of option 9—Washington, Oregon and California—an annual harvest of 1.1 billion board-feet, and the time has come for it to keep its promise.

My amendment specifies that timber sales prepared under the provision satisfy the requirements of Federal environmental laws, provides for an expedited process for legal challenges, and limits administrative review of such sales. Let me make clear that my amendment does not independently validate option 9 and does not restrict future legal challenges to option 9.

Mr. President, although I believe that the negotiations that have gone on over the timber language were unnecessary given the broad latitude that the administration has in this legislation, it is a part of the legislative process. More important than these negotiations, and the last minute interest of this administration in the legislation, in the opinion of this Senator, are the people in timber communities. The people in timber communities across my State will have won their first victory when the President signs this bill. It's a victory they deserve and one we should give to them. I encourage my colleagues to support H.R. 1944.

SUBSECTION (i) OF SECTION 2001

Mr. HATFIELD. Mr. President, I want to take a moment to share with my colleagues my understanding of subsection (i) of section 2001 of H.R. 1944. This subsection contains references to several specific Federal statutes as well as general references to Federal laws, including treaties, compacts, and international agreements. It is my understanding that the reference to treaties is made in response to allegations that passage and implementation of section 2001 would result in violation of the North American Free-Trade Agreement or the General Agreement on Tariffs and Trade.

FOREST HEALTH

Mr. LIEBERMAN. Mr. President, I voted for the rescission bill that passed the Senate earlier today because I believe so strongly that we must bring our Federal budget under control, and hopefully balance it in the near future. The longer we delay this process the more difficult our choices become in cutting spending for truly important Federal programs. But I remain strongly opposed to the provision in this rescission bill to exempt Federal logging from all Federal environmental laws for 2 years under the justification of salvage harvests. Not only is this provision unrelated to spending cuts—and probably will be budget negative—it sets very inadvisable policy and precedent.

"Timber salvage" in this provision is defined broadly to include virtually all Federal forests, potentially including areas set aside or managed scientifically for critical watersheds, endangered species, roadless areas, or special recreation uses. It defines salvage to include "dead, dying, and associated trees"—which may include virtually all mature timber. And, it provides exemptions from citizens suits, appeals, and judicial review of agency actions. These actions do not appear warranted based on timber harvest data from public lands.

According to U.S. Forest Service data, since 1992 less than one-half of 1 percent of forest sales by volume have been delayed by citizen suits, and less than 3 percent by litigation. In the first 11 months of 1994 over 1 billion board feet of timber was harvested from the "Option 9" areas developed for salmon and spotted owl protection—very close to the 1.2 billion board feet promise made for the 12 month period of 1994. Further, U.S. Forest Service data shows that a substantial number of timber sales in this region have been offered but not taken due to lack of demand.

In a recent issue of Random Lengths, industry's weekly report on North American Forest Products Markets, the lead story states that:

> Consensus has developed that there is simply too much production chasing too few orders. Most buyers and sellers now agree that unless demand revives in a big way, and soon, the industry is headed for widespread shutdowns and curtailments.

Futures prices for softwood continue to be very low in relation to past years, further indicating low demand relative to supply.

Many experts believe that the timber industry faces a crisis of demand, not supply. Even if this were not the case, it is doubtful that exemptions from Federal environmental laws would help smaller mills facing log shortages. Mills that are most threatened by log shortages from public lands often cannot outbid larger mills at auction. Auctions tend to be won by deep pockets, with no guarantee that mills needing logs the most will get them.

During debate over original passage of this bill Senator MURRAY offered a moderating amendment, which I voted for, that would have expedited but not eliminated implementation of environmental laws on Federal forest lands. It failed by only one vote. The timber provision that finally passed contains a change over previous language to expand the role of the Secretary of Agriculture to require his signature in order to implement new sales. Although I do not think this is a sufficient fix to this legislation, I do think it is essential for the administration to faithfully execute this authority in order to prevent serious abuse of the legal exemptions in this provision.

This timber provision is an unrelated, inadvisable and unnecessary addition to the rescission bill that will only further confuse our efforts to bring thoughtful, balanced reform to Federal environmental protection, without sacrificing important safeguards.

Mr. BOND. Mr. President, over 2 months ago, the President first announced his determination to veto H.R. 1158, the rescission and supplemental appropriations bill agreed to by the joint House-Senate conference committee. In part, he decried the agreement on the basis of the rescission proposed for HUD. At the time, I said that rationale for the veto was groundless. It is ironic, and very significant, that this measure, H.R. 1944, which the President now finds acceptable, rescinds $137 million more from HUD than did the bill which he vetoed.

Some have questioned why HUD is being cut by nearly $6.5 billion, more than three-quarters of a total rescission of $8.4 billion for the subcommittee. The answer is simple: That cut is roughly proportionate to that Department's available budgetary resources. Although HUD received new appropriations for fiscal year 1995 of $25.7 billion, about 39 percent of the funding for our major agencies, it also carried into this fiscal year $35.2 billion in unobligated prior year balances. In other words, it more than doubled its total available budgetary resources with this massive influx of unspent, unobligated funding.

We must cut HUD, and we must begin now if there is to be any hope of surviving the very constrained freeze-minus future for discretionary spending reflected in the budget resolution. The Congressional Budget Office analysis of the cost of the President's original budget submission for subsidized housing demonstrated a 50-percent expenditure increase over the next 5 years. This is a crisis. Unless we act now to curb the spiraling growth in outlays, we will have to make truly draconian cuts in the forthcoming fiscal year, including widespread evictions of low-income families from subsidized housing and accelerated deterioration in public and assisted housing across the country.

The solution is simple: Turn-off the pipeline of new subsidized units. That is the fundamental focus of the rescission bill. We have also restored cuts proposed by the House in CDBG, modernization, and operating subsidies, and redirected available resources toward another urgent aspect of restoring budgetary sanity to this out of control Department: demolish the failed housing developments, and put the rest on a sound footing to survive the competition and subsidy reductions coming down the pike.

Amid all the debate over the future of HUD, it's important to keep in mind that over 4.8 million families receive Federal housing assistance, and half of them are elderly and disabled. It's also important to note that such housing assistance is expensive. This year HUD will expend $26 billion for these programs, and costs are rising. In fact with the long-term contractual commitments previously made by HUD, the Government is currently obligated to pay over $187 billion over the life of these contracts, some stretching out 40 years.

Given the long-term nature of these obligations and commitments, halting the budgetary growth of the Department can only be accomplished with a focused, determined, multiyear effort. Unless we begin now, with this bill, we will lock ourselves into another multibillion-dollar increment of long-term budget obligations. And this is only a first step, one of many in which we will go beyond the limited fixes and cuts that can be accomplished in a rescission bill. We must enact major reform legislation later this year, but this is a good, and very necessary beginning.

The program reforms and initial reductions contained in the rescission bill are desperately needed to avoid a budgetary train wreck with the Department of Housing and Urban Development. Immediate enactment of this bill, and the enactment of further budgetary and legislative measures to address this crisis later this summer, provide us our best and perhaps only opportunity to avoid the displacement of thousands of low-income families, as well as further deterioration and loss of desperately needed affordable housing stock.

The President criticized a number of specific actions contained in the original conference agreement. Frankly, there are a number of recommendations in the revised measure before us which are even more troubling. But this bill is a compromise, not only between what was originally passed by the House more than 3 months ago and what was worked out in conference 2 months ago on H.R. 1158, but also with what the administration has subsequently demanded. I believe the agreement goes a long way toward minimizing adverse program impacts while increasing our contributions to deficit reduction. The bottom line, however, is that it provides almost $8.4 billion in deficit reduction while protecting funding for activities critical to our Nation's veterans, investments in science and technology, the environment, and to meet the housing needs of lower income families.

For example, the rescission agreed to for national service was cut in half to $105 million. While many of us are dubious of the whole premise of paying people to become volunteers, regardless of their financial resources, and we have heard of instances where excessive payments have been made, the conferees decided to hold this program closer to the funding level established for fiscal year 1994. I might add that the rescission is only a quarter of the original House-passed rescission of $416 million. The GAO is completing its report on the cost of this program which appears to confirm many of the concerns some of us have expressed. This report will serve as an important new factor in our consideration of funding for this program for fiscal year 1996.

In the case of housing for AIDS victims, the current rescission totals only $15 million, a small fraction of $186 million included in the House bill. Moreover, the rescission provides an increase in funding over the level requested by the President for this fiscal year.

The bill includes $6.6 billion requested by the President for the disaster relief fund. This will enable FEMA to respond to needs in California resulting from the Northridge earthquake and disasters in other States, and to meet emergency needs arising out of the terrorist bombing in Oklahoma City and flooding in the Midwest.

Mr. President, I would also note that the bill contains $5 million requested by the administration to enable FEMA to initiate flood mitigation activities authorized by the National Flood Insurance Reform Act of 1994. So this bill not only provides the resources to help flood victims recover from these disasters, but we are also taking steps to help avoid such flood damage in the future.

The bill also rescinds $81 million from the Department of Veterans Affairs, including $50 million from excess personnel costs and $31 million from excess project reserves. This rescission will not impact VA's ability to provide patient care in any way. The rescission to personnel costs does not affect staffing. Simply, VA's budget included $50 million more than they now estimate they need to pay salaries. Despite the assertion in the President's previous statement, no funding is being rescinded for medical equipment needs of VA hospitals and clinics.

In terms of the construction account, funds are rescinded from projects which are costing less than what was originally appropriated. Rescinding the funds ensures more careful management of the VA construction budget.

This measure rescinds a total of $1.3 billion from EPA. Of the total, $1.1 billion is rescinded from the drinking water State revolving fund. Because this program has not been authorized, EPA has been unable to obligate the funds. While I support the need for this program, until it is authorized no funds may be spent. The rescission bill leaves $225 million for the drinking water State revolving fund should authorizing legislation be enacted.

Within the Superfund Program, $100 million is rescinded. Because EPA fails to obligate on average $100 million in Superfund appropriations each year, this rescission is not expected to have a dramatic effect on program activities. On the other hand, it is intended to slow program spending pending enactment of major reform legislation which will likely change the scope and nature of cleanup activities previously planned.

This measure contains number of legislative provisions impacting EPA programs including the automobile inspection and maintenance program to ensure EPA is flexible in reviewing States' plans for I/M programs and considers assigning additional credits for effective decentralized programs.

Also included are two key EPA reforms: first, a moratorium on new Superfund site listings for the balance of this fiscal year, unless requested by the Governor or unless reauthorization legislation is enacted, and second, a prohibition on EPA from enforcing vehicular trip reduction programs.

Mr. President, this compromise bill is a good one. Rescissions for programs under the jurisdiction of the VA, HUD, and Independent Agencies Subcommittee total $8.4 billion. The contribution toward deficit reduction is $1.5 billion more than the level originally passed by the Senate, but is $900 million less than that passed by the House. It is a compromise, but one which fairly balances the differing priorities of the two Houses and still maintains funding for critical activities.

Mr. President, this bill must be enacted without further delay to assure timely delivery of assistance to disaster victims in 41 States, including my own, as well as the Federal response in Oklahoma City. Perhaps equally important, immediate enactment of this measure is absolutely critical to beginning the process of expenditure reduction to prevent widespread disruption and dislocations as we enact the legislation necessary to bring the Federal budget back into balance in 7 years. We must eliminate this spending before Federal agencies obligate even more of the funds we have identified for rescission, making the task of saving money in low priority programs even more difficult.

This is a responsible bill. It cuts funding and contributes to deficit reduction. It provides emergency funding which is urgently needed to assist victims of disasters. It makes long overdue reforms and corrections in programs which need fixing. And this bill needs to be enacted without further delay. I urge its adoption.

Mr. HATFIELD. Mr. President, I ask unanimous consent that a letter addressed to the Democratic leader, which is identical to the letter sent to the Republican leader, from Alice Rivlin indicating the administration's full support for the bill as it was passed by the House, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, July 21, 1995.

Hon. THOMAS DASCHLE,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: The purpose of this letter is to provide the Administration's views on H.R. 1944, the emergency supplemental and rescission bill. The Administration supports H.R. 1944, as it passed the House.

H.R. 1944 provides an important balance between deficit reduction and providing funds to meet emergency needs. This legislation provides essential funding for FEMA Disaster Relief, for the Federal response to the bombing in Oklahoma City, for increased anti-terrorism efforts, and for providing debt relief to Jordan in order to contribute to further progress toward a Middle East peace settlement. H.R. 1944 reduces Federal spending by $9 billion.

The Senate is urged to pass H.R. 1944, as it passed the House. With only ten weeks remaining in the fiscal year, it is essential that this legislation be presented to the President as soon as possible. Therefore, the Administration opposes any amendments to the bill.

Sincerely,

ALICE M. RIVLIN,
Director.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays on final passage.

The PRESIDING OFFICER (Mr. KYL). Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the clerk will read the bill for the third time.

The bill (H.R. 1944) was ordered to a third reading, and was read for the third time.

The PRESIDING OFFICER. Under the previous order, the question occurs on the passage of H.R. 1944. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT], and the Senator from North Carolina [Mr. FAIRCLOTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 90, nays 7, as follows:

[Rollcall Vote No. 321 Leg.]

YEAS—90

Abraham
Akaka
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—7

Kennedy
Levin
Moseley-Braun
Murray
Sarbanes
Simon
Wellstone

NOT VOTING—3

Ashcroft
Faircloth
Inouye

So, the bill (H.R. 1944) was passed.

Mr. LEAHY. Mr. President, the Senate passed a rescission bill today that I wish was not needed. Unfortunately, too often disasters like the California earthquake and the Oklahoma City bombing occur that we cannot foresee or prevent. Those events are tragedies, and we must do what we can to assist the victims.

But there is another disaster that made this bill necessary—a disaster we could have stopped, one that will affect every American for years to come. That disaster is the Republican's budget resolution. There is not a Member of this Congress that doesn't want to balance the Federal budget, but there is a right way and a wrong way to do it. The budget resolution passed by Congress tries to right 30 years of overspending with 7 years of draconian cuts to Medicare, Medicaid, education, affordable housing, heating assistance, and just about every program hard-working American families depend upon.

This was not a bipartisan budget resolution. Republicans rejected President Clinton's more moderate approach. I voted against that resolution. Unfortunately, not enough Senators joined me to block this disastrous budget that has created the need for the cuts we are making today.

In April, I came to the Senate floor to vote against H.R. 1158, the earlier rescission bill that focussed its cuts on the poor, the hungry, and on our children. I said then that I hoped Republicans and Democrats could find a way to work together to develop a bipartisan bill that balanced those cuts more evenly. We have done that, and I believe the bill we have passed today is more equitable than the rescission bill that I voted against a few months ago.

The cuts to education programs, to AmeriCorps, and to programs fighting drug use in our schools and communities, have been reduced. To offset those cuts, administrative costs for the Federal Government were trimmed.

This is not a perfect bill. I am deeply concerned about many of the cuts included in the rescission package, most importantly the cut of $319 million to the Low-Income Home Energy Assistance Program [LIHEAP]. I fought to restore funding to LIHEAP in the original Senate rescission bill, and I have continued to oppose cuts to this important program as the House and Senate worked on a compromise.

This cut will hurt Vermonters who cannot afford to heat their homes during our long New England winters. I do not believe that most Americans would choose to let those people freeze so that the budget can be balanced in 7 years as opposed to 10, or so that wealthy Americans can get a bigger tax break next year. Certainly I would not.

I am also extremely disappointed with a timber provision, pushed through by special interests, that could be devastating to our Nation's forests. There is no justification for this timber legislation. It is a gift to special interest, powerful PAC money, and the champions of misinformation. The letter I will include for the RECORD makes this clear.

I commend Senator MURRAY for the work she has done to establish a sustainable forest-based economy in the State of Washington, while creating 3,500 new jobs in the lumber, wood manufacturing, and paper industries. I applaud her for having the courage to stand up to this backdoor attempt to weaken the laws protecting our forests without hearings, without committee mark-ups, without public participation, or open floor debate. I hope that this is not an indication of the way this Congress intends to address our environmental laws. The American people did not vote for that kind of change, and they will not stand for it any more than I will.

I voted for this rescission bill today—not because it is a good bill, but because it is a necessary bill. It is necessary to pay for the disasters in California, in Oklahoma, and for the disaster that the Republicans have created with their budget resolution.

REGARDING THE NATIONAL BANKRUPTCY REVIEW COMMISSION

Mr. GRASSLEY. I would like to congratulate my colleagues, Senator HATFIELD, the chairman of the Senate Finance Committee, and Senator BYRD, the ranking member of the committee, for the hard work they have put toward resolving the differences in this bill. I hope that the passage of this bill will help to put this country on her way back to a balanced budget. Included in the bill is the appropriation for funding for the National Bankruptcy Review Commission. This Commission was established pursuant to enactment of the Bankruptcy Reform Act of 1994 which both the House and Senate passed unanimously. I wish to ask my distinguished colleague from Alabama to clarify a few issues regarding that Commission, since he managed the authorizing legislation last session. First, is it not correct that pursuant to section 608 of the act, the 2-year period for submitting its report should be based on the date on which the first meeting is held.

Mr. HEFLIN. The Senator is correct. Although the language in the act envisions that the first meeting of the Commission would take place within 210 days of enactment of the act. It is clear that first meeting as well as the actual 2-year duration of the Commission should be based on the date on which the first formal meeting, is held. This is the practical effect of the budgeting process, to which the Commission is bound.

Mr. GRASSLEY. We are all bound by the budgeting process and must adjust our actions accordingly. I have one other question for my colleague, regarding the Commission membership requirements. I understand that the membership provision of the Commission was intended to preclude from continued membership a person who had been appointed to that position due to his or her capacity as an officer or employee of a government. Would the Senator from Alabama explain to me who this provision is meant to preclude from membership on the Commission?

Mr. HEFLIN. I will be happy to help to clear up any questions which may have been raised regarding membership on the Commission. It is my understanding that this provision is intended to preclude from continued membership on the Commission those Commissioners who are appointed based solely on the capacity of the governmental office for which they hold. If that Commissioner should leave the governmental position during their term then they can no longer serve on the Commission.

MILITARY CONSTRUCTION APPROPRIATIONS, 1996

The PRESIDING OFFICER. The clerk will report the underlying pending business, H.R. 1817.

The legislative clerk read as follows:

> A bill (H.R. 1817) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes.

The Senate continued with the consideration of the bill.

Mr. BURNS. Mr. President, as soon as we can get order, I will ask unanimous consent that the chairman of the full Appropriations Committee be recognized.

AMENDMENT NO. 1834

The PRESIDING OFFICER. The question occurs on amendment No. 1834 offered by the Senator from New Mexico. Under the previous order, there will be 4 minutes of debate equally divided prior to the vote on the motion to table the amendment.

Mr. HATFIELD. Mr. President, I would like to propound a unanimous-consent request.

The PRESIDING OFFICER. The Senator from Oregon.

APPOINTMENT OF CONFEREES—H.R. 1854

Mr. HATFIELD. Mr. President, I will propound a unanimous-consent agreement on the legislative appropriations bill that we passed last night.

I ask unanimous consent that the Senate insist on its amendments to H.R. 1854, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint conferees.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Presiding Officer (Mr. KYL) appointed Mr. MACK, Mr. BENNETT, Mr.

HATFIELD, Mrs. MURRAY, and Ms. MIKULSKI conferees on the part of the Senate.

The PRESIDING OFFICER. Who yields time?

Mr. PACKWOOD addressed the Chair.

Mr. BURNS. I yield to the Senator from Oregon for the purpose of an announcement.

ANNOUNCEMENT OF COMMITTEE MEETING

Mr. PACKWOOD. Mr. President, the Finance Committee has not yet had its hearing of Lawrence Summers to be Under Secretary of the Treasury. We will be convening the Finance Committee as soon as the last vote is over. I would appreciate it if Members can get there reasonably promptly. It is a controversial nomination. I hope it will not take a long time. We will be taking it up at about a quarter to 1, whenever we finish with the vote. I thank my friend from Montana.

MILITARY CONSTRUCTION APPROPRIATIONS, 1996

The Senate continued with the consideration of the bill.

Mr. BURNS. Mr. President, I think we have 4 minutes equally divided. I yield 1 minute to the Senator from Idaho, [Mr. KEMPTHORNE].

The PRESIDING OFFICER. The Senator is recognized.

Mr. KEMPTHORNE. Mr. President, I rise in opposition to the Bingaman amendment. During a hearing before the Armed Services Committee earlier this year, Defense Secretary Bill Perry testified that under the present budget, it will take over 50 years to renovate many of the family housing units currently in use by the armed services of America. We know we are falling behind in readiness. The military construction projects that will be canceled by the proposed amendments will help address these quality-of-life and readiness problems.

We have just gone through three difficult rounds of the base closure process. The bases and the facilities that have survived are the keepers. We need to make investments to maintain the infrastructure that literally serves as the foundation of our armed services. Therefore, Mr. President, I urge my colleagues to vote to table the Bingaman amendment.

Mr. REID. Mr. President, I yield 1 minute to the Senator from Kentucky.

Mr. FORD. Mr. President, I join my cochairman of the State National Guard Caucus, Senator BOND of Missouri, and our colleagues in opposing the Bingaman amendment. The military construction funds this amendment seeks to delete are not frivolous. They are necessary to the very backbone of our military.

In my State alone, these funds go to build barracks to move our soldiers out of the World War II clapboard barracks. Why is it not a Pentagon priority to replace these barracks and provide a better quality of life for our soldiers?

The citizens of this country are well aware of the military drawdown in this country, but they have not asked our young men and women to stop volunteering their services, whether it be full-time active duty or part time as a reservist or guardsman.

Mr. President, I have watched them leave our communities, and many of them do not come back. I watched the best surgeons in my State and scrub nurses go to the Persian Gulf, and they did their job. Let us not turn our back on these people now. Vote to table this amendment.

The PRESIDING OFFICER. The Senator from New Mexico has 2 minutes.

Mr. BINGAMAN. Mr. President, first, I ask unanimous consent that Senator FEINGOLD be added as a cosponsor on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BINGAMAN. I yield 1 minute to my colleague from Arizona, who is also a cosponsor.

Mr. McCAIN. Mr. President, the fact is that these are nice projects. They are in the 5-year plan of the Pentagon, but they are not required at this time. There is simply additional spending that is not necessary. There are far higher priorities for us to be able to meet our national security challenges than adding money for military construction at this time. They are good projects. They are not needed at this time, and if we are going to spend $300 million additionally, I could find seven other areas that are much higher in priority than this one. If we are going to show some fiscal responsibility, we ought to start now.

Mr. BINGAMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico.

Mr. BINGAMAN. Mr. President, we are spending extra time voting on this amendment since we just voted to rescind $16.4 billion in domestic spending. I think that was a courageous vote; it was a hard choice.

What this amendment that we are now considering does is it says that we will allow $474 million of add-ons to military construction, but we will not allow an additional $300 million above that. This is not a question of funding the National Guard. There is plenty of money in this bill to fund the National Guard needs. This is not a question of family housing. There is plenty of money in this bill to fund the family housing needs of the military.

What we are saying is deficit reduction has to matter, even when you are talking about defense dollars, as well as when you are talking about domestic dollars.

Mr. President, this is a reasonable amendment. It brings the bill into line with the President's request. It is fiscally responsible.

I urge my colleagues to vote against tabling the amendment.

VOTE ON AMENDMENT NO. 1834

The PRESIDING OFFICER. The question is on agreeing to the motion to table amendment No. 1834 offered by the Senator from New Mexico, [Mr. BINGAMAN].

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT], and the Senator from North Carolina [Mr. FAIRCLOTH] are necessarily absent.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE], the Senator from California [Mrs. FEINSTEIN], and the Senator from Georgia [Mr. NUNN] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 77, nays 18, as follows:

[Rollcall Vote No. 322 Leg.]

YEAS—77

Abraham
Akaka
Baucus
Bennett
Biden
Bond
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Ford
Frist
Gorton
Gramm
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerry
Lautenberg
Leahy
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Murkowski
Murray
Nickles
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—18

Bingaman
Boxer
Bradley
Brown
Feingold
Glenn
Graham
Grams
Kerrey
Kohl
Kyl
Levin
McCain
Moseley-Braun
Moynihan
Roth
Simon
Wellstone

NOT VOTING—5

Ashcroft
Faircloth
Feinstein
Inouye
Nunn

So the motion to lay on the table the amendment (No. 1834) was agreed to.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. DOMENICI. Mr. President, I move to table the motion.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, as we consider the fiscal year 1996 Milcon appropriations bill, I wish to commend Senator BURNS, the chairman of the Military Construction Appropriations Subcommittee, and Senator REID, the subcommittee's ranking member, for their hard work in preparing this bill for floor action. It is evidence of the able leadership of Chairman BURNS and Chairman HATFIELD that we can consider this bill so quickly. I would also like to commend Jim Morhard and Warren Johnson of the subcommittee staff for their efforts in crafting a comprehensive and responsible bill.

Mr. President, this is an important bill. It provides the Armed Forces with funds to construct facilities which are necessary in preparing them to protect the United States and our interests around the world. It also fully funds the requested amounts for BRAC II, BRAC III, and BRAC IV. In addition, the bill provides funds for the renovation and construction of barracks and family housing. The military's most important assets are the men and women who sacrifice every day to ensure the security of this great Nation. It is the least we can do to provide them and their families with quality housing.

I am pleased that the bill also provides funding for the Department of Defense's initiative to develop private sector solutions to the current military housing shortfalls. It is a viable option as we consider how to better meet the needs of our service men and women. I encourage the Department to work with Congress and with the Military Appropriations Subcommittee so that this program might move forward expeditiously.

Mr. President, I would also like to commend Chairman BURNS and Chairman HATFIELD for their efforts to meet the construction needs of the Reserve components. Last year, during consideration of the fiscal year 1995 military construction bill, I expressed my disappointment with the President's budget and its lack of funding for Guard and Reserve construction projects. At that time, I expressed my hope that this year's budget would more adequately address the needs of the Reserve component. The Department of Defense did include some Guard and Reserve projects in the fiscal year 1996 budget. Chairman BURNS went further to ensure that additional Guard and Reserve projects were funded. In my view, that is a crucial step. As the Active Force continues to draw down, the Guard and Reserves will be asked to take on more day-to-day missions. In my view, it is our responsibility to ensure that they have the necessary facilities to meet these growing demands.

I am aware that the committee has added projects that were not included in the President's request. The committee judged each of these projects by strict criteria in an effort to ensure that military construction dollars are used wisely. The projects that have been added directly impact the readiness and quality of life for our Armed Forces.

In closing, Mr. President, I again commend my colleagues for their hard work on this bill. I thank them for their assistance in moving this bill forward and urge my colleagues to support it.

AIR FORCE RESERVE AND MICHIGAN AIR NATIONAL GUARD MILITARY CONSTRUCTION PROJECTS

Mr. ABRAHAM. Mr. President, Senator LEVIN and I would like to engage the distinguished chairman and ranking member of the Senate Appropriations Subcommittee on Military Construction in a brief discussion regarding the impact of H.R. 1817 on this year and future year's military construction projects. The committee report accompanying H.R. 1817 recommends $6.4 million for airfield pavement additions at the Phelps-Collins Air National Guard Base in Alpena, MI. The requirement justification report for this project states this program will increase sortie generation and allow the military to conduct much more realistic training operations.

I also understand an air combat maneuvering instrumentation range for operations at the Alpena Combat Readiness Training Center was authorized by the 1995 Defense Authorization Act and is contained in the Air National Guard future year defense plan for initial installation starting 1997. If the Air National Guard were to support this future year plan and request an appropriation for the equipment housing construction, would you view this project as a reasonable step towards providing the needed improvements in operational effectiveness at the Phelps-Collins Air National Guard Base and the Alpena Combat Readiness Training Center?

Mr. BURNS. Yes I do. The committee allowance for the Phelps-Collins Airfield pavements additions project was done in order to reduce the potential for an aircraft mishap, increase sortie generation, improve the utilization of the base and the training center, and allow for the future expansion of this facility for full operational training, including an air combat maneuvering instrumentation range expansion.

Mr. LEVIN. Mr. President, I would like to follow up on my colleague's question in asking the ranking member whether he agrees that a modern Combat Readiness Training Center is warranted given the training deployments to Europe have been reduced with the closure of many overseas bases, and the fact that the Alpena facility is the only Air National Guard Combat Readiness Training Center that does not have an air combat maneuvering instrumentation system? I would think that the unencumbered supersonic training airspace available for this range would make it a uniquely valuable training resource.

Mr. REID. I am aware that both of my colleagues from Michigan and from elsewhere in the Great Lakes region are strongly supportive of expanded training opportunities for their Air National Guard and Air Force Reserve units. The Air National Guard made a strong case for expanding the operations at Alpena given the projected force levels and expected military construction funding priorities. Because of that we funded the project the subcommittee chairman referred to. I believe the subcommittee would entertain such a budget submission by the Air National Guard and would follow a logical program for expanding operations at Alpena.

Mr. LEVIN. I thank the chairman and ranking member of the subcommittee for their support and I believe I speak for both myself and my colleague from Michigan when we say we look forward to working with them on this issue during the 1997 budget cycle. Mr. President, I wish to continue this discussion with the chairman on the issue of the fuel systems maintenance dock at the Selfridge Air National Guard Base in Mount Clemens, MI. The Air Force Reserve unit here has converted from an C–130 to a KC–135 mission, but is forced to tow its aircraft over 2 miles to perform critical fuel cell and corrosion control work. A project to provide a facility adequate to handle these repairs much nearer to the aircraft flight line will preclude major repair scheduling conflicts, sustain aircraft material condition, and improve flight safety. Would the submission by the Air Force Reserve for this project in the 1997 budget be reviewed favorably?

Mr. BURNS. I believe if current budget projections hold forth, such a project would be strongly supported. Considering this project is already in the 1997 future year defense plan, I invite the Air Force Reserve to submit this project for congressional review.

Mr. ABRAHAM. Mr. President, I thank the chairman and ranking member for their time today and this opportunity to discuss these vital military construction projects. I join my fellow Senator from Michigan in calling upon the Air National Guard and Air Force Reserve to submit these two vital projects for congressional approval. These two projects represent initiatives vital to the operating efficiency of the few remaining Michigan Air National Guard and Air Force Reserve units. Furthermore, it which will significantly improve the operating capabilities of not only these units, but any other aviation unit that wishes to utilize this unique facility. I therefore join with my colleague from Michigan in calling upon the Air National Guard and the Air Force Reserve to submit these two projects, in accordance with their future year defense plans, as part of their 1997 budget submission.

Mr. President, I yield the floor.

Mr. DOMENICI. Mr. President, the Senate is now considering H.R. 1817, the fiscal year 1996 military construction appropriations bill.

The bill provides a total of $11.2 billion in budget authority and $3.1 billion in new outlays for the military construction and family housing programs of the Department of Defense for fiscal year 1996.

When outlays from prior-year budget authority and other completed actions are taken into account, the bill totals $11.2 billion in budget authority and $9.6 billion in outlays for fiscal year 1996.

Mr. President, the bill provides for readiness and quality of life programs for our servicemen and women. The bill falls within the subcommittees 602(B) allocation.

I want to convey my thanks to the committee for the support given to several priority projects in New Mexico.

I commend the distinguished subcommittee chairman, the senator from Montana, for bringing this bill to the floor within the subcommittee's section 602(B) allocation.

I urge the passage of this bill.

Mr. GRAMM. Mr. President, I wish to point out to the chairman of the subcommittee that the recent approval of the 1995 base closure list by the President has changed the circumstances surrounding one of the projects in this legislation. The bill is based on recommendations the subcommittee received from the Defense Department, and as a result this bill has insufficient funding to complete the construction of the distribution facility at Red River Army Depot. Because the Defense Logistics Agency suspended work on the distribution facility pending a decision by the Base Closure Commission and just recently resumed work on the project, an adjustment to the funding level will be required. Less than 1 week ago, the Defense Department formally asked the building contractor for an estimate of any costs resulting from the temporary delay in construction, and an answer is expected within 1 month. Because we do not yet know how the total cost of the distribution facility will change, I ask the chairman and ranking member to work with me and the Defense Department in conference to be sure this vital Red River Army Depot project has sufficient funds to ensure its completion.

Mr. BURNS. Mr. President, I am aware of the situation at Red River Army Depot, and I want to assure my colleague that our subcommittee has no intent to impede the progress of this project. We will be happy to work with the distinguished Senator from Texas to ensure this project is fully funded so that it may be completed without further interruption or delay.

Mr. CHAFEE. I want to thank the chairman and ranking member of the Military Construction Subcommittee, Senators BURNS and REID, for their hard work in producing this appropriations bill for fiscal year 1996.

Included in the bill is $18 million for phase 2 of the Strategic Maritime Research Center at the Naval War College in Newport, RI. The Naval War College boasts a long and proud tradition of excellence in military education and state-of-the-art wargaming.

Unfortunately, though, the War College's library is badly undersized, and its wargaming facility is unsuited to today's technological demands. The Strategic Maritime Research Center will jointly house the college's wargaming department and library in one modern facility.

This facility will help continue to provide our military with the best-educated, best-prepared officers who will be able to meet the increasingly complex national security challenges our Nation faces. It will also help us continue an important diplomatic mission, as the Naval War College very often hosts military officers from abroad who participate in a number of wargaming and educational endeavors.

Again, I would like to thank Senators BURNS and REID in bringing this bill to the floor.

Mr. KOHL. Mr. President, as a member of the Appropriations Committee and the Military Construction Subcommittee, I voted to have the fiscal year 1996 military construction appropriations bill brought to the Senate floor.

The military construction bill is $2.4 billion more than what we spent last year on military construction and $461 million more than the administration's requested level of spending for military construction. If we truly intend to reduce the budget deficit, we cannot exempt the military construction account from cuts. Especially given that the Bingaman amendment to eliminate $300 million in add-ons failed, I will be voting against final passage of the fiscal year 1996 military construction appropriations bill.

Mr. BRADLEY. Mr. President, it is with regret that I must cast my vote against the fiscal year 1996 military construction appropriation bill. We simply cannot justify the level of spending contained in this legislation.

This bill funds many worthy projects. For example, I strongly support efforts to improve the quality of life for our service men and women. I support the infrastructure construction that is absolutely necessary to keep our military in fighting shape. I have long supported the military value of McGuire AFB in my own State of New Jersey. Indeed, I worked hard and successfully to keep McGuire open and performing its vital military missions. I will support the spending that McGuire needs to prosper.

But all of these worthy projects are embedded in a bill larded with pork. It is $461 million higher than the President's budget request, and over $2.4 billion above last year's funding total. It contains hundreds of millions of dollars in unauthorized spending. At a time of budget stringency, when we are asking all Americans to make sacrifices, I simply cannot support a 28-percent increase in spending for military construction.

AMENDMENT NO. 1835

Mr. SIMON. I have an amendment offered by Senator MOSELEY-BRAUN and myself that I send to the desk for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Illinois [Mr. SIMON] for himself and Ms. MOSELEY-BRAUN proposes an amendment numbered 1835.

Mr. SIMON. I ask unanimous consent that further reading of the amendment be dispensed.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following.

SEC. . FORT SHERIDAN.

(a) In order to ensure the continued protection and enhancement of the open spaces of Fort Sheridan, the Secretary of the Army shall convey to the Lake County Forest Preserve District, Illinois, (in this section referred to as "the District"), all right, title, and interest of the United States to a parcel of surplus real property at Fort Sheridan consisting of approximately 290 acres located north of the southerly boundary line of the historic district at the post, including improvements thereon.

(b) As consideration for the conveyance by the Secretary of the Army of the parcel of real property under subsection (a), the District shall provide maintenance and care to the remaining Fort Sheridan cemetery, pursuant to an agreement to be entered into between the District and the Secretary. The Secretary of the Army shall be responsible to continue interments at the cemetery for the remainder of its use.

(c) The Secretary of the Army is also authorized to convey the remaining surplus property at Fort Sheridan to the negotiating agent, or its successor, for an amount no less than fair market value (as determined by the Secretary of the Army) of the property to be conveyed.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property (including improvements thereon) to be conveyed under subsections (a) and (c) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the Lake County Forest Preserve District, and the Fort Sheridan Joint Planning Committee, respectively.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interest of the United States, except for consideration previously provided for in paragraph (c).

Mr. SIMON. Mr. President, this is an amendment I discussed with Senator BURNS. It solves a problem that has been festering in regard to an abandoned military base.

Everyone—Congressman PORTER from the House side—everyone has agreed to it. I understand there may be some problems. I yield to Senator BURNS.

Mr. BURNS. Mr. President, I thank the Senator from Illinois. We do have some problems on this side with it. We will work with the Senator and the Illinois delegation on this as we move through conference.

I am reluctant to accept the amendment at this present time.

AMENDMENT NO. 1835 WITHDRAWN

Mr. SIMON. With that assurance, I will withdraw my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

So the amendment (No. 1835) was withdrawn.

Mr. BURNS. Mr. President, I know of no further amendments to this piece of legislation. I believe that we are ready to move to third reading.

The PRESIDING OFFICER. The question is on the engrossment of the committee amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read a third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

Mr. BURNS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LOTT. I announce that the Senator from Missouri [Mr. ASHCROFT], the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Washington [Mr. GORTON] are necessarily absent.

I further announce that, if present and voting, the Senator from Washington [Mr. GORTON] would vote "yea."

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE], the Senator from Georgia [Mr. NUNN], and the Senator from Arkansas [Mr. PRYOR] are necessarily absent.

The PRESIDING OFFICER (Mr. GRAMS). Are there any other Senators in the Chamber who desire to vote?

The result was announced, yeas 84, nays 10, as follows:

[Rollcall Vote No. 323 Leg.]

YEAS—84

Abraham
Akaka
Bennett
Biden
Bond
Boxer
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Feinstein
Ford
Frist
Glenn
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerry
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McConnell
Mikulski
Moynihan
Murkowski
Murray
Nickles
Packwood
Pell
Pressler
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—10

Baucus
Bingaman
Bradley
Feingold
Kerrey
Kohl
Kyl
McCain
Moseley-Braun
Wellstone

NOT VOTING—6

Ashcroft
Faircloth
Gorton
Inouye
Nunn
Pryor

So, the bill (H.R. 1817), as amended, was passed.

Mr. BURNS. Mr. President, I move to reconsider the vote.

Mr. REID. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BURNS. Mr. President, I move that the Senate insist on its amendments to the bill, H.R. 1817, and request a conference with the House on the disagreeing votes of the two Houses.

The PRESIDING OFFICER. The question is on agreeing to the motion.

The motion was agreed to.

Mr. BURNS. That concludes action on this bill, Mr. President. I wish to thank my colleague and ranking member on this committee. I thank our staffs, those who have worked so hard on this bill. I appreciate their help at every turn.

I yield the floor.

Mr. HATFIELD addressed the Chair.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. HATFIELD. Mr. President, I wish to take just a couple minutes to indicate my congratulations and my commendation to the Subcommittee on Military Construction. I would like to remind the Senate that this is the first action of the Appropriations Committee in the Chamber under the new majority rule. We came to the floor with very great efficiency considering that we were required to wait until the conference committee had completed work on the Budget Committee budget resolution.

We were only able to issue our 602(b) allocations at the first of the week. We have now completed two appropriations bills on the floor. We will report four more out next week.

I wish to also acknowledge the efficiency and smooth operation that has thus far characterized these two bills. In great part, it is because of the professional staff. I raise that first instead of the normal way of talking about the Members. I wish to make that a point because our staff has been so focused on professionalism on our committee and a nonpartisan approach. You can note very little disturbance or confusion in the readjustment of moving from the majority to the minority or the minority to the majority; our staffs have that continuity and expertise.

I refer specifically to Jim Morhard on our side and Dick D'Amato on the minority side. Not only are they experts and have the continuity of service, but they really provide us with stability and efficiency within this committee.

Needless to say, the leadership of the committee is in the hands of very capable people, Senator BURNS of Montana and Senator REID of Nevada. Both of them are veterans on that committee and both of them have provided leadership as they have been on that committee, Senator REID first as a part of the majority and now the minority, Senator BURNS in the minority and now the majority. If you see these two gentlemen work in their committee, you would have no way to detect any difference of performance, any less dedication or any less efficiency.

So I wish to commend the leaders for providing that kind of virus that infects our staff and creates a harmonious committee. Senator BYRD, the ranking member of our committee, certainly has become again a part of that overall philosophy and that kind of performance of our committee, and I wish to take this time to thank Senator BYRD as well, the ranking member of the full committee.

Mr. BURNS. Mr. President, I ask unanimous consent that the Chair be authorized to appoint conferees on the part of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

UNANIMOUS-CONSENT AGREEMENT—S. 641

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate, at 1:30 p.m., turn to the consideration of Calendar No. 47, S. 641, the Ryan White Care Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. It is the hope of the leadership that all of the opening statements would be concluded on this bill today and an amendment would be laid down for consideration when the Senate returns to this item next week.

With that announcement, there will be no further votes today. The first votes on Monday will occur beginning at 5 p.m.

MORNING BUSINESS

Mr. LOTT. Mr. President, I further ask unanimous consent that there now be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

ETHICS COMMITTEE PUBLIC HEARINGS

Mr. McCONNELL. Mr. President, I wish to take just a moment to respond to the distinguished Senator from California [Mrs. BOXER], who has been working to achieve public hearings on the sexual misconduct case against Senator PACKWOOD.

Mr. President, on July 10, several Senators wrote to me and the vice chairman urging the committee to convene public hearings. Several days later, my friend from California wrote to us on her own to inform us if the Ethics Committee had not voted to hold public hearings within a week of her July 14 letter, she would seek a vote of the full Senate on the issue of public hearings in the Packwood case.

Today, the Senator said that if the committee has not met by the close of business today, she will bring her legislation to the floor at the first opportunity next week.

Mr. President, I think I speak for all committee chairmen and chairwomen as well as previous chairmen and chairwomen when I say our committee schedule and agenda must not be dictated by another Senator. As strongly as the Senator from California believes there should be hearings in the Packwood case, I strongly believe that the Ethics Committee's timetable must not be set by a single Senator.

One thing is certain. The Ethics Committee will not meet today and will not schedule a future meeting today. We will not respond to any attempts to threaten the committee. If we open the door to that, in the future there could well be numerous efforts to bring ethics matters to the full Senate, and that is a dangerous road to take, Mr. President.

The committee would like to complete work on the Packwood case but perhaps everyone needs a cooling-off period. As long as Senator BOXER's threat remains, the cooling-off period will continue.

The one issue Senator BOXER and I agree upon is that the case before the committee is a serious one. It is one which has commanded the attention of committee members for countless hours over the last 2½ years. The committee members have labored long and hard, and they know much more about this case than any other Member of the Senate.

There is much to say about the Packwood case. Now is not the time to say it. I can assure my colleagues and the Senator from California that at the appropriate time, I will speak fully about the case and about the committee's work. At that time, I hope my colleagues will have a better understanding of the significance and the dimension of the matter.

The Senator's efforts are ill-informed and badly timed. After all, the committee lost practically a year in a legal dispute over obtaining Senator PACKWOOD's diary as evidence in the case. If Senator BOXER takes us on another such frolic and detour, it will only further distract us and prevent us from concluding this important case, and it will interfere with the Senate's agenda and the work the American people sent us here to do.

So if we find ourselves on the floor in the coming days debating legislation regarding hearings in the Packwood case or any other subject related to Ethics Committee procedures, I will be prepared, and I am sure others will be prepared, to discuss and debate congressional action on misconduct cases in the past and other relevant issues.

I thank the Chair, and I yield the floor.

Mr. SPECTER addressed the Chair.

The PRESIDING OFFICER. The Senator from Pennsylvania.

RESCISSIONS

Mr. SPECTER. Mr. President, I had sought recognition prior to the votes on the amendments offered by the Senator from Illinois, Senator CAROL MOSELEY-BRAUN, and the Senator from Minnesota, Senator PAUL WELLSTONE, prior to those votes. But since all time had expired and there was a tight timetable because other Senators wished to catch planes, there was not an opportunity to speak, and I would like to make a few brief comments at this time.

I opposed those amendments not because I would not have preferred to have seen the additional funding in those important accounts, but because those issues had been resolved in a very extensive negotiation session with the House of Representatives and further proceedings with the White House.

When Senator MOSELEY-BRAUN made the statement, yes, we have to make cuts, that they have to be made fairly, I certainly agree with her totally. The measure which came out of the subcommittee which I chair, the Subcommittee on Labor, Health and Human Services and Education, was a vigorous, incisive, strenuous effort to make those cuts as fairly as we could and to establish priorities.

When the amendment offered by Senator WELLSTONE and Senator MOSELEY-BRAUN included veterans job training, displaced workers job training, education infrastructure, safe and drug free schools, education technology, Eisenhower professional development, job training partnership youth job training and the job training partnership adult job training, I would have wanted very much to have included those additional sums. My voting record is plain on that subject.

In fact, when the House of Representatives sent over a rescissions package of $5.9 billion, as a result of action taken by the Senate subcommittee which I chair and then the full Senate in extended proceedings, that $5.9 billion in cuts was reduced by some $3 billion so that we did restore a tremendous amount of money.

When it comes to the question of LIHEAP, low-income heat and energy assistance, as Senator WELLSTONE noted—I was on the floor at the time—he referred to the Senator from Pennsylvania as a champion of LIHEAP, which I thank him for and I think the record of the last 15 years will support.

When the House of Representatives had sent over $5.9 billion in cuts and had zeroed out $1.319 billion, I made a fight of it. I started that fight and won it by reinserting $1 billion of those funds and seeing to it that we added an additional $300 million to the President's emergency fund. That means that we brought the amount practically to the full $1.319 billion. I would have to say that was a total victory.

So when Senator WELLSTONE and Senator MOSELEY-BRAUN seek an amendment to add $319 million, I would like to see that extra funding. I have said on the Senate floor that when it comes to the poor and the elderly, that it is a matter of heating or eating. Those funds are really very, very important. But we are going to have further negotiations with the House of Representatives, and the House has already indicated that they want to eliminate all funding for LIHEAP in the future.

It was not easy for me to vote to table the amendment adding $319 million for LIHEAP funding, but I did so because we had already crafted a hard-fought-out compromise which had, in effect, restored $1.3 billion, leaving only $19 million short. I am going to have to go back and deal with the House Subcommittee on Labor, Health and Human Services and Education and try to work the matter out. So I am hardly in a position to support Senator WELLSTONE and Senator MOSELEY-BRAUN.

We are looking at a very, very difficult budget, Mr. President, as we all know. I am convinced that we need to balance the budget. We have a 7-year glidepath to get that done. These votes are not easy to explain, and it is not difficult for other Senators, after seeing the work done, to come in and say, "I'd like to add some more money here." We all would. But it is simply not realistic to do.

The final budget, the final figure was worked out. After we looked at the House figure of $5.9 billion in cuts, we reduced it very substantially in the subcommittee. The cuts were reduced further by an amendment which was sponsored by the leadership, the Dole-Daschle amendment, which the Senator from Minnesota voted for. Then the measure was vetoed and came back, and then it was approved after difficult negotiations with the White House. So that the net effect was, looking at the first cut of $5.9 billion, we reinstated $3 billion of those funds.

On this date of the record, I think that it was just too much to come back and say let us add in more money for these projects and these programs, important as they may be.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, is the Senate in morning business?

The PRESIDING OFFICER. Yes, the Senate stands in morning business. There is an order pending to go to the bill.

Mr. DORGAN. I ask unanimous consent to be allowed to speak for 20 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. TRADE DEFICIT

Mr. DORGAN. Mr. President, this week we received some additional news about our trade deficit in the United States. This news, for almost everyone who reads about our trade deficit, provokes one giant yawn, a turn of the page, and we hear nothing about it.

In contrast, we have, since the first part of this year, been very worried about the Federal budget deficit. We have had hour after hour and day after day of debate about what to do with the budget deficit. That is an enormously serious problem for this country. We must deal with it.

In fact, an hour or so ago, we passed a rescissions bill, cutting some $16 billion in Federal spending as a first step. It is not nearly enough, but it is a pretty good first step before we get to the reconciliation bill to address the Federal budget deficit.

It is interesting that there is almost a conspiracy of silence in this country about the trade deficit. I wonder why? The trade deficit must be and will be some day repaid with a lower standard of living in the United States. That is a fact.

What is causing all of these problems with respect to trade? What does it result in for the American family? The circumstances, it seems to me, are these: We have in this country now record corporate profits. They have never been higher. The largest corporations in this country are making the highest profits they have ever made in history.

Wall Street is having a big old party—and God bless them, I think that is just wonderful. There are record highs on Wall Street. But while corporate profits reach new heights, and while the Wall Street crowd celebrates record highs, the question is, What about the family that sits down for dinner at home tonight and has to assess the family's economic circumstances?

The answer for the family is not record profits, and not new highs. The answer for 60 percent of the American families, when they sit down for dinner and talk about their circumstances, is that they are working harder and making less money. Mr. President, 60 percent of the American families now have less income than they had 20 years ago, when adjusted for inflation.

The other interesting thing is, in addition to the information produced about the trade deficit each month, there is another piece of information that is produced about wages. It gets almost no attention. Nearly every month, wages are falling. In other words, corporate profits are going up, stock prices are going up, investors are doing well. Wealth holders are celebrating, and folks out there working for a living are working for less wages. Why is that the case, and how does it relate to our trade deficit?

They are all part of the same circle. Corporate profits are at a record high. I think that is fine in some respects, except that if it comes at the expense of workers' incomes, there is a disconnection about what is important in this country. We now have what is called a global economy. What that means is American corporations and international corporations, for that matter, are told that it is just fine to go find a place to produce where you can produce dirt cheap, and hire folks for $1 a day or a dime an hour, and sell that production back to Pittsburgh or Fargo or Denver or San Diego.

What we have are good manufacturing jobs moving out of this country at a wholesale pace, and those manufacturing jobs are now in Indonesia, in Malaysia, in China, and yes, even on the Maquiladora border of Mexico, where two or three new plants every day are approved for manufacturing products, many of which used to be manufactured in this country.

Corporations find, in some parts of the world, you can hire a 12-year-old to work 12 hours a day for 12 cents an hour and produce a product that is shipped back to this country. It means we have lost good jobs in this country that used to produce good income. That is the disconnection.

It seems to me that we ought to measure success in our economic system in this country by how an economy produces a better standard of living for all Americans—all Americans, not just corporate America, all Americans—especially those who work for a living.

We have folks who sit on the front porch and smoke pipes and watch the grass grow. They hold bonds or stocks, they get dividends or interest, and God bless them. Some of them earn millions every year doing that. Some of them earn millions and pay almost nothing in taxes. But the question is, What is the fortune of the person who does not have stocks or bonds, but who works every day? What about someone who works every day, makes a wage, and then finds that every month, their wages are eroding because profits are up but wages are down?

We need to change that kind of economic system. The sum total of everything we do in this Chamber ought to be to try to restore economic health to this country, sufficient so that every American family—every American family—finds its standard of living improving.

Mr. President, 50 years after the Second World War, during the first 25 years, virtually all American families found better circumstances, better opportunities, higher wages. The second 25 years, what have we seen? Trade deficits, with American corporations moving overseas, leaving this country, taking their jobs to other parts of the world, where they can produce cheap and sell here. What has that meant? It has meant a choking trade deficit for America, and lower wages for American workers. We ought not put up with it.

We fought for 50 years on the question of what is a livable wage. We have minimum wages in this country. We have worker safety standards. We have laws against child labor. You cannot hire 12-year-olds and pay 12 cents an hour and work them 12 hours a day. Those are successes in this country, that we have prohibited those kinds of things. Yet, all too often, we are choking on a trade deficit caused by producers who produce in circumstances where they could not produce in this country, and then ship their product here.

What it is doing is drying up economic opportunities for American citizens, and it ought to stop. We ought to say to every one of those countries, China especially—we have a $30 billion trade deficit with China—it is unthinkable we allow that to continue. We have a $65 billion trade deficit with Japan. We cannot get American products into Japan in any significant quantity, but we are a sponge for Japanese products. We buy all this material from China and when they want to buy wheat, they are off price shopping in Canada someplace.

The fact is, this country ought to start standing up for its own economic interests and start doing it soon. This trade policy is completely out of whack. It is hurting American families.

I am not suggesting isolationism or building walls around our country. But I am saying that America ought to stop getting kicked around with unfair trade practices. If our market is open to other countries' products, then their markets ought to be open to ours. If we will not allow the employment of 12-year-old kids at 12 cents an hour, we ought not to allow products from countries that do, to come to the American marketplace to undercut American jobs.

It is that simple. I have been on the floor almost weekly since the first of this year, and yearly in my time in Congress, to talk about this. One day, one way, we will change these policies and start standing up for the economic interests of this country—not just corporate profits, but also wages for American families.

THE LINE-ITEM VETO

Mr. DORGAN. Mr. President, let me turn to another subject. I talked about the fiscal policy, the budget deficit, when I began. It is a serious problem. I have voted for many ways to try to address the budget deficit.

I headed a task force in the House on Government waste. I have worked on a waste task force here in the Senate. I have cast dozens of votes to cut spending. I just voted for a rescissions bill to try to cut Federal spending.

I did not cast a vote for the proposal that eventually went down by one vote here in the U.S. Senate on a constitutional amendment to balance the budget. I did vote for a constitutional amendment to balance the budget. We had two of them. One was the right one and one of them was the wrong one. The one that was the main proposal would have taken $1.3 trillion in Social Security trust funds over many, many years and used it to balance the budget. I happen to think that is thievery. I happen to think that is taking things under dishonest pretenses, because it is taking money that comes from a paycheck and is promised to go into a Social Security trust fund to be saved for the future. Then they say, "I know we say that, but we want to use that money instead to balance the budget." That is dishonest budgeting, and I would not vote for that.

But one element of dealing with the Federal budget deficit is an issue called the line-item veto. It, by itself, will not solve the deficit problem, but it will help with respect to those spending proposals that have never been the subject of hearings, are stuck in bills that come through here. So I support a line-item veto and I have, for a dozen or 15 votes over the years, voted for a line-item veto.

One of the things I think is interesting about the line-item veto issue is this. The House of Representatives passed a line-item veto in February. We in the Senate passed a line-item veto in March. It is now the end of July and we have no line-item veto. Why? Because there has been no conference committee appointed to resolve the differences between the House and the Senate versions.

Why has there not been a conference appointed? The Contract With America included the line-item veto as one of their major elements. I supported it. I have always supported it. I think it makes sense.

But it is interesting to me that the Speaker of the House of Representatives has recently said that he does not think they are going to get around to the line-item veto this year. He wanted to talk about a line-item veto, he wanted to push a line-item veto, so he had a vote on a line-item veto in February. But he did not want a line-item veto to pass because he did not want a Democratic President to have a line-item veto.

I supported line-item vetoes when a Republican was in the White House because I do not think it matters who is President. A Republican President should have had a line-item veto when the Congress was Democratic and a Democratic President ought to have a line-item veto when the Congress is controlled by Republicans.

The other day I held up a little report from a newspaper that said, "Gingrich Gets $200 Million in New Pork," just as an example. The question is, are the people who talked about a line-item veto more interested in producing pork or are they more interested in producing a line-item veto? I think the evidence is starting to suggest the former.

It is very simple for us to move on the line-item veto. If the Speaker of the House is unable, at this point, to understand how one gets to a conference, I have some step-by-step instructions.

First, think of the names of some U.S. House Members. Probably some of your friends.

Second, pick a few. That is not rocket science. Think of some names of your friends; pick a few.

Third, send the list to the House floor for action.

Let us have a conference and bring a line-item veto back to the floor of the House and the Senate and get it voted on, get it to the President, so before these appropriations bills come down to the President this year and before the reconciliation bill is sent to the President this year, this President has a line-item veto. If we are serious about the Federal deficit, let us deal with the issue called the line-item veto.

It is one thing to talk about it. It is another thing to do something about it. I see that the Speaker has indicated that maybe he will not be able to get to the line-item veto this year. The chairman of the House Appropriations Committee said yesterday it looks like they are not real anxious to move on that. It seems to me it is now time for us to ask the question: If you are serious about a line-item veto, this is the time to bring a line-item veto to conference, to the Senate and the House, and make it law, give it to this President, and let us use that to seriously reduce the Federal deficit.

Both Republicans and Democrats have a stake in fiscal policy that advances the economic interests of this country. That means reducing the Federal deficit and no longer including projects that have not previously been authorized in appropriations bills.

I support a line-item veto because it is the tool that is best equipped to stop that sort of practice, to save money, and reduce the Federal budget deficit.

I do hope in the coming days that we will discover that those who were so interested in the line-item veto early in this year continue to retain an interest in giving this President the line-item veto this year, the sooner the better.

Mr. President, how much time remains?

The PRESIDING OFFICER. About 4 minutes remains.

MEDICARE

Mr. DORGAN. Mr. President, we are nearing, now, the 30th anniversary of Medicare, in another week or so. Recently we have been discussing on the floor of the Senate, at great length, a range of Government policies that have been failures, and there are plenty. We have done a lot wrong and we need to change that and address that. It is funny that we do not discuss success much. Success is not very sexy, not very interesting. Nobody writes about it.

There is an old saying that bad news travels halfway around the world before good news gets its shoes on. That is the way life is. You are not going to turn on a television program today and hear somebody say: Do you know what that Government did? That Government did this: In the last 20 years, this country, the United States of America, uses twice as much energy as it used 20 years ago and it has cleaner air. Do you know what that Government did? That Government put in place regulations that said polluters cannot keep polluting. We are going to require the air in America to be cleaned up. And 20 years later we have cleaner air and less smog. Things are not perfect yet, but 25 years ago people were talking about where we were headed and it was doom and gloom, an awful scenario, with degraded air and degraded water, a desperate situation. We have cleaner rivers, cleaner streams, less acid rain, and cleaner air, 20 years later.

That is a success. Nobody is going to celebrate much success, but we have done a lot of the right things. One of the things that we have done that is an enormous success in this country, in my judgment, is create a Medicare system for America's elderly. We have decided that if you get old, if you reach that age of retirement, we will give you some assurance that you are not going to suffer for lack of health care when you are sick.

This health care system has worked for the elderly in this country in a remarkable way, in a wonderful way. The fact is, a lot of people did not like it. A substantial part of one party voted against it when it was initiated. Some would say they are against everything for the first time. Then later on they support it when they find it works.

But now we are in a situation where some say, "Let us threaten the underpinnings of Medicare because we do not like it, we never did like it, and we would like to privatize it." The fact is, the Medicare system works. We have folks here who bring priorities to the floor of the Senate, who say, we do not have enough money for Medicare. We want to take Medicare apart and dismantle it. We are going to threaten the very existence of Medicare. And we also, by the way, want to give a tax cut, the bulk of which goes to the richest Americans.

I brought charts to the floor to talk about the tax cut that has been proposed over in the House. We do not have numbers over in the Senate yet, but in the House it says if you are earning $30,000 or less, your tax cut is $112 a year. But if you have $200,000 or more in income, you get $11,000 a year in tax cuts. That is quite a deal, I suppose. If you are somebody who makes over a couple of hundred thousand dollars a year, especially if you are somebody who does not get your money from wages—if you get your money from interest and dividends—you are really doing well out of that plan.

But my point is, we say, at this point in our life as a country, that we have an enormous Federal budget deficit and the way to address that is to give a big tax cut to the wealthiest Americans and then turn around, after we have given the tax cut to the wealthiest Americans, and say, by the way, we do not have enough money for Medicare. We do not have enough money for what I think is an enormous, successful program in this country?

It does not make any sense to me. We have to be smart enough, it seems to me, to distinguish between what works and what does not, and keep what works and strengthen and improve it, and get rid of what does not. And we ought to take a look. We have been delaying clean air and clean water regulations and safe food regulations. Let us keep those that work. And let us keep the Medicare system, and, yes, let us improve it.

But let us not cut out the foundation from a program as important as the Medicare Program has been to this country. Let us especially not do that so we can give a big tax cut to the wealthiest Americans.

I live in North Dakota, in the northern Great Plains, the Old West. And we know about the wagon trains, because they crossed North Dakota not so long ago. Wagon trains did not move unless all the wagons moved. They did not make progress by leaving some behind.

The point with respect to the economic issues I have mentioned, including Medicare, is that at a time when corporations have record profits, the highest in history, the stock market is reaching record highs, and we see lower wages for American families. And then we hear the suggestion that the rich need a tax cut and that we ought to undercut the pinnings of Medicare. It just does not make any sense.

We ought to try to get all of these wagons moving along. We ought to try to get the standard of living for the average American family increasing—not decreasing. We have to support the things that work. Yes. Let us celebrate a little bit of success. And that is what I hope this debate will be about in the coming days and months. There is no debate about whether we should have regulatory reform. We have silly, foolish regulations that in my judgment hinder the work of small businesses and others. Let us get rid of them. But let us not roll back important regulations with respect to safe food and clean air and clean water.

Let us celebrate the success of programs that work and decide that these programs are going to strengthen—not undercut. That is what I hope this debate will be about between Democrats and Republicans. There ought not be such a great divide between the two parties in this Chamber. We want the same things. We have different approaches for getting there perhaps. But let us have a healthy, aggressive, robust debate and decide to celebrate things that work and change those that do not. Let us decide that we want a country whose economic system provides opportunity for all, which lifts all Americans, so that when they roll up their sleeves and want to improve their lives, they are able to do so.

Mr. President, I yield the floor.

THE LOBBYING DISCLOSURE AND GIFT BAN BILL

Mr. WELLSTONE. Mr. President, I just want to provide a very brief analysis to people in our country about a very important reform bill that is going to be coming to the floor on Monday, the lobbying disclosure and gift ban legislation, S. 101.

Mr. President, we will start the debate, and actually each section of lobbying disclosure and gift ban will be taken up separately. There is no question in my mind, Mr. President, that people in our country yearn for a political process that they believe in, and there is no question in my mind that people in our country—in Minnesota, Idaho, Massachusetts, all across the Nation—really want to see an open, honest, accountable political process. There are several critical ingredients to this, and two are certainly lobbying disclosure—Senator LEVIN has been an extremely capable legislator in taking the lead in this area, with Senator COHEN—and also the gift ban. Senator FEINGOLD, Senator LEVIN, Senator LAUTENBERG, and myself have all been very active.

The reason I come to the floor is that there is a development people ought to know about—an attempted substitute bill. This will be a McConnell-Dole initiative. Mr. President, I think people need to know about this initiative because I think it represents not a step forward but a huge leap backward.

Mr. President, this substitute bill is full of enough loopholes for many huge trucks to drive through. To give but just a few examples, lobbyists would be able to take you or me out to dinner one night, as long as it is anything under $100; the next time, maybe we could be taken to a Bullets game; the next time, we could go to an Orioles game; the next time, we would just be given a gift. It goes on and on and on, and there is no aggregation limit.

Actually, it is not per day but per occasion. Lobbyists, three times a day, breakfast, lunch, and dinner, but take us out as long as it is under $100 or give us some other gift, as many times as this lobbyist wanted to. It never would be counted and never would be disclosed. This is not comprehensive, sweeping gift ban legislation.

Second, to give but another example, the whole issue of charitable travel. I think it is important that Senators and Representatives, when they care about a charity, travel to an event. We should be there to support it. But to have lobbyists pay for Members to be there with our spouses and with our families—and, by the way, playing golf and tennis at the same time—is inappropriate.

We ought to be letting go of this. I do not understand why Senators, regardless of their party, do not understand that if we want people to believe in the political process, and we do not want to see bashing of public service, we all believe in public service, we ought to let go of this.

This Dole-McConnell initiative, again, has a huge loophole. Likewise, Senators can set up legal defense funds and lobbyists can make contributions to those defense funds. That was prohibited in the original bill that we passed. Likewise, Senators can ask lobbyists to make contributions to different foundations. That was prohibited. Likewise, Senators can set up contributions and have lobbyists contribute money.

Mr. President, this is not reform. This is not a step forward. This is a step backward. This is an attempt to make an end run around reform. I just want people in the country to know about it. I do not understand what happened between last year and this year.

Last year, before the November election, the Senate voted 95–4 for the gift ban legislation, virtually identical to S. 101. Mr. President, 85 of those who voted for the measure have returned to the Senate. Three new Senators voted for a similar gift ban in the House. Now we see this effort to essentially eviscerate—if that is the right word—reform through this, through this measure to be introduced as a substitute by Senator MCCONNELL and Senator DOLE which, quite frankly, is unconscionable. It passes no credibility test.

Mr. President, last October 5, the majority leader said, "I support gift ban provisions. No lobbyist lunches, no entertainment, no travel, no contributions to legal defense funds, no fruit baskets, no nothing."

What has happened? Mr. President, I just come to the floor because I want people in the country to know about this. The debate starts Monday. I think, given this substitute that I gather is going to be laid out sometime on the floor—no question but it will—there is going to be, I think, really a historic, very intense debate, because 99.9999 percent of the people want comprehensive gift ban reform. That is what I think many are determined to make happen.

I yield the floor.

Mrs. KASSEBAUM. Mr. President, in response to the Senator from Minnesota, I say I am sure there will be a thorough debate once the facts of the legislation are down and before the Senate. I think we all share some similar goals.

RYAN WHITE CARE REAUTHORIZATION ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of S. 641, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

The Senate proceeded to consider the bill.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I rise today to offer to the Senate for its consideration S. 641, the Ryan White CARE Reauthorization Act. This bipartisan legislation, which cleared the Labor and Human Resources Committee on a voice vote, is cosponsored by the ranking member of the Labor and Human and Resources Committee, Senator KENNEDY, and 63 other colleagues. The act reauthorizes critical health care programs which provide services for individuals living with HIV and AIDS. Accordingly, I urge the Senate to move expeditiously to pass this reauthorization legislation.

Mr. President, if I will just describe what this legislation is all about. The Ryan White CARE Act plays a critical role in improving the quality and availability of medical and support services for individuals living with HIV disease and AIDS. As the HIV epidemic continues, the need for this important legislation remains.

Title I provides emergency relief grants to eligible metropolitan areas [EMA's] disproportionately affected by the HIV epidemic. Just over one-half of the title I funds are distributed by formula; the remaining amount is distributed competitively.

Title II provides grants to States and territories to improve the quality, availability, and organization of health care and support services for individuals with HIV disease and their families.

Sometimes I think we do not think, when we are doing legislation such as this, about the stress that the families are under with such a tragic disease. This is why this initially came about, Mr. President, and this is why I think it does fill an enormously important niche.

The funds are used: to provide medical support services; to continue insurance payments; to provide home care services; and to purchase medications necessary for the care of these individuals. Funding for title II is distributed by formula.

Title III(b) supports early intervention services on an out-patient basis—including counseling, testing, referrals, and clinical, diagnostic, and other therapeutic services. This funding is distributed by competitive grants.

Finally, title IV provides grants for health care services and the coordination of access to research for children and families.

This legislation also includes many important changes to take into account the changing face of the HIV epidemic. When the CARE Act was first authorized in 1990, the epidemic was primarily a coastal urban area problem. Now it reaches the smallest and most rural areas of this country. In addition, minorities, women, and children are increasingly affected.

Chief among these improvements are changes in the funding formulas which are based on General Accounting Office [GAO] recommendations. The purpose of these changes is to assure a more equitable allocation of funding. These formula changes would better allocate funding based on where people currently live with this illness, rather than where people with AIDS lived in highest proportion in the past. In addition, the funds are better targeted based on differences in health care delivery costs in different areas of our country.

Based on a request from Senator BROWN and myself, the GAO has identified large disparities and inequities in the current distribution of CARE Act funding. This is due to: a caseload measure which is cumulative, the absence of any measure of differences in services costs, and the counting of EMA cases by both the titles I and II formulas.

To correct these problems, the new equity formulas will include an estimate of living cases of AIDS and a cost-of-service component. The AIDS case estimate is calculated by applying a different weight to each year of cases reported to the Centers for Disease Control and Prevention over the most recent 10 year period. The cost index uses the average Medicare hospital wage index for the 3 year period immediately preceding the grant award.

In addition, the new title II formula includes an adjustment to offset the double-counting of individuals by States, when such States also include title I cities.

Mr. President, with any formula change, there is always the concern about the potential for disruption of services to individuals now receiving them.

There is also a concern that someone will be getting more or someone will be getting less than they had before.

To address this concern, the bill maintains hold-harmless floors designed to assure that no entity receives less than 92.5 percent of its 1995 allocation over the next 5 years.

This reauthorization legislation also establishes a single appropriation for title I and title II. The appropriation is divided between the two titles based on the ratio of fiscal year 1995 appropriations for each title. Sixty-four percent is designated for title I in fiscal year 1996. This is a significant change which should help unify the interests of grantees in assuring funding for all individuals living with AIDS—regardless of whether these persons live in title I cities or in States.

Because the face of the AIDS epidemic is changing so rapidly, the Secretary is authorized to develop and implement a method to adjust the ratio of funding for title I and title II. This method should account for new title I cities and other relevant factors. If the Secretary does not implement such a method, separate appropriations for titles I and II are authorized, beginning in fiscal year 1997.

In an effort to target resources to the areas in greatest need of assistance, the bill also limits the addition of new title I cities to the program. The current designation criteria for title I cities was developed to target emergency areas. Five years after the initial enactment of the Ryan White CARE Act, the epidemic persists. However, the needs of potential title I cities are not the same as the original cities.

This is so because title II funding has been used to develop infrastructure in many of these metropolitan areas. This decreases the relative need for new cities to receive emergency title I funding.

The growth of new title I cities would be slowed beginning in fiscal year 1998. At that time, current provisions which establish eligibility for areas with a cumulative AIDS caseload in excess of 2,000 will be replaced with provisions offering eligibility only when over 2,000 cases emerge within a five-year period.

I believe this change will truly allow us to target these limited resources to areas where the real emergencies exist. As I talked with public health experts about this proposal, they indicated a rapid growth of AIDS cases over a five year period would truly stretch the limits of their existing public health infrastructure.

Mr. President, the legislation makes a number of other important modifications:

First, it moves the Special Projects of National Significance program to a new title V, funded by a 3 percent set-aside from each of the other four titles. In addition, it adds Native American communities to the current list of entities eligible for projects of national significance.

Second, it creates a statewide coordination and planning process to improve coordination of services, including services in title I cities and title II states.

Third, it extends the administrative expense caps for title I and II to subcontractors.

Fourth, it authorizes guidelines for a minimum state drug formulary.

Fifth, it modifies representation on the title I planning councils to reflect more accurately the demographics of the HIV epidemic in the eligible area.

Sixth, for the title I supplemental grants, a priority is established for eligible areas with the greatest prevalence of co-morbid conditions, such as tuberculosis, which indicate a more severe need.

I believe that the changes proposed by this legislation will assure the continued effectiveness of the Ryan White CARE Act by maintaining its successful components and by strengthening its ability to meet emerging challenges. Putting together this legislation has involved the time and commitment of a wide variety of individuals and organizations. I want to acknowledge all of their efforts.

Mr. President, I would also like to say that this is a controversial bill. It has been ever since it was approved and became law in 1990. I think this is so largely because of the fear of AIDS, the concern about HIV, where it may strike next, and as I mentioned earlier, the changing face of this tragic disease, particularly when it strikes children. I think we wonder how can this be.

We have in the past had infected blood transmitted by blood transfusions. We are beginning to try to gain control over that so that the frequency of that does not occur. But it becomes a ripple effect that goes down through families.

It is a tragic disease, and it is one for which I think we all want to be able to help provide some support for a population that is viewed with great uncertainty and great concern, and as I said, great fear. That is why we always have a hard time with this legislation, Mr. President. We have a hard time making the case, even though there are 63 cosponsors, that this is an important piece of legislation; it will help a large number of people.

I am particularly appreciative of the constructive and cooperative approach which the ranking member of the Labor and Human Resources Committee, Senator KENNEDY, has lent to the development of this legislation. I also wish to thank the other 63 cosponsors of this bill for assisting me in bringing this important legislation to the floor. I am not without an understanding of those who oppose this legislation and their concerns. These are about our limited resource dollars, our limited support of those in need in the health care area, and the question of why we are targeting this money to this particular arena.

I hope that the Senate can act promptly and approve this measure.

I yield the floor, Mr. President.

Mr. KENNEDY. Mr. President, let me say at the outset how much I think all of us on this side of the aisle appreciate the leadership of Senator KASSEBAUM and her colleagues, our colleagues on the Labor and Human Resources Committee and in the Senate, in support of this legislation, the Ryan White CARE Reauthorization Act of 1995.

The fact is, Mr. President, at times of human suffering or great national tragedies or epidemics, it has always been the leadership of the Federal Government that has helped our fellow citizens deal with difficulties. It is in that very important tradition that this legislation was created and I urge the Senate to accept it today. This is critically important legislation. I am pleased that it is the first Labor Committee initiative to reach the full Senate.

For 15 years, America has been struggling with the devastating effects of AIDS. More than a million citizens are infected with the AIDS virus. AIDS itself has now become the leading killer of all young Americans ages 25 to 44. AIDS is killing brothers and sisters, children and parents, friends and loved ones—all in the prime of their lives.

From the 10,000 children orphaned by AIDS in New York City alone, to the 18-year-old gay man with HIV living in the Ozarks of Oklahoma, this epidemic knows no geographic boundaries and has no mercy.

Nearly 500,000 Americans have been diagnosed with AIDS. Over half have already died—and yet the epidemic marches on unabated.

The epidemic is a decade-and-a-half old—almost 40 percent of the AIDS cases in the country have been diagnosed in the last 2 years. One more American gets the bad news every 6 minutes. And each day, we lose another 100 fellow citizens to AIDS.

As the crisis continues year after year, it has become more and more difficult for anyone to claim that AIDS is someone else's problem. In a very real way, we are all living with AIDS. There are few of us, even here in the Senate, who do not know someone who is either infected with AIDS or directly touched by AIDS.

The epidemic has cost this Nation immeasurable talent and energy in young and promising lives struck down long before their time. And our response to this plague—and the challenges it presents—will surely document in the pages of history what we stood for as a society.

Five years ago, in the name of Ryan White and all the other Americans who had lost their battle against AIDS, Congress passed and President Bush signed into law the Comprehensive AIDS Resources Emergency Act. In dedicating this bill to the memory of Ryan White, the Senate Labor and Human Resources Committee stated in its report:

> Beginning at the age of 13, Ryan White valiantly fought not only the AIDS virus, but also fear and discrimination based on ignorance. With dignity, patience and unwavering good cheer, Ryan White introduced America and the world to a face of AIDS that caring human beings could not turn their back upon. First through his courageous fight to go to school with his peers, then through his tireless efforts to educate others about the realities of his illness, young Ryan White changed our world. By dedicating this legislation to Ryan, the Labor Committee affirms its commitment to providing care and compassion and understanding to people living with AIDS everywhere. Ryan would have expected no less.

America can take satisfaction that—in these difficult times—sometimes we get it right. In the case of the CARE Act—I think we have.

AIDS has imposed demands on our health care system that were totally unanticipated a decade ago. In 1980, no Federal, State, or local public health agency could possibly have foreseen the introduction of a novel and lethal infectious disease into 20th century society. Yet without warning, communities across this country were faced with an ever-expanding epidemic—creating the need for essential health and support services for hundreds of thousands of Americans who previously had little contact with the health care system.

In preparing to respond, the committee heard horror stories of people with AIDS waiting 10 or 12 days in overflowing emergency rooms—only to die before they were seen. I visited these hospitals and I talked with these families. We held hearings across the Nation. We took testimony in an old school house in a southern rural town, where we heard from a person with AIDS who traveled for many hours to reach an urban clinic—for fear that if anyone in his home town knew his HIV status, he would be banished, or killed. The human tragedy brought about by AIDS was staggering, even unfathomable—and cried out for national relief.

In 1990, advocates, organizations, and frontline service providers gave us the sound advice that the development and operation of community-based AIDS care networks could help shore up the Nation's overburdened health care delivery system, while improving the quality of life and efficiency of services for individuals and families with AIDS.

These principles were affirmed in recommendations made by two successive commissions on AIDS—one appointed by President Reagan and chaired by Adm. James Watkins, the other created by Congress and chaired by Dr. June Osborn.

In a report to President Bush, the National Commission on AIDS stated:

> Federal disaster relief is urgently needed to help states and localities provide the HIV treatment, care, and support services now in short supply. The Commission strongly supports the efforts in Congress to address this need. The resources simply must be provided now or we will pay dearly later.

With broad bipartisan support, and 95 votes in the U.S. Senate, we passed the landmark Ryan White CARE Act. We joined together in the interest of the Nation. We put people before politics. We took constructive action that has made a world of difference.

The CARE Act contains a series of carefully crafted components that together form the strategy that has reduced inpatient hospitalization and emergency room visits—and allowed more than 300,000 Americans with HIV disease this year to live longer, healthier, and more productive lives.

Let me for a minute mention the various aspects of the program that form the CARE Act.

Title I provides emergency relief for cities hardest hit by AIDS.

Basically, we establish a threshold of 2,000 cases. Once the cities reach that threshold in terms of diagnosed AIDS cases, they will be eligible for help and assistance. That is why a continued expansion of the program is necessary, as more and more cities are reaching that 2,000 level.

As more and more reach that 2,000 level and become eligible, we will need additional resources to meet this growing need.

Title II provides funding for all 50 States to organize and operate care consortia, to offer home care services and lifesaving therapeutics, and to assist in the continuation of private insurance coverage for those who would otherwise be bankrupted.

We have a funding stream targeted to the areas hardest hit by HIV. We also have grants that go to all 50 States to permit the States to develop programs to meet their growing need. As Senator KASSEBAUM pointed out, we are seeing an increasing incidence in many of the rural areas of this country.

The basic thrust of these programs is to develop humane and compassionate ways to provide essential services to individuals and families with HIV. This approach is also cost-effective and reduces pressure on the health care systems in these seriously impacted communities.

Title III provides funding for community health centers and family planning clinics to offer primary care and early intervention services to men, women, and children with HIV in underserved urban and rural communities which face an increasing demand for care.

Title IV links cutting-edge pediatric AIDS research with family center health and support services to meet the unique needs of children, youth, and families with HIV.

One of the great human tragedies is the number of babies born HIV positive, infants born into this world with HIV. We are providing help and assistance to those children as well.

There has been some enormously significant and important research that has been done that has offered great hope and opportunity with early intervention of freeing these infants from transmission by providing their mothers with AZT during pregnancy and delivery.

There has been important progress made. It is the kind of research that is also being done out of NIH in a coordinated way. We want to be able to be responsive to the needs of children, youth and families that have been affected and infected. This is enormously important.

I had the opportunity to visit a center at Boston City Hospital. It was really one of the most moving and tragic visits I have ever made. But the people who are working with these infants, the volunteers that go in there and give care and attention to these babies is one of the most inspiring examples of selflessness. We want to try and at least maintain, as title IV does, cutting edge pediatric research with family centers in our country.

Title V provides funds for national demonstration projects targeted to HIV populations with special needs, including minorities, the homeless, and Native Americans.

Together these titles function to put in place a strong national response with a proven track record of success. In a very real way, the CARE Act has saved both money and lives.

In Boston, the CARE Act has led to dramatically increased access to essential services. This year, because of Ryan White, 15,000 individuals are receiving primary care, 8,000 are receiving dental care, and 9,000 are receiving mental health services. An additional 700 are receiving case management services and nutrition supplements.

This assistance is reducing hospitalizations, and is making an extraordinary difference in people's lives.

In Newark, pediatric admissions at Children's Hospital decreased by 33 percent and the length of stay has decreased by half because of the coordinated family-based care offered through the act.

I think primarily San Francisco, which experimented with a variety of ways of providing community based care, has been a model from which other cities have drawn and made a very important difference. San Francisco has increased the quality of life of people living with HIV and also has diminished, in a very significant way, the financial cost of treatment.

In Denver, emergency room visits have been reduced by 90 percent and hospitalizations by 60 percent as a result of a home care program for the uninsured paid for by the CARE Act.

In Florida, Minnesota, and Wisconsin; the State saved more than $1 million—or nearly $10,000 for each person with AIDS—by using CARE dollars to help individuals continue their private health insurance coverage.

While much has changed since 1990, the brutality of the epidemic remains the same. When the Act first took effect, only 16 cities qualified for "emergency relief". In the past five years, that number has more than tripled—and by next year it will have quadrupled.

This crisis is not limited to major urban centers. Caseloads are now growing in small towns and rural communities, along the coasts and in America's heartland. From Weymouth to Wichita, no community will avoid the epidemic's reach.

We are literally fighting for the lives of hundreds of thousands of our fellow citizens. These realities challenge us to move forward together in the best interest of all people living with HIV. And that is what Senator KASSEBAUM and I have attempted to do.

The compromise in this legislation acknowledges that the HIV epidemic has expanded its reach. But we have not forgotten its roots. While new faces and new places are affected, the epidemic rages on in the areas of the country hit hardest and longest.

The pain and suffering of individuals and families with HIV is real, widespread, and growing. All community-based organizations, cities, and States need additional support from the Federal Government to meet the needs of those they serve.

The revised formulas in this legislation will make these desperately needed resources available based on the number of people living with HIV disease—and the cost of providing these essential services.

The new formula will increase the medical care and support services available to individuals with HIV in many cities, including Boston, Los Angeles, Philadelphia, and Seattle, and in many States.

Equally important, the compromise will ensure the ongoing stability of the existing AIDS care system in areas of the country with the greatest incidence of AIDS. The HIV epidemic in New York, San Francisco, Miami, and Newark is far from over—and in many ways, the worst is yet to come.

This legislation represents a compromise, and like most compromises, it is not perfect and it will not please everyone. But on balance, it is a good bill—and its enactment will benefit all people living with HIV everywhere in the Nation.

We have sought common ground. We have listened to those on the frontlines. And we have attempted to support their efforts, not tie their hands.

Congress must now once again put aside political, geographic, and institutional differences to face this important challenge squarely and successfully. The structure of the CARE Act—affirmed in this reauthorization—and its well-documented effectiveness provide a sound and solid foundation on which to build that unity.

Hundreds of health, social service, labor, and religious organizations helped to shape the reauthorization's provisions. The reauthorization has been praised by Governors, mayors, county executives, and local and State AIDS directors and health officers. It has required all levels of government to join together in providing services and resources. And success stories of this coordination are now plentiful.

Community-based AIDS service organizations and people living with HIV have had critically important roles in the development and implementation of humane and cost-effective service delivery networks responsive to local needs.

Although the resources fall far short of meeting the growing need, the Act is working. It has provided life-saving care and support for hundreds of thousands of individuals and families affected by HIV and AIDS. Through its unique structure, it has quickly and efficiently directed assistance to those who need it most.

The Ryan White CARE Reauthorization Act, however, is about more than Federal funds and health care services. It is also about the caring American tradition of reaching out to people who are suffering and in need of help. Ryan White would be proud of what has happened in his name. His example, and the hard work of so many others, are bringing help and hope to our American family with AIDS.

The CARE Act has been a model of bipartisan cooperation and effective Federal leadership. Today that tradition continues. Sixty-three Senators join Chairman KASSEBAUM and me in presenting this bill to the Senate. It has been unanimously reported by both the Labor and Human Resources Committee in the Senate and the Commerce Committee in the House.

We must do more and do it better to provide care and support for those trapped in the epidemic's path. And with this legislation, we will.

Mr. President, again, I thank our chairperson, Senator KASSEBAUM, for her leadership and for working through a number of recommendations and changes. There have been changes in the way the funding will be distributed, and any time you engage in that, there will always be some winners and some losers.

It is a compromise which I support. It took a good deal of time to work this through, but I commend her for her diligence and for her ability to bring us all together on to some common ground.

Finally, I think those individuals who are looking to this legislation for some hope ought to find it as we go forward. It has broad bipartisan support. We expect that, as the majority leader has indicated, we will pass this in the very near future —certainly in the period of time before the August recess. If you take the progress being made in this area, the progress being made in the Office of AIDS research at the NIH, and the progress we have made with the Americans With Disabilities Act in the not too recent past, I think what Americans can take some satisfaction in is that we are trying to deal with this issue as a public health issue. We are trying to deal with it in a humane fashion. We are putting aside, during this debate, ideology and rhetoric in dealing with the facts at hand. We should follow scientific, and medical judgements and reflect caring and compassionate leadership, which we are about when we are at our best.

So this is really a hopeful piece of legislation. It will make a difference to tens of thousands of our fellow citizens. It is an area of important need. It is building on solid records of achievement and accomplishment. It reflects a number of the recommendations that have been made by Republicans and Democrats alike. It is a reflection of many of our colleagues' good recommendations and suggestions. We are very grateful to all of those that have been a part of this legislation. I am very hopeful that the Senate will pass it in the very near future.

I yield the floor.

Ms. MIKULSKI. Mr. President, I rise today in strong support of the Ryan White Comprehensive AIDS Resources Emergency [CARE] Act reauthorization. This act that honors the memory of a teenager who touched the lives of all Americans by bringing to the public's consciousness the need to respond to people living with AIDS. I am proud to be a cosponsor of this legislation and I urge my colleagues to join me in keeping the "care" in the Ryan White CARE Act.

My home State of Maryland, and Baltimore in particular, has benefited greatly from the services funded under the Ryan White CARE Act. Many Marylanders with AIDS would have gone without care or received substandard care if this law was not in existence. The CARE Act has provided primary care services and specialized HIV/AIDS care specifically for children, adolescents, women, men, and families through cost-effective community-based, family-centered comprehensive systems. In Maryland alone, the number of reported AIDS cases has increased every year since 1990 when the Ryan White CARE Act was first passed. In 1990, the number was 923, in 1992 it was 1,242, in 1993 it was 2,483, and last year it was 2,810.

As we have seen in Maryland, the AIDS epidemic is far from over. The greatest spread of the disease in Maryland has been in the Baltimore metropolitan area. In Baltimore City alone in 1993. there was a 64.4 percent increase in the AIDS caseload. The number of AIDS cases in Baltimore has multiplied more than 21 times since 1985. Sixty-one percent of AIDS cases in Maryland are in Baltimore.

The Federal Government has always responded to national tragedies and epidemics with targeted assistance—AIDS is no different. We must make sure that the Ryan White CARE Act continues to provide community-based care as well as new care and prevention programs. I believe this Act as reauthorized accomplishes this goal.

We cannot ignore the human element of this disease and the individuals whose lives have been affected by it. We cannot forget their personal plights and how this law has affected their lives. We have an opportunity today to do the right thing by reauthorizing this Act. We need to ensure that those affected by HIV and AIDS receive help in coping with the ravages of this dreaded disease.

AIDS is a disease that does not discriminate among children and adults, rich or poor, Democrats and Republicans. It affects everyone. Now is the time to come together in a bipartisan way to show Americans living with AIDS and their families that their elected officials—their Congress—is standing firmly behind them in their time of need. Let's keep the "care" in the Ryan White CARE Act.

Mrs. KASSEBAUM. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. MOSELEY-BRAUN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. MOSELEY-BRAUN. Mr. President, I rise in strong support for quick action to approve the funding for the Ryan White CARE Act. The Ryan White CARE Act is an example of Government at its best. It is an initiative that has worked well in spite of the unfortunate and tragic growth in the number of AIDS and HIV. This has been a difficult disease for the country to deal with and an even greater challenge for the individuals and families of individuals stricken with the disease.

When Ryan White was first enacted, about 128,000 Americans were diagnosed with HIV. Now, unfortunately, there are more than 480,000 diagnosed cases.

Unfortunately, Mr. President, and probably predictably so, AIDS is one of those things that none of us like to talk about. It is a subject that brings fear in the hearts of anyone who even raises the question. But it is, I think, vitally important that we talk about it, and it is vitally important that we engage in debate about priorities and how we go about responding to what is truly an American emergency.

AIDS is just such an emergency. HIV is just such an emergency. Ryan White has been there to respond in a comprehensive and sensible way to that emergency. It is cost effective. It is working. It is responsive. And again, it represents the best of America.

Let me say at the outset that Ryan White funding plays a critical role in ensuring that people with HIV and AIDS receive not just health services but case management, home services, housing services, transportation, and it is a comprehensive approach to dealing with the entire individual and the entire community.

The funding goes to State and local governments to deal with HIV-infected populations within that community, as well as to provide support for community initiatives designed to try to provide the kinds of supports that will be responsive to the particular health needs of that community.

One of the things that needs to be talked about during the health care debate is the fact that here in America no one goes without health services.

If you think about it, everyone gets services in one form or another. If somebody falls out in the middle of the street or someone gets sick, somewhere, somehow or another, they will get served. The question becomes, how does it get paid for?

Unfortunately, our health care system is broken—we have the finest health care in the world, but in many ways it is a broken one. The fact is, the way the system works now, uncompensated care costs get shifted back and forth, and so in many instances, people who go to the hospital and pay private pay for health coverage, for health services, wind up paying $100 for aspirin, and that is just an apocryphal example. But the reason aspirin costs $100 is because of uncompensated care provided to people in other points in the system. Hospitals have provided the care. They have to recover that cost in some way and very often those costs get shifted to people who have private insurance and the like.

What Ryan White does, then, if you look at it in the scheme of things, Ryan White says here is a particular population with particular health needs and a community need to have these health needs met. We are going to provide funding to State and local governments, to health care institutions, to research institutions and the like, to try to address this specific problem so these costs will not be shifted and these costs will not be spread and we can be responsive in a comprehensive way.

So Ryan White-funded health care services help not only keep people healthy, and of course I know some of my colleagues have spoken to the human dynamic that is involved with Ryan White, but it also helps to provide a way of providing health care services in a way that does not call for this unaccountable kind of cost shifting that we might see in our health care system overall in the absence of Ryan White.

Mr. President, my State, Illinois, received in Federal funding for AIDS programs a total in 1994 of about $60 million. This is a lot of money. But certainly the fact is that the population is large and is growing and Ryan White has been responsive to a number of different institutions in the State of Illinois to provide for health care services: Emergency funds for care services, funds to the State health departments for support and care services, funds to community-based clinics and migrant health clinics to provide outpatient early intervention and primary medical services, funds to support pediatric, adolescent, and family programs.

All of these are vitally important, particularly given the fact that the AIDS population and HIV population is growing with regard to pediatrics, with regards to the children—that population is expanding. I think we have every obligation to see to it that we respond to the health needs of the community and the health needs of the individuals who are suffering with this dread disease in a way that is efficient. Certainly, Ryan White is that cost-effective, that efficient approach to health care funding for AIDS and HIV.

Finally, I would like to make a special appeal to my colleagues to look at this program and not allow us to get into a tradeoff between diseases, if you will. The fact is, we have a universal interest in seeing to it that the health care of America is something that we respond to as a society, not just because it is good for the individuals but because it is good for our society as a whole.

I do not think it can ever be argued that one disease versus another disease should be competitive. Indeed, if anything, we have, I think, an obligation to provide people with quality health care and access to health care and the availability of funding for that health care in a system of health care that is responsive to our total population needs.

I understand this legislation has broad-based bipartisan support and so this is not a partisan issue. This is certainly not an issue that should be controversial in any way. I hope there will not be any controversy.

I certainly want to applaud Senators KASSEBAUM and KENNEDY for working through the issues surrounding this legislation. Senator KASSEBAUM has been a leader in the health area for a long time and I applaud her for her efforts in this regard and applaud her for this legislation, and I urge its quick passage by the U.S. Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Hawaii.

Mr. AKAKA. Mr. President, I am pleased that the Senate is now considering S. 641, the Ryan White Comprehensive AIDS Resources Emergency, CARE, Reauthorization Act of 1995. In 1990, Congress enacted the Ryan White CARE Act, named in honor of the young hemophiliac who devoted enormous energy educating Americans about the need for a compassionate response to people living with AIDS.

The Ryan White CARE Act is the cornerstone of Federal funding for AIDS-specific care and has played a critical role in improving the quality and availability of medical and support services for individuals with HIV and AIDS. Since its enactment, the CARE Act has provided life-sustaining services to over 300,000 people with HIV/AIDS, including primary health care, prescription drugs, home health care and hospice care, dental care, drug abuse treatment, counseling, case management, and assistance with housing and transportation.

I commend the sponsors of this legislation, Senators NANCY KASSEBAUM and EDWARD KENNEDY, for their leadership on this issue of national importance. S. 641 would amend the CARE Act and extend authorization of the grant programs, which expire on September 30,

1995. As AIDS is the leading cause of death of young adults, we cannot let reauthorization of the CARE Act be delayed any longer nor diluted through negative amendments. I am a cosponsor of this legislation and believe that it will strengthen the CARE Act and enhance our ability to be responsive to the evolving nature of this epidemic. The measure, which enjoys bipartisan support, was favorably reported out of the Senate Labor and Human Resources Committee by a unanimous vote on March 29, 1995.

The sponsors of this legislation recognize that the changing demographics of the AIDS epidemic require a more equitable distribution of funding in order to balance the needs of people across this country living with HIV and AIDS. Accordingly, S. 641 builds on the program's strengths and makes significant improvements by modifying the funding formulas to reflect the changing nature of the AIDS epidemic. The legislation before us would assure a more equitable allocation of funding as it restructures formulas based on an estimation of the number of individuals currently living with AIDS and the costs of providing services

I urge my colleagues to support, without amendment, S. 641, the Ryan White Care Reauthorization Act of 1995.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I thank the Senator from Hawaii and prior to the Senator from Hawaii speaking, the Senator from Illinois, Senator MOSELEY-BRAUN, for their cosponsorship and assistance with this legislation as we have been putting it together and as it is now ready to be considered by the full Senate.

I just wish to thank the Senator from Hawaii for his support.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, I am proud to be a cosponsor of the Ryan White CARE Act.

Today, AIDS is the leading cause of death among Americans between the ages of 25 to 44 years. Truly, a staggering statistic.

Since the beginning of the epidemic in 1981 through June of 1994, the number of reported AIDS cases in Vermont is 213. Eighty-two of these cases were reported in the previous year alone. This represents an increase of 242 percent over the reported total in 1991–92.

AIDS knows no gender, sexual orientation, age, or region of the country. AIDS is something that affects all of us.

Since its enactment in 1990, the Ryan White CARE has done so much to help provide health care and services to the growing number of people with HIV/AIDS. I hope that we can work toward a speedy passage.

Mr. President, I ask unanimous consent to be able to proceed as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPORT FOR CONGRESSIONAL LEADERSHIP AGAINST LANDMINES

Mr. LEAHY. Mr. President, on June 16 I introduced S. 940, the Landmine Use Moratorium Act. My bill, which calls for a 1-year moratorium on the use of antipersonnel landmines, aims to exert U.S. leadership to address a problem that has become a global humanitarian catastrophe, the maiming and killing of hundreds of thousands of innocent civilians by landmines.

Landmines are tiny explosives that are concealed beneath the surface of the ground. There are 100 million of them in over 60 countries, each one waiting to explode from the pressure of a footstep. Millions more are manufactured and used each year. The Russians are scattering them by air in Chechnya. They are being used by both sides in Bosnia, where 2 million mines threaten U.N. peacekeepers and humanitarian workers there, as well as civilians.

In Angola there are 70,000 amputees, and another 10 million unexploded mines threatening the entire population. Mines continue to sow terror in dozens of countries in Asia, Africa, Latin America, and the former Soviet Union.

Again, my bill calls for a 1-year moratorium on the use of antipersonnel mines. Not because the United States uses landmines against civilian populations the way they are routinely used elsewhere, but because without U.S. leadership nothing significant will be done to stop it.

Like the landmine export moratorium that passed the Senate 100 to 0—2 years ago—and like the nuclear testing moratorium, my bill aims to spark international cooperation to stop this carnage. Time and time again we have seen how U.S. leadership spurred other countries to act.

The Landmine Use Moratorium Act has 45 cosponsors—37 Democrats and 8 Republicans. They are liberals and conservatives. They understand that whatever military utility these indiscriminate, inhumane weapons have is far outweighed by the immense harm to innocent people they are causing around the world.

Every 22 minutes of every day of every year, someone, usually a defenseless civilian, often a child, is horribly mutilated or killed by a landmine. It is time to stop this. My bill takes a first step.

Mr. President, in recent weeks, newspapers around the country have published editorials and articles about the landmine scourge and the need for leadership by Congress.

I ask unanimous consent that several newspaper articles about the Landmine Use Moratorium Act from Maine, Oregon, Pennsylvania, and elsewhere, as well as several defense publications, be printed in the RECORD.

I also ask unanimous consent that Senator GORTON be added as a cosponsor to S. 940.

The PRESIDING OFFICER. Without objection, it is so ordered.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From Defense News, July 10–16, 1995]

LAND-MINE BAN WOES

In 1994, about 100,000 land mines were removed from former war zones at a cost of $70 million. At the same time, another 2 million mines were deployed elsewhere.

These and other sobering, frustrating statistics came out of a three-day international conference in Geneva last week on mine-clearing.

The daunting prospect of new mines being sown at a rate 20 times faster than they can be removed is matched by the apparently futile attempts to ban the sale and manufacture of these inexpensive weapons.

There is some momentum to enact an international ban, with 25 nations adopting moratoriums on mine exports and three—Mexico, Sweden and Belgium—calling for comprehensive bans on their sale and manufacture. But in Geneva, it was concluded that banning land mines must be a long-term goal.

Despite the clear evidence that these weapons often can serve as everlasting and deadly vestiges of wars long resolved, some countries demand the right to keep them in their inventories.

The nations that want to have land mines in their inventories typically are not the same 64 countries where collectively 100 million land mines kill or maim 500 persons each week. If they were, perhaps a comprehensive ban would not be so elusive.

BURY MINE VIOLENCE

While international support is growing for a comprehensive ban on the sale and manufacture of antipersonnel mines, Western leaders must speak with one voice in demanding stronger curbs on these weapons that kill about 70 people each day.

Following the U.S. lead, 18 countries have declared moratoriums on the export of antipersonnel land mines and a U.N. conference beginning in September in Vienna will examine how and where antipersonnel land mines may be used.

Despite these and other promising signs, a worldwide ban on these mines that kill or maim 26,000 people each year remains an unlikely outcome of the U.N. meeting.

Even the European Parliament, which is hoping to influence the U.N. decision by soon adopting its own resolution calling for an antipersonnel mine ban, may have trouble achieving consensus.

While Belgium, for instance, banned all production, sale and export of antipersonnel mines last month, officials from other countries, such as Finland, insist that antipersonnel mines are a vital asset in national defense.

Because of these widely divergent views, a strong European Parliament resolution renouncing antipersonnel mines may be an elusive goal.

Even the United States, which had been a leader in the drive to rid the world of antipersonnel land mines, is falling off the pace. Despite a landmark speech by U.S. President Bill Clinton to the U.N. General Assembly in September in which he stressed the elimination of antipersonnel land mines, the government would allow the sale of certain high-tech antipersonnel land mines if the congressionally imposed export ban that ends in 1996 is not extended.

The U.S. military wants to keep high-tech antipersonnel mines that are self-deactivating. And a multilateral mine control regime being touted by U.S. officials concentrates on eliminating long-lived antipersonnel mines that do not self-destruct or self-deactivate.

While the newer high-tech mines offer great improvements over many of their predecessors, they nonetheless are dangerous weapons that should be included in a global ban.

Antitank mines, however, are vital weapons in the modern battlefield and do not cause the civilian casualties that antipersonnel mines do.

As Sen. Patrick Leahy and Rep. Lane Evans said in a letter to Mr. Clinton after his September speech, "* * * land mines undoubtedly have some military use, that must be weighed against their advantage as a force multiplier for potential enemies in countries like Somalia or Iraq, where our troops increasingly are being sent."

But soldiers are not the most frequent victims of these mines. Civilians, often children, are.

More mines are being scattered each day in places like Chechnya and the former Yugoslavia. The global landscape already is littered with 85 million to 100 million unexploded antipersonnel mines.

Western leaders must act now to ensure more of these mines are not sown and that programs are put in place to verify compliance to the ban.

[From Navy Times, July 24, 1995]

SANITY MAY TAKE ROOT IN LAND MINE DEBATE

(By George C. Wilson)

Far too many of us still see the hurt and disbelief in the eyes of someone who has just been hit by a land mine. The eyes that still bore into my mind are those of a little Vietnamese girl who set off a mine while washing clothes on the bank of the Perfume River in Hue in 1990—a full 15 years after the war was supposed to be over for her and everyone else.

The girl lay in a hospital bed in Hue with bandages over most of her body. Her mother was attending her because of the shortage of nurses. The mother looked up from her bedside chair and asked me through a translator why the "booms" were still going off. Her daughter just stared at me in searing silence.

I had no answer then, but have something hopeful to say now. The U.S. Senate, perhaps this week but certainly this summer, will confront the scourge that maims or kills somebody in the world every 22 minutes. As many as half of the victims are children like the one I saw in Hue.

Soldiers know how to detect and disarm mines. Children don't. Sowing mines is like poisoning village wells: The soldiers on both sides realize the danger, drink from their canteens and move on. Not so with the villagers.

Sen. Patrick J. Leahy, D-Vt., and more than 40 Senate co-sponsors have drafted legislation that would declare a one-year moratorium on sowing mines on battlefields, starting three years from now. Claymore mines, which infantrymen spread around their positions at night and use in ambushes, would be excluded from the experimental, one-year ban. So would anti-tank mines. Also, international borders, like the demilitarized zone between North and South Korea, could still be sown with mines.

The Leahy proposal is but a short step toward the goal of inspiring an international agreement to ban land mines the way the nations managed to ban the use of poison gas and dum-dum bullets. But it is a symbolic step. It will at least force the Congress, the military and the public to confront this uncontrolled sowing of poison seeds.

In the Senate, Leahy plans to tack the moratorium legislation onto another bill on the floor, perhaps the defense authorization bill.

In the House, Rep. Lane Evans, D-Ill., a Marine grunt from 1969 to 1971, is pushing a similar measure but has not decided when to push for a vote. The hawkier House—which seems determined to give the military almost anything it wants—almost certainly will reject the amendment until the Joint Chiefs of Staff say they favor it.

This hasn't happened despite expert testimony that it would do the U.S. military more good than harm if land mines were banned. No less a soldier than Gen. Alfred Gray Jr., former Marine Corps commandant, has said:

"We kill more Americans with our mines than we do anybody else. We never killed many enemy with mines . . . What the hell is the use of sowing all this [airborne scatterable mines] if you're going to move through it next week or next month . . . I'm not aware of any operational advantage from broad deployment of mines."

Leahy warns that "vast areas of many countries have become deathtraps" because 62 countries have sown between 80 million and 110 million land mines on their land. "Every day 70 people are maimed or killed by land mines. Most of them are not combatants. They are civilians going about their daily lives."

Yet mines are so cheap—costing as little as $2—that small armies all over the world are turning to them as the poor man's equalizer. American forces increasingly are being sent to these developing areas and would be safer if land mines were banned.

"The $2 or $3 anti-personnel mine hidden under a layer of sand or dust can blow the leg off the best-trained, best-equipped American soldier," Leahy notes.

At the United Nations last year, President Clinton called on the world to stop using land mines. He could weigh in heavily on the side of the one-year moratorium and push the chiefs in that direction. But don't count on it. He seems determined during his reelection drive not to offend the military and its conservative champions.

Belgium and Norway this year forbade the production, export or use of land mines. Leahy and Evans hope the upcoming debate will create a climate for a similar stand by the United States. Lest you conclude the land mine moratorium is being pushed by peacenik lawmakers, note that among the senators supporting it are decorated war veterans Daniel K. Inouye, D-Hawaii, J. Robert Kerrey, D-Neb., John F. Kerry, D-Mass., and Charles S. Robb, D-Va.

The case for the Leahy-Evans moratorium is overwhelming. Even so, Congress probably will lose its nerve and refuse to enact the moratorium this year. But I think I could tell that little girl in Hue, if she lived through her maiming, that reason is beginning to assert itself. Man is beginning to see the folly of fouling his own nest with mines. There is at least a dim light at the end of the tunnel.

[From the Washington Post, July 9, 1995]

KILLERS IN THE EARTH

(By Anne Goldfeld and Holly Myers)

Sen. Patrick Leahy of Vermont and Rep. Lane Evans of Illinois have just introduced a bill to establish a year-long moratorium on the use of land mines. This legislation is a critical step toward the goal of an eventual international ban on the production, stockpiling, trade and use of these weapons. Passage of this amendment is a humanitarian imperative as, day by day, the public health and environmental crises of land mines spin out of control.

At as little as $3 apiece, land mines have become the cheapest choice weapon in the civil war conflicts that plague our planet. In the former Yugoslavia alone, as many as 5 million land mines have been dug into the earth since the outbreak of fighting. In Rwanda, tens of thousands of mines newly laid in the last year will target the poorest in society—the children and women who must collect firewood or fetch water for survival. As elsewhere, women and children make up 30 percent of land mine victims, and because of their small size, children rarely survive a blast. Tragically, children too frequently perceive land mines to be brightly colored toys.

Land mines are an epidemic more deadly than the Ebola virus, killing or maiming at least 26,000 people a year, 90 percent of whom are noncombatant civilians. However, unlike Ebola, this scourge has spread to nearly every continent on the globe: 10 million land mines in Afghanistan (where the technique of scattering mines from the air was perfected), 10 million mines in Angola, 130,000 mines in Nicaragua, 4 million mines in Iraqi Kurdistan.

Mines were laid in the recent Peru-Ecuador border dispute, and new mines are being laid with a ferocity in current hot spots such as Chechnya and Bosnia. The cost of clearing a single mine ranges between $300 and $1,000 and requires a brave man or woman to work on hands and knees, meticulously removing one mine at a time.

In Cambodia, a country of 8 million people, there are an estimated 8 million land mines. Twenty percent of the land in the country's fertile northwest provinces is now not cultivable because of mines. Approximately one out of every 200 people is an amputee, the highest percentage in the world; in the United States the comparable ratio of amputees to the general population is one out of 22,000. At the current rate of clearance, Cambodia will not be free of mines for 300 years.

According to the U.S. State Department, there are an estimated 100 million land mines in the earth today and at least another 100 million stockpiled in arsenals. Like Ebola between outbreaks, they remain hidden and await their victims patiently for decades. With each passing day, they turn once-fertile fields into abandoned wastelands and destroy lives, limbs and futures.

There is no possible military objective or argument that can justify the human toll and the pollution of the earth exacted by the continued use of land mines.

Land mines, "weapons of mass destruction in slow motion," have claimed more victims than nuclear, chemical and biological weapons together. The indiscriminate chemical and biological weapons systems are now banned, and land mines must also be banned. President Clinton, at the 50th anniversary of the United Nations, proposed that the elimination of land mines be a common goal of member nations. Let's put this theoretical position into action. Active support of the Leahy-Evans bill represents a crucial start.

[From the Boston Globe, May 23, 1995]

Fields That Keep Killing

Numbers can be cold abstractions. An account of five minutes in the life of one child at Auschwitz can convey the evil of the Nazi genocide more unforgettably than any quantitative summary of Hitler's mass murder. To understand a contemporary massacre of the innocents that continues day after day, one must feel the horror hidden in the figures on antipersonnel land mines.

One hundred million is the number of mines waiting to kill, maim or blind a child going to school, a farmer tilling the soil or a refugee returning home. Twenty-six thousand is the number of people who were killed or maimed in the past year by land mines. Seventy is the figure for those who are blown apart each day. Sixty-two is the number of countries where land mines, weapons of mass destruction that kill in slow motion, have been sown in the soil. Three dollars is the cost for a land mine, the cheapest terror weapon of all.

The ethical imperative to eliminate land mines is clear. Mines do not discriminate between civilians and combatants. They go on murdering and mutilating innocent victims indefinitely. There are still areas of the Netherlands and Denmark that are off-limits because of unexploded mines from World War II. In countries such as Afghanistan, Cambodia, Angola or Iraq, the diffusion of mines has created permanent killing fields. And Russian planes are currently strewing mines in Chechnya.

To help end the commerce in land mines, Sen. Patrick Leahy of Vermont is planning to introduce a bill to ban U.S. use of antipersonnel land mines except "in marked and guarded minefields along internationally recognized national borders." To discourage the proliferation of mines, the United States would end all transfers of military equipment to "any country which the President determines sells, exports or transfers antipersonnel land mines." The bill would also authorize $20 million to clear and disarm existing land mines.

Leahy's bill is necessary because the Pentagon has prevailed on President Clinton to keep using mines that self-destruct after a few months or years. That would be a license to prolong mass murder. Leahy has proposed a wise and humane measure that deserves support.

[From New York Newsday, June 28, 1995]

Newlyweds, Killed in Blast

(By Michele Salcedo)

They were newlyweds, celebrating their nine-day-old marriage with a dream honeymoon at a Red Sea resort in Egypt.

But on Monday the lives of U.S. Army Maj. Brian Horvath, a cardiologist who grew up in Sayville, L.I., and his bride. Maj. Patricia Kopp-Horvath, ended together when the off-road vehicle in which they were touring the Sinai desert hit a landmine.

An Army spokesman at the Pentagon, Lt. Col. William Harkey, declined to confirm the Horvathe death until a positive identification could be made in six to 10 days.

But Capt. Dominick Yarrane, commander of the Suffolk County Police Community Response Unit, where Horvath's mother, Arlene, works as an aide, said an Army official from Fort Hamilton notified the Horvath family of the tragedy Monday evening.

The newlyweds had rented an off-road vehicle, and hired a driver and guide for a tour of the desert territory fought over by Israel and Egypt between 1948 and 1967.

Horvath and wife, their driver and guide had driven 30 miles north of the Red Sea resort of Shaphi al-Sheik, according to Michael Sternberg, the chief representative in Israel of the multinational force in the Sinai, where they struck the mine. The driver and guide survived the blast, but their condition was unclear.

A source at the U.S. Embassy in Cairo said that the area where the explosion occurred—just north of the Sinai's southern tip—was well-traveled and visited frequently by tourists. It was not in any way restricted, the source said.

The Egyptian Ministry of the Interior said the area had been mined during 40 years of recurring hostilities, but that efforts had been made to clear it of mines when Israel returned the area to Egypt. American officials in Egypt considered the incident an accident, the U.S. Embassy source said.

The Horvaths announced their engagement in April and were married June 17 in Stillwater, Minn., near Patricia Kopp's hometown. They were stationed at Landstuhi Regional Army Medical Center in Germany, where Brian Horvath practiced and Patricia Kopp-Harvath worked as a certified registered nurse-anesthetist.

[From the Statesman Journal, July 17, 1995]

Congress Must Ban Mine Sales

Judging by the way our lawmakers vote and our citizens act, Oregon is one of the most pro-peace states in the nation.

It will disappoint Oregonians, then, to learn that the United States is the leading arms exporter in the world, with 72.6 percent of the market. It's also disappointing that while a hundred million unexploded land mines spread around the world kill or maim 26,000 innocent people each year, only 57 percent of Americans want a moratorium on their export.

The U.S. Senate is expected to take up this summer both a moratorium on land mines and a "Code of Conduct," pushed by Sen. Mark Hatfield, to restrict the sale of conventional arms to dictators and countries that fail to meet certain humanitarian criteria.

Of all the measures, elimination of land mines should be the easiest to obtain. The United States imposed a one-year moratorium in 1992 and has extended it every year, President Clinton wants to do the same this year and then move toward elimination—but with a catch. His administration wants countries to use self-destructing land mines as an interim step. Many see this as a self-serving promotion of American-made self-destruction mines.

Except for specific purposes and specific times—along borders in a war—antipersonnel mines have no honest military purpose. Nevertheless, they've been sown like wheat across the countryside in many countries. Innocent children and civilians become their victims.

Oregonians should be the first to urge Congress to vote the toughest sort of ban on land mines, including the self-destruct models.

Oregonians have supported Hatfield's "Code of Conduct" bill in the past and must maintain that support, in hopes that Congress eventually will get the message. His code may be the only way to stop this country from selling arms to nations that may eventually use them against us—Iraq and Somalia are good examples. Besides, we subsidize the sales with U.S. tax dollars and loan guarantees.

Wars fought with conventional weapons have claimed the lives of 40 million people since World War II. How do U.S. taxpayers feel about their contribution to this slaughter?

[From the Scranton Times, July 10, 1995]

Land Mines Plague World

SPECTER SHOULD LEAD GOP SENATORS IN EFFORT TO PROTECT CIVILIANS

Senate Democrats are pressing a bill that would make the United States the leader in a global effort to sharply restrict the distribution and use of land mines.

According to the State Department, 26,000 civilians around the world are killed or maimed each year by land mines left over from wars. Official estimates of the number of such devices buried on innumerable former battlefields range as high as 100 million.

No Republicans have signed on as sponsors to the Senate bill, which would extend a moratorium on the use of U.S.-produced anti-personnel land mines, expect in certain marked areas where they help to protect borders.

Such a moratorium would give the U.S. the moral weight needed to lead to a global moratorium on anti-personnel mines, an international conference on which is scheduled to convene in September.

Civilian populations suffer during wars but should be relieved of such burdens when hostilities cease. The United States should be a leader in protecting, rather than contributing to the endangerment of civilians.

Sen. Arlen Specter is considered a swing vote on this issue. He should lead his GOP colleagues in helping to stop the carnage caused by land mines.

[From the Bangor Daily News, July 10, 1995]

Land-Mine Moratorium

In 1992, Congress took an intelligent half-step of approving a one-year moratorium on the export of land mines, and subsequently passed an extension. It now has the opportunity to expand the moratorium, saving thousands of lives in the process.

Sen. Patrick Leahy of Vermont has proposed a further measure that calls on the president to support international negotiations to eliminate anti-personnel land mines, imposes a one-year moratorium on the use of U.S. land mines except in certain marked areas along international borders and encourages other countries to adopt the moratorium. Passage of the bill could have far-ranging implications. After the '92 moratorium was passed, two dozen other countries enacted similar measures.

By rough count, there are 1 million land mines currently sown into the earth, awaiting either the costly process of removal (Kuwait has spent $800 million doing this since the end of the Gulf War) or the costlier detonation by an unwilling passerby. Land mines do not know when a war has ended or whether a victim is a soldier or civilian. Their placement in fields once used for planting has the doubly vicious result of causing widespread injury among civilians while discouraging other refugees from returning to their farm lands.

Land mines are designed to maim instead of kill. They cause disabling injuries, inflict pain and terror among those unfortunate enough in the minelaced regions of Cambodia, Afghanistan, Angola, and a dozen other places. Approximately 26,000 people are killed or injured by land mines each year. Once used as a defensive weapon, militaries have found these cheap devices ideal for offensive purposes, as well. Their drain on scarce medical resources means that others suffering from disease or malnutrition will die from want of treatment.

President Bill Clinton has endorsed the idea of eventual elimination of antipersonnel land mines, but unfortunately also wants to allow a U.S. firm to export a higher-tech version of the weapon, known as a self-destructing land mine. In theory, these land mines either blow up or become inactive after a given time. But allowing one type of land mine opens a loophole for several types, and makes enforcement of a ban on the rest nearly impossible.

As the world's largest arms exporter, the United States has the special problem of facing potentially hostile countries supplied with U.S.-produced weapons. The land-mine moratorium is an important step toward reducing that eventuality and increasing world safety. Maine's senators should support the Leahy bill.

[From the Patriot-News, July 19, 1995]

EASE THE THREAT FROM LAND MINES

The numbers are staggering, so enormous that no one can say with precision just how many unexploded land mines litter the planet.

In a speech to the United Nations last September, President Clinton cited the figure 85 million. More recently, the State Department has put the number at 100 million, or one for every 50 people in the world.

What is known is that on average about 500 people are killed or maimed each week—26,000 every year—by land mines. Huge swaths of ground have been rendered uninhabitable by the sowing of mine fields, from Kuwait to Angola. One of every 236 people in Cambodia is an amputee as a result of mine blasts. Around the world, wherever land mines lie in wait for the unsuspecting or careless, prominent among their victims are children.

But there is an effort under way to do something about this madness. A one-year moratorium on the sale, export and transfer of land Mines was adopted by the United States in 1992, followed the next year by unanimous Senate passage of a three-year extension. The moratorium effort has since been joined by 25 other countries.

Late next week, the Senate is expected to vote on The 1995 Land Mine Use Moratorium Act, which:

Urges the president to pursue an international agreement for the eventual elimination of anti-personnel land mines.

Imposes a one-year moratorium on U.S. use of land mines, except in certain marked areas along international borders.

Encourages additional countries to join the moratorium.

The legislation is sponsored by Sen. Patrick Leahy, D-Vt., with 44 co-sponsors representing both parties. Absent from the sponsors list for this wise legislation, which has the active support of the U.S. Conference of Catholic Bishops and more than 200 other human rights organizations are the names of Pennsylvania's senators, Arlen Specter and Rick Santorum.

We urge our two Republican senators to join the effort to end this indiscriminate means of warfare, just as the nations of the world have previously agreed to end the use of biological and chemical weapons. America's leadership and example is no less essential to making this a safer and more peaceful world than it was in winning the Cold War.

[From the Rutland Daily Herald, July 6, 1995]

BAN LAND MINES

The world is slowly waking to the indiscriminate carnage that results from the use of a cheap, easily dispersed and deadly weapon—the land mine.

The question is whether the United States will exercise the leadership required to move the international community toward a total ban of a weapon that kills and maims 26,000 people a year.

There are about 100 million land mines already in place on killing fields around the globe. They create terror on the cheap. They cost between $3 and $20 to make, and 80 percent of those killed are children. Long after the battlefields are quiet in Cambodia, Angola, Lebanon and Vietnam, the killing goes on.

Land mines are the weapons of cowards. The Soviet Union spread them by the millions in Afghanistan; some were specifically designed to entice children into picking them up. Now Russia is spreading them in Chechnya.

Sen. Patrick Leahy has played a leading role in prodding the Clinton administration and the international community to bring this hideous technology under control. Legislation introduced by Leahy two years ago led to a moratorium by the United States on the manufacture and sale of land mines and prompted 25 other Nations to follow suit. Leahy also introduced a resolution before the U.N. General Assembly on behalf of the United States calling for the "eventual elimination" of land mines.

Now the Clinton administration is backtracking.

Leahy has introduced a bill that would prohibit the United States from using land mines, except in certain specifically designated border areas, and to impose sanctions on nations who use them. He hopes the United States will lead by example, as it did on the manufacturing moratorium, so other nations also disavow use of land mines.

The U.S. military, however, is wary of establishing a precedent. Even though land mines are primarily an instrument of terror aimed at innocent civilians, the Army does not like to have its options limited. Certainly, land mines are not the most important weapon in the U.S. arsenal, but the military does not want Congress to get in the habit of indulging its humanitarian impulses by limiting the weapons the Army can use.

Thus, Clinton has found a way to equivocate.

Though the United States introduced the U.N. resolution favoring the elimination of land mines, Clinton now favors the export and use of self-destructing land mines that would detonate by themselves over time.

Here Clinton indulges in fantasy. Does he really believe the dozens of nations with tens of millions of land mines in their possession will decide they would rather buy more expensive self-destructing mines and use them instead? In this way, Clinton undermines the international effort to eliminate the use of this weapon.

Just four years ago there were only two organizations raising the alarm about land mines. One was the Vietnam Veterans of America Foundation whose land mine campaign is led by Jody Williams of Brattleboro. She had seen what land mines do in Nicaragua and El Salvador.

Now there are 350 organizations in 20 countries pushing to eliminate the use of land mines. Pope John Paul II, former President Jimmy Carter, Nobel laureate Desmond Tutu of South Africa, and U.N. Secretary General Boutros Boutros-Ghali all support a ban. And yet Clinton backs away.

Leahy's bill would put the U.S. once again at the vanguard of the effort to eliminate what Leahy has called "weapons of mass destruction in slow motion."

Leahy's bill has 44 co-sponsors, including Sen. James Jeffords, but he has still not been assured the bill will come to a vote. It ought to come to a vote, and despite Clinton's equivocation, Congress ought to send the message that the United States will lead the way in containing the violence war causes among the world's innocent bystanders.

Mr. LEAHY. Mr. President, in my ongoing effort to see a worldwide ban on the use of antipersonnel landmines, it is interesting to note that since starting this effort 25 countries have taken at least the initial step by halting all or most of their exports of antipersonnel mines. That was due in large part to the action we took here 2 years ago, by passing my amendment to stop U.S. exports of these weapons. Our action captured the attention of the world, and that is why it is important that we continue to show leadership to bring an end to the landmine scourge.

I remind my colleagues that today in over 60 countries there are 100 million antipersonnel landmines that wait silently to explode. These are 100 million not in warehouses but concealed in the ground. In many countries they are clearing the landmines an arm and a leg and a life at a time.

Today when wars end, soldiers leave and tanks and artillery and guns are withdrawn, in so many countries the killing continues, sometimes for months, sometimes long past when people can remember what caused the fighting in the first place. It continues because of the landmines left behind.

We are about to make a major decision in Bosnia. The distinguished Senator from Kansas and I spent most of an afternoon with the President of the United States, with the Secretary of State, Secretary of Defense, our Ambassador to the United Nations, and General Shalikashvili discussing what alternatives are available to us.

It was a very good discussion, I think a very important discussion. I commend the President for having it. I could not help think throughout no matter who is in Bosnia, whether us, for whatever reason, our allies, whether now or when the fighting stops, they are going to find a very, very grim surprise; that is, hundreds of thousands, perhaps over a million landmines that are now in the former Yugoslavia, and they will keep on killing long after this dreadful fighting stops.

THE INTERNET

Mr. LEAHY. Mr. President, there has been a lot said about Internet, and about proposals to regulate indecent or obscene content in the Internet. There has been a lot of articles about so-called cyberporn and things of that nature.

I have had some interest in the way the legislation is proceeding. I believe I was probably the first Senator to actively hold town meetings on the Internet. I have it in my own home, as many do now, and use it continuously, when I am here in my office in Washington, in my office in Vermont, in my home in Vermont, and in the residence here.

REPORT OF INTERACTIVE WORKING GROUP ON PARENTAL EMPOWERMENT, CHILD PROTECTION AND FREE SPEECH IN INTERACTIVE MEDIA

In light of concerns and legislative proposals to regulate indecent and obscene content on the Internet, I have asked the Attorney General of the United States as well as a coalition of private and public interest groups known as the Interactive Working Group to look at this issue and provide recommendations on addressing the problem of children's access to objectionable online material, but to do so in a constitutional and effective manner.

I have not yet heard back from the Attorney General and look forward to receiving the report of the Department of Justice as promptly as their study can be concluded.

I come to the Senate today to speak about the report from the Interactive Working Group that will be released Monday. This group includes online service providers, content providers, and public interest organizations dedicated to the interactive communications media. I would recommend the report to my colleagues.

In its report, the Interactive Working Group describes some of the technology available, not in the future but today, to help parents supervise their children's activities on the Internet and protect them from objectionable online material. In fact, available blocking technology can make pornographic Usenet news groups or World Wide Web sites off limits to children.

I mention this because we seem to be carried away with the idea that somehow we will set up a Federal standard that will treat everybody exactly the same, whether adult or child, in setting up gateways on the Internet—without accepting the fact that maybe parents have a certain responsibility to raise their children. The responsibility parents have is greater than the Senate or the House of Representatives has, and as a parent, I would readily take on that responsibility rather than to have the Congress tell me what to do.

There are other commercially available products that limit children's access to chat rooms, where they might be solicited. They limit children's ability to receive pornographic pictures through electronic mail.

Other products allow parents to monitor their children's usage of the Internet. You can find out exactly where they have been and what they might have been reading. This is significantly different from other settings where parents may have no idea what magazines or books their children read—but you can find out on the Internet.

Yet some would close down the Internet to prevent the possibility of an infraction. What I am saying is that parents ought to take some responsibility themselves.

Software entrepreneurs and the vibrant forces of the free market are providing tools that can empower parents' to restrict their children's access to offensive material. Parents can restrict access to whatever they considered objectionable: whether it is beer advertising, or fantastic card games that some parents believe promotes interest in the occult. Interested organizations, like the Christian Coalition or Mothers Against Drunk Driving, could provide parents that use blocking technology with lists of sites these groups consider inappropriate for children.

This is not a case where we in Congress, playing big brother or big sister, need to determine what parents should tell their children to watch or read.

If you set up Government regulations, the kind of heavy-handed regulations that we seem intent upon passing, then you will stifle this new industry. If you have overly restrictive bans on the Internet, they will prove not only unconstitutional, but they are going to hamper the growth of this new communications medium, one that has grown faster than anything else I have seen in my lifetime. The Internet has been growing at an exponential rate and new uses for it are devised daily.

Anyone with a computer and a modem can send something out on the Internet, but unlike a broadcaster, potential listeners must seek out this information and download it. This indecency that we worry about does not come easily into a home. You have to go out and look for it.

We are at the dawn of a new era in communication. Interactive communications—ranging from online computer services, CD-ROM's, and home shopping networks—are growing at an astonishing rate, bringing great opportunities for business, culture, and education. Of all these new interactive communications, the Internet has become the new location for our Nation's discourse.

The Internet does not function like a broadcast or a newspaper where a station manager or editor chooses which images or stories to send out in public. The Internet is like a combination of a great library and town square, where people can make available vast amounts of information or take part in free and open discussions on any topic. It has provided great opportunities for our disabled citizens and has enabled our children the ability to discuss issues with some of society's greatest minds. With this technology, I conduct electronic town meetings with Vermonters, post information about legislative activities, and hear back from Vermonters about what they think.

Unfortunately, like any free and open society, the Internet and online computer services have attracted their share of criminals. I recently introduced with Senators KYL and GRASSLEY the National Information Infrastructure Protection Act to increase protection for our Nation's important computer systems and confidential information from damage or prying by malicious insiders and computer hackers.

In addition, the Internet is not immune from pornographers. Pornography exists in every communications media, including films, books, magazines, and dial-a-porn telephone services. The press has recently hyped the discovery that online pornography exists on the Internet. But we should be careful not to overstate the extent of the problem.

In our universal condemnation of pornography and desire to protect our children from exposure to online pornography, we should not rush in with well-meaning but misguided legislation. Any response we choose must be tempered by first amendment concerns. Heavy-handed attempts to protect children could unduly chill speech on the Internet and infringe upon the first amendment.

What are we doing as a legislative body if we discourage the project Gutenberg from placing online the works of Charles Dickens, Geoffrey Chaucer, or D.H. Lawrence for fear of prosecution because someone, somewhere on the Internet, might find the works indecent? Would the Internet still be the great electronic library and the setting for open discussion it now promises? These questions and issues will be the subject of an important Judiciary Committee hearing Monday afternoon.

Any legislative approach must take into consideration online users' privacy and free speech interests. If we grant too much power to online providers to screen for indecent material, public discourse and online content in cyberspace will be controlled by the providers and not the users of this fantastic resource. At the same time, we should carefully consider the Interactive Working Group's recommendation that online providers be encouraged to implement reasonable forms of filtering technology. Our laws should encourage and not discourage online providers from creating a safe environment for children.

Even worse than discouraging online providers from implementing blocking technologies, is discouraging them from allowing children onto their services altogether. If online providers are liable for any exposure of indecent material to children, people under the age of 18 will be shut out of this technology or relegated by the Government to sanitized kids-only services that contain only a tiny fraction of the entire Internet. That would be the equivalent of limiting today's students to the childhood section of the library or locking them out completely. This is not how this country should face the increasingly competitive global marketplace of the 21st century.

I do not want somebody to tell me what I can say if I am talking to my neighbor on the Internet, or if I am sending messages back and forth to friends. Frankly, Mr. President, sometimes my friends and I will disagree pretty loudly on the Internet and we will be very frank in our discussion of other's ideas and what not. At what point do we have somebody come on and say you cannot talk like that to each other, someone I have known for 30 years?

With our children, I again say that there are times when the responsibility should be that of parents. Parents know their children better than any Government official, and are in the best position to know the sort of online material to which their children may be exposed.

Finally, the Interactive Working Group's report shows how we can use existing Federal laws to stop online stalkers and child pornographers. Our criminal laws already prohibit the sale or distribution over computer networks of obscene material (18 U.S.C. Secs. 1465, 1466, 2252 and 2423(a)). We already impose criminal liability for transmitting any threatening message over computer networks (18 U.S.C. Sec. 875(c)). We already proscribe the solicitation of minors over computers for any sexual activity (18 U.S.C. Sec. 2452), and illegal luring of minors into sexual activity through computer conversations (18 U.S.C. Sec. 2423(b)). We need to make sure our law enforcement has the training and resources to track down computer criminals, and not create new laws which restrict free speech and are repetitive of existing crimes.

This paper is important because it shows how we can address the problem of online pornography by empowering parents, and not the Government, to screen children's computer activities. This is the best way to police the Internet without unduly restricting free speech or squelching the growth of this fantastic new communications medium.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. INHOFE). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RYAN WHITE CARE REAUTHORIZATION ACT

The Senate continued with the consideration of the bill.

PRIVILEGE OF THE FLOOR

Mr. LEAHY. Mr. President, I ask unanimous consent that Seth Kilbourn, a congressional fellow, be granted privilege of the floor during the debate of the Ryan White CARE Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is the consideration of S. 641.

Mr. HELMS. That is the so-called Ryan White bill.

The PRESIDING OFFICER. That is correct.

Mr. HELMS. Mr. President, I shall not speak long, because there is not much time allocated this afternoon to this measure. I am sure that the distinguished majority leader was looking for something to take up for 2 or 3 hours, and I am not going to keep you here very long on this Friday afternoon.

However, I have been listening in my office to the comments of Senators who advocate this legislation. I respect them, but I disagree with them. At a later time, I will go into some detail to explain to all Senators what they will be voting for; indeed, some 62 or 63 Senators are identified as cosponsors of this so-called Ryan White bill. I have talked with 2 or 3 Senators at lunch, and at other times, about the details of the bill. They do not have the foggiest notion what the bill is all about. It just sounds good to be for the Ryan White bill.

Let the RECORD show that I am sorry for people who have AIDS. However, I am not unmindful of how the majority of people get AIDS. I said so in an interview with a woman reporter for the New York Times who called me several weeks ago.

What she really called me about, Mr. President, was clear at the time; she repeatedly brought up Senator DOLE, the majority leader of the U.S. Senate and candidate for President. She was going to write one of those speculative stories, you see, suggesting that Senator DOLE was holding up the so-called Ryan White bill.

The fact is, nobody was holding up the Ryan White bill. Nobody is holding it up right now. I emphasized that, yes, I did put a "notify" hold in the Cloakroom on the Ryan White bill, meaning that I wanted to be notified when the bill was called up so that I could offer amendments to give Senators—including the 60-odd Senators who are cosponsors of the bill, without knowing what they are cosponsoring—give them a chance to vote on a number of questions which are of interest to the vast majority of the American people.

Since the distorted story was published about 80 percent of the thousands of calls and letters I received from around the country have been favorable.

I told the lady from the New York Times that her speculation was preposterous, that BOB DOLE was not holding up the Ryan White bill, that JESSE HELMS was not holding up the Ryan White bill, that, in fact, nobody was holding it up.

I asked, "When has Senator DOLE, the majority leader, had a time to call up this bill?" And, by the way, I said, the existing bill does not expire until September 30, so what is the big rush?

No, it is the homosexual lobby in this country. My hometown paper engaged in an editorial about the weak forces of the homosexual lobby. Well, Mr. President, the homosexual lobby is one of the most potent lobbying outfits in the country.

They talk about little Ryan White—an attractive little boy, an innocent little boy. He died of AIDS, and now his name is being exploited, as if the homosexuals had nothing to do with the tainted blood that killed Ryan White. Where does the New York Times think that the tainted blood came from in the beginning? That is what Senators need to consider before they rush pell-mell into voting for this bill.

There will be at least five or six amendments to consider and to vote on before the Senate gets to final passage on this amendment.

What the homosexual lobbyists in this country are demanding are special advantages over everybody else. The Clinton administration is making a mockery of fair play in kowtowing to the homosexual demands at every turn, which prompts me to wonder, for example, how many Senators—or how many people in the news media, for that matter—know about the seminars being conducted these days throughout the Federal Government bureaucracy, seminars that are mandatory. Federal employees are penalized if they do not attend them. What are these seminars all about? They are designed to "teach" Federal employees that homosexuality is just another lifestyle.

I have not seen a word about it in the New York Times or the Washington Post, nor have I seen it on CBS, ABC, CNN, or any of the rest of them. You see, it's not politically correct to talk about this.

Federal employees do not have a choice about whether to attend these seminars. They go to them—or else. We had one case last year—and I had to intervene—where a dedicated Federal official stationed in Atlanta was booted out of his job because he made a statement saying that we ought to look for the higher things in life instead of concentrating on homosexuality, and teaching the false doctrine that homosexuality is just another lifestyle.

This homosexual lobby has gone to incredible extremes to exploit Ryan White's name to acquire an unjustified amount of Federal funding for AIDS.

By the way, Mr. President, there has never been another disease for which there has been a special Federal fund for one specifying money not devoted to AIDS research. This money is distributed with substantial amounts going to homosexual organizations such as the Gay Men's Health Crisis in New York, and the Whitman Walker Clinic, right here in Washington, DC.

But just try, Mr. President, to obtain some information out of the Department of Health and Human Services. They stonewall. They do not want anybody to get the facts on how this AIDS money is distributed.

But, later on, the Senate is going into all of this, and in great detail when consideration of this bill begins. There will be no home-free basis. We are going to lay it out for everybody to see.

And if Senators then want to vote for it, fine.

That is all I am going to say today, Mr. President. But I want it to be made a matter of record that this is not a bill that the American people know anything about, nor is it one that many Senators know about. If the Lord gives me strength, the Senators at least will know about it before this reauthorization of the so-called Ryan White is approved by the Senate.

I thank the Chair and I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. DOLE. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HEARING ON THE GOOD OLD BOYS ROUNDUP

Mr. LEAHY. Mr. President, as an American citizen, public official, and former prosecutor, I am appalled at the news accounts I have seen of State, local, and Federal law enforcement officers getting together to wallow in racism. There is no room for racism in law enforcement. Law enforcement officers, in particular, have to be held to the highest standards of conduct. People have to know that they will be treated fairly by those who act on behalf of the Government and wield its power.

As we proceed with the Judiciary Committee hearing, I expect that we will hear a chorus of condemnation. I expect that we will hear each agency join in that refrain, explain that it is investigating the situation and that it will be taking appropriate action based on the facts. We should all act based on the facts. I look forward to the prompt completion of ongoing investigations and to our following up, when the facts are known.

It is tragic that racism is still a fact of life. It is most disconcerting if racism taints law enforcement actions. That is wholly unacceptable. I note that the reports of the activities at the recent Good Old Boys Roundup in Tennessee do not go that far, however—I have yet to hear any allegation that the official duties of the State, local, and Federal law enforcement agents who chose to attend the gathering were affected. That should be our first concern.

Next, we should be concerned whether Federal law enforcement resources were devoted to organizing or supporting these gatherings. The American people need to know that their tax dollars are not being diverted to such activities.

Further, we have to be concerned that our culture, and the culture in which these various law enforcement officers live and work, still abide these gatherings and displays.

As we consider whether additional steps, policies, regulations, or laws are needed to root out the evils of racism, we must be mindful that we not create political litmus tests or become thought police. We need to be sensitive to the limits of law and preserve some place for private lives and private thoughts.

We must also be careful to avoid being exploited by those with ulterior motives who oppose valid law enforcement. Our actions and those of the executive branch must be based on facts, not third-hand news accounts.

Finally, we must not allow this shameful incident to taint the vast majority of fine and dedicated men and women who risk so much to protect us and the rule of law every day.

COMPREHENSIVE REGULATORY REFORM

Mr. ROTH. Mr. President, why did S. 343 fail last night? As Casey Stengel would say, we did not have enough votes. And we did not have the votes we needed because no matter what changes were made to S. 343, it continued to be mischaracterized. From the beginning of its journey through the Judiciary Committee, S. 343 was demonized. Likewise, the bill reported from the Governmental Affairs Committee, S. 291, was beatified.

Scores of improvements were made to S. 343 since it was reported by the Judiciary Committee. None of the few who understands the legislation would disagree. Moreover, yesterday proponents agreed to make significant additional changes requested by the bill's critics. But just as it went throughout the long floor debate, the opponents would not accept some improvements unless we agreed to all of their demands. Yes, opponents blocked our attempts to improve the bill because they preferred to preserve talking points against the bill. This is masterful politics, but this is also what disgusts the American people about Congress.

In addition, it appears that proponents managed to create the impression that negotiations were ongoing that promised fruitful results. If such negotiations took place, like Senator JOHNSTON, I can say that I was completely unaware.

In contrast to S. 343, S. 291 and its successors have led charmed lives. The Glenn substitute, which the Senate rejected, was offered as the text that was unanimously reported by the Governmental Affairs Committee. But such a claim is highly misleading. Let me tell you why.

This legislation is rather complicated. The competing versions are each over 75 pages in length. Yet the real heart of reform can be crystallized in a few concepts and in language that takes just a few pages. In fact, judicial review—perhaps the most significant and most controversial part of these bills—is provided in just one sentence. Yes, just one sentence.

Suppose that sentence were stricken. Could you say that the bill was just about the same? The length of the bill would not be changed; over 99 percent of the words would be the same. But the impact of the legislation would be entirely different. This exemplifies what happened to S. 291 as it was transformed into the Glenn substitute.

There are, as I said, just a few concepts one needs to grasp to understand regulatory reform.

First. The agency should undertake a cost-benefit analysis.

Second. The agency should apply the cost-benefit analysis.

Third. If the agency does not comply with the first or second item, there is judicial review.

Fourth. The agency must review existing rules under the above procedures.

Fifth. There must be some way to ensure the agency reviews existing rules.

Proponents and opponents appear to agree only on the first item, that agencies should perform cost-benefit analyses. That is because that is the status quo. That is what Executive Order 12866 requires today.

But the Glenn substitute did not require that an agency actually use the cost-benefit test. While the Glenn substitute used language similar to S. 291 to require that a cost-benefit analysis be performed for major rules, the Glenn substitute has no enforcement provision to make clear that the cost-benefit analysis should matter—that it should affect the rule. The Glenn substitute excoriated the sentence on judicial review in S. 291 that made clear that the court was to focus on the cost-benefit analysis in determining whether the rule was arbitrary and capricious. That provision in S. 291 was taken from a 1982 regulatory reform bill, S. 1080, which was approved by a 94–0 vote in the Senate before it died in the House. In contrast, the Glenn substitute only required that the cost-benefit analysis be inserted in the RECORD with thousands of other documents and comments. This is essentially what happens under the current Executive order.

The Glenn substitute had another fatal defect—it did not provide for an effective review of existing rules. Effective regulatory reform cannot be prospective only; it must look back to reform old rules already on the books. Since 1981, repeated presidential attempts to require the review of rules by Executive order have only met with repeated failures.

But the Glenn substitute does not cure the problem. Like the Executive orders, the Glenn substitute makes the review of rules an essentially voluntary undertaking. There are no firm requirements for action—no set rules to be reviewed, no binding standards, no meaningful deadlines. The Glenn substitute merely asks each agency to issue every 5 years a schedule of rules that, "in the sole discretion" of the agency, merit review.

The Glenn substitute seriously weakened the lookback provision in S. 291. While not perfect, S. 291 did have firm requirements. S. 291 prescribed the category of rules that the agencies were to review. If the agency failed to review any of those rules, they terminated automatically. The Glenn substitute had no such firm requirements.

What a review of these elements shows is clear: the Glenn substitute was an elaborate re-write of the status quo. Reform—without change. For those few who understand what was happening on the Senate floor, it could not be clearer.

The real losers last night were the American people. We, on the Senate floor, know that the discretion of regulators needs to be curtailed. We know that reform can be achieved in a way that fosters our health, safety, and environmental goals. S. 343 is, in fact, such a bill. But unfortunately, that was not quite clear enough last night.

WAS CONGRESS IRRESPONSIBLE? LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, as of the close of business yesterday, Thursday, July 20, the Federal debt stood at $4,935,796,845,291.29. On a per capita basis, every man, woman, and child in America owes $18,736.37 as his or her share of that debt. Well before the end of the year, the Federal debt will pass the $5 trillion mark.

REGULATORY REFORM

Mr. GLENN. Mr. President, throughout the continuing debate on regulatory reform a number of things have become very clear:

First, the vast majority of Members of the Senate want regulatory reform—the speeches, the floor debates, the combined totals of the votes for reform of one kind or another show that Democrats and Republicans alike want regulatory reform.

Second, despite bipartisan refusal to accept the majority leader's bill, there is bipartisan support for tough regulatory reform legislation as shown by the 48-to 52-vote to substitute the Glenn-Chafee bill—a bill based on the bipartisan work of the Governmental Affairs Committee—for the Dole-Johnston bill.

Third, despite the majority leader's disappointment in his failure to gain acceptance for his proposal, there continues to be wide support for continuing to negotiate cooperatively to come up with a workable reform bill. We have made good faith efforts throughout this debate: we have come to the table on three different occasions with the proponents of the Dole-Johnston substitute; we have written lists of issues and have provided legislative language to address our concerns. The latest round of these efforts to provide our responses to some of their proposals was yesterday—just an hour before the third cloture vote. These lists were not new inventions of new problems, but a consistent, continuing set of concerns. Our list of concerns has narrowed as negotiations have progressed. We have not, as some Members have alleged, invented new problems merely to delay or confuse the debate.

Fourth and finally, in the heat of this debate, in what seems to be a part of the desperation of a few to make the best of a bad situation, some unfortunate and misleading statements have been made about our bill. I am very disappointed, and in fact surprised, by the statements of Senator ROTH. We worked together in the Governmental Affairs Committee to make his regulatory reform bill, S. 291, into a strong bipartisan bill that could be and indeed was supported by every member of the Committee—8 Republicans and 7 Democrats. Just when the Wall Street Journal was unfairly and inaccurately characterizing the Roth bill as "a do-nothing bill" as it did on April 27, 1995, Senator ROTH and I were working together and agreeing that we had a tough but fair bill that could gain the support of the Committee and should be the bill that could and should pass the full Senate.

Last week he made charges against the Glenn-Chafee bill with regard to risk assessment provisions, saying that we took the National Academy of Sciences "minority views" by preferring "default assumptions to relevant data." As I pointed out on the floor, that was not correct. Our bill says to use default assumptions when relevant data are lacking. And our bill requires agencies to put out guidelines in refining default assumptions and replacing those assumptions with real data. Clearly, our bill does not give a preference to assumptions over data.

Yesterday, and this is the reason I return to the floor today to set the record straight, he said the Glenn-Chafee bill is "toothless"—yes, just the word the Wall Street Journal used to attack him a few months ago, that it is completely different from the Roth-Glenn bill that came out of the Governmental Affairs Committee, and that it has a completely different thrust.

It is also ironic that my colleague from Delaware now so clearly defends the S. 291 review process, stating on July 17 on the floor, "Although the original Glenn bill was similar to the Roth bill, the current Glenn substitute seriously differs from the Roth bill * * * Senator Glenn has seriously weakened the review of rules * * * The revised Glenn substitute lacks any firm requirement about the number of rules to be reviewed." However, in his "Dear Colleague" letter on July 11 he states, "S. 291—and S. 1001—has substantial administrative difficulties. They require every major rule to be reviewed in a 10-year period, with a possible 5-year extension, or be subject to termination. * * * It would be very burdensome to review all existing major rules—unduly burdensome when nobody is complaining about many of them." He calls us weak for not sticking to the Roth bill, and then calls the Roth bill "unduly burdensome."

I can understand loyalty, but I am surprised at the degree to which my colleague has turned away from his earlier, commendable reform efforts. He has now put himself in the strange position of attacking many of the same provisions he so enthusiastically supported just a few short months ago.

Yesterday, I insisted that the Glenn-Chafee bill is based on the Roth-Glenn bill, S. 291, and that the Glenn-Chafee bill is largely identical with S. 291. In fact, the Glenn-Chafee bill differs from S. 291 in only three major ways to match S. 1001 and a few lesser ways in order to match amendments to the Dole-Johnston bill. Senator Roth, on the other hand, said "what we voted for in Committee was entirely different from what we voted for on the floor in the Glenn substitute." For the record, I would like to provide a comparison of the two bills, and as the RECORD will show, most of the sections are identical. To reiterate, we made three changes, and we made additional changes to match amendments to the Dole-Johnston bill.

First, the Glenn-Chafee substitute, which was voted for by 48 Senators, is a slight modification of S. 1001, which I introduced with Senator Chafee. S. 1001 differs from S. 291 on only three major points:

It does not sunset rules that fail to be reviewed. Rather it establishes an action-enforcing mechanism that uses the rulemaking process.

It does not include any narrative definitions for "major" rule—such as "adverse effects on wages".

It incorporates technical changes to risk assessment to track more closely the approach of the National Academy of Sciences and to cover specific programs and agencies, not just agencies.

Second, in the weeks since introduction of S. 1001, negotiations and debate have resulted in common agreement on improvements, both to the Dole-Johnston and the Glenn-Chafee proposals. Accordingly, the final version of Glenn-Chafee, which again was supported by a bipartisan vote of 48 Senators, contains some additional changes. Most of these are also found in the Dole-Johnston bill, which Senator Roth now supports. So I find it difficult to understand how the Senator from Delaware can criticize these changes.

Mr. President, I ask unanimous consent that a comparison of the two bills be printed in the RECORD.

There being no objection, the comparison was ordered to be printed in the RECORD; as follows:

SECTION BY SECTION COMPARISON OF GLENN-CHAFEE AND ROTH-GLENN

Section 1. Title.

Section 2. Definitions—identical.

Section 3(a). Analysis of Agency Rules.

Subchapter II. Cost-Benefit Analysis.

Section 621. Definitions—identical but for changes made in Dole/Johnston.

Section 622. Rulemaking cost-benefit analysis—identical except for changes made in the Dole/Johnston bill; the time limit for determining a major rule after publication of a proposed rule; and the effective date for initial and final cost-benefit analysis (does not cover rules in the pipeline).

Sec. 623. Judicial Review—identical but for clarification in 623(e).

Sec. 624. Deadlines for Rulemaking—identical.

Sec. 625. Agency Regulatory Review. As already noted, S. 1001 modified the S. 291 review process so as to not sunset rules that fail to be reviewed. Rather it establishes an action-enforcing mechanism that uses the rulemaking process. Also struck provision that allows the President to select rules for review and to track changes made in the Dole/Johnston bill.

Sec. 626. Public Participation and Accountability—identical.

Sec. 627. Conflict of Interest Relating to Cost-Benefit Analyses and Risk Assessments. Added the Pryor-Feingold floor amendment also accepted as an amendment to the Dole-Johnston bill.

Subchapter III. Risk Assessment.

Sec. 631. Risk Assessment Definitions—same as the Dole-Johnston bill, except modification of "screening analysis."

Sec. 632. Risk Assessment Applicability. Changed applicability of risk assessment requirements from all agencies to agencies concerned with environment, health, or safety.

Sec. 633. Risk Assessment Savings Provision—struck (2).

Sec. 634. Principles for Risk Assessments. Incorporates technical changes to risk assessment, reducing prescriptive language. Also combined "principles for risk assessments" (Roth section 635) and "principles for risk characterizations" (Roth section 636).

Sec. 635. Peer Review—identical except for changes made in the Dole-Johnston bill.

Sec. 636. Risk Assessment Guidelines, Plan for Assessing New Information, and Report—identical.

Sec. 637. Research and Training in Risk Assessment—identical.

Sec. 638. Risk Assessment Interagency Coordination—identical.

Sec. 639. Plan for Review of Risk Assessments—identical.

Sec. 640. Risk Assessment Judicial Review—identical.

Sec. 640a. Risk Assessment Deadlines for Rulemaking—identical.

Subchapter IV. Executive Oversight.

Sec. 641. Executive Oversight Definition—identical.

Sec. 642. Executive Oversight Procedures—identical.

Sec. 643. Promulgation and Adoption of Executive Oversight Procedures—identical.

Sec. 644. Delegation of Authority for Executive Oversight—identical.

Sec. 645. Public Disclosure of Information with Regard to Executive Oversight—identical.

Sec. 646. Judicial Review of Executive Oversight—identical.

Sec. 3(b) Regulatory Flexibility—identical.

Sec. 611. Judicial Review of Regulatory Flexibility Act Decisions—identical.

Sec. 3(c) Presidential Authority—identical.

Sec. 4. Congressional Review.

Sec. 801. Congressional Review of Agency Rulemaking—identical.

Sec. 5. Studies and Reports—identical.

Sec. 6. Risk-Based Priorities—Identical but for agreed upon changes made on the floor with Senator Roth and others to the Dole-Johnston bill.

Sec. 7. Regulatory Accounting—identical.

Sec. 8. Effective Date—Added at the end "and shall apply to any agency rule for which a general notice of proposed rulemaking is published on or after such date."

THE THAI-CAMBODIAN TIMBER TRADE

Mr. THOMAS. Mr. President, this last Monday I chaired a hearing of the full Foreign Relations Committee to consider ambassadorial nominations for four countries within the jurisdiction of my Subcommittee on East Asian and Pacific Affairs: Cambodia, Indonesia, Malaysia, and Thailand. I was impressed by all of them, and am sure they—as well as the Ambassador-designate to APEC—will be confirmed by the full Senate soon. In speaking privately with all the nominees, however, there was one issue I brought up with both the Ambassador-designate to Thailand and the Ambassador-designate to Cambodia that they were unable to address to my satisfaction and which I believe should be brought to the attention of my colleagues: the links between the Thai military and the Khmer Rouge and their involvement in the illegal timber trade across the Thai-Cambodia border.

Cambodia shares a lengthy and relatively uninhabited border with Thailand. The entire region is heavily forested; formerly, 76 percent of Cambodia's 176,520 square kilometers of land area was covered by forest. That amount, however, has declined dramatically over the last 15 years due to the increased commercial harvesting of timber. According to some sources, tree cover has been reduced by almost half since 1989. The loss has been especially dramatic in western Cambodia, where a handful of foreign firms are responsible for a majority of the deforestation.

These companies purchase concessions from the Cambodian Government, and theoretically make payments to the government based on the amount of cubic meters of timber felled. The timber is then exported over the Thai border, either by boat or overland on dirt roads built expressly for that purpose by the companies, where they are collected at places called rest areas before being sent further on into Thailand. According to both Thai and Cambodian regulations, the logger/exporter must secure a certificate of origin from the Cambodian Government, a permit from the Thai embassy in Cambodia, and permission from the Thai Interior Ministry to import the logs into Thailand.

There is one more party, however, that plays a major role in the logging: the Khmer Rouge [KR]. Led by the infamous Pol Pot, the KR controlled the government of Cambodia from 1975 to 1979. During that time, it was directly responsible for the genocide of more than one million Cambodians in the "Killing Fields." Since the 1991 U.N. peace agreement established a democratic government in Cambodia, the KR has been relegated to the role of a rebel guerilla force. Although the government has made some inroads in combatting the KR, including implementing a somewhat successful amnesty program, the KR remains a strong force in the western khet of

Batdambang, Pursat, Banteay Meanchey and Siem Reap. Despite the campaign being mounted against them, though, they still receive a steady flow of food, military supplies, and currency sufficient to pay their 10,000 to 20,000 man militia; and therein lies the connection to the timber trade and the Thai military.

Over the past several years, the press has consistently reported that the Thai military has been providing assistance and support to the Khmer Rouge. The links between the two are longstanding. Beginning in 1979, Thailand acted as a funnel for Chinese-supplied arms being transshipped to the KR—apparently in return for an end to Chinese support for rebel Thai Communists in northern Thailand. Since then, the evidence suggests that the Thai have regularly supplied the KR with logistical support and materiel. In return for this support, Thai business interests and certain government sectors have benefitted from access to timber and gem resources within that part of Cambodia along the Thai border controlled by the KR. Their interest is sizable; in 1993, the U.S. Embassy in Thailand estimated that Thai logging companies had some $40 million invested in timber concessions in KR-held areas.

It is from the sale of these resources that the KR acquires funds sufficient to continue its reign of terror in Cambodia. The process is actually quite simple. Foreign companies interested in harvesting timber in western Cambodia purchase official lumber concessions from the government in Phnom Penh. Having dealt with the de jure government, however, the companies must then deal with the de facto government in western Cambodia: the KR. The companies pay the KR for the right of safe passage into KR-held territory, to fell the timber, and to transport it out to Thailand safely. The present going rate of payment to the KR per cubic meter is between 875 and 1,000 baht, or between $35 and $40. It is estimated that the weekly income to the KR from timber carried across just two of the many border points is around $270,000, with total monthly income to the KR estimated at between $10 and $20 million.

Once felled and placed on the back of trucks, the logs are driven across the Thai border. That crossing, however, is not without its costs. The Thai military—the Marines, actually—controls a 4-mile wide strip along the Thai side of the border, and in order to negotiate it the logging trucks must pass through guarded checkpoints where, it appears, payments in the form of tolls or bribes are made to Thai concerns.

The Thai have consistently, albeit often disingenuously, denied any ties to the KR or to the timber trade. Each round of denials, however, is soon followed by press reports and concrete evidence to the contrary. For example, in 1994 Thailand officially closed its border with Cambodia partly as a result of the murder of more than 20 Thai timber workers by the KR and partly as a result of international criticism. In a press statement made shortly thereafter, Maj. Gen. Niphon Parayanit, the Thai commander in the region, stated flatly that the border was closed, that the military had severed all links with the KR, and that "there [was] no large-scale cross-border trade going on." The official denials have continued to this day, including one of the more recent by Prime Minister Chuan noted in the May 26 edition of the Bangkok Post.

Despite these denials though, and despite a Cambodian ban on logging, credible eyewitness reports from members of the London-based group Global Witness fully confirm, in my opinion, that the trucks are still rolling across the Thai border. If—as the Thai military alleges—it is not involved in the timber trade either directly or by turning a blind eye to the shipments, I can think of no other explanation than that the military personnel in the border zone are completely incompetent. One of the more heavily travelled timber roads in the border zone, one that according to my information is in daily use even as I speak, is within sight of one of the Thai Marine camps. Nor can the central Thai Government claim ignorance; Global Witness recently brought to light a current timber import permit signed by the Thai Interior Minister.

Mr. President, continued Thai support for the KR—in this or any manner—concerns me greatly for several reasons. First and foremost, the financial support the trade affords to the KR continues to allow it to survive thereby seriously endangering the growth and continued vitality of the nascent Cambodian democracy. That system is having enough trouble getting off the ground and running smoothly without having to deal with the KR insurgency. Secondly, Thailand's actions run counter to its obligations under the 1991 Peace Accord and serve to undermine it. Finally, the clandestine nature of the timber extraction has removed it from the control of the Cambodian central government. It is subsequently free to continue without regard to any regulations aimed at limiting the amount of timber taken, preventing serious ecological damage, ensuring sustained growth, or protecting the lives and livelihoods of the local populace.

I have made my concerns about this issue clear to both of our Ambassadors-designate and to the State Department. I hope that this statement will make my concerns equally clear to the Thai Government. If a significant effort not made as promised by the Thai Government to fully investigate and then stem the cross-border trade and their dealings with the KR, then I would find myself placed in the position of calling on our government to abide by that provision of Public Law 103–306 requiring that the President shall "terminate assistance to any country or organization that he determines is cooperating, tactically or strategically, with the Khmer Rouge in their military operations."

In closing, Mr. President, let me note that I greatly value the close relationship between us and the government and people of Thailand. However warm or important that relationship, though, we cannot allow it to obscure or interfere with what is our equally important dedication to the principles of democracy taking root in Cambodia. I, and I hope my colleagues, will be watching developments closely.

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the presiding officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 2058. An act establishing United States policy toward China.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 2058. An act establishing United States policy toward China; to the Committee on Foreign Relations.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent and placed on the calendar:

S. 1060. A bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; and

S. 1061. A bill to provide for congressional gift reform.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. PACKWOOD, from the Committee on Finance:

John Joseph Callahan, of Massachusetts, to be an Assistant Secretary of Health and Human Services.

Lawrence H. Summers, of Massachusetts, to be Deputy Secretary of the Treasury.

Howard Monroe Schloss, of Louisiana, to be an Assistant Secretary of the Treasury.

(The above nominations were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1054. A bill to provide for the protection of Southeast Alaska jobs and communities, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HOLLINGS:

S. 1055. A bill to amend title 49, United States Code, to eliminate the requirement for preemployment alcohol testing in the mass transit, railroad, motor carrier, and aviation industries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. CRAIG (for himself, Mr. SIMPSON, Mr. KEMPTHORNE, Mr. COVERDELL, Mr. GREGG, Mr. NICKLES, Mr. LOTT, Mr. KYL, Mr. GRAMS, and Mr. FAIRCLOTH):

S. 1056. A bill to prohibit certain exempt organizations from receiving Federal funding; to the Committee on Governmental Affairs.

By Mr. COHEN (for himself, Mr. D'AMATO, Mr. BOND, Mr. FAIRCLOTH, and Mr. MACK):

S. 1057. A bill to amend section 1956 of title 18, United States Code to include equity skimming as a predicate offense, to amend section 1516 of title 18, United States Code to curtail delays in the performance of audits, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. WELLSTONE (for himself, Mr. SPECTER, Mr. HATFIELD, Mr. JEFFORDS, Mr. HARKIN, Mr. MOYNIHAN, and Mr. KENNEDY):

S. 1058. A bill to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary.

By Mr. CRAIG:

S. 1059. A bill to amend section 1864 of title 18, United States Code, relating to tree spiking, to add avoidance costs as a punishable result; to the Committee on the Judiciary.

By Mr. LEVIN (for himself, for COHEN, Mr. GLENN, Mr. WELLSTONE, Mr. LAUTENBERG, Mr. FEINGOLD, and Mr. BAUCUS):

S. 1060. A bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; placed on the calendar.

By Mr. LEVIN (for himself, Mr. COHEN, Mr. GLENN, Mr. WELLSTONE, Mr. LAUTENBERG, Mr. FEINGOLD, Mr. BAUCUS, Mr. MCCAIN, and Mr. BINGMAN):

S. 1061. A bill to provide for congressional gift reform; read twice.

By Mr. JEFFORDS (for himself and Mr. NUNN):

S. 1062. A bill to amend the Employee Retirement Income Security Act of 1974 to increase the purchasing power of individuals and employers, to protect employees whose health benefits are provided through multiple employer welfare arrangements, to provide increased security of health care benefits, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. ROTH:

S. 1063. A bill to permit State and local governments to transfer—by sale or lease—Federal-aid facilities to the private sector without repayment of Federal grants, provided the facility continues to be used for its original purpose, and for other purposes; to the Committee on Governmental Affairs.

By Mr. HELMS (for himself, Mr. PELL, Mr. DOLE, Mr. DASCHLE, Mr. MACK, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. MCCONNELL, Mr. LEAHY, and Mr. LAUTENBERG):

S. 1064. A bill entitled "The Middle East Peace Facilitation Act of 1995"; to the Committee on Foreign Relations.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MURKOWSKI (for himself and Mr. STEVENS):

S. 1054. A bill to provide for the protection of Southeast Alaska jobs and communities, and for other purposes; to the Committee on Energy and Natural Resources.

THE SOUTHEAST ALASKA JOBS AND COMMUNITIES PROTECTION ACT

Mr. MURKOWSKI. Mr. President, I rise today to reluctantly reinitiate a debate concerning the management of the Tongass National Forest. I thought and hoped that Congress had resolved this issue with the passage of the Tongass Timber Reform Act of 1990 (TTRA). I want to emphasize my reluctance and unhappiness with the need to initiate corrective legislative action because the Tongass Timber Reform Act of 1990 was hailed by all concerned as a dramatic resolution to a longstanding debate on how to manage the Tongass. The congressional deliberations leading up to passage involved, as Senator JOHNSTON, my colleague from Louisiana, put it "extraordinary cooperation" among all of the parties involved.

When we passed the Tongass Timber Reform Act in 1990, I believe that Congress agreed with the Bush administration that—as long as the demand for timber existed—the industry should be provided sufficient volume from the remaining 1.7 million acre commercial forest land base to maintain the same amount of direct timber employment from operations on the Tongass National Forest that it enjoyed in 1990. I believe that all parties agreed that maintaining this level of employment was part of the compromise underlying the bill.

Well, the Congress withdrew 1.1 million acres of land; and the Bush administration unilaterally modified the long term timber sale contracts on the Tongass, and required buffer strips on all major anadramous streams. But the jobs portion of the compromise has been largely ignored by the current administration. Since 1990, direct timber employment on the Tongass National Forest has been reduced by more than 42 percent. As I see it, there are two principal reasons for this decline: First, the Forest Service has failed to seek to meet market demand as required by TTRA section 101; and second, a variety of environmental groups have administratively appealed or litigated most proposed timber sales. Today 13 of 23 currently proposed sales are held up because of legal action taken by the environmentalists. These enjoined sales now make it impossible for the Forest Service to ameliorate the impacts of the sales it has withdrawn from the pipeline.

What is happening in southeast Alaska is unfortunately not unique. Through a combination of Clinton administration initiatives and environmental group litigation we are seeing all forms of economic activity—timber, grazing, mining, and oil and gas exploration—driven off our public lands throughout the country. We are engaged in a policy of exporting both our jobs and some of our environmental problems to other nations. They will meet our material needs through production processes far less sophisticated and environmentally sensitive than our own. I represent the largest national forest in our system. I cannot believe that this forest cannot be managed to sustain a forest industry. I can no longer stand by as that industry is destroyed.

Let me first turn to Forest Service malfeasance and nonfeasance, for it is with the Agency's performance that I am most unhappy. There are four reasons why the Forest Service has been unable or unwilling to meet market demand: First, the Forest Service in Alaska has reinterpreted the definition of "viable population of a species" such that it is managing habitat to require that all species exist on all areas of the Tongass, not just the portion of the Tongass to which a particular species is indigenous; second, in accordance with its new hypersensitivity to species protection, the Forest Service in the spring of 1994 canceled the Alaska Pulp Corporation [APC] long term contract, withdrew 600,000 acres, and related timber sales, from the 1.7 million acre commercial forest land base remaining after the 1990 act, and moved Ketchikan Pulp Company [KPC] into the APC contract areas so that habitat conservation areas [HCAs] and goshawk reservation areas could be established on a portion of KPC's then existing sales; third, the Forest Service has subordinated Section 101 of TTRA to species protection concerns, interpreting this part of the compromise as nonbinding; and fourth, the environmental groups lawsuits have eliminated the Agency's ability to offset the effects of the first three developments.

My most immediate concern with the situation that the Forest Service has created is that it is rapidly getting worse. That is why I, along with other members of the Alaska Delegation, have come to the conclusion that we must act today. Let me describe the situation that exists.

The log shortage commenced with the Forest Service action in setting aside habitat conservation areas and goshawk reservation areas in the spring of 1994, continues to cause job reductions, and now threatens new job reductions. KPC has approximately 120 mmbf of timber on hand, needs approximately 220 mmbf to get through the winter until April or May of 1996, and can only achieve this additional volume if timber which is currently enjoined is made available by the Forest Service during this timber harvest season. Meanwhile, the Ketchikan sawmill is closed, the Wrangell sawmill is closed, and the Annette sawmill is operating on one shift only.

The timber sales program for the independent and small business timber industry, SBA, currently has 63.6 million board feet of timber under contract as of July 1, 1995. Only 5.92 million board feet of newly advertised SBA and independent timber sales have been made available in 1995 from all three supervisory areas of the Tongass. This should result in one independent SBA production facility closing by September 30, 1995, with a further reduction of regional, independent sawmill operations in the first quarter of 1996.

The Forest Service's response to this situation is to continue to assure the Alaska Delegation to rely on the Agency to rectify the crisis as they complete the Tongass Land Management Plan [TLMP] revision process. At first, this sounded attractive. But then we looked into how the Forest Service is conducting the plan revision process. The Agency is making a bad situation worse. Consequently, the TLMP revision will not and cannot resolve this crisis for the following reasons.

The TLMP revision process is designed solely to modify the 1991 draft plan alternatives. The 1991 alternatives were the first revision designed to implement the 1990 Act. The Forest Service is modifying this draft to consider such matters as population viability, cave issues, and ecosystem management. All of these priorities will likely reduce timber volumes from the 1991 alternatives; and from what has been offered to date.

Second, the current Forest Service approach to implementing the 1990 act and providing timber volume is to reduce market demand to the capacity of only those mills which remain open. Each time a mill closes, volume has been reduced accordingly. This ensures the continued closure of the Ketchikan and Wrangell sawmills, and precludes building a replacement medium density fiberboard facility for the closed pulpmill in Sitka. In my view, all of this is contrary to Congress' intent in the 1990 TTRA compromise.

Third, on June 30, 1995, Regional Forester Janik made public the 10-year timber sale projection shown on this chart. This was the final straw that broke the camel's back. This schedule shows an annual average volume of 278 million board feet. As this 10-year period mirrors the 10-year planning horizon for TLMP, we can only assume that the Forest Service has already made up its mind to drop the ASQ to 2.5 billion from the current 4.5 billion board feet, essentially reducing volume availability by almost half. This is both unacceptable, and unconscionable given the Agency's arguments that we rely on the TLMP revision process to fix the timber supply crisis.

Fourth, the TLMP scientists have been given an extremely short schedule which provides them insufficient time to collect and analyze data. This converts the TLMP science into off-hand impressions, which will be extremely conservative because of insufficient data. The October 24–26, 1994 meeting notes of the Forest Service's so-called goshawk committee, which have already been the subject of press reports, highlight this problem.

The Senate Energy and Natural Resources Committee conducted two oversight hearings on the management of the Tongass National Forest. The hearings were held in Washington, DC, on May 18; and in Wrangell, AK on June 1. In all, the committee heard from 55 witnesses, with an additional 100 or so statements for the record. The Clinton administration was well represented at each hearing.

The Alaska Delegation has also been involved in a prolonged discussion with the administration—including an exchange of detailed correspondence with Secretary Glickman—in an attempt to fashion an administrative solution to the timber supply crisis on the Tongass National Forest.

Regrettably, that does not now seem possible. The administration appears to be fixed on a path that can only increase job losses in the region. The administration seems to be wedded to a Tongass land management plan revision process that cannot solve the problem. So, where does this leave us?

In short, if we continue on our current path, we will most certainly not provide for sufficient volume to maintain jobs at the 1990 level. The compromise I envisioned in enacting the 1990 Tongass Timber Reform Act will not be realized.

The Southeast Alaska Jobs and Communities Protection Act which I am introducing today addresses these problems by restoring the 1990 compromise, and by providing the Forest Service with the ability which it says it lacks to reconcile the provisions of the 1990 Tongass Timber Reform Act and the more general public land and environmental statutes. The organizing principle behind my proposal is the protection of jobs—the number of jobs that existed in 1990, and that we sought to protect with the 1990 act. The mechanism to accomplish this goal is very simple. Whenever the Forest Service feels it has to reduce the timber base on the Tongass in a fashion that will reduce jobs, the Agency must revisit the land set-asides in the 1990 act and replace the loss of timber base with enough lands to maintain the jobs.

By focusing on jobs, and providing the Forest Service with flexibility that it says it does not now have, the Southeast Alaska Jobs and Communities Protection Act avoids tying the Agency's hands, or setting a mandated harvest level. Indeed, provisions in the bill requiring additional primary processing and encouraging value added manufacturing ensure that we get the maximum employment potential out of each stick of timber.

Mr. President, I will not review each provision of the bill. Rather, I will submit a section-by-section summary for the record. Suffice it to say that the bill incorporates suggestions from all sides included in the 155 or more pieces of testimony received at our oversight hearings.

In the same spirit as the 1990 act and today's proposal were drafted, I now invite all interested parties to offer in their constructive suggestions. I will schedule hearings on the measure, and hope to work closely with the administration and Senator JOHNSTON in the same kind of extraordinary cooperation that was the hallmark of the 1990 effort.

This cooperation is necessary because the status quo has become untenable. Even so, we have heard from some that: First, there is no timber supply problem on the Tongass; second, even if there is, they are not at fault; third, we need many more hearings before we do anything; and fourth, we need to sit back and allow the Forest Service to make the 1990 act work.

The general pattern of these arguments is not unfamiliar to me. Change a few words, and you could be summarizing the timber industry's arguments prior to 1990 in defending the status quo embodied in the 1980 act. In the late 1980's the Forest Service was slow to acknowledge that there was a problem, and then grudgingly worked with the Congress toward a solution. They are in a similar posture today. Also, as was the case in the late 1980's, middle ground interests like the Southeast Conference went beyond the posturing and the rhetoric to help isolate the problems and identify solutions. That is also the approach that the Southeast Conference took at our oversight hearings. Many of their suggestions are included in today's proposal.

By contrast, polemical broadsides and ad hominem attacks are neither helpful in solving this problem, nor an effective smokescreen to distract people who are losing their jobs. It is true that today both sides in the Tongass debate are in court challenging the implementation of the 1990 compromise. They both have lawyers, plenty of them. Forest conflicts usually increase the number of lawyers, even as they decrease the amount of timber. If lawyers were as useful as 2x4's maybe we wouldn't have such a problem today.

But it is time for everyone concerned to get beyond denial. The current situation will be improved neither by the TLMP revision, nor by more lawsuits. We will act because we have no choice. Unless we do, we will: First, lose the opportunity to reopen the Wrangell and Ketchikan sawmills; second, forego by default the possibility of establishing a medium density fiberboard mill in Sitka; third, discourage entrepreneurs who are presently considering the construction of a sawmill and kilndry facilities in Sitka; and fourth, suffer additional production curtailments at the Ketchikan pulp mill, and the closure of additional sawmills.

We are eager to receive—and are already receiving from thoughtful people—suggestions on how to proceed. Our objective is simply this: restore the compromise, and the jobs inherent in it, in the 1990 TTRA.

Mr. President, I ask unanimous consent that additional material be printed in the RECORD.

There being no objection, the material was ordered printed in the RECORD, as follows:

SUMMARY OF THE PROVISIONS OF THE SOUTHEAST ALASKA JOBS AND COMMUNITIES PROTECTION ACT OF 1995

Section 1. The objective of this section is to make the changes necessary in the Tongass Land Management Planning (TLMP) process so that sufficient volume can be made available from the Tongass National Forest to provide approximately 2400 direct timber jobs, which is the number of such jobs which existed when the bill passed in 1990.

All Tongass lands are to be considered in the TLMP process except those designated as Wilderness under Sections 503 and 703 of the Alaska National Interest Lands Conservation Act (ANILCA) (702(a)(1)).

For the Secretary to reduce the volume of timber available for harvesting from that needed to protect jobs at the 1990 level, the Secretary will have to do two things: (a) provide a jobs impact statement showing that the reduction of the jobs from the 1990 level and the adverse impacts on timber dependent communities is outweighed by the environmental gains to be achieved by the reductions; and (b) provide equivalent substitute timber volume. (709(a)(1) and 709(a)(2))

Timber cannot be withdrawn to maintain plant or animal diversity unless the Secretary makes a written determination that such action is necessary to prevent the species from becoming threatened or endangered. Even then, a jobs impact versus an environmental benefit review must be obtained and substitute timber must be provided. In addition, the State of Alaska must be consulted about controlling predators which prey upon the species of concern, and all nonsubsistence uses of the species must be terminated. (709(a)(3))

The Secretary is directed to manage second growth timber stands to maximize future timber production, and to make second growth timber suitable for deer habitat and for other species. (709(a)(4))

Subsection (b) of Subsection 1 states that the timber substitution process required under subsection (a) will be done without the need for a National Environmental Policy Act of 1969 (NEPA) review. (709(b))

Subsection (c) makes it clear that a revised TLMP plan, meeting the requirements of this section, shall be found to be consistent with other laws pertaining to the National Forests. This Act takes precedence over less specific legislation.

Section 2. The objective of this section is to require the Forest Service to meet market demand with a supply of mid-market timber.

Subsection (a) requires that the Secretary meet market demand with a supply of mid-market timber on an annual and planning cycle basis. (705(a))

Subsection (b) requires the Secretary to monitor the timber supply and demand from the Tongass National Forest, and provide a report to the public on January 1 of each year, providing that information and explaining how the Secretary intends to reconcile market demand with other requirements of law. (705(b))

Subsection (c) requires that the Secretary's determination required by subsection (b) is utilized in setting timber sale volume and offering levels for the Tongass. The explanation shall be contained in the President's budget for that fiscal year. (705(c))

Subsection (d) prohibits the reduction of timber volumes available for harvest, unless the Secretary determines that the timber job reductions and resulting adverse impacts upon timber dependent communities are outweighed by the environmental benefits to be achieved. Where such a reduction occurs, equivalent volume of lands economically suitable for timber production must be substituted. (705(d))

Subsection (e) describes how such substitution is to take place. (705(e))

Subsection (f) requires regulations be promulgated to implement the provisions of Section 2, within 60-days of enactment of the section. (705(f))

Subsection (g) provides that a court shall not find that a sale or offering of timber on the Tongass National Forest which complies with this section is inconsistent with other laws providing for forest management. This Act takes precedence over less specific legislation.

Section 3. Section 3 amends Section 102 of the Tongass Timber Reform Act to make Section 6(k) of the National Forest Management Act (NFMA) consistent with the provisions of this Act. Moreover, Section 6(k) cannot be used to delete volume from the Tongass unless substitute timber is provided.

Section 4. The objective of Section 4 is to require the Secretary to provide an annual volume of 80 million board feet of timber to small business concerns and to better tailor timber sales to the needs of small businesses.

Section 5. Section 5 provides a direct cause of action to persons and communities adversely affected by the Secretary's actions under this Act. Sixty days notice to the Secretary is required as a predicate to filing such a suit. This provision is necessary as a counterweight to the environmental organization's ability to stop or enjoin timber sales under the National Environmental Policy Act of 1969.

Section 6. This section requires the Secretary to request annual appropriations sufficient to provide at least a three-year supply of unharvested timber and requires the Secretary to provide reports to the public concerning that timber.

Section 7. The objective of Section 7 is to allow a purchaser of Tongass National Forest timber to lay out timber sales pursuant to the Record of Decision signed by the Contracting Officer following completion of a NEPA analysis for that sale. The Forest Service has the authority to modify or approve such a layout.

Section 8. Section 8 repeals Section 301(c)(2) of the Tongass Timber Reform Act, which requires proportionality for timber offerings made pursuant to the long term contracts. Now that there is only one pulp mill left, and Classes 5, 6 and 7 timber are being considered together, this provision is unnecessary. The technical aspects of implementing such a provision have been enjoined on several occasions. The new Forest Service method for determining proportionality in response to such lawsuits is a process that costs $200,000 and an entire operating season to implement. In short, the section is repealed because the environmental benefits are far outweighed by the costs associated with the provision.

Section 9. The objective of Section 9 is to direct the Secretary to reschedule the timber sales and offerings which were deferred because of the June 1994 habitat conservation areas (HCAs) and goshawk reservation area withdrawals by the Forest Service.

Section 10. Section 10 amends Section 1326(b) of ANILCA to add a definition of the term "withdrawal" as used in that section. Section 1326(a) precludes a withdrawal of more than 5,000 acres of public land in the aggregate unless such a withdrawal is made by the President and concurred by Congress. The new definition of "withdrawal" includes temporary reservations or deferrals. This is to avoid situations as those that occurred with the HCAs and goshawk reservation areas in June 1994 when one-third of the commercial forest land was withdrawn and remains withdrawn because the Agency contends that it does not constitute a land withdrawal, as that term is currently defined in ANILCA.

Section 11. This section prohibits the export of all sawlogs, pulp logs, utility logs and chips (based on a 90% test). It also permits the State of Alaska to decide whether or not to allow the export of timber from timber sales on state lands.

Section 12. Section 12 directs the Secretary of Agriculture to study the prospects for encouraging value added manufacturing utilizing Tongass National Forest timber resources.

Section 13. Section 13 defines terms used in the bill.

By Mr. HOLLINGS:

S. 1055. A bill to amend title 49, United States Code, to eliminate the requirement for preemployment alcohol testing in the mass transit, railroad, motor carrier, and aviation industries, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE OMNIBUS TRANSPORTATION EMPLOYEE TESTING ACT AMENDMENTS OF 1995

Mr. HOLLINGS. Mr. President, today I am introducing legislation that would clarify the Department of Transportation's authority with respect to preemployment alcohol testing of our transportation workers. The bill seeks to make the program originally instituted through the Omnibus Transportation Employee Testing Act of 1991 more effective by eliminating the requirement for preemployment alcohol testing, and making the test permissive instead. Mothers Against Drunk Driving [MADD], which was very involved in the original bill, recently said that the mandatory pre-employment testing of all applicants "regardless of their other qualifications may be unduly burdensome. It does not seem to make much sense to require that an applicant be tested who did not have the qualifications for the job and who was not going to be offered a position." I agree with MADD, and so does Secretary Peña, who has asked that I sponsor this clarifying legislation. The legislation, if enacted, could save the affected industries about $30 million. It is an effort to streamline the Department's regulations and make them more reasonable, while not changing in any way our commitment to eliminating the use and abuse of alcohol and drugs.

From 1987 until 1991, I fought to require drug and alcohol testing of our transportation system employees. The Commerce Committee reported numerous bills in an effort to improve safety after the tragic rail accident at Chase, MD, in which 16 people were killed. The Omnibus Transportation Employee Testing Act was considered and passed by this body 13 times before we were able to make it the law of the land as part of Public Law 102-143, the Department of Transportation and Related Agencies Appropriations Act, 1992.

The act mandated drug and alcohol testing of safety-sensitive employees in the aviation, rail, truck, and bus sectors. The act was designed to prevent needless and senseless accidents caused by those individuals who are irresponsibly using and abusing drugs and alcohol while operating our transportation system. I had heard too much testimony, read too many articles, and seen too many reports of accidents where our citizens were put at risk, and injured or killed, because of the foolish actions of some. I said when the bill was passed that the vast majority of transportation sector workers are highly dedicated professionals that do not use drugs or abuse alcohol. Yet, the Act was made necessary to protect workers and travelers from the senseless actions of but a few of their coworkers.

The bill today continues our commitment to the traveling public, in a responsible and reasonable manner.

By Mr. CRAIG (for himself, Mr. SIMPSON, Mr. KEMPTHORNE, Mr. COVERDELL, Mr. GREGG, Mr. NICKLES, Mr. LOTT, Mr. KYL, Mr. GRAMS, and Mr. FAIRCLOTH):

S. 1056. A bill to prohibit certain exempt organizations from receiving Federal funding; to the Committee on Governmental Affairs.

THE FEDERAL ADVOCACY REFORM ACT OF 1995

Mr. CRAIG. Mr. President, I am proud to join today with my friend, the senior Senator from Wyoming, ALAN SIMPSON, and several other colleagues, in introducing the Federal Advocacy Reform Act of 1995. In reality, this bill is a Taxpayers' declaration of independence from the special interests.

This is not an issue of left-versus-right: It's about principles that apply across the board:

Public money should be spent on the public interest, and not on the political agendas of special interests. The Federal Government should not give special interests money to pay for lobbying for more money, or for political advocacy. Our effort is about ensuring Government integrity and responsible stewardship of taxpayer dollars. Taxpayers should not be compelled to fund special interest lobbying that is against their interests.

Many groups who claim to speak for grass roots members or large groups of Americans actually use Federal dollars inappropriately to amplify the voices of a few.

Next week, the Senate is supposed to take up gift and lobbying reform bills. People are correctly focused on lobbyists' gifts to legislators; but we also need to worry about the Government's gifts to lobbyists. Senator SIMPSON and I plan to pursue an amendment like today's bill at that time, next week, when the Senate considers lobbying reform. Mr. President, our bill is real lobbying reform. It will protect the taxpayers' pocketbooks from the abuse that has gone on too long for the benefit of narrow, special interests.

Today, in the House of Representatives, the Appropriations Committee was scheduled to consider an amendment on this same general topic, written by Congressmen ERNIE ISTOOK, DAVE MCINTOSH, and BOB EHRLICH. Although our specific approaches may differ, our goals are the same. I commend their work and look forward to watching both bodies progress in our consideration of this issue.

By Mr. COHEN (for himself, Mr. D'AMATO. Mr. BOND, Mr. FAIRCLOTH, and Mr. MACK):

S. 1057. A bill to amend section 1956 of title 18, United States Code to include equity skimming as a predicate offense, to amend section 1516 of title 18, United States Code to curtail delays in the performance of audits, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

EQUITY SKIMMING LEGISLATION

Mr. COHEN. Mr. President, I reintroduce legislation to help the Department of Housing and Urban Development deal with the fraudulent practice of equity skimming.

As the chairman of the Governmental Affairs Subcommittee on Oversight, I have investigated a disturbing number of instances of fraud.

Over the past 2 years, I have been looking at the Department of Housing and Urban Development's [HUD] subsidy and mortgage insurance programs. This investigation has focused on an outrageous practice know as equity skimming.

Equity skimming is the term used to describe a particular type of housing fraud. It occurs when an owner of a HUD-insured project takes money intended to be used to pay the mortgage and provide maintenance and upkeep of the project and diverts it for his or her own use. This diversion of funds often causes the owner to default on their mortgage, forcing HUD—which guaranteed the loans—to pay the private lender the balance of the mortgage. At this point, HUD assumes the mortgage and the owner is required to make mortgage payments to HUD. Regrettably, however, the owner often continues to divert funds for personal use rather than meet mortgage and other expenses. As a result, these projects often fall into disrepair, forcing the tenants to endure intolerable living conditions.

The term "equity skimming" is somewhat of a misnomer in that the actual equity that the owner invests in the project is relatively small compared to the amount skimmed by the owner.

The HUD IG estimates that equity skimming has cost taxpayers approximately $6 billion to date. HUD has approximately 20,000 total projects in its insured mortgage portfolio, totaling over $40 billion. HUD holds another $10 billion in mortgages already in default. An additional $10 billion worth of HUD-insured mortgages are estimated to be at risk of default and in fiscal year 1993 alone HUD paid $965 million in multifamily housing mortgage insurance claims to private lenders. HUD's IG believes that a significant amount of the defaults are a result of equity skimming.

The tragedy of this fraud goes beyond the waste of taxpayer dollars. As a result of equity skimming, tenants have been forced to live in horrible conditions because needed repairs go unattended to. At the same time, the owners of these projects live the high life while HUD is stuck with the cost of insuring the mortgage and rehabilitating the deteriorated project.

Let me give a couple of examples of how this shoddy practice has worked.

In upstate New York, partners in a nursing home claimed to be broke and failed to make payments on a $5.1 million HUD-insured mortgage. While they were defaulting on the mortgage and sticking the taxpayers with the bill, the partners used various guises to divert some $500,000 to personal use and paid themselves another $1.7 million in fees for unverified services. While these partners were lining their own pockets, nursing home residents were going without appropriate care.

Another case of equity skimming involved a company in Texas, which managed approximately 86 HUD insured and/or subsidized multifamily projects. Results of a HUD IG audit revealed that $19.6 million of the expenses were either ineligible or questionable because of insufficient support or evidence; the management company inadequately documented $1.2 million in maintenance expenses and lacked documentation for some $5.6 million in contracting expenses. The management company also diverted $500,000 in project funds. The projects deteriorated at the expense of HUD, the taxpayers and the tenants who lived in seriously substandard housing. Due to the management company's lack of cooperation with HUD's auditors, HUD was unable to identify all the diversions and unsupported expenses.

In yet another case of equity skimming, the owner of four projects in Tennessee, diverted some $4.7 million for personal benefit after defaulting on the HUD-insured mortgages. The owner also diverted almost $800,000 to his wife rather than pay the mortgage. The owner also used another $1 million to pay another loan and diverted $1.2 million to his other companies.

Because of improper diversion of project funds, the condition of a housing project in Kansas deteriorated leaving the tenants, who were receiving Federal rent subsidies, living in deplorable conditions. Apartments were roach infested, ceilings were falling down, and doors and windows provided neither security nor protection from the weather. The cost to rehabilitate the project came to an estimated $1.4 million on a property worth $1.8 million.

Two other cases of equity skimming in Minnesota cost the Government almost $600,000. In one case, two partners collected rent and Government subsidies while failing to make full mortgage payments on their federally insured mortgages. The total cost to the taxpayers in this case was about $425,000. In the other case, two owners of five subsidized buildings collected more than $173,000 in rent while neglecting to make mortgage payments.

HUD is taking positive steps to crack down on the owners engaged in equity skimming. HUD is working to prevent the diversions from happening in the first place but, if this fails, HUD intends to step up its efforts to recover the diverted moneys. My legislation will give HUD some much needed tools to help curb the problem of equity skimming.

My legislation has three parts. The first part would allow equity skimming to fall under provisions of the Federal money laundering statute. Under current law, when the Federal Government sues project owners who steal or misappropriate money from federally insured housing projects, owners are able to protect their ill-gotten gains by transferring these assets to other individuals or parties during the lengthy litigation process. Making equity skimming a violation of the Federal money laundering statute will allow the Government to seize the assets.

The second part would make HUD-insured mortgage programs subject to the statute which makes it unlawful to obstruct Federal auditors. Unfortunately, there is currently some question as to whether this existing statute applies to owners who receive HUD-insured mortgages because the owners receive no direct Federal payment. Because the mortgages are insured and no money goes directly to the owner from the Government, owners are able to use the ambiguity in the law to stonewall Federal auditors. My bill would make clear that owners of housing projects financed with government-insured mortgages are subject to the audit obstruction statute. Perpetrators of equity skimming would no longer be able to hide their books from Federal auditors.

The third provision in the bill requires HUD to provide in its agreements with borrowers that HUD could recover from project owners any funds lost by HUD as a result of equity skimming. Under this new provision, if an owner is convicted of equity skimming, the owner will be responsible for HUD's entire loss. Currently, HUD is unable to recover any funds it used to pay off the balance of the defaulted mortgage even if the borrowers are found guilty of equity skimming.

Mr. President, this legislation should go far in slamming the door on fraudulent owners and managers who take advantage of both taxpayers and tenants to line their own pockets.

I ask unanimous consent that a letter from the inspector general at HUD, Susan Gaffney, in support of this legislation, and the text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1057

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress finds that—

(1) the Federal Government makes available mortgage insurance and other assistance to encourage investors and lending institutions to provide housing to low-income individuals and families;

(2) in general, this current system functions well;

(3) some unscrupulous owners of federally assisted housing, however, have diverted Federal housing subsidies and other funds to personal and other improper uses, while failing to make payments on their insured mortgages or maintain the assisted housing;

(4) this practice of diverting funds, known as equity skimming, has cost the Nation's taxpayers an estimated $6,000,000,000; and

(5) current law is inadequate to deter or prevent the practice of equity skimming.

SEC. 2. INCLUSION OF EQUITY SKIMMING AS A LAUNDERING OFFENSE.

Seciton 1956(c)(7)(D) of title 18, United States Code, is amended by inserting "section 254 of the National Housing Act (relating to equity skimming)," before "or any felony violation of the Foreign Corrupt Practices Act".

SEC. 3. OBSTRUCTION OF FEDERAL AUDIT.

Section 1516(a) of title 18, United States Code, is amended by inserting "or relating to any property that is security for a mortgage that is insured, guaranteed, acquired, or held by the Secretary of Housing and Urban Development pursuant to any provision of law described in section 254(a) of the National Housing Act," after "under a contract or subcontract,".

SEC. 4. EFFECT OF EQUITY SKIMMING ON MORTGAGE INSURANCE.

Seciton 254 of the National Housing Act (12 U.S.C. 1715z–19) is amended—

(1) by striking "Whoever" and inserting the following:

"(a) IN GENERAL.—Whoever"; and

(2) by adding at the end the following new subsection:

"(b) EFFECT OF VIOLATION.—Each contract for insurance under any provision of law described in subsection (a) shall provide that if an owner, agent, manager, or other person who is otherwise in custody, control, or possession of any property described in subsection (a) is convicted of a violation of that subsection, the Secretary may recover from such owner, agent, manager, or other person an amount equal to the sum of—

"(1) any benefit of insurance conferred on the mortgagee by the Secretary with respect to such property; and

"(2) any loss incurred by the Secretary in connection with such property; if the Secretary determines that the violation contributed to such conferred benefit or incurred loss. Any recovery under this subsection shall be in addition to any fine, imprisonment, or other penalty imposed under subsection (a).".

DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT,
Washington, DC, February 16, 1995.

Hon. WILLIAM S. COHEN,
Chairman, Subcommittee on Oversight of Government Management, Committee on Governmental Affairs, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: I am writing you to express my appreciation and support of your efforts to address equity skimming in HUD multifamily projects by promoting legislation for more effective enforcement authority.

As part of Operation Safe Home, HUD has initiated an aggressive proactive effort to pursue affirmative litigation against owners of multifamily housing projects whose owners misuse project operating funds. The goal of Operation Safe Home is to stop major abuses in HUD programs that result in unacceptable living conditions for the millions of needy people who look to HUD for help. As you know, equity skimming has done much to undermine HUD's ability to provide quality affordable housing and has significantly impacted the cost of doing so.

A primary objective of the Equity Skimming aspect of Operation Safe Home is to create an enforcement program that provides an effective deterrent and recovery mechanism for the misuse of income and assets at projects having HUD insured or Secretary-held mortgages.

One of our goals is to initiate changes to statutes, HUD regulations, and contracts with HUD program participants that will facilitate the application of enforcement actions. Your efforts to change statutes to make equity skimming a money laundering offense, hold owners personally liable for related losses incurred by the Federal Government, and to deter the obstruction of Federal audits, are significant. Such statutes will enable us to better ensure compliance with the requirements for the operation of assisted multifamily housing in a decent and safe manner for all of those who rely upon HUD for housing.

If I can be of any further support or assistance to your efforts for addressing these important enforcement issues, please let me know.

Sincerely,

SUSAN GAFFNEY,
Inspector General.

By Mr. WELLSTONE (for himself, Mr. SPECTER, Mr. HATFIELD, Mr. JEFFORDS, Mr. HARKIN, Mr. MOYNIHAN, and Mr. KENNEDY):

S. 1058. A bill to provide a comprehensive program of support for victims of torture; to the Committee on the Judiciary.

THE COMPREHENSIVE TORTURE VICTIMS RELIEF ACT OF 1995

• Mr. WELLSTONE. Mr. President, I introduce the Comprehensive Torture Victims Relief Act of 1995. I am joined today by Senators SPECTOR, HATFIELD, JEFFORDS, HARKIN, MOYNIHAN, and KENNEDY, as original cosponsors of this measure. This bipartisan legislation outlines a comprehensive strategy for providing critical assistance to refugees, asylees, and parolees who are torture survivors in the United States and abroad. It is an important blueprint for an overall approach to the serious problem of torture. This legislation provides a focus and a framework for a newly reenergized debate about where torture surivirors, and our response to the practice of torture by other countries, fit within our foreign policy priorities.

The bill authorizes funds for torture rehabilitation programs, both here and abroad. It also increases the U.S. contribution to the U.N. Voluntary Fund for Torture Victims. It is similar to legislation introduced toward the end of last year by myself, and Senator Durenburger and HARKIN. The bill is being supported by over 65 organizations concerned with human rights issues. This legislation is also similar to H.R. 1416, introduced earlier this year in the other body by Representative CHRISTOPHER SMITH of New Jersey and cosponsored by a bipartisan group of ideologically diverse Representatives ranging from Representative HYDE to Representative FRANK, and including Representatives LANTOS, WOLF, ROHRABACHER, YATES, PELOSI, SABO, MCKINNEY, and VENTO. With such bipartisan support, I hope that Congress will move quickly to enact this important legislation.

While the huge cuts in foreign aid programs that have been proposed in Congress will make even a modest expansion of torture treatment assistance doubly difficult, I want to do everything I can to see the key provisions of this bill enacted into law. I hope that enactment of this legislation will be a watershed in the movement to garner broader public and private support, both here and abroad, for much-needed torture rehabilitation programs.

Specifically, the Comprehensive Torture Victims Relief Act would authorize funds for domestic refugee assistance centers as well as bilateral assistance to torture treatment centers worldwide. It would also change our immigration laws to give a priority to torture survivors; provide for specialized training for U.S. consular personnel who deal with torture survivors; and commission a comprehensive study by the National Institutes of Health on the numbers and geographical distribution of refugees and asylees who are torture survivors now in the United States. That study should help refine our goals and then help us to target those people in need of rehabilitation assistance.

Finally, the bill would allow an increase in the U.S. contribution to the U.N. Voluntary Fund for Torture Victims, which funds and supports rehabilitation programs worldwide. In 1994, this fund contributed over $3.7 million to 106 projects in 60 countries. I believe that continuing to expand the U.S. contribution to the fund is necessary as a show of genuine U.S. commitment to human rights, and I will continue to push until these programs receive the funding they need and deserve.

This bill would not cause an increase in the Federal budget deficit because spending would be reallocated from among funds already provided for in Federal law. For example, as a demonstration of our commitment, the United States could reallocate funds to these rehabilitation programs from military assistance to foreign governments which torture their own people, or condone it within their borders. Reducing military aid to countries which practice torture or ignore its existence has a certain symmetry, and would be another way of signifying our opposition to torture.

Mr. President, the practice of torture is one of the most serious human rights issues of our time. Governmental torture, and torture being condoned by officials of governments, occurs in at least 70 countries today. We have seen this most horribly demonstrated recently in Bosnia, where torture, rape, and other atrocities have become commonplace. We can and must do more to stop torture, and to treat its victims. Treating torture victims must be a much more central focus of our efforts as we work to promote human rights worldwide.

Without active programs of healing and recovery, torture survivors often suffer continued physical pain, depression and anxiety, intense and incessant nightmares, guilt and self-loathing. They often report an inability to concentrate or remember. The severity of the trauma makes it difficult to hold down a job, study for a new profession, or acquire other skills needed for successful adjustment into society.

Providing treatment for torture survivors is one of the best ways we can show our concern for human rights around the world. The United States and the international community have been increasingly aware of the need to prevent human rights abuses and to punish the perpetrators when abuses take place. But too often we have failed to address the needs of the victims. We pay little if any attention to the treatment of victims after their rights have been violated.

The commitment to protect human rights is one shared by many around the world. In 1984, the United Nation approved the United Nations' Convention Against Torture and Other Forms of Cruel, Inhuman, or Degrading Treatment or Punishment. The U.S. Senate ratified it in April 1994. Although Congress has taken some steps to implement parts of the convention, we have not yet taken action to provide sufficient rehabilitation services in the spirit of the language of article 14 of the convention.

Certainly, there exists a great need for the rehabilitation programs supported by this legislation. The generally accepted estimate of the number of torture survivors, including refugees, asylees, and parolees in the United States, hovers around 200,000—although some experts in the field believe it may be closer to 400,000. In my State of Minnesota alone, there are estimated to be over 8,000 survivors of torture. The Federal Government's response to this problem so far has been minimal.

In Minnesota, we began to think about the problem of torture, and act on it, over 10 years ago. The Center for Victims of Torture in Minneapolis is the only fully-staffed torture treatment facility in the country and one of a select few worldwide. They just celebrated their 10th anniversary. The center offers outpatient services which can include medical treatment, psychotherapy and help gaining economic and legal stability. Its advocacy work also helps to inform people about the problem of torture and the lingering effects it has on victims, and ways to combat torture worldwide. The center has treated or provided services to hundreds of people over the last 10 years.

Some of the often shrill public rhetoric these days seems to argue that we, as a nation, can no longer afford to remain engaged with the world, or to assist the poor, the elderly, the feeble, refugees, those seeking asylum—those most in need of aid who are right here in our midst. The Center for Victims of Torture stands as a repudiation of that idea. Its mission is to rescue and rehabilitate people who have been crushed by torture, and it has been accomplishing that mission admirably over the last 10 years. It is a light of hope in the lives of those who have for so long seen only darkness, a darkness brought on by the brutal hand of the torturer.

I would like to thank the distinguished human rights leaders who helped craft this bill, including those at the Center for Victims of Torture in Minneapolis and others in the human rights community here in Washington and in Minnesota. Without their energy and skills as advocates for tough U.S. laws which promote respect for internationally recognized human rights worldwide, the cause of human rights here in the United States would be seriously diminished. I salute them today. We must commit ourselves to aiding torture survivors and to building a world in which torture is relegated to the dark past. My hope is that we can help bring about a world in which the need for torture treatment programs becomes obsolete. I urge my colleagues to cosponsor this bill, and I urge its timely passage.

I ask unanimous consent that a partial list of organizations supporting the Comprehensive Torture Victims Relief Act be printed in the RECORD along with a copy of the bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1058

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Torture Victims Relief Act".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) The American people abhor torture by repressive governments and other parties. The existence of torture creates a climate of fear and international insecurity that affects all people.

(2) Torture is the strategic use of pain to destroy both individuals and society. The effects of torture are long term. Those effects can last a lifetime for the survivors and affect future generations.

(3) By eliminating leadership of their opposition and frightening the general public, repressive governments use torture as a weapon against democracy.

(4) Torture victims remain under physical and psychological threats, especially in communities where the perpetrators are not brought to justice. In many nations, even those who treat torture victims are threatened with reprisals, including torture, for carrying out their ethical duties to provide care. Both the survivors of torture and their treatment providers deserve, and often require, protection from further repression.

(5) A significant number of refugees and asylees entering the United States have been victims of governmental torture. Those claiming asylum deserve prompt consideration of their applications for political asylum to minimize their insecurity and sense of danger. Many torture survivors now live in the United States. They should be provided with the rehabilitation services which would enable them to become productive members of our communities.

(6) The development of a treatment movement for torture survivors has created new opportunities for action by the United States and other nations to oppose state-sponsored and other acts of torture.

(7) There is a need for a comprehensive strategy to protect and support torture victims and their treatment providers together with overall efforts to eliminate torture.

(8) By acting to heal the survivors of torture and protect their families, the United States can help to heal the effects of torture and prevent its use around the world.

(9) The United States has ratified the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, but has not implemented all provisions of the convention.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) IN GENERAL.—Except as otherwise provided, the terms used in this Act have the meaning given such terms in section 101(a) of the Immigration and Nationality Act.

(2) TORTURE.—The term "torture" has the meaning given such term in section 2340(1) of title 18, United States Code, and includes the use of rape and other forms of sexual violence by a person acting under the color of law upon another person under his custody or physical control.

SEC. 4. PROHIBITION ON INVOLUNTARY RETURN OF PERSONS FEARING SUBJECTION TO TORTURE.

(a) PROHIBITION.—The United States shall not expel, extradite, or return involuntarily an individual to a country if there is substantial evidence of circumstances that would lead a reasonable person to believe that the individual would fear subjection to torture.

(b) DEFINITION.—For purposes of this section, the term "to return involuntarily", in the case of an individual in any locale, means the following:

(1) To return the individual without the individual's consent, whether or not the return is induced by physical force.

(2) To take an action by which it is reasonably foreseeable that the individual will be returned, whether or not the return is induced by physical force.

SEC. 5. IMMIGRATION PROCEDURES FOR TORTURE VICTIMS.

(a) IN GENERAL.—Any alien—

(1) who presents a credible claim of having been subjected to torture in the alien's country of nationality, or, in the case of an alien having no nationality, the country in which the alien last habitually resided, and

(2) who applies for—

(A) refugee status under section 207 of the Immigration and Nationality Act,

(B) asylum under section 208 of that Act, or

(C) withholding of deportation under section 243(h) of that Act,

shall be processed in accordance with this section.

(b) CONSIDERATION OF THE EFFECTS OF TORTURE.—In considering applications for refugee status, asylum, or withholding of deportation made by aliens described in subsection (a), the appropriate officials shall take into account—

(1) the manner in which the effects of torture can affect the applicant's responses in the application and in the interview process or other immigration proceedings, as the case may be;

(2) the difficulties torture victims often have in recounting their suffering under torture; and

(3) the fear victims have of returning to their country of nationality where, even if torture is no longer practiced or the incidence of torture is reduced, their torturers may have gone unpunished and may remain in positions of authority.

(c) EXPEDITED PROCESSING OF REFUGEE ADMISSIONS.—For purposes of section 207(c) of the Immigration and Nationality Act, a refugee who presents a credible claim of having been subjected to torture shall be considered to be a refugee of special humanitarian concern to the United States and shall be accorded priority in selection from the waiting list of such refugees based on compelling humanitarian concerns.

(d) EXPEDITED PROCESSING FOR ASYLUM AND WITHHOLDING OF DEPORTATION.—Upon the request of the alien, the alien's counsel, or a health care professional treating the alien, an asylum officer or special inquiry officer may expedite the scheduling of an asylum interview or an exclusion or deportation proceeding for an alien described in subsection (a), if such officer determines that an undue delay in making a determination regarding asylum or withholding of deportation with respect to the alien would aggravate the physical or psychological effects of torture upon the alien.

(e) PAROLE IN LIEU OF DETENTION.—The finding, upon inspection at a port of entry of the United States, that an alien described in subsection (a) suffers from the effects of torture, such as depressive and anxiety disorders, shall be a strong presumptive basis for a grant of parole, under section 212(d)(5) of the Immigration and Nationality Act, in lieu of detention.

(f) SENSE OF CONGRESS.—It is the sense of Congress that the Attorney General shall allocate resources sufficient to maintain in the Resource Information Center of the Immigration and Naturalization Service information relating to the use of torture in foreign countries.

SEC. 6. SPECIALIZED TRAINING FOR CONSULAR, IMMIGRATION, AND ASYLUM PERSONNEL.

(a) IN GENERAL.—The Attorney General shall provide training for immigration inspectors and examiners, immigration officers, asylum officers, special inquiry officers, and all other relevant officials of the Department of Justice, and the Secretary of State shall provide training for consular officers, with respect to—

(1) the identification of the evidence of torture;

(2) the identification of the surrounding circumstances in which torture is practiced;

(3) the long-term effects of torture upon the person;

(4) the identification of the physical, cognitive, and emotional effects of torture, including depressive and anxiety disorders, and the manner in which these effects can affect the interview or hearing process; and

(5) the manner of interviewing victims of torture so as not to retraumatize them, eliciting the necessary information to document

the torture experience, and understanding the difficulties victims often have in recounting their torture experience.

(b) Gender-Related Considerations.—In conducting training under subsection (a)(4) or subsection (a)(5), gender specific training shall be provided on the subject of interacting with women and men who are victims of torture by rape or any other form of sexual violence.

SEC. 7. STUDY AND REPORT ON TORTURE VICTIMS IN THE UNITED STATES.

(a) Study.—The National Institutes of Health shall conduct a study with respect to refugees and asylees admitted to the United States since October 1, 1987, who were tortured abroad, for the purpose of identifying—

(1) the estimated number and geographic distribution of such persons;

(2) the needs of such persons for recovery services; and

(3) the availability of such services.

(b) Report.—Not later than December 31, 1997, the National Institutes of Health shall submit a report to the Judiciary Committees of the House of Representatives and the Senate setting forth the findings of the study conducted under subsection (a), together with any recommendation for increasing the services available to persons described in subsection (a), including any recommendation for legislation, if necessary.

SEC. 8. DOMESTIC TREATMENT CENTERS.

(a) Amendment of the Immigration and Nationality Act.—Section 412 of the Immigration and Nationality Act (8 U.S.C. 1522) is amended by adding at the end the following new subsection:

"(g) Assistance for Treatment of Torture Victims.—(1) The Secretary may provide grants to programs in the United States to cover the cost of the following services:

"(A) Services for the rehabilitation of victims of torture, including treatment of the physical and psychological effects of torture.

"(B) Social services for victims of torture.

"(C) Research and training for health care providers outside of treatment centers or programs for the purpose of enabling such providers to provide the services described in subparagraph (A).

"(2) For purposes of this subsection, the term 'torture' has the meaning given to such term in section 3 of the Comprehensive Torture Victims Relief Act.".

(b) Funding.—Of the amounts authorized to be appropriated for the Department of Health and Human Services for fiscal year 1996, there is authorized to be appropriated such sums as may be necessary to carry out section 412(g) of that Act (relating to assistance for domestic centers and programs for the treatment of victims of torture), as added by subsection (a). Amounts appropriated pursuant to this subsection shall remain available until expended.

(c) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1995.

SEC. 9. FOREIGN TREATMENT CENTERS.

(a) Amendments of the Foreign Assistance Act of 1961.—Part I of the Foreign Assistance Act of 1961 is amended by adding at the end of chapter 1 the following new section:

"Sec. 129. Assistance for Victims of Torture.—(a) The President is authorized to provide assistance for the rehabilitation of victims of torture.

"(b) Such assistance shall be provided in the form of grants to treatment centers and programs in foreign countries which are carrying out projects or activities specifically designed to treat victims of torture for the physical and psychological effect of the torture.

"(c) Such assistance shall be available—

"(1) for direct services to victims of torture; and

"(2) to provide research and training to health care providers outside of treatment centers or programs for the purpose of enabling such providers to provide the services described in paragraph (1).

"(d) For purposes of this section, the term 'torture' has the meaning given such term in section 3 of the Comprehensive Torture Victims Relief Act.".

(b) Funding.—Of the total amount authorized to be appropriated in fiscal years 1996 and 1997 pursuant to chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 and pursuant to section 31 of the Arms Export Control Act, there is authorized to be appropriated such sums as may be necessary to carry out section 129 of the Foreign Assistance Act, as added by subsection (a). Amounts appropriated pursuant to this subsection shall remain available until expended.

(c) Effective Date.—The amendment made by subsection (a) shall take effect on October 1, 1995.

SEC. 10. MULTILATERAL ASSISTANCE.

(a) Funding.—Of the amounts authorized to be appropriated in fiscal years 1996 and 1997 pursuant to chapter 1 of part I and chapter 4 of part II of the Foreign Assistance Act of 1961 and pursuant to section 31 of the Arms Export Control Act, there are authorized to be appropriated to the United Nations Voluntary Fund for Victims of Torture (in this section referred to as the "Fund") the following amounts for the following fiscal years:

(1) For fiscal year 1996, $4,000,000.

(2) For fiscal year 1997, $5,000,000.

(b) Availability of Funds.—Amounts appropriated pursuant to subsection (a) shall remain available until expended.

(c) Sense of Congress.—It is the sense of the Congress that the President, acting through the United States Permanent Representative to the United Nations, should—

(1) request the Fund—

(A) to find new ways to support and protect treatment centers and programs that are carrying out rehabilitative services for victims of torture; and

(B) to encourage the development of new such centers and programs;

(2) use the voice and vote of the United States to support the work of the Special Rapporteur on Torture and the Committee Against Torture established under the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and

(3) use the voice and vote of the United States to establish a country rapporteur or similar procedural mechanism to investigate human rights violations in a country if either the Special Rapporteur or the Committee Against Torture indicates that a systematic practice of torture is prevalent in that country.

Partial List of Organizations Supporting the Comprehensive Torture Victims Relief Act

Advocates for Survivors of Trauma and Torture.
American-Arab Anti-Discrimination Committee.
American Association for the Advancement of Science.
American Friends Service Committee.
American Immigration Lawyers Association.
American Psychological Association.
Amnesty International U.S.A.
Amigos de los Sobrevivientes.
Bread for the World.
Catholic Foreign Mission Society of America, Maryknoll Fathers and Brothers.
Center for Development of International Law.
Center for Human Rights Legal Action.
Center for International Policy.
Center for the Victims of Torture.
Church World Service Immigration and Refugee Program.
Coalition "Missing" (U.S. Citizens Murdered, Tortured, Assaulted or Missing in Guatemala)
Columbian Fathers Justice and Peace Office.
Commission on International Human Rights, International Peace Research Association.
Conference of the Major Superiors of Men.
Doctors of the World, U.S.A.
Episcopal Migration Ministries.
Ethiopian Community Development Council, Inc.
Francois-Xavier Bagnoud Center for Health and Human Rights, Harvard School of Public Health.
Friends Committee on National Legislation.
Fund for New Priorities in America.
General Board of Church and Society, The United Methodist Church.
Guatemala Human Rights Commission—U.S.A.
Human Rights Advocates, San Francisco.
Human Rights Clinic, Montefiore Medical Center.
Human Rights Watch.
Immigration Refugee Service of America.
Indian Law Resource Center.
Institute for Policy Studies.
Institute for the Study of Psycho-Political Trauma.
International Educational Development, Inc.
International Human Rights Law Group.
International Labor Rights Fund.
International Rescue Committee.
Kentucky Interreligious Task Force on Central America.
Lutheran Immigration and Refugee Service.
Lutheran Office for Government Affairs, Evangelical Lutheran Church in America.
MADRE, Inc., New York, NY.
Marjorie Kovler Center, Chicago.
Mennonite Central Committee.
Minority Rights Group, Washington, D.C.
National Spiritual Assembly of the Baha'is of the U.S.
Network, A National Catholic Social Justice Lobby
Office for Church and Society, The United Church of Christ (U.S.A.)
Physicians for Human Rights
Physicians for Social Responsibility
Program for Torture Victims, Venice, CA
Robert F. Kennedy Memorial Center for Human Rights
Southeast Asia Resource Action Center
Survivors International, San Francisco
Unitarian Universalist Association
United Church Board for World Ministries, The United Church of Christ (U.S.A.)
United Nations Association of San Francisco
United States Catholic Conference
United States Committee for Refugees
Veterans for Peace
Washington Office on Africa
Washington Office on Latin America
World Federalist Association

Xanthos, Inc., Almeda, California.•

By Mr. CRAIG:

S. 1059. A bill to amend section 1864 of title 18, United States Code, relating to tree spiking, to add avoidance costs as a punishable result; to the Committee on the Judiciary.

TREE SPIKING LEGISLATION

Mr. CRAIG. Mr. President, I regret that I must come to the floor today to introduce this legislation. But some extreme preservation groups apparently know no bounds in their zealotry to stop timber harvest on national forests. They leave me no choice but to put a stop to their insane acts.

A preservation group in Idaho has just announced that they have spiked trees scheduled to be cut in an active timber sale. This is the last, desperate act of radicals who did not get their way with the Forest Service or in court. To gain their objectives, they are willing to jeopardize the lives of men and women working in the woods and in the sawmill. The possibility of a head rig exploding as it hits a spike bothers them not at all.

There should be no controversy over this timber sale. The U.S. Congress specifically guaranteed that this particular Cove-Mallard area of the Nez Perce National Forest was to be used for multiple-use purposes. On that basis, the Forest Service completed their forest plan and the appropriate NEPA documents for timber harvest. The radicals did not like that, so they appealed the NEPA decision. Their appeal was denied.

The radicals did not like being denied so they filed suit claiming violations of NEPA and the National Forest Management Act. The court disagreed. It found that the Forest Service had properly applied all the environmental laws in awarding the timber sale contracts in Cove-Mallard. So, logging began in Cove-Mallard.

Most of all, the radicals do not like logging, so they have taken this last, desperate act to force their wishes on all the rest of us. They have spiked trees in the Cove-Mallard timber sale.

And they brag about it. They brag that they have used ceramic spikes which cannot be found by metal detectors. They brag they have spiked the trees far up the stem of the tree so as to hide them and assure they cannot be disposed of easily when found.

This tree-spiking incident just proves that some preservation groups will not take no for an answer—even when that "no" comes from the Congress and from the courts. They feel their mission is beyond the law.

Well, it is not. My legislation will exact a heavy price from those who break the law. It will amend Public Law 100-690 to add strong penalties for the disruption, expense, and damage of tree spiking.

I hope my colleagues will join me in condemning this outrageous act. I ask their support to move this legislation very quickly as a signal that Congress will simply not tolerate this kind of blackmail.

By Mr. JEFFORDS (for himself and Mr. NUNN):

S. 1062. A bill to amend the Employee Retirement Income Security Act of 1974 to increase the purchasing power of individuals and employers, to protect employees whose health benefits are provided through multiple employer welfare arrangements, to provide increased security of health care benefits, and for other purposes; to the Committee on Labor and Human Resources.

THE EMPLOYER GROUP PURCHASING REFORM ACT OF 1995

Mr. JEFFORDS. Mr. President, I introduce the Employer Group Purchasing Reform Act of 1995 for myself and my Democratic colleague Senator NUNN. Our bill amends the Employee Retirement Income Security Act of 1974 (ERISA) in three significant ways. First, we provide increased protection for approximately 46 million employees in self-funded employee benefit health plans. Second, we increase the purchasing power and affordability of health insurance for small employers by putting into place the States ability to crack down on the fraudulent and abusive practices used by unscrupulous multiple employer welfare arrangement (MEWA) operators that have left thousands of small businesses and their employees without health insurance. We then make the way for voluntary health plan purchasing coalitions to flourish.

This bill complements S. 1028, the Health Insurance Reform Act of 1995, which is the bi-partisan bill that Senators KASSEBAUM and KENNEDY introduced last week, of which I am proud to be an original co-sponsor. As I said last week, the foundation for incremental health reform is a well-functioning private market. The Kassebaum-Kennedy bill makes great strides in addressing many of the problems in the insured market and also begins to level the playing field in both the insured and self-insured markets by applying the same national rules to both segments of the marketplace.

This Health Insurance Reform Act deals with one of the central concerns for all Americans, knowing their health insurance will be portable from job to job. Generally, portability means all people who have insurance today will be able to purchase affordable insurance tomorrow, even if they get sick, or change or lose their jobs. In order for this to occur, we have to convert the rules in today's insurance market, which reward excluding people, into rules where health plans must take all comers. The Health Insurance Reform Act takes a giant step toward this goal.

S. 1028 provides much needed improvements at the national level, but at the same time allows States the flexibility they need to move ahead with their own reform efforts. Unfortunately, unless we make greater strides in leveling the playing field between the ERISA self-funded market and the insured market, the current trend of more and more businesses moving from the insured State regulated market to the self-insured federally regulated market, as documented in a soon to be released GAO report, will continue.

You may ask what is self-insured or self-funded anyway, and why should I be concerned about this trend? Well, self-funding is merely a pay-as-you-go financing mechanism used by employers and unions to fund health benefits for employees. The term is used synonymously for any ERISA health plan—but—in actuality ERISA health plans can be either insured or self-funded. The irony is that the term self-funded is never used in ERISA and therefore has never been defined. This lack of clarity about how much risk an ERISA plan must assume to be self-funded has caused havoc in the insured marketplace regulated by the States. This fragmentation has caused prices in the insured marketplace to continue to rise because of the risk segmentation. In addition, it is the insured market that gets assessed for providing subsidies for State high risk pools.

Employers choose to self-fund for basically two reasons. First, it provides greater flexibility and uniformity in benefit plan design and second, if you have a healthy workforce it costs less to provide your employees health benefits. Unfortunately, when some employers who self-fund experience an employee with a catastrophic illness they contain their costs by lowering life-time limits of health coverage. Our bill would prohibit this practice.

Many employees who are in self-funded ERISA plans are not aware of this fact because many of the large insurance companies, like Cigna, administer the claims and the employees' insurance card will usually say Cigna on the front. If a problem occurs with the plan most people will file a complaint with a State insurance department only to find out there is nothing the State can do because the plan is under ERISA and lacks many of the protections afforded people with insured plans.

When ERISA was passed, over 20 years ago, the many years of thought and architecture that went into the pension provisions that gave employees real security regarding their retirement were not duplicated in the health arena. As a matter of fact, the broadly drafted language of the preemption clause actually took protection away from employees who were not in an insured health plan.

A major reason the drafters did not take the same precision in the health benefit area was the certainty that this was not necessary because national health reform was just right around the corner. Well, here we are in 1995 still talking about health reform. As a matter of fact the talk has moved from the national front of last year toward looking to the States to move forward with reform. But the States are only able to reform the insured market. It is up to Congress to address the problems ERISA preemption has caused in the private market. If we do not figure out a way to level the regulatory playing field in the market we are never going to have a solid foundation for market based health reform.

The Employer Group Purchasing Reform Act levels the playing field in some significant ways. First, we define self-funding to make it clear that employers must assume substantial financial responsibility if they are to be afforded preemption from State insurance laws. Second, it emulates the portability protection individuals have when a group health plan disbands. Americans who purchase health insurance have the protection of State guarantee funds in the event a health insurer goes belly-up. Individuals who are in self-funded plans will now be assured a 3 month conversion policy in the event their employer goes out of business. Employees will no longer face a double whammy of losing a job and also their health insurance. Rather than have the Federal Government regulate and determine the appropriate solvency requirements for self-funded plans this bill has the market set the standards. Our bill will require self-funded plans to purchase involuntary plan termination insurance in the event of bankruptcy.

As I mentioned when the Kassebaum-Kennedy bill was introduced last week, I was most grateful for the inclusion of the health plan purchasing coalition section of S. 1028. I believe that the key to making health insurance more affordable for individuals and small employers is properly designed voluntary group purchasing arrangements. The health plan purchasing coalitions in our bill are very similar to those in S. 1028 except that we allow the coalition more flexibility in the design of the benefits offered through the multiple health plans in the coalition.

Employer group purchasing is not a new concept. Many employers have been pooling funds and contracting with entrepreneurs to offer health benefits to their employees at reduced rates, for many years, through something defined as MEWA's under ERISA. A MEWA is an arrangement where two or more employers group together to purchase health benefits. This definition, added to ERISA by the 1982 Erlenborn amendment, is very broad and encompassed all types of insurance-like arrangements that involve more than one employer, regardless of their corporate structure, insurance status, or status as an employee welfare benefit plan. Categorizing the various types of MEWA's is difficult primarily because different people use different terms to refer to the same entity.

While a number of MEWA's fill an important gap in our present health benefits system, some MEWA administrators have taken advantage of the confusion as to who bears the responsibility for regulatory oversight, the Feds or the States. They have been able to create and run "Ponzi" schemes designed to take premium payments with no intention of covering any major health claims. It has taken the States over 10 years to finally get the Federal courts to interpret that self-funded MEWA's were intended to be regulated by the States. Unfortunately, not all courts are in agreement.

My esteemed cosponsor of this legislation, Senator NUNN, led the effort to uncover the corruption in the operation of fraudulent MEWA's when he chaired the Senate Permanent Subcommittee on Investigations. He was instrumental in drafting the section of the bill that addresses MEWA reform. Simply put, we make it clear once and for all that the States are responsible for regulating all MEWA's. Therefore, the numbers of States that have moved forward in this area will no longer have to be involved in costly litigation, using precious State resources, to prove they are the regulators. Hopefully, we have now paved the way for other States to do the same. The Employer Group Purchasing Reform Act gives clear authority for State's to shut down fraudulent MEWA's and clear authority to certify the well designed and defined health plan purchasing coalitions which do not assume risk and are membership driven.

At this time, I'd like to take this opportunity to congratulate my colleague in the House, Congressman FAWELL, for leading efforts in the House to address the MEWA problems. Although we have taken different approaches to resolving this problem, I look forward to working with him and the cosponsors of his bill in finding the best way for small businesses to group together and finally get the same purchasing power in the market that has previously only been afforded to the large employers.

I won't take the time now to go over the rest of this bill but would ask unanimous consent to include a section-by-section analysis of he bill in the RECORD.

I am very excited about the bipartisan approach taken by both the Health Insurance Reform Act and the Employer Group Purchasing Reform Act. I am looking forward to working with my colleagues on the Labor Committee to make improvements in these bills and then take the best of these bills and report a bipartisan bill out of committee that we all can be proud to bring to the floor of the Senate this year.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF EMPLOYER GROUP PURCHASING REFORM ACT OF 1995

TITLE I—EMPLOYEE GROUP HEALTH PLAN SECURITY

Section 101. Employee Benefit Group Health Plan Non-Discrimination Requirements. Prohibits discrimination practices; limits waiting periods based on preexisting conditions; requires credit for qualifying previous coverage; prohibits lifetime limits.

Non-discrimination. Prohibits health plans (fully-insured or self-insured) from denying coverage based on health status, medical condition, claims experience, medical history, anticipated medical needs, or disability. Plans may, however, offer discounts to members who participate in programs of health promotion or disease prevention.

Preexisting Conditions. Limits preexisting condition waiting periods to 12 months from enrollment, and then only if the condition was diagnosed or treated in the 6 month period prior to enrollment. Health plans may not impose a preexisting condition limitation to newborns or pregnancies.

Credit for Qualifying Previous Coverage. If a new health plan participant was still enrolled in qualifying coverage under another health plan within 30 days of enrollment in the health plan, the health plan must reduce its preexisting condition period by one month for each month the participant was enrolled in the previous qualifying coverage.

Lifetime limits. A health plan may not impose catastrophic or lifetime limits on any provision of its coverage.

Section 102. Disclosure Requirements. Enhances the plan notification, disclosure and termination requirements for ERISA health plan (fully insured or self-insured). Provides increased security of health benefits for employees enrolled in employer-sponsored plans.

Insurer Notification. Requires insurers to disclose, prior to selling a policy to an employer, information relating to rate changes, renewability, preexisting condition provisions, benefits.

Self-Funded Health Plans. Requires self-funded plans to inform participants that the Plan is governed by federal law, and is not subject to state laws relating to licensure, benefits, and solvency. Plans also must inform participants of the individual participant's liability for services should the plan deny benefits or become insolvent. Plans must inform participants of material changes in the terms of the plan.

SECTION 103. PROOF OF PLAN INVOLUNTARY TERMINATION POLICY.

Notification to participants. Requires plans sponsors to notify each participant of the termination of a health plan (fully insured or self-insured) as least 90 days prior to the termination. Employers may not modify benefits or contributions levels in the 90-day period before termination.

Termination Policy Required. Requires self-funded health plans to purchase an involuntary termination policy, which must provide participants 90 days of coverage beyond the plan's termination date. This gives participants 3 months of protection in case of insolvency of a self-funded plan. An exception exists for single-employer plans with a AAA bond credit rating, and for multiemployer plans that meet the requirements of

§302 of the Labor Management Relations Act.

TITLE II—MULTIPLE EMPLOYER WELFARE ARRANGEMENT REFORM

Section 201. Definitions. The objective of this session is to prevent fraudulent and mismanaged MEWAs from leaving small businesses and their employees bankrupt and without health coverage.

Status of MEWA Plans. Clarifies the status of plans maintained by MEWAs by providing that even if a MEWA is not treated as a benefit plan for ERISA purposes, each employer participating in a MEWA will be treated as maintaining (through the MEWA) a benefit plan, and the employer's employees will be treated as the plan's participants.

MEWA Definition. Amends the definition of MEWA to include certain employee leasing arrangements.

MEWA Registration. Requires MEWAs to register annually with the Department of Labor.

Common Control. Clarifies the definition of common control for single employer arrangements.

Section 202. Modification of Preemption Rules for Multiple Employer Welfare Arrangements. Provides that state insurance laws apply to any MEWA which is an employee group health plan.

Section 203. Application of Criminal Penalties. Outlines felony criminal penalties for false representation of the MEWA product to any employer, employee, sponsor, State, or the Department of Labor.

TITLE III—HEALTH PLAN PURCHASING COALITIONS

Section 301. Health Plan Purchasing Coalitions. Establishes "health plan purchasing coalitions" to provide small employers and individuals meaningful power to negotiate prices in the health care market.

Definition. Purchasing coalitions may be formed by individuals or employers, but not by insurers, agents, or brokers.

Certification. Provides for state certification and Federal registration of purchasing coalitions.

Domicile. A purchasing coalition is considered domiciled in the State in which the most of its members are located.

Board of Directors. Provides that each purchasing coalition be governed by a board of directors; imposes certain requirements on board composition.

Membership. Permits purchasing coalitions to establish membership criteria.

Marketing Area. Permits states to establish rules regarding the geographic area served by a purchasing coalition.

Duties and Responsibilities. Delineates the following duties of a purchasing coalition: (1) enter into agreements with insured health plans; (2) enter into agreements with members; (3) participate in state established risk adjustment or reinsurance programs; (4) prepare and distribute materials to permit members to compare plans; (5) market within the service area; (6) act as ombudsman for all enrollees; and (7) perform certain other functions as approved by the board of directors.

Prohibited Activities. Prohibits the purchasing coalition from performing certain other activities, including licensing health plans and assuming financial risk.

Relationship to Plan Sponsors. Provides that members of the purchasing coalition (employers or plans) will be treated as maintaining a benefit plan on behalf of plan participants. The purchasing coalition may act as plan administrator for employer members.

Preemption of State Laws. Preempts state fictitious group laws, certain state rating requirement laws, and certain state mandated benefit laws.

Section 302. Cooperation Between Federal and State Authorities. Clarifies the roles of the Federal Government and the States with regard to MEWAs and Health Plan Purchasing Coalitions.

State Enforcement. Permits the States to apply to the Secretary for partial or complete authority to enforce provisions in the Act relating to MEWAs and purchasing coalitions.

Assistance to States. Permits the Secretary to provide assistance to the States by: (1) establishing communications between the Pension and Welfare Benefits Administration and State agencies to share information on specific cases; (2) providing technical assistance relating to regulation of MEWAs; (3) assisting States in getting advisory opinions; and (4) distributing advisory opinions to State insurance commissioners.

Mr. NUNN. Mr. President, I today join my colleague Senator JEFFORDS, the distinguished junior Senator from Vermont, in introducing legislation designed to address certain problems in the area of employer-sponsored health plans. Although the regulation of health insurance companies has been a matter historically left to the States, the provision of health benefits to employees through employer-sponsored health plans was subjected to Federal regulation under the Employee Retirement Income Security Act of 1974 [ERISA]. Unfortunately, this concurrent system of State regulation of health insurers and Federal regulation of employer-sponsored health plans has led to a great deal of ambiguity when it comes to attempts to provide legislative protection to the participants in employer health plans, particularly those in self-funded plans. This ambiguity has left many participants in these plans without certain basic insurance safeguards and has, in some instances, left employers and employees alike at the mercy of unscrupulous promoters of fraudulent insurance schemes.

The legislation Senator JEFFORDS and I are introducing today, the Employer Group Purchasing Reform Act of 1995, attempts to resolve some of these problems by amending ERISA to: (1) enhance plan notification, disclosure, and termination requirements for all ERISA health plans; (2) clarify the authority of States to regulate certain multiple employer health plan arrangements known as MEWA's; and (3) encourage the purchase of fully-insured health insurance products through the formation of employer health plan purchasing coalitions.

I am pleased to note that this legislation draws in part upon work done by the Senate Permanent Subcommittee on Investigations from 1990 to 1992. In hearings which I had the privilege of chairing in 1990, and in a subsequent report, the Subcommittee revealed how the promoters of fraudulent insurance plans have been able to use the MEWA provisions of ERISA as a shield with which to repel the legitimate efforts of State insurance regulators to protect consumers. As a result, unsuspecting employers and employees have been bilked of millions of dollars and hundreds of thousands of working men and women have been left with worthless insurance policies, unpaid medical bills and, in some instances, an inability to obtain future health care coverage.

The idea behind MEWA's is a laudable one. Small employers who otherwise might not be able to afford health insurance coverage for their employees group together in an arrangement which allows them to leverage their purchasing power in order to obtain coverage at reasonable rates. Unfortunately, the laudable idea has been subverted by greed. Preying upon the legitimate desires of small businessmen, the promoters of fraudulent MEWA schemes have lured employers into enrolling their employees in what appear to be attractive health benefits plans at low premium rates. In reality, however, many of these plans are actuarially unsound, maintain little or no reserves, and are constantly subjected to exorbitant fees, commissions, and in some cases, outright looting.

Much to the chagrin of Congress and the States, these promoters have been able to use the provisions of the ERISA statute to further their schemes. In the first instance, they know that ERISA effectively prohibits States from applying their insurance laws to employee benefit plans, including those plans which offer health insurance. At the same time, they also know that ERISA provides little, if any, substantive Federal regulation of these plans. For example, ERISA contains no standards as to minimum reserve levels, contribution levels, or the establishment of a guaranty fund, all of which are standard features of State insurance regulations. By claiming status as an employee benefit plan, the promoters of fraudulent MEWAs are thus able to evade the regulatory requirements of State law without having imposed upon them any comparable requirements under Federal law.

In 1992, I introduced legislation to correct this situation. That legislation, the Multiple Employer Welfare Arrangement Reform Act of 1992, sought to make clear that MEWAs may be subjected to State insurance regulation regardless of their status as an employee benefit plan under ERISA. Although my legislation was not enacted in 1992, I am pleased to join with Senator JEFFORDS today to once again attempt to resolve this issue.

The legislation which we are introducing today will clarify the authority of the States to regulate MEWAs. Quite frankly, it is inconceivable to me that Congress could ever have intended that a product that walks like insurance, talks like insurance, and acts like insurance could somehow, by invoking the name of ERISA, avoid the safety and soundness protections of State insurance law.

The legislation also, for the first time, provides substantive regulatory requirements for all ERISA health benefit plans in the areas of plan disclosure, notification, and termination. One of the major problems the permanent subcommittee found in investigating MEWA fraud was that employers and employees alike really had little understanding of the nature of the plans in which they had enrolled. In particular, they often had no idea that most of these plans were self-funded and that there was no guarantee that claims would be paid. This legislation will finally ensure that employees are provided with that basic information.

Finally, our legislation attempts to encourage the laudable idea which attracted employers to MEWAs in the first instance. By providing for the creation of health plan purchasing coalitions, our legislation recognizes the difficulty many small employers have in obtaining affordable health care coverage for their employees. This legislation thus seeks to encourage employers to group together in order to leverage their purchasing power by providing a limited preemption of certain State insurance laws for such groups. At the same time, we want to make sure that these coalitions are not subverted by the same types of unscrupulous promoters who peddle fraudulent MEWA plans. The legislation therefore makes it clear that health plan purchasing coalitions may not assume any financial risk with respect to any health plan and may not provide anything other than fully-insured health plans to their members.

I believe that these provisions will go a long way toward providing the millions of Americans who receive their health benefits through their place of employment with certain basic protections that will ensure that the health benefits they are promised will be there when they need them. I am pleased to join with Senator JEFFORDS in this effort, and I look forward to working with him and my other colleagues in the Senate in addressing this important issue.

By Mr. ROTH:

S. 1063. A bill to permit State and local governments to transfer—by sale or lease—Federal-aid facilities to the private sector without repayment of Federal grants, provided the facility continues to be used for its original purpose, and for other purposes; to the Committee on Governmental Affairs.

THE FEDERAL AID FACILITY PRIVATIZATION ACT

Mr. ROTH. Mr. President, one of the great challenges facing governments throughout this country, at all levels, is how to find the funds to maintain our basic public works infrastructure. Another challenge is find ways to bring sound business practices to the management of these assets. I believe that privatization is an important tool that, in many instances, can help government meet both of these challenges.

Privatization of governmental facilities is not always the answer, but it is something we ought to look at more seriously than we have in the past. And where it makes sense, the Federal Government should do what it can, not only to undertake it itself, but also to encourage it in State and local governments.

Unfortunately, there are well-intended Federal policies that may serve unnecessarily to discourage useful privatization of certain State and local government facilities. I am referring to what are called Federal-aid facilities. These are public works facilities belonging to State and local governments that have been constructed with the assistance of Federal funds. Examples include waste water treatment facilities, airports, parking structures, turnpikes, and public utilities.

State and local governments that privatize such facilities are required to make a payment to the Federal Government, based on the amount of Federal aid that went into the facility. They are also restricted in how they can use the proceeds of the privatization. These limitations have served to discourage such privatizations.

These Federal-aid facilities can be quite costly to operate and maintain, but funds for those purposes are increasingly limited. State and local authorities will find decreasing assistance in that regard from the Federal Government, given our severe budget constraints. But private investment and operation holds out the promise of filling that financial void, and of bringing new efficiencies to these enterprises. I believe we would be wise to seek creative ways of inducing nongovernmental funds to supplement these Federal, State and local investments.

Therefore, I think it is important that we remove any unnecessary or outmoded barriers to the creation of public-private partnerships in the operation of these facilities. Legislation has been introduced in the House by Congressmen McINTOSH and HORN, H.R. 1907, to eliminate these barriers.

Today, I am introducing that legislation—the Federal-Aid Facility Privatization Act of 1995—in the Senate. It is my intention to hold hearings in the Governmental Affairs Committee on this bill and the issues it raises.

And it does raise important issues and questions that need thorough exploration, before we go further with the legislation. Just as it is important to allow privatization where useful, it is also important to do so carefully and thoughtfully. Where Federal funds have been invested, we have a responsibility to ensure that this investment continues to serve the long-term public interest.

I believe that this legislation is a very helpful starting point for examining the best way to use privatization as a tool to further the enhancement of public assets. I appreciate the effort that has been put into it by our colleagues in the House, and I look forward to working with them on this important reform.

By Mr. HELMS (for himself, Mr. PELL, Mr. DOLE, Mr. DASCHLE, Mr. MACK, Mr. LIEBERMAN, Mrs. FEINSTEIN, Mr. McCONNELL, Mr. LEAHY, and Mr. LAUTENBERG):

S. 1064. A bill entitled The Middle East Peace Facilitation Act of 1995; to the Committee on Foreign Relations.

THE MIDDLE EAST PEACE FACILITATION ACT OF 1995

Mr. HELMS. Mr. President, for myself and Senator PELL, I offer today the Middle East Peace Facilitation Act of 1995, which is cosponsored by the Senate's leaders, Mr. DOLE and Mr. DASCHLE, along with Senators MACK, LIEBERMAN, FEINSTEIN, McCONNELL, LEAHY, and LAUTENBERG.

It is for me a difficult undertaking to participate in any proposal that permits assistance to go to the Palestine Liberation Organization. I can never forget the deaths of hundreds of innocent men, women, and children at the hands of PLO terrorists, and their memory weighs heavily on me.

We have Biblical instructions to "guide our feet into the way of peace," and I have undertaken to follow that dictum. I believe that this legislation demonstrates our commitment to peace—and to the terms of that peace as well.

Mr. President, I have never tried to tell Israel what to do. It was the choice of the sovereign, democratically elected government of Israel to negotiate peace with the PLO. That would not have been my decision. The United States cannot dictate the terms of Middle East peace. It can, however, dictate the terms of our assistance to the parties to the peace.

In retrospect, previous versions of this legislation have lacked needed strength. My aim in crafting this bill, along with my colleagues, was to tighten and strengthen the standards under which the President may waive existing restrictions on assistance to the Palestinians.

Within the realm of possibility, I believe we have succeeded in that aim, and now provide for a cutoff of assistance should the PLO not meet the strict requirements of this law. The Middle East Peace Facilitation Act of 1995 contains a cutoff of assistance to the PLO, if, after 6 months, certain vital conditions are not met.

Mr. President, this legislation requires that the PLO, among many other things: Eschew and condemn violence, and bar those who commit such acts from participating in Palestinian institutions; keep to commitments, and annul those portions of the Palestine National Covenant which call for the destruction of the State of Israel; observe international norms of human rights and democracy; disarm gun-toting thugs throughout territories controlled by the PLO and fight alongside Israel to arrest, prosecute and imprison terrorists and would-be terrorists.

If, 6 months from the date of enactment of this act, the President cannot certify that the PLO has met these most stringent and specific conditions, no money will be provided pursuant to the exercise of this act. Period.

Mr. President, it is never easy to agree on how to proceed on an emotional issue such as the Israeli-Arab peace process. I walked the beautiful hills of Judea and Samaria and it breaks my heart to see Israel relinquish its rights in those territories. It is doing so in return for what it believes will be a lasting peace. We in the United States must do everything in our power to ensure that it is a real peace. I hope this legislation contributes to that effort.

This is not a perfect work, but it is the product of many hours of labor and, yes, with some reluctant compromise. I thank Senator PELL and his staff for their cooperation in this effort.

Mr. PELL. Mr. President, I am pleased to join the distinguished chairman of the Foreign Relations Committee, Senator HELMS in introducing the Middle East Peace Facilitation Act of 1995.

This legislation is the follow-on to legislation that Senator HELMS and I authored last year, which provides the President with the authority to waive certain legislative restrictions against the Palestine Liberation Organization.

In September 1993, when Yasir Arafat shook Israeli Prime Minister Yitzhak Rabin's hand on the White House lawn under President Clinton's approving gaze, the PLO and Israel began a historic process toward peaceful coexistence. In order for the United States to facilitate that process, the administration requested Congress to provide the President with a certain amount of flexibility to deal with the PLO. The Congress agreed, in the form of the Middle East Peace Facilitation Act of 1994, to provide the President with waiver authority to enable the provision of U.S. assistance to the Palestinians and the opening of a PLO office in the United States. That authority was provided subject to the President's certification that the PLO was abiding by its commitments with Israel and with the United States—in other words, that the PLO was behaving responsibly and was true to its word with regard to Israel.

As many of my colleagues know, the authorities under the Middle East Peace Facilitation Act of 1994 expired at the beginning of this month, and the Congress enacted a short-term extension to gain additional time to pass new legislation. I am pleased to be joining Senator HELMS and my other colleagues in introducing that new legislation today.

The Middle East Peace Facilitation Act of 1995 is a bipartisan effort, and the product of many hours of negotiations between Republican and Democratic Senate offices, as well as representatives of the administration. The legislation, in my view, represents a good consensus view on how to continue U.S. support of the Israel-PLO peace accords. I cannot say that I am 100 percent supportive of every word in the legislation, but I am convinced that it is a reasonable approach to a difficult and complex issue. I wish in particular to express my appreciation to Chairman HELMS and his staff for their flexibility and their good faith efforts in the negotiation of the text of the bill.

Mr. President, the Middle East peace process has always enjoyed bipartisan support, and it serves vital U.S. interests in the region. I hope that the Senate will join us in supporting and enacting this critical legislation.

Mr. MACK. Mr. President, I have decided to join my colleagues in support of the Middle East Peace Facilitation Act. I do so with some mixed feelings.

With Senator LIEBERMAN, I was an author of the concept of PLO compliance and of the legislation that makes that concept the law of the United States. The concept of PLO compliance is at the heart of the entire peace process. We often say that the peace process strikes a delicate balance between strict demands on the PLO and understanding the difficulties they face in making peace with Israel. Frankly, there are times when it is difficult to accept that balance. What difficulties can there be to renouncing terror, and to abandoning vows to destroy Israel?

Here I would like to draw attention to what this legislation contains, because there must be no mistake: The Congress is disturbed by the PLO's record since its decision to make peace with Israel. I would like, here, to thank my colleagues, Senators HELMS and PELL, who worked extremely hard together to draft this legislation.

This legislation moves us closer to a cut-off of aid, which is the inescapable result of the PLO's failure to fulfill its promises. This legislation is very critical of the PLO. It incorporates all the promises of the Gaza-Jericho Agreement dealing with prevention of terrorism, abstention and prevention of incitement and hostile propaganda, the operation of armed forces other than the Palestinian Authority, weapons offenses, extradition of criminal suspects and other law enforcement and rule-of-law issues.

This legislation also addresses the issue of accountability. The President must certify that aid is being used for the purposes Congress intends. This is a standard that cannot be evaded. We will be watching the PLO closely. We are helping the Palestinian Authority financially because it helps Israel and it helps ordinary Palestinians who desperately need health care, education, and other assistance. We are not providing aid to be wasted or siphoned away by Palestinian Authority officials, or to help them, in any way, evade their commitments.

This legislation also lets the administration know that its approach to PLO compliance needs improvement, and expressly requires congressional notification of the President's determinations regarding compliance. Here I would note that to the extent that the State Department accepts and minimizes PLO violations, the Department permits the PLO to imagine that its commitments may be obviated. We do not believe that this is the administration's intent. However, we are equally sure that it is the inevitable outcome of the failure of U.S. policy to clearly address PLO compliance.

The current situation cannot go on indefinitely. The Palestinian Authority must make a choice. Either it recognizes that its commitments to Israel form the basis of a permanent peace, or it continues the charade of compliance until the peace process is irreparably damaged. The sooner the Palestinian Authority realizes that these commitments are inescapable and will not be overlooked by the international community, the sooner the peace process will become simply peace.

Mr. LIEBERMAN. Mr. President, I am pleased to be an original cosponsor of the Middle East Peace Facilitation Act [MEPFA] of 1995 joining the majority and minority leaders, Senators DOLE and DASCHLE, the chairman and ranking member of the Foreign Relations Committee, Senators HELMS and PELL, my coauthor of the 1989 PLO Commitments Compliance Act, Senator MACK, and Senator FEINSTEIN. This act supports continued progress in the important process of achieving a stable, lasting peace for Israel and the Middle East. This act alone will not bring peace to this troubled region, but without it the task becomes exceedingly difficult if not impossible. America's support for the peace process has been long, steady and essential. The Middle East Peace Facilitation Act of 1995 enables the United States to continue the important role we have played and must continue to pay.

Much of the road to a secure peace remains ahead of us. Yet we must not forget how much progress has already been made. Prime Minister Rabin and Chairman Arafat have taken considerable risks—both personal and for their people—to reach the point we are at today. The United States, and most especially President Clinton and Secretary Christopher, has remained by the side of the negotiators every step of the way—facilitating the process, prodding where necessary, and, always, supporting the negotiating parties. It is critical that the provisions which MEPFA allows—waiver of certain restrictions and authorities—remain in force if we are all to remain on the path to peace.

I continue to believe that PLO compliance with its commitments remains an essential element in the quest for peace. There is little doubt that the Palestinian Authority has not yet fulfilled all the commitments Chairman Arafat made in the declaration of principles signed at Oslo and other agreements reached between Israel and the PLO.

The Middle East Peace Facilitation Act of 1995 maintains conditions and reporting requirements critical to ensure that the PLO commitments are carried out. This act strengthens the requirements which the Palestinian Authority must meet in order for United States aid and waiver authorities to continue. It takes into account many of the criticisms which have, correctly, been made of existing legislation. The act makes far clearer the linkage between United States assistance and the firm obligation of the Palestinian Authority to comply with all the commitments it has freely made. There should be no confusion that the United States—and the cosponsors of this bill—is intent on seeing this process through to a real peace brought about by both sides negotiating in good faith and fulfilling their obligations.

The Middle East Peace Facilitation Act has been a vital component of the Middle East peace process, and has served as an effective and powerful tool in monitoring and compelling PLO compliance with its commitment to peace and fighting terror and extremism. This bill strengthens MEPFA. The peace process and this bill deserve our full support.

ADDITIONAL COSPONSORS

S. 327

At the request of Mr. HATCH, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 327, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 641

At the request of Mrs. KASSEBAUM, the name of the Senator from Colorado [Mr. BROWN] was added as a cosponsor of S. 641, a bill to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

S. 724

At the request of Mr. KOHL, the name of the Senator from Kansas [Mrs. KASSEBAUM] was added as a cosponsor of S. 724, a bill to authorize the Administrator of the Office of Juvenile Justice and Delinquency Prevention Programs to make grants to States and units of local government to assist in providing secure facilities for violent and chronic juvenile offenders, and for other purposes.

S. 837

At the request of Mr. WARNER, the names of the Senator from West Virginia [Mr. ROCKEFELLER], the Senator from Alabama [Mr. SHELBY], the Senator from Arkansas [Mr. BUMPERS], the Senator from Kansas [Mr. DOLE], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Indiana [Mr. LUGAR], the Senator from Idaho [Mr. CRAIG], the Senator from Kansas [Mrs. KASSEBAUM], and the Senator from Rhode Island [Mr. PELL] were added as cosponsors of S. 837, a bill to require the Secretary of the Treasury to mint coins in commemoration of the 250th anniversary of the birth of James Madison.

S. 890

At the request of Mr. KOHL, the name of the Senator from Florida [Mr. GRAHAM] was added as a cosponsor of S. 890, a bill to amend title 18, United States Code, with respect to gun free schools, and for other purposes.

S. 907

At the request of Mr. MURKOWSKI, the names of the Senator from South Dakota [Mr. PRESSLER] and the Senator from Wyoming [Mr. SIMPSON] were added as cosponsors of S. 907, a bill to amend the National Forest Ski Area Permit Act of 1986 to clarify the authorities and duties of the Secretary of Agriculture in issuing ski area permits on National Forest System lands and to withdraw lands within ski area permit boundaries from the operation of the mining and mineral leasing laws.

S. 940

At the request of Mr. GORTON, his name was added as a cosponsor of S. 940, a bill to support proposals to implement the United States goal of eventually eliminating antipersonnel landmines; to impose a moratorium on use of antipersonnel landmines except in limited circumstances; to provide for sanctions against foreign governments that export antipersonnel landmines, and for other purposes.

S. 969

At the request of Mr. BRADLEY, the names of the Senator from Ohio [Mr. DEWINE] and the Senator from Nevada [Mr. REID] were added as cosponsors of S. 969, a bill to require that health plans provide coverage for a minimum hospital stay for a mother and child following the birth of a child, and for other purposes.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week," and for other purposes.

AMENDMENTS SUBMITTED

THE MILITARY CONSTRUCTION APPROPRIATIONS ACT, 1996

BINGAMAN (AND OTHERS) AMENDMENT NO. 1834

Mr. BINGAMAN (for himself, Mr. MCCAIN, Mr. KERREY, and Mr. FEINGOLD) proposed an amendment to the bill (H.R. 1817) making appropriations for military construction, family housing, and base realignment and closure for the Department of Defense for the fiscal year ending September 30, 1996, and for other purposes; as follows:

On page 22, between lines 2 and 3, insert the following:

SEC. 127. Notwithstanding any other provision of this Act, the total amount appropriated by this Act for military construction and family housing is hereby reduced by $300,000,000.

SIMON (AND MOSELEY-BRAUN) AMENDMENT NO. 1835

Mr. SIMON (for himself and Ms. MOSELEY-BRAUN) proposed an amendment to the bill H.R. 1817, supra; as follows:

At the appropriate place, insert the following:

SEC. . FORT SHERIDAN.

(a) In order to ensure the continued protection and enhancement of the open spaces of Fort Sheridan, the Secretary of the Army shall convey to the Lake County Forest Preserve District, Illinois, (in this section referred to as "the District"), all right, title, and interest of the United States to a parcel of surplus real property at Fort Sheridan consisting of approximately 290 acres located north of the southerly boundary line of the historic district at the post, including improvements thereon.

(b) As consideration for the conveyance by the Secretary of the Army of the parcel of real property under subsection (a), the District shall provide maintenance and care to the remaining Fort Sheridan Cemetary, pursuant to an agreement to be entered into between the District and the Secretary. The Secretary of the Army shall be responsible to continue interments at the cemetery for the remainder of its use.

(c) The Secretary of the Army is also authorized to convey the remaining surplus property at Fort Sheridan to the negotiating agent, or its successor, for an amount no less than fair market value (as determined by the Secretary of the Army) of the property to be conveyed.

(d) DESCRIPTION OF PROPERTY.—The exact acreage and legal description of the real property (including improvements thereon) to be conveyed under subsections (a) and (c) shall be determined by surveys satisfactory to the Secretary. The cost of such surveys shall be borne by the Lake County Forest Preserve District, and the Fort Sheridan Joint Planning Committee, respectively.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary considers appropriate to protect the interest of the United States, except for consideration previously provided for in paragraph (c).

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to consider the nomination of John Garamendi to be the Deputy Secretary of the Interior.

The hearing will take place Thursday, July 27, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

For further information, please call Camille Heninger at (202) 224–5070.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet on Friday, July 21, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on foreign tax issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Friday, July 21, 1995, at 11 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Friday, July 21, 1995, at 10 a.m. to hold a hearing on Federal Law Enforcement and the Good Ol' Boys Roundup.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

LARGE ANECHOIC CHAMBER, PATUXENT RIVER, MD

• Mr. REID. Mr. President, the committee has been particularly interested in the proposed large anechoic chamber at Patuxent River, MD, a project for which $30 million has been appropriated to date. The Committee has received a letter from the Chief of Naval Operations, Adm. Mike Boorda, strongly endorsing this project, which I will ask to have printed in the RECORD today. This is a major national level project and asset, of great value in the use of modeling and simulation to provide more timely and cost effective RDT&E of naval aircraft. The Committee expects the Department of the Navy to begin expending the money already appropriated in the next few months, and fully expects that future appropriations will fully fund the facility. I note that some $60 million was authorized for the project. While the committee has not added to the $30 million already appropriated, it is impressed with the importance of the project and encourages the Navy to provide a design for the chamber that will maximize its long-term utility and efficiency.

I ask that the letter from Admiral Boorda be printed in the RECORD.

The letter follows:

CHIEF OF NAVAL OPERATIONS,
July 19, 1995.

Hon. STROM THURMOND,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN, I am writing to inform you of our commitment to proceed with the construction of the Large Anechoic Chamber at Naval Air Warfare Center, Patuxent River, Maryland. We thank you for your support of our aviation programs and of this future national asset.

The proposed Large Anechoic Chamber (MILCON project P–389) is of special interest due to its unique capabilities and its multiyear appropriations. The chamber is a key component for the increased use of modeling and simulation to provide more timely and cost effective RDT&E of naval aircraft. It will be completely integrated with the existing Air Combat Environment Test and Evaluation Facility. Congress authorized $60.9 million in FY93 for this project. We are proceeding with a plan to construct a complete and useable, shielded Anechoic Chamber which meets the stated intent of Congress.

The Navy's commitment to fund supporting materials for the chamber (estimated $9 million of OM&N) results in an alternative that will construct a complete and capable facility within existing funds. This approach will result in beginning the project this year and provide the core capability along with the flexibility to later complete the project as initially envisioned.

An additional appropriations of about $20 million will be necessary to construct the chamber as initially envisioned and to maximize its long term utility and efficiency. Design efforts will be scoped to the available funds; if additional appropriations could be made in advance of the design process, a savings in both design and construction would be course, be realized.

We are moving ahead with this project and look forward to its contribution to future state of the art aircraft development.

Sincerely & Very Respectfully,

J.M. BOORDA,
Admiral, U.S. Navy.

STATEMENT FOR THE RECORD FROM SENATOR SARBANES

I want to thank the distinguished Chairman and the ranking member for their help in including language in the report to accompany the Fiscal 1996 Military Construction Appropriations Bill supporting the construction of a large aneochic chamber at the Naval Air Warfare Center, Patuxent River, Maryland.

This project—the Nation's first Integrated Test Facility for aircraft—is a top priority of the U.S. Navy. It will allow the Navy to perform flight tests, simulations and threat assessments in an integrated, secure environment, and provide more timely and cost effective research, development, testing and evaluation of naval aircraft.

I ask that a copy of the letter from the Chief of Naval Operations for the Navy, Admiral J.M. Boorda, highlighting the importance of this future national asset, be included in the RECORD, immediately following my statement.

Congress authorized $60.9 million for this project in Fiscal 1993, and the committee has provided $30 million over the past three years (1993, 1994 and 1995) for the completion of this facility at Patuxent River. The base already has a small anechoic chamber and associated laboratories that would cost approximately $300 million to replicate. The need to complement these unique facilities with a large chamber was recognized as early as 1988 by the Inspector General at the Defense Department.

I fully expect the Navy to submit a budget request to complete this important project in Fiscal 1997 and I hope the Committee will approve the necessary funding.

Thank you, Mr. Chairman.

APPRECIATION TO THE AMERICAN BAR ASSOCIATION

• Mr. JOHNSTON. Mr. President, despite the collapse of efforts to enact comprehensive and meaningful regulatory reform, there is credit and thanks that are due to many public-spirited organizations and individuals who gave selflessly of their time and talent to make S. 343 a good, strong, credible bill. Perhaps no single professional organization did more to help the U.S. Senate in this regard than the American Bar Association and the incoming chair of the ABA Administrative Law Committee, Mr. Philip J. Harter. Administrative law is nowhere as simple as many would make it out to be. In the debate on S. 343, there were many unfortunate misstatements and misrepresentations regarding the most basic tenets of administrative law. Few persons were more willing to volunteer their time as a truth squad on such topics than Phil Harter. He gave days and perhaps weeks of pro bono time to educate my staff on the intricacies of the topics covered by the bill. He helped many other Senate staff as well. Many of the improvements that I was able to suggest to S. 343 came about as a result of discussions with Mr. Harter and other input from members of the ABA Administrative

Law Committee. The ABA continued to help Senators during the floor debate with a series of letters that provided staff and members with neutral, professional peer review of the relevant legal issues. When complex issues were under discussion, we could generally count on Phil Harter and the ABA's able Washington representative, Gary Sellers, to appear in the lobby for consultations with whomever was willing to avail themselves of their expertise. S. 343 was a better bill for their tireless efforts. We owe Phil Harter and the ABA a great debt of thanks. My only regret is that their efforts did not result in a permanent improvement in our Nation's administrative law.•

REMEMBERING GEORGE VUKELICH

• Mr. FEINGOLD. Mr. President, George Andrew Vukelich was born in South Milwaukee.

A radio personality, a journalist, a writer, an environmentalist, a political activist, George was an institution in Wisconsin. He would bristle at this thought, but it is undeniably true.

I knew George long before he knew me, having listened to him on the radio for years.

As Papa Hambone and Bill Patrick, George was a well known radio personality in Madison. After studying broadcasting in Toronto under Lorne Greene, he began his radio career in the early 1950's. Over the years, his radio shows ranged from storytelling to jazz to political commentary, and were as much a part of life in Madison as the lakes.

George was a dedicated environmentalist who loved the outdoors, and for anyone who listened to his radio shows or read his articles or books, that love was contagious.

A gifted writer, George was honored by the Wisconsin Academy of Sciences, Arts and Letters, the Women's International League for Peace and Freedom, the Council of Wisconsin Writers, the Milwaukee Press Club, and Trout Unlimited, among others.

A journalist of fierce commitment and passionate belief, George's columns would skewer the powerful and champion the powerless with wit and ardor. And, along with his wife Helen, George lived his beliefs, a character trait notably present in their children.

George loved baseball and fishing. He loved politics and the written word. Most of all, he loved Helen and his family.

George Vukelich died this past July 4. That his death fell on our Nation's birthday, the anniversary of the signing of the Declaration of Independence, is fitting, for I can think of no one who better reflected the joyous spirit and burning ideals that day represents.

Thousands have lost a good friend, and the north country has lost a talented and fervent advocate. As one friend wrote of George's passing: For one night at least, we will know why the loons cry.

Papa Hambone used to end his program with: "For good food, for good wine, and most of all, for good friends, thank God.

His thousands of friends will add: And for George Vukelich, thank God.•

TRIBUTE TO THE HONORABLE ALBERT J. STIFTEL

• Mr. BIDEN. Mr. President, on June 22, the superior court of my home State held a special session—special not only in the technical sense, but in spirit, in its purpose and its meaning. The court met, with all of its current judges and many of its distinguished alumni present, in appreciation of the services of Albert J. Stiftel.

I am proud today, Mr. President, on behalf of many other of his fellow citizens, to offer another expression of appreciation for Albert Stiftel, who served on the Superior Court of the State of Delaware from 1958 to 1990, including 24 years as presiding judge. The quality and character of Judge Stiftel's service merit not only our attention and appreciation, but also, if we are up to the challenge, our best attempt at emulation.

My colleagues have indulged me before—indeed, some have joined me, in praising the tradition of excellence that has made Delaware's judiciary a standard for the Nation. It is a tradition of excellence not only in the administration and dispensation of justice, but in principled as well as practical bipartisanship, in fun as well as functional collegiality, and in that often neglected cornerstone of democratic society, civility.

Mr. President, Albert Stiftel embodies that tradition.

Albert, as he is by choice most widely known, is pure Delaware: born and raised in Wilmington—raised, in fact, in the house where he still lives—a graduate of Wilmington High School and of the University of Delaware.

He entered law school at the University of Virginia in 1939, an undertaking interrupted when he was called to duty as a second lieutenant in the U.S. Army. As his lifelong friend and longtime colleague on the Delaware bench, retired State Supreme Court Justice William Duffy, remarked, "Albert was born in Wilmington but, like many of his generation, he grew up in the South Pacific, including a place called Guadalcanal." After his military service, Major Stiftel returned to the University of Virginia Law School, graduating in 1947.

Young Albert Stiftel's years of private practice were driven by a public spirit. Before becoming a judge, he was an attorney for the Legal Aid Society, attorney for the Delaware State House of Representatives, and a Deputy Attorney General. And he was also a teacher, a role he wears naturally and with grace.

In 1958, my distinguished predecessor in this body, then-Gov. J. Caleb Boggs, a Republican, appointed Albert to the superior court. In 1966, he was appointed as the court's presiding judge by Democratic Gov. Charles Terry, and he was subsequently reappointed by a Republican Governor, our former colleague in the other Chamber, Pete du Pont.

During his long tenure, Judge Stiftel confronted the challenge of times, both for the community and for the court, that he himself has described as "change and more change." Through it all, his leadership won ever-deepening respect.

In acknowledging his debt to his predecessor, the current presiding judge of superior court, Henry du Pont Ridgely, thanked Judge Stiftel for an example that taught "the importance of comradeship and demonstrated the work ethic you expect from others, of being even-handed and setting high standards, under-promising, over-delivering, and sharing the credit." Lessons we would all do well to learn.

But despite the universal relevance of his example, Judge Stiftel's impact on the court, and on all who have known him, has been distinctly personal. Another longtime Delaware judicial colleague, now-Vice Chancellor Bernard Balick, put it this way: "All of us are unique, but Albert is more unique than most."

Albert Stiftel's defining qualities, as a judge and as a person, are humility, kindness, and compassion. In and beyond superior court, he has been truly the best of teachers and the best of friends—welcoming, helpful, encouraging to all. I am told that the superior court's "Judge Stiftel Award" is reserved for that employee who does the most to brighten the lives of his or her colleagues. It is aptly named.

As Justice Duffy put it, "Other judges may have served longer, but I doubt it, or have more entries in Lexis, perhaps, and a few may have been better administrators—but none has been held in higher personal esteem than Albert Stiftel."

Mr. President, I left one quality off the list of Judge Stiftel's defining characteristics, and it will be a glaring omission to anyone who knows him. And in fact, the reason I left it out is that I wanted to call individual attention to it. "It" is His Honor's sense of humor. Let there be no doubt that Judge Stiftel's commitment to fairness is passionate and sure, but its expression has often been punctuated by a one-liner.

Vice Chancellor Balick told this story at the June 22 special session: "There was the time when Albert was presiding in a criminal trial, and the defendant was on the witness stand, exercising his right to lie in his own defense. Albert was fooling with the microphone, as he always does. He turned the volume up, which caused a loud screech. That startled the defendant, at which Albert said, 'Relax, it's just the lie detector'."

Whether conveyed in wit or wisdom—and usually it is with both—Judge Stiftel's regard for his colleagues and for the court on which he served has been unwavering and inspiring. As Resident Judge Vincent Bifferato said, "He taught me to love this court as he does." And Judge William Quillen said of Judge Stiftel, "He has been a cheerleader, not only for the court but for each member of the court * * * he has made each of us better than we otherwise would have been."

At the special court session, Judge Quillen presented a portrait of Judge Stiftel, which will hang in what was known as courtroom No. 1 when Albert was first appointed to the bench. The portrait was commissioned not by the court, not by the State, not by the Bar Association, but personally by the judges, past and present, of the superior court. This public tribute is all the more official coming as it does out of the sincere affection, respect, and gratitude of Judge Stiftel's colleagues.

That affection, respect, and gratitude are felt throughout and beyond Delaware's legal community, Mr. President, and it is my privilege to give voice to them today. We in Delaware honor Judge Albert Stiftel for the achievements and contributions of his public leadership and for his countless acts of personal kindness and courtesy. He leaves good will and good humor, as well as high standards, in his refreshing wake.

It is most appropriate that in the portrait that will now be a permanent physical presence, as its subject is a permanent spiritual presence, in Delaware's Superior Court, Albert Stiftel is doing what he has inspired so many others to do—he is smiling.•

MAUREEN WOODS

• Mr. SIMON. Mr. President, it gives me great pleasure to rise today and pay tribute to Ms. Maureen Woods. In October of 1994, Ms. Woods became the first African-American woman to be appointed Assistant Air Traffic Division Manager of the Federal Aviation Administration. This important position is a most fitting recognition of Ms. Woods' distinguished career.

Maureen Woods began her service with the FAA in 1974. She rose steadily through the ranks, demonstrating her exceptional ability at a variety of posts throughout the Midwest. She has earned several honors in her FAA tenure, including five commendations for performance and three awards for exceptional service.

As the Assistant Air Traffic Division Manager, Ms. Woods oversees 4,300 employees and manages the 4 Air Traffic Control Centers, 8 Automated Flight Service Stations, and 68 air traffic control towers in the 8-State Great Lakes Region. With both the Chicago and Cleveland Air Traffic Control Centers, the Great Lakes Region is the busiest in the world.

In addition to her service in the FAA, Ms. Woods has also been prominent in her community. She is the coordinator for the Young Women's Ministry of the Pentecostal Assemblies of the World, as well as a youth and motivational speaker for her local church. Ms. Woods serves as a positive role model for her community and her profession.

Mr. President, I want to add my voice to those of Ms. Woods' family and many friends in congratulations on this most recent accolade. Her effectiveness as a public servant and her selfless community involvement are qualities we all should seek to emulate.•

MEASURE DIVIDED AND PLACED ON THE CALENDAR—S. 101

Mr. DOLE. Mr. President, I ask unanimous consent that S. 101 be divided and renumbered with texts I now send to the desk, that they be placed on the calendar and all other provisions of the existing consent agreement governing the consideration of S. 101 apply to these two bills.

The PRESIDING OFFICER. Without objection, it is so ordered.

BI-STATE DEVELOPMENT AGENCY

Mr. DOLE. Mr. President, I ask unanimous consent the Senate proceed to the immediate consideration of calendar 131, Senate Joint Resolution 27.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A joint resolution (S.J. Res. 27) to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois.

Mr. DOLE. Mr. President, I ask unanimous consent the joint resolution be considered and passed, the preamble be agreed to, the motion to reconsider be laid upon the table, that any statements relating to the resolution appear at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The joint resolution (S.J. Res. 27) was considered, ordered to be engrossed for a third reading, was read the third time, and passed.

The preamble was agreed to.

The joint resolution, with its preamble, reads as follows:

S.J. RES. 27

Whereas the Congress in consenting to the compact between Missouri and Illinois creating the Bi-State Development Agency and the Bi-State Metropolitan District provided that no power shall be exercised by the Bi-State Agency under the provisions of article III of such compact until such power has been conferred upon the Bi-State Agency by the legislatures of the States of the compact and approved by an Act of Congress; and

Whereas such States have now enacted certain legislation in order to confer certain additional powers on such Bi-State Development Agency: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That—

(a) The consent of the Congress is hereby given to the additional powers conferred on the Bi-State Development Agency by Senate Bill 114, Laws of Missouri 1993 and Public Act 88–611 (Senate Bill 1670), Laws of Illinois 1994.

(b) The powers conferred by the Acts consented to in subsection (a) shall take effect on January 1, 1995.

SEC. 2. The provisions of the Act of August 31, 1950 (64 Stat. 568) shall apply to the additional powers approved under this joint resolution to the same extent as if such additional powers were conferred under the provisions of the compact consented to in such Act.

SEC. 3. The right to alter, amend, or repeal this joint resolution is expressly reserved.

SEC. 4. The right is hereby reserved to the Congress to require the disclosure and furnishings of such information or data by the Bi-State Development Agency as is deemed appropriate by the Congress.

ORDERS FOR MONDAY, JULY 24, 1995

Mr. DOLE. Mr. President, I ask unanimous consent when the Senate completes its business today it stand in recess until the hour of 9 a.m. on Monday, July 24, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, time for the two leaders be reserved for their use later in the day, and the Senate then immediately begin consideration of S. 101, the gift ban/lobbying bill, under the terms of the consent order of June 9.

The PRESIDING OFFICER. Without objection, it is so ordered.

SCHEDULE

Mr. DOLE. I would just say for the information of all Senators, under the previous order the Senate will begin consideration of the gift ban/lobbying bill on Monday morning. We hope to be able to reach an agreement on both of these measures that will allow us to complete action on the resolution on Monday. Rollcall votes, if they are to occur, will not occur before 5 p.m. on Monday, so there will be no rollcall votes before 5 p.m.

I cannot say with certainty, but I would be fairly certain there will be rollcall votes after 5 p.m., either on final passage or on amendments.

BOSNIA

Mr. DOLE. Mr. President, 2 days ago, President Clinton called me to ask that

I delay the vote on the Dole-Lieberman legislation until after the London meeting, which ended just a short while ago.

I agreed to the President's request. Unfortunately, the London meeting was a disappointment—another dazzling display of ducking the problem. Instead of clarity and decisiveness, once again we have ambiguity and a lowest common denominator approach.

Instead of dumping the dual key it has been modified. Instead of responding to the fall of Zepa and Srebrenica, these two eastern enclaves have been written off. Most egregiously, the London meeting reaffirmed the current failed U.N. operation.

In the wake of the fall of Zepa, it is hard for me to imagine that anyone still believes that the U.N. mission is viable in Bosnia—that what we are witnessing is anything but a colossal, collective catastrophe.

Yesterday, the Bosnian Presidency building was shelled while the European envoy, Carl Bildt, was meeting with the Bosnian President. If attacks on Sarajevo continue, what will be the West's response? Another meeting. According to Secretary Christopher, the focus of U.N. efforts will be to open access to the city for humanitarian aid. Yes; the Bosnian people need food. They also need protection.

The London meeting reportedly produced a decision to defend Gorazde through a substantial response—after a serious warning is given to the Serbs. Gorazde is already under attack. How much further do the Bosnian Serbs have to go before the warning is triggered?

The Serbs are becoming more aggressive and more defiant by the hour. The London meeting made it clear there would be no immediate or decisive response except more meetings.

In effect, what the Clinton administration and European leaders are doing is trying to manage the conflict—to limit the war's consequences without providing a solution. Or, as the Bosnian Prime Minister said, without dealing with the real problem—which is Belgrade-sponsored aggression.

Western leaders in London also called for a cease-fire and more negotiations. It has been 1 year since the Bosnian Government signed the so-called contact group's plan. Why should the Serbs sign now after yet another display of fecklessness?

It is crystal clear that the London meeting did not produce a solution. It did not result in a policy.

I believe that the Senate will not be fooled by administration spin doctors who will no doubt announce great results from the London meeting.

I believe that there is a substantial majority in favor of the Dole-Lieberman legislation and that the disappointing outcome of the London meeting will only serve to strengthen that support.

Once again, I want to emphasize that the Dole-Lieberman legislation lifts the U.S. arms embargo after UNPROFOR withdraws. It seems to me that this point is being deliberately ignored and intentionally obfuscated by those allied and administration officials who claim that the Dole-Lieberman legislation if passed will be responsible for a U.N. pull-out. This does not take effect until they are out, so we will not be responsible for a pull-out.

No doubt this is a political tactic designed to find excuses for what is the inevitable end of the U.N. mission in Bosnia. It may not be today, may not be tomorrow, but this will end as a consequence of its own failed policy. If only administration and allied officials would spend as much time designing a new policy as they do designing new excuses for their inability to develop an effective and principled policy. The bottom line is that passage of the Dole-Lieberman bill may be an excuse for U.N. withdrawal, but it will not be a cause.

The dire administration predictions of humanitarian disaster have come true—but not because of lifting the arms embargo, but because of a lack of American leadership and a willingness to go along with failure in the name of consensus. Despite the paternalistic assertions made by administration officials that they have the best interests of the Bosnians at heart, the present approach is not humanitarian, it is inhumane. First, the Bosnians were corralled into giant refugee camps, then disarmed, and then left unprotected.

With respect to the assertion that this legislation would give the Bosnian President the right to send 25,000 U.S. troops to Bosnia I would make three points: First, the commitment to send 25,000 U.S. troops to Bosnia for either a withdrawal or to police a settlement is a commitment that was made by President Clinton—and not pursuant to any request by the Bosnian Government or the result of any congressional action. Second, the days of colonialism are over. The Bosnian Government is a sovereign government and has the right to tell the British, French, Dutch, and other forces if and when it wants them to leave. Third, President Clinton has yet to make his case to the Congress that 25,000 troops are needed for such a withdrawal. Let us not forget that the Dutch troops in Srebrenica negotiated their departure with the Serbs—they were not rescued by U.S. marines.

Let me also indicate, as I was told by the foreign minister just a few days ago, he said there were about only 30 U.N. personnel in Serbian-held territory. Somebody said that figure is much higher, maybe 500, maybe 600; but, again, it would not take 25,000 American troops to rescue 30 or 500 or 1,000 U.N. personnel.

We have been assured by the Moslems that they would in no way interfere with the withdrawal.

Finally, I would like to say that a belated NATO response to the brutal Serb onslaught in the Eastern enclaves is not a substitute for a policy. The U.N. operation is a failure. That is a fact. And no amount of reshuffling will change that fact.

Neither Bandaids, nor reconstructive surgery will save the U.N. operation in Bosnia. Lifting the arms embargo and letting the Bosnians defend themselves is the only policy option which has any hope of saving them—and saving United States credibility.

I might point out, the New York Times—which has been struggling with this issue editorially, as many have on the floor, today, and maybe that will be referred to by my colleague from Connecticut—said rather flatly, it is time to lift the embargo. It is time to lift the arms embargo. If we do not want to Americanize what is happening there, and we want to give this independent nation a right to defend itself, then the course is clear. Lift the arms embargo after withdrawing the U.N. forces, and then we believe we can supply the Muslims with weapons. They can be trained in safe places with no hazard, by anybody in the United States or any United States force who might be involved in any weapons or training or whatever.

We believe this is not the best solution. There are not any good solutions. It gives an independent nation a right to defend itself and gives the people in that nation a right to defend themselves. In my view, sooner or later, it will happen.

Maybe not this week. Maybe not next week. Maybe not next month. But winter is coming very soon in that part of the world, and I believe before that happens, U.N. forces will be withdrawn or on the way out. Then, perhaps, the Bosnians will have an opportunity to do what they wanted to do for some time.

I do not mean to dismiss the humanitarian aid that has been provided. It has been helpful in some cases, but unintentionally, the U.N. protection forces have become a barrier, which unintentionally has been a help to the Serb aggressors, and not to the poor people who are trapped in the enclaves.

So far, one has fallen. Another is about to fall. Clearly, everyone is in danger.

ORDER FOR RECESS

Mr. DOLE. Mr. President, I just say, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand in recess under the previous order following the remarks of the distinguished Senator from Connecticut, Senator LIEBERMAN, and the distinguished Senator from South Dakota, Senator PRESSLER.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Connecticut.

THE CRISIS IN BOSNIA

Mr. LIEBERMAN. Mr. President, I thank the Chair and the majority leader for yielding the floor and for his statement on the latest developments from London with regard to the crisis in Bosnia.

Mr. President, I share the sense of disappointment that the Senate majority leader has expressed about the developments in London today. The statement from the London conference is a threat, not a policy, and a limited threat at that, extending, as it does, to only one of the four remaining safe areas, so designated by the United Nations.

Why the conferees would feel that it was critical enough to issue this threat with regard to Gorazde but not with regard to Tuzla, Sarajevo and Bihac, I do not know. Why the conferees did not speak clearly and in a united fashion about opening up the supply road for humanitarian aid to Sarajevo along the Mount Igman Road, I do not know. And why is there not clarity, at least, yet on the question of the dual-key arrangement which has done nothing but frustrate the rare occasions when there seemed to be some will to respond to Serbian aggression by subjecting the desire of military commanders to the control of political authorities from the United Nations? There is some suggestion that there is still a dual-key approach for implementing this threat that was issued today about what would happen to the Serbs if they attacked Gorazde.

There is some indication, though not clarity, that perhaps the military commanders on the ground, the U.N. military commanders, will be the ones to have the final say and a decision will not be bounced up for a veto from the U.N. politicians at the top. But that is not clear to me, and therefore is also grounds for disappointment in the communique from the London conference. So I would call the communique from the London conference a threat, not a policy; and a limited threat at that.

If, in fact, the threat is carried out, as so many threats against the Serbs before in this war have not been carried out—if this threat is carried out, if the Serbs take aggressive action, attack Gorazde, then at least it will be the beginning of an implementation of half of the policy that many of us—I am honored to say including the distinguished Senate majority leader and myself and many others from both parties in this Chamber—have been advocating, appealing for, crying out for, for now 3 years, which is the lift and strike policy.

The communique does at last suggest that if the Serbs cross this line, which is a narrow line—it is not a broadly drawn line, it is a line of protection only around Gorazde—then they will finally be subjected to the substantial and decisive NATO air power which we have possessed throughout this conflict and refused to use. Even though going back 2 or 3 years, at hearings of the Armed Services Committee on which I am honored to serve, asking the Chief of Staff of the Air Force whether he felt that these raids could be carried out from the air with minimal risk to American personnel and maximal probability of success—he said yes.

So, from this communique from London, implementing, if the threat is carried through, at least the beginning of one-half of the lift and strike policy, I take some small hope and find some small reason for the Bosnian people, who are understandably cynical and unbelieving, to think that perhaps the international community will finally lift a finger, a hand, to protect them from aggression.

But, this threat, even if carried through by the allied powers, does nothing to lessen the moral and strategic imperative to lift the arms embargo imposed on the nations of the former Yugoslavia. It is illegal because it denies the people of Bosnia the right they are given under international law, under the charter of the United Nations, to defend themselves, a basic right that we have as individuals and that nations have under the United Nations Charter. This right has been taken away from them, not by any great act of international law, but by a political act, by a decision of the U.N. Security Council in 1991.

Looking back at it, a naive, in some sense a cynical decision, or motivated by cynical behavior; an embargo, requested by the Government of Yugoslavia in Belgrade, now the Serbian Government, understanding that when Yugoslavia broke apart, as it surely would, and Serbia began its aggression, as it clearly intended to, against its neighbors, then the effect of the embargo would leave everyone in that region but the Serbs without the arms with which to fight because the Serbs in Serbia, by an accident of history and of hate, ended up controlling the warmaking capacity of the former Yugoslavia.

Immoral—Mr. President, I ask unanimous consent for 2 more minutes.

I say the embargo was immoral because we have watched not only aggression and the frustration of the people to have the means with which to fight back, the victims, but we have watched genocidal acts. We have watched people singled out because of their religion, in this case Moslem; torn from their homes, herded into concentration camps, women raped systematically as an act of war—unheard of. Men—again, it is happening—between the ages of 18 and 55, herded off allegedly for investigations to determine whether they were criminals or terrorists, but tortured and then, and we saw this 3 years ago: Concentration camps, emaciated figures, Moslems tortured, unfed, slaughtered.

So I say, Mr. President, to my colleagues here in the Senate that the moral and strategic imperative to lift the arms embargo remains undiminished by this limited threat and not a policy that was issued from London today.

I hope and strongly believe that when we take up the proposal which Senator DOLE and I, and many others of both parties, introduced on Tuesday to lift the arms embargo, that the result will be a resounding nonpolitical, nonpartisan, overwhelming majority in favor of lifting the embargo, giving the people of Bosnia the weapons with which to defend themselves, and creating finally the basis of a genuine policy that can impose upon the Serbs some pain for their aggression that will give them finally, and for the first time in this conflict, a reason to come to the peace table to negotiate a just end to this conflict.

I thank the Chair. I yield the floor.

Mr. PRESSLER addressed the Chair.

The PRESIDING OFFICER. The Senator from South Dakota.

UNITED STATES/JAPAN AVIATION DISPUTE

Mr. PRESSLER. Mr. President, I am cautiously optimistic that last night in Los Angeles progress was made in the United States-Japan aviation dispute with regard to cargo. Finally, the Government of Japan has agreed to honor the clear terms of the 1952 United States-Japan bilateral aviation agreement. Federal Express had been unfairly denied the right to serve numerous Asian cities beyond Japan. Now that the Japanese have authorized these routes, Federal Express can finally open its new Pacific Rim cargo hub at Subic Bay in the Philippines.

I am also pleased with the job done by Secretary Peña in this dispute. The Japanese clearly expected us to trade off existing aviation rights in order to get them to acknowledge rights we already had guaranteed under the terms of the United States-Japan aviation agreement. We did not cave in to this blackmail. Had we done so, it would have set a dangerous precedent for all U.S. international agreements. Global aviation opportunities for our carriers are critical to the long-term profitability of the U.S. airline industry. Secretary Peña understands this very important point.

Mr. President, yesterday I, along with 20 colleagues from both sides of the aisle, introduced a resolution calling on the Government of Japan to immediately honor the terms of the United States-Japan bilateral aviation agreement. I have been developing the resolution over a period of several weeks and I understand the Government of Japan was monitoring it closely. I believe the resolution, Senate Resolution 155, sent a strong signal to the Japanese that the United States Senate expects international agreements to be honored. We should expect nothing less when a solemn international agreement is in dispute.

In my introductory remarks yesterday, I expressed disappointment that the show-cause order the United States issued to the Japanese on June 19 had not seemed to serve as a wakeup call for the Government of Japan. It was my hope that by introducing Senate Resolution 155 simultaneously with the negotiations in Los Angeles it would drive home the point that international agreements are not to be unilaterally disregarded. I hope Senate Resolution 155 played a role in resolving this dispute.

Let me say to the cosponsors of this resolution that we still may bring it to the floor. We may seek to pass it because the resolution also addresses an important passenger carrier dispute with Japan that remains unresolved. What is happening is that Japan has denied our passenger and cargo carriers new opportunities to serve countries beyond Japan such as Korea, Malaysia, and so forth. The Japanese refuse to recognize "beyond rights" guaranteed by our air service agreement. That is what this dispute is all about.

Unfortunately, our aviation dispute with Japan over "beyond rights" is not completely behind us. United Airlines has patiently waited while U.S. negotiators focussed on the cargo dispute. Now, the United States must demand the Government of Japan honor the rights of our passenger carriers as well. United Airlines has been wrongly denied the right to start new service between Osaka and Seoul, Korea. This is another clear violation of the United States-Japan bilateral aviation agreement. It must be redressed promptly.

Mr. President, let me also say I am angered by some media reports from Japan declaring victory in the aviation dispute. Let me make this point loud and clear: This was not a victory for Japan. For months the United States has been offering to talk with the Government of Japan about our bilateral aviation agreement. Quite correctly, the United States said it would do so only after Federal Express' beyond rights were honored by the Japanese. These reports are preposterous.

The aviation dispute accomplished nothing for Japan beyond temporarily protecting its inefficient carriers from more head-to-head competition with our carriers. The dispute did galvanize Congress to take a tough stand in future aviation relations with Japan. It showed what our Government can accomplish when Congress supports our Secretary of Transportation and permits him to negotiate from a position of political strength.

Mr. President, I hope our resolve in the United States-Japan aviation dispute sends a strong signal to nations around the world. if you enter into an agreement with the United States, you will not be allowed to pick and choose those provisions with which you will comply. Agreements between nations are solemn.

So, Mr. President, let me summarize by saying that last night I think our Government showed great progress in reaching the cargo aviation agreement with Japan. However, we did agree to give them some things in exchange for the agreement such as new cargo routes between Japan and Chicago. That might appear to some that we gave in. Overall, however, I think we stood firm and the cargo agreement is a step forward.

As Chairman of the Senate Commerce, Science, and Transportation Committee, I called a hearing last week to consider problems our air carriers experience trying to fly beyond Tokyo and beyond Heathrow. There is a system in both directions that prevents our carriers from flying beyond these important international gateways.

At times, the system which blocks our carriers can be subtle. For example, sometimes the Japanese and British technically comply with our aviation agreements but they impose certain "doing business" problems that prevent our carriers from competing effectively with their national carriers. Among these restrictions on competition are problems loading and unloading aircraft and requiring our carriers to use the old terminal while the host country carrier uses the modern terminal. There are other barriers that prevent our carriers for serving global destinations from Heathrow and beyond Japan.

Mr. President, I want to commend Secretary Peña. He has done an excellent job resolving this particular dispute. I have been a critic of his at times in the past. I am very sympathetic to the tough challenge he faces in international aviation negotiations.

What happens to the Secretary of Transportation is he is frequently undercut because what our air carriers tend to do is the one that gets the right to serve a foreign country sometimes works with the foreign government to keep other U.S. carriers out. Then the Secretary is presented with a letter from 6 or 8 Senators and 8 or 10 House Members who have a particular airline in their State or district which urges the Secretary to put the interest of the incumbent carrier ahead of the national goal of creating new opportunities for all our carriers. This undermines the Secretary's negotiating position.

To help correct this significant problem, I have urged that the economic interests of the United States be the basis for the Secretary of Transportation's international negotiations.

Mr. President, I do not see this as the end of our aviation problems with Japan. As I mentioned, a significant passenger issue involving United Airlines remains unresolved. Also, I suspect, having observed Japan's trade habits and protectionist activities, that they are going to keep attempting to block our carriers from serving points beyond Japan. There are many lucrative new air service opportunities in the Pacific rim. The Japanese know this and they likely will try to keep them for their own carriers.

We on this floor need to support the Secretary of Transportation in his efforts to open new international opportunities for our carriers and to protect existing aviation rights. We need to let the Secretary put the economic interests of the United States first. I hope someday we will no longer have to get bogged down in a system of bilateral aviation agreements. Instead, I hope one day we will have a multilateral aviation framework, like a GATT worldwide open skies agreement.

I congratulate the Secretary of Transportation. But I still think we may need to pass a resolution in the Senate giving the Japanese notice that we consider this a major trade issue. Also, we need to let the Japanese know that we expect the unresolved passenger carrier issue to be resolved promptly.

Mr. President, I yield the floor. I thank you very much for the additional time.

RECESS UNTIL 9 A.M., MONDAY, JULY 24, 1995

The PRESIDING OFFICER. The Senate now stands in recess until 9 a.m. on July 24.

Whereupon, the Senate, at 3:58 p.m., recessed until Monday, July 24, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 21, 1995:

THE JUDICIARY

JOHN H. BINGLER, JR., OF PENNSYLVANIA, TO BE U.S. DISTRICT JUDGE FOR THE WESTERN DISTRICT OF PENNSYLVANIA, VICE MAURICE B. COHILL, JR., RETIRED.

HOUSE OF REPRESENTATIVES—*Friday, July 21, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mrs. MORELLA].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 21, 1995.

I hereby designate the Honorable CONSTANCE A. MORELLA to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We have heard it said of old that there abides faith and hope and love and the greatest of these is love. And now we pray that in all the moments of our lives the reality and dynamic of this greatest of all Your gifts, will be meaningful in our daily lives and have a profound effect on our attitudes toward others. We know too, O God, that the reality of love is greater than our ability to imagine or comprehend, so may our hearts and minds be alert to all the opportunities to experience this gift and to embrace it with joy and thanksgiving. This is our earnest prayer. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Texas, Mr. GENE GREEN, come forward and lead the House in the Pledge of Allegiance.

Mr. GENE GREEN of Texas led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 10 1-minute speeches on each side.

SET-ASIDE PROGRAMS SHOULD BE ELIMINATED

(Mr. FRANKS of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Connecticut. Madam Speaker, I have been assured by you and the House Republican leadership that I will be able to offer an amendment that would eliminate race- and gender-based set-aside programs for the awarding of Federal contracts, and I intend to do so. We have agreed to utilize the DOD appropriations bill as our means.

I say this to give Members due notice. Prior to the vote, I intend to hold hearing-like meetings on my amendment. On Tuesday, Wednesday, and Thursday of next week, I will hold these sessions for Republicans and Democrats to discuss this proposal. Notices will be going to every Member's office denoting the time and the location.

Communication, openness, and input from all interested Members prior to the vote is desired, because we all would like to offer every American an equal opportunity to succeed in this great country.

TRIBUTE TO RICHARD T. GREENE

(Mr. FLAKE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FLAKE. Madam Speaker, I rise today to pay tribute to a patriarch of American banking and finance. In New York City and across the Nation, his name and his professional legacy command respect and admiration. Richard T. Greene, the chairman of the board of directors of Carver Federal Savings Bank, the Nation's largest African-American financial institution, has maintained a life-long commitment to the success of America's financial services industry and the well-being of his community. Today, we join a host of other organizations and institutions that have already recognized his enduring contribution to mankind.

Richard Greene has been with Carver for 35 years and has served as its president and CEO for 25 of those years. Carver, founded in 1949, has more than $368 million in total assets and eight offices in New York City and Long Island. His leadership has been recognized by numerous newspapers, journals, and periodicals. Fortune, the Daily News, American Banker, Black Enterprise, and Newsday have featured the growth and success experienced by Carver under Greene's stewardship.

Carver continues to fulfill its founding philosophy of operating in the best interests of the people in the communities it serves. Since 1986, the bank has awarded 401 scholarships totaling $312,970 to children of its customers through its Scholarship Awards Program.

Greene served two terms as a member of the board of directors of the Federal Home Loan Bank of New York, second district, which services thrift institutions in New York, New Jersey, Puerto Rico, and the Virgin Islands. He also serves as board member of the Thrift Associations Services Corp., Harlem Urban Development Corp., New York City Housing Partnership, American Savings and Loan League, and the Apollo Theater Foundation.

Born and raised in Charleston, SC, and a graduate of Hampton University in Virginia, Greene studied business administration at New York University and the University of Pennsylvania Wharton School of Banking and Finance. During Greene's service in the Army, he received the Army Commendation Medal for exceptional service. He was discharged with the rank of captain and is now a major in the Army Reserves. He received an honorary doctor of commercial science degree from St. John's University, Jamaica, NY, on May 24, 1992.

Greene is an active member of the communities in which he lives and works—as an elder in the Westminster Presbyterian Church in Jamaica, NY; as a member of the New York Hampton Unviersity Alumni Association, the Omega Psi Phi fraternity, One Hundred Black Men, Inc., and of the President's Council of the Museum of the city of New York. He has received numerous honors and awards from fraternity, religious, social, service, business, and educational groups.

In addition to his stellar professional experience, Greene takes tremendous pride in his family. He is married to the lovely M. Virginia Lea. This dynamic couple is blessed with two children, Cheryll and Richard, Jr., and three grandchildren.

Madam Speaker, Richard Greene is an exceptional man and worthy of this body's recognition.

REPUBLICANS ARE NOT CUTTING MEDICARE

(Mr. BARTLETT of Maryland asked and was given permission to address

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the House for 1 minute and to revise and extend his remarks.)

Mr. BARTLETT of Maryland. Madam Speaker, I was a teacher for 24 years. These is a prescription for success in teaching. It is summarized, "Repetition is the soul of learning," and it works even better if you say the same thing in different ways. It works wonders in our schools. Perhaps it will work here. Listen up on the other side of the aisle.

Republicans are not cutting Medicare. The average recipient receives $4,800 now. In 2002 they will receive $6,700. Where is the cut?

Republicans are not cutting Medicare—$6,700 is greater than $4,800; $4,800 is smaller than $6,700. Pay to the average recipient of Medicare will grow from $4,800 to $6,700—$6,700 is larger than $4,800. Republicans are not cutting Medicare.

This repetition works wonders in our schools. I hope it will work here. Republicans are not cutting Medicare. It will grow from $4,800 to $6,700—$6,700 is larger than $4,800.

STILL NO REPUBLICAN MEDICARE REFORM PLAN

(Mr. DOGGETT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DOGGETT. Madam Speaker, if the gentleman is not cutting Medicare, why could he not get his plan out here? I learned yesterday that it will be at least another 2 months, until September 22, before we get the details of the Republican plan. They can put charts up. They had wavy graphs yesterday to try to confuse the American people. But the bottom line is that they are going to reach in the pockets of American seniors and they are going to pull out $1 for every $4 that would be paid under existing law with reference to Medicare.

That means that the Republicans think our seniors are not having to pay enough for their health care at the present time, because the second part of their plan, as revealed not by them but by the newspapers this week, is that they think seniors should be discouraged from getting Medigap insurance; that they are not having to pay enough; that they do not have enough incentive to not make use of health care under existing law.

Yes, they are MediScared. They are MediScared to tell the American people the truth about their changes, and that is why we are not getting the plan today. That is why we have to wait 2 months, because they are MediScared to tell the American seniors that it is their pocket that is going to be picked.

TOUGH DECISIONS NEEDED TO STRENGTHEN MEDICARE

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Madam Speaker, my good friend from Texas can be answered with another question: Where is your plan? Have the courage to come forward and accept what the trustees of the Medicare trust fund have told us, what three Cabinet-level officials in President Clinton's own Cabinet have told us, that Medicare goes broke in 7 years if we fail to do anything.

Friends, we are not out to scare the American people, unlike my friend from Texas. We are here to make tough decisions, to strengthen and save Medicare.

So, yes, we do have to work out the details. We invite our friends to join us. But, once again, instead of joining us and stepping up to the plate and helping us govern, they would rather whine and complain and try to scare the American people.

That old formula no longer works. It is time for bold new leadership to save Medicare, and this majority is committed to finding the answer.

TAKING EXCEPTION TO PLAN TO SAVE MEDICARE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker, I rise today, and I am glad my colleague from Arizona talked about it, to take exception with the Republican plan to save Medicare. Only in Washington can they say that they are going to save Medicare and cut $270 billion, and then give a $245 billion tax cut. They are telling the American people they are saving the system.

Well, that does not play in Houston, TX. Maybe it plays in Arizona. We are smarter than that. I have a letter from a senior citizen in my district. She had an ear infection and went to an HMO, which is what they want to force senior citizens to go to. She had to wait 2 months before she could see a doctor for an ear infection. That is a long time to have your ear hurt.

I think the Republicans are moving too fast when they talk about even waiting until September to change senior citizen health care to managed care. Still they want to give that $245 billion tax cut and cut $270 billion in growth in Medicare.

Only in Washington can somebody get away with saying we are saving the system, but we are cutting $270 billion.

PORKER OF THE WEEK AWARD

(Mr. HEFLEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HEFLEY. Madam Speaker, I would like to tell you about the National Institutes of Health and its multimillion-dollar grant to the University of Colorado. This multimillion-dollar grant is not for cancer research, as one might expect, or for AIDS research, or aid to children in developing countries, or for juvenile diabetes, or any of the things you might think this kind of money would go for. But what it is for is to study why people get fat.

Now, it does not take this kind of money, it does not take any money, to figure out what will result from too many trips to the refrigerator. In fact, you could spend a fortune just buying the magazines and books that contain the already countless studies on this subject. Thousands of them have been done.

Sure, it does appear that there is a certain medical explanation for some obesity, but most of the studies seem to indicate that the way you eat and the way you exercise explains most of the problem.

It is ironic that this study is being done in Colorado, which has the lowest percentage of overweight people in the Nation.

So the National Institutes of Health gets my porker of the week award this week.

UNCONSTITUTIONAL POWER OF IRS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Madam Speaker, only the IRS can conduct an audit of your financial records without a warrant. Only the IRS can levy penalties without a court order. Only the IRS can seize your bank account without a judgment. Only the IRS can actually take your home, take your home, without due process.

Now, if that is not enough to tax your 1040, check this out: When you decide to fight this pack of bullies, you go to court, Tax Court, with the IRS; you are considered guilty and have to prove yourself innocent.

Beam me up. Ladies and gentlemen, there is only one reason for the unconstitutional power of the Internal Revenue Service: The Congress of the United States of America. Think about it. I yield back the balance of these taxes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind people in the gallery they should not express approval or disapproval during the proceedings.

GOVERNMENT DOES NOT NEED ANOTHER NEW BUILDING

(Mr. SANFORD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SANFORD. Madam Speaker, late last night we had the debate on an amendment that I proposed to prevent the construction of yet another Washington office building, this one being $40 million and in size 350,000 square feet. For those of my colleagues who were wisely asleep at the hour, I would say it still makes a lot of sense for a couple reasons.

First, GSA already controls 644 million square feet of office space in the United States. That is the equivalent of all the office space in New York, Chicago, Los Angeles, and Houston combined. Do we need another office building?

Second, even if it is the right thing to do, now is not the right time to do it. That is why the National Capital Planning Commission said "No, don't do it, wait until after the farm bill."

Third, it is what the budget asks for.

Fourth, it is what National Taxpayers Union and Citizens for a Sound Economy think to be a good idea.

CONGRESS SHOULD BE MORE FAMILY FRIENDLY

(Mr. ROEMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROEMER. Madam Speaker, last night we worked here in the House of Representatives well past midnight, and last night is no different from any other night from January 4, when we went into session. Fifty-four percent of the time we have adjourned after 9 o'clock at night since January 4.

Now, for the first 3 months we expected that. We knew working on the contract we would have late nights. But Speaker GINGRICH said on his first day here on the floor, right behind me, "We are going to set schedules we stick to so families can count on time together."

Now, Madam Speaker, the only time we see our families is when we take a picture of them out of our wallets and look at the frayed pictures.

I think that we need predictable schedules. We want to work hard. We have been in more than 300 hours over last year at this time. We need predictability. Let us have one night a week that we are out by 6 p.m. and have it predictable. Let us roll votes, and let us make sure we come in and start work at 8 o'clock in the morning for 1 minutes. I think that is the hour that America starts to work.

THE ISTOOK, McINTOSH, AND ERHLICH AMENDMENT

(Mr. FOX of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FOX of Pennsylvania. Madam Speaker, I rise today to speak in favor of efforts to reform our grant-making process—specifically, the Istook, McIntosh, and Ehrlich legislation.

I join my colleagues in believing that we engage in a dangerous enterprise when Government selectively subsidizes particular interests and lobbying organizations. It raises a question about the fundamental integrity and impartiality of Government.

What this legislation addresses is the fact that certain groups have simultaneously enjoyed the advantages of exemption from tax payments and the statutory right to spend an unlimited amount on lobbying Congress. This is wrong and has led to a mistrust of Government by the American people.

Ordinary citizens do not enjoy all of these benefits simultaneously and this kind of preferential treatment can only serve to maximize the influence and power of certain privileged lobbying groups at the expense of the people we were elected to serve. In my view, organizations should have to choose between being tax-exempt, self-interested lobbying organizations or administrators of Federal grants.

TRICKLE-DOWN ALREADY PROVEN UNWORKABLE

(Mr. KLINK asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLINK. Madam Speaker, back in the 1980's Republican Ronald Reagan told us decrease taxes for the wealthy, investment will go up, wealth will trickle down, America will prosper.

The wealthy did keep more. They invested it overseas and our jobs followed. Industrial America began to disappear.

Just over a decade later, they are at it again, saying decrease taxes for the wealthy, $245 billion, pay for it by cutting Medicare $270 billion, by cutting Medicaid $170 billion; let's cut back school lunches, student loans, WIC, Head Start.

Madam Speaker, fool America once, shame on you. Fool us twice, shame on America. Only in Washington, DC, could people on the other side of the aisle say they are saving Medicare by cutting $270 billion out of it.

It reminds me again of the officer in Vietnam who said we saved the village by burning it to the ground. The Republicans are going to save Medicare and Medicaid by burning that to the ground, and our senior citizens are going to be the victims.

PRIVATIZATION SHOULD BE ENCOURAGED

(Mr. CHRISTENSEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CHRISTENSEN. Madam Speaker, I encourage all of my fellow Nebraskans to call and write often. I listen to what they have to say, and I am often persuaded by what they write.

Last week I received this postcard, which perhaps is the most persuasive that I have ever received. In this bag, Madam Speaker, is a note from a constituent regarding the privatization of the post office. This note was saying why we should not privatize the post office. But you see, this note came in what the post office calls as body bag. It comes with discarded mail, and they put it in here and say "We care."

Well, it is quite ironic that this kind of mail would come in this form and fashion, and the message in it would be not to privatize the post office.

Madam Speaker, in light of this, I want to encourage the continued privatization ideas that are coming forth in the 104th Congress. I want to continue to expand and look beyond at how we can make this a more efficient, a more better run Government.

□ 1020

MEDISCARE

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SCHROEDER. Madam Speaker, the other side of the aisle keeps standing up and talking about MediScare, MediScare. The Democrats are scaring people. Well, the Democrats are not scaring people, it is their side of the aisle that scares people.

Luckily the American people have two ears and a brain. When they hear the other side of the aisle constantly saying the Medicare trust fund is in trouble, the Medicare trust fund is in trouble, so we are going to cut it $274 billion, would that not scare you? Whoever said that you are going to help a trust fund by gutting a trust fund? Then they get angry when they find that the reason they are gutting the trust fund, the reason they are taking money out of their trust fund is to plug holes in the budget caused by the huge tax breaks for the fat cats that funded their campaign. That would scare me. That should scare you.

I think the American people are right on. When they have 1.4 percent taken out of their check every single paycheck and their employer adding the same thing to the trust fund, they want that trust fund to deal with future needs of seniors, not to help fat cats be able to bail out of the tax system.

PRESERVE MEDICARE

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Madam Speaker, where is the credibility on this issue? Let us go back to 1993, the last time we had any votes on Social Security. My friends on the other side of the aisle cut Social Security by $2 billion, $2 billion that they took out of the paychecks of Social Security recipients.

What have we done on this side of the aisle since the beginning of the 104th Congress with respect to seniors' issues? We have done two very important things. No. 1 is we, in fact, restored that $25 billion cut to Social Security recipients, and we also lifted the earnings test on the limitation for earned income for senior citizens.

We have the credibility on this issue. The trustees of the President have made it clear that the Medicare trust fund cannot sustain the system. We do not have enough money on it. It is going broke. If we do not do something to strengthen, improve, save, preserve Medicare, we will not have a Medicare. Heavenly days, is it not our responsibility, is it not your responsibility to join in this effort to preserve Medicare.

DODGING THE FACTS ABOUT MEDICARE CUTS

(Mr. OLVER asked and was given permission to address the House for 1 minute.)

Mr. OLVER. Madam Speaker, Republicans are dodging the facts about their Medicare cuts. Let me give some of those fact.

Fact No. 1, the Republicans will cut Medicare by $270 billion. No. 2, Republicans cut that Medicare to give $245 billion in tax breaks, mostly to people who do not need them, people making over $100,000 a year, and you guessed it, all Members of Congress are in that category. Fact No. 3, drastic cuts in Medicare will make health care too expensive for many seniors.

Madam Speaker, we are not talking about just a little increase in out-of-pocket costs, we are talking about double the deductibles, double the premiums, and huge new copayments for services like home care. If seniors cannot afford to pay that much more, they must ration their health care or simply go without needed care.

The last fact, Madam Speaker, the Republican plan is that simple and it is that real.

MEDICARE

(Mr. KIM asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

Mr. KIM. Madam Speaker, this is a report released by the Medicare board of trustees. By the way, three of these trustees are from President Clinton's own Cabinet. The report is shocking. I found out that the Medicare trust fund would be bankrupt in 7 years.

Second, I found out from this report that there is tremendous waste and fraud in this Medicare Program that we Republicans recognize this Medicare crisis with. We have rolled up our sleeves and are working on a 7-year plan to save Medicare from bankruptcy.

Even our own President Clinton recognized the crisis. He has offered a 10-year program to save Medicare from bankruptcy.

It amazes me that they keep attacking us saying that we are cutting. There is nothing to cut. We are not cutting anything, we are trying to eliminate waste and fraud.

So I got hold of their copy, what kind of a plan they are offering. Here it is, the Democrat plan to save Medicare. Nothing. Blank. They have no idea, they have no plan to save Medicare from bankruptcy, except attacking, attacking, and bashing. I think it is a shame.

REPUBLICAN PROPOSAL TO PRIVATIZE MEDICARE

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Madam Speaker, the Republican leadership has misled Americans with their proposal to reform Medicare. "Reform" means to "make something better" not "make it worse."

The Republicans' idea of reform is to dismantle Medicare and limit choice by herding seniors into private managed care, requiring seniors to pay more in out-of-pocket expenses, while receiving less in vital health care services.

Seniors have more health needs.

It is very unlikely HMO's will enroll seniors without raising premiums or restricting hospital stays, medical testing, and prescriptions.

Paying more to receive less services is not making the system better.

Also, instead of using the Medicare savings to improve the health care system, the Republican reformers will take $270 billion from Medicare to pay for a $245 billion tax cut for the wealthy.

The goal of the Republican Medicare plan is clear: Raid Medicare and put our Nation's seniors at risk to pay for tax breaks that make the wealthy more healthy.

ECONOMICALLY TARGETED INVESTMENTS

(Mr. JONES asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. JONES. Madam Speaker, because President Clinton knows that he will never have the support of the Republican Congress to raise taxes, in order to fund his social projects and handouts, he is dipping into the $3.5 trillion in private pension funds. The Clinton administration and his Department of Labor are encouraging pension fund managers all over the country to invest in economically targeted investments, or ETI's. ETI's are the administration's new scheme for harnessing private pension funds for social investment projects.

The American people should be able to sleep at night knowing that their retirement money is invested to give them the safest and most lucrative return possible. Their retirement money should not be improperly risked in ETI's. Madam Speaker, we must keep the Clinton administration's hands off America's pensions.

TRIBUTE TO LENORE DONNELLY

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Madam Speaker, today I rise to say thank you and pay tribute to the historic career of Mrs. Lenore Donnelly, originally of Worcester, MA, now of Virginia, who, for the last 10 years, has served this House with distinction, vivacity, good humor, and professionalism as Chief of Pages on the Democratic side of the aisle. Today is her last official day in this capacity as she retires to pursue family and personal interests.

Lenny came to Washington to work for Senator John F. Kennedy in the Presidential campaign in 1959 and later became a member of his White House staff. She served in helping to arrange private and congressional tours of the White House and worked on arrangements for the President's trips within the United States and abroad, often traveling on such trips, including the famous trip to Ireland.

After the President's tragic assassination, she continued under President Johnson to serve at the White House during that administration. She worked in Senator Robert F. Kennedy's campaign for President, and after that Senator's tragic assassination, worked out of the New York office on his funeral arrangements at St. Patrick's Cathedral and the historic train ride bringing the Senator's body back to Washington.

Later she became Deputy Chief of the U.S. Capitol Guide Service, responsible for the orientation, supervision, and direction of all Capitol guides and tours. In 1985 she was appointed as Chief of Democratic Pages by Speaker O'Neill and has worked with over 2,000 young American Pages from all over the United States, responsible for their training, orientation, guidance, counseling, and familiarization with House procedures and conduct in this Chamber.

We wish her Godspeed, along with her husband, Ray Donnelly, who has been active in planning the Korean War Veterans Memorial being dedicated on July 27 on the Mall.

America could have had no finer daughter in service to this Nation. She has served millions and millions of our citizens as well as visitors from throughout the world.

Thank you, Mrs. Donnelly.

LENNY DONNELLY

(Mr. DINGELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DINGELL. Madam Speaker, I rise today to pay tribute to a fine lady and great friend, who is a shining example and reminder to us all, of the tremendous good a single person can perform in a career of public service.

Lenny Donnelly has served this country with distinction in a career that has spanned 36 years. Early in her career she worked on President Kennedy's White House staff, where one of her duties was scheduling all VIP and congressional tours of the White House. There are still a few left in this Chamber, including myself, who will always be indebted to Lenny for her help in graciously accommodating our scheduling needs.

Lenny has been Chief of Democratic Pages for 10 years and in that time she has become a friend to us all. She has trained, guided, counseled, and cared for over 2,000 pages from all over the United States. Lenny has helped equip a wonderful group of young people with the tools to become part of the next generation of American leaders. Perhaps we will best come to understand her contribution to this institution when in the future, a public leader is asked to name a major influence, and they respond, their time spent as a page under the tutelage of Lenny Donnelly.

Lenny has left her unmistakable mark of expertise on the Page program and she will be sorely missed. She has set a standard of excellence in the field of public service that we should all strive to meet. I wish Lenny the best in all of her future endeavors and am confident she will continue to positively influence the lives of many people in the future. On this, her last working day before retiring, I wish to give Lenny my profound thanks, gratitude, and respect for a job well done.

The SPEAKER pro tempore (Mrs. MORELLA). This entire body joins the gentlewoman from Ohio [Ms. KAPTUR] in thanking Mrs. Donnelly for the service she has performed. It is very special when you meet somebody who gives such a warm reception, sense of humor, sense of perspective, and sense of propriety, and we wish her well.

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mrs. WALDHOLTZ. Madam Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Commerce, the Committee on Government Reform and Oversight, the Committee on the Judiciary, and the Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mrs. MORELLA). Is there objection to the request of the gentlewoman from Utah?

Mr. DOGGETT. Reserving the right to object, Madam Speaker, the Democratic leadership of each of those committees has been consulted, and we have no objection.

Madam Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Utah?

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 2002, DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mrs. WALDHOLTZ. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 194 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 194

Resolved, That at any time after the adoption of this resolution, the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2002) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 3 of rule XIII or section 401(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered by title rather than by paragraph. Each title shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 of rule XXI are waived except as follows: beginning with the colon on page 4, line 17, through "transportation" on page 6, line 2; beginning with "operations" on page 11, line 23, through the comma on line 25; beginning with the figure on page 20, line 12, through the comma before "and" on line 13; beginning with the colon on page 20, line 14, through the citation on line 19; page 27, lines 22 through 25; page 28, lines 3 through 8; page 28, lines 21 through 24; page 29, lines 3 and 4; page 29, lines 7 through 10; page 29, lines 15 and 16; page 29, line 23, through page 30, line 6; page 48, lines 5 through 7; page 51, lines 14 through 22; page 53, lines 1 through 13; page 54, lines 3 through 24; and page 55, line 1, through page 63, line 6. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. It shall be in order at any time to consider the amendment printed in part 2 of the report of the Committee on Rules accompanying this resolution. The amendment may be offered only by a Member designated in the report, shall be considered as read, shall not be subject to amendment, and not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment printed in part 2 of the report are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore. The gentlewoman from Utah [Mrs. WALDHOLTZ] is recognized for 1 hour.

Mrs. WALDHOLTZ. Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from California [Mr. BEILENSON], pending which I yield myself such time as I may consume.

During consideration of this resolution, all time yielded is for the purposes of debate only.

Madam Speaker, House Resolution 194 is an open rule, providing for consideration of H.R. 2002, the Transportation appropriations bill for fiscal year 1996 with 1 hour of general debate.

I will be offering an amendment to the rule that resolves concerns between the Transportation Committee and the Appropriations Committee. The amendments is being offered because the appropriators and the authorizers were able to come to further agreement after the rule was passed out of our committee.

This rule provides for fair and open consideration of the Transportation appropriations bill while providing the necessary protections we need to be able to bring the bill up for consideration by the full House.

The rule waives clause 2 of rule XXI, prohibiting unauthorized and legislative provisions on an appropriations bill, except for provisions in the bill relating to the Safe Communities Program and the central artery project. The rule also provides that upon adoption of the resolution, appropriations for the national driver register and certain new start transit projects, as described in the rule, will be made available subject to House passage of an authorization bill. This provision preserves the working protocol that has applied for all appropriation bills this session calling for agreement between the authorization and the appropriation before including unauthorized expenditures in an appropriations bill.

Accordingly the rule ensures that funds would not be made available until the House deliberates and votes on whether or not to fund these new start transit projects and the national driver register as part of the normal authorizing process.

Further, the rule waives section 401(a) of the Budget Act that prohibits contract authority spending in excess of levels already authorized; waives clause 6 of rule XXI prohibiting reappropriations; waives clause 3 of rule XIII requiring that a committee bill report contain the text of a statute being repealed within that bill; and provides for one motion to recommit with or without instructions.

Finally, the rule makes in order an amendment consisting of the complete text of H.R. 2, the line-item veto bill as passed by the House on February 6, 1995. This gives us an opportunity to reaffirm our commitment to passage of a line-item veto.

☐ 1040

Madam Speaker, I urge my colleagues to adopt this rule, and I reserve the balance of my time.

Mr. BEILENSON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we are very concerned about this rule that provides for the consideration of H.R. 2002, the fiscal year 1996 Transportation appropriations bill. We regret that we must oppose it.

We supported the resolution as it was reported from the Committee on Rules, although we were aware of some problems with the original rule. For example, many of us were concerned that the majority on the Committee on Rules gave the line item veto provision protection under the rule. While we all agree that reducing the Federal deficit is one of the most important tasks facing us in the Congress, and the President must have tools to help accomplish that task, the text of H.R. 2002, which the rule makes in order, should not be part of this debate today.

It is yet another example of protection for a controversial and major change in law, and one that the House and the other body have already had the opportunity to work their will on. The process is working, Madam Speaker, even if it is a little slower than some Members would like.

Nonetheless, Madam Speaker, we felt that, overall, the rule as it was reported on Wednesday was proper and was fair. We have generally been supportive of the majority's stated intention to provide open, unrestricted rules for as many of the appropriations bills as possible, and for its policy of providing waivers of House rules only when the authorizing committees agree to those waivers.

This rule was in compliance with those goals. Unfortunately, whether because of oversights and errors or because of the opposition from some in the majority party to the rule as it was reported, or perhaps some combination of these reasons, we are now being asked to consider a controversial amendment that changes entirely the nature of the rule as reported. We do not believe that this is the fair or right thing to do, Madam Speaker.

We are especially concerned that the amendment to the rule will provide a waiver of rule 212 for a provision in H.R. 2002 that repeals section 13(c) of the Federal Transit Action Act, that section of law that provides labor protections for transit workers. Under section 13(c), the Department of Labor reviews all Federal grants to transit agencies to ensure that the Federal money would not be used to the detriment of transit employees.

As the gentleman from West Virginia [Mr. RAHALL] testified in the Committee on Rules, when Congress passed the Urban Mass Transportation Act, we entered into a contract with transit employees. Congress said that the use of Federal funds to be used to acquire private transit companies should not worsen the transit employees' position. Section 13(c) is thus, in effect, a contract made with the concurrence of the transit industry with transit employees.

Madam Speaker, in a show of bipartisan unity that is somewhat rare these days, the chairman and ranking member of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from California [Mr. MINETA], the chairman and ranking member of the Subcommittee on Surface Transportation of the Committee on Transportation and Infrastructure, the gentleman from Wisconsin [Mr. PETRI] and the gentleman from West Virginia [Mr. RAHALL] and the ranking member of the Subcommittee on Transportation of the Committee on Appropriations, the gentleman from Texas [Mr. COLEMAN], all asked that the Committee on Rules not protect that section of the bill which includes the provision to repeal section 13(c), and to abrogate existing collective bargaining agreements.

We feel strongly that the bipartisan request of these Members, including those who represent the committee with legislative jurisdiction over the section, should have been honored.

Madam Speaker, whether or not one supports section 13(c) is not the point of our objection. The point is that we should not even be debating the complex issues presented by this section as an add-on to an appropriations bill. In fact, we should not consider the repeal of any major provision of any law in the context of an annual appropriations bill; but certainly we should not be asked to protect such a provision from a point of view when the leadership of the authorizing committees disagree unanimously with including the provision in an appropriations bill, and strenuously object to our doing so, as in fact they do.

This sweeping legislative change will have an enormous effect on transit workers and their families in many of our Nation's cities. An issue of this magnitude should go through the normal legislative process, with hearings, markup, and consideration on the floor that is handled by the authorizing committee. That is how Members should decide on the validity of section 13(c). Its repeal should not be part of an appropriation bill.

Madam Speaker, as I mentioned earlier, we have other concerns about the rule, but we have generally been supportive, as I have said, of the attempts by the majority on the Committee on Rules to report most of the appropriations bills with basically open rules.

We have, however, been critical of the committee's decisions to provide waivers of standing House rules for provisions in the bills as reported by the Committee on Appropriations when waivers have not been provided for amendments that Members are seeking to offer. We thought in this rule as reported that we had reached a fairly good balance in that respect, and we very much regret that objections to the rule as reported mean that the provision repealing section 13(c) will be protected from the rule by a point of order, while several Members were denied similar protection for amendments that they sought to offer to the bill.

In particular, Madam Speaker, we object to this waiver if the gentleman from Texas [Mr. COLEMAN] is not accorded the same protection for his amendment to reform, rather than to repeal, section 13(c), and we believe that serious oversight should be corrected.

Madam Speaker, H.R. 2002 is a very important piece of legislation, affecting, as it does, the transportation and infrastructure decisions our communities will be making in the years to come. The bill affects all Americans. Many of us regret that the bill slights funding for mass transit and that it slights funding for central transportation safety programs. Many of us who support strong fuel economy standards, the corporate average fuel economy standards, so-called, for automobiles, are concerned that they are frozen in the bill. Nonetheless, we had hoped to be able to consider the bill and our objections to it under a fair and open rule.

We regret that apparently will not be the case. The only fair way to deal with this situation would be to allow the gentleman from Texas [Mr. COLEMAN] to offer his amendment that proposes reform of section 13(c). If the previous question is defeated, that is the amendment, in fact, that we will offer.

We cannot express strongly enough our opposition to the amendment to the rule, especially when the request of the gentleman from Texas [Mr. COLEMAN] to be given waivers to protect his amendment was denied. Again, Madam Speaker, we oppose the amendment to the rule. If we must be required to address the repeal of a major law in an appropriations bill, both sides should have the opportunity to present their case and Members should be permitted to consider a reasonable alternative to the repeal of that law.

Madam Speaker, I reserve the balance of my time.

Mrs. WALDHOLTZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me address the concerns that have been raised by the gentleman from California. First, with regard to the line-item veto, I want to stress that the inclusion of the language in this particular bill regarding line-item veto is designed to simply allow us an opportunity to reaffirm what this body has already done.

On February 6 of this year, this House passed the line-item veto provision. The language that is included in this rule is identical to the language that was previously passed on February 6, so we are not asking for the House to change its previous action. We simply included this as a means to reemphasize the commitment that this House has to a line-item veto. We chose to include it in an appropriations bill because there is nothing that the line-item veto is more pertinent to than appropriations.

The whole point of a line-item veto in the hands of the President is to allow the President the opportunity to veto specific line items included in appropriations bills passed by this House. We felt that it was appropriate in light of the delay that we feel is happening between trying to bring together the versions passed in the House and Senate that at this time in the appropriations process, we wanted to allow the House the opportunity to reemphasize its support for this measure that passed overwhelmingly earlier this year.

Let me also address the particular rule amendment that I will be offering at the close of this debate. Once again, Madam Speaker, I want to emphasize that these changes were made in accordance with the protocol that has been followed by the Committee on Rules and by the authorizers and the appropriators throughout this appropriations process in that these changes are made as a result of agreement between the chairman of the authorizing committee, the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from the Committee on Appropriations, the gentleman from Louisiana [Mr. LIVINGSTON], and the chairman of the Subcommittee on Transportation of the Committee on Appropriations, the gentleman from Virginia [Mr. WOLF].

There were some concerns between these gentlemen that had not been resolved as of the time the Committee on Rules considered and passed out this rule. After the rule was passed by our committee, they were able to resolve some of these differences, and the amendment that we are presenting today reflects the agreement that they were able to reach. There is absolutely nothing inconsistent with this procedure that we have followed with what we have done in previous appropriations bills. Once again, what is being included is a result of agreement worked out between the appropriators and the authorizers. We have had similar waivers for every other appropriations bill that has come before this House so far this year.

Let me say one other word. That is about the 13(c) provision. What we are attempting to do is simply allowing the House the opportunity to discuss this measure. We believe it is important that the House discuss this measure now, as the outcome of the debate on 13(c) will have a definite impact on funding requirements for transportation throughout our Nation. The waiver in the rule protects language in the bill that repeals section 13(c) of the Federal Transit Act regarding labor issues. Under this open rule, Members are allowed to offer amendments affecting the provision, allowing for consideration by this House and for vote by the entire membership.

Madam Speaker, I yield 3 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the Committee on Transportation and Infrastructure.

Mr. SHUSTER. Madam Speaker, I rise in support of the substitute rule being offered today. I had gone to the Committee on Rules and requested that several items that are legislative in nature and therefore would be violations of rule XXI, that they not be protected from points of order. The original rule acceded to my request on these items. Since that point we have had several discussions with the leadership on some of the items of concern and have reached an accommodation.

I am pleased to say in the report that I will be allowed to raise points of order against two legislative provisions, and I intend to do so: the central artery language, and appropriations for the Safe Communities Program, which is unauthorized.

In addition, unauthorized transit projects, as well as the national driver register, will be made subject to an authorization in a House-passed bill. This is essentially what I have been requesting, and this protects the integrity of the House rules, as well as the prerogatives and jurisdiction of the authorizing committee.

In addition, we have been able to reach accommodation on legislative language relating to the Hot Springs Airport. The substitute rule does not grant my request to leave unprotected the repeal of section 13(c) of the Federal Transit Act, as well as a related provision concerning arbitration of disputes in the National Capital region. I understand that these are leadership initiatives, and I support the leadership on protecting these provisions.

Madam Speaker, therefore, I urge support for the substitute rule.

Mr. BEILENSON. Madam Speaker, I yield 4 minutes to the gentleman from Texas [Mr. COLEMAN], a member of the Subcommittee on Transportation of the Committee on Appropriations.

Mr. COLEMAN. Madam Speaker, let me say at the outset, and I should say also to my colleague from Pennsylvania, we have problems certainly on this side of the aisle with this particular amendment to the rule being brought to the floor of the House. It is a break with tradition, certainly. Let me just say, I was handed 2 minutes ago this Waldholtz amendment. We have had days to go before the Committee on Rules, yet they cut some kind of deal behind closed doors.

I do not understand why we wanted the public not to take a part in the rules process. What happened in the negotiations? Who was in them? I do not know. Who said what? We do not know. I was told just a minute ago by the chairman of the Committee on Transportation and Infrastructure, the authorizing committee, that the chairman of the Committee on Appropriations was involved in negotiations. That is interesting. The public does not know that, do they, unless we just take their word for it? We do not know what was said in there. I think this is a terrible way to do business.

On their side of the aisle they started out this session of Congress by clamoring for openness, telling us how we are going to change all these kinds of things, and yet here we are, breaking with the tradition of the House and amending a rule on the floor. They could go back to the Committee on Rules in open public debate and discuss what they are doing, but they do not want to do that.

Last week we amended the Interior appropriations bill to limit debate. I think there might have been some ability on the part of everyone to understand that process, but to do this this way is ridiculous. Let me tell the Members some of the things they protected and did not protect. That is why this rule ought to be defeated. Let me tell Members what this new amendment to the rule protects.

As Members may or may not know, there are 13 transit projects that we determined in our Subcommittee on Transportation, 13 transit projects that had not been authorized by the authorizing committee. Yet, the chairman, a Republican, the gentleman from Virginia, FRANK WOLF, decided nonetheless we should fund these. Our side of the aisle agreed that yes, many of these are ongoing, many of these are planned, and we should fund them, but in order to fund them, you have to protect them under the rule.

The chairman of the authorizing committee went to the Committee on Rules and said, "Do not protect unauthorized legislation," we will get an authorization for these that we think are valid and ought to be authorized. Sure enough, the Committee on Rules, in open public debate, agreed. They said, "You are right, we should not appropriate these unauthorized projects." We all accepted that.

Let me say to the Members, there were 15 or 20 Members of Congress that did not like that, but it was probably the right thing to do. I congratulate the Committee on Rules for doing it. However, hold the phone, wait a minute, we now have an amendment here on the floor that I got to see 2 minutes ago, not in front of the Committee on rules, not open to public debate, not written about, permitted to be written about by the media. Here it is, right here. I got to see it just 2 minutes ago. Wait a minute, have we had a public debate on the Committee on Rules on this issue? No.

Let me tell the Members what they do. Let me tell Members about these 13 projects. These are just an example of what they did. Let me tell about these 13 unauthorized projects, as we were told. They protected Canton-Akron-Cleveland Commuter, $6.5 million. We cannot strike it on a point of order. Wait a minute, we have got to go to the authorizing committee on DART North Central, DART Dallas-Fort Worth RAILTRAN, Miami-North 27th Avenue, Memphis Regional Rail, New Orleans Canal Street, Orange County Transit Way.

Hold it, wait a minute. We are going to protect St. Louis—St. Clair extension. No, the Puerto Rico issue is going to have to be authorized again. Tampa to Lakeland Whitehall Ferry Terminal, Wisconsin Central Commuter; hold it, we are going to protect Pittsburgh Airport, phase 1, $22.630 million.

We are picking and choosing in this amendment, already picking and choosing? Let us not make any mistake about it, when we vote, when we vote today in a few minutes, or whenever it is that the determination is made to vote on the previous question, a motion can be made by the author, the gentlewoman from Utah [Mrs. WALDHOLTZ], when we have the opportunity to vote on this particular motion, what happens is that we self-enact these.

Madam Speaker, it is my understanding that the Republicans are going to break with the tradition of this House and substantially amend a rule on the floor. I say it is my understanding, and not that I know, because I have not been consulted on this issue. It is not that I haven't been available. We were all here late into the night. I spent most of yesterday and this morning in committee with my colleagues on the other side. My staff has reached out to theirs and still not even a word to advise or counsel. That does not make for a family friendly schedule either for myself or my staff.

Last week, we amended the rule governing debate on the Interior appropriations bill to limit debate. This was done with the consultation of the ranking Democrat of the Appropriations Committee. I have consulted with many Members with more tenure than I and all agree that amending a rule is without precedent in modern times. Because it was for the good of the consideration of that bill and was limited to time restrictions, Democrats agreed.

I understand the frustration those on the other side must feel on the slow process of open rules. I too am frustrated. Long did Members across the aisle object when the Democratic majority wrote rules on appropriations bills limiting debate and in those instances where we felt an immediate need, protecting certain provisions from points of order. I do not wish to mislead anyone. When we were in charge, we tried to cultivate rules which allowed a reasonable amount of time for debate, but yet provided guidelines so that the appropriations process moved along at an efficient pace. However, the amendment that the majority is going to offer today does not limit debate. It substantially changes the rule. This is a dangerous precedent and frankly I am surprised that a leadership that prides itself on open rules and open debate would go behind closed doors after the legislative process had worked in the open, then cut a deal significantly changing the rule. You could have returned to the Rules Committee, pleaded your case again, and asked for a second rule, but that would have required a 1-day layover on the rule and we couldn't wait 1 day—even though it would serve to preserve the integrity of the House and of the legislative process. Also it would have been open to the public.

The frustration over the pace of the appropriations bill on the floor is no reason to set new precedent in this Chamber and move to substantially amend a rule on the floor, because a few, albeit influential members, did not get their way in the Rules Committee. The reason we have the Rules Committee is so that the competing interests of all Members may be heard when setting the parameters of debate. That is what we did on this bill. All the Members interested in shaping the rule went to the committee and pleaded its case.

No one got everything they asked for and a few Members were unhappy with the rule. So what did the leadership do? It went behind closed doors to draft an amendment changing the rule. In this case, the leadership not only blocks the constructive input of the minority, it suffocates the will of a significant portion of majority Members.

I am disappointed that the majority has chosen to do this on the transportation appropriations bill. This is one of the few appropriations bills both sides agreed would move through with little rancor. While not completely enamored with the bill, I had conceded several times in testimony and in conversation to Members that Chairman WOLF had dealt with the bill in a fairly evenhanded manner—until now.

What does the Republican amendment do? Well, that's a good question and until just a few minutes ago I didn't know for sure. This amendment that Republicans will offer at some unknown point, will reverse the decision of the Rules Committee and rewrite major labor laws. It does not strike the ability to attach the line-item veto to this bill—legislation which has already passed this House and which we are supposed to go to conference with the Senate on who does not agree with our approach. Again, that is why we have the deliberative process. The leadership has said that it did not want to bog down the appropriations process with authorizing legislation. That is what allowing this provision to remain does.

Adhering to the procedures of the House, I testified before the Rules Committee and asked that three legislative items not be protected in the rule. Two of those items repeal labor protection provisions—section 13(c) collective-bargaining rights and arbitration standards for the Washington Metropolitan Area Transit Authority, a matter never discussed in our subcommittee. I also asked the Rules Committee to make in order my amendment to reform instead of repeal one of the provisions, section 13(c) if they protected its repeal. The Rules Committee, which is comprised of nine Republicans and four Democrats, did not protect the two labor provisions as requested by the chairman of the subcommittee, allowing opponents to strike these ill-advised provisions. This amendment—crafted behind closed doors and without precedence on the House floor—reverses that decision.

We all agree that section 13(c) needs to be reformed. However, as demonstrated by the close 23-to-25 vote my reform amendment experienced in the Appropriations Committee, there is no consensus on this issue. I believe this issue is better left to the authorizing committees and the Department of Labor. Repealing section 13(c) is an attack on the collective-bargaining rights or our Nation's 200,000 transit workers. I understand that the chairman believes that repeal of section 13(c) will somehow help to compensate for the disproportionate reduction in funds that transit took in this bill.

Section 13(c) is intended to assure that the distribution of Federal grants to local transit systems does not harm transit workers and that employee issues arising out of Federal transit grants are properly addressed through collective bargaining. In its 30-year history, 13(c) has provided a remarkable measure of labor-management stability in an industry that has experienced unprecedented growth and change. In urban, suburban, and rural communities alike, 13(c) has provided an effective system for transit systems to manage significant changes without harming employees.

For those of us who are genuinely concerned about the delays attributed to the 13(c) program, striking the repeal or allowing my amendment would have allowed the Department of Labor a reasonable amount of time to process the 13(c) applications. The Department of Labor has moved to address concerns about the time it takes to certify some labor agreements. On June 29, the Department published in the Federal Register substantive revisions to the 1978 guidelines which will leave in place the important employee protections, but will establish strict timeframes for the certification of protections in a more expeditious and predictable manner. Under these proposed rules, DOL certification permitting the release of funds will occur within 60 days.

I have heard from literally thousands of the transit workers who will be effected by this repeal. Workers from Dallas, TX; Orange County, NJ; La Mesa, CA, and elsewhere. They all share the same sentiment "please don't take away the assurance of collective bargaining." Collective bargaining was created so that disruptions in labor caused by Federal grants could be dealt with in a manner fair for management and labor. This amendment to the rule protects the repeal of section 13(c) making it impossible for me to offer a reform amendment.

The third provision I requested not be protected, but the Rules Committee did protect from a point of order is a section in the bill forcing DOT employees receiving workers compensation who are eligible to retire should retire. Sounds good on the face of it. However, what the bill and report don't tell you is that substantial numbers of these retirees are disabled. They have been receiving workers compensation for several years. When you receive workers compensation, no money is credited toward the retirement system. Therefore, if you were an Air Traffic Controller who had 5 years of Federal service before becoming totally disabled for work in 1976, you would be eligible for the minimum retirement annuity—$130 month. This is drastically less than wage-loss benefit under the present system. How do you expect a disabled Federal employee to live on $130 a month?

Unfortunately when the doors were closed and member's projects were being protected, the disabled Federal employee was not.

We will probably not have a lot of time before the vote against the previous question. As demonstrated by the fact that we just received the amendment, the majority does not want these substantive changes to the amendment aired on the floor of the House. I urge my colleagues to vote "no" on the previous question so that we can restore reason and fairness to the process.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from Montana.

Mr. WILLIAMS. Madam Speaker, I just entered the Chamber. Did I hear the gentleman say that the list of projects that he was holding are unauthorized?

Did I understand correctly that that list that the gentleman is holding is of unauthorized projects, projects that this House or Senate have never authorized?

Mr. COLEMAN. That is right. The Republican Party said at the outset, the day we were swearing in our new Speaker, that we were not going to do those kinds of things.

Mr. WILLIAMS. If the gentleman will yield further, will the House have the opportunity to vote to accept these projects separately or collectively? Will we have a separate vote?

Mr. COLEMAN. Absolutely not. They have protected these projects. There is nothing Members can do about it, even if they are unauthorized. They made exceptions very specifically for certain of the projects that they wanted to accept. I just think this is doing something we should not do.

There is nothing wrong, let me say to my colleagues on the other side of the aisle, they know this, we know this, there is nothing wrong with going to the Committee on Rules and getting a rule they want, but can we not at least have a debate on these as a matter of fact? We do not have that. I do not understand all the rationale for the ones Members protected and did not protect. Is the public not entitled to know? It is taxpayer money, is it not? Of course it is. Do not tell us you cannot do that.

Madam Speaker, I think it is time that we understand what this amendment does, so I say to the Members, be careful when you vote. I am going to ask Members on both sides of the aisle to be absolutely careful when they vote on making the decision on making the previous question. The correct vote will be "no."

Mrs. WALDHOLTZ. Madam Speaker, I yield myself such time as I may consume.

I think it is important that we let the public know exactly what happened and how this rule came about. On Wednesday, the Committee on Rules passed out a rule that failed to protect, deliberately, by design, a list of projects that are unauthorized, because the appropriators and the authorizers had been unable to agree that they should be included. Accordingly, these projects that the gentleman has referred to were not included for protection in the rule, meaning that they would be subject to a point of order on the floor; that therefore, it would be not in order to allow them to be discussed, and that Members of this House would not be able to have a vote.

□ 1100

On Thursday, Madam Speaker, the gentleman from Pennsylvania [Mr. SHUSTER] and others met and were able to reach further agreement. They agreed that these projects should be allowed to be discussed on the floor of the House. Amendments to knock these projects out are certainly in order, and such amendments have already been prefiled, but they agreed that the Members of this body ought to have the opportunity to discuss them.

Once again, Madam Speaker, let me stress that unauthorized projects have been included for discussion in every appropriations bill that we have considered this year. But it has only been done where there has been agreement between the authorizers and the appropriators, and such agreement was reached on these projects yesterday.

There has been some intimation that somehow this was a secret. In fact, Madam Speaker, I explained this rule in great detail to the Legislative Digest late yesterday afternoon. I explained to them exactly what we had done on these mass transit projects. I explained to them exactly what we had done on the 13(c) requirement. There is nothing that has been kept secret in any way here.

This has been discussed with the news media. I assume they published their reports. If not, that is something over which we have no control.

Again, let me stress at the time the rule was passed out of the committee there was disagreement between the authorizers and the appropriators as to whether they should be considered. After the rule was passed out, they were able to come to an additional agreement.

It is interesting, I think, to note that the two projects about which the gentleman has raised the most objection are included for Members on his side of the aisle. The St. Louis metrolink project is a project in the district of the gentleman from Missouri [Mr. GEPHARDT]. The Pittsburgh Airport phase 1 is in the district of the gentleman from Pennsylvania [Mr. MASCARA].

We are not picking and choosing, Madam Speaker. We are not favoring one party over another or members of one committee over members of another. We are treating all similarly situated projects the same.

The projects on this list have not been authorized. There was disagreement. The agreement was reached that we could consider them, but, as this rule reflects, these projects will be subject to authorization by the House.

We have two opportunities to review these projects, one in the appropriations process and one in the authorization process. We are not picking and choosing, Madam Speaker. We are allowing the Members of this House the opportunity to discuss these items, to make amendments to determine whether we want to fund them or not, all in accordance with the protocol that has been followed throughout this appropriations process.

Madam Speaker, I reserve the balance of my time.

Mr. BEILENSON. Madam Speaker, I yield 3 additional minutes to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Madam Speaker, the gentlewoman is talking about last Thursday. That was last night. We were in session last night until about 11. The amendment I have got is dated July 21, 10 a.m. That is today. That is about an hour ago. I think that that is not the way we ought to legislate.

She says it is not done in secret. I guess not. America has had 62 minutes to find out what is in your amendment.

Let me just also say to the gentlewoman that last week, in dealing with another amendment to a rule, we did it for limiting debate. This is different. I hope the Members will recognize that it is different in casting their vote today.

Adhering to the procedures of the House, I testified as a Member of the minority before the Committee on Rules and asked that three legislative items not be protected in the rule. Two of those repeal labor protection provisions, section 13(c) of the collective bargaining rights and arbitration standards for the Washington Metropolitan Area Transit Authority, a matter never discussed in our subcommittee.

I also asked the Committee on Rules to make in order an amendment if they decided, like your amendment has decided this, to not protect the repeal of 13(c) since it is legislation. Your decision is, no, no, you are not going to be able to reform it.

I asked the Committee on Rules, please, if you are going to protect it, at least let me have an amendment that would reform it and not completely repeal it. But your amendment does not allow me to do that because you are not the Committee on Rules.

I hope you understand that what you are doing with this amendment is cutting off our rights in the minority. A lot of us think that that is not the way that we ought to be legislating.

Mr. WILLIAMS. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from Montana.

Mr. WILLIAMS. I appreciate the gentleman yielding.

Madam Speaker, the gentleman and I have been here for a number of years. I have been here for 17 years. I have listened during all of those years to a Republican marketing effort to try to convince the American people that the former Democratic leadership, whether it was Tip O'Neill, Tom Foley, Jim Wright, or whoever was corrupt, corrupt in part because they would not allow Republicans an up-and-down vote on major issues. They constantly repeated the misrepresentation that we had gag rules. Since I have been here, not one time, count them, not once have the Democrats used this kind of a stealth process to protect pork. Not once.

Mr. COLEMAN. Reclaiming my time, if I might, just in closing, I would urge all Members to understand that on the motion to recommit that is going to be made by the gentlewoman from Utah, we need to be together, those of us who believe on both sides of the aisle that this procedure and this procedure is wrong, we should vote no. Let us permit the Committee on Rules to write a rule that the Committee on Rules is charged with writing.

Mrs. WALDHOLTZ. Madam Speaker, I yield myself such time as I may consume.

Let me simply point out that, under the rules, the gentleman will have an opportunity to move to strike the provision on 13(c). So the gentleman will get an up-or-down vote on whether or not to repeal this particular provision. If the motion to strike is successful, then we will go back and be able to review this for the authorizing process. So there is an opportunity for the gentleman to strike this provision under the rules.

Madam Speaker, I yield 4 minutes to the gentleman from Florida [Mr. GOSS], my colleague on the Committee on Rules.

Mr. GOSS. Madam Speaker, I thank the gentlewoman from Utah for yielding me this time. I want to commend her for the excellent job she is doing handling this rule. As a veteran on the Committee on Rules with some very good battle scars of my own from managing the transportation appropriations bill the last couple of years, I very well know the challenges posed by this particular bill and the difficulty coming up with a fair formula that keeps everybody happy and addresses every Member's concern. It is a virtual impossibility.

Traditionally, this bill, perhaps more than others, has highlighted the tension that exists between the appropriators and the authorizers; and, frankly, that is what we are seeing played out here, some of that tension, and I know it is a frustrating process.

The budget process is supposed to work so that the authorizers set the policy decisions which are supposed to be agreed upon by the Congress before the money is spent. That makes sense.

The reality is that we seldom complete our authorizing work before the appropriations cycle begins and, as a result, we end up with spending bills that are filled with programs that have not been authorized and legislative provisions that in a perfect world probably should not be there but nevertheless are important in the Nation's business, which seems to have a higher priority, I think, and most do, than the exactness of our rules as long as our rules are free and fair, which is what we are trying to do.

Let me be clear. This is not the fault of any one committee or any one chairman. This is the fault of a budget process that has gotten, in my view, much too complex, somewhat unworkable and probably not up to the task in our current fiscal and political environment that we have.

The Subcommittee on Legislative and Budget Process of the Committee on Rules, working with our counterpart, the Subcommittee on Rules and Organization of the House, both these subcommittees together have begun holding hearings on the larger question of reforming the budget process. Of course, the Committee on Government Reform and Oversight and the Government Resources and the Committee on the Budget are involved in this as well.

Perhaps next time we have a transportation appropriations rule on the floor we will actually have some of these systemic problems resolved and reduce some of the tensions.

With regard to this specific rule, I think the gentlewoman from Utah has spoken terribly well to the issues that are out there and what has happened. I think we are up to date, and I think she is absolutely right. There will be a fair chance to deal with these issues.

I think the Committee on Rules has tried to develop a fair product that respects the wishes of the authorizers to the greatest extent possible, which is a guiding principle because of the situation between the appropriations cycle and the authorizing cycle. But we also want to assure that the hard work that the Committee on Appropriations has done in making the very tough spending decisions they have got to make as we get on the balanced budget glide path, we have got to preserve that work, too.

This is an attempt to balance that, and I think it does pretty well. It contains necessary waivers in order to allow the process to move forward to the point it has been negotiated as we get to this part of our calendar.

Madam Speaker, to my colleagues still concerned about our commitment to bringing forward a deficit lockbox that works, and I mention this because there has been a great deal of interest in it specifically, I remind the folks that are interested in a deficit lockbox that works that our Rules Committee in fact yesterday marked up a bill and we are hoping to keep it on track and bring it up to the floor for next week.

We think we have got a pretty good device that is going to work pretty well. It is simple and it is flexible.

Finally, I think this particular rule is written to send a strong signal to the other body that we are serious about our version of the line-item veto which we think very much is the version that will work.

Madam Speaker, I urge support of the rule. Once again, I want to congratulate the gentlewoman from Utah for her professional way of handling this. She has described it exactly correctly, and there is ample opportunity for everybody to get a vote on these issues as we go through the total cycle.

Mr. BEILENSON. Madam Speaker, I yield 2 minutes to the gentleman from Utah [Mr. ORTON].

Mr. ORTON. I thank the gentleman for yielding me the time.

Madam Speaker, I rise in opposition to the rule for the reasons stated, that it is protecting many pork projects.

This simply shows the additional need for the line-item veto. I am concerned, however, that the Speaker has stated "line-item veto bites the dust," or "we won't get to it this year," as quoted in the Washington Times. The gentleman from New York [Mr. SOLOMON] is even quoted in the Times saying, "Perhaps the best thing is to wait until fall when the budget is finished. There's no sense in going through with it now."

I rise to commend the Committee on Rules for allowing either the gentleman from New York [Mr. SOLOMON] or the gentleman for Pennsylvania [Mr. CLINGER] to offer what is in effect my amendment, to attach the line-item veto to the transportation appropriation bill.

On Wednesday the gentleman from South Carolina [Mr. SPRATT] and I came before the House Committee on Rules with an amendment to apply the provisions of H.R. 2 to this bill. H.R. 2 was the line-item veto bill which passed the House in February with an overwhelming margin of 294 to 134.

I also announced my intention to offer an amendment to apply the line-item veto to each and every appropriation bill remaining.

I am both pleased and amused to see that the Committee on Rules in direct response to my proposal has taken my idea and adopted it as their own. After all, imitation is the sincerest form of flattery.

During debate on this bill, I will be supporting the Solomon-Clinger line-item veto amendment, which is in reality the Orton-Spratt amendment. However, pride of authorship is not what is important here. Getting line-item veto back on track is the issue.

Enactment of this amendment is not an empty exercise. We have embarked on this campaign because I am disturbed by the previous statements of the Speaker reported in the press. Some have speculated the demise of line-item veto is due to a reluctance of the Republican Congress to give this power to a Democrat President. Others ascribe this to an honest disagreement between the House and Senate.

Either way, it is my strong belief that there is no reason not to apply line-item veto to additional spending bills this year.

Madam Speaker, I strongly support the line-item veto. Last year I led the fight to get this bill on the floor. This year I voted for it. It is my belief the taxpayers should not suffer from congressional inaction on this issue. Every bill we pass that is not subject to line-item veto means millions and potentially billions of dollars of unnecessary spending that we will not cut.

Madam Speaker, I rise in strong opposition to the resolution for the reasons stated by my colleague from California. This rule protects specific pork barrel projects from points of order. These are spending projects which have not been considered, debated, or authorized by the Transportation Committee and this body will not have the opportunity to eliminate them from this appropriation bill.

Does it seem hypocritical to anyone to adopt a rule which protects specific pork barrel projects and in the same rule allow an amendment to provide the President with line-item veto authority to veto those same pork barrel projects? Where is the reponsibility in such a rule? Wo unto the credibility of the Congress if we adopt this rule to protect our pork and then rely on the President to make us responsible by vetoing line items of pork from this legislation.

While I oppose this rule, I do support the amendment to apply line-item veto to this legislation. In past weeks I have become very concerned over the delay in adoption of the line-item veto. On June 7, 1995, in a Washington Times article entitled "GOP Puts Line-Item Veto on Slow Track," Chairman SOLOMON is quoted as saying, "Perhaps the best thing is to wait until fall when the budget is finished. There is no sense in going through with it now." Then on July 13, 1995, in the Washington Times article entitled, "Line Item Veto, Product Liability Issues Bite the Dust:" Speaker GINGRICH is quoted as saying, "My sense is that we won't get to it this year."

Madam Speaker, I commend the Rules Committee for allowing either Representative SOLOMON or CLINGER to offer what is in effect my amendment to attach line-item veto to the Transportation appropriations bill, H.R. 2002.

On Wednesday, Representative JOHN SPRATT and I came before the House Rules Committee with an amendment to apply the provisions of H.R. 2 to this bill. H.R. 2 was the line-item veto bill which passed the House in February by an overwhelming vote of 294 to 134. I also announced my intention to offer an amendment to apply line-item veto to each and every appropriations bill remaining for consideration this fiscal year.

I am both pleased and amused to see that the Rules Committee, in direct response to my proposal has taken my idea and adopted it as its own. After all, imitation is the sincerest form of flattery. During debate on this bill, I will be supporting the Solomon-Clinger line-item veto amendment, which is in reality the Orton-Spratt amendment. However, pride of authorship is not what is important here, getting line-item veto back on track is the issue.

The enactment of this amendment is not an empty exercise. I have embarked on this campaign because I am very disturbed by recent statements by the Speaker and others reported in the press that line-item veto may be dead for this year. Some have speculated that the demise of line-item veto is due to a reluctance of a Republican Congress to give this power to a Democrat President. Others ascribe this to an honest disagreement between the House and Senate. Either way, it is my strong belief that there is no reason not to apply line-item veto to individual spending bills this year.

Madam Speaker, I am a strong support of line-item veto. Last year, I led the fight to get this bill to the floor of the House. This year, I voted for final passage. It is my belief that the American taxpayer should not suffer from congressional inaction on this issue. Every bill we pass that is not subject to line-item veto means millions and potentially even billions of dollars of unnecessary spending that will not be cut.

Finally, while I am pleased that the Solomon-Clinger amendment has been made in order, I hope that this will not be merely a one-time symbolic effort to express the importance of line-item veto.

While Speaker GINGRICH and Majority Leader DOLE may have given up, I have not. And this House cannot abandon our strong bipartisan effort to enact line-item veto for the President of the United States, regardless of his or her party affiliation.

If we are to succeed in that effort, we must put maximum pressure on both Houses of Congress to come to agreement. We should apply line-item veto individually to each and every bill we send over to the other House. I pledge to continue the struggle to do so, and ask for the support of every Member of the House in this effort.

Mr. BEILENSON. Madam Speaker, I yield 4½ minutes to the distinguished gentleman from California [Mr. MINETA], the ranking member of the authorizing committee.

Mr. MINETA. Madam Speaker, I rise in very, very, very strong opposition to this rule and urge a "no" vote on the previous question.

There are two reasons for my opposition. First is the substance of the legislation that we are dealing with. Second, because of the process.

□ 1115

Now, there are many areas of concern in this rule and in this legislation. One of the areas I would like to point out is the area of my concern about section 13(c) of the Federal Transit Act.

As Members know, at the request of the authorizers, the Committee on Rules reported out a rule that did not, did not, protect points of order with respect to the repeal of section 13(c) in the Department of Transportation appropriations bill.

As part of that request, we had also asked that if the section 13(c) repealer were protected, that the rule make in order an amendment to be offered by the gentleman from Texas [Mr. COLEMAN] on 13(c).

What we have in this rule is the worst of both worlds; the 13(c) repealer is protected from a point of order and a reform amendment is not made in order.

Madam Speaker, this rule is not fair. As Members know, a repeal of section 13(c) could adversely affect the jobs and lives of hundreds of thousands of transit workers across the country.

As the ranking Democratic member of the Committee on Transportation and Infrastructure with jurisdiction over this issue, I am particularly opposed to the use of an appropriations bill to make such sweeping legislative changes affecting so many transit employees and their families in so many cities.

An issue of this magnitude should move through the normal legislative process with hearing, markup, and consequent floor action spearheaded by the authorizing committee and not tucked away in the deep recesses of an appropriations bill.

This problem is further compounded by failing to make in order a reform amendment that could have been offered and should have been offered by my colleague from Texas, Mr. COLEMAN, relative to 13(c).

Mr. COLEMAN. Madam Speaker, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from Texas.

Mr. COLEMAN. Madam Speaker, that is just the one point I wanted to make. When the gentlewoman from Utah [Mrs. WALDHOLTZ] stood up and said they can offer a motion to strike it, there are a lot of Members on both sides of the aisle that think there is a middle ground, that we do not have to do an either/or; we either have the 13(c) or we do not.

A lot of us, including the Secretary of Labor, including, by the way, the promulgation of rules that was announced on June 30th, agree that there ought to be a middle ground by which we can get reform of 13(c); not an either/or, take-it-or-leave-it like the gentlewoman's amendment to the rule causes us to do.

Madam Speaker, I am just going to say, the amendment of the gentlewoman from Utah precludes us from that middle ground. We cannot offer it.

Mr. MINETA. Madam Speaker, reclaiming my time, it is only fair that if a provision repealing a program is protected, that we be given an opportunity to offer an amendment which would reform the program, as our colleague from Texas has just indicated, and make its repeal unnecessary, especially when such a reform amendment almost prevailed, almost prevailed, at the Committee on Appropriations by a 2-vote margin.

Now, the second reason I am in opposition, the process is outrageous, because what we have is the ability to file a rule, let it lay overnight so that Members are able to see what the rule is. But in this instance, they filed a rule and now by stealth have an amendment coming to us to amend the rules.

Now, which amendment are we going to talk about? The 1 a.m. Waldholtz amendment of July 21, or are we talking about the 10 a.m. July 21 amendment? To me, this is outrageous that this kind of process is taking place with the use of the Committee on Rules to abrogate the legislative process.

Mrs. WALDHOLTZ. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, let me respond to the concerns expressed first on the line-item veto amendment. When the gentleman from Utah [Mr. ORTON] and the gentleman from South Carolina [Mr. SPRATT] came to the Committee on Rules, we agreed that this was an appropriate time for this House to reaffirm publicly its support of the line-item veto that was passed by this House on February 6.

But I need to point out that the amendment offered by the gentleman from Utah [Mr. ORTON] was not the same text as passed by the House on February 6. The Orton amendment did not include authority for the President to veto targeted tax benefits. Those are special tax provisions intended to benefit 100 people or less.

The amendment in order under the bill, however, consisting of the text of H.R. 2 itself, was already agreed upon and voted on and supported by this House in February. Making the amendment in order under the rule allows the House the opportunity to once again express our support, with the identical text, including line-item veto for these targeted tax benefits.

Addressing once again the 13(c), let me stress, Madam Speaker, that the way the rule is now constructed allows us to vote on repeal of 13(c) and allows those who want to continue this program to move to strike. We will have an opportunity to vote on whether or not this program should continue. If there is sufficient sentiment in this House that this program should continue, then we can go through a process of debate and consideration of necessary reforms through the authorization process. But we believe it is appropriate first to find out whether there is enough support in this House for the continuation of this program.

With that, Madam Speaker, I yield 1 minute to the gentlewoman from California [Ms. HARMAN].

Ms. HARMAN. Madam Speaker, I thank the gentlewoman from Utah [Mrs. WALDHOLTZ] for yielding, especially since she knows I rise in opposition to this rule.

The reason I am opposed is because once again the lockbox is not included. However, I would like to say to the gentlewoman, and to the other Republican and Democratic members of the Committee on Rules, how pleased I was that yesterday, finally, a lockbox bill was reported with bipartisan support. Now the question is when will the House consider it?

This is the lockbox. It is still empty. We have disposed of five appropriations bills. We will dispose of the agriculture bill later today. That is six. Now we are considering a rule for the transportation bill that excludes a lockbox amendment.

We have made over $200 million in cuts so far this year; cuts which will not go to deficit reduction. I know the gentlewoman from Utah joins me, as do many of our other colleagues, in feeling that it is far past time to have the lockbox enacted into law. Let us do it quickly and let us get on with reducing the deficit, which the American people demand.

Mr. BEILENSON. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. BONIOR], the Democratic whip.

Mr. BONIOR. Madam Speaker, let me if I could put this debate, as it revolves around 13(c), into some perspective. The radical, extreme leadership on the Republican side of the aisle has decided, once again, that it will engage in class warfare against working people in this country.

Since 1979, 98 percent of all new income in America was generated by the top 20 percent of America. The other 80 percent stayed even or fell below what they were receiving. The largest employer in America today is not IBM or GM; it is temporary manpower services. The difference between what the average CEO in America makes and the average worker is 150 times more in salary; the average CEO makes 150 times more.

What we have here in this rule is an attempt to shut out literally tens of thousands of transit workers across this country from engaging in collective bargaining, a further erosion of the right of working people in this country to bargain for a fair day's work.

Madam Speaker, we may think that we are in a third wave. I think we have missed a wave, quite frankly, Madam Speaker. But the work of this country is still done by people who pack a lunch, who punch a clock, and who pour their heart and soul into work every single day and these transit workers are a part of what makes America go and work.

We, on our side of the aisle, feel aggrieved by the fact that we are not getting a chance to engage in this debate. I encourage my colleagues, in conclusion, Madam Speaker, to vote against the previous question so we could have a chance for the gentleman from Texas [Mr. COLEMAN] to offer his reforms and we can protect working people in this country.

Mr. BEILENSON. Madam Speaker, I yield 2 minutes to the distinguished gentleman from West Virginia [Mr. RAHALL], the ranking member of the subcommittee.

Mr. RAHALL. Madam Speaker, I thank the distinguished gentleman from California [Mr. BEILENSON], a member of the Committee on Rules, for yielding time to me.

Madam Speaker, I rise to urge a "no" vote when the previous question is ordered.

On Wednesday, correctly recognizing that it is not appropriate under House rules to allow legislation on an appropriations bill, the Rules Committee issued a rule to govern the Transportation appropriations bill that would not have protected from a point-of-order a provision repealing section 13(c) of the Transit Act.

This provision of law basically insures the collective bargaining rights of over 200,000 transit workers in this country.

On Thursday, however, the same Rules Committee issued an amendment to that rule, an amendment which now protects the section 13(c) repeal language from a point of order.

Now, Madam Speaker, this business of issuing amendments to rules is a relatively new tactic under which all kinds of mischief can be employed. Indeed, even now, most Members probably have only an inkling as to what this amendment includes.

Be that as it may, today I am urging a "no" vote on the previous question so that we will be in the position to offer an alternative rule that would make in order a compromise on the section 13(c) issue.

Indeed, during the Rules Committee hearing, RON COLEMAN, NORM MINETA, and I urged that the section 13(c) repealer not be protected from a point of order. Short of that, however, in the event the rule protected this provision, we asked that a compromise amendment to be offered by RON COLEMAN be made in order.

As I already noted, the original rule accommodated our initial request. The subsequent amendment completely closes us out.

And so, it is only by defeating the previous question that we will have a chance to offer our amendment.

Make no mistake about it. This is an extremely important matter, both substantively and procedurally.

Substantively, the provision repealing section 13(c) included in the bill would sell transit workers across this Nation into slavery.

In one fell swoop, this provision not only repeals a major item in transit law, but runs roughshod over existing collective bargaining agreements.

And this should not be allowed to happen as an amendment to an appropriation bill.

Procedurally, the issue involves fairness, and whether we are now going to allow debate governing major legislation to be dictated by amendments to rules issued in the middle of the night.

Again, vote "no" on the previous question.

Mr. BEILENSON. Madam Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENDENDEZ. Madam Speaker, it is said the devil is in the details and the Transportation appropriations bill has the handiwork of the devil all over it. Today we see the majority's vision for America in its devilish detail. It has a single theme, take from the needy and give to the greedy.

This is a singularly bad bill. The Rules Committee knows this, but the majority leadership is so intent on union busting that they have to amend their own rules. Talk to the Parliamentarians. See how rarely this procedure has been done in the last 60 years. The legislating on this appropriations bill cannot withstand the scrutiny of the normal legislative process so the Republican leadership has to resort to stunts to pass their hidden agendas.

Why are the Republicans so afraid to step forward and say what they intend to do? Tell America the Republicans want to break up unions and drive down wages. Level with the American people that labor is not as important as capital to the Republican Party. That the contributions from road builders and developers are more important for Republicans than the average Joe being able to take the bus or subway to work in the morning. This is a bad bill. Reject the stunts to stifle debate. Vote no on moving the previous question on the rule. Send this horrible bill back and tell the Rules Committee to start over.

Vote against the previous question on the Transportation appropriation bill, and return control of the rule to those who would:

First, allow the Department of Labor and the authorizing committees to determine major labor laws—this includes section 13(c) collective bargaining rights.

Second, as a member of the Committee on Transportation and Infrastructure, preserve mass transit projects in Ohio, Kentucky, Texas, Florida, Tennessee, Louisiana, California, Missouri, Puerto Rico, New York, Wisconsin, and Pennsylvania.

Third, preserve the integrity of the deliberative process of the House of Representatives.

Vote against the previous question on H.R. 2002.

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Mrs. WALDHOLTZ. Madam Speaker, I yield 6½ minutes to the gentleman from Virginia [Mr. WOLF], the chairman of the Transportation Subcommittee of the Committee on Appropriations.

Mr. WOLF. Madam Speaker, I rise in support of the rule. I am not an expert on drafting rules. Frankly, if I were on the Committee on Rules, I would have limited every amendment to 10 minutes on each side.

I think the schedule of this place is totally and completely out of control. All of us are going to be successful in the House, and we are going to fail in our own homes. So I have problems with the Committee on Rules. I think you all are too lenient and you ought to get control of the process so men and women who serve in this body can go home.

Let me talk about the two issues, though, that have come up. The last gentleman spoke. He talked about, and I see him sitting back here, about there is antilabor. It really is not antilabor. I come from a labor background. My dad helped start the Fraternal Order of Police in Philadelphia. I come from blue-collar background. It is not that way.

Let me tell what we are trying to do—13(c) has basically driven up the cost of transit riding. We are trying to get control.

Let me give you an example for Washington, DC. I hope everyone will listen to this. In Washington, DC, the bus drivers make $46,000 a year after 3 years. They make more money than the teachers in the inner city. My daughter, Virginia, taught in the District of Columbia and made about $26,000 a year teaching and as you drive up those costs, what you fundamentally do is you make riding to work more expensive.

Let me give you another example here in the Washington metro area. A single parent living in Vienna drives his or her car to Vienna, pays $2-something to park, had to drop their children at a day care center, then spends $3.25 to come into this inner city, $3.25 to go out. That is $8 or $9 a day. A single parent just cannot do that.

And so this is a protransit rider thing, and I have told the bus drivers in my area, many of whom I represent, that I want to save their jobs because what has actually happened in 7 years, if something like this is not done, there will not be any Metro bus drivers in the Washington, DC, area because in Virginia and Maryland, where the gentlewoman chairing this and I come from, they are doing away with Metro drivers. They are going to DART and Ride On. You have buses crossing in the morning, one making $27,000, $28,000, $29,000, $30,000, the other making $46,000.

We also have bus drivers that are making in the range of $50,000 and $60,000.

So I want moms and dads and people to be able to use mass transit.

Second, I say to the gentleman, I am pro mass transit. I want to keep the operating subsidies up. I do not necessarily agree with everybody in my party. I hope over the years we can keep operating subsidies up.

Third, what we did, and nobody has talked about it, I was in the committee and we were voting, is we allow for the first time under this for transits to be using their operating subsidy, their capital subsidies, to have bus overhauls.

Who is for this 13(c) repeal? Everybody can get up and offer an amendment. What was going to happen, it was going to be basically cheap grace. It could have been knocked out on a point of order.

Now we can have a battle. We may lose or we may win, but who are the people that are for the repeal? The Birmingham Metro Express, the Little Rock, AR, Central Transit, Los Angeles County Metro Transportation Authority, Los Angeles County Board of Supervisors, the Oceanside North County transit district, the Orange County Transportation Authority, there are more, Greater Bridgeport Transit District, Greater New Haven Transit District, Metro in Washington, DC, in Clearwater, Sun Coast Transit Authority, in Illinois the Chicago Regional Transit Authority, in Indianapolis, the city of Indianapolis, South Bend Public Transit Authority, in Nevada, the Regional Transportation Commission, in New Jersey, the Department of Transportation, in Newark, New Jersey Transit, in New York City, the Department of Transportation, in New York City, the Metropolitan Transit Protection Authority, in Buffalo, Niagara Frontier Transportation Authority, in Ohio, the Department of Transportation, in Pennsylvania, Lehigh and Northampton Transportation Authority, Pennsylvania Association of Municipal Transportation, and SEPTA, where I come from, SEPTA in Philadelphia, I used to ride the 36 trolley car in the old PTC to work every day.

This is honest to goodness, and I know there are differences, but this is honestly a protransit vote, and I am not out to hurt the other issue.

When the two things were not protected, the one for the two transits, I would have like to have seen them treated the same way as the other transits. I would have felt, quite frankly, guilty on the floor except for the fact one is the gentleman from Illinois [Mr. DURBIN], and the gentleman from Missouri [Mr. GEPHARDT], and the other is the gentleman from Pennsylvania [Mr. MASCARA].

Since they are both Democratic Members, I do not feel so bad. We try to do something for a Republican Member: Had it been a Republican Member, quite frankly, I would have felt guilty about the rule.

Mr. MENENDEZ. Madam Speaker, will he yield?

Mr. WOLF. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Let me just say in some respects we are together, in some respects we are apart. My point is simply this: I say the reform of 13(c), and I think even the transit unions recognize that the way to do it is not through this process. It is through the authorizing committee. I think that is where the determination should be made, not unilaterally striking down the rights of collective bargaining for these people.

Second, I believe the gentleman when he says he is protransit, and I want to have a transit vote, too, very important to my district, but we are cutting already $310 million for mass transit subsidies. That is not protransit.

Mr. WOLF. We have done others. I have told transit people, go see Senator HATFIELD. I will be glad to work; if you get more in the Senate, I will be very, very sympathetic.

Third, you have a chance to go to your committee. This is what APTA said about the reform bill; APTA said on July 29, after the Department of Labor issued the first proposed rule in more than a decade. The DOL guidelines have now been reviewed by APTA's working group with lawyers who regularly deal with 13(c) issues on behalf of transits. They have concluded the Department of Labor's proposal would bring no substantive changes to the existing 13(c) process. Proposed procedural changes have significant loopholes as to render them meaningless.

I would hope, after we do this, the authorizers would take it and go reform it or repeal it. This is their chance. This is their chance, honestly, I believe, to have a vote on this. There will be a vote for lower transit costs for working people and anyone else who uses transit.

Mrs. WALDHOLTZ. Madam Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. HASTERT].

Mr. HASTERT. Madam Speaker, I thank the gentlewoman, and I certainly thank the folks in the Committee on Rules for giving me a little time.

This is a commonsense approach I think we ought to take. There are reasons why we try make these changes.

Let me relate to you a conversation I had with the mayor of Chicago. The mayor of Chicago, a large city, very much dependent on mass transit, was telling me that the city created an industrial park in the middle of the city. They have cleared out some of the old industrial buildings, built new-type industrial buildings that would fit the needs of the city, but the only thing is the shift change comes in at 2 o'clock in the morning. Now, all of a sudden, there are 40, 50, 60 people that need a ride at 2 o'clock in the morning. The contract with the union bus system says, as to the drivers, they have to keep those drivers on a set schedule all night long. They could not afford to do it, but they were prohibited from going out and contracting with a bus company to pick those people up and take them home at 2 o'clock in the morning.

Now, there are some neighborhoods in Chicago I would not want to be stranded in at 2 o'clock in the morning, but yet because of the rigidity of this piece of legislation, there is no way out. There is no flexibility.

What we are doing, whether it is the authorizing committee or here in the Committee on Appropriations, is trying to find a solution to a problem that exists, a commonsense solution. It is time to do it, and I would ask for the support of the rule and the support of the amendment.

Mr. BEILENSON. Madam Speaker, I yield such time as she may consume to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Madam Speaker, I rise in strong opposition to this particular rule, because it is not reform. It is not. They are repealing instead of reforming. I am opposed.

Madam Speaker, I rise in strong opposition to the rule.

This effort to repeal the 13(c) labor protection program is being sold as a reform, but it is not reform in any sense.

It is—plain and simple—an all-out attack: an attack on collective bargaining—the most basic right of working men and women; an attack on this Nation's 200,000 transit workers, without whom our cities would be gridlocked; and an attack on the procedures of Congress itself.

This deal is an attempt to manipulate and to twist the rules of the House to sneak this change, though the House, under cover and without public input.

Why are they doing this?

They say they are doing it to save money and increase efficiency.

The fact is, the people pushing this amendment are listening to only one side: big transit authorities. The committee listened only to transit managers. They did not even bother to consider the views of transit workers.

Madam Speaker, transit workers are dedicated to their jobs and to the service of the public. They serve people in our society who have few transportation options—poor people who don't have cars and who need public transportation to get to work.

Madam Speaker, the 13(c) program has worked well for over 30 years. It has protected the collective bargaining and job rights for middle-class working people. Under 13(c), the transit industry has greatly expanded and improved efficiency and service. We should support this Nation's transit workers. We should protect collective bargaining rights. We should reform, not repeal section 13(c).

Mr. BEILENSON. Madam Speaker, I yield myself the remainder of our time.

Let me say there was a nice discussion of 13(c) by the gentleman from Virginia. I am afraid it is indicative of what seems to happen to appropriation chairmen around this place. These legislative issues are supposed to be debated and decided by the legislative committees and not by the appropriations committees. They are not supposed to be stuck in the middle of appropriations bills, as this particular one has.

In closing, Madam Speaker, I urge a "no" vote on the rule and the previous question. If the previous question is defeated, we will offer an amendment to the rule which self-executes the Coleman amendment regarding section 13(c) of the Federal Transit Act.

Defeating the previous question will allow us to protect certain provisions of the bill but also allow full and fair debate of the provision protecting the collective bargaining rights of transit workers. That is the only fair and proper thing to do.

Madam Speaker, I am including at this point in the RECORD the amendment which we shall offer. The amendment referred to follows:

AMENDMENT OFFERED BY MR. BEILENSON TO THE AMENDMENT OFFERED BY MRS. WALDHOLTZ OF UTAH TO H. RES. 194

At the end of the amendment add the following new instruction:

At the end of the resolution, as proposed to be amended, add the following new section:

SEC. 3. (a) The amendment printed in subsection (b) shall be considered as adopted in the House and in the Committee of the Whole and shall be considered as original text for the purpose of further amendment under the five-minute rule. Points of order against provisions thereby inserted in the bill for failure to comply with clause 2 or 6 of rule XXI are waived.

Page 53, strike line 1 through 13 and insert the following:

SEC. 343. Subsection (b) of section 5333 of title 49, United States Code, is amended by adding at the end the following:

"(4) The Secretary of Labor shall undertake all actions necessary to certify promptly employee protective arrangements under this section for the purpose of expediting the release of Federal assistance under this chapter. The Secretary of Labor, working with the Secretary of Transportation, is directed to issue in final form by September 30, 1995, guidelines which ensure that protective arrangements with respect to a qualified application for Federal assistance under this chapter are certified within 60 days after receipt of such application from the Department of Transportation".

Madam Speaker, I yield back the balance of my time.

Mrs. WALDHOLTZ. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, to close this debate, let me simply say the Committee on Rules has tried very hard to open up the amendment process for all Members regardless of party affiliation in this Congress.

Madam Speaker, I am inserting in the RECORD at this point a chart that will show in this Congress as of this date 72 percent of the rules that have been offered were open or modified open rules, whereas in the last Congress as of this date only 44 percent of the rules were open or modified.

Madam Speaker, we are trying to keep this amendment process open, and this rule accomplishes that. The Committee on Rules is trying to facilitate discussion of as many issues on the floor of this House as possible, and so this rule reflects the use of the guideline that provides customary necessary waivers where agreement has been reached between the responsible authorizers and appropriators.

This rule is no different in that regard. This rule does not guarantee the outcome of any particular process in this bill, but it does guarantee discussion on items that, without these waivers, would not be able to be brought to the floor of this House.

On 13(c), there is a motion to strike in order, and so if those who want to reform rather than repeal the program have sufficient strength to carry the day on this particular item, then we can go through the reform process in the authorizing process.

The point is, Madam Speaker, this is a rule that will allow us to consider critical funding issues for the transportation and infrastructure needs of our Nation.

I urge my colleagues to support this rule.

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 20, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	36	72
Modified Closed[3]	49	47	12	24
Closed[4]	9	9	2	4
Totals:	104	100	50	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 20, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 20, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95)
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95)
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95)
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95)
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95)
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95)
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95)
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95)
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95)
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. FOGLIETTA. Mr. Chairman, I join with my colleague in opposing the rule which protects a provision of the bill that repeals 13(c). For over 30 years, 13(c) has guaranteed collective bargaining rights to over 200,000 transit employees throughout the Nation. Changing course now would simply paralyze collective bargaining in transit. What that means in real terms is that bus drivers, trolley operators, and other transit workers face cuts in their wages and diminished job security. If you listened to opponents of 13(c) you would think we were talking about Donald Trump's wage and benefit demands. We are not. We are talking about a bus driver who may make $30,000 a year. Or a trolley operator fighting for a full package of health benefits.

These workers should have the protection of the collective bargaining process.

The Department of Labor, transit labor unions, and the Department of Transportation are taking real steps to address the issues. The administrative burdens and the costs of 13(c). They are working to reform 13(c). Let's let that process continue. I can report to you that the back and forth lobbying about this very issue has soured labor relations in Philadelphia which had been positive and productive. Let's defeat this rule.

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MRS. WALDHOLTZ

Mrs. WALDHOLTZ. Madam Speaker, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the nature of a substitute offered by Mrs. WALDHOLTZ:

Strike all after "Resolved," and insert the following:

"That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2002) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. Points of order against consideration of the bill for failure to comply with clause 3 of rule XIII or section 401(a) of the Congressional Budget Act of 1974 are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The amendment printed in section 2 of this resolution shall be considered as adopted in the House and in the Committee of the Whole. The bill, as amendment, shall be considered as the original bill for the purpose of further amendment under the five-minute rule and shall be considered by title rather than by paragraph. Each title shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived except as follows: beginning with the colon on page 20, line 14, through the citation on line 19; and page 54, lines 3 through 24. Where points of order are waived against part of a paragraph, points of order against a provision in another part of such paragraph may be made only against such provision and not against the entire paragraph. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. It shall be in order at any time to consider the amendment printed in part 2 of the report of the Committee on Rules accompanying this resolution, if offered by a Member designated in the report. That amendment shall be considered as read, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

Sec. 2. The amendment considered as adopted in the House and in the Committee of the Whole is as follows:

Page 20, line 13, insert "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)" before the first comma.

Page 27, line 23, insert "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)" before the semicolon.

Page 27, line 25, insert "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)" before the semicolon.

Page 28, line 4, insert "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)" before the semicolon.

Page 28, line 6, insert "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)" before the semicolon.

Page 28, line 8, insert "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)" before the semicolon.

Page 28, line 22, insert "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)" before the semicolon.

Page 28, line 24, insert "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)" before the semicolon.

Page 29, line 4, insert "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)" before the semicolon.

Page 29, line 8, insert "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)" before the semicolon.

Page 29, line 24, insert "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)" before the semicolon.

Page 30, line 2, insert "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)" before the semicolon.

Page 30, line 4, insert "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)" before the semicolon.

Page 30, line 6, insert "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amount provided therein)" before the period.

Page 48, strike lines 5 through 7.

Page 51, strike line 14 and all that follows through line 22, and insert the following:

"Sec. 339. None of the funds in this Act may be used to enforce the requirement that airport charges make the airport as self-sustaining as possible or the prohibition against revenue diversion in the Airport and Airway Improvement Act of 1982 (49 USC 47107) against Hot Springs Memorial Field in Hot Springs, Arkansas on the grounds of such airport's failure to collect fair market rental value for the facilities known as Kimery Park and Family Park: Provided, That any fees collected by any person for the use of such parks above those required for the operation and maintenance of such parks shall be remitted to such airport: Provided Further, That the Federal Aviation Administration does not find that any use of, or structures on, Kimery Park and Family Park are in compatible with the safe and efficient use of the airport.".

□ 1145

Madam Speaker, I yield back the balance of my time, and I move the previous question on the amendment and on the resolution.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on ordering the previous question on the amendment and on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BEILENSON. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that she will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of passage of the resolution.

The vote was taken by electronic device, and there were—yeas 217, nays 202, not voting 15, as follows:

[Roll No. 546]

YEAS—217

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Duncan
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Ganske
Gekas
Gilchrest
Gillmor
Gilman
Goodlatte
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—202

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—15

Bateman
Brown (CA)
Collins (MI)
Cox
Crane
Dreier
Dunn
Gallegly
Goodling
Jefferson
Moakley
Reynolds
Torricelli
Volkmer
Watts (OK)

□ 1211

The Clerk announced the following pair:

On this vote:

Mr. Dreier for, with Mr. Moakley against.

Mr. McNULTY and Mr. McHUGH changed their vote from "yea" to "nay."

Mr. METCALF changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mrs. MORELLA). The question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on the resolution, as amended.

The resolution, as amended, was agreed to.

A motion to reconsider was laid on the table.

□ 1215

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 70, EXPORTS OF ALASKAN NORTH SLOPE OIL

Mrs. WALDHOLTZ, from the Committee on Rules submitted a privileged report (Rept. No. 104–198) on the resolution (H. Res. 197) providing for the consideration of the bill (H.R. 70) to permit exports of certain domestically produced crude oil, and for other purposes, which was referred to the House Calendar and ordered to be printed.

GENERAL LEAVE

Mr. WOLF. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 2002) making appropriations for the Department of Transportation and related agencies for fiscal year ending September 30, 1996, and for other purposes, and that I may be permitted to include tables, charts, and extraneous matter.

The SPEAKER pro tempore (Mrs. MORELLA). Is there objection to the request of the gentleman from Virginia?

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 193 and rule

XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2002.

□ 1217

IN THE COMMITTED OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2002) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Virginia [Mr. WOLF] will be recognized for 30 minutes, and the gentleman from Texas [Mr. COLEMAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the gentle from Texas [Mr. COLEMAN] had made an excellent suggestion where, by using the whole hour, we limit it to half an hours, 15 minutes on each side.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Texas.

Mr. COLEMAN. I have no objection to that.

Mr. WOLF. We will do that and Members can get home earlier.

Mr. Chairman, I will summarize very quickly. The transportation bill we bring to the floor is a good bill. It is balanced. I thank all the members of the committee, and I will not mention their names but they know who they are.

Let me take a few minutes to summarize the bill. It is within the subcommittee's 602(b) allocation in domestic budget authority and outlays. In total, the bill provides $12.6 billion in budget authority and $36.9 billion in outlays.

I would add at this point the budget authority is reduced from fiscal year 1995 levels by $1 billion, and it is fair and balanced.

In order to meet the 602(b) allocation, we have to cut a number of programs. We set priorities. One was in the area of safety and, therefore, we made a special effort there.

After safety, the committee's second priority was to provide continued investment in the Nation's highways and bridges and transit systems, Amtrak, and airports. The bill provides $18 billion for the Federal aid highway program, the highest level in the history of the Nation, and permits the expenditure of all 99 percent of the tax receipts collected by the highway trust fund this year.

For the first time in countless years, the bill contains no special earmarked funds for highway demonstration projects. Rather, the committee has provided an increase of $840 million in the Federal aid highway program which will allow every State to receive additional funds for highway construction than they received.

I would hope then the Governors of these States, since they are getting this extra money, will then take it and apply to it many of the projects that Members of the body were interested in.

Aviation has been funded at $8.343 billion; within that amount is the airport improvement program at $1.6, an increase of 10 percent. The Coast Guard program has been helped at $3.653, and also the gentleman from Florida [Mr. YOUNG], in the defense authorization has also granted us $44 million.

Mr. Chairman, I am going to kind of just summarize and kind of end on that. There are a number of other things. One, we repealed section 13(c), which has driven up the cost of transit riders. That will be an issue we will talk about.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Transportation Appropriations Subcommittee brings to the floor today the fiscal year 1996 transportation appropriations bill. This bill has been crafted after a great deal of hard work and hearings and meetings with Members of the House and with the assistance and cooperation of all members of the subcommittee. We have consulted with the Department of Transportation and the administration as well as other interested parties. Where possible, the subcommittee has included provisions or language to address concerns expressed by these individuals.

I want to thank our Members, Mr. DELAY, Mr. REGULA, Mr. ROGERS, Mr. LIGHTFOOT, Mr. PACKARD, Mr. CALLAHAN, Mr. DICKEY, Mr. COLEMAN, Mr. SABO, Mr. DURBIN, and Mr. FOGLIETTA. Each Member and his staff has worked diligently and hard and the product is as much theirs as it is anyone's.

Let me just take a few minutes to summarize the bill we bring before you today. The bill is within the subcommittee's 602(b) allocation in domestic budget authority and outlays. In total, the bill provides $12.6 billion in budget authority and $36.9 billion in outlays. I would add at this point that budget authority is reduced from fiscal year 1995 levels by $1.0 billion. And most importantly, this bill is fair and balanced.

In order to meet the subcommittee's 602(b) allocation, the subcommittee had to set priorities, and our first priority was to protect programs and initiatives related to transportation safety. This is the primary reason for the Department of Transportation, and it is the Federal Government's responsibility in the transportation area. We must ensure that funding is available to promote and provide for safe transportation systems. This bill does just that.

The committee's second priority was to provide continued investments in the Nation's highways, bridges, transit systems, Amtrak, and airports. The bill provides $18 billion for the Federal aid highway program, the highest level in the history of the Nation; and permits the expenditure of almost 99 percent of the tax receipts collected by the highway trust fund this year. The bill provides the full amount authorized for transit expenditures from the transit account of the highway trust fund, and the bill spends $90 million more than collected this year for aviation programs financed from the aviation trust fund.

For the first time in countless years, the bill contains no special earmarked funds for highway demonstration projects. Rather, the committee has provided an increase of $840 million in the Federal aid highway program which will allow every State to receive additional funds for highway construction than they received last year. This decision represents less Federal intrusion in what should be State decisionmaking and provides a fairer process for the distribution of Federal dollars.

The bill provides $3.653 billion for the Coast Guard which is to be supplemented by an additional $44 million that is included in the defense bill to fund defense-related Coast Guard activities.

Aviation accounts are funded at $8.343 billion. Within that amount, the airport improvement program is funded at $1.6 billion, an increase of 10 percent. After a year where aviation fatalities were the highest in a decade, funds have been maintained or ever added for aviation security and safety-related systems.

Funding for the National Highway Traffic Safety Administration is recommended at levels slightly above last year, recognizing the need for continued funding to address alcohol-impaired driving and occupant protection.

Funding for Amtrak's capital program is funded at the level requested by the administration, $230 million, and operating expenses have been reduced by nearly $140 million. All appropriations for Amtrak are contingent upon authorizing legislation that reforms the National Rail Passenger Corporation.

But, as I mentioned earlier, difficult choices had to be made and for each increase over last year, reductions in other areas had to found. Funding for operations of several important agencies and grants for Amtrak and transit operating assistance have been reduced in order to stretch our transportation dollars as far as possible.

A number of programs have been eliminated, including local rail freight assistance, highway demonstration projects, Penn Station Redevelopment, and various smaller Coast Guard, FAA, and highway programs. The Interstate Commerce Commission is terminated on January 1, 1996.

Fifteen million provided for essential air service through a new Federal-State-local partnership that requires a 50–50 match by the State or local entity. This level represents a reduction of 55 percent.

Funding for administrative functions of the Department of Transportation have been reduced from last year's level in many cases. A reorganization of the Department's extensive field structure is directed, saving $25 million this year.

And transit operating has been reduced from $710 million to $400 million, $100 million below what the administration requested. To mitigate these reductions, however, the bill contains two provisions that will allow transit agencies the flexibility to reduce their costs and accommodate reductions in Federal operating assistance without reducing services or increasing fares. First, the bill repeals section 13(C) of the Federal Transit Act. Many transit agencies have informed the committee that the labor protections provided under section 13(c) are costly, outdated, burdensome, and impede innovation, efficiency, and growth of transit services. Second, the bill includes language, requested by the administration, that permits bus overhauls to be funded from transit capital funds.

The bill includes $29.9 million for pipeline safety, a reduction of $12.5 million below last year's level. This level is necessary not to compromise program operations or pipeline safety.

And lastly, the bill contains a provision that prohibits training that personally offends or seeks to change the personal, religious values, or the lifestyle of an individual. This provision stems from extensive hearings that the committee conducted regarding training at the Department of Transportation.

In summary, Mr. Chairman, this is a balanced bill, developed in a very difficult budget year. It provides for essential transportation needs of this country, it places a high priority on safety and trust fund financed programs and infrastructure investments. We have worked in a bipartisan fashion with the minority members of the subcommittee and throughout the Congress. I believe the bill deserves the committee's support, and I recommend it for approval.

As usual, Mr. Chairman, the committee report accompanying the bill spells out in detail the funding recommendations. For additional information or specific funding levels, I would refer my colleagues to that document.

Mr. Chairman, I reserve the balance of my time.

FY 1996 TRANSPORTATION APPROPRIATIONS BILL (H.R. 2002)

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF TRANSPORTATION					
Office of the Secretary					
Salaries and expenses	58,094,000	62,164,000	55,011,500	-3,082,500	-7,152,500
Immediate Office of the Secretary	(1,220,000)			(-1,220,000)	
Immediate Office of the Deputy Secretary	(583,000)			(-583,000)	
Office of the General Counsel	(7,876,000)			(-7,876,000)	
Office of the Assistant Secretary for Transportation Policy	(2,309,000)			(-2,309,000)	
Office of the Assistant Secretary for Aviation and International Affairs	(7,887,000)			(-7,887,000)	
Office of the Assistant Secretary for Budget and Programs	(4,400,000)			(-4,400,000)	
Office of the Assistant Secretary for Governmental Affairs	(2,250,000)			(-2,250,000)	
Office of the Assistant Secretary for Administration	(22,425,000)			(-22,425,000)	
Office of Public Affairs	(1,380,000)			(-1,380,000)	
Executive Secretariat	(932,000)			(-932,000)	
Contract Appeals Board	(630,000)			(-630,000)	
Office of Civil Rights	(1,779,000)			(-1,779,000)	
Office of Small and Disadvantaged Business Utilization	(936,000)			(-936,000)	
Minority Business Resource Center	(4,000,000)			(-4,000,000)	
Office of Intelligence and Security	(800,000)			(-800,000)	
Office of Intermodalism	(1,000,000)			(-1,000,000)	
Undistributed	(-2,313,000)			(+2,313,000)	
Office of civil rights		12,793,000	6,554,000	+6,554,000	-6,239,000
Transportation planning, research, and development	8,293,000	15,710,000	3,309,000	-4,984,000	-12,401,000
Office of Commercial Space Transportation: Operations and Research	6,060,000			-6,060,000	
Working capital fund	(93,000,000)	(104,364,000)	(102,231,000)	(+9,231,000)	(-2,133,000)
Payments to air carriers (Airport & Airway Trust Fund):					
(Liquidation of contract authorization)	(33,423,000)		(15,000,000)	(-18,423,000)	(+15,000,000)
(Limitation on obligations)	(33,423,000)		(15,000,000)	(-18,423,000)	(+15,000,000)
Rescission of contract authority	(-4,000,000)	(-38,600,000)	(-23,600,000)	(-19,600,000)	(+15,000,000)
Rescission		(-6,786,971)	(-6,786,971)	(-6,786,971)	
Rental payments	144,419,000	143,436,000	130,803,000	-13,616,000	-12,633,000
Headquarters facilities		331,000,000			-331,000,000
Minority business resource center program	1,900,000	1,900,000	1,900,000		
(Limitation on direct loans)	(15,000,000)	(15,000,000)	(15,000,000)		
Minority business outreach		2,900,000	2,900,000	+2,900,000	
Total, Office of the Secretary	218,766,000	569,903,000	200,477,500	-18,288,500	-369,425,500
(Limitations on obligations)	(33,423,000)		(15,000,000)	(-18,423,000)	(+15,000,000)
Total budgetary resources	(252,189,000)	(569,903,000)	(215,477,500)	(-36,711,500)	(-354,425,500)
Coast Guard					
Operating expenses	2,598,000,000	2,618,316,000	2,566,000,000	-32,000,000	-52,316,000
Acquisition, construction, and improvements:					
Vessels	187,900,000	203,700,000	191,200,000	+3,300,000	-12,500,000
Aircraft	11,800,000	19,500,000	16,500,000	+4,700,000	-3,000,000
Other equipment	29,700,000	56,300,000	42,200,000	+12,500,000	-14,100,000
Shore facilities and aids to navigation	89,350,000	99,800,000	82,275,000	-7,075,000	-17,525,000
Personnel and related support	44,200,000	48,900,000	43,000,000	-1,200,000	-5,900,000
Subtotal, A C and I	362,950,000	428,200,000	375,175,000	+12,225,000	-53,025,000
Environmental compliance and restoration	23,500,000	25,000,000	21,000,000	-2,500,000	-4,000,000
Alteration of bridges		2,000,000	16,000,000	+16,000,000	+14,000,000
Retired pay	562,585,000	582,022,000	582,022,000	+19,437,000	
Reserve training	64,981,000	64,859,000	61,859,000	-3,122,000	-3,000,000
Research, development, test, and evaluation	20,310,000	22,500,000	18,500,000	-1,810,000	-4,000,000
Boat safety (Aquatic Resources Trust Fund)	25,000,000		20,000,000	-5,000,000	+20,000,000
Emergency Fund (Oil Spill Liability Trust Fund) (limitation of permanent appropriation)			(3,000,000)	(+3,000,000)	(+3,000,000)
Total, Coast Guard	3,657,326,000	3,742,897,000	3,660,556,000	+3,230,000	-82,341,000
Federal Aviation Administration					
Operations	4,595,394,000	4,704,000,000	4,600,000,000	+4,606,000	-104,000,000
Facilities and equipment (Airport and Airway Trust Fund)	2,087,489,000	1,907,847,000	2,000,000,000	-87,489,000	+92,153,000
Rescission	(-35,000,000)		(-60,000,000)	(-25,000,000)	(-60,000,000)
Research, engineering, and development (Airport and Airway Trust Fund)	259,192,000	267,661,000	143,000,000	-116,192,000	-124,661,000
Grants-in-aid for airports (Airport and Airway Trust Fund):					
(Liquidation of contract authorization)	(1,500,000,000)	(1,500,000,000)	(1,500,000,000)		
(Limitation on obligations)	(1,450,000,000)	(1,500,000,000)	(1,600,000,000)	(+150,000,000)	(+100,000,000)
Aircraft purchase loan guarantee program	148,000	50,000	50,000	-98,000	
(Limitation on borrowing authority)	(9,970,000)	(1,600,000)	(1,600,000)	(-8,370,000)	
Total, Federal Aviation Administration	6,942,223,000	6,879,558,000	6,743,050,000	-199,173,000	-136,508,000
(Limitations on obligations)	(1,450,000,000)	(1,500,000,000)	(1,600,000,000)	(+150,000,000)	(+100,000,000)
Total budgetary resources	(8,392,223,000)	(8,379,558,000)	(8,343,050,000)	(-49,173,000)	(-36,508,000)
Unified transportation infrastructure investment program (limitation on obligations)		(-1,500,000,000)			(+1,500,000,000)
Total budgetary resources	(8,392,223,000)	(6,879,558,000)	(8,343,050,000)	(-49,173,000)	(+1,463,492,000)

FY 1996 TRANSPORTATION APPROPRIATIONS BILL (H.R. 2002)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Federal Highway Administration					
Limitation on general operating expenses	(525,341,000)	(689,486,000)	(495,381,000)	(-29,960,000)	(-194,105,000)
Highway-related safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)	(10,800,000)	(10,000,000)	(10,000,000)	(-800,000)	
(Limitation on obligations)	(10,800,000)	(10,000,000)	(10,000,000)	(-800,000)	
Rescission of contract authority	(-20,000,000)			(+20,000,000)	
Federal-aid highways (Highway Trust Fund):					
(Limitation on obligations)	(17,160,000,000)	(20,254,255,000)	(18,000,000,000)	(+840,000,000)	(-2,254,255,000)
(Exempt obligations)	(2,267,701,000)	(80,000,000)	(2,311,932,000)	(+44,231,000)	(+2,231,932,000)
(Liquidation of contract authorization)	(17,000,000,000)	(19,200,000,000)	(19,200,000,000)	(+2,200,000,000)	
Right-of-way revolving fund (Highway Trust Fund) (limitation on direct loans)	(42,500,000)			(-42,500,000)	
Motor carrier safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)	(73,000,000)	(68,000,000)	(68,000,000)	(-5,000,000)	
(Limitation on obligations)	(74,000,000)	(85,000,000)	(79,150,000)	(+5,150,000)	(-5,850,000)
Surface transportation projects	352,055,000			-352,055,000	
Rescission	(-12,004,000)			(+12,004,000)	
High priority corridor (sec. 314A)	6,000,000			-6,000,000	
Orange County, CA toll road project (sec. 336a)	8,000,000			-8,000,000	
Total, Federal Highway Administration	366,055,000			-366,055,000	
(Limitations on obligations)	(17,244,800,000)	(20,349,255,000)	(18,089,150,000)	(+844,350,000)	(-2,260,105,000)
(Exempt obligations)	(2,267,701,000)	(80,000,000)	(2,311,932,000)	(+44,231,000)	(+2,231,932,000)
Total budgetary resources	(19,878,556,000)	(20,429,255,000)	(20,401,082,000)	(+522,526,000)	(-28,173,000)
Unified transportation infrastructure investment program (limitation on obligations)		(-20,134,255,000)			(+20,134,255,000)
Total budgetary resources	(19,878,556,000)	(295,000,000)	(20,401,082,000)	(+522,526,000)	(+20,106,082,000)
National Highway Traffic Safety Administration					
Operations and research	79,556,000	84,598,000	73,316,570	-6,239,430	-11,281,430
Rescissions			(-4,547,185)	(-4,547,185)	(-4,547,185)
Operations and research (Highway Trust Fund)	46,997,000	59,744,000	52,011,930	+5,014,930	-7,732,070
Subtotal, Operations and research	126,553,000	144,342,000	125,328,500	-1,224,500	-19,013,500
Highway traffic safety grants (Highway Trust Fund):					
(Liquidation of contract authorization)	(151,000,000)	(180,000,000)	(153,400,000)	(+2,400,000)	(-26,600,000)
State and community highway safety grants (Sec. 402) (limitation on obligations)	(123,000,000)	(168,600,000)	(126,000,000)	(+3,000,000)	(-42,600,000)
National Driver Register (Sec. 402) (limitation on obligations)	(3,400,000)	(2,400,000)	(2,400,000)	(-1,000,000)	
Alcohol-impaired driving countermeasures programs (Sec. 410) (limitation on obligations)	(25,000,000)	(25,000,000)	(25,000,000)		
Total, National Highway Traffic Safety Administration	126,553,000	144,342,000	125,328,500	-1,224,500	-19,013,500
(Limitations on obligations)	(151,400,000)	(196,000,000)	(153,400,000)	(+2,000,000)	(-42,600,000)
Total budgetary resources	(277,953,000)	(340,342,000)	(278,728,500)	(+775,500)	(-61,613,500)
Federal Railroad Administration					
Office of the Administrator	13,090,000	17,370,000	14,000,000	+910,000	-3,370,000
Local rail freight assistance	17,000,000			-17,000,000	
Rescission	(-6,563,000)			(+6,563,000)	
Railroad safety	47,729,000	51,104,000	49,940,660	+2,211,660	-1,163,340
Railroad research and development	20,500,000	48,947,000	21,000,000	+500,000	-27,947,000
Northeast corridor improvement program	200,000,000	235,000,000	100,000,000	-100,000,000	-135,000,000
Next generation high speed rail	20,000,000	30,000,000	10,000,000	-10,000,000	-20,000,000
Trust fund share of next generation high speed rail (Highway Trust Fund):					
(Liquidation of contract authorization)	(3,400,000)	(7,118,000)	(5,000,000)	(+1,600,000)	(-2,118,000)
(Limitation on obligations)	(5,000,000)	(5,000,000)	(5,000,000)		
Rhode Island Rail Development	5,000,000	10,000,000		-5,000,000	-10,000,000
Grants to the National Railroad Passenger Corporation:					
Operations	542,000,000	420,000,000	336,000,000	-206,000,000	-84,000,000
Transition costs			62,000,000	+62,000,000	+62,000,000
Capital	251,500,000	230,000,000	230,000,000	-21,500,000	
Long-term restructuring transition		100,000,000			-100,000,000
Pennsylvania station redevelopment project	40,000,000	50,000,000		-40,000,000	-50,000,000
Rescission	(-40,000,000)			(+40,000,000)	
Total, Grants to the National Railroad Passenger Corp	833,500,000	800,000,000	628,000,000	-205,500,000	-172,000,000
Total, Federal Railroad Administration	1,156,819,000	1,192,421,000	822,940,660	-333,878,340	-369,480,340
(Limitations on obligations)	(5,000,000)	(5,000,000)	(5,000,000)		
Total budgetary resources	(1,161,819,000)	(1,197,421,000)	(827,940,660)	(-333,878,340)	(-369,480,340)
Unified transportation infrastructure invest program		-1,045,000,000			+1,045,000,000
Total budgetary resources	(1,161,819,000)	(152,421,000)	(827,940,660)	(-333,878,340)	(+675,519,660)

FY 1996 TRANSPORTATION APPROPRIATIONS BILL (H.R. 2002)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Federal Transit Administration					
Administrative expenses	43,060,000	44,202,000	39,260,000	-3,800,000	-4,942,000
Formula grants	640,000,000	1,244,200,000	490,000,000	-150,000,000	-754,200,000
Operating assistance grants	710,000,000	500,000,000	400,000,000	-310,000,000	-100,000,000
Formula grants (Highway Trust Fund) (limitation on obligations)	(1,150,000,000)	(1,120,850,000)	(1,110,000,000)	(-40,000,000)	(-10,850,000)
University transportation centers	6,000,000	6,000,000	6,000,000		
Transit planning and research	92,250,000	100,027,000	82,250,000	-10,000,000	-17,777,000
Metropolitan planning program		(41,512,500)	(39,436,250)	(+39,436,250)	(-2,076,250)
Rural transit assistance program		(4,612,500)	(4,381,250)	(+4,381,250)	(-231,250)
Transit cooperative research program		(8,475,000)	(8,051,250)	(+8,051,250)	(-423,750)
National TPR program		(33,952,000)	(19,480,000)	(+19,480,000)	(-14,472,000)
State TPR program		(8,475,000)	(8,051,250)	(+8,051,250)	(-423,750)
National transit institute		(3,000,000)	(2,850,000)	(+2,850,000)	(-150,000)
Subtotal, Transit planning and research	(92,250,000)	(100,027,000)	(82,250,000)	(-10,000,000)	(-17,777,000)
Trust fund share of expenses (Highway Trust Fund) (liquidation of contract authorization)	(1,150,000,000)	(1,120,850,000)	(1,120,850,000)	(-29,150,000)	
Discretionary grants		59,944,000			-59,944,000
Discretionary grants (Highway Trust Fund) (limitation on obligations):					
Fixed guideway modernization	(725,000,000)	(724,976,000)	(666,000,000)	(-59,000,000)	(-58,976,000)
Bus and bus-related facilities	(353,330,000)	(274,992,000)	(333,000,000)	(-20,330,000)	(+58,008,000)
New starts	(646,670,000)	(724,976,000)	(666,000,000)	(+19,330,000)	(-58,976,000)
Subtotal, Discretionary grants	(1,725,000,000)	(1,724,944,000)	(1,665,000,000)	(-60,000,000)	(-59,944,000)
Mass transit capital fund (Highway Trust Fund) (liquidation of contract authorization)	(1,500,000,000)	(1,700,000,000)	(2,000,000,000)	(+500,000,000)	(+300,000,000)
Interstate transfer grants - transit	48,030,000			-48,030,000	
Washington Metropolitan Area Transit Authority	200,000,000	200,000,000	200,000,000		
Violent crime reduction program (Violent Crime Trust Fund)		5,000,000			-5,000,000
Total, Federal Transit Administration	1,739,340,000	2,159,373,000	1,217,510,000	-521,830,000	-941,863,000
(Limitations on obligations)	(2,875,000,000)	(2,845,794,000)	(2,775,000,000)	(-100,000,000)	(-70,794,000)
Total budgetary resources	(4,614,340,000)	(5,005,167,000)	(3,992,510,000)	(-621,830,000)	(-1,012,657,000)
Unified transportation infrastructure invest program		-2,154,373,000			+2,154,373,000
(Limitation on obligations)		(-2,785,850,000)			(+2,785,850,000)
Total budgetary resources	(4,614,340,000)	(64,944,000)	(3,992,510,000)	(-621,830,000)	(+3,927,566,000)
Saint Lawrence Seaway Development Corporation					
Operations and maintenance (Harbor Maintenance Trust Fund)	10,251,000	10,243,000	10,190,500	-60,500	-52,500
Research and Special Programs Administration					
Research and special programs	26,238,000	31,662,000	26,030,000	-208,000	-5,632,000
Hazardous materials safety	(12,897,000)	(12,782,000)	(12,600,000)	(-297,000)	(-182,000)
Aviation information management	(2,453,000)	(2,282,000)	(2,322,000)	(-131,000)	(+40,000)
Emergency transportation	(1,326,000)	(1,301,000)	(1,086,000)	(-240,000)	(-215,000)
Research and technology	(2,530,000)	(7,604,000)	(3,209,000)	(+679,000)	(-4,395,000)
Program and administrative support	(7,032,000)	(7,693,000)	(7,394,000)	(+362,000)	(-299,000)
Accountwide adjustment			(-581,000)	(-581,000)	(-581,000)
Subtotal, research and special programs	(26,238,000)	(31,662,000)	(26,030,000)	(-208,000)	(-5,632,000)
Pipeline safety (Pipeline Safety Fund)	34,991,500	39,720,000	27,243,000	-7,748,500	-12,477,000
Pipeline safety (Oil Spill Liability Trust Fund)	2,432,500	2,698,000	2,698,000	+265,500	
Subtotal, Pipeline safety	37,424,000	42,418,000	29,941,000	-7,483,000	-12,477,000
Alaska Pipeline task Force (Oil Spill Liability Trust Fund) (resc)	(-544,000)			(+544,000)	
Emergency preparedness grants:					
(Emergency preparedness fund)	400,000	400,000	400,000		
(Limitation on obligations)	(10,800,000)	(11,338,000)	(8,890,000)	(-1,910,000)	(-2,448,000)
Total, Research and Special Programs Administration	64,062,000	74,480,000	56,371,000	-7,691,000	-18,109,000
(Limitations on obligations)	(10,800,000)	(11,338,000)	(8,890,000)	(-1,910,000)	(-2,448,000)
Total budgetary resources	(74,862,000)	(85,818,000)	(65,261,000)	(-9,601,000)	(-20,557,000)
Office of Inspector General					
Salaries and expenses	40,000,000	40,238,000	40,238,000	+238,000	
General Provisions					
Administrative provision: Procurement (sec. 323a)	-65,120,000			+65,120,000	
Bureau of Transportation Statistics (transfer from Federal-aid Highways)	(15,000,000)	(20,000,000)	(20,000,000)	(+5,000,000)	
Federal railroad transfer (sec. 341)	3,000,000			-3,000,000	
Federal-aid highways (sec. 310 (e))		-574,341,000			+574,341,000
Working capital fund reduction (sec. 327)	-7,000,000		-10,000,000	-3,000,000	-10,000,000
DOT field office consolidation (sec. 336)			-25,000,000	-25,000,000	-25,000,000
ICC transition (sec. 344)			8,421,000	+8,421,000	+8,421,000

FY 1996 TRANSPORTATION APPROPRIATIONS BILL (H.R. 2002)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Total, title I, Dept of Transportation (net)	14,134,164,000	14,193,727,029	12,755,149,004	-1,379,014,996	-1,438,578,025
Appropriations	(14,252,275,000)	(14,239,114,000)	(12,850,083,160)	(-1,402,191,840)	(-1,389,030,840)
Rescissions	(-118,111,000)	(-45,386,971)	(-94,934,156)	(+23,176,844)	(-49,547,185)
(Limitations on obligations)	(21,770,423,000)	(24,907,387,000)	(22,646,440,000)	(+876,017,000)	(-2,260,947,000)
(Exempt obligations)	(2,267,701,000)	(80,000,000)	(2,311,932,000)	(+44,231,000)	(+2,231,932,000)
Total budgetary resources including (limitations on obligations) and (exempt obligations)	(38,172,288,000)	(39,181,114,029)	(37,713,521,004)	(-458,766,996)	(-1,467,593,025)
Adjustments made for unified program		-3,199,373,000			+3,199,373,000
(Limitation on obligations)		(-24,420,105,000)			(+24,420,105,000)
Unified transportation infrastructure invest program		24,392,976,000			-24,392,976,000
Total budgetary resources	(38,172,288,000)	(39,153,985,029)	(37,713,521,004)	(-458,766,996)	(-1,440,464,025)
TITLE II - RELATED AGENCIES					
Architectural and Transportation Barriers Compliance Board					
Salaries and expenses	3,350,000	3,656,000	3,656,000	+306,000	
National Transportation Safety Board					
Salaries and expenses	37,392,000	38,774,000	38,774,000	+1,382,000	
Emergency fund		360,802	160,802	+160,802	-200,000
Total, National Transportation Safety Board	37,392,000	39,134,802	38,934,802	+1,542,802	-200,000
Interstate Commerce Commission					
Salaries and expenses	30,302,000	28,844,000	13,379,000	-16,923,000	-15,465,000
Payments for directed rail service (limitation on obligations)	(475,000)	(475,000)	(475,000)		
Total, Interstate Commerce Commission	(30,777,000)	(29,319,000)	(13,854,000)	(-16,923,000)	(-15,465,000)
Panama Canal Commission					
Panama Canal Revolving Fund:					
(Administrative expenses)	(50,030,000)	(50,741,000)	(50,741,000)	(+711,000)	
(Limitation on operating and capital expenses)	(540,000,000)			(-540,000,000)	
Washington Metropolitan Area Transit Authority					
Interest payments and repayments of principal	9,193,000			-9,193,000	
Total, title II, Related Agencies	80,237,000	71,634,802	55,969,802	-24,267,198	-15,665,000
(Limitation on obligations)	(475,000)	(475,000)	(475,000)		
Total budgetary resources	(80,712,000)	(72,109,802)	(56,444,802)	(-24,267,198)	(-15,665,000)
Total appropriations (net)	14,214,401,000	35,458,964,831	12,811,118,806	-1,403,282,194	-22,647,846,025
Scorekeeping adjustments:					
Offsets	-20,046,000			+20,046,000	
Emergency preparedness grants limitation	-8,654,000	-2,249,000	-4,697,000	+3,957,000	-2,448,000
St. Lawrence Seaway Tolls (loss of receipts)	9,570,000			-9,570,000	
FHA: Federal-aid highways (H.R. 1944)		382,190,000	382,190,000	+382,190,000	
DOT retirement provisions			-14,950,000	-14,950,000	-14,950,000
General provision: Bonuses and awards	-4,650,000			+4,650,000	
(Portion derived from Trust Funds)	(-940,000)			(+940,000)	
ICC termination pay	2,900,000			-2,900,000	
Pipeline safety		-4,037,000	8,440,000	+8,440,000	+12,477,000
Railroad Safety inspection fees (leg required)		-893,000			+893,000
Total, adjustments	-20,880,000	375,011,000	370,983,000	+391,863,000	-4,028,000
Grand total (net)	14,193,521,000	35,833,975,831	13,182,101,806	-1,011,419,194	-22,651,874,025
Appropriations	(14,311,632,000)	(35,879,362,802)	(13,277,035,962)	(-1,034,596,038)	(-22,602,326,840)
Rescissions	(-118,111,000)	(-45,386,971)	(-94,934,156)	(+23,176,844)	(-49,547,185)
(Limitations on obligations)	(21,770,898,000)	(487,757,000)	(22,646,915,000)	(+876,017,000)	(+22,159,158,000)
(Exempt obligations)	(2,267,701,000)	(80,000,000)	(2,311,932,000)	(+44,231,000)	(+2,231,932,000)
Grand total budgetary resources including (limitations on obligations) and (exempt obligations)	(38,232,120,000)	(36,401,732,831)	(38,140,948,806)	(-91,171,194)	(+1,739,215,975)
Total mandatory and discretionary	14,193,521,000	35,833,975,831	13,182,101,806	-1,011,419,194	-22,651,874,025
Mandatory	571,926,000	582,072,000	582,072,000	+10,146,000	
Discretionary:					
Crime trust fund		5,000,000			-5,000,000
General purposes	13,621,595,000	35,246,903,831	12,600,029,806	-1,021,565,194	-22,646,874,025
Total, Discretionary	13,621,595,000	35,251,903,831	12,600,029,806	-1,021,565,194	-22,651,874,025

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The Chair would seek an understanding from the gentleman from Virginia [Mr. WOLF] and the gentleman from Texas [Mr. COLEMAN].

In order to respect the rule established, does each gentleman intend to yield back 15 minutes of their time?

Mr. WOLF. I do, Mr. Chairman.

Mr. COLEMAN. Mr. Chairman, that would be my intention. Let me only put the caveat on there, as some Members are asking for more time, I will advise the gentleman, we are not over that amount yet. I will certainly advise the chairman of the subcommittee, should that occur. My intention is for us to limit the debate to an even shorter time than the rule allowed.

The CHAIRMAN. That will be the order. Each gentleman yields back 15 minutes of their time.

The Chair recognizes the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to congratulate my distinguished colleague, the gentleman from Virginia [Mr. WOLF], on some of the good features of the bill. Certainly funding for the basic Federal highway construction and maintenance programs have been increased, a 5-percent increase in fact, over this year.

The funds are needed to address our deteriorating roads and crumbling bridges across the country. He was steadfast in his determination to free up funding for the basic highway formula program which benefits all States by not funding highway demonstration projects.

I will say to my colleagues, however, Mr. Chairman, that the statement of administration policy submitted by the White House on this bill states very clearly, and I quote, "The committee bill would make it difficult to continue today's high level of transportation safety."

I share the administration's concerns. Particularly with regard to the recommended cuts in the Federal Aviation Administration budget, funding for FAA operations is maintained in the bill at about this year's level, but the $4.6 billion recommended is $104 million less than the FAA requested to maintain the air traffic control system and address safety needs. I think that should be of concern to all Americans.

I think what is important to note, of course, too, is that this transportation bill affects the lives of every American in one way or another. We all know that when you drive to work, when you take your children to school, whatever method you use, in some way this bill affects whether or not we are able to do that in an effective and safe manner, hopefully, also in an efficient and rapid manner as necessary.

Let me say to you that cutting the research and technology that this bill cuts would speed the transfer of transportation technologies and boost commercial transportation applications. Had we not made those cuts, there is 40 percent less in this bill for high-speed rail activities in the bill and for the intelligent transportation systems program which will now be severely constrained.

In the rail area, neither freight railroads nor passenger rail service escaped this budget ax.

Assistance to freight railroads is terminated in the bill. Amtrak funding is severely reduced. Amtrak funding in this bill is $305 million or 30 percent less than it was in fiscal year 1995. It is less than the amounts assumed even in the House budget resolution.

Moving to the transit area, I and other Members of this body have deeply held differences of opinion with the chairman on priorities or transit funding and on transit policy. Federal support for community transit and bus operations take a real major cut in this bill, when the need for a major Federal role in transit continues unabated. Some 35 million Americans ride buses or some form of commuter rail service every day. They are working Americans. They are the elderly. They are the disabled. These are the people who will be affected by the 44 percent reduction in mass transit operating subsidies and the 20 percent reduction in transit formula grants in this bill.

I also want to reiterate my strong objections to the bill's provisions that have now been contained in this rule that are now part of the legislation, which does not permit us to reform 13(c). We cannot reform it. Sorry. Sorry. We passed a rule. We insisted that the Committee on Rules was wrong, so we passed an amendment by the gentlewoman from Utah now which saw to it that we are not able any longer to simply reform section 13(c).

I think that is a major mistake. Not only are the repeal of provisions and the rewriting of labor law in this legislation bad policy, I think it is especially bad when we do not even hold hearings on it. We did not hear from the transit workers. We did not hear from the transit property owners, those who own transit properties, to tell us about the effects on them specifically of 13(c) or any collective bargaining agreement.

Some of us, some of us who understand a little bit about the labor laws of this country recognize that at least we should have had hearings, but that did not occur.

I will say to my colleagues that it is not a money issue. No one can point to any credible evidence that repealing a lot of those provisions will save money. There is certainly no empirical evidence, and none in the testimony from any expert in our subcommittee. A lot of us think that is the reason that you should leave these matters to the authorizing committee.

In any event, Mr. Chairman, let me only close by saying to my colleagues that while I have grave concerns about the bill's prohibition that limits certain types of training conducted by the Department of Transportation, I also recognize that we must move on, if we are about the responsible business of running the government.

I do hope that we can achieve a better balance in the bill as we go through the process, when we meet with the Senate in conference, when we deal with amendments today and next week, perhaps. I look forward to working with the distinguished gentleman from Virginia toward that end.

Mr. Chairman, I reserve the balance of my time.

□ 1230

Mr. WOLF. Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. PACKARD], a member of the committee.

Mr. PACKARD. Mr. Chairman, I rise in strong support of H.R. 2002, the Transportation appropriations bill for fiscal year 1996. This bill deserves the support of every Member of Congress. The Transportation Appropriations Subcommittee, under the very able leadership of Chairman FRANK WOLF, has produced a bill that will create jobs, build our Nation's infrastructure, and ensure the safety of our traveling public.

I want to take a moment here to congratulate Chairman FRANK WOLF. As you all know this is his first year as the chairman of the subcommittee. Well, I can tell you he hit a home run with his first effort.

This subcommittee held numerous hearings trying to identify the needs that exist across the Nation. This bill addresses them. I wish every Member of Congress had been able to sit through our hearings. If they had, I am certain that they would support this bill without hesitation.

This is a unique bill. With this bill this Congress builds America. We build the highways, transit systems and airports. We provide a network of transportation that moves America—its people, its products, its services. Across town or across the Nation this bill provides the necessary funding to make our citizens mobile and allow our goods and services to get to market.

This bill does other things as well. It funds the Coast Guard to protect our citizens that use our water ways. We fund other safety programs that keep our travelers safe.

This bill also repeals unnecessary regulations like 13(c). Section 13(c) is an arcane, outdated regulation whose primary purpose is to pit one Cabinet level Department—the Department of Labor against the Department of

Transportation and against the Congress. Imagine if you can, Congress and the Department of Transportation providing much-needed transit funding for your transit agency so that your constituents can get to and from work—but just as the grant from the Department of Transportation, and approved by Congress is ready to be released guess what happens? The Department of Labor steps in an overrules Congress and DOT and says no. Your transit agency cannot have those already approved funds. I urge your support for repeal.

Before my time runs out I want to take this opportunity to once again congratulate Chairman WOLF. He is a tireless worker and a principled man who listened to the concerns and interests that not only I had but of every Member who had an interest in this bill. He always extended the utmost courtesy and cooperation and his word is his bond. I want to thank him for working with me and for developing this bill—a bill that I am proud to support. I also want to take this opportunity to congratulate the very able gentleman from Texas and the ranking member on the subcommittee, RON COLEMAN.

I also want to a take a moment to recognize the staff of the committee—John, Rich, Stephanie, Linda, Cheryl, Kristi, and Deborah and all the others who worked on this bill on many late nights and weekends and who always worked with to answer questions I had or offer any assistance that I needed.

Mr. COLEMAN. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio [Ms. KAPTUR] for a colloquy with the gentleman from Virginia [Mr. WOLF], the chairman of the subcommittee on Transportation of the Committee on Appropriations.

The gentleman from Virginia is prepared to answer questions. Mr. Chairman.

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise to engage in a colloquy with the chairman of the subcommittee regarding an important project at Toledo Express Airport.

The air traffic control facility at the Toledo Express Airport has experienced several equipment and structural problems during the last few years. There have been several near misses. The tower is now nearly 50 years old and at 57 feet, it is 43 feet shorter than towers at similar airports. Visibility is inadequate and the facility needs relocation.

Rather than waiting for the FAA to address this problem, the Toledo-Lucas County Port Authority has taken the initiative and proposed to construct a tower meeting FAA specifications. Construction would be financed by bonds issued by the Port Authority, and the FAA would move into the tower under a leaseback arrangement. This proposal would cut 3 years off of the time it would take the FAA to construct a tower under its normal procedures and save significant interest costs.

We have discussed this proposal. The chairman of the committee, the gentleman from Virginia [Mr. WOLF], as well as the gentleman from Texas [Mr. COLEMAN], have been most gracious and helpful.

It is my understanding that the gentleman supports the Toledo-Lucas County Port Authority proposal for the construction and leaseback of a Toledo Express Airport tower, is that correct?

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Ms. KAPTUR. I yield to the gentleman from Virginia.

Mr. WOLF. Yes, I believe it is a sound proposal, Mr. Chairman. In fact, I believe it is a very very, very sound proposal. It should not only be given strong consideration by the FAA, but frankly, I just hope they do it.

Ms. KAPTUR. It is my further understanding that the gentleman does encourage the FAA to do all it can to facilitate and expedite the project?

Mr. WOLF. That is correct. I will be glad to have a meeting in my office with the gentlewoman and the FAA so we can work the problem out.

Ms. KAPTUR. I thank the chairman, all my pilots, people that work near the airport, all that work in the control towers, and I thank the gentleman for his interest and assistance in this matter.

Mr. COLEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, I would seek to engage the distinguished chairman of the subcommittee in a coloquy, if he would be so amendable.

Mr. Chairman, as we know, the administration requested $10 billion for the Rhode Island Freight Rail Development initiative in the fiscal year 1996, to be matched dollar for dollar by the State of Rhode Island. This funding was to be combined with $5 million in fiscal year 1995 funds. Regrettably, the bill does not contain this request.

Is this correct, Mr. Chairman, I would ask the chairman of the subcommittee?

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. REED. I yield to the gentleman from Virginia.

Mr. WOLF. Yes, as the committee reported in its report: "Language in the 1995 Transportation Appropriations Act requires that the project have matching State funds." As of June 1, 1995, the State has not been able to match the Federal appropriated money.

Mr. REED. Reclaiming my time, Mr. Chairman, recently the Governor of Rhode Island announced that he has all of the matching funds and that the State expects to commence preliminary work prior to the end of fiscal year 1995. In addition, the Governor has requested a Federal contribution of $1 million in fiscal year 1996 to continue this work. It is my understanding that the subcommittee continues to believe that this project is worthy of Federal support.

Is this also the chairman's understanding?

Mr. WOLF. If the gentleman will continue to yield, yes. As the committee report states: "The committee is willing to reconsider funding for this project in fiscal year 1997 if the available funds are obligated."

Mr. REED. In light of the expected obligation of fiscal year 1995 funds and the Governor's request, does the chairman believe this is an issue that may be considered during conference with other body provided that Chamber endorses the Governor's recent request?

Mr. WOLF. Yes; if the State is able to match and obligate the 1995 Federal funding and the Senate appropriates the funds for fiscal year 1996, the committee will certainly reconsider further funds for initiative.

Mr. REED. Reclaiming my time, Mr. Chairman, I thank the chairman of the subcommittee and his staff for his assistance and consideration. I would also like to extend my appreciation to the gentleman from Texas [Mr. COLEMAN] and his staff for their attention to this matter.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Michigan [Mr. PETRI], a member of the authorizing committee.

Mr. PETRI. Mr. Chairman, I thank the chairman of the Subcommittee on Transportation of the Committee on Appropriations for yielding time to me.

Mr. Chairman, I rise in support of H.R. 2002, the fiscal year 1996 DOT Appropriation Act.

I want to thank Chairman WOLF, Chairman LIVINGSTON, and ranking members OBEY and COLEMAN for their hard work in producing this legislation.

This bill sets high trust fund spending levels in the highway and transit programs. It recognizes the importance of infrastructure to our Nation, even in difficult budgetary times.

Unfortunately, some difficult choices needed to be made. However, I applaud the decision to make trust fund infrastructure spending a priority.

I urge my colleagues to support the bill.

Mr. COLEMAN. Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I rise to commend the gentleman from Virginia [Mr. WOLF], the chairman of the subcommittee, and also the gentleman from Texas [Mr. COLEMAN], the ranking member, for the work they have done in this bill to maintain the pipeline safety program in the country. Pipeline safety is extremely important for my constituents, because just over a year ago a natural gas pipeline explosion occurred in Edison, NJ, in my district, and leveled the Durham Woods apartment complex, and dramatically altered the lives of thousands of my constituents.

I have learned in the last year that in order to maintain pipeline safety in this country, we need a competent Federal program with the knowledge and manpower to get the job done. The only way we get that is to adequately fund the Federal program.

Last year, in the wake of the Edison accident, Congress appropriated some $37 million for the Office of Pipeline Safety. We finally gave this consistently underfunded program some teeth. This year, the President recommended $42 million for pipeline safety in his budget, an amount I think would go a long way toward improving the Federal program and enhancing State programs through Federal grants.

Although I fully support the President's request, I understand that the pipeline operators, whose user fees fund the program, do not want to pay that much. I do not agree with these operators, because I think the President's request does not place an undue financial burden on them, because I know that the $20 million they favor is not enough to run a good program.

However, I want to thank the gentleman from Virginia [Mr. WOLF] who worked very hard to take a middle ground, a compromise, that I think is very acceptable, that places about $29 million or $30 million into the Office of Pipeline Safety. It essentially reduces the burden on the pipeline operators, but gives the office enough money to do its job. I urge my colleagues to support this committee's appropriation level. I think that both the gentleman from Virginia [Mr. WOLF] and the gentleman from Texas [Mr. COLEMAN] have done a great job in coming up with this figure. I want to commend them.

I also want to point out that the committee report highlights the importance of the one-call notification system, and provides $1 million for grants to States to implement one-call systems. A one-call notification system would help many of the problems that are responsible for nearly two-thirds of all pipeline accidents in the Nation. The language that the chairman of the subcommittee has included in this bill makes me more confident that we can move a bipartisan Federal one-call bill in this Congress.

Mr. Chairman, I just wanted to touch on one other subject that is very important to the lives of the people who live along our Nation's coasts. I am greatly concerned about the Coast Guard's proposal to close 23 small boat unit stations around the country. There will be an amendment offered by the gentleman from Ohio [Mr. LATOURETTE] during title I that I cosponsored with others to basically transfer $6 million from the Office of the Secretary's account to the operation and maintenance account of the Coast Guard in order to provide funding for these small boat units, and to prevent their closures.

I think this is a very important amendment. The closures would come at a time when the Coast Guard has reported increases over the last 10 years in injuries and accidents. A larger burden is being placed on the Coast Guard, and closing stations is not the way to respond. I think the safety of lives is going to depend upon passing this amendment.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. FRELINGHUYSEN].

Mr. FRELINGHUYSEN. Mr. Chairman, I thank the gentleman from Virginia, Chairman WOLF, for the time, and compliment him and the gentleman from Texas, Mr. COLEMAN, on the good work that they have accomplished in this bill. I rise in strong support of H.R. 2002, the Transportation Appropriations Act for Fiscal Year 1996.

Mr. Chairman, this bill is important for several reasons. First, it reduces overall transportation spending by $1.2 billion from last year's level. As Chairman LIVINGSTON has said on this floor several times, the Appropriations Committee is doing its job and this bill is further proof that we are keeping our promise to balance the budget.

Second, the bill is good for the State of New Jersey, the most densely populated State in the country. This bill gives New Jersey the funding and flexibility we need to improve our transportation system.

Most important, the bill provides $75 million for the urban core project, a series of mass transit upgrades which will take cars off the road and made commuting much easier for New Jersey residents. I thank the chairman and ranking member for including this important funding.

Finally, the bill ends an outdated requirement that has held up and raised the cost of several transit projects. This 30-year-old provision, known as 13C, has stifled innovation, efficiency, and growth in transit services, and I am pleased that the committee decided to end it.

Mr. Chairman, we know we have to do more with less money, and this bill does that. Transit operating subsidies have been reduced. But this bill repeals 13C which has been nothing more than a gift to organized labor for the past 30 years. This takes away labor's veto power over transit projects and lets transit manages do what they do best—which is manage.

Mr. Chairman, I again applaud the gentleman from Virginia for this bill and urge its adoption.

Mr. COLEMAN. Mr. Chairman, I am happy to yield 2 minutes to the gentlewoman from Florida, Mrs. CARRIE MEEK.

Mrs. MEEK of Florida. Mr. Chairman, I want to commend the chairman of the subcommittee, the gentleman from Virginia [Mr. WOLF], with whom I have worked before, and the ranking member, the gentleman from Texas [Mr. COLEMAN], for having worked together to bring such a bill as the one we see on the floor today. However, I am very concerned, as I always am, when we do substantive legislation on an appropriations bill.

I seek today to sort of let the Congress see what happens when we repeal 13(c). In this repealing of 13(c), we are thinking primarily about transit authorities. The Congress has done an excellent job of telling the Congress how transit authorities feel, but they neglected to show how transit workers feel, and to give them a fair and equitable chance to work with the authorities when Federal grants are provided to cities and to countries.

□ 1245

I think by excluding the transit workers, one part of this continuum is left off. If we repeal 13(c), that is the effect of it. I am not saying that 13(c) is the answer for all of the problems. I think that 13(c) does need to be reformed, but it does not need to be repealed. Therefore, I call on the chairman and the members of this committee to please think this through very thoroughly in terms of the repeal, to think more of reforming. We have got about 200,000 transit workers out there that carry the people who live in my district and other districts like mine who need to get to work every day. I have women if they cannot get to Miami Beach to their jobs, they will not have a job. If they cannot get downtown to their jobs, they will not have jobs.

I am appealing to the gentleman from Virginia [Mr. WOLF] who is thinking about the working person and has in the past, to think of the impact, the negative impact of repealing 13(c), and instead think of making the necessary reformation and turning it over to the authorizing committee.

Mr. WOLF. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. DELAY], a member of the committee.

Mr. DELAY. Mr. Chairman, I want to commend the gentleman from Virginia [Mr. WOLF], the chairman of the committee, for putting together a very difficult bill under very hard circumstances and bringing it to the floor. This is his first attempt at writing a transportation appropriations bill and I am very proud to say that I sit next to him on the committee. I am very proud of the work that he has done. I am also proud of my colleague and fellow Texan, the gentleman from Texas [Mr. COLEMAN], the ranking member, for his hard work on this committee. Particularly I thank the staff of the committee. I do not think we can thank the staff enough for putting up with us and helping us write these bills, because it is through their knowledge and their hard work that we are able to bring a bill of this quality to the floor.

Mr. Chairman, I rise to support this bill. It is a good bill. I can support an appropriation bill that actually cuts spending from last year. This is $1.4 billion less than 1995 in discretionary and $22.6 million less than even the President requested. But the thing that I am most proud about this bill is an issue that the gentleman from Virginia [Mr. WOLF] and I have worked on for many, many years, and, that is, that the bill repeals section 13(c) of the Federal Transit Act which gives transit authorities the necessary flexibility to reduce operating expenses in their transit system.

Section 13(c) was originally intended to protect the rights of transit workers employed by private transit authorities that were acquired by public agencies in States that prohibited collective bargaining. Now, 30 years later, and ironically the same jobs that 13(c) seeks to protect may be the same jobs that are lost because of it. Like Amtrak, these protective arrangements provide transit workers up to 6 years of full compensation and benefits after they lose their job. Section 13(c) is a labor protection that has become too costly and outdated. It has impeded innovation, efficiency, and growth in providing transit services across the country, including new and restructured services.

Section 13(c) has become a means to pursue broader labor objectives and will mean ultimately the loss, not the protection, of jobs in the transit industry.

The bottom line is that section 13(c) has been used by the unions as another bite at the apple to get additional concessions that they could not get through regular collective-bargaining practices.

I encourage all the Members to vote against any amendment that would strike this repeal language.

Mr. Chairman, the bill is a responsible bill, and it is one that should be supported by all the Members of this House because it does represent a well-crafted piece of legislation. We eliminate the ICC in the bill, providing only close-down costs. The bill has absolutely no highway demonstration projects, allowing the States to do their job in designing and building highway projects that are the priorities of the State. There are no new section 3 starts. The only projects that are funded are ongoing projects that need completion. With regard to Amtrak, the bill requires the authorizers to make significant reforms, including labor reforms, before funding is provided.

I encourage all the Members to support the transportation appropriations bill.

The CHAIRMAN. The Chair would advise the bill managers that the gentleman from Texas [Mr. COLEMAN] has 1 minute remaining, and the gentleman from Virginia [Mr. WOLF] has 1½ minutes remaining.

PARLIAMENTARY INQUIRY

Mr. COLEMAN. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COLEMAN. Mr. Chairman, I understood that each of us had in fact not yet yielded back the 15 minutes yet. I understood we would do that at the end, provided we have the time. I just have some requests for time.

How much time did the gentleman from Virginia [Mr. WOLF] have?

The CHAIRMAN. He has 1½ minutes.

Mr. COLEMAN. Mr. Chairman, I do have two more speakers.

Mr. WOLF. Mr. Chairman, I yield the balance of my time, 1½ minutes, to the gentleman from Texas [Mr. COLEMAN].

The CHAIRMAN. The gentleman from Texas [Mr. COLEMAN] will be recognized for 2½ minutes.

Mr. COLEMAN. Mr. Chairman, I yield the balance of the time to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Chairman, I thank the gentleman for yielding me the time.

Mr. Chairman, this bill places the Nation's transportation priorities in the wrong place and it deserves to be defeated.

This is a backward-looking bill that promotes the transportation solutions of the 1950's. This bill does little to move forward with advanced technologies, especially the use of so-called third-wave technologies to help solve the problems of urban congestion. This bill attempts to overturn the progress that has been made in recent years, especially through the Intermodal Surface Transportation Efficiency Act of 1991 to promote a balanced national transportation system.

The investment numbers in this bill look good but the priorities are misplaced. I fully recognize the need to reduce spending, but I believe it is a serious mistake that will have long-term impacts on our Nation's economic growth to reduce our commitment to infrastructure investment. If we decide that infrastructure investment should be sacrificed, then all modes of transportation should share equally in the pain. Instead of continuing the trend for a balanced transportation system based on State and local flexibility, the Committee on Appropriations has decided to impose its view of a transportation system on the Nation. The committee has decided to raise highway spending by 4.5 percent and to increase the airport improvement program by 10.3 percent, while cutting the transit program by 13 percent. That includes a 43-percent cut in operating assistance, a cut that will jeopardize the very existence of many transit systems in rural areas and small cities. Cuts of that size are not fair, especially when other programs are getting more money.

These cuts are in the face of estimates by the Department of Transportation and by the transit industry that increased investment will be needed to replace aging and outdated equipment, to maintain current conditions, to complete expansions now under way, and to meet the Nation's congestion reduction and air-quality goals. It makes no sense to impose these severe cuts on transit systems that are important to so many people. It is not only the Nation's urban areas but also rural areas where there are thousands who need transit to reach their jobs, their schools and their medical care. This bill will make sure that many of these transit-dependent people will no longer be able to reach their destinations without driving.

In the Philadelphia area, the cuts in operating assistance will mean either a fare hike of 10 to 12 cents or the elimination of service to 8,000 riders every day. That would be a devastating impact on those 8,000 people and a total of 2 million annual trips.

This is a bill for the part of America that has cars and needs its airports expanded. It is not a bill for the working people of America.

The CHAIRMAN. The Chair would say to the managers of the bill that if either or both of the managers wish to reclaim their time or a portion of their time, they may do so by unanimous consent.

Mr. COLEMAN. Mr. Chairman, I ask unanimous consent to reclaim 1½ minutes of the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COLEMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I thank the chairman and the ranking member for yielding me the time.

Mr. Chairman, I just want to alert my colleagues that later on in the debate, I will have an amendment that will reduce by 0.2 percent the administrative budget of the FAA management team. This is congressional relations advisers. This is administrative expenses.

It strikes me that when we are cutting food stamp funding, environmental restoration, that a bureaucracy that I will say to Members is not responsive, as somebody that has lost a number of flight service stations, cannot get radars because I am from a rural area, and a bureaucracy that does not represent the best interests of many aviation consumers, does not return telephone calls, is not responsive, that they can stand to take a cut just like everybody else does.

I wanted to alert my colleagues, and I have discussed this with the chairman and the ranking member.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Virginia.

Mr. WOLF. On another subject, I just want to congratulate the gentleman for the great work he has done with regard to traveling around the world and getting a number of people out. I just want to personally put that in the RECORD.

I thank the gentleman very much. Perhaps if Mr. Christopher leaves, the gentleman should be the Secretary of State.

I have no question on the amendment.

Mr. RICHARDSON. I thank the gentleman.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. RICHARDSON. I yield to the gentleman from Texas.

Mr. COLEMAN. I thank the gentleman for yielding.

Mr. Chairman, I just also wanted to say, it seems to me the gentleman could get the Secretary of State to talk to the White House and they would probably take care of this FAA problem.

In any event, I understand the gentleman's amendment, and I am proud to have yielded him the time.

Mr. DE LA GARZA. Mr. Chairman, as the House considers the Transportation appropriations legislation, I wanted to take this opportunity to mention something that is important to south Texas and the Nation as a whole—I am referring to the need for improvements along U.S. Highways 291 and 77 to enhance commerce with our trade partners to the north and south.

U.S. Highways 281 and 77 are the two main north-south transportation arteries in south Texas. They are located in a region that is experiencing the fastest growth of anywhere in Texas and anywhere else in the country, for that matter. Already, the North American Free Trade Agreement [NAFTA] has greatly increased commerce travelling these highways and the area is expected to absorb even more traffic.

Initiatives to improve and enhance U.S. Highways 281 and 77 are critical elements of a nationwide transportation system that will tie together major economic centers of our Nation with Canada and Mexico.

At this juncture when we are at the threshold of a new era in international trade, we can ill afford to allow our infrastructure to become deteriorated and congested. We must anticipate and prepare for the most efficient and safe flow of goods entering and exiting the United States. We can do so by improving and enhancing U.S. Highways 281 and 77 through south Texas.

The CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment printed in section 2 of House Resolution 194 is adopted.

The bill, as amended, shall be considered as an original bill for the purpose of further amendment under the 5-minute rule by titles and each title shall be considered read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member who has caused an amendment to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

It shall be in order at any time to consider the amendment printed in part 2 of House Report 104–195, if offered by a Member designated in the report. That amendment shall be considered read, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The clerk will designate title I.

The text of title I is as follows:

H.R. 2002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I

DEPARTMENT OF TRANSPORTATION

OFFICE OF THE SECRETARY

SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary, $55,011,500, of which not to exceed $40,000 shall be available as the Secretary may determine for allocation within the Department for official reception and representation expenses: *Provided*, That notwithstanding any other provision of law, there may be credited to this appropriation up to $1,000,000 in funds received in user fees established to support the electronic tariff filing system: *Provided further*, That none of the funds appropriated in this Act or otherwise made available may be used to maintain duplicate physical copies of airline tariffs that are already available for public and departmental access at no cost; to secure them against detection, alteration, or tampering; or open them to inspection by the Department.

OFFICE OF CIVIL RIGHTS

For necessary expenses of the Office of Civil Rights, $6,554,000, and in addition, $809,000, to be derived from "Federal-aid Highways" subject to the "Limitation on General Operating Expenses".

TRANSPORTATION PLANNING, RESEARCH, AND DEVELOPMENT

For necessary expenses for conducting transportation planning, research, systems development, and development activities, to remain available until expended, $3,309,000.

WORKING CAPITAL FUND

Necessary expenses for operating costs and capital outlays of the Department of Transportation Working Capital Fund associated with the provision of services to entities within the Department of Transportation, not to exceed $102,231,000 shall be paid, in accordance with law, from appropriations made available to the Department of Transportation.

PAYMENTS TO AIR CARRIERS

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

(INCLUDING RESCISSION OF CONTRACT AUTHORIZATION)

For liquidation of obligations incurred for payments to air carriers of so much of the compensation fixed and determined under subchapter II of chapter 417 of title 49, United States Code, as is payable by the Department of Transportation, $15,000,000, to remain available until expended and to be derived from the Airport and Airway Trust Fund: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs in excess of $15,000,000 for the Payments to Air Carriers program in fiscal year 1996: *Provided further*, That none of the funds in this Act shall be used by the Secretary of Transportation to make payment of compensation under subchapter II of chapter 417 of title 49, United States Code, in excess of the appropriation in this Act for liquidation of obligations incurred under the "Payments to air carriers" program: *Provided further*, That none of the funds in this Act shall be used for the payment of claims for such compensation except in accordance with this provision: *Provided further*, That none of the funds in this Act shall be available for service to communities in the forty-eight contiguous States that are located fewer than seventy highway miles from the nearest large or medium hub airport, or that require a rate of subsidy per passenger in excess of $200 unless such point is greater than two hundred and ten miles from the nearest large or medium hub airport: *Provided further*, That of funds provided for "Small Community Air Service" by Public Law 101–508, $23,600,000 in fiscal year 1996 is hereby rescinded: *Provided further*, That, notwithstanding any other provision of law, effective January 1, 1996 no point in the 48 contiguous States and Hawaii eligible for compensated transportation in fiscal year 1996 under subchapter II of chapter 417 of title 49, United States Code, including 49 U.S.C. 41734(d), shall receive such transportation unless a State, local government, or other non-Federal entity agrees to pay at least fifty percent of the cost of providing such transportation, as determined by the Secretary of Transportation: *Provided further*, That the Secretary may require the entity or entities agreeing to pay such amounts to make advance payments or provide other security to ensure that timely payments are made: *Provided further*, That, notwithstanding any other provision of law, points covered by the cost-sharing provisions under this head for which no State, local government, or non-Federal entity agrees to pay at least fifty percent of the cost of providing such transportation shall receive a reduced level of service in fiscal year 1996, to be determined by the Secretary as follows: The Secretary shall subtract from the funds made available in this Act so much as is needed to provide compensation to all eligible points for which a State, local government, or other non-Federal entity agrees to pay at least fifty percent of the cost of providing such transportation, and, with remaining funds, allocate to each other point an amount reduced by the ratio of the remainder calculated above to all funds made available in this Act: *Provided further*, That the Secretary shall allocate any funds that become unallocated as the year progresses to those points for which a State, local government, or other non-Federal entity does not agree to pay at least fifty percent of the cost of such transportation.

PAYMENTS TO AIR CARRIERS

(RESCISSION)

Of the budgetary resources remaining available under this heading, $6,786,971 are rescinded.

RENTAL PAYMENTS

For necessary expenses for rental of headquarters and field space not to exceed 8,580,000 square feet and for related services assessed by the General Services Administration, $130,803,000: *Provided*, That of this amount, $1,897,000 shall be derived from the Highway Trust Fund, $41,441,000 shall be derived from the Airport and Airway Trust Fund, $836,000 shall be derived from the Pipeline Safety Fund, and $169,000 shall be derived from the Harbor Maintenance Trust Fund: *Provided further*, That in addition, for assessments by the General Services Administration related to the space needs of the Federal Highway Administration, $17,099,000, to be derived from "Federal-aid Highways", subject to the "Limitation on General Operating Expenses".

MINORITY BUSINESS RESOURCE CENTER PROGRAM

For the cost of direct loans, $1,500,000, as authorized by 49 U.S.C. 332: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974: *Provided further*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed $15,000,000. In addition, for administrative expenses to carry out the direct loan program, $400,000.

MINORITY BUSINESS OUTREACH

For necessary expenses of the Minority Business Resource Center outreach activities, $2,900,000, of which $2,642,000 shall remain available until September 30, 1997.

COAST GUARD

OPERATING EXPENSES

For necessary expenses for the operation and maintenance of the Coast Guard, not otherwise provided for; purchase of not to exceed five passenger motor vehicles for replacement only; payments pursuant to section 156 of Public Law 97-377, as amended (42 U.S.C. 402 note), and section 229(b) of the Social Security Act (42 U.S.C. 429(b)); and recreation and welfare; $2,566,000,000, of which $25,000,000 shall be derived from the Oil Spill Liability Trust Fund; and of which $25,000,000 shall be expended from the Boat Safety Account: *Provided*, That the number of aircraft on hand at any one time shall not exceed two hundred and eighteen, exclusive of aircraft and parts stored to meet future attrition: *Provided further*, That none of the funds appropriated in this or any other Act shall be available for pay or administrative expenses in connection with shipping commissioners in the United States: *Provided further*, That none of the funds provided in this Act shall be available for expenses incurred for yacht documentation under 46 U.S.C. 12109, except to the extent fees are collected from yacht owners and credited to this appropriation: *Provided further*, That the Commandant shall reduce both military and civilian employment levels for the purpose of complying with Executive Order No. 12839: *Provided further*, That of the funds provided for operating expenses for fiscal year 1996, in this or any other Act, not less than $314,200,000 shall be available for drug enforcement activities.

ACQUISITION, CONSTRUCTION, AND IMPROVEMENTS

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of acquisition, construction, renovation, and improvement of aids to navigation, shore facilities, vessels, and aircraft, including equipment related thereto, $375,175,000, of which $32,500,000 shall be derived from the Oil Spill Liability Trust Fund; of which $191,200,000 shall be available to acquire, repair, renovate or improve vessels, small boats and related equipment, to remain available until September 30, 2000; $16,500,000 shall be available to acquire new aircraft and increase aviation capability, to remain available until September 30, 1998; $42,200,000 shall be available for other equipment, to remain available until September 30, 1998; $82,275,000 shall be available for shore facilities and aids to navigation facilities, to remain available until September 30, 1998; and $43,000,000 shall be available for personnel compensation and benefits and related costs, to remain available until September 30, 1996: *Provided*, That funds received from the sale of the VC-11A and HU-25 aircraft shall be credited to this appropriation for the purpose of acquiring new aircraft and increasing aviation capacity: *Provided further*, That the Secretary may transfer funds between projects under this head, not to exceed $50,000,000 in total for the fiscal year, thirty days after notification to the House and Senate Committees on Appropriations, solely for the purpose of providing funds for facility renovation, construction, exit costs, and other implementation costs associated with Coast Guard streamlining plans.

ENVIRONMENTAL COMPLIANCE AND RESTORATION

For necessary expenses to carry out the Coast Guard's environmental compliance and restoration functions under chapter 19 of title 14, United States Code, $21,000,000, to remain available until expended.

ALTERATION OF BRIDGES

For necessary expenses for alteration or removal of obstructive bridges, $16,000,000, to remain available until expended.

RETIRED PAY

For retired pay, including the payment of obligations therefor otherwise chargeable to lapsed appropriations for this purpose, and payments under the Retired Serviceman's Family Protection and Survivor Benefits Plans, and for payments for medical care of retired personnel and their dependents under the Dependents Medical Care Act (10 U.S.C. ch. 55), $582,022,000.

RESERVE TRAINING

For all necessary expenses for the Coast Guard Reserve, as authorized by law; maintenance and operation of facilities; and supplies, equipment, and services; $61,859,000.

RESEARCH, DEVELOPMENT, TEST, AND EVALUATION

For necessary expenses, not otherwise provided for, for applied scientific research, development, test, and evaluation; maintenance, rehabilitation, lease and operation of facilities and equipment, as authorized by law, $18,500,000, to remain available until expended, of which $3,150,000 shall be derived from the Oil Spill Liability Trust Fund: *Provided*, That there may be credited to this appropriation funds received from State and local governments, other public authorities, private sources, and foreign countries, for expenses incurred for research, development, testing, and evaluation.

BOAT SAFETY

(AQUATIC RESOURCES TRUST FUND)

For payment of necessary expenses incurred for recreational boating safety assistance under Public Law 92-75, as amended, $20,000,000, to be derived from the Boat Safety Account and to remain available until expended.

EMERGENCY FUND

(LIMITATION ON PERMANENT APPROPRIATION)

(OIL SPILL LIABILITY TRUST FUND)

Except as provided in emergency supplemental appropriations provided in other appropriations Acts for fiscal year 1996, not more than $3,000,000 shall be obligated or expended in fiscal year 1996 pursuant to section 6002(b) of the Oil Pollution Act of 1990 to carry out the provisions of section 1012(a)(4) of that Act.

FEDERAL AVIATION ADMINISTRATION

OPERATIONS

For necessary expenses of the Federal Aviation Administration, not otherwise provided for, including operations and research activities related to commercial space transportation, administrative expenses for research and development, establishment of air navigation facilities and the operation (including leasing) and maintenance of aircraft, and carrying out the provisions of subchapter I of chapter 471 of title 49, U.S. Code, or other provisions of law authorizing the obligation of funds for similar programs of airport and airway development or improvement, lease or purchase of four passenger motor vehicles for replacement only, $4,600,000,000, of which $1,871,500,000 shall be derived from the Airport and Airway Trust Fund: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, foreign authorities, other public authorities, and private sources, for expenses incurred in the provision of aviation services, including the maintenance and operation of air navigation facilities and for issuance, renewal or modification of certificates, including airman, aircraft, and repair station certificates, or for tests related thereto, or for processing major repair or alteration forms: *Provided further*, That funds may be used to enter into a grant agreement with a nonprofit standard setting organization to assist in the development of aviation safety standards: *Provided further*, That none of the funds in this Act shall be available for new applicants for the second career training program: *Provided further*, That none of the funds in this Act shall be available for paying premium pay under 5 U.S.C. 5546(a) to any Federal Aviation Administration employee unless such employee actually performed work during the time corresponding to such premium pay.

FACILITIES AND EQUIPMENT

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for acquisition, establishment, and improvement by contract or purchase, and hire of air navigation and experimental facilities and equipment as authorized under part A of subtitle VII of title 49, U.S. Code, including initial acquisition of necessary sites by lease or grant; engineering and service testing, including construction of test facilities and acquisition of necessary sites by lease or grant; and construction and furnishing of quarters and related accommodations for officers and employees of the Federal Aviation Administration stationed at remote localities where such accommodations are not available; and the purchase, lease, or transfer of aircraft from funds available under this head; to be derived from the Airport and Airway Trust Fund, $2,000,000,000, of which $1,784,000,000 shall remain available until September 30, 1998, and of which $216,000,000 shall remain available until September 30, 1996: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred in the establishment and modernization of air navigation facilities.

Facilities and Equipment

(AIRPORT AND AIRWAY TRUST FUND)

(RESCISSION)

Of the available balances under this heading, $60,000,000 are rescinded.

Research, Engineering, and Development

(AIRPORT AND AIRWAY TRUST FUND)

For necessary expenses, not otherwise provided for, for research, engineering, and development, as authorized under part A of subtitle VII of title 49, U.S.C., including construction of experimental facilities and acquisition of necessary sites by lease or grant, $143,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until September 30, 1998: *Provided*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources, for expenses incurred for research, engineering, and development.

Grants-in-Aid for Airports

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(AIRPORT AND AIRWAY TRUST FUND)

For liquidation of obligations incurred for grants-in-aid for airport planning and development, and for noise compatibility planning and programs as authorized under subchapter I of chapter 471 and subchapter I of chapter 475 of title 49, U.S. Code, and under other law authorizing such obligations, $1,500,000,000, to be derived from the Airport and Airway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $1,600,000,000 in fiscal year 1996 for grants-in-aid for airport planning and development, and noise compatibility planning and programs, notwithstanding section 47117(h) of title 49, U.S. Code.

Aviation Insurance Revolving Fund

The Secretary of Transportation is hereby authorized to make such expenditures and investments, within the limits of funds available pursuant to 49 U.S.C. 44307, and in accordance with section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program for aviation insurance activities under chapter 443 of title 49, U.S. Code.

Aircraft Purchase Loan Guarantee Program

None of the funds in this Act shall be available for activities under this head the obligations for which are in excess of $1,600,000 during fiscal year 1996.

FEDERAL HIGHWAY ADMINISTRATION

LIMITATION ON GENERAL OPERATING EXPENSES

Necessary expenses for administration, operation, including motor carrier safety program operations, and research of the Federal Highway Administration not to exceed $495,381,000 shall be paid in accordance with law from appropriations made available by this Act to the Federal Highway Administration together with advances and reimbursements received by the Federal Highway Administration: *Provided*, That $190,667,000 of the amount provided herein shall remain available until September 30, 1998.

Highway-Related Safety Grants

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

(INCLUDING TRANSFER OF FUNDS)

For payment of obligations incurred in carrying out the provisions of title 23, United States Code, section 402 administered by the Federal Highway Administration, to remain available until expended, $10,000,000, to be derived from the Highway Trust Fund: *Provided*, That not to exceed $100,000 of the amount made available herein shall be available for "Limitation on general operating expenses": *Provided further*, That none of the funds in this Act shall be available for the planning or execution of programs the obligations for which are in excess of $10,000,000 in fiscal year 1996 for "Highway-Related Safety Grants".

Federal-Aid Highways

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $18,000,000,000 for Federal-aid highways and highway safety construction programs for fiscal year 1996.

Federal-Aid Highways

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For carrying out the provisions of title 23, United States Code, that are attributable to Federal-aid highways, including the National Scenic and Recreational Highway as authorized by 23 U.S.C. 148, not otherwise provided, including reimbursements for sums expended pursuant to the provisions of 23 U.S.C. 308, $19,200,000,000 or so much thereof as may be available in and derived from the Highway Trust Fund, to remain available until expended.

Right-of-Way Revolving Fund

(LIMITATION ON DIRECT LOANS)

(HIGHWAY TRUST FUND)

None of the funds under this head are available for obligations for right-of-way acquisition during fiscal year 1996.

Motor Carrier Safety Grants

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 31102, $68,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $79,150,000 for "Motor Carrier Safety Grants".

NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION

Operations and Research

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under part C of subtitle VI of title 49, United States Code, and chapter 301 of title 49, United States Code, $73,316,570, of which $37,825,850 shall remain available until September 30, 1998: *Provided*, That none of the funds appropriated by this Act may be obligated or expended to plan, finalize, or implement any rulemaking to add to section 575.104 of title 49 of the Code of Federal Regulations any requirement pertaining to a grading standard that is different from the three grading standards (treadwear, traction, and temperature resistance) already in effect.

Operations and Research

(HIGHWAY TRUST FUND)

For expenses necessary to discharge the functions of the Secretary with respect to traffic and highway safety under 23 U.S.C. 403 and section 2006 of the Intermodal Surface Transportation Efficiency Act of 1991 (Public Law 102–240), to be derived from the Highway Trust Fund, $52,011,930, of which $32,770,670 shall remain available until September 30, 1998.

Operations and Research

(RESCISSIONS)

Of the amounts made available under this heading in Public Law 103–331, Public Law 102–388, and Public Law 101–516, $4,547,185 are rescinded from the national advanced driving simulator project.

Highway Traffic Safety Grants

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred carrying out the provisions of 23 U.S.C. 153, 402, 408, and 410, Chapter 303 of title 49, United States Code, and section 209 of Public Law 95–599, as amended, to remain available until expended, $153,400,000, to be derived from the Highway Trust Fund: *Provided*, That, notwithstanding subsection 2009(b) of the Intermodal Surface Transportation Efficiency Act of 1991, none of the funds in this Act shall be available for the planning or execution of programs the total obligations for which, in fiscal year 1996, are in excess of $153,400,000 for programs authorized under 23 U.S.C. 402 and 410, as amended, of which $126,000,000 shall be for "State and community highway safety grants", $2,400,000 shall be for the "National Driver Register" (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein), and $25,000,000 shall be for section 410 "Alcohol-impaired driving countermeasures programs": *Provided further*, That from the $126,000,000 provided under "State and community highway safety grants", $3,000,000 shall be made available for the "Safe communities" program in three States, notwithstanding the provisions of 23 U.S.C. 402(c) and (g): *Provided further*, That none of these funds shall be used for construction, rehabilitation or remodeling costs, or for office furnishings and fixtures for State, local, or private buildings or structures: *Provided further*, That none of these funds shall be used to purchase automobiles or motorcycles for state, local, or private usage: *Provided further*, That not to exceed $5,153,000 of the funds made available for section 402 may be available for administering "State and community highway safety grants": *Provided further*, That not to exceed $500,000 of the funds made available for section 410 "Alcohol-impaired driving countermeasures programs" may be available for technical assistance to the States: *Provided further*, That not to exceed $890,000 of the funds made available for the "National Driver Register" may be available for administrative expenses.

FEDERAL RAILROAD ADMINISTRATION

Office of the Administrator

For necessary expenses of the Federal Railroad Administration, not otherwise provided for, $14,000,000, of which $1,508,000 shall remain available until expended: *Provided*, That none of the funds in this Act shall be available for the planning or execution of a program making commitments to guarantee new loans under the Emergency Rail Services Act of 1970, as amended, and no new commitments to guarantee loans under section 211(a) or 211(h) of the Regional Rail Reorganization Act of 1973, as amended, shall be made: *Provided further*, That, as part of the Washington Union Station transaction in which the Secretary assumed the first deed of trust on the property and, where the Union Station Redevelopment Corporation or any successor is obligated to make payments on such deed of trust on the Secretary's behalf, including payments on and after September 30, 1988, the Secretary is authorized to receive such payments directly from the Union Station Redevelopment Corporation, credit them to the appropriation charged for the first deed of trust, and make payments on the first deed of trust with those funds: *Provided further*, That such additional sums as may be necessary for payment on the first deed of trust may be advanced by the Administrator from unobligated balances available to the Federal Railroad Administration, to be reimbursed from payments received from the Union Station Redevelopment Corporation.

Railroad Safety

For necessary expenses in connection with railroad safety, not otherwise provided for, $49,940,660, of which $2,687,000 shall remain available until expended.

Railroad Research and Development

For necessary expenses for railroad research and development, $21,000,000, to remain available until expended.

Northeast Corridor Improvement Program

For necessary expenses related to Northeast Corridor improvements authorized by title VII of the Railroad Revitalization and Regulatory Reform Act of 1976, as amended (45 U.S.C. 851 et seq.) and 49 U.S.C. 24909, $100,000,000, to remain available until September 30, 1998.

Railroad Rehabilitation and Improvement Program

The Secretary of Transportation is authorized to issue to the Secretary of the Treasury notes or other obligations pursuant to section 512 of the Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94–210), as amended, in such amounts and at such times as may be necessary to pay any amounts required pursuant to the guarantee of the principal amount of obligations under sections 511 through 513 of such Act, such authority to exist as long as any such guaranteed obligation is outstanding: *Provided*, That no new loan guarantee commitments shall be made during fiscal year 1996.

National Magnetic Levitation Prototype Development

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the planning or execution of the National Magnetic Levitation Prototype Development program as defined in subsections 1036(b) and 1036(d)(1)(A) of the Intermodal Surface Transportation Efficiency Act of 1991.

Next Generation High Speed Rail

For necessary expenses for Next Generation High Speed Rail technology development and demonstrations, $10,000,000, to remain available until expended.

Trust Fund Share of Next Generation High Speed Rail

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For grants and payment of obligations incurred in carrying out the provisions of the High Speed Ground Transportation program as defined in subsections 1036(c) and 1036(d)(1)(B) of the Intermodal Surface Transportation Efficiency Act of 1991, including planning and environmental analyses, $5,000,000, to be derived from the Highway Trust Fund and to remain available until expended: *Provided*, That none of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $5,000,000.

Grants to the National Railroad Passenger Corporation

To enable the Secretary of Transportation to make grants to the National Railroad Passenger Corporation authorized by 49 U.S.C. 24104, $628,000,000, of which $336,000,000 shall be available for operating losses and for mandatory passenger rail service payments, $62,000,000 shall be for transition costs incurred by the Corporation, and $230,000,000 shall be for capital improvements: *Provided*, That none of the funds under this head shall be made available until significant reforms (including labor reforms) in authorizing legislation are enacted to restructure the National Railroad Passenger Corporation: *Provided further*, That funding under this head for capital improvements shall not be made available before July 1, 1996: *Provided further*, That none of the funds herein appropriated shall be used for lease or purchase of passenger motor vehicles or for the hire of vehicle operators for any officer or employee, other than the president of the Corporation, excluding the lease of passenger motor vehicles for those officers or employees while in official travel status.

FEDERAL TRANSIT ADMINISTRATION

Administrative Expenses

For necessary administrative expenses of the Federal Transit Administration's programs authorized by chapter 53 of title 49, United States Code, $39,260,000.

Formula Grants

For necessary expenses to carry out 49 U.S.C. 5307, 5310(a)(2), 5311, and 5336, to remain available until expended, $890,000,000: *Provided*, That no more than $2,000,000,000 of budget authority shall be available for these purposes: *Provided further*, That of the funds provided under this head for formula grants, no more than $400,000,000 may be used for operating assistance under 49 U.S.C. 5336(d).

University Transportation Centers

For necessary expenses for university transportation centers as authorized by 49 U.S.C. 5317(b), to remain available until expended, $6,000,000.

Transit Planning and Research

For necessary expenses for transit planning and research as authorized by 49 U.S.C. 5303, 5311, 5313, 5314, and 5315, to remain available until expended, $82,250,000 of which $39,436,250 shall be for activities under 49 U.S.C. 5303, $4,381,250 for activities under 49 U.S.C. 5311(b)(2), $8,051,250 for activities under 49 U.S.C. 5313(b), $19,480,000 for activities under 49 U.S.C. 5314, $8,051,251 for activities under 49 U.S.C. 5313(a), and $2,850,000 for activities under 49 U.S.C. 5315.

Trust Fund Share of Expenses

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 5338(a), $1,120,850,000, to remain available until expended and to be derived from the Highway Trust Fund: *Provided*, That $1,110,000,000 shall be paid from the Mass Transit Account of the Highway Trust Fund to the Federal Transit Administration's formula grants account.

Discretionary Grants

(LIMITATION ON OBLIGATIONS)

(HIGHWAY TRUST FUND)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of $1,665,000,000 in fiscal year 1996 for grants under the contract authority in 49 U.S.C. 5338(b): *Provided*, That there shall be available for fixed guideway modernization, $666,000,000; there shall be available for the replacement, rehabilitation, and purchase of buses and related equipment and the construction of bus-related facilities, $333,000,000; and there shall be available for new fixed guideway systems, $666,000,000, to be available as follows:

$42,410,000 for the Atlanta-North Springs project;

$17,500,000 for the South Boston Piers (MOS–2) project;

$6,500,000 for the Canton-Akron-Cleveland commuter rail project (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein);

$2,000,000 for the Cincinnati Northeast/Northern Kentucky rail line project (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein);

$16,941,000 for the Dallas South Oak Cliff LRT project;

$2,500,000 for the DART North Central light rail extension project (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein);

$5,000,000 for the Dallas-Fort Worth RAILTRAN project (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein);

$10,000,000 for the Florida Tri-County commuter rail project (subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein);

$22,630,000 for the Houston Regional Bus project;

$12,500,000 for the Jacksonville ASE extension project;

$125,000,000 for the Los Angeles Metro Rail (MOS–3);

$10,000,000 for the Los Angeles-San Diego commuter rail project;

$10,000,000 for the MARC commuter rail project;

$3,000,000 for the Maryland Central Corridor LRT project;

$2,000,000 for the Miami-North 27th Avenue project "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)";

$2,500,000 for the Memphis, Tennessee Regional Rail Plan "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)";

$75,000,000 for the New Jersey Urban Core-Secaucus project;

$10,000,000 for the New Orleans Canal Street Corridor project "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)";

$114,989,000 for the New York Queens Connection project;

$5,000,000 for the Orange County Transitway project "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)";

$22,630,000 for the Pittsburgh Airport Phase 1 project;

$85,500,000 for the Portland Westside LRT project;

$2,000,000 for the Sacramento LRT extension project;

$10,000,000 for the St. Louis Metro Link LRT project;

$5,000,000 for the Salt Lake City light rail project: *Provided*, That such funding may be available only for related high-occupancy vehicle lane and intermodal corridor design costs;

$10,000,000 for the San Francisco BART extension to the San Francisco airport project;

$15,000,000 for the San Juan, Puerto Rico Tren Urbano project "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)";

$1,000,000 for the Tampa to Lakeland commuter rail project "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)";

$5,000,000 for the Whitehall ferry terminal, New York, New York "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)"; and

$14,400,000 for the Wisconsin central commuter project "(subject to passage hereafter by the House of a bill authorizing appropriations therefor, and only in amounts provided therein)".

Mass Transit Capital Fund

(LIQUIDATION OF CONTRACT AUTHORIZATION)

(HIGHWAY TRUST FUND)

For payment of obligations incurred in carrying out 49 U.S.C. 5338(b) administered by the Federal Transit Administration, $2,000,000,000 to be derived from the Highway Trust Fund and to remain available until expended.

Washington Metropolitan Area Transit Authority

For necessary expenses to carry out the provisions of section 14 of Public Law 96-184 and Public Law 101-551, $200,000,000, to remain available until expended.

SAINT LAWRENCE SEAWAY DEVELOPMENT CORPORATION

The Saint Lawrence Seaway Development Corporation is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available to the Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended, as may be necessary in carrying out the programs set forth in the Corporation's budget for the current fiscal year.

Operations and Maintenance

(HARBOR MAINTENANCE TRUST FUND)

For necessary expenses for operation and maintenance of those portions of the Saint Lawrence Seaway operated and maintained by the Saint Lawrence Seaway Development Corporation, $10,190,500, to be derived from the Harbor Maintenance Trust Fund, pursuant to Public Law 99-662.

RESEARCH AND SPECIAL PROGRAMS ADMINISTRATION

Research and Special Programs

For expenses necessary to discharge the functions of the Research and Special Programs Administration, $26,030,000, of which $574,000 shall be derived from the Pipeline Safety Fund, and of which $7,606,000 shall remain available until September 30, 1998: *Provided*, That $2,322,000 shall be transferred to the Bureau of Transportation Statistics for the expenses necessary to conduct activities related to Airline Statistics, and of which $272,000 shall remain available until expended: *Provided further*, That up to $1,000,000 in fees collected under 49 U.S.C. 5108(g) shall be deposited in the general fund of the Treasury as offsetting receipts: *Provided further*, That there may be credited to this appropriation funds received from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training, for reports publication and dissemination.

Pipeline Safety

(PIPELINE SAFETY FUND)

For expenses necessary to conduct the functions of the pipeline safety program for grants-in-aid to carry out a pipeline safety program, as authorized by 49 U.S.C. 60107 and the Hazardous Liquid Pipeline Safety Act of 1979, as amended, and to discharge the pipeline program responsibilities of the Oil Pollution Act of 1990, $29,941,000, of which $2,698,000 shall be derived from the Oil Spill Liability Trust Fund and shall remain available until September 30, 1998; and of which $27,243,000 shall be derived from the Pipeline Safety Fund, of which $19,423,000 shall remain available until September 30, 1998: *Provided*, That from amounts made available herein from the Pipeline Safety Fund, not to exceed $1,000,000 shall be available for grants to States for the development and establishment of one-call notification systems.

Emergency Preparedness Grants

(EMERGENCY PREPAREDNESS FUND)

For necessary expenses to carry out 49 U.S.C. 5127(c), $400,000 to be derived from the Emergency Preparedness Fund, to remain available until September 30, 1998: *Provided*, That not more than $8,890,000 shall be made available for obligation in fiscal year 1996 from amounts made available by 49 U.S.C. 5116(i) and 5127(d): *Provided further*, That no such funds shall be made available for obligation by individuals other than the Secretary of Transportation, or his designees.

OFFICE OF INSPECTOR GENERAL

Salaries and Expenses

For necessary expenses of the Office of Inspector General to carry out the provisions of the Inspector General Act of 1978, as amended, $40,238,000.

The CHAIRMAN. Are there any amendments to title I?

☐ 1300

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise on a point of order against page 20, line 14, beginning with the colon through the citation on line 19.

The CHAIRMAN (Mr. Bereuter). The gentleman must state the basis for his point of order.

Mr. SHUSTER. Mr. Chairman, this provision violates rule XXI, clause 2(a) of the rules of the House because it appropriates money for a "safe communities" program which is not authorized by law.

The CHAIRMAN. Does the gentleman from Virginia desire to be heard?

Mr. WOLF. Mr. Chairman, I concede the point of order.

The CHAIRMAN. The point of order is conceded and sustained.

AMENDMENT NO. 10 OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. Smith of Michigan: Page 7, line 20, strike "$2,566,000,000" and insert "$2,565,607,000".

Mr. SMITH of Michigan. Mr. Chairman, this amendment implements the original recommendation of the Coast Guard, the President's budget, and was also incorporated in the House budget resolution to phase out employees working in the Coast Guard personnel offices. There apparently was a misunderstanding on whether or not these offices would be closed.

According to the Coast Guard, whom I talked to this morning, possibly one might be closed, but the rest of the stations would be left open. This amendment strikes $393,000 out of the Coast Guard's operating and maintenance expenses used to fund unneeded employees in five civilian personnel offices.

The proposal is consistent with the administration, with the Coast Guard, with the budget resolution. Again this, proposal strikes funding for five employees that the Coast Guard recommends be phased out and personnel matters. The amendment restores the Coast Guard's proposal.

Mr. Chairman, as we rein in big government, it is very important to get the most for taxpayers' dollars. This amendment does cut Coast Guard overhead and allows the savings to be used for ships, equipment, and other more vital functions.

The amendment, according to OMB, will save $1.244 million over the 2-year consolidation period. This amendment makes fiscal sense. It has bipartisan support. I hope my colleagues on both sides of the aisle will consider supporting it.

Mr. WOLF. Mr. Chairman, I rise in support of the amendment, and we will accept the amendment. I think it is a good amendment and will save money.

Mr. COLEMAN. Mr. Chairman, the minority has no objection and would agree to the amendment.

Mr. DeFAZIO. Mr. Chairman, I move to strike the requisite number of words. Mr. Chairman, I rise to question the procedure here. There are a number of us who had amendments relating to the O&M account and my question is, if this amendment is acceded to, does that preclude any further amendments to the Coast Guard O&M account?

Mr. WOLF. Mr. Chairman, if the gentleman from Oregon would yield, I would say to the gentleman, no, it does not. What will happen is after this amendment is adopted, the committee will rise and the agriculture people will come back and nobody is foreclosed. When we begin on Monday or Tuesday or whenever we begin, we will start from here. No amendment will be foreclosed.

Mr. DEFAZIO. Mr. Chairman, reclaiming my time, my understanding is that there is some rule regarding revisiting an account once the number has been altered.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, let me say to the gentleman from Oregon, we reviewed, as a matter of fact, the Smith amendment in respect to what it might do to the DeFazio amendment. Our view is that it will require a rewrite of the amendment of the gentleman from Oregon [Mr. DEFAZIO]; not a changing of numbers. It will require some rewrite so that it does not violate a rule that does not allow us to revisit that same amendment twice.

So it will require a rewrite. All I can say is that I am sure that the gentleman from Virginia [Mr. WOLF], nor I, would in any way object to the gentleman being recognized as though he had correctly published that amendment in the RECORD.

Mr. DEFAZIO. Mr. Chairman, I thank the gentleman. If the Chairman agrees, then I would certainly not object to this amendment going forward.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. SMITH].

The amendment was agreed to.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore. (Mr. KLUG), having assumed the chair, Mr. LAHOOD, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2002) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

AGRICULTURE, RURAL DEVELOPMENT, FOOD AND DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore (Mr. KLUG). Pursuant to House Resolution 188 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for further consideration of the bill H.R. 1976.

□ 1305

IN THE COMMITTEE OF THE WHOLE HOUSE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes, with Mr. KLUG in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on the legislative day of Thursday, July 20, 1995, the bill was considered as read.

After disposition of any questions earlier postponed under the authority granted by the order of the House of July 19, 1995, and pursuant to the order of the House of Thursday, July 20, 1995, no further amendments shall be in order except the following: The amendment by the gentleman from New Jersey [Mr. ZIMMER], 60 minutes; the amendment by the gentleman from Wisconsin [Mr. OBEY], 10 minutes; the amendment by the gentleman from Massachusetts [Mr. KENNEDY], 20 minutes; and the amendment by the gentleman from Florida [Mr. DEUTSCH], 20 minutes.

Each amendment may be offered only in the order specified, by the specified proponent or a designee, shall be considered read, shall be debatable for the time specified, equally divided and controlled by the proponent and an opponent; shall not be subject to amendment, and shall not be subject to a demand for division of the question.

When proceedings resume on the amendment offered by the gentleman from Ohio [Mr. HOKE], that amendment shall again be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent of the amendment.

AMENDMENT OFFERED BY MR. HOKE

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 20, 1995, the gentleman from Ohio [Mr. HOKE] and a Member opposed will each be recognized for 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, I yield myself such time as I may consume.

The purpose of the Hoke-Meehan amendment is very simple. What it does is reduces the appropriation for title I of Public Law 480, the Agricultural Trade Development Assistance Act of 1954, by $113 million to the level that was requested by the President and approved in the fiscal year 1996 budget resolution that we passed in this House.

What exactly is this title I program all about? Does it develop new markets for America's farm exporters, as its proponents would have you believe? Not according to a very long series of investigations by the Congressional Research Service and the General Accounting Office. In fact, there is not one single shred of nonanecdotal evidence that it develops long-term foreign customers.

Does it provide humanitarian food aid to save starving populations in desperately poor and hungry nations? No; in fact, that is not even the purpose of title I. That is the purpose of the $875 million that has been appropriated in titles II and III for emergency humanitarian food aid relief.

However, there is substantial evidence that Public Law 480, title I, does exactly the opposite. It undermines the ability of foreign farmers to compete with much cheaper, dumped, subsidized American agricultural products. This has literally resulted in the destruction of local foreign farm economies around the world.

In Egypt, an AID study found that the volume of United States food aid has become a disincentive to Egyptian farmers to produce grain. South Korea is frequently cited by Public Law 480 proponents as the best example of a success story where a recipient has become a customer. But according to a 1995 GAO study, there is no evidence to support the existence of a direct tie between title I aid and the development of commercial markets for United States farm goods in South Korea.

In fact, because of the disruptive impact that this program has had on local farm economies, the nations of Bulgaria, Latvia, Poland, and Slovakia, among others, are no longer participating in it.

Well, if it is not about developing new markets for American farm exporters and it is not about providing humanitarian food aid for poor nations, then what is it about?

Mr. Chairman, I think that the gentleman from Texas [Mr. ARMEY], the distinguished majority leader, got it right and said it best when he called this, the politics of greed wrapped up in the language of love.

What this is about is clear-cut, straightforward Government subsidies to big-farm and big-shipping interests. This is a program that makes it possible for the U.S. Government to dump our products at below-market prices on foreign countries at the expense of small foreign farmers, all for the benefit of the very largest, giant agri-conglomerates in the United States; companies like Archer Daniels Midland, Bunge, Cargill, Continental Grain, and others.

Well, good for them, but not good for foreign policy, not good for the American taxpayer, and not good for building long-term relationships. This is precisely the kind of corporate welfare that our constituents want us to get rid of. Here is our opportunity to bring it down to the level requested by the President and approved by the 1996 budget resolution that we have already voted for.

Mr. Chairman, I also want to inform my colleagues that this amendment has been endorsed by Americans for Tax Reform, Citizens Against Government Waste, Citizens for a Sound Economy, and the National Taxpayers Union.

Vote "yes" on the Hoke-Meehan amendment.

Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, after last night's debate, I think what is needed is some clarity on the issue. What many of the opponents of this amendment suggested is that this amendment is adopted, and Public Law 480, title I funding is cut, that starving people around the world would not receive food assistance.

If that were the case, I certainly would have never cosponsored this amendment. An action such as this would be mean-spirited at the very least.

Title I is a market development program, not an emergency humanitarian food program. Other titles of the Public Law 480 act are responsible for these activities. Title II authorizes donations for agricultural commodities for emergency feeding programs and to carry out activities to alleviate the causes of hunger and disease and death. Title III authorizes grants of agricultural commodities to be used for food distribution programs and development of food reserves.

The distinction between these differing objectives was made clear by the Committee on Agriculture itself. The 1990 Agricultural Development and Trade Act distributed the responsibility for these programs to two different agencies with distinct missions. The management of title I activities was kept in the Department of Agriculture.

Mr. Chairman, I urge that Members vote for the Hoke-Meehan amendment. The administration is in favor of cutting back this appropriation.

Mr. EMERSON. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Missouri [Mr. EMERSON] is recognized for 5 minutes.

Mr. EMERSON. Mr. Chairman, title I, about which we are talking, is directed toward countries that exhibit potential to become customers of U.S. agricultural commodities. It is a program that serves as a vital link between the assistance we give to severely impoverished nations and business we receive from cash-paying customers of U.S. agricultural commodities.

So, Mr. Chairman, I stand today in strong opposition to this ill-advised amendment and must refute some of the arguments that have been presented.

First of all, it was stated last evening that several countries have dropped out of the title I program. They have. They have graduated from the concessional program to become hard-cash customers of U.S. commodities. In fact, 43 of the 50 largest buyers of American farm goods are countries that used to receive food aid.

□ 1315

Examples of this include Egypt, which now purchases a half billion dollars in United States bulk grains annually, and Pakistan, which has become 1 of the top 10 importers of United States wheat.

Furthermore, both of these countries have allowed privatization of their government-managed food importing agencies, a reform which has been furthered by participation in this program.

Some have said that this program has outdated objectives. I disagree. Market development and privatization are still very much in style today. Development of our export markets is as important today, if not more so, than it has ever been.

This amendment affects specifically title I, the portion directed toward economically stronger food-deficit countries that have the potential of becoming commercial importers, but it is an important part of the entire Public Law 480 picture because it allows a transition between the assistance that we give to severely impoverished nations and business we receive from cash-paying customers of U.S. agricultural commodities.

I also want to respond briefly to the argument the title I program was deemed inadequate by the GAO and USDA. That is not true. Both agencies have offered suggestions for refining the program, and these concerns will be addressed in the farm bill.

However, using the appropriations process to limit the role of our food assistance and foreign market development efforts is neither a timely nor an appropriate manner to effect needed operational refinements. This program is a win-win situation. We provide jobs for U.S. workers both now and in the future, and we assist struggling countries to meet their food needs.

I urge my colleagues, I plead with my colleagues, to vote against this ill-advised amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, I thank the distinguished gentleman for yielding to me. He has been a true leader in having U.S. agriculture address the nutritional needs of countries that are in desperate shape from a food need standpoint.

This amendment comes right at the heart of a very important program we have long maintained, using our agricultural prowess to help shaky countries with serious food need shortages for their citizenry.

What have we gained from that? The benefit of world leadership, the benefit of stabilizing very unstable situations and, finally and best of all, new customers for our agricultural products.

Following the GATT Treaty, we are in a critical period of shakeout in terms of developing international markets. We must maintain the funding for Public Law 480. Please, do not succumb to the very shallow attractiveness of this amendment. Please, support the Committee on Appropriations and reject this amendment.

Mr. EMERSON. I thank the gentleman for his contribution.

Mr. WALSH. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I yield back to the gentleman from New York.

Mr. WALSH. Mr. Chairman, I rise in strong opposition to this terribly insensitive amendment and attack on our Public Law 480 program.

Mr. EMERSON. I thank the gentleman for his contribution also. He is a distinguished leader on the Agriculture Appropriations Committee.

Mr. SKEEN. Mr. Chairman, will the gentleman yield?

Mr. EMERSON. I yield to the gentleman from New Mexico, the chairman of the subcommittee.

Mr. SKEEN. I, too, think it is about time we quit talking about corporate welfare when we do not even know what the program is all about. I tell the gentleman that I admire him for taking this on, his support for this program. It is one of the things that helps agriculture in this country. That is exactly what we need.

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. HOKE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The CLERK. The text of the amendment is as follows:

Amendment offered by Mr. HOKE: Page 71, after line 2, insert the following new section:

SEC. 726. The amounts otherwise provided in this Act for under the heading "Public Law 480 Program Accounts" are hereby reduced by the following amounts:

(1) The amount specified in paragraph (1) under such heading, $129,802,000.

(2) The amount specified in paragraph (2) under such heading, $8,583,000.

(3) The amount specified for the cost of direct credit agreements, $104,329,000.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July

19, the Chairman announces that he will reduce to a minimum of 5 minutes within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings, and this first vote will be a 15-minute vote.

The vote was taken by electronic device, and there were—ayes 83, noes 338, not voting 13, as follows:

[Roll No. 547]

AYES—83

Andrews
Archer
Armey
Bachus
Baker (CA)
Ballenger
Barrett (WI)
Bartlett
Bass
Bilbray
Bilirakis
Blute
Chabot
Coburn
Davis
DeLay
Dornan
Duncan
English
Ensign
Eshoo
Fawell
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Gilchrest
Gordon
Goss
Green
Hancock
Hayworth
Hefley
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Inglis
Jacobs
Johnson (CT)
Kasich
Klug
Kolbe
Largent
LoBiondo
Longley
Luther
Manzullo
Meehan
Metcalf
Miller (FL)
Molinari
Myrick
Neumann
Owens
Payne (NJ)
Petri
Portman
Ramstad
Rohrabacher
Royce
Salmon
Sanford
Scarborough
Schumer
Sensenbrenner
Shadegg
Shays
Smith (WA)
Souder
Stearns
Stockman
Stump
Talent
Tate
Torkildsen
Wamp
White
Zeliff
Zimmer

NOES—338

Abercrombie
Ackerman
Allard
Baesler
Baker (LA)
Baldacci
Barcia
Barr
Barrett (NE)
Barton
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Buhn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Costello
Coyne
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
Evans
Everett
Ewing
Farr
Fattah
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Frank (MA)
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Gonzalez
Goodlatte
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefner
Heineman
Herger
Hilliard
Hinchey
Holden
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek
Menendez
Meyers
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Scott
Seastrand
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velázquez
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—13

Bateman
Brown (CA)
Collins (MI)
Cox
Crane
Dreier
Ford
Gallegly
Goodling
Moakley
Reynolds
Volkmer
Watts (OK)

□ 1340

The Clerk announced the following pair: On this vote:

Mr. Dreier for, with Mr. Moakley against.

Messrs. ALLARD, RUSH, BOEHLERT, and Ms. FURSE changed their vote from "aye" to "no."

Messrs. DAVIS, SHADEGG, HOEKSTRA, SCHUMER, GORDON, and GILCHREST changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PAYNE of New Jersey. Mr. Speaker, on vote 547, the amendment offered by the gentleman from Ohio, I inadvertently voted "yes." I intended to vote "no," and I request that the RECORD reflect that.

Mr. LAHOOD. Mr. Chairman, I ask unanimous consent to speak out of order and to address the House for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. LAHOOD. Mr. Chairman, I do not know if any of my colleagues were as thrilled as I was when I was driving around my district, I think on Monday, and had my radio on, and heard that one of our colleagues, a colleague from this House, was the one that had the courage and the guts to have two of our fellow Americans released by Saddam Hussein. It was not somebody from the administration; it was not somebody from the Senate. It was somebody from our House of Representatives.

Mr. Speaker, I also want to say I have been waiting all week to bring a little civility to the House, and what better way to do it than to recognize the gentleman from New Mexico [Mr. RICHARDSON]? We are in his debt for what he has done for two Americans and for all Americans.

Mr. Speaker, we are in his debt, and now we are asking him to free us from this institution today.

(Applause, the Members rising.)

Mr. RICHARDSON. Mr. Chairman, I ask unanimous consent to speak out of order and to address the House for 1 minute.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. RICHARDSON. First of all, I want to thank the gentleman from Illinois [Mr. LAHOOD] for the very generous words.

Second, I want to thank all of my colleagues for their expressions of support.

I want my colleagues to know that this was not a solitary effort. I got support from the administration and many on both sides of the aisle like the gentleman from Florida [Mr. STEARNS] and many others that worked with me to secure the release of the two Americans.

I also want my colleagues to know that Saddam Hussein did reject part of the deal, that being that I stay in Baghdad for a few days.

□ 1345

But seriously, I want to thank the gentleman from Illinois for the nice words.

I think that there is a role for those of us, many here, with abilities in foreign policy that can serve as mediators when our executive branch perhaps does not have the flexibility to do that. There are many here in this body like the FRANK WOLFS and JOHN PORTERS and NANCY PELOSIS and TOM LANTOSES and SAM GEJDENSONS and JIM MORANS and JIM OBERSTARS, all who have talents in foreign policy, care about human rights, and could very easily have undertaken the efforts that I just did.

I think it is important that as we move ahead in relationships with countries that previously have been antagonists, like with North Korea, that eventually we utilize the talents of some of our own, like JAY KIM and many others that have direct experiences on many of these issues.

To my colleagues, I thank them for their warm words. I am thankful for the support and friendship and the jokes, the Free Willy jokes, the many others that they have undertaken, but mostly to the gentleman from Illinois and to the American people and to the families of these two good men and these two good Americans, family values, two regular guys that innocently got caught and did not get a response from their government until it was a coordinated effort between the executive branch and the Congress. I thank you.

AMENDMENT OFFERED BY MR. SANFORD

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from South Carolina [Mr. SANFORD] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The text of the amendment is as follows:

Amendment Offered by Mr. SANFORD: Page 71, after line 2, insert the following new section:

"SEC. 726. None of the funds appropriated or otherwise made available in this Act shall be used for the construction of a new office facility campus at the Beltsville Agricultural Research Center."

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 199, noes 221, not voting 14, as follows:

[Roll No. 548]

AYES—199

Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bass
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Camp
Castle
Chabot
Chambliss
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Cooley
Cubin
Cunningham
Deal
Doggett
Dornan
Doyle
Duncan
Dunn
Ehlers
English
Ensign
Eshoo
Everett
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Furse
Ganske
Geren
Goodlatte
Graham
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
King
Kleczka
Klink
Klug
Kolbe
LaHood
Largent
Latham
Laughlin
Lazio
Lewis (KY)
Linder
LoBiondo
Lofgren
Longley
Luther
Manzullo
Martini
Mascara
McCarthy
McCollum
McHale
McHugh
McInnis
McIntosh
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myrick
Neumann
Norwood
Nussle
Orton
Owens
Parker
Paxon
Petri
Pombo
Porter
Portman
Quinn
Ramstad
Reed
Regula
Rivers
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schumer
Seastrand
Sensenbrenner
Shadegg
Shays
Shuster
Sisisky
Smith (MI)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tanner
Tate
Taylor (MS)
Taylor (NC)
Thornberry
Tiahrt
Torkildsen
Torricelli
Upton
Waldholtz
Wamp
Weldon (FL)
Weldon (PA)
Weller
White
Wicker
Williams
Wyden
Young (FL)
Zeliff
Zimmer

NOES—221

Abercrombie
Ackerman
Allard
Andrews
Baesler
Baldacci
Barcia
Bartlett
Barton
Becerra
Beilenson
Berman
Bevill
Bishop
Boehlert
Boehner
Bonior
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Callahan
Calvert
Canady
Cardin
Chapman
Chenoweth
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crapo
Cremeans
Danner
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Durbin
Edwards
Ehrlich
Emerson
Engel
Evans
Ewing
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Funderburk
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Gunderson
Gutierrez
Hamilton
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kaptur
Kennedy (MA)
Kennelly
Kingston
Knollenberg
LaFalce
Lantos
LaTourette
Leach
Levin
Lewis (CA)
Lewis (GA)
Lightfoot
Lincoln
Lipinski
Livingston
Lowey
Lucas
Maloney
Manton
Markey
Martinez
Matsui
McCrery
McDade
McDermott
McKeon
McKinney
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moran
Morella
Myers
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Pryce
Quillen
Radanovich
Rahall
Rangel
Richardson
Riggs
Roberts
Rogers
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Scott
Serrano
Shaw
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tauzin
Tejeda
Thomas
Thompson
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Velázquez
Vento
Visclosky
Vucanovich
Walker
Walsh
Ward
Waters
Watt (NC)
Waxman
Whitfield
Wilson
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)

NOT VOTING—14

Bateman
Bonilla
Brown (CA)
Collins (MI)
Cox
Crane
Dreier
Gallegly
Goodling
Hoke
Moakley
Reynolds
Volkmer
Watts (OK)

□ 1355

The Clerk announced the following pair: On this vote:

Mr. Dreier for, with Mr. Moakley against.

Mr. STUPAK changed his vote from "aye" to "no."

Mr. CAMP and Mr. WICKER changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. OLVER

The CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. OLVER] on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. OLVER: Page 71, after line 2, insert the following new section:

SEC. (a) LIMITATION ON USE OF FUNDS.—None of the funds made available in this Act shall be used to pay the salaries of personnel to provide assistance to livestock producers under provisions of title VI of the Agricultural Act of 1949 if crop insurance protection or nonuninsured crop disaster assistance for the loss of feed produced on the farm is available to the producer under the Federal Crop Insurance Act, as amended.

(b) CORRESPONDING INCREASE IN FUNDS.—The amount otherwise provided in this Act for "Rural Development Performance Partnerships" is hereby increased by $60,000,000.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 169, noes 248, not voting 17, as follows:

[Roll No. 549]

AYES—169

Abercrombie
Ackerman
Andrews
Armey
Barrett (WI)
Bass
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilirakis
Blute
Boehlert
Bonior
Borski
Boucher
Brown (FL)
Brown (OH)
Cardin
Castle
Clayton
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Davis
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Ehlers
Engel
Ensign
Eshoo
Evans
Fattah
Fields (LA)
Filner
Foglietta
Ford
Fox
Frank (MA)
Frelinghuysen
Frisa
Furse
Gejdenson
Gordon
Green
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hilliard
Hinchey
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Lazio
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martini
Mascara
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Pickett
Poshard
Quillen
Rahall
Rangel
Reed
Rivers
Roemer
Rohrabacher
Roukema
Roybal-Allard
Royce
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Skaggs
Slaughter
Spratt
Stark
Stearns
Stokes
Studds
Stupak
Tanner
Thompson
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wilson
Woolsey
Wyden
Yates
Young (FL)
Zeliff
Zimmer

NOES—248

Allard
Archer
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bentsen
Bilbray
Bishop
Bliley
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Duncan
Dunn
Edwards
Ehrlich
Emerson
English
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fowler
Franks (CT)
Franks (NJ)
Frost
Funderburk
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goss
Graham
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (SD)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Regula
Richardson
Riggs
Roberts
Rogers
Ros-Lehtinen
Rose
Roth
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wolf
Wynn
Young (AK)

NOT VOTING—17

Bateman
Brown (CA)
Clay
Collins (MI)
Cox
Crane
Dreier
Gallegly
Gibbons
Goodling
Greenwood
Moakley
Reynolds
Volkmer
Watts (OK)
Weldon (PA)
Wise

□ 1403

The Clerk announced the following pairs:

On this vote:

Mr. Moakley for, with Mr. Dreier against.

Mr. Wise for, with Mr. Watts of Oklahoma against.

Mr. WYNN changed his vote from "aye" to "no."

Mr. DEUTSCH changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider the amendment offered by the gentleman from New Jersey [Mr. ZIMMER].

AMENDMENT OFFERED BY MR. ZIMMER

Mr. ZIMMER. Mr. Chairman, I offer an amendment, amendment No. 29.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ZIMMER:

Amendment No. 29: Page 71, after line 2, insert the following new section:

SEC. 726. (a) LIMITATIONS ON USE OF FUNDS.—None of the funds made available in this Act may be used to pay the salaries of personnel who carry out a market promotion program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623).

(b) CORRESPONDING REDUCTION IN FUNDS.—The amount otherwise provided in this Act for "Commodity Credit Corporation Fund—Reimbursement for Net Realized Losses" is hereby reduced by $110,000,000.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 20, 1995, the gentleman from New Jersey [Mr. ZIMMER] will be recognized for 30 minutes, and a Member opposed, the gentleman from New Mexico [Mr. SKEEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, I ask unanimous consent to yield 15 minutes of my time to the gentleman from New York [Mr. SCHUMER] and that he be permitted to control the time.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent to yield 15 minutes of my time to the gentleman from Illinois [Mr. DURBIN] and that he be permitted to control the time.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. To make things clear to my colleagues in the House, the proponents of the amendment control 30 minutes of the time, 15 minutes to the gentleman from New Jersey [Mr. ZIMMER] and 15 minutes to the gentleman from New York [Mr. SCHUMER]. The opponents control 30 minutes, 15 minutes to the gentleman from New Mexico [Mr. SKEEN] and 15 minutes to the gentleman from Illinois [Mr. DURBIN].

The Chair recognizes the gentleman from New Jersey [Mr. ZIMMER].

Mr. ZIMMER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment would eliminate funding for the market promotion program, the program that epitomizes corporate welfare and congressional pork at its worst. Since 1986, one and a quarter billion taxpayer dollars have been used by MPP to underwrite the overseas advertising budgets of some of America's largest and most profitable businesses like Gallo, Blue Diamond, McDonald's, Burger King, Jim Beam, Hershey's.

I am proud of what this Congress has done to get the poor off welfare. I think it is time we showed the same commitment to getting the rich off welfare. At a time when we are eliminating hundreds of Federal programs for the sake of Federal budget reduction, we can no longer afford this program.

The gentleman from Wisconsin [Mr. OBEY] plans to offer an alternative amendment he says can preserve the MPP and still get rid of corporate pork. Do not be fooled by the Obey amendment. It is just pork lite. Mr. OBEY proposes to eliminate from eligibility any organization that sells more than $20 million. You heard that right, that is $20 million, not $20,000, not $200,000, not even $2 million, but $20 million.

Let me put that $20 million in perspective for you. The average American farm household income in 1993 was less than $43,000. It would take that average American farm household 466 years to earn $20 million. Most American farm producers are lucky if they gross $100,000, let alone $20 million. In fact, only 6 percent of all American farms gross more than $250,000 annually.

So who is the Obey amendment going to help? Who is he thinking of? The average farmer who earns $43,000, or the 94 percent of all American farms whose total gross annual sales are less than $250,000? I think not. Under the Obey amendment, you will be asking American taxpayers to subsidize the advertising budgets of those who do up to $20 million in business, and as high as it is, even the $20 million cap would be incredibly easy to evade.

In yesterday's debate on this bill, we heard how the current $50,000 per farm subsidy cap is a joke. The Obey amendment $20 million cap can be breached by any competent lawyer through the use of multiple bogus partnerships and dummy corporations. The Obey amendment $20 million will not get Ronald McDonald off welfare. Instead of one application for MPP money for Ronald McDonald, you get 500 from Ronald's franchises.

If you do not believe that this is welfare for the rich, then support the Obey amendment. If you really want to help small American farm producers break into overseas markets, then vote for the Zimmer amendment and scrap this program altogether. The Obey amendment, no matter where it places its cap, does not address the fundamental bias that this program has toward big business.

MPP requires a 50 percent match, and Obey will not change that. So if you are a California producer with less than $250,000 in sales and you can spare $2,000 for ads, MPP will give you $2,000. But if you are big business with $20 million in sales, and you can spare $200,000, you can get $200,000 from MPP. If you want to get rid of corporate pork and if you want to help the small producers, support the Zimmer amendment, vote to end this fatally flawed MPP program and ask the authorizing committee to create a brand-new program for you, one that has not been tainted by 10 long years of controversy and pork. You do not need to do this in this year of 1995. When the farm authorization bill comes to the floor, seize that opportunity. Vote for the Zimmer amendment, and do not settle for pork lite.

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

Once again, we hear the stories of 6 or 7 years ago and most of them were wrong then, and to dredge them up over and over does a disservice to this debate.

Through the efforts of this committee, we have forced the Department to redo the way it manages the Market Promotion Program, the idol of all of the great pork busters when they cannot find a pig. It now targets the small, nonbranded trade groups. The success of this program is well-known, and we will hear story after story today to show how this program benefits American farmers and industry.

This program means jobs in the United States, and to pass this amendment means jobs in other countries. Vote "no," save American jobs.

Mr. Chairman, I reserve the balance of my time.

Mr. SCHUMER. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I rise to join with my colleagues, the gentleman from New Jersey [Mr. ZIMMER], the gentleman from Ohio [Mr. HOKE], the gentleman from Wisconsin [Mr. BARRETT], the gentleman from New Jersey [Mr. LOBIONDO], and the gentleman from Minnesota [Mr. LUTHER], to end once and for all and never return to one of the most ill-conceived and wasteful programs in the annals of congressional spending, the market promotion program.

Joining us in spirit, if not in person as a cosponsor and one of the originators, is no other than the majority leader, the gentleman from Texas [Mr. ARMEY], who has worked with me for many years to kill the MPP Program. For 10 years this program has shoveled over $1.3 billion to pay mostly, not exclusively, but mostly, huge agribusinesses to advertise their products overseas.

The program was changed so badly, three times in separate reports by the GAO, for example, that Congress borrowed a tactic from the FBI's witness protection program and changed its name from TEA to MPP to give it a new lease on life.

Well, you can run but you cannot hide. MPP still brazenly gives cash grants to the biggest corporations in the world: $70 million to Sunkist, $40 million to Blue Diamond, $20 million Sunsweet, Gallo, $16 million, Pillsbury, $10 million, and a little hamburger company called McDonald's got over $1 million.

I have nothing against McDonald's or any of the other blue chip companies that receive these grants. They are what makes America tick. They are good. But it is simply wrong for corporations that grace the pages of Fortune magazine to receive taxpayer handouts.

Some companies never even sought the grants, there is so much money in this program that is unneeded, but took the money because USDA offered it free of charge.

□ 1415

USDA called Paul Newman's salad dressing company, for example, and asked if they wanted a grant. Now, is this a government program, or is this a Publishers Clearing House contest?

My favorite story, of course, is the one about the California Raisin Advisory Board. They received $3 million to introduce raisins to Japan. After this MPP fiasco, it will be centuries before the Japanese eat a single raisin. The Raisin Board used the same singing and dancing, "I heard it through the grapevine" claymation raisin campaign that proved so successful in the United States, but not so in Japan. First, it turns out that these claymation raisins were not bilingual, so they only sang in their native English. The Japanese could not understand.

Second, Marvin Gaye and his hit song, "I Heard It Through the Grapevine," are virtually unknown in Japan, so the Japanese target audience did not get the pun.

Third, since the Japanese were not familiar with regular raisins, they were baffled by these gargantuan vaudevillian dancing raisins. They thought they were dancing potatoes or dancing chocolates.

Finally, and worst of all, the raisin figures that they had dancing had four fingers. In Japan, this is a very bad omen. It would be similar to the Japanese marketing the Nissan as satan. Therefore, this is not the only MPP-inspired fiasco.

A California walnut ad in Israel has puzzled Israelis scratching their heads. Only 1 in 20 Israelis could figure out what the ad was about. The rest thought the walnut was, you guessed it, a potato.

As bad as this program is, as tight as our budget is, as draconian as the cuts in this bill are for child nutrition, MPP, can Members believe this, received a $25 million increase.

Our MPP amendment funds this program at the level it deserves: zero. I urge Members to support a bipartisan amendment. Look who is supporting it: Heritage Foundation, the Citizens for a Sound Economy, the National Taxpayers Union, all the way over to the Center for the Public Interest, the Teamsters, and no group less than the Doris Day League for the Protection of Animals.

With all due respect to my colleagues, Mr. Chairman, I would like to make one final argument. I hope those of the Members, and their staffs watching on the television, please tell your Member this. If we pass this amendment and end the program, we skip the next three votes. We will be out of here much earlier this afternoon than we would otherwise. This final argument is one that even the gentleman from New Mexico, BILL RICHARDSON, could not negotiate such a good settlement. Therefore, I say to my colleagues in conclusion, do not be fooled by any substitutes. Vote against the MPP Program.

Mr. DURBIN. Mr. Chairman, I yield 1½ minutes to the gentlewoman from Florida [Mrs. THURMAN].

Mrs. THURMAN. Mr. Chairman, in response to my good friend, the gentleman from New York, I realize he comes from an urban area, but those companies he is talking about are selling food. Just so he will be reminded, food does not come from the grocery store, it comes from the farmer.

Beyond that, I want Members to know I strongly oppose this amendment. Just a few weeks ago this floor rejected an amendment to abolish OPIC, and the vote was 90 to 329. I know that OPIC is not structured like MPP, but they have the same purpose: to increase American exports; OPIC for manufactured jobs, MPP for agriculture. Last month's debate showed that exports not only create jobs but also create a positive balance of payments. OPIC creates American jobs. So does MPP.

Mr. Chairman, GATT allows us to support agriculture exports for a few years. Our economic competitors are using every legal means available, and so should we. I did not support GATT because I believe in fair trade. It is not fair trade if our competitors use tools that we deny our own farmers. Just look at this chart, and it shows what we spend as compared to others.

Mr. Chairman, the agriculture-related segment of the economy upstream and downstream from the farm constitutes about 17 percent of our gross domestic product. Agriculture exports have outpaced imports by about $20 billion in recent years.

Mr. Chairman, I just would like to remind this House that 43 State delegations supported OPIC last month, and we ought to be supporting MPP.

Mr. ZIMMER. Mr. Chairman, I yield 1½ minutes to the gentleman from Arizona [Mr. SALMON].

Mr. SALMON. Mr. Chairman, the Market Promotion Program is the ultimate corporate welfare—giving millions of taxpayer dollars away to many of our largest corporations. It is good business to advertise overseas, and corporations would, and do, do it on their own. Our Nation's businesses are the best in the world. They know how to advertise effectively both at home and abroad.

This amendment will not put people in the unemployment lines as its opponents say, but it will help to get people off of welfare. People like Ronald McDonald, the Keebler Elves, the Dancing Raisins, and the Pillsbury Doughboy, to name a few. In fact, in 1993, the GAO reported that they could find no correlation between the amount spent on the MPP, and the levels of U.S. agricultural exports.

We are taking great steps forward toward shrinking the Federal Government and balancing our budget. Continuing the MPP flies in the face of all that we are trying to do. We are making tough choices and setting tough priorities so that we will not burden our children with a debt that they had no part in creating. Providing seed money for multibillion-dollar corporations to advertise beer, nuts, fruit, or any other product overseas is not one of these important priorities.

In tight budgetary times, this program should not have even survived—but it was increased by 30 percent. The MPP has already cost taxpayers $1.2 billion. Let us end this corporate welfare program.

Without the MPP, the raisins will still dance, the doughboy will still giggle, and Ronald McDonald will still smile. The difference is that Mr. and Mrs. America will not be picking up the tab. Vote "yes" on the Zimmer-Schumer amendment.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, I strongly oppose this amendment.

Corporate welfare, they say? The gentleman from New Jersey [Mr. ZIMMER] spoke of several of America's larger corporations. How about Bekins Skiff Orchards, how about McCluskey Farms, or western New York State apple growers? This program impacts on our farmers positively.

The MPP program, just this year, opened up a great new market for New York State apples in Israel. Trade sources in Israel report the market potential is 50,000 metric tons per year. This year we sold thousands of pounds of apples from New York State, upstate New York, to Israel. This means jobs. It means real income to our farmers all over the country, not just in New York. Stop this big city assault on our family farms. Vote "no".

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Minnesota [Mr. LUTHER], cosponsor of the bill.

Mr. LUTHER. Mr. Chairman, I rise today as a cosponsor of this amendment to end funding for the Market Promotion Program [MPP].

The Market Promotion Program, as other speakers have mentioned, reimburses companies for advertising and promotion incurred in overseas markets. While I fully appreciate the merits of export promotion, and I respect the motives of those who support this program, I must ask why we are even considering funding a program like this when our Federal budget is completely out of balance and we are nearly $5 trillion in debt.

The MPP is a clear example of a taxpayer-provided subsidy for dozens of American's successful businesses. In fact, over the past decade, the MPP has cost American taxpayers over $1.2 billion to subsidize foreign advertising.

Like with other programs, a case can be made that this advertising is helpful in selling our products overseas, but if the program is so successful, then the private sector should—and hopefully will—continue the practice without help from American taxpayers.

In fact, to their credit, some of the companies, including at least one in my home State of Minnesota, has been candid and honest enough to say that while they benefit from this program, they understand the need to cut this subsidy along with other areas of Federal spending.

This amendment is supported by groups across the spectrum including the Concord Coalition, Citizens for a Sound Economy, and the National Taxpayers Union.

Mr. Chairman, let me conclude by saying I am surprised that we are even having to deal with an issue like this in today's environment. I thought the people of this country made it clear in last fall's election that they want change, discipline, and fiscal responsibility here in Washington. Why then does spending like this still appear in a bill on the floor of this House?

Today, after years of overspending, we have no extra money to spend and we must discipline ourselves the way the rest of the world does. We must ask ourselves, not whether there is some value in this program, but rather is it more important to provide this foreign advertisement subsidy or make future investments in our children's education, Head Start, job training, and health care for the people of this country.

And what credibility will we have in trying to hold the line in those areas if we fund this program?

I ask you to bring some discipline and common sense to our work and support this amendment.

Mr. DURBIN. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, this week all of us were greeted when we read our morning newspaper, regardless of where we were in the country, that the United States was experiencing the largest trade deficit in history, that we had an $11.5 billion trade deficit. It is ironic that today on the floor of this House, we are considering passing an amendment that would increase that trade deficit.

Our agricultural exports are one of the few sectors of our economy to have a positive balance of trade. We are exporting over $51 billion worth of agricultural goods, creating a $20 billion surplus of trade in that sector. When we look at this, we are doing this in light of the fact that we are being grossly overspent by our competitors in the international marketplace.

If we look what the EC is spending, they are spending 10 times as much as the United States is. On wine exports alone, the EC has their subsidies of $90 billion. That is more than we spend on the entire market promotion program.

We talk about the arguments about the major corporations and cooperatives in this country, but the only way a cotton farmer in California or an apple grower in Pennsylvania or a dairy farmer in New York can market their products overseas is through some type of cooperative or some type of corporation. The MPP gives the tools to the farmers, to the cooperatives, so they can compete against the unfair international competition.

Mr. Chairman, this program is a program that works. This chart clearly demonstrates that since MPP was instituted, our trade balance has gone up with our agricultural products. It is a success. Do not listen to some of the arguments of our urban neighbors and urban colleagues. Vote for MPP.

Mr. ZIMMER. Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from New Jersey [Mr. LOBIONDO].

Mr. LOBIONDO. Mr. Chairman, I rise in strong support of the Zimmer amendment.

Mr. Chairman, we say it over and over—if we are going to balance the budget in 7 years, we must make some tough decisions. Cutting the market promotion program is not one of them. This is easy. There is no way that this program can be justified.

We must ask ourselves if it is an essential task of the Federal Government to advertise McDonald's Chicken McNuggets, Gallo Wine and Sunkist Oranges in foreign countries. The answer is no. Yet that is exactly what the market promotion program does.

The supporters of this program are going to talk about how the market promotion program is justified because it increases economic activity here in the United States.

Which means one of two things:

If the program is effective, we should eliminate funding because these multimillion-dollar corporations don't need it.

If, on the other hand, the market promotion program is not effective enough for private corporations to justify spending their money on it—then how do we justify spending more taxpayers' dollars on it?

Either way, we should eliminate funding for the market promotion program.

Since the program began in 1986, Congress has spent $1.25 billion to supplement the advertising budgets of some of the biggest corporations in the United States.

In this bill, spending on the market promotion program will increase from $85 million this year to $110 million in fiscal year 1996. This is a spending increase that we cannot tolerate.

Mr. Chairman, the American people sent us here to do what is right for the Nation. They want us to cut spending. They want us to stop putting them deeper and deeper in debt. And they want us to build a better economic future for them and their children. They want us to shrink the size of the Federal Government—to preserve those things that only government can accomplish, and get government out of those areas that should be left to the private sector.

We must make difficult decisions on spending in order to balance the budget in 7 years. The Zimmer amendment is an easy one. Vote "yes" on Zimmer-Schumer.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding time to me.

Mr. Chairman, I oppose any of these amendments pending on the floor today to the 1996 agricultural appropriations bill which would either eliminate or reduce funding for the market promotion program.

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Such an action would cripple American agriculture's ability to remain competitive in the post-GATT global marketplace.

Let me be clear about one thing. The world marketplace is still characterized by unfair competition. The European Union, for example, over the past 5 years has outspent the United States by 6 to 1 in terms of export promotion, and will be able to maintain this historical advantage even under GATT. The European Union now spends $89 million just promoting wine exports, which is more than we spend promoting all of our agricultural exports abroad.

The people that would be hurt by this amendment, which again comes from Northeasterners and I think is sort of a continuation of the overall war on the West emanating from Washington, DC, would be farmers and ranchers and the 1 million Americans whose jobs depend on U.S. agricultural exports. The fact of the matter is the MPP works.

Let me tell why. Arizona State University as part of a recent study completed analysis of the impact of MPP expenditures on 7 fruit and vegetable crops. The analysis showed that for every dollar of MPP funds spent overseas promoting American table grapes, there was an increase in value of $5.04. Even more dramatic was the return from a value-added product such as American wine. In addition, the study found that the return from the MPP to apple production was $18.19. The Market Promotion Program based on this study pays for itself and then some. The funds invested in the MPP translate into increased income for farmers, more jobs in the packaging and processing industries, and more jobs on the shipping lines.

Do not be deceived by these stories about so-called corporate abuse.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Chairman, earlier this year I put together my own plan to balance the budget. I had to make some difficult decisions, but I learned a valuable lesson: If we're serious about balancing the budget, Congress has to stop allocating scarce resources to pork-barrel projects.

The Market Promotion Program is a flagrant example of misallocated funds. Last year alone the Department of Agriculture spent $110 million helping market American food products abroad: $2.9 million went to Pillsbury to sell pies and muffins; $465,000 went to McDonalds to market Chicken McNuggets; $10 million went to Sunkist to sell oranges; and $1.2 million went to the American Legend to market mink coats.

Ronald McDonald and the Pillsbury doughboy shouldn't take priority over feeding young children when it comes to Government spending. Congress should end the special interest handouts before cutting programs that people rely on—like WIC, and other nutrition programs.

Let's put an end to the Market Promotion Program. Vote for the Schumer-Zimmer amendment, and start cutting corporate welfare now.

Mr. DURBIN. Mr. Chairman, I yield 1½ minutes to the gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. Mr. Chairman, we have been hearing a lot of talk about the large companies and how they benefit, but there are a couple of small Maine companies that benefit, and there are companies in the Northeast in the family farms that do benefit.

There is a family in Yarmouth, ME, Chick Orchards, which has been run by the Chick family since 1933. They have 500 acres of apple trees and about two-thirds is planted as McIntoch. Last year along they shipped 36,000 boxes of apples to supermarkets in the United Kingdom. Norman Chick chatted with me a while Wednesday and he told me how important the MPP program is to his success. Each time there is a promotion in the United Kingdom, he sees an increase in demand, an increase in sales. The Chick family has been on the orchard since 1933. That is a program that works.

This year for the first time ever funds from the Market Promotion Program are going to be used by the lobster industry in Maine, in my State. With the help of the MPP funds, a good deal of their money is going to be promoting the Sprucehead Lobster Company and the Seaview Lobster Company in Kittery, and they are going to be part of a delegation that travels to Japan and Korea.

The MPP program does work. Trade is the future. We are not going to have subsidies and price supports into the future. We have got to be able to give the small family farms the opportunities to be overseas.

It does work, it does work in the Northeast, and it works all over.

Mr. ZIMMER. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. HOKE].

Mr. HOKE. Mr. Chairman, I thank the gentleman for yielding me the time.

You are sitting in a beautiful restaurant, a little overpriced, kind of snooty, you are handed a list. See if any of these names sound familiar to you: Gundlach Bundaschu, Iron Horse, Trefethen, Chalone, Robert Mondavi, Far Hierte, Sutter Home, Fetzer, Dry Creek, Domaine Chendon, Firestone, Sebestiani, Simi, Korbel, Pine Ridge Parducci, Kendall-Jackson.

Wonderful list. Wonderful list. Why on Earth, please? Why on Earth are we subsidizing these vineyards for advertisement abroad? It is crazy.

The thing that I really do not understand about the people that are supporting this is that we have the same folks who are the most avid free traders, pro-GATT, pro-NAFTA, antitariff, anti any kind of barrier to trade. Yet they are saying, "Well, we've got to have the MPP Program because we've got to subsidize them from within." It is just another way of having unfree trade. That is what it is all about.

Mr. RIGGS. Mr. Chairman, will the gentleman yield?

Mr. HOKE. Did I miss one of them? Who did I miss?

I yield to the gentleman from California.

Mr. RIGGS. What I would like to point out to the gentleman, he did tick off a rather impressive list of wineries, most of which are small family-owned wineries. I just want to point out to him, of the 101 wineries participating in the MPP, 89 are small wineries.

Mr. HOKE. And probably 100 of them are from California.

Reclaiming my time, what I would like to point out, also, is that it is an extraordinarily regional kind of subsidy and welfare scheme. It goes 10 times to California what it goes once to Ohio. Ten times. It is unfair. It is crazy. It is antifree trade.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. NETHERCUTT].

Mr. NETHERCUTT. I thank the gentleman for yielding me the time.

Mr. Chairman, it is fascinating that the proponents of this amendment, all from the northeast part of the United States, do not understand what we in the West do to help them sit in that restaurant and eat the food that is produced in this country and we do it because we export it overseas. A lot of our farmers in the West are potato growers, are apple growers, pea and lentil growers, and wheat growers.

The proponents of this amendment ought to come out to Washington State and see what we export overseas because Washington exports over 1 billion dollars' worth of agriculture products and those exports generate about $3 billion in economic activity and about 30,000 jobs in this country.

We benefit New Jersey and New York by the fact that we are able to export our goods overseas. We have to compete with the European Union who subsidizes their wine growers in this country to the tune of $89 million. We have to have this kind of assistance to be fair to the jobs and the economy of the Northwest. Vote "no" on this amendment.

Mr. SCHUMER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Wisconsin [Mr. BARRETT], a cosponsor of the amendment.

Mr. BARRETT of Wisconsin. Mr. Chairman, imagine that you are a chairman or a president of a major corporation in this country, and Uncle Sam walks into your office and tells you, "I've got a deal for you. Here's the deal. I subsidize your foreign advertising budget, while in exchange you do nothing. You just get the money." That is how the program works.

Also, think of every single company in your State. Not just your Congressional District. Every company in your State. Unless you are from New Jersey or unless you are from California, Gallo Wine last year received more money than every single company in your State under this program. Sunkist received more money than every single company in your State under this program. That is simply wrong. We should not have two corporations receiving more than every single company in my State or your State or anybody else's State. That is not a good distribution of resources.

The people who support this program say, well, the return on the dollar is very good. There was one person who was attacking the gentleman from New York [Mr. SCHUMER] who said, "Wait a minute, there is a 5-for-1 return on my investment here." If there is a 5-for-1 on your investment, you would be a knucklehead if you did not invest yourself. If you are making that much money on the program, well, then invest. You don't need Uncle Sam to do it.

We hear in Congress that the private sector can do a lot of things better than Government. One thing is for sure. Private sector can do the private sector a lot better than Government can.

There is no reason for the Government to come in and subsidize these corporations. If there is a problem and if we want to encourage exports, we should do it in another way. But we should not be doing it by giving it to corporations who make millions of dollars in this country.

Mr. DURBIN. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, the first 20 years of my life I lived in New Jersey and New York and Massachusetts. Then the last 30 I have lived in the valleys of California. I have learned a little bit in that last 30-year time frame, but I have not forgotten how politically attractive a cutting amendment could be for the people who think they do not benefit from these programs.

Let me simply ask the gentleman who works for the gentleman from New York [Mr. SCHUMER] if he would leave the well.

I think this is a very important piece of information. The Europeans are spending a tremendous amount on export promotion. They understand where it is at in agriculture. Now with the GATT round completed, those subsidies for agriculture that are off the table are going to shift even more money over to the promotion of agricultural exports in competition with our growers.

Let me tell who these people are. They are people who grow 10 acres of almonds or 50 acres of prunes or 30 acres of wine grapes. These people are the heart of agriculture. Whether they sell through a small entity or a co-op or whether they sell through a large corporation, they have to find outlets for their products. They have to find income for their families. This program works. We ask for a 50/50 cost share. Nobody gets into these programs free. They have to think long and hard before they put the money on the table. But they have proven time and time again, as the gentleman from California [Mr. DOOLEY] showed, to increase export sales and increase farm income.

Let's face it, folks. Mistakes can be made. This program can be and has been reformed. But it works. If we turn our back on the international markets, we are killing our small farmers.

Mr. Chairman; I rise in opposition to this amendment which would eliminate the Market Promotion Program.

Every year, we see these short-sighted attempts to reduce or eliminate the Market Promotion Program. Fortunately, this House has kept this important program alive in the face of such opposition, and I hope we will be smart enough to do so again this year.

American agriculture leads the world in productivity and in total production. Agriculture accounts for our greatest export dollar. Agriculture and related food and fiber industries employ more Americans by far than any other industry.

However, one area in which we are falling short—and this has been analyzed by agricultural experts, the GAO and others—is promotion for our agricultural products overseas.

In particular, we need promotion for so-called value-added agricultural products. This is an area where our competitors in the European Union and Asia are making enormous promotion investments and reaping enormous returns. It is an area where we should be doing much more.

The Market Promotion Program is the program that fills this need.

Agriculture exports, projected to exceed $50 billion this year—up from $43.5 billion for fiscal year 1994—are vital to the United States.

Agriculture exports strengthen farm income.

Agriculture exports provide jobs for nearly a million Americans.

Agriculture exports generate nearly $100 billion in related economic activity.

Agriculture exports produce a positive trade balance of nearly $20 billion.

If U.S. agriculture is to remain competitive under GATT, we must have policies and programs that remain competitive with those of our competitors abroad.

GATT did not eliminate export subsidies, it only reduced them.

The European Union spent, over the last 5 years, an average of $10.6 billion in annual export subsidies—the United States spent less than $2 billion.

The EU spends more on wine exports—$89 million—than the United States currently spends for all commodities under the market promotion program.

MPP is critical to U.S. agriculture's ability to develop, maintain and expand export markets in the new post-GATT environment, and MPP is a proven success.

Our success with the MPP in California is very instructive.

MPP has been tremendously successful in helping promote exports of California citrus, raisins, walnuts, almonds, peaches and other specialty crops.

For example,

In Japan, MPP funds helped educate consumers regarding the high quality of United States cheeses. The result: a 15-fold increase in exports.

In Eastern Europe, MPP funds were used to provide technical and educational assistance to textile spinners. The result: U.S. cotton exports to this area rose to 1,100 metric tons with a value exceeding $1.4 million.

MPP permits small producers to pool the promotion efforts for particular commodity groups.

It may allow them to pursue new markets—markets they could not have pursued otherwise.

It may leverage their promotion efforts in a particular market that are already underway.

We have to remember that an increase in agriculture exports means jobs: a 10-percent increase in agricultural exports creates over 13,000 new jobs in agriculture and related industries like manufacturing, processing, marketing, and distribution.

The measure of any government program has got to be performance.

The Market Promotion Program performs.

For every $1 we invest in MPP, we reap a $16 return in additional agriculture exports. And as I said before, more exports means more jobs for Americans.

MPP has come under some criticism in recent years, and the program has been adjusted to take these recommendations into account.

In allocating funds, MPP gives small businesses the priority—we've stopped the subsidies for big companies that don't need the help.

MPP limits participation to 5 years—that means commodity groups will not grow dependent on MPP, but will use those funds wisely to put in place long-term, industry-wide promotion efforts.

MPP requires a cost-share—participants, including farmers and ranchers, must contribute as much as 50 percent of their own resources and cannot substitute MPP funds for investments they intended to make in the first place.

MPP is accountable—independent audits and on-going reviews ensure that the program remains effective and remains true to the intent of Congress.

In short, MPP is an effective program. If anything, we should be bolstering our commitment to value-added market promotion overseas instead of constantly whittling back our efforts in the face of significant investments by our competitors.

I strongly urge my colleagues to support American agriculture, support smart marketing efforts to promote American exports, support American farmers and producers, and oppose this amendment.

Mr. ZIMMER. Mr. Chairman, I yield 1 minute and 20 seconds to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I rise in strong support of the Zimmer amendment to eliminate funding to the Market Promotion Program. We in the 104th Congress have been struggling to get pork out of the budget so we can balance the budget. We have talked about the evils of corporate welfare. Believe it or not, this Market Promotion Program, I believe, is worse than pork and it is worse than corporate welfare, because at least Federal pork and corporate welfare dollars are spent in the United States. The Market Promotion Program on the other hand takes precious and scarce Federal dollars and spends them overseas to pay for advertising for very wealthy, rich American companies, like Sunkist, Gallo Wine in my State, and McDonald's.

Supporters of this foreign handout use the argument that scarce tax dollars are being spent to convince people to buy American products. Well, I do not care what American products you are talking about, it is not the job of the Federal Government to promote American products.

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The last thing we need is for hard-working taxpayers to be actually footing the bill for paying for wealthy companies' advertising. We do not want to use scarce tax dollars to convince the French to buy "Le Mac." We do not need that.

What we need is open markets and let those companies handle their own advertising and produce superior products and we will win and we will prosper.

I support the Zimmer amendment, which will allow us to balance the budget by eliminating this unnecessary spending.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Nebraska [Mr. BARRETT], a gentleman who knows the difference between a co-op and a corporation.

Mr. BARRETT of Nebraska. Mr. Chairman, I am opposed, of course, to the elimination of the MPP program.

In the first place, to kill this program with an amendment to the agriculture appropriations bill is simply not the way to go.

In my opinion it is clearly an attempt to set policy on an appropriations bill and it is a decision that we should want to debate when we talk about the farm bill, not now.

Mr. Chairman, this is not to say that I do not have some concerns with the Ag Department's administration of the program, because I do. In fact, I believe that the only congressional hearings that have taken place on this issue, on trade matters, with very few exceptions, have been my subcommittee. Those hearings were conducted by the General Farm Commodities subcommittee, the point committee on the new farm bill.

I wish Members who were offering this particular amendment, and perhaps others who support it, might have come to the committee of jurisdiction before taking an end run to the floor.

Even some strong advocates for MPP realize the political problems with the branded promotion part of the program where Federal dollars actually help benefit large private companies. However, the brand promotion increases the highest value and the fastest growing U.S. agricultural exports.

But I believe the changes can be made and I believe they will be made with respect to branded promotion. My subcommittee will address these matters at the appropriate time when we start marking up the farm bill after the August recess.

The MPP is just one of the few tools that we have that have been instrumental in assisting the United States in increasing and enhancing agricultural exports.

According to the testimony by the administrator of the foreign ag service, "market promotion is really working the best." He added, "To eliminate the

MPP now, I think, would be not helping to keep America competitive in the coming years."

The bottom line, Mr. Chairman, is the market promotion has been a success. It is a good example of Federal, State, and private partnership which has worked well. It may need some reform, but this is not the time nor is this the legislation to do it.

I urge a no vote. Let us do it the right way.

Mr. Chairman, I am opposed to the elimination of all funding for the Market Promotion Program for a number of reasons.

First, to kill this program with an amendment to the agriculture appropriations bill, is clearly an attempt to set policy on an appropriation bill. A decision we should want to debate in the farm bill.

This is not to say that I don't have some concerns with the Agriculture Department's administration of the MPP program. In fact, I believe the only congressional hearing in this Congress, relating to MPP and most of the other agricultural trade programs, was conducted by the Subcommittee on General Farm Commodities, which I chair.

I wish the Members who are offering this amendment, and others who support the abolishing of MPP, would come to the committee on jurisdiction before taking an end-run to the floor.

Even some strong advocates for MPP, recognize the political problem with the branded promotion part of the program, where Federal dollars help benefit large private companies.

However, the brand promotion increases the highest value and the fastest growing U.S. agricultural exports. But I believe changes can and should be made to MPP with respect to branded promotion, and my subcommittee will address this when we mark up the farm bill after the August recess.

Despite some problems, there is little doubt of the overall success and efficiency of this program. Unfortunately, like many government programs, the Market Promotion Program has been much more effective than it has been given credit.

The world markets are very competitive. In 1994, world farm subsidies amounted to $175 billion. That's correct, virtually all countries support their agricultural industry, and in 1994 those subsidies totaled $175 billion.

This year the European Union alone, will be spending $9 billion on export subsidies. The EU's overall farm expenditures is $54 billion. By comparison, this is roughly 10 times what the U.S. is expected to spend on agricultural trade programs.

The MPP is just one of the few tools we have, that have been instrumental in assisting the United States in increasing and enhancing agricultural exports.

According to testimony by the Administrator of the Foreign Agriculture Service, "market promotion is really working the best."

He added, and I quote, "to eliminate the MPP now, I think, would be not helping to keep America competitive in the coming years."

The bottom line is, the Market Promotion Program has been a success. It is a good example of a Federal-State and private partnership which has worked well. It may need some reform, but this is not the time, and certainly not the legislation, with which to kill the program.

I urge a "no" vote. Let's do it the right way.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CONDIT]

Mr. CONDIT. Mr. Chairman, I have to move through this quickly, so I am going to stand and state my opposition to the Zimmer amendment, the Obey amendment, and the Kennedy amendment.

Mr. Chairman, I come from California, a district which is dependent heavily on agriculture and we are also dependent on agricultural trade. Trade is the driving force for our economy in the Central Valley.

Today what we are trying to do is to penalize what we believe to be large ag companies. Let me assure my colleagues, we are not penalizing large ag companies with these amendments today. What we are doing is penalizing thousands of small farmers.

Let me give my colleagues an example. In my district, the largest wineries, the five largest wineries that participate in the Market Promotion Program, purchase 90 percent of the grapes. That is hundreds and thousands of independent grape growers.

Second, this Congress has already addressed the issue of small business during the 1993 Budget Reconciliation Act by requiring small business be given the first priority for funding of MPP.

Mr. Chairman, I am sorry I do not have more time, but I ask my colleagues to vote against all these amendments as they come up today.

I rise today in strong support of the Market Promotion Program [MPP].

Contrary to popular belief by some Members of this body, MPP is one of the most effective trade programs at the Department of Agriculture.

By eliminating the Market Promotion Program, Congress will be sending a message to Americans and American business that we can do without $1.4 billion in exports generated by this important program.

The Market Promotion Program is designed to assist in the promotion of U.S. agricultural products.

This program promotes American food and American farm products, not individual company names.

U.S. producers often find themselves competing not with their foreign agriculture counterparts but with foreign governments.

The European Community for example, subsidizes their wine industry $89 million annually, the government of France spends $229 million on the promotion of agriculture products and the Australian Government contributes $226 million to promote agriculture products such as dairy, wine, brandy, and processed meats.

By eliminating funding for the Market promotion Program you will be sending a message to the American farmers that what is appropriate in another country may not be appropriate in this country.

Congress will be saying that you can go out on your own and compete in a world market against foreign governments and fend for yourselves.

If the United States is serious about establishing fair trade and has the political resolve to establish its position in world trade, the Market Promotion Program is the right vehicle to use.

Mr. ZIMMER. Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to that high-spurring, hard-riding gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I rise in opposition to this amendment.

Opponents of the Market Promotion Program have portrayed this program as "corporate welfare." Nothing could be further from the truth.

U.S. Agriculture continues to face rigid competition in the global marketplace against heavily subsidized countries all over the world.

By helping U.S. Agriculture compete more effectively, the Market Promotion Program contributes to economic growth, job creation, and increased tax revenue.

Even Secretary Glickman has said, and I quote—"We cannot eliminate unilaterally our export assistance efforts at a time when the competition is increasing its investments in these areas."

In Oregon, agricultural exports total over $500 million. Such exports alone generate over $1.4 billion in economic activity and provide over 15,000 export-related jobs.

Increasing exports not only helps boost economic activity, but adds to my State's and the Nation's job base.

I urge my colleagues to protect American jobs and reject this amendment.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I would say to the Members, "Wake up. Look what is going on around here." We passed GATT last year. We passed NAFTA. We told the world we want to be competitive and now my colleagues want to cut the underpinnings that allow us to be competitive?

All you urban legislators that get up and talk about cutting this program turn around and say it is all right to use taxpayers moneys to promote New York, promote Massachusetts, and promote Atlantic City. "Bring the tourists here. We will use the taxpayers' money to do that promotion."

But when it gets to agriculture, "No, we don't want to use any of that money. We don't want to promote." You walk into a restaurant and you talk abut the fact that there are all these big wine companies. There are also Chilean wines, European wines.

Do my colleagues know that the Europeans spend more money promoting

European wine than is in this entire program? I represent small farmers who try to sell their strawberries. We grow more strawberries than California and the United States can consume. We have to sell them some place else. We have to have some help doing that.

They have to put their own money into it. They have to be in small business and can only be in the program for 5 years. This is a program that works. If we are going to be competitive in the world, we have to sell our product abroad. Do not undercut the small farmers in the United States. Vote no against this amendment and all the other ones that attack this program.

The CHAIRMAN. The gentleman from Minnesota [Mr. LUTHER], as the designee for the gentleman from New York [Mr. SCHUMER], is recognized.

Mr. LUTHER. Mr. Chairman, I yield 1½ minutes to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY of Massachusetts. Mr. Chairman, let us be straight about what is going on here. This program is nothing more than a corporate grab of the worst order.

We are here on the floor of the Congress of the United States cutting the most important programs about the future of this country. Whether it is student loans or whether or not it is funds to assist our senior citizens.

But what we are saying is we do not have money for things like the fuel assistance program to heat or cool our homes, but there is plenty enough to buy a shot of Jim Beam whiskey to keep people warm at night.

We say there is no money to pay for summer jobs or paying for student loans, but the Pillsbury Dough Boy is going to go to the head of the class.

We say there is no money for public housing, but we are going to give wine to the homeless. And we have cut services for the needy and the frail elderly, but they will be able to go out and buy a cup of warm Campbell's soup.

We say there is no money to pay for the senior citizen's health care in this country. We cannot buy their pills, but we can buy them a pack of M&M's.

Mr. Chairman, I say to my colleagues let us stop what is going on here in this country with a corporate grab to grab the few dollars that are available to invest in the future of this country. These corporations are not the Ma-and-Pa kinds of operations that are being described. These are the biggest corporate 500 companies in America.

Ten percent is all they have to put up. The smallest vineyards in the country put up a very small amount of money and get a very small amount of money. The biggest companies, Ernest and Julio, the brothers themselves, stand up and get $22 million over 5 years to promote their wines overseas.

Let us be realistic about who wins and who loses in this country and who wins and who loses in this bill.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, the Market Production Program is very important to the people of my district in Marin and Sonoma County, CA. The wine and wine grapes from my district, many of them that were listed by the gentleman from Ohio, [Mr. HOKE] are famous worldwide. But these vintners have to fight to enter and compete in the world market.

The Market Promotion Protection Program, on the other hand, Mr. Chairman, helps these small wine producers. It helps them in my district compete with heavily subsidized foreign producers, producers who dominate the global marketplace.

The U.S. wine industry is at a disadvantage from the start because it receives no production subsidies from the Government. I repeat, no production subsidies from the Federal Government.

Mr. Chairman, I urge my colleagues to join me today in an effort to level the playing field of the global market by opposing the Schumer-Zimmer amendment. Let us help export California products, not California jobs.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. Mr. Chairman, I rise in strong opposition to this amendment.

Mr. Chairman, the MPP has been a tremendous success in helping U.S. agriculture, including farmers and ranchers in my district and in my State, compete more effectively in the international marketplace. It has opened up markets in Eastern Europe for the sale of more United States cotton, opened markets in Japan for the sale of United States structured wood panels and beams, and opened up markets in Mexico for additional apples to be sold. We need this program.

Mr. Chairman, I say to my friends who are world and free market traders, this ought to be right down their alley. This is their opportunity to support free trade by U.S. agricultural product.

Mr. Chairman, I yield the balance of my time to my colleague, the gentleman from Mississippi [Mr. WICKER].

Mr. WICKER. Mr. Chairman, I think it is easy to get up here and toss around the words "pork" and "boondoggle." This is a program that is working. It is working to create jobs in the global marketplace; 24,000 alone in my home State of Mississippi, over 1 million jobs nationwide.

Mr. Chairman, I urge a "no" vote on the Schumer amendment.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from West Virginia [Mr. WISE].

Mr. WISE. Mr. Chairman, it seems like all the supporters of MPP are from the West, and I am, too, West Virginia. It is about 1 hour and 15 minutes from here. We have pockets of high unemployment, but yet the county that has the lowest unemployment is an agricultural county.

When my colleagues talk about pork, I would rather talk about poultry, because the MPP is helping move poultry into the Asian market. Take Hester Industries of Hardy County. Hester Industries, with $3,500 of MPP, of which they matched half of it, began a promotional campaign in Japan. In the last 6 months they have moved 100,000 pounds of drumsticks into the Japanese market.

Or Wampler-Longacre, a bigger company, yes, but using a little amount of MPP, which they had to match, I might add, they have been able to put hundreds of people to work, both in the poultry houses as well as the poultry processing industry as they promote their products in the Far East.

A very small amount of MPP leverages a large amount of jobs for West Virginians and, yes, in revenues for this Government as well as a healthy economy.

Mr. Chairman, I urge you to support the Market Promotion Program.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Kansas [Mr. ROBERTS], chairman of the Committee on Agriculture.

Mr. ROBERTS. Mr. Chairman, I have a letter from our Secretary of Agriculture, Mr. Dan Glickman. You know who is into market promotion big time under GATT, under free trade? Not the United States, not McDonald's, not Gallo. It is the European Union. As has been stated, they are spending more for wine export promotion than we invest in all of our products.

The gentleman from New Jersey [Mr. ZIMMER], the gentleman from New York [Mr. SCHUMER], and the gentleman from Ohio [Mr. HOKE] should introduce their bills in the British Parliament and the French Assembly and the German Bundestag.

It is easy to say the check goes to McDonald's. It does not. It goes to the United States Poultry, Egg and Potato Council, and McDonald's matches that contribution so that that customer in McDonald's in Bangkok will eat American French fries and American Egg McMuffins, representing 2,000 jobs in New Jersey, 10,000 jobs in New York, and I would tell the gentleman from Ohio [Mr. HOKE], 30,000 jobs in Ohio, not Chinese products.

☐ 1500

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman, I thank my colleague for yielding me this time.

Since 1985, we have reduced subsidies, direct subsidies, to farmers from $35 billion in 1985 and $9 billion last year, and as we have brought subsidies to farmers down, what we have done is we have moved money into export programs so that our farmers have fair access around the world.

There are a number of programs that they gain access for our farmers. The market promotion program is just one of these programs, and the special part about market promotion is that this is value-added products. It is commodities that are produced here in America, they are processed here in America with American labor, creating American jobs that we can use this program to move these products around the world. As we continue to bring down subsidies to farmers, as most every Member of this Congress wants to do, we have to ensure that our farmers are not being unfairly blocked from entry into other markets around the world, because the European Economic Union is trying to steal those markets from our small farmers. It is not fair. This is a good program. Defeat their amendment.

Mr. DURBIN. Mr. Chairman, would the Chair give us an accounting of the time at this moment.

The CHAIRMAN. The Chair would be delighted to give a time summary.

The gentleman from New Jersey [Mr. ZIMMER] controls 4 minutes, the gentleman from New Mexico [Mr. SKEEN] 5, the gentleman from New York [Mr. SCHUMER], the designee, the gentleman from Minnesota [Mr. LUTHER], 3 minutes, and yourself, 4 minutes.

Mr. DURBIN. Does the gentleman from New Mexico [Mr. SKEEN] have the right to close? Is that correct?

The CHAIRMAN. The gentleman from New Mexico as the chairman of the committee, has the right to close debate.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Iowa [Mr. LATHAM].

Mr. LATHAM. Mr. Chairman, I thank the subcommittee chairman for yielding me this time.

One thing that really concerns me in this whole discussion that is forgotten is that agriculture and the small farmers are going to take their hit as far as reducing the budget and getting to a balanced budget. In the next 7 years, we have passed a budget resolution that takes away $13.4 billion from the American farmer, and it is not just that, folks.

We are talking about real jobs in this program, and I think when you look at the proportion, if you are from California, we are talking about 137,000 jobs in California directly related to agricultural exports, and you talk about what the base closings did to California.

If you are in Iowa, Iowa is the second largest State as far as export jobs with 96,000 jobs; if you are in Illinois, there are 68,000 jobs.

I see the gentleman from Minnesota up here. You go back to Minneapolis and tell them you voted to take away 50,000 jobs in Minnesota and see what they say.

Defeat this amendment.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Chairman, we are conducting this debate at a time when our trade deficits are running at a historic high. Our trading partners must be looking at us in absolute amazement.

Agriculture is one facet of our economy where we actually sell more than we buy, and the old "hurt America first" crowd now comes after agriculture. When will you be satisfied? When we import more agriculture, too?

In fact, in the post-GATT world, we are in a vicious competition for new markets, and the Europeans know exactly what that is all about. They have committed many times the amount of support for their export products than the United States of America.

The MPP program is a buy America program. It benefits farmers, ranchers, American workers that process and handle the product, and shippers. In fact, there are 20,000 American jobs that flow from $1 billion worth of agriculture exports.

The MPP program is a critical link. Do not pull the pin on our export program.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. EWING].

Mr. EWING. Mr. Chairman, I for the life of me cannot understand why we attack programs that increase ag exports and decrease our trade deficit.

We continue to cut agricultural programs domestically, and we need to protect and preserve our foreign trade and our foreign markets.

We need to do more, not less.

You know, this program, if it needs reform, let us reform it. Do not kill the goose that lays the golden egg of $100 million in economic activity, thousands and thousands of jobs and billions of dollars in tax revenues. Vote against these amendments.

Mr. LUTHER. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin [Mr. KLECZKA].

Mr. KLECZKA. Mr. Chairman, I rise in strong support of this amendment.

I was trying to find one of the proponents of this waste-of-moneys chart, but I cannot seem to locate it right, now, so I will not use it.

Mr. Chairman and Members, if we had an extra $110 million lying around collecting dust, maybe we could justify giving it to corporations like Ralston Purina, Pillsbury, Snapple, name brand, very profitable companies.

But, my friends, we do not have an extra $110 million laying around. So at this point in time I think it is time to say we do not have the money. We have to abolish the program.

Why? What are we doing to the citizens of this country who provide those tax revenues? For the senior citizens of this country, we are going to cut Medicare by $270 billion. Do you know where the bulk of those funds are going to come from, my friends? From your pocket. It is going to come as out-of-pocket expenses to pay for the hospital bills and the doctors you are going to need.

So, as we give $110 million to E.J. Gallo and Pillsbury, you are going to pay more. For the students, $10 billion cut in student loans, they are not going to be able to afford college.

We do not have the $110 million.

Mr. ZIMMER. Mr. Chairman, I yield 1 minute to the gentlewoman from Washington [Mrs. SMITH].

Mrs. SMITH of Washington. Mr. Chairman, I think the thing that is important for me today is I came here to balance the budget, and we have $200 billion in excess spending.

When I went home for my townhalls, I was asked to get rid of corporate welfare, and corporate welfare being those things that American people could do for themselves.

When I look at this program, even though for a time we needed help in the marketing, I have to say now it is time we let industry do this for themselves, we let the farmers, we let the companies that market it, we let you and I, we let the big corporations. At some point we have to say no to some of this stuff. We cannot continue to say yes to everything.

It is nice, But it comes in the nonnecessary.

And yes, I have farming in my State, but everybody is going to have to sacrifice just a little bit if we are ever going to get there.

Our grandchildren have to see us do this now, or we will never get rid of the debt, and we are giving this cost to our grandchildren and our children and they just plain old should not have this charged to their account.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, it amazes me here in the House of Representatives. We are very often trying to fix things that are not broken.

Certainly, the program that we are talking about here is not broken. What we must remember is that people just do not buy soybeans and corn and wheat and cotton. They buy cooking oil and cereals and clothing products that are all processed by foreign companies also, and our competitors, our competitor nations, are certainly helping them.

The goal of branded promotion is to persuade foreign consumers to choose and develop a loyalty to brand names by U.S. companies that utilize U.S. commodities. It is also important to remember that products promoted in this program provide jobs here in the United States.

This program, which helps us assist the really very positive factor in our trade problems, agriculture, is one of the great things we have got going for us. This is the thing we want to whack.

I do not understand how this House could come to the conclusion that we want to hurt something that is helping us so very much.

Mr. Chairman, I rise in opposition to this amendment which would devastate the Market Promotion Program.

Through the Market Promotion Program, funds are available to conduct promotional and educational activities including trade servicing, technical assistance, and generic and branded advertising of U.S. grown agricultural commodities and products in foreign markets. A majority of the MPP efforts are focused on consumer-oriented, high-value products—the products that are found in supermarkets.

The MPP also provides that assistance may be made to private organizations for branded advertising when it is determined that such organization would significantly contribute to United States export market development. This is the aspect of the program that has generated controversy, because some view it as unfair that individual corporations receive funds.

What we must remember is that people don't buy soybeans, wheat, corn, and cotton. They buy cooking oil, cereals, and clothing—products that are also processed by foreign companies. The goal of branded promotions is to persuade consumers to choose and develop a loyalty to brands made by U.S. companies and that utilize U.S. commodities.

It is also important to remember that the products promoted in this program provide jobs in the United States. Selling value-added products overseas not only supports agricultural producers, but also creates jobs in the processing, merchandising, advertising, and transportation industries. For every $1 billion in agricultural exports, 20,000 jobs are created in the United States. Expansion assistance, the value added portion of total agricultural exports has more than tripled, reaching a record high of almost $17 billion in 1994. That growth translates to over 220,000 jobs throughout the country.

Furthermore, the cost-share requirements of the MPP require private companies selling branded products, with few exceptions, must contribute at least 50 percent of the promotional costs.

In short, the Market Promotion Program has helped boost U.S. exports, promoted economic growth, contributed to agriculture's trade positive trade balance, created additional employment opportunities, and enlarged the tax base. It has been a cost-effective method for leveraging the growth potential of the food industry.

While there is room for improving MPP, it is appropriate to make operational refinements in the farm bill rather than to dismantle now what has been a fundamentally successful program. Using the appropriations process to limit the role of our foreign market developments is neither a timely nor appropriate matter to effect needed modifications.

For these reasons, I urge my colleagues to vote "no" on this amendment and allow true reform to take place in the pending farm bill debate.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I strongly oppose this amendment. Mr. Chairman, in this time of burgeoning U.S. Trade deficits, why would we even consider eliminating one of our most successful export programs?

Consider, for example, what this program has done for the walnut and raisin industries in California. In 1986 the United States market share of walnuts in Japan was 30 percent. As a result of a highly successful MPP promotional program, 9 years later the California industry controls 71 percent of the market and exports nearly 12,000 metric tons of walnuts to Japan.

The raisin industry has enjoyed similar success in the United Kingdom where agricultural exports encounter stiff competition from heavily subsidized European commodities. Over the last 9 years, with the help of the MPP, California raisin shipments to the United Kingdom have increased sixfold, capturing 45 percent of the entire market. Today California raisins are known and preferred by over 54 percent of the households in England.

Mr. Chairman, let's not penalize ourselves for succeeding. I urge no vote on the Zimmer amendment.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. STENHOLM].

Mr. STENHOLM. Mr. Chairman, I think we need to be reminded here in this body of some of the facts of what we are talking about today.

We are talking about reducing this appropriation bill. The $110 million is not in the bill we are considering today. It is in the farm bill, and that is why many of us are suggesting that we ought to take a look at the farm bill for this purpose, not this amendment today.

When we talk about this, I do not take a back seat to anyone on balancing the budget. Since 1981, the Committee on Agriculture has cut $50 billion from our function of the budget. Under the budget reconciliation bill, we will have to cut another 23 percent, and not from an inflated baseline but from a real baseline.

This discretionary bill is down 3.1 percent from last year, but it is completely overlooking we cut 14 percent.

The gentleman from Illinois [Mr. DURBIN] presided over that last year when there was a different chairman and minority member.

So let us keep our facts straight when we are talking about budget cuts.

Mr. Chairman, I rise in strong opposition to the Zimmer amendment calling for the elimination of funding in general or that would limit funding for salaries and expenses associated with the MPP program.

The United States must compete for world export markets. The new GATT trading rules are opening markets throughout the world, and U.S. agricultural producers must compete for shares of these newly opened markets. The European Union is expected in 1995 to spend over $54 billion—$6 billion more than last year—under its common agricultural policy to support its farmers, including over $9 billion for export subsidies alone.

The MPP is a value enhancing program that gives U.S. agribusinesses the added edge to be aggressive in markets that they otherwise would not. A new national food and agriculture policy project study has shown a $5 return on each $1 spent in MPP funds for certain horticultural products and products derived from them. According to USDA, every dollar spent through MPP results in an additional $16 in U.S. agricultural exports.

Currently, the United States spends less—$85.5 million—on MPP for all commodities than the European Union spends on wine exports—$89 million. The European Union, Australia, Canada, New Zealand, and other major foreign competitors are aggressively working with their agricultural producers and exporters in support of market development and promotion efforts. Such expenditures total nearly $500 million more than similar efforts by the United States.

MPP is vital to U.S. agriculture's ability to develop, maintain, and expand export markets in the new post-GATT environment, especially to some 20,000 family farms, that are members of agricultural cooperatives. As members of cooperatives that benefit from MPP, these families are able to engage in international markets that would otherwise be unavailable to them.

Our agricultural industry is the most competitive in the world, but it cannot compete against foreign governments alone.

Therefore, we need to keep the Market Promotion Program as it is, and allow the authorizing committee to address the concerns and criticisms of MPP in the farm bill. I strongly urge my colleagues to vote against any amendments reducing funding for the MPP.

Mr. DURBIN. Mr. Chairman, I yield myself 1 minute, the balance of my time.

Mr. Chairman, the Zimmer-Schumer amendment is nothing short of unilateral disarmament in the world trade war. They have replaced the peace-at-any-price crowd with the Zimmer-Schumer unemployment-at-any-price, because the Zimmer-Schumer amendment is a job killer. One million Americans work in businesses which have a direct interest in ag exports, and these are generally good-paying jobs. What the gentleman from New Jersey [Mr. ZIMMER] and the gentleman from New York [Mr. SCHUMER] want to do is to cut out those jobs, reduce them, make it more difficult for us to sell overseas, while every major exporting nation in the world is pumping up its export efforts.

ZIMMER and SCHUMER and all of their friends would have the United States throw in the towel. ZIMMER and SCHUMER just do not get it. They should sit down in Tokyo and Seoul and learn the realities of world trade competition.

American products can win the trade war overseas if we are willing to fight.

The Market Promotion Program is a proven success. For $110 million we leverage $50 billion in ag exports, creating jobs and farm income across America, and that is a great investment.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, I thank the gentleman for yielding.

When you sit here and listen to the debate, it boils down to ideology over realty. Stop and take a look at what is taking place with this amendment.

Some of my colleagues talk about big companies. You should be so lucky to have big companies involved. First, do you know what it takes for a big company to be involved in this program? You must cite unfair trade practice in the targeted country. Second, you want MacDonald's involved, because if MacDonald's is involved, every piece of beef has to be American, every piece of bread has to be American, every piece of cheese has to be American. Everything under this program has to be American. You should be so lucky to have the big companies involved in this program.

This program is for all the small companies, like the one in Door County up in Great Lakes, where 30 people have jobs because we are selling cherries overseas in Australia and opening the market in China. This is not an ongoing program. This is a beachhead program. Exporters get a few dollars to go over to these other countries to get them to understand what good products we have here in America.

□ 1515

I do not want anyone who votes for this amendment ever to tell me they are concerned about a trade deficit or jobs here in America. This is for good-paying jobs here in America.

Mr. ZIMMER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, agriculture is an essential industry in this country. Agricultural jobs are very important to us, as are jobs in food production.

But there is absolutely no proven connection between the MPP and act exports or agricultural jobs, and do not take it from me. This is what the GAO, this is what the Office of Technology Assessment, has concluded.

In all the years of the MPP program, Mr. Chairman, not one disinterested group has looked at the program and come to its defense. They all conclude there is no evidence that these large corporations would not have spent their own money, McDonald's money, on this advertising if MPP were not available, and MPP has been under fire for all these years because the lion's share of its money has gone to the biggest corporations, and change it as they might try, this is still the case.

And so, as a result, in 1994, the last available year for data, while Berry Station Confectioners in New York, a small company, got $2,000 in MPP funds, Hershey's got $265,000, Tootsie Roll got $161,000, and M&M-Mars, which by the way, Mr. FARR, is in my State, got more than $300,000. In California, Ernest and Julio Gallo last year got a whopping $2½ million. Other vintners did get some money: $2,500 for Mountain View Vintner, $4,000 went to Sunny Dune Vineyards. Now we know why Gallo sells no wine before its time. It is waiting for its subsidy check.

This is not a regional issue, my colleagues. This is an issue that involves every State and every taxpayer. My State, as I said, is the home of M&M-Mars, of Ocean Spray, of Campbell Soup. My friend, the secretary of agriculture of New Jersey, and, yes, New Jersey does have a secretary of agriculture, is very upset with me for this, but I believe that we have to have frugality begin at home because this is a program that cannot be justified. It has been changed in its features; even the proponents of the program have said in passing that it still is not a program that does not need changes.

This reminds me of a story about the great baseball player, Leo Durocher, when he was a playing coach. He had a player who was committing error after error out on the field. Leo Durocher took that player out of the game, put himself in the game instead. The first play that happened thereafter was an easy fly ball. Leo Durocher dropped it. At the end of the inning Leo Durocher stormed into the dugout, told the player he had taken out of the game, "You screwed up that position so bad nobody can play it."

What we have got to do is terminate this program, pull it up by its roots, and allow the authorizing committee, the Committee on Agriculture, and the 1995 farm bill to come up with a program that will help exports in a way that does not benefit the biggest, and wealthiest, and least needy corporations.

In the past years the majority leader, the gentleman from Texas [Mr. ARMEY], has led the fight against this program, and I will close by quoting him:

> The market promotion program is a corporate handout, nothing more. I wonder about our commitment to deficit reduction if we cannot take Betty Crocker, Ronald McDonald, and the Pillsbury Doughboy off the dole.

Mr. Chairman, I yield back the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. THOMAS].

The CHAIRMAN. The gentleman from California [Mr. THOMAS] is recognized for 1 minute.

Mr. THOMAS. Mr. Chairman, 10 years ago I thought it was important to have a cooperative effort between the Government and the private sector, not through subsidies, but through a cooperative effort. That is what this program is.

My colleagues have heard this is about trade. We are at war. It is post-GATT. My colleagues heard a lot of jokes earlier about raisins and about the Japanese. I ask my colleagues, Do you know the Japanese are our third largest raisin market? My colleagues heard talk about corporations. Sun-Maid is not a corporation; it is 5,000 farmers and 50,000 workers.

What we are talking about is something that we have got to do more of. We have got to be competitive in the world marketplace. The single largest positive balance-of-trade category is horticulture-agriculture. That is what we are talking about in the MPP program. We need market share, we need a cooperative effort between our Government and our American workers, farmers, and processors.

This program is $100 million. It brings back enormous benefits. It should be $1 billion. Let us knock this ill-conceived amendment where it belongs.

Mr. BEREUTER. Mr. Chairman, this Member rises in strong opposition to this misguided amendment which would eliminate the Market Promotion Program. If the other agricultural producing nations of the world did not grossly and unfairly subsidize the production and sale of agricultural and food products, this member would be more than willing to support this amendment. Unfortunately, free and fair trade does not exist in world agricultural trade. Even with the Market Promotion Program, U.S. producers are being out-subsidized by their competitors, including the very aggressive member countries of the European Union. The United States Department of Agriculture has determined that the United States would have to increase its current funding of the MPP by approximately 500 to 600 percent in order to catch-up with the European Union in consumer food exports by the year 2000.

The USDA recently concluded an exhaustive cost-benefit analysis of the MPP and the results are absolutely clear that a modest MPP Program greatly enables American agriculture to compete for high-value agricultural export markets.

Mr. Chairman, competition for agricultural markets in bulk commodities, intermediate, and high-value products is a high-stakes battle for good paying jobs here in the United States. Because of agricultural export programs like MPP, the U.S. agricultural industry currently enjoys a $19 billion trade surplus. With the help of the MPP, U.S. high-value agricultural exports have expanded by 75 percent over 7 years.

However, statistics and studies about the MPP do not reveal its total value. As the chairman of the Asia and the Pacific Subcommittee, this Member witnesses daily the proliferation of nontariff barriers specifically designed to keep U.S. high value agricultural products out of developing markets. In Taiwan and Korea for example, MPP circumvents a host of trade barriers by creating consumer demand for United States products. This demand in turn leads to relaxation and reform of the tariff and nontariff barriers which deny consumers in those countries access to U.S. exports.

Mr. Chairman, MPP is an important export tool and a good lesson for other export-related industries; MPP enables our agricultural industry to sell directly to the consumers of some of the world's most protected markets.

This Member acknowledges that MPP is not perfect and agrees that certain reform of the MPP is necessary to ensure that it does not allow Federal dollars to replace rather than augment private sector market development efforts. Nevertheless, as the General Accounting Office has suggested, while reform of the program may be necessary, elimination of the program could substantially affect our ability to compete for lucrative and emerging markets throughout the world.

Mr. Chairman, this Member urges his colleagues to vote "no" on this amendment.

Mr. SKAGGS. Mr. Chairman, here is the latest example of the bizarre sense of priorities prevailing in the House these days: Some of the same folks who have been arguing that this Government does not have enough money for school lunches are claiming that Ralston Purina and Fruit of the Loom should get more corporate welfare than ever before.

It seems we do not have money to clean up toxic waste sites, or to provide Medicare to elderly people, or to help students with college loans. But we apparently have plenty of cash lying around to give McDonalds to advertise Chicken McNuggets in Europe.

The truth is that in any year, the Market Promotion Program would be difficult to defend. But in this year when hundreds of efforts to help hard-working, middle-class families are being slashed or totally eliminated, it is simply astounding to see the Republican leadership actually increase this corporate giveaway program by $25 million taxpayer dollars.

We could be spending this $110 million to pay the salaries of 5,817 new police officers. Or we could pay for 56.1 million school lunches. Instead, we are going to engage in more business as usual: When it comes to tax breaks for the wealthy or corporate welfare for industry, there is no blank check the Republican leadership will not sign.

The Market Promotion Program is an insult to taxpayers and working Americans, and I urge my colleagues to support the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. ZIMMER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ZIMMER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 154, noes 261, not voting 19, as follows:

[Roll No. 550]

AYES—154

Andrews
Archer
Armey
Bachus
Baker (CA)
Barrett (WI)
Bass
Bilbray
Blute
Borski
Brown (OH)
Brownback
Burton
Cardin
Castle
Chabot
Christensen
Chrysler
Coburn
Collins (IL)
Conyers
Coyne
Cremeans
Davis
DeLauro
DeLay
Dellums
Deutsch
Doggett
Doyle
Duncan
Engel
English
Ensign
Fawell
Foglietta
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Gejdenson
Gibbons
Goss
Graham
Green
Greenwood
Gutierrez
Gutknecht
Hancock
Hayworth
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson, Sam
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
King
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
Largent
Lazio
Lewis (GA)
Linder
Lipinski
LoBiondo
Longley
Lowey
Luther
Maloney
Manzullo
Martini
McHale
McInnis
McNulty
Menendez
Mfume
Miller (CA)
Miller (FL)
Molinari
Moran
Morella
Myrick
Nadler
Neal
Neumann
Owens
Pallone
Payne (NJ)
Porter
Portman
Ramstad
Rangel
Reed
Regula
Rivers
Roemer
Rohrabacher
Roukema
Royce
Salmon
Sanders
Sanford
Saxton
Scarborough
Schumer
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skaggs
Smith (NJ)
Smith (WA)
Solomon
Souder
Stark
Stearns
Stockman
Talent
Tate
Taylor (MS)
Tiahrt
Torkildsen
Torricelli
Towns
Velazquez
Vento
Visclosky
Waldholtz
Walker
Wamp
Waxman
Weldon (FL)
Weldon (PA)
Wolf
Yates
Zeliff
Zimmer

NOES—261

Ackerman
Allard
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (FL)
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Chambliss
Chapman
Chenoweth
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cramer
Crapo
Cubin
Cunningham
Danner
de la Garza
Deal
DeFazio
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Ford
Frank (MA)
Frost
Funderburk
Furse
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefley
Hefner
Heineman
Herger
Hilliard
Hinchey
Holden
Houghton
Hoyer
Hunter
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnston
Jones
Kaptur
Kennelly
Kildee
Kim
Kingston
Klug
LaHood
Lantos
Latham
LaTourette
Laughlin
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Livingston
Lofgren
Lucas
Manton
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHugh
McIntosh
McKeon
McKinney
Meek
Metcalf
Meyers
Mica
Mineta
Minge
Mink
Mollohan
Montgomery
Moorhead
Murtha
Myers
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Poshard
Pryce
Radanovich
Rahall
Richardson
Riggs
Roberts
Rogers
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Rush
Sabo
Sawyer
Schaefer
Schiff
Schroeder
Scott
Seastrand
Serrano
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Spence
Spratt
Stenholm
Stokes
Studds
Stump
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Torres
Traficant
Tucker
Upton
Volkmer
Vucanovich
Walsh
Ward
Waters
Watt (NC)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Young (AK)

NOT VOTING—19

Abercrombie
Bateman
Brown (CA)
Clay
Collins (MI)
Cox
Crane
Dreier
Gallegly
Goodling
Markey
Meehan
Moakley
Quillen
Quinn
Reynolds
Stupak
Watts (OK)
Young (FL)

□ 1542

The clerk announced the following pair:

On this vote:

Mr. Dreier for, with Mr. Quillen against.

Messrs. FLAKE, BEILENSON, FLANAGAN, and Ms. LOFGREN changed their vote from "aye" to "no."

Messrs. TIAHRT, DAVIS, YATES, GEJDENSEN, WELDON of Florida, LAZIO of New York, GUTIERREZ, DELLUMS, STARK, and BAKER of California, Mrs. MALONEY, and Mrs. COLLINS of Illinois changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider the amendment by the gentleman from Wisconsin [Mr. OBEY].

AMENDMENT OFFERED BY MR. OBEY

Mr. OBEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follow:

Amendment offered by Mr. OBEY: Page 71, after line 5, insert the following new section:

SEC. 726. None of the funds appropriated or otherwise made available by this Act shall be used to pay the salaries of personnel who carry out a market promotion program pursuant to section 203 (7 U.S.C. 5623) of the Agricultural Trade Act of 1978 that provides assistance to organizations with annual gross sales of $20,000,000 or more, unless it has been made known to the official responsible for such expenditures that the organization (a) is a cooperative owned by and operated for smaller organizations that are members of the cooperative or (b) would satisfy the Small Business Administration standards for a small business.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 20, 1995, the gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes, and a Member opposed will be recognized for 5 minutes.

Mr SKEEN. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from New Mexico [Mr. SKEEN] will be recognized for 5 minutes in opposition to the amendment.

The gentleman from Wisconsin [Mr. OBEY] is recognized for 5 minutes.

□ 1545

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

The market promotion program is a program that is supposed to help provide funding for the promotion of U.S. agricultural products in foreign countries. Its original intent was to help the American farmer, I emphasize farmer, compete against heavily subsidized producers in Japan, Europe, and elsewhere.

This amendment is very simple. This amendment does not cut any money from the program. It simply says that you qualify for this program only if you are considered a small business under SBA definition, if you are a company with less than 20 million in annual sales, or if you are a cooperative representing a large number of small producers or companies and would under qualify the Small Business Administration standards for small business.

I have 10 top reasons for wanting to pass this amendment. They are as follows: Ernest & Julio Gallo received $6.9 million out of this program the last 2 years; Dole Corp., 2.4 million; Pillsbury, 1.75; Tyson Foods, 1.7; M&M Mars 1.5, Campbell Soups, 1.1; Seagrams, 793,000; Hershey's 738,000; Jim Beam Whiskey, 713; Ralston Purina, 434.

As I said last night, I have nothing against any of those products. I enjoy every last one of those products, every last one of them. But I would simply, while I like them, I would simply like to know that I am not subsidizing them with my tax dollars. I am happy to purchase them, but I do not want to subsidize them.

This amendment is not perfect, and I am sure opponents of it will find some reason to attack it for being imperfect, but I simply want to say to folks on both sides of this issue, to those like the gentleman from New Jersey [Mr. ZIMMER] who attacked this amendment during the discussion on the earlier bill, I would simply say this: Your amendment clearly overreached, but this is the only chance you have to send a signal to both the Committee on Agriculture and the Department that we want this program reformed.

To those of you who, like me, represent farm districts and would like to see no change in this program, I would simply say, sooner or later, if you do not reform it, you are going to lose it. With the kind of budget squeeze coming at the American people, with the cuts we are making or being asked to make in Medicare, with the cuts that are being imposed on us for education, for health, for job training, we have no business giving corporations on this list money to subsidize the exports of their own products.

I urge Members to support this amendment as a reasonable compromise.

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield 1½ minutes to the gentleman from Kansas [Mr. ROBERTS], chairman of the Committee on Agriculture, the now famous, powerful committee.

Mr. ROBERTS. Mr. Chairman, I thank the gentleman from New Mexico for yielding time to me. It is also good to see the gentleman from New Mexico. It is also good to hear from the gentleman from Wisconsin [Mr. OBEY] in his attempt here with this amendment to separate the wheat from the chaff and then try to export the chaff.

I rise in opposition to his amendment. Look, here is what this is all about. This is not going to take very long.

We must export high-value-added products. That is the future of agriculture program policy. The highest value ag products are branded products. These products are sold by brand loyalty.

The European Union has that all figured out. They will not let some branded products in. Here we have a Member of Congress that does not want to let the branded products out.

This amendment should be introduced in the Assembly of France or the Bundestag of Germany or the Parliament of maybe Great Britain. I have a better idea. What this is, basically, is just a revote on the previous amendment. You kill the branded products, you kill the program.

If that is what you want to do, go ahead and we can have a revote. But if you are really excited about a generic product as opposed to the laundry list of big companies who do such a great job on behalf of our farmers and ranchers and every consumer here with exports, let us just put it in a brown paper bag.

Mr. OBEY. Mr. Chairman, I yield myself such time as I may consume.

I would simply say, I am amused at the fact that some of the same Members in this House who will vote for a farm policy which will throw hundreds of thousands of small farmers over the cliff will bleed all over this floor for some of the largest corporations in this country.

I urge a "yes" vote on the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. Mr. Chairman, I rise in opposition to the amendment. The able and brilliant author of this amendment has called it imperfect. I agree with him. It is imperfect. It has got two problems.

One is substantive. First, if you outlaw the brands because of certain corporate receipts levels, then what they are going to do is set up another entity that has lower receipts to channel the funds through there.

Also this, as the previous speaker said, should probably be handled by the World Trade Organization, the GATT language or whatever else. This is not the proper place to do it.

The second problem with this amendment, though, is an inherent problem, and that is that the big dog does have the tendency to eat first and, yet, in that process the little bitty puppies also get some of the bone. How can you promote American hamburgers without McDonald's getting their share of the market? How can you promote American wine products without Gallo being a recipient of it?

I think we have got these two problems in this amendment, Mr. Chairman. There is no need to rush it. This amendment does kill the MPP. Vote "no".

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. WALSH].

Mr. WALSH. Mr. Chairman, as I understand it, this amendment would preclude any corporation with more than $20 million in annual gross sales from participating in the program. How long are we going to hear about rich versus poor, big versus little?

I would remind my colleagues, if you are looking for a job, do you turn it down because the company is too big? No. We are talking about jobs, good jobs. Larger companies often provide higher paying jobs with better benefits. Besides, these companies buy products from smaller companies.

This program contributes to our positive agricultural trade surplus. Let us not divide and be conquered. Stand up for all American agriculture. Vote "no" on Obey.

Mr. SKEEN. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, about the only agriculture I have in my district is at the swap meet. So this is not real big.

And I know the gentleman from Wisconsin [Mr. OBEY] has good intentions in this thing. I grew up in Sheldon, MO, about 2,113 folks. I went back just a couple of months ago. Every single one of those farmers are having to work two and three jobs just to hang onto their farm. I think where you have a bigger organization that supports those organizations all the way down, I think we need to oppose this amendment.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I oppose this amendment as strenuously as I did the prior amendment.

We are talking competing country to country and small farmers in this country need large entities, in some cases, yes, corporations, to speak for them in the international marketplace.

There is no question that the Europeans are spending much of their taxpayers' dollars to compete with us, 10 times as much. And when you eliminate the entities that the gentleman from Wisconsin [Mr. OBEY] read off in the well, you eliminate thousands of small farmers whose ability to play a role in the international marketplace would be totally eliminated.

We have made it clear that small business has a priority in this program. These large entities will be using it less and less over time because promotions have a 5-year limit on them.

What is most important for people to understand can best be understood in the context of the wine industry in our State.

Yes, there are 101 wineries participating, 89 of them are small wineries. But when you look at it in detail, you will discover that the five largest harvest 90 percent of all the independently grown grapes in our State. They cannot succeed if this limitation is imposed.

Please defeat the Obey amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. OBEY].

The question was taken; and the Chairman announced that the noes appear to have it.

RECORDED VOTE

Mr. OBEY. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 176, noes 229, not voting 29, as follows:

[Roll No. 551]

AYES—176

Ackerman
Andrews
Archer
Armey
Bachus
Barrett (WI)
Bass
Becerra
Beilenson
Berman
Blute
Borski
Brown (OH)
Brownback
Bunn
Cardin
Castle
Chabot
Christensen
Clinger
Coburn
Coleman
Collins (IL)
Coyne
Cremeans
Davis
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Doggett
Doyle
Duncan
Dunn
Ehlers
Engel
Ensign
Fattah
Fawell
Fields (LA)
Foglietta
Ford
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Furse
Gejdenson
Gibbons
Goss
Green
Greenwood
Gutierrez
Gutknecht
Hancock
Harman
Hayworth
Hilleary
Hinchey
Hoekstra
Hoke
Horn
Hostettler
Inglis
Istook
Jacobs
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
King
Kleczka
Klink
Klug
LaFalce
Largent
Lazio
Leach
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manzullo
Markey
Martini
Mascara
McHale
McInnis
McNulty
Menendez
Meyers
Mfume
Miller (CA)
Miller (FL)
Minge
Molinari
Moran
Morella
Myrick
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Orton
Owens
Pallone
Payne (NJ)
Petri
Porter
Ramstad
Rangel
Reed
Rivers
Rohrabacher
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schumer
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith (WA)
Solomon
Souder
Stark
Stearns
Stockman
Studds
Tate
Taylor (MS)
Tiahrt
Torkildsen
Upton
Velazquez
Vento
Visclosky
Waldholtz
Wamp
Waters
Watt (NC)
Waxman
Wolf
Wynn
Yates
Zeliff
Zimmer

NOES—229

Allard
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (FL)
Bryant (TN)
Bryant (TX)
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Chambliss
Chapman
Chenoweth
Chrysler
Clayton
Clement
Clyburn
Coble
Collins (GA)
Combest
Condit
Conyers
Cooley
Costello
Cramer
Crapo
Cubin
Cunningham
Danner
de la Garza
Deal
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Dooley
Doolittle
Dornan
Durbin
Edwards
Ehrlich
Emerson
English
Eshoo
Evans
Everett
Ewing
Farr
Fazio
Fields (TX)
Filner
Flake
Flanagan
Foley
Forbes
Fowler
Frost
Funderburk
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Graham
Gunderson
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hefner
Heineman
Herger
Hobson
Holden
Hoyer
Hunter
Hutchinson
Hyde
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kildee
Kim
Kingston
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Livingston
Lucas
Manton
Martinez
Matsui
McCarthy
McCollum
McCrery
McDade
McHugh
McIntosh
McKeon
McKinney
Meek
Mica
Mineta
Mink
Mollohan
Montgomery
Moorhead
Murtha
Myers
Nethercutt
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce
Radanovich
Rahall
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Schaefer
Schiff
Schroeder
Scott
Seastrand
Sisisky
Skeen
Skelton
Smith (TX)
Spence
Spratt
Stenholm
Stump
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Torres
Towns
Traficant
Tucker
Volkmer
Vucanovich
Walker
Walsh
Ward
Weldon (FL)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Woolsey
Wyden
Young (AK)

NOT VOTING—29

Abercrombie
Baker (LA)
Bateman
Brown (CA)
Burton
Clay
Collins (MI)
Cox
Crane
Dreier
Gallegly
Goodling
Hefley
Hilliard
Houghton
Lantos
McDermott
Meehan
Metcalf
Moakley
Quillen
Quinn
Reynolds
Stokes
Stupak
Torricelli
Watts (OK)
Weldon (PA)
Young (FL)

☐ 1613

The Clerk announced the following pairs: On this vote:

Mr. Moakley for, with Mr. Dreier against.

Mr. McDermott for, with Mr. Watts of Oklahoma against.

Mr. TIAHRT changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. It is now in order to consider the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

Mr. KENNEDY of Massachusetts. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment. The text of the amendment is as follows:

Amendment offered by Mr. KENNEDY of Massachusetts: Page 71, after line 2, add the following new section:

SEC. 726. None of the funds appropriated or otherwise made available by this Act for the Market Promotion Program may be used to promote the sale or export of alcohol or alcoholic beverages.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 20, 1995, the gentleman from Massachusetts [Mr. KENNEDY] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

Mr. SKEEN. Mr. Chairman, I ask unanimous consent that the time be reduced to 5 and 5, 5 minutes on each side, and that the gentleman from California [Mr. RIGGS] be allowed to control the remainder of the time on my side.

The CHAIRMAN. Under a previous ruling of the House and the agreement of the House, each side is given 10 minutes. We can, however, reach a consensus if both the gentleman from New Mexico [Mr. SKEEN] and the gentleman from Massachusetts [Mr. KENNEDY] will yield back 5 minutes each.

Mr. KENNEDY of Massachusetts. Mr. Chairman, do we do that at the end of the debate?

The CHAIRMAN. the Chair will advise the gentleman, he can do it right now and preserve the other 5 minutes.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield back 5 minutes.

Mr. SKEEN. Mr. Chairman, I yield back 5 minutes.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I yield to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, I rise today to express concern about the proposed language contained in the Appropriations Committee report regarding the importation of Mexican avocados. This language is unnecessary and improperly seeks to create special procedural hurdles which the Secretary of Agriculture must overcome before determining whether to modify the embargo on Mexican avocado imports.

Moreover, the proposed language seeks to preserve technical barriers to trade of the type that Washington apple growers have been fighting for decades in Japan, Mexico, and elsewhere. Only recently have consumers in these countries been able to enjoy our apples while our growers enjoy the economic benefits of free trade. The United States is the most competitive producer of agricultural products in the world. Accordingly, we should act to encourage our trading partners to dismantle their technical barriers to U.S. agricultural exports.

THE COMMITTEE'S SPECIAL PROCEDURES ARE UNNECESSARY

The Department of Agriculture has been regulating agricultural imports successfully for over eighty years to protect American crops from the risks of imported pests or diseases. After extensive research and consultations with the Mexican authorities, the Department of Agriculture has now proposed a detailed plan under which avocados could be imported from one part of Mexico to the Northeastern United States, without risk to U.S. crops in the South or West. The Department has already held two public hearings on this issue and has scheduled five more hearings in August. Anyone interested in this issue may speak at one of the hearings or submit their views in writing. The Department will only decide whether to publish a final rule after considering all the views and evidence submitted.

The proposed language would state that the House Appropriations Committee "expects" the Department of Agriculture to "ensure scientific credibility on pest risk assessment and risk management" and to "ensure that industry is provided with an opportunity to provide input on any proposed regulatory changes." This language is simply unnecessary. The Department has already published a detailed explanation of its "systems approach" to eliminate any risks posed by avocado imports. Moreover, the ordinary procedures for rulemaking under the Administrative Procedure Act already ensure that the industry will have ample opportunity to express its views in writing and at the five scheduled hearings. To the extent that the proposed language can be read to encourage the Secretary to apply a higher standard in this case than the scientifically-based standards ordinarily used by the Department, the use of this higher standard is unjustified and discriminatory.

The proposed language also suggests that the Secretary create an "independent peer review panel" before modifying the embargo on Mexican avocados. In other words, the proposed language seeks to create a special procedure applicable to only one product, from only one country. To adopt the proposed language would be to say: "For all other crops, from all other countries, the Department's ordinary procedures and standards are good enough to protect American crops. But for some reason, the Appropriations Committee believe that the Department of Agriculture's well-established procedures and standards cannot be trusted with regard to one product: Mexican avocados."

The committee language does not explain why these special, one-time-only procedures and standards are necessary in this case. But the reasons are apparent: referring a well-studied matter to an "independent peer review panel" is nothing but an attempt to further delay the import of Mexican avocados into the United States. The committee would cater to a special interest group at the expense of the American consumer by imposing delays and restrictions on the Secretary of Agriculture's ability to determine that continuing the embargo is scientifcally unjustified.

THE COMMITTEE'S APPROACH WOULD VIOLATE OUR TRADE COMMITMENTS AND HARM U.S. INTERESTS

Moreover, by encouraging the Department of Agriculture to delay the modification of an unjustified trade restriction, the proposed language would have the United States breach its obligations under two recent trade agreements: the North American Free Trade Agreement [NAFTA] and the World Trade Organization [WTO]. Both of these agreements were approved by the Congress to promote economic growth in America, the region, and the world, and a committee of this House—particularly a committee which lacks jurisdiction over trade policy—should not lightly advocate breaches of these vital agreements.

Both the NAFTA and the WTO contain provisions expressly addressing this type of trade restriction, which are known as "phytosanitary measures." In particular, these rules prohibit the application of phytosanitary measures in a manner which either discriminates against the produce of one country or operates as a "disguised restriction on trade." These rules were included at the insistence of the United States. The American negotiators pressed for international rules on phytosanitary measures to prevent other countries from using such measures as non-tariff barriers to agricultural products from the United States. As the world's largest exporter, the United States has the most to lose from trade barriers, including the overbroad use of phytosanitary measures. Japan and other countries have used excessively strict phytosanitary justifications to restrict U.S. agricultural exports that compete with their local products.

It is simply inconsistent with U.S. interests to encourage other countries to delay changes to their trade restrictions by adopting special new procedures of the sort suggested by the Committee. You can rest assured that protectionists in other countries will be studying the Committee's language as a model for delaying access to their markets for U.S. apples, rice, and other agricultural exports, to the detriment of the American economy.

Mr. KENNEDY. Mr. Chairman, first I want to thank the gentleman from Utah, Mr. JIM HANSEN, who has cosponsored the amendment with me, and I appreciate all the hard work he has put into it.

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Mr. Chairman, this amendment should be titled the "know when to say when" amendment. It puts a halt on corporate subsidies to the alcohol industry to boost its booze abroad. It simply carves away a very targeted portion of the Market Protection Programs, the multi-million-dollar handout to the alcohol industry to lure drinkers in foreign countries. Over the course of the last 3 years, the taxpayers has reached deep into their pockets and handed over $24 million to the alcohol industry.

Let's just tell it like it is. The American taxpayers give subsidies to some companies that are making money hand over fist so that they can entice more people to drink. What we are doing here is financing a worldwide scam. We know what this kind of advertising is like. It is the most glamorous advertising in the world and hooks young people on the number one drug on this planet.

The wrongheadedness with which we subsidize alcohol exports and advertising by major alcohol corporations is compounded by the error of spending millions and millions of dollars to entice people to drink. It is a tragedy, and we should put an end to it.

Jim Beam last year got over $2.5 million to push its whisky abroad. Other whisky giants like Hiram Walker and Brown-Forman profited under this program. Even companies like Miller, Coors, and Stroh Beer get money under this program.

If that were not enough of a corporate scandal, we add insult to injury by asking the American taxpayer to foot the bill for some of the world's largest foreign alcohol giants. We actually pay these foreign alcohol companies to advertise our wine, our bourbon and our whiskey overseas. Seagrams, a Canadian company, received over $1 million from the United States taxpayers for wine promotion and nearly $150,000 to advertise Four Roses Whiskey in Europe and the Far East. Three English companies, including Guinness, have received almost $3 million to advertise United States-made bourbon and whiskey in Japan and Yugoslavia.

The Wine Institute itself spent $40,000 of United States taxpayers' money to fly a group of Japanese wine stewards to California for a weeklong adventure that included trips to several wineries.

The fact is that we are going to hear a lot of yakking from people that come from wine country that tell us that this is just a program to help out the small vintners of America. That is a bunch of hogwash. If you look at where the numbers go, notwithstanding the fact we heard the gentleman from California [Mr. FAZIO] talking about the fact that 89 of the vintners are small, that is, 89 of 100 vintners are the small vintners. They also get the small dollars.

If we look at it, Ernest and Julio, the two brothers that stood up to Caesar Chavez, they get 57 percent of all the money that goes into this program. Fifty-seven percent to one company that only made $1.5 billion more. Fetzer Vineyards, owned by Brown-Forman, makers of Jack Daniels, Southern Comfort, and Canadian Mist, millions more. Vintner International, another one of the largest companies in this country in the wine business, millions more.

Meanwhile, the small vintners, oh, yeah, there are a bunch of them, Geyser Park received $999, Pine Ridge received $162. Santa Cruz Winery, $223, Santino Wines, $4,167; and Saints Berry, $3,892.

Ladies and gentlemen, let's break the back of those corporations that come in and try to jump on the back of the taxpayer in this hall and say to them that we are going to stand up to not only welfare mothers but we are going to stand up to this kind of corporate subsidy as well.

Mr. Chairman, I reserve the balance of my time.

Mr. RIGGS. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to point out that this amendment, while broadly worded, is frankly a loaded gun pointed at the American wine industry.

Second, it would not save any money under the gentleman's amendment. We all are aware frankly that our domestic wineries are at a competitive disadvantage as they attempt to compete with European and South American wines due to the export subsidies and frankly the trade tariffs that are imposed on our wine exports abroad.

Mr. Chairman, I yield 1½ minutes to the gentleman from Fresno, CA [Mr. RADANOVICH], the first professional winemaker to serve in the U.S. House of Representatives.

Mr. RADANOVICH. Mr. Chairman, I rise in protest to this amendment that is being offered currently. I am a winemaker. I do not take MPP's. I never will take MPP's. But when my industry is singled out among 20 to 25 commodities that are participants in the MPP program, I must rise in protest.

Mr. Chairman, I am a member also of the Committee on the Budget and I do not believe that programs like this are going to survive 7 years of budget cuts that are necessary in order to get to zero. But I do agree that those decisions regarding the fate of MPP must be budget-driven and they must be decided within the Committee on Agriculture under the direction of the gentleman from Kansas [Mr. ROBERTS], our chairman, not from someone who comes from a State where there is very little agriculture and no participation in the program. I rise in strong protest to this amendment and urge "no" vote on the Kennedy amendment.

Mr. RIGGS. Mr. Chairman, I yield myself such time as I may consume.

Let me make two quick points. Even the gentleman from Massachusetts, the maker of the amendment, points out that 100 some odd wineries have been participating in the MPP. Of that group, 89 are small wineries. These are mostly small, family owned operations. Second, the five largest wine recipients of the MPP purchase 90 percent of their grapes from independent grape growers. The gentleman's amendment would hurt those small grape growers which again are for the most part small, family owned businesses.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Chairman, I will be brief. What the Kennedy amendment does is single our independent grape growers across California. This penalizes farmers, farmers who grow grapes and sell them to the wineries in California and throughout this country. He is penalizing small, independent grape growers. If he has a beef with grape growers, do it a different way. This is not the way to do it.

There is $607 million paid in excise tax. That is what the wine industry does. It is a $9 billion industry in California. It is an important industry in California. It is about jobs, it is about American wine, and we should not single out this industry and discriminate against them. If we have got a beef with the grape growers, do it another way.

Mr. RIGGS. Mr. Chairman, I yield 30 seconds to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I would like to say, although I respect the gentleman from Massachusetts, I do not support his amendment because this amendment directly and unfairly targets my constituents in Sonoma and Martin counties. These are the people who produce the best wines in the world. If this amendment passes, their world-famous wine would no longer be able to compete in the world market.

The amendment would devastate the small wine producers in my district, who rely upon Federal export assistance to enter the global marketplace.

Unlike Europe and South America, United States wine producers receive no production subsidies what-so-ever! Furthermore, our competitors out-spend the U.S. in export subsidies by more than 6 to 1!

Mr. Chairman, small California wineries cannot compete in such a lop-sided marketplace without some assistance.

The Kennedy amendment takes this critical assistance away from small wine producers. And, in doing so, it takes away jobs; it takes away trade; and, it takes away fairness.

We should help export California wine, not California's jobs!

Mr. RIGGS. Mr. Chairman, I yield 15 seconds to the gentleman from Louisville, KY, our mutual birthplace [Mr. WARD].

Mr. WARD. Mr. Chairman, I stand in opposition to this amendment. This amendment singles out one industry for punishment. We all know we need to increase exports. We need to make our balance of trade come out better. I stand in opposition to the amendment.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I yield the balance of my time to the gentleman from Utah [Mr. HANSEN].

The CHAIRMAN. The gentleman from Utah is recognized for 30 seconds.

Mr. HANSEN. Mr. Chairman, in 1981 we had an interesting experience around here. We formed what was called the Presidential Commission on Drunk Driving under Ronald Reagan. We spent 1½ years working on that. We took a lot of time to do it. I was privileged to sit on that committee and we did an exhaustive study of what was going on in America.

After we did all this and found out how many were dying as a result of drunk driving, paraplegics, quadriplegics and people with very serious back injuries, we found that the No. 1 reason was the enticement they had to get people to drink. This is a harmless little amendment. It makes a lot of sense. All we are asking to do is take away the advertisement in this area. We are not in any way changing some of these other areas.

Mr. RIGGS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I point out that recent studies have indicated that moderate alcohol beverage consumption could actually be beneficial to personal health.

Mr. Chairman, I yield the balance of my time evenly between my colleagues, the gentleman from Wisconsin [Mr. ROTH] and the gentleman from California [Mr. DORNAN].

ute worst. This is a program that spends about $2 million a year on the U.S. Mink Export Development Council, a council that is managed by four people, an attorney and assistant and representatives of two companies. Those two companies get 98 percent of the funds of that $2 million.

One of those companies happens to be a Canadian company. Actually, it is a subsidiary of a Canadian company whose gross revenues are 3.9 billion American dollars. What do they spend this money on every year? They spend t on fashion shows overseas and many times even work that is done to bring t back to the United States.

This is a copy of one of the fashion shows that does not even describe the minks or the mink stoles as America product.

Mr. Chairman, this is not an amendment against mink farmers; it is an amendment against the U.S. Mink Export Development Council program.

Mr. Chairman, I reserve the balance of my time.

Mr. SKEEN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise to oppose this amendment, and I again say through the efforts of this committee we have forced the Department to redo the way that it manages the market Promotion Program and it now targets the small, nonbranded groups.

We cannot pick apart this program and make it work. This program is good for America. Do not destroy this program. This program means jobs to the United States. To pass this amendment means jobs in other countries. Vote no and save American jobs.

Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. PETRI].

Mr. PETRI. Mr. Chairman, I rise in opposition to the Deutsch amendment, because what it boils down to is a short-sighted attempt to exclude one particular industry from participation in this promotion program simply because animal rights activists do not like that industry.

The funding to promote U.S. mink exports to foreign markets is by law used only to promote the sale of U.S. produced mink and only U.S. mink ranchers can benefit from this program. The funding benefits only U.S. entities, just as every other MPP-funded program does. Ninty-five percent of U.S. produced mink are sold through two auction houses; one of them a rancher cooperative, that is rancher-owned, the other is substantially owned by hundreds of U.S. mink ranchers.

It is ridiculous to say that the mink ranchers who produce all those pelts do not benefit by the marketing work done by these two companies. I cannot honestly understand how less than $2 million in marketing assistance to U.S. mink exporters can be truthfully characterized as "wasteful spending."

The CHAIRMAN. The gentleman from Wisconsin [Mr. ROTH] will be recognized for 10 seconds, and the gentleman from California [Mr. DORNAN] will be recognized for 10 seconds.

The Chair recognizes the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, this is the kind of amendment that drives us all to drink. It is discrimination aimed at Wisconsin where we produce the finest beers in the world and we want all people around the world to share in it.

Beer is a very noble product, and an honored part of American history. Many American fortunes have been made in the liquor industry. The liquor industry played an early role in the wealth of some of the most prominent American families, as the sponsor may recall.

Mr. DORNAN. Mr. Chairman, we are almost out of time.

When we work the doors here, JOSEPH, because you are a fourth-generation Irishman and I am a redheaded second-generation Irishman, and remembering that redheaded patriarch of your clan, and some friends in Scotland assure me they will not be toasting you in the champagne regions of France and the distilleries of beautiful Bonnie Scotland.

Mr. KENNEDY of Massachusetts. Just say no, big BOB. Just say no.

Mr. FAZIO of California. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] which would prohibit the use of funds in the bill to promote the sale or export of alcohol or alcoholic beverages.

This amendment is targeted at the Market Promotion Program [MPP].

MPP is a good program which is conducting important value-added marketing overseas. It works effectively, and MPP has been a crucial element of improving the export situation of our domestic wine industry, centered in California.

The California wine industry produces an award-winning, high-value product that can compete with the best of the world's wine industries—but we need MPP to help get that message out.

U.S. wine production represents approximately 6.5 percent of world production. However, despite aggressive export growth during the past 6 years, the industry has only a 3.0 percent market share of wine exports.

We need MPP to help us do better.

We need to remember that the European Union spends more on export promotion for wine than the United States spends in promoting all of our agricultural products.

The European Community wine industries are heavily subsidized—to the tune of $1.5 billion, which includes $90 million for export promotion.

Other countries then do even more. For example, the Italian Trade Commission is funded for an additional $25 million.

When it comes to the wine industry, MPP is a program that helps small business.

In 1994, for example, 101 wineries participated in MPP and 89 were small wineries.

MPP promotes independent business.

The five largest wine recipients of MPP funds purchase over 90 percent of their grapes from independent grape growers.

In short, we will continue to battle for our fair share of foreign markets. But we need an export promotion program to allow us to achieve our competitive potential.

I urge my colleagues to defeat the Kennedy amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, 1995, further proceedings on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] will be postponed.

AMENDMENT NO. 5 OFFERED BY MR. DEUTSCH

Mr. DEUTSCH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. DEUTSCH: Amendment No. 5: Page 71, after line 2, insert the following new section:

SEC. 726. None of the funds made available in this Act may be used to provide assistance to, or to pay the salaries of personnel who carry out a market promotion program pursuant to section 203 of the Agricultural Trade Act of 1978 (7 U.S.C. 5623) that provides assistance to, the U.S. Mink Export Development Council or any mink industry trade association.

The CHAIRMAN. Pursuant to the order of the House of Thursday, July 20, 1995, the gentleman from Florida [Mr. DEUTSCH] will be recognized for 10 minutes, and a Member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Florida for 10 minutes, and, in opposition, the gentleman from New Mexico [Mr. SKEEN] will be recognized for 10 minutes.

Mr. SKEEN. Mr. Chairman, I ask the gentleman if he would yield back 5 minutes.

Mr. DEUTSCH. Mr. Chairman, I yield back 5 minutes before we begin.

Mr. SKEEN. Mr. Chairman, I yield back 5 minutes.

Mr. DEUTSCH. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is corporate welfare at its absolute worst; at its abso-

It is not a give away. It is a matching funds program which helps counter the massive subsidies that European countries give directly to their mink producers.

Mr. Chairman, it seems to me that the questions we will answer when we vote on this amendment are these: Shall Congress discriminate against the MPP mink program just because it helps market U.S.-produced mink and not American seafood, paper products, grapes, walnuts, chocolate, cotton, raisins, feed grains, meats, wheat, rice, apples, wine or citrus from Florida and other States, even though the mink industry receives less marketing subsidy than any of these industries; and, shall Congress deny marketing assistance to the mink industry for the sole purpose of satisfying the extremists animal rights lobby?

Mr. Chairman, I must say that I think the rational answer to those questions, and the only real answer to those questions, is a resounding "no." I urge my colleagues to join me in voting a resounding "no" on the amendment.

Mr. DEUTSCH. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DORNAN].

Mr. DORNAN. Mr. Chairman, this is another one of those squirrely little issues where you have friends on both sides of the issues. But of all the subjects in all of the trade issues on the planet, why either party should be helping mink manufacturers, I do not know.

This would be a hard sell at any town hall meeting in America, and I would say if there was ever an industry that was on its own, it ought to be the mink industry.

Before we end up discussing vicuna coats and plain-cloth Republican coats or Democratic coats, I know my party has had an image problem for about 50 years as the party of the big guy, and my colleagues on the other side of the aisle get away with bloody murder, being the party of the little guy. I say let those little minks fight for themselves without Federal tax dollars.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Idaho [Mr. CRAPO].

Mr. CRAPO. Mr. Chairman, I stand in opposition to this amendment.

Mr. Chairman, agriculture is a major Idaho industry. With 21,000 farmers and ranchers, its annual production totals nearly $3 billion. This translates into billions of dollars in additional economic activity as well as an expanded tax base and tens of thousands of jobs.

This amendment arbitrarily excludes a small, yet very important part of this economy from participation in the MPP Program. Groups who do not believe that animals should be used for food, clothing or medical research are trying to prevent any MPP money from being used to retain and develop overseas markets for U.S.-produced mink. MPP Program helps U.S. mink ranchers counter the efforts of massive production subsidies which go to foreign mink ranchers. In Idaho alone, the economic impact of the mink industry is $7.3 million a year. MPP funding to promote mink exports is an investment with a 5,000 percent return. For about $2 million, the MPP helps the U.S. mink industry achieve over $100 million in export sales each year.

Additionally, the United States mink industry has successfully promoted the superior quality of United States mink to quality-conscious furriers and importers in Italy, Japan, Hong Kong, and elsewhere. Over 95 percent of the U.S. mink industry's total sales will be exported this year.

Contrary to the comments made that MPP funds go to big corporations, all of the branded mink participants in the MPP Program are classified as "small entities" by the SBA. The industry is made up of small, family owned mink ranches in 28 States. MPP marketing assistance has helped the mink producers survive 5 years of global over production caused by direct and indirect subsidization in China, Russia, and mostly in Scandinavian countries.

I urge my colleagues to reject this anti-jobs amendment.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. PETERSON].

Mr. PETERSON of Minnesota. Mr. Chairman, I rise today to strongly oppose the Deutsch amendment. My colleagues need to understand what is going on here. Ninety-five percent of our market of mink, the mink ranchers in my district, is overseas. They have no Government program. They have no other money that comes to them, except for this MPP program. It is only $1.9 million.

If we destroy this industry, what we are going to do is what we did with the wool and mohair industry; we are just going to give that industry to the foreign countries, to the Danish, to the Norwegians, to the Finlanders.

Mr. Chairman, I can personally tell my colleagues that these mink ranchers are having a tough time. They are on the verge of going out of business anyway. They do not need us to single them out with this amendment and make the situation harder.

Mr. Chairman, this is not about MPP. What this is about are the animal rights folks, who do not like these people, trying to drive one more nail in their coffin.

I ask my colleagues to strongly oppose this amendment and maintain the mink industry in this country. These are good people, family farmers. We do not need to put them out of business.

Mr. DEUTSCH. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. OWENS].

Mr. OWENS. Mr. Chairman, I rise in support of the amendment. During the last few days, we have heard clearly what the plot to balance the budget is all about. The plot to balance the budget is merely to squeeze out money from Medicare and Medicaid and money for the cities.

The plot to balance the budget is not sincere at all, because we are refusing to take away taxpayer subsidies for tobacco. We will not take away taxpayer subsidies for alcohol. We will not take away taxpayers subsidies for mink coats. How are we going to balance the budget?

It would be only fair if you were to offer export promotion funds for everybody. I have a used clothing processing plant in Brooklyn, the largest in the world, and they export used clothing to all parts of the world. The underdeveloped world buys a lot of used clothes. They should have the export advertising subsidy also. They should get in on it also.

All products, such as automobiles, have a hard time in Japan. They should have the export promotion program also. We should be fair and have socialized marketing across the board; never balance the budget, cut Medicare and Medicaid.

Mr. SKEEN. Mr. Chairman, I reserve the balance of my time.

Mr. DEUTSCH. Mr. Chairman, I yield 1 minute to the gentleman from Connecticut [Mr. SHAYS], the cosponsor of the amendment.

Mr. SHAYS. Mr. Chairman, I tried to avoid participating in the debate today, because we are all tired and we all feel strongly about these issues. But I have a hard time recognizing we have annual deficits at over $200 billion a year, our national debt is close to $4.8 trillion, and I am going back to my district and telling them we are slowing the growth of Medicare, we are slowing the growth of Medicaid. We are cutting housing programs, we are cutting education programs, but we are going to subsidize tobacco, alcohol, and mink export?

This, to me, is an obscenity. I join my colleague and thank the gentleman for offering this amendment.

Mr. DEUTSCH. Mr. Chairman, I yield myself such times as I may consume.

Mr. Chairman, as I stated, this is truly corporate welfare at its worst. I ask my colleagues to take a look at the specifics of this particular program, what it really does. It is almost beyond belief what this program does. It is almost a parody of government gone crazy in terms of corporate welfare.

We have about $2 million a year, we give it to the U.S. Mink Export Development Council managed by 4 people, 2 of whom are representatives of companies. One is an attorney for the council and one an assistant.

Those people then all of a sudden, lo and behold, give 98 percent of the money that they get to the 2 companies represented on the board, at which point they then spend the money for fashion shows all over the world; Mainland China, Japan, Korea, Italy, and it is unclear what is going on.

One of the companies is a $3.9 billion gross sales a year Canadian company.

It is foreign corporate welfare. We are doing so well today in America that we can afford foreign corporate welfare.

It is not about mink farmers; it is about this particular program. If we cannot get rid of this, we are not going to get rid of anything.

Mr. Chairman, I urge my colleagues to support the Deutsch-Shays amendment.

Mr. SKEEN. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio [Mr. BOEHNER].

Mr. BOEHNER. Mr. Chairman, I thank my colleague from New Mexico, Mr. SKEEN, for yielding, and thank my colleagues in the House for their endurance during this entire consideration of the agriculture appropriation bill.

The amendment that we have before us has been explained very clearly by my colleagues that have proceeded me. There are two exchanges that handle U.S. furs for mink producers in America. It is the Seattle Fur Exchange, a co-op of ranchers out West. Here in the East, it is the New York market and 36 percent of it is owned by small mink farmers around the country.

But this program is about helping small farmers around our country. It is not about helping corporations. It is about helping our farmers compete in a world market where they have to compete with subsidized furs from all around the world. This program has helped open markets for U.S. producers. They have been through 5 years of almost all of them going out of business. They are actually starting to make some money, and pulling the plug on this program at this time, frankly, is not fair to them.

In the budget, agriculture is taking its hit. We are going to be putting up somewhere between $17 and $20 billion over the next 7 years to balance the budget. We are going to do our share. But this is not the way to do it.

But let me say to my colleagues that this amendment is more than about cutting money. Some who are interested in this amendment are interested in it only for one reason, because they want us to kneel down at the altar of political correctness of those radical animal rights people who do not want you to wear mink, they do not want to wear mink. They are bringing this to the floor of the House and it is unfair. Vote against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. DEUTSCH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DEUTSCH. Mr. Chairman, I demand a recorded vote, and, pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, 1995, further proceedings on the amendment offered by the gentleman from Florida [Mr. DEUTSCH] will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, 1995, proceedings will now resume on those amendments on which further proceedings were postponed in the following order: The amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] and the amendment offered by the gentleman from Florida [Mr. DEUTSCH].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 64 OFFERED BY MR. KENNEDY OF MASSACHUSETTS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. DEUTSCH

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. DEUTSCH] on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been requested. Those in support of the request for recorded vote will rise and be counted.

Mr. DEUTSCH. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The gentleman is correct. A quorum is not present.

The CHAIRMAN. Pursuant to clause 2 of rule XXIII, the Chair will reduce to a minimum of 5 minutes the time for an electronic vote ordered on the pending question following this quorum call.

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PARLIAMENTARY INQUIRY

Mr. KENNEDY of Massachusetts. Mr. Chairman, parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. KENNEDY of Massachusetts. Mr. Chairman, a few minutes ago I had an amendment and enough people rose to ask for a recorded vote. You assured me that we had, and were going to have a recorded vote on my amendment. Are we having a recorded vote on my amendment?

The CHAIRMAN. As the Chair announced at that point, the Chair began to count for a recorded vote. The Chair then remembered the planned order to postpone any request for a recorded vote until later on. It was a mistake on the part of the Chair not to immediately postpone the request for a recorded vote, without counting for a sufficient number to support a recorded vote. When proceedings later resumed, the request was not supported by a sufficient number.

Mr. KENNEDY of Massachusetts. Wait a second, could I have unanimous consent to have another attempt to have that vote, please?

The CHAIRMAN. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

RECORDED VOTE

Mr. KENNEDY of Massachusetts. Mr. Chairman, I demand a recorded vote on the Kennedy amendment.

The CHAIRMAN. Without objection, the Chair will vacate all proceedings since the resumption of unfinished business, to include those on the point of no quorum raised by the gentleman from Florida,

There was no objection.

PARLIAMENTARY INQUIRY

Mr. RIGGS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. RIGGS. Just to establish the sequence of the votes now, will we be voting first on the Kennedy amendment followed by the Deutsch amendment?

The CHAIRMAN. The Chair will begin again, and it will be clear in just a minute.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of Wednesday, July 19, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment by the gentleman from Massachusetts [Mr. KENNEDY] and the amendment offered by the gentleman from Florida [Mr. DEUTSCH].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in the series.

AMENDMENT OFFERED BY MR. KENNEDY OF MASSACHUSETTS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Massachusetts [Mr. KENNEDY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. The Chair tells Members this will be a firm 17-minute vote.

The vote was taken by electronic device, and there were—ayes 130, noes 268, not voting 36, as follows:

[Roll No. 552]

AYES—130

Archer
Armey
Bachus
Barcia
Bartlett
Bass
Beilenson
Bereuter
Blute
Borski
Brown (OH)
Brownback
Canady
Cardin
Castle
Chabot
Christensen
Collins (IL)
Conyers
Coyne
Crapo
Davis
DeLay
Doyle
Duncan
Ensign
Fields (LA)
Fields (TX)
Flake
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Gibbons
Gilchrest
Goodlatte
Goss
Graham
Green
Gutierrez
Hall (TX)
Hansen
Hayworth
Hoke
Horn
Hostettler
Hunter
Inglis
Jackson-Lee
Jacobs
Kanjorski
Kasich
Kennedy (MA)
Kennedy (RI)
Kildee
King
LaFalce
Largent
Lewis (GA)
Linder
LoBiondo
Luther
Markey
Martini
McHale
McInnis
McKeon
McNulty
Mfume
Minge
Molinari
Moran
Morella
Myrick
Nadler
Neumann
Oberstar
Obey
Olver
Orton
Owens
Pallone
Payne (NJ)
Porter
Poshard
Ramstad
Rangel
Reed
Regula
Rivers
Rohrabacher
Roukema
Royce
Salmon
Sanders
Sanford
Scarborough
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Skaggs
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Stockman
Tate
Tiahrt
Torkildsen
Towns
Velazquez
Vento
Visclosky
Waldholtz
Wamp
Waters
Waxman
Weldon (FL)
Wolf
Yates
Zeliff
Zimmer

NOES—268

Ackerman
Allard
Andrews
Baesler
Baker (CA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (FL)
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Chambliss
Chapman
Chenoweth
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cramer
Cremeans
Cubin
Cunningham
Danner
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Dunn
Durbin
Edwards
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Filner
Flanagan
Foley
Forbes
Frank (MA)
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gillmor
Gilman
Gonzalez
Gordon
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hamilton
Hancock
Harman
Hastert
Hastings (FL)
Hayes
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Holden
Hoyer
Hutchinson
Hyde
Istook
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kaptur
Kelly
Kennelly
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Lipinski
Livingston
Lofgren
Longley
Lowey
Lucas
Maloney
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHugh
McIntosh
McKinney
Meek
Menendez
Meyers
Mica
Miller (FL)
Mineta
Mink
Mollohan
Montgomery
Moorhead
Murtha
Myers
Neal
Nethercutt
Ney
Norwood
Nussle
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Portman
Pryce
Radanovich
Rahall
Richardson
Riggs
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roybal-Allard
Rush
Sabo
Sawyer
Saxton
Schaefer
Scott
Shadegg
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Spence
Spratt
Stark
Stearns
Stenholm
Studds
Stump
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Torres
Traficant
Tucker
Upton
Volkmer
Vucanovich
Walker
Walsh
Ward
Watt (NC)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Young (AK)

NOT VOTING—36

Abercrombie
Baker (LA)
Bateman
Brown (CA)
Burton
Clay
Collins (MI)
Cox
Crane
Dreier
Ehlers
Foglietta
Gallegly
Geren
Goodling
Hastings (WA)
Hefley
Hilliard
Houghton
Lantos
McDermott
Meehan
Metcalf
Miller (CA)
Moakley
Ortiz
Quillen
Quinn
Reynolds
Seastrand
Stokes
Stupak
Torricelli
Watts (OK)
Weldon (PA)
Young (FL)

□ 1707

The Clerk announced the following pair:

On this vote:

Mr. Moakley for, with Mr. Dreier against.

Mr. WILLIAMS and Mr. BARR changed their vote from "aye" to "no."

Messrs. CANADY of Florida, SMITH of Michigan, BARTLETT of Maryland, and GRAHAM changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DEUTSCH

The CHAIRMAN. The pending business is the demand of the gentleman from Florida [Mr. DEUTSCH] for a recorded vote on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. The gentleman from Florida [Mr. DEUTSCH] has demanded a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 232, noes 160, not voting 42, as follows:

[Roll No. 553]

AYES—232

Ackerman
Andrews
Archer
Bachus
Bass
Becerra
Beilenson
Berman
Bilbray
Bilirakis
Blute
Boehlert
Borski
Brown (FL)
Brown (OH)
Bryant (TX)
Burr
Buyer
Canady
Cardin
Castle
Chabot
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Conyers
Costello
Coyne
Cremeans
Cubin
Cunningham
Danner
Davis
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dixon
Doggett
Dornan
Doyle
Duncan
Dunn
Durbin
Engel
Ensign
Eshoo
Evans
Farr
Fattah
Fawell
Fields (LA)
Filner
Flake
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Ganske
Gejdenson
Gibbons
Gilman
Gordon
Goss
Graham
Green
Greenwood
Gutierrez
Hall (OH)
Harman
Hastings (FL)
Hayes
Hayworth
Heineman
Hilleary
Hinchey
Hobson
Hoke
Horn
Hostettler
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
King
Klink
LaFalce
Largent
LaTourette
Leach
Levin
Lewis (GA)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Manzullo
Markey
Martini
Mascara
McCarthy
McCollum
McDade
McHale
McInnis
McKinney
McNulty
Menendez
Meyers
Mfume
Mica
Miller (FL)
Mineta
Minge
Mink
Molinari
Moran
Morella
Murtha
Myrick
Nadler
Neal
Neumann
Ney
Norwood
Olver
Pallone
Payne (NJ)
Pelosi
Porter
Portman
Poshard
Pryce
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Scarborough
Schiff
Schroeder
Schumer
Sensenbrenner
Serrano
Shaw
Shays
Shuster
Skaggs
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stockman
Studds
Tate
Taylor (MS)
Taylor (NC)
Torkildsen
Torres
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Volkmer
Waldholtz

Wamp
Ward
Waters
Waxman
Weldon (FL)
Weller
Wicker
Williams
Wilson
Wolf
Woolsey
Wyden
Wynn
Yates
Zeliff
Zimmer

NOES—160

Allard
Armey
Baesler
Baker (CA)
Baldacci
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bereuter
Bevill
Bishop
Bliley
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Callahan
Calvert
Camp
Chambliss
Chapman
Chenoweth
Chrysler
Clinger
Combest
Condit
Cooley
Cramer
Crapo
de la Garza
Deal
DeLay
Dickey
Dicks
Dingell
Dooley
Doolittle
Edwards
Ehrlich
Emerson
English
Everett
Ewing
Fazio
Fields (TX)
Flanagan
Forbes
Frost
Gekas
Gephardt
Gilchrest
Gillmor
Gonzalez
Goodlatte
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hefner
Herger
Hoekstra
Holden
Hoyer
Hunter
Hutchinson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kaptur
Kennelly
Kim
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Latham
Laughlin
Lazio
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Livingston
Longley
Lucas
Martinez
Matsui
McCrery
McHugh
McIntosh
McKeon
Meek
Mollohan
Montgomery
Moorhead
Myers
Nethercutt
Nussle
Oberstar
Obey
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Radanovich
Rahall
Roberts
Rogers
Rose
Saxton
Schaefer
Scott
Sisisky
Skeen
Skelton
Smith (MI)
Stenholm
Stump
Talent
Tanner
Tauzin
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Tucker
Vucanovich
Walker
Walsh
Watt (NC)
White
Whitfield
Wise
Young (AK)

NOT VOTING—42

Abercrombie
Baker (LA)
Ballenger
Barton
Bateman
Bentsen
Brown (CA)
Burton
Clay
Collins (MI)
Cox
Crane
Dreier
Ehlers
Foglietta
Gallegly
Geren
Goodling
Hastings (WA)
Hefley
Hilliard
Houghton
Johnston
Lantos
McDermott
Meehan
Metcalf
Miller (CA)
Moakley
Ortiz
Owens
Quillen
Quinn
Reynolds
Seastrand
Shadegg
Stokes
Stupak
Torricelli
Watts (OK)
Weldon (PA)
Young (FL)

□ 1716

The Clerk announced the following pairs:

On this vote:

Mr. Moakley for, with Mr. Barton against.
Mr. Stokes for, with Mr. Ehlers against.
Mr. Dreier for, with Mr. Hastings against.
Mr. Quinn for, with Mr. Dermott against.
Mr. Shadegg for, with Mr. Watts against.

Messrs. JOHNSON of South Dakota, GORDON, HOKE, VOLKMER, GREENWOOD, SMITH of Texas, and MANZULLO changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. SKEEN. Mr. Chairman, at this point in the RECORD I insert a table that shows a comparison of accounts in the bill.

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1976)

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - AGRICULTURAL PROGRAMS					
Production, Processing, and Marketing					
Office of the Secretary	2,801,000	2,886,000	10,227,000	+7,426,000	+7,341,000
Executive Operations:					
Chief Economist		4,240,000	3,748,000	+3,748,000	-492,000
Office of the Assistant Secretary for Economics	540,000			-540,000	
World Agricultural Outlook Board	2,498,000			-2,498,000	
National Appeals Division		12,166,000	11,846,000	+11,846,000	-320,000
Office of Budget and Program Analysis	5,795,000	5,899,000	5,899,000	+104,000	
Office of Small and Disadvantaged Business Utilization		724,000			-724,000
Total, Executive Operations	8,833,000	23,029,000	21,493,000	+12,660,000	-1,536,000
Chief Financial Officer	580,000	4,952,000	4,133,000	+3,553,000	-819,000
Office of the Assistant Secretary for Administration	596,000	616,000	596,000		-20,000
Agriculture buildings and facilities (USDA)	135,193,000	135,774,000	135,774,000	+581,000	
Payments to GSA	(87,957,000)	(89,971,000)	(89,971,000)	(+2,014,000)	
Building operations and maintenance	(18,614,000)	(20,216,000)	(20,216,000)	(+1,602,000)	
Repairs, renovations, and construction	(28,622,000)	(25,587,000)	(25,587,000)	(-3,035,000)	
Advisory committees (USDA)	926,000	885,000	800,000	-126,000	-85,000
Hazardous waste management	15,700,000	15,700,000	15,700,000		
Departmental administration	26,187,000	87,347,000	27,986,000	+1,799,000	-59,361,000
Office of the Assistant Secretary for Congressional Relations	1,764,000	1,838,000	3,797,000	+2,033,000	+1,959,000
Office of Communications	8,198,000	8,890,000	8,198,000		-692,000
Office of the Inspector General	63,418,000	64,739,000	63,639,000	+221,000	-1,100,000
Office of the General Counsel	25,992,000	27,860,000	27,860,000	+1,868,000	
Office of the Under Secretary for Research, Education and Economics	520,000	535,000	520,000		-15,000
Economic Research Service	53,936,000	54,665,000	53,131,000	-805,000	-1,534,000
National Agricultural Statistics Service	81,424,000	89,837,000	81,107,000	-317,000	-8,730,000
Agricultural Research Service	714,689,000	709,810,000	705,610,000	-9,079,000	-4,200,000
Human Nutrition Information Service	(10,618,000)				
Buildings and facilities	43,718,000	30,200,000	30,200,000	-13,518,000	
Total, Agricultural Research Service	758,407,000	740,010,000	735,810,000	-22,597,000	-4,200,000
Cooperative State Research, Education, and Extension Activities:					
Research and education activities	433,438,000	432,212,000	389,372,000	-44,066,000	-42,840,000
Native Americans Institutions Endowment Fund		(4,600,000)	(4,600,000)	(+4,600,000)	
Buildings and facilities	62,744,000			-62,744,000	
Extension Activities	438,744,000	437,552,000	413,257,000	-25,487,000	-24,295,000
Total, Cooperative State Research, Education, and Extension Activities	934,926,000	869,764,000	802,629,000	-132,297,000	-67,135,000
Office of the Assistant Secretary for Marketing and Regulatory Programs	605,000	625,000	605,000		-20,000
Animal and Plant Health Inspection Service:					
Salaries and expenses	443,651,000	430,279,000	433,664,000	-9,987,000	+3,385,000
Special fund, user fees 1/	(96,660,000)	(100,254,000)	(100,254,000)	(+3,594,000)	
Buildings and facilities	6,973,000	12,541,000	12,541,000	+5,568,000	
Tota:, Animal and Plant Health Inspection Service	450,624,000	442,820,000	446,205,000	-4,419,000	+3,385,000
Agricultural Marketing Service:					
Marketing Services	56,591,000	50,607,000	46,662,000	-9,929,000	-3,945,000
New user fees	(4,452,000)	(3,887,000)	(3,887,000)	(-565,000)	
(Limitation on administrative expenses, from fees collected)	(57,054,000)	(58,461,000)	(58,461,000)	(+1,407,000)	
Funds for strengthening markets, income, and supply (transfer from section 32)	10,309,000	10,451,000	10,451,000	+142,000	
Payments to States and possessions	1,200,000	1,200,000	1,000,000	-200,000	-200,000
Total, Agricultural Marketing Service	68,100,000	62,258,000	58,113,000	-9,987,000	-4,145,000
Grain Inspection, Packers and Stockyards Administration	23,314,000	23,679,000	23,058,000	-256,000	-621,000
Inspection and Weighing Services (limitation on administrative expenses, from fees collected)	(42,784,000)	(42,784,000)	(42,784,000)		
Office of the Under Secretary for Food Safety		580,000	450,000	+450,000	-130,000
Food Safety and Inspection Service	516,738,000	594,889,000	540,365,000	+23,627,000	-54,524,000
Lab accreditation fees 2/	(1,000,000)	(1,000,000)	(1,000,000)		
Total, Production, Processing, and Marketing	3,178,784,000	3,254,178,000	3,062,196,000	-116,588,000	-191,982,000
Farm Assistance Program					
Office of the Under Secretary for Farm and Foreign Agricultural Services	549,000	570,000	549,000		-21,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1976)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Consolidated Farm Service Agency:					
Salaries and expenses	....	811,771,000	805,888,000	+805,888,000	-5,883,000
Agricultural Stabilization and Conservation Service, salaries and expenses	786,217,000	....	....	-786,217,000	....
(Transfer from export loans)	(589,000)	(608,000)	(589,000)	....	(-19,000)
(Transfer from P.L. 480)	(1,036,000)	(745,000)	(745,000)	(-291,000)	....
(Transfer from ACIF)	(200,227,000)	(214,163,000)	(208,446,000)	(+8,219,000)	(-5,717,000)
Total, salaries and expenses	(987,069,000)	(1,027,287,000)	(1,015,668,000)	(+28,599,000)	(-11,619,000)
State mediation grants	3,000,000	3,000,000	2,000,000	-1,000,000	-1,000,000
Dairy indemnity program	....	100,000	100,000	+100,000	....
Outreach for socially disadvantaged farmers and ranchers	2,995,000	3,000,000	....	-2,995,000	-3,000,000
Total, Consolidated Farm Service Agency	791,212,000	817,871,000	807,988,000	+16,776,000	-9,883,000
Agricultural Credit Insurance Fund Program Account:					
Loan authorizations:					
Farm ownership loans:					
Direct	(78,061,000)	(70,000,000)	(35,000,000)	(-43,061,000)	(-35,000,000)
Guaranteed	(540,674,000)	(540,687,000)	(550,000,000)	(+9,326,000)	(+9,313,000)
Subtotal	(618,755,000)	(610,687,000)	(585,000,000)	(-33,755,000)	(-25,687,000)
Operating loans:					
Direct	(500,000,000)	(542,860,000)	(400,000,000)	(-100,000,000)	(-142,860,000)
Guaranteed unsubsidized	(1,735,000,000)	(1,700,000,000)	(1,700,000,000)	(-35,000,000)	....
Guaranteed subsidized	(230,000,000)	(200,000,000)	(200,000,000)	(-30,000,000)	....
Subtotal	(2,465,000,000)	(2,442,860,000)	(2,300,000,000)	(-165,000,000)	(-142,860,000)
Soil and water loans:					
Direct	....	(2,898,000)	....	....	(-2,898,000)
Guaranteed	....	(1,422,000)	....	....	(-1,422,000)
Subtotal	....	(4,320,000)	....	....	(-4,320,000)
Indian tribe land acquisition loans	(1,000,000)	(1,000,000)	(750,000)	(-250,000)	(-250,000)
Emergency disaster loans	(100,000,000)	(100,000,000)	(100,000,000)	....	....
Credit sales of acquired property	....	(45,000,000)	(22,500,000)	(+22,500,000)	(-22,500,000)
Total, Loan authorizations	(3,184,755,000)	(3,203,867,000)	(3,008,250,000)	(-176,505,000)	(-195,617,000)
Loan subsidies:					
Farm ownership:					
Direct	10,983,000	16,373,000	8,187,000	-2,796,000	-8,186,000
Guaranteed	20,870,000	19,681,000	20,019,000	-851,000	+338,000
Subtotal	31,853,000	36,054,000	28,206,000	-3,647,000	-7,848,000
Farm operating:					
Direct	56,555,000	74,209,000	54,680,000	-1,875,000	-19,529,000
Guaranteed unsubsidized	9,360,000	18,360,000	18,360,000	+9,000,000	....
Guaranteed subsidized	29,425,000	17,960,000	17,960,000	-11,465,000	....
Subtotal	95,340,000	110,529,000	91,000,000	-4,340,000	-19,529,000
Soil and water loans:					
Direct	....	608,000	....	....	-608,000
Guaranteed	....	30,000	....	....	-30,000
Subtotal	....	638,000	....	....	-638,000
Indian tribe land acquisition	123,000	274,000	206,000	+83,000	-68,000
Emergency disaster	26,290,000	32,080,000	32,080,000	+5,790,000	....
Credit sales of acquired property	....	8,226,000	4,113,000	+4,113,000	-4,113,000
Negative subsidies	-782,000	-296,000	....	+782,000	+296,000
Total, Loan subsidies	152,824,000	187,505,000	155,605,000	+2,781,000	-31,900,000
ACIF expenses:					
Salaries and expenses	229,735,000	214,652,000	208,935,000	-20,800,000	-5,717,000
Administrative expenses	14,031,000	12,606,000	12,606,000	-1,425,000	....
Total, ACIF expenses	243,766,000	227,258,000	221,541,000	-22,225,000	-5,717,000
Total, Agricultural Credit Insurance Fund	396,590,000	414,763,000	377,146,000	-19,444,000	-37,617,000
(Loan authorization)	(3,184,755,000)	(3,203,867,000)	(3,008,250,000)	(-176,505,000)	(-195,617,000)
Total, Farm Assistance Programs	1,188,351,000	1,233,204,000	1,185,683,000	-2,668,000	-47,521,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1976)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
CORPORATIONS					
Federal Crop Insurance Corporation:					
Federal crop insurance corporation fund	219,107,000	1,263,708,000	1,263,708,000	+1,044,601,000	
Commodity Credit Corporation:					
Reimbursement for net realized losses	15,500,000,000	10,400,000,000	10,400,000,000	-5,100,000,000	
Hazardous waste (limitation on administrative expenses)	(5,000,000)	(5,000,000)	(5,000,000)		
Borrowing authority (emergency)	1,000,000,000			-1,000,000,000	
Total, Corporations	16,719,107,000	11,663,708,000	11,663,708,000	-5,055,399,000	
Total, title I, Agricultural Programs	21,086,242,000	16,151,090,000	15,911,587,000	-5,174,655,000	-239,503,000
(By transfer)	(201,852,000)	(215,516,000)	(209,780,000)	(+7,928,000)	(-5,736,000)
(Loan authorization)	(3,184,755,000)	(3,203,867,000)	(3,008,250,000)	(-176,505,000)	(-195,617,000)
(Limitation on administrative expenses)	(104,838,000)	(106,245,000)	(106,245,000)	(+1,407,000)	
TITLE II - CONSERVATION PROGRAMS					
Office of the Under Secretary for Natural Resources and Environment	677,000	696,000	677,000		-19,000
Natural Resource Conservation Service:					
Conservation operations	556,062,000	645,735,000	629,986,000	+73,924,000	-15,749,000
River basin surveys, investigations, and watershed planning			14,000,000	+14,000,000	+14,000,000
River basin surveys and investigations	12,970,000	11,210,000		-12,970,000	-11,210,000
Watershed planning	10,546,000	7,542,000		-10,546,000	-7,542,000
Watershed and flood prevention operations	70,000,000	100,000,000	100,000,000	+30,000,000	
Resource conservation and development, Great Plains conservation program, forestry incentives program, and Colorado River Basin salinity control program			47,000,000	+47,000,000	+47,000,000
Resource conservation and development	32,845,000	28,900,000		-32,845,000	-28,900,000
Great Plains conservation program	15,172,000	11,000,000		-15,172,000	-11,000,000
Forestry incentives program	6,625,000	6,625,000		-6,625,000	-6,625,000
Colorado River Basin salinity control program	4,500,000	2,681,000		-4,500,000	-2,681,000
Wetlands reserve program	93,200,000	210,000,000	77,000,000	-16,200,000	-133,000,000
Total, Natural Resource Conservation Service	801,920,000	1,023,693,000	867,986,000	+66,066,000	-155,707,000
Consolidated Farm Service Agency:					
Agricultural conservation program	100,000,000	50,000,000	75,000,000	-25,000,000	+25,000,000
Water quality incentives program	(15,000,000)	(15,000,000)	(11,000,000)	(-4,000,000)	(-4,000,000)
Emergency conservation program		3,000,000			-3,000,000
Conservation reserve program	1,743,274,000	1,926,370,000	1,781,785,000	+38,511,000	-144,585,000
Total, Consolidated Farm Service Agency	1,843,274,000	1,979,370,000	1,856,785,000	+13,511,000	-122,585,000
Total, title II, Conservation Programs	2,645,871,000	3,003,759,000	2,725,448,000	+79,577,000	-278,311,000
TITLE III - RURAL ECONOMIC AND COMMUNITY DEVELOPMENT PROGRAMS					
Office of the Under Secretary for Rural Economic and Community Development	568,000	586,000	568,000		-18,000
Rural Housing and Community Development Service:					
Rural Housing Insurance Fund Program Account:					
Loan authorizations:					
Low-income housing (sec. 502)	(1,200,000,000)	(1,200,000,000)	(900,000,000)	(-300,000,000)	(-300,000,000)
Unsubsidized guaranteed	(1,000,000,000)	(1,300,000,000)	(1,500,000,000)	(+500,000,000)	(+200,000,000)
Housing repair (sec. 504)	(35,000,000)	(35,000,000)	(35,000,000)		
Farm labor (sec. 514)	(15,915,000)	(16,482,000)	(15,000,000)	(-915,000)	(-1,482,000)
Rental housing (sec. 515)	(220,000,000)	(220,000,000)	(150,000,000)	(-70,000,000)	(-70,000,000)
Site loans (sec. 524)	(632,000)	(632,000)	(600,000)	(-32,000)	(-32,000)
Credit sales of acquired property		(75,000,000)	(35,000,000)	(+35,000,000)	(-40,000,000)
Total, Loan authorizations	(2,471,547,000)	(2,847,114,000)	(2,635,600,000)	(+164,053,000)	(-211,514,000)
Loan subsidies:					
Single family (sec. 502):					
Direct	227,520,000	251,880,000	188,910,000	-38,610,000	-62,970,000
Unsubsidized guaranteed	17,200,000	2,210,000	2,550,000	-14,650,000	+340,000
Housing repair (sec. 504)	11,690,000	14,193,000	14,193,000	+2,503,000	
Farm labor (sec. 514)	7,911,000	9,482,000	8,629,000	+718,000	-853,000
Rental housing (sec. 515):					
Direct	115,500,000	92,973,000	82,035,000	-33,465,000	-10,938,000
Unsubsidized guaranteed	(1,000,000)			(-1,000,000)	
Credit sales of acquired property		13,073,000	6,100,000	+6,100,000	-6,973,000
Total, Loan subsidies	379,821,000	383,811,000	302,417,000	-77,404,000	-81,394,000
RHIF administrative expenses	389,818,000	395,211,000	390,211,000	+393,000	-5,000,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1976)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Rental assistance:					
(Sec. 521)	517,106,000	565,583,000	530,000,000	+12,892,000	-35,583,000
(Sec. 502(c)(5)(D))	5,900,000	5,900,000	5,900,000		
Total, Rental assistance	523,006,000	571,483,000	535,900,000	+12,892,000	-35,583,000
Total, Rural Housing Insurance Fund	1,292,647,000	1,350,505,000	1,228,528,000	-64,119,000	-121,977,000
(Loan authorization)	(2,471,547,000)	(2,847,114,000)	(2,635,600,000)	(+164,053,000)	(-211,514,000)
Self-Help Housing Land Development Fund:					
Loan authorization	(603,000)	(603,000)	(603,000)		
Loan subsidy	11,000	31,000	31,000	+20,000	
Administrative expenses	14,000			-14,000	
Rural Community Facility Loans Program Account:					
Loan authorizations:					
Direct 3/	(225,000,000)	(250,000,000)	(200,000,000)	(-25,000,000)	(-50,000,000)
Guaranteed 3/	(75,000,000)	(100,000,000)	(75,000,000)		(-25,000,000)
Total, Loan authorizations	(300,000,000)	(350,000,000)	(275,000,000)	(-25,000,000)	(-75,000,000)
Loan subsidies:					
Direct 3/	21,375,000	(43,600,000)	34,880,000	+13,505,000	+34,880,000
Guaranteed 3/	3,728,000	(4,740,000)	3,555,000	-173,000	+3,555,000
Total, Loan subsidies	25,103,000		38,435,000	+13,332,000	+38,435,000
Administrative expenses 3/		(11,247,000)	8,836,000	+8,836,000	+8,836,000
Very low-income housing repair grants	24,900,000	24,900,000	24,900,000		
Rural housing for domestic farm labor	10,900,000	10,900,000	10,000,000	-900,000	-900,000
Mutual and self-help housing	12,650,000	12,650,000	12,650,000		
Supervisory and technical assistance grants		2,500,000			-2,500,000
Rural community fire protection grants 3/	3,400,000	(3,400,000)	1,000,000	-2,400,000	+1,000,000
Compensation for construction defects	495,000	495,000	495,000		
Rural housing preservation grants	22,000,000	22,000,000	11,000,000	-11,000,000	-11,000,000
Rural housing performance partnerships program		90,602,000			-90,602,000
Subtotal, grants and payments	74,345,000	164,047,000	60,045,000	-14,300,000	-104,002,000
RHCDS expenses:					
Administrative expenses		53,650,000	53,315,000	+53,315,000	-335,000
(Transfer from RHIF)	(389,818,000)	(382,074,000)	(377,074,000)	(-12,744,000)	(-5,000,000)
(Transfer from ACIF)		(171,000)	(171,000)	(+171,000)	
(Transfer from RCFLP)		(11,114,000)	(8,731,000)	(+8,731,000)	(-2,383,000)
Total, RHCDS expenses	(389,818,000)	(447,009,000)	(439,291,000)	(+49,473,000)	(-7,718,000)
Total, Rural Housing and Community Development Service	1,392,120,000	1,568,233,000	1,389,190,000	-2,930,000	-179,043,000
(Loan authorization)	(2,772,150,000)	(3,197,717,000)	(2,911,203,000)	(+139,053,000)	(-286,514,000)
Rural Business and Cooperative Development Service:					
Rural Business and Industry Loans Program Account:					
Loan authorizations:					
Direct 3/		(50,000,000)			(-50,000,000)
Guaranteed 3/	(500,000,000)	(750,000,000)	(500,000,000)		(-250,000,000)
Total, loan authorizations	(500,000,000)	(800,000,000)	(500,000,000)		(-300,000,000)
Loan subsidies:					
Direct 3/		(3,505,000)			
Guaranteed 3/	4,750,000	(6,825,000)	6,437,000	+1,687,000	+6,437,000
Total, Loan subsidies	4,750,000		6,437,000	+1,687,000	+6,437,000
Administrative expenses 3/		(19,742,000)	14,868,000	+14,868,000	+14,868,000
Rural Development Loan Fund Program Account:					
(Loan authorization) 3/	(88,038,000)	(90,000,000)	(60,000,000)	(-28,038,000)	(-30,000,000)
Loan subsidy 3/	46,000,000	(53,685,000)	35,790,000	-10,210,000	+35,790,000
Administrative expenses 3/	1,476,000	(2,961,000)	1,792,000	+316,000	+1,792,000
Total, Rural Development Loan Fund	47,476,000		37,582,000	-9,894,000	+37,582,000
(Loan authorization)	(88,038,000)	(90,000,000)	(60,000,000)	(-28,038,000)	(-30,000,000)
Rural Economic Development Loans Program Account:					
Direct loans (limitation on obligations)	(12,865,000)	(14,091,000)	(12,865,000)		(-1,226,000)
Direct subsidy	3,077,000	4,085,000	3,729,000	+652,000	-356,000
Administrative expenses		864,000	584,000	+584,000	-280,000
Alternative Agricultural Research and Commercialization Revolving Fund	6,500,000	8,000,000	5,000,000	-1,500,000	-3,000,000
Loan authorization		(25,000,000)			(-25,000,000)
Loan subsidy		7,138,000			-7,138,000
Administrative expenses		500,000			-500,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1976)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Rural business enterprise grants 3/	47,500,000	(48,000,000)	45,000,000	-2,500,000	+45,000,000
Rural technology and cooperative development grants 3/	1,750,000	(3,800,000)	1,500,000	-250,000	+1,500,000
Local technical assistance and planning grants 3/	1,750,000	(2,500,000)		-1,750,000	
Rural business performance partnerships program		112,315,000			-112,315,000
RBCDS expenses:					
Salaries and expenses 3/	57,294,000	(9,589,000)	9,520,000	-47,774,000	+9,520,000
Salaries and expenses, FmHA	37,811,000			-37,811,000	
Rural business performance partnerships program		61,874,000			-61,874,000
(Transfer from RBILP)		(19,582,000)	(14,747,000)	(+14,747,000)	(-4,835,000)
(Transfer from RDLFP)	(1,476,000)	(2,948,000)	(1,784,000)	(+308,000)	(-1,164,000)
(Transfer from RETLP)		(864,000)	(584,000)	(+584,000)	(-280,000)
Self-Help HLDF (by transfer)	(14,000)			(-14,000)	
RBCDS (by transfer)		(32,119,000)			(-32,119,000)
Total, RBCDS expenses	(96,595,000)	(117,387,000)	(26,635,000)	(-69,960,000)	(-90,752,000)
Total, Rural Business and Cooperative Development Service	207,906,000	194,776,000	124,220,000	-83,686,000	-70,556,000
(By transfer)	(1,490,000)	(55,513,000)	(17,115,000)	(+15,625,000)	(-38,398,000)
(Loan authorization)	(588,038,000)	(915,000,000)	(560,000,000)	(-28,038,000)	(-355,000,000)
Rural Utilities Service:					
Loan authorizations:					
Water and waste disposal facility loans: Direct	(905,523,000)			(-905,523,000)	
Loan subsidies:					
Water and sewer: Direct	126,502,000			-126,502,000	
Rural Electrification and Telephone Loans Program Account:					
Loan authorizations:					
Direct loans:					
Electric 5%	(100,000,000)	(100,000,000)	(90,000,000)	(-10,000,000)	(-10,000,000)
Telephone 5%	(75,000,000)	(75,000,000)	(70,000,000)	(-5,000,000)	(-5,000,000)
Subtotal	(175,000,000)	(175,000,000)	(160,000,000)	(-15,000,000)	(-15,000,000)
Treasury rate: Telephone	(297,000,000)	(300,000,000)	(300,000,000)	(+3,000,000)	
Muni-rate: Electric	(575,250,000)	(575,250,000)	(500,000,000)	(-75,250,000)	(-75,250,000)
FFB loans:					
Electric, regular	(300,000,000)	(400,000,000)	(300,000,000)		(-100,000,000)
Telephone	(120,000,000)	(120,000,000)	(120,000,000)		
Subtotal	(420,000,000)	(520,000,000)	(420,000,000)		(-100,000,000)
Total, Loan authorizations	(1,467,250,000)	(1,570,250,000)	(1,380,000,000)	(-87,250,000)	(-190,250,000)
Loan subsidies:					
Direct loans:					
Electric 5%	9,703,000	23,520,000	21,168,000	+11,465,000	-2,352,000
Telephone 5%	5,497,000	14,955,000	13,958,000	+8,461,000	-997,000
Subtotal	15,200,000	38,475,000	35,126,000	+19,926,000	-3,349,000
Treasury rate: Telephone	60,000	60,000	60,000		
Muni-rate, electric	46,020,000	62,300,000	54,150,000	+8,130,000	-8,150,000
FFB loans: Electric, regular	450,000	3,360,000	2,520,000	+2,070,000	-840,000
Negative subsidy		-1,715,000			+1,715,000
Total, Loan subsidies	61,730,000	102,480,000	91,856,000	+30,126,000	-10,624,000
RETLP administrative expenses	29,982,000	34,385,000	29,982,000		-4,403,000
Total, Rural Electrification and Telephone Loans Program Account	91,712,000	136,865,000	121,838,000	+30,126,000	-15,027,000
(Loan authorization)	(1,467,250,000)	(1,570,250,000)	(1,380,000,000)	(-87,250,000)	(-190,250,000)
Rural Telecommunication Partnership Loan Program Account:					
Loan authorization		(15,000,000)			(-15,000,000)
Loan subsidy		594,000			-594,000
Administrative expenses		1,110,000			-1,110,000
Total		1,704,000			-1,704,000
Rural Telephone Bank Program Account:					
Direct loans (limitation on obligations)	(175,000,000)		(175,000,000)		(+175,000,000)
Direct loan subsidy	770,000		770,000		+770,000
RTB salaries and expenses	8,794,000		3,541,000	-5,253,000	+3,541,000
Distance Learning and Medical Link Grants	7,500,000	15,000,000	7,500,000		-7,500,000
Rural water and waste disposal grants	500,000,000			-500,000,000	
Solid waste management grants	2,995,000			-2,995,000	
Rural utilities performance partnerships program		785,183,000	562,000,000	+562,000,000	-223,183,000
Solid waste management grants, rural water and waste disposal grants, and water and waste disposal facility loans (admininstrative expenses)			12,740,000	+12,740,000	+12,740,000

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1976)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
RUS salaries and expenses		19,627,000	19,211,000	+19,211,000	-416,000
Electric and telephone loans (by transfer)	(29,982,000)	(34,385,000)	(29,982,000)		(-4,403,000)
Rural telephone bank (by transfer)	(8,794,000)		(3,541,000)	(-5,253,000)	(+3,541,000)
Water and waste disposal loans (by transfer)		(17,790,000)			(-17,790,000)
Rural Telecommunication Partnership Loan (by transfer)		(1,110,000)			(-1,110,000)
Agricultural Credit Insurance Fund (by transfer)		(318,000)	(318,000)	(+318,000)	
Rural partnership (by transfer)			(12,623,000)	(+12,623,000)	(+12,623,000)
Subtotal	(38,776,000)	(73,230,000)	(65,675,000)	(+26,899,000)	(-7,555,000)
Total, Rural Utilities Service	738,273,000	958,379,000	727,600,000	-10,673,000	-230,779,000
(By transfer)	(38,776,000)	(53,603,000)	(46,464,000)	(+7,688,000)	(-7,139,000)
(Loan authorization)	(2,372,773,000)	(1,585,250,000)	(1,380,000,000)	(-992,773,000)	(-205,250,000)
(Limitation on obligations)	(175,000,000)		(175,000,000)		(+175,000,000)
Total, title III, Rural Economic and Community Development Programs	2,338,869,000	2,721,974,000	2,241,578,000	-97,291,000	-480,396,000
(By transfer)	(430,084,000)	(502,475,000)	(449,555,000)	(+19,471,000)	(-52,920,000)
(Loan authorization)	(5,732,961,000)	(5,697,967,000)	(4,851,203,000)	(-881,758,000)	(-846,764,000)
(Limitation on obligations)	(187,865,000)	(14,091,000)	(187,865,000)		(+173,774,000)
TITLE IV - DOMESTIC FOOD PROGRAMS					
Office of the Under Secretary for Food, Nutrition and Consumer Services	540,000	553,000	440,000	-100,000	-113,000
Food and Consumer Service:					
Child nutrition programs	2,202,274,000	2,399,942,000	2,354,566,000	+152,292,000	-45,376,000
Transfer from section 32	5,249,077,000	5,520,492,000	5,597,858,000	+348,781,000	+77,366,000
Total, Child nutrition programs	7,451,351,000	7,920,434,000	7,952,424,000	+501,073,000	+31,990,000
Special milk program	18,069,000			-18,069,000	
Special supplemental nutrition program for women, infants, and children (WIC)	3,470,000,000	3,820,000,000	3,729,807,000	+259,807,000	-90,193,000
(By transfer)			(4,000,000)	(+4,000,000)	(+4,000,000)
Commodity supplemental food program	84,500,000	86,000,000		-84,500,000	-86,000,000
Food stamp program:					
Expenses	25,187,710,000	26,119,887,000	25,954,828,000	+767,118,000	-165,059,000
Reserve	2,500,000,000	2,500,000,000		-2,500,000,000	-2,500,000,000
Nutrition assistance for Puerto Rico	1,130,528,000	1,143,000,000	1,143,000,000	+12,472,000	
Cattle tick eradication	12,472,000			-12,472,000	
Total, Food stamp program	28,830,710,000	29,762,887,000	27,097,828,000	-1,732,882,000	-2,665,059,000
Food donations programs for selected groups:					
Needy family program	33,154,000	78,639,000	65,000,000	+31,846,000	-13,639,000
Elderly feeding program	150,000,000	151,250,000	150,000,000		-1,250,000
Subtotal	183,154,000	229,889,000	215,000,000	+31,846,000	-14,889,000
Soup kitchens	40,000,000	40,000,000		-40,000,000	-40,000,000
Total, Food donations programs	223,154,000	269,889,000	215,000,000	-8,154,000	-54,889,000
The emergency food assistance program	40,000,000	40,000,000		-40,000,000	-40,000,000
Commodity purchases - TEFAP	25,000,000			-25,000,000	
Commodity assistance program			168,000,000	+168,000,000	+168,000,000
Total, The emergency food assistance program	65,000,000	40,000,000	168,000,000	+103,000,000	+128,000,000
Nutrition initiatives:					
Nutrition support		45,526,000			-45,526,000
Nutrition promotion		4,218,000			-4,218,000
Food program administration	106,465,000	141,360,000	108,323,000	+1,858,000	-33,037,000
Total, Food and Consumer Service	40,249,269,000	42,090,314,000	39,271,382,000	-977,887,000	-2,818,932,000
Total, title IV, Domestic Food Programs	40,249,809,000	42,090,867,000	39,271,822,000	-977,987,000	-2,819,045,000
TITLE V - FOREIGN ASSISTANCE AND RELATED PROGRAMS					
Foreign Agricultural Service, direct appropriation	108,880,000	120,201,000	114,547,000	+5,667,000	-5,654,000
(Transfer from Commodity Credit Corporation)	(4,914,000)	(5,176,000)	(5,176,000)	(+262,000)	
(Transfer from export loans)	(2,792,000)	(3,137,000)	(2,792,000)		(-345,000)
(Transfer from P.L. 480)	(1,425,000)	(1,005,000)	(1,005,000)	(-420,000)	
Total, Program level	(118,011,000)	(129,519,000)	(123,520,000)	(+5,509,000)	(-5,999,000)
Scientific activities overseas (foreign currency program) (limitation on administrative expenses)	(1,062,000)			(-1,062,000)	

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1976)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Public Law 480 Program Account:					
Title I - Credit sales:					
Program level	(320,342,000)	(177,957,000)	(316,342,000)	(-4,000,000)	(+138,385,000)
Direct loans	(291,342,000)	(161,540,000)	(291,342,000)		(+129,802,000)
Ocean freight differential	29,000,000	16,417,000	25,000,000	-4,000,000	+8,583,000
Title II - Commodities for disposition abroad:					
Program level	(821,100,000)	(795,703,000)	(821,100,000)		(+25,397,000)
Appropriation	821,100,000	795,703,000	821,100,000		+25,397,000
Title III - Commodity grants:					
Program level	(157,442,000)	(50,000,000)	(50,000,000)	(-107,442,000)	
Appropriation	157,442,000	50,000,000	50,000,000	-107,442,000	
Loan subsidies	236,162,000	131,833,000	236,162,000		+104,329,000
Debt restructuring		1,500,000			-1,500,000
Salaries and expenses:					
General Sales Manager	1,425,000	1,005,000	1,005,000	-420,000	
CFSA	1,036,000	745,000	745,000	-291,000	
Subtotal	2,461,000	1,750,000	1,750,000	-711,000	
Total, Public Law 480:					
Program level	(1,296,884,000)	(1,023,660,000)	(1,187,442,000)	(-111,442,000)	(+163,782,000)
Appropriation	1,246,165,000	997,203,000	1,134,012,000	-112,153,000	+136,809,000
CCC Export Loans Program Account:					
Loan guarantees:					
Short-term export credit	(5,000,000,000)	(5,200,000,000)	(5,200,000,000)	(+200,000,000)	
Intermediate export credit	(500,000,000)	(500,000,000)	(500,000,000)		
Emerging democracies export credit	(200,000,000)			(-200,000,000)	
Loan subsidy	394,393,000	374,347,000	374,347,000	-20,046,000	
Salaries and expenses (Export Loans):					
General Sales Manager	2,792,000	3,137,000	2,792,000		-345,000
ASCS	589,000	608,000	589,000		-19,000
Total, CCC Export Loans Program Account	397,774,000	378,092,000	377,728,000	-20,046,000	-364,000
Total, title V, Foreign assistance and related programs	1,752,819,000	1,495,496,000	1,626,287,000	-126,532,000	+130,791,000
(By transfer)	(9,131,000)	(9,318,000)	(8,973,000)	(-158,000)	(-345,000)
TITLE VI - RELATED AGENCIES AND FOOD AND DRUG ADMINISTRATION					
DEPARTMENT OF HEALTH AND HUMAN SERVICES					
Food and Drug Administration					
Salaries and expenses, direct appropriation	819,971,000	828,999,000	819,971,000		-9,028,000
Prescription drug user fee act	(79,423,000)	(84,723,000)	(84,723,000)	(+5,300,000)	
Mammography clinics user fee	(6,500,000)	(13,000,000)	(13,000,000)	(+6,500,000)	
New user fees		(38,740,000)			(-38,740,000)
Total, Program level	(905,894,000)	(965,462,000)	(917,694,000)	(+11,800,000)	(-47,768,000)
Buildings and facilities	18,150,000	8,350,000	15,350,000	-2,800,000	+7,000,000
Rental payments	46,294,000	46,294,000	46,294,000		
Total, Food and Drug Administration	884,415,000	883,643,000	881,615,000	-2,800,000	-2,028,000
DEPARTMENT OF THE TREASURY					
Financial Management Service: Payments to the farm credit system financial assistance corporation	57,026,000	15,453,000	15,453,000	-41,573,000	
INDEPENDENT AGENCIES					
Commodity Futures Trading Commission	49,144,000	59,711,000	49,144,000		-10,567,000
Farm Credit Administration (limitation on administrative expenses).	(40,420,000)	(39,900,000)		(-40,420,000)	(-39,900,000)
Total, title VI, Related Agencies and Food and Drug Administration	990,585,000	958,807,000	946,212,000	-44,373,000	-12,595,000
(Limitation on administrative expenses)	(40,420,000)	(39,900,000)		(-40,420,000)	(-39,900,000)
Grand total:					
New budget (obligational) authority	69,064,195,000	66,421,993,000	62,722,934,000	-6,341,261,000	-3,699,059,000
(By transfer)	(641,067,000)	(727,309,000)	(672,308,000)	(+31,241,000)	(-55,001,000)
(Loan authorization)	(14,617,716,000)	(14,601,834,000)	(13,559,453,000)	(-1,058,263,000)	(-1,042,381,000)
(Limitation on administrative expenses)	(146,320,000)	(146,145,000)	(106,245,000)	(-40,075,000)	(-39,900,000)
(Limitation on obligations)	(187,865,000)	(14,091,000)	(187,865,000)		(+173,774,000)

AGRICULTURE, RURAL DEVELOPMENT, FOOD & DRUG ADMINISTRATION, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 1976)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
RECAPITULATION					
Title I - Agricultural programs	21,086,242,000	16,151,090,000	15,911,587,000	-5,174,655,000	-239,503,000
Title II - Conservation programs	2,645,871,000	3,003,759,000	2,725,448,000	+79,577,000	-278,311,000
Title III - Farmers Home and Rural development programs	2,338,869,000	2,721,974,000	2,241,578,000	-97,291,000	-480,396,000
Title IV - Domestic food programs	40,249,809,000	42,090,867,000	39,271,822,000	-977,987,000	-2,819,045,000
Title V - Foreign assistance and related programs	1,752,819,000	1,495,496,000	1,626,287,000	-126,532,000	+130,791,000
Title VI - Related agencies and Food and Drug Administration	990,585,000	958,807,000	946,212,000	-44,373,000	-12,595,000
Total, new budget (obligational) authority	69,064,195,000	66,421,993,000	62,722,934,000	-6,341,261,000	-3,699,059,000

1/ Such sums as available from AQI user fee account for FY 1996.

2/ In addition to appropriation.

3/ On 5/2/95 the Administration amended its FY 1996 request (H.Doc. 104-63). This table reflects the program levels as submitted in the original budget.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. speaker, on Thursday, July 20, I missed four rollcall votes and on Friday, July 21, I missed three rollcall votes during consideration of H.R. 1976, Agriculture appropriations for fiscal year 1996.

On rollcall vote Nos. 542, 544, 545, 546, 547, 548, 549, I would have voted "nay."

Mr. REED. Mr. Chairman, H.R. 1976, the Agriculture appropriations bill for fiscal year 1996, represents a serious effort to cut Federal spending on agriculture programs. I am pleased that this bill cuts funding from current levels by nine percent. But we can go even farther. This bill preserves a number of agricultural subsidies that I believe should be reviewed in light of our desire to move toward reducing our deficit. Although this bill preserves Federal subsidies for several agricultural programs which I believe should be cut or eliminated, I am encouraged by the assurances from Chairman Roberts of the Agriculture Committee that he will ensure votes on these subsidy programs during consideration of the farm bill later this year.

This bill recognizes the importance of child nutrition programs funded through the Department of Agriculture. I am pleased that the Republican leadership recognized the shortsightedness of their initial proposal to reduce funding for school lunch and breakfast programs. H.R. 1976 provides $8 billion in funding for school lunch and breakfast programs, an increase of $501 million over fiscal year 1995, and $32 million more than the President's request.

This bill was also improved when an amendment offered by Representative HALL was accepted to remove the cap on the number of participants in the nutrition program for Women, Infants, and Children [WIC]. WIC is a cost-effective program which has significantly reduced rates of infant mortality, low birthweight, and anemia. If food cost inflation is lower than previous years, or if a State manages the program efficiently, the cap would have prohibited the state from enrolling additional eligible women, infants and children.

I do, however, remain concerned about the removal of the competitive bidding requirement included in this bill. If history serves as a guide, this will translate into higher costs for infant formula and fewer infants being served under the program.

Prior to enactment of the competitive bidding requirement in 1989, only half of State WIC programs used competitive bidding. The other half used industry-favored cost containment systems that saved 35 percent less than competitive bidding. For this reason, Congress passed the competitive bidding requirement in 1989 with bipartisan support and with support from the Bush White House.

Competitive bidding works. Competitive bidding saved the WIC program $1.1 billion last year. Nearly 25 percent of women, infants and children served by WIC last year were served with savings from competitive bidding. In my home State of Rhode Island, the competitive bidding requirement has enabled the program to serve an additional 5,000 infants.

If we are searching for deep cuts across programs, surely it makes sense to support an incentive for states to utilize competitive bidding, given the documented costs savings that result. The Bush administration supported the competitive bidding requirement in 1989 because it utilizes the free market to secure the lowest prices for infant formula, thereby making the most efficient use of the taxpayers' dollars and stretching WIC funds to serve more participants.

In States that do not use competitive bidding the losers will be vulnerable infants, pregnant women, and children. We should not sell out to large infant formula companies at the expense of infants, and I will urge my colleagues in the Senate to retain competitive bidding.

Finally, this legislation does not contain funding for the Coastal Institute at the University of Rhode Island. I am hopeful that through my continued effort and through the effort of the Senate, funding for this worthwhile project will be included in the conference report. The State of Rhode Island is enthusiastic about this project and voters have already approved a bond referendum for $7 million. Bonding authority and other approved matching sources are at the $12.56 level in support of this project. The Institute will focus on the major sources of estuarine pollution, including urban development, agriculture, and deep water activities. The Institute's mission has important implications for both these activities and for the world's fisheries. In addition, the Coastal Institute will contribute to the economic well-being of the region through the training and research that will be conducted.

Mr. ALLARD. Mr. Chairman, I support H.R. 1976, the Agriculture appropriations bill for fiscal year 1996. I commend Mr. SKEEN, my colleague from New Mexico, for putting together a good bill which makes a firm contribution toward achieving our goal of a balanced budget by 2002. This bill funds important programs necessary to provide agricultural research, nutrition, conservation, health and safety, and farm sector stability.

I appreciate the hard work that Mr. SKEEN, and the other Committee members have put into allocating scarce resources among the many worthwhile projects covered by this bill. I look forward to working with the chairman in the future on programs important to the agricultural sector of our economy.

I offered an amendment to this bill that would have cut $12 million from the Department's administrative accounts. This would have been less than 4 percent of the administrative funds. I was encouraged by the fact that 196 members of the House share my view that the Department's headquarter's bureaucracy should be further downsized at a time when farm programs are being cut dramatically. However, I accept the majority view that the Department's administrative downsizing is progressing at a sufficient pace.

Mrs. MORELLA. Mr. Chairman, I rise in opposition to the Bunning amendment to eliminate funding for the Food and Drug Administration [FDA].

FDA plays an important role in the lives of every American. It is the last stage in translating life saving medical innovation to consumers. It examines the medications and feeds for farm livestock and household pets. It insures the safety of the foods we eat, and it regulates one-fourth of every dollar Americans spend. Yet, the FDA budget is only one-tenth of 1 percent of the industries it regulates. Its employees work in facilities that are out of date and in decrepit condition.

Currently the agency is located in over 48 leased and owned buildings at 20 different sites across Maryland and the District of Columbia. Many FDA facilities are in appalling condition. It has become increasingly difficult to attract the caliber of employees the FDA needs to perform its mission, especially with respect to drug and medical device product review.

Who will ensure that the food in American grocery stores is safe? Will the manufacturers and the distributors do a better job? Will the pharmaceutical companies protect the public against dangerous drugs and medical devices? Must we have another Thalidomide scare before we appreciate the good work of this agency?

Vote against the Bunning amendment and protect the health and safety of the American public.

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise today to express my serious concern about the Committee Report accompanying H.R. 1976, the fiscal year 1996 Agriculture appropriations bill, which contains a provision that will seriously affect the availability of food on Indian reservations nationwide, and will dramatically increase hunger and hardship for some of America's most underserved population, our low-income Native Americans.

In the report, the Appropriations Committee directs the Secretary of Agriculture to begin the termination of the Food Distribution Program on Indian Reservations, commonly known as the commodities program. Indians who benefit from the commodities program will be transferred to the Food Stamp Program.

This small non-controversial program has not been a target for cuts under any previous administration. The administration requested $78.6 million for reservation commodities in fiscal year 1996. The Committee's bill provides for $65 million for commodities, a difference of $13.6 million (17 percent). Should this severe underfunding and eventual phaseout proceed, more than 110,000 Native Americans on reservations in 24 States will be virtually cut off from monthly food supplements. This misguided shuffling of programs would result in increased costs to the Federal Government and add to our ever-increasing deficit.

When Congress and the Nixon administration instituted the Food Stamp Program nationwide in 1974, one exception was made. Then, as now, the supply of commodity food items directly to Indian tribes for distribution among low-income tribal members made better economic sense than the State-administered Food Stamp Program. Indian reservations are some of the most remote and sparsely developed areas in this country. Currently, Indians can participate in either the commodities or food stamps programs but not both. The Food Stamp Program requires individuals to trade food coupons for food at grocery stores. In many reservation areas, there are not many stores. Travel to stores may take hours by car. In addition, the prices for foods at on-reservation stores are generally higher than in urban or suburban areas. Thus, food stamps buy less food at reservation stores than off-reservation stores.

In addition, while tribes operate the distribution of commodities, States operate the Food Stamp Program. Conversion to the Food Stamp Program will require Native Americans to travel vast distances to the nearest State food stamp office. Other problems with the Food Stamp Program include a differing set of eligibility rules, and the likelihood that nonperishable foods, which make up the bulk of the commodities programs, will be less available under the Food Stamp Program because stores are less likely to stock them. Without a continued commodities program, food shortages will result and people will go hungry.

Finally, it appears that conversion to the Food Stamp Program will result in increased costs to the Federal Government. In fiscal year 1994, the average per month cost of food stamp benefits was $69.01, compared to $33.51 for commodities.

There are nine federally recognized tribes in South Dakota, whose members collectively make up one of the largest Native American populations in any State. At the same time, South Dakota has 3 of the 10 poorest counties in the Nation, all of which are within reservation boundaries. In fiscal year 1994, 11,600 low-income individuals living on or near reservations in my State were served through this program. This poorly thought out reshuffling of existing successful programs will severely impact the health and well-being of Native Americans in my State and across the country.

Mr. EWING. Mr. Chairman. I want to inform the body that I am a farm owner and am involved in the Federal Farm Program, as I had been for many years before coming to Congress. I believe my involvement in and resulting knowledge of farm programs make me a more informed member of the Agriculture Committee. While I will vote present on this amendment to avoid any hint of conflict of interest, I am in opposition to the amendment to the Agriculture appropriations bill submitted by Representative LOWEY barring those with off-farm incomes of $100,000 or greater from participating in Federal farm programs.

First of all, farm programs are a part of this country's food security policy, not our welfare programs. Means testing ag payments make as much sense as means testing those who invest in Government bonds. The Clinton administration has repeatedly stated the need for outside investment in rural America. Landowners who own but do not operate farms represent outside capital that agriculture needs to finance farming, conserve soil and water resources, and support the economy of rural America. Forty-three percent of all U.S. farmland is owned by someone who does not actually farm the land. In my Illinois district some 70 percent is owned by absentee landowners. This provides most family farmers with the opportunity to operate on a scale that is economically viable. Land prices prohibit farmers from purchasing all the land necessary to provide for a viable operation.

If landowners with off-farm incomes of $100,000 or more are prohibited from participation in farm programs, land leases will move from share-rent leases to cash-rent. A share-rent lease simply means that both the tenant and landowner split costs and production, both assuming risks inherent to farming. Cash-rent leases represent a total shift of risk to the farmer. The tenant pays the landowner for the privilege of farming the land, then pays for all expenses and keeps all production.

I commend Representative LOWEY for trying to reduce Federal spending. The problem is, this amendment will not save money. Shifts in rental agreements will prevent this from happening. Ms. LOWEY'S amendment will not reduce spending, but it will hurt family farmers.

Mr. BENTSEN. Mr. Chairman. I strongly support the Agriculture Appropriations Bill for fiscal year 1996. Not only does this bill provide much needed funding for farm programs, it provides vital funding for research in the field of nutritional health.

The Children's Nutritional Research Center [CNRC] at Baylor College of Medicine is located in the heart of the Texas Medical Center in Houston. This center is currently our Nation's only Federal facility dedicated to investigating the food needs of pregnant and nursing women and of children through their adolescence.

Since its inception in November 1978, the Children's Nutritional Research Center has focused on critical questions relating to women and nutrition. These include determining how the diet of a pregnant woman affects her health and the health of her child and how a mother's nutrition affects by lactation and the nutrient contents of her milk. The center also has researched the relationship between nutrition and the physical and mental development of children.

In addition, CNRC has conducted amazing research which has identified the genes contributing to nutrient intake and determined the factors that regulate these genes. This research will lead to valuable discoveries in the field of genetics.

This year, CNRC will fully activate the two remaining units of its research program, the Metabolic Research Unit and the Greenhouse. The Metabolic Research Unit will serve as the central laboratory for detailed nutrition studies in the center. The 12 apartments, 2 nurseries, metabolic kitchen, and four recreational areas in the unit will allow family participation in CNRC's research activities. Studies will examine the nutrients associated with growth and development and the role of diet in birth weight.

The Greenhouse will prepare plant foods to study the digestion of carbon, nitrogen, iron, and calcium in foods eaten by pregnant and nursing women and their children. Recently, CNRC scientists uncovered a major research breakthrough by using labeled foods to accurately determine essential and nonessential nutrients. The Greenhouse will further study this phenomenon and is unique among the Department of Agriculture's nutrition research centers.

I am pleased that the Agriculture Appropriations Subcommittee has agreed to maintain funding for the Children's Nutrition Research Center. Under the Guidance of Baylor College of Medicine, one of the premier academic health science centers in the Nation, I am certain CNRC will continue to lead the way in the field of nutritional research.

Mrs. ROUKEMA. Mr. Chairman, I rise in strong support of the Zimmer-Schumer amendment.

I want to thank my friend from New Jersey for offering this common sense amendment. It is about time that this Congress sent a clear message to the American people—that we are serious about reducing the Federal deficit. How can we possibly ask the American taxpayer to subsidize advertising for corporate America? Yet that's what we do.

At a time when we are slashing programs in every agency, it is absurd that we would continue this type of corporate welfare.

It would be different if the Market Promotion Program worked to the benefit of the small farmer. The fact is that it doesn't. In 1994, Hershey's Chocolate received $265,000. In contrast, Berry Confectioners, a small company in New York, received $2,000. Clearly, this is indicative of a program that is designed not to help small businesses, but rather to provide welfare to wealthy corporations.

My colleagues, if that example is not enough to convince you that the MPP is severely flawed, consider this: Gallo Wines received an astounding $2.5 million, while small businesses such as Mountain View Vintners received $2,500. Does this strike anyone else as odd? Gallo Wines, a company with hundreds of thousands, if not millions of dollars at its disposal received 1,000 times the Federal dollars that a small vintner did.

Every year, huge American corporations like Sunsweet, Sunkist, Del Monte, and McDonalds take Federal dollars and spend them overseas.

The GAO has said that the Market Promotion Program is a case study in poor management. Even so, the Appropriations Committee has elected to expand the MPP budget this year by $25 million. We have before us a chance to end the practice of supporting corporations with multimillion dollar advertising budgets to market their programs in foreign countries.

Mr. Chairman, if we are so concerned with the ability of small and mid-size businesses to market their products overseas, we should pass the Zimmer amendment, eliminate the MPP and allow the Agriculture Committee to devise a program that actually helps the small farmer during consideration of the farm bill.

Mr. Chairman, the time is now. Support the Zimmer-Schumer amendment. End this form of corporate welfare, and let Federal dollars go to programs that really need our help.

Ms. NORTON. Mr. Chairman, I rise in strong support of the Kennedy amendment to H.R. 1976, the Agriculture appropriation. I cannot imagine what national interest the Congress is forwarding by subsidizing the export and promotion of American alcohol overseas. We should adopt the Kennedy amendment, and end this insanity. Surely the companies who benefit from this subsidy can get by just fine without it. Can you imagine the outcry if we were using taxpayer money inside the United States to help the liquor companies introduce drinking to young people?

Do we not have enough problems at home brought about by alcohol abuse? In the District of Columbia alone, alcohol abuse costs the city $1.8 billion annually. The Center for Science in the Public Interest has said that no serious discussion on the economic recovery of the Nation's Capital is possible without factoring in the economic burden of alcohol consumption. It is not moralizing to point out that the $35 million the city collects each year in alcohol taxes barely touches the massively calamitous consequences of alcohol consumption. The human toll cannot even being to be calculated.

This is indeed a moral issue. What is immoral is that corporate giants like Jim Beam, Miller, Coor's, and Stroh's have the U.S. Government's blessing and an expense account to enter into foreign markets. Are we subsidizing comparable efforts to provide education about alcohol abuse, alcohol's role in infant mortality, and efforts to combat drunk driving?

The liquor companies need to pay their fair share, not get a subsidy to develop new markets. I urge my colleagues to adopt the Kennedy amendment.

The CHAIRMAN. Pursuant to House Resolution No. 188 and the order of the House of July 20, 1995, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore (Mr. CRAPO) having assumed the chair, Mr. KLUG, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 1976) making appropriations for Agriculture, Rural Development, Food and Drug Administration, and Related Agencies programs for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution 188 he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment adopted by the Committee of the Whole? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 313, nays 78, not voting 43, as follows:

[Roll No. 554]

YEAS—313

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cramer
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dunn
Durbin
Edwards
Ehrlich
Emerson
Engel
English
Evans
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flake
Flanagan
Foley
Forbes
Ford
Fowler
Franks (CT)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Manton
Manzullo
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek
Meyers
Mica
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roth
Roukema
Sabo
Sanford
Sawyer
Saxton
Schaefer
Schiff
Scott
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stenholm
Stockman
Talent
Tanner
Tate
Tauzin
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Towns
Traficant
Tucker
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watt (NC)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Zeliff
Zimmer

NAYS—78

Ackerman
Baldacci
Becerra
Beilenson
Berman
Blute
Brown (OH)
Cardin
Collins (IL)
Conyers
Coyne
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Duncan
Ensign
Eshoo
Fattah
Fields (LA)
Filner
Frank (MA)
Franks (NJ)
Gephardt
Gibbons
Gutierrez
Hancock
Harman
Jacobs
Johnson (SD)
Kennedy (MA)
Kennelly
Kleczka
LaFalce
Lofgren
Maloney
Markey
Martinez
Menendez
Mfume
Mineta
Moran
Nadler
Neal
Oberstar
Obey
Olver
Owens
Payne (NJ)
Petri
Pickett
Rangel
Rohrabacher
Roybal-Allard
Royce
Rush
Salmon
Sanders
Scarborough
Schroeder
Schumer
Sensenbrenner
Slaughter
Stark
Stearns
Studds
Stump
Taylor (MS)
Torkildsen
Velazquez
Vento
Volkmer
Waters
Waxman
Williams
Yates

NOT VOTING—43

Abercrombie
Baker (LA)
Ballenger
Barton
Bateman
Bentsen
Brown (CA)
Burton
Clay
Collins (MI)
Cox
Crane
Dreier
Ehlers
Foglietta
Fox
Gallegly
Geren
Goodling
Hastings (WA)
Hefley
Hilliard
Houghton
Johnston
Lantos
McDermott
Meehan
Metcalf
Miller (CA)
Moakley
Moorhead
Ortiz
Quillen
Quinn
Reynolds
Seastrand
Stokes
Stupak
Taylor (NC)
Torricelli
Watts (OK)
Weldon (PA)
Young (FL)

☐ 1734

The Clerk announced the following pairs:

On this vote:

Mr. Watts of Oklahoma for, with Mr. McDermott against.

Mr. Dreir for, with Mr. Moakley against.

Mr. Ballenger for, with Mr. Stokes against.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. STUPAK. Mr. Speaker, on Friday, July 21, 1995, I was unavoidably absent from the House on official travel and missed five recorded votes on the agriculture appropriations bill for fiscal year 1996, H.R. 1976.

Had I been here, I would have voted: "No," on rollcall No. 550, the Zimmer amendment; "No," on rollcall No. 551, the Obey amendment; "No," on rollcall No. 552, the Kennedy amendment; "No," on rollcall No. 553, the Deutsch amendment; and "yes," on rollcall No. 554, final passage on the bill.

PERSONAL EXPLANATION

Mr. WATTS of Oklahoma. Mr. Speaker, due to an unavoidable prescheduled speaking engagement, I missed votes on Thursday, July 20 and Friday, July 21, 1995. If I had been here I would have voted:

NAY on rollcall vote 547—reduced finance sales of U.S. commodities to developing countries

YEA on rollcall vote 548—prohibited funds appropriated for construction at Beltsville, MD, agriculture research center.

NAY on rollcall vote 549—would have increased funds for Rural Development Performance Partnership Program, cutting salaries for those who assist livestock producers if crop insurance was not purchased.

NAY on rollcall vote 550—cut Commodity Credit Corporation's Market Promotion Program.

NAY on rollcall vote 551—prohibited funds for Market Promotion Program being used for salaries or expenses.

NAY on rollcall vote 552—prohibited CCC funds for use in promotion of alcoholic beverages.

NAY on rollcall vote 553—prohibited bill's funds from being used for salaries or expenses to promote U.S. Mink Export Development Council.

YEA on rollcall vote 554—final passage of H.R. 1976—fiscal year 1996 Agriculture Appropriations Act.

PERSONAL EXPLANATION

Mr. FOX of Pennsylvania. Mr. Chairman, on rollcall vote 554 from July 21, 1995, on final passage on the agriculture appropriations bill, my card did not work. Had it worked, I would have voted in the affirmative.

PERSONAL EXPLANATION

Mr. GOODLING. Mr. Speaker, I regret my unavoidable absence for rollcall votes No. 546 through No. 554. I was tending to a family emergency and was granted a leave of absence.

Had I been present, I would have voted as follows: on rollcall vote No. 546, "aye"; on rollcall vote No. 547, "nay"; on rollcall vote No. 548, "aye"; on rollcall vote No. 549, "nay"; on rollcall vote No. 550, "nay"; on rollcall vote No. 551, "aye"; on rollcall vote No. 552, "aye"; on rollcall vote No. 553, "aye"; on rollcall vote No. 554, "aye."

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed without amendment a bill of the House of the following title:

H.R. 1944. An act making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

GENERAL LEAVE

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 1976, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. CRAPO). Is there objection to the request of the gentleman from New Mexico?

There was no objection.

PERMISSION FOR COMMITTEE ON APPROPRIATIONS TO FILE A PRIVILEGED REPORT ON VETERANS AFFAIRS, HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 1996

Mr. SKEEN. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a privileged report on a bill making appropriations for VA, HUD and independent agencies for the fiscal year ending September 30, 1996, and for other purposes.

The SPEAKER pro tempore. All points of order are reserved on the bill. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

LEGISLATIVE PROGRAM

(Mr. FAZIO of California asked and and was given permission to address the House for 1 minute.)

Mr. FAZIO of California. Mr. Speaker, I take this time to yield to the gentleman from Texas [Mr. ARMEY], the distinguished majority leader, to explain the schedule for next week.

Mr. ARMEY. Mr. Speaker, I thank the gentleman from California for yielding to me.

Mr. Speaker, by now it is obvious to most of the Members that we did not make our 3 o'clock departure today. Mr. Speaker, before I give the details of next week's legislative schedule, let me first outline what we need to accomplish next week in order to protect the August recess for Members. I recognize that we have all worked very hard for many long hours during this appropriations process, and I think by and large that we have made good progress.

We have worked these long hours for many reasons, not the least of which is our strong commitment to preserve the right of every Member to offer amendments to these important pieces of legislation. I want to thank each and every Member for their patience and diligent efforts to keep the House on schedule.

That being said, to protect the August departed tour date, next week we need to complete the Transportation appropriations bill, as well as the Commerce, Justice, State, and the VA-HUD appropriations bills.

I realize that working all night every night is unhealthy and is not overly productive. With that in mind, I will outline a schedule I feel is more reasonable and fair to Members.

Mr. Speaker, on Monday the House will meet at 10:30 a.m. for the morning hour and 12 o'clock for legislative business. Members should be advised that there will be no recorded votes before 5 o'clock on Monday, During the time when no recorded votes are expected, we plan to consider the rule and amendments to H.R. 70, the Alaskan oil export bill. If any recorded votes are ordered on H.R. 70, they will be postponed. We then plan to return to the Transportation appropriations bill. We will rise no later than 10 o'clock p.m. on Monday night, hopefully, after completing consideration of the Transportation bill.

On Tuesday, and the balance of the week, the House will meet at 10 a.m. for legislative business. On Tuesday, we plan to consider H.R. 1943, the San Diego Coastal Corrections Act. We will then return to the appropriations bill, hopefully taking up the Commerce, State, Justice bill. We plan to rise on Tuesday by no later than 8 o'clock. Members will take note that the House will meet in joint session with the Senate at 11 a.m. on Wednesday to receive the President of Korea. We hope to rise no later than 10 p.m. on Wednesday night.

On Thursday, we hope to finish no later than midnight, unless a few extra hours of work would allow us to complete our scheduled business and get Members home to their districts and their families at an earlier time.

Members should realize that when we finish the schedule I have outlined, we will go home. But if we have not, the House will work on Friday and through the weekend to finish the business I mentioned earlier.

Again, I would like to thank the Members for their help and patience thus far during this difficult process, and I would simply close by saying that no one is looking more forward to the August break and to a good fishing hole than I am. And I thank the gentleman for yielding.

Mr. FAZIO of California. Mr. Speaker, I do appreciate particularly the 8 o'clock departure on Tuesday night, which I think accommodates both parties. But I did have some questions about some of the bills that were not listed on the calendar.

I wonder if you could tell us whether or not the deficit reduction lockbox bill would be brought up. The gentlewoman from California [Ms. HARMAN] has asked me to inquire about that bill, and indicate if it will be before the body at any time over the next 2 weeks, whether or not it would be available for amendments.

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, that bill is under consideration in the committee. We do not expect to be able to consider it next week. We have many Members on our side that are also anxious for it and we are trying to move as fast as we can, and we will try to be as open as we can on the rule, but of course that would be the jurisdiction of the Rules Committee.

Mr. FAZIO of California. Mr. Speaker, that bill, of course, has a great deal to do with all of the appropriations we are passing, and I gather that we are probably going to pass all of the appropriations bills before we take up the lockbox?

Mr. ARMEY. Mr. Speaker, I appreciate that. We are moving as fast as we can on the matter.

Mr. FAZIO of California. Mr. Speaker, it looks like the last two bills that will be coming up during the getaway week would be the defense appropriations bill and the health human services and education labor bill; is that correct?

Mr. ARMEY. I expect that is correct, and of course, depending on the progress we make, if possible, possibly telecommunications.

Mr. FAZIO of California. That was my question. I was wondering, that is a major bill. Do you hope to bring it up before the August break, and if so, how much time do you think would be devoted to such an important measure?

Mr. ARMEY. It is an important piece of legislation, as the gentleman knows. It is kind of a slippery thing. And so we are just sort of playing it by ear. If we can sort of get everybody in agreement at a time that is opportune, we will try to bring it up and try to be as generous as we can on the rules relating to this consideration.

Mr. FAZIO of California. Mr. Speaker, we do appreciate the heads-up about next Friday and into the weekend, but as the gentleman has indicated, we will stay in Thursday night as late as reasonable, if we could complete our work, in hopes of avoiding the possibility of a Friday session, which I know had been originally left vacant for Members to plan in their districts other activities. At the moment, however, it looks like Friday is a very likely prospect; is that what the gentleman is saying?

Mr. ARMEY. Mr. Speaker, of course, all of this depends upon how much progress we have on the floor management, and the managers frankly deserve our appreciation. But assuming they can have success, we might be able to finish it on Thursday night, and I think most Members, if we get close to that, recognizing then the chance of being home on Friday, of approval or moving on.

I have to tell you, I have a—I fear that it is more likely that we will be in Friday than not, and although I think with all of our efforts and a good cooperative week, we could avoid Friday. So that too is a strong possibility that we do not want to ignore.

Mr. FAZIO of California. But Saturday, Sunday, and Monday, July 31, which had been noticed as a day available to Members in their districts, with any luck at all will not be encumbered; is that correct?

Mr. ARMEY. I think the gentleman actually put his finger on the key point, with any luck at all.

Mr. FAZIO of California. I appreciate that.

Mr. Speaker, I yield to the gentleman from Indiana [Mr. ROEMER] who is the chairman of the family friendly caucus, which I might say has had a rather bad year here in Congress.

Mr. ROEMER. Mr. Speaker, I thank the gentleman for that very kind and gracious introduction. I appreciate that.

As the majority leader knows, we put together a family friendly schedule at the beginning of this year, and it has not performed very well. I am delighted that I did not sign the resolution stating that this was going to be a family friendly Congress.

Let me ask the gentleman a couple of questions. Speaker GINGRICH said on this floor at that podium back on January 4, and I quote, we are going to set schedules we stick to so families can count on time to be together, unquote.

Certainly, 10 p.m., Monday night, 9 p.m. Tuesday night, 10 p.m. Wednesday night, and then midnight, at least, Thursday night, maybe Friday, maybe Saturday, I don't know that we are going to see our families. I also am not sure that this is what the American people want us doing. We have been in session 300 more hours, 150 more rollcall votes, 54 percent of the time, we have been adjourning after 9 p.m. And while you are announcing the schedule earlier to us, it certainly is not good news for next week.

I have a couple of questions.

Mr. ARMEY. Mr. Speaker, if the gentleman will continue to yield, let me make this point, and then if the gentleman would please excuse my impatience, I too have a plane I would like to catch to get home to my family.

I take my chapter and verse from Jimmy Buffet who has a wonderful song called "Trying to Reason with Hurricane Season."

□ 1745

I have been singing Mr. Buffett's song to a little bit different lyrics called "Trying to reason with the appropriations season." That is the season of inconvenience to the body at large, out of consideration for the rights of the Members at large.

I would say to the gentleman, count up the notes, and in addition to the information you have I think you would also find an extraordinarily high number of votes on motions to rise and motions to adjourn.

Mr. ROEMER. Mr. Speaker, I would say to the gentleman, we are happy to work as hard as we were during the first 6 months, and I voted for many items in the contract, but the Speaker himself said after the first 6 months that we would have a more reliable schedule, a schedule where we would occasionally see our families and children, a schedule which was predictable.

Now we are not going to have that between now and August, nor will we have it in September or October. Can the gentleman give us some indication of September and October and when we will adjourn? Is it going to be right before Christmas?

Mr. ARMEY. If the gentleman will yield, and let me remind the gentleman I, too, am trying to catch my plane, and I can only tell the gentleman that the only thing I have to fly by right now is my best hopes and aspirations and the faith and confidence I have in the goodwill of my colleagues.

Mr. ROEMER. Further, Mr. Speaker, could I make some suggestions to the distinguished majority leader?

Mr. ARMEY. Yes.

Mr. ROEMER. We certainly want to work hard, Mr. Majority Leader, we do not have any complaint with that, but we want to work smart. If I could give the gentleman some suggestions, could we come in at 8 o'clock in the morning and start our 1-minutes, so those people that want to give 1-minutes are here at 8 o'clock, they give 10 minutes on each side, 20 on each side, and we start the legislative business by 9 o'clock in the morning? Those are American work hours.

Mr. ARMEY. If the gentleman will continue to yield, this kind of suggestion, especially particularly the gentleman—I cannot believe you guys are trying to make me miss my plane.

Mr. ROEMER. We have been missing lots of planes for 7 months, Mr. Speaker.

Mr. ARMEY. These are all under consideration. We are working with it, but I have to tell the gentleman, one of the things that does in fact make it difficult to come upon a universally agreed upon comfortable arrangement is that we insist on paying regard to the legitimate rights of the individual Members. That sometimes makes it a little bit more complicated.

Gentleman, I welcome all your suggestions, and the gentleman from Mississippi [Mr. MONTGOMERY] has given me a suggestion in writing and gotten a list of cosigners for his suggestion, and I am sure he is here to present that to me.

Mr. ROEMER. If I could reclaim my time, Mr. Speaker, I could want to let the gentleman from Mississippi [Mr. MONTGOMERY] have just one question, and let the gentleman get off to Margaritaville.

Mr. MONTGOMERY. Mr. Speaker, will the gentleman yield?

Mr. ROEMER. I yield to the gentleman from Mississippi.

Mr. MONTGOMERY. Mr. Majority Leader, have a great flight, but when you fly away, think about working on Tuesdays, Wednesdays, and Thursdays from 9 a.m. to 9 p.m., and I would appreciate that.

Mr. ARMEY. The gentleman from Mississippi [Mr. MONTGOMERY] has been very generous.

If the gentleman will continue to yield for one quick moment, I think we have a statement here that needs to be clarified. I would like to make it very clear so there is no misunderstanding regarding working on Monday, July 31. It is very clear that we will work, and it will be necessary for us to work on that, but hopefully not on the weekend before.

Mr. FAZIO. I thank the leader for his comments.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2076, DEPARTMENTS OF COMMERCE, STATE, AND JUSTICE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 104–200) on the resolution (H. Res. 198) providing for the consideration of the bill (H.R. 2076), making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ADJOURNMENT TO MONDAY, JULY 24, 1995

Mr. GOSS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10:30 a.m. on Monday next for morning hour debates.

The SPEAKER pro tempore (Mr. CRAPO). Is there objection to the request of the gentleman from Florida?

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. GOSS. Mr. Speaker, I ask unanimous consent that business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1404

Mr. PAYNE of Virginia. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 1404.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

DESIGNATION OF THE HONORABLE RICHARD K. ARMEY TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

The SPEAKER pro tempore laid before the House the following communication from the Speaker of the House of Representatives:

THE SPEAKER'S ROOMS,
HOUSE OF REPRESENTATIVES,
Washington, DC, July 20, 1995.

I hereby designate the Honorable RICHARD K. ARMEY to act as Speaker pro tempore to sign enrolled bills and joint resolutions.

NEWT GINGRICH,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the designation is agreed to.

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

THE WORST OF TIMES FOR AMERICA'S WOMEN

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado, [Mrs. SCHROEDER] is recognized for 60 minutes as the designee of the minority leader.

Mrs. SCHROEDER. Mr. Speaker, I must say this has been really quite a week. There was some question whether I wanted to stay and do a special order. The more I looked at what happened in this week, I really feel it is very historic and it is very important to take the floor and say to the American people that I hope they are digesting what is transpiring. Right now, if we look at all the things going on between Waco hearings, Whitewater hearings, all the trials on television and Bosnia, I think very few people realize what is transpiring to their rights here.

This week ended with such a fitting end that really says it all. As we know, our Speaker kind of got elected as the prince of angry white men, and I think it is very fitting that he ended up celebrating the end of this week where he is now. We have our Speaker off at the Bohemian Club. Many people may say, "what is the Bohemian Club? Why do we think we heard that name?" We heard it a lot during the prior Republican administration, and then we have not heard it for quite some time. However, the Speaker has put it back into our whole lexicon.

Herbert Hoover once called the Bohemian Club and its annual party the greatest men's club on Earth. The San Diego Union described it the following way:

> The Bohemian Club is known for its raucus campouts in the grove. Their woods north of San Francisco are where powerful politicians, executives, and many others, partially clad or dressed in drag, meet each year for 2 weeks of carousing and networking. The grove gatherings are known for raunchy skits, speechmaking, sing-along, gambling, open urination on trees, and other targets.

I guess they are all there celebrating, because at the end of this week they will all say it probably is the best of times for rich white men in America, and so obviously that is where the Speaker belongs.

However, I must say after this week, it is really the worst of times for America's women. This has been a week where issues on women have been absolutely pounded. Things we never thought we would see happen have happened on this floor, and I do not think America's women know it. Women, if you want to know why they are out there running around in the trees, partially clothed, no women are allowed, people are picketing, all sorts of noise going on in San Francisco, let me tell the Members what the Speaker and his friends are celebrating.

No. 1, they passed a ban so that Federal employees cannot even purchase health insurance that would cover perfectly legal abortion rights. Even for rape and incest they cannot buy health insurance. That is pretty astounding, and for people who believe in individual rights, that is really amazing.

No. 2, the 25-year-old family planning program that is known as title 10, that provides all sorts of family planning services, pelvic exams, Pap smears, screening for sexually transmitted diseases, and many other things, that was zeroed out this week.

Mr. DOGGETT. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from Texas.

Mr. DOGGETT. Mr. Speaker, do I understand, I would ask the gentlewoman, that, for example, Planned Parenthood of Boston and planned parenthood organizations and other community family planning across the country have not just been reduced in scope, like so many of the slash-and-burn efforts here in the Congress this week, but have been totally eliminated in the measure that came out of the appropriations bill?

Mrs. SCHROEDER. The gentleman from Texas is absolutely correct.

Mr. DOGGETT. The gentlewoman is not just talking about the controversial subject of abortion, that right being denied for all of our Federal employees and for all of their families, but the gentlewoman is talking about any form of Federal participation in family planning for families that want to plan, who do not want to face the choice of abortion, but want to actually have a variety of alternatives presented for family planning, they are going to get zero, zip, in the way of Federal support?

Mrs. SCHROEDER. The gentleman from Texas has really hit the nail on the head. I think the gentleman from Texas probably also knows, because he has visited those family planning clinics, many of them are the primary care for many of America's low-income women during their childbearing age. That is where they go for their physical, their Pap smears, their breast checks, that is where they go for their entire range of health care services during that period in their life. To just zero it out, and say there will be no family planning, absolutely zero it out, which I still cannot believe it happened, but they did, because we heard so many people who were antiabortion saying, "But I am always for family planning."

Mr. FARR. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from California.

Mr. FARR. Mr. Speaker, joining in with the gentleman from Texas and the gentlewoman from Colorado, this is a 25-year-old-program that the Federal Government has been involved in. Not only does it provide funding for organizations, private and nonprofit, like Planned Parenthood, but it also provides grants to public entities and agencies. Those agencies have served an estimated 4.3 million people in 1995 through a network of 4,200 clinics provide key reproductive services. The gentlewoman has talked about those services, services that are screening for sexually transmitted diseases, for Pap tests, for pelvic exams, and other important tests. What essentially they are doing is cutting off health care, health care to women and to young ladies and to girls.

I rise in consternation with what has happened this week, because I am a father of a young teenager. Telling her over the phone this week about this, she was absolutely shocked. She said, "Daddy, does that mean because you buy Blue Cross health insurance from the Federal Government, that if I get raped, that your health care policy cannot take care of the medical exam that I would have to have and the services that I might need?" And I said, "Yes, isn't that disgusting?" She said, "I can't believe it. You mean that is what you have done in Congress this week?"

Mrs. SCHROEDER. It was not a proud week. It is not a proud week, and it is very difficult to explain. I am glad the gentleman from California was awake and the gentleman from Texas was awake. I do not know how we get everyone else awake to understand it. We talk about fundamentalists in other countries, but it seems like fundamentalists kind of took over this Congress, because when you go after family planning, that is really kind of as American as apple pie.

Mr. DOGGETT. If the gentlewoman will continue to yield further, indeed, the family planning program as described by our colleague, the gentleman from California, it actually is a program that has had support even of some of the people that have probably been members of the Bohemian Club. It has had broad bipartisan support from Republicans and Democrats until the extremists took control of the committee, is that not correct?

□ 1800

Mrs. SCHROEDER. The gentleman from Texas always has such an interesting mind.

You know, I had never thought of that, but I will bet if you could poll the members of the Bohemian Club, you would find a very high percentage of them are significant donors to Planned Parenthood. Because I think that is the one thing I have always found very interesting on family planning, that most people understand how important it is and contribute a lot.

But as much as they contribute, Federal funding has always been very, very essential, because there are so many women in their childbearing age, and they need this—we are talking visits every 6 months to a year. It is very essential. You cannot just say, well, they had their visits so they do not need to go back for 40 years. Wrong, believe me.

So my guess is that there are an awful lot of the contributors there, and I wonder if they would be frolicking with the Speaker quite as much and skipping through the trees, doing whatever they do, if they knew that while he was away the appropriations zeroed this out.

Mr. FARR. Will the gentlewoman yield for a moment?

Let me just add on that. You realize that I am from California, and the Bohemian Club Grove is in Marin County, CA, and it has been there for over about 100 years, I think, of people. It is sort of the corporate heads of America go there, and the irony is that their own corporations, 70 percent of all the private health care plans in America, provide services which Congress denied to Federal employees.

So there is a—I mean, this—if you are going to make government more like the private sector, you certainly do not want to begin by denying health care, medical services to women that the private sector, major corporations in America and those CEO's that are running around, as you say, in the Bohemian Club Grove are providing to their own employees.

Mrs SCHROEDER. Well, I think that is a very interesting point, too.

Is it not a shame—you know, the gentleman from Ohio often says, "Beam me up." Is not it a shame the three of us cannot be beamed up to the Bohemian Club and go around and run a poll saying to all the people there playing in the trees at camp, "Did you know that we have just made Federal employees second-class citizens this week? Did you know we just zeroed out family planning? Did you know we also unraveled Roe versus Wade and, for the first time, this House has declared a medical procedure illegal, which is absolutely astounding?"

And we could say, "Did you know this week we had a committee prohibit medical schools from teaching, even teaching abortion procedures. That is pretty interesting. Did you know we prohibited in one of the committee Federal funding on human embryos, which is going to hamper contraceptive research, and also the search to look for curing birth defects and different diseases?"

We could lay a whole bunch of things on these guys, and I honestly think they would be with us. They may be celebrating without knowing what has really been done.

Mr. FARR. Did you know, following up on that, that the defense authorization bill prohibits private-funded abortions for our service men and women, and I say men because they are overseas with their families, from being performed in overseas military hospitals? Private services.

So that means if you are in the military or you are a military dependent and you want to use your own money and you choose your own military hospitals, which we have there for our military active duty personnel, that you are denied. You have got to go out into the foreign market.

At what risk do you go at that foreign market? We are subjecting people who are giving their lives to military service from just the basic benefits that their own relatives receive working for private corporations in America.

We have gone—this antiwoman attitude in this Congress is, I think, beginning to show itself so strongly in how we are trying to set up women as a second-class citizenship in America.

Mrs. SCHROEDER. You know, I am very pleased that both of you came to talk about this, because usually it is the women who are here railing about this, and maybe that is why we do not get through. But it is really great to have people here who do get it and who are starting to be as frightened as some of us, wondering what is coming next.

I mean, we are getting ready to celebrate women having had the vote for 75 years. Maybe this is the year we really learn how to start using the vote if we see much more of this going backward.

Mr. DOGGETT. Will the gentlewoman yield?

Mrs. SCHROEDER. I would be delighted to.

Mr. DOGGETT. So we have seen our military forces being treated as second-class citizens. They are discriminated against even in the case of rape of a servicewoman or the spouse of a serviceman. These services are not available.

Mrs. SCHROEDER. Absolutely. Even if you are overseas.

Mr. DOGGETT. This week the members of our Federal work force all across the country, whether it is a park ranger or a nurse in a VA hospital or a security person right here at the Capitol, a young woman doing that very important work, again, if there is rape or incest, there is discrimination. No longer will they be able to have health care services available to other Americans.

And then, in addition to that, we have even got these extremists coming in and saying they will dictate accreditation standards for medical schools, they will say what kind of research we can and cannot have.

With all of this interference in the lives of young American women, where you say do not consult with your spouse, do not consult with your minister or rabbi, do not consult with your family, go take it up with your Congressman and interfere in those private decisions, do you think that instead of hearing so much in the news about angry men, we ought to be hearing something about angry young women who should be angered and upset that extremists would do this to them and interfere in their very most personal decisions?

Mrs. SCHROEDER. That is precisely my point. I think if they just had any idea what is happening, they would be very angry.

And my fear is about a year from now, when this starts to really have an impact, they are going to come running through our doors screaming, "Why didn't anyone tell us?"

I feel rather like Paul Revere riding through saying the British are coming. Only we are saying the fundamentalists have won. You know, we are in real trouble here.

I also have to say that, for every woman, there are some very serious thoughts here about who in the world would think about being an OB-GYN.

If you were a young man 30 years old and you are thinking about a specialty in medical school, would you be an OB-GYN with the Congress here telling you what kind of procedures you can have, what kind of research you can do, what you can and cannot learn in medical school, what you can and cannot say to your patients and also cutting funding right and left?

And, furthermore, if you ever did it and you ever even treated one woman because you were concerned about her condition, you could never be Surgeon General, like Dr. Foster.

Mr. DOGGETT. When you get put on one of these wanted posters which have now spread to the political realm, but one group is putting up wanted posters for physicians performing legal procedures and another group is putting up wanted posters for Members of Congress who have the audacity to support that basic constitutional right.

Mrs. SCHROEDER. You do wonder who is running the show.

I am one of the people on the wanted poster for politicians, so I now know how the doctors who are on those wanted posters feel. And if you were a young person planning your future, I do not think you would go sign up to be an OB-GYN, such as your daughter or I think your daughter—

Mr. DOGGETT. She will be getting into medical school this next month. I know that will be one of the areas that she studies in her practice, but I have to say, as a father, I cannot help but have concern that if she chooses to go into that area of specialty she may actually risk her life, as so many physicians are doing today, as so many people at these Planned Parenthood and other community planning agencies risk their lives to simply provide basic health care services that our young American women need.

Mr. FARR. What is so surprising about all this is this is the year of the conservative attitude in the House of Representatives and Congress, an the whole attitude here is get government off your back. But, indeed, these policies get government so far involved in the most personal issues in one's life. Because in order to monitor and prohibit you have got to police it.

I cannot imagine what kind of trickle-down enforcement procedures are going to be there. And the message it says, let me just read you from a Sara Lowenthal, who lives in Santa Cruz, a community that I represent. She wrote this to me. She says, "As an HIV educator who works directly with at-risk teens, the attack on title X scares me. One of the most direct, effective and influential ways that local teens can get information about HIV is through Planned Parenthood. The elimination of title X is not just a rightist attack on reproductive rights. It is a deconstruction of an educational block that protects Santa Cruz teens from HIV. I am deeply disheartened by the actions of the radical right."

She is an educator at the local level, and these educators are hard to get, because they do not get paid a lot. They volunteer a lot of their time. And I think that message is not just a message about what specialty to go in. It is also a negative message about what kind of an educator to become.

Mrs. SCHROEDER. It is truly amazing that as we are saying get government out of regulation, get government out of all these areas, we are moving right into the classroom, into the doctor's office, into people's bedrooms, into all of these different areas, and we are going to totally regulate this area vis-a-vis women, and, as I say, long term, since almost all women get their primary care from OB-GYN's.

If we do not have any good OB-GYN's, we are all in trouble in the future if we do not have good doctors watching after our health care.

There are some other instances that are kind of did-you-knows this week. I mean, we all saw Kiri Jewell, that beautiful young 14-year-old, talking about the problems that she had had—I mean, I get chills even thinking about it. But her father having to go to court and do all of this because at 10 she is raped by David Koresh.

Well, did you know there are Members in this body who are saying, "That is really a side show, that is really irrelevant, that really did not matter"?

I mean, has the NRA so totally taken this place over we cannot hear a young woman's voice saying, "Let me tell you what happened to me in Waco" and how she had been taught to teach—to do suicide by David Koresh? They do not hear.

We had many couples come here wanting to talk about the abortion procedure outlawed by the Committee on the Judiciary, and only one person got to testify. Nobody listened to their voices. It is like they are road kill. We have an agenda. We are rolling right over you. And these were all people who had gone through very, very difficult trying times and thought that they had a right to petition their government.

Mr. DOGGETT. If any of these young women came today to the Congress where all of us were working, this House in session past midnight last night—I know our crime task force got together before 8 this morning. If any of those young women or young men came here to this Congress, would they have found Speaker GINGRICH here today?

Mrs. SCHROEDER. No. He is in California playing in the trees.

Mr. DOGGETT. What is going on out there? I missed the first part of your remarks.

Mrs. SCHROEDER. I must say, I was really surprised when I read in the New York Times, and I have seen it in several other newspapers now so I assume it is true, that the Speaker today arrived at the Bohemian Club's 2-week camp-out.

And, you know, I guess neither one of you were here when we used to have incidents about that. If you remember, there were women trying to get hired by the Bohemian Club at one time, and they said, no, they would never—they did not care what the Federal law said, they would never hire women because it would inhibit the members in their 2-week frolic.

I am not quite sure what they all do, but, apparently, it is quite a frolic.

Mr. DOGGETT. Is he gone for 2 weeks?

Mrs. SCHROEDER. I think he is probably coming back next week, but I do not really know. I guess it started last week, so he got out there today.

But while we are here, he is playing, and we are doing some very serious things. And I just—I find these kind of—I guess it is a group of great, powerful men that love to go to the woods, and I guess they dress up like druids and do different things. I am not quite sure. But it is some privately owned redwoods, and that is where he is.

Mr. DOGGETT. Is this part of the book tour or what.

Mrs. SCHROEDER. I do not think they sell books there. I have never seen anything about them buying—I do not think they read books there either. I think they do something different.

But I understand he is coming back through Iowa and then will come here. So maybe he is selling books in Iowa.

Mr. FARR. I think that the issue here, or the symbol, is that this has been a week in which the Gingrich-led Congress, the conservative aspects of it, have taken away rights that protect women, taken away the rights to buy health care policies that provide services for medical abortions.

They have zeroed out family planning money. They have affected the defense authorization bill that prohibits private funded abortions from being performed in overseas military hospitals.

☐ 1815

They have cut back, major cutbacks in the international planning funds, and then to cap that off by going off to an all-male retreat, I think, is really symbolic of this sort of take away from women or discounting women or trying to put women as secondary citizens. It is symbolic of what is going on, and I think the women of this country ought to wake up and become involved.

Mrs. SCHROEDER. I certainly hope they do. I join the gentleman from California for being actually very saddened. It is actually like they are tap dancing on women's rights that have been burned this week in different legislation that have come out. I certainly am saddened by that, and I certainly hope that women in this country do wake up and start saying to people wait a minute, wait a minute, we pay the same taxes as everyone else, which we do. They do not say, "Women, hey, we are going to give a 50-percent discount because we do not think you are quite up to handling things, and we are going to micromanage your lives because we do not think you are up to handling things," and so forth.

I think women have come a long way in this country. They really have believed progress was preordained. I think most American women would be totally shocked to know this has all been done, especially family planning. We go back to where we started, family planning, research, we worked so hard to make progress that was made on trying to catch up on women's health, and, boom, 1 week it all blows up.

Mr. FARR. I as a father, you as a mother, can understand what we try to do as parents is ensure or give hope to our kids that there will be a better, sounder, safer, saner world which they can grow up in. I only have one child. It is a daughter. I guess that makes me a feminist because I really want to see the world in which women have equal opportunity.

I am very proud to tell her that just this week I met with the highest-ranking woman in the Navy, and she is coming out to be the commandant or provost of the naval postgraduate school and, I think, someday will be chief of naval operations, and I hope so. She is a very talented woman, and to be able to show symbols of where women in society have become equal to men so that she, as she grows up, and with her colleagues, that women can see that they can do everything that any male can do. We have certainly seen that in winning Olympic Gold Medals, and we will see that in Atlanta when the Olympics come, and certainly in every profession, Sally Ride being the first woman into space and so on.

But I come here as a new Member of Congress, a relatively new Member, and I am just shocked because California is a pretty big State, and serving in the State legislature, I thought I had seen conservative politicians. But I have to tell you I never heard on the floor of the State legislature in California the kind of rhetoric I heard here this week. That led me to be so shocked that I wanted to come and join with you and share with you my concerns as a father and as a representative of one congressional district in the United States that I think that the Congress, under the new leadership, is doing a great disservice to women. It is setting up and saying, if you are a woman and you want to go into Federal employment, do not go there.

We pointed out in our dialog today, if you go into the private sector, you can receive benefits that you will not be able to receive in the public sector, not even an equal playing field for health care delivery services that we know we have a lot of teenage pregnancies, we know we have HIV issues to deal with. You deal best with that with education. That is what the title X moneys are all about. Then they have taken away those things.

We have told people if you are going to go overseas, you cannot even use your private money in an American-sponsored military hospital to get these services.

What kind of message are we trying to send as a country as to how we respect women if we are going to discount, disregard, and really put them in jeopardy?

Mrs. SCHROEDER. The gentleman makes a very good point. Let me ask a question of you as a father.

Do you think your daughter needs special congressional oversight, much more so than the young men that you have probably met that are her friends, do you really think that she needs this additional guidance and her doctors need additional guidance and her teachers need additional guidance? Is there something about women that I am blinded to that I do not see?

Mr. FARR. Absolutely not. I think you see it very clearly. I can see clearly now, and what I can see clearly now is that the new majority here wants to make women second-class citizens. I am appalled by that, my daughter is appalled by that, my wife is appalled by that, my father is appalled by it. I think all of our family is looking at this and saying what is going on in Washington, DC?

Mrs. SCHROEDER. It has been a very tough week. Then we hear the family-friendly stuff. People are not home enough. People are telling me they are keeping pictures of themselves by the door, "If this man comes to the door, let him in, it is your father," because they are afraid they will think it is a stranger. Nobody can ever get home. They are working hard. What we are doing is blowing everything up. This is kind of slash-and-burn week for women's rights, I will tell you, and everything has been slashed and burned that I am aware of.

I just hope it starts to get better. I really thank the gentleman from California for joining me in this. His daughter should be very proud.

As I say, as a mother of a son and a daughter, I do not think one needs more congressional guidance than the other. They are equal in my eyes. I think they ought to be equal in the eyes of the Congress.

Mr. FARR. I absolutely agree. I hope what we do need guidance for is America, wake up. Women in this country, wake up, come to Washington. We need to hear your voices. We need to hear your concerns. We need to change attitudes here in Washington that are taking away the rights you have as citizens of this country by denying you services which all other people in our society are entitled to.

Mrs. SCHROEDER. The gentleman is absolutely correct.

I think this is the 200th day of this Congress in which we have been in session 300 hours longer than we were at the same time last year, and we have done more damage to women and children, the elderly. It is really not a proud record.

MY ADVICE TO THE PRIVILEGED ORDERS

The SPEAKER pro tempore (Mr. CRAPO). Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. GONZALEZ] is recognized for 30 minutes as the designee of the minority leader.

Mr. GONZALEZ. Mr. Speaker and my colleagues, we are told every day about a revolution in Congress. Day after day, my colleagues from the other party, the Republican Party, advance one or another bill, and they call it or label it revolutionary.

But what is revolutionary about a bill that prohibits the government from updating and improving meat inspection? How is it revolutionary to prohibit cleaner, safer meat? And what is revolutionary about legislation that cuts environmental cleanup funds by one-third, or a bill that makes it impossibly expensive and cumbersome to protect delicate wetlands in our country?

Under this kind of legislation the Republicans advocate this year, the government would have to pay slave owners to emancipate their slaves if it was 130 years ago. In fact, the kind of things that the Republicans have talked about this year are purely and simply an effort to turn the clock back, to force us back into the darkest ages of economic exploitation.

For instance, their attitude on meat inspection is a rank arrogant betrayal of a fundamental premise of what was, at the turn of the century, a revolutionary reform, the commitment of the government to ensure that the Nation's food supply is not contaminated and is safe to consume.

The back-door repeal of statutes designed to clean up the Earth, which we have been everything almost weekly, and prevent its further despoilation is simply a return to 19th century ideas that no one has any responsibility to either neighbor or to future generations.

The Republican agenda is not revolutionary. It is, plain and simple, an attack, an all-out attack on ordinary standards of decent human conduct. Decent human conduct requires that those who have great power and wealth to refrain from manufacturing and selling poisonous products, but the Republicans would say that 1906 meat inspection standards cannot be changed, cannot be made better, despite the fact that hundreds of people die every year from foul meat, and Republicans would say that land developers should be perfectly free to destroy wetlands despite the fact that these lands are the vital source of anything resembling a thriving national fishing industry.

These are not revolutionary ideas. They are merely the candles that quiet the tantrums of impatient, powerful, wealthy donors who feed endless millions of dollars into the political maw of this machine and who want nothing more than to exploit this country as ruthlessly as the robber barons did in a bygone era.

But I do not want to talk about the mindless cruelty of the present majority. These cruelties will soon enough be understood by the American people. Eventually they will have their distilled judgment as the full facts are known, and they will be, and who are smart enough to understand that this is merely a spreading of an endless banquet for the rich and the powerful and that the feast has been paid for by a vast transfer of wealth from ordinary wage-earners to the wealthier of those among us.

What I do want to talk about is the great pain and frustration that ordinary Americans feel today, the uncertainty they feel about the future.

The truth is that ordinary, law-abiding work-a-day Americans are themselves sliding backward in their feeling that they know they are. They are angry. Let there be no mistake, they are frustrated. Let there be no mistake in understanding that.

They went to see their lives get better, not worse. These frustrations are not the figments of anyone's imagination. They are the product of a real longstanding slide backward for most of our fellow citizens.

I pride myself in being in the most intimate contact one human being could have with those is that he has as actually serious responsibility that no one man could really fully fulfill to represent, a multitude, but in good faith tries to do so by being in immediate and most intimate contact.

It is understood from what I hear and where I meet every weekend when we are in session and when we are not, I go nowhere but in the district, and the immediate beneficiaries of this frustration and anger are those that now have the power, the majority.

But their policies will make the problems worse, and they will not be able to gloat for too long.

Now, I belong to a party, and have been proud to do so since the beginning, that interprets as fundamental premise, as one that is very basic in what I tried to adhere to in all of my career, in my position first as a local representative, then as a State and now as a national since 1961.

Representation is what I have sought, no other kind of political elective office but this, and that is what I have best understood and strived to perform.

We have got to work in such ways and always at all times to redeem the great traumas of this Nation, its historic commitment that every person have a decent, hopefully rising, standard of living and being.

□ 1830

The American Revolution is not about the freedom to be exploited. It is about the freedom to political and religious expression, the freedom to be protected against an intrusive government, and it is about equal protection under the law, and it allows us the right to enjoy, above all, the fruits of your own labor.

By that standard the Republican Party on all levels fails. The Republicans are simply trying to install a whole new system of what is tantamount to exploitation exploitation of irreplaceable resources, exploitation of hard-pressed and lowly wage earners, exploitation of frustration and fear, which they hope can be used to keep quiet the very people that are being exploited.

The sad fact is the people of the country are playing a losing game. They are working harder, they are producing more, and they are being rewarded considerably less. I do not think there has been another time in modern history which this has happened that I can recall, and I have been aboard on this level now more than three decades, much more, approximating four, and I can tell you that that is my assessment.

Now it is a so-called white-collar worker whose own standard of living is declining, whose job security is threatened more and more every day, and it is a two-income family who now are finding it harder and harder to stay even or even to stay employed, and more and more professional workers are reduced to part-time employment or contract work, the equivalent of piecework in the old clothing-stitching factories, garment factories.

There were a plethora of them in the hard Depression period of my youth and that I can recall to this day, my aunts, and my mother and other relatives getting up at 4:30 in the morning, and all through the day, with the exception of the middle of the week where I would accompany my aunt to go there because she could not speak English to this garment factory to deliver the hand-stitched products that day and night my mother and my aunts, my sister and all, would be doing during the week. What was the reward? A man at the window would pick that garment, and look at it, and examine it, and then, if he okayed it, it was 5 cents.

Of course I have got to translate here. With a nickel in that day and time you could buy a loaf of bread, you could buy a whole quart of milk, so there is no way to extrapolate those standards. The world has long gone by in which no power I would be able to summon could describe to my colleagues of these newer generations.

Now obviously the numbers indicate that job growth is taking place. But that job growth is in service and in retail jobs which are the low end of the economic pecking order. As a result, incomes have been going down collectively. For a while a family could stay even and perhaps even get ahead by having a second wage earner in the family, but presently even the number of two-earner families is shrinking, and we have more and more families that are less and less able to meet the daily necessities of life, a house or apartment, some kind of access to transportation, some way to buy clothing and food, and some way to pay for medical care.

Perhaps it is not too visible to a lot of us that have the comforts, good clothing, perhaps free of debt, good place to go home and sleep in comfort with all the creature comforts anybody could summon in today's living standards, have a full meal three times a day. It is hard to conceive, very hard to conveive, of anybody not comfortable if we are comfortable.

We see the evidence of this desperation everywhere in the burgeoning numbers of beggars and homeless. I walk down the street here to go to the local drugstore or grocery store, and where it used to be that there would be none, in half a block I will encounter four mendicants pleading for a handout. That was not so since I came to the Congress until fairly recently of just a few years ago.

So the evidences are in the burgeoning numbers of beggars and homeless, and declining support for schools, and more and more people depending on government for health and medical care, and most all of it in the growing frustration and anger which sometimes expresses itself at the ballot box, and some seek to explain it by one wild conspiracy theory or another in which most express by a kind of cynical anger which has been most artfully exploited by radio talk shows.

We are not losing jobs because American workers are unproductive. In fact, productivity is up by 37 percent just during the last decade or the 10 years. That kind of productivity increase is normally accompanied by an increase in real income, but that is not happening now. If you look at real earnings, that is earnings expressed in constant 1982 dollars, American workers today are earning 40 cents an hour less than they did 10 years ago. What is more, real wages in this country hit their peak in 1972, and I said so at the time and said at that time real income has dropped from $8.55 an hour in constant dollars to $7.30 an hour, a drop of $1.25 an hour. To put it another way, American workers are about 12 percent poorer today than they were in 1972.

No wonder people have tried to supplement their incomes with a second job. No wonder so many are unable to even think about a new car for instance. Car prices have risen far faster than incomes, and so have the prices of housing, medical care, and the other essentials.

More and more Americans are being forced to take temporary jobs because companies do not want to hire full-time workers, and so the temporary-job business has increased by 50 percent in the past 5 years alone, and some 2¼, 2.25 million Americans, are so-called temps or temporaries. In other words, for every 10 Americans in a solid manufacturing job, there is 1 American who is hanging on by doing temporary work, work that pays few, if any, benefits, usually does not include health care, and pays less per hour for the same work as a regular employee would earn.

Even when jobs are not just disappearing, millions of Americans have seen employers transform these job into low-pay situations. A major airline, for instance, spun off its reservation business to a subsidiary owned by that same company. The subsidiary then told the employees they were welcome to the jobs, but the jobs would pay less than half the present rate. With that kind of story common, used every day, is it any wonder that housing starts today are 20 percent below the rate of a decade ago?

None of this is happening because corporate profits are too low. In fact, corporate profits are at record levels. This slide in wages is not happening because of high unemployment. Unemployment is less than 6 percent, the lowest in 6 years. The slide is not happening because of a stock market crash. The market has never been higher. What is happening is that fewer and fewer Americans are taking more and more of the economic pie, and so we are seeing a creeping pauperization of this country.

What saddens me is that the current majority in control wants to enact policies that would accelerate this pauperization. They would enact a tax system that would transfer more money from the poor to the rich. They will enact cuts in all kinds of programs, from education to Medicare, that we will pay for that transfer the wealth from the bottom to the top, and they would blame the social ills that flow from all of this on the very poor victims themselves.

Sixty years ago the country was on the verge of a great class struggle. I was there and was of an age that had it indelibly imprinted in my mind, heart, and soul to this day. This was the age of the immense struggle over unionization. It was the age of the picketing line, the lockout, the violence that I witnessed in my hometown and the whole panoply of antilabor laws sought by industrialists who were determined to share no power with the workers of the Nation.

Today we hear our counterpart party Members, Republican Members, accusing Democrats of fomenting class warfare. That is not unlike the segregationist accusing civil rights protesters of being agitators. But the truth is, unless there is an injustice, unless there is a grievance, nobody gets excited by an orator who denounces something as evil or wrong.

The Republicans know that there is injustice, and, if they do not know, then they are far more dense than I ever will believe they are. They know that they are wrong. They should know that people are angry. But they want to blame all this on educators who are guilty of nothing more than telling the truth. If we are about to enter into some kind of class warfare, there can only be one reason for it. Too many people have been pushed too far. We need to understand the fact about what is happening in this country, and what is happening is that too many hard-working Americans are finding that they are losing ground no matter how hard they work, how hard they strive, how frugal they may be. Too many Americans are losing wages and benefits for no good reason at all because they know they are producing more and better goods and doing all the things they are supposed to do to make this a great and growing economy.

No wonder they are beginning to ask, "Well, what about me? What is my share?" No wonder they are asking why they cannot plan on being able to retire, or why they cannot afford to get ill, or why they cannot have a decent place to live.

Now there is no question about it because a party identifies itself with these policies. The Republican Party and its policies do not address any of this, and frankly I am not certain that my own party that I have adhered to, the Democrat Party, is doing much more either, which is a terribly sad confession to make to the people of this country who are in urgent need to have some reaction from those sources of power that have been built in their country as forces or institutions that are supposed to meet that. This is the premise for the existence of these two great parties, but twiddle-dee-dee, twiddle-dee-dum, when it comes to these basics, it hurts me. I have always identified as a Democrat, but then the choice was impossible to do otherwise in the manner I came up. But I must say truthfully today, and I have spoken out, I have antagonized some of my so-called fellow Democrats both here and at home. So what? As we used to say, if the shoe fits, put it on.

So we will see a great, and growing and greater anger in this country. It does not take a genius to predict that. I have seen it. I have had it told, and I have visibly registered. I pride myself in coming from a level that I have never lost contact with the society back home, and I know of the frustration. I know that when people lose hope, then we have trouble. We will see a general revolt as people demand a fair share of the wealth they have helped to create.

☐ 1845

As they demand a secure future for themselves and their families, as they demand a decent environment to live and work in.

Mr. Speaker, I hope and pray not to see that. I have seen it in my youth, and I recall to this day the bitterness and the anger and how the scars remained for at least some generations there. True, the Lord has been kind and has preserved me to witness the emergence from those dreary days, but I am fearful, I must confess.

I am never one to have been governed by fear. Fear, I think, is the big enemy all along. I have always tried to act not in reaction to fear, but with as detached and as cool as possible a judgment would enable me to see.

Those who think they saw agitation in the civil rights struggle, those who think they saw unrest during the Vietnam period, did not live through the squalid and violent times through the 1930's as I have, when the Army drove squatters from the Washington areas here with violence, when States tried to keep America from crossing their borders to find work, and when people did not hesitate to fight and die for the right to unionize, or even to protest.

I would not want to see the kind of deprivation that causes that, not again, when there is no need. God has blessed us. We must deserve that blessing too, and make sure that we have wisely and charitably and with consideration made use of this gift of plenty.

Mr. Speaker, if we are to avoid repeating history, I say to my colleagues, we must all listen better. We must all show compassion, and we must all show more concern for ordinary people than I have seen thus far this year, or indeed in recent years. Most of all, we must have a passion for justice that I see as almost entirely missing from this body today. A passion, a passion for justice, not just a desire or a hope, but a passion for justice. An unquieted, uninterrupted passion for justice. I have not seen it, unfortunately, not lately.

To those I say that the American people have never lost their thirst and passion for justice. It is there. They are crying out for it, maybe in a temporary wilderness, maybe not, and sooner or later, one way or the other, they will be heard.

LOOKING BACK TO VIETNAM

The SPEAKER pro tempore (Mr. CRAPO). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. DORNAN] is recognized for 60 minutes as the designee of the majority leader.

Mr. DORNAN. Thank you, Mr. Speaker. Obviously, I am going to be the last speaker, and most of our colleagues are in automobiles and airplanes heading back to their districts across the country. I will be shortly myself back on the trail. I want to be respectful of our hard-working reporters of official debate. They are understaffed by three people at the end of the week, and this has been a particularly arduous week for them. They can begin a well-deserved rest after they put in the several, more than several hours compiling all of the records today at the end of the day.

So I do not intend to take the hour. I had thought I was going first. Next week is going to be more hectic than this week, and the week after that, before we take our August break, is going to be one rapidly-moving treadmill. But I have something that I must get out to the American people through C–SPAN. There are not many folks in the gallery tonight, and I want this on the record. I will send the written RECORD to people. But it is important.

As with most of my presentations, I will put a bit more energy into it to hold onto my audience than the two preceding presentations. You always like to have a good lead-in with a lot of energy and an exciting topic so you do not lose the C–SPAN audience to the evening news, which is filled with more terror and modern American controversy.

I have promised people in all 50 States, as I have been out there on the campaign trail, that I will do something about McNamara, Robert Strange McNamara's insulting book, cruel book, ripping open the wounds of Vietnam, rending the hearts of now aging mothers and dads and beautiful young widows that are now in middle age with grown up children, and children who were toddlers that are not in their thirties, early forties, late twenties, with families of their own who are still trying to find answers for the agony of Vietnam. Both POW/missing-in-action groups are in town, the League of Families and the Alliance of Families of our missing. I made promises to them.

I believe that of all people to end up in the White House, William Jefferson Blythe Clinton was the last human being of all the 42 Presidents, or anybody who has ever run for President, to normalize relations with war criminals in Hanoi who broke every single paragraph and line, who violated every letter of the spirit and the intent of the Paris peace accords worked out between Le Duc Tho, war criminal, and Henry Kissinger, never described as naive, but certainly naive in this case; they violated all of it. The Communist rulers in Hanoi today, and we see other Members of the other Chamber, the United States Senate, going over there on John F. Kennedy's funeral airplane, literally Kennedy's Air Force One that brought his broken body home from Dallas, the very plane that Lyndon Baines Johnson became President on, the 36th President of the United States, sworn in on that airplane.

That airplane, on a nonbipartisan trip, all members of one party, all of them liberals, all of them with $12.50 of per diem in their pockets, on their way to Hanoi and Saigon to congratulate the war criminals for their victory over at least three of the dominoes, South Vietnam, Cambodia, and Laos.

Mr. Speaker, I have been doing a lot of thinking about my last two special orders where I said I had made an historical statement on this floor, and that I was going to stand by it. My words were taken down, my speaking privileges were removed for the day. I could have appealed the ruling of the Chair. In retrospect, I thought it would have been an easy party line victory that was an historical statement that I used against Mr. Clinton.

I have rethought it, and I said I would do it again on the floor, and I probably will not. There are many ways to discuss history without using words and trying to understand why decent men who are parliamentarians found three simple words worthy of being stricken from the RECORD.

Let me approach this gingerly. Here is the U.S. Constitution. A handful of us carry it around with us almost every day, try to have it every day. Here is article 3, section 3. It gives the definition of treason against the United States.

When the Constitution was written, the United States were always spoken of in plural. As any historian will tell you, this ended with the Civil War where we became truly one union, one entity. So I will explain this as I read section 3, article 3. It said, Treason against the United States shall consist only in levying war against them. "Them" means the plural of the handful of States that existed then, the 13 agricultural Colonies of the original United States. It shall consist only in levying war, and war is capitalized, against them. Or, in adhering to their, all 13 States, Enemies, with a capital E, giving them Aid, with a capital A, a simple word, and Comfort, with a capital C.

So there is where the term came from. Aid and Comfort, capital A, capital C, and adhering to their enemies, plural. New sentence: No person shall be convicted of treason unless, on the testimony, for some reason testimony is capitalized, of two witnesses, witnesses capitalized, to the same overt act, two witnesses to an overt act, of giving aid and comfort to enemies, or a confession in open court.

Now, this says, the Congress shall have power to declare the punishment of treason, but no retainer of treason shall work, corruption of blood or forfeiture, except during the life of the person attained. A rather archaic 1787 language.

Now, because of those words, to put those three words together, enemy in any juxtaposition with two very simple words we use all the time in medicine, giving aid or giving comfort, it constitutes an inference of treason. I never intended to give that inference on the day after the State of the Union, and I have never even applied it to Jane Fonda, because without a declaration of war, which we had in neither Korea or the Vietnam war, we were in the peculiar position of seeing Americans do whatever they felt like to demoralize our troops in the field who were shedding blood, or to assist a Communist cause anywhere in the world and describe it as a nationalist cause, and many people felt that.

With the emergence of McNamara's book, an arrogant and self-serving a piece of writing, and not very good quality writing, at that, and Clinton, in answer to a CNN reporter, Wolf Blitzer by name, that this gave him vindication for what he did overseas during the Vietnam war, it is a stunning offense and hurt to everybody who lost a loved one in the decade of Vietnam's bloodshedding or anyone who is in a wheelchair today, or left a limb behind in Vietnam, or saw a young boyhood friend blown to pieces or die slowly in their arms.

Mr. Speaker, I have several books here that I want to recommend for Americans to read if they think they are qualified to debate me on this subject of our Commander in Chief or Vietnam.

□ 1900

When I was in Des Moines, IA, last March, a Vietnam veteran gave me this book, "Working-Class War," by Christian J.G. Appe, subtitle: American Combat Soldiers in Vietnam. It is a perfect historical piece to describe that Vietnam was fought by working-class kids, the sons, and in the case of the 80 females' names on the wall, Army nurses, almost every one of them, that it was a war where the middle class of America gave up their sons; very few, very few from the Ivy League schools.

The best and the brightest, I believe, were the ROTC students, the graduates of West Point, Annapolis, and the Air Force Academy of Colorado Springs who, by the very volunteer nature of their going to the academies to get a commission, or the ROTC, or the OCS, that they were the best and brightest, standing up to communism in that period.

What triggered my thought response to Mr. Clinton was his reference in the State of the Union, with the Medal of Honor winner sitting up here, who had won the Medal of Honor 6 days past his 17th birthday in the battle of Iwo Jima, he made reference to the cold war, that we have won the cold war. When somebody says "we," they are including themselves in that process.

I cannot think of a single, solitary effort in his entire life that Mr. Clinton gave or performed to have added to the success of what President John F. Kennedy called the long twilight struggle against communism. There are other Members in this Chamber and in the Senate who I do not believe lifted a tiny pinkie in their entire lives to contribute one scintilla of effort to winning that cold war. There are those who never wore the uniform, voted for a strong defense budget, or gave support to our men in uniform; verbally, town hall meetings, with just nothing much more than respect.

There are women, of course, who have never been subject to a draft in this country, mothers who gave their sons, sisters who saw their brothers go off and supported them, wrote to them, kept their morale up, and there are people who are 4-F, God's call, who worked in the defense industry, gave money, or paid their taxes willingly. You can come down a long thermometer of effort to find some tiny contribution, but there are Members of this Chamber and the other body, and Mr. Clinton, who did nothing. If you did nothing, that is better than contributing to the other side.

Mr. Speaker, here is McNamara's ugly, hurtful, self-serving book called "In Retrospect." Let me put something in retrospect. When you read this book, you learn what has stunned me for years, that Mr. McNamara resigned after 7 years in the position of Secretary of Defense, the architect of this war, almost the sole architect, as President Johnson never, ever had a feel for military affairs.

In spite of the fact that he wore a Silver Star to his grave, he did not earn that Silver Star. The B-26 Martin Marauder that he was on on a mission for Sam Rayburn as a Congressman on a leave of duty to be a lieutenant commander, starting at the top is nice, in the U.S. Navy, to bring back some firsthand information for Speaker Sam Rayburn, the aircraft that he was on by name the Harried Hare, H-A-R-E, turned back with a generator problem before it had seen any combat. It was never fired upon. The log shows 1 hour and 5 minutes, about 30 minutes out to the north coast, heading toward the north coast of New Guinea to bomb Lei, came back before it got over the Owen Stanley Mountain Range.

For that he was awarded a Silver Star by PR types in General McArthur's campaign, I am sure MacArthur never knew this, and he accepted this, knowing in his heart he had done nothing but fly a short mission that never went into combat. Even if it had, what was he doing except being hunkered down in the back of an airplane? Men have given their lives to get a Bronze Star with V for valor and have paid for it with their life or their limbs of the health of their body for the rest of their lives.

LBJ let McNamara run rampant for 7 years with this noble cause, as Ronald Reagan always referred to it and still does, and still do I, this noble cause, crippled politically in this Chamber, the other Chamber, and mainly at the White House under LBJ and under Nixon, who by his own admission, on a television show to David Frost, said "The biggest mistake I made in my career, Mr. Frost, was I did in 1972 in Vietnam what I should have done in 1969. I should have done it all in 1969 my first year in office, and maybe there would not have been killing fields in Cambodia, 1 to 2 million people dead, no 68,000 people executed by death list of our Vietnamese allies, no 100,000 or 200,000 killed in Laos, no 750,000 drowned or torn apart by sharks or human sharks called pirates on the South China seas or along the Thai or Vietnamese coast." All of that agony and grief was caused by Nixon waiting to win a second term, raw ego. But Nixon accounts for 18,000, 19,000 names on the wall.

The other 39,000 to 40,000 are LBJ's, so LBJ gave McNamara his head. McNamara resigned on leap year day, February 29, 1968. He was so clever, he thinks, although David Halberstam told me in a radio discussion with me that he does not think McNamara was very bright, and that was the key to the whole thing, in spite of his academic achievement, or his 2 months as president of Ford Motor Co., or less than 90 days, anyway.

He writes in this incredible self-serving book that in his resignation ceremony at the river entrance of the Pentagon, he was supposed to have a fly-by. Who is going to give him a fly-by? Vietnam vets, veterans of aerial combat over Southeast Asia? Maybe a Korean ace thrown in there? What were they going to use, F-100's that I flew in peacetime, or F-4 Phantoms, which were used by Marines, Navy, and Air Force? What were they going to fly for him? F-105 Thunderchiefs, that he decimated the whole 1,000-plane fleet against the hills and thud ridge of the Red River Valley of North Vietnam, so much so that the aircraft picked up a name by the pilots of "the Thud" itself, that big, beautiful long Tunderchief? Is that what was going to fly a tribute to Robert Strange McNamara—that is his mother's maiden name, by the way—it really is strange. I feel like calling him Robert Evil McNamara, as does historian Col. Harry Summers. I will call him that. I have called him that.

He resigns on the day that only pops up every 4 years, Presidential years, interestingly, February 29, 1968. Well, God rained on his parade. There was weather, no fly-by. Everybody was drenched. They went inside, and then he took his what appears to be lovely wife, Marge, and off they go to Aspen, Snow Mass at Aspen.

I took my young kids there, my two young sons, and three daughters stayed home, a month after Saigon fell, to show them millionaire Robert Strange McNamara's home on the ski run at Snow Mass at Aspen, and it was an energy crisis period, and there were tiki lights, burning gas lights, all around this millionaire's hideaway at Aspen.

That is where he went for all of March 1968, and Mr. Speaker, March is when our hospitals in Vietnam and Laos and in the Philippines and Trippler hospital in Hawaii were filled with more wounded than any point or month during the entire war. There were more amputees and double amputees and triple amputees and young men dying in those hospitals and dying on the air shuttle hospital planes back to Hawaii and other hospitals, more people being returned broken to their families, more names were put on that wall in the month of February and March, when he is skiing in Aspen, than any other 2-month period of the entire war.

As a matter of fact, in the first 10 days of the Tet offensive of the month he resigned, I remember the figure, it is pretty easy, 1,111 Americans killed in action. He did not want to touch it, because he was quitting that month. He had given his notice to President Johnson, who let him pick his departure date, Leap Year Day, months before.

I remember Johnson telling Walter Kronkite, in a goodbye or finale audio interview, that McNamara made a speech in Canada that we could never win the war. That is what this book is basically about, only he made that decision in 1963 before we had had any Americans—two dozen were killed in action when he decides we cannot win it, and 58,000 end up paying with their lives, and 100,000 others with broken bodies.

There is a page in here, interestingly, page 105, listen to this. I read this on the floor last week. I feel like doing it every month until I retire from here. He is in Washington, returning from Vietnam, and Kennedy is not in the grave 26 days. This is 1 day shy of Kennedy's assassination day, November 22. This is December 21, 1963. He comments on a secret program that is about to be launched bailing out courageous young South Vietnamese officers into North Vietnam. We did it all that next Spring, and every one of them was captured and tortured to death. Is that fascinating? McNamara sent all these people north to be tortured to death, young Vietnamese officers. In this whole book, he treats our Vietnamese allies in the South disgracefully, either by ignominiously dismissing them, or talking about how corrupt they are, as though the heroes are the Communists up in Hanoi.

He says, McNamara, quoting from his book directly, page 105: "Upon my return to Washington of December 21, I was less than candid when I reported to the press. Perhaps a senior government official could hardly have been more straightforward in the midst of war." He is calling it a war, and it is December, 4 days before Christmas of 1963, 2 dozen men are killed in action. That was over a 2-year period. Jim Davis, the first man killed, on this exact date, December 21 of 1961, so it is 2 years since the first man was killed and we are still under 30.

He says: "I couldn't have been more straightforward in the midst of a war. I could not fail to recognize the effect discouraging remarks might have on those we strove to support—the South Vietnamese—as well as those we sought to overcome—the Viet Cong and North Vietnamese. It is a profound, enduring, and universal ethical and moral dilemma: How, in times of war and crisis, can senior government officials be completely frank to their own people without giving aid and comfort to the enemy?"

Mr. Speaker, there is the term that got me in trouble, "aid and comfort to the enemy." He is applying that just about a Secretary of Defense at a press conference, being too candid with the press and then transmitting the truth to the American people. Let us flash forward. I will keep this little newspaper clipping at this point in McNamara's book for the rest of my life. Some great-grandchildren will remove it some day and say, "Interesting similarity."

Let us flash forward from December 21, 1963, to May 20, 1995. Here is Mr. Clinton, challenging the NRA to donate the proceeds of that controversial letter that was stupidly and offensively written about bucket helmets and jackboots, when it should have merely been written combat helmets and combat boots.

Why were we using M-1 tanks, two of them, M-2 Bradley fighting vehicles, 4 of them, they wanted 14 to assault the compound of a religious cult that was accumulating weapons and seducing young children, children as young as 10, but the women were obviously hostage prisoners, and there were 24 little babies left in there when 51 days later they hit it again, but obviously it was in violation of posse comitatus to use tanks that were not available to Mogadishu 6 months later, let alone all these Bradley fighting vehicles that could have blown through simply-made roadblocks, that caused Rangers to bleed to death all night because we did not have one Bradley or one Abrahms tank 6 months later, 5½ months later in Mogadishu.

Here is the article in the liberal Washington Post, by Ann Devry, and the title again: "Clinton Challenges NRA to Donate Letter Proceeds." Listen to this. He says, "The money should be given over," which is an interesting point, because they, the NRA, made the money by attacking the police. They admitted they did the wrong thing, the NRA, and they ought to give the money up. Interesting, Clinton, who has fought the antigun control forces of the NRA through his Presidency, added "I hope the NRA knows by now that anyone who pretends that police officers are the enemy is only giving aid and comfort to criminals, who are the real enemy."

□ 1915

So Clinton likes that term now, aid and comfort to the enemy, the enemy being criminals, if you are criticizing police officers. So, I wonder does he think, it seems to be a Democratic theme at the hearings that two of our subcommittees have joined together to have and that they are having on the Senate side about this atrocity at Waco, and then we will get around to the atrocity, even worse, because of greater loss of life at Oklahoma City. But does Clinton think our hearings are giving aid and comfort to criminals in the street?

Is everybody who belongs to the NRA a criminal for wanting to own, under the Second Amendment, for their own self-defense weapons? Because, as I said in that same speech where four or five of my words were removed, the Second Amendment has nothing to do with hunting. It is not about hunting; hunting mallard ducks or bears or stags or anything. It is about political freedom.

As I said, it is about situations like Grozny in Chechnya, or Bosnia. I did not mention Bosnia, but I did mention 1776. Somebody has to dissect this McNamara book that so cavalierly uses this term from article III, section 3 of the Constitution about aid and comfort.

Now, I took off our computer screen in our office's WordPerfect thesaurus, it is the computer thesaurus on all of our word processors, to look for synonyms for "aid" and "comfort." And I got Roget's II Thesaurus, and I decided never again would I use that term, even about Jane Fonda or even about people who, like Tom Hayden, a State senator in California, in violation of our State Constitution, which is far more specific than our beautiful Federal Constitution, because it does not say that you need a declaration of war.

It says anybody that assists or gives aid and comfort to any fighting force in conflict with our men must never be allowed to serve in office in California. And I went there the day years ago when we almost threw Hayden out as an assemblyman. The vote was 36 to 33; 11 people did not have the guts to show up for the vote.

Now, he is in the State senate, serving against our Constitution. Again, somebody who gave aid and comfort to Hanoi. And, unfortunately, we only have 17 Republicans. If he were in the assembly today, he would be thrown out by our California Constitution.

So if you take "aid" and look for a synonym, in Roget's II Thesaurus it says "help." That is a verb. Or a noun: "help" or "helper."

For "comfort," verb. "Console, solace, soothe, relieve." Noun: "consolation, solace." Synonym for enemy: Simple, "opponent, foe." It did not even have "adversary"; that is too neutral.

You come down to our computer thesauruses, Mr. Speaker, on your own office word offices, to get rid of that word, "aid." You can use "aid, abet, assist, succor, sustain." There is a good word. If you need a noun, which is the way I used it, "assistance, relief, support, comfort, assistant, attendant supporter."

If you are looking for another word for "comfort," which the word computer uses perfectly as a synonym for "aid," you could use "cheer, console, reassure, soothe." If a noun is needed, "consolation, solace, succor, contentment, abundance, luxury." It goes off the point here.

"Enemy," they use in the thesaurus, "adversary, antagonist, betrayer, foe." A song I learned to sing at 8 years of age: "Let's remember Pearl Harbor as we did the Alamo, let's remember Pearl Harbor as we go to meet the foe." In that case, Japan and Germany and Italy. "Nemesis, opponent, rival."

So if I want to talk about Jane Fonda going to Moscow, which she did on the way to Hanoi and on other trips, of course, coming back from Hanoi, if I want to talk about Jane Fonda going to Moscow or Beijing, which she did later when she decided that Russia was not nice to her when she was making Doll House. The unions abused her when she was making the Ibsen movie, I do not think anybody ever saw it in Moscow studios. She decided China was the place of the future, Beijing. She didn't like that much either. She is used to a millionaire lifestyle.

But suppose we said Jane Fonda went to Moscow to help the foe in Hanoi; to sustain the communist forces in Hanoi; to give them assistance and to support. Suppose we said Jane Fonda went to Moscow to sustain and support, to give cheer and to reassure the foe of our fighting forces in Vietnam.

Now, of course she sat in a gun pit. She made radio broadcasts. And when our POWs were released in 1973, and the issue was still in doubt as to whether South Vietnam would prevail as a democracy with 44 newspapers in Saigon, of course there is one now, a communist rag, she called our colleague, PETE PETERSON, on that side of the aisle, and SAM JOHNSON on this side of the aisle, and Senator MCCAIN, on the Republican majority side in the Senate, she called them liars, professional killers, and hypocrites.

If you are scratching your head, Mr. Speaker, colleagues or Americans watching the proceedings, by hypocrite, she meant how could they fight in a war and then, if they were tortured, not expect to be tortured. She knows nothing about the Geneva Convention, so that is hypocritical.

When Bill Clinton went to Moscow, and here is a book I recommend: Clinton Confidential, a Climb to Power, by George Carposi. He and I have chatted on the phone. He wants to show me his research on page 64 to explain this paragraph, and it answers the question that Congressman JOHNSON, Congressman HUNTER, Congressman DORNAN and Congressman CUNNINGHAM, the three of us from California, SAM from Texas, could not get answered on this House floor in September and October. Nobody would phone in this information to our offices, and we were each taking over a thousand calls a day: Why did Clinton go to Moscow for only 2½ days at 27 degrees below zero, 10 inches of snow cover.

And I am at the airport with four wives of missing-in-action heroes, one Marine, three Air Force, and we are under arrest. And Ross Perot is cooling his heels in Denmark, at 40 years of age, a billionaire with a 707 filled with food and medicine for the POWs delayed from Christmas. Came all the way around the world, across the Pacific, Vientiane, Laos, down through India, up through Europe and into Copenhagen waiting for clearance as the Russians promised in the Russian embassy, for him to fly it in, even without him on the airplane, even with a Russian crew, to go to Moscow where they would go fly it back to Hanoi.

He never got into Moscow. I was kicked out of the airport. Four of us out of five, including me, coming down with pneumonia, because there was no heating in the old hotel where they locked us up.

What was Clinton doing? Broke. No money. Freezing cold. And he arrived all by himself on New Year's eve with no money. Here is the answer, page 64: Clinton's activities in Moscow remain a mystery in full. He has never discussed with the media ever, ever, Mr. Speaker, to this day, either that trip or his travel to at least one other known defector country, Norway. The defector from NATO, as far as our effort in Vietnam is concerned. However, one phase of his short visit to Moscow has been ascertained.

Clinton attended the January 2, so-called peace rally and banquet held in the National Hotel's ballroom. That is where he was put up, for free, I guess. That had as guest of honor, U.S. Senator Eugene McCarthy, the Minnesota Democrat that was defeated in 1968 by Vice President Humphrey.

There are no other details of Clinton's trip to Moscow, which presumably ended when he boarded another Aeroflot jet, he came down by train from Leningrad, just the next day and the plane took him to Prague, where he stayed for 4 days.

Now, Moscow was far more interesting in that period than Prague, but he stayed for 4 days with an Oxford classmate, Jan Kapold, and that family. Jan's grandmother and I discussed this with a Czechoslovakian gentleman at this hall today. I had forgotten her name and he knew it right off of the top of his head. The woman whose party threw Jan Masaryk, the Czech hero during World War II, out of the window and called it a suicide.

Jan, one of his classmates at Oxford, her grandmother was Maria Smernova. Not even a Czech. She was a Rumanian, I found out from this gentleman. And this author, George Carposi of this book, Clinton Confidential, went up to the Czechoslovakian consulate in New York and found out that she was truly the founder of the Communist party in Czechoslovakia just after World War II. The murderers of Jan Masaryk.

And she was its first president, a position she still held when Clinton stayed with them in Prague in 1970. And the book gets more interesting than that on every level; Whitewater, personal life, everything.

Mr. Speaker, that is the sixth book that had come out last year. And if people want to check with me about why I wear a Clinton countdown watch that shows 473 days until a glorious election, I hope, November 5, 1996, when the Grand Old Party controls, hopefully, again this distinguished body of parliamentarians and the House of Lords, as I lovingly call the U.S. Senate.

If we can control the White House and sync up those three bodies of power, maybe we can begin to roll back $5 trillion worth of debt that has been heaped on my nine grandchildren and my five grown children and my Sally and me and we have a 10th grandchild well on the way. Maybe we can do that.

But to do it, we cannot do this with kid gloves, as my Navy-attack, torpedo-bomber-pilot, 58-combat-mission friend George Bush tried to do. We have to take the gloves off. Honorably, Marquess of Queensbury debate rules, looking for the proper synonyms of "sustenance" and "solace" and "comfort" and "sustaining" and find other words for Hanoi than the word I, unfortunately, used. Use "foe," "adversary," "Communist killer," "war criminal"; a lot of other ways to describe this.

And you are going to have to read some other books if you want to be one step ahead of me. I have not found one Congressman or Senator yet who has read The Rise of Bill Clinton, that is the subtitle, On The Make, by Meridith Oakley.

This book is by a young female reporter who is shown here with Bill Clinton as the attorney general back in 1978; a picture with young Meridith Oakley who followed his entire career. That came out less than 2 years ago.

And then it was followed by Bob Woodward's book, "The Agenda." How many Congressmen and Senators have read this? Look at this fascinating confrontation on page 287. Senator BOB KERRY, medal of honor winner, arguing with Clinton over the greatest tax increase in the history of civilization. In all of recorded history, nothing has been as massive as the Democratic-engineered tax increase of the summer of 1993. Not a single Republican on this side of the aisle, or in the other body, voted for it.

KERRY does not want to vote for it, the Medal of Honor winner who left a leg on an island in Vietnam. Clinton pleads with KERRY that he needs his vote. "My presidency is going to go down now," he said sharply, by now shouting at the top of his voice. KERRY comes back, "I do not like the argument that I am bringing the presidency down."

Hey, this is by a Pulitzer Prize winner. Maybe commander and hero of advocacy journalism, Bob Woodward. His name is as big as the title on the book. In the paperback it says "Bob Woodward's The Agenda." He is a hot author.

He has Kerry saying, "I don't like the argument that I am bringing the presidency down," he shouted back getting fed up. Clinton shouted that the defeat would do precisely that. KERRY could not flee from his responsibility.

By the way, Mr. Speaker, KERRY eventually voted for the big tax increase, but he extracted a good price; the commission that our colleague, CHRIS COX was on that JUDD GREGG of New Hampshire cochaired, where KERRY and JUDD GREGG, two U.S. Senators said, in 20 years there will only be three lines in the U.S. budget: interest on the debt, Social Security, and Medicare. No Coast Guard lighthouses, no Marine Corps, no tower operators, crime running wild in the streets. Just three items. KERRY extracted that from him.

Clinton shouts "You are going to wreck my presidency." And KERRY says, bottom of page 287, The Agenda, "I really resent the argument that somehow I am responsible for your presidency surviving," KERRY bellowed, is the word Bob Woodward chose.

Clinton comes back. The ultimate four-letter word, there are pages in the Chamber, the ultimate four-letter word followed by the pronoun "you," Clinton yelled. Turn page. When I read this book I cold not hardly move fast enough to see if what KERRY's rejoinder was; whether he was going to echo the President. He did not.

KERRY felt he always tried to be respectful of the Commander in Chief, but he also wanted to defend himself and he continued shouting back. Clinton pressed on two themes. He had to have KERRY's vote. "I need it," he said at one point plaintively. "I need it." He also said that if KERRY denied him the vote, KERRY would wreak national havoc.

"I've got the responsibility for me," KERRY replied. Now he is not shouting. "I have got my vote. My vote matters. I vote based upon what I believe is right always have. I don't particularly on big issues like this, like to shave it and so that's where it is." "Fine," said Clinton brusquely. "Okay. If that's what you want to do, go do it." Both crushed their phones down.

□ 1930

Interesting verb. Crushed their phones down. Clinton was irate, turned to his advisers after the conversation and said, "It is going to be a no." No was a yes. Got to read the Agenda. This is the one that talks about purple rages, lava flowing from the top of his head, the Commander-in-Chief treating George Stephanopolous like an abused wife. Book two, Agenda.

Then out came—let me get these two straight now. Yes, inside the White House, Ronald Kessler, seen him do several interviews, best-selling author of the FBI and inside the CIA. Subtitle: The Hidden Lives of the Modern Presidents and the Secrets of the World's Most Powerful Institution.

It was the revelations of the Kennedys that sold the book. And Inside the White House, the cooks talk, the butlers talk, the Secret Service talks, the hired help talk. And what the revelation says is what the British would call is all about unseemly speech in front of the hired help and explosions and domestic quarrels. Book three.

Book four. Young picture of handsome Bill Clinton looking for all the world like Mickey Rooney with a lot of hair, honest, open, innocent face, looks like a Dornan in a way. Biography of Bill Clinton, first in his class. And it does not mean that he graduated first in grade school, high school, college. It means he was first of the baby boomers to achieve such raw naked power.

Another winner of a Pulitzer Prize, David Moraniss, M-O-R-A-N-I-S-S. I ought to give the publishers on these.

On the Make, Regnery; Bob Woodward, Simon and Shuster; Inside the White House, Pocketbooks; First in His Class, back to Simon and Shuster again.

Seen a lot of interviews with this man. This was serialized for 4 days, 3 or 4 days in the liberal Washington Post. Fascinating book. Read this and you will understand why there is chaos in our country and why every other week Clinton alternates in a race back to the center or back to his liberal core of beliefs.

And in between all of this, Mr. Speaker, and my colleagues, if you read this book, POW, written in our bicentennial year or written for over a 3-year period, researched over 5 or 6, published in 1976 by John G. Hubell, H-U-B-E-L-L, association with Andrew Jones, and Kenneth Tomlinson, this book, POW, will tell you about why the Vietnamese are war criminals.

You will read lines like this from one-term Senator Jerry Denton, a more honorable and decent man I have never served with at either Chamber. He was so tortured, the white heat coursing through his body, the white, red-hot pain, that he was sure his spine would snap. Jerry had never known pain to equal this.

SAM JOHNSON, the same. Do not understand that you could suffer such pain and not lose consciousness. Stockdale, same thing. Robby Reisner, same thing.

And these men, the ones that are most tortured, the ones that won the Medal of Honor, the Medal of Honor with valor written across it, the only word on the Medal of Honor, by sustaining unbelievable torture so as not to make a broadcast, they begged William Jefferson Blythe Clinton, do not normalize relations with the war criminals.

I came across a quote from Senator Denton the other day. They are all—all the POWs are going to have a reunion in Annapolis this weekend. I was going to go up there, and then I talked to one, and they said, "We are really just going to have a few beers and share some good memories and some awful memories." And they said, "We would love to have you, but no politics." And I decided, no, that is their moment. This is just that incredible band of brothers that suffered so under the war criminals that are now laughing in our face in Hanoi.

If you read this working-class war, read POW, you do not have to read such else about Vietnam.

This week coming up, we will dedicate the Korean War Memorial, the war that I joined at 19 and was mercifully on my to pilot training when it ended so I never had to shoot at another mother's son or end up broken or a POW.

My dad always told me about World War I. His prayer was, "Take me to heaven, Lord, but don't burn me and don't cripple me." And his prayers were answered, although he had three wounds, two of them for poison gas.

I was raised in a military family. I understand what sacrifice is all about. The brave die but once, cowards die a thousand times.

And those that did not understand that this cold war was exactly what Kennedy called it, a twilight struggle against what Pope Pius the 11th called the intrinsic horrible evil of communism, those who did not want to join any noble cause or any part of that struggle against communism, they can laugh themselves all the way to Hanoi and back, all the way to Havana and back, all the way to Moscow and back, all the way to Beijing and back, but they still in the end have to live with themselves and their delusions that we were the imperialist interventionist, evil bad guys, we were the enemy of Vietnam.

I remember that Pogo line being thrown in my face by college, smart-ass punks saying, we have met the enemy, the enemy is us, we are the evil ones. Ho Chi Minh is George Washington. He is the arrow. I can hear Clinton repeating all of that at the teaching he did at London while he was giving a class at Oxford. On the way back, he told them, "Get lost. I can do anything I want."

Senator McCAIN told about the war, and I have got to rake JOHN over the coals for that, that normalization was a 48 Hours story. No, Senator, it is not a 48 Hours story.

The Committee on Rules gave us our day in court today. We will have a debate on this floor about no money going toward setting up a U.S. embassy in an enemy-foe-adversary-opponent capital where the war criminals, those who actually got the blood of our men on their hands, lieutenant colonels and the majors, they are now the ones that are the colonels and the generals in the political military/political leaders.

The war criminals have taken over, the ones that are not dead that are older, like General Giap who sent 13- and 12-year-olds into battle to die, who had a thousand people, most of them civilians, executed along the Pearl River during McNamara's cowardly bug-out month, during February 1968, 5,000 people executed. That was under Giap's order.

Giap is the one who sent hundreds of thousands of young peasant children to die against B-52s that McNamara was using improperly in this 7 years of his crime.

I had a major, Army major, he is now a U.S. Congressman from Indiana, come up to me and say, Mr. Chairman, he is on my personnel committee, why can we not subpoena Kissinger and Eagleburger and current Secretary Winston Lord to tell us why everything went wrong with the Paris Peace Accords, why we never got a single live prisoner back from Laos, not one? A couple before the war really spooled up who escaped, and one after in 1974, but who—civilian was shot down after the war was won. It was over in Vietnam. Why did we not get back 399 men shot down in Laos?

And I said, you know, it is a simple idea. I said, we should have Kissinger. We will not have to subpoena him. He is a good man. He will come. So will Larry Eagleburer. I know Larry. So will Winston Lord. He did not come this time, but he will next time. He knows I am ready to subpoena anybody who does not want to come and face up to this ugly book of McNamara's.

Then STEVE BUYER came to me, Congressman BUYER of Indiana, just a few days ago. He wrote me a letter. He says:

> "Why can't we subpoena Robert Strange McNamara to come before the full National Security Committee and answer for this book? Why can't he help us write laws so that no Defense Secretary or no President ever again will allow American fighting men to be called 'detained by a hostile power' instead of 'prisoners,' why he will allow our people to be treated as criminals and air pirates instead of respectful fighting men following the orders of their country?"

You notice, Mr. Speaker, we never called Scott O'Grady a prisoner of war for the 6 days he was missing. We did not hardly have a title for him. They gagged on the words "detained by hostile power." They did not know what to call it. Was it a hostage?

What penalty have the Bosnian Serbs paid for destroying a $125 million piece of American equipment and trying to kill one of our officers? Nothing.

Instead, we are starting to put men in there with a man who avoided serving his country three times and the last time had an induction date of July 28, 1969, politically suppressed, reversed, obliterated, and mauled by a Governor, Senator Fulbright, by the draft board and by completely deviously telling the commander of the ROTC at Arkansas that he fully intended to join the ROTC unit, which obviously he did not, was already making plans to go back to Oxford and set up demonstrations on October 15, on October—and November 15.

Remember that it was Hanoi who called Clinton's organized November 15, 1969, demonstrations the fall offensive. That was a Communist title from the foe in Hanoi. The adversary, opponent, the killers of our Americans, the foe of the Hanoi called it the fall offensive and Clinton was part of the fall offensive. Sympathetic, coordinated demonstrations against the United States of America in Stockholm, Oslo, Helsinki, he visited all those capitals within days, in Moscow, London, Paris, New York, Washington, D.C., and I think in Atlanta, I know in L.A., San Francisco, and I know in Chicago, all coordinated worldwide.

I have just had an intelligence officer write to me that the Communists in Hanoi were obsessed with their image synching because Jeremiah Denton, POW, some day to become a U.S. Senator from Alabama, had tapped out with his eyelashes the words torture.

And then Bob Frischman came back. I met with him after he had been debriefed, had no elbow, saw his picture in prison holding up his arms, one arm with no elbow, let his wounds heal improperly. He was released early for some public relations reason. And Bob Frischman came back and told the horror stories of torture.

I do not know why my friend, Melvin Laird, served here for almost three decades, maybe more than that, he was Secretary of Defense under Richard Nixon, replacing Clark Clifford's 1-year tenure who replaced McNamara after McNamara's 7. He went through the 7 days of January, 1969, all of February, all of March, all of April, and all of June.

I was dying during this period because I knew what was going on in Hanoi. On July 10, 1969, Mel Laird had a massive press conference at the Pentagon, full world-court press, and said, "Our men are being tortured in Hanoi, some to death."

The story built through August, September, October, November, December, January, February, and this intelligence officer is sending me intercepts that he had in Tan Son Nhut.

Monday, I toured the NSA for 4 or 5 hours, National Security Agency. That is where we listen to everything around the whole world. NSA was as big then as it is now. They were listening to all the communist traffic that they were obsessed with, covering the torture stories. And did they find a hero in a Hill staffer who served in this House and has now gone to the Senate? They sure did. He went down with a Government camera, Government film that he later sold to Life Magazine and took pictures of the so-called tiger cages on Con Son Island, 125 miles southeast of Saigon and said, "Well, we are brutalizing them." They had their story.

Life Magazine published these purloined Government pictures, and that story began to go around the world feeding people like Jane Fonda. At that time, she was still going to orgies with Roger Vadim in Paris, but it ricocheted around the world that oh, my God, the Americans are torturing people just like the Vietnamese, so they are all hypocrites. One story cancels out the other.

PHIL CRANE told me this week that as a freshman Congressman he was in Taiwan on a fact-finding trip by himself. He got a call from Saigon, headquarters at Tan Son Nhut. Come on down here, Congressman, and we will send you out to the Con Son tiger cages to show you that they have been cleverly photographed, and they are not the brutal places of imprisonment used to counter the stories of our men, truthful stories of being tortured and beaten to death.

And PHIL CRANE told me he will get the pictures for me, that he brought them to the House floor here all blown up, late 1970s showed them. Said he will give them free to any of the press but not to Life Magazine.

☐ 1945

Some people published them as a big story in "Human Events" they are sending me Monday, and PHIL CRANE did his best as a freshman Congressman to try to counter the damage done to our fighting men in prison in Hanoi by the efforts to say that we did to them what they were doing to our men, and it just was not true.

I will never forget Jane Fonda when we returned the North Vietnamese and Viet Cong prisoners across the divide on the DMZ, the 17th parallel. Jane Fonda said, "Well, you notice that all of these men are on crutches, and they're amputees, and none of our prisoners have a single amputation because they killed everybody or allowed them to die if they lost an arm or a leg." We patched up the North Vietnamese prisoners. That was obvious to a premed student, to a high school or grade school kid, that people survived our captivity with arms and legs gone, but not a single American came home with a limb missing or in bad mental state. If an American lost his sanity in prison, Irkle Beale, J.J. Connell, they were taken off and either murdered or allowed to die. Some of their remains have come home, and some of their remains have not come home.

So, if anybody out there across America wants to discuss this with me, they have got a lot of reading to do. It is fascinating reading. It is current history. It is current events. It will give you an understanding and a feel for the men and women who wear the uniform, not just in our military services, but in the Coast Guard and in all of our law enforcement agencies, marshals, sheriffs, deputy sheriffs, cops up and down the line in all cities, American towns, and villages, and hamlets, people who will give their life not just for your life, but for your property.

Read this material, and you will understand why BOB DORNAN is sometimes aggressive, sometimes passionate, always dedicated, and always wanting to keep my eye focused on changing the leadership at the top to sync up with the worthy people up and down the chain of command like the 19 men who died in Mogadishu on October 3, 4, and 6, 1993, deaths that I predicted on this House floor in September and October of 1992, that I said would happen if we put someone into the White House who did not understand this dangerous world we live in.

I wanted to speak shorter than this, and I apologize to the official reporters, but obviously to this American this is very, very important, and I would point out, Mr. Speaker, and those that try to keep some modicum of civility here on this House floor, that I did not mention a book called "Passion and Betrayal," which was the sixth book called "Passion and Betrayal," which was the sixth book to come out in the past 18 months because I believe that book should be called "Lust and I Got Just What I Deserved" because you cannot make a credible case with a bimbo against somebody who traffics in that kind of person.

So I do not recommend reading what the Washington Post recommended people read because they said it was the first long-awaited Presidential pornography and it is about time was the reviewers smart-aleck attitude in recommending that dumb book. Do not waste time. Do not look for articles in Playboy or Penthouse, although somebody told me there is even a factual article in Penthouse last month and the month before, that you really can get away with saying you read the articles. Do not do that. Read these five books. Read the McNamara book. Try to get it from a library. Do not give him any money. And read "Working Class War," and you will understand why some of us are passionate, and it is not a 48-hour story.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. GOODLING (at the request of Mr. ARMEY), for July 20 after 6 p.m. and for today, on account of illness.

Mr. DREIER at the request of Mr. ARMEY), for today, on account of personal reasons.

Mr. CRANE (at the request of Mr. ARMEY), for today, on account of illness in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. SCHROEDER) to revise and extend their remarks and include extraneous material:)

Mr. OWENS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mrs. SCHROEDER) and to include extraneous matter:)

Mr. CONYERS.
Mr. JACOBS.
Mr. SERRANO.
Mr. JOHNSON of South Dakota.
Ms. HARMAN.
Mr. MCNULTY.
Mr. NADLER.
Mr. LIPINSKI.
Ms. NORTON, in two instances.
Mr. MILLER of California.
Mrs. MALONEY.
Mr. COLEMAN.
Ms. JACKSON-LEE.
Mr. RICHARDSON.

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. CRANE.
Mr. GOODLING.
Mr. BLUTE.
Mrs. ROUKEMA.
Mr. COOLEY.
Mr. GILMAN.
Mr. FRANKS of New Jersey.
Mr. PACKARD.

ENROLLED BILLS SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was signed by the Speaker:

H.R. 1944. An act making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

ADJOURNMENT

Mr. DORNAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 50 minutes p.m.), under its previous order, the House adjourned until Monday, July 24, 1995, at 10:30 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1238. A communication from the President of the United States, transmitting his request to make available appropriations totaling $100,000,000 in budget authority for the Department of Health and Human Services for the Low Income Home Energy Assistance Program and to designate the amount made available as an emergency requirement pursuant to section 251(a)(2)(D)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985, as amended, pursuant to the provisions of Public Law 103-333 (H. Doc. No. 104-102); to the Committee on Appropriations and ordered to be printed.

1239. A letter from the Director, Office of Management and Budget, Director, Congressional Budget Office, transmitting a joint report pursuant to section 329 of the Riegle Community Development and Regulatory Improvement Act of 1994; to the Committee on Banking and Financial Services.

1240. A letter from the Chairman, Nuclear Regulatory Commission, transmitting a report on abnormal occurrences at licensed nuclear facilities for the first quarter of calendar year 1995, pursuant to 42 U.S.C. 5848; to the Committee on Commerce.

1241. A letter from the Director, Defense Security Assistance Agency, transmitting a copy of Transmittal No. E-95 which relates to enhancements or upgrades from the level of sensitivity of technology or capability described in section 36(b)(1) AECA certification 91-19 of May 25, 1991, pursuant to 22 U.S.C. 2776(b)(5); to the Committee on International Relations.

1242. A letter from the Archivist of the United States, National Archives and Records Administration, transmitting notification to Congress that Floyd B. Justice, the inspector general of the National Archives and Records Administration, has accepted a position with the Department of State's Office of Inspector General, pursuant to Public Law 95-452, sec. 8E(e) (102 Stat. 2524); to the Committee on Government Reform and Oversight.

1243. A letter from the Deputy Executive Director, Reserve Officers Association of the United States, transmitting a copy of the report of audit for the year ending March 31, 1995 of the association's accounts, pursuant to 36 U.S.C. 1101(41) and 1103; to the Committee on the Judiciary.

1244. A letter from the Administrator, Federal Aviation Administration, transmitting the Administration's report on a study on reflectorization of taxiway and runway markers, pursuant to Public Law 102-581, section 126(b) (106 Stat. 4885); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows;

Mr. McINNIS: Committee on Rules. House Resolution 197. Resolution providing for the consideration of the bill (H.R. 70) to permit exports of certain domestically produced crude oil, and for other purposes (Rept. 104–198). Referred to the House Calendar.

Mr. WALKER: Committee on Science. H.R. 1814. A bill to authorize appropriations for environmental research, development, and demonstration activities of the Environmental Protection Agency for fiscal year 1996, and for other purposes; with an amendment (Rept. 104–199). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 198. Resolution providing for the consideration of the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–200). Referred to the House Calendar.

Mr. LEWIS of California: Committee on Appropriations. H.R. 2099. A bill making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes (Rept. 104–201). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. LUTHER (for himself, Mr. GEPHARDT, and Mr. CONDIT):

H.R. 2090. A bill to reduce the number of executive branch political appointees; to the Committee on Government Reform and Oversight.

By Mr. ANDREWS:

H.R. 2091. A bill to exclude certain veterans' compensation and pension amounts from consideration as adjusted income for purposes of determining the amount of rent paid by a family for a dwelling unit assisted under the United States Housing Act of 1937; to the Committee on Banking and Financial Services.

By Mr. BARR (for himself, Mr. MARTINEZ, Mr. HEINEMAN, Mr. SCHIFF, Mr. BERMAN, Mr. SERRANO, and Mr. BRYANT of Tennessee):

H.R. 2092. A bill to expedite State reviews of criminal records of applicants for private security officer employment, and for other purposes; to the Committee on Economic and Educational Opportunities, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHENOWETH (for herself, and Mr. CRAPO):

H.R. 2093. A bill to amend the Federal Crop Insurance Act to include seed crops among the list of crops specifically covered under the noninsured crop disaster assistance program; to the Committee on Agriculture.

By Mrs. CHENOWETH:

H.R. 2094. A bill to amend section 1864 of title 18, United States Code, relating to tree spiking, to add avoidance costs as a punishable result; to the Committee on the Judiciary.

By Ms. FURSE:

H.R. 2095. A bill to amend the Internal Revenue Code to provide that capital gains not be recognized if invested in certain small businesses; to the Committee on Ways and Means.

By Mrs. MINK of Hawaii:

H.R. 2096. A bill to amend title 10, United States Code, to extend eligibility to use the military health care system and commissary stores to an unremarried former spouse of a member of the uniformed services if the member performed at least 20 years of service which is creditable in determining the member's eligibility for retired pay and the former spouse was married to the member for a period of at least 17 years during those years of service; to the Committee on National Security.

By Mr. SERRANO:

H.R. 2097. A bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes; to the Committee on Ways and Means.

By Mr. SMITH of Michigan (for himself and Mr. SHAYS):

H.R. 2098. A bill to amend title 31, United States Code, to authorize the Secretary of the Treasury to manage the cash positions of the U.S. Government whenever it is unable to borrow sufficient funds to meet its needs; to the Committee on Ways and Means.

By Mr. LEWIS of California:

H.R. 2099. A bill making appropriations for the Department of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for fiscal year ending September 30, 1996, and for other purposes.

By Mr. STOCKMAN:

H. Res. 199. Resolution amending clause 2 of rule XXII of the Rules of the House to prohibit the introduction or consideration of legislation designating a building or any other structure in honor of a person who is serving or has served as a Member of Congress, a Federal judge, or an officer of the executive branch before the date that is 5 years after the person has retired from that office; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

140. By the SPEAKER: Memorial of the Senate of the State of Nevada, relative to urging the Congress of the United States to adopt proposals that are equitable to all States for regulating the air quality within the area surrounding the Grand Canyon; to the Committee on Commerce.

141. Also, memorial of the Senate of the State of Nevada, relative to the visitor facilities program at the Hoover Dam; to the Committee on Resources.

142. Also, memorial of the Senate of the State of Nevada, relative to urging the Congress of the United States to approve the designation of the National Highway System; to the Committee on Transportation and Infrastructure.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 109: Mrs. THURMAN.

H.R. 244: Mr. ANDREWS.

H.R. 359: Ms. RIVERS.

H.R. 468: Mrs. THURMAN.

H.R. 475: Mr. HAYWORTH.

H.R. 528: Mr. FROST.

H.R. 549: Mrs. THURMAN.

H.R. 743: Mr. BILBRAY.

H.R. 783: Mr. COBURN.

H.R. 785: Ms. LOFGREN.

H.R. 803: Ms. DUNN of Washington.

H.R. 881: Mr. SMITH of New Jersey.

H.R. 957: Mr. STEARNS, Mr. FRELINGHUYSEN, and Mr. DOYLE.

H.R. 974: Mr. STUPAK and Mr. HASTINGS of Florida.

H.R. 1003: Mrs. KENNELLY and Mr. TRAFICANT.

H.R. 1046: Mr. ENGEL.

H.R. 1061: Ms. HARMON, Mr. LEWIS of California, Mr. DOOLITTLE, Mr. FRAZER, and Mrs. KELLY.

H.R. 1090: Mr. MONTGOMERY.

H.R. 1161: Mr. HINCHEY.

H.R. 1384: Mr. WARD and Mr. RAHALL.

H.R. 1385: Mr. DOYLE.

H.R. 1430: Ms. LOFGREN.

H.R. 1501: Mr. BASS, Mr. BRYANT of Tennessee, and Mr. HOSTETTLER.

H.R. 1532: Mr. BISHOP.

H.R. 1560: Mr. HOLDEN.

H.R. 1566: Mr. SMITH of New Jersey.

H.R. 1604: Mrs. ROUKEMA.

H.R. 1610: Mr. FAZIO of California.

H.R. 1637: Mr. HOUGHTON, Mrs. COLLINS of Illinois, and Mr. HYDE.

H.R. 1661: Mr. PALLONE, Mr. ROEMER, Mr. ZIMMER, Mr. DUNCAN, Mr. LUTHER, Mr. BRYANT of Tennessee, Mr. RAHALL, Mr. KLECZKA, Mr. HOUGHTON, Mr. COYNE, Mrs. MALONEY, Mr. FORBES, Mr. PAXON, Mr. HUTCHINSON, and Mr. WICKER.

H.R. 1709: Mr. BARRETT of Wisconsin, Mr. DELLUMS, Mr. JOHNSTON of Florida, Mr. LUTHER, Mr. VENTO, and Mr. WILLIAMS.

H.R. 1744: Ms. ESHOO, Mr. SENSENBRENNER, Mrs. COLLINS of Illinois, Mr. DOOLEY, and Mr. PETRI.

H.R. 1747: Mr. GOSS, Mr. SANDERS, and Mr. BARRETT of Wisconsin.

H.R. 1776: Ms. NORTON and Ms. MCCARTHY.

H.R. 1791: Mr. ROBERTS, Mr. VOLKMER, Mr. CRAPO, Mr. PETE GEREN of Texas, and Mr. MCDERMOTT.

H.R. 1833: Mr. MCCOLLUM, Mr. BACHUS, Mr. BROWNBACK, Mr. RAHALL, Mr. BAKER of Louisiana, Mr. BARR, Mr. PARKER, Mr. HERGER, Mr. RADANOVICH, Mr. RIGGS, Mr. SAM JOHNSON, and Mr. MANTON.

H.R. 1866: Mr. MURTHA, Mr. JOHNSTON of Florida, Mr. DELAY, Mr. CASTLE, and Mr. KING.

H.R. 1872: Ms. NORTON, Mr. BRYANT of Texas, and Mr. FRANK of Massachusetts.

H.R. 1893: Mr. WOLF, Mr. LIPINSKI, Ms. RIVERS, Mr. WALSH, and Mr. MANTON.

H.R. 1915: Mr. GUTKNECHT.

H.R. 1972: Mr. CHAMBLISS, Mr. BEREUTER, Mr. HORN, and Mr. TANNER.

H.R. 1973: Mr. BARRETT of Wisconsin, Mr. DEUTSCH, Mr. GEJDENSON, Mr. HOEKSTRA, Mr. KILDEE, Mr. LUTHER, Ms. NORTON, Mr. OBERSTAR, Ms. VELÁZQUEZ, and Mr. VENTO.

H.R. 1994: Mr. SKEEN.

H.R. 2008: Mr. GUTIERREZ.

H.R. 2026: Mr. LIPINSKI, Ms. NORTON, and Mr. BOEHLERT.

H.R. 2030: Mr. CARDIN, Mr. CLYBURN, Mrs. COLLINS of Illinois, Ms. DELAURO, Mr. DOOLEY, Mr. DURBIN, Mr. HALL of Ohio, Ms. KAPTUR, Mr. KENNEDY of Massachusetts, Mr. KLINK, Mr. LEWIS of Georgia, Mr. LIPINSKI, and Ms. SLAUGHTER.

H.R. 2066: Mr. CUNNINGHAM, Mr. GUNDERSON, and Mr. MILLER of California.

H. Con. Res. 42: Mr. BARRETT of Wisconsin, Mr. BONIOR, and Mr. FILNER.

H. Con. Res. 47: Mr. COYNE, Mr. GALLEGLY, Mr. BECERRA, Mrs. JOHNSON of Connecticut, Mr. KING, and Mr. NEAL of Massachusetts.

H. Con. Res. 79: Mr. GENE GREEN of Texas and Ms. MCKINNEY.

H. Res. 174: Mr. BRYANT of Texas, Mr. MINGE, Mrs. MALONEY, Mrs. MEEK of Florida, Mr. EVANS, Mr. TORKILDSEN, Mr. DEUTSCH, Mr. BERMAN, Mr. RUSH, Mr. VENTO, Mr. FRANK of Massachusetts, Mr. STARK, Mr. WILLIAMS, Mr. OWENS, Mr. YATES, Mr. GEJDENSON, Mr. MORAN, and Mr. JACOBS.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1404: Mr. PAYNE of Virginia.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Members added their names to the following discharge petitions:

Petition 4 by Mr. BRYANT on House Resolutions 127: Fortney Pete Stark.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 70

OFFERED BY: MR. MILLER OF CALIFORNIA

AMENDMENT NO. 1 Page 6, line 17, strike the closing quotation marks, semicolon, and "and".

Page 6, and after line 17, insert the following:

"(7) The total average daily volume of exports allowed under this subsection in any calendar year shall not exceed the amount by which the total average daily volume of oil delivered through the Trans-Alaska Pipeline System during the preceding calendar year exceeded 1,350,000 barrels per calendar day.".

H.R. 70

OFFERED BY: MR. TRAFICANT

AMENDMENT NO. 2: Page 5, line 14, insert "constructed in the United states," after "vessell".

H.R. 70

OFFERED BY: MR. YOUNG OF ALASKA

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 3: Strike all after the enacting clause and insert the following:

SECTION 1. EXPORTS OF ALASKAN NORTH SLOPE OIL.

Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended by amending subsection (s) to read as follows:

"EXPORTS OF ALASKAN NORTH SLOPE OIL

"(s)(1) Subject to paragraphs (2) through (6) of this subsection and notwithstanding any other provision of this Act or any other provision of law (including any regulation) applicable to the export of oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652), such oil may be exported unless the President finds that exportation of this oil is not in the national interest. The President shall make his national interest determination within five months of the date of enactment of this subsection. In evaluating whether exports of this oil are in the national interest, the President shall at a minimum consider—

"(A) whether exports of this oil would diminish the total quantity or quality of petroleum available to the United States;

"(B) the results of an appropriate environmental review, including consideration of appropriate measures to mitigate any potential adverse effects of exports of this oil on the environment, which shall be completed within four months of the date of the enactment of this subsection; and

"(C) whether exports of this oil are likely to cause sustained material oil supply shortages or sustained oil prices significantly above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers, including noncontiguous States and Pacific territories.

If the President determines that exports of this oil are in the national interest, he may impose such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that such exports are consistent with the national interest.

"(2) Except in the case of oil exported to a country with which the United States entered into a bilateral international oil supply agreement before November 26, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

"(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exports of this oil or under Part B of title II of the Energy Policy and Conservation Act (42 U.S.C. 6271–76).

"(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination, including any licensing requirements and conditions, within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

"(5) If the Secretary of Commerce finds that exporting oil under authority of this subsection has caused sustained material oil supply shortages or sustained oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused or are likely to cause sustained material adverse employment effects in the United States, the Secretary of Commerce, in consultation with the Secretary of Energy, may recommend, and the President may take, appropriate action concerning exports of this oil, which may include modifying or revoking authority to export such oil.

"(6) Administrative action under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.".

SEC. 2. GAO REPORT.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast and in Hawaii. The Comptroller General shall commence this review two years after the date of enactment of this Act and, within six months after commencing the review, shall provide a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources and the Committee on Commerce of the House of Representatives.

(b) CONTENTS OF REPORT.—The report shall contain a statement of the principal findings of the review and recommendations for Congress and the President to address job loss in the shipbuilding and ship repair industry on the West Coast, as well as adverse impacts on consumers and refiners on the West Coast and in Hawaii, that the Comptroller General attributes to Alaska North Slope oil exports.

H.R. 2002

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 18: Page 15, line 8, strike "$1,600,000,000" and insert "$1,563,000,000".

H.R. 2002

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 19: Page 54, after line 24, insert the following:

SEC. 346. None of the funds in this Act may be used for planning or execution of the military airport program.

H.R. 2002

OFFERED BY: MR. COBURN

AMENDMENT NO. 20: Page 30, line 19, strike "$200,000,000" and insert "$135,000,000".

H.R. 2002

OFFERED BY: MS. DANNER

AMENDMENT NO. 21.: Page 25, line 25, strike "$2,000,000,000" and insert "$1,974,000,000".

Page 26, line 1, before the colon insert "and $26,000,000 of budget authority shall be available solely for purposes of 49 U.S.C. 5311".

H.R. 2002

OFFERED BY: MR. KIM

AMENDMENT NO. 22: Page 12, line 7, strike "$4,600,000,000" and insert "$4,582,500,000".

H.R. 2002

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 23: Page 2, line 8, strike "$55,011,500" and insert "$49,011,500".

Page 7, line 20, strike "$2,566,000,000" and insert '$2,572,000,000".

H.R. 2002

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 24: Page 2, line 8, after the fist dollar amount, insert the following: "(reduced by $6,000,000)".

Page 7, line 20, after the dollar amount, insert the following: "(increased by $6,000,000)".

H.R. 2002

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 25: At the end of the bill, add the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used to close, consolidate, realign, or reduce to seasonal status any Coast Guard multimission small boat station.

H.R. 2002

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 26: Page 16, line 6, strike "$495,381,000" and insert "$402,131,000".

H.R. 2002

OFFERED BY: MR. SMITH OF MICHIGAN

AMENDMENT NO. 27: Page 26, line 8, strike "$6,000,000" and insert "$3,000,000".

H.R. 2076

OFFERED BY: MR. BARR

AMENDMENT NO. 2: At the appropriate place, insert the following:

Sec. Limitation on the Use of Funds for Diplomatic Facilities in Vietnam

None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Socialist Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995.

H.R. 2076

OFFERED BY: MR. MOLLOHAN

AMENDMENT NO. 3: Page 24, line 6, strike "$2,000,000,000", and all that follows through "1995" on line 9, and insert the following:

"$1,790,000,000 shall be for Public Safety and Community Policing Grants authorized by section 10003 of the 1994 Act; and $210,000,000 shall be for carrying out the crime prevention programs authorized under sections 30202,. 30307, 30702, 31904, 31921, 32101, 40121, and 50001 of the 1994 Act".

H.R. 2076

OFFERED BY: MR. MOLLOHAN

AMENDMENT NO. 4: On page 24, line 13, strike "$475,000,000" and insert "$505,000,000"

On page 24, line 18, strike "$300,000,000" and insert "$270,000,000".

H.R. 2076

OFFERED BY: MR. MOLLOHAN

AMENDMENT NO. 5: On page 43, line 2, strike ": Provided, That" and all that follows through "grants" on line 10.

H.R. 2076

OFFERED BY: MR. MOLLOHAN

AMENDMENT NO. 6: On page 44, line 4, strike "$1,690,452,000" and insert "$1,752,652,000".

On page 44, line 14, strike "$1,687,452,000" and insert "$1,749,652,000".

On page 43, line 16, strike "$60,000,000" and insert "$50,000,000".

On page 45, line 14, strike "$42,731,000" and insert "$32,731,000".

On page 51, line 4, strike "$2,411,024,000" and insert "$2,388,824,000".

On page 57, line 4, strike "$1,716,878,000" and insert "$1,706,878,000".

On page 59, line 3, strike "$363,276,000" and insert "$353,276,000".

H.R. 2076

OFFERED BY: MR. PORTMAN

AMENDMENT NO. 7: Page 51, line 4, strike "$2,411,024,000" and insert "$2,409,024,000".

Page 51, line 6, strike "$14,454,000" and insert "$13,454,000".

Page 51, line 8, strike "$11,000,000" and insert "$10,000,000".

H.R. 2076

OFFERED BY: MR. RICHARDSON

AMENDMENT NO. 8: Page 57, line 4, after the dollar amount, insert the following: "(reduced by $500,000)".

Page 72, line 20, strike "$28,000,000" and insert "$28,500,000".

H.R. 2076

OFFERED BY: MR. STENHOLM

AMENDMENT NO. 9: Page 80, line 19, strike "$278,000,000" and insert "$250,000,000".

Page 80, line 20, strike "$265,000,000" and insert "$237,000,000".

EXTENSIONS OF REMARKS

ANALYSIS OF THE CRISIS IN BOSNIA

HON. HARRY JOHNSTON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. JOHNSTON of Florida. Mr. Speaker, I am honored to introduce into the RECORD our ranking member's insightful, thought-provoking analysis of the crisis in Bosnia.

CONTINUING CRISIS IN BOSNIA

(By Lee H. Hamilton)

I. INTRODUCTION

It is a pleasure to be here today and a privilege to address this distinguished group. The World Affairs Council of Washington has long fostered a better understanding of American foreign policy. It has served as an important forum for considering important foreign policy issues.

Today I want to talk about one of the toughest foreign policy issues since the end of the cold war: the war in Bosnia. It's at the top of the foreign policy agenda right now. It has evoked more frustration than any other foreign policy issue since the Vietnam war. It is an issue that will not go away, much as we would like it to.

Secretary Perry was right on the mark the other day when he said, "We are at a defining moment in this war, and the actions we take in the next few weeks are going to be very critical."

II. CRISIS IN BOSNIA TODAY

Before the fall of Srebrenica, the military, diplomatic and humanitarian situation in Bosnia was bleak enough. Today the agony of Bosnia is almost unbearable.

The UN peacekeeping operation, UNPROFOR, is on the verge of collapse. The UN and NATO no longer appear able—or willing—to fulfill the pledges they made to protect safe areas and establish weapons-free zones.

On the humanitarian front—in the past, one of the few achievements—aid shipments have also been blocked. There is starvation in some cities and events like Srebrenica only compound the humanitarian disaster.

Diplomacy, too, is at a standstill. Neither the Bosnian government nor the Bosnian Serbs seem interested in a diplomatic settlement. The Contact Group—the United States, Russia, Britain, France, and Germany—still has a peace plan and a map on the table. But the Contact Group has not yet convinced the Bosnian Serbs to accept the peace plan. Talks with Serbian President Milosevic to recognize Bosnia and undercut the Bosnian Serbs—in exchange for a partial lifting of the embargo—are also stalled.

The military picture is worsening. The deployment of the new 10,000-strong British-French-Dutch rapid reaction force to buttress UNPROFOR is a last ditch effort to prevent for the collapse of that mission. UNPROFOR may decide to leave soon if the fighting continues or if the remaining safe areas prove indefensible.

In short, we are on the verge of a new and dangerous phase in this tragic war.

There is a growing feeling in Congress that UNPROFOR has failed and should leave Bosnia and that the arms embargo should be lifted to allow the Bosnian government to defend itself and to improve its position at the bargaining table.

Members of Congress also understand that the President has made a commitment to help UNPROFOR withdraw, if it comes to that. All that points to U.S. involvement.

On the other hand, I see little support, either in Congress or among the American people, for a U.S. military mission in Bosnia. President Clinton will have an uphill battle winning support in Congress for sending troops to Bosnia for any purpose.

The question is, are there any other options?

III. U.S. INTERESTS IN BOSNIA

The fundamental problem for U.S. policy in Bosnia is the gap between what we say we want to achieve and the resources we are willing to commit to this crisis.

The Clinton Administration came into office determined to address the humanitarian tragedy of Bosnia. But it soon made a judgment that the United States does not have vital national interests at stake in this war. I agree. Bosnia has no strategic or economic significance.

Whenever I return home to my district in Indiana, it is clear that Bosnia is of no real significance to the people of Indiana. It is not a place they are willing to send their children to fight and to die.

Yet, as President Clinton has emphasized, the U.S. has important interests. These interests include:

Preventing a wider war in the Balkans that could engulf our NATO allies and spread instability throughout Europe.

Stopping the slaughter of innocent civilians and securing the delivery of humanitarian assistance;

Maintaining NATO as a powerful and credible force in the post cold-war world; and

Maintaining the credibility of the United Nations and strengthening its ability to respond to future crises.

With the horrible ethnic cleansing and bombardment of civilian populations there is an understandable desire to resond—to help victims, punish aggression and stop the killing.

But U.S. foreign policy cannot respond to every tradegy around the world or attempt to right every wrong, especially when the American people do not favor intervention.

The only way to turn back Serb aggression in Bosnia is to send hundreds of thousands of ground troops into combat, and occupy Bosnia for many years to come. The United States has never considered doing that. Neither the President nor Congress, past or present, have been Bosnia as a vital American interest worth that enormous risk and sacrifice.

IV. POLICY CHOICES WE HAVE NOW

I know there have never been good choices or simple solutions to the war in Bosnia. We must deal within the narrow options dictated by the realities on the ground, domestic political pressures in the United States, and the policies of our allies.

Right now we have three basic options:

The first option is what I call Lift, Strike and Train.

Many in Congress believe that UNPROFOR has failed and should be withdrawn and that the arms embargo should be lifted.

A bill sponsored by Senators Dole and Lieberman will come up in the Senate this week. It calls for the lifting of the embargo either after the withdrawal of UNPROFOR, or 12 weeks after the Bosnian government asks UNPROFOR to withdraw.

Some who support this option recognize that it commits the United States to war—through training and equipping Bosnian forces, and through air strikes to defend Bosnian forces until they can defend themselves.

Yet the chief sponsors of this proposal are silent on its consequences. They talk about "letting the Bosnian people defend themselves." But they do not spell out what happens next. Lifting the arms embargo is fraught with peril for the United States.

The basic fact is that if we lift the embargo, so will the Russians. There will still be no level playing field in Bosnia, just more weapons on each side and wider war. We run the risk of getting drawn into a proxy war with Russia in the Balkans, the sort of nightmare scenario we sought to avoid during 40 years of the Cold War.

Unless NATO is willing to launch air strikes to protect the Bosnians, the Bosnian Serbs—with Serbia's help—will crush them in the time it will take to train and supply Bosnian forces. If the air strikes are not enough, the allies will be forced either to retreat or escalate with ground forces.

If lifting the embargo is anything more than rhetoric, the sponsors have an obligation to spell out their strategy. Who will supply the arms? Who will deliver them? Who will train the Bosnians to use them? Who's going to pay for them? Who will protect them while they are training?

The answer to all these questions is the United States. The United States will also have to feed and protect the civilian population once UNPROFOR leaves.

The Dole proposal does not address these concerns. In fact, it just hands over a key U.S. foreign policy decision to the Bosnian government. We tell the Bosnian government: You decide. Make a request to lift the embargo, and we'll do it. No discretion. No judgment. Just do it.

In the process of lifting the embargo, the Dole proposal will kill the initiative to strengthen UNPROFOR, force UN peacekeepers to withdraw instead and trigger the deployment of 25,000 U.S. troops to assist in that withdrawal.

In short, the Dole proposal means direct U.S. military intervention in Bosnia. That is precisely why the Bosnian government supports it.

The second option is to get UNPROFOR out and let the parties fight it out.

There is a growing sense that the UN is no longer able to carry out its mission in Bosnia, and that the parties themselves do not want to make peace.

According to this view, we should set a date certain for the termination of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

UNPROFOR—perhaps at the end of its current mandate at the end of November—if there is no progress on the negotiating front.

We must understand how difficult this business of withdrawal is going to be. It is not going to be a quick, easy, risk-free withdrawal.

A pullout by UNPROFOR, with or without a lifting of the arms embargo, will involve U.S. troops on the ground in Bosnia. In theory, they would be in Bosnia for only a matter of weeks, and only to help UNPROFOR withdraw. They would not be involved in combat. But a withdrawal mission will almost certainly expose U.S. troops to hostile fire. Casualties are likely.

The withdrawal of UNPROFOR also threatens to trap U.S. troops in Bosnia. UNPROFOR'S pullout would leave the people of Bosnia exposed to humanitarian disaster. The presence of a well-armed, disciplined U.S. force in the midst of that disaster would lead to enormous pressure on that force to stay—to protect civilians, deliver humanitarian supplies, and even takes sides in the war. It will be difficult to resist that pressure.

Even if we want to leave, we may not be able to. Tens of thousands of Bosnian refugees, left in dire circumstances, will rush to the withdrawal forces for protection. They will try to block UNPROFOR'S withdrawal.

Remember, too, that as the UN peacekeepers leave, the contending parties are likely to grab more land. We will have to decide whether to use our air power and combat troops in response.

In short, there will be no such thing as an orderly withdrawal from Bosnia.

The third option is to strengthen UN peacekeeping and continue negotiations.

The proposal to strengthen UNPROFOR, stay the course, and focus on moving the parties toward a negotiated settlement is the least bad option. It will not provide a moral and just settlement, but at least it will stop the killing. This is a realistic and responsible policy.

Keeping UNPROFOR in Bosnia, beefed up by the Rapid Reaction Force, at least for the next two to three months, gives negotiations one last chance. We should support French and British efforts to protect remaining safe havens. I have doubts about an airlift using American helicopters to ferry British and French troops into Gorazde. The use of more aggressive air strikes against the Serbs certainly must be considered.

Maintaining the unity and cohesion in NATO must remain a paramount U.S. strategic consideration. We should act together with our NATO allies. I do not want Bosnia to become the sole responsibility of the United States. Whatever we do should be in cooperation with the Europeans and others whose troops are exposed on the ground.

There is no acceptable alternative. Any other course of action would provoke the collapse of UNPROFOR, a wider war, and the deployment of U.S. ground troops in the middle of a dangerous war.

For all of its obvious shortcomings UNPROFOR has produced much good in Bosnia.

UNPROFOR has kept hundreds of thousands of people alive through the delivery of humanitarian aid.

UNPROFOR has helped contain the fighting. In the first year of the war, 1992, there were upwards of 100,000 casualties before the deployment of UNPROFOR. This past year, the number of casualties was 3000. If UNPROFOR goes, we risk rekindling savagery of the magnitude that led to its deployment in the first place.

Time may be running out on this option, but we should still give it more time before we pull UNPROFOR out.

We must also do everything possible to get the peace negotiations back on track.

The only way to stop the killing and end this war is through a negotiated agreement acceptable to all sides—not wider war. We must continue to search for diplomatic, political and economic steps that will press the parties, especially the Serbs, to accept a peaceful outcome.

We must exploit the desire of the Serbs throughout the former Yugoslavia for recognition, acceptance and re-integration into the world community.

To gain concessions at the negotiating table, we must use as leverage Milosevic's political and economic need to end the sanctions and re-enter the world community.

We must be flexible enough in these negotiations to facilitate an agreement that will reflect realities on the ground—yet be fair enough to secure Bosnia as an integral state, however decentralized that state may be.

We must be realistic and flexible for one key reason: In the absence of NATO ground troops—including the U.S.—the Bosnian government stands to gain more territory at the peace table than it can ever gain on the battlefield.

V. ENDING POLICY AMBIGUITY

I urge the Clinton Administration to adopt this third option—to strengthen UN peacekeeping and press forward with negotiations—and stick with it.

Past ambiguities in U.S. policy have prolonged this war. Last year, I advised our top policymakers that it was time for brutal honesty on Bosnia.

Candor and honesty would have been helpful then, and are urgent now.

We have not been straightforward with the Bosnian government. They are still waiting for us to come to the rescue. We must be honest with them, and with ourselves. We should make it clear to the Bosnian government that it should get the best deal it can, because the cavalry is not coming to the rescue.

We have been trying to please all sides. We want to support the Bosnian government against Serbian aggression, we want to keep U.S. troops out of Bosnia, and we want to end the war. But these goals are not compatible. It is impossible to achieve any one of these goals without compromising the other two.

We must choose: do we want to fuel an open-ended Balkan war with uncertain outcome or do we want to work with our friends and allies to stop the killing?

VI. CONCLUSION

Bosnia has been a hellish problem for this Administration, and for this country. There are no heroes among the policymakers, and there is plenty of blame to go around. We cannot undo what has happened in this war, absent a commitment of ground troops and resources that neither the United States nor its allies are prepared to make.

We need to end the war in Bosnia not only to stop the senseless killing, but because a failure to end it will have a continuing, corrosive impact on NATO and the United Nations. We need these institutions to address future crises through collective action.

If the parties in Bosnia want to fight, we can't stop them from fighting. Yet I believe we still have an opportunity to end this war. There have been opportunities for peace in the past that slipped away. The Contact Group plan and map are still on the table. The parties' differences are not that great—at least not in comparison to the costs of a looming all-out war.

We have one last chance to try to end this war before UNPROFOR may be forced to withdraw. I urge the President to use these few remaining weeks to clarify U.S. policy and press as hard as he can for a negotiated peace settlement in Bosnia—before he is called upon to send U.S. ground troops to help our NATO allies leave.

FREEDOM FROM UNION VIOLENCE ACT

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. CRANE. Mr. Speaker, over the last several years, we in the House have devoted a great deal of attention to the issue of crime in the United States, and have passed several anticrime bills. While we have not always agreed on the proper methods to reduce crime in America, Members of this body have unanimously condemned acts of violence.

To me, therefore, it is inconceivable that this Congress has not moved to outlaw certain acts of violence that have been protected by the Supreme Court since 1973. That year, the Court ruled in its Enmons decision that union officials were exempt from prosecution for acts of violence, if they were used to gain legitimate union objectives. The Enmons decision severely restricted the scope of the 1946 Hobbs Anti-Extortion Act. The Hobbs Act was enacted primarily to quell violence and extortion by union members and officials as they enforced compulsory union membership. By exempting union officials from the Hobbs Act, the High Court effectively sanctioned these acts of violence.

The results of this decision have been devastating. Since 1973, union violence resulted in 181 murders, 440 assaults, and more than 6,000 acts of vandalism. In fact, from 1975 to 1993, there were more than 7,800 acts of documented union violence. I believe that this violence must stop.

On June 8, 1995, I introduced H.R. 1796, the Freedom From Union Violence Act. H.R. 1796 would restore the original intent of the Hobbs Act to allow Federal authorities to prosecute union officials accused of violence or extortion in violation of the Hobbs Act. The author of the Hobbs Act, Representative Samuel Hobbs, stated, "that crime is crime * * *, whether or not the perpetrator has a union card." I agree with Mr. Hobbs, and I believe that, regardless of one's views on labor issues, the House can agree that violence is wrong and ought to be condemned. Lady Justice, after all, is blindfolded—she should not be peeking to ask for union credentials.

I urge my colleagues to support this important legislation.

MEDICARE AND MEDICAID

HON. DOUGLAS "PETE" PETERSON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. PETERSON of Florida. Mr. Speaker, I've heard a lot the past several weeks about deficit reduction. And I've heard a lot about the urgent need to reform Medicare and Medicaid.

Although there is widespread agreement among nearly every Member of in this Chamber with regard to the above mentioned principles, let me remind my colleagues that Medicare cannot be saved through a simple line item on a budget bill, nor can Medicaid be reformed by simply changing it to a block grant and passing it off to the States. These ideas have been discussed by some as the solution to all the problems that face these programs, a quick and easy resolution to the approaching crisis.

But now, strong and decisive steps are necessary to make a serious attempt at reducing the Federal budget deficit. Nevertheless, some Members of this body want to take a walk when it comes time to tackle the fastest growing segment of the Federal budget—health care. It is simply indisputable that we can never make more than a dent in the long-term budget deficit facing our children unless we seriously address reform of our health care system.

Contrary to the rhetoric that has been thrown about by defenders of the status quo, health care reform—sensible health care reform, does not mean mandates and big-government internvetion. Instead, sensible health care reform means ensuring that working Americans do not have to live in fear of losing their insurance should they or a member of their family get sick or injured. It means getting a grip on the rampant cost-shifting that raises the cost of health care services for all Americans.

Unfortunately, the leadership of this House has chosen to ignore this complex issue. However, on Wednesday I and several of my colleagues introduced H.R. 2071, the Health Care Improvement Act of 1995. This bill includes many of the reforms on which we can all agree, such as insurance reform and administrative simplification. But, unlike the other incremental health care bills that have been introduced in this Congress, my bill makes long-overdue systematic changes in Medicaid by allowing low-income persons to join the private health insurance market.

My bill will also give much greater choice to Medicare beneficiaries by providing them the opportunity to join a private insurance plan. This is not a push into a low-cost, bare bones plan; it is not a push into anything. It is simply one more option for Medicare beneficiaries to choose from.

Mr. Speaker, health care reform should not be a partisan issue. I wrote this bill in an effort to craft something that could garner the support of the American people, not to simply make a political statement. This bill represents a realistic approach to health care reform, and I encourage each of my colleagues to take a close look at H.R. 2071. I think you will like what you see.

In the meantime, we should all think about whether it is better to reform Medicare and Medicaid, or simply to take a meat axe to those programs in order to fulfill an arbitrarily-set budget number. The answer is clear.

SALUTE TO BERNARDO DE GALVEZ

HON. TILLIE K. FOWLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mrs. FOWLER. Mr. Speaker, today I rise to honor a man whose contributions helped a fledgling America gain its independence. Gen. Bernardo de Galvez, Spain's Governor of the Louisiana Territory, was extremely instrumental in helping us defeat the British in the Revolutionary War. The General personally led troops in a successful campaign to drive the British from the Louisiana Territory and the Gulf of Mexico. His forces captured Pensacola, Baton Rouge, Mobile, San Antonio, and Galveston from the British to support America's aspirations for freedom.

The General's actions denied these posts to Great Britain and severely pressured British forces in the South. His support of America's Continental Army and militiamen through the provision of munitions, cattle, and uniforms helped to assure America's final victory.

Mr. Speaker, General de Galvez's efforts had a major impact on the war and were a key to this nation's success against the British. As we approach the anniversary of his birth on July 23rd, we as free Americans should take a moment to honor an individual who did much to secure the life, liberty, and pursuit of happiness we so enjoy today.

CONGRATULATIONS DOUG BOVIN, PRESIDENT OF THE NATIONAL ASSOCIATION OF COUNTIES

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. STUPAK. Mr. Speaker, today, July 21, 1995, marks the beginning of the annual convention of the National Association of Counties in Atlanta, GA. Most of my colleagues in the U.S. House of Representatives will likely have one or more of their county officials in attendance, but this year's conference has a very special significance to the First District of Michigan, this Member and especially to one of my constituents, not to mention a friend.

Mr. Doug Bovin of Gladstone, MI, who currently serves as president of the Delta County Board of Commissioners, will be installed as president of the National Association of Counties today, Friday, July 21, 1995. I and the entire First Congressional District of Michigan salute Mr. Bovin on his new office and extend to him our best wishes for a successful term in office.

Doug Bovin has personified public service for the past 28 years. It was in 1967 that he won election to his first public office on the Gladstone City Commission. In just 2 years, he sought and won his race for mayor of the community, and is believed to be the youngest person ever elected to that position in Gladstone.

Recognized by others throughout Delta County for his leadership, understanding of public issues and ability to help people, Mr. Bovin was encouraged to seek the office of county commissioner in 1976, a position he has held for the past 19 years and the last 12 as chairman.

Over the years, Doug has broadened his leadership in several ways. He has served as president of the Michigan Association of Boards of Health and then as president of the Michigan Association of Counties in the mid-1980's. Having a firm grasp on State issues, Doug understood the importance of regional matters and the effect they had on the State and his home area. To this end, he organized the Great Lakes Association, a group of county officials from States that border the Great Lakes as well as Iowa, and served as the first association president in 1990.

Doug's work in the Great Lakes region has led to his deep involvement with the National Association of Counties where he has held three vice presidencies. He now will move to the presidency of the organization. And despite his personal and political growth, Doug has never forgotten his obligations in Delta County and has never placed the interests of his constituents above his own.

Mr. Speaker, Doug Bovin has dedicated most of his life to public service, but to his credit, has always made his family his main priority. His wife, Bonnie, and children, Carrie and Dan are very proud of Doug as are the people of Michigan's First Congressional District.

Again, our congratulations to Doug Bovin, President of the National Association of Counties.

A CONSTITUENT'S VIEWS ON THE FLAG DESECRATION AMENDMENT

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. SERRANO. Mr. Speaker, I recently received a letter from a constituent, Mr. Geoffrey Graham of the Bronx. Mr. Graham thanked me for my vote against the proposed constitutional amendment to permit Congress and the States to prohibit the physical desecration of the U.S. flag. He also enclosed an essay expressing his views on this issue in more detail, which I thought was very eloquent. I commend this essay to my colleagues, and hope that each and every one will read it carefully and think again about the messages this amendment to our Constitution would send to residents of the United States and to the rest of the world.

Mr. Speaker, Mr. Graham's essay follows:

WHY I OPPOSE THE FLAG DESECRATION AMENDMENT

There are three reasons to oppose the Constitutional amendment that would "protect" the flag.

The most important is that it will bring a small measure of fear into the lives of ordinary Americans. There are countries where people live in deep fear of their own government and institutions. Russia is a particularly tragic example, but there are many others. The contrast in quality of life between such countries and our own is so stark that any change in that direction should be viewed with apprehension.

Now, the friendly and familiar American flag, always a welcome presence, is being transformed into something that must be handled warily. It will have to be kept from young children and boisterous drunks, lest a felony occur. Unruly adolescents will have to be taught that disrespect for this object, unlike disrespect for the family bible or Crucifix, can bring severe punishment from outside the family. Idealistic teenagers, who sometimes believe in the First Amendment with almost religious fervor, will have to learn that the flag is an exception that could get them into very serious and long-lasting trouble. Housewives who are tempted to wash a soiled flag along with the regular laundry will have to remember that they had better not. We will have become a nation that is slightly afraid of its own flag.

A second reason is that it will undercut our efforts to help dissenters around the world who are being punished for violating some holy symbol. Sometimes, polite verbal protest is not enough. Most of us could sympathize with women in Islamic fundamentalist countries who might burn their veil or even a copy of the Koran. Or with women in poor Catholic countries, where the church has great influence, who might publicly destroy a Bible or crucific in anger over the church's position on birth control. Or with inhabitants of the former U.S.S.R. or Rhodesia if they burned their hated internal passports. Or with Chinese dissidents who, following the Tienanmen Square massacre, might direct a bitter symbolic protest at China's leader Deng Xiaoping (the act is to publicly break a small bottle, a "xiao ping"). Our efforts to shield such dissenters have been moderately successful; but in the future, they will be weakened by the taint of hypocrisy. Indeed if disrespect for an icon is the important thing, rather than the form which the disrespect takes, it will be hard for us to reproach the Iranian government for its treatment of writers like Salman Rushdie.

The third reason is that the amendment will vandalize something much more important than the flag, our Constitution which includes the Bill of Rights. The Constitution is based on an unusual principle of government: an agreement to strictly limit the ability of any group to use the machinery of government against those of whom it disapproves. To that end, it guarantees freedom of expression without concessions to powerful political interests. In particular, it provides that expressions of discontent must be harmful, rather than merely convey and offensive idea, in order to be forbidden. Now we are abrogating that principle in return for the shallowest of satisfaction.

The Constitution, not the flag, has made us the great nation that we often are. It is admired around the world, and has been imitated countless times. Along with the Magna Carta and the Geneva and Hague Conventions, it is a landmark in the human effort to treat each other with decency. It is one of the greatest secular documents ever written, but its greatness derives from the fact that we usually live up to its guiding philosophy. It deserves better than this.

There is still time for the American public to give this proposed amendment the careful scrutiny it deserves. We should.

TRIBUTE TO PARTICIPANTS OF THE SUMMER INITIATIVE "POLICE AND COMMUNITY TOGETHER STOP THE VIOLENCE" RALLY/CONCERT

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Ms. VELÁZQUEZ. Mr. Speaker, it pleases me to acknowledge the efforts and accomplishments of the Cypress Hills and East New York communities. Through the hard work and determination of its residents and the local 75th Police Precincts, a "Stop the Violence" concert was recently organized on July 16, 1995. The purpose of the event was to promote and enhance positive relations between community residents and the Police Officers that serve and protect them.

Through cultural performances and other presentations, young people were exposed to an enlightening and positive atmosphere. Recognizing the limited resources available to support creative and ongoing events such as this one, I must applaud the efforts of the Police Department, community residents, and other collaborative groups for making this activity possible. It is through a collective and innovative strategy that our communities will be able to bring about positive social change. I must also acknowledge the dedication and outstanding track record of Police Officers' Richard Perez and Dennis Rivera.

I believe we must use this event as a model strategy for bridging gaps in communication within our cities and neighborhoods. We must also give praise and support to the individuals and organizations that make these activities possible. The communities of Cypress Hills and East New York have made a valuable contribution to society—an investment in our young people. Thank you.

IN MEMORIAL OF DAVID J. WHEELER

HON. WES COOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. COOLEY. Mr. Speaker, yesterday I submitted a bill (H.R. 2061) to name the Federal building in Baker City, OR, after the late David J. Wheeler. I rise today to offer a few words in memory of Mr. Wheeler.

Baker City is a close-knit community in eastern Oregon—a little over an hour from the Idaho border. The town, lying just east of the beautiful Blue Mountains, was deeply affected by the recent loss of David Wheeler, one of the community's best-loved citizens. Mr. Wheeler, an employee of the U.S. Forest Service, was inspecting bridges in the Payette National Forest in late April when he was brutally murdered by two teenaged thugs.

Mr. Wheeler's death has had a tremendous impact on the entire Baker City community, because he was an active civic leader involved in and committed to his adopted Oregon hometown. In 1994, Mr. Wheeler was selected by the Baker County Chamber of Commerce as the Baker County Father of the Year. At the time of his death, Mr. Wheeler was president-elect of the Baker City Rotary Club. He was a leader in the United Methodist Church, where he served as chair of the staff-parish relations committee. He served as a coach at the local YMCA and was a member of the Baker County Community Choir. The import of the above is clear, Mr. Speaker—Mr. Wheeler was a model Forest Service employee, a dedicated family man, and an admired and respected citizen.

I am honored to propose that the Federal building in Baker City be dedicated to his memory.

HELPING SCHOOLS MEET THE "DIETARY GUIDELINES FOR AMERICANS"

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. MILLER of California. Mr. Speaker, today I am joining Mr. GOODLING in bipartisan legislation—H.R. 2066—to give schools more flexibility in the methods they may choose to improve the quality of their meals and to meet the dietary recommendations in the "Dietary Guidelines for Americans," including the appropriate levels of recommended dietary allowance for nutrients and energy. I stand firm in my support for improving the nutritional value of school meals and for the legislation passed last year requiring schools do meet the guidelines in the time line indicated in Public Law 103–448.

In last year's reauthorization of the National School Lunch Act, Democrats and Republicans joined together to support the "Dietary Guidelines for Americans." Our goal was, and is, for the school lunch program to provide healthy meals that kids will eat. The reauthorization bill—Public Law 103–448—requires schools to bring their meals into compliance by the first day of the 1996–97 school year. Because this time line is relatively short, we sought to give schools flexibility in the methods from which they might choose to reach compliance.

The regulations interpreting the new law, however, do not provide the flexibility we sought. Unfortunately, the regulations prohibit schools able to comply with the guidelines under the current meal pattern, or another nutritionally sound meal pattern, from doing so. In fact, those already in compliance under the current meal pattern would be forced to change to one of USDA's new systems even though they are already in compliance with the guidelines.

Though studies have shown that most schools do not meet the guidelines under the current meal pattern, some schools are able to. Others believe they could meet the guidelines also if they make a few minor changes in cooling methods and food choices. I do not believe schools that are able to meet the guidelines under the current meal pattern or another nutritionally sound meal pattern should be precluded from using those systems. Our goal is to provide healthier meals, not to ensure certain methods are used for achieving healthier meals. Specifically this legislation allows schools to use any reasonable method to meet the guidelines, including those provided by USDA.

The Clinton administration deserves great credit for working to improve the health of schoolchildren. This amendment is in keeping with that effort. Our bill says to schools: We don't care what method you use to provide your children healthy, nutritionally balanced meals, just make sure you get it done.

I firmly believe that the problems posed by the inflexibility of the USDA regulations can be corrected by the Secretary, and there will be no need to go forward with the bill. Again, I commend the administration for its work in this area and look forward to continuing our bipartisan effort to improve the nutritional value of school meals.

JUSTICE WARREN BURGER

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. JACOBS. Mr. Speaker, our friend, Warren Cikins, has written a predictably eloquent piece for Legal Times about Justice Warren Burger.

I am pleased to share it with all those members and scholars who read the CONGRESSIONAL RECORD.

WARREN BURGER'S QUEST FOR "FACTORIES WITH FENCES"

(By Warren Cikins)

Much is being written of Chief Justice Warren Burger's commitment to strengthening the criminal Justice system and to ensuring the punishment of wrongdoers, but the occasion of his death at 87 on June 25, should also be an opportunity to highlight his determination to give offenders a chance to reform. As he proclaimed in a 1981 speech, "When society places a person behind walls and bars it is an obligation—a moral obligation—to do whatever can reasonably be done to change that person before he or she goes back into the stream of society."

Burger's commitment to prison reform was part of his broader interest in improving the administration of justice. The number and breath of his contributions are themselves remarkable. In "The Politics of Judicial Reform" (1982), Burger's early endeavors are described by Dr. Mark Cannon, who held the position of administrative assistant to the chief justice from 1972 to 1986—a position Burger helped create to facilitate these reforms. Cannon chronicles Burger's joint efforts with the American Bar Association to create the Institute of Judicial Administration, his support of the interbranch Hruska Commission created in 1972 and continuing operations until 1975), his expansion of the functions of the Administrative Office of the Courts, his work with the Department of Justice to create the position of assistant attorney general for the Office for the Improvements in the Administration of Justice, and the greater involvement by the Judicial Conference of the United States (which he headed as chief justice) in the preparation of data necessary for legislation of major significance to the judiciary.

Burger also sponsored the National center for State Courts at Williamsburg, Va., supported the creation of the Federal Judicial Center (a brainchild of his colleague, Justice Tom Clark), promoted the National College of the Judiciary in Reno, Nev., helped create the State-Justice Institute, and sponsored the creation of the National Institute of Corrections and the National Corrections Academy in Boulder, Colo.

At his urging, the Brookings Institution sponsored a series of annual seminars that began in 1978 and continued through 1993. Attendees included the chief justice, the attorney general, the chairman and other members of the Senate and House Judiciary Committees and numerous other jurists and senior Justice Department officials. As Burger noted in 1983, at these seminars, "the topics range from subjects as old as federal jurisdiction, to subjects as new as the impact of automation on the judicial process."

These seminars were more than theoretical discussions. As Burger stated, "Many proposals considered at Williamsburg have been enacted by Congress. They include the division of the 5th Circuit, the creation of the Court of International Trade, the merger of the Court of Claims and the Court of Customs and Patent Appeals into the Court of Appeals for the Federal Circuit, the passage of the Omnibus Judgeship Act of 1978 and the Dispute Resolution Act, the relaxation of Speedy Trial Act time limits, improved juror protection and compensation, and clarification and expansion of magistrate jurisdiction.

As these extensive and varied efforts demonstrate, Chief Justice Burger was deeply committed to fostering cooperation between the three branches of the federal government to improve the administration of justice.

Burger's thoughts on prison reform began to form even in his childhood. In a foreword to a 1993 book, "Privatizing Corrections Institutions," he wrote, "I remember a visit as a Boy Scout to the Stillwater prison where some inmates were indeed 'warehoused' even though Minnesota was a pioneer in prison production."

As chief justice, he continued his work on this issue, which he characterized in a 1981 speech as a choice between "more warehouses or factories with fences."

Burger's efforts on behalf of meaningful corrections reform ranged from appearing on Ted Koppel's "Nightline" to taking a distinguished group of Americans to Scandinavia to observe prison industries. Lloyd Elliott, then president of George Washington University, agreed to create a Center on Innovations in Corrections. An advisory board of senior government officials and representatives for the private sector was assembled to assist the center's director, Dr. Judith Schloegel. Job-training projects were identified to be implemented at the state level.

These efforts spawned the creation of the National Task Force on Prison Industries. Chaired by Frank Considine, president of the National Can Corp., this group included other prominent business leaders, criminologists, and senior government officials from all three branches of the federal government.

The task force helped create a national climate of acceptance for prison industries. This was (and continues to be) an especially sensitive issue, since inmate production engenders valid concerns about competition with nonprison workers.

A high-water mark of Burger's prison industries effort was a 1985 conference at Wingspread, in Racine, Wis. Participants considered the full range of legal and practical issues, including management, procurement, marketing, inmate compensation, staff and inmate training, job placement, business and labor concerns, research and evaluation, and media and public relations. Particular attention was given to controlling prison costs and to the establishment of programs designed to help inmates defray some of the costs of incarceration.

Among the representatives from private industry, corrections, legislatures, universities, and the public were a number of cooperating business people, some of whom went on to create or run prison-industry programs. For example, the Control Data Corp. set up a computer assembly plant in the Stillwater, Minn., prison and promised inmate workers jobs when they were released: Jack Eckerd of the Florida drugstore chain, Eckerd Stores, later took over on a private basis the job-placement effort for Florida state inmates.

When Chief Justice Burger retired from the Supreme Court in 1986 to give full-time attention to his job as chairman of the Bicentennial Commission, he put his involvement in prison industries on the back burner. By the early 1990s, however, he was back in the fray, when he took up the cause of UNICOR, the federal prison-industry program created by Congress in 1934 to provide job training in federal prisons, paid for by products made by inmates.

The House of Representatives had adopted an amendment to the 1990 crime bill that would sharply restrict UNICOR in four key areas: furniture, textiles, apparel, and footwear. While this proposal was in conference—and appeared about to be adopted—Chief Justice Burger went into action.

As *The Washington Post* front-page story of Nov. 12, 1990 reported, "Burger fired off letters to House and Senate conferees labeling it an "astonishing proposal" that would be "an incredible setback to one of the most enlightened aspects of the federal prison system." Conferee Sen. Strom Thurmond (R-S.C.) told his colleagues that he would not accept the anti-UNICOR amendment, and that ended the matter.

MIDDLE GROUND

Burger lent his considerable energies to efforts to find a middle ground between the federal government and adversely affected industries and labor unions. He revived the Prison Industries Task Force, and prevailed upon former Attorney General Griffin Bell (and later, the former head of the Federal Bureau of Investigation and the Central Intelligence Agency, Judge William Webster) to serve as chairman of that group. In his January 1994 address to the task force, Burger cited the Scandinavian governments as role models for recognizing that most incarcerated individuals eventually return to society and therefore should be made literate and trained in meaningful jobs. "The U.S. needs to focus on education, training, and work to try to make offenders better people than when they entered the system," he urged.

Burger rejected the notion that his views on prison reform were at odds with his law-and-order approach to criminal justice. As the *Post* quoted Burger as saying, "My position on this is the most conservative one you can imagine. If you can take an individual and train him so he can do something a little more useful than stamping license plates, he's a little less likely to go back [into prison]. This isn't for the benefit of the criminal community. It's for the benefit of you and me."

Chief Justice Warren Burger continued his commitment to prison industries until the end of his life. In this quest for inmate rehabilitation, Warren Earl Burger honored his country.

TRIBUTE TO MRS. LENORE DONNELLY

HON. WILLIAM (BILL) CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. CLAY. Mr. Speaker, today we say farewell to Mrs. Lenore (Lenny) Donnelly, chief of democratic pages, who is retiring after 10 years of dedicated service in this position. She will be sorely missed.

Mrs. Donnelly's career in politics spans three decades and is quite impressive. She knew and worked with two great Democratic Presidents, John F. Kennedy and Lyndon B. Johnson. She campaigned for President Kennedy and served President Johnson in the White House. She also worked for Senator Robert F. Kennedy. In 1985, she was appointed Chief of Democratic Pages by Speaker Thomas "Tip" O'Neill.

Mrs. Donnelly has been a valuable asset to this institution. She has trained and counseled more than 2,000 pages from across the country. Her contributions helped to make the page program a highly productive experience for the young men and women who participated.

I want to express my deep gratitude to Mrs. Donnelly for her outstanding assistance and wish her much success and great fellowship in the future.

REMEMBRANCE OF RICK NEUSTADT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Ms. HARMAN. Mr. Speaker, earlier this month, the Democratic Party lost a creative voice and I lost a good friend.

Rick Neustadt and I met in the Carter White House, where his keen policy instincts were extremely valuable. He then moved to the private sector where he used his knowledge of communications policy to help fledgling new communications technologies to develop. He did good—and he did well.

He also continued his interest in refining and refocusing the Democratic Party to understand new technologies and the new workforce. His ideas were central to an excellent publication by the Democratic Leadership Council in California.

I learned a lot from Rick, and was hopeful he would play an increasingly prominent role in the DLC and the definition of the new Democrat. His untimely death in a rafting accident is a major loss to his friends, his party, and his country.

COMMEMORATING 150TH ANNIVERSARY OF BELVIDERE, NEW JERSEY

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mrs. ROUKEMA. Mr. Speaker, I rise today to call attention to the 150th anniversary of the founding at Belvidere, NJ. The residents of Belvidere will hold a parade tomorrow as one of several events in a year-long celebration that began with a New Year's Eve party December 31. There have also been a costume ball, a charter signing re-enactment and a family fishing day. Obviously, there's so much to Belvidere's proud history that it cannot all be celebrated in just one day or just one event.

Belvidere was officially founded in 1845. But its history goes back to at least 1716, when William Penn and his partner, Colonel John Alford, purchased what was then the Lenape Indian village of Pequase. The property covered both sides of the Pequest River. The line dividing the Penn and Alford properties became a colonial road that is now known as Route 519.

Many historical events have happened since then in Belvidere. Belvidere has had roles to play in the French and Indian Wars, the American Revolution and the Industrial Revolution, just to name a few of its places in history.

Belvidere was founded largely because of its location at the confluence of the Delaware and Pequest Rivers. The rivers first attracted Indian villages, then 18th century settlers and made possible 19th century mills. Since 1824, Belvidere has been the county seat of Warren County and continues to be the focus of the county.

I'd like to mention some of the past residents of Belvidere who contributed to the town's heritage in ways that should not be forgotten:

Robert Patterson, a tinsmith who purchased land along the Pequest from William Penn in 1759, Patterson's wife had been killed and scalped by Indians in Pennsylvania during the French and Indian War and brought his son to New Jersey to escape the violence. Patterson's log house still stands as Warren Lodge 13 of the Free and Accepted Masons at the corner of Front and Greenwich Streets.

David Brainerd, a 26-year-old Presbyterian minister who came to Belvidere in 1744 to preach Christianity to the Indians. Brainerd was dying of tuberculosis but spent the remaining 3 years of his life at his work. Brainerd translated a number of prayers and Psalms into the Indians' language. In addition, he kept a journal and wrote several reports on the lives of both the local Indians and settlers, which are still of immense historical value today.

Robert Hoops, who in 1769 purchased 500 acres of land from Patterson and William Penn, giving him water rights to both sides of the Pequest. These water rights made possible the industrialization of Belvidere through a saw mill, grist mill, and small factories. When the industries began to thrive on both sides of the river, Hoops linked them with the first bridge across the Pequest.

Captain John Craig, who opened the American House tavern-stagecoach stop at 322 Market Street. During the Revolutionary War, it was Captain Craig who helped reveal the British Army's plan of attack on General George Washington's army as it retreated to Valley Forge in 1777.

There are many others, of course, who contributed to Belvidere's history. I cite these as only a few examples of the wealth of history in a small town that might easily be overlooked by the pages of history books.

At only 1.25 square miles and 2,600 residents, Belvidere is the smallest municipality in the county. But its importance in our county's history obviously goes far beyond its size. I congratulate Belvidere on its history and accomplishments, and wish all the people of Belvidere as equal amount of success in the town's future.

SALUTE TO AMANDA SZALASNY

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. McNULTY. Mr. Speaker, I salute an outstanding young woman from my congressional district, Amanda Szalasny. Amanda was recently awarded first place in the essay contest, "What the American Flag Means to Me," sponsored by the Legnard-Curtin American Legion post, which is located in Green Island, NY.

The American Legion has long supported efforts to educate young people about the flag and what it means to all Americans. Amanda Szalasny's essay reflects the values that the American Legion has always promoted.

WHAT THE U.S. FLAG MEANS TO ME

(By Amanda M. Szalasny)

To me the U.S. flag means liberty and independence. It is one of the most important things in all Americans lives. In the following paragraph, you will find out why I feel this way.

In 1777, the Continental Congress adopted a 13 star and stripe flag. This was a symbol of freedom, liberty, and independence of the United States. I think this flag is very important to all of us because without it, someone could overpower us easily. We wouldn't have the liberty or independence we do now. So many times, we see the flag and we don't even stop to think about how important it is to us. We barely give it the slightest glance. It is not only a piece of fabric, it is a symbol of our freedom and independence. We don't think about what we'd be without it. The flag should be looked at with respect and loyalty. So many times we hear the Star Spangled Banner and say the Pledge of Allegiance without thinking about what we're hearing or saying. What ever happened to the patriotism we used to show for our flag? Now we just hear the Star Spangled Banner and we don't even bother to really listen to this music or look at the flag as we hear it. We say the Pledge of Allegiance without that patriotism in our voice. We have to realize what these things all mean, and treat them with respect. I think our flag should be appreciated by everyone. I appreciate it and try to show the best patriotism I possibly can when I say the Pledge of Allegiance or hear the Star Spangled Banner. And most of all, when I look at our U.S. flag, I don't see just a piece of decorated fabric. I see a symbol of liberty, independence, and my country! I feel that if I do this, maybe others will follow.

In conclusion, I feel that our flag should be treated better because of all it represents. It represents us and I hope that patriotism for our flag will be shown more. Remember what it does for us.

GROUP PREFERENCES

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. PACKARD. Mr. Speaker, once again President Clinton's propensity for waffling has gotten the best of him. It was only a few months ago that he signaled serious reform of affirmative action was essential. Now, he supports the antiquated system of racial spoils that the American public no longer supports.

Thirty years ago, the civil rights movement began to ensure America's most fundamental ideals—individual liberty and equal justice under the law. Thirty years later, however, radical liberals have distorted the law and instituted quotas and set-asides. This amounts to nothing less than reverse discrimination.

My Republican colleagues and I are committed to fashioning legislation which will create real opportunities for those who need them most. I strongly believe that achievement does not come from heavy handed bureaucratic regulations or preferential treatment, but through equal opportunity and individual effort.

Mr. Speaker, I would warn President Clinton that the policies of the past are as divisive as the policies they sought to remedy. Last November the American people voted for change. His decision to support the status quo is a direct affront to their wishes.

FUNDING OF THE NATIONAL MUSEUM OF THE AMERICAN INDIAN

HON. BILL RICHARDSON

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. RICHARDSON. Mr. Speaker, I would like to bring up a matter which deeply troubles me. The House recently passed its version of the fiscal year 1996 Interior appropriations bill, H.R. 1977. In its deliberations many vital programs had to be prioritized and some were eliminated or reduced drastically. During those deliberations, there was no mention of the elimination of construction funding in the Smithsonian request for the National Museum of the American Indian Cultural Resources Center.

Let me explain why this facility is so important to Indian people. First, the collection, which was transferred to the Smithsonian in 1989 from the Heye Foundation in New York, is one of the finest collections of native American treasures in existence and a legacy for the future. Without adequate protection, these treasures could be lost forever. The principal reason for the original transfer of the collection was the dismal condition of the storage facility in New York. The New York building, where most of the collection is housed, is over 70 years old and in such poor condition that it places the collection in physical danger. The Smithsonian has made the transfer of the collection out of the New York facility and into the Cultural Resources Center one of its top priorities. There in no question that the transfer is necessary in order to protect this magnificent collection.

Second, and more importantly, the establishment and progress of the National Museum of the American Indian is a fulfillment of the promises that this Congress made to the Indian tribes. Although the Cultural Resources Center will house over 1 million native American objects it will also serve as a institution of living culture, and will provide training programs, research opportunities, and educational endeavors to native peoples. This will enable Indian people to preserve and maintain their unique culture and community.

In fiscal year 1995, Congress appropriated $19.4 million in start-up moneys for the Cultural Resources Center. For fiscal year 1996, however, the House did not provide any funds for the Center in its fiscal year 1996 Interior appropriation bill. It is my hope, and the hope of all of Indian country, that the Senate in its deliberations on the appropriations measure will see fit to restore funding for this project.

Mr. Speaker, the authority legislation for the National Museum of the American Indian created a solemn and historic obligation on behalf of this Nation to provide a living museum for its native American tribes. We should act in good faith and keep those promises, by recognizing the contributions and cultures of the native peoples who inhabited these lands first and who constitute such an integral and important thread in the fabric of our national cultural heritage. The National Museum of the American Indian Cultural Resources Center deserves our support and funding.

OPPOSING THE LANGUAGE OF HATE

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. NADLER. Mr. Speaker, those of us in politics have lately gotten a bad rap—people think that those of us who represent our neighbors here in Washington are craven and will say anything, stoop to any reprehensible stunt, to attract contributions and votes.

Of course, that's not true. Most Members of Congress are honorable people who are dedicated to public service.

It gets a bit hard to defend this institution when you have to pick up your morning paper and see reprehensible and hateful trash like the latest wanted poster sent out by Republican fundraisers.

Of the many Members of this body who have taken a principled stand against the Contract on America, the whiz kids decided they would push the emotional hot buttons of potential contributors if they depicted the opposition as predominantly Jewish, African-American, Latino, and female.

To which direct mail list was this to be sent? The KKK? Isn't our country divided enough without some craven politician stirring the pot in search of contributions?

One more thing, I was left off this poster and I wish to object. I have worked as hard as anyone to stop the contract's multiple assaults on individual liberty, the environment, consumers, and the Constitution. Yet this wanted poster suggests that I haven't been on the job, or worse yet, have colluded with the contract.

Mr. Speaker, where do I go to get my good name back?

PERSONAL STATEMENT

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. COLEMAN. Mr. Speaker, on July 18, 1995, during consideration of H.R. 2020, the Treasury, Postal Service, and General Government Appropriations Act for fiscal year 1996, my remarks in the CONGRESSIONAL RECORD state that I had planned to support this legislation on final passage. However, due to the adoption by the House of the amendment regarding the exchange stabilization fund, I did not support this bill.

I took this regrettable action because this legislation was so dramatically altered by this amendment that if signed into law would have a negative impact on the Mexican economy. As you know, my congressional district is highly dependent on trade with Mexico.

I nevertheless plan to deal with this matter in conference to craft a bill which I hope I can support.

FAMILY VALUES FOUND ON THE FRONT PORCH

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. LIPINSKI. Mr. Speaker, I rise today to introduce the pastor of my local parish in Chicago, the Rev. Marcel J. Pasciak. He writes a weekly column in our parish guide entitled "Father Marc's Markings." I found Father Marc's column of July 16, 1995, to be very informative, enjoyable, inspirational, and very much needed in today's society. I think so much of his words that I wish to share them with all who read the CONGRESSIONAL RECORD. Following is Father Marc's Markings:

FRONT PORCH PEOPLE

We're just not front porch people anymore. In the old neighborhood of Brighton Park, Back of the Yards, and Canaryville, when the temperature reached 80 degrees, families took to the front porch or front stoop. Chairs, stools, pillows, made their way outside as Dad read the paper, Mom knitted or crocheted and Junior with his friends played CLUE or SORRY (Monopoly money blew around too easily in the wind).

Neighbors cradling brown parcels hurrying home from the corner grocery store stopped to exchange greetings and swap stories. People from other porches down the street meandered over to say "hello" or check on the White Sox score. Ladies exchanged gardening tips; men boasted about their new lawn mowers or tools; children either drank cans of Pepsi or hurriedly unwrapped popsicles. Tugging on their mother's aprons, they pleaded for one last bicycle ride around the block before it gets too dark. "The Front Porch" meant family and neighborhood. It reflected a less complicated, more innocent lifestyle in America. The front porch was not only a place to cool off on a hot summer night; but a place where community began, where different ages mixed together, laughing, talking, sipping cool drinks. Relationships were deepened and values were communicated—it was in a sense a holy place.

In our air-conditioned society of 1995, we no longer come out on the stoop to see our neighbors or share board games with the youngsters. We huddle in front of our cable televisions or VCR's with remote control units poised in hand. We don't even huddle together since just about everyone on the household has their own television set. Table games have been replaced by computers or by video games (Nintendo or Sega * * * some quite violent). Children no longer feel energetic enough to ride their bicycles or play catch with Dad in the back yard.

Moms, tired from shopping in the large suburban malls, catch up with laundry or do housework in the evenings; many have put in a full day at work and just don't feel sociable. Dads may still tinker in the garage or basement workshops—before couching down with beer and snackies before the television set ready for a long evening before the tube (watching sports or the newest Bruce Willis movie). No room for the front porch here.

Yes—times have changed. We no longer have that front porch mentality. No amount of politicians like Robert Dole who promote family values or clergymen inviting church participation or civic leaders calling for neighborhood pride will bring back that front porch stoop and all that it stood for.

What we do need to do is to re-invent or retranslate the front porch spirit of family and neighborhood pride in contemporary terms, in a livable way for our modern society. We need to encourage first of all, neighbors to communicate with their neighbors. In my rounds on house blessings so far, one thing that comes out strongly is the real horror stories of neighbors who live next to one another and refuse to even talk to each other. Incidents of long ago have contributed to a state of co-existence or cold war on both sides of the back yard fences.

Second, why not promote more block parties like so many blocks have each year. Barricade the street, play some music, organize some games, barbecue some food, and invite absolutely everyone to it. Invite the parish priests; maybe have a prayer service or Mass. Talk, play, and pray together.

Third, welcome newcomers who move into the neighborhood. Bring over a cake or some cold drinks and introduce yourself; it sounds corny but, you know, it breaks the ice and builds community.

Fourth, find out who might need some extra help on the block: food shopping, grass cutting, reading the newspaper for, or just sitting with. Encourage your youngsters and teens to assist in a sense of Christian service (no money accepted, please).

Fifth, provide for the safety of the neighborhood. Keep your eyes and ears open for trouble or suspicious activity. Attend police beat meetings to get to know your police officer and what you can do to keep your block safe. Work together and dialogue with neighborhoods to make your block a better place to live.

Sixth, promote this spirit in your own home. Meet your children's friends; invite them over for dinner or pizza. Invite their parents over as well. Plan common activities or trips to Great America or baseball games or to the water park. Do creative tournaments or games in your back yard or front lawn to instill healthy competition (bingo games, chess, stick ball, board games). Encourage your children to walk or bike around the neighborhood, instead of always relying on the automobile to get us around town.

We need desperately to come out of our shells, out of our homes, we need to network and communicate and realize that we depend on one another. We need to rediscover that it's people that makes the world go round—not computers or television images—real live people communicating, laughing, playing, living together. Our stories of faith and life must be filled with memories not of video games and cable movies but of people and neighborhoods and porch stoops.

A TRIBUTE TO MARILYN LEFTWICH

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. RAHALL. Mr. Speaker, I rise today to honor one of my constituents, from the third congressional district of West Virginia, Ms. Marilyn Leftwich, an extraordinary employee of the Federal Prison Camp in Alderson, WV. Upon her retirement on August 31, 1995, Ms. Leftwich will have completed almost 25 years of service. Throughout her career, she has been a professional role model for the staff, and has had a great impact on the various programs at Alderson Federal Prison Camp.

Ms. Leftwich received her bachelor's degree at Bluefield State College, in Bluefield, WV, and her master's degree at Liberty University, during a career which began in 1970. Starting as a correctional officer, she was soon promoted to correctional counselor, community programs coordinator, and eventually to her current position as unit manager. Besides her accomplishments at work, Ms. Leftwich has raised a family of three children, and has been very active in the community, and her church. She has also received a number of awards for her work and dedication to the community and her job, some of which include the Outstanding Achievement Award, Employee of the Month, and Outstanding Performance Appraisal Awards. Active in the National Association for the Advancement of Colored People [NAACP], and in the development of the Alderson Federal Prison Camp Affirmative Action Program, Ms. Leftwich will long be remembered for her hard work to establish equality in all realms of society. Her involvement in community programs like these, has helped the Federal Prison Camp build and maintain a sound relationship with the surrounding community, as well as having a great impact in the attempt of creating a diverse work force.

Mr. Speaker, Ms. Leftwich's dedication throughout the years has been vital in developing community project for the Prison Camp, including a program in which inmates donate clothing for needy families in the community. She helped to organize a group of inmates to maintain a section of the highway under the Adopt a Highway program. Her most recent project was called "Mothers and Infants Together," which allows for pregnant inmate mothers to bond with their newborn babies for a period of 3 months.

At a time when there has been so much focus on reducing government spending, we should appreciate the many programs which Ms. Leftwich developed and supervised. A shinning example is the institution sewing room, which has saved the government money by producing maternity clothing and re-upholstering services, sewing drapes and other items, while at the same time providing meaningful employment for the inmate workers.

We must commend Ms. Leftwich on her effort to include the inmates into as many projects as possible. These projects served both the inmates and the community, which is an ideal way to let the public know that the inmates should not be forgotten members of society.

Ms. Leftwich's retirement will bring a great void to the staff at the Federal Prison Camp in Alderson, WV. After she retires, Ms. Leftwich plans to continue her community service and council children. She is an extraordinary woman, who has had a great impact of the female inmates and the community of Alderson, WV over the years.

UNITED STATES COOPERATION WITH THE INTERNATIONAL PARTNERS, INCLUDING RUSSIA, IN THE INTERNATIONAL SPACE STATION

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. GILMAN. Mr. Speaker, I rise to express my support for the international space station program. The first phase of this, the most challenging international technological project ever attempted, has already started with the space shuttle missions to Mir, the space station that has been operated by Russia for over 8 years. Just a few weeks ago, NASA and the Russian Space Agency demonstrated that joint operations in space are possible as the crew of *Atlantis* docked with Mir and became the largest, and most populated, spacecraft to ever orbit the Earth with its combined crew of 10. It was a flawless mission that provided our scientists with the opportunity to study the effect of long-duration space travel on one of our own astronauts and, for the first time, on two cosmonauts.

Conducting these joint operations and joint scientific experiments on the shuttle/Mir aboard Mir teaches our two space agencies to work together. This provides valuable experience and test data that will greatly reduce the risk during assembly and operation of the international space station. Conducting scientific experiments aboard Mir also gives our researchers the opportunity to benefit from long-term space flight—something not currently available on shuttle flights that only average about 10 days' duration.

By incorporating Russia into the partnership, space station construction costs to the United States are reportedly decreased by about $2 billion overall, and it will be completed at least 15 months sooner than planned before Russia's inclusion. The Russian partnership will allow America to tap into the Russians' vast experience. Russians have nearly three times more time in orbit than Americans.

But more importantly, as democracies the world over now face many difficult situations, we can look to the international space station program as the preeminent example of just how much we can accomplish when former adversaries work with each other, not against each other.

SALUTE TO CAROL JENIFER, DISTRICT DIRECTOR OF THE INS

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. CONYERS. Mr. Speaker, given that we are so frequently confronted with the troubles and the travails of the Immigration and Naturalization Service, I would like to have the following uplifting article inserted in the RECORD. The article profiles Carol Jenifer, the first African-American women to manage day-to-day operations in an INS district office. Ms. Jenifer is the District Director of the INS district office at the United States-Canada border located in my hometown of Detroit, MI. I hope and expect that the INS will continue to attract and promote individuals of Ms. Jenifer's caliber.

CAN BUSINESS STILL SURVIVE IN OUR CITIES?

(By Anita Lienert)

Carol Jenifer does not look like a huggable person. She wears her hair in a Marine Corps-style buzz cut and shuns makeup and jewelry. Although she's six feet tall, she seems even taller, carrying herself with a military bearing that reflects her years as a police officer in Washington, D.C. She carries a gold badge that says "District Director" and has just ordered a Glock handgun to keep in her desk. To get inside her office at the U.S.-Canada border in Detroit, you need to get by a metal detector and armed employees.

So when one of her clients leaps out of a seat in the waiting room at the Detroit branch of the U.S. Immigration and Naturalization Service and gives Jenifer a big hug, it seems somewhat out of place.

"Oh, Miss Jenifer," says Chadia Haidous, a Lebanese immigrant. "I just got sworn in today! I'm an American citizen! And now I don't have to worry about my daughter."

Jenifer, 45, the first African-American woman to manage day-to-day operations at one of the 33 INS district offices in the United States, hugs her back and rejoices with the Haidous family.

Moments later, loping up the back steps to her office that overlooks the Detroit River, Jenifer explains that little Alica Haidous, 11, who was born in Senegal, could have faced deportation because her mother was not a U.S. citizen.

"The family was afraid the daughter would have to go back to Senegal unescorted," Jenifer explains. "I could have stuck to the book, but why? I made a heart decision and I made it in the name of family unity. I could have sent her back and had them petition for her, but I didn't. And now it won't happen because we don't treat our citizens like that."

Jenifer, who oversees a hectic operation with a $14 million annual budget, considers herself one of the new breed of INS managers. While the southern border with Mexico draws most of the media attention, INS officials say the northern border has its share of illegal immigrants—they just don't talk about how many.

Therefore, it's her mission to walk a tightrope to satisfy a number of different constituents, from American taxpayers who are disturbed by the large number of illegal aliens entering the country, to immigrants who complain about long lines and insensitive treatment at INS offices.

One of Jenifer's first management decisions was to improve the atmosphere by installing brighter lights in the crowded waiting room. She is considering hiring a customer-service representative to handle complaints generated by the 48 million people who pass through INS checkpoints in her jurisdiction each year, including the Detroit-Windsor Tunnel, the Ambassador Bridge and Detroit Metropolitan Airport. She is also determined to hire an inspector who is fluent in Arabic because her client base is 50 percent Middle Eastern and no one in the office is fluent in that language.

Jenifer has made it a point to get to know the names—and personal details—of the 254 employees and one drug-sniffing dog who work with her in patrolling eight ports of entry along 804 miles of water boundary between the United States and Canada.

So far, one of Jenifer's "employee" relations challenges has been communicating with the German shepherd: Gitta only responds to commands in German. Even so, Jenifer still knows how to work a room—whether it's full of customers or employees—in a charismatic style reminiscent of Ronald Reagan. She stops often to ask about sick wives or new husbands. But don't confuse her familiarity and warm-and-fuzzy approach with wimpiness. In reality, her management style is much close to the tenets of Tough Love.

After all, her office deported 1,249 people in 1994. And shortly after the heartwarming scene with the Haidous family, Jenifer stands firm on a $15,000 bond set by her deputy director earlier in the afternoon on a Jordanian immigrant whose wife had blurted out during his naturalization interview that she had been "paid to marry him." He also had prior felon convictions and there was an outstanding warrant for his arrest.

But to get a real feel for Jenifer, you need to see her in action at 7:30 a.m., as a single parent in Detroit getting her two daughters, Eboni and Kia, both 13 off to school. Jenifer skips breakfast and barks orders like "Kia, did you finish those dishes?" and "Eboni, give me that assignment notebook to sign."

While her girls scurry around, Jenifer straightens her simple black dress, snaps on a beeper and bundles up in a coat and scarf, stopping only to grab her ever-present black leather organizer.

Outside, it's 20 degrees and still dark, with a light snowfall. Sounding like a typical mother, Jenifer grumbles that she can't get the girls to wear their ski caps to school and that they keep pestering her to buy a dog.

"When I applied for the job a year ago, I told my supervisors that the girls were a huge part of my life," Jenifer says in the car on the way to work. "I told them I would have to limit travel because I attend games, go to parent conferences and pick them up after school. It didn't seem to hurt, because I think they wanted someone who could humanize the office."

At work, her office is decorated with striking paintings of "buffalo soldiers"—the all-black cavalry who fought and resettled the West. Jenifer explains that since taking the job last spring, she has been worried about every little detail, including whether or not she should have hung the artwork.

"I almost took the pictures down," she says. "I didn't want to overwhelm people who couldn't relate to something like that. But after I thought about it, I realized I needed those men [in the pictures] to watch my back. Management has some pitfalls."

In private, Jenifer admits that "being a tall black female has had its problems."

Testifying before a congressional committee last fall on equal employment opportunity protection and employment practices at the INS, she described the low points of her career, beginning with her job interview 12 years ago for an INS analyst position.

"The interviewer seemed more surprised that I was articulate and a product of the D.C. public school system than in other qualifying factors," Jenifer told the committee. "It was quite obvious that I did not fit whatever image this manager had regarding African-Americans. He later remarked that one day I would be his 'boss' . . . There remains a perception that my advancement was due to connections and not based on merit."

She says she had to struggle for every promotion at the federal agency, at one point hiring an attorney to present her concerns about lack of advancement to INS personnel officials.

Despite those early challenges, Jenifer says the transition to her new $88,000-a-year position has been relatively smooth, due in part to her long INS experience that ranges from working as an officer in the detention-and-deportation branch to holding the post of second-in-command in Detroit before she got the director's job. Her boss, Carol Chasse, INS eastern region director, describes Jenifer as "a shining star."

"She's got it," Chasse says. "She's a practitioner of good human relations. Leadership in the '90s is about people skills and that's critical here because we deal with huge volumes of people."

Although Jenifer grew up in Washington, D.C., she never dreamed of working for the INS. The daughter of a bookbinder at the Federal Bureau of Engraving wanted to be a firefighter. "But back in those days, women didn't get to be firefighters," she says. "I had to settle for police work." Her time on the D.C. force included a stint undercover on the prostitution detail.

Jenifer later earned two master's degrees, one is counseling from the University of the District of Columbia and one in public administration from Southeastern University. She said the degrees helped her develop the discipline to manage efficiently.

The first order of almost every day is meeting with her top managers. Six out of seven of Jenifer's managers are women, which is notable considering there are no female border patrol chiefs in the United

States and there are only two female district directors. On the day of the interview, Jenifer seems to be running late for the daily briefing, until she explains that she sets her office clock 15 minutes fast on purpose. She grabs a piece of hard candy from the jar on her desk and heads out right on time.

The meeting is fast-paced and informal, and covers topics ranging from the need for air fresheners in the office bathrooms to a video for employees about avoiding sexual harassment. Jenifer insists that her managers keep their remarks to a minimum, and they give their daily reports in a sort of verbal shorthand that takes a total of 21 minutes.

"E-mail is negative," begins administrative officer Judy McCormack.

"No arrests yesterday," pipes up James Wellman, acting assistant district director for investigations.

The issue of bathroom air fresheners prompts some discussion. "I don't care what you get, as long as we get them in there," she says to her staff, slightly annoyed after being questioned about what type should be ordered.

Jenifer is anxious to end the meeting and get down into the public waiting room for her daily "walk around" with people who are here to take citizenship tests, file paperwork contesting deportations or apply for green cards. Although she speaks English only, she communicates well, sometimes with gestures or handholding or by repeating phrases over and over.

Today, about 75 people are assembled by 9:30 a.m., under disconcerting signs that say things like Fingerprinting—Now Serving #823. Jenifer later explains that the signs record the number of people from January 1 to the present. Still, the signs just seems to magnify the "Waiting for Godot" atmosphere in the room. The Detroit office serves about 350 people a day and conducts about 1,300 naturalization interviews a month.

Jenifer doesn't identify herself, but plunges into the crowd, smiling and joking.

"Where are you from?" she asks one man.

"Nigeria," he replies tersely.

"What part?" Jenifer continues.

"Africa," he says.

"I know it's Africa, silly," she chides him, laughing. "I've been there. What part?"

By this time, the man and his companions are smiling. Everyone in the room is staring.

"Lagos," he says. "Have you been there?"

She has been accused of working the crowd, but "this is some of the most important work I do," she explains afterward. "I got a real feel for front-line work when I worked for the INS processing refugees in Kenya a couple of years ago. It sure gives you a difference perspective on naturalization. It makes you realize that these are peoples' lives you're making decisions about."

Back in her office around 10:15 a.m., Jenifer sucks on another hard candy and meets with Harold Carter, an INS examiner who chairs a committee representing minorities in the Detroit district.

"Come on Harold, get comfortable," Jenifer coos as she scrabbles around on her desk looking for a pen. After Carter settles into a chair, she launches into her concerns: "There are no Hispanics in investigations . . . We don't have any representative [minority] groups at Sault Ste. Marie. We have to show we've tried to reach parity. Can we get people to work up there?"

Carter laughs, noting it's pretty cold at the Soo, which is an INS port-of-entry located in Michigan's Upper Peninsula. But they get serious again quickly. After all, there is a class-action suit in Los Angeles about lack of advancement among black INS officers.

After the meeting, she's off to the Detroit-Windsor Tunnel, which runs underneath the Detroit River, but first stops to order Girl Scout cookies from a coworker. "I should have ordered more," she muses. "My kids know I hide them under my bed."

Jenifer needs to see how work is progressing at the tunnel and Detroit's Ambassador Bridge—the largest commercial-vehicle entry port in the United States—on the "Portpass" program. Portpass allows prequalified drivers to use express lanes, which will speed up the flow of traffic.

"Traffic can be my worst nightmare," Jenifer says. "We have a federal mandate to get people inspected here in less than 20 minutes—and we have to keep it moving or the complaints start backing up." The INS inspects people crossing the border, while U.S. Customs agents inspect things, but the two cross-train and work together. To the public, they are virtually indistinguishable.

Touring the new tunnel Portpass office, Jenifer is complimentary about the countertops that will separate staff and customers. "Good," she notes. "I like them wide so nobody can reach across and grab our people."

She's less sanguine, however, about the Portpass signs in the traffic lanes at the tunnel. "The signs are too little," she complains. "I don't know if people will be able to see them."

At the bridge at noon, Jenifer is still obsessed with signage. She tells Norman Byron, port director for the bridge, that she's worried that people won't be able to see the express lane signs at night. He assures her that they will be well-lit.

The two tour a trailer-type office set up at the foot of the bridge to accommodate the new program and staff. Jenifer checks out every closet and toilet and pushes back part of the wall paneling that has bowed out. She nearly slips coming down the steps in the snow and asks when skid strips will be put in.

"The skid strip for steps costs $3,000 a roll," Byron says. "Some things we can't do until the weather gets warmer."

Back in Byron's office, Jenifer banters with several INS agents and asks for their recommendations on good places to eat nearby. They direct her to a restaurant in Detroit's nearby Mexican Village that looks like a dive, but turns out to have decent food.

Jenifer orders the quesadillas and chicken enchiladas and ends up taking home a doggie bag of most of the food for her kids. "I'm a horrendous cook, so I love leftovers," she admits.

By 1 p.m., she's on her way to Detroit's Metro Airport to check on a request for more INS inspectors to accommodate a 60 percent increase in international passengers since 1993 due to airline mergers. It's a 45-minute drive to the airport, and on the way she talks about the mundane, yet important issues that face single parents, such as getting the laundry done and whether it's wise to hire a housekeeper.

Stuck in rush-hour traffic with Jenifer, you find yourself sharing the problems of raising teenagers and getting along with men. She seems more like an old friend by mid-afternoon than an interview subject. But then, her staff has warned you that Jenifer often "pulls an Oprah," or gets people to tell all unwittingly.

At the INS section of the airport, Michael Freeman, the supervisory immigration inspector at the airport, prints up a computer list of how passengers have increased on each airline since 1989. Jenifer studies the printout and tells him she'll consider hiring 10 or 11 new inspectors to ease the crunch. Jenifer asks Freeman if he's lost weight. It's clear Freeman's busting to tell her something else and he finally does.

"I just found out my wife is having a baby," he says. They chat about children and health concerns. If Jenifer ever tires of the INS, she could probably have her own talk show.

She makes it a point to shake hands with or speak to all 12 of the INS inspectors on duty that afternoon before heading back to her office. The new hires, whose desks are piled with books like *The Art of Cross-Examination*, stiffen when Jenifer walks in the room. But within minutes they are relaxed.

Back at the office, Jenifer goes through the paperwork that has sprouted on her desk over the last few hours. Her secretary puts the most urgent notes on her chair. There are employee identification cards to sign, a quarterly meeting with immigration lawyers to arrange and an application for a bowling tournament with the heads of other federal agencies in Detroit, from the Secret Service to the FBI.

"Oh," Jenifer groans. "I need a coach to help me bowl better. I bowled an 80 last time and have yet to live down the shame."

By 4:45 p.m., Jenifer is walking out the door to pick up the girls. They are waiting for her in the school library, complaining about their eighth-grade class pictures.

Jenifer studies the photos as closely as she's looked at any paperwork today. "Yes, I'm keeping these for blackmail purposes," she says. The three of them burst out laughing.

By 5:15 p.m., the INS manager who insists that "fair management and families" are the cornerstones of her personal and professional life, is walking in the side door of her house holding the leftover chicken enchiladas in her free hand.

HONORING RALPH SPENCE

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. HALL of Texas. Mr. Speaker, I rise today to pay tribute to an outstanding east Texan, Ralph Spence of Tyler, TX, who died recently at the age of 76. Ralph Spence was one of those extraordinary individuals who was successful in so many areas of his life. He devoted his energies to a variety of worthy causes in east Texas and beyond, and his presence will be sorely missed by all those who knew him.

Born January 4, 1919, in Yorktown, Ralph lived in Tyler most of his life. He served in the United States Navy during World War II and participated in the invasions of Normandy, southern France, Okinawa, and the Philippines. He was an independent oil operator in Tyler who contributed to the discovery of several oil fields. He served as vice president of the Independent Petroleum Association of America, served on the IPAA executive committee and founded the Tyler Petroleum Club.

Ralph Spence was actively involved in his community. He was director of the former Citizens First National Bank, a life member and past chairman of the Salvation Army Board, past president of the Texas Rose Festival and Order of the Rose, president of the East Texas Symphony Association, past president of Robert E. Lee High School Parent Teachers Association, director of the East Texas Hospital Foundation, and past member and vice chairman of the Federal Bi-Racial Committee. He originated the Eisenhower International Golf Classic in Tyler and assisted in fundraising for the Tyler-Smith County Public Library.

Ralph also devoted countless hours on behalf of higher education. He was chairman of the development board of the University of Texas at Tyler and was the only man to serve on five University of Texas development boards—University of Texas at Austin, University of Texas at Tyler, University of Texas Medical Branch at Galveston, College of Business Administration at the University of Texas at Austin, and the University of Texas Health Center at Tyler. As chairman of the University of Texas Chancellor's Council, he completed the acquisition of the Gutenberg Bible for the university. He received many awards and honors, including life membership in the Texas Congress of PTA, a public service award from Texas College in Tyler, the Pioneer Award from the East Texas Association of Petroleum Landmen, and community service award as chairman of Earl Campbell Day. He received the distinguished alumnus award from the University of Texas Ex-Students' Association Administration and from the University of Texas College of Business Administration, was named "The Centennial Dad" by the University of Texas Dad's Association and was appointed to the Texas College Coordinating Board. He also was listed in Men of Achievement in Texas.

An active member of Christ Episcopal Church, Ralph Spence held numerous lay positions in the church and was named lifetime vestry member. He was elected by the Diocese of Texas to serve as deputy or alternate to the general convention for 30 years and was elected by the general convention to the executive council of the National Church. He was a member of the executive board of the Episcopal Diocese of Texas and a representative to the Diocesan Council for 40 years.

Ralph is survived by his wife, Mary John Spence of Tyler; one son and daughter-in-law, Ralph Spence, Jr., and Tancy of Billings, MT; two daughters and sons-in-law, Louise and Guy Griffeth of Dallas and Judy and Charles Tate of Houston; two brothers and sisters-in-law, Charles and Carolyn Spence of Raymondville and Pat and Judy Spence of Tyler; nine grandchildren and several nieces and nephews.

Mr. Speaker, our lives are enriched by citizens like Ralph Spence, who devote their time and energies to our communities, churches and schools. One of the benefits of being a Member of Congress is that you meet and get to know the Ralph Spences of the world—people who really care and really help others—who really love and are loved. There is no way to measure the good Ralph Spence did during his lifetime—and he will be missed. As we adjourn today, I join his family and many friends in paying our last respect to this exemplary citizen. His legacy will be felt for generations to come.

TRIBUTE TO THE LIA ON ITS 60TH ANNIVERSARY

HON. BOB FRANKS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. FRANKS of New Jersey. Mr. Speaker, I rise today to congratulate the Linden Industrial Association [LIA] which will celebrate its 60th anniversary on September 27, 1995.

Over the past 60 years, the LIA has faced many challenges and been active on many different fronts. These include offering advice on legislation at the local, State, and Federal level; working with municipal officials on tax, public safety, and education issues; improving the public image of the city of Linden and advocating various economic development projects. Perhaps LIA's most important function has been to facilitate communications between the local industrial community and public officials. Since the LIA was formed in 1935 in the midst of the Great Depression, it has advanced the interests of the Linden-area business community.

On September 27, the LIA will be celebrating its 60th anniversary with a special dinner entitled "Linden . . . 2000 and Beyond." In keeping with its progress-oriented charter, the focus of the evening will be on Linden's future, not its past.

Like most organizations, the LIA's able leadership has been responsible for much of its success. Individuals such as Anthony Soriano, president; Thomas Noble, 1st vice president; H.R. Van Handle, 2nd vice president; Kenneth Estabrook, secretary, and Eileen Williams, treasurer, deserve recognition for their essential role in making the LIA a vibrant organization.

Mr. Speaker, it is my great honor to represent part of Linden, NJ, in Congress. I know first-hand many of the dedicated men and women who make up the business community there. I am continually impressed by the commitment these people have to their community and to New Jersey. Their leadership will help ensure that Linden, and Union County, will continue to be a center of economic activity in northern New Jersey for generations to come.

RETIREMENT OF STANLEY G. FEINSTEIN FROM THE GENERAL ACCOUNTING OFFICE

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. MILLER of California. Mr. Speaker, I want to express appreciation for the tireless public service of Mr. Stanley G. Feinstein, who retires this month from the General Accounting Office. At a time when budget-cutters seek to eliminate the GAO and cripple the Congress's ability to investigate Government waste, Mr. Feinstein's work exemplifies the valuable assistance that this Congress received every day from the GAO.

Over the course of his career, Mr. Feinstein helped document some serious abuses of the public trust. His legal analyses of Federal water projects provided this Congress with the factual information we needed to make significant changes in Federal water policy and in the authorization of specific water projects. Mr. Feinstein helped us to sort out the intricacies of the Colorado River Storage Project Act, the Garrison project, the Oahe project, the Central Valley project, the Colorado River Basin Project Act, to name just a few. He told us what was authorized and therefore legal, and what was unauthorized and therefore illegal.

I first met Mr. Feinstein in 1977 when he served on the staff of the San Luis Task Force, a presidentially appointed task force established to investigate abuses of a major Federal water project in my home State of California. Mr. Feinstein's work on that study uncovered abuses of reclamation law and demonstrated that large corporations were in fact receiving illegal subsidies from the Federal Treasury. These discoveries contributed in large part to the reforms embodied in the Reclamation Reform Act of 1982 and the Central Valley Project Improvement Act of 1992.

Mr. Feinstein has for many years demonstrated an incomparable understanding of natural resource law, attesting to the importance of the independent legal analysis that GAO staff brings to the legislative process. His contributions will be missed, and we wish him a long and happy retirement.

A PROCLAMATION RECOGNIZING THE 50TH ANNIVERSARY OF THE INDEPENDENCE OF POHNPEI

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. NEY. Mr. Speaker, I commend the following article to my colleagues:

Whereas, the island of Pohnpei, the capital of the federated states of Micronesia will soon celebrate the fiftieth anniversary of the acceptance of the Japanese surrender, and,

Whereas, the island will hold festivities beginning on the eleventh day of September in the year one thousand nine hundred and ninety-five.

Whereas, the island of Pohnpei was occupied by the United States after World War II and became a United Nations Trust Territory.

SENATE—*Monday, July 24, 1995*

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

The Lord your God in your midst, the mighty One, will save; He will rejoice over you with gladness, He will quiet you in His love, He will rejoice over you with singing.—Zephaniah 3:17.

Lord, we begin this new week with this promise from Zephaniah. It sounds in our souls and gives us courage. We claim that You are in our midst. Fill this Senate Chamber with Your glory. May we humbly trust You as the only sovereign Lord of our lives and of America.

Because Your strength is limitless, our inner wells need never be empty. Your strength is artesian, constantly surging up to give us exactly what we need in every moment. You give us supernatural thinking power beyond our IQ. You provide emotional equipoise when we are under pressure. You engender resoluteness in our wills and vision for our leadership, and You energize our bodies with physical resiliency.

Lord, quiet our turbulent hearts with Your unqualified, indefatigable love. Give us profound confidence, security, and peace. We have absolute trust in Your faithfulness and we commit ourselves to You anew. Tune our hearts to the frequency of Your inner voice. Give us the clarity we need to lead our Nation. In Your never-failing power, we humbly pray. Amen.

The PRESIDENT pro tempore. The able Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. LEVIN. Mr. President, while we are waiting, I thought I would clarify the procedure which brought us here by a series of parliamentary inquiries.

My first inquiry of the Chair is whether or not I am correct in stating that by unanimous consent S. 101 was to be brought up today; that it was to be divided into two bills that could stand independent of each other, the first one on lobbying disclosure, which corresponds to title I of S. 101, and the second bill, which would correspond to title II of S. 101 relating to gifts; and that that action has been taken by the clerk, the bill has been divided into two separate freestanding bills, S. 1060, which relates to lobbying disclosure, and S. 1061, which relates to gifts.

The PRESIDENT pro tempore. The Senator is correct.

Mr. LEVIN. I thank the Chair. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LOBBYING REFORM

Mr. FORD. Mr. President, for several days in the last few weeks, we have attempted, as a bipartisan group, to develop an agreement, which we have been able to come close to on lobbying reform, but not very close on the so-called gift ban.

One of the insistences we had from the other side was that we start at 9 o'clock this morning—that we start at 9 o'clock this morning. Here we are at 9:35, and we see no one here, and they are refusing to come, do not want Members to lay anything down, do not want Members to talk, unless we do it in morning business.

Now, Mr. President, it seems, if you are going to insist on something, you ought to be part of the agreement. We find that this is happening too much of the time. I do not like to be here at 9 o'clock on Monday morning any more than anyone else. We are here. We are prepared. We are ready. So, where is the other side?

Mr. President, I think it behooves all Members, if we are going to start, if we want to start, we ought to do it at the time we agreed upon. I have already had my cup of coffee, as I am sure the Presiding Officer has. He did his swims this morning, his pushups, and he is here ready to go, but we are sitting here.

My statement has brought both doors open on the other side. That delights this Senator very much. So, after 35 minutes of pleading that we want someone here to start debate, which was insisted upon, I hope that we can start and not force this side to come when the other side does not appear.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KYL). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I would like to start the debate in a positive way. There have been a lot of conversations going back and forth by both Senators on both sides of the aisle, Senators interested in lobbying reform legislation and gift rule changes. I think we have made progress. I felt like everything was going in a positive way.

We did come in right at 9 o'clock. Ordinarily, there is at least a Senator or two waiting, ready to make some comment in morning business. This morning we did not have them. We have one key Senator who is going to need to be involved in this discussion, Senator MCCONNELL, who is on his way, I believe, from the airport. So I think it is important that we begin with an open and positive debate and that we not start making accusations.

I know that the Senator from Kentucky has been working very hard. He is here ready to go. I am ready to go. I suggest, Mr. President, that we go ahead and begin the debate, sort of set out the basic parameters of where we are and move forward. We may have some amendments that will need to be offered. Some will be agreed to, I am sure, on lobbying reform. Our hope is that we can have genuine reform.

Personally, this Senator feels we need to tighten up the rules with regard to lobbying disclosure. I have always said we should err on the side of disclosure. Now, what is included in that disclosure is very important. It is not just technical language.

We need to make sure that it does not chill the ability of individual citizens at the grassroots level to talk with their Senators or their Congressmen. It is applicable to both bodies. I think that the concerns that we had in that area last year have been addressed, and everybody feels now grassroots lobbying by individual citizens, certainly, would be allowed under this legislation.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

We need also to make sure it does not just become a paperwork nightmare. We need reasonable, logical reporting. I think we are moving in that direction.

Mr. President, I suggest we go ahead and begin with opening statements. I am sure that the Senator from Michigan would like to make an opening statement. We will take it from there.

LOBBYING DISCLOSURE ACT OF 1995

The PRESIDING OFFICER. Under the previous order, the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1060) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

The Senate proceeded with the consideration of the bill.

Mr. LEVIN. Mr. President, before I proceed, let me ask unanimous consent that Senator McCAIN be added as a cosponsor. I see he was inadvertently left off of S. 1060 and S. 1061. I ask he be added to both.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEVIN. Let me say to the Senator from Mississippi, I, like him, hope that we can reach an agreement relative to lobby disclosure, particularly as there has been some progress made on lobbying disclosure. In conversations over the last few days, we have a way to go, but on this subject we have made some progress. That progress, I hope, will continue today so we can come up with a strong lobby disclosure bill.

This Senate approved overwhelmingly a lobby disclosure bill last year. It was an overwhelming vote. When the bill came back from conference, there were a few changes in it. Those changes were utilized by some Members of this body as the basis of opposition to the entire bill. There was dispute over the meaning of those changes. Some people said that those changes would chill grassroots lobbying and the opportunity for individual citizens to lobby their Members. There was no such intent, and we believe no such language.

That is last year's debate. In any event, this year's bill does not contain the language which was pointed to. That, by the way, was language which was added by the House of Representatives and in conference. As I remember, there was no objection to that language. That became sort of the lightning rod here.

Again, that language is not included in this version, just the way it was not in the version that last passed the Senate with, I think, over 90 votes in the last Congress. So, we are going to renew our effort here today to address one of the most intractable issues that has been faced by the Congress over the last 50 years, and that is to try to reform the loophole-plagued lobbying disclosure law.

The lobbying disclosure act was passed in 1946. It was called the Lobbying Regulation Act at that time. Within a few years, President Truman pointed out to the Congress that there were already so many loopholes in that bill, that Lobbying Regulation Act, that it, for all intents and purposes, needed reform by 1948. So the principal bill that governs the regulation of lobbyists, passed in 1946, was already, within 2 years, pretty useless, confusing, and in need of reform.

President Truman asked the Congress to do exactly that. They did not pay heed. If they had paid heed we would not be here today. That is almost 50 years ago that the President of the United States told the public and the Congress that the act they had passed to require the registration of paid, professional lobbyists, was not doing its job.

The purpose of that bill was to try to get folks who were paid to lobby Congress to disclose who is paying them, how much they are being paid, and to lobby Congress on what issue. That was the purpose of the act that was passed almost 50 years ago.

Then again, in the 1950's, there was an effort made to reform the Lobbying Registration Act. Senator McClellan spearheaded an effort to reform the lobbying registration laws because, again, by then there were so many holes in it there were more holes than there were cheese; there were more loopholes than there was law. But Congress did not heed Senator McClellan's call in the 1950's. If they had, we probably would not be here today.

In the 1960's, lobbying reform was taken up by the Senate, passed, but was not passed by the House of Representatives. If it had, maybe we would not be here today.

In 1976, lobbying reform was passed by both Houses of Congress but in different versions. They were not reconciled in conference. If Congress had acted in 1976, and they got close, we would not have to be here today.

Decade after decade, there has been an effort to close the loopholes in lobbying registration, to make sense of these laws, and they have failed.

In 1978, the Senate Governmental Affairs Committee was so divided over lobbying registration that it could not even report out a bill. Last year we came close, we came within a hair of passing both lobbying registration reform and a gift ban, but it got caught up in the last few days of the Congress, the bill was filibustered here and, as a result, was not passed.

A lot of different issues defeated lobbying reform over the last 4 decades. Sometimes it was the definition of lobbying. Sometimes it was whether or not the executive branch should be covered. Sometimes it was the threshold for coverage. Sometimes it was a question of disclosure of expenditures to stimulate grassroots lobbying or the disclosure of contributors to lobbying organizations. Decade after decade, reasons were given for why we could not reach agreement on lobbying reform and decade after decade it has been frustrated.

So it has been a long and a sad history, in terms of trying to reform laws whose purpose it is to put a little sunshine into the area of paid lobbyists. Senator COHEN and I sought to address these issues when we introduced S. 2276, in the 102d Congress. We reintroduced basically the same measure in the 103d Congress, and we got that bill through the Senate. That was S. 349. But then it fell a few votes short, as I said, when it came to the floor.

We are trying to address these issues again in S. 101, now in S. 1060, which has a few additional modifications, and I believe there will be some further modifications on the Senate floor today.

The right to petition government is a constitutionally protected right. Lobbying is as much a part of our governmental process today as on-the-record rulemakings for public hearings. Lobbying is part of democratic government, an inherent part of it, a constitutionally protected part of constitutional and democratic government. But the public has a right to know, and the public should know, who is being paid to lobby, how much they are being paid, on what issue.

If we want the public to have confidence in our actions, this business has to be conducted more in the sunshine. Lobbying disclosure will enhance public confidence in government by ensuring that the public is aware of the efforts that are made by paid lobbyists to influence public policy. In some cases, such disclosure, perhaps, will encourage lobbyists and their clients to be sensitive to even the appearance of improper influence. In other cases, it is likely to alert other interested parties of the need to provide their own views in decisionmaking.

The lobbying disclosure laws that are on the books today are useless. In the 102d Congress, the Subcommittee on Oversight of Government Management, which I then chaired—Senator COHEN was then the ranking member of it; and our roles have been reversed now—our subcommittee held a series of hearings on the lobbying disclosure laws. We learned that these laws are plagued by massive loopholes, confusing provisions, and an almost total absence of guidance on how to comply with them. For example, the Federal Regulation of Lobbying Act, the basic lobbying registration law now on the books, to which I referred, the law that was passed in 1946, covers only lobbying of the Congress on matters of legislation, not lobbying of the executive branch.

And that law has been interpreted to cover only those who spend the majority of their time in personal meetings with Members of Congress.

As you can see from that loophole, that is not going to cover many people right off the bat. The way it has been interpreted, this basic law, is that in order to be covered, you have to spend a majority of your time actually in personal meetings with Members. There are not too many people who spend the majority of their time in personal meetings with Members of Congress, probably including our own secretaries. So, if you spend time with staff under this interpretation, with staff of the Members of Congress—and that is where, most of the time, lobbyists spend their efforts—that does not even count under that interpretation of the lobbying registration.

There are many other loopholes that have been discovered in that basic act. As a result of these loopholes, the General Accounting Office found that fewer than 4,000 of the 13,500 individuals who are listed in the book "Washington Representatives" were registered under the act. That is less than a third.

Despite the fact that three-quarters of the unregistered representatives interviewed by the General Accounting Office said that they contact Members of Congress and their staffs, that they deal with Federal legislation, and that they seek to influence actions of the Congress and the executive branch, the failure of these individuals, the organizations to register, does not mean that they are violating the law as it stands, because as it stands, again, there are more loopholes in this law than there is law.

The definition of lobbying is so narrow that few professional lobbyists are actually required to register under the laws that have been strictly interpreted. Moreover, most lobbyists who do register do not disclose anything to anybody which is of much use. The minority of lobbyists who do register tell us that they have incurred such expenses as a $45 phone bill or a $10 taxicab fare or $16 in messenger fees. Others who decide to register provide lists of prorated expenditures for salaries, rent, and other expenses. There is no public purpose that is served by most of the disclosures that we currently get, but just from a minority of people who actually register and from a minority of people who lobby who take the time to register.

At the same time, we are getting a lot of useless information from the relatively few that do register. We are not getting the most basic type of information that was intended by the statute, which is the total amount that is being spent on lobbying and for what purpose.

The lobbyists are supposed to disclose their purpose. Many just simply state—those again who do register—that they lobby on "issues that affect business operations of the client" or "general legislative matters," or "all legislation affecting the industry that they represent."

That language is so general that it does not reveal anything. Worse still, only a small amount of the money that is spent on lobbying actually gets disclosed. For instance, in 1989, the Legal Times estimated the gross lobbying revenue of 10 of the biggest and best known Washington lobbying firms, and they estimated that revenue to be $60 million. However, a review of the lobbying reports that were filed by those 10 firms revealed that they reported combined lobbying receipts from all clients of less than $2 million.

By the way, they also reflect total expenditures of $35,000. Just to show you how distorted, how absurd, how useless these documents are where we do have people who register, we have three figures to keep in mind in that survey. This is a 1989 survey of the Legal Times estimate of the revenue of the 10 top firms of $60 million. When you look at their disclosure forms, they disclose revenue of $2 million and expenditures of $35,000.

So what is disclosed is perhaps 3 to 4 percent of the revenue coming in in terms of revenue, and what is disclosed in terms of expenditure is a fraction of a percent of the money which is being received.

Another study was made. This time, six top defense contractors reported to the Department of Defense that they spent a combined total of almost $8 million lobbying Congress in 1989. By comparison, when you look at the report filed by the six for the same six companies under the Lobbying Regulation Act, there was a total of less than $400,000 in lobbying income.

So the contractors reported $8 million in lobbying expenses but their lobbyists disclosed a total of $388,000 in terms of their revenue. That is a total disconnect between what contractors report to the Department of Defense that they are spending on lobbying and what their lobbyists disclose in terms of their receipts from those same six contractors.

Our existing lobbying laws have been characterized by the Department of Justice as "inadequate" and "unenforceable," in effect. Those are their words, and that is charitable. The lobbying laws are a joke, and they are a bad joke, and they are a bad joke for everybody who is involved—first and foremost for the public, but they are also a bad joke for the lobbying community themselves.

The current laws breed disrespect for the law because they are so widely ignored. They have been a sham and a shambles since they were first enacted 50 years ago. At this time the American public is so skeptical that their Government really belongs to them. Our lobbying registration laws leave more lobbyists unregistered than registered.

Our subcommittee studied this subject in some detail. In 1993, we filed a report that I want to quote from because it contains in some detail the problems with lobbying disclosure laws and will give us a necessary understanding of what the problem is.

There are four major lobbying disclosure statutes currently in effect. Here I am quoting from the Lobbying Disclosure Act of 1993, the Report of the Committee on Governmental Affairs, that was filed on April 1, 1993.

There are four major lobbying disclosure laws currently in effect:

> The Federal Regulation of Lobbying Act, the Foreign Agents Registration Act.

That is called FARA.

> And two provisions included in the HUD Reform Act applicable to the Department of Housing and Urban Development, and the Farmers Home Administration, and section 1352 of Title 31 of the so-called FARA amendment. At least two other statutes that require registration of lobbyists are included in the Public Utility Holding Company Act and the Federal Energy Regulatory Commission Act.

Each of these statutes, the four basic statutes, imposes a different set of disclosure requirements on a specific or on a specified group of lobbyists. Because the coverage overlaps—some lobbyists may have to register under two or even three different statutes because each of the statutes excludes major segments of the lobbying community from coverage—many professional lobbyists do not register at all. As President Clinton stated in his book "Putting People First," we need legislation to "toughen and streamline lobbying disclosure."

First, the Lobbying Regulation Act—and I am continuing to quote from a portion of this report because it, again, identifies what the specific problems are with the current laws and will set the framework, I think, for our debate today.

> The Federal Regulation of Lobbying Act enacted in 1946 requires registration by any person who is engaged for pay for the "principal purpose" of attempting to influence the passage or defeat of legislation in the Congress. A covered lobbyist is required to disclose his or her name and address, the name and address of the person by whom he or she is employed, and in whose interest he or she works, how much he or she is paid and by whom, who all of his or her contributors are, and how much they have given, an account of all money received and expended, to whom paid and for what purposes, the names of any publications in which he or she caused articles or editorials to be published, and the particular legislation that he or she has been hired to support or oppose, lobby registration forms are required to be filed with the clerk of the House and the Secretary of the Senate prior to engaging in lobbying and updated in the first 10 days of each calendar quarter so long as lobbying activity continues. Violation of the act is a misdemeanor,

> punishable by a fine of up to $5,000 or a sentence of up to 12 months. Any person convicted of this offense is prohibited from lobbying for 3 years.

The report continues, and again we are talking about the current law:

> A 1986 Governmental Affairs Committee report on lobbying disclosure indicates that the lobbying act was a hastily considered law which was subject to no hearing, little committee consideration, and almost no floor debate.

And that 1986 Governmental Affairs Committee, quoted in this report, said the following:

> As the staff director of the joint committee later conceded, the lobbying act was less than precisely drafted legislation. Questions arose immediately about who was covered under its definitional standards, the extent of its reporting requirements and liability under its criminal enforcement provision. Rather than settling the issue of lobbyist influence, the act served only to make things more confusing. Witnesses testified that the act was in many respects an unsatisfactory law; that its effectiveness was limited and that the provisions are in urgent need of strengthening and revision if the objectives of the framers are to be fully realized. Over the last 40 years, there have been numerous unsuccessful attempts to address problems in the lobbying act.

Now, the committee report first looks at the question of coverage of the act, and I continue to quote from this report:

> The Lobbying Regulation Act covers any person who is engaged for pay for the principal purpose of attempting to influence the passage or defeat of legislation in the Congress. In United States v. Harris, in 1954, the Supreme Court ruled that a narrow construction of the act was required to avoid unconstitutional vagueness. There are several gaps in the coverage of the lobbying act as construed in the Harris case.
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> These include the following:
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> 1. The act applies only to lobbying of legislative branch officials, not to lobbying of executive branch officials.
> 2. It covers only efforts to influence the passage or defeat of legislation in Congress, not other activities with members and staff.
> 3. It has been interpreted by many to cover only efforts to lobby Members of Congress directly, not efforts to lobby congressional staff.
> 4. It covers only persons whose principal purpose is lobbying. This language has been interpreted by many to mean that the act applies only to people who spend a majority of their time lobbying.

The report continues:

> Taken together, these gaps in the coverage of the act could mean that only a lobbyist who spends a majority of his or her working time in direct contact with Members of Congress is actually required to register. For this reason, it is not surprising that many lobbyists view registration as voluntary.

Not as compulsory.

> As a result, it appears that a significant number of people who engage in activities that the general public would view as lobbying do not register at all and probably are not required to do so. For example, the General Accounting Office found that almost 10,000 of the 13,500 individuals and organizations listed in the book "Washington Representatives" were not registered under the Lobbying Regulation Act. GAO interviewed a small sample of the unregistered Washington representatives listed and found that three-quarters contacting Members of Congress and congressional staff deal with Federal legislation and seek to influence actions of either Congress or the executive branch.

The report continues:

> The rate of registration by nonprofit organizations that engage in lobbying activities does not appear to be much better. For example, the committee reviewed the lobbying registrations of 18 nonprofit organizations that reported legislative expenses in excess of $300,000 each to the Internal Revenue Service in tax year 1991 and found that half of these organizations did not have even a single active registered lobbyist in that year. The failure of these organizations and individuals to register does not mean that they are violating the law as it is written today. What it does mean is that the definition of lobbying in the Lobbying Regulation Act is so narrow and full of loopholes that few people are actually required to register.

The next issue which is addressed by this report relates to information disclosed.

> The lobbying act requires "a detailed report under oath of all money received and expended by a lobbyist" during each calendar quarter, to whom it is paid and for what purpose. The forms expand upon this requirement by requiring reporting of specific line items of an organization's expenditures such as printed or duplicated matter, office overhead, rent, supplies, utilities, etc, telephone and telegraph, travel, food, lodging and entertainment, wages, salaries, fees and commissions, public relations and advertising. Each lobbyist is required to attach an addendum to his or her disclosure statement listing the recipient, date and amount of each such expenditure. Lobbyists who comply with this requirement file sheets of paper listing expenditures such as $45 phone bills, a $6 cab fee, a $16 messenger fee and prorated salaries, in one case for $1.31. In addition, some lobbyists provide lists of restaurants where they have paid for lunch.

Continuing to quote from this report—and in this case the quote of a statement that I made during the subcommittee hearing:

> "The people who did register are giving us information which in many cases is utterly irrelevant. Here is one with a telephone bill, $98.65. Underneath that, taxi fares, zero. Why? Various carriers, no single expenditure of $10 or more. Another firm is trying to prorate salaries for us to show how they are apportioned to cover activities. Here is a salary for a young man named Graves. His prorated salary, $6.50. Someone named Young, $3.38. Someone named Horton, we are told, the United States Government is told a man named Horton was paid $1.31 in relation to lobbying activities. Just a flood of irrelevant information pours in to us. Something is basically wrong."

And now quoting from the report again:

> The disclosure record of nonprofit organizations engaging in lobbying does not appear to be much better than that of for-profit lobbying firms. The committee reviewed the lobbying registrations filed by 5 nonprofit organizations that reported nearly $5 million in lobbying income to the Internal Revenue Service in the year 1991 and found that while some of these organizations filed detailed reports under the Lobbying Regulation Act, they reported barely $200,000 in total lobbying expenditures to the Congress.
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> There appear to be two basic reasons for these low levels of reported expenses.
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> 1. Despite the requirements of the Lobbying Regulations Act, many lobbyists do not appear to report income or expenses at all. At the request of the subcommittee, the General Accounting Office reviewed more than 1,000 lobbying reports filed in 1989 and learned that few lobbyists actually comply with the disclosure requirements. The GAO found that fewer than 20 percent of the lobbyists included the required attachments detailing expenditures. Almost 90 percent reported no expenditures for wages, salaries, fees or commissions, more than 95 percent reported no expenditures for public relations and advertising services, and more than 60 percent of the lobbyists reported no expenditures at all during the period covered.
>
> 2. The narrow definition of "lobbying" as it is used in the act means that disclosure and full compliance with the law simply is not very revealing. Since the Lobbying Regulation Act is generally considered to cover only meetings with Members of Congress, many lobbyists disclose only income and expenses directly associated with such meetings. For example, suppose that a lobbyist received $1 million from a client for 5,000 hours of work at $200 per hour.
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> If the 5,000 hours of work included only 10 hours of direct meetings with Members of Congress, many lobbyists would report only $2,000 in income—

That is of the million dollars that they actually got.

> even if the rest of the time was spent preparing for such meetings and additional meetings with staff.
>
> There are similar problems with the disclosure of the lobbyist activities or objectives. The registration forms require each lobbyist to "state the general legislative interest" to the person filing and set forth the legislative interest by citing short titles of statutes and bills, House and Senate number of bills where known, citations of statutes where known, whether for or against such statutes and bills.
>
> While many lobbyists provide lists of specific bills of interest in each quarterly reporting period, others provide description of their interest that are so general that they reveal virtually nothing. Like "all operations in Congress that affect operations of the client"; like "general legislative interest"; like "matters pertaining to defense and military legislation"; like "all legislation affecting the insurance industry"; like "all legislation affecting the railroad industry."
>
> Overall, the General Accounting Office found that only 32 percent of the reports that they reviewed stated titles and numbers of statutes and bills that were subject to lobbying as required by the statute.

Now, a third problem that is described in this report with the current basic statute that covers the operation of lobbyists. Before I go on to that, I want to just repeat how useless some of this information is that we currently require, how the current laws perform a disservice to the country because they do not disclose what is intended to be disclosed, but how they also are useless and burdensome to the people who we need to disclose information.

How in the name of Heaven is it of any use when we are told that somebody named Graves as a pro rata expenditure of his salary was paid $6.56; someone named Young was paid $3.38 as a pro rata part of his salary to lobby Members of Congress on some issue. Someone is sitting there typing up these forms that are filed, which tell us absolutely nothing of value. Somebody has to divide someone's salary of how many minutes that person spent with a Member of Congress and figure out that person named Young had $3.38 of his salary pro rated to some meeting with the Senator from Michigan or the Senator from Mississippi.

Someone named Horton was paid $1.31, we are told in some form. This is the fault of the laws that we have kept on the books for 50 years. The minority of professional lobbyists who file disclosures are giving us that information, which is what they feel they are required to give us, which takes time to prepare and which is utterly useless information. These laws are a disservice to everybody and they have to be reformed.

This has been going on 50 years; 50 years this sham has been going on. We have tried to repair it, we have tried to reform it, we have tried to correct it, but we have failed for five decades, for one reason or another. And I am hopeful that finally today we are going to be able to pass something in the Senate which we can call true reform which is going to finally tell us in a useful way—everybody that has paid money to lobby is going to tell us what the total amount is that they are paid in useful form and on what issues they are lobbying Congress or the executive branch.

Obviously, we are leaving off people who are paying small amounts of money. I think $10,000 is going to be the threshold that we are going to use in a 6-month period. But where you pay a professional lobbyist more than that amount of money, at that point, we are going to trigger some useful information under our bill rather than to keep on the books these utterly useless laws which breed disrespect for the law in general and, where they are followed, provide the country with utterly useless information which nobody can understand or put into a useful form.

As we said at the subcommittee hearing, this is a pretty dismal picture of a law that is not functioning as a law, that has been festering on the books too long. We either ought to clean it up, make it relevant, or get rid of it, and that seems to me to be the alternative.

The second major act which applies to lobbyists is the Foreign Agents Registration Act. Again, quoting from the committee report:

> This act was passed in 1938. As the Supreme Court explained in 1943, FARA was a new type of legislation adopted in the critical period before the outbreak of the war. The general purpose of the legislation was to identify agents of foreign principals who might engage in subversive acts or spreading foreign propaganda and to require them to make public record of the nature of their employment.

The committee report continues:

> In 1966, in response to overly aggressive lobbying by foreign sugar companies, FARA was amended to cover a broader range of foreign activities and interests. Since that time, the focus of the act has shifted from the regulation of subversive activities to the disclosure of lobbying on behalf of foreign business interests. FARA requires any person who becomes an "agent of a foreign principal" to register with the Attorney General within 10 days thereafter. The term "agent of a foreign principal" includes, subject to certain exemption, any person who engages in political activities on behalf of a foreign government, political party, individual corporation, partnership, association or organization.
>
> Each FARA registration statement must include, among other information, a comprehensive statement of the registrant's business, a complete list of employees and the nature of the work that they perform, the name and address of every foreign principal for whom the registrant is acting, the nature of the business of each foreign principal and the ownership and control of each and copies of each agreement with a foreign principal.

The report continues:

> In addition, each registrant is required to file a supplemental disclosure statement every 6 months updating its registration and detailing all past and proposed activity on behalf of foreign principals. Supplemental statements are required to include, among other information, a detailed accounting of income and expenses and a list of all meetings with Federal officials on behalf of foreign principals.

First, the report looks at the coverage of FARA. FARA requires any person who acts "as an agent of a foreign principal" to register with the Attorney General and disclose his or her activities. However, broad exemptions to FARA's registration requirements appear to have resulted in spotty disclosure of foreign lobbying activities. The two most frequently cited exemptions apply to: First the practice of law in formal or informal proceedings before U.S. courts and agencies, and second, activities on behalf of a foreign-owned company in the United States that are in furtherance of bona fide commercial, industrial or financial interest of the U.S. company.

Now, the lawyers exemption. The so-called lawyers exemption to FARA exempts attorneys who provide legal representation to foreign principals in the course of established agency proceedings, whether formal or informal. This exemption was adopted because the Congress determined that disclosure under FARA serves no useful purpose in legal proceedings where full disclosure of the agent status and identity of his or her client is required. Because terms such as "legal representation in established procedures" are not defined in the statute or the implementing regulations, the applicability of this exemption has been left to case-by-case determinations by the Justice Department and by respective registrants themselves.

The Justice Department stated that the lawyers exemption applies only to services that can only be performed by an attorney and only in proceedings established pursuant to either statute or regulation. A letter from the Justice Department stated that "The proceeding must be one established by the agency questioned pursuant either to statute or regulation." The Department interprets legal representation to include those services which could only be performed by a person within the practice by law—practicing law. However, the Justice Department was not able to identify any written guidance or other public documents which reflect its present interpretation of this issue.

Now, perhaps for this reason, the Justice Department's interpretation of the lawyers exemption does not appear to be widely known or followed by attorneys who represent foreign clients. Interviews by subcommittee staff reveal that some attorneys take the view that the lawyers exemption applies only in cases where there is a docketed case with formal appearances entered, while others believe that virtually any service that they provide falls within the exemption, even when they have extensive contacts with executive branch officials on a regulatory issue of broad impact. Experts on the statute generally agree that the scope of the exemption is not clear.

Mr. President, at this time, I ask unanimous consent that some additional pages from the committee report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

b. The "Domestic Subsidiaries" Exemption

The "domestic subsidiaries" exemption to FARA excludes from coverage any activities in the bona fide commercial, industrial or financial interests of a domestic company engaged in substantial operations in the United States, even if the company is foreign-owned and the activities also benefit the foreign parent corporation. Again, little formal guidance on the application of this exemption is available.

The Justice Department's letter to the Subcommittee states that the primary test for the applicability of the domestic subsidiaries exemption is "whether the presence of the domestic person is real or ephemeral, in short, whether the domestic person is a viable working entity or a so-called 'front' or 'shell'." However, the Justice Department letter also states that the domestic subsidiaries exemption does not apply when a local subsidiary is making efforts to expand the U.S. market for foreign goods. In particular, the letter cites as definitive a passage in the legislative history which states that—

> [w]here * * * the local subsidiary is concerned with U.S. legislation enlarging the

U.S. market for goods produced in the country where the foreign parent is located * * * the predominant interest is foreign."

The Justice Department interpretation has not been memorialized in published guidance and does not appear to be widely known or followed by representatives of foreign principals. Some take the position that this exemption applies to any lobbying activity on behalf of domestic subsidiaries of foreign corporations. Others believe that the issue is whether the parent corporation "controls" the subsidiary in such a way that it can be seen as controlling the lobbying. A third category of lobbyists argue that the exemption applies only to "commercial" matters such as contract awards and landing rights determinations.

The widespread confusion over the proper application of FARA exemptions and the lack of clear written guidance from the Justice Department has left broad latitude for individual representatives of foreign principals to reach their own conclusions as to whether registration is required. As one lobbyist who is registered under FARA explained:

"I can argue the commercial exemption for subsidiaries almost any way * * *. I think it is entirely up to the judgment of the registrant, or potential registrant."

The result is spotty disclosure, and in some cases no disclosure at all, of significant lobbying activities.

For example, the Subcommittee on Oversight of Government Management reviewed a heavily lobbied 1989 effort to overturn a decision by the Customs Service regarding the tariff classification of imported jeeps and vans. Although this issue was of great importance to foreign manufacturers of sport utility vehicles and exclusively involved the treatment of imports, almost none of the lobbying activity in this case was disclosed under the Foreign Agents Registration Act.

Of the 48 people identified as lobbying Customs and/or Treasury on behalf of those who opposed the Custom decision, only six were registered under FARA. Three of the six who were registered worked for a single firm and were covered by a single registration; almost all stated that they registered out of an abundance of caution and probably were not required to do so. The reason for this nondisclosure is that virtually all lobbying against the Customs decision was viewed as exempt from coverage under FARA pursuant to either the lawyers' exemption or the domestic subsidiaries' exemption. Consequently, only a small fraction of the lobbying activities conducted on behalf of foreign companies were disclosed under FARA.

2. Disclosure Requirements

Each FARA registration statement must include, among other information, a comprehensive statement of the registrant's business, a complete list of employees and the nature of the work they perform; the name and address of every foreign principal for whom the registrant is acting; the nature of the business of each foreign principal and the ownership and control of each; and copies of each agreement with a foreign principal.

In addition, each registrant is required to file a supplement disclosure statement every six months, updating its registration and detailing all past and proposed activity on behalf of foreign principals. Like the Lobbying Regulation Act, FARA required detailed accounting of expenses such as cab fares, copying, and telexing. In addition, and unlike the Lobby Regulation Act, FARA requires a complete listing of each federal official with whom the registrant has met during the reporting period.

The Justice Department interprets FARA's disclosure provisions to require that registrants detail even activities unrelated to their registrations—such as providing advice or legal representation on matters that would not otherwise require registration. This means that engaging in even a single "registrable" activity exposes the entire scope of a registrant's activities to public disclosure requirements.

As a Justice Department representative explained at the Subcommittee's hearing—

"Senator LEVIN. So if you have one contact with a Government official and have to register, you then have to disclose everything that you do for that principal even though all those other activities would not cause you to have to register * * *?

"Mr. CLARKSON. If you have one contact that is of a registrable nature, yes, you would have to register and then you would disclose your activities.

"Senator LEVIN. [Then] you agree with the interpretation that you have to disclose all hundred [activities] even though only one of them required you to register?

"Mr. CLARKSON. We not only agree with it, that has been our practice. I have no problem with that."

Perhaps because the FARA disclosure requirements are so extensive, the General Accounting Office has found that half of the registered foreign agents do not fully disclose their activities on behalf of foreign principals and more than half fail to meet statutory filing deadlines. The deficiencies identified by GAO included conflicting responses to questions, failures to list contacts with government officials, failures to disclose finances, and failures to include supplemental statements as required.

3. The Administration of the Statute

The Department of Justice enforces FARA largely by sending letters and making phone calls to registrants and potential registrants. The chief of the Department's Registration Unit estimates that about seven or eight formal notices of deficiency were sent out from 1988 to 1991. This compares to 62 deficiency notices sent out by the Department over a similar three-year period in the early 1970's.

The Department has both criminal and civil injunctive enforcement authority under the statute. However, the statute does not authorize either civil monetary penalties or administrative fines. As a result, a few court cases, either civil or criminal, have ever been initiated under the Act. The Justice Department initiated about ten cases in the 1970's, but did not file any in the 1980's.

The Registration Unit also conducts inspections to review the files of registrants and make sure that they have accurately disclosed their activities. Inspections are conducted on a nonconfrontational basis: they are always announced in advance, and some registrants are given an opportunity to amend their filings prior to the inspection.

In 1989, the Registration Unit conducted 14 inspections; in 1990, only four inspections were conducted. These numbers are down substantially from the mid-seventies, when the Unit conducted 166 inspections in a period of a year and a half and announced its intention to inspect every registered foreign agent within a period of three years.

Six of the inspections conducted in 1989 and 1990 were of lawyer-lobbyists or other firms engaged in lobbying-type activities. Several of these inspections identified significant deficiencies in the lobbyists' registrations. For example, one inspection report indicates that the registrant had routinely filed disclosure statements which noted only that the firm provided "legal representation" for its numerous foreign principals. The registrant failed to indicate that it was involved in extensive lobbying activities, or to disclose the numerous federal officials who were contacted in connection with these activities.

In a second case, a registrant failed to disclose meetings with dozens of federal officials, despite the fact that these meetings were listed in its client billing documents. The undisclosed contacts included meetings with the Secretary of Commerce, the Deputy Attorney General, the Deputy Secretary of Defense, the Deputy Secretary of State, the U.S. Trade Representative, and several Members of Congress. The registrant also failed to disclose almost $200,000 in income and expenses on behalf of its foreign principals.

In neither of these cases did the Department of Justice seek to sanction the registrant. In each case, the registrant was simply asked to amend its registration statement to provide the missing details.

By contrast, other inspection reports identify dozens of so-called deficiencies that are of questionable significance at best. For example, one report indicates that the registrant accurately identified dozens of meetings with federal officials, but failed to report such activities as suggesting themes for a visiting foreign leader to address in a speech to the U.N. and sending a thank-you note to a federal official after a meeting (the meeting itself was disclosed). The remedy in this case was the same as in the case of the firm that failed to disclose meetings with the Deputy Secretaries of State and Defense: the registrant was required to amend its registration statements.

While those who register under the Act are subject to routine Justice Department inspection of their books and records, those who do not register are not subject to any review of their records short of a criminal investigation. In one instance reviewed by the staff, an attorney for leaders of the Cali (Colombian) drug cartel was reported to have lobbied the Senate Foreign Relations Committee staff and State Department officials, proposing amendments to international treaties that would make it harder to extradite foreign drug kingpins to the United States—without registering under FARA.

When the Justice Department's Registration Unit inquired as to why the attorney had not registered, the attorney told them that he had engaged in lobbying activities in his personal capacity, out of general interest in the treaties, and not in his capacity as an attorney for cartel members. Because the Justice Department did not have the authority to investigate further without initiating a criminal case, it did not inquire further into the matter.

In short, the incentive for representatives of foreign interests to avoid the burdens of registration under FARA is exacerbated by the Justice Department's apparent inability to investigate those who are not registered. While those who register under the Act are required to make extensive disclosure of all registrable and unregistrable activity and are subject to Justice Department inspection of their books and records to verify the information disclosed, those who do not register are not subject to any review of their records short of a criminal investigation.

As Senator Cohen concluded at the Subcommittee hearings on FARA, the statute is plagued with problems:

"The broad exemptions contained in the Act appear to permit significant lobbying efforts on behalf of foreign companies to go undisclosed * * *. There appears to be genuine wide-spread confusion and disagreement concerning the breadth of these exemptions * * *. There is also considerable confusion and an absence of specific guidance as to what information is required to be disclosed by those agents who do in fact register * * *. There may also have been instances where the Department of Justice has failed to impose sanctions in cases of serious violations, while at the same time devoting significant department resources to require agents to amend their statements to include minor and irrelevant facts."

C. THE BYRD AMENDMENT AND THE HUD DISCLOSURE LAWS

The Byrd Amendment, which was enacted in October 1989 as a part of an Interior Appropriations bill, is codified at 31 U.S.C. 1352.

The Byrd Amendment prohibits the expenditure of appropriated funds to influence the award of a contract, grant, or loan. Subject to certain exceptions, any payment for such lobbying out of non-appropriated funds must be disclosed by the recipient of the contract, grant, or loan. The recipient is required to disclose the name and address of each person paid to influence the award, the amount of the payment, and the activity for which the person was paid. Regulations implementing the Byrd Amendment require the disclosure of each contact made with a federal official to influence the award of the contract, grant, or loan.

This disclosure must be filed with the awarding agency at the time the contract, grant, or loan is requested or received. Each agency head is required to compile the information collected and submit it to the Secretary of the Senate and the Clerk of the House twice a year, on May 31 and November 30. Failure to file a disclosure form is subject to a civil penalty of $10,000 to $100,000, to be levied under the procedures of the Program Fraud Civil Remedies Act.

Section 112, of the HUD Reform Act, which was enacted in December 1989, two months after the Byrd Amendment, is codified at 42 U.S.C. 3537b. This provision, like the Byrd Amendment, imposes disclosure requirements on people who make expenditures to influence the decisions of HUD employees with respect to the award of contracts, grants, or loans. Section 112 goes beyond the Byrd Amendment by covering any other HUD management actions that affect the conditions or status of HUD assistance, and by requiring disclosure by lobbyists as well as clients.

Section 112 required disclosure of the income and expenses of lobbyists, to whom the money was paid, and for what purposes. Section 112, unlike the Byrd Amendment, does not require the disclosure of specific contacts with federal officials. Knowing failures to disclose under the HUD law are subject to civil monetary penalties of up to $10,000 or the amount of the payment to the consultant, whichever is greater. Any person on whom a civil monetary penalty is imposed is barred from receiving any payment in connection with an application for HUD contracts, grants or loans for a period of three years.

Section 401 of the HUD Reform Act, codified at 42 U.S.C. 1490p, creates a slightly different set of disclosure requirements for persons attempting to influence financial assistance awarded by the Farmers Home Administration. Under Section 401, lobbyists are required to register and disclose their name and address, the nature and duration of any previous federal employment, and the name of their clients. They are then required to file, on a quarterly basis, a detailed report of all money received and expended, persons to whom payments were made, and any contacts with federal employees for the purpose of attempting to influence any award or allocation of assistance.

The penalties for violating Section 401 include the rescission of the assistance, the debarment of the violator, and a civil penalty of up to $100,000 in the case of an individual or $1,000,000 in the case of an applicant other than an individual. Despite these strong penalties, the provision is so little known that the Department of Agriculture failed to identify it in response to a CRS request to identify any statute requiring persons representing private interests before the Department to register or otherwise disclose their lobbying activities and or contacts with agency officials.

The Byrd Amendment and the HUD disclosure provisions were enacted in response to scandals at the Department of Housing and Urban Development. According to published reports, top HUD officials in the Reagan administration awarded large discretionary grants to developers who retained well-connected and favored consultants as lobbyists. At House hearings on the scandal in 1989, one of these lobbyists agreed that the work he did could be described as "influence peddling".

Mr. LEVIN. Mr. President, the Lobbying Disclosure Act of 1995—this is the bill in front of us today—will end the chaos, close the loopholes, and fix the badly broken current system.

The bill before us today will ensure that we finally know who is paying, how much, to whom, to lobby Congress and the executive branch.

This bill would cover all professional lobbyists, whether they are lawyers or nonlawyers, in-house or independent, whether they lobby Congress or the executive branch, or whether their clients are for-profit or nonprofit. The bill is not intended to, and should not, create any significant new paperwork burdens on the private sector. Indeed, it would significantly streamline lobbying disclosure requirements by consolidating filing in a single form and in a single location, instead of the multiple filings that are required under current laws. Our bill would replace quarterly reports with semiannual reports. It would authorize the development of computer filing systems and simplify forms.

Our bill would substantially reduce paperwork burdens associated with lobbying registration by requiring a single registration by each organization whose employees lobby, instead of separate registration by each employee lobbyist. The names of the employee lobbyists, and any high-ranking Government position in which they served the previous 2 years, would simply be listed in the employer's registration form. Our bill would simplify reporting of receipts and expenditures by substituting estimates of the total, bottom-line lobbying income by category of dollar value, like the forms that Members of Congress use for disclosure.

They would substitute those estimates for the current requirement to provide 29 separate lines of financial information, with supporting data—most of it meaningless. To further ensure that the statute will not needlessly impose new burdens on the private sector, the bill includes specific provisions allowing entities that are already required to account for lobbying expenditures under the Internal Revenue Code to use the same data collected for the IRS for our disclosure purposes as well.

The bill also includes de minimis rules to ensure that small organizations and other entities located outside Washington will be exempt from registration, even if their employees make occasional contacts. As the bill is written, it would exempt from registration any individual who spends less than 10 percent of his or her time on lobbying activities and any organization whose lobbying expenditures do not exceed $5,000 in a semiannual period.

We intend to offer an amendment to increase those thresholds to 20 percent and $10,000 respectively, to ensure that we do not place unreasonable burdens on individuals and organizations that are not professional lobbyists.

In short, we have exempted small organizations from registration requirements, as long as those paid lobbying activities are minimal. We have carefully avoided imposing any burden at all on citizens who are not professional lobbyists but who merely contact the Federal Government to express their personal views.

Now, the so-called grassroots lobbying provision in last year's conference report, to which some objected in the last Congress, are not in the bill before us today. They were not in the original Senate bill last year. They were added in the House, or modified and accepted in conference—without much opposition, by the way. In fact, I do not think there was any opposition in the conference. But what we have returned to is the original Senate provisions on these points, as they were adopted by the Senate last year.

In particular, this bill deletes definitions of grassroots communications, deletes requirements to disclose persons paid to conduct grassroots lobbying communication, deletes the requirement to separately disclose grassroots lobbying expenses, deletes the requirement to disclose if someone other than the client pays for the lobbying activities, and deletes all references to individual members of a coalition or association as clients.

Let me just repeat that, because this became such a contentious issue last year. The grassroots provisions, which were in the conference report, and which became the subject of so much contention on the Senate floor here last fall, are not in this bill, just the way they were not in the Senate bill as it originally passed the Senate last year.

Now, there have been a number of other concerns raised about our bill. We are going to be offering an amendment later on to address some of these concerns.

First, we are going to further reaffirm that the bill does not cover grassroots lobbying by adding a specific statement that lobbying "does not include grassroots communications or other communications by volunteers who express their own views on an issue." That is the first part of the amendment. Just to make it absolutely clear that we are not trying to, in any way, cover communications by people who are expressing their own views on an issue, we are going to make that express statement to address any lingering concern that people have in that area.

Second, our amendment will address concerns that the bill might reach small groups and local organizations that engage in only incidental lobbying. We want to assure people that we are not trying to reach the small group, the local organization, who pay someone to lobby, or who spend money on paid lobbying activities, but whereas only incidental lobbying.

What we are doing is increasing the amount of time—the threshold—we are increasing the amount of time that must be spent on lobbying to be considered a lobbyist. We are increasing that from 10 to 20 percent of a person's time over a 6-month period.

What that means is a person would now have to spend more than 5 weeks lobbying full-time in a 6-month period to be considered a lobbyist. And we are increasing the exemption for small organizations that spend minimal dollar amounts on lobbying, we are increasing that amount from $5,000 to $10,000 in a 6-month period, and we are specifying that multiple lobbying contacts are required for a person to be considered a lobbyist.

In addition, our amendment is going to address concerns about an independent agency being created to administrator and enforce this act. This concern is that somehow or another that an independent agency could become a rogue bureaucracy and could impair first amendment rights.

What we are doing in our amendment is eliminating the provision that establishes the new agency. We are going to entrust all filing requirements to the Secretary of the Senate and the Clerk of the House of Representatives who handle them now. We are going to permit the executive branch to provide guidance to potential registrants on how to comply through the Office of Government Ethics, but not giving that agency any investigative or enforcement power responsibility.

We are eliminating the enforcement provisions of the bill altogether and replacing them with a simple provision, providing a civil monetary penalty for violations, and we are reducing the maximum penalty for violation from $100,000 to $50,000.

In addition, the amount would lengthen the period of time for filing registrations and reports from 30 days to 45 days. We will permit nonprofit others to file duplicate copies of the IRS form 990 in lieu of disclosure of dollars spent on lobbying under the bill. We will clarify that written materials provided in response to a specific request do not count as lobbying, regardless of whether the request is oral or written.

These amendments, a series of changes which we will make in our own bill by amendment, should remove concerns that the bill could impose registration and reporting requirements on organizations that engage in only incidental lobbying. We are removing the independent agency. We will address the concern that we are empowering an executive branch agency to audit investigative review, sensitive lobbying communications or deter citizens from exercising their first amendment rights through arbitrary or selective enforcement.

At the same time, we are making these changes to address those concerns, we are going to leave intact the heart of the bill, which plugs loopholes in the current lobbying disclosure laws and ensures all professional lobbyists have to register and report who is paying them, how much, to lobby Congress and the executive branch, on what issue.

We are going to require that if our bill passes, regardless of whether or not the paid lobbyist is a lawyer or a nonlawyer, whether or not the client is profit or nonprofit, and whether or not the lobbyist is an in-house lobbyist or a lobbying firm.

Mr. President, while we want to avoid unnecessary burdens on the private sector, we must ensure that the public gets basic information on that critical point—who is paying who, how much to lobby Congress, and the executive branch, and on what issue.

We will oppose any effort to eliminate important disclosure requirements or to exclude coverage of lobbying on certain types of issues or to limit disclosure to legislative branch lobbying, or to raise the thresholds in the bill to unrealistically high levels.

In the last Congress, the Lobbying Diagnosis Closure Act was adopted by the Senate by a 95-to-2 vote. A conference report was then passed by the House and sent to the Senate for final consideration.

Unfortunately, objections to certain provisions related to grassroots lobbying made it impossible to enact the bill at that time. Those provisions are not in this version, just as they were not in the Senate bill when this bill passed the Senate last year.

The fact is, 95 Members of this body are on record as favoring a strong lobbying disclosure bill. Mr. President, there was a recent public opinion poll, 1993, a little over a year ago, where voters were asked who wields the real power in Washington. The answers should energize Members to act. The answer in that public opinion poll was—and again, the question, who has the real power in Washington?—7 percent said the President; 22 percent said Congress; 50 percent said lobbyists. Mr. President, 50 percent of the American people feel that lobbyists wield the real power in Washington—more than twice as many as feel that we bear the real power and have the real power in Washington, and over 7 times as many as feel that President Clinton has the real power in Washington.

Lobbying disclosure is one of three pillars of reform. If we are serious about increasing public confidence in this democratic Government, we have to address at least three fundamental issues. One is lobbying disclosure. That is before the Senate in this first bill. Second, is gifts. That will come before the Senate in the next bill we take up. The third is campaign finance reform.

Mr. President, I indicated that we have an amendment which will make a number of changes. Before I send that amendment to the desk I want to repeat them, because they address issues which have been raised and which are, I believe, important to all Members of this body.

The first provision of this amendment will reaffirm that the bill does not cover grassroots lobbying by adding the specific statement that lobbying does not include grassroots lobbying communications or other communications by volunteers who express their own views on an issue.

The amendment that we will offer also makes it clear that we are not reaching small groups and local organizations that engage in only incidental lobbying. We are doing that by increasing the amount of time that a person must spend lobbying, paid to lobby, from 10 to 20 percent of that person's time during the reporting period, and we are increasing the exemption for small organizations that spend minimal dollar amounts on lobbying from $5,000 to $10,000 during that 6-month period.

Also, we are specifying that multiple lobbying contacts are required for a person to be considered a lobbyist—a single lobbying contact does not count. All three of those must exist before the person fits the definition of a lobbyist.

We are also addressing the concerns about the creation of an independent agency to administrator and enforce the act by eliminating the provisions creating that agency. We are doing a number of additional things in this amendment, as I indicated in my prior description of the amendment.

AMENDMENT NO. 1836

Mr. LEVIN. With that, I send an amendment to the desk on behalf of myself and Senator COHEN and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan, [Mr. LEVIN] for himself and Mr. COHEN, proposes an amendment numbered 1836.

Mr. McCAIN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The amendment is as follows:

On page 5, line 9, strike paragraphs (5) and renumber accordingly.

On page 6, line 5, strike "Lobbying activities also include efforts to stimulate grassroots lobbying" and all that follows through the end of the paragraph and insert in lieu thereof the following:

"Lobbying activities do not include grassroots lobbying communications or other communications by volunteers who express their own views on an issue, but do include paid efforts, by the employees or contractors of a person who is otherwise required to register, to stimulate such communications in support of lobbying contacts by a registered lobbyists."

On page 8, line 11, strike "that is widely distributed to the public" and insert "that is distributed and made available to the public

On page 9, line 11, strike "a written request" and insert "an oral or written request".

On page 13, line 15, strike "1 or more lobbying contacts" and insert "more than one lobbying contact".

On page 13, line 17, strike "10 percent of the time engaged in the services provided by such individual to that client" and insert "20 percent of the time engaged in the services provided by such individual to that client over a six month period".

On page 16, line 3, strike "30 days" and insert "45 days".

On page 16, line 8, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 16, line 23, strike "$2,500" and insert "$5,000".

On page 17, line 2, strike "$5,000" and insert "$10,000".

On page 17, line 22, strike "shall be in such form as the Director shall prescribe by regulation and".

On page 18, line 10, strike "$5,000" and insert "$10,000".

On page 18, line 19, strike "$5,000" and insert "$10,000".

On page 20, line 18, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 20, line 21, strike "30 days" and insert "45 days".

On page 21, line 1, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 21, line 12, strike "$2,500" and insert "$5,000".

On page 21, line 17, strike "$5,000" and insert "$10,000".

On page 21, line 23, strike "the Director in such form as the Director may prescribe" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 22, line 6, strike "shall be in such form as the Director shall prescribe by regulation and"

On page 23, line 20, strike subsection (c) and insert lieu thereof the following:

"(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

"(1) Estimates of amounts in excess of $10,000 shall be rounded to the nearest $20,000.

"(2) In the event income or expenses do not exceed $10,000, the registrant shall include a statement that income or expenses totaled less than $10,000 for the reporting period.

"(3) A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8)."

On page 25, line 24, strike subsection (e).

On page 31, line 1 and all that follows through line 17 on page 47, and insert in lieu there of the following:

"SEC. 7. DISCLOSURE AND ENFORCEMENT.

"(a) The Director of the Office of Government Ethics shall—

(1) provide guidance and assistance on the registration and reporting requirements of this Act; and

"(2) after consultation with the Secretary of the Senate and the Clerk of the House of Representatives, develop common standards, rules, and procedures for compliance with this Act.

"(b) The Secretary of the Senate and the Clerk of the House of Representatives shall—

"(1) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

"(2) develop filing, coding, and cross-indexing systems to carry out the purpose of this Act, including—

"(A) a publicly available list of all registered lobbyists and their clients; and

"(B) computerized systems designed to minimize the burden of filing and minimize public access to materials filed under this Act;

"(3) ensure that the computer systems developed pursuant to paragraph (2) are compatible with computer systems developed and maintained by the Federal Election Commission, and information filed in the two systems can be readily cross-referenced;

"(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this Act;

"(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

"(6) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

"(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this Act; and

"(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this Act, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (6).

"SEC. 7. PENALTIES.

"Whoever knowingly fails to—

"(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

"(2) comply with any other provision of this Act; shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than $50,000, depending on the extent and gravity of the violation."

On page 48, line, strike "the Director or".

On page 48, line 9, strike "the Director" and insert "the Secretary of the Senate or the Clerk of the House of Representatives".

On page 54, line 9, strike Section 18.

On page 55, line 23, strike Section 20.

On page 58, line 5, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 59, strike line 3 and all that follows through the end of the bill, and insert in lieu thereof the following:

"SEC. 22. EFFECTIVE DATES.

"(a) Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on January 1, 1997.

"(b) The repeals and amendments made under sections 13, 14, 15, and 16 shall take effect as provided under subsection (a), except that such repeals and amendments—

"(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

"(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments."

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, as I said earlier this morning, I think it is important to point out again that every Senator on both sides of the aisle agrees that there needs to be lobbying reform. There are a number of changes that can be made that are long overdue, as a matter of fact. Unfortunately, in past years these issues have been bogged down by crowded schedules, sometimes partisan politics, sometimes misunderstandings. But for whatever reason, it has not been done. I think we have a chance to accomplish that today, and we intend to work together in a bipartisan effort to accomplish that goal.

I do want to point out at the beginning, the majority leader, Senator DOLE, to help facilitate this effort, did create a Bipartisan Senate Gift and Lobbying Reform Task Force to study these issues and develop proposals for reform. The leader set up this task force at a time when most Members were skeptical that anything could really successfully be crafted as a compromise.

I am pleased to report that the task force has met, we have had a lot of discussions, and I think significant progress on the issue of lobbying reform has been accomplished and we are moving toward a bipartisan bill. I specifically would refer to several of the points the Senator from Michigan has just noted, the proposals that are included in the amendment he just sent to the desk.

He changes the language with regard to grassroots lobbying efforts and adds additional guarantees and clarification that this is not intended to and will not in any way chill the efforts of our citizens and our constituents who come to Washington to try to seek redress from the Government to contact their Senators. That is a very important change from last year.

We can go back and think again about the history of how we got that language in the bill last year. Last year it was added in conference. Members originally, I think, did not object to it because they had not really had a chance to assess what the ramifications might be, but, as Senators started looking into it, their concerns grew. But that has been clarified and will not be a problem here today.

Also, changes have been made with regard to incidental lobbying that I think are very important. Some people will have occasion just to make an indirect, maybe one-time contact with a Senator or staffer that could qualify as incidental, and that would have language that would address that concern.

I think it is important that the threshold in this compromise alternative is being raised. I believe the language that was in the original bill was at $2,500 for an individual lobbyist. I believe that was too low. Some significant movement has been made in that area. The penalty, while we feel if there is a blatant or repeated violation of the disclosure rules there should be an opportunity for some maximum penalty, I think it was excessive in the original Levin bill. Also, to increase the filing period from 30 to 45 days just makes fundamental good sense—gives them time, at least, to comply with the filing requirements.

So I think all of those are very positive movements, and I think we will be able, hopefully, to narrow areas where we need discussion down even further very shortly.

Before I delve into the details of some of the task force work, I would also like to begin by commending the members of the task force for their time. The Senate minority whip, WENDELL FORD—Senator FORD from Kentucky has been very helpful in cochairing this task force. The Senator from Kentucky, Senator MCCONNELL, who has for a long time been interested in serious lobbying reform, has assisted the efforts and, as chairman of the Ethics Committee, has been very involved. The chairman of the Rules Committee, Senator STEVENS; Senator ASHCROFT; Senator BREAUX; Senator COHEN; Senator DODD; Senator FEINGOLD; Senator LAUTENBERG; Senator LEVIN; Senator REID; Senator ROCKEFELLER; Senator SIMPSON; and Senator WELLSTONE have all been involved in this effort.

As I noted, we have made significant progress in the lobby area. It does not appear that as much progress has been made in the gift-rule area. That will come up next. But we will continue to work on that also throughout the day.

Last month, when the Senate Lobbying Reform Task Force was created, we started to have these conversations that have led to some agreements. I think we have reached some changes that will lead us to sound policy, not just political sound bites. We want to continue to work in that area.

But the task force has identified some areas that we still are very much concerned about and we want to work on. One of those is the definition of a lobbyist. The definition of a lobbyist—it is very important that we have a clear understanding of that. The original bill was, I think, way too broad and would have required a constituent back home, who maybe would have only come to Washington once a year, to register as a lobbyist. We feared this might be a deterrent to some constituents to actually doing what they might be entitled to under the Constitution. To avoid this situation, we have already reached an agreement on two significant changes in this area of definition of a lobbyist.

First, I believe both sides of the aisle have agreed to increase the percentage of time an individual must spend lobbying to be considered a lobbyist from 10 to 20 percent. Second, we are in the process of negotiating changes in the level of compensation a lobbying firm or organization must receive in order to be required to register. The original bill, as I noted, only exempted firms receiving under $2,500, and organizations receiving under $5,000 for other organizations. The level is clearly too low. While this level might be appropriate under current law where lobbyists are only required to report contacts made with actual Members, the compromise we are working on would go beyond that, and I think we need to change the levels that are involved. We are talking about maybe even the involvement of contact with staff. So we are discussing a change of those limits even more. I do not think we have reached a final agreement, but we are getting closer.

It is very important we do not begin this process by finding a way to create a new, additional Federal agency, as was originally included in this bill. I feel particularly strongly about that. To set up another organization with more people being employed at the Justice Department really is just not called for. I understand Senator LEVIN has agreed we would change that. And it would require that lobbyists register with the Clerk of the House or the Secretary of the Senate within 45 days of their first lobbying contact. That is a major movement.

We should not create this new agency at the Justice Department or anywhere else. We should continue, basically, with the reporting receptacle that we have now, and they will be able to deal with it because I do not think there is going to be a great expansion in the number of filings. But we will just have to see how that will work out.

There is one other point we continue to have disagreement on, and that is whether or not the executive branch should be included. The original Levin bill also included lobbying of the executive branch, and while this may or may not be a desirable goal, we are concerned about including coverage of the executive branch.

The President has the authority to require lobbying disclosure by Executive order, if he wishes to do so. The President recently created a Lobbying Reform Task Force with the Speaker of the House, and their efforts may have some recommendations later on to change the coverage. But I think we should not preempt that.

Let us make this applicable to the legislative branch. That is where we work. That is what we are really trying to deal with. There will be other processes and other ways that you can deal with whether or not the executive branch should be covered.

So I know that Senator LEVIN and others have been working on this a long time. Senator MCCONNELL I see is on the floor and will want to comment.

I am very pleased that the majority leader went ahead and scheduled this early in the week rather than late in the week where this legislation might have been in a crunch with other legislation. We can consider it today, and hopefully come to a conclusion before the day is out on at least lobbying reform. And then we will see what we can do on gift reform.

Mr. President, in view of the fact that Senator MCCONNELL is here, I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, let me thank my good friend, the majority whip, for the effort he has made to move this issue along. I think all of us are grateful to him for his leadership.

I also want to commend the Senator from Michigan, Senator LEVIN, for coming a long way, it seems to me, in the proper direction with the latest alternative which he has suggested.

Mr. President, I think it is important to remember what the fundamental issue before us is. The Constitution of the United States gives to each American citizen the right to petition the Congress. And the courts have held that there is no distinction among those who petition the Congress and are not paid to do so and those who petition the Congress and are paid to do so. In other words, a citizen does not waive his or her constitutional rights simply because they are paid to represent a group that does not have the time to come to Washington and do the job themselves.

So there is no constitutional distinction between lobbyists and non-lobbyists when it comes to the protective constitutional right to petition the Congress. That is at the heart of this debate. Of course, the surface appeal facing lobbyists is overwhelming. But the Constitution is designed to protect the individual.

So what we are seeking to achieve here, I think as the majority whip pointed out there is a good chance we may well achieve it, is a consensus effort here to strengthen the lobby laws but not to discourage people from exercising their constitutional rights.

I might say, at least as far as this Senator is concerned, that it seems appropriate, as we look to require further disclosure from lobbyists, that we consider not exempting those who lobby for the nonprofit sector and that we consider not exempting those who lobby for the Government sector. There are governments, State, and local governments, and even arguably divisions in each part of the Federal Government, the so-called legislative affairs offices of each Cabinet at the Federal Government, that are also seeking to influence us and to push us in the direction arguably of expanding the Government; or to spend more money on Government programs.

One of the things I hope we can take a look at in the course of this debate is whether or not the distinction between those who lobby for the private sector and those who lobby for the Government sector or the nonprofit sector is a valid distinction. Why is it that one kind of activity designed arguably to promote the free enterprise system is somehow suspect and another kind of lobbying activity to promote the expansion of Government is somehow not suspect? So one of the things we will be discussing in the course of this debate is whether that is an appropriate distinction.

But, Mr. President, my friend from Arizona is here. He is prepared to offer an amendment which I personally believe, having talked with him about it, is a good amendment. I will not speak any longer at this point. I am going to make an opening statement later this morning.

But I want to commend the Senator from Michigan for the movement that he has made. I think we are moving in the direction of coming together here and passing a landmark piece of legislation.

So with those opening observations, Mr. President, I yield the floor.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, I want to thank both the Senator from Michigan and the Senator from Kentucky. I realize the volatility of this issue. I realize the difficulty involved in it. There is no doubt that there are very strong arguments on both sides.

Mr. President, I say to my friend from Michigan—and I intend to do this later in the day—but I believe that one of the reasons there is such a diversity of view here is that there is not a defining standard as to what is expected in the way of gift rules.

I remember quite a few years ago when there were some very stringent gift rules enacted for the executive branch. I think the Senator from Michigan remembers, as I do, that there was great gnashing of the teeth on how it would not work, and that it would be impossible to enforce, et cetera. But it has worked.

I urge both my colleagues to look at the rules as far as gifts are concerned that apply to the executive branch of Government. It has worked. It is fair. I have not heard, at least in recent years, inordinate complaints that it is an unworkable situation. Very frankly, the gift ban as it exists today as far as the executive branch, it seems to me should apply to the legislative branch. The members of the executive branch are subject to the same lobbying, and the same influences because decisions of enormous consequence are made in the executive branch.

I look at the Defense Department and see that multibillion-dollar decisions are made in the executive branch which have frankly very little input from time to time from the legislative branch. Yet, I believe it was back in the 1970's, that a very stringent gift rule was enacted in order to cure some of the problems that existed in the executive branch, and those seem to be working today.

Very fundamentally, Mr. President, these gift bans are $20 and $50 aggregated. As far as the gift limit is concerned, gifts of $20 or less are allowable, with an aggregate limit of $50 from any one source in any given calendar year. There is no difference between in State and out State, difference for lobbyists versus nonlobbyist, and a Member must document all gifts received and make such information available every 6 months. The definition of a gift would be basically the same as is being proposed but it would be expanded to include meals and entertainment.

As far as charitable events are concerned, payment of meals, if the staff member participates in a meal or dinner event. Exemptions would be that there is no difference between in State and out of State, and no difference between lobbyists and nonlobbyists. Meals up to $20 from any source would be allowed. Meals of any value may be accepted from charitable organizations if the Member attends an event sponsored by a charity, and substantially participates in those activities.

Finally, if there is entertainment associated with a Member's trip, these should be paid for by the Member if the value exceeds the gift level ceiling.

Again, since there seems to be significant differences between both sides of the aisle, I would urge my colleagues to go back and look at the rules that pertain to the executive branch of Government which have worked now for nearly 20 years. And I would suggest that would be a very important place we could begin, and perhaps reach some agreement here before we consume the entire week with debate on this obviously very emotional issue.

Mr. President, I ask unanimous consent to lay aside the pending amendment in order to propose an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1837

(Purpose: To repeal the Ramspeck Act)

Mr. McCAIN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from Arizona [Mr. McCAIN] proposes an amendment numbered 1837.

Mr. McCAIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . REPEAL OF THE RAMSPECK ACT.

(a) REPEAL.—Subsection (c) of section 3304 of title 5, United States Code, is repealed.

(b) REDESIGNATION.—Subsection (d) of section 3304 of title 5, United States Code, is redesignated as subsection (c).

(c) EFFECTIVE DATE.—The repeal and amendment made by this section shall take effect 2 years after the date of the enactment of this Act.

Mr. McCAIN. Mr. President, this amendment basically repeals the Ramspeck Act, the act, which as I understand, was enacted around 1940. It provides an unequal playing field for those members of staff in Congress who have worked here. It is obsolete and unfair. The time has come to terminate it.

It provides exclusive privileges to legislative and judicial branch employees attempting to secure career civil service positions within the Federal Government. The Ramspeck Act makes a special exception to certain competitive requirements of civil service positions for individuals who have served 3 years in the legislative branch or 4 years in the judicial branch.

Under this act, legislative branch employees are given competitive status for direct appointment to a civil service position if they are involuntarily separated from their job, and they are allowed 1 year from their date of separation in which to exercise this privilege. Furthermore, the Ramspeck Act waives any competitive examination which ranks applicants for jobs for individuals who are former legislative or judicial branch employees. Therefore, if a competitive exam is given to rank candidates for a certain civil service position, a select group of contestants are permitted by the Ramspeck Act to effectively skip a hurdle, yet they are assured of being able to be selected for the job.

Finally, individuals appointed under that act become career employees in the civil service without regard to the tenure of service requirements that exist for other civil service employees. Most people who have successfully competed for a position within the civil service must then serve a 3-year probationary period before they achieve career status with their agency. Ramspeck appointees, however, are afforded with career status immediately.

Mr. President, I wish to point out very clearly the amendment will have no impact on any former Senate or House employee who lost their job in the last election. I think it is very important that we point that out. The results of this last November's election caused a very large number of involuntary job losses among legislative employees from the other side of the aisle. Republican staffers have utilized their eligibility under the Ramspeck Act to gain preference as have others, so this amendment would not be enforced for 2 years in order to allow those individuals who were displaced by last year's election to have the same opportunity that others have had for the last 40 years.

Mr. President, not only is the act itself very wrong but there have been several cases that have really been egregious. The GAO issued a report in May of 1994 concerning the Ramspeck Act, and they were able to come up with several examples of how really egregious some of the individuals have been in taking advantage of this legislation.

They point out a case, and I quote from page 63 of the GAO report:

> The individual reestablished her Ramspeck eligibility by returning to Congress after 9 years and 11 months and remaining in the position for 5 days.

Mr. President, what that means is the individual had left her employment here in the Congress, had been gone for 9 years and 11 months, returned to work for a Member of Congress for 5 days and thereby reestablished eligibility and then obtained a job with the Department of the Interior.

> The individual's qualifying employment had been obtained in Congress from 1975 to 1982. After positions both in and out of Government, she accepted a noncareer schedule C position with the Department of Interior in October 1991. On November 6, 1992, after making inquiries about her Ramspeck Act eligibility and noncompetitive career appointment opportunities at the Department of Interior, the individual resigned from her noncareer position with the Department of Interior. On the same day, DOI approved a new career position to which the individual was subsequently appointed. She began work for a congressional committee on November 9, 1992, knowing that it was a 1-week special project. On November 10, she applied for and on November 12 was approved for a noncompetitive appointment to the new career position at the Department of Interior under the Ramspeck authority. The appointment became effective on November 16.

Another case:

> The individual reestablished his Ramspeck eligibility by returning to congressional employment after 4 years and remaining in a position for 8 days with a Congressman who had not been reelected. The individual had worked in Congress from 1967 to 1989. He then held a noncareer SES appointment at the Department of Interior until he resigned on November 30, 1992. At the time of his resignation, he was earning $112,100 per year. On December 1, 1992, the individual returned to a position on the staff of a Member of Congress. The position paid $1,200 per year. The following day, the individual obtained the Member certification that he would be involuntarily separated because the Member had not been reelected. Therefore, the individual would be eligible for a noncompetitive career appointment under the Ramspeck Act. On December 3, the individual applied for a new career position at the Department of Interior. DOI created the position on November 24 and on the same day requested, authorized and approved a personnel action to appoint the individual noncompetitively under the Ramspeck Act to the new position. All this took place days before the individual had resigned from his noncareer position.

Another case:

> The individual established her Ramspeck eligibility by returning to congressional appointment after 5 years and 7 months and remaining in the position for 12 days. The individual, who had worked in Congress from 1970 to 1987, was given a temporary appointment on June 11, 1987 and on June 21 was converted to a permanent noncareer schedule C position at the GM-14 level. On June 15, 4 days later, the position was upgraded to the GM-15 level and the individual was promoted to the position on July 17. The individual resigned from the noncareer position on December 5, 1992, and 2 days later joined the staff of a Member of Congress who was planning to retire. She obtained a Ramspeck certification on December 14—

That is 9 days later.

> stating that she would be involuntary separated because the Member was retiring. The individual terminated her employment on December 18.

That is 13 days later.

> and applied to DOI for a noncompetitive career appointment under the Ramspeck Act on December 21. She received a career appointment on January 11, 1993 in the same office in the Department of Interior from which she had resigned. A position to which she was noncompetitively appointed had been created in July 1992, and it apparently had remained vacant since that time. The new career position had some of the same duties and responsibilities as the GM-15 noncareer position.

Mr. LOTT. Mr. President, will the Senator from Arizona yield for a question or comment?

Mr. MCCAIN. I will be glad to yield.

Mr. LOTT. I wish to commend the Senator from Arizona for his work in this area. I must confess that when he first called the Ramspeck Act to my attention earlier this year, I had no idea really what was involved. He at that time agreed that he was going to try to educate us all a little bit better and he would be back with an amendment in this area later on this year. He is fulfilling that statement today.

As I have gotten into Ramspeck, I think he has a very good point. This is something that should absolutely be changed. Most Americans have no idea what is involved here and I daresay most Members of Congress. Most of us just were not aware that there was any kind of special arrangement whereby a Member of a congressional staff could wind up getting preferential treatment in employment in the executive branch.

Is that basically what happens under the existing law? If you are on a congressional staff, you can go over to the executive branch under special consideration and get a position on a noncompetitive basis, is that the way it could properly be summed up?

Mr. MCCAIN. Yes. This bill was signed into law in 1940, and there is no doubt that it was an attempt to help individuals who had worked in the legislative branch obtain employment. We all know that the vagaries of the electoral process dictate that—and sometimes the death of Members. But that may have been valid in 1940. I am not prepared to judge the wisdom of this body at that time, but clearly at this time it is not only inappropriate but also there have been some very egregious abuses of the system as it existed.

The system alone was bad, but then when we have people who go over and serve on the staff of a Member of Congress for 7 days or for 20 days, who have not been working in Congress—as I mentioned, one of them had not worked in Congress for 7 years and 3 months, went over, worked for 20 days for a Member of Congress and then got a GS-15 position, which is a permanent position, as the Senator from Mississippi knows. That is really something we need to do away with. I appreciate the question.

Mr. LOTT. Mr. President, I thank the Senator for yielding. I certainly agree

with him and will support his amendment when we get to a vote on it later on today.

Mr. McCAIN. Mr. President, could I just mention in closing, I ask unanimous consent that several articles here, one from the National Journal, one from the Wall Street Journal, and an editorial from the Arizona Republic be made printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Arizona Republic, Nov. 19, 1994]

LOSERS GET SPOILS, TOO

We've all heard the adage about the spoils going to the victor. The impending changeover to Republican control of Congress is a good example. That means thousands of patronage workers on Capitol Hill—from committee staffers to drivers and telephone operators—the vast majority of whom were appointed by Democrats, could be looking for work.

"Could" is the operative word here, thanks to a little-known federal law called the Ramspeck Act. Under the law, named after the Georgia congressman who authored it decades ago, congressional employees who lose out in the political shuffle are given first preference for civil service jobs in the federal bureaucracy. That's right! Even the losers stand to gain taxpayer-paid spoils.

As a practical matter, most low-level congressional workers who will lose their majority party positions—committees in the new Congress, for example, will have more Republican staffers than democratic appointees—will likely have to find jobs elsewhere. But the cream of the crop, most of them top congressional aides, lawyers and policy experts, will be able to go to the head of the employment line for jobs in the executive branch under the Ramspeck Act.

The Clinton White House will be under immense pressure to accommodate these Democratic Party loyalists, says Mark R. Levin, director of legal policy for the Washington-based Landmark Legal Foundation. Writing in *The Wall Street Journal*, Levin observes that these are the same individuals "responsible for drafting the onerous, big-government approach that the voters rejected on Nov. 8."

Under Ramspeck, hundreds of these policymakers could "burrow" into large federal departments and agencies throughout the country, Levin says, and "continue to impose their liberal views on the public." The law applies to congressional staffers with three years or more of service who lose their jobs due to "reasons beyond their control . . . such as death, defeat or resignation" of their bosses. Thus, they are allowed to avoid normal competitive procedures for filling federal jobs and gain immediate career status, with civil service protection, when hired.

When the shoe was on the other foot a few years ago and the outgoing Bush administration sought to find jobs in the federal bureaucracy for its top staffers, then-Democratic Rep. William Clay, a champion of labor rights, condemned the process. "Burrowing in," as he put it, "is an insidious practice that undermines the civil-service system, takes jobs away from better-qualified career employees and could sabotage the efforts of the new administration to carry out the will of the people."

We couldn't have said it better.

Levin suggests that the new Republican Congress repeal the Ramspeck Act. It is, after all, precisely the kind of double standard that has served to set official Washington apart from the rest of the nation and which helped to fuel the grass-roots rebellion that turned Democratic incumbents out of office.

"Make the former Hill staffers find real jobs in the private sector,' urges Levin. And as an added bonus, he says: "If they ever come back to government, they will be more sensitive to the needs of working Americans" who have no such exempts written into law for poor job performance. Getting Washington to play by the same rule as the rest of us ought to be high on the next Congress' agenda.

[From the Wall Street Journal, Nov. 15, 1994]

THEY'LL NEVER LEAVE

(By Mark R. Levin)

When the American people fired the Democrat majority in Congress last week, they also sent thousands of congressional staffers into the private sector—or did they?

The House Republicans have set up a transition committee, headed by Rep. John Boehner (R., Ohio), to examine the 40-year-old Democrat patronage system. Rep. Boehner's spokesman infoms me that there are some 13,000 committee staffers and patronage employees in the House, the vast majority of whom work for, or were appointed by, Democrats. (This does not include the untold hundreds of individuals who work on the personal staffs of congressmen.)

Although Rep. Boehner has sought, but not yet received, a complete list of these jobs from the Democrats, it is estimated that several hundred of the patronage employees serve as doorkeepers, barbers and beauticians, printers, photographers, elevator operators, security personnel, furniture movers, drivers, telephone operators, librarians and the like.

Padding the public payroll with friends and loyalists is not particularly new, but it is wasteful and ought to be eliminated. However, the real issue in terms of policy and governing involves the fate of Congress' shadow government—i.e., what will come of the thousands of soon-to-be unemployed Democratic staffers who are responsible for drafting the onerous, bit-government approach that the voters rejected on Nov. 8? These are the folks who wrote such oppressive legislation as the Omnibus Budget Reconciliation Act of 1993 (which brought us retroactive taxation, among other things), the Elementary and Secretary Education Act (which federalizes such local educational curriculum), and the Endangered Species Act (which threatens private property rights).

If the Republicans keep their promise to cut a third of Hill jobs, such a reduction—plus the turnover of a majority of the committee staff positions from Democrats to Republicans—will result in an unprecedented, large-scale exodus of these shadow legislators. But where will they go? Many of the staffers are lawyers. Not even in Washington are there enough legal or lobbying positions to employ most of them. And few businesses can use the remaining aides, many of whom have nothing but Capitol Hill experience. That's where the Ramspect Act—a decades-old law widely known to most Hill dwellers—comes in. This law allows out-of -work staffers to find employment among the ranks of career civil servants in the executive branch. The only requirements are that the ex-staffer must have worked a minimum of three years in Congress, must be qualified for the position (of course, a position can be created to ensure that the applicant qualifies), and must exercise his Ramspeck eligibility within a year of losing his congressional job.

Upon receiving a Ramspeck appointment, the former congressional aide receives the same job security and protection as a civil servant. In fact, he becomes a civil servant who can only be removed from his new position for cause—a rare event in our federal bureaucracy.

There will be immense pressure on the Clinton administration to hire Democratic congressional aides. And since there are only a relative handful of political jobs the White House can offer, federal departments and agencies may be pressured to accommodate them through Ramspeck appointments. This would enable hundreds of congressional staffers to burrow into large federal departments and agencies throughout the country.

Why is this a concern? Every year thousands of pages of regulations are written, imposed, interpreted and enforced by workers employed in the executive branch. These individuals make decisions every day that affect our lives. There is a real danger, therefore, that many of the same congressional staffers whose bosses were just deposed by the American people will assume important decision-making positions in the federal bureaucracy, permitting them to continue to impose their liberal views on the public.

The incoming Republican leadership should take immediate steps to prevent the possible abuse of Ramspeck hiring. For one, the future speaker, Newt Gingrich, and senate majority leader, Bob Dole, should write immediately to each federal department and agency head, advising them that come January 1995, appropriate oversight will be exercised to determine whether (and the extent to which) Democrat congressional staffers have merely relocated from the halls of Congress to the bowels of the bureaucracy. The GOP leaders should also consider legislation abolishing the Ramspect Act, which is intended to protect congressional staffers at the taxpayer's expense.

Make the former Hill staffers find real jobs in the private sector. There's an added bonus here: If they ever come back to government, they will be more sensitive to the needs of working Americans.

[From the National Journal, March 1994]

RAMSPECKED!

(By Viveca Novak)

(The 1940 Ramspeck Act allows some congressional aides to circumvent the traditional civil service hiring process and secure immediate—and highly coveted—career status. But critics say that "Ramspecking" is as good a symbol as any of what's wrong with the labyrinthine federal personnel system.)

Phyllis T. Thompson, known to most as Twinkle, got lots of experience working on Interior Department issues on the staffs of Sen. Barry Goldwater, R-Ariz., and the Senate Select Committee on Indian Affairs. In 1987, she was rewarded with a political appointment to Interior's Bureau of Land Management. But in December 1992, not long after Democrat Bill Clinton was elected President, she jumped back to Capitol Hill—oddly, to the staff of Sen. Steven D. Symms, R-Idaho, who had not run for reelection and would be leaving office on Jan. 3.

Thompson worked for Symms for 11 days. Then she suddenly resurfaced at Interior, drawing an annual salary that's somewhere from $69,000-$90,000 in a career civil service job for which she was given preferential consideration.

Thompson was engaged in a neat bit of "Ramspecking." The bizarre-sounding maneuver is great for those who can use it, but not so great for those who happen to believe in a purer merit system or who get edged out of jobs or promotions by Ramspeckers. Although Vice President Albert Gore Jr's National Performance Review sparked some hope of sweeping changes in the federal bureaucracy, sources who worked on the "reinventing government" report said that Ramspecking and other preferential hiring systems, which have drawn much criticism over the years, are too hot to handle and probably won't be taken on.

The 1940 Ramspeck Act, named for its chief House sponsor, gives a leg up on executive branch jobs to congressional and judicial branch employees with at least three years of total service who are "involuntarily separated" from their jobs—if their bosses die, retire or are defeated, for instance, or if their jobs are restructured out of existence. They avoid the regular competitive process and are given immediate—and highly coveted—career status.

In short, its a perk.

Make no mistake about it: The Ramspeck Act, which results in maybe 100 or so appointments a year, may seem like little more than a speck in center of a federal work force that includes about two million workers, not counting the U.S. Postal Service.

"When we're fighting about whether or not there are going to be RIFs [reduction in force], whether or not there are going to be buyouts," said Robert M. Tobias, the president of the National Treasury Employees Union, "this doesn't get to the top of the list."

GAMING THE SYSTEM

But in an environment in which the federal bureaucracy is under intense scrutiny as part of a high-level effort to make it more efficient and more responsive Ramspecking is as good a symbol as any of what can be so disheartening about the labyrinthine Federal personnel system. Seemingly well intentioned, the law can be used to good effect, according to some who have had experience with it. But schemers have found ways to game the system while staying within the letter of the law. And even when it's used as directed, critics say, it's circumvention of the traditional civil service hiring process weakens the system and erodes morale.

"The Ramspeck Act is discriminatory," Fredric Newman, a retired director of civilian personnel for the Army, said, "It contradicts the merit system, and I tried to avoid applying it."

Donald J. Devine, who headed the Office of Personnel Management (OPM) from 1981–85, wrote a memo to Clinton after the election in which he urged him, among other things, to get rid of the Ramspeck Act. "It's one of the innumerable provisions undermining the merit principle." Devine said in an interview. "There's no real justification for it. It's basically one of countless benefits of the legislative branch."

The 1992 election provided laboratory conditions for observing the two principal species of Ramspeckers. First, there was a change not only in Administration, but also in party. Former Capitol Hill aides who'd gotten political jobs in the Republican executive branch were looking for life rafts in the career civil service—various ways to burrow in. Sen. David Pryor, D-Ark., sent the General Accounting Office (GAO) a list of 150 names and 50 department or agency reorganizations that his office had received complaints about in this regard, some of them involving Ramspecking. The GAO's final report is expected out in a few weeks.

Second, 1992 brought the largest exodus of Members of Congress since 1948, and attached to each lawmaker were several aides who were faced with the prospect of finding new employment. Morton Blackwell, a conservative activist, was running seminars in House Annex I on how to Ramspeck. "Conservatives must match the Left's mastery of the Ramspeck Act," he declared (although statistics don't indicate that either party has a lock on this). "Dedicated conservatives now can use non-competitive routes to secure career employment in the federal government. . . . In government, personnel is policy."

Without a presidential contest in the wings, Ramspecking of the first type will be little practiced until 1996 or later. But the 1992 election brought plenty of it, some of which looked fishy under even a lenient threshold of acceptance transition behavior.

OPM, investigating complaints about 14 Ramspeck appointments at the Interior Department in 1992 and early 1993, found that seven political appointees had returned to Congress for periods of only a few days to a few weeks. This reestablished their Rampseck eligibility; the law doesn't require an employee's three years of congressional service to be continuous, but it does require that the Ramspeck transfer take place within a year of leaving Capitol Hill. While such brief appearances on the Hill between political and Ramspeck jobs seem to be technically permissible, OPM report called them cause for "grave concern." The report went on to say that "it is difficult to conceive that the act was intended as a means to convert political executive branch employees into career civil servants."

OPM zeroed in on two cases. One was that of Timothy Glidden, who held a political appointment as legal counsel to then-Interior Secretary Manuel Lujan Jr. Glidden, a former congressional aide, quit his job at Interior shortly after the election and went on the payroll of Rep. John J. Rhodes III, R-Ariz., who'd just have been defeated. He worked there from Dec. 1–8, earning all of $26.67. Then he returned to Interior with a Ramspeck appointment as a program analyst in the Office of American Indian Trust.

Some officials of the Interior Department apparently weren't surprised. According to OPM, the job was created for Glidden even before he left. (Glidden told OPM's investigators that he was unaware of that.) The report branded Rhodes' hiring of Glidden and Glidden's return to the Interior Department "a cynical manipulation of the Ramspeck authority to achieve a preordained result, the placement of [Glidden] in a position especially designed for him."

OPM also assailed the recent career path of Hattie Bickmore, who'd worked on Capitol Hill for eight years before she accepted a political appointment in 1991 as a special assistant in the Minerals Management Service. But she left that position for a one-week job (Nov. 9–13) with the Senate Governmental Affairs Subcommittee on Oversight of Government Management, at the request of Sen. William S. Cohen of Maine, its ranking Republican—a particularly ironic placement because the committee sometimes investigates complaints about Ramspeck abuses. On Nov. 16, she was appointed under Ramspeck authority to a career GM–15 position in Interior's Take Pride in America program.

Bickmore told OPM, among other things, that she wanted to qualify for retirement benefits, for which she'd be eligible in February 1994. And, she said. "it's a known fact that it's all right to go back [to the Hill] to get Rampseck eligibility reestablished."

But OMP found this case to be much like Gidden's: Affidavits and other evidence indicated that a job was being created for her to return to before she even left. "No reasonable person examining the total situation in these two cases could conclude that these two appointments met either the letter or the spirit of the Ramspeck Act." OMP said. Besides having prearranged, custom-made jobs waiting for them at Interior Glidden and Bickmore couldn't argue that their departures from their short stays on the Hill were involuntary.

OPM recommended that both Glidden and Bickmore be terminated. Bickmore was fired, and lost her appeal to the Merit System Protection Board on March 15 of this year. Glidden departed as well. though it could not be ascertained whether he retired or was fired.

OPM fond these two cases the most egregious because jobs were created for them, said Michael D. Clogston, the assistant director of its compliance and evaluation office. "But we found in a number of cases, people were going up [to the Hill] for a quick cup of coffee, in effect." he said. "That conferred upon them eligibility to get a job in the executive branch. And a lot of people are of a mind that if you went up for quick cup of coffee, that in itself was enough to violate the spirit of the law."

The Rampseck process "was started for these poor devils who worked long years on the Hill and fond themselves out of a job because their boss lost or died." Clogston added, "In the cases we looked at, none of them fit those circumstances."

THE SILVER PARACHUTE

Most who use the Rampspeck privilege come straight from the Hill after the lawmaker they've worked for leaves Congress. That was the intent behind the law. Its legislative history indicates that Members wanted to provide something for the loyal aides, who had little job security and could, through no fault of their own, be out of work overnight. Because they usually had some expertise to offer, the reasoning went, why not allow them to put it to use in another branch of government?

There was also a strong "me too" motivation. "If there is justification for 'blanketing' into permanent civil service positions many thousands of persons, there is certainly justification for granting this opportunity to employees of the legislative branch," said the conference committee's report from 1940, which also noted that a similar provision was available to White House employees.

"On Capitol Hill, you've got these people who are professionals and have no civil service protection—people who have put in years of service, who have some qualifications and know their areas," said Edward J. Gleiman, the chairman of the Postal Rate Commission and a former staff director of the Senate Governmental Affairs Subcommittee on Federal Services, Post Office and Civil Service, which Pryor chairs.

Said a former Senate administrative assistant in recounting the vagaries of life on Capitol Hill, "John Heinz's staff goes out to lunch and comes back and they're out of a job." Heinz, a Republican Senator from Pennsylvania, was killed in an airplane crash in 1991.

And some who are on the hiring end of things, in federal departments and agencies, say that Ramspecking offers other advantages. "Generally, I think it's probably a useful thing," said Thomas S. McFee, the assistant Health and Human Services (HHS) secretary for personnel. "These people have had unusual experience and can make a valuable contribution." Ramspecking cuts time-consuming red tape that would otherwise mean advertising a position, ranking and evaluating applicants and so forth. McFee pointed out—and Ramspeck candidates must qualify for the positions they take.

According to a survey by National Journal, HHS had by far the largest number of Ramspeck hires—17—of all federal departments and agencies in the 13-month period beginning in December 1992; Interior had 9 and the Agriculture and Veterans Affairs Departments each had 8. Over all, at least 80 workers were hired as Ramspeck appointments in that period (several agencies didn't respond).

Some congressional offices were especially adept at Ramspecking. Former Rep. Gerry Sikorski, D-Minn., for example, sent three aides to dry land that way after he lost in 1992. The Senate Environment and Public Works Committee—after its chairman, Quentin N. Burdick, D-N.D., died—managed to Ramspeck four of Burdick's people. When the House Select Committee on Narcotics Abuse and Control went out of business early last year, two of its employees were Ramspecked into HHS. Former Rep. Mike Espy, D-Miss., took some aides with him as political appointments when he became Agriculture Secretary; he took three more under the Ramspeck Act.

For all its seeming humanitarian utility, however, the Ramspeck Act seems to have more critics than it does fans or neutral observers.

"If you believe in separation of powers, why give preference to legislative branch employees?" a federal personnel expert asked. "This is a special privilege that ought to be examined. If we're truly to have an apolitical civil service, these kinds of things shouldn't go on. They denigrate the underlying principles of an open and competitive civil service."

Ramspecking is sometimes used as a kind of political appointment, but with indefinite security. Applications for jobs with Ramspeck certifications attached were a common sight in the White House personnel office in the early days of the Clinton Administration.

"I would argue that it's really not necessary," said Mark Abramson, the president of the Council for Excellence in Government, a not-for-profit organization of former public officials. "The political people can get political appointments at any time through Schedule C or non-career SES [Senior Executive Service]. I just don't see any reason to give special treatment to congressional staff members, I think it's outlived its usefulness, if there ever was one. There's political appointments and then there's the career process."

And clearly, congressional offices can manipulate the process. One gambit plays off the fact that employees are eligible for Ramspecking not only if the Member they work for leaves Congress, but if their office goes through a restructuring that leaves them out of work.

"If [a staff member] is interested in a civil service job, congressional offices will go through the motions of restructuring and certify them for Ramspeck," the staff director of a Senate office said. "If [it] doesn't hurt anything, we will try to do it for them. Of course, we don't say we did it at their request."

Offices also "sometimes say they've restructured and they haven't," one aide added. "The way I look at it is, the quality of life here is pretty low. It's long hours and low pay, and for people with a family, it's hell. If there are small ways we can bend the rules to make things easier, we do it."

Making things easier for a congressional aide, however, doesn't necessarily make things easier for those on the other end of the process.

"They come in with the support of a Congressman or a Senator, and you're told as a manager that this person is coming in at a given level," said a former agency manager who now works for the White House. "There are sometimes complaints filed by other employees, but the grievances don't hold up because it's legal."

A supervisor's resentment over being forced to hire someone rarely has happy consequences. Stephen Hoddap, a staff member of the House Interior and Insular Affairs Committee for three years and a 17-year veteran of the National Park Service before that, wanted to Ramspeck back to the Park Service after his boss, Rep. Robert J. Lagomarsino, R-Calif., was defeated in 1992. He became the assistant superintendent of Shenandoah National Park over the objections of the superintendent, who was told to hire him by higher-ups. According to Hoddap, when he arrived, all his duties were taken away and he had nothing to do. "I had no job," Hoddap said. He left after two months, returning to his old position on the Hill but this time attached to Rep. Don Young, R-Alaska."

For career civil servants who are hoping to advance, Ramspeck and other preferential appointments, which are often at the highest levels, can "shoot morale right to the bottom," said a former employee of the Small Business Administration, who saw such appointments bottle up the promotion hopes of career civil servants in his office. "It affects quality of work, motivation and incentive to achieve."

Ramspeck isn't the only preferential hiring loophole in the federal personnel system. There are, for instance, a veterans preference, a preference for those who have served in the Peace Corps, a measure that in some cases gives priority to Native Americans—even a preference for people who have worked in the Panama Canal system. The huge number of special hiring authorities and arrangements makes it clear that merit—supposedly the backbone of federal personnel policy—is far from the only yardstick used in sizing up candidates.

"The general concept of having a congressional person go to the head of the class is hard to justify in a merit system," the staff director of a Senate committee said. "But the precedent has been set: the merit system has been encroached on in other ways. Veterans get preference, I can't justify that, either. We're talking about characteristics that have nothing whatever to do with the ability to do the job."

"The merit system is very disjointed, and the definition of merit is something that truly needs to be reexamined." Patricia W. Ingraham, a professor of public administration at Syracuse University's Maxwell Graduate School of Citizenship and Public Affairs, said, "It's a word that in many ways has lost its meaning."

The multiple layers and tangled strands of the federal personnel system were spotlighted by the National Performance Review's report last fall: The 850 pages of federal personnel laws, 13,000 pages of OPM regulations and 10,000 pages of the *Federal Personnel Manual* don't make for efficient and productive government, Gore declared. And there's been some progress. Recently the manual was slashed to 1,000 pages. Federal departments and agencies are supposed to be developing their own hiring guidelines.

But doing away with or reforming Ramspeck and its brethren would require legislation, and no one expects the Clinton Administration, for all its reinvention efforts, to tackle preferential hiring systems head-on. "There was an early look at this," a participant in the National Performance Review said. "The decision was made not to tackle it. It was a strategic decision; we could have lost the whole ball of wax. Why throw up red herrings that would have Congress pissed off at us?"

The constituency for Ramspeck, after all, is Congress itself.

"People are staying so far away from this, "a top aide to a congressional committee that deals with personnel matters said. "You have some trying to eliminate it, others saying it serves a legitimate purpose. But the debate would be around this being a perk for congressional staff, and I for one would not relish that in the current atmosphere" in Washington.

Some would simply argue for better policing of the Ramspeck Act to prevent abuses. Currently there's no central oversight of Ramspeck appointments, something the GAO may recommend in its forthcoming report. OPM's review of Glidden's case and a few others covered only the Interior Department and was prompted by a large number of complaints and by requests from a Senate committee: it is the only such review that OPM has ever done, and the agency has no authority or plans to routinely examine Ramspeck placements.

Meanwhile, this year is shaping up as one that will bring turnover on Capitol Hill rivaling that of 1992. As lawmakers retire, run for other office or take their hits at the polls, their staffs will be looking for someplace nice and safe to land—someplace like the civil service. Look for plenty of Ramspeck appointments to wash into the executive branch, triggering the usual complaints from career civil servants—particularly because, as the federal work force, and especially midlevel management, is downsized, there will be more competition than ever for a limited pool of jobs.

Potential Ramspeckers, start your engines. Demand for Ramspeck certification forms is starting to pick up again at the House Clerk's Office, according to records coordinator Robert Duncan. It's a handy bit of paper to have in your hip pocket come election time.

A LAWMAKER'S LAMENT

What a legacy. Imagine if, after years of public service, many people mentioned your name only in connection with an employment perk for congressional staff, if they mentioned it at all. In this case, even those who know the ins and outs of the Ramspeck process have no idea who the man was; his name has become a verb.

Georgia Democrat Robert Ramspeck served in the House from 1929–45, a portion of which time he chaired the Civil Service Committee; during his last two years, he was Democratic whip. In the 1950s, he chaired the Civil Service Commission (subsequently absorbed into the Office of Personnel Management and the Merit Systems Protection Board).

Ramspeck seemed to be acting in the interests of long-suffering congressional aides when he introduced legislation to give them an edge in getting into more-secure government jobs if they were thrown out of work on Capitol Hill.

Making a living was a subject near and dear to Ramspeck's heart. His colleagues reportedly were surprised when Ramspeck resigned from Congress at the end of 1945 to take a job as a lobbyist (yes, it was ever thus) with the Air Transport Association. In March of the following year, his byline appeared under the headline "I Couldn't Afford to Be a Congressman" in a first-person piece for Collier's magazine. Ramspeck wrote that on a Member's $10,000-a-year salary, he could "barely skin by," especially because at that time lawmakers financed their own reelection campaigns and there was no provision for retirement pay. Ramspeck proposed a retirement system for Members similar to one that executive branch employees had. It passed, but "editorials denounced us as moochers, as hogs in the public trough . . . the entire Congress was besmeared," Ramspeck wrote, and the law was rescinded. Congress eventually got its own retirement system.

Ramspeck, incidentally, had other complaints about Congress that seem eerily familiar nearly 50 years later. Among them: "I have known of some cases of scared voting by good men who could foresee nothing but disaster for themselves if they antagonized certain groups."

Ramspeck died in 1972.

[From the National Journal, April 1995]

A SAFE HAVEN FOR EX-AIDES?

(By Michael Crowley)

The 1940 Ramspeck Act, designed to help congressional employees who become unemployed "involuntarily through circumstances beyond their control" find federal jobs, has been put to good use since the November elections. Now it's being put under the microscope.

Suspecting that use of the act would surge after the election left hundreds of Democratic aides jobless, Senate Governmental Affairs Committee chairman William V. Roth Jr., R-Del., asked the General Accounting Office (GAO) in November to tally Ramspeck appointments.

The GAO did, and found a 500 per cent increase in the over-all-rate of executive branch appointments since November, as compared with the first 11 months of 1994. The 74 Ramspeck Act appointments since November are already more than triple the 21 in the first 11 months of last year.

Roth, who says that he is "shocked" at this apparent inconsistence with attempts to downsize the federal government, has asked for more GAO reports, although he plans no further action at this time.

Even before the elections, congressional aides had their eyes on Ramspeck opportunities. Last fall, the House Administrative Assistants Alumni Association, a group that helps former congressional staff members find new employment, held a seminar offering tips on finding Ramspeck jobs.

Mr. McCAIN. Mr. President, I hope that my colleague from Mississippi and my colleague from Michigan, if they agree with this amendment, would also be amenable to adding this amendment, if there is a compromise, which I believe there will be, to either the gift ban or the lobbying ban or the combination of the two. I would appreciate their consideration on that.

Mr. President, I will not ask for the yeas and nays because I have some anticipation that this amendment may be agreed to by both sides, although Senator GLENN, who has worked on this issue extensively, would probably want to be involved in the consideration of this amendment.

Also, Mr. President, let me mention that there was a hearing held, thanks to the distinguished Senator from Alaska, Senator STEVENS, in the Governmental Affairs Committee. I do not think there was any doubt that the testimony presented in that hearing was clear that this law long ago outlived its usefulness, if it ever had any.

So I want to thank the Senator from Mississippi for supporting this amendment. I hope that the Senator from Michigan can. And although we could bring this legislation freestanding, I think it might be appropriate as an amendment on this bill since this legislation is an attempt to do away with some practices to which the American people object.

Again, I want to congratulate the Senator from Mississippi, the Senator from Kentucky, and the Senator from Michigan, as well as Senators FEINGOLD and WELLSTONE. I hope we can reach an agreement on this gift ban issue. I do not think it reflects great credit on this body when we seem to be arguing over whether $20 or $50 is an appropriate amount of money to purchase a vote of a Member of Congress. I hope that we can reach some level of accommodation and comity so that we reflect well on this body and the Congress as a whole.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER (Mr. CRAIG). The Senator from Michigan.

Mr. LEVIN. Mr. President, let me be brief, while the Senator from Arizona is on the floor. I am not as familiar with the amendment as others on the Governmental Affairs Committee, so I cannot comment at any length on this point.

I just have one question I would like to ask the Senator from Arizona, however, and that is, I believe Senator STEVENS has suggested some language which had been added to one version of the amendment which would have allowed, I believe, the past experience of the legislative staff to be considered at the time of the appointment. I am not familiar with the language, but I am wondering, I gather that language is not part of the Senator's amendment. We are trying to get hold of Senator STEVENS relative to that language. I understand Senator PRYOR has not yet arrived at the Capitol. I know that he had an interest in this legislation as well. I do not know what his position is relative to the amendment, however, and I do not want to suggest that he opposes it. He might not. I just do not know. He is en route to Washington from Arkansas.

I just make those two comments for the information of my friend. Particularly I do want to alert him to the fact that I understand Senator STEVENS did have language which was added at one point which was not in this form. We are trying to alert Senator STEVENS so he will be aware of it.

Mr. McCAIN. I thank my colleague.

Mr. LEVIN. I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, I would like to offer a few comments this morning in support of the legislation dealing with lobby disclosure and gifts for Members of Congress.

I think it is clear that the level of cynicism and disillusionment of the American people about the performance of Government and the integrity of public officials has reached rather historic heights. I think what helps fuel that sense of outrage is the public sense that the system is not serving the public good but instead is being manipulated by so-called special interests that serve their own ends. I would like to take a few moments to talk about the special interests and this anti-Government feeling that is so pervasive throughout the country.

It seems to me that the word "politician" over the years has always been taken in a negative fashion. We hear radio commentators, for example, talk about "the politicians." It is not said in a complimentary sense but rather a negative one. I have always preferred to use the phrase "public official" or "public servant," because I think that is basically what we are sent here to be, and that is to serve the public's interest. Again, the word "politician" has that negative connotation or spin, and I suspect the words "lobbyist" and "special interest" fall in the same category.

Everyone who serves in the House and Senate understands that we are not specialists. We are great generalists. Perhaps in our past lives as private citizens, we had some degree of specialty. Mine was as a trial attorney. I tended to specialize in certain fields within that practice of trial work.

Coming to Congress, I no longer was able to specialize by virtue of the fact that I had to have a much broader view of things. I had to try to make myself as knowledgeable as possible in a great variety of areas.

So I became, like most of us here, a generalist. Of course, we are all familiar with the expression that a generalist is someone who reads less and less about more and more until he knows absolutely nothing about everything. I do not think we all fall in that category but, nonetheless, we often have to float along the top of issues by virtue of the very volume of issues we are required to confront. So when we hire people to work for us, our staff members, we try to hire the best and brightest to make sure that they are well informed on the issues that we are going to confront during the course of a legislative session.

Lobbyists also play a very important role in our system. They are not to be derided or denigrated or criticized or condemned. They, in fact, are hired as experts to represent the people who, indeed, have special interests that come before the Congress. The notion somehow that special interests are antidemocratic could not be more wrong. Indeed, our Founding Fathers determined that our country was comprised of special interests. Virtually everybody in the country has a special interest.

If you are talking about farmers who want subsidies or other Government programs to assist them in the production of their products, they are clearly a special interest. If you talk about homeowners who wish to have a tax deduction for interest payments on their mortgage, that clearly is a special interest. It is a policy we have adopted to encourage people to become homeowners but, again, it is a special interest. We have business men and women who would like to have accelerated depreciation schedules so that they can continue to modernize their businesses. That is a special interest. You can go to any facet of our society, and virtually everyone has a special interest in Government policies.

Perhaps one of the clearest examples of this came about many years ago when I was flying on Delta Air Lines from Bangor to Washington. As I boarded the plane, a flight attendant stopped me, and she said, "Are you bothered by all of those lobbyists down in Washington every day?" I could see by her facial expression that she, in using the term "lobbyist," saw them as some sort of evil affliction upon our system.

I said, "Frankly, I am never bothered by a lobbyist in Washington." The only people who lobby me intensely are flight attendants who insist that I preserve their tax-free travel status. There was a measure under consideration by the Senate Finance Committee some years ago to tax so-called fringe benefits. Many flight attendants, instead of receiving direct compensation, get free travel benefits for themselves and their spouses. Congress was considering taxing those benefits as income. So every time I got on the plane, guess what happened? I was lobbied by the flight attendants, saying, "Please do not touch our tax-free travel benefits."

A point I was trying to make to the flight attendant was that she, in fact, was a lobbyist. She was lobbying me, as were her colleagues, on each and every occasion I got on a plane. It was another case of lobbying on behalf of a particular special interest.

So we have this notion that somehow lobbyists are an evil upon the system—that is wrong—and that special interests are somehow also something to be condemned, when, in fact, they are an inherent part of our system. People organize along the lines of their special interests. We can see many people here in the galleries today, visitors to Washington. They may be on school vacations or family vacations. They come to the Senate and to the House to sit in the galleries to look upon the system at work. For the most part, they cannot take the time out of their daily lives—and they probably cannot afford it—to be lobbying Members of Congress on a regular basis. But they may have a very special interest. They may have a very special interest in legislation that will have a major impact upon their businesses, upon their professions, upon their lives. And so what many are forced to do, by circumstances, is to hire an expert, hire a trade association, or hire a law firm that has developed expertise over the years to better articulate their viewpoints and to bring their views to the attention of the legislators who are elected to represent them. That is all part of our system. That is exactly what the democratic system is all about.

The difficulty, of course, comes when there is a misperception that it is the special interests who hire the lobbyists who are gaining access and unfair advantage over the general commonweal, the general public good. That is where the cynicism starts to set in when there is a perception that just a few key people are being paid very high dollars in order to shape and influence and alter public policy in ways that are very damaging to the overall good of the country.

That, Mr. President, is why we are here today to talk about lobbying disclosure, because the current system is simply a sham. It does not work. The laws are confusing, vague, overlapping, and duplicative. They require some to register—not many. Those who do register file information which is virtually meaningless. And so the cynicism starts to set in once again.

We can recall that during the last Presidential campaign, when Ross Perot started to call the attention of the American people to those high-priced lobbyists and special interests in Washington controlling the destiny of the American people, he struck a cord, a deep cord of public approval. What we need to do is to reform the system in a way that provides uniformity, that provides simplicity, and that provides clarity. Those are the goals that Senator LEVIN and I have been striving to achieve for several years now.

Frankly, we found during the course of the hearings on this legislation that there was not great disagreement from the lobbying community itself. They were, in fact, eager to have some piece of legislation, comprehensive in nature, that would lay out with clarity exactly what are their responsibilities. So we tried to address the issue of who is required to register? Who is being paid to lobby? How much is that person or organization or firm or association being paid to lobby? And to lobby on what?

So basically, who is being paid how much to lobby on what? Those were the essential ingredients of the legislation we have proposed in past sessions. Regrettably, there was a good deal of misunderstanding in the final days of the last session that delayed action on the bill. I believe this is an issue that cannot continue to be delayed without contributing to this deep sense of cynicism that continues to exist among the American people.

It is my hope that as we discuss this today, and focus, also, on the issue of gifts, we can reach agreement. I might say that few of us believe that any Member of this body or the other body is going to be corrupted by a steak dinner or a pocketknife or some other token that comes through a Member's office during the course of a year. Nonetheless, it is an issue that we have to address.

I think Senator MCCAIN struck precisely the right note when he said we should not be arguing whether the gift limit should be $20, $50, or $100. The issue is whether there should be any at all. Should we try to remove the seeds of discontent, even though we feel that it has been perhaps mischaracterized, that it is a false perception? Nonetheless, it is a deeply held perception, so we ought to remove it.

Mr. President, Senator LEVIN and I have proposed an amendment to the lobby disclosure bill which is designed to meet the objections of our colleagues. We think that it fairly does that. First, as Senator LEVIN already indicated, the grassroots lobbying provisions that were included in last year's conference report that caused such controversy are no longer included in this bill. They are excluded. The pending amendment would go even further to the extent there is any uncertainty on this point. It provides additional clarification that the bill does not apply to grassroots lobbying or other communications made by volunteers to express their own views.

The amendment also doubles the thresholds when individuals or organizations are required to register as lobbyists. It eliminates the provisions that would establish a new agency to administer and enforce the law. It maintains the current system of having reports filed with the Secretary of the Senate and the Clerk of the House.

I understand the concern on the part of our colleagues, who say, "Here they go again, another new layer of bureaucracy. Here is a brand new agency that is going to be created with all the attendant levels of bureaucratic delay and redundancy." I think there was a measure of merit to the concern. Our problem was that we did not know where to put the repository for the reports. We have agreed, however, that we do not want to complicate this matter and create another bureaucratic layer of duplication for the people who have to file. So we have agreed to eliminate that provision.

Finally, the amendment would strike the enforcement provisions and, instead, provide the Secretary or the Clerk to notify lobbyists who may be in violation, and refer possible violations to the appropriate U.S. attorney if no corrective action is taken.

We have tried to accommodate our colleagues' concern that this is somehow going to turn into a witch hunt of lobbyists who might have made innocent mistakes. That is not our intent at all. I have tried to indicate by my own comments that I believe lobbyists provide a valuable contribution to the legislative process. We, frankly, cannot function effectively without having lobbyists who represent "special interests," who are in fact the American people. We need their expertise to be brought to our staffs and to us, and to weigh their views. That really is what we are elected to do—to weigh the relative merits of the case made by those advocates who are hired by the American people to come to us to urge a particular position.

As long as a system is open to everybody, the American people will benefit. The danger is when there is a perception that only a few big lobbyists are getting through, only a few big special interests are getting through, only the ones who can afford to hire the high-priced individual can get through. That is where the cynicism comes in, and that is what we have to do our level best to seek to eradicate.

We want to make sure that the public is fully aware of who is being hired, by whom, how much they are being paid, and to do what. As long as there is full disclosure of those activities, then at least there is hope that we can reduce that level of distrust, that level of alienation, that level of cynicism.

Mr. President, I hope as we move through the afternoon's debate that we can arrive at an understanding or accommodation. We have tried to take into account our colleagues' concerns. We believe that we have moved substantially in that direction, to remove any doubts about what the goal ought to be.

I think the goal is shared by all—simplification, uniformity, and clarity. Those are the goals that Senator LEVIN and I seek to achieve, and I believe with a measure of good will demonstrated throughout the day we can arrive at a consensus where there will be virtually unanimous consent for the legislation that will emerge. I yield the floor.

Mr. LEVIN. Mr. President, let me first thank my friend from Maine for the continuing contributions which he has made to political reform.

This bill before the Senate on lobby disclosure is one of three pillars of reform. He has been steadfast in his support of lobby disclosure reform. Whether I have chaired the subcommittee or he has chaired the subcommittee, we have worked together on this through a number of Congresses.

Hopefully, we will be able to pass a strong bill today to put an end to a situation which breeds total disrespect for law. We have a number of laws on the books that purportedly require lobbyists to register and disclose but are both a sham and in a shambles—and have been that way for decades.

Hopefully, we will not only pass a strong bill here today on lobby disclosure and lobby reform, but we can at long last get a bill that passes the House, gets through a conference, and gets adopted by both Houses in exactly the same form. When that happens, I am sure we will be celebrating together just as we have worked so hard together through this past decade and a half on this and so many other subjects. I want to thank him for his leadership in this area.

Mr. WELLSTONE. Mr. President, I will be relatively brief. First, I thank Senators LEVIN and COHEN for their very fine work, and I am very pleased to be an original cosponsor. As all of my colleagues know, we have taken up lobbying reform first and then later we will take up the gift ban legislation.

I think both Senators make a compelling case. We really have not made any changes since the late 1940's—I think, since 1948. The point is, for those that are paid to lobby, whether lobbying legislators or members of the executive branch, this is part of the way in which we conduct politics in Washington, DC. People in the country have a right to know who is being paid to lobby and have a right to have some understanding—or a clearer understanding, let me say—of the kind of scope of those activities. I think that is what we are trying to do in this lobbying reform effort.

Mr. President, again, I think this goes to the heart of accountability. I think it goes to the best of good government. I certainly hope that this very important lobbying reform effort will bear fruit and we will pass a reform measure.

Senator COHEN said it well as I was coming in. I believe what I heard him say, that it was absolutely nothing to do with the denigration of the work of any particular lobbyist, that is not it at all. It has much more to do, again, with just making sure that it is a political process that is open and accountable. That is the issue.

I commend both Senators for their very fine work, and say that I am very proud to be a part of this. It is also true, Mr. President, and I want to be clear, we will take up gift ban later on. That is not what is on the floor right now.

We have two different amendments—two different initiatives—that we will be dealing with separately. I do think, however, there is an important connection, namely, as we move forward and pass—and I believe we will, I believe we must—a comprehensive gift ban reform and as we put some restrictions on this. It is very important. Obviously, if we are going to have some very clear restrictions about what lobbyists can give, then it will not work if only a small fraction of those who are actually paid to lobby are ever really listed, or if we do not have a clear idea as to who the people are who are getting paid to lobby, or we have no clear idea of what their scope of activities are. Those measures, in a policy sense, are very closely related.

Mr. President, the last point—and let me again point out for colleagues that gift ban is later; right now it is lobbying reform. One more time, in 1994, 88 current Senators, 85 veteran Senators and 3 of the 6 freshman Senators who served in the House of Representatives in 1994 voted in favor of the comprehensive gift ban bill which we will have on the floor tonight or tomorrow. I just would say to those Senators that I think there was a reason for that kind of broad-based support. I hope people will not retreat from that or essentially change their positions or flip-flop, or whatever characterization can be used.

Mr. President, this is an issue that people in the country feel very strongly about. I think it goes beyond just the gift ban reform. I think it has more to do with the very strong sense that people have about politics in Washington.

The Senator from Kentucky and I have many disagreements in these different areas, but I personally think—and I apologize to the Senator if I am being presumptuous—but I personally believe there is one very strong area of agreement, which is that neither Senator would be in public service if we did not believe in our work. I reject the across-the-board bashing and denigration of public service, whether it is Democrats or Republicans or Independents. I think it takes us nowhere good as a nation.

My very strong feeling about this is that the sooner we move forward and pass what I think would really be some strong reform measures, credible reform measures, that changes some of the political culture in the Nation's Capital, the better off all will be. We need to let go of it. I think people want us to let go of it. I think we have at the moment, whether tonight or tomorrow or whenever we get to gift ban, some very major differences.

I say to my colleague later, when we get a chance to debate this, because I do not want to move in on the lobbying reform time, but I think that at the moment, at least, the Republican proposal has just some gigantic loopholes, large enough for a truck to drive through.

Later on tonight, not now, Mr. President, I will include an editorial from the New York Times on Saturday called "Republican Gift Fraud." Frankly, before it is all over, I think we can pass a strong comprehensive gift ban legislation.

To give but one example, if we essentially say any gift under $100 is fine, lobbyists or others, and it does not aggregate, in theory, every day of the week someone can be taking Members out or paying for a ticket to an Orioles game or whatever. This is where there is agreement and disagreement.

On the agreement part, I do not actually think that Senators "are for sale." I do not look at any of this as sort of representing the wrongdoing of individual officerholders. I just do not believe that is what it is about. But at a systemic level, I must say that what people of Minnesota say to me is, "Look, Senator, people do not come up and ask to take us out to dinner."

Mr. McCONNELL. Will the Senator yield?

Mr. WELLSTONE. Does the Senator from Kentucky have a question?

Mr. McCONNELL. I want to commend the Senator for his observation, because I do think there is a lot of rhetoric about people selling influence for lunch. I appreciate the observations of the Senator from Minnesota that is clearly not the case.

I also think that the only thing I agree with my friend from Minnesota about is, I think, on the gift issue, it is time to get it over with one way or the other. I think it is time to make a decision. I think we will have a good debate about what is appropriate; hopefully in restrained tones, without a lot of implications that things are going on that are clearly not going on.

So I commend the Senator from Minnesota for his observation that any such suggestions that Members of the Senate are selling influence for lunch are absurd. And I hope we can have a high-level, appropriate debate on this issue. Second, I agree with the Senator from Minnesota, I think it is time to wrap it up on the gift rule and, hopefully, we will be able to do that later tonight or first thing in the morning.

Mr. WELLSTONE. Mr. President, I thank the Senator from Kentucky again. I said to my colleague from Michigan I did not want, now, to make gift ban the focus. We are now on lobbying reform. Of course the disagreement the Senator from Kentucky and I have, and I think also with the Senator from Michigan and others, that while I do not think the issue was the wrongdoing of an individual officeholder, that was my position—while I reject the denigration and the bashing of public service and people who are in public service because I am very proud the Minnesotans have given me this opportunity to be a Senator—on the other hand, I think as I started to say, when people in Minnesota come up to me—you may have had the same thing happen to you, Mr. President—what people say is, "Look, Senator, in all due respect, people do not offer to take us out. Lobbyists are not asking us to go out to dinner. They are not always contributing tickets for games, they are not paying for us to go to various events in the country, for our travel for ourselves or our spouses. And we do not think it is appropriate that you take those gifts either. Because whether or not this leads to undue influence, it certainly seems that way to us."

I must say that it does become a part of the pattern of influence in Washington. It does become a part of the political culture in this city. And that is what makes it so profoundly wrong.

So, while I am not here to bash individual Senators or Representatives, or point the finger and say that somebody sold out for a particular lunch, I would say in the aggregate this is the way in which business is now conducted that does lead to a situation where too few people have way too much access and way too much say. And too many people, too many of the people we represent, are left out of the loop. That is why I think this will be such a fundamental debate later on.

Mr. President, we may get to it tonight or we may get to it tomorrow. I think we ought to be voting one way or another and we ought to be held accountable.

Again, I say to all of my colleagues, last year, 85 Senators and 3 of the 6 freshman Senators who served in the House, voted for this measure that Senator LEVIN, myself, Senator FEINGOLD, Senator LAUTENBERG, Senator McCAIN and others have worked on. So I do not see why in the world now, especially when everybody has been talking about reform, there would be a retreat from this.

The majority leader himself, I think, last October 15 came out on the floor and said: No lobbyist lunches, no entertainment, no travel, no contributions to legal defense, no fruit baskets, no nothing. It could not be clearer. We will get to that later on.

At the moment, I say to colleagues, I hope there will be a coming together over the next couple of days. First, we will pass a good, strong, lobbying reform effort. This is very significant, what Senator LEVIN and COHEN have been working on. This goes to the heart of a really important reform issue that, by the way, people in the country care fiercely about.

It is not true that people in the country are not focused on good Government, are not focused on making Government more open and more accountable. This goes to the heart of that. So I think it is imperative that we come together and pass a strong reform effort in the lobbying reform area.

The same thing could be said for the gift ban, Mr. President. The same thing can be said for the gift ban. For my own part, I would like nothing better than to see Senators on both sides of the aisle come together and support two major reform initiatives in these two decisive areas, lobbying reform and gift ban.

On the other hand, when it comes to gift ban, given what I have seen on the Republican side so far, I do not view that as a step forward. I view it as a great leap sideways or backwards. If that is the case, then we will have a major, major debate and then all of us will be held accountable. But I say to colleagues: People in the country are serious about this. I think we can come through for people.

If we do, I think it will be good for the Senate. I think it will be good for the political process, the legislative process, in the future—in the distant future when many of us are no longer serving here. I think we can feel like we made a huge difference. And I certainly think it will go a significant ways toward restoring some confidence that I think people yearn to have in our political process.

The missing piece is the campaign finance reform piece which I also hope we will take up later.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, first let me thank our colleague from Minnesota for the tremendous energy and leadership which he has displayed in a whole host of reform efforts; first, on the gift ban, but also very actively involved in lobbying disclosure reform as well, and campaign finance reform. Those three reforms are the three most critical reforms that we need around this place if we are going to restore public confidence in Government. It is at a low point. It is tragic when that occurs. When public cynicism runs deep about a democratic Government, Government has to act to restore that public confidence. That is what we are in the midst of doing.

That famous handshake between the President and the Speaker of the House in New Hampshire was over that issue, reform. They spoke about a lot of other issues. They spoke about welfare reform and they spoke about a whole host of issues at that meeting with seniors. They talked about Medicare and Medicaid and Social Security. But when it came down to a handshake, where they reached to each other and said we have a deal, what that deal related to was political reform.

The people want us to change the way we do business in Washington. They want to feel, and they are entitled to feel, that this Government is their Government. When the public opinion polls show that the majority of Americans feel that lobbyists are the real power in Washington and only 22 percent think Congress is the power, and 7 percent think the President is the power, we must act to restore confidence that in fact their elected representatives will control the power in Washington.

Lobbying reform is the first item we are taking up. Hopefully, again, we are going to be able to do what no Congress for the last 50 years has done, which is to plug the loopholes in lobby disclosure laws which have resulted in these laws being useless and probably worse than useless.

How could a law be worse than useless? First of all, its presence on the books, if it is ignored, breeds disrespect for law. If the public is told there are lobby disclosure laws on the books, which there are, and if it knows most paid lobbyists do not register because of the loopholes in the law, then those laws are worse by being there than if they were not there at all. Better if you have no laws than to have laws that are such a sham and in such a shambles. Nothing breeds disrespect much more for law than having a law on the books, which is aimed at doing something, which totally fails to do something.

Another reason why it is worse than nothing to have those laws on the books is because it is producing ream on ream of paperwork, which takes time to produce, time to prepare, time to file, time to maintain, and which is giving us almost useless information, information which is not in a form which is useful to anybody. So we know probably a majority of the paid representatives in this town are not registering because of the loopholes in the law and those that do are giving us information which is not in a form which is usable by anybody.

So what we are engaged in here is to try to address the first big, major reform which is required if we are going to restore public confidence in Government and that is the lobbying disclosure bill, which is a bipartisan bill. Let me emphasize this. Senator COHEN has been working with me, Democrats and Republicans have been working on this issue, for a long time. The same thing is true with the gift ban. We have Democrats and Republicans who are supporting a strong gift ban.

So we are going to continue to try to work together today to see if we cannot finally pass a lobbying disclosure bill, and then once that is addressed and once that is resolved move on to the gift ban legislation.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me just reinforce one point that Senator LEVIN made. Again, I do not know anybody in the Senate that has provided more leadership for reform of good government than the Senator from Michigan over the years.

I do not know if it is the conventional wisdom here any longer, but at one point in time I think the conventional wisdom here in the Congress, Representatives and Senators, Democrats and Republicans alike—I make a nonpartisan point here—was these reform issues, lobbying disclosure reform, comprehensive gift ban reform, and also campaign finance reform. But let me take the lobbying disclosure reform and gift ban reform.

I think that unfortunately too many Democrats and Republicans alike believe that these reform issues are of interest to "goo-goo," good government, people. There has been a certain cynicism about it. But it is just not true. There have been a lot of public interest organizations that have been at this for years—Public Citizen, Common Cause. You could go on an on. But the much more important point is that people yearn for good Government. They yearn for a political process they can believe in. These are no longer, if they ever were, reform issues. These are really issues that people talk about in their kitchens and their living rooms. I just think that we make a huge mistake when we try to stonewall the change.

So my hope, starting with lobbying disclosure reform and then with comprehensive gift ban reform, is that before the debate is over, we can in the next several days be very proud, all of us, that we will have made some huge changes, significant changes, positive changes. I think, if there is stonewall, to come up with measures that sort of have the label of reform but the closer you look at them the more dubious they are—in fact, they do not meet the credibility test—I think the worse off all of us will be.

So let us start with the lobbying disclosure reform. I say to the whip, let us move forward, let us come together, and let us pass something that we are all proud of. Then let us try to do exactly the same thing with comprehensive gift ban reform.

I yield the floor.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. MCCONNELL. Mr. President, I indicated earlier I think we can see the light at the end of the tunnel in terms of the lobby disclosure bill. The Senator from Michigan indicated Friday afternoon, as he has further indicated this morning, his willingness to make some adjustments that I think move us a long way toward a truly bipartisan lobby disclosure bill.

The Senator from Michigan indicated that he is willing to double the threshold in terms of definition of a lobbyist from 20 percent of time spent over 6 months. That is something we are actively discussing now at the staff level in the hope of resolving it. The Senator from Michigan is also willing to double the threshold for registration and reporting by organizations. That certainly is a step in the right direction of protecting people's ability to petition the Congress. And the Senator from Michigan is making further efforts to clarify the grassroots lobbying communication exemption. Of course, that is critically important. These folks have constitutional rights, too, and deserve not to have them walked on by the Congress.

In addition to that, I think an important step in the right direction is the elimination of a new Government agency. Frankly, Mr. President, the last thing we need to do in this almost $5 trillion debt environment is to create yet another Government agency with yet more responsibility. It seems to me, the whole thrust of the 103d Congress is to go in the direction of less government. And clearly this bill ought to be consistent with that.

Mr. President, let me say that I think we need to reform our lobby registration and disclosure laws. I think we are on the threshold of being able to accomplish that in a way that does not unduly interfere with the rights of citizens, whether they are paid or not paid, to petition the Government because the courts make no distinction. You do not waive your constitutional rights because you are paid to represent a group that may be too busy to come to Washington. That is what lobbyists largely do, represent American citizens who choose not to become experts on legislation and employ someone else to speak for them. There is nothing un-American about that. Under the Constitution, we have the obligation not to interfere with this constitutional right to express ourselves that each of us enjoy.

Mr. President, with regard to the original bill, S. 101, the bill had set up a new Government agency. As I said earlier, we commend the Senator from Michigan for discarding that. It seems to me that clearly was not a good idea, and that moves us in the direction of passing this legislation.

The original bill, in my view, would have chilled the exercise of constitutional rights, and would have caused some who were inclined to contact the Congress with their views to simply refrain from doing so because of the fear of prosecution. The disclosure and reporting requirements in the original bill were clearly elaborate, and apply to virtually anyone with business before the Congress. And that would have the effect of keeping people from expressing their views to us. From my perspective, that is exactly the wrong message to be sending to the American people. We should welcome them to Washington. We should be glad to receive their views. We should not be making it so difficult for people to communicate with Congress that they choose to stay home and avoid telling us how they feel.

Third, the original bill, it seems to me, had some difficulties with regard to creating a patchwork of lobby regulations. It contained a host of exemptions that did not make sense. For example, why are public officials exempt? If the American people have a right to know how much the American Soft Drink Association, for example, spends on lobbying, then why not the city of New York, the State of California, or the U.S. Conference of Mayors?

Fourth, the original bill touched on grassroots activity. That goes down a road we do not need to go. And the Senator from Michigan is trying to make adjustments to clear that up. I commend him for that. We are working on that at the staff level as we speak to try to further clarify where we may be on that so that we can move forward with a compromise.

I have been working on an alternative. My alternative is clear and consistent. And most importantly, it is simple and will get those who lobby Congress registered so the public knows who is influencing public policy. Let me explain what the alternative I may propose would do.

First, the main problem with the lobby law is that it only reaches contacts with Members of Congress. Clearly, we all agree that those groups and individuals who contact Congress for the purpose of influencing matters pending before Congress, even if they contact staff, should be registered. So our alternative would apply to those who make more than a single contact with legislative branch officials on behalf of a client for the purpose of influencing any pending matter before Congress. And any pending matter means more than legislate. It means oversight hearings, investigations, and anything that is within the jurisdiction of a Member of Congress. The definition of lobbyist also includes the preparation and planning for lobbying meetings.

But where we disagree with the Senator from Michigan, at least in his original version, is the amount of time spent on lobbying that it takes to meet the definition of lobbyists. The Senator from Michigan has moved in our direction. I want to commend him again for that by raising the threshold to 20 percent of his or her time lobbying, therefore bringing you within the scope of the bill. Our concern is that such a definition could catch within its net those who work outside of Washington who have very limited contacts with Congress. So the definition I would prefer is to set the threshold at 25 percent. But obviously we are not too far apart here, a difference between 20 and 25 percent; that is, someone who spends one-quarter of his or her time, or a substantial part of his or her professional life, lobbying would then fall within the requirements of the alternative.

Another major difference is the scope of our bill. Senator LEVIN's original bill would reach executive branch lobbying as well as Congress. To accomplish that, Senator LEVIN in his original bill created a new Federal agency to enforce and administer the law. We part company with the need to address the executive branch lobbying and the establishment of a new Government agency to enforce the new law.

Now the Senator from Michigan has taken a different tack on that at this point, and I am pleased he has. I think that certainly makes it much more likely we can finish up this legislation on a bipartisan basis. As I indicated earlier, the American people did not send us here to create more Federal Government, and the movement away from it is certainly welcomed, certainly by me and I think many on both sides of the aisle.

The Secretary of the Senate and the Clerk of the House are well suited to continue receiving lobby registration forms. These offices can improve the dissemination of this information, making it more user friendly for the public. That is what our alternative aims to do.

As far as the executive branch coverage, an item we are still discussing here as we hope to work this matter out, my view is it is just not necessary. Contacts with the executive branch are highly regulated under the Administrative Procedure Act. Regulations are formulated by a very detailed process that allows interested parties to participate. And Congress always has oversight and legislative power over regulations issued by Aencies. Administrative adjudication is also a formal process.

Moreover, we know from the experience of the health care task force run by the First Lady that efforts by the executive branch to make policy in secret generally backfire anyway. And a legal challenge has resulted in that particular case in all of that information becoming public.

So, Mr. President, from our point of view, we should clean up our own house. Let us get the right coverage of lobbyists who lobby us here in the Congress. Let us get information related to their work properly available and disclosed to the public. Let us not make registration and disclosure so cumbersome that we signal to the American people that their voices are simply not welcome here in Washington. We want their input. We encourage Americans to join organizations that represent their views, and we hope they will let us know what they think.

When James Madison wrote Federalist No. 10, he envisioned a competition of ideas from, as he put it, "factions." Today, we would call those factions lobbyists. We who are elected to represent our constituents are called upon to build consensus among the various factions. Where we are unable to build consensus, we are called upon to choose from among the competing ideas put forward by the lobbyists or, if you will, the factions.

So there is nothing wrong with lobbying. It is not an evil thing. It was envisioned by the Framers. It is part of our Constitution's first amendment which protects free speech and petitioning the Government with grievances.

And finally, while lobbying is an honorable profession, we want to make sure that those who abuse the public trust they hold as lobbyists are punished for their misdeeds. We propose to let the U.S. attorney prosecute those who violate the law. The first offense would be subject to civil sanctions and subsequent offenses would be subject to criminal penalties. We want lobbyists to register; we want their activities disclosed, but let us not chill protected constitutional rights in the process.

Mr. President, the discussions on this matter are proceeding. And again, let me say we are hoping we can achieve at least close to a consensus on the lobby disclosure bill which we can pass by an overwhelming margin sometime later today or tonight.

Mr. President, I do not see anyone else wishing to address the Senate. Therefore, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRASSLEY). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MCCAIN). Without objection, it is so ordered.

Mr. LOTT. Mr. President, there are active negotiations underway on language in the lobby reform bill. I think we are making progress and some important changes and agreements have already been reached. There are a few areas where, obviously, there is still some disagreement or some lack of clarity as to what it would do.

Since the principals are here on the floor, it would be helpful, I believe, if we go ahead and recess until a time certain to allow the principals in this legislation to talk directly.

Also, we hope, when we come back in after that recess, we will be able to get an agreement on a specified time, agreed-to time to vote on or in relation to the McCain amendment. It may be other amendments will be ready at that time, but at least we would like to get an agreement to get a vote at 5:45 on the McCain amendment.

RECESS

Mr. LOTT. Therefore, Mr. President, I now ask unanimous consent the Senate recess until 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senate stands in recess until the hour of 1:30 p.m. today.

Thereupon, at 12:47 p.m., the Senate recessed until 1:30 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. FRIST).

LOBBYING DISCLOSURE ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The pending business is S. 1060.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. Mr. President, I know this afternoon we will be focusing on the lobbying disclosure reform effort. Senator FEINGOLD and I, of course, are strong supporters of that, as are Senators LEVIN and COHEN, and others.

I ask unanimous consent that we might have up to 15 minutes as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMPREHENSIVE GIFT BAN LEGISLATION

Mr. WELLSTONE. Mr. President, this is a discussion the Senator and I choose to have now, possibly tonight, and then I would imagine through tomorrow as well. We will be involved in I think a major debate about the gift ban reform effort.

I thought that the Senator from Wisconsin and I might talk a little bit about what is at issue here. I will start out for a few moments, and then we will go back and forth. I have some questions which I want to put to the Senator, and I think he has some questions he wants to put to me as well.

Mr. President, just to be crystal clear, there is no question in my mind that people in the country really, as I have said before, yearn for a political process that they can believe in, one that really is accountable, that is open, and that has real integrity.

We have been working on a gift ban. I ask the Senator from Wisconsin how long we have been working on this comprehensive gift ban legislation with Senator LAUTENBERG and Senator LEVIN.

Mr. FEINGOLD. It seems like we have been talking about it for about 2 years. We sort of came to this in different ways. I got here in the Senate, and I just knew that as a State senator from Wisconsin, we had a law that said you cannot even accept a cup of coffee from a lobbyist. I understood that in the 10 years I was in the State senate. I was a little surprised to find out they did otherwise here.

So we put this in effect for myself and my staff, and then I found out independently that the Senator from Minnesota, from another reform-minded State, was working an overall bill that would apply that to all Members of Congress. We obviously crossed paths and thought that would make sense as part of a broader effort to try to get the influence of big private money a little bit more out of Washington. We got other supporters as time went on. That is how it really started.

Mr. WELLSTONE. Mr. President, let me go on to say to my colleague that we have become close friends. We come from a similar part of the country, and we come from reform-minded States.

It is interesting. I became interested in this initiative because shortly after I had been elected, I was on a plane. A guy came up to me, without using any names, by the way. I will not for a moment say there was anything about the conversation that I would call corrupt. But he came up to me and asked me whether I liked athletics. I said, "I love athletics. My children and I have been involved in athletics, and Sheila and I just love it." He said, "Senator, we would be very pleased for you to have tickets. We represent a certain industry, and we have tickets for all sorts of different games," and everything else. I thanked him. Then I sat down and started thinking to myself. I was a college teacher for 20 years. I had been on this plane, you know, a few times and nobody had ever come up to me and asked that point. I thought, What is it that has changed? It must be the institutional position.

Mr. FEINGOLD. If the Senator will yield, I had a similar experience when I first became a member of the Wisconsin State Senate. Nobody had ever come up to me on the State capitol ground and said, "Senator, do you like lobster?" About a week after being a member of the State senate, one of the lobbyists came up, put his arm around me, and said, "We are just delighted to have you here, Senator. Do you and your wife enjoy lobster tail?" It took me about a minute to realize what was going on. Being from Wisconsin, that was illegal. It is not, though, at the Federal level. But it sort of dawns on you that suddenly people are a little more interested in socializing and buying you dinner possibly because you have been elected to public office.

Mr. WELLSTONE. Mr. President, let me go on and engage in a discussion with my colleague from Wisconsin, Senator FEINGOLD, about what is at issue here. S. 101 is the comprehensive gift ban measure.

By the way, Mr. President, 88 Senators—the Senator from Tennessee would be excluded because he was not in the Senate or the House last Congress—but 88 Senators voted for exactly S. 101, this comprehensive gift ban initiative.

Again, I say to my colleague, it is extremely important in terms of the public, in terms of our connection with the people we represent, that people hold strong with this position. One of features of S. 101 on the gift ban is that we simply say when it comes to lobbying—let us just talk about that—there are just no gifts, period. We have a $20 minimum.

The McConnell initiative allows lobbyists to give Members an unlimited number of gifts up to $100 each. As it turns out, I thought at one point in time that this meant every day a lobbyist could take the Senator from Wisconsin or the Senator from Tennessee or the Senator from Minnesota out for a meal here in Washington, dinner in Washington, or a ticket to an Orioles game, or whatever the case might be, and that every single day, as long as it was up to $100, it could be done in perpetuity because there is not even an aggregate limit.

Now, as it turns out, it is per occasion—breakfast, lunch, dinner, much less all sorts of things per occasion. Lobbyists can give us gifts as long as it is under $100, and there is no aggregate limit.

Mr. FEINGOLD. I would like to quantify that example. Under the strictest interpretation of the McConnell proposal, the one that would change S. 101, even if you interpreted it to mean that you could only give $100 a day of food and wine and so on, it would mean that every lobbyist and every individual could give each Member of Congress $36,500 of those kinds of things. And is not the Senator really saying that is not even what it means, that it is worth more than that, more than $100 a day per person for everyone in the universe, for every Member of the Congress?

Mr. WELLSTONE. The $100 adds up to $36,500 a year.

Mr. FEINGOLD. Per person.

Mr. WELLSTONE. So actually we do not even have a $36,500 limit.

Mr. FEINGOLD. That is the strictest interpretation.

Mr. WELLSTONE. That is the strictest interpretation of what we have in the McConnell-Dole initiative.

I say to my colleague from Wisconsin that I would view this not as a great step forward but a great leap backward.

Mr. FEINGOLD. I agree. If the Senator will yield, you can argue that this is just slightly tougher than current law that says that if a gift is over $100, or a meal is over $100 and it is less than $250, I guess you can accept it but you are banned from over $250. But the contributions under $100 do not count. They do not count toward that. This puts into the law forever a permission, a right, if you will, to take anything up to $100 a day from everyone.

So it really is worse because it formalizes potentially in a statute as opposed to a resolution, depending on how it comes out, this practice as something that is permitted and maybe even encouraged in Washington.

Mr. WELLSTONE. So this alternative McConnell-Dole proposal, in the name of reform, in many ways essentially solidifies, if you will, the culture of politics as we know it right now in the Nation's Capital.

Let me go on and ask my colleague a couple of other questions.

By the way, I would say this alternative proposal that we have takes us a long way from I think what the majority leader on October 15 of last year said, which was that "no lobbyists' lunches, no entertainment, no travel, no contributions to legal defense funds, no fruit baskets, no nothing."

This proposal that we now get from the other side certainly takes us a long way from that.

The second part of this proposal would allow privately financed vacation trips in the form of charity golf, tennis and ski events to be accepted by Members from lobbyists, as I think we could accept that for ourselves, our spouses, our family.

I would ask my colleague. This is the alternative proposal. Does he see this as reform or does he see this as having that sort of, if you will, look of reform but, again, an open-ended proposition where we have lobbyists and special interests paying for skiing, paying for tennis, or paying for vacations for ourselves and our families?

Mr. FEINGOLD. If the Senator will yield, I think he correctly identified the other day that there are two provisions in this McConnell proposal that really gut the bill from having the name "reform" properly attached to it.

You can call anything you want reform—welfare reform or health care reform. Unless it changes things positively, it is not that.

Really, these two provisions, the one the Senator talked about in terms of $100 a day and the allowing of charitable trips to be determined not by an across-the-board rule or any real standards but just by the Senate Ethics Committee, which is, of course, controlled and in fact is constituted by Members of the Senate, it means you are really not taking away any sort of strict rule that says we are not going to allow that at all.

So I think the combination of those two provisions makes it impossible to call this reform but at best window dressing, and I think the American public would be very distressed to learn what is still permitted under either the travel portion or the meals and gift provisions.

Mr. WELLSTONE. Mr. President, I say to my colleague from Wisconsin that if we want to as Senators support different charities, I think it is important we be there at these events. I think there is a way in which Senators, Democrats, and Republicans alike, have an important role to play. But the point is we should do that on our own expense. If we care enough about those charities, then we pay our own way.

I think that is the point. We do not need to have lobbyists paying our way, in which case then it becomes another big loophole. It seems to me, I say to my colleague from Wisconsin—I would be interested in his reaction—and I said this earlier in the Chamber, I am not interested in across-the-board denigration of public service. I believe in public service. So does my colleague from Wisconsin. So do Republicans and Democrats alike.

It seems to me we ought to let go of these special favors, these perks, these gifts. We ought to let go of it. If you want people to believe in us, if you want people to believe in the outcome of this process, if you want people to have more confidence in the Senate and in the House and in politics in Washington, DC, then let go of these gifts. Would my colleague agree with me?

Mr. FEINGOLD. I agree. I cannot believe that this great institution wants to continue to have its reputation and its history really being besmirched by some of these "Prime Time" programs and others that are able to take what perhaps is an isolated instance in the case of certain Members of Congress and show them playing tennis with lobbyists and just cast doubt on the whole institution. There have been enough problems already. I really have to believe that this institution will rise up and say we do not want this.

In fact, I say to the Senator from Minnesota, even the lobbyists do not really want this in a lot of cases. I flew out here this morning and two or three of the prominent lobbyists from Wisconsin said, "We hope you win on this thing." They are tired of this expectation that if one telecommunications giant takes somebody out to dinner, does not the other one have to. So they want to be free of this. They want to be professionals, most of them, as well.

If we just have a per se rule as in Wisconsin—lobbyists cannot do it; legislators cannot do it—it frees everyone from this sort of murky question of should I really do that even though it does not look very good and seems inappropriate? It is very important for everyone involved. I think in most cases people have the best intentions here. We need the per se rule and should not leave it up to the Senate Ethics Committee to say this charity or that trip makes sense or does not.

Mr. WELLSTONE. Mr. President, the Senator from Wisconsin makes an interesting point. I am a little embarrassed that I did not make this point earlier, which is that you talk to many of the lobbyists and they say they would be pleased to see this pass. So in a way, this comprehensive gift ban proposal—I said comprehensive, S. 101 we have been working on. I did not say the alternative, the McConnell-Dole alternative, which frankly does not pass the credibility test. It is not comprehensive. It is not strict and it does not put an end to this practice. I think people will be very angry with it, and therefore I hope actually in the next 2 days we will have reached some agreement that all of us can pass something of which we are proud. Otherwise, it would be a gigantic debate.

If I could just make one additional point, I think this comprehensive gift ban proposal is important, first of all, for the public so they can have more confidence in our process, for all of us, Democrats and Republicans alike, and for the lobbyists. And I say to my colleague from Wisconsin, for me the issue has never been the wrongdoing of an individual office holder. I am glad the Senator put it the way he did. I am not interested in some of these exposes—this, that and the other —which I think kind of miss the mark. I do not see—and I hope I am right—the wrongdoing of a lot of individual office holders, but I think there is a more serious problem and it is systemic.

What this is all about, this comprehensive gift ban proposal is all about, is the fact that some people have too much access. They have too much say over what we do in the Senate and too many people in Wisconsin and Minnesota and Tennessee and Michigan are left out of the loop. People do not like that. They do not feel well represented. They do not like the idea that certain lobbyists and special interests that those lobbyists represent have so much clout here and they are left out.

That is another reason why I think we have to pass a tough comprehensive gift ban reform. Would my colleague agree that there is campaign finance, there is lobbying disclosure, and there is gift ban—all of these reform measures are almost more important than each of them singularly?

Mr. FEINGOLD. Mr. President, I would agree. I like to call it the circle of special influence in Washington. There are different links in the chain: the gift problem, the campaign finance problem, and the problem of the revolving door, where Members of Congress or their staff members work here and then go to work for special interests and lobbying back right away.

It is only one part of it, the gift ban. But one of the things that bothers me about this gift issue that the Senator mentions is the fact that this involves the access issue. There is a serious problem for any Member of the Senate. The Senator and I represent millions of people. It is so hard to equitably balance distributing your own time for your constituents. It is obviously difficult to meet with them individually. If there is something out there, whether it be trips or meals, that involves a substantial amount of extra time for certain people because they happen to provide these certain things, that distorts our ability to equitably spend time with constituents.

I think it is embarrassing to even have to come out on the floor and talk about this. It seems to me to be so simple that we should just ban it. It is not that we have not wanted to dispose of it. I can assure you the Senator from Minnesota and I and the Senator from Michigan would like nothing better than to have this over with. We do not want opportunity after opportunity to debate this. But there has been a real effort, frankly, under both Republican and Democrat leadership, to move this issue off to the side. We want it resolved.

I would like to just have to no longer be able to point out to people that in my office we have received in the last 2½ years—and this is sort of the small part of this, but it is the really silly part of it—1,072 gifts, from inexpensive calendars to coffee mugs, T-shirts, motor oil, spark plugs, cast iron bookends, a Japanese mask, fruit baskets, cakes, cheese, pecans, sausage, eggs, steaks, almonds, onions, garlic, honey, bread, peaches, sweet potatoes, sugar, chocolate, candy bars, tea, coffee, dates, barley mustard, wine, Girl Scout cookies, and three lollipops.

Do people not have better things to do than to prepare these little packages for Members of the Senate and the House so they can say that they, too, have handed out some goodies to the Senators' offices? We have serious business to do here. For our staff members to be bothered with 1,072 of these little well-intentioned gifts is just another example how this process does not make sense. And if we just banned it, we would be able to focus more clearly on what we should really be doing, which is the work of the people who elected us.

Mr. WELLSTONE. Mr. President, we have about used up our time. Let me just close this way. The New York Times—I do not know if my colleague saw this—on Saturday had an editorial called "Republican Gift Fraud." And quite frankly—and we have not even begun to look at the Republican proposal, or at least the McConnell proposal—there are enough loopholes in here to drive huge trucks through. I think it is very dangerous to call something reform which in fact maintains this current practice of enabling lobbyists and other professional interests to give us gifts, gifts that we receive and take.

I do not think that will do a thing to restore public confidence in the process, and in fact I think people will be furious to not see this practice ended.

Mr. FEINGOLD. If the Senator will yield, I just want to say that I remember—the Senator and I talked about this—the biggest cheer we heard in the lobby out here in the reception area last year was the moment when the gift ban was defeated. There was a cheer that went up in the room apparently from some of the interests that were involved in this. I can assure you, based on the points made about the McConnell amendment, if that passes, it will again be a victory for those who want to continue the current system. It cannot possibly be called reform, as the Senator from Minnesota has pointed out.

Mr. WELLSTONE. I agree. Let me conclude with an editorial today. Mr. President, I ask unanimous consent that this editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

PROVE IT'S NOT FOR SALE

Once again, supporters of ethics reforms see the U.S. Senate trying to save an endangered species: the congressional freebie. This week the Senate is bound to act on the long-diverted lobbyist gift ban sponsored by five persistent senators, including Paul Wellstone of Minnesota and Russ Feingold of Wisconsin.

This gift ban measure should pass as is. In fact it has passed previously, only to be put aside in the service of political goals and to mollify senators who believe that free football tickets and golf vacations come with the job.

For all the talk over the last few years about reforms in how Congress conducts itself, it is obvious that the assumption of special privilege is the province of neither a Republican- nor Democratic-led federal legislature. The assumption of personal privilege for lawmakers is so embedded in the institution's culture that giving up perks ordinary citizens do not enjoy has become as tough as balancing the federal budget. Making the matter more difficult is the fact that senators know they have to be "for ethics reform." So the politics of freebies involves diversion and dilution. The anti-reform dynamic aims to stop a comprehensive ban by pushing one that meets appearances of reform without reducing the flow of trips and free meals.

Also designed to weigh against a comprehensive gift ban is one of the parliamentarian's oldest tricks: send a controversial issue to a committee to be chewed up. The Senate's bipartisan task force on lobbying reform has the potential to assure that the sugary river of senatorial gifts is drawn down one hummingbird-sized sip at a time.

The comprehensive gift ban may cramp some senators' style, but it is an important step in restoring public confidence. The current climate about politics and its practitioners says the Senate must prove it is not for sale, one member at a time, to special interests that provide seats on the 50-yard line and a winter break in the tropics.

Mr. WELLSTONE. Mr. President, this is from the St. Paul Pioneer Press, a paper that both of us in Wisconsin and Minnesota receive. The last paragraph reads as follows:

> The comprehensive gift ban may cramp some Senators' style, but it is an important step in restoring public confidence. The current climate about politics and its practitioners says the Senate must prove it is not for sale, one Member at a time, to special interests that provide seats on the 50-yard line and winter break in the tropics.

That is stated quite directly. I think the Pioneer Press speaks for the vast majority of people in the country. Some of it may be perception. I do not always assume because people take gifts that that leads to some sort of awful private deals that take place between lobbyists and Senators. I do not make that assumption at all.

But I say to my colleagues, it is time to let go of these perks. It is time to let go of these privileges. It is time to no longer take these gifts. It is time to no longer have lobbyists pay for vacations for ourselves and our spouses, and we ought to end this. It is time to restore some confidence on the part of the people we represent in this political process.

A lot of our colleagues think that we are the only ones interested in these issues. That is not true. People in the country care fiercely about this. I hope in the next couple of days that there will be lobbying disclosure reform, gift ban reform—maybe there will be give and take, I say to my colleague. Maybe we will come together around some initiatives that will not be everything we want, but I do not think either one of us or any of us who have worked on gift ban are going to accept a proposal that does not meet the test of representing significant reform.

Then eventually—and I thank my colleague for his work on this—we will get to campaign finance reform. When we reform this political process, we will be dealing with the root issue, and the root issue is many, many people in the United States of America have lost confidence in the Nation's Capitol. They do not believe this Capitol belongs to them. By God, we have to make sure it does—we have to make sure not only they believe it, but that that is the case, this Capitol belongs to them. This is only one step in that direction, but it is an important one. I hope all of our colleagues will support comprehensive gift ban reform.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE CHILDREN OF BOSNIA

Mr. SIMON. Mr. President, I think it is fairly clear that we are heading toward some kind of a military climax in the Bosnian situation. Precisely what is going to happen I do not know. None of us knows. But there is likely to be more bloodshed in the immediate future, and I hope not a continuation of the constant agony and bloodshed that we have seen these past few years since 1991.

I have a citizen from Illinois by the name of Al Booth who says we took children out of Germany, Austria, and England in the very difficult years prior to and during World War II, saved a great many people, and that we ought to be doing something to save the children of Bosnia today.

It is not simple. I have talked to Bosnian officials. My office has talked to the International Red Cross people. The Red Cross people said if you had taken them out by bus or by any kind of vehicle or by plane, and the plane is shot, there would be substantial criticism. There are at least some in the Bosnian Government who feel that to take the children out almost means you are sending a signal that the Government cannot continue, that it is going to collapse. It is a difficult situation.

At this point I ask unanimous consent to have printed in the RECORD a letter from Al Booth that was printed in the Chicago Tribune about this situation.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, June 19, 1995]

BOSNIA'S CHILDREN

CHICAGO.—The children of Bosnia should not be allowed to become the slaughtered innocent victims of the intensified fighting.

In 1937 a kindertransport was organized in Germany, before Hitler closed the door, when the British government made 10,000 visas available for German children. Seven thousand children were rescued—75 percent Jewish and 25 percent Christian. (Only 1,000 children arrived in the U.S. from Germany—with parents, relatives or alone—in 1938 and 1939.)

Several European countries are organized to accept refugee children. There they would be closer to home. These countries are very experienced on matters relating to refugees.

The UN is in the best position to organize the transfer of children of any ethnic group out of Bosnia. To do so at this time would certainly make it plain to those forces attacking the "safe havens" that at long last the NATO countries and the U.S. wish to put an end to using snipers to kill children and mortars to kill civilians. The Air Force would be there to protect the children.

We may not be able to stop ethnic violence or expanded civil wars, but we should be able, at this moment, to take the initiative to remove children and women.

A kindertransport program is long overdue in Bosnia. Those children who came out of Germany and Austria left their parents behind, and almost all never saw their parents again. We have a better chance of that not happening this time, but we must get the children out of Bosnia now, before they become orphans and victims.

AL BOOTH,
President,
International Music Foundation.

Mr. SIMON. Mr. President, in response to that letter, he received a letter from the consul general of France. Let me just read two paragraphs from this letter. The consul general read Al Booth's letter in the Chicago Tribune:

> In addition to its participation in the organization of an air shuttle in Sarajevo and the creation of a central pharmacy in Bihac, the French Government evacuated more than 200 Bosnian children between 1993 and 1994.
>
> Furthermore, a private association called "Equilibre," with the support of our Regional Councils, organized in November 92 the temporary evacuation of 1045 mothers and children. This operation was repeated in 1994 for 1000 children and their mothers.

For a total of 2,045.

> This time the operation concentrated on the children whose health was failing and who could not have spent the winter in Bosnia.

He says these operations would not have been possible without the support of the French Government in particular regarding the retention of temporary permits for the accompanying adults.

I ask unanimous consent to have printed in the RECORD the letter of the French Consul General.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONSULAT GENERAL DE FRANCE,
Chicago, IL, July 11, 1995.

MR. AL BOOTH,
International Music Foundation, Chicago, IL.

DEAR MR. BOOTH: I read with much interest your letter published in the Chicago Tribune of June 19, 1995, and sent a copy to the French Foreign Ministry, who have provided me with the following information.

In addition to its participation in the organization of an air shuttle in Sarajevo and the creation of a central pharmacy in Bihac, the French Government evacuated more than 200 Bosnian children between 1993 and 1994.

Furthermore, a private association called "Equilibre", with the support of our Regional Councils, organized in November '92 the temporary evacuation of 1045 mothers and children. This operation was repeated in 1994 for 1,000 children and their mothers. This time the operation concentrated on the children whose health was failing and who could not have spent the winter in Bosnia.

These operations would not have been possible without the support of the French Government, in particular regarding the obtention of temporary permits for the accompanying adults.

I hope that this information answers, at least in part, your concerns which we entirely share about the fate of the children (and other members of the civilian population) who are caught up in the daily horrors of the war in Bosnia-Herzegovina.

With best regards,

GERARD DUMONT,
Consul General.

Mr. SIMON. Mr. President, I do not know if anything can be done. But I think we ought to do everything we can to save these children, if possible, in this horrible, horrible situation in which they find themselves. Obviously, these would only be volunteers.

Let me say for those who have fears of the religious implications, because these are mostly Moslem children, though not entirely. There are a number of Bosnian families in the United States as well as in Western Europe who, I am sure, would be willing to take these children—not all of them obviously, but many of them would—so that they could be raised in homes where there is a Bosnian culture and a Moslem background. So the religious factor should not be a barrier to going ahead.

Again, Mr. President, I do not have any good answer. But I do think this idea of somehow saving these children, or as many of them as we can, is just a sound, simple, humanitarian thing to do. I hope that somehow we can do something.

LOBBYING DISCLOSURE ACT OF 1995

The Senate continued with the consideration of the bill.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Thank you, Mr. President. I wanted to talk about the bill that is on the floor.

Mr. President, I think that we are coming to a very important time in this Congress, and that is the time that we are going to be dealing with reform of our lobby laws, and later the gift laws that apply to Members of Congress.

Mr. President, it is important that we have Government in the sunshine.

The bill that is before us, lobby reform and lobby control, is an important one, and we have passed a similar bill in previous Congresses. Last year, I voted for a bill that would have required more disclosure of lobbying efforts without in any way though infringing on the right of individuals to seek an audience or a time with their Members of Congress.

We do not want to do anything that would keep a teacher who happens to be a member of a teachers organization from directly contacting a Member of Congress. But there are many lobbying activities that may now not be disclosable that should be disclosable. I know the Members of our parties on both sides of the aisle are working on a compromise right now, and I hope we can come up with something that will provide public information of everything that is going on, every contact that is being made by a registered lobbyist or someone representing a lobby group. I think it is very important that the people of this country know who it is seeing Members of Congress when we are talking about important legislation.

We are also going to be taking up gift reform, and that is another important issue. I think it is important we have contribution limits, and we do have contribution limits. And I have voted to make those contribution limits even lower. We also have limits on how much you can take in a gift, which may be a T-shirt or it may be a basket of fruit or it may be something very small but that someone gives you just as they would give you if you worked in any office.

I wish to just say that those are appropriate limits. We do now have limitations which I think are very appropriate. I think we must be very careful as we go into the debate on gift ban not to go to such a level that you would then be able to be prosecuted for something which would really be inadvertent.

For instance, if you go to a zero gift, then presumably if you have coffee and doughnuts or a lunch with someone who happens to be a friend who may also work for a corporation or may be a teacher, then are you going to violate a ban on gifts?

I do not think anyone who is thinking rationally believes that just because you talk to someone or have lunch with someone or dinner with someone or a group gives you a T-shirt that is going to affect the way you vote on important public policy issues. These are things that happen in offices all over our country. It is the way people show normal appreciation for a friendship or for working together on some kind of issue. So I think we have to be very careful to make sure we do the things that would keep you from being able to abuse the ability to receive a gift without going to such a length we then allow for selective prosecution by people who do not have good will or for inadvertent things to happen that do not mean anything but nevertheless would put you in the position of a technical violation.

Mr. President, I just think as we go forward we need to keep in mind that everyone wants openness in Government, reporting of things that are received, without in any way, though, keeping a normal person from being able to contact or have the minimal ability to send a flower or a T-shirt to someone who they have worked with on an issue and had a good result or want to show some appreciation.

I go to functions across my State, and I may go to the chamber of commerce and make a speech to a chamber of commerce banquet. They will send me flowers or they will send something from the city, a cup or something. I appreciate that. I think it is a nice gesture. It makes me think of that city. I have things all over my office, cups and candy jars and things from the city of Lamar, from the city of Gainesville, or the city of Houston, or the city of Dallas. We cannot stop normal behavior, normal appreciativeness, contact with chambers of commerce or teachers or unions. That just does not make sense.

So I hope we will keep the commonsense test as we go forward. I do not think anyone believes that being able to have the normal course of business is in any way prohibiting a fair look at legislation.

So I just hope common sense will be the test, Mr. President. I think it is very important that we make improvements. I think we are doing that. I think as we go along and we see what works and what does not work or what is falling through the cracks we will take the steps to close those loopholes. That is what we are trying to do, and I hope we will have a good result. I hope we will have a big lobby reform vote today, just like we did last year. It was something like 96 to 5 that the lobby reform bill passed last year, but then it got hung up in conference, and it got changed and did not pass.

So I hope we can pass a good bill this year; that it will go through conference and that it will be an overwhelming, bipartisan effort to close the loopholes we have in the law today. But let us make sure we have enough common sense that an inadvertent error which really does not make a difference does not cause someone who does not have good will or good intentions to be able to prosecute or in any way build something up so that it makes a criminal out of a public servant.

It is not easy to be in public service at this point in time, and I certainly do not want to harass people who are just trying to do what is right by having some kind of law that would allow a technical violation. So let us go forward in a positive and bipartisan way and see if we cannot work to close the loopholes that are there and have sunshine in Government. That is what we all want, and that is what I think we can come to agreement on if we will just look at the big picture and put common sense in the equation.

I thank the Chair.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, what is the pending business of the Senate?

The PRESIDING OFFICER. The pending business is amendment No. 1837 to the bill, S. 1060.

Mr. BROWN. Mr. President, I ask unanimous consent that the pending business be set aside and that I be allowed to offer an amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1838

(Purpose: To amend title I of the Ethics in Government Act of 1978 to require a more detailed disclosure of the value of assets)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from Colorado [Mr. Brown] proposes an amendment numbered 1838.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

SEC. . DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) Income.—Section 102(a)(1)(B) of the Ethics in Government Act of 1978 is amended—

(1) in clause (vii) by striking "or"; and

(2) by striking clause (viii) and inserting the following:

"(viii) greater than $1,000,000 but not more than $5,000,000, or

"(xi) greater than $5,000,000.".

(b) Assets and Liabilities.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended—

(1) in subparagraph (F) by striking "and"; and

(2) by striking subparagraph (G) and inserting the following:

"(G) greater than $1,000,000 but not more than $5,000,000;

"(H) greater than $5,000,000 but not more than $25,000,000;

"(I) greater than $25,000,000 but not more than $50,000,000; and

"(J) greater than $50,000,000.".

Mr. BROWN. Mr. President, the amendment is somewhat straightforward. What it does is attempt to update the categories that we have for disclosure. It does not attempt to give full valuation or more accurate valuation of the lower amounts. What it does do is address the cutoff we now have in the statute. Right now someone may have an asset worth $100 million but would report it only as above $1 million.

A recent article in Roll Call, I think, illustrates some of the ambiguities of our current disclosure statutes. They listed the top 10 lawmakers they felt had substantial assets serving in both the House and the Senate.

As the chart adjacent to me shows, what resulted from our disclosure was something of a misrepresentation, if you assume Roll Call's numbers are correct. Let me emphasize, I do not know that Roll Call's estimates are correct. They may well be incorrect. What is quite clear is that our disclosure categories are not complete. An asset worth $150 million, or perhaps even more, is reported on the disclosure form simply as over $1 million.

Is there a difference in the potential conflict of interest, is there are difference in the significance of assets that might be $200 or $300 million versus $1 million? I believe so. Such substantial amounts tend to indicate control, tend to indicate the level of interest that is quite different than simply something that might be above $1 million as is shown on the disclosure form.

This amendment adds new categories. There is nothing magic in what we suggest. We do provide modest relief from that $1 million limit. It creates a category of $1 million to $5 million. It creates a category of $5 million to $25 million. It creates a category of $25 million to $50 million and a category of over $50 million.

The amendment does not attempt to cover all possible values. Someone could well criticize it for not having more subcategories. It could well be criticized because it does not differentiate assets over $50 million. But it is meant to provide at least some additional definition to these categories that have become so inadequate in terms of disclosing accurately assets that we require to be reported.

Being in a statute form as it is, it will apply not only to the Senate but to the House of Representatives and to the executive branch as well.

I think the amendment is straightforward. It is meant to give us a clear picture in our disclosure forms and more accurately alert Members and the public to potential conflicts of interest.

Mr. President, I yield the floor.

Mr. FORD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. THOMAS). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I ask unanimous consent that the pending amendment be set aside.

Mr. FORD. Mr. President, reserving the right to object, I am not trying to stop the Senator from offering his amendments. But those who have a vital interest in this particular part of the legislation that we are debating here this afternoon are not available. I am caught in the position of protecting this side without having the advice and counsel of those Senators that are now negotiating to try to work something out.

I am not trying to prevent the Senator from introducing amendments. But pretty soon we will have three or four amendments out here, and I am not sure where we are going to be. That will be the pending amendment when they come back, and they may want to go back to the original amendment. There may be a unanimous consent agreement which can be reached.

Will the Senator give me an opportunity to check before he offers his amendment and let me see if there is any disagreement with what he is trying to do?

Mr. BROWN. Surely.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, if my colleagues are going to continue to discuss this subject for a bit, I intend to speak for 10 minutes as in morning business, unless it interrupts the flow.

I ask unanimous consent to speak for 10 minutes as in morning business.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

30TH ANNIVERSARY OF THE MEDICARE PROGRAM

Mr. DORGAN. Mr. President, I wanted to speak on the floor briefly today because this is the week of the 30th anniversary of the Medicare Program. I indicated last week, and will again this week, that I think it is important at a time when so much of our country talks about what is wrong with our country, for us occasionally to talk about what is right and what works, and to talk about success.

We have been talking for the last several weeks about regulatory reform. I have come to the floor to talk about the fact that most people probably do not know in the last 20 years we have made enormous progress in cleaning America's air and water.

We now use twice as much energy as we did 20 years ago, yet we have cleaner air in America. We have cleaner water, rivers, streams, and lakes in America than we had 20 years ago. No one 20 years ago would have predicted that would be the case.

Why is that? Is it because the big corporate polluters in America who are dumping this into our airshed and the water—the pollution, effluence, and the chemicals—because they woke up and said, "I know what I ought to do for America. I ought to stop polluting." That is not what happened.

What happened is Congress decided that the American people deserve and want clean air, they want clean water, and we will put in place regulations that require it. We wrote regulations in this country that said polluters have to stop polluting.

We have had enormous success as a result of it. It is a healthier place to live, better for us and better for our kids. Yes, it is a nuisance for those who used to pollute. But it is a better policy for our country, to stop the pollution, and make that cost a part of the cost of doing business.

Now, we have a lot to celebrate, including successful clean air and clean water regulations and safe food regulations. We also have the opportunity, I think, to celebrate the success of a Medicare program that works. Yet, rather than celebrating the success of a program that works, we are now seeing that program under attack.

This is a more and more curious, yet in some ways predictable, I think, agenda that I watch in this Congress. The Contract With America is the foundation of the agenda, and the Contract With America is billed as a set of new directions and new ideas. In fact, there is nothing new about it at all. It represents the same old tired ideas, the ideas that somehow if the big get more, the little will be helped.

Bob Wills and the Texas Playboys, back in the 1930's, had a song with a lyric that stated it pretty well: "The little guys pick the cotton and the big guys get the money; the little bee sucks the blossom and the big bee gets the honey." So it is with the agenda now in Congress.

I could talk about the agenda at some length. I actually want to talk about Medicare. This is one part of it, in the Washington Post article "Curbs on Media Mogul," "Congress Moves to Ease Media Ownership Curbs, Could Reshape Industry." What does this mean? That Congress is taking action to eliminate the restrictions on how many television stations one person or corporation can own. I guarantee in 10 years we will have half a dozen companies owning almost all of America's television stations. Good for our country? I do not think so. Good for a few rich companies and investors? You bet your life it is.

Regulations—we ought to deal with silly and unnecessary regulations, but we ought not retreat on clean air, clean water, and safe food regulations in order to satisfy the appetite of the wealthy and the big interests. It does not make sense to me.

"Food Stamp Block Grants Eyed as a Way of Breaking Welfare Reform Stalemate." Some have an agenda of deciding that hunger is not a national issue. So we will decide we will not have a national food stamp program, we will have 50 State programs, if they choose to use the money for that. Curious agenda, in my judgment.

"The Treasury Subcommittee of House Appropriations Votes To Decide To Make It Easier for Felons To Purchase Guns." It is a curious and strange agenda but part of the same pattern. Same tired old ideas.

Line-item veto—we voted for a line-item veto bill here in the Senate. I voted for it. I have voted for it a dozen times in a dozen years. Yet, we are now told by the Speaker of the House it does not look like we will have a line-item veto bill this year.

Last week, a little article in the paper says "Gingrich Gets $200 Million in New Pork." Now, we will not have a Democrat President that will get a line-item veto to veto this sort of thing. Why? Because some who talked about the line-item veto are much more interested in producing pork than they are in producing a line-item veto.

But I wanted to speak just for a moment about Medicare. I think the Medicare Program is a success. Yes, we have some financing problems in the outyears. Part of the reason that we have those financing problems is because of the success of the program. People live longer in this country today. They have better health care than they had previously. In fact, on a monthly basis, we now have 200,000 new Americans each and every month that become eligible for Medicare. That does cause some real strain.

But the success is this: 40 years ago we had less than 50 percent of our senior citizens who had any health care coverage at all. This year, it is 99 percent of our senior citizens who have health care coverage.

I have been to plenty of places in the world where there is no health care coverage for senior citizens. I have seen the sick and I have seen the dying who have no access to health care because they are poor. In many countries, that means 95 or 99 percent of the people. I have been to those countries.

I have seen the hospitals with dirt floors—to the extent they are lucky enough to get to a hospital—with dirt floors and no doors in the tropics down in Central America. I have seen the worst of medical conditions.

Most importantly, I have seen what it does to people when they grow old and have no access to health care. I saw it in my hometown before Medicare, at a time when my father asked me to drive an elderly gentleman to the hospital in Dickinson, ND, who was dying; a fellow with no money, no hope, an elderly man, no health insurance. Still, as he was 2 or 3 days away from death, he was worried about how he would pay a hospital bill.

Part of that has changed because we put in place in the mid-1960's a Medicare plan. I might say those in my party—I was not here then—those in my party who had the courage and foresight to fight and vote for it, had to do so at the expense of being called a bunch of socialists by a lot of folks who were not willing to vote for it.

I think we ought to celebrate the success of the Medicare Program and what it has done for our country. This is a year, and this is a week, the anniversary of the 30th year of the Medicare Program, that has advanced the interests of our country and its seniors.

I say to those who believe that we ought to give a big tax cut, the bulk of which go to the rich, and decide we need to cut Medicare, and they do not relate to one another, it is pretty inescapable to me when you advance a tax cut, the bulk of which go to the wealthiest Americans, and say to senior citizens, "We are sorry, we cannot fully fund Medicare," that the tax cut for the wealthy comes out of the Medicare Program. We can do better than that. We can decide together what we voted on in the 1960's as a Congress has been enormously successful for the elderly people in this country—for all of America, for that matter. We can decide not to threaten the Medicare system, but decide to work together to strengthen it.

That is a matter of public will. I hope the American people would decide that there is something to celebrate here in programs that work; most especially, the Medicare Program. I hope in the next 2 or 3 months, as we sort through this fiscal policy dilemma, we will decide not to embrace the radical agenda that says a tax cut for the rich—that they claim will help the rest—at the expense of total and adequate coverage for America's senior citizens who need it, earned it, and respect it. I yield the floor.

Mr. DOLE. Mr. President, is leader's time reserved?

The PRESIDING OFFICER. Yes.

Mr. DOLE. Mr. President, I ask that I may use some of my leader's time without interfering with the ongoing debate on lobbying reform. We are making progress on lobbying reform. I appreciate that. I hope we have will have a unanimous vote for a strong bill.

BOSNIAN ARMS EMBARGO

Mr. DOLE. Mr. President, the opposition to lifting the United States arms embargo in Bosnia and Herzegovina has been an elaborate exercise in buying time.

It has been more than 11 months since the Senate last voted to lift the arms embargo in Bosnia. Following that vote, the administration worked with the distinguished Senator from Georgia on a compromise—the Nunn-Mitchell provision—which ultimately was adopted.

The Nunn-Mitchell compromise essentially provided time, time for the Bosnian Serbs to sign the contact group plan; time for UNPROFOR to improve its performance; and time for the administration to work out a multilateral lift of the arms embargo.

That is what it was supposed to do. Any one of these things have occurred not because of the lack of good intentions on the part of the Senator from Georgia, Senator NUNN, I might add, because he certainly expected these things to happen.

Mr. President, 11 months later the situation is far worse than when the Senate last voted 58 to 42 to unilaterally lift the arms embargo in Bosnia. Thousands have died, tens of thousands have been forced from their homes, homes which were in the U.N. safe havens. Tens of thousands more are facing the same fate in Bihac, Sarajevo, and Gorazde. Furthermore, NATO is dangerously close to losing what credibility it still has, and the United States is no closer to exercising leadership in a new direction.

President Clinton called me last week to ask for more time—he asked me to delay the vote on the Dole-Lieberman legislation until after the London meeting. And certainly we were pleased to oblige the President. Wherever we can, we want to work with the President of the United States, particularly in foreign policy areas.

But now the London meeting has come and gone and there is no change on the ground in Bosnia. The London conference did not result in a reaffirmation of the U.N. obligation to defend the U.N. safe havens. The conferees wrote off Srebrenica and Zepa, vowed to protect Gorazde—at some point, that point not being clear—and declined to respond to the dramatically worsening situation in Bihac and Sarajevo.

So I guess what they have said, in effect, is if there are six safe havens we may be willing to protect one—one out of the six.

Yes, there were modifications to the dual key arrangement, but the dual key remains. The bottom line is that the London meeting did not result in significant change in approach. It did not result in a new policy. It essentially reaffirmed business as usual with the possibility of a few displays of force sometime in the future.

So the commander of the Bosnian Serbs, General Mladic—who, interestingly enough, was delivered the London conferees' ultimatum in Belgrade—is probably not shaking in his boots, but more likely laughing all the way to Bihac.

Today there are reports of more NATO military planning. But planning was never the problem. Executing those plans was and still is the problem. This debate has never been about policy options, but about political will.

It is high time the Clinton administration abandon its flimsy excuses for the United Nations' pitiful performance, shed the false mantle of humanitarianism, and face the reality of the U.N. failure in Bosnia.

I intend to take up the Dole-Lieberman legislation tomorrow and hope we can vote tomorrow and have a clear-cut vote. It is not a partisan vote. It is supported strongly by colleagues on both sides of the aisle. This is the Senate of the United States speaking, not BOB DOLE, not JOE LIEBERMAN, not a Democrat, not a Republican—but the U.S. Senate. The clock has run out and now is the time for the United States to fulfill its role as the leader of the free world, do what is right and what is smart. Now is the time to pass the Dole-Lieberman legislation.

We have an obligation to the Bosnian people and to our principles, to allow a U.N. member state, the victim of aggression, to defend itself. I listened to George Stephanopoulos at the White House yesterday on television, saying if we lifted the arms embargo, as proposed by myself and Senator LIEBERMAN and other Republicans and Democrats, we were going to Americanize the war. How? All we are suggesting is to give these people the right to defend themselves as they have under article 51 of the U.N. Charter. We are not asking American ground troops, not suggesting American ground troops, not suggesting American involvement. But the spin machine at the White House is saying, "Oh, this is going to Americanize the war." Nothing can be further from the truth.

Let me again reiterate, this is a Senate effort—not a Republican effort, not a Democratic effort, but a bipartisan, nonpartisan effort—to protect the rights of innocent people, an independent nation, a member of the United Nations, which under article 51 of the U.N. Charter has the right to self-defense. In 1991, we imposed an illegal embargo on Yugoslavia. There is not a Yugoslavia anymore. It is gone. It is now Bosnia, it is now Serbia, now Slovenia, now Croatia—it is no longer Yugoslavia. The embargo has been illegal from the start. We have, in effect, tied the hands of one side and said, OK, you cannot have any heavy weapons, but you go out and fight the aggressors, and, if you lose, we will provide humanitarian aid.

I just suggest we have gone on long enough. I have great respect for the U.N. protection forces who are there. Two members of the French force lost their lives over the weekend; one was seriously wounded. Others have lost their lives in this effort—British, Dutch, Pakistanis—a number have lost their lives. But it has been a failed policy, and I believe it is time that the world recognize the policy has failed and time to give these people, the Bosnians, an opportunity to defend themselves.

Several Senators addressed the Chair.

Mr. DORGAN. I wonder if the majority leader might yield for a brief question?

Mr. DOLE. Sure.

Mr. DORGAN. I appreciate the majority leader's yielding. I have been struggling with the question of the resolution. I have not decided whether to support the resolution this week or not, but I ask the question: If the will of the Senate were to agree to this resolution, which would then result in a changed course with respect to Bosnia and potentially a rearming of the Bosnian Moslems, does the Senator from Kansas, the majority leader, feel that ultimately American troops would be required to help extricate the U.N. forces at some point?

Mr. DOLE. Of course none of this would take effect—we would not lift the embargo—until they were gone. But I would be willing to support the President to extricate the U.N. protection forces. It seems to me, as a member of NATO we have that obligation. I know the views of the American people are very mixed, as I saw in the polls. But in my view, after they have been removed—if we have to help extricate them, I think we should. We should support the President in that effort.

Second, when it comes to training the Bosnians, we helped the Afghans. We did not send anybody to Afghanistan. We helped train. We provided weapons. The same in El Salvador. I believe that can be done without Americanizing anything. Plus, what they want, as the Senator from North Dakota knows, are Russian weapons. They are familiar with Russian weapons, and they are readily available. So I am not certain they would need a great deal of training.

But it just seems to me—and it is not just because I watch television, it is not just because I visited there 5 years ago when all this was just beginning to ferment—I think anybody, any objective observer, would say no, no U.S. ground troops. We could even question airstrikes, but certainly no Americanization. But, finally, let us give these innocent people a chance to defend themselves. That is all they are asking.

I thank my colleague from North Dakota.

LOBBYING DISCLOSURE ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. GLENN. Mr. President, I rise to offer my very strong support for S. 1060, the Lobbying Disclosure Act of 1995.

This legislation is similar to that reported out by the Governmental Affairs Committee, which I was privileged to chair during the last Congress. Senators LEVIN and COHEN, in particular, deserve our words of high praise for their diligence and persistence in tackling such a thorny area and coming up with an effective and pragmatic bill.

Mr. President, there is blessed little credit given to those who bring up things like this. There is a lot of opposition. But these are the things in the committee we used to jokingly call the "grunt work" of Government—the grunt work of Government—the good Government issues that too often are not brought to the floor, and when they are brought to the floor, usually cause very little attention to be paid.

Senator LEVIN was President of the Detroit City Council before he came to Washington. I have heard him talk many times about how he came in here with a burning purpose of doing regulatory reform, for instance. We have been having that on the floor the last couple of weeks.

Now on lobbying reform, ethics in Government matters. That may be a column note someplace, a short column note at the very best, usually, on items like this. But they are items which become vitally important for long-term Government in this country and how our people look at Government, because we live in an age when, for whatever reason, people have lost confidence in their Government.

There is a pervasive cynicism, if not outright skepticism, about the integrity of Government institutions to carry out and serve the public's interest.

Part of this distrust is the perception that Congress in particular is beholden to special interests and that ordinary people cannot rise above the din of lobbyists having special access to and currying favor from Members of Congress or top officials in the executive branch.

I personally do not subscribe to this view. I feel it is more myth than reality. However, as long as the perception is there, doubt and suspicion will linger.

In my view, the issue is about access and accountability. We want to return power to the people. At long last, everyone will be able to know who is paying what to lobby whom on which subject and on which issue. Whether it is a special tax loophole or a pork barrel project, people want to know what is going on. The sunshine is always the best disinfectant.

I am sure that most of us would much rather be talking and meeting with those who elected us—our constituents—than some smooth-talking lobbyist. I, for one, was elected to represent the people of Ohio. And they are who I want to hear from and will always give top priority to.

This bill provides for the effective disclosure of paid lobbyists who are trying to influence Federal legislative or executive branch officials in the conduct of Government actions. It also affords us the fullest opportunity for citizens to exercise their constitutional right to petition the Government.

Nothing in this bill whatsoever would either restrict or prohibit our constituents from writing, from calling, or from meeting with us. Senators LEVIN and COHEN have clarified that. They have also removed the so-called grassroots lobbying provision which was used to thwart our efforts to get this bill enacted into law prior to adjournment last year.

This legislation makes commonsense reforms in the registration and disclosure process. It replaces the myriad of lobbying disclosure laws—some with giant loopholes—with a single, uniform statute covering all professional lobbyists. It also streamlines the disclosure requirements to ensure that the public is provided with meaningful information, not some undecipherable code. The legislation also establishes a workable system to administer and enforce compliance with this act.

I think we are at a crucial crossroads, in my view, over the role of Government and people's respect for it. I believe this bill will enhance the public's awareness of and confidence in the functioning of their Government. It makes sure that public officials are accountable for their actions. I think it will discourage lobbyists and their clients from engaging in less than proper activities.

Let me say this about lobbyists. I do not turn lobbyists away. I welcome their information a lot of times because a lot of times they can give you details of or insight into this particular area of expertise that is welcome and should be considered. But to try and tie that lobbyist up with whether they made a contribution or not is absolutely wrong.

In short, effective lobbying disclosure would ensure that the public Federal officials and other interested parties are aware of the pressures that are brought to bear on public policy. Now more than ever, so to speak.

At a time when major health and safety laws or regulations are being debated on the Senate floor, the public is entitled to know what lobbyists we are meeting with in the back rooms, who they are representing, and why they are here. Are they just passing through to say "hello?" Are they here to persuade us to offer or support an amendment to benefit a particular business or industry?

Effective public disclosure will build confidence in this body and erase the doubts and suspicions that the public is shut out from the people's business.

So I think the changes proposed by Senators LEVIN and COHEN are sensible and they strengthen the workings of the bill. They deserve our credit for leading this effort, though I regret we were prevented from acting upon this last year.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. SIMPSON. Mr. President, has a quorum been entered?

The PRESIDING OFFICER. It is not in progress.

Mr. GLENN. I withdraw the request for a quorum call.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I thank my friend from Ohio.

Mr. President, with regard now to the status of the situation on the floor, we are on the bill. Is that correct?

The PRESIDING OFFICER. The Brown amendment No. 1838 is the business at hand.

Mr. SIMPSON. Mr. President, with the approval of the Senator from Colorado, may I ask that his amendment be withdrawn. My amendment should not take 5 or 10 minutes, unless the Senator from Colorado wishes to go forward.

Mr. BROWN. It would be appropriate to temporarily set it aside.

Mr. SIMPSON. I ask unanimous consent that the amendment be temporarily set aside and that we go forward with this.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. SIMPSON. I thank my friend from Colorado.

AMENDMENT NO. 1839

(Purpose: To prohibit certain exempt organizations from receiving Federal grants)

Mr. SIMPSON. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Wyoming [Mr. SIMPSON] proposes an amendment numbered 1839.

At the appropriate place, insert the following:

SEC. . EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

Mr. SIMPSON. Mr. President, that amendment is rather succinct.

I believe that the amendment I have just put forward embodies an absolutely critical component of any truly meaningful lobbying reform. The amendment is identical to a bill which I was pleased to introduce with Senator CRAIG last Friday which has already attracted over a dozen cosponsors.

By unanimous consent, Mr. President, we now split the underlying legislation into two complementary components—lobbying reform and gift ban legislation. I think all of us must agree that the issue of lobbyists' gifts to Senators must be dealt with in any attempt to protect the ethical framework of our activities here. I commend my friend from Michigan who came here when I did, Senator LEVIN, and many others who have worked so diligently on these issues of lobbying and gifts—and Senator MCCONNELL and so many others.

But my amendment gets to the heart of another major piece of the puzzle, one which we have inadequately dealt with thus far. This is the other side of the coin. This is about Congress' gifts to lobbyists in the forms of grants, loans and other benefits.

Very simply, Mr. President, my amendment would forbid the delivery of Federal grant money to any 501(c)(4) organization—501(c)(4). Please hear that very seriously constricted and limited impact. This is an absolutely vital and fundamental and long overdue reform.

I trust my colleagues may be fully aware of the relevant sections of the Internal Revenue Code pertaining to tax-exempt organizations. If so, they will see why this reform is absolutely necessary, and should be, I think, uncontroversial.

First, let me assure my colleagues who may be wary upon initially hearing of this legislation. This amendment does not affect charities, nor any of the other tax-exempt groups which Members will certainly wish to protect, and should.

This amendment would not affect any organization that is organized under section 501(c)(3) or 501(c)(5) or 501(c)6 or any of the other 25 categories, or maybe more, if I recall, of the Internal Revenue code. And I would remind my colleagues that 501(c)(3), which is not affected by this legislation, this amendment—this is the one that encourages activities, that are, and I quote directly from the code, 501(c)(3)'s are not affected by this amendment, are to "Relieving the poor and distressed," or for "Advancing religion or education." Thus, this amendment would not affect the Salvation Army, nor any other of the educational institutions in your State or any "charities." Nor would it affect the tax-exempt groups that file under 501(c)(5) or 501(c)(6) of the Internal Revenue Code. These organizations include the labor organizations, and business organizations, groups such as the chamber of commerce, and the AFL–CIO—not dealt with here; no impact at all.

This amendment deals very directly with section 501(c)(4) only. You can read that, the big lobbyists, the big boys and girls, and quite a list. That is the category that some organizations have chosen to file under when they want to spend an unlimited amount of money on the lobbying of the Congress. Unlike a 501(c)(3) which has a floating cap on how much can be spent on lobbying, there is no such cap on a 501(c)(4), none.

This means that an organization under 501(c)(4) can under current law enjoy a tax exemption, enjoy receiving the Federal grant money and enjoy spending untold millions—that is the number, untold millions—lobbying the Congress. This is huge loophole benefiting the powerful lobbyists at the expense of the collective interests of our citizenry. It is small wonder that we have such difficulty here casting votes to benefit the average citizen and

Americans when we are simultaneously subsidizing the programs and activities of some of our largest lobbying groups. This is a reform that absolutely must be made, and soon. And there is no better place than I think the time today because there is a fundamental basic incompatibility between the current construction of 501(c)(4) law and the delivery of Federal grant money.

I feel, after looking at it as carefully as I can, that rather than to design the limitations on the lobbying, or other advocacy activities of the 501(c)(4) organizations, that we should simply acknowledge that this is not the provision of the Tax Code under which altruistic, caring, charitable groups file. They do not file under 501(c)(4). But rather, this designation attracts those groups that are organized principally to lobby the Federal Government, and do so without financial limitations.

There are, of course, and be assured, countless fine organizations doing good work and good works, organized under 501(c)(4) of the Tax Code. And if they wish to continue their administration of Federal grant money, certainly we should encourage them to file as a 501(c)(3) or any other available provision of the Tax Code.

My amendment would not prevent the truly altruistic groups from doing just that, but if they wish to enjoy the benefits of 501(c)(4) and also enjoy the special privilege to lobby just as many bucks as their bank account will allow, then they should not be paid off in Federal grant money.

I hope we might receive bipartisan support for this amendment, good bipartisan support. I have heard some of my colleagues take the floor at other times during this year to state that such lobbying activities should not be underwritten by the Federal Government. I have heard some on the other side of the aisle say that the NRA in particular should not be receiving Federal grant money. Many concur.

So this is the Senate's chance to put an end to these conflicts of interest. I hope the Senators on both sides of the aisle will support this needed reform and vote to curtail the delivery of grant money to these, the most powerful lobbying groups and organizations in America. It is really a fundamental test of our sincerity in removing the decisionmaking process from obvious conflicts of interest. I ask my colleagues for their support with regard to the amendment.

Mr. President, I will yield to Senator BROWN whenever he wishes the floor, but let me speak another few moments.

MEDICARE AND SOCIAL SECURITY REFORM

Mr. SIMPSON. Mr. President, I was listening with interest to the discussion of Medicare and these issues that confront us, what we are going to do—the ancient litany of a tax cut for the rich, and this type of activity. I just want the American people to be certain that they remember that Medicare will go broke in 7 years and Social Security will go broke in the year 2031. It would be very helpful if they could come forward and tell us what we should do about that.

LOBBYING DISCLOSURE ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. MCCONNELL. Mr. President, before the Senator from Wyoming leaves the floor, I listened carefully to the explanation of his amendment, and I wanted to commend him for what I think is an outstanding amendment, a very important contribution to the underlying legislation. I fully intend to support him and encourage this effort. I wish to thank him for his leadership in this area.

Mr. SIMPSON. Mr. President, I thank the Senator from Kentucky. No one has been more vitally involved in these issues than my friend from Kentucky, Senator MCCONNELL. And those are powerfully reliable words. I appreciate it very much.

Mr. MCCONNELL. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. BROWN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. Currently the Simpson amendment No. 1839 is pending.

Mr. BROWN. Mr. President, it is not my intention to preclude further debate on the Simpson amendment. Obviously, I join him in the hopes that it will pass and be accepted. But would the Senator be comfortable if I temporarily set it aside and move back to the Brown amendment?

Mr. President, I ask unanimous consent that we temporarily set aside the Simpson amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

AMENDMENT NO. 1838

Mr. BROWN. Mr. President, are we now considering the Brown amendment?

The PRESIDING OFFICER. Yes, the Brown amendment is now the pending business.

Mr. BROWN. Mr. President, it is my intention to offer three amendments for consideration of the body. The first one, as we have spelled out, is the reporting categories; that they are meaningful in reporting the value and, as we have already discussed, a current limitation of closing the valuation at $1 million could be very misleading.

The second amendment I hope to offer is one that deals with qualified blind trusts. Currently, the statutes under which we operate provide that a recipient or beneficiary of a qualified blind trust is allowed under a qualified blind trust to be advised of the total cash value on a periodic basis.

Our amendment, the second amendment we will offer, simply would make it clear that if one is advised of their total cash value, under the statutes, of a qualified blind trust, that total cash value—not the value of the assets underneath but the total cash value—is disclosed.

The third amendment is one that will deal with personal residences that exceed $1 million. While there may be very few of these—at least I do not anticipate there would be very many—there is a tax implication which was passed by previous Congresses in regard to valuation of a residence. That tax rule that Members are familiar with involves financing of a personal residence in excess of $1 million and imposes limitations or, to be more precise, limits the deductibility for tax purposes. Inasmuch as that tax provision exists and raises potential conflict of interest for Members voting who might come under that provision, the third amendment would provide for the reporting of personal residences in excess of $1 million.

Mr. President, as I understand it, Members are now considering the first amendment, which would expand our reporting categories, and it would be my intention to allow this to proceed under a voice vote, if that is the wish of Members of the Senate, so that we could maximize the use of our time.

I yield the floor, Mr. President. I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, it will be my intention to lay down the other amendments that I have referred to. So I rise at this point for the purpose of offering an amendment. First, I ask unanimous consent that the pending Brown amendment be temporarily set aside.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1840

(Purpose: To amend title I of the Ethics in Government Act of 1978 to require the disclosure of the value of any personal residence in excess of $1,000,000)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. BROWN] proposes an amendment numbered 1840.

At the appropriate place, insert the following:

SEC. . DISCLOSURE OF THE VALUE OF ANY PERSONAL RESIDENCE IN EXCESS OF $1,000,000 UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) IN GENERAL.—Section 102(a) of the Ethics in Government Act of 1978 is amended by adding at the end thereof the following:

"(8) The category of value of any property used solely as a personal residence of the reporting individual or the spouse of the individual which exceeds $1,000,000.".

(b) CONFORMING AMENDMENT.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended by striking "and (5)" and inserting "(5), and (8)".

Mr. BROWN. Mr. President, this second amendment is quite straightforward, and it was the reason I thought it appropriate to allow it to be read in full. What it does is fill a gap in our reporting requirements. Since we have specific legislation that provides separate tax treatment if someone borrows more than $1 million on a personal residence, there is currently an issue before Congress in terms of a tax policy where the ownership of a residence in excess of $1 million in value presents a potential conflict of interest.

Thus, this amendment would fill the gap in our current reporting requirements. It would allow disclosure of personal residences that are in excess of $1 million or, I should say more precisely, it provides for that disclosure and would provide information with regard to potential conflict of interest when voting on tax issues of that kind.

Mr. President, I ask unanimous consent that the second Brown amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1841

(Purpose: To amend title I of the Ethics in Government Act of 1978 to require an individual filing a financial disclosure form to disclose the total cash value of the interest of the individual in a qualified blind trust)

Mr. BROWN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Colorado [Mr. Brown] proposes an amendment numbered 1841.

Mr. BROWN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place insert the following:

SEC. . FINANCIAL DISCLOSURE OF INTEREST IN QUALIFIED BLIND TRUST.

(a) IN GENERAL.—Section 102(a) of the Ethics in Government Act of 1978 is amended by adding at the end thereof the following:

"(8) The category of the total cash value of any interest of the reporting individual in a qualified blind trust, unless the trust investment was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust."

(b) CONFORMING AMENDMENT.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended by striking "and (5)" and inserting "(5), and (8)".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

Mr. BROWN. Mr. President, Brown amendment No. 1841 deals specifically with qualified blind trust. Under the current statutes, we provide an exception or an exemption from reporting, and it is done only in an area where a trust is involved and where it meets the standards of qualified blind trust under law.

Under the statutes of a qualified blind trust, the beneficiary of that trust is allowed to receive certain information. The beneficiary is allowed to be advised of the earnings of that trust, which is obviously necessary for tax purposes, and also under the law is allowed to receive information of the total cash value of that trust and can be reported to the beneficiary as often as four times a year under the current statute.

Ironically, though, we have exempted the beneficiary from disclosing that information which they are allowed to receive under the terms of the qualified blind trust. This amendment merely provides that the total cash value be reported, along with the other information in someone's disclosure. It does not require disclosure of the assets in which the trust is invested. But it does provide that the beneficiary of that trust report the information that they receive from the trust; that is, the total cash value.

Mr. President, there is a specific exemption included in the third Brown amendment, that is amendment No. 1841. That exemption is this: If someone is the beneficiary of a qualified blind trust and that trust was executed prior to today and the terms of that trust precludes the beneficiary from receiving information on the total cash value, then one need not report it.

So while the statute allows people to receive information on the total cash value, it is certainly possible that some Members operate or receive benefits under a trust that does not advise them of that total cash value. It would be our intention to not push those Members into a difficult bind under these circumstances and, thus, we have provided this exception; that is, if the terms of the trust do not allow the beneficiary to be advised of its total cash value, then the Member would be exempt from having to report that information; that is, it would not have to report the information that they do not have and cannot get under the terms of the qualified trust.

The change, though, is this: If someone has a qualified blind trust and is advised under the terms of that trust the total cash value, then they would no longer be exempt from reporting that. It, in effect, puts Members on equal footing. It seems to me this fills a very important loophole in our current disclosure provisions.

Mr. President, I ask unanimous consent that we temporarily set aside amendment No. 1841 and return to the Brown amendment No. 1838.

Mr. MCCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, just briefly, I want to commend the Senator from Colorado for three excellent amendments that I think fit the spirit of the underlying legislation, and I want to commend him for presenting them. I fully intend to support them and hope the Senate will as well.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator the Michigan.

Mr. LEVIN. Will the Senator yield for a question on amendment No. 1841?

Mr. BROWN. Sure.

Mr. LEVIN. As I understand the amendment, the categories of total cash value of any interest of the reporting individual would be the same categories as are provided by law for other assets; is that correct?

Mr. BROWN. That is correct.

Mr. LEVIN. So if Brown amendment No. 1838 were adopted, it would be the new categories as provided in Brown amendment No. 1838 that would be applied to the blind trust situation.

Mr. BROWN. That is correct.

Mr. LEVIN. On Brown amendment No. 1840, the one relating to the value of a house, is it my understanding that the valuation of the home would be done in accordance with one of the various methods of valuation which are currently allowed for other assets?

Mr. BROWN. That is correct, in my understanding. The Senator, I know, is well versed in this and may be willing to straighten me out on this, but my understanding is you can report historic costs if you do not have a firm fix on what the current valuation is.

Mr. LEVIN. My recollection is, and I am not sure I do have any greater knowledge than my friend from Colorado, but my recollection is that there are at least three methods of valuation which are allowed for real estate. You can take cost—I think there is a depreciation factor—historic valuation, there is a tax assessment valuation and there are a number of other ways, perhaps. But whatever it is that is allowed for real estate under the current requirements would be allowed when it comes to the valuation of a home under

Brown amendment No. 1840; is that correct?

Mr. BROWN. That is correct. I might say that it certainly would not be my intention to require in any way an annual appraisal or something like that. I think the alternatives that exist in law, at least in my view, are more than satisfactory for reasonable disclosure.

Mr. LEVIN. Mr. President, we are attempting to determine whether or not there are Senators that wish to debate any of the three Brown amendments, and pending that determination, I ask that the amendments either be laid aside so that we can return to some other business, or if anybody else wishes to come to the floor to debate the bill or any of the amendments which have already been laid aside, that they do so.

I yield the floor.

Mr. BROWN. Mr. President, for clarification purposes, I wanted to mention for the RECORD what I think is an important aspect of this. Amendment No. 1841, which deals with the qualified blind trust, uses the term "total cash value." The reason that we use that term is that it is the precise language that the current statute uses; that is, the current statutes provide that you can have a trust that qualifies as a qualified blind trust and still report to the beneficiary the total cash value. So that is the origin of that.

In contacting the Ethics Committee, we sought to learn what was meant by the term "total cash value." We are advised that they do not have an independent legal opinion on the use of that term, even though they have questions about its usage in filing. But we are also advised that they believe that it means and relates to, in effect, the value of the trust, market value of the trust, the value it would have if the trust were converted to cash on the current market.

It seems to me that is a reasonable definition, and it is certainly with that understanding in mind that we have used that term; that is, to give full disclosure to what is the current value under the current market conditions of the value of that trust, those trust assets.

I yield to the distinguished Senator from Michigan.

Mr. LEVIN. Mr. President, I wonder if the Senator will yield for an additional question which relates to line 1 on page 2. It says there, "the category of the total cash value of any interest of the reporting individual."

I want to see if my understanding is correct. Is the cash value of interest related purely to the value of the asset? And is my understanding correct that this amendment does not require the disclosure of income from that asset? Or is that already required under law?

Mr. BROWN. It is my understanding that the law already requires the reporting of income accruing to the beneficiary of the trust, but in the past has not required the disclosure of the total cash value of the underlying assets.

Mr. LEVIN. So whatever the current law is relative to disclosure of income from the qualified blind trust, it is not affected by this amendment?

Mr. BROWN. That is correct.

Mr. LEVIN. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ABRAHAM). Without objection, it is so ordered.

AMENDMENT NO. 1839

Mr. CRAIG. Mr. President, last week I introduced legislation on this floor to deal with the very topic that the Senator from Wyoming came to the floor earlier this afternoon to introduce, an amendment to the lobby reform bill that is now pending before the Senate. The issue is the Federal Advocacy Reform Act of 1995, and to be able to deal with it in the amendment form tied to this is most appropriate.

For a few moments this afternoon I would like to talk briefly about the scope of this amendment and why I think it is so important for us to consider in the context of Federal lobbying.

People are correctly focused on lobbyists and gifts to legislators as the Senate convenes today to debate these important topics. But I think we also need to worry about Government's gifts to lobbyists. Some of my colleagues would say, "Senator, what are you talking about?" But the Senator from Wyoming, AL SIMPSON, this afternoon very clearly laid out the growing phenomenon in this country of more and more Federal tax dollars going in the form of contracts and grants, and in some instances outright gifts, to advocacy groups which then allows them to use the tax base, the tax dollars of this country, to argue their maybe very narrow point of view. The question is, is this in the best interests of our country? Should we allow these kinds of things to go on?

It is not a new question that we ask. Mr. President, 75 years ago Senators stood on this floor and clearly argued that Federal tax dollars should not be used for the purpose of advocacy for a narrow or single purpose. But Federal tax dollars should at least be spread for the common good and they should be cautiously used, but in all cases the common good or the broad base of the American public's interests ought to be at mind.

Over the last good number of years, we have watched grow to a point now where over $70 billion annually in the form of grants go out to a broad cross-section of interests across this country, and in many instances, then, we find those tax dollars right back here on the doorstep of the U.S. Capitol, being advocacy dollars for sometimes a very narrow, specific point of view.

I think it is now time for this Senate, as we debate the broader question of lobbying, to argue, is that the right thing to do? With nearly a $5 trillion debt, a $200 billion deficit, and the very real concern that this year for the first time this Congress is going to establish increasingly narrow and tighter public priorities as to where our dollars get spent, is it not time we do the same in this area and with these categories?

Our associates and friends in the House are approaching it from a different point of view. Amendments will be offered before the appropriations process over there that will deal with more than the 501(c)(4) category inside the Internal Revenue Code that the Senator from Wyoming and I are discussing this afternoon. They will talk about the "not for profits" and "for profits," the 501(c)(3)'s and all of those that fall under the broad category of section 501 of the IRS Code.

But, today, our amendment is very clear and it is narrow. It says that, for those not-for-profit advocacy groups, who choose to be, for their purpose, advocating a point of view, that they should be disallowed from receiving Federal dollars. It is very straightforward and very simple in its approach.

When I introduced S. 1056 last week, Senator SIMPSON worked with me in the cosponsorship of that, along with my colleague from Idaho, DIRK KEMPTHORNE, and Senator COVERDELL, Senator GREGG, Senator NICKLES, Senator LOTT, Senator KYL, Senator GRAMS, and Senator FAIRCLOTH, and it was only but for a few moments on Friday that I worked that issue. Obviously it is one of great concern and I think very popular, and it ought to be debated here on the floor and tied to this important legislation we are dealing with this afternoon.

Mr. President, I ask unanimous consent that a position paper developed by the Heritage Foundation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Heritage Foundation]

RESTORING INTEGRITY TO GOVERNMENT: ENDING TAXPAYER-SUBSIDIZED LOBBYING ACTIVITIES

To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical.—Thomas Jefferson.

INTRODUCTION

The federal government subsidizes lobbying by tax-exempt and other organizations through grants and contracts to advocacy groups. Each year, the American taxpayers provide more than $39 billion in grants to organizations which may use the money to advance their political agendas.

Federal funding of private advocacy is not limited by ideological scope. Organizations to the left and right of the political center use taxpayers' funds to promote their ideas and positions. Almost every interest in America—from agriculture to zoology—has one or more organizations receiving government funding. Recipients range from the American Association of Retired Persons, which received over $73 million in a one-year period, to the American Bar Association, which received $2.2 million. Over the past forty years, Congress has helped create a vast patronage network or organizations that enjoy tax-preferred status, receive federal funds, and engage in legislative or political advocacy. The days of big city political machines disbursing patronage may be coming to an end, but the disbursement of financial dividends to political friends is a prominent feature of the federal budget. As Heritage Foundation Senior Fellow Marshall Breger has written:

"Lacking the imprimatur of democratic consent, government subsidy of private advocacy can be seen for what it is—the public patronage of selected political beliefs. That these advocacy subsidies are rarely made openly but are often disguised through grants and contracts for legitimate public functions merely underscore the dangers inherent in a system of expansive government subsidy."[1]

Clearly, the right to petition government to redress grievances should not be infringed. Individuals and organizations using funds from the private sector should be encouraged to engage in the legislative and political process. It is an entirely different matter, however, to employ the coercive power of the federal government to force taxpayers to finance organizations which lobby Congress or other government entities. It is every bit as unjust to force liberal taxpayers to fund organizations on the right as it is to force conservative taxpayers to finance organizations on the left. The fundamental principle is that it should be anathema to force taxpayers to underwrite advocacy with which they disagree.

Taxpayer funding of advocacy organizations is wrong—fiscally, morally, and logically. It is fiscally irresponsible to spend federal revenues on activities that provide no meaningful return to the American people. It is morally wrong for the government to take sides in any public policy debate by assisting the advocacy activities of an elite few. And it is logically wrong for the government to fund activities that often result in lobbying for increased federal expenditures. The reasons are summarized aptly by George Mason University professor James T. Bennett and Loyola College professor Thomas J. DiLorenzo in their comprehensive study, Destroying Democracy.

"A large number of individuals with strong views can express their preferences by contributing funds to a group that promotes that issue. With tax-funded politics, however, a small number of zealots with access to the public purse can obtain resources from government to advance its views even though few individuals in society share the group's philosophy. Whenever government funds any political advocacy group, it effectively penalizes those groups that advocate opposing public policies and provides a distinct advantage to the group or groups that it favors in the clash of ideas."[2]

THE FUNDING OF FACTION

The Founding Fathers recognized the dangers of factions in a republic. James Madison wrote in Federalist Number 10 that "Among the numerous advantages promised by a well-constructed Union, none deserves to be more accurately developed than its tendency to break and control the violence of faction." Madison defined faction as "a number of citizens, whether amounting to a majority or minority of the whole, who are united and actuated by some impulse of passion, or of interest, adverce to the rights of other citizens, or to the permanent and aggregate interests of the community."

What the Founding Fathers referred to as factions we now call special interests. Instead of restraining factions, however, the federal government today subsidizes them. This distorts the political process by favoring one faction over another and by nourishing a network of special interests—a welfare-industrial complex—with a direct self-interest in a growth of the welfare state. The financial cost to the taxpayer is far higher than the amount funneled to these organizations. Each one not only lobbies for its contract or grant, but also advocates for bigger, more expensive social welfare programs, further complicating efforts to put the nation's fiscal house in order. Moreover, while these organizations often claim that the money they receive helps the less fortunate, the reality is that it bolsters their own political power, perks, and prestige.

The advocacy network and its leaders contribute to what author James Payne has referred to as a "culture of spending" in Washington which makes it extremely difficult to trim government programs: "Leaders of such federally dependent interest groups should not be seen as representing independent citizen opinion. They are quasi-governmental officials with a vested interest in the spending programs that benefit their organizations."[3]

Not every dollar given to an advocacy group goes directly to political advocacy activities. However, federal dollars are fungible. Every federal dollar frees private resources to be spent on political, lobbying, and other advocacy activities. Moreover, federal funds make the organization appear to be a larger force in the political arena than it would if it were totally reliant upon private contributions. For example, the National Council of Senior Citizens receives 96 percent of its funding from the federal government.

The NCSC is but one of many advocacy organizations receiving federal funds. Here are just a few other examples:

The AFL–CIO benefited from more than $2,000,000 between July 1993 and June 1994. According to the AFL–CIO News Online, the AFL–CIO used the Memorial Day recess to increase pressure on Members of Congress with its "Stand UP" campaign: "In those [5 targeted] districts, the AFL–CIO provided radio ads and coordinators to work with local union officials and legislative action committees. Other activity included direct mail, jobsite leafleting, phone call drives using the AFL–CIO's toll-free hotline, petition drives, town meeting attendance, and letters and columns submitted to local newspapers."[4]

Recently, the Service Employees International Union produced a newspaper advertisement opposing tax cuts and efforts in Congress to slow the growth of welfare and Medicare. SEIU claims Congress is attempting to "loot" welfare programs and "steal" from low-income home-energy assistance to help finance "corporate special interests." The ad lamented the impact on Fannie Johnson and her family in Ohio.[5] This labor special interest benefited from $137,000 in taxpayer funding in 1993 (for an "anti-discrimination public education campaign"). Terminating it would eliminate the tax burden of nearly 30 families just like Ms. Johnson's in Ohio.

Families USA—a driving force behind the Clinton big-government health care plan, including the failed last-ditch attempt to revive it last summer through a nationwide bus tour[6]—received $250,000 from the taxpayers between July 1993 and June 1994.

The Child Welfare League of America received more than $250,000 in federal funding, then turned around and launched an ad campaign to increase welfare spending. The League ran an advertisement opposing the Contract With America's welfare reform bill which charged that "More children will be killed. More children will be raped."[7]

The National Trust for Historic Preservation received approximately $7 million from the federal government in FY 1994—22 percent of its budget. In the same year, the Trust "launched a lobbying campaign against the Disney project" in Northern Virginia.[8] In 1993, it "lobbi[ed] Congress to expand the historic rehabilitation tax credit."[9] The group's president, Walter Mondale's former chief of staff Richard Moe, said the full credit would cost "$1.4 billion over five years."[10]

The American Nurses Association received nearly $1 million between July 1993 and June 1994 from the U.S. taxpayers. In 1994, the ANA endorsed the Gephardt health care plan and actively lobbied for it. According to the union's own press release announcing this endorsement, "The American Nurses Association is the only full-service professional organization representing the nation's 2.2 million Registered Nurses through its 53 constituent associations. ANA advances the nursing profession by . . . lobbying Congress and regulatory agencies on health care issues affecting nurses and the public."[11] The *Political Finance and Lobby Reporter* revealed on May 12, 1995, that two new ANA lobbyists had registered.

The American Federation of State, County and Municipal Employees, which received nearly $150,000 in the most recent grant reporting period, denounced the House welfare plan, saying it "will drive more families into poverty and turns its back on hardworking Americans who fall on bad times. This is the small print in their evil Contract on America." AFSCME President Gerald McEntee went on to say that "AFSCME will continue to fight for real welfare reform that includes jobs at decent wages, child care, health care and education and training."[12]

Actually, however, government funding of advocacy organizations can hurt their cause. Well-grounded public policy institutions prosper from strong grassroots support backed by individual financial contributions. Much like a profitable company, they can measure support by looking at how many people were willing to open their checkbooks for the cause:

The plain fact is that political advocacy groups will not flourish on the basis of government subsidy. Rather they will prosper only insofar as they develop financial roots in the polity. Reliance on the government trough is no sign of the commitment of your adherents to your cause.[13]

NOT A NEW PROBLEM

Federally funded advocacy is not a new problem. Congress recognized the potential

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Footnotes at the end of article.

for abuse more than 75 years ago when it passed a law prohibiting the use of federal funds for political advocacy. Unfortunately, the prohibition was too vague, too lenient, and too weakly enforced. Put simply, auditing of federal grants by the government does not provide the level of scrutiny needed to root out abuse.

The scope of the problem can be seen by examining the *Catalog of Federal Domestic Assistance*, published every six months by the federal government. It details nearly every federal program from which eligible individuals, organizations, and governments can receive tens of billions of dollars in taxpayer funding.

For years, congressional offices have worked with constituents to help them find federal grants, in the process becoming very familiar with the *Catalog* as a guide to sources. But very few congressional staff employees have been aware of abuses in the grants process. These abuses are long-standing. In testimony before the House Committee on Government Operations in 1983, Joseph Wright of the Office of Management and Budget noted that the General Accounting Office had found problems as far back as 1948.[14]

In the early years of the Reagan Administration, the OMB attempted to revise OMB Circular A-122 (originally issued in the final year of the Carter Administration) to redefine limits on "allowable costs" by federal grantees. The revision, first released in January 1983, was widely criticized as overly broad, excessively burdensome, and unenforceable.

One of the focal points of the initial debates was the fact that the original OMB proposal apparently would have disallowed the use of any equipment, personnel, or office space for both federal grant and political advocacy purposes if at least 5 percent of the organization's resources was used for lobbying. For example, a copy machine could not be used to produce flyers for a rally on Capitol Hill if it was paid for—in whole or in part—by taxpayer funds. Many nonprofits objected to such clear separation between federal funding and political advocacy.

Months later, OMB Director David Stockman and General Counsel Michael Horowitz withdrew the original proposal and released a new draft with a more narrow definition of prohibited activities. This watered-down version no longer drew a clear line between allowable and unallowable costs. Instead, it specified a few examples of prohibited behavior, including a prohibition on reimbursement for conferences used in "substantial" part to promote lobbying activities.

Unfortunately, this effort to appease federally funded nonprofits and quell opposition in Congress was futile. Because Congress signaled its clear opposition to working with the Reagan Administration to curb federally funded lobbying activities, despite the fact that all parties acknowledged such behavior was inappropriate, A-122 failed to improve substantially the restrictions on lobbyists billing Uncle Sam for their activities.

EXISTING PROHIBITIONS ARE NOT WORKING

Federal law prohibits the use of federal funds for lobbying (18 U.S.C. Section 1913). However, there is no clear set of guidelines as to specific prohibited practices. In addition, numerous appropriations riders have been offered and approved in the past in an effort to curb federally subsidized lobbying. The purpose of the Reagan Administration's attempt to create a more stringent version of OMB Circular A-122 was to tighten the gaping loopholes in existing law and to implement Congress's intent in passing lobbying prohibitions.

Circular A-122 drew on several distinct concepts to frame the new guidelines.

Taxpayers are not obliged to fund advocacy they oppose. The Supreme Court in 1977 ruled that taxpayers are not required, directly or indirectly, "to contribute to the support of an ideological cause [they] may oppose." (Abood v. Detroit Board of Education)

Freedom of speech does not depend on federal funding. In 1983, the Supreme Court unanimously ruled that the federal government "is not required by the First Amendment to subsidize lobbying. . . . We again reject the notion that First Amendment rights are somehow not fully realized unless they are subsidized by the State." (Reagan v. Taxation with Representation)

The Internal Revenue Code does not alleviate the problem. The notice of the request for public comment on the second revision of A-122 notes that current IRS rules threaten tax-preferred organizations only if they exceed defined limits on lobbying. However, the limits are not tied in any way to the receipt of federal funds, leading to many of the same problems from which the 1919 law prohibiting federally funded lobbying suffers.

Unfortunately, the firestorm created by the first proposed revision of A-122 led to a second draft that watered down the tough initial provisions and failed to solve the problems outlined by the Administration in presenting its proposals. The notice of public comment on the second proposal stated that its "purpose [was] assuring compliance with a myriad of statutory provisions mandating that no federal funds used for lobbying purposes, and to comply, in balanced fashion, with fundamental First Amendment imperatives." Despite the best of intentions, the revised A-122 did not meet these goals.

A particularly serious provision of the second revision was its enforcement mechanism. A popular maxim in the 1980s was "trust but verify." OMB Circular A-122 relied on trust alone:

"[T]he federal government will rely upon [the nonprofit employee's] good faith certification of lobbying time below 25%. . . . Under the proposal, the absence of time logs or similar records not kept pursuant to grantee or contractor discretion will no longer serve as a basis of contesting or disallowing claims for indirect cost employees."

In essence, this lack of verification of time spent on lobbying activities permits the individual to state that he is complying with the law even if that is not the case. This is worse than the fox guarding the henhouse. If a nonprofit is willing to violate the restrictions on advocacy, surely it will have no qualms about certifying it is in compliance with the law.

TOUGHER RESTRICTIONS NEEDED

Tougher laws are needed to prevent the abuse of taxpayers' funds by federal grantees. There is no excuse for compelling John Q. Public to support political advocacy that he opposes. It is fiscally irresponsible and morally indefensible.

The following should be essential parts of any congressional efforts to curb current abuses:

Truth in Testimony. Witnesses testifying before Congress should be required to divulge in their oral and written testimonies whether they receive federal funds and, if so, for what purpose and in what amount. This will permit committees to view the testimony in an appropriate light.

No Federal Funding for Advocacy. No organization that receives federal funds should be permitted engage in any thing but incidental lobbying activities, except on issues directly related to its tax status.

No Bureaucratic Shell Games. No recipient of federal funds should be permitted to maintain organizational ties to any entity that engages in lobbying activity. All subgrantees should be treated as it they received the funds directly from the federal government. Independent Sector, an organization representing hundreds of nonprofit advocacy groups, unwittingly indicated the need for this in a recent report: "Although the nonprofit organization received a check from the local government, the local government may have received some or all of its funding for this project from a Federal Community Development Block Grant (CDBG)."[15]

Meaningful Auditing. The Inspectors General of the various federal departments and agencies must investigate more thoroughly any abuses of current law, as well as new laws passed by the Congress.

Tough Penalties. The consequences for violating the prohibition on federally subsidized lobbying must be sufficient to discourage organizations from violating the standards. Under no circumstances should any organization that willingly and knowingly violates the prohibitions receive further federal funding.

Representative Robert K. Dornan (R-CA) has introduced H.R. 1130, the Integrity in Government Act, which would prohibit a recipient or paid representative of any federal award, grant, or contract from lobbying in the following circumstances:

In favor of continuing the award, grant, or contract;

In favor of the actual program under which the funds were disbursed;

In favor of any other program within the broad department or agency; and

In favor of continued department or agency funding.

The Dornan legislation also prohibits tax-exempt lobbying organizations from receiving federal funds. Representatives Bob Ehrlich (R-MD), Ernset Istook (R-OK), and David McIntosh (R-IN) also are working on legislation to remedy this problem.

It is difficult to craft legislation that satisfactorily defines prohibited activities. Moreover, any bill designed to redress these abuses must prevent organizations from simply establishing separate bank accounts and separate names. To be effective, there must be a definite and complete physical separation between all federally and privately funded resources.

CONCLUSION

Taxpayer-subsidized political advocacy represents pure fiscal folly and moral injustice. No hard-working American should be compelled to finance lobbying activities with which he disagrees. The Founding Fathers would be appalled at current federal grant making. Thirteen years ago, The Washington Post editorialized:

"[W]e agree that there is something disturbing about organizations that strongly advocate positions many sensible people find politically or morally repugnant, acting at the same time as administrators of government programs. It is easy to believe that the advocacy groups' employees will sometimes proselytize the program's beneficiaries in ways we would consider inappropriate (though not unheard of) for a civil servant. Advocacy organizations might also want to ask themselves whether they risk compromising their own purposes by accepting government money, and whether they want to assume the inevitable risk that it might be withdrawn suddenly for legitimate political reasons.''[16]

Abuse of federal grant funds must be stopped. Tougher restrictions are needed to prevent lobbying organizations from obtaining some or most of their revenue from the American taxpayers. Auditing and investigation of federal grantees by the Executive Branch must be strengthened. However, a danger always exists that as long as government funds go to advocacy organizations, the ''wall of separation'' will be porous. Moreover, the less fortunate would be assisted more directly by eliminating the middleman who ''does well by doing good.''

Without restoring integrity to government by ending federally funded lobbying, Congress and the President will continue to squander millions of taxpayer dollars each year. Political patronage should have no place in the federal budget.

Marshall Wittmann, Senior Fellow in Congressional Affairs.

Charles P. Griffin, Deputy House Liaison.

FOOTNOTES

[1] Marshall Breger, ''Halting Taxpayer Subsidy of Partisan Advocacy,'' Heritage *Lectures* No. 26, 1983, p. 10.

[2] James T. Bennett and Thomas J. DiLorenzo, *Destroying Democracy: How Government Funds Partisan Politics* (Washington, D.C.: Cato Institute, 1985), p. 388.

[3] James Payne, *The Culture of Spending* (San Francisco: ICS Press, 1991), p. 17.

[4] *AFL-CIO News Online*, June 7, 1995, downloaded from the AFL-CIO's Internet site on June 16, 1995.

[5] Advertisement, ''Fannie Johnson Can't Afford Another Republican Tax Cut,'' *The New York Times*, June 15, 1995, p. B-11.

[6] ''The $2 million [bus] trip is financed by Families USA, a liberal philanthropy, with unions and other groups.'' Families USA was the ''chief sponsor of the caravans.'' Jennifer Campbell, ''Caravan Met with Mixed Reaction,'' *USA Today*, July 29, 1994, p. 4A.

[7] Advertisement, ''First neglect at home, Now abuse by Congress,'' *The Washington Times*, March 22, 1995, p. A19.

[8] Editorial, ''The War of the Subsidies,'' *The Washington Times*, May 6, 1994, p. A22.

[9] James H. Andrews, ''Historical Trust Uses Its Clout for US Heritage,'' *The Christian Science Monitor*, May 14, 1993, p. 12.

[10] Charlene Prost, ''Historic Preservation Trust Seeks to Gain New Members,'' *St. Louis Post-Dispatch*, October 5, 1993, p. 13B.

[11] PR Newswire, ANA press release, August 11, 1994, obtained from NEXIS.

[12] PR Newswire, AFSCME press release, March 27, 1995, obtained from NEXIS.

[13] Marshall Breger, ''Partisan Subsidies: Democracy Undone,'' *The Washington Times*, December 6, 1983, p. 2C.

[14] Joseph R. Wright, Jr., testimony in *Hearing on Proposed Revisions to OMB Circular A-122*, Committee on Government Operations, U.S. House of Representatives, 98th Cong., 1st Sess., March 1, 1983, p. 2.

[15] See ''Impact of Federal Budget Proposals Upon the Activities of Charitable Organizations and the People They Serve,'' Independent Sector, June 1995, p. 314.

[16] Editorial, ''Financing the Left,'' *The Washington Post*, April 26, 1982.

APPENDIX

The following case studies demonstrate the need to reform the federal grants process. The organizations analyzed were selected for illustrative purposes and do not represent the entire universe of the problem.[1]

American Association of Retired Persons (AARP)

AARP receives funding for approximately one-quarter of its annual expenditures from the federal government. Sources range from programs for the elderly to millions of dollars annually to provide clerical support to the EPA.

Senior Environmental Employment Program (EPA: 66.508)	$20,000,000
Tax Counseling for the Elderly (IRS: 21.006)	4,600,000
Sr. Community Service Employment Program (DOL:17.235)	49,000,000
Breast/Cervical Cancer Detection Program (HHS: 93.919)	75,000
Total	73,675,000

American Bar Association (ABA)

The American Bar Association received $2.2 million in federal grants between July 1993 and June 1994.

Missing Children's Assistance (DOJ: 16.543)	$1,242,000
Social, Behavioral, and Economic Studies (NSF: 47.075)	138,000
''Resistance and Rebellion in Black South Africa: 1830–1920''	
Juvenile Justice and Delinquency Prevention (DOJ: 16.541)	100,000
Nat'l Institute for Juv. Justice and Delinquency Prev. (DOJ: 16.542)	50,000
Justice Research, Development and Evaluation (DOJ: 16.560)	139,000
Drug Control and System Improvement (DOJ: 16.580)	125,000
Title IV—Aging Programs (HHS: 93.048)	200,000
Child Welfare Research and Demonstration (HHS: 93.608)	125,000
Child Abuse and Neglect Discretionary Activities (HHS: 93.670)	58,000
Disaster Assistance (FEMA: 83.516)	30,000
Total	2,207,000

AFL–CIO

The AFL–CIO (and its affiliates) received $10.7 million in federal funding between July 1993 and June 1994. Following is an overview of this organization's federal funding:

Tripartite Construction Training Tech. Xfer (DOL 17.AAA)	$1,119,000
Section 8 Rehabilitation (HUD: 14.856)	868,000
Occupational Safety and Health (DOL: 17.500)	70,000
Targeted Training Program—Logging	

In addition, the following contracts were awarded to the AFL–CIO Appalachian Council:

DOL/ETA: Vocational-Technical Training	$2,670,000
DOL/ETA: Other Ed/Training Services	5,974,000
Total	10,701,000

Child Welfare League of America (CWLA)

The Child Welfare League of America received the following grants between July 1993 and June 1994:

Intergenerational Grants (Corporation for National Service: 72.014)	$58,000
Adoption Opportunities (HHS: 93.652)	2,000
Special Programs for the Aging (HHS: 93.048)	200,000
Total	260,000

Consumer Federation of America (CFA)

The Consumer Federation of America received more than $600,000 from the EPA. The code assigned to the award was not found in the Catalog.

Radon Projects (EPA: 66.AAC)	$610,000
Total	610,000

Environmental Defense Fund (EDF)

The Environmental Defense Fund benefited from more than $500,000 in taxpayer funding.

Drainage Management System (DOI: 15.BBZ)	$50,000
Tradable Discharge Permits (EPA: 66.AAC)	15,000
Air Pollution Control Research (EPA: 66.501)	90,000
National Recycling Campaign (EPA: 66.AAC)	360,000
Total	515,000

Families USA

Families USA received at least $250,000 from the Department of Health and Human Services.

Special Programs for the Aging (HHS: 93.048)	$250,000
Total	250,000

League of Women Voters (LWV)

The League of Women Voters benefited primarily from EPA funding for various environmental research projects.

Clean Air Act Policy Development (EPA: 66.AAC)	$100,000
UV Index (EPA: 66.AAC)	21,000
Managing Solid Waste Training (EPA: 66.951)	39,000
Community Ground-Water Education Project (EPA: 66.AAC	190,000
Nuclear Waste Primer (DOE: 81.065)	261,000
Total	611,000

National Council of Senior Citizens (NCSC)

The NCSC receives 96 percent of its funding from the federal government.

Dislocated Worker Assistance (DOL: 17.246)	$6,000
Senior Environmental Employment Program (EPA: 66.508)	9,988,000
Section 8 Housing Rehabilitation (HUD: 14.856)	522,000
Sr. Community Service Employment Program (DOL: 17.235)	61,000,000
Total	71,516,000

World Wildlife Fund (WWF)

The World Wildlife Fund received $2.6 million in federal funding between July 1993 and June 1994. Following is an overview:

Undesignated EPA Grants	$618,000
Global Marine Contamination Project (EPA: 66.501)	450,000

In addition, 31 federal contracts were awarded to ''Resolve, World Wildlife Fund'' during this same period. These contracts were from the EPA for "Other Management Support Services" and totaled $1.5 million.

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[1] The dollar amounts provided are approximate, based on information provided by congressional offices from searches in the Federal Assistance Awards Data System (FAADS) database. All financial data cover the period from June 1993 to July 1994, unless otherwise specified. Numbers in parentheses are referenced numbers for programs listed in the *Catalog of Federal Domestic Assistance*.

Total 2,600,000

Mr. CRAIG. This paper spells out a broad cross-section of groups in this country that receive as much as $2 and $3 million a year in tax dollars, under grants, directly to them, to fund a variety of activities. Many of those interests engage in direct lobbying here, in paid advertising, in every method possible under their right of free speech to cause the Congress of the United States to vote in a certain way.

It is time, I believe, that we make it very clear to those groups that they have every right to exist and that their right to free speech is not infringed upon. But let me suggest that the right of free speech is not tied directly to the right to receive a Federal grant so you can have free speech. While some may argue that they have the right to do certain things—and I would not dispute that—we, as legislators, without question have the right to determine where the tax dollar goes. That is what I am asking that the Senate decide this afternoon and I think that is what the Senator from Wyoming is asking in the amendment he has offered, in a very narrow section of the IRS Code, that we say that the not-for-profit advocacy groups not be allowed to receive money in the Federal form of grant or contract or loan that in any way they can use for the purpose of advocacy or for the purpose of lobbying.

I hope my colleagues will join with the Senator from Wyoming and myself and others in the support of this amendment as we incorporate it in this important legislation, as we work to clarify the whole concern about lobbying in our country, so that the American taxpayer clearly understands our relationship with special interests and the right of all special interests to come to the Congress of the United States to argue their point of view.

I strongly support that. But I do believe it is important that in every way we make it clear and simple to understand how we are approached through the public process.

Mr. President, let me close with this quote from Thomas Jefferson.

> To compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical.

Even then Thomas Jefferson was recognizing that no person's dollar should be used to argue a point of view that he or she disagreed with.

Mr. President, in closing, I ask for the yeas and nays on the Simpson-Craig amendment.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The amendment is not before us at this time, the Chair informs the Senator.

The absence of a quorum having been suggested——

Mr. LEVIN. Mr. President, I withhold that. Is there a vote now which has been ordered on the Simpson amendment?

The PRESIDING OFFICER. That amendment is not before us.

Mr. LEVIN. Is it the intention of the Senator from Idaho to ask unanimous consent that it be in order to ask for the yeas and nays on the Simpson amendment.

Mr. CRAIG. It is, and I would so do.

The PRESIDING OFFICER. Without objection, it is so ordered.

Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Now I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. GRAMS). Without objection, it is so ordered.

Mr. CRAIG. Mr. President, I ask unanimous consent that the Simpson amendment be in order for the purpose of a second-degree amendment.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 1842 TO AMENDMENT NO. 1839

(Purpose: To prohibit certain exempt organizations from receiving Federal grants)

Mr. CRAIG. Mr. President, I so send that second-degree amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Idaho [Mr. CRAIG] proposes an amendment numbered 1842 to amendment No. 1839.

Mr. CRAIG. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> Strike all after the word "Sec.", and insert the following:
>
> **EXEMPT ORGANIZATIONS.**
>
> An organization described in section 501(c)(4) which engages in lobbying of the Internal Revenue Code of 1996 shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

Mr. CRAIG. Mr. President, the purpose of the second-degree amendment is to make clear what, by some people's concern, was not clear, and that is what is the intent of the Simpson amendment. We are addressing section 501 of the IRS Code and, in particular, the 501(c)(4) not-for-profit advocacy groups who receive Federal grant money. What we are saying and what the second-degree amendment clarifies is the difference between their options under this amendment; that is, they could continue to hold their 501(c)(4) status and lobby, but they could not receive Federal moneys under that status.

If they chose to want to continue to receive Federal grants, they would have the election, under the 501 section of the IRS Code, to become a 501(c)(3), and in that category, not only is the definition of "lobbying" very clear, but the method by which they must handle and account for their Federal dollars. The IRS is very strict and very clear as to the accounting and the management of those dollars so that they are not commingled, so they are kept separate, so that the organization, without question, divides the use of those dollars, so there is not the intent or the ability to use Federal dollars for the purpose of lobbying.

That is, without question, the intent of the Simpson amendment. We thought it was important that it be clarified. I believe the second-degree amendment so clarifies.

Mr. McCONNELL. Will the Senator from Idaho yield for a question?

Mr. CRAIG. I will be more than happy to yield for the purpose of a question.

Mr. McCONNELL. So the Senator from Kentucky is correct in assuming that the purpose of the Craig second-degree amendment to the Simpson amendment is to make it clear that a group currently qualifying under 501(c)(4) can continue to be a 501(c)(4)——

Mr. CRAIG. A not-for-profit advocacy group.

Mr. McCONNELL. And receive Federal grants, but if Federal grants are received, that organization will no longer be allowed to lobby.

Mr. CRAIG. That is correct.

Mr. McCONNELL. And is the Senator from Kentucky further correct in inquiring as follows: If a group currently a 501(c)(4) after the adoption of the Simpson amendment, as amended by the Craig amendment, concluded that receiving Federal grants was critical to its mission, then a logical response to the adoption of this amendment would be to consider qualifying as a 501(c)(3); is that correct?

Mr. CRAIG. That would be correct.

Mr. McCONNELL. I thank the Senator from Idaho. I think his amendment is very useful.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho has the floor.

Mr. CRAIG. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, I want to thank very much Senator MCCONNELL for his precise inquiry here, and particularly Senator LARRY CRAIG, my colleague from Idaho. There is no intent here to injure the groups that are listed under what I use as a pretty active resource, the GAO report on selected tax-exempt organizations. It gives a list of 501(c)(4) organizations.

Mr. President, I ask unanimous consent that that list be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Assets, Revenues and Expenses of the Tax-Exempt Organizations Included in This Study

[In thousands of dollars]

Name of organization	Assets	Revenues	Expenses
Social welfare organizations:			
American Association of Retired Persons	330,638	292,264	310,763
AVMED, Inc	98,346	310,256	288,561
Bank of Sweden Tercentenary Foundation	284,429	20,988	14,371
Blue Care Network of Southeast Michigan	132,446	173,845	158,686
Blue Care Network-Great Lakes	54,598	172,034	169,729
Blue Cross Blue Shield Association	134,320	133,381	131,159
California Vision Service	143,754	304,224	299,865
Capital District Physician's Health Plan, Inc.	69,372	164,166	151,289
City of Mesa-Municipal Development Corporation	50,152	3,101	2,339
City of Scottsdale Municipal Property Corporation	203,588	41,913	15,178
Columbus Multi-School Building Corporation	57,291	1,653	3,316
Connecticare	60,906	190,645	187,197
County of Riverside Asset Leasing Corporation	580,280	34,651	29,879
CSDA Finance Corporation	274,390	19,787	19,730
Delta Dental Plan of Michigan, Inc	148,660	401,729	399,206
Delta Dental Plan of New Jersey, Inc	67,113	130,564	122,605
Disabled American Veterans	144,832	70,995	68,854
Firemen's Association of the State of New York	66,710	9,549	5,610
Firemen's Relief Association of Minnesota	52,968	3,403	1,419
Group Health Association	82,704	251,817	248,624
Henry Ford Health Care Corporation Liability Fund	55,565	23,345	21,712
Higher Education Assistance Foundation	216,210	172,588	62,703
Higher Education Loan Program of Kansas, Inc	235,523	14,972	10,969
Independent Health Association, Inc.	83,935	252,288	244,398
International Olympic Committee	127,121	18,122	22,696
JADER Trust	101,133	6,194	4,060
Luso-American Development Foundation	130,327	24,890	15,188
Marine Spill Response Corporation	264,818	84,610	72,888
Medcenters Health Care, Inc	102,899	352,189	349,834
Merrillville Multi-School Building Corporation	117,269	3,304	5,773
Midwest Foundation Independent Physicians Association	110,063	225,844	213,056
Minneapolis Fire Department Relief Association	165,395	15,777	11,714
Minneapolis Police Relief Association	264,282	41,230	967
Minnesota School Boards Association Insurance Trust	67,554	42,090	42,056
Mohawk Valley Physician's Health Plan	66,183	178,909	175,637
Municipal Improvement Corporation/Los Angeles	69,061	151,037,	158,579
Mutual of America Life Insurance Company	5,521,940	746,637	718,746
National Rifle Association of America	111,019	101,781	139,022
New Albany-Floyed County School Building Corporation	57,932	1,242	51
Physicians Health Plan, Inc	56,639	178,754	178,352
Regional Airports Improvement Corporation	489,656	38,936	38,936
Sisters of Providence Good Health Plan of Oregon	58,863	117,663	111,068
The Buffalo Enterprise Development Corporation	78,897	2,192	2,926
Trans-Alaska Pipeline Liability Fund	327,579	37,746	57,633
Tufts Associated Health Maintenance Organization	88,902	311,821	300,897
Washington Dental Service	73,670	191,874	188,824
Labor and agricultural organizations:			
AFL–CIO	77,991	69,037	61,736
Air Line Pilots Association	97,057	82,143	69,723
Amalgamated Clothing and Textile Workers Union-Rochester Joint Board	25,273	3,589	2,053
American Federation of State, County and Municipal Employees	26,862	77,326	74,497
American Federation of Teachers, AFL-CIO	51,073	69,280	63,279
Atlantic Coast District ILA	26,130	3,275	2,726
Bakery Confectionery and Tobacco Workers International	24,178	11,875	12,056
Carrier-ILA Container Freight Station Trust Fund	33,375	14,544	2,330
Dakota's Areawide IBEW-NECA Pension Fund	35,770	3,447	1,295

Mr. SIMPSON. Mr. President, if each of those groups or members of those groups contacted their elected representatives, I am sure that they would be in shock, indicating that they were going to lose something.

So what has occurred in this colloquy and with the second-degree amendment is a very important reiteration of points I made when I spoke during the offering of the amendment as to why the amendment is important.

I think it has been clarified, but let us just do it one more time and, perhaps, if there are any further questions, I hope those who resist the amendment will enter the debate so that we can assure them that this amendment, now as second degreed by Senator CRAIG, does not prevent any 501(c)(4) organization from refiling as a 501(c)(3) and then accepting that category's limits on lobbying.

The only circumstance in which they would be cut off from Federal funds would be if they chose then to remain entirely under 501(c)(4), in effect choosing the unlimited lobbying over the Federal grants.

Under the second-degree amendment, they now have an additional option to stay in 501(c)(4) status without lobbying. So there is no attempt to restrict anyone. The 501(c)(4)'s have the ability—I hope you hear this—they have the ability to spend millions and millions of dollars without restriction. They have no restriction whatsoever. All we are saying is that in the language now of the amendment, as amended by the second-degree amendment—I am going to read it so it will be right in context in this debate, it will now read:

> An organization described in section 501(c)(4) which engages in lobbying . . . shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan or any other form.

That is the intent. It is, I hope, clarified now. And if there are those who are not in accord with the amendment, those in opposition, Senator CRAIG and I and others—

Mr. CRAIG. Will the Senator yield?

Mr. SIMPSON. Yes, indeed.

Mr. CRAIG. I want to take this brief moment to thank the Senator from Wyoming for his leadership in this area. As I mentioned in my comments, this is an issue we have debated now for over 75 years in one form or another, on one occasion or another, and the fundamental concern of Senators long before us was that Federal tax dollars should never be used for the purpose of lobbying; that we should never restrict the right of the citizen, or the group, or the organization to be an advocate before their Government, but that the Government should not be promoting, by the use of those dollars, their right, or their role, or their activity as an advocacy group, that they could under another category receive Federal dollars and perform services so defined by the grant of, or the use of, the Federal dollar or contract. But they could not use those or turn those dollars for the purpose of advocating what might be a very narrow position and not a majority position or a mainstream position of the American people.

The Senator from Wyoming has, in the last good many months, been a strong and outspoken leader on this issue; I think rightfully so. I think the fact he has brought before the American public that literally billions of dollars are now being used for these purposes—and they should not be—has been well taken. I am pleased that he came forth with the amendment. It helps us clarify the use of these dollars, and I think the American taxpayer will applaud his effort. I thank him for it.

Mr. SIMPSON. I appreciate that indeed. That is a reason. There is another reason, as I have observed it over the past many months. Oftentimes, these groups that obtain Federal funding and support will use that money to then lobby the Federal Government for more Federal support for their members. In other words, whatever the issue is—it may be health care, or whatever it may be—they are using the Federal support to then lobby for more Federal support, to get more money from the Federal Treasury for whatever issue is paramount on their screen. I think that is wrong. I add that.

Mr. LEVIN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. LEVIN. Will the Senator yield for a question?

Mr. SIMPSON. Indeed, I yield to my friend from Michigan.

Mr. LEVIN. As I understand the amendment, as amended by the Senator from Idaho, it would prevent an organization, such as the Disabled American Veterans, that I see on the list here, from receiving any kind of a grant from the Federal Government, if they also want to use even funds that are from a totally unrelated source for lobby; is that correct? In other words, the amendment of the Senator from Wyoming, as amended, is not simply restricting the 501(c)(4) organization, such as the DAV, from both lobbying and receiving a grant. But what the Senator is doing in his amendment, as I understand it, is now telling these organizations that if you get a grant from the Federal Government for one purpose, even though you are using money from a totally different source for lobbying, you may not do both; is that correct?

Mr. SIMPSON. Mr. President, in response to the Senator from Michigan, if I understand the question, what we are saying here is if they get anything from the Federal Government in the form of an award, grant, contract, loan, or any other form, they can file as a 501(c)(3) corporation, nonprofit, or they can stay and continue their work as a 501(c)(4) corporation, but they cannot lobby.

Mr. LEVIN. Now, we have asked the members of the Finance Committee, or the staff of the Finance Committee that are more familiar with (c)(3) and (c)(4) than this Senator—I have not had any dealings with this—I am simply trying to obtain information while we are getting a reaction from committee members and the staff. I believe there was a hearing on this issue, and I think it was in the Judiciary Committee or Finance, in the last few months on this issue.

Mr. SIMPSON. Mr. President, we have had a hearing on the issue of 501(c)(4)'s that receive money from the Federal Government. In this case, it was in the form of grants and awards. We have held a hearing.

Mr. LEVIN. In the Judiciary Committee?

Mr. SIMPSON. In the Finance Committee.

Mr. LEVIN. So we are hoping that the Finance Committee members have some feelings about the Simpson amendment, as amended, and that they would make those feelings known, because this Senator is not able to comment on some of the intricacies—or implications, I should say—of the amendment. I want to be real clear on one thing. If a 501(c)(4) organization—and I see on this list that they include the Disabled American Veterans, International Olympic Committee—if they receive a grant from the Federal Government for some purpose totally unrelated to lobby, they then may not use funds from some different source, other than the Federal Government, to lobby and continue to have their 501(c)(4) status, is that correct?

Mr. SIMPSON. That is correct, Mr. President.

Mr. LEVIN. What all the implications are of that on these organizations, I do not know. I assume that an organization that has a (c)(4) status, which is allowed to lobby, presumably not using Government funds to do so, because I think that would be prohibited under current law; nonetheless, that organization would then have to make a choice, and I presume one of the choices would be to form another (c)(4) organization for the purpose of lobbying—which would be allowed to lobby; put it that way—using sources other than nongovernmental sources. That would always be a choice.

Let me ask my friend from Wyoming, who is much more knowledgeable about this, under current law, can a 501(c)(4) organization use a Federal grant or award for lobbying purposes?

Mr. SIMPSON. Mr. President, a 501(c)(4) corporation cannot, in that sense, use a Federal grant or award for "lobbying" purposes.

Mr. LEVIN. That is under current law, is that correct?

Mr. SIMPSON. Under current law, yes.

Mr. LEVIN. Well, Mr. President, again, I am not as familiar with the implications of this. It would seem to me, however, that if one of these organizations wanted to create two 501(c)(4)'s, they could do so under the Simpson amendment, as amended, and have one organization accept Federal grants for the purposes that the grants are awarded for, and its other (c)(4) organization be in business for whatever the current business is, including permission to lobby, providing it does not use Federal funds for that purpose, as the current law is.

Mr. SIMPSON. Mr. President, I just add that the problem is this: The Government in this situation, then, is subsidizing the activities, the benefits provided by the largest of lobbyists, who have this extraordinary advantage over all other lobbyists. And there are 25 different section (c) corporate tax exempts; there are 25 of them—the (c)(3)'s, which are familiar to most of us, and the (c)(4), (c)(5), (c)(6), and (c)(7), et cetera. It is the subsidization of the activities, the benefits provided, because they have the ability to spend as much as they wish. They have unlimited ability to inject as much money—if I might have the attention of my friend from Michigan, who I have the deepest affection and respect for. If we are really going to do something about big, big lobbyists, then it seems to me that we should direct it at the biggest ones of all, the ones who have unlimited ability to lobby. There is not a single restriction on a 501(c)(4). They can spend themselves into oblivion. I say, let them do that if they are going to raise their money from contributions and dues and the things that supposedly guide an organization's efforts and objectives, but not in grants, and on and on, from the Federal Government. That is the pitch. I am not directing it at any single institution.

In my research, I came across these extraordinary things. There are some organizations listed on here that you and I probably have never heard of, that have millions and millions of dollars involved in lobbying. All we are saying is, Look, lobby to your little old heart's content. You just keep right on doing it. But if you are going to get Government support, then you are going to have to go to 501(c)(3), which is truly charitable, for religious, charitable, veterans, education, compassion, whatever you have to list. Let them do that. Let them go to 501(c)(3).

You mentioned DAV. There is not a single group here listed in the 501(c) that could not qualify as having a charitable purpose and meet every test of a 501(c)(3).

Mr. LEVIN. Mr. President, will the Senator yield?

Would it also not be true an organization such as the DAV could create an additional 501(c)(4) which would have as its purpose whatever the purposes are of the current 501(c)(4), and be allowed to lobby, providing it did not receive Federal grants?

In other words, there is an additional option. It is not just a 501(c)(4). The Senator from Wyoming has opened the option to create another 501(c)(4) which will receive Federal grants, and the original 501(c)(4) could continue to lobby.

That is an additional option which the Senator does not preclude, is that not correct?

Mr. SIMPSON. As I understand the question—I am a bit preoccupied. You might ask it again.

Mr. LEVIN. The Senator does not preclude an opening of an organization such as the DAV, creating an additional 501(c)(4) to receive those Federal grants, providing that additional organization does not engage in lobbying activities?

Mr. SIMPSON. Mr. President, that would be my understanding. If they decided to split into two separate 501(c)(4)'s, they could have one organization which could both receive grants and lobby without limit.

Mr. LEVIN. And the Senator does not in his amendment remove the provision in the current law that exempts 501(c)(4)'s from paying taxes, even if they engaged in lobbying activities, providing, then, they are not eligible for Federal grants or awards?

Mr. SIMPSON. We are not, Mr. President, involved in anything more than the singular amendment, saying that they shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

We are not changing the tax-exempt status in that sense, although there have been many suggestions in both the hearing and on the floor and in discussion as to what to do with these groups. It is felt that this would be the most appropriate and understandable approach.

Mr. LEVIN. Mr. President, I just point out to my dear friend from Wyoming that his amendment leaves open many possibilities to these organizations. His remarks suggest that somehow or another if they are going to engage in lobbying, we will remove the subsidy under this amendment.

In fact, this amendment does not touch their tax-exempt status, if they continue to engage in lobbying. And, in fact, this amendment does not preclude, as the Senator from Wyoming phrased it, the splitting of an organization and the creation of another organization which could do the lobbying effort while organization No. 1 receives the Federal grants.

So offhand I do not see that this precludes 501(c)(4) from a number of options which it currently has, and therefore I am not in a position where I can say that I oppose it, because it seems to me it leaves open many options for 501(c)(4).

Again, I want members of the appropriate committee to take a look at this. I would not be able to accept it at this time. As one Senator, I have no objection to it, but I do want to weigh the views and members of the Finance Committee on this issue.

I yield the floor.

The PRESIDING OFFICER. The Senator from Idaho.

AMENDMENT NO. 1842, AS MODIFIED

Mr. CRAIG. As the maker of the second-degree, let me send a correction of that amendment to the desk. It is a clerical correction.

The PRESIDING OFFICER. The amendment will be so modified.

Mr. LEVIN. Mr. President, I wonder if the clerk would read now the amendment, with the second-degree amendment as modified. I think it is still relatively short, and I think it would clarify things for everybody if we would read the entire amendment, assuming the second degree were adopted as modified.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

Strike all after the word "Sec.", and insert the following:

. EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

Mr. SIMPSON. Mr. President, the insert was in the previous sentence and it is now correct where it appears, appropriately on the second line. That is the intent. It is what I read into the RECORD a moment ago.

Let me just say to my friend from Michigan, ask my friends from Kentucky and Idaho, what we are finding is that there are groups in America who have tax-exempt status who, in effect, really skirt very closely to just truly big business. They are involved in big business.

I hope that maybe my friend would help in making inquiry of the tax-exempt status of some of these organizations—not now, but in the future—because I intend to propose additional reform, especially in this area of unrelated business income tax, called the UBIT legislation, taxing sources, income, royalties, and I plan to look at whether we should tax royalties, tax commercial insurance income. That is tax legislation. That needs to go through finance.

Here, I am dealing only with grants to lobbyists. That is what this is singularly to.

Mr. LEVIN. Mr. President, I know there are a number of Members that have questions about the amendment. Again, I am not able to accept the amendment at this time.

Mr. KYL. Mr. President, unless the Senator from Kentucky has something, I would like to speak to this amendment.

Mr. MCCONNELL. If I may briefly indicate that Senator LEVIN and I have reached an agreement on the underlying bill. It is our hope to offer that amendment and have it voted on at 6 o'clock. I would like to have a chance to explain the compromise well before 6 o'clock, but I have no problem giving up the floor at this point.

Mr. KYL. I plan to take about 3 minutes to speak in favor of this amendment. If the Senator would prefer to speak now, or I can go ahead.

Mr. MCCONNELL. I yield the floor.

Mr. KYL. I, too, hope this amendment can be agreed to. It has been pointed out there are ways around it, and that is certainly a possibility, should the amendment be adopted.

But it seems to me that, if we adopt this amendment, we will have made a statement that we want people to divide their operations if, in fact, that is what they choose to do. They cannot be using the same operation, in effect, for both purposes. It is their right to divide the operation, to do lobbying with one and to have the 501(c)(3) with the other, and that is a possibility. But we would at least be on record as expressing our desire that Federal funds should not be used for lobbying.

That is why I support the amendment, and I want to just express a couple of other reasons why. It has been pointed out that there is a great deal of grant money that has been going to these taxpayer subsidized lobbying organizations, or I should say special interest organizations who also lobby.

Mr. President, at least $39 billion in Federal grant money was distributed to more than 40,000 organizations in 1990 alone, the last year for which I have figures. That is money that Congress supposedly appropriated to help address important national needs.

Some of the organizations are ones that I have had an affiliation with.

The American Bar Association, for example, received $2.2 million in Federal grants between July 1993 and June 1994 for such activities as missing children's assistance; aging programs; justice research; development and evaluation; and child welfare research and demonstration.

The American Association of Retired Persons received about $84.7 million over the same period for the senior environmental employment program and the senior community service employment program.

The AFL-CIO received $2 million. The National Council of Senior Citizens received $71.5 million or about 96 percent of its entire budget from the Federal Government.

The problem, as has been noted, Mr. President, is that once a Federal grant reaches the organizations' bank account, it simply frees up additional dollars for the groups to spend on lobbying activities. Many of the organizations are on Capitol Hill every day, often lobbying for more taxpayer money on one program or another. Congress has not only been filling the trough, but paying these groups to feed there.

AARP, for example, has been lobbying strenuously against Medicare reform. The American Bar Association staged a protest on Flag Day against the proposed constitutional amendment to protect the flag. CARE, another organization that receives Federal funds, has been lobbying against cuts in foreign aid.

That is all fine. It is their right. Each one of those groups is entitled to its views, but none has the right to use taxpayer dollars to underwrite its lobbying activities. The U.S. Supreme Court, in the case of Regan versus Taxation with Representation, ruled unanimously in 1983 that the Federal Government "is not required by the first amendment to subsidize lobbying." The Court went on to say, "we again reject the notion that first amendment rights are somehow not fully realized unless they are subsidized by the State."

Thomas Jefferson said it best 200 years ago: "to compel a man to furnish funds for the propagation of ideas he disbelieves and abhors is sinful and tyrannical."

The amendment directly prohibits any recipient of a Federal grant from spending those grant funds on political advocacy. I think we can all agree that is appropriate. And because money is fungible, it also sets limits on the amount of political advocacy that a grantee can perform with nongrant funds.

This amendment is not about free speech, or the right of any organization to petition the Government. Everyone is free to say what he wants. Every group is entitled to express its views to Government officials. What these groups are not entitled to is a subsidy from taxpayers to do that.

No American should be taxed to advance the political agenda of an organization that he or she may have no wish to support or one that advocates an agenda he strongly opposes. Subsidies for political advocacy are wrong.

There is another issue besides lobbying at stake here. When a group asks for Federal funds to conduct a certain activity—whether it is the YMCA to serve the needs of our Nation's youth, the World Wildlife Fund to protect the environment, or the National Council of Senior Citizens to help older Americans—we should expect that the group puts the funds to the intended use. When dollars are commingled and spent in lobbying, it is the every people we want to help that are hurt most. Every dollar that an organization pays a lobbyist is a dollar that could have been used to help a hungry child, someone who is homeless, or in need.

If an organization would rather lobby the Government than serve the needs of the people, it should be frank about, it, refuse Federal funds, and go on about its business. We can find another organization that will devote the resources toward the intended purpose.

Mr. President, cutting aid to lobbyists should be the easiest cut we make in Federal spending. We should certainly eliminate it before considering any reductions in aid to the people these lobbyists purport to represent—children, the elderly, the needy, and the environment, to name just a few. It is time to cut off Federal funding for political advocacy by select groups.

It's time to let special interests raise their own funds to promote their points of view.

This amendment will do that, if not totally, 100 percent, at least in a way that sends the message that Congress wants to send on this important issue.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I am pleased to indicate that Senator LEVIN and I have reached an agreement on the underlying bill which he will be sending to the desk shortly. We had hoped to have a vote on this Levin-McConnell compromise at 6 o'clock, but there are some problems on this side with regard to getting a vote at 6. But we thought we would go ahead and describe for our colleagues the agreement that has been reached and at the earliest opportunity, it would be the intention of Senator LEVIN and my intention to get a rollcall vote on this compromise.

Let me say first, in the category of the definition of a lobbyist, the original bill by my friend from Michigan required that 10 percent of the time spent lobbying made one a lobbyist for purposes of the legislation. The alternative that I had earlier offered said that you must spend 25 percent of your time in order to meet that threshold. The compromise that we have reached is 20 percent. I think it is a reasonable compromise, and allows us to sign off in the definition of lobbyist section. And the rationale is clear, that to qualify as a lobbyist, the individual is to have to spend more than just a casual amount of time lobbying.

Second, in the area of thresholds which would trigger registration requirements, the original Levin bill said that $2,500 in income received by a lobbying firm or $5,000 spent by an organization which lobbies—$2,500 for a firm; $5,000 for an organization—would trigger the requirements. What the Senator from Michigan and I have agreed to is that, with regard to lobbying firms, $5,000 would trigger coverage; and with regard to organizations, $20,000 in expenditures by an organization which lobbies.

Here again, the rationale is that those who do not have a regular, ongoing presence in Washington should not be required to register. My hope here, which my friend from Michigan has agreed to in this compromise, is to not bring under the bill those folks back home who may come up here occasionally but who are not in any real sense lobbyists.

Third, in the grassroots area, the issue that bogged us down last fall in passing this legislation last year, the original bill of my friend from Michigan contained a reference to grassroots activity. The compromise deletes all references to grassroots activity and no longer makes any suggestion that any grassroots testimony would trigger registration. This bill will not require any reporting or disclosure whatsoever of grassroots activity.

Obviously, the goal here that the Senator from Michigan and I have is not to discourage genuine grassroots activism out in America to convey to us the opinions of those groups on any legislation that we may be considering.

Fourth, in the area of administration and enforcement, Senator LEVIN's original bill created a new Federal agency with the responsibility of enforcement. This bill now will create no new Government agency. The Secretary of the Senate and the Clerk of the House would receive reporting and disclosure forms. I think clearly that is a step in the right direction. I want to thank my friend from Michigan for that compromise. We do not believe creating additional Government agencies is a good idea, particularly in this atmosphere of $5 trillion in cumulative Federal debt.

Finally, with regard to coverage of the executive branch lobbying, the compromise of the Senator from Michigan and myself will cover those contacts within the executive branch but only contacts made by political appointees; that is, schedule C's and above; Presidential appointees which require confirmation by the Senate and schedule C's.

So we have had a very good effort here to reach this agreement. I want to thank my friend from Michigan for his willingness to come together here in a proposal that I think, clearly, Senators on both sides of the aisle ought to feel comfortable in supporting. And it is my hope that at some point, preferably early this evening, we might be able to get a vote on this.

I see my friend from Michigan on his feet. I will be glad to yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, while both the Senator from Maine and the Senator from Kentucky are here, let me first say that the changes that we are going to be sending to the desk are important ones but not as significant as the changes in the original Levin-Cohen bill which we have before us. I am going to try to see if I cannot state what the differences are so that there is no confusion when people come to vote.

For instance, in the bill before us, the so-called Levin-Cohen, et cetera, bill, there is no new agency created. That point which Senator MCCONNELL just made reference to was already addressed in the underlying bill. So there is no change in that regard in terms of the amendment which I will be sending to the desk, which will be called the Levin-McConnell amendment. There was no new agency created in Levin-Cohen. There is no change in that in terms of the so-called Levin-McConnell amendment.

One of the areas of contention here is whether or not the executive branch should be covered. It was the determination of Senator COHEN and me and others that lobbying activities include the executive branch. We have had hearings in our subcommittee relative to the executive branch. We had hearings into Wedtech, for instance, where the executive branch was lobbied heavily by outsiders and contracts were obtained for a company that never should have gotten contracts and which cost the Treasury millions of dollars. That lobbying activity was never disclosed because executive branch lobbying was not covered by the existing law.

Executive branch lobbying is covered in the Levin-Cohen bill. It is going to continue to be covered if the so-called Levin-McConnell amendment to Levin-Cohen is adopted. But what will not be covered, however, will be lobbying activities of employees of the executive branch below the political appointee level. We are not going to get to lower level employee lobbying. We are going to focus on where the lobbying really has an impact, which is at the higher levels of the executive branch, including the schedule C's.

So the key issue, however, is that the principle that we are going to include executive branch lobbying for the first time has been preserved. That principle was embedded in the underlying Levin-Cohen bill. It is retained even if we adopt the so-called Levin-McConnell amendment to Levin-Cohen, but we will just be excluding lobbying activities with certain lower level executive branch employees.

Next, we tried to make clear in Levin-Cohen that there was no intent to cover the lobbying activities of people at the grassroots. The only reference to grassroots in Levin-Cohen was where a registered lobbyist hired somebody else to stimulate grassroots activity. But then those expenses would have to be included in the expenses that would be disclosed by the person who is already required to register. That was the sole reference.

There was objection to even that. It did not tell us much, in any event, because it was not identified as being a separate expenditure to stimulate grassroots lobbying. And we decided to avoid any suggestion, even though there was none, to make sure that none could even be made that there is any coverage of grassroots lobbying. We have removed that provision that would have told us very, very little, in any event, since it would not identify that the expenditure was to stimulate grassroots lobbying, but simply would have included that amount in the total expenditure of somebody who is already required to register.

But again, I think we wanted to make sure that nobody could argue, rightly or wrongly, that we were covering grassroots lobbying. So we have agreed to delete even the inclusion of that expenditure that someone who is already required to register would have had to have included in their disclosure form. So that is a minor change. But it is one that we gladly accepted.

As far as the threshold is concerned, we have retained the threshold for firms that lobby, and at $5,000. That threshold that is in Levin-Cohen is retained at $5,000. The change that has been made is for the small organizations that lobby themselves, not by hiring a firm but that lobby themselves. In Levin-Cohen, the threshold for that was $10,000. In the McConnell substitute, the threshold was $50,000. And the agreement that we have reached is to go from $10,000 to $20,000 for those organizations that lobby themselves. So just for clarification, Levin-Cohen said the threshold was $10,000. MCCONNELL was $50,000, and we have gone to $20,000.

I think that the Senator from Kentucky has covered a number of the other questions. I will not add to that except that I think he has covered this. But in case he has not, we are simplifying disclosure requirements by eliminating the requirement to disclose the specific committees that are contacted, and we are clarifying the requirement to disclose lobbying on specific executive branch actions. We also are making clear that the Clerk of the House and the Secretary of the Senate will handle all administrative tasks, including providing guidance for the public. I think it was our intention that the Clerk of the House and Secretary of the Senate do that. But there apparently was some ambiguity about it. And the Senator from Kentucky and I have agreed that we would make that very clear explicitly in this amendment that we will be sending shortly to the desk to the underlying Levin-Cohen bill.

So I want to thank again my friends from Maine and Kentucky for working on the underlying bill and working for the amendment to that underlying bill. I think we have a very strong lobbying disclosure bill that closes the loophole—no more lawyers' loopholes—which allowed lawyers to be exempted from lobbying disclosure requirements. No more loopholes for those who did not spend all of their time lobbying Members of Congress since just about nobody spends all their time personally lobbying Members personally. They spend a lot of time with staff and a lot of time in preparation.

We have eliminated every loophole we could get our hands on, and it is a strong lobbying bill that has also streamlined and simplified this process. I hope we can keep this bill in its strong form and that it will not be diluted in any way, because, finally, we will be doing what 50 years ago Congress thought they were doing, which is to require that professional lobbyists, persons who were paid to lobby, disclose to the public who is paying them, how much, on what issue. And the important add on to that original intent is that now we are going to cover the executive branch. And that is a critically important addition because so much lobbying activity in this town is both aimed at the executive branch and aimed at Congress urging Members of Congress to weigh in with the executive branch.

One of the difficulties with the original McConnell substitute is that it had language in it which suggested that it was not covering lobbying activities which were aimed at getting us in the Congress to lobby Members for the executive branch.

The underlying Levin-Cohen bill and the Levin-McConnell substitute to Levin-Cohen are absolutely clear that lobbying activities of both the executive branch and of Congress to get us to weigh in with the executive branch are covered lobbying activities.

Again, let me close with thanks to my colleagues on both sides of the aisle. We have had tremendous support here from Senator DASCHLE, and Senator GLENN, as ranking member of Governmental Affairs, has been absolutely steadfast in his support for these reforms, as have so many other of my colleagues on Governmental Affairs. But I particularly want to take off my hat to Senator COHEN who, whether he was the ranking member of the subcommittee we are on or the chairman of that subcommittee, has been constant in his determination that we are going to finally close the loopholes and get paid lobbyists to tell us and tell the public who is paying them how much to lobby Congress and the executive branch and on what issues.

With that, I yield the floor.

Mr. COHEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Maine.

Mr. COHEN. Mr. President, let me take just a moment to thank my colleague from Michigan and also my colleague from Kentucky. I think the substitute language they have agreed to will make an improvement on the underlying amendment we offered to the legislation earlier today. For simplicity's sake, we might call it the Levin-McCohen bill. That would perhaps clarify the fact that Levin-McConnell is amending the Levin-Cohen amendment and perhaps eliminate some of the confusion surrounding that.

The changes which have been agreed upon I think do improve the amendment in the sense that it makes it clearer; that it also will achieve what I believe to be an overwhelmingly bipartisan vote for the measure. It has been a long time in the making.

I take this opportunity to thank Senator LEVIN for his steadfastness in pursuing lobby disclosure reform over the years we have worked together.

I yield the floor.

Mr. MCCONNELL. Mr. President, just for the information of our colleagues, there is now a great likelihood we will be able to have a vote at 6 on the Levin-McConnell compromise, and even though I do not have the unanimous-consent agreement in front of me to read yet, there is an excellent chance we will have a recorded vote very shortly.

Mr. LOTT. Will the Senator yield——

Mr. MCCONNELL. I yield the floor.

Mr. LOTT. Just so that I might comment?

I know there are a number of issues pending out there, a lot of discussion is still underway on the McCain amendment with regard to Ramspeck. I understand they are very close to some agreement on that, so we hope maybe we can dispense with that on a voice vote.

We are continuing to work on both sides on the language in the Brown amendments and hopefully something will be worked out on two of those.

We would like to have a vote—I believe we already have the yeas and nays ordered—on the Craig substitute to the Simpson amendment. So I believe we could have a vote on that at 6 o'clock. And then the agreement on Levin-McConnell. So we would be able to move forward with a recorded vote on two at 6 o'clock, and I believe we can work out several of these other issues on a voice vote. If we find out later we cannot, we can always have a recorded vote on those if negotiations do not work out. So I believe we would be ready to ask for unanimous consent shortly with the idea of getting a vote at 6.

Mr. LEVIN. If the Senator will yield on that question.

Mr. LOTT. I will be happy to yield.

Mr. LEVIN. Mr. President, as I understand it, the yeas and nays have been ordered on the underlying Simpson amendment.

Mr. LOTT. I believe that is the amendment offered by the Senator from Idaho [Mr. CRAIG].

Mr. LEVIN. My understanding was it was on the Simpson amendment, but that does not make any difference. I do not know that the yeas and nays are needed on the second-degree amendment. I think they may be needed, however, on the underlying amendment.

Mr. LOTT. Right. That is what we would hope to get in our unanimous-consent agreement.

Mr. LEVIN. Then I hope this amendment, the Levin-McConnell amendment, the rollcall on that, if necessary, will come immediately following. Is that the intention of the Senator from Mississippi?

Mr. LOTT. I believe that would be appropriate. We could do it either way. But I think in view of the fact——

Mr. LEVIN. May I suggest that the vote on the Levin-McConnell amendment come first, to give people a little more opportunity to focus on what is in the underlying Simpson amendment, and I think we are ready to have a vote on the Levin-McConnell amendment, which, by the way, has not been sent to the desk.

If the Senator will yield further, I wonder if he would permit me now to send the so-called Levin-McConnell amendment to the desk.

Mr. LOTT. Mr. President, I would yield for that purpose so that the Levin-McConnell amendment can be sent to the desk. Just very briefly, I want to emphasize that this once again is evidence of the substantial progress that has been made by the distinguished Senator from Michigan and the distinguished Senator from Kentucky. A lot of details have been worked out. I hope the Members will have an opportunity to take a look at this agreement. I believe it is the basis for concluding this lobby reform legislation very shortly.

AMENDMENT NO. 1843 TO AMENDMENT NO. 1836

The PRESIDING OFFICER. Without objection, the pending amendments are set aside. The clerk will report the amendment submitted by the Senator from Michigan.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. MCCONNELL, proposes an amendment numbered 1843 to amendment No. 1836.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

Strike the text of the amendment and insert the following in lieu thereof:

On page 3, line 20, strike paragraph (E) and redesignate the following paragraphs accordingly.

On page 5, line 9, strike paragraphs (5) and renumber accordingly.

On page 6, line 5, strike "Lobbying activities also include efforts to stimulate grassroots lobbying" and all that follows through the end of the paragraph.

On page 7, line 10, strike line 10 through 21 and insert in lieu thereof "cense); or".

On page 8, line 11, strike "that is widely distributed to the public" and insert "that is distributed and made available to the public".

On page 9, line 11, strike "a written request" and insert "an oral or written request".

On page 13, line 15, strike "1 or more lobbying contacts" and insert "more than one lobbying contact".

On page 13, line 17 and 18, strike "10 percent of the time engaged in the services provided by such individual to that client" and insert "20 percent of the time engaged in the services provided by such individual to that client over a six month period".

On page 16, line 3, strike "30 days" and insert "45 days".

On page 16, line 8, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 16, line 23, strike "$2,500" and insert "$5,000".

On page 17, line 2, strike "$5,000" and insert "$20,000".

On page 17, line 22, strike "shall be in such form as the Director shall prescribe by regulation and".

On page 18, line 10, strike "$5,000" and insert "$10,000".

On page 18, line 14, strike paragraph (B) and insert in lieu thereof the following:

"(B) in whole or in major part plans, supervises, or controls such lobbying activities."

On page 18, line 19, strike "$5,000" and insert "$10,000".

On page 20, line 18, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 20, line 21, strike "30 days" and insert "45 days".

On page 21, line 1, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 21, line 5, strike paragraph (2).

On page 22, line 5, strike "shall be in such form as the Director shall prescribe by regulation and".

On page 22, line 18, strike "regulatory actions" and all that follows through the end of line 20 and insert in lieu thereof "executive branch actions".

On page 22, line 21, strike "and committees".

On page 23, line 20, strike subsection (c) and insert in lieu thereof the following:

"(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

"(1) Estimates of amounts in excess of $10,000 shall be rounded to the nearest $20,000.

"(2) In the event income or expenses do not exceed $10,000, the registrant shall include a statement that income or expenses totaled less than $10,000 for the reporting period.

"(3) A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8)."

On page 24, line 23, strike subsection (d).

On page 25, line 24, strike subsection (e).

On page 31, strike line 1 and all that follows through line 17 on page 47, and insert in lieu thereof the following:

"SEC. 7. DISCLOSURE AND ENFORCEMENT.

"The Secretary of the Senate and the Clerk of the House of Representatives shall—

"(1) provide guidance and assistance on the registration and reporting requirements of this Act and develop common standards, rules, and procedures for compliance with this Act;

"(2) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

"(3) develop filing, coding, and cross-indexing systems to carry out the purpose of this Act, including—

"(A) a publicly available list of all registered lobbyists and their clients; and

"(B) computerized systems designed to minimize the burden of filing and minimize public access to materials filed under this Act;

"(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this Act;

"(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

"(6) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

"(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this Act; and

"(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this Act, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (6).

"SEC. 7. PENALTIES.

"Whoever knowingly fails to—

"(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

"(2) comply with any other provision of this Act; shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than $50,000, depending on the extent and gravity of the violation."

On page 48, line, strike "the Director or".

On page 48, line 9, strike "the Director" and insert "the Secretary of the Senate or the Clerk of the House of Representatives".

On page 54, line 9, strike Section 18 and renumber accordingly.

On page 55, line 23, strike Section 20 and renumber accordingly.

On page 58, line 5, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 59, strike line 3 and all that follows through the end of the bill, and insert in lieu thereof the following:

"SEC. 22. EFFECTIVE DATES.

"(a) Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on January 1, 1996.

"(b) The repeals and amendments made under sections 13, 14, 15, and 16 shall take effect as provided under subsection (a), except that such repeals and amendments—

"(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

"(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments."

Mr. LEVIN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. McCONNELL. Mr. President, I ask unanimous consent that Senator LEVIN be recognized to offer an amendment to the Levin-Cohen amendment No. 1836, and a vote occur on the amendment at 6 p.m. this evening; and that no amendments be in order to the Levin amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I further ask unanimous consent that immediately following the vote on the Levin-McConnell amendment, the Senate proceed to the adoption of the Levin-Cohen amendment, as amended, if amended, without any intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1842, AS FURTHER MODIFIED

Mr. CRAIG. Mr. President, I call up amendment No. 1842 for further modification of the second-degree amendment.

The PRESIDING OFFICER. That will be the pending business.

Mr. CRAIG. I send the modification to the desk and ask that it be so modified.

The PRESIDING OFFICER. The Senator has a right to modify the amendment.

Mr. CRAIG. I thank the President.

Mr. LEVIN addressed the Chair.

Mr. LEVIN. Mr. President, may I suggest the clerk read the amendment now as it is modified again. It is a short amendment and it does make a difference, and if there is a change in it, everybody should hear what that change is. This is an additional modification. I ask that the clerk read this amendment. This is an amendment to the Craig substitute, as I understand.

Mr. CRAIG. If the Senator from Michigan will yield, I changed and added the word "activities" to "lobbying." I think the Senator has made an important point, and I wish the full amendment, as modified, to be read into the RECORD.

The PRESIDING OFFICER. The clerk will read the amendment, as modified.

The assistant legislative clerk read as follows:

Strike all after the word "Sec.", and insert the following:

. EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

Mr. CRAIG. I thank the Senator from Michigan for making that clarifying point. Recognizing that, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, what is the pending business before the Senate?

The PRESIDING OFFICER. The pending business is amendment No. 1843 to amendment No. 1836.

Mr. BROWN. Mr. President, I ask unanimous consent that we temporarily set aside the pending business to go to Brown No. 3 amendment, No. 1841.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1841

Mr. BROWN. Mr. President, this is the amendment that deals with qualified blind trust and provides for reporting of the total cash value of that if, indeed, the trust provides that the beneficiary of the trust is notified under the terms of the trust. My understanding is both sides have reviewed this and do not have objection to it.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. McCONNELL. Mr. President, I am unaware of any objection to the Brown amendment just outlined on this side.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I know of no objections to this amendment on this side. To be clear, this is the so-called Brown amendment No. 3 earlier in the afternoon.

Mr. BROWN. It is.

The PRESIDING OFFICER. Is there further debate on amendment No. 1841? If not, the question is on agreeing to the amendment.

The amendment (No. 1841) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I ask for the yeas and nays on the Levin McConnell amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that the Levin McConnell amendment No. 1843 be considered a substitute for amendment No. 1836.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, this is a technical change. We see no problem with it. There is no objection on this side.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1843

The PRESIDING OFFICER. The question is on agreeing to the amendment, No. 1843, of the Senator from Michigan.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 324 Leg.]

YEAS—98

Abraham
Akaka
Ashcroft
Baucus
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—2

Bennett
Lugar

So the amendment (No. 1843) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the Levin-McConnell amendment, No. 1843, was agreed to.

Mr. McCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCAIN addressed the Chair.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Arizona is recognized.

Mr. FORD. May we have order, Mr. President?

The PRESIDING OFFICER. The Senator will withhold for a moment.

Regular order requires us to vote on the underlying amendment.

VOTE ON AMENDMENT NO. 1836, AS AMENDED

The PRESIDING OFFICER. Under the previous order, the question now occurs on amendment No. 1836, as amended.

The amendment (No. 1836), as amended, was agreed to.

AMENDMENT NO. 1837

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. McCAIN. Mr. President, I call for regular order with regard to the McCain amendment No. 1837.

The PRESIDING OFFICER. The Senator has a right to call for regular order and that is now the pending question.

Mr. LEAHY. Mr. President, the Senate is still not in order.

The PRESIDING OFFICER. The Senate will please come to order. Senators will cease conversation.

The Senator from Arizona.

AMENDMENT NO. 1837, AS MODIFIED

Mr. McCAIN. Mr. President, I have a modification at the desk. I ask unanimous consent the amendment be modified.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendment (No. 1837), as modified, is as follows:

At the appropriate place, insert the following:

SEC. . REPEAL OF THE RAMSPECK ACT.

(a) REPEAL.—Subsection (c) of section 3304 of title 5, United States Code, is repealed.

(b) REDESIGNATION.—Subsection (d) of section 3304 of title 5, United States Code, is redesignated as subsection (c).

(c) EFFECTIVE DATE.—The repeal and amendment made by this section shall take effect 2 years after the date of the enactment of this Act.

Add the following new section:

SEC. 2. EXCEPTED SERVICE AND OTHER EXPERIENCE CONSIDERATIONS FOR COMPETITIVE SERVICE APPOINTMENTS.

(a) IN GENERAL.—Section 3304 of title 5, United States Code (as amended by section 2 of this Act) is further amended by adding at the end thereof the following new subsection:

"(d) The Office of Personnel Management shall promulgate regulations on the manner and extent that experience of an individual in a position other than the competitive service such as the excepted service (as defined under section 2103) in the legislative or judicial branch, or in any private or nonprofit enterprise, may be considered in making appointments to a position in the competitive service (as defined under section 2102)." In promulgating such regulations OPM shall not grant any preference based on the fact of service in the legislative or judicial branch. The regulations shall be consistent with the principles of equitable competition and merit-based appointments.

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 2 years after the date of the enactment of this Act, except the Office of Personnel Management shall—

(1) conduct a study on excepted service considerations for competitive service appointments relating to such amendment; and

(2) take all necessary actions for the regulations described under such amendment to take effect as final regulations on the effective date of this section.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. McCAIN. Mr. President, this has been agreed to by Chairman ROTH and the Governmental Affairs Committee, and with the consent of Senator STEVENS, including language Senator STEVENS added when he reported the legislation out of the Civil Service Subcommittee in May regarding OPM and judicial regulations, to consider the experience of individuals who served in the legislative branch as well as private sector; preference will not be given in these regulations.

I thank Senator ROTH and Senator STEVENS for their assistance on this amendment.

I yield the floor.

The PRESIDING OFFICER. Is there further amendment or further discussion on amendment No. 1837, as modified?

The Senator from Vermont.

Mr. LEAHY. Mr. President, I do not like to ask this question. I realize we are in the Dracula stage of legislation. The Dracula rule appears, over the last several months, where we do not vote during daylight hours but only in the evening. Otherwise, we might be wasting our time with our families, our wives, our husbands, our children, whatever else.

As one who would like to spend some time with his family, I wonder if the leader might be able to give us some idea whether this will be one of those 2 or 3 evenings a month that we are allowed time with our families. I realize the commitment of everybody here to family values. I just ask that question.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. LOTT. Mr. President, a great deal of progress has been made today. That last vote was an indication of how much progress has been made in working out an agreement on this legislation.

There is now an agreement on the McCain amendment. There are other amendments being discussed that we could hopefully reach agreement on. There are some that still may require some recorded votes tonight. The leader has indicated he would like for us to push on and see if we can work out as many amendments as possible and get votes on others and get to final passage on lobby reform tonight.

The reason for that is we do still have to take up, under the unanimous-consent agreement, gift reform later on tonight or tomorrow, without votes on gift reform tonight. We do have the Bosnia resolution pending for consideration tomorrow afternoon, and many other bills that we need to complete before we get to our August recess period.

But the answer to the question of the Senator from Vermont is, we do want to go forward. We think we can complete this legislation at a reasonable hour tonight.

Mr. LEAHY. Mr. President, I appreciate what the Senator from Mississippi has said. I do compliment the Senator from Kentucky and the Senator from Michigan. I know from various phone calls that went back and forth they have done yeomen's service here today in reaching this area of agreement. Obviously, had they not, we could be here much, much longer than we have.

The question I have again, for some of us who have families, is there going to be either a window or shall we tell them to all go to bed and get up at 1 tomorrow morning to see us? I do not mean to question facetiously, but we are falling into this trend of almost Dracula voting—we only vote when the Sun goes down. But some of us do have families and would like to see them.

I ask the question in all seriousness, will there be a window? Will there be time? Shall we make any plans to see our families?

Mr. LOTT. To respond further, it is very difficult to say right now that could be done because we have three or four negotiations going on simultaneously. We may get those worked out shortly, and then there would not be a necessity for votes again in the next hour. But right now, we could not indicate that there will be a window. We want to try to complete this before it is late tonight. That would be the best way so that we all could go home at 8 or 8:30.

Mr. LEAHY. Is there a possibility of setting the votes in the morning?

Mr. LOTT. There is. We would have to check to see where the negotiations are. There is a possibility we could have stacked votes later on tonight, or perhaps even in the morning. Right now the leader wants us to push this forward so we can get an agreement. I believe we can accomplish that.

I yield the floor.

Mr. DOMENICI. Mr. President, will the Senator not leave for a moment? I wonder. Whoever is putting this together, have you considered a sliding scale, sort of a means testing on the gifts?

The PRESIDING OFFICER. If the Senator will withhold, the Senate will be in order.

The Senator from New Mexico.

Mr. DOMENICI. I want to repeat my question. I am sure the distinguished Senator from Mississippi took it far too seriously. Let me repeat it again with a big smile.

Some of us are wondering whether you have considered a sliding scale on the gifts, a means testing for some of us who are in different conditions of finances than others. There are some who are in such great finances that they ought to be willing to have no gifts of any type under any circumstances. Have you ever considered a means testing for gifts?

Mr. LOTT. If I might respond, Mr. President, the gift rule issue will not come up until later on tonight with votes not occurring on that today but tomorrow. Speaking for myself, I think that is a great idea.

[Laughter.]

Mr. DOMENICI. I am going to bring that to a vote.

Thank you very much.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. Is there further debate on amendment 1837, as modified? If there is no further debate on the amendment No. 1837, the question is on agreeing to the amendment.

The amendment (No. 1837), as modified, was agreed to.

Mr. McCONNELL. Mr. President, may we have order? The Senate is still not in order, Mr. President.

The PRESIDING OFFICER. The Senate will be in order. Those participating in conversations will please retire to the cloakrooms. The Senate is not in order.

The Senator from Kentucky is recognized.

Mr. McCONNELL. Mr. President, as the majority whip indicated, we believe we are down to a relatively few amendments. There is an excellent chance of finishing the bill tonight.

Mr. President, I see my friend from Michigan seeking recognition. So I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

VOTE VITIATED ON AMENDMENT NO. 1841

Mr. LEVIN. Mr. President, after consulting with the Presiding Officer, whose amendment I am referring to, I would ask unanimous consent to vitiate the vote on the so-called Brown No. 3 amendment, which was voice voted in the last 20 minutes. There was a problem with it that this Senator was not aware of. I indicated that I had no objection. In fact, there was some objection.

I ask unanimous consent that we vitiate the vote approving Brown 3 with the right of the Senator from Colorado, of course, to offer that amendment at any time.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LEVIN. I thank the Presiding Officer.

Mr. LOTT. Mr. President, can I inquire as to whether or not we reached the point where maybe we could get an agreement to dispose of the Craig-Simpson modified amendment by voice vote? I understood maybe that was now possible. That would rid us of the necessity for another recorded vote. I am told that perhaps the other side is willing to agree to that now. I do have a unanimous consent request, if that is possible.

Mr. LEVIN. I do not know of a request for a rollcall vote on the Simpson amendment on this side. However, I would like all Members to understand that this is a very significant amendment which is going to affect 501(c)(4) organizations and would state that a 501(c)(4) organization, which includes Blue Cross, AARP, Disabled American Veterans, International Olympic Committee, and a whole host of other organizations that currently are allowed, although they have a tax exemption, to lobby, that under the Simpson-Craig amendment, they no longer would be allowed to receive a grant or an award from the Federal Government at the same time that they are allowed to lobby.

I think this creates a whole host of new issues. I am not on the Finance Committee. Unless someone from the Finance Committee wishes to get into this in some detail, I do not know of any indication on this side for a rollcall vote.

Mr. DODD. If the Senator will yield, frankly, this is one Senator who may want a vote. I am uneasy, I say, Mr. President. This raises a question, I say to my colleague. I am very uneasy about this list. I am not sure it is a complete list of 501(c)(4)'s. Some of them may very well be deserving of grants. I do not have any difficulty being lobbied by some of these organizations. It sounds to me like you have a few here that are being targeted for some specific purpose.

I think we ought to think more carefully before we take a rather significant step in deciding that a whole group of very legitimate organizations, that may very well qualify for grants of one kind or another, all of a sudden are being precluded from either doing that or lobbying Members of the U.S. Senate.

I, for one, would prefer to have a rollcall vote on this and have a voice vote, and I do not know frankly what the implications are.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. SIMPSON. Mr. President, if I can draw the attention of my colleagues back to the issue here, we had the debate which was not participated in by everyone. And I understand that. I have been here for several years.

Let me tell you what this is. This is not an attempt to get anybody. The amendment is very clear. I am going to read it.

Here is the amendment with regard to 501(c)(4) corporations. There are a lot of them. This does not have anything to do with 501(c)(3) corporations, charitable corporations, the kind we think of most often. It has nothing to do with universities. It has nothing to do with 501(c)(5) corporations or 501(c)(6) corporations.

Remember, a 501(c)(4) corporation is tax-exempt and has unlimited ability to lobby with unlimited sums of money. They can lobby with $20 or $30 million, if they wish. There is no limitation whatsoever on lobbying activities. That is a 501(c)(4).

The 501(c)(3)'s are limited to a certain amount, a million bucks. You cannot go over that—501(c)(5)'s and (c)(6)'s have limitations. Here is what the amendment says:

> An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

Meaning that if a 501(c)(4) decided that they wanted to continue to lobby and were receiving Federal funds, they could no longer continue to lobby. However, if they wished to continue to receive Federal funds, then they would limit their lobbying activities. They can also go into splits, if they wish to split a 501(c)(4) organization. At least that would be an improvement over present law, which simply says that these groups can lobby. And if you are doing something with lobbying reform, it would seem to me you would want to do something with the one tax-exempt organization that can lobby with unlimited funding and still receive grants from the Federal Government to do so.

Mr. DODD. I apologize for not being here earlier today. Like most Members, I was not here in town for the debate.

I am looking down the list here of some of these numbers. I am told—correct me if I am wrong—there are 140,000 501(c)(4) organizations in the United States.

Now, I am looking at a list of 20 or 30 here. Obviously, it may be a list put together to cause someone like me to raise the issue, but I look at the Fireman's Association, State of New York, Group Health Association—a lot of groups that may very well qualify for grants, and I certainly, as a Member, do not have any objection if they want to come and lobby me in the office for some particular purpose. I do not know why we are singling out that particular group in this particular environment.

Now, to me, to disqualify 140,000 organizations in the United States seems to go a little too far.

Mr. SIMPSON. Mr. President, we are not disqualifying 140,000 organizations of the United States. We are disqualifying those that receive funding from the Federal Government, and very few of these do. Some receive minuscule amounts, most receive none. Here is the Mutual of America Life Insurance Co. with assets of $5.5 billion. I doubt that they receive anything from the Federal Government for lobbying activities.

Mr. DODD. I ask my colleague, what is the point of the amendment then? If none of them is getting grants, why do we need an amendment?

Mr. SIMPSON. The point of the amendment is there are many tax-exempt 501(c)(4) corporations that receive grants, awards, contracts, or loans, or any other form from the Federal Government and use it to lobby the Federal Government for more Federal money for themselves.

Mr. LEVIN. Will the Senator yield on that point? I do not know who has the floor.

The PRESIDING OFFICER. The Senator from Wyoming has the floor.

Mr. LEVIN. Will the Senator from Wyoming yield on that point?

Mr. SIMPSON. Certainly.

Mr. LEVIN. The Senator just said that they could use the grant for lobbying purposes. I think that he misspoke when he said that because there is a law which prohibits the use of appropriated funds for lobbying activities.

What the amendment does is something different, because we already have a ban on using appropriated funds for lobbying.

What the amendment says is that if an organization gets funds from some other source, if a 501(c)(4) gets funds from some other source and uses those other funds to lobby, it may not then get a grant or an award from the Federal Government to do some social function that is within the scope of the grant.

I do not think the Senator from Wyoming is suggesting—at least I hope he is not—that currently a 501(c)(4) can get a grant or an award from the Federal Government and use that money to pay for lobbying.

Mr. SIMPSON. Mr. President, under the present law of the United States, when we are talking about a tax-exempt corporation, we are seeing happening in the country—this is something we have had one hearing on; there will be many more—where the Government is subsidizing the programs and activities of huge lobbying organizations that are engaged in things on the direct edge of UBIT, which is the unrelated business income tax, that are involved in profitmaking activities and that receive a tax-exempt status.

What we are saying is those organizations which lobby without limit—and this is the only one in the whole panoply that lobbies without limit, without any kind of limitation on the amount of money they can spend. So if you are going to do a lobbying reform bill, it would seem to me that you would want to deal with the one subsection (c) corporation that can spend itself into oblivion and even use Federal money in the process of receiving grants, awards, notes, whatever it may be, bonuses, contracts, and we are saying you make a choice here. If you are going to lobby, then you are not going to receive Federal grants. If you want to receive Federal grants, you do not lobby. Take your pick.

Mr. DODD. If my colleague will yield further, I appreciate his point.

Mr. SIMPSON. I will yield to the Senator from Idaho.

Mr. CRAIG. All money is fungible, and if there is not a clear, tight bookkeeping system, as there is in a 501(c)(3), which the IRS says very clearly how much of its assets or what percentage of it it can spend in lobbying up to a universal cap of $1 million, then we went over and created a 501(c)(4) which said you can be tax-exempt and you can have unlimited advocacy.

What we have seen over the years is not only do they have unlimited advocacy, and, yes, there is a rather open bookkeeping system and, yes, there is a prohibition against using Federal dollars, tax dollars for the purpose of lobbying, all of the money moves inside the organization and it is extremely fungible.

We are saying, if you want to retain your 501(c)(4) for lobbying, you can and you should and you are tax-exempt. But if you want to do the grant business, go create something else for that purpose so there is a clear line so the taxpayers of this country can know and know very well that there is not the fungibility that is going on here, not in the hundreds of thousands of those organizations but in a substantial number that have taken advantage of a tax-exempt status. I do not think the Senator and I, in granting that tax-exempt status, want to allow them to take advantage.

Now, we do not want to deny them the opportunity to serve their public and their membership, and they can do that by shifting their status for certain purposes.

Mr. DODD. I thank my colleague. If my colleague will yield further, I will seek time or whatever.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Mr. President, I might inquire of a couple things. One, I am told there are some 140,000 of these organizations. I do not know. And maybe there have been hearings on this by the Finance Committee. This is a pretty significant step we are taking. Could I inquire of my colleague from Wyoming whether or not there have been any hearings on what the implications of this are? I presume it is a Finance Committee matter since it is a 501(c)(4). And what are the tax implications of it? I do not know if that has been done.

Mr. SIMPSON. Mr. President, we did have a hearing in the Finance Committee on these issues of tax exempts, and we will have many more. We did, indeed. The "little guys" that people have been talking about protecting, grassroots and so on, they are going to be well protected because they are, most of them, 501(c)(3).

We are talking about a singular group of maybe 140,000—that is exactly correct—and we are talking about big time, big time lobbying. One group spends $26 million a year on unlimited lobbying and receives grants from the Federal Government. We are saying if you do that, then you are no longer going to receive the grants. You can lobby to oblivion; you can continue to do whatever you wish to do. Or if you wish not to receive grants or receive grants, you take your choice. Or you can split into two 501(c)(4)'s, one lobbying with all sorts of money and dues, it is perfectly appropriate, without limit; or, if you are going to receive Federal funds, you do not lobby. You take your pick.

Mr. DODD. I thank my colleague for his response, Mr. President.

I just say again, I do not hold myself as any expert in this area, but it seems to me we are taking, in my view, I do say with all due respect to my good friend, a rather draconian step; with 140,000 organizations in this country, admittedly, by one of the authors of the amendment, out of the 140,000 we are talking a handful that really stick in the craw of my colleague from Wyoming.

In doing so, my own view is I do not know why we ought to take 139,900 and ask them to pay an awful price here because of what 100 organizations may be doing that is offensive. My view is we are changing a pretty significant piece of tax law when it comes to these organizations. And to step forward and single out 140,000 organizations, most of which are pretty small operators here that have set up under those guidelines, I think goes too far.

Now, clearly, there may be some here that, because of their income status or whatever, maybe we ought to come back with another amendment that deals with some of those in some specific way. But to pick on groups here that literally are tiny—the Henry Ford Health Care Corp., the Higher Education Foundation, they are on the list of organizations here that do not seem to me to be any great threat to anyone.

So, Mr. President, with great respect to the authors of the amendment, I think this just goes too far. I think we are stepping way over a line here. If we are going to change entirely the nature of 501(c)(4) corporations, I think we ought to have some specific hearings, there ought to be specific legislation that comes up and not have an amendment offered on the floor that wipes out 140,000 organizations from what has been up to this very moment a legitimate tax status.

I say to my colleague from Idaho, money is fungible, but the fact of the matter is the law is the law. And you are not allowed to use taxpayer money for lobbying purposes. That is the law. If someone does, they are in violation of the law and there are penalties associated with that.

But to suggest because there is some grant money there that somehow all of that leaches into the rest of this money and ends up being used for lobbying purposes I think, frankly, is to suggest that somehow people are out there violating the law right and left, and I do not see it.

Come back if you want to on this one, but I do not know why you want to take 140,000 organizations and relegate them to a very unique status—all of them in this country—because of the complaints of a few.

Mr. CRAIG. Will the Senator yield?

Mr. DODD. I will be glad to yield.

The PRESIDING OFFICER. The Senator from Connecticut has yielded for a question.

Mr. DODD. Certainly.

Mr. CRAIG. I think it is important to cite here that we are not amending the Tax Code. We are using the Tax Code to identify the group in lobbying, and that clarification is how I read what we are doing. I think it is also fair to say that any 501(c)(4) that chooses not to get a grant and feed at the Federal trough is exempt.

Mr. DODD. May I ask my colleague, for instance, why are we not including 501(c)(6)? Those are trade associations. They are tax exempt. They get Federal contracts and grants and they lobby.

Mr. CRAIG. Because there is an entirely different qualifying mechanism under the IRS Code for them, and they are watched very closely and their audits are held very tightly.

Mr. DODD. Will my colleague not agree they meet all the standards the Senator applies to this amendment?

Mr. CRAIG. Absolutely.

Mr. DODD. They are trade associations. They get grants and they lobby. Why is there any reason to suspect they are going to be any different in terms of their tax dollars——

Mr. CRAIG. The term is unlimited versus the percentages of total revenue base. The IRS Code already established that. 501(c)(4) is an unlimited category.

Mr. LEVIN. Will the Senator from Connecticut yield for a question?

Mr. DODD. I yield to my colleague from Michigan.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut has yielded to the Senator from Michigan for a question.

Mr. LEVIN. It seems to me the Senator from Connecticut is pointing out something which is very significant, which is that the proponents of the amendment are basically using the amendment which will ban a 501(c)(4) organization from doing something it currently does, which is to both lobby with its own funds and to receive a grant for a public purpose somewhere else.

The purpose of this amendment, as I understand it, is an accounting purpose. The argument is made that money is fungible and, therefore, we have to make sure they do not use public funds for lobbying purposes and that we need an accounting mechanism in order to be sure that that is not done.

In 18 United States Code section 1913, it already says that:

> No part of the money appropriated by Congress shall, in the absence of express authorization by Congress, be used directly or indirectly to pay for any personal service, advertisement, telegram, telephone, letter, printed or written matter, or other device intended or designed to influence in any manner a Member of Congress to favor or oppose by vote or otherwise any legislation or appropriation by Congress whether before or after the introduction of any bill or resolution proposing such legislation or appropriation.

So we already have a ban on the use of public funds for lobbying. It seems to me what this comes down to then is to say we are going to change the rules currently lived by 140,000 organizations in order to make sure that the few organizations, relatively, that lobby keep good books.

Mr. DODD. I say to my colleague——

Mr. LEVIN. I am wondering whether the Senator from Connecticut will agree.

Mr. DODD. I agree. It sounds like the "Lawyers and Accountants Relief Act." You hire accountants and lawyers and create two organizations and you have met the standard. I suppose you can get around the law that way. I am not sure that is what we want to be doing necessarily, except that a lot of smaller organizations that do not have the resources are going to have to go out and hire people to do it.

For the life of me, I do not understand the value, particularly when the law is clear when you use those resources.

Mr. LEVIN. My question to the Senator is this: Will the Senator agree that an amendment might be in order that might require 501(c)(4)'s to maintain clear books as to how they use Federal funds for Federal purposes and do not use those funds for lobbying purposes? Will the Senator agree that that kind of an amendment might be appropriate in order to address the fungibility issue of the Senator from Idaho?

Mr. DODD. I say to my colleague from Michigan, that would at least—I understand the heart of the argument in a sense, that the fungibility question is one that people are worried about. I suggest if we are going to do it, we might apply it to the 501(c)(6) organizations as well. That at least addresses a potential problem, although to me that may be solved by means other than through the amendment process.

Nonetheless, that would at least make some sense to me. But to wipe out 140,000 organizations—as I say, I do not hold myself out—I just happened to walk on the floor and heard this amendment was coming up, and it seemed to go too far. I do not have a particular brief; no one talked about it. I looked at the list and said, "Why are we taking 140,000 organizations in this country that are 501(c)(4) organizations and all of a sudden applying a standard that I think goes beyond the pale?" That is all I feel about it. I do not have a particular brief for it. It just seems to go too far for me.

Mr. SIMPSON addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. SIMPSON. Mr. President, I say to my friend from Connecticut, after 16 years of legislating on the floor, I remember one incident distinctly. We went for 5 days of debate—I was managing the bill—and suddenly in the door came one of our colleagues. He happened to be on our side of the aisle and had paid no particular interest in the measure, and suddenly just went for it tooth and fang. I thought, well, that is interesting.

Mr. DODD. Did he win or lose?

Mr. SIMPSON. Oh, he lost.

Mr. DODD. I had a feeling that was the answer.

[Laughter.]

Mr. SIMPSON. Directing my remarks to the Chair, of course, rather than my colleague from Connecticut, let me just say we are not wiping out anybody. We are not in the business of wiping out 501(c)(4)'s, and if you want to go to 501 (c)(6)'s and (c)(5)'s, I am ready to go there, too. But I did not want to bite off too big a chunk because I did not want to get into it with the chamber of commerce and the AFL–CIO.

Mr. DODD. The AFL–CIO is a 501(c)(4).

Mr. SIMPSON. No, they are not.

Mr. DODD. I am told they are——

Mr. SIMPSON. They are a (c)(5); the AFL–CIO is a (c)(5).

Mr. DODD. Right; (c)(5).

Mr. SIMPSON. So is the U.S. Chamber of Commerce.

Mr. DODD. I apologize to my colleague.

Mr. SIMPSON. What we are saying is if anyone gets stung here in this process, they can go become a 501(c)(3) if they are really into big-time charity, doing things that you would like to see charities do. They can be a 501(c)(3). That is a charitable corporation; that is $1 million limiting activity of lobbying. They can give up lobbying or they can go into a separate split-off. They can split into two, a lobbying organization or a grant organization. That is what we are saying.

We are seeing abuses of the system. This is not about tax exemption. This is about lobbying. I thought that is what this is about.

Why in the world should we allow a group to have unlimited ability to spend their members' dues and then use Federal money to offset what they ordinarily would have paid? They would have had to pay for this somewhere but, no, they get it from the Feds. I think that is wrong if you are doing lobbying reform.

Mr. DOMENICI addressed the Chair.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. DOMENICI. Mr. President, I frequently come to the floor on the spur of the moment like my friend from Connecticut—and we see eye to eye—but I think he is wrong on this one. I think the Senator from Wyoming is right.

Frankly, I did not know this was legal. I could not imagine that you would have a tax-exempt corporation—meaning they do not pay any tax on all the money they take in—going out and lobbying the Federal Government, because that is permissive, and then going out and seeking grants from the Federal Government. I could not imagine a situation with more potential for conflict of interest than putting in a corporation that gets all these benefits and can lobby the Federal Government and then saying, "On the other hand, you can go get all the money you can scratch out of these grants"—and do what with it? Spend it for the same entity, the same corporation.

If I were to have had this before me at the beginning when it was passed, I would have voted against it. I think it is an exciting idea that when you are reforming the lobbying laws of the Nation that you give the corporations a clear opportunity. If you want to lobby, you choose another tax-exempt status.

If you want to choose this one, then do not go to the Federal Government against whom you are lobbying to get money. It seems to me pretty clear that the Senator from Wyoming is on the right track. I hope we will vote soon and get rid of this opportunity that we should never have given to these kinds of nonprofit corporations.

I yield the floor.

Mr. McCONNELL. Mr. President, let me say that we are down to six amendments, most of which I think are going to be accepted. There is an excellent chance of finishing this bill very soon. I do not want to interrupt the debate going on. But we can get through here pretty quickly if we will have the cooperation of Senators.

I yield the floor.

Mr. LOTT. Mr. President, I know that some Members are waiting to see if we are going to have a vote momentarily, or whether we are going to do this on a voice vote or not. I believe that the yeas and nays have already been ordered on the underlying Simpson amendment.

So I believe we are ready to go to a vote. Does the Senator want to dispose of this on a voice vote?

Mr. DODD. I would like a recorded vote. Has there been a request for a recorded vote?

The PRESIDING OFFICER. The yeas and nays have been ordered on the underlying amendment. There is a second-degree amendment that the yeas and nays have not been ordered on.

Mr. DODD. Which is the second-degree amendment?

Mr. LOTT. Let me see if I can clarify a request here.

I ask unanimous consent that the Senate proceed to vote on or in relation to the Craig amendment, as further modified, that no amendments be in order to the Craig amendment No. 1843, and that following the disposition of the Craig amendment, the Senate proceed to the adoption of the Simpson amendment No. 1839, as amended, if amended.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. LOTT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. DORGAN. Mr. President, let me inquire further of the Senator from Mississippi as to what he expects for a schedule tonight. Some of us would like to know, if we have a recorded vote now, when will we have the next recorded vote?

Mr. LOTT. Mr. President, we are down to half a dozen amendments. We believe we can work out agreements on some of those. Some we believe we can voice vote. We think we are down to maybe a couple more votes tonight, and we would like to go ahead and move toward getting a conclusion on those amendments.

Mr. DORGAN. Mr. President, I would observe that much of the day was spent in quorum calls and now, as we reach the dinner hour, we seem to be more interested in debate.

Mr. LOTT. Let me respond to the Senator, if I could. Let us go ahead and go to this recorded vote, and during that vote we will see if we can get a further clarification on exactly when the final votes would occur. We will work on that and tell the Members after this vote.

Mr. DORGAN. That is fine with me. I hope that the majority will consider rolling votes tomorrow morning. I hope he will consider doing this on a routine basis. If we have a couple more votes, rather than people coming back at 9 or 10 p.m. to cast votes, why not stack them for the first thing in the morning?

Mr. LOTT. We will have to check with the majority leader on that. The important thing is that we need to finish lobby reform, so that we can go to gift reform first thing in the morning. Perhaps we can work something out along the lines of what he is suggesting.

I ask unanimous consent that the yeas and nays be vitiated on the underlying Simpson amendment No. 1839.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I believe we are ready to vote.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1842, as further modified.

The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 59, nays 39, as follows:

[Rollcall Vote No. 325 Leg.]

YEAS—59

Abraham
Ashcroft
Baucus
Bond
Breaux
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Feinstein
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hollings
Hutchison
Inhofe
Johnston
Kassebaum
Kempthorne
Kerrey
Kerry
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Reid
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—39

Akaka
Biden
Bingaman
Boxer
Bradley
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Dorgan
Exon
Feingold
Ford
Glenn
Graham
Harkin
Heflin
Inouye
Jeffords
Kennedy
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—2

Bennett
Lugar

So the amendment (No. 1842), as further modified, was agreed to.

The PRESIDING OFFICER. The question is on the underlying amendment, as amended.

Mr. EXON. Mr. President, may we have order, please?

Mr. McCONNELL. I move to reconsider the vote.

The PRESIDING OFFICER. The Senate will be in order.

The motion to reconsider the previous vote has been made.

Mr. KERRY. I move to lay that motion on the table.

The PRESIDING OFFICER. There is a motion to lay it on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Nebraska.

AMENDMENT NO. 1839, AS AMENDED

Mr. EXON. Mr. President, what is the matter currently before the Senate?

The PRESIDING OFFICER. Amendment No. 1839, as amended.

Mr. EXON. Further debate has been ordered, then, before we proceed to consider the matter for final approval, is that right?

The PRESIDING OFFICER. Under the previous order, it provided for an immediate vote upon the disposition of the second-degree amendment.

Mr. EXON. There was a unanimous-consent agreement to that effect?

The PRESIDING OFFICER. That is correct.

The question is on the underlying first-degree amendment, as amended.

Mr. EXON. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? This is the same amendment as just voted on. Is there a sufficient second?

Mr. EXON. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. EXON. I know that.

The PRESIDING OFFICER. There is not sufficient second.

Mr. LOTT. Parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for a parliamentary inquiry.

Mr. LOTT. There was a good deal of discussion when the Senator from Nebraska was making his motion. Is he asking for a recorded vote on the Simpson amendment?

Mr. FORD. As amended.

The PRESIDING OFFICER. That is the Chair's understanding.

Mr. LOTT. I thought we had vitiated that in an earlier unanimous-consent request?

The PRESIDING OFFICER. That is correct.

Mr. LOTT. So that has been disposed of.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. May I make further inquiry of the Chair?

If I understand what the situation is at the present time, there was a unanimous consent agreement earlier, after we had voted on the second-degree amendment, that the underlying amendment offered by the Senator from Wyoming would then be approved on a voice vote? Was that the unanimous-consent agreement?

The PRESIDING OFFICER. It would be voted on immediately following.

Mr. EXON. Immediately following.

I have asked for a rollcall vote. I did not receive a sufficient second? Is that the ruling of the Chair?

The PRESIDING OFFICER. That is correct.

Mr. EXON. I make one further request for a rollcall vote on the Simpson amendment.

The PRESIDING OFFICER. The yeas and nays are requested. Is there a sufficient second?

Mr. LOTT. Mr. President, I observe the absence of a quorum.

Mr. FORD. Regular order.

The PRESIDING OFFICER. The regular order is for the Chair to determine.

Mr. LOTT. Mr. President, again, parliamentary inquiry, I think we need to try to understand exactly where we are and what we are trying to accomplish here.

I believe, in framing my parliamentary inquiry, the amendment now before us is identical to the language we just voted on. And, therefore, this would be a second recorded vote on the same issue we just voted on now, under the Craig amendment?

The PRESIDING OFFICER. The Senator from Mississippi is correct.

The yeas and nays have been requested.

Mr. LOTT. Mr. President, just one further parliamentary inquiry. We were to the point, if we were able to complete that vote and dispose of it, hopefully, to enter a unanimous-consent agreement that would allow us to complete action tonight and perhaps have final passage on this issue, a final vote in the morning at 9 o'clock.

So I was in hopes that we could complete this final vote that we just had and move on to the unanimous consent agreement without additional recorded votes tonight. I just wanted to make that point before we proceed further.

The PRESIDING OFFICER. The yeas and nays have been requested.

Is there a sufficient second?

Mr. BUMPERS. Mr. President, parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for a parliamentary inquiry.

Mr. BUMPERS. Mr. President, parliamentary inquiry. Did I understand just now that the order is that since this rollcall vote has been requested by the Senator from Nebraska, we vote on that and that the only pending business left before final will be voted on at 9 o'clock in the morning? Is that correct?

Mr. LOTT. Mr. President, if I might respond to the Senator from Arkansas, no. It was our hope that we could then enter into a unanimous-consent agreement that would, if we get all the details agreed to, say that any further recorded votes would occur in the morning at 9 o'clock on any amendments thereto and final passage if any amendments are requested for recorded vote.

Mr. BUMPERS. Mr. President, I just ask the distinguished assistant majority leader if he can tell us how many amendments we are working on. What is the potential for more votes?

Mr. LOTT. Mr. President, if I might respond, there are about three amendments that are still pending. We think maybe a recorded vote would be necessary on one of those amendments. But we need to work through the unanimous-consent agreement first.

Mr. LAUTENBERG. Will the Senator from Mississippi yield for a question? Can we identify those amendments?

Mr. LOTT. They have been identified. We have discussed those with the distinguished Democratic leader and with the managers of the bill.

Mr. LAUTENBERG. I would like to know who the author is and what the nature of these amendments are before agreeing to closing out the amendment tree and leaving only final passage to be considered.

Mr. LOTT. That would be the hope of the managers of the bill as soon as we move to that. In fact, I think we are ready to go to the unanimous-consent request here momentarily.

The PRESIDING OFFICER (Mr. GRAMS). The yeas and nays have been requested. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wyoming. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] and the Senator from Indiana [Mr. LUGAR] are necessarily absent.

Mr. FORD. I announce that the Senator from North Dakota [Mr. DORGAN] and the Senator from Louisiana [Mr. JOHNSTON] are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desired to vote?

The result was announced—yeas 59, nays 37, as follows:

[Rollcall Vote No. 326 Leg.]

YEAS—59

Abraham
Ashcroft
Baucus
Bond
Breaux
Brown
Burns
Campbell
Chafee
Coats
Cochran
Cohen
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Feinstein
Frist
Gorton
Gramm
Grams
Grassley
Gregg
Hatch
Hatfield
Helms
Hollings
Hutchison
Inhofe
Jeffords
Kassebaum
Kempthorne
Kerrey
Kerry
Kyl
Lott
Mack
McCain
McConnell
Murkowski
Nickles
Packwood
Pressler
Reid
Roth
Santorum
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—37

Akaka
Biden
Bingaman
Boxer
Bradley
Bryan
Bumpers
Byrd
Conrad
Daschle
Dodd
Exon
Feingold
Ford
Glenn
Graham
Harkin
Heflin
Inouye
Kennedy
Kohl
Lautenberg
Leahy
Levin
Lieberman
Mikulski
Moseley-Braun
Moynihan
Murray
Nunn
Pell
Pryor
Robb
Rockefeller
Sarbanes
Simon
Wellstone

NOT VOTING—4

Bennett
Dorgan
Johnston
Lugar

So, the amendment (No. 1839), as amended, was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FORD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1838, AS MODIFIED

Mr. FORD. Mr. President, the distinguished Senator from Colorado [Mr. BROWN] and I have been working on amendment No. 1838. We now have arrived at an agreement.

I ask unanimous consent to modify amendment No. 1838.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place in the bill, insert the following:

SEC. . DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) INCOME.—Section 102(a)(1)(B) of the Ethics in Government Act of 1978 is amended—

(1) in clause (vii) by striking "or"; and

(2) by striking clause (viii) and inserting the following:

"(viii) greater than $1,000,000 but not more than $5,000,000, or

"(ix) greater than $5,000,000;

"(x) greater than $1,000,000."

(b) ASSETS AND LIABILITIES.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended—

(1) in subparagraph (F) by striking "and"; and

(2) by striking subparagraph (G) and inserting the following:

"(G) greater than $1,000,000 but not more than $5,000,000;

"(H) greater than $5,000,000 but not more than $25,000,000;

"(I) greater than $25,000,000 but not more than $50,000,000; and

"(J) greater than $50,000,000;

"(K) greater than $1,000,000."

(C) EXCEPTION.—Section 102(e)(1) of the Ethics in Government Act of 1978 is amended by inserting after 102(e)(1)(E) the following:

"(F) For purposes of this section, categories with amounts or values greater than $1,000,000 shall apply to spouses and dependent children only if the income, asset or liability is held jointly with the reporting individual; all other income and/or liabilities of a spouse or dependent children greater than $1,000,000 shall be categorized as greater than $1,000,000."

Mr. FORD. I thank the Chair.

Mr. McCONNELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Kentucky.

UNANIMOUS-CONSENT AGREEMENT

Mr. McCONNELL. Mr. President, I ask unanimous consent that section 6 be stricken from S. 1060, and when the Senate considers S. 1061, section 6 be inserted at the appropriate place.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1838, AS MODIFIED

Mr. BROWN. Mr. President, with the assistance of the distinguished Senator from Kentucky, I believe amendment No. 1838 is modified in a way that meets the approval of Members. To refresh Members' memories, this amendment deals solely with reporting categories, not the more controversial areas of residence or the area of blind trust. This amendment deals solely with reporting categories. The modification makes it clear that it does not apply the new categories to the assets, income or liabilities of dependents or spouses, but only to those of the reporting individuals.

Mr. President, I believe the amendment is at a point where both sides have agreed to it.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1838), as modified, was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1840 WITHDRAWN

Mr. BROWN. Mr. President, my second amendment is amendment No. 1840. It deals with reporting of residences.

Mr. President, I have had the opportunity in the last several hours to hear from, I believe, close to a majority of my colleagues. It is quite clear from those who have spoken to me that there is not support in the Chamber for this amendment.

While I continue to believe that assets of this kind that exceed $1 million should be reported, it is quite clear—or so it appears—that we do not have the votes for this.

Therefore, I withdraw amendment No. 1840.

The PRESIDING OFFICER (Mr. DEWINE). The amendment is withdrawn.

So the amendment (No. 1840) was withdrawn.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, the pending amendment will be set aside.

AMENDMENT NO. 1844

Mr. McCONNELL. Mr. President, I send an amendment to the desk on behalf of Mr. DOLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. DOLE, proposes an amendment numbered 1844.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in the bill, insert the following:

AMENDMENT TO THE FOREIGN AGENTS REGISTRATION ACT (P.L. 75–583)

Strike section 11 of the Foreign Agents Registration Act of 1938, as amended, and insert in lieu thereof the following:

SEC. 11. REPORTS TO THE CONGRESS.

The Attorney General shall every six months report to the Congress concerning administration of this Act, including registrations filed pursuant to the Act, and the nature, sources and content of political propaganda disseminated and distributed.

Mr. McCONNELL. Mr. President, it is my understanding that this amendment has been cleared on both sides.

Mr. LEVIN. We have no objection to the amendment.

The PRESIDING OFFICER. If there is no further debate, the question is on agreeing to the amendment.

The amendment (No. 1844) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the pending amendment be temporarily set aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1845

(Purpose: To amend section 207 of title 18, United States Code, to prohibit any person serving as the U.S. Trade Representative and the Deputy U.S. Trade Representative from representing or advising a foreign entity at any time after termination of that person's service and to disqualify such a person from serving as a U.S. Trade Representative and the Deputy U.S. Trade Representative)

Mr. McCONNELL. Mr. President, I send an amendment to the desk on behalf of Mr. DOLE and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. McCONNELL], for Mr. DOLE, proposes an amendment numbered 1845.

Mr. McCONNELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. . BAN ON TRADE REPRESENTATIVE REPRESENTING OR ADVISING FOREIGN ENTITIES.

(a) REPRESENTING AFTER SERVICE.—Section 207(f)(2) of title 18, United States Code, is amended by—

(1) inserting "or Deputy United States Trade Representative" after "is the United States Trade Representative"; and

(2) striking "within 3 years" and inserting "at any time".

"(b) LIMITATION ON APPOINTMENT AS UNITED STATES TRADE REPRESENTATIVE AND DEPUTY UNITED STATES TRADE REPRESENTATIVE.—Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended by adding at the end following new paragraph:

"(3) LIMITATION ON APPOINTMENTS.—A person who has directly represented, aided, or advised a foreign entity (as defined by section 207(f)(3) of title 18, United States Code) in any trade negotiation, or trade dispute, with the United States may not be appointed as United States Trade Representative or as a Deputy United States Trade Representative.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an individual appointed as United States Trade Representative or as a Deputy United States Trade Representative on or after the date of enactment of this Act.

Mr. McCONNELL. Mr. President, this is the Dole amendment related to the U.S. Trade Representative.

Mr. LEVIN. Mr. President, I understand that this amendment has been modified. It is no longer retroactive; it is prospective only, is that correct?

Mr. McCONNELL. That is correct.

Mr. LEVIN. With that modification, I have no objection. I think it might be wise to state, perhaps, what that amendment does provide, because it does make a change in terms of the USTR, who can be appointed to USTR. I think it would be wise, because it makes a change in the revolving door law, that this be stated, albeit briefly.

Mr. McCONNELL. Mr. President, the first provision says that no one shall be appointed to the important post of U.S. Trade Representative, or a Deputy U.S. Trade Representative, if that person had in the past directly represented a foreign government at a trade dispute or negotiation with the United States.

The second provision says that nobody who served as U.S. Trade Representative, or Deputy U.S. Trade Representative, may, after his or her employment has ended, represent, aid, or advise any foreign government, foreign political party, or foreign business entity with the intent to influence a decision of any officer or employee of any executive agency.

I do not know whether the Senator from Michigan would like me to go on. I think that basically explains the amendment.

Mr. DOLE. Mr. President, this amendment has two provisions:

The first provision says that no one shall be appointed to the important posts of U.S. Trade Representative or Deputy U.S. Trade Representative if that person had, in the past, directly represented a foreign government in a trade dispute or negotiation with the United States.

The second provision says that no one who has served as U.S. Trade Representative or Deputy U.S. Trade Representative may, after his or her employment has ended, represent, aid, or advise any foreign government, foreign political party, or foreign business entity with the intent to influence a decision of any officer or employee of any executive agency; 18 U.S.C. section 207(f)(2) currently prohibits the U.S. Trade Representative from aiding and advising a foreign entity for a period of 3 years after his service has ended. My amendment transforms this 3-year ban into a lifetime ban and applies the ban to the Deputy Trade Representative as well.

Of course, there are many fine men and women who have served America as our trade representatives. My amendment should not be misconstrued as an effort to impugn their integrity in any way whatsoever.

The real problem here is one of appearance—the appearance of a revolving door between Government service and private-sector enrichment. This appearance problem becomes all the more acute when former high Government officials work on behalf of foreign interests.

That is why my amendment insists that if you have represented the United States as one of its most senior trade officials in sensitive trade negotiations, you should not now—not 3 years from now, not ever—represent a foreign government or foreign business before the Government of the United States.

Service as a high Government officials is a privilege, not a right. This amendment may discourage some individuals from accepting the U.S.T.R.

job, but in may view, this is a small price to pay when the confidence of the American people is at stake.

The PRESIDING OFFICER. Is there further debate?

If not, without objection, the amendment is agreed to.

So the amendment (No. 1845) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 1841

Mr. BROWN. Mr. President, I believe my amendment No. 1841 is the pending business?

The PRESIDING OFFICER. The Senator is correct.

Mr. BROWN. Mr. President, it is my understanding that there is disagreement by Members on this amendment.

To refresh the memory of others, this is the amendment that would allow for the total assets of a trust to be reported on the disclosure form, in the event that the Member is advised under the trust instrument of what the total cash value of those assets are. Right now, Members do report income from their blind trust. They do not, however, report the total cash value of that blind trust, even though our form of a qualified blind trust does report that to the Member.

So this amendment removes a loophole. It would provide for reporting of the total cash value. That clearly does not include the underlying assets, but it includes the total cash value of all the assets, only in the case that the trust instrument provides for that to be reported to the individual.

Mr. President, there is disagreement on this. I, therefore, ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, I have discussed this amendment with the distinguished Senator from Colorado, and I have expressed some reservation about it, because what we are doing here is really amending the structure of the blind trust—understanding that it has been in existence here—that permits Members to disassociate the management of assets from their activities here and thereby not involving any opportunity for conflict. It serves a purpose. It has been on the books for some time now as part of the responsibilities of disclosure of Senators.

Frankly, I think this is a rather back-door attempt to place this now in front of the public without full consideration. I think there ought to have been hearings about this to see what the Finance Committee or the Judiciary Committee has to say about the value of this instrument as an opportunity to serve, without having to look back over one's shoulder, about whether or not they are making a decision that may in fact present a conflict.

I heard very clearly what the Senator said. All this does is talk about the value. Well, right now, that value may or may not be known but, likely, in an accountant's report, it is to be known for the value of doing one's estate planning, financial planning, children, other beneficiaries, in terms of where one would like to see the assets perhaps testamentally go. But now what we are saying is, OK, whether you obtain your assets through inheritance, hard work under the opportunities afforded in our country, the accumulation of assets now begins to look like it is somehow or other a stigma on one's ability.

What we are going to do is continue to denigrate the interest in serving by exposing families to public review, by encouraging those who seek to gain other people's assets, by either criminal or illegal means—and that is the purpose of having some protection.

I assume that the Senator says that "OK, what we ought to do is make sure that anybody who has acquired assets, no matter how hard they worked for it, no matter how ingenious they have been in creating it, they ought to present it willy-nilly out there for public scrutiny."

We now, Mr. President, have categories of assets. I understand that one of those, if I am correct, and I ask the Chair to be sure that what I am saying is accurate, one of those has just been modified so that we now have new levels of reporting assets that we did not have before.

Is that true, Mr. President?

The PRESIDING OFFICER. The Chair cannot comment on the substance of the amendment.

Mr. BROWN. Mr. President, will the Senator yield?

Mr. LAUTENBERG. I yield to the Senator.

Mr. BROWN. The Senator is correct, the amendment just accepted adds categories to the existing law, which stops at greater than $1 million. The additional categories apply only to a Member's personal or joint assets.

Mr. LAUTENBERG. Mr. President, I suggest that the Senator further modify it to say, "Let's put your checkbook on the table, put your bank account out there so the public can see," and see what your bill paying process has been to make sure that the assets you choose to acquire are subject to public scrutiny.

This is a subterfuge of some kind. I cannot quite figure it out. Obviously, it is designed to either embarrass or stigmatize that which has been a legitimate practice here, and that is to say there are categories of assets that indicate in general terms what it is that these assets represent.

Now we are getting down to the nitty-gritty and perhaps we will eventually ask for weekly income or such things. The Senate has accepted it, Mr. President. I am sorry to see that we are, as we discuss lobbying reform, now into this kind of amendment.

I wish it had been offered. I might very well support it. I object to it as I hear it, because I have not had a chance to see it examined fully, to see whether it is an appropriate process, one that we adopted some time ago, and have been following fairly scrupulously.

Mr. President, I hope that this amendment will be defeated so it can be deferred and discussed at length in the appropriate committees, as opposed to tacking this on to the lobbying reform bill.

I also have an amendment, Mr. President, which I believe is listed in the category of amendments to be considered. I yield the floor.

Mr. BROWN. Mr. President, the measure before the Senate does not change the underlying statute. Under the statute, a beneficiary can receive certain information. In subparagraph 5:

> Interested parties shall not receive any report on the holding and sources of income of the trust except a report at the end of each calendar quarter with respect to the total cash value of each of the interested parties in trust, or the net income or loss of the trust or any reports necessary to enable interested parties to complete individual tax returns.

It goes on. My amendment does not change what makes up a blind trust. What it does do is close a loophole. In the past, Members with a qualified blind trust received a report on their income and reported that income.

But Members who have a qualified blind trust and receive a report on the total cash value do not have to report the total cash value.

My amendment does not change the qualified blind trust, but it does change what we report. It provides for the closing of the loophole. It does not require the disclosure of the individual assets in the blind trust. Obviously, those are not supposed to be disclosed to the people involved. It does however, require the disclosure of what is reported to the beneficiaries; that is, their total cash value. This has been on the books for some time.

Let me deal with another aspect. In my view, my amendment in no way is meant to cast a stigma about the abilities of anyone associated with the blind trust. I think people who work hard and save the money have a right to be proud of that. It is an achievement. It is not something that casts any stigma on them. This amendment is not offered in that light. It is offered in a belief that disclosure should be consistent and there should not be loopholes to shelter very large assets, and full disclosure for those with lesser assets.

The fact that you can afford an independent trustee should not be used as a measure for exempting you from disclosure. Disclosure ought to be applied both to those who cannot afford an independent trustee and those who can afford an independent trustee. I yield the floor.

Mr. LEVIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1841

Mr. BROWN. Mr. President, I understand the leaders have reached an agreement on the Brown amendment, 1841. I ask unanimous consent to withdraw my request for a record vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

If there be no further debate, the question is on agreeing to the amendment.

The amendment (No. 1841) was agreed to.

Mr. McCONNELL. Mr. President, I move to reconsider the vote.

Mr. LEVIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kentucky.

AMENDMENT NO. 1845

Mr. McCONNELL. Mr. President, I ask unanimous consent that Senator MCCAIN be added as a cosponsor of the Dole U.S. Trade Representative amendment approved earlier tonight.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Mr. President, we will have a unanimous-consent agreement shortly. It is being typed. So, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McCONNELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. McCONNELL. Mr. President, I ask unanimous consent that at 11 a.m. on Tuesday the Senate resume consideration of S. 1060, and at that time Senator LAUTENBERG be recognized to offer a relevant amendment; further, that the amendment be limited to a 60-minute time limitation to be equally divided in the usual form, and that there be no second-degree amendments in order to amendment.

I further ask that the only other amendment in order to S. 1060 be a managers' amendment to be offered following the disposition of the Lautenberg amendment; that it be considered under a 5-minute time limitation equally divided in the usual form; and, that immediately following the disposition of the managers' amendment S. 1060 be advanced to third reading and final passage occur all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. McCONNELL. Finally, I ask unanimous consent that the Senate turn to the consideration of S. 1061 at 9 a.m. on Tuesday, July 25 for the purpose of debate only.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, we are not quite ready to do the closing comments. But I would like to announce to the Members who might be watching or waiting that, since we have been able to reach the unanimous-consent agreement, there will be no further votes tonight. We will begin the session at 9 a.m. in the morning on the gift reform issue. And the votes will occur beginning at 12 o'clock. But there will be no further votes tonight.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. LOTT. Mr. President, I ask unanimous consent that there be a period for morning business now wherein Members can speak not to exceed 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANNOUNCEMENT OF POSITION ON VOTES

Mr. FAIRCLOTH. Mr. President, I was necessarily absent on the evening of July 20, 1995. Had I been present, I would have voted "yea" on rollcall vote No. 317, an amendment offered by the Senator from Texas [Mr. GRAMM] regarding the elimination of set-asides in the Federal procurement process.

I was also necessarily absent on July 21, 1995. Had I been present I would have voted as follows: "yea" on rollcall vote No. 319, "yea" on rollcall vote No. 320, "yea" on rollcall vote No. 321, "yea" on rollcall vote No. 322, and "yea" on rollcall vote No. 323.

RELOCATION OF THE "PORTRAIT MONUMENT"

Mr. STEVENS. Mr. President, last week, with the help of the distinguished majority leader BOB DOLE, the Senate in record time passed an important joint resolution. The measure calls for a statue honoring the leaders of the Women's Suffrage Movement to be removed from the crypt and put in a place of honor in the Capitol rotunda.

The House must now act on this resolution. But when it is approved, this Congress will have succeeded where three others did not.

In 1928, 1932, and 1950 resolutions were introduced to move the statue of Lucretia Mott, Elizabeth Cady Stanton, and Susan B. Anthony from the crypt.

These resolutions went nowhere. But with Senator DOLE's help, we were able to quickly clear a space on the calendar for this resolution to be passed.

Timing is critical because we want to move the statue before the 75th anniversary of the ratification of the 19th amendment to the Constitution. That occurs on August 26, and several groups have planned ceremonies to mark the date when women earned the right to vote—and thereby gained full citizenship in our Republic.

I believe the elevation of that statue is long overdue and was pleased that so many of my colleagues gave their support. The rotunda is filled with monuments to the achievements of men in American history. It is only fitting that the accomplishments of these women will also be memorialized in a place of honor. Their efforts changed the history of the United States—and the world by making Democracy "saleable" to every person.

Mr. President, last week the 75th anniversary of Woman Suffrage task force held a press conference and discussed our resolution. At that meeting, Joan Meacham and Dr. Caroline Sparks—leaders in the effort to move the statue—eloquently traced the history of the monument and what its elevation would mean to American women. I ask that their statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

REMARKS, JOAN-FAYE MEACHAM, PRESIDENT OF THE 75TH ANNIVERSARY OF WOMAN SUFFRAGE TASK FORCE

Press Conference to Announce Senate Passage of Resolution to Move the Suffrage

Statue from the Crypt of the Capitol to the Rotunda, Sewall-Belmont House, July 19, 1995.

Good Morning, my name is Joan Faye Meacham. I am the President of the 75th Anniversary of Woman Suffrage Task Force. On behalf of the Task Force and the National Woman's Party, I welcome Senator Ted Stevens of Alaska and members of his staff, distinguished members of Congress, members of the Task Force's Honorary Leadership Committee, representative of participating women's organizations, and members of the press.

We are happy to be here at the historic Sewall-Belmont House to announce that on July 17, 1995 the U.S. Senate unanimously passed a resolution to move the suffrage statue from the Crypt of the U.S. Capitol to the Rotunda.

In 1848, a simple statement was included in the "Declaration of Sentiments" presented in Seneca Falls, New York at the Convention that launched the modern women's rights movement.

"Resolved. That it is the duty of the women of this country to secure to themselves their sacred right to the elective franchise."

The three women, Lucreita Mott, Elizabeth Cady Stanton and Susan B. Anthony, that we honor in the Suffrage Monument, devoted their entire adult lives to this duty to achieve the vote that we enjoy today.

As you know, August 26th is the 75th Anniversary of the success of their efforts. The 75th Anniversary Task Force is celebrating the achievements of these women and thousands of others who worked and sacrificed for suffrage by announcing four days of activities in our nation's capital from August 24th to August 27th 1995. One of our primary goals for this anniversary is to honor our suffrage leaders by moving their monument to a place of prominence in the Rotunda of the U.S. Capitol. The Senate's passage of the resolution to move the statue brings us closer to our long awaited goal.

Here to tell you more about the meaning of the statue and the effort to move, is Caroline Sparks, Chair of the 75th Anniversary Women's Rights March who, with Barbara Irvine, the President of the Alice Paul Centennial Foundation, was the founder and Co-Chair of the "Move the Statues" Campaign. Dr. Sparks, an activist for the women's rights for 25 years, has tirelessly worked to bring the story of the statue to public attention. It is with pride and appreciation that I introduce Dr. Sparks.

REMARKS BY CAROLINE H. SPARKS, PH.D., CHAIR OF THE 75TH ANNIVERSARY WOMEN'S RIGHTS FESTIVAL AND MARCH AND CO-CHAIR OF THE "MOVE THE STATUE" CAMPAIGN

Press conference to Announce Senate Passage of the Resolution to Move the Suffrage Statue to the Capitol Rotunda. July 19, 1995, Sewall-Belmont House.

The statue of suffrage leaders, featuring Lucretia Mott, Elizabeth Cady Stanton and Susan B. Anthony—our "mothers of woman suffrage"—was presented to Congress by the women of the nation on February 15, 1921, Susan B. Anthony's birthday. Alice Paul of The National Woman's Party, commissioned the statue as a memorial to the work of women to achieve the vote.

Adelaide Johnson, the sculptor of the statue, tried to capture in her monument the spirit of the revolution that enfranchised the women of our nation. Her beliefs about the import of the woman movement are expressed in her original inscription for the monument:

"Spiritually the woman movement is the all-enfolding one. It represents the emancipation of womanhood. The release of the feminine principle in humanity, the moral integration of human evolution come to rescue torn and struggling humanity from its savage self."

Johnson's inscription described the three suffrage leaders as "the three great destiny characters of the world whose spiritual import and historical significance transcend that of all others of any country or any age." Her words were whitewashed out with yellow paint in 1921 after the Joint Committee of the Library of Congress balked at the so-called pagan language that glorified the early feminist movement. The statue was moved from the Rotunda to the Crypt shortly after its initial dedication, where it still remains, 75 years later. The statue's name has been lost though it has been known variously as "The Woman Movement", "Revolution" and the "Pioneer Suffrage Statue". Today, known simply as "The Portrait Monument", the women's names face the wall and cannot be seen.

I first saw the statue while in Washington for a march for women's equality in 1977. Like many women, a friend and I simply stumbled upon it. Although we had been activists for many years, we had never known of its existence. When I worked for the Feminist Institute, the statue was the inspiration for the development of the Feminist Walking Tour of Capitol Hill, in which we gave women an opportunity to see women's history in the nation's capital and to hear stories of women's fight for equality. Women still tell me that they "stumble" upon the statue, never having known its story.

In 1990, a coalition of women's groups, led by the Feminist Institute, the Alice Paul Foundation, The National Woman's Party and other women's organizations and supporters launched a campaign to move the statue. We felt then, and we still feel, that we need public symbols that depict women who have participated in the creation of our Nation. We are concerned that visitors to the Capitol Rotunda are left with the impression that women had nothing to do with the founding of the Nation. We believe it is important for our citizens, especially our children, and foreign guests to see pioneers of suffrage in the Rotunda with George Washington, Abraham Lincoln and Martin Luther King, as an inspiration and a reminder that women fought for over 70 years to win basic rights. Young women, especially, need to know that women accepted their duty to fight for our rights and be inspired to continue the struggle for equality begun by these foremothers. Everyone needs to know the history of the struggle to achieve suffrage for half our population.

Our coalition is not the first to demand more prominent display of the suffrage monument. A year after the statue was removed to the basement storage area, members of the National Woman's Party protested that it was covered with dirt and rubbish. Unable to have the statue cleaned, they brought mops and buckets in and cleaned it themselves. Resolutions to move the statue have been brought before Congress in 1928, 1932 and 1950 but were unsuccessful.

We, like these others who tried before us, want the Suffrage leaders in the rotunda as a visible reminder of the strength and ability of women and as an inspiration to women in the future to continue to fight for their rights. We believe that this, the 75th year after its creation, is the year this effort will be successful.

The Joint Resolution to Move the Statue has already passed unanimously in the Senate and now goes to the House of Representatives. We ask that our Representatives recognize the importance of women voters by joining the Senate in this resolution and we remind them that in a democracy: "It's not nice to put your forefathers in the living room and your foremothers in the basement."

With us today is someone who understood immediately the importance of honoring our suffrage leaders. Senator Ted Stevens of Alaska introduced the Joint Resolution to Move the Suffrage monument to the Rotunda. We thank Senator Stevens and ask that he make a few remarks about his involvement in the effort to move the statue.

BOSNIA

Mr. PRESSLER. Mr. President, I wanted to take a few moments to share with my Senate colleagues my concerns regarding our current policy in Bosnia.

The situation in Bosnia is a tragedy, there is no question. It is a tragedy borne by interventionist policies that have not worked, and will not work if allowed to continue. Most important, unless we reverse current policies, we are inviting for increased U.S. involvement, in the form of air support now and ground troops tomorrow. That must not happen.

The conflict between the Moslems and Serbs that reside in Bosnia did not begin with the fall of the former Yugoslavian Government. The conflict has roots of animosity that are far deeper—roots that stretch back for centuries. This is just the latest chapter, the latest reincarnation, of a brutal civil war between ethnic factions. What makes this latest chapter of conflict more tragic is the fact that one side has been prevented from defending its people by governments and organizations that claim to support their interests.

Mr. President, I believe we should not send U.S. ground troops to Bosnia for two basic reasons. First, there is no clear objective, no national security interest that justifies deploying American forces into a regional civil war.

American lives are sacred. As an army lieutenant who served in Vietnam, I strongly oppose sending our young men and women to Bosnia as a separate force or under U.N. command. It is plain common sense that you do not commit American forces without a clear plan or purpose. To do otherwise would not be fair to our troops. It would not be fair to their families. At this time, no clear plan or purpose exists that would justify U.S. troop deployment.

Second, I oppose sending American troops to Bosnia because I believe it would only make matters worse in the region. I am concerned that the insertion of American forces to carry out current policies in Bosnia would only extend the conflict. Again, Mr. President, this is a civil war. Past history suggests that when foreign governments intervene in a civil war, they serve to exacerbate the conflict.

We must not forget our own history. We had a civil war of our own—the bloodiest, costliest conflict in our Nation's history. It was a long, brutal affair. Yet, had England or France entered on the side of the Confederacy at that time—which they considered doing—I believe our civil war would have gone on far longer—meaning more pain, more suffering, more lives lost on both sides.

The same is true in Bosnia. We have seen outside parties, mainly the United Nations, intervene in Bosnia already. This intervention included an arms embargo that has prevented a legitimate government from defending itself. It has prevented the citizens of a legitimate government from defending their homes and property. This intervention has done nothing more than allow the conflict to drag on with no end in sight. This policy of intervention has failed. And unless we recognize this now, we will only make matters worse for the people in the region and for our own people at home.

So, again, Mr. President, let me state that our current interventionist policy in Bosnia has failed. It is wrong. And if allowed to continue, I fear it will mean U.S. troops in Bosnia. That must not happen. I oppose placing U.S. troops under our own leadership or under the authority of the United Nations in Bosnia in the midst of a Bosnian civil war. There is no commonsense justification for doing so. The Government of Bosnia has not asked for U.S. troops. The people of Bosnia know that U.S. troops will only make the conflict last longer and would claim more lives unnecessarily. They simply want the right to defend themselves. I agree. Let us give them that right, and let us keep our American forces here at home.

WAS CONGRESS IRRESPONSIBLE? JUST LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, it does not take a rocket scientist to be aware that the U.S. Constitution forbids any President to spend even a dime of Federal tax money that has not first been authorized and appropriated by Congress—both the House of Representatives and the U.S. Senate.

So when a politician or an editor or a commentator pops off that "Reagan ran up the Federal debt" or that "Bush ran it up," bear in mind that the Founding Fathers, two centuries before the Reagan and Bush Presidencies, made it very clear that it is the constitutional duty of Congress—a duty Congress cannot escape—to control Federal spending.

Thus, it is the fiscal irresponsibility of Congress that has created the incredible Federal debt which stood at $4,936,735,579,244.31 as of the close of business Friday, July 21. This outrageous debt—which will be passed on to our children and grandchildren—averages out to $18,739.93 for every man, woman, and child in America.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE RECEIVED DURING THE RECESS

ENROLLED BILLS SIGNED

A message from the House, received on July 21, 1995, during the recess of the Senate, announced that the Speaker pro tempore (Mr. ARMEY) signed the following enrolled bill:

H.R. 1944. An act making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

The enrolled bills were subsequently signed by the President pro tempore (Mr. THURMOND).

MESSAGES FROM THE HOUSE

At 2:56 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bill; in which it requests the concurrence of the Senate:

H.R. 1976. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes.

MEASURES REFERRED

The following bill was read the first and second times by unanimous consent and referred as indicated:

H.R. 1976. An act making appropriations for Agriculture, Rural Development, Food and Drug Administration, and related agencies programs for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources, with an amendment in the nature of a substitute and an amendment to the title:

S. 143. A bill to consolidate Federal employment training programs and create a new process and structure for funding the programs, and for other purposes (Rept. No. 104–118).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

H.R. 402. A bill to amend the Alaska Native Claims Settlement Act, and for other purposes (Rept. No. 104–119).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mrs. KASSEBAUM, from the Committee on Labor and Human Resources:

Mary S. Furlong, of California, to be Member of the National Commission on Libraries and Information Science for a term expiring July 19, 1999, vice Daniel W. Casey, term expired.

Lynne C. Waihee, of Hawaii, to be a member of the National Institute for Literacy Advisory Board for a term of three years. (New Position)

Richard J. Stern, of Illinois, to be a Member of the National Council on the Arts for a term expiring September 3, 2000, vice Catherine Yi-yu Cho Woo, term expired.

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. SIMON (for himself and Mr. JEFFORDS):

S. 1065. A bill to provide procedures for the contribution of volunteer United States military personnel to international peace operations; to amend title 10, United States Code, to provide for participation of the Armed Forces in peacekeeping activities, humanitarian activities, and refugee assistance, and for other purposes; to the Committee on Foreign Relations.

By Mr. BRADLEY (for himself and Mr. NICKLES):

S. 1066. A bill to amend the Internal Revenue Code of 1986 to phase out the tax subsidies for alcohol fuels involving alcohol produced from feed stocks eligible to receive Federal agricultural subsidies; to the Committee on Finance.

By Mr. COHEN (for himself and Ms. SNOWE):

S. 1067. A bill to amend the Internal Revenue Code of 1986 to provide an excise tax exemption for transportation on certain ferries; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. SIMON):

S. 1068. A bill to amend title 18, United States Code, to permanently prohibit the possession of firearms by persons who have been convicted of a violent felony, and for other purposes; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. SIMON (for himself and Mr. JEFFORDS):

S. 1065. A bill to provide procedures for the contribution of volunteer U.S. military personnel to international peace operations; to amend title 10, United States Code, to provide for participation of the Armed Force in peacekeeping activities, humanitarian activities, and refugee assistance, and for other purposes; to the Committee on Foreign Relations.

THE INTERNATIONAL PEACE OPERATIONS SUPPORT ACT OF 1995

Mr. SIMON. Mr. President, Senator JEFFORDS and I are introducing today a bill entitled "The International Peace Operations Support Act of 1995." The bill would enhance the U.S. military's ability to contribute to international peace operations, and is similar to legislation we introduced in the last Congress.

The Simon-Jeffords bill requires the President to report to Congress on a plan to earmark within the Armed Forces a contingency force that could be used for peace and humanitarian operations, and could be deployed on 24-hour notice. The force would include up to 3,000 active-duty personnel from any of the services, who would volunteer to serve in international peace operations. The soldiers would receive extra compensation for their participation, and would get special training for such operations.

Additionally, the bill augments the mission statements of the Army, Navy, and Air Force by affirming that their responsibilities include participation in "international peacekeeping operations, humanitarian activities, and refugee assistance activities, when determined by the President to be in the national interest."

Senator JEFFORDS and I designed this legislation to help the U.S. military meet some of the emerging threats in the post-cold-war era: ethnic conflicts and civil wars that cause regional instability, humanitarian disasters, and aggressors that threaten our interests overseas. Just as the military was used to confront the threat of the cold war, it will be called upon to address the threats of today and tomorrow. This has been evident in recent years in Bangladesh, Somalia, Macedonia, Rwanda, and Haiti, where the United States military has been asked to perform missions beyond the scope of traditional war-fighting, generally called peace operations.

Some reject categorically these kinds of roles for our military. I believe that is a mistake, and a denial of reality. That point of view implies that our military planners should prepare only for the big ones like World War II on the gulf war. That notion is not realistic, and would not serve our national security interests. Regional conflicts and instability are inevitable, and humanitarian disasters are inescapable. Peace operations will be needed, and the U.S. military—the most capable in the world—will be called upon to respond, so long as our Nation rejects isolationism.

Simon-Jeffords bill would help us respond to emergencies and crises by consolidating up to 3,000 soldiers with both the will and the training to undertake peace operations, who could react on short, perhaps 24-hour, notice. Let me give an example of why this is important:

In May 1994, when the situation in Rwanda was going from worse to horrific, Senator JEFFORDS and I called the Canadian general in charge of the small U.N. force there. General Daullaire made it clear that the quick infusion of 5,000–8,000 troops could stabilize the situation. Unfortunately, the United Nations did not have the troops, nor were nations willing to provide them, and we subsequently witnessed the deaths of hundreds of thousands. Rapid deployment of a contingency force as envisioned in this bill, in conjunction with similar forces in other countries, may have been able to help General Daullaire prevent some of the tragedy in Rwanda.

The concept of rapid reaction capability is neither new nor is it revolutionary. The first U.N. Secretary General, Trygve Lie, raised the idea in 1948, and there is a growing interest among the international community in enhanced military responsiveness. In fact, the United States is far behind our allies on new thinking in these areas. Canada is studying proposals to have nations designate contingency forces for peace operations, which would be coordinated by a central headquarters in some location. Our bill would fit into that plan very well. Denmark and the Netherlands are also formulating plans on quick reaction forces.

The U.S. military realizes that we will have to deal with regional crises, and I give credit to the services for incorporating peace and humanitarian operations into their mission statements, strategy and planning. The National Military Strategy prepared by the Joint Chiefs finds that peacetime engagement activities are a primary military task—activities such as peacekeeping, humanitarian operations and democratic assistance. Senator JEFFORDS and I believe our bill complements these efforts already underway.

I noted before that the contingency force would be made of volunteers, who would be given added compensation. This is all volunteers, who would be given added compensation. This is an important component. We must recall that despite the difficulties with our operations in Somalia and Haiti, our soldiers expressed a sense of pride and accomplishment in their missions to help the people in these troubled lands. I imagine that it would not be difficult to find soldiers who would like to join this force.

The burden of world leadership is on the United States--we are the richest, the most influential, and the most militarily capable nation. Our soldiers will inevitably be called on to respond to world crises. The Simon-Jeffords bill can improve our response capability by providing for a contingency force of specially trained troops for quick deployment.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD as follows:

S. 1065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "International Peace Operations Support Act of 1995".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) With the end of the Cold War, the United States is clearly the undisputed world economic and military leader and as such bears major international responsibilities.

(2) Threats to the long-term security and well-being of the United States no longer derive primarily from the risk of external military aggression against the United States or its closest treaty allies but in large measure derive from instability from a variety of causes: population movements, ethnic and regional conflicts including genocide against ethnic and religious groups, famine, terrorism, narcotics trafficking, and proliferation of weapons of mass destruction.

(3) To address such threats, the United States has increasingly turned to the United Nations and other international peace operations, which at times offer the best and most cost-effective way to prevent, contain, and resolve such problems.

(4) In numerous crisis situations, such as the massacres in Rwanda, the United Nations has been unable to respond with peace operations in a swift manner.

(5) The Secretary-General of the United Nations has asked member states to identify in advance units which are available for contribution to international peace operations under the auspices of the United Nations in order to create a rapid response capability.

(6) United States participation and leadership in the initiative of the Secretary-General is critical to leveraging contributions from other nations and, in that way, limiting the United States share of the burden and helping the United Nations to achieve success.

SEC. 3. DEFINITIONS.

For purposes of this Act—

(1) the term "appropriate congressional consultation" means consultation as described in section 3 of the War Powers Resolution; and

(2) the term "international peace operations" means any such operation carried out under chapter VI or chapter VII of the United Nations Charter or under the auspices of the Organization of American States.

SEC. 4. REPORT ON PLAN TO ORGANIZE VOLUNTEER UNITS.

Not later than 180 days after the date of enactment of this Act, the President shall submit a report to the Congress setting forth—

(1) a plan for—

(A) organizing into units of the Armed Forces a contingency force of up to 3,000 personnel, comprised of current active-duty military personnel, who volunteer additionally and specifically to serve in international peace operations and who receive added compensation for such service;

(B) recruiting personnel to serve in such units; and

(C) providing training to such personnel which is appropriate to such operations; and

(2) proposed procedures to implement such plan.

SEC. 5. AUTHORIZATION.

(a) IN GENERAL.—Upon approval by the United Nations Security Council of an international peace operation, the President, after appropriate congressional consultation, is authorized to make immediately available for such operations those units of the Armed Forces of the United States which are organized under section 4(1)(A).

(b) TERMINATION OF USE OF UNITED STATES ARMED FORCES.—(1) Subject to paragraph (2), the President may terminate United States participation in international peace operations at any time and take whatever actions he deems necessary to protect United States forces.

(2) Notwithstanding section 5(b) of the War Powers Resolution, not later than 180 days after a Presidential report is submitted or required to be submitted under section 4(a) of the War Powers Resolution in connection with the participation of the Armed Forces of the United States in an international peace operation, the President shall terminate any use of the Armed Forces with respect to which such report was submitted or required to be submitted, unless the Congress has extended by law such 180-day period.

SEC. 6. AVAILABILITY OF FUNDS.

Funds available to the Department of Defense are authorized to be available to carry out section 5(a).

SEC. 7. WAR POWERS RESOLUTION REQUIREMENTS.

Except as otherwise provided, this Act does not supersede the requirements of the War Powers Resolution.

SEC. 8. MISSION STATEMENTS FOR ARMED FORCES.

(a) ARMY.—Section 3062(a) of title 10, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(5) participating in international peacekeeping activities, humanitarian activities, and refugee assistance activities when determined by the President to be in the national interests of the United States.".

(b) NAVY.—Section 5062(a) of such title is amended—

(1) by inserting "(1)" after "(a)";

(2) by striking out the second sentence; and

(3) by adding at the end the following new paragraph:

"(3) The Navy is responsible for the preparation of naval forces necessary for the following activities:

"(A) Effective prosecution of war except as otherwise assigned and, in accordance with integrated joint mobilization plans, for the expansion of the peacetime components of the Navy to meet the needs of war.

"(B) Participation in international peacekeeping activities, humanitarian activities, and refugee assistance activities when determined by the President to be in the national interests of the United States.".

(c) AIR FORCE.—Section 8062(a) of such title is amended—

(1) by striking out "and" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof "; and"; and

(3) by adding at the end the following:

"(5) participating in international peacekeeping activities, humanitarian activities, and refugee assistance activities when determined by the President to be in the national interests of the United States.".

Mr. JEFFORDS. Mr. President, today I join Senator SIMON in introducing the Simon-Jeffords International Peace Operations Support Act of 1995.

The altogether natural and necessary focus in American politics on our domestic problems should not blind us to the monumental responsibilities of the United States as a leader of the world community. The very real dangers of the post-cold war world, as well as the equally real opportunities, are ignored only at our peril.

When civil strife or naked aggression threaten the stability of countries or whole regions and threaten the lives of whole populations, it is clearly in the world community's interest to try to do something. This response could take many forms, and a U.S. contribution might appropriately consist of political support, logistics or intelligence assistance, or provision of equipment. But there surely will be times when it will be in the U.S. national interest to respond to acute peacekeeping and other humanitarian needs with a contribution of troops.

We are severely hamstrung today in our ability to respond to these types of problems. With the most capable military establishment in the world, we find ourselves often unable to contribute troops to international peacekeeping efforts because of unclear political guidance to our military as to whether peacekeeping is part of its mission and a reluctance to train a designated cadre of troops to perform the tasks of peacekeeping, refugee assistance, and other humanitarian operations.

Our legislation addresses this problem. It sharpens one of our tools of foreign and security policy by providing clearer guidelines for U.S. troop contributions to United Nations or other international peace activities. It specifically makes this activity a formal mission of the U.S. military in cases where U.S. national interests are served by a peacekeeping deployment. It also calls for the identification of a specific unit or units consisting of service personnel who have volunteered for such service and who would be given specialized training for the unique circumstances of such missions.

The preeminent position of the United States in the world, and our farflung commercial and security interests do not always dictate that we contribute troops to address particular problems, but they do dictate that we be prepared to do so if necessary. As in other areas of international endeavor, U.S. leadership means that our contributions leverage contributions by other states that follow our lead. Thus, greater U.S. contributions to U.N. peacekeeping might, as the result of a multiplier effect, prove to be the most cost-effective method of increasing worldwide peacekeeping capabilities.

We are rightly proud of the dedication, skills, and bravery of our Armed Forces. They are the world's most effective fighting force, and their skills and dedication have successfully been applied to humanitarian activities in, for example, Operations Provide Comfort in Iraq and Restore Democracy in Haiti. Not all international crises will result in U.S. troop deployments. Indeed, our experience in Somalia has brought home quite clearly to us the limits of international action in the face of massive civil strife. But when the international community decides to act, and when we decide that it is appropriate to offer as our contribution the finest, most capable men and women in uniform in the world, we must be ready.

By Mr. BRADLEY (for himself and Mr. NICKLES):

S. 1066. A bill to amend the Internal Revenue Code of 1986 to phase out the tax subsidies for alcohol fuels involving alcohol produced from feedstocks eligible to receive Federal agricultural subsidies; to the Committee on Finance.

THE CLEAN FUELS EQUITY ACT OF 1995

Mr. BRADLEY. Mr. President, I rise today to introduce legislation aimed at restoring some level of financial equity in the marketplace for clean automotive fuels. My bill will phase out certain targeted tax subsidies given to an industry that has too long received unique and favorable treatment under the Tax Code: The domestic ethanol industry. In this effort, I am very pleased to be joined in this effort by Senator NICKLES as an original cosponsor of this legislation.

The Clean Fuels Equity Act will phase out the ethanol tax subsidy for ethanol produced from feedstocks that already receive other subsidies through the Department of Agriculture's price and income support programs. The phaseout would occur over 3 years to allow the existing industry an orderly transition to a less-sheltered marketplace. My legislation would continue to allow the tax credits for special energy crops, waste products, and other biomass that do not benefit from the USDA price supports. These energy crops hold some promise of environmental and energy benefits. Furthermore, they still represent a technically immature industry, for which additional Federal support might be justified.

As most people know, the bulk of the ethanol produced in the United States is derived from corn, and processed and sold in the Midwest; 20 years ago, there was no fuel ethanol industry. But, born from the crisis concerns of the late 1970's, this business grew from nothing, built by an array of special and substantial tax privileges. However, unlike many of the questionable policies developed during that period of energy crisis—from the Synfuels Corp. to the Fuel Use Act and plans for gas rationing—the ethanol subsidies continue to survive.

When the credits were initiated over 15 years ago, they were intended to jumpstart an industry that would not otherwise exist. This policy has obviously succeeded. The ethanol industry is no longer a small, fledgling industry. It now produces in excess of a billion gallons of ethanol per year and consumes roughly one-half billion bushels of corn yearly. It is an industry that now benefits from special tax credits and exemptions worth roughly $700 million per year—a number that is growing. These tax subsidies are in addition to the millions of dollars in benefits the industry receives each year from the USDA price support programs.

In light of recent ethanol industry efforts to obtain regulatory expansions of their subsidies, it seems the ethanol industry's attitude can be characterized by the phrase "never enough." Why worry what it costs to produce a product when you get a targeted tax credit, soon to be worth nearly $1 billion per year? Why worry about competition when you receive millions more through price supports?

The cost to taxpayers and the cost to consumers are real. These subsidies take money out of Americans' pockets. In the face of billions of dollars in cuts in Medicare, Medicaid, and education programs for children, I question a continued, substantial tax break to a single, well-established industry. By handing out subsidies to ethanol, the Government is passing along a bill worth hundreds of millions of dollars to taxpayers and consumers.

Ethanol competes in the marketplace with other chemicals that have no special tax break. These alternatives must compete based on price and performance. This legislation is not intended to be punitive to ethanol. Rather, it is an attempt to allow the markets a better chance to work for the benefit of all consumers, taxpayers, and the environment. Furthermore, it is acknowledgment that you cannot have it both ways. If ethanol already benefits from price supports, there is no need for a tax credit to keep an industry afloat. It is that simple.

I urge my colleagues to consider this legislation carefully. Last year the Joint Tax Committee estimated that this bill would raise almost $3 billion over a 5-year period; since then, the cost of subsidizing the ethanol industry has only gone up. In these times when we are struggling to reduce the deficit as well as the tax burden on the American middle class it makes sense to reduce unneeded subsidies whenever possible.

Mr. President, I ask unanimous consent that the text of the bill and additional material be printed in the RECORD.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PHASE-OUT OF TAX SUBSIDIES FOR ALCOHOL FUELS PRODUCED FROM FEEDSTOCKS ELIGIBLE TO RECEIVE FEDERAL AGRICULTURAL SUBSIDIES.

(a) ALCOHOL FUELS CREDIT.—Section 40 of the Internal Revenue Code of 1986 (relating to credit for alcohol used as a fuel) is amended by adding at the end the following new subsection:

"(i) PHASE-OUT OF CREDIT FOR ALCOHOL PRODUCED FROM FEEDSTOCKS ELIGIBLE TO RECEIVE FEDERAL AGRICULTURAL SUBSIDIES.—

"(1) IN GENERAL.—No credit shall be allowed under this section with respect to any alcohol, or fuel containing alcohol, which is produced from any feedstock which is a subsidized agricultural commodity.

"(2) PHASE-IN OF DISALLOWANCE.—In the case of taxable years beginning in 1996 and 1997, paragraph (1) shall not apply and the credit determined under this section with respect to alcohol or fuels described in paragraph (1) shall be equal to 67 percent (33 percent in the case of taxable years beginning in 1997) of the credit determined without regard to this subsection.

"(3) SUBSIDIZED AGRICULTURAL COMMODITY.—For purposes of this subsection, the term 'subsidized agricultural commodity' means any agricultural commodity which is supported, or is eligible to be supported, by a price support or production adjustment program carried out by the Secretary of Agriculture."

(b) EXCISE TAX REDUCTION.—

(1) PETROLEUM PRODUCTS.—Section 4081(c) of the Internal Revenue Code of 1986 (relating to taxable fuels mixed with alcohol) is amended by redesignating paragraph (8) as paragraph (9) and by adding after paragraph (7) the following new paragraph:

"(8) PHASE-OUT OF SUBSIDY FOR ALCOHOL PRODUCED FROM FEEDSTOCKS ELIGIBLE TO RECEIVE FEDERAL AGRICULTURAL SUBSIDIES.—

"(A) IN GENERAL.—This subsection shall not apply to any qualified alcohol mixture containing alcohol which is produced from any feedstock which is a subsidized agricultural commodity.

"(B) PHASE-IN OF DISALLOWANCE.—In the case of calendar years 1996 and 1997, the rate of tax under subsection (a) with respect to any qualified alcohol mixture described in subparagraph (A) shall be equal to the sum of—

"(i) the rate of tax determined under this subsection (without regard to this paragraph), plus

"(ii) 33 percent (67 percent in the case of 1997) of the difference between the rate of tax under subsection (a) determined with and without regard to this subsection.

"(C) SUBSIDIZED AGRICULTURAL COMMODITY.—For purposes of this paragraph, the term 'subsidized agricultural commodity' means any agricultural commodity which is supported, or is eligible to be supported, by a price support or production adjustment program carried out by the Secretary of Agriculture."

(2) SPECIAL FUELS.—Section 4041 (relating to tax on special fuels) is amended by adding at the end the following new subsection:

"(n) PHASE-OUT OF SUBSIDY FOR ALCOHOL PRODUCED FROM FEEDSTOCKS ELIGIBLE TO RECEIVE FEDERAL AGRICULTURAL SUBSIDIES.—

"(1) IN GENERAL.—Subsections (b)(2), (k), and (m) shall not apply to any alcohol fuel containing alcohol which is produced from any feedstock which is a subsidized agricultural commodity.

"(2) PHASE-IN OF DISALLOWANCE.—In the case of calendar years 1996 and 1997, the rate of tax determined under subsection (b)(2), (k), or (m) with respect to any alcohol fuel described in paragraph (1) shall be equal to the sum of—

"(A) the rate of tax determined under such subsection (without regard to this subsection), plus

"(B) 33 percent (67 percent in the case of 1997) of the difference between the rate of tax under this section determined with and without regard to subsection (b)(2), (k), or (m), whichever is applicable.

"(3) SUBSIDIZED AGRICULTURAL COMMODITY.—For purposes of this subsection, the term 'subsidized agricultural commodity' means any agricultural commodity which is supported, or is eligible to be supported, by a price support or production adjustment program carried out by the Secretary of Agriculture."

(3) AVIATION FUEL.—Section 4091(c) (relating to reduced rate of tax for aviation fuel in alcohol mixture) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) PHASE-OUT OF SUBSIDY FOR ALCOHOL PRODUCED FROM FEEDSTOCKS ELIGIBLE TO RECEIVE FEDERAL AGRICULTURAL SUBSIDIES.—

"(A) IN GENERAL.—This subsection shall not apply to any mixture of aviation fuel containing alcohol which is produced from any feedstock which is a subsidized agricultural commodity.

"(B) PHASE-IN OF DISALLOWANCE.—In the case of calendar years 1996 and 1997, the rate of tax under subsection (a) with respect to any mixture of aviation fuel described in subparagraph (A) shall be equal to the sum of—

"(i) the rate of tax determined under this subsection (without regard to this paragraph), plus

"(ii) 33 percent (67 percent in the case of 1997) of the difference between the rate of tax under subsection (a) determined with and without regard to this subsection.

"(C) SUBSIDIZED AGRICULTURAL COMMODITY.—For purposes of this paragraph, the term 'subsidized agricultural commodity' means any agricultural commodity which is supported, or is eligible to be supported, by a price support or production adjustment program carried out by the Secretary of Agriculture."

(c) EFFECTIVE DATES.—

(1) CREDIT.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1995.

(2) EXCISE TAXES.—

(A) IN GENERAL.—The amendments made by subsection (b) shall take effect on January 1, 1996.

(B) FLOOR STOCK TAX.—

(i) IN GENERAL.—In the case of any alcohol fuel in which tax was imposed under section 4041, 4081, or 4091 of the Internal Revenue Code of 1986 before any tax-increase date, and which is held on such date by any person, then there is hereby imposed a floor stock tax on such fuel equal to the difference between the tax imposed under such section on such date and the tax so imposed.

(ii) LIABILITY FOR TAX AND METHOD PAYMENT.—A person holding an alcohol fuel on any tax-increase date shall be liable for such tax, shall pay such tax no later than 90 days after such date, and shall pay such tax in such manner as the Secretary may prescribe.

(iii) EXCEPTIONS.—The tax imposed by clause (i) shall not apply—

(I) to any fuel held in the tank of a motor vehicle or motorboat, or

(II) to any fuel held by a person if, on the tax-increase date, the aggregate amount of fuel held by such person and any related persons does not exceed 2,000 gallons.

(iv) TAX-INCREASE DATE.—For purposes of this subparagraph, the term "tax-increase date" means January 1, 1996, January 1, 1997, and January 1, 1998.

(v) OTHER LAWS APPLICABLE.—All provisions of law, including penalties applicable with respect to the taxes imposed by sections 4041, 4081, and 4091 of such Code shall, insofar as applicable and not inconsistent with the provisions of this subparagraph, apply with respect to the floor stock taxes imposed by clause (i).

THE CLEAN FUELS EQUITY ACT OF 1995

Senator BRADLEY's legislation would phase out the existing tax credits for ethanol produced from certain feedstocks. The tax will be phased out for ethanol if it is produced from feedstocks, such as corn, that are eligible for various price and income supports under the programs of the U.S. Department of Agriculture. If the ethanol feedstock is a specialized energy crop, not supported by USDA, or a waste product, the tax credit will still be allowed.

The phase-out will occur over 3 years. Unless exempt, ethanol would be allowed: the full tax credits for calendar year 1995; 67 percent of the existing credits for 1996; and 33 percent of the existing credits for 1997. No special tax subsidies would be allowed for ethanol, unless exempt, after December 31, 1997.

The principal Federal incentive for ethanol is a 54-cent exemption from the Federal motor fuel excise tax. Each gallon of gasoline blended with at least 10 percent ethanol is eligible for the exemption. Using a blend, each gallon of ethanol can be blended with nine gallons of gasoline to make ten gallons of a blended fuel. All ten gallons are eligible for the exemption, which equates to a total exemption of 54 cents on each gallon of ethanol.

Also, an equivalent 5.4-cent-per-gallon federal blenders' income tax credit or refund is available to fuel distributors that blend ethanol into motor fuels. The tax credit or refund can be taken in lieu of the excise tax exemption described above.

Because of these tax subsidies, ethanol can be offered at a dramatically lower price than would be the case otherwise. The U.S. ethanol industry produces approximately 1.2 billion gallons of ethanol for blending into fuel each year. This equates to a total subsidy value in excess of $700 million annually. Last year's effort by EPA to mandate a market set-aside for ethanol would have added at least another $300 million annually to the tax subsidy total.

Ethanol is produced today almost exclusively from feedstocks that are eligible for USDA support.

Mr. NICKLES. Mr. President, I am pleased to join my friend from New Jersey, Senator BRADLEY, in the introduction of legislation to phase-out tax subsidies for the ethanol industry. If enacted, our legislation will reduce the Federal budget deficit by nearly $3 billion over the next 5 years.

For 15 years the Federal Government has provided substantial tax breaks to subsidize the development and use of ethanol as a clean, renewable fuel. Those subsidies have proven very effective, as the U.S. ethanol industry will produce over 1 billion gallons of ethanol for blending into fuel this year, costing the government over $700 million in lost tax revenue.

However as with most government programs, even though the need for ethanol tax subsidies has ended, the subsidies themselves live on. In fact, the ethanol industry and their friends in the legislative and executive branches are continually seeking to expand those subsidies.

We believe the time has come to stop subsidizing a healthy industry. Other clean fuels offer the same benefits as ethanol, but struggle to compete against ethanol's massive tax advantage.

Our legislation will even the playing-field by phasing-out the excise tax exemption and income tax credit over 3 years for ethanol produced from crops which are also eligible for U.S. farm program subsidies. This prevents the double-subsidization of some farm production, while allowing continued ethanol tax breaks for alcohol produced from non-subsidized crops or waste products.

Mr. President, as we seek to eliminate our budget deficit, it is important that we examine all forms of Federal spending, including specialized tax expenditures. We should not allow our tax code to subsidize healthy businesses, especially when those subsidies create an unfair competitive advantage over others. I am pleased to join Senator BRADLEY in this initiative.

By Mr. COHEN (for himself and Ms. SNOWE):

S. 1067. A bill to amend the Internal Revenue Code of 1986 to provide an excise tax exemption for transportation on certain ferries; to the Committee on Finance.

TAX ON TRANSPORTATION BY WATER

Mr. COHEN. Mr. President, I am introducing legislation today to clarify an interpretation of a section in the Internal Revenue Code that imposes a $3 departure tax on ship passengers aboard vessels that travel outside the U.S. The provision was intended to apply to passengers on cruise ships and gambling voyages. The language of the statute reaches further, however, and the International Revenue Service has been interpreting the law to apply to a broader class of passenger ship traffic, including ferry services that operate between the United States and Canada.

Section 4471 of the Internal Revenue Code was added to the Internal Revenue Code in the Omnibus Reconciliation Act of 1989. The provision originated in the Senate Commerce Committee as a means of that Committee fulfilling its reconciliation instructions. The tax writing committees assumed jurisdiction once it became clear that the provision was more in the nature of a tax than a fee. The fee, as envisioned by the Commerce Committee, was intended to apply to overnight passenger cruises that do not travel between two U.S. ports, and to gambling boats providing gambling entertainment to passengers outside the territorial waters of the U.S.

Unfortunately, the statutory language of the 1989 Act was not drafted in accordance with the intent of Congress. As a result, the tax appears to apply to commercial ferry operations traveling between the United States and Canada. Two such ferries operate between Maine and Nova Scotia. The Maine ferries carry commercial and passenger vehicles to Nova Scotia in the warmer months as a more direct means of transportation between Maine and eastern Canada. As such they are an extension of the highway system, carrying commercial traffic and vacationers. The lengths of the voyages are approximately 11 hours and almost all passengers traveling on the outbound voyages do not return on the inbound voyages of the two ferries. Because the trips are of some length, the ferries provide entertainment for the passengers, including some gaming tables that bring in minimal income.

This is not a voyage for the purpose of gambling and the great majority of the passengers, including children, do not gamble. Clearly, these ferries are not the kind of overnight passenger cruises or gambling boats intended to be covered by the law. However, the IRS has been interpreting the statute to apply this tax to ferries.

The statute establishes a dual test for determining if the tax applies. First, the tax applies to voyages of passenger vessels which extend over more than one night. As a factual matter, the Maine ferries do not travel over more than one night but the IRS interprets that they do because it takes into account both the outward and inward voyage of the vessel. The IRS considers both portions of the trip to be one voyage even though virtually no passengers are the same.

Second, the tax applies to commercial vessels transporting passengers engaged in gambling. Although the intent was to apply the tax to gambling boats, the wording of the statute applies to all passengers on vessels that carry any passengers who engage in gambling, no matter how minor that gambling. That interpretation subjects the Maine ferries to the tax because they earn a minimal amount of income from providing gambling entertainment to some passengers.

The legislation I am introducing clarifies the statute by exempting ferries which are defined as vessels where no more than half of the passengers typically return to the port where the voyage began.

This legislation is not intended to give a special break to a certain class of passenger ships. It is instead intended to clarify the statute so that it achieves its original intent: To tax passengers on cruise ships and gambling voyages, not passengers on ferry boats.

The imposition of the tax to ferries is particularly unfair. First, because Congress did not intend to tax such ferries. Second, because the burden of the tax relative to the price of the ticket, is greater on ferries. Their ticket prices are much lower than tickets for cruise ships so the tax is considerably more burdensome for ferry operations and interferes to a greater extent with their operations.

Similar legislation addressing this issue has been approved by the Finance Committee in the past but the underlying bills were not enacted into law.

I ask unanimous consent that a copy of the introduced legislation be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1067

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXEMPTION FOR TRANSPORTATION ON CERTAIN FERRIES.

(a) GENERAL RULE.—Subparagraph (B) of section 4472(1) of the Internal Revenue Code of 1986 (relating to exception for certain voyages on passenger vessels) is amended to read as follows:

"(B) EXCEPTION FOR CERTAIN VOYAGES.—The term 'covered voyage' shall not include—

"(i) a voyage of a passenger vessel of less than 12 hours between 2 ports in the United States, and

"(ii) a voyage of less than 12 hours on a ferry between a port in the United States and a port outside the United States.

For purposes of the preceding sentence, the term 'ferry' means any vessel if normally no more than 50 percent of the passengers on any voyage of such vessel return to the port where such voyage bean on the 1st return of such vessel to such port."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to voyages beginning after December 31, 1989; except that—

(1) no refund of any tax paid before the date of the enactment of this Act shall be made by reason of such amendment, and

(2) any tax collected from the passenger before the date of the enactment of this Act shall be remitted to the United States.

By Mr. LAUTENBERG (for himself and Mr. SIMON):

S. 1068. A bill to amend title 18, United States Code, to permanently prohibit the possession of firearms by persons who have been convicted of a violent felony, and for other purposes; to the Committee on the Judiciary.

STOP ARMING FELONS (SAFe) ACT

Mr. LAUTENBERG. Mr. President, today Senator SIMON and I are introducing legislation, the Stop Arming Felons, or SAFe, Act, to close two loopholes in current law that allow convicted violent felons to possess and traffic in firearms.

The legislation would repeal an existing provision that automatically restores the firearms privileges of convicted violent felons and drug offenders when States restore certain civil rights. In addition, the bill would abolish a procedure by which the Bureau of Alcohol, Tobacco and Firearms can waive Federal restrictions for individuals otherwise prohibited from possessing firearms or explosives.

As a general matter, Mr. President, Federal law probibits any person convicted of a felony from possessing firearms or explosives. However, there are two gaping loopholes.

I call the first the "State guns for felons loophole." Under this provision, if a felon's criminal record has been expunged, or his basic civil rights have been restored under State law—that is, rights like the right to vote, the right to hold public office, and the right to sit on a jury—then the conviction is wiped out and all Federal firearm privileges are restored.

Many States automatically expunge the records or restore the civil rights of even the most dangerous felons. Sometimes this happens immediately after the felon serves his or her sentence. Sometimes, the felon must wait a few years. The restoration of rights or expungement often is conferred automatically by statute—not based on any individualized determination that a given criminal has reformed.

As a result of this loophole, which was added with little debate in 1986, even persons convicted of horrible, violent crimes can legally obtain firearms.

Mr. President, I think most Americans would agree that this guns for felons loophole makes no sense. Given the severity of our crime problem, we should be looking for ways to get tougher, not easier, on convicted felons. How can the government claim to be serious about crime, and then turn around and give convicted violent felons their firearms back?

I recognize that, according to some theories, the criminal justice system is supposed to rehabilitate convicted criminals. But in reality, many of those released from prison soon go back to their violent ways. According to the Justice Department, of State prisoners released from prison in 1983, 62.5 percent were arrested within only 3 years. Knowing that, how many Americans would want convicted violent felons carrying firearms around their neighborhood?

This guns for felons loophole also is creating a major obstacle for Federal law enforcement.

The Justice Department reports that many hardened criminals are escaping prosecution under the Armed Career Criminal Act, which prescribes stiff penalties for repeat offenders, because the criminals' prior convictions have automatically been nullified by State law. It is a very serious problem. According to testimony before the House Judiciary Committee, for example, the U.S. Attorney in Montana believes that this provision has virtually gutted her ability to minimize violent crime by keeping guns out of the hands of known criminals in Montana.

Concern about the guns for felons loophole is not limited to Federal law enforcement officials. State and local law enforcement officers also feel strongly about this. The Presidents of the Fraternal Order of Police, the National Association of Police Organizations, and the International Brotherhood of Police Officers have written that the loophole is having "terrible results" around the country, and rearming people with long criminal records.

Mr. President, the legislation that Senator SIMON and I are offering today would close this State guns-for-felons loophole. Under the bill, persons convicted of violent felonies or serious drug offenses would be banned from possessing firearms, regardless of whether a State restores other rights, or expunges their record.

In the case of those convicted of other, nonviolent felonies, a State's restoration of civil rights, or expungement, would not eliminate the Federal firearm prohibition unless the State makes an individualized determination that the person does not threaten public safety.

As under current law, if a conviction is reversed or set aside based on a determination that it is invalid, or the person is pardoned unconditionally, the Federal firearm prohibition would not apply.

Otherwise, though—and this is the essential message of the legislation—convicted violent felons and serious drug offenders would be strictly prohibited from possessing firearms. Not just for a year. Not just for a few years. But for the rest of their lives.

Let me turn now to the second "guns for felons loophole."

I think of this as the Federal guns for felons loophole. You could also call it the bombs for felons loophole.

Even if a felon's civil rights have not been restored under State law, nor his records expunged, there is another way that a criminal can legally obtain guns or explosives. The Bureau of Alcohol, Tobacco and Firearms can simply issue a waiver.

Under this second loophole, convicted felons of every stripe can apply to ATF, which then must perform a broad based field investigation and background check. If the Bureau believes that the applicant does not pose a threat to public safety, it can grant a waiver.

Between 1981 and 1991, 5600 waivers were granted.

Mr. President, this relief procedure has an interesting history. It was first established in 1965 not to permit common criminals to get access to guns, but to help out a particular firearm manufacturer, called Winchester. Winchester had pleaded guilty to felony counts in a kickback scheme. Because of the conviction, Winchester was forbidden to ship firearms in interstate commerce. The amendment was approved to allow Winchester to stay in business.

Because it was drafted broadly, however, the waiver provision applied not only to corporations like Winchester, but to common criminals. Originally, waivers were not available to those convicted of firearms offenses. But the loophole was further expanded in 1986, when Congress allowed even persons convicted of firearms offenses, as well as those involuntarily committed to a mental institution, to apply for a waiver.

Between 1981 and 1991, ATF processed well over 13,000 applications at taxpayer expense. Many of these have required a substantial amount of scarce time and resources. ATF investigations can last weeks, including interviews with family, friends, and the police.

In the late 1980's, the cost of processing and investigating these petitions worked out to about $10,000 for each waiver granted. It is hard to imagine a more outrageous waste of taxpayer dollars.

Of course, Mr. President, giving firearms to convicted violent felons is more than a problem of wasted taxpayer dollars and misallocated ATF resources. It also threatens public safety.

The Violence Policy Center sampled 100 case files of those who had been granted relief. The study found that 41 percent had been convicted of a crime of violence, or a drug or firearms offense. The crimes of violence included several homicides, sexual assaults, and armed robberies.

Under the relief procedure, ATF officials are required to guess whether criminals like these can be entrusted with deadly weapons. Needless to say, it is a difficult task. Even after Bureau investigators spend long hours investigating a particular criminal, there is no way to know with any certainty whether he or she is still dangerous.

The law forces officials to make these types of guesses, knowing that a mistake could have tragic consequences for innocent Americans; consequences that could range from serious bodily injury to death.

What happens when convicted felons get their firearms rights back? Well, some apparently go back to their violent ways. Those granted relief subsequently have been rearrested for crimes ranging from attempted murder to rape, kidnapping, and child molestation.

Mr. President, this simply has got to stop.

In fact, Senator SIMON and I have been successful over the past three years in securing language in the Treasury, Postal Service and General Government Appropriations Bill that prohibits the use of appropriated funds to implement the ATF relief procedure with respect to firearms. However, a funding ban is merely a stop-gap measure effective for one fiscal year. This bill would eliminate the relief procedure permanently. As we see it, Federal taxpayers should never be forced to pay a single cent to arm a felon.

I also would note that the existing funding ban applies only to firearm waivers. ATF still is allowed to provide waivers for convicted felons who want to possess or traffic in explosives. The waivers for explosives are not granted often, and seem to be less of a problem. But in light of the Oklahoma City bombing, how many Americans would want any of their tax dollars spent so that convicted felons can obtain explosives?

Mr. President, there is broad support for closing the guns for felons loophole. In 1992, the Constitution Subcommittee of the Judiciary Committee held a hearing on this matter. At that hearing, the Fraternal Order of Police, the National Association of Police Organizations, and the International Brotherhood of Police Officers all testified that these loopholes must be closed. In addition, I would note that both the New York Times and the Washington Post have editorialized on this matter.

Mr. President, I would like to take a moment and say a word to those who generally oppose gun control measures. I know that many Americans are very concerned about any effort that could lead to broad restrictions on guns. So I want to emphasize something: this is an anticriminal bill. And a pro-taxpayer bill. Law-abiding citizens have nothing to fear, and everything to gain from a prohibition on firearm possession by violent felons and serious drug offenders.

In conclusion, Mr. President, firearm violence has reached epidemic proportions. We have a responsibility to the victims and prospective victims to take all reasonable steps to keep this violence to a minimum. Keeping firearms away from convicted violent felons and serious drug offenders is the least these innocent Americans should be able to expect.

I ask unanimous consent that a copy of the bill be printed in the RECORD at this point, along with some related materials.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1068

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stop Arming Felons (SAFe) Act".

SEC. 2. ADMINISTRATIVE RELIEF FROM CERTAIN FIREARMS AND EXPLOSIVES PROHIBITIONS.

(a) IN GENERAL.—(1) Section 925(c) of title 18, United States Code, is amended—

(A) in the first sentence by inserting "(other than a natural person)" before "who is prohibited";

(B) in the fourth sentence—

(i) by inserting "person (other than a natural person) who is a" before "licensed importer"; and

(ii) by striking "his" and inserting "the person's"; and

(C) in the fifth sentence, by inserting "(i) the name of the person, (ii) the disability with respect to which the relief is granted, (iii) if the disability was imposed by reason of a criminal conviction of the person, the crime for which and the court in which the person was convicted, and (iv)" before "the reasons therefor".

(2) Section 845(b) of title 18, United States Code, is amended—

(A) in the first sentence by inserting "(other than a natural person)" before "may make application to the Secretary"; and

(B) in the second sentence by inserting "(other than a natural person)" before "who makes application for relief".

(b) APPLICABILITY.—The amendments made by subsection (a) shall apply to—

(1) applications for administrative relief and actions for judicial review that are pending on the date of enactment of this Act; and

(2) applications for administrative relief filed, and actions for judicial review brought, after the date of enactment of this Act.

SEC. 3. PERMANENT FIREARM PROHIBITION FOR CONVICTED VIOLENT FELONS AND SERIOUS DRUG OFFENDERS.

Section 921(a)(20) of title 18, United States Code, is amended—

(1) in the first sentence—

(A) by inserting "(A)" after "(20)"; and

(B) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively;

(2) in the second sentence, by striking "What" and inserting the following:

"(B) What"; and

(3) by striking the third sentence and inserting the following new subparagraph:

"(C) A conviction shall not be considered to be a conviction for purposes of this chapter if—

"(i) the conviction is reversed or set aside based on a determination that the conviction is invalid;

"(ii) the person has been pardoned, unless the authority that grants the pardon expressly states that the person may not ship, transport, posses, or receive firearms; or

"(iii) the person has had civil rights restored, or the conviction is expunged, and—

"(I) the authority that grants the restoration of civil rights or expungement expressly authorizes the person to ship, transport, receive, and possess firearms and expressly determines that the circumstances regarding the conviction and the person's record and reputation are such that the person is not likely to act in a manner that is dangerous to public safety, and that the granting of the relief is not contrary to the public interest; and

"(II) the conviction was for an offense other than a serious drug offense (as defined in section 924(e)(2)(A)) or violent felony (as defined in section 924(e)(2)(B)).".

[From the Washington Post, Nov. 27, 1991]

$4 MILLION A YEAR TO REARM FELONS

Congress, reluctant for so long to buck the National Rifle Association, has come to understand the importance of controlling firearms. Whether or not the measure becomes law this year, both houses have now voted for a waiting period before the purchase of a handgun, and the Senate was even willing to prohibit the sale of certain kinds of semiautomatic assault weapons. Another proposal to limit gun possession, first suggested by the Washington-based Violence Policy Center, was offered too late for inclusion in the crime bill but will be introduced by its sponsors, Rep. Edward Feighan (D-Ohio) and Rep. Lawrence Smith (D-Fla.), when Congress returns in January.

By statute, the Treasury's Bureau of Alcohol, Tobacco and Firearms is required to process applications submitted by convicted felons seeking to have their right to own guns restored. In general, such individuals are prohibited form possessing, shipping, transporting or receiving firearms, but a special exception was created to allow the federal government to restore these rights in some circumstances. The loophole was created to save the Winchester Firearms Co.—whose parent company had been convicted in a kickback scheme—from bankruptcy. Unfortunately, the law is broad enough to encompass individuals who are found "not likely to act in a manner dangerous to public safety," and because special appellate rights have been granted to applicants who are turned down, BATF must take every application seriously and be able to justify every ruling.

How does a federal agency go about deciding which felons, of the 10,000 who have applied for restoration of gun rights, would constitute a danger to society if allowed to own a firearm? By full field investigations involving interviews with family, friends, neighbors and business associates of the applicant, by reviewing criminal records and parole histories and by relying on the expert judgment of professionals trained to assess an individuals's potential for violence—if, indeed, that can be done. All this takes a great deal of time and costs the taxpayer about $1 million a year.

The idea of the government's making a special effort to rearm convicted felons is difficult to fathom. The continued expenditure, in tight budget times, of millions of dollars to implement this program is impossible to justify. Both situations should be remedied by the passage of the Feighan-Smith bill early next year.

[From The Washington Post, July 5, 1995]

OUT OF PRISON AND ARMED AGAIN

The National Rifle Association showed its muscle last week during a House Appropriations subcommittee markup. As a result, Congress is now on track to restoring one of the most senseless programs ever to be foisted on the executive branch. It involves firearms and convicted felons, and contrary to all reason, members of Congress have now taken the first step toward putting the two together.

Federal law rightly bars convicted felons from possessing, shipping, transporting or receiving firearms or ammunition. It's one of the penalties, like losing the right to vote or run for office, imposed on people who commit serious crimes. But in the '60s a loophole was created allowing the secretary of the Treasury to lift this prohibition in cases in which the criminal was "not likely to act in a manner dangerous to public safety." The change was made to save the Winchester Firearms Co., whose parent corporation, Olin Mathieson, had pleaded guilty to felony kickback charges. Without the waiver, the gun company would have gone into bankruptcy. Unfortunately, individuals began applying to have their firearms rights restored, too. And nine years ago, the problem was exacerbated when Congress gave every dissatisfied applicant the right to challenge a denial in court.

The Bureau of Alcohol, Tobacco and Firearms is charged with implementing this program, and it was spending millions each year and assigning 40 agents full-time to do background checks on applicants. In 1992, however, Congress in effect ended the program by prohibiting the use of appropriated funds for that purpose. While the NRA likes to talk about the otherwise law-abiding stockbroker caught in a financial swindle and now cut off from his beloved hobby of deer hunting, the truth is that the rights restoration program regularly enabled violent offenders to rearm. A number were convicted of new gun crimes after their rights were restored.

Now the Treasury subcommittee of House Appropriations has voted to resurrect the program. This is nonsense. Even if felons are required to pay the cost of investigations themselves, even if violent criminals and gun offenders are excluded from the benefit, the whole idea of putting weapons in the hands of men and women who are serious offenders is irrational. It's hard enough these days to distinguish an ordinary citizen from a potential killer with a grudge. But people who have already been convicted of a felony are easy to identify. Why spend the government's time and money to restore such a person's right to arm himself to the teeth, when his track record affords legitimate reason to keep him away from weapons? The Appropriations subcommittee is off to a very bad start in this direction, and responsible forces on the Hill should see to it that the effort is deep-sixed.

Mr. SIMON. Mr. President, today I introduce the Stop Arming Felons Act [SAFe], a bill to correct dangerous Federal and State legislative loopholes which allow convicted felons to possess firearms.

Until Senator LAUTENBERG and I shut down funding for the Federal loophole in 1992, millions of taxpayers' dollars had been spent rearming felons. This money was spent because a 1965 gun control statute has required the Bureau of Alcohol, Tobacco and Firearms [BATF] to process gun ownership applications submitted by convicted felons. While in general the 1968 Gun Control Act prohibits persons convicted of crimes punishable by imprisonment for a term exceeding 1 year from possessing a firearm, this 1965 loophole allowed convicted felons to apply to BATF and petition for a waiver on the ground that the felon "will not be likely to act in a manner dangerous to public safety."

Certainly, this wasn't the intention of Congress when it passed the exemption in 1965. In fact, it was passed as a favor to the Winchester Firearms Co., whose parent organization had been found guilty of a kickback scheme. Without the amendment, the company would have gone bankrupt. In 1968, however, the language was expanded to allow individuals to apply.

According to the Washington Post, some 22,000 such applications for exemption by individuals were processed by BATF from 1986–91—at a taxpayer cost of approximately $4 million a year. This means that from fiscal years 1985 to 1991, BATF spent well over $20 million to investigate gun possession applications submitted by felons. Not only is the process costly, it's also very laborious. Because the applicants' eligibility is dependent upon the laws of the State where they were convicted, BATF agents must be familiar with 50 different statutes. Furthermore, many of the numerous applications for relief require a background check and an extensive investigation of the former felon. These time consuming, often tedious investigations are performed by agents who would otherwise be investigating violent crimes.

Senator LAUTENBERG and I have successfully shut down funding for the BATF Program since 1992 through the appropriations process. This year, however, a House subcommittee voted to lift the funding prohibition on a partyline vote. Fortunately, Congressman DURBIN and his Democratic colleagues successfully reinstated the prohibition at the full committee markup. It is time to put a permanent end to this program, or we risk getting into annual appropriations struggles over whether or not to spend money rearming felons. Indeed, when the House committee first agreed to revise the action of the subcommittee, they offered language which stated that there should be no assurance that the funding prohibition would be maintained in fiscal year 1997. Again, Congressman DURBIN successfully offered an amendment to strike that language.

When the House subcommittee voted to restore funding this year, Chairman LIGHTFOOT stated: "I don't see this as dangerous. Violent people won't apply in the first place." Similarly, an NRA spokesman claimed: "We're talking about individuals who may have run afoul of Federal law but paid their debt to society."

These statements are simply untrue. Running "afoul" of Federal law would be a huge understatement to describe many of the crimes committed by the felons who not only apply for relief, but who are actually granted waivers by the BATF under this program. For example, according to a 1992 Violence Policy Center study, out of a random sample of 100 applicants who were granted relief by the BATF, 11 originally were convicted of burglary, 17 were convicted of drug-related offenses, 8 were convicted of firearm violations, 5 were convicted of robbery, including 1 who committed armed robbery with a handgun, and 5 were convicted of sexual assault, including aggravated rape, sodomy, and child molestation. Here are some of the stories behind the numbers:

Jerome Sanford Brower was granted relief after pleading guilty to charges of conspiracy to transport explosives. He transported explosives to Libya and instructed Libyans in defusing explosive devices.

An applicant was granted relief in 1989 after serving 24 months for voluntary manslaughter after killing his cousin with a 16-gauge shotgun.

An applicant, granted relief in 1989, pleaded guilty to sexual abuse after assaulting his 14-year-old stepdaughter.

An applicant, granted relief in 1989, was convicted of armed robbery and served 18 months for robbing a K-Mart with a loaded .38 caliber revolver.

In addition to these examples, the numbers of applicants rejected also gives us insight into the types of felons who are applying to regain their right to carry a weapon. After conducting extensive investigations, the BATF may deny the applications of felons who will "be likely to act in a manner dangerous to public safety." Under this standard, the BATF found it necessary to deny 3,498, or approximately one-third of all applications, between 1981–91. In other words, BATF determined that almost 3,500 applicants might pose a threat to public safety.

Not only do violent felons apply to have their rights restored, but many commit crimes after their applications are approved by the BATF. Almost 5 percent of those felons granted relief in 1986 were rearrested by 1990. According to the Violence Policy Center's report, none of these recidivist crimes were white collar, but rather were violent crimes ranging from attempted murder, sexual assault, abduction-kidnapping, child molestation, drug trafficking, and illegal firearms possession.

Amazingly, an application for relief isn't always necessary: several States automatically restore gun privileges to felons upon the completion of their sentence. In other words, some States restore the civil rights, including their firearms rights, of convicted felons the minute they walk out of prison, or within several months of their release. Felons in these States need not even apply to BATF to get their firearms rights restored. This State loophole, in the words of a Justice Department official, is "the biggest problem" facing U.S. attorney's today.

Perhaps the most disturbing case of this type has been that of Idaho felon Baldemar Gomez. He had been convicted of second-degree murder, voluntary manslaughter and battery on a correctional officer. However, because Idaho was one of the States that automatically restored convicts' civil rights upon their release from prison, in the words of Assistant U.S. Attorney Kim Lindquist, "when Baldemar walked out of the penitentiary, someone could have been standing there and handed him a shotgun and it would have been entirely legal * * *". In 1987, Gomez was rearrested during a drug raid and was convicted of violating the Gun Control Act by knowingly possessing a firearm after having been previously convicted of a crime punishable by imprisonment for a period of more than 1 year. However, this conviction was overturned by the U.S. Court of Appeals because of Idaho's automatic relief provision.

In response to the Gomez case, the Idaho legislature changed its law so that felons must wait 5 years after their sentence and then get State approval in order to own a firearm. Some States, however, still have laws which restore firearms rights to convicted felons without such review.

Fortunately, we can eliminate these dangerous loopholes by passing the Stop Arming Felons Act [SAFe]. Our act can put a permanent end to the unnecessary expense of the BATF Program and put the agents at BATF back to work on the investigation of violent crimes—not convicted felons. Specifically, the bill would prohibit individuals, including felons and fugitives from Justice, from applying to BATF for firearms disability relief.

Furthermore, the SAFe Act would address the State loophole by prohibiting States from restoring firearm privileges to violent felons. Nonviolent felons may be granted a waiver, but only after the State has made an individualized determination that the person would not pose a threat to public safety.

How would this bill affect Illinois? Illinois law currently allows the State police to grant firearms privileges to nonviolent felons. Forcible—or violent—felons may not apply for relief. Because our proposed bill and the current Illinois firearm privilege restoration procedures are so similar, Illinois would benefit from this bill, because the residents of Illinois would no longer have to fund the BATF relief procedure through their taxes.

I feel confident that most of my colleagues will support this measure. While many of us have differed in the past over issues such as controlling assault weapons and passing a handgun waiting period, I think we can all agree that convicted felons should not be applying to the Federal Government for firearms relief at the taxpayers' expense—nor should violent felons be getting relief from the States. This is simply common sense. I urge all of my colleagues to join me in this effort.

ADDITIONAL COSPONSORS

S. 684

At the request of Mr. HATFIELD, the names of the Senator from Virginia [Mr. WARNER] and the Senator from South Carolina [Mr. HOLLINGS] were added as cosponsors of S. 684, a bill to amend the Public Health Service Act to provide for programs of research regarding Parkinson's disease, and for other purposes.

S. 770

At the request of Mr. DOLE, the name of the Senator from Wisconsin [Mr. FEINGOLD] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 832

At the request of Mr. GRAHAM, the names of the Senator from Florida [Mr. MACK] and the Senator from New Jersey [Mr. BRADLEY] were added as cosponsors of S. 832, a bill to require the Prospective Payment Assessment Commission to develop separate applicable percentage increases to ensure that medicare beneficiaries who receive services from medicare dependent hospitals receive the same quality of care and access to services as medicare beneficiaries in other hospitals, and for other purposes.

S. 942

At the request of Mr. BOND, the name of the Senator from Minnesota [Mr. GRAMS] was added as a cosponsor of S. 942, a bill to promote increased understanding of Federal regulations and increased voluntary compliance with such regulations by small entities, to provide for the designation of regional ombudsmen and oversight boards to monitor the enforcement practices of certain Federal agencies with respect to small business concerns, to provide relief from excessive and arbitary regulatory enforcement actions against small entities, and for other purposes.

S. 1014

At the request of Mr. NICKLES, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 1014, a bill to improve the management of royalties from Federal and Outer Continental Shelf oil and gas leases, and for other purposes.

S. 1060

At the request of Mr. LEVIN, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1060, a bill to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

S. 1061

At the request of Mr. LEVIN, the name of the Senator from Arizona [Mr. MCCAIN] was added as a cosponsor of S. 1061, a bill to provide for congressional gift reform.

SENATE RESOLUTION 149

At the request of Mr. AKAKA, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of Senate Resolution 149, a resolution expressing the sense of the Senate regarding the recent announcement by the Republic of France that it intends to conduct a series of underground nuclear test explosions despite the current international moratorium on nuclear testing.

AMENDMENTS SUBMITTED

LOBBYING DISCLOSURE ACT OF 1995

McCAIN (AND COHEN) AMENDMENT NO. 1836

Mr. MCCAIN (for himself and Mr. COHEN) proposed an amendment to the bill (S. 1060) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; as follows:

On page 5, line 9, strike paragraphs (5) and renumber accordingly.

On page 6, line 5, strike "Lobbying activities also include efforts to stimulate grassroots lobbying" and all that follows through the end of the paragraph and insert in lieu thereof the following:

"Lobbying activities do not include grassroots lobbying communications or other communications by volunteers who express their own views on an issue, but do include paid efforts, by the employees or contractors of a person who is otherwise required to register, to stimulate such communications in support of lobbying contacts by a registered lobbyist."

On page 8, line 11, strike "that is widely distributed to the public" and insert "that is distributed and made available to the public".

On page 9, line 11, strike "a written request" and insert "an oral or written request".

On page 13, line 15, strike "1 or more lobbying contacts" and insert "more than one lobbying contact".

On page 13, line 17 and 18, strike "10 percent of the time engaged in the services provided by such individual to that client" and insert "20 percent of the time engaged in the services provided by such individual to that client over a six month period".

On page 16, line 3, strike "30 days" and insert "45 days".

On page 16, line 8, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 16, line 23, strike "$2,500" and insert "$5,000".

On page 17, line 2, strike "$5,000" and insert "$10,000".

On page 17, line 22, strike "shall be in such form as the Director shall prescribe by regulation and".

On page 18, line 10, strike "$5,000" and insert "$10,000".

On page 18, line 19, strike "$5,000" and insert "$10,000".

On page 20, line 18, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 20, line 21, strike "30 days" and insert "45 days".

On page 21, line 1, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 21, line 12, strike "$2,500" and insert "$5,000".

On page 21, line 17, strike "$5,000" and insert "$10,000".

On page 21, line 23, strike "the Director in such form as the Director may prescribe" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 22, line 6, strike "shall be in such form as the Director shall prescribe by regulation and"

On page 23, line 20, strike subsection (c) and insert in lieu thereof the following:

"(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

"(1) Estimates of amounts in excess of $10,000 shall be rounded to the nearest $20,000.

"(2) In the event income or expenses do not exceed $10,000, the registrant shall include a statement that income or expenses totaled less than $10,000 for the reporting period.

"(3) A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8)."

On page 25, line 24, strike subsection (e).

On page 31, line 1 and all that follows through line 17 on page 47, and insert in lieu there of the following:

"SEC. 7. DISCLOSURE AND ENFORCEMENT.

"(a) The Director of the Office of Government Ethics shall—

(1) provide guidance and assistance on the registration and reporting requirements of this Act; and

"(2) after consultation with the Secretary of the Senate and the Clerk of the House of Representatives, develop common standards, rules, and procedures for compliance with this Act.

"(b) The Secretary of the Senate and the Clerk of the House of Representatives shall—

"(1) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

"(2) develop filing, coding, and cross-indexing systems to carry out the purpose of this Act, including—

"(A) a publicly available list of all registered lobbyists and their clients; and

"(B) computerized systems designed to minimize the burden of filing and minimize public access to materials filed under this Act;

"(3) ensure that the computer systems developed pursuant to paragraph (2) are compatible with computer systems developed and maintained by the Federal Election Commission, and that information filed in the two systems can be readily cross-referenced;

"(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this Act;

"(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

"(6) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

"(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this Act; and

"(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this Act, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (6).

"SEC. 7. PENALTIES.

"Whoever knowingly fails to—

"(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

"(2) comply with any other provision of this Act; shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than $50,000, depending on the extent and gravity of the violation."

On page 48, line 2, strike "the Director or".

On page 48, line 9, strike "the Director" and insert "the Secretary of the Senate or the Clerk of the House of Representatives".

On page 54, line 9, strike Section 18.

On page 55, line 23, strike Section 20.

On page 58, line 5, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 59, strike line 3 and all that follows through the end of the bill, and insert in lieu thereof the following:

"SEC. 22. EFFECTIVE DATES.

"(a) Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on January 1, 1997.

"(b) The repeals and amendments made under sections 13, 14, 15, and 16 shall take effect as provided under subsection (a), except that such repeals and amendments—

"(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

"(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments."

McCAIN AMENDMENT NO. 1837

Mr. McCAIN proposed an amendment to the bill, S. 1060, supra; as follows:

At the appropriate place, insert the following:

SEC. . REPEAL OF THE RAMSPECK ACT.

(a) REPEAL.—Subsection (c) of section 3304 of title 5, United States Code, is repealed.

(b) Redesignation.—Subsection (d) of section 3304 of title 5, United States Code, is redesignated as subsection (c).

(c) Effective Date.—The repeal and amendment made by this section shall take effect 2 years after the date of the enactment of this Act.

BROWN AMENDMENT NO. 1838

Mr. BROWN proposed an amendment to the bill, S. 1060, supra; as follows:

At the appropriate place in the bill, insert the following:

SEC. . DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) Income.—Section 102(a)(1)(B) of the Ethics in Government Act of 1978 is amended—

(1) in clause (viii) by striking "or"; and

(2) by striking clause (viii) and inserting the following:

"(viii) greater than $1,000,000 but not more than $5,000,000, or

"(ix) greater than $5,000,000.".

(b) Assets and Liabilities.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended—

(1) in subparagraph (F) by striking "and"; and

(2) by striking subparagraph (G) and inserting the following:

"(G) greater than $1,000,000 but not more than $5,000,000;

"(H) greater than $5,000,000 but not more than $25,000,000;

"(I) greater than $25,000,000 but not more than $50,000,000; and

"(J) greater than $50,000,000.".

SIMPSON (AND OTHERS) AMENDMENT NO. 1839

Mr. SIMPSON (for himself, Mr. Craig, Mr. Murkowski, Mr. Kyl, Mr. Faircloth, Mr. Abraham, Mr. Grams, Mr. Nickles, Mr. Lott, Mr. Shelby, and Mr. Coverdell) proposed an amendment to the bill, S. 1060, supra; as follows:

At the appropriate place, insert the following:

SEC. . EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

BROWN AMENDMENT NO. 1840

Mr. BROWN proposed an amendment to the bill, S. 1060, supra; as follows:

At the appropriate place, insert the following:

SEC. . DISCLOSURE OF THE VALUE OF ANY PERSONAL RESIDENCE IN EXCESS OF $1,000,000 UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) In General.—Section 102(a) of the Ethics in Government Act of 1978 is amended by adding at the end thereof the following:

"(8) The category of value of any property used solely as a personal residence of the reporting individual or the spouse of the individual which exceeds $1,000,000.".

(b) Conforming Amendment.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended by striking "and (5) and inserting "5), and (8)".

BROWN AMENDMENT NO. 1841

Mr. BROWN proposed an amendment to amendment No. 1839 proposed by Mr. Simpson to the bill S. 1060, supra; as follows:

At the appropriate place, insert the following:

SEC. . FINANCIAL DISCLOSURE OF INTEREST IN QUALIFIED BLIND TRUST.

(a) In General.—Section 102(a) of the Ethics in Government Act of 1978 is amended by adding at the end thereof the following:

"(8) The category of the total cash value of any interest of the reporting individual in a qualified blind trust, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust,"

(b) Conforming Amendment.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended by striking "and (5)" and inserting "(5), and (8)".

(1) In general.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

CRAIG AMENDMENT NO. 1842

Mr. CRAIG proposed an amendment to the bill, S. 1060, supra; as follows:

Strike all after the word "Sec.", and insert the following:

. EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) which engages in lobbying of the Internal Revenue Code of 1986 shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

LEVIN (AND McCONNELL) AMENDMENT NO. 1843

Mr. LEVIN (for himself and Mr. McConnell) proposed an amendment to amendment No. 1836 proposed by Mr. Levin to the bill, S. 1060, supra; as follows:

Strike the text of the amendment and insert the following in lieu thereof:

On page 3, line 20, strike paragraph (E) and redesignate the following paragraphs accordingly.

On page 5, line 9, strike paragraph (5) and renumber accordingly.

On page 6, line 5, strike "Lobbying activities also include efforts to stimulate grassroots lobbying" and all that follows through the end of the paragraph.

On page 7, line 10, strike lines 10 through 21 and insert in lieu thereof "cense); or"

On page 8, line 11, strike "that is widely distributed to the public" and insert "that is distributed and made available to the public".

On page 9, line 11, strike "a written request" and insert "an oral or written request".

On page 13, line 15, strike "1 or more lobbying contacts", and insert "more than one lobbying contact".

On page 13, lines 17 and 18, strike "10 percent of the time engaged in the services provided by such individual to that client" and insert "20 percent of the time engaged in the services provided by such individual to that client over a six month period".

On page 16, line 3, strike "30 days" and insert "45 days".

On page 16, line 8, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 16, line 23, strike "$2,500" and insert "$5,000".

On page 17, line 2, strike "$5,000" and insert "$20,000".

On page 17, line 11, strike "shall be in such form as the Director shall prescribe by regulation and".

On page 18, line 10, strike "$5,000" and insert "$10,000".

On page 18, line 14, strike paragraph (B) and insert in lieu thereof the following:

"(B) in whole or in major part plans, supervises, or controls such lobbying activities."

On page 18, line 19, strike "$5,000" and insert "$10,000".

On page 20, line 18, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 20, line 21, strike "30 days" and insert "45 days".

On page 21, line 1, strike "the Office of Lobbying Registration and Public Disclosure" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 21, line 5, strike paragraph (2).

On page 22, line 5, strike "shall be in such form as the Director shall prescribe by regulation and".

On page 22, line 18, strike "regulatory actions" and all that follows through the end of line 20 and insert in lieu thereof "executive branch actions".

On page 22, line 21, strike "and committees".

On page 23, line 20, strike subsection (c) and insert in lieu thereof the following:

"(c) Estimates of Income or Expenses.—For purposes of this section, estimates of income or expenses shall be made as follows:

"(1) Estimates of amounts in excess of $10,000 shall be rounded to the nearest $20,000.

"(2) In the event income or expenses do not exceed $10,000, the registrant shall include a statement that income or expenses totaled less than $10,000 for the reporting period.

"(3) A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8)."

On page 24, line 23, strike subsection (d).

On page 25, line 24, strike subsection (e).

On page 31, strike line 1 and all that follows through line 17 on page 47, and insert in lieu thereof the following:

"SEC. 7. DISCLOSURE AND ENFORCEMENT.

"The Secretary of the Senate and the Clerk of the House of Representatives shall—

(1) provide guidance and assistance on the registration and reporting requirements of this Act and develop common standards, rules, and procedures for compliance with this Act;

"(2) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

"(3) develop filing, coding, and cross-indexing systems to carry out the purpose of this Act, incuding—

"(A) a publicly available list of all registered lobbyists, lobbying firms, and their clients; and

"(B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this Act;

"(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this Act;

"(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

"(6) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

"(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this Act; and

"(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this Act, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (6).

"SEC. 7. PENALTIES.

"Whoever knowingly fails to—

"(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

(2) comply with any other provision of this Act; shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than $50,000, depending on the extent and gravity of the violation."

On page 48, line 2, strike "the Director or".

On page 48, line 9, strike "the Director" and insert "the Secretary of the Senate or the Clerk of the House of Representatives".

On page 54, line 9, strike Section 18 and renumber accordingly.

On page 55, line 23, strike Section 20 and renumber accordingly.

On page 58, line 5, strike "the Director" and insert "the Secretary of the Senate and the Clerk of the House of Representatives".

On page 59, strike line 3 and all that follows through the end of the bill, and insert in lieu thereof the following:

"SEC. 22. EFFECTIVE DATES.

"(a) Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on January 1, 1996.

"(b) The repeals and amendments made under sections 13, 14, 15, and 16 shall take effect as provided under subsection (a), except that such repeals and amendments—

"(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

"(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments."

DOLE AMENDMENT NO. 1844

Mr. MCCONNELL (for Mr. DOLE) proposed an amendment to the bill, S. 1060, supra; as follows:

Strike section 11 of the Foreign Agents Registration Act of 1938, as amended, and insert in lieu thereof the following:

SEC. 11. REPORTS TO THE CONGRESS

The Attorney General shall every six months report to the Congress concerning administration of this Act, including registrations filed pursuant to the Act, and the nature, sources and content of political propaganda disseminated and distributed.

DOLE (AND McCAIN) AMENDMENT NO. 1845

Mr. MCCONNELL (for Mr. DOLE, for himself and Mr. MCCAIN) proposed an amendment to the bill, S. 1060, supra; as follows:

At the appropriate place, insert the following:

SEC. . BAN ON TRADE REPRESENTATIVE REPRESENTING OR ADVISING FOREIGN ENTITIES.

(a) REPRESENTING AFTER SERVICE.—Section 207(f)(2) of title 18, United States Code, is amended by—

(1) inserting "or Deputy United States Trade Representative" after "is the United States Trade Representative"; and

(2) striking "within 3 years" and inserting "at any time".

(b) LIMITATION ON APPOINTMENT AS UNITED STATES TRADE REPRESENTATIVE AND DEPUTY UNITED STATES TRADE REPRESENTATIVE.—Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended by adding at the end the following new paragraph:

"(3) LIMITATION ON APPOINTMENTS.—A person who has directly represented, aided, or advised a foreign entity (as defined by section 207(f)(3) of title 18, United States Code) in any trade negotiation, or trade dispute, with the United States may not be appointed as United States Trade Representative or as a Deputy United States Trade Representative."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an individual appointed as United States Trade Representative or as a Deputy United States Trade Representative on or after the date of enactment of this Act.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON THE JUDICIARY

Mr. LOTT. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Monday, July 24, 1995, at 2 p.m. to hold a hearing on "Cyberporn and Children: The Scope of the Problem, the State of the Technology and the Need for Congressional Action."

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

BUDGET SCOREKEEPING REPORT

• Mr. DOMENICI. Mr. President, I hereby submit to the Senate the budget scorekeeping report prepared by the Congressional Budget Office under section 308(b) and in aid of section 311 of the Congressional Budget Act of 1974, as amended. This report meets the requirements for Senate scorekeeping of section 5 of Senate Concurrent Resolution 32, the first concurrent resolution on the budget for 1986.

This report shows the effects of congressional action on the budget through July 21, 1995. The estimates of budget authority, outlays, and revenues, which are consistent with the technical and economic assumptions of the concurrent resolution on the budget (H. Con. Res. 218), show that current level spending is below the budget resolution by $20.9 billion in budget authority and $2.0 billion in outlays. Current level is $0.5 billion over the revenue floor in 1995 and below by $9.5 billion over the 5 years 1995–1999. The current estimate of the deficit for purposes of calculating the maximum deficit amount is $237.4 billion, $3.7 billion below the maximum deficit amount for 1995 of $241.0 billion.

Since my last report, dated July 11, 1995, Congress has cleared for the President's signature the 1995 emergency supplementals and rescissions bill (H.R. 1944). This action changed the current level of budget authority and outlays.

The report follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, July 24, 1995.

Hon. PETE DOMENICI,
Chairman, Committee on the Budget,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The attached report for fiscal year 1995 shows the effects of Congressional action on the 1995 budget and is current through July 21, 1995. The estimates of budget authority, outlays and revenues are consistent with the technical and economic assumptions of the 1995 Concurrent Resolution on the Budget (H. Con. Res. 218). This report is submitted under Section 308(b) and in aid of Section 311 of the Congressional Budget Act, as amended, and meets the requirements of Senate scorekeeping of Section 5 of S. Con. Res. 32, the 1986 First Concurrent Resolution on the Budget.

Since my last report, dated July 10, 1995, Congress has cleared for the President's signature the 1995 Emergency Supplementals and Rescissions bill (H.R. 1944). This action changed the current level of budget authority and outlays.

Sincerely,

JUNE E. O'NEILL.

THE CURRENT LEVEL REPORT FOR THE U.S. SENATE, FISCAL YEAR 1995, 104TH CONGRESS, 1ST SESSION, AS OF CLOSE OF BUSINESS JULY 21, 1995

[In billions of dollars]

	Budget resolution (H. Con. Res. 218) [1]	Current level [2]	Current level over/under resolution
ON-BUDGET			
Budget authority	1,238.7	1,217.8	−20.9
Outlays	1,217.6	1,215.6	−2.0
Revenues:			
1995	977.7	978.2	0.5
1995–1999	5,415.2	5,405.7	−9.5
Deficit	241.0	237.4	−3.7
Debt Subject to Limit	4,965.1	4,846.5	−118.6
OFF-BUDGET			
Social Security Outlays:			
1995	287.6	287.5	−0.1
1995–1999	1,562.6	1,562.6	(3)
Social Security Revenues:			
1995	360.5	360.3	−0.2
1995–1999	1,998.4	1,998.2	−0.2

[1] Reflects revised allocation under section 9(g) of H. Con. Res. 64 for the Deficit-Neutral reserve fund.

[2] Current level represents the estimated revenue and direct spending effects of all legislation that Congress has enacted or sent to the President for his approval. In addition, full-year funding estimates under current law are included for entitlement and mandatory programs requiring annual appropriations even if the appropriations have not been made. The current level of debt subject to limit reflects the latest U.S. Treasury information on public debt transactions.

[3] Less than $50 million.

THE ON-BUDGET CURRENT LEVEL REPORT FOR THE U.S. SENATE, 104TH CONGRESS, 1ST SESSION, SENATE SUPPORTING DETAIL FOR FISCAL YEAR 1995, AS OF CLOSE OF BUSINESS JULY 21, 1995

[In millions of dollars]

	Budget authority	Outlays	Revenues
Enacted in Previous Sessions			
Revenues			978,466
Permanents and other spending legislation	750,307	706,236	
Appropriation legislation	738,096	757,783	
Offsetting receipts	−250,027	−250,027	
Total previously enacted	1,238,376	1,213,992	978,466
Enacted this Session			
1995 Emergency Supplementals and Rescissions Act (P.L. 104–6)	−3,386	−1,008	
Self-Employed Health Insurance Act (P.L. 104–7)			−248
Total enacted this session	−3,386	−1,008	−248
Pending Signature			
1995 Emergency Supplementals and Rescissions (H.R. 1944)	−15,286	−590	
Entitlements and Mandatories			
Budget resolution baseline estimates of appropriated entitlements other mandatory programs not yet enacted	−1,896	3,180	
Total Current Level[1]	1,217,807	1,215,574	978,218
Total Budget Resolution	1,238,744	1,217,605	977,700
Amount remaining:			
Under Budget Resolution	20,937	2,031	
Over Budget Resolution			518

[1] In accordance with the Budget Enforcement Act, the total does not include $7,360 million in budget authority and $7,885 million in outlays in funding for emergencies that have been designated as such by the President and the Congress, and $841 million in budget authority and $917 million in outlays for emergencies that would be available only upon an official budget request from the President designating the entire amount requested as an emergency requirement.•

THE PASSING OF DR. SAMUEL L. BANKS

• Ms. MIKULSKI. Mr. President, on Wednesday, July 19, the children of Maryland lost a distinguished educator. African-Americans in Maryland lost an impassioned, tireless and eloquent leader. All of us who thirst for justice and equality lost an enormously distinguished champion. And, I lost a good friend.

I refer, Mr. President, to the passing of Baltimore's Dr. Samuel L. Banks. My relationship with Dr. Banks was one of long-standing, dating back to my earliest days as a grassroots organizer and community activist. Dr. Banks and I debated one another on many occasions. I always felt that we not only debated each other but delighted each other.

No community ever had a more persuasive, persistent and effective advocate than did Baltimore's African-American community in Dr. Banks. He had a rare and wonderful gift for language and communication. He never failed to awe me with his unique ability to express the most content-rich views in the most vivid of images.

Dr. Banks was a fighter for those left out and left behind. He was a mighty warrior for good. In an illustrious career of over 30 years as a teacher and Administrator in Baltimore City public schools, he implemented his vision of education as a tool of empowerment.

His loss is a deep tragedy for his family and friends. My condolences go out to all his loved ones. But his passing is also a tremendous loss for the children of Maryland. I wish we had a hundred—a thousand—Dr. Banks in Baltimore and in communities throughout Maryland and, indeed, the country. We desperately need more people with his dedication and vision.

So, all of us will miss him greatly. I hope, though, that when he entered the gates of Paradise, he was greeted by Martin Luther King, Jr., Sojourner Truth, Frederick Douglass and Mary McLeod Bethuse. And wouldn't we all like to sit there and listen to that heavenly choir.

Mr. President, I would like to share with my colleagues an article and an editorial tribute from the Sun which sum up much of what made Dr. Samuel Banks such a remarkable figure, and ask that they be printed in the RECORD.

The articles follow:

[From the Baltimore Sun, July 20, 1995]

SAMUEL L. BANKS

Regular readers of this newspaper's letters to the editor knew Samuel L. Banks as an inveterate correspondent always ready to take on the powers-that-be with a rhetorical flourish that both enlightened and entertained.

Dr. Banks, who died Wednesday at 64, was for 36 years a teacher and administrator in the Baltimore City public schools. But it was through his innumerable letters to the editor, his feisty opinion-page pieces and his sometimes prolix prose that he became known to thousands of Marylanders as a tireless champion of equal opportunity.

Most people write letters to the editor to let off steam, express a personal opinion or simply for the thrill of seeing their name in print. The letters columns are a forum for all manner of complaints, grudges and passionate appeals as well as for the occasional gem of lucidity and sweet reason. A few people develop virtual second careers as letters column correspondents, vying with other letter writers and the newspaper's own staff members for pride of placement and frequency of publication.

For Dr. Banks, however, a letter to the editor or an opinion page article was a means to an end, not an end in itself. He addressed the issues of the day not out of vanity but because he believed fervently that change would never come unless the status quo was challenged. He made it his business to do so as forcefully as possible. He wanted to wipe out every trace of bigotry and discrimination so that the nation might at last fulfill its historic promise of justice and equal opportunity for all.

Applying the dictum of old-time labor leader Sam Gombers—always demand more, more, more—Dr. Banks brought to his advocacy an unquenchable demand for improvement in the lives of his fellow African Americans. This newspaper was his special focus. He would rise in righteous fury against news stories or editorials he considered unfair to this constituency or his several causes. Yet when writers displayed what he regarded as greater sensitivity, he would dispense gentlemanly praise before launching into a lecture of what could be done better. He was one of our most persistent bed bugs, albeit a beneficent bed bug. We suspect that description would please him.

Dr. Banks' style often mimicked the stately cadences of a church sermon. But he was fond of spicing up his phrases with unusual and sometimes arcane words that lent his expressions a peculiar dignity and sly humor. He knew readers delighted in his seemingly inexhaustible stock of adjectives, which he piled atop one another.

Editors could pare words, phrases or whole paragraphs from his letters and still have more than enough left to fill the allotted space. Dr. Banks' vision of America and its possibilities was as generous as his use of words, and as wise.

Samuel Banks, Champion of Black History, Dies—Educator Was Known for His Love of Words

(By Joan Jacobson)

Samuel L. Banks, a Baltimore educator who was a connoisseur of the English language and a nationally known champion of African-American history, died suddenly yesterday at his home in Prince George's County. He was 64.

Dr. Banks was a teacher and administrator for 36 years, orchestrating one of the nation's first Afro-centric social studies curricula in city schools more than 20 years ago.

A history and social studies teacher who taught future mayor Kurt L. Schmoke at City College during the 1960s, Dr. Banks became a school administrator and national leader at writing history and social studies curricula.

A prolific writer—particularly for *The Sun*, *The Evening Sun* and the *Afro-American*—Dr. Banks excoriated the U.S. Supreme Court for its rulings against affirmative action and flayed the Republican-dominated Congress for what he believed was a racially biased "Contract with America."

In his writings, he was fond of using French phrases and quoting abolitionist-writer Frederick Douglass. He often sent readers to a dictionary to look up words. He used the word "Zeitgeist" in a July 14 letter to a *Sun* editor that arrived on the day of Dr. Banks' death.

Dr. Banks died yesterday morning after a routine day of work and an evening at home the day before, said his wife of 38 years, Elizabeth.

As she was waking up, Mrs. Banks said, she heard her husband take two heavy breaths and heard no breathing after that. She said she did not know the cause of death.

The news of Dr. Banks' death traveled quickly and with sadness through the Baltimore Education Department's North Avenue headquarters yesterday.

"It was awfully hard to break the news," sad May Nicholsonne, associate superintendent for instruction, who informed the staff of the school system's department of compensatory and funded programs, which Dr. Banks directed.

"I asked them to carry on the legacy and think of all the contributions he made," she said.

Delores Powell, a secretary whose desk sits outside Dr. Banks' office, remembered him as a "sweet, gentle man" who took time out from his busy schedule to write recommendation letters to help her daughter get a college scholarship.

"It's a shock to everybody," she said. "I don't know a better word, but Dr. Banks would have a better word."

A WISE LEADER

Dr. Banks was "a wise leader in the school system and in the city of Baltimore," said Martin Gould, assistant superintendent for family and student support services. "He was a warm and supportive colleague from the first day I came on board here."

On Tuesday, said Dr. Gould, Dr. Banks appeared in good health, physically and mentally as he "consumed a 150-page document in a matter of hours" before discussing it in detail.

Mayor Schmoke, in a written statement, called Dr. Banks, "a leader in promoting multicultural education long before it became a fashionable topic for public discussion.

"I was a student of his at City College and through the years I found him to be a tough advocate with a kind heart, a person who will be greatly missed by his community," said Mr. Schmoke.

Dr. Banks had many other admirers as well.

"The world is a much lesser place without Dr. Banks," said Margie Ashe, a homemaker and writer, who became Dr. Banks' friend through the Association for the Study of Afro-American Life and History. "Dr. Banks was a gentleman. He was one of the most considerate human beings I have ever met."

The Woodlawn resident said she and Dr. Banks also had a mutual love for words.

"One of my major accomplishments was that I found a four-letter word that Dr. Banks didn't know. It was 'limn' which means to outline or describe something. I found it in a crossword puzzle. After I finally worked it out, I said, 'Did you know this one, Sam?' and he said no. He was famous for knowing all the words in the dictionary and using them."

Thousands of Marylanders who never met Dr. Banks knew him through his articles and letters to the editor of the Sun and The Evening Sun. Joseph R. L. Sterne, Sun editorial page editor, estimated that Dr. Banks wrote more letters to the editor than any other contributor during the last two decades.

MANY TOPICS

"He's been one of our most dedicated letter writers. His letters often were couched in formal language that led to some kinds of parody but also rang with a certain kind of dignity," said Mr. Sterne.

In his letters to the editor, Dr. Banks took on many topics—most dealing with the inequities he perceived toward African-Americans. For instance, in a letter that appeared in Saturday's paper, he critized the Supreme Court decision against minority set-asides, saying the court "has placed its judicial imprimatur in a resuscitation of separate but unequal treatment for black citizens."

Yesterday, in what turned out to be his last communication with The Sun, Dr. Banks wrote of his "concern that so many in our society, young and adult, are bombarded constantly with negativism failure, cynicism and alienation. This situation, I believe, weighs very heavily and disproportionately on children and youths given the Zeitgeist or spirit of the times."

In his letter to a Sun editor, Dr. Banks encouraged the newspaper to "highlight the experiences and successes of young people who are making vital, substantive and inspirational gains in spite of societal turbulence, apathy and ennui.

In the early 1980s, Dr. Banks was instrumental in leading a predominantly black boycott of the Baltimore Sun after a series of articles appeared in The Evening Sun that dealt with single-parent families.

But harsh criticisms were not limited to the Supreme Court, congress or the local newspaper.

In a recent interview, Dr. Banks ridiculed his boss, City School Superintendent Walter G. Amprey, for his unusually close relationship with the head of a private company hired to run several city schools.

Dr. Banks' wife said his prolific writing and strong opinions on education were fueled by "his care and concern for children. He believed in education. It was uppermost in his thoughts. He loved children."

Dr. Banks was educated in the Norfolk, Va., school system, received his undergraduate and master's degrees from Howard University in Washington and his doctorate in education from George Washington University, also in Washington.

He was a member of numerous organizations, including the National Council of History Standards and the NAACP. He taught Bible class at Walker Memorial Baptist Church in Washington.

Funeral arrangements were incomplete yesterday.

In addition to his wife, he is survived by two daughters, Gayle Banks Jones of Bowie and Allison Banks Holmes of Upper Marlboro; and three grandchildren.

BANKS' LETTERS TO THE EDITOR

For close readers of The Sun during the past quarter of a century, Samuel L. Banks was as familiar a fixture at the newspaper as any of its regular staff writers. His missives to The Sun were unceasing; it was not unusual for two or three of his letters to be published in the newspaper each month. "In the past 22 years that I've been on this job, we've had more Sam Banks' letters than any other letter writer by far," Joseph R. L. Sterne, The Sun's editorial page editor, said yesterday, "And yet being Sam Banks, if we discarded a few of his letters, he would be quick to put on pressure to get his letters into the paper."

If Mr. Banks' writing was often verbose and more than a bit preachy, it was also dignified, passionate and occasionally caustic. Below, a selection from his voluminous correspondence with this newspaper:

The [Joe] Smith case has reverberations far beyond College Park. The larger issue concerns an almost veritable disregard in predominantly white NCAA-affiliated colleges for black student-athletes. These black youths are simply seen as gladiators, especially in football and basketball, whose athletic talents and abilities bring huge profits to the institutions.—May 17, 1995.

Finally, I recall, as an undergraduate member of the debating team at Howard University, how the late Lewis Fenderson often cautioned us: "When you have the facts, argue the facts. When you don't have the facts, pound the table lustily."

Mr. Slepian's letter gave abundant evidence of the latter.—April 30, 1995.

It is a national scandal that, 31 years after the enactment of the 1964 Civil Rights Act, white males still make up 97 percent of senior managers in Fortune 1000 companies.—March 29, 1995.

The banal and wholly self-serving comments of Mr. Williams regarding his upbringing in South Carolina and the role of race represented a cruel and mindless transmogrification of truth and reality.—Feb. 26, 1995.

The painting of graffiti outside the Knesh Israel Synagogue in Annapolis and a black-owned hair salon in Edgewater is a manifestation of a worrisome situation that goes far beyond the October Ku Klux Klan rally in Annapolis led by a group of rag-tag, venomous and obstreperous peddlers of hate, divisiveness and intolerance.

As has been true historically in our nation, the central problem remains the refusal of white Americans to accept the clear and present reality of racism.—Jan. 6, 1995.

Congressional Republicans' so-called "Contract with America" signals an intensification of hostility, racism and indifference to the socio-economic and educational needs of racial minorities and the poor.—Dec. 13, 1994.

The saga of Marion Barry is instructive and inspirational. He had fallen, through his visceral and worldly appetites, to the lowest point with his incarceration. Nonetheless, he paid his dues and bounced back. His incarnation provides a marvelous example to those in similar predicaments as to what can be achieved through faith in God, determination and staying power.—Nov. 2, 1994.•

SAMUEL L. BANKS

• Mr. SARBANES. Mr. President, I am proud to join with the Baltimore community and the friends of education throughout Maryland in honoring the memory of Dr. Samuel L. Banks who was a longtime champion of civil rights and education in our State.

Dr. Banks was an outspoken advocate for expanding educational opportunities and was particularly concerned in fostering the potential of Afro-American students. He was fervent in his pursuit for educational equality as was evidenced in his frequent contributions to the Baltimore Sun, both in letters to the editor and in the commentary section.

Most importantly, Dr. Banks was an extraordinarily well-read and learned person who displayed throughout his professional life intellectual excellence and personal generosity.

I extend my most sincere sympathies to Elizabeth, his wife, Gayle and Allison, his daughters, and to all of the family and friends of Samuel Banks. Mr. President, I ask that an editorial from the Baltimore Sun that pays homage to Dr. Banks be inserted in the RECORD as follows:

[From the Baltimore Sun, July 21, 1995]

SAMUEL L. BANKS

Regular readers of this newspaper's letters to the editor knew Samuel L. Banks as an inveterate correspondent always ready to take on the powers-that-be with rhetorical flourish that both enlightened and entertained.

Dr. Banks, who died Wednesday at 64, was for 36 years a teacher and administrator in the Baltimore City public schools. But it was through his innumerable letters to the editor, his feisty opinion-page pieces and his sometimes prolix prose that he became known to thousands of Marylanders as a tireless champion of equal opportunity.

Most people write letters to the editor to let off steam, express a personal opinion or simply for the thrill of seeing their name in print. The letters columns are a forum for all manner of complaints, grudges and passionate appeals as well as for the occasional gem of lucidity and sweet reason. A few people develop virtual second careers as letters column correspondents, vying with other letter writers and the newspaper's own staff members for pride of placement and frequency of publication.

For Dr. Banks, however, a letter to the editor or an opinion page article was a means to an end, not an end in itself. He addressed the issues of the day not out of vanity but because he believed fervently that change would never come unless the status quo was challenged. He made it his business to do so as forcefully as possible. He wanted to wipe out every trace of bigotry and discrimination so that the nation might at last fulfill its historic promise of justice and equal opportunity for all.

Applying the dictum of old-time labor leader Sam Gompers—always demand more, more, more—Dr. Banks brought to his advocacy an unquenchable demand for improvement in the lives of his fellow African Americans. This newspaper was his special focus. He would rise in righteous fury against news stories or editorials he considered unfair to his constituency or his several causes. Yet when writers displayed what he regarded as greater sensitivity, he would dispense gentlemanly praise before launching into a lecture of what could be done better. He was one of our most persistent bed bugs, albeit a beneficent bed bug. We suspect that description would please him.

Dr. Banks' style often mimicked the stately cadences of a church sermon. But he was fond of spicing up his phrases with unusual and sometimes arcane words that lent his expressions a peculiar dignity and sly humor. He knew readers delighted in his seemingly inexhaustible stock of adjectives, which he piled atop one another.

Editors could pare words, phrases or whole paragraphs from his letters and still have more than enough left to fill the allotted space. Dr. Banks' vision of America and its possibilities was as generous as his use of words, and as wise.•

KOREAN WAR VETERANS MEMORIAL

• Mr. ROCKEFELLER. Mr. President, I rise today to honor the 5.7 million service men and women who served our Nation during the Korean war. All too often, these individuals have been America's forgotten soldiers, having fought and died in what has been called the forgotten war.

With the dedication of the National Korean War Memorial on July 27, here in Washington, DC, the memory of the supreme effort that so many made will now be honored by future generations. Though we will never be able to express in mere words or stone the greatness of the deeds performed by our veterans in that war, the memorial will at least keep fresh the memories of our fathers and mothers, husbands and wives, and brothers and sisters who made the greatest of all sacrifices in that far-off land.

Today, over 37,000 veterans from the Korean war reside in West Virginia. One of those 37,000 is my friend Edmund Reel. I want to tell you his story because his experiences and actions speak far more eloquently about him and his fellow veterans than I could hope to.

Edmund is from Moorefield, WV, where he is a retired command sergeant major after 28 years of service. He devotes all of his free time to major veterans' groups, helping his former comrades in arms.

Edmund arrived in Korea on August 25, 1950. Serving in Company M of the 8th Regiment of the 1st Cavalry, he saw action from Taegu to the Yalu. On November 1, he was captured by the Chinese. For the next 34 months, Edmund was a prisoner of war. Shuffled between North Korean and Chinese prison camps, he was subject to torture, hard labor, starvation, and constant beatings. Edmund remembers that one time, during a particularly brutal winter day, he was forced to stand on a hill for hours with a heavy rock above his head. During a day of hard labor, he fell in a deep hole, fracturing his back. North Korean officers offered him medical care if he would convert to communism and be used as a propaganda tool. Edmund refused. Though his body was broken, his will would never be. Despite his injury, Edmund was forced to continue hard labor, cutting logs and building bomb shelters. Many of Edmund's buddies never got out of those prison camps. He saw them die, as many as 35 a day, from starvation and sickness.

On August 24, 1953, Edmund was released and was soon headed home to the States and West Virginia.

His story is just one of many that make up the history of the American experience in Korea. He, like so many others, was sent to that distant country, joining with other soldiers from other allied nations in fighting a common, merciless aggressor. They knew the justness of their cause, democracy against totalitarianism.

The debt we owe to our Korean war veterans, like the veterans of other wars, is immeasurable. The memories of those young soldiers, sailors, and airmen who gave, in the words of Abraham Lincoln, that "last full measure of devotion," remain etched in our minds. Places such as Heartbreak Ridge, Inchon, and Chipyong-ni will forever be hallowed ground where Americans gave their lives for freedom. They sacrificed so that a people they did not even know might remain free. In doing so, they ennobled themselves and our Nation. Those living and dead of the Korean war will always serve as examples of true Americans.●

ORDERS FOR TUESDAY, JULY 25, 1995

Mr. LOTT. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9 a.m. on Tuesday, July 25, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately begin consideration of S. 1061, the gift ban bill, as stated earlier, for the purposes of debate only.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I ask unanimous consent that immediately following the vote on passage of S. 1060, the lobbying bill, the Senate stand in recess until the hour of 2:15 p.m. for the weekly policy conferences.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. LOTT. For the information of all Senators, under the previous order, the Senate will begin consideration of the gift ban bill at 9 a.m. tomorrow. Under the previous order, at 11, the Senate will resume consideration of the lobbying bill and complete action on that measure prior to the policy luncheons. Senators should therefore expect rollcall votes at approximately 12 noon on Tuesday.

RECESS UNTIL 9 A.M. TOMORROW

Mr. LOTT. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:41 p.m., recessed until Tuesday, July 25, 1995, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate July 24, 1995:

EXECUTIVE OFFICE OF THE PRESIDENT

ALICIA HAYDOCK MUNNELL, OF MASSACHUSETTS, TO BE A MEMBER OF THE COUNCIL OF ECONOMIC ADVISERS, VICE LAURA D'ANDREA TYSON.

IN THE AIR FORCE

THE FOLLOWING AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR PROMOTION IN THE RESERVE OF THE AIR FORCE UNDER THE PROVISIONS OF SECTIONS 12203 AND 8379, TITLE 10 OF THE UNITED STATES CODE. PROMOTIONS MADE UNDER SECTION 8379 AND CONFIRMED BY THE SENATE UNDER SECTION 12203, SHALL BEAR AN EFFECTIVE DATE ESTABLISHED IN ACCORDANCE WITH SECTION 8374, TITLE 10 OF THE UNITED STATES CODE.

LINE

To be lieutenant colonel

VON S. BASHAY [redacted]
JILL C. COLLINS [redacted]
MICHAEL E. CRIDER [redacted]
THOMAS L. DAVIS [redacted]
JAMES W. FREESE [redacted]
JAMES O. HALL [redacted]
STEVEN M. HERPEL [redacted]
ROBERT M. HESSELBEIN [redacted]
RICHARD E. HILL [redacted]
BRYON E. HUDDLESTON [redacted]
WILLIAM E. HUDSON [redacted]
GEORGE M. LAMBIRTH [redacted]
BRIAN D. LENZI [redacted]
SHAWN D. MACK [redacted]
JOHN O. MAEDKE [redacted]
DANIEL C. MC GINLEY [redacted]
GUNTHER H. NEUMANN [redacted]
MARK L. NOONAN [redacted]
MICHAEL W. RITZ [redacted]
DALE C. SINE [redacted]
ROBERT A. STEVENS [redacted]
CLYDE Y. TORIGOE [redacted]
SHELLEY J. WEISS [redacted]
DAVID A. WILLIAMS [redacted]

CHAPLAIN CORPS

To be lieutenant colonel

DONALD P. ROBERTS [redacted]

BIO MEDICAL SCIENCE CORPS

To be lieutenant colonel

JOSEPH R. PANZA [redacted]

MEDICAL CORPS

To be lieutenant colonel

BRUCE C. INMAN [redacted]
JOHN F. NOAK [redacted]

DENTAL CORPS

To be lieutenant colonel

JANICE L. ENGSTROM [redacted]

IN THE NAVY

THE FOLLOWING-NAMED NAVAL RESERVE OFFICER TRAINING CORPS AND ENLISTED COMMISSIONING PROGRAM GRADUATES TO BE APPOINTED PERMANENT ENSIGN IN THE LINE AND STAFF CORPS OF THE U.S. NAVY, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531.

SCOTT A. AVERY [redacted]
EDDIE L. BUTLER [redacted]
BRIAN C. BLUE [redacted]
JOHN M. GRAF [redacted]
CHRISTOPHER S. HEWLETT [redacted]
ERIC J. HOLSTI [redacted]
CHARLES T. HUBBARD [redacted]
ANTHONY S. KELLY [redacted]
MARTIN J. SABEL [redacted]
MARCO A. TURNER [redacted]
AMY M. WITHEISER [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED NAVAL RESERVE OFFICERS TRAINING CORPS GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTIONS 531 AND 2107:

To be second lieutenant

BRADLEY J. HARMS [redacted]
KRISTA E. LEE [redacted]
JEROME STEWART [redacted]
ARNOLD D. WEST [redacted]

THE FOLLOWING-NAMED MARINE CORPS ENLISTED COMMISSIONING EDUCATION PROGRAM GRADUATES FOR PERMANENT APPOINTMENT TO THE GRADE OF SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, U.S. CODE, SECTION 531:

To be second lieutenant

JAMES A. DISIMONE [redacted]
ALFRED L. MILLER [redacted]

THE FOLLOWING-NAMED NAVAL ACADEMY GRADUATE TO BE APPOINTED PERMANENT SECOND LIEUTENANT IN THE U.S. MARINE CORPS, PURSUANT TO TITLE 10, UNITED STATES CODE, SECTION 531:

NAVAL ACADEMY GRADUATE

To be second lieutenant

JOSEPH T. KRAUSE [redacted]

THE FOLLOWING-NAMED LIEUTENANT COLONELS OF THE U.S. MARINE CORPS RESERVE FOR PROMOTION TO THE GRADE OF COLONEL, UNDER THE PROVISIONS OF SECTION 5912 OF TITLE 10, UNITED STATES CODE:

CHARLES H. ALLEN [redacted]
PAUL E. BECKHART [redacted]
GERARD J. BOYLE [redacted]
WILLIAM F. COLLOPY [redacted]
JAMES A. COOK [redacted]
VICTOR T. CRONAUER [redacted]
JAMES E. DAVIS [redacted]
STEVE A. EDDINGTON [redacted]
STEVEN P. EVANKO [redacted]
JAMES C. FORNEY [redacted]
HILTON O. GARNES, JR. [redacted]
RICHARD W. GITTINGS [redacted]
DAVID A. GROVES [redacted]
CLINTON L. HUBBARD III [redacted]
JAMES A. HUMENIK [redacted]
JOSEPH T. KIRINCICH [redacted]
JAMES M. LANAHAN [redacted]
JAMES R. MC INTOSH [redacted]
STEVEN E. MC KINLEY [redacted]
PAUL MELSHEN [redacted]
JIMMY L. MITCHELL [redacted]
STEVEN M. MUTZIG [redacted]
MICHAEL E. NUNNALLY [redacted]
THOMAS Q. OHARA [redacted]
RICHARD F. PIASECKI [redacted]
ROBERT P. RACLAW [redacted]
MARK S. RILEY [redacted]
FRANCIS X. RYAN [redacted]
LARRY V. SHEPHERD [redacted]
DOUGLAS M. STONE [redacted]
FRANK M. THOMPSON, VI [redacted]
JEFFREY C. TUOMALA [redacted]
LARRY O. WELLS [redacted]
RONALD F. WNEK [redacted]
ROBERT J. WOMACK [redacted]

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS OF THE RESERVE FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. NAVY IN ACCORDANCE WITH SECTION 5912 OF TITLE 10, U.S.C.

MEDICAL CORPS

To be captain

GLENN M. AMUNDSON [redacted]
THOMAS G. ANDERSON, JR. [redacted]
JOHN A. BALACKI [redacted]
JUAN R. BARALT [redacted]
TODD L. BEEL [redacted]
GARY L. BIESECKER [redacted]
MARILYN BOITANO [redacted]
JOHN G. BRADY [redacted]
WILLARDLEON CHAMBERLIN [redacted]
JUDY L. CHAMPAIGN [redacted]
HENRY CHANG [redacted]
GARY J. CONNER [redacted]
DAVID J. DAVIS [redacted]
DEBORAH J. EVANS [redacted]
GREGORY J. FIRMAN [redacted]
THOMAS J. GELLER [redacted]
TED D. GROSHONG [redacted]
WILLIAM F. HANING III [redacted]
LEE C. HARKER [redacted]
ALFRED L. HARKLEY [redacted]
ARTHUR C. HAYES [redacted]
JOHN S. HUGHES [redacted]
KATHRYN L. JOHNSON [redacted]
ALLAN L.A. KAMINSKY [redacted]
ARTHUR J. KELLEHER [redacted]
JOAN C. KISHEL [redacted]
GREGORY P. KNISS [redacted]
PETER S. KONCHAK [redacted]
DAVID L. LARSON [redacted]
RANDOLPH C. LESTER [redacted]
CAYETANO A. LOPEZCEPERO [redacted]
GAMALIEL G. LOTUACO [redacted]
DAVID L. LOUWSMA [redacted]
GREGORY G. MARINO [redacted]
JAMES P. MARRA [redacted]
CLAUDE L. MCFARLANE [redacted]
PETER T. MELLIS [redacted]
STEPHEN A. MEYERS [redacted]
STEPHEN A. MITCHELL [redacted]
MIMS G. OCHSNER, JR. [redacted]
RALPH P. ORLANDO [redacted]
HENRY A. OSTER [redacted]
LEONARD A. PARKER, JR. [redacted]
ROBERT C. PARKER [redacted]
JOSEPH D. PIORKOWSKI [redacted]
JOE B. PUTNAM, JR. [redacted]
HAROLD B. REEDER [redacted]
FRANK P. REYNOLDS [redacted]
JEROME J. ROCHE [redacted]
GREGORY J. RUMORE [redacted]
THEODORE J. SANFORD [redacted]
FREDERICK B. SHANNON [redacted]
FRANCIS J. SINCOX, JR. [redacted]
JAROSLAW P. STULC [redacted]
ANNE H. TROBAUGH [redacted]
DAVID H. VANDYKE [redacted]
WILLIAM G. WAGNON [redacted]
RICK S. WEISSER [redacted]
GERALD L. WILKS [redacted]
FREELAND L. WILLIAMS, II [redacted]
DONALD V. WILSON [redacted]
ROBERT M. WIPRUD [redacted]
VICKY L.T. YBANEZ [redacted]

DENTAL CORPS

To be captain

RONNIE W. ARRINGTON [redacted]

RICHARD M. DIBELLA [redacted]
DAVID J. HIBL [redacted]
KENNETH E. LANDRY [redacted]
MICHAEL L. MIDDLEBROOKS [redacted]
BRETT C. MILLER [redacted]
THOMAS J. OLINGER [redacted]
STEVEN J. SANTUCC [redacted]
WILLIAM W. SCHELL, II [redacted]
WILLIAM M. STRUNK, I [redacted]
RICHARD M. SUNSERI [redacted]

MEDICAL SERVICE CORPS

To be captain

NANCY L. BOSSHARD [redacted]
ROBIN B. BROWN, JR [redacted]
THOMAS A. COLP [redacted]
SCOTT GREGERSEN [redacted]
GRETCHEN D. LAMBERTH [redacted]
JAMES R. LOVERING [redacted]
JOHN T. PIERCE [redacted]
JERRY L. PRICE [redacted]
DAVID A. ROSENBLUM [redacted]
LEE E. SIMON [redacted]
THOMAS A. STOECKEL [redacted]
GARY L. STOKES [redacted]
GEORGE E. STRUDGEON, JR [redacted]
ROBERT E. TITCOMB [redacted]
DANNY WEDDING [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

To be captain

RICHARD C. ADAMSON [redacted]
ROGER B. ATKINS [redacted]
JOSEPH G. BILLINGS [redacted]
LAWRENCE B. BRENNAN [redacted]
PHILLIPS B. CARPENTER [redacted]
CLARENCE W. COUNTS, JR [redacted]
EARL F. DEWEY, I [redacted]
EDWARD R. DYSON [redacted]
ALLAN F. ELMORE [redacted]
NORTON C. JOERG [redacted]
STEVEN B. KANTROWITZ [redacted]
LOUISE R. KENDLE [redacted]
DAVID D. LENNON [redacted]
LARRY D. MARTIN [redacted]
JERRY D. MASSIE [redacted]
CHARLES P. NICHOLS, JR [redacted]
DAVID T. PATTERSON [redacted]
RICKIE L. PEARSON [redacted]
ROBERT C. SEIGER, JR [redacted]
SAMUEL F. WRIGHT [redacted]

NURSE CORPS

To be captain

SUSAN E. BROOKER [redacted]
MARGARET J. BUTLER [redacted]
ANNE M. CHONKA [redacted]
REBECCA A. COX [redacted]
DORLEE D. KINGEN [redacted]
ANN C. MC DERMOTT [redacted]
CYNTHIA M. RUNNER [redacted]

SUPPLY CORPS

To be captain

CRAIG M. BENSON [redacted]
JOHN T. BENTE [redacted]
PAUL H. BRENNER [redacted]
WILLIAM L. CREEDON [redacted]
CHRISTOPHER B. DALY [redacted]
THOMAS J. DEBENEDETTO [redacted]
CHARLES C. DRISCOLL [redacted]
HUGH H. DUBOSE, JR. [redacted]
DAVID F. ENGLISH [redacted]
DOUGLAS E. ETTUS [redacted]
MICHAEL P. FITZGERALD [redacted]
JULIUS GOSTEL, JR [redacted]
ROBERT C. HAACK [redacted]
ROBERT C. HENDRICKSON, III [redacted]
TIMOTHY A. KENYON [redacted]
PAUL V. KONKA [redacted]
ENIOTH E. LETLOW, JR [redacted]
PHILLIP H. MC GAVIN [redacted]
RICHARD A. MORRISSET [redacted]
STEPHEN G. MORROW [redacted]
PETER L. MULLEN [redacted]
JAMES C. MURPHY [redacted]
PATRICK M. ODAY [redacted]
HENRY B. TOMLIN III [redacted]
MICHAEL G. WILLIAMS [redacted]
RICHARD B. WILSON [redacted]

SUPPLY CORPS (TAR)

To be captain

EDWARD J. HORRES [redacted]
JOSEPH S. THORNBURY [redacted]

CHAPLAIN CORPS

To be captain

RONALD K. AUSTIN [redacted]
RONNIE C. BROOKS [redacted]
JOHN S. CREWS [redacted]
GEORGE C. GOODMAN, 237-64-4864
JAMES C. MOULKETIS [redacted]
JOHN J. ONEILL [redacted]

CIVIL ENGINEER CORPS

To be captain

RAYMOND K. ALEXANDER [redacted]

DOUGLAS K. AULT [redacted]
BERNARD C. BAILEY [redacted]
LAWRENCE A. CURTIS [redacted]
LARRY R. GIVENS [redacted]
RICHARD D. KINARD [redacted]
CHARLES A. KLIMMEK [redacted]
CARL E. MILLER, JR. [redacted]
JOHN F. NESBITT [redacted]

IN THE NAVY

THE FOLLOWING NAMED OFFICERS OF THE RESERVE FOR PROMOTION TO THE GRADE INDICATED IN THE U.S. NAVY IN ACCORDANCE WITH SECTION 5912 OF TITLE 10, U.S.C.

MEDICAL CORPS

To be commander

RICHARD J. ALIOTO [redacted]
STEPHEN C. ALLIN [redacted]
SANDRA A. ALMEIDA [redacted]
PETER E. AMATO [redacted]
DERYK L. ANDERSON [redacted]
STEPHEN BACKMAN [redacted]
STEVE D. BARNES [redacted]
BRUCE A. BARRON [redacted]
MARK R. BATEMAN [redacted]
MARTIN F. BELLI [redacted]
BLAIR A. BERGEN [redacted]
BRAD A. BERNSTEIN [redacted]
JAMES L. BLAIR [redacted]
RICHARD J. BOEHME [redacted]
EDWARD BOLGIANO [redacted]
BRUCE B. BOSWELL [redacted]
DONALD P. BRANNAN [redacted]
JOHN D. BRINKMAN [redacted]
FRANK B. CALHOUN [redacted]
SALVATORE R. CAMPO, JR [redacted]
JOHN M. CASTELLANO [redacted]
GEORGE W. CHRISTY [redacted]
MARK M. CHUNG [redacted]
CHARLES A. CICCONE [redacted]
ROBERT R. COLEMAN [redacted]
MARK A. COLQUITT [redacted]
JOHN V. CONTE, JR. [redacted]
MICHAEL C. CRISMALI [redacted]
GREGORY G. DEGNAN [redacted]
FRANCIS X. DELVECCHIO [redacted]
DONALD W. EDGERLY [redacted]
KENNETH K. ENG [redacted]
GERRY D. EZELL [redacted]
JEROME P. FAIRCHILD [redacted]
NASSER A. FARR [redacted]
LINDA P. FLORES [redacted]
ALAN I. FRANKFURT [redacted]
PAUL R. GARVER [redacted]
DAVID T. GREENFIELD [redacted]
DALE W. GREENWOOD [redacted]
GLENN I. HANANOUCHI [redacted]
GERALD B. HAYES [redacted]
JOHN W. HILL [redacted]
CHARLES L. HORNBAKER [redacted]
DANIEL D. HOUSSIERE [redacted]
BRUCE A. HOUTCHENS [redacted]
STEVEN HUGHES [redacted]
JAMES M. JAEGER [redacted]
JAMES M. JOCHUM [redacted]
ROBERT H. KENNEDY [redacted]
ROBERT B. KERR [redacted]
ROBERT K. KIEHN [redacted]
NIR KOSSOVSKY [redacted]
THOMAS M. KUNCIK [redacted]
HAROLD I. LAROCHE [redacted]
JOHN J. LEE [redacted]
MICHAEL K. LEONI [redacted]
PETER V. LEONI [redacted]
REENA A. LEWIS [redacted]
VAUGHN G. MARSHALL [redacted]
MARTIN L. MATHIESEN [redacted]
WILLIAM MC ALLISTER [redacted]
HARRY C. MC DONALD [redacted]
KATHLEEN A. MC GOWAN [redacted]
ALEXANDER MOLDANADO [redacted]
MARTIN MORSE [redacted]
JAMES P. MURPHY [redacted]
LYLE C. MYERS [redacted]
CHIEN NGUYEN [redacted]
JOHN H. NORDEEN [redacted]
DAVID W. NUTTER [redacted]
KAYE K. OWEN [redacted]
BRIAN L. PARTRIDGE [redacted]
DENNIS J. PATIN [redacted]
EUGENE P. PODRAZIK [redacted]
YVONNE F. POSEY [redacted]
IGNACIO PRATS [redacted]
EFREN E. RECTO [redacted]
JAMES H. REES [redacted]
PERRY K. RICHARDSON [redacted]
LINDA M. RIDDICK [redacted]
NICANOR F. RODRIGUEZ [redacted]
JULIAN F. ROSE [redacted]
RICHARD L. ROSSEAU [redacted]
RICHARD ROTHFLEISCH [redacted]
CARLOS E. RUBIO [redacted]
NORMAN R. SANDERS [redacted]
ALAN L. SCHILLER [redacted]
DEAN T. SCOW [redacted]
STEPHEN L. SELDON [redacted]
JOHN T. SENKO [redacted]
CHARLES F. SHAEFER [redacted]
TIMOTHY M. SHERRY [redacted]
WILLIAM J. SKELLY [redacted]

WILLIAM F. SPILLANE [redacted]
SCOTT L. STAFFORD [redacted]
KEITH R. STEPHENSON [redacted]
WENDELL STREET [redacted]
EDWARD W. STVILLE [redacted]
EMILIO SUAREZ [redacted]
BRIAN C. SVAZAS [redacted]
FRANKLIN T. THOM [redacted]
CHARLES A. THOMPSON [redacted]
WILLIAM G. THOMPSON [redacted]
JAMES E. TURK [redacted]
GEORGE R. VOULGARAKIS [redacted]
JON C. WALSH [redacted]
MARK S. WALTON [redacted]
JAMES B. WATERS [redacted]
CHRISTOPHER J. WENDELL [redacted]
HARRY T. WHELAN [redacted]
VALERIE J. WHITE [redacted]
JOSEPH A. WIECK [redacted]
MICHAEL WIESE [redacted]
GEORGE A. WILLIAMS [redacted]
JOHN M. WILLIAMS [redacted]
SONESEERE A. WILSON [redacted]
FRANK E. WITTER [redacted]
TERRENCE C. WONG [redacted]

DENTAL CORPS

To be commander

JOHN A. BATLLE, II [redacted]
THOMAS D. BRANT [redacted]
PAUL R. BROSY [redacted]
ROBERT J. CARTER [redacted]
PRISCILLA B. COE [redacted]
DAVID W. CROUTHAMEL [redacted]
TERESA L. DOYLE [redacted]
CARL F. ERCK [redacted]
JOHN C. ERLANDSON [redacted]
WILLIAM F. FISCHER [redacted]
JAMES H. GHERARDINI, JR [redacted]
RICHARD M. GRASSMYER [redacted]
RICHARD L. HAMILTON [redacted]
JAMES A. HAYDU [redacted]
PHILIP L. HOOTON [redacted]
JAMES G. HUPP [redacted]
JOHN K. JONES [redacted]
JAMES E. KELLEY [redacted]
TONY LEBAR [redacted]
RICHARD L. MATTEOLI [redacted]
TERENCE E. MC HUGH [redacted]
CRAIG L. MEADOWS [redacted]
STEPHEN P. MURRELL [redacted]
WANG S. OHM [redacted]
THOMAS C. PATTON, [redacted]
THOMAS E. PORCH [redacted]
JOHN R. SCHUSTER [redacted]
EUGENE M. SIBICK [redacted]
FENN H. WELCH [redacted]

MEDICAL SERVICE CORPS

To be commander

ALBERT L. ASPER [redacted]
LEO C. BAKALARSKI [redacted]
MICHAEL R.S. BALL [redacted]
RANDY S. BRINKMANN [redacted]
MARK J. BROSTOFF [redacted]
JERROLD T. BUSHBERG [redacted]
EDWARD C. CALIX [redacted]
GWENDOLYN L. CARR [redacted]
DOUGLAS C. DELLINGER [redacted]
ELIZABETH J. EMISON [redacted]
TRACY A.D. FOX [redacted]
GARY L. FRECH [redacted]
GREGORY L. KEARNS [redacted]
DENNIS A. KELLY [redacted]
HUGH S. KROELL, JR. [redacted]
MARK A. D. LONG [redacted]
THOMAS J. MAYE [redacted]
ERIC G. MC QUEEN [redacted]
MARY N. MOON, [redacted]
ELLEN J. ONEILL [redacted]
TIMOTHY J. PARDUE [redacted]
ROGER J. RATH [redacted]
JOHN K. REZEN [redacted]
ROBERT A. SHARP [redacted]
ROBERT L. VERNON [redacted]
HARRY WATERS, JR. [redacted]
BRENDA L. WILLIAMS [redacted]
KEITH N. WOLFE [redacted]

JUDGE ADVOCATE GENERAL'S CORPS

To be commander

JAMES A. BACKSTROM, JR [redacted]
STEPHEN A. BEVERLY [redacted]
ROBERT C. BLAKE [redacted]
BRUCE H. BOKONY [redacted]
WILLIAM L. BOULDEN [redacted]
MICHAEL J. CATANESE [redacted]
JOHN R. CHEMA [redacted]
GERALD J. COYNE [redacted]
IVAN DOMINGUEZ [redacted]
JAMES C. FUNK [redacted]
PAUL M. GAMBLE [redacted]
GEORGE N. HARDESTY, JR [redacted]
WAYNE L. JOHNSON [redacted]
JOHN D. LAUTERMILCH [redacted]
PATRICIA A. LEONARD [redacted]
PAMELA L. MCCLUNE [redacted]
BARBARA S. ODEGAARD [redacted]
FRANK W. OSTRANDER [redacted]

DONALD W. PEARCY [redacted]
PRESCOTT L. PRINCE [redacted]
DALE A. RAYMOND [redacted]
RONALD G. RESS [redacted]
DAVID A. SAMUELS [redacted]
RICHARD J. SCAPPINI [redacted]
JARED H. SILBERMAN [redacted]
CHARLES C. SMITH [redacted]
FRANKLIN S. SPEARS, JR [redacted]
BRIAN T. WALSH [redacted]
JAMES G. WEINMEYER [redacted]
MARIAN C. WELLS [redacted]
ARTHUR E. WHITE, JR [redacted]
STEPHEN B. WHITE [redacted]
BRIAN G. YONISH [redacted]

NURSE CORPS

To be commander

MARK M. ABRAMS [redacted]
ANNE M. ADAMOWICZ [redacted]
MARTINEZ M.F. ALLAN [redacted]
LINDA A. ANDERSON [redacted]
DONNA C. ARCADIPANE [redacted]
MARJORIE L. BAUMRUCKER [redacted]
SUSAN R. BAZEMORE [redacted]
LAURIE A. BERGERON [redacted]
MARIANNE BETTAG [redacted]
MARY S. BLOSE [redacted]
DORIS J. BRAUNBECK [redacted]
SEBASTIAN M. BROWN [redacted]
MARIA D. BURKE [redacted]
VICTORIA A. CALLIHAN [redacted]
SUSAN J. CAMUS [redacted]
PEGGY J. CASTOR [redacted]
KERRY H. CHEEVER [redacted]
KATHERINE B. CHRISTIE [redacted]
DONNA M. CIGGIA [redacted]
WARREN G. CLARK, [redacted]
LYDIA COMPANION [redacted]
LINDA M. DETRING [redacted]
BETH A. DICKINSON [redacted]
CYNTHIA A. DICOLA [redacted]
JAN B. DILLER [redacted]
JODY W. DONEHOO [redacted]
CAROL M. DRISCOLL [redacted]
TERESA A. ENGLUND [redacted]
ANNETTE L. FARAONE [redacted]
JOANN K. FETGATTER [redacted]
KATHARINE B. FOSS [redacted]
PAMELA J. FREEMAN [redacted]
TIMOTHY B. FULGHUM [redacted]
ADELINA GAGEKELLY [redacted]
SARAH L. GRAHAM [redacted]
CATHERINE R. HANSEN [redacted]
MAUREEN A. HARDENLOZIER [redacted]
JUDY L. HARRIS [redacted]
LISA A. HARRIS [redacted]
KATHLEEN A. HASS [redacted]
CATHERINE L. HAWLEY [redacted]
LAURA M. HEINZMAN [redacted]
DONNA M. HENDEL [redacted]
NANCY A. HOFFMAN [redacted]
SHARON P. IGNAT [redacted]
ANITA L. JACKSON [redacted]
MICHAEL C. JACKSON [redacted]
SUSANA P. JUAREZLEAL [redacted]
MAUREEN W. JUDGE [redacted]
DONNA L. KAHN [redacted]
REBECCA D. KILLOREN [redacted]
VICTORIA M. KOZUB, [redacted]
SHEILA F. C. LANG [redacted]
PAMELA N. LANPHERE [redacted]
SHIRLEY A. W. LAWSON [redacted]
KATHLEEN C. LEOFFLER [redacted]
DEBRA L. LUEGENBIEHL [redacted]
DENNIS J. MANCINELLI [redacted]
MARTHA H. MC CARTHY [redacted]
JOANNA MC CUNE [redacted]
VIRGINIA S. MC GINN [redacted]
ROBERT MC MAHON [redacted]
MARY M. MORINLEIDIG [redacted]
ROSANNE MURPHY [redacted]
KIM M. ODONNELL [redacted]
BETTY L. OROURKE [redacted]
ANGELA S. PALOMO [redacted]
SUSAN M. PANKO [redacted]
JULIE A. PEARSON [redacted]
ETHEL E. PRUDEN [redacted]
VAUNE F. RASKOPF [redacted]
PAUL F. RAUSCHER [redacted]
JENNINE T. RYBARCZYK [redacted]
PAUL B. SCHAEFFER [redacted]
MARY A. SCHETTER [redacted]
MICHAEL F. SHANNON [redacted]
LYNNE A. SHIRA [redacted]
RENEE LYNETTE SIMMONSBEVER [redacted]
ELIZABETH A. SLEAR [redacted]
PAULA L. SLETTEN [redacted]
GAIL A. SMITH [redacted]
ELIZABETH J. SOMERS [redacted]
CHARLES E. STEWART, JR [redacted]
KIMBERLY E. W SWANEY [redacted]
KAREN A. SWANSON [redacted]
SHARON D. THOMPSON [redacted]
KATHLEEN G. THORP [redacted]
JUDITH D. VALENTINE [redacted]
KIM L. O VOTH [redacted]
MARTHA J. WARD [redacted]
LORI WILSON HOPKINS [redacted]
ELISABETH S. WOLFE [redacted]
DAVID P. YOUNG [redacted]

SUPPLY CORPS

To be commander

SARAH R. ALEXANDER [redacted]
MONICA L. ALLEN COTTRELL [redacted]
JOHN R. BADECKER [redacted]
WILLIAM F. BAXTER [redacted]
JOHN S. BETHEL [redacted]
MARK V. BRADY [redacted]
SCOTT W. BRAINERD [redacted]
JODY R. BRINK [redacted]
WILLIAM M. BUNKER, JR. [redacted]
KEITH T. BUTTON [redacted]
ROBERT P. CARROZA [redacted]
DAVID M. CODERRE [redacted]
WILLIAM J. CURRAN, II [redacted]
DANIEL E. DARLING [redacted]
DWAYNE C. DENNIS [redacted]
DAVID E. DOUGLAS [redacted]
CRAIG C. DREW [redacted]
JERRY L. EDWARDS [redacted]
JOHN M. EICHNER [redacted]
STEVEN G. FREEBURN [redacted]
CHARLES N. GALLAGHER [redacted]
GARY V. GEORGESON [redacted]
ROY A. GILBREATH [redacted]
GARRETT S. GOUGH [redacted]
JACQUELINE S. GRIFFITH [redacted]
MATTHEW J. HARPST [redacted]
MARIA E. HECKELMAN [redacted]
CHARLES A. HENKEL [redacted]
KATHLEEN G. HENNELLY [redacted]
CARL J. HICKS [redacted]
RANDALL K. HOWTON [redacted]
THOMAS E. JOAQUIN [redacted]
WALTER J. KALITA, I [redacted]
MARK E. KAUFMANN [redacted]
TIMOTHY B. LAMB [redacted]
MELVIN K. LENTZ [redacted]
CHRISTOPHER E. LOHMAN [redacted]
BRUCE B. MACK [redacted]
DANIEL R. MAHAN [redacted]
DONALD P. MARIK [redacted]
JOHN M. MARMOLEJO [redacted]
REY Z. MENDOZA [redacted]
PAUL M. NEMECHEK [redacted]
STEVEN M. OHNMEISS [redacted]
GREGORY A. PLANK [redacted]
SCOTT M. POTTINGER [redacted]
JOSEPH C. PURCELL [redacted]
MICHAEL A. RELLINS [redacted]
NESTOR M. REYES [redacted]
SUSAN B. ROBERTS [redacted]
SAMUEL A. ROBERTSON [redacted]
JAMES M. RUSSELL [redacted]
GWENDOLYN A. SAWYER [redacted]
STEPHEN H. SCHEFFER [redacted]
PETER P. SCHLENK, JR [redacted]
LORENA A. SMITH [redacted]
BILLIE J. STEWART [redacted]
THOMAS B. STROHL [redacted]
RAYMOND F. SULLIVAN [redacted]
JAMES A. TERRELL [redacted]
PHILLIP M. TRUJILLO [redacted]
JAMES A. TURNER [redacted]
WILLIAM M. TURNER [redacted]
MARK L. WHITFIELD [redacted]
STEPHEN J. WHITTINGTON [redacted]
MARK C. WOOLERY [redacted]
PATRICK A. ZURICK [redacted]

SUPPLY CORPS (TAR)

To be commander

ROBERT F. BECK, JR [redacted]
MICHAEL A. COLESAR [redacted]
JEFFREY M. NEVELS [redacted]
MICHAEL R. SCHESSER [redacted]

CHAPLAIN CORPS

To be commander

CATHERINE BEAUMONT [redacted]
DAVID J. BERGNER [redacted]
JONATHAN S. CARLETON [redacted]
MICHAEL D. GROSS [redacted]
DANIEL C. HAUSCHILD [redacted]
DAVID J. HURTT [redacted]
SAMUEL D. KIRK [redacted]
RONALD M. KLOSE [redacted]
CHARLES F. LANG [redacted]
PAUL M. OVERVOLD [redacted]
BRUCE A. RUMSCH [redacted]
LANDA H. SIMMONS [redacted]

CIVIL ENGINEER CORPS

To be commander

DOUGLAS M. BARNARD [redacted]
MARTIN J. BARRY [redacted]
JOSEPH C. BRITAIN [redacted]
JAMES T. COUCH [redacted]
DALMUS L. DAVIDSON [redacted]
SCOTT W. ECK [redacted]
DAVID M. EMANUEL [redacted]
DOUGLAS FIORINO [redacted]
RICHARD D. FRITZLEY [redacted]
THOMAS C. GUERCI [redacted]
JAMES L. HONEY [redacted]
ROBERT V. HUFFMAN [redacted]
KEITH L. KUENZI [redacted]
DAVID R. LAIB [redacted]
WILLIAM O. MACE, JR. [redacted]
RICHARD E. MCLAY [redacted]
SCOTT M. MERRILL [redacted]
DAVID A. MICHELETTI [redacted]
JOHN H. MILLER, II [redacted]
ROBERT S. NEWMAN [redacted]
PAUL B. PARKER [redacted]
DENNIS V. PATTON, JR. [redacted]
JOEL E. SINN [redacted]
BARBARA A. SISSON [redacted]
MARTIN E. SMITH [redacted]

LIMITED DUTY (STAFF)

To be commander

FRANK J. GIORDANO [redacted]

IN THE MARINE CORPS

THE FOLLOWING-NAMED MAJORS OF THE U.S. MARINE CORPS RESERVE FOR PROMOTION TO THE GRADE OF LIEUTENANT COLONEL, UNDER THE PROVISIONS OF SECTION 5912 OF TITLE 10, UNITED STATES CODE:

DOUGLAS E. AKERS [redacted]
CYNTHIA A. ANDERSON [redacted]
ROBERT H. ANDERSON [redacted]
GREGORY E. ANDREWS [redacted]
ARTHUR J. ATHENS [redacted]
NICHOLAS E. AUGUSTINE [redacted]
CHRISTOPHER B. BAKER [redacted]
VINCENT D. BARRERA [redacted]
GREGORY J. BAUR [redacted]
CAREY L. BEARD [redacted]
JACK E. BIEDERMAN [redacted]
SCOTT D. BLAIR [redacted]
ELLIOT F. BOLLES [redacted]
JAMES E. BROTHWELL [redacted]
DANNY R. BUBP [redacted]
RAYMOND L. BURKART [redacted]
MICHAEL L. BURKE [redacted]
DONALD P. BURNHAM [redacted]
DONALD W. BUSSELL [redacted]
JOHN J. BUTTIL [redacted]
KEITH E. CAPERTON [redacted]
JOHN J. CAREY [redacted]
KEVIN O. CARMODY [redacted]
DENIS G. CARRUTH [redacted]
PAUL T. CASEY [redacted]
THOMAS E. CAVANAUGH [redacted]
MICHAEL G. CHESTON, [redacted]
KEVIN M. CLIFFORD [redacted]
JAMES J. COGHLAN [redacted]
JOSEPH F. COLLINS [redacted]
JOHN P. COMPTON [redacted]
GERALD S. CORY [redacted]
TERENCE M. COUGHLIN [redacted]
WILLARD D. CRAGG [redacted]
RICK D. CRAIG [redacted]
JOHN M. CROLEY [redacted]
JAMES E. DEOTTE [redacted]
THOMAS E. DOETZER [redacted]
DARRYL A. DONEGAN [redacted]
CHRISTOPHER E. DOUGHERTY [redacted]
JEFFREY J. DOUGLASS [redacted]
RICHARD T. DUMONT [redacted]
CHRISTIAN J. ECK, II [redacted]
HAROLD B. EMMONS, JR. [redacted]
CRAIG S. EVANS [redacted]
STEPHEN S. EVANS [redacted]
WENDELL S. FINCH [redacted]
WILLIAM M. FORCE, JR. [redacted]
MARY L. FORDE [redacted]
DAVID M. FRAKES [redacted]
DONALD T. FRANK [redacted]
CHARLES A. FREUND [redacted]
JOSEPH A. GALDIS [redacted]
ROBERT P. GARGONI, JR. [redacted]
JOHN M. GAYLORD [redacted]
REGINALD J. GHIDEN [redacted]
MILTON C. GODWIN, JR. [redacted]
LOWELL D. GRUBBS [redacted]
RICHARD A. GUIDO [redacted]
JOEL R. HAGENBROCK [redacted]
GEORGE W. HALISCAK [redacted]
JOHN K. HARRIS [redacted]
RICHARD B. HARRIS [redacted]
RONALD L. HARRIS [redacted]
JOHN S. HARROD [redacted]
JOHN J. HARVEY [redacted]
RAYMOND L. HARVIN [redacted]
JANA S. HAYES [redacted]
FRANCIS G. HOFFMAN [redacted]
LAWRENCE E. HOLST [redacted]
DALE A. HOMIRE [redacted]
MICHAEL C. HOWARD [redacted]
MARK B. HOWELL [redacted]
GEORGIA J. JOBUSCH [redacted]
KEVIN E. JOHNS [redacted]
JEFFREY P. JOHNSON, [redacted]
CHARLES A. JONES [redacted]
KENNETH L. JORGENSEN [redacted]
RAYMOND S. KEITH [redacted]
JOSEPH R. KENNEDY [redacted]
JAMES T. KILLEEN [redacted]
MITCHELL L. KLEIN [redacted]
JEFFREY W. KOENIG [redacted]
JEFFREY S. KRONGAARD [redacted]
BRADLEY C. LAPISKA [redacted]
DAVID M. LARSEN [redacted]
DENVER L. LATIMORE [redacted]
THOMAS C. LATSKO [redacted]
KENNETH J. LEE [redacted]
JOHN C. LEEVY [redacted]

GARY R. LOPEZ [redacted]
RALPH E. LOWELL, [redacted]
TIMOTHY S. LUCAS [redacted]
JOSEPH W. LYDON III [redacted]
STEPHEN A. MALONEY [redacted]
THOMAS E. MANION, [redacted]
JERRY D. MARR [redacted]
DAN R. MATER [redacted]
STANLEY A. MATTOS [redacted]
TERRY L. MCCOY [redacted]
KEVIN F. MCGRATH [redacted]
TERRANCE B. MCGUIRE, [redacted]
THOMAS D. MCNAMARA, [redacted]
SAMUEL D. MCVEY, [redacted]
MARK E. MEDVETZ [redacted]
DAVID B. MEEKS [redacted]
WILLIAM L. MEEKS, [redacted]
MICHAEL A. MERRILL [redacted]
RANDALL B. MERTA [redacted]
ROBERT L. MILLER [redacted]
JANICE A. MITCHELL [redacted]
MICHAEL A. MOHLER, [redacted]
TRACY L. MORK, [redacted]
ALVIN S. MOSHER [redacted]
DALE D. MOSSBARGER, II [redacted]
DAVID W. MOYE [redacted]
DAVID L. MULLINS [redacted]
KEVIN C. MUNLEY, [redacted]
GREGORY P. OLMSTEAD [redacted]
SCOTT S. OLSEN, [redacted]
CHARLES H. PANGBURN, III [redacted]
KEITH J. PAVLISCHEK [redacted]
ROY A. PEARSON, [redacted]
STANLEY J. PENCE, JR. [redacted]
STEVEN T. PERKINS [redacted]
TIMOTHY J. PIGOTT [redacted]
KENNETH S. PLATO [redacted]
FRANCIS C. PROCTOR, JR. [redacted]
MICHAEL PRZYBYL, [redacted]
JOHN A. RANDALL III [redacted]
RODNEY J. REYNOLDS [redacted]
ROBERT C. ROBINSON, [redacted]
STEVEN M. RUBIN [redacted]
JOHN F. RUFO, [redacted]
GEORGE F. SANCHEZ [redacted]
JOHN J. SAYEN, JR. [redacted]
ELARIO SEVERO, [redacted]
SOAMS L. SHIFFLETT [redacted]
MICHAEL A. SEIBE [redacted]
RANDOLPH P. SINNOTT [redacted]
JOHN L. SKELLEY [redacted]
MICHAEL T. SPENCER [redacted]
GEORGE M. STARK, [redacted]
BENSON M. STEIN, [redacted]
KURT E. STEIN, [redacted]
JOHN W. STELLY, JR. [redacted]
SCOTT B. STOKES, [redacted]
GERALD L. STUEVEN [redacted]
LAWRENCE J. SWEENEY, [redacted]
PAUL T. THALHOFER [redacted]
SCOTT R. THOMAS, [redacted]
MARK E. TOTMAN, [redacted]
RODNEY F. TYLER, [redacted]
PIETER M. VELZEBOER [redacted]
CARL L. WALKER, [redacted]
CRAIG L. WALLEN, [redacted]
JOHN P. WALSH, [redacted]
MARY E. WALTERS, [redacted]
GARY W. WATSON, [redacted]
DAVID C. WICK, [redacted]
DAVID T. WILLIAMS, [redacted]
WILLIAM F. WILLIAMS, III [redacted]
JOHN K. WINZELER, [redacted]
ROBERT H. WITHERS [redacted]
GUY L. WOMACK, [redacted]
MARC A. WORKMAN, [redacted]

HOUSE OF REPRESENTATIVES—*Monday, July 24, 1995*

The House met at 10:30 a.m., and was called to order by the Speaker pro tempore [Mr. EVERETT].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

> WASHINGTON, DC,
> *July 24, 1995.*
>
> I hereby designate the Honorable TERRY EVERETT to act as Speaker pro tempore on this day.
>
> NEWT GINGRICH,
> *Speaker of the House of Representatives.*

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentlewoman from Oregon [Ms. FURSE] for 5 minutes.

A DECLARATION TO THE REPUBLICAN PARTY

Ms. FURSE. Mr. Speaker, last week, members of the Steel Workers Union came to see me and they brought with them what they called a declaration to the Republican Party. These are not my words. They are their words. They are the almost 1 million strong steel workers who represent so many of our working people.

This is what they said, and I quote:

> We of the United Steel Workers of America, we work in the steel mills, rubber plants, chemical plants, mines, hospitals, offices, in workplaces large and small all over this land; it is we and the millions of working people just like us, active and retired, who have built this country and created the prosperity that has made the United States of America the beacon of hope and freedom for all people.
>
> We believe with the founders of our Nation that we are endowed with certain inalienable rights, amongst which are the rights to life, liberty and the pursuit of happiness, and we believe that these rights include the rights of workers to have jobs, with fair wages and safe and healthy workplaces, the right to a job which is safe, the right of workers to organize in unions, the right of children to grow up free of poverty and be educated for fulfilling lives, the right of all citizens to be free of discrimination, whatever their race, religion or sex, the right of those who have completed a productive life to enjoy their retirements, and the right of all citizens to health care, the right of all of us to clean air, clean water, and a clean environment.

Mr. Speaker, the Steel Workers go on to say, and I quote:

> We come here today to declare that the Republican Party has declared war on us and all our brothers and sisters across this great land. It has declared war on our families and on our communities.

They go on to say:

> You would tear down the agencies that guarantee our right to decent jobs in safe workplaces. You would eliminate our right to organize. You would deny our children's hopes for education. You would deprive our senior citizens of security. You would rip up the laws that have gone so far to erase our Nation's bitter heritage of racism and discrimination. You would convert our environment from a priceless gift to be preserved to an economic resource to be raped and exploited. You would encourage the rich to get richer and condemn the poor to get poorer. You would do these things by turning over our country to the greedy. You would sell our heritage to the corporations whose lobbyists you cater to. You would undermine every piece of socially responsible legislation that we and our predecessors struggle to achieve.

The Steel Workers of America end by saying: "You have declared war on us, the working people of America," and I end quote.

Mr. Speaker, I want to say, these are not my words, but they are the words of many, many of my constituents. They are the words of the Steel Workers of America, almost 1 million strong.

REFORMING MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Texas [Mr. DOGGETT] is recognized during morning business for 5 minutes.

Mr. DOGGETT. Mr. Speaker, "What you don't understand is why I ain't dumb enough to fall on my sword." Let me repeat that. "What you don't understand is why I ain't dumb enough to fall on my sword."

Those are not my words. Rather, they are the words as quoted in the Houston Chronicle of the majority leader of this House, my Republican colleague from Texas, the Honorable DICK ARMEY, when asked to explain why the Republican majority is unwilling to detail to American seniors, to American families, the specifics of their plan to do what they call reforming Medicare.

We have, since that time, been told by Speaker GINGRICH that perhaps 2 months from now, and it is almost 2 months to the day, on September 22, we will finally hear the details of how it is that our Republican colleagues propose to deal with the Medicare system.

One can hardly stop in amazement as to why it is, if this is such a good plan to reform and save Medicare for future beneficiaries, rather than run to decimate it for people who are on Medicare, why it is that they are hiding their light under a bushel, why it is that they will not detail to the American people so that they can evaluate how great a plan this is, rather than having it sprung on them as a September surprise for seniors, why it is they are hiding their plan.

I think the reason is clear to any close observer of what is happening to Medicare, why it is that our Republican colleagues are, in fact, mediscared when it comes to revealing the details of their plan to alter and decimate the Medicare system.

The whole plan is based on two premises. No. 1 is the premise that it is not so much about Medicare that they are concerned, but they need a certain amount of money and it just so happens that what I have always viewed as the Medicare trust fund, but what they seem to see as the Medicare slush fund, has moneys coming into it that are available to meet their need to provide some tax shift and relief for the most privileged few in our country. It is really not a battle about Medicare. It is just that there are Medicare funds there that they want to use for something else.

The second and the most significant premise about these so-called reform plans that the majority leader does not want to fall on his swords on and is not dumb enough to fall on his sword on, is that all of the various approaches that have been conceived in the name of reform are based on one simple premise, and that is that health care is just too cheap for our senior citizens; they are not contributing enough to their Medicare.

In fact, even though they contribute more on the average as a proportion of their income than any other age group in this country, although they have no Medicare coverage for prescriptions, which is an extreme cost for many of our Nation's seniors or for the families

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

that are backing up their parents, although there is no real effective coverage anywhere for long-term health care, for the long-term health care needs of many of our Nation's seniors, these so-called reform plans are based on the assumption that our seniors are just getting by with having to pay too little and that they ought to have to pay more with reference to their health care.

One of the concepts that is being advanced, and all of these concepts we get not from anything that has been said at this microphone or anywhere on the floor of this House, because to this very day, since this idea of junking Medicare as we have known it has come out from our Republican colleagues, from day one, they have been as silent as this microphone to my left is at the moment when it comes to detailing their plans. They have been mediscared to come to this floor and level with the American people and tell the American people what it is that they are doing. They have yet to utter a word of specifics.

There are a number of internal memos that, thanks to the freedom of the press in this country, reporters have investigated and they have talked to staff members and they have gotten contact here and there, and some of the Nation's leading news periodicals, relying on those Republican staff members and off-the-record comments, have begun to get the details of what is about to be sprung on it two months from now in September.

One of the ideas that is about to be sprung on us is the idea consistent with the approach that American seniors are just not paying enough out of their pocket for their health care, that we ought to discourage them from buying insurance, the MediGap insurance that many seniors purchase in order to cover what Medicare does not cover now.

The theory, according to these investigative reports is that, relying on Medigap insurance, seniors just do not have to pay enough for their coverage.

The second idea is to raise monthly fees, and the third is to actually raise the age at which people can qualify.

All of these suggest that the American people need to get more informed about the September surprise for seniors that our Republican colleagues plan to pose with reference to Medicare.

SOLVENCY OF MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. SCARBOROUGH] is recognized during morning business for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, now I have heard it all. It is the Republicans that are mediscared? I am sorry. I thought it was the President of the United States, a Democratic President of the United States, that had his Medicare trustees go out and study the solvency of the system.

He did that and they came back, and they came back with a conclusion that I am sure made the President of the United States uncomfortable. The Medicare trustees, three of whom are in the President's own Cabinet, came back and told the President of the United States: Medicare is going bankrupt in 7 years. Let me repeat that. The Medicare trustees came back and said: Mr. President, Medicare goes bankrupt in the 2002.

Yet, since that report has come out, we have seen nothing but speeches like the one that we just heard talking about how mean-spirited the Republicans and the conservative Democrats are for actually daring to step forward and try to save Medicare.

We have seen the minority leader come to the microphone and continually show a picture of two senior citizens, Ma and Pa Middle America, and say, it is the mean-spirited Republicans that are going after Ma and Pa America because they are coming in and they are going to change the Medicare system.

Let me tell you something. That is demagoguery. I am sorry. That is all it can be called. When the person stands behind that microphone and knows in 7 years that those senior citizens that they are coming up proclaiming to protect will be part of a Medicare system that is bankrupt and they are too afraid to do anything about it and they attack those who would dare to step into the fray and try to save Medicare, that is demagoguery defined. It is what is worse with Washington politics, somebody standing on the sideline doing nothing but pointing fingers at the other side when they dare to tackle a problem that the other side is afraid to touch.

Do you want to understand this debate? Do you want to understand in the end where the lines are drawn in this debate? Just remember this, and I will repeat it one or two times so you can remember it. Medicare is going bankrupt and the House Democrats are doing nothing about it. Medicare is going bankrupt and the House Democrats are doing nothing about it. Medicare is going bankrupt, bankrupt, and the House Democrats are doing nothing about it.

I have two choices. I can go back to my mother 7 years from now and my father 7 years from now and tell them in Pensacola, FL, "I am sorry, mom and dad, that this system is bankrupt, but 7 years ago when the Board of Trustees came back on Medicare and told me that it was going bankrupt, I lacked the political courage to do anything about it because I was afraid what the other side might tell me."

I am not going to do that. Let me tell you something. It is not just Republicans, House Republicans, that are being left out on the line. The House Democrats have abandoned their President. Say what you will about President Clinton, say what you will, but even he recognizes that Medicare is going bankrupt and the House Democrats are doing nothing about it.

Mr. Speaker, they can come behind this microphone all they want and say how mean-spirited it is all they want, but it does not change a basic fact. Medicare is going bankrupt and the House Democrats are doing nothing about it.

I will not wash my hands of this matter and there are leaders throughout Washington that will not wash their hands of this matter. We will reform Medicare to save it and I hope somebody on the Democratic side will do the same thing.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair would remind all Members to avoid personal references to the Members who have participated in the morning hour debates.

SHORTFALL IN MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Colorado [Mrs. SCHROEDER] is recognized during morning business for 5 minutes.

Mrs. SCHROEDER. Mr. Speaker, I probably represent the Democratic side and let me try and clear up this Medicare thing. Yes, we do have a report from the trustees of Medicare that it will have a shortfall starting in the year 2002.

Let me ask a question. Here is the big difference between the sides. If you had a report saying there would be a shortfall in the year 2002, would you run out then and take another $270 billion out of this account? It is not going to have a surplus. It is going to have a shortfall. If you take $270 billion out of it, boy, oh boy, is it going to have a shortfall in the year 2002 because that is exactly what the other side of the aisle is trying to do.

We hear all this yelling and posturing. It is because they do not have the facts on their side so they have got to yell louder.

Now they are going to take the $270 billion out to give a tax cut, and it is basically going to be for people who make over $350,000 a year. They are going to get about a $20,000 a year rebate. Goody for them, and the people who are on Medicare are going to pay for it.

On this side of the aisle, what the President has said is that the Medicare system is in trouble and he is talking about trying to cut down $70 billion. There is a big difference between $270 billion and $70 billion, but he is talking about trying to cut out waste of $70 billion or find efficiencies of $70 billion and not fund a tax cut, but reinvest it in the Medicare fund. That will help make it solvent.

If you take the money out and it is already in trouble, you only escalate the problems you are going to have. If you take it out of the trust fund and try to find efficiencies and the savings you get you put back in the trust fund, then you hope to make it solvent. That is what all of the screaming is about.

It is really very simple. What has really happened is they do not want to admit what they are doing. I mean, it is embarrassing. The people are not stupid in this country. Thank goodness. They know there is a big difference between finding savings and reinvesting it in that trust fund, and it should be a separate trust fund because you put the money in separately. It did not come out of general revenues, and people are trying to find it as a way to do a bill payer for big tax cuts that this side is not supporting.

Why do I care so much about Medicare? Because if you gut Medicare the way they are talking about it, the impact it is going to have on the American woman is very serious. Many more women than men are on Medicare, but not only at the Medicare level. It is going to impact women who are not on Medicare because women are still the primary caregivers in this country, and if older women suddenly find they cannot make a go of if because Social Security does not give them enough money to pay the increased costs in their health care thing, they are going to end up having to move back with families or rely on families for more care-giving or whatever, and while many men do that, the still highest percentage of care-giving is still done by woman.

Let me just give some statistics that show you what kind of trouble women are in. I only say that everything that I put out here, if you are an older woman and you are an older woman of color, the situation is much less.

Very, very few, in fact, only 13 percent of America's women over 65, receive a private pension, only 13 percent. Why? Because when they were in the workplace, they had marginal jobs. Most did not have benefits; and if they do get a pension, their pensions are at the very lowest. So the 13 percent who do the best still are at the lowest end of the pension scale because it was before affirmative action; it was before a lot of things, and these women had very poor-paying jobs.

As a consequence, we have many, many women over the age of 65 relying solely on Social Security, solely on Social Security, and out of that, they have to make their Medicare payments and they have to make all the rest of their payments.

Most of you know, if you are relying solely on Social Security, you are in big trouble. Then, if you look at the next level of what happens to women, women live longer than men, but because we have done a very poor job in the past of doing research on women's diseases, older women are much more apt to be incapacitated by arthritis, osteoporosis, frailty, many of the kinds of diseases that we do not have an answer for at this point. As a consequence, they need it.

So I just think it is really time to put this all in perspective, that people should stop yelling, look at the facts and let us get back to saving Medicare rather than trying to gut Medicare.

PRESERVE AND PROTECT MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Washington [Mr. METCALF] is recognized during morning business for 5 minutes.

Mr. METCALF. Mr. Speaker, the President's commission does indeed state that Medicare, and the Medicare trustees state clearly that by 1997, we start having more money coming out of the Medicare fund than going in. By the year 2002, it is bankrupt, and that is unacceptable. It is absolutely unacceptable.

Medicare must be preserved and must be protected, and we will preserve and protect Medicare. Presently, the allotment per year for senior citizens in Medicare is $4,300. By the next 10 years, it will be $6,400. We are increasing Medicare about 5 percent, a little bit more each year. This increase is called a cut only inside the beltway. The people of America can recognize the difference.

The solution of the other side is to put more money into the system that is already causing us these problems. We do not have the money today. We do not have the money. We have debt. Today we have a huge debt. It is a deficit which runs well over $250 billion a year. If we had not borrowed all the money in the past, if we had not irresponsibly spent that money in the past, this Government is running a surplus.

Did you know that this Government is running a surplus today if you do not count the interest paid on the previous debt? All that irresponsible spending now results in a debt payment that is so large that it is more than the deficit that we are running, and it is really important to get that clear.

If we did not owe the money, we are running a surplus. Today we have to stop, we have to balance the budget, we have to stop the increasing debt, we have to solve the deficit.

The amount that is paid in interest on the debt is $1,300 per person per year, not per wage earner or anything, men, women and children. Thirteen hundred dollars per person per year just to pay the interest on the debt. That does not buy anything that you need, does not buy anything that the Government does; just to pay the interest.

A child born in 1995 will look forward to paying $187,000 in their lifetime just to pay the interest on the debt. That is about the cost of a very nice home. What we are doing to our children by refusing to get the spending in control is to remove their chance to own a home. My wife and I have realized the American dream. We have a home. We have it fully paid for. My grandchildren will not have that opportunity unless we solve that problem.

I just want to throw in one other little statistic to remember about debt and the growing debt. It is so easy to just continue. The people of England are still paying interest on the money they borrowed to fight Napoleon. They have paid that money 14 times over. They paid 14 times as much as they borrowed in interest and they are still paying the interest.

If we do not solve this problem, if we do not solve this problem right in the next very few years, we are subjecting our own children to debt slavery. We are taking money out of their standard of living just to pay interest on the debt. Permanent interest payments on a perpetual debt is debt slavery for children. We have to balance the budget and we will balance the budget.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 12 noon.

Accordingly (at 10 o'clock and 56 minutes a.m.) the House stood in recess until 12 noon.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. EVERETT] at 12 noon.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

We are grateful, O loving God, for all the memories that have sustained and nourished our lives throughout our times. Specially we are indebted to those people whose attention has given us support and joy and assurance. We are appreciative of our families where tradition and heritage have motivated our endeavors and whose devotion is more than we could ask or expect. It is our prayer, O God, that we will gather together these remembrances that have been gifts to us and use them in our daily lives, now and evermore. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Michigan [Mr. KNOLLENBERG] come forward and lead the House in the Pledge of Allegiance.

Mr. KNOLLENBERG led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

> H.R. 1854. An act making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 1854) "An act making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MACK, Mr. BENNETT, Mr. HATFIELD, Mrs. MURRAY, and Ms. MIKULSKI, to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

> S. 638. An act to authorize appropriations for United States insular areas, and for other purposes;
>
> S. 1023. An act to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes; and
>
> S.J. Res. 27. Joint resolution to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois.

KEEPING OUR PROMISES

(Mr. KNOLLENBERG asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KNOLLENBERG. Mr. Speaker, the Republican majority in Congress is committed to keeping our promises for the American people. We pledge to reduce the size and scope of the Federal Government, balance the Federal budget, and lower taxes on working families. We also passed a budget resolution that eliminates the deficit by the year 2002. It also provides a $245 billion tax relief segment to families, seniors businesses.

Currently we are in the process of implementing this plan. We are passing appropriations bills that cut wasteful spending, eliminate unnecessary programs and downsize bloated bureaucracies.

The President has also expressed his desire to eliminate the deficit. Strangely enough, however, he has submitted two budget proposals that produce $200 billion in deficits as far as the eye can see. He helped kill the balanced budget amendment and he vetoed a $16.4 billion rescission bill. Now he says he is threatening to veto our appropriations bills because they cut too much spending.

Mr. Speaker, I believe the American people understand the difference. I think they will see that the Republicans are right in downsizing the Government to increase their take-home pay.

LOBBY REFORM

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, in Texas we believe in giving credit where credit is due. Today I, as a Democrat, rise to salute and applaud the Republican majority leader, BOB DOLE, for allowing gift and lobbying reform measures to come before the U.S. Senate this week.

I believe that this is a great development for the American people, who will recall that in the waning hours of the last session a Democratic initiative for lobby reform was killed by Republicans to the cheers of lobbyists outside.

Senator DOLE has at least reluctantly agreed to the Democratic demands for a vote on measures severing the ties that bind lobbyists to legislators in this Congress.

Strangely, the Washington Times reports that the same thing is not happening here in the House of Representatives. Rather, they report that the House Republican leadership's agenda calls for no action on gift and lobby reform this year.

Students of Congress know that if we delay until next year, we will not get the reform we need.

Mr. Speaker, it is time for Speaker GINGRICH and the Republican leadership to follow Senator DOLE's lead and reluctantly agree to Democratic demands that we address gift reform and lobby reform now and stop intimidating those who demand that we address them.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will remind Members not to make references to actions in the other body.

FAIRY TALES

(Mr. NORWOOD asked and was given permission to address the House for 1 minute.)

Mr. NORWOOD. Mr. Speaker, I had the opportunity to spend some time with my grandchildren this past weekend, and like any good grandfather I read them fairy tales before bedtime. It made me think about the problems we have here in Washington. Some people have a hard time separating facts from fairy tales. It is simply a matter of fact that Medicare will go bankrupt in 7 years. It is a fact documented in a report put out by the Medicare Trustees, three of whom are members of the Mr. Clinton's administration. Anyone who tells you differently, well that is a fairy tale. The Republicans have made a decision to fix Medicare. We will strengthen Medicare so that it may survive well into the next century. That is a fact. We must act to save the system now. That is also a fact. Anyone who would tell you that Medicare is doing just fine, and that the Republicans are trying to fix a system that isn't broken, well, that is someone who has been reading way too much of Alice in Wonderland lately.

PARENTS DAY

(Mr. SPRATT asked and was given permission to address the House for 1 minute.)

Mr. SPRATT. Mr. Speaker, yesterday was Parents Day for the first time ever. A lot of us probably missed it. That is because by now we have a day for nearly every purpose under the sun. But this one, Parents Day, stands for something important: the importance of parents, our parents, in our own lives and in the life of our country.

I think one way that Congress can distinguish this occasion and make it a special day is this week or next to pass H.R. 2030, a bill called parental choice in television. This bill gives parents a very simple power, the power to stop their children from watching TV shows that they think are too violent or too vulgar. Nationwide 72 percent of the people, when polled recently, said there is too much violence on TV.

An even larger number said the thing that this violence shows up again as violence on the streets and violence in the schools.

Our bills will give parents a device to block violence and sex from coming into their homes by TV. When parents have this device built into their own TV sets, I think the networks are going to take note. I think they are going to be a lot more careful about the violence and vulgarity that they script into today's programs. All sorts of groups that care about children, from the PTA, to the elementary school principals, from psychiatrists to pediatricians have endorsed our bill. I urge the Committee on Rules to do the same and allow us the opportunity to offer it as an amendment to the telecommunications bill when it comes up in the House.

KOREAN WAR MEMORIAL

(Mr. MONTGOMERY asked and was given permission to address the House for 1 minute.)

Mr. MONTGOMERY. Mr. Speaker, this Thursday at 3 in the afternoon at The Mall in front of the Lincoln Memorial, we will dedicate the Korean Memorial that honors those veterans who fought and were called to active duty during the Korean war. This, Mr. Speaker, is a very attractive memorial that will attract thousands and thousands of Americans to come and look at that war memorial that is dedicated to the Korean veterans and to those who went to Korea.

Mr. Speaker, I am proud to say about 30 Members of the House participated in the Korean war. I was one of them. So it is a pleasure to announce that this memorial will be dedicated this Thursday.

ECONOMIC RECOVERY AT THE EXPENSE OF WORKERS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Business Week Reports that corporate profits are at a 50-year high. They say that executives who average over $1 million a year in pay and bonuses have caused this great profit by in fact cutting the wages of American workers and many times replacing full-time American workers with temporary hires.

You see, to many corporations, I believe, the best American workers is an American worker that also happens to qualify for food stamps. Now, experts are saying this is the greatest economic recovery in our history. If that is so, I say right on the floor, these economic experts have been inhaling for a long time.

THE V CHIP

(Mr. MILLER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MILLER of California. Mr. Speaker, I would hope that the Committee on Rules would make in order the Spratt-Markey-Moran-Burton amendment dealing with the V chip, which is the ability to provide parents greater say over what programs come into their home and to have the ability to lock those programs out should they desire that their children not be able to view those programs.

Many in the telecommunications industry and certainly many in the networks fought this effort when it was offered on the floor of the Senate and were able to defeat it. We should empower parents to have the say, to have this control in their own home about the kind of programming that is coming into their programs, especially when so very often young children are left at home or are home for a good portion of the day while both parents are out working.

Those parents should have the confidence that they can have some say to regulate the flow of programming, if they are concerned about violence, if they are concerned about sexual content of programs, they should have some say in that. They should be able to pick and choose for their children, not the networks and apparently not the sponsors that are not prepared to exercise self-control and to respect the rights of young children and of families.

I hope that the Committee on Rules would make the amendment in order and Members of the House would vote for the V chip amendment.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PALLONE] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, 27 years ago, on July 3, 1968, my predecessor in Congress, the late James Howard, spoke eloquently on this floor in honor of the second anniversary of the Medicare Program. Medicare was enacted during Congressman Howard's first term in Congress. I know he looked upon this opportunity to be part of that Medicare debate as a great honor.

I just wanted to quote something that he said in the RECORD on that day in 1968. He said:

> As we celebrate the second anniversary of Medicare, we are really celebrating the enrichment of many lives, the elderly who are already served by Medicare, those who will be served in the coming years and the rest of us whose lives are enriched daily as we watch our elders lead more productive lives.

Now, I would like to compare what Jim Howard expressed so eloquently to what the Republican leadership of today is saying about Medicare.

According to one of the Republican leaders recently, "Medicare is a program I would have no part of in the free world. Medicare," he said, "teaches seniors the lessons of dependence."

Mr. Speaker, the differences between Congressman Howard's statements and those Republican statements and the differences in the philosophies underlying them could not possibly be more stark. On the one hand you have Congressman Howard, a man of great compassion, expressing what most Americans believed then and still believe now, that Medicare is a hugely successful program which have been responsible for dramatically enhancing the quality of life of senior citizens and that this, in turn, has enriched the lives of all Americans, young and old.

On the other hand, Mr. Speaker, you have the Republican leadership of the 104th Congress tearing down Medicare as somehow unAmerican and implying that senior citizens should be ashamed of themselves for using their hard-earned Medicare benefits to pay for their health care, that participating in Medicare is somehow learning the lessons of dependence.

Of course, none of this is at all surprising. It is exactly what congressional Republicans have been saying about Medicare since it was started. After all, the congressional Republicans of today are indeed the direct ideological descendants of the party that did everything it could to prevent Medicare from ever being enacted.

Next week, we will be marking another anniversary, the 30th anniversary of the House passage of the Medicare Program. Unfortunately, unlike when Jim Howard came to the floor 27 years ago, this anniversary is not an occasion for celebration. Rather, it is a time to rally against yet another wrong-headed Republican attack on Medicare.

So far the Republican side has tried very hard to keep the specifics of their plans to change Medicare a secret from the American people. Who can blame them when you consider that the vast majority of Americans are against them. But last week we noticed in the papers that Senator GREGG of New Hampshire announced legislation with the goal of replacing Medicare coverage with a voucher program.

Mr. Speaker, a voucher system, no matter how you cloak it, amounts to turning back the clock 30 years and abrogating the contract Congress made with America's seniors. Republican proposals to implement a voucher system are motivated exclusively by their desire to reduce the Federal budget by $270 billion at senior citizen's expense. The amount the voucher provides will not likely be based on the cost of a quality health care plan but, rather, what level of funding is politically acceptable in a given fiscal year.

The Federal Government would, in effect, be walking away from Medicare and saying to seniors, Here is what we can afford; you make up the difference and fend for yourselves.

Since the overwhelming majority of seniors live on fixed incomes, they will not be able to pay more. Most would be forced to buy inadequate coverage. Some may not be able to find any health insurance and, rather than having choice, as Republicans claim, seniors would struggle in an increasingly expensive insurance market to buy diminished coverage with limited funds.

In closing, Mr. Speaker, I would like to read from a statement that a senior citizen named Arthur Martin submitted to the Committee on Ways and Means on November 20, 1963. It poignantly conveys just why Medicare was needed then and why we need it today.

Mr. Martin said that his total income is his Social Security check of $174, out of which he pays rent, utilities, food, et cetera. Three years ago, he said, he contracted bronchial asthma and was hospitalized five different times. The only remedy he had available was charity.

The stigma and indignity to self-respect to a resident of 50 years in the same community leading a respectable life as a taxpayer and in the evening of his life having to resort to charity was unbearable and humiliating. Whatever savings he had were wiped out in hospital and medical care.

Mr. Speaker, unless these Republicans plans are stopped in their tracks, we are going to turn back the clock and create another generation of seniors who face the same indignity and pain that Mr. Martin endured 30 years ago, before we had Medicare. That would truly be an American tragedy, which I think that we in this Congress have to stop.

AMERICAN PRINTING HOUSE FOR THE BLIND

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Kentucky [Mr. WARD] is recognized for 5 minutes.

Mr. WARD. Mr. Speaker, this weekend—yesterday—I did a tour of the American Printing House for the Blind. Let me restate that name: the American Printing House for the Blind. It is in the center of the United States of America, and it happens to be in Louisville, KY, in my district. This is where services for the blind are generated in terms of printing.

The American Printing House for the Blind produces such works as this geography of the United States printed in Braille. What we see here is the only page that is printed in ink, in fact, because this is a supplement for a geography book.

What you will see from here on in, and I do not believe the camera will be able to pick this up, because it is Braille, there might be a little, there might be an ability on the camera to see some of these bumps. This is Braille. This is printed in very short runs, very limited editions for those people in our country who cannot study because of their eyesight.

□ 1220

That is people who are totally blind or in some other way are legally blind.

The reason I bring this up, Mr. Speaker, is that in the budget that is being marked up in the Committee on Appropriations right now; there is a 40-percent cut in the Federal expenditure at the American Printing House for the Blind in Louisville. That 40 percent is only $2 million, $2 million, which will not have the effect of balancing our Federal budget. It does not even represent one-thousandth of 1 percent of the tax cut that is being included in this next Federal budget, not even one-thousandth of 1 percent.

However, what it does to the American Printing House for the Blind in Louisville and the impact it has all over this country can be devastating. That is because there is no other supply for these kinds of materials. This is an American history book. As Members can see, it seems awfully big. In fact, it is just one of four volumes that are needed because of the large print. These are reprinted directly off of a standard American history textbook, but done in huge print for those who have some sight to be able to study. They are done in very limited runs.

There is no commercial alternative for either of these kinds of volumes. What we will see is a reduction by 40 percent if this budget cut goes through in the actual services, these actual kinds of materials, that are to be used by our blind children in this country.

We are talking about $107 a year that is set aside for each legally blind child in America, up to college age, not including college age, high school or less, $107 that is currently available to be spent by their school all over the country at the American Printing House for the Blind.

A 40-percent reduction, Mr. Speaker, would be unthinkable. A 40-percent reduction would do exactly what we are talking about up here not doing, because what we have been hearing for the last 6 months, and what we are all committed to, is helping people to help themselves, putting people in a position to get along a little better, to be able to do a little better for themselves and provide for themselves a little better. However, if we reduce by 40 percent the amount of school materials that young blind people in this country can have to enhance their studies and continue their studies, we will be making it harder for them to take care of themselves as time goes by.

I ask the Members of the Congress to join me in restoring this 40 percent to the American Printing House for the Blind and make sure that all of our blind children in America have the opportunity to learn and then later to earn.

TOBACCO AND AMERICA'S YOUTH

The SPEAKER pro tempore (Mr. EVERETT). Under the Speaker's announced policy of May 12, 1995, the gentleman from California [Mr. WAXMAN] is recognized for 60 minutes as the designee of the minority leader.

Mr. WAXMAN. Mr. Speaker, I have taken out this special order to talk about the No. 1 threat to the health of our children—tobacco.

This week, data from the National Institute on Drug Abuse shows that we are losing the battle to keep cigarettes away from children. In just 3 years, there has been a 30-percent increase in smoking among 13- and 14-year-olds. Nearly one-third of high school seniors smoke cigarettes.

This is a health crisis of huge dimensions. Every day, 3,000 children start smoking. One-third of these children will eventually die from their tobacco addiction.

Why is this happening? The answer is obvious. The tobacco industry spends $5 billion a year—over $10 million a day—on tobacco advertising and promotion. Much of this effort is specifically targeted at children. To keep its profits flowing, the industry has developed clever promotions like Joe Camel and the Marlboro Country Store aimed directly at children.

The administration is trying to protect our children from tobacco. As reported last week, FDA Commissioner David Kessler has found that tobacco is an addictive drug. He has called for commonsense regulation to protect children—like banning cigarette vending machines. I believe the President will support these efforts.

Unfortunately, when word of the administration's actions leaked out, it encountered fierce resistance on Capitol Hill. The Speaker said that Commissioner Kessler must be "out of his mind" to consider regulating tobacco. Other Members promised Congress would intervene to prevent regulation from going forward.

It is against this backdrop that I am here today. This hour, I will be reading into the RECORD excerpts of dozens of previously secret documents from the Nation's largest tobacco company, Philip Morris. These documents make a compelling case for regulation of tobacco to protect children. I hope they will dissuade Members of this body from any legislative effort to block regulation.

Last year, when I served as chairman of the Health and the Environment Subcommittee, we commenced an investigation of the tobacco industry. We learned more in that year than we had learned in the previous decade about tobacco industry efforts to study and manipulate nicotine, an addictive drug.

The subcommittee's investigation was cut short prematurely by the elections. In particular, we were able to learn very little about the activities of the Nation's largest tobacco company, Philip Morris. Two out of every three cigarettes smoked by children are Marlboro cigaretts—a Philip Morris product. But we learned far less about Philip Morris than its much smaller rival, Brown & Williamson.

Since the election, I have continued my investigation as an individual Member of Congress. I have been handicapped by the inability to hold hearings or hire an investigative staff. But nonetheless, I have learned a tremendous amount about Philip Morris. I am here today to report on what I have learned to this body.

I am here to report that Philip Morris researchers administered painful electric shocks to college students to determine the influence of anxiety on student smoking habits.

I am here to report that Philip Morris studies third-graders to determine if hyperactive children are a potential market for cigarettes.

I am here to report that the company planned illegal experiments that involved injecting human subjects with nicotine.

And I am here to report that as early as 1969, the board of directors of Philip Morris was briefed by its researchers on the addictive nature of nicotine. The board was told that people smoked to obtain "the pharmacological effect of smoke" and that smokers' craving for this effect is so strong that it "preempts food in times of scarcity on the smoker's priority list."

The documents that I will be discussing today describe the secret research activities of Philip Morris from January 1969 to November 1980. Some of these documents were described in a front-page article in the New York Times on June 8, 1995. Most of the documents, however, have never previously been discussed in public.

Last month, I wrote Philip Morris to ask the company to cooperate with FDA's investigation by turning over the documents described in the New York Times to FDA. However, the company refused to cooperate.

Three major points emerge from the documents I will describe today:

First, Philip Morris conduced an extensive, but secret, research program into nicotine pharmacology for over a decade.

Second, top Philip Morris scientists and executives have known for decades that cigarettes have powerful and addictive pharmacological effects.

Third, Philip Morris conducted secret research that focussed on the pharmacological effects of cigarettes on children and college students.

THE SECRET NICOTINE PHARMACOLOGY PROGRAM

The documents I will describe today cover the period from January 1969 to November 1980. They describe an intensive investigation into nicotine pharmacology, involving dozens of previously secret studies.

The studies described in the document range from traditional pharmacology involving animal experiments to high-technology electroencephalography [EEG], which measures human brain waves. Some of the studies raise troubling ethical questions. And some appear to be simply illegal.

Three of the documents describe experiments that were to involve injecting nicotine into human subjects. Such experiments are illegal without the approval of the federal Food and Drug Administration. In another series of five experiments described in the documents, Philip Morris administered "painful" electric shocks to human subjects. Experiments that inflict pain are ethically dubious unless they are being conducted for beneficial purposes.

The volume of the experimentation is staggering. In one typical year—1979—at least 16 separate studies on nicotine pharmacology were conducted by three different Philip Morris laboratories:

First, the Animal Behavior Group conducted six experiments on topics such as "nicotine discrimination" and "nicotine self-administration." These are the same studies that are used by the National Institute on Drug Abuse to establish the addiction potential of drugs.

Second, the Neuropsychology Laboratory conducted five experiments on topics such as "effects of smoking on the electroencephalogram" and "long-term deprivation and the electrical activity of the brain." These studies are designated to show the pharmacological effects of cigarettes on the human brain. Third, the Smoking Behavior Group conducted five studies on topics such as the behavioral consequences of smoking low-nicotine cigarettes. These studies were used to learn how smokers respond to changes in nicotine delivery.

Philip Morris conducted these studies for commercial reasons. The document describing the plans and objectives for the Behavioral Research Laboratory in 1979 states expressly that "the rationale for the program rests on the premise that such knowledge will strengthen Philip Morris R&D capability in developing new and improved smoking products."

There is no reason to believe that the documents provide a comprehensive summary of Philip Morris' nicotine research. As I will discuss, congressional hearings I held last year disclosed that nicotine research occurred after the period covered in this report. Moreover, most of the documents discuss the activities of Philip Morris' Richmond, VA, research center. The documents contain only fleeting references to nicotine studies being conducted by Philip Morris in Cologne, Germany, and Neuchatel, Switzerland. Virtually nothing is known about these secretive foreign research programs.

TOP PHILIP MORRIS SCIENTISTS AND EXECUTIVES KNEW CIGARETTES HAVE POWERFUL AND ADDICTIVE PHARMACOLOGICAL EFFECTS

On April 14, 1994, Philip Morris CEO William Campbell testified before the Subcommittee on Health and the Environment of the House Committee on Energy and Commerce that "cigarette smoking is not addictive," that nicotine is retained in cigarettes because nicotine "contributes to the taste of cigarettes," and that "Philip Morris research does not establish that smoking is addictive." The documents I will describe conflict fundamentally with these statements.

The documents show that top Philip Morris scientists and executives knew that cigarettes have powerful and addictive pharmacological effects. For instance, the documents show:

First, during the fall of 1969, the Philip Morris Board of Directors was briefed by Philip Morris researchers on why people smoke. The researchers told the board that people smoke to obtain "the pharmacological effect of smoke." The researchers further told the Board that smokers' craving for this "pharmacological effect" is so strong that it "preempts food in times of scarcity on the smoker's priority list."

Second, in November 1974, Philip Morris' Director of Research, Thomas Osdene, who subsequently became vice president for science and technology, approved and sent to the then vice president for research and development, Helmut Wakeham, and other Philip Morris officials a report stating that the consumer smokes "to achieve his habitual quota of the pharmacologically active components of smoke" and that stopping smoking produces "reactions . . . not unlike those to be observed upon withdrawal from any number of habituating pharmacological agents."

Third, in March 1980, Philip Morris researcher Jim Charles, who subsequently became vice president for research and development, wrote the than vice president for research and development, Robert Seligman, that "nicotine is a powerful pharmacological agent with multiple sites of action and may be the most important component of cigarette smoke." He added that "nicotine and an understanding of its properties are important to the continued well being of our cigarette business since this alkaloid has been cited often as 'the reason for smoking.'"

Contrary to Philip Morris' public statements that cigarettes are not a drug, the documents are replete with statements that describe cigarettes in explicitly drug-like terms. The documents, for instance, include many references to "pharmacological effects," "dose control," "withdrawal syndrome," "nicotine regulators," "nicotine dose," "nicotine pharmacology," "nicotine administration," "nicotine analogues," and "blood nicotine levels."

PHILIP MORRIS CONDUCTED RESEARCH ON THE EFFECTS OF CIGARETTES ON CHILDREN AND COLLEGE STUDENTS

One of the most significant revelations in the documents is that Philip Morris conducted pharmacological research specifically targeted at children and college students.

One of the longest-running studies in the documents addresses the "hyperkinetic child as a prospective smoker." In this study, Philip Morris collaborated with the Chesterfield County school system in Richmond, VA, to determine whether hyperkinetic and borderline hyperkinetic children will become cigarette smokers in their teenage years. The researchers explained:

> It has been found that amphetamines, which are strong stimulants, have the anomalous effect of quieting these children down. Many children are therefore regularly administered amphetamines throughout grade school years. . . . We wonder whether such children may not eventually become cigarette smokers in their teenage years as they discover the advantage of self-stimulation via nicotine. We have already collaborated with a local school system in identifying some such children in the third grade.

This research began in 1974. It continued until 1978, when it had to be terminated prematurely because of objections from the school system and physicians.

Many of the studies conducted by Philip Morris investigated the pharmacological effects of cigarettes on college students. These studies provided scientific data about the youngest segment of the cigarette market lawfully available to Philip Morris. Moreover, because there is no bright line that separates college students from underage smokers, the studies also provided Philip Morris with considerable insight into the underage market.

In one series of experiments with college students—code-named "Shock I, II, III, IV, and V"—Philip Morris administered electric shocks to the students to determine if student smoking rates increase under stressful conditions. This study began in 1969. It ultimately had to be terminated in 1972 because "fear of shock is scaring away some of our more valuable students."

In another study, Philip Morris gave college students low-nicotine cigarettes in an attempt to force the students "to modify their puff volumes, inhalation volumes, and/or smoke retention times in order to obtain their usual nicotine dose."

Philip Morris maintains publicly that it does not target children in advertising, cigarette sales, or other ways. The documents undermine this claim—at least as it applies to scientific research. They show that Philip Morris has targeted children and college students, the youngest segment of the market, for specific research projects.

At this point, I want to begin to read excerpts from the documents. I have organized the documents chronologically, beginning in January 1969 and continuing to November 1980.

CHRONOLOGY OF PHILIP MORRIS RESEARCH ON NICOTINE PHARMACOLOGY

January 1969.—A Philip Morris report describes "objectives and plans" for its Smoker Psychology Program. These objectives and plans provide the first recognition in the documents that cigarettes have psychopharmacological effects and are smoked for need-gratification.

One objective mentioned in the report is an "attempt to teach a rat to seek the inhalation of cigarette smoke * * * through the reinforcing effect of the psychopharmacological effects of the inhaled smoke." This objective is noteworthy because a hallmark of an addictive substance is that the substance is reinforcing and will be self-administered by rats. As described later in this chronology, Philip Morris succeeded in 1980, well in advance of the rest of the scientific community, in showing that nicotine has this hallmark characteristic of an addictive substance.

A second objective mentioned in the report is to determine whether "there is any product that can potentially replace the cigarette in need-gratification."

Source: P.A. Eichorn and W.L. Dunn, "Plans and Objectives—1600"—January 8, 1969.

August 1969.—A Philip Morris scientist, William Dunn, proposes that research techniques used to study "drug addiction" be applied to study "the experiences of smokers in their efforts to discontinue the habit."

Dunn had visited a drug addiction study being conducted by Dr. Paul Lazarsfeld at Columbia University. Impressed by the study, Dunn wrote to Helmut Wakeham, the vice president for research and development at Philip Morris, to propose that Dr. Lazarsfeld study "the experiences of smokers in their efforts to discontinue the habit." Dunn argued that the drug addiction methodologies would be "highly effective" in studying the cigarette habit:

> I saw this approach in operation in the drug-addiction conference. In its current application it appears highly effective. I can see no reason why it should not be as effective for the proposed study.

Source: Memorandum on "Discussions with Professor Lazarsfeld on the Study of Discontinuing Smokers," from W.L. Dunn to H. Wakeham—August 1, 1969.

Fall 1969.—Philip Morris researchers brief the Philip Morris Board of Directors on why people smoke. The researchers tell the Board that a smoker begins to smoke at age 16 "to enhance his image in the eyes of his peers." This psychosocial motive, however, is not enough to explain continued smoking. The researchers tell the board that people continue to smoke to obtain "the pharmacological effect of smoke." According to the researchers, the smoker's desire for this pharmacological effect is so strong that it "preempts food in times of scarcity on the smoker's priority list."

Specifically, the researchers tell the Board:

> We are beginning to concentrate on the smoker himself. We are addressing the question, "Why do people smoke." . . .
>
> First, we have to break the question into its two parts: No. 1, Why does one begin to smoke? and No. 2, Why does one continue to smoke?
>
> There is general agreement on the answer to the first part. The 16 to 20 year-old begins smoking for psychosocial reasons. The act of smoking is symbolic; it signifies adulthood, he smokes to enhance his image in the eyes of his peers.
>
> But the psychosocial motive is not enough to explain continued smoking. Some other motive force takes over to make smoking rewarding in its own right. Long after adolescent preoccupation with self-image has subsided, the cigarette will even preempt food in times of scarcity on the smoker's priority list. The question is "why?" . . .
>
> We are of the conviction . . . that the ultimate explanation for the perpetuated cigarette habit resides in the pharmacological effect of smoke upon the body of the smoker, the effect being most rewarding to the individual under stress.

Source: "Ryan/Dunn Alternate—Third Version of Board Presentation"—fall 1969, delivered with only minor changes.

December 1969.—Philip Morris commences the first of several series of studies of smoking by college students. The first series is called "Shock I, II, III, IV, and V." In these studies, college students are given electric shocks to promote anxiety. The purpose of the studies is "to show that cigarette smoking is more probable in stress situations than in nonstress situations." According to the researchers:

> Shock intensity will be adjusted for each subject according to the subject's pain threshold. The shock will be painful.

The Shock studies run for three years. In October 1972, the scientists are finally forced to abandon the research because "fear of shock is scaring away some of our more valuable subjects."

Source: Memorandum on "Proposed Research Project: Smoking and Anxiety," from F.J. Ryan to W.L. Dunn—Dec. 23, 1969; Frank Ryan, "Shock I, II, III, and IV," in Consumer Psychology Monthly Report—Sept. 16 to Oct. 15, 1971; Frank Ryan, "Shock V," in Consumer Psychology Monthly Report—Jan. 15 to Feb. 15, 1972; P.A. Eichorn and W.L. Dunn, "Quarterly Report—Projects 1600 and 2302"—Oct. 5, 1972.

September 1970.—Philip Morris develops a five-year plan for the Smoker Psychology Program. Two of the research goals are first, to determine whether "the smoking habit can be sustained in the absence of nicotine" and second, to "elucidate the role of nicotine as a factor in determining cigarette acceptability."

Source: P.A. Eichorn and W.L. Dunn, "Five-Year Objectives and Plans for Project 1600"—Sept. 25, 1970.

November 1971.—Philip Morris continues its study of smoking by college students in a project titled "Desire to Smoke." In this study, "all available college students will fill out a questionnaire rating their desire to smoke" so that Philip Morris can "compare the rated desire to smoke with our existing personality profiles."

Source: Frank Ryan, "Desire to Smoke," in Consumer Psychology Monthly Report—Oct. 16 to Nov. 15, 1971.

January 1973.—Philip Morris commences three studies to determine "what effect, if any, smoking has upon the magnitude of shifts in arousal level, with heart rate being used as the index of this psycho-physiological state."

Source: P.A. Eichorn and W.L. Dunn, "Quarterly Report—Projects 1600 and 2302"—Jan. 5, 1973.

February 1973.—Philip Morris begins a study of the effect of smoking on "alpha brain wave dominance"—that is, the effect of smoking on the electrical activity of the brain. The researchers involved in the study state:

> Alpha brain wave dominance is associated with states of tranquility and meditation. . . . As part of our continuing search for the motivationally relevant effects of smoking, we are investigating the influence of smoking upon the rate of acquisition of alpha wave control.

Source: W.L. Dunn, "Smoking and Rate of Learning Alpha Control," in Smoker Psychology Monthly Report—Jan. 1 to Jan. 31, 1973.

June 1974.—Philip Morris commences a four-year study of smoking by "hyperkinetic" children to determine if they will "discover the advantage of self-stimulation via nicotine" and "become cigarette smokers in their teenage years."

In June 1974, the researchers conducting the study write:

> It has been found that amphetamines, which are strong stimulants, have the anomalous effect of quieting these children down. Many children are therefore regularly administered amphetamines throughout grade school years. . . . We wonder whether such children may not eventually become cigarette smokers in their teenage years as they discover the advantage of self-stimulation via nicotine. We have already collaborated with a local school system in identifying some such children in the third grade. . . . It would be good to show that smoking is an advantage to at least one subgroup of the population.

In March 1975, the researchers describe their intention to increase the size of the study of "hyperkinesis as a precursor to smoking" to 60,000 children:

> The size of our prospective study should be increased to the base of about 60,000 children when a local school system extends its student evaluation three more grades this spring.

In July 1975, the researchers report the status of their investigation of the "hyperkinetic child as a prospective smoker" to Helmut Wakeham, the vice president of research and development at Philip Morris, and other Philip Morris officials. Specifically, they tell the Philip Morris vice president:

> We hypothesize that the characteristics of smokers and hyperkinetic children so closely resemble each other that in the past hyperkinetics were almost sure to become smokers. . . . We have undertaken a long term prospective study to identify the hyperkinetic and borderline hyperkinetic youngsters in Chesterfield County school system, and to see whether they become smokers. All the children in one grade level were tested last year.

In May 1977, Philip Morris continues its investigation into the smoking habits of hyperactive children by initiating two prospective studies with pediatricians treating hyperactive children. In these studies, Philip Morris will track the hyperactive children and a group of controls to see whether they have become smokers. Philip Morris will then "help our colleagues find the variables which account for drug-responding and non-responding."

Finally, the study of hyperkinetic children stops in March 1978, due to objections from school systems and physicians. The researchers write:

> Obstacles presented by school systems and physicians concerned with the various "privacy acts" passed by state and national legislatures have made it very difficult for us to conduct studies using school and medical records of minors.

Source: F.J. Ryan, "Relationship between Smoking and Personality," in Smoker Psychology Monthly Report—June 10, 1974; Frank Ryan, "Hyperkinesis as a Precursor of Smoking," in Smoker Psychology Monthly Report—Mar. 10, 1975; "Behavioral Research Annual Report," approved by W.L. Dunn and distributed to H. Wakeham et al.—July 18, 1975; F.J. Ryan, "Hyperactivity," in Smoker Psychology Monthly Report—May 13, 1977; F.J. Ryan, "Hyperkinetic Children," in Smoker Psychology Monthly Report—Mar. 10, 1978.

November 1, 1974.—Philip Morris' director of research, Thomas Osdene, who later becomes vice president for science and technology, approves and sends an annual report on behavioral research to the vice president for research and development, Helmut Wakeham. The report shows that by 1974, top company officials plainly consider cigarettes to be a drug. The report analogizes smoking to drug use, stating "dose control continues even after the puff of smoke is drawn into the mouth"; it asserts that a person smokes "to achieve his habitual quota of the pharmacologically active components of smoke"; and it hypothesizes that stopping smoking produces "reactions . . . not unlike those to be observed upon withdrawal from any number of habituating pharmacological agents."

The report also summarizes the status of a number of Philip Morris studies, including a study of smoker compensation when nicotine levels in cigarettes are reduced. Compensation studies, which are repeatedly discussed in the documents, assess the attempt of smokers to increase their nicotine intake through smoking more cigarettes or taking longer puffs.

Source: "Behavioral Research Annual Report, Part II," approved by T.S. Osdene and distributed to H. Wakeham et al.—Nov. 1, 1974.

December 1974.—A Philip Morris document discusses the company's nicotine research program in Neuchatel, Switzerland. This is the only document describing these secret activities. The Switzerland researchers, who were also heavily involved in nicotine research, report that a "compensation mechanism seems to be in operation for a proportion of the consumer population to adjust the nicotine yield to their needs or liking."

Source: Gustafson and Haisch, "PME Research: 1972–74."

March 1975.—Philip Morris continues its study of smoking by college students by examining whether smoking by college students increases following a 2-hour deprivation period. Preliminary data suggest that students compensate for deprivation by smoking more and taking more puffs.

Source: Quarterly Report Memorandum, from W.L. Dunn to T.S. Osdene—Mar. 25, 1975.

July 1975.—Philip Morris commences its first study of "the black menthol smoker." The researchers explain:

> The black menthol smoker is an important segment of the menthol market, yet all of the PM national field tests of menthol cigarettes have been conducted with virtually all white panels. What with some 500 black menthol smokers having become available with the advent of the RP3 panel, the opportunity was afforded to study the black response to menthol cigarettes.

Source: "Behavioral Research Annual Report," approved by W.L. Dunn and distributed to H. Wakeham et al.—July 18, 1975.

September 1975.—Philip Morris scientist W.L. Dunn describes smokers' abilities to compensate for reduced nicotine in cigarettes as "dose-regulating mechanisms of remarkable precision and sensitivity." He explains in detail how a smoker could compensate for a 15 percent reduction in nicotine in Marlboro cigarettes by "more efficient extraction of the goodies." He writes:

> To accommodate to the 15% reduction in available Marlboro nicotine, the smoker who was getting 50% of the available nicotine over into his blood from the Marlboro . . . now must get 59% of what the current Marlboro offers him. He can take bigger puffs, or inhale more from the supply drawn into the

> mouth . . . or for more efficient extraction of the goodies, he can draw it deeper or hold it in longer.

Source: Letter from W.L. Dunn to Stanley Schachter (Sept. 8, 1975).

February 1976.—Philip Morris continues its study of smoking by college students by attempting to identify "nicotine regulators" among college students. A major goal of the study is to determine if Philip Morris can "force" students who are given low-nicotine cigarettes "to modify their puff volumes, inhalation volumes, and/or smoke retention times in order to obtain their usual nicotine dose." Nicotine regulators are described by Philip Morris in the documents as smokers who compensate for nicotine deprivation by increasing their intake of nicotine.

Source: Carolyn Levy, "Regulator Identification Program," in Smoker Psychology Monthly Report—Feb. 10, 1976.

June 1976.—Philip Morris researchers discuss "why people start to smoke." They summarize the data indicating that most smokers begin to smoke between 10 and 18 years old. They then state that one of the reasons for continued smoking is that cigarettes serve "as a narcotic, tranquilizer, or sedative."

Source: Memorandum on "Why People Start to Smoke," from A. Udow to J.J. Morgan—June 2, 1976.

December 1976.—Philip Morris scientists report a "consensus of investigators" that "the reinforcement of the smoking act is the effect of smoke component action in the central nervous system." They propose setting up an electroencephalographic or "EEG" laboratory "to seek an ultimate explanation of cigarette smoking among the nicotine or smoke-component-related events of the central nervous system." The new EEG equipment would enable Philip Morris to monitor the brain waves of smokers.

Source: Memorandum on "Rationale for Investigating the Effects of Smoking Upon Electroencephalographic Phenomena," from W.L. Dunn to T.S. Osdene—Dec. 22, 1976.

November 1977.—Philip Morris continues its study of smoking by college students. In a new experiment, Philip Morris attempts to distinguish students who smoke out of "habit" from those who smoke out of "need." The researchers explain:

> Although nicotine intake appears a critical mainstay of tobacco consumption, not all people smoke for nicotine on all occasions. . . . All . . . cigarettes contribute to the total nicotine in the system, so that a cigarette smoked out of habit will delay the time until a cigarette is smoked out of need.

Source: F.J. Ryan, "Habit and Need Cigarettes," in Smoker Psychology Monthly Report—Nov. 11, 1977.

December 1977.—Philip Morris researchers report to the Director of Research their view that "nicotine compensation is a real phenomenon" and that "some people smoke for nicotine and * * * try to obtain a relatively constant amount of nicotine from their cigarettes."

The report also states that Philip Morris has "effected an arrangement with a university affiliated hospital for injecting nicotine in humans for discrimination studies." FDA approval is required before conducting nicotine injections, but in this case and the other instances of human injection mentioned in the documents, no such approval apparently was.

Source: Memorandum on "Behavioral Research Accomplishments—1977," from W.L. Dunn to T.S. Osdene—Dec. 19, 1977.

March 1978.—Philip Morris launches its "nicotine program." The program is to involve central nervous system ("CNS") behavioral testing, studies of the "molecular basis of nicotine pharmacology," and "nicotine analogue preparation."

On March 15, 1978, the Philip Morris researchers involved in the program write:

> An effective nicotine program must include both peripheral and CNS bioassay. . . . It is clear that CNS studies represent the most complex, state-of-the-art concepts. Ultimately, the isolation and characterization of the nicotine CNS receptors are the major goal. Many steps must come first. These include (1) pharmacological location of sites of nicotinic action using both cannulae and various tissue sections; (2) measurement of electrochemical activity following drug administration; (3) various techniques including photoaffinity labeling and binding studies as aids a receptor isolation (4) receptor identification and characterization.

On March 31, 1978, they elaborate further, describing "CNS behavioral testing" that is "needed in the immediate future":

> Nicotine discrimination, self-administration and tolerance studies will enable us to examine the cuing and reinforcing properties of nicotine and nicotine analogues in rats. These are state-of-the-art bioassays for central nervous system activity which we believe will serve as useful models of human smoking behavior.

These CNS studies are significant because they are the same studies used by the National Institute on Drug Abuse to determine the addiction potential of a drug. A substance that a self-administered and reinforcing has addiction potential because it induces repeated and compulsive use.

The researchers also propose conducting studies into the "molecular basis of nicotine pharmacology," because "we must begin to gain expertise in experimentation dealing with nicotine receptor technology." Nicotine receptors are the structures in the brain to which nicotine attaches after entering the blood stream.

Source: Memorandum on "Nicotine Program," from J.I. Seeman to T.S. Osdene—Mar. 15, 1978; Memorandum on "Nicotine Program: Specific Implementation," from J.I. Seeman et al. to T.S. Osdene—Mar. 31, 1978.

September 1978.—Philip Morris develops a new five-year plan for research and development. A major component of the plan is the nicotine analog program, which is based on the recognition that "nicotine may be the physiologically active component of smoke having the greatest consequence to the consumer."

Specifically, the plan states:

> Nicotine may be the physiologically active component of smoke having the greatest consequence to the consumer. Therefore, we are studying the differences in physiological effects between nicotine and its analogues to determine the mode of nicotinic action. If acquired, this knowledge may lead to a substance which will produce the known desirable nicotinic effects and greatly diminish any physiological effects of no benefit to the consumer.

Source: Philip Morris, USA, "Research and Development Five Year Plan, 1979–1983"—Sept. 1978.

December 1978.—Philip Morris presents its objectives for the Behavioral Research Laboratory for 1979. The objectives are significant for two reasons:

First, they describe intense research activity, involving over 15 different investigations, into nicotine pharmacology.

Second, they link the laboratory's nicotine research to the development of "new and improved smoking products" that capitalize on the research.

The Philip Morris researchers state their overall objective as follows:

> All of the effort of the Behavioral Research Laboratory is aimed at achieving this objective: To understand the psychological reward the smoker gets from smoking, to understand the psychophysiology underlying this reward, and to relate this reward to the constituents in smoke.

The researchers explain that to achieve this objective, three general lines of research will be pursued:

> 1. The effects of nicotine and nicotine-like compounds on animal behavior.
>
> 2. The effects of smoke and smoke constituents upon the electrical activity in the human brain.
>
> 3. The effects of changes in smoke composition upon puffing behavior, inhalation behavior and descriptive statements by the smoker.

The "rationale for the program" is its potential commercial application. Specifically, the researchers state:

> The rationale for the program rests on the premise that such knowledge will strengthen Philip Morris R&D capability in developing new and improved smoking products.

The researchers then describe six studies being conducted by the animal behavior group—"nicotine discrimination," "tail flick," "monitoring of motor activity," "prostration syndrome," "nicotine self-administration," and "rat EEG"; five studies being conducted by a new neuropsychology laboratory set up "to understand the interrelations between cigarette smoking and the human brain"—"effects of smoking on visually evoked response," "search for other evoked responses," "effects of smoking on the electroencephalogram," "long-term deprivation and the electrical activity of the brain," and "comparison of three routes of nicotine administration"; and five studies being conducted by the smoking behavior group—nicotine detection, masking of nicotine, nicotine's affect on cigarette acceptability, behavioral consequences of low-nicotine cigarettes, and "mouthfeel" factors.

Three of the studies are especially noteworthy. First, the study comparing three routes of nicotine administration is significant because it again involved "intravenous injection" of human subjects with nicotine as one of the routes of administration. The other two routes of exposure were inhalation and ingestion. The study was designed to "answer several important questions," including "what is the relationship between blood nicotine levels and CNS activity"; "how soon following a given method of nicotine administration are effects seen in the CNS and for how long"; and "how are the human studies employing cigarette smoking similar to or different from animal studies employing nicotine injection."

Second, the study of long-term deprivation and the electrical activity of the brain is important because it involved measuring the brain waves of quitters to learn whether "brains change in some fashion following the experience with tobacco." According to the researchers, this study was undertaken because "in terms of the electrical activity of the brain, there can be little doubt that smokers and nonsmokers are very different."

Third, the study of the behavioral consequences of smoking low-nicotine cigarettes is significant because it involved designing special cigarettes "at or near the nicotine need threshold." As the researchers explained:

> The low nicotine delivery will ensure that total nicotine in the system remains at or near the nicotine need threshold, thus maximizing the proportion of day's cigarette consumption which is smoked out of need. . . . The results may shed light on the manner by which nicotine control is achieved.

Source: Memorandum on "Plans and Objectives—1979," from W.L. Dunn to T.S. Osdene—Dec. 6, 1978.

January 7, 1980.—Philip Morris describes its objectives for the behavioral research laboratory for 1980. Many of the objectives are a continuation of the 1979 objectives. The Philip Morris researchers make several statements that again underscore the company's knowledge of nicotine's addictiveness.

The Philip Morris researchers state that "our theorizing on the role of nicotine suggests that cigarettes will be smoked whenever body nicotine content drops below a certain (unknown) level." The researchers also state their view that smokers will experience withdrawal syndrome and evidence of nicotine dependence upon being given ultra-low-nicotine cigarettes.

In one noteworthy study, the researchers propose to use a place preference paradigm used to study morphine to study nicotine. Specifically, they state:

> Mucha and Van der Kooy (1979) have reported that a place preference paradigm may be used to demonstrate the rewarding properties of morphine. We plan to use a similar paradigm to examine the rewarding properties of nicotine.

A second important study described in the report involves the effect to develop an assay for measuring the nicotine level in saliva. This assay would be used to confirm that "cigarettes will be smoked whenever body nicotine content drops below a certain (unknown) level."

Source: Memorandum on "Plans and Objectives—1980," from W.L. Dunn to T.S. Osdene—Jan. 7, 1980.

January 15, 1980.—Philip Morris describes its objectives for the Biochemistry Division for 1980 in a report from the director of research, Thomas Osdene, to the vice president for research and development, Robert Seligman. As in earlier reports, the objectives for this division include a heavy emphasis on nicotine.

Specifically, the report states that the objectives include:

> 1. To develop a fundamental understanding of the mechanisms by which nicotine and other tobacco alkaloids interact with the peripheral and central nervous system.
>
> 2. To determine if nicotine analogues can be designed which exhibit differential activity at different receptors. . . .
>
> 5. To perform . . . pharmacological testing of nicotine and its analogues.

Source: T.S. Osdene, "Plans and Objectives for 1980," distributed to R. Seligman et al.—Jan. 15, 1980.

March 1980.—Philip Morris's vice president for research and development, Robert Seligman, sends a memo to Philip Morris scientists soliciting their views on the value of continuing Philip Morris's support for the nicotine analog research being conducted by Dr. Leo Abood at the University of Rochester.

The researchers respond that the program should be continued. One researcher, Jim Charles, justifies support by explaining that "nicotine and an understanding of its properties are important to the continued well being of our cigarette business since this alkaloid has been cited often as 'the reason for smoking.'" Charles subsequently became the director of research at Philip Morris and later vice president for research and development.

Specifically, Charles states:

> Nicotine is a powerful pharmacological agent with multiple sites of action and may be the most important component of cigarette smoke. Nicotine and an understanding of its properties are important to the continued well being of our cigarette business since this alkaloid has been cited often as "the reason for smoking." . . . Nicotine is known to have effects on the central and peripheral nervous system as well as influencing memory, learning, pain perception, response to stress and level of arousal.
>
> Our ability to ascertain the structural features of the nicotine molecule which are responsible for its various pharmacological properties can lead to the design of compounds with enhanced desirable properties (central nervous system effects) and minimized suspect properties (peripheral nervous system effects). There are many opportunities for acquiring proprietary compounds which can serve as a firm foundation for new and innovative products in the future.

A second researcher refers to related work being conducted by Philip Morris in Germany, stating "for several years, we have been receiving data on peripheral screening of our nicotine analogues from Germany." According to the researcher, the work from Cologne, Germany, has been of the highest calibre.

Source: Memorandum on "Nicotine Receptor Program——University of Rochester," from R.B. Seligman to T.S. Osdene et al.—Mar. 5, 1980; Memorandum on "Nicotine Receptor Program—University of Rochester," from J.L. Charles to R.B. Seligman—Mar. 18, 1980; Memorandum on "Nicotine Receptor Program—University of Rochester," from E.B. Sanders to R.B. Seligman—Mar. 21, 1980.

November 1980.—Philip Morris describes its research objectives for the behavioral research program for 1981. The objectives again confirm the company's extensive interest in the pharmacological effects of nicotine.

The report describes the goals of the electrophysiology program as follows:

> It is our belief that the reinforcing properties of cigarette smoking are directly relatable to the effects that smoking has on electrical and chemical events within the central nervous system. Therefore, the goals of the electrophysiology program are to: (I) Determine how cigarette smoking affects the electrical activity of the brain, and (II) Identify, as far as possible, the neural elements which mediate cigarette smoking's reinforcing actions.

The report describes the goals of a new behavioral pharmacology program as follows:

> Objectives: I. To develop a better understanding of the behavioral pharmacological actions of nicotine, particularly the action which reinforces smoking behavior. II. Develop the empirical evidence which differentiates nicotine from classical abuse substances. III. Use behavioral pharmacology methods for evaluating the nicotine-likeness of nicotine analogues.

The report describes the goals of the experimental psychology program as follows:

> Objectives: 1. To gain a better understanding of the role of nicotine in smoking. 2. To study basic dimensions of the cigarette as they relate to cigarette acceptability.

Two individual studies described in the report are especially important.

First, the report states that Philip Morris succeeded in developing a technique for inducing rats to self-administer nicotine. This is significant because self-administration is a hallmark characteristic of an addictive drug. Independent scientists, who were not informed of this secret Philip Morris research, did not demonstrate nicotine self-administration in the laboratory until 1989, nearly a decade after Philip Morris.

Second, the report describes a third planned experiment involving injecting nicotine into human subjects. The report states:

> There are tentative plans for one other project in which nicotine will be delivered intravenously in different sized spikes of different duration, to yield a broader picture of the role of the spike, the level, and the reinforcement characteristics of the substance. The execution of this project . . . involves the dosing of numerous subjects with nicotine.

Source: Memorandum on "Plans and Objectives—1981," from W.L. Dunn to T.S. Osdene—Nov. 26, 1980.

SUBSEQUENT RESEARCH

What happened in the Philip Morris research laboratories after November 1980?

On April 28, 1994, two Philip Morris researchers, Victor DeNoble and Paul Mele, appeared before the Subcommittee on Health and the Environment of the House Committee on Energy and Commerce, to testify about their research at Philip Morris from 1980 to 1984. They described how they used experimental techniques developed by the National Institute on Drug Abuse [NIDA] to determine the addiction potential of nicotine.

DeNoble and Mele's experiments primarily involved nicotine self-administration studies in rats. As described above, they found that rats would self-administer nicotine—one of the hallmark characteristics of an addictive drug.

DeNoble and Mele's work held great interest to top Philip Morris executives. According to their testimony, in mid-1983 they were flown to New York to brief senior management on their work. Then in November 1983, the President of Philip Morris, Shep Pollack, flew to Richmond to observe rats injecting nicotine in one of DeNoble and Mele's self-administration experiments. At that time, Pollack was informed by DeNoble that the procedures he observed were "the exact procedures NIDA would use to demonstrate abuse liability."

Despite Philip Morris's interest in their work, DeNoble and Mele were abruptly terminated in April 1984, due to concerns that their findings could bolster product liability claims against Philip Morris. Subsequently, Philip Morris threatened the two researchers with litigation if they disclosed their research activities in journals or at public forums.

DeNoble and Mele were involved in only one part of Philip Morris's intensive investigation of nicotine—the rat experimentation. Virtually nothing is known about what happened to the many other Philip Morris research initiatives after 1980.

CONCLUSION

The documents I have just read make it clear that Philip Morris is in the drug business. Its laboratories have been intensively involved in unlocking the secrets of nicotine pharmacology for decades. The documents themselves state that this pharmacological research was undertaken for commercial purposes.

The documents also indicate that this research was in important instances targeted specifically at children and college students.

In summary, these documents make it crystal clear that we need regulation of tobacco to protect our children from becoming addicted to a life-threatening drug.

Mr. Speaker, I have brought with me the documents I read from during the course of this hour. Pursuant to my earlier unanimous consent request, I am inserting the documents in the RECORD for publication.

[Documents referred to will appear in a future issue of the RECORD.]

□ 1315

SALUTE TO POLICE OFFICERS IN AUSTIN, TX

The SPEAKER pro tempore (Mr. EVERETT). Under a previous order of the House, the gentleman from Texas [Mr. DOGGETT] is recognized until 2 p.m.

Mr. DOGGETT. Mr. Speaker, thank heavens there are young men and women across this country who are willing to dedicate their lives to protecting the rest of us, who help to secure us in our neighborhoods and our homes, who protect us against crime and violence and crimes of property.

I particularly want to salute and recognize some of the young men and women, and I have actually brought pictures of them here today, who joined the men and women in blue last Friday night in Austin, TX.

You will see each of them is actually in a tan or khaki uniform because these are their cadet pictures, and on Friday night, they graduated from being cadets in the Austin Police Department to serving now and are today, as I speak, many of them are out patrolling the streets and the sidewalks of the city of Austin, TX, assuring that the good citizens of our community can go about their lives and their livelihoods without the threat of violent crime.

Today in this House and throughout this week we are going to have an opportunity to back up these young men and women who are out there patrolling our streets or to abandon our commitment to them. And it is the concept of community policing and the important vote that this House will take this week when it takes under consideration the appropriations bill for the COPS Program that I wanted to address this afternoon.

You see, this particular class of young men and women is the largest class that we have had in Austin, TX, for some time, because it includes some 63 young men and women who have dedicated themselves to the protection of their neighbors there in central Texas, and the only reason that the class can include 63 cadets, now 63 new law enforcement officers in Austin, TX, is because of the backup of the Federal Government.

Of course, law enforcement must always be principally a local responsibility, and we are fortunate in Austin, TX, to have one of the finest law enforcement agencies in this entire country under the command of our chief of police, Elizabeth Watson.

In order to back up that strong local initiative, in recognizing our local communities are many times strapped for tax resources, the Federal Government can provide some support, not only through an occasional speech on the floor of the Congress or from the White House but actually by putting dollars where the Federal mouth is, and in this case something was done right by this Federal Government and something was done right on the floor of this House last September when a new crime offensive was approved by the House, over tremendous opposition, and that bill was signed into law, and within little more than a month of the time that that bill became law late last October, the city of Austin learned that it could go out and would have the Federal support, the Federal moneys that 25 of these 63 young men and women would be paid for through Federal tax dollars through the COPS Program.

We have had a real interest in Austin, TX, in community policing because we realize that getting our law enforcement officers into the community, knowing the people in the neighborhoods, backing up Neighborhood Watch, backing up crime stoppers, using every tool available to involve law enforcement officers with the neighborhoods in doing effective community policing was the best way to do something about the rising tide of crime that we had faced in Austin, TX.

So within a month of Congress acting, little more than a month, the city of Austin, like communities across this great land, learned that there would be Federal dollars to back up local efforts and to add new cadets to the training course. Come January of this year, our cadets began a very rigorous training that is done right there in Travis County, TX.

Last Friday night they completed that training and are now out serving.

But what an unusual coincidence, I must say, it is this week, just as these cadets hit the street and began protecting our citizenry, that we are faced with a critical vote that will probably come up tomorrow night or Wednesday morning in the Justice Department appropriations, and if that bill is approved in the form that is recommended to this House for action, we will yield in our support to these young men and women. We will be saying to communities across the country that the commitment to add 100,000 new law enforcement officers to our Nation's streets is a commitment that this Congress does not intend to fulfill.

I think that would be a serious mistake. That is why I want to draw attention to that appropriations bill this afternoon and particularly to an amendment that I believe will be offered by our colleague from West Virginia [Mr. MOLLOHAN], to restore support for the same program that has added these young men and women to our streets.

It is ironic that a group of people, our Republican colleagues who refer to themselves frequently at campaign time as law and order supporters, would be withdrawing support from the very program that put these people on the street.

You see, the administration backed the initiative here in Congress and signed it into law to get 100,000 new police officers on the street. But the bill that passed this Congress earlier in the year and the appropriations measure, instead of backing up our law enforcement officers, takes away the commitment of 100,000 new police and substitutes something that I guess you would have to call a blob grant because no longer do we stand by our commitment of 100,000 new officers. Rather, we say we are going to transfer to the States and localities a blob of Federal money that can be used for a variety of things.

Under the legislation passed, and as it would be funded as an alternative to actually putting law enforcement officers on the street, is an incredible amount of new bureaucracy. In this particular case, the reason the city of Austin was able to move so fast as communities across our country have done so is because all it had to do is file a simple application. It did not have to go through the bureaucracy of the State of Texas and get that bureaucracy involved in evaluating its application. It could come directly to the source of the money, and I know that that has been true in other States.

I see the gentlewoman from Colorado. I am sure you have had that experience in Colorado.

I yield to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Not only have we had that experience, no one can believe it is a one-page form. I mean it is a one-page form which is historic, I think, in this Federal bureaucracy that we have, and I find that my city of Denver has had the same experience yours has had.

We, first of all, feel very lucky that we live in the country where people call the police and call the police with great trust and, if fact, want more police because they feel the more police that are around, the safer the streets are going to be. You and I could stand here and name a lot of other countries where the last thing you might want to do is call the police. But here they call the police. They want the police.

In my city of Denver, having police on the beat, having police on the street, having police in the neighborhoods has just been a very exciting program and has truly remarkably reduced crime in 1 year. We saw it go down over 7 percent in 1 year.

It used to be every year we sat around waiting for those statistics to come out, wringing our hands, thinking how much worse is it going to get this year. But with these new police officers that we got funded, we are beginning to see a turnaround. We want it to go lower, of course. Of course, we do.

But I think what the gentleman is talking about is if we create this whole new tier of bureaucracy, if we go back to business as usual with the big complex form or if we allow the State to control the funds, we are not going to have this direct action, this fast action, this rapid action to get help to the cities, and they are the ones that are on the front line in most of this.

Mr. DOGGETT. I really appreciate the gentlewoman's observation because while I focused, naturally, on my community in central Texas, this is really just an example of what has been happening throughout this country.

As you know, I am new here to Washington. I think it is truly amazing from the time that you and others provided the leadership in this Congress to pass this bill and then it got signed, over this tremendous objection that you had, so many roadblocks and obstacles thrown up by what was at that time a Republican minority, the President signed the bill in September. By late October, cities across the country know they will have money coming, and here, 10 months later, we have across the country almost 3,000 new officers that are on the street. That is a Federal bureaucracy that was actually working the way it is supposed to: lean. It gets its office set up, gets any regulations it needs set up, and you actually have under the program that Austin and Denver benefited from, already 3,000 new officers; and in our smaller cities of under 100,000 there are almost 5,000 new officers under the COPS Ahead program; and still under another program of the COPS Fast program, which, I believe, is the one actually targeted at the smallest communities, there are about 7,000 officers that have come on there.

So that is the Federal Government for once operating the way it is supposed to do: getting a program started and actually getting the officers on the beat.

□ 1330

Mrs. SCHROEDER. Mr. Speaker, if the gentleman would yield further, in my locality we were very fortunate also in that we are one of four areas in the country where they have experimented with something called Project Pat. As my colleague knows, Attorney General Reno had been a local law enforcement officer, so she understands these layers of bureaucracy, and, when my district kind of exploded in crime, she was very sympathetic and said, "Let me try and get the State, the Federal Government, and the city government in the same room, and let them be planning from all agencies, all agencies of all levels, to make sure there isn't duplication, that they can respond rapidly, and they can really get funds out quickly to wherever there appears to be a problem," and, believe me, that has worked tremendously, too. We had a very quiet summer in Denver because of that type of response, whereas the summer before had been a great tragic one of day after day no one wanting to watch the news because if it bleeds, it leads, and there was a whole lot of bleeding, and it was almost the entire news hour.

So what I think the gentleman from Texas [Mr. DOGGETT] is worried about and what I am worried about is what we are apt to see when we take up this appropriations bill is really undoing the ability of the Federal Government to do that, that they are going to strike these funds, take away the sugar, and take away the ability to come forward with this very distinguished new group that you are so proud of. This is the new group that just graduated in Austin.

Mr. DOGGETT. This is just Friday night, and ironically they will begin their service this week on the very week that our Republican colleagues proposed to just pull away this entire commitment to 100,000 new police officers across the street. Twenty-five of these young men and women were funded through Federal dollars, and you know you have raised, as you so often do here on the floor of Congress, a very important point in referring to Attorney General Janet Reno and her experience in law enforcement because when I have talked, not just to these young men and women, but to our existing Austin Police Department officers, to law enforcement organizations around the country, I do not find any law enforcement experts coming forward and saying, "Junk this program that is actually providing us support."

Rather I find them agreeing with our chief of police in Austin, Elizabeth Watson, and I know the gentlewoman will be pleased to know that our leader in the law enforcement office in Austin is a woman who is doing an outstanding job in law enforcement. She said that these neighborhood enforcement teams that have been packed up with Federal dollars will really make a difference, and she is saying the same thing I am sure you hear in Denver, that I have heard from the various law enforcement organizations that have come before the committee on which you serve that have come here for press conferences here at the Capitol saying, "Please continue to lend us the support; this program works," but for some unfortunate partisan political reasons, just as this program begins to get the law enforcement officers on the street, our Republican colleagues want to jerk the rug out from under this program.

Mrs. SCHROEDER. Well, if the gentleman would yield, I think that is exactly what is happening, and unfortunately I hope by the end of the week what we are worried about has not come true.

But my police chief, David Rochard, is wonderful. He is very distinguished. He is in the National Cities or the Great Cities Police Chiefs League. I met with him a couple of weeks ago, and he was very distressed. He said this is the first group, meaning the new leadership in this Congress, that would not meet with the chiefs from the large cities in America. They have been banging on the door. Usually they say everybody is trying to get a hold of the police chiefs, and I would think you would want to talk to the police chiefs first. They are on the front line, they are the ones having to deal with this rising crime, and, if we are going to try to do something for them, we ought to ask them what would work the best, and, as he said during the crime bill, they were consulted constantly by the administration and by the then majority in Congress. But they have not been able to break through the door and get into to see anyone here. Not only have they not been asked, they cannot get in when they ask to get in.

He also was very upset; as my colleague knows, last week we saw this body cut back severely the funds that were to go for the violence against women, and again America's police chiefs have been saying young people are learning violence in a classroom, in their living room. They are learning it right at home, and they need that violence against women money to put in the hot line, to have more shelters, to do training of judges and police officers as to how to treat this and to get at that. Well, of course, that got gutted last week, and if this week you go after the police officers that we are now getting out on the street, we used ours through community policing, and I assume, I am not sure that is what Austin is——

Mr. DOGGETT. Indeed we do, and you make such a vital point about the Violence Against Women Act portion of this. If I understand this same bill, it essentially eliminated all of the funding for the excellent work that you and your colleagues did last year in establishing a violence against women portion, a tremendous portion and a tremendous advance in this same piece of legislation, and about the only thing they left in the appropriation was the hotline for women who are abused and are the victims of violence to call in, and so the question that we have here today is whether, when they call in, there will be a law enforcement officer there to meet their calls along with the counselors, and our battered-women centers, and groups that work against violence, but will there be a law enforcement officer, or will all of the support for Federal support for law enforcement officers be pulled away and denied to communities across this country to support women who are the victims of violence and people across our society that suffer from either physical violence or crimes of property.

Mrs. SCHROEDER. Well, if the gentleman would further yield, I am so glad you stood up and are talking about this.

You were not here in the last term, but in the last term the Violence Against Women Act passed 411 to zero, 411 to zero. Now it is hard to get a larger mandate than that, even though the crime bill was a lot closer, but 411 to zero, and 1 year later the new majority feels perfectly able to go in and gut it even though many of them voted for it, and I think you are going to find exactly the same thing with police officers.

Show me a person who would not like to have more police officers in their neighborhood. They would. And we had a long 2-year dialog about this with Attorney General Reno, with police chiefs and everybody. They said this is now the money could be used the best. So we got going, we fast-forwarded, we made the form simple, and we did have some moderate Republicans join us. That is how we got the bill out of here finally. We were all excited, and now they have done to that—or they appear to be going to do to that what they did to the Violence Against Women Act last week, so I am so pleased that the gentleman is down here pointing this out.

Let us hope, if anyone is watching, it will be, Wake up America; no one is really safe. You think everyone is against crime, but they may not be for funding anything or really helping communities trying to fight crime.

Mr. DOGGETT. I thank the gentlewoman for that observation and would add one other aspect of this, that seeing our colleague from California [Mr. MILLER] here, I know it is particularly important in California, but it is important in San Antonio, TX, as well, and that is that under this cops program one of the programs that is very important is the Troops to Cops Program. That is taking people who are leaving our military, who have obtained training in security as military police and other aspects of the military and channeling their skills into law enforcement and particularly in parts of our country that have had recent base closings. I would think there would be particular support for this Troops to Cops Program, and what an extraordinarily ill-timed initiative by our Republican colleagues to come in and gut this cops program at the very time that it could turn to those who will be leaving some of our military bases and help them get on the streets to make our—they have done a great job in protecting our national security, but now they can help us with our neighborhood security.

I yield to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. I want to thank the gentleman for taking this time to call attention to the concerns we have about the appropriations bills that come to the floor and the reduction of the cops portion of that bill.

I represent two communities in my district that were among—had among the highest crime rates in California, and unfortunately one of them had among the highest homicide rates in the State of California. But of those communities qualified for Federal moneys to expand their police forces, to expand the cops on the beat or to participate in the Cops on the Beat Program. Both of them used it for the purposes of community policing, along with the sheriff's agency in one of the countries that I represent, but in these two communities I have traveled with the police during the day, talked to the officers on the best, and seen a remarkable, remarkable change in attitude as this money has allowed the police departments to expand into the communities.

In one case in Vallejo, CA, they have used them for a bicycle patrol within the commercial districts, and helping out the transit districts as large numbers of young people get out of school during a particular time during the day, and also used them for evening drug patrols, and drug activity has plummeted, the homicide rate is down considerably. They have been able to literally ride down and capture more individuals engaged in drug-related activity because they have been able to move along the railroad tracks, over hill, over dale, and also, as they point out, to very often surprise drug deals because they are just not cognizant that these bicycles coming down the road are police officers. In Richmond, CA, they have used the officers on the beat again to make it safer for retail businesses to have people shop on foot, to come back downtown, to participate in the community. They have used it to patrol the housing projects, again bringing about a reduction in criminal activity. They have also related very strongly that they have—this money and this cops program has allowed them to spend additional time with some of the gang-related activities that we have experienced in both of these communities, and in one of the communities we have again seen a reduction in the gang violence.

This summer so far has been much different than the summer a year ago and a year and a half ago, and we hope that we will be able to continue that effort. Of course now the mayors of those cities and the city councils are concerned that either they are going to renege on these contracts for cops on the beat or they will not have the availability to try and reapply should that funding be available beyond the contract period.

We should not, we should not, diminish the success that we have, and we should not yank away these resources from the communities, whether it is in Austin, or in Colorado, in Boulder and Denver, elsewhere where I think we have shared these kind of experiences. The returns are just now starting to come in as these communities have been able to participate in this program, and for the Republicans now, almost what seems like almost spite because of the success of this program, because this program, I think, was successful for the administration, but they thought it up, they executed it, they got the money on the street, that now there is some desire just to whack this money, and it is going to be a terrible blow to the local law enforcement, certainly to community policing in many, many communities that desperately need this money and really do not have the wherewithal to replace it, and I want to commend the gentleman and thank him for taking this time and the gentlewoman from Colorado for participating in this.

Mr. DOGGETT. I appreciate your comments. As you know, one of the really good points about this program is, if you have a community of 100,000 or less, the entire application process is filling out one piece of paper and sending it directly to Washington. And what a contrast, as the gentleman knows, between that effective program and this new block grant program that the Republicans want to substitute. I note particularly, and I think this could have a particularly negative effect in California, that under their block grant program the Governor of the State has not less than 45 days to review and comment on the application. That is not true under existing law. Your cities found out within 45 days of the President signing the law that the money was on the way. I do not know in California if Governor Wilson would even have time to look at the application since he is off and about the country.

Mr. MILLER of California. If the gentleman would yield, yes, we would not want to do that with an absentee Governor like we have now, but more importantly, our communities were able to take their circumstances, their crime rate, their concern about youth gang activities, and in the city of Richmond, the city of Vallejo, that have been suffering under increasing crime rates, they were able to take that situation, make this application, and very quickly determine whether or not they would be qualified for the first- or second-round grants that were made, and the fact of the matter is the money is now in the police department where it belongs, it is not being argued about within the city council over some other kind of way they can sneak out that block-grant money and use it for some other purposes.

☐ 1345

It is in the police department, it is being directed at crime, and the results are coming in in terms of a diminishing crime rate in two communities, both Vallejo, CA, and Richmond, CA, that were having a real rough time fighting crime. They do not need the Governor's involvement. They do not need Congress' involvement. What they need is communications between the Justice Department and their own situation and a quick determination of whether or not they quality or not.

Mrs. SCHROEDER. If the gentleman would yield, that is one of the things my communities have been very excited about. They have never seen such customer service relations as on this. One-page form, goes immediately, you put in a coupon and get an electronic transfer of the funds to your own bank. It is up and going.

I am a little fascinated that if this works so well, and if this is what the police chiefs want, and if it is so tremendously user friendly, why is everybody out to kill it this week?

Mr. DOGGETT. It is really extraordinary. I know the gentlewoman served on the committee that reviewed some of this legislation. Did the gentlewoman hear any good reason advanced for why a program that is putting young men and women like this on streets across this country, why we should pull the rug out from under that program and say that we need the Pete Wilsons and the George Bushes and the Governors and the State bureaucracies suddenly getting in the way of a program that takes money directly from Washington and puts it onto the streets and sidewalks of our communities across the country?

Mrs. SCHROEDER. Well, if the gentleman will yield, no, I did not hear any good response to that. Obviously, there are certain people who are totally into the punishment mode rather than prevention. I think the American people would much prefer a crime that is prevented.

Now, if it happens, then, yes, they are into punishment. But this was seen more as on the prevention side and they thought that that was soft, warm, fuzzy. I do not think so. I think the American people would much prefer a tough prevention program with cops on the beat and cops on the street. That is what they want to see. We got that, but for those who are still trying to say the Federal Government's role is only in prisons and only after they have been caught, we are in trouble.

I think one of the things we have all found is, first of all, block grants are not going to work well for any of our States, because if your population is growing, the funding is going to be on your old population. So some State is going to get your money where the people have left and moved into your State.

The next thing you are going to see is that people are going to try and knock this out. When cities start getting into trouble with crime, then the city starts getting hurt economically. The more it hurts economically, the less it has of its own money to get more police officers. So this is a way to help them get police officers, get back on their feet economically, and get people not worried about the crime rate and moving back in.

If you take this all away, we are back to where we were. Once communities get on that slippery slope of rising crime, they can be in real trouble and you can end up with an abandoned city.

Mr. MILLER of California. The genesis of this program was this was about putting police officer resources on the street, not about initiating a debate in city councils or boards of supervisors and the State legislature about what to do with a block grant form of money. This was about getting officers on the street to deal with the community.

I would suggest that our Republican colleagues ought to spend some time riding with these officers, walking with these officers, visiting the communities, talking to the merchants who for the first time feel comfortable in their communities because they know that these officers are around and about.

Many people lament the loss of community, the way it used to be. Well, the way it used to be was the people knew the police officers on the beat. They trusted them, they knew them, they could report activity to them. That, once again, in the communities I represent is returning. When I went around and talked to the merchants in Richmond, when I went around in

Vallejo and talked to the merchants, they said yes, now they knew that sometime during the day this officer would be there. They felt free to talk to them. to say gee, there are these groups congregating on the corner, causing trouble, could you do this, look into it, do that. That is how we police our communities.

I think the point was that is what this was directed at. The block grant suggested there is some greater law enforcement decision to be made out there, and that we will let that open debate and let communities do what they wanted. The fact of the matter is what local communities wanted were officers, police personnel, on the streets. If they think this is warm and fuzzy, they ought to talk to the criminals that have been run down by community police officers in the commission of an act of crime and brought to justice. That was not very warm and fuzzy, but they were available, where in the past they have not been.

Mr. DOGGETT. Or as you wisely suggest, to simply ride with, to walk on the beat with, our law enforcement officers. When I have done that, I have had the same experience as the gentleman from California. You talk to the young man or woman who is out there on the beat, standing between us and violent crime, protecting our businesses, protecting our neighborhoods and our families and their dwellings. They are not interested in having to get immersed in city politics. They sure do not want to have to go to the governor and ask if more police is okay. They do not care whether Republicans or Democrats or President Clinton or President somebody else takes credit. They just need help.

What this piece of legislation that we will vote on tomorrow night does is it pulls that help away and says we will not stand with them against crime. We are going to immerse them in the very kind of politics that they asked not to be immersed in, instead of backing them up and lending them the support they need to protect communities, whether it is in California, Colorado, or Austin, TX, or anywhere else in this great land.

Mrs. SCHROEDER. One of the ways it worked in my community, which has been wonderful, is the police have opened a neighborhood office. All the merchants and local people are invited in. The community gets a dinner. It just opens up the whole community, and they have done a much better job of catching criminals. If you look at the bottom line, one of the reasons there is a lot of crime is a lot of people got away with it.

Well, if you have them there and you have eyes and ears and people know where to call and know it is right nearby in their neighborhood, boy, that stops the nonsense. And our biggest problem has been people wanting more, more, more. We cannot get enough fast enough.

I am sure they are going to be stunned to find out that we may vote this out tomorrow, that this may be voted out, because, listen, they do not have R's on their shirts. There is no R for Republican, no D for Democrat, no C for Clinton. They are police officers. They are out there to protect the community.

The gentleman was talking a little earlier about the Troops to Cops. That was in my committee. I worked very hard to get that amendment through and cosponsored it. What a waste. Some of these young people have already been perfectly trained. They just need a little extra training and they are ready to go on the civilian side. It is a win-win for the taxpayer. You paid for their military training. You may as well transfer it to the civilian side and keep it going.

I think there were so many things we were starting to make headway on, and I do not care, the people in my district do not care, whether it is Republicans or Democrats. Their No. 1 issue is get crime under control and stop the killing and stop the terror. This is the best way.

They are not saying what we want is get as many prisons as you can shoehorn in here and let us stuff everybody in prison. Yes, if you catch people, they want them to go to prison, but they much prefer preventing it in the first instance, so they are free to walk around on the streets and enjoy the community that they used to be able to enjoy.

So I think your bringing this to the floor is absolutely essential. I cannot wait to see what they come up with as a reason to kill this program. I know we will all be listening intently.

Mr. DOGGETT. The gentlewoman from Colorado and the gentleman from California have both referenced prevention. I also wonder whether anyone is trying to undermine this cops program has ever discussed prevention with young men and women like this or with their older peers who are out there and have served our community, in some cases for decades.

I know, for example, that in my community of Austin, TX, you mentioned this community meeting, last year we had a real problem in one neighborhood particularly, it has unfortunately affected a great deal of our community, with youth violence. So instead of looking only at the question of violence, our forward looking police department under Chief Watson sees leadership.

One of the things they did about crime was to set up a job fair, to actually pull in local businesses to a high school, not far from this community. I went out to that job fair and there were young people coming out the doors, and there were some business people who I am sure instead of having someone who might come in and shoplift, someone who might some day because of drugs be burglarizing their establishment, they found a willing worker. Because if we provide some of these young people hope and we provide them opportunity, and if they begin to recognize that the men and women who go through cadet school and put on their blue uniform and go out to defend us are on our side, they are not the enemy, they are there working in the community with community police stations, with community prevention programs that work to try to prevent crime, that try to deter crime, and in turn, of course, unfortunately, when that does not work to a prison system to back them up, which we need. But if we rely only on the steel bars, we cannot build the prisons fast enough to fulfill the need of our community for security.

Mr. MILLER of California. I want to thank the gentleman and just say we found at least some of the officers have been more involved in community policing than just their shift work. We find them involved with the young people they work with in an official capacity during the day, on the weekends, and on their own time developing programs of community service for these people, completely voluntary, only recreational activities.

This summer, at the end of the summer, we will for the second time have a police officer-inspired program in which young people have done service in their community and will be treated to a field trip. It is a huge event in a community that is very poor, lives in public housing, but by having all of the kids participate throughout the summer and stay engaged, this officer has put together the resources to then take them on a field trip of recreation and fun, something that we would have never seen because of the walls that are traditionally being built between the community and law enforcement.

But now, because of her involvement in this community on a day-to-day basis, walking, talking to their mothers, their fathers, and other young people in the community, we now see this kind of relationship being built which we think long term will help law enforcement. As these young people grow up, it will also build some confidence in law enforcement by these young people because they will know these officers personally, and we like to believe that will continue. But for the first time we are now seeing a downward trend in crime in our communities.

I hope we can defeat these efforts to take away this funding.

Mr. DOGGETT. In attempting to do that, let me bring to the attention of the House one other aspect of this cops program, and that is something called cops more.

Again, it is ironic that this very week, probably by midweek, the administration, the Department of Justice, will be announcing cops more grants. Hopefully, the city of Austin will be one of those and cities across this country. That is money that does allow some flexibility.

It will, for example, provide Federal dollars, again, directly to the city of Austin, to other communities, to allow some of our law enforcement officers that are now tied up with paperwork and other duties within the station to be replaced with civilian workers so that those skilled law enforcement officers can be out on the street. It will allow for the paying of overtime when our police officers are stretched to the limits at times and have to have overtime. It will allow for certain equipment to be purchased to facilitate police communications and other activities on the street.

So the cops program, as the Congress approved it last year, has the necessary flexibility already not only to get 100,000 police officers on the street, but to give them the tools that they need to be effective. Not politics, but real law enforcement tools, and that program will be announcing grants across America this week.

Yet, unfortunately, it is that very program that the House will undermine and destroy tomorrow night, unless we are able to get an amendment on changing the appropriations bill as it has been recommended and keep the support for our local law enforcement agencies.

Mrs. SCHROEDER. If the gentleman will yield further, let me thank him one more time for so very articulately laying out what our choices are going to be this week.

Let me end the way I began. I feel so fortunate to live in a country where people call the police, are not afraid of the police, and see the police as their friend, and they really want us to help fund more of them to help bring our communities back to the way they were. Just as we were beginning to get that going, we do not want to see the rug pulled out from under us. Thank you so much.

Mr. DOGGETT. I thank the gentlewoman for her observations and comments.

I would just close in saying that crime is not like the weather. There is something that we can do about it. The "something" this week in the House is to stand behind the men and women who just graduated from the academy in Austin, TX, that are out there because of Federal dollars, and keep that program going, backing up our law enforcement agencies, not substituting some weird blob grant program, but standing behind the men and women who are protecting our neighborhoods, our homes and businesses, doing something about crime with a program that works today, right now. Keep that program and defeat this reactionary change that has been proposed.

□ 1400

PERMISSION FOR SUNDRY COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING 5-MINUTE RULE

Mr. LINDER. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: The Committee on Commerce, the Committee on Government Reform and Oversight, and the Committee on the Judiciary.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. EVERETT). Is there objection to the request of the gentleman from Georgia?

Mr. DOGGETT. Reserving the right to object, Mr. Speaker, I would say that the Democratic leadership has been consulted and the ranking minority member of each of the committees the gentleman referred to.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

EXPORTS OF ALASKAN NORTH SLOPE OIL

Mr. LINDER. Mr. Speaker, by the direction of the Committee on Rules, I call up House Resolution 197 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 197

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 70) to permit exports of certain domestically produced crude oil, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment. The chairman of the Committee of the Whole may reduce to not less than five minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall be not less than fifteen minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. (a) After passage of H.R. 70, it shall be in order to take from the Speaker's table the bill S. 395 and to consider the Senate bill in the House. All points of order against the Senate bill and against its consideration are waived. It shall be in order to consider in the House, any rule of the House to the contrary notwithstanding, the motion to amend described in subsection (b). The motion to amend shall not be subject to a demand for division of the question. The previous question shall be considered as ordered on the motion to amend and on the Senate bill without intervening motion except one motion to recommit the bill with or without instructions. If the motion to amend is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 395 and request a conference with the Senate thereon.

(b) The motion to amend the Senate bill made in order by subsection (a) is as follows:

"(1) Strike title I.

"(2) Strike sections 201 through 204 and insert the text of H.R. 70, as passed by the House.

"(3) Strike section 205.

"(4) Strike section 206.

"(5) Strike title III.".

The SPEAKER pro tempore. The gentleman from Georgia [Mr. LINDER] is recognized for 1 hour.

Mr. LINDER. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas [Mr. FROST], pending which I yield myself such time as I may consume.

During consideration of this resolution, all the time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 197 is an open rule providing for 1 hour of general debate equally divided between the chairman and ranking minority member of the Committee on Resources. After general debate, the bill shall be considered for amendment under the 5-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the 5-

minute rule the amendment in the nature of a substitute recommended by the Committee on Resources now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read.

House Resolution 197 authorizes the Chair to accord priority recognition to Members who have preprinted their amendments in the Congresional Record. The rule does not require preprinting, but simply encourages Members to take advantage of the option in order to facilitate consideration of amendments on the floor of the House.

This rule allows the chair to postpone votes in the Committee of the Whole and reduce votes to 5 minutes, if those votes follow a 15-minute vote. Finally, this resolution provides one motion to recommit, with or without instructions.

Section 2 of House Resolution 197 provides for the consideration of S. 395 in the House. All points of order against the Senate bill and its consideration are waived and it shall be in order to consider the motion to amend S. 395 as described in the rule. Additionally, this section provides for one motion to recommit with or without instructions. If the motion to amend is adopted and the Senate bill, as amended, is passed, then it shall be in order to move that the House insist on its amendments to S. 395 and request a conference with the Senate.

The purpose of the underlying legislation, H.R. 70, is to lift the ban on the export of crude oil produced on Alaska's North Slope. This legislation was reported out of the Committee on Resources by voice vote and it has broad bipartisan support. This bill is clearly in the national interests, and by lifting the ban on exports, we can create tens of thousands of new jobs, drive domestic energy production, raise revenues, and reduce our dependence on imports. It is important to note that according to the Congressional Budget Office, H.R. 70 will reduce Federal outlays by about $50 million over the next 5 years.

This open rule was reported out of the Rules Committee by voice vote. I urge my colleagues to support the rule so that we may proceed with consideration of the merits of the legislation.

Mr. Speaker, I include for the Record the following information:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 21, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	38	73
Modified Closed[3]	49	47	12	23
Closed[4]	9	9	2	4
Totals:	104	100	52	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 21, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	O	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95).
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95).
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	O	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95).
H. Res. 52 (1/31/95)	O	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95).
H. Res. 53 (1/31/95)	O	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95).
H. Res. 55 (2/1/95)	O	H.R. 2	Line Item Veto	A: voice vote (2/2/95).
H. Res. 60 (2/6/95)	O	H.R. 665	Victim Restitution	A: voice vote (2/7/95).
H. Res. 61 (2/6/95)	O	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95).
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95).
H. Res. 69 (2/9/95)	O	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95).
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95).
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95).
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95).
H. Res. 91 (2/21/95)	O	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95).
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95).
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95).
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95).
H. Res. 100 (2/27/95)	O	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95).
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95).
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95).
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95).
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95).
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95).
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95).
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95).
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95).
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95).
H. Res. 125 (4/3/95)	O	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95).
H. Res. 126 (4/3/95)	O	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95).
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95).
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95).
H. Res. 136 (5/1/95)	O	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95).
H. Res. 139 (5/3/95)	O	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95).
H. Res. 140 (5/9/95)	O	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95).
H. Res. 144 (5/11/95)	O	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95).
H. Res. 145 (5/11/95)	O	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95).
H. Res. 146 (5/11/95)	O	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95).
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95).
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95).
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95).
H. Res. 167 (6/15/95)	O	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95).
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95).
H. Res. 170 (6/20/95)	O	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95).
H. Res. 171 (6/22/95)	O	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/12/95).
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95).
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95).
H. Res. 185 (7/11/95)	O	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95).
H. Res. 187 (7/12/95)	O	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95).
H. Res. 188 (7/12/95)	O	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95).
H. Res. 190 (7/17/95)	O	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 21, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95).
H. Res. 194 (7/19/95)	O	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 (7/21/95).
H. Res. 197 (7/21/95)	O	H.R. 70	Exports of Alaskan Crude Oil	
H. Res. 198 (7/21/95)	O	H.R. 2076	Commerce, State Approps. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Republican majority of the Committee on Rules has recommended an open rule on H.R. 70, and the committee's Democrats fully support this rule. In addition, I support this bill.

H.R. 70 will lift the ban on exports of Alaskan North Slope oil which was imposed in 1973 as a compromise to allow the construction of the trans-Alaska pipeline in an era when the United States was subjected to embargos imposed by the oil-producing states of the Middle East. Mr. Speaker, the time is long past when this ban serves any useful strategic purpose and, in fact, this ban may have actually contributed to reduced domestic production. By freeing North Slope oil from this export ban, we will encourage further domestic production—both in Alaska and in the lower 48.

Mr. Speaker, the committee is also to be commended for including a provision in the rule which will expedite a conference on this legislation, and I urge support for the rule and the bill.

Mr. LINDER. Mr. Speaker, I reserve the balance of my time.

Mr. FROST. Mr. Speaker, I yield 1 minute to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this important initiative to authorize exports of Alaskan oil because it is vital to preserving the independent tanker fleet and the cadre of skilled men and women who proudly sail today under the American flag. There can be little doubt that our Government has a compelling interest in preserving a fleet essential to national security, especially one transporting an important natural resource.

Specifically, section 1 of the bill requires that, other than in specified exceptional circumstances, Alaskan crude exports must be transported by a vessel documented under the laws of the United States and owned by a U.S. citizen.

Mr. Speaker, I am aware that some have raised trade-related questions about this provision, but these issues have already been addressed by the trade experts in the administration, who have concluded that the bill is consistent with our international obligations. In his March 9, 1995, letter, a copy of which is attached to my statement, for example, U.S. Trade Representative Mickey Kantor stated that the bill does not violate our international obligations under WTO/GATT, the relevant OECD Code, or the GATS Ministerial Maritime Decision. In fact, he pointed out that "the U.S. flag preference provisions * * * actually present opportunities for foreign flag vessels to carry more oil to the United States, in light of the potential new market opportunities resulting from enactment."

As my colleagues know, current law already requires Alaskan oil to move to the lower 48, Hawaii, and Canada on so-called Jones Act vessels. When Congress authorized construction of the trans-Alaska pipeline system, it established export restrictions that had the effect of ensuring that North Slope crude would move to the lower 48 and Hawaii on U.S.-built, U.S.-owned, and U.S.-crewed vessels. Although the export restrictions have changed over time, there has been no change with respect to the requirement to use Jones Act vessels.

In 1988, when Congress passed legislation to implement the U.S.-Canada Free-Trade Agreement, it agreed to allow up to 50,000 barrels per day of ANS crude to be exported for consumption in Canada, subject to the explicit requirement that "any ocean transportation of such oil shall be by vessels documented under [46 U.S.C.] section 12106." By insisting that exports to Canada move on Jones Act tankers, even though not required by the specific terms of the Agreement, Congress established the principle that exports must move on U.S.-flag vessels.

Consider also that in negotiating the North American Free-Trade Agreement, the Mexican Government reserved to itself the "transportation * * * [of] crude oil." The U.S. Government specifically agreed to this reservation in adopting article 602(3) of NAFTA. Additionally, in two major areas of commercial movements in foreign trade, the U.S. Government has long enforced preference for American vessels. Since 1934, the U.S. Export-Import Bank has reserved for American carriers 100 percent of all cargo the export of which it finances under various programs. The Cargo Preference Act of 1954 also reserves certain Government-financed cargo to "privately owned United States-flag commercial vessels, to the extent such vessels are available at fair and reasonable rates."

There are plenty of other examples of cargo reservation world wide. Our Government has entered into bilateral treaties with Latin American countries that preserve government controlled cargoes for national lines. These intergovernmental agreements are supported by pooling agreements among the lines that effectively divide all cargo, not merely controlled cargo, on the UNCTAD 40–40–20 basis, with the 20 percent being accorded to such third-flag lines as are admitted to the pools. Similarly, the French Government reserves for French-flag vessels substantial cargoes. The Act of 30 March 1928, for example, requires that, unless waived, two-thirds of France's crude oil needs be carried on French-flag vessels.

Mr. Speaker, it is quite clear that long-standing precedent supports the U.S.-flag requirement in this bill.

Now let me address specific U.S. international obligations and explain why the legislation does not violate the GATS Standstill Agreement, the General Agreement on Tariffs and Trade, or other of our international obligations.

GATS Standstill Agreement. At the conclusion of the Uruguay round of multilateral trade negotiations, the United States and other countries for the first time agreed to cover services, as embodied in the General Agreement on Trade in Services [GATS]. Maritime services were effectively excluded, however, because no commitments of any kind were made by the United States. Although a U.S. offer had been briefly tabled, it was withdrawn. Thus, the U.S. Government did not in any way restrain or limit its authority to maintain or promote an American-flag fleet.

The only commitment made by the U.S. Government was to continue negotiations until June 1996, with a view to determining whether to make any binding commitments at that time. The Ministerial Decision on Negotiations on Maritime Transport Services imposed this standstill commitment or peace clause for the period during which the negotiations would occur: "[I]t is understood that participants shall not apply any measure affecting trade in maritime transport services except in response to measures applied by other countries and with a view to maintaining freedom of provisions of maritime transport services, nor in such a manner as would improve their negotiating position and leverage." Some foreign governments are now arguing that the enactment of the proposed legislation would violate this commitment. They are incorrect.

In a letter to me at the time, the U.S. Trade Representative stated that the peace clause is

> Strictly a political commitment by the Parties to the negotiations not to take measures to "improve their negotiation position or leverage." In a worst case scenario, if one of the Parties to this negotiation were to conclude that the United States had taken a measure that contravenes the peace clause, their only remedy would be to leave the negotiating table.
>
> * * * * *
>
> Let me assure you that there is nothing in the negotiations that would interfere with maritime reform legislation . . . . Discussion of promotional programs, including government subsidies, would, by no stretch of the imagination, be viewed as undermining these negotiations.

This understanding was confirmed by the Presidential Advisory Committee on Trade Policy and Negotiations. In filing its report at the conclusion of the Uruguay Round negotiations, the Committee said: "[A]ll existing maritime promotional and support laws, programs and policies continue in full force and effect. The United States also may enact or adopt such new measures as it wishes including pending legislation to revitalize the maritime industry."

GATT

The General Agreement on Tariffs and Trade covers goods, not services. Under longstanding precendent, vessels in international commerce are not themselves products or goods subject to GATT. For purposes of GATT, the relevant product is ANS crude, which would be transported on American-flag vessels. Requiring that this product be carried on these vessels, as currently required under the implementing legislation for the United States-Canada Free-Trade Agreement, does not conflict with GATT.

Article XI of GATT proscribes "prohibitions or restrictions other than duties, taxes or other charges whether made effective through quotas, import or export licenses or other measures" by a contracting party "on the importation of any product" or "on the exportation * * * of any product." These requirements apply to products, which do not include vessels in transit between nations. Moreover, these requirements are limited to products and not to their transportation. This is made clear by the exceptions listed in ¶2, such as (a) measures to prevent or relieve "critical shortages of food stuffs or other [essential] products" and (b) restrictions to facilitate "classification, grading or marketing of commodities." Such exceptional restrictions are to be accompanied by public notice "of the total quantity or value of the product permitted to be imported." Thus, the transportation requirements of the committee print are not "prohibitions or restrictions other than duties" on goods proscribed under article XI.

Article III, the national treatment article, forbids internal taxes or other charges or regulations, affecting, inter alia, the transportation of goods, that discriminate in favor of domestic production. Requiring U.S.-flag vessels for the carriage of certain cargoes in international trade is not an internal regulation of transportation that discriminates against foreign goods. As I said earlier, vessels are not considered goods. Moreover, by operation of the Jones Act, foreign-flag vessels may not today carry ANS crude oil to the lower 48 or Hawaii. Having no claim under article III that they somehow will be denied opportunities tomorrow as a result of a change in current law.

Article V, the freedom of transit article, requires that member nations permit goods, and also vessels, of other member nations "freedom of transit through the territory of each contracting party" of traffic in transit between third countries. The proposed bill, however, is not an inhibition of such movement of foreign goods or vessels within the United States. Article V thus does not apply.

GATT GRANDFATHER CLAUSE

GATT 1994 contains an explicit exemption for the Jones Act. Annex 1A to the Agreement establishing the World Trade Organization contains an exception relating specifically to national flag preferences for shipping "between points in national waters" enacted before a member became a contracting party to GATT 1947. The exception becomes inoperative if "such legislation is subsequently modified to decrease its conformity with Part II of the GATT 1994."

On its face, however, the proposed bill would not operate in commercial applications "between points in national waters," since it concerns the foreign trade. The proposed legislation would not amend the Jones Act and this does not jeopardize the grandfathering of the Jones Act by Annex 1A. The conformity of the bill with international obligations of the United States does not depend on this exception, but on the terms of those obligations themselves. As I indicated earlier, the proposed bill does not conflict with Articles III, V or XI of GATT.

OECD CODE

The OECD's Code of Liberalisation of Current Invisible Operations generally requires OECD member countries to liberalize trade in services, with certain specified exceptions. Not 1 to annex A, in defining invisible operations in the maritime sector, states in its first sentence that the purpose of the provision is "to give residents of one Member State the unrestricted opportunity to avail themselves of, and pay for, all services in connection with international maritime transport which are offered by residents of any other Member States." The second sentence of the Note lists "legislative provisions in favour of the national flag * * *" as among measures that might hamper the enjoyment of those rights. The Note concludes, however, unambiguously: "The second sentence of this Note does not apply to the United States." Whatever its applicability to the law of other nations, it would not apply with respect to the proposed legislation, which cannot therefore be contrary to it.

Thus, while some OECD Members have subscribed to equating national flag requirements with disapproved invisible operations, it is clear that the United States has not.

FCN TREATIES

Some foreign governments have raised questions about the propriety of flag reservation in light of various treaties of friendship, commerce, and navigation. The treaty clause invoked is this: "Vessels of either party shall be accorded national treatment and most-favored-nation treatment by the other party with respect to the right to carry all products that may be carried by vessel to or from the territories of such other party. * * *" Whatever this clause may appear to convey literally, its application in practice has allowed numerous national flag preferences identical with or otherwise indistinguishable in principle from the proposed measure.

As I indicated earlier, the most prominent instance is embodied in the United States-Canada Free-Trade Agreement. But there are many other examples. In the 1960's and 1970's, for example, the United States concluded with the former Soviet Union agreements for the sale of grain that, initially, reserved all carriage to American ships so far as available, and later not less than 30 percent. Against protests filed by a number of maritime powers having either national-treatment or most-favored-nation treaties, the United States responded in congressional testimony that, although the fact that the Soviet Union as a government was the purchaser did not alter the character of the transaction as purely commercial, "[t]he shipping arrangement worked out for the Russian wheat sale is a form of cargo preference involving a unique bilateral agreement between the U.S. and U.S.S.R. establishing a new trade where none existed before." This is the same reason the Department of State has advanced in defending preferences for government-financed cargo. So far as this may be considered a controlling factor, it is certainly applicable here, because the bill is clearly "establishing a new trade where none existed before."

In 1973, the President, by proclamation, instituted a system of licensing fees on imports of oil excess to prescribed quotas. Subsequently, however, the President in effect exempted products refined in American Samoa, Guam, the Virgin Islands or a foreign trade zone, if transported to the mainland on American-flag vessels. Like the present bill, the fee waiver was said not to reflect "a general administration position on reducing licensing fees when U.S.-flag ships are used." Although the stated purpose was to equalize refinery costs as between territories not subject to the Jones Act and the mainland, the administration suggested in congressional testimony that "a positive incentive has been provided by the administration for the construction and use of additional U.S.-flag tankers." In recent testimony before the Resources Committee on which I sit, the Deputy Secretary of Energy similarly emphasized the importance of the U.S.-flag requirement of the pending legislation in preserving U.S.-flag tankers and the skilled mariners who operate them.

In summary, Mr. Speaker, the U.S.-flag requirement of this bill is supported by amply domestic and foreign precedent, does not represent an extension of cargo preference into a new area, and does not violate our international obligations. There is no reasonable basis for a challenge to the legislation before the World Trade Organization or in other international forums.

I urge my colleagues to join me in supporting this legislation, which is so vital to preserving a fleet essential to national defense.

I include for the RECORD a letter from Michael Kantor, the U.S. Trade Representative, as follows:

THE UNITED STATES TRADE REPRESENTATIVE, EXECUTIVE OFFICE OF THE PRESIDENT,
Washington, DC, March 9, 1995.

Hon. J. BENNETT JOHNSTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR JOHNSTON: This replies to your letter of March 2, 1995, requesting information on the implications of the cargo preference provisions of S. 395 on our obligations under the World Trade Organization and the Organization of Economic Cooperation and Development (OECD). Specifically, you ask if the legislation violates any trade agreements, the potential legal and practical effects of a challenge, as well as its effect on the ongoing negotiations on maritime in Geneva.

As to WTO violations, I can state categorically that S. 395, as currently drafted, does not present a legal problem. Further, we do not believe that the legislation will violate our obligations under the OECD's Code of Liberalization of Current Invisible Operations or its companion Common Principles of Shipping Policy. However, the OECD does not have a mechanism for the settlement of disputes and its associated right of retaliation. While Parties to the OECD are obligated to defend practices that are not consistent with the Codes, the OECD process does not contain a dispute mechanism with possible retaliation rights. (The OECD Shipbuilding Agreement, by contrast, does contain specific dispute settlement mechanisms, although the Agreement does not address flag or crew issues.)

Your letter requests guidance on the implications of S. 395 on the GATS Ministerial Decision of Negotiations on Maritime Transport Services (Maritime Decision) which is the document that guides the current negotiations on maritime in the WTO. The Maritime Decision contains a political commitment by each participant not to adopt restrictive measures that would "improve its negotiating position" during the negotiations (which expire in 1996). This political commitment is generally referred to as a "peace clause." Actions inconsistent with the peace clause, or any other aspect of the Maritime Decision, cannot give rise to a dispute under the WTO, since such decisions are not legally binding obligations.

There are, of course, potential implications for violating the peace clause by adopting new restrictive measures during the course of the negotiations. These implications could include changes in the willingness of other parties to negotiate seriously to remove maritime restrictions and might lead to certain parties simply abandoning the negotiating table. But the Maritime Decision does not provide the opportunity for retaliation.

Our view is that the U.S. flag preference provisions of S. 395 do not measurably increase the level of preference for U.S. flag carriers and actually present opportunities for foreign flag vessels to carry more oil to the United States, in light of the potentially new market opportunities resulting from enactment of S. 395. Thus, it would be very difficult for foreign parties to make a credible case that the U.S. has "improved its negotiating position" as the result of S. 395.

For reasons I have explained, we are certain that the U.S. flag preference does not present legal problems for us under the WTO. However, in the event any U.S. measure is found to violate our obligations, the WTO does not have authority to require alterations to affected statutes. That remains the sovereign decision of the country affected by an adverse panel ruling. A losing party in such a dispute may alter its law to conform to its WTO obligations, pay compensation, or accept retaliation by the prevailing party.

Finally, we agree with you that it would not be appropriate to include a requirement that ANS oil be exported on U.S.-built vessels.

I trust this information is of assistance to you. Please do not hesitate to contact me or my staff should you need more information.

Sincerely,

MICHAEL KANTOR.

Mr. FROST. Mr. Speaker, I yield 4 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Speaker, I will not be offering my amendment that requires that these vessels be built in the United States, after further discussion with the chairman, the gentleman from Alaska [Mr. YOUNG], the ranking member, the gentleman from California [Mr. MILLER]. But I will be offering a very simple amendment, one that I think is important, to the substitute offered by Chairman YOUNG. I believe that it is necessary if we are to ensure that this legislation does not cause the loss of American jobs.

Mr. Chairman, in the bill it says, section 1, clause V, if the Secretary of Commerce finds that anticompetitive activity by a person exporting crude oil under the authority of this subsection has caused sustained, material crude oil supply shortages or sustained crude oil prices significantly above world market levels, and further finds that these supply shortages or price increases have in fact caused sustained material adverse employment effects in the United States, the Secretary of Commerce, in consultation with the Secretary of Energy, may—may recommend to the President appropriate action against such person, which may include modification of the authorization to export crude oil.

My amendment is very simple. It would delete the word "may," and insert the word "shall." This amendment would then require the Secretary of Commerce to take action if there is an energy crisis or if American jobs are being lost as a result of this legislation.

I do not think that we should leave to the discretion of some bureaucrat whether or not these adverse effects on employment and these other issues would require some action. The amendment would compel and require the Secretary to in fact make notice to the President of such actions.

I believe that this amendment has been agreed upon, and it is not a problem at this particular point. But I would just like to say this in closing with my remarks. I think we leave too much discretionary activities to bureaucrats who many times, and this is not painting any of these bureaucrats with a broad brush, but they may not necessarily have as much zeal with some of the connections that they may have in taking some of this action. So in essence, it would change the discretionary may in the bill for such recommendations to shall, and the Secretary would be compelled then to give that information immediately to the President, where such action could be taken in accordance with other actions and activity listed under this bill.

I think it is a commonsense amendment. I support it. I would like to say this. I support the bill. I believe it is good for American jobs, that it in fact maintains certain employment activities we have in the petroleum field right now and creates some new jobs.

Mr. FROST. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise in support of this rule. I am pleased to see that the committee has granted Chairman YOUNG's request for an open rule which protects the rights of all Members to offer amendments. I applaud Chairman YOUNG for continuing the tradition of our committee by seeking open rules.

We do not agree, however, on the merits of this legislation. During the consideration of H.R. 70, I will be offering an amendment to restrict exports of Alaska oil to the amounts which are in excess of current consumption on the west coast. The bill as reported by the resources committee restricts the President's authority to protect U.S. interests by forcing him to choose between exporting 100 percent of the Alaska oil or no oil at all. The bill specifically precludes the President from finding that it is in the national interest to establish any volume limitations.

Additionally, Mr. Speaker, I would note that, upon passage of H.R. 70, the rule provides for a motion to bring up the Senate-passed bill, strike the text and insert the House language. While I have no objection to this procedure, I would caution my colleagues that they are buying into much more than they expect in this legislation at a substantial cost to the taxpayers.

The other body has included several matters which will come up in conference which would not be germane under House rules to the subject Alaska oil exports. I am particularly concerned about title 3 of the Senate bill which requires the Secretary of the Interior to grant a holiday on collecting royalties from oil companies which operate in the Gulf of Mexico. This relief is granted whether or not it is needed. For drilling in waters deeper than 800 meters, for example, title 3 would require no less than 82.5 million barrels of royalty-free oil for each lease.

The stated purpose of title 3 is to encourage oil development in deep waters of the gulf. Yet the oil companies are already encouraged without any help from the Government. The last two gulf lease sales have brought in record bonus bids. The gulf is now one of the hottest areas in the world for new exploration.

In my view, mandatory royalty relief would be nothing other than a taxpayer-subsidized holiday windfall for the oil operators in the gulf. This is new corporate welfare at its worst. If title 3 had been in effect just 3 months ago, the royalty holiday would have cost the Treasury at least $2.3 billion from the last lease sale alone.

So, Mr. Speaker, there is much more to H.R. 70 that will be considered in conference than just Alaska oil exports—and there are good reasons that House Members are unaware of the deep water royalty relief issue because:

There is no bill requiring a deep water royalty holiday in the House.

There have been no hearings on this subject in the Resources Committee.

But when we go to conference on H.R. 70, you can rest assured that the other body will insist that we include the royalty holiday in the conference report.

Without amendments to protect U.S. jobs and consumers, H.R. 70 is flawed and should be rejected. But even if we disagree on whether exports of Alaskan oil are in the national interest, I urge my colleagues to look ahead down the road because there is a big taxpayer ripoff headed our way from the conference.

□ 1415

Mr. FROST. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. LINDER. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 70.

□ 1418

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 70), to permit exports of certain domestically produced crude oil, and for other purposes, with Mr. BONILLA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. MILLER] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on the first day of the session, I joined with the gentleman from California [Mr. THOMAS] and a bipartisan group of Members in introducing H.R. 70.

Mr. Chairman, on May 9, the committee heard testimony from the administration, the State of Alaska, California independent oil producers, maritime labor, and other proponents of our proposed legislation. The administration testified in favor of the bill, but indicated that the bill should be amended, first, to provide for an appropriate environmental review, second, to allow the Secretary of Commerce to sanction anticompetitive behavior by exporters, and, third, to establish a licensing system. On May 17, the committee adopted a substitute amendment supported by the administration.

I am pleased to offer today a committee print that has the support of the administration.

The committee print would bring the bill in substantive conformity with title II of S. 395 and includes provisions requested by the administration. In a nutshell, the committee print provides for the following:

ANS oil exports—carried in U.S.-flag vessels—would be authorized, unless the President determined they were not in the national interest.

Before making his national interest determination, the President must consider an appropriate environmental review, as well as the effect of exports on jobs and consumers.

In making his national interest determination (within 5 months of enactment), the President could impose terms and conditions other than a volume limitation on exports.

The Secretary of Commerce then would be required to issue any rules necessary to implement the President's affirmative national interest determination within 30 days.

If the Secretary later found that sustained material oil shortages or sustained prices significantly above the world level had caused sustained material job losses, he could recommend appropriate action by the President against an exporter, including modification or revocation of the authority to export.

Administrative action under the bill would not be subject to traditional notice and comment rulemaking requirements.

As under S. 395, the President would retain his authority to later block exports in an emergency. In addition, Israel and other countries pursuant to the International Emergency Oil Sharing Plan would be exempted from the U.S.-flag requirement.

Finally, the committee print also would require the General Accounting Office to prepare a report assessing the impact of ANS exports on consumers, independent refiners, shipbuilders, and ship repair yards.

Enactment of this legislation would at long last allow exports of our State's North Slope crude oil when carried on U.S.-flag vessels. When enacted, this legislation will allow the State's most important and vital industry to finally sell its products in the global marketplace.

To put the proposed legislation in perspective, I think it would be helpful to explain the origins of current law. The export restrictions were first enacted shortly after the commencement of the 1973 Arab-Israeli War and the first Arab oil boycott. At that time, many people believed that enactment of the export restrictions would enhance our Nation's energy security. Indeed, following the second major oil shock in 1979, Congress effectively imposed a ban on exports. Much has changed since then.

In part due to significant conservation efforts and shifts to other fuel sources, total U.S. petroleum demand in 1993 actually was lower than in 1978. Net imports also were lower. Last year, for the first time, imports met more than half of our domestic demand—not because consumption has risen, but rather because domestic production has declined so enormously.

Even though imports are up, they come today from far more secure sources than in the 1970's, when energy security was of such a paramount concern. Today, over half of our imports come from the Western Hemisphere and Europe. Mexico and Canada are among our largest suppliers. We not only are less dependent on the Middle East and Africa, but we have stopped buying crude from Iran, Iraq, and Libya. In addition, international sharing agreements are in place and the United States has filled a Strategic Petroleum Reserve with 600 million barrels of crude oil. In short, our Nation is no longer vulnerable to the supply threats that motivated Congress to act in the 1970's.

While we have taken the steps necessary to reduce our vulnerability to others, we have not done enough to encourage domestic energy production. In fact, production on the North Slope has now entered a period of sustained decline.

If I may just digress from my written statement, Mr. Chairman, last month the highest part of our trade deficit, which was the highest we have had in 7 years, was the importation of fossil fuels. In fact, the production on the North Slope has now entered a period of sustained decline. In California, small independent producers have been forced to abandon wells and defer further investments. By precluding the market from operating normally, the export ban has discouraged production in the United States. This bill is intended to change that situation. H.R. 70 would require the use of U.S.-flagged—U.S. crewed vessels, not U.S. built.

May I compliment my good friend, the gentleman from Ohio [Mr. TRAFICANT], for not offering that, because, very frankly, it would have caused us great concern within the shipbuilding industry and within the unions themselves.

Small independent producers have been forced to abandon wells or defer further investments. Faced with glut-induced prices for their own crude, these small businesses have laid off workers, further exacerbating market conditions caused by the long recession in California. By precluding the market from operating normally, the export ban has had the unintended effect of discouraging further energy production. We want to change that situation.

In an effort to quantify the likely production response and to evaluate benefits and costs of Alaskan oil exports, the Department of Energy conducted a comprehensive study last year. In its June 1994 report, the Department concluded Alaskan oil exports would boost production in Alaska and California by 100,000–110,000 barrels per day by the end of the century. The study also concluded that ANS exports could create up to 25,000 jobs as well. The sooner we change current law, the sooner we can spur additional energy production and create jobs in Alaska and in California.

As many Members of this body know, there has long been concern in the domestic maritime community that lifting the ban would force the scrapping of the independent tanker fleet and would destroy employment opportunities for merchant mariners who remain vital to our national security. In recognition of this concern, our proposed legislation would require the use of U.S.-flag vessels to carry exports. The U.S. Trade Representative has assured Congress that this provision does not violate our GATT obligations. Based on the testimony presented to the committee and our own assessment of the issue, we concur with the administration's view that this provision is fully consistent with all of our international obligations.

Our proposed legislation also ensures that an appropriate environmental review will be completed before the President makes his national interest determination. I think it is important to emphasize that in order to be in compliance with the National Environmental Policy Act, the environmental review required under the bill need not include a full-blown environmental impact statement, even if the review determines that some adverse environmental impacts may arise from exporting of ANS oil. As long as those impacts can be mitigated by conditions on exports included in the President's national interest determination, NEPA is satisfied.

We have given the President discretion to have the relevant agencies conduct the type of environmental review considered appropriate under the circumstances. In fact, the procedure set forth in the committee print for making the appropriate environmental review tracks the well-recognized procedure whereby an agency may forego a full environmental impact statement by taking appropriate steps to correct any problems found during an environmental assessment. If the EA does reveal some environmental effects, an agency may take mitigating measures that lessen or eliminate the environmental impact and, thereupon, make a finding of no significant impact and decline to prepare a formal EIS.

In its June 1994 Study, "Exporting Alaskan North Slope Crude Oil," the Department of Energy "found no plausible evidence of any direct negative environmental impacts from lifting the ANS export ban." Under the circumstances, we believe the review procedure established in the committee print—a 4-month study containing appropriate mitigating measures—properly balances the facts known to Congress and our policy objectives. Moreover, it fully complies with NEPA.

In closing, let me emphasize that this ban no longer makes economic sense. For too long, it has hurt the citizens of Alaska, it has severely damaged the California oil and gas industry, and it has precluded the market from functioning normally. If left in place any longer, it will further discourage energy production, it will destroy jobs in Alaska and California, and it will ultimately hurt our seafaring mariners, the independent tanker fleet, and the shipbuilding sector of our Nation. To reduce our net dependence on imports, we can take an important first step by enacting this proposed legislation.

The maritime industry and the oil industry have shown they can work together to promote the common good. We hope we can soon show that the administration and Congress can work together as well to promote our national security, spur energy production, reduce our net dependence on imports, and create jobs.

May I say in closing, Mr. Chairman, this is H.R. 70. They can insert everything after the enacting clause of the Senate bill as it passes the Senate. We will be discussing those things that will be argued today on the floor with the Senate in conference. Keep in mind we are working on a House bill that passed out of our committee pretty nearly unanimously by voice vote, and had strong bipartisan support.

Mr. Chairman, I urge the passage of this legislation and I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I hope that our colleagues are aware of the historic importance of this legislation. This bill signals the collapse of the oil industries' argument that producing oil in this country is vital to our energy security.

If we can afford to export Alaskan oil to Japan, Taiwan, South Korea and other countries when we are currently refining and consuming the vast majority of that oil on the west coast, then the arguments that we should develop our coastal waters or our wilderness areas ring hollow. When we can afford to export 25 percent of our production at the same time the Nation is importing over 50 percent of our consumption, the notion that imported oil is a threat to our economic security is hard to swallow.

For over two decades, Congress has dedicated Alaskan oil to meet our domestic energy needs—a crucial part of the compromise that allowed expedited construction of the trans-Alaskan pipeline. Since 1977, Alaska oil has provided the majority of oil for refineries in Washington, California, and Hawaii and most of the oil consumed by residents of those States as well as Oregon, Nevada, and Arizona. Tens of thousands of jobs in refining, shipbuilding, transportation, and other businesses are dependent upon the Alaska oil trade.

The only sure winners in allowing exports are one multi-national oil company—British Petroleum—and one State—Alaska. British Petroleum produces about one-half of the North Slope Oil and, if exports are allowed, can substantially manipulate the market prices for independent refineries on the west coast. The State of Alaska will see its revenues increase too, allowing it to continue its role as the State with the lowest personal tax burden and highest per capita spending in the Nation.

The losers in this endeavor are consumers, especially on the west coast, who are likely to pay more for their gasoline in the future. The losers are also the workers in refineries and the transportation sector who will see their jobs sacrificed and exported along with the oil.

I find it ironic that the proponents of exports rely so heavily on the Department of Energy's 1994 study promoting exports. The majority of the House voted to abolish DOE and the Republican majority consistently rejects the conclusions of the Clinton administration on other matters. But more importantly, DOE's study is flawed and based on outdated data.

DOE's projections of all benefits and no downsides from exports are based on its assumption that both a historic glut of supply on the west coast and depressed prices will continue.

But the DOE's assumptions do not reflect current reality. As the State of Alaska's Department of Revenue recently observed, Alaska North Slope oil "prices at parity can be expected to occur more often in the future as ANS production declines and the most expensive transportation route to the gulf coast via Panama loses tanker traffic."

In other words, if prices are at or near parity with world market prices and the supply glut on the west coast is diminishing, price increases will be not be absorbed by refiners—as DOE predicts—but will be passed along to consumers and businesses. Since California heavy oil is not an adequate substitute for light Alaska oil, refiners will be forced to look to more expensive, less reliable imported oil as a substitute. These price increases may have negative ripple effects throughout the entire economy.

Let me give you a real life example of why the DOE report is unreliable. DOE projects that up to 25,000 oil producing jobs will be created in Alaska and California by exports. This is remarkable considering there are only 34,000 of these jobs today. This is a questionable conclusion considering DOE assumes that British Petroleum will reinvest 100 percent of its profits from exports in Alaska. BP will give no such assurance, and it is even more dubious when job losses due to exports are disregarded.

Just last month, Pacific Refining Co. in Hercules, CA—which is in my district—announced that Alaska Oil exports are a factor in shutting down and eliminating over 200 jobs.

Mr. Chairman, this legislation purports to take potential job losses and price impacts on consumers into account during a Presidential Review of whether oil exports are in the national interest. However, the President is prevented by the bill from finding that a volume limit on exporting Alaska oil is in the national interest. So the President must chose between all or nothing. Given DOE's fanatical promotion or exports we know already what that decision will be.

I will be offering an amendment to delete the bill's restraint on the President's authority to set export volume limits and to require that the amounts currently refined and consumed in the west coast States are provided first priority with the excess eligible for export. This is an amendment that presents a reasonable compromise and puts the interests of us consumers and workers first.

I urge my colleagues to support my amendment and vote no on final passage of the bill if it fails.

□ 1430

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Chairman, I rise to engage the esteemed chairman of the Resources Committee in a colloquy.

As the chairman knows, many people are extremely concerned about the environmental and economic impact of this bill. I share many of their concerns, and believe that we must ensure that the public has an adequate opportunity to participate in and be heard on this issue.

As you know, I had intended to offer an amendment that would have required a public comment period, unless the administration gave me a firm commitment to hold a public comment period or hearing before the oil is exported. It is my understanding that, with the chairman's assistance, the administration has now committed to hold at least one hearing before the President makes his national interest determination. Am I correct?

Mr. YOUNG of Alaska. Mr. Chairman, if the gentleman will yield. The gentleman is correct, and I would like to thank my colleague for his efforts in this regard. The administration has agreed to hold one or more hearings before the President makes his national interest determination. The bill requires the administration to conduct an appropriate environmental review within 4 months, and the hearings will take place within this process. The public will have a formal means of making its views known directly to the administration.

Mr. METCALF. I thank the chairman for his reassurance.

Mr. YOUNG of Alaska. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. THOMAS], a sponsor of the bill, a great leader who introduced this bill 10 years ago and has worked so diligently and hard. The gentleman deserves recognition for his effort in this great piece of legislation today.

Mr. THOMAS. Mr. Chairman, this is a kind of an exciting day for me. It is my own personal corrections calendar, if you will.

The gentleman from California made a number of assertions. Frankly, for 10 years we have been trying to get people to focus on whether or not we should require all of the oil production in Alaska by Government edict to come to the lower 48 States.

Because of geography, the lower 48 States basically are three: Washington, Oregon and California. When you take a look at the population factors on the west coast, overwhelmingly more than 800,000 barrels of oil a day come to California.

I represent the 21st District in California. It is in central California. Contained in that district, ever since I came to Congress in 1978, are 4 of the 10 largest oil fields in the United States, among the top 20 oil producing areas of the world.

The primary holding in this area is a Government holding. It is called the Naval Petroleum Reserve and it is an area that was called Elk Hills.

Let me take you back to the early 1970's and the mid 1970's when we had the scare of the Middle East being able to choke this country by cutting off oil supplies. Unfortunately and regrettably, the Congress, controlled by the then majority party, said that the condition for building a pipeline in Alaska was that all of that oil had to come to the United States.

When they took the Naval Petroleum Reserve and opened it up, it was to be held as a reserve. Well, as you know, when you produce oil, it is not a well with a straw in it. When you open it up, it begins to flow. The Congress also decided to store oil in salt domes, and the Strategic Petroleum Reserve was developed in Texas to be able to get oil in that manner.

The Elk Hills fields are naturally occurring fields. Much of the oil there is heavy oil and it requires heating or a tertiary process, as we talk about it, to bring the oil to the surface. Billions and billions of barrels of oil are involved.

During the Middle East oil crisis, President Ford opened up Elk Hills under the requirement of maximum efficient production, defined as most you could get out of the field. Then along the same time, something called the windfall profits tax was slapped in place.

Let me tell you what happens when Government gets into the economics of oil and the way the Government did in the 1970's.

Government told Elk Hills, produce at your maximum efficient rate, so Elk Hills began pumping oil out, primarily for California consumption because there is no reasonable way to move that oil out of California to the Midwest or the East. But at the same time the Government had said all of the Alaskan oil production had to come to the lower 48, which is basically California.

So here by Government edict you have maximum production of one of the largest oil fields in the world, in California, and by Government edict all the oil produced by one of the largest oil fields in the world in Alaska coming to California.

Obviously you had a depression of the price of oil, so that the production that would have occurred in California because of the increased price for oil did not occur. The continued expansion of Alaska production toward the maximum production of oil there, because of the depressed prices, did not occur.

So I have for the last 10 years been trying to reconcile this ill-conceived Government policy. Who in the world would want to maintain this kind of a ridiculous Government production by edict, which depressed the ability to respond to the energy crisis with domestically produced oil which would have made us more energy sufficient? Who would have said these tankers have to come up and down the west coast of Alaska, Canada, and the United States by Government edict, to threaten our very sensitive environment along the coast? Who in the world would try to maintain this policy? Who is benefiting by this policy?

Guess who benefits? People in California who get a guaranteed, fixed price, depressed, crude product to run through their refineries. And guess where the biggest refineries are? They are in the bay area.

These people are fighting to maintain this hypocritical policy so that they can continue to maintain the record profits because of the margin between what they pay for oil and what they can sell the refined product for. It is just ironic that people stand up in the name of the energy conservation, of national security, of the environment, to try to maintain record profit margins for these corporations.

We are pleased that the Department of Energy, the Department of Transportation, and the Department of Defense came together to do a study.

What they discovered is what we knew for a long time: that in fact this policy does not promote energy security, it puts us at greater risk; that in fact it depresses the ability to produce oil here in the United States, and in Alaska, and it does cost us jobs; and that it is more threatening to the environment to keep this policy in place than to remove it.

We believe that not because a Government study said that, because for 10 years we have known it. I am pleased to say today in the well of the House that I have a statement from the administration that at long last recognizes the simple economics of allowing the marketplace to determine the amount of oil produced and recognizes that there is no question that forcing tankers to ply the Pacific waters is indeed a greater environmental risk than to have some of it find its economic home somewhere other than the lower 48.

I am also pleased to have a letter from the maritime unions. AFL–CIO is in support of this legislation. More than 75 of my colleagues, both Democrat and Republican, have joined us as well.

This bill is long overdue. It is the proper thing to do, because H.R. 1530, the Defense Authorization Act, provides for the privatization of Elk Hills as well. If we are going to produce oil out of a Government reserve at its maximum efficient rate, you should not let Government try to be in the oil business of production and selling.

What we should do is privatize Elk Hills. Along with allowing the Alaskan North Slope oil in H.R. 70 to find its economic home, and privatizing Elk Hills in H.R. 1530, we go a long way toward correcting the crazy economics of oil policy that has been in place for almost 20 years. It is indeed an exciting moment.

I want to thank very much the chairman of the Committee on Resources who, although he comes from Alaska, I know because of his understanding of the way things work would have been supportive of this bill, notwithstanding the fact that he represents the State. It is just a pleasure to work with him to correct a policy that did not augur well for the citizens and the economy of Alaska. It has not augured well for the citizens and the economy of California. Indeed, it has been a tragic mistake for all Americans over the last 20 years. It is a pleasure to support H.R. 70 and correct this problem.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Chairman, this legislation should be retitled. It should be retitled "Let's Not Learn From History," because what we are doing here, is we are setting ourselves up again. We are setting ourselves up to rapidly exploit the reserves that exist in Alaska, put pressure on ANWR and other sensitive environmental areas.

I know some people believe in that. They ought to stand up and say that is what they want to do. But worst of all, at a time when we are more vulnerable than ever to Mideast oil and to the blackmail of a Mideast oil embargo, we are about to contract American oil off someplace else.

The House rules prohibit me from mentioning the names of the junior Senator in the other body, from referencing any Member of the other body, so I cannot do that. But let me tell you that people in both bodies in the Congress, which I can reference, have made statements about where we are oil-wise.

This is not a liberal Democrat or somebody that wants to break this historic decision that we have had to protect the resources in Alaska and thereby prevent the pressure for immediate exploitation of all our reserves. This gentleman says,

> Mr. President, there is no question that each day our energy situation is increasingly in peril. In 1973, the year of the Arab oil embargo, we imported 6.3 million barrels per day of crude oil and refined petroleum products. We were 36 percent dependent on foreign oil. Today we are 50 percent dependent on foreign oil.

So where are we? At a time when we are more dependent than ever on the importation of oil from a part of the world that is still politically unstable, we are going to take our oil and we are going to contract it to the Japanese.

What is that going to do? First of all, if there is a crisis, we are going to have to go back and say to the Japanese, "Gee, we need this oil back," which is going to create other problems and complications for the Government. But it will do several things.

It will accelerate the exploitation of Alaskan oil. What does that do? Well, that means the day when America is bankrupt oil-wise is closer. At a time when we ought to be making long-term planning for the proper utilization of our natural resources, we are going to create a fire sale. Let's sell this product off, let's get it out there, let's get rid of it and then we'll be completely dependent on the Middle East or some other part of the world.

There are other places, by the way, where there is oil. There is Kazakhstan that is finding all these great reserves. That is so good an area to operate in, even the oil companies that have found oil cannot get it out of there because of the political situation.

Here we are, not that long after the 1973 oil embargo, and what are we trying to do? We are trying to make the United States more dependent on oil from regions of the world that are politically unstable.

Yes, I think we ought to amend the title of the bill. It ought to be the "Let's Not Learn From History Act," because that is what we are doing here. We are wasting our future, we are endangering our children with this piece of legislation.

Mr. Chairman, I rise in strong opposition to this bill.

H.R. 70 is a sellout of America.

This bill purports to allow the sale of Alaska oil, and it does.

But what the proponents of this bill do not say is that this bill is really selling out the interests of American workers, American consumers, American national security, and the American environment.

And this sellout of America is to benefit British Petroleum and the State of Alaska.

This bill will sellout American consumers, American workers, our environment, and our national security just to allow this huge British company to sell Alaskan oil to the Japanese.

So, the British and the Japanese will win and the Americans will lose.

States that depend on Alaska oil will lose.

States with industries involved with the shipment of Alaska oil will lose.

States with industries involved with the construction and repair of Alaska oil tankers will lose.

It is only the State of Alaska, the British and the Japanese who win.

American consumers will lose out because the export of Alaska oil will increase the cost of oil here at home.

This should not come as a surprise—it is the law of supply and demand.

The less oil we have here at home, the higher the cost to the consumer.

It will not only hurt the consumer at the pump—it will also increase the crude oil acquisition costs of independent refiners.

American workers will lose out because under this bill, the ships that carry Alaska oil do not have to be built in the United States.

Thousands of jobs for American shipworkers will be eliminated.

So, not only will the United States be shipping oil to Japan, we will also be shipping jobs abroad.

Today, ships carrying Alaska oil to the west coast must be built in the United States.

Under this bill, ships carrying Alaska oil to Japan will not have to be built in the United States.

Not only will thousands of shipbuilding jobs be lost.

Hundreds of seagoing jobs aboard tankers carrying Alaska oil to the lower 48 States be lost.

Thousands of ship repair jobs will be lost to subsidized Asian shipyards.

The American environment will lose out in several respects:

First, the export of Alaska oil will increase the demand for domestic oil—and therefore lead to drilling on the California coast and in the Arctic National Wildlife Refuge.

Second, since the United States will have to import more oil from the Middle East, the risks of oil spills on the west coast will increase: bigger tankers will be used, increasing the risk of a spill; with the use of bigger tankers, there will have to be more transfers of the oil at the port, thereby increasing the risk of spills.

Finally, the sale of Alaska oil abroad will also sell out our national security.

Now is not the time to make the United States more dependent on the supply of oil from the Middle East.

Why in the world are we allowing the export of domestic oil when the natural consequence of that is to increase our need to import oil from the countries in the Middle East, including Iran?

Why are we allowing ourselves to become dependent on countries like Iran?

There have been times in the past when the lack of domestic oil forced us to depend on oil from the Middle East.

This amendment will voluntarily make the United States dependent on Middle East oil. That makes no sense.

So, we are sacrificing American consumers, American workers, our environment, and our national security—all for the benefit of British Petroleum and the State of Alaska.

A vote for this bill is a vote for British Petroleum and the State of Alaska—and no one else.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would just like to compliment the gentleman from Connecticut for a great political speech. It had very little meat in it. A lot of, very frankly, assumptions were not true. We know what has happened to the world market of oil. We know the supply and demand. We know there is a glut on the west coast. We know that some people had a sweetheart deal. Very frankly, there are other areas that produce oil.

Mr. GEJDENSON. Will the gentleman tell me what part was not true?

Mr. YOUNG of Alaska. Mr. Chairman, I will not yield. I did not mention the gentleman's name. I did not mention the gentleman's name. I am just going to suggest respectfully, we could drill off the coast of California.

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We could drill off the coast of Florida, Massachusetts, North Carolina. We could do those things. But we have to understand the marketing principle of oil. What has happened here, the only State in the Union which required in 1973, the only State that owns its own oil, was required to transport it to, by law of this Congress, really one market. And as the gentleman from California mentioned, we also required the full maximum production of oil out of Elk Hills. It was a classic example of Government interference in the marketing capability of a resource. And it has been a disaster that has decreased production of our domestic oil producers and made us more dependent.

Let us keep in mind also that there will be, in fact, a different type oil in many cases that will be shipped to the Asian market that has no place in the United States, that is high in sulfur, and is what we call coal oil. There is a market in the Asian countries that do want this oil. It will not be just Prudhoe Bay oil; it will be an Alaskan oil.

Mr. Chairman, we have also heard the statement we are going to exploit. If anything, we have not, very frankly, explored enough, because as I mentioned in my opening statement, the highest trade deficit mark, highest in 7 years, is the importation of fossil fuels that do not come necessarily from the Far East, but other countries, because we killed our domestic production.

This is an attempt to make the marketplace work; an attempt to open other fields and to get some of our independent oil producers back into the field.

So, Mr. Chairman, I suggest respectfully, I know rhetoric is very popular on this floor, that we look at the facts, the people that support it, including this administration. Those that are directly affected support it and it was wrong to begin with and it is time that we lift that ban.

Mr. Chairman, I yield such time as he may consume to the gentleman from North Carolina [Mr. BURR].

Mr. BURR. Mr. Chairman, I rise in support of H.R. 70 which lifts the ban on exporting Alaskan crude.

The current ban on exporting Alaskan crude contained in the Energy Policy and Conservation Act, the Export Administration Act, and the Mineral Leasing Act has several negative impacts. Among other things, it has lead to artificially low prices for heavy crude on the west coast, thereby discouraging some otherwise profitable oil production in California. I believe this bill will lead to increased domestic oil production, increased oil industry related jobs and preserve existing maritime jobs.

The Commerce Committee supports the amendments made by this act to the Energy Policy and Conservation Act and the other relevant statutes, so that Alaskan crude can be exported to the Pacific rim and elsewhere. It is important to note that EPCA is amended only with respect to export of the crude specified in the statute. No other modifications are made. Significantly, the United States obligations under the International Energy Agreement are unaffected by this provision. Finally, because of the legislation's impact on EPCA, I and other members of the Commerce Committee will continue to follow this bill through the legislative process and excessive oversight over its implementation.

I support H.R. 70 and urge my colleagues to do the same.

Mr. YOUNG of Alaska. Mr. Chairman, I reserve the balance of my time.

Mr. MILLER of California. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I commend and thank the gentleman from California [Mr. THOMAS] for all the good work the gentleman has done over the years in advancing legislation and I commend the gentleman from Alaska [Mr. YOUNG] for his efforts too.

As an original cosponsor of H.R. 70, I rise in strong support of the committee's proposed bill. Although current law may have made a great deal of sense in 1973, like many other laws, it is now having the unintended consequences of reduced domestic oil production resulting in job losses in many parts of the country.

We, therefore, should support this legislation and repeal the ban and authorize exports of Alaskan North Slope oil. As reported by the Committee on Resources, H.R. 70 has been endorsed by the Clinton administration. The bill is also supported by small and independent oil producers, including the California Independent Petroleum Association and, in addition, because the bill would require exports to be carried on U.S.-flag vessels, it also has the strong support of maritime labor. The legislation is particularly important to the independent producers who make up a vital element of the industry.

The independent producers testified before the Committee on Resources that current law forces oil from the No. 1 producing State, Alaska, into the number three producing State in the country, California.

By creating this artificial glut, the law continues to depress California heavy crude production. Though no one in 1973 would have predicted that the original export restrictions would force job losses throughout my State, today independent producers are forced to bear the unintended consequences of that action.

The Department of Energy did do a study that many of us support, and a study where some of the conclusions, I think, may be a very compelling argument for this legislation: That oil production, because of the passage of this legislation, will increase by 100,000 barrels per day; that we will see up to 25,000 jobs being created by a result of increase in investment; we will see State and Federal revenues that will increase by hundreds of millions of dollars well into the future.

These benefits can be achieved with little if any impact on consumer prices. When Congress enacted the Trans-Alaskan Pipeline System in 1973, it did not ban exports. Rather, it recognized that exports might some day be in the national interest and as the Department of Energy studies demonstrate, that day has arrived.

Mr. Chairman, we now have an opportunity to spur additional energy production and create jobs. With imports now meeting over 50 percent of our domestic consumption because of falling production, we must do something quickly to increase energy production in this country.

Some of my colleagues have argued that this is not a good policy to allow for the export of Alaskan oil. But the bottom line is, this policy, if it is enacted, will increase the profitability, it will increase the financial viability of independent oil production, which will increase the productive capacity of oil production in this United States. That clearly contributes to increased energy independence and clearly is good policy.

H.R. 70 will enhance our national energy security, it will create jobs, and it is good policy. I urge my colleagues to vote yes on the pending legislation and against any weakening amendments.

Mr. MILLER of California. Mr. Chairman, I yield 5 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in opposition to this legislation.

Mr. Chairman, the principal inherent in the laws that passed in the early 1970s was a keen awareness of the need for American energy independence, or at least a greater degree of it than existed at that time.

Events that have occurred since then really increased the vulnerability and the concerns that were stated in the early 1970s. It is true that there have not been as severe embargoes as occurred in the early 1970s, but the fact is that today we are importing nearly 50 percent of our crude oil.

Those that argue in favor of lifting this ban somehow come to the logic that if somehow we export oil from the United States, in this case, of course, from the Prudhoe Bay area and from other areas on the North Slope, that that is going to help us build independence. They argue that, in fact, the fact that we restrict the marketplace for this oil only to the United States results in lower prices in terms of Alaskan oil.

Mr. Chairman, I would remind my colleagues, and those that are interested in this topic, that, in fact, all of this oil comes principally off public lands. There may be some private lands; some State and some Native American lands.

Mr. YOUNG of Alaska. Prudhoe Bay is all State lands.

Mr. VENTO. Mr. Chairman, I would argue anyway that it is a public resource area and is something that should ensure to the benefit of our independence with regards to oil and to the leases that are present in this area.

So, the idea that their is some continuity or some connection between the lands that were in this case originally Federal lands, national lands, and that we were looking for a benefit, in fact, some greater degree of independence, and I might say, it has not come at great sacrifice, I do not think, to Native Alaskans or Alaskan citizens or those of the United States, because there are revenues and royalties that have flowed to them that the production in this area, has been, I think according to expectations, it has been good and there has been substantial benefit that has flowed to Alaskans and to others from this.

Mr. Chairman, all we are asking is that the greater degree of benefits be permitted to flow and continue to be available as a backstop of independence to the American people.

I do not think the sponsors of this necessarily have answered that particular question with regards to an increased amount of dependency on imported oil.

Furthermore, of course, at the same time we are arguing that we are arguing for greater and greater areas to be opened up, it seems to me that certainly this change in policy will add additional pressure to Federal public lands in Alaska.

I do not think that the public asks too much in terms of having the use of these Federal resources, when and if they are used, and State resources, indirectly Federal resources, when and if they are used, that there is benefit that flows to the people broadly across the country in terms of energy independence.

Mr. Chairman, we are certainly, I think, in a more vulnerable position today than we were in the 1970s. Hopefully with the conclusion of the Cold War and other activities, we would have greater independence, but I fear that we do not. In fact, many of these areas, some would argue, are even more vulnerable than they were before.

Mr. Chairman, the argument to export this oil and then at the same time to scream that there is a shortage with regards to Alaska, when 90 percent of the coast of Alaska is available for oil, obviously will tend to put more pressure on the Arctic National Wildlife Refuge and we know the qualities and importance of that area, even though there is only a 1 in 5 chance of finding oil there, there will be greater hue and cry to put pressure on there.

Mr. Chairman, I think that those who are hurt here are the consumers. What is hurt is the environment and what is hurt is national security. The gains in terms of production for those that want the symmetry of some sort of free market in a world where there is not a free market, certainly in oil, is an illusion more than a reality. This is short-term gratification in terms of getting a few more dollars in the hands of those that sell the oil today, but long-term problems.

Mr. Chairman, I do not think that we need a policy that suggests we need to drain and develop all of our oil and resources out of this country first and export it to the Pacific rim. I think there are greater benefits that can be achieved in terms of conservation and other activities that have been spurred, rather than building up and exporting what are essentially U.S. resources and U.S. security.

Mr. Chairman, I speak in opposition to the bill.

As the sponsor of the bill to protect the Arctic National Wildlife Refuge as wilderness, I see today's effort to change the law regarding the export of Alaskan oil to the Far East as yet another way to promote the oil and gas development of the Coastal Plain of the Arctic Refuge. Ending the oil export ban would no doubt increase development pressure for sensitive areas like the Arctic National Wildlife Refuge. As long as the Arctic National Wildlife Refuge is not permanently protected as wilderness, lifting the ban on the export of Alaskan oil is a present risk for those of us committed to the long-term protection of this special area.

The policy inherent in this measure is short term gratification revenue today but long term problems tomorrow. There are those who see no connection and argue the relationship between lifting the export ban on Alaskan oil and the desire to open the Arctic Refuge to oil development. Perhaps pointing out the publicity in the rationale behind these two proposals will help shed light on my concerns.

The rationale for lifting the export ban on Alaskan oil is that there is so much North Slope production that it can't be absorbed on the west coast. By allowing the export of the so called surplus, Alaska and the oil producers will profit by not having to expend resources and funds to ship American oil to the gulf coast. This means Prudhoe Bay oil will be exported.

The rationale for opening ANWR on the other hand is that the United States is facing a national security risk from oil imports, which now exceed 50 percent of consumption. The thinking is that the country must have Arctic Refuge oil if it's going to protect itself from exploitation. But meanwhile Prudhoe Bay oil is about to be exported.

How is it OK to export oil because there's too much being produced but there's a national imperative to drill for more because the Nation isn't producing enough? In most circles, that's talking out of both sides of your mouth. The debate of these two issues is losing something in translation: common sense. What is really going on is that the consumer, national security, and environmental concerns are receiving short shrift, while the special oil interest get what they want: profit and public resources.

The sacrifice of Alaska's environment in the Arctic and Prince William Sound was not authorized by Congress just to make money for the State of Alaska or British Petroleum, but importantly for the national security and energy independence of the people of the United States. Today, we can look back at the true cost and impact. What works and what doesn't.

One of the most important compromises in securing congressional authorization for the construction of the Alaska pipeline in 1973 was the promise that Alaskan oil would be used only in the United States and never exported. The basis for the promise was that if we are going to sacrifice the Alaskan environment for oil production, all of the oil ought to be used for U.S. domestic consumption.

That was the view then, and it should be borne in mind today. The Coastal Plain of the Arctic National Wildlife Refuge belongs to each of us as citizens of the United States. There will never be another place like the Arctic Refuge in our national lands. Incidentally its of interest that vast stretches of Alaska's coastal waters—an estimated 90 percent—are now available for development, but those who hold the leases often delay and speculate playing the market for better prices or deals to increase their profit too often at public expense. There are many other environmental reasons to keep the ban in place that stand on their own concerning the export of Alaskan U.S. domestic crude oil:

The risk of oilspills would increase dramatically. Ships would be traveling in waters that are usually relatively free of tanker traffic but experience some of the worst weather conditions in the North Pacific. In addition, in the wake of the *Exxon Valdez* spill, Congress passed legislation requiring double-hulled tankers to reduce the risks to the sensitive coast of Prince William Sound. If the tankers for Asian trade turn out to be "U.S. flagged"—U.S. crews—but not "U.S. built"—Jones Act—then British Petroleum can avoid the requirement that new tankers be double hulled. This will save millions for BP, but increase the risk of massive oilspills like the *Exxon Valdez*.

In addition, environmental and safety problems plaguing the trans-Alaska pipeline are legion. More than 10,000 safety and electrical violations on the Alaska pipeline have been identified, many of them serious. The ballast treatment facility at Valdez is currently inadequate to handle the tankers that call on it now, and larger tankers for foreign trade would be likely if the ban is lifted.

The oil industry should not be rewarded with higher profits from shipping North Slope oil at the same time it is requesting exemptions from environmental laws. Alyeska, the corporate entity, which runs the pipeline for British Petroleum and the other oil company owners, has for years avoided proper controls and limits on air pollution caused by fumes that are released during tanker loading and recently requested a 12-year delay in meeting air pollution standards for the Nation's largest tanker terminal at Valdez. Lifting the ban would open the door to tankers twice as large. Once we start down this path if appears that the special interests don't quit until they have circumvented most environmental laws and regulations. Lifting the ban on North Slope oil exports would increase sales and enhance revenue for many Alaskans. However, that additional income for a few of our citizens must be weighed against the concerns of the rest of the Nation. Many speculate a few more dollars if the oil is exported, but what of the 1970 promises, and who will answer when a new energy crisis arises and our domestic energy security is pledged abroad? Will we then come stumbling over one another to give short shrift to the sanctity of trade contracts in the face and name of crisis?

Mr. MILLER of California. Mr. Chairman, I yield myself 1 minute just to correct the statement by the gentleman from California who said accurately that most of the major refineries are located in the San Francisco Bay area. That is correct and they are also located in my district.

Mr. Chairman, I say to the gentleman that most of the major refineries are noncommittal on this legislation. I do have two refineries in my district that are opposed to this legislation; one which unfortunately is going to be closed by the time it passes, and the other which is concerned about its supply.

But I want to let the RECORD stand corrected with respect to the large refiners in the bay area. Most of them have been nonfactors in this.

Mr. Chairman, I yield 3 minutes to the gentleman from Ohio [Mr. TRAFICANT].

Mr. TRAFICANT. Mr. Chairman, I rise in support of the bill. Somewhere between the analysis of the gentleman from California [Mr. MILLER] and the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. THOMAS] rests the reality of this particular bill. But all of us have a dog in this fight; not just California and Alaska.

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And there are a couple of points that I would like to point out. Current policy, by all indications, from all analysis, depresses domestic production. Lifting the ban would increase domestic production by 110,000 barrels of oil per day.

All analysis shows this policy, current policy, stifles jobs. Lifting the ban would create as many as 25,000 jobs by the year 2000.

Current policy threatens maritime jobs and functions. Lifting the ban would preserve as many as 3,300 jobs.

Current policy keeps our oil tankers on a target for a scrap heap. Lifting the ban puts those tankers back into service, U.S.-owned vessels, I might add, with U.S. crews.

Current policy limits growth. Lifting the ban would stimulate commerce and growth.

Current policy suppresses revenue and loses money in our country. Lifting the ban would raise revenue by as much as $2 billion for State and Federal governments.

Now, I am not against Alaska doing well, and I would like to see California do well, and as the respective States in our Union do well, the Nation does well. Our policy has been flawed. Current policy is not acceptable, and this is a reasonable attempt to, in fact, increase commerce and create jobs.

With that, I will support this initiative, and as with all other initiatives be taken, as far as amendments, seriously, and my amendment, which would compel the Secretary of Commerce when confronted with problems within the industry, that it would not be discretionary, that the Secretary of Commerce would have to refer immediately to the President those issues for action.

I think the bill provides for an opportunity that those problems be addressed. So, with that, I will support the bill.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 5 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, members of the committee, I rise in support of House bill 70. It is rare that I get a chance to speak in favor of a Clinton administration policy initiative, and I do not want to miss that chance today.

I want also to associate my comments with the gentleman from Ohio, who did an excellent job of pointing out what is wrong with current policy. The reason current policy discourages jobs, discourages domestic production, discourages the use of American bottoms and tankers and discourages the maritime jobs that, in fact, this bill will help promote itself because current law is based upon the policy of artificial restraints in the marketplace.

There is a reason why we lost almost 200,000 jobs in Louisiana. There is a reason why the oil and gas industry in America lost nearly 400,000 workers. There is a reason why so many oil and gas jobs have left this country. So many companies are, in fact, investing everywhere else in the world in oil and gas exploration and development and sales.

The reason has been artificial restraints on the marketplace imposed upon the industry by this body and by regulatory bodies here in Washington, DC.

Now, Congress has come to understand that. That is why over the last decade we have begun the process of repealing most of those artificial restraints. It was artificial price supports in the marketplace that led to the gas shortages in this country in the last several decades. It was artificial price penalties in the form of windfall profit taxes, about 90-percent windfall profit taxes, that drove so many companies outside of the arena of American production. it is still artificial restraints upon production led by environmentalists who put limits on offshore development, who will not let us develop the Arctic reserves in the Arctic wildlife national reserve. It is still those artificial restraints which caused so many companies to look elsewhere around the world for opportunities to produce energy, and it is those artificial restraints which have put us in a position today where we are more dependent upon foreign sources of energy than ever in our Nation's history.

The White House has caught on. The administration has figured it out. The gentleman from Ohio gave you the numbers.

Removing this one little artificial restraint will do a lot of good for Alaska production, will do a lot of good for California production, will add one modicum of support for domestic production again here in this country.

There are other artificial restraints we ought to look at. We ought to look at the artificial restraints which make it almost impossible to develop many offshore areas in America, that put off limits large areas rich in hydrocarbon resources in Alaska and other areas of this country.

When we had the 5-year leasing plan before our Committee on Merchant Marine and Fisheries, when we still had a committee, the gentleman representing the administration years ago came forward to tell us there was still going to be maintained in the law moratoriums in drilling offshore. We said "Why?" He said, "Well, we are trying to identify the highly environmentally sensitive areas and the low hydrocarbon areas." We asked him, "Well, if you find an area high in hydrocarbon, low in environmental concerns, will you allow those to be drilled?" He said, "Well, not quite. We have got some of those off limits, too." He could not explain it except in politics terms.

The bottom line is politics, Federal regulations, artificial restraints have put this country in a vulnerable position today, and today we have an opportunity to at least remove one of those artificial restraints, and removing this one artificial restraint will help to some degree, will help Alaska, will help California, and in the large measure, as my friend from Ohio has pointed out, help us all in jobs again, helps us all in restoring some semblance of domestic incentive to produce again for this Nation.

This is a good bill. I commend it to you. I am proud to cosponsor it. We need to pass it and get it into conference committee. Yes, my friend from California, I hope in conference committee we begin to debate an incentive policy for deep offshore drilling.

If this country ever needs something, it is to turn around the disincentives we have had for decades and create some incentives again to produce for America. We ought to debate that in conference.

Tomorrow I will be filing a bill comparable to Senator BENNETT JOHNSTON's bill on the Senate side to do just that. It is time for us to recognize that America cannot remain dependent upon foreign sources, that incentivizing the industry here at home makes sense, and removing artificial barriers to production, exploration, development, and refining in this country make good sense for this country, too.

I hope never again to have to vote to send young Louisiana boys and girls to war in the Persian Gulf because they could not get a job in America producing energy for this country. It is time we start turning that around.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I do want to underscore the fact this legislation will produce revenue to the United States, increase oil production and, in fact, produce additional jobs.

The Congressional Budget Office, the nonpartisan Congressional Budget Office, provides figures which support all of those allegations.

Let me just for a minute or two talk about the economics of oil. I know the gentleman from Minnesota and others are absolutely flabbergasted with the logic that if you allow North Slope oil to find its economic home, that policy would, in fact, increase production in both Alaska and California and enhance national security.

To support the comment of the gentleman from Louisiana about Government getting itself involved in areas where it should not involve itself, I want to mention that just a few years ago, Congress in its wisdom passed a so-called windfall profits tax. That did not produce one penny of windfall profits in my area. What it did do was destroy a portion of the oil production in my area.

For example, I talked about heavy oil being produced in our area. You have to heat boilers to drive steam into the ground to allow this heavy oil to come to the surface. There were a number of small refineries that would take the crude oil across the street, down the road from where it was produced. They would refine it only lightly, pull the lights off the top, sell kerosene and other lights at a profit, send the fuel oil or bunker oil back to the boilers to be burned. That was a really nice working arrangement that gave people some jobs and enhanced the oil's value.

When the windfall profits tax was passed, since you were charged a tax if that crude oil left your property, what happened was the producers burned crude oil in their boilers. We did not get the small refineries pulling the lights off. They went out of business. We, in fact, produced fewer Btu's with the dirtier residue because Government told them that was the way they were supposed to conduct their business. It did not tell them directly to do that, but the economics of the situation dictated it.

I would tell the gentleman from Minnesota it is not logic, it is economics that we are dealing with here. When you tell people in Alaska they can only sell their oil to the lower 48, it means Washington, Oregon, or California. You cannot sell it to the East Coast, because that oil would have to pass through the Panama Canal and go by the second largest producing State in the Union, Texas, and the fourth largest oil-producing State in the United States, Louisiana, before it got to the East Coast.

Oil is a fungible commodity around the world. Contrary to what the gentleman from Connecticut said, we are not saying this oil has to be sold to anybody. That is the old policy. The new policy in H.R. 70 is it will find its economic home. If Californians or Washingtonians bid more than anybody else, it will come to the lower 48. If Japan bids more, it goes to Japan. Japan needs the oil. They would have paid sufficient price to get it.

Where were they getting oil before that? Probably from the Middle East. The oil going from the Middle East to Japan now does not go to Japan. The Middle East folks are looking for a home for their oil. They will turn toward Europe. The oil going to Europe, you see, from the Middle East now puts a pressure on the European oil in the North Sea. That North Sea oil needs to find a home. Guess what, it can go right across the Atlantic to the East Coast. You can wind up getting more oil at a cheaper price on the East Coast if you open up the whole question of where oil goes.

Do not send it where the Government wants it to go. Send it where economics should have it go. You will produce more oil in California, you will produce more oil in Alaska, and we will be more energy self-sufficient.

Mr. MILLER of California. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. FARR].

Mr. FARR. Mr. Chairman, I praise my colleague from California, Mr. MILLER, who has been a long player in this issue of the protecting of the environment on the California coast.

But I rise in support of this bill. Although some environmentalists oppose ending the ban, the Department of Energy study shows that, indeed, if you lift this ban, it will have an environmental benefit for the State of California. The only ban on exportation of oil in the United States drilled anywhere where there is oil is on Alaska, and because of that ban to foreign countries, it must come to California. It comes in supertankers down the west coast, and when the Alaskan oil spill occurred, we took a look in the State of California about what would it mean if we had a spill like that magnitude on the coast. The area most vulnerable to a spill is the district I represent, along Big Sur and the Santa Cruz-Monterey Bay coastline. The resources along that coastline are so valuable you could not put a price tag on them.

It became of interest to a lot of people to say, "Look, how can we mitigate any issue relating to oil tanker traffic in creation of the National Marine Sanctuary?" They have asked the tanker carriers to go out to 60 miles. One of the carriers, ARCO does that on a regular basis because a 60-mile buffer on the coast gives them at least some buffer zone if any accident should occur.

So, by lifting this ban it essentially says that oil can be exported where there is a market, where the refineries are.

Japan is the logical buyer of that oil and the processor of that oil.

So I rise in support of this issue. From an environmental standpoint, I think it is going to be a better management of the delicate resources along the coast, and there is a secondary benefit, and that is that California is a large oil-producing State. Monterey County is a very environmentally sensitive county. It has the fifth largest oil-producing field in the State of California.

So if we increase the oil production onshore, which the environmental community has already indicated we ought to go onshore before offshore, and I have led successful battles to prevent offshore oil drilling, we will, indeed, allow more onshore production, which will increase the local revenues and be a benefit to the local counties.

This is a win-win for jobs for California, revenues for the counties, for the environment. I support this bill.

Mr. Chairman, ending the export ban for Alaskan oil is clearly a critical issue for the State of California. Hundreds of thousands of barrels per day of Alaskan crude come to California, with profound effects on California's oil market. I support this committee's efforts to examine in greater detail the effect of this current practice, and the possible ramifications of ending the ban on Alaskan oil exports.

Many have discussed ending the ban in terms of its economic effects. This is clearly an important factor: California is the third largest producer of crude in the United States, and any change of policy which benefits California oil producers will have a profound effect on California's economy, job creation in the region, and tax revenues at both the State and Federal level.

In addition to economic effects, however, we must also examine how ending the oil export ban would affect both the natural environment and U.S. workers. Ending the ban may be beneficial for both the environment and employment if it means less oil tanker traffic along the California coastline, less pressure to develop in the Arctic National Wildlife Refuge, and secure shipping jobs and increased employment in California.

In reviewing H.R. 70, we should take into consideration the testimony not only of those who are experts in the field, but those who would be most affected by removing the ban. I appreciate the testimony of those who have come before the committee today, including Deputy Secretary William White from the Department of Energy, representatives from labor organizations, and members of the California oil industry. I look forward to further debate in the committee on this important legislation.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. In responding to my friend from California, who said this is not logic, it is economics, I would probably just say I could rest my case at that particular basis.

But the fact is I understand that the oil is restricted to the continental United States, that the price of the oil is impacted, but I think that is a tradeoff in terms of the issue of energy security.

We have gone through quite a bit of expense, whether it is Strategic Petroleum Reserve and other efforts.

I can hardly wait for the next time that we have a crisis and we will be tripping over one another here to deal with the so-called sanctity of contracts in terms of free markets. There is not a free market in oil.

□ 1515

It is greatly impacted by a variety of different nations that have, in fact, conspired on a regular basis to try to limit and to raise the price. I know that it is very important to some in the Chamber here to raise the price of oil. They see it as a benefit in terms of exploration and development, to put it kindly. There are others that might see it as some more money in their pocket, to put it not so kindly.

So I would just suggest this policy is actually working. I appreciate the fact that oil tankers might spill oil if they are carrying it close to coast, and better to develop it on coast. We are really running that risk, and we face that all the time.

Mr. MILLER of California. Mr. Chairman, I yield 4 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, I rise today to speak on H.R. 70, a bill that amends the Mineral Leasing Act to permit exports of Alaska North Slope oil. Since 1973 when Congress enacted the Trans-Alaska Pipeline Authorization Act in wake of the Arab-Israeli war and the first oil embargo, ANS oil has been dedicated solely for domestic uses, as has been pointed out.

Over 20 percent of the oil produced in the United States, which currently amounts to about 1.6 million barrels a day, comes from the Alaska North Slope. The oil is transported by tankers, as has been indicated, to refineries on the West Coast, Hawaii, and other domestic destinations. The tankers that ship ANS oil are required under the Merchant Marine Act of 1920—Jones Act—to be U.S. built, flagged and crewed, which I strongly support.

Mr. Chairman, my primary concern with exporting ANS centers on its effects in Hawaii, as my colleagues can well imagine. Hawaii was an energy market that is uniquely different from all the other States in the Union. The State of Hawaii depends on imported oil for over 92 percent of its energy supply, a large share of which comes from Alaska. Currently, Hawaii leads the Nation in energy costs. A recent survey found that the average price for a gallon of gasoline in Hawaii was $1.76. The nationwide average was $1.33.

In June 1994, the U.S. Department of Energy released a study which has been mentioned as well. It is my understanding that the study concludes that permitting exports would benefit the U.S. economy which I do not propose to debate, yet Hawaii was not even mentioned in the report. Thus, any attempt to make assumptions on Hawaii's consumers and economy based on the DOE study would be inaccurate and perhaps misleading. I was pleased to note during the committee process the gentleman from Alaska [Mr. YOUNG], the chairman of the Committee on Resources, has been very willing to accommodate the concerns raised by myself on behalf of Hawaii consumers. At this point, I would like to enter into a colloquy with the gentleman from Alaska regarding an amendment I offered in the committee.

As the chairman will recall, during markup, the Committee on Resources adopted by voice vote an amendment very important to the citizens of Hawaii. As further modified and improved under the committee print, the amendment would ensure that, before making the required national interest determination, the President would specifically consider the likely impact of Alaskan oil exports on consumers, especially in Hawaii and Pacific territories. Because Hawaii has an energy market that is unique and depends on imports for over 92 percent of its energy supply, a large share of which comes from the Alaska North Slope, it is essential that the President satisfy himself that exports will not harm consumers. I understand the chairman shares my concerns and would be willing to work with us in the future should any unanticipated problems develop

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. ABERCROMBIE. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I want to compliment the gentleman on his hard work brining this to my attention. The gentleman is absolutely correct. The committee has been very sensitive to the concerns of the consumers of Hawaii as a result of the actions from the gentleman. Knowing of these concerns, I supported his amendment in committee and further revived the text of the committee print to insure that the President will consider the impact of proposed exports on consumers in noncontiguous States before making his national-interest determination. As the gentleman will recall, the committee print also established a mechanism for the President to monitor supply and price developments. The committee print provides the President with the power to modify or revoke the authority to export in appropriate circumstances.

Again let me assure the gentleman from Hawaii [Mr. ABERCROMBIE] that it is in the intent of this legislation to cause no harm to consumers in Hawaii. I will be glad to work with him in the future to address any problems that arise but otherwise cannot be adequately addressed in the procedures included in our legislation.

Mr. ABERCROMBIE. Mr. Chairman, may I say in conclusion to the gentleman from Alaska that Hawaii and Alaska share unique difficulties and opportunities, and I am very pleased to be working with him.

The correspondence between myself and the Department of Energy regarding Hawaii's energy situation, clarifying the intent of the amendment, and the understanding that the Department of Commerce monitoring responsibilities required in H.R. 70 evaluate consumer impacts will be included in the RECORD:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 6, 1995.

Hon. HAZEL R. O'LEARY,
Secretary of Energy, U.S. Department of Energy, Washington, DC.

DEAR SECRETARY O'LEARY: On May 17, the House Committee on Resources reported H.R. 70, a bill that amends the Mineral Leasing Act to permit exports of Alaska North Slope oil. The committee reported substitute contains an amendment which I offered that was adopted by voice vote. The purpose of the Abercrombie amendment is to require the President to make a determination prior to the exporting of crude oil from the Alaska North Slope that the activity will not have an effect which is likely to harm consumers in noncontiguous states.

Hawaii has an energy market that is uniquely different from the other states in the Union. The State of Hawaii depends on imported oil for over 92 percent of its energy supply, a large share of which comes from Alaska. Currently, Hawaii leads the nation in energy costs. A recent survey found that the average price for a gallon of gasoline in Hawaii was $1.76. The nationwide average was $1.33. In addition, the neighbor islands already have some of the highest costs in terms of electricity production. In particular, Maui and the island of Hawaii rely heavily on fuel oil processed from the Alaska North Slope.

In June 1994, the U.S. Department of Energy (DOE) released a study on "Exporting Alaskan North Slope Crude Oil: Benefits and Costs." It is my understanding that the study concludes that permitting exports would benefit the U.S. economy. Yet, Hawaii was not even mentioned in the report. Thus any attempt to make assumptions about Hawaii's consumers and economy based on the DOE study would be inaccurate and misleading.

Senator Murray offered an amendment that contained language similar to the Abercrombie amendment. The Murray amendment requires the President in consultation with the Attorney General and the Secretary of Commerce to examine the effects of exporting crude oil on independent refiners and adverse employment consequences in the United States. The Murray amendment was adopted in the Senate. However, there was not sufficient time to review the Senate language prior to the mark-up of H.R. 70 in the House Committee on Resources. In addition, the Murray amendment did not address harm to consumers.

As you may know, the Dooley/Tauzin substitute to H.R. 70 was not available until the day before the full Committee mark-up preventing any consensus on final language of the Abercrombie amendment. The Abercrombie amendment is a work in progress that was written to protect consumers in noncontiguous states. The language contained in the Abercrombie amendment was adapted from the testimony of William H. White, Deputy Secretary of Energy, presented to the Committee on May 9. As a result, I would greatly appreciate the Department of Energy's interpretation and analysis of the Abercrombie amendment prior to the consideration of H.R. 70 by the House of Representatives. A copy of the amendment is enclosed for your review.

Also, it is my understanding that the Secretary of Commerce, under the authority of the Export Administration Act, will administer the export license of Alaska North Slope crude oil. It is vital that one of the conditions attached to the export of crude oil at the front end include a proviso that the activity will not have an effect which is likely to harm consumers in noncontiguous states. As currently contained in H.R. 70, I would like a written explanation of the mechanisms and criteria to be utilized by the Department of Commerce in the continual monitoring process regarding the export of Alaska North Slope oil as it relates to consumers, particularly as it pertains to consumers in noncontiguous states.

Thank you for your prompt attention to this matter. I look forward to your response.

Sincerely,

NEIL ABERCROMBIE,
Member of Congress.

Enclosure.

On page 2, insert after line 6 the following: (C) shall consider whether anticompetitive activity by a person exporting crude oil under authority of this subsection is likely to cause sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers in noncontiguous states.

THE DEPUTY SECRETARY
OF ENERGY,
Washington, DC, June 30, 1995.

Hon. NEIL ABERCROMBIE,
U.S. House of Representatives,
Washington, DC.

DEAR CONGRESSMAN ABERCROMBIE: Thank you for your letter of June 8, 1995, to Secretary O'Leary on the subject of Alaska North Slope (ANS) crude oil export legislation now under consideration in the House.

The Department of Energy certainly is aware of Hawaii's dependence on petroleum for nearly all of its energy needs. Although we did not consider the impacts specific to Hawaii of permitting ANS exports in our 1994 report, we have followed and will continue to follow Hawaii's energy situation, including consumer prices for petroleum products, with data collected and published by DOE's Energy Information Administration (EIA) and with other privately collected statistics. Our recent review of Hawaii's energy situation shows the magnitude of the State's heavy reliance on oil, and some of the possible implications of exporting ANS crude oil:

Petroleum products refined at the State's two refineries provide about 98 percent of Hawaii's energy needs. Alaskan North Slope crude oil provides 45 percent of the crude oil supply to these two refineries.

Hawaii consumes about 125,000 barrels per day of petroleum products distributed among residual fuel oil (38%), jet fuel (22%), gasoline (20%), No. 2 fuel oil (12%), and other products (8%) (See Figure 1). Residual fuel is the largest petroleum product because most of Hawaii's electricity is generated using this product.

Gasoline consumption in the State is about 25,000 barrels per day. Gasoline prices in Hawaii are substantially higher than California and the national average, while the prices of other petroleum products are only slightly higher (See Figure 2). The differences in prices appear to represent competitive conditions in Hawaii: private citizens depend on gasoline that is supplied by only two refiners while commercial and industrial consumers can obtain other products from multiple sources.

The impact on Hawaii's consumers from a change in the ANS export situation should be modest. If West Coast ANS oil prices rise by $1.20 to $1.60 per barrel (3 to 4 cents per gallon) as estimated by the DOE in its June 1994 export study, and ANS crude oil remains 45 percent of Hawaiian refinery supply, the additional production cost amounts to about 1.3 to 1.7 cents per gallon of product.

If past performance is any guide, this additional cost to the Hawaiian economy will have negligible impact. Figure 3 indicates that Hawaii's economic growth has been relatively insensitive to crude oil prices. Between 1977 and 1981, oil prices more than doubled, yet Hawaii's gross state product growth substantially exceeded the national average. Even during the latter part of the 1980s through 1992, when crude oil prices were again volatile, Hawaii's economy grew faster than the U.S. as a whole.

Your amendment to H.R. 70 would add a third factor that the President must consider in determining whether permitting exportation of ANS crude oil is contrary to the national interest. Specifically, the amendment would require consideration of whether those persons exporting ANS oil would be likely to engage in anticompetitive activity that would cause significant adverse employment effects in the U.S., or substantial harm to consumers in Hawaii. Full consideration of these important issues is consistent with a determination concerning our national interests in permitting ANS exports.

It is our understanding that the Department of Commerce, in carrying out its monitoring responsibilities under H.R. 70, will coordinate closely with DOE. In particular, the agencies would monitor readily available petroleum market data for possible oil supply shortages or sustained above-market oil prices, and evaluate the consequential consumer impacts, in Hawaii and elsewhere in the U.S. It is our expectation that the two agencies will rely on data collected by EIA, the Bureau of Economic Analysis, the Bureau of Census, and private organizations.

We look forward to working with you and your staff further on this important issue.

Sincerely,

BILL WHITE.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise in strong opposition to this foolish attempt to sell out America's resources and put our marine life, our fisheries, and our air at serious risk.

Mr. Chairman, I represent 140 miles of Marin and Sonoma County coastline in California—beautiful coastline with valuable marine resources, which would be permanently destroyed, if those who want to sell out our Nation's natural resources to the special interest have their way.

Lifting the ban on Alaskan oil exports poses significant environmental risks without offering any benefits. Not only would this bill put pristine Alaskan wilderness and valuable fisheries at risk, it would also increase the risk of devastating oil spills off the California coastline.

Mr. Chairman, this is simply not tolerable.

The people of my district will not stand for such short-sighted and dangerous policy as proposed by this bill. We cannot permit our coastal waters to be fouled by the damaging effects of oil drilling and transportation. We cannot put our marine life, our fisheries, and our air at serious risk.

I urge my colleagues to join in the effort to stop the sell out of our precious resources—our livelihood and our environment—by voting against this bill.

Mr. MILLER of California. Mr. Chairman, I have no further requests for time and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself 10 seconds before I yield to the gentleman from Pennsylvania [Mr. GEKAS].

I am amazed that the previous speaker would talk about the environment when in reality she has the tankers going right by her front door—of Alaskan crude oil that can possibly spill—and that is what this report says, so I cannot quite figure out the analogies of why are supposed to be environmentally safe to paint those big ships by their front door and yet say they are going to protect their coast. I just cannot figure that.

Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Chairman, when I first came to the Congress, I had to explain time and time again to different entities in our constituency why we are 50 percent, back then, dependent on foreign oil for our standard of living here in this country. So I started the litany of explanations. We used to have oil depletion allowance, I said. Now that has been wiped off the books. That gives a disincentive for people, our fellow Americans, for drilling for oil in our own soil. I said on top of that that we have a ban on Alaskan exports and a ban on fullest development of Alaskan oil resources, and I went on to say, and then there is a ban on offshore drilling.

Now my colleagues can understand why I said back then why we are 50-percent dependent on foreign oil.

Now what have we done since then?

We have come to a point where we are 52-percent dependent on foreign oil. So the only question that should be raised and asked by Members of Congress as they approach the vote on this piece of legislation is this: Will our dependence on foreign oil increase or decrease as a result of this legislation?

Vote "yes" on the bill offered by the gentleman from Alaska.

Mr. FAZIO of California. Mr. Chairman, I rise in support of H.R. 70 to lift the ban on Alaskan oil exports. This legislation will encourage oil production in my home State and in Alaska in a reasonable fashion. To promote jobs and energy security, I urge my colleagues to vote yes.

Congress was appropriately concerned in 1973 about ensuring that Alaskan oil be available for domestic consumption. Given the fundamental changes that have occurred in the world market, however, the time has come to evaluate this policy in a new light.

Among the changes in the world oil market is the diminishment of OPEC and its power over the price of oil. This has helped to diversify our supplies from other countries such as Mexico and Canada. We also have taken the precaution of building up the strategic petroleum reserve to protect us against the monopolistic threats of the 1970's.

Now is the time to be concerned about our domestic energy production and ensuring that small independent producers remain viable. In order to ensure that these small producers, particularly those in California, maintain production and create jobs that need a better economic return on their investment.

I urge my colleagues to support this measure which is a step toward improved national security and sustainable domestic production.

Mr. POSHARD. Mr. Chairman, I rise in strong support of this legislation and salute the authors for their hard work in bringing it to the floor for a vote today.

I am a cosponsor of the bill, and, in my capacity as cochair of the congressional oil and gas forum, have supported lifting the ban on Alaskan North Slope oil. I also thank the administration for its support of the legislation.

Our domestic oil and gas industry is working hard to survive in a highly competitive marketplace. In the 19th Congressional District of Illinois, which I am privileged to represent, we have independent operators who are struggling mightily to run their businesses in a profitable manner. The difficulties encountered by this industry have impacted on the small towns and villages in our area which are very dependent on the oil industry for jobs and economic activity.

Lifting the ban on ANS oil will help create new jobs and will also bring revenue into the Federal treasury. That is a combination which is worthy of support and I strongly encourage my colleagues to vote in favor of lifting the ban.

Mr. CALVERT. Mr. Chairman, I rise to join my colleagues in support of H.R. 70.

Whether or not the ban on Alaskan oil exports made sense in 1973, it is having harmful and unintended consequences today. This ban has effectively forced Alaska to sell the bulk of its production in my home State of California and has severely damaged our oil and gas industry.

Left in place, the ban will ensure a further decline in the production of crude oil in Alaska and California, resulting in thousands of lost jobs.

For the small businesses that make up the bulk of the oil and gas industry in California, this legislation is vital to their future. If they can sell heavy crude oil into a market that no longer is distorted by artificial restraints, they will have a future producing oil.

In recent weeks, prices have been edging down. Today, Kern County heavy crude was posted at $13.75 a barrel.

We need to do something to help get them back to the levels at which significant investments will be made.

Many of the independent oil producers have told me they will begin hiring the minute this bill is enacted. So the potential for job gains is quite real.

I strongly urge my colleagues to support H.R. 70 and provide the oil and gas industry of my State with relief.

Mr. BENTSEN. Mr. Chairman, I rise in support of H.R. 70, to lift the current ban on Alaskan oil exports.

During the late 1970's, worldwide concern over crude oil shortages prompted our Government to change its policies regarding the domestic production of oil. World oil markets have changed dramatically since then.

Although the perception persists that we are dependent on oil from Iran, Iraq, Libya, and other hostile countries, Canada and Mexico, our reliable neighbors to the north and south, are among our largest suppliers of imported oil today. In addition, to avert the unlikely event of a future oil crisis, we have placed nearly 600 million barrels of oil in our strategic petroleum reserve.

While we have done much to prevent an oil import crisis, little has been done to encourage domestic oil production and sales abroad. By lifting this ban, we would allow the market to determine the price and buyer for surplus crude oil. We would also promote increased international trade during a time when our trade deficit continues to widen—a deficit partly based on our massive importation of fossil fuels.

According to a study completed by the Energy Department, lifting the export ban would increase our production of crude oil by as much as 110,000 barrels per day. This increase would also result in increased revenue, as much as $2 billion, for Federal and State governments. According to the Department, 25,000 jobs in the oil industry would be created and over 3,000 jobs in the maritime industry would saved. Ultimately, the lifting of the ban will lead to sustained economic growth for the State of Alaska and the Nation.

It is time for the Federal Government to take action to increase our opportunities abroad and to increase investment at home. This legislation achieves these goals. I urge my colleagues to support and end to the ban on Alaskan oil exports.

Mr. METCALF. Mr. Chairman, I rise in opposition to the bill.

Does anyone really believe that exporting oil from the United States will decrease our dependence on foreign oil? It will increase our dependence.

It was argued that current law has produced a glut of gasoline on the west coast. We haven't noticed. I simply do not believe that my constituents are paying too little for gasoline. I paid $1.42 a gallon for unleaded gas last Saturday in Everett. We have endured a gasoline price increase of more than 20 cents in the past several months.

The United States is clearly dependent on imported oil. But if we don't have enough oil here, why are we selling oil to nations in Asia? Who do you think is going to profit from these exports? A foreign corporation, British Petroleum, will profit handsomely—as will Alaska.

While the benefits or exporting this oil are being debated in corporate boardrooms, I fear my constituents may have to pay even higher prices at the pump.

Mr. Speaker, this bill just does not make good sense in Washington State. Further, because of possible price increases, it does not make sense anywhere on the Pacific Coast. I predict that we will not have adequate supplies of oil for west coast refineries, at prices we'll be comfortable with. I intend to vote "no" and urge my colleagues to do the same.

Mrs. MINK of Hawaii. Mr. Chairman, I rise in strong opposition to H.R. 70. Lifting the ban on Alaskan North Slope [ANS] crude oil will heavily burden the State of Hawaii by augmenting U.S. dependence on foreign oil and dramatically increasing consumer prices. Because Hawaii consumers already pay the highest gasoline prices in the Nation, to allow gasoline prices to increase further would be disastrous for Hawaii's economy.

Industry experts say that lifting the ban could increase wellhead prices for ANA by more than $2 per barrel, depending on the amount exported. Oil refineries in my State are designed to run on 60-percent crude oil. More than half of the crude oil processed in Hawaii's largest refinery run by BHP Petroleum Americas [BHP] is ANS crude, with the remaining coming from Pacific Basin countries. BHP states in a letter to me that should Hawaii's refineries be charged increased costs for ANS, "Refiners will be forced to pass along that increased cost to consumers." The letter further states, "In addition to paying increased prices, the supply of ANS crude oil to Hawaii and the U.S. Territories would be reduced." The removal of the ANS export ban would be expected to increase the supply of ANS crude to Pacific rim countries—oil that would otherwise come to Hawaii. It is highly irresponsible, in a time when the United States is importing nearly half of its petroleum, that American export policy would be changed to allow increased exportation of domestic crude oil.

Similarly, this legislation would burden west coast States by increasing consumer prices for those States and abandoning these States in their need for domestic oil. According to BHP, "If the ban were lifted, we believe we would see no increase in U.S. oil production but we would see an increased U.S. dependence on Persian Gulf oil." Because foreign-owned British Petroleum [BP] holds the monopoly on the sale of ANS crude oil to the west coast, and these States have no substitute supplier, BP would have the ability to squeeze availability of ANS to these States and charge higher prices to refiners. West coast refineries, like Hawaii refineries, do not have the capacity to simply absorb these increased costs and will be forced to raise their prices.

Last, lifting the ANS export ban poses serious environmental concerns for the Pacific Basin. New export routes from Alaska to Japan would jeopardize the safety of Pacific fisheries and conservation areas that could be subject to *Exxon Valdez*. Growing demand for ANS crude oil would also increase harmful drilling, especially within the Arctic National Wildlife Refuge. In 1973, when Congress voted to allow ANS oil production, I voted for this export ban that ensured that such oil exploration and development would be for domestic purposes only. An overturn of the ban is an outright abrogation of Congress' original intent regarding the ANS oil supply.

I urge my colleagues to cast their votes in opposition to this harmful, shortsighted legislation which would have tragic effects for the Nation as a whole, and especially for the State of Hawaii.

The CHAIRMAN. All time for general debate has expired. The committee amendment in the nature of a substitute printed in the bill shall be considered by sections as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member offering an amendment that has been printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment made in order by the resolution.

The Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of question shall not be less than 15 minutes.

The clerk will designate section 1.

The text of section 1 is as follows:

H.R. 70

SECTION 1. EXPORTS OF ALASKAN NORTH SLOPE OIL.

Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended—

(1) by amending subsection (s) to read as follows:

"EXPORTS OF ALASKAN NORTH SLOPE OIL

"(s)(1) Subject to paragraphs (2) through (6) of this subsection and notwithstanding any other provision of law (including any regulation), any oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) may be exported unless the President finds that exportation of this oil is not in the national interest. In evaluating whether the proposed exportation is in the national interest, the President—

"(A) shall determine whether the proposed exportation would diminish the total quantity or quality of petroleum available to the United States;

"(B) shall conduct and complete an appropriate environmental review of the proposed exportation, including consideration of appropriate measures to mitigate any potential adverse effect on the environment, within four months after the date of the enactment of this subsection; and

"(C) shall consider whether anticompetitive activity by a person exporting crude oil under authority of this subsection is likely to cause sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers in noncontiguous States.

The President shall make his national interest determination within five months after the date of enactment of this subsection or 30 days after completion of the environmental review, whichever is earlier. The President may make his determination subject to such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that the exportation is consistent with the national interest.

"(2) Except in the case of oil exported to a country with which the United States entered into a bilateral international oil supply agreement before November 26, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over a right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

"(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exportation of the oil.

"(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

"(5) If the Secretary of Commerce finds that anticompetitive activity by a person exporting crude oil under authority of this subsection has caused sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused sustained material adverse employment effects in the United States, the Secretary of Commerce, in consultation with the Secretary of Energy, may recommend to the President appropriate action against such person, which may include modification of the authorization to export crude oil.

"(6) Administrative action under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code."; and

(2) by striking subsection (u).

The CHAIRMAN. Are there any amendments to section 1?

AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Chairman, I offer an amendment in the nature of a substitute.

The Clerk read as follows:

Amendment in the Nature of a Substitute Offered by Mr. YOUNG of Alaska: Strike all after the enacting clause and insert the following:

SECTION 1. EXPORTS OF ALASKAN NORTH SLOPE OIL.

Section 28 of the Mineral Leasing Act (30 U.S.C. 185) is amended by amending subsection (s) to read as follows:

"EXPORTS OF ALASKAN NORTH SLOPE OIL

"(s)(1) Subject to paragraphs (2) through (6) of this subsection and notwithstanding any other provision of this Act or any other provision of law (including any regulation) applicable to the export of oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652), such oil may be exported unless the President finds that exportation of this oil is not in the national interest. The President shall make his national interest determination within five months of the date of enactment of this subsection. In evaluating whether exports of this oil are in the national interest, the President shall at a minimum consider—

"(A) whether exports of this oil would diminish the total quantity or quality of petroleum available to the United States;

"(B) the results of an appropriate environmental review, including consideration of appropriate measures to mitigate any potential adverse effects of exports of this oil on the environment, which shall be completed within four months of the date of the enactment of this subsection; and

"(C) whether exports of this oil are likely to cause sustained material oil supply shortages or sustained oil prices significantly above world market levels that would cause sustained material adverse employment effects in the United States or that would cause substantial harm to consumers, including noncontiguous States and Pacific territories.

If the President determines that exports of this oil are in the national interest, he may impose such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that such exports are consistent with the national interest.

"(2) Except in the case of oil exported to a country with which the United States entered into a bilateral international oil supply agreement before November 26, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

"(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exports of this oil or under Part B of title II of the Energy Policy and Conservation Act (42 U.S.C. 6271–76).

"(4) The Secretary of Commerce shall issue any rules necessary for implementation of the President's national interest determination, including any licensing requirements and conditions, within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

"(5) If the Secretary of Commerce finds that exporting oil under authority of this subsection has caused sustained material oil supply shortages or sustained oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused or are likely to cause sustained material adverse employment effects in the United States, the Secretary of Commerce, in consultation with the Secretary of Energy, may recommend, and the President may take, appropriate action concerning exports of this oil, which may include modifying or revoking authority to export such oil.

"(6) Administrative action under this subsection is not subject to sections 551 and 553 through 559 of this title 5, United States Code.".

SEC. 2. GAO REPORT.

(a) REVIEW.—The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast and in Hawaii. The Comptroller General shall commence this review two years after the date of enactment of this Act and, within six months after commencing the review, shall provide a report to the Committee on Energy and Natural Resources of the Senate and the Committee on Resources and the Committee on Commerce of the House of Representatives.

(b) CONTENTS OF REPORT.—The report shall contain a statement of the principal findings of the review and recommendations for Congress and the President to address job loss in the shipbuilding and ship repair industry on the West Coast, as well as adverse impacts on consumers and refiners on the West Coast and in Hawaii, that the Comptroller General attributes to Alaska North Slope oil exports.

Mr. YOUNG of Alaska (during the reading). Mr. Chairman, I ask unanimous consent that the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman, I rise to offer an amendment in the nature of a substitute. The substitute has the support of the administration and many other interest groups.

The amendment brings the bill in conformity with title 2 of S. 395. In a nutshell, it would, among other things:

Allow exports to be carried in U.S.-flag, U.S.-crewed vessels.

Require the President to make a national interest determination.

Require the President to conduct an environmental review, as well examining the effect of exports on jobs, consumers and supplies of oil.

The President could impose terms and conditions other than a volume limitation.

The Secretary of Commerce would be required to issue any rules necessary to implement the President's finding within 30 days.

If the Secretary found drastic oil shortages or price increases, he could recommend actions, including modification and removal of the authority to export.

Actions under this bill would not be subject to traditional burdensome notice and comment rulemaking requirements.

The President would retain his authority to block exports in times of emergency.

Finally, the substitute would also require the GAO to prepare a report assessing the impact of ANS exports on consumers, independent refiners, shipbuilders and repair yards.

I urge support for the amendment in the nature of a substitute.

AMENDMENT OFFERED BY MR. TRAFICANT TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. TRAFICANT. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT to the amendment in the nature of a substitute offered by Mr. YOUNG of Alaska: On page 4, line 5, strike "may" and insert "shall".

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, the language in the bill gives the Secretary of Commerce the discretion when the Secretary, for example, would define under section 1, clause 5, if the Secretary would find that an anticompetitive activity by a person exporting crude oil under the authority of this subsection has caused crude oil supply shortages or sustained crude oil price significantly above world market levels and would further find that these supply shortages or increases of prices have caused adverse employment effects in the United States, that the Secretary of Commerce, in consultation with the Secretary of Energy, may, may recommend to the President appropriate action against such person, et cetera. The Traficant amendment says that this should not be a discretionary process, and when the Secretary uncovers and discovers this type of an adversary impact from this legislation, that the Secretary shall, in fact, recommend to the President, not may, in fact, recommend.

I do not want the decision of whether or not to take action to be left to the discretion of some bureaucrats in the Commerce Department. If American jobs are being lost or subject to an adverse impact, the Secretary under this legislation should be required to, in fact, take immediate action.

That is the general nature of the legislation. It is simply changing the discretionary may to a compelling shall in that regard.

Mr. Chairman, I yield to the distinguished gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Chairman, I am so impressed that the gentleman from Ohio has made me accept his amendment with great happiness and joy. It makes great sense. We should have put it in to begin with, and I thank the gentleman for offering it.

Mr. Chairman, we do accept the amendment.

□ 1530

Mr. TRAFICANT. I yield to the distinguished gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, I want to commend the gentleman from Ohio. The gentleman has worked with us on a number of amendments, and it was a pleasure to operate in a process of discussion, in which we were trying to perfect amendments, instead of trying to create an amendment that would gut the bill. I want to thank the gentleman for his cooperation.

Mr. TRAFICANT. Mr. Chairman, I ask for an "aye" vote on the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG].

The amendment to the amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Are there further amendments to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG]?

AMENDMENT OFFERED BY MR. GEJDENSON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. GEJDENSON. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. GEJDENSON to the amendment in the nature of a substitute offered by Mr. YOUNG of Alaska: Page 3, line 8, add the following after the period: "In the event that vessels so documented cannot be used to transport any of the exported oil, the authority granted by paragraph (1) shall terminate immediately.".

Mr. GEJDENSON. Mr. Chairman, I would hope the sponsors of the bill would support this amendment. This amendment takes them simply at their word that their confidence that American crews and bottoms would be used to export this oil will in fact become the case. Under the legislation, it is their argument that they will use American merchant mariners to ship this oil.

What this amendment simply says is that if under any of the international agreements that we have, that this provision is struck and American bottoms and merchant mariners are not used, that would stop the shipment of the oil until we could resolve this issue.

Part of the way the proponents of this legislation have been able to sell this, at least to some of the Members of this House, is by convincing them that Americans will move the oil. They assure us continuously that that will withstand any challenges.

Well, if they are that confident that they are going to be able to fulfill this pledge, then I would hope the gentleman from Alaska [Mr. YOUNG] would be willing to accept this amendment, unless, of course, he is not confident that the language in the legislation will withstand any and all legal challenges. If that is the case, then the gentleman is also telling Members of this body something about this legislation and the commitments within.

Again, Mr. Chairman, I say that this is dangerous legislation. It endangers our national security, and it endangers the environment.

The gentleman from Alaska is doing the right thing as an Alaskan, possibly. It will benefit the State of Alaska; it will benefit oil companies, without any question, around this country. It does not work in the best interests of the United Sates, and it is questionable whether it will work in the best interests of American mariners, in that unless we are hearing there is support for the amendment, I would have to be left with the impression they are not even confident that this small commitment to American workers will be sustained.

Mr. Chairman, this bill, H.R. 70, requires that all ships exporting Alaska oil be U.S.-flag ships.

That provision in the bill is a clear response to the concerns raised regarding the employment of American merchant mariners.

In this bill, British Petroleum makes a deal with U.S. merchant mariners: Congress will allow the export of Alaska oil and you, American workers on ships, will continue to have jobs on the ships carrying the oil abroad.

I would hope that the sponsors of this bill would support the amendment that I am now offering.

My amendment simply ensures that U.S. merchant mariners get the protection the bill's sponsors say they intended to provide.

This is a very simple amendment.

Under this amendment, should British Petroleum as the leading exporter of Alaska oil, (or anyone else) renege on its commitment that ships exporting Alaska oil be U.S.-flag ships, then Alaska oil could not be exported.

So, if British Petroleum does not fulfill its end of the bargain with Americans working on ships carrying Alaska oil, then such oil cannot be exported.

For example, if the U.S. Government and British Petroleum abandon the U.S.-flag requirement because it interferes with a treaty or other international obligation, then Alaska oil could not be sold abroad.

Alaska oil could still be sent to California and other domestic destinations where U.S. seamen would have jobs in the ships carrying the oil.

If the commitment in the bill to American merchant mariners is real and enforceable, then the proponents of the bill should wholeheartedly support this amendment.

After all, the amendment is only ensuring that their commitment to these working Americans is fulfilled.

The bill's proponents have minimized the potential problems with complying with the commitment to American merchant mariners.

They have said that our international trade obligations are not violated and that there will be no problem complying with the requirement that ships carrying Alaska oil be U.S.-flag ships.

If that is the case, then they should support my amendment.

If there is a risk with compliance, and those wanting to export Alaska oil cannot fulfill their end of the deal, then American workers should be protected.

Once again, I am hopeful that the supporters of this bill would support this amendment.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, I would rise in support of this legislation. As the gentleman knows as a member of the committee, when we discussed this legislation in committee, this was one of the major tenants of the acceptance of this bill, I think on a bipartisan basis, was that this oil would be carried in American transportation and would provide jobs for those individuals who are currently engaged, and hopefully if production is increased under this legislation, that were engaged in the transportation of oil now to the lower 48, they would continue to be utilized.

Some people have suggested that that would raise trouble with international trade agreements. If that is the case, then we have to rethink what it is we have told people the benefits of this legislation will or will not be. Certainly we would have to rethink the arrangement by which we are then engaging in the export of that oil, should that ever happen.

I think the gentleman's amendment is a good fail-safe amendment for those who have been supporting against their historical positions of opposition to this legislation, that they would in fact be protected and that a deal is a deal, as the gentleman has said. I would hope that we would support this amendment.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong opposition to the amendment.

Mr. Chairman, this is a very mischievous amendment. Just think of the term "terminate." Terminator I, Terminator II. This is exactly what this does to the bill. Let us not kid ourselves.

The bill is very self-explanatory. It says exports will be only on U.S.-crewed, U.S.-flagged vessels. That is in the bill. If it is not on U.S.-crewed or U.S.-flagged vessels, in fact there would be no oil export.

What happens? Let us say that all the vessels for some strange reason became totally occupied, absolutely occupied, and we had to move the oil because the storage was not available, and we put it on one ship that was not, then the whole thing is terminated. We might as well go home. That is really what it does. Look at that word "terminate," very smartly put in there.

I want to suggest this amendment, as I say, is very mischievous and, by the way, not supported by any of the maritime unions. We worked closely with the maritime unions, closely with the Shipbuilding League, very closely with everybody involved in this issue, asking for their input, asking for their suggestions, and we have suggested very nearly everything they have suggested within the realities of other laws, such as GATT, international trade, et cetera, et cetera. We have done that.

To have this amendment offered at this time, very frankly, with all due respect to my good friend from Connecticut, it causes me great, great anguish to have this presented as one that says well, this is just another fail-safe part of this bill. As a backup to what you say, it says it in the bill. The bill is very clear. It is there.

By the word "termination," it is absolutely a killer amendment, and I urge that it be defeated.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I would be happy to find other terminology for the gentleman. But the basic issue here is in the gentleman's legislation there is no remedy for American workers and American shippers, if that rule is out.

Mr. YOUNG of Alaska. Mr. Chairman, reclaiming my time, there are all kinds of remedies, the Secretary of Commerce, the President of the United States, the Congress itself. Let us not kid ourselves. There are so many safeguards in this. This is the only State in the United States that has this ban put upon it.

This is a mischievous amendment. I do not blame the gentleman. The gentleman did not support the bill in the committee, he talked against the bill in the general debate, he wants to defeat the bill, and I understand why he offers the amendment. I compliment him for that. This is a mischievous amendment that should be soundly defeated.

Mr. THOMAS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the chairman of the committee indicated, we worked with a number of Members to either resolve their concerns about the bill or worked with them on the amendments that they proposed. The gentleman from Ohio, the gentleman from Hawaii, the gentleman from Washington are good examples.

The rule underlying this debate indicated that to the extent possible, we wanted people to preprint their amendments in the CONGRESSIONAL RECORD. Obviously, the gentleman from Connecticut, for whatever reason, did not make the preprint date. I saw this amendment just a few moments ago, and, of course, we are trying to figure out exactly what it means.

Apparently in the gentleman's amendment, and I will assume that the gentleman is offering it in good faith, if there is any deviation from the U.S.-flagged, U.S.-staffed ship, the entire legislation is terminated immediately.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. THOMAS. I yield to the gentleman form Connecticut.

Mr. GEJDENSON. Mr. Chairman, I will be happy to change the language.

Mr. THOMAS. Mr. Chairman, reclaiming my time, I would have loved to have worked with the gentleman over the last 3 months that this bill has either been in front of the committee, of which he is a member, as the ranking member pointed out, and to which he did not offer this amendment or any of the last several weeks after the bill passed the committee when we were working on the legislation, if he felt this burning desire to come up with the proposal or any time last week when he knew this was possibly to be scheduled for floor debate. He did not seem to want to work on an amendment at that time. But now, not only at the 11 hour, but half past midnight when we are debating the bill, he comes to the floor and says he has an amendment on which he would like to work with us.

What you need to know is that the exceptions in the bill cover all situations. U.S.-flagged and staffed vessels are required, with the exception of cases covered in any international agreements that we have entered into prior to 1979, and under the provisions of the Oil Emergency Act because, as you will recall, a number of nations were concerned about their ability to get oil if the unstable area of the Middle East, as the gentleman from Connecticut described it, actually denied them oil. We have a number of agreements on an emergency basis in which we will move oil on an as-needed basis.

Obviously the President in his wisdom, in trying to assist nations who are being crippled by someone else's oil blackmail, will certainly take into consideration this legislation. But the President as Commander in Chief and the President of this country will make decisions as he sees fit in times of emergency.

It is absolutely ludicrous to offer an amendment at this time that says if you do not stick to one provision of the bill, notwithstanding the emergency provisions or the international agreement provisions, that the act itself will terminate.

I think we need to read the amendment the way in which I now believe it was presented, and that is as a pernicious amendment by the opponent of the legislation in an attempt to not only weaken it, but indeed to defeat it.

I would ask that we reject the gentleman from Connecticut's first amendment, as I understand it.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. GEJDENSON. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from Connecticut.

Mr. GEJDENSON. Mr. Chairman, I think there are some fundamental issues here being avoided. First, it is clearly not half past midnight. It is about 20 of 4. It is the middle of the day. We are not under a lot of pressure. We have a piece of debate here that I think, frankly, maybe we should have dealt with earlier, but I think what you are trying to do is avoid the merits.

The merit is this: If we have an international body, which we are members to, throwing out the guarantee to American workers, then there is no protection for those workers and you have sold them a bill of goods.

Again, I commend the gentleman from Alaska. He has taken care of his constituents; people on this floor are taking care of oil companies. I am talking about the rest of America, the people that depend on the reserves up there, the people who paid for Alaska in the first place. The gentleman from Alaska would be speaking Russian today, not English. This country went to great lengths to secure that area. The rest of America has a right to be protected in this legislation, workers, environmentalists, and consumers.

Mr. MILLER of California. Mr. Chairman, I thank the gentleman for his remarks, and again I would hope that the committee would support the passage of the Gejdenson amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG].

The question was taken; and the chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GEJDENSON. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment will be postponed.

Mr. DICKS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the distinguished chairman of the committee.

Mr. Chairman, the version of the Alaskan oil export legislation which was passed in the other body as S. 395, included as section 206 an amendment to the Oil Pollution Act of 1990 to provide for a vessel in the Olympic Coast National Marine Sanctuary or the Strait of Juan de Fuca to assist in towing and oilspill response efforts. H.R. 70 as reported by the Resources Committee does not contain a similar provision.

I had been prepared to offer an amendment to H.R. 70 concerning this issue, but as you know our rules are different from those of the other body and I have been advised by the Parliamentarian that such an amendment would be ruled out of order as nongermane. Accordingly, I am hoping that this is a matter that can, with the assistance of the chairman, be addressed in conference.

□ 1545

Mr. YOUNG of Alaska. Mr. Chairman, will the gentleman yield?

Mr. DICKS. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. Mr. Chairman, I understand and appreciate the interest of the gentleman from Washington in this issue of importance to his district.

May I say the gentleman has talked to me about this. He has done an excellent job in the past and into the future representing his district concerning this issue.

We have discussed it. We will be discussing it in conference. The gentleman will be working very closely with me in the conference, and I hope we will be able to address his concerns as well as the State of Washington, especially with the State of Alaska working in conjunction.

Mr. DICKS. Mr. Chairman, I thank the chairman for his assistance.

The CHAIRMAN. Are there additional amendments to section 1?

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. MILLER of California. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California to the amendment in the nature of a substitute offered by Mr. YOUNG of Alaska:

Page 1, line 6, strike "paragraphs (2) through (6)" and insert "paragraphs (2) through (7)".

Page 2, line 19, strike "(other than a volume limitation)".

Page 4, line 11, strike the closing quotation marks and period.

Page 4, after line 11, insert the following:

"(7) The total average daily volume of exports allowed under this subsection in any calendar year shall not exceed the amount by which the total average daily volume of oil delivered through the Trans-Alaska Pipeline System during the preceding calendar year exceeded 1,350,000 barrels per calendar day.".

Mr. MILLER of California (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. YOUNG of Alaska. Mr. Chairman I ask unanimous consent that debate on this amendment and all amendments thereto be limited to 40 minutes, with the time to be equally divided and controlled. This was the suggestion of the gentleman from California, and I think it is an excellent suggestion.

The CHAIRMAN. Is there objection to the request of the gentleman from Alaska?

There was no objection.

The CHAIRMAN. The gentleman from California [Mr. MILLER] will be recognized for 20 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I offered this amendment in committee along with our colleague, the gentleman from Hawaii [Mr. ABERCROMBIE], and the gentleman from Washington [Mr. METCALF]. It represents what I believe is a reasonable compromise which will allow Members to support exports as long as the needs of the United States are taken care of first. That is the intent and the purpose and the result of this amendment.

This amendment does two things: First, it deletes the bill's unjustified restriction that the President cannot determine that a volume limitation on exports is in the national interest. Obviously, at some point, with some unforeseen circumstances, the President may conclude that and he ought to be given the powers to so decide. Second, the amendment provides that exports of Alaska oil are authorized but only in amounts produced in excess of what is currently refined and consumed on the west coast.

This amendment speaks to the current consumption figure of 1.35 million barrels per day which is the amount of Alaska oil used in Washington, Oregon, California, Hawaii, Nevada, and Arizona. Under current production levels in Alaska, my amendment would allow up to 250,000 barrels a day to be exported. This is significantly in excess of the 140,000 barrels projected by the Department of Energy and the State of Alaska as likely for export, as they have presented testimony when we were considering this bill in the committee.

What this amendment does in effect is to allow the oil which is currently produced but not used on the west coast to be exported. This is the oil that is sent to the gulf or to other designations at significant extra expense. It is the oil that makes up the most economic sense for us to export to foreign nations.

What this amendment does not do, unlike the bill, is to allow British Petroleum to manipulate the price and supply of Alaska oil for the west coast usage. This is an amendment which protects U.S. jobs and consumers. It allows exports if and when they do not come at the expense of our citizens. It neither denies profits to British Petroleum nor revenues to the State of Alaska. It is a reasonable compromise, and I urge its adoption.

This amendment reflects the changes that have taken place since the study that was conducted to justify this legislation and that is the Alaska oil is now essentially at parity or finds itself more often at parity with the world price of oil than when it does not. And the so-called glut on the west coast that was available is essentially evaporated and the margins that Members keep referring to with respect to west coast refiners has essentially evaporated because of the change in the demand for energy products on the west coast.

Those margins, the evaporation of those margins, the narrowing of those margins are the same whether it is an independent refiner or whether it is one of the larger refiners. It is just simply a change in the world energy picture.

Early on in the development of north coast, North Slope oil coming out of Alaska, a huge amount, because of the requirement that it could not be exported, a huge amount was sent to eastern markets through the Panama Canal. That oil essentially now, much of it, has been backed out of that market because it is really not competitive and because of the increased demands on the west coast as what was previously considered a glut has disappeared.

So we now find ourselves in a situation where this very substantial amount of the oil that is currently produced in Alaska is, in fact, needed. It is needed on the west coast because it cannot be readily substituted by oil from the, by the central valley, although that can make up part of it.

So what we would do is, without any impact on price, we would simply make sure that those West Coast users are held harmless as to the supply. That supply would be made available to them not at preferential prices; it would be made available to them at the world price. If they were not prepared to pay, if there becomes in fact a premium price on Alaska oil, in Singapore, in Japan, in Malaysia, in Korea, and they can sell that oil to that market and West Coast users do not want to bid that price for it, they will simply lose out.

So the marketplace will continue to work in terms of the economics of the price of oil. In fact, as we know, when we started this venture many years ago, it was believed that there was a domestic price of oil and a world price of oil. As we know today, there is only one price of oil essentially, and that is the world price of oil.

That does not matter whether you are Sadam Hussein, whether you are Iran, whether you are the Russians or you are the domestic developer within the United States, that is the price of oil. This honors that, the economics of the energy business with respect to that, but it does make sure that those people who have come to rely on this oil for domestic uses are in fact held harmless from this. As a market, if in fact the market continues to grow, if in fact the pipeline was ever put back to its full utilization in excess of about 2, 2.5 millions barrels of oil a day, all of that would be eligible for export.

So I think this in fact provides the best of both worlds to make sure that American economic interests and the customers are taken care of first and then certainly free to export whatever is available over and above that.

Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. THOMAS].

Mr. THOMAS. Mr. Chairman, the amendment of the gentleman from California is interesting. He talks about a world price for oil. I just have to say that, representing the oil patch, I would have to ask him what he means by world price for oil.

Is it the price that the Federal Government charges for Elk Hills oil which has to cover the cost of sending it by pipeline to the strategic petroleum reserve? Is it the price of west Texas crude that gets to move through pipelines and through shipping that does not cross the Panama Canal? Frankly, you have to take a look at the price of oil and include the cost of delivering that oil as well.

The issue in front of us is whether or not we should lock into a fixed amount on a given year and say that you can only export the amount of oil above that fixed amount.

First of all, let us understand that because of the policy that has been in place for 20 years, the Alaska fields are declining fields. In addition to that, they have yielded their production as many fields have around the world and what we need to do is make sure we open up more fields.

The idea was that if we could bring the true economic value to Alaska for that oil, they might in fact develop more fields. But what we have here is an amendment that locks in a fixed amount that comes to the lower 48.

When we look at the Department of Energy's study, it shows that 1994 is about 1,600,000 production; 1995, beginning to drop. And by the year 2000, in either the pessimistic or the optimistic case, you have clearly reached the oil amount that is in the amendment of the gentleman from California.

I think we need to do a little truth in packaging here.

What this amendment does is guarantee oil continues to come to California. The whole purpose of this bill is to allow oil to find its economic home. If you put on a volume limit, you automatically affect the price. You cannot deliver in essence an amount of oil that would have violated this figure to a Far Eastern area or any other place because of the restriction placed by this amendment. What we are trying to do is to remove Government restrictions.

I think that what we need to take a very long look at is what would happen if refineries on the West Coast would have to pay closer to the world price for oil.

In the study it says: The appropriate conclusion is that the gross marginal differential between PAD 5, which is Alaska oil, and the Nation as a whole would amply support an increase in crude oil prices of $1.50 to $2 per barrel without necessarily causing an increase in consumer prices.

If you can increase the price for crude oil and you do not increase the price of gasoline to consumers, what happens? In the middle between the crude oil and the consumer are the refineries. Frankly, the refineries, located in the gentleman's district, have enjoyed an enormous benefit over the years. The July 21 edition of the Wall Street Journal says: Tosco Corporation, located in the gentleman's district, net income surged 43 percent in the quarter. The petroleum products company attributed the net increase to improved refining margins.

It is the difference between the price of crude oil and the price of gasoline.

These people have been living off of an artificial market for years. The amendment of the gentleman from California wants to continue that artificial market. The gentleman wants a fixed amount that has to come. You try to negotiate a world price for oil when you know by Government edict there is a fixed amount that has to come. You break the economics. You do not have a world price for oil. You have somebody over a barrel, and it is the Alaska oil producer and the American consumer.

It is about time we ended the sweetheart deal for the refiners. That is exactly what the gentleman's amendment tries to prevent. It tries to perpetuate a sweetheart deal. This legislation changes it.

This amendment should be defeated.

Mr. YOUNG of Alaska. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. DOOLEY].

Mr. DOOLEY. Mr. Chairman, I rise in opposition to the Miller amendment.

I think we really need to step back and ask why are we here today. Why are we on the verge of passing H.R. 70? We are here because of a policy of the past which placed limitations on the utilization of oil produced in Alaska. We have a policy in place which is forcing the crude which is being produced in Alaska to be refined on the West Coast. This has obviously had the adverse impacts in parts of California and other parts of the country of diminishing the amount of oil being produced there and also of having adverse economic impacts.

What this amendment is doing is pretty much just the same. It is saying that we will allow for some exportation of oil, but we are still going to continue Government policies which arbitrarily state that you cannot export any oil except for that that is over the 1.35 million barrels per day.

□ 1600

Mr. Chairman, We do not know what the future will hold. However, there is one constant. If we have the faith in the market system, the marketplace will dictate where oil was produced, whether it be in Alaska, in California, or in many other parts of the world, where it will be utilized. The bottom line is that if the refiners on the West Coast that are currently using Alaskan crude oil, if they are willing to pay the market price for that crude oil, that oil will flow to those refiners, as it is today. They might have to pay just a little more of that to reflect what the real market price for that crude oil will be.

If we place this amendment in place, Mr. Chairman, we are once again putting up an arbitrary restriction or impediment to how the marketplace should work. Clearly, that is not good policy. We also have provisions within the legislation which I think address some of the concerns of the gentleman from California [Mr. MILLER]. That is, if we do find that any oil producer or exporter of oil is engaging in any type of activity which could have an adverse impact on consumers or refiners, the Secretary of Commerce is then authorized to take actions and impose sanctions against that export. Therefore, I think we have the safeguards in place which will ensure that consumers and refiners are not adversely impacted.

Mr. Chairman, I think this country will be far better served if we embrace a policy which is predicted on the marketplace providing the best determination to where oil produced in Alaska should go.

Mr. MILLER of California. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, as the gentleman from California [Mr. MILLER] was explaining his amendment, he pointed out that this legislation removes the ability of the President to put in place any type of limitations in terms of the volume limits with regard to the exportation of oil. He takes that away.

Of course, what the gentleman from California [Mr. MILLER] does beyond that is, he recognizes and gives the Chief Executive the right to put in place some limitations, and, of course, provides, the second part of his amendment, provides for an assurance of 1.3 million barrels a day that is first sent to the lower 48, and then the amounts over that amount could be exported. So he is trying to recognize one of the shortcomings, I guess, in terms of the North Slope oil, and some of the effect on the market, but at the same time trying to meet what is obviously a significant domestic need on the Pacific coast.

Obviously, Mr. Chairman, the workability of the regulations and the law that exist in this instance are not perfect, nor is the global oil market perfect. We are hardly dealing with the handiwork of Adam Smith here in terms of the economy.

I noticed that the opponents seem to marshal often very obtuse arguments to defeat or to reinforce what is in the bill, sort of extreme situations, but I do not think we have to really do much guessing in order to understand that the way that the volatility of this market in the last 30 years has gone has caused great distress and significant impacts on our market. Look at the terms "oil shock," the "energy crisis" in the 1970's.

The last two decades are replete with problems that have grown out of the shortfalls in terms of the marketplace. I just think that we should, obviously, retain in the President's control the ability to have flexibility with regard to the export from these lands.

Mr. Chairman, the tradeoff here that occurred with these State and Native American lands and other Federal lands where oil was flowing from in Alaska was that we would sacrifice these resources in an effort to try and provide security in terms of energy in the lower 48. Today we are even more vulnerable, but this has provided some stability, some constancy with regard to oil and energy policy on the West Coast and throughout the country.

Now, of course, in the name of a more perfect market, in the name of trying to develop this, the excuse here is that we are going to actually unleash and develop more and more of our domestic oil because this price is being held down. Admittedly, it is lower in these instances than it would otherwise be if it were completely open and we were bidding against many other countries in the Pacific Rim. I do not think there is any question about it; but I do not necessarily think that that has happened, and constantly not, despite the Energy Department study, translated into higher costs in terms of the marketplace. After all, we have seen oil go from $10 a barrel all the way up to somewhere in the high thirties at various times in the market. That is not exactly because of this particular problem.

Now we are talking about here much smaller, finite, or much smaller amounts of change that have occurred between this particular type of sour crude oil that exists in this instance that is being discussed. I think the issue here, obviously, is being pushed by those who want a higher price, who are not concerned today, and I would say to my friends, and many of them served here during periods and have put up with this role in terms of energy shortfall, that clearly this is something that is being shunted aside.

I think the Miller amendment brings us back and gives us the opportunity to export but at the same time meet the domestic needs, to have both. We have, in essence, allowed for the opening of these areas, to provide the security. I think we still need that. I think we can still do that. I think there is a role.

Some would take the Federal Government out of any type of policy role here. I am not a new Federalist, I am not a new Confederate, I am an unreconstructed Federalist and feel that the Federal Government is the only entity that can basically deal with this.

We go through all sorts of arguments here in terms of U.S. bottoms and other issues which I think will provide for circumvention, I might say, of many of the policies and goals that are stated here in the legislation. I would hope that the Miller amendment could be and should be accepted by the proponents of this if they mean what they have said in regard to this issue. Obviously, there is opposition to it.

I thank the gentleman from California for yielding time to me.

Mr. MILLER of California. Mr. Chairman, I reserve the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I believe the gentleman from California [Mr. MILLER] has the right to close on his amendment.

The CHAIRMAN. The chairman of the committee has the right to close.

Mr. MILLER of California. Mr. Chairman, I have no further requests for time, I think the amendment is necessary, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment. This amendment was offered in the committee. It was defeated 24 to 11. I believe it is a deal killer. It was designed to block export volumes by giving the President limited authority to place a volume cap on exports. The export ban requires 1.6 million barrels of oil produced today be shipped to the West Coast. This again is a cap, it is a requirement, it will affect the California production area, it will not give us the jobs. This is opposed, frankly, by the administration. As the gentleman from Louisiana says, I agree with this administration, but the previous administration also said the same thing: This again interferes with the marketplace.

It is my belief that it will not do everything we want it to do if we adopt the amendment, so I strongly oppose the amendment, and urge "no" on the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. MILLER] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from California [Mr. MILLER] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG] are postponed.

Are there any further amendments to the bill?

AMENDMENT OFFERED BY MR. METCALF TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. METCALF. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. METCALF to the amendment in the nature of a substitute offered by Mr. YOUNG of Alaska: Page 4, line 11, strike the closing quotation marks and period.

Page 4, after line 11, insert the following:

"(7) Any royalty accruing to the United States with respect to any oil transported by pipeline over right-of-way granted pursuant to section 203 of the Trans-Alaska Pipeline Authorization Act (43 U.S.C. 1652) may be paid in oil. The Secretary of the Interior shall offer any such oil accruing to the United States for sale to independent refiners located in Petroleum Allocation for Defense District V for processing or use in refineries within such District and not for resale. Such offers shall be made from time to time for such volumes and for such periods as the Secretary deems appropriate, and sales shall be conducted by equitable allocation at fair market value among eligible independent refiners. The term 'independent refiner' means a petroleum refiner which, in the preceding calendar year, obtained, directly or indirectly, more than 70 percent of its refinery input of crude oil from producers which do not control, are not controlled by, and are not under common control with, such refiner.".

Mr. METCALF (during the reading). Mr. Chairman, I ask unanimous consent that the amendment to the amendment in the nature of a substitute be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Washington?

There was no objection.

Mr. METCALF. Mr. Chairman, I offer for my colleagues' consideration my amendment to the Alaskan oil export bill.

Many of my constituents are concerned about potential increases in gasoline prices if oil exports are expanded. Refiners in Washington are particularly dependent on Alaska as a source of oil.

My amendment would ensure that Northwest refineries have access to "royalty" oil from Federal lands in Alaska. If oil exports increase the price of gasoline, the increased demand could stimulate greater production—and Northwest refineries must have access to the oil.

Current procedures allow Northwest refineries to acquire royalty oil. My amendment would simply codify these procedures and give them the force of law—thus guaranteeing access to future oil production.

I would also like to thank the chairman of the Resources Committee for his consideration and support on this important issue.

The CHAIRMAN. Does any Member seek to be recognized in opposition to the amendment?

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, this amendment would provide for the sale of oil. The volume of oil currently produced on Federal lands in Alaska is very minimal. This amendment in fact would really look to the future if something were to occur on Federal lands in Alaska. I want to stress again, this oil that we are talking about is on State lands. It is our oil.

Very frankly, I do not see any harm in the amendment. I have one question to ask the author of the amendment, because after reading the amendment the only thing is, when does this kick in? When does that royalty oil kick in, if I may ask the gentleman from Washington?

Mr. METCALF. Mr. Chairman, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Washington.

Mr. METCALF. Mr. Chairman, I would tell the gentleman, it would be as the new oil would be available.

Mr. YOUNG of Alaska. Mr. Chairman, I would ask, is the price of gasoline the factor? What kicks it in as far as getting the royalty oil? Does anybody know, because it is not clear in the amendment.

Mr. METCALF. Mr. Chairman, I am not absolutely sure.

Mr. YOUNG of Alaska. Mr. Chairman, I am not going to oppose the amendment at this time. I do compliment the gentleman from Washington in his efforts, because he has brought this to our attention, and more so than California, because they do not have oil fields in other areas, of the need for a constant supply of oil, I can just about guarantee everybody in this room, because it is not just BP that has ownership of this oil. ARCO ships all of its oil to the west coast. That is where it has occurred. The Exxon areas, part is shipped to the west coast. The only people really right now who will have any oil available will be BP.

Mr. Chairman, I am inclined to accept the gentleman's amendment at this time, and we will be discussing the trigger date and conference, and seeing if there is a possibility we can further define that.

Mr. METCALF. I thank the gentleman from Alaska.

Mr. THOMAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would ask the gentleman from Washington or anyone who understands this amendment, that I have some questions on the amendments. On line 5, it says, "The Secretary of the Interior shall offer any such oil accruing to the United States." From time to time, the United States receives oil in lieu of royalties.

What this amendment says is that when the United States get oil in that fashion, royalty oil is the common term, that the Secretary of the Interior "shall offer" any such oil accruing to the United States, and the Secretary of the Interior not only shall offer such oil, they must make it available to independent refiners located in pad 5. Such offer shall be made from time to time for such volumes and such periods as the Secretary deems appropriate, so the Secretary can control the volume and the period, and sales shall be conducted by equtable allocation at fair market value among eligible, independent refiners.

As I read this amendment, Mr. Chairman, it is yet again an attempt to carve out a market for a particular group of folk. These are the independent refiners. They are the ones who for years have received the blessing of oil directed to the lower 48. Now we have a group of refiners who call themselves independent refiners. They want to take such royalty oil as comes to the United States, "shall offer any such oil," a mandatory offering to a particular group, the independent refiners.

Mr. Chairman, my belief is that this is one of the fallback positions offered by the refiners. If they cannot stop the bill, then they want a fixed amount of oil available to them in the marketplace, the gentleman from California, Mr. MILLER'S amendment. If they cannot get the fixed amount of oil, 1,350,000 barrels a day, then they want the royalty oil guaranteed only to them, and the Secretary of the Interior shall offer such sales only to the independent refiners.

Here we go, with the fallback for a particular group of people to try to get a continuation of the current structure, which is, these people benefit by government policy.

H.R. 70's underlying premise is that no one should benefit by government policy. The marketplace should determine the price. Our opposition to the Miller amendment was based upon the marketplace determining the price, and the marketplace should determine volume.

The amendment of the gentleman from Washington [Mr. METCALF] appears to this gentleman from California to be a smaller, narrow attempt, but nevertheless, an attempt to have government dictate who gets what in the marketplace. On that basis, Mr. Chairman, I would oppose the amendment offered by the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN. Without objection, the gentleman from Washington is recognized for 5 minutes.

There was no objection.

Mr. METCALF. Mr. Chairman, what this does is codification of what is currently the government policy, and it would apply to future increases.

Mr. Chairman, this bill says it is going to increase oil production. If it does, this puts into the law the policy that we have relative to that increased production.

Mr. THOMAS. Mr. Chairman, will the gentleman yield?

Mr. METCALF. I yield to the gentleman from California.

□ 1615

Mr. THOMAS. The problem I have with the gentlemen's amendment, is that it codifies it, it puts it into law. But what it puts into law, is a special benefit for a particular group. Independent refiners are the only ones who get the opportunity to bid on the royalty oil. No one else is allowed to bid. This is one more attempt to create a special relationship under the law.

I thank the gentleman for yielding.

The CHAIRMAN pro tempore (Mr. LINDER). The question is on the amendment offered by the gentleman from Washington [Mr. METCALF] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG].

The amendment to the amendment in the nature of a substitute was rejected.

AMENDMENT OFFERED BY MR. GEJDENSON TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

Mr. GEJDENSON. Mr. Chairman, I offer an amendment to the amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. GEJDENSON to the amendment in the nature of a substitute offered by Mr. YOUNG of Alaska: Page 2, line 21, add the following after the period: "In no event may oil be exported under this paragraph before the end of the period within which the President must make his national interest determination under this paragraph.".

Mr. GEJDENSON. Mr. Chairman, with the new inclination of the gentleman from Alaska [Mr. YOUNG] toward accepting amendments, I would hope he would read and accept this one. In the bill as it is drafted, we would have the President making a determination as to the impact of the export of this oil after the fact.

It says first we start shipping this oil and signing contracts with people in the Pacific rim. Then the President is going to take a look at it and find out if there is a problem. If there is a problem, we will already have contracts for sending this oil out there.

A number of gentlemen on the floor have indicated the administration is with them. So they are not facing a hostile administration. It seems to me unless again this is some window dressing in their language and they are not concerned with either the environment or our national security, that at minimum they would be ready to accept this amendment which simply says that, yes, as they wrote it, the President ought to do an assessment on what this change in the law would do to the United States but he ought to do that assessment before contracts are signed with people to ship this oil elsewhere. I would hope that the gentleman from Alaska [Mr. YOUNG] could support this very limited amendment to try to improve what I think is a bad bill.

Mr. YOUNG of Alaska. Mr. Chairman, I move to strike the last word.

Mr. Chairman, hope of all hopes, and wishes of all wishes, I do oppose the amendment.

The administration adamantly opposes the amendment. The administration has said they support the committee substitute. We have worked with them. It gives the President the flexibility he wants. Very frankly why should Congress mandate a bureaucratic delay? If the President, and that is what were saying, finds that this is an appropriate thing, why hold his hand for 5 months when he does not want it? That is like asking a girlfriend out on a date when she does not want to hold your hand. You are not going to get anywhere.

Let's face up to it. I suggest respectfully the amendment is very frankly not supported by anyone I know other than the gentleman from Connecticut. I urge the defeat of the amendment.

Mr. THOMAS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I do want to commend the gentleman from Connecticut on the effort that he is making with this amendment because it sounds extremely reasonable, that until the President makes his determination, we should not export any of the oil. The problem of course is, perhaps the gentleman from Connecticut has not read the amendment in the nature of a substitute offered by the gentleman from Alaska, the chairman. The gentleman from Alaska and this gentleman from California indicated that the administration supports the substitute as written. The substitute as written says that the finding that the President shall make is a negative finding; not a positive one that they should export oil but, in fact, a negative one that they should not.

The gentleman from Connecticut is now saying, notwithstanding the fact that the administration supports the legislation and that the Presidential determination is a negative one, no oil should be exported until the President makes his determination, which is, under the substitute, a finding that they should not export any oil.

I think when we come full circle, all this is, is, an attempt once again to offer an amendment for purposes that the gentleman from Connecticut well knows are not in the best interests of moving this bill forward and therefore not in the best interests of labor, energy production, or consumers in this country. I would ask that Members oppose the amendment of the gentleman from Connecticut.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG].

The amendment to the amendment in the nature of a substitute was rejected.

Mr. YOUNG of Alaska. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. BUNNING of Kentucky) having assumed the chair, Mr. LINDER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 70) to permit exports of certain domestically produced crude oil, and for other purposes, had come to no resolution thereon.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 5 p.m. today.

Accordingly (at 4 o'clock and 23 minutes p.m.), the House stood in recess until 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. LINDER) at 5 o'clock and 2 minutes p.m.

EXPORTS OF ALASKAN NORTH SLOPE OIL

The SPEAKER pro tempore. Pursuant to House Resolution 197 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 70.

□ 1704

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 70) to permit exports of certain domestically produce crude oil, and for other purposes, with Mr. LINDER (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose earlier today, the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG] was pending.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

Pursuant to the rule, proceedings will now resume on those amendments to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG] on which further proceedings were postponed in the following order: the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON], and the amendment offered by the gentleman from California [Mr. MILLER].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series, including the underlying amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG] if ordered without intervening business or debate.

AMENDMENT OFFERED BY MR. GEJDENSON

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Connecticut [Mr. GEJDENSON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 117, noes 278, answered "present" 1, not voting 38, as follows:

[Roll No. 555]

AYES—117

Ackerman
Andrews
Baldacci
Beilenson
Bentsen
Bishop
Bonior
Borski
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clyburn
Condit
Conyers
Cubin
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Fields (LA)
Filner
Flake
Foglietta
Frost
Furse
Gejdenson
Gephardt
Green
Harman
Hastings (FL)
Hefner
Hinchey
Holden
Hoyer
Jackson-Lee
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Kanjorski
Kennedy (RI)
Kennelly
Kildee
Klink
LaFalce
Lantos
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Mascara
McDermott
McHale
McNulty
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Murtha
Nadler
Oberstar
Olver
Pallone
Payne (NJ)
Pelosi
Peterson (MN)
Rahall
Reed
Rivers
Rose
Roybal-Allard
Rush
Sanders
Schroeder
Schumer
Scott
Serrano
Slaughter
Smith (MI)
Smith (NJ)
Stark
Stokes
Stupak
Taylor (MS)
Thompson
Thurman
Traficant
Tucker
Vento
Volkmer
Ward
Waters
Watt (NC)
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—278

Allard
Archer
Armey
Bachus
Baker (CA)
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Berman
Bevill
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Farr
Fattah
Fawell
Fazio
Flanagan
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kennedy (MA)
Kim
King
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martinez
Martini
Matsui
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Morella
Myers
Myrick
Neal
Neumann
Ney
Norwood
Obey
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Upton
Visclosky
Vucanovich
Walker
Walsh
Wamp
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

ANSWERED "PRESENT"—1

Abercrombie

NOT VOTING—38

Baesler
Baker (LA)
Barcia
Bateman
Becerra
Bilbray
Bono
Brown (CA)
Clement
Collins (IL)
Collins (MI)
Dixon
English
Ewing
Fields (TX)
Foley
Ford
Gillmor
Hansen
Hilliard
Hostettler
Jacobs
Jefferson
Kaptur
McKinney
Moakley
Nethercutt
Nussle
Owens
Ramstad
Rangel
Reynolds
Seastrand
Torres
Torricelli
Towns
Velazquez
Waldholtz

□ 1726

The Clerk announced the following pairs:

On this vote:

Ms. McKinney for, with Mr. Bilbray against.

Mr. Rangel for, with Mr. Bono against.

Ms. Kaptur for, with Mr. Hostettler against.

Mrs. Collins of Illinois for, with Mrs. Waldholtz against.

Messrs GRAHAM, SAWYER, QUILLEN, and COYNE changed their vote from "aye" to "no."

Messrs. PALLONE, NADLER, BENTSEN, SMITH of New Jersey, STOKES, WARD, GENE GREEN of Texas, and OBERSTAR, and Ms. JACKSON-LEE changed their vote from "no" to "aye."

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FOLEY. Mr. Chairman, on rollcall No. 555, I was tied up in rush hour traffic and missed the vote.

Had I been present, I would have voted "nay."

The CHAIRMAN. Pursuant to the rule, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the chair has postponed proceedings.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA TO THE AMENDMENT IN THE NATURE OF A SUBSTITUTE OFFERED BY MR. YOUNG OF ALASKA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. MILLER] to the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 95, noes 301, not voting 38, as follows:

[Roll No. 556]

AYES—95

Abercrombie
Baldacci
Barrett (WI)
Beilenson
Bevill
Bishop
Bonior
Borski
Clay
Clyburn
Conyers
DeFazio
DeLauro
Dellums
Deutsch
Dingell
Doyle
Durbin
Engel
Eshoo
Evans
Fattah
Filner
Flake
Foglietta
Furse
Gejdenson
Gephardt
Gutierrez
Harman
Hastings (FL)
Herger
Hinchey
Holden
Johnson (CT)
Johnson (SD)
Johnston
Kanjorski
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
Lantos
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Mascara
McCarthy
McDermott
McHale
Meek
Metcalf
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Murtha
Nadler
Oberstar
Obey
Olver
Pallone
Payne (NJ)
Pelosi
Rahall
Reed
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Schumer
Scott
Serrano
Shays
Slaughter
Stark
Stokes
Stupak
Thompson
Tucker
Vento
Ward
Waters
Williams
Woolsey
Wyden
Wynn
Yates

NOES—301

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter

Berman
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Ensign
Everett
Farr
Fawell
Fazio
Fields (LA)
Flanagan
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Hilleary
Hobson
Hoekstra
Hoke
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson, E.B.
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martinez
Martini
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Neal
Neumann
Ney
Norwood
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Studds
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Walker
Walsh
Wamp
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—38

Baesler
Baker (LA)
Barcia
Bateman
Becerra
Bilbray
Bono
Brown (CA)
Brown (OH)
Clement
Collins (IL)
Collins (MI)
English
Ewing
Fields (TX)
Ford
Gillmor
Gordon
Hansen
Hilliard
Hostettler
Jacobs
Jefferson
Kaptur
McKinney
Moakley
Nethercutt
Nussle
Owens
Ramstad
Rangel
Reynolds
Seastrand
Torres
Torricelli
Towns
Velazquez
Waldholtz

☐ 1735

The Clerk announced the following pairs:

On this vote:

Ms. McKinney for, with Mr. Bilbray against.

Mrs. Collins of Illinois for, with Mr. Bono against.

Mr. MORAN changed his vote from "aye" to "no."

So the amendment to the amendment in the nature of a substitute was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN pro tempore (Mr. LINDER). The question is on the amendment in the nature of a substitute offered by the gentleman from Alaska [Mr. YOUNG], as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the substitute recommended by the Committee on Resources.

Mr. Chairman, I rise in support of the amendment in the nature of a substitute recommended by the Resources Committee. The legislation before us today, H.R. 70, will permit the export of Alaskan North Slope oil if carried in U.S. flag vessels. Under the terms of the bill, the President retains the authority to retract these oil exports in an emergency and would only authorize these exports with an appropriate environmental review and with a determination that the exports would not reduce the amount of oil available to the United States.

In addition, the bill preserves the ability of countries such as Israel, which have a bilateral supply agreement with the United States, to acquire oil supplies without being subject to United States-flag transportation requirements.

Enactment of this legislation will benefit our merchant marine at the same time that it will decrease our dependence on foreign oil. A 1994 report issued by the Department of Energy concluded that lifting the ban on the export of Alaskan North Slope oil would add up to $180 million in tax revenue to the U.S. Treasury and would create up to 25,000 jobs by the turn of the century, while preserving 3,300 maritime jobs.

In response to concerns about the bill voiced by the Commission of the European Communities concerning this legislation, I have sought and received assurances from the Office of the U.S. Trade Representative that the provisions of H.R. 70 are consistent with our obligations under the World Trade Organization and the Organization of the Economic Cooperation and Development.

As part of my statement, I request the inclusion of a copy of a letter, dated July 24, I have just received from the U.S. Trade Representative, confirming that the provisions of the bill do not present any legal problem for the United States.

It is my expectation that in a conference with the other body on this legislation, conferees from the International Relations Committee will closely monitor this issue and will ensure that the committee continues to exercise jurisdiction over short supply controls pursuant to the Export Administration Act.

I compliment the distinguished chairman of the Resources Committee, Mr. YOUNG, for his many years of work on this important issue and for his balanced and well-crafted bill before us today. Accordingly, I urge my colleagues to vote "yes" on H.R. 70.

U.S. TRADE REPRESENTATIVE,
Washington, DC, July 24, 1995.

Hon. BENJAMIN A. GILMAN,
House of Representatives, Washington, DC.

DEAR CHAIRMAN GILMAN: This replies to your letter of June 14, 1995 requesting information on the implications of the cargo preference provisions of H.R. 70 on our obligations under the World Trade Organization and the OECD, and on whether those provisions violate any trade agreements. As we understand it, H.R. 70 would require that exported ANS oil be carried on vessels that are U.S.-flag and U.S.-crew, but not U.S.-built.

As to WTO violations, I can state categorically that H.R. 70, as currently drafted, does not present a legal problem. Further, we do not believe that the legislation will violate our obligations under the OECD's Code of Liberalization of Current Invisible Operations or its companion Common Principles of Shipping Policy.

Moreover, the OECD does not have a mechanism for the settlement of disputes and its associated right of retaliation. While Parties to the OECD are obligated to defend practices that are not consistent with the Codes, the OECD process does not contain a dispute mechanism with possible retaliation rights. (The OECD Shipbuilding Agreement, by contrast, does contain specific dispute settlement mechanisms, although the Agreement does not address flag or crew issues).

I would also like to address the implications of H.R. 70 on the GATS Ministerial Decision of Negotiations on Maritime Transport Services (Maritime Decision), which is the document that guides the current negotiations on maritime in the WTO. The Maritime Decision contains a political commitment by each participant not to adopt restrictive measures that would "improve its negotiating position" during the negotiations (which expire in 1996). This political commitment is generally referred to as a "peace clause." Actions inconsistent with the peace clause, or any other aspect of the Maritime Decision, cannot give rise to a dispute under the WTO, since such decisions are not legally binding obligations.

There are, of course, potential implications for violating the peace clause by adopting new restrictive measures during the course of the negotiations. These implications could include changes in the willingness of other parties to negotiate seriously to remove maritime restrictions and might lead to certain parties simply abandoning the negotiating table. But the Maritime Decision does not provide the opportunity for retaliation.

Our view is that the U.S. flag preference provisions of H.R. 70 do not measurably increase the level of preference for U.S. flag carriers and actually present opportunities for foreign flag vessels to carry more oil to the United States, in light of the potentially new market situation resulting from enactment of H.R. 70. Thus, it would be very difficult indeed for foreign parties to make a credible case that the U.S. has "improved its negotiating position" as the result of H.R. 70.

I trust this information is of assistance to you. Please do not hesitate to contact me or the staff should you need more information.

Sincerely,

MICHAEL KANTOR.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose, and the Speaker pro tempore, Mr. LAHOOD, having assumed the chair, Mr. LINDER, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 70) to permit exports of certain domestically produced crude oil, and for other purposes, pursuant to House Resolution 197, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. GEJDENSON. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 324, noes 77, not voting 33, as follows:

[Roll No. 557]

AYES—324

Abercrombie
Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dixon
Doggett
Dooley
Doolittle
Dornan
Dreier
Duncan
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Farr
Fawell
Fazio
Fields (LA)
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Hilleary
Hobson
Hoekstra
Hoke
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kasich
Kennedy (MA)
Kennedy (RI)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Manton
Manzullo
Martinez
Martini
Matsui
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Meek
Menendez
Meyers
Mfume
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Neal
Neumann
Ney
Norwood
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Peterson (FL)
Petri
Pickett
Pombo
Pomeroy
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Reed
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Traficant
Tucker
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—77

Baldacci
Barrett (WI)
Becerra
Bishop
Bonior
Clay
Clyburn
Conyers
Costello
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doyle
Dunn
Durbin
Eshoo
Evans
Fattah
Filner
Furse
Gejdenson
Gephardt
Gutierrez
Harman
Herger
Hinchey
Holden
Jacobs
Johnson (CT)
Johnson (SD)
Kanjorski
Kelly
Kennelly
Kildee
Kleczka
Klink
Lantos
Lewis (GA)
Lofgren
Maloney
Markey
Mascara
McDermott
McHale
Metcalf
Miller (CA)
Mineta
Minge
Mink
Nadler
Oberstar
Obey
Olver
Pelosi
Peterson (MN)
Rahall
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Slaughter
Smith (WA)
Stark
Tate
Taylor (MS)
Thompson
Vento
Volkmer
White
Williams
Woolsey
Wyden
Yates

NOT VOTING—33

Baesler
Baker (LA)
Barcia
Bateman
Bilbray
Brown (CA)
Burr
Clement
Collins (IL)
Collins (MI)
Ewing
Fields (TX)
Ford
Gillmor
Hansen
Hilliard
Hostettler
Jefferson
Kaptur
McKinney
Moakley
Nethercutt
Nussle
Owens
Porter
Ramstad
Rangel
Reynolds
Seastrand
Torres
Torricelli
Towns
Velazquez

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The Clerk announced the following pairs:

On this vote:

Mr. Burr of North Carolina for, with Mrs. Collins of Illinois against.

Mr. Hostettler for, with Ms. Kaptur against.

Mr. Bilbray for, with Ms. McKinney against.

Mrs. MALONEY changed her vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. CLEMENT. Mr. Chairman, due to a delay in my flight from Nashville, I was unable to cast a vote on rollcall vote 557. Had I been present I would have voted "yea" on final passage of H.R. 70.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, on July 24, during rollcall No. 556, the Miller of California amendment to the Young of Alaska substitute, and 557, passage of H.R. 70, Alaska oil bill, I was unavoidably delayed. Had I been present, I would have voted "yes" on 556 and "no" on 557.

PERSONNAL EXPLANATION

Mr. FIELDS of Texas. Mr. Speaker, I was unavoidably detained during rollcall votes 555–557 on Monday, July 24. Had I been here, I would have voted "no" on rollcall 555; "no" on rollcall 556; and "yes" on rollcall 557, which was a final passage of H.R. 70.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The CHAIRMAN. Pursuant to House Resolution 194 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for further consideration of the bill, H.R. 2002, making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Friday, July 21, 1995, amendment No. 10 offered by the gentleman from Michigan [Mr. SMITH] had been disposed of, and title I was open for amendment at any point.

Are there further amendments to title I?

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on any amendment to title I and any amendments thereto be limited to 15 minutes each, and that the time be equally divided, with the exception of any amendment offered by the gentleman from Pennsylvania [Mr. FOGLIETTA] and the gentleman from New York [Mr. SOLOMON].

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. DEFAZIO. Reserving the right to object, Mr. Chairman, there are a number of vital amendments, and particularly the one relating to the Coast Guard, where we have quite a few speakers. If we could get 10 minutes per side for that one, or if the Chairman would want to accept the amendment, of course we would not have to debate it, or if the Chairman would want to cede some of his time, so we could get at least 10 minutes on our side, I would not object.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I asked unanimous consent that all debate on any amendments to title I and any amendments thereto be limited to 15 minutes each and that the time be equally divided, with the exception of any amendment offered by the Coast Guard, one for the gentleman from Oregon [Mr. DEFAZIO] and the gentleman from Ohio [Mr. LATOURETTE] and the gentleman from Pennsylvania [Mr. FOGLIETTA] and the gentleman from New York [Mr. SOLOMON], and that the Coast Guard amendment be limited to 20 minutes, 10 minutes on each side.

Mr. DEFAZIO. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

AMENDMENTS OFFERED BY MR. LA TOURETTEN

Mr. LATOURETTE. Mr. Chairman, I offer two amendments, amendments numbered 24 and 25, and I ask unanimous consent that they be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentleman from Ohio?

Mr. COLEMAN. Reserving the right to object, Mr. Chairman, the only amendment I have in front of me is one that dealt with $6 million and an additional $6 million at one place in the bill. Is the gentleman offering a second amendment at the same time?

Mr. LATOURETTE. Mr. Chairman, will the gentleman yield?

Mr. COLEMAN. I yield to the gentleman from Ohio.

Mr. LATOURETTE. That is correct, Mr. Chairman. Number 25 has restrictive language. The reason for the en bloc request is it should be considered at the end of the bill as restrictive language indicating that the Coast Guard cannot spend the funds within the bill for the purpose of closing or downsizing small boat stations.

Mr. COLEMAN. Mr. Chairman, I object, and I will give the reason why, if I could continue to speak under my reservation of objection.

Mr. Chairman, the problem with the second amendment is that it therefore totally eliminates any funds being made available to close, consolidate, realign, or reduce any Coast Guard small boat station, as I understand it.

Mr. LATOURETTE. That is correct.

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Mr. COLEMAN. The first amendment, on the other hand, deals with a reduction from the Secretary's office, I believe, of $6 million and adding that amount to the Coast Guard; is that right?

Mr. LATOURETTE. That would be correct.

Mr. COLEMAN. Let me just say to the gentleman, I think his second amendment may indeed affect some of the other pending amendments with respect to the Coast Guard closure of stations. For that reason, I would ask the gentleman to not offer them en bloc but, rather, go ahead and offer them separately.

Mr. LATOURETTE. If the gentleman would yield further under his reservation, if the gentleman is referring to the potential DeFazio amendment, I believe, which deals with the same issue, I believe that his amendment will not be forthcoming and he is as a matter of fact the principal cosponsor of this particular block of amendments.

Mr. COLEMAN. Let me again, however, suggest that it is for that reason that I think and because we may need some additional time on debate for that second amendment, that I would object to their being considered en bloc and would ask the gentleman to offer his first amendment first, we dispose of that, and then to go to the second one, again operating under the time limits to which the House has now agreed, time to be divided equally. I would ask the gentleman to do that.

Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

AMENDMENT NO. 24 OFFERED BY MR. LATOURETTE

Mr. LATOURETTE. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 24 offered by Mr. LATOURETTE: Page 2, line 8, after the first dollar amount, insert the following: "(reduced by $6,000,000)".

Page 7, line 20, after the dollar amount, insert the following: "(increased by $6,000,000)".

The CHAIRMAN. Under the previous order of the House, the gentleman from Ohio [Mr. LATOURETTE] will be recognized for 10 minutes, and a member opposed will be recognized for 10 minutes.

The Chair recognizes the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Chairman, I yield myself such time as I may consume.

This amendment when considered with the amendment that will be offered later in the bill deals with and revisits the question of the multimission small boat unit streamlining plan developed by the U.S. Coast Guard.

Members may recall that during the markup and also floor consideration of the Coast Guard Authorization Act, a similar amendment at that time offered by the gentleman from Ohio [Mr. TRAFICANT] was considered. While there were in fact many sympathetic Members on the floor, the theme of fiscal restraint and where the heck is the money going to come from heavily weighted on some votes.

This amendment, together with the amendment to be offered later in the bill, transfers $6 million from the Secretary's O&M account to the Coast Guard. The second amendment would then add restrictive language that would protect funds in the bill to be used to close or downsize small boat stations.

This is a bipartisan amendment whose principal sponsors include the gentleman from Oregon [Mr. DEFAZIO], the gentleman from New Jersey [Mr. PALLONE], and the gentleman from Ohio [Mr. BROWN]. I am offering this amendment because it is an amendment that just makes sense.

The U.S. Coast Guard's small boat stations save lives and greatly contribute to safety. They ensure a rapid response to emergency calls. When a small boat station is closed, safety is placed at risk.

Like many people on the floor, I consider myself to be fiscally responsible and conservative and I am as committed as anyone to making our Government smaller, less intrusive and more accountable. I am also strongly in favor of balancing the budget.

While I understand and appreciate that the Coast Guard is taking its streamlining program so seriously, the $6 million in savings that will be achieved from shutting down these stations is minuscule when you consider the big picture, which is overall savings of $400 million. What price tag do we put on maritime safety?

We have all been told that the Coast Guard is making some remarkable advances in search and rescue due to new technology. Boats that used to travel 12 knots now travel 27. Helicopters can reach the highest of speeds. However, who wants to explain to the mother whose child is drowning that, "Ma'am, the boat that we sent to rescue your boy was the fastest that we could find but it just had to travel too far to get there"?

Advanced technology will not sell to the grief-stricken. Fast boats and fast helicopters are no consolation.

I have the highest praise for the U.S. Coast Guard. Its service is second to none. In fact, just this past week the Coast Guard valiantly rescued a couple from Lorain, OH whose boat went vertical in a matter of seconds in one of Lake Erie's famous storms. For over 8 hours this couple clung to what was left of their boat in 66-degree water. Finally the storm passed, the sun came out, and a rainbow formed. The gentleman saw the rainbow and said to this financee, "That is God's covenant with us." I would argue that the arrival of the Coast Guard was also God's covenant as the Coast Guard so often performs miracles.

This amendment saves the stations and finds the dollars to do it. I ask support for the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] is recognized for 10 minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Its Members are listening, they should know that the House has already voted on this issue. It was soundly defeated 2 months ago by a vote of 272–146. The House has already expressed its will on this issue. I do not believe any significant new information has been received over the last 2 months to make a difference.

If Members care about the deficit, the Coast Guard needs the flexibility to close the facilities they no longer need. They have determined that these stations are no longer needed. We should not be requiring the Coast Guard to keep open facilities they say they do not need and they do not want, especially in a time when we are cutting their budget and asking them to become more efficient.

The amendment would result in a situation quite frankly unfair to Coast Guardsmen and their families. At some of the current units which the Coast Guard wants to close, Coast Guard staff are required to work more than 90 hours. It is kind of like being in the House of Representatives. Ninety hours a week these Coast Guardsmen are working. This jeopardizes the safety of those being rescued, and diminishes the quality of life of the Coast Guardsmen and their families.

In addition, I say to the gentlemen on that side—and I do not know how many on this side care—the amendment would reduce the funding to the Office of the Secretary, which happens to be the Secretary of Transportation.

In closing, Mr. Chairman, we have already made deep cuts in the Office of the Secretary. This bill would provide $215 million, which is 62 percent below the administration's request. Salaries and expenses are reduced by 12 percent. These are severe reductions and would be made even worse.

The amendment is opposed again by the Coast Guard. It is opposed by the Secretary of Transportation. It is opposed by the chairman of the Coast Guard authorizing subcommittee. We have already voted against this issue overwhelmingly by a vote of 272–146. It will be interesting to see if anyone switches their vote. Mr. Chairman, because there have been no issues that have changed at all.

Mr. Chairman, I strongly oppose the amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Chairman, I yield 1½ minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN of Ohio. I thank the gentleman for yielding me the time.

Mr. Chairman, I rise today with the gentleman from Ohio [Mr. LATOURETTE] to support his amendment. The amendment transfers $6 million from the Office of the Secretary of Transportation to the Coast Guard.

It is budget neutral. Those of us that are budget-cutters on this floor, that have been willing to vote to kill the super collider, kill the space station or make budget cuts across the board, understand that this is budget neutral, takes money from one part of the Department of Transportation and puts money in the Coast Guard.

This amendment is about public safety. As we talk about police on the streets, we talk about making sure that the Coast Guard is there to provide the kind of public safety and public service that people that live on lakes and oceans and waterways in this country have come to expect.

The Coast Guard, because it is about public safety, has rescued people that are drowning. It has rescued people in fires. It has rescued children that fall through the ice in places like the Great Lakes.

The Coast Guard does drug interdiction, it enforces environmental and fishing laws, and the Coast Guard enforces and looks out for boat safety. Whether it is speeding through a harbor in Lorain or in Ashtabula, whether it is alcohol problems from boat operators, the Coast Guard is there to enforce those kind of safety regulations.

There is nothing more important than public safety. It is important that we recognize that in the Coast Guard, that this funding, budget neutral, be transferred so that the money is there to keep the Coast Guard operating at full force.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Mrs. FOWLER].

Mrs. FOWLER. Mr. Chairman, I rise in opposition to the amendment.

This amendment prevents the closure, consolidation, realignment, or reduction of any Coast Guard search and rescue station in fiscal year 1996. A similar amendment was defeated in the Transportation and Infrastructure Committee and on the House floor during debate of the Coast Guard authorizing bill. All of those who voted to defeat this amendment before should do so again today.

The Coast Guard must have the management flexibility to respond to changing search and rescue needs. The population needs and demographics which led to the initial placement of these Coast Guard stations has changed. Further, the technology regarding search and rescue missions has changed to allow a single station to cover greater areas than before.

Many search and rescue stations were established over 100 years ago when rowboats were used to conduct rescues. Certainly, we must allow the Coast Guard the necessary flexibility to change their operations to reflect both the changes in population needs and technological advances.

The GAO has endorsed the process used by the Coast Guard to evaluate these changes. Further, the authorizing legislation passed by the House requires the Secretary of Transportation to determine that safety will not be diminished before any station can be closed.

While I realize it may seem difficult to those living near and under the close protection of a search and rescue station to watch that station be closed and for that same protection to come from a station of greater distance. But I am confident that all the necessary safety considerations have been taken.

I urge my colleagues to oppose this amendment.

Mr. LATOURETTE. Mr. Chairman, I yield 1½ minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. I thank the gentleman for yielding me the time.

Mr. Chairman, this is not the same amendment that we voted on during the authorization. This deals both with small boat closures, small boat lifesaving closures, and the consolidation issues. It is paid for. It is budget neutral, which the Traficant amendment during the consideration of the authorization was not.

This whole attempt on the part of the Coast Guard to jam through these closures is going to cost lives around the country. It is not well thought out. They told us they took into account the cold water conditions of the Pacific Northwest. All those things were in the parameters.

No, they were not. When I asked for the data, in fact there were strangely some stations that met the parameters for closure but somehow fell off the final list. But mine were still on, as were others around the country. It is some politics going on here, folks. Politics are going to cost lives.

They said, "Well, don't worry. Whenever we downsize or close something, we'll put people at adjacent stations." I have a 200-mile section of coast where every Coast Guard station is being reduced or closed. Oregonians are going to drown.

It happened in 1988 when the Bush administration closed those small boat stations. We had three deaths within a month. People are going to drown. You cannot tread water for 40 minutes in the North Pacific and live to wait for the rescue helicopter. We will pick up corpses with the rescue helicopters, not living citizens.

Vote "yes" on this amendment. Save lives and cut bureaucracy.

Mr. WOLF. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. COLEMAN], the ranking member.

Mr. COLEMAN. I thank the gentleman for yielding me the time. I really may not need that much time, and I will be happy to yield it back to the gentleman from Virginia if I do not use it all.

Mr. Chairman, first of all let me say the issue itself that the Coast Guard brought before the committee concerning downsizing and efficiency of operation, I think they made their case in front of the committee, the Subcommittee on Transportation of the Committee on Appropriations, that indeed this was a cost-cutting, appropriate thing to do. That is the reason that my colleague got the 10 minutes in order to be opposed to this particular amendment.

Let me give one of the problems that I have with the amendment and the reason I asked for it to be divided. It was not only the fact which I thought we can make and still believe we can make into a very valid debate—and maybe we can write legislation here on the floor, which many of us think is not a good idea—that indeed some of us believe the authorizing committee should certainly have something to say about whether or not the Coast Guard keeps these open or not.

I am not an expert in this area at all, and will readily admit that. The testimony I heard indicated that it was appropriate, but we did not hear from many people who live along these coastlines. I think it would have been appropriate to us to have done so.

Let me also say that the problem with offering an amendment in this fashion also is that they had to find $6 million from somewhere. Well, where? Everyone says, "Let's go to the Office of the Secretary because there's some money there."

Well, we have done that, by the way, in this bill, over and over and over again. It is not the first time that that has happened. In fact, the committee itself pretty well decimates the Office of Secretary.

I hope all of the people understand that when you go to these places for money, when you call over there and expect some response to your congressional office, you do not plan on getting it anytime soon. Ultimately, when you keep making these kinds of cuts, and you demand information for your constituents from DOT, about the FAA or about an airport in your district, you are not going to necessarily get a call real quick back. Do not expect that as long as you continue to make these kinds of cuts.

Let me point out that we cut, in this subcommittee, the Office of the Secretary by $2.5 million already. We are $3 million or 5.3 percent below the fiscal year 1995 level. The substantial reduction that is being proposed here of an additional $6 million once again would put us 15 percent below the 1995 level.

□ 1815

Well, they can eat that; right? With no harm? Well, I begin to question that, ultimately, if my colleagues do not listen to the testimony that we listened to.

I know many of my colleagues who are not on Appropriations think that we just have these numbers and they are nebulous and do not count. We find out how many people they actually have working in these offices. How far-flung is the Secretary of Transportation's office? Well, pretty good size. It has within it the Coast Guard. It has within it the Federal Highway Administration. It has within it the Federal Aviation Administration.

So I simply say to my colleagues that before we start making these kinds of cuts, if we really want to take this amount of money, let us find it someplace where we can all have a serious debate about the proper location for finding these dollars.

Those of us who represent districts that have a good deal of concern with mass transit or with buses, certainly with highways, we intend to get responses from the Department. We have questions and things change, conditions change where we intend to lay down future transit operations, we expect the Department of Transportation to respond; do we not?

Well, they are not going to be able to if we continue to make these kinds of cuts, and it is for that reason I asked that the question be divided or that the gentleman not be permitted to offer the amendments en bloc.

Do not take the $6 million out of here. Even if we pass the second amendment, I would say to my colleagues in the House, we can then determine where we find the dollars so that the Coast Guard would have the amount of money to keep open the stations.

Mr. LATOURETTE. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I just want to stress that my colleagues and I have spent a lot of time over the last 6 months looking into this issue and our concern is over human lives. We know and we can document that people's lives can be lost if this amendment is not passed.

What is happening, by closing small boat stations, we are creating great distances between the stations and increasing the Coast Guard's response time and basically making it impossible for the Coast Guard to be successful in responding to life-threatening situations.

Mr. Chairman, we are talking about $6 million for something like 23 stations and even more that are going to be downsized. It seems to me that $6 million is simply so small an amount of money to talk about a few lives that are going to be saved by passing this amendment, that it really is almost unconscionable for us to worry about that $6 million when we are talking about human lives.

Mr. LATOURETTE. Mr. Chairman, I yield 1½ minutes to the gentleman from Wisconsin [Mr. ROTH].

Mr. ROTH. Mr. Chairman, if any Member of Congress is interested in boating safety, this is the amendment for them.

Mr. Chairman, I can tell my colleagues from personal experience in Dorr County, WI, that our Coast Guard has saved many a life. Washington Island Station is located in an extremely popular tourist area of Dorr County. This scenic peninsula juts out into Lake Michigan and attracts a very high level of boat traffic. It has over 80 miles of coastline, more coastline than any county in the United States, and that is why the Coast Guard has just renovated the Washington Island Station at a cost of some half a million dollars.

Now they come along and they say they want to close it. Well, in the last year, the Coast Guard rescued four injured people. The Coast Guard says, well, the other stations can respond in an emergency within 30 minutes.

Mr. Chairman, waiting for 30 minutes for a pizza may be all right, but it certainly is not all right if you are on a stranded boat or in a capsized boat, and that is why I think this amendment is so important.

I have people from all over the area who have written me. Here is a person who knows what is going on, Doc Randley. He says, "Emergencies and disasters happen; without the Coast Guard, people will be in peril."

Here is another person that writes, R. J. Hartman, and he said, "Will you please explain to me why the U.S. Coast Guard was allowed to spend $400,000 to $500,000 of taxpayers' money, only to terminate the facility 4 months later."

Mr. Chairman, this is not good planning. The amendment before us corrects the situation, and I ask my colleagues to vote for this amendment.

Mr. LATOURETTE. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. STUDDS].

Mr. STUDDS. Mr. Chairman, I rise in passionate support of this amendment. While I regret the possibility of a delay in information from the Secretary of the Interior, I even more deeply regret the delay in the arrival of the Coast Guard in response to an SOS.

We are told not to worry, that there is going to be 2 hours response time uniformly around the country. Let me just suggest that if one of us has the misfortune of being in the water in the winter, we damn well better be in Florida and not in the northwest Atlantic off New England, because 2 hours is absolutely academic; it is long.

We will be able to put a dollar value on human life, Mr. Chairman, if this amendment is rejected, because 2 or 3 years from now we will be able to tell exactly how many lives were lost that otherwise would have been saved, divide by $6 million, and at long last we will have an answer to the question: What is a human life worth? For God's sake, support this amendment.

Mr. LATOURETTE. Mr. Chairman, I yield the balance of my time to the gentleman from Maine [Mr. BALDACCI].

Mr. BALDACCI. Mr. Chairman, there were tragedies in Maine when, in 1990, the Coast Guard station temporarily closed down in Eastport, ME. It closed down for approximately 14 months and during that time, two people drowned. This tragedy was a terrible blow to the community. If the station had been operational, there is a possibility that those lives could have been saved.

Mr. Chairman, I know the appropriations and the budget process have to come together, but when we are talking about human lives, and in Eastport, ME, there were two lives that were drowned because of the lack of that station. This is the documentation for me.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment ought to be defeated, because if Members remember how they voted last time, just 2 months ago, they voted to defeat the amendment then.

Second, if we cannot do this, then frankly we have to fold up our tents and say we are never going to deal with our deficit, because this is a closure that is supported by the Coast Guard. It is also supported by the authorizing committee, which has looked into this. The gentleman from Texas [Mr. COLEMAN] says the Secretary of Transportation's office has already been decimated. So as we vote, I think it is a good clear vote. The Coast Guard needs the flexibility. They oppose the amendment. It is opposed by the Coast Guard authorizing committee. It would destroy the whole deficit reduction program.

Mr. Chairman, I strongly urge a "no" vote on the amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. LATOURETTE].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. LATOURETTE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Ohio [Mr. LATOURETTE] will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. FOGLIETTA

Mr. FOGLIETTA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOGLIETTA: Page 14, line 7, strike "$60,000,000" and insert "$195,000,000".

Page 25, line 24, insert after the dollar amount the following: "(increased by $135,000,000)".

Page 25, line 25, insert after the dollar amount the following: "(increased by $135,000,000)".

Page 26, line 3, insert after the dollar amount the following: "(increased by $135,000,000)".

Mr. FOGLIETTA (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, close in 20 minutes for each side. I was thinking 20 minutes total. But if the gentleman from Texas [Mr. COLEMAN] would like, 15 minutes each side for a total of 30 minutes.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. COLEMAN. Mr. Chairman, reserving the right to object, just so the majority and the minority can, in fact, do this on the amendments that may take a bit of time, I would ask the gentleman from Virginia [Mr. WOLF] if he would consider amending his unanimous-consent request so that it be divided for 10 minutes for the author, 10 minutes for the minority side, and 10 minutes for the majority side on the issue.

Mr. WOLF. Mr. Chairman, is the gentleman opposed to the amendment?

Mr. COLEMAN. Yes, I am.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that the author be given 10 minutes, 10 minutes for the ranking minority member and 10 minutes for the majority.

Mr. COLEMAN. Mr. Chairman, did the gentleman ask if I supported the amendment?

Mr. WOLF. Mr. Chairman, I asked if the gentleman opposed the amendment.

Mr. COLEMAN. No, I support the amendment.

Mr. WOLF. Mr. Chairman, then I do not think that would be fair. I think we ought to go 20 and 20.

Mr. COLEMAN. Mr. Chairman, that would be fine.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. FOGLIETTA] will be recognized for 20 minutes and the gentleman from Virginia [Mr. WOLF] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise with my colleague, the gentleman from Pennsylvania [Mr. FOX], to offer a bipartisan amendment to keep our Nation's buses, trolleys, and subways on track. I ask my colleagues this: What does a pipefitter in South Philadelphia have in common with an elderly couple in Davenport, IA, or with a mother trying to get off welfare in Parkersburg, WV?

Mr. Chairman, what they have in common is that they all depend on mass transportation. A subway takes the pipefitter to his job in the Philadelphia Navy Yard. A Dial-a-Van takes the elderly couple in Iowa to visit the doctor and a bus gets the welfare mother to her first job in Parkersburg. Mass transit is more than just metal and rubber on buses; it is more than just subway cars and vans; it is an investment in people and in self-sufficiency.

Mr. Chairman, it is shortsighted and wrongheaded policy to back away from Federal support of mass transportation, because what will happen if the committee cut in transit assistance happens? In Philadelphia, the transit fare, the second most costly fare in America, may increase by 3 percent or service will be drastically cut.

The van fare in Davenport will increase by 150 percent. A ride on one of Parkersburg's seven buses will increase by 135 percent. Transit is a priority all across America; in big cities, small towns and suburbs, and farm country.

I recognize the difficulties my chairman, the gentleman from Virginia [Mr. WOLF], faced in putting together this bill. These are tough budget times. We are all trying to do more with much less. Transportation is no different, but unfortunately, equity was not achieved. The Federal highway program gained an $800 million windfall, while mass transit took 60 percent of the reductions in this bill. Transit operating assistance was slashed by 44 percent. Across the country, fares will go up and services will be cut.

With the reduction in operating assistance contained in this bill, it is estimated that in 43 small cities and towns across the country transit service will cease to exist. Transit services could end in Mansfield, OH; Greeley, CO; Nashua, NH; Yakima, WA; Muskegon, MI; Amarillo, TX; and Iowa City, IA. The list goes on and on.

Mr. Chairman, who will be the victims? In many smaller towns, the victims will be senior citizens; the same senior citizens who will receive dramatic increases in their Medicare. Our amendment restores a modest $135 million for transit operating assistance. It rescinds $135 million from the FAA's facility and equipment unobligated balances. The FAA has $178 billion unobligated in this account.

☐ 1830

My chairman has already taken back $60 million from this balance in the bill. Some funds have been idle since 1991.

We need to make a small proportion of this money work for us right now. It still will be, if we take this money out, $1.58 billion in this account, and in fiscal year 1996, we will be adding an additional $2 billion.

Later today we will also be offering a second amendment to provide the outlay authority to fully offset this increase in transit assistance.

The second amendment would limit the obligations in highway demonstrations to $200 million in fiscal year 1966. We wanted to be true to the principles of budget discipline. That is why pork-busting Citizens Against Government Waste have endorsed our amendment.

The administration requested elimination of highway demonstration project obligations in their budget request for the Department of Transportation. There are billions of dollars' worth of projects that our authorizing committee included in their bills.

These projects are 5 to 12 years old. This is a rational way to control spending. But let me make one thing clear: The amendment does not rescind or cancel a single highway demonstration project. I repeat, the amendment does not kill a single highway project or reduce funding for these projects.

This battle always comes down to a fight between highways and mass transit, but this is wrong. Transit and highways should not compete. They should complement each other.

I guarantee you the drivers in your district support this amendment. They want people who take transit to work today to be in their cars tomorrow? I do not think so. Drivers and transit riders share a common interest.

We have to support this shared goal by investing in transit.

Support the Fox-Foglietta amendment.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is the gentleman from Virginia [Mr. WOLF] opposed to the amendment?

Mr. WOLF. I am opposed to the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from Virginia [Mr. WOLF] for 20 minutes in opposition.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly oppose the amendment. I think when people come over here to vote on this, they ought to think in terms of airline safety.

There are major problems with this amendment. It takes away funds from ongoing projects approved by Congress and a need to revitalize the air traffic control system across the country. Every time Pena comes up here, they talk about the air traffic control system over and over and over. This would hurt that very, very badly. Any Member thinking in terms of flying has been concerned about it. It is one thing to rescind funds that are no longer needed for pork-barrel projects. It is another thing to disrupt needed, ongoing programs. That is exactly what the gentleman's amendment does. It cuts programs needed for radar and communications systems all across the country.

The air traffic control system is falling apart. The bill before us today adds $90 million above, $90 million above the administration's request to put the system back in a good state of repair.

The gentleman's amendment would allow the FAA to take most of the money we added in the bill for safety-related equipment away. Many of you know the disaster safety records we have seen over the past year in aviation. This has been one of the worst years in aviation.

We need additional funding for safety systems, the terminal Doppler radar. You recall what happened down in Charlotte, the wind sheer alert system. So for that one reason alone, as many others, and I know the gentleman from Pennsylvania [Mr. SHUSTER] will cover it.

I am strongly opposed to the amendment.

The gentleman wanted to put more money into mass transit. We were sympathetic. Quite frankly, if you really want to help mass transit, when we have a vote tonight on 13(c), if you really want to help mass transit and lower the fares, you will also vote to eliminate the 13(c).

This amendment is not the approach.

Mr. FOGLIETTA. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Pennsylvania.

Mr. FOGLIETTA. Mr. Chairman, first of all, I believe we want to help mass transit. We want to help mass transit by using funds which are not going to be obligated this year; second, not by aiding mass transit by putting the aid on the backs of the working people of this country who work for mass transit.

The gentleman, and I am sure rightfully, declares that he is concerned about traffic safety, air traffic safety. Well, the fact remains the chairman himself rescinded $60 million from this account.

Now, even with your withdrawal and my withdrawal, our rescissions, we still have $1.58 billion in the account, and this year we are putting in $2 billion more.

Mr. WOLF. Reclaiming my time, the committee, on page 62, strongly, strongly talks in terms of safety. It says—

> the Committee has placed the strongest emphasis on maintaining, and improving wherever possible, transportation safety around the nation. Because of significant concerns over the past year regarding the state of aviation safety, the Committee feels strongly that additional funding emphasis should be placed on new safety-related equipment. Among other things, this equipment will provide controllers, pilots, and airline dispatchers a more accurate and up-to-date understanding of dangerous weather conditions and provide a clearer picture and automated alerting of potential conflicts between aircraft maneuvering on airport surfaces.

This amendment would not be good for aviation safety. This amendment would allow many of these programs to be cut, and you could talk about helping mass transit, which is fine, but you do not want to do it by taking money away from aviation safety.

Mr. Chairman, I reserve the balance of my time.

Mr. FOGLIETTA. Mr. Chairman, I yield 5 minutes to my colleague, the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, the amendment my distinguished colleague, TOM FOGLIETTA, and I are offering today is one of importance to me and to those who represent urban, suburban, and rural districts alike.

One component of the Nation's transportation system, mass transit, will take a dramatic cut in funding as part of our overall effort to move toward a balanced budget. The current fiscal year 1996 Transportation appropriations bill reduces funding for mass transit operating assistance from $710 million in fiscal year 1995 to $400 million in fiscal year 1996. That's a 40 percent reduction, which will be devastating to the Nation's bus, subway, and light rail systems.

This blow to mass transit comes at the same time highway funding is being increased by $800 million. This is unfair and wrongheaded policy. Highways and transit should complement each other, not compete against each other. Mass transit is more than metal and rubber, more than buses, subways and trains. It is critical to our cities, vital to the suburbs and a godsend to rural communities.

For example, my constituents from Montgomery County, PA, a suburban district outside Philadelphia, depend on buses, subways, and light rail systems to carry them to work, to school, to health care providers, and to recreational opportunities. In fiscal year 1995, Philadelphia received $28 million in operating assistance. Under the proposed Transportation appropriations bill, funding would take a dramatic and unfair decrease to $15 million.

This amendment is also about opportunity. Opportunity is a word and a concept that has gained great momentum on this side of the aisle and I know my colleagues on the other side of the aisle also appreciate our need to increase opportunities for all Americans. However, opportunities require access to be realized and mass transit provides that access.

As strong proponents of mass transit, Congressman FOGLIETTA and I have joined forces to restore a modest $135 million for operating assistance for mass transit in the fiscal year 1996 Transportation Appropriations bill.

It rescinds $135 million from the FAA's facility and equipment unobligated balances. The FAA has $1.78 billion unobligated in this account and some of the funds have been idle since 1991. No one is looking to interrupt any safety projects, nor would this funding do so.

Our proposed increase in the recission will still allocate $1.45 billion to the FAA. We need to take a small portion of this money work for us now. Later today, we will also be offering a second amendment to provide the outlay authority to fully offset this increase in transit assistance.

Our amendment demonstrates budget discipline. That is why we have received endorsement by the Citizens Against Government Waste.

Mass transit is of vital importance across America—in big cities, small towns, the suburbs, and farm country. However, the funding in this bill would be devastating.

Fares would go up, services would be cut. My colleague, the gentleman from Pennsylvania [Mr. FOGLIETTA] stated he has estimated 43 small cities and towns across the country, their transit service would cease, and in my hand, I could go into statistics about many other areas in the country severely impacted.

I know my colleagues are well aware of these numbers and facts. We all know the value in mass transit. We need only to step forward now and restore fairness to overall transportation policy.

I ask for a favorable vote for the Foglietta-Fox amendment.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

On page 66, Members ought to look, particularly Members from the Philadelphia area, Philadelphia National Airport,

> Airport movement areas safety system (AMASS).—Given this program's importance to aviation safety, the strong support of the National Transportation Safety Board, and recent calls for accelerated fielding by the FAA Safety Summit, the Committee recommendation includes an additional $20,000,000 for AMASS systems. The reommended level includes AMASS systems for airports in the following locations: Philadelphia, PA; Seattle, WA; Denver, CO (2 systems); Anchorage, AK; Miami, FL; Cleveland, OH; Dallas/Ft. Worth, TX; San Francisco, CA; Kansas City, MO; and Memphis, TN.

People want to ride transit. They want to ride airplanes safely. It would be wrong to take aviation safety money out to do this.

Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I join with the chairman of the Transportation Appropriation Subcommittee in strongly opposing this amendment.

This amendment would cut FAA capital funding to offset transit subsidies. This would rescind approximately $130 million from the FAA's facilities and equipment account.

What do these accounts include? These are safety accounts, safety-crucial equipment, such as aviation radars, air traffic control equipment, and weather detection equipment.

This amendment would significantly delay or even cancel the delivery of aviation safety equipment at hundreds of U.S. airports. This amendment would put the safety of air travelers at risk.

FAA has been criticized repeatedly about its inability to develop equipment more quickly. Now, if this amendment passes, equipment delays will no longer be the FAA's fault but the fault of the Congress. If this amendment passes, we will not know what safety-related aviation equipment is going to be delayed or canceled.

This amendment simply cuts $130 million. But it does not specify which safety program. It gives Congress' power over the purse away and hands it over to the bureaucrats down at FAA who will be the ones to decide whether it is your safety radar that is going to be eliminated and which cities should have a safety cut because of this amendment.

Last year's aircraft accidents north of Indianapolis and in North Carolina tragically emphasized how important weather information is to aviation. This amendment could cut weather detection programs.

The point is if this amendment passes, we will not know what programs will be cut. It is a blind cut. Since the majority of projects in the FAA's facilities and equipment account are for safety, this amendment will cut safety projects.

Finally, the amendment would cut FAA facilities and equipment funds which are supported 100 percent by the aviation trust fund. Aviation users pay into this trust fund, and they expect the taxes to support aviation capital projects.

The aviation taxes are not being spent now as intended, but if this amendment were to pass, it would further mask and distort the size of the deficit in that trust fund. If this amendment passes, it will reduce the aviation trust fund spending even further.

I strongly oppose this amendment and join with my colleague, the chairman of the Transportation Appropriations Subcommittee, the gentleman from Virginia [Mr. WOLF], in strongly urging a "no" vote on this antisafety aviation amendment.

Mr. FOGLIETTA. Mr. Chairman, I yield 30 seconds to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, the fact of the matter is we are dealing with unobligated funds, not safety projects as has been stated, and the fact also is the Department of Transportation did not ask for the $1.78 billion that is going to FAA.

No safety product will be cut. The fact is, $135 million needs to go to save our cities, our suburbs, our rural communities, so mass transit can live on, be well and be safe, as well as cars and as well as our airways for our planes and helicopters and the air transportation.

I think we need to talk about how all systems must work together.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I rise in opposition to this amendment.

This amendment would rescind approximately $130 million from FAA's facilities and equipment prior year accounts.

I oppose this amendment for three reasons.

First, crucial safety equipment is funded by the facilities and equipment account such as aviation radars, air traffic control equipment and weather detection equipment. This reduction would keep FAA from delivering aviation safety equipment to hundreds of U.S. airports. If airports don't have the necessary safety equipment, the traveling public will not be properly protected.

Second, this amendment fails to identify what projects will be reduced. We have no idea if radars in Missouri or landing aids in New York City will be cut. Under this amendment, FAA staff decides what programs to cut.

Finally, this amendment would cut FAA facilities and equipment funds which are supported 100 percent by the aviation trust fund. Aviation users pay into this trust fund and expect the taxes to support aviation capital projects.

I strongly oppose the Foglietta amendment and urge you to vote "no."

□ 1845

Mr. FOGLIETTA. Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. COLEMAN], the ranking member of the subcommittee.

Mr. COLEMAN. Mr. Chairman, I rise in support of this amendment which would soften what everyone here understands and knows, or should know, has been a severe blow to the mass transit programs. One of the deepest cuts in this bill is the cut recommended for transit operating subsidy, a reduction of $310 million or 44 percent below the current level that we spent in 1995. Now 44 percent cuts are pretty drastic. His amendment only softens the blow; it does not restore it. The cuts included will require deep reductions in transit services and steep increases in transit fares all across this country. To cut that will have a devastating impact on transit users throughout the Nation, but particularly in small urban areas and in rural communities.

I know when we say mass transit some people think, well, a mass transit worker must be in a big city. Well, that is just not the case. Those of us in west Texas understand the importance of this section of the bill. According to the Federal Transit Administration, if States and localities do not step in and make up the difference, and my colleagues and I know many of them will not or cannot, 43 smaller communities will face fare increases of more than 100 percent, and their transit systems are on a precipice of folding. Fifty other communities will face fare increases from 50 to 100 percent, and 61 communities could see their fare increased from 30 to 50 percent. Now those are data that we, the committee, has. It was made available to us, and yet this subcommittee went ahead and made what I consider to be improper and overly huge cuts.

Well, I will just say to my colleagues that I think what we need to understand is what the Foglietta amendment does. I hear all the objections coming from the other side about where he goes and gets the money on this section of the amendment. Where he is going of course is he is going to capital funding accounts in the FAA, and that is correct, unexpended balances. How many times have we heard we cannot keep money out there in agencies if we are not going to spend it? Well, they are keeping it. This is unexpended balances. In fact, $130 million is a lot of money, but taken with a total unobligated—balances that are out there; do my colleagues know what that total is? It is $1.7 billion, and this bill adds another $2 billion. So the $130 million out of the $3.7 billion in moneys to be expended is not that big a hit on that capital account.

Now the reality is we all know that with this self-imposed national emergency that we now have on our hands in the appropriations process we have got to look hard to find dollars. But my colleagues and I know that the Foglietta amendment does not do devastation to anything.

It is interesting to note my chairman, the gentleman from Virginia [Mr. WOLF], correctly said we were not going to do highway demonstration projects, and he kept his word, we did not, but that does not mean this Congress is not doing them. This Congress is doing them, and that is where we ought to get to also, some facts. The bill itself, this bill, will permit continued spending on the 539 highway demo projects authorized under ISTEA which are completely exempt from any spending controls.

I say to my colleagues, "The next time you talk to a conservative in this place, I want you to ask him how he voted on this particular amendment." That is the issue.

Let us all admit what we are doing here: 539 continuing highway demonstration projects. All the Foglietta amendment does is limit it, limit obligations to anything in excess of $200 million. He does not even cut those out. He was correct in his opening statement in telling everybody in this House that he was not cutting projects that are ongoing, he is not going to do that, it does not happen. It does not kill my colleagues' highway projects. What it simply says is that we have some spending controls with this amendment on 539 highway demonstration projects that this bill funds.

Mr. WOLF. Mr. Chairman, before I yield to the gentleman from California [Mr. MINETA] I yield myself such time as I may consume.

Let me say the ranking member in the committee talked a lot about aviation safety, and then all of a sudden he is not interested in it.

This deals with a terminal weather doppler system that, if it had been in effect in Charlotte, NC, the people probably would still be alive, and the money he is talking about taking is the money in this bill. It is unobligated because the bill has not passed. Once the bill is passed, they will obligate it; that is the way the process goes. The FAA cannot obligate money until we pass it, and that is what we are doing today. We are trying to pass the bill.

So my colleague was interested in the committee and talking about our cuts with regard to the FAA. We have made cuts, but my colleague wants deeper cuts.

Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I oppose the amendment offered by the gentleman from Pennsylvania, the proposed rescission of $130 million from the facilities and equipment account of the FAA. F&E is the important program which provides the funds needed to develop and purchase the capital equipment used in the air traffic control system. Much of this equipment development will enhance the safety of the system and save lives. I have in mind such projects as Terminal Doppler Weather Radar, which will improve our ability to detect hazardous windshear, and airport surface detection equipment which will help avoid collisions while aircraft are moving around the airport. The F&E account also supports FAA's extensive program to modernize the air traffic control system, which now relies on equipment which is several generations behind the current state-of-the-art in technology, and which is becoming increasingly difficult to maintain.

All of the funds for the FAA's F&E program are taken from the Airport and Airway Trust Fund, which is wholly supported by taxes paid by the users of the aviation system. The users are entitled to have us respect the promises made when these taxes were imposed, that the funds will be fully used for aviation programs and not diverted to other modes of transportation, however worthy.

The Appropriations Committee has been strict with the F&E program. Under the committee bill, funding for fiscal year 1996 is almost $100 million, or 5 percent below the funding for fiscal year 1995. There is no indication that the needs of the program are any lower this year. In addition, the committee has rescinded $60 million of prior year appropriations; this represents funds which were made available for several years, and which FAA has not yet committed.

The amendment proposes rescission of an additional $130 million from the F&E program. This will have serious adverse effects on FAA's ability to improve the safety and efficiency of the air traffic control system. There is no indication that the rescinded money is no longer needed. When this money was appropriated in prior years it was not expected that all of it would be spent in the first year; the money was made available for 3 years or more. The supporters of the amendment have not shown that any of the prior years' funding is no longer needed. Although some F&E projects have gone more slowly than anticipated they are going forward. If the money appropriated to support these programs is rescinded it will have to be reappropriated when the FAA is ready to spend it. In the difficult budget climate we will face, it is not realistic to expect that future year funding will be increased to make up for funds which were rescinded. Much or all of the rescinded funding will be lost forever.

In short, the pending amendment threatens the safety and efficiency of the air traffic control system. I urge defeat of the Foglietta amendment.

Mr. FOGLIETTA. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, let me say to the gentleman from Virginia $1.7 billion is unobligated. It has already been appropriated, and the gentleman himself cut $60 million under facilities and equipment, page 71 of the report, Mr. Chairman. In airport and highway trust rescission he has already cut $60 million out of it. The $130 million down to the $1.7 billion that has already been appropriated, that is how it does work, Mr. Chairman. Do not get worried about how it does, in fact, work. The gentleman has already rescinded that money. When I talked about highway safety, I am talking about the next section, research, engineering, and development, where he zeroed out a number of programs that he should not have.

Mr. FOGLIETTA. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. FLANAGAN].

Mr. FLANAGAN. Mr. Chairman, I rise in strong support of the amendment offered by the gentlemen from Pennsylvania, Messrs. FOX and FOGLIETTA. They have brought forward a well-crafted amendment, and urge my colleagues to support it.

Mr. Chairman, we all recognize that a sound national transportation system is critical to a robust economy. Without the ability to move goods and people efficiently, our economic engine would soon deteriorate and eventually stall.

Today, Americans spend nearly $1 trillion on transportation and related services, which represents nearly 17 percent of our gross domestic product. Each $1 billion spent on highways and transit generates approximately 60,000 direct and indirect jobs. Mass transit does not only produce economic benefits, it also helps to reduce congestion, energy consumption, and pollution.

With all this said, let us look at the appropriations legislation before us today. H.R. 2002 cuts mass transit operating assistance by $310 million. That's a 40-percent reduction. Combine this with the fact that there is also a 20-percent reduction in capital funding, and we're talking about huge reduction in Federal support for mass transit. But while Federal funding for public transportation is sharply reduced, unfunded Federal mandates and regulations which burden our regional transit systems by driving up the costs of doing business are not being cut in the same expedient fashion.

I believe that we will get there but not this fast and not in this fashion.

Today, many of our regional transportation authorities are fighting for financial life. In order to survive, they're constantly trying to do more with less. But, they can do only so much until they reach the breaking point. Unless we first substantially reduce the amount of unfunded Federal regulations, we cannot, in good conscience, reduce a major source of income that keeps many of our transit systems afloat.

Mr. Chairman, while these reductions in mass transit are proposed, our highways are receiving a $600 million increase from fiscal year 1996 and the Federal Aviation Administration is funded nearly $1½ billion more than what the President requested in his budget. While I certainly support the concept of improved highways and airports, I cannot help but point out that there is something out of balance here. Highways, airports, and mass transit should complement each other, not compete against each other. I'm afraid with this kind of inequity in funding, highways, airports, and mass transit are being forced to become competitors. With all due respect to Mr. WOLF, this does not strike me as the best way to achieve an integrated, efficient national transportation system that serves as the lifeblood of our national economy.

Millions of Americans are utilizing mass transit today. Most of these riders are going to work; many are going to the shops or to the doctor or to school. For these people, mass transit is a wise commuter alternative; for some, it is the only alternative.

So, let us be fair to all of those people who rely on buses, subways, and light rail. We are not suggesting that Congress spend extravagantly. We are simply proposing to restore just some of the vital operating assistance our transit systems so desperately need. Congressmen FOX and FOGLIETTA have steered a responsible course in bringing their amendment to the floor. Restoring $135 million in operating assistance is a good compromise.

In the end, Mr. Chairman, passage of this amendment is the fair thing to do.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Mr. Chairman, I rise in opposition to this amendment.

The amendment would cut approximately $130 million from the FAA's facilities and equipment prior-year accounts.

The facilities and equipment account funds crucial safety equipment such as aviation radars, air traffic control equipment, and weather detection equipment.

This amendment reaches back to prior-year funds and blindly grabs money—the the amendment doesn't state where the funding cuts are coming from. Will a radar get cut? Will a terminal Doppler Radar be cut?

This amendment gives away Congress' power to determine where American tax dollars are to be spent and hands it over to bureaucrats who decide what radar in what city should be cut.

This amendment would significantly delay or even cancel the delivery of aviation safety equipment at hundreds of U.S. airports all across the country.

FAA has been criticized repeatedly about its inability to develop and delivery aviation equipment quickly.

I am currently working with Congressman LIGHTFOOT and Congressman OBERSTAR on a bill to reform FAA which would improve the way FAA acquires equipment. This amendment undermines that effort.

It is important to remember that this amendment would cut FAA facilities and equipment funds which are supported 100 percent by the aviation trust fund.

In other words, the gentleman's amendment would take away the opportunity to spend aviation taxes on aviation programs and instead spends funds on inner-city transit subsidies.

This is wrong. These aviation taxes are placed in a trust fund, over $5 billion each year, for the sole purpose of aviation improvements at airports all over this Nation.

Aviation users expect the taxes to support aviation projects which are badly needed.

The fact is that this amendment does not save any money. It merely shifts money from important aviation safety projects to transit subsidies.

I strongly oppose the Foglietta amendment and urge my colleagues to vote "no."

□ 1900

Mr. FOGLIETTA. Mr. Chairman, I yield myself 30 seconds to respond to the gentleman.

Mr. Chairman, the gentleman said on two occasions that we are not concerned about air safety, but rather inner-city subsidy mass transportation. Nothing could be further from the truth. The fact is, sir, we are concerned about air safety, and the fact is that we will have remaining in this account $1.58 billion after this reduction is made, and we are putting an additional $2 billion in this year. The fact is that this money will not be used only for inner-cities, but for every small town throughout the United States of America to provide some sort of mass transportation.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. SABO].

Mr. SABO. Mr. Chairman, I rise in strong support of the Foglietta amendment.

Mr. Chairman, operating subsidy is crucial for the operation of our transit systems, both in rural and urban America. I represent urban America. I represent an area with bus systems. The reality is that for thousands of people who live in our urban centers, the only way they have mobility is through the bus system. In other areas it may be rail, but in mine it is all bus.

There is a significant number of people, I believe today the number I heard was over half the people, in poverty have no cars. Most of them are working. The only way they get to their job is by riding a bus.

Buses are labor intensive. You have to have somebody operating them. You cut this operating subsidy, States are cutting back, the only thing that is going to happen is that the rate structure is going to go up, or they are going to cut routes in our urban areas, and what it means is fewer and fewer people can get to work.

Mr. Chairman, we are talking about welfare reform, of requiring people to go from welfare to work. I think we all agree with that. But the reality for thousands of people who live in our urban centers today is the only way they are going to be able to get to a job is to ride transit. We are either going to eliminate the service or make it more expensive.

The amendment makes sense. My only problem is I wish it were more generous. It is a very moderate reinstatement of funds for operating purposes. It makes good sense, and the House should adopt it.

Mr. FOGLIETTA. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. ANDREWS].

Mr. ANDREWS. Mr. Chairman, I rise in support of this amendment offered by my friends and neighbors, the gentlemen from Pennsylvania, Mr. FOGLIETTA and Mr. FOX. In rhetoric, we talk a lot about protecting the environment, in encouraging mass transit, and in encouraging people to use more cost-effective ways to go to work.

In New Jersey as well as other States in the Union people are being forced to endure higher cost car inspections costs and put new emission controls on their vehicles, all in the name of environmental protection. The best thing we can do in the name of environmental protection is to encourage people to use mass transit. Dramatic cuts in name work in the opposite direction. The gentlemen from Pennsylvania, Mr. FOGLIETTA and Mr. FOX, have offered a modest, sensible way to reallocate funds from one part of this bill to another to encourage more people to use more mass transit.

This is good economically, it is good environmentally, and I want to urge my colleagues to support this well-thought-out amendment.

Mr. FOGLIETTA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me say that I respect greatly the chairman of my subcommittee, and sometimes when he speaks against mass transportation, I think he is speaking with his head and not with his heart, because he was a resident of Philadelphia who rode the mass transportation daily on his way to work and on his way to school, so I know he has a great sympathy for what we are trying to accomplish

But let me say, Mr. Chairman, that, No. 1, we are concerned about air transportation safety. We are desperately concerned about that on this side of the aisle.

However, we want Members to understand that even if we make this rescission, there will remain $1.58 billion unobligated, and this year we are adding $2 billion more for air traffic safety. So we are concerned about safety.

But let me just say also that, No. 2, this is not a subsidy only for inner-city mass transportation. This is helping mass transportation throughout the United States of America. Senior citizens in small villages need to get to the doctors, they need to get to their bank. This is provided for them by mass transportation.

In urban areas, people have to get to work. We are concerned so much about taking people off of welfare and putting them in jobs. We have to understand, Mr. Chairman, that there are many people throughout this Nation who cannot afford automobiles, who depend on mass transportation for their livelihood and their very existence.

I ask Members to please support the Foglietta-Fox amendment.

Mr. WOLF. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Virginia is recognized for 4½ minutes.

Mr. WOLF. Mr. Chairman, I rise in strong opposition. The gentleman is right, I took the 36 trolley car and went downtown; and, to the gentleman from New Jersey [Mr. ANDREWS], I used to take the trolley car when I was a mailboy for Curtis Publishing Co. over to Campbell Soup. So I am a big fan of mass transit, but this is not the way to do what the gentleman is doing. Let me read from the hearings.

In the hearings, this is what was said:

> Virtually all of the 2,300 radar displays in our en route center are over 23 years old.

This is the Secretary of Transportation.

> We have more than 500 landing systems that are between 15 and 30 years old. We have close to 400 radars that are between 15 and 30 years old, all of the largest communications switches in our en route center.

Then the Secretary goes on to say:

> All the largest communications switches in our en route centers are over 29 years old. In an age where generations of computer technology are measured in months, the FAA spends $7 million a year on vacuum tubes, a technology invented at the time of the Wright Brothers' first flight. This would be a mistake.

In the hearings, the Secretary made it clear.

Second, the minority Members, the gentleman from Texas [Mr. COLEMAN], my good friend, signed the minority views, and this is what the minority said:

> Moreover, we believe that many important transportation technology and safety enhancing activities are cut too deeply in this bill.

Now, you thought it was cut too deeply in the bill; now you want to cut it deeper. The minority said:

> We had hope for a better vision, bolder ideas and a more balanced approach to the critical transportation infrastructure and safety issues financed in the bill.

Well, that is what we are doing. The gentleman is going the other way.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, I appreciate the gentleman yielding. The Foglietta amendment does not touch a dime of that. Just so the gentleman knows and so our colleagues are aware of the facts, it does not cut a dime of that.

Mr. WOLF. Mr. Chairman, reclaiming my time, it does. It cuts the money here that the Secretary says he needs. It cuts the facilities and equipment accounts, it cuts safety, and if Members will recall the North Carolina situation in Charlotte where the airplane crashed because the terminal Doppler radar system in Charlotte was not there, it would deal with wind shear alert system and many of the things the gentleman from California [Mr. MINETA] and the gentleman from Tennessee [Mr. DUNCAN] said.

In closing, we put in the report so Members could see, although I know very few people read these things, it said:

> In setting priorities for this bill, the committee has placed the strongest emphasis on maintaining and improving wherever possible transportation safety around the nation. Because of significant concerns over the past year regarding the state of aviation safety, the committee feels strongly that additional funding emphasis should be placed on new safety related equipment. Among other things, this equipment will provide controllers, pilots and airline dispatchers, a more accurate and up-to-date understanding of dangerous weather conditions and provide a clear picture and automated alerting of potential conflicts between aircraft maneuvering on airport surfaces.

If you vote for the gentleman's amendment from Pennsylvania, you will be basically negating this page from the report, because it will be basically meaningless. We put money in for safety because safety is important. Quite frankly, you could probably abolish the Department of Transportation, if it were not for the safety role. This is a fundamental major safety issue, and I strongly urge my colleagues, whether you are for mass transit or against, it, and I happen to be for it, the way to solve it is not to take safety money from the FAA.

So I strongly urge and plead on behalf of the flying public, a "no" vote on the Foglietta amendment.

The CHAIRMAN. All time has expired. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FOGLIETTA].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FOGLIETTA. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on this amendment will be postponed.

The point of no quorum is considered withdrawn.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment, marked No. 12.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. SMITH of Michigan: Page 27, line 9, strike "$1,665,000,000" and insert "999,000,000".
>
> Page 27, line 12, insert "and" after the semicolon.
>
> Page 27, line 15, strike the semicolon and all that follows through "project" on page 30, line 6.

Mr. SMITH of Michigan. Mr. Chairman, I ask unanimous consent that debate on this amendment be extended to 20 minutes, 10 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

Mr. COLEMAN. Mr. Chairman, reserving the right to object, I would ask if I could have one-half the time reserved for those in opposition for the minority side?

Mr. WOLF. Mr. Chairman, if the gentleman would yield, I would yield 5 minutes to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, I withdraw my reservation of objection.

Mr. MENENDEZ. Mr. Chairman, reserving the right to object, I would ask the gentleman, is this the amendment with reference to the 40 percent under ISTEA available for construction of new fixed guideway systems?

Mr. SMITH of Michigan. Mr. Chairman, if the gentleman will yield, this is the new start, taking out the $666 million for 1 year.

Mr. MENENDEZ. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

POINT OF ORDER

Mr. MENENDEZ. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. MENENDEZ. Mr. Chairman, the new starts fiscal year 1996 appropriations, as well as the entire section 3 obligation limitations, is consistent, to the chairman's credit, with section 3006 of the Intermodal Surface Transportation Efficiency Act of 1991. This section provides that section 3 of Federal transit administration discretionary grants shall, shall be available as follows: "Forty percent shall be available for construction of new fixed guideway systems and extensions to fixed guideway systems."

The amendment of the gentleman from Michigan [Mr. SMITH] would lower the ISTEA authorization percentages by virtue of the reduction in funds, in which the gentleman does that specifically on letter B on page 172 of ISTEA, specifically reducing this 40 percent available for construction of new fixed guideway systems and extensions to fixed guideway systems, and, in doing so, takes away the authorizing language of the 40 percent that shall be available for construction of such guideway systems. This would alter the authorized percentages, and thus would constitute an authorizing change on an appropriations bill, violating rule XXI.

The CHAIRMAN. Does the gentleman from Michigan [Mr. SMITH] desire to be heard on the point of order?

Mr. SMITH of Michigan. Mr. Chairman, this amendment simply deletes an amount appropriated in the bill and is consistent with the rules of the House.

Mr. MENENDEZ. Mr. Chairman, in furtherance of the point of order, I would have the Chair note that the reality is that last year's bill, which also tried to reduce the authorization, needed special language in order to accomplish that, because it could not be done strictly by reducing the amount.

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So, therefore, while it is the amount that it is being reduced, it, in fact, goes against the grain of the authorizing mandatory language in ISTEA which suggests that 40 percent shall be available for such construction.

The CHAIRMAN. Does the gentleman from Michigan [Mr. SMITH] wish to be heard further on the point of order?

Mr. SMITH of Michigan. Mr. Chairman, I would also like to comment that almost one-half of these projects are unauthorized. They have been appropriated, but they have been unauthorized projects. It is not consistent with the rules of this House to do that except when those unauthorized projects are protected by a decision of the Committee on Rules. In this case, they have. The only recourse Members have is to consider a reduction in the amount appropriated, and I would suggest to the Chair that that is consistent with the rules of the House.

The CHAIRMAN. Are there other Members who wish to be heard on the point of order?

The CHAIR is prepared to rule.

The amendment of the gentleman from Michigan is a reduction in an amount of appropriation. There are no textual changes in the distribution formula.

Therefore, the point of order is overruled.

The Chair recognizes the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I yield myself 3 minutes.

It is very difficult to proceed with an amendment that reduces 666 million out of a budget and just simply give an argument of 10 minutes. Four of us will attempt to do that.

When I was director of energy for the U.S. Department of Agriculture, in the early 1970's, we met every morning at 6:30 at the White House to decide how we were going to conserve energy, how we were going to reduce pollution, and how we were going to serve people that needed to move to the inner cities.

We decided to give extra support for mass transit at that time for those reasons. In every case for the pollution question, for the environmental question, for the conservation of energy question, for helping people move to the inner city, those efforts in these fixed guideway systems have failed.

This bill has $660 million which is an incredible increase of $19 million over last year's appropriation. The point is that many new starts are losing local support because of the inefficiency, because of the high cost, so we see local units pulling back while willy nilly we continue to say we will use Federal taxpayer dollars to continue to support these projects.

I name a couple, the Tasman project in California, which was approved and funded. They pulled out because of lack of local support. The Chicago circulator project pulled out. The Salt Lake City and the Los Angeles and the Portland project are now under scrutiny because even with the maximum 80 percent cost share by the Federal Government and only 20 percent cost share by locals, they think their 20 percent is a waste of money. So this amendment simply says, let us set back for one year, let us have a moratorium of 1 year and have an examination of what is helpful and realistic.

We have sent a letter to GAO, signed by myself, the gentleman from Ohio [Mr. CHABOT], the gentleman from Ohio [Mr. KASICH], the chairman of the Committee on the Budget, and said, evaluate these projects to see if it is reasonable to have this cost and if they will be helpful.

This amendment is what was recommended by the House budget resolution passed by this body just weeks ago. It is supported by the Citizens for a Sound Economy. It is supported by the American Legislative Exchange Council. It is supported by the Americans for Tax Reform. The National Taxpayers Union is scoring it. It was actually suggested by the Heritage Association.

This, my colleagues, is an important amendment. Consider where you want to borrow the money and spend that money in future years. By building these projects, we are also committing ourselves to subsidizing these projects in future years, because they cannot operate by themselves.

Mr. Chairman, I yield 2 minutes to the gentleman from Oklahoma [Mr. LARGENT].

Mr. LARGENT. Mr. Chairman, I rise today in support of the Smith-Chabot amendment to terminated new starts for mass transit. Mr. Chairman, we just passed, then just failed by voice vote here on the floor to offer additional moneys for mass transit operating expenses. At a time of budgetary constraints that we are in at this time, it makes no sense at all to be appropriating money for new starts for mass transit.

I do so also support this amendment because the current Federal transit funding system relative to mass transit, each time a gallon of gasoline is purchased in the United States, 1½ cents goes into the mass transit account of the highway trust fund.

The State of Oklahoma is a generous donor State in public transit. In fiscal year 1993, Oklahomans paid an estimated $30 million into the Federal mass transit account and received less than $2 million in return. Oklahoma ranks 42nd in return on Federal mass transit dollars.

I ask why should Oklahomans and other donor States pay for mass transit systems in Washington, New York, Philadelphia, Boston, when my own hometown of Tulsa is in dire need of mass transit funding. It is not only not fair, it is ridiculous. The Federal Government has been subsidizing mass transit with the well-intentioned hope that it would become an efficient self-supporting method of transportation. Unfortunately, it has not worked out.

I believe that in this era of returning responsibility and authority back to localities, which have to deal with the everyday problems that towns and cities face, funds for mass transit which are generated at the local level should remain at the local level.

I support this commonsense amendment which puts an end for new rail starts for mass transit. I urge all of my colleagues and especially those from donor States to vote "aye" on the Smith-Chabot amendment.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Virginia [Mr. WOLF] will be recognized for 5 minutes, and the gentleman from Texas [Mr. COLEMAN] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Virginia [Mr. WOLF].

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise in strong opposition to the Smith-Chabot amendment.

Mr. Chairman, I rise in opposition to the Smith-Chabot amendment and urge my colleagues to join both the authorizing committee and the appropriations committee in opposing this short-sighted amendment.

I say short-sighted because this amendment ignores the lessons we have learned about reducing traffic congestion and cleaning up our polluted air. In some of our cities building new highways is not enough. Traffic congestion has brought us acres of new parking lots where once commerce and commuters traveled freely. We learned that our mobility solutions must involve both highway and transit alternatives.

In some heavily congested corridors, such as those listed in this bill, the appropriate new transportation investment is a transit fixed guideway system which we call a "New Start." These new starts include busways in Texas and California, light rail lines in Maryland and Oregon, commuter rail lines in fast-growing Florida, a downtown circulation system in Memphis, TN, and a ferry boat terminal in New York City.

In other words, striking New Start funds, as this amendment would do, would hurt tens of millions of American commuters who depend on transit solutions to meet their local mobility needs. We should support, not undercut, our national transportation policy which allows our cities at the State and local level to select the transportation solutions, highway or transit, which are right for them. Let's not micromanage our local folks out of business or pit one city against another.

Mr. Chairman, my colleagues know that the authorizing and appropriating committees have not always agreed on every issue on this floor. Well, today we stand united in opposing the Smith amendment.

I urge my colleagues to reject the "us against them" philosophy embodied in this amendment and vote against the Smith-Chabot amendment.

Mr. WOLF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, none of these projects are new starts. None. There is not a new start in the projects. It is the name that has been given, and we should probably change the name. All of the projects here have been funded in the past after extensive hearings. Some of them are the very best in the country. Let me give you one example.

The San Juan Tren Urbano project, the local government is paying two-thirds of the project and the cost effectiveness is $4, well below the $7 threshold recommended by the FDA. Another one involved here for Members from Texas is the Dallas project. The local match is 80 percent, if we could get local government to match 80 percent.

So really, there are no new starts in the project. Every single project that will be cut has had a continued funding, some for many, many years. In fact there is one or two, this will be the last amount of money that they will get. The one with regard to, up in Chicago, the commuter rail, 14.4. This would be the last time they will get it.

Mr. Chairman, I reserve the balance of my time.

Mr. COLEMAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, we did the budget constraints. We provide only $513 million for these 11 projects, even though the president recommended $677 million.

All of the projects recommended in the bill will require significant State and local financial commitments. I think that the chairman just spoke to that issue. I will go down them: Dallas, TX, South Oak Cliff project, Los Angeles CA, New York, Houston, TX, Orange County Transitway, San Francisco, CA, airport project, Trem Urbano project in Puerto Rico. We all understand that commitment.

I cannot support an amendment that further cuts Federal support for transit infrastructure when this bill already cuts it, capital assistance 20 percent below the 1995 level. We talk about cutting transit assistance. We are really talking about ordinary people who depend on the bus, subway or train every day. We are talking about working Americans, 6 million people who use transit to get to work every day.

We need to oppose this amendment.

Mr. SMITH of Michigan. Mr. Chairman, I yield 2½ minutes to the gentleman from Ohio [Mr. CHABOT], cosponsor of this amendment.

Mr. CHABOT. Mr. Chairman, relative to the term new starts, many of these projects, nothing has actually happened on the ground. There are some environmental studies or they are in some sort of study. Nothing has really happened. So many of them are in the very early stages.

I believe it is absolutely critical for the future of this Nation that we finally balance the budget, not by raising taxes but by cutting spending. We are looking for places to cut spending. This is clearly a place to cut spending.

The Federal Government has financed a number of fixed guideway mass transit projects over the past three decades. This year the House Committee on the Budget at last decided that new light rail systems cannot be economically justified and recommended that we end the practice of funding these new projects. Despite huge amounts of Federal spending to build and then to subsidize the operating expenses of local light rail systems, many of these projects are proving to be expensive boondoggles.

The Smith-Chabot amendment would accelerate the savings to the taxpayers by eliminating from next year's spending $66 million for new starts. Now, that is a huge amount of money. But the implications of this initial spending go far beyond that. We are talking about long-term commitment that would cost American taxpayers billions of dollars if these things go through.

Once these projects are started, cities and States look to the Federal Government to pay future construction costs. In fact, the Committee on Appropriations reported that the Federal cost for completing new projects has surged $20 billion, a 150-percent increase over 4 years ago.

I have been told by people back in my district, which is Cincinnati, that our No. 1 priority should be achieving a balanced budget. I strongly agree with those sentiments. Many of the people at the State and local level do not believe that light rail makes economic sense but will nonetheless proceed with such projects if the Federal Government will foot the bill. We can no longer afford to foot the bill. We are broke.

At a time when our No. 1 priority is achieving a balanced budget, Federal funding for new light rail projects just does not make sense. A Department of Transportation study has found that subsidies for building and operating mass transit rail programs costs between $5,000 and over $17,000 per rider. New mass transit rail systems are so incredibly expensive to build that it might actually be cheaper if we just bought people cars.

It is absurd. We should pass this amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. BUNNING].

Mr. BUNNING of Kentucky. Mr. Chairman, I rise in strong opposition to the Smith-Chabot amendment.

No one wants to be a pork barrel politician these days. It isn't the politically correct thing to do. But we cannot afford to run every time we see a needed infrastructure project come along.

We cannot afford to make the mistake of sticking our heads in the sand—no matter how badly we want to balance the budget—and pretend that we aren't going to need improvements in our Nation's infrastructure in the next several decades.

This amendment basically does just that. It says "We can save a few dollars today by pretending our transportation system won't be overloaded to the point of breakdown in the next 10 years.

We can do that—but it is very foolish to do so. What do we do in 10 years? Park our cars and walk?

I am not familiar with every project on this list. There might be some clinkers in there—there might be some projects that go oink in the night.

But I am familiar with one project in particular—the I–71/I–75 corridor study to determine the best way to meet our transportation needs in the future on a heavily traveled corridor through Cincinnati, OH and northern Kentucky.

This project is not pork. This project is a vital infrastructure necessity, if our area is going to continue growing without gridlock.

We can't just stick our heads in the sand, in northern Kentucky and southern Ohio. We know that traffic through this corridor is going to increase to between 100,000 and 160,000 vehicles a day over the next 10 years—if we can keep them moving.

We know that emplanements at the Cincinnati/northern Kentucky airport are going to more than double over the next 10 years—if the people can get there.

We know that the air quality problems which have already plagued the area periodically are going to get worse—unless we find new ways to move people through the corridor.

We know that northern Kentucky is growing like wildfire and that major downtown and waterfront developments are taking place on both sides of the Ohio river and we know that the existing transportation system is not going to be able to handle this expansion.

And we have responded to these facts—reasonably, rationally and cautiously. We have followed the blueprint laid out in ISTEA.

The Ohio-Kentucky-Indiana Regional Council of Governments—which serves as the designated metropolitan planning organization for the area, supports this project. It has the support of the Governors of Ohio and Kentucky and the local officials on both sides of the river.

The Federal Government has already invested $2½ million in this ongoing study. State and local sponsors have already spent over $600,000. This project was included in the highway authorization bill that passed this body last year. It is not something new that we dreamed up on the spur of the moment.

This project has followed all the rules.

This bill provides $2 million to continue the process and provide for an environmental impact study and preliminary engineering—so that we can determine the best way to proceed.

It would be ridiculous, at this point, to throw out everything we have done—ignoring the investment of $2½ million—to save $2 million today.

The Smith-Chabot amendment is penny wise and pound foolish, Mr. Chairman and we simply can't afford it.

I urge my colleagues to reject this amendment. We can save a few bucks today by sticking our heads in the sand but if we do so, sometime down the road, we are going to find out that not only do we have sand in our ears but we also have one terrible traffic jam.

Reject Smith-Chabot.

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Mr. COLEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ], whose State is adversely affected by this amendment.

Mr. MENENDEZ. Mr. Chairman, I thank the distinguished ranking member for yielding time to me.

Mr. Chairman, I rise in opposition to this amendment. We have heard about pork barrel. Let me say, this amendment is sound bite politics. Virtually every program the gentleman wishes to strike has broad bipartisan support. I think my colleague, the gentleman from New Jersey, will be saying the same thing.

I received a call from the office of Republican Governor Christine Whitman saying, "Look, you need to speak against this ill-advised amendment." In my State, this amendment would destroy more than a dozen years of hard work and bipartisanship that created universal support for an essential transportation program that has been a model for the Nation.

The discretionary grant section of this bill includes New Jersey's urban core project, which is of major importance to New Jersey, both in terms of jobs created and for the improvement in our mass transit system. By linking several of New Jersey Transit's existing rail lines and modernizing equipment and facilities, the New Jersey urban core project is designed to make travel on the State rail network quicker, safer, and more convenient for thousands of current and potential riders.

The passage of the Smith amendment, as Governor Whitman's office says, would be devastating to New Jersey, and for that fact, other forward-looking States' transportation systems, and to the employment of hundreds of thousands of workers nationwide who depend on public transportation.

We talk about empowering people, Mr. Chairman, but the fact of the matter is that one of the major ways we do this is to create a transportation system that can get people to where there is work, or to shopping centers that create economic opportunities for the host communities to realize rateables and create jobs. This is knee-jerk, uninformed, and I would suggest it is posturing at its worst. Mr. Chairman, I urge the House to reject the amendment.

Mr. SMITH of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Chairman, I suppose I speak now for the knee-jerk uninformed types, because I believe an old Yiddish proverb that says no matter how long and how far you go down a path, if it is the wrong path, it is time to turn around. We have been going down this path and this railway for a long time. The fact of the matter is it still does not pay for itself.

For more than two decades the Federal Government has subsidized mass transit in hopes that it would become an efficient, self-supporting method of transportation. Unfortunately, it just has not worked out. Most people have chosen not to ride, and we have had to continually subsidize the existing systems. In 1970, public transportation carried 9 percent of commuters nationwide. Over the past 20 years, we have been pumping in federally subsidized dollars, and still the number continues to plummet. It has now fallen to 5 percent, yet the fares that are being charged do not even cover current operating costs in any system. That is true in every mass transit system in this country. Mass transit is clearly not cost effective.

This amendment makes sense, and it says that rail systems are using resources that could be better used elsewhere. That is why the National Taxpayers Union and other groups are coming out front and saying a very basic truth that Americans want us to say in this Government: If it does not make economic sense, if you could not find anybody in the private sector to engage in this type of business, then we do not need to throw more good money at bad money. We need to freeze new spending for these types of projects, say no to this waste and this pork, and move forward and be cost efficient and probusiness.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. LEWIS], a member of the committee.

Mr. LEWIS of California. Mr. Chairman, I appreciate very much my colleague yielding time to me. I would like to extend my congratulations to the gentleman from Virginia, Mr. WOLF, the chairman, as well as to the ranking member, Mr. COLEMAN, for the fantastic job they have done on a very, very difficult subject area.

Mr. Chairman, this bill appropriates $1.4 billion less than the 1995 transportation bill. Furthermore, this bill even falls $384 million below the subcommittee's 602(b) allocation. This is a very, very tough bill and a very, very difficult circumstance. This amendment before us has the potential of costing State and local governments millions of dollars to close down projects, settle lawsuits, and pay termination costs to contractors. Beyond that, if we cut this funding, we are eliminating jobs.

Unfortunately, the amendment will not reduce the deficit or even reduce Federal spending. The $666 million the amendment proposes to cut will be put back into the Highway Trust Fund to be allocated at some future date. The amendment cuts funding for important projects in Atlanta, Boston, Cleveland, Dallas, Houston, Los Angeles, and the list goes on. I urge my colleagues to vote "no" on the amendment.

Mr. COLEMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Chairman, I rise in strong opposition to the Smith-Chabot amendment. This amendment unfairly penalizes communities across this Nation by eliminating their fair share of transit funding.

The Federal Government has recognized the importance of balancing the transit needs of older and newer communities by dividing mass transit funding into three parts:

Forty percent of funding goes to rail modernization designed to assist older communities with previously developed transit systems—such as New York, Boston, and Philadelphia.

Forty percent is allocated to so-called new starts to develop transit in newer cities in the West, Southwest, and Southeast, such as Los Angeles, Portland, Houston, and Dallas.

And the remaining 20 percent is to be allocated for bus projects nationwide. The Smith-Chabot amendment would eliminate essential transit projects designed to assist communities and transit riders in newer and still burgeoning urban and suburban areas. While older communities would continue to receive funding for transit, newer areas would be unfairly penalized.

I also want to address specific issues raised by the sponsors of the amendment with respect to the Los Angles metro rail project. Contrary to the Dear Colleague circulated by the sponsors, support among locally elected officials, Los Angeles County communities, and the business community remains nearly unanimous.

The sponsors of the amendment cite a commentary by State senator Tom Hayden, criticizing ridership figures on the Los Angeles subway. But those ridership figures are based on only 4.4 miles of subway currently operating out of a total of 23 miles to be constructed.

When complete, red line ridership will be fed by another 56 miles of light rail. The subway is the spine of a comprehensive transit system, the object of which is to make mass transit in Los Angeles accessible and convenient—changing a culture that relies on the automobile. That reliance must end if the region is to address problems of mobility, economic efficiency, and worsening air quality.

The need for the Los Angeles system is clear. Los Angeles County's population will increase by 3 million to almost 12 million by 2015. This is comparable to adding the current city of Los Angeles to the county's population.

Finally, I want to point out that the Federal Government has a contract with the citizens of Los Angeles County to fulfill its commitment on this project. Los Angeles is more than pulling its weight in investing in transit.

Over the years, we have continued to seek only a 50-percent Federal share out of a possible 80 percent. Twice, we have voted to tax ourselves to increase mass transit investments. And 70 percent of our total rail system is being built with no Federal involvement.

I strongly oppose the Smith-Chabot amendment and urge its defeat.

Mr. COLEMAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I rise in strong opposition to the Smith-Chabot amendment to the Department of Transportation Appropriations bill. This amendment would transfer money allocated for needed mass transit projects back into the Highway Trust Fund.

These Section 3 New Rail Starts and Extensions projects are strategic transportation investments in our cities which act as a magnet for economic development and productivity. These projects will provide our urban and suburban areas with effective and diverse transportation options.

In the San Francisco Bay Area, we are committed to a $3.5 billion rail extension program capital program. Seventy percent of these projects are being financed with voter approved sales taxes and State bonds. The largest rail extension, the Bay Area Rapid Transit system, would link the San Francisco International Airport to San Francisco and the rest of the Bay Area.

The airport is under a major expansion program. The projected increase in traffic to the San Francisco Airport would overwhelm the existing highway system. A rail link is vital for air travelers arriving in the Bay area, for airport workers, and for commuters.

Federal funding for new rail starts addresses many important issues for our communities and cities. Mass transit can significantly improve air quality. Rail provides transportation services to the elderly and the disabled. Mass transit reduces the congestion on our highways which are being stretched the limit in many parts of the country. In the San Francisco Bay Area we have virtually exhausted our ability to build new highways or widen existing highways.

Mr. Chairman, this amendment saves no money, since the funds would revert back to the Highway Trust Fund. I urge the defeat of this attack on mass transit. These new rail starts are forward-looking, sound, transportation investments in our cities. Let us make these needed investments.

Mr. COLEMAN. I yield such time as he may consume to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I, too, rise in strong opposition to this amendment.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK], who is also from a State which will be adversely affected by this amendment.

Mrs. MEEK of Florida. Mr. Chairman, I strongly oppose the Smith amendment, and I urge my colleagues to do the same. There is no deficit reduction in the Smith amendment, but there is a reduction in the quality of human lives that reside in all of our communities.

If Members look at where transportation needs are, my State of Florida is growing by over 700 people a day. They need to have a chance to get to work. We talk about jobs; this is a way to get jobs in our community.

I could speak from a personal experience about how good doing these new starts are. Dade County, FL, is one of the fastest growing areas. Our roads are gridlocked. There is no land for more growth. All of the super highways have been built. There is simply no more room to build new ones. We do not want this bill to be a relief act for the big transportation highway builders, we want to get a way for our people to get to work. Mr. Chairman, I strongly oppose this amendment.

Mr. WOLF. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. FRELINGHUYSEN], a member of the committee.

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the Smith amendment. I believe it is shortsighted and it goes against the very principles of the ISTEA act of 1991. When Congress passed ISTEA, the goal was to give flexibility to the States, so that they could best meet their own transportation needs. The Smith amendment denies this right.

Mass transportation has already been cut substantially in this bill. This Congress has said time and time again that one-size-fits-all approach does not work. If a State chooses mass transit over highways, then they should be afforded that option, and not be forced into one type of transportation.

The Smith amendment is sending the wrong message. Mass transportation is a vital link to the economic and social well-being of the citizens of New Jersey and of the Northeast, the entire United States. I urge my colleagues to reject this amendment.

Mr. SMITH of Michigan. Mr. Chairman, how much time do we have remaining?

The CHAIRMAN. The gentleman from Michigan [Mr. SMITH] has one-half minute remaining, each of the other two gentlemen have 1 minute remaining, and the gentleman from Virginia [Mr. WOLF] has the right to close.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Texas, Ms. EDDIE BERNICE JOHNSON.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in opposition to this amendment, and not to attempt to repeat everything that has been said, but this amendment will interfere with a number of projects already started. In Dallas alone, it will interfere with 64,000 jobs, with the capacity to increase the worth and the amount of revenue into the billions of dollars.

Mr. Chairman, this amendment will stop transportation routes that have already begun, that would get people to work, to their homes, and then provide jobs. I would ask all of my colleagues to vote against this amendment.

Mr. COLEMAN. Mr. Chairman, will the gentlewoman yield?

Ms. EDDIE BERNICE JOHNSON of Texas. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, I would ask the gentlewoman in the time remaining, it is true, is it not, that the local government of Dallas, TX, is paying for 55 percent of the Dallas, TX, south Cliff project, as it is?

Ms. EDDIE BERNICE JOHNSON of Texas. That is right, Mr. Chairman.

Mr. COLEMAN. Mr. Chairman, if the gentlewoman will continue to yield, I would just say that this is the kind of amendment that does a lot of damage to a lot of projects that are in varying stages of development all across the United States. It should be defeated.

The CHAIRMAN. The gentleman from Michigan [Mr. SMITH] has a final one-half minute remaining.

Mr. SMITH of Michigan. Mr. Chairman, these are local projects. We are asking for a 1-year moratorium. The gentleman from Ohio, JOHN KASICH, chairman of the Committee on the Budget, and several of us have requested that GAO evaluate these projects. Mr. Chairman, I would like to mention that we have the Committee on the Budget resolution that we passed, the National Taxpayers Union, the Citizens for a Sound Economy, Americans for Tax Reform, and Heritage support this amendment. We have to take time to move back and decide the best way to spend available funds.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment, and yield the balance of my time to the gentleman from Pennsylvania [Mr. COYNE] for closing.

Mr. COYNE. Mr. Chairman, I rise in opposition to the amendment before the House which would eliminate all funding for mass transit projects and shift these funds to highway projects.

I am very concerned about the impact of this proposed amendment on the people I represent. Pittsburgh and the Port Authority of Allegheny County are depending on the Airport Busway project to provide a cost-effective answer to the traffic congestion now common between downtown and the airport.

The Airport Busway used former railroad rights of ways as dedicated roadways for transit buses that travel free from local traffic congestion. This project is ranked as one of the most cost-effective in the country and the Port Authority of Allegheny County has already completed a full funding grant agreement with the Federal Government.

The Pennsylvania Department of Transportation is also depending on the Airport Busway to provide an alternative to the Ft. Pitt Tunnel and Bridge which is the main Interstate 279 link between the city of Pittsburgh and the suburban area south of Pittsburgh. The tunnel is scheduled to be closed for renovation and PennDOT is depending on the Airport Busway to provide an alternative to this bridge which is one of the busiest traffic points in the city.

The Airport Busway began construction last year and is scheduled to be completed by 1997. Stopping this project at this point would be catastrophic for the city of Pittsburgh and the port authority. It would result in the waste of over $184 million in previously approved Federal funds. This is hardly the way to safeguard the Federal taxpayer's money.

Mr. Chairman, I urge my colleagues to oppose the Smith-Chabot amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. SMITH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SMITH of Michigan. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Michigan [Mr. SMITH] will be postponed.

Are there further amendments to title I?

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: Amendment No. 24 offered by the gentleman from Ohio [Mr. LATOURETTE]; the unnumbered amendment offered by the gentleman from Pennsylvania [Mr. FOGLIETTA]; finally, amendment No. 12, offered by the gentleman from Michigan [Mr. SMITH].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. LA TOURETTE

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. LATOURETTE] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Ohio [Mr. LATOURETTE] for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 183, noes 234, not voting 17, as follows:

[Roll No. 558]

AYES—183

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Barton
Beilenson
Bereuter
Bishop
Blute
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Burr
Callahan
Camp
Canady
Cardin
Clay
Clayton
Clyburn
Collins (IL)
Conyers
Cooley
Costello
Cremeans
Cunningham
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doyle
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Evans
Farr
Fattah
Fawell
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Fox
Frank (MA)
Frisa
Furse
Gejdenson
Gilchrest
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Harman
Hastert
Hastings (FL)
Hayworth
Heineman
Hinchey
Hobson
Hoekstra
Horn
Hostettler
Jackson-Lee
Jacobs
Jefferson
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennelly
Kildee
Kleczka
Klink
Lantos
LaTourette
Lazio
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Maloney
Manton
Manzullo
Markey
Mascara
Matsui
McCollum
McDermott
McHale
McHugh
McIntosh
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Mink
Mollohan
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pastor
Payne (NJ)
Peterson (FL)
Petri
Poshard
Pryce
Quillen
Rahall
Rangel
Reed
Regula
Rivers
Rohrabacher
Roth
Roukema
Roybal-Allard
Rush
Sanders
Sawyer
Scarborough
Schumer
Seastrand
Sensenbrenner
Serrano
Shadegg
Shays
Smith (NJ)
Smith (WA)
Solomon
Souder
Stokes
Studds
Stupak
Tate
Tauzin
Taylor (MS)
Thompson
Torkildsen
Torricelli
Traficant
Velazquez
Vento
Visclosky
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weller
Williams
Wise
Wyden
Yates
Young (AK)
Young (FL)

NOES—234

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Ballenger
Barr
Barrett (NE)
Bartlett
Bass
Becerra
Bentsen
Berman
Bevill
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunning
Burton
Buyer
Calvert
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dixon
Doggett
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Durbin
Emerson
Ensign
Everett
Ewing
Fazio
Fields (TX)
Foley
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gibbons
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hastings (WA)
Hayes
Hefley
Hefner
Herger
Hilleary
Hoke
Holden
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Jones
Kasich
Kennedy (RI)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Lucas
Luther
Martinez
Martini
McCarthy
McCrery
McDade
McInnis
McKeon
Meyers
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Molinari
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Norwood
Orton
Packard
Parker
Paxon
Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pombo
Pomeroy
Porter
Portman
Quinn
Radanovich
Richardson
Riggs
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Royce
Sabo
Salmon
Sanford
Saxton
Schaefer
Schiff
Scott
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torres
Tucker
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (PA)
White
Whitfield
Wicker
Wilson
Wolf
Woolsey
Wynn
Zeliff
Zimmer

NOT VOTING—17

Baker (LA)
Bateman
Bilbray
Collins (MI)
Ford
Gillmor
Hansen
Hilliard
McKinney
Moakley
Nussle
Ramstad
Reynolds
Schroeder
Stark
Towns
Volkmer

□ 2003

The Clerk announced the following pairs:

On this vote:

Mr. Moakley for, with Mr. Bilbray against.

Ms. McKinney for, with Mr. Nussle against.

Messrs. GENE GREEN of Texas, KENNEDY of Rhode Island, WELDON of Pennsylvania, BENTSEN, WHITE, BOEHLERT, MARTINEZ, and HEFLEY changed their vote from "aye" to "no."

Messrs. MANZULLO, PETRI, QUILLEN, JEFFERSON, GONZALEZ, DEUTSCH, and WARD changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to the rule, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT OFFERED BY MR. FOGLIETTA

The CHAIRMAN. The pending business is the demand for a recorded vote on the unnumbered amendment offered by the gentleman from Pennsylvania [Mr. FOGLIETTA], on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 122, noes 295, not voting 17, as follows:

[Roll No. 559]

AYES—122

Andrews
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Blute
Bonior
Bono
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Castle
Clay
Coleman
Collins (IL)
Conyers
DeFazio
DeLauro
Dellums
Dooley
Ehlers
Engel
English
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Fox
Frank (MA)
Furse
Gilman
Gonzalez
Goodling
Greenwood
Hall (OH)
Harman
Hastings (FL)
Hinchey
Horn
Houghton
Hoyer
Jefferson
Johnson (SD)
Johnson, E. B.
Kaptur
Kennedy (MA)
Kennedy (RI)
Kildee
King
LaFalce
Lazio
Leach
Lewis (GA)
Linder
Lowey
Luther
Markey
Martinez
Matsui
McHale
McNulty
Meehan
Meek
Menendez
Mfume
Mica
Miller (CA)
Minge
Morella
Nadler
Neal
Ney
Obey
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (MN)
Reed
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schumer
Serrano
Shays
Skaggs
Spratt
Stokes
Studds
Thompson
Thornton
Thurman
Torkildsen
Torricelli
Traficant
Tucker
Velazquez
Vento
Ward
Watt (NC)
Waxman
Weldon (PA)
Williams
Wilson
Wyden
Wynn
Yates
Zimmer

NOES—295

Abercrombie
Ackerman
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bevill
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Borski
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Emerson
Ensign
Eshoo
Everett
Ewing
Fields (TX)
Foley
Forbes
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Goodlatte
Gordon
Goss
Graham
Green
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennelly
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Maloney
Manton
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Miller (FL)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Murtha
Myers
Myrick
Nethercutt
Neumann
Norwood
Oberstar
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (FL)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Rangel
Regula
Richardson
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torres
Upton
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Young (AK)
Young (FL)
Zeliff

NOT VOTING—17

Baker (LA)
Bateman
Bilbray
Collins (MI)
Ford
Gillmor
Hansen
Hilliard
McKinney
Moakley
Nussle
Ramstad
Reynolds
Schroeder
Stark
Towns
Volkmer

□ 2012

The Clerk announced the following pairs:

On this vote:

Mr. Moakley for with Mr. Bilbray against.

Ms. McKinney for with Mr. Nussle against.

Messrs. GEJDENSON, JOHNSTON of Florida, CONDIT, ZELIFF, and HEFNER changed their vote from "aye" to "no."

Ms. ROYBAL-ALLARD and Mr. FARR changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to the rule, the Chair announces he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 12 OFFERED BY MR. SMITH OF MICHIGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on amendment No. 12 offered by the gentleman from Michigan [Mr. SMITH], on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 114, noes 302, not voting 18, as follows:

[Roll No. 560]

AYES—114

Allard
Andrews
Archer
Armey
Bachus
Barcia
Barrett (WI)
Barton
Bass
Bereuter
Boehner
Brownback
Bryant (TN)
Burr
Burton
Buyer
Camp
Chabot
Chambliss
Chenoweth
Christensen
Coburn
Cooley
Cox
Crapo
Cremeans
Cubin
Doolittle
Duncan
Dunn
Ensign
Everett
Fields (TX)
Funderburk
Goodlatte
Gordon
Goss
Graham
Hall (TX)
Hamilton
Hancock
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hoekstra
Holden
Hostettler
Inglis
Istook
Jacobs
Johnson (SD)
Jones
Kasich
Klug
Kolbe
Largent
Latham
Leach
Lincoln
Longley
Luther
McHale
McInnis
McIntosh
McNulty
Metcalf
Meyers
Miller (FL)
Minge
Myrick
Nethercutt
Neumann
Ney
Norwood
Obey
Parker
Paxon
Peterson (MN)
Petri
Portman
Riggs
Roberts
Rohrabacher
Roth
Royce
Salmon
Sanford
Scarborough
Seastrand
Sensenbrenner
Shadegg
Shays
Smith (MI)
Smith (WA)
Souder
Stockman
Stump
Tate
Taylor (MS)
Taylor (NC)
Thornberry
Thornton
Tiahrt
Upton
Walker
Wamp
Ward
Watts (OK)
White
Whitfield
Wicker
Zeliff

NOES—302

Abercrombie
Ackerman
Baesler
Baker (CA)
Baldacci
Ballenger
Barr
Barrett (NE)
Bartlett
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Bunning
Callahan
Calvert
Canady
Cardin
Castle
Chapman
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Costello
Coyne
Cramer
Crane
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dornan
Doyle
Dreier
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goodling
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (OH)
Harman
Hastert
Hastings (FL)
Hayes
Hefner
Heineman
Hinchey
Hobson
Hoke
Horn
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
LaFalce
LaHood
Lantos
LaTourette
Laughlin
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHugh
McKeon
Meehan
Meek
Menendez
Mfume
Mica
Miller (CA)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Nadler
Neal
Oberstar
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pombo
Pomeroy
Porter
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Rangel

Reed
Regula
Richardson
Rivers
Roemer
Rogers
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schaefer
Schiff
Schumer
Scott
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Spence
Spratt
Stearns
Stenholm
Stokes
Studds
Stupak
Talent
Tanner
Tauzin
Tejeda
Thomas
Thompson
Thurman
Torkildsen
Torres
Torricelli
Traficant
Tucker
Velazquez
Vento
Visclosky
Vucanovich
Waldholtz
Walsh
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zimmer

NOT VOTING—18

Baker (LA)
Bateman
Bilbray
Collins (MI)
Ford
Gillmor
Hansen
Hilliard
McKinney
Moakley
Nussle
Ramstad
Reynolds
Schroeder
Solomon
Stark
Towns
Volkmer

□ 2020

The Clerk announced the following pair:

On this vote:

Mr. Nussle for with Ms. McKinney against.

Mr. WATTS of Oklahoma and Mr. TAYLOR of Mississippi changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MS. DANNER

Ms. DANNER. Mr. Chairman, I offer an amendment, amendment No. 21.

Mr. WOLF. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] reserves a point of order.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. DANNER: Page 25, line 25, strike "$2,000,000,000" and insert "$1,974,000,000".

Page 26, line 1, before the colon insert "and $26,000,000 of budget authority shall be available solely for purposes of 49 U.S.C. 5311".

The CHAIRMAN. Does the gentleman from Virginia reserve his point of order or insist upon his point of order?

Mr. WOLF. Mr. Chairman, I reserve the point of order and will allow the gentlewoman an opportunity to discuss her amendment.

Ms. DANNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is designed to restore funding for rural transit assistance programs to fiscal year 1995 levels. This can be done in a deficit-neutral way, which will have a minimal effect on other transit funding.

Under this proposal, Congress would reduce the $2 billion transit formula grant by $26 million, which would be added to the section 18 allocation. The remaining funds would then be distributed according to the bill's formula.

Today, there are roughly 1,200 rural transit agencies that would benefit from this amendment. These agencies operate in 316 Congressional districts across our Nation and their service area encompasses 53 million people.

While rural transit programs receive Federal funds, the money is distributed to the States, which are then given the authority to design and manage their own programs. This allows rural transit providers, many of whom are independent contractors, to administer their programs without the large bureaucracies many transit agencies develop.

In my home state of Missouri, there are 30 rural transit providers, who operate in 98 percent of the States' counties. These providers include, among others, the OATS system—formerly known as the Older Adult Transportation System. Last year, in the State of Missouri, OATS provided more than 1 million one-way trips in their vans and busses, transporting 21 thousand people more than 5 million miles. This was achieved with only $11,140 in section 18 Federal operating assistance.

To me, this is an example of the true role of government—finding cost-efficient ways to improve the standard of living and freedom of our Nation's citizens.

Some of those in Congress may question why rural transit should be singled out. It is important to do so because rural transit is far more dependent on Federal subsidies than other transit programs. Rural transit depends on Federal funding for 24 percent of the operating budget. While many larger transit agencies can absorb the large cuts proposed in this bill, rural transit is in a far more precarious position.

In addition, section 18 programs are given far less Federal Transit Administration assistance. On a per-capita basis, FTA assistance in rural areas is the equivalent of $1.50 per user, as compared with more than $35 per user in our largest cities. Yet, for those in rural areas who are unable to drive, public transportation is often their only opportunity to perform vital tasks most of us take for granted, such as grocery shopping or visiting the doctor.

It is also important that we look at who depends upon rural transit.

The people who use rural transit are older Americans, people with disabilities and the rural poor who cannot afford a car of their own. In a rural setting, these people simply have no alternative except to rely on rural transportation programs. Transit systems exist to serve people such as those I have just mentioned. It is unwise and unfair to exclude citizens from transportation services simply because of where they live.

Although this amendment is subject to a point of order, I hope that my colleagues will remember and consider the importance of rural transportation to millions of our citizens.

Mr. Chairman, I reserve the balance of my time.

Mr. BEREUTER. Mr. Chairman, this Member rises in support of the amendment offered by the distinguished gentlewoman from Missouri [Ms. DANNER].

This amendment would restore funding to fiscal year 1995 levels and help correct some of the current funding inequities which disadvantage rural transit programs. Without the funding called for in this amendment, many rural transit agencies would be forced to deal with steep reductions in service and face enormous financial obstacles just to survive. Relief is clearly needed to ensure that residents in rural areas are not isolated due to a lack of access to transit.

Rural residents currently receive a disproportionately small share of transit funding, despite the significant need for such assistance. The amendment helps close this substantial gap and ensures that rural residents receive a more fair share of the transit dollars.

Clearly, rural transit agencies are much more dependent on Federal assistance than those in urban areas. Unfortunately, the proposed reductions would have an immediate and detrimental effect on many of these rural transit agencies which often provide vital transit service for many individuals, including the elderly and the disabled.

This Member urges support for this important amendment which would offer some much needed assistance to America's rural residents.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I believe that the amendment offered by the gentlewoman from Missouri is subject to a point of order as it violates clause 2, rule XXI of the House.

The effect of the Danner amendment would be to set aside $26 million for transit assistance in contradiction to ISTEA. The authorizing legislation stipulates certain amounts derived by percentage of the total amount provided for transit formula grants are to be made available for urbanized areas, elderly, and the handicapped and rural transit assistance. Under ISTEA, 5.5 percent of the funds made available for transit formula grants are for rural transit assistance. The effect of the Danner amendment would be to provide $26 million solely for rural transit systems right off the top before any set-asides were derived.

This amendment would thereby negate the discretion afforded the Secretary of the Department of Transportation under the authorizing legislation.

Mr. Chairman, the Danner amendment amends, goes beyond, perfecting legislative provisos permitted to remain and constitutes legislating on an appropriations bill, and for this reason we raise the point of order.

The CHAIRMAN. The gentleman raises the point of order.

Does the gentlewoman from Missouri wish to be heard on the point of order?

Ms. DANNER. No. I will accede to the ruling of the Chair, Mr. Chairman.

The CHAIRMAN. Does the gentlewoman wish to have a ruling of the Chair?

Ms. DANNER. Yes, Mr. Chairman.

The CHAIRMAN. The Chair is prepared to rule.

The amendment fences $26 million within an aggregate limit of $2 billion in budget authority to be available solely for a specified object. Because no authorization in law supports such a mandatory earmarking and because the funds affected are distributed under formula in law contrary to that earmarking, the point of order is sustained.

Are there further amendments to title I?

AMENDMENT OFFERED BY MRS. MORELLA

Mrs. MORELLA. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. MORELLA: On line 14 of page 14 of the bill, strike "$143,000,000" and insert in lieu thereof "$147,000,000.";

On line 19 of page 13 of the bill, strike "$2,000,000,000" and insert in lieu thereof "$1,990,000,000"; and

On line 20 of page 13 of the bill, strike "$1,784,000,000" and insert in lieu thereof "$1,774,000,000".

The CHAIRMAN. The Chair recognizes the gentlewoman from Maryland [Mrs. MORELLA] for 7½ minutes in support of her amendment.

Mrs. MORELLA. Mr. Chairman, I yield myself such time as I may consume.

My amendment would increase funding for environment and energy research at the FAA by $4 million, and it would reduce the Federal Aviation Administration funding for the terminal Doppler weather radar by $10 million to offset the increase.

Now, the reason the figures are different—$4 million versus $10 million—they are different in order to make the amendment outlay neutral. My amendment would restore funds for vitally needed area research at the FAA, one which the reported bill cuts by 80 percent.

As chairwoman of the authorization subcommittee over this research, I would hope that a higher level of funding could be accommodated, so my offset would reduce funds for a system that was not requested by the FAA.

□ 2030

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I agree with the gentlewoman that the FAA's environmental and energy-related research has been hit hard in this bill. We had to make some very difficult choices, and this was one of them. The gentlewoman from Maryland has discussed her amendment with me. I would hope that if she would consider withdrawing her amendment, I will commit to her that I will attempt to find $1 to $1.5 million in additional funding for these research activities in conference with the Senate later this year.

I am concerned that a proposed offset to terminal doppler weather radar, which is the big issue that we discussed on the Foglietta amendment, would undermine safety since it is a safety-related system and no one in the body wants to undermine safety.

Therefore, I pledge to the gentlewoman that I will work with her to increase funding for this research in the conference.

Mrs. MORELLA. Mr. Chairman, the words of the chairman of the subcommittee have always been very truthful and so I thank him for his pledge and the comments of the gentleman from Virginia.

With those assurances, I will withdraw my amendment. Before I do, I want to also thank others who have supported this amendment, the gentleman from Virginia [Mr. MORAN], the gentleman from New York [Mr. SCHUMER], and the gentleman from New York [Mr. MANTON].

Mr. MORAN. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, the amendment is a very good one. As the chairman of the Appropriations Subcommittee knows, and I think it is supported by the ranking member of the subcommittee as well, it is fiscal constraints that is the only reason why it cannot be through, but I know that when the gentleman from Virginia [Mr. WOLF] says he is going to do something, he comes through. We are confident that he will in this case as well.

Again, we encourage him to find money in the conference for this activity. I very much applaud and appreciate the fact that my good friend from Maryland has raised the amendment.

Mr. COLEMAN. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, let me just say to the gentlewoman, I agree with the chairman that we should attempt to find the funds for this kind of activity. As a matter of fact, I think the gentlewoman's amendment, as originally crafted, you got it from exactly the right place so the chairman himself took $60 million out of that F&E account of unobligated dollars. It was not incorrect for you to do it. I am sure that the chairman's commitment perhaps to find the $4 million somewhere else would be well spent or from that very same account. I would agree with the chairman, if he were to do that.

I thank the gentlewoman for her well-thought-out amendment.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman, the ranking member, for his comments on that. The authorization was like $8.5 million and only $1 million was funded. I will rely on the pledge made by the distinguished chairman of the committee. I thank him very much for that.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mrs. MORELLA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the reason I asked to do that, Mr. Chairman, is that I want to engage the chairman of the subcommittee, the gentleman from Virginia, in a colloquy.

Mr. Chairman, the Montgomery County Airpark is Maryland's fourth busiest airport. The airpark is a reliever airport with 108,000 annual landings and takeoffs. It is also a center for medical and humanitarian services.

I think the gentleman is probably aware of that.

Mr. WOLF. Mr. Chairman, will the gentlewoman yield?

Mrs. MORELLA. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I am. And I am aware of the many commuter flights. Quite frankly, I know that it takes a lot of flights in there, that if it was not in operation, they would all go into National and create many, many noise problems. I am aware of the use of the Montgomery airport.

Mrs. MORELLA. Mr. Chairman, the runway at the airpark is deteriorating. In fact, the airport has been ordered to reconstruct rather than resurface the runway. It only has one runway. The soil underneath the runway is eroding and deep large holes dot the landing strip, creating a safety risk.

The airpark is self-supporting, does not depend on taxpayers dollars for its daily operations.

However, like small airports across the country that cannot raise funds from user fees, the Montgomery Airpark must rely on the Federal Aviation Administration's airport improvement project to fund major construction projects.

Unfortunately, for 3 consecutive years, the much-needed funding, a very small amount, for the runway has been denied by the FAA because for the past 2 program years, the legislative level of AIP funding has been reduced considerably, at least that is what was sent to me in a letter.

The FAA says that all AIP funds for fiscal year 1995 have been assigned.

Mr. WOLF. Mr. Chairman, if the gentlewoman will continue to yield, in the transportation appropriations bill for fiscal year 1996, funding for the AIP has been increased by 10 percent, from 1.4 to 1.6 billion. The question is, how much does the airpark need to restructure the runway?

Mrs. MORELLA. I thank the gentleman for clarifying that statement. The runway reconstruction will cost $1.6 million and the project is ready to proceed immediately. The gentleman said $1.6 billion has been appropriated. This airport would require $1.6 million. It is my understanding that the runway project could still be funded, as a matter of fact, out of fiscal year 1995 AIP funds.

Mr. WOLF. Mr. Chairman, I agree that this is a necessary and worthwhile project. I will encourage the FAA to consider funding it. We can have a meeting next week. Quite frankly, if they cannot take it out of this year, which I think they may actually be able to find the money from this year, certainly I see no reason why they could not take it out of next year. I would be glad to meet with them and with the gentlewoman.

Mrs. MORELLA. Mr. Chairman, I thank the gentleman. I urge my colleagues to support the Transportation Appropriations Act.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. FILNER

Mr. FILNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FILNER: Page 17, line 8, strike "$18,000,000,000" and insert "$17,990,000,000".

Page 23, line 14, strike the colon and all that follows through "1996" on line 15.

Page 23, after line 15, insert the following: In addition, for the cost (as defined in section 502 of the Congressional Budget Act of 1974) of new loan guarantee commitments under section 511 of such Act, $10,000,000.

The CHAIRMAN. The gentleman from California [Mr. FILNER] is recognized for 7½ minutes.

Mr. FILNER. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, I intend to ask unanimous consent for withdrawing my amendment but I want to engage the chairman of the Committee on Appropriations Subcommittee on Transportation in a brief colloquy about a critical component of our Nation's infrastructure—our regional and short line railroads.

I am joined in this effort to highlight the importance of the section 511 Loan Guarantee Program by colleagues in various regions of our Nation.

We believe that the section 511 Railroad Loan Guarantee Program is a wise investment in our infrastructure. This loan guarantee program is authorized under section 511 of the Railroad Revitalization Act of 1976.

Historically, our investment in road and highways, airports, seaports, and railroads has been responsible for creating the most advanced and efficient economy in the history of the world. The 511 program can help an important segment of our transportation system that has been largely left out of infrastructure investment programs.

A very modest investment of about 5 percent of a total loan amount is all that is required of the Government to guarantee these loans. An appropriation of $10 million will, therefore, generate a $200 million investment in our railroads.

The program also contains no earmarks. Small rail lines throughout America—lines such as the San Diego and Arizona Eastern Railroad—will be able to apply for these loans to rebuild important infrastructure.

These section 511 loan guarantees represent the type of public/private partnership this Congress should encourage.

For a small investment, we can rehabilitate important rail lines, ease congestion, and provide jobs. Best of all, these are not grants—they are loans which will be repaid. The repayment history on this program is excellent.

Mr. Chairman, I would hope that the gentleman from Virginia would join me in a colloquy.

Mr. Chairman, as you may know, many of our regional and short line railroad lines—which are still a vital element of our commercial infrastructure—often find it difficult to obtain private financing for rail line improvements. These private loans are either short-term or their interest rates are too high to make this type of investment prohibitive. I believe that the Section 511 program—because it is a loan program that must be repaid, and because it is leveraged at 20-to-1—is precisely the type of infrastructure investment program that this Congress should promote.

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I concur that these loan guarantees have proven to be reliable and can be a cost-effective and wise use of Federal transportation dollars.

Mr. FILNER. Mr. Chairman, I would hope that the gentleman would favorably consider appropriating funds for this program, if the Senate includes funding for Section 511 railroad loan guarantees in their bill.

Mr. WOLF. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman from California and our other colleagues for bringing this important transportation investment program to the attention of the House.

As the gentleman knows, the proposal to revitalize the loan guarantee program was not ready in time to be included in the committee markup. However, I can assure the gentleman that I am sensitive to the needs of our regional and short line rail lines. I will certainly consider funding the 511 loan guarantee program, if it is brought before a House-Senate conference.

Mr. FILNER. Mr. Chairman, I thank the gentleman for those comments.

Mr. Chairman, I yield 2 minutes to the gentleman from Oregon [Mr. COOLEY].

Mr. COOLEY. Mr. Chairman, I thank the gentleman for the opportunity to speak about a program vitally important to the railroads in the Second District of Oregon—the Section 511 Railroad Loan Guarantee Program.

Railroad operators have difficulty securing private sector loans for construction because half of the construction costs go to labor, and the resulting railroad is not attractive collateral for banking interests.

However, I represent an area dependent on agriculture and natural resources and we rely on efficient transportation of our goods. For many businesses, this means shipping along the Siskiyou Summit rail line running north to south in southern Oregon.

The Section 511 Loan Guarantee Program would allow this railroad to construct much-needed repair to its track and tunnels.

In an age of fiscal responsibility, it is important to note that these loans will be paid back to the Federal Government. In fact, the Congressional Budget Office has reported that $10 million for the section 511 program will result in $200 million in available loans for needy railroads.

I urge the chairman to fight for this worthy program when this bill goes to the conference committee.

Mr. FILNER. Mr. Chairman, I yield 2 minutes the gentleman from Illinois [Mr. LAHOOD].

Mr. LAHOOD. Mr. Chairman, I also support the gentleman's efforts to continue funding for the Section 511 Loan Guarantee Program. Currently, the Toledo, Peoria and Western Railroad provides much needed rail freight transportation service from Fort Madison, IA, across central Illinois and into Indiana. In Peoria and central Illinois it provides our shippers with important connections to Illinois Central, Burlington Northern/Santa Fe, CSX, Union Pacific, Conrail, and several regional rail carriers. Unfortunately the TP&W is in financial distress. It is my understanding that a successful New York operator of small railroads is attempting to purchase the TP&W. The railroad needs modern locomotive power and track rehabilitation. The buyer is having difficulty convincing private financial institutions to back the total project. It would be a tragedy for this railroad's distress caused a domino effect on its customers and other regional rail carriers in the area. A loan guarantee under the proposal being put forward by Congressman FILNER and Chairwoman MOLINARI, of $11 million would allow an acquisition and rehabilitation of the TP&W.

Mr. FILNER. Mr. Chairman, I thank the gentlemen for their participation. I look forward to working with them to make this happen.

I would like to just point out to the Chair that for the $10 million appropriations that would leverage $200 million worth of loan guarantees, we can open a $7 million rail line, with $7 million we can open a rail line from Campo to El Centro in California. As Mr. LAHOOD stated, for $11 million we can guarantee to preserve and improve rural freight service on the Toledo, Peoria and Western. We can, for $3 million, guarantee a project for rehabilitation of a bridge over the Ohio River. For $13 million, we can make capital improvements and debt restructuring for projects in Maine and New Hampshire; $10 million will guarantee a project to improve service in the Upper Peninsula of Michigan; $30 million beyond will make sure that the State of Missouri gets short line railroad improvements. We heard about what $5 million can do for the Siskiyou Summit rail line in Oregon, and finally $10 million would guarantee track rehabilitation in western South Dakota.

Mr. Chairman, I think these are worthwhile projects. I know the chairman will be looking at possible funding of this.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of Michigan: Page 27, line 9, strike "$1,665,000,000" and insert "$1,572,100,000".

Page 27, line 16, strike "$666,000,000" and insert "$573,100,000".

Page 27, strike lines 22 through 25.
Page 28, strike lines 3 through 6.
Page 28, strike lines 15 and 16.
Page 28, strike lines 21 through 24.
Page 29, strike lines 3 and 4.
Page 29, strike lines 7 and 8.
Page 29, strike lines 13 and 14.
Page 29, strike lines 21 through 24.
Page 30, strike lines 1 through 6.

Mr. SMITH of Michigan (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD?

The CHAIRMAN. Is there objection to the request of the gentleman from Michigan?

There was no objection.

□ 2045

The CHAIRMAN. The gentleman from Michigan [Mr. SMITH] will be recognized for 7½ minutes on behalf of his amendment, and the gentleman from Virginia [Mr. WOLF] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, we could call this a revised Smith-Chabot amendment. It is an amendment that negates every person that got up and spoke against the first amendment, because this places a 1-year moratorium on funding for only those fixed guideway mass transit projects, the subways and the el's, that do not have a full funding grant agreement, an FFGA, or have not reached a final design phase. It saves $92.9 million.

The Department of Transportation says that mass transit costs for existing systems range from $4,800 to $17,000 per rider. Our goal is to conserve energy. Our goal is to help people move into where they want to move. The fact is that these fixed guideways, these fixed rail systems, are not used by the poor people, they are not used by the elderly, because they have chosen, according to the Congressional Research Service, to use automobiles because it places them at a disadvantage in the beginning point, the fixed beginning point, and the fixed ending point.

According to DOT, a new mass transit is not cost-justified unless it costs less than $6 per rider per trip. The average cost per rider per trip for the 15 projects that this amendment would put on hold is $10.50. The fares are expected to make up no more than $2 of the cost. That means some taxpayer someplace, either paying taxes to the Federal Government or paying taxes to local government, is going to have to make up the difference between the $10.50 and the $2.

The President requested in this budget funding for just 12 new starts, yet the Committee on Appropriations proposes funding for 30 new starts. The revised amendment would allow further study of these projects before committing Federal funding. Mr. Chairman, I would like to commend the members of this subcommittee of the Committee on Appropriations because they have done wonderful things with this proposal that they have brought to the floor. There are no longer the pork barrel projects for demonstration projects. I am delighted, the American taxpayers are delighted.

I am simply offering amendments that hopefully will fine tune this bill and save taxpayers even more money, or instead, maybe put this money to improve some of the highway systems, some of the local bridge needs, in the United States, as opposed to starting new mass transit subway systems that are going to be so inefficient and cost so many American dollars, not only to build but to subsidize in the future.

Mr. DEFAZIO. Mr. Chairman, the Central Oregon and Pacific operates in my Oregon congressional district. The railroad also has informed me that it would seek a $10 million loan guarantee to rehabilitate the Coos Bay Railroad Bridge, if this program were continued. The Coos Bay Railroad Bridge is the line between Coos Bay and Eugene—including all points east, north, and south—and at present, the railroad hauls over 10,000 cars per year over the bridge. During the Southern Pacific's ownership of the bridge, it threatened to abandon service over this line due to the condition of the bridge. The Central Oregon and Pacific would like to continue service to and from Coos Bay, but to do so, the Coos Bay Bridge needs major rehabilitation. The railroad has pledged $600,000 to the project, if Federal loans money is available, and the State of Oregon plans to assist in the funding.

If the railroad bridge were to fail, all of the traffic to and from Coos Bay would be diverted to the highway. This would put the existing highway bridge under enormous pressure. A lone guarantee to a private company is preferable to tens of millions of dollars in highway grants funds to rebuild highway infrastructure.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment, but let me just say I do appreciate the gentleman from Michigan [Mr. SMITH] mentioning something that has not been mentioned. The fact is, I am going to just take a second, this bill has no highway demo projects. Had the gentleman not mentioned it, I was not going to say it, and it maybe would not even have been mentioned. It used to be, and it is the old thing in politics, "What have you done for me lately"; we took them out, and nobody mentioned it, and I thank the gentleman for mentioning it.

Mr. Chairman, it is like what goes on in the Committee on Appropriations almost is irrelevant and does not count, and then we start when we come out with these bills. It used to be that we did not get a highway demo project unless someone was a certain powerful Member, or they did not get a project unless they served in a certain committee, or if they happened to be powerful and served in a certain committee and voted wrong, they did not get it.

So I appreciate the gentleman mentioning that, Mr. Chairman, because this has been a fairly significant reform. We have to not only look at what we are doing on the floor, but what we did in the committee.

Mr. Chairman, with regard to the gentleman's amendment, and I understand what he is doing, I rise in opposition. The amendment really, and this will be a revote, really seeks to reduce funds for transit new start projects by $93 million, eliminating 15 projects.

The gentleman from Michigan suggested that these projects are new projects early in the planning and design phases of development. Mr. Chairman, all the projects proposed for deletion have received appropriations in the past. In addition, funds of each of the projects in the amendment are made subject to authorization. The authorizing committee will review these projects, just as the Committee on Appropriations has done, but in the context of the national highway systems bill.

Mr. Chairman, I urge my colleagues to vote no on the Smith amendment, which deletes the following projects: Canton-Akron, Cincinnati-Northern Kentucky, DART, the Dallas North Rail, which is really an 80 percent local match, the Dallas Railtran, Los Angeles, San Diego, Memphis, New Orleans, Orange County, Sacramento, San Francisco BART, San Juan Treno Bano, Tampa-Whitehall, Wisconsin Central. We have already had a vote on a similar amendment, but it was defeated.

Mr. Chairman, I would urge a "no" vote on this. I want to thank the gentleman again for what he is trying to do, and also for mentioning the fact there are no highway demos in this bill. As long as blood pumps through my heart, I will do everything to make sure that when the bill comes back from conference, that there are no highway demos in, so that the Senators do not put it in, because I think we have done a good thing by removing them.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, let me only say again, as I understand it, the gentleman understands that this amendment would eliminate $93 million in funding for again, transit projects, what we just voted on a little bit ago, so I also rise in opposition to the amendment. I think it is important for everyone to understand that this amendment would negatively impact 15 mass transit projects in varying stages of development across the country.

Mr. Chairman, let me just give the Members the States in which this amendment would have an adverse effect: Ohio, Texas, Florida, Tennessee, Louisiana, New York, California, Illinois, and Wisconsin. Some of the projects, by the way, are authorized, so it is interesting also that we are now just going willy nilly about those that are authorized or not.

Let me only say in response to the comment by the gentleman from Virginia [Mr. WOLF], the comment about the highway demo projects, I pointed out a couple hours ago, Mr. Chairman, that he had indeed not included any highway demo projects in the appropriations bill, but I think it would be wrong for anyone to lead anybody astray on the issue of highway demonstration projects.

This appropriations bill, as we know, leaves intact so far, because of the amendments that have been adopted or defeated, leaves intact 539 highway demonstration projects, so I would say to the chairman, it is still true, I guess, that those highway demonstration projects belong to who the people are. The gentleman chastised the previous Congress for suggesting or saying somewhere in the process that depending on if Members were on the right committee or who they were, Members were able to get a highway demo project. How did these 539 highway demo projects get in the authorization bill? Do Members have to be a member of the Committee on Transportation and infrastructure? Do Members have to be somebody special or important to that committee?

Mr. Chairman, I think what we need to do is not criticize the past as much as some do, and maybe not hold up on pedestals the present as much as we sometimes do, because I am not at all proud of the fact that this House, in defeating the Foglietta amendment, refused, refused to say that 539 highway demo projects are bad. I think, by the way, a lot of people in the United States would disagree with that vote.

I understand the reasoning and the rationale for it, and there are Members that are very fearful that they will not be able to get projects in their congressional districts had they voted the other way on that particular amendment; but I would only suggest that once again, in closing, on this amendment, that we truthfully are doing just what we did before, they just reduced the number of projects that he seeks to delete. As a famous former President used to say, "There you go again."

Mr. WOLF. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I thank my colleague, the gentleman from Virginia, for yielding me this time.

Mr. Chairman, I rise in opposition to this second amendment offered by the gentleman from Michigan [Mr. SMITH] and urge our colleagues to join both the authorizing committee and the Committee on Appropriations in opposing this amendment.

The first amendment offered by the gentleman from Michigan [Mr. SMITH] lost by a margin of 3 to 1, so I urge my colleagues to reject this essentially identical amendment by an equally wide margin. In some heavily congested corridors, such as those listed in this bill, the appropriate new transportation investment is a new start transit investment. We should not favor one new start project over another, as this amendment would do, but treat all projects equitably.

Mr. Chairman, our colleagues know that the authorizing and appropriations committees have not always agreed on every issue on this floor. Today we stand united in opposing this second Smith amendment, just as we opposed the first amendment. Therefore, Mr. Chairman, we have already had this vote, and I urge our colleagues once again to reject this "us against them" philosophy embodied in the Smith amendment and vote against it.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, I appreciate the gentleman yielding to me.

Mr. Chairman, all I can say, these are very, very important. One of the projects will save several lives, and if we strike it, lives will be lost.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. SMITH].

The amendment was rejected.

Mr. SMITH of Michigan. Mr. Chairman, I move to strike the last word.

Mr. Chairman, inasmuch as our last amendment lost at a three to one rate, I will not call for a record rollcall on this, and hope that the committee, both the authorizing and the Committee on Appropriations, will consider it.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

Mr. SMITH of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of Michigan: Page 24, strike lines 1 through 19.

The CHAIRMAN. The gentleman from Michigan [Mr. SMITH] will be recognized for 7½ minutes in support of his amendment, and the gentleman from Virginia [Mr. WOLF] will be recognized for 7½ minutes.

The Chair recognizes the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, I rise to offer an amendment to eliminate funding for the high speed rail project. While the amount in this budget is $15 million, this is a foot in the door for projects which, according to a GAO report, could cost as much as $12 billion. Three copies of the executive summary are available at the desk for your review. The taxpayers would end up providing operating subsidies in the future in order to keep the projects solvent. Of the $15 million in this bill, $3 million goes to Michigan for developing a radio system for train traffic control in the Detroit-Chicago corridor. This corridor goes right through the heart of my district. I think it is important that with a debt approaching $5 trillion that we be willing to cut nonessential programs in our own districts. While it would be nice to have this technology, the freight operators are working on a similar technology on their own in the Pacific Northwest. In fact, another $1 million in this bill is to have the State of Washington ensure that the system being developed by the private sector is compatible with what the Government-subsidized experiment is doing.

Another $5 million in this bill goes to develop, in the Chicago-St. Louis corridor, a more advanced system of locating trains by global positioning and feeding that information to a central system. Again, the freight operators are already experimenting in this area on their own.

The budget committee recommended elimination of this project. The Heritage Foundation made elimination of this project one of its priorities in its rolling back Government analysis. Citizens for a Sound Economy supports its elimination. The reasoning behind these calls for elimination is threefold:

First, these projects will be exceedingly expensive. To upgrade the infrastructure along the Detroit-Chicago corridor just to get to a 3-hour travel time between Chicago and Detroit will cost more than $700 million. Upgrading trains and track to achieve the lowest of the high speed range will cost, for a typical 200-mile corridor, more than $11 million per mile.

Second, freight traffic in these corridors will be disrupted. To quote the GAO report mentioned earlier, "freight railroads believe that these improvements will generally provide few benefits for their freight operations." Freight companies do not want to be liable for collisions between 100 plus miles per hour passenger trains and slower moving freight trains. The GAO report states that freight companies want total endemnification from liability for passenger train accidents. In my district, Conrail has said that, if a high-speed rail corridor were built on the lines it runs between Detroit and Kalamazoo, it would sell that line, move traffic out of the corridor, and reserve a freight easement for some of the less-traveled time on the line. This would reduce the availability of freight service for some of Michigan's largest companies. The problems of 125 miles per hour passenger trains traveling with 60 miles per hour freight trains are evident. The fact that the freight operators will go so far as to turn over their lines in order to avoid the liability problems says that they feel the problems are not surmountable.

Third, the private sector has shown that these systems would not be able to compete with existing air, bus, and auto travel. Several GAO reports note that the private sector is unwilling to invest in any system without huge Government subsidy. What this means is that the resources that would be consumed in producing such a system are valued more in the production of other goods and services than they are in the production of a high-speed rail system. We need to look at the opportunity cost of these systems; $12 billion would provide a lot of services which are clearly more highly valued than a high-speed train, as witnessed by the fact that no one will put their own money into high-speed rail unless the Government guarantees the return.

Fourth, these systems are clearly regional, they are not a role for the Federal Government. There is no reason that taxpayers in Montgomery, AL should pay for someone in Michigan to ride a 125 miles per hour train instead of flying in an airplane or driving their car to get to their destination. In a time when we have a $5 trillion Federal deficit, and unfunded liabilities in Social Security and Medicare of additional trillions, there is no good reason for the Federal Government to be involved in taxing the vast majority of Americans so that a few can travel by train instead of plane or car.

□ 2100

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] is recognized for 7½ minutes.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consumer.

Mr. Chairman, I rise in strong opposition to the amendment which would strike all funding for high-speed rail. Again, try to go back and think what did these men and women do in the committee?

Well, the request was for $35 million. We knocked it down to $15 million, so we are not just starting with this as the beginning figure.

Second, the committee scrubbed the Federal Railroad Administration's high-speed rail budget. The recommended funding for this program is 133 percent below the administration's request, 40 percent less than the 1995 enactment level.

The program is designed to significantly improve, and I use the big S word, safety, if high-speed rail becomes a reality in the United States. Deleting all remaining funding for this program would be detrimental to a number of safety programs, such as removing highway rail grade crossing hazards, that the committee continued for funding albeit at a lower level.

Programs funded in fiscal 1995 have just begun. However, the full benefits of these programs such as train control demonstrations in Michigan—is anybody from Michigan other than Mr. SMITH opposed to it? I do not think so—and Illinois relies on fiscal year 1996 funding.

Not providing further appropriations will effectively end these programs before there are any achievable benefits. This will basically throw away funding both States and the Federal Government have contributed, as well as the private investors.

Other States such as Florida, California, Oregon, Washington, and New York have also invested in high-speed rail. This amendment fails to consider these investments. High-speed rail service could alleviate the need for additional highway and airport safety which are increasing in difficulty and expensive to build. We have not built a new airport for a long while, and the one we built in Denver I think has been a big mistake, and one frankly the Congress probably should have reversed.

This program will make use of existing rail lines and does not require the expense of major new construction. Abolishing the program will add to the public cost of transportation as well as potentially increase traffic casualties.

There was a "Dear Colleague" letter that went around with regard to this. Just to answer that, first, funding of the high-speed rail program for corridor development will not be used to lay new track. The three corridor programs under way, which will run between Detroit and Chicago, Chicago and St. Louis, and Portland and Seattle, will operate over existing rail lines and rights-of-ways. No money will be used to lay new track.

Secondly, these corridors do not plan on operating at 150 miles per hour or higher. The trains will run at 110 and 125 miles per hour, which is significantly higher than the average 79 miles per hour that they currently operate. As such, the Government will not need to buy new land or lay new track to run at 150 miles per hour.

Third, the private sector is already investing in these programs. For example, on the Portland to Seattle corridor, Burlington Northern and Union Pacific are solely financing the upgrading of safety and signaling technology along the corridor. This program will cost $20 million, and the Federal Government's role to evaluate and test will be $3 million.

Fourth, State governments are participating in the development of these high-speed rail corridors. I would say that rail is important. The program has been cut dramatically from $35 million down to $15 million. I urge the Members to consider these points and vote against the amendment of the gentleman from Michigan [Mr. SMITH] to zero out high-speed rail programs.

Mr. Chairman, I reserve the balance of my time.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself 15 seconds for a response.

Mr. Chairman, I would just like to say that the cost to finalize this project in the Detroit to Chicago would be $700 million. Department of Transportation says no. The Federal Government will not pay for it. The taxpayers of the particular States that it goes through are going to have to end up paying for it out of tax money or out of ISTEA money.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. COLEMAN], the ranking member of the committee.

Mr. COLEMAN. Mr. Chairman, I rise in opposition to the amendment.

Let me just say that what it does, this amendment, is cut out all funding for any kind of research in the high-speed rail research and development program.

Let me say why that is really a bad idea. First of all, the GAO report was cited. I know exactly what the gentleman said. The problem with what the gentleman said was he did not read all of the report. I wanted to be sure we put into the record the rest of what the General Accounting Office said. I will quote from them.

The GAO recommends that the Secretary of Transportation, in addition to following through on research on low-cost grade crossing systems and on a high-speed non-electric locomotive, one, focus available Federal funds on a limited number of projects to ensure that combined Federal, State, and private funding is sufficient to move these projects to completion and, two, ensure that FRA, the Federal Railroad Administration, has the expertise to evaluate corridor development proposals to select those that could provide the most benefits.

What we are saying is, and I recognize all Americans say, "We can't afford it." America can no longer afford research and development. We cannot get on the cutting edge of any technologies. We cannot afford it. We are too poor as a country.

Well, that is just not so. A lot of us understand that by the proper utilization of our national resources, that we can indeed as a country continue to make progress, continue to move forward, continue to say something about new technologies. We are not going to have anything to say about that technology if we let only foreign countries get into the arena. Maybe that is what we say we have to do now, that America can't cut it anymore.

My side of the aisle does not believe that. My side of the aisle believes that we can do it, that we have got the men and women in the work force in the United States of America to do the job. That this country is not being punched around and kicked back on her heels simply because some people say we cannot afford research and development. We know we can.

I suggest a "no" vote on this amendment.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it was part of the budget resolution that this body passed just a few weeks ago. The Heritage Foundation made elimination of this project one of its priorities in its rolling back government analysis. Citizens for a Sound Economy support this amendment. The National Taxpayers Union is scoring this amendment. The problem is if we push through this body funding for high-speed rail and jeopardize the freight systems that are now operating in these areas, then I think we are giving a great disadvantage to our constituents in the long run.

These projects will be exceedingly expensive. To upgrade the infrastructure along the Detroit-Chicago corridor, for example, is going to cost over $11 million per mile. That money is not going to come from the Federal Government according to the Department of Transportation. It is going to come from taxpayers, by the citizens, or it is going to come from funding out of their ISTEA money that they are allocated.

Conrail, when I talked to them this afternoon, says that if high-speed rail goes in on the track they own, they want to sell that track and they will start transporting their freight from the Detroit area through Toledo to their main east-west corridor.

Freight traffic in these corridors will be disrupted. To quote the GAO report mentioned earlier, "Freight railroads believe that these improvements will generally provide few benefits for their freight operations, and freight companies do not want the liability for the collisions, even if it is only 120 or 125 miles an hour compared to their average 62 miles an hour."

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Chairman, I rise in strong opposition to this amendment. This is the amendment which would eliminate expenditures which are important to the future transportation needs of the country. It would essentially cripple, or hurt, an attempt to run a high-speed rail system from Detroit to Chicago to Milwaukee to St. Louis.

It is a program which affords great advantages to this country. It is a program which is supported by our Governor, a friend of my dear friend the gentleman from Michigan [Mr. SMITH]. It is a program which is geared at enabling this country to finally begin to move towards getting a good high-speed rail system for this country. It is not one which is going to add to the bureaucracy or the number of government employees. It is one that is going to be run by the people using this as seed money only.

Mr. SMITH of Michigan. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Michigan is recognized for 30 seconds.

Mr. SMITH of Michigan. Mr. Chairman, in summary, we have got to start someplace. Three hundred million dollars is not going to cripple the system. The system is going to end up costing $700 million. The Federal Government is not going to pay for it.

I would just ask everybody in mass transportation, with the recommendation of the Committee on the Budget, that we phase out subsidies for all mass transportation, that we eliminate funding for high-speed rail. Localities and States better think very carefully before they start digging themselves a hole to obligate their future and their taxpayers' future.

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. WALSH], a member of the committee.

The CHAIRMAN. The gentleman from New York is recognized for 1 minute.

Mr. WALSH. Mr. Chairman, I thank the gentleman from Virginia [Mr. WOLF], the chairman, and the gentleman from Texas [Mr. COLEMAN], the ranking member, for their strong leadership in this area.

Mr. Chairman, this vote is critically important to New York State and the northeast corridor, I strongly urge a "no" vote on this amendment.

We have overcrowded airports in New York and in the northeast corridor. This is the best way to get people moved around. This has already been reduced from $35 million to $15 million. There is demonstrated support for high-speed rail in New York and in the rest of the northeast corridor. This is Governor Pataki's top appropriations legislative priority at the Federal level. I urge a strong vote in opposition to this amendment and a strong vote in support of high-speed rail.

Mr. UPTON. Mr. Chairman, I rise in opposition to the amendment by my fellow colleague from Michigan [Mr. SMITH]. I have been interested in high speed rail for many years because I believe wise investments in technology and transportation infrastructure pay off in economic development, job creation, and higher productivity.

I recognize the motive of the Smith amendment. In an era with record Federal deficits, we need to be fiscally prudent. However, by building on what we have, high speed rail is within reach. We need to encourage incremental improvements that will increase train speed: things like improving grade crossings, signal systems, tracks, and cost-efficient equipment and locomotion. We should target limited federal resources to a few deserving projects.

Improvements related to the high speed rail concept are already being implemented. Earlier this year in fact, the U.S. Department of Transportation awarded a $6 million grant to the Michigan Department of Transportation [MDOT] for further safety and grade crossing improvements on a 71 mile stretch of rail in Michigan. These improvements will allow for an increase in speed along the route and will reduce the amount of travel time. I strongly supported the State's application and have had many discussions with the Director of MDOT about this issue since Michigan has been a leader in this area.

High speed rail means more and better options for the travelling public, both business and pleasure, in the areas surrounding the station. High speed rail also provides a more balanced transportation network that reflects growing environmental and energy concerns.

Being from Michigan and thereby impacted by the Detroit and Chicago rail corridor, linking the third and fifth largest metropolitan areas, I have examined many reports regarding the feasibility and cost of high speed rail.

Many independent studies have shown that the Detroit-Chicago rail corridor is an excellent candidate for high speed rail. Significant economic and employment opportunities are expected to sprout along the route. Just last month, a group in Chicago—Environmental Law and Policy Center—released a study concluding that high speed rail is financially feasible and will create jobs throughout the Midwest.

As this country proceeds with high speed rail development, we need to move cautiously. We need to know what we are buying, who is paying for it, and what the benefits are. We also need to examine potential downsides and legitimate concerns about high speed, particularly safety and take the steps necessary to address those concerns.

Most people agree that it is more prudent to move in small, incremental steps as we develop the high speed rail system. I believe the committee's recommendation of $15 million is a very prudent and appropriate level which will keep the effort moving forward to the benefit of our nation's infrastructure and the travelling public.

Therefore, I urge my colleagues to vote "no" on the Smith amendment.

Mr. MINETA. Mr. Chairman, I rise in opposition to the gentleman's amendment which strikes $15 million from the High-Speed Rail Program.

Mr. Chairman, this practical program will reduce the cost and improve the safety and performance of high speed rail projects in the United States. It is specifically targeted at safe, economical, and environmentally-friendly all weather service by the year 2000 in selected corridors, in all areas of the Nation. Such service alleviates the need for additional highway and airport capacity which all Members know is increasingly difficult to obtain and very expensive.

Specifically, this program is targeted at supporting future and relatively modest upgrades for existing rail lines. These upgrades have been proposed by a number of States with congested intercity transportation corridors. In fact, there is a project now underway in Michigan, that is partially funded by the $15 million, which will use new technology to provide high speed train control and significantly enhanced grade crossing safety at about half the cost of conventional methods beginning as early as 1996.

Mr. Chairman, the Federal role proposed here is to simply provide a technology base. It is unreasonable and uneconomical to expect 15 or 20 States to each undertake technology development programs. Moreover, efforts are well coordinated with freight railroads to assure both practicality and ultimate ability to implement. Finally, an incremental approach minimizes risk to taxpayers and maximizes value.

Mr. Chairman, I oppose this amendment. In terms of technology advancement, it is a step backward and I urge a "no" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. SMITH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SMITH of Michigan. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Michigan [Mr. SMITH] will be postponed.

The point of no quorum is considered withdrawn.

Are there further amendments to title I?

□ 2115

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II

RELATED AGENCIES

ARCHITECTURAL AND TRANSPORTATION BARRIERS COMPLIANCE BOARD

SALARIES AND EXPENSES

For expenses necessary for the Architectural and Transportation Barriers Compliance Board, as authorized by section 502 of the Rehabilitation Act of 1973, as amended, $3,656,000: *Provided*, That, notwithstanding any other provision of law, there may be credited to this appropriation funds received for publications and training expenses.

NATIONAL TRANSPORTATION SAFETY BOARD

SALARIES AND EXPENSES

For necessary expenses of the National Transportation Safety Board, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), $38,774,000, of which not to exceed $1,000 may be used for official reception and representation expenses.

EMERGENCY FUND

For necessary expenses of the National Transportation Safety Board for accident investigations, including hire of passenger motor vehicles and aircraft; services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for a GS-18; uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902), $160,802 to remain available until expended.

INTERSTATE COMMERCE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Interstate Commerce Commission, including services as authorized by 5 U.S.C. 3109, hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b), $13,379,000, of which $4,984,000 shall be for severance and closing costs: *Provided*, That of the fees collected in fiscal year 1996 by the Interstate Commerce Commission pursuant to 31 U.S.C. 9701, one-twelfth of $8,300,000 of those fees collected shall be made available for each month the Commission remains in existence during fiscal year 1996.

PAYMENTS FOR DIRECTED RAIL SERVICE

(LIMITATION ON OBLIGATIONS)

None of the funds provided in this Act shall be available for the execution of programs the obligations for which can reasonably be expected to exceed $475,000 for directed rail service authorized under 49 U.S.C. 11125 or any other Act.

PANAMA CANAL COMMISSION

PANAMA CANAL REVOLVING FUND

For administrative expenses of the Panama Canal Commission, including not to exceed $11,000 for official reception and representation expenses of the Board; not to exceed $5,000 for official reception and representation expenses of the Secretary; and not to exceed $30,000 for official reception and representation expenses of the Administrator, $50,741,000, to be derived from the Panama Canal Revolving Fund: *Provided*, That funds available to the Panama Canal Commission shall be available for the purchase of not to exceed 38 passenger motor vehicles for replacement only (including large heavy-duty vehicles used to transport Commission personnel across the Isthmus of Panama), the purchase price of which shall not exceed $19,500 per vehicle.

Are there amendments to title II?

If not, the Clerk will designate title III.

The text of title III is as follows:

TITLE III

GENERAL PROVISIONS

(INCLUDING TRANSFERS OF FUNDS)

SEC. 301. During the current fiscal year applicable appropriations to the Department of Transportation shall be available for maintenance and operation of aircraft; hire of passenger motor vehicles and aircraft; purchase of liability insurance for motor vehicles operating in foreign countries on official department business; and uniforms, or allowances therefor, as authorized by law (5 U.S.C. 5901-5902).

SEC. 302. Funds for the Panama Canal Commission may be apportioned notwithstanding 31 U.S.C. 1341 to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law that are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the Government in comparable positions.

SEC. 303. Funds appropriated under this Act for expenditures by the Federal Aviation Administration shall be available (1) except as otherwise authorized by the Act of September 30, 1950 (20 U.S.C. 236-244), for expenses of primary and secondary schooling for dependents of Federal Aviation Administration personnel stationed outside the continental United States at costs for any given area not in excess of those of the Department of Defense for the same area, when it is determined by the Secretary that the schools, if any, available in the locality are unable to provide adequately for the education of such dependents, and (2) for transportation of said dependents between schools serving the area that they attend and their places of residence when the Secretary, under such regulations as may be prescribed, determines that such schools are not accessible by public means of transportation on a regular basis.

SEC. 304. Appropriations contained in this Act for the Department of Transportation shall be available for services as authorized by 5 U.S.C. 3109, but at rates for individuals not to exceed the per diem rate equivalent to the rate for an Executive Level IV.

SEC. 305. None of the funds for the Panama Canal Commission may be expended unless in conformance with the Panama Canal Treaties of 1977 and any law implementing those treaties.

SEC. 306. None of the funds in this Act shall be used for the planning or execution of any program to pay the expenses of, or otherwise compensate, non-Federal parties intervening in regulatory or adjudicatory proceedings funded in this Act.

SEC. 307. None of the funds appropriated in this Act shall remain available for obligation beyond the current fiscal year, nor may any be transferred to other appropriations, unless expressly so provided herein.

SEC. 308. The Secretary of Transportation may enter into grants, cooperative agreements, and other transactions with any person, agency, or instrumentality of the United States, any unit of State or local government, any educational institution, and any other entity in execution of the Technology Reinvestment Project authorized under the Defense Conversion, Reinvestment and Transition Assistance Act of 1992 and related legislation: *Provided*, That the authority provided in this section may be exercised without regard to section 3324 of title 31, United States Code.

SEC. 309. The expenditure of any appropriation under this Act for any consulting service through procurement contract pursuant to section 3109 of title 5, United States Code, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 310. (a) For fiscal year 1996 the Secretary of Transportation shall distribute the obligation limitation for Federal-aid highways by allocation in the ratio which sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to each State for such fiscal year bear to the total of the sums authorized to be appropriated for Federal-aid highways that are apportioned or allocated to all the States for such fiscal year.

(b) During the period October 1 through December 31, 1995, no State shall obligate more than 25 per centum of the amount distributed to such State under subsection (a), and the total of all State obligations during such period shall not exceed 12 per centum of the total amount distributed to all States under such subsection.

(c) Notwithstanding subsections (a) and (b), the Secretary shall—

(1) provide all States with authority sufficient to prevent lapses of sums authorized to be appropriated for Federal-aid highways that have been apportioned to a State;

(2) after August 1, 1996, revise a distribution of the funds made available under subsection (a) if a State will not obligate the amount distributed during that fiscal year and redistribute sufficient amounts to those States able to obligate amounts in addition to those previously distributed during that fiscal year giving priority to those States having large unobligated balances of funds apportioned under sections 103(e)(4), 104, and 144 of title 23, United States Code, and under sections 1013(c) and 1015 of Public Law 102–240;

(3) not distribute amounts authorized for administrative expenses and funded from the administrative takedown authorized by section 104(a), title 23 U.S.C., the Federal lands highway program, the intelligent vehicle highway systems program, and amounts made available under sections 1040, 1047, 1064, 6001, 6005, 6006, 6023, and 6024 of Public Law 102–240, and 49 U.S.C. 5316, 5317, and 5338: *Provided*, That amounts made available under section 6005 of Public Law 102–240 shall be subject to the obligation limitation for Federal-aid highways and highway safety construction programs under the head "Federal-Aid Highways" in this Act;

(d) During the period October 1 through December 31, 1995, the aggregate amount of obligations under section 157 of title 23, United States Code, for projects covered under section 147 of the Surface Transportation Assistance Act of 1978, section 9 of the Federal-Aid Highway Act of 1981, sections 131(b), 131(j), and 404 of Public Law 97–424, sections 1061, 1103 through 1108, 4008, and 6023(b)(8) and 6023(b)(10) of Public Law 102–240, and for projects authorized by Public Law 99–500 and Public Law 100–17, shall not exceed $277,431,840.

(e) During the period August 2 through September 30, 1996, the aggregate amount which may be obligated by all States pursuant to paragraph (d) shall not exceed 2.5 percent of the aggregate amount of funds apportioned or allocated to all States—

(1) under sections 104 and 144 of title 23, United States Code, and 1013(c) and 1015 of Public Law 102–240, and

(2) for highway assistance projects under section 103(e)(4) of title 23, United States Code,

which would not be obligated in fiscal year 1996 if the total amount of the obligation limitation provided for such fiscal year in this Act were utilized.

(f) Paragraph (e) shall not apply to any State which on or after August 1, 1996, has the amount distributed to such State under paragraph (a) for fiscal year 1996 reduced under paragraph (c)(2).

SEC. 311. None of the funds in this Act shall be available for salaries and expenses of more than one hundred and ten political and Presidential appointees in the Department of Transportation: *Provided*, That none of the personnel covered by this provision may be assigned on temporary detail outside the Department of Transportation.

SEC. 312. The limitation on obligations for the programs of the Federal Transit Administration shall not apply to any authority under 49 U.S.C. 5338, previously made available for obligation, or to any other authority previously made available for obligation under the discretionary grants program.

SEC. 313. None of the funds in this Act shall be used to implement section 404 of title 23, United States Code.

SEC. 314. Such sums as may be necessary for fiscal year 1996 pay raises for programs funded in this Act shall be absorbed within the levels appropriated in this Act or previous appropriations Acts.

SEC. 315. Funds received by the Research and Special Programs Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training and for reports' publication and dissemination may be credited to the Research and Special Programs account.

SEC. 316. None of the funds in this Act shall be available to plan, finalize, or implement regulations that would establish a vessel traffic safety fairway less than five miles wide between the Santa Barbara Traffic Separation Scheme and the San Francisco Traffic Separation Scheme.

SEC. 317. Notwithstanding any other provision of law, airports may transfer, without consideration, to the Federal Aviation Administration (FAA) instrument landing systems (along with associated approach lighting equipment and runway visual range equipment) which conform to FAA design and performance specifications, the purchase of which was assisted by a Federal airport aid program, airport development aid program or airport improvement program grant. The FAA shall accept such equipment, which shall thereafter be operated and maintained by the FAA in accordance with agency criteria.

SEC. 318. None of the funds in this Act shall be available to award a multiyear contract for production end items that (1) includes economic order quantity or long lead time material procurement in excess of $10,000,000 in any one year of the contract or (2) includes a cancellation charge greater than $10,000,000 which at the time of obligation has not been appropriated to the limits of the government's liability or (3) includes a requirement that permits performance under the contract during the second and subsequent years of the contract without conditioning such performance upon the appropriation of funds: *Provided*, That this limitation does not apply to a contract in which the Federal Government incurs no financial liability from not buying additional systems, subsystems, or components beyond the basic contract requirements.

SEC. 319. None of the funds provided in this Act shall be made available for planning and executing a passenger manifest program by the Department of Transportation that only applies to United States flag carriers.

SEC. 320. None of the funds made available in this Act may be used to implement, administer, or enforce the provisions of section 1038(d) of Public Law 102–240.

SEC. 321. Notwithstanding any other provision of law, and except for fixed guideway modernization projects, funds made available by this Act under "Federal Transit Administration, Discretionary grants" for projects specified in this Act or identified in reports accompanying this Act not obligated by September 30, 1998, shall be made available for other projects under 49 U.S.C. 5309.

SEC. 322. Notwithstanding any other provision of law, any funds appropriated before October 1, 1993, under any section of chapter 53 of title 49 U.S.C., that remain available for expenditure may be transferred to and administered under the most recent appropriation heading for any such section.

SEC. 323. None of the funds in this Act shall be available to implement or enforce regulations that would result in the withdrawal of a slot from an air carrier at O'Hare International Airport under section 93.223 of title 14 of the Code of Federal Regulations in excess of the total slots withdrawn from that air carrier as of October 31, 1993 if such additional slot is to be allocated to an air carrier or foreign air carrier under section 93.217 of title 14 of the Code of Federal Regulations.

SEC. 324. None of the funds made available by this Act may be obligated or expended to design, construct, erect, modify or otherwise place any sign in any State relating to any speed limit, distance, or other measurement on any highway if such sign establishes such speed limit, distance, or other measurement using the metric system.

SEC. 325. Notwithstanding any other provisions of law, tolls collected for motor vehicles on any bridge connecting the boroughs of Brooklyn, New York, and Staten Island, New York, shall continue to be collected for only those vehicles exiting from such bridge in Staten Island.

SEC. 326. None of the funds in this Act may be used to compensate in excess of 335 technical staff years under the federally-funded research and development center contract between the Federal Aviation Administration and the Center for Advanced Aviation Systems Development during fiscal year 1996.

SEC. 327. Funds provided in this Act for the Department of Transportation working capital fund (WCF) shall be reduced by $10,000,000, which limits fiscal year 1996 WCF obligational authority for elements of the Department of Transportation funded in this Act to no more than $92,231,000: *Provided*, That such reductions from the budget request shall be allocated by the Department of Transportation to each appropriations account in proportion to the amount included in each account for the working capital fund.

SEC. 328. Funds received by the Federal Highway Administration, Federal Transit Administration, and Federal Railroad Administration from States, counties, municipalities, other public authorities, and private sources for expenses incurred for training may be credited respectively to the Federal Highway Administration's "Limitation on General Operating Expenses" account, the Federal Transit Administration's "Transit Planning and Research" account, and to the Federal Railroad Administration's "Railroad Safety" account, except for State rail safety inspectors participating in training pursuant to 49 U.S.C. 20105.

SEC. 329. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 330. None of the funds in this Act shall be available to prepare, propose, or promulgate any regulations pursuant to title V of the Motor Vehicle Information and Cost Savings Act (49 U.S.C. 32901, et seq.) prescribing corporate average fuel economy standards for automobiles, as defined in such title, in any model year that differs from standards promulgated for such automobiles prior to enactment of this section.

SEC. 332. Notwithstanding 15 U.S.C. 631 et seq. and 10 U.S.C. 2301 et seq. as amended, the United States Coast Guard acquisition of 47-foot Motor Life Boats for fiscal years 1995 through 2000 shall be subject to full and open competition for all U.S. shipyards. Accordingly, the Federal Acquisition Regulations (FAR) (including but not limited to FAR Part 19), shall not apply to the extent they are inconsistent with a full and open competition.

SEC. 333. None of the funds in this Act may be used for planning, engineering, design, or construction of a sixth runway at the new Denver International Airport, Denver, Colorado: *Provided*, That this provision shall not apply in any case where the Administrator of the Federal Aviation Administration determines, in writing, that safety conditions warrant obligation of such funds.

SEC. 334. (a) Section 5302(a)(1) of title 49, United States Code, is amended by striking—

(1) in subparagraph (B), "that extends the economic life of the bus for at least 5 years"; and

(2) in subparagraph (C), "that extends the economic life of the bus for at least 8 years".

(b) The amendments made by this section shall not take effect before March 31, 1996.

SEC. 335. Notwithstanding 31 U.S.C. 3302, funds received by the Bureau of Transportation Statistics from the sale of data products, for necessary expenses incurred pursuant to the provisions of section 6006 of the Intermodal Surface Transportation Efficiency Act of 1991, may be credited to the Federal-aid highways account for the purpose of reimbursing the Bureau for such expenses: *Provided*, That such funds shall not be subject to the obligation limitation for Federal-aid highways and highway safety construction.

SEC. 336. Of the budgetary resources provided to the Department of Transportation (excluding the Maritime Administration) during fiscal year 1996, $25,000,000 are permanently canceled: *Provided*, That the Secretary of Transportation shall reduce the existing field office structure, and to the extent practicable collocate the Department's surface transportation field offices: *Provided further*, That the Secretary may for the purpose of consolidation of offices and facilities other than those at Headquarters, after notification to and approval of the House and Senate Committees on Appropriations, transfer the funds made available by this Act for civilian and military personnel compensation and benefits and other administrative expenses to other appropriations made available to the Department of Transportation as the Secretary may designate, to be merged with and to be available for the same purposes and for the same time period as the appropriations of funds to which transferred: *Provided further*, That no appropriation shall be increased or decreased by more than ten per centum by all such transfers.

SEC. 337. The Secretary of Transportation is authorized to transfer funds appropriated for any office of the Office of the Secretary to "Rental payments" for any expense authorized by that appropriation in excess of the amounts provided in this Act: *Provided*, That prior to any such transfer, notification shall be provided to the House and Senate Committees on Appropriations.

SEC. 338. None of the funds in this Act may be obligated or expended for employee training which: (a) does not meet identified needs for knowledge, skills and abilities bearing directly upon the performance of official duties; (b) contains elements likely to induce high levels of emotional response or psychological stress in some participants; (c) does not require prior employee notification of the content and methods to be used in the training and written end of course evaluations; (d) contains any methods or content associated with religious or quasi-religious belief systems or "new age" belief systems as defined in Equal Employment Opportunity Commission Notice N-915.022, dated September 2, 1988; (e) is offensive to, or designed to change, participants' personal values or lifestyle outside the workplace; or (f) includes content related to human immunodeficiency virus/acquired immune deficiency syndrome (HIV/AIDS) other than that necessary to make employees more aware of the medical ramifications of HIV/AIDS and the workplace rights of HIV-positive employees.

"SEC. 339. None of the funds in this Act may be used to enforce the requirement that airport charges make the airport as self-sustaining as possible or the prohibition against revenue diversion in the Airport and Airway Improvement Act of 1982 (49 U.S.C. 47107) against Hot Springs Memorial Field in Hot Springs, Arkansas on the grounds of such airport's failure to collect fair market rental value for the facilities known as Kimery Park and Family Park: *Provided*, That any fees collected by any person for the use of such parks above those required for the operation and maintenance of such parks shall be remitted to such airport: *Provided further*, That the Federal Aviation Administration does not find that any use of, or structures on, Kimery Park and Family Park are incompatible with the safe and efficient use of the airport.".

SEC. 340. (a) Except as provided in subsection (b) of this section, 180 days after attaining eligibility for an immediate retirement annuity under 5 U.S.C. 8336 or 5 U.S.C. 8412, an individual shall not be eligible to receive compensation under 5 U.S.C. 8105–8106 resulting from work injuries associated with employment with the Department of Transportation (excluding the Maritime Administration).

(b) An individual who, on the date of enactment of this Act, is eligible to receive an immediate annuity described in subsection (a) may continue to receive such compensation under 5 U.S.C. 8105–8106 until March 31, 1996.

SEC. 341. None of the funds in this Act shall be available to pay the salaries and expenses of any individual to arrange tours of scientists or engineers employed by or working for the People's Republic of China, to hire citizens of the People's Republic of China to participate in research fellowships sponsored by the Federal Highway Administration or other modal administrations of the Department of Transportation, or to provide training or any form of technology transfer to scientists or engineers employed by or working for the People's Republic of China.

SEC. 342. None of the funds in this Act may be used to support Federal Transit Administration's field operations and oversight of the Washington Metropolitan Area Transit Authority in any location other than from the Washington, D.C. metropolitan area.

SEC. 343. (a) Subsection (b) of section 5333 of title 49, United States Code, is hereby repealed.

(b) The repeal made by this section shall take effect on the date of enactment of this Act. Any labor protection agreement or arrangement entered into or imposed pursuant to the subsection repealed by this subsection, or section 13(c) of the Federal Transit Act, prior to such date of enactment shall be terminated, as of such date, and shall have no further force or effect, and no rights or duties shall exist on the basis of any such labor protection agreement or arrangement entered into or imposed pursuant to such subsection or such section 13(c) notwithstanding the provisions of any law.

SEC. 344. In addition to the sums made available to the Department of Transportation, $8,421,000 shall be available on the effective date of legislation transferring certain rail and motor carrier functions from the Interstate Commerce Commission to the Department of Transportation: *Provided*, That such amount shall be available only to the extent authorized by law: *Provided further*, That of the fees collected pursuant to 31

U.S.C. 9701 in fiscal year 1996 by the successors of the Interstate Commerce Commission, one-twelfth of $8,300,000 of those fees shall be made available for each month during fiscal year 1996 that the successors of the Interstate Commerce Commission carry out the transferred rail and motor carrier functions.

SEC. 345. The Secretary of Transportation shall not authorize funding of additional Federal-aid projects for the Central Artery/Third Harbor Tunnel Project in Boston, Massachusetts, unless a financial plan is submitted by the Commonwealth of Massachusetts by October 30, 1995, and approved by the Secretary: *Provided*, That for each fiscal year thereafter until the project is complete, the financial plan shall be updated bi-annually and submitted to the Secretary by February 1 and August 1 of each fiscal year and further funding shall not be approved by the Secretary until the Secretary approves such updated plans: *Provided further*, That each such financial plan shall be based on a detailed annual estimate of the cost to complete the remaining elements of the project including all commitments contained in the approved project environmental documents, regardless of whether these elements are to be federally funded: *Provided further*, That the financial plan shall be based on reasonable assumptions of future cost increases, as determined by the Secretary, and shall identify the sources of available and proposed funding necessary to finance completion of the project while considering other State transportation needs.

POINT OF ORDER

Mr. SHUSTER. Mr. Chairman, I rise to make a point of order against page 54, line 3 through line 24.

The CHAIRMAN. The gentleman from Pennsylvania will state his point of order.

Mr. SHUSTER. Mr. Chairman, this provision violates rule XXI, clause 2(b) of the rules of the House because it changes existing law by imposing additional legislative requirements regarding funding.

The CHAIRMAN. Does any Member wish to be heard on the point of order stated by the gentleman from Pennsylvania?

Mr. WOLF. Mr. Chairman, I guess the gentleman does think it says that, because I think the parliamentarian read it carefully. It is my understanding that this language will be carried in another provision some other time?

Mr. SHUSTER. Mr. Chairman, we have committed for the Committee on Transportation and Infrastructure to deal with the issue. We have not agreed to this precise language.

Mr. WOLF. Mr. Chairman, that is fine. I take the word of the gentleman from Pennsylvania. I have no objection, and if the gentleman says that it violates a point of order, I believe him and that is it. I concede it.

The CHAIRMAN. Does the gentleman concede the point of order?

Mr. WOLF. Yes, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Are there amendments to title III?

AMENDMENT NO. 17 OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. NADLER: Page 46, lines 3 through 7.

Redesignate subsequent sections of title III of the bill accordingly.

Mr. NADLER. Mr. Chairman, I am seeking to strike from this bill an unfunded Federal mandate which singles out New York City from the rest of the country. This is not the first time I have gotten up with this amendment; the gentlewoman from New York [Ms. MOLINARI] and I have had a colloquy on this amendment for several years now. She has been on the other side of this issue.

This legislation prohibits New York City from charging two-way tolls on the Verrazano Narrows Bridge between Staten Island and Brooklyn. This is the only provision of its kind in Federal law in the entire United States.

Mr. Chairman, currently having a one-way toll on the Verrazano Narrows Bridge creates a pathway into the central business district of New York City by going through Staten Island and Brooklyn into the city, and going out of the city through the Holland Tunnel to New Jersey from Manhattan.

Mr. Chairman, commuters and commercial vehicles which use this pathway can avoid paying any tolls at all, because the Verrazano Narrows Bridge tolls are turned around in the opposite direction from the other tolls on the bridges and tunnels across the Hudson River. This loophole has cost our transportation agencies that support mass transit between $7 million and $8.2 million annually.

Since we are discussing transportation appropriations, let me turn my attention for a moment from this legislative issue to one of actual transportation funding. Do any of my colleagues feel so strongly that they would be willing to make up those lost dollars out of their State's appropriation or to increase the appropriation to New York in this bill by that amount of money?

We are not talking about money being paid by my colleagues' constituents or by Federal taxpayers; we are talking about money New Yorkers pay to our local transportation agencies for our local transportation system. By what right does Congress tell us how to raise money locally and which way, and how, to charge tolls on a local bridge?

In addition to costing us between $7 million and $8.2 million a year in mass transit funds at a time when Federal mass transit subsidies as the gentleman from Michigan noted are being greatly reduced, this unfunded mandate diverts vehicles into lower Manhattan because of the traffic pathway it opens up in which vehicles going to Brooklyn go through Manhattan to get out in order to avoid the toll, thus greatly increasing air pollution and creating two hot spots. That is to say, particular concentrations of air pollution which creates large pockets of carbon monoxide concentration.

Mr. Chairman, we cannot afford this kind of increased air pollution in New York City. We are already a nonattainment area under the Federal Clean Air Act and are subject to penalties by the Federal Government, the EPA, if we do not comply and attain ambient air quality standards within the time limit set. But without this amendment, Congress will not permit us to take action to reduce the congestion and to clean up our problem.

In addition to being a cause of increased air pollution, in addition to being an inconvenience for local residents in Brooklyn and Manhattan, lower Manhattan especially, this congestion is choking off maritime commerce from the Red Hook and South Brooklyn marine terminals in Brooklyn, as well as from numerous small commercial light manufacturing businesses on the Brooklyn waterfront and in Industrial Sunset Park in Brooklyn. We are losing jobs and it will only get worse.

A small minority in our city want to use the Federal Government to circumvent the popular will of the majority in our city. The sponsors of this provision, which my amendment seeks to eliminate from the Federal law, know that left alone, New Yorkers will do what is in our own best interest and eliminate the one-way tolls.

Mr. Chairman, I urge support of my amendment which simply removes the Federal mandate to have one-way tolls on this particular bridge and allows local government to make its own decision. This unfunded mandate has clogged our streets, killed local businesses, and destroyed the quality of life in our cities.

Unless we repeal this provision, Congress will continue to mandate the continued deterioration of these areas. Do not help them do it. I urge my colleagues to support this amendment and remove this detrimental provision from the law.

Mr. WOLF. Mr. Chairman, I rise in very strong opposition to the amendment offered by the gentleman from New York [Mr. NADLER].

Mr. Chairman, one-way toll collection on the Verrazona Bridge is necessary for a number of reasons. If this language were stricken as proposed, traffic from New York City to Staten Island would increase dramatically. Traffic in Staten Island would become more entangled as traffic emanating in New Jersey would cross the bridge into Staten Island.

Ths system has been in place since fiscal year 1994 and has been included in each appropriation bill since that time. The issue has been debated time and again, and frankly nothing has changed to warrant the deletion of the language except for the fact that the language has been successful; therefore, there has been no change; therefore, there is no need to delete.

Mr. Chairman, the system is proven to work and an environmental impact analysis has been conducted to support the one-way toll collection on this bridge. Mr. Chairman, I oppose the amendment to strike the committee language. We have had it for a number of years. I strongly urge a no vote.

Mr. COLEMAN. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, just very quickly, I sympathize with my colleague from New York, Mr. NADLER, for a very simple reason. A number of our colleagues in the House over the years have had problems of this type that we have tried very hard in the committee to work with. I would hope that the authorizing committee will be able to work with the gentleman, although from time to time it has been necessary for our own Committee on Appropriations to deal with these issues.

Mr. Chairman, because this language is in the appropriations bill, the gentleman correctly approaches the other Members on the floor of the House with respect to this particular language in the appropriations, because I do not think he has anywhere else to go.

For that reason, Mr. Chairman, I certainly support his effort. I would only say to the chairman, the gentleman from Virginia [Mr. WOLF], I recall, indeed, some problems that the chairman has had a Route 66 and other areas around the regions that he represents with respect to traffic problems.

The one that is cited by our colleague may indeed be the case. While we have not personally held hearings, while I have not heard of any hearings on this issue before the Committee on Appropriations, it is exactly the reason that many of these issues should have been addressed by the authorizing committee. But I will say to my colleague from New York that I think a lot of Members will have an understanding about the problem.

I hope that those going in the other direction, which would occur should his amendment prevail, we also will be able to hear from them.

Ms. MOLINARI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in strong opposition to this amendment which would have severe and obviously outrageous negative impacts on my constituents by ending the current one-way westbound collection of tolls on the Verrazano Narrows Bridge and instead adopt an eastbound collection of the tolls.

I should remind Members, as the gentleman from Virginia [Mr. WOLF], the chairman, did, that this attempt to reverse the toll collection has been turned back by Congress every year since it was first brought to the House floor in 1986. And with good reason, because there are clearly increased congestion and environmental concerns brought on by creating an eastbound toll collection.

Mr. Chairman, my colleagues from New York contends that the current traffic pattern encourages traffic congestion in Manhattan. Let us be honest. This will not change the traffic nightmare in Manhattan or Brooklyn. Traffic in New York City has increased from 3 percent to 10 percent since 1984. For anyone familiar with New York City traffic, one needs to look no further than the reconstruction on the Gowanus and Brooklyn-Queens Expressways to determine whether the Verrazano Narrows toll is ultimately responsible.

To try to blame the Verrazano Narrows toll for increased traffic in Brooklyn, I would suggest, is like trying to blame the prolonged period of the OJ trial on the jurors. There is a good problem there, but the solution that you have advanced and the culprit you have identified has absolutely nothing to do with it.

Also, Mr. Chairman, should the Nadler amendment be made in order, traffic in New Jersey would increase dramatically. Perhaps the Triborough Bridge and Tunnel Authority's own statement of 2 years ago puts it best when it stated that "one-way eastbound toll collection, eastbound traffic diverted away from the Verrazano Narrows Bridge would add to existing congestion at the eastbound Holland Tunnel toll plaza."

But perhaps the single most important issue in this debate is the air quality and environmental health concerns in which past studies have all concluded the same thing: Staten Islanders who pay a disproportionate share of their toll on the Verrazano Narrows Bridge to subsidize mass transit and subways in the Borough of Manhattan will suffer from significantly increased levels of carbon monoxide.

In closing, this is an issue which is critically important to my constituents and to tens of thousands of commuters who use the Verrazano Narrows Bridge to get to and from work every day, while subsidizing the subways in Manhattan. In my mind the only acceptable change to the westbound toll, and maybe my friend, the gentleman from New York [Mr. NADLER] will agree with me, is no toll at all.

Mrs. MALONEY. Mr. Chairman, I rise in support of my colleague's amendment.

The gentleman from New York and I represent several neighborhoods in Lower Manhattan and Brooklyn that bear the brunt of the current, wrong-headed toll policy on the Verrazano Bridge.

First, our colleagues from around the country should ask themselves—why Congress is meddling in a local traffic dispute.

That's a good question—especially when you consider that year after year, the mandate of the one-way toll from Brooklyn to Staten Island was put in place over the objections of our city and State governments, and all but one of our city's congressional representatives.

Here's why the one-way toll continues to be a terrible idea:

First, it wastes money. Because of toll evaders, New York is losing $7 million in revenues. Revenues which are desperately needed elsewhere.

Second, it's an environmental disaster. The diverted traffic into my district has caused air pollution hot spots.

Third, the quality of life in these neighborhoods continues to deteriorate. Heavy trucks are rattling through residential neighborhoods on roads not designed for this traffic.

The damage caused by the one-way toll over the Verrazano Bridge could be ended with passage of the Nadler amendment.

Mr. TOWNS. Mr. Chairman, I rise in strong support of this amendment introduced by my distinguished colleague, Mr. NADLER, to change the one-way toll collection system for the Varrazano Bridge crossing between Brooklyn and Staten Island in New York City back to a two-way collection. This is a matter of utmost importance to the residential and business communities that I represent. The one-way toll was established in 1986 as a temporary experimental program to study any decrease of air pollution impacting the Staten Island communities located near the then existing east-bound toll booths. Since 1986, several thousand Staten Island residents may have benefited from less air pollution but the half million people of western Brooklyn and Lower Manhattan have been choking from the hot spots created by the gridlock. For the past 9 years, these Brooklyn and Manhattan neighborhoods have suffered from a monumental increase in car and truck traffic through our historic neighborhoods due to the implementation of one-way westbound tolls at the Verrazano-Narrows Bridge. We have experienced a dramatic escalation in congestion, noise, pollution, and damage to our aging infrastructure as a result of the daily car and truck traffic that spills onto our local streets. This Federal intrusion in local traffic management imposing one-way toll collection has cost my constituents and my colleagues nearly $1 billion over the last 6 years in losses associated with increased traffic congestion, air pollution, and noise. Because of this toll, motorists are turning western Brooklyn, Lower Manhattan, and Jersey City into a pollution-filled parking lot. Equally serious are the vibrations on our nearby residential and commercial buildings and the costly water and gas main breaks. The Metropolitan Transportation Authority has lost an estimated $8 million a year in lost toll revenue since 1986. This has meant higher public transportation fares for everyone in New York, New Jersey, and Connecticut. One-way tolls have made it more difficult for the New York region to come into compliance with the Federal Clean Air Act.

Mr. Chairman, it is unconscionable that this action was ever permitted to happen, let alone continue for 9 years. Impassioned appeals to the Congress by leaders of Brooklyn and Manhattan to strip previous Transportation appropriations acts of this language have been ignored. Congress should not be in the business of imposing on local transportation officials toll collection schemes which bankrupt municipal budgets and clog our streets with metal elephants shaking everything as they motor by.

I implore my colleagues to support Mr. NADLER'S amendment that addresses this major quality of life issue for some of New York's thriving neighborhoods.

The CHAIRMAN. The question is on the amendment of the gentleman from New York [Mr. NADLER].

The amendment was rejected.

The CHAIRMAN. Are there further amendments to title III?

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HEFLEY: Page 53, line 15, strike "$8,421,000" and insert $5,421,000".

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, close in 10 minutes; 5 minutes for those favoring the amendment and 5 minutes for those opposing the amendment, 2½ minutes to the ranking member, Mr. COLEMAN, and 2½ minutes to myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, on June 16, 1994, Congress voted 234 to 192 to eliminate funding for the Interstate Commerce Commission. The task of the 104th Congress is to transfer any remaining necessary functions to the Department of Transportation.

Mr. Chairman, my amendment will cut $3 million in operating expenses for carrying out these few functions. Some would have us believe that this would cripple the Committee on Transportation and Infrastructure's ability to legislate how these functions would be carried out by DOT.

Mr. Chairman, the simple fact is that in 1995, we spent about $31 million on the ICC. Let us remember that figure, $31 million in 1995. This year we are going to spend over $22 million to carry out far fewer regulations without the cost of operating a large independent agency; a 27 percent cut for something that is being eliminated.

Mr. Chairman, my amendment still only brings the cut to 36 percent. It does not appear we have eliminated the idea of an ICC at all; we have only renamed it.

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I understand that the ICC will still exist for about 3 months into the new fiscal year. I am not touching any of that money.

I also understand that closing the ICC will cost money. I am not touching any of that money either. But what I am going after is the $8.4 million for three-quarters of a fiscal year for carrying out functions that even many industry experts say should not cost $5 million for the full year, and this is just for three-quarters, $8 million, just three-quarters.

Let us take a closer look at these numbers. The $8.4 million for 9 months comes out to over $11 million for the full year. The rail industry suggests a strong regulatory structure within DOT may cost $5 million to $7 million for the year. That is at least $4 million too much for a full fiscal year, or about $3 million for three-quarters of a year funding.

I believe I left enough money in the appropriation for the Committee on Transportation and Infrastructure to decide what sort of structure is necessary.

There are some who say my amendment does not go far enough, but I would like to believe that when all is said and done, when deregulation is complete, we will not have a successor to the ICC as the appropriation language indicates. We will have very few people carrying out very few functions.

The 104th Congress is about change. It is about reform and less government. We say we are eliminating the ICC, but are we simply changing its name?

Mr. Chairman, a vote for my amendment is not only a vote for fiscal responsibility and common sense, it is also about the new relationship Congress has with the American people. We say we want our Government to make do for less. So let us really do for less. It is called telling the truth to the American people.

I would encourage an "aye" on the Hefley amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the amendment would gut the ICC's ability to shut down, and the ICC will be shutting down. It would be disruptive and bring about bigger RIF's quicker than they have to do it, and they are shutting down.

The authorizing committee, who you will soon be hearing from, is drafting legislation that will sunset the ICC when it identifies which regulatory matters need to be considered, such as rail mergers.

Lastly, the committee heard from a large number of groups the ICC currently regulates. They have all asked for sufficient funding to continue ICC functions, such as undercharge claims, rail abandonment, rail mergers, and captive shipping rates and strongly oppose the Hefley amendment to reduce by $3 billion.

The ICC, though, with this bill, will shut down and will be seen never more.

Mr. Chairman, I reserve the balance of my time.

Mr. COLEMAN. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, let me only say to my colleague from Colorado the thing that he has not paid a lot of attention to is the fact that we have a lot of organizations out there that still need the facilities of the ICC at some point, whether or not it is an independent board of DOT, which is now proposed.

Look, the bottom line, the ICC is out of business by the end of the year.

Let me give you a number of those organizations who wrote a letter to the Speaker of the House, dated July 20. They said they wanted a sufficiently funded independent board within DOT. This letter was from the American Public Power Association, Western Coal Traffic League, Western Fuels Association, National Rural Electrical Cooperative Association, National Mining Institute, National Grain and Feed Association, Edison Electric Institute.

Why the money away from even being able to set up an independent board within DOT?

The Chairman is exactly right, you are to RIF a lot of people a lot sooner than you are going to have to otherwise. That is all this amendment does.

I think it is pretty shortsighted. I hope Members will oppose the amendment.

Mr. WOLF. Mr. Chairman, I yield the balance of my time to the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the authorizing committee.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding this time to me.

I am very surprised by this amendment. We are going to eliminate the ICC. We have scheduled it. In September, when we come back, we will move to eliminate the ICC, and there is no doubt in my mind that the votes will be there to do it.

Now, we must shut it down in an orderly fashion. The appropriation which the Committee on Appropriations has provided comes in under the budget resolution. It is not above the budget resolution. It is under the budget resolution, so that we have an orderly shutdown.

I have a whole page of functions which are going to be eliminated for motor carriers, trucks, and for railroads. Now, there are a few functions which must be transferred, probably over to the Department of Transportation, a review of rail mergers and acquisitions, the common carrier obligation. We have still got to be concerned with these issues. We have got to be concerned with safety issues.

But we are going to eliminate the ICC. But we are going to do it in a orderly way. We are going to do it with a very significantly reduced budget, indeed, a budget that is under the budget provided for in the budget resolution.

So for all of those reasons, I say let us not let this amendment pass. Defeat this amendment and let us eliminate the ICC in an orderly, efficient fashion.

Mr. HEFLEY. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I hate to be in opposition to my good friends here on this. We are all in agreement that the ICC needs to be eliminated.

When I, years ago, started this, I could not get enough votes to fill a phone booth in here. On this last year, we passed the idea of elimination. Now, everyone is in favor of elimination, but the talk is that I am trying to devastate it so it cannot be done in an orderly fashion.

We are still putting $22 million in it, and many of the groups that are against this amendment are concerned about the motor carrier regulations. But the Committee on Appropriations assumes the fees collected will cover the expenses to administer any carrier function which remains.

The ICC wants to keep 60 people for this and transfer them to the office of motor carriers within the DOT. Even the appropriations concede this is excessive, arguing the need for only perhaps a handful of motor carrier experts for the ICC need be retained. For the rail functions, the ICC wants to transfer 180 people for a commerce board. Again, the appropriations agreed this is excessive, contending that only 140 are needed. The administration believes only 100 people are needed. The rail industry believes, say maybe 50 or 60 will be enough for the board.

So, in my opinion, we are trying to do this in an orderly way. We are not trying to devastate their ability to function until it is time for them to phase out. The idea is, though, when they do phase out, we want them to phase out. We do not want just a name change.

So, again, I would encourage support for this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise in strong opposition to the Hefley amendment. The bill appropriates $8.4 million for the necessary functions remaining after the ICC's elimination. I support that amount.

As most Members know, the Committee on Transportation and Infrastructure has been working diligently to produce legislation to close down the ICC. While we recognize the need to streamline Government and eliminate unnecessary regulation, the funds appropriated in this bill represents the barebones to support a more efficient and substantially deregulated independent successor to the ICC.

Additionally, because of our committee's effort to further deregulate the railroad and motor carrier industry, many of the ICC's functions will be eliminated yet some crucial functions would remain the responsibility the Department of Transportation or the ICC's successor, including jurisdiction over railroad mergers, intercarrier transactions, and rail rate regulation. Moreover, many functions would be eliminated including, the repeal of tariff filing, special provisions for recyclables, and minimum rate jurisdiction, just to name a few.

These functions that we seek to retain are important to the railroads, industry, shippers, and ultimately consumers. Therefore, it is crucial that we have the necessary funding to terminate the ICC in an orderly manner and more importantly, to provide enough funding for the ICC's successor.

We should not be shortsighted. It is simply impossible for a skeletal staffing level, which this amendment would result in, to support this extremely critical workload.

Mr. Chairman, there are 300 motor carrier undercharge cases currently pending before the ICC. Members of this body are familiar with the undercharge crisis and recognize that millions of dollars of disputes are still pending in courts across the country—many of which will eventually be referred to the ICC or its successor. As I mentioned before, even though we are substantially deregulating the rail and motor carrier industry, there are many important functions that must be retained and any reduction in funding could prove to throw the transition process into chaos.

Mr. Chairman, the Hefley amendment, while perhaps well-intended, will seriously jeopardize the House's effort to reform the ICC. Therefore, I oppose this amendment, and I urge a "no" vote.

Mr. COLEMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I rise in opposition to the Hefley amendment.

Mr. Chairman, I strongly oppose the Hefley amendment. To my colleagues on both sides of the aisle. I say: if you believe in fairness in transportation policy, you should vote "no." I'm for reform of the ICC, but I am adamantly opposed to this senseless gutting of the ability of the ICC to carry out its duties under the law to enforce the captive shipper protections which Congress wisely wrote into the Rail Act years ago, and which are the responsibility of the FCC. The Hefley amendment would slash the funding and eliminate the staff of the ICC, with the result that the authority to protect captive shippers would remain, but there would be no means, no staff to enforce those protections, it would be a hollow law.

Bulk commodities such as taconite—a processed, high-grade form of iron ore—coal, phosphate, limestone are products that uniquely move mine mouth to consumer by rail—and, often, on a single railroad company's line. Without the oversight of the ICC, communities dependent on mining for their livelihood, would be at the mercy of these powerful rail shipping interests for their economic future. We should not take so drastic an action within the inflexible context of an appropriation bill, which does not allow us leeway to protect the legitimate interests of mining communities and the industries and their workers, to whom these bulk commodities are shipped. Vote "no" on Hefley.

Mr. COLEMAN. Mr. Chairman, I yield myself the balance of my time.

Just in closing, let me only say I think it has been said, but that what, indeed, all of the groups that wrote to the Speaker and were concerned about was very similar; they said;

> We strongly encourage Congress to transfer those necessary functions out of the ICC to an independent board within the Department of Transportation. We want Congress to ensure that the new board is in place before appropriations for the ICC are exhausted, to ensure smooth transition.

That is all this is.

I think common sense would dictate that this Congress not do anything that radical, and I would hope we would defeat the amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] will be postponed.

The point of order of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The amendment offered by the gentleman from Michigan [Mr. SMITH] and the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The Chair will reduce to 5 minutes the time for any electronic vote after the first in this series.

AMENDMENT OFFERED BY MR. SMITH OF MICHIGAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Michigan [Mr. SMITH] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 101, noes 313, not voting 20, as follows:

[Roll No. 561]

AYES—101

Allard
Archer
Armey
Bachus
Barcia
Bass
Bentsen
Boehner
Bono
Brewster
Brownback
Bryant (TN)
Bryant (TX)
Burr
Burton
Buyer
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Cooley
Crane
Crapo
Cubin
Deal
Doolittle
Dreier
Duncan
Edwards
Ensign

Fields (TX)
Frisa
Funderburk
Gillmor
Gordon
Graham
Gunderson
Hall (TX)
Hamilton
Hancock
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Horn
Hostettler
Inglis
Jacobs
Jones
Kasich
Kleczka
Klug
Kolbe
Largent
Lincoln
LoBiondo
McInnis
McIntosh
Metcalf
Meyers
Miller (FL)
Minge
Moorhead

Myrick
Neumann
Norwood
Parker
Paxon
Peterson (MN)
Portman
Radanovich
Riggs
Rohrabacher
Roth
Royce
Salmon
Sanford
Scarborough
Seastrand
Sensenbrenner
Shadegg
Smith (MI)
Souder
Stockman
Stump
Talent
Taylor (NC)
Thornberry
Tiahrt
Wamp
Watts (OK)
Weller
White
Wicker
Wilson
Zimmer

NOES—313

Abercrombie
Ackerman
Andrews
Baesler
Baker (CA)
Baldacci
Ballenger
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilirakis
Bishop
Bliley
Blute
Boehlert
Bonilla
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bunn
Bunning
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger

Clyburn
Coleman
Collins (IL)
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Cremeans
Cunningham
Danner
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Dornan
Doyle
Dunn
Durbin
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell

Fazio
Fields (LA)
Filner
Flanagan
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Harman
Hastert
Hastings (FL)
Hayes
Hefner
Heineman
Hinchey
Hobson
Hoekstra
Hoke

Holden
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jackson-Lee
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Knollenberg
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh

McKeon
McNulty
Meehan
Meek
Menendez
Mfume
Mica
Miller (CA)
Mineta
Mink
Molinari
Mollohan
Montgomery
Moran
Morella
Myers
Nadler
Neal
Nethercutt
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickett
Pombo
Pomeroy
Porter
Poshard
Pryce
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schaefer
Schiff

Schroeder
Schumer
Scott
Serrano
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Spence
Spratt
Stark
Stearns
Stenholm
Stokes
Studds
Stupak
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thomas
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Upton
Velazquez
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Ward
Waters
Watt (NC)
Waxman
Weldon (FL)
Weldon (PA)
Whitfield
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff

NOT VOTING—20

Baker (LA)
Bateman
Bilbray
Collins (MI)
Flake
Ford
Hansen

Hilliard
McKinney
Moakley
Murtha
Nussle
Ramstad
Reynolds

Rose
Solomon
Tucker
Volkmer
Williams
Yates

□ 2159

The Clerk announced the following pair:

On this vote:

Mr. Nussle for, with Ms. McKinney against.

Messrs. MENDENDEZ, TATE, CREMEANS, and LONGLEY changed their vote from "aye" to "no."

Messrs. JACOBS, HORN, BRYANT of Texas, MOORHEAD, WILSON, and RIGGS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

□ 2200

AMENDMENT OFFERED BY MR. HEFLEY

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] on which further proceedings were postponed, and on which the noes prevailed by a voice vote.

PARLIAMENTARY INQUIRY

Mr. COLEMAN. I have parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman from Texas will state his parliamentary inquiry.

Mr. COLEMAN. Mr. Chairman, this may not be in the proper form of a parliamentary inquiry, but I think it could be, so I wanted to ask whether or not this would be the last vote of the evening, in the event that the Committee were to decide to rise following this last vote.

The CHAIRMAN. It is the understanding of the Chair that this will be the last vote in the Committee of the Whole.

Mr. COLEMAN. I think the chairman.

The CHAIRMAN. The Clerk will redesignate the amendment.

The Clerk redesignated the amendment

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 144, noes 270, not voting 20, as follows:

[Roll No. 562]

AYES—144

Archer
Armey
Baker (CA)
Barcia
Barr
Barrett (WI)
Barton
Bass
Bereuter
Bevill
Bilirakis
Bonilla
Bryant (TN)
Burton
Camp
Cardin
Chabot
Chapman
Chenoweth
Christensen
Coble
Coburn
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cunningham
Deal
Dickey
Doolittle
Dornan
Dreier
Duncan
Ehrlich

Ensign
Eshoo
Ewing
Fields (TX)
Forbes
Fox
Frank (MA)
Frisa
Funderburk
Gallegly
Geren
Gillmor
Graham
Gutknecht
Hall (TX)
Hancock
Harman
Hastert
Hastings (WA)
Hefley
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kennedy (MA)
King
Klug
Largent

LoBiondo
Longley
Luther
Manzullo
McCarthy
McCollum
McHugh
McInnis
McKeon
McNulty
Meehan
Metcalf
Mfume
Miller (CA)
Miller (FL)
Minge
Montgomery
Moorhead
Myrick
Neumann
Ney
Obey
Oxley
Packard
Paxon
Peterson (MN)
Pombo
Porter
Portman
Poshard
Pryce
Radanovich
Rivers
Roemer
Rohrabacher
Royce
Salmon

Sanford
Scarborough
Schaefer
Schroeder
Schumer
Seastrand
Sensenbrenner
Shadegg
Shays
Skelton
Slaughter
Smith (MI)
Solomon
Souder
Spence
Stark
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Taylor (MS)
Thornberry
Torkildsen
Upton
Waldholtz
Wamp
Weldon (PA)
White
Young (FL)
Zeliff
Zimmer

NOES—270

Abercrombie
Ackerman
Allard
Bachus
Baesler
Baldacci
Ballenger
Barrett (NE)
Bartlett
Becerra
Beilenson
Bentsen
Berman
Bishop
Bliley
Blute
Boehlert
Boehner
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Canady
Castle
Chambliss
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (GA)
Collins (IL)
Combest
Conyers
Costello
Coyne
Cubin
Danner
Davis
de la Garza
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dicks
Dixon
Doggett
Dooley
Doyle
Dunn
Durbin
Edwards
Ehlers
Emerson
Engel
English
Evans
Everett
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flanagan
Foglietta
Foley
Fowler
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hayes
Hayworth
Hefner
Heineman
Hinchey
Holden
Houghton
Hoyer
Hutchinson
Hyde
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kennelly
Kildee
Kim
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
Lofgren
Lowey
Lucas
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCrery
McDade
McDermott
McHale
McIntosh
Meek
Menendez
Meyers
Mica
Mineta
Mink
Molinari
Mollohan
Moran
Morella
Myers
Nadler
Neal
Nethercutt
Norwood
Oberstar
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Petri
Pickett
Pomeroy
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Roberts
Rogers
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Scott
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Smith (NJ)
Smith (TX)
Smith (WA)
Spratt
Stokes
Studds
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Vucanovich
Walker
Walsh
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weller
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)

NOT VOTING—20

Andrews
Baker (LA)
Bateman
Bilbray
Collins (MI)
Dingell
Flake
Ford
Hansen
Hilliard
McKinney
Moakley
Murtha
Nussle
Ramstad
Reynolds
Rose
Volkmer
Williams
Yates

☐ 2207

The Clerk announced the following pair:

On this vote:

Mr. Nussle for, with Ms. McKinney against.

Mr. KOLBE changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MFUME. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have a parliamentary inquiry about tomorrow's schedule, and was wondering if someone on the other side could perhaps enlighten me with respect to the order of the schedule, the chronological order. I assume that there will be a limited number of one-minutes, and I am trying to find out whether or not we will proceed from that point into consideration of the corrections bill, or will we resume where we are tonight dealing with the matter before us?

The CHAIRMAN. The Chair is unaware of the program. perhaps we can entertain that parliamentary inquiry in the House.

Mr. MFUME. Mr. Chairman, would there be a Member on the other side of the aisle who might be able to inform me?

Mr. WOLF. Mr. Chairman, will the gentleman yield?

Mr. MFUME. I yield to the gentleman from Virginia.

Mr. WOLF. Mr. Chairman, I was told we are doing limited one-minutes and then correction day earlier, and then after that, go to conference, and then after that, come back to the transportation bill.

Mr. MFUME. There is a 1-hour debate then on the corrections bill?

Mr. WOLF. Yes.

Mr. MFUME. I thank the gentleman, Mr. Chairman.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on the amendment to be offered by the gentleman from Texas [Mr. COLEMAN] to strike section 343 be limited to 40 minutes, equally divided between the gentleman from Texas [Mr. COLEMAN] and a Member opposed.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOLF. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GUTKNECHT) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill, (H.R. 2002), making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

Mr. BILBRAY. Mr. Chairman, I am pleased to join my colleagues in support of funding for the 511 Loan Guarantee Program. As a former city councilman, mayor, and county supervisor, I have long had an interest in the development of transportation infrastructure in San Diego County, CA.

During the last two decades, San Diego has developed a truly innovative public-private partnership in the area of transportation. In 1979, the Metropolitan Transit Development Board [MTDB] purchased the San Diego and Arizona Eastern Railway Railroad line. The San Diego Trolley Board which I had previously chaired, initiated transit service over the western portion of this line immediately surrounding San Diego.

In 1984, a Texas firm which operates Short Line Railroads established the San Diego and Imperial Valley Railroad which provides freight service over the line at night when the trolleys are not operating. This small railroad has provided good service and has been consistently profitable.

Unfortunately, in 1976, major sections of track were destroyed on the desert line which connects the National Railroad System. It has long been a major objective of the San Diego Association of Governments [SANDAG] to reconnect the railroad to the national rail network in the Imperial Valley. This will have major benefits for shippers in the San Diego area, and will provide relief for the transit lines which currently carry both freight and passengers into Los Angeles. Even though the track itself is owned by the transit district, management of the San Diego and Imperial Valley Railroad have informed us that they will finance the reconnection if section 511 loan guarantees are made available.

I would like to commend my colleague from San Diego, Representative FILNER, who has been the leader on this issue, and I look forward to the reopening of this important freight connection.

Ms. BROWN of Florida. Mr. Chairman, I rise in opposition to the Smith amendment. One of the many transit projects that would be affected by this amendment is Jacksonville, FL's Automated Skyway Express—home of the new NFL team, Jacksonville Jaguars. The bill includes $12.5 million which will complete the last segment of this mass transit system and allow easy, convenient access into our downtown area.

This project began in 1984, before I was elected to this office, when the Federal Government asked the city of Jacksonville to participate in a transit demonstration project along with the cities of Miami and Detroit. During the last 11 years, the city of Jacksonville and

State of Florida has invested $76,700,000, or 49 percent, in funding, while the Federal Government has invested $81,644,911, or 51 percent, in this project. The significant local overmatch by the city of Jacksonville and the State of Florida indicates our high level of commitment to the completion of the system. The $12.5 million from the Federal Government will fulfill its commitment to my constituents.

These funds are significant because we will be able to link the Southbank and the Northbank business districts, giving access to employment centers and Skyway parking facilities on either side of the St. Johns River. The duPont station, which is the terminal station on this segment, will accommodate a parking facility for almost 3,000 vehicles giving us a total of almost 5,000 peripheral parking spaces for Skyway patrons.

The total economic short-term impact, including the construction of both segments, north leg and river crossing, is significant. They will result in 4,693 new project-related jobs with a payroll of $91.3 million, a local economic impact of $274.8 million, a regional economic impact of $284.3 million, and a national economic impact of $429.8 million.

I would urge my colleagues to reject this amendment.

Mr. SCHAEFER. Mr. Chairman, I rise in support of the overall transportation appropriation bill but would like to note a concern I have regarding the funding levels for the Office of Pipeline Safety.

The Commerce Committee and the Transportation and Infrastructure Committee have both reported a bill (H.R. 1323) to reauthorize the Office of Pipeline Safety in the Department of Transportation for 4 years.

The authorized level in this legislation is $20.7 million which would be collected through pipeline user fees. This level is 6 percent over the fiscal year 1995 authorized level and continues to increase in each of the subsequent 3 years by 6 percent.

However, H.R. 2002 appropriates $27.2 million to the Office of Pipeline Safety. This is nearly $7 million more than the anticipated authorized levels. At a hearing before the Commerce Committee's Subcommittee on Energy and Power, the Department of Transportation was questioned extensively about their proposed budget. The Subcommittee found that the Department's proposed budget was filled with duplication and waste. Consequently the $20.7 million authorization level was adopted.

The interstate natural gas pipeline industry spends over $800 million per year on pipeline safety. This reflects the fact that primary responsibility for overseeing pipeline safety rests with the pipelines themselves, not the Department of Transportation. The Department should not be funded at levels sufficient for it to duplicate the safety activities of the pipelines; instead, its role is to ensure that pipeline safety laws and regulations are being enforced.

I do not believe more money will make the Office of Pipeline Safety run better or more efficiently. Thus, although I do not plan to offer an amendment to reduce the appropriated level to the Committee-approved authorized level, when H.R. 1323 comes to the floor I do not intend to raise its authorization levels.

Mr. VENTO. Mr. Chairman, I rise in opposition to the bill.

There are many areas of concern in this bill and I would like to point out some that I find particularly troubling.

Originally, I had considered offering an amendment to restore some funding to the pipeline safety fund. However, I will not offer an amendment. I feel compelled to take this opportunity to impress upon this body the absolute necessity to continue pipeline safety as a priority within the Department of Transportation.

Minnesotans unfortunately know first-hand the loss and destruction that can occur when a pipeline fails. In the district I represent, several people have lost their lives and there has been millions of dollars in property damage due to pipeline failures resulting in explosions and/or massive spills. Nationwide the numbers are staggering. In 1994 alone, the Department of Transportation reports that there were 465 accidents involving liquid and gas pipelines resulting in 22 deaths, over 1,000 injuries, and over $130 million in property damage. Our Federal role with interstate pipelines is absolutely essential for safety, health, and environmental reasons.

We cannot prevent every accident, but with many caused by third party damage, we certainly can prevent some through a comprehensive one-call notification system that can alert an excavator to the location of a pipeline before an accident occurs. I commend the committee for acknowledging the importance of developing a one-call system in this bill's report language, and including some funding for such a system. However, this bill only earmarked $1 million of the State Pipeline Safety Grant Program for developing and implementing a comprehensive one-call program; a program with the proven potential of saving lives and millions of dollars.

Unfortunately, once again in this Congress the new Republican majority has responded to the oil and gas carries rather than consumers; industry over the individual. The administrations budget sought an additional $1.2 million for the State Grant Program. This measure denies such funding and instead in essence provides a $7.5 million tax break to the pipeline industry.

The total appropriations for pipeline safety in the bill is within the proposed authorization. However, I would quickly point out that the authorization bill has not even been considered by the House or Senate, and yet the committee feels constrained by such a tentative measure. It is my hope that the Senate, when considering pipeline safety, gives it the priority and funding it deserves.

Review of other aspects of this transportation appropriation points up other problems with this legislation which undercut important and basic worker protections by repealing section 13(c) of the Federal Transit Act. This section of Federal law, which maintains basic worker collective bargaining rights, has been in existence for over 30 years. During that time these protections have worked and have ensured a fair and livable wage for transit workers.

Today, we are asked to sacrifice the standards of living for middle class working families at the altar of cost reductions and local flexibility. It is ironic that the supporters of repeal includes major transit authorities. While those managers continue to collect their compensation, they are seeking to cut the wages of the workers who make these systems function. Such a duplicitous policy is wrong and should be rejected outright.

I am displeased that the House Rules Committee has not left the section 13(c) repeal subject to a point of order and that the rights of the workers can not be protected. It is another bad example of re-writing policy in an appropriation measure in violation with the rules of this House.

Another egregious provision in this bill is the proposal to cut mass transit operating assistance by $310 million. That is a 40 percent reduction—representing 60 percent of the cuts in transportation funding. These cuts directly affect those in our society who can least afford them: The low income senior citizen who relies on mass transit to remain independent; the disabled person whose only means of transportation is mass transit; the welfare recipient whose only way to get to a new job is mass transit; the college student who uses mass transit to get to class; the middle income worker who depends on mass transit to get to their job. These are the people who will suffer from this cut, and these people will not be able to afford the 120 percent increase in their fares that the majority in this Chamber would like to impose upon them. This funding helps hold our urban areas together, we must not abandon commitments to our cities.

Mr. Chairman, once again we are faced with tough decisions on reducing Federal spending. As the majority party has done time and again, when the issue of cutting spending is raised, the first victims are safety, the poor and the rights of working families as graphically illustrated in this measure today. I urge the Members to reject this legislation and to enact a Transportation Appropriations bill that is fair and does not cripple our transportation and pipeline safety programs.

Mr. LIPINSKI. Mr. Chairman, I rise to express my strong opposition to the amendment offered by the gentleman from Michigan.

The administration's high-speed rail development program is designed to reduce the cost and improve the safety and performance of the kinds of high-speed rail projects that are most likely to find application in the United States.

The program is practical. It is targeted at safe, economical, environmentally friendly all-weather service by the year 2000 in all areas of the Nation. Such service alleviates the need for additional highway and airport capacity which are increasingly difficult and expensive to obtain.

And we're not talking about building new track here. It will make use of existing rail lines and doesn't require the expense of major new construction.

We have seen from the tremendous Amtrak ridership on the Northeast corridor that the public wants and will use high-speed rail technology throughout the country. This technology could be implemented in city pairs such as Detroit-Chicago, Chicago-St. Louis, Portland-Seattle, San Diego-Los Angeles, and Miami-Orlando, where trip times can be under 3 hours.

The Federal role proposed here is to provide the technology base. The States of Michigan, Illinois, Washington, California, Florida, and New York want high-speed rail and have already dedicated State funds. It is unreasonable and uneconomical to expect 15 or 20 States to each undertake technology development programs.

If this amendment were to pass, the progress that has already been made in this area will have been for naught. I understand that the gentleman is offering this amendment because he wants to save money. If his amendment passes, we will have thrown away the substantial and worthwhile investments we've made. Now that's a waste of money.

Mr. Chairman, I urge my colleagues to oppose this amendment. High-speed rail has a legitimate future in this Nation. Let's not throw it away.

Mr. LIPINSKI. Mr. Chairman, I rise to express my strong opposition to the amendment offered by the gentleman from Colorado.

I think we all know that the gentleman supports the elimination of the Interstate Commerce Commission. That has been well documented over the years. But this amendment goes beyond previous years' attempts to sunset the ICC. This amendment would take a deliberate, organized process of transition from the ICC to DOT and throw it completely off course.

Nobody here has any illusions about the future of the ICC. The Transportation and Infrastructure Committee's Subcommittee on Railroads, on which I am the ranking Democratic member, is currently in the process of drafting legislation to sunset the ICC. We are in the process of determining which functions of the agency should be retained and absorbed by the Department of Transportation or a Commerce Board. Slashing the ICC's appropriation in this bill is tantamount to pulling the rug out from under our feet as we try to move forward—not to mention the disruption it would have on the close down of the ICC itself.

The truth is that Mr. HEFLEY'S amendment would not fund sufficient staff to perform ICC functions which are certain to be transferred. In fact, the amendment would hamstring the Federal Government's ability to carry out regulatory functions that even the regulated industries have said are necessary.

This amendment would fund only 53 positions at DOT for all remaining ICC rail functions. These 53 people would process all proposed rail consolidations and mergers, line abandonment and construction proposals, and line sale requests. They would also review shipper rate complaints, all rail car supply and interchange disputes, and shipper complaints seeking competitive access to more than one rail carrier.

These individuals would also process the 300 motor carrier undercharge cases currently pending before the Commission. I know that my colleagues are familiar with the undercharge crisis and recognize that millions of dollars of disputes are currently pending in courts around the country. Many of them will eventually be referred to the Commission or its successor.

I think my point is quite clear: 53 people cannot effectively perform all these tasks. And none of these areas is slated for deregulation.

This amendment would wreak havoc on the ICC and the transition to its successor. And let's be honest here—the affected industries and the American people will pay the price if this misguided amendment passes. It is one thing to support regulatory reform and efficiency, and entirely another to intentionally underfund and thereby undermine a sound regulatory process.

You want to get rid of the Interstate Commerce Commission?

Fine. But let's do it right. Vote "no" on the Hefley amendment.

Mr. Chairman, I yield back the balance of my time.

PERSONAL EXPLANATION

Mr. NUSSLE. Mr. Speaker, on Monday, July 24, I missed a series of rollcall votes—Rollcall Votes No. 555–562. Had I been present during those votes, I would have cast my vote in the following manner:

Rollcall Votes

Number:	*Position*
555 (Gejdenson Amendment to H.R. 70)	No
556 (Miller Amendment to H.R. 70)	No
557 (Final Passage of H.R. 70)	Aye
558 (LaTourette Amendment to H.R. 2002)	No
559 (Foglietta Amendment to H.R. 2002)	No
560 (Smith Amendment to H.R. 2002)	Aye
561 (Smith Amendment to H.R. 2002)	Aye
562 (Hefley Amendment to H.R. 2002)	Aye

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2002, and that I may include tabular and extraneous material.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.÷

THE OVERALL TRANSPORTATION BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise to address an important issue on which we started the dialog tonight. Mr. Speaker, that involves the overall transportation budget. No matter what part of the country you are from, Mr. Speaker, it seems to me it is very important we look at an integrated system and not only make sure we improve our roadways in this country, but also make sure we improve mass transit. That is why tonight I support the Foglietta-Fox amendment, which would have increased $135 million for an operating subsidy.

Our mass transit system is the logical other half of our transportation network here in this country. While we need to improve roadways in certain areas and build new ones in still others, for those in areas that are suburban, urban, and rural, that depend on buses, trains, and subways to either be created or to be operated, we need to make sure we properly fund those kinds of programs.

□ 2215

It gives us the proper balance for our transportation system. Furthermore, it reduces gridlock and pollution, increases mobility. Many of our citizens across this country, Mr. Speaker, do not drive or do not have a vehicle at their disposal and therefore can take advantage of van pooling, transit systems, whether they are jitneys or buses, trains or subways.

The high-speed rail and the light rail are very important parts of our economy. They provide jobs, and they very much help make sure that transit works.

I will be working with our Commuter Caucus, people like the gentleman from Pennsylvania [Mr. FOGLIETTA], people like the gentlewoman from New York [Ms. MOLINARI], the gentleman from Virginia [Mr. WOLF], and others across this country and all parts of the U.S. House that represent all 50 States to make sure we have within our Commuter Caucus and for that matter those who are not yet Members and will become Members to be involved in this important quest.

I know that in my own district, where we have excellent train systems, we also have excellent bus systems, we need to have two new systems that the county commissioners have been working with me on, the State representatives and Senators, local businesspeople, and citizens across Montgomery County, PA. That is, to have a Schuylkill Valley Metro and a Cross-County Metro. The Cross-County Metro would go through 4 counties, Bucks, Chester, Montgomery, and Delaware countries outside Philadelphia and which strengthen the southeast Pennsylvania corridor not only for business but for students to get to school, for the seniors to go to senior centers, for people to shop, increase commerce and would be an excellent system and one that is really the way we should go for the 21st century. Hopefully the Cross-County Metro will be a reality not only in Pennsylvania but in other parts of the country.

We are also looking to a Schuylkill Valley Metro which would build a major highway in our county, and that is the 422 bypass.

I look forward to working on both sides of the aisle, the House and the Senate, Mr. Speaker, to make sure mass transit works along with the road system and to make sure we move this country forward on the rails, on trains, in subways and, yes, in cars.

I thank the Speaker and the colleagues tonight who have listened to our debate and hopefully will be part of our Commuter Caucus to make sure America keeps moving forward.

KEEP COPS IN THE STREET PROGRAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. STUPAK] is recognized for 5 minutes.

Mr. STUPAK. Mr. Speaker, tomorrow or Wednesday, the Congress will vote to deny 1996 funding for the President's Cops on the Streets Program. The 1996 funding for this Federal program starts in just 68 days. The reason why funding will stop is politics, pure and simple. Everyone except the GOP politicians agree that the Cops Program is a success. In fact, a recent survey showed that 95 percent of the police executives, 95 percent out of 220, want to keep the Clinton Cops Program and not go back to the House-proposed block grant program.

Police executives know what happened in the 1960's and in the early 1970's. The block grant program then squandered scarce taxpayer dollars on luxury items such as tanks, airplanes, real estate consultants, studies, police academies, just to say a few. Money was wasted and crime soared. Our cities, neighborhoods and taxpayers were the victims. Now the Republican Party wants to go back to these block grant programs, riddled with waste, fraud and corruption. Just when communities and cities in the past year have received over 20,000 cops and have witnessed a significant drop in violent crime, take New York City, for example. There is a 31-percent drop in homicides in this year. All across this country, rape, robbery, and assaults are down. One of the major factors contributing to this success in the Clinton Cops on the Street Program, more neighborhood policing. Here is a program that is contributing to the decrease in crime and less than a year later this successful program is being scrapped for politics. Here is a program that is efficient. Less than 1.5 percent in administrative cost. It is a single page to fill out the application form, not the cumbersome multipage, multifaceted, multi-bureaucratic review for a technical grant process, making police agencies jump from hoop to hoop, requiring grant writers, consultants and administrators.

Under the Clinton Cops Program, administrative costs are low, less than 1.5 percent. Money goes into law enforcement and more cops on the street.

If we look at the Commerce, Justice, and State appropriations bill which will be on the floor Wednesday, the gentleman from West Virginia [Mr. MOLLOHAN] will introduce an amendment which will restore the $1.8 billion for fiscal year 1996 for the Cops on the Street Program. The money would come from striking that amount of money from the GOP block grant program in the Commerce, Justice, and State appropriations bill.

The Mollohan amendment would provide an additional 20,000 copes on the street over the next 12 months. Republican critics will say that what they want are local communities to decide on how to spend their law enforcement money. There is plenty of money for local block grants in the Commerce, Justice, and State appropriations bill. There is a half-billion dollars for law enforcement grants. The Byrne block grants can be used for 22 different programs, and each program has been specifically approved by this Congress and the Department of Justice to prevent the abuses that were in the 1960's and 1970's.

Mr. Speaker, underneath the current block grant program that we have as proposed by our Republican counterparts, in your community, if you are trying to rely on these funds to fight crime and if violent crime goes down in your community the following year, you would lose funds. So if you crack down and you help clean up your neighborhoods, prevent crime, underneath the block grant program proposed by our friends, you would see your funding go down. If you are in a police crackdown, you lose funding. The President and Democrats believe you must reward communities that effectively fight crime, not punish them.

When we have this bill up tomorrow or Wednesday, whatever day it comes before this House, I hope that all my colleagues will look very closely at the block grant program. I hope they will support the Mollohan amendment which will move $1.8 billion back into the Clinton Cops Program. Having been a police officer myself for the last 12 years, before I came into this job, it always seemed like police officers, law enforcement were always at the end of the political game.

I remember being in the State Police in 1979 and in 1980 in which there was a budget cut. What did we do even though we gave up pay increases and that? They ended up cutting State troopers from our State, just like in 1979 and 1980 in Michigan. I know many of you said, "Well, that happened in Michigan. It won't happen here in the Federal Government."

Let me remind my colleagues on June 29, 1995, rollcall vote 458, on basically a party line vote, all but one Republican voted for the bill, you cut $2.5 billion from the block grant program. Not only does politics come in when we are talking about law enforcement, how we fight crime in Michigan, but it also appeared here on this House floor less than a month ago.

In my 12 years, I have seen politics play a vital role in how crime is fought, how officers are funded, and right now the pollsters tell us crime is the number one concern for the voters. Yet we are having proposals which will actually punish police officers for doing their job because they will get less money the following year to fight crime.

While we are dealing in a time of declining resources, we must put our resources where it will do the most good for the most amount of people. That has been time and time again in the Clinton Cops Program.

Don't just take it from me, but if you look at a list of who supports the Clinton Cops Program, the Fraternal Order of Police support it, the National Association of Police Organizations, International Brotherhood of Police Officers, International Union of Police Associations, Police Executive Research Forum, National Organization of Black Law Enforcement Executives, National Troopers Coalition, Police Foundation, National Sheriffs Association, Federal Law Enforcement Officers Association, and the U.S. Conference of Mayors.

Mr. Speaker, when we debate this bill on Wednesday before this body, I hope that the Members will support the Mollohan amendment.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Mississippi [Mr. MONTGOMERY] is recognized for 5 minutes.

Mr. MONTGOMERY. Mr. Speaker, August 31 will mark the end of a very distinguished career in the U.S. Army with the official retirement of Col. Jay McNulty. It also will mean the House of Representatives will lose the services of an individual who is the epitome of professionalism.

For slightly over 28 years, Jay has served in his Nation's uniform with great distinction. He served two tours of duty in Vietnam, first with the 11th Armored Cavalry Regiment (Blackhorse) and then the 1st Squadron of the 1st Regiment of Dragoons (Blackhawk). As a former armored officer myself in World War II and during Korea, I feel a special kindredship with Jay because of our similar military duty.

Since 1993, Colonel McNulty has served as Chief of Army Liaison to the U.S. House of Representatives. I am sure my colleagues will join me in commending Jay for the many times he has been of help to them and their constituents. He has served the Army well in this position.

On a more personal note, I appreciate the excellent job Jay did in planning and making arrangements for our trip to observe the 50th Anniversary of D-Day in England and Normandy last year. I believe we had the largest congressional delegation to ever attend a single event, not to mention the many other delegations from other countries. The trip was a logistical nightmare, but thanks to Colonel McNulty and his dedicated staff it was one of the smoothest trips I have been on.

Jay, we will miss you and certainly wish you well in the future as you take on new challenges. We thank you for your service to the House and the Nation. You truly have been a credit to the uniform you wear.

BIOGRAPHY

Col. John J. McNulty III, was commissioned a lieutenant of Armor in March 1967. He holds a Bachelor of Arts degree from the University of Texas and a Masters of Science in Public Administration from Shippensburg University in Pennsylvania.

Colonel McNulty's assignments have been primarily with armored cavalry units, including separate tours in Vietnam with the 11th Armored Cavalry Regiment (Blackhorse) and the 1st Squadron of the 1st Regiment of Dragoons (Blackhawk). On six different occasions, he has commanded troop/company-sized units. Two of these commands were as an Exchange Officer with the British Army of the Rhine in Germany. In 1984, he assumed command of the 1st Squadron, 3d Armored Cavalry Regiment at Fort Bliss, Texas. In July 1986, upon relinquishing command, he was appointed Assistant Commandant of the United States Army Sergeants Major Academy.

In August 1988, Colonel McNulty was assigned to the Office of the Secretary of the Army as the Chief of the Congressional Inquiry Division in the Office of the Chief of Army Legislative Liaison. Since 1993 he has been the Chief of Army Liaison to the House of Representatives in the United States Congress.

Colonel McNulty is a graduate of the Command and General Staff College and the United States Army War College.

FRENCH NUCLEAR TESTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise again to voice my strong opposition to a proposal recently announced by the President of France—that his government, i.e., the Government of France intends to explode eight nuclear bombs in certain atolls in the South Pacific beginning in September of this year—that's one nuclear bomb explosion each month for an 8-month period, and each bomb explosion is ten times more powerful than the atomic bomb dropped on Hiroshima, Japan—some 50 years ago commencing next month.

Mr. Speaker, may I ask the President of France, Mr. Chirac, why is he playing with the lives of millions of people of the world by starting another nuclear arms race?

Mr. Speaker, we will commemorate next month—when 50 years ago our Government decided to drop and exploded two atomic bombs on the cities of Hiroshima and Nagasaki, Japan at the height of World War II in the Pacific.

Mr. Speaker, the atomic bomb we dropped on the city of Hiroshima resulted in the deaths of some 140,000 men, women, and children of that city, and with some 70,000 buildings either severely damaged or completely destroyed.

The very center of this atomic bomb we exploded on the city of Hiroshima resulted in temperature measurements in excess of 5,400 degrees Fahrenheit, and the explosion destroyed literally everything within the 1½ mile radius. As many as 28,000 persons die as a result of exposure to radiation, and also as a result of the nuclear explosion, the winds blew radioactive black rain and caused exposure of radioactive contamination to many others who were not directly exposed to the nuclear explosion.

Mr. Speaker, I am not going to elaborate further on the pros and cons as to whether our country made the right decision to explode these two nuclear bombs against Japan—however you want to argue this issue, but war has one basic mission in mind, and that is to kill your enemy. But in our present day, Mr. Speaker, man has devised such weapons of mass destruction that war has taken an entirely different perspective. One thing is absolutely certain, Mr. Speaker, nuclear bomb explosions do not discriminate against soldiers and civilian populations, especially when during the Cold War and perhaps even now—by pressing that nuclear button, both military and densely populated cities have become targets for mass destruction.

So, Mr. Speaker, I ask the President of France why does he want to explode eight more nuclear bombs to further contaminate the fragile marine environment in the Pacific Ocean—where an island community of some 200,000 Polynesian Tahitians and Europeans living in French Polynesia may face serious exposure to radioactive contamination from these nuclear explosions.

As I said earlier, Mr. Speaker, these eight nuclear bombs the government of France intends to explode in French Polynesia will only add to the very serious danger where this volcanic formation under the Mururoa Atoll has already been exposed to some 139 atomic explosions—to put it another way, Mr. Speaker, some 139 holes have already been drilled into this volcanic mountain that surrounds the rim of the Mururoa Atoll—some holes are as deep as 3,000 feet, and in each of these holes a nuclear bomb device was exploded within this volcanic mountain.

Mr. Speaker, one does not need to be an expert nuclear scientist to tell any person living in the Pacific Region that not only is this volcanic mountain seriously contaminated with nuclear radioactive wastes, but that this mountain is basically below sea level, and that underwater mountains are totally surrounded by ocean water. Mr. Speaker, that ocean water in the Pacific carries the most basic life giving form as the most vital marine life resource—plankton. Mr. Speaker, another serious danger to those since French nuclear explosions in these atolls has been a tremendous increase of liguatera poisoning of the coral reefs and a variety of fish and other forms of life common to any marine environment.

Mr. Speaker, I would suggest that the President of France can really demonstrate his capacity as an outstanding world leader by simply recognizing the fact that the government of France does not need to explode these nuclear bombs; our country already has the technology France needs to improve its nuclear capability, and I understood our nation has already offered to share this technology with France.

Mr. Speaker, with the combined nuclear capability of the United States, Great Britain and France—can anyone honestly believe a nation or group of nations can "win" a nuclear conflict? Mr. Speaker, this is why it is so important that the five nuclear nations—also the five permanent members of the Security Council of the United Nations to show real leadership and initiative by abolishing nuclear bombs testing and provide strict controls over the proliferation of nuclear weapons and prevent another unnecessary nuclear arms race—and on this the government of France has failed miserably to show real leadership among the nations of the world.

Mr. Speaker, I include the following three items from the Washington Post for the RECORD:

[From the Washington Post, July 15, 1995]

ANTI-NUCLEAR PROTESTS MAR BASTILLE DAY

CHIRAC SAYS TEST PLANS IN PACIFIC UNCHANGED

SYDNEY, July 14.—Demonstrators around the Pacific opposed to French plans to resume nuclear testing held rallies and marches to try to spoil France's Bastille Day celebrations today.

But in Paris, President Jacques Chirac brushed aside the chorus of international protest and reaffirmed his commitment to go ahead with the testing, telling a Bastille Day news conference his decision was irrevocable.

Chirac said civilian and military experts had advised him unanimously when he took office in May that the tests were necessary to ensure the safety of the country's nuclear arsenal, complete the checking of a new warhead for France's nuclear submarines and develop computer simulation techniques.

"I therefore made the decision [to go ahead] which, I hardly need to tell you, is irrevocable," he said.

He repeated that France would sign and respect a complete test ban treaty next year and told French citizens the nuclear deterrent gave their "big modern country . . . political weight in the world."

Here in Australia's biggest city, Sydney, about 10,000 people shouting "Stop French testing" marched to a police-ringed French Consulate. Marchers, clogging four city blocks at a time, carried banners reading "Truffles not testing" and "Boycott products of France."

Expatriate Polynesians burned a French flag at a protest south of Sydney, and 1,000 people rallied outside a convention center in Canberra as the French ambassador went ahead with an official reception. Protesters yelled "No more tests" at guests.

An Australian legislator presented a 100,000-name petition to the French ambassador calling for testing to stop, and unions hurt French businesses with a range of Bastille Day boycotts.

Air France cancelled Bastille Day flights between Sydney and Paris and Sydney and New Caledonia due to a 24-hour ban on French military planes and French airlines by transport workers.

In New Zealand, about 2,000 protesters dumped manure outside the French ambassador's Wellington residence and heckled the ambassador and luncheon guests by chanting "Liberty, equality, fraternity, hypocrisy."

About 2,500 protesters marched on the French Embassy in Fiji's capital, Suva, and presented a 50,000-signature petition to the ambassador. Placards read, "This is not Hiroshima" and "If it is safe, do the tests under Chirac's nose."

On the other side of the Pacific, protesters marched in Lima, Peru, and Bogota, Colombia.

[From the Washington Post, July 15, 1995]

A TIRED DEFENSE OF NUCLEAR TESTING

To pirate Randy Ridley's colorful phrase in "Why the Test Ban Treaty Fails" [op-ed, June 29], the "overripe remnant of the Cold War" is not the Comprehensive Test Ban Treaty, as he states, but any further nuclear testing.

Even when the United States and the Soviet Union based their security on mutual assured destruction, they tried to negotiate an end to nuclear testing and in 1978 came close to success. After Moscow had accepted the American and British position on key issues like indefinite duration, on-site inspection and no exception for so-called peaceful nuclear explosions, the United States drew back because of the same flawed reasoning put forward by Mr. Ridley.

Now, when there is no Soviet Union, and when Russia desperately needs friendship with the West, the arguments for continued (or resumed) nuclear tests merit even less attention.

After nearly 2,000 nuclear tests, the United States has accumulated more than sufficient data to ensure the safety and reliability of the U.S. nuclear arsenal. This vast experience would in fact lock in a tremendous U.S. advantage in stockpile maintenance. Renewed U.S. testing would instead automatically bring the British back into the game and impair our capacity to encourage restraint by France, China and possibly others.

Even more important, our espousal and the successful completion of a Comprehensive Test Ban Treaty would bolster our objective of preventing nuclear weapons proliferation. Just last month, sustained and adroit efforts brought about a consensus for the indefinite extension of the Nuclear Non-Proliferation Treaty (NPT). The resolution on extension expressly noted the goal of completing a "comprehensive nuclear-test-ban treaty no later than 1996."

To renege on this promise would impugn the good faith of the United States and put the Non-Proliferation Treaty in renewed jeopardy. The same adverse effect would be created by any attempt to change the negotiating objective from a complete nuclear test ban to a treaty creating a threshold of as much as half a kiloton, as reportedly advocated by some within the Clinton administration.

Even after START II is fully implemented, the United States will have 3,500 strategic warheads on intercontinental ballistic missiles, submarine-launched ballistic missiles and bombers. No country contemplating a nuclear attack on the United States could ever assume that all of them, many of them or even any of them would fail to work. Our nuclear deterrent would remain not credible but irrefutable.

We made a solemn, formal commitment to achieve a Comprehensive Test Ban Treaty no later than 1996. We did so because we believed this to be in the interest of our own and international security. The decision was a correct one and must not be repudiated.

LEAVING HIROSHIMA TO FUTURE HISTORIANS

To the Editor: Now that the Enola Gay exhibit has been mounted at the Smithsonian, confrontation continues. I write as an ambivalent observer in that my outfit, like so many, was scheduled for the invasion of Japan in August 1945; but after the first flush of relief at being spared, again like so many, I became an opponent of nuclear bombs.

There is not likely to be a last word for years. If there were one comment to make at this time, it might be that given by Golo Mann, the German historian, in a 1959 interview in Switzerland.

Dr. Mann, who had just published a distinguished history of the Thirty Years' War, was asked why, familiar as he was with more recent German history, he did not write about World War II.

Said he, "There are no refugees from the Thirty Years' War."

While millions of Japanese and Americans, combatants, and not, survive and remember World War II, we might as well put history on the shelf and publish nothing until 2045. At that centenary, when all historians will never have been there, they can fight a bloodless academic war without the intrusive oversight of those of us who were.

Milton R. Stern, Sarasota, Fla., July 10, 1995.

WHAT FRANCE RISKS WITH NUCLEAR TESTS

To the Editor: I commend you for calling on the French President, Jacques Chirac, to show courage and statesmanship by canceling France's proposed nuclear tests in the South Pacific (editorial, July 5). His announcement has caused outrage in Australia and other South Pacific countries and is provoking a response from organizations around the world from Greenpeace to the European Parliament.

But France's behavior should be of concern to us all, not only because of what is happening in the Pacific, but because of the threat to nuclear non-proliferation and the comprehensive test ban treaty.

With the end of the cold war, security priorities have changed. The threat is now from primitive nuclear weapons developed by states beyond the international community's scrutiny. Widespread development would likely see such weapons used in a regional conflict or in state-backed terrorism. Large stocks of sophisticated nuclear weapons and old theories of deterrence are no answer.

The indefinite extension of the non-proliferation treaty last month is one very important way the international community can protect itself against this new threat. A comprehensive test ban treaty preventing upgrading or developing of new nuclear weapons is another one.

Although the French said they will sign a comprehensive test ban next year, their resumption of testing undermines this commitment. As part of the nonproliferation negotiations two months ago France agreed to exercise "utmost restraint" on testing before a test could be signed. Announcing a resumption of testing so soon after such a commitment is seen by many nonnuclear states as highly provocative and will harden attitudes.

Don Russell, Ambassador of Australia, Washington, July 13, 1995.

OVERKILL RESPONSE

To the Editor: The French Navy's raid on the Greenpeace ship Rainbow Warrior II (news article, July 10) is a fitting prelude to France's coming nuclear tests in the South Pacific.

Paris has shown disdain for protests against setting off thermonuclear explosions in a part of the world often described as a paradise on earth. How in character that the French respond to the presence of a rickety protest ship with tear gas and helmeted commandos.

But, of course, this is an improvement over simply blowing the ship up as the French did a decade ago, when the Rainbow Warrior I was setting off on a similar protest journey.

David Hayden, Wilton, Conn., July 10, 1995.

□ 2230

HOPES, DREAMS, AND ASPIRATIONS

The SPEAKER pro tempore (Mr. GUTKNECHT). Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE. Mr. Speaker, I rise this evening to talk about hopes and dreams and aspirations. As we come now to almost 7 or 8 months into this 104th Congress, where do we find ourselves? Where are our hopes and dreams and our aspirations?

First of all, in terms of our hopes, we have a situation on Medicare where we would hope that we did not have a proposal that took away choice from our seniors. But today we have a proposal that includes $270 billion in cuts, and then it includes, in the Senate proposal, to place a burden on the backs of our senior citizens, to eliminate their choice and the reasonable decisions that they make to select a medical provider by vouchering them their Medicare services.

I would ask that as we look toward the future, that the hopes would be based more upon a bipartisan approach to solving the Medicare problem; that we would realize that although we all look to provide security and safety for Medicare into the 21st century, we cannot voucher our way and allot our way into that safety.

My hope would be that we could come to the bipartisan table and recognize that fraud and abuse are ways of downsizing the problems of Medicare, but the loss of $270 billion is not.

I would hope that we would be able to say to the senior citizens that we would work collectively with some of the suggestions that have been made in order to ensure a system that works into the 21st century. I would hope that we could say that to our rural hospital systems, our urban hospital systems, as well our local and State governments who will bear the burden of this loss.

And then I would say that maybe we can keep the dream alive, and that is the dream of Dr. Martin Luther King, and not divide this House on the issue of race and affirmative action.

I would hope that this week, beginning July 24, we would not have a frivolous and fruitless debate on eliminating affirmative action tied to the Department of Defense appropriation bill without any manner of hearings or documentation that the abuse has been such that requires this kind of amendment.

I hope that this Nation realizes that race is still a factor, that discrimination is still prevalent, that the dream of Dr. King is trying to survive, but it is not yet there. And I would hope this House, in its wisdom, the leadership of this House, would not allow such a destructive, divisive amendment to come to the floor, especially when no documentation in this House has yet been established as to which direction to go to respond to the concerns of the American people who, I believe, believe in equality for all.

And so the dream this evening is that we would come together recognizing that some of our dreams have not yet been met and that affirmative action is not the fight to take the U.S. Congress and particularly the House of Representatives in its most imperfect sense, by an amendment that has no justification and has no reason to eliminate this very vital program that allows people to have equal opportunity.

And then I hope we will reach to our aspirations, and that is that we can likewise come together in a bipartisan manner as we look towards space, as we understand our destiny as Americans, as we realize that the space station is not just another piece of iron machinery, but it is based upon the aspirations of Americans.

It emphasizes our ability to explore and search and find and discover. It helps us in medical research; it helps us determine the maximum capacity of the human body; it helps us understand where we will go in the 21st century as it relates to science.

It is not a space station of local regions; it is a space station of America. And just as we aspired to go to the Moon and looked in hope and dreamed about being an astronaut and celebrated the successes when Americans made their first steps on the Moon, here now we have an opportunity to associate and cooperate with our European partners, our Russian partners. But most importantly, Mr. Speaker, we have an opportunity to allow our children to dream, to then work, but to create better opportunities and a better quality of life for all Americans.

Mr. Speaker, I conclude by simply saying, let us have hope for a better Medicare system to save it for our senior citizens, let us dream for equality for all Americans and thereby eliminate divisive talk about affirmative action and race in this Nation, and let us aspire, yes, and dream for the 21st century so that we too can find out what makes the space tick, if you will, and find a better way to live in all the research that will be brought about through the space station.

Mr. Speaker, I yield back the balance of my time.

THE IMPORTANCE OF AMERICAN AGRICULTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Illinois [Mr. LaHood] is recognized for 60 minutes as the designee of the majority leader.

Mr. LaHOOD. Mr. Speaker, I want to talk to the House this evening about a subject that does not seem at times to be the sexiest topic around here, although I think at times it does draw a great deal of emotion from many of the Members as was demonstrated when we began to and finished the debate on the ag appropriation bill.

It is a subject that I know many Members are very interested in and that is the subject commonly referred to as agriculture.

When I was running for election to this House, I told the people in my district that I wanted to serve on the Committee on Agriculture because of the importance of agriculture to my district, to the country, but because my district has had a very rich heritage of representation on the ag committee from former Congressman Paul Finley, who was the ranking member of the Ag Committee when he left the Congress in 1982; Congressman Ed Madigan, the late Ed Madigan, who was the ranking member and then went on to serve as the Secretary of Agriculture; and then my former boss and mentor, the former Republican leader, Bob Michel, who was on the ag appropriations subcommittee for 25 years.

We have had a rich heritage in my district of representing agriculture, and that is something that I wanted to continue.

And there are three goals that I want to lay out and say to the American people that we need to strive for as we mark up the ag bill: No. 1, farm programs should not be singled out for spending cuts. All Federal programs should be on the table. Agriculture is willing to take its fair share, and I know that.

From talking to the farmers in my district, I know they are willing to take their fair share. They have taken their fair share over the last 10 years and when you look at the decreases in agriculture programs, while all other programs of Government have increased, agriculture has taken its fair share.

No. 2, spending cuts should go to reduce the deficit, not to spend on other programs, as has been the case in the last 10 years.

And finally, Congress must deliver on promises to roll back the tidal wave of burdensome regulation, provide consistency and predictability in our export markets and restore fairness and sanity to our Tax Code. I think if we could meet those three goals, we would be serving agriculture well and serving all Americans.

I am joined this evening by three distinguished colleagues from the House of Representatives, and I would like to provide an opportunity for them to sound off for a minute or two about some important issues related to agriculture in their districts.

I think what I would like to do is yield to the gentleman from Washington [Mr. Nethercutt], who comes here from an agricultural district, and having been appointed by the Speaker of the House to chair a task force for those members who do not sit on the Ag Committee and are not intimately involved in the everyday workings, as some of us are, for whatever comments.

I yield to the gentleman from Washington [Mr. Nethercutt], and welcome his comments with respect to what he has been doing with his task force and other matters that he would like to address the House with.

Mr. NETHERCUTT. Mr. Speaker, I thank the gentleman very much not only for yielding but for his participation as a Member of the Task Force on Agriculture that Mr. Gingrich and Mr. Roberts, the chairman of the Ag Committee have approved as something that is vitally important to the agriculture industry in this country.

You have been very involved in this task force, Mr. LaHood, and I really appreciate your input and your advice and your good counsel.

There is no question but that agriculture is extremely important not only to my State and my district, but these United States of America. We, I think, are many times in this country too easily swayed to say that all farmers are wealthy and that they do not need any assistance or participation with the U.S. Government; that is just not the truth.

Agriculture has gotten a bad rap over the years, and we are here, I think, representing our respective districts to try to bring some perspective on the issue of what agriculture does for America, and what the government can do to assist in a partnership with agriculture to make America more successful.

We do have a wonderful task force, about 33 Members, freshmen and others, who are not from the Committee on Agriculture but are from agriculture-producing districts that care about agriculture, and that care about rural America.

And that is really what agriculture is about, not only to America as a whole and the exports that agriculture brings to this country and the benefits of exports, but the benefits to rural America. And that is really the middle part of this country and really all parts of the Nation, especially the Northwest, which I am happy to represent and proud to represent.

I am from the 5th district of Washington, as you know, and we have a tremendous wheat market there. We have oats and barley, we have apples and cherries and about every agriculture product we can imagine. We export about 90 percent of our agriculture products that are grown in my district, so programs that enhance exports and assist in the balance of trade in America are very helpful not only in my district but the rest of the country.

There are a couple of programs that I think are worthy of discussion tonight for just a few minutes, and I am not going to take too long. The Export Enhancement Program is a program that was developed in 1985 as part of the farm bill, which was a vehicle for enabling American agriculture to compete with foreign governments who assist their farm sectors in reaching worldwide markets.

As I said, 90 percent or so of the wheat that goes from Washington State is exported, and it results in millions and millions of dollars to the balance of trade. It provides 30,000-some-odd jobs in our State and it affects exports in virtually every State in the United States of America.

The Export Enhancement Program is a vehicle for America to compete with foreign governments where they are unfairly competing in the world market for ag sales. In 1980, you may remember President Carter imposed the embargo on the Soviet Union. That was devastating to agriculture because it took away by unilateral action of our country the ability to sell in foreign countries like the Soviet Union.

As a result, our market share in the Soviet Union, the former Soviet Union, and other countries throughout the world has suffered. The Export Enhancement Program, which was developed in 1985 tries to remedy this imbalance and this inequity.

This year, as we passed the Agriculture appropriations bill just last week, we provided $800 million in assistance for all agricultural commodities that are eligible for Export Enhancement protection and that is going to help farmers and rural America, and it is going to help the American economy.

Those are the kinds of programs that I think get distorted in the media and get distorted in the debate on this House floor, and that is unjustified. The Export Enhancement Program is a minimal way that the Federal Government can assist agriculture in the United States.

We have to have our American farmers able to compete in these world markets not only by Export Enhancement Assistance by the government, but in the area of research. Most small farmers and cooperatives of farmers are unable to garner the support and the financial commitment to conduct the very extensive research that needs to be done so that we can compete in markets like China and Japan and Australia and other places.

The U.S. Government has a role in providing research funds, and we are doing that in this agriculture appropriations bill.

We also want to make sure we promote our markets worldwide. Other countries promote their products in America and throughout the rest of the world. Our country should do the same. There is a minimal amount of money in the agriculture appropriations bill to do that, so I think we all have to be aware and take a part of the education requirements that we have to make sure America understands the importance of agriculture.

□ 2245

It is not a sexy subject or an exciting subject, but it is a very vital subject that is very, very important to millions of Americans around this country.

I want to thank you for allowing me to have a chance to talk a little bit about the export enhancement program. I want all the Members to remember that particular program and support it. The Market Promotion Program is a good, wise use of American tax dollars, and ag research is very, very important to allow our farmers to compete in worldwide markets.

Mr. LAHOOD. I thank the gentleman from Washington for bringing out those important points, and I wonder if the gentleman would just spend another minute or two talking about your task force and what you see your task force doing now that we are finishing with the ag appropriations bill, but we still have to mark up the authorization bill and authorize a number of programs, how you see your task force working, and then ultimately reporting to Speaker GINGRICH and the House on what you have been doing.

Mr. NETHERCUTT. Well, that task force, I think, is a very import one because we passed the appropriations bill just last week, but we have the so-called farm bill. Every 5 years as the gentleman knows, we reauthorize farm programs and farm policy in this country, which includes food stamps and Women, Infants, and Children funding as well as commodity supports and price supports and other programs within the Department of Agriculture.

Our task force is mobilized to the point where we are bringing a diverse range of views to the Committee on Agriculture as it formulates a 1995 ag bill, a farm bill for the next 5 or 7 years. So we want to have input as nonmembers of the Committee on Agriculture to that committee and let you all know and others know that agriculture, whatever the particular aspect may be, is very important, and we want to have a voice in the formulation and preparation of the ag bill. We will be meeting periodically in this House of Representatives. We will be holding public meetings throughout our respective districts across the country to have input from the farmer and the banker and the local community person who depends on agriculture to make sure that the Committee on Agriculture is clearly aware of our views and America's views on what a farm bill should look like in 1995 and beyond.

At a time where we are feeling tremendous budget pressure on agriculture, I think we need to have that extra input, and I am very thankful to all the Members who are part of this ag task force as we form these various opinion discussions and have a chance to have input into the process. We have not had that before to the extent that we will this year, and I thank you and Chairman ROBERTS and everybody else, Speaker GINGRICH as well, who cares very deeply about agriculture, and so that we have a strong agriculture policy. I think that, in a changing world, we want to be sure that we use good judgment as we form a new farm bill in 1995 that affects millions of people across this country.

Mr. LAHOOD. I thank the gentleman very much for his contributions.

Two other gentlemen have joined us, one from North Carolina, Mr. JONES, and one from Georgia, Mr. CHAMBLISS, and both of you gentlemen were involved in the discussions as we were talking about the ag appropriations bill, and I know that you will be involved as we mark up the 1995 farm bill. Each of you comes to the House representing a different part of the country in a sense and also a different region of the country and certainly different interests as they relate to agriculture, and I think it would be interesting for you to sound off for a few minutes about the kind of interest that you have, one involving tobacco in North Carolina, one involving peanuts in Georgia, and two areas that I am sure are very misunderstood by the American people and by many people in this House, by the way, and I think it would be enlightening.

I yield to the gentleman from North Carolina for whatever comments he may have with respect to tobacco, to agriculture as it relates to your district or other matters related to this.

Mr. JONES. I thank the gentleman from Illinois. I am delighted to be part of your program tonight.

I also serve on the Ag task force. I am not on the Committee on Agriculture, even though in my third district of North Carolina agriculture is extremely important, from tobacco, which we grow more tobacco in my district than anywhere in the world, hog farming, turkey farming, corn, peanuts, not to the degree of the gentleman from Georgia. All of this is very important to my district.

I appreciate having the opportunity as you know, with the Durbin amendment, I guess our colleague from Illinois, that I think took a shot, if you will, at tobacco farmers. I just wanted to give you tonight some brief information on my district and my State, because, as you said, so many people throughout America are just not as informed as I think they should be about the tobacco program as it is and also what it means to this Nation.

Most of us from North Carolina feel very strongly that youth, people 18 years and younger, should not be smoking cigarettes, and there is a State law that prevents that from happening. But we do feel adults, those 18 years and older, it is their constitutional right to make a decision whether they want to smoke or not. I do not smoke cigarettes. I do not have any tobacco allotments. But my wife does smoke, and that is her privilege.

But what we feel that this really is coming down to is a constitutional right, if you will, for an individual to make that decision whether he or she wants to smoke.

Let me tell you just a few facts about my district and my State, and then after the gentleman from Georgia speaks, I will be glad to answer any questions from you.

In my district alone, which are 19 counties, there are 11,500 tobacco farms in my district, in 19 counties. The average tobacco farmer in my district farms less than 4 acres, so hardly can he or she be considered a corporate entity, if you will. The small tobacco farmer also contributes more than $30 million annually in various assessments. Tobacco growing requires about 250 man-hours of labor per acre harvested. Let me repeat that real quickly, 250 man-hours of labor per acre harvested.

By comparison, it takes about 3 man-hours to grow and harvest an acre of wheat.

The local and State taxes levied on the tobacco farmer, which accounts for $250 million in North Carolina, is used to make improvements to infrastructure, schools, community projects, churches, that again we are just talking about my district alone. Again, remember, this is a freedom-of-choice issue with the individual that would like to smoke, the adult male or female.

In the State of North Carolina, the tobacco industry is one of the most significant economic forces in our State. The State leads the Nation in growing tobacco, warehousing, manufacturing, wholesale, triad of tobacco and tobacco products. The State employs, these are tobacco workers now, to the gentleman from Illinois, 154,713 individuals that are employed that work in tobacco at an estimate of $1.6 billion. Also, in addition to the 154,000 people that work directly with tobacco, we have 260,000 people that have tobacco-related employment that earn a total of $5.8 billion. More specifically, one in 12 people are employed by the tobacco industry in the State of North Carolina.

So if you look at what the FDA Director, Dr. Kessler, and I say loosely, and I will talk about that a little bit later, if you will, that wants to classify nicotine as a drug, which we think he is way out of bounds on that, in that position, when I share those numbers with the people that are employed and what it means in salaries and revenue, the tobacco industry in North Carolina alone contributes $2.7 billion annually to the Federal Government in tax revenue, an additional $582 million to the State of North Carolina.

Just a couple of other points, then I will be glad to yield to the gentleman from Georgia. Let us talk about the Federal Government and what the tobacco industry and growers in my district in the South mean to the United States Government. In 1994 the Federal excise on cigarettes grossed a total tax of $5.7 billion. Federal, State, and local taxes on cigarettes in the year 1994 amounted to nearly $12.5 billion or $49 per man, woman, and child. That is a great deal of money.

Every year, the Federal Government counts on $25.9 billion in tobacco-related revenues, compared to the approximately $16 billion it costs the USDA to administer the program.

The reason I share those figures with you and the gentleman from Georgia, which you both know, to begin with is that so many times the citizens of this United States do not realize what the tobacco industry means to the Federal Government. Quite frankly, in this era of budget cutting, as we should be doing, and I am a new freshman Member, as you well know, and I support all the budget cuts, how in the world would we make up $25.9 billion in revenues that are generated by the tobacco industry? Would it go back to the taxpayer? I think the taxpayers would not like that at all.

So, in closing, and I look forward to talking a little bit later about the FDA and their regulations and how they, Mr. Kessler and the Clinton administration, are turning on nicotine, trying to designate it or classify it as a drug, which we think it should not be, and how they are dropping the ball, meaning taking 14 years to approve a pharmaceutical company that is trying to develop a drug that is trying to save someone's life.

I hope the gentleman from Illinois will pick this up a little bit later, but I am delighted to have a few minutes to share some of these facts with the individuals that might be watching us tonight to let them know that tobacco is a freedom-of-choice issue for the adult that would like to smoke, and what it does in generating revenues for the Federal Government, State and local governments.

Mr. LAHOOD. I thank the gentleman from North Carolina. I want to give an opportunity for the gentleman from Georgia to talk about another program that we will be working on as a part of the 5-year farm bill authorization, and certainly was an issue that came up in the ag appropriation bill, maybe not highlighted as much as it has been in years past, but it is a program that I know is misunderstood by the American people, but it is a very important program that has to do with the peanut program, and I know that there are other areas that you are interested in.

But I think it would be enlightening, if you will, for the American people to have some sense of some of the issues that revolve around that particular program and any other issue that you would like to enlighten us about.

I yield to the gentleman from Georgia [Mr. CHAMBLISS].

Mr. CHAMBLISS. I thank the gentleman from Illinois for yielding to me.

It has been a real pleasure to serve on the House Committee on Agriculture since I have been here from January 4 forward, and probably the greatest pleasure that I have in serving on that Committee on Agriculture is the fact that I get to sit next to you in our full committee hearings, and I so much enjoy the gentleman's comments on the side about what is going on in the hearings, and it is thoroughly enlightening to hear the gentleman from Illinois make hear the gentleman from Illinois make his comments about what the witnesses say and particularly what they do not say. It has been a real pleasure.

You are correct, I do come from a peanut-producing district. My State of Georgia produces 42 percent of the peanuts that are grown in the United States. The United States is the third largest peanut-producing country in the world right now, and my district, the Eighth district of Georgia, is the second largest peanut-producing district in the United States, the district that adjoins me, the second district, being the largest district.

I come from a very strong agricultural background. I come from Colquitt County, Georgia, the most diversified agricultural county east of the Mississippi River. We not only grow peanuts, we grow an awful lot of cotton, tobacco, corn, livestock, cattle, all sorts of products. In fact, my son-in-law is a farmer in Colquitt County. He grows a little bit of peanuts, a little bit of tobacco, primarily produce. We grow a lot of squash, peppers, cabbage, eggplant, about any kind of produce you can imagine. I do come from a very strong agricultural background.

I talked a lot on the campaign trail last year about the fact that the agricultural economy of this country is still the backbone of this Nation's economy, and without a good strong agricultural economy, this country is in real trouble. You know, what makes it so interesting for the four of us to sit here and talk about this, I mean we have got somebody from Illinois, we have got somebody from Washington, somebody from North Carolina, somebody from Georgia. All of us, really, from an agricultural standpoint, we come from varied backgrounds, but we all believe in the same thing, and that is a good strong agricultural economy, and I believe in the corn program just as much as you do, and you have been a strong supporter of the programs in my district and Walter and George likewise. I think that is what makes this House such a great institution that we can bring those kinds of ideas from all over the country together.

Let me just dwell for just a minute on the peanut program, because as you mentioned, it came under fire a little bit last week. It has every year in this House of Representatives for the last several years. Some people in leadership positions have come out strongly in opposition to the peanut program.

□ 2300

Let me just tell you, those folks really have never been out to south Georgia to see peanuts grown in the field or see the farmers that are growing those peanuts, or else they would have a much greater appreciation for that program than what they have.

We have an awful lot of folks who sit up here in their ivory towers in Washington and New York and other think tanks in this country and criticize not only the peanut program, but all other agriculture programs as being bad for the economy of this country and something that we need to do away with.

Mr. Speaker, those folks that sit in those ivory towers have never gone out and grown a garden, they do not know whether those peanuts grow on a tree or underground, much less how a cornfield looks or how a cotton field looks. The folks who are out there on a day-to-day basis and driving tractors and planters and harvesters, those are the folks that make America go, and those are the folks that we in this House need to concentrate on, and those are the folks that we are concentrating on.

I got carried away and I apologize. But the peanut program is a very complex and complicated program. It is concentrated on a small area, from Texas basically, although there is a little bit grown in New Mexico. It moves eastward all the way to the coast, with the peanuts primarily being concentrated in the Georgia and Alabama area, the largest number of them.

Mr. Speaker, the peanut program that we have in place now is a supply side managed system, as are all farm programs. First of all, let me dispel one myth; that is, the peanut program is not an expensive program. People that are critics of the program talk about how much money it costs and if we did away with it, how much money we would save. That is a real myth. The peanut program itself has cost the American taxpayer an average of $15 million a year over the last 10 years. That pales in comparison, not only to other farm programs, but other programs. That is not a large amount of money.

The myth that the peanut program costs the consumer money at the grocery store is something else that I want to dispel. We have had testimony by two people, one who is a manufacturer, and one who is the current Secretary of Agriculture, over the last several months who have been asked the specific question, if the peanut price were reduced, would that decrease the price of peanut products to the housewife at the grocery store. Both of them have been directly and emphatically said no, it would not.

We get a lot of criticism about the fact that the peanut program costs the taxpayer or the housewife $500 million a year, and that is simply wrong. Again, it is those folks that are sitting in those ivory towers that are making those off-the-wall statements that have no idea about what they are talking about.

The program is more complex because of the fact that it is a quota-type system. You will hear people stand on the floor of this House during our debate over the peanut program in September and they will tell you that the only way that you can grow peanuts and get the highest price for them is to have a Federal license. Well, being a supply-side program, it is controlled by the Federal Government. The Federal Government decides who has quota peanuts and who does not.

Anybody can grow peanuts. There is simply no restriction on anybody from growing peanuts. There is a restriction on those folks who are allowed to participate in the program, the same way as there are limitations on folks going out and building a radio station and operating a radio station, operating a TV station, building a hospital, operating anything where you are required to get a license. There are controls that come out of the Federal Government.

So the peanut program is something that has received unfair criticism because of the myths that are outstanding out there.

Be that as it may, the folks who are involved from a grower, manufacturing and a sheller standpoint have been working on reforms in the peanut program for the last eight or nine months since I have been elected to Congress and we have been working very hard on it. We have met on a regular basis time and time again to make reforms in the peanut program that number one, are going to move it to a no-net cost program so that it would no longer cost the American taxpayer one dime.

Second, we are going to make it more market-oriented. We are going to do things such as allow for the sale and the transfer of peanut quota across county lines, so that anybody who wants to get involved in the peanut growing business with quota peanuts can do so. They simply make the same investment that those folks who now own quota have made over the years.

We are also going to move the peanut program into the 21st century where we will have to comply with the terms of NAFTA and GATT. We know that all farm programs have got to transition to that point, and we are going to be able to do that through the implementation of a more market-oriented system.

The third thing we are going to do is we are going to continue to provide a safety net to the farmers of this country who grow peanuts to ensure that they are able to continue to grow them and to make some sort of return on the investment that they have made. Those are the types of things that we are doing, and it is a very complicated program, as are all farm programs.

Mr. Speaker, we have a great leader in the gentleman from Kansas, Mr. PAT ROBERTS, who is moving all of us on the Agriculture Committee towards designing farm programs all across the agricultural spectrum to allow us to move into that 21st century with a good, solid farm bill over the next 5 years. I am kind of excited about it. It has given the gentleman from Illinois [Mr. LAHOOD] and myself an opportunity to be a part of what I think is implementing the most important farm bill that we have ever had to deal with in this country, because it is a farm bill that is going to dictate how our children and our grandchildren are able to farm for the next generation.

Mr. LAHOOD. I appreciate the comments of the gentleman from Georgia, and your contribution here in trying to enlighten those of us who need enlightening about that program and other programs that we will be considering as a part of the 1995 farm bill.

Our time is limited here. Let me throw out one other issue and get a response. I think the thing that drives people, particularly those in agriculture in my district up the wall, if you will, or drives them a little crazy is this idea of overregulation, the idea that some agency of the Federal Government can come in and designate, for example, a part of their land as a wetland, or they can designate it as an area that cannot be used for growing crops.

I have heard, like so many of the other people in this House, and Mr. CHAMBLISS, I am sure that you hear the complaints about overregulation. We passed a good regulatory reform bill. We need to do more. We are going to be working on reform of EPA and OSHA and FDA and some other agencies that have frankly gone too far, and try and bring the pendulum back, bring back some common sense.

In the Transportation Committee we passed a clean water bill which I think brings common sense back to this idea that the Government can come in and just dictate to local government or State government or to an individual farmer or rancher that they have to do certain things. I know that this whole definition of wetland has been a real problem in the area that I come from, and I would be curious to know if Mr. JONES from North Carolina or Mr. CHAMBLISS from Georgia has encountered that from any of your constituents that you could cite for us as an example or two of some areas where we have just gone overboard in some of these things.

Mr. JONES. If the gentleman would yield a moment, I will be glad to share with you that 60 percent of my district, which again is the third district of North Carolina, is considered wetland, 60 percent. We held a congressional hearing about 4 months ago down in my district, Congressman POMBO from California and the members of the committee, and I also serve on that committee. We had a public hearing, and I will never forget the story of one farmer. There are many stories I would like to share with you, but because of time I will share this one with you.

A young farmer who was probably in his late 30s had inherited farmland from his father and grandfather. He had been farming that property up until about 6 years ago. Then, all of a sudden, from the bureaucracy, they determined that part of that farmland was wetlands. So he does not farm any more. He cannot afford to.

He made a very compelling presentation to the committee. You are absolutely right, the Endangered Species Act, the Wetlands Act, all of these regulations have gone too far, and all that this new majority is trying to do, which I am delighted, as you two gentlemen are, to be part of this new majority, is to find some middle ground, some balance.

I do not know anyone in our party that is not concerned by what is truly, I use that word truly, an endangered species or wetland. But we have seen the extremists go too far and we are trying to bring it back to a balance, and I can assure the gentleman from Illinois and the gentleman from Georgia that the farmers in my district are extremely pleased to see this new majority deal with these issues and try to find some fairness.

Mr. LAHOOD. The gentleman from Georgia.

Mr. CHAMBLISS. Mr. Speaker, one thing that was somewhat surprising to me when I got up here, I thought that by being from Georgia, we are pretty close to sea level, we have the Okefinokee Swamp not too far from my district. I thought we were the only ones that had wetlands problems.

□ 2310

Mr. CHAMBLISS. Mr. Speaker, I come up here and I find out that the gentleman from North Carolina says 60 percent of his district is; and Illinois has severe wetland problems; Idaho, North Dakota, all over this country folks have wetland problems, and it is a very expensive issue to deal with. It is one issue that we have got to provide relief to the agriculture community. It is one area that we can provide relief that will make them more efficient farmers and allow them to produce a crop at less cost, because we know that we are going to have less money to deal with as far as farm programs are concerned. It is one thing that we can do to make the agricultural community a better place to make a living.

We have numerous situations down in my area regarding fields where we have center pivot irrigations. When they go to make their complete circle, they have one area out here that the folks have come in from the Soil Conservation Service or the Corps of Engineers and said this is a wetlands and you cannot run your irrigation system over that area. What they have to do is to run that system for the 199 acres to this point, and bring it back around the other way to that point, and bring it back around, instead of going all the way through an area that is really just a low spot in a field, but yet it has been designated as wetlands.

It is just as frustrating as it can be to the American farmer to have to deal with those types of regulations. That is the type of regulations that we dealt with in our Contract With America, and that I am hoping will get through the Senate side over there so we will have something positive to take back home and say, folks, we know we have to change these programs. We know we have less money to deal with, but this is what we are doing to offset that and to make you a more efficient farmer and allow you to continue to make the same money you are making even though you will not have as much money from the Federal programs as what you may have had in the past.

Mr. JONES. Would the gentleman from Georgia yield for a moment?

Mr. LAHOOD. I am happy to yield to the gentleman from North Carolina.

Mr. JONES. Mr. Speaker, I would relate to the gentlemen from Georgia and Illinois a little story.

About 2 years ago a good friend of mine, who is the President of a community college in North Carolina, had a situation develop, because about 6 or 8 years ago the environmentalists come down and designated or said that there are cockaded readheaded woodpeckers in a group of pie trees on this community college campus. In 1992–93, obviously, again, I am going back six years ago when they told the President of the college that you have this cockaded readheaded woodpecker, and some of us have trouble saying that, in some of your trees, well, the college was growing and they had determined that they needed to clear some land to put up a new school building on campus. They cut down pine trees.

This gentleman is a farmer by trade. Again, he is president of a community college. I do not know of anyone who cares more about family and land than this individual. It happened a nest of the cockaded readheaded woodpeckers in one tree was cut down, and I would advise the gentleman from Georgia and Illinois, that my friend was fined $100,000 because that one tree went down with that nest in it. Again, that is why the people, not only farmers, but the people are looking for some fairness and balance in these rules and regulations.

That is just one example. I am sure you will have many more.

Mr. LAHOOD. Mr. Speaker, there are many other examples, I know, and I think, as we get into the farm bill, I think what the farmers from your part of the country and my part of the country want is fairness.

Many of the people in agriculture are for a balanced budget. They want it. They know that it will help them, and they know it will bring down interest rates, improve their ability to borrow the money to put their feed and seed into the ground, and so they are committed to that, but they want it to be fair and balanced. They want less regulation, they want less rules, they want less government intervention, and they want an export market.

If we can deliver on that through our farm bill, I think we will have done a great deal as the 104th Congress moves ahead and really tries to improve the idea that agriculture is important; that people work hard at it. They want to make a fair wage. They don't need a lot of government involvement, and that is what I am hearing from the folks in my district.

I am going to wrap up here.

Mr. CHAMBLISS. Would the gentleman from Illinois yield?

Mr. LAHOOD. I would be happy to yield to the gentleman from Georgia.

Mr. CHAMBLISS. Mr. Speaker, let me just mention one thing we have not really touched on, and I know there are a lot of folks out there looking tonight that really are like so many Members of Congress, and they have no concept of why you need farm programs. All they hear about are these farm subsidies. Let me just say that they are not really farm subsidies, they are investments in the economy of this country. The farm programs are investments in the U.S. agricultural industry.

For example, in the peanut industry, we have over 150,000 U.S. jobs that are directly related to the peanut industry. It generates over $6 billion a year in the economy of this country. It generates some $200 million in exports. That is just one small segment of the agricultural community.

Why we have these programs is that in order for our farmers to be able to compete on the world market against countries like France and like Spain, who so heavily subsidize their farmers, we have to put our farmers on somewhat of a level playing field.

Even though our programs do not put them there, we are still way below the subsidies that are paid in France and in Spain, but we are putting our farmers in a position where they can compete in the global market.

As we move into the post NAFTA and post GATT era, we have to do a better job of that, and I just wanted to mention that because I know there are a lot of people out there that just think that subsidies are bad and they ought not be paid to farmers and they do not understand why farm programs even exist, and I wanted to mention that.

Mr. LAHOOD. Mr. Speaker, I appreciate the gentleman from Georgia's contribution, and I would be happy to yield to the gentleman from North Carolina for any concluding remarks.

Mr. JONES. -I thank the gentleman from Illinois for yielding.

Mr. Speaker, just very quickly, I wanted to repeat one figure I shared early on. The USDA spends $16 million to administer and oversee the tobacco program, which, again, is a no net cost program. That $16 million, I would mention to the gentleman from Illinois and Georgia, brings back in the way of revenues $25.9 billion. You gentlemen are very smart, good businessmen, do not know anywhere where you can invest $16 million and you can bring back $29.9 million? I would buy that opportunity every day.

Mr. LAHOOD. Mr. Speaker, that is a significant contribution.

Let me conclude by saying that we can reform farm programs to make them more accountable to taxpayers and program participants, but in doing so we must not take for granted the incredible success of American agriculture and the role prudent public policy has made to foster this success.

In conclusion, I want to mention that I have developed, like I know both of you gentleman have, a new respect for the men and women who till the soil, who work hard every day in terms of the crops that they grow. Since being elected to Congress, I have had several opportunities, as I know you have to meet the men and women who till the soil, and I have concluded that they love their way of life, are deeply proud of the country and the benefits it has bestowed on each of them, and ask for no compliments for feeding the world each and every day, but want, for their children, the ability to pass along the heritage and the fruits that they have so richly worked for and who could ask for more than that.

I know each of you, as I do, commend those men and women who till the soil every day, and work hard every day, and make America the great country that it is, and provide the food and fiber for all Americans and many, many citizens in this country and around the world.

With that, Mr. Speaker, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RAMSTAD (at the request of Mr. ARMEY) for today, on account of illness.

Mr. BILBRAY (at the request of Mr. ARMEY) for today, on account of official business.

Mr. VOLKMER (at the request of Mr. GEPHARDT) for today after 6 p.m., on account of illness of spouse.

Mr. TORRES (at the request of Mr. GEPHARDT) for today, on account of illness in the family.

Miss COLLINS of Michigan (at the request of Mr. GEPHARDT) for today and the balance of the week, on account of medical illness.

Mr. JACOBS (at the request of Mr. GEPHARDT) for August 1 and 2, 1995, on account of dedication of U.S.S. *Indianapolis* Memorial in Indianapolis.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. WARD, for 5 minutes, today.

(The following Members (at the request of Mr. MONTGOMERY) to revise and extend their remarks and include extraneous material:)

Mr. HORN, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. KAPTUR, for 5 minutes, today.

(The following Members (at the request of Mr. MFUME) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Ms. JACKSON-LEE, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

(The following Members (at the request of Mr. FOX of Pennsylvania) to revise and extend their remarks and include extraneous material:)

Mr. GOSS, for 5 minutes each day, today and July 25, 26, 27, and 28.

Mr. FOX of Pennsylvania, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WAXMAN, and to include therein extraneous material, notwithstanding the fact that it exceeds two pages and is estimated by the Public Printer to cost $10,922.

(The following Members (at the request of Mr. MFUME) and to include extraneous matter:)

Mr. COLEMAN.

Mr. FROST.

Mr. MARKEY.

Mrs. MALONEY.

Mr. CLEMENT.

Ms. RIVERS.

Ms. NORTON.

Mr. SKELTON.

Mr. STUPAK.

Mr. STOKES.

(The following Members (at the request of Mr. FOX of Pennsylvania) and to include extraneous matter:)

Mr. CAMP.

Mr. BURTON of Indiana.

Mr. NEY.

Mr. WELDON of Florida.

Mrs. ROUKEMA.

Mr. QUINN.

Mr. DEFAZIO, on H.R. 2002, in the Committee of the Whole today.

SENATE BILLS REFERRED

Bills and a joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 638. An act to authorize appropriations for United States insular areas, and for other purposes; to the Committee on Resources.

S. 1023. An act to authorize an increased Federal share of the costs of certain transportation projects in the District of Columbia for fiscal years 1995 and 1996, and for other purposes; to the Committees on Government Reform and Oversight and Transportation and Infrastructure.

S.J. Res. 27. Joint resolution to grant the consent of the Congress to certain additional powers conferred upon the Bi-State Development Agency by the States of Missouri and Illinois; to the Committee on the Judiciary.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that the committee did on the following day present to the President, for his approval, bills of the House of the following title:

On July 21, 1995:

H.R. 1944. An act making emergency supplemental appropriations for additional disaster assistance, for anti-terrorism initiatives, for assistance in the recovery from the tragedy that occurred at Oklahoma City, and making rescissions for the fiscal year ending September 30, 1995, and for other purposes.

ADJOURNMENT

Mr. LAHOOD. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 20 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 25, 1995, at 9 a.m. for morning hour debates.

EXPENDITURE REPORTS CONCERNING OFFICIAL FOREIGN TRAVEL

Reports concerning the foreign currencies and U.S. dollars utilized by various committees of the U.S. House of Representatives during the second quarter of 1995 in connection with official foreign travel, pursuant to Public Law 95–384, are as follows:

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON GOVERNMENT REFORM AND OVERSIGHT, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency[2]	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. John L. Mica	4/19	4/20	Ireland		275.00	(3)					275.00
	4/20	4/24	Italy		1,226.00	(3)					1,226.00
	4/24	4/27	Israel		879.00	(3)					879.00
	4/27	4/29	Belgium		729.00	(3)					729.00
Committee total					3,109.00						3,109.00

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

BILL CLINGER,
Chairman, July 14, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON ECONOMIC AND EDUCATIONAL OPPORTUNITIES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
Hon. Tom Sawyer	4/19	4/20	Ireland		279.00		(3)				279.00
	4/20	4/24	Italy		1,226.00		(3)				1,226.00
	4/24	4/27	Israel		879.00		(3)				879.00
	4/27	4/28	Belgium		327.00		(3)				327.00
Commercial airfare		4/28	Belgium				2,074.15				2,074.15
Committee total					2,711.00		2,074.15				4,785.15

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

[3] Military air transportation.

BILL GOODLING,
Chairman, July 5, 1995.

REPORT OF EXPENDITURES FOR OFFICIAL FOREIGN TRAVEL, COMMITTEE ON RESOURCES, U.S. HOUSE OF REPRESENTATIVES, EXPENDED BETWEEN APRIL 1 AND JUNE 30, 1995

Name of Member or employee	Date		Country	Per diem[1]		Transportation		Other purposes		Total	
	Arrival	Departure		Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]	Foreign currency	U.S. dollar equivalent or U.S. currency[2]
John Rayfield	4/10	4/20	Chile				1,934.95				1,934.95
Christopher G. Mann	4/10	4/20	Chile				1,934.95				1,934.95
David S. Whaley	5/28	6/4	Ireland		1,729.00		1,260.95				2,989.95
Committee total					1,729.00		5,130.85				6,859.85

[1] Per diem constitutes lodging and meals.

[2] If foreign currency is used, enter U.S. dollar equivalent; if U.S. currency is used, enter amount expended.

DON YOUNG,
Chairman, July 7, 1995.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GILMAN: Committee on International Relations. H.R. 927. A bill to seek international sanctions against the Castro government in Cuba, to plan for support of a transition government leading to a democratically elected government in Cuba, and for other purposes; with an amendment (Rept. 104–202, Pt. 1). Ordered to be printed.

Mr. HYDE. Committee on the Judiciary. H.R. 1528. A bill to supersede the modification of final judgment entered August 24, 1982, in the antitrust action styled *United States* v. *Western Electric*, Civil Action No. 82–0192, United States District Court for the District of Columbia, and for other purposes; with an amendment (Rept. 104–203 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

Mr. BLILEY: Committee on Commerce. H.R. 1555. A bill to promote competition and reduce regulation in order to secure lower prices and higher quality services for American telecommunications consumers and encourage the rapid deployment of new telecommunications technologies; with an amendment (Rept. 104–204 Pt. 1). Referred to the Committee of the Whole House on the State of the Union.

SUBSEQUENT ACTION ON A REPORTED BILL

Under clause 5 of rule X, the following action was taken by the Speaker:

H.R. 1528. The Committee on Commerce discharged. H.R. 1528 referred to the Committee of the Whole House on the State of the Union.

H.R. 1555. The Committee on the Judiciary discharged. H.R. 1555 referred to the Committee of the Whole House on the State of the Union.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 5 of rule X the following action was taken by the Speaker:

H.R. 927. Referral to the Committees on Ways and Means, the Judiciary and Banking and Financial Services extended for a period ending not later than August 4, 1995.

H.R. 1528. Referral to the Committee on Commerce extended for a period ending not later than July 24, 1995.

H.R. 1555. Referral to the Committee on the Judiciary extended for a period ending not later than July 24, 1995.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mrs. FOWLER (for herself, Mr. FOLEY, Mr. GOSS, Mrs. THURMAN, Mr. WELDON of Florida, Mr. MCCOLLUM, Mr. MICA, and Mr. PETERSON of Florida):

H.R. 2100. A bill to direct the Secretary of the Interior to make technical corrections to maps relating to the Coastal Barrier Resources System; to the Committee on Resources.

By Mr. DURBIN (for himself, Mr. SCHUMER, Mr. MARKEY, and Mr. HOYER):

H.R. 2101. A bill to amend title 18, United States Code, to permanently prohibit the possession of firearms by persons who have been convicted of a violent felony, and for other purposes; to the Committee on the Judiciary.

By Mr. MORAN:

H.R. 2102. A bill to amend subchapter II of chapter 73 of title 10, United States Code, to prevent cost-of-living increases in the survivor annuity contributions of uniformed services retirees from becoming effective before related cost-of-living increases in retired pay become payable; to the Committee on National Security.

By Ms. NORTON (for herself and Mr. DAVIS):

H.R. 2103. A bill to amend the District of Columbia Self-Government and Governmental Reorganization Act to place the budget of the District of Columbia courts on equal footing with other branches of the District government, to permit the severance of the salaries of local judges from the Federal compensation system, and to authorize multiyear contracts; to the Committee on Government Reform and Oversight.

By Mr. SMITH of New Jersey:

H.R. 2104. A bill to amend section 1464 of title 18, United States Code, to punish transmission by computer of indecent material to minors; to the Committee on the Judiciary.

By Mr. STUDDS:

H.R. 2105. A bill to restrict the closure of Coast Guard small boat stations, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. ACKERMAN:

H. Con. Res. 86. Concurrent resolution commending the People's Republic of Bangladesh for its commitment to the principles of democracy, economic reform, and international peacekeeping; to the Committee on International Relations.

By Mr. MARKEY (for himself, Mr. SOLOMON, Mr. LANTOS, and Mr. PORTER):

H. Res. 200. Resolution expressing the sense of the House of Representatives regarding the Republic of Iraq's failure to comply with United Nations resolutions demanding improvements in the area of human rights and requiring the destruction, removal, and rendering harmless of all Iraq's biological, chemical, and nuclear weapons, and all ballistic missiles with a range greater than 150 kilometers; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 46: Mr. HERGER.

H.R. 359: Mr. JONES and Mr. BASS.

H.R. 427: Mr. FRANK of Massachusetts.

H.R. 447: Mr. GUTIERREZ, Mr. ENGEL, and Mr. CLINGER.

H.R. 488: Mr. BAKER of Louisiana.

H.R. 528: Mr. FRAZER.

H.R. 625: Mrs. MALONEY, Mr. RADANOVICH, Mr. STUPAK, Mr. CLEMENT, and Ms. NORTON.

H.R. 734: Mr. RAMSTAD and Mr. MCHUGH.

H.R. 736: Mr. BILBRAY and Mr. PETRI.

H.R. 783: Mr. WICKER.

H.R. 789: Mr. DOOLITTLE.

H.R. 862: Mr. LARGENT and Mr. STUMP.

H.R. 868: Mr. BACHUS.

H.R. 940: Mrs. COLLINS of Illinois.

H.R. 995: Mr. DEAL of Georgia.

H.R. 1021: Mr. BONIOR.

H.R. 1023: Mr. SCOTT, Mr. PASTOR, and Mr. BONIOR.

H.R. 1073: Mr. MANTON, Mr. BROWN of Ohio, Mr. KLINK, Ms. ESHOO, Mr. BOUCHER, Mr. MURTHA, Mr. GEPHARDT, Ms. SLAUGHTER, Mr. RICHARDSON, and Ms. MCKINNEY.

H.R. 1074: Mr. MANTON, Mr. BROWN of Ohio, Mr. KLINK, Ms. ESHOO, Mr. BOUCHER, Mr. MURTHA, Mr. GEPHARDT, Ms. SLAUGHTER, Mr. RICHARDSON, and Ms. MCKINNEY.

H.R. 1083: Mr. KING and Mr. TAYLOR of North Carolina.

H.R. 1162: Mr. WHITE, Mr. SANFORD, Mr. MCINNIS, Mr. COBURN, Mrs. SMITH of Washington, Mr. FORBES, Mrs. MYRICK, and Mr. BLUTE.

H.R. 1212: Mr. WICKER.

H.R. 1242: Mr. DUNCAN and Mr. ENSIGN.

H.R. 1464: Mr. EHRLICH and Mr. REYNOLDS.

H.R. 1499: Mr. GALLEGLY and Mr. GOODLATTE.

H.R. 1513: Mr. HALL of Texas.

H.R. 1560: Mr. BARCIA of Michigan.

H.R. 1610: Mr. KOLBE.

H.R. 1713: Mr. WICKER.

H.R. 1739: Mr. MCHUGH.

H.R. 1744: Mr. GUNDERSON.

H.R. 1856: Ms. DUNN of Washington, Mr. BLUTE, and Mr. WALSH.

H.R. 1876: Ms. VELÁZQUEZ, Ms. WOOLSEY, Mr. JACOBS, and Mr. PASTOR.

H.R. 1946: Mr. OXLEY, Mr. JONES, Mr. BACHUS, Mr. DAVIS, Mr. HOEKSTRA, Mr. HUNTER, and Mr. KINGSTON.

H.R. 1984: Mr. BAKER of Louisiana and Mr. GUTKNECHT.

H.R. 1993: Mr. RADANOVICH.

H.R. 2024: Mr. TOWNS, Mr. PAXON, and Mr. GEJDENSON.

H.J. Res. 90: Mr. HUNTER.

H. Con. Res. 63: Mr. SCARBOROUGH and Mrs. SMITH of Washington.

H. Res. 30: Mr. GIBBONS, Mr. WELDON of Florida, Mr. MCHUGH, Mr. SKAGGS, Mr. EWING, and Mrs. KELLY.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2002

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 28: At the end of the bill, add the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used for planning or execution of the military airport program.

H.R. 2002

OFFERED BY: MR. COLEMAN

AMENDMENT NO. 29: Page 53, strike lines 1 through 13.

Redesignate subsequent sections of title III of the bill accordingly.

H.R. 2002

OFFERED BY: MR. FOGLIETTA

AMENDMENT NO. 30: Page 14, line 7, strike "$60,000,000" and insert "$195,000,000".

Page 25, line 24, insert after the dollar amount the following: "(increased by $135,000,000)".

Page 25, line 25, insert after the dollar amount the following: "(increased by $135,000,000)".

Page 26, line 3, insert after the dollar amount the following; "(increased by $135,000,000)".

H.R. 2076

OFFERED BY: MR. ANDREWS

AMENDMENT NO. 10: Page 76, strike lines 11 through 17.

H.R. 2076

OFFERED BY: MR. BECERRA

AMENDMENT NO. 11: Page 17, line 2, before the period insert ":*Provided further*, That $8,000,000 shall be available to promote and expedite naturalization, in accordance with section 332 of the Immigration and Nationality Act".

H.R. 2076

OFFERED BY: MR. BECERRA

AMENDMENT NO. 12: Page 59, line 9, strike "$16,400,000" and insert "$8,400,000".

Page 16, line 5, strike "$1,421,481,000" and insert "$1,429,481,000".

H.R. 2076

OFFERED BY: MR. BECERRA

AMENDMENT NO. 13: Page 59, line 9, strike "$16,400,000" and insert "$8,400,000".

Page 16, line 5, strike "$1,421,481,000" and insert "$1,429,481,000".

Page 17, line 2, before the period insert ": *Provided further*, That $8,000,000 shall be available to promote and expedite naturalization, in accordance with section 332 of the *Immigration and Nationality Act*".

H.R. 2076

OFFERED BY: MR. CLINGER

AMENDMENT NO. 14: Page 47, line 11, strike "$3,000" and insert "$2,250".

Page 47, line 12, strike "$29,100,000" and insert "$21,825,000".

H.R. 2076

Offered By: Mr. Farr

Amendment No. 15: Page 44, line 4, strike "$1,690,452,000" and insert "$1,702,952,000".

Page 44, line 14, strike "$1,687,452,000" and insert "$1,699,952,000".

Page 51, line 4, strike "$2,411,024,000" and insert "$2,404,744,000".

Page 59, line 3, strike "$363,276,000" and insert "$357,026,000".

H.R. 2076

Offered By: Mr. Hoyer

Amendment No. 16: Page 25, line 13, strike "$1,500,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act" and insert "$1,205,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the Omnibus Crime Control and Safe Streets Act of 1968 as added by section 21201 of the 1994 Act; $295,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act".

H.R. 2076

Offered By: Mr. Klug

Amendment No. 17: Page 43, line 25, strike "386 commissioned officers" and insert "358 commissioned officers".

H.R. 2076

Offered By: Mr. Klug

Amendment No. 18: Page 45, lines 18 through 22, strike "for the repair, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration," and insert "for the National Oceanic and Atmospheric Administration for entering into contracts with private-sector parties or universities for (1) data collection and (2) the leasing or chartering of vessels,".

H.R. 2076

Offered By: Mr. Klug

Amendment No. 19: Page 45, line 23, strike "$20,000,000" and insert "$0".

H.R. 2076

Offered By: Mr. Klug

Amendment No. 20: On page 102, after line 20, insert before the short title the following new section:

"Sec. 609. None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading 'Fleet Modernization, Shipbuilding and Conversion' may be used to implement the National Oceanic and Atmospheric Administration Fleet Replacement and Modernization Plan except to enter into service contracts with the private sector or universities for oceanographic research, fisheries research, and mapping and charting services.".

H.R. 2076

Offered By: Mr. Klug

Amendment No. 21: Page 102, after line 20, insert before the short title the following new section:

Sec. 609. None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading "Fleet Modernization, Shipbuilding, and Conversion" may be used for any activity other than entering into a contract with a private-sector party or a university for (1) data collection or (2) the leasing or chartering of a vessel.

H.R. 2076

Offered By: Mr. LaTourette

Amendment No. 22: Page 45, line 14, strike "$42,731,000" and insert in lieu thereof "$40,262,000".

Page 45, line 23, strike "$20,000,000" and insert in lieu thereof "$17,000,000".

H.R. 2076

Offered By: Mr. LaTourette

Amendment No. 23: Page 45, line 23, strike "$20,000,000" and insert in lieu thereof "$19,089,000".

H.R. 2076

Offered By: Mrs. Lowey

Amendment No. 24: On page 21, line 21, after the period, insert the following paragraph:

GRANTS TO COMBAT VIOLENCE AGAINST WOMEN

Additional assistance for grants of $97,250,000, for the Grants to Combat Violence Against Women, as authorized by section 40121 of the 1994 act.

On page 60, line 19:

Strike "$391,760,000" and insert "$294,510,000"

H.R. 2076

Offered By: Mrs. Lowey

Amendment No. 25: On page 21, line 21, after the period, insert the following paragraph:

GRANTS TO COMBAT VIOLENCE AGAINST WOMEN

Additional assistance for grants of $97,250,000, for the Grants to Combat Violence Against Women, as authorized by section 40121 of the 1994 act.

On page 60, line 19:

After "$391,760,000" insert "(less $97,250,000)"

H.R. 2076

Offered By: Mrs. Meyers of Kansas

Amendment No. 26: Page 97, line 8, strike "$217,947,000" and insert "$222,325,000".

Page 98, line 6, strike "$97,000,000" and insert "$92,622,000".

H.R. 2076

Offered by: Mr. Mollohan

Amendment No. 27: On page 24, line 6 strike, "$2,000,000,000", and all that follows through "1995" on line 9, and insert the following:

"1,767,000,000 shall be for Public Safety and Community Policing Grants authorized by section 10003 of the 1994 Act; and $233,000,000 shall be for carrying out the crime prevention programs authorized under sections 30202, 30307, 30702, 31904, 31921, 32101, 40102, and 50001 of the 1994 Act"

H.R. 2076

Offered by: Mrs. Morella

Amendment No. 28: Page 52, line 21, after the dollar amount, insert the following: "(reduced by $13,550,000)".

Page 99, after line 12, insert the following:

State Justice Institute

SALARIES AND EXPENSES

For necessary expenses of the State Justice Institute, as authorized by section 215 of the State Justice Institute Act of 1984 (42 U.S.C. 10713), $13,550,000, to remain available until expended.

H.R. 2076

Offered by: Mrs. Morella

Amendment No. 29: Page 99, after line 12, insert the following:

State Justice Institute

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of the State Justice Institute, as authorized by section 215 of the State Justice Institute Act of 1984 (42 U.S.C. 10713), $13,550,000, to remain available until expended, to be derived from amounts provided in this Act for "Defender Services".

H.R. 2076

Offered by: Mr. Neumann

Amendment No. 30: On page 37, line 2, strike "$328,500,000" an insert "$35,198,000"

H.R. 2076

Offered by: Mr. Neumann

Amendment No. 31: On Page 40, line 10, strike "$19,709,000" an insert "$19,043,000"

On page 40, strike line 21 and all that follows through page 41, line 24.

H.R. 2076

Offered By: Mr. Neumann

Amendment No. 32: On page 42, line 26, strike "$81,100,000" and insert "$7,167,000".

H.R. 2076

Offered By: Mr. Neumann

Amendment No. 33: On page 44, line 4, strike "$1,690,452,000" and insert "$1,670,452,000".

On page 44, line 14, strike "$1,687,452,000" and insert "$1,667,452,000".

On page 45, strike lines 16 through 23

H.R. 2076

Offered By: Mr. Neumann

Amendment No. 34: On page 47, line 6, strike "$5,000,000" and insert "$3,920,000".

H.R. 2076

Offered By: Mr. Scott

Amendment No. 35: Page 24, line 6, strike "$2,000,000,000" and insert "$2,500,000,000".

Page 24, line 23, strike "$500,000,000" and all that follows through page 25, line 3.

H.R. 2076

Offered By: Mr. Scott

Amendment No. 36: Page 24, line 6, strike "$2,000,000,000" and insert "$2,300,000,000".

Page 24, line 23, strike "$500,000,000" and all that follows through page 25, line 1, and insert "$200,000,000".

H.R. 2076

Offered by: Mr. Serrano

Amendment No. 37: Page 102, after line 20, insert the following:

Sec. 609. None of the funds made available in this Act may be used for the Advisory Board for Cuba Broad casting under section 5 of the Radio Broadcasting to Cuba Act.

H.R. 2076

Offered by: Mr. Skaggs

Amendment No. 38: Page 71, line 16, strike "$341,000,000," and insert "$329,000,000".

H.R. 2076

Offered by: Mr. Skaggs

Amendment No. 39: Beginning on page 81, strike line 3 and all that follows through line 2 on page 95.

H.R. 2076

Offered by: Mr. Skaggs

Amendment No. 40: Page 102, after line 20, insert the following:

Sec. 609. None of the funds made available in this Act may be used for "USIA Television Marti Program" under the Television Broadcasting to Cuba Act or any other program of United States Government television broadcasts to Cuba.

H.R. 2076

Offered by: Mr. Stupak

Amendment No. 41: Page 24, line 7, after "Grants" insert "of such amount $600,000,000 shall be available for rural areas in which the unit of local government in such area has a population of less than 50,000)''.

H.R. 2076

OFFERED BY: MR. STUPAK

AMENDMENT No. 42: Page 24, line 9, after ''1995'' insert ''of such amount $600,000,000 shall be available for rural areas in which the unit of local government in such area has a population of less than 50,000)''.

H.R. 2099

OFFERED BY: MR. DAVIS

AMENDMENT NO. 1: Page 87, after line 25, insert the following new section:

SEC. 519. (a) CONTRACTOR CONVERSION.—The Administrator of the Environmental Protection Agency shall cease any further hiring in the Agency's Office of Research and Development, and shall maintain the funding of all existing scientific and technical support contracts at not less than the current level.

(b) REPORT.—Not later than January 1, 1996, the head of the Office of Research and Development of the Environmental Protection Agency shall submit to the Congress a report on all staffing plans including the use of Federal and contract employees.

H.R. 2099

OFFERED BY: MS. KAPTUR

AMENDMENT NO. 2: Page 26, after line 13, insert the following new item:

DRUG ELIMINATION GRANTS FOR LOW-INCOME HOUSING

For grants to public housing agencies for use in eliminating drug-related crime in public housing projects authorized by the Public and Assisted Housing Drug Elimination Act of 1990 (42 U.S.C. 11901–11908), and for drug information clearinghouse services authorized by the Drug-Free Public Housing Act of 1988 (42 U.S.C. 11921–11925), $290,000,000, to remain available until expended.

Page 64, line 16, before the last comma insert ''(reduced by $34,500,000)''.

H.R. 2099

OFFERED BY: MR. KLUG

AMENDMENT NO. 3: Page 48, after line 25, insert the following new section:

SEC. 211. DEMONSTRATION PROJECT FOR ELIMINATION OF TAKE-ONE-TAKE-ALL REQUIREMENT.

In order to demonstrate the effects of eliminating the requirement under section 8(t) of the United States Housing Act of 1937, notwithstanding any assistance provided under any program under section 8 of such Act for the multifamily housing project consisting of the dwelling units located at 2401–2479 Sommerset Circle, in Madison, Wisconsin, or on behalf of residents in such project, section 8(t) of such Act shall not apply with respect to such project.

EXTENSIONS OF REMARKS

TRIBUTE TO KOREAN WAR VETERANS

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Mr. QUINN. Mr. Speaker, I rise today in remembrance of the numerous courageous men and women who throughout the Korean war gave of themselves on behalf of the United States of America and all freedom-loving people of the world.

On Thursday, July 27, 1995, we will dedicate the Korean War Veterans Memorial as a remembrance for all of the heroic efforts that American service men and women selflessly performed for their country.

The Korean War Veterans Memorial is more than just a symbol: it is an embodiment of the resolute courage of America's service veterans. It stands as all America's veterans have stood, dauntless in the face of jeopardy, compassionate in victory, and dedicated to the pursuit of freedom for all people throughout the world.

The men and women who served in the Armed Forces of the United States of America during the Korean war forged a special bond with one another, as have all of America's combat veterans. This band transcends traditional boundaries and common circumstance. This bond will be evident by the community of veterans who will gather here in Washington, DC, and will pay an enduring tribute to their fellow comrades.

I would like to take this opportunity and say to the veterans of the Korean war and all wars, that we, as a nation, are thankful for your patriotic service. When your country called, you answered by serving with bravery and distinction in the face of oppression. For this, I, like every American citizen, am eternally grateful and remain in your debt.

OPENING OF A&P'S LARGEST STORE

HON. MARGE ROUKEMA

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Mrs. ROUKEMA. Mr. Speaker, I rise to congratulate the Great Atlantic & Pacific Tea Co. on the opening of its newest and largest store in Woodcliff Lake, NJ, on Tuesday, July 26. This is more than just another grocery store. This is a 60,000-square-foot supermarket of the future, with the latest in environmentally friendly lighting, heating, and air-conditioning. Experts tell me the store will be more energy efficient than any in the country, making it a model for the multibillion-dollar supermarket industry.

I take particular interest in the accomplishments of A&P because this giant of the food industry is headquartered in Montvale, NJ, in the heart of my congressional district.

Just as the Woodcliff Lake store is not just another grocery story, neither is A&P just another supermarket chain. With nearly 100,000 employees and stores in 23 States, it is the fifth largest supermarket chain in the Nation. In its 136-year history, it has been a true leader of the industry, pioneering many of the concepts that we take for granted today.

Entrepreneurs George Huntington Hartford and George Gilman opened the original Great American Tea Co. store in New York City—where the chain remains No. 1—in 1859. The ornately decorated store, which lured customers with state-of-the-art gaslight and brass bands on Saturday nights, was the first to offer house brands and private labels with its own brand of tea and still-famous "Eight O'Clock Coffee." The name of the store was changed to the Great Atlantic & Pacific Tea Co. in 1869 to mark the completion of the first transcontinental railroad.

A&P expanded in 1871 to Chicago, where it began the practice of giving away lithographs, crockery and other household items as premiums. By the turn of the century there were 200 stores nationwide and sales of $85.6 million. Between 1900 and 1912, however, food prices rose 35 percent as the cost of living skyrocketed. In response, A&P introduced the "A&P Economy Store," corner grocery stores run with one employee and a capital investment of only $3,000 each. By 1925, there were 14,000 stores and sales of $440 million.

Other innovations followed, including "combination stores" which during the 1920's added meat to the line of other groceries at a time when meat was sold only by butchers. A&P shortly offered prepackaged, self-service cuts of meat and its "Ann Page" products. In 1924, the company became the first food retailer to sponsor a radio program, the "A&P Gypsies," and in 1937 launched Woman's Day magazine. The company opened its first supermarkets as we know them today in the 1930's. By 1936, 5,800 were in operation.

The company's success, however, was soon to become a liability. The Robinson-Patman Act of 1936 had A&P as one of its prime antitrust targets and a 1949 antitrust lawsuit forced limitations on the company faced by none other in the industry. Preoccupation with its legal difficulties, coupled with the deaths of John and George Hartford—sons of the founder—in the 1950's, led to years of decline. In 1979, controlling interest in the company was acquired by the Tengelmann Group of West Germany. The chain pared itself to 1,000 stores, closed unprofitable manufacturing plants and made other changes. The changes quickly returned the company to profitability and it has regained its stature within the American supermarket industry.

A&P is a major employer in my district and an important public convenience to my constituents and millions of others across the Nation.

RECOGNITION OF THE 100TH ANNIVERSARY OF THE MILITARY EXCHANGE SYSTEM

HON. MARTIN FROST

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Mr. FROST. Mr. Speaker, I would like to take this opportunity to recognize the 100th anniversary of the establishment of the military exchange system. The proud manager of the modern exchange system is the Army and Air Force Exchange Service, a vital organization and a key employer in the southwest Dallas county area located in my Congressional district.

The first exchange was established in a barracks building at Vancouver Barracks, Washington. Since the issuance of General Order No. 46 on July 25, 1895, the exchange has developed as the primary source of funding for the quality of life programs that support our military personnel throughout the world. In peace and war, the exchange has been there to serve those who have defended us. The War Department established the Army Exchange Service in 1941 to provide guidance for worldwide operations. The organizations became the Army and Air Force Exchange Service [AAFES] in 1948.

The mission of the exchange is to provide quality merchandise and services to active duty, retired, and reserve personnel and their families and to generate reasonable earnings for the support of morale, welfare and recreation programs.

During 1994 alone the exchange service totalled over $7 billion in sales and returned over $200 million to the service for quality of life enhancements. Over the past 10 years AAFES payments to morale, welfare and recreation funds exceed $1.7 billion.

In addition to their commitment to worldwide service in support of our military, the exchange has been there to assist with hurricane relief, assistance to firefighters and flood relief workers, and public service activities performed by the military departments. Exchange personnel are on the scene today in Haiti, just as they have been in Somalia, Saudi Arabia, and everywhere that the military have gone in service to this country.

While supporting these worldwide operations AAFES has been a bulwark to the local Dallas community since 1958. AAFES employee over 2,000 workers in the Dallas/Fort Worth community, and many of these individuals are committed to the advancement of their communities and are deeply involved in volunteer activities throughout the area.

On July 25, 1995, AAFES will mark this 100th anniversary with a celebration at the

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● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Dallas headquarters. On the 26th of July, 1995, they will begin the new century with the installation of a new commander. I invite all of my colleagues to join me in congratulating the Army and Air Force Exchange Service on this momentous day.

KIDS' DAY

HON. RONALD D. COLEMAN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Mr. COLEMAN. Mr. Speaker, I would like to take this opportunity today to discuss legislation that I want to introduce but am being prohibited from introducing due to House Rule XXII. A constituent of mine organized "Kids' Day" in El Paso 2 years ago. It has been an enormous success locally and I believe this type of holiday could have national success as well.

Kids' Day in El Paso is celebrated on the second Wednesday of every May. The celebration includes participation by children in community service projects in conjunction with the business community and a parade in which children develop floats that depict their career goals. Kids' Day encourages children to share their energy and talents with their community through public service.

Since children are one of this Nation's most precious resources and there is currently no holiday honoring the children of this Nation, I believe that National Kids' Day would be a wonderful opportunity for children to participate in an alternative to their traditional classwork and homework responsibilities by participating in community service, and an exploration of career opportunities.

However, despite the possibilities of such a holiday, the majority of this Congress has voted to ban the introduction of such legislation that would be deemed "commemorative." I have sought a ruling from the House Parliamentarian regarding such legislation and have been advised that most likely this legislation would violate rule XXII.

I feel that it is most unfortunate when a constituent organizes and implements a good idea, relates this idea to her Congressman, and for no other reason than the fact that the idea is "commemorative," her Congressman is prohibited from acting on the idea. The new rules implemented by the majority make accessibility to the Congress more difficult, something the American public clearly does not support.

In closing, I would like to relate the words of my constituent, who expresses the goals of Kids' Day more eloquently than I am able to: "The components of Kids' Day are geared toward building a better community by instilling a deep sense of commitment and success in our children and students."

Although I am unable to propose that this worthwhile effort be undertaken by the Nation, I would still strongly urge individual Members to lead their local communities in organizing this type of holiday for all our Nation's children.

EXPRESSING THE SENSE OF CONGRESS REGARDING THE FAILURE OF IRAQ TO COMPLY WITH U.N. RESOLUTIONS

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Mr. MARKEY. Mr. Speaker, today I am introducing legislation which condemns the Government of Iraq for failing to comply with U.N. resolutions adopted at the end of the gulf war. These U.N. resolutions require Iraqi authorities to provide full and complete disclosure of all weapons-related activities and make significant improvements in the area of human rights. Because Baghdad has not satisfied the requirements contained in these resolutions, strict sanctions on the export of commodities to, and the import of commodities by, the Government of Iraq remain in place. However, despite Iraq's continued noncompliance, some of our allies still are eager to lift the sanctions in anticipation of completing business contracts with the Iraqi authorities. I am pleased that Representatives SOLOMON, LANTOS, and PORTER have joined me in this bipartisan legislation, which we hope will send a strong message to the U.N. Security Council and to our allies that commercial interests must not be placed above vital security needs and fundamental human rights principles.

Restoring trade relations with Iraq before a full picture has emerged of Baghdad's past research, development, and manufacture of weapons of mass destruction could be a disastrous, and potentially deadly, mistake. When it comes to obeying international security rules, Saddam Hussein has an abysmal track record. According to the International Atomic Energy Agency [IAEA], in the past Baghdad has violated its obligations under the Non-Proliferation Treaty by attempting to acquire nuclear weapons. In an April IAEA report to the United Nations, the IAEA stated that, while it is confident essential components of Iraq's past clandestine nuclear program have been identified and disposed of appropriately, some of the documents detailing the nuclear weapons program have been taken from IAEA inspectors by Iraqi authorities and not returned.

According to the U.N. Special Commission, which is responsible for monitoring Iraq's nuclear, chemical, biological, and missile activities, Iraq has not provided a full and comprehensive explanation of its past military biological program or accounted for items and materials acquired for that program. With Iraq's failure to account for the use of these items and materials for legitimate purposes, the Special Commission has concluded that there is a high risk that these items have been purchased and used for a proscribed purpose, specifically the acquisition of a biological warfare agent.

In addition to the lingering doubts about Iraqi compliance with U.N. resolutions regarding weapons of mass destruction, human rights conditions in Iraq remain intolerable. By any objective standard, the provisions established in U.N. Resolution 688 have not been satisfied. As specified in the U.N. resolution, the Security Council condemned Saddam Hussein's repression of the Iraqi civilian population and demanded that Baghdad immediately end this repression, which threatens peace and security in the Middle East. Iraq has murdered Kurdish civilians by employing chemical weapons in a brutal and systematic campaign of terror and has executed a large-scale military operation against civilians living in the southern marshes.

In light of Iraq's failure to comply with all relevant U.N. resolutions, the international community must not in any way condone Baghdad's conduct in the name of commerce or mitigate their misdeeds for the sake of money. I am pleased that Representatives SOLOMON, LANTOS, and PORTER have joined me in introducing this resolution and welcome the support of our colleagues.

OPPOSITION TO H.R. 1370

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Mr. NEY. Mr. Speaker, these remarks were submitted to me by Robert E. Murray, president and chief executive officer of the Ohio Valley Coal Co., H.R. 1370 will virtually put this company out of business and place 4,400 employees out of work. I share Mr. Murray's strong opposition to H.R. 1370, and the general practice of dumping retirees.

H.R. 1370, to amend the Internal Revenue Code of 1986 to reduce mandatory premiums to the United Mine Workers of America [UMWA] combined benefit fund, is very bad legislation. This legislation will have disastrous consequences for the Ohio Valley Coal Co.—Ohio Valley—and other coal companies, while benefiting multibillion-dollar companies, which have repeatedly attempted to dump their retiree benefit costs for employees, who have worked only for them, onto other coal companies.

Prior to enactment of the Coal Industry Retiree Benefit Act of 1992—Coal Act—47 percent of Ohio Valley's payments to the United Mine Workers of America health and retirement funds were contributed to cover obligations of other coal companies for people who never worked for Ohio Valley or its predecessor. Yet these companies have the audacity to claim that their obligations for their former employees are no longer theirs. They would have gotten away with this dumping of their bona fide liabilities onto Ohio Valley and other coal companies had it not been for enactment of the Coal Act.

H.R. 1370 would overturn much of the Coal Act, which was a carefully crafted compromise among Democratic and Republican legislators and the Bush administration. The concept of this compromise was to require present and former employers of UMWA-represented persons to be responsible for their retirees and to avoid imposing UMWA retiree cost on other companies, such as Ohio Valley, that never employed these UMWA retirees.

Further, the limited number of corporations lobbying for H.R. 1370 and the repeal of much of the 1992 Coal Act are simply not being truthful when they claim that the UMWA combined fund will have a long-term surplus. A recent study by Ernst and Young shows that the fund will have a deficit as early as 1998 and up to $147 million in 2004.

To claim that H.R. 1370 protects companies, such as Ohio Valley, because no funding would be required pursuant to formula to increase operators' premiums if there is a shortfall, is a total smoke screen. If the large corporate dumpers of their liabilities on the funds and other coal companies, such as Ohio Valley, are not required to pay their fair share, the time at which and the amount that a company, such as Ohio Valley, will be required to pay to the funds will be accelerated.

Having served as the chief executive officer of one of the companies lobbying for H.R. 1370, I can personally assure you that their game is to dump their retiree liabilities onto other coal companies. The Coal Act, which H.R. 1370 will largely overturn, stopped this practice.

There is no question that, if the situation is returned to that which existed prior to passage of the Rockefeller legislation, Ohio Valley will be put out of business and the 4,400 jobs that it accounts for in Ohio, according to the Pennsylvania State University, will be eliminated. Congress must do everything possible to see that H.R. 1370, or any legislation like it, is not passed.

TRIBUTE TO JENNIFER FINZEL

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Mr. CAMP. Mr. Speaker, I rise to day to honor the accomplishments of Jennifer Finzel. As much as the Special Olympics are a thrill for the athletes and their families, they also teach all of us a valuable lesson in determination, achievement and the human spirit. I want to share with you a story of Jennifer Finzel of Midland, MI. Earlier this month, Jennifer traveled to New Haven, CT, with a goal on her mind and determination in her heart. She knew what she wanted, and went for it. The result was two gold medals and two silver medals in four different swimming events. For her effort and for her success, I say congratulations.

But Jennifer Finzel was special long before they draped medals around her neck. Jennifer has been working hard in my office for the people of Michigan's Fourth Congressional District for over 4 years now. When she's not working at McDonalds, she's in our district office in Midland making a difference for the residents of mid-Michigan. Jennifer truly is an inspiration to everyone who seeks to achieve. Anyone who visits our district office or the McDonalds on Eastman Ave. might hear Jennifer say a lot of things. But one thing they won't hear is "I can't."

PROTECTING AMERICA'S HOUSING PROGRAMS

SPEECH OF

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, July 21, 1995

Mr. STOKES. Mr. Speaker, I want to thank my colleagues for reserving this special order. I am pleased to participate in this discussion which is focused on the importance of housing, and the role of the Federal Government in ensuring that all Americans have affordable housing opportunities. The special order this evening is extremely timely and necessary in light of the attacks on the Department of Housing and Urban Development by the GOP leadership in this Congress.

I have a firsthand knowledge of some of the housing problems confronting the Nation. I serve as the ranking member of the House Appropriations Subcommittee on Veterans Affairs-Housing and Urban Development-Independent Agencies. This panel oversees the Nation's $25.5 million housing budget. Through our subcommittee hearings, field trips, and studies and examinations, we are provided a closeup look at the increasingly grave housing situation in this Nation. In order to legislate solutions in the Halls of Congress, we all realize that you must first have a clear understanding of the problem.

Mr. Speaker, our Federal housing programs assist 4.7 million households through public housing and Section 8 rental assistance. We know that: 36 percent of the households are elderly; 15 percent are persons with disabilities; and 43 percent are families with children. We also understand that the median income of these households is $8,000 per year.

This week, the Appropriations Committee completed mark-up of the fiscal year 1996 VA–HUD-Independent Agencies appropriations bill. As the ranking member on the panel, I am deeply disturbed by the funding cuts which the Republican leadership has advanced in this bill. When we look at cuts to housing programs, we note that hardest hit are those programs that provide affordable and decent housing for the elderly and poor.

The appropriations bill cuts HUD's funding by $5.5 billion. They saw fit to cut funding for homeless assistance grants by nearly 50 percent. In addition, funding for development and severely distressed public housing is eliminated, as well as new housing vouchers and certificates for the poor. Further, in this bill, modernization funds are cut by over $1 billion and operating subsidies are reduced by $400 million.

These cuts are in addition to damaging legislation that would repeal the Brooke amendment. The Brooke amendment is legislation which limits the percentage of income that poor people living in federally assisted housing can pay. Repealing this amendment increases the costs borne by the Nation's poor. Several other harmful provisions with regard to rent increases are also in the bill.

Mr. Speaker, this callous action by the appropriations panel represents a critical assault on our Nation's housing programs. The bill guts many of the critical safety net and human needs programs upon which the elderly, the poor, and low-income families depend. I am concerned that we are retreating on our commitment of affordable and decent housing as a national priority. For this reason, I am pleased to join my colleagues for this special order. Our participation this evening demonstrates our strong commitment to ensuring a strong and significant role in providing housing for all Americans.

HOUSING SPECIAL ORDER TOMORROW NIGHT (JULY 19)

To members of Dem. Task Force on Housing and other Housing supporters
Fr Representatives JOE KENNEDY, HENRY GONZALEZ, VIC FAZIO, BARBARA B. KENNELLY
Re Housing Special Order on Wednesday, July 19
Dt July 18, 1995

This is a reminder that tomorrow night after regular business there will be a special order on the importance of housing and the role the Federal government has played in trying to ensure that all Americans have affordable housing opportunities.

The Appropriations committee has targeted housing for extremely deep and very serious cuts which will undermine this mission.

We need to move quickly and forcefully to restore these crucial funds for housing, and to explain to the American people how important and successful most federal housing programs have been in serving working and poor Americans.

Please have your staff contact Jonathan Miller in Rep. Kennedy's office (5-5111) or Nancy Libson of the Housing Subcommittee (5-7054) if you would like to participate in this special order.

TURKEY AS A STRATEGIC ASSET

HON. ED WHITFIELD

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Mr. WHITFIELD. Mr. Speaker, I would like to bring to my colleagues' attention a recent op-ed piece which appeared in the Washington Times and which I believe deserves attention.

Alexander Haig writes from the point of view of both a former Secretary of State and NATO's former Supreme Allied Commander in Europe. I hope my colleagues will take time to read this valuable piece and carefully consider its message.

[From the Washington Times, June 25, 1995]

UNDERVALUATION OF A KEY STRATEGIC ASSET

Years ago, a Turkish general was quoted as saying that the trouble with being allied to the Americans was that you never knew when they would stab themselves in the back. This half-serious observation expressed the U.S.-Turkish relationship well. It was solid overall but subject to inexplicable actions, often on Washington's part, that simply negated America's own self-interest.

That is in fact what we are doing once again today. American aid to Turkey has been steadily reduced. Much of it is no longer grant aid at all but loans that since 1994 have been financed at market interest rates. For 1995, even this package has been subjected to restriction, including attempts to tie it to Cyprus, various human rights issues and Turkey's relationship with Armenia.

The generally punitive approach of these amendments reflect American politics at their worst—totally bereft of any consideration of our own strategic interests. A familiar complaint about our relationship with Turkey is that it should be re-examined in light of the end of the Cold War. The implication, of course, is to devalue the alliance as no longer so necessary in the absence of a Soviet threat.

The alliance should be re-examined but the critics will be disappointed. A strong U.S.-Turkish partnership remains fundamental to American interests.

First, Turkey's geographical position puts it in a bad neighborhood that is still vital to U.S. security. This was illustrated dramatically by the Persian Gulf war. There should be no doubt that without Turkey's help in closing Iraq's pipelines, allowing use of North Atlantic Treaty Organization air bases and general political support we could not have defeated Saddam Hussein. Turkey was and is fundamental to an anti-Saddam coalition.

Second, the outcome of the war, as we know, was not to create a new Gulf security order, much less a new world order. Instead we have seen four years of broken-back warfare against Saddam's regime. For this Turkey has paid a very large economic price exacted through disrupted trade and oil flows. The consequences for the Kurdish-populated regions of Turkey and Iraq have been even more troublesome. Operation Provide Comfort, run from Turkey, has averted the worst for the northern Kurds but not established security or peace. Instead the PKK, an authentic terrorist movement helped by such human rights activists as the Assad regime in Syria, among others, has found safe haven in northern Iraq. Turkey's recent military incursion was intended to settle this issue or at least to diminish the problem. But whatever the outcome this is indisputable: The failure of American policy to settle with Saddam has been borne very heavily by Turkey.

To this trouble must be added another. The newly independent states of the former Soviet-run Central Asia see new economic and political relationships with such countries as Turkey and Iran as the best route to secure their future. The oil and gas of Azerbaijan and Turkmenistan must flow through these countries or be controlled again by Russian hands on the tap.

Whatever the potential today the Caucasus is torn by war, the Chechnya slaughter; the Russian-manipulated civil war in Georgia; and the Russian-influenced contest between Armenia and Azerbijan.

Seen from Ankara, the once-promising prospect of a less dangerous Central Asia has dissolved into bloodshed and a revival of Russian ambitions. The Turks must view with great alarm, and so should we, the idea that the Russians will be allowed to station large forces there in violation of the conventional arms-reduction treaty (CFE) about to come into force. It is inexplicable that at the recent Moscow summit President Clinton supported revisions in these force levels in the name of stability; in virtually every instance, Russian military action has made things worse not better.

Finally, there is the frightening consequence of continued mismanagement of the Bosnian crises by the United Nations and NATO, and especially the U.S. failure to act clearheadedly in this crisis, which risks the continuation of essential secular leadership in Ankara. A worst case outcome of Bosnia could well broaden the conflict in a way that might result in Turkey's involvement, with unforeseeable consequences for Western interests.

Against this geopolitical backdrop, the paragons of human rights have railed against Turkey's democracy—and Prime Minister Tansu Cillar has admitted that Turkish democracy is a less-than-perfect mechanism with plenty of rough edges.

We must all be alarmed at the growth of anti-Western sentiment disguised as a return to Islam. In Turkey, as in many other countries, the end of the Cold War has given rise to a struggle for national identity. But whose side shall we take? That of the less-than-perfect democrats or that of the authentic anti-democrats?

At this critical juncture, those who support cuts in assistance or in support for Turkey are willfully blind to U.S. strategic interests. The Turks are a hardy people; they will survive as best they can. But this is not the time for America to stab its own interests in the back. The stakes are too high.

In the absence of an effective U.S.-Turkish partnership, the entire U.S. position in the Persian Gulf and the Middle East will be the biggest loser. The winners will be neither pro-Western nor those interested in human rights. It is high time that we recovered from strategic amnesia.

SPECIAL PEOPLE PROGRAM OF IBPOE OF W

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Ms. RIVERS. Mr. Speaker, I rise today to commend the Special People Program of the Improved Benevolent Protective Order of the Elks of the World [IBPOE of W]. This program was established to promote assistance to young persons who have special needs because of physical or mental challenges. The members of the IBPOE of W have dedicated their time and efforts to make this very important program a success, to reach out to the special people of their community and to focus attention on the contributions of those special people.

This year Shaun-Keith Pierre Thomas from Ann Arbor, MI has been selected as the 1995 Special People Poster Child and will be honored at a ceremony on August 7. Five-year-old Shaun-Keith represents all special people who face additional physical and mental challenges. In Shaun-Keith's case, cerebral palsy, sometimes prevents him from participating in favorite activities. Daily he struggles to accomplish tasks that most of us take for granted yet he somehow always shows his courage and his strength. His determination, perseverance, and courage are an excellent model to us all. I offer Shaun-Keith my sincere congratulations and admiration and together with his friends and family wish him all the best.

A CAREER THAT MADE A DIFFERENCE

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Mr. BARCIA. Mr. Speaker, the people of Michigan are about to lose one of the greatest friends they have ever had. Jim Collison is retiring after 21 years of service in the Economic Development Administration of the U.S. Department of Commerce. He has had responsibility for EDA programs for the entire State, overseeing more than $600 million in more than 1,000 projects.

Jim Collison helped make EDA programs succeed because he knew the people of Michigan, and he knew the realities of doing business in Michigan as a result of his being a life long resident of our State, and himself having been involved in a number of businesses and serving as an official of local governments. His dedication to his home State is a great example of how people can be productive in their own areas, rather than looking for the American dream in some place away from home.

His presence in Saginaw goes back to his days at Holy Family High School in Saginaw, and his work at Saginaw Lumber Co. He then became involved in real estate development until he was appointed to the Zilwaukee Township planning department where he developed the city's master plan. He also served at Township Supervisor, and chairman of the county board of supervisors, before it became the board of commissioners.

His sense of community extended beyond his professional activities. He serves as a lecturer and communion assistant at St. Matthew's Catholic Church. He also is a member of the Northwest Utilities Consortium and organized the board of urban renewal.

In addition, he has been blessed with his wife of 44 years, Lozamae, and their five children and six grandchildren. There is no doubt that the support provided by his family has helped him succeed in being the kind of public servant that everyone can respect.

Mr. Speaker, at a time when those who work for governmental agencies fail to receive the proper accolades for the excellent job that they are doing, I believe it is particularly appropriate to recognize and thank Jim Collison for his years of service. His work has meant a great deal to business development in Michigan, and more importantly, to the thousands of people who have benefited from the projects that have gone forward as a result of his careful consideration. His career truly has made a difference. I ask that you and all of our colleagues join me in thanking Jim Collison for his years of service, and wish him the very best with the new challenges and opportunities that lie ahead.

TRIBUTE TO RUSSELL C. MILLS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Mr. SKELTON. Mr. Speaker, today I pay tribute to Russell C. Mills, who recently retired from his post as State conservationist for the USDA Natural Resources Conservation Service.

Mr. Mills, a friend of long standing, is well respected by all who know him. He holds a BS degree in agriculture from Ohio State University and an MPA from the University of Missouri—Columbia. He has served with NRCS since 1957 as a Student Trainee, Soil Conservationist, and District and Area Conservationist in Ohio. He was also the Assistant State Conservationist for Programs and Deputy State Conservationist in Missouri. He is a member of the Soil and Water Conservation Society, the National Association of Conservation Districts, the Missouri Land Improvement Contractors Association, and the Missouri Chapter of the Americans Wildlife Society.

Mr. Mills performed his tasks admirably, earning the Conservation Federation of Missouri's 1989 Professional Conservationist Award, Missouri Conservation Commission's 1990 Conservationist of the Year Award, and Missouri Farm Bureau's 1990 Outstanding Service to Agriculture Award.

As Russell Mills pursues other endeavors, I take this opportunity to express my gratitude and to wish him my sincerest best wishes for the future.

THE DISTRICT OF COLUMBIA BUDGET EFFICIENCY ACT

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Ms. NORTON. Mr. Speaker, today I am introducing legislation of vital importance to the District Columbia in rebuilding the financial viability of the District. As my colleagues are well aware, the District is contending with a serious financial crisis. This bill allows the Mayor and the City Council to address some of the causes of the city's budget difficulties that are now outside of their reach with greater efficiency, flexibility, and fairness.

This bill has three provisions that accomplish these purposes. First, the bill gives the Mayor the authority to reduce the appropriation for the judicial branch of the District government, if such a reduction is necessary to balance the District's budget. The Congress previously empowered the District to take similar steps with other independent agencies, including the board of education. However, unlike the case at other agencies, the judicial branch savings may only be directed in the annual appropriation total, not on a line-item basis within the budget itself. Thus, this bill treats the budget of the courts differently in recognition of the separation of powers and the independence of the courts.

Second, the bill enables the District to decouple the rate of compensation for District of Columbia judges from that of Federal judges. No decrease in pay would occur, however. D.C. Superior Court and Court of Appeals judges are local, not Federal judges, and have no Federal jurisdiction. Because of home rule limitations, however, they are appointed by the President—though they are recommended by a panel of local residents. These local judges are paid entirely from the District budget, not from Federal funds. When District employees have taken pay cuts or had level pay for several years and very few have received raises, the judges serving the District have several times had increases in their salaries because their salaries are tied to the pay scale for Federal judges. To remedy this imbalance, the District of Columbia Council will determine the new rate of compensation for judges, as is usually the case with legislatures.

Third, the bill gives the District greater leverage and flexibility to accomplish savings in the negotiation of contracts, such as procurement contracts. Presently, such agreements can be negotiated only on an annual basis. As a result, the District cannot enter into multiyear agreements that often have better terms. Because such contracts require significant commitments they will be evaluated by the District of Columbia Council, and will require a council resolution, two-thirds vote of members present and voting. If for any reason, the funds are not appropriated during a subsequent year of the contract, the contract would be canceled, preventing the District from being bound unreasonably.

These components of the bill act together to strengthen the District's financial position. This bill is noncontroversial. Because it is an essential ingredient of the District's financial discipline and recovery, I ask for support and passage at the earliest time.

SUMMARY OF THE DISTRICT OF COLUMBIA BUDGET EFFICIENCY ACT

The Congress gave the ability to reduce the budgets of independent agencies, including the Board of Education, if it is required to balance the District budget. However, this power did not include the District courts. This bill expands that power to include the budget of the District courts. This expansion of power does not affect the separation of powers between the executive and legislative branches because it does not give the Mayor power over the judicial salaries, but only the budgets. The Mayor is required to notify the District of Columbia courts of any proposed reductions in their budget.

The bill also amends the Home Rule Act to allow the D.C. Council to establish the rate of compensation for judges in District of Columbia courts. This severs the tie of D.C. judges' salaries to those of federal judges.

Additionally, the bill allows the District to form multiyear contracts for goods and services in areas where funds are appropriated annually. If the funds are not appropriated in some subsequent year of the contract, the contract is cancelled or terminated. Costs of cancellation or termination are paid from sources limited to: appropriations available for the contract's performance; appropriations available for procurement of the acquisition type covered by the contract that is not obligated; funds appropriated for payment of such costs.

Any such contract will require support of the Council by resolution, a two-thirds vote of members present and voting. Further, the contracts will be made pursuant to criteria established by the Council.

SECTION-BY-SECTION ANALYSIS—DISTRICT OF COLUMBIA BUDGET EFFICIENCY ACT OF 1994

Section 1. Short title

Section 1(a) states that this Act may be cited as the "District of Columbia Budget Efficiency Act of 1995".

Section 1(b) amends the relevant provisions of the District of Columbia Self-Government and Governmental Reorganization Act by adding the following:

The District of Columbia Self-Government and Government Reorganization Act provides that whenever in the District of Columbia Multiyear Financial Controls Act is referred to, the reference will be considered to be made to that section of other provision of the District of Columbia Self-Government and Government Reorganization Act.

Section 2. Budgetary control over independent agencies

Section 2(a): Section 2(a) amends Section 47-301(b) of the D.C. Code to include expenditures for District of Columbia Courts and the Board of Education the submission of the District's annual budget by adding the following section:

Section 47-301(b) of the D.C. Code provides that the budget submitted by the Mayor shall include, but is not limited to recommended expenditures at a reasonable level for the forthcoming fiscal year for the Council, the District of Columbia Courts, the Board of Education, the District of Columbia Auditor, the District of Columbia Board of Elections and Ethics, the District of Columbia Judicial Nomination Commission, the Zoning Commission of the District of Columbia, the Public Service Commission, the Armory Board, and the Commission on Judicial Disabilities and Tenure.

Section 2(c): Section 2(c) allows the Mayor to balance the budget by reducing the amount appropriated or otherwise made available to independent agencies of the District of Columbia to reduce the appropriation or amount if it is determined to be necessary to balance the District's budget. These figures must be submitted to the Council. It further requires that the Mayor notify the District of Columbia courts of any proposed reductions in their budgets.

Section 2(d): Section 2(d) decouples the link between District of Columbia court judges and federal court judges, allowing the District of Columbia Council to establish the rate of compensation for the judges.

Section 3. Contracts extending beyond one year

Section 3(a) allows the District to enter into multiyear contracts for goods and services where funds are appropriated on an annual fiscal year basis. These obligations are valid only for the fiscal year appropriated.

Section 3(b) allows multiyear contracts to be cancelled or terminated if money is not appropriated in subsequent years. In such an event, the cost of cancellation or termination is to be paid from the following: (A) appropriations available for the performance of such contract; (B) appropriations available for procurement of the acquisition type covered by the contract where not otherwise obligated or; (C) funds appropriated for the payments of such costs.

It additionally provides that contracts entered into under this section are invalid unless the Council, by a two-thirds vote of its members present and voting, authorizes such a contract by resolution. Further, contracts under this subsection are made pursuant to criteria established by act of the Council.

BELLA ABZUG: AN INSPIRATION TO US ALL

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, July 24, 1995

Mrs. MALONEY. Mr. Speaker, on August 26, 1920, 75 years ago, American women finally won their century-long struggle for their constitutional right to vote. That new birth of freedom empowered women to bring into Congress and into public discourse their legislative and political demands to end pervasive discrimination against women and girls, a struggle marked by notable victories and continuing challenges.

As we celebrate the 75th anniversary of women's suffrage, we also celebrate today, July 24, the 75th birthday of one of our Nation's most outstanding woman leaders, Bella S. Abzug. In her all-too-brief 6 years in Congress (1971–1977) as a Democratic Representative from a Manhattan district in New York City, she emerged as a dynamic leader, creative legislator, and a pioneer in broadening legal, economic, social, and political rights for women.

When Bella first ran for office in 1970, there were only nine women among the 435 members of the House of Representatives, including Martha Griffiths, Edith Green, Patsy Mink, and Shirley Chisholm, the first African-American woman elected to Congress. There was only one woman Senator, Margaret Chase Smith of Maine. Bella was the first woman to run and be elected on a women's rights and peace platform. Today, some 20 years later, the numbers have increased significantly—47 women in the House, eight in the Senate—but as Bella would be the first to remind us, American women, who are more than 51 percent of the population, deserve more than an average of 10.3 percent representation in our Congress.

Bella was elected to the House while United States military intervention in Vietnam, now admitted by Robert McNamara to have been a frightful and costly mistake, was at its height and was drawing mass protests around our country and in Washington. After being officially sworn in as a Member on the House floor on January 21, 1971, Bella took another oath on the Capitol steps, administered by Congresswoman Chisholm before a thousand supporters, in which she pledged "to work for new priorities to heal the domestic wounds of war and to use our country's wealth for life, not death." Then as her first official act in Congress she dropped a resolution into the hopper calling on President Nixon to withdraw all American Armed Forces from Indochina by July 1, 1971.

Bella's concern for the human victims of war made her an adored champion of returning Vietnam veterans, who camped out in her office during the protests they held in the Capital. Her staff included a fulltime aide who dealt exclusively with veterans health and readjustment problems and she played a leading role in strengthening education benefits for veterans in VA legislation.

Bella also impressed her colleagues as a thoughtful and creative legislator with a firm knowledge of parliamentary rules and precedents, negotiating skills and an awesome capacity for dawn-to-midnight hard work. In her last term in Congress, she served as a member of the whip system operated by House Speaker "Tip" O'Neill, a friend and admirer, and was chosen by her congressional peers in a U.S. News and World Report survey as the "third, most influential" Member of the House. She was described in a 1977 Gallup Poll as 1 of the 20 most influential women in the world.

One of the earliest votes Bella cast was to approve the Equal Rights Amendment. She also introduced a resolution proclaiming August 26 Women's Equality Day, in honor of the suffrage victory. The resolution was approved and signed into law by President Nixon. Nationally and internationally, Bella became known as a champion of women's rights and reproductive freedom and initiated what later became the Congressional Caucus on Women's Issues. She wrote the first law banning discrimination against women in obtaining credit, loans, and mortgages, and introduced precedent-setting bills on comprehensive child care, Social Security for homemakers, abortion rights, and gay rights.

Chairing the House Committee on Public Works and Transportation, she authored legislation bringing more than $6 billion to New York State in public works, economic development, sewage treatment, mass transit—including sidewalk ramps for the disabled and buses for the elderly—and antirecision assistance. She created the Interstate Transfer Law, which allowed New York City to trade-in highway funds for mass transit improvements.

Bella's remarkable accomplishments as a legislator came as no surprise to those who knew her personal history. Born on July 24, 1920, to Esther and Emanuel Savitsky, Russian Jewish immigrants in the Bronx, Bella has put her prodigious energy, brains, organizing skills, and idealism to work for a better world, especially for women and victims of racism, prejudice, greeds and militarism.

Along the way, she has never accepted the tired view of "that's the way it is, so that's the way it has to be." As a child growing up in the Bronx, she started breaking rules—playing "immies" in the street with the boys—and usually winning—collecting pennies and making speeches in the subways for the Jewish homeland, which later became established as the State of Israel. She attended both public and Hebrew religious schools.

Early on, Bella was recognized as a natural leader: she was elected class president at Walton High School and president of Hunter College's Student Council. One of her fondest memories is of speaking at an assembly addressed by First Lady Eleanor Roosevelt.—They both wore hats.

At Hunter, her last year at law school, she married Martin Abzug, a businessman, World War II veteran and budding novelist who proved his love by typing her schoolwork. Their mutual admiration marriage ended with his death in 1986. They had two daughters, Eve and Liz. Eve is an artist, has worked in city government and holds a master's degree in social work. Liz, active in the women's movement, is an attorney specializing in economic development and women's concerns. In the early years of her career, Bella worked as a lawyer, specializing in civil liberties and labor law. She has been a lifelong advocate of civil rights and a "nut" about the first amendment. In the early 1950's, she defended several Hollywood actors caught up in the McCarthy witch hunt, and also took on the controversial case of Willie McGee, a black Mississippian sentenced to death on a framed-up charge of raping a white woman, with whom he had a long relationship. Although she could not save him from execution, Bella's courage in going to the South to defend him despite threats to her safety was a harbinger of courage displayed by thousands of civil rights activists in the Sixties. During the McGee trial, Bella wasn't even able to get a hotel room and had to sleep in the local bus station, and she was pregnant.

In 1961, Bella helped organize Women Strike for Peace to campaign for a nuclear test ban, going on to lead thousands of women in lobbying expeditions to Congress and the White House. During the Sixties, she came into her own as a rousing public speaker, anti-Vietnam war leader and political strategist, working in the reform Democratic and peace movements and election campaigns.

At age 50, she decided it was time to run for office herself, and run she did, in 1970, with her slogan: "This woman's place is in the House—the House of Representatives." She conducted an unorthodox, attention-getting congressional campaign, mostly in the streets of Greenwich Village, Little Italy, the Lower East Side, and Chelsea, backed up by hundreds of enthusiastic volunteers. She scored an upset primary victory over a longtime Democratic incumbent and went on to win the general election.

While in Congress, throughout the Seventies, Bella was also organizing women. The first planning sessions for the National Women's Political Caucus were held in her office and in 1971 she became its first co-chair. She was chief political strategist for Democratic women in a successful campaign for equal representation—equal division—for women in all elective and appointive posts, including representation at Presidential nominating conventions. She now serves as a New York State representative on the Democratic Party National Committee. She was an active policy adviser and organizer of women voters in the Democratic Party's 1972, 1976, 1980, 1984, 1988 and 1992 Presidential campaigns.

After trying for the U.S. Senate in 1976 and losing a four-way primary race by less than 1 percent, Bella was named by President Carter to head the National Commission on the Observance of International Women's Year, presiding in November 1977 over the landmark federally-funded National Women's Conference in Houston.

While still in the House during the Ford administration, Bella and other Congresswomen succeeded in getting a $5 million appropriation for the conference, which included several thousand women delegates elected at public meetings in every State of the Union as well as First Ladies, past and present. The delegates adopted a 25-plank National Plan of Action, making specific recommendations on a broad range of issues affecting the status of women. Bella played a major role in the U.N. Decade of Women international conference in

Mexico City and as an NGO observer and speaker at the 1980 Copenhagen and 1985 Nairobi U.N. women's conferences. At the parallel NGO Forum in Nairobi, she organized a panel, titled "What If Women Ruled the World?", attended by more than a thousand women, including conference delegates and parliamentarians.

In 1978, President Carter appointed Bella co-chair of his National Advisory Committee for Women, on which she served for 2 years. After the advisory committee publicly protested funding cuts in women's programs, Bella was dismissed by President Carter as co-chair and a majority of the committee members resigned in protest. Nevertheless, Bella supported Jimmy Carter in his unsuccessful 1980 Presidential reelection bid.

In the 1980's Bella Abzug worked on women voters education programs and also served as a strategist for the growing pro-choice reproductive rights women's movement. She also became involved in efforts to organize women to help save the planet from worsening environmental threats, pollution and poverty, resulting from unregulated technologies, the social irresponsibility of multinationals, governments, international financial institutions, war machines and other factors. From this concern, shared by women worldwide, came the formation of the Women's Environment & Development Organization [WEDO], co-founded with Mim Kelber, a long-time associate, and women U.N. activists. As co-chair of WEDO, Bella presided over the World Women's Congress for a Healthy Planet, held in Miami, FL Nov. 8–12, 1991. The widely acclaimed Congress, which drew 1,500 women participants from 83 countries, produced and approved the Women's Action Agenda 21—a blueprint for incorporating women's perspectives, demands and equal participation into local, national and international environment and development decision-making.

The women's agenda became the focus of activities organized by Bella and WEDO leaders from every region of the world in connection with preparations for the U.N. Conference on Environment & Development and at the Earth Summit, held in Rio de Janeiro in June 1992. She also served as senior adviser to UNCED Secretary-General Maurice Strong and was the women's sector representative on the non-governmental organizations (NGO) facilitating committee for the Rio summit.

Based on the model she developed for the Earth Summit, Bella and the WEDO network have continued to work at the UN, organizing women's caucus meetings at subsequent major international conferences of particular concern to women. The work of the caucuses has been recognized as crucial to including women's perspectives, demands and participation in policymaking in U.N. platforms for action and programs.

Bella also served as a private sector representative on the U.S delegation to the International Conference on Population & Development [ICPD] in Cairo, Egypt last September and played a key role in winning recognition of the centrality of women's concerns and roles in population and development policies. She will also be an active participant in the Fourth U.N. World Conference on Women and its parallel NGO forum which will meet in China this September. She will co-chair a WEDO-initiated Women's Linkage Caucus at the official conference and will also preside over the Second World Women's Congress for a Healthy Planet at the NGO Forum.

Bella believes that the United States should act speedily to ratify the U.N. Convention to Eliminate Discrimination Against Women [CEDAW] before the 75th anniversary of women's suffrage—The United States is the only major power that has not ratified CEDAW.

Bella's work at the United Nations has led her to other areas of participation, including serving as a moderator at the conference on financing of the United Nations held by the Society for International Development. She also serves as part of the U.N. Development Program's Eminent Advisory Panel for the 1995 Human Development Report.

While volunteering most of her time to the U.N., Bella Abzug continues to devote her energies to a wide range of women's issues. Breast cancer became a focus of her attention in March 1993, when WEDO, together with the New York City Commission on the Status of Women, which she chaired on breast cancer and the environment. Testimony was presented by physicians, scientists, women's health specialists, activists and women with breast cancer on the links between the breast cancer epidemic and environmental pollutants.

Three months later, Bella discovered that she too had breast cancer. This only strengthened her commitment to focus more research and government and public resources on cancer prevention, emphasizing the identification and prevention of environmental causes of the disease. Under Bella's leadership, WEDO has launched a campaign in partnership with Greenpeace USA and grassroots women's cancer groups, entitled "Women, Health and the Environment: Action for Prevention." The campaign is sponsoring public hearings and action conferences in cities throughout the United States.

In whatever spare time she has, Bella supports her pro bono activities by working as a lawyer. She also lectures at colleges, women's meetings, legal and other professional groups, synagogues and churches. She was a news commentator on Cable News Network for 3 years, has appeared on hundreds of TV and radio programs, is the author of several books and writes a column for Earth Times, a newspaper that covers the United Nations.

Over the years, Bella Abzug has received numerous honorary degrees, awards and other honors. On August 6 in Chicago, she will receive from the American Bar Association Commission on Women in the Profession its highest honor, the Special Margaret Brent Women Lawyers of Achievement Award.

In September 1994, she was inducted into the National Women's Hall of Fame. There in Seneca Falls, NY, where the first women's rights meeting was held in 1848, she joined other influential women and leaders of the women's rights movement as one of the most admired women in American history.

On behalf of women Members of Congress, I salute the 75th birthday of this remarkable woman, my close friend whose dedication and courage helped pave the way for our presence here.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, July 25, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 26

9:30 a.m.

Appropriations

Interior Subcommittee

Business meeting, to mark up H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996.

SD–138

Armed Services

Closed business meeting, to discuss certain pending nominations.

SR–222

Commerce, Science, and Transportation

Surface Transportation and Merchant Marine Subcommittee

To hold hearings on proposed legislation authorizing funds for the Maritime Security Program.

SR–253

Finance

To continue hearings to examine ways to improve the Medicare program and make it financially sound, focusing on the modernization of Medicare and giving senior citizens more choice in the kinds of plans that are available to them.

SD–215

Governmental Affairs

Post Office and Civil Service Subcommittee

To hold hearings to review the Annual Report of the Postal Service.

SD–342

Judiciary

To hold hearings to examine punitive damages reform.

SD–226

Special on Special Committee To Investigate Whitewater Development Corporation and Related Matters

To continue hearings to examine issues relative to the President's involvement with the Whitewater Development Corporation, focusing on certain events following the death of Deputy White House Counsel Vincent Foster.

SH–216

2:00 p.m.

Select on Intelligence

To hold closed hearings on intelligence matters.

SH-219

JULY 27

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings on proposed legislation to reform the Federal Communications Commission procedures in their use of auctions for the allocation of radio spectrum frequencies for commercial use.

SR-253

Energy and Natural Resources

To hold hearings on the nomination of John Raymond Garamendi, of California, to be Deputy Secretary of the Interior.

SD-366

Finance

To hold hearings on the Federal Medicaid matching formula.

SD-215

Governmental Affairs

To resume hearings on S. 929, to abolish the Department of Commerce.

SD-342

Judiciary

Business meeting, to consider pending calendar business.

SD-226

Labor and Human Resources

To hold hearings on proposed legislation to authorize funds for programs of the Substance Abuse and Mental Health Services Act.

SD-430

Special Committee To Investigate Whitewater Development Corporation and Related Matters

To continue hearings to examine issues relative to the President's involvement with the Whitewater Development Corporation, focusing on certain events following the death of Deputy White House Counsel Vincent Foster.

SH-216

10:00 a.m.

Judiciary

To hold hearings to examine prison reform, focusing on enhancing the effectiveness of incarceration.

SD-106

3:00 p.m.

Appropriations

Business meeting, to mark up H.R. 1905, making appropriations for energy and water development for the fiscal year ending September 30, 1996, and H.R. 2020, making appropriations for the Treasury Department, the United States Postal Service, the Executive Office of the President, and certain Independent Agencies for the fiscal year ending September 30, 1996.

SD-192

JULY 28

9:30 a.m.

Appropriations

Labor, Health and Human Services, and Education Subcommittee

To hold hearings to examine family planning issues.

SD-138

Labor and Human Resources

To hold hearings on health insurance relative to domestic violence issues.

SD-430

AUGUST 1

9:30 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the future of the Department of Commerce.

SR-253

2:00 p.m.

Judiciary

To hold hearings on pending nominations.

SD-226

AUGUST 2

9:30 a.m.

Judiciary

Administrative Oversight and the Courts Subcommittee

To hold hearings on proposed legislation authorizing funds for the Administrative Conference.

SD-226

Labor and Human Resources

Business meeting, to mark up S. 1028, to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, and to increase the purchasing power of individuals and small employers.

SD-430

Indian Affairs

Business meeting, to consider pending calendar business; to be followed by oversight hearings on the implementation of the Indian Tribal Justice Act (P.L. 103-176).

SR-485

2:00 p.m.

Commerce, Science, and Transportation

Aviation Subcommittee

To hold hearings to examine proposals to reform the operation of the Federal Aviation Administration (FAA).

SR-253

CANCELLATIONS

JULY 26

9:30 a.m.

Labor and Human Resources

To hold hearings to examine emerging infections and their impact on society.

SD-430

2:00 p.m.

Commission on Security and Cooperation in Europe

To resume hearings to examine the Chechnya crisis, focusing on prospects for peace.

2200 Rayburn Building

SENATE—*Tuesday, July 25, 1995*

(Legislative day of Monday, July 10, 1995)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Oh, give thanks to the Lord! Call upon His name; make known His deeds among the peoples.—Psalm 105:1.

Sovereign Lord of our Nation, You have created each of us to know, love, and serve You. Thanksgiving is the memory of our hearts. You have shown us that gratitude is the parent of all other virtues. Without gratitude our lives miss the greatness You intended and remain proud, self-centered, and small. Thanksgiving is the thermostat of our souls opening us to the inflow of Your Spirit and the realization of even greater blessings.

We begin this day with a gratitude attitude. Thank You for the gift of life, intellect, emotion, will, strength, fortitude, and courage. We are privileged to live in this free land so richly blessed by You.

But we also thank You for the problems that make us more dependent on You for guidance and strength. When we have turned to You in the past, You have given us the leadership skills we needed. Thank You, Lord, for taking us where we are with all our human weaknesses, and using us for Your glory. May we always be distinguished by the immensity of our gratitude for the way You pour out Your wisdom and vision when with humility we call out to You for help. We are profoundly grateful, Lord. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able Republican whip is recognized.

SCHEDULE

Mr. LOTT. Mr. President, this morning, leader time has been reserved, and the Senate will begin consideration of S. 1061, the gift ban legislation, for the purposes of debate only. At 11 a.m., the Senate will resume consideration of S. 1060, the lobbying bill, at which time Senator LAUTENBERG will be recognized to offer an amendment under a 60-minute time limitation. Following disposition of the Lautenberg amendment and a managers' amendment, the Senate will proceed to final passage of the lobbying bill. Senators should, therefore, expect a couple votes at approximately 12 noon.

Mr. President, I believe that we are then ready to begin with our gift rule reform legislation.

I do want to say, once again, that I really was very pleased and impressed with the progress that was made yesterday on the lobbying reform. Senator MCCONNELL and Senator LEVIN did yeomen work. They reached a compromise that made it possible for us to finish all of our work on lobbying reform, except the one pending Lautenberg amendment and a managers' amendment, and we will have final passage then at 12 noon. I think that is a very positive accomplishment, and I commend all Senators who were involved in that effort for their work. I hope we can do the same today on gift rule reform.

Mr. President, I yield the floor.

CONGRESSIONAL GIFT REFORM ACT OF 1995

The PRESIDING OFFICER [Mr. CAMPBELL]. Under the previous order, the Senate will now proceed to consideration of S. 1061, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1061) to provide for congressional gift reform.

The Senate proceeded to consider the bill.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan [Mr. LEVIN] is recognized.

Mr. LEVIN. Mr. President, first, let me thank my friend from Mississippi for the work he did yesterday in helping to expedite the bipartisan conclusion to the lobbying disclosure effort, even though we have not technically yet concluded because we still have to vote on final passage. I think it is quite clear that after we consider the Lautenberg amendment that we will then finally pass a very strong lobbying disclosure reform measure.

This effort has been going on now literally for five decades. When that bill was originally passed in 1946, not more than 2 years had passed before President Truman noted that it was not working. It just simply had so many loopholes in it that even then it was not doing the job that was intended. He urged that there be some reform to try to close those loopholes.

There have been efforts made in every decade since. We have made efforts in the past few years, and while we do not have a law yet on the books, we at least have acted and we have done so in a bipartisan manner and a very forthright and very forceful manner.

There are a lot of people who have been involved in this effort who appropriately deserve credit. I do want to thank the majority whip for his efforts yesterday in helping to bring us to where we are this morning.

Lobbying disclosure, which we will finally pass later on this morning, is one of the three pillars of reform. The other two are gift ban and campaign finance reform. It is the gift ban, the so-called gift reform bill, S. 1061, which is now before us. This bill has been introduced by myself, Mr. COHEN, Mr. GLENN, Mr. MCCAIN, Mr. WELLSTONE, Mr. LAUTENBERG, Mr. FEINGOLD, and Mr. BAUCUS.

I want to first say just how important the work of Messrs. WELLSTONE, LAUTENBERG, and FEINGOLD have been in this effort. They have exerted very strong leadership on gift ban and on gift reform, and their efforts are reflected in this version of the bill. This bill reflects the work of many people, but nobody more than the efforts of Senator WELLSTONE, along with Senator FEINGOLD and Senator LAUTENBERG, who have put so much time in forcing the Senate's attention to this bill.

S. 1061 is now the freestanding bill that is before us. It is that bill that we begin debate on this morning.

Our bill will put an end to business as usual when it comes to gifts. It will end the so-called recreational trips for Members who go to play in charitable golf, tennis, and skiing tournaments. It will put an end to the unlimited meals that are paid for by lobbyists and others. It will put an end to tickets to sporting events, concerts, and theater.

It is hard to see how we can say that we have made the Congress accountable and how we have politically reformed the way in which we operate in Washington if we continue to allow special interests to pay for free recreational travel, free golf tournaments, free meals, free football, basketball, and concert tickets. We just simply can no longer say that we are changing the way we operate if we continue to allow those kinds of gifts.

Under the current congressional gift rules, Members and staff are free to accept gifts of up to $250 from anybody, including lobbyists. Gifts of under $100 do not even count. We are free to accept an unlimited number of gifts of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

less than $100 in value. That could be football tickets, theater tickets—anything you can think of. If it is worth less than $100, we can take it, we do not need to disclose it, and we can take an unlimited number of them. There is no limit at all on meals. It does not matter who pays for it, how much the tab is, we can take it.

Congressional travel is also virtually unlimited under the current rules. Members and staff are free to travel to recreational events, such as golf and ski tournaments, even at the expense of lobbyists or trade groups. That is business as usual, and it just simply is not acceptable anymore. If we are going to restore and enhance the respect for Congress, we are going to have to tighten our gift rules.

Last year when this bill was on the floor, we heard a lot of talk about how strict limits, if we adopted them, would shut down the Kennedy Center or put restaurant employees out of work throughout the Washington area. What an indictment of Congress that would be if it were true. Can it really be that we accept so many free meals and tickets that entire industries in the Washington area are dependent on us continuing to take these gifts? It seems inconceivable that that is what some people said about the measure which we voted on last year.

The basic premise of our bill is that we should start living under the same rules as other Americans. Average citizens do not have trade groups offering them free trips to resorts; average citizens do not have lobbyists treating them to dinners and lunches at fancy restaurants; average citizens do not have special interests providing them with free tickets to concerts, theater and sporting events; and even if some average citizens did—and I am sure there are a few who do get such gifts—we have a higher responsibility. We have the responsibility to increase public confidence in this institution, and we are the only ones really who can do it. Nobody else can do this for us. Nobody else can change the rules under which we operate. But what the American people are telling us is that they want us to change the way we operate here in many ways.

They want lobbying that is done by paid professional lobbyists to be more open. They want to know who is being paid, how much, and by whom, to lobby Congress.

Under the Senate bill that we will vote on later this morning, they will get it. They want to restrict the gifts which come to Members of Congress, be they tickets to sporting events, meals, or be it the free recreational travel available to Members and to our families paid for by special interests. They want that done with. I hope when we pass this bill, they will get it.

They want Members to change the way we finance campaigns. They want to reduce the amount of money which is raised and the time that is spent to raise it. They want to reduce the length of campaigns, and they want to try to put some limit on how much money is spent in those campaigns. I hope that they will get that, some day soon, as well.

These are tough, political reform issues. We all know it. If they were not difficult, we would have done this a long time ago. These measures, these three pillars of reform, address the fundamental relationship between Congress and the people.

Mr. President, the Members of this body will no doubt remember, as the public remembers, just how close we were to resolving this issue in the last Congress, when right up to the last minute we thought that we had reformed both gifts and lobby disclosure.

When the lobby reform and gift issues were debated last October, the opponents of the conference report raised some substantive concerns relative to lobby reform, which we have now successfully addressed.

The opponents of the bill last year repeatedly said, and strongly said, that they had no objection whatever to the gift provisions of the bill. Those are the provisions which come before the Senate today.

The majority leader himself said last October:

> I support the gift ban provisions. No lobbyist lunches, no entertainment, no travel, no contribution into defense funds, no fruit baskets, no nothing. That is fine with this Senator. I doubt many Senators partake in that in any event.

Other Senators made similar statements of their commitment for quick enactment of these gift rules. On October 6 of last year, 38 Republican Senators cosponsored a resolution, S. 247, to adopt tough new gift rules that were included in the conference report that was before this body. The Senate Republican leadership at that time stated that Republicans were prepared to enact these rules without delay.

Now, the bill before the Senate contains those same rule changes that the vast majority of Members voted for less than a year ago, or about a year ago, in May of 1994. I think all Members stated—perhaps a few exceptions—that we still supported them last October.

So now we are put to the test. Did we really mean what we said last May and last October? If we are going to improve public confidence in this institution, we are just simply going to have to change the way we do business in this town.

Mr. President, the issue today is not whether we can go out to dinner. It is not whether we can even go out to dinner with lobbyists. The question is: Who is paying for the dinner? Who is paying for the tickets? Who is paying for the ski trips?

Now, that is what the issue is and that is what the public sees. They see stories like the one on the TV show "Inside Edition," which ran as follows:

> Imagine you and your family spending 3 days and nights at a charming, world class ski resort, top-of-the-line lodging, and cozy chalets with a wonderful mountain of skiing at your doorstep and absolutely no worries about the cost of anything. You will never waste a moment waiting in line for a lift to the top, because, like the people you are about to meet, you are the king of the hill, and this is the sweetest deal on the slopes.

Now, that is what the public sees. That is what they read, and they have had enough. The restrictions in the bill before the Senate are not something that we dreamed up. These restrictions, with some modest modifications, are taken from the rules that are already applicable to executive branch officials. Cabinet Secretaries live with these rules. So can we. If these rules are understandable to the executive branch and they follow them, so can we. It is time to put an end to the double standard, where the executive branch officials are covered by strict gift rules—live with them and understand them—but legislative branch officials are not covered by strict gift rules.

The image of this Congress has taken a battering as a result of those free meals and those free tickets and those free recreational trips. We do not need them. It is time to put an end to them. If we are going to increase public trust in this institution—and it is our sacred obligation to do so—we have to end business as usual when it comes to these kinds of gifts.

Mr. President, this issue has been thoroughly debated. It was debated at great length last year and in the years before. We came close last year. These are difficult issues. Again, if they were not difficult, they would have been resolved a long time ago.

Now is the time that we can resolve these issues. If we address these issues in the spirit in which we run for office, if we address these issues with the same thoughts in our mind and in our heart as we have when we address the people of the United States seeking to reach this place, we will adopt tough gift rules, we will enhance public respect for this institution, and we will carry out what I believe is an obligation to ourselves and to the Constitution that we are sworn to uphold.

When the public believes—public opinion polls show that the public believes—that lobbyists have the power in this town and that Congress and the President come second and third, when public confidence has reached that low, we must act. One of the things we must do is to adopt strong gift reform. We must have a gift ban which affects all gifts except for certain, obviously excluded categories, which are set forth in this bill.

We have to end the free meals, the free tickets, the free recreational trips.

I believe it is our obligation. If we address this again in the same spirit with which we came here and with which we sought to sit here, we can successfully address this in a way which I believe the American people will applaud and finally say that Congress is acting in the area of political reform the way the people want Congress to act.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPROPRIATIONS FOR THE DEVELOPMENT OF A NUCLEAR WASTE REPOSITORY AT YUCCA MOUNTAIN

Mr. THURMOND. Mr. President, I rise today to address an issue of great national concern—this country's nuclear waste policy. In 1982, Congress passed the Nuclear Waste Policy Act, which directed the Department of Energy to develop a permanent repository for highly radioactive waste from nuclear power plants and defense facilities. Congress passed amendments to that act in 1987, which limited DOE's repository development activities to a single site at Yucca Mountain, NV. Since 1983, electric consumers have contributed $11 billion to finance the development of a permanent storage site. Despite DOE's obligation to take title to spent nuclear fuel in 1998, a permanent repository at Yucca Mountain will not be ready to accept this waste until the year 2010, at the earliest.

Mr. President, the House of Representatives recently passed the energy and water development appropriations bill for 1996. This bill recommends that $425 million be made available for DOE's spent fuel disposal program, $200 million below the level needed to continue developing a permanent site. Furthermore, the committee report to this bill directs DOE to "concentrate available resources on the development and implementation of a national interim storage program," and to "downgrade, suspend or terminate its activities at Yucca Mountain."

Mr. President, I am greatly concerned by the action of the House. We have already spent 12 years and $4.2 billion to find a permanent repository site and conduct development activities at Yucca Mountain. No other viable site for permanent storage has been considered since 1987. If we terminate or suspend activities at Yucca Mountain now, we will be wasting the time and money invested since 1982 toward finding a suitable location. As I have already stated, the electric consumers of this Nation have contributed $11 billion, and we are still behind schedule. How can we, in good conscience, discontinue our efforts at Yucca Mountain when so much time and money has been invested there. To do so would eradicate the progress we have made and abolish any hope of developing a permanent site in the near future. It is our obligation to the American people to develop a permanent repository as quickly as possible and, therefore, we must persist with the efforts at Yucca Mountain. It is our only alternative.

Mr. President, I realize that continuing development of the permanent site at Yucca Mountain will not completely solve the spent fuel problem. In 1998, 23 nuclear reactors will run out of space to store spent fuel. At that time, storage will become DOE's responsibility. Therefore, we need to designate an interim storage site to use until the permanent facility at Yucca Mountain is available. The most logical location for an interim site is Yucca Mountain. Transportation of spent nuclear fuel is a delicate undertaking, so it is sensible to locate an interim facility as near to the permanent facility as is possible. Likewise, the proximity of an interim site to the permanent site would save money on transportation costs between the two sites. Comprehensive legislation has been introduced in both the Senate and House that offers a solution to the spent fuel problem, including the construction of an interim facility at Yucca Mountain.

Building a central interim storage facility at Yucca Mountain by 1998 and continuing to develop a permanent repository at Yucca Mountain by 2010 is our most reasonable course of action. Too much time and money has been invested to change directions now. As my colleagues on the Appropriations Committee consider funding for the project at Yucca Mountain, I urge them to remember the commitment we have made to the citizens of this Nation. Any efforts to abandon this program will deprive this country of a long-term solution to our nuclear waste storage dilemma.

CONGRESSIONAL GIFT REFORM ACT OF 1995

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President we are now, I take it, back on the bill?

The PRESIDING OFFICER. We are now considering S. 1061.

Mr. WELLSTONE. I thank the Chair.

First of all, let me thank my colleagues for their real fine work on this legislation. Senator LEVIN has done such fine work with Senator COHEN on the lobbying reform, and Senator FEINGOLD, and Senator LAUTENBERG, Senator BAUCUS, Senator MCCAIN, and others.

I was listening to my colleague from Michigan. Let me, at the beginning, emphasize some of the points he made. This has been a really long journey in the Senate. I say to the Chair, who is a friend, that actually back in Minnesota, when I talk to people in cafes, they do not even understand what the debate is about. To them, it is kind of not even a debatable proposition. Lobbyists and others do not come up to citizens in Colorado and Minnesota and say, "Look, we would like to take you out to dinner. We would be willing to pay for a trip you might take to Vail." Not to pick on Colorado; it could be Florida, or anywhere. "And bring your spouse." And so on and so forth.

Most people do not have people coming up to them and making these kinds of offers. I think the citizens in our country just think it is inappropriate for us to be on the receiving end of these gifts. And they are right. We should just let this go.

For me, this journey started in May 1993, over 2 years ago, with an amendment I had on lobbying disclosure where lobbyists would have to disclose the gifts they were giving to individual Senators. That amendment was agreed to. Then we went on to this kind of broader debate about the gift ban.

It has been a real struggle. I have never quite understood the resistance of all too many of my colleagues. Although, in the last analysis, on each vote, I want to make it clear, we have had very strong support. Actually, S. 1061—88 current Members of the Senate have essentially already voted for precisely the comprehensive gift ban legislation that we have before the Senate today. So I expect it will engender the same strong support on the floor of the Senate as we go forward.

Mr. President, Senators FEINGOLD and LAUTENBERG and I in the last Congress had to threaten to attach gift ban to another piece of legislation to finally get a consent agreement to have it eventually brought up; finally we had it on the floor. This has been a much scrutinized, much debated piece of legislation. Ultimately, as Senator LEVIN stated, at the very end we had lobbying reform and gift ban reform in the form of a conference report that came over here that was filibustered at the end of the last Congress.

Then we started off this Congress. At the very beginning, again, I think Senators FEINGOLD, LAUTENBERG, and myself, we had an amendment on the Congressional Accountability Act. It was our feeling this was very much about accountability. That was defeated. We wanted to include gift ban reform. That was defeated on the Congressional Accountability Act. The majority leader said we would take it up later; I think by the end of May. I came out with a sense-of-the-Senate resolution, essentially repeating what the majority leader had said, that we take it up by the end of May. That was defeated. I could never understand the "no" vote on that.

Now, here we are at the end of July. This legislation has garnered the support of a broad range of reform minded groups: United We Stand, Common Cause, Public Citizens, and others. I think the reason for this is that people in the country really want to see some changes in the way we conduct our business here in the Nation's capital. People in the country, I have said this before on the floor of the Senate, want to believe in our political process. And people in the country are, I think, far more serious about reform than some of us are.

As I observed several weeks ago on this floor, some of my majority colleagues, frozen like deer in the headlights, have refused to move forward on the gift ban. There has just been unbelievable resistance to a very simple proposition. And the only way in which we have been able to do it is through a tremendous amount of pressure.

I ask this question, and I am going to ask this question over and over again for as long as this debate takes. Why are too many of my colleagues enthusiastic about slashing free or reduced-price lunches for children but at the same time they wither when it comes to eliminating free lunches for Members of the Congress?

Let me repeat that. Why are so many of my colleagues, or hopefully just a few of my colleagues, who are leading this effort at resistance, so willing to cut or slash free or reduced-price school lunches for children but they wither when it comes to eliminating the free lunches for Members of Congress? I think this represents truly some distorted priorities.

Let me just read from some editorials in some of the newspapers about this piece of legislation, what is called the McConnell-Dole alternative, to give you and colleagues and people in the country some sense about how this issue is being discussed in the country.

The New York Times wrote that the McConnell proposal would, "perpetuate much of the old system under the guise of reform."

The Washington Post said that the McConnell proposal "would be substantially more permissive about those charity trips and expensive free meals. Without an aggregate limit, a lobbyist could theoretically take a Senator out for $75 dinners, night after night, and not be subject to any limits at all. You might as well not pretend to have a gift ban."

I am, of course, referring to a substitute that is going to be laid down which, in the guise of reform, really represents the opposite of reform.

The Kansas City Star wrote that "the gravy train would stay on the track under a ploy of Senator MITCH McCONNELL, Kentucky Republican. McCONNELL would limit a meal or gift to $100 but the long-time foe of gift bans conveniently neglects to restrict the numbers of gifts. That means spending would go on and on. Senator McCONNELL's legislation would appear to be sound. They are not"—these are not my words—"his phony, bogus gift ban would have no appreciable impact on the current corrupt system."

Mr. President, there are just some titles: "Good and Bad Lobbying."

"Capitol Still Sports 'For Sale' Sign. Senators Showing True Colors. Republican Gift Fraud."

"Stop the Freeloads."

"Beware of Mischief in Senate Ethics Bill."

"Airtight Ban Needed."

"Don't Weaken the Gift Ban."

And, from the Pioneer Press, St. Paul Pioneer Press, in Minnesota, "Prove It's Not For Sale."

Mr. President, there is no doubt that these kinds of gifts, and other favors from lobbyists, have contributed to American's deepening distrust of Government.

They give the appearance of special access influence and influence, and they erode public confidence in Congress as an institution and in each Member individually as a representative of his or her constituents. That I think is the issue. This giving of gifts by lobbyists and special interests, this receiving of gifts by Senators, erodes public confidence in this institution and public confidence in each of us as representatives of the people back home in our States. We should let go of it.

Mr. President, we have seen delay after delay after delay. Now, the question I ask my colleagues is whether or not they are going to essentially embrace some hollow reforms as substitutes for the real thing. Are we going to have colleagues talking about reform out of one side of their mouth while on the other side they oppose it? Will we have colleagues who will support hollow reform as a substitute for the real thing?

For example, do my colleagues again intend, as some did last year, to try to gut the provisions on charitable vacation travel to golf and tennis hot spots like Vail, Aspen, Florida, or the Bahamas where Members and their families are wined and dined at the expense of lobbyists and major contributors? Are we going to keep that provision and then say we passed reform? I hope not. But I expect that such an attempt will be made on the floor. We fought that fight last year and we won. And I certainly hope that we will win again.

Mr. President, are we going to see a measure that purports to be reform which says—the Senator from Wisconsin and I have discussed this—that actually we can take gifts up to $100 from anybody, lobbyists included, actually not even per day but per occasion with no aggregate limit with no disclosure? So breakfast, lunch and dinner? We could be receiving free lunches, free breakfasts, free dinners, tickets to—I do not call them the Redskins game—the Washington team game, or to the Orioles game or to concerts or trips? Anything that is under $100 we could receive in perpetuity from a lobbyist with no aggregate limit and no disclosure requirement.

I say to my colleague. What, again, does that add up to, if you were doing $100 a day?

Mr. FEINGOLD. I hope I am right. Mr. President, in answer to the Senator's question, I think it adds up to $36,500 per lobbyist per Member of Congress every year. And it could not even exclude the lobbyist. So the potential is truly unlimited. But I think the minimum figure is $36,500 from one lobbyist and one Member of Congress.

Mr. WELLSTONE. Yes, $36,500 from one lobbyist a year. That is the conservative definition; it could be much more. There might even be efforts to cut that by half. Then it would only be $18,000 from one lobbyist per year, although, if you add in the number of occasions where that lobbyist can give us a gift during the day, it could be double that or triple that; no aggregate limit. And that is called gift reform?

Mr. President, the gift ban legislation has in a way taken on a life of its own. It has become a symbol of incumbents' stubborn resistance to changing the way lobbyists operate in Washington. I cannot believe it has taken over 2 years. I have been involved in this from almost the very beginning. I think this resistance and these alternative proposals in the guise of reform, which do not pass any credibility test at all, which are going to infuriate people if Senators end up voting for this and claim that they have made significant changes—this is a symbol of incumbents' stubborn resistance to changing the way Washington operates.

Mr. President, is it going to be business as usual? Do opponents intend to try to change the gift ban to allow Members of Congress to continue to establish foundations or other similar entities to which lobbyists will be allowed to contribute in order to curry their favor? That is in the McConnell alternative. So we have no limit on gifts, up to $100 in perpetuity, with no disclosure, $36,500 a year, but actually it can be much more for one lobbyist. And, in addition, charitable travel is included. If you are for a charity and you believe in that charity, then we should all go but we should pay our own way. It is just not appropriate to have a lobbyist or other special interest paying our way to wherever for ourselves and our spouse for golf or tennis, for a nice vacation trip over a long weekend. It is not appropriate. We should just let go of this.

Then there is a provision in this alternative, the McConnell-Dole alternative, that purports to be reform that says we can continue to establish our own foundations, our own entities and then ask lobbyists to contribute to those foundations that we control to possibly curry our favor. That is hollow reform. That is not real reform. Or will we continue to allow lobbyists to contribute to legal defense funds with all of the accompanying conflict problems that this raises? That is not reform. That is hollow reform. That is in the McConnell-Dole alternative. Or will we allow Members of Congress to continue to direct lobbyists to make charitable contributions to their favorite charity, the same lobbyists who are asking them for access for legislative favors for themselves or clients? I hope not. That is in the McConnell-Dole alternative. That is not reform. That is hollow reform.

Mr. President, I really do think that this piece of legislation puts all of us to the test. It puts all of us to the test. It puts all of us to the test in several fundamental ways. The No. 1 priority, by golly, if Senators are willing to vote to reduce free lunches for children in this country, Senators ought to think about their priorities and, by golly, we ought to end all free lunches for Senators. Actually, what we should do is end the free lunches for Senators and Representatives and certainly not end the free lunches for children who need that nutrition.

Second of all, it would be better not to pass any piece of legislation than to pass a piece of legislation which purports to be reform with enough loopholes for the largest trucks in America to drive right through, many of which I have identified.

Third of all, since we have been at this for 2 years, I think gift ban does have a life of its own. And this McConnell-Dole alternative represents the same resistance by Washington to the kind of change that people in this country are really demanding. The Contract With America had nothing about any of these reform measures.

Mr. President, it is time. We will pass today the lobbying reform, and this week we are going to pass a strong gift ban reform. Then eventually we are going to move on to campaign finance reform. When we do that, I think we will have passed some measures that we can be proud of and people in the country can be proud of. But, Mr. President, the alternative or substitute, the McConnell-Dole, which is going to be laid down later on does not represent a step forward but it represents a great leap backward. We need to move forward.

This piece of legislation that we have introduced today, S. 1061, represents a strong, tight, comprehensive gift ban reform. And that is what the Senate ought to pass. We owe people in this country, we owe it to the people we represent, to do no less.

Mr. President, again, I thank my colleague from Wisconsin, and Senator McCAIN, who has been very engaged in this, Senator LAUTENBERG, and Senator LEVIN from the word go, and Senator COHEN. I also know that Senator BAUCUS has joined in this effort. I think we will have Republicans and Democrats alike involved in this. But we will have a very sharp debate, and we will identify what it means to move forward with a reform effort that we can be proud of which is credible, which meets the standards that I think people in the country want us to live up to as opposed to some alternative that has the word "reform" and that is sort of made for politicians where you use the word "reform" and you claim you are moving forward while all at the same time you are cleverly designing a piece of legislation that essentially maintains and perpetuates the very practice the people in this country want us to eliminate. That we cannot let happen—today, tomorrow, the next day or this week. We have to pass tight, comprehensive, tough gift ban reform. That is what people expect.

I yield the floor.

Mr. FEINGOLD addressed the Chair.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. FEINGOLD. I thank the Chair.

Mr. President, I rise today to join my colleagues, and especially the Senator from Minnesota, in supporting a tough, meaningful and loophole-free gift ban bill. That is what S. 1061 is all about. I urge the Senate to reject the empty reform proposal put forward by the junior Senator from Kentucky, Senator MCCONNELL.

We have been at this issue for some time, Mr. President. You think you have said it every way you can. And it is obvious that we ought to deal with this and get rid of it. But the Senator from Minnesota just came up with what I would have to say is just about the best formulation of what is going on here which I have heard.

Those are the very same people who feel comfortable going after school lunches, who feel very comfortable going after many of the things that are important for low-income people in this society, the same people who will go to the wall to protect these lavish lunches and dinners that have become part of the Washington culture. I cannot think of a better formulation, and yes, I say to the Senator, I wish I would have thought of it myself.

That says it all. That is what it appears, Mr. President, this 104th Congress is becoming all about—choices but very bad choices, blocking real reform and saying that things like school lunches have to be eliminated in the name of deficit reduction.

Mr. President, to review again, because the Senator from Minnesota and I need to keep pointing out to people that this is not something we thought up yesterday, this has been a long, hard struggle about something that should have been dealt with in about 5 minutes it is so clear; that Members of Congress should be paid their salary and that is all they should get. They should not get all kinds of freebies on the side.

I will tell you, back home it is a real simple concept. It has nothing to do with party. There is no Republican coming up to me in Wisconsin and saying, "Hey, Russ, you really got to preserve that gift thing. It is an important part of the way Washington works."

Nobody has said that to me in Wisconsin in the last 2½ years. And it has been just over a year since the Senate, Mr. President, passed a tough gift ban bill by a margin of 95 to 4. What is wrong? Almost every Member of this body has already voted for the bill the Senator from Minnesota was just talking about. You would think that when a bill passes by such a large margin, it would not be all that difficult for that bill to become a law.

After experiencing this for a couple of years, I am not naive enough to believe that proposed legislation which will have such a profound effect on the manner in which this institution operates with such a restraining effect on the special interests would sail through Congress with little or no trouble.

What I find particularly regrettable is that when this process began I did not think the practice was as widespread as I do think now. The resistance makes me wonder, makes me think that it is just not a question of perception but there may be more reality to it; otherwise, why would people fight so hard to prevent what was already a 95-to-4 vote to be redone in the 104th Congress. It makes me wonder. It makes me wonder just how much of this is really going on. And there is no way for me to quantify it, but it certainly makes me wonder.

The fact is this body has gone on record repeatedly over the past year in favor of gift reforms proposed by myself, the Senator from Minnesota, and the Senator from New Jersey [Mr. LAUTENBERG].

Last May, this body soundly rejected a gift proposal—I will not call it a gift ban because it was not—a gift proposal similar to the one currently offered by the junior Senator from Kentucky. So everybody, Mr. President, must be wondering why are we having this debate now. In May of last year, as I said, we had a 95-to-4 vote in the Senate on this legislation. In the fall, 36 Republican Senators, led by the Senator who is now the distinguished majority leader, Senator DOLE, cosponsored, actually cosponsored, Mr. President, a resolution containing the exact gift provisions put forth in the Wellstone-Feingold-Lautenberg proposal. Mr. President, the exact same provisions, not the McConnell proposal but the exact same provisions of the Wellstone proposal, were cosponsored by 36 Republican Senators, yet for some reason there are some Members of this body who feel we need to repeat the debate we had last spring when an alternative gift proposal was put forth that is remarkably similar to the proposal before us today.

The proposal last year, the so-called McConnell-Johnston proposal, was soundly defeated. The McConnell-Johnston proposal was defeated 59 to 39, and yet here we are today having the same debate all over again.

One of the clear messages that came out of last year's election to me, Mr. President, is that the public is tired of the way business is done in Washington. And everybody says that, but I think that is true. They have to define exactly what aspects of what goes on in Washington people do not like, but it is not terribly difficult to figure it out, yet real reform, like campaign finance reform or gift ban legislation, seems to constantly be put on the back burner.

I am absolutely confident that campaign finance reform and gift ban are among the things almost every American would describe as what is needed for reform. So if November 8 was about reform, and I think it was, these should be on the front burner, not constantly being blocked procedurally.

Some say that the very first bill we passed this Congress in the Senate, a bill which forced Congress to live under the laws it passes, was an important reform bill, and I agree with the premise of that bill, and I voted for it. We should have to abide by the rules we make for everybody else, but in no way should we pretend that the American people have somehow had their faith restored in this institution because of that one rather minor, although worthwhile, piece of legislation.

Other people say we have reformed Congress by pointing to the reduction and elimination of many of the public perks available to Members of Congress. And they say we have cleaned up Washington; we do not need the gift ban. Fortunately, there has been progress in that area—no more free haircuts or free stationery or no more free gymnasium. People come up to me and say, "When are you going to get rid of that free gym and the free haircuts?" And I say, "Well, it has been done." It should have been done a long time ago. But what they know and what really disappoints people, they constantly are disappointed to find that lobbyists can still send Members of Congress on free vacation trips to the Bahamas.

Last year, I had the chance to say that I think free gifts really is the mother of all perks. It is the big one. Those free trips to the Bahamas are an awful lot more in value than the free haircuts which we have eliminated. The lobbyists can still treat Members to expensive meals at some of Washington's finest restaurants, and the lobbyists can still send the flatbed carts loaded with gifts and goodies all around Capitol Hill, and they are continuing to do it.

So what I have noticed—it is an interesting distinction—is that there seems to be a great deal of interest in going after public perks. Members of both parties are willing to go after public perks, things like the haircuts and the free stationery, the congressional pensions, health care—these are things that certainly can be described as perks, and that are provided by public dollars, taxpayers' dollars. But the same people who are in the front row to attack these public perks have what I can only describe as a steadfast apprehension to deal with the private perks, the hidden private interest, special interest perks that come from the lobbyists and the special interest community. Those we do not touch. Those are not even mentioned in the Republican Contract With America, as the distinguished Senator from Minnesota has pointed out.

In other words, the perks that are essentially provided by the Government and the American people are bad, but the attitude is that the perks provided by the special interests are somehow benign, not a problem, just the way things are done in Washington. That is the message coming from Congress if we do not deal with the gift ban and if we do not deal with the really big issue, as the Senator from Minnesota has pointed out, which would be next, and that is campaign financing.

It is distressing to open up the newspaper or turn on the TV and see repeated stories of the cozy relationship between the lobbyists and the legislators. The level of special access that the lobbyists are receiving continues to undermine the confidence of the American people in their Government. It really does further the belief of the average working American that that person has little or no voice in Washington, DC.

Let me mention, for example, just one item that appeared in a national journal publication. It appeared on May 5, 1995. This column briefly describes a retreat hosted by the American Bankers Association for congressional staffers and their spouses at a West Virginia resort. This retreat occurred on the weekend before the House Banking Committee was to vote on legislation backed by the American Bankers Association. The article notes that during the weekend retreat there would be morning discussions about bank modernization issues but the afternoons would be open for the staffers to "indulge in golf, horseback riding, swimming, and other recreational activities that the posh Homestead offered."

Now, when our constituents vote for us, and vote for us knowing what the salary is, they do not know about these fringe benefits that are provided. And here, Mr. President, just a few days before a congressional committee is to vote on a particular bill, the staff members from that committee are invited to an all-expense paid resort weekend by the lobbying association backing that particular bill. This is a disturbing practice. It sends a clear and strong message to the American people that this institution is at least perceived to be under the control of those who have the money and access to influence the political process. So to me it is clear that we have a very serious problem here. The issue before us today then is how we can best solve that problem and address the very cynical and skeptical feelings the American people sometimes hold for this institution.

I think we are all familiar with the gift ban approach embodied in S. 101. The sponsors of that legislation, including myself and the Senator from Minnesota and the Senator from Michigan, believe in a gift ban—a gift ban. No gifts from lobbyists period. No more free meals from lobbyists at fancy restaurants, no more free vacations paid for by lobbyists at sun spots around the world. This is not a gift ban we are trying to put in place. The McConnell proposal is a lesson in how best to dodge this issue. It ducks; it weaves; it does everything but ban gifts. In fact, Mr. President, what I think it does, if we have the wrong vote out here today or tomorrow, is enshrine gift giving in Washington and forever say that it is perfectly acceptable for Members of Congress to accept an unlimited number of gifts from lobbyists.

Let me repeat that. Under the McConnell proposal, lobbyists could give legislators as many gifts as they can possibly afford. How can anyone come out on the Senate floor and suggest that allowing an unlimited number of gifts—and it is unlimited—can be accurately portrayed as a gift ban or can accurately be portrayed as reform?

It is the polar opposite of reform. It is a total giving in to the current system.

Last year, Mr. President, when our gift ban and lobbying reform legislation was defeated only by a filibuster from the other side, we actually could hear the lobbyists gathered outside the Senate Chamber cheering in victory. But that is nothing, because if the McConnell proposal goes through, I think we are going to hear the sound of champagne corks popping outside this Chamber, because it will be a permanent enshrining of the gift-giving practice. That is, because under the McConnell proposal, the following could still happen.

Just one example, the Senator from Minnesota was pointing out the total dollar value of what one lobbyist can do in 1 year for a Member of the Senate. We came up with the $36,500 figure.

Let me give an example of how a lobbyist's week might go if he or she wanted to show a legislator a good time before a key vote.

They could take a Senator out for Chateaubriand and good wine on Monday. They could take him or her down to the Orioles game on Tuesday with box seats. Then on Wednesday a good concert, maybe over at the Kennedy Center. Then Thursday, a nice bottle of cognac could arrive at the Senator's office from the same lobbyist. And then to top it off, on the weekend, just before the vote the following Tuesday, a little trip to the Virgin Islands for the whole family, and that is all legal under the McConnell reform proposal, totally legal.

Mr. WELLSTONE. Will the Senator yield? After listening to him lay out this week, is the Senator sure he wants to stay with his position? It sounds pretty good.

Mr. FEINGOLD. I do want to stay with my position. I am used to it. I think that is the whole point. The public perks that have been eliminated, things like haircuts and the free gym, those things sound pretty good. But when you lay out what we are talking about—which is not just theoretical, this does happen, as I gave the example of the American Bankers Association—it sounds real good. When you are talking about people who already receive $133,000 in salary a year, which a lot of Americans think is pretty high——

Mr. LEVIN. Will the Senator yield?

Mr. FEINGOLD. Then you are really talking about an exceptional practice. I yield to the Senator from Michigan for a question.

Mr. LEVIN. Actually, the McConnell substitute is even weaker, believe it or not, than my friend from Wisconsin says, because it is not $100 per day, it is $100 a gift.

Mr. FEINGOLD. The Senator is correct. What the Senator from Minnesota and I have been doing, because we are so staggered as to how much can be done in a day, we are giving the minimum interpretation. I think the Senator is right, it is not a minimum interpretation; it could be several instances in a day. I have to sort of do the higher math. I guess what we are talking about, if you can do it for breakfast, lunch, and dinner, I guess what we are talking about is $100,000 a year.

Mr. LEVIN. I guess there is probably no way to give the total calculation, because it is $100 per gift. Presumably you could have lunch, dinner, and tickets. If you really want to calculate it, one would have to figure out how many gifts of $99 might be realistically possible in a day.

It is even a weaker approach, if that is possible, than the one that has been described, because that $100 gift, which does not count, does not even count toward the maximum, is a limit per gift which does not count and not a daily amount. I know the Senator knows that.

Mr. FEINGOLD. I do, and I appreciate the Senator from Michigan making the point. What he is telling us is the ability to give meals and wine in one given day probably outstrips the ability to consume of any Member of Congress. They could not possibly consume in one day the potential amount that is allowed under the so-called McConnell amendment.

Mr. WELLSTONE. Will the Senator yield for one more question?

Mr. MURKOWSKI. I wonder if the Senator from Wisconsin will yield for a question.

Mr. FEINGOLD. I yield to the Senator from Minnesota and then the Senator from Alaska for questions.

Mr. WELLSTONE. Just to be clear, I know the Senator wants to go on with other features. Just so we can clarify this point, going to what the Senator from Michigan asked the Senator from Wisconsin, the problem, as I understand it, is that—we are just talking about one provision in the McConnell-Dole substitute —is that Senators can receive from lobbyists up to $100, not per day, but per gift. There is no aggregate limit. So this is in perpetuity; correct?

Mr. FEINGOLD. That is my understanding.

Mr. WELLSTONE. So the minimum from one lobbyist per year could be 35——

Mr. FEINGOLD. $36,500.

Mr. WELLSTONE. Yes, $36,500; but that is a conservative estimate. Playing this out——

Mr. FEINGOLD. If I may interrupt the Senator from Minnesota, I think it is clear the Senator from Michigan is right, that is not even a conservative estimate. It is just a way to try to explain it, because it clearly allows, based on the reading of the way it is drafted right now, more than one time a day.

Mr. WELLSTONE. One other question I have is, there is no disclosure and there is not even any disclosure requirement, is my understanding.

Mr. FEINGOLD. That is my understanding.

Mr. WELLSTONE. Might I ask the Senator from Michigan, is that correct? The other question I had was, above and beyond it is not per day but per gift, my understanding is there is not any disclosure requirement either.

Mr. LEVIN. For gifts under $100, that is my understanding.

Mr. WELLSTONE. There is no aggregate limit, and there is no disclosure requirement?

Mr. LEVIN. The Senator is correct, as far as I know.

Mr. WELLSTONE. I thank the Senator from Michigan. I just want to point that out in terms of what we might call hollow reform versus real reform.

Mr. FEINGOLD. Mr. President, I said I would yield to the Senator from Alaska for a question.

The PRESIDING OFFICER [Mr. KYL]. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I intend to speak at the appropriate time when my friend from Wisconsin has completed his statement, with the Chair's permission. But I would like to ask a question. I have been sitting here for the last 15 minutes or so, and I heard time and time again about this free haircut business.

The Senator from Alaska has been in this body for 15 years. I am not aware of what the procedure was prior to 15 years ago. I would appreciate it if the Senator from Wisconsin could enlighten me on just where those free haircuts allegedly have occurred over the last 15 years, because this Senator is certainly not knowledgeable. I go down and pay $17 for a haircut about every 2½ to 3 weeks. Could my friend from Wisconsin identify where these free haircuts occur and are available to Members of this body? I would get trimmed all the time.

Mr. FEINGOLD. I have no idea. I raised the issue of free haircuts because people always told me there were free haircuts. Mr. President, is the Senator asking me a question?

Mr. MURKOWSKI. Mr. President, we are trying to document accurately the circumstances, and I heard about these free haircuts all morning, but I know of none and my friend from Wisconsin evidently knows of none. So I encourage my colleagues to take a free haircut with a grain of salt because we can get trimmed on the edges, but if we do not portray accurately what this gift ban is all about, why, then I think we are misleading ourselves, as well as being misled on the issue itself. If we are going to talk about free haircuts——

Mr. FEINGOLD. Mr. President, I have the floor.

Mr. MURKOWSKI. I thank the Chair.

Mr. FEINGOLD. I have the floor, and I am prepared to respond. You are being misled now by the Senator from Alaska, because I came out here and pointed out there were a number of public perks I was told existed. I do not know if they exist. I am not out here talking about the haircuts as something I am working on today. I thought that was taken care of. I got here 2½ years ago. I never found out where the Senate barber is. I could not get there if I had to. I have my own place where I go and pay just as the Senator from Alaska does.

I am not out here yelling and screaming about the public perks. If there are free haircuts, they should be eliminated. If there are not free haircuts, fine. That is not what I have been talking about.

In fact, I made the point that the public and others in this institution are talking about the public perks and some of them, as the Senator from Alaska points out, do not even exist. People say to me, "Did you know you have that free gym over there in the Senate?" I say, "Well, by the time I got to the Senate, they already had a charge for that." I do not know if it is $35 or $40. I do not happen to be involved.

But I think the Senator actually is right, that we have to be accurate. I have not asserted that any of these things actually exist on the public side. If they do, they should be eliminated. But I have made it my practice here to identify the private perks which I do believe go on. I have pointed out several examples, such as the Bankers Association trip before the vote. We can document those. In fact, we can document the fact that in our office—and I can document this item for item—we have received 1,072 gifts in our office in the last 2½ years.

So, if there are free haircuts here, they should be eliminated; if there is not, fine. That is not the issue today. I have not asserted I can prove that there are free haircuts. This is a red herring. The issue here is what about the private perks. If there are more public perks out there, let us go after them.

The Senator from Alaska is right, it is our responsibility to first document that such a thing exists, and I will be happy to join with him to identify items of that kind.

Mr. President, under the McConnell proposal, charitable travel would have to be approved by the Senate Ethics Committee. It would not be just a completely free system as it is now.

Under our proposal, recreational travel is simply prohibited, but under the McConnell proposal, such travel is permitted if a Senator could get a stamp of approval from the Ethics Committee.

The Ethics Committee is an in-house committee made up of whom? Made up of Senators who themselves may want to partake in the same trip or a trip like it.

Now, without suggesting that members of the Ethics Committee would not exercise restraint in granting such approval, we should ask ourselves how this will look to the American public.

Under the McConnell proposal, we are giving ourselves, through the Ethics Committee, the ability to decide whether a certain trip is okay or not.

Mr. President, if this is not thumbing your nose at the American people, I do not know what is. To all those Americans that have lost faith in their Government and have developed a fundamental distrust of their political system, we are supposed to tell them that the key to banning these sorts of junkets is to have the Senators who go on the trips tell other Senators whether this one is a good one or a bad one.

I do not want to have to try and explain that one back home. I do not think that will go over, Mr. President. We have heard a lot of interesting arguments against our gift ban proposal last year. We heard that the Ethics Committee was going to have to triple its staff—triple its staff—they said, to deal with this problem, and that the whole system would fall prey to bureaucratic gridlock.

We heard an unbelievable argument. We should not pass the gift ban because it would be bad for business for all the Washington restaurants and theaters. I saw the restaurant owners up in the gallery looking pretty worried. We heard an argument that our legislation was going to make crooks out of a lot of honest people.

Mr. President, I have said it several times before but will have to say it again and again. This is not complicated. I served in the Wisconsin State legislature for 10 years. That legislature has operated under strict rules on the issue of gifts for over 20 years now. It is an even tougher rule in Wisconsin than contained in S. 101. The Wisconsin Legislature is simply prohibited from accepting anything of value from a lobbyist or an organization that employs a lobbyist. You cannot even get a cup of coffee from a lobbyist.

Mr. President, we are very proud that the Wisconsin legislators, is known as one of the most ethical in the country. Contrary to some of the notions put forth by opponents of the gift ban last year, we do not have Wisconsin legislators starving to death. No restaurants in our capital city have closed because of our gift ban. Our State ethics board has not had to hire an army of bureaucrats to interpret the gift rules.

Mr. President, it works just fine under Republican leadership, under Democrat leadership, Republican Governors, Democrat Governors, it does not matter; it has worked just fine. It is a simple rule that is easy to understand and operate under. There is not a single valid argument for not applying a similar gift prohibition to Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial from today's Wisconsin State Journal entitled "Ban Gifts and Boost Credibility."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

BAN GIFTS AND BOOST CREDIBILITY

Would a member of the U.S. Senate trade his or her vote for a fruit basket? Of course not. How about a bottle of cognac and dinner in a fancy Washington restaurant? The answer is still no.

But what if the shower of gifts includes free ski trips, golf outings and other vacation packages from special-interest groups—as well as other perks and meals that fall under a $100 per-gift limit? Again, few members of the Senate would be tempted to swap their integrity for freebies—after all, many of them are millionaires who don't need the help.

But at what point does the public perception of gift-giving practices on Capitol Hill begin to erode the credibility of Congress? That is the question being pushed by U.S. Sen. Russ Feingold, the Wisconsin Democrat who is leading the fight to dramatically restrict the kinds of gifts members of the Senate can legally accept.

Feingold isn't accusing his fellow senators of being on the take. He knows better. He's simply pointing out that so long as the American public believes Washington is a den of special-interest perks, the credibility of Congress will suffer.

Feingold is a product of the Wisconsin Legislature, where a ban on legislators accepting anything of value from lobbyists has served that institution well. Wisconsin has not been immune from lobbyist scandals—but those instances have been few in number and relatively minor compared to what happens in some states. People can and will disagree with the Legislature's actions but at least they need not worry that the fate of public policy in Madison hangs on who bought what senator the most expensive dinner at the Blue Marlin.

Since he took federal office in 1993, Feingold has been offered 1,072 gifts. With very few exceptions, he's returned them or donated them to charity.

Maybe he gets all these gifts because he's a nice guy. More likely, he gets them because various interest groups want to catch his eye or get his ear. What's amazing is that after 2½ years in office, the gifts keep coming, even though Feingold has made clear his policy from the beginning.

Some senators believe Feingold's push to embrace the Wisconsin model is overkill born of beachfront news footage of cavorting congressmen, or an attempt to score political points by beating up on the institution. U.S. Sen. Mitch O'Connell, R-Ky., says the Feingold bill is "lined with legalistic punji sticks" and would "make a lot of honest, highly ethical people into crooks."

There's nothing all that complicated about a ban on accepting gifts, free meals and trips from lobbyists. This is not a case of O'Connell and friends being unable to understand the language in S.101, Feingold's bill. It's a case of them not wanting to adopt it.

Congress has brought much of today's public cynicism upon itself. Passage of the Feingold bill would be a welcome step toward undoing that damage and bolstering faith in the Senate.

Mr. FEINGOLD. I will read one portion:

> There's nothing all that complicated about a ban on accepting gifts, free meals and trips from lobbyists. This is not a case of McConnell and friends being unable to understand the language in S. 101, Feingold's bill. It's a case of them not wanting to adopt it.

Mr. President, I have said before, for most constituents back home, the Washington beltway has become more than a simple road, a boundary of sorts, that seems to separate Washington and the special interest community from the rest of America. The perception is that the beltway represents a safe haven for lobbyists and legislators where most of their interaction goes unreported and unbeknownst to the voters back home. The lobbying needs to be disclosed and the gift giving needs to be discontinued.

I am afraid the McConnell proposal, if enacted in its current form, is nothing more than a sham. It is counterfeit reform. It allows unlimited gifts from lobbyists. It allows recreational travel. It changes virtually nothing from the status quo. It sends a very clear message to the American people that the U.S. Senate is as chained to the special interests as ever.

The Washington lobbyists, Mr. President, are on a roll. Here we are, 7 months into the new Congress, and this body has not passed or even considered a single piece of legislation to address the influence of special interests here in Washington.

Mr. President, the lobbyists asked for telecommunications reform and they get it. They ask for regulatory reform, and they may very well get it. They ask for tax breaks, and it looks like they will get them.

When the American people ask for campaign finance reform, the Congress ducks. When the American people ask for lobbying reform, the Congress dodges. When the American people ask for a tough gift ban, the Congress plays tricks and tries to offer a paper tiger.

Acting on a tough gift ban will fundamentally reform the way Congress deals with thousands of benefits and other perks offered to Members each year. It would, Mr. President, be more than a cosmetic change. I believe now, even though I may have thought it was more minor when I got here, I believe this marks a major change in the way Washington, DC, does business.

I thank my colleagues from Minnesota and New Jersey for their persistence on the issue, and also the Senator from Michigan, Senator LEVIN, for his overall dedication to reform issues and his leadership in crafting the provisions of S. 101. I urge my colleagues to take a very hard look at this. This is an opportunity to put this issue behind Members so we do not have to keep coming out here and talking about it. It is unpleasant, and it really does not befit the dignity of this body.

I yield the floor.

Mr. MURKOWSKI. Mr. President, I do not think there is any question that we need reform, and campaign finance gift ban, et cetera, are appropriate for this body to resolve, but I suggest that there are a few statements that do need some enlightenment.

I will refer briefly to a reference made by the Senator from Wisconsin with regard to the perception that Members get free hair cuts. Mr. President, as I stated, when I asked my friend from Wisconsin if he had any knowledge just where a person gets a free hair cut—I have been in this body 15 years, I have read it, that somehow Members are perceived to get free hair cuts—I know of no free hair cuts in existence during the 15 years I have been here.

I think this is part of the perception that is out there, that Members do get free hair cuts. We get clipped, we get shaved, but we do not get free hair cuts, Mr. President. It is a misnomer.

I think there are other extended examples where it is assumed that because there is a gym, that we get free services. We corrected that some time ago. Those Members that want to pay and receive the services of the gym pay an amount each year equivalent to the cost of those services. That is appropriate.

To suggest that somehow this is something that is extreme, that is not accepted in the private sector—if you are with a corporation, oftentimes you have the use of a gym or work-out facility, and anyone that looked at the facility here would come to the conclusion that it is pretty antiquated, I think about early 1910 or 1915, thereabouts.

But in any event, I want to put that issue aside, because the reality that somehow this is a gravy train, that there are benefits associated with this, are not applicable in the private sector, I think, bears further examination.

As we look at the merits of this legislation before the Senate, the Levin-Wellstone legislation, private entities would not be able to reimburse Members for the cost of transportation and lodging, for participation in charitable events.

If we think about this, Mr. President, there is an inconsistency here. Why is there not a ban on reimbursement for political events? What is a political event? A political event is something, perhaps, that occurs in Los Angeles, perhaps it occurs in the Bahamas, perhaps it occurs in Florida, and a Member can go down and participate and receive reimbursement for travel, reimbursement for transportation.

Now, under the bill before the Congress, the Levin-Wellstone legislation, Members would still be permitted to be privately reimbursed if they travel to a fundraising event for another Member, in other words, a political fundraiser.

Now, under the Senate Ethics Committee rules, the interpreted rule No. 193, it is my understanding that a Senator may accept travel expenses from an official of a district's political party organization in return for his or her appearance at a rally sponsored by that organization.

In other words, Mr. President, we are mandating that we will still allow reimbursement, private reimbursement, for political events. We can get our travel paid, we can get our hotel room paid.

Mr. President, every Member of this body, because we are all in the business of politics, has at one time or another made a campaign appearance for his party, or a candidate of his party, and often that means flying to another Member's home State, attending a party function, maybe making a speech, sharing a meal, maybe attending an entertainment or sports function. The entire cost is covered by lobbyists and other political contributors.

As we look at the merits of this legislation, we should recognize the inconsistency associated with the hypocritical posture that we are putting ourselves in. We are saying, in the gift ban/campaign finance reform, we are eliminating the reimbursement for participation in charities, and we are still allowing full reimbursement for political events for travel, and for lodging. Who pays for it? Political contributors—lobbyists. Why does this proposed campaign finance reform, gift ban and so forth not address political events?

Mr. President, we know why. Several Members do not want to talk about that. They are hoping that nobody will bring up the inconsistency and the hypocrisy associated with this bill in the manner it is currently structured. I fail to understand why the sponsors of the legislation would not simply go through and say, "Let's clean the whole slate. Let's prohibit the other part of this, the unmentionable, the political events." It is rather curious, Mr. President, for convenience and other reasons, this has been left out.

We have a situation, again, where a Senator can travel all over the country, attending political fundraisers, have lodging, and transportation reimbursement, but a Senator cannot attend a charity event, and get reimbursed. A Senator cannot attend events that raise money for worthwhile causes and have the costs of travel and lodging reimbursed. Is that not an inconsistency? Does this really make sense?

Why is it all right for a political action committee to host a $500-a-plate political fundraiser or give a campaign check for $2,000 or $3,000 to an elected official but there can be no solicitation of corporations or other individuals to participate in a charitable event that only benefits a small community or State? I believe this whole notion of preventing Senators and corporations from sharing and raising money for a worthwhile cause outside the beltway, but allowing $5,000 to $10,000 gifts, smacks of sheer hypocrisy.

This Senator is prepared to pursue legislation that would address corrective measures to include in this broad campaign finance gift ban prohibition on reimbursement for political events for travel and lodging. Why is it that, in the structure of the proposed legislation, we have eliminated reimbursement for charitable travel? We have had spirited debate about the role and influence that lobbyists and corporations play in shaping the public's perception of the political process in Washington. We have heard a little bit about that public perception. We have heard mentioned, time and time again, the free haircuts. There are not any free haircuts. I have been here 15 years and I defy a Member to suggest where you could get a free haircut in the last 15 years.

To get back to my point, much has been made of the fact that corporations have sponsored Senators' travel and lodging in connection with events designed to raise money for charity. But nobody is saying anything about the contributions from lobbyists and political contributors that will allow each of us to go off and attend a political fundraiser in the Bahamas or the Virgin Islands or Florida or Hawaii and get reimbursement for travel and lodging. Why do we not fix it all?

Clearly, it is too sensitive. Politics is our business and we want to exclude, in the perception of things, those that we feel have some exposure, but not those that we feel are necessary—yet provide the same base of support, political contributors and lobbyists.

When Senator MCCONNELL submitted the Senate gift rule reform resolution, Senate Resolution 126, it provided that Senators would be permitted to be privately reimbursed for lodging and transportation in connection with charitable fundraising events only if the Senate Select Committee on Ethics determined, "that participating in the charity event is in the interests of the Senate and the United States."

So, a Member of the Senate could be privately reimbursed for attending a charitable fundraiser only if the Ethics Committee makes a determination that the charitable function is in both the public interest as well as the interests of the Senate. I believe one of our responsibilities, as public officials, is to promote worthwhile charity causes. Most of us are inclined to associate ourselves with those, from time to time. Not everything that can be done for the public good derives from Government. We all know that. Private charities play a vital role in servicing many of the needs of our citizens.

Last year, in my State of Alaska, we had a situation that occurred where the mammogram machine in Fairbanks, AK, which had been in operation for several years, was growing older and it was difficult to get certified. This was a service that had been provided for many women. My wife is associated with it. It was started in the mid-1970's. They offered free mammograms for women in the Fairbanks area and surrounding smaller communities.

It became necessary to look at just how that group was going to continue to maintain that free service. We started a fundraiser to purchase a new mammogram machine for the Fairbanks Breast Cancer Detection Center in Fairbanks, AK. The idea was to hold a fishing event, a fishing tournament at a place called Waterfall, in southeastern Alaska. We held that event and raised $150,000, and were able to buy a new mammogram machine for the Fairbanks breast cancer clinic.

It was cleared by the Ethics Committee, corporations contributed, their members came, they fished, and the breast cancer clinic got a new mammogram machine. As a consequence, the center was able to continue to provide free breast cancer examinations and mammograms for some 3,700 women who came to the Fairbanks breast cancer clinic for screening. They came from 81 villages in my State of Alaska.

This August, my wife, Nancy, and I are going to be hosting a second event for the center to raise money for a second mammography unit. This is going to be a mobile mammography unit. It will fit into a van. It can traverse the limited highways in Alaska. But more important, it will be able to go into the National Guard C-130 aircraft, which will go out on their training missions and fly into the various villages where there are no roads, and offer this free service to many of the Native women in the bush area of Alaska.

This is an example of a function that would be banned under the current bill. We think we can raise, this year, another $150,000 to $175,000. This will allow us to buy a mobile unit. It alleviates a situation where many women will be covered who otherwise are unable to travel into Fairbanks and other areas for tests. They will be able to receive this free screening in their local communities. Otherwise, they would not be able to avail themselves to this technology. So, this kind of a contribution, this kind of charitable event, would be eliminated and, as a consequence, the opportunity to provide vital health services to many of Alaska's rural women would be lost.

The State's cancer mortality rate, I might add, is the third highest in the Nation. One in eight Alaska women, I am told, will develop some type of breast cancer. And breast cancer screening can reduce these amounts, I am told, by better than 30 percent.

I believe, without the money raised from these two fundraisers, the health of Alaska's women would be reduced to some extent. I am proud of the work my wife and other women, as well as members of the community, have done in providing volunteer efforts to operate these units. But the point is, if we change the rules on charitable events, why, these types of charities will have to find a new home. And if the rules had been changed prior to this, I am convinced that neither of these units would have become a reality.

I know of several Members who participate in charity events. Senator PRYOR has been running a golf tournament for some time in Texarkana to raise funds for children with development disabilities. Senator JAY ROCKEFELLER has been a supporter of funds for children's health care projects and nonprofit organizations, that I understand operates mobile vans in New York City and rural West Virginia and other locations.

Most of you know my colleague, former Senator Jake Garn of Utah, raised a great deal of money for the primary children's medical center in Salt Lake City. Many of us have been at those occasions to assist in the raising of those funds for those worthwhile causes. So, do we want to end our participation and the participation of corporations in these causes simply because there is a so-called perception problem?

One of the other things that is even more important than perceptions is proximity, because if we eliminate the ability to participate in charitable events, from the standpoint of travel and reimbursement for lodging, it does not exclude charitable events in the beltway area. So, for those of us who live great distances, we have a problem. But for those who are close to Washington, DC, they can hold a charitable event right here in Washington where there is no need for reimbursement for travel—transportation. So my point, I think, is one of equity. It would basically eliminate charitable events in my State, in California, Oregon, Washington, the West—where, indeed, for a Member to come out, there is a transportation expense of some significance as well as lodging. But if you have it here, where you do not have a problem for reimbursement for transportation or for lodging, why, you can have it. That discriminates against those of us out West.

If you eliminate the reimbursement for transportation and lodging then you are in a situation where the only alternative is to hold the event in Washington, DC, and perhaps if you are a large national charitable organization that has the clout to hold such an event in Washington, DC, why you can go ahead and have it successfully. But for those of us in the Western part of the United States, it is just not practical to expect we are going to be able to put on a charitable event here, in Washington, DC, and have the degree of success that we would have if we are able to hold it in our own State. Certainly, if you are a small organization like the Fairbanks Breast Cancer Detection Center, or some of the other charities that I have mentioned, you do not have the resources or the capability to hold your event in the Nation's capital. If Senators cannot receive transportation and lodging reimbursement, events like mine, and others, are going to disappear. They are going to disappear because it costs too much to get to Alaska or to get to other small States.

So, Mr. President, in conclusion, I am very sensitive to the prohibition that is in this legislation which would disallow reimbursement for travel and lodging for participation in charitable events. Let us face it, Mr. President. In many of these cases, the presence of the Senators is significant in the ability to raise money for the charitable event itself. This would be eliminated.

I hope there still will be some way that we can meet some kind of a compromise in this area. The legitimacy of the event, of course, is the fact that it would have to receive approval from the Ethics Committee.

Those who say, "Well, since the Ethics Committee is made of up Senators, how in the world could you have an unbiased evaluation of the merits?" That is absolutely ridiculous thinking. If we cannot police ourselves within the Ethics Committee structure to set certain oversight and criteria for charitable events, why, probably none of us should be here.

So I am quite confident that the Ethics Committee can set precedents to ensure that the perceptions associated with the worthiness of participation in these charitable events is handled in such a way as to provide a check and a balance and a public disclosure. Let us ask the public what they think about the ability and the worthiness of some of these charitable contributions that have been made as a consequence of the presence of a Senator.

Mr. President, I feel so strongly about this that I am seriously thinking of pursuing legislation on the Levin-Wellstone bill that would preclude reimbursement for the cost of transportation and lodging for political events—if, indeed, my colleagues feel that we must have sweeping legislation with regard to campaign reform and gift ban—because of the inconsistency, because of the hypocrisy associated with addressing charitable functions and not addressing the other.

The other is where Members receive payment from the political organization or the political function or political event which is made up of contributions of lobbyists and other political contributors so that we can travel for those events, and so that we can stay at the elegant hotels in Florida or Virginia, in the Bahamas, and Hawaii.

So I think we had better examine a little more thoroughly the ramifications of just what we are doing and just what we are trying to sell to the American public. We are trying to sell to the American public gift ban, finance reform, and convince the American public that there are no free haircuts—and there have not been. But what we are not doing, very cleverly—we do not hear this mentioned—is that we are not banning reimbursement for political events, transportation and lodging, but we are reaching out in a prohibition against participation in charitable events.

Well, I find that hypocritical, so hypocritical that this Senator is proposing at some point in time, if we do not get some balance in this process so we can continue a worthwhile contribution to charitable events under whatever set of rules is appropriate for the Ethics Committee to come down with, that I would propose that we also include a ban on reimbursement for transportation and lodging to those political events, because Members are still permitted to be reimbursed for travel to a fundraising event for another Member, or political organization. This is under the Senate Ethics Committee's interpretative rules that a Senator may accept travel expenses from an official of a district's political party organization in return for his appearance at a rally sponsored by that organization.

And again, Mr. President, let us look at the makeup of those organizations. Those organizations are supported by lobbyists, political contributors, and that is where the funds come from for reimbursement for each Member who might attend as he or she seeks reimbursement for travel and lodging.

So I guess my concluding question is, if we are going to cut out reimbursement for charitable events for travel and transportation after it has been cleared by our own Ethics Committee, why are we not doing the same thing, banning reimbursement for travel and lodging, for political events? It is hypocritical to do one and not the other.

So I hope, as the day goes on and we debate this matter fully, that we examine a little bit more the inconsistency, and that the American public wakes up to what is attempting to be done here. It is a bit of window dressing. It is a bit of telling the American people that we have this grandiose scheme for campaign finance, gift ban, and no more free haircuts, as if we have ever had them. But what we are not telling the American public is we are going to still keep our ability to seek reimbursement for travel and lodging for political events.

Well, I hope the American public and the media pick up and understand the difference. I hope that some balance remains in this body, and that we recognize the significance of what our contributions and corporate contributions mean to the charities in this country. If we are going to ban the charities and not ban the political events, why, indeed, hypocrisy is the note of the day.

Mr. President, I yield the floor.

Mr. LAUTENBERG addressed the Chair.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I am pleased to be joining in the sponsorship of the legislation that is being considered, one that would prohibit the lobbyists from providing gifts and meals and travel for Members of Congress.

Mr. President, it is quite apparent that the American people—and who knows it better than Members of this body as we have seen the onslaught of change take over—are unhappy with the political system and want change. The American people want Congress to respond first and foremost to the needs of ordinary Americans, not just the special interests, not just the wealthy, and not just to the lobbyists.

When I first introduced the proposal for a gift ban in the last Congress, many here on Capitol Hill did not understand or appreciate the depth of the public's distaste for the status quo. Today, I hope we all do. It is way past time, frankly, to finally translate that rage into a positive action.

Mr. President, this is a deeply emotional issue. It is an emotional issue for millions of ordinary citizens who feel that their Government has been taken away from them, who feel that they do not have the same voice as the powerhouses in Washington and State capitals around the country. But it is also an emotional issue here in the U.S. Senate. Just as our constituents are angry about being shut out of the process, many Senators are angry because they think somehow or other this bill implies that Members are corrupt. That is not the point at all. I do not think of any of my colleagues, no matter how much I may disagree with them, as being corrupt. I may be angry at their point of view. I may think that they are hardhearted. I may think that they are disengaged through the process. But corrupt? Not at all. So that is not the issue. And I think we ought to make that clear. We have all kinds of references, adjectives that describe how things are and what constitutes various conditions of honesty or hypocrisy.

Mr. President, I do not think that Members of Congress, of the Senate, are selling their votes for a cup of coffee or a trip to the Caribbean or to some glamorous event. To the contrary. The Members of this body are dedicated public servants who make enormous sacrifices to serve the public. That is true across the board. Some of my colleagues may be asking themselves. "Well, if that is true, then what do we need this piece of legislation for? Why the bill?"

There are a couple of answers to that. The first answer is that the bill can begin the process of restoring public trust in the Congress. That does not solve the problem by itself. But it is a good place to start. This bill can make it happen. That is important because, until we restore public trust, Congress will never be able to have public confidence that we are, in fact, addressing the serious problems facing our Nation.

But, Mr. President, the need for a gift ban goes well beyond the need to change public perception. There is also a substantive issue involved.

The issue is not corruption. It is access. And perhaps more fundamentally it is an issue of fairness to ordinary Americans.

When lobbyists take a Senator to dinner, they are not just buying a meal for a nice person. The meal involves time, and time means access. When a lobbyist buys a Senator a meal, they do not usually sit at separate tables. He does not say typically, "Well, why don't you and your friends go out to dinner and I'll pay for it," because the dinner includes a tete-a-tete, face to face, a discussion. Nothing surreptitious, nothing immoral, nothing illegal, but access. It is a chance to get a Senator's ear, a Senator's eyes, a Senator's attention for an hour or two or three, and if the wine flows generously then it may even last longer.

Mr. President, ordinary citizens do not have that access. They cannot just take their Senator to a quiet dinner at a fancy restaurant and explain what it is like to be unemployed, explain what it is like to be worried about a child's education, explain what it is like to worry about the loss of health care insurance, explain what it is like to be up against the wall and not know which way to turn. Those calls do not even get through, much less to have the ability to sit with the Senator. And there are millions of people who would like to do it, even if it was just to tell us off, millions of people who would love to sit there and say, "Senator, do you know what it is like to lose your job, to come home to your family that is dependent upon you for their food, shelter, clothing, and leadership, and to say I have been fired, my job is out?" Let them have a chance to explain it to a Senator.

I would ask anybody here how many times have they have sat down with an ordinary, hard-working citizen for an hour or a half-hour or for 2 or 3 hours and let that person explain to them the real conditions of life, not what it is like to make sure that company A, company B, or company C has an appropriate tax deduction for their particular interest or that they can expand their power to communicate because they think it is good for the public.

They certainly cannot take Members to a beach resort in the Caribbean to discuss a problem that they individually are having with the Tax Code or how far behind they have fallen on their mortgage payments.

Lobbyists have lots of time under the present structure to do just those things. And it certainly gives them an edge over John Q. Public, whether a lobbyist goes on a trip with an individual and you sit on the deck of a boat fishing for 3 days, or you go to a tennis tournament where the pro fakes his inability to beat the Senator just to win a couple of points, or you are out on a golf trip where you get a golf bag as part of the trip, or you go to a ski tournament—and I have seen them first hand—where it is a uniform, a jacket that could be expensive, maybe a pair of skis, free lessons from one of the top pros in the ski business, sitting in a chair lift going up the side of the mountain that can be a 20 or 25 minute ride in some places, and the lobbyist is sitting alongside of you, and it is Joe and Harry and they talk 20 minutes at a clip riding up and down the mountain.

What do you think the lobbyist talks about, horticulture or the latest way to make a healthy salad? He has a mission, a mission for which he or she is paid, and the mission is to try to develop an attitude within that Senator that has to be favorable to my company, my course of action, my industry, my association. The average citizen does not have a chance to do that. And when they see Members of Congress at the fanciest restaurants getting wined, getting dined, they resent it. They think the deck is stacked against them. They think it is wrong. And I agree. They do not respect a system that operates that way.

Mr. President, I said it before. I do not stand before my colleagues to criticize anyone or to question anyone's motives. I am not claiming to be the holy one around here; I am not. But I do think we all need to change the way we do business. The public certainly thinks so, and it is about time we get it done.

The bill before us is a strong piece of legislation, with tough new rules on gifts. It would ban all gifts—all gifts—from lobbyists. It would prohibit lobbyists from taking Members on recreational trips.

Unfortunately, the purpose of this legislation is being either misunderstood or misrepresented because I, like the distinguished Senator from Alaska, who spoke just a few minutes ago, believe that wherever possible we ought to support voluntary groups that have a humanitarian or social mission. But if the organizations sponsoring the trip spend more on feeding and hosting Senators and their travel to get to an event than the ultimate beneficiary gets, there is something in that arithmetic that does not sound particularly honest. And as a consequence what we have said is any trip that is substantially recreational is prohibited. There is no prohibition to participating in charitable events as long as the focus is on the charity.

So, Mr. President, we are at a point in time when we have to step up to the plate. Under the Republican proposal, Members of Congress would be able to accept an unlimited number of gifts so long as each gift is worth less than $100. That means it can be lunch; it can be theater tickets; it can be dinner the next day; it can be a tennis racket, if they still cost less than $100; it can be anything as often as a lobbyist likes as long as it costs less than $100. The $99.95 special is OK, and it can continue forever.

Well, it does not take long for a few of those to convince someone that this lobbyist is more than a good friend who just wants to be a nice guy.

Lobbyists under the proposal that our Republican friends are putting up could give Senators tickets to the opera one day, tickets to the Super Bowl the next day, tickets to a fancy restaurant the next day, as long as they are buying tickets that cost less than $100, and so on and so on. Mr. President, that is not reform. It is a sad joke, and it is just not going to wash with the American people.

Before I conclude, I wish to express my appreciation to Senator LEVIN and Senator WELLSTONE and Senator FEINGOLD, all of whom have played critical roles in the development of this legislation. We have been close allies in what has been a long and difficult battle. I appreciate their effort, their skill, and their cooperation.

In conclusion, I urge my colleagues to support this bill and to reject the Republican alternative. Let us finally ban gifts from lobbyists. Let us try to win the confidence of the American people up front, and let us do it the right way.

I yield the floor.

Mr. LEVIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, we have before us a bipartisan, very tough gift reform bill, and this bill will finally put an end to the situation where we get free tickets and free meals and we get recreational travel paid for courtesy of special interests. It is a tough bill, but cynicism is running deep in this country, and they want political reform. The worst thing we could do would be to pretend we are reforming gifts when we are not doing it.

Now, the McConnell substitute represents business as usual. We are pretending to be tough in the McConnell substitute, but basically we are continuing the current rules—pretending to be tough but basically maintaining the status quo. It is what I would call a sheep in wolf's clothing. It is pretend reform. If you can give an unlimited number of $99 gifts without disclosure, without accumulating them, that is sham reform. This recreational travel where we can get fancy resorts, fancy meals paid for by special interests, a vacation because it is billed as a charitable event, because part of the money which the special interest pays into the charity goes to the charity, what is left over after they pay for our recreational travel, that has to stop. That has helped to bring this body into disrepute. We must change it. I hope we will change it and do real reform today or tomorrow or when we finally resolve the gift issue.

ORDER OF PROCEDURE

Mr. LEVIN. Mr. President, it is my understanding that at 11 o'clock, the Senator from New Jersey is to be recognized to offer an amendment on the lobbying reform bill; that we are now returning to lobbying reform, and that the time will then be divided where he will control half the time and the Senator from Kentucky or whoever the majority manager of the bill is will control the other half of that 1-hour debate time. Is the Senator from Michigan correct?

The PRESIDING OFFICER. The Senator is correct.

LOBBYING DISCLOSURE ACT OF 1995

The PRESIDING OFFICER. May the Chair announce at this time that under the previous order, the hour of 11 a.m. having arrived, the Senate will now resume consideration of S. 1060, which the clerk will report.

The bill clerk read as follows:

A bill (S. 1060) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

The Senate resumed consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from New Jersey is recognized to offer an amendment on which there shall be 60 minutes of debate.

The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, that 60 minutes is to be divided, as I understand it, between my legislation proponents and those who oppose, to just alert those who are interested.

AMENDMENT NO. 1846

(Purpose: To express the sense of the Senate that lobbying expenses should not be tax deductible)

Mr. LAUTENBERG. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER (Mr. SANTORUM). The clerk will report the amendment.

The bill clerk read as follows:

The Senator from New Jersey [Mr. LAUTENBERG] proposes an amendment numbered 1846.

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE THAT LOBBYING EXPENSES SHOULD REMAIN NON-DEDUCTIBLE.

(a) FINDINGS.—The Senate finds that ordinary Americans generally are not allowed to deduct the costs of communicating with their elected representatives.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that lobbying expenses should not be tax deductible.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, this is a very simple amendment. It expresses the sense of the Senate that a practice currently in law be continued; that is, that lobbying expenses should not be tax deductible. It simply affirms current law and puts the Senate clearly on record in opposition to any efforts to reinstate the lobbying deduction.

The question is reasonable. It says, "Why bother? Why bother, FRANK, when in fact it is in law now?" Because I get rumblings, I get communications, indirectly, that there are people who think that we ought to reinstate the deductibility for lobbying expenses. I want to see the Senate clearly on record that says if we have the majority of the votes, that this is a practice that ought to be continued.

What provokes this? It is that I offered an identical amendment in the Budget Committee, on which I sit, during this year's markup of the budget resolution. The amendment was solidly backed by a voice vote and it passed the Senate as part of the Senate version of the budget resolution.

Unfortunately, I guess somebody blinked in conference and the provision was dropped. So what the conference said is, "Well, we don't want to confirm the fact that present practice should continue, but it implies, therefore, that perhaps the deductibility of lobbying expenses ought to come back into the arena."

One can question why it was dropped, but one cannot obtain a satisfactory answer.

So, Mr. President, since we are discussing lobbying reform, and this is an excellent bill and just the right time to make sure that everybody knows what goes on here and that lobbyists have no advantage that other people in this society should be having, while it is not possible to clearly do that because of the physical presence, we ought to get as close to leveling this field as we can. I want to see the Senate clearly go on record in final opposition to providing a tax break for lobbying efforts.

After all, this year we are in the process of developing budget legislation that will impose severe costs on ordinary Americans. Congress has already asked senior citizens to accept deep cuts in Medicare and Medicaid. I can tell you from the calls I get back home in New Jersey, and across this country, people say, "For Lord's sake, Senator LAUTENBERG, don't let them do that. Right now I am burdened with the extra costs on top of my Medicare reimbursement that I get to the tune on average of 20 percent of my income."

They say, "I can't afford to pay more." They say to me that, "When I face the prospect of spending $3,300 more in the next 7 years, the last year being $800 or $900, it could break the bank, as far as I am concerned," remembering that 75 percent of our senior citizens live on $25,000 a year or less in income; 35,000 live on $10,000 a year or less in income.

So as we examine our budget, we want to make sure that we are being fair with ordinary, hard-working American people or, if not hard-working, those who worked hard for many years and finally have retired.

Students are going to be asked to accept sharp reductions in student loans. It is going to cost them a lot more, and I hear pleas from young people who want desperately to go to college, who say, "My folks just cannot hand me the money to do that and I have to go out and borrow the money and pledge my future against it." Everyone knows they are clever enough, those young people going to college, to know that it is going to cost them more for their student loans than it did before. They are not like I who was able to get the benefit of a GI bill because I served in World War II and got my education paid for. These young people are not going to have that opportunity.

Working families will be asked to endure a significant tax increase as Congress cuts back on the earned income tax credit, a provision to help lower income people keep their head above water.

The people who lose in this year's budget generally are people who have no lobbyists representing them. They are simple, ordinary Americans who hardly know what is about to happen to them; thus, the frustration that we see is transferred into anger and rage. Most are too busy to follow developments in Washington. They have their own jobs to do, their own families to raise, their own bills to pay, and they do not have lobbyists on retainer to watch out for their interests and call them up and say, "Hey, Joe, guess what is happening? They are going to make you pay more for" this, more for that, "what do you think?" Their opinions are not sought.

Meanwhile, many of the special interests that benefit from the lavish subsidies are well represented in Washington. Special interests, lobbyists are already working hard to protect their clients' favorite Government handout, and you can be sure they will be doing everything they can to ensure their wealthy clients will not lose any of their tax breaks.

Mr. President, there is no question that those Americans who can afford to hire lobbyists for special interests already have a major advantage in the legislative process. They ought not also to get an advantage in the Tax Code. Fortunately, the 103d Congress recognized and repealed the deduction for lobbying. That repeal saved the U.S. Government $653 million over 5 years, a substantial sum. More than half a billion dollars over a 5-year period. And, yet, not everybody is happy with the repeal of that deduction.

Now that we have a new majority in the Congress, some believe that the lobbying deduction ought to be reinstated. According to the newspaper Roll Call, a national grassroots campaign is now underway to push for restoration of the lobbyists' tax break. The main targets of this campaign are those who are members of the House Ways and Means Committee and the Finance Committee in the Senate. But all Members are likely to feel the pressure, and I know I have heard from people in New Jersey urging that the deduction be reinstated. I can only assume that all of my colleagues have been subject to similar lobbying efforts.

Mr. President, I believe that the vast majority of the public opposes a tax break for lobbying. In fact, this proved to be a significant issue in my campaign last year for my third term. My opponent in 1994 called for reinstatement of the lobbying deduction. I strongly disagreed with him and, obviously, did it publicly. In judging from the reaction of the people I met in New Jersey, this was an argument that I won hands down.

Unfortunately, the possibility of reinstating the lobbying deduction so far has not received a great deal of attention in the public at large. So long as the American people do not know what is going on, it can be easy to quietly insert a related provision in a huge tax bill. I do not think that ought to be allowed to happen. As we are getting close to the consideration of the reconciliation bill, I think it is important that the Senate go clearly on record in opposition to the idea of reinstating that tax deduction.

The need to put the Senate on record is especially important, given the opposition from the House to including this same amendment in the conference report on the budget resolution. The House was willing to accept other sense of the Senate language, but for some reason they could not bring themselves to accept this. Our Senate negotiators could not keep it in the bill. One can only conclude that the House leadership apparently thinks that the lobbyists ought to get this tax break back.

Now, Mr. President, I understand the view of some that say that lobbying should be considered like any other cost of doing business, and so it should be deducted. That is a view that apparently many in the other body believe. Based on the feedback that I have heard from constituents, the American people would strongly disagree. In their view, I think it is a matter of basic fairness, a matter of priorities.

Mr. President, if an ordinary citizen writes a letter to their Member of Congress to express their concern about proposed cuts in education, that is not deductible. If an ordinary citizen takes the train or a plane or drives down to Washington from New Jersey or other places to meet with Senate staff about the high cost of Federal taxes, the cost of that train ride or the plane ride are not, generally, deductible. If a senior citizen, concerned about Medicare cuts, drives across his or her State to collect signatures on a petition, these costs are not deductible.

Now, Mr. President, if ordinary citizens like these cannot deduct their lobbying expenses, neither should a special interest group who hires a lobbyist to protect its favorite Government subsidy and neither should a billionaire who hires a lobbyist to protect his favorite tax break or his special opportunity to grow his profits.

It is a question of fairness. It is a question of priorities. Think of it this way, Mr. President. Reinstating the deduction for lobbying would cost the Government over $100 million a year for the next 5 years—in fact, $650 million. Even if we think that lobbying expenses should be deducted, is this really a priority in these times of fiscal austerity, in these times of extreme sacrifices by many of our citizens who work hard and are barely treading water?

How can we in good conscience spend $650 million for a tax break for lobbyists and then severely cut Medicare? How can we spend $650 million for a tax break for lobbyists and then turn around and cut education? How can we spend $650 million for a tax break for lobbyists and then turn around and increase taxes on ordinary Americans, lower income citizens, by cutting back on the earned income tax credit?

Mr. President, with all the problems facing this country, we simply have to set our priorities straight. And giving a tax deduction to lobbying just should not be high on that list.

I want to be clear about something. I am not here to bash lobbyists. Not by any means. In fact, I would be the first to say that they often get a bum rap. Most are top-notch professionals—some of them trained in postgraduate courses, law school, Government, et cetera—and they perform important functions. They have every right, under the first amendment to the Constitution, to petition Government officials. What they do not have as a right is the ability to have their expenses deductible.

Now, this is not a radical idea, Mr. President. Congress reached the same conclusion 2 years ago. My point today is simply that we should not reverse that earlier decision, that, in fact, we ought to reaffirm that earlier decision so there cannot be any mistake about what this Congress stands for in terms of that deduction. This is a declaration of fealty, of loyalty, that we are going to preserve the nondeductibility of those expenses.

It would only strengthen the public cynicism about the Congress, which they already see as controlled by lobbyists and special interests. We cannot wonder why. It is quite apparent.

I want to add this point. I appreciate, Mr. President, there is some controversy about some of the details of the current law and how it is administered. My amendment is not intended to address these issues. I am not here to endorse every dot and comma in the IRS regulations, or to oppose minor modifications to current law in the area. I am here to make a more general point. If ordinary Americans are not allowed to deduct the costs of communicating with their elected representatives, lobbying expenses should not be deductible, either. It is a basic matter of fairness and priorities.

So, to repeat, Mr. President, my amendment simply expresses the sense of the Senate that lobbying expenses should not be tax deductible. Present law ought to continue. I hope that my colleagues on both sides of the aisle intend to continue the present policy. That is what we are going to see by the vote that we will be requesting, Mr. President.

Mr. President, as I understand, any opposition to this amendment has half an hour to express their opposition.

I suggest the absence of a quorum, and ask that the time be charged equally to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, I interrupt the quorum call simply to make certain that we are ordering the yeas and nays.

I ask the distinguished manager of the bill on the Republican side whether he will join me in calling for the yeas and nays.

Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. LAUTENBERG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Does the Senator seek consent to have the time divided between the two sides?

Mr. LAUTENBERG. As was requested, unless it expedites the process further by yielding back?

Mr. McCONNELL. Mr. President, my indication from floor staff is they prefer the two votes to occur at 12. I am unaware of any speakers on this side.

If Senator LAUTENBERG would like additional time, I will be happy to yield it.

Mr. LAUTENBERG. Mr. President, the case was made, I hope clearly and sufficiently.

I therefore will yield all time and just have the vote occur as planned at 12 o'clock.

Mr. McCONNELL. We are planning on the vote occurring at 12. So my suggestion would be for us to just put in a quorum call and let the time run and the two votes will occur at 12.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, it is so ordered.

The time will be equally deducted from both sides.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BOSNIA RESOLUTION

Mr. DOLE. Mr. President, let me indicate to my colleagues that at 2:15 we will return to the Bosnia resolution which we will complete today. We hope we can do that without a number of amendments. I know there are 4 hours of debate, and we have debated this issue over and over and over again. I think it is—maybe not ironic, but another safe haven has fallen as we begin the debate. It seems to me that it is going from bad to worse on a daily basis.

I believe it is time that we lift the arms embargo. We have strong bipartisan support. Senator LIEBERMAN will lead the effort this afternoon. So I appreciate his willingness to cooperate.

THE LEGISLATIVE AGENDA

Mr. DOLE. Mr. President there will also be, for those who have an interest, a joint leadership meeting of House and Senate leaders at noon today where we will discuss the legislative effort between now and the so-called August recess, whenever that begins. And we will try to go over matters of mutual interest.

CONGRESSIONAL GIFT REFORM ACT

Mr. DOLE. Finally, Mr. President, let me say with reference to the gift ban, that has been debated this morning. It started at 9 o'clock, it would be my hope that during the debate on Bosnia we could continue our bipartisan efforts to reach some agreement on a gift ban.

I do not know of anybody here that will live or die based on what happens on the gift ban. I think what we want to make certain of is that you do not have someone in this body who gets in trouble for some unintentional act.

I received five birthday cakes last week. I am not certain what the value of the cakes were. I only ate one piece. But I might be in trouble because I am certain that the value of some of those cakes was in excess of $20.

I was in Ocala, FL, on Sunday. They gave me a very nice piece of artistic work from wood. I do not know the value of it. The artist is not well known but well known in that part of Florida. Are we to say we cannot take that? There was not any lobbying group there. There were about 400 people there. For some reason they were happy I was there, and they gave me this gift.

I believe that the thing we want to make certain of is that we do not go over the cliff here. I know there are 23 exemptions, as I understand it, for "nonlobbyists." But I would hope my friend from Kentucky, who is present on the floor, would make certain, in our effort to make certain we are all simon pure, that we do not unintentionally involve one of our colleagues in some difficulty down the road if somebody in an election year, particularly if somebody did not register this birthday cake, they did not register this or that. I think it is easy to go to the extreme.

If you do not have any friends they do not give you any gifts, and you do not have any problem. But most of us have friends, and they are good people. They are people from our home State, and people from other States which we visit.

I am talking about minimal gifts, not anything of any great substance.

If we can work out a bipartisan agreement, then obviously we will take it up tomorrow. If not, we may delay it for a while because we want to start on the State Department authorization bill. Hopefully, we can finish that in 2 or 3 days. That would still leave DOD authorization and appropriations, also foreign operations, welfare reform bill, four appropriations bills, the Ryan White bill, and a few other things before we recess for August.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Without objection, the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANTORUM. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. ASHCROFT). Without objection, it is so ordered.

LOBBYING DISCLOSURE ACT OF 1995

The Senate continued with the consideration of the bill.

VOTE ON AMENDMENT NO. 1846

The PRESIDING OFFICER. Under the previous order, the Senate now resumes deliberation of amendment 1846, offered by the Senator from New Jersey, Senator LAUTENBERG.

The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Florida [Mr. GRAHAM] is necessarily absent.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 72, nays 26, as follows:

[Rollcall Vote No. 327 Leg.]

YEAS—72

Abraham
Akaka
Baucus
Biden
Bingaman
Boxer
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Cohen
Conrad
D'Amato
Daschle
DeWine
Dodd
Domenici
Dorgan
Exon
Feingold
Feinstein
Frist
Glenn
Grassley
Gregg
Harkin
Hatfield
Heflin
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Kassebaum
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Levin
Lieberman
Lugar
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nunn
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Thomas
Thompson
Warner
Wellstone

NAYS—26

Ashcroft
Bond
Brown
Coats
Cochran
Coverdell
Craig
Dole
Faircloth
Ford
Gorton
Gramm
Grams
Hatch
Helms
Johnston
Kempthorne
Leahy
Lott
Mack
Nickles
Packwood
Roth
Specter
Stevens
Thurmond

NOT VOTING—2

Bennett
Graham

So the amendment (No. 1846) was agreed to.

Mr. LEVIN. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MCCONNELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

LOBBYING REFORM

Mr. DOLE. Mr. President, earlier this year, Congress took an important step forward in reforming the way we conduct the Nation's business by passing congressional coverage legislation. Now, we will think twice before imposing new regulatory burdens on the private sector because these burdens will be imposed on Congress, too.

Today, we will pass another key element of the reform agenda—lobbying reform.

Unlike last year's bill, this legislation strikes the right balance: it tightens up the registration and disclosure requirements for the Washington-based lobbyists, without infringing upon the rights of ordinary citizens at the grassroots to petition their Government. This was the main bone of contention during last year's debate, and I believe we have resolved our disagreements.

While I was hopeful that we could have made a number of additional changes, including codifying President Clinton's executive order which imposes a 5-year ban on postemployment lobbying by executive branch officials, I am nonetheless pleased that the bill includes my amendment restricting the postemployment activities of our Nation's top trade negotiators.

This amendment will prohibit anyone who has served as U.S. Trade Representative or Deputy U.S. Trade Representative, from ever representing, aiding, or advising any foreign government, foreign political party, or foreign business entity with the intent to influence a decision of any officer or employee of an executive agency.

Current law prohibits the U.S. Trade Representative from aiding or advising a foreign entity for a period of 3 years after his service has ended. My amendment transforms this 3-year ban into a lifetime ban and applies the ban to the Deputy Trade Representative as well.

The real problem here is one of appearance—the appearance of a revolving door between government service and private-sector enrichment. This appearance problem becomes all the more acute when former high Government officials work on behalf of foreign interests.

Service as a high Government official is a privilege, not a right. This amendment may discourage some individuals from accepting the U.S.T.R. job, but in my view, this is a small price to pay when the confidence of the American people is at stake.

Finally, Mr. President, I want to congratulate my distinguished colleagues, Senators LEVIN, COHEN, MCCONNELL, and LOTT, for all the hard work they have put into this effort.

I know they have been working a number of days—in fact weeks—in trying to come to some agreement. And because of their efforts, and because of the their willingness on a give-and-take proposition, I believe they have crafted a very clear and a very sensible bill. And it should go a long way toward helping restore the trust of the American people in their elected representatives.

I think the vote yesterday reflects broad support. The vote for the McConnell-Levin substitute was 98 to 0. There were two Senators absent, or it would have been 100 to 0. And I predict the vote today will probably be unanimous. Every Senator present will vote in favor of it.

So, again I congratulate my colleague from Kentucky, Senator MCCONNELL, Senator LEVIN from Michigan, Senator LOTT, who more or less had the responsibility for moving this bill along for the past several weeks and working with different groups; and, of course, Senator COHEN who was the principal author of the bill last year and again worked hard this year.

Mr. FEINGOLD. Mr. President, let me take just a few brief moments to commend the Senator from Michigan, Senator LEVIN, and the Senator from Maine, Senator COHEN, for their tireless work on trying to plug the gaping holes that exist in our current lobbying disclosure laws.

Like the gift ban legislation that the Senate will soon be turning to, the Lobbying Disclosure Act has traveled a long and winding road. S. 349, the original lobbying disclosure bill, passed the Senate in 1993 by a margin of 95 to 2.

Unfortunately, that legislation fell victim to a filibuster near the end of the 103d Congress when some last-minute concerns were raised that the bill might infringe on the lobbying activities of grassroots and religious organizations.

Though the Senator from Michigan, Senator LEVIN, has made clear that that bill would have had no such effects, I think it is to his credit that he has addressed those concerns in the underlying legislation, and made perfectly clear that it is neither the intent nor the practical effect of the bill to restrict such grassroots lobbying in any way.

The effort of the Levin-Cohen legislation to shed some much-needed light on the activities of Washington's paid lobbyists is long overdue, and together with a strong gift ban bill will make dramatic progress toward lessening the degree of influence that the special interests have here in Washington.

The Levin-Cohen bill, which I am an original cosponsor of, does not ban lobbying or restrict the rights of individuals to petition their Government in any way. It is simply a disclosure bill. It states that if you spend a certain percentage of time lobbying or spend x number of dollars on lobbying activities, you must disclose certain types of information about what legislators you are lobbying and the issues raised.

The bill would require paid, professional lobbyists to disclose essential information, such as who they are lobbying, who they are representing and what issues they are lobbying on.

The Levin-Cohen bill would also simplify and streamline the reporting process by allowing a single registration by each organization that employs professional lobbyists. This will dramatically cut down on the unnecessary and burdensome paperwork that has become associated with our current inadequate registration laws.

As I said, Mr. President, this legislation is long overdue. Our constituents are entitled to know who is lobbying us, who they represent, how much they are spending to lobby us, and what issues they are trying to influence us on.

The Senator from Michigan, Senator LEVIN, has probably illustrated how the current lobbying disclosure laws are riddled with holes and inefficiencies, and have resulted in only a fraction of the Washington lobbyists actually registering under the current laws. In short, the public is essentially in the dark as to the kinds of back room lobbying and deal cutting that has unfortunately become a large part of the legislative process.

I am pleased that this body is apparently going to overwhelmingly approve this bill. I have said before that many of these reform issues can be done and should be done on a bipartisan basis. I have joined with the senior Senator from Arizona on a number of issues, ranging from campaign finance reform to revolving door lobbying reform to gift reform, and I hope that the bipartisan cooperation that was so effective in producing this strong lobbying disclosure bill can be extended to make progress and the many other areas of our legislative process that have cried out for reform in recent years.

Again, I compliment the two sides for their willingness to get together, compromise and produce a bipartisan bill that preserves the tough disclosure requirements in the original Levin-Cohen bill while ensuring that the reporting provisions in this bill are not overly burdensome to those who are going to be complying with the new requirements. I look forward to a resounding vote on this legislation and I yield the floor.

AMENDMENT NO. 1847

(Purpose: To make technical corrections to lobby reform bill)

Mr. LEVIN. Mr. President, I now send to the desk a managers' amendment in behalf of myself and Senator MCCONNELL. This amendment clears up two provisions in the bill in order to make the wording more understandable. The first part of amendment is the request of the Finance Committee to clarify the language in the bill which avoids double bookkeeping. The second part of the amendment restructures the amendment of Senator BROWN on the disclosure of income and assets to make it conform to the structure of the Ethics in Government Act.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Michigan [Mr. LEVIN], for himself and Mr. MCCONNELL, proposes an amendment numbered 1847.

Mr. LEVIN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the page 57 of the bill, at line 13, strike "required to account for lobbying expenditures and does account for lobbying expenditures pursuant" and insert: "subject".

At the appropriate place in the bill, insert the following:

SEC. . DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) INCOME.—Section 102(a)(1)(B) of the Ethics in Government Act of 1978 is amended—

(1) in clause (vii) by striking "or"; and

(2) by striking clause (viii) and inserting the following:

"(viii) greater than $1,000,000 but not more than $5,000,000, or

"(ix) greater than $5,000,000.".

(b) ASSETS AND LIABILITIES.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended—

(1) in subparagraph (F) by striking "and"; and

(2) by striking subparagraph (G) and inserting the following:

"(G) greater than $1,000,000 but not more than $5,000,000;

"(H) greater than $5,000,000 but not more than $25,000,000;

"(I) greater than $25,000,000 but not more than $50,000,000; and

"(J) greater than $50,000,000.".

"(c) EXCEPTION.—Section 102(e)(1) of the Ethics in Government Act of 1978 is amended by adding after subparagraph (E) the following:

"(F) For purposes of this section, categories with amounts or values greater than $1,000,000 set froth in section 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.".

The PRESIDING OFFICER. There are 5 minutes equally divided on the amendment.

Mr. LEVIN. Mr. President, let me simply say lobbying reform is one of the three pillars of political reform. Gifts and campaign finance reform are the other two.

For 50 years we have tried to reform lobby disclosure laws. Last year we almost made it. This year we are back on the road. I hope that the House will quickly adopt what we pass here, hopefully this afternoon.

I want to thank Senator COHEN and Senator GLENN and all Senators on both sides who have been helpful—Senator LOTT, Senator McCONNELL—and Senator DASCHLE, who has stood with political reform with great constancy throughout his determination that we take up political reform issues, is one of the driving forces behind these efforts. I particularly want to thank him as well. But I think we are back on the road when it comes to political reform. I am glad that we did it on a bipartisan basis.

I yield the floor.

Mr. McCONNELL. Mr. President, let me just say briefly that this is now a good bill. It will not keep citizens from exercising their rights to petition the Congress. We were able through bipartisan compromise to work out something which I think everybody can proudly vote for.

I particularly want to thank Melissa Patack of my staff, and Alison Carroll of Senator LOTT's staff for the good work they have done on this and helping us get to this particular place.

Mr. LEVIN. Mr. President, in addition to the two staffers that Senator McCONNELL mentioned that deserve plaudits, indeed, let me thank particularly Jim Weber of Senator DASCHLE's staff, Kennie Gill of Senator FORD's staff, and my two staffers who are really extraordinary, Linda Gustitis and Peter Levine. They have carried this and guided this for many years. And a special thanks to Senator FORD whose guidance has been so helpful and whose wisdom has been so constant throughout this effort.

The PRESIDING OFFICER. Do the managers yield back their remaining time?

Mr. LEVIN. I yield back the time.

Mr. McCONNELL. I yield back the remaining time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 1847.

The amendment (No. 1847) was agreed to.

Mr. McCONNELL. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, shall the bill pass? On this question the yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from Florida [Mr. GRAHAM] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 328 Leg.]

YEAS—98

Abraham
Akaka
Ashcroft
Baucus
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simon
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—2

Bennett
Graham

So the bill (S. 1060), as amended, was passed, as follows:

S. 1060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lobbying Disclosure Act of 1995".

SEC. 2. FINDINGS.

The Congress finds that—

(1) responsible representative Government requires public awareness of the efforts of paid lobbyists to influence the public decisionmaking process in both the legislative and executive branches of the Federal Government;

(2) existing lobbying disclosure statutes have been ineffective because of unclear statutory language, weak administrative and enforcement provisions, and an absence of clear guidance as to who is required to register and what they are required to disclose; and

(3) the effective public disclosure of the identity and extent of the efforts of paid lobbyists to influence Federal officials in the conduct of Government actions will increase public confidence in the integrity of Government.

SEC. 3. DEFINITIONS.

As used in this Act:

(1) AGENCY.—The term "agency" has the meaning given that term in section 551(1) of title 5, United States Code.

(2) CLIENT.—The term "client" means any person or entity that employs or retains another person for financial or other compensation to conduct lobbying activities on behalf of that person or entity. A person or entity whose employees act as lobbyists on its own behalf is both a client and an employer of such employees. In the case of a coalition or association that employs or retains other persons to conduct lobbying activities, the client is the coalition or association and not its individual members.

(3) COVERED EXECUTIVE BRANCH OFFICIAL.—The term "covered executive branch official" means—

(A) the President;

(B) the Vice President;

(C) any officer or employee, or any other individual functioning in the capacity of such an officer or employee, in the Executive Office of the President;

(D) any officer or employee serving in a position in level I, II, III, IV, or V of the Executive Schedule, as designated by statute or Executive order;

(E) any member of the uniformed services whose pay grade is at or above O–7 under section 201 of title 37, United States Code; and

(F) any officer or employee serving in a position of a confidential, policy-determining, policy-making, or policy-advocating character described in section 7511(b)(2) of title 5, United States Code.

(4) COVERED LEGISLATIVE BRANCH OFFICIAL.—The term "covered legislative branch official" means—

(A) a Member of Congress;

(B) an elected officer of either House of Congress;

(C) any employee of, or any other individual functioning in the capacity of an employee of—

(i) a Member of Congress;

(ii) a committee of either House of Congress;

(iii) the leadership staff of the House of Representatives or the leadership staff of the Senate;

(iv) a joint committee of Congress; and

(v) a working group or caucus organized to provide legislative services or other assistance to Members of Congress; and

(D) any other legislative branch employee serving in a position described under section 109(13) of the Ethics in Government Act of 1978 (5 U.S.C. App.).

(5) EMPLOYEE.—The term "employee" means any individual who is an officer, employee, partner, director, or proprietor of a person or entity, but does not include—

(A) independent contractors; or

(B) volunteers who receive no financial or other compensation from the person or entity for their services.

(6) FOREIGN ENTITY.—The term "foreign entity" means a foreign principal (as defined in section 1(b) of the Foreign Agents Registration Act of 1938 (22 U.S.C. 611(b)).

(7) LOBBYING ACTIVITIES.—The term "lobbying activities" means lobbying contacts and efforts in support of such contacts, including preparation and planning activities, research and other background work that is intended, at the time it is performed, for use in contacts, and coordination with the lobbying activities of others.

(8) LOBBYING CONTACT.—

(A) DEFINITION.—The term "lobbying contact" means any oral or written communication (including an electronic communication) to a covered executive branch official or a covered legislative branch official that is made on behalf of a client with regard to—

(i) the formulation, modification, or adoption of Federal legislation (including legislative proposals);

(ii) the formulation, modification, or adoption of a Federal rule, regulation, Executive order, or any other program, policy, or position of the United States Government;

(iii) the administration or execution of a Federal program or policy (including the negotiation, award, or administration of a Federal contract, grant, loan, permit, or license); or

(iv) the nomination or confirmation of a person for a position subject to confirmation by the Senate.

(B) EXCEPTIONS.—The term "lobbying contact" does not include a communication that is—

(i) made by a public official acting in the public official's official capacity;

(ii) made by a representative of a media organization if the purpose of the communication is gathering and disseminating news and information to the public;

(iii) made in a speech, article, publication or other material that is distributed and made available to the public, or through radio, television, cable television, or other medium of mass communication;

(iv) made on behalf of a government of a foreign country or a foreign political party and disclosed under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);

(v) a request for a meeting, a request for the status of an action, or any other similar administrative request, if the request does not include an attempt to influence a covered executive branch official or a covered legislative branch official;

(vi) made in the course of participation in an advisory committee subject to the Federal Advisory Committee Act;

(vii) testimony given before a committee, subcommittee, or task force of the Congress, or submitted for inclusion in the public record of a hearing conducted by such committee, subcommittee, or task force;

(viii) information provided in writing in response to an oral or written request by a covered executive branch official or a covered legislative branch official for specific information;

(ix) required by subpoena, civil investigative demand, or otherwise compelled by statute, regulation, or other action of the Congress or an agency;

(x) made in response to a notice in the Federal Register, Commerce Business Daily, or other similar publication soliciting communications from the public and directed to the agency official specifically designated in the notice to receive such communications;

(xi) not possible to report without disclosing information, the unauthorized disclosure of which is prohibited by law;

(xii) made to an official in an agency with regard to—

(I) a judicial proceeding or a criminal or civil law enforcement inquiry, investigation, or proceeding; or

(II) a filing or proceeding that the Government is specifically required by statute or regulation to maintain or conduct on a confidential basis,

if that agency is charged with responsibility for such proceeding, inquiry, investigation, or filing;

(xiii) made in compliance with written agency procedures regarding an adjudication conducted by the agency under section 554 of title 5, United States Code, or substantially similar provisions;

(xiv) a written comment filed in the course of a public proceeding or any other communication that is made on the record in a public proceeding;

(xv) a petition for agency action made in writing and required to be a matter of public record pursuant to established agency procedures;

(xvi) made on behalf of an individual with regard to that individual's benefits, employment, or other personal matters involving only that individual, except that this clause does not apply to any communication with—

(I) a covered executive branch official, or

(II) a covered legislative branch official (other than the individual's elected Members of Congress or employees who work under such Members' direct supervision),

with respect to the formulation, modification, or adoption of private legislation for the relief of that individual;

(xvii) a disclosure by an individual that is protected under the amendments made by the Whistleblower Protection Act of 1989, under the Inspector General Act of 1978, or under another provision of law;

(xviii) made by—

(I) a church, its integrated auxiliary, or a convention or association of churches that is exempt from filing a Federal income tax return under paragraph 2(A)(i) of section 6033(a) of the Internal Revenue Code of 1986, or

(II) a religious order that is exempt from filing a Federal income tax return under paragraph (2)(A)(iii) of such section 6033(a); and

(xix) between—

(I) officials of a self-regulatory organization (as defined in section 3(a)(26) of the Securities Exchange Act) that is registered with or established by the Securities and Exchange Commission as required by that Act or a similar organization that is designated by or registered with the Commodities Future Trading Commission as provided under the Commodity Exchange Act; and

(II) the Securities and Exchange Commission or the Commodities Future Trading Commission, respectively;

relating to the regulatory responsibilities of such organization under that Act.

(9) LOBBYING FIRM.—The term "lobbying firm" means a person or entity that has 1 or more employees who are lobbyists on behalf of a client other than that person or entity. The term also includes a self-employed individual who is a lobbyist.

(10) LOBBYIST.—The term "lobbyist" means any individual who is employed or retained by a client for financial or other compensation for services that include more than one lobbying contact, other than an individual whose lobbying activities constitute less than 20 percent of the time engaged in the services provided by such individual to that client over a six month period.

(11) MEDIA ORGANIZATION.—The term "media organization" means a person or entity engaged in disseminating information to the general public through a newspaper, magazine, other publication, radio, television, cable television, or other medium of mass communication.

(12) MEMBER OF CONGRESS.—The term "Member of Congress" means a Senator or a Representative in, or Delegate or Resident Commissioner to, the Congress.

(13) ORGANIZATION.—The term "organization" means a person or entity other than an individual.

(14) PERSON OR ENTITY.—The term "person or entity" means any individual, corporation, company, foundation, association, labor organization, firm, partnership, society, joint stock company, group of organizations, or State or local government.

(15) PUBLIC OFFICIAL.—The term "public official" means any elected official, appointed official, or employee of—

(A) a Federal, State, or local unit of government in the United States other than—

(i) a college or university;

(ii) a government-sponsored enterprise (as defined in section 3(8) of the Congressional Budget and Impoundment Control Act of 1974);

(iii) a public utility that provides gas, electricity, water, or communications;

(iv) a guaranty agency (as defined in section 435(j) of the Higher Education Act of 1965 (20 U.S.C. 1085(j))), including any affiliate of such an agency; or

(v) an agency of any State functioning as a student loan secondary market pursuant to section 435(d)(1)(F) of the Higher Education Act of 1965 (20 U.S.C. 1085(d)(1)(F));

(B) a Government corporation (as defined in section 9101 of title 31, United States Code);

(C) an organization of State or local elected or appointed officials other than officials of an entity described in clause (i), (ii), (iii), (iv), or (v) of subparagraph (A);

(D) an Indian tribe (as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e));

(E) a national or State political party or any organizational unit thereof; or

(F) a national, regional, or local unit of any foreign government.

(16) STATE.—The term "State" means each of the several States, the District of Columbia, and any commonwealth, territory, or possession of the United States.

SEC. 4. REGISTRATION OF LOBBYISTS.

(a) REGISTRATION.—

(1) GENERAL RULE.—No later than 45 days after a lobbyist first makes a lobbying contact or is employed or retained to make a lobbying contact, whichever is earlier, such lobbyist (or, as provided under paragraph (2), the organization employing such lobbyist), shall register with the Secretary of the Senate and the Clerk of the House of Representatives.

(2) EMPLOYER FILING.—Any organization that has 1 or more employees who are lobbyists shall file a single registration under this section on behalf of such employees for each client on whose behalf the employees act as lobbyists.

(3) EXEMPTION.—

(A) GENERAL RULE.—Notwithstanding paragraphs (1) and (2), a person or entity whose—

(i) total income for matters related to lobbying activities on behalf of a particular client (in the case of a lobbying firm) does not exceed and is not expected to exceed $5,000; or

(ii) total expenses in connection with lobbying activities (in the case of an organization whose employees engage in lobbying activities on its own behalf) do not exceed or are not expected to exceed $20,000,

(as estimated under section 5) in the semiannual period described in section 5(a) during which the registration would be made is not required to register under subsection (a) with respect to such client.

(B) ADJUSTMENT.—The dollar amounts in subparagraph (A) shall be adjusted—

(i) on January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) since the date of enactment of this Act; and

(ii) on January 1 of each fourth year occurring after January 1, 1997, to reflect changes in the Consumer Price Index (as determined by the Secretary of Labor) during the preceding 4-year period,

rounded to the nearest $500.

(b) CONTENTS OF REGISTRATION.—Each registration under this section shall contain—

(1) the name, address, business telephone number, and principal place of business of the registrant, and a general description of its business or activities;

(2) the name, address, and principal place of business of the registrant's client, and a general description of its business or activities (if different from paragraph (1));

(3) the name, address, and principal place of business of any organization, other than the client, that—

(A) contributes more than $10,000 toward the lobbying activities of the registrant in a semiannual period described in section 5(a); and

(B) in whole or in major part plans, supervises, or controls such lobbying activities.

(4) the name, address, principal place of business, amount of any contribution of more than $10,000 to the lobbying activities of the registrant, and approximate percentage of equitable ownership in the client (if any) of any foreign entity that—

(A) holds at least 20 percent equitable ownership in the client or any organization identified under paragraph (3);

(B) directly or indirectly, in whole or in major part, plans, supervises, controls, directs, finances, or subsidizes the activities of the client or any organization identified under paragraph (3); or

(C) is an affiliate of the client or any organization identified under paragraph (3) and has a direct interest in the outcome of the lobbying activity;

(5) a statement of—

(A) the general issue areas in which the registrant expects to engage in lobbying activities on behalf of the client; and

(B) to the extent practicable, specific issues that have (as of the date of the registration) already been addressed or are likely to be addressed in lobbying activities; and

(6) the name of each employee of the registrant who has acted or whom the registrant expects to act as a lobbyist on behalf of the client and, if any such employee has served as a covered executive branch official or a covered legislative branch official in the 2 years before the date on which such employee first acted (after the date of enactment of this Act) as a lobbyist on behalf of the client, the position in which such employee served.

(c) GUIDELINES FOR REGISTRATION.—

(1) MULTIPLE CLIENTS.—In the case of a registrant making lobbying contacts on behalf of more than 1 client, a separate registration under this section shall be filed for each such client.

(2) MULTIPLE CONTACTS.—A registrant who makes more than 1 lobbying contact for the same client shall file a single registration covering all such lobbying contacts.

(d) TERMINATION OF REGISTRATION.—A registrant who after registration—

(1) is no longer employed or retained by a client to conduct lobbying activities, and

(2) does not anticipate any additional lobbying activities for such client,

may so notify the Secretary of the Senate and the Clerk of the House of Representatives and terminate its registration.

SEC. 5. REPORTS BY REGISTERED LOBBYISTS.

(a) SEMIANNUAL REPORT.—No later than 45 days after the end of the semiannual period beginning on the first day of each January and the first day of July of each year in which a registrant is registered under section 4, each registrant shall file a report with the Secretary of the Senate and the Clerk of the House of Representatives on its lobbying activities during such semiannual period. A separate report shall be filed for each client of the registrant.

(b) CONTENTS OF REPORT.—Each semiannual report filed under subsection (a) shall contain—

(1) the name of the registrant, the name of the client, and any changes or updates to the information provided in the initial registration;

(2) for each general issue area in which the registrant engaged in lobbying activities on behalf of the client during the semiannual filing period—

(A) a list of the specific issues upon which a lobbyist employed by the registrant engaged in lobbying activities, including, to the maximum extent practicable, a list of bill numbers and references to specific executive branch actions;

(B) a statement of the Houses of Congress and the Federal agencies contacted by lobbyists employed by the registrant on behalf of the client;

(C) a list of the employees of the registrant who acted as lobbyists on behalf of the client; and

(D) a description of the interest, if any, of any foreign entity identified under section 4(b)(4) in the specific issues listed under subparagraph (A).

(3) in the case of a lobbying firm, a good faith estimate of the total amount of all income from the client (including any payments to the registrant by any other person for lobbying activities on behalf of the client) during the semiannual period, other than income for matters that are unrelated to lobbying activities; and

(4) in the case of a registrant engaged in lobbying activities on its own behalf, a good faith estimate of the total expenses that the registrant and its employees incurred in connection with lobbying activities during the semiannual filing period.

(c) ESTIMATES OF INCOME OR EXPENSES.—For purposes of this section, estimates of income or expenses shall be made as follows:

(1) Estimates of amounts in excess of $10,000 shall be rounded to the nearest $20,000.

(2) In the event income or expenses do not exceed $10,000, the registrant shall include a statement that income or expenses totaled less than $10,000 for the reporting period.

(3) A registrant that reports lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may satisfy the requirement to report income or expenses by filing with the Secretary of the Senate and the Clerk of the House of Representatives a copy of the form filed in accordance with section 6033(b)(8).

SEC. 6. DISCLOSURE AND ENFORCEMENT.

The Secretary of the Senate and the Clerk of the House of Representatives shall—

(1) provide guidance and assistance on the registration and reporting requirements of this Act and develop common standards, rules, and procedures for compliance with this Act;

(2) review, and, where necessary, verify and inquire to ensure the accuracy, completeness, and timeliness of registration and reports;

(3) develop filing, coding, and cross-indexing systems to carry out the purpose of this Act, including—

(A) a publicly available list of all registered lobbyists, lobbying firms, and their clients; and

(B) computerized systems designed to minimize the burden of filing and maximize public access to materials filed under this Act;

(4) make available for public inspection and copying at reasonable times the registrations and reports filed under this Act;

(5) retain registrations for a period of at least 6 years after they are terminated and reports for a period of at least 6 years after they are filed;

(6) compile and summarize, with respect to each semiannual period, the information contained in registrations and reports filed with respect to such period in a clear and complete manner;

(7) notify any lobbyist or lobbying firm in writing that may be in noncompliance with this Act; and

(8) notify the United States Attorney for the District of Columbia that a lobbyist or lobbying firm may be in noncompliance with this Act, if the registrant has been notified in writing and has failed to provide an appropriate response within 60 days after notice was given under paragraph (6).

SEC. 7. PENALTIES.

Whoever knowingly fails to—

(1) remedy a defective filing within 60 days after notice of such a defect by the Secretary of the Senate or the Clerk of the House of Representatives; or

(2) comply with any other provision of this Act; shall, upon proof of such knowing violation by a preponderance of the evidence, be subject to a civil fine of not more than $50,000, depending on the extent and gravity of the violation.

SEC. 8. RULES OF CONSTRUCTION.

(a) Constitutional Rights.—Nothing in this Act shall be construed to prohibit or interfere with—

(1) the right to petition the government for the redress of grievances;

(2) the right to express a personal opinion; or

(3) the right of association,

protected by the first amendment to the Constitution.

(b) Prohibition of Activities.—Nothing in this Act shall be construed to prohibit, or to authorize any court to prohibit, lobbying activities or lobbying contacts by any person or entity, regardless of whether such person or entity is in compliance with the requirements of this Act.

(c) Audit and Investigations.—Nothing in this Act shall be construed to grant general audit or investigative authority to the Secretary of the Senate or the Clerk of the House of Representatives.

SEC. 9. AMENDMENTS TO THE FOREIGN AGENTS REGISTRATION ACT.

The Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.) is amended—

(1) in section 1—

(A) by striking subsection (j);

(B) in subsection (o) by striking "the dissemination of political propaganda and any other activity which the person engaging therein believes will, or which he intends to, prevail upon, indoctrinate, convert, induce, persuade, or in any other way influence" and inserting "any activity that the person engaging in believes will, or that the person intends to, in any way influence";

(C) in subsection (p) by striking the semicolon and inserting a period; and

(D) by striking subsection (q);

(2) in section 3(g) (22 U.S.C. 613(g)), by striking "established agency proceedings, whether formal or informal." and inserting "judicial proceedings, criminal or civil law enforcement inquiries, investigations, or proceedings, or agency proceedings required by statute or regulation to be conducted on the record.";

(3) in section 3 (22 U.S.C. 613) by adding at the end the following:

"(h) Any agent of a person described in section 1(b)(2) or an entity described in section 1(b)(3) if the agent is required to register and does register under the Lobbying Disclosure Act of 1995 in connection with the agent's representation of such person or entity.";

(4) in section 4(a) (22 U.S.C. 614(a))—

(A) by striking "political propaganda" and inserting "informational materials"; and

(B) by striking "and a statement, duly signed by or on behalf of such an agent, setting forth full information as to the places, times, and extent of such transmittal";

(5) in section 4(b) (22 U.S.C. 614(b))—

(A) in the matter preceding clause (i), by striking "political propaganda" and inserting "informational materials"; and

(B) by striking "(i) in the form of prints, or" and all that follows through the end of the subsection and inserting "without placing in such informational materials a conspicuous statement that the materials are distributed by the agent on behalf of the foreign principal, and that additional information is on file with the Department of Justice, Washington, District of Columbia. The Attorney General may by rule define what constitutes a conspicuous statement for the purposes of this subsection.";

(6) in section 4(c) (22 U.S.C. 614(c)), by striking "political propaganda" and inserting "informational materials";

(7) in section 6 (22 U.S.C. 616)—

(A) in subsection (a) by striking "and all statements concerning the distribution of political propaganda";

(B) in subsection (b) by striking ", and one copy of every item of political propaganda"; and

(C) in subsection (c) by striking "copies of political propaganda,";

(8) in section 8 (22 U.S.C. 618)—

(A) in subsection (a)(2) by striking "or in any statement under section 4(a) hereof concerning the distribution of political propaganda"; and

(B) by striking subsection (d); and

(9) in section 11 (22 U.S.C. 621) by striking ", including the nature, sources, and content of political propaganda disseminated or distributed".

SEC. 10. AMENDMENTS TO THE BYRD AMENDMENT.

(a) Revised Certification Requirements.—Section 1352(b) of title 31, United States Code, is amended—

(1) in paragraph (2) by striking subparagraphs (A), (B), and (C) and inserting the following:

"(A) the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on behalf of the person with respect to that Federal contract, grant, loan, or cooperative agreement; and

"(B) a certification that the person making the declaration has not made, and will not make, any payment prohibited by subsection (a).";

(2) in paragraph (3) by striking all that follows "loan shall contain" and inserting "the name of any registrant under the Lobbying Disclosure Act of 1995 who has made lobbying contacts on behalf of the person in connection with that loan insurance or guarantee."; and

(3) by striking paragraph (6) and redesignating paragraph (7) as paragraph (6).

(b) Removal of Obsolete Reporting Requirement.—Section 1352 of title 31, United States Code, is further amended—

(1) by striking subsection (d); and

(2) by redesignating subsections (e), (f), (g), and (h) as subsections (d), (e), (f), and (g), respectively.

SEC. 11. REPEAL OF CERTAIN LOBBYING PROVISIONS.

(a) Repeal of the Federal Regulation of Lobbying Act.—The Federal Regulation of Lobbying Act (2 U.S.C. 261 et seq.) is repealed.

(b) Repeal of Provisions Relating to Housing Lobbyist Activities.—

(1) Section 13 of the Department of Housing and Urban Development Act (42 U.S.C. 3537b) is repealed.

(2) Section 536(d) of the Housing Act of 1949 (42 U.S.C. 1490p(d)) is repealed.

SEC. 12. CONFORMING AMENDMENTS TO OTHER STATUTES.

(a) Amendment to Competitiveness Policy Council Act.—Section 5206(e) of the Competitiveness Policy Council Act (15 U.S.C. 4804(e)) is amended by inserting "or a lobbyist for a foreign entity (as the terms 'lobbyist' and 'foreign entity' are defined under section 3 of the Lobbying Disclosure Act of 1995)" after "an agent for a foreign principal".

(b) Amendments to Title 18, United States Code.—Section 219(a) of title 18, United States Code, is amended—

(1) by inserting "or a lobbyist required to register under the Lobbying Disclosure Act of 1995 in connection with the representation of a foreign entity, as defined in section 3(7) of that Act" after "an agent of a foreign principal required to register under the Foreign Agents Registration Act of 1938"; and

(2) by striking out ", as amended,".

(c) Amendment to Foreign Service Act of 1980.—Section 602(c) of the Foreign Service Act of 1980 (22 U.S.C. 4002(c)) is amended by inserting "or a lobbyist for a foreign entity (as defined in section 3(7) of the Lobbying Disclosure Act of 1995)" after "an agent of a foreign principal (as defined by section 1(b) of the Foreign Agents Registration Act of 1938)".

SEC. 13. SEVERABILITY.

If any provision of this Act, or the application thereof, is held invalid, the validity of the remainder of this Act and the application of such provision to other persons and circumstances shall not be affected thereby.

SEC. 14. IDENTIFICATION OF CLIENTS AND COVERED OFFICIALS.

(a) Oral Lobbying Contacts.—Any person or entity that makes an oral lobbying contact with a covered legislative branch official or a covered executive branch official shall, on the request of the official at the time of the lobbying contact—

(1) state whether the person or entity is registered under this Act and identify the client on whose behalf the lobbying contact is made; and

(2) state whether such client is a foreign entity and identify any foreign entity required to be disclosed under section 4(b)(4) that has a direct interest in the outcome of the lobbying activity.

(b) Written Lobbying Contacts.—Any person or entity registered under this Act that makes a written lobbying contact (including an electronic communication) with a covered legislative branch official or a covered executive branch official shall—

(1) if the client on whose behalf the lobbying contact was made is a foreign entity, identify such client, state that the client is considered a foreign entity under this Act, and state whether the person making the lobbying contact is registered on behalf of that client under section 4; and

(2) identify any other foreign entity identified pursuant to section 4(b)(4) that has a direct interest in the outcome of the lobbying activity.

(c) Identification as Covered Official.—Upon request by a person or entity making a lobbying contact, the individual who is contacted or the office employing that individual shall indicate whether or not the individual is a covered legislative branch official or a covered executive branch official.

SEC. 15. ESTIMATES BASED ON TAX REPORTING SYSTEM.

(a) Entities Covered by Section 6033(b) of the Internal Revenue Code of 1986.—A registrant that is required to report and does report lobbying expenditures pursuant to section 6033(b)(8) of the Internal Revenue Code of 1986 may—

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would be required to be disclosed under such section for the appropriate semiannual period to meet the requirements of sections 4(a)(3), 5(a)(2), and 5(b)(4); and

(2) in lieu of using the definition of "lobbying activities" in section 3(8) of this Act, consider as lobbying activities only those activities that are influencing legislation as defined in section 4911(d) of the Internal Revenue Code of 1986.

(b) Entities Covered by Section 162(e) of the Internal Revenue Code of 1986.—A registrant that is subject to section 162(e) of the Internal Revenue Code of 1986 may—

(1) make a good faith estimate (by category of dollar value) of applicable amounts that would not be deductible pursuant to

such section for the appropriate semiannual period to meet the requirements of sections 4(a)(3), 5(a)(2), and 5(b)(4); and

(2) in lieu of using the definition of "lobbying activities" in section 3(8) of this Act, consider as lobbying activities only those activities, the costs of which are not deductible pursuant to section 162(e) of the Internal Revenue Code of 1986.

(c) DISCLOSURE OF ESTIMATE.—Any registrant that elects to make estimates required by this Act under the procedures authorized by subsection (a) or (b) for reporting or threshold purposes shall—

(1) inform the Secretary of the Senate and the Clerk of the House of Representatives that the registrant has elected to make its estimates under such procedures; and

(2) make all such estimates, in a given calendar year, under such procedures.

(d) STUDY.—Not later than March 31, 1997, the Comptroller General of the United States shall review reporting by registrants under subsections (a) and (b) and report to the Congress—

(1) the differences between the definition of "lobbying activities" in section 3(8) and the definitions of "lobbying expenditures", "influencing legislation", and related terms in sections 162(e) and 4911 of the Internal Revenue Code of 1986, as each are implemented by regulations;

(2) the impact that any such differences may have on filing and reporting under this Act pursuant to this subsection; and

(3) any changes to this Act or to the appropriate sections of the Internal Revenue Code of 1986 that the Comptroller General may recommend to harmonize the definitions.

SEC. 16. REPEAL OF THE RAMSPECK ACT.

(a) REPEAL.—Subsection (c) of section 3304 of title 5, United States Code, is repealed.

(b) REDESIGNATION.—Subsection (d) of section 3304 of title 5, United States Code, is redesignated as subsection (c).

(c) EFFECTIVE DATE.—The repeal and amendment made by this section shall take effect 2 years after the date of the enactment of this Act.

SEC. 17. EXCEPTED SERVICE AND OTHER EXPERIENCE CONSIDERATIONS FOR COMPETITIVE SERVICE APPOINTMENTS.

(a) IN GENERAL.—Section 3304 of title 5, United States Code (as amended by section 2 of this Act) is further amended by adding at the end thereof the following new subsection:

"(d) The Office of Personnel Management shall promulgate regulations on the manner and extent that experience of an individual in a position other than the competitive service, such as the excepted service (as defined under section 2103) in the legislative or judicial branch, or in any private or nonprofit enterprise, may be considered in making appointments to a position in the competitive service (as defined under section 2102). In promulgating such regulations OPM shall not grant any preference based on the fact of service in the legislative or judicial branch. The regulations shall be consistent with the principles of equitable competition and merit based appointments.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect 2 years after the date of the enactment of this Act, except the Office of Personnel Management shall—

(1) conduct a study on excepted service considerations for competitive service appointments relating to such amendment; and

(2) take all necessary actions for the regulations described under such amendment to take effect as final regulations on the effective date of this section.

SEC. 18. EXEMPT ORGANIZATIONS.

An organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible for the receipt of Federal funds constituting an award, grant, contract, loan, or any other form.

SEC. 19. AMENDMENT TO THE FOREIGN AGENTS REGISTRATION ACT (P.L. 75-583).

Strike section 11 of the Foreign Agents Registration Act of 1938, as amended, and insert in lieu thereof the following:

"SECTION 11. REPORTS TO THE CONGRESS.—The Attorney General shall every six months report to the Congress concerning administration of this Act, including registrations filed pursuant to the Act, and the nature, sources and content of political propaganda disseminated and distributed.".

SEC. 20. DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) INCOME.—Section 102(a)(1)(B) of the Ethics in Government Act of 1978 is amended—

(1) in clause (vii) by striking "or"; and

(2) by striking clause (viii) and inserting the following:

"(viii) greater than $1,000,000 but not more than $5,000,000, or

"(ix) greater than $5,000,000.".

(b) ASSETS AND LIABILITIES.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended—

(1) in subparagraph (F) by striking "and"; and

(2) by striking subparagraph (G) and inserting the following:

"(G) greater than $1,000,000 but not more than $5,000,000;

"(H) greater than $5,000,000 but not more than $25,000,000;

"(I) greater than $25,000,000 but not more than $50,000,000; and

"(J) greater than $50,000,000.".

(c) EXCEPTION.—Section 102(e)(1) of the Ethics in Government Act of 1978 is amended by adding after subparagraph (E) the following:

"(F) For purposes of this section, categories with amounts or values greater than $1,000,000 set forth in sections 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.".

SEC. 21. BAN ON TRADE REPRESENTATIVE REPRESENTING OR ADVISING FOREIGN ENTITIES.

(a) REPRESENTING AFTER SERVICE.—Section 207(f)(2) of title 18, United States Code, is amended by—

(1) inserting "or Deputy United States Trade Representative" after "is the United States Trade Representative"; and

(2) striking "within 3 years" and inserting "at any time".

(b) LIMITATION ON APPOINTMENT AS UNITED STATES TRADE REPRESENTATIVE AND DEPUTY UNITED STATES TRADE REPRESENTATIVE.—Section 141(b) of the Trade Act of 1974 (19 U.S.C. 2171(b)) is amended by adding at the end the following new paragraph:

"(3) LIMITATION ON APPOINTMENTS.—A person who has directly represented, aided, or advised a foreign entity (as defined by section 207(f)(3) of title 18, United States Code) in any trade negotiation, or trade dispute, with the United States may not be appointed as United States Trade Representative or as a Deputy United States Trade Representative.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to an individual appointed as United States Trade Representative or as a Deputy United States Trade Representative on or after the date of enactment of this Act.

SEC. 22. FINANCIAL DISCLOSURE OF INTEREST IN QUALIFIED BLIND TRUST.

(a) IN GENERAL.—Section 102(a) of the Ethics in Government Act of 1978 is amended by adding at the end thereof the following:

"(8) The category of the total cash value of any interest of the reporting individual in a qualified blind trust, unless the trust instrument was executed prior to July 24, 1995 and precludes the beneficiary from receiving information on the total cash value of any interest in the qualified blind trust.".

(b) CONFORMING AMENDMENT.—Section 102(d)(1) of the Ethics in Government Act of 1978 is amended by striking "and (5) and inserting "(5), and (8)".

(c) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply with respect to reports filed under title I of the Ethics in Government Act of 1978 for calendar year 1996 and thereafter.

SEC. 23. SENSE OF THE SENATE THAT LOBBYING EXPENSES SHOULD REMAIN NONDEDUCTIBLE.

(a) FINDINGS.—The Senate finds that ordinary Americans generally are not allowed to deduct the costs of communicating with their elected representatives.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that lobbying expenses should not be tax deductible.

SEC. 24. EFFECTIVE DATES.

(a) Except as otherwise provided in this section, this Act and the amendments made by this Act shall take effect on January 1, 1996.

(b) The repeals and amendments made under sections 13, 14, 15, and 16 shall take effect as provided under subsection (a), except that such repeals and amendments—

(1) shall not affect any proceeding or suit commenced before the effective date under subsection (a), and in all such proceedings or suits, proceedings shall be had, appeals taken, and judgments rendered in the same manner and with the same effect as if this Act had not been enacted; and

(2) shall not affect the requirements of Federal agencies to compile, publish, and retain information filed or received before the effective date of such repeals and amendments.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

ANNOUNCEMENT OF POSITION ON VOTE

• Mr. GRAHAM. Mr. President, I advise the Senate that on Tuesday, July 25, I was a delegate to the 1995 Defense Ministerial of the Americas in Williamsburg, VA. The Defense Ministerial, which brought together military personnel from throughout the Western Hemisphere, is a forum for the discussion of the role of militaries in democratic societies. Had I been present at the time of the final vote on S. 1060 on July 25, I would have voted in the affirmative.•

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:57 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. GRAMS).

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DOLE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT

Mr. DOLE. Mr. President, pursuant to the unanimous consent agreement on July 20, I now ask the Senate resume consideration of S. 21, the Bosnia and Herzegovina Self-Defense Act.

I have asked my colleague from Connecticut, Senator LIEBERMAN, to lead the effort this afternoon. Also, will my colleague from Virginia be willing to help manage the effort this afternoon?

Mr. WARNER. Mr. President, I will be privileged to do so.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

A bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 1801, in the nature of a substitute.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I rise to speak in favor of this proposal, which I am privileged to cosponsor with the distinguished Senate majority leader and a large number of other Senators from both sides of the aisle.

If passed, and we hope it will be passed overwhelmingly, this proposal will provide for a unilateral lifting of the arms embargo that was imposed against the former Yugoslavia in 1991 and remains in effect today, most notably victimizing the people of Bosnia.

There are times when people speak of this arms embargo as if it were Holy Writ, it were descended from the heavens, it were the Ten Commandments or the Sermon on the Mount.

The arms embargo against Bosnia is a political act, adopted by the Security Council of the United Nations in 1991, when Yugoslavia was still intact. It is, in the narrow legal sense, therefore, in my opinion, illegal as it is applied to Bosnia because Bosnia did not even exist as a separate country at that time.

But more to the point and ironically, cynically, when adopted by the United Nations Security Council in 1991, this arms embargo on the former Yugoslavia was requested by and supported by the then Government of Yugoslavia in Belgrade, which is to say the Milosevic government. And I say cynically because the pattern that was to follow was clear then, which was that the Milosevic government was going to set about systematically trying to create a greater Serbia and, therefore, knowing that Serbia itself, by accident of history, contained the warmaking capacity, the munitions, the weapons which were part of Yugoslavia, would enjoy essentially a monopoly of force as against its neighbors.

But we took that political act, supported by well-meaning governments in the West and elsewhere, as a way to stop arms from flowing into the Balkans so as to stop a war from going on, and we have made it into the Holy Writ. It is not. It is immoral. It is quite the opposite of the Holy Writ. It is immoral and it is illegal; illegal not only for the technical legal reasons I cited a moment ago but because it denies—this political resolution of the Security Council—denies Bosnia the rights it has gained as a member nation of the United Nations to defend itself.

What could be more fundamental to a nation as the guarantor of its own existence then the right to defend itself? Yet, this resolution continues to be imposed to deny the Bosnians just that right.

The embargo is illegal and, Mr. President, let me say respectfully, it is immoral. It is immoral because it is having an impact on people who have done no wrong. This is not some expression, some sanctions resolution imposed on a people who have acted against international law or against their neighbors. It is imposed on the Bosnians, who have not been accused of wrongdoing here. And, of course, more to the point, history has shown, since the embargo was imposed in 1991, that the Bosnians have been the painful and tragic victims of Serbian aggression and, yes, genocide.

Talk about accidents of history, it is a quirk of fate that, on this day, when the Senate goes to this critical issue and debates the lifting of the arms embargo, word comes from the Hague that Bosnian leader Radovan Karadzic and his military chief of staff, Ratko Mladic, have been charged with genocide, war crimes, and crimes against humanity by the United Nations International Criminal Tribunal established in the Hague for that purpose. They are charged with genocide and crimes against humanity arising from atrocities perpetrated against the civilian population throughout Bosnia and Herzegovina.

This is an indictment. This is a legal instrument of international law. The tribunal said today that, in the summer of 1992, Bosnian Serbs held over 3,000 Moslems and Croats at the Karaterm Camp.

From the indictment, "Detainees were killed, sexually assaulted, tortured, beaten, and otherwise subjected to cruel and inhuman treatment." In one incident, the indictment recalls, machineguns were fired into a room filled with 140 detainees, who all died. This is the indictment, turned out today by the International Criminal Tribunal in the Hague. Karadzic and Mladic are accused of ordering the shelling of civilian gatherings, including the May 1995—this is July 1995; the May 1995, a few months ago—attack on Tuzla, in which 195 people were killed, and the seizure earlier this summer of 284 United Nations peacekeepers in Pale and Gorazde.

Karadzic and Mladic are also charged with "persecuting Moslem and Croatian political leaders, deporting thousands of civilians, and systematically destroying Moslem and Catholic sacred sites."

I am not reading from any advocacy group for the Bosnians. I am reading from an instrument of international law, an indictment returned today in the Hague by an International Criminal Tribunal authorized by the United Nations, charging the leaders of the Bosnian Serb aggressors with war crimes and crimes against humanity. And as these crimes have been committed, as horrible as they are, what wells up inside me—and I know so many of my colleagues here—is that we were part of continuing to enforce this arms embargo which denied these victims of these war crimes and atrocities the weapons with which they could fight back. Just think of how we would feel ourselves if in a personal context somebody was attacking our home, our neighborhood, our community and for some reason the police were not available, and we had no capacity to defend ourselves or to fight back. That is what we have done and why it is time finally to lift this arms embargo.

Mr. President, there always seems to be another reason not to do it. First, it was that if we lifted the arms embargo the Serbs would seize U.N. personnel as hostages. They have done that already. That reason for not lifting the arms embargo is gone, tragically and sadly. Then it was said that if we lift the arms embargo the Serbs would attack the safe havens and go back to the slaughters that the world saw in 1992, 3 years ago. We did not lift the arms embargo, and the Serbs have attacked the safe havens.

Now the question is whether there is something happening coming out of

London last Friday that gives us pause and should make us hesitate. Mr. President, I hate to say it, but it is hard to believe that the United Nations mission in Bosnia has not been a failure, has not collapsed. As for the London communique, I take some small heart from it because it is the first sign of a willingness by the Western allies to use air power to hold the Serb aggressors at bay, to make them pay for their aggression. Nonetheless, at this moment it is simply a threat. The London communique is a threat, not a policy calculated to end the war. And it is a limited threat, limited as it is to only one of the four safe havens that have not fallen to Serb aggression. Gorazde will be protected. But what about Bihac which is under fierce attack now? What about the great capital of Sarajevo? What about Tuzla? Why not them too?

The threat remains uncertain, although the original stories coming out of London on Friday were heartening in that it was said that this dual-key approach which has so frustrated the brave soldiers who have worn the blue helmets of the United Nations, that this dual-key approach which gives the political leadership of the United Nations the opportunity to veto the request for air cover and air support from NATO, it appeared that this dual-key approach was finally ended, and NATO would be able to protect itself without getting approval from Mr. Akashi or Secretary General Boutros-Ghali. But there seems to be a disagreement about the timing of this.

In this morning's news it is reported from New York that Mr. Fawzi, a spokesman for U.N. Secretary General Boutros-Ghali, said that the airstrikes are to defend U.N. peacekeepers, not to defend the safe area of Gorazde, and that the authority to order an attack "remains with the Secretary General for the time being." So the dual-key is still an approach making even more uncertain the impact of the London communique.

When will NATO air power be employed to strike back? Will it be when troops mass around Gorazde that they attack? What are the rules of engagement? It remained uncertain in the meeting in Brussels yesterday whether the NATO countries could resolve that. But I will say to you, Mr. President, that if the threat to protect the safe area is carried out, then there is some hope because it will amount to the beginning of an implementation of the strike part of the lift-and-strike policy which Senator DOLE and I and others have advocated since 1992.

But, Mr. President, what happened in London is no excuse to vote against the lifting of the arms embargo, illegal and immoral as it is. The embargo stands separate and apart as it in itself is an unacceptable act of the international community, and we must repeal it and let these people defend themselves.

Mr. President, the other argument that is being used by some critics of lifting the arms embargo is that it will "Americanize" the war if we lift the arms embargo. And the implication here is that it will lead to the placement of American troops on Bosnian soil.

Let me say here that from the beginning, when Senator DOLE and I and others began to work on this proposal to lift the arms embargo, we have said we do not want American troops on Bosnian soil. We do not have enough of a national interest, and there is not enough of a strategic opportunity for those troops. And what is more, the Bosnians do not want them, and do not need them. They have said over and over and over again to us, "We have soldiers on Bosnian soil. They are Bosnian soldiers. All we needed were the weapons, the tanks, the antitank weapons, the heavy artillery to help them fight a fair fight against the Serbs."

So it is ironic to see at this moment the delays and the excuses for not lifting the arms embargo and, when we are finally at a point of having a strong bipartisan vote in favor of lifting the arms embargo, that the reason given by some to vote against it is that it will cause the "Americanizing" of the war. If it leads to the exit of the United Nations—and the United Nations, in my opinion, will exit for many more reasons than the lifting of the arms embargo—that will not be anything that we have desired, those of us who have proposed this policy for now more than 3 years. But why punish the Bosnians, the victims, for the error of our policy, for the inappropriateness of our commitments? They have been consistent all along. And I think we owe it to the victims to listen to them.

So why say now because the United Nations' forces were sent in and the President made a commitment to send American troops to help extract the U.N. forces if that becomes necessary, that is a reason for us to sustain the illegal and immoral arms embargo and victimize further the Bosnian people?

Mr. President, this question of whether the war is "Americanized" is up to Americans. The President, the Congress—we will decide when and where American troops will be sent. This will not happen. Automatically lifting the arms embargo does not put us on some slippery slope where we inevitably end up with troops on the ground there. Far from it; certainly not in combat positions.

The other argument made is that lifting of the arms embargo will "Americanize" the war because we will have to send Americans there to bring the weapons and train the Bosnians. I have two responses to that. One is that if it becomes necessary to send Americans to train the Bosnians in the use of our weapons, we can do it in Croatia without sending them into Bosnia. But I will tell you, Mr. President, many of my colleagues here have had the same conversations about this with the Bosnians themselves. They say to us, if the arms embargo was lifted today, they really do not prefer American weapons. They do not prefer our American trainers. They prefer weapons from the former Warsaw Pact countries from when Yugoslavia was alive, and on which most of the fighters, the soldiers in the Bosnian Army, have been trained. They prefer them because they do not need a long period of training. They can get the weapons, and in a short time put them onto the battlefield.

I think what they most hope for is that as soon as this embargo is lifted the United States and other countries of the world hopefully—particularly Moslem countries who are infuriated by the one-sidedness of the battle and the way in which the international community has sustained that one-sidedness—will contribute funds for the Bosnians to use to equip them so as to make this fair play.

Mr. President, it is true that over the weekend or late last week in Geneva, there was a meeting of the Council of the Organization of the Islamic Conference, and the foreign ministers of the so-called OIC Contact Group on Bosnia and Herzegovina voted that the member states of the Organization of the Islamic Conference do not consider themselves legally bound to abide by the unlawful and unjust arms embargo imposed on Bosnia and Herzegovina which is a United Nations member. The ministers said that the burden of justifying the legality of maintaining the embargo imposed on Bosnia herself rested on the shoulders of the United Nations Security Council. So help may well be coming in implementing a lifting of the embargo.

Mr. President, we have, as we have had all along I am afraid, a choice here between the policy that we are advocating of lift and strike and a policy of wait and see. And we have waited for 3 years, and we have seen aggression continue. We have seen more than 200,000 people killed. We have seen more than 2 million refugees created. It is time to stop waiting and stop seeing, and it is time for us to lift the arms embargo and strike from the air in the hope that will finally put some pressure on the Serbs that they have not felt up until this time, so that they will come to the peace table with the prospect of negotiating fairly and accepting a peace agreement for Bosnia that the Bosnians themselves, who have accepted every previous peace treaty offer, can accept to bring an end to this tragic war. That is a policy that I think more than any other which has been tried to date and those that have been tried have failed offers even at this late and difficult hour in Bosnia some prospect not only for peace, but for the resurrection of some credibility, some legitimacy in the institutions upon which Europe and the rest of the world must depend in the years ahead for security and order; that is to say, NATO, the United Nations, and most of all, the strength and leadership of the United States of America.

Mr. President, I note the presence on the floor of my distinguished colleague and friend from Virginia, Senator WARNER. And I yield to him at this time.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, there are no easy solutions to the tragic conflict in Bosnia. Throughout Europe and here in the United States persons with the most noble intentions have struggled with this program to no avail. The Senate has conscientiously searched for solutions. The debate knows no party lines, as is appropriate. The various policy options facing our Nation change weekly; giving the Senate an excuse to sit and wait. I join the majority leader and Senator LIEBERMAN in saying: "No longer, the Senate must act."

The course charted by the majority leader offers the best hope for the long-suffering people of Bosnia. While I have opposed, over 2 years, Senator DOLE's earlier approaches, he has now amended his approach to where I can now join as a cosponsor of the Dole-Lieberman resolution. The thrust of this resolution is to lift the arms embargo against the Government of Bosnia, but with conditions precedent. The current resolution incorporates these conditions which I have, all along, regarded as essential to a lifting of the embargo.

I commend the majority leader and the Senator from Connecticut for modifying their original resolution by making a withdrawal of UNPROFOR personnel the trigger for a U.S. lifting of the arms embargo. This modification addressed my main concern with previous legislative attempts, namely, of an immediate, unilateral lift of the arms embargo. My earlier concern was for the UNPROFOR troops being in place simultaneously with a lifting of the embargo. Such a move by the United States would endanger these troops who have been admirably, courageously, trying to perform peacekeeping, humanitarian missions in Bosnia under most difficult circumstances. I credit this effort with saving many lives which otherwise would have been lost to malnutrition and illness. Having gone to Sarajevo twice, I saw firsthand the efforts of UNPROFOR and UNHCR personnel.

The Dole-Lieberman resolution sets a responsible course toward achieving a goal of recognizing the sovereign right of a nation and its people to self-defense. The U.N. Charter so provides. Common law, common sense so provides.

Mr. President, until recently I had held out hope that a settlement could be successfully negotiated by the international community to end the conflict in Bosnia. It is now obvious that the numerous attempts by the United Nations, the European union, and the contact group, with U.S. participation, to resolve the differences over Bosnia have been thwarted. Despite the best efforts and sacrifices of the U.N. peacekeepers, it is clear that UNPROFOR is no longer capable of fulfilling its mandate, there simply is no peace to keep. What further evidence do we need, given the attacks on the undefended "safe havens."

Mr. President, administration officials have just completed their second weekend of discussions with our allies and Russia over the situation in Bosnia. And what are the results of those discussions? More warnings of military action by the international community. This form of deterrence has repeatedly failed. Consequently, the Bosnian Serbs have intensified their attacks against Sarajevo and the other safe havens. Each day, more death and destruction occurs in Bosnia. The Senate must act.

The most recent tragic aggressions by the Bosnian Serbs against the so-called safe havens close the door on the valiant efforts of the U.N. peacekeeping mission. There remains, in most regions of Bosnia, no peace to keep. The Bosnian Serb attacks on Srebrenica, Zepa, Bihac, and Sarajevo are a clear illustration of the futility of continuing on the present course. It is now time for the international community to make the decision to withdraw the UNPROFOR troops, and to proceed with that withdrawal in an orderly manner. To continue with the status quo—or even worse, to reinforce that status quo, as is being contemplated by the administration—would bring additional humiliation to the international community, and no hope for an end to the suffering of the Bosnian people.

While I continue to have concerns about the possible adverse effects of lifting the arms embargo, I believe that this is the best of the remaining available options. For a variety of reasons, the international community has not been able or willing to take the actions necessary to bring an end to the conflict in Bosnia. We should at least be willing to allow the Bosnians to acquire the weapons they need to defend themselves, in accordance with international law. This is what the Bosnian Government has been asking for. The United Nations should not continue to stand in their way.

Let us examine some of the main arguments that the administration has been making against the Dole-Lieberman resolution. First, we have heard repeatedly from administration officials that this resolution will force a withdrawal of UNPROFOR. To the contrary, no action will be taken under the authority of this resolution until all UNPROFOR personnel have been withdrawn from Bosnia. We are not asking UNPROFOR to leave. We are certainly not requiring UNPROFOR to leave. We are simply saying that when UNPROFOR does depart, the Bosnian Government should be allowed to acquire the weapons it needs to defend its people and territory.

Second, the claim is made that this resolution will Americanize the war. I disagree. A U.S. move to lift the arms embargo will not Americanize the war unless we allow that to happen with subsequent action—that is, if we subsequently commit ourselves to equip and train the Bosnian army, and provide them with air support. The resolution before us specifically states that,

> Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

In my view, we are in far greater danger of seeing this war become Americanized if we carry through with proposals—as reported in weekend press reports—to conduct aggressive airstrikes against Bosnian Serb positions as part of the defense of Gorazde. This policy is very ill-advised. Americans will become directly involved in combat at that point—we will be combatants. We are taking sides in this conflict. American lives will be at risk—and for what purpose? To shore up a U.N. peacekeeping mission which has reached its end.

Mr. President, history has shown that the use of air power alone is not enough to win a war—it is not decisive without a proportional ground effort. It sounds appealing—it sounds like a cleaner, less risky military operation than ground combat. But it simply will not turn the tide of a battle. What clearer precedent do we need than the gulf war. For weeks prior to ground operations, air was used, used to lessen—not eliminate—the task of ground operations that followed.

During the gulf war, we spent weeks of massive, unrelenting air strikes against Iraqi targets in both Kuwait and Iraq. But that was not enough to force an Iraqi withdrawal from Kuwait. It took a large-scale ground operation to secure final victory in that conflict. Further, this air operation was carried out under terrain and weather conditions far, far superior to those in Bosnia.

And in Bosnia we have additional complicating factors which were not present in the gulf war. First, there are over 28,000 U.N. troops and uncalculated numbers of U.N. civilians scattered throughout Bosnia. Once we start offensive air operations, and become combatants, we are subjecting those U.N. troops and civilians to retaliatory action by the Serbs. How will we react when the Bosnian Serbs, once again, take hostages?

Past tactics of the Bosnian Serb forces was to colocate heavy weapons with the civilian population in Bosnia—next to schools, hospitals, and other population centers. Any NATO air strikes would run a very high risk of causing collateral damage. How will we react when we see pictures on CNN of Bosnian children who have been killed or wounded by NATO air strikes?

And finally, there is the problem the command and control arrangements which have reigned in Bosnia—the so-called dual-key arrangement. This dual-key usage by United Nations officials in Bosnia has resulted in less effective military action in response to Serb aggression. This is of greatest concern to all those worried about the safety of United States airmen flying missions over Bosnia—this dual-key arrangement has prevented preemptive air strikes to take out the Bosnian Serb air defense system. Scott O'Grady can tell you about the consequences of that failure. Will the dual key still be the order of the day if we proceed with the air operations agreed to over the weekend? Early reports seem to indicate that that indeed will be the case. Will the Bosnian Serb air defense network be eliminated before United States pilots again take to the skies over Bosnia?

We should not fool ourselves into believing that an air campaign to save Gorazde—this late in the game—will turn the tide in Bosnia. What about the remaining safe havens, other than Gorazde? We should not allow ourselves to become directly involved in the fighting, particularly when there is no clear unanimity among our allies about a course of action.

Mr. President, since the beginning of this conflict, I have consistently opposed the use of United States military force as a possible solution to the war in Bosnia. Events of recent weeks have reinforced this view. I do not want to see American lives expended in trying to resolve a conflict that is based on centuries-old religious and ethnic hatreds which none of us can understand or in any way can justify.

At this point, we should recognize that the United Nations mission has failed, and allow the Bosnians to do what they have been asking for—to acquire the weapons they need to defend themselves against Serb aggression.

Mr. President, I ask unanimous consent that two letters from the Bosnian Prime Minister, and a letter from President Clinton be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE REPUBLIC OF BOSNIA AND HERZEGOVINA,
July 11, 1995.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR DOLE: Today, the United Nations allowed the Serb terrorists to overrun the demilitarized "safe area" of Srebrenica. Helpless civilians in this area are exposed to massacre and genocide. Once and for all, these events demonstrate conclusively that the United Nations and the international community are participating in genocide against the people of Bosnia and Herzegovina.

The strongest argument of the opponents of the lifting of the arms embargo toppled today in Srebrenica. They claimed that the lifting the arms embargo would endanger the safety of the safe areas. The people in Srebrenica are exposed to massacre precisely because they did not have weapons to defend themselves, and because the United Nations did not want to protect them. Attacks are also under way against the other safe areas in Bosnia and Herzegovina.

That is why we think it is extremely important that the American Senate votes to lift the arms embargo on the legitimate Government of Bosnia and Herzegovina.

If the Government of the United States of America claims that it has no vital interests in Bosnia, why then does it support the arms embargo and risk being associated with genocide in Bosnia and Herzegovina?

It is essential that the elected representatives of the American people immediately pass the bill to lift the arms embargo. This will provide a clear message that the American people do not want to deprive the people of Bosnia and Herzegovina of the right to defend themselves against aggression and genocide.

Sincerely,

DR. HARIS SILAJDZIC,
Prime Minister.

REPUBLIC OF BOSNIA AND HERZEGOVINA, OFFICE OF THE PRIME MINISTER,
July 25, 1995.

Hon. ROBERT DOLE,
Hon. JOSEPH LIEBERMAN,
U.S. Senate,
Washington, DC.

DEAR SENATORS DOLE AND LIEBERMAN: I write you today to once again appeal to the American people and Government to lift the illegal and immoral arms embargo on our people.

Today's vote is a vote for human life. It is a vote for right against wrong. It is not about politics, it is about doing the right thing.

In just the past two days in Sarajevo, 20 people have been killed while more than 100 have been wounded.

Brutal, unceasing attacks against the so-called UN safe areas of Zepa and Bihac are taking their toll on the lives of our civilians. The defenders of Zepa have heroically defied the aggressors and fight on and are ready to accept a collective suicide rather than submit to the atrocities we witnessed in the former UN safe area of Srebrenica—from where 10,000 people are still unaccounted for.

Yesterday, the Bangladeshi UNPROFOR battalion in Bihac requested air-strikes to deter and to stop the Serb attacks on Bihac. The Serb forces are attacking from Serb-occupied Croatia, Serb-occupied Bosnia-Herzegovina with the full participation and backing of the so-called Yugoslav Army of Serbia-Montenegro. The Bangladeshi request was ignored—I ask myself if this same request would be ignored if it were requested by a British battalion.

This fact, and the silence about the continuing slaughter in Zepa, Sarajevo and Gorazde only further shows the impotence of the UN and international community which continues to hide behind the fig-leaf of consensus and consultations. News agencies have even reported that members of the French government want to change the map of the Contact Group's peace plan. The reports of these concessions air the same day that those to whom the concessions are to be given, Karadzic and Mladic, are indicted for war crimes by the War Crimes Tribunal in the Hague.

I wonder how many more Bosnian children must be killed, how many more Bosnian women must be raped, how many more Bosnian men and boys must be executed, how many more Bosnian families must be destroyed, how many more Bosnians must die while waiting in line for water before something is done? The current policies have failed. They died with Srebrenica. There is no line that the Serbs will not cross. It is clear that they will not stop until there are no more Bosnian people in Bosnia-Herzegovina.

Today, the people of Bosnia-Herzegovina received humanitarian aid from a joint Jordanian-Israeli delegation. This act between former enemies shows that Bosnia is not a question of politics and real politik but of humanity. The carnage we have endured thus far is inhumane.

I must reiterate that the arms embargo is an issue of human life and that it is time to do the right thing. It is not an issue of politics nor of excuses such as training or containment or "Americanization" or linkage to other international regimes and decisions. The arms embargo is illegal, it is a failed policy, it is immoral, it is in the interest of only the Serbian war machine, and it is a tool for genocide. The arms embargo is a matter of right and wrong and it must end.

Our people ask that we be allowed only our right to defend ourselves. It is on their behalf that I appeal to the American people and government to untie our hands so that we may protect ourselves. The slaughter has gone far enough. My people insist that they would rather die while standing and fighting than on their knees. In God's name we ask that you lift the arms embargo.

Sincerely,

HARIS SILAJDZIC.

THE WHITE HOUSE,
Washington, July 25, 1995.

Hon. ROBERT DOLE,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR MR. LEADER: I am writing to express my strong opposition to S. 21, the "Bosnia and Herzegovina Self-Defense Act of 1995." While I fully understand the frustration that the bill's supporters feel, I nonetheless am firmly convinced that in passing this legislation Congress would undermine efforts to achieve a negotiated settlement in Bosnia and could lead to an escalation of the conflict there, including the possible Americanization of the conflict.

There are no simple or risk-free answers in Bosnia. Unilaterally lifting the arms embargo has serious consequences. Our allies in UNPROFOR have made it clear that a unilateral U.S. action to lift the arms embargo, which would place their troops in greater danger, will result in their early withdrawal from UNPROFOR, leading to its collapse. I believe the United States, as the leader of NATO, would have an obligation under these circumstances to assist in that withdrawal, involving thousands of U.S. troops in a difficult mission. Consequently, at the least, unilateral lift by the U.S. drives our European allies out of Bosnia and pulls the U.S. in, even if for a temporary and defined mission.

I agree that UNPROFOR, in its current mission, has reached a crossroads. As you know, we are working intensively with our allies on concrete measures to strengthen UNPROFOR and enable it to continue to make a significant difference in Bosnia, as it has—for all its deficiencies—over the past three years. Let us not forgot that UNPROFOR has been critical to an unprecedented humanitarian operation that feeds and helps keep alive over two million people in Bosnia; until recently, the number of civilian casualties has been a fraction of what they were before UNPROFOR arrived; much of central Bosnia is at peace; and the Bosnian-Croat Federation is holding. UNPROFOR has contributed to each of these significant results.

Nonetheless, the Serb assaults in recent days made clear that UNPROFOR must be strengthened if it is to continue to contribute to peace. I am determined to make every effort to provide, with our allies, for more robust and meaningful UNPROFOR action. We are now working to implement the agreement reached last Friday in London to threaten substantial and decisive use of NATO air power if the Bosnian Serbs attack Gorazde and to strengthen protection of Sarajevo using the Rapid Reaction Force. These actions lay the foundation for stronger measures to protect the other safe areas. Congressional passage of unilateral lift at this delicate moment will undermine those efforts. It will provide our allies a rationale for doing less, not more. It will provide the pretext for absolving themselves of responsibility in Bosnia, rather than assuming a stronger role at this critical moment.

It is important to face squarely the consequences of a U.S. action that forces UNPROFOR departure. First, as I have noted, we immediately would be part of a costly NATO operation to withdraw UNPROFOR. Second, after that operation is complete, there will be an intensification of the fighting in Bosnia. It is unlikely the Bosnian Serbs would stand by waiting until the Bosnian government is armed by others. Under assault, the Bosnian government will look to the U.S. to provide arms, air support and if that fails, more active military support. At that stage, the U.S. will have broken with our NATO allies as a result of unilateral lift. The U.S. will be asked to fill the void—in military support, humanitarian aid and in response to refugee crises. Third, intensified fighting will risk a wider conflict in the Balkans with far-reaching implications for regional peace. Finally, UNPROFOR's withdrawal will set back prospects for a peaceful, negotiated solution for the foreseeable future.

In short, unilateral lift means unilateral responsibility. We are in this with our allies now. We would be in it by ourselves if we unilaterally lifted the embargo. The NATO Alliance has stood strong for almost five decades. We should not damage it in a futile effort to find an easy fix to the Balkan conflict.

I am prepared to veto any resolution or bill that may require the United States to lift unilaterally the arms embargo. It will make a bad situation worse. I ask that you not support the pending legislation, S. 21.

Sincerely,

BILL CLINTON.

Mr. WARNER. Mr. President, I am happy at long last to join my distinguished colleague from Connecticut on this issue. For roughly 2½ years I have been in strong opposition to the efforts by the distinguished majority leader, Senator DOLE, and his coauthor of this measure, the distinguished Senator from Connecticut, recalling that during the gulf war operation when I was the principal sponsor of the resolution adopted by the Senate, my distinguished colleague from Connecticut was my principal cosponsor on that. So once again we have joined.

I wish to make very clear, Mr. President, I join for the very clear reason that the majority leader and the Senator from Connecticut changed in a very material way the approach they had initiated some 2½ years ago.

I think it is well worth the time of the Senate to focus on exactly what those changes were that led this Senator—and I now believe a majority of the Senate—to join in this. As a matter of fact, I am hopeful that close to 70 Senators will eventually join on this. I know my colleague from Connecticut and I and many others have talked among ourselves. These are the conditions that have materially changed this approach, in such a manner that it now gains the support of the majority of the Senate and indeed many of us. These are the conditions under which the United States will terminate the embargo. I read from the measure which is at the desk:

> Termination. Section 4. The President shall terminate the United States embargo of the Government of Bosnia and Herzegovina as provided in subsection (b) following:
>
> 1. Receipt by the U.S. Government of a request from the Government of Bosnia and Herzegovina for termination of the United States arms embargo and submission by the Government of Bosnia and Herzegovina, in exercise of its sovereign rights as a nation, of a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina.

That is a very dramatic change. The initiative is on the Government, the recognized Government of Bosnia and Herzegovina, to first petition the United States and/or to petition the United Nations for the departure of UNPROFOR.

The second condition under which our President is authorized to act:

> A decision by the United Nations Security Council or decisions by countries contributing forces to UNPROFOR to withdraw UNPROFOR from Bosnia and Herzegovina.

That is very clear. It is an exercise of sovereign rights.

Now, the Senate received today a letter from the President of the United States addressed to the leadership. I have now had an opportunity to review that letter, and I regret to say that it is written as though the author had not read what is before the Senate today. This letter now appears in the RECORD in its entirety, and I say to those who wish to take the time to examine it—and I hope all Senators will—it is a communication from the President of the United States to the leadership of the Senate in which he acknowledged that there are no simple or risk-free answers in Bosnia. But he goes on to recite a procedure that has been abandoned by the proponents of this measure before the Senate and, it seems to me, does not recognize in sufficient clarity exactly what has been put forth to the Senate.

So I will address that in greater detail later, but I should now like to pose a question or so to my distinguished colleague.

The criticism leveled at the initiative proposed by the majority leader and the Senator from Connecticut centers around the term "Americanization" and that if the Senate were to adopt this it would constitute an invitation, an invitation to the Government of Bosnia to take the initiative. My recollection is, having met with a series of Government officials, including the Prime Minister of Bosnia, they have come and specifically asked, asked of individual Members of the Senate that this be done in the exact fashion as is laid out in the measure before the Senate today. Am I not correct in this?

Mr. LIEBERMAN. Mr. President, the Senator from Virginia is absolutely correct, in many ways. First, that the Bosnians have consistently asked that the arms embargo be lifted. Second, they have been confronted with this question: If you have to choose between lifting the embargo and the U.N. forces remaining in Bosnia, which will you choose? And they have said clearly lifting the embargo.

The language of this proposal before the Senate today is intended to give some ear finally to the victims and give them the opportunity to request, and in that sense to formally require that they request, the United Nations leave if that is their judgment as a precondition for the lifting of the embargo. And there are those who have said, well, they want the United Nations to leave, but they really do not.

This says that the condition on which the embargo will be lifted is if the Government of Bosnia says officially, formally that they request the United Nations to leave. Then the embargo will be lifted.

Mr. WARNER. Mr. President, that is a substantial change from the original proposition advanced by the majority leader and the Senator some years ago?

Mr. LIEBERMAN. The Senator from Virginia is absolutely correct. If the Senator will allow me, I just want to amplify on my answer to that question.

It is a substantial change, and it is a change that has been inserted out of sensitivity both to our allies in Europe and other nations that have troops on the ground wearing the blue helmets of the United Nations. It is also an act of sensitivity and respect and deference to colleagues within this Chamber and, in fact, to the administration, which has expressed concern repeatedly on earlier occasions when the embargo lifting has been raised about the impact it would have on our allies.

So we are saying here we owe it to our allies, who have had soldiers serving bravely in the most difficult of circumstances, essentially unarmed in a hostile situation, to give them the opportunity to get out of there before we lift the arms embargo.

I must say to my friend from Virginia that I am particularly perplexed, angered by some who now say that the trouble with this proposal, S. 21, as substituted before the Senate now, is that it will require the U.N. troops to leave as a precondition for lifting the embargo.

Well, we have put it in there, Senator DOLE and I and others, to respond to the concerns that these same critics offered, issued a year ago or so, that just lifting the embargo was not respectful or fair to our allies and their brave soldiers on the ground. So the Senator is absolutely correct; it is a substantial change from the earlier version of this proposal.

Mr. WARNER. Mr. President, a second question. I have had the opportunity to travel to this region four times with various Members of the Senate. I was one of the very first to go into Sarajevo, and then I accompanied the distinguished majority leader to Sarajevo on a second visit. At that time we met with President Izetbegovic, and then, of course, the Prime Minister personally has been here in the United States I think on two occasions in the last 6 or 8 weeks. I do not recall in the discussions—I repeat, I do not recall—that they laid down any conditions whatsoever that would place an obligation upon the United States of America in the event this arms embargo is to be lifted.

Quite specifically, in my discussions regarding this matter with both the Bosnian President and Foreign Minister, they refuted that there was any obligation on the part of the United States. However, the President of the United States in his letter implies that if such action were taken as envisioned by the measure now before the Senate, there would be, impliedly, so to speak, an obligation on the part of the United States to provide arms, provide training and otherwise Americanize—that is this trick phrase that has been utilized—this situation.

I ask my distinguished colleague, in the Senator's discussions with the leadership of Bosnia, have they laid down to him any conditions whatsoever that would either imply or infer or indeed directly involve the United States in a period subsequent to the lifting of the embargo?

Mr. LIEBERMAN. Mr. President, in responding to my colleague from Virginia, in all of the conversations I have had with the various representatives and leaders of the Government of Bosnia and Herzegovina there has never once been a condition set for the lifting of the arms embargo—never once a condition set. And that is again why I think some of those who argue against lifting now are using very stretched, tortured, circuitous logic. It is not the Bosnians who have requested the United States to come in to help the United Nations out. It was obviously not the Bosnians who have made the commitment, a commitment which I think is appropriate, but that is for another day, to have American troops go in and help the United Nations out.

The Bosnians have said consistently, "We have the soldiers. Please give us the weapons."

Now, I will say, to give a complete answer to my friend, in recent conversations there have been occasions when the Bosnian leadership has requested, but certainly not said it was an obligation, that the full lift-and-strike policy be implemented, which is to say that not only should the arms embargo be lifted, but that they would be assisted in a transitional period while they are receiving arms if NATO could use airpower to keep the Serb aggressors at bay. No obligation ever. In fact, I have said to them, because others have said it to me, I said, "You understand that people are saying to us, if you lift the arms embargo, there will be a bloodbath. You will demand that American troops come in." They have said, "No, Senator. Not only do we have enough troops on the ground, but how could there be a bloodbath any worse than we have already had? So we are ready to take the consequences." No obligation.

Mr. WARNER. Mr. President, let me refer to the letter dated July 25 from the President of the United States to the leadership. On page 2:

> It is important to face squarely the consequences of a U.S. action that forces UNPROFOR departure.

I will return to that allegation that this is forcing the departure.

> First, as I have noted, we immediately would be part of a costly NATO operation to withdraw from UNPROFOR.

And that is a matter that the President has addressed previously. And it is my understanding that the distinguished majority leader, the Senator from Connecticut, the Senator from Virginia, and others have indicated that once the framework of such participation by the United States in assisting a withdrawal by UNPROFOR is brought to the Senate, it is likely that we will support it. Most likely. Certainly speaking for myself.

But I proceed to the second point:

> Second, after that operation is complete, there will be an intensification of the fighting in Bosnia. It is unlikely the Bosnian Serbs would stand by waiting until the Bosnian government is armed by others. Under assault, the Bosnian government will look to the U.S. to provide arms, air support, and if that fails, more active military support.

My question to my colleague: Do you know of any documentation to support that assertion by the President of the United States? I do not.

Mr. LIEBERMAN. Mr. President, respectfully, I do not. Clearly they are hoping for arms in Bosnia. That is what they most desperately want and need. As I indicated earlier, their first choice is to receive them from former Warsaw Pact countries, not from us. Second, yes, they would like air support in the transitional period. That is up to NATO. But they have never asked for more active military support. In fact, Senator DOLE and I, on every occasion we met with them, have said, "Please do not expect that American troops will end up on the ground fighting for you in Bosnia." And they have said over and over again, "Not only do we understand that, we do not want that."

Mr. WARNER. Mr. President, I thank my distinguished colleague. I frankly call on the administration to provide the Senate with documentation to back that up because I find it contradictory to what the President of Bosnia and the Prime Minister of Bosnia have represented to individual Senators in our private meetings. There may be. There may be such documentation. But I think given that assertion in this letter to the leadership of this Senate, that that documentation should be brought to the attention of those of us who are actively supporting the measure.

Mr. President, I have a great deal to say, as I am sure others do, on this subject. I see the distinguished Senator from California present in the Chamber. I know that we spoke earlier when I was consulting with her in the hopes that she would support the measure on the floor. Mr. President, I yield the floor at this time.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Thank you, Mr. President. I thank the distinguished Senator from Virginia.

Mr. President, I rise today to indicate my intention to vote for the Dole-Lieberman resolution. I want to state what my intent is, and what it is solely. My intent is solely to allow an afflicted people to defend themselves.

Last week I stated that I had hoped that a specific course of action would result from last weekend's meetings in

London. The actions taken, unfortunately, are limited to one enclave, Gorazde. They are not well defined, and as we have seen, the shelling of Gorazde has been ongoing since last weekend.

Also, last week I spoke about the devastating photograph of a young Bosnian woman who decided she could not go on and hung herself from a tree. This anonymous image spoke eloquently to me of the desperation facing the Bosnian people as they endure rape, torture, summary execution, and a litany of war crimes. However, no one knew who this woman was, and to this day we still do not. But now at least we have an idea of what might have driven her to take her own life.

According to one witness, a young mother tried in vain to trade her life for her 12-year-old twin boys who were taken from her and had their throats slit by the invading Serbs at Srebrenica. Later the mother tied a scarf to a tree limb and hung herself. Was this young mother the woman in the photograph? We may never know. But this story tells us all we need to know about what drives a person to such an extreme.

As the stories of the Srebrenica survivors have emerged, the picture of the suffering endured by the refugees and the atrocities committed by the attackers has become increasingly clear. I want to lay some of these out because in recent days news reports and other sources have revealed the true extent of the horror. Here are just a few examples.

On July 17, the New York Times reported several accounts of atrocities related by refugees. Two women, Hava Muratovic and Hanifa Masanovic, told nearly identical stories of Serb soldiers, dressed in uniforms of U.N. soldiers, breaking into a factory where some refugees were staying and hauling away a group of teenage boys.

According to Mrs. Muratovic: "The next morning I saw a pile of bodies next to the water fountain. There were about ten of them, all with their throats cut. There was a tree next to the fountain, and two other bodies were hanging from the branches."

Another woman, Sveda Porobic, told of three apparent rapes. In another factory where refugees were gathered, Bosnian Serb soldiers, dressed as U.N. peacekeepers, no less, came through the factory and dragged away two girls, ages 12 and 14, and a 23-year-old woman. After several hours, the three returned. They were crying, naked and bleeding, covered with scratches and bruises. One said, very simply, "We are not girls anymore."

On July 16 the Washington Post reported that a teenage girl found a stack of bodies of young men behind a factory. They had been shot with their hands tied behind their backs. Near the same factory, two other teenagers witnessed 20 men gunned down by a Serb firing squad.

Three days later, on July 19, just last week, USA Today quoted a Bosnian refugee, Zarfa Turkovic, who said she witnessed a brutal gang rape at the U.N. camp in Potocari, where refugees had gathered. She said that four Serb soldiers grabbed a young woman from among the sleeping refugees. "Two took her legs and raised them up in the air," Turkovic said, "while the third began raping her. People were silent. No one moved. She was screaming and yelling, begging them to stop." The rapists stuffed a rag in her mouth and continued raping her.

Since the day that Srebrenica fell, the U.N. High Commission for Refugees has been caring for Bosnian refugees fleeing the Serb armies. In Tuzla, UNHCR has been responsible for providing food and shelter to thousands of refugees in the last week and a half.

On July 18, the U.N. High Commission for Refugees released a report describing the experiences of a number of refugees, based on interviews with those who arrived in Tuzla. I would like to relate a few of the most disturbing examples.

A 60-year-old man and his wife described how the bus that was carrying them to Tuzla was stopped by Serb soldiers. The soldiers took four young women off the bus and into the woods. An hour later, three of the women emerged from the woods. The fourth woman appeared later in the town of Kladanj, naked, with only a blanket wrapped around her.

Buses were stopped by Serb soldiers a number of times along the road to Kladanj. Men and boys over age 12 were taken away, along with many young women. Most have not been seen since.

Most alarmingly, a group of refugees fleeing Srebrenica on foot through the woods encountered a group of Serb soldiers wearing the uniforms and blue helmets of UNPROFOR troops and using U.N. vehicles. One Serb soldier called out on a megaphone for the Bosnians to come out of the woods. Between 20 and 30 Bosnians, mostly women and children, emerged from hiding. The Serb soldiers lined them up on the road, and opened fire with machine guns, killing them all.

None of these reports has been independently confirmed, but based on the facts available, these stories are compelling, believable, and consistent with documented Serb behavior. There have also been many instances of refugees telling identical stories independently.

Mr. President, I ask unanimous consent that the entire text of the UNHCR report be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mrs. FEINSTEIN. In recent days, we have seen more substantiated reports of atrocities. Dutch peacekeepers present in Srebrenica have reported witnessing summary executions of Bosnian soldiers. The U.N. human rights envoy told reporters that "what happened (in Srebrenica) cannot be described as moderate violations of human rights, but as extremely serious violations on an enormous scale."

Yesterday, the Bosnian Foreign Minister called me from Zagreb. He told me that as many as 10,000 people are still missing from Srebrenica, and that of the 6,000 Bosnian men and boys held hostage in a stadium in Bratunac, north of Srebrenica, as many as 1,600 have been executed.

Most startlingly, he indicated that last Monday, the Bosnian President offered to peacefully evacuate Zepa. This offer was turned down by General Mladic. I believe we know the reason.

If the evacuation had taken place peacefully and under U.N. supervision, it would have deprived the Serbs of the opportunity to detain and kill all the men of fighting age, and the opportunity to rape, torture, and humiliate defenseless refugees.

To me, it is unfathomable that crimes like these can be perpetrated in 1995, 50 years after the liberation of Auschwitz. The names Karadzic and Mladic will go down in history with the greatest villains of our time. They have led a regime that sanctions, promotes, and encourages its soldiers to murder, torture, rape, and humiliate innocent Bosnian civilians. They are evil.

Today, the International Criminal Tribunal for the former Yugoslavia announced indictments of both Dr. Karadzic and General Mladic for war crimes. It is my hope that both these men, and numerous other war criminals, will be successfully prosecuted.

I know that every Member of the Senate is outraged by the barbaric behavior that has taken place. But for the Bosnian victims of these crimes, our outrage is worth little, unless it leads to action. In the face of these atrocities, we must make an important decision.

Our choices are clear: we must either dramatically change the U.N. operation on the ground in such a way that it will be able to protect Bosnian citizens from Bosnian Serb murderers and rapists; or, we must lift the arms embargo against the Bosnian Government, unilaterally if necessary, in order to allow the Bosnians to defend themselves.

But there is one thing we cannot do, and that is nothing.

Last week, Secretary of Defense Perry, Secretary of State Christopher, and General Shalikashvili met in London with our NATO allies. They were attempting to devise a response to the collapse of Srebrenica and Zepa that will prevent and punish further Bosnian Serb attacks on safe areas and defend the civilians in those areas.

Before these meetings began, I felt that in order to be successful, they would have to succeed in radically changing the mission and mandate of the allied troops on the ground in Bosnia, giving them the wherewithal and command structure to fight effectively that they have lacked thus far.

Unfortunately, I do not feel that the agreements reached in London meet that test. I have spoken with the Secretary of State. I have spoken with our Ambassadors in London and Paris. And I have spoken at length with the Foreign Minister of Bosnia. All of these conversations have solidified my view that there has not been a sufficient change in the situation on the ground.

The London meetings only addressed the enclave of Gorazde. It is true that a fairly resolute statement was issued regarding a Serb offensive on Gorazde. Substantial allied airstrikes will be ordered in response to any attack on Gorazde.

What constitutes a Serb assault on Gorazde? Is this present shelling that has been going on since the London Conference enough to provoke action? Does a siege that cuts off the flow of humanitarian aid warrant airstrikes? Gorazde has in fact been shelled continuously since the London conference. Why have the airstrikes not begun?

Unfortunately, the promised defense of Gorazde only means that the Serbs will continue their attacks at Zepa, which I understand has finally fallen, Bihac, then Sarajevo, and Tuzla, and then what? In fact, the fate of Bosnia is sealed if the enclaves fall—for only 30 percent of Bosnia remains in government hands today.

As we debate this resolution, Bihac is surrounded and under attack. In this offensive, the Bosnian Serbs are receiving assistance from their Croatian Serb brethren—25,000 Croatian Serbs are coming over the border to augment the attacking forces. Bihac has received no food convoys for two months, and relief flights have been suspended because of the shelling. There is virtually no food left in Bihac, and residents are able to eat only what they can grow.

As for Sarajevo, it is perhaps the most important of all the enclaves. Its fall would mean the end of Bosnia. Yet, Sarajevo was hardly mentioned in London. It is true that since the conference, British and French troops from the Rapid Reaction Force have deployed around Sarajevo to respond to Serb shelling. But their mission, it seems, is primarily to protect U.N. forces. Earlier, in our caucus, the Secretary of State indicated that these troops would respond to Serb attacks on the civilian population. I certainly hope so.

As the Bosnian Foreign Minister told me, drawing a line in the sand around Gorazde alone is like drawing a line in the sand around one solitary sunbather on a beach. It may protect that one sunbather, but it ignores everything else on the beach.

Third, it is not at all clear that the United States and our allies have the same understanding about the agreements reached in London. While British Foreign Secretary Rifkind, promised a "substantial and decisive" response to any Serb attack on Gorazde, only U.S. officials mentioned the certainty of airstrikes.

Furthermore, it is entirely clear that Russia does not support a policy based on the use of airstrikes to contain the Bosnian Serbs. Foreign Minister Kozyrev went out of his way to say that "no consensus" had been reached in London. How Russia would respond to a policy that it does not support is uncertain. This uncertainty may well prove dangerous.

I had hoped that the London meetings would have initiated a genuine change to the situation on the ground in Bosnia. I wanted to be convinced. But with the weight of all the evidence, I am afraid the London conference appears inconclusive, and that the status quo will continue.

The London meetings do not produce a new course of action, and did not commit the allies to protect the Bosnians. I am convinced that we have no choice but to lift the arms embargo against the Bosnians. I prefer that it be a multilateral lifting. It has become painfully clear now that no one will defend the Bosnians except the Bosnians themselves. If no one will defend them, we can no longer deny them the right to defend themselves. And so, I intend to support the Dole-Lieberman resolution.

Last year, I opposed a similar resolution, in large part because it contained a policy of "lift and leave". It would have forced the President to lift the arms embargo unilaterally before any effort had been taken to extract UNPROFOR from Bosnia. I felt that was unfair to our allies, who have troops on the ground there.

The resolution before us has gone a long way toward addressing those concerns. It now contains a "leave and lift" sequence, which is very important. The President would not be required to lift the arms embargo until 12 weeks after UNPROFOR began its withdrawal, and that period could be extended in 30 day increments if the withdrawal took longer than expected. I believe that this change alters the effect of the resolution considerably.

This is a time for the entire world to feel outraged at the atrocities now being carried out with merciless abandon. And where is the conscience of the world? In fact, much of the world genuinely wants to help. Today, for example, a joint delegation from Israel and Jordan are meeting in Bosnia to see what they can do to help.

Let there be no mistake—we are watching the development of a "Fourth Reich" dedicated to the genocide of a people simply because they are different. To me, after the events of the past 3 years, there is little difference—except in size—between the drive for a pure Aryan nation 50 years ago, and that for an ethnically cleansed Greater Serbia of today.

The Bosnian Foreign Minister put it to me so eloquently yesterday when he said:

> No one has taken on the job of defending the Bosnian people. UNPROFOR is not a substitute for our defense, and the Rapid Reaction Force is committed only to defend UNPROFOR. We must know that somebody is going to defend us—and that somebody is only us.

An afflicted people must have the right to defend themselves. This resolution signals no more and no less.

EXHIBIT 1

UNITED NATIONS HIGH COMMISSION FOR REFUGEES (UNHCR) PRELIMINARY PROTECTION REPORT NO. 1 JULY 18, 1995

The following is a report based on initial interviews conducted with displaced people who fled Srabrenica after it was overrun by Serb forces.

I. CHRONOLOGY OF EVENTS

11 July—Serb forces overran Srabrenica after days of intense artillery and mortar shelling. Residents and displaced people flee burning houses and head for the Dutch UNPROFOR Battalion in Potocari, about 10 km north of Srabrenica. Others escape toward Sagna Finger on foot heading for Tuzia. Serb forces enter Potocari in the afternoon and disarm Dutch troops.

12 July—Serb forces began moving by bus people who had escaped to Potocari to Klandanj, about 70 km away. From there, the displaced were forced to move across 6 km of no man's land. They were met across the other side by Bosnian trucks and transported to the Tuzla Air Base. As the number of people swells, UNPROFOR opens a camp settlement inside the base.

13 July—Thursday Bosnian government agrees to move displaced people massed outside the air base to collective centers.

14 July—Government says the first elements of a column of 15,000 Bosnian soldiers, some of them accompanied by their families arrive in the village of Medjedja after walking across the forested Sapna finger. Four days later, the number of people had reached 8,000. The arrivals were wearing rags and mostly barefooted after their shoes were torn apart during the march. The government says it expects more soldiers and civilians to arrive in Madjedja and requested UNHCR for food and non-food items.

18 July—ICRC evacuates to Tuzla 87 wounded from a hospital in Bratunac and the Dutch medical facility at Potocari.

II. SUMMARY OF NARRATIVES

2.1 Random interviews were conducted among arrivals at the tent camp at the Tuzlaa airbase. At the outset, it must be explained that none of the accounts could be independently confirmed. The accounts include incidents of rape, robbery and execution stories were told of families being separated of men and women being taken away by Serb soldiers. Soldiers who escaped across the Sapna finger say the encountered heavy shelling, mine fields, ambushes and massacres along the way to Sapna in which hundreds were either killed or captured.

III. INTERVIEWS

1. From Potocari to Kladanj.

1.1 As civilians, mostly women and children, were fleeing advancing Serb forces, shells fell everywhere along the road to Potocari. One woman claims she saw scores of people killed and wounded in the mortar and artillery barrages. Upon reaching Potocari, the civilians gathered in and around the Dutch battalion camp and in the surrounding abandoned factories. Serb soldiers walked inside the camp and started separating families. Men of fighting age and young women were taken away, according to uniform accounts of the people interviewed.

1.2 One woman says her husband was stabbed dead before her eyes. She was dragged away to a bus but she managed to go back to look for her husband. Later, she found his body at the garage of a factory. Seven other bodies were lying there. Other women say that as they were waiting to be boarded in buses to Kladanj their husbands were taken away and that they did not know what happened to them.

1.3 Two women interviewed say men were separated from women as people were being loaded in the buses. They claim that Serb soldiers demanded money from them, but gave nothing since they didn't have any. One woman was separated together with the men because she is a relative of a senior Bosnian army officer.

1.4 The buses were stopped a number of times along the road to Klandanj. Men who were allowed to leave after the first screening were picked out of the buses and taken away. They include boys aged 12 years and upward and young women.

1.5 A 60-year-old man and his wife say that in their bus, four young women were taken out into the woods. An hour later, only three of the women returned to the bus. The fourth woman showed up in Kladanj naked with only a blanket wrapped around her.

1.6 Not only were incidents of robbery narrated before the people were put on the buses, but also as the convoys moved toward Klandanj. Along the route, Serb soldiers would demand the meager belongings and money from the passengers. One Serb soldier slashed the upper lip of a woman who could not produce money. Robbery also was allegedly committed as the people were offloaded at Kladanj.

1.7 One man says he counted 11 bodies as he walked toward Bosnian-controlled area along a six-kilometer stretch of no man's land. He says they apparently were victims of robbery attempts by Serb forces operating across the no-man's land.

1.8 Dead Bosnian men in civilian and military clothes were seen scattered along the route to Kladanj. Groups of hundreds of captured Bosnian soldiers, their hands behind the back of their head were all along the route.

2. Escape to Sapna Finger.

2.1 Four soldiers interviewed say they were among a column of 15,000 people, including 6,000 women and children, who broke across Serb-controlled areas after Srebrenica fell. They walked through 70 km of forests and faced heavy shelling, land mines and ambushes. Hundreds were reportedly killed and hundreds more were captured.

2.2 One soldier said the first ambush took place in Jaglici, the day the column left Srebrenica. He says more than 60 people were killed. At Konjevic Polja, the column encountered Serb soldiers in UNPROFOR uniform and using UN vehicles. One Serb soldier with a loudhailer called on the Bosnians to come out. Between 20 to 30 Bosnians, mostly children and women, who emerged out of hiding were lined up on the road. Then the Serbs opened fire with machine guns, killing all of them. The same soldier says he saw about 50 Bosnian bodies beside a road toward Cereka. And in another place later on, soldiers stepped on mine fields and that 150 were reportedly killed there. At Udrio, 300 to 400 were allegedly killed in an ambush. Another 300 to 600 were reportedly captured. Three other soldiers gave similar stories.

3. MEDEVAC.

3.1 Interviews were conducted with four male and five female civilians who were evacuated by car from Srebrenica—the Dutch facility at Potacari and the hospital in Bratunac—by ICRC. They were among 87 brought to Tuzla at the Norwegian medical center. The males were mostly soldiers who were wounded during the fighting before the fall of Srebrenica and were confined at the hospital there. After the Serbs took control of the town, the patients said they were mistreated. Serb soldiers and civilians entered their rooms a number of times and kicked and beat them up. One 60-year-old man says he was hit by a rifle butt in the chest.

ALVIN GONZAGA,
Protection Officer.

The PRESIDING OFFICER (Mr. KEMPTHORNE). The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, we wish to thank our distinguished colleague from California for the very strong contribution to this debate. I just want to draw on one point, to make sure I understood her correctly, because it coincides with my understanding, and that is that the Secretary of Defense, when asked by the Senator, made it very clear that these rapid reaction forces, primarily from France and Great Britain, which are coming there now, and pictures of which we saw moving up into Sarajevo today, are there not to protect the civilians but simply to facilitate a protective cover to the UNPROFOR forces as they continue to struggle to perform their mission; is that correct?

Mrs. FEINSTEIN. Mr. President, if I might comment through the Chair, what I learned from our caucus is that what my colleague has just stated is true in general, but there is some higher commitment in the Sarajevo area. I am not certain of this, but I believe I understood the Secretary to say that they would defend against the shelling of Sarajevo. I am sure someone will straighten this out for certain later in the debate, but that is what I understood today.

Mr. WARNER. Mr. President, that is another example of the difficulty many of us are having in getting an accurate understanding of precisely what is the intended use of these forces. We have had hearings in the Armed Services Committee and repeatedly we have pressed for these answers, and as yet we have not received them.

Mr. LIEBERMAN. Mr. President, if I may respond very briefly to the question of the Senator from Virginia, I was in the same meeting and I thought the answer was unclear. I thought the Secretary of State said that the rapid reaction forces in the vicinity of Sarajevo were capable of responding to attacks against the population there as well as against U.N. forces. But it was not clearly their authority to do so at this point. And the news wires carry stories today of the British troops that are there as part of the rapid reaction forces on the hills around Sarajevo saying that their understanding of their mission is to respond only to attacks by the Serbs against them, against the U.N. forces, and not against the civilian population.

Mr. President, I want to thank our friend and colleague from California for a very powerful statement. It is not just that I am honored she will support this legislation before us, but it is the strength of the high road that she took in her statement, and I am very grateful for it, and it encourages me as we begin this debate.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. GRAMM. Mr. President, let me join our colleague from Connecticut in commending our colleague from California. Her speech was a very moving speech. I think anybody who is not affected by her definition of the problem, and the concerns she raised, clearly is not in touch with the reality of this situation.

Mr. President, I rise today in support of the resolution lifting the arms embargo. I would like to explain why I believe that the arms embargo should be lifted, why I believe the United Nations forces should be withdrawn, why I believe that the United States should not send ground troops into Bosnia, and why I am convinced that the only solution is to allow the Bosnians to have access to the arms that will allow them to defend themselves.

Let me start at the beginning. Like many Members of the Senate, I have been to the Bosnian region. I have talked to the leaders of the various factions. I have talked to the American military leadership. And, like every Member of the Senate, I have sat in on endless briefings about our situation in Bosnia and the options we have. I think basically it all boils down to this: To be decisive in stopping the killing in Bosnia would require at a minimum, according to our military leadership, 85,000 combat troops. If the United States of America sent 85,000 combat troops into Bosnia, there is no doubt about the fact that in that environment, we would take casualties. And if the conflict rose in intensity, we could take a substantial number of casualties.

I do not think there is any doubt that if we chose to, we would have the military power to intervene. In the process, for the period when our intervention was active and where we had troops on the ground, there is no doubt that we could temporarily change things in

Bosnia. But I think one thing that everyone who has looked at this conflict agrees on is that the day that America pulled out or the day that a larger involvement by the United Nations was withdrawn, nothing fundamentally would have changed. And on that day, the conflict would reignite.

I think we all understand that if the United States intervened, or if we participated in the intervention with our allies, then ultimately the day would have to come when we would have to withdraw. I do not believe that the American people are convinced, given that we cannot permanently change a conflict that is 500 years old, that we can justify the loss of American life in Bosnia.

I do not believe that the American people support a massive ground intervention in Bosnia. I am opposed to it. I think it would be a mistake to send ground forces into Bosnia. I believe that the American people oppose it with enough intensity that if we did intervene, as soon as we started to lose American lives, then the pressure would mount for us to withdraw.

So where are we? I think we have a conflict that America cannot be decisive in changing through our intervention for any more than a very short period of time. It is not going to make me feel any better and I do not think it will make the American people feel any better to add American names to the casualty list in Bosnia.

I think the U.N. mission has failed. The safe havens are not safe. There is no peace for the peacekeepers to keep. I believe the U.N. forces should be withdrawn.

I think to engage in intensified airstrikes would simply put us into a position where, if they did not succeed, we would be drawn deeper and deeper into this conflict. And everything we know about the region and the effectiveness of airstrikes in a geographic area like Bosnia tells us that airstrikes are not likely to be decisive.

So what do I think the solution is? I do not think it is a very happy solution. I think, first of all, we have to recognize that there are limits of power and that, even though we are the most powerful country in the history of the world, even though we have greater military capacity than any nation in the history of the world has ever had, we do not have the ability to fix everything that is broken. We do not have the ability to right every wrong, and we do not have the capacity, given the unwillingness of Americans to sacrifice American lives, to be decisive in Bosnia.

Therefore, I think we should call on the United Nations to withdraw. I think we ought to lift the arms embargo. We ought to allow the Bosnians to arm themselves and defend themselves. We have to realize that foreign policy involving American military power is not like social work. It is not a situation in which we see something wrong in the world and we decide to fix it.

It seems to me we have to ask two questions to guide us in our policy with regard to Bosnia.

First of all, do we have a vital national interest in Bosnia? It is difficult to listen to the distinguished Senator from California and answer that question no. I think we do have an interest in what is happening there. I think the whole world has an interest in it.

But the second test is, can we be decisive, through our intervention, in solving the problem? I think the answer to that question is, regrettably, no. I think our intervention in the short run on a massive scale could have a short-term impact. But the day we withdraw, the problem is going to recur. I do not believe that the American people support the use of ground troops, and I do not support it.

We must recognize that while we have a national interest, and I think civilization has an interest, I do not think we have the capacity to be decisive in this conflict.

Finally, never, ever, under any circumstance, could I support sending U.S. troops into combat under U.N. command. It is an absolutely unworkable structure. The United Nations was never organized to conduct military operations, and I, for one, am determined to see that under the current structure of the United Nations or anything remotely similar to it, we do not put Americans into combat under U.N. command.

Let me, before I end, respond to a couple of points the administration has made. The administration has argued that lifting the embargo Americanizes the war. I strongly disagree with that argument. I think continuing to threaten to do things we are not going to do Americanizes the war.

I think the Serbs understand that we are not going to send ground troops into Bosnia. I think the Serbs understand that, at least to this point, we have been unwilling to use massive air power because it would not have been decisive and because a massive bombardment using American air power would have caused collateral damage, including killing innocent civilians, that would clearly have been very large. Even as sophisticated as our weapons are, that is likely to happen.

Instead, we have continued to threaten things that do not menace the Serbians. What we have to do is level with our allies and level with ourselves in saying some very simple things.

No. one, we are not going to send American ground troops into Bosnia. No. two, the U.N. mission is a failure, and nothing that we are going to do is going to change that. The obvious thing to do, the humanitarian thing to do, and in the long run the thing that is in the interest of the people of Bosnia is to lift the arms embargo and give the Bosnians the opportunity to defend themselves.

That is something that we are not going to do for them. The United Nations has been unwilling and unable to do it for them. They desperately want to do it for themselves. I cannot in good conscience deny them the ability to do that.

I yield the floor.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

BOSNIA DECISIONS

Mr. BYRD. Mr. President, we are considering legislation that would unilaterally lift the arms embargo against Bosnia on a date certain that is established by actions outside the control of the United States. A demand by the Bosnian Government for the United Nations Protection Force (UNPROFOR) withdrawal from Bosnia would cause the lifting of the United States embargo against the Bosnian Government. The sponsor of this legislation, Senator DOLE, and cosponsors and others have argued that UNPROFOR is not effectively protecting the U.N.-declared safe areas—and I agree with that—and that it should be withdrawn, allowing the Bosnian Government to defend itself and its people.

But, Mr. President, this scenario does not fully reflect ongoing developments. There is another option to what is clearly a failed U.N. mission, failed because no peacekeeping operation can succeed when there is no peace to keep. Last Friday, representatives of the 16 nations comprising the North Atlantic Treaty Organization [NATO] met in London to hammer out a coordinated NATO response to the recent Serb aggression. That meeting has resulted in a new policy, the details of which are being finalized today. The most important element of the policy is that our NATO allies are remaining in Bosnia. They have not seized upon excuses to quit the morass that is Bosnia. Our European allies recognize that aggression in Europe feeds upon itself and must be met. They recognize that the spread of this cancer will eventually threaten the stability of NATO nations, through huge refugee flows, black market arms trading, and economic instability. They are not leaving the refugees in the safe areas with no hope that the West cares about their fate. NATO is prepared to take action if Gorazde is attacked. As the discussion proceeds in NATO councils, we should soon know if the "dual key" approach to approving airstrikes will remain in its now modified form, or if—as I hope—the retaliatory strikes are to be fully in NATO's control. My opinion is that now is the time for the U.N. bureaucracy to completely step aside.

This is a big change for U.N. and NATO policy in Bosnia, and one that is not recognized in the legislation we are debating. The U.N. operation in Bosnia has been castigated for not truly protecting the Bosnian Moslem refugees in Srebrenica, Zepa, and other safe areas. It is certainly true that the United Nations was unable to keep those towns from being overrun; just as it is true that Bosnian Government forces also failed to keep the towns from being overrun. Perhaps that is cause for some to call for the United Nations' withdrawal from Bosnia. I am opposed to unilateral action by the United States. I suggest that it is time to let NATO take over from the United Nations in Bosnia. That is the path that is being taken in the recent NATO decisions.

NATO is a fighting force, while the United Nations is not. For the four and a half decades since its inception in 1949, NATO has thrived as one of history's most successful alliances, serving as a defensive shield protecting its 16 members from a massive assault by Warsaw Pact armies. The fact that it has never had to fight the Warsaw Pact is perhaps proof of its effectiveness. In times of rivalry on trade and diplomatic fronts, NATO has been a stabilizing factor in U.S.-European relations, a forum where Western countries can air and coordinate important global policies of concern such as arms control, proliferation of weapons of mass destruction, and instability in the region. Now, it is proving to be a forum where, perhaps, a workable plan for the tragic situation in Bosnia can be hammered out and implemented.

NATO troops are seasoned and practiced in joint operations. They have the equipment, training, and rules of engagement to make them an effective enforcer of the decisions announced this weekend. The NATO military command is establishing the command and control links and decisionmaking rules to guide NATO operations in Bosnia in fulfillment of the decisions so recently made.

But NATO needs time, it needs the opportunity, to prove that it can be more effective in Bosnia than the U.N. peacekeepers have been. I know that proponents of this legislation will say that airstrikes have been tried before, and they have not worked. I do not deny that. But previous retaliatory airstrike operations have been bound with so many restrictions and such cumbersome lines of control as to be useless. Previous airstrikes have required advance notice to the targets that were to be hit. They have required a time-consuming and cumbersome decisionmaking process that rendered the strikes toothless and not timely. They have been conducted by flights of aircraft not necessarily suited to the task at hand. And, they have been deterred by the presence of hostages at the sites to be bombed.

These restrictions do not appear to be the case in the retaliation that has been outlined for NATO and by NATO. NATO retaliation will be swift, it will be at a time and place of NATO's choosing, it will not be announced, and it may encompass any Serb military target, including command and control centers and headquarters. Our NATO allies with forces on the ground have even accepted the possibility that hostages may be taken, and have pledged to continue on even in these difficult conditions. This is a far cry from the previous ineffective U.N.-controlled airstrikes.

Will this be easy? No, I do not think so. Is it important to support NATO in this effort? Yes. I think it is very important. Our NATO allies have made two points clear: First, they are committed to taking action in Bosnia, and remaining engaged there. Second, they have made it clear that United States actions to unilaterally lift the arms embargo would seriously damage the allied coalition on Bosnia. The United States has urged NATO to take on this larger role, and to become more active in deterring aggression in Bosnia. They are doing it.

Mr. President, this legislation does not address the key issue, which is the role of NATO in keeping the peace on the European continent. It pretends to lift an embargo that the United States has not enforced for months, due to compromise language worked out in last year's defense authorization bill. Arms and funds to buy arms are making their way to the Bosnian Government from sympathetic governments, just as arms are making their way to the Bosnian Serbs. A lifting of the United States embargo could very well be a prelude to greater American involvement in this conflict. Following a formal lifting of the United States embargo, shall we expect to see legislation introduced to use U.S. taxpayer's funds to supply arms to the Bosnian Government? Such legislation has been included in bills in the past, up to $200 million. Some $50 million in defense articles and services from the Department of Defense was authorized to be provided to the Government of Bosnia in the Fiscal Year 1995 Foreign Operations Appropriations bill (Public Law 103–306), subject to Presidential certification. This assistance even may prove necessary, if action to lift the embargo weakens NATO's resolve and ability to act in Bosnia. After all, why should our allies, who have so much more at stake in Bosnia, undertake such risks, when on the heels of their consensus, the United States adds a new unilateral element?

All of us sympathize with the suffering in Bosnia. Nobody sympathizes with the suffering any more than I do. I am not blind to it. I hope that the new NATO policy will be successful, and will finally let the Bosnian Serbs know that they cannot defy the world, take more territory, and displace residents in order to create an intolerant society. I simply cannot see how this legislation before us today improves the situation for the Bosnian Government, or for the Bosnian people, or for the hope that the United States and its allies can retain a united security policy.

It is this unilateral action that threatens to "Americanize" the conflict in Bosnia. If our actions here today on this measure jeopardize the new NATO policy in Bosnia before that policy is implemented and tested, we may have assumed some responsibility for the further deterioration of conditions in Bosnia. If our actions on this measure lead to our European allies quitting the field in Bosnia, then we may feel more responsible for the fate of Bosnia. If we then begin to supply arms, and the Bosnian Government still fails to deter Serb advances, and we are urged to supply training, and then intelligence, and then advisers, and then more powerful weapons, we will have chosen a well traveled path—a path that in our own past has led to places like Vietnam and Nicaragua. This is classic incrementalism. It is a poor substitute for decisive NATO action.

Active, decisive NATO operations to deter or retaliate against Serb aggression will do more to support the Bosnian victims of aggression than will an UNPROFOR withdrawal and a lonely battle fought only by the Bosnian Government forces. With our European allies, the United States has been involved from the beginning. It is better for Bosnia, and better for the United States, for the United States to act in concert with our allies, rather than to act alone.

Mr. President, let us vote to give NATO a chance in a very complex and difficult situation. Let us not make that situation more complex and difficult. I intend to vote against this bill.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Will the distinguished Senator from West Virginia yield for a question?

Mr. BYRD. I yield.

Mr. WARNER. I thank the distinguished Senator.

The premise, as I listened very carefully to the Senator's very eloquent remarks, was that NATO be given the responsibility, given the responsibility—and I copied it down correctly—to deter quite this situation which would, first, be clearly taking sides.

The United States is an integral part of NATO, and that leads me to the question, if NATO were to be given this authority, in my judgment, that would immediately lead to the assumption that U.S. ground troops as an integral part of NATO forces called into the battle would then be sent into that conflict.

Mr. BYRD. Mr. President, I do not agree with the Senator. He has a right to his opinion. He is a very able and long-time Member of the Armed Services Committee. I respect his viewpoint.

I am simply saying that the allies have determined on a course of action. I am saying that for us to adopt the measure that is before the Senate to unilaterally lift the embargo would be, in a way, jerking the rug out from under the allies. I am saying, let the allies take the course of action that they have taken, they have decided upon—we do not have to pass this resolution today or tomorrow—but let us not take action here which may in the final analysis result in exactly what the distinguished Senator has expressed concern against, and that is the use of American fighting personnel in Bosnia.

Mr. WARNER. Mr. President, if I may ask a second question, if the responsibility is turned over to NATO, what would be the likely reaction of Russia? Russia has a historical connection with Serbia and the cultures associated with Serbia, and speaking for myself, I would want to know exactly what their reaction would be before I say, "NATO, you take over this fight."

Mr. BYRD. I do not suppose they will like it, but what will be the Russian reaction if we lift the embargo unilaterally? What will be their reaction to that?

Mr. WARNER. Mr. President, I think that has already been stated by Russia. They will revert to their historical ties to Serbia and in all probability aid Serbia. But to give this situation over to NATO and let them take such action, as I took notes here, I as yet have not seen any decisive action. This is the whole problem—no decisive action thus far by NATO most likely as a consequence of the U.N. dual-key handle on the situation.

Mr. BYRD. Which I am against.

Mr. WARNER. I understand, Mr. President, very clearly that the Senator has made that point. But I do not see the circumstances under which—no matter how intriguing our distinguished colleague's suggestion might be, I do not see the circumstances where this would be turned over to NATO. And if it were, then, in my opinion, we would have to participate as an integral partner in NATO both in the ground and in the air and on the sea. That is my concern.

Mr. BYRD. Mr. President, I ask unanimous consent that even though I hold the floor, I may be permitted to ask a question of the Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Mr. President, is the Senator discouraged by the action that will be taken by the NATO allies, the decision that was made by the NATO allies on last Saturday and the follow-through which they are making today?

Mr. WARNER. Mr. President, my answer to that——

Mr. BYRD. Is he not in concert with the decision that was made by the allies?

Mr. WARNER. Mr. President, most respectfully, I am not. I think that to begin a very serious air-bombing campaign of portions of Bosnia and Herzegovina and possibly extending it on into areas bordering on if not Serbia—and that has been mentioned—is a very dangerous mission. What is to happen if hostages are taken during the course of this bombardment, not only hostages of the UNPROFOR but the U.N. forces there associated with the food disposal and disbursements, and civilians?

There has been a long history by the Bosnian Serbs, Mr. President, of collocating with targets of opportunity, collocating innocent civilians, of chaining hostages, of chaining hostages, Mr. President, to the likely targets. And I cannot see the United States being told or exercising leadership, bomb and bomb and bomb, while hostages are being chained and innocent civilians dragged into the collocation of those targets.

Suppose you were a young American aviator and you were directed to bomb a target when you knew full well of the innocent people in the vicinity. Mr. President, that policy disturbs me greatly.

I thank my good friend and colleague. We have served here these many, many years together, and on this we have a difference of view.

Mr. BYRD. We do have. Mr. President, I am sorry that the distinguished Senator deplores the fact that the NATO allies have not taken any action, and yet he also deplores the decision by the NATO allies on last Friday to take action. He says, why have they not taken any action? They have not had time to follow through on the decision.

Mr. WARNER. Mr. President, they have indicated a willingness to put the rapid reaction force into positions where those forces can better protect UNPROFOR, not stop in any way the killing, the raping of many, many innocent civilians.

Mr. BYRD. Mr. President, the Senator has taken on more than a man-sized job now when he talks about stopping the raping and killing of the innocents. That goes on here in the District of Columbia and everywhere else. And that has been going on in the area that we are talking about for over 2,000 years. It was from that area that the Roman legions were able to get their best soldiers, in Pannonia and Dalmatia, Illyria—the area more recently referred to as Yugoslavia—where, in A.D. 6, some 200,000 Dalmatians and Pannonians revolted and massacred thousands of Roman citizens and Roman soldiers.

We are dealing with an extremely difficult problem here. It is not going to be dealt with overnight. And I am afraid—I simply say it is my opinion. I may be wrong; I have been found wrong upon several occasions in my 77 years. I may be wrong this time. It is my opinion that this is the wrong thing to do, to lift this embargo unilaterally.

Mr. WARNER. Mr. President, I thank my distinguished colleague for the opportunity to have a colloquy together.

Mr. BYRD. I thank my friend.

Mr. LEAHY addressed the Chair.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I think the colloquy between the distinguished senior Senator from West Virginia and the distinguished senior Senator from Virginia is probably as illustrative of the debate we have here as anything. Without meaning to embarrass either of the distinguished Senators, one from West Virginia and one from Virginia, they are two of the most knowledgeable Members of this Senate, they are two people probably who have observed history, the use of force, the trends in history and trends in the use of force as much as anyone, certainly longer than the senior Senator from Vermont. It is indicative of the agonizing choice here that they are in disagreement on this. They are two Senators respected by their colleagues on both sides of the aisle and respected by each other and yet they differ on this. That is a measure of the strong feelings we all feel about this desperate situation.

It is indicative of the larger issues that underlie this debate. I worry, for example, about what will remain of NATO when this is over? This is an issue that many of us feel, as does the Senator from Vermont, should have been handled by NATO in the first instance, starting several years ago. And NATO—which has been supported by the United States, maintained by the United States, in many ways led by the United States ever since the beginning of the cold war—NATO, when faced with its first real challenge, a challenge to show leadership, a challenge to deal forcefully with a conflict taking place right on their borders, they failed and failed miserably. And it is almost as though the meetings in Brussels and the dinners in the chandeliered dining rooms and the discussions of those driven around in limousines and saluted were more important than the policy. And I worry that part of the damage of this whole sorry episode in the former Yugoslavia, part of the damage may be a wounding of NATO itself. I am very concerned that NATO may not be as relevant as we go into the next century, just 4½ years away.

I say this because I am one who does not assume that NATO is no longer needed today, that the Soviet Union has completely disappeared. I am not ready to accept that. I certainly accept there have been magnificent and significant changes in the former Soviet

Union. But those things that we feared about the Soviet Union, I would say to my friend from Virginia and others, those things we feared I am not sure they cannot reappear.

I applaud the things that have happened in Russia, for example, the opening of a far freer press. I certainly applaud the privatization that is going on, the efforts toward openness and democracy. I certainly hope these changes are permanent, and I have strongly supported aid to the former Soviet Union to help them succeed in this difficult transition. But I am not ready to accept that Russia is like our European allies who we have grown accustomed to throughout our lifetime. It is still a country with thousands and thousands of nuclear warheads, a country still having difficulty deciding what kind of a government it is going to have, and a country with many in positions of power who long for the good old days of Soviet privilege and power.

I do not say that to be overly pessimistic. But I am saying that if the Western World is going to stand up for democracy, human rights, and the civilian control of military power, then NATO is the place to show it. I worry much that NATO may have been so badly damaged by this debacle that it will never recover its footing. I hope it does.

Throughout this debate on the Dole-Lieberman amendment to unilaterally lift the arms embargo against Bosnia, there have been eloquent and persuasive arguments on both sides. I find myself torn. In fact, when similar resolutions as this came up in the past I found myself actually supporting the other side at one point, something I rarely have done in 21 years. I can think of few issues in my 21 years about which I have felt so conflicted.

I do think there are things we all agree on. The arms embargo which was imposed by the United Nations Security Council with strong U.S. support was well-intentioned but, I believe, a tragic mistake. It was agreed to even before Bosnia declared its independence, at a time when very few anticipated the disaster that has since befallen the former Yugoslavia. While the embargo has not prevented Bosnian Moslems from obtaining arms on the black market, it has provided a military advantage to the Serbs by denying the Bosnians access to tanks and heavy artillery.

We also agree that while both sides are guilty of atrocities against civilians and prisoners of war, the Serbs have been responsible for the overwhelming majority of the atrocities, especially in their hideous campaign of ethnic cleansing. We have heard of thousands of women and girls raped, thousands of prisoners mutilated and summarily executed, civilian targets shelled, even the wounded in hospitals taken out and shot.

If there is anything that would fit a definition of war crimes, it has been these atrocities. We have watched as the Bosnian Serbs have overrun 70 percent of the territory previously occupied by Bosnian Moslems. Even today, Sarajevo and Bihac are under attack. That is beyond dispute.

We also know that an American F–16 was shot down by a Serb missile. There was absolutely no evidence that the NATO aircraft, which was enforcing the no-fly zone, posed any threats to the Serbs. But yet they shot it down.

I think we all agree that the status quo is completely unacceptable. UNPROFOR went to Bosnia to protect civilians, but they were never given the mandate, the equipment, or the rules of engagement to do the job, a job they were asked to carry out under agreements worked out with parties that continuously lied and broke their word.

It was unconscionable to inject U.N. peacekeepers into a war where there is no peace to keep and without adequate means to defend themselves. We have watched as the United Nations and NATO have been humiliated and weakened as Serb violations of U.N. resolutions were met with silence. We have been disgusted as NATO, the most powerful military alliance in recorded history, seemed impotent to respond aggressively to these outrages.

We have watched helplessly as U.N. troops were taken hostage, abused, and even killed. Bosnians civilians accompanied by U.N. soldiers have been seized by Serb soldiers, been taken away and shot. The U.N. soldiers have had to stand by and watch this, helpless to stop it. U.N. weapons and equipment have been flagrantly stolen.

The U.N. mission was to protect civilians. While UNPROFOR has saved lives, it has fallen far short of accomplishing its full mission. U.N. safe areas have proven to be anything but safe. The U.N. dual-key approach turned out to be a terrible mistake.

Finally, I think there is widespread agreement that the response of the West, including the United States, to the genocide in Bosnia has been a catastrophic failure. We even refused to call it genocide when what we watch on television was clearly genocide. The policy of our European allies and two consecutive American administrations have been timid, equivocal, and ineffective.

Mr. President, I wish there had never been an arms embargo. But with one in place, we now have a real problem of whether to break with our NATO allies. Many feel that would be a very serious mistake.

The Bosnian Government wants the arms embargo lifted. But does it want the United Nations to leave? The Bosnian Government has never asked the United Nations to leave. That is because they know that, even as flawed as this has been, the United Nations is saving lives and is getting food and medicine to over 2 million stranded, defenseless people. If the United Nations leaves, they know the war will escalate and more people will die. Bosnia's Prime Minister wants the United States to enter the war, and that is why he supports this amendment.

I have also listened to those who believe that even large U.S. airstrikes aimed at strengthening the U.N. operation would not defeat the Serbs. They argue the only way to defeat the Serbs is with massive numbers of NATO ground troops, including thousands of Americans, to seize territory and defend it. Since the Serbs know that the United States is not prepared to undertake such a hazardous, costly military operation of indefinite duration in a country where no U.S. security interests are at stake, there is a possibility the Serbs will resist our air attacks and fight on.

They may be right. But our Pentagon commanders believe that punishing air attacks could swing the balance in this war. And maybe they are right.

And so, Mr. President, it is because there is no easy solution to the conflict in Bosnia that we face this agonizing choice. Everything in my heart and emotion makes me want to vote to lift this embargo. As I talked with the Bosnians themselves, and I hear them say, "Let us fight like human beings and not die like animals," I want to lift the embargo.

And if I thought that unilaterally lifting the arms embargo would stop the bloodshed there, I would vote for it without hesitation, despite, I might say, the unfortunate and even the dangerous precedent it would set in rejecting a Security Council resolution that we here in the United States voted for and supported. I would do so because I believe so strongly that the genocide in Bosnia must be stopped.

Mr. President, I am one who has said for a long, long time, even when our own Government would not say so, that this is genocide. But I find that it may well be impossible for me to vote for this amendment because our military leaders predict that the bloodshed would quickly escalate and that, as UNPROFOR leaves, U.N. troops would be drawn into a protracted ground war in Bosnia. That may be inevitable. It may be inevitable. But there is still a chance that NATO can prevent such a debacle.

I cannot support the withdrawal of the United Nations when there is still a chance that NATO would display the kind of unity and power that it should have displayed from the very beginning of this conflict. I cannot turn my back when NATO may be able to redeem itself and be a viable force for bringing about an end to this cruel war.

I believe our first responsibility is to NATO. I say that as one who has supported NATO throughout my adult life, as one who believes that the West needs a strong leader.

NATO is our first responsibility, and today the administration and our NATO allies are feverishly working to develop a strategy to deter further Serb advances on the Bosnian Moslem enclaves.

I would like to see some time at least elapse following the meetings in London this past weekend, while the meetings are continuing today, before we vote on the question of lifting the arms embargo.

I am afraid if we pass this amendment today, we are inviting NATO to walk away from Bosnia, and we are saying we do not support a forceful NATO response, that we are prepared to see an appalling situation become even worse. I think that would be a mistake. I think we should give the process underway in London time to unfold.

Frankly, I was disappointed, as I know many Senators were, that last Friday in London, the NATO Ministers only threatened to use substantial and decisive force if the Serbs attack Gorazde. Why should that threat not apply equally to Serb attacks against the other remaining safe havens? They are under Serb assault right now.

Innocent people have been dying for months. Secretary of State Christopher and Secretary of Defense Perry have both suggested the enclaves would be covered by the NATO threat, but it is unclear whether NATO feels that way. I believe this is absolutely crucial. I have discussed this with the Secretary of State.

I am confident that the administration will continue to push for the broadest and strongest rules of engagement for NATO, and that the disastrous dual-key policy will end. Frankly, Mr. President, I hope our country will never be party to something like this again.

Any decision to use force will be made by NATO commanders, not U.N. bureaucrats, and U.S. ground troops will not be involved except, of course, I might say, as we the President has already said, to ensure the safe withdrawal of U.N. troops.

Mr. President, the easy vote for me on this amendment would be to vote "aye." That is an easy, visible way for me to cast my lot with those suffering in Bosnia, suffering that should never have happened if there had not been mistakes made by the West for at least 5 years now.

I feel for those desperate people as passionately as anyone in this Chamber. How could any human being not? But I find it virtually impossible to support an amendment which I believe would lead to wider war, greater suffering, that would endanger the lives of the troops of our NATO allies who are on the ground, and possibly endanger thousands of Americans at this moment when NATO is substantially revising its policy in Bosnia.

As I have said, I have been torn by this more than any issue here. If the new policy does not work, perhaps I will feel differently, perhaps I would vote differently.

If the decision is made to withdraw UNPROFOR, which is what this amendment does, then tens of thousands of U.S. troops will be sent to assist their retreat, If that occurs, Americans and U.N. peacekeepers will be killed and possibly taken hostage.

As the leader of NATO we have that responsibility. If we are asked by UNPROFOR to help them withdraw, we will have to say yes. I am one Senator who would vote to support that, even though it means we will put American troops in harm's way. But I cannot support an amendment which does not spell out all these risks for the American people. This amendment says nothing about the fact that American ground troops would likely end up in Bosnia. Perhaps we should vote on that.

Mr. President, while I have been deeply disappointed by the failure of the Western countries to act more forcefully to stop the genocide in Bosnia, I have hope that that is changing. I think we and our allies have failed badly. The past 3 years will be remembered for horrifying brutality met by timidity and meaningless threats.

Today, NATO has a last chance to redeem itself. President Clinton has gone to great lengths in recent days to persuade our national allies to act forcefully. There has been significant progress toward a unified position. He has urged us to give NATO a chance to prove itself—not the U.N. but NATO. I believe we have a responsibility as the leader of NATO to stand up for that alliance today.

For that reason, and primarily for that reason, I will vote no. If NATO does not stand up, if the situation does not change, if after the conclusion of the discussions in London further Serb atrocities are still met with inaction, then frankly, Mr. President, I do not see how I could continue to vote no.

I want to say, again, Mr. President, before I yield the floor, I see my friend from Virginia, and I have so much respect both for him and for the distinguished senior Senator from West Virginia. Hearing that colloquy, I could not help but think that they spoke to the things that have been going back and forth in my mind.

I walked the fields of my farm in Vermont, and I have gone back and forth and been awake in the middle of the night. I find myself one moment saying yes, and the next moment, no. I have gone back and forth. This has, frankly, Mr. President, been one of the most difficult votes I have cast, even though there is no question in my mind that the resolution of the distinguished majority leader and the distinguished Senator from Connecticut will pass this body, I suspect, by a fairly large margin.

I yield the floor.

The PRESIDING OFFICER (Mr. THOMPSON). The Senator from Virginia.

Mr. WARNER. Mr. President, a question to my distinguished colleague.

The American taxpayer has been paying this bill, now, in 1993, $138 million; 1994, $292 million; 1995, $315 million; now at even a higher rate, for their participation in the air and in the naval embargo.

I think it is time that the U.S. Senate stood up for something. Does the Senator from Vermont—and I listened very carefully—does the Senator advocate a larger role for NATO then, Mr. President? I think you are obligated to tell what you want NATO to do. We now have dispatches today that Boutros-Ghali, the head of the United Nations, is not about to turn this thing over to NATO.

Let Members not hold out there is a solution by NATO.

Mr. LEAHY. Mr. President, the Senator, of course, is entitled to his own analysis of what I said, which of course is not what I said. I have spoken on this floor many times and elsewhere for several years, both in the past administration and in this administration, saying there has been opportunity after opportunity lost by NATO in the past.

This is not something calling for NATO to act today. It is something I have been saying for years, something I have said both to the current President and his predecessor. This is not something I am saying up here and raising this point. It is a situation where I wish I had been wrong in calling for stronger action in the past. It may have had a lot more effect. But I see now, as I look back, I was right and the decisions made by two administrations were wrong.

Mr. WARNER. Mr. President, I simply conclude by saying that if someone has a plan that NATO should carry out, perhaps they ought to bring it out here and discuss it. If we have NATO with greater involvement, I cannot see how our President can say NATO will continue in the air, but no way will we go in on the ground.

If you bring NATO in and give it full responsibility, then we are in this combat on the ground very decisively, in my judgment.

Mr. EXON. Mr. President, I thank the Chair. I note the presence on the floor of the majority leader, the principal sponsor of the amendment. I have been waiting for some time, but if the Senator from Kansas, the majority leader, wishes to make a statement, I am happy to yield.

Mr. DOLE. I came to listen to the Senator from Nebraska.

Mr. EXON. I hope I will not disappoint the Senator from Kansas with my remarks.

Mr. President, the vote that I will cast on the Dole-Lieberman measure on the critical, complicated, and extremely dangerous situation in Bosnia is one of the most important, if not the most important vote, that I have ever cast in the Senate.

I will vote no, Mr. President, because I am convinced that this ill-advised Americanization of the war will gut our relationships with our traditional allies, sow the seed for the end of NATO, and make the United Nations substantially less of an instrument for the settling of disputes.

To my colleagues, I say vote no. This is not the correct course of action. Vote no, I plead—I plead, since I am convinced that this ill-advised action could turn out to be disastrous for the world and for the United States of America.

Mr. President, last Wednesday I addressed the Senate on the reasons why I oppose S. 21, the Dole-Lieberman bill to unilaterally lift the arms embargo against Bosnia. Since that time, the United States has met with our European allies to assess our collective policy in response to Serbian attacks on two Bosnian safe havens. I am convinced now even more than last week that passage of S. 21 in its present form would only worsen the situation in Bosnia.

With the deployment of the French and British Rapid Reaction Force and the recommitment of the alliance, including the United States, to the use of air strikes to blunt Serbian attacks on safe havens, the crisis in Bosnia has entered an important new phase that I think we should recognize. The alliance is now committed to meet Serb aggression against civilian populations with force unencumbered by a restrictive dual-key arrangement for authorizing airstrikes. As Secretary Christopher said in his July 21 press briefing, the city of Gorazde, our most immediate concern, will be defended.

Unilateral lifting of the embargo prematurely starts a series of events in motion that will directly undercut the agreement reached by the alliance over the weekend. Lifting the embargo will result in an infusion of arms on all sides of the conflict—not simply the Bosnian Government, but to all sides—that will only sustain the ability to wage war, inflict casualities, and terrorize the civilian populations. Removal of the peacekeepers would be inevitable and the dogs of war will be unleashed, newly strengthened, to carry on the fight until one dog remains or there is nothing left alive to fight over.

As I said during my statement last week on S. 21, I am not a supporter of an embargo that hinders the Bosnian Forces in there ability to defend themselves. I also question the effectiveness of the peacekeepers to fulfill their mission when a peace agreement is not in place. We have turned over responsibility of protecting civilians on the ground and seeing that convoys of food and medicine get through to our allies. We have asked that the French, the British, the Dutch, and many other countries shoulder the costly burden of putting their soldiers at risk on the ground, while we lament their inability to stop the bloodshed and demand that something be done, we suggest by Dole-Lieberman that we "courageously" unilaterally lift the embargo.

It is disingenuous for the U.S. Senate to be calling for a unilateral lifting of the embargo and undercutting our allies when their soldiers are the ones dying in an attempt to protect innocent men, women, and children. The United States lost 43 men in Somalia in an operation to save hundreds of thousands of lives imperiled by starvation. The French have now lost 42 men in Bosnia since arriving in June 1992. I could only imagine the howls emanating from this Chamber had a nation not involved on the ground in Somalia decided, contrary to international agreement, to supply arms into Somalia that in turn further endangered Americans there. Our foreign policy is not made in a vacuum and we must be aware of the standards we ask other nations to adhere to when we contemplate a course of action that places us at odds with our allies.

Sure, proponents will say that the situations are not the same and that S. 21 provides for a lifting of the embargo after the peacekeepers are withdrawn. But the point is that this bill is the impetus for the Bosnian Government to demand that the peacekeepers leave. S. 21's enticement to remove the shield, now reinforced by this weekend's decision, is the promise of arms, a promise, by the way, that S. 21 neither fulfills nor addresses. Similarly, the bill before us refuses to take into account the need to authorize United States forces to assist in the withdrawal of United Nations forces from Bosnia. S. 21 is only half of the story. The other half of the story no one wants to be bothered with is a lot more messy: thousands of United States ground troops in Bosnia extracting our allies; increased fighting among combatants as the arms pour in to Bosnia and its cities become the battlelines; more brutality; more death; and ever-deepening scar of human suffering.

There are no easy courses of action with respect to our policy in Bosnia. No alternative is guaranteed to reach a peaceful and equitable settlement. President Clinton has joined our allies in strengthening the prospect of bringing the Serb Forces attacking civilian safe havens to heel. I have heard none of the proponents of S. 21 suggest that lifting the arms embargo and removing the U.N. peacekeepers will reduce the fighting. Likewise, the proponents of S. 21 will not tell you that by pulling out the peacekeepers protecting the safe havens Serbian forces will cease their attacks on civilian populations. That is so because we know such a conclusion is faulty, as the events of the past have clearly shown. Every one knows the opposite is true. Lift the embargo, pull out the peacekeepers, flood the region with more arms, and watch the bloodshed rage. S. 21 will prolong the war, not end it. S. 21 will lead to more casualties, not less.

The West's dedication to use air strikes to keep the Serbians at bay improves the prospect that the military balance will shift to the point that the Serbs cannot exploit their advantage in the Eastern Bosnian enclaves, thus hopefully—I say hopefully because nothing is assured—leading to a realization that this war cannot be won on the field of battle. After all, Bosnian Government Forces are numerically superior to the Serb Forces and have been retaking land from the Serbs in some of the western areas. Perhaps the status quo is the lesser of two evils. But there are no simple solutions. We must work with the hand that we are dealt. I believe the President's policy and that of the NATO alliance is measured and appropriate under the circumstances. It has been totally agreed to by our military leaders. This is not Kansas. We can not click our heels three times and expect the problem to go away. Our allies are doing their best in a very difficult situation. Let us not undercut them. Let us not undercut our President as he carries out his constitutional authorities as Commander in Chief.

S. 21 has the allure of cotton candy. But as we know, the sweet taste soon disappears and leaves only the threat of tooth decay. Cotton candy is not good for you and S. 21 is not good for the cause of peace in Bosnia. I urge the Senate to not endorse a course of action that resigns us to a cynical view that endorses the rearming of the region in a misguided hope that more arms, more fighting, more American involvement will further the prospect of peace.

When tens of thousands of women and children were being brutally hacked to death by machetes in Rwanda, I do not recall anyone in the Senate taking the floor calling for the need to send arms to the persecuted minority in Rwanda to defend themselves. I mention this because the Senate has a way of being selective in its indignation over foreign policy matters. The Congress has an unfortunate tendency to be inconsistent in how we involve ourselves in foreign affairs. So let it not be a surprise, if S. 21 becomes law, when at some point in the future an ally of ours decides to break out of the Iraqi, Libyan or Serbian international embargo and points to our vote today as justification for the action.

The fact is that the present policy has the best shot, although I agree it is a long one, of realizing a peaceful settlement to the fighting in Bosnia. We hope and we pray that that will happen.

Until we as a Nation have forces involved in there are more than we have now, our indignation over the recent policy decisions in the Balkans rings, in the view of this Senator, as somewhat hollow.

Mr. President, I yield the floor.

Mr. WARNER. Mr. President, may I ask my colleague, has he had the opportunity to read the letter from the Prime Minister of Bosnia requesting that this specific action before the Senate today be taken?

Mr. EXON. No. I have not read that letter. I do not believe, in answer to my friend from Virginia, that we should necessarily be swayed by such a letter. If the Bosnian Government would make the official request to remove the peacekeepers at the proper agency, which I suggest is the United Nations, then I think it would be more meaningful. Will the Senator from Virginia agree?

Mr. WARNER. Mr. President, I agree. That is precisely what this measure before the Senate at this time provides. If I could draw the Senator's attention—I am sure he has read it—the distinguished majority leader and the Senator from Connecticut revised earlier provisions to say expressly that should be done; namely, that the Bosnian Government make a formal appeal. This does not constitute a formal appeal. But time after time Senators have come up and said the Dole-Lieberman measure gives an inducement for them to take certain action. They have already made the decision. Here are two letters, one July 11 and one dated today from the Prime Minister corroborating statements that he made to many of us here in terms of his desire.

So I say to the Senator, this is not an inducement. This government does desire the action recited in the present measure.

Mr. EXON. May I ask the Senator from Virginia, has the Government of Bosnia made a formal request to the United Nations for such action?

Mr. WARNER. Mr. President, it has not as yet.

Mr. EXON. As I said in my speech last week, I remind my friend from Virginia that, if that would happen, that would be the proper means of doing it. I do not believe that it necessarily follows that, since the Senate had received a letter from the President of Bosnia indicating what his intentions are, that necessarily in and of itself justifies our taking the action that S. 21 provides.

Mr. WARNER. Mr. President, I will simply say I call your attention to the measure pending before the Senate in which it says clearly the President of the United States shall terminate the arms embargo to the Government of Bosnia as provided following receipt by the United States Government of a request from the Government of Bosnia and Herzegovina for termination of the arms embargo in exercise of its sovereign rights. Then it goes on to say decision by the U.N. Security Council or decision by countries contributing. So there it is right in this resolution.

Mr. EXON. Will the Senator from Virginia tell me about how our allies, who presently have combat troops on the ground at risk and being killed, what is their attitude toward the letter that the Senator from Virginia is using to justify S. 21? Does he think we should take into consideration the commitment of the United Nations, the commitment of our allies, the commitment of NATO? Does that have anything to do with the situation?

Mr. WARNER. Mr. President, it certainly does. It has a great deal to do with it. But at this point in time our President, together with our allies, is putting forth a plan which, in the judgment of many, will not work to resolve this situation; that is, increased bombing in the face of increased hostage taking.

I call the Senator's attention also to articles in today's press which still recite the utter confusion as to whether or not the dual-key policy has been revised. So it is more and more of the same, while the American taxpayer is shelling out more and more dollars.

But the most significant thing is we are standing by while more and more innocent people are being denied the right to defend themselves. How many more pictures do we need of this endless stream of refugees, of these stories of human atrocities which it is inconceivable to think in this century could take place? How much longer must we stand by?

I yield the floor.

Mr. EXON. I ask my friend from Virginia if he recognizes and realizes, or might even concede that, if S. 21 passes, or if it does not, if the Bosnian Government would make its formal request to the United Nations that the U.N. peacekeepers be withdrawn, under that kind of a scenario, will the Senator from Virginia support the sending of 25,000 American troops into Bosnia to help extricate the U.N. forces there on the ground at this time in great peril?

Mr. WARNER. Mr. President, the President of the United States indicated that he will recommend, indeed take action as the Commander in Chief to provide, whatever amount is required of our forces to help the orderly withdrawal of the UNPROFOR forces. And I would support the President.

Mr. EXON. I thank my friend for that forthright statement. I suspected that would be his answer. Will the Senator from Virginia tell me if such an authority is granted in S. 21 as presently before the Senate?

Mr. WARNER. Mr. President, it is not addressed in this because the President of the United States has not come up with any specifics. We would be simply trying to deal with an unknown situation. We do not know what is to take place. I do not think at this point in time the Senate should be addressing a "what if" type question. We are speaking out in this resolution very decisively as to what should be done given the facts as of this moment.

At a later point in time, I will join others in this body in supporting the President in such legislative action as might be required.

Mr. EXON. But not as a part of S. 21?

Mr. WARNER. Mr. President, I do not intend to support it as a part of this because it is not timely. We do not know the number of troops. We do not know the situation. We have to make, I think, a very careful assessment of all factors. Again, this Senator obligates himself to support our President.

Mr. EXON. I would simply point out that I thought it was rather interesting that my colleague from Virginia indicates that the President of the United States has not suggested that. I would simply point out that I think the Senator from Virginia would clearly say that the driving forces behind S. 21 are taking little, if any, heed from the recommendations of the President of the United States on the matter of S. 21. But the Senator from Virginia is insisting that they might take heed of a request from the President to authorize a sending of troops into Bosnia to extricate U.N. personnel. Is that correct?

Mr. WARNER. Mr. President, they are entirely separable situations. My distinguished colleague and I serve together on the Armed Services Committee. We have sat there several times and heard about the plans concerning the withdrawal. But they are only conjecture. They are only plans. We do not know specifically the circumstances under which such a withdrawal would take place. But I again say that I would support the Commander in Chief at such time as he comes before the Congress to seek whatever authority he feels he needs in addition to that which he presently has under the Constitution.

Mr. EXON. But the Senator from Virginia clearly does not support the Commander in Chief in his present efforts, nor does he support our allies in NATO and in the United Nations and our traditional allies. He does not accept their recommendations with regard to not unilaterally lifting the embargo. But I take him at his word in the future.

Let me say, Mr. President, that one of the most troubling matters on S. 21 for this Senator is that I find that many of my closest friends and colleagues, including my distinguished friend from Virginia, with whom I have had the pleasure to serve for 17 years now on the Armed Services Committee, are on the opposite side of this Senator on this particular issue. We have a different view in looking at it. I think the Senator from Virginia and others that are supporting S. 21 are taking an unwise course of action. But I do not for a moment feel that they are doing it for other than what they think is best. I just do not agree with their judgment on this issue.

Mr. WARNER. Mr. President, I share that. We do have an honest disagreement. I see other Senators anxiously awaiting to participate in this debate.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Thank you, Mr. President.

Mr. President, I rise in support of the measure, of which I am a cosponsor, for the purpose, within the limit of my ability, of clarifying some of the issues that have been raised in this debate. Specific consideration must be given to the role of the United Nations, as against that of NATO, and with regard to the right of individual and collective self defense. These are three cascades, you might say, of rank from the collective to the regional to the individual state.

I am very conscious that I am standing on the Senate floor in the presence of our revered former chairman of the Committee on Foreign Relations, who was at the U.N. conference in San Francisco where the Charter was drafted, the anniversary of which was observed just 1 month ago. He knows this subject as few persons living ever can do. I would plead the lesser but not perhaps the irrelevant credentials of having been the permanent Representative of the United States to the United Nations and of having served in one period as President of the Security Council.

I would first of all go to the subject of whether this action would Americanize the war.

Anyone who was in San Francisco last month, certainly much less 50 years ago, would know that the U.N. Charter had as its fundamental purpose a system of collective security in which the United States and the other permanent members of the Security Council would automatically be involved in any international conflict anywhere in the world as would the United Nations itself.

Article 24 of the Charter states:

> In order to ensure prompt and effective action by the United Nations, its members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility, the Security Council acts on their behalf.

Now, the point I would wish to make here is that what we are seeing in Bosnia and Herzegovina and in the whole Balkan region right now is not an action by the Security Council under article 24 concerning the taking of prompt and effective action "for the maintenance of international peace and security."

It is another thing altogether. It is an invention, an important one, that came in the course of the 1948 Middle East conflict in which U.N. volunteers acted as peacekeepers in a situation where there was peace. There is not peace in Bosnia and Herzegovina. And it was, as all agree now, an incomparable blunder to have sent peacekeepers into the middle of a war.

The Charter provides for warmaking capacity in the United Nations. We tend to forget it. Article 45 says:

> In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action.

It goes on to provide, under article 46, for military planning by the Security Council to be conducted with the assistance of the Military Staff Committee. It goes on in article 47 to describe the functions of the Military Staff Committee with respect to the forces made available to it.

This Congress, the Senate, in 1945, passed legislation stating that the President was authorized to make available forces to the United Nations under article 45. He was to propose which forces might be made available. The Congress was to agree to the particulars—for instance, the 10th Mountain, the First Marine Division, the Sixth Fleet might be authorized to participate. And Congress having agreed, the President was thereafter free to deploy those forces under U.N. direction at his own behest without further reference to the Congress. That was the depth of our conviction and commitment to assist in collective security.

We do know that the whole arrangement vanished in the cold war. When I was at the United Nations amidst the cold war our representative on the Military Staff Committee was a colonel. They originally had been admirals. After it became clear that the Soviets were not going to cooperate—they did not—little by little this idea faded. But now the cold war is over, and the first test is before us. And if we meet it, fine. If we do not, we shall find ourselves asking what did we go through the last three-quarters of a century for? What has been accomplished since the time Woodrow Wilson brought the League of Nations Covenant back to this body?

Mr. President, at the San Francisco Conference, there was a specific and revealing difficulty. Members of the U.S. delegation were opposed to including language on the right of self-defense in the charter for fear that such a provision might be used to limit the right of self-defense. Somewhat the same issue arose with respect to the American Constitution and the adoption of the Bill of Rights. There were those who argued that if you ever list any specific number of rights about which Congress may make no law, if you leave one out, you may indicate that possibly you could make a law with respect to that right. Wiser counsel prevailed, and we have the Bill of Rights, and wiser counsel prevailed in San Francisco.

On May 15, 1945, James Reston described the breakthrough. He said:

> San Francisco, May 15.—President Truman broke the deadlock today between the Big Five and the Latin American nations over the relations between the American and the world security systems.
>
> After over a week of negotiating, during which American foreign policy was being made and remade by a bi-partisan conference delegation, the President gave to the Latin American nations the reassurance which they wanted before accepting supremacy of the World Security Council—World Security Council it then was—in dealing with disputes in the Western Hemisphere.
>
> This assurance was announced late tonight by Secretary Stettinius, who said that an amendment to the Dumbarton Oaks proposal would be proposed reading substantially as follows:

Mr. Reston was not only a great journalist. He had a great friend on the Chinese delegation, that we now know, and he quotes:

> Nothing in this charter impairs the inherent right of self-defense, either individual, or collective, in the event that the Security Council does not maintain international peace and security and an armed attack against a member State occurs.

That with very slight changes became article 51 of the charter. And that, sir, is exactly the situation which we confront today. The Security Council has not carried out its responsibility to maintain international peace and security under article 24. An ambiguous and in the end unavailing deployment of NATO and other forces as peacekeepers where there is no peace has clearly broken down.

A year ago, I was speaking on this subject on this floor, and I said what the UNPROFOR had become at that time. I said:

> But if we are to refrain from helping the Bosnians out of concern for their welfare, let us be candid and call the members of UNPROFOR what they have become: hostages.

I have visited some of the UNPROFOR forces and found them to be courageous to a fault, incredibly self-sacrificing, honorable, everything you would want in military men: but hostages even so.

Now, the question is what if we move to lift this arms embargo which I regard as an illegal sanction. It was never directly imposed on Bosnia and Herzegovina. How could it be? They have committed no act of aggression. They have violated no international law. People say, "Well, what about

Iran? What about Iraq? What about Libya?"

The answer, Mr. President, is very simple. In each case, those sanctions apply to a country which is in violation of international law—invaded a neighboring country, committed international acts of terrorism.

In no sense is there a comparable situation. To make such an argument is to equate the victim with the victimizer in this situation. The U.N. forces are not capable of carrying out the assignment given them, nor are the forces from other countries involved.

I was in Sarajevo in Thanksgiving of 1992. I made my way into the capital through a hail of small arms fire and heavy machine gun fire in a Ukrainian armored personnel carrier, was then transferred to an Egyptian armored personnel carrier to meet with President Izetbegovic and dined at the ceremonial mess with a British officer formerly with the Gurkha Regiment.

That is the international setting in Bosnia, the urge to collective security, but they cannot defend themselves. They cannot make peace. And they are sent as peacekeepers where there is no peace.

In this situation, sir, could I suggest that one of our problems as a nation is that we have never fully understood the role of ethnicity, of religion, of nationalism in this second half of the 20th century where it seemed that the great issue was the impending Armageddon of an encounter between the Soviet Union and its Marxist-Leninist creed and the western, liberal, Democratic, free enterprise world. Yes, there was that. Heaven knows, there was that. It ended up with the Soviet Regime collapsing under ethnic pressures—not that we ever foresaw it but it could have been foreseen. Some of us who have worked in this field predicted it, wrote about it, but were not heard. Now because the Soviet Union is over, there is the impression such tension is over. To the contrary. To the contrary, we invite, by the actions we now take, a conviction in the Islamic world that we will not defend Muslims horribly violated by Christian forces from a neighboring country and living also within their own country. Even as this London conference was meeting this weekend, Islamic nations met to ask what were they to understand the world was saying about an Islamic State, the victim of aggression. Were they saying it would not be defended and it would not be given the inherent right of self-defense? Turkey, a NATO member was at that conference.

The possibility of these events leading to a general encounter between Islamic forces in Europe and in the region just beyond in Asia Minor is not to be discounted, sir. The possibility of it spreading across the vast Islamic areas of the former Soviet Union is not to be discounted. Those who discount it could well ask, how did we get into this situation we are now in? It has been made clear this is a situation that this present administration inherited from its predecessor. But in both cases, they have acted in the same way, declining to seek an elemental legal principle and, if you wish, a moral imperative as well. It seems to me that we should recognize the standards we brought to the world.

That conference took place in San Francisco. The announcement of the agreement that produced what would become article 51, was made by the American Secretary of State, Mr. Stettinius. These are our standards. If we will not uphold them, we will have hugely diminished our position in the world, and the world will become a vastly more dangerous place.

I simply would like to express my appreciation to the Republican leader for having seen this from the beginning. I thank him particularly for showing me a letter sent just this day to him and to his distinguished cosponsor, the Honorable JOSEPH LIEBERMAN, from the Prime Minister of Bosnia and Herzegovina. I will read a few sentences, Mr. President, if we cannot hear these things, we are not equipped for this time. The Prime Minister notes that:

> Yesterday, a Bangladeshi UNPROFOR battalion in Bihac requested airstrikes to deter and stop the Serb attacks on Bihac. The Bangladeshi request was ignored. I asked myself if this same request would be ignored if it were requested by a British battalion.

"I asked myself if this request would be ignored if it were requested by a British battalion."

Mr. President, it is all there to see. People who cannot see that ought to stay away from this work. We have heard not very helpful comments from the Secretary General about such matters. But this ethnic dimension is not local; it is not Balkan; it is worldwide. And if we cannot act in response to its potential for worldwide crisis, we shall one day wonder how could we have been so blind.

Mr. LIEBERMAN. Will the Senator yield?

Mr. MOYNIHAN. I will be happy to.

Mr. LIEBERMAN. I thank the Senator. May I first thank him for his extraordinary statement, if I may say, extraordinary for most of the rest of us, but not for himself. Because I have come to appreciate the range that he has shown, again, the Senator from New York, in his ability to look beyond the events of the day, both backward and forward, and to help us understand the significance today of both of those points of view.

I want first to thank him overall for the force of his statement and for reminding us of what the history of the United Nations is and what has brought us to this day. And of the impact on the United Nations of what has happened in Bosnia, second, which was the misuse of the U.N. troops to go in where there was war and not peace, in sending them in as noncombatants though they were seen as combatants by particularly the Serbs. Also, I want to thank him for pointing out what is too often missed here as we localize this conflict, but it does go to the heart of the genocidal aspects of it, which is that a people are being singled out because of their religion, in this case, Moslems. And the consequences are broad throughout the world, throughout the Islamic world and throughout the world. They have an effect on our relations with that great and rising force of Islam in the world.

I note for the Senator from New York that last week on Thursday, July 20, the Gulf Cooperation Council called for a lifting of the arms embargo against the Bosnians and told the European leaders that it wanted to help stop what it called the great tragedy of the 20th century. This was followed over the weekend by the meeting that the Senator from New York has referred to in Geneva of the Organization of the Islamic Conference, which announced it was considering the arms embargo to be invalid and was prepared to assist.

I would like to ask this question of the Senator. Would he care to comment for a moment on the impact of this sad story in Bosnia on NATO, on what NATO's position has been, and what it suggests to us about what will become of NATO in the post-cold-war world?

Mr. MOYNIHAN. NATO will have been engaged in its first military action in almost 50 years and it will have been defeated. Just at that moment when it seemed to have triumphed by virtue of its capacity and presence in the face of the Soviet Union, it will have in fact gone to war and will have been defeated. And we will have put it in that situation. The aftermath will be demoralization, domestic protest, a sense of "what are we doing?" And curiously, at just the moment you see some sense of the complex issues involved. I note that the situation is at such a critical level in Bosnia that the Jewish community in Germany asked that German forces be committed to this issue. It is genocide.

And you put not just at risk the whole situation in the Islamic world. It is an idea that I do not want to insist too much on, but not everyone would know, I suppose, that until recently the third largest nuclear power in the world was Kazakhstan. We put that at risk. In Turkey, the civil government of Istanbul and of the other major cities, including the capital, is an Islamic fundamentalist party, known as the Welfare Party, that being a translation into English as such.

Turkey joined with nations with which it normally has no relationship at that meeting which you related. We could see NATO come apart along ethnic religious lines. We could see its moral collapse and its domestic support disappear because we will have allowed it to be defeated by deploying forces never envisioned by the U.N. Charter. The U.N. Charter specifically calls for military forces to be made available to the United Nations through the military staff committee. Statutes enacted on this floor provide that the President of the United States can reach an agreement to provide soldiers to the U.N. Security Council. And the Congress having approved of this, the President may deploy them thereafter without further reference to Congress.

That was a system of collective security envisioned by the charter. At no time were peacekeeping forces envisioned. Deploying peacekeeping troops was well intentioned, but a good invention in a situation where there was peace, not in the present situation.

Mr. WARNER. Mr. President, if I may say one thing in the way of a question to my colleague. You would not want to, I think, end up with saying defeat for NATO given that there are so many Americans, as we speak, flying, at sea, and otherwise trying to carry out the missions assigned them as part of the NATO forces. NATO has been handcuffed, virtually handcuffed, by virtue of the United Nations dual-key policy.

Mr. MOYNIHAN. I absolutely agree.

Mr. WARNER. To say this would go down as a defeat for NATO I am sure was not the intention of my distinguished colleague from New York.

Mr. MOYNIHAN. I will put it this way: It would not be the intention of anybody involved. But the perception might be very different, sir. We put NATO in jeopardy by letting it assist in a mission at which it cannot succeed.

Mr. WARNER. Mr. President, I thank the Chair.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER (Mr. ABRAHAM). The majority leader.

Mr. DOLE. Mr. President, I thank the distinguished Senator from New York for his outstanding statement. I say to my colleagues, I hope that we can reach some agreement so we can have a rather early disposition of this matter. I think some feel strongly on each side of the issue, but the issue has been debated.

As we speak, I understand there is an all-out attack on Bihac. All out. I do not know where NATO is. I do not know where the protection is. It seems to me that what may have been a meeting in London to work out some plan apparently did not succeed.

This is an issue that many Members have been speaking on before. It was back in the Bush administration, I guess, when I first raised questions about what was happening in Yugoslavia. I did not agree with my President, President Bush. I said so. Many others said so at the time.

That was 1992. Here we are, halfway into 1995, and I have been working with many in this body, primarily the Senator from Connecticut [Mr. LIEBERMAN], in a bipartisan, nonpartisan way to bring this issue before the Senate, but more importantly, before the American people.

I do not imagine the average American has really spent a great deal of time focusing on what is happening in Bosnia. It is on the evening news. It is in the newspaper. It is on the radio. It is tragedy. It is suffering. It is rape. It is murder. It is slaughter. We are sensitive to that, but it is not close. It does not threaten America. There are no American troops involved, except those in NATO.

It seems to me that we have an historic opportunity—not as Republicans, not as Democrats—but as a Senate. I have said for some time, we are the one best hope the Bosnians have—right here in the U.S. Senate. And then, hopefully in the House.

In fact, we met this morning with the Speaker in a joint leadership meeting and suggested if we could pass this resolution, that maybe the House could take it up at a very early date and send it to the President.

I have a different view than President Clinton. My view is if we pass this resolution, it will strengthen his hand in developing and shaping and directing policy, not weaken his hand, not Americanize what is happening in Bosnia.

It seems to me that we have all known for some time that what is happening there is immoral. It is unjust. No doubt about it, it is easy to single out the aggressors.

Today, the International War Crimes Tribunal indicted Bosnian Serb leaders Karadzic and Mladic for war crimes. Maybe that does not mean anything. It means somebody else in the world recognizes what is happening. This is an independent body.

Meanwhile, hardly deterred by this indictment, Mladic is supervising attacks on Bihac and Sarajevo. In today's Washington Post, a senior State Department official is quoted as saying, "The arms embargo is morally wrong." This is a State Department official. This same official was quoted last week as saying, "The dual-key commands arrangement between NATO and the United Nations is insane." It is not a partisan statement. This debate has never been partisan in the sense that it was Republican versus Democrats, or the Senate versus the President or the administration.

This is only one individual. Maybe this individual is wrong.

What does this say about America? Are we willing to go along with immoral or insane policies because the rest of the international community is doing so? What does it say about us? What does it say about American leadership, including the Congress? Are we willing to go along with ludicrous commands arrangements that threaten U.S. air crews and are seriously damaging the credibility of NATO, that we are unwilling to use the influence, power, and prestige of the United States to lead the way and to do what is right in an effective way?

I learned something today from the Senator from New York that I did not know about article 51, that we had made the motion or made the change or set the policy. It is fairly difficult to tell people there is not some inherent right of self-defense as an individual, as a nation. That is what this debate is all about. It is not about sending Americans anywhere.

Again, referring to the letter that has been referred to that has been received by my colleague and myself from the Prime Minister of Bosnia and Herzegovina, he said: "Today's vote is a vote for human life. It is a vote for right against wrong. It is not about politics. It is about doing the right thing," which should be easy for America to do the right thing. "In just the past two days in Sarajevo, 20 people have been killed, while more than 100 have been wounded." After a while maybe people become immune, whether it is 10, 20, 50, or 100.

I hear the voices raised about the U.N. protection forces, that if they are withdrawn, there could be American casualties, because I think most would support the effort the President has committed himself to, to help them withdraw.

How long will they stay there? This is not an occupation force. Four years? Five years? Ten years? How long will the U.N. protection forces stay there, and how long will we continue to pay a large portion of that, 31 percent, as I recall, as the Senator from Virginia pointed out earlier.

The President asked the Senate last week to postpone the vote. We did that, as we should have. The President made the request, and we honored that request. The President even suggested maybe the two of us could sit down and talk about policy. I am not certain I could talk about policy, not having the information, but I am certain that we ought to look at the facts.

I want to say that the President sent a letter today, and he said:

> The passage would undermine efforts to achieve a negotiated settlement in Bosnia and could lead to an escalation of the conflict there, including the possible Americanization of the conflict.

Now, I have heard that dozens of times in the past 2 weeks. It is not that I want to criticize the President. It is not an accurate statement. That is not what we are about. That is not what we are about. I just want to set out the facts very quickly.

With respect to negotiations, the 1-year anniversary of the Bosnian Government signing a contact group plan has come and gone. Bosnia signed it; the Serbs never have. Never have, and probably never will, as long as the only repercussions are the huffing and puffing of Western leaders and the buzzing of NATO planes overhead.

As for talks in Belgrade, Mladic is driving a hard bargain. He wants the sanctions lifted but is busy supplying the Bosnian Serbs with weapons, as exposed recently by the New York Times, I think, two or three Sundays ago. They are getting weapons and troops and other support.

The bottom line is that no negotiation process is in place, and I do not think there will be one until the Serbs pay some price for their aggression.

As for escalation of the conflict, the conflict has escalated. More United Nations troops are being deployed, and as United States and European leaders issue more empty threats, the reality is the indecisiveness and ineffectiveness of the West invited the Serbs to move rapidly on all the so-called safe havens.

The London ultimatum on Gorazde has neither stopped assaults in Gorazde or curbed the attack in Bihac. I indicated we just had a call from the foreign minister, saying it is underway, full force right now, and Sarajevo, also. And, as pointed out by the Senator from New York and others, there is still bickering over the dual-key approach. Is it in? Is it out? Will it work? Will it not work? So we have Boutros Boutros-Ghali back doing what he does best, blocking any action against the Serbs that might remind the world that they are the aggressors.

But the point I really want to focus on is this Americanization, because that frightens the American people. Somebody asked me a question at a town meeting this weekend, "Why should we Americanize the war by lifting the embargo?

I said, "We are not."

But that is the word, that is the official word from some. There is no doubt now that our fingerprints are all over this conflict. We would not like to think so. I would call it "this disaster." It is disaster, it is failed. It is a failed policy. Our fingerprints are on Srebrenica, on Zepa. We have not only tolerated, but participated in a failed and morally flawed approach. And I do not believe, as the leader of the free world, that we can escape responsibility. We are not the other countries. We are America. We are the United States. We are the leader of the free world—supposedly to provide moral, spiritual, economic and, where necessary, military leadership.

Last fall the Congress passed the Nunn-Mitchell position as part of the fiscal year 1995 defense authorization bill. We passed so much I am not certain anybody has really gone back and taken a look at that. My staff did, went back and showed it to me, reminded me what we said then. It has been almost a year now.

In the sense of the Congress, the section stated: "The acceptance of the contact group proposal by the Government of Bosnia should lead to the lifting of the arms embargo." The Bosnians accepted the contact group. The Serbs never have. The embargo is still in place.

In the section entitled "Interim Policy" it states—this is the same thing we passed:

> If the Bosnian Serb faction attacks any area within those areas that have been designated by the United Nations as "safe areas," the President or his Representative should promptly, formally introduce and support in the United Nations Security Council a resolution that authorizes the selective lifting of the Bosnia arms embargo, authorized to allow the provision of defense weapons such as antitank weapons, counter battery radars and mortars to enable the forces of the Government of Bosnia and Herzegovina to defend the safe areas.

That was a year ago, and the safe areas as we speak are being overrun. Maybe Tuzla will be left. Maybe Sarajevo. Maybe Gorazde. Two have already fallen. One is under attack. There is no attempt to lift the arms embargo.

This is what we passed. The Senate passed this. The President accepted it. We have not had any selective lifting of the arms embargo. There has been no effort to prevent the safe havens from falling. We asked the Bosnians to "turn in your heavy weapons and you will be safe. We will protect you."

Once they have done that, they have nothing to fight with. They have no artillery pieces. They have no heavy weapons. They have rifles against tanks—not a fair fight.

So when do we start? When does NATO strike? When does Boutros Boutros-Ghali turn in his key so somebody can make a decision. When we have three safe havens left? Or two safe havens left? Or one safe haven left? Or no safe havens left?

This was a policy developed by the British and the French and we signed on. We were asked to wait, be patient. I know it does not seem like it has been very long since we voted here in the Senate. But let us just assume we were in Bosnia all this time. Every day, every day, every day the shells were coming in. They were hauling off our children. They were murdering our wives. They were raping our sisters. Every day, every day, every day we were adding to the death toll of innocent people who only wanted a chance to defend themselves.

It is pretty safe here in the Senate Chamber. And I know we cannot have policy made by what we see, images we see on television or in the newspapers or reports from commentators who are on the scene. And maybe the Bosnian people understand that, well it has been a year, it has been 2 years, it has been 3 years—maybe someone will help us help ourselves. And while the Bosnian people may understand the international community's unwillingness to protect them, they cannot understand the unwillingness to allow them to protect themselves. There is no way they can understand that.

If we are attacked in our homes, if we are attacked in our Nation, we have a right of self-defense. And, as the Senator from New York so eloquently pointed out, that is article 51, now, of the United Nations Charter.

So we have had all the excuses. We have heard them over and over again. We heard them in the last administration. I do not know, I have listened to the Senator from Virginia ask the rhetorical question about NATO. I am not certain what happens to NATO, what the future of NATO is. I know they are in a box. But their credibility is on the line, too. It has been weakened. There is no question about it. In the eyes of the international community, the people—notwithstanding our commitment to NATO and the importance to NATO—NATO has been weakened because of its subordination to the United Nations.

So the NATO alliance, I think, is in some jeopardy. The Serbs will attack. This is what Secretary Christopher said earlier today, if the Dole-Lieberman legislation is passed, "the Serbs will attack." I thought the Serbs have been attacking every day. They are attacking right now as we debate the resolution—not because we are debating the resolution—they have been doing it for a week or 10 days in Bihac.

They were given a green light in the Bush administration. The Bush administration talked about a united Yugoslavia, even after they had elections in Croatia and Slovenia. There was no more Yugoslavia.

So, it seems to me the London conference certainly was not a red light for anybody to stop. The green light is still on. The Serbs understand the green light is still on, and they are making all the headway they can.

We are also told that if this passes and becomes law, it is going to end humanitarian assistance. I think we have heard the Prime Minister, Mr. Silajdzic, say from time to time: When you talk about food or talk about death, it is difficult. They are living a subsistence existence. But the bigger picture is they have no protection. What good is food against snipers and heavy shells and death? They have no future. They are at the mercy of Western leaders who think they know best. I can understand the British. It would be embarrassing if they withdrew. I can understand President Chirac. He is new. He wants action; something to happen. And they have just lost two more French soldiers.

I have the highest regard for the members of the United Nations protection forces, whether they are from Bangladesh or Great Britain or France or Pakistan or wherever.

So I would just conclude by saying many of us believe that the arms embargo is illegal.

Mr. MOYNIHAN. It is.

Mr. DOLE. Indeed, an arms embargo was never imposed on the independent, sovereign state of Bosnia. An arms embargo was imposed on Yugoslavia, which no longer exists, at the request of Belgrade, at the suggestion of Britain. And, as has been said here by everybody, Bosnia is a member of the United Nations. They are an independent nation. They have a right to self-defense.

But this is not just a vote about Bosnia. It is a vote about America. It is a vote about what we stand for, about our humanity, and our principles. And I know, probably relentless pressure is coming from the British and the French and others of our allies, traditional allies, just to stick a little while longer—1 more week, 1 more month. In about 2 more months we will be into winter again—2½ more months. And that is when the suffering really begins, when it really begins.

I know there will be a little hiatus here if the U.N. protection force is withdrawn and we lifted the arms embargo. It will be a very difficult time for the Bosnians. But it is a very difficult time for them now. We have the rapid reaction forces now in place in some areas. But let us face it. It has been a fact for weeks and weeks the United Nations protection forces could not even protect themselves, let alone protect the safe areas or anyone else.

So it would seem to me this is not a vote about Republicans or Democrats or philosophy. It is a vote about what is right.

Again, as stated by the Prime Minister as he closes his letter, he said:

> Our people ask that we be allowed only our right to defend ourselves. It is on their behalf that I appeal to the American people and Government to untie our hands so that we may protect ourselves. The slaughter has gone far enough. My people insist that they would rather die while standing and fighting than on their knees. In God's name we ask that you lift the arms embargo.

Several Senators addressed the Chair.

Mr. KERRY. Mr. President, I ask the Senator, the majority leader, if he will engage, perhaps, in a brief colloquy? I would like to take the opportunity to ask a few questions, if possible.

I would like to ask the majority leader—first of all I would like to say I think every U.S. Senator shares the anguish and frustration expressed by the Senator and by others on the floor.

The question here is what is the consequence of one step or another?

I would like to ask the Senator if we could perhaps have a little dialog. I think it would be helpful to elucidate this a bit. I would ask the Senator if this is the Senator's preferred policy. I heard the majority leader talk about American leadership and inaction, and being hamstrung by the U.N. I presume there is a policy that is growing out of frustration. I would ask him if this is his preferred policy, and if it is not, whether or not the Senator would articulate what he would prefer to see us doing now that would make a difference.

Mr. DOLE. Obviously, in my view—and I think the view of everyone—the preferred policy would have been some negotiated settlement months ago, a week ago, or a year ago. But that has not happened. As I said, the Bosnians signed on the dotted line with the contact group recommendations. The Serbs never have.

So how long do we wait? There is no negotiating process in place now. Preferred options? We have listened to everybody except the people in Bosnia. Do they not have any rights? Can they not say, "U.N. protection forces get out. Lift the arms embargo. Let us die for our country"? That may not be the best option. People are going to be injured. People are going to be killed. They are being injured and killed as we speak. There is not any good option.

Mr. KERRY. If I could say to the Senator, the Senator talked about forcefulness and the need to stand up and be a leader. My question is this: Is the only leadership that we are offering a leadership that effectively says not only will we not give you weapons, not only will we not strike, but we will simply lift an arms embargo and you fight it out?

Mr. DOLE. Oh, no. I would go beyond that. I would provide weapons, although I understand the Bosnians are much better equipped to handle Russian weapons, and will not need as much training. I would train the Bosnians. That is not "Americanizing." It would be training in a safe place, just as we helped train the Afghans in that adventure in El Salvador. So I would go as far as to provide air cover in this little hiatus, as I mentioned earlier on.

But I think the problem was in June of 1993, when President Clinton said, "Let me tell you something about Bosnia. On Bosnia, I made a decision. The United Nations controls what happens in Bosnia."

That is not an American policy. That is United Nations policy. That is not American leadership. I do not know. I see all the people who come to our offices. They are just asking for a right to defend themselves. That may not be the best policy. But it is a policy the Bosnians themselves are asking us to try. It seems to me they are doing all the dying. There is not any dying here. Their voice should be heard.

Mr. KERRY. I accept that. I understand that.

But my next question would then be if the Senate went the full measure and Congress passed this, at that point in time does the Senator accept the French and British pronouncements that they will withdraw completely?

Mr. DOLE. I am not certain how to accept their pronouncements. If we passed this legislation, which I assume the President will veto, we would have to override his veto.

Mr. KERRY. Assuming we would override it and it became the law of the land, apparently this British Prime Minister, as recently as yesterday, said to the President if this passes the Senate, they will begin the process of withdrawal.

Mr. DOLE. My own view is I think the British Prime Minister may be looking for some excuse to withdraw, and it would be nice if he could lay it on the United States because we have no forces on the ground. But we are, of course, engaged in NATO forces. We have people at risk, as we learned a few weeks ago with the young pilot. But I do not know whether they would withdraw or not. There is lot of rhetoric out there.

We have had rhetoric for 3 years, and no results. We can ask these endless questions forever, and go on and ask this question. We have been asked these questions forever. It seems to me that it is time to vote. It is time to send a message. If we lose, we lose. If we win, we win. And then it goes through all the other processes. The President can decide what to do. But I do not believe that just passing this in the Senate is going to cause the British and French to say, "Oh, that powerful U.S. Senate has spoken. We had better get out of here." I do not believe that will happen.

Mr. KERRY. I appreciate the Senator taking the time. I would like to ask again a couple more questions, if I may.

Mr. President, I ask the majority leader, would the majority leader prefer a policy that went further than what was achieved in London, where each of the safe areas was in fact given a guarantee of being safe? Would NATO be capable of enforcing that with American air support reinforcing French and British troops on the ground and with sufficient troops to make real the notion that the international community will make a difference? Would the Senator prefer that policy?

Mr. DOLE. I would prefer that policy. But it is probably not a solution. I do not know if it is a policy. I do not think we have a policy.

Mr. KERRY. Would that not be a policy that might not in fact leverage the negotiated settlement that would be everybody's desire?

Mr. DOLE. But that is not what happened in London. We do not even know if they have not abandoned the dual-key approach. They have not decided what did happen. Bihac is under siege right now by Krajina Serbs and Bosnian Serbs, and nothing has happened. NATO is doing nothing. The United Nations is doing nothing. Another 15,000 people are at risk, and they say, "Well, that is all; 15,000, take that off; take off the other two safe havens that have fallen, Srebrenica and Zepa. That leaves three. We will protect whatever is left."

By the time they get around to it, there may not be any left. It may be a better policy if NATO did not have to be supported. The U.N. in my view would be a much better way to do it, as the Senator I think would like to do it.

Mr. KERRY. Mr. President, the final question that comes out of that is since Bihac is already under attack and Gorazde is already under attack, if we were to put into law the notion that all we are going to do is lift the embargo, why would the Serbs then not accelerate the pace of the attack in order to guarantee that during the interim, before heavy weapons can get there, they would finish the job?

Mr. DOLE. I assume there would be an acceleration. Nobody is under the illusion they are going to say, "Well, let us see. Let us take a time out while the Bosnians get ready. Let us have 30 to 60 days while people bring in arms and heavy weapons."

But the Bosnians are people who understand and comprehend. They understand what they are up against. But in understanding what they are up against now, take a look at the casualties. Who has been doing the dying? It has been the Bosnians—women, children. There has been a lot of talk on this floor about the children, that we ought to do more for children.

We are not engaged. We are not asking to send ground forces. I would support air cover even during this hiatus, as I think the Senator from Massachusetts maybe might, if I understand the question correctly.

But all I am suggesting is—and I hope the Senator from Massachusetts will join us because he has the experience. He is a member of the committee. He understands what this is all about. This is about the U.S. Senate. It is not about Republican BOB DOLE or Democratic Senator JOE LIEBERMAN. This is about the Senate and whether or not we have a voice and whether or not we have a role, or whether we care about what happens in the world. We believe it is a failed policy, as I did back in the administration of the Republican President.

So I am not here standing and jumping up, saying we had a Democrat President and I am a Republican, so I should find some way to find fault with this policy.

I hope that we will have a strong vote. I think it would send a message of hope to the Bosnians.

Mr. KERRY. Mr. President, I thank the distinguished majority leader for taking the time.

I would like to respond a little bit to some of the answers and some of the notions, if I may, because I accept what the Senator has said. This is not due to him. He has consistently been critical of the lack of adequate response, and he has been for a stronger response. I think what is really noteworthy is that in his answers, he acknowledged that his preference would be to have a stronger allied response, a stronger response without dual key, a stronger response with a NATO that is capable of immediately impacting events, and a stronger capacity on the ground.

What we have watched is a steady process where the Bosnian Muslims have systematically and methodically had the entire fabric of their community and life stripped away. But what we are doing is debating a resolution that will effectively ratify our own hesitation, our own confusion, our own weakness, and even the cowardice of the Western world. And what will happen with this resolution is that because it effectively says here is what we will do when we can do nothing else—that is what this amendment says: Here is what we will do because in our ineptness, in our frustration, we cannot find another policy. So we are basically saying, "We are going to feel good about your dying."

It is interesting that the President of Bosnia keeps saying, "Give us the weapons." But he does not say, "UNPROFOR, get out of here." He wants the best of both worlds. And there is a reason for that obviously, which is precisely why the British and the French have been reluctant to go along with lifting the embargo, because they understand how they could get trapped in a worse war if the weapons are coming in on both sides and they are there supposedly trying to keep peace.

Now, the Senator is absolutely correct. The reason this equation has been so crazy on balance is that there has been a gutless process wherein the civilian leadership of the U.N. itself has been unwilling to guarantee what it originally gave as a guarantee. So we disarmed people. We gave them the notion of an enclave that was safe. We promised humanitarian assistance. And we pretended that their presence would act as the leverage to try to get a peace agreement when in fact we, never being willing to respond, annihilated our own leverage and, in fact, invited more and more aggression by the Serbs.

So we have a lot of blame to make here. But the question we ought to be asking ourselves today is are we going to come here now and codify that blame, codify our own guilt into a policy that effectively says we are prepared to wash our hands of this?

In effect, this amendment will stand for all of history to say that not only were we so craven as to not find a policy but we were ready to codify our own helplessness. The majority leader has acknowledged it. He said his preferred policy is to be tough. His preferred policy is to guarantee that we can make them pay the price of violating the safe zones, of shooting against innocent civilians who go out to get water at a fountain or cross a street. Are we so helpless in the front of that that all we can do is turn around and say, "We are going to give people the capacity," not even the weapons, not even the training? That is not in here. There is no strike in here. There is no long-term aid program like Afghanistan in here. This is the abandonment amendment. But it is cleverly written. It is cleverly written to only take place if the President of Bosnia goes to the United Nations and says, "Leave, UNPROFOR." Or if UNPROFOR is out after a period of time. So in effect the proponents can stand there and say to everybody, well, we are really not doing anything except if the President wants us to or if UNPROFOR has already left, and then what are we doing?

Is this really our response to what is happening in Bosnia, to come up with an amendment that has two condition precedents, two triggers, both of which effectively wind up saying a message, neither of which does a darned thing to change the situation and meet the needs of people today? But we are going to pretend that this somehow meets needs.

Those who favor this approach somehow suggest that someone—we do not even say who—just putting arms into the Bosnian Moslem hands is going to affirmatively change the equation on the ground, and it is going to make us feel better simultaneously. The truth is that it promises to do neither.

Let us be very clear, Mr. President. Lifting the embargo, as the Senator from Kansas said, will not stop the killing. It will probably increase the killing. And it is everybody's guess as to how much and how fast.

I wonder what America is going to do if this becomes law. And we ought to act responsibly on what we pass around here with a notion that it might be law and not just pass it on for others to deal with by veto so a minority can kill it and people can walk around and feel good. Because if this does become law, we will have unilaterally breached an international agreement.

I am not suggesting we should keep the embargo, incidentally. I voted to lift it last year for the simple reason that I thought it might change the equation at that time and we were sending a message. It did not and we have not. But now we are talking real. Now we are talking a very different situation.

It is clear that just lifting it at some point in time in the future is not going to meet the needs of now. It does nothing to provide for the immediate needs of any of those enclaves that the Senator listed as being under siege or being next to be under siege. But it will result to an absolute certainty, if it becomes law, in the withdrawal of humanitarian assistance, the withdrawal of the U.N. effort, and the shifting to the United States for having made this choice a future responsibility for whatever it is that flows.

Now, I cannot predict what it is that will flow, but I think most people here have a pretty good sense that there is going to be a lot more killing. If the people think that the CNN images of refugees were bad in the last few weeks, wait until all of the U.N. effort is out and the population is left to the whim and will and fancy of people running around with guns desperate, all of them, to stay alive.

Then what will the U.S. response be? Will the Senator come back to the floor and say, "Well, at least they are dying with a gun in their hands?" Will the Western world response be, "Well, this is OK because they are able to make a choice?"

I do not think so. I think, on the contrary, the probability is that Moslem countries will not tolerate what might be going on and maybe they will become more deeply involved. And perhaps it will then spread across another border. Perhaps all the unthinkable things that we never stopped to think about before World War I and World War II take place. Who knows? Will it spread to Macedonia? I do not know. I do not have the answers to that. But I know wise people exercising good judgment with respect to foreign policy should not just take a step and throw their hands up in the air and say we should not try to think those things out and measure what the consequences are.

It is hard for me to believe that a Senate that is so filled with people who want to be tough about what is happening with respect to Serb behavior and who understand that we should be responding more forcefully would come to the floor with anything but a resolution seeking that kind of a response. This is not a policy for the now. This is a policy that is an epitaph for Bosnia, and it basically says, "We ignored you for a few years. Then we lifted the embargo after we did you damage. And we wished you good luck. Have a nice war."

That is the impact of this. At the very moment that our allies that we have spent, what, 45, 50 years building an alliance with to make a NATO work are saying "do not do this," we are prepared to unilaterally pull the rug out from under them.

It does not make sense. We are prepared to deal a major blow to a NATO that has already dealt itself a blow, obviously. But Tuzla still stands. Gorazde still stands. Sarajevo still stands. And all of those people in those cities are safer today for that fact and for the presence of the United Nations than they would be without it.

Who will come to the floor in a few months and explain away those people who are lost when we claim responsibility that the world will quickly give us for having pulled the rug out from under this international effort? And what happens when one of our allies comes to us and says, "Hey, you know, we don't really like that embargo on Iran. We are tired of the embargo on Iraq. We really don't agree with you on what we are doing to Qadhafi, and, by the way, North Korea is your problem; you people figure out what to do with the nuclear weapons." All of those things can flow as a consequence of the unilateralness of what we are doing. I would love to see the embargo lifted.

Mr. LIEBERMAN. Will the Senator yield for a question?

Mr. KERRY. I will be delighted to yield for a question.

Mr. LIEBERMAN. Does the Senator agree that there is a difference between the embargoes or sanctions applied to Iran and Iraq, which are lawbreaking countries, as opposed to an embargo placed on a country, Yugoslavia, which does not exist, now enforced against Bosnia, a section of that former country, independent, a member of the United Nations, having committed no violation of international law or U.N. resolutions?

Does the Senator not agree that there is a difference there?

Mr. KERRY. Absolutely. There is a profound difference. And I agree completely with the Senator. As I was just starting out in the last sentence when I broke to answer the question of the Senator, I was saying we should lift the embargo. It makes sense in terms of article 51, in terms of the law, in terms of the equities. But we should not do it unilaterally.

Now, that is where we get caught in the Catch-22 that has confounded everybody for the past months because every time we turn around and go to the French and the British and say we want to do this, we are told, "No, if you do that, we are going to leave." And so we do not do it, and we pull back, and we go around in this circle.

I think that what has changed in the last week or two is the recognition, hopefully, that the situation is, indeed, untenable and that we cannot continue in the form in which we are. And the President has made that about as clear as a President of the United States can make it. The President has been forthright in saying this policy is not working. He has been forthright in acknowledging that the dual key is a terrible mistake and we must never do that again. He has been forthright in acknowledging that we have not adequately been able to respond because we have had a proportionate response rather than a disproportionate response.

So I think the President has pretty much laid the policy of the past months on the table and said it is changing.

Now, I listened to the Secretary of State today say to us point blank, there is no more dual key. The NATO commander on the ground has the ability to make the decision, if he observes an attack, to call in a strike.

In addition to that, the French and the British have put howitzers up on Mount Igman. They have put additional troops, Legionnaires up in the hills around Sarajevo. They have strengthened their own capacity. And so suddenly, in the face of their willingness to do all of this, we are going to turn around and say, "Sorry, folks; the United States of America says time to cut."

Mr. LIEBERMAN. Will the Senator yield?

Mr. KERRY. I will be happy to yield for another question.

Mr. LIEBERMAN. I read to the Senator from an Associated Press article written today, dateline Washington, Barry Schweid, diplomatic writer, quoting Ahmed Fawzi, a spokesman for U.N. Secretary General Boutros-Ghali, saying that "authority to order an attack" in Bosnia "remains with the Secretary General for the time being," and that there was general agreement at the allies' high-level meeting in London that "the dual key arrangement remains in place."

Mr. KERRY. Let me just say, if the Senator wants to suggest to me that the Secretary of State lied to the Democratic caucus today, then do that.

Mr. LIEBERMAN. Obviously, I would not say that.

Mr. KERRY. I will not accept whatever Mr. Boutros-Ghali is putting out to the press.

Mr. LIEBERMAN. I have an extraordinary respect for Mr. Christopher.

Mr. KERRY. Mr. Boutros-Ghali does not have the ability to stop the NATO commander from doing a strike if the NATO commander—the NATO commander does not report to him, the last time I understood it. If it is our understanding that the NATO commander has the capacity to do the strike, I am confident when he radios Washington with the appropriate messages, he is going to strike notwithstanding whatever Mr. Boutros-Ghali said for the purposes of international U.N. political consumption.

Now, I agree with the Senator that is part of the problem here. It always has been. And when we were at the meeting at the White House the other day, a number of us suggested to the President that it is imperative to be out from under any control factor in the clearest terms. If we cannot do that, then I would agree with the Senator we have to find an alternative solution.

But I would still respectfully say to the Senator, the alternative solution is then, hopefully, not to throw up one's hands and say we cannot do anything. I think then the appropriate solution is to say NATO and willing nations must assume what the United Nations is either unwilling or incapable of doing. Now, that is my preference before we come to the floor of the U.S. Senate and ratify an abandonment.

Mr. LIEBERMAN. Will the Senator not agree this is not the first time we have come to the floor? This is not an issue of first impression. We have been coming to the floor for 3½ years once war broke out in the former Yugoslavia saying, how can we justify not allowing one side, the Bosnians, who wish to defend themselves, to have the weapons? Would the Senator not agree that the United Nations and NATO have had all sorts of time to prove that they can be effective? And in all that time, the Bosnians have been ultimately defenseless and have been slaughtered?

Mr. KERRY. Let me say to my friend from Connecticut, whose concern for this is as passionate as anyone's in the Senate, that he is absolutely correct. We have been here, done that, seen that, said that. And that is part of what is feeding the frustration that every Member feels today. But as far as I know, that is not a predicate for suggesting that we should personally step in, step in in a way that now unravels whatever potential is left of minimizing the loss of life.

I believe the Senator will also acknowledge that every step of the way, when we were serious about a strike, we made a difference. That is how we secured the safe zones in the first place, if everybody goes back to think about it. It was the fact of airstrikes that gained us this notion of safe zones. And each time we stepped up to bat, the Serbs have stepped away from the plate or off the field.

Mr. LIEBERMAN. Would the Senator not agree that——

Mr. KERRY. I just want to say to my friend, why should we ignore that history? This is not a big place. Four million people, 600,000 on this side, 2 million on one side. What are we talking about here? This is not Russia. This is not Vietnam where there were 77 million people. This is not the same kind of struggle. We are not talking about becoming involved in the civil struggle. We are talking about delivering humanitarian assistance. We are talking about guaranteeing a safe zone. Those are the two most minimalist things that you can conceivably ask for under the laws of warfare. Is the Western World incapable of living up to the most minimalist standard of protection under the laws of warfare? Are we incapable of taking this incredible, mighty war machine and putting it to use to guarantee that trucks can go down a road, that we can keep people from a certain perimeter from picking off an old woman who goes to a drinking fountain? I do not believe we are that incapable. I am not going to come to the Senate floor and ratify an effort that literally puts into law that lack of capacity and will. I think it is wrong.

Mr. LIEBERMAN. The answer is that—

Mr. WARNER. Will the Senator yield?

Mr. LIEBERMAN. We are clearly that capable, but we have been unwilling.

Mr. KERRY. Why not be willing today?

Mr. LIEBERMAN. How can we continue to justify delay, while those older women going to the drinking fountain are getting hit by Serbian shells? We will not—the Bosnians themselves have the ability to defend themselves. We are not intruding ourselves in. We are finally getting ourselves out.

Mr. KERRY. Let me ask the Senator, are there any weapons provided for in this resolution? Yes or no.

Mr. LIEBERMAN. No.

Mr. KERRY. Is there any strike provided for in this resolution?

Mr. LIEBERMAN. We leave that to the President and our allies.

Mr. KERRY. The Senate is going to be big and brave and take this big step that does not provide a weapon.

Mr. LIEBERMAN. I say to the Senator from Massachusetts, I will be glad to join with him, as soon as this measure passes, in introducing a package authorizing aid to allow the Bosnians to buy weapons that they need. There is an outstanding resolution——

Mr. KERRY. I say to my friend, in the U.S. Senate that is the kind of thing that could take 6 months, a year to pass maybe. What would happen in the meantime? Here is this great effort that says we are going to guarantee them weapons. Who is going to provide the heavy weapons and artillery and the antitank weapons? Who is going to provide the tanks themselves if they need them? Where are they coming from?

Mr. WARNER. Will the Senator yield for a question?

Mr. KERRY. Besides, let me ask this. How are they going to get in? Because I am told they can only arrive by ship. If they arrive by ship, they must cross Croatia, and there is no guarantee that the Croatians are going to permit that. So where are we?

Mr. WARNER. Will the Senator yield?

Mr. KERRY. For a question.

Mr. WARNER. Addressing the Senate, the Senator said if you pull back the UNPROFOR, then all war breaks out. That infers that UNPROFOR is there to protect the civilians. And I strongly take disagreement with my colleague and good friend. UNPROFOR is there for the reason only to deliver food and medicine. They did not go equipped with the armaments to defend either themselves or the other people.

Mr. KERRY. Let me say——

Mr. WARNER. We made a terrible mistake, Mr. President, in calling them "safe areas" when we did not put in place such military equipment as to make them safe should they be attacked. And if UNPROFOR is there solely to protect themselves and to carry out their limited mission—limited mission—of delivering food and medicine, the Senator is wrong in saying, if you pull them out, all war breaks loose.

Mr. KERRY. Let me say to my friend from Virginia, that is not in keeping with what safe havens were. We did guarantee safe havens.

Mr. WARNER. Mr. President, did we put in the weapons to carry out that guarantee?

Mr. KERRY. No.

Mr. WARNER. The answer is "no."

Mr. KERRY. No. Because not one U.S. Senator, myself included, I think, will put American troops on the ground. And the British and the French were not prepared to put additional troops in at the time. Now I think that equation has changed.

But the truth is, and the Senator from Virginia knows this well, the safe zones were designed to protect civilians. That was the concept. In fact, we said to people, give us your weapons. We disarmed them in order to protect them, and then never followed through with sufficient capacity to do that. But the concept was that they would be safe in a safe zone.

Mr. WARNER. But——

Mr. KERRY. I will say to my friend, I do not think it is the responsibility of an American to be on the ground in Bosnia without a peace agreement. I accept the notion we should be part of legitimate peacekeeping if there is an agreement. But this is, after all, not World War I or II. And it is Europe's backyard. And I have no guilt nor shame, no restraint whatsoever in suggesting that the majority of the responsibility on the ground belongs with Europeans. And if they are willing to carry that, I am willing to support the notion that a young American should go in harm's way in air support and logistical support. And I think that is the appropriate balance.

Now, absent a British or French willingness to do that, then maybe we are left with nothing more but to do this epitaph resolution. I do not believe we have exercised that full measure of diplomacy yet. I do not think we have come to that point yet. And if we have, it is a sorry state of affairs. As Pope John Paul said, this represents a defeat for civilization. But it has not happened yet, notwithstanding the horror, notwithstanding all that has gone on.

Now, I am not suggesting that we can make peace. I am suggesting we can guarantee the most minimalist notion that we have carved out, which is the delivery of humanitarian assistance and the protection of a few safe havens.

Mr. WARNER addressed the Chair.

Mr. KERRY. I yield for a question.

Mr. WARNER. Mr. President, may I remind my colleague that his emphasis is on air power to protect the safe havens. The last time, Mr. President, we used that air power to any degree, hostages were immediately taken. People were strapped to the targets and the air power dissolved.

Mr. KERRY. Mr. President, let me say to my friend, that is because we have basically been searching for 3 years or more for a no-risk policy. And every balancing act that we have made in each equation that we have come up with has been sort of the minimalist, the minimalist of what we can achieve on the ground without upsetting Yeltsin, the minimalist of what we do without getting Croatia at a point where they move too much, the minimalist of what we do with respect to Milosevic in Serbia, the minimalist of what we can get out of the French, and the minimalist of what we give ourselves. That is the history, all of which from our point of view has been geared essentially to be no risk.

Now, I do not think there is such a thing. And I do not think the Senator from Virginia believes there is either. Nobody knows it better than he as a former Secretary of the Navy and as a former marine. There is a reason young Americans put on the uniform. There is a reason we have a standing military. And we make judgments, or we are supposed to, about the different tiers of interest that we have as a nation. Sometimes that interest rises to vital national security, a challenge to our way of life, and we go all out.

Sometimes it arises just to ease security interests. Sometimes it is only a national interest. Sometimes it is only an interest.

I respectfully suggest that with each of those different tiers, you may or may not be willing to risk a patrol plane, you may be willing to put a bomber wing on the line, you may put a squadron, company, or division. You make those decisions. We have essentially tried to avoid all of those.

I do not think you can resolve this problem in any way that is satisfactory to the NATO commitment, to the civilized notion of who we are as a country and where we should be going, and certainly, to the history of Europe, without assuming some risk.

Mr. WARNER. Mr. President, I conclude—and I see other Senators very anxious to speak—by saying that if it would be minimalist after minimalist throughout this time, this diplomacy, this inaction has denied the people of Bosnia the most fundamental thing, the right to defend themselves. This is a right which is founded in the common law which has been honored by mankind since the earliest hours and which was enshrined as article 51 in the U.N. Charter. That is what this measure does.

Mr. KERRY. I say to my friend, in a sense it does that. In an emotional kind of litmus test, a written sense, it does that.

The reality is that it does a lot more than that. It does a lot more than that. It is not just us making this decision. For better or worse, we engaged with the United Nations; for better or worse, NATO involved itself with the United Nations; for better or worse, our allies are involved; and mostly for the better, it is they that are on the ground, not we.

They are saying this is not the preferred way to go. It is a Frenchman who was buried yesterday. Mr. President, 42 or so Frenchmen have died.

Now, I suggest that we cannot just come here in a vacuum and be insensitive to the implications that are far more complicated than this resolution permits for. What bothers me so much about this resolution is it is so attractive on its face. It is so easy. We basically say it will not happen unless the President of Bosnia asks it to happen, and it will not happen unless the troops are coming out.

Everyone understands there is a different message in it, really. We should not be debating on the floor how we withdraw. We should be debating on the floor how we summon the will and the capacity to put together a structure that can win for the Western world the capacity to leverage a settlement.

Now, that may be long in the doing. One of our greatest problems is that for 20 years nobody believes any longer in our staying power. Most countries have come to believe through Somalia, through all of our debate, that all they have to do is put us to the test. I rather suspect that is one of the reasons why Saddam Hussein went the distance that he did. It seems to me that at some point, if we are going to put an end to that legacy, we will have to be prepared to assume or define, at least, a certain amount of risk.

I am willing to understand that this is fraught with pitfalls. There is no guarantee that we may set a certain limit of the risk we are willing to assume and may not be able to get beyond that. Boy, I would rather do that, Mr. President, than turn around and ratify our helplessness, which is effectively what we are doing today.

I say, there is no certainty at all that weapons will get through Croatia. None whatever. There is a certainty to the fact that 25,000 American troops are going to go in to get everybody out. That, there is a certainty of.

So when people say this is not a way to Americanize the war, let me say, if you are the British and you are already apprehensive about this policy, or you are the French and you think you have been abandoned by an ally who wants to unilaterally do something, there is no finer excuse than to be able to turn around and say, "OK, you guys have your own program; you go in and help us get out, and it is your ball game."

Then what happens if, while we are getting out, a lot of helpless women and children come running up to Americans because there are people killing them and chasing them in the background; are we going to stand and watch as we get out? What are the rules of engagement going to be for the young soldiers? What will happen if someone wants to lure them into some kind of a fire fight? And then when we lose people, we feel we have to retaliate against one side or the other?

I think it is a hell of a lot better, I say respectfully, to be there with the defined purpose of delivering humanitarian assistance and helping to protect a safe haven than worrying about how we are getting 25,000 of our troops back out. I think for history's sake, we would be better off taking that position than the road we are about to go down.

I am in favor of trying to lift the embargo on a multilateral basis. I wish we were changing this in a way that set up a structure for a multilateral process and for some diplomatic leverage with an attempt at a cease-fire and an ability to enforce and reinforce this kind of effort.

My belief is that the administration understands the difference in this equation today. My belief is that we must put this London meeting to the test. For the U.S. Senate to not even have the patience to allow the next few days to play out before we step in with an arrogant club is to somehow ignore both our relationships as well as common sense.

Other colleagues are on the floor. They want to speak, Mr. President. I have other comments, but I did not expect to go on at this point in time.

Mr. PELL. Mr. President, I share the deep frustration many of my colleagues have expressed during the course of the Senate's debate on the Dole-Lieberman bill. Whatever the outcome of the vote on this bill, all of us agree that the behavior of the Bosnian Serb leadership is dreadful. The International War Crimes Tribunal at the Hague has also acknowledged this. It has, in fact, just issued indictments against Bosnian Serb leader Radovan Karadzic and Bosnian Serb military commander Ratko Mladic for crimes and abuses committed earlier in the Bosnian war. The Serbs' most recent offenses—their utter disregard for the U.N. protected-safe havens—outrages us, and make us want to do something in response. Where proponents and opponents of the Dole-Lieberman legislation disagree, however, is what that something should be.

At the urging of the United States, the contact group countries have agreed to do something in response to the atrocious Serb behavior. Details still need to be worked out, but this much is clear: earlier this week, the allies delivered an ultimatum to the Bosnian Serb commander that any threat against Gorazde will be met with disproportionate air strikes. Secretary Perry has made clear that the policy adopted for Gorazde could quickly be adopted to other areas should they come under attack. At the same time, British and French troops—part of the rapid reaction force—are working to open a key humanitarian supply route into Sarajevo.

These new efforts have just begun, yet by passing this bill today, the Senate is saying that we are not willing to give them a chance. As President Clinton said in a letter today to the distinguished minority leader opposing this bill, "Congressional passage of unilateral lift at this delicate moment will provide our allies a rationale for doing less, not more. It will provide the pretext for absolving themselves of responsibility in Bosnia, rather than assuming a stronger role at this critical moment." I would add that in passing this bill, we not only undercut the policy, but in so doing, we put at risk the brave U.N. personnel on the ground.

The troop contributing countries, the U.N. Security Council, indeed the Bosnian Government have all made the judgment call that the United Nations should remain and redouble its efforts in Bosnia. None of those parties is asking for a U.N. withdrawal at this time. They know that if the United Nations were to pull out altogether, any areas of Bosnia which are now stable and well supplied due to the U.N. presence would likely face a humanitarian disaster. This is particularly true in central Bosnia. In his letter to Senator DASCHLE, President Clinton points out that "for all its deficiencies UNPROFOR has been critical to an unprecedented humanitarian operation that feeds and helps keep alive over two million people in Bosnia." The President, our NATO and U.N. allies, and indeed the Bosnian Government have balanced the potential catastrophe of a U.N. withdrawal against the current tragedy, which has led many to call for a complete U.N. pullout. They have decided not to advocate a U.N. withdrawal at this time. Yet by passing this bill, the Senate is unilaterally calling for the United Nations to leave. That does not come without cost.

I would remind my colleagues that the United States has committed to helping our allies withdraw from Bosnia as part of a NATO effort. So, in essence, by passing this bill, we are triggering the commitment of up to 25,000 United States troops to Bosnia to help with that withdrawal. We need to be clear about what we're voting for.

This bill advocates, indeed would precipitate, a U.N. withdrawal from Bosnia followed by a unilateral lifting of the arms embargo. I do believe that if and when a decision is made to withdraw UNPROFOR, the arms embargo will de facto, be lifted with the support of our allies. That is as it should be. We are just not at that point yet.

As I argued last week, if we pass this bill, it will inevitably be perceived as the beginning of a United States decision to go it alone in Bosnia. It is naive to think we can unilaterally lift the arms embargo, and then walk away.

Another serious concern I have about this legislation is that it says that the lifting of the embargo shall occur after UNPROFOR personnel have withdrawn or 12 weeks after the Bosnian Government asks U.N. troops to leave, whichever comes first. Basically, this legislation gives the Bosnian Government the power to end United States participation in a U.N. imposed embargo. While the Bosnian Government does indeed have the right to ask UNPROFOR to leave, we should not abdicate to the Bosnian Government the power to trigger a unilateral lifting of the embargo.

I have been somewhat torn about how to vote on this matter, and have not made my decision lightly. Like my colleagues who support this bill, I want to do something to alleviate the suffering of Bosnian civilians; to make the Serbs pay for their brutality; to tell them that aggression will not be rewarded. I am not convinced, however, that we will achieve those goals by passing this legislation. Indeed, we could make things worse, at great risk not only to the besieged Bosnians, but to the United States and our European allies. I reached this decision too, out of respect for our President's request that we not move ahead with this legislation. I will therefore, with some reluctance, vote against the Dole-Lieberman bill. I ask unanimous consent that the full text of the President's letter on Bosnia be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
Washington, July 25, 1995.

Hon. THOMAS A. DASCHLE,
Democratic Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: I am writing to express my strong opposition to S. 21, the "Bosnia and Herzegovina Self-Defense Act of 1995". While I fully understand the frustration that the bill's supporters feel, I nonetheless am firmly convinced that in passing this legislation Congress would undermine efforts to achieve a negotiated settlement in Bosnia and could lead to an escalation of the conflict there, including the possible Americanization of the conflict.

There are no simple or risk-free answers in Bosnia. Unilaterally lifting the arms embargo has serious consequences. Our allies in UNPROFOR have made it clear that a unilateral U.S. action to lift the arms embargo, which would place their troops in greater danger, will result in their early withdrawal from UNPROFOR, leading to its collapse. I believe the United States, as the leader of NATO, would have an obligation under these circumstances to assist in that withdrawal, involving thousands of U.S. troops in a difficult mission. Consequently, at the least, unilateral lift by the U.S. drives our European allies out of Bosnia and pulls the U.S. in, even if for a temporary and defined mission.

I agree that UNPROFOR, in its current mission, has reached a crossroads. As you know, we are working intensively with our allies on concrete measures to strengthen UNPROFOR and enable it to continue to make a significant difference in Bosnia, as it has—for all its deficiencies—over the past three years. Let us not forget that UNPROFOR has been critical to an unprecedented humanitarian operation that feeds and helps keep alive over two million people in Bosnia; until recently, the number of civilian casualties has been a fraction of what they were before UNPROFOR arrived; much of central Bosnia is at peace; and the Bosnia-Croat Federation is holding. UNPROFOR has contributed to each of these significant results.

Nonetheless, the Serb assaults in recent days make clear that UNPROFOR must be strengthened if it is to continue to contribute to peace. I am determined to make every effort to provide, with our allies, for more robust and meaningful UNPROFOR action. We are now working to implement the agreement reached last Friday in London to threaten substantial and decisive use of NATO air power if the Bosnian Serbs attack Gorazde and to strengthen protection of Sarajevo using the Rapid Reaction Force. These actions lay the foundation for stronger measures to protect the other safe areas. Congressional passage of unilateral lift at this delicate moment will undermine those efforts. It will provide our allies a rationale for doing less, not more. It will provide the pretext for absolving themselves of responsibility in Bosnia, rather than assuming a stronger role at this critical moment.

It is important to face squarely the consequences of a U.S. action that forces UNPROFOR departure. First, as I have noted, we immediately would be part of a costly NATO operation to withdraw UNPROFOR. Second, after that operation is complete, there will be an intensification of the fighting in Bosnia. It is unlikely the Bosnian Serbs would stand by waiting until the Bosnian government is armed by others. Under assault, the Bosnian government will look to the U.S. to provide arms, air support and if that fails, more active military support. At that stage, the U.S. will have broken with our NATO allies as a result of unilateral lift. The U.S. will be asked to fill the void—in military support, humanitarian aid and in response to refugee crises. Third, intensified fighting will risk a wider conflict in the Balkans with far-reaching implications for regional peace. Finally, UNPROFOR's withdrawal will set back prospects for a peaceful, negotiated solution for the foreseeable future.

In short, unilateral lift means unilateral responsibility. We are in this with our allies now. We would be in it by ourselves if we unilaterally lifted the embargo. The NATO Alliance has stood strong for almost five decades. We should not damage it in a futile effort to find an easy fix to the Balkan conflict.

I am prepared to veto any resolution or bill that may require the United States to lift unilaterally the arms embargo. It will make a bad situation worse. I ask that you not support the pending legislation, S. 21.

Sincerely,

BILL CLINTON.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). Does the Senator yield the floor?

Mr. PELL. I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. GRAHAM. Mr. President, I have been listening to this debate for the last 2 hours and I find the debate to be somewhat disassociated from the resolution we are being called upon to adopt. We have had it said that we are talking about American leadership. We are talking about American prestige. We are talking about America's willingness to assume its proper role in the world.

Yet, when I look at the actual language of the resolution, particularly on page 5 where it states, "Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support or delivery of military equipment," that is not a heroic call to action. That is not a statement that stirs men's blood with a commitment to the protection of the innocent.

I believe that what we have before us is a resolution which essentially is an abdication of some of the most basic national interests of the United States of America. What are those interests that will be affected by the proposal of the United States to unilaterally lift, and therefore abrogate, the resolution of the United Nations which had prohibited the international community from supplying additional arms to the former Yugoslavia?

I suggest that we have at least five national interests at stake in this debate tonight. One of those is the national interest in terms of the protection of our fighting men and women. Do we wish to place U.S. military personnel, especially ground troops, at risk?

Interest No. 2 is to contain the conflict and not allow it to become the catalyst of an even larger war in the Balkans and in southern Europe.

Interest No. 3: We have an interest in preserving the integrity and capacity of the North Atlantic Treaty Organization.

Interest No. 4: We have an interest in the international community respecting international agreements.

Finally, we have an interest in the capacity of the United States, given the reality that we are a government of divided responsibility, and therefore the necessity of the executive and the legislative to work with some degree of harmony and mutual respect in order for the United States to be an effective force in the world community.

I believe all five of those important goals are placed at risk through the adoption of this resolution.

What I think is interesting about those goals is, if you think of them as concentric circles, only the first two of those relate directly to circumstances affecting Bosnia. The other three are more generic interests of the United States. And it is somewhat gratuitous that the circumstances in Bosnia are the basis of those interests being placed at risk.

Let me just comment briefly as to why I believe each of those five interests are jeopardized by the adoption of this resolution. Our first interest is to avoid the unnecessary placing of U.S. military personnel at risk. There are a series of comments that have been made. Our closest allies in NATO, who do have military personnel on the ground in Bosnia, have stated repeatedly—and, I think, unequivocally—that it is their intention to withdraw from Bosnia if the United States unilaterally lifts the arms embargo. I believe they are sincere in that statement.

The United States has made a commitment that if they do withdraw, we will provide up to 25,000 troops, to provide them cover while they are withdrawing. So the effect of adopting this resolution to unilaterally lift is that our allies will withdraw and that we will facilitate that withdrawal with up to 25,000 U.S. ground troops. So we have directly countered one of our interests, which is to avoid placing U.S. troops at risk on the ground.

Second, containing the war. In my judgment, which is not particularly meaningful—but in the judgment of virtually every serious student of this issue, from the leadership of the United States military to our diplomatic leadership—they have all stated that if the arms embargo is lifted, it will precipitate an urgent move by the Bosnian Serbs to take advantage of the military circumstances as they now exist before those advantages are compromised by armaments reaching the Bosnian Moslems. So there will be an escalation of the conflict.

There will be additional weapons introduced into the region and they will not all be the weapons that the United States might be prepared to introduce. Although this resolution explicitly indicates that we are not committing ourselves to provide any additional training, support or delivery of military equipment to the Bosnian Moslems, the Russians are not so circumspect. A news item from Tass, the Russian news bureau, dated July 12, states that the Russian Duma, the Russian Parliament, has condemned the new NATO bombing raids on the positions of the Bosnian Serbs near Srebrenica.

Since this time, that former safe haven has fallen.

According to the statement of the Duma, these bombardments have created a situation where armed provocations by the so-called Moslem Croatian Federation, unrestrained by the West and NATO, cause response from the Serbs which is always followed by a unilateral use of power by NATO.

The Duma resolution goes on to call for the Russian participation in the lifting of the arms embargo for purposes of providing arms to the Bosnian Serbs.

So we are going to have the Russians providing military equipment to the Serbs, the United States assumedly providing military equipment to the Moslems—a major escalation of the conflict within Bosnia, creating the potential of a serious overflow of this conflict into an already tinderbox adjacent area.

This has the potential of a major conflagration throughout the Balkans and southern Europe, even the potential of drawing into that conflict Greece and Turkey, two of our NATO allies. So if one of our objectives is to try to contain the war, if that is why we have 400 United States military troops in Macedonia, the adoption of this resolution and all of the things that are likely to flow from it will have exactly the opposite effect.

Third, it is in our interest to preserve the integrity of the North Atlantic Treaty Organization. That is an organization which is already under serious pressure as a result of events in Bosnia. This would raise that pressure. We have been besieged by our French and British allies not to unilaterally lift the embargo because of the greater danger that it will pose for its troops that are on the ground. We are going to be called upon, if this resolution is adopted, to protect our NATO allies by assisting them in withdrawal. I fear one of two things: I fear that we either will—or I fear that we will not—vote on an amendment to this resolution which will specifically authorize the United States to place some 25,000 troops in Bosnia in order to assist our NATO allies in their withdrawal.

I fear that we would debate that because I fear that it will fail. In fact, I have a reason to believe that gives me confidence that the amendment would fail. Therefore, the Senate would be sending a statement to our NATO allies that we are not going to honor our commitment to protect them. I am distressed that we would not debate that amendment because it indicates I think the fundamental level of timidity which is part of this resolution that we are calling for actions that have very high probable consequences and yet are not willing to accept affirmatively the implications of those responsibilities. So in so doing we place our NATO alliance at risk.

Fourth, is the respect for international agreements. This is not the only international agreement in which the United States has joined with the rest of the international community in adopting.

Let me just refer to one of those other agreements; that is, the agreement that the United States led the Security Council in adopting on August 6, 1990, imposing on Iraq a sweeping set of sanctions. What are those sanctions? A ban on the import of any product originating in Iraq. This primarily relates to oil which is 90 percent of Iraq's exports. A worldwide freeze on Iraq's financial assets; a ban on all weapon sales to Iraq; a ban on any exports to Iraq with the exceptions of food and medical supplies.

On September 25, 1990, to those set of sanctions was added an additional prohibition on civil air activity. That is an international agreement of which we are a party. There have been tremendous pressures on that Iraq embargo. Iraq has offered to Russia, France, Germany, and other countries huge quantities of oil at discounts, lucrative contracts for oil exploration and industrial redevelopment. Thus far our allies have resisted those entreaties. They have resisted them because Iraq has not lived up to its obligations, including its obligation to allow full surveillance of its capacity to produce weapons of mass destruction, weapons which already have destabilized the Middle East, and have the potential to do so again.

It is very much in our interest that this embargo against Iraq be honored by all of the world's countries. Yet, what moral ground do we have to continue to urge that they be honored if we have just unilaterally breach the United Nations' embargo which was arrived at with equal solemnity relative to the provision of armaments in the former Yugoslavia?

Mr. President, I think we are about to shred our moral capacity to lead the world and to ask the world to follow the rule of law and international obligations. And there is no country which will pay a dearer price for that than will the United States of America.

Fifth, and finally, Mr. President, I believe we have a great stake in the capacity of this Government of the United States of America to be able to function in international affairs.

When I was a boy growing up in a home, the father of which had been born in Croswell, MI, our political hero was Senator Arthur Vandenberg of Michigan. Senator Vandenberg accomplished much in his life and in his public career. But the thing for which he is best known is his cooperation with President Truman in the critical years after World War II in fashioning a bipartisan foreign policy for the United States which did in fact allow us to lead, to lead in a very difficult period of 45 years until finally the Soviet Union crumbled.

That standard of cooperation is, I fear, one of the real potential casualties in the adoption of this resolution. If I can use as the example that commitment that the United States made to our allies to provide up to 25,000 troops to help extricate them from Bosnia should that be called upon, I imagine what happened was that a representative of this Government, possibly at the highest level, the President himself, possibly at the level of the Secretary of Defense or the Secretary of State, in a meeting with our allies reviewed a series of contingencies. We were trying to encourage our allies to put troops into Bosnia as peacekeepers in hopes that they would play a positive role both in the humanitarian relief of the besieged people of Bosnia but also in the containment of the level of violence that had been occurring. One of those concerns of our allies before they would make that commitment is what would you do in the event that we have to remove our troops and our troops are under military siege? And we committed that as part of their obligation to go in, that we would assume the obligation to help them get out. That was a commitment that was made in the name of the United States of America through our Commander in Chief and President.

If we are unwilling to now honor that commitment, as I fear the implications of this resolution is that we are so unwilling, I believe we strike a fundamental and maybe lethal blow to not only our world leadership but also our capacity to function as a Nation attempting to establish a singular credible policy position in the world.

So, Mr. President, I fear that we have much at risk here to the United States' national interest. And as a U.S. Senator and as a U.S. Senate, I think that is where our principal focus should be. What is in our national interest? It is not in our national interest to adopt a resolution that would cause us to abrogate a solemn international agreement which had the result of placing the United States troops at risk, has the potential of causing this serious conflict in Bosnia to become an even greater fire throughout southern Europe. It is not in our interest to see the integrity of NATO put at risk. It is not in our interest to see a diminution of respect for international agreements, and it is not in our interest to see the necessity of bipartisanship in foreign policy development and implementation rendered by this action.

So, Mr. President, I think this is a serious moment for the Nation and for this Senate. I would strongly urge that this resolution be substantially modified, and failing such modification be defeated.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, we have in a rather informal way managed this afternoon's very important debate on this issue. I know speaking with the majority leader, and the distinguished Senator from Connecticut, myself and others, we will urge the Senate to vote tonight.

So I would hope that Senators who are desiring to address this important matter would find the opportunity, if they so desire, to come to the floor as soon as possible.

I see the Senator from Texas. I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I have listened to the debate on the floor tonight. It seems to me that we are all looking at the same fact situation. But we are coming at it from a very different vantage point, and with the same facts we are coming to very different conclusions.

One side says this is a failed U.N. peacekeeping mission, and that we should shore up the United Nations and escalate the effort that the United Nations is making. The other side says this is a failed U.N. mission, and within the constraints of our commitment it is time for us to withdraw.

Mr. President, I am in the second category. The time has come for us to get the United Nations out and let the Bosnian Moslems have a fair fight. We have stood by and watched while the well-armed Serbian forces have waged war against the Bosnian people that has made us cry at night watching what has happened.

The fall of Srebrenica, and the ethnic cleansing which followed, provides convincing evidence of the failure of this current policy. The Serbs are not going to negotiate. They have demonstrated that they believe they have more to gain by fighting than negotiating. Absent a military threat, the aggressor Serbs have no reason to negotiate in good faith.

We have debated this issue for over a year now, and we have watched the situation in Bosnia continue to deteriorate.

History will not judge us kindly if we continue to withhold from the Bosnians the means to fight for their own freedom. Our action has not been one of neutrality because the effect has been to keep the Bosnian army from defending themselves with the same kinds of arms that the Serb aggressors have had. The time has come for us to end this debate, withdraw the U.N. forces, and lift the arms embargo once and for all.

The old adage said, "It is preferable to die fighting on your feet than to live begging on your knees." It is clear the Bosnians have made their choice. They have been bravely fighting on their feet for months, but they have been severely limited in arms. The Bosnians are not asking us to arm them. They are not asking for American troops to defend them. They are simply asking to be allowed to fight their own fight. It is unconscionable for us to continue to deny them that basic right to fight for their survival.

What we have is a bloodstained policy which denies them the means of defending themselves, and it is one which we can no longer countenance.

Two months ago, I stood on the border of Macedonia and Serbia. I was standing side by side with our Americans with U.N. blue caps. They were at an outpost watching the border to make sure that this fight did not spread. I returned to the United States to find that our administration was considering requests from our allies which will only draw the United States deeper and deeper into an implacable situation. We are being asked to help increase and reinforce the U.N. mission in Bosnia, more airstrikes, and a larger U.N. ground force. For us to participate in such a plan would be a grave mistake.

We are considering increasing the U.N. involvement when the message could not be more clear. What we are doing is not working. The last thing we should do is increase that commitment.

I have been opposed to sending ground troops into Bosnia, and in light of recent developments, my resolve is even stronger. Any decision to involve United States forces in additional air support roles would take us two steps closer to a United States ground presence in Bosnia.

I heard the Senator from Massachusetts earlier today saying maybe it would be a balance, that we would provide air cover and airstrikes for our allies who would be on the ground.

I do not think that would be a fair balance, Mr. President. The shootdown of Capt. Scott O'Grady served to remind us that providing air support is not without cost. It has the potential of getting us more deeply involved in this conflict.

We are now drawing up operational plans for airstrikes should the Serbs move on Gorazde. We are on the brink. The U.N. is conducting a peacekeeping mission in a region where there is no peace. The U.N. is paralyzed, unable to respond and unwilling to retreat.

Two weeks ago, the Bosnian Serbs attacked the U.N.-designated safe area of Srebrenica. They rounded up the men for "questioning." They threw women and children out of their homes and onto the roads—no food, no water. The tales of the acts of barbarism committed by the Bosnian Serb forces are now being reported by the United Nations. One U.N. official said the Serb actions constituted very serious violations of human rights on an enormous scale that can only be described as barbarous.

Using artillery and armored vehicles, the well-armed Serbs quickly overran Zepa and now they have turned their sights on Bihac, Gorazde, and Sarajevo.

For some time, this administration has argued that their reluctance to lift the arms embargo stems from a fear that if the arms embargo should be lifted, the Bosnian Serbs would only be encouraged to go on the offensive and press their attack on the Moslems.

This line of reasoning, Mr. President, is frustrating and beneath the standards of our great Nation. The Bosnian Serbs are on the attack. That should be obvious to any casual observer. The Serbs are oblivious to what the U.N. is doing because they have seen only empty threats and rhetoric. The refugees fleeing Srebrenica and Zepa provide ample evidence of the failure of this embargo where only one side of the conflict is armed.

I remember my meeting with the Prime Minister of Bosnia when he was here just a few weeks ago. He was bemused. He said, "I keep hearing the United Nations say there are two sides to this war." He said, "There are two sides all right. One side is shooting and the other side is dying."

That is two sides, but it is not a fair fight, and we must do everything in our power to let them have a fair fight without U.S. presence in that fight.

The bill we are debating acknowledges what we all know, that the United Nations can no longer function in Bosnia in anything but a limited humanitarian role. Since this bill links termination of the embargo to United Nations withdrawal, the Bosnians and those participating in the United Nations will make ultimate decisions as to when and under what conditions the United Nations would withdraw and the embargo would be lifted.

By linking United Nations withdrawal to the lifting of the arms embargo, the Serbs will be on notice that should the U.N. leave, they will get the fight they have been seeking, but it will not be with unarmed women and children, unarmed men. It will be a fair fight with armed Moslem soldiers.

The United Nations is an effective peacekeeper when two sides to a crisis want peace. That is not the situation in Bosnia today. As the frustrated Bosnian Foreign Minister said so eloquently following the fall of Srebrenica, "The U.N. troops have become a hindrance, a clumsy reminder of the U.N.'s failure."

It is time for the U.N. to abandon this failed mission, not because they did not try but because the tide was not right. I urge the President to turn away from this recent shift in American policy and instead of encouraging the United Nations to increase its activities, we should lift the arms embargo so the Bosnian Moslems can defend themselves and allow our allies to decide if they want to leave.

One Bosnian official said last week, "We have never seen the United Nations do much more than talk. We have given up on anyone from the outside coming to our rescue."

Mr. President, we can no longer leave the Bosnians defenseless. It is time to recognize the failure of our current policy and to do what it takes to provide the Bosnian Government the right to defend its own people from aggression. The United States has acted unilaterally before, and we will again. We must lift the arms embargo. Vice President Ganic said, "We are dying anyway. Let us die fighting, fighting for our country."

I think the time has come for this Senate to remember our own heritage. Over 200 years ago, we fought for our freedom. "Give me liberty or give me death" was the rallying cry of our soldiers. We should remember the sacrifices that our forefathers willingly made because they cared so much for freedom. And we should heed the pleas that come from a country far across the ocean, a country that wishes to fight for their freedom, their liberty, their families, and their future generations.

Mr. President, we must step out of the way and let them have a fair fight. I hope my colleagues will give overwhelming, bipartisan support to finally taking the stand that we have talked about and debated and danced around for months on end while other people have paid the ultimate price of enduring rape and ravage and murder, and let us let them have the ability to take what is left of their country and defend it with the honor they are seeking.

I thank the Chair.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to say that I listened very carefully to the remarks of the distinguished Senator from Texas, and I think it brings another very important perspective to this debate. I wish to express my congratulations.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB addressed the Chair.

Mr. NUNN. I wonder if the Senator from Virginia would let me give a 5- or 6-minute explanation of the amendment. I want to get the amendment on the floor.

Mr. ROBB. Mr. President, I would be pleased to yield to the Senator from Georgia. I would like to have the opportunity to seek recognition at the conclusion of his remarks.

Mr. BIDEN. Parliamentary inquiry, Mr. President.

Mr. President, is the Chair in the position, since so many people are wishing to speak, to, in a sense, unofficially acknowledge the order in which we are standing on the floor? I think it might make things appropriate. I know the Senator from Michigan was here before the Senator from Delaware. The Senator from Delaware was here before other people.

My inquiry is, is there an attempt on the part of the Chair to recognize people in the order in which they are sitting on the floor waiting to be recognized?

The PRESIDING OFFICER. That is beyond the power of the Chair.

Mr. WARNER. There has been an informal arrangement purely based on comity among Senators, since this matter was introduced at about 2:15, to follow much what the Senator from Delaware has suggested. I just think if we recognize among ourselves, without any request for action from the Chair, that the Senator from Virginia has been waiting, he recognizes that the Senator from Georgia desires to lay down an amendment and speak for a few minutes, the Senator from Michigan, and then the Senator from Delaware, that seems to me——

Mr. BIDEN. Mr. President, the Senator from Virginia has just made a statement I could not propound in the form of a question. I thank him.

Mr. WARNER. We thank the Chair.

Mr. NUNN. I thank the Senator from Virginia for yielding to me on this. I would like to discuss two amendments, one very briefly and the other amendment in detail.

The first amendment that I had intended to propose to this Dole-Lieberman bill, Mr. President, would have made it very clear that the President of the United States is authorized to use United States military forces for the purpose of assisting in the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina provided, No. 1, that the Secretary-General of NATO requests the participation of U.S. forces and certifies that such participation is necessary for the successful completion of the operation; No. 2, the withdrawal operation will be carried out under NATO operation control and using NATO rules of engagement; No. 3, participating NATO forces will not be unduly in danger to remove the military equipment of the UNPROFOR forces; and, No. 4, the North Atlantic Council decides to conduct the operation.

That was one of the amendments I intended to introduce. I do not intend to introduce that amendment now. I think the amendment would enjoy substantial support on the floor. There would also be opposition without any doubt. The President has not sent up a request, and without a request or at least an expression from President Clinton and his administration that they would welcome this kind of authorization, I do not think it is really appropriate to ask our colleagues to vote on that kind of authorization at this time.

I do add, though, Mr. President, that everyone should understand—and I hope the American public understands—that the amendment that we are debating, the Dole-Lieberman resolution, basically encourages the United Nations to withdraw from Bosnia. In encouraging the United Nations to withdraw from Bosnia, the enticement is very clear—the unilateral lifting of the arms embargo, as the amendment is currently drawn, if the United Nations withdraws after a request by the President of Bosnia. So that gives the President of Bosnia an incentive to make that request.

Now, I think for the Senate, we need to understand that if the U.N. forces withdraw, President Clinton has clearly said publicly—I am not sure it has been focused on all over the country—but it is clear that the President of the United States has committed to send U.S. military forces if requested by NATO to assist in the withdrawal of U.N. and NATO forces.

I happen to believe the President is correct on this. I believe that we do have an obligation if there is a withdrawal and if we are needed. If, of course, withdrawal can be accomplished in a peaceful way without U.S. forces, then that would suit all of us better. But if we are needed, we have had two Presidents, President Bush as well as President Clinton, who have encouraged our allies to go in there on the ground. The United States has not sent ground troops. But we have had President Clinton encourage, even to this day, the U.N. forces and the forces of our NATO allies to remain on the ground. And for them to get in difficulty on withdrawal and for the United States not to come to their assistance, as already expressed publicly and privately by the President of the United States, in my view, would deal a lethal blow to the alliance we have been part of since World War II.

So I think no one should make any mistake about it here on the floor of the Senate. The Senate of the United States is going to have to face up to this question at some point if there is a withdrawal. And the Dole-Lieberman amendment anticipates, in fact encourages, withdrawal.

I had hoped we would join this issue on the floor. I know that there are a number of Senators who agree with me on both sides of the aisle. I know that the Senator from Kansas, Senator DOLE, and Senator LIEBERMAN have both indicated that they would support this general type resolution. I am not talking about this specific wording. But there are Senators who would oppose it. But at this stage, without a request by the President, or without at least an expression by the President that he would encourage this kind of proposal at this time, then, in my view, it is not appropriate to present it for a vote at this time. But it cannot be avoided. At some point we are going to have to face up to it. And I hope the Congress of the United States will understand what is at stake here. Far more than the question of Bosnia, what is at stake is U.S. leadership, United States commitment, and the North Atlantic Treaty Organization itself were we to choose not to support the President's commitment here and not to help our allies.

Mr. President, I do intend to send another amendment to the desk. We made a few changes in it. I have talked to the Senator from Virginia, Senator WARNER. I ask that Senator GRAHAM, the Senator from Florida, be added as a cosponsor of this amendment. This amendment I will describe briefly and when it is retyped with a couple of small changes, technical but important changes, then I will send it to the desk as called for in the unanimous consent order.

Mr. President, this amendment that I will send to the desk in a few minutes has two aspects. First, it adds a new finding that reiterates the position of the contact group that was first expressed in July 1994 and maintained ever since. And that is that the U.N. Security Council termination of the Bosnian arms embargo would be unavoidable as a last resort if the Bosnian Serbs continue to reject the contact group's proposal.

Mr. President, the contact group is composed of Britain, France, Germany, the United States, and Russia. This is a statement they issued in July of 1994. And I want to repeat that the contact group itself said that the termination of a Bosnian arms embargo would be unavoidable as a last resort if the Bosnian Serbs continue to reject the contact group's proposal. Of course, we all know the contact group's proposal has continued to be rejected by the Bosnian Serbs.

Second, this amendment adds a new provision that would require the President, President Clinton, to immediately introduce and to press to a vote in the U.N. Security Council a resolution offered by the United States to terminate the Bosnian arms embargo on a multilateral basis if the Bosnian Government requests the withdrawal of the U.N. forces or if the troop-contributing countries or the Security Council decides to withdraw the U.N. forces from Bosnia. The resolution would provide that the Bosnian arms embargo would be terminated no later than the completion of the withdrawal of the U.N. forces from Bosnia.

Mr. President, I believe that it is important to set up a mechanism as a part of this bill to ensure that the Clinton administration seeks to achieve a multilateral lift of the Bosnian arms embargo if the events stipulated in the Dole-Lieberman bill for triggering the embargo should occur. In other words, the Dole-Lieberman bill now visualizes a unilateral lift of the embargo if these events are triggered. What this amendment would do is insert that, before that unilateral embargo was lifted unilaterally, the President would go to the United Nations Security Council and seek a multilateral lift. I emphasize, this amendment would not delay the Dole-Lieberman unilateral lift, because that is now not going to occur until after the U.N. forces have been removed from Bosnia, pursuant to either their own decision or pursuant to a request from the President of Bosnia to the Security Council.

Mr. President, if the Dole-Lieberman amendment is enacted into law, it would result, as it now stands without this amendment, in the unilateral lifting of the Bosnian arms embargo upon the withdrawal of the UNPROFOR in Bosnia. That might happen even if my amendment were adopted. I will make that clear, also. But we would at least first seek a U.N. multilateral lift, which I think most people in this body prefer as the first choice.

This arms embargo was established with the concurring vote of the United States during the Bush administration. It has been complied with throughout by the Clinton administration. Mr. President, I think it would be an unfortunate precedent if the United States, a permanent member of the U.N. Security Council, a member who has been the strongest supporter of various arms and economic embargoes on countries such as Iraq and Libya, which continue to this day, was to lift the embargo unilaterally on Bosnia without at least first going to the Security Council and asking for a multilateral lift before we take unilateral action.

Mr. President, it seems to me that if the decision is made to withdraw the U.N. forces from Bosnia, then the Security Council should be receptive to a lifting of the Bosnian arms embargo on a multilateral basis. And I repeat, the contact group, composed of Britain and France and Germany and the United States and Russia, have issued a statement last year saying as a last resort they believe the United Nations Security Council should lift the embargo. That indicates at least implicitly some support in that group when we get down to the last resort.

Mr. President, if we are not close to the last resort in Bosnia, we are very, very close to it. I think we are close to it if we are not already there. Our allies who have troops on the ground in Bosnia and who have resisted the termination of the arms embargo because it would endanger their troops, should be willing to vote for such a resolution once their troops are out of Bosnia. If we can get a multilateral lift in the Security Council, it would be a much better, much improved situation for the United States because we would not meet ourselves coming back on such critical embargoes as Iraq where there is strong sentiment by some members of the Security Council to lift that embargo and where we resist lifting that embargo. Mr. President, I hope that we will support this amendment.

The contact group has been on record for more than a year that the arms embargo should be lifted by the Security Council if the Bosnian Serbs continue to reject the contact group's proposal. As I said, that is what they have done. Surely, the continued rejection by the Bosnian Serbs, coupled with their repeated violations of the humanitarian laws of war, merits a positive vote by all members of the contact group for such a resolution and, I also believe, for the Security Council to make this same decision.

I realize there is no assurance that such a resolution would be adopted by the U.N. Security Council. I also realize that it is possible that Russia, or one of the other permanent members, would be in a position of vetoing this resolution. But I do believe that even if it is vetoed, there is no reason we should continue to avoid a vote. We ought to at least have the Security Council vote, and we ought to make at least some effort to have a multilateral lift before we strike out on our own.

I would have preferred that the administration would have pressed for a vote on the resolution it submitted and supported last year, and that resolution was submitted by the Clinton administration pursuant to the Department of Defense Authorization Act for Fiscal Year 1995, which called for a multilateral lift of the Bosnian arms embargo.

The President committed to us in conference last year that he would introduce and support such a multilateral lift effort in the Security Council. However, the administration did not ask for a vote. They did introduce a resolution and they did support it, but they did not ask for a vote. So there still has not been a vote at our request on this key issue.

I realize that diplomats like to avoid unpleasant confrontations. I realize the United States does not like to be on the losing side of a U.N. vote in the Security Council, but I believe in this instance, it is imperative that we press this resolution for a multilateral lift to a vote and at least find out where every member of the Security Council stands. And if a member of the contact group who is also on the Security Council objects to this resolution, if it is introduced by the Clinton administration pursuant to this amendment, if this amendment is adopted, or if the member of the Security Council who is also on the contact group vetoes the resolution, then they should answer the question, What did you mean when you agreed to the contact group statement that in the event of continued rejection by the Bosnian Serbs of the contact group's proposal for Bosnia and Herzegovina, a decision in the United States Security Council to lift the embargo as a last resort would be unavoidable?

If there is a veto, then at least we would hopefully get some explanation as to what that contact group statement meant when it was issued last year.

Finally, Mr. President, I emphasize that this amendment does not interfere in any way with the operation of the Dole-Lieberman bill. The Dole-Lieberman bill requires that the Bosnian arms embargo be terminated upon the withdrawal of the U.N. forces from Bosnia. That withdrawal will take some time.

We received various estimates from our military ranging from 7 to 22 weeks for the completion of a withdrawal operation. Best case, about 7 weeks; hopefully, worst case about 22 weeks. That leaves ample time, even under the 7-week estimate, for the Security Council to carefully consider and vote on a United States resolution to multilaterally lift the arms embargo on the Government of Bosnia and Herzegovina.

Mr. President, I certainly welcome support on this amendment. Again, I ask unanimous consent that the Senator from Florida, Senator GRAHAM, be added as a cosponsor. I hope there will be other cosponsors as the debate continues.

I yield the floor and, again, I thank my friend from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROBB addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. ROBB. At the outset, I ask unanimous consent that I be added as a cosponsor to the amendment of the Senator from Georgia.

The PRESIDING OFFICER (Ms. SNOWE). Without objection, it is so ordered.

Mr. ROBB. Madam President, as we watch the sovereignty, independence, and territorial integrity of the Republic of Bosnia and Herzegovina wither under Serbian attack, we are faced with a very difficult choice: Stay the course with the U.N. and allied forces on the ground in the hope of limiting the bloodshed and containing fighting as best we can, or breaking with the current policy and letting the Bosnian Army defend itself.

I am troubled by the fact that we treat Bosnia and Herzegovina as a barren wasteland, not as a country. We have slipped so far into a policy of sustaining and occupying U.N. force in the Balkans for the sake of rebuffing Serbian aggression that we shut aside the views and aspirations of Bosnian Government officials, Prime Minister Silajdic among them.

Madam President, Bosnia and Herzegovina is a living, breathing country, represented in Washington, at the United Nations and around the world. We should respect and listen to the views of its officials and not ignore them.

Like many of our colleagues, I met recently with the Prime Minister, and he angrily intoned that our policy of militarily straitjacketing his forces made us complicit in the Serbian slaughter of the Bosnian people.

While I took very strong issue with his point that we were serving as a partner in genocidal crime, his message was unmistakable: We and the international community are standing in the way of a free and independent country seeking to fight for its very survival on its own territory and terms.

I understand those who caution us about the consequences of letting weapons flow to the Bosnian Government forces. They argue that a lift-and-strike policy does not consider the battlefield incineration that might follow. But I believe that we should leave these decisions in the hands of Prime Minister Silajdic and other Bosnian leaders.

The Government of Bosnia and Herzegovina, like Serbia, Croatia, and any other sovereign nation, should be allowed to exercise its right of self-defense under article 51 of the U.N. Charter, and our policies should not interfere with that fundamental authority.

There are no painless options before us. Ultimately, there are substantial risks, and we have to be prepared to assume some of them. With no peace to keep in the former Yugoslavia, however, I believe a policy of simply muddling through is a prescription for failure. It extends the war indefinitely and provides no hope or answers to the Bosnian people on how the community of nations intends to help defer Serbian aggression. I advocated pushing our allies much harder earlier to change course, but they have clung to a policy of defending the status quo.

As the situation on the ground has worsened, we have failed to respond decisively in any way. Given that bleak outlook, I have consistently supported an approach in the past that allows the Bosnian Government to defend its people and territory. We have voted on seven separate occasions on the arms embargo question and, in each instance, I have supported giving the Bosnian Army the military capability to defend itself. And I will support legislation again tonight that I believe provides the only real chance for eventually establishing a permanent and lasting peace in the Balkans, and that is by lifting the arms embargo.

I should note, however, that while I share the goals of what is likely to be a majority of my colleagues regarding the lifting of the embargo, I am deeply troubled by the invasive means by which we encroach on Presidential authority.

On war and peace issues, I have long advocated placing our trust and support in the hands of our Commander in Chief.

This legislation, admittedly, challenges Presidential authority outright and sets a bad precedent for our intervention in executive branch prerogatives. But we have been urging this course of action literally for years now, and yet the genocidal slaughter continues.

Madam President, I feel Congress ought to exercise its oversight on matters of national security with great caution and be particularly sensitive to actions that might have the effect of micromanaging foreign policy or usurping the President's constitutional responsibilities.

I have tried to support Presidents of both parties on defense and foreign policy decisions, and I want to continue to do so in the future.

Serbian atrocities, beyond the pale, however, force the Senate to act today. Ethnic cleansing, gang rapes, hostage-taking of noncombatant peacekeepers, and pillaging the eastern enclaves of Bosnia, demand an unequivocal United States response. In that case, it is lifting the arms embargo.

An affirmative policy of lift and strike will clarify to Serb marauders that their military campaign is ultimately a futile one and that a negotiated settlement is the only way out.

For now, Serb gunners and soldiers have no incentive to lay down their arms. They brazenly march ahead. Srebrenica last week, and then Zepa, Bihac today, and Gorazde tomorrow, fighting a defenseless enemy.

Bosnian Government soldiers, lacking the wherewithal to fight back, retreat and scatter. UNPROFOR stands as an idle force nearby, if anything, helping Belgrade's aspiration for achieving a greater Serbia. While UNPROFOR certainly deserves credit for supporting humanitarian missions, the war-torn Balkans, separating the combatants and attempting to deter atrocities, I do not see how the international community can afford to keep peacekeepers in a region where there is no peace. The role of UNPROFOR has gone from keeping the peace to regulating the war. It is time for a change.

Secretaries Christopher and Perry, for whom I have enormous personal respect, visited us again today and said now is not the right time to unilaterally lift the embargo.

Time is running out on the Bosnia people. If not now, when? The escalation of events these last few days with Bihac under attack today, underscores 3 years of failure to achieve a peaceful settlement.

Madam President, this civil war, in my view, must ultimately be resolved by the different groups within the former Yugoslavia. We should conduct a policy that provides the greatest incentive for both sides to peacefully negotiate their differences at the bargaining table.

To wit, I believe the United States should first press our allies for the expeditious withdrawal of UNPROFOR; second, lift the arms embargo multilaterally, if possible, unilaterally, if we must; third, continue to isolate the Bosnian Serbs politically and economically; fourth, not harbor any illusions about the consequences of lifting the embargo.

We cannot duck the question of whether United States forces—up to 25,000, in some scenarios—will be required near and in Bosnia to help extract UNPROFOR.

President Clinton has pledged to support UNPROFOR's emergency extraction. In my judgment, this is the right thing to do. We ought to go on record supporting him in this regard. In that regard, I certainly support the Senator from Georgia.

With emergency extraction, however, come risks. Both the Bosnian Serbs and the Bosnian Government forces could choose to interdict the UNPROFOR withdrawal. Given the narrow and fragile transportation routes in Bosnia, either side could do much to accomplish this goal.

Closer examination suggests that neither side has a compelling incentive to prevent UNPROFOR's withdrawal by force. The Bosnian Government would be loathe to attack its potential supporters, and although the Bosnian Serbs are benefiting immensely from UNPROFOR's indecisiveness, they would have no rational reason to delay UNPROFOR's departure.

We must accept, however, that lifting the embargo will not and can not mean the end of United States involvement. The Bosnian Government will request that the U.S. provide airstrikes to stem a Bosnia Serb advance. It is reasonable to expect that the United States will need to continue the equivalent of Deny Flight to keep the skies free of Bosnian Serb air power. The United States may have to take an active role in supplying the Bosnian Government with arms and equipment, intelligence, and training, and the United States will have to supply extensive humanitarian assistance by airdrops and other means to compensate for the departure of the humanitarian assistance personnel.

The Balkans conflagration may well get worse before it gets better, implementing a lift and strike plan, but it is going to end sooner due to it, and it will save many innocent victims in the long run.

These, Madam President, are not attractive options. There are no attractive options before the Senate.

Accordingly, Madam President, I believe that the United States should lead by example and not be deterred by protestations from our allies on lifting the embargo unilaterally if they choose not to join us.

The time has come to give the Bosnian Government a fighting chance. I hope the Senate will send that message in resounding fashion. I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. WARNER. Madam President?

The PRESIDING OFFICER. The Senator from Kansas has the floor.

Mrs. KASSEBAUM. Madam President, I am happy to yield to the Senator from Virginia if he has a question.

Mr. WARNER. I simply wish to address the Chair and those present. We are following an informal order. The Senator from Michigan has waited for about an hour and a half. Somehow it has worked out for 5½ hours.

Mrs. KASSEBAUM. Madam President, I think it is good to follow an order. I know the Senator from Michigan was here before I was on the floor and I am happy to yield at this time to the Senator from Michigan.

Mr. CHAFEE. Madam President, I wonder if I could get in line.

Mr. WARNER. Madam President, what we have done before is just recognize Senators. The Senator from Maine has been here for some period off and on.

Perhaps, without seeking ratification by the Chair, just among ourselves, have a comity by which the Senator from Michigan be followed by the Senator from Kansas. The Senator from Delaware, very definitely, has been here.

Mr. COHEN. I object, because none of us will get to speak.

Mr. BIDEN. Madam President, maybe he will learn something.

Mr. WARNER. The Senator from Michigan, Delaware, Kansas, Rhode Island, and then Maine.

Mr. CHAFEE. The Senator from Maine was here before I was.

Mr. WARNER. We will reverse that. The Senator from Arizona is behind that group.

The PRESIDING OFFICER. Will the Senator restate that.

Mr. WARNER. We will first recognize the Senator from Michigan, followed by the Senator from Kansas, followed by the Senator from Delaware, followed by the Senator from Maine, followed by the Senator from Rhode Island, and then the Senator from Arizona.

Mr. CHAFEE. Madam President, did we get a firm commitment that the Senator from Delaware will be in his usual crisp style?

The PRESIDING OFFICER. The Senator from Michigan has the floor.

Mr. McCAIN. Will the Senator from Michigan yield for a unanimous-consent request?

Mr. ABRAHAM. Madam President, I yield.

Mr. McCAIN. I ask unanimous consent that the order of recognition be as described by the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Will the Senator yield?

Mr. ABRAHAM. I yield.

Mr. BIDEN. I say to my friend from Maine and from Rhode Island, had they listened to the Senator from Delaware 2 years ago, we would not be having this debate today.

Mr. ABRAHAM. Thank you, Madam President. I also thank the Senator from Kansas for yielding. I promise for my part to be quite concise here tonight.

I rise today in support of S. 21, the Bosnia and Herzegovina Self-Defense Act of 1995. I do so because I believe it is past time for us to allow the Bosnian Government to defend itself against naked and cruel aggression. The United Nations has failed to protect this state, NATO has been prevented from effectively protecting this state, and the valiant peacekeepers on the ground have been placed in the impossible position of keeping the peace where there is no peace to keep. Under these circumstances, the United States cannot continue to abide by an embargo that punishes the very people it was meant to protect.

I did not always believe that lifting the arms embargo was necessary. Previously, I considered the introduction of yet more weapons to this war to be destabilizing and capable of pushing the conflict outside of the former Yugoslavia.

However, this is no longer the case. The arms embargo has not been observed by all sides. Because of these violations, the Bosnian Serbs possess a disproportionate number of heavy weapons and as a result possess a clear military advantage that cannot be overcome by the courage, numbers, or moral authority of the Bosnian Government; it can only be met by similar arms.

When we recently met with the Prime Minister of Bosnia, he stated "We do not want American, French, British or any other country's boys to fight for Bosnia. Our own boys are willing to fight for our country. The problem is we do not have the means to defend ourselves." It is the arms embargo that is denying the Bosnians those means, and it is the arms embargo that must end.

Mr. President, I believe a full discussion of this issue must also include Croatia. The Bosnian-Croatian Federation represents one of the strongest mechanisms to bolster Bosnian sovereignty, and must not be forgotten. Strong democratic institutions are taking root in Croatia, and the Croatians in Bosnia are capable of helping secure similar liberties in Bosnia. I am concerned that lifting the embargo on Bosnia alone will kill this federation in its infancy and with it, one of the strongest allies the Bosnians may have.

For the Croatians to feel capable of assisting in the defense of Bosnia, they must also feel capable of defending themselves. Therefore, if we are to claim the Bosnian Government is entitled to have access to the arms necessary to defend themselves, then so too are the Croatians. I commend Senators HATCH and GORTON for also raising this important consideration, and would welcome efforts to address this issue.

But the whole of the Balkans is not the issue before us today, it is Bosnia alone. With Bosnia, we must act now. To continue to sit idly while the Bosnian Moslems are systematically evicted from their homes, rounded up like cattle for forced relocation, and uniformly persecuted simply because they are Moslem is wrong. The United States has the capacity to provide the means necessary for Bosnian self-defense, but has for too long remained on the sidelines, using as an excuse one thing after another, primarily the inaction of multilateral institutions which were never designed to meet such threats, and which are not and may never be capable of doing so.

I did not come here today to say this administration is totally to blame for the tragedy in Bosnia. Mistakes were made before, and contribute to the problems we face now. However, the current administration has broadened these problems because of its failure to enunciate a clear set of national security interests in Bosnia, a set of goals to protect those interests, and a decisive plan to achieve those goals.

This is the very essence of foreign policy, and yet the Administration has been unwilling and incapable of formulating even this basic building block so vital to the protection of our national interests.

Where this has led the United States is a policy of mindless reaction. We repeatedly find ourselves responding to the latest crisis in the Balkans, wondering which course to take next instead of taking deliberate action intended to achieve a precise set of goals. So I think now is the time to develop a strategy that will give us the capacity to make wise decisions that will stand the test of time.

We must not allow such short sightedness to happen again. Some day soon, we could very well find ourselves facing an even more serious set of decisions concerning Bosnia or some other part of the world—the issue of sending American troops into harms way. Making such decisions without a strategy in place is a prescription for disaster. Hence, the value of staking out a clear path to follow.

So let today or tomorrow, whenever these votes shall come, be the watershed. Let us first decide today to restore the right of self-defense to the people of Bosnia. Hopefully this will provide that government the means necessary to bring about a just and lasting peace. But we must be prepared for the next crisis, and that requires our immediate examination of the complete issue, and our role in its resolution.

I applaud the bipartisan leadership of the majority leader and the Senator from Connecticut in addressing the problems we face today. I look forward to their continued leadership in defining our long-term interests and plans in the Balkans to avoid these crises in the future. But for today, I call on my colleagues to support this effort and bring to the Bosnian people an opportunity to fight for their country, their people, and their land.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Madam President, the Senate has returned once again to the question of whether the United States should act unilaterally in lifting the arms embargo on Bosnia. We debated this course before and rejected it for what I believed then, and I still believe, were compelling reasons.

I listened with great interest to the amendment that was put forward by the Senator from Georgia, [Mr. NUNN], about some language that would, indeed, begin to make it a collective action on the part of the Security Council and with our allies. This approach may be something that will improve, although I hope not unduly confuse further, the language in the bill. It seems to me that does open possibilities, but I would like to explain why I still share deep concerns about unilaterally lifting the embargo.

I well understand—in fact, I share—the sense of frustration and anger that underlies this legislation. Time after time, we and our allies have failed to find a consensus for acting on the pressing and horrific situation in Bosnia. Time after time, we have been cowed and buffaloed by the Bosnian Serbs and by Serbia. We have appeared, and have been, indecisive, ineffective, and divided.

It is, therefore, no surprise that unilateral American action has great appeal to many Senators and will, I do not doubt, be approved by a large number of Members of the Senate at the end of this debate. That may make us feel better. But I am not at all sure that it means it is the right solution.

I have enormous respect for the bill's authors. The majority leader and my colleague from Kansas, [Mr. DOLE], has been a firm, consistent, and powerful advocate for clear and concerted action in Bosnia, as has his coauthor, the Senator from Connecticut, [Mr. LIEBERMAN]. This is a bipartisan effort. It is not a partisan effort.

Given the President's failure to produce a consensus with our allies for such action, it may well be that Congress must step into the breach by dictating a go-it-alone American strategy. If so, I think we should not fool ourselves about the realities that may follow.

All the old arguments against this course are still valid, I believe. In acting unilaterally, we are breaking the kind of international agreement that we have needed before and we may need again. We are creating a precedent for others to thumb their noses at the international community. In acting alone, we are directly undercutting our allies, primarily the British and the French, who have troops on the ground in Bosnia. Those troops will be the first targets of what could be a steadily escalating conflict, as the Serbs seek a decisive victory before Bosnia can obtain the heavy weapons to prolong the war. In acting alone, we may force the total abandonment of humanitarian relief. But despite the profound flaws of the current effort, and they have been significant, its elimination would create enormous hardship and disaster in the short run. Finally, in acting alone, we will give force to our failure of leadership. Madam President, this may be, in some ways, the most significant and subtle aspect of this.

Far from demonstrating America's willingness and ability to lead the west, unilateral action is the final concession that we can find no one willing to follow us. The full impact of that admission may not stop in Bosnia. It could be felt for a long time to come in NATO and other multilateral organizations that are vital to our national interests.

Against these very real dangers, supporters of this legislation raise the argument that since we, our allies and United Nations cannot defend Bosnia—which we clearly have not—then Bosnia should be allowed to defend itself by lifting the arms embargo. It is a compelling argument, made more effective each day as the allies and the U.N. forces appear more and more ineffective.

We have all felt this as we have watched food convoys be turned back because there was a Bosnian Serb tank blocking the convoy, and rather than stand up and say, "This food delivery is going to get through," it turns around and retreats.

Certainly, Bosnia has the right to defend itself. What it lacks is the ability to defend itself. This legislation, by itself, cannot create that ability. That can only happen as Bosnia obtains armaments and supplies and then trains its forces in their use. That will take a great deal of effort and money—which we here may or may not be willing to provide—but most of all it will take time, and not that that is not also important. But we have to recognize that it will take time. There is going to be a certain period of time in there in which the armament—the large armament and the capability to do so—they will still be trying to put it in place. And the population that we most want to help can be at risk.

The reality is that the only time left to Bosnia may be that purchased by the international community. Clearly, the U.N. protection force [UNPROFOR] has not and cannot serve that purpose in any effective way and its mission should be ended.

Whether the current shift of policy will produce an effective replacement for the U.N. force remains to be seen. There is considerable confusion and many conflicting signals about the role of NATO air power and the new rapid reaction force being put in place by Britain and France. It is possible that this new policy will never evolve into an effective force but I believe we must not cut off that possibility prematurely.

If in passing this legislation we undermine that international effort, we may prove that it is still possible to make the situation in Bosnia even worse.

Madam President, this legislation is well intended. The anger and dismay of its authors is well founded. It may be the right thing to do, but I do not believe so and I will oppose it as it presently is presented.

I yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, I understand the unanimous consent order was that I was to be recognized next. My colleague from Maine has asked whether or not he might be able to go first. I ask unanimous consent that I be able to yield to him since he was next in line and then have my opportunity to speak when the Senator from Maine finishes.

The PRESIDING OFFICER. Hearing no objection, without objection, it is so ordered.

The Senator from Maine.

THE "UNITING FOR PEACE" AMENDMENT

Mr. COHEN. Madam President, let me thank my friend from Delaware, and especially in view of the fact that I expect that he will engage in a very passionate recitation which may start out to be 15 minutes but I suspect will extend long beyond that time. I say that having been the beneficiary of many of his speeches here in the Senate and in many cases having been enlightened as a result of his taking the floor.

Madam President, let me just respond to some of the comments offered by my colleague from Georgia who has not offered yet but has outlined an amendment that I believe goes a long way toward addressing the concerns of the administration and many of our colleagues in the Senate over the implications of a unilateral lifting of the arms embargo in Bosnia.

The administration has made the point, I believe, to the Democratic caucus, to the Republican conference, that if we lift the embargo unilaterally, the United States is then going to be endangering the viability and the continuing force of U.N. sanctions on Iraq and Libya. So to deal with this concern, Senator NUNN is proposing—or will propose—an amendment that directs the President to seek a vote in the U.N. Security Council on lifting the embargo as the President has said he would do and as the Senate urged him to do last August in the Nunn-Mitchell amendment.

I might point out that Senator NUNN was on the floor last year in August asking the President to go to the United Nations to seek a resolution on this. And, of course, the President went but did not seek a vote in order to lift the embargo.

Senator NUNN's amendment aims to achieve a multilateral action. The amendment does not in any way, as he said, impact upon the provisions of Dole-Lieberman. It simply strives to give the greatest possible international support of U.S. policy.

Here is my concern. If the Nunn amendment is accepted and becomes part of the bill, once UNPROFOR decides or is asked to leave, the President would then go to the United Nations and seek a multilateral lifting of the embargo. Then, obviously, that resolution could be vetoed by one of the members of the Security Council. I think it is reasonable to expect that. I think it is inevitable it would occur.

At that point, as I understand the legislation, the President would be required to automatically lift the embargo unilaterally as soon as UNPROFOR's withdrawal from Bosnia is complete. Once he has made the effort under the Nunn approach to go to the U.N., and it fails, because either they fail to take action in the U.N. Security Council or a permanent member vetoes it, then under the Dole-Lieberman bill the President will be required to lift the embargo unilaterally.

It raises an issue that we have to contend with. If the Security Council undertakes consideration of the measure and a permanent member of the Security Council vetoes it or prevents it from coming to a vote, then under terms of this legislation, automatically the President will be forced to lift the embargo. Does that not flout the U.N. Security Council? That is one way of interpreting it.

What I suggest as a possible option—and it is something that we ought to consider during the course of this evening, and if the matter carries over until tomorrow, we can consider it at that time as well—is to consider requiring under that scenario that the matter be taken directly to the General Assembly. Under existing procedures, the United Nations does have a way to bring this matter before the General Assembly.

The "Uniting for Peace" resolution was created at the initiative of the Truman administration during the Korean war. It has been a part of U.N. practice and procedures since 1950, and basically it works as follows. If the Security Council is unable to act on an issue affecting international peace and security because of disagreement among the permanent members of the Council, consideration of the issue can be moved to the General Assembly. This is done through a procedural resolution in the Council, which is not subject to a veto.

Secretary of State Dean Acheson, who was the father of the "Uniting for Peace" idea, said at the time of its adoption, "The General Assembly can and should organize itself to discharge its responsibility promptly and decisively if the Security Council is prevented from acting."

The 1950 resolution, itself, states that "the failure of the Security Council to discharge its responsibilities on behalf of all the Member States—does not relieve the Member States of their obligations or the United Nations of its responsibilities under the Charter to maintain international peace and security—(S)uch failure does not deprive the General Assembly of its rights or relive it of its responsibilities under the Charter in regard to the maintenance of international peace and security—."

In the event of a failure by the Security Council to counter a threat to international peace and security, the resolution states that "the General Assembly shall consider the matter immediately—." The General Assembly's powers in such circumstances are far-reaching. The resolution for example, states that the Assembly can call on Member States to take "collective measures including, in the case of a breach of the peace or act of aggression, the use of armed forces when necessary."

It has been pointed out during the debate that in each of the last two years, the General Assembly has voted overwhelmingly and without dissent to lift the embargo. This has been to no avail, however, because the Security Council has primary authority on questions of international peace and security. But once the Council has failed to act because of a conflict among the permanent members and the Uniting for Peace process is invoked, authority shifts to the General Assembly to take the matter up.

I suggest that this is one option we may want to consider. I realize it may pose some difficulties for Members; namely, if we take the matter to the General Assembly and the General Assembly overwhelmingly—as it has done on two prior occasions—votes to lift the embargo, are we not setting a precedent that other efforts will be made to invoke the General Assembly's authority on measures that we might not like to see go forward? That is an issue we have to contend with.

I might point out that use of this procedure is, in fact, not unprecedented. This procedure has been used at least eight times. It was used by the United States in 1950 to respond to a Soviet veto of a resolution regarding North Korea's aggression. Subsequently, the "United for Peace" mechanism was invoked to support international action in the Suez crisis; also in response to the invasion of Hungary back in 1956; the Lebanon crisis of 1958; the crisis in the Congo in 1960; and the question of Bangladesh in 1971. It was used again after the Soviet Union invaded Afghanistan. A resolution was introduced to condemn the Soviet Union for that invasion, but a veto was cast by the Soviet Union and the matter was taken to the General Assembly.

So in the event that the Nunn amendment does not include my provision or in the event that the Nunn amendment is not tabled, then it would be in order to take up the second-degree amendment that I would like to offer. s

Let me just give you a few reasons why I think we should give this second-degree amendment serious consideration. First, it would serve as a means to enable the members of the U.N. to exercise their right and obligation under the U.N. charter to maintain international peace and security even if the Security Council fails to act.

Second, it would allow the United States to act in conjunction with the more than 100 U.N. members states who have voted during the last 2 years for the General Assembly resolutions urging the lifting of the embargo.

Third, it would recognize the importance of multilateral action in this critical area. As such, I believe it meets the objections the administration and a number of our colleagues have raised during the course of this debate regarding the damage that a unilateral lifting of the embargo would cause to the credibility and integrity of the United Nations system. We would be going to the General Assembly where, with overwhelming support, lifting the arms embargo would be undertaken as a U.N. action. It would not be a unilateral lifting, as would result under the Dole-Lieberman bill, even if it is amended by Senator NUNN.

And fourth, let me suggest that it perhaps reduces the likelihood of a veto in the Security Council because all the permanent members would be on notice that the United States is going to seek to refer the matter to the General Assembly.

For each of these reasons, I would respectfully ask my colleagues to consider it this evening. I think it adds to the Nunn resolution. It does pose the issue of whether or not we want to see this procedure invoked when it may be adverse to our interests. That is something with which we have to deal. My basic question would be whether or not we want to be in a position to obtain multilateral action in lifting the embargo, when we know that one or more permanent members might veto or will exercise a veto in the Security Council. If a veto is to be exercised, then going to the Security Council is really a futile act. And second, the bill would require the President automatically to then go and unilaterally lift the embargo. With my second-degree amendment, the matter would be brought to the General Assembly to take action on a multilateral basis. I believe that would be preferable to taking unilateral action ignoring the U.N. Security Council.

So I thank my colleagues for their deference, especially the Senator from Delaware for his consideration. This is only a proposal. I would ask my colleagues to consider it during the course of the debate. I may not offer it. But I have talked to Senator NUNN about it, and we share, I think, mutual concerns about the procedure we are now invoking in going to the United Nations. But I think it is a worthwhile endeavor on our part to give it serious consideration. I now yield the floor.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. BIDEN. Madam President, as the Chair observed, many of my colleagues have commented on my passion on this issue. In the last 2½ years I have probably risen in the Chamber a dozen times to speak on this issue. I know they do not mean to suggest otherwise, but I do not apologize for my passion on this issue.

In the 23 years I have been here, there is not another issue that has more upset me, angered me, frustrated me, and occasionally made me feel a sense of shame about what the West, what the democratic powers in the world, are allowing to happen.

I have on two occasions, with a year interval between, visited Bosnia, Croatia, and Serbia. This does not make me qualified for anything other than explaining the depth of my concern and anger on this issue. I have been in and out on more than one occasion in Sarajevo and Tuzla and other safe areas. I have seen, as many have on television, and I personally have interviewed in the camps, people who literally as a consequence of the cleansing left—literally, not figuratively—their elderly mother on a frozen mountaintop to die because it would have slowed up the whole family to continue with her.

I, quite frankly, never thought that—as a young Senator arriving here when I was 30 years old with a traditional education both in undergraduate and graduate school with a focus on history—I would ever stand in the Chamber of the Senate and hear people refer to the policy of ethnic cleansing in anything other than a historical context. I never thought I would stand in this Chamber and read accounts and hear—not from Senators but in the general discussions—about how the Bosnian Government and the Bosnian people are trying to sucker us to get involved.

I remember reading about people saying that the Jews in the Warsaw ghetto were trying to sucker us into a war against Germany. We have a way in this modern day to make the victim the aggressor. We make loose use of terms about this being a civil war.

The fact is that Bosnia is an independently recognized country—recognized by the United Nations and this country—that is being aggressively moved upon by the neighboring country of Serbia.

I hear people say in the media, in the councils of Europe, and even to some extent on the floor of the Senate that the Bosnian Government and the Bosnian military are Moslem.

When I first raised this issue for my colleagues—and I say not with a sense of pride but with a sense of futility, that I believe I was the first to raise this issue with my colleagues several years ago—it was not a Moslem government. It was a multiethnic government.

In Sarajevo I met with the government that at the time was made up of over a third Bosnian Serb, about 20 percent Croat, and the rest Moslem. All these people are Slavs. They are Croatian Slavs. They are Moslem Slavs. They are Serbian Slavs. It is not as if you read the press here and speak to Western leaders and it sounds as though we are talking about the Government of Iran in Bosnia—or Moslem fundamentalism. All you have to do is walk through the markets and the cafes. On one occasion when I was there, the bombing had ceased and the people were out. You saw Moslem men drinking liquor, and Moslem women, none of them wearing veils. It is not a fundamentalist Moslem society. These are people for whom, when the Ottoman Empire defeated them two different times, including the Hapsburg Empire, the deal was made. If you want to own property in what is now Bosnia, if you want to do business, you must be a Moslem. So people converted. This is not some occupying nation. This is not a leftover from the Ottoman empire. These are Slavs, all Slavic people. And here I am on the floor of the U.S. Senate defending and arguing for a resolution that was the same resolution that we passed in the last months of the Bush administration. We passed overwhelmingly a law urging the President to push to lift the arms embargo, and authorizing President Bush to be able to directly send $50 million worth of American military equipment to the Bosnian Government. We passed that. That is the law today, the law. The President needs no authority to send weapons. We passed it.

I stand on the floor and listen to my colleagues talk about the fall of the safe areas. Do you know how those safe areas became safe areas? The contact group got together and said, "I will tell you what, we will make a deal with you Bosnians defending yourself in Srebrenica and Zepa" The two that I mentioned already have fallen. "Here is the deal. You give us the weaponry you have, and we will tell the Serbs you are no longer a danger. And we will protect you. We will disarm you. We are not only going to stop arms from coming in to you, but we are going to disarm you."

And the Bosnian Government said OK, if that is what protects those folks. And then the United Nations understandably—and I will not take the time to explain why I think it is understandable—stood there and watched the Serbs come in and overrun the safe areas.

How many years on this floor have we heard, "If you lift the arms embargo, we are going to lose the safe areas"? You saw what the Senator from Arizona spoke to on the floor last week. He held up a picture, I think from the New York Times, showing U.N. military blue-helmeted personnel sitting on their weaponry watching the Serbs in Srebrenica divide the women from the men, to send the women to rape camps, and take the able-bodied young men and send them off in another direction to prison camps, and then load everybody else up on a truck who was old and infirm and not suitable for rape or work and banish them to a third "safe area."

Then I hear today from the administration and others on this floor that what Senator DOLE is proposing is not a policy. Let us review what the policy of the contact group, of which we are a part, has been. And I challenge anyone at all within hearing distance of this discussion to correct me if I am wrong or they think I am wrong. What is the policy of the contact group? One, negotiate a settlement. Two, in the meantime, guarantee the safe areas. That is the policy, beginning, middle, and end.

Now, let us examine it. When we joined the contact group—and we had not been a member of the contact group—we said we are joining because we had a commitment, made public, from the contact group members that, if in fact the contact group arrived at what they believed to be an equitable settlement, that they would present that settlement, which is essentially a division of Bosnia, to both the Bosnian Government and the Serbs in Pale, and whoever rejected the contact group settlement would "suffer the repercussions."

So guess what? We signed on. We came up with a proposal. I argued against it because it called for the partitioning of Bosnia, in effect, essentially 51-49. Presented to the Bosnian Government, they accepted it. Let me remind all my friends, they accepted it. And the Serbs, meeting in Pale, their self-appointed "parliament" rejected it.

And what did we do? We suggested maybe we have to ease the arms embargo—ease the economic embargo on Belgrade to get Milosevic to put more pressure on Karadzic to accept. And then we said we are going to use airstrikes. Remember? That is what we said.

Well, obviously, the policy of a negotiated settlement is not on the Serb agenda. That is not part of what they are contemplating. And obviously we, the West and the contact group, did not fulfill our commitment. We reneged. And as they say in court, "Check the record." We reneged. Nothing bad happened, directly or indirectly, to the Serbs.

Then we are told—and I hear it time and again—"You know, we cannot lift this embargo. Even if the Bosnian Government had weapons, they would not know how to use them." Ladies and gentlemen of the Senate, the same Bosnian young men were in the same army as the Serb young men. There was universal conscription until the breakup of Yugoslavia. They are fully as capable. They need no help. They can do it themselves. They are not a bunch of folks who are not ready to fight. I heard someone say today—and because I am not sure whether it was intended to stay in the room or not, I will not mention the name—that he recently made a commencement speech at a major university, and his predecessors had made similar speeches at that university 20 years earlier and were greeted with signs saying "get out of Vietnam," and this particular person said, "The irony was I was greeted with signs saying 'get into Bosnia.' How ironic. Cannot we learn our lesson?"

The lesson is very different. Vietnamization was never a possibility because the Vietnamese people did not support it. Yet, unlike Vietnam, the Bosnian Government said only one thing, "Do not send us your men. Do not come and fight for us. Let us fight for ourselves." All those of you who think you are Balkan scholars, read the literature. I heard 2 years ago on this floor, "We cannot do anything in Bosnia. They are the same forces, the Yugoslav forces that held off the Germans." I might remind you most of that holding off was done by Bosnians in Bosnia. They were Yugoslavs, but it was in Bosnia. These tough fighters do not all live on the other side of the Drina River. The point is that these folks are fully capable, have a long history of both a will and a capability of defending themselves.

But what have we done in the name of peace? We have said, "If you defend yourselves, you will widen the war." Translated —we would rather 300,000 of your people get slaughtered in genocide than have the rest of us run the risk of a widening.

The second part of the policy—protect the safe areas. Well, does that need to be spoken to? There will be no safe area, Madam President, within 6 months. That is the plan. That is how the West is going to save its conscience, because if we dally around enough, do not let them fight for themselves, at the end of the day there will be nothing to protect. We will say, "Oh, my God, my God, what an awful thing has happened." The Secretary of State said today, "Many mistakes have been made. We would not do what we did again," in terms of policy.

Well, we are doing what we did again and again and again and again and again.

Madam President, I was told 2 years ago on this floor that airstrikes do not work; it does not make any sense. Yet, we are told today that the reason why we do not need this bill, I say to my friend from Connecticut, is that in London they set down the law—bang. The contact group said, "If you, the Serbs, go at Gorazde, we will massively retaliate with airstrikes. It's going to work now." Do you not find that amazing? When asked, by the way, "Why Gorazde, why not Tuzla, too? Why not Bihac? Why not Sarajevo?" "Well, we intend that is probably going to be covered," I think was the response.

Even a kid like me from Delaware can figure this one out. How did all of a sudden the threat of massive airstrikes take on a utility and capability it did not possess for the last 2½ years? What has happened? Was there a revelation? Did the Lord come down and say, "Mend your ways. You can do it if you have the will"? Is that what happened? And if it did happen, Madam President, I respectfully ask the opponents of this amendment, why only Gorazde? Why there? Why nowhere else?

Madam President, this is not a policy. As I have said on this floor before with regard to arms control, we, the U.S. Congress, are not in a position, nor were we institutionally designed to formulate foreign policy. But, Madam President, we know enough to know when one stinks. We know enough to know when one is recognized as a failure. We are institutionally constructed to be able to acknowledge that.

Madam President, the Secretary of Defense said to us today, "if you lift the arms embargo, three things will certainly happen." I wrote them down because I found them so fascinating.

First, the loss of the enclaves will occur. I assume that means if we do not lift the arms embargo, then there is at least a chance the enclaves will not be lost. Two are gone out of five now. What will keep the others from going?

Everybody understands the way this works, right? It goes like this. Since we did not sign onto the policy in the first place of putting the U.N. forces in there, and they went ahead and did that, then we, the United States, are now obliged to be there if the U.N. concludes that they should no longer be there.

Let us go through this again. The U.N. was placed in there when Western nations concluded that is what they should do. We said, "OK, if that is what you want to do, but we don't think that is going to work." Then, from the time I first introduced the lifting of the embargo 2½ years ago, I was told, "No, if you lift the embargo, the U.N. forces will leave and everybody will be slaughtered."

Then that took on a new twist in its maturation. Now it goes like this: "U.N. forces are sent in, we lift the embargo, U.N. forces go out, we then must go in because we have committed to take the U.N. forces out." Therefore—talk about the tautology—if you vote to lift the arms embargo, you are committing ground troops to fight in Bosnia. We are being "suckered in" was the phrase used today. Is that not amazing? How did we get there?

Had we listened and the arms embargo lifted, you would probably have a stalemate on the ground by now, and probably have a settlement. Obviously I cannot guarantee that, and we could have a wider Balkan war as well. Only history would be able to tell that had we acted. But now, Joe LIEBERMAN, Joe BIDEN, and Bob DOLE—who are arguing against putting any American forces on the ground—are told that if we prevail, we are the reason America has to take over the war in Bosnia.

Madam President, the second thing the Secretary said today was that if we lift the embargo, we will damage the alliance. Tell me how you save this alliance? Tell me why, I say to any of the people up here, they should continue to spend $100 billion a year for NATO when there is no Soviet Union and they cannot even stop ethnic cleansing in their own back yard?

Third, I am told, they will send ground forces into Bosnia if we lift the embargo.

Madam President, I am tired of all of this, and I am sure you are tired of hearing me over the last couple of years repeat these arguments. But ask yourself the following question: If air power and the threat of it will work to save Gorazde, why only Gorazde?

Another argument is that the Bosnian Army cannot fight, it would have to be trained and equipped. For example, the Secretary of Defense said today, if we lift the arms embargo, we will be in the position of going to war with our allies because we will be attempting to break the embargo through French lines to get in American tanks.

Whoa,—this is ridiculous. Madam President, the same people who say these folks cannot fight are the same people who worry—on this floor and in the press 2 months ago—that the Bosnian Government is at fault because of the gains they made in Bihac. Remember? They were becoming too powerful. They beat the Serbs initially. All of a sudden the issue was that they are too powerful. This is going to make Milosevic mad. Milosevic is now going to cross the Drina River. But now we are told, if you lift the arms embargo, they cannot use the weapons anyway. Well, let us see, let us see.

I do not want American ground forces in Bosnia. I respectfully argue we would not even be talking about the possibility had we not signed on to a failed policy of putting UNPROFOR in there in the first place.

And, Madam President, lastly—my friend from Rhode Island is waiting to speak and I will yield with this comment—we are told now that if we lift the arms embargo, all these terrible things are going to happen.

I ask my colleagues to ask themselves, if we do not lift the arms embargo, is anyone going to protect the safety areas? If we do not lift the arms embargo, is anyone going to protect the part of Bosnia that is not already occupied by the Serbs? If we do not lift the arms embargo, is the alliance going to be fixed up, right quick? If we do not lift the arms embargo, is the United Nations going to become a credible institution again in terms of peacekeeping?

If Members can answer yes to three of those four, do not lift the arms embargo. But if Members cannot answer yes to three of those four—and I think you cannot answer yes to any of them —then I respectfully suggest that the Senate majority leader and the Senator from Connecticut are correct.

We tried this how many times, I say rhetorically, to my friend from Kansas, over the last 1½ years? There is no more time, Madam President. Time does not work for these people. Time is not on their side. They will all be dead by the time the West decides to do anything at all about this problem.

I do not apologize for the passion. I do not even apologize for the time, but I do apologize to the people of Bosnia. I do apologize to the women in those rape camps. I do apologize to those men in concentration camps. I do apologize. For we are not to blame. But we have stood by—we, the world—and watched in the twilight moments of the 20th century, something that no one thought would ever or could ever happen again in Europe. It is happening now.

If we do not do anything now to help them fight for themselves, I ask, when are we going to do anything? I ask the rhetorical question, do you think we—we, being the West—would be doing this, do you think we would be as indecisive, do you think we would be as timid, do you think we would be putting a rapid deployment force in who has an express purpose to defend only the peacekeepers there, not the civilian population, do you think we would be doing that, if, in fact, these were not Muslims? Do you think we would be doing that if this was a Christian population? Maybe we would, Madam President, but I have a feeling the reason why the world has not responded in Europe is because they are Muslims—the same reason we did not respond in Europe—because they were Jews.

The PRESIDING OFFICER (Mr. BURNS). The Senator from Rhode Island.

Mr. LIEBERMAN. Will the Senator from Rhode Island yield for a moment very briefly?

Mr. CHAFEE. I yield.

Mr. LIEBERMAN. I simply want to thank the Senator from Delaware for his remarks. He was teased a bit about how long he was going to speak. As far as I am concerned, he can keep on speaking. He saw the situation, as he has many others, very clearly from the beginning.

On several occasions before, as he has tonight, he has spoken with great eloquence and power. His voice pierces the stillness of this Chamber with the power of truth. I just want to say how grateful I am for his support of this measure and how proud I am to serve with him and to call him a friend. I thank the Senator from Rhode Island.

Mr. CHAFEE. Mr. President, in previous debates over major foreign policy matters, I have been reluctant to challenge the President through the legislative process, whether the President was a Republican or a Democrat. It is that there is always danger in the Congress, the Senate in particular, or either branch, actually, in legislating foreign policy, especially the details of foreign policy.

I came to this debate with a great deal of skepticism about the Dole-Lieberman proposal, to lift unilaterally the arms embargo in Bosnia. My voting record in the past on this issue reflects the skepticism that I have. Like all Americans who have witnessed the events in Bosnia in the past weeks, I am outraged by the continued brutal campaign carried out by the Bosnian Serbs against the people of Bosnia. What has taken place—there have been scores of atrocities, execution, ethnic cleansing, and the kidnapping of soldier-age men on trumped-up charges—these are all undisputed facts that have been brought home by very courageous journalists in the Balkans.

Through all of this, the Serbs have scorned the views of the United Nations and have shelled safe area after safe area. The question the Senate faces today and tomorrow is, How does the United States respond to these horrors? What can we and our allies do to end the war and the suffering, and to restore legitimate authority to the sovereign Government of Bosnia and secure a lasting peace in the Balkans? Needless to say, these goals have been elusive since the war began 3 years ago.

Previously, I have been supportive of the U.N. policy, which has been endorsed by the Clinton and the Bush administrations and our allies. The policy is to try to protect Bosnian Moslems from Serb aggression through the establishment of six "safe havens" in Bosnia, which are towns and cities in which the civilian population and humanitarian aid deliveries would be defended by the U.N. protection force, UNPROFOR. With the United Nations maintaining at least a modicum of stability in Bosnia, negotiations could take place in search of a lasting political settlement to some very serious and longstanding disagreements.

I have been opposed to U.S. unilateral lifting of the arms embargo in the former Yugoslavia, a move that would undoubtedly and understandably result in a serious rift with our allies by endangering the lives of their participating troops in UNPROFOR.

I have come to the regretful conclusion that the U.N. mission in Bosnia has failed. I do not think we ought to pin much hope on it for the future. After 3 years of very-well-intentioned and courageous attempts to halt the bloodshed in the former Yugoslavia, we cannot ignore the facts. First, the six U.N. safe areas are anything but safe. Srebrenica has already fallen to Serb forces. Zepa is on the verge of falling. The other four, especially the northwest enclave of Bihac, are subject to heavy shelling from the Serbs.

The United Nations mission of protecting the Bosnians is further discredited by additional atrocities such as ethnic cleansing on the part of the Serbs.

UNPROFOR is having a hard enough time protecting itself, never mind the long-suffering Bosnians. Finally, the U.N.'s failure is illustrated by the chronic Serb attacks on humanitarian aid deliveries since the inception of the U.N. mission.

While I am encouraged by the allied declaration recently in London last week to reinforce the U.N. contingent in Bosnia, I have great doubts this will prove to be a successful, long-term solution. Indeed, it appears unclear whether any safe area other than Gorazde will be defended. We have heard a number of different accounts as to whether NATO forces must still obtain U.N. permission before retaliating in response to continued Serb attacks.

It has also become clear that earnest, well-intentioned diplomatic efforts have failed in the Balkans. These efforts, largely through the contact group—what is the contact group? The contact group is composed of the United States, Britain, France, Germany, and Russia—these efforts have simply not produced an agreement all sides could accept. The most recent contact group peace proposal in which the Serbs would be given 49 percent of Bosnian territory was accepted by the Bosnia Government but rejected by the Bosnian Serbs.

Given their overwhelming military advantage, the Serbs have shown little willingness to agree to any diplomatic solution that falls short of their goal of creating a greater Serbia out of the internationally recognized sovereign nation of Bosnia.

So strong is the evidence pointing to the failure of the U.N. mission and diplomatic efforts in Bosnia, that despite my stated inclination not to legislate foreign policy, I believe that Congress ought to step in and require the Clinton administration to move in a different direction. After much reflection, I am convinced that the only logical choice we have in Bosnia is to give the Bonsians what they currently lack and what they desperately seek: the ability to defend themselves through lifting the U.N. arms embargo. There is no doubt that this embargo, imposed in 1991, even before the establishment of the nation of Bosnia, has overwhelmingly worked to the benefits of the Bosnian Serbs, who inherited massive amounts of arms and equipment from the former Yugoslav army. In fact, the Bosnian government army is more than double the size of the Serb army, but has fared poorly in trying to defend its nation, largely due to the embargo-caused lack of equipment.

I have serious concerns that the infusion of heavy military equipment into Bosnia could cause the war in the Balkans to spread. That is a possibility. But I am at the same time convinced that an equitably equipped Bosnian military would halt the Serb advances and eventually force the Bosnian Serbs to the negotiating table. It is, after all, the goal of the world community to see a settlement to the Balkan War agreed to at the negotiating table. Whether a Bosnian military success will take 1 week or 1 year, no one can say for sure. We certainly cannot take such a military escalation lightly. But, in the end, I have concluded that unless we are willing to settle for continued frustration over failed U.N. peacekeeping and diplomatic efforts in Bosnia, we simply must give the Bosnians the opportunity to defend themselves against unending Serb aggression.

My support for lifting the arms embargo only comes with the very significant modification made to the Dole-Lieberman bill. The proposal now only provides for lifting the embargo after the U.N. has left, or 12 weeks after a Bosnian request that they leave. This change should mollify those of us who were concerned that last year's proposal was understandably opposed by our allies, whose troops constitute the bulk of the U.N. Protection Force.

Mr. President, I do not take this vote lightly, not do I believe that a military solution has to be the best course of action for Bosnia. However, 3 years have passed since the U.N. arms embargo was imposed on the former Yugoslavia, and the situation there is as bad as it ever has been. The unending bloodshed, suffering and horrors inflicted on the Bosnian people call out for a change in course. I believe it is time for the United States to lift the arms embargo.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. MCCAIN. Mr. President, I know that Senator DOLE did not plan debate on the resolution that is being presented to us to take place today for any particular reason. I think it is of more than passing interest, however, to note that two things happened today which lend urgency and cogency to the passage of this resolution.

The first thing that happened today was that General Mladic, the chief of the Bosnian Serb armed forces, and President Karadzic, the President of the so-called Bosnian Serb Republic, were indicted today by a war crimes tribunal for crimes against humanity, two of the few times, to my knowledge, that individuals have been indicted for war crimes since the end of World War II. The reason why this is particularly compelling is that still the administration policy is one of avowed neutrality and a refusal to take sides in what we all know has been a terribly uneven conflict.

There is no doubt in my mind that General Mladic and President Karadzic are guilty of war crimes of the most unspeakable kind. It, again, makes clear that we cannot remain neutral in a war in which one side is exterminating the other and is helped dramatically in doing so by the continued enforcement of an arms embargo that ensures an unequal situation on the battlefield.

The other thing that happened today is that another so-called safe area, Zepa, fell to the Bosnian Serbs. We will see, probably, on television tomorrow and in the newspapers, the same thing we saw a week or so ago when Srebrenica fell to the Bosnian Serbs. First comes the separation of men between ages 16 and 65, where they are taken to be "screened" for war crimes. Following that, young women are removed for the obvious purposes. And, following that, of course, those who are left are herded out of town in the most unspeakable and brutal fashion.

The thing that makes this tragedy different—in fact, totally different—is that standing by, observing these unspeakable atrocities being perpetrated, will be the very troops that were sent there to protect them, the very United Nations Protection Forces, which is their name, wearing blue helmets, who promised them that if they went to the safe area and if the Bosnian military removed themselves and their equipment, that they would be protected by the United Nations Protection Forces.

The moral there is that there really are worse things than dying. There really is something worse than military defeat, and that is the degradation and humiliation and dishonor in the most Orwellian and bizarre scenario of the very protectors standing by and watching those who were to be protected being subjected to unspeakable horrors.

Both of those events today, the indictment for war crimes of the Bosnian Serb leadership and the fall of Zepa, are compelling, yet certainly not the only reasons why the Dole-Lieberman resolution should be agreed to and with an overwhelming majority. The question is no longer whether the resolution will be agreed to. The question is whether it will acquire 67 votes or not, which, as we all know, is sufficient to override a veto.

What is wrong with the policy in Bosnia? We all know that it is an attempt to pursue a policy which is fatally flawed. Simply put, as has been said on this floor by many on many occasions, it is an attempt to keep peace where there is no peace, ignoring the lessons of Beirut, ignoring the lessons of Somalia, where we went in with the best of intentions but were unable to keep a peace where no peace existed.

I have to, in all candor, describe that one of the reasons why the American people are so badly confused about this issue—yet are so deeply moved—is because of the lack of leadership from the President of the United States. I believe the President of the United States, in almost every instance, should be the steward of our foreign policy and our national security policy. But when there is a lack of coherent leadership from the executive branch, sooner or later the legislative branch will step into that breach, and that time has come.

The American people do not know what our policy in Bosnia is. Let me tell you why.

On August 5, 1992, the President of the United States said:

> If the horrors of the Holocaust taught us anything, it is the high cost of remaining silent and paralyzed in the face of genocide. We must discover who is responsible for these actions and take steps to bring them to justice for these crimes against humanity.

That was August 5, 1992.

On August 6, 1992, the President said:

> We cannot afford to ignore what appears to be a deliberate and systematic extermination of human beings based on their ethnic

origin. I would begin with air power against the Serbs to try to restore the basic conditions of humanity.

On October 1, 1992, the President said:

> While Mr. Bush's administration goes back and forth, more lives are being lost and the situation grows more desperate by the day.

On February 10, 1993, the President of the United States said:

> You know about it. The rapes of the women. Murders of the children. All these things you have read about. We have got to try to contain it. I can tell you folks we are not going to make peace over there in a way that is fair to the minorities that are being abused unless we get involved. If the United States now takes a leadership role, there is a real chance we can stop some of the killing, some of the ethnic cleansing.

That was on February 10, 1993.

On March 26, 1993, the President said:

> We are going to do everything we can to put out a full court press to secure agreement of the Serbs. I think we have a chance to get a good-faith signing. We have to give that a few days before we up the ante again.

On April 25, 1993, the President of the United States said:

> Remember in the second war, Hitler sent tens of thousands of soldiers to that area and never was successful in subduing it, and they had people on the ground.

On May 7, 1993, the President of the United States said:

> I think we have to take stronger steps. I would think these fights between the Serbs and the Bosnian Muslims and the Croats, they go back so many centuries, they have such powerful roots that it may be that it is more difficult for the people on the ground to make a change in their policy than for their leaders.

On May 14, 1993, the President of the United States said:

> Our interest is in seeing, in my view at least, that the United Nations does not foreordain the outcome of a civil war.

On May 21, 1993, the President of the United States said:

> There may be some potential down the road for something to be done in connection with a peacekeeping operation. But I think it is something we have to be very skeptical about. We do not want our people in there basically in a shooting gallery.

On June 15, 1993, the President of the United States said:

> Let me tell you something about Bosnia. On Bosnia, I made a decision the United Nations controls what happens in Bosnia.

On October 20, 1993, the President of the United States said:

> The conflict in Bosnia is ultimately a matter for the parties to resolve.

On February 10, 1994, the President of the United States said:

> Until these folks get tired of killing each other, bad things will continue to happen.

On May 3, 1994, the President of the United States said:

> We should never forget that there are tonight people in Sarajevo and Tuzla who are alive because of the actions taken by NATO working with the United Nations. I did the best I could. I moved as quickly as I could. I think we have shown a good deal of resolve.

On August 11, 1994, the President of the United States said:

> It has been my long held view that the arms embargo has unfairly and unintentionally penalized the victims in this conflict and that the security council should act to remedy their injustice. At the same time I believe lifting the embargo unilaterally would have serious implications going well beyond the conflict in Bosnia itself.

On June 5, 1995, the President of the United States said:

> It's tragic. It's terrible. But their enmities go back 500 years. Do we have the capacity to impose a settlement on people who want to continue fighting? We cannot do that there. So I believe we are doing the right thing.

Last week, Mr. President, on the occasion of the fall of Srebrenica, the President of the United States said:

> I think we ought to go right back in there and retake Srebrenica.

Mr. President, that is why the American people are confused. We do not have a consistent or coherent policy as regards the tragedy in Bosnia, and that is why this resolution, this binding resolution, is going to receive overwhelming support from both sides of the aisle.

Mr. President, today my friend, Senator JOHN KERRY, called this resolution "the abandonment amendment."

There is but one honest response to the Senator, and that is the following: we have no need to authorize the formal abandonment of the Bosnians; we abandoned them long ago.

Let no one tell the Senate that the "London Communique" represents some hope that the West will spare the Bosnians from further Serb conquest. All that communique represents is the further abdication of U.S. leadership in the Atlantic Alliance. The parties to that communique cannot even agree that the utterly failed "dual key" command structure has come to a long overdue end.

All that was confirmed in London is that the United Nations and NATO will preside for a little while longer over the ruthless extermination of the legitimate government of Bosnia.

We have promised an aggressive defense of Gorazde from the air. Zepa fell today, and the U.N. only seeks to negotiate the evacuation of the city. When Bihac falls, we will be reminded that NATO only promised to defend Gorazde. When Gorazde is again besieged, air strikes will be called in and their magnitude will fall somewhere in a range between utterly useless and inadequate. Gorazde will fall and the United States Government will blame it on the UN or Great Britain or France. But the fault will lie as much with us as it does with Boutras Galhi or John Major or Jacques Chirac.

The plain truth, Mr. President, is that no Western government has any intention of fighting for Bosnian sovereignty. Our interests are not so severely threatened by the war in Bosnia that we would make such a bloody sacrifice for that cause.

UNPROFOR will hold on for a little longer until the Bosnian tragedy plays out a bit further. Then the United States Armed Forces will evacuate them. That is an absolute certainty. No one should dissemble any longer about the viability of UNPROFOR. It is over, and only a fool cannot see that.

Mr. President, yesterday Assistant Secretary of State Richard Holbrooke offered perhaps the most mystifying defense to date of the administration's opposition to lifting the Bosnian arms embargo. From Secretary Holbrooke we learn that the administration agrees that "the arms embargo is morally wrong," but they don't think that United States refusal to participate any longer in that embargo is "the right solution."

Mr. President, when has doing the morally wrong thing become the right solution. The United States has always tried to temper the dictates of Realpolitik with a little human compassion, a little regard for the Rights of Man. Have we now reached a point where the United States of America, the greatest nation on earth, the greatest force for good in human history, Lincoln's "beacon light of liberty" can only respond to another nation's claim of its right to defend itself with the complaint that we are trapped by diplomatic circumstances—in an Alliance whose strength is directly commensurate to the strength of our leadership in it—we are trapped by diplomatic circumstances into doing the "morally wrong" thing? By God, I hope not. I hope not.

As I said in an earlier statement, I don't know if the Bosnians can prevail in this conflict if we withdraw UNPROFOR and lift—at this late date—the unjust, illegal, and ill conceived arms embargo. I cannot predict that the Bosnians will recover enough territory to make an eventual settlement of that conflict more equitable. I cannot predict that the Bosnians will mount anything more than a brief impediment to the Serbian conquest of all of Bosnia. But they have the right to try! They have the right to try. And we are obliged by all the principles of justice and liberty which we hold so dear to get out of their way.

Mr. President, I yield the floor.

Mr. SMITH. Mr. President, this debate is one of the most emotional debates I think that I have had the opportunity to witness and in any way be involved. I think it is one of the major foreign policy issues of our time and probably the last major foreign policy problem that the world will face in this century.

I must say, as I listened to the debate, in particular the remarks made by the Senator from Delaware, Mr. BIDEN, the emotion that he put into those remarks and the strong personal feelings he expressed, I think summed it up about as well as anyone could. I think it summed up the frustration, it summed up the morality issue, the political issue, and made us all reflect on what a terrible crisis this is.

I have some concern standing here and speaking, because if words in this Chamber could solve the world's problems, I guess they would have been solved many times over.

So I have some trepidation in trying to add. As Lincoln said at Gettysburg, there is little to add or detract, to pay due respect for what they did, referring to those who died at Gettysburg.

In other words, words cannot express what is happening in Bosnia. There is no way you can capture that in debate in this Chamber.

I wish to compliment Senator LIEBERMAN because he has been steadfast on this issue for many months, as has Senator DOLE, the majority leader. The two of them have been very outspoken in particular, and others have as well, on the arms embargo issue, even early on before this has reached this crisis proportion.

I can remember both of these Senators being very outspoken and eloquent on the issue of the arms embargo and the right of self-determination for the Bosnian Muslims. So I wish to publicly thank Senator LIEBERMAN and Senator DOLE for their leadership.

I should like to add a few remarks to express my feeling as well, knowing full well, considering the eloquence of many of the people who have preceded me here to speak today, and probably will speak later, there is not much one can add other than to express his or her own personal outrage and disgust, contempt, frustration, whatever the words might be, to describe it.

I would start by saying I think the word dilemma is probably appropriate in the sense that this is a world dilemma; it is a U.S. dilemma; it is a U.S. foreign policy dilemma; it is a dilemma certainly for the participants in that war; it is a moral dilemma; it is an ethical dilemma; and certainly it is a political dilemma for whomever happens to be in the White House or in the Congress, in Government at the time.

I rise in very strong support of this bill introduced by Senators DOLE and LIEBERMAN to lift the arms embargo against the Bosnian Moslems. It is the right thing to do. It has been too long in coming, but it is the right thing to do.

Bringing this matter before the Senate is long overdue. Perhaps, had we had this debate in this kind of public policy forum, we may have brought it to a head a lot sooner. Perhaps if the Senator from Connecticut and the majority leader, the Senator from Kansas, had had their way, we might have saved some lives, had this embargo been lifted back in the days early on when the Senators were talking about that.

The illegal and immoral policy of denying people the capability to defend themselves must stop. It must stop. If we are not going to intervene, which we have made the decision not to do, in terms of ground forces, then we ought to lift the embargo and allow people the right to self-defense.

How can anyone, seeing what is happening now in Bosnia, dispute that? It is time to lift the arms embargo against the Government of Bosnia. The United Nations policy toward Bosnia—there is no other way to say it—is an unmitigated disaster—all well intended, the greatest motives in the world, no question about it. I admire the soldiers who went there and the countries that sent them there. But they were not given the tools to do the job. They did not go in as a fighting force, and they did not go in as a protecting force, Mr. President. They are not fighting, and they are not protecting either. They need to get out, and they need to get out right away.

Our acquiescence of this policy, indeed, our active enforcement of it, is not only wrong, it is absolutely unconscionable, unconscionable that we would tolerate the sending of a force under the auspices of protection, not engage, not stop the atrocities but simply stand by and allow them to happen.

Every day, every minute, as we speak on the floor, the situation gets worse. As I sat watching the Senator from Delaware, listening to his very eloquent remarks, I wondered how many people died in Bosnia while he spoke. I wonder how many people will die in Bosnia before we complete this debate, not because the United States of America or the allies did not go in and intercede and fight the war for them, not because of that, but because they were not armed, because they did not have the opportunity to protect themselves or defend themselves, to defend their women, to defend their children, to defend the very men who have been hauled away and imprisoned and executed.

Every day, every single day that we participate in this embargo, this whole action becomes more reprehensible, more unconscionable, more unethical, more immoral—every single day, every single minute that we continue this policy.

As I reflect upon this, I say to myself, it is easy to criticize, but there are many times when we make policy mistakes. I am sure many of us have made mistakes here with our votes on policy matters. Many Presidents, past and present and future, have made and will make mistakes in the future. But this one, this one is costing lives every day. Every single day lives are lost because of this policy.

Article 51 of the United Nations Charter affirms Bosnia's inherent right of self-defense as a sovereign nation. That is very clear. Sovereign right, in article 51, of self-defense—self-defense. It does not say in there that we have to defend them or anyone else has to go defend them. It says to defend themselves. It says self-defense. Yet, the arms embargo prevents them from exercising this very basic right. So it is not just a matter of not intervening to help someone. It is a matter of preventing them from helping themselves.

That is why it is immoral, and that is why it is unconscionable. No matter how strongly you feel about this, how can anyone condone such a policy which denies the Bosnians the capability for basic self-defense? How can we participate in a policy that leaves them utterly vulnerable to territorial conquest and ethnic cleansing?

I hate that phrase, "ethnic cleansing" because the word "cleanse" has a pure meaning to it, something good. It is not ethnic cleansing; it is murder. Let us call it what it is. Let us take the term out of the vocabulary, the vernacular. It is murder, it is rape, it is extermination. That is what it is. It is brutality. Ugly words, ugly, dirty words. Not good, clean words.

Mr. President, the United States has no business, in my opinion, making matters worse by intervening in this conflict. At least that has been the policy decision that has been made. It is the overwhelming feeling of the majority of the American people that we do not have military interests and we do not have economic interests and we do not have an alliance and relationship to enforce, and it is not our battle to fight. You have heard all the arguments. It is not our place to deny innocent Bosnian victims the ability to defend themselves either.

If I were to give a comparison, Mr. President, I would say this would be the equivalent of you seeing a terrible crime being committed, say a murder, several murders. You call the police, and the police come. And the victims who are being preyed upon by this murderer or murderers try to come to the police for aid, and the police simply stand by and watch it all happen.

That is what is happening. It is the exact same analogy there. There is nothing different about it. So, blue uniforms of the policemen; blue hats of the United Nations. They cannot do anything about it. They are not doing anything about it. Therefore, why create the impression that somehow they are going to help and be able to help these people?

It is not the United Nations' battle either although the so-called U.N. protection forces are currently deployed in several so-called safe havens. I think the term "protection forces" is another misnomer, misnamed. They are not protecting anybody. So why call them protection forces? Again, it is the vocabulary, the vernacular, the semantics, to help mislead the world that somehow these people are protecting the Moslems.

And safe havens. Think of that word as we talk about vocabulary. Safe havens. People are being butchered, raped, dragged out of their homes in safe havens. And that is what we continue to call them. That is the term that is still being used. Gorazde, Zepa, safe havens, even though in many cases the safe havens have been overrun. It is completely misleading to even use such terms. U.N. forces are not equipped to protect the designated areas. And these areas are certainly not safe.

The truth is, the truth is—and this is harsh—but U.N. forces are nothing more, Mr. President, than a speed bump for the Serbian forces who are overrunning these positions at will. That is all it is, a speed bump. Bloop. Out of the way. Seizing hostages wherever, whenever, it suits their needs and using those hostages by placing them next to military targets, in a sense saying, go ahead, bomb us. It is a disgrace and embarrassment to the world and to our country.

No one likes to stand here and say that. We witnessed it once in our history in Vietnam and now we are seeing it again. And if we get into this country, it will be Vietnam 10 times worse.

And perhaps the most telling example of just how preposterous this whole situation is, Mr. President—this has really got to me emotionally—is recently U.N. troops, UNPROFOR troops, came under attack, not by the Serbs, but by the Moslems. Why were they attacked? They were attacked because the Moslems wanted their weapons to protect themselves. They wanted to take the weapons from their protectors, so that they may be able to confront the Serbs. If that did not convince you to support Senator DOLE and Senator LIEBERMAN and their endeavor, I do not know what else could possibly convince you to do it. When the U.N. force is incapable of defending the victims of Serbian aggression and even preventing them from defending themselves, it is clear that this policy is a failure.

The report on this was very brief, did not give a lot of detail. But you cannot help but wonder just what happened in that little exchange when the Moslems confronted the U.N. forces to take their weapons. Did they fight the Moslems? Did they voluntarily lay them down and give them up? I did not see a lot of detail on that. It would be interesting to know just how that little exchange took place.

Mr. President, the only reasonable strategy—the only reasonable strategy—is to terminate further escalation of military involvement, terminate it, move out the U.N. forces, lift the arms embargo against the Bosnian Moslems, and we ought to establish a timetable to fully withdraw the U.N. forces within the next 3 to 4 months, followed by an immediate lifting of the embargo.

I want to be very clear on my position that I oppose the introduction of American ground forces for this conflict for the same reasons so eloquently stated by Senator McCAIN a few moments ago. There is no mission. And without that mission being very specific, you are not going to get the job done. And when you go in, what is your mission? Kill all the Serbs? Then what? Partition the country? Line up along the borders, not allow anybody in or out? For how many years? For 100 years? For 1,000 years? Two days? They have been fighting for centuries there. It is ethnic fighting. How do we police it? Do we plan to stay there forever?

I have no objection to the use of American communications equipment, command and control assets, to support a withdrawal of U.N. forces. Maybe that will be necessary. I personally believe that the Serbs would welcome withdrawal of the U.N. forces. I do not think they want them there. I think they would welcome it, and I think resistance may be overstated in terms of how much resistance they would give if we announce tomorrow that the U.N. forces were leaving.

The U.N. forces should be immediately withdrawn, followed by the lifting of the embargo. Let those who are being heinously persecuted, let them meet destiny on their own terms, not on somebody else's terms, Mr. President. Let them meet their own destiny on their own terms. And let them meet that destiny from behind their own weapons, not cowering behind the ruins of some unsafe haven, waiting, hoping, praying that somebody in a blue helmet is going to come in and provide them protection. Let them meet destiny on their own terms with their own weapons. We do not have the legal or moral authority to play policeman in this centuries-old conflict. Least of all do we have the moral authority to do it when we go in there under the auspices of a protection force and then do not protect anybody. That makes it worse. That compounds it. Let us step back, allow the Moslems the dignity and the capability to defend themselves.

It would be nice to read about a few successes with the Moslems as they do have the opportunity to meet at least with some weaponry to allow them to meet this enemy on some reasonably equal terms on the battlefield. It would be nice to witness that and read about that and see that take place. And it can take place if we would stop this insane policy. And it is insane.

This is exactly what this legislation does. At present the military equation is completely one-sided, totally one-sided. The Dole-Lieberman bill will enable the Moslem forces to better defend themselves and even the playing field until a mutually acceptable peace settlement can be reached.

Mr. President, that is the least we can do. That is the least we can do. No one, least of all this U.S. Senator, likes to stand up on the floor of the Senate and admit that a foreign policy, no matter what President it is, or how many Presidents developed it, is a failure.

This is not, particularly, a direct hit on this President. This is a foreign policy failure. It perhaps goes back before the beginning of his administration. There is enough blame to go around. This is not a blame game. This is much bigger than that. This is a moral issue of the highest magnitude, and I think that when historians look back on the close of this century, this will be one of the big moral issues, international moral issues that this country has faced. It is not too late to have history judge us in a positive way, but it is getting there. It is getting there, Mr. President. And we have to lift the embargo. The U.N. forces out, lift the embargo and we can at least make an attempt to correct a terrible injustice.

Mr. President, I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. DOLE. Mr. President, I know there are a number of speakers who still want to speak this evening. We are also trying to reach an agreement, which I think we can request momentarily. Maybe not. It will be in just a few moments. So if I can just interrupt the Senator from Idaho later on.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER (Mr. FRIST). The Senator from Idaho [Mr. KEMPTHORNE].

Mr. KEMPTHORNE. Mr. President, just a few miles from where we stand is a brand new museum, a museum that opened just in the last couple of years. And yet while it is a new museum, it has become one of the most well-attended museums and locations anywhere in the Nation's Capital.

When citizens go to this museum, immediately you sense the hushed tones by which they experience what is inside this museum. You realize that they are experiencing shock and revulsion. They cannot believe what they are seeing, because this museum is the museum of the Holocaust, and it gives evidence of the atrocities that took place some 50 years ago. People go to see this, but they cannot believe what took place. It is against our moral fiber to even think that humans could do this to other humans.

This was done because of ethnic cleansing. These atrocities were genocide. It was an attempt to wipe out an entire race of people.

At the conclusion of walking through this museum, you have the opportunity, if you wish, to buy books or mementos about what you had just experienced and seen. One of the little items that you can buy is this button, this button which is a pledge, a pledge of mankind once they had realized what had taken place 50 years ago. The button says "Never Again." "Never again."

I do not know how many times I have gone to gatherings, large gatherings here in the Nation's Capital, where we discuss what took place 50 years ago. I have listened as speakers, with great emotion, invoked that pledge "Never Again; Never Again." and the audience, in great emotion, erupts because that bond of the pledge has been reaffirmed.

I say this, Mr. President, because it is happening again. It is happening in a place called Bosnia. Ethnic cleansing and genocide is again running rampant as they try to exterminate a race of people.

We say, "Never Again." We pledge that. But do we mean never again or do we mean never again except; never again maybe; never again. It is easier to say, I say to my friends, never again when you put it in the context that you are referencing something that happened 50 years ago, and so you are safe because you have that many years separating you from what was happening versus what action is called for now.

But we need to make that same pledge right now and say "Never Again Now."

Recently, Senator DOLE hosted a meeting where a number of Senators gathered, and we met with the Prime Minister of Bosnia. One of the things that the prime minister stated was, "We can understand neutrality. We can respect if the United States of America says this is not our war and, therefore, we will remain neutral. But," he said, "what we cannot understand is that you deny us the opportunity to have the weapons so we can defend ourselves."

He said, "That is not neutrality. We do not want your boys to fight our battle on our land. We have boys. We have young men. We have men who will fight the battle on our soil. But, please, allow us so that we can arm the men and the women of our country so that we can defend ourselves."

This idea when we see that they capture the safe havens and then say, "Women and children this way, load them up, we are going to transfer you, and then we want to take the men and the young men and the boys and you go this way, and we're going to take you to a stadium and we're going to hold you there."

Then, as we all know, they are executing them in the name of what? Ethnic cleansing? We said, "Never Again." Are we simply historians or do we mean it?

We have been told, "Don't lift the embargo. Don't lift the embargo because the forecast of the scenario that it would bring about would be dire consequences for the future of the Bosnians." They do not have a future. While we talk about this, while we think about this, they are dying; they are dying.

We have a moral obligation to allow the Bosnians to defend themselves. You would not deny it to anyone. I personally, Mr. President, do not feel that I could ever again in the future attend any gathering and invoke that pledge, "Never Again," to the response of an audience if today I turned my back on lifting the arms embargo on the Bosnians. That would be morally wrong, and I would be a hypocrite.

Therefore, I support the DOLE-LIEBERMAN amendment or measure that will lift this arms embargo, and I commend Senator DOLE and Senator LIEBERMAN for the action that they have generated to bring us to this point where we stand on the eve of finally doing what is right.

It does not mean they will stop dying, but it means they can at least defend their parents, their wives, their children. I also want to commend Senator FEINGOLD who early on, when he arrived as a freshman Senator, also was at the forefront of this issue, and I was proud to join him at that point.

Mr. President, this must not go on.

Mankind has established a pledge: Never again. I uphold that pledge. I yield the floor.

Mr. ROTH. Mr. President, I rise for a second time in support of the Dole proposal.

Current policy in Bosnia is a failure. Bosnian Moslems continue to be driven from their homes under a horrific policy of ethnic cleansing. Atrocities are escalating. U.N. peacekeepers, while well-intended, have been unable to stop it and have themselves, tragically, ended up as tools for Serb aggression. Our allies are paralyzed and the unrest threatens to destabilize the entire region.

It is time for the West to extricate itself from this failed policy and undertake a different course of action. S. 21 offers a sound and just mechanism to do so. Under this legislation, the arms embargo against Bosnia would be lifted only after one of two conditions have been met: a request by the government of Sarajevo for the withdrawal of the U.N. peacekeeping forces in Bosnia, or a decision by the U.N. Security Council to withdraw the UNPROFOR.

However, President Clinton has threatened to veto this legislation. He seems to fear that a change in course would leave America responsible for dealing with this conflict. This does not need to happen.

The Bosnian Government is not asking America to send its ground troops to fight against the Serbs. The Bosnians only want access to weapons and supplies that will enable them to more effectively counter what everyone I know recognizes as aggression.

The best approach now is to shift away from a policy that has only painfully and dangerously protracted the war, to a strategy structured around two clear objectives. The first is containment; that is, restricting the spread of the fighting. The second objective is the establishment of the balance of power necessary to stop Serb aggression. Toward these ends, America and its allies must work closely for the nations surrounding the conflict. The West must withdraw its peacekeepers, and we must allow the Bosnians to arm and defend themselves.

The passage of the Dole proposal—I do hope that it will pass—is the first step in implementing such a strategy. It warrants our support.

I hope the President will reconsider his opposition. It is not a carte blanche to the President. He must live up to its responsibilities as our Commander in Chief. The President must present the American people a coherent strategy toward ending this conflict.

Mr. President, let me add that I support the amendment to be submitted by the Senator from Georgia. That amendment would require the President to request the U.N. Security Council to lift the arms embargo against Bosnia before the U.N. unilaterally lifts that embargo.

I believe this amendment is consistent with the motivations behind S. 21 and would reinforce our interests within the United Nations and among our allies.

Mr. President, the vision among our allies has led to paralysis and appeasement in Bosnia. Consequently, it is even more urgent that we are not divided at home.

As I stated last week, strong congressional support behind S. 21 is absolutely essential. Combined with the President's support and leadership, S. 21 will be a first step toward a more effective strategy to end the aggression of atrocities now unleashed in Bosnia.

I yield the floor.

Mr. KERREY. Mr. President, I rise this evening to speak in opposition to the Dole-Lieberman legislation.

Mr. President, its intent, to change the direction of the United States policy in Bosnia, is good. For me, the language of this legislation is too ambiguous. To make a case it is ambiguous, Mr. President, I need only summarize the arguments of four Senators, myself included, two of them in favor of the bill and two of them against.

Senator MOYNIHAN argued in favor. He wants the U.S. to stay involved because he believes it is in our interests to do so. Senator MCCAIN argued, as well, in favor. He wants the U.S. to become less involved because he believes that Americans do not see our interests sufficiently engaged to commit ground forces. Senator EXON, on the other hand, argues against. He is against it because he wants the United States to stay more involved, and he believes it is in our interest to do so.

I am here this evening arguing against, for the same reason cited by

Senator McCain when he declared his support, which is that I am one of those who do not want the United States to take the military lead, because I do not believe it is in our interest to do so.

Mr. President, this has become one of those great polarized debates where if you declare you are opposed to this legislation, people immediately say, well, you are for doing nothing. I received calls into my office today from people who were saying, if you are not for Dole-Lieberman, you are for genocide. That is how this argument is being framed here in America, unfortunately, at this moment.

I do not argue that we should become uninvolved. The United States cannot afford to turn its back on the events in the Balkans. Americans are appalled by what we see there, and thank God we are. Ethnic cleansing, intentional killings and terrorizing of innocents, and arrogant disregard for international law, all of these have provoked us to the point that some of our citizens believe it is time for America to choose sides and enter this war on behalf of the Moslem minority.

Unfortunately, too many commentators and observers who want to pursue a unilateral course of action try to leave the impression that those who prefer an alternative would like the United States to do nothing. The United States must lead, Mr. President, in a clear, defined, and in this case, limited way.

For the past 4 years, beginning with the careless diplomatic recognition in 1992 of Croatia and Bosnia that led to a grisly and hate-filled war with Serbia, we have been trying to exercise leadership. After ignoring or not hearing the warning signals coming as early as 1988 from knowledgeable sources that ethnic hatred would erupt after the Communist grip was loosened, our first action, one of diplomacy, probably made matters worse.

Still, we did not walk away from our responsibilities. We helped negotiate an end to the fighting between Croatia and Serbia. After the people of Bosnia and Herzegovina voted for independence, Bosnian Serbs formed an insurgent government. Thus began a bloodthirsty move to control territory by means of a cruel device known as ethnic cleansing.

While we recognized the deep and longstanding hatreds, we could not stand aside, Mr. President, and have not stood aside for the last 4 years. Our response has been in part humanitarian, with relief flights, medical care, and international efforts to break the siege on the city of Sarajevo. Our response has also been diplomatic, with round after round of discussions, the most notable of which were led by former Secretary of State Cyrus Vance.

Our response, Mr. President, to be clear, has also been military. Americans, though we have withheld support for Americans going in on the ground, peacekeeping forces, our sailors are in the Adriatic, our airmen in Avellino, Italy, and our soldiers in Macedonia have been regularly and daily risking their lives.

Those who say that the United States has made no military commitment have to devalue the lives of those who, in fact, are regularly out there on behalf of the United States of America and on behalf of those who are being terrorized in Bosnia, risking their lives.

If we measure success as an end to the violence and killing, there is no question, Mr. President, that we have failed. If success is measured as a reduction in both, we have not failed.

That we have not turned our backs should likewise be apparent. This is not Nazi Germany where we ignored the overwhelming evidence that something terrible was going on. We have ignored nothing; its just that nothing we have been willing to try has stopped the killing.

We are frustrated by apparent impotence. We want success like we had in the Gulf War or Haiti or even for a while Somalia. We want this thing to be over. We want to be free of the images like the 20-year-old woman who hanged herself after being driven from what we called a safe haven in Srebrenica. We want to be free of what seems to be a policy that stumbles blindly down one diplomatic path after another tripping wires that explode into more and more killing.

The Dole-Lieberman legislation is a response to that frustration. The goal of this proposed law is to change the course of our currently policy something I wholeheartedly agree needs to happen. Specifically, the law proposes that we do two things: direct the President to lift the current arms embargo which has had the unintended consequence of making it more difficult for one side—the Bosnian Government—to fight for their country, and bring about the withdrawal of the United Nations peacekeepers.

If this resolution encouraged the multilateral lifting of the arms embargo, and if it authorized the President to deploy U.S. forces to lead an orderly and honorable withdrawal of the United Nations, I would support it. But according to the news of the past week, British and French forces in Bosnia are more aggressive than ever before. The British have inserted two batteries of artillery into the Sarajevo area. The French conducted a massive mortar attack over the weekend. According to news reports, the French responded to the death of two of their soldiers by using a one-bomb airstrike Sunday against the house of a Bosnian Serb leader in Pale. Now that our allies are committed and actively engaged, it is not the time for us to pull the plug on them. They should get to vote on withdrawal. If they choose it, we should lead it.

Let me explain why I cannot vote for this legislation in its current form. First, it suffers from the same defect as the administration's: It is ambiguous about purpose and objectives which, of course, encourages Senators to vote "aye" and explain their vote anyway they choose. Second, it may prohibit the United States from honoring its commitment to provide ground support for the evacuation of United Nations peacekeepers. Such a prohibition may broaden the appeal in the Senate; it does not broaden our appeal in the world.

Defining an objective in the former Yugoslavia is neither morally easy nor objectively precise. Defining an objective forces us to decide if we are going to establish a principle which allows us to lead but does not require us to take the lead with our Army, Navy, Air Force, and Marine Corps in every world dispute, violent outburst, or tragedy involving human rights abuses. I believe we must establish such a principle. As difficult as it may be to weep for rather than fight in every battle, to do otherwise would be a mistake.

The principle should be: only if the interests of the United States are at stake should we take the lead with our military forces. What we are witnessing in Bosnia is a civil war with the potential of spreading to other Balkan countries. The combatants, and especially the Serbs, are guilty of gross violations of human rights and the laws of war. The Intelligence Committee, in fact, intends to hold open hearings on this very subject. But we are not witnessing the Holocaust or the rise of the Fourth Reich. Such references exaggerate and do not help us decide what we must do.

Our interests in Bosnia include the following:

First, prevent the conflict from spreading to other areas.

Second, preserve the territorial integrity of a nation recognized by the United Nations.

Third, prevent ethnic cleansing and human rights abuses.

Of these three, only the first qualifies as a vital interest. If either Greece, Turkey, or Russia became directly involved, we would be at war. The second and third are more limited, and for obvious reasons more difficult to limit. Indeed, some would risk a larger war in order to satisfy their desire to do something—almost anything—about them. I believe we should limit this risk.

Again, saying we are not going to take sides in a war to preserve Bosnia's territorial integrity or to prevent ethnic cleansing and human rights abuses does not mean we should stand aside and do nothing.

Before we rush to judge the United Nations peacekeepers harshly we should remember and pay tribute to their bravery. It is not their fault that diplomats and political leaders have issued hollow threats or passed toothless resolutions. It is not their fault that a so-called dual key mechanism that was devised as a safety check has provided more safety to the Bosnia Serbs by denying much needed and oft-requested NATO airplanes to United Nations forces so they could carry out their mission.

The broad consensus required to keep the United Nations together works fine if there is a peace to maintain. If peace breaks down and force is needed, this broad consensus is no match or substitute for individual courage and a military code of honor. Both of these are what is needed to end the violence in Bosnia. And, it will take courage on the ground to seize and hold territory; bravery from the air can only support, not secure the victory.

Two examples of courage were reported by New York Times writer Mr. Roger Cohen on July 16, 1995. Mr. Cohen's story reveals two important truths. Our United Nations peacekeepers have been very brave and we will need such bravery on the ground if we are to persuade the Bosnian Serbs and the Bosnian Government to negotiate an end to their fighting.

In March, 1993, Lieutenant General Phillipe Morillon, who was the commander of United Nations forces in Bosnia, went to Srebrenica when it was under attack by Bosnian Serbs. He declared he would not move until the survival of its people was assured. In Mr. Cohen's words: "It was an irrational act. Confronted by this stubborn general, the Bosnia Serbs desisted from their onslaught and Srebrenica survived for another 28 months." When it fell 10 days ago, almost no stubbornness was revealed to the Bosnian Serbs by the Bosnian Government troops who were armed and outnumbered their attackers. They did not fire a shot.

On May 27, 1995, the day after NATO air strikes near Pale, the Bosnian Serbs began taking hostages and using them as human shields. Faced with the prospect of killing United Nations peacekeepers the U.N. high command decided not to order further air strikes.

Lieutenant Gilles Jarron, a member of the French Foreign Legion and a U.N. officer in Sarajevo, show no such reluctance. Along with 11 other Legionnaires he defended a U.N. weapons collection site in a Serb-held suburb. Eighty Serbs armed with rocket-propelled grenades and a T-55 tank gave the peacekeepers 5 minutes to give up.

But, according to Mr. Cohen:

> Lieutenant Jarron called his commanding officer. There was little question the legionnaires would all be killed in any battle. The last order he received from Colonel Jean-Louis Francheschini was, "From this moment on, make sure that every French life is paid for dearly by the Serbs.
>
> Every evening, as the stand-off wore on and the Serbs failed to carry out their threats, the soldiers read each other the code of the Legionnaire: The mission is sacred. You execute it to the end, at any price. In combat you act without passion or hatred. You respect your defeated enemy. Never do you abandon your dead, your injured or your arms.

This is the behavior that wins wars. That seizes ground and holds it. Air strikes alone will not work. President Clinton's air strategy will likely fail. According to the President:

> The only thing that has worked has been when they thought we would use disproportionate air power. This allowed us to move their heavy weapons into pools. If we adhere to this tougher policy, we can be successful at negotiating.

In an account of the battle that occurred on Mount Igman over the weekend, again after the French had taken two casualties, the French launched an attack and included the use of 122 millimeter mortars, 84 rounds launched into Serbian positions. And those who observed it said that ground attack was more impressive and did more damage and did more good for our cause than all the airstrikes together thus far in this war.

I fear that a tougher air policy, in the absence of a tougher ground policy, will make matters worse once again. At this stage we are inching close to a declaration of war against Serbia, an action we must not allow to happen unless and until we intend it.

When we threatened air strikes on February 9, 1994, which did lead to the withdrawal and turning over to the United Nations of mortars, artillery pieces and other heavy weapons within a 12.4 mile range of the center of Sarajevo, the Bosnian Serbs were wary of testing NATO's mettle. Our warnings of air strikes were repeatedly vetoed by Mr. Boutros-Ghali, the U.N. Secretary General, who is ultimately in command of the more than 20,000 European and other peacekeeping troops in Bosnia. Seeing that NATO's mettle was soft, the Bosnian Serbs and the Bosnian Government have both retaken their weapons and have resumed heavy shelling of Sarajevo, Gorazde, Bihac, Zepa, and Srebrenica.

This time we are told things will be different. There is good reason to believe they will be different. First, the Rapid Reaction Force—formed in response to the taking of hostages in May—has begun to demonstrate a resolve the Bosnian Serbs have not seen from U.N. forces. Importantly and correctly the French and the British are taking the lead in this effort. The French have lost 44 soldiers in Bosnia. They do not want to withdraw. We have lost none, and we do. The moment when the U.N. is moving stronger forces into the heart of the conflict is precisely the wrong moment to pass a law which would compel U.N. withdrawal.

Second, the President has pressed for different operating procedures when carrying out NATO air attacks. NATO is asking that U.N. ground commander in Bosnia, General Rupert Smith, alone be given the authority to request these attacks from Admiral Leighton Smith, the NATO commander for this area. This would mean that neither General Janvier, the U.N. Commander for all forces in Bosnia and Croatia, nor Secretary General Boutros-Ghali would have the power to veto this request. Of course, airstrikes should not occur at danger-close distances to U.N. peacekeepers, and it should be easy to transmit this information to strike pilots. But the dual key will hopefully be laid to rest.

As we debate this resolution tonight, and as the intensified fighting around Bihac makes more likely a renewal of open warfare between Croatia and Serbia, I am hard pressed to consider a better course of action than continuation of an even stronger U.N. presence. It is apparent that none of the parties is yet ready to negotiate seriously: all of them believe they can achieve their aims on the battlefield. Outside support is already getting through to the combatants, even to the Moslems. The flow of weapons will grow to a flood when the embargo is lifted, and all the parties will be much better armed. The departure of the U.N. will mean no international effort to get food to besieged areas and no international witnesses to war crimes. Most importantly, it will mean no international effort to halt or contain the fighting and America's principal interest here is to contain the war.

A weak, passive United Nations—and I refer to its political leaders—has done a mediocre job in accomplishing these tasks, not just in Bosnia but throughout Yugoslavia. You can be sure in the absence of the U.N., these tasks would not get done at all. It is too easy for us to vote out of frustration and send the message, get the United Nations out of Bosnia and let them all fight it out. But think what the situation of civilians would be in a no-holds-barred war involving Serbia and Croatia as well as Bosnia.

No option is ideal. There may come a time in fact when the Dole-Lieberman legislation is precisely what this country ought to be doing.

There is pain and risk involved in all of the options.

But in looking at those options, a larger, better armed, more aggressive UN force, backed by NATO airpower not subject to a dual key, is the best course of action. Now the United Nation's spine is being stiffened by the increased commitment of two of our oldest allies, who have already made significant sacrifices but are willing to do more. Now is not the time for unilateral United States action that would force them out and leave the Bosnians, and many others in the former Yugoslavia, without aid or witnesses, defenseless in a brutal ethnic civil war. I will vote against the legislation.

I yield the floor.

Mr. ROTH. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FEINGOLD. Mr. President, I am a strong supporter of the Dole-Lieberman legislation, and have spoken on a number of occasions about the moral and strategic imperative to lift unilaterally the arms embargo on Bosnia-Herzegovina. I am confident that the legislation will pass, and am pleased that the 104th Senate will finally go on record to do the right thing in this intractable situation. My only regret is that the Dole-Lieberman legislation does not include a mandate to lift the embargo on the Republic of Croatia as well.

Today we are all focused on the unspeakable horrors perpetrated by Bosnian Serb rebels against the Bosnians. But the same patron, President Milosevic of Serbia, is complicitly supporting the Croatian Serbs' campaign of terror against Croatia as well. Though we expect to aid the Bosnians with our legislation today, we can only effectively address the entire Bosnian crisis if we seek a regional solution. That means including Croatia in the equation, and in this case, it means lifting the embargo against Croatia as well.

One of the successes the Clinton administration has had in this conflict has been the March 1994 Washington Accords which secured American support for the Moslem-Croat Federation and the Bosnia-Croat confederacies. The Federation recognizes the need for a regional solution, an alliance where Serb forces are confronted by the united forces of the Bosnian and Croatian militaries. It also acknowledges that both states would be more viable if they can be united. Indeed, in order to receive the arms we are supporting tonight, they will have to be shipped through Croatia. Why would we want to pit these countries against each other when together they have a better chance of defeating the Serb aggressors?

I am a proponent of lifting the embargo, Mr. President, because I believe that it is the only way to enable the Bosnians to effect the balance of power on the ground against the Serb aggressors, and thus negotiate in seriousness. Lifting the embargo on Croatia would help achieve the same goal by strengthening the credibility of the military threat against the Serbs, and expedite the transport of weaponry to Bosnia.

Since we will not be voting on the embargo against Croatia tonight, I hope that as the Administration begins to think about implementing our legislation, it will take the practical path and lift the embargo against Croatia as well.

Ms. MOSELEY-BRAUN. Mr. President, the issue before the Senate is whether to lift the arms embargo on Bosnia and Herzegovina. This is one of the most important debates on the floor of the Senate this year. This vote has the potential to dramatically change the course of the war in Bosnia.

The international community has made a good-faith attempt to make the current policy in Bosnia work. The United Nations, through the United Nations Protection Forces, known as UNPROFOR, has tried to minimize the loss of life in Bosnia, to provide humanitarian assistance, to protect Moslem refugees in U.N.-dedicated safe areas, to contain the fighting, and to prevent this conflict from spreading into a wider regional war.

Between 1992 and the last few weeks, the United Nations was able to contain the violence and the casualties. UNPROFOR has enforced a no-fly zone over Bosnia. The United Nations has enforced zones around urban areas where heavy weapons were excluded. The United Nations airlifted food and medical supplies to civilian population, conducting the largest airlift of humanitarian supplies since the Berlin airlift. And while there have been despicable attacks against civilians since UNPROFOR has been in Bosnia, these policies have dramatically reduced the loss of life. In 1992, 130,000 people perished in the war in Bosnia. In 1994, 3,000 people died.

But the fragile stability that UNPROFOR provided over the last 3 years has been shattered. The policy is not working. The so-called safe areas of Srebrenica and Zepa have already been overrun. UNPROFOR cannot protect the civilian populations in the safe areas or anywhere else it is deployed in Bosnia because it is not equipped as a fighting force. UNPROFOR's mission is to provide humanitarian assistance. It does not have a mandate to confront or push back Serb forces. It does not have the manpower or the armaments to protect civilians in a war zone. Even the new Rapid Reaction Force, which is moving into positions on Mount Igman above Sarajevo, is charged with opening and securing routes into Sarajevo for the delivery of humanitarian aid, and stopping Serb attacks against U.N. personnel and U.N. assistance convoys. The Rapid Reaction Force is not mandated to stop Serb assaults against civilians. UNPROFOR cannot stop Serb aggression. It has not been able to halt ethnic cleansing—the massive movement of refugees—the rapes of women, and the rounding up and disappearance of military-age men.

Mr. President, the terrible pictures of Moslem refugees we see in the newspaper of Bosnia are not new. The other day, there was a photo on the front page of the Washington Post of two middle-aged women walking out of Srebrenica into Moslem territory. They were each pushing a wheelbarrow. In one wheelbarrow was an old man; in the other was an old woman. Better than any words, this photo crystalized the ethnic cleansing the Serbs have forced on the Moslems. It is the women, the children, and the elderly, who continue to suffer the most. But, Mr. President, we saw the same pictures 3 years ago. Today, the pictures are of refugees from Srebrenica. Earlier, the refugees were from Banja Luka, and other towns now under the control of the Bosnian Serb Army.

Today, we are again hearing reports of women disappearing. Serb soldiers are approaching groups of refugees, and pulling young women away from their families. The Serbs are using rape to terrorize. They are also using rape as a tool of genocide—to impede the birth of the next generation of Moslem children. The violence against women in this war is horrific, and cannot go unpunished. But as I stand here on the floor, I recognize that we have heard these reports before. Mr. President, in March 1993, 2 months after I arrived in the U.S. Senate, I signed a letter to Secretary Christopher with 30 of my colleagues requesting information on the State Department's plans to fund medical and psychological assistance to the women of Bosnia who had been victims of rape and forced pregnancy. March 1993, Mr. President. And in July 1995, we are hearing the same cries for help.

Not only has the United Nations been unable to protect civilians, it has also been unable to put an end to this conflict. In March 1993, the Vance-Owen plan was negotiated and presented to both parties. The Moslems signed the plan; the Serbs rejected it. The Contact Group of nations—the United States, Britain, France, Germany, and Russia—presented the peace plan of July 1994. Again, the Moslems accepted it; it was rebuffed by the Serbs. These plans extracted major concessions from the Moslem side. They were proposals that rewarded aggression. But in the interest of their people, the Bosnian Government felt compelled to accept them. The Bosnian Serbs, however, have been unwilling to agree to an internationally mediated plan to divide up the territory.

This situation has muddled along, because there is no consensus on an alternative course. The continuing Serb attacks on the U.N.-safe areas, however, make it impossible to continue trying to muddle through. Moreover, I am convinced that the strategy developed in London this weekend will not be sufficient to bring both parties to the negotiating table. Both human rights considerations and our own national interest require us to change our policy in Bosnia.

Mr. President, the United States cannot allow the systematic abuse of human rights to continue unchecked. The American people will not accept it. I have received dozens of phone calls from people in Illinois over the last few days expressing their outrage over the human rights abuses in Srebrenica. One gentlemen who called me is a physician. He spent 16 months in eight concentration camps in Bosnia. Now he is trying to put his life back together in Chicago. He is a lucky one, Mr. President, because he is out of the horror.

But it is not only compassion that requires us to change our policy toward Bosnia. Our national interests demand it. Because of the arms embargo, one side is able to dictate the pace and outcome of this war. The United States cannot allow such naked aggression to continue. The Serb success in using military force to gain territory and forcibly move ethnic populations sends a signal to other would-be dictators that military force is a better option than political negotiations. This is the wrong signal.

The war in Bosnia is causing profound tension in the NATO alliance. Our NATO allies, especially Britain and France, have substantial ground troops in Bosnia. The opposition of these governments to lifting the arms embargo reflect their justifiable concern toward the safety and well-being of their soldiers. I am very concerned, however, that continuing the status quo will only increase the tensions between the United States and our European allies.

This war is also causing tensions between members in the eastern part of NATO. While the historical resentments between Greece and Turkey are an ongoing issue within NATO, the Balkan war is exacerbating these tensions. Greece has traditionally had a strong relationship with Serbia. Turkey, a secular Moslem country which has tried to condemn the Bosnian conflict without making mention of religion, is finding it harder to keep silent on the religious aspect of this war. The implication is that if the Bosnians were Christian, the West would be doing more to protect them.

This religious argument is a very important component of how the Bosnian conflict is viewed in many circles in the Moslem world. A front page article in yesterday's Washington Post reports that moderate Moslem governments that are allies of the United States, including Turkey, Egypt, and Jordan, are under pressure from their citizens to come to the aid of the Bosnian government not because a fellow member of the United Nations is in need, but because the principal victims in this war are Moslem. Fundamentalist circles in these countries who argue in support of the Bosnian Moslems are gaining the moral high ground. The Bosnian conflict is increasingly being viewed in religious terms. It is in the national interest of the United States to minimize the perception that the West is forsaking the Bosnians because of their religion.

These tensions, coupled with UNPROFOR's failure to curb Serb aggression, or prevent ethnic cleansing and human rights atrocities, lead me to conclude that the status quo cannot be sustained.

In my view, either the international community must defend Bosnia, or we must make it possible for the Bosnians to defend themselves. And since the first option is not politically viable, the only choice left is to withdraw UNPROFOR and lift the arms embargo. In a speech this past April in Chicago, the Bosnian Ambassador to the United States, His Excellency Sven Alkalaj, was very clear: "If we must choose between UNPROFOR and arms, we can only choose arms." The Bosnians are not asking the United States or any other country to defend them. They simply ask for the right to defend themselves.

There will only be an end to this conflict if aggression is met head on. As long as one side is free to wage war without meeting any counter force, the aggression will continue. UNPROFOR has no mandate to counter the attacks against civilians. Worse, the presence of UNPROFOR provides a shield against NATO air strikes. UNPROFOR's presence on the ground prevents the one thing that could make the fighting come to an end, and bring both sides to the negotiating table—the balance of power.

Only if there is a balance of power can there be a political solution in Bosnia. This cannot be provided by the United Nations, or the countries of the West. Only the Bosnians themselves, properly armed, can provide a balance of power.

The Bosnian Serbs will not negotiate as long as they think they are winning on the battlefield. As long as UNPROFOR remains in Bosnia, one side is in a position to use aggression without consequence.

Mr. President, we need to change that equation. The Serbs must learn that they cannot wage war on noncombatants in markets and bread lines with impunity. They need to know that they are not going to be protected from the horrendous human rights violations they are committing.

Mr. President, pulling out UNPROFOR and lifting the arms embargo is not without significant risk. These consequences have already been outlined on the floor. The President has committed up to 25,000 U.S. troops to help extricate UNPROFOR. Our troops would go into Bosnia for a short, well-defined mission, under NATO command. The possibility of casualties, however, cannot be underestimated. Removing UNPROFOR will leave Moslem refugees at immediate risk. Under this scenario, the humanitarian situation will certainly get worse before it gets better. And, finally, the increased intensity of the fighting between Serbs and Moslems escalates the possibility of a wider regional war.

I believe that these serious consequences must be weighed against allowing the present situation to continue. The current Serb policy of taking UNPROFOR soldiers hostage, and overrunning safe areas cannot be allowed to continue. Two years ago, these actions, in total defiance of the United Nations, might have meant a considerable escalation that the international community would have wanted to avoid. But today, these acts have not only occurred, they have not met any counter force.

Mr. President, the UNPROFOR mission is untenable. It does not have the resources or the armaments to enforce peace. It does not have the will to enforce peace. The mission, as it has been mandated, can only function if all sides are willing to stop fighting. UNPROFOR cannot keep the peace when one side wants war. UNPROFOR cannot protect the enclaves from serious assault. UNPROFOR cannot protect women from rape or men from disappearing. There is no consensus to turn UNPROFOR into a military unit capable of defending the enclaves or the innocents. The only conclusion is to lift the arms embargo.

Mr. HATFIELD. Mr. President, in considering the legislation pending before the Senate today which requires the President to unilaterally lift the arms embargo against Bosnia and Herzegovina, I am struck by the following question: What is our goal?

My colleagues have stated that we can no longer stand by and watch the Bosnians continue to be slaughtered by the Serbian army. By lifting the embargo, we are giving the Bosnians the means to stand up and fight the Serbs on an even footing. In their minds, we are helping to prevent further killing of Bosnians. But are we really doing that or are we contributing to more bloodshed, more killing, and more ethnic cleansing?

As I have said several times in the past when the Senate has been faced with this issue, lifting the arms embargo will not guarantee peace. It will only widen the war and guarantee more deaths on both sides. Lifting the arms embargo contingent on the removal of United Nations Protective Forces does not take into consideration humanitarian concerns. It will not lead to greater protection of civilians and refugees in the safe areas. Rather it will lead to further violence against them.

While I agree that the international efforts of the United Nations have faltered in recent months, I do not believe that lifting the arms embargo is the appropriate response. To be honest, short of full scale military intervention, no one in the international community has a comprehensive solution to ending the conflict in Bosnia. Although some may see lifting the arms embargo as the only solution right now, it does not get us any closer to finding a comprehensive solution or to bringing the war to a close.

It is still my opinion that the only way to end the war in Bosnia is to bring economic and diplomatic pressure to bear against the Serbs and their allies. We must begin by making a greater effort to cut off Serbian access to arms. Only by choking off their ability to conduct the war in Bosnia will we be able to bring them to the negotiating table.

Again, I return to my original question: What is our goal in lifting the arms embargo? What are we trying to achieve? I do not believe anyone in this body truly believes that any kind of humanitarian or peace-bringing goal is accomplished by this ill-fated action. For that reason, I will once again oppose this legislation.

UNANIMOUS-CONSENT AGREEMENT

Mr. ROTH. Mr. President, I ask unanimous consent that, notwithstanding the consent agreement of July 20, 1995, the following amendment be the only first degree amendment in order to the Dole substitute to S. 21, and subject to a second degree to be offered by Senator COHEN, with all time for debate to be consumed tonight except for the time between 8:30 a.m. and 10:40 a.m., and 90 minutes beginning at 12 noon, with all that time to be equally divided between the two leaders or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, I further ask unanimous consent that at 1:30 Senator DASCHLE be recognized to use his leadership time, followed by Senator DOLE to use his leadership time, and the Senate then proceed to vote on the Cohen second degree, to be followed immediately by a vote on the Nunn amendment, as amended, if amended, to be followed by a vote on the Dole substitute, as amended, if amended, to be followed immediately by a third reading and final passage of S. 21, as amended, if amended.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE REPUBLIC OF KOREA

Mr. ROTH. Mr. President, I ask unanimous consent that the President pro tempore of the Senate be authorized to appoint a committee on the part of the Senate to join with a like committee on the part of the House of Representatives to escort His Excellency Kim Yong-sam, President of the Republic of Korea, into the House Chamber for the joint meeting tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, JULY 26, 1995

Mr. ROTH. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until the hour of 8:30 a.m. on Wednesday, July 26, 1995, that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume S. 21, and that Senator DODD be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. Mr. President, the Senate will be in controlled debate between 8:30 a.m. and 10:40 a.m. on the Bosnia legislation.

I ask unanimous consent that at 10:40 a.m., the Senate stand in recess until 12 noon in order to hear an address by President Kim of the Republic of Korea.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. ROTH. Mr. President, for the information of all Senators, under the previous order, the Senate will begin voting on amendments and final passage of S. 21 at approximately 1:45 p.m. Therefore, Senators should be on notice that at least two votes will occur at that time. Following those votes, it will be the intention of the majority leader to begin the State Department authorization bill, and if consent cannot be granted the leader will move to proceed to S. 908.

ORDER FOR RECESS

Mr. ROTH. If there is no further business to come before the Senate, I now ask that the Senate stand in recess under the previous order following the conclusion of the remarks of Senator DASCHLE.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The distinguished Democratic leader.

ORDER OF PROCEDURE

Mr. DASCHLE. Mr. President, let me describe for our colleagues briefly what this unanimous-consent agreement entails so everyone has a clear understanding of what the situation is.

We will come in at 8:30 in the morning. At that time, we will have debate for 2 hours and 10 minutes, to be equally divided. We will then recess to attend the joint meeting to hear the speech from the President of South Korea, reconvene at noon, and have an additional 90 minutes of debate, again to be equally divided, followed then by recognition of the two leaders for one-half hour under which leadership time will be used, and with the completion of that time, an immediate vote first on the Cohen amendment, and then on the Nunn amendment, and then finally on final passage.

So there will be two blocks of time, an hour on either side approximately in the morning, 45 minutes on either side beginning at noon.

What that means is that there is very limited time, and I encourage my colleagues to keep their remarks brief. We have already had a number of requests for time tomorrow morning on this side. I urge my colleagues to be accommodating and to take into account the fact that a number of Senators will wish to be recognized and to be heard. It is not my intent to allocate any time beyond 10 minutes tomorrow morning to any Senator except Senator NUNN, who has an amendment pending or during that period beginning tomorrow noon.

So this accommodates a number of concerns raised and certainly allows us to reach a time for final passage sometime in early afternoon, and I appreciate the cooperation of the Senators on both sides.

BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

The Senate continued with the consideration of the bill.

Mr. DASCHLE. Mr. President, let me make a few comments tonight—I have waited to allow other Senators to be heard—and I intend again to speak briefly tomorrow prior to the vote, but I wish to take some time this evening to express my personal position with regard to this issue and explain why I will be voting as I will tomorrow afternoon.

We are again, as others have indicated, in a crisis in Bosnia. Just today, as was reported several hours ago, in open violation of the United Nations mandates, the Bosnian Serbs have seized another safe area, Zepa, under the protection of UNPROFOR, the United Nations protection forces.

This despicable act of aggression by the Bosnian Serbs is now being followed by a brutal wave of ethnic cleansing that is forcing thousands of

Bosnian women and children and elderly to flee for their lives. United Nations peacekeepers now find themselves under attack in a land where there is little peace to keep.

This is not the first time the Senate has debated whether to terminate the arms embargo in Bosnia. In the 103d Congress, the Senate voted on the matter seven different times.

Less than a year ago, on August 11, 1994, the Senate adopted two competing amendments to the fiscal year 1995 Department of Defense appropriations bill. The first of those amendments was offered by Senators DOLE and LIEBERMAN. It set a deadline of November 15 of last year for the President to break with our NATO allies and unilaterally end the arms embargo on the Bosnian Government. It passed by a vote of 58 to 42.

The second amendment, offered by Senators Mitchell and Nunn, proposed a different scenario for lifting the arms embargo. It said first that if the Bosnian Serbs refused to accept a peace plan developed by the five-member contact group by October 15, 1994, then the United States would introduce and support a resolution in the United Nations to end the embargo completely.

Second, the Nunn-Mitchell amendment said that if the United Nations failed to lift the arms embargo against Bosnia by November 15 of 1994, and if the Bosnian Serbs continued to reject the peace plan developed by the contact group, then no Department of Defense funds could be used to enforce the arms embargo against Bosnia. In addition, the President would be required to submit a plan to equip and train the Bosnian armed forces and consult with Congress regarding that specific plan.

The Nunn-Mitchell language was included in the 1995 defense appropriations bill and signed into law on October 5 of last year.

The administration has been unable, unfortunately, to convince the United Nations Security Council to lift the arms embargo multilaterally. But in keeping with the congressional mandate, the United States last November ceased participation in the enforcement of the arms embargo against the Bosnian Government. The administration also prepared and briefed the Congress on a plan to equip and train Bosnian armed forces. That is the historical context for the debate we are now experiencing here on the Senate floor.

Today, as this Senate once again debates whether to lift the arms embargo against Bosnia, the credibility of UNPROFOR as peacekeepers has seriously eroded. What has not eroded is the overwhelming desire by the American people to see the bloodshed in Bosnia ended without committing United States ground troops to the Bosnian conflict.

Yet, the Dole-Lieberman amendment would make this all the more likely by requiring the President to unilaterally lift the arms embargo against Bosnia. This amendment will place United States ground troops in peril by intensifying the conflict at the time when United States troops were assisting our NATO allies in the difficult and dangerous mission of withdrawing their scattered forces from Bosnia.

Mr. President, today I received a letter from the President explaining his reasons for strongly opposing S. 21, which he believes "could lead to an escalation of the conflict there, including the possible Americanization of the conflict itself."

I ask unanimous consent that the President's letter be printed in the RECORD at the conclusion of my remarks and urge all of my colleagues to consider carefully the President's concerns as we debate this legislation.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DASCHLE. In contrast to those concerns, some of the sponsors of this amendment believe that by lifting the arms embargo, we can avoid the awful possibility of sending United States ground forces to Bosnia or we will let the Bosnians fight their own war. But it is not that simple, and we know that. We have a responsibility in this Senate to speak honestly to the American people, to tell them the potential consequences of lifting the arms embargo at this time and in this manner.

The Dole-Lieberman amendment requires the amendment to lift the embargo upon completion of the withdrawal of the United Nations protection forces or 12 weeks after the Bosnian Government requests the withdrawal of U.N. troops.

While the President may extend the deadline for lifting the embargo for up to 30 days, if he determines and reports in advance that the safety, security and successful completion of the withdrawal of UNPROFOR requires more time, the fundamental problem remains the same. Under this resolution, America's military and diplomatic policy in the Balkans conflict will be determined not by the President and not by the Congress, but by the actions of the Bosnian Government. Let me restate that, Mr. President, because it is so critical to an appreciation of what this vote is all about. America's military and diplomatic policy in the Balkans will be determined not by the President, not by the Congress, but by the actions of the Bosnian Government.

What is not addressed in the bill is what happens when the U.N. forces, including substantial forces of our NATO allies, begin to withdraw from Bosnia. What happens? As we all know, the President has promised our NATO allies that the United States will provide up to 25,000 ground combat and logistic troops to assist in the safe evacuation of the U.N. peacekeepers from Bosnia. It could very well mean that we will be forced to send U.S. troops into a situation of heightened conflict that would risk American lives.

There is no question that the long nightmare in Bosnia must end. There is no question that the United States must play a role in resolving the nightmare. But let us be fully cognizant of what is truly at stake. Let us not pretend that there is an easy way out, because there is not. There should be no confusion in the minds of any of my colleagues regarding what a vote for this bill actually means. What it means is that the President of the United States, the Commander in Chief of our Armed Forces, will be required by law to act in response to actions taken by a foreign government, the Government of Bosnia.

It means, by design, by this legislation itself, not only are we responding for the first time to a foreign government, required to respond in a way that may not be in our best interest, but we will have to ignore our closest allies and unilaterally lift the embargo to do so. It means this Nation will very likely be forced to assume sole responsibility for arming and training the Bosnian army. That is what this means.

And it means almost certainly—it means almost certainly—that in all of this, U.S. troops will die. This is a very slippery and treacherous slope we would embark on with the passage of this bill. And I would remind my colleagues that, if we enact it, we have got to be prepared to face the almost certain consequence of U.S. involvement of U.S. ground troops in Bosnia sometime very soon.

No one can read the accounts of ethnic cleansing, no one can look at those images of terrified refugees trudging a trail of tears from one Bosnian city to another in search of safety and not be horrified. I understand the arguments of those who say we cannot stand by and allow genocide to occur unchecked and unchallenged. I understand those arguments and agree with the moral concerns of those who advance them. But let us be clear, forcing U.N. protection forces to withdraw from Bosnia, which is the most likely effect of the bill, can only increase, not decrease, the horrifying acts of genocide in Bosnia.

Mr. President, what happens then? What happens when the U.N. forces are gone? What happens when NATO forces are gone? What happens when we continue to see night after night on the televisions across this land that genocide, the horrific acts that we have seen so far, and there is no one there to protect them? What will we do? Do we continue to say it is unacceptable and we will keep sending arms? And then watch this spread to Kosovo and Macedonia and other parts of this region? Is that what we are allowed to do?

What happens? We are left with the untenable choice after all our allies have washed their hands of this situation to accept one of two things: either to accept the horrific acts that we will continue to see, Serbians rolling over the Bosnians, with or without additional arms; or some unilateral insertion of American troops to stop this from spreading and to stop the holocaust that we see already. That is the untenable choice we are going to be given if our allies leave.

The very best case scenario, Mr. President, assumes that it will take 2 to 3 months to arm and train the Bosnian army. That scenario also assumes the arms will actually reach the Bosnian army and that they will not be captured by Bosnian Serbs and that the Croatian Government will allow all of the arms to be transported through their ports and across their land. That is what we are assuming, that somehow the Croatian Government will say, "OK. We will subject ourselves to whatever may come, all of the repercussions that may come with opening our ports to the Bosnians so that the Bosnians can ship tanks and heavy weaponry through our ports, through our land, to fight the Serbs." How many people really believe that is what is going to happen?

Mr. President, to suggest that the Bosnian Serbs will simply wait patiently and peacefully to decide what the Croatian Government is going to do, to decide whether or not the Bosnian army is being armed, seems to me to be very naive. We are talking about a regime that shells unarmed women and children as they wait in line in safe areas to collect their daily ration of water, a regime that is committed to ethnic cleansing. Should we really believe that this regime will hold its fire while the U.S. troops are training the Bosnian army to defend its own people? Can we, without endangering U.S. or allied troops, counter their fire? We know the answers. I have grave doubts.

The likelihood is that the Bosnian Government will escalate its campaign of genocide, will overrun the remaining safe areas quickly while it still has the ability to do so with little resistance. And it is entirely possible that this escalation could occur while U.S. troops are on the ground in Bosnia.

Then what? Those who would vote for this bill must also be concerned about the very real possibility that withdrawing U.N. troops from Bosnia now and unilateral lifting of the embargo will greatly increase the risk that the war in Bosnia will spread. While the United States may have no direct national security interest in Bosnia itself, we certainly would have security interests at risk in fighting that would go south to the region in Kosovo, in Macedonia, where 500 U.S. troops are now stationed and involve our NATO allies of Greece and Turkey.

I believe that every Member of this Senate is deeply concerned about the tragic events that are taking place in Bosnia. And I believe that every Member of this Senate would like to see an end to the fighting that has left thousands of innocent people dead, millions of people displaced, torn from their homes, torn from their families. And I do not believe there is any disagreement about the goal we all share: to end the aggression and the atrocities born in the Bosnian conflict. The only disagreement is over how we can best achieve that goal. And the question is again before the Senate, should the United States on our own, against the wishes of our allies, end the arms embargo, or should we continue to act in concert with our allies and the United Nations to end the arms embargo? Considering this question, let us remember that Bosnia is not the only Nation in which the United States is engaged in a multinational effort to impose sanctions or take other collective measures. There is a collective action to impose sanctions against Iraq, against Cuba, against Libya, and it may become necessary to impose sanctions against others to control the spread of nuclear weapons, or for other reasons. All of these collective efforts are of great importance to this country.

Mr. President, if we unilaterally terminate the arms embargo, then what is to prevent our allies from doing the same on collective actions with which they disagree? What do we tell them? What standing do we have to suggest to them that they must comply but we will not?

We cannot have it both ways. We cannot expect our allies to support us on collective actions that suit us if we refuse to support other collective actions that may make us uncomfortable.

Senator EXON and others have raised important questions about the consequences that lifting the arms embargo could have on NATO. Fifty years agc this summer, the NATO alliance freed Europe, freed the world actually, from the great evil of Nazism. And for nearly 50 years, until the start of the Serbian aggression 40 months ago, NATO has kept peace in all of Europe. The NATO alliance was essentially there to end the cold war, and now it is essential to the continued stability of both Europe, as well as the United States.

Our NATO allies are imploring us not to lift the arms embargo unilaterally while they have troops in Bosnia. They are imploring us to stand with them as they continue to seek a negotiated settlement against the odds, recognizing the difficulty, knowing there are no easy answers, appealing to us to help them as they have helped us.

What will happen if NATO chooses at some point in the future to ignore us? What will happen to NATO if we ignore the urgent pleas of our allies now? Those are questions we must all ask ourselves, Mr. President, before we cast this crucial vote tomorrow.

The end of the cold war and the resurgence of ethnic conflict and nationalism have created flashpoints all over this world. As the only remaining superpower, the United States is going to be asked again and again to send troops to resolve conflicts. Maybe these conflicts will have long histories and maybe they will be intractable, but we will be asked and, in some cases, we will commit, and as we make those decisions, we, by ourselves, must recognize that we cannot solve every problem in the world. We are going to need the help of our allies in dealing with these problems, and the only way we can deal with them without resorting to unilateral action is in those difficult times, as we see right now, we recognize the implications of breaking out from multilateral efforts and taking upon ourselves the responsibilities that come with the actions that we are now contemplating.

I understand and, frankly, I empathize with the motivations of my colleagues who have introduced and supported this bill. The carnage in Bosnia cries out for decisive action to end the suffering of helpless men, women and children who daily are abused, killed by Bosnian Serb gunmen. But we must not, we must not allow our frustration over the failure to reach a settlement of the Bosnian crisis to force us into actions that will only worsen the situation. We must not lose sight of the fact that breaking with our allies carries with it the risk of long-term consequences, and we must not pretend we are decreasing the chances that U.S. ground troops will be sent to fight in Bosnia when, in fact, the very opposite is likely to happen.

So as we debate this proposal, let us consider carefully what is in our Nation's best interest, in the best interest of the Bosnian people now and in the future. Let us recognize that this is an issue beyond Bosnia, in spite of our outrage, in spite of our frustration, in spite of our desire to respond in some way. We must also recognize the commitments, the long-term ramification and the extraordinary nature of the decision that we will be making tomorrow afternoon.

Mr. President, we will have more time to talk about this tomorrow. I certainly hope that we will not allow our decision to be made by emotion, rather by objective calculation of what is best for the effort, what is best for our long-term alliances, what is best for this country, what is best for the men and women we will be called upon to send to Bosnia should this situation worsen and should the need for U.S. forces be more evident as the weeks and months unfold.

Mr. President, I now yield the floor.

EXHIBIT 1

THE WHITE HOUSE,
Washington, July 25, 1995.

Hon. THOMAS A. DASCHLE,
Democratic Leader,
U.S. Senate, Washington, DC.

DEAR MR. LEADER: I am writing to express my strong opposition to S. 21, the "Bosnia and Herzegovina Self-Defense Act of 1995". While I fully understand the frustration that the bill's supporters feel, I nonetheless am firmly convinced that in passing this legislation Congress would undermine efforts to achieve a negotiated settlement in Bosnia and could lead to an escalation of the conflict there, including the possible Americanization of the conflict.

There are no simple or risk-free answers in Bosnia. Unilaterally lifting the arms embargo has serious consequences. Our allies in UNPROFOR have made it clear that a unilateral U.S. action to lift the arms embargo, which would place their troops in greater danger, will result in their early withdrawal from UNPROFOR, leading to its collapse. I believe the United States, as the leader of NATO, would have an obligation under these circumstances to assist in that withdrawal, involving thousands of U.S. troops in a difficult mission. Consequently, at the least, unilateral lift by the U.S. drives our European allies out of Bosnia and pulls the U.S. in, even if for a temporary and defined mission.

I agree that UNPROFOR, in its current mission, has reached a crossroads. As you know, we are working intensively with our allies on concrete measures to strengthen UNPROFOR and enable it to continue to make a significant difference in Bosnia, as it has—for all its deficiencies—over the past three years. Let us not forget that UNPROFOR has been critical to an unprecedented humanitarian operation that feeds and helps keep alive over two million people in Bosnia; until recently, the number of civilian casualties has been a fraction of what they were before UNPROFOR arrived; much of central Bosnia is at peace; and the Bosnian-Croat Federation is holding. UNPROFOR has contributed to each of these significant results.

Nonetheless, the Serb assaults in recent days make clear that UNPROFOR must be strengthened if it is to continue to contribute to peace. I am determined to make every effort to provide, with our allies, for more robust and meaningful UNPROFOR action. We are now working to implement the agreement reached last Friday in London to threaten substantial and decisive use of NATO air power if the Bosnian Serbs attack Gorazde and to strengthen protection of Sarajevo using the Rapid Reaction Force. These actions lay the foundation for stronger measures to protect the other safe areas. Congressional passage of unilateral lift at this delicate moment will undermine those efforts. It will provide our allies a rationale for doing less, not more. It will provide the pretext for absolving themselves of responsibility in Bosnia, rather than assuming a stronger role at this critical moment.

It is important to face squarely the consequences of a U.S. action that forces UNPROFOR departure. First, as I have noted, we immediately would be part of a costly NATO operation to withdraw UNPROFOR. Second, after that operation is complete, there will be an intensification of the fighting in Bosnia. It is unlikely the Bosnian Serbs would stand by waiting until the Bosnian government is armed by others. Under assault, the Bosnian government will look to the U.S. to provide arms, air support and if that fails, more active military support. At that stage, the U.S. will have broken with our NATO allies as a result of unilateral lift. The U.S. will be asked to fill the void—in military support, humanitarian aid and in response to refugee crises. Third, intensified fighting will risk a wider conflict in the Balkans with far-reaching implications for regional peace. Finally, UNPROFOR's withdrawal will set back prospects for a peaceful, negotiated solution for the foreseeable future.

In short, unilateral lift means unilateral responsibility. We are in this with our allies now. We would be in it by ourselves if we unilaterally lifted the embargo. The NATO Alliance has stood strong for almost five decades. We should not damage it in a futile effort to find an easy fix to the Balkan conflict.

I am prepared to veto any resolution or bill that may require the United States to lift unilaterally the arms embargo. It will make a bad situation worse. I ask that you not support the pending legislation, S. 21.

Sincerely,

BILL CLINTON.

MORNING BUSINESS

Mr. DASCHLE. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO JOHN MORAVEK

Mr. DOLE. Mr. President, with the recent passing of John Moravek, our nation's legal community lost an outstanding and respected member, and many Americans lost a good friend and trusted adviser.

John worked for Century 21 real estate for 20 years—the past 15 as general counsel at the corporate headquarters in Irvine, California.

John was recognized as one of America's preeminent experts in his field in the field of real estate and franchise law, and he was one of few attorneys who had the honor of appearing before the United States Supreme Court.

I was not privileged to know John as well as his countless friends and colleagues, which included my daughter, Robin. But I do remember John as a man of great integrity, intelligence, compassion and curiosity.

The title of the obituary that ran in his hometown newspaper, the Long Beach Press-Telegram, summed it up best—"John Moravek was a renaissance man." John's interests ranged from classical guitar, to sailing, to painting, to politics. And while John and I didn't share beliefs on every political issue, we shared a sense of determination and a sense of humor.

Without exception, those who knew John well speak of a remarkable man with a passion for life—a man who loved the ocean, who loved his job, who loved his friends, and who, above all, loved his wife, Lisa.

Mr. President, I join in extending my sympathies to Lisa Moravek, and to all who were proud to call John Moravek their friend.

IS CONGRESS IRRESPONSIBLE? CONSIDER THE ARITHMETIC!

Mr. HELMS. Mr. President, the impression will not go away: The $4.9 trillion Federal debt stands today as a sort of grotesque parallel to television's energizer bunny that appears and appears and appears in precisely the same way that the Federal debt keeps going up and up and up.

Politicians like to talk a good game—and "talk" is the operative word—about reducing the Federal deficit and bringing the Federal debt under control. But watch how they vote.

As of yesterday, Monday, July 24, at the close of business, the total Federal debt stood at exactly $4,938,384,897,270.48 or $18,746.19 per man, woman, child on a per capita basis. Res ipsa loquitur.

Some control.

MEDICARE'S 30TH ANNIVERSARY

Mr. SARBANES. Mr. President, I rise today to join my colleagues in celebrating the 30th anniversary of the Medicare program. In light of recent Republican attacks on the program, it is particularly important that we take the time to recognize the value of the Medicare program to so many of our Nation's senior citizens and their families.

For decades, Democratic leaders have supported and reinforced the generally accepted proposition that health care is a fundamental human need and that, in a just society, there ought to be a way to provide for it. Since it was signed into law by President Johnson in July 1965 the Medicare program has succeeded where many had thought it would fail. The world's largest health care program, Medicare currently provides quality health services for more than 37 million American senior and disabled citizens at an administrative cost of just two percent.

In my State of Maryland alone, more than 604,000 seniors receive vital medical services through the Medicare program. Just yesterday, I visited a number of these individuals at the Parkville Senior Center in Baltimore County. Like a vast majority of seniors across the country, they too are concerned about the future of Medicare and how decisions now being made in Congress will effect the quality and availability of health care services for their generation. Quite frankly, Mr. President, I share their concerns.

For these senior citizens and the more than 37 million elderly Americans nationwide, the Republican budget cuts will be devastating. The Republican Budget Resolution cuts Medicare by $270 billion over the next 7 years. I know it is asserted that the actual dollar amounts for Medicare will not drop, but rather will increase gradually over the next 7 years. However, if the proposed dollar increases are not proportional to increases in Medicare enrollees and increases in the costs of medical care, the end result is massive cost-shifting and cuts in services for beneficiaries.

Mr. President, in my view, it is essential that we recognize that Medicare is not a system unto itself. The Medicare program is instead a large component of our Nation's health care system and it is illogical to assume that isolated cuts in Medicare will not adversely effect all Americans.

The Health Care Finance Administration [HCFA] estimates that Medicare payments account for 45 percent of health care spending by our Nation's elderly. Under the Republican budget plan, out-of-pocket costs to seniors are expected to increase by an average of $900 per person year by the year 2002. Over a 7-year period, the typical beneficiary would pay an estimated $3,200 in additional out-of-pocket costs. While this might not sound like much to some, these numbers become more significant when you factor in statistics that indicate that 60 percent of program spending was incurred on behalf of those with incomes less than twice the poverty level, and 83 percent of program spending was on behalf of those with annual incomes of less than $25,000.

Clearly, when we talk about Medicare recipients, we are not talking about our Nation's wealthiest citizens. Many seniors live on fixed incomes. In fact, a large number of Medicare recipients depend on Social Security benefits for much of their income. According to HCFA, about 60 percent of the elderly rely on Social Security benefits for 50 percent or more of their income and 32 percent of the elderly rely on Social Security for 80 percent or more of their income. It is also estimated that as many as 2 million seniors can expect to see the value of their Social Security COLA's decline as increased Medicare costs consume 40 to 50 percent of Social Security COLA's by 2002. Requiring these individuals to pay more for their health care will directly undercut their standard of living. In my view, it is simply unacceptable to create a situation in which more and more seniors will see their resources stretched to the extent that they will have to choose between food and health care.

Mr. President, what I find most troubling is that Congressional Republicans are seeking to enact draconian spending cuts, the burden of which will fall primarily on the shoulders of the most vulnerable of our society, in order to provide a significant tax cut for the very wealthy. The future health security of our Nation's seniors should not be jeopardized in order to create a pool of funds for a tax break which almost solely benefits upper income individuals.

As we commemorate the signing of this important measure into law, I think it is appropriate that we all take time to reflect upon the history of the Medicare program and the principles upon which it was founded. Before the Medicare program, many of our elderly could not afford health care or were forced to watch their life savings dissolve under the weight of ever-increasing health care costs.

Mr. President, those involved in crafting the Medicare program recognized that providing health care to some of our Nation's most vulnerable individuals lays the foundation upon which to build a decent society. As Democrats we must continue to embrace this principle today, as we have for the past 30 years.

THE 30TH ANNIVERSARY OF MEDICARE

A TURNING POINT FOR MEDICARE

Mrs. FEINSTEIN. Mr. President, in 1965—30 years ago this week—in Independence, MO, Medicare was signed by President Lyndon Johnson, with Harry Truman looking on.

Over the last 30 years, Medicare has become one of the largest public health insurance systems in the world, having grown from 19 million seniors at a cost of $3 billion to 37 billion seniors costing over $159 billion last year.

In 1995—30 years later—Medicare is at a turning point.

In fact, some would say the Medicare is under attack, because Medicare is slated for $270 million in cuts over the next 7 years under plans which are scheduled to be enacted later this year.

This proposed 14 percent cut in Medicare spending is the largest Medicare ever proposed and makes up over 20 percent of the $1.2 billion in cuts in the Republican resolution.

THE BENEFITS OF MEDICARE

While there are many disagreements about which direction Medicare should go in the future, there is no doubt about the benefits and achievements of the current program.

Before Medicare was enacted in 1965, health care for seniors was expensive and often unavailable, due to the lack of insurers willing to cover seniors and the fact that, even with Social Security, seniors have been one of the highest-poverty age groups in America.

Only 50 percent of seniors had health insurance, and so an illness could quickly force a senior into a charity ward or consume a lifetime of family savings.

In comparison, the benefits of the current Medicare program are clear to millions of individuals and the families of those who are enrolled; health coverage is provided for 37 million seniors—including 3.6 million Californians.

Ninety-nine percent of the elderly population is covered through Medicare, giving seniors the highest rate of health coverage for any age group in the United States;

The average lifespan for older Americans has increased 3 years since Medicare began, and quality of life has been improved by procedures and treatments such as hip replacements developed through Medicare.

PROBLEMS FACING MEDICARE

Nonetheless, there are some clear problems with Medicare that must be addressed, including; the anticipated bankruptcy of the Medicare Part A Hospital Trust Fund, which is projected to occur in the year 2002 at current spending rates; high annual increases in spending of 10 percent, which have helped cause the program to go from $3 billion in 1965 to $160 billion in 1994; fraud and abuse that eat up $44 billion in total health care costs annually, according to a GAO report, and result in $140 million in excess charges paid by consumers each year; the lack of potentially cost-saving managed Medicare, which enrolls only 10 percent of Medicare participants even though additional dental and prescription drug benefits are sometimes available (the rate is 25 percent in California).

In short, the current Medicare Program pays out much more in benefits than it is taking in from premiums and payroll contributions. Without reform, Medicare will continue to grow out of control. Costs for new technologies and procedures continue to increase rapidly, and about 1 million additional Medicare participants each year will add to costs.

REASONABLE MEDICARE REFORMS

To address these problems and lower Federal spending, I support a number of tough-minded Medicare reforms, including tightening controls and preventing fraud in Medicare; using successful State and Federal models such as the California Public Employee Retirement System [CalPERS] and the Federal Employee Health Benefits Plan as a basis for cooperative, market-based systems. I support asking the wealthiest Medicare recipients to pay more into the system than they do now; making managed care plans more beneficial to the Federal Government and more easily available to seniors, only 10 percent of whom are currently enrolled in HMO's.

To help solve these problems, I voted in favor of $54 billion in Medicare cuts and reforms contained in the 1993 budget reconciliation bill, and I supported national health care reform such as the mainstream coalition proposal.

REPUBLICAN BUDGET PROPOSALS CUT MEDICARE TOO FAR, TOO FAST

However, I strongly oppose destructive Medicare reform proposals that go too far, too fast, without any certainty as to the results, including those that would force all Medicare enrollees to change doctors, give up their choice of doctors, or join HMO's involuntarily; steeply raise Medicare cots to participants, who already spend a national average of 21 percent of their incomes on health costs; rely almost entirely on appealing but untested changes to the current Medicare system, such as private vouchers and medical savings accounts; target the 3.6 million Californians who participate in Medicare for an unfair share of the deficit-reduction burden.

As a result, I voted against the Republican budget resolution, which cuts $270 billion from the current baseline for Medicare over the next 7 years.

UNKNOWN EFFECTS OF MEDICARE CUTS

What exactly do health care cuts of this size really mean? Well, no one really knows, but health care experts tell us that the options for cuts of this size are few, and estimates by the Health Care Finance Agency, which runs these programs, have projected dramatic effects.

Under the Republican budget proposal—and the initiatives that are being considered for enactment later this fall—more will be taken out of seniors' Social Security checks, because that is where the Medicare part B premium is deducted. Medicare premiums and Social Security checks are linked together because under the integrated Social Security check-issuing system, Medicare premiums are automatically taken out of Social Security checks.

Cuts to Californians on Medicare would total over $36 billion over the next 7 years—13 percent of the $270 billion total cut despite the fact that California only has 9.5 percent of the total population—Health Care Finance Administration.

Costs to seniors will have to be steeply increased, even though over 80 percent of Medicare goes to seniors with less than $25,000 in income, who already pay over 20 percent of their income for health costs.

Managed care could be implemented on a large scale without any real assurance that there will be more benefits to seniors and increased savings to the Federal Government. The current demonstration of managed Medicare has not yielded savings to the Federal Government, according to recent studies.

Popular but untested ideas such as private voucher systems and medical savings accounts, which have not been tried at anywhere near this scale, could once again allow insurance companies to discriminate against older, sicker seniors, or force families to spend their savings in order to provide care.

Relatively small-scale purchasing pools, such as the Federal Employees Health Benefits Plan, which covers only 9 million people nationwide, will be expanded enormously without any clear knowledge of the potential effects on care for the elderly.

CONCLUSION

There is no argument that Medicare needs to be strengthened and improved, and I have supported reasonable Medicare reform in the past. But cutting $270 billion out of the program and implementing reforms that have yet to be tested is not really reform, it's dismantling the program.

The effects of cuts on this scale may not be felt immediately, and the plans for how to achieve them are certainly being kept under wraps until the last minute, but sooner or later it will be clear that cutting $270 billion out of Medicare goes too far, too fast.

I only hope it is not too late to save the program before the American people realize it, and that 30 years from now this Congress is known for having reformed but not reduced the Medicare Program that has gotten us so far.

PROCLAMATION HONORING THE SERVICE AND LEADERSHIP OF SHERIFF JOHN T. PIERPONT

Mr. ASHCROFT. Mr. President, it is with great pleasure that I rise today to salute a good friend whose leadership in the field of law enforcement is exemplary. John T. Pierpont is currently serving his fourth term as Sheriff of Greene County, MO, which includes my hometown of Springfield, MO. John was first elected to serve Greene County in 1981 and is overseeing an office of 140 employees in seven different divisions, all dedicated to helping and protecting the people of Greene County and Southwest Missouri. Prior to serving Greene County, John was U.S. Marshal for the Western District of Missouri for 8 years. As U.S. Marshal for the Western District, John oversaw a jurisdiction of more than 66 counties.

While successfully leading law enforcement efforts throughout southwest Missouri, John Pierpont also has been an active leader within the Missouri and national law enforcement communities. Sheriff Pierpont is a former President of the Missouri Sheriffs' Association, the Missouri Peace Officers' Association, and the Retired U.S. Marshals. John was first elected to a leadership position in the 26,000 member National Sheriffs' Association in 1989 as Sergeant-at-Arms and moved up from Seventh Vice President to the position of First Vice President which he held in 1994. I am pleased to salute John Pierpont for his June 14, 1995 election as the National President of the National Sheriffs' Association.

Through his years of selfless service and dedication to his chosen profession of law enforcement, John Pierpont has displayed principled leadership and a devotion to the principles of justice, hard work, and family. His standard of leadership is an example to his colleagues in law enforcement and all other areas of public and private service.

THE LOBBYING DISCLOSURE ACT

Mr. SMITH. Mr. President, I rise in support of S. 1060, the Lobbying Disclosure Act of 1995, as amended last night by the compromise language developed by our distinguished colleagues, Senators MCCONNELL and LEVIN. I am pleased that the McConnell-Levin amendment solves both of the principal problems with lobbying reform legislation that caused me to vote against it last year.

First, the McConnell-Levin amendment assures that this legislation is not directed at grassroots lobbying. Grassroots lobbyists will not be required to report their activities or disclose their contributors. Unlike last year's bill, moreover, S. 1060 does not threaten to make grass roots lobbyists divulge their entire mailing lists.

Second, the McConnell-Levin amendment removes from S. 1060 the provisions that would have created a new government agency, which would have been called the Office of Lobbying Registration and Public Disclosure. It replaces those provisions with language that establishes administrative enforcement by the Secretary of the Senate and the Clerk of the House of Representatives. Those officers, and not a new government agency, will receive the lobbying reports that will be required if S. 1060 becomes law.

Mr. President, S. 1060 represents a reasonable compromise that properly balances the first amendment rights of the people against the demand of the public for meaningful reform of the way in which Washington does business. I remain convinced that last year's bill went too far and threatened to abridge the first amendment rights of grassroots lobbyists. Moreover, last year's bill made the age-old mistake of attempting to address a problem by creating yet another new government agency. I am pleased that last year's bill was defeated and that, this year, the opposing sides in that battle have come together to produce this bill.

Mr. President, I commend the distinguished Senator from Kentucky, Senator MCCONNELL, for his able leadership with respect to this bill. He has done an outstanding job in achieving the imminent overwhelming approval of the Senate for this bill.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Thomas, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–1226. A communication from the Comptroller General of the United States, transmitting, pursuant to law, the report of the financial audit of the Resolution Trust Corporation for fiscal year 1994; to the Committee on Governmental Affairs.

EC–1227. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to final decisions and actions in response to the recommendations of the Inspector General; to the Committee on Governmental Affairs.

EC–1228. A communication from the President of the Federal Financing Bank, transmitting, pursuant to law, the fiscal year 1994 management report of the FFB; to the Committee on Governmental Affairs.

EC–1229. A communication from the Secretary of Transportation, transmitting, pursuant to law, the semiannual report of the Office of Inspector General for the period ending March 31, 1995; to the Committee on Governmental Affairs.

EC–1230. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-77, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1231. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-76, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1232. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-67, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1233. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-68, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1234. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-69, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1235. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-71, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1236. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-70, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1237. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-72, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1238. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-73, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1239. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-74, enacted by the Council on June 19, 1995; to the Committee on Governmental Affairs.

EC–1240. A communication from the Chairman and Chief Executive Officer of the Farm Credit Administration, transmitting pursuant to law, the semiannual report of the Inspector General for the period October 1, 1994 to March 31, 1995; to the Committee on Governmental Affairs.

EC–1241. A communication from the Secretary of Housing and Urban Development, transmitting, pursuant to law, the semiannual report of the Inspector General for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC–1242. A communication from the Inspector General of the General Services Administration, transmitting, pursuant to law, the Office's audit report register; to the Committee on Governmental Affairs.

EC–1243. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-81, enacted by the Council on June 28, 1995; to the Committee on Governmental Affairs.

EC–1244. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-82, enacted by the Council on June 28, 1995; to the Committee on Governmental Affairs.

EC–1245. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-83, enacted by the Council on June 28, 1995; to the Committee on Governmental Affairs.

EC–1246. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-85, enacted by the Council on July 6, 1995; to the Committee on Governmental Affairs.

EC–1247. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-88, enacted by the Council on July 6, 1995; to the Committee on Governmental Affairs.

EC–1248. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-89, enacted by the Council on June 6, 1995; to the Committee on Governmental Affairs.

EC–1249. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-90, enacted by the Council on July 6, 1995; to the Committee on Governmental Affairs.

EC–1250. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-91, enacted by the Council on July 6, 1995; to the Committee on Governmental Affairs.

EC–1251. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-92, enacted by the Council on July 10, 1995; to the Committee on Governmental Affairs.

EC–1252. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-93, enacted by the Council on July 10, 1995; to the Committee on Governmental Affairs.

EC–1253. A communication from the Chairman of the Council of the District of Columbia, transmitting, pursuant to law, copies of D.C. Act 11-94, enacted by the Council on July 13, 1995; to the Committee on Governmental Affairs.

EC–1254. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Fiscal Year 1993 Annual Report on Advisory Neighborhood Commissions"; to the Committee on Governmental Affairs.

EC–1255. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of the Agency Fund of the Office of the People's Counsel for Fiscal Year 1994"; to the Committee on Governmental Affairs.

EC–1256. A communication from the District of Columbia Auditor, transmitting, pursuant to law, a report entitled "Review of the Award and Administration of Parking Ticket Processing and Delinquent Ticket Collection Service Contracts"; to the Committee on Governmental Affairs.

EC–1257. A communication from the Director of the Federal Emergency Management Agency, transmitting, pursuant to law, the semiannual report of the Inspector General for the period October 1, 1994 through March 31, 1995; to the Committee on Governmental Affairs.

EC–1258. A communication from the Inspector General of the Department of Justice, transmitting, pursuant to law, a report relative to an audit of the Department's Private Counsel Debt Collection Program; to the Committee on Governmental Affairs.

EC–1259. A communication from the Comptroller General of the United States, transmitting, pursuant to law, a report relative to reports issued or released by the Justice Department in May of 1995; to the Committee on Governmental Affairs.

EC–1260. A communication from the Deputy and Acting Chief Executive Officer of the Resolution Trust Corporation, transmitting, pursuant to law, the Corporation's annual management report for calendar year 1994; to the Committee on Governmental Affairs.

EC–1261. A communication from the Secretary of the Treasury, transmitting, pursuant to law, the semiannual report of the Inspector General for the period ending March 31, 1995; to the Committee on Governmental Affairs.

EC–1262. A communication from the Director of the National Science Foundation, transmitting, a draft of proposed legislation to amend the Program Fraud Civil Remedies Act of 1986 to include the National Science Foundation; to the Committee on Governmental Affairs.

EC–1263. A communication from the Achivist of the United States, transmitting, pursuant to law, a report relative to the disposal of Federal records for fiscal year 1994; to the Committee on Governmental Affairs.

EC–1264. A communication from the Director of the Information Security Oversight Office, Office of Management and Budget, Executive Office of the President, transmitting, pursuant to law, the 1994 "Report for the President"; to the Committee on Governmental Affairs.

EC–1265. A communication from the General Counsel of the Department of the Treasury, transmitting, a draft of proposed legislation to reduce delinquencies and to improve debt-collection activities governmentwide, and for other purposes; to the Committee on Governmental Affairs.

EC–1266. A communication form the Managing Director of the Federal Housing Finance Board, transmitting, pursuant to law, the 1994 management reports of the 12 Federal Home Loan Banks and the Financing Corporation; to the Committee on Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mr. BRYAN (for himself and Mr. REID):

S. 1069. A bill for the relief of certain persons in Clark County, Nevada, who purchased land in good faith reliance on certain private land surveys, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HATCH:

S. 1070. A bill to amend chapter 30 of title 35, United States Code, to afford third parties an opportunity for greater participation in reexamination proceedings before the Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

By Mrs. HUTCHISON (for herself and Mr. BENNETT):

S. 1071. A bill to eliminate the National Foundation on the Arts and the Humanities, to establish a National Endowment for Arts, Humanities, and Museum Services, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. THURMOND:

S. 1072. A bill to redefine "extortion" for purposes of the Hobbs Act; to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH:

S. 1070. A bill to amend chapter 30 of title 35, United States Code, to afford third parties an opportunity for greater participation in reexamination proceedings before the Patent and Trademark Office, and for other purposes; to the Committee on the Judiciary.

THE PATENT REEXAMINATION REFORM ACT OF 1995

Mr. HATCH. Mr. President, I am pleased to introduce today the Patent Reexamination Reform Act of 1995. This legislation will significantly improve the patent reexamination process, making it an inexpensive and expeditious alternative to patent validity litigation. More importantly, this legislation will not unreasonably increase the cost, complexity, or duration of a reexamination proceeding, nor will it impose an unreasonable burden on the Patent and Trademark Office, who must ultimately process and reexamine the patents. Individual inventors and small businesses alike will benefit from this legislation because costly and time consuming litigation can now be avoided through the use of a more fair reexamination process.

There are five key elements of this proposed legislation. First, the legislation would simplify and shorten procedures governing initiation or reexamination proceedings. Second, the legislation would significantly increase the opportunity for a third party requester to meaningfully participate in a reexamination proceeding. Third, it would broaden the basis and scope of reexamination proceedings before the Patent and Trademark Office. Fourth, it would prevent the multiple requests for patent reexamination. Finally, it would provide a third party requester a right to appeal any decisions of the Patent and Trademark Office to the Court of Appeals for the Federal Circuit.

The patent reexamination process was originally designed to provide a low-cost administrative procedure to quickly resolve questions regarding the validity of a patent. Unfortunately, patent reexamination has become an unattractive vehicle for patent dispute resolution because of the strict limits imposed on third parties who seek reexamination. Many critics of our system argue the existing reexamination process offers only an illusory remedy for inventors because of the limits imposed on these third parties and similarly, the issues that can be considered in reexamination. Many third parties believe that requesting a reexamination actually impairs their later efforts to challenge a patent, preferring to take their cases directly to the courts.

The legislation I am introducing today will permit and encourage the meaningful participation by a third party in the reexamination process. In turn, this will make the reexamination system an attractive and cost-effective alternative to expensive patent litigation. Likewise, it will bring more fairness to the reexamination process by allowing a third party requestor the right to appeal any decision by the Patent and Trademark Office to the Court of Appeals for the Federal Circuit. However, to prevent a third party from unreasonably delaying the issuance of a patent by relitigating the same issues following the reexamination process, this bill prohibits a third party from relitigating patent validity concerns that were addressed, or from litigating issues that could have been addressed in the reexamination proceeding.

The legislation also expands the grounds for initiating and conducting a reexamination hearing. Current reexamination proceedings are limited to consideration of patent invalidity in view of existing patents and printed publications. This bill would give the Patent and Trademark Office greater authority to consider compliance of a patent with the existing disclosure and claim requirements.

There is widespread support in the patent community for this legislation and for our efforts to make patent reexamination a more efficient process. Many patent groups have voiced their support for the changes provided by this legislation. Those supporters of these reforms include: the American Intellectual Property Law Association [AIPLA], the Intellectual Property Owners [IPO], the National Association of Manufacturers [NAM], the Business Software Alliance, and the Software Publishers Association. There is also strong industry and bar support for these proposed changes.

Mr. President, my proposed legislation will benefit all patent owners, offering them an inexpensive alternative to lengthy and costly litigation. It will encourage fuller participation in the reexamination process by a third party. I urge my colleagues to support the Patent Reexamination Reform Act of 1995. I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1070

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Patent Reexamination Reform Act of 1995".

SEC. 2. DEFINITIONS.

Section 100 of title 35, United States Code, is amended by adding at the end the following new subsection:

"(e) The term 'third-party requester' means a person requesting reexamination under section 302 of this title who is not the patent owner.".

SEC. 3. REEXAMINATION PROCEDURES.

(a) REQUEST FOR REEXAMINATION.—Section 302 of title 35, United States Code, is amended to read as follows:

"§ 302. Request for reexamination

"Any person at any time may file a request for reexamination by the Office of a patent on the basis of any prior art cited under the provisions of section 301 of this title or on the basis of the requirements of section 112 of this title except for the best mode requirement. The request must be in writing and must be accompanied by payment of a reexamination fee established by the Commissioner of Patents and Trademarks pursuant to the provisions of section 41 of this title. The request must set forth the pertinency and manner of applying cited prior art to every claim for which reexamination is requested or the manner in which the patent specification or claims fail to comply with the requirements of section 112 of this title. Unless the requesting person is the owner of the patent, the Commissioner promptly will send a copy of the request to the owner of record of the patent.".

(b) DETERMINATION OF ISSUE BY COMMISSIONER.—Section 303 of title 35, United States Code, is amended to read as follows:

"§ 303. Determination of issue by Commissioner

"(a) Within 3 months following the filing of a request for reexamination under the provisions of section 302 of this title, the Commissioner shall determine whether a substantial new question of patentability affecting any claim of the patent concerned is raised by the request, with or without consideration of other patents or printed publications. On his own initiative, and any time, the Commissioner may determine whether a substantial new question of patentability is raised by patents and publications or by the failure of the patent specification or claims to comply with the requirements of section 112 of this title except for the best mode requirement.

"(b) A record of the Commissioner's determination under subsection (a) of this section will be placed in the official file of the patent, and a copy promptly will be given or mailed to the owner of record of the patent and to the third-party requester, if any.

"(c) A determination by the Commissioner pursuant to subsection (a) of this section will be final and nonappealable. Upon a determination that no substantial new question of patentability has been raised, the Commissioner may refund a portion of the reexamination fee required under section 302 of this title.".

(c) Reexamination Order by Commissioner.—Section 304 of title 35, United States Code, is amended to read as follows:

"§ 304. Reexamination order by Commissioner

"If, in a determination made under the provisions of section 303(a) of this title, the Commissioner finds that a substantial new question of patentability affecting any claim of a patent is raised, the determination will include an order for reexamination of the patent for resolution of the question. The order may be accompanied by the initial Office action on the merits of the reexamination conducted in accordance with section 305 of this title.".

(d) Conduct of Reexamination Proceedings.—Section 305 of title 35, United States Code, is amended to read as follows:

"§ 305. Conduct of reexamination proceedings

"(a) Subject to subsection (b) of this section, reexamination will be conducted according to the procedures established for initial examination under the provisions of sections 132 and 133 of this title. In any reexamination proceeding under this chapter, the patent owner will be permitted to propose any amendment to the patent and a new claim or claims thereto. No proposed amended or new claim enlarging the scope of the claims of the patent will be permitted in a reexamination proceeding under this chapter.

"(b)(1) This subsection shall apply to any reexamination proceeding in which the order for reexamination is based upon a request by a third-party requester.

"(2) With the exception of the reexamination request, any document filed by either the patent owner or the third-party requester shall be served on the other party.

"(3) If the patent owner files a response to any Office action on the merits, the third-party requester may once file written comments within a reasonable period not less than 1 month from the date of service of the patent owner's response. Written comments provided under this paragraph shall be limited to issues covered by the Office action or the patent owner's response.

"(c) Unless otherwise provided by the Commissioner for good cause, all reexamination proceedings under this section, including any appeal to the Board of Patent Appeals and Interferences, will be conducted with special dispatch within the Office.".

(e) Appeal.—Section 306 of title 35, United States Code, is amended to read as follows:

"§ 306. Appeal

"(a) The patent owner involved in a reexamination proceeding under this chapter may—

"(1) appeal under the provisions of section 134 of this title, and may appeal under the provisions of sections 141 to 144 of this title, with respect to any decision adverse to the patentability of any original or proposed amended or new claim of the patent, or

"(2) be a party to any appeal taken by a third-party requester pursuant to subsection (b) of this section.

"(b) A third-party requester may—

"(1) appeal under the provisions of section 134 of this title, and may appeal under the provisions of sections 141 to 144 of this title, with respect to any final decision favorable to the patentability of any original or proposed amended or new claim of the patent, or

"(2) be a party to any appeal taken by the patent owner, subject to subsection (c) of this section.

"(c) A third-party requester who, under the provisions of sections 141 to 144 of this title, files a notice of appeal or who participates as a party to an appeal by the patent owner is estopped from later asserting, in any forum, the invalidity of any claim determined to be patentable on appeal on any ground which the third-party requester raised or could have raised during the reexamination proceedings. A third-party requester is deemed not to have participated as a party to an appeal by the patent owner unless, within 20 days after the patent owner has filed notice of appeal, the third-party requester files notice with the Commissioner electing to participate.".

(f) Reexamination Prohibited.—(1) Chapter 30 of title 35, United States Code, is amended by adding the following section at the end thereof:

"§ 308. Reexamination prohibited

"(a) Notwithstanding any provision of this chapter, once an order for reexamination of a patent has been issued under section 304 of this title, neither the patent owner nor the third-party requester, if any, nor privies of either, may file a subsequent request for reexamination of the patent until a reexamination certificate is issued and published under section 307 of this title, unless authorized by the Commissioner.

"(b) Once a final decision has been entered against a party in a civil action arising in whole or in part under section 1338 of title 28 that the party has not sustained its burden of proving the invalidity of any patent claim in suit, then neither that party nor its privies may thereafter request reexamination of any such patent claim on the basis of issues which that party or its privies raised or could have raised in such civil action, and a reexamination requested by that party or its privies on the basis of such issues may not thereafter be maintained by the Office, notwithstanding any provision of this chapter.".

(2) The table of sections for chapter 30 of title 35, United States Code, is amended by adding the following at the end thereof:

"308. Reexamination prohibited.".

SEC. 4. CONFORMING AMENDMENTS.

(a) Board of Patent Appeals and Interferences.—The first sentence of section 7(b) of title 35, United States Code, is amended to read as follows: "The Board of Patent Appeals and Interferences shall, on written appeal of an applicant, or a patent owner or a third-party requester in a reexamination proceeding, review adverse decisions of examiners upon applications for patents and decisions of examiners in reexamination proceedings, and shall determine priority and patentability of invention in interferences declared under section 135(a) of this title.".

(b) Patent Fees; Patent and Trademark Search Systems.—Section 41(a)(7) of title 35, United States Code, is amended to read as follows:

"(7) On filing each petition for the revival of an unintentionally abandoned application for a patent, for the unintentionally delayed payment of the fee for issuing each patent, or for an unintentionally delayed response by the patent owner in a reexamination proceeding, $1,210 unless the petition is filed under sections 133 or 151 of this title, in which case the fee shall be $110.".

(c) Appeal to the Board of Patent Appeals and Interferences.—Section 134 of title 35, United States Code, is amended to read as follows:

"§ 134. Appeal to the Board of Patent Appeals and Interferences

"(a) An applicant for a patent, any of whose claims has been twice rejected, may appeal from the decision of the primary examiner to the Board of Patent Appeals and Interferences, having once paid the fee for such appeal.

"(b) A patent owner in a reexamination proceeding may appeal from the final rejection of any claim by the primary examiner to the Board of Patent Appeals and Interferences, having once paid the fee for such appeal.

"(c) A third-party requester may appeal to the Board of Patent Appeals and Interferences from the final decision of the primary examiner favorable to the patentability of any original or proposed amended or new claim of a patent, having once paid the fee for such appeal.".

(d) Appeal to Court of Appeals for the Federal Circuit.—Section 141 of title 35, United States Code, is amended by amending the first sentence to read as follows: "An applicant, a patent owner, or a third-party requester, dissatisfied with the final decision in an appeal to the Board of Patent Appeals and Interferences under section 134 of this title, may appeal the decision to the United States Court of Appeals for the Federal Circuit.".

(e) Proceedings on Appeal.—Section 143 of title 35, United States Code, is amended by amending the third sentence to read as follows: "In ex parte and reexamination cases, the Commissioner shall submit to the court in writing the grounds for the decision of the Patent and Trademark Office, addressing all the issues involved in the appeal.".

(f) Civil Action To Obtain Patent.—Section 145 of title 35, United States Code, is amended in the first sentence by inserting "(a)" after "section 134".

SEC. 5. EFFECTIVE DATE.

This Act shall take effect on the date that is 6 months after the date of the enactment of this Act and shall apply to all reexamination requests filed on or after that effective date.

By Mrs. HUTCHISON (for herself and Mr. Bennett):

S. 1071. A bill to eliminate the National Foundation on the Arts and the Humanities, to establish a National Endowment for Arts, Humanities, and Museum Services, and for other purposes; to the Committee on Labor and Human Resources.

THE NATIONAL ENDOWMENT RESTRUCTURING ACT OF 1995

Mrs. HUTCHISON. Mr. President, the bill that Senator ROBERT BENNETT and I are introducing today redefines the Federal role in providing assistance to the arts.

We believe there is an excellent case to be made for continued Federal arts and humanities funding. But past experience has shown clearly that the role of the Federal Government in artistic endeavor must be focused on more citizen involvement—and more common sense.

At the heart of this bill we have introduced is a belief that culture counts. Mr. President, the students on Tianamen Square in 1989 who created a statue of freedom in the likeness of our Statue of Liberty had no difficulty identifying the unifying themes of American culture.

We Americans, on the other hand, are immersed in—and sometimes overexposed to—its more contentious aspects. As a result, we sometimes see it less clearly. We debate whether we have a common culture and if so, what it is and who it represents.

Federal support for the arts is a case in point. Most federally supported arts projects promote mainstream excellence and the widest possible public enjoyment.

But by allocating tax dollars to a few outrageous and patently offensive projects that claimed to have cornered the market on American culture, the National Endowment for the Arts has managed to alienate legions of Americans—voters and policymakers alike. Its excesses have led many to conclude that Federal support for the arts should be terminated. That, I believe, would be an unfortunate policy, one that would dim the light of American culture to an even greater degree.

Committed as I am to a balanced Federal budget, I think that Federal funding for the arts and humanities should be continued as a national policy to preserve an American heritage—if we can return to our original purpose in creating these programs, and if we can ensure that no more Federal funds end up in the hands of those who are willfully offensive.

Our bill redirects Federal support for the arts, humanities and museum activities away from the self-indulgently obscene and the safely mediocre and toward the creation and support of community-based programs. By this I mean locally and regionally based theater, dance, opera, and museums.

To accomplish this we propose combining the National Endowment for the Arts, the National Endowment for the Humanities, and the Institute of Museum Services into one agency. This new joint endowment would devolve as much of its decisionmaking authority as possible to the States—and to the people whose tax dollars support it.

The new endowment would continue to make direct grants to support nationally significant endeavors in the arts and humanities. However, the bulk of public resources would go directly to the States to promote greater access to the arts in our schools and communities, to continue worthy public projects in the humanities, and to strengthen local museums.

The consolidation we propose would streamline the existing endowment apparatus. This new endowment would be headed by three deputy directors—one each for the arts, for the humanities and for museum services. The current 52-member advisory board would be replaced by a national council comprised of 18 members selected for their knowledge and achievements.

One of the primary objectives of this bill is to reduce the size of the existing endowment bureaucracy in Washington, and to return resources and decisionmaking responsibilities to cities, regional groups, and currently underserved areas.

Our bill provides that no more than 9 percent of appropriated funds go to administrative functions, and it defines two basic grant categories: 40 percent earmarked for grants of national significance and 60 percent allocated for grants to the States. A portion of the States' grants would be dedicated to strengthening primary and secondary education in the arts, humanities, and museum activities. We put special emphasis on communities which, for geographic or economic reasons, cannot otherwise sustain arts education programs.

Let me make this very clear: Our bill prohibits any money appropriated under this act from being used to fund projects which violate standards of common decency. Nor may any of these resources be used, directly or indirectly, for lobbying.

In our bill, we focus on accountability, on ensuring that allocations are cost-effective—and that they are made in a way that emphasizes merit and excellence.

The thrust of this bill is to conserve and showcase our State and National treasures, those great cultural institutions that are our legacy to our children—our world class museums, libraries, dance companies, orchestras, theater companies, and university presses. With the financial support of private donors, and of the States and the Federal Government, these intellectual and cultural power centers will have the potential to spin off a host of other creative activities that will enrich the lives of all of our people.

Our country will benefit, culturally, spiritually and economically, from appropriately delineated Federal support for the arts. Americans rightly demand an end to obscenity and outrage, but not withdrawal of all Government support for the cream of our culture.

There are those who argue that all cultures, and all levels of culture, are equal, and that there is no real American culture at all, but rather only an amalgam of diverse cultures.

But this deliberate balkanization of American culture ignores our singular heritage which has drawn from many sources to create a body of American arts and letters what is uniquely our own. E pluribus unum—out of many, one. It is a living tradition worth sustaining.

Mr. President, I believe that the bill we have presented today contains a formula for arts funding, and the encouragement of our native culture, that can regain the confidence and support of the American people.

By Mr. THURMOND:

S. 1072. A bill to redefine "extortion" for purposes of the Hobbs Act; to the Committee on the Judiciary.

FREEDOM FROM UNION VIOLENCE ACT OF 1995

Mr. THURMOND. Mr. President, today, I am introducing legislation to amend the Hobbs Anti-Racketeering Act to reverse the 1973 Supreme Court decision in United States versus Enmons, and to address a serious, long term, festering problem under our Nation's labor laws. The United States regulates labor relations on a national basis and our labor-management policies are national policies. These policies and regulations are enforced by laws such as the National Labor Relations Act that Congress designed to preempt comparable State laws.

Although labor violence is a widespread problem in labor management relations today, the Federal Government has not moved in a meaningful way to address this issue. I believe it is time for the Government to act and respond to what the Supreme Court did when it rendered its decision in the case of United States versus Enmons in 1973. It is this decision's unfortunate result which this bill is intended to rectify.

The Enmons decision involved the Hobbs Anti-Racketeering Act which is intended to prohibit extortion by labor unions. It provides that: "Whoever in any way * * * obstructs, delays, or affects commerce in the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires to do so or commits or threatens physical violence to any person or property * * *" commits a criminal act. This language is very clear. It outlaws extortion by labor unions. It outlaws violence by labor unions.

Although this language is very clear, the Supreme Court in Enmons created an exemption to the law which says that as long as a labor union commits extortion and violence in furtherance of legitimate collective bargaining objectives, no violation of the Act will be found. Simply put, the Court held that if the ends are correct, the means to that end, no matter how horrible or reprehensible, will not result in a violation of the Act.

The Enmons decision is wrong. This bill will make it clear that the Hobbs Act is intended to punish the actual or threatened use of force or violence to obtain property irrespective of the legitimacy of the extortionist's claim to such property and irrespective of the existence of a labor-management dispute.

Let me discuss the Enmons case.

In that case, the defendants were indicted for firing high-powered rifles at property, causing extensive damage to the property, owned by a utility company—all done in an effort to obtain higher wages and other benefits from the company for striking employees. The indictment was, however, dismissed by the district court on the theory that the Hobbs Act did not prohibit the use of violence in obtaining "legitimate" union objectives. On appeal, the Supreme Court affirmed.

The Supreme Court held that the Hobbs Act does not proscribe violence committed during a lawful strike for the purpose of achieving legitimate collective bargaining objectives, like higher wages. By its focus upon the motives and objectives of the property claimant, who uses violence or force to achieve his goals, the Enmons decision has had several unfortunate results. It has deprived the Federal Government of the ability to punish significant acts of extortionate violence when they occur in a labor-management context. Although other Federal statutes prohibit the use of specific devices or the use of channels of commerce in accomplishing the underlying act of extortionate violence, only the Hobbs Act proscribes a localized act of extortionate violence whose economic effect is to disrupt the channels of commerce. Other Federal statutes are not adequate to address the full effect of the Enmons decision.

The Enmons decision affords parties to labor-management disputes an exemption from the statute's broad proscription against violence which is not available to any other group in society. This bill would make it clear that the Hobbs Act punishes the actual or threatened use of force and violence which is calculated to obtain property without regard to whether the extortionist has a colorable claim to such property, and without regard to his status as a labor representative, businessman, or private citizen.

Mr. President, attempts to rectify the injustice of the Enmons decision have been before the Senate on several occasions. Shortly after the decision was handed down, a bill was introduced which was intended to repudiate the decision. Over the next several years, attempts were made to come up with language which was acceptable to organized labor and at the same time restored the original intent of the Hobbs Act.

In 1978, S. 1437, a bill which was substantially the same as the bill I am introducing today, passed the Senate; however, the bill died in the House. In the 100th Congress, I introduced S. 2036, a bill which is identical to this legislation, yet no substantial action was taken on the bill. It is time for the Senate to re-examine this issue and to restate its opposition to violence in labor disputes. Encouraged by their special exemption from prosecution for acts of violence committed in pursuit of "legitimate" union objectives, union officials who are corrupt routinely use terror tactics to achieve their goals.

From January 1975 to December 1993, the National Right to Work Committee has documented more than 7,800 reported cases of union violence. This chilling statistic gives clear testimony to the existence of a pervasive national problem.

Mr. President, violence has no place in our society, regardless of the setting. Our national labor policy has always been directed toward the peaceful resolution of labor disputes. It is ironic that the Hobbs Act, which was enacted in large part to accomplish this worthy goal, has been virtually emasculated. The time has come to change that. I think that my colleagues on both sides of the aisle share a common concern that violence in labor disputes, whatever the source, should be eliminated. Government has been unwilling to deal with this program for too long. It is time for this Congress to act.

I ask unanimous consent that the full text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Freedom From Union Violence Act of 1995".

SEC. 2. DEFINITION OF EXTORTION UNDER HOBBS ACT.

Paragraph (2) of section 1951(b) of title 18, United States Code, (commonly known as the "Hobbs Act") is amended to read as follows:

"(2)(A) The term 'extortion' means the obtaining of property of another—

"(i) by threatening or placing another person in fear that any person will be subjected to bodily injury or kidnapping or that any property will be damaged; or

"(ii) under color of official right.

"(B) In a prosecution under subparagraph (A)(i) in which the threat or fear is based on conduct by an agent or member of a labor organization consisting of an act of bodily injury to a person or damage to property, the pendence, at the time of such conduct, of a labor dispute (as defined in section 2(9) of the National Labor Relations Act (29 U.S.C. 152(9))) the outcome of which could result in the obtaining of employment benefits by the actor, does not constitute prima facie evidence that property was obtained 'by' such conduct.".

ADDITIONAL COSPONSORS

S. 47

At the request of Mr. SARBANES, the name of the Senator from Nevada [Mr. BRYAN] was added as a cosponsor of S. 47, a bill to amend certain provisions of title 5, United States Code, in order to ensure equality between Federal firefighters and other employees in the civil service and other public sector firefighters, and for other purposes.

S. 258

At the request of Mr. PRYOR, the name of the Senator from Indiana [Mr. LUGAR] was added as a cosponsor of S. 258, a bill to amend the Internal Revenue Code of 1986 to provide additional safeguards to protect taxpayer rights.

S. 545

At the request of Mr. BUMPERS, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from Illinois [Mr. SIMON] were added as a cosponsors of S. 545, a bill to authorize collection of certain State and local taxes with respect to the sale, delivery, and use of tangible personal property.

S. 770

At the request of Mr. DOLE, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 892

At the request of Mr. GRASSLEY, the name of the Senator from South Carolina [Mr. THURMOND] was added as a cosponsor of S. 892, a bill to amend section 1464 of title 18, United States Code, to punish transmission by computer of indecent material to minors.

S. 1006

At the request of Mr. PRYOR, the name of the Senator from Iowa [Mr. HARKIN] was added as a cosponsor of S. 1006, a bill to amend the Internal Revenue Code of 1986 to simplify the pension laws, and for other purposes.

SENATE RESOLUTION 146

At the request of Mr. JOHNSTON, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of Senate Resolution 146, a resolution designating the week beginning November 19, 1995, and the week beginning on November 24, 1996, as "National Family Week," and for other purposes.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the names of the Senator from Rhode Island [Mr. PELL] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as "National Historically Black Colleges and Universities Week," and for other purposes.

AMENDMENTS SUBMITTED

THE LOBBYING DISCLOSURE ACT OF 1995

LAUTENBERG (AND FEINGOLD) AMENDMENT NO. 1846

Mr. LAUTENBERG (for himself and Mr. FEINGOLD) proposed an amendment to the bill (S. 1060) to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes; as follows:

At the appropriate place in the bill, insert the following:

SEC. . SENSE OF THE SENATE THAT LOBBYING EXPENSES SHOULD REMAIN NON-DEDUCTIBLE.

(A) FINDINGS.—The Senate finds that ordinary Americans generally are not allowed to deduct the costs of communicating with their elected representatives.

(B) SENSE OF THE SENATE.—It is the sense of the Senate that lobbying expenses should not be tax deductible.

LEVIN (AND McCONNELL) AMENDMENT NO. 1847

Mr. LEVIN (for himself and Mr. McCONNELL) proposed an amendment to the bill, S. 1060, supra; as follows:

At the page 57 of the bill, at line 13, strike "required to account for lobbying expenditures and does account for lobbying expenditures pursuant" and insert: "subject".

At the appropriate place in the bill, insert the following:

SEC. . DISCLOSURE OF THE VALUE OF ASSETS UNDER THE ETHICS IN GOVERNMENT ACT OF 1978.

(a) INCOME.—Section 102(a)(1)(B) of the Ethics in Government Act of 1978 is amended—

(1) in clause (vii) by striking "or"; and

(2) by striking clause (viii) and inserting the following:

"(viii) greater than $1,000,000 but not more than $5,000,000, or

"(ix) greater than $5,000,000.".

(b) ASSETS AND LIABILITIES.—Section 102(b)(1) of the Ethics in Government Act of 1978 is amended—

(1) in subparagraph (F) by striking "and"; and

(2) by striking subparagraph (G) and inserting the following:

"(G) greater than $1,000,000 but not more than $5,000,000;

"(H) greater than $5,000,000 but not more than $25,000,000;

"(I) greater than $25,000,000 but not more than $50,000,000; and

"(J) greater than $5,000,000.".

(c) EXCEPTION.—Section 102(e)(1) of the Ethics in Government Act of 1978 is amended by adding after subparagraph (R) the following:

"(F) For purposes of this section, categories with amounts of values greater than $1,000,000 set forth in section 102(a)(1)(B) and 102(d)(1) shall apply to the income, assets, or liabilities of spouses and dependent children only if the income, assets, or liabilities are held jointly with the reporting individual. All other income, assets, or liabilities of the spouse or dependent children required to be reported under this section in an amount or value greater than $1,000,000 shall be categorized only as an amount or value greater than $1,000,000.".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Tuesday, July 25, 1995, beginning at 9:30 a.m. in room SD–215, to conduct a hearing on New Directions in Medicare.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. McCONNELL. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, July 25 at 2:30 p.m. for a hearing on S. 929, the Department of Commerce Dismantling Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Tuesday, July 25, 1995, beginning at 9:30 a.m., in G–50 of the Dirksen Senate Office Building on S. 487, a bill to amend the Indian Gaming Regulatory Act, and for other purposes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a hearing on Employer Group Purchasing Reform Act of 1995, during the session of the Senate on Tuesday, July 25, 1995, at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EAST ASIAN AND PACIFIC AFFAIRS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on East Asian and Pacific Affairs of the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, July 25, 1995, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FORESTS AND PUBLIC LAND MANAGEMENT

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Forests and Public Land Management of the Committee on Energy and Natural Resources be granted permission to meet during the session of the Senate on Tuesday, July 25, 1995, for purposes of conducting a Subcommittee hearing which is scheduled to begin at 9:30 a.m. The purpose of this hearing is to receive testimony on S. 45, Helium Reform and Deficit Reduction Act of 1995; S. 738, Helium Act of 1995; and S. 898, Helium Disposal Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT AND THE DISTRICT OF COLUMBIA

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management and the District of Columbia be authorized to meet during the session of the Senate on Tuesday, July 25, 1995, at 9:30 a.m., to hold a hearing on S. 946, the Information Technology Management Reform Act of 1995.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

THE STATE VISIT OF SOUTH KOREAN PRESIDENT KIM YOUNG-SAM

• Mr. THOMAS. Mr. President, as the chairman of the Senate Subcommittee on East Asian and Pacific Affairs, I would like to call my colleagues' attention today to three important milestones in our relationship with the people of Korea which we will commemorate this week: The 45th anniversary of the end of the Korean war, the dedication of the Korean War Veterans Memorial, and the state visit of the Republic of Korea's first democratically elected President in 32 years, Kim Young-sam.

Forty-five years ago this June, the North Korean military—with the backing of Chinese troops and funding and materiel from the former Soviet Union—surged south across the 38th parallel in a headlong rush towards the Korea Strait. More than 33,000 Americans lost their lives, and over 103,000 were wounded, pushing back the surge of communism and making at least the southern half of the peninsula safe for democracy. It was a tremendous loss of lives and resources, but as is inscribed on the new Korean Veterans War Memorial: "Freedom Is Not Free." Today, some 45 million Koreans live free and prosperous as a result of the dedication and sacrifice of our valient fighting men..

In my mind, there is no clearer or more illustrative example in the world of the stark differences between communism and democracy than North and South Korea. South Korea is a powerful and vibrant player on the world stage. South Korea has the 11th largest economy in the world, with a growth last year of around 8 percent. Just after the war, yearly per capita income in Korea was around $82; today it is just over $10,000. Perhaps more importantly from our point of view, the ROK has grown to be our eighth largest trading partner, and our fourth largest market for agricultural products. Unlike most countries in Asia, South

Korea actually runs a trade deficit, not a surplus, with the United States. On the political front, despite the ever-present threat from the North and an occasional step backward, the ROK has steadily marched toward true democracy. After decades of military rule, President Kim represents the first civilian elected government since 1962, and the country recently concluded the first round of local elections since 1960. All these developments are due solely to the hard work, sacrifice, and dedication of the South Korean people.

In contrast Mr. President, North Korea, the "Showcase of Communism" is a morally and economically bankrupt dictatorship teetering on the brink of implosion. Where South Korea is governed by elected leaders, the North is ruled from beyond the grave by the lingering personality cult of a leader who died over 1 year ago. While filling the airwaves with announcements of the triumph of the Communist juche ideal in leading their economy into self-sufficiency, the North is forced to import vast quantities of rice from the South and Japan to stave off widespread famine—requiring that the rice be shipped in unmarked bags aboard ships that do not fly their foreign flags from the stern so as to hide the truth from its own people. Instead of taking a responsible place in the brotherhood of nations, the North continually allies itself with the forces of subversion and terrorism. Rather than diplomacy it prefers violence; who can forget the North's assassination attack on the Presidential Residence is Seoul in 1962, its murder of much of the South Korean Cabinet in a 1983 bombing attack in Burma, its destruction of a civilian airliner with all aboard in 1987, or the countless tunnels the North has dug under the DMZ to prepare the way for an invasion of the South.

Mr. President, the difference is like day and night, and it is a difference that thousands and thousands of South Korean and United States soldiers fought and died to protect more than 40 years ago. This is why I believe that it is so important to commemorate the 45 years of alliance between the United States and the Republic of Korea. President Kim's visit here this week gives us a chance to honor those who fought and died in Korea, to celebrate the historic partnership they forged, and to recognize the ROK's tremendous achievements and growth as a democracy since 1950. It also affords us the opportunity to honor President Kim himself. President Kim is dedicated to the ideals we fought to protect; in 1993, he received the W. Averell Harriman Democracy Award and the 1994 Martin Luther King, Jr. Nonviolent Peace Prize in recognition of his work.

The ROK has made tremendous progress over the past 45 years and has accelerated its pace under the leadership of President Kim. But there are still some areas in which it needs to take concrete and important steps before it can be considered to have arrived at true democracy: for example increasing media freedom, and phasing out of some of the draconian legal vestiges of military rule such as the Labor Dispute Adjustment Act, the Trade Union Act, and the National Security. Nevertheless, I know without a doubt the Republic of Korea will arrive. It will take hard work and dedication, but no more than that which the Korean people have already shown themselves capable.

Mr. President, the challenges we face in the future—the changes in the world economy, the continued threat of an unstable North Korea—will require the same cooperative spirit we have shared over the last 45 years. And I am sure that this week, as we dedicate the Korean War Veterans Memorial, there will be born a renewed sense of friendship and alliance between us and the ROK that will stand us both in good stead into the 21st century.•

C. VIVIAN STRINGER

• Mr. HARKIN. Mr. President, like many of my fellow Iowans, I was saddened to learn that one of our most distinguished citizens will be leaving the Hawkeye State.

Last week, C. Vivian Stringer, the head coach of the women's basketball team at the University of Iowa announced that she will be leaving that post to take over as the women's basketball head coach at Rutgers University. We will miss her and wish her well.

Vivian's accomplishments at Iowa have been remarkable, to say the very least, and are worthy of our recognition.

Vivian came to the University of Iowa in 1983, taking over a struggling women's basketball program. Prior to her arrival, the team's record was a disappointing 88–139. Further, no players had ever been named to the all Big Ten or academic all Big Ten teams in the history of the school.

To make things worse, attendance at the women's basketball games was extremely poor, as the average attendance at Iowa home games was a mere 380 fans. The Hawkeyes had only made one national postseason tournament appearance in school history, and the program showed few signs of life.

This all changed when Vivian became the head coach, and in 12 years, she would make a substantial impact not only on Iowa's athletic program, but on women's athletics nationally.

As Vivian leaves the university and the State of Iowa behind, she leaves a legacy that will live on in the hearts of many, as well as in the record books. Vivian built the Hawkeyes into a national powerhouse, lifting the team's overall record to 357–223, and taking them to 10 national postseason tournament appearances.

Eight Hawkeye players have been named to the all Big Ten team, and seven have been named academic all Big Ten during Vivian's time at Iowa. By guiding her team to wins in 148 of 173 regular season home games, attendance has risen to an average of 6,147 fans for each game.

Iowans will always remember her for leading her team to the NCAA Final Four in 1992–93 for the first time in school history, just months after losing her husband, Bill Stringer, to a heart attack. Her triumphs that year were not just on the basketball court, but they were triumphs of the human spirit.

Vivian has meant a lot to women's athletics in general. She has brought her successes at Iowa to a national level, and garnered much respect for women athletes and coaches. In the world of college athletics, women have too often taken a backseat to men's athletics, and clearly do not receive the level of support that men's athletics does. Vivian has done much to raise women's athletics to a higher level, and indeed, she has enjoyed much success.

As sorry as the State of Iowa is to see her go, the step she is taking is a giant step forward for women's athletics, as well as an important step forward for Vivian and her family.

Vivian Stringer is truly a remarkable woman. She has triumphed in the face of tragedy, and has made a lasting impression on the people of Iowa, and on women's athletics. She accomplished the goals she set at Iowa, namely filling Carver-Hawkeye Arena, and taking the Hawkeyes to a Final Four. She successfully put Iowa women's basketball on the national map. She will be missed.•

INVENT AMERICA

• Mr. WARNER. Mr. President, America's hope and America's future lies with America's children—the leaders of tomorrow. Our young people embody the spirit of the Nation's can-do philosophy. That is why I am pleased today to honor "Invent America!", an outstanding nonprofit education program and invention competition which encourages young Americans to be creative and innovative.

"Invent America!" has touched the lives of millions of students from kindergarten through eighth grade, providing schools with the tools they need to teach problem-solving skills and strong values, all through the art of invention. Now funded solely by the private sector, the program provides an exciting opportunity for young Americans to become young entrepreneurs. It encourages those children to expand the horizons of their knowledge and to dare to achieve.

Now celebrating its 10th year of "bringing bright ideas out of young minds," the program's successes are numerous. The National "Think Link," a brainchild of "Invent America!", offered 50,000 teachers across our country simultaneous training via satellite (at no cost) on how best to use the program in the classroom. A 12-year old winner in the program rode an "Invent America!" float in the Rose Bowl Parade in recognition of her award-winning invention to recycle cardboard. A young man who created a biodegradable golf tee that also fertilizes started a brand new business. In fact, several of the new ideas discovered through the program are now creating new jobs and new industries in America.

This year, one of the national winners, Kristopher Howard, from Tennessee, has been invited to testify before the subcommittee on Disability Policy. He invented the "Handi-Cuff," a special device which aids the disabled.

Designed and administered by the nonprofit United States Patent Model Foundation, headquartered in Alexandria, VA, "Invent America!" is funded in part by the Chrysler Corp., Magna International, Motorola Corp., Black & Decker and Xerox Corp. Those corporate sponsors are hosting competition finalists at a special celebration here in the Nation's Capital. The highlight of that celebration takes place tonight: the "Invention-Reinvention" event at the Smithsonian's Arts and Industries Museum, hosted by the Chrysler Corp. The ten best student inventors in America will be honored, and their inventions exhibited.

Mr. President, I am delighted to pay tribute to perhaps our Nation's most treasured vision: the future of America as seen through a child's eyes.•

TRIBUTE TO JIM FINNEGAN, EDITORIAL PAGE EDITOR

• Mr. SMITH. Mr. President, I rise today to pay tribute to a friend and New Hampshire institution—Jim Finnegan. Jim is retiring this week as the editorial editor of the Union Leader newspaper in Manchester, NH.

Before moving to New Hampshire to begin writing editorials for the Union Leader 38 years ago, Jim was involved in talk radio in Pennsylvania where his populist, conservative principles, and commitment to his causes cost him his job. But he found a home at the Union Leader. Late publisher William Loeb and Jim were a perfect match—both unwavering, bedrock conservatives who used their pens to promote the ideals and traditions that reflect New Hampshire values. Bill Loeb's wife, Nackey, took over the helm after Bill passed away and, of course, she and Jim have the same relationship of mutual admiration and respect.

Jim was born 65 years ago in Philadelphia. He attended the Milton Hershey School for boys where the Dickensian regimen instilled strict discipline and high moral standards in the young Jim. That discipline and commitment to excellence is behind the nearly 40,000 editorials Jim has written over the years.

Jim's editorials have elicited strong responses from Union Leader readers during his nearly four decade tenure at the paper. The Union Leader has the most extensive "Letters to the Editor" section in the State, largely due to citizens reacting to Jim's outspoken opinions.

Jim's editorials have received national awards and helped the paper remain in the American political spotlight. He is a leader in the national conservative movement, dedicated to preserving the right-to-life, and a fan of opera and boxing. His love of boxing has helped Jim "take the gloves off" when writing his opinions on the editorial pages of New Hampshire's largest newspaper.

Jim's editorials have run the gamut from heaping praise to fearless criticism. However, he has never used party or personality as a criteria for criticism. His editorials have always been non-partisan, non-personal, and issue-oriented. He has used his pen to promote the issues in which he profoundly believes—faith, justice, good government, individual liberty, and freedom.

Victims and beneficiaries of his words agree on one thing: Jim Finnegan is a man of integrity, wisdom, wit, and principle.

On Tuesday August 1, 1995, Jim Finnegan will celebrate his 65th birthday and his final day as Editorial Editor of the Union Leader newspaper. I would like to join his family, friends, and colleagues in wishing him the happiness he so richly deserves. He will be missed by all of us who read the unique and thought-provoking editorial pages of the Union Leader.•

THE V-CHIP

• Mr. SIMON. Mr. President, today, I would like to share with my colleagues a Chicago Tribune editorial which makes a compelling argument against the Senate's V-chip proposal. I urge all of my colleagues to review it.

I ask that the full text of the article be printed at this point in the RECORD.

The article follows:

[From the Chicago Tribune, July 14, 1995]

POWER TO THE PARENTS ON TV VIOLENCE

The good news on the TV violence front is that a national consensus seems to have developed that something must be done to control the messages and images reaching American children.

The bad news is that some of the methods Congress is considering to achieve that control would do violence to the constitutional right to free expression—and that is intolerable.

There is, however, a way that promises effective control and respects the Constitution. But it will require restraint by Congress, cooperation by the TV industry and—indispensably—determination by parents to actively monitor their children's viewing.

The Senate this week held hearings on a proposal by Sen. Ernest Hollings (D-S.C.) to regulate the hours at which programs deemed unacceptable for children could be broadcast.

This plan, though well-intentioned, is objectionable on two accounts. Not only does it involve the government in evaluating the acceptability of ideas—the very thing the 1st Amendment was created to prevent—but it also lets the government decide when those ideas may be expressed. Good intentions cannot dispel the odor of censorship emitted by this proposal.

Another idea, already incorporated in the Senate's comprehensive telecommunications legislation, is for the so-called V-chip. This is an electronic device that would be built into TV sets and would react to a broadcast signal or tag, blocking reception of programs identified as too violent or otherwise objectionable.

Sen. Kent Conrad (D-N.D.), sponsor of the V-chip proposal, would require manufacturers to begin installing such chips in new TV sets and would order the broadcasting industry to "voluntarily" develop a system for rating their programs for excessive violence and other objectionable content. If the industry didn't comply within a year, then a government panel would be empowered to create the ratings, which broadcasters would be required to use in tagging their programs to work with the interactive chip.

The 1st Amendment hazard in Conrad's measure ought to be obvious. There can be no truly voluntary rating system under the sort of duress that this legislation implies. What's more, for the government to require broadcasters to label their programs as too violent or too salacious is intolerable interference with the right to free expression.

New television sets ought to come with blocking devices; Congress ought to require them if manufacturers do not voluntarily include them.

But decisions as to what to block ought to remain in the hands of parents, finding their guidance wherever they choose. There is no shortage of groups—religious, artistic, others—offering views on what is worthy children's TV fare. Let them provide the information and give power to the parents.•

HONORING FRANK GAYLORD

• Mr. ROCKEFELLER. Mr. President, I rise today to honor Frank Gaylord, the sculptor of the Korean War Veterans Memorial which will be formally dedicated and unveiled this Thursday, July 27. It will be located adjacent to the Lincoln Memorial and commemorate 5.7 million Americans who often feel forgotten. These men and women fought valiantly to defend Korea from Communist forces during the Korean War which lasted from 1950–1953.

This memorial will surely be Frank Gaylord's masterpiece and gain enormous acclaim. The acclaim, however, is not what Gaylord, a Clarksburg, WV native, seeks. He sculpted this memorial because he is truly a patriot. A World War II veteran himself, he knows about the joy, agony, and countless other emotions soldiers feel every day.

I, like many of my colleagues, can only imagine what it would be like to be a soldier in a heated war. Gaylord knows these emotions, and coupled with his artistic talent, has used them to create a moving memorial which will do much to make Korean War veterans more remembered and less forgotten.

The memorial has three parts. The first part consists of 19 soldiers which Gaylord sculpted, who represent the Army, Navy, Air Force, and Marines. Since the Korean war was the first time U.S. Armed Forces combat units were fully integrated, the statues are ethnically diverse and remind us of our own Nation's strengths. The second part of the memorial is an enormous granite mural which has the faces of over 2,400 support personnel etched into it. The third part is a pool of remembrance which pays homage to all of the soldiers who were killed, captured, or wounded. Also, along the side of the entrance to the memorial is a slab of smoothed granite which recognizes each of the 22 nations which fought Communist aggression in Korea more than 40 years ago.

In 1950, the United States sent troops to Korea to defend South Korea. Three years later, on July 27, 1953, they emerged victorious. The Korean war veterans who fought are rarely mentioned along side those from other wars, such as World War II and Viet Nam. Many who did not serve in Korea or have family who served there either do not know much about the war or do not remember it. However, thanks to the dedicated work, time, and talents of Frank Gaylord and other U.S. veterans, this memorial will generate a lasting image of the bravery and honor of Korean war veterans. No longer shall the courageous men and women of the Korean war feel forgotten. Their sacrifices are now officially recognized as this week we dedicate this incredibly impressive Korean War Veterans Memorial.•

DUAL EDUCATION TEACHES STUDENTS TO WORK

• Mr. SIMON. Mr. President, I was proud to be the chief Senate sponsor of the School-to-Work Opportunities Act, signed into law by President Clinton in April 1994. The act provides venture capital for the coordination, integration, merger, streamlining, and performance-based accountability of education and vocational programs. The Department of Labor estimates that 116,351 students, 41,772 employers, and 2,730 schools are involved in state and local school-to-work ventures.

Recently, I came across an insightful article by Hedrick Smith on why school to work is so important to the education of our young people and the economic competitiveness of our Nation. I ask that the article be printed in the RECORD.

The article follows:

[From the St. Louis Post Dispatch, July 14, 1995]

DUAL EDUCATION TEACHES STUDENTS TO WORK

(By Hedrick Smith)

With corporate profits and stock prices soaring, Wall Street has a lot to cheer about. The World Economic Forum of Switzerland now rates the United States as the world's most competitive economy.

But the Forum mixed praise with the warning that America would lose its No. 1 status unless it develops better education for its high school students.

Thoughtful business leaders echo the concern about the high cost of America's educational shortfall. Lou Gerstner, chief executive of IBM, says corporate America spends $30 billion a year on remedial education for new workers.

Gerstner says American businesses lose another $30 billion each year, unable to upgrade their operations and products "because their employees can't learn the necessary skills."

"We can't squander $60 billion and remain competitive," Gerstner declares.

America is justifiably proud of its college-level education and its college-prep track. But high economic performance also requires a world-class education for our average teenagers.

Seventy percent of the jobs in the American economy do not require a bachelor's degree, and 70 percent of America's young people do not complete four years of college.

They are the backbone of our future work force.

Industry and the service sector needs hundreds of thousands of paralegals, radiologists, engineering technicians, graphic illustrators, medical technicians and research workers, plus a more flexible, computer-literate generation for banking, insurance and other service industries.

But America lacks a nationwide educational strategy to meet the mushrooming needs of modern industry. The most innovative businesses, educators and communities have discovered that one solution lies in rethinking education and forging a close partnership between business and high schools.

Some innovators have found a model in Germany. Two-thirds of Germany's teenagers take "dual education," which combines classroom learning with half-time training on the job.

This is not mere vocational training in a school shop class with outmoded technology. German teenagers are trained right in the modern workplace—the factory, bank, hospital, newspaper, insurance company and electronics giant. Business involvement drives classroom educational standards higher.

In 400 career fields, German businesses and public schools deliver a world-class education: physics classes that help future auto workers understand electronics and computer-run automation; economics and finance classes that match the needs of modern banking; chemistry classes that prepare young printers to design and print complex illustrations on many surfaces.

Several American states and cities have adapted the German model.

In 1991, Wisconsin began a dual-education, apprenticeship-style program for high school students in its high-tech printing industry. So successful was the program that it moved into banking, insurance, health care, electronics, engineering, tourism, auto technology and manufacturing. From two communities in 1991, Wisconsin's youth apprenticeship program has spread to 200 businesses training 450 students from 85 high schools across the state.

Pennsylvania, Maine, Arkansas, Maryland and upstate New York have begun similar programs. In Boston, hospitals and the financial industry are working with inner-city high schools. In Tulsa, Okla., the lead has been taken by the Chamber of Commerce and the machine-tool industry.

These programs are generating great enthusiasm among businesses, parents, teachers and students. The results are dramatic: Student motivation and performance have soared.

So a business-education partnership is taking root, but it is slow going. The gulf between business and education is still vast. They speak different languages and go their separate ways.

Rethinking America's educational strategy requires overcoming suspicions, accepting joint responsibility and sitting down together to find the common ground.

Business and education have to rewrite school courses, train industry mentors, retrain teachers and devise industrial and educational standards that meet the test of global competition.

German industry spends about $15 billion a year on dual education. To match that commitment, American industry would have to spend $60 billion a year.

Impossible, you say?

But remember, Gerstner says that American industry is already spending or losing $60 billion because of our educational shortfall. So why not spend the money upfront on a world-class, dual-education system?

In 1993, Congress passed the School-to-Work Act, authorizing $250 million a year in seed money for seven years to develop this new strategy for high school education.

States had to compete for federal "venture capital" to help them gear up for this new approach.

In 1994, grants went to eight leading-edge states and 36 local areas. More are lined up this year—that is, unless Congress kills this wise investment in America's future.

That would shortchange both our economy and the next generation.•

HONORING BRUCE A. PERCELAY

• Mr. KERRY. Mr. President, Bruce Percelay celebrated his 40th birthday yesterday, and I ask my colleagues to join me in extending him our deepest congratulations and our sincere best wishes for the future.

Mr. President, Bruce Percelay is a special person. He is a man who has made a difference to Massachusetts. He is one of those rare individuals who has enjoyed personal success, but takes time to give something back. He is one of the most respected and appreciated civic leaders of greater Boston, and his charitable works are of enormous consequence to our community.

Some in my State know Bruce Percelay because of his dedication and hard work to his profession. He is a recognized expert in real estate investment, renovation, and marketing, and, in fact, has written a book based on his real estate experience which made the list of Boston's top selling business books. He has appeared on television and has been quoted in magazines and newspapers around the country for his wit and wisdom.

But, others know Bruce Percelay for something perhaps more important. They know him for the work he has done to give young people a chance. They know him for what he has done to make a difference in the lives of people, and in the life of our community.

As President of the Boston chapter of the Make-A-Wish Foundation, Bruce has, through his creativity and hard work, made sure that the Foundation is strong enough to survive for years to come. He has increased the Foundation's financial reserves by 400 percent, and found it a permanent home in a new, prime, downtown office location.

He has overseen the development of a permanent charter and a 5-year strategic plan, expanded the board of directors, improved the quality of the foundation's special events and was successful in recruiting another well-known Massachusetts native to serve as chairperson, Carly Simon.

Mr. President, Bruce Percelay is a very special human being who cares deeply for his community and for people who need a helping hand. Let me tell Bruce's greatest achievement as president of Make-A-Wish, and a touching story that has affected all of us in Massachusetts. Bruce was single-handedly responsible for granting the largest of all wishes ever granted by Make-A-Wish worldwide.

He arranged, Mr. President, for a family with two terminally ill children and no father to own their own home without a mortgage. The children have since died, and the mother is raising her two remaining children in the home.

Bruce worked and worked and worked to grant the wish of the oldest child for his mother to have a place to live after he died; and he made it happen.

Because of Bruce Percelay, Mr. President, the Boston chapter of Make-A-Wish is one of the fastest growing of the 80 chapters in the United States. And I would ask my colleagues to join me in recognizing the extraordinary contribution Bruce has made to Make-A-Wish, but that's not all he has done.

A program near and dear to my heart, as you well know, Mr. President, has also benefitted from the community spirit of Bruce Percelay. Because of his efforts YouthBuild Boston is an extraordinarily successful inner-city youth development program that has helped hundreds of at-risk kids become self-sufficient through education and personal character development.

Bruce first became involved with YouthBuild in February, 1993, just about 2½ years ago. Since then Bruce has been the driving force behind a critical fund-raising component that may ultimately provide 50 percent of YouthBuild's financial support reducing its dependence on Federal funding-though successful and proven programs like YouthBuild should never lose the support of this Congress.

What Bruce did was not easy, and, in fact, it was it was an innovative and persuasive approach that assured community participation and a partnership for success.

Through his persistence and his perseverance he brought YouthBuild together with Boston's banking community and established a board of advisors who agreed to become sponsors of the organization, and together they have raised $500,000 to buy and renovate a site that will be YouthBuild's permanent home.

Because of Bruce's hands-on participation and commitment, a recent event for YouthBuild at the Kennedy Library in Boston had an unprecedented turnout of over 500 business people to launch this major fund-raising effort.

Mr. President, Bruce Percelay knows what citizenship means. He values service and has a commitment to creating the kind of partnerships necessary to make community programs succeed and grow. He is a worker, a giver, a doer, and, perhaps, a little bit of a dreamer who has helped to rekindle the flame of hope and restore the spirit of community in each of us in Massachusetts.

His good-will and good deeds should be an example for all of us, in every state, in every community who believe in giving something back and trying to make a difference in the lives of those who need a hand.

Mr. President, on this, his 40th birthday, I think it is fitting for the United States Senate to recognize, congratulate, and honor Bruce Percelay, and to wish him continued personal success, good health, and many, many more years in which to enjoy them.●

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. If there is no morning business, morning business is closed.

RECESS UNTIL 8:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 8:30 a.m., Wednesday, July 26.

Thereupon, the Senate, at 10:05 p.m., recessed until Wednesday, July 26, 1995, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate July 25, 1995:

THE JUDICIARY

MICHAEL R. MURPHY, OF UTAH, TO BE U.S. CIRCUIT JUDGE FOR THE TENTH CIRCUIT, VICE MONROE G. MCKAY, RETIRED.

DEPARTMENT OF THE INTERIOR

PAUL M. HOMAN, OF THE DISTRICT OF COLUMBIA, TO BE SPECIAL TRUSTEE, OFFICE OF SPECIAL TRUSTEE FOR AMERICAN INDIANS, DEPARTMENT OF THE INTERIOR. (NEW POSITION)

HOUSE OF REPRESENTATIVES—*Tuesday, July 25, 1995*

The House met at 9 a.m. and was called to order by the Speaker pro tempore [Mr. SHAW].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 25, 1995.

I hereby designate the Honorable CLAY SHAW to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING BUSINESS

The SPEAKER pro tempore. Pursuant to the order of the House of May 12, 1995, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates.

The Chair will alternate recognition between the parties with each party limited to 25 minutes and each Member other than the majority and minority leaders limited to 5 minutes, but in no event shall the debate continue beyond 9:50 a.m.

The Chair recognizes the gentlewoman from New York [Ms. SLAUGHTER] for 5 minutes.

HARDSHIPS FOR MEDICARE RECIPIENTS

Ms. SLAUGHTER. Mr. Speaker, this week we celebrate the 30th anniversary of the enactment of Medicare, the only program that provides universal health coverage to virtually every elder American. Unfortunately, today Medicare is in big trouble. Much of the trouble stems from the majority plan to cut coverage and raise fees, not to shore up Medicare, but simply to provide tax cuts for large corporations and wealthy individuals.

The $270 billion in Medicare cuts proposed by the majority means that the average Medicare beneficiary will be liable for an additional $3,400 in out-of-pocket health care expenses. Total out-of-pocket costs would add up to about $29,000 over the 7 years of the budget plan.

I do not know how many seniors back in my hometown of Rochester can afford that level of cost increase. I do know that it will be a hardship for those on a fixed income. This morning I want to bring particular attention to the hardship that the cuts will bring to older women who make up the majority of Medicare recipients. They are the ones who can least afford to bear the brunt of Medicare cost hikes to subsidize tax cuts for the rich.

Elderly poverty is already more prevalent among older women. Only 13 percent of women age 65 or older actually receive a private pension, and even with Social Security, one-quarter of all older women are living near or below the poverty level.

The typical older woman, age 75 or older, has an annual income of $9,170. Where will she find an additional $3,400 over the next 7 years to cover higher Medicare premiums, deductibles, and new copayments?

At any age over 65, women have greater functional limitations due to diseases like arthritis and osteoporosis. That means they have an even greater need for affordable Medicare services like home health care.

Older American women, the majority of all Medicare recipients, have worked hard all their lives, whether in the home taking care of children, aging parents, or ailing spouses, or at jobs that paid them less than men at the same level to help support their families. They do not deserve to be abandoned by Congress in their time of need and they do not deserve to have to do more with less and less simply to subsidize tax cuts.

PROTECT, PRESERVE, AND STRENGTHEN MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Michigan [Mr. KNOLLENBERG] is recognized during morning business for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, July 30 marks the 30-year anniversary of Medicare, and while this vital program is only 30 years old, it is facing a financial crisis that threatens its longevity and the health security of 37 million seniors.

Just a few months ago, Medicare's Board of Trustees, four of whom are members of the Clinton administration, reported that Medicare part A, the hospital insurance trust fund, will be bankrupt in 7 years and unable to pay the hospital bills of our Nation's seniors.

The Republican majority in Congress obviously will not allow this to happen. We understand the importance of Medicare to retirees and stand ready to save this important program from going broke. We have been working very diligently to develop a proposal to preserve, protect, and strengthen Medicare for current and future retirees, and have already laid out six principles that will guide our efforts to reform Medicare.

Instead of acknowledging the spending crisis in Medicare as indicated in the trustees' report, and joining our efforts to save this important program, the President and his political allies have attempted to distort our principles to reform Medicare by scaring seniors with imaginary Medicare cuts. Why? Because they have no plan of their own to solve the Medicare crisis.

House Republicans are not proposing to cut Medicare. Under our plan, Medicare spending will increase each year. In fact, Medicare will still be one of the fastest-growing programs in the entire Federal Government, and spending per Medicare beneficiary will grow from $4,800 per beneficiary to $6,700 in the year 2002.

While the lack of leadership and partisan sniping on this crucial issue by the President and his allies is bad enough, House Republicans have recently discovered a stealth attack by the Clinton administration on private pensions. This is another matter.

Last year, the Department of Labor issued an interpretive bulletin that places the $3.5 trillion in private pension assets at risk of being channeled into low-return, economically targeted investments, or ETI's. ETI's are investments which are chosen for their social benefits, rather than the return they generate for pension plan participants and beneficiaries.

These politically targeted investments channel pension funds into public housing construction, community development projects, and other pork barrel programs that are more risky than traditional pension investments. Even the Clinton administration has acknowledged that ETI's are, and I quote, "less liquid, require more expertise to evaluate, and require a longer time to generate significant investment returns."

Nevertheless, the President's Labor Department is actively promoting these high-risk investments through a national clearinghouse at a cost of $1 million a year to American taxpayers. I guess finding the revenue for the President's social agenda is more important to the Department of Labor than protecting retirement income for millions of Americans.

Prior to the issuance of the Department of Labor's interpretive bulletin,

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

private pension managers were required to abide by the Employment Retirement Income Security Act, or ERISA, fiduciary standards which forced them to focus entirely on the interest of their pension beneficiaries when investing pension assets.

Because of the Labor Department's interpretation of ERISA, pension managers can now take into consideration the benefits of an investment to third parties.

The Department of Labor's promotion of ETI's flies in the face of its responsibility as the Nation's watchdog and chief enforcer of ERISA.

Last week, the Committee on Economic and Educational Opportunities approved legislation introduced by Congressman SAXTON to stop the Clinton pension grab. The Pension Protection Act of 1995 reinforces ERISA's fiduciary standards, abolishes the ETI clearinghouse, and prohibits the Department of Labor from abdicating its responsibility to pensioners by promoting ETI's.

While the President and our opponents in Congress continue to play politics with retirement issues, an interesting question has arisen: Who really is on the side of seniors? As House Republicans continue to move forward with our proposals to protect, to preserve, and strengthen Medicare and stop the attack on private pensions, and also roll back the President's tax increases on Social Security, it is becoming clear that our opponents' attacks are hollow and nothing more than political rhetoric.

Mr. Speaker, I believe at the end of the day, the American people will reward us for our leadership on senior issues and hold our opponents accountable for engaging in partisan politics.

THE REPUBLICANS AND THEIR CONTROVERSIAL MEDICARE HISTORY

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Massachusetts [Mr. NEAL] is recognized during morning business for 2½ minutes.

Mr. NEAL of Massachusetts. Mr. Speaker, as you have just heard, over the past 30 years little has changed with the Republican Party's view of the Medicare Program. Republicans spent 13 years from 1952 until 1965 attempting to block the creation of the Medicare Program. They said Medicare was nothing more than socialized medicine and an unneeded program.

In 1965, more than 93 percent of House Republicans voted to replace Medicare with a voluntary program, a program with none of the guarantees or protections of our current Medicare system. With this tumultuous history in mind, we should not be surprised that in the name of saving Medicare, Republicans today support slashing Medicare by $270 billion in order to pay for tax cuts for wealthy Americans.

While Republicans' views on Medicare may not have changed over the past 30 years, the health care status of America's seniors during this time has improved significantly.

In 1959, only 46 percent of our seniors had health coverage. With Medicare, that number has increased to 99.1 percent. With Medicare, the life expectancy of seniors has risen significantly and the percentage of seniors living in poverty has been cut in half.

When I travel throughout the Second District in Massachusetts, whether I am in a diner, a library, a seniors center, or a grocery store, there is one consistent message that I hear loud, clear, and often, and that message is: Please, Congressman NEAL, do not let them take my Medicare benefits away.

Let us be honest this morning with our seniors in the Medicare debate. House Republicans passed a bill that would take $87 billion over 10 years out of the Medicare A trust fund, weakening the trust fund in order to give a tax cut to the wealthiest 13 percent of Americans. The truth is, they have not even asked for it.

Higher deductibles, increased premiums, additional copays? House Republicans would require seniors to pay $850 more in out-of-pocket health costs by the year 2002. How much is enough?

MEDICARE PRESERVATION TASK FORCE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New Hampshire [Mr. BASS] is recognized during morning business for 5 minutes.

Mr. BASS. Mr. Speaker, today I rise to talk about the Medicare Program in this country and the need to preserve, protect, and strengthen this vital program, and I would like to respond briefly if I could to some comments I have heard the past couple minutes about how this issue is something that was contrived by the Republicans in order to cut taxes and somehow provide benefits to the rich and to the corporate world.

I would remind those of you on the other side of the aisle that the Medicare problem is not a Republican problem or a Democrat problem because the President has weighed in on this issue and recommended that we do something to preserve this and protect this program, and he thinks that we should reduce the growth of Medicare somewhere in the vicinity of $100 billion.

The Republicans want to preserve and protect this program for generations to come and are in the process of coming up with proposals to reduce the future costs of Medicare by roughly $250 billion.

The issue, my friends, is not whether we save Medicare, but it is how we do it, and this is a program and a problem that should be addressed in a bipartisan fashion, not with each side squabbling against the other and resorting to bickering.

The reason I say that is that yesterday morning, the Medicare Preservation Task Force had a public hearing in Nashua, which is the largest city in my district, and I am proud to say that we have on my Medicare Preservation Task Force a list of very distinguished leaders in New Hampshire in the Medicare and Medicaid State government and so forth, in those professions.

Let me name a couple. Judy Lupien, who is a social services director for the Grafton County Nursing Home; Joe Marcille, the president and chief executive officer of Blue Cross-Blue Shield; Forrest McKerley and Dwight Sowerby, who run major nursing homes in the State; Fred Shaw, a lawyer and doctor in Concord; Kathy Sgambati, who is the assistant commissioner of the New Hampshire Department of Health and Human Services; Reed Morris, who is a resident, a senior citizen at the Pleasant View Retirement Community; Ginny Blackmer, who is a clinical nurse specialist; and Susan Young, executive director of the Home Health Care Association in New Hampshire; and Kristine Thyng, a senior at St. Anselm's college; Marie Kirn, executive director of the New Hampshire Hospice Association.

This is a group that is dedicated to saving our Medicare Program, and they are not interested in political rhetoric. They want results, and that is what the 104th Congress is going to provide.

We heard from three panels: a panel representing doctors and hospital administrators, a hospital representing the State of New Hampshire which has to provide many Medicare and Medicaid services, and last, a panel consisting of seniors, representatives of the AARP and other groups, the United Seniors Association.

This is not an issue that we can afford to bicker about on a partisan basis because, as the President's own trustees' appointments to the Medicare trust fund state,

> The Medicare program is clearly unsustainable in its present form and we strongly recommend that the crisis presented by the financial condition of the Medicare trust funds be urgently addressed on a comprehensive basis, including a review of the program's financing methods, benefit provisions, and delivery mechanisms.

That is precisely what my Medicare Preservation Task Force is in the process of addressing, and we heard testimony yesterday from three distinguished panels. We allowed the public half an hour to address the panel with their concerns. In August, we will be putting together a report of recommendations which we will be presenting to the House Ways and Means Committee in September.

This is the way the 104th Congress should go about solving the Medicare crisis that will confront this country, because there is not one person in this body that wants to see 33 million senior citizens lose their benefits in the 21st century.

I am proud of the Medicare Preservation Task Force. I am proud of the 104th Congress for what it has done to bring this problem to the fore and deal with these tough difficult issues. Let us get together and solve this Medicare crisis now and stop the partisan bickering.

On this 30th anniversary of Medicare, let us look to the next 30 years for a program that can be self-sustaining and provide the needed benefits to our seniors that they deserve.

HOUSING CUTS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Massachusetts [Mr. KENNEDY] is recognized during morning business for 2½ minutes.

Mr. KENNEDY of Massachusetts. Mr. Speaker, last week the Committee on Appropriations struck a mortal blow against affordable housing in this country. They were swinging at housing but they hit hundreds of thousands of elderly, disabled households and hundreds of thousands of kids and hundreds of thousands of homeless people.

Overall, their bill would cut the housing budget of this country by over 23 percent.

The Republicans are ensuring that public housing dies a slow death by cutting the funds it needs to do the routine maintenance on a day-to-day basis and then slashing by one-third the funding needed to modernize decaying buildings.

The bill kills the drug elimination grants programs, despite its outstanding success over the past few years, and the bill imposes a new minimum rents that force people living in public and assisted housing out of their homes, including elderly living on fixed incomes, many of whom will have to pay 12 to 16 percent more of their incomes toward rent. It means a thousand-dollar-a-year rent increases to most of the elderly receiving assisted housing in this country. And then to really rub salt in their wounds, it cuts the homeless budget in half.

The fact is, the vast majority of public housing authorities are well run in this country, providing safe, decent, and affordable housing to hundreds of thousands of poor people in our Nation. Yet, we see politicians that want to run out in front of some gutted old abandoned decrepit housing and make the Americans believe that that is all public housing.

There are 3,400 public housing authorities in America, only 100 of which are poorly run. There are bad housing projects and we ought to get rid of them, and we ought to get rid of the bad housing authorities, but we ought not to throw out the baby with the bath water and pretend that every single unit of public housing is these decrepit housing photo ops that we see politicians running out and taking their pictures in front of these days.

Let us stand up for the poor. Let us not abandon this country's commitment to making certain that we have a fundamental safety net in America. People look around and they see homeless people on the streets and they are outraged. The only reason we have homelessness is because we do not build affordable housing for the most vulnerable people in this country, and coming in here and wholesale just cutting out the housing budget by 23 percent makes no sense.

Let us make certain that we come at this problem and deal with it. But we are throwing away some of the most important housing in the country without looking at what makes the cheapest housing for the most amount of people.

Let us look at the problem. Let us solve it, but let us not throw it out in order to make a nice, quick fancy speech that will hurt a lot of people and will not help our country.

A MESSAGE FROM THE PUBLIC TRUSTEES ON MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Ohio [Mr. HOKE] is recognized during morning business for 5 minutes.

Mr. HOKE. Mr. Speaker, I want to talk about a report that has been issued by the Social Security and Medicare Board of Trustees. It is labeled, "The Status of the Social Security and Medicare Programs: A Summary of the 1995 Annual Reports."

I really want to urge, Mr. Speaker, people who are watching this on C-SPAN, every single American, regardless of whether you are a senior citizen, if you are a citizen of this country, and particularly if you are paying taxes or you are a recipient of Social Security or Medicare, you should get a copy of this report.

This report is like a summary of an annual report. It is like the summary of an annual report that a shareholder would get in a company that he or she owns shares in. Only in this care, this is the summary of the annual report for American citizens about their own government, and specifically how four trust funds are being handled and what their financial health is at this point of time.

I am going to give a phone number, too, because I really urge you very strongly to call your Representative and get a copy of this. I do not think that anybody can truly understand or assess or have a very clear picture of what is going on with Medicare if you have not read this.

It is very clear. It is well written. It is thoughtfully done. I am going to read some things from it. 202–224–3121. That is the switchboard number at the Capitol. 202–224–3121. Call it up, ask for your Representative and ask for this. It is a status of the Social Security and Medicare programs. It is a summary of the 1995 annual reports, and they will have a copy of it at their office. They will send it to you or they can clearly get a copy.

This is a report that was created by the Medicare trustees, and they include Mr. Rubin, who is the Secretary of the Treasury, Mr. Reich, who is the Secretary of Labor, Ms. Shalala, who is the Secretary of HHS, and then a woman named Shirley Chater, who is the Commissioner of Social Security, and two private trustees, David Walker and Stanford Ross.

They are charged with the responsibility of reporting to the Congress, to the President, and to you more than anybody else, Mr. Speaker, to the American people, to the public, about the status of these trust funds.

I want to just read a couple of things that are more in a summary nature, and again encourage you to get your own copy of this because it just lays the whole thing out.

It talks about the Social Security trust fund and also the disability insurance trust fund, but the one I want to concentrate on is the Medicare trust fund. What it says is, the Medicare trust fund, which pays inpatient hospital expenses, will be able to pay benefits for only about 7 years and is severely out of financial balance in the long range.

The trustees urge the Congress to take additional actions designed to control Medicare costs, and to address the projected financial imbalance in both the short range and the long range through specific program legislation as part of a broad-based health care reform. The trustees believe that prompt, effective and decisive action is necessary.

And then it shows what the assets of the various funds are. It talks about the taxes. We spend 1.45 percent of our payroll, both that is matched by the employer that is paid for by the employee, for a total of 2.9 percent. That is what pays for the Medicare trust fund. It shows where the money has been in the past and what it is projected to be in the future.

I want to read one other summary that is at the very end of it because I think it is important. I think it is critical. It says, "A Message From the Trustees." This is the fifth set of trust fund reports on which we have reported.

> During the past five years there has been a trend of deterioration in the long-range financial condition of the Social Security and Medicare programs and an acceleration in the projected dates of exhaustion in the related trust funds.

With respect to the Medicare Program, the most critical issue, however, relates to the Medicare Program. Both the hospital insurance trust fund and the supplementary medical insurance trust fund show alarming financial results, and it goes on to describe those.

Now, get a copy of this. Read it through yourself so you can cut through some of the rhetoric you hear if you are a regular C-SPAN viewer or that you see in the media. There is a serious problem, and it is our responsibility as your elected officials to deal with it.

This problem did not just come to light in the 104th Congress. The problem has been around for awhile. We certainly knew about it in the 103d Congress, and the reason that we were not able to solve something is that the President and the Democratic majority at that time wanted to bring about a solution that was not very popular with the American people.

I had so much more I wanted to tell you about. The solutions that we are proposing, I will pursue this later in a special order.

HOUSING CUTS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from New York [Mrs. MALONEY] is recognized during morning business for 2 minutes.

Mrs. MALONEY. Mr. Speaker, the HUD appropriations bill that is coming before the House takes a giant step backward. The cuts will have a devastating impact on many regions of the country, including New York City, which I represent.

New York has a chronic problem in providing affordable housing. Section 8 public housing and other programs make the difference for many poor families. The New York City Housing Authority stopped accepting applications for section 8 in 1944. We have over 200,000 families on the waiting list. If this bill passes, we will have no housing for them in the foreseeable future.

New York's housing crisis and the crisis across the country will only grow worse. This bill will eliminate all new section 8 assistance. It will reduce funding for the elderly, the disabled, and AIDS by 45 percent. It will reduce funding for the homeless by 50 percent. This is about ensuring that all Americans have access to one of the most basic necessities of life: shelter.

In this country where we should be the beacon of progress for the rights of all, bills like this one show that we have become part of the darker side of the politics in the world. We cannot let this happen. We can reverse it.

STOP WASTING MEDICARE FUNDS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. STEARNS] is recognized during morning business for 5 minutes.

Mr. STEARNS. Mr. Speaker, I do not think many Members know how many more cases of fraud, waste, and abuse have come before our Committee on Commerce. According to the General Accounting Office, the amount of taxpayers' dollars that will be lost to waste, fraud, and abuse for fiscal year 1996 is estimated to be an astounding $19.8 billion, or roughly 10 percent.

In hearings held in both the House and Senate, evidence was presented showing how widespread these practices have become. The Committee on Commerce on which I sit has been holding a series of hearings on waste, fraud, and abuse; and frankly, some of the examples that we have discovered are simply unbelievable.

One such example was transmitted to me by Willis Publishing Co. in Lebanon, GA. I was provided with documented evidence of licensed providers of goods and services marking up their products by as much as a thousand percent. That is right. You heard me correctly. A thousand percent.

You might ask, how is this possible? A good example is billing of Medicare-Medicaid $1,210.55 for 155 adult diapers which on a wholesale level cost 41 cents. Tripling the wholesale cost, a great markup, would have resulted in a price of $1.23 each.

The licensed Medicare provider billed Medicare for $1,210.55, collected $986.44, and then had the nerve to bill Medicaid for the remaining $242.11. U.S. taxpayers paid $7.81 for each one of these diapers which went on wholesale for 41 cents each.

I will include the material I received from Willis Publishing in the RECORD.

Another very telling example of that further demonstrates that this type of abuse, but on a larger scale, was reported during the hearings held before the Senate Select Committee on Aging this past March.

At those hearings, the inspector general at the Department of Health and Human Services testified that a special investigation of home health care visits for which Medicare reimbursement was sought by a health care agency in Florida showed that from the $45.4 million that was claimed, the office of inspector general estimated that almost $26 million did not meet Medicare reimbursement guidelines.

This is just one agency in the State of Florida covering home health visits. Frankly, I shudder to think what the IG's office would find if it investigated all 50 States.

I would like to convey yet another example that was sent to my office by a constituent from Altoona, FL. This letter read, in part, "The hospital charges seemed to me to be excessive. One in particular in the amount of $195 was for trimming my toenails. My only comment to that would be, that is a pretty expensive pedicure."

Mr. Speaker, it doesn't take a math genius to figure out how much money we could save by wiping out waste, fraud, and abuse in the Medicare Program. By my calculations, if, as has been reported by the GAO, such practices of bilking Medicare at the cost of $20 billion a year are now prevalent, then by putting a stop to this type of fraudulent behavior we could save $140 billion in expenditures over the next 7 years.

Mr. Speaker, earlier this year I introduced legislation to establish a bipartisan commission on the future of Medicare to make findings and issue recommendations on the future of this program. One of the areas on which the commission shall make specific findings is the need to eliminate waste, fraud, and abuse.

We are doing a vast disservice to our seniors if we do not stop this type of abuse from occurring. Such practice not only costs taxpayers money, but it cheats our seniors by denying them access to benefits they would have otherwise received.

Mr. Speaker, I include the following material for the RECORD:

WILLIS PUBLISHING,
Lebanon, GA, July 13, 1995.

c/o Representative CLIFF STEARNS,
Rayburn Building,
Washington, DC.

MS. CROW: Here is the question I'd like someone to answer during your congressional hearings on fraud and abuse in the Medicare/Medicaid system:

"How are prices set for the goods and services sold to Medicare/Medicaid recipients and who approves those prices?"

It is my belief, based on 2 years research, that there is corruption in every step of the Medicare/Medicaid delivery system. Per our conversation today, here is a synopsis of my findings:

1. "Licensed providers" are bribing government officials for the license and then for setting the prices paid at artificially high levels: [Example (see document transmitted with this letter): The "licensed providers" of goods and services are marking their products up by as much as 1,000% (one-thousand percent). An example of billing Medicare/Medicaid $1,210.55 for 155 adult diapers which cost 41¢ each wholesale is included with this transmission. Tripling the wholesale cost—a great markup—would have resulted in a price of $1.23 each. The "licensed Medicare provider" billed Medicare for $1,210.55, collected $968.44 and then billed Medicaid for the remaining $242.11. U.S. Taxpayers paid $7.81 each for diapers which wholesale for 41¢ each!]

2. Facilities which provide services to the elderly and handicapped are paying bribes to government agency personnel who refer the elderly and handicapped to them for treatment; [I have access to a tape of a conversation between a druggist and a personal care home owner in which the druggist offered a "kickback" if the owner would allow him to bill Medicare/Medicaid for all prescriptions of the owner's residents. This was not a "volume discount" but an under-the-table bribe.]

3. "Licensed providers" are bribing owners of facilities providing housing and other

services to the elderly and handicapped to allow the providers to furnish goods and services to their residents; [Example: a "licensed provider" approached the owner of a personal care home about providing "hip protectors" to the elderly residents of the facility. The "provider" said he had a doctor who would "sign off" on the "protectors" and that the "hip protectors" were already "Medicare approved". The "hip protector" consisted of two cotton pads about 6 inches in diameter connected with Velcro belts to hold them in place around the hips. The price to Medicare—$300.00 per unit!]

4. The nursing home and home-health industries are bribing legislators and government administrators and regulators to channel all Medicare/Medicaid payments into their industries rather than to the less-expensive "intermediate care" homes and "local" nurses, doctors and social workers who might accomplish the same goals at one-third to one-half the cost of nursing homes and the "licensed" home-health agencies. [This is common knowledge among State legislators in Georgia. Studies from Georgia government agencies and corroborating studies from Oregon, Maryland, South Carolina and numerous other places have shown that of the 40,000+ people residing in 24-hour skilled nursing facilities in Georgia with Medicaid funding, more than two-thirds do not need "skilled nursing" and would be better off in a smaller, more residential setting like a personal care home with the resultant savings to Georgia taxpayers of more than $350,000,000 per year!

In terms of long term care for the elderly and handicapped, including home-health and residential facilities, here are some experts that you might wish to contact regarding potential savings to Medicare/Medicaid and the real benefits for the elderly and handicapped which would be derived by eliminating the graft and corruption from the system:

Richard Ladd (former head Oregon and Texas agencies handling the elderly and handicapped who succeeded in reducing nursing home populations in both states) (512) 266-7406/266-7648, Austin, TX

Professor Rosalie Kane, Institute for Health Services Research, Univ. Minnesota, 420 Delaware Street SE, Box 197, Mayo Building, Room D-527, Minneapolis, MN 55455 (612) 624-5171]

Larry Polivka, University of S. Florida, Aging Dept., Tampa, FL (813) 974-3468

Please pass along my gratitude to Rep. Stern for the good work. If the fraud and abuse were eliminated in Georgia from the Medicare/Medicaid system, it would reduce the that expenditure by at least 50% while not cutting one needed service to the elderly and handicapped.

I am continuing my research and working with the Georgia Attorney General's office, several legislators and many professionals in the long-term care field. If I find more information, I'll send it along and if there is some specific information you need, please let me know.

Sincerely,
CLAY WILLIS.

SAFE AND AFFORDABLE HOUSING

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from New York [Ms. VELÁZQUEZ] is recognized during morning business for 1 minute.

Ms. VELÁZQUEZ. Mr. Speaker, I rise today to call attention to the latest attack on our children, the elderly, and the poor. Today, when families are being forced to do more with less, the Republican crafted VA-HUD appropriations bill threatens the most basic human need, safe, and affordable housing.

The VA-HUD appropriations bill cuts homeless assistance by 50 percent, leaving the 600,000 individuals currently homeless with no hope. It slashes public housing subsidies by over $2 billion, sentencing 3 million public housing tenants to higher crime. This will have a devastating effect in New York City.

Cuts in section 8 rental assistance and homeless programs come at a time when we should be working to give everyone a chance at having the basic necessity of shelter. Instead, this legislation forces these Americans further into despair.

These moves are on top of severe reductions already made by Republicans to programs like AFDC, food stamps, and child assistance programs. Cuts like this create a dangerous game of Russian roulette, forcing families to choose between caring for their loved ones, putting food on the table, or providing a roof over their head.

Mr. Speaker, that is simply too high a price to ask our families to pay, all in the name of balancing the budget and tax breaks for the wealthy.

SAVE MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. SCARBOROUGH] is recognized during morning business for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I have got to tell you. I hear all this debate about Medicare and Medicaid and who is saving Medicare and who is trying to gut Medicare and Medicaid. At times I just find it laughable, the type of rhetoric that goes on inside the beltway of Washington, DC, and I am new to this game. I just came to Washington 6 months ago.

I remember over the course of the campaign, what frustrated the American people the most was the fact that Washington politicians loved to engage in doubletalk, double speak. And one of the things they got the biggest kick out of, but also got upset about the most, was the fact that in Washington, DC, a politician calls a spending increase a spending cut. Somebody will come to the floor and say, we are cutting this program by 50 percent, and then you open up the budget and look chapter and verse.

The fact of the matter is, we are only cutting the rate of increase by 50 percent and, in fact, we are spending more next year than we did last year. This happens on all the programs. It is a wonderful way for a Washington politician to sound like they are getting tough on fiscal matters when the fact of the matter is they continue to throw money out in the breeze and do not know how to discipline themselves.

Mr. Speaker, the thing that frustrated me as an average citizen sitting on the couch watching C-SPAN or CNN was the fact that sometimes it was hard to nail them down. And you said, well, one side is saying this, the other side is saying that, what is the truth? Let me tell you. You have an opportunity to get to the bottom of the truth on the Medicare issue.

We had the gentleman from Ohio talk about the summary report of 1995 of the status of Social Security and Medicare programs. I ask you as an American citizen, if you want to get to the bottom of this whole Medicare debate, to call your Representative at 202-225-3121. Call your Representative, ask for that report and it will tell you some very, very troubling things about Medicare.

The first thing it will tell you is that Medicare is going bankrupt in the year 2002. That is in 7 years. The House Republicans did not write this report. House Democrats did not write this report. It was written by the trustees. They came back and reported to President Clinton: Mr. President, we have 7 years before Medicare goes bankrupt, before senior citizens really are left out in the cold in this system. You have to do something to reform Medicare.

Some of us have begun to undergo the task of doing something to save Medicare. Let me just give you a few numbers about spending and Medicare because you are going to hear about how us trying to save Medicare is going to cut the program, going to slash the program. Let us forget Washington doubletalk and double speak for a second and just talk about the facts.

The fact of the matter is, spending on Medicare over the next 7 years is going to increase from about $900 billion to $1.6 trillion, $900 billion to $1.6 trillion. I was never very good in math; that is probably why I ran for office, but the fact of the matter is that in my hometown where I come from, going from $900 billion to $1.6 trillion over 7 years is a spending increase.

How is it going to affect my parents? How is it going to affect my grandmother? How is it going to affect seniors in our communities across the country? The fact of the matter is, the average senior citizen is going to go from having about $4,600 in Medicare benefits per year to approximately $6,400 in Medicare benefits a year. That is almost a $2,000 spending increase over the next 7 years.

Again, in Washington, DC, some people are going to call that a spending cut. Adding $2,000 over 7 years is going to be considered a spending cut, and they will get out charts and graphs and say, but over the next 7 years, blah,

blah, blah, and I will tell you, by the end they are so good at it you almost start to believe them.

Let us look at the cold hard facts. Let us look at the report and let us call a spade a spade. We are going to save Medicare even if the other side is afraid to do anything about it.

MEDICARE AND SOCIAL PROGRAMS ARE UNDER ATTACK

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Minnesota [Mr. VENTO] is recognized during morning business for 2½ minutes.

Mr. VENTO. Mr. Speaker, we have seen a lot of policy changes that are flowing from the budget, and the fact is that the story about whether something is going to be cut or how it is going to be affected reminds me of the fisherman that is cleaning the catfish. He is saying: Please little catfish, hold still. I am not going to do anything but gut you.

The fact is that there is a denial of the intention and the proposal. There is a denial while it is going on. There will be a denial after the cuts and after the changes have taken place. But the fact of the matter is the Medicare and social programs are under attack. This year in 1995, in the housing programs, out of the $16 billion rescission measure, $6 to $7 billion of that came out of housing programs. In the appropriation bill for HUD–VA that is being proposed, there is a 26-percent cut for housing. There is $4 billion more taken from housing. Programs are eliminated. Programs are proposed to be severely cut back.

Public and assisted housing in this Nation, while we frequently look at problem public housing in terms of the media attention, the fact is that it is an overwhelming success in many instances. Four and a half million American families, we have in excess of 4½ million units of assisted and public housing in our Nation. The Federal Government has worked collaboratively, cooperatively, with States and local governments. These public housing programs are enormously important programs for low-income Americans.

If anything is happening in our society today, it is of course the deterioration of income, of wages and jobs, the lack of empowerment for working people. This directly has resulted in their inability to meet their basic needs.

One of those basic needs is housing. Others are health care. Of course, some of these have not passed in entitlements, but the new Republican majority have got plans for you on that. But housing has never been an entitlement. So the consequence is that when we run out of housing, the public or the assisted housing, we end up with people and problems. Those problems have in recent years emerged as a growing and alarming rate of homelessness.

This bill not only cuts the basic programs to build any new housing for seniors and others and the services that will help those people, whether they exist today such as drug elimination, grants for kids or congregate housing services, special services for the elderly, but this HUD–VA appropriation measure goes on to cut the homeless programs by 50 percent from what was provided last year. So not only will they not address the chronic problem of providing decent, sanitary housing for Americans, but the Republicans also go on in this bill to cut the homeless program. So once you are down and out, you are going to be out and on the street.

This answer, this Republican answer, is not the answer, the policy path the American people voted for last November.

What we have in this mean-spirited; extreme unbalanced HUD–VA appropriations bill is a circumstance where those least able to bear the burden of cost cuts are being asked to take on an inequitable share: Housing cuts of 26 percent while we preserve a project for a techno-mansion in space.

Adding insult to injury, the GINGRICH-led Appropriations Committee has cut HUD homeless assistance essentially by 50 percent. Further, the highly praised FEMA Emergency Food and Shelter Program is being cut by 23 percent. This is unconscionable. It is reckless.

The cuts in senior housing, disabled citizens housing, and housing for persons with AIDS, are also drastic and unfair. These three programs are lumped together to compete against each other with a severely smaller pool of dollars—roughly a 46-percent reduction: from 1995 levels of $1.852 to $1 billion for 1996. Additionally, as a result of requiring public housing and section 8 residents to pay a minimum rent of $50 plus utilities, rents will be increased by an average $463 per year for some 600,000 families. About 85 percent of these households are families with children, 10 percent are elderly and 5 percent disabled. Many of these Americans are on fixed incomes. Average annual income in public housing rests around $7,000. An increase of $463 represents nearly 7 percent of those low-income families' income—and while it may not seem like much to some—it will simply be a make or break situation for many of these families.

We cannot ignore the plight and impact on public housing under this harsh Republican legislative initiative. While assuring the continued flow of spending expenditures, in reality precious and scarce Federal dollars for the NASA space station, this Republican appropriations sledgehammer destroys public housing brick-by-brick, tenant-by-tenant, housing authority by authority. The bill would delay outlays for public housing modernization and/or development. It suspends without recourse one-for-one replacement of public housing. It cuts $2.8 billion in capital and operating subsidies as compared from the 1995 level.

Coupled with the elimination of new section 8 assistance to tenants, this bill will literally guarantee an increase in homelessness. This relates to my initial point regarding the vicious cuts in homeless assistance. By making seemingly endless assisted housing waiting lists in reality a dead-end path, this HUD appropriations bill would force an explosion of families, children, and the elderly into the ranks of the Nation's homeless citizens.

And, why? For a space station? Or worse yet tax breaks for affluent Americans, who no doubt have their own housing subsidy in the form of the much supported mortgage interest and State and local tax deductions.

There is no equity in this bill, this budget or the actions to date of this 104th Congress. There is no justice when the rescission bill finally sent to the President the cuts from 1995 spending is 50 to 60 percent in essence $6 to $7 billion from housing programs. And peace will be hard to come by in the future because we will suffer from these shortsighted policies, as sure as millions of our friends and neighbors will languish on terminal waiting lists while enduring substandard housing; as sure as our parents lose their apartments in senior housing projects, or pay the rent with their food or prescription money; or, as certain as more children find it normal to wake up on the street or in a shelter. Our Nation will suffer and the notion and hope of our society will be diminished by such phenomena.

As the able Secretary of Housing and Urban Development, Secretary Cisneros pointed out, these cuts will affect literally millions of people and will devastate the communities in which we live. The Republican housing appropriations will be a monumental setback for revitalizing our distressed communities, and will cripple efforts to provide decent, safe, affordable housing opportunities for all Americans—a fundamental premise of our Nation's housing policy.

The impact in Minnesota graphically illustrates how people are affected by focusing on the changes more closely help place a face of the impact homeless cuts would represent just for the city of Minneapolis: A cut of $3 million—which would cut their transitional and permanent housing by 46 units and reduce the number of people that would be able to be served by over 500 people. My home city of St. Paul would lose $1.7 million in the next fiscal year if these cuts are made.

St. Paul, Minnesota's Public Housing Authority, a nationally recognized PHA will lose over $4.5 million in operating subsidies and modernization dollars.

Because the GOP appropriations bill requires public housing and section 8 residents to pay a minimum rent plus utilities. As I noted earlier, HUD estimates that this would immediately raise rents for approximately 600,000 public housing and section 8 families by an average of $463 per year. Nearly 50 percent of all assisted households in Minnesota would face an average monthly rent increase of $45 or an average annual increase of $541. Naturally, utilities would include heat—and with no heating assistance, a cold winter could be as deadly as the recent heat wave has been.

People utilizing public housing today are very low income they can't contribute what they don't have, discretionary income. These dollars will be stripped from the necessities of their life and the families that comprise these low-income groups. This little change will work a significant problem, real hardship on the poor—an unfair hardship—on the poorest of the poor.

THE 30TH ANNIVERSARY OF MEDICARE AND MEDICAID

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. OWENS] is recognized during morning business for 2 minutes.

Mr. OWENS. Mr. Speaker, this week we celebrate the 30th anniversary of Medicare and Medicaid. I emphasize Medicaid because in the ongoing debate about the cuts in Medicare and Medicaid, Medicaid gets left out.

Medicaid is very important. I want to remind everybody that 30 years ago, Democrats created Medicare and Medicaid. Lyndon Johnson, as part of the Great Society program, created Medicare and Medicaid. Democrats created Medicare and Medicaid, just as Democrats earlier created Social Security. Franklin Roosevelt was a Democrat. Democrats created Social Security.

Today we are celebrating the 30th anniversary of Medicare and Medicaid. These two forms of health insurance are the ones which serve those people most likely to need medical care. Yet they are the primary targets of the Republican scorched-earth Grim Reaper budget cutting. While many of my Republican colleagues will rush to the floor next week to defend the continued funding of the B-2 Stealth bomber, they meanwhile are launching a stealth attack against Medicare and Medicaid. Republicans propose to limit the growth of these programs at a rate which is actually one-half of the rate of growth for the private insurance industry.

Because two-thirds of the money in Medicaid goes to the services for the elderly and individuals with disabilities, the Medicaid cuts will drastically reduce access to long-term care for those who need it most but are least able to afford it. If you do not believe it, look at my home of New York City, where the nightmare has already begun. A Coney Island woman has had her 12 hours of daily attendant home care, which is much cheaper than nursing home care. Her 12 hours have been cut back to 4 hours. To make up for the 8-hour difference, they gave her an expensive beeper. She is so sick she cannot even open her mail, let alone use a beeper.

The cuts in Medicare are equally astounding. They will result in low income seniors paying more than double their current monthly premiums by the year 2000. Let us retain the programs created by Democrats. Let us fight to retain Medicaid and Medicare.

THE 30TH ANNIVERSARY OF MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Florida [Mr. DEUTSCH] is recognized during morning business for 2 minutes.

Mr. DEUTSCH. Mr. Speaker, as you have heard, today is the 30th anniversary of the Medicare Program. I think this is a day to focus on what the Republicans in this Congress are proposing to do to that program.

The Republican budget-passed plan has $270 billion in cuts. They have said, and they have said recently on this floor, and they continue to say that those are necessary to save the plan, to save the plan from itself. Well, the reality is in the last 30 years of the Medicare Program it has never had more than a 10-year actuarial life. In fact, there have been times over the last 30-year period where it has only had a 2-year actuarial life.

The $270 billion number has nothing to do with 10-year actuarial life. It has to do with the budget that they have proposed and some of the outrageous corporate welfare systems that still exist.

Now, what can be done? What is that $270 billion to lead to? The $270 billion will lead to a fundamental change in the Medicare system for beneficiaries. When you go through the numbers, the inevitable result of $270 billion in cuts is that you will have a Medicare system not very similar to the system that exists today. We would have a Medicare system that would force a large percentage of the 37 million people in this country on Medicare into substandard HMOs.

Right now, Medicare reimburses HMOs at about 95 percent of the prevailing fee-for-service in an area. Only about 10 percent of Medicare beneficiaries choose to join those HMOs. The Republican proposal will drive down that reimbursement cost in the neighborhood of 70 percent. I do not doubt there are private for-profit HMOs that will be able to provide service at that cost, but at what quality? That is the question.

MEDICARE-MEDICAID

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentlewoman from Connecticut [Ms. DELAURO] is recognized during morning business for 2 minutes.

Ms. DELAURO. Mr. Speaker, I rise today to discuss the Republican plan to cut Medicare for our seniors in order to pay for a tax cut for the privileged few.

The GOP plan is to end Medicare as we know it, a proposal that will devastate American seniors. Do not take my word for it. Just look at what the conservative newspaper, the Washington Times, reported recently. According to the article, the GOP's ultimate goal is to privatize Medicare.

Privatizing Medicare will mean that seniors will pay more in premiums and deductibles and will lose their choice of doctors. The Washington Times reports that recipients who now pay $46.10 per month for Medicare Part B would pay more than $110 per month. And in the year 2002, this plan will cost seniors more than $1,000 in out-of-pocket expenditures. They will be forced to give up their doctors.

It is ironic, Mr. Speaker, that Republican attempts to dismantle Medicare coincide with the program's 30th anniversary. When Medicare was originally proposed in 1965, 93 percent of Republicans supported a privatized health plan that relied on seniors paying the premiums. Today, 30 years later, we see history repeating itself, Republicans looking to dismantle a program that they never wanted in the first place, and that is Medicare.

My message to the American people is a simple one: Do not be fooled when the Republicans talk about slowing the growth of Medicare. It is a sham and a scam. The reality is that their plan will result in very real cuts to benefits and very real increases in costs for seniors who are on Medicare.

Do not be fooled when the Republicans say that these cuts are being made to fix Medicare or to reduce the budget deficit. The reality is that Medicare is being cut to pay for a $245 billion tax cut for large corporations and the privileged few.

THE REPUBLICAN TRIPLE WHAMMY ON MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Massachusetts [Mr. FRANK] is recognized during morning business for 2 minutes.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to be fair to the Republicans. We should not just talk about the pain they are going to be inflicting by making all the people pay more for Medicare because that is only one part of it. They also plan in their budget to reduce the cost of living every elderly person gets, no matter how low on the income scale.

Their budget balances in the year 2002, only because in part they cut the cost-of-living increase for Social Security. They think older people have been overcompensated for inflation.

But finally, for those older people who live in assisted housing and public housing who have Section 8 certificates, they have a third gift. They are going to raise their rent. So older people are going to find that, if the bill passes that is pending before us, that instead of 30 percent, they will pay 32 percent of their income. Their income will not go up as fast. Maybe that is the consolation when the Republicans cut the cost of living, but they will pay more for Medicare. They will get less of a cost of living, and their rent will go up.

At least older people who read the comics and remember Al Capp, Lil' Abner, and Evil-Eye Fliegal will know what is happening to them. They are about to get the Republican triple whammy.

RECESS

The SPEAKER pro tempore. There being no further requests for morning business, pursuant to clause 12, rule I, the House will stand in recess until 10 a.m.

Accordingly (at 9 o'clock and 49 minutes a.m.), the House stood in recess until 10 a.m.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 10 a.m.

PRAYER

The Reverend Ronald K. Austin, Spirit of Peace Baptist Church, Washington, DC, offered the following prayer:

Eternal God, the creator and sustainer of all life, we come before You this morning and pray that You would continue to be our ever present strength. Touch our minds and hearts this day that we might continue to be Your instruments for love and justice in this great Nation of ours. May Your light continue to lead this great body of men and women in the difficult decisions that they must make. Be with them in the good times and especially in the tough times. Also we pray for their families because they need Your strength also. Now help us all, dear Father, to reach that great day when nation will not take up sword against nation nor will they train for war anymore. In Your Holy name we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentlewoman from California [Ms. ROYBAL-ALLARD] come forward and lead the House in the Pledge of Allegiance.

Ms. ROYBAL-ALLARD led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair announces there will be ten 1-minutes on each side.

SUMMARY OF SOCIAL SECURITY MEDICARE ANNUAL REPORTS

(Mr. HOKE asked and was given permission to address the House for 1 minute.)

Mr. HOKE. Mr. Speaker, this is a report that is a summary of the 1995 annual reports of the Social Security and Medicare boards of trustees. I urge every American to call their Representative at 202–224–3121 and get a copy of it. This is the annual report of your Government, about your trust funds for Social Security and, most importantly, Medicare.

It is something that you should read. It is clearly written. There is a problem, and you need to know about it. Outside of this politicized atmosphere of rhetoric, outside of the demagoguery that is going on, you need to be able to read this yourself and make your own decision. It is 202–224–3121, so that you know what is going on with these trust funds. Please call your Representative. Ask for the summary of the annual reports.

HUD PROGRAM CUTS

(Ms. ROYBAL-ALLARD asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROYBAL-ALLARD. Mr. Speaker, the $7 billion cut from HUD's 1996 budget will decimate Federal housing programs when housing needs are at their worst, particularly among families with children.

In 1993 alone, 5.6 million family households were in need of housing. And, every night, 600,000 households are homeless.

These proposed cuts will cause much needless pain and suffering.

A $700 million cut in public housing authority operating budgets will result in increased rents and deterioration of public housing.

These, cuts will also reduce existing housing levels for the elderly, the disabled, and persons with AIDS.

Finally, these cuts prevent distressed communities from leveraging private investment for economic development to improve life in these areas.

This Republican proposal is fused with fact and fiction. The fiction is that these cuts are necessary in order to reduce the Federal deficit, and that all of us must share the pain. The fact is there will be no pain sharing. The rich will get richer and the poor Americans will pay the price.

PROTECT MEDICARE

(Mr. METCALF asked and was given permission to address the House for 1 minute.)

Mr. METCALF. Mr. Speaker, Norma and I have realized the American dream. We built our own log home. We cut down the trees, we built the home, we now own the home free and clear. But what of the future? We are both eligible for Medicare.

We are deeply concerned about Medicare. Previous Congresses have spent all the money, decades of wild, irresponsible spending on pork, and foreign aid, and so forth, and they did not build a secure base for Medicare. It is now an insecure base.

The President's own commission says that Medicare will go bankrupt by the year 2002 if we do not fix it. We are not going to let that happen. The new majority will preserve and protect Medicare. It is going to increase 5 percent or more each year in the benefits. Thousands of people are counting on it. We have given our word, and we will not fail them.

EMBRACE NEW TELECOMMUNICATIONS TECHNOLOGIES

(Ms. ESHOO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ESHOO. Mr. Speaker, I amended the telecommunications bill to ensure the emergence of the Smart House—a fully automated digital home which the chart next to me diagrams. It is all about the future.

The amendment ensures that the FCC does not limit consumers' ability to use their computers to provide security, maintain air quality, and provide entertainment.

The language is supported by American business alliances including the Telecommunications Industry Association [TIA], the Alliance to Promote Software Innovation [APSI], and the National Cable Television Association [NCTA].

On the other hand, foreign TV manufacturers are pushing for FCC standards that will establish television sets as the gatekeeper to home automation systems.

Mr. Speaker, the issue is simply. We can either embrace the future by allowing new technologies to flourish with minimum Government interference or cling to the past.

I urge you to protect the cable compatibility language in H.R. 1555 and oppose any amendment to limit or strike it.

STRENGTHEN MEDICARE

(Ms. PRYCE asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. PRYCE. Mr. Speaker, where is the Democrats' plan to save Medicare?

They cannot fix it by whining.

They cannot solve the crisis by finger-pointing and fear-mongering.

And they cannot fool America's seniors with their demagoguery.

This weekend, the Democrats will pose as proud fathers of Medicare on its 30th anniversary.

But, when the prodigal son comes home facing imminent bankruptcy and desperately needing help, those proud parents turn their backs, close their minds, and close the door on America's senior citizens.

Where it comes to Medicare, the Democrats are deadbeat dads.

We urge the Democrats to join us as we work to strengthen Medicare for today's and tomorrow's retired Americans.

LET US GET TO THE TRUTH ON WACO

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, Federal agents say that cult leaders in Waco were liars, and that may be true. But something does not add up. It is now known that Federal officials came to learn that their so-called surprise raid had been leaked. They were expected to show at the compound. They knew that the surprise element was gone. That raid had danger and escalation written all over it like a neon sign, yet they sent in the troops. Four agents were killed.

Now, let us tell it like it is. Those cult leaders may have been liars, but those Federal agents and leaders have been lying through their teeth, stone cold lying through their teeth. They knew what was happening. They are lying to the American people, and Congress should not allow it.

From Potts down, this thing stinks. You know it. I know it. The American people know it.

Let us get to the truth.

IMPROVE MEDICARE

(Mr. HEFLEY asked and was given permission to address the House for 1 minute.)

Mr. HEFLEY. Mr. Speaker, Medicare is going broke. If we do nothing about it, in 7 years it will be totally bankrupt. But instead of backing reforms, some Members in this body want to play politics with this very important issue.

Let me share with you a letter I just received from a constituent:

> I am sending the enclosed to you to add to your file of examples of the foolish and wasteful application of government personnel and funds. I would be embarrassed to present this check to my bank for processing.

And here is a check for 1 cent, sent to him as a Medicare B payment.

The Republican Party is determined to save Medicare. Mr. Speaker, we intend to create a Medicare system that offers the best care at the lowest cost. Together we will improve Medicare so that it can be protected and saved.

SENIORS WILL FIGHT FOR MEDICARE

(Mr. DOGGETT asked and was given permission to address the House for 1 minute.)

Mr. DOGGETT. Mr. Speaker, well, another day has passed without our Republican colleagues disclosing even a single detail of how they are going to hike health care costs for American seniors. What they have disclosed in a cynical memo are the details of how they are going to try to convince seniors that they are not in fact being had.

Yes, Speaker GINGRICH has turned to the same public relations firm that generated that all-time great campaign gimmick, the contract on Americans. And now they have produced an interesting document called, everything you ever wanted to know, not about saving Medicare, but about communicating Medicare.

And what does it tell us? It says: Do not talk about improving Medicare, Republican colleagues. We cannot afford to raise expectations.

Well, that is revealing. Then it goes on to say: Keep in mind that seniors are very pack oriented and very susceptible to being led.

When it comes to older Americans, I respect their intelligence as well as their pocketbook, and they are not going to be led in a pack off a cliff by a bunch of Republicans. They are going to fight for Medicare.

SAVE MEDICARE

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, my good friend from Texas once again comes to the well of the House playing politics with Medicare. Communicating Medicare? What is wrong with that idea? Standing up in town hall meetings saying: Friends, we have a problem, which three Cabinet-level secretaries, three appointees of the President admit that Medicare will go bankrupt in 7 years if we do nothing. What is wrong with that?

And taking time to rationalize and formalize a rational policy on Medicare, where is the crime there? Far better to be engaged with the American public, working to save the program of Medicare, than to march to the well of the House as so many of my liberal friends do trying to scare senior citizens.

The fact is, yes, we are trying to communicate the fact that we have to save Medicare. And, yes, we are engaged in trying to save the very program. Do not let the whine producers, W-H-I-N-E, come to the floor again and again and whine and complain.

Challenge them to be part of the solution and not part of the problem.

MEDICARE

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, Republicans are accusing Democrats of scaring senior citizens. Seniors should be scared because we do not have a plan yet from the Republicans, only leaked documents that lead us to believe Republicans plan to cut the program substantially. And so I ask one question: Why the secret or the stealth attack on Medicare? Why are the Republicans proposing deep and devastating cuts in the programs for seniors over the next 7 years? Well, they would answer they are trying to save the program from bankruptcy. At least that is what they have been told to say by their pollsters. They are being told to tell them you are saving the program, but they are really gutting it.

Let us think back to the last session of Congress, the 103d session, when Republicans attacked the Democratic plan to shore up Medicare. I remember there was not one Republican vote that helped pass that plan.

Now let us ask: Why are you raiding Medicare to balance the budget while at the same time providing huge tax cuts that almost equal the same amount that you are cutting for Medicare over the next 7 years?

Frankly, if it were up to Republicans, Medicare would not even exist today. But for many years now, Medicare has proven time and time again that it is one of the true success stories of our Government. It has dramatically improved the health care of our seniors and never again will older Americans have to choose between health care and rent or food.

MEDICARE

(Mr. NORWOOD asked and was given permission to address the House for 1 minute.)

Mr. NORWOOD. Mr. Speaker, once again, one more time we hear the liberal Democrats whining and crying. They go to great lengths to convince senior citizens that Republicans are going to hurt them. But instead of the overheated rhetoric, let us talk about the facts.

It is a fact that in the last Congress, liberal Democrats voted to increase taxes on seniors. Not one Republican voted for that tax increase. Earlier this year, the Republicans voted to give seniors a tax cut to allow the seniors to keep more of the money that they earn. What did the liberal Democrats do? They voted against the tax cut for seniors.

When the trustees of Medicare, including three members of Mr. Clinton's administration, reports that Medicare is going bankrupt, Republicans are stepping up, stepping up to the plate trying to fix Medicare and preserve this system for the next century.

What is the liberal Democratic plan for Medicare? Nothing. Absolutely nothing.

MEDICARE AND OLDER WOMEN

(Ms. BROWN of Florida asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. BROWN of Florida. Mr. Speaker, Medicare is a social contract between the Federal Government and the American people. Nearly 20 million older women, many of them in Florida, have come to rely on quality health care under this program.

However, the sad fact is that women age 65 and over already spend an average of $2,827 for acute health care alone—33 percent of the median annual income of older women.

We must support and strengthen Medicare so that it can do more—not less—especially toward paying for prescription drugs and long-term care.

Until there is comprehensive health care reform, the Medicare Program must be protected from cuts that will jeopardize older women.

THE MONCADA BARRACKS

(Ms. ROS-LEHTINEN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. ROS-LEHTINEN. Mr. Speaker, tomorrow marks the 42d anniversary of Castro's nighttime attack on the Moncada barracks in Santiago de Cuba, an event which led to the emergence of Castro's rebel army and his ultimate triumphant, yet, as we were later to learn, tragic ride into Havana in 1959.

Little did many Cubans know that what occurred that night in 1953 was only the preamble to a tyranny that Cuba had not seen before. Tomorrow night my colleagues, the gentleman from Florida [Mr. DIAZ-BALART], the gentleman from New Jersey [Mr. MENENDEZ], and I will host a dinner for our congressional colleagues with the participation of four victims of this 36-year-old tyranny.

Among them will be three former Cuban political prisoners who combined spent over 50 years in prison, one of them being a veteran of the Moncada attack. Also joining us will be a survivor of the latest indiscriminate attack last year by Castro on a tugboat filled with Cuban refugees.

These four individuals will offer first-hand accounts of Castro's thirst for political control of the island and the totalitarian methods he uses to maintain that control.

I urge my colleagues to join us tomorrow night.

NRA/WACO

(Mr. GUTIERREZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUTIERREZ. Mr. Speaker, when the Republicans cut the size of committee staffs at the beginning of this Congress, I was worried some congressional work would not get done.

Then, I figured out how the new GOP chairmen were going to manage.

As this week's Judiciary Committee hearings prove, they'll simply turn to the National Rifle Association for help.

But what kind of hearings did the NRA help with?

With hearings on welfare reform?

With hearings on health care?

No—with the Waco hearings.

Hearings where the actions of law enforcement agents were called into question—the same agents that the NRA calls thugs.

Hearings where laws combating the dangerous proliferation of guns are a central issue—the same laws that the NRA wants to wipe off the books.

When I entered Congress 2 years ago, I thought that the gun lobby had too large a role to play in the backrooms of Congress.

Now, it's obvious that they've moved from the backrooms to the committee rooms.

We do not even have to call them the gun lobby these days—because now, they do not even have to do their dirty work in the lobbies anymore.

MEDICARE AT A CROSSROADS

(Mrs. SEASTRAND asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. SEASTRAND. Mr. Speaker, Medicare is at a crucial crossroads. President Clinton's Medicare board of trustees stated in their April 1995 report, and I quote ". . . the fund is projected to be exhausted in 2001 . . ." In other words, if we do nothing—as the liberal Democrats suggest—millions of Medicare recipients will be denied services. But, the obstructionist liberals would rather criticize the strengthening of Medicare than do something to save it. Medicare is a large Government bureaucracy that does not offer the degree of choice seniors deserve. Republicans are going to strengthen and simplify Medicare by controlling its skyrocketing costs and giving seniors more choices in services. Everyone agrees that Medicare is going broke, but only the Republicans in Congress are posing a solution to that problem. I invite my colleagues from the other side of the aisle to end their empty rhetoric and join our effort to save Medicare.

□ 1020

PERMISSION FOR CERTAIN COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. HOKE. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule: the Committee on Agriculture, the Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Economic and Educational Opportunities, the Committee on Government Reform and Oversight, the Committee on House Oversight, the Committee on International Relations, the Committee on the Judiciary, the Committee on Resources, the Committee on Science, the Committee on Transportation and Infrastructure, and the Permanent Select Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. MCINNIS). Is there objection to the request of the gentleman from Ohio?

Mr. MINETA. Mr. Speaker, reserving the right to object, it is my understanding that our Democratic leadership has been consulted on this matter and we have no objection to this request, so I withdraw by reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

CORRECTIONS CALENDAR

The SPEAKER pro tempore. This is the day for the call of the Corrections Calendar.

The Clerk will call the bill on the Corrections Calendar.

SAN DIEGO COASTAL CORRECTIONS ACT OF 1995

The Clerk called the bill (H.R. 1943) to amend the Federal Water Pollution Control Act to deem certain municipal wastewater treatment facilities discharging into ocean waters as the equivalent of secondary treatment facilities.

The Clerk read the bill, as follows:

H.R. 1943

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "San Diego Coastal Corrections Act of 1995".

SEC. 2. COASTAL DISCHARGES.

Section 304(d) of the Federal Water Pollution Control Act (33 U.S.C. 1314(d)) is amended by adding at the end the following:

"(5) COASTAL DISCHARGES.—For purposes of this subsection, any municipal wastewater treatment facility shall be deemed the equivalent of a secondary treatment facility if each of the following requirements is met:

"(A) The facility employs chemically enhanced primary treatment.

"(B) The facility, on the date of the enactment of this paragraph, discharges through an ocean outfall into an open marine environment greater than 4 miles offshore into a depth greater than 300 feet.

"(C) The facility's discharge is in compliance with all local and State water quality standards for the receiving waters.

"(D) The facility's discharge will be subject to an ocean monitoring program acceptable to relevant Federal and State regulatory agencies.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from California [Mr. MINETA] will each be recognized for 30 minutes.

The Chair recognizes the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I urge strong support of H.R. 1943, the San Diego Coastal Corrections Act of 1995.

This bill amends the Clean Water Act to allow San Diego a qualified waiver from the so-called "secondary treatment" requirement.

Secondary treatment is a uniform, technology-based requirement involving removal of solids and biochemical oxygen demand that all sewage treatment plants must meet under the Clean Water Act, whether or not solids or biochemical oxygen demand would cause an environmental problem in the receiving water.

For San Diego, this mandate makes absolutely no sense.

Scientists agree that the city's discharge is not harming the ocean environment. San Diego's outfall extends 4½ miles into the ocean and discharges into 310 feet of water. The swift currents easily disperse the effluent.

Because of these factors, scientists have determined that secondary treatment for San Diego would provide no measurable environmental improvement.

Complying with the secondary treatment mandate will cost the city at least $2 billion, and possibly as much as $4.9 billion to comply with all of the requirements EPA has sought to impose on the city in return for a settlement of its lawsuit against the City for failure to achieve secondary treatment.

San Diego's situation has received extensive scientific review because of this EPA lawsuit. After reviewing all of the evidence, the Federal district judge held that there would be no environmental benefit to forcing San Diego to meet secondary treatment. However, the judge cannot waive a statutory requirement. That is something we must do.

San Diego's situation also has come to the attention of the Speaker. After reviewing all the facts, the Speaker decided that a waiver from secondary treatment for San Diego is a prime example of the type of bill to be considered under the new Corrections Calendar.

H.R. 1943 is identical to a provision in the House-passed clean water bill, H.R. 961.

It also is identical to a provision in the Boehlert-Saxton clean water substitute, so the House has already spoken on this issue. We should reinforce it today.

The San Diego waiver is widely supported.

Let me emphasize while Federal bureaucrats in Washington say this must be done, EPA in California, the California EPA, as well as the Association of Metropolitan Sewage Agencies, say this is unnecessary. This is a prime example of the bureaucrats in Washington imposing multibillion-dollar costs on the city which are absolutely unnecessary. It is a good bill. I am glad that it is the first bill brought up under our new Corrections Calendar, and I urge all of my colleagues to support this legislation. Send a message to the bureaucrats in Washington.

Mr. Speaker, I have here letters in support of this legislation from the California EPA, the Governor of California, and the Association of Metropolitan Sewage Agencies, which I will include in the RECORD.

CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY,
Sacramento, CA, July 21, 1995.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: The purpose of this letter is to convey the California Environmental Protection Agency's (Cal/EPA's) support for H.R. 1943, the San Diego Coastal Corrections Act of 1995. This bill would deem San Diego's Point Loma Wastewater Treatment Plant to be the equivalent of secondary treatment by virtue of its chemically enhanced primary treatment combined with an exceptionally long and deep ocean outfall.

This support is in recognition of the demonstrated ability of the Point Loma treatment plant to comply with California State Ocean Plan standards. During 1994 the treatment facility met every requirement of its National Pollutant Discharge Elimination System (NPDES) Permit without fail, earning it the distinction of receiving a Gold Award from the Association of Metropolitan Sewerage Agencies. This award could only have been earned with a strict industrial source control program, a well-run treatment plant, and an effective ocean outfall.

The California State Ocean Plan, which is tailored to provide strict standards to protect the marine environment, was developed in 1972 by the State Water Resources Control Board. It was prepared by a team of scientists and was adopted only after a series of public hearings and full disclosure and review by all interested parties. It was also approved by the U.S. Environmental Protection Agency (U.S. EPA). Since the adoption of the initial plan, it has undergone periodic review and been revised in 1973, 1978, 1983, and 1990. This document (now under revision, for completion in 1997) is the basis for NPDES Permits for ocean discharges within California, and contains over 200 standards—making it the most comprehensive state-adopted plan in the nation. There has been some concern expressed in the past about whether or not the Ocean Plan Standards are enforceable in federal waters more than four miles offshore. However, H.R. 1943 clearly requires compliance with Ocean Plan Standards and therefore would be applicable to the Point Loma outfall despite its termination in federal waters.

There have been public allegations that under HR 1943 San Diego would be allowed to discharge raw sewage or partially treated sewage. That simply is not the case. The effluent from the Point Loma treatment plant is required to meet all State Ocean Plan standards, and will continue to be permitted by California on this basis. The permit will be renewed every five years, with full public review and input. In addition, San Diego is required to continue its in-depth monitoring program to ensure compliance with all standards and full protection of the ocean. Reports are submitted monthly, quarterly, and annually providing all of the data that confirms compliance with permit requirements and attainment of the Ocean Standards.

I understand that some groups, including the U.S. EPA, support the Ocean Pollution Reduction Act of 1994 but oppose HR 1943. In a July 11, 1995 letter to you, the U.S. EPA Assistant Administrator for Water, Mr. Bob Perciacepe, states that the bill is "unnecessary, eliminates public review, and is scientifically unsound." Nothing could be further from the truth. The bill is necessary to allow San Diego to plan for the future without the vagaries of federal bureaucratic changes; it includes the same public review of the permit and scientific basis as the Ocean Pollution Reduction Act.

Mr. Perciacepe's letter also states that H.R. 1943 conflicts with the National Research Council's 1993 report, *Managing Wastewater in Coastal Urban Areas.* He says that the bill "would provide for a blanket exemption from secondary treatment, even if changed circumstances or evolving science raise reasonable questions about the continued wisdom of the waiver" and that this conflicts with the report's caution to allow flexibility to respond to new information. My understanding is that H.R. 1943 includes precisely the flexibility that the National Research Council suggests, allowing the continuously-updated, site-specific criteria of the State Ocean Plan to apply—rather than the one-size-fits-all secondary treatment requirement mandated by the Clean Water Act over 20 years ago.

In summary, we urge support for H.R. 1943 because current monitoring and data analysis demonstrates that the ocean waters offshore of the Point Loma treatment plant are fully protected. Continuing compliance with the California State Ocean Plan—including changes to the Plan reflecting evolving and increasing scientific knowledge—will assure that the all necessary protection remains in full force in the future.

Sincerely,

JAMES M. STROCK.

GOVERNOR PETE WILSON,
Sacramento, CA, July 18, 1995.
Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: The State of California supports H.R. 1943, the San Diego Coastal Corrections Act of 1995. Your leadership in establishing Corrections Day to expeditiously address unnecessary regulations, like the one San Diego has endured for over 20 years, is recognized and appreciated by the citizens of this state, the ratepayers in the San Diego region, and federal taxpayers everywhere.

The question of whether or not San Diego should implement secondary sewage treatment was an issue during my tenure as mayor—and it is a tribute to Mayor Susan Golding that this cause is being carried on despite almost overwhelming bureaucratic and legal challenges presented by the U.S. Environmental Protection Agency and others.

With the passage of H.R. 1943, San Diego will continue to monitor the ocean that is such a precious resource to the community, will continue to have oversight from the U.S. EPA and California's EPA, will comply with rigorous requirements of the California State Ocean Plan, and will save $3 billion by not having to build unnecessary secondary treatment facilities.

Thank you for your support of this bill and for establishing a procedure for correcting this and other unnecessary regulations.

Sincerely,
PETE WILSON.

ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES,
Washington, DC, July 24, 1995.
Hon. BUD SHUSTER,
Chair, Committee on Transportation and Infrastructure, House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN SHUSTER: I write today to express AMSA's support for H.R. 1943, the San Diego Coastal Corrections Act of 1995. AMSA believes that unique ecosystems often require site-specific solutions to effectively protect water quality. H.R. 1943 provides such a solution by ensuring protection of our coastal waters through the application of site-specific water quality-based criteria for qualifying discharges to marine waters.

The legislation requires San Diego's publicly-owned treatment works (POTWs) to work within the existing permitting and enforcement provisions of the Clean Water Act, and ensure that monitoring and reporting requirements currently in place would continue. Under the legislation, pretreatment requirements and all other provisions of the Clean Water Act would also remain intact. H.R. 1943 will allow San Diego to allocate scarce resources to areas of greatest concern while providing no relaxation of water quality standards and no exemption for effluent toxic pollutant limitations.

Site-specific criteria for marine dischargers is cost-effective and environmentally-sound. For this reason, AMSA urges Congress' support of H.R. 1943.

Sincerely,
KEN KIRK,
Executive Director.

Mr. Speaker, I reserve the balance of my time.

Mr. MINETA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am opposed to this bill. It is unnecessary and an affront to the communities that most of us represent. In addition, it fails to meet the criteria for corrections legislation as set by the Speaker's guidelines. H.R. 1943 should not be approved by the House, and certainly not under Corrections Day procedures.

THE BILL IS UNNECESSARY

The issue is not whether San Diego should receive a waiver from secondary treatment. San Diego will receive its waiver. Under legislation passed by Congress and signed by President Clinton last year, San Diego alone got the right to seek a waiver, and has applied for a waiver from secondary treatment. EPA has publicly announced that it fully expects to grant the waiver in the near future, after the normal process which includes the opportunity for public comment.

I have observed a common thread in many of the arguments offered in support of H.R. 1943: There is a steadfast commitment to ignoring the legislation that was enacted into law last year which addressed San Diego's need for relief from secondary treatment requirements.

For example, a "Dear Colleague" in support of H.R. 1943 claims that "The fact is, there is no disagreement that San Diego needs this legislation. * * *" That simply is not true. There is considerable disagreement as to San Diego's need for this legislation, as evidenced by this debate.

Some acknowledge the existence of last year's fix, but try to make the case that H.R. 1943 is necessary because last year's enacted San Diego bill is inadequate. The concern is that last year's bill does not grant a permanent exemption from secondary treatment.

But why should San Diego get a permanent waiver, when not one single waiver recipient in the history of the Clean Water Act has received a permanent waiver of this type?

Is it the cost of reapplying? No. Most of the cost of periodic re-application and review is the cost of monitoring, and that cost will be incurred with or without H.R. 1943.

Is it the risk that San Diego may lose its waiver during a 5- or 10-year review? No. Every other waiver recipient is required to demonstrate that its waiver continues to be appropriate in view of changing conditions or new information. And, none is known to have lost its waiver in the course of such a review. Moreover, if new information or changed conditions prove that the waiver is harming human health, then sound science would dictate that there be an opportunity to reconsider the terms of the waiver.

It also has been suggested that H.R. 1943 is needed because even if, as expected, EPA approves the waiver this August, San Diego will be in the same position as it was previously when EPA reversed a prior tentative approval.

This assertion ignores the fact that San Diego's first effort at getting a secondary waiver failed because the State of California opposed the plan as inconsistent with the State's ocean standards. San Diego then withdrew its waiver application, knowing that, under the law then in effect, to do so was to forever forgo any further option of obtaining a waiver.

This time around, however, the State of California supports the waiver application San Diego has already made under last year's bill.

The simple truth is that no further legislative action is necessary for San Diego to be relieved from the secondary treatment requirements of the Clean Water Act.

This bill is not about San Diego not doing secondary treatment. San Diego is about to receive a waiver of secondary treatment. This bill is about allowing San Diego to do substantially less treatment than it is doing today. This is unconscionable. That is why I will offer a motion to recommit with instructions to adopt the amendment Mr. FILNER offered in committee, which would assure that San Diego would at least not backslide from where it is today.

All of the supporters of this bill argue that San Diego's discharge is not harmful—but they are referring to San Diego's current discharge, and this bill allows a massive rollback of treatment. My motion will require San Diego to meet its current level of treatment, nothing additional, and will not require San Diego to achieve secondary treatment. If San Diego's sewage is not harmful at today's levels, then San Diego should continue today's level of treatment and not be allowed to increase its pollution in the ocean.

THE BILL IS UNFAIR

A second issue I will raise, Mr. Speaker, is the inequity of taking up H.R. 1943 when there are far greater issues to be addressed in the Clean Water Act. H.R. 1943 is an affront to the communities that most of us represent.

At the same time that San Diego is getting special treatment, less than 1 year after it received special treatment allowing it to apply for a waiver, the Republican leadership is supporting a provision in the VA/HUD appropriations which denies $1.4 billion in grants to States and cities to implement Clean Water Act programs. All of our cities and States continue to bear the burden of State and Federal requirements to improve water quality.

Funding for fiscal year 1996 for every city and State is being held hostage by the Appropriations Committee for reauthorization of the Clean Water Act, yet San Diego is singled out for its own private relief bill. San Diego does not have to wait for Clean Water Act reauthorization—and it is the one community which doesn't need any legislation.

Why is it that San Diego, which will receive a waiver from secondary treatment with no further legislation, is getting a bill considered separately, and yet thousands of communities which are in technical violation of the law for failure to have stormwater permits cannot receive separate legislative attention?

Why is it that the hundreds of cities looking for approval of EPA's combined sewer overflow policy cannot receive separate legislative action?

None of these communities will receive any assistance by the action which we are taking today. Thousands of communities which need legislation are being told that they must wait for the larger bill to be considered. Yet the one city that needs no further legislative action to receive the relief which it wants is getting a special bill, just for it, for the third time in less than a year. The thousands of other communities can wait.

H.R. 1943 FAILS TO MEET THE CRITERIA FOR CORRECTIONS LEGISLATION

I also want to note, Mr. Speaker, that H.R. 1943 fails to meet the substantive and procedural requirements for bills to be considered under the corrections procedure. For example, it does not "address rules, regulations, statutory laws or court decisions which impose a severe financial burden, are ambiguous, arbitrary, or ludicrous." Nor does it "aid the average family, small business, worker, or promote the well-being of all." EPA has already announced that San Diego will receive a waiver of secondary treatment requirements, thereby saving San Diego as much as $1 billion.

It has been suggested that the bill meets corrections criteria because it addresses a court decision and a statutory requirement that impose heavy financial burdens on the taxpayer. This assertion may have been compelling were it not for the fact that last year's enacted bill has already relieved the citizens of San Diego of this burden, by providing for a waiver of secondary requirements.

CONCLUSION

This bill is completely unnecessary, it is an injustice to the majority of communities and citizens that each of us represents, and it is motivated solely by politics.

I recognize that the bill may well pass this House anyway, but it will not pass for the right reasons. That is why I will offer a motion to recommit upon conclusion of the debate. My motion to recommit will simply instruct that the amendment Mr. FILNER offered in committee, assuring that San Diego at least would provide no less treatment than it provides today, be made a part of this bill. My motion will reveal what this bill is really all about. If the proponents just want a secondary waiver, they will support my motion to recommit with instructions. But if what they really want is for San Diego to do less treatment than it is doing today, then they will oppose my motion. We will soon know what this is all about.

If my motion to recommit is defeated, then what we have here is a bill to allow San Diego to rollback its existing treatment, not a bill just to excuse San Diego from improving its treatment levels. And a bill to rollback existing treatment should definitely be defeated.

Mr. Speaker, some background is useful here. In passing the Clean Water in 1972, Congress faced the question of whether to require all cities to do the same level of sewage treatment, or to base treatment requirements on the local conditions of the water body into which the treatment works discharged. Congress decided that the most reasonable approach was to require all cities to do a basic level of treatment—referred to as secondary treatment—and then subsequently and only where clearly necessary to protect receiving waters, standards could be raised to higher levels of treatment. Under the act, all communities were required to achieve secondary treatment by July 1, 1988. The majority of communities have not been required to do more, although some, including my own city of San Jose have gone considerably beyond secondary treatment to tertiary treatment.

The secondary treatment requirement, and the corresponding basic level of treatment for industrial dischargers, has accounted for most of the success under the Clean Water Act, which is widely acknowledged to be the most successful of the environmental statutes. Key to that success is that a basic level of treatment was required up front, so that cleanup could begin before the endless litigation which has plagued most environmental programs. More difficult questions of how much treatment was enough were postponed until later, and in most instances have not needed to be raised at all.

In the 1977 amendments to the act, Congress created the section 301(h) waiver window, under which communities with deep ocean outfalls could apply for and receive a waiver from the secondary treatment requirement if they could show that there would be no harm to health and the environment as a result. Communities could only submit waivers from 1977 through 1982, although waiver applications submitted within the window could be acted on after 1982.

Approximately 40 cities, many of them small communities adjacent to close-in deep waters along the Alaska and Maine coasts, have received the waivers. Unfortunately a few larger coastal cities, with more dubious claims of having deep ocean outfalls, wasted years in failed attempts to qualify for the waiver, and as a result are now far behind where most communities are and are having to play a very expensive game of catch-up. San Diego is on of those cities.

San Diego applied for a secondary waiver during the original section 301(h) application period in 1978, at a time when its ocean outfall was approximately 2 miles out and 200 feet deep. It was originally not EPA, but the State of California under Governor Deukmejian, which opposed San Diego's application as inconsistent with the State ocean plan. California based that decision on the fact that the outfall was in a major kelp bed which was actively used for recreation, and on the fact that it did not consider the existing outfall pipe to be reliable. Several years later, California's concerns were borne out when the outfall pipe burst, spewing sewage which washed ashore forcing the closure of 4½ miles of beaches.

Based on the negative findings of the State of California, President Reagan's administration gave San Diego's waiver application a tentative denial in 1986.

At this point, San Diego had the option of revising its waiver application and continuing to pursue it. It could have, for example, done what it has done in the 1990's, which is rebuild its outfall pipe to a deeper point farther out (it is now approximately 4.5 miles out and 310–320 feet deep) and meet the waiver requirements in that way. San Diego considered that option, but in 1987 rejected it in favor of keeping its existing outfall and investing instead in secondary treatment. As a result, in 1987, San Diego voluntarily withdrew its waiver application, knowing that under law it would as a result be committed to achieving secondary treatment and could not not go back to seeking a waiver.

If San Diego had not withdrawn its application, no waiver legislation would ever have been necessary for San Diego. Only because it first decided to seek a waiver, then in 1987 reversed itself and decided it did not want a waiver, then in the early 1990's reversed itself again and decided it did want to waiver, did Congress have a face the question of providing special legislation for San Diego.

Thus, if the purpose of Corrections Day is to correct ill-advised Federal regulatory or legislative requirements, San Diego's secondary treatment is hardly an appropriate case. The issue of San Diego's secondary treatment stands more for vacillating and inconsistent municipal decisionmaking than it does for Federal intrusiveness and inflexibility. The problem here was not inflexible Federal laws or regulations. Federal law was flexible in that it gave San Diego the opportunity to deal with the objections of the State of California either by going to secondary treatment or by extending its outfall pipe. San Diego's problem was that it could not stick with one decision or the other; it was not capable of handling the flexibility it was given.

San Diego is a better case for giving less flexibility to municipalities than it is for giving more. And I consider that very unfortunate, because as a former mayor myself I have long worked to achieve greater flexibility for municipalities. What has needed correcting here has been local, not Federal.

When San Diego reversed itself for the second time and sought, in the last Congress, a legislatively granted waiver, it made several key representatives as to why it should be accorded the special treatment of having the waiver window reopened for it. First, it represented that it required only a slight deviation from secondary treatment standards and only with respect to biological oxygen demands [BOD]. It would continue to meet, for example, the secondary treatment standard for 85 percent removal of total suspended solids. Second, it would reduce the total amount of its discharge by undertaking a major reclamation project, by which a significant minority of San Diego's total wastewater would be reclaimed and used for various landside purposes. And third, by obtaining a waiver it would be subject to the same kinds of monitoring and periodic renewal that any waiver holder and any permit holder is subject to in order to assure that there are no substantial deviations.

In the course of considering that legislation during 1994, San Diego again began changing its mind as to what it was willing to do. As a result, the bill enacted in the fall of 1994, at San Diego's insistence, relaxed not only the BOD standard from 85 to 58 percent, but also lowered the total suspended solids standard from 85 to 80 percent; and it reduced the amount of reclamation and extended the date by which it would achieve that reclamation, as compared to San Diego's initial representations.

The bill Congress enacted in the fall of 1994 was what San Diego said in the fall of 1994 it could do and was willing to do. Yet now in 1995, San Diego is back trying to get out of what it had just said it would do. Under H.R. 1943, San Diego would receive in effect a permanent exemption from secondary treatment—no conditions, no review, no questions asked. Not only would the secondary treatment standard be tossed aside, but so would the 58 percent BOD standard and the 80 percent total suspended solids standard. Anything that was chemically enhanced primary treatment would qualify. That simply means screening out the larger solids and adding chemicals to the rest—basically untreated sewage except for the addition of chemicals. Any requirement for reclamation would be tossed aside. And there would be no requirement for periodic review. It is important to note that this bill would allow San Diego to provide significantly less treatment than it provides today.

So the issue presented by H.R. 1943 is not whether San Diego should have to do secondary treatment—it will not have to do secondary treatment whether this bill is enacted or not. The issue is whether San Diego should have to do the things it proposed a few months ago that it should do in lieu of secondary treatment and whether it should even have to continue the low level of treatment it provides today.

I should also note that it is sometimes claimed that the Scripps Institution of Oceanography supports this bill. That is not true, and I have reconfirmed that with the director of the institution. There are a couple of employees of the institution who, as individuals, endorsed a secondary waiver for San Diego, but whatever their position may be, they do not speak for Scripps.

Let me conclude with these points. This is not a case of excessive or rigid Federal requirements needing to be corrected. The problem here is that Federal law—section 301(h) in particular—gave San Diego a degree of flexibility which it could not handle. First San Diego wanted a waiver, then it rejected the waiver option, then it wanted the waiver and needed legislation to get it, then it wanted legislation to eliminate the commitments it had devised to get the wavier legislation.

Second, San Diego is already getting its secondary waiver pursuant to legislation enacted last year. No further legislation is necessary or advisable; it's only purpose is to even further weaken the limited protections in the waiver San Diego is about to get under last year's bill. Last year San Diego wanted and got a waiver. This year it wants carte blanche to pollute as it sees fit, and it shouldn't get it.

Third, it is not as though Corrections Day is necessary for there to be congressional consideration of this bill. Provisions similar to H.R. 794 have already been included in section 309 of H.R. 961, which was approved by the House. This situation hardly stands for the proposition that without Corrections Day issues like San Diego's sewage treatment cannot get expeditious legislative action. This issue has already been considered and passed through this committee and the House as part of H.R. 961.

The concept of Corrections Day is that there should be an opportunity to repeal Federal requirements which are so clearly ill-advised that their repeal would be noncontroversial and approved by an overwhelming and bipartisan vote. This bill does not meet those parameters. This bill is not noncontroversial and I oppose it.

Mr. Speaker, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I am pleased to yield 2 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I commend the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the committee, for bringing this first corrections day procedure to the floor, and I thank the gentleman from Pennsylvania [Mr. SHUSTER] for yielding me the time.

Mr. Speaker, I rise in support of the first corrections day bill of the 104th Congress, H.R. 1943 represents the correction of a dumb government action and is an excellent start to the corrections process for this Congress.

The concept of corrections day originated with the Speaker of the House earlier this year. At that time, the Speaker created a Corrections Day Task Force to formulate a proposal to bring legislation to the House floor to fix arbitrary, ambiguous, and ludicrous laws, government regulations, or actions.

Mr. Speaker, that task force went to work and produced an excellent proposal. The task force was very ably chaired by the gentlelady from Nevada, Mrs. VUCANOVICH, and also consisted of Representatives ZELIFF and MCINTOSH. These Members held countless meetings and participated in several committee hearings in the appropriate committees of jurisdiction to refine the corrections concept.

The Rules Committee eventually took up their product and held hearings and a markup of House Resolution 168, a House rules change to abolish the Consent Calendar and create a Corrections Calendar.

Mr. Speaker, that resolution passed the House on June 20, 1995, on a bipartisan basis, by a vote of 271 to 146.

The corrections day process agreed to by the House on that day meets the goals established by the Speaker and preserves the deliberative aspects of the legislative process.

The corrections procedure protects the committee system in the House, in which detailed analysis and consideration of legislation takes place. To be eligible for corrections day, bills must be reported by a primary committee of jurisdiction and placed on the Union or House calendar.

The procedure also requires a three to five vote to pass, ensuring that only bipartisan measures will brought to the floor.

To many Americans, this may sound like inside baseball. But the fact is, Mr. Speaker, this procedure will have real results for real people in real towns.

My constituents in upstate New York have been saddled with the costs of unwise regulations generated by this Government for years.

Today, on a bipartisan basis, the House is initiating an innovative new technique to repeal these costly dumb rules.

For 10 years, the city of San Diego has been involved in a dispute over an exemption from the so-called secondary treatment requirement for sewage discharged miles out into the ocean under the Clean Water Act. The San Diego treatment system has been examined by scientists and the California Environmental Protection Agency and both support the need for this legislative exemption.

According to the Congressional Budget Office, estimates to upgrade the San Diego facility to comply with this arbitrary rule could amount to several billion dollars. Additionally, the city estimates that its recent application for a waiver from the rule cost $1 million to prepare. Enactment of this legislation will save potentially billions in construction and other costs.

Mr. Speaker, I am pleased to support this legislation and I am proud to be considering it under the new corrections procedure.

I strongly urge support for this very first corrections day bill to come before this House. Please come over here and vote unanimously for it. We will send these bureaucrats a message.

□ 1040

Mr. MINETA. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee [Mr. CLEMENT], a very distinguished colleague.

Mr. CLEMENT. Mr. Speaker, I rise as a strong supporter of the clean water bill when it passed the House last May to urge my colleagues to vote "no" on the bill before us today. Let me take a moment to explain why I oppose the bill before us today even though I supported the larger bill from which it was taken.

I supported the clean water bill because it contained key provisions which were very important to my constituents. Most Members who supported the bill did so for the same reason. For some Members the specific provision their constituents wanted was wetlands reform, for others it was agricultural runoff issues, and still for others, it was relief for their municipalities on the combined sewage overflow issue or on the stormwater permits issue.

Whatever the individual Member issue, there was something in that bill that was very important to each of us and to our constituents.

Now we see the San Diego provision being split off from the rest of the bill for priority treatment. The San Diego provision does none of the things that our constituents want. What San Diego wanted they already got last year: special legislation so they could get a waiver from secondary treatment. They already have that special treatment.

Now we are being asked to ignore our constituents and what they want, but go ahead and give special legislation to San Diego, which already has it.

If your constituents really need wetlands reform, or moderation on agricultural runoff issues, or a break on combined sewage overflow or municipal stormwater permits, then I suggest you vote "no" on any bill which gives priority treatment to somebody else's provision in the clean water bill and ignores yours. If we are going to start splitting the clean water bill apart, it ought to solve more than one city's problems. I am sure you will agree with me that our problems are at least as important as San Diego's.

I urge my colleagues to vote "no" on H.R. 1943 and on any other clean water split-offs that do not do anything for your constituents.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. HUNTER].

Mr. HUNTER. Mr. Speaker, this is not special for San Diego. This is special for the taxpayers of the United States, because they are the people that are going to be paying this $2 billion for an unnecessary secondary treatment.

This is exactly what Sam Donaldson was talking about the other day when he stood in the middle of the Arizona desert in his special on regulation and talked about the massive protection for, "aquatic creatures, water creatures," that EPA was thrusting on Arizona. He went to EPA and said, "Show me the aquatic creatures in the middle of the Arizona desert." They could not show it to him. They could not show him a reason for the regulation.

Here we have in San Diego the best ocean scientists in the world at Scripps saying you do not have to have secondary regulation. I will say to my friend, the gentleman from California [Mr. MINETA], I have been to the meetings with EPA sitting there saying, "We don't care what they say, it says right here in the law you're going to build a $2 billion plant. By golly, you're going to build it."

This helps all the taxpayers.

It has been said that this is going to prejudice in some way other communities. This is not going to prejudice other communities. This is going to pave the way for other communities to lift their unnecessary regulation. Believe me, all of us are going to be voting right with you. This is a great symbol of common sense and science meeting dumbbell regulation and overtaking it.

Please vote "yes."

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank my friend, the distinguished chairman of the committee, for yielding me this time.

Today is a great day for the people's House, because this concept, which was first initiated by Speaker GINGRICH following a conversation with the mayor of San Diego and several other State and local elected officials, established corrections day. The concept being very simply that we should look at some of the most preposterous ideas that are out there by way of Government regulation, that have been imposed from Washington, DC on State and local governments and other entities, and deal with them. A three-fifths vote is required, and we will have from this institution taken our action to actually eliminate it.

This issue has raised some controversy on the other side of the aisle, and some statements have been made that frankly need to be addressed. My very good California colleague from the San Jose area up north has said that this is pure politics. Well, Mr. Speaker, this is not pure politics.

As was said by the gentleman from Tennessee, this was addressed earlier by a vote when this institution was under the control of what is now, I am happy to say, the minority party. When the Democrats controlled this institution, they took action providing this waiver, yet the Environmental Protection agency has still been screwing around with this.

We have now gotten to the point where we want to take the firm action that is necessary to deal with it, and that is what we are doing today. It has not been handled adequately. To call it pure politics is way off base. Why? Because the bipartisan effort has come together to deal with this question.

Dr. Ravel, in his last words to BRIAN BILBRAY, who has worked long and hard on this, who was a member of the San Diego County Board of Supervisors, said that this issue needs to be addressed. He is not some right-wing conservative Republican who is playing pure politics; the father who discovered the whole greenhouse effect. He said this to the gentleman from California [Mr. BILBRAY] before he passed away.

My colleagues, the gentleman from California [Mr. CUNNINGHAM], the gentleman from California [Mr. HUNTER], and others have worked on this. This is the responsible thing to do. We should move forward and do it immediately in a bipartisan way.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from California [Mr. PACKARD].

Mr. PACKARD. Mr. Speaker, today marks the first Corrections Day in the history of Congress. I cannot tell you how pleased I am that the first issue being considered is one that I have worked for years to get passed.

For over a decade I have worked to relieve San Diego of an arbitrary mandate in the Clean Water Act that costs San Diego ratepayers and the American taxpayers $3 billion for additions and alterations to their sewage treatment system. Even though scientific evidence demonstrates that the city's advanced primary treatment already complies with the standard set forth in the Clean Water Act, we have been forced to submit to the ludicrous regulation.

Today, we have the opportunity to make government more accountable and establish a way for Congress to quickly fix onerous and burdensome regulations. Corrections Day signals the people's triumph over silly, obsolete rules and regulations and the bureaucracies that thrive on them.

I urge a "yes" vote on this resolution, and let us put a stop to a requirement of billions of dollars to be paid for no appreciable gain.

Mr. SHUSTER. Mr. Speaker, I yield 3 minutes to the distinguished gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, my good friend the gentleman on the other side of the aisle has stated that this legislation was motivated by politics. Commissioner Ganagi, the mayor of San Diego, the Governor of the State of California, the delegation that represents the area, 2 million people, support this legislation. The gentleman from California [Mr. BILBRAY] as a mayor supported this years and years ago and now is in the House and still fighting the same battle. The Ocean Pollution Reduction Act that was rushed through Congress last year only says that San Diego can apply for a waiver. The gentleman stated that no other place has ever received this waiver.

This is an extreme example of an unfunded mandate. Every Member, Republican and Democrat, has onerous rules and regulations by the Federal Government that is inflexible, that should be allowed some change. The EPA and the rule for off-sewage was written when you dump already treated sewage into a lake or river. Best science from Scripps Oceanographic, these people deal in what is good for the ocean, have stated good science, it actually enhances the ecology of the ocean because this is not dumped into a lake or a river, it is dumped miles and miles out to sea below a depth of 300 feet.

What else does it mean? It means that the residents of California will pay. Think of the senior citizen on a fixed income that is going to have her sewage bill doubled when it is not even necessary and good science says it is not necessary but certain special interest groups fight to change it.

Speaker GINGRICH took a look and said, let's take some of these Federal regulations that affect Members on both sides of the aisle, that are onerous and that are not working, written with good intention but they are inflexible, and let's change some of that on the House floor.

That is what this is about. For years and years we have been working on this situation, and just applying for a waiver does not do it. This does it. This completes that requirement. The delegation from San Diego, with Mr. HUNTER, Mr. PACKARD, Mr. BILBRAY, myself, and even Mr. FILNER on the other side of the aisle, have worked on this thing over and over again trying to make this change. This is a chance finally to come to fruition. I ask my colleagues to support it. It is important, and it is one of the first steps we have to bring logic back to this House.

Mr. MINETA. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Speaker, today is a very sad day in this House in my opinion. When I was first elected to the House of Representatives back in 1988, it was a fall after a summer when the Jersey shore and many of the States along the eastern coast had experienced very severe ocean pollution problems, beach washups, problems from sewage discharge and from other pollution that was dumped into the ocean. I thought at that time after the very strict laws that were passed, the Clean Water Act and various other legislation, that we had learned the lesson that we cannot dump in the ocean. Today I find out that that simply is not true. The message that we are sending today to the American people is that it is OK to dump in the ocean. It does not matter. This Congress does not care.

How ironic that on the first Corrections Day, instead of dealing with things that are really arbitrary or ludicrous or capricious like the $250 toilet seat or other agency actions that we know should be taken up on Corrections Day, instead we are granting an automatic and permanent waiver for the ocean discharge of waste. I guess the idea of protecting our environment, our water, our oceans in which we swim and fish is something that this House now considers, and I think one of the gentleman said, arbitrary or ludicrous, since this is a substantive requirement of Corrections Day.

The whole idea of trying to achieve secondary treatment is not ludicrous and it is certainly not arbitrary. It makes a lot of sense. That is why we have laws on the books which this is trying to change that require secondary treatment.

Secondary treatment is critical to the removal of organic material from sewage. This is the material that is linked to diseases like hepatitis and gastroenteritis for swimmers.

Mr. Speaker, we have in the Clean Water Act an effort to try to go down this slippery slope. Let us not kid ourselves. This is not just San Diego. Today it is San Diego, tomorrow it is going to be other California cities, then other cities around the country. We remember during the Clean Water Act that the Clean Water Act reauthorization specifically allows waivers, not only for San Diego but for a number of other cities around the country. Then they added the provision that said that for cities that were under 10,000 or municipalities that had under 10,000, that they might be able get a waiver. Then they added Puerto Rico, then Alaska. This is the beginning of the end in my opinion for secondary treatment and the requirement that that imposes. The notion that somehow that is okay and that we are going to take this material and dump it further and further out to sea and somehow it is not going to come back, that is the ludicrous part of what we are considering today.

In light of what occurred a couple of months ago in the Clean Water Act, I guess there is no reason to be surprised today. We are dealing with a number of efforts to degrade the environment. The Interior appropriations bill, the cuts in funding for both NOAA and EPA which we are about to address, all of these things are gradually taking us down the slippery slope. In addition to that, I think we have to understand that this bill eliminates a number of things that are very important. It eliminates the public review of the decision to allow the waiver. Essentially without this bill under the existing waiver process that is already law, there would be a public review that would start occurring sometime this summer or sometime in the near future. This is eliminated under this bill.

Also there has been a lot of mention about the scientific basis for this. Another thing this bill eliminates is basically the ability to look at the science in the future, because once the waiver is granted, if we find out that this process does not achieve what the authors are saying it is going to achieve, what opportunity is there to go back and look at the future science of the process?

I guess my problem here today, Mr. Speaker, is that I just think that the process of considering this bill on the Corrections Day Calendar is really improper because it is essentially saying to this House that Corrections Day is a day when we can make exemptions to environmental laws.

Coastal and ocean waters do not recognize State boundaries. We learned that a few years ago in New Jersey when medical waste from New York washed up on our shores. As a representative from a coastal State, I can tell you that my constituents do not want ocean disposal of waste. They do not want environmental loopholes and waivers. They certainly do not consider environmental regulations that protect our water, our estuaries, our wetlands and our beaches as arbitrary and capricious. Although today we are talking about California, this sets a very dangerous precedent. Today it is California but next Corrections Day it may be your neighboring State. There is absolutely no way that we are going to ultimately obtain the goal of the Clean Waste Act which is fishable and swimmable waters around this Nation if we continue this process.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the distinguished gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, it is a historic day. For the first time we have before us an item from the Corrections Calendar. As Chairman of the Corrections Day advisory group, I would like to discuss why I and the majority of Members of the Speakers advisory group recommended this bill for consideration on the Corrections Calendar. In fairness, I want to acknowledge that three members of the advisory group opposed placing this item on the calendar.

Let me say that the fact that this bill does not have unanimous support does not disqualify it from the corrections procedure.

Obviously, I would prefer that every Member support this bill, but in designing the corrections procedure we anticipated some opposition to items on the calendar. If we restrict ourselves to only those items with unanimous support we would not need the Corrections Calendar.

Much inaccurate information has been put out by those who would like to see corrections day fail. It boggles my mind that these new defenders of corrections day claim San Diego should not be a correction bill, when it was this very situation which prompted the Speaker to suggest the idea of corrections day. I would remind my colleagues that many of these same defenders of the corrections day process are the ones who argued strenuously not to even have corrections day.

Mr. Speaker, the San Diego waste water problem is precisely the type of legislation we should be doing on this calendar. It will save the nearly 2 million residents of San Diego County billions of dollars. This bill is narrow in scope as it should be to be considered on this calendar, and it has bipartisan support. Most importantly it is time we bring over 20 years of wrangling between the EPA and San Diego to an end. Delaying this legislation will only cost the taxpayers of southern California millions more of their tax dollars with no change in the end result.

I urge a "yes" vote in support of this legislation.

□ 1100

Mr. MINETA. Mr. Speaker, I yield such time as she may consume to the gentlewoman from Michigan [Ms. RIVERS].

[Ms. RIVERS addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

Mr. MINETA. Mr. Speaker, I yield 4 minutes to our distinguished colleague, the gentleman from San Diego, CA [Mr. FILNER].

Mr. FILNER. Mr. Speaker, my colleagues, I rise today in strong support of H.R. 1943. Let me stress that this has been a bipartisan effort, both in San Diego, where the request originated, and in this Congress, where I hope a bipartisan coalition will pass this legislation today.

Without this legislation, San Diegans would be forced to pay billions of dollars to meet a bureaucratic requirement that makes no sense, given San Diego's geographic position and technological method of treating sewage.

This has been a long fight for me personally. In fact, I have spent more than 6 years fighting against this nonsensical requirement. I was one of the first members of the San Diego city council who was convinced by the testimony of marine scientists from the world-renowned Scripps Institute of Oceanography that San Diego was already doing the right thing for the environment.

One of the first bills that I introduced in 1993 as a freshman in the 103d Congress was H.R. 3190, which is very similar to the bill we are discussing today. And in late 1994 in the 103d Congress, my colleagues in the Congress unanimously passed my legislation to allow San Diego to apply for a waiver from the requirements of the Clean Water Act.

Mr. Speaker, that bill allowed San Diego to apply for a waiver from the Clean Water Act's secondary treatment standards. I am proud to state that that application has been submitted and, because it was based on sound science, it has already received preliminary approval by the EPA. We have no doubt that this application will soon receive final approval.

But we are here today to take the necessary next step; that is to remove the requirement that San Diego reapply for that waiver every 5 years. I want to ensure that San Diego is not required to spend millions of taxpayer dollars every 5 years to reapply for a waiver, or that it run the risk that some EPA administrator in the future, as it has in the past, may reject the waiver application and force San Diego into a wasteful transformation of its sewage treatment system.

Mr. Speaker, some of my colleagues have legitimate concerns about this legislation, but I want to reassure all of my colleagues that San Diego will still have to meet the basic environmental mandates of the Clean Water Act and that no damage to the marine environment will result.

This bill requires that San Diego comply with one of the most restrictive State ocean plans, California's ocean plan, which stipulates a minimum of 75 percent suspended solids removal. The California State ocean plan, which has been approved by the national EPA, includes a list of standards for specific chemicals that is more restrictive than Clean Water Act standards.

These standards will apply, despite the fact that San Diego's ocean outfall is 4 miles out to sea, and therefore outside of the 3-mile jurisdiction of the State, because H.R. 1943 would require that the city of San Diego apply to the State of California and EPA for an NPDES permit every 5 years. Because of this permit requirement, I have no doubt that the EPA will hold San Diego to State of California ocean plan standards.

Finally, at the request of the marine scientists from the Scripps Institute, this bill will require San Diego to continue its comprehensive ocean monitoring system. I urge my colleagues to support this bill. It is the right thing to do for both the environment and the taxpayers of San Diego.

Mr. Speaker, I want to point out, finally, that the protections in this bill to require San Diego to meet the California State ocean plan and to submit to the comprehensive ocean monitoring system will protect against some of the fears that my colleagues have.

This means that San Diego will not only measure the quality of the effluent that is entering the ocean outfall but, more importantly, it will conduct a thorough assessment of the effects of the effluent on the marine environment. This monitoring system will be evaluated in turn not only by State and Federal agencies, but will be made available for review by the best marine scientists in the world, the experts that work at Scripps.

Mr. MINETA. Mr. Speaker, will the gentleman yield?

Mr. FILNER. I yield to the gentleman from California.

Mr. MINETA. Mr. Speaker, if I could ask my colleague a question on that. With regard to the standards, is my colleague familiar with this motion to recommit that I intend to offer?

Mr. FILNER. Mr. Speaker, I am.

Mr. MINETA. Mr. Speaker, I ask my colleague how he feels and whether he will be supporting that motion.

Mr. FILNER. Mr. Speaker, as my friend knows, in the Committee on Transportation and Infrastructure I submitted an amendment, which he has in his recommittal motion, which will in fact help this bill meet some of the problems that some of my colleagues have by requiring certain standards that we already meet that we are pledged to do, that will require no extra expense. I think that makes this bill stronger when it goes to the Senate and when it goes to the President.

Mr. MINETA. Mr. Speaker, I thank my colleague.

Mr. FILNER. Mr. Speaker, I say to my colleague, that requirement makes a lot of sense.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. BOEHLERT] the distinguished chairman of the Subcommittee on Water Resources and Environment.

Mr. BOEHLERT. Mr. Speaker, I rise in strong support of this commonsense legislation. I would point out that it has been considered at some length in the Subcommittee on Water Resources and Environment, over which I have the pleasure of chairing. It has been considered by the full committee, and as a matter of fact, everyone in this House has essentially approved the language of this legislation, because it was included in H.R. 961. I did not support that bill; however, we did have an alternative, the gentleman from New Jersey [Mr. SAXTON] and myself, and that same language was in the alternative.

Mr. Speaker, this just makes a whole lot of sense. Scientists agree that the city's current level of treatment is not harming the ocean environment. Complying with the secondary treatment mandate will cost the city over $2 billion, and possibly as much as $4.9 billion, if the city is enforced to install all the treatment facilities that EPA has sought to require the return for settlement of its litigation against the city.

We are moving in the right direction. Frankly, this debate over this bill is not over environmental protection. I take a back seat to no one on being a strong environmentalist. It is about process. I urge my colleagues on a bipartisan basis to support this legislation.

Mr. SHUSTER. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Indiana [Mr. MCINTOSH].

Mr. MCINTOSH. Mr. Speaker, I want to commend the gentleman from Pennsylvania [Mr. SHUSTER] and the gentlewoman from Nevada [Mrs. VUCANOVICH] for bringing this issue to the House floor.

Mr. Speaker, my colleagues might ask what is a Representative from Indiana doing talking about an issue that affects southern California? But as a member of the advisory committee on Corrections Day, this is an issue that is exactly what we were looking for in trying to correct unnecessary problems created in our regulatory process.

Mr. Speaker, it is an example of how the one-size-fits-all approach actually ends up with a stupid result. The environmental scientists at the Scripps Institute say that this waiver for San Diego is actually proenvironmental. It will help create a better environment for southern California.

The professional radical environmentalists say, "No, no, we cannot allow any waivers at any time." But the scientists, the biologists, say this action will be good and will help clean the environment in southern California.

When I asked mayors in Indiana, Do you mind if we start giving waivers for cities around the country where the situation is different for them on some of these environmental regulations, they said to me, "No, I think it is a good idea. Have the situation taken into account for each city, but give us a chance to also make our arguments when an issue comes up."

Everyone wants to do what is best for the environment in their region. It will help save taxpayer dollars and it is time that we act how to solve this problem.

Mr. Speaker, I talked with Mayor Golding of San Diego earlier this morning and she told me that she has been working on this issue for 20 years and that EPA has failed to give them a waiver or allow them to do what is both good economics and good for the environment.

Mr. Speaker, we have waited 20 years so far for a waiver from EPA. I do not think we need to wait anymore. It is time that Congress act and grant this exemption and do something that is good for the environment and for the citizens of San Diego. I strongly urge my colleagues to vote in favor of this bill.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. CONDIT].

Mr. CONDIT. Mr. Speaker, first of all let me say I rise in support of Corrections Day. I received numerous phone calls in my office supporting the approach for us to begin to curb government regulation, overburdensome government regulation, and I think today this is a good procedure by which we can begin to do that. Both sides of the aisle, we want to do away with overburdensome regulation. We want to do away with regulations that are unneeded.

Mr. Speaker, I also want to rise in support of H.R. 1943. What I think we are doing today, this type of legislation is ideally served for the need of the Corrections Day procedures. The Clean Water Act is a perfect example of an unfunded mandate. H.R. 1943 will help alleviate from the local government a burden of $3 billion, an unnecessary burden, because of this regulation.

Mr. Speaker, I think Corrections Day is intended to give us immediate response to misguided laws or government policy. This is clearly a misguided initiative by the EPA. I ask my colleagues to vote for H.R. 1943.

Mr. MINETA. Mr. Speaker, I yield 1 minute to our very fine colleague, the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I am a Member of the corrections advisory committee, and I support the idea of a Corrections Day. But that Corrections Day ought to be to correct laws or regulations that have unintended and burdensome effects. We ought to correct on a bipartisan basis. We ought to limit our corrections to those we can all support and we will ensure against abuse of that corrections calendar if we do not take up controversial issues like the San Diego provisions that is before us today.

We do not want the corrections calendar to become a fast track for special interests seeking favored treatment. This is a divisive bill. It is over something that is already going to be done by the EPA. It is based largely on a false anecdote.

Mr. Speaker, I hope this is an aberration as to what we are going to have on the Corrections Day calendar and is not a signal of how this calendar will work in the future. Let us correct issues that ought to be corrected, that we all agree upon, and not take up controversial issues such as this one where there is such divisiveness.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Texas, Mr. JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Speaker, for years now Washington has been piling regulations and mandates on its citizens with little regard for the heavy toll these burdens have on real people. Today we take the first step toward restoring common sense to Washington policy-making.

Mr. Speaker, I would disagree with the previous speaker that this is a controversial issue. I think that on wastewater, San Diego is trying to get a waiver and they had to spend $2.2 million of taxpayer money just to complete the forms. To renew it every 5 years, they are going to spend another $2.2 million.

Mr. Speaker, that is government bureaucracy at its worst. It needs to be fixed. By making this simple correction, we can meet environmental requirements and save a local government and local taxpayers billions of dollars.

Mr. Speaker, it is about time the Congress used good judgment. Let us pass this bill.

Mr. SHUSTER. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, Members of the House, this bill is exactly what Corrections Day ought to be about. The scientific community says that San Diego's treatment facility is as good or better than secondary treatment requirements under the technicalities of the Clean Water Act.

The scientific community agrees that they should not have to do what the technicalities require, because they are doing as good or a better job than the technicalities. And yet, the community has to spend millions of dollars every 5 years to get a waiver, which they may or may not get depending upon who is in charge of the EPA.

Mr. Speaker, not only does the scientific community agree that they should not be required to do this secondary treatment, but the California EPA agrees and the local Sierra Club agrees. And yet, the community still has to spend taxpayer dollars to get someone in EPA to agree every 5 years.

□ 1115

Mr. Speaker, this is exactly what Corrections Day ought to be about. This bill ought to pass. We ought to end this stupid technical requirement when the science says it is unnecessary.

Mr. MINETA. Mr. Speaker, I yield 1 minute to my colleague, the gentleman from California [Mr. BERCERRA].

Mr. BECERRA. Mr. Speaker, I thank the gentleman for yielding me this time.

I must say, as another member of the advisory committee of Corrections Day, I am also very disturbed by this particular bill coming up. This is not the appropriate type of vehicle to do this. We are here to try to correct dumb legislation. This does not fit the bill.

I must say that I must agree with Mayor Golding of San Diego, who said she does not want to get rid of the public comment period provided by this bill; H.R. 1943 would undo the ability of the local communities to have comment, to give comment on this particular waste disposal facility. It is essential, as the mayor has said. I believe it is, as well. This is not the way to go. We should not be trying to undo laws that protect the community.

I would urge Members to oppose this particular Corrections Day bill because it does not fit the definition of a Corrections Day bill.

Mr. SHUSTER. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, the point I want to make, a couple of points, first, the mayor of San Diego has just been referred to by the previous speaker. The mayor of San Diego strongly supports this legislation. So it would be very misleading, and I know that the gentleman certainly would not do that on purpose; it would be very misleading to suggest anything other than the fact the mayor of San Diego strongly supports this legislation.

I think it is particularly interesting when you look at this debate today, Mr. Speaker, you will see that all six Members of Congress from the San Diego area, the southernmost part of California, Republicans and Democrats, strongly support this legislation. But when you look at who is opposing this legislation, you see the majority of those who spoke are not even from California.

Yes, we have had some northern Californians speak. We are about to have a Pennsylvanian speak against this bill, somebody from New Jersey, from Michigan, from Tennessee.

It is very interesting that, in a sense, what this boils down to, it is the Washington-knows-best crowd versus the people-know-best coalition, and it is unanimously the people, the Members of Congress, who represent the area who are strongly in support of this legislation. But people from across other parts of the United States seem to think they know best what is best for this particular region of the country.

Most interesting, the California EPA supports this legislation. The California water quality people support this legislation. The mayor of San Diego supports this legislation. The Governor of California, a former mayor of San Diego, supports this legislation. So the people who are on the ground, the people who know the problem most intimately and, yes, the scientists who know the problem most intimately support this legislation.

I think that is an excellent reason to give overwhelming support to this. I urge it be supported.

Mr. MINETA. Mr. Speaker, I yield the remainder of my time to the gentleman from Pennsylvania [Mr. BORSKI], who knows best, who is the ranking Democratic member of the Subcommittee on Water Resources and Environment.

Mr. BORSKI. Mr. Speaker, I am strongly opposed to H.R. 1943—legislation which is unneeded in its concept, unworkable in its implementation, and sets a terrible percedent.

There is no reason whatsoever for this bill—none whatsoever.

San Diego's problem was taken care of last year. What this bill is seeking to correct has already been corrected.

If people say that requiring San Diego to meet secondary treatment standards of the Clean Water Act is dumb, what would they say about passing bills to solve problems that have already been solved?

Legislation was passed last year by Congress and signed by the President allowing San Diego to apply for a waiver of the secondary treatment standards of the Clean Water Act.

The Environmental Protection Agency has been acting quickly on the San Diego waiver application.

On August 12, less than 1 month from today, EPA will issue a proposed permit granting San Diego the waiver it is seeking.

If we do nothing today, San Diego will have its waiver by the end of the year.

H.R. 1943 makes changes in the existing law but they are not improvements.

Instead of requiring San Diego to have its waiver reviewed every 5 years—as the other 40 cities with waivers must—H.R. 1943 would grant San Diego a permanent waiver with no provisions for review.

Instead of requiring San Diego to meet basic treatment standards, as San Diego officials said they could last year when we passed the Ocean Pollution Reduction Act, sponsored by Mr. FILNER, H.R. 1943 has minimal and undefined standards that are lower than San Diego is meeting today.

H.R. 1943 is an open-ended license for the city of San Diego to greatly reduce its sewage treatment for as long as it wants.

With all its drawbacks, this legislation has already passed the House as part of H.R. 961, the so-called Clean Water Act Amendments of 1995. Why are we doing it again?

Why is this provision of all the changes in H.R. 961 being singled out for special treatment? Why San Diego when its waiver is already on the way?

If we are looking for a bill for Corrections Day, why not a combined sewer overflow provision that would help a lot of cities, such as Philadelphia, New York, and Chicago?

The CSO provision in H.R. 961 is supported by every interest group, is noncontroversial and would easily get the votes needed for passage.

Why San Diego and why not Philadelphia, New York, Chicago, and all the other cities that face costs of more than $15 billion to correct their CSO overflow problems?

Why the people of San Diego and not the 32 million people served by sewage treatment systems with CSO's?

It is not economics. I believe the budgets of Philadelphia, New York, Chicago, and virtually all other cities could use as much financial help as San Diego.

It is not tax base. I am sure San Diego has as many resources to draw on as all other cities that have already invested in secondary treatment and now face the bills for combined sewer overflows.

The question remains: Why San Diego?

Let's provide the help where it is truly needed and not where local officials have good connections with the leadership of the Republican Party.

San Diego has gotten the correction it needed and it was done in the proper manner. They don't need passage of this bill.

I urge my colleagues to reject H.R. 1943.

Mr. SHUSTER. Mr. Speaker, I yield the balance of my time to the distinguished gentleman from San Diego [Mr. BILBRAY].

Mr. BILBRAY. Mr. Speaker, as someone who just came from the private and public sector out there, trying to address environmental problems, into this House, I was rather confused as to where the opposition to this bill came from. Now I understand, and it is a total misconception of the text, and I would like to point out to my colleagues that once you find out the facts and the data here, it is quite obvious that anybody reasonable would address this.

Some have said this is a partisan proposal. Mr. Speaker, when the gentleman from California [Mr. FILNER], the gentleman from California [Mr. CUNNINGHAM], and the gentleman from California [Mr. HUNTER] can agree on anything, that is not only bipartisan, it is bipolar.

The fact is I would say this to my colleagues, both Republicans and Democrats, look at who is supporting this and try to find a reasonable reason why reasonable people cannot sometimes, though their politics may be different, come to a reasonable conclusion backed up by science.

My colleague from New Jersey raised the concern about pollution and the problems there. Let me point out that the California plan is twice as stringent as the New Jersey contact water standards, that if New Jersey had this plan, we would probably be able to avoid a lot of problems.

I am quite concerned about the last speaker from Pennsylvania pointing out saying it is just money that we are talking about and if it is just money, why do we not allow cities to dump raw sewage and overflow into our waterways. I think what has happened is, because my colleague from Pennsylvania missed the point here, this is not talking about just money, we are talking about the fact that the environmental impact report that was drawn up in the 1980's pointed out that going to this secondary mandate was going to be an adverse environmental impact. In fact, if any reasonable person looked at the environmental impact report, it said that the no-project option was the environmentally preferred alternative.

So I hope my colleague from Pennsylvania recognizes this is not just money we are talking about here. This is talking about protecting the environment.

The public review that was brought up by the gentleman from California, I would like to point out that not only does this maintain the public review process, constantly maintains it in the same 5-year cycle as existing law, but it also continues to require over 250,000 tests be made annually, 250,000 tests for pollution and environmental impact, the most extensive testing in the United States, in fact, so extensive that the EPA has contracted with the city of San Diego to do their testing for the northern Baja California area.

Mr. Speaker, the real issue here is does the environmental regulation take precedence; does the process and the procedure in Congress take precedence over the environment of our country?

This is clearly an issue where you have to recognize that the scientists of the National Academy of Sciences, 33 scientists of Scripps Oceanography, the most highly noted oceanographic institution in the world, have said that we should not be requiring San Diego to go ahead with secondary.

I would ask my colleagues on the other side of the aisle, if you do not believe in the scientists, if you do not believe in commonsense application of our environmental regulations, what do you believe in? Do you believe that the regulation is more important than the environment?

I hear this is where the real test is.

Mr. Speaker, as somebody who not only spends a lot of time surfing and sailing in this ocean we are talking about, but as someone who has fought long and hard to clean up environmental problems along the border and along our beaches, it is quite frustrating to see colleagues who mean well for the environment but are not willing to recognize problems even when the scientists and the facts tell you this should be changed.

I am placing at this point in the RECORD a letter from James Strock, from the California EPA, which clearly points out the California ocean plan will continue to be enforced, the EPA will continue to have public hearings every 5 years and will continue to either permit or not permit the continuation of the discharge at the present location.

Mr. Strock points out that the continuing information will constantly be used to determine if this process should go forward, and if this law should apply.

Mr. Speaker, I guess it comes down to the fact, do my colleagues in Congress care more about 27 pounds of studies and the $1½ million that is wasted? And that is $1½ million that could be used for taking care of the 300 plus beach closures we have had in my district, and not one of them, not one was contributed to by the treatment problem or treatment issue, not one out of over 300, and I am saying to you, please, colleagues, join with us.

The gentleman from California [Mr. FILNER], the gentleman from California [Mr. BILBRAY], the gentleman from California [Mr. HUNTER], the gentleman from California [Mr. CUNNINGHAM], the gentleman from California [Mr. PACKARD], if we can see the light, if we can see the facts, if we can see the environmental stakes that are here, please, take a look at the fact that maybe those who swim and live on this ocean, those who will live with the successes and failures there, maybe we do have the ability to observe problems in the existing law and threats to existing environmental issues, and maybe you will come across and recognize that this is a bipartisan project to protect the environment and join with us in protecting the environment.

Mr. Speaker, I ask permission to revise and extend my remarks.

Mr. Speaker, this morning we will be considering H.R. 1943, the San Diego Coastal Corrections Act of 1995, under Speaker GINGRICH'S Correction Calendar. I have had the opportunity to speak with many of you regarding this important issue, and appreciate the high level of interest which has been expressed in fixing this problem. Under current law, coastal dischargers like San Diego are required to provide traditional secondary treatment of their municipal sewage discharges.

However, the secondary sewage regulation—part of the original Clean Water Act written in 1972—was intended for cities and municipalities which discharge into rivers and lakes, and shallow estuaries.

Scientists from the Scripps Institute of Oceanography, the National Academy of Sciences, and the California EPA all agree that because of its deep ocean outfall, its industrial pretreatment process and chemically enhanced primary treatment—chemical secondary—the present sewage treatment program utilized by San Diego does not harm the ocean environment. Because of the extensive scientific evidence documenting this situation, which is unique to San Diego, the San Diego Coastal Corrections Act provides permanent relief from the secondary sewage regulation.

As I have talked to you separately about this legislation, I have noticed several recurring questions which are very important, and for which I want to ensure the correct answers are available.

The latest and timeliest document to add to evidence that this regulation is unnecessary for San Diego is the following letter from Jim Strock, the Secretary of Environmental Protection for the California Environmental Protection Agency, to Chairman Shuster of the House Transportation and Infrastructure Committee, in strong support of H.R. 1943. This letter leaves absolutely no question as to the scientific validity and environmental soundness of H.R. 1943.

I would like to read excerpts of the letter and include it for the RECORD:

> There has been some concern expressed in the past about whether or not the Ocean Plan Standards are enforceable in federal waters more than four miles offshore. However, H.R. 1943 clearly requires compliance with Ocean Plan Standards, and therefore would be applicable to the Point Loma (San Diego) outfall despite its termination in federal waters.
>
> This document (the State Plan) is the basis for NPDES permits for ocean discharges within California, and contains over 200 standards—making it the most comprehensive state-adopted plan in the nation.
>
> There have been public allegations that under H.R. 1943, San Diego would be allowed to discharge raw sewage or partially treated sewage. That simply is not the case. The effluent from the Point Loma treatment plant is required to meet all State Ocean Plan standards, and will continue to be permitted by California on this basis. This permit will be renewed every five years, with full public review and input.
>
> * * * San Diego is required to continue its in-depth monitoring program to ensure compliance with all standards and full protection of the ocean. Reports are submitted monthly, quarterly, and annually providing all the data that confirms compliance with permit requirements and attainment of the Ocean Standards.
>
> * * * we (Cal EPA) urge support for H.R. 1943 because current monitoring and data analysis demonstrates that the ocean waters offshore of the Point Loma treatment plant are fully protected. Continuing compliance with the California State Ocean Plan—including changes to the Plan reflecting evolving and increasing scientific knowledge—will

assure that all the necessary protection remains in full force in the future.

My colleagues, that last sentence says it all. The feds at EPA who have tried to force San Diego to comply with a Federal regulation scientifically proven to be unnecessary should pay close attention to their counterparts at the California EPA who have concluded that it makes no sense to comply with the secondary sewage regulation.

CALIFORNIA ENVIRONMENTAL
PROTECTION AGENCY
July 21, 1995.

Hon. BUD SHUSTER,
Chairman, Committee on Transportation and Infrastructure,
Washington, DC.

DEAR MR. CHAIRMAN. The purpose of this letter is to convey the California Environmental Protection Agency's (Cal/EPA's) support for H.R. 1943, the San Diego Coastal Corrections Act of 1995. This bill would deem San Diego's Point Loma Wastewater Treatment Plant to be the equivalent of secondary treatment by virtue of its chemically enhanced primary treatment combined with an exceptionally long and deep ocean outfall.

This support is in recognition of the demonstrated ability of the Point Loma treatment plant to comply with California State Ocean Plan standards. During 1994 the treatment facility met every requirement of its National Pollutant Discharge Elimination System (NPDES) Permit without fail, earning it the distinction of receiving a Gold Award from the Association of Metropolitan Sewerage Agencies. This award could only have been earned with a strict industrial source control program, a well-run treatment plant, and an effective ocean outfall.

The California State Ocean Plan, which is tailored to provide strict standards to protect the marine environment, was developed in 1972 by the State Water Resources Control Board. It was prepared by a team of scientists and was adopted only after a series of public hearings and full disclosure and review by all interested parties. It was also approved by the U.S. Environmental Protection Agency (U.S. EPA). Since the adoption of the initial plan, it has undergone periodic review and been revised in 1973, 1978, 1983, and 1990. This document (now under revision, for completion in 1997) is the basis for NPDES Permits for ocean discharges within California, and contains over 200 standards—making it the most comprehensive state-adopted plan in the Nation. There has been some concern expressed in the past about whether or not the Ocean Plan Standards are enforceable in Federal waters more than four miles offshore. However, H.R. 1943 clearly requires compliance with Ocean Plan Standards and therefore would be applicable to the Point Loma outfall despite its termination in Federal waters.

There have been allegations that under HR 1943 San Diego would be allowed to discharge raw sewage or partially treated sewage. That simply is not the case. The effluent from the Point Loma treatment plant is required to meet all State Ocean Plan standards, and will continue to be permitted by California on this basis. The permit will be renewed every five years, with full public review and input. In addition, San Diego is required to continue its in-depth monitoring program to ensure compliance with all standards and full protection of the ocean. Reports are submitted monthly, quarterly, and annually providing all of the data that confirms compliance with permit requirements and attainment of the Ocean Standards.

I understand that some groups, including the U.S. EPA, support the Ocean Pollution Reduction Act of 1994 but oppose HR 1943. In a July 11, 1995 letter to you, the U.S. EPA Assistant Administrator for Water, Mr. Bob Perciacepe, states that the bill is "unnecessary, eliminates public review, and is scientifically unsound." Nothing could be further from the truth. The bill is necessary to allow San Diego to plan for the future without the vagaries of Federal bureaucratic changes; it includes the same public review of the permit and scientific basis as the Ocean Pollution Reduction Act.

Mr. Perciacepe's letter also states that H.R. 1943 conflicts with the National Research Council's 1993 report, Managing Wastewater in Coastal Urban Areas. He says that the bill "would provide for a blanket exemption from secondary treatment, even if changed circumstances or evolving science raise reasonable questions about the continued wisdom of the waiver" and that this conflicts with the report's caution to allow flexibility to respond to new information. My understanding is that H.R. 1943 includes precisely the flexibility that the National Research Council suggests, allowing the continuously-updated, site-specific criteria of the State Ocean Plan to apply—rather than the one-size-fits-all secondary treatment requirement mandated by the Clean Water Act over 20 years ago.

In summary, we urge support for H.R. 1943 because current monitoring and data analysis demonstrates that the ocean waters offshore of the Point Loma treatment plant are fully protected. Continuing compliance with the California State Ocean Plan—including changes to the Plan reflecting evolving and increasing scientific knowledge—will assure that the all necessary protection remains in full force in the future.

Sincerely,

JAMES M. STROCK,
Secretary.

SECONDARY EQUIVALENCY FOR SAN DIEGO WASTEWATER TREATMENT FACILITY—SUPPORTED BY SOUND SCIENCE

Judge Brewster stated, in his findings in his March, 1994 Memorandum Decision and Order Rejecting the Proposed Consent Decree, that "the scientific evidence without dispute establishes that the marine environment is not harmed by present sewage treatment, and in fact appears to be enhanced."

The National Academy of Sciences 1993 report "Wastewater Management for Coastal Urban Areas" stated that the Clean Water Act's uniform requirements have not allowed a process that adequately addresses regional variations in environmental systems around the country or that the law responds well to changing needs. In the case of deep ocean discharge, such as San Diego, they concluded that biochemical oxygen demand and suspended solids were of little concern.

In addition, the Academy scientists concluded that chemically enhanced primary treatment is an effective technology for protecting the environment coupled with deep ocean discharge. Specifically, the report states "chemically enhanced primary treatment is an effective technology for removing suspended solids and associated contaminants."

Scientists from all over the country have testified in various forums, including under oath in the federal district court in San Diego, that San Diego's current level of treatment fully protects the offshore environment.

A May 1991 "Consensus Statement" by thirty-three of the scientists from the Scripps Institution of Oceanography fully supports the concept of advanced primary treatment for discharge in deep swiftly moving marine waters such as those that exist off Point Loma.

During June, the Environmental Protection Agency (EPA), announced a preliminary determination to approve San Diego's waiver application stating "San Diego has laid out a detailed wastewater plan that makes both environmental and economic sense."

The local Sierra Club unanimously supports a waiver for the Point Loma Wastewater Treatment from secondary treatment.

The California Environmental Protection Agency supports secondary equivalency for the San Diego system and has stated that the city's sewage treatment system is "fully capable of protecting the marine environment without the need for expensive secondary treatment."

SUPPORT THE SAN DIEGO COASTAL CORRECTIONS ACT (H.R. 1943)

Under current law, coastal dischargers like San Diego are required to provide traditional secondary treatment of their municipal sewage discharges.

However, the "secondary sewage" regulation, (part of the original Clean Water Act written in 1972) was intended for cities and municipalities which discharge into rivers and lakes, and shallow estuaries.

San Diego discharges into the Pacific Ocean, 4.5 miles from shore into receiving waters 300 feet below the surface.

The National Academy of Sciences, scientists from the Scripps Institute of Oceanography and the California EPA all agree that because of its deep ocean outfall, its industrial pre-treatment process and chemically enhanced primary treatment (chemical secondary), the present sewage treatment program utilized by San Diego does not harm the ocean environment.

Because of the extensive scientific evidence documenting this situation, which is unique to San Diego, the San Diego Coastal Correction Act provides permanent relief from the secondary sewage regulation.

If San Diego was forced to comply with the secondary sewage regulation, which has been scientifically shown to be unnecessary, San Diego ratepayers would have to pay $3 billion dollars for additions/alterations to the sewage treatment plant.

The federal regulation is not only unnecessary, it is extremely costly, even though no measurable or justifiable benefits are achieved by complying with it. An environmental impact report detailed environmental damage that would occur should the city be required to comply with the regulation.

However, the San Diego Coastal Corrections Act in no way relaxes or relieves the City from continued compliance with stringent state and federal clean water requirements. San Diego must still submit monthly, quarterly, and annual reports to both the EPA and the Regional Water Quality Control Board, which is the State agency that monitors San Diego's discharge permit.

San Diego's Ocean Monitoring program is one of the largest in the world, with over 250,000 samples being taken and analyzed annually. The City conducts comprehensive chemical and physical tests of treated effluent, ocean sediments, and biological organisms.

The City is still required to comply with these state and federal standards under the San Diego Coastal Corrections Act.

THE EPA WAIVER DOES NOT RESOLVE SAN DIEGO'S PROBLEM; H.R. 1943 DOES SOLVE SAN DIEGO'S PROBLEM

Ocean Pollution Control Act of 1994 (EPA waiver)	San Diego Coastal Corrections Act of 1995 (H.R. 1943)
Cost:	
The waiver is temporary. Every Five years, San Diego must resubmit a waiver application to the EPA at a cost to ratepayers of $1.2 million	H.R. 1943 provides a permanent long-term solution for San Diego, provided that state and federal clean water standards are continually met.
Process:	
The EPA may or may not approve the waiver application, every five years	The EPA issues the operating permit every five years for the Point Loma Sewage Treatment Plant, subject to compliance with state and federal clean water standards.
Public review and public hearing process as EPA considers waiver application	Public review and hearing process as EPA considers re-issuing the NPDES operating permit, every five years.
Protections:	
San Diego's discharge must comply with Clean Water Act standards, and the more stringent California State Ocean Plan standards, or its operating permit will not be renewed	San Diego's discharge must comply with Clean Water Act standards, and the more stringent California State Ocean Plan standards, or its operating permit will not be renewed.
Regular monthly, quarterly and annual reports to EPA and Regional Water Quality Control Board to ensure Point Loma's discharge is in compliance with both state and federal clean water requirements	Regular monthly, quarterly and annual reports to the EPA and Regional Water Quality Control Board ensure Point Loma's discharge is in compliance with both state and federal clean water requirements.
Science submitted in the City's water application concludes that San Diego's current sewage treatment process meets the requirements of the secondary sewage mandate	Science submitted in the City's waiver application is identical to that required by H.R. 1943.

Notes: The cost of the waiver application ($1.2 million) must be paid by ratepayers every 5 years.

The process under the waiver is uncertain—the EPA has reversed its position on granting a waiver application to San Diego numerous times.

Because H.R. 1943 ensures protections to the ocean environment must continue, it makes environmental and economic sense to pass San Diego's Coastal Corrections Act.

□ 1130

The SPEAKER pro tempore (Mr. MCINNIS). Pursuant to the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. MINETA

Mr. MINETA. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. MINETA. I am in its present form, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. MINETA moves to recommit the bill, H.R. 1943, the San Diego Coastal Corrections Act of 1995, to the Committee on Transportation and Infrastructure, with instructions to report back the bill with an amendment which provides that chemically enhanced primary treatment as required by this Act result in the removal of not less than 58 percent of the biological oxygen demand (on an annual average) and not less than 80 percent of the total suspended solids (on a monthly average).

The SPEAKER pro tempore. The gentleman from California [Mr. MINETA] is recognized for 5 minutes in support of his motion to recommit.

Is the gentleman from Pennsylvania opposed to the motion to recommit?

Mr. SHUSTER. I am opposed to the motion to recommit.

The SPEAKER pro tempore. Then the gentleman from Pennsylvania will be granted 5 minutes.

The Chair recognizes the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Speaker, I offer this motion to recommit with the intent of preserving the ability of San Diego to continue its current practices and engage in less than secondary treatment.

This motion to recommit will allow San Diego to achieve the level of wastewater treatment which it feels it can meet, which San Diego is meeting today, and which San Diego feels is appropriate for its ocean discharge. This motion will not require San Diego to meet secondary treatment, and neither will it require San Diego to undertake any additional treatment beyond what it does today.

Last year, the Congress passed, and President Clinton signed, legislation to allow San Diego to apply for a waiver from secondary treatment. San Diego has now applied for such a waiver, and EPA expects to approve the waiver application. In fact, San Diego will likely have its waiver from secondary treatment long before this bill has any chance of becoming law.

As a part of the waiver application, San Diego represented that it would consistently meet discharge limits of 58 percent removal of BOD and 80 percent removal of suspended solids—precisely the terms which are in the motion to recommit.

Mr. Speaker, there is general agreement that San Diego should not be required to achieve secondary treatment. And, this motion will not require secondary treatment. But, there is also general agreement that San Diego should not do less treatment than it is already doing. Yet that is exactly what the bill would allow. It is one thing to vote for the proposition that San Diego should not have to improve its treatment to achieve the secondary standards. But, it is a very different thing to vote for the proposition that San Diego should be able to turn off existing treatment. By your vote on this motion to recommit, you will make it clear which proposition you support.

Mr. FILNER. Mr. Speaker, will the gentleman yield?

Mr. MINETA. I yield to the gentleman from California.

Mr. FILNER. Mr. Speaker, the gentleman knows I strongly support H.R. 1943. But as I said in the committee that considered the substance of his recommittal motion, I thought that this would give a lot of security to people to vote for this bill who have some concerns that San Diego would backslide. I do not believe that that would be the case. San Diego has said in its waiver application, has said in time after time, that it meets these standards that the gentleman has in his recommittal motion, so San Diego, I agree, will not be having to do anything more than it is doing now and would have no extra expense, but would give people who have concerns the ability to vote for this legislation.

I would ask for my colleagues in this bipartisan way to accept this motion because it allows everybody to say, yes, San Diego will meet these things without any additional concerns.

So I think H.R. 1943 is strengthened by the gentleman's motion, and I will be supporting it.

Mr. MINETA. Mr. Speaker, all arguments in favor of a waiver for San Diego are predicated upon the level of treatment which the city is currently achieving. That is, 58 percent removal of BOD and 80 percent removal of suspended solids. Not one speaker in favor of this bill has argued, nor can they argue, that any scientific evidence supports radical reductions in sewage treatment for San Diego. Yet, without standards and under this bill as written, San Diego will be able to turn off existing treatment.

If the motion to recommit is rejected, San Diego may be able to reduce the level of treatment which it currently achieves to as little as 30 percent removal of BOD and suspended solids. That is an enormous potential drop in water quality, one that San Diego has not even said it wants. It is the wholesale abandonment of the Clean Water Act program, and contrary to San Diego's current program. There is no way this can fairly be characterized as just a little correction.

Opponents of the motion amendment may argue that such a rollback of treatment will not occur, but there is nothing in this bill which would prevent such a dramatic increase in pollution off the California coast. If it is not going to happen, why are we being asked to vote to allow it?

Opponents of this motion will argue that it is micromanagement. How ironic. We are here today with the full House considering the details of one permit for one community out of the thousands of permits issued by States and EPA. The House is specifying the terms of the permit, and yet, if there is an attempt to place some standards in the permit, we are accused of micromanagement. It is this bill which is micromanagement and inappropriate.

This motion does nothing to increase the obligations of San Diego. It will allow San Diego to implement its wastewater treatment program in the precise manner San Diego has advocated. And, it will continue to offer a basic level of protection to California coastal resources.

I urge support of the motion to recommit.

Mr. SHUSTER. Mr. Speaker, I rise in strong opposition to this motion to recommit.

Mr. Speaker, the debate has clearly demonstrated that a secondary treatment waiver for San Diego is supported by strong science, by California scientists, by the California EPA.

Now my good friend talks about a waiver from EPA. Well, where has the EPA been for the past several years? Indeed I am told that the waiver that is now being talked about actually includes in it new regulations that go beyond the clean water bill. Some waiver.

This motion to recommit should be defeated, and the legislation before us should be supported.

Now the gentleman from California [Mr. MINETA] would require San Diego to meet a 58-percent biological oxygen demand and no less than 80 percent total suspended solids. Well, all scientists agree, all scientists agree, that BOD is not a meaningful measurement in the ocean. There is plenty of oxygen in the ocean, and the California State ocean plan, therefore, has no BOD limit for deep ocean outfalls because one is not necessary. Now can San Diego backslide? Well, only if the State water quality standards let them, and those State standards, we are told, are among the toughest in the Nation. In fact, they are tougher even, we are told, than the New Jersey standards. The State plan does have a 75-percent total suspended-solid requirement which San Diego must meet. The State plan also has over 200 other requirements relating to metals, toxics, and other actual contaminants. San Diego must meet all these requirements so there can be no backsliding.

In summary the California State ocean plan is among the toughest in the Nation and will insure protection of the ocean environment. Vote no on this last-ditch effort to impose additional unnecessary Federal conditions on a commonsense reform plan.

Mr. BILBRAY. Mr. Speaker, will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Speaker, environmental regulation should not be punitive. This motion is a punitive action. It is a devious approach to shelve this whole proposal because there is no statement in here of reporting back. It is specifically to kill this proposal, and the fact is the gentleman from California knows the clean ocean plan in California and knows that it has solid removals that are not at 30, but at 75, so worse-case scenario.

Maybe the problem is that we are each talking to different environments here. The gentleman is talking about people who have discharge in the shallow lakes, shallow bays, rivers, and the gentleman wants to punish San Diego because they happen to have a situation that the scientists and the people who study this issue point out that this environmental regulation, as presented, is inappropriate and that the constant attacks at trying to pull this off of the back of the ratepayers in the district of the gentleman from California [Mr. FILNER] and pull it off the backs of the impact on the beaches in my district is absolutely absurd for the gentleman to continue this unless all the gentleman feels is the fact that my constituents had to spend money on this issue. So I do not care about the benefit to the environment, I do not care about it if it is going to hurt. My biggest concern is I want to get San Diego.

Well, remember there are a whole lot of working-class people in San Diego. They are Democrats and Republicans, and they are independents, and their environment is just as important as the gentleman's environment, and, if the gentleman's environment was being hurt, we pull together to work with the gentleman, but our environment is being hurt by the regulation, and, just as much as the gentleman had a responsibility to go to secondary to help the environment, we have just as much responsibility to not go to the——

Mr. SHUSTER. Mr. Speaker, I urge defeat of this motion to recommit, and I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. MINETA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently, a quorum is not present.

The Sergeant at Arms will notify absent Members.

This is a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 179, nays 245, not voting 10, as follows:

[Roll No. 563]

YEAS—179

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hinchey
Holden
Hoyer
Jackson-Lee
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Taylor (MS)
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NAYS—245

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Mink
Molinari
Moorhead
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quillen

Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bateman
Bryant (TX)
Collins (MI)
Gilman
Hilliard
Mfume
Moakley
Myers
Reynolds
Volkmer

☐ 1201

Mrs. KENNELLY, Mr. KENNEDY of Massachusetts, and Mr. BERMAN changed their vote from "nay" to "yea."

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. MINETA. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 269, noes 156, not voting 9, as follows:

[Roll No. 564]

AYES—269

Abercrombie
Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clinger
Coble
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Filner
Flanagan
Foley
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Meyers
Mica
Miller (FL)
Minge
Mink
Molinari
Montgomery
Moorhead
Moran
Morella
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Parker
Pastor
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Traficant
Tucker
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—156

Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Berman
Bevill
Bishop
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clyburn
Coburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Flake
Foglietta
Forbes
Ford
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefley
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
Meehan
Meek
Menendez
Miller (CA)
Mineta
Mollohan
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pallone
Payne (NJ)
Pelosi
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sanford
Sawyer
Schroeder
Scott
Serrano
Skaggs
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Taylor (MS)
Thompson
Thurman
Torres
Torricelli
Towns
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOT VOTING—9

Barcia
Bateman
Collins (MI)
Hilliard
Mfume
Moakley
Myers
Reynolds
Volkmer

☐ 1220

So—three-fifths having voted in favor thereof—the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Speaker, on Tuesday, July 25, I missed rollcall votes 563 and 564 during consideration of H.R. 1943, the San Diego Coastal Corrections Act. Had I been present I would have voted "aye" on 563 and "nay" on 564. In addition I missed rollcall vote 565 during consideration of S. 395, to lift the ban on Alaskan oil exports. Had I been present I would have voted "aye."

PERSONAL EXPLANATION

Mr. MFUME. Mr. Speaker, I was, unfortunately, detained in my congressional district in Baltimore to attend the funeral of five family members who were tragically killed late last week. In my absence, I was forced to miss two record votes. Specifically, I was not present to record my vote on rollcall vote No. 563, motion to recommit the Bill H.R. 1942, and rollcall vote No. 564, final passage of H.R. 1942.

Had I been here I would have voted "yea" on rollcall vote No. 563, the motion to recommit, and "nay" on rollcall No. 564, final passage.

ALASKA POWER ADMINISTRATION ASSET SALE AND TERMINATION ACT

Mr. YOUNG of Alaska. Mr. Speaker, pursuant to section 2 of House Resolution 197, I call up the Senate bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Administration, and to authorize the export of Alaska North Slope crude oil, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

The text of the Senate bill is as follows:

S. 395

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I

SEC. 101. SHORT TITLE.

This title may be cited as the "Alaska Power Administration Asset Sale and Termination Act".

SEC. 102. SALE OF SNETTISHAM AND EKLUTNA HYDROELECTRIC PROJECTS.

(a) The Secretary of Energy is authorized and directed to sell the Snettisham Hydroelectric Project (referred to in this Act as "Snettisham") to the State of Alaska in accordance with the terms of this Act and the February 10, 1989, Snettisham Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Alaska Power Authority and the Authority's successors.

(b) The Secretary of Energy is authorized and directed to sell the Eklutna Hydroelectric Project (referred to in this Act as "Eklutna") to the Municipality of Anchorage doing business as Municipal Light and Power, the Chugach Electric Association, Inc., and the Matanuska Electric Association, Inc. (referred to in this Act as "Eklutna Purchasers"), in accordance with the terms of this Act and the August 2, 1989, Eklutna Purchase Agreement, as amended, between the Alaska Power Administration of the United States Department of Energy and the Eklutna Purchasers.

(c) The heads of other Federal departments and agencies, including the Secretary of the Interior, shall assist the Secretary of Energy in implementing the sales authorized and directed by this Act.

(d) Proceeds from the sales required by this title shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.

(e) There are authorized to be appropriated such sums as may be necessary to prepare, survey, and acquire Eklutna and Snettisham assets for sale and conveyance. Such preparations and acquisitions shall provide sufficient title to ensure the beneficial use, enjoyment, and occupancy by the purchaser.

SEC. 103. EXEMPTION AND OTHER PROVISIONS.

(a)(1) After the sales authorized by this Act occur, Eklutna and Snettisham, including future modifications, shall continue to be exempt from the requirements of the Federal Power Act (16 U.S.C. 791a et seq.) as amended.

(2) The exemption provided by paragraph (1) does not affect the Memorandum of Agreement entered into among the State of Alaska, the Eklutna Purchasers, the Alaska Energy Authority, and Federal fish and wildlife agencies regarding the protection, mitigation of, damages to, and enhancement of fish and wildlife, dated August 7, 1991, which remains in full force and effect.

(3) Nothing in this title or the Federal Power Act preempts the State of Alaska from carrying out the responsibilities and authorities of the memorandum of Agreement.

(b)(1) The United States District Court for the District of Alaska shall have jurisdiction to review decisions made under the Memorandum of Agreement and to enforce the provisions of the Memorandum of Agreement, including the remedy of specific performance.

(2) An action seeking review of a Fish and Wildlife Program ("Program") of the Governor of Alaska under the Memorandum of Agreement or challenging actions of any of the parties to the Memorandum of Agreement prior to the adoption of the Program shall be brought not later than ninety days after the date on which the Program is adopted by the Governor of Alaska, or be barred.

(3) An action seeking review of implementation of the Program shall be brought not later than ninety days after the challenged act implementing the Program, or be barred.

(c) With respect to Eklutna lands described in Exhibit A of the Eklutna Purchase Agreement:

(1) The Secretary of the Interior shall issue rights-of-way to the Alaska Power Administration for subsequent reassignment to the Eklutna Purchasers—

(A) at no cost to the Eklutna Purchasers;

(B) to remain effective for a period equal to the life of Eklutna as extended by improvements, repairs, renewals, or replacements; and

(C) sufficient for the operation of, maintenance of, repair to, and replacement of, and access to, Eklutna facilities located on military lands and lands managed by the Bureau of Land Management, including lands selected by the State of Alaska.

(2) If the Eklutna Purchasers subsequently sell or transfer Eklutna to private ownership, the Bureau of Land Management may assess reasonable and customary fees for continued use of the rights-of-way on lands managed by the Bureau of Land Management and military lands in accordance with existing law.

(3) Fee title to lands at Anchorage Substation shall be transferred to Eklutna Purchasers at no additional cost if the Secretary of the Interior determines that pending claims to, and selections of, those lands are invalid or relinquished.

(4) With respect to the Eklutna lands identified in paragraph 1 of Exhibit A of the Eklutna Purchase Agreement, the State of Alaska may select, and the Secretary of the Interior shall convey to the State, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85-508, 72 Stat. 339, as amended), and the North Anchorage Land Agreement dated January 31, 1983. This conveyance shall be subject to the rights-of-way provided to the Eklutna Purchasers under paragraph (1).

(d) With respect to the Snettisham lands identified in paragraph 1 of Exhibit A of the Snettisham Purchase Agreement and Public Land Order No. 5108, the State of Alaska may select, and the Secretary of the Interior shall convey to the State of Alaska, improved lands under the selection entitlements in section 6 of the Act of July 7, 1958 (commonly referred to as the Alaska Statehood Act, Public Law 85-508, 72 Stat. 339, as amended).

(e) Not later than one year after both of the sales authorized in section 102 have occurred, as measured by the Transaction Dates stipulated in the Purchase Agreements, the Secretary of Energy shall—

(1) complete the business of, and close out, the Alaska Power Administration;

(2) submit to Congress a report documenting the sales; and

(3) return unobligated balances of funds appropriated for the Alaska Power Administration to the Treasury of the United States.

(f) The Act of July 31, 1950 (64 Stat. 382) is repealed effective on the date, as determined by the Secretary of Energy, that all Eklutna assets have been conveyed to the Eklunta Purchasers.

(g) Section 204 of the Flood Control Act of 1962 (76 Stat. 1193) is repealed effective on the date, as determined by the Secretary of Energy, that all Snettisham assets have been conveyed to the State of Alaska.

(h) As of the later of the two dates determined in subsections (f) and (g), section 302(a) of the Department of Energy Organization Act (42 U.S.C. 7152(a)) is amended—

(1) in paragraph (1)—

(A) by striking subparagraph (C); and

(B) by redesignating subparagraphs (D), (E), and (F) as subparagraphs (C), (D), and (E) respectively; and

(2) in paragraph (2) by striking out "and the Alaska Power Administration" and by inserting "and" after "Southwestern Power Administration,".

(i) The Act of August 9, 1955, concerning water resources investigation in Alaska (69 Stat. 618), is repealed.

(j) The sales of Eklutna and Snettisham under this title are not considered disposal of Federal surplus property under the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484) or the Act of October 3, 1944, popularly referred to as the "Surplus Property Act of 1944" (50 U.S.C. App. 1622).

(k) The sales authorized in this title shall occur not later than 1 year after the date of enactment of legislation defining "first use" of Snettisham for purposes of section 147(d) of the Internal Revenue Code of 1986, to be considered to occur pursuant to acquisition of the property by or on behalf of the State of Alaska.

SEC. 104. DECLARATION CONCERNING OTHER HYDROELECTRIC PROJECTS AND THE POWER MARKETING ADMINISTRATIONS.

Congress declares that—

(1) the circumstances that justify authorization by Congress of the sale of hydroelectric projects under section 102 are unique to those projects and do not pertain to other hydroelectric projects or to the power marketing administrations in the 48 contiguous States; and

(2) accordingly, the enactment of section 102 should not be understood as lending support to any proposal to sell any other hydroelectric project or the power marketing administrations.

TITLE II

SEC. 201. SHORT TITLE.

This title may be cited as "Trans-Alaska Pipeline Amendment Act of 1995".

SEC. 202. TAPS ACT AMENDMENTS.

Section 203 of the Act entitled the "Trans-Alaska Pipeline Authorization Act", as amended (43 U.S.C. 1652), is amended by inserting the following new subsection (f):

"(f) EXPORTS OF ALASKAN NORTH SLOPE OIL.—

"(1) Subject to paragraphs (2) through (6), of this subsection and notwithstanding any other provision of law (including any regulation), any oil transported by pipeline over right-of-way granted pursuant to this section may be exported after October 31, 1995 unless the President finds that exportation of this oil is not in the national interest. In evaluating whether the proposed exportation is in the national interest, the President—

"(A) shall determine whether the proposed exportation would diminish the total quantity or quality of petroleum available to the United States;

"(B) shall conduct and complete an appropriate environmental review of the proposed exportation, including consideration of appropriate measures to mitigate any potential adverse effect on the environment, within four months after the date of enactment of this subsection; and

"(C) shall consider, after consultation with the Attorney General and Secretary of Commerce, whether anticompetitive activity by a person exporting crude oil under authority of this subsection is likely to cause sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels for independent refiners that would cause sustained material adverse employment effects in the United States.

The President shall make his national interest determination within five months after the date of enactment of this subsection or 30 days after completion of the environmental review, whichever is earlier. The President may make his determination subject to such terms and conditions (other than a volume limitation) as are necessary or appropriate to ensure that the exportation is consistent with the national interest.

"(2) Except in the case of oil exported to a country pursuant to a bilateral international oil supply agreement entered into by the United States with the country before June 25, 1979, or to a country pursuant to the International Emergency Oil Sharing Plan of the International Energy Agency, any oil transported by pipeline over right-of-way granted pursuant to this section, shall, when exported, be transported by a vessel documented under the laws of the United States and owned by a citizen of the United States (as determined in accordance with section 2 of the Shipping Act, 1916 (46 U.S.C. App. 802)).

"(3) Nothing in this subsection shall restrict the authority of the President under the Constitution, the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), or the National Emergencies Act (50 U.S.C. 1601 et seq.) to prohibit exportation of the oil.

"(4) The Secretary of Commerce shall issue any rules necessary for implementation, including any licensing requirements and conditions, of the President's national interest determination within 30 days of the date of such determination by the President. The Secretary of Commerce shall consult with the Secretary of Energy in administering the provisions of this subsection.

"(5) If the Secretary of Commerce finds that anticompetitive activity by a person exporting crude oil under authority of this subsection has caused sustained material crude oil supply shortages or sustained crude oil prices significantly above world market levels and further finds that these supply shortages or price increases have caused sustained material adverse employment effects in the United States, the Secretary of Commerce may recommend to the President who may take appropriate action against such person, which may include modification or revocation of the authorization to export crude oil.

"(6) Administrative action with respect to an authorization under this subsection is not subject to sections 551 and 553 through 559 of title 5, United States Code.".

SEC. 203. ANNUAL REPORT.

Section 103(f) of the Energy Policy and Conservation Act (42 U.S.C. 6212(f)) is amended by adding at the end thereof the following:

"In the first quarter report for each new calendar year, the President shall indicate whether independent refiners in Petroleum Administration for Defense District V have been unable to secure adequate supplies of crude oil as a result of exports of Alaskan North Slope crude oil in the prior calendar year and shall make such recommendations to the Congress as may be appropriate.".

SEC. 204. GAO REPORT.

The Comptroller General of the United States shall conduct a review of energy production in California and Alaska and the effects of Alaskan North Slope crude oil exports, if any, on consumers, independent refiners, and shipbuilding and ship repair yards on the West Coast. The Comptroller General shall commence this review four years after the date of enactment of this Act and, within one year after commencing the review, shall provide a report to the Committee on Energy and Natural Resources in the Senate and the Committee on Resources in the House of Representatives. The report shall contain a statement of the principal findings of the review and such recommendations for consideration by the Congress as may be appropriate.

SEC. 205. RETIREMENT OF CERTAIN COSTS INCURRED FOR THE CONSTRUCTION OF NON-FEDERAL PUBLICLY OWNED SHIPYARDS.

(a) IN GENERAL.—The Secretary of Energy shall—

(1) deposit proceeds of sales out of the Naval Petroleum Reserve in a special account in amounts sufficient to make payments under subsections (b) and (c); and

(2) out of the account described in paragraph (1), provide, in accordance with subsections (b) and (c), financial assistance to a port authority that—

(A) manages a non-Federal publicly owned shipyard on the United States west coast that is capable of handling very large crude carrier tankers; and

(B) has obligations outstanding as of May 15, 1995, that were dated as of June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds.

(b) ACQUISITION AND REFURBISHMENT OF INFRASTRUCTURE.—The Secretary shall provide, for acquisition of infrastructure and refurbishment of existing infrastructure, $10,000,000 in fiscal year 1996.

(c) RETIREMENT OF OBLIGATIONS.—The Secretary shall provide, for retirement of obligations outstanding as of May 15, 1995, that were dated as of June 1, 1977, and are related to the acquisition of non-Federal publicly owned dry docks that were originally financed through public bonds—

(1) $6,000,000 in fiscal year 1996;
(2) $13,000,000 in fiscal year 1997;
(3) $10,000,000 in fiscal year 1998;
(4) $8,000,000 in fiscal year 1999;
(5) $6,000,000 in fiscal year 2000;
(6) $3,500,000 in fiscal year 2001; and
(7) $3,500,000 in fiscal year 2002.

SEC. 206. OIL POLLUTION ACT OF 1990.

Title VI of the Oil Pollution Act of 1990 (Public Law 101-380; 104 Stat. 554) is amended by adding at the end thereof the following new section:

"SEC. 6005. TOWING VESSEL REQUIRED.

"(a) IN GENERAL.—In addition to the requirements for response plans for vessels established in section 311(j) of the Federal Water Pollution Control Act, as amended by this Act, a response plan for a vessel operating within the boundaries of the Olympic Coast National Marine Sanctuary or the Strait of Juan de Fuca shall provide for a towing vessel to be able to provide assistance to such vessel within six hours of a request for assistance. The towing vessel shall be capable of—

"(1) towing the vessel to which the response plan applies;

"(2) initial firefighting and oilspill response efforts; and

"(3) coordinating with other vessels and responsible authorities to coordinate oilspill response, firefighting, and marine salvage efforts.

"(b) EFFECTIVE DATE.—The Secretary of Transportation shall promulgate a final rule to implement this section by September 1, 1995.".

SEC. 207. EFFECTIVE DATE.

This title and the amendments made by it shall take effect on the date of enactment.

TITLE III

SEC. 301. SHORT TITLE.

This Title may be referred to as the "Outer Continental Shelf Deep Water Royalty Relief Act".

SEC. 302. AMENDMENTS TO THE OUTER CONTINENTAL SHELF LANDS ACT.

Section 8(a) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(a)(3)), is amended by striking paragraph (3) in its entirety and inserting the following:

"(3)(A) The Secretary may, in order to—

"(i) promote development or increased production on producing or non-producing leases; or

"(ii) encourage production of marginal resources on producing or non-producing leases; through primary, secondary, or tertiary recovery means, reduce or eliminate any royalty or net profit share set forth in the lease(s). With the lessee's consent, the Secretary may make other modifications to the royalty or net profit share terms of the lease in order to achieve these purposes.

"(B)(i) Notwithstanding the provisions of this Act other than this subparagraph, with respect to any lease or unit in existence on the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act meeting the requirements of this subparagraph, no royalty payments shall be due on new production, as defined in clause (iv) of this subparagraph, from any lease or unit located in water depths of 200 meters or greater in the Western and Central Planning Areas of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, until such volume of production as determined pursuant to clause (ii) has been produced by the lessee.

"(ii) Upon submission of a complete application by the lessee, the Secretary shall determine within 180 days of such application whether new production from such lease or unit would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph. In making such determination, the Secretary shall consider the increased technological and financial risk of deep water development and all costs associated with exploring, developing, and producing from the lease. The lessee shall provide information required for a complete application to the Secretary prior to such determination. The Secretary shall clearly define the information required for a complete application under this section. Such application may be made on the basis of an individual lease or unit. If the Secretary determines that such new production would be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i) of this subparagraph, the provisions of clause (i) shall not apply to such production. If the Secretary determines that such new production would not be economic in the absence of the relief from the requirement to pay royalties provided for by clause (i), the Secretary must determine the volume of production from the lease or unit on which no royalties would be due in order to make such new production economically viable; except that for new production as defined in clause (iv)(aa), in no case will that volume be less than 17.5 million barrels of oil equivalent in water depths of 200 to 400 meters, 52.5 million barrels of oil equivalent in 400 to 800 meters of water, and 87.5 million barrels of oil equivalent in water depths greater than 800 meters. Redetermination of the applicability of clause (i) shall be undertaken by the Secretary when requested by the lessee prior to the commencement of the new production and upon significant change in the factors upon which the original determination was made. The Secretary shall make such redetermination within 120 days of submission of a complete application. The Secretary may extend the time period for making any determination or redetermination under this clause for 30 days, or longer if agreed to by the applicant, if circumstances so warrant. The lessee shall be notified in writing of any determination or redetermination and the reasons for and assumptions used for such determination. Any determination or redetermination under this clause shall be a final agency action. The Secretary's determination or redetermination shall be judicially reviewable under section 10(a) of the Administrative Procedures Act (5 U.S.C. 702), only for actions filed within 30 days of the Secretary's determination or redetermination.

"(iii) In the event that the Secretary fails to make the determination or redetermination called for in clause (ii) upon application by the lessee within the time period, together with any extension thereof, provided for by clause (ii), no royalty payments shall be due on new production as follows:

"(I) For new production, as defined in clause (iv)(I) of this subparagraph, no royalty shall be due on such production according to the schedule of minimum volumes specified in clause (ii) of this subparagraph.

"(II) For new production, as defined in clause (iv)(II) of this subparagraph, no royalty shall be due on such production for one year following the start of such production.

"(iv) For purposes of this subparagraph, the term 'new production' is—

"(I) any production from a lease from which no royalties are due on production, other than test production, prior to the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act; or

"(II) any production resulting from lease development activities pursuant to a Development Operations Coordination Document, or supplement thereto that would expand production significantly beyond the level anticipated in the Development Operations Coordination Document, approved by the Secretary after the date of enactment of the Outer Continental Shelf Deep Water Royalty Relief Act.

"(v) During the production of volumes determined pursuant to clauses (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for light sweet crude oil exceeds $28.00 per barrel, any production of oil will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clause (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $28.00. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

"(vi) During the production of volumes determined pursuant to clause (ii) or (iii) of this subparagraph, in any year during which the arithmetic average of the closing prices on the New York Mercantile Exchange for natural gas exceeds $3.50 per million British thermal units, any production of natural gas will be subject to royalties at the lease stipulated royalty rate. Any production subject to this clause shall be counted toward the production volume determined pursuant to clauses (ii) or (iii). Estimated royalty payments will be made if such average of the closing prices for the previous year exceeds $3.50. After the end of the calendar year, when the new average price can be calculated, lessees will pay any royalties due, with interest but without penalty, or can apply for a refund, with interest, of any overpayment.

"(vii) The prices referred to in clauses (v) and (vi) of this subparagraph shall be changed during any calendar year after 1994 by the percentage, if any, by which the implicit price deflator for the gross domestic product changed during the preceding calendar year.".

SEC. 303. NEW LEASES.

Section 8(a)(1) of the Outer Continental Shelf Lands Act, as amended (43 U.S.C. 1337(a)(1)) is amended as follows:

(1) Redesignate section 8(a)(1)(H) as section 8(a)(1)(I); and

(2) Add a new section 8(a)(1)(H) as follows:

"(H) cash bonus bid with royalty at no less than 12 and ½ per centum fixed by the Secretary in amount or value of production saved, removed, or sold, and with suspension of royalties for a period, volume, or value of production determined by the Secretary. Such suspensions may vary based on the price of production from the lease.".

SEC. 304. LEASE SALES.

For all tracts located in water depths of 200 meters or greater in the Western and Central Planning Area of the Gulf of Mexico, including that portion of the Eastern Planning Area of the Gulf of Mexico encompassing whole lease blocks lying west of 87 degrees, 30 minutes West longitude, any lease sale within five years of the date of enactment of this title, shall use the bidding system authorized in section 8(a)(1)(H) of the Outer Continental Shelf Lands Act, as amended by this title, except that the suspension of royalties shall be set at a volume of not less than the following:

(1) 17.5 million barrels of oil equivalent for leases in water depths of 200 to 400 meters;

(2) 52.5 million barrels of oil equivalent for leases in 400 to 800 meters of water; and

(3) 87.5 million barrels of oil equivalent for leases in water depths greater than 800 meters.

SEC. 305. REGULATIONS.

The Secretary shall promulgate such rules and regulations as are necessary to implement the provisions of this title within 180 days after the enactment of this Act.

AMENDMENTS OFFERED BY MR. YOUNG OF ALASKA

Mr. YOUNG of Alaska. Mr. Speaker, pursuant to section 2(b) of House Resolution 197, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. YOUNG of Alaska: (1) Strike title I.

(2) Strike sections 201 through 204 and insert the text of H.R. 70, as passed by the House.

(3) Strike section 205.

(4) Strike section 206.

(5) Strike title III.

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from Alaska [Mr. YOUNG].

The amendments were agreed to.

The Senate bill was read a third time and passed, and a motion to reconsider was laid on the table.

The title of the Senate bill was amended so as to read: "A bill to permit exports of certain domestically produced crude oil, and for other purposes."

APPOINTMENT OF CONFEREES

Mr. YOUNG of Alaska. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. YOUNG moves pursuant to House Resolution 197 that the House insist on its amendment to S. 395 and request a conference with the Senate thereon.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG].

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Speaker, I offer a motion to instruct.

The Clerk read as follows:

Mr. MILLER of California moves that the managers on the part of the House at the conference on the disagreeing votes of the two Houses on the House amendments to the bill S. 395 be instructed to insist upon the provisions of the House amendments which strike Title III of S. 395.

The SPEAKER pro tempore. Under the rule, the gentleman from California [Mr. MILLER] will be recognized for 30 minutes, and the gentleman from Alaska [Mr. YOUNG] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I yield myself 6 minutes.

Mr. Speaker, the reason that we are offering this motion to instruct today is, this bill which has been passed by the House, and passed by the House with a substantial vote, goes to the Senate. There will be an attempt in the Senate to put a provision into the bill which is simply a raid on the Treasury by the Senate and by the major oil companies in this country.

It has to do with the idea of drilling for oil in deep water in the Gulf of Mexico. However, it is an idea whose time has come and has gone, because technology and the economics of the oil business have overwhelmed that idea. What we once thought was deep water today is no longer deep, and the oil companies are in a mad rush to secure the right to develop these properties in the Gulf of Mexico.

They have engaged this past May in the fourth largest bid sale in the history of the Outer Continental Shelf, furiously bidding against one another with bonus bid dollars for the right to develop these leases in deep water. They need no further incentive from the Federal taxpayers. They need no gift of money from the Federal taxpayers for them to engage in this activity. They are going to drill these deep water leases in the Gulf of Mexico because they have a financial incentive to do so.

These are some of the most promising fields in the entire world. There are promising quantities of oil now that only a few years ago we never believed would be present. These are some of the most promising fields in the world in terms of the security of the reserves, once we have located them.

Many oil companies spent the last 5 years going to Vietnam and going to China and going to Indonesia and going to the Soviet Union and going to Kazakhstan and going to Russia. What they have found out is while they have found oil, they have found great amount of trouble. All of a sudden, the United States of America looks awfully good to these oil companies in terms of a security of reserves, in terms of their ability to go to Wall Street and be able to borrow money because they have reserves, like mining companies and others, they have it in the United States of America. That is why they are going to the Gulf of Mexico.

They have no need for Federal taxpayer incentives to do so. Also, they are going to the Gulf of Mexico because now the technology allows them to go to Mexico. It allows them to go there with greater certainty, because of the development of computerized and digital data that is available on a geological basis that we simply did not have 5 and 10 years ago. It may be speculative, but the speculation is dramatically reduced. We can look at pools of oil that we could not see 5 years ago. That is why the oil companies are going there. They are going there simply because it is in their best interests.

Mr. Speaker, the fact of the matter is that it is just simply a sound business judgment to go to the Gulf of Mexico to develop these resources. When they go there, we are told now in the business journals that this oil will be developed for about $3 a barrel, which they will sell at the wellhead for about $14 to $15 a barrel, which will sell into the world price of oil at somewhere between $18 and $20, or $22, depending on that current price. This is a profitable venture.

Now comes along Senator JOHNSTON from Louisiana, who says the way you can really get these people to drill is to go out there and to offer a royalty holiday.

Let me remind the Members of the House, this is July 25. This is not December 25. This is not Christmas. This is the middle of July. We should not be making this Christmas in July for the oil companies, who have already made the determination by putting millions of dollars on the table, billions of dollars into research, to go there and to drill this oil.

This is too late and it is out of date. It does not make any sense. This is the equivalent of telling General Motors that we will give them a tax credit for every car that gets 20 miles per gallon. They already have the technology. They are already doing it. This is the equivalency of saying, "We will give you $500 if you put an air bag in the car." They have already determined it is in their financial interests to put an air bag in the car, because that is what the public wants. We should not be handing out incentives that are not needed and cost the public.

Mr. Speaker, many people on this floor have railed against corporate welfare. Here we are on the ground floor. The decision we can make today is whether or not we want to create a new category of corporate welfare. Corporate welfare is when we give corporate entities the public's taxpayer dollars, we give them the taxpayer dollars, whether they need it or not, whether there is any showing that they need it or not, and whether there is any public benefit. That is the nature of corporate welfare.

Mr. Speaker, that is the nature of corporate welfare: no economic showing, no public benefit, and no showing of need by these entities. Yet, we are prepared to shower this money on them in the bid sale, where there was this furious competition last May. If this provision becomes law, we stand to lose $2.3 billion of the taxpayers' money that we will simply transfer from hardworking people in this country to Chevron and Shell and BHP and BP and other companies, both foreign and domestic. If this bill becomes law from existing leases in deep water, where they have already made the economic decision to drill, we stand to lose somewhere between $10 and $15 billion additional, and we have not even dealt with the issue of the future leases.

The House should support this motion to instruct. There were no hearings on this bill in the House. The Senate, the last time they had a chance to vote on this measure, voted overwhelmingly to defeat this measure, because it was not in the interests of the taxpayers and/or the Nation.

Mr. Speaker, the Senate, with no debate, has added a non germane royalty holiday to S. 395, which is the Senate version of the Alaska oil export bill. No comparable bill has been introduced in the House. We have held no hearings on this scheme. We have held no markup. We are going to be asked to accept it in conference carte blanche, and I would bet you dollars to doughnuts that the authors of the bill before us will accept the holiday scheme in a nano-second.

The royalty holiday scheme is premised on the argument that rich oil companies need multibillion-dollar inducements to buy leases in the deep water of the Gulf of Mexico. There are two basic problems with this argument: first, it is completely, utterly, documentedly false; and second, even if some relief is warranted, the amounts provided are grotesquely excessive. If the oil industry truly needs a holiday paid for by the American people, does it really need to fly on the Concorde, stay at the Ritz, and dine at Le Gastronie Extraordinare?

I wonder how many Members of the House remember the old sideshow trick where a magician would keep everyone busy watching one hand while he picked someone's pocket with the other. That's what is going on with this legislation.

The Republican leadership of the House is trying to distract the attention of the American public with hysterical hearings on Whitewater and Waco. Meanwhile, the Republicans are carefully and comprehensively wreaking havoc on the American economy, the economic security of middle income working families, students, the elderly, and taxpayers.

Let me tell you what is going to happen to this bill when it goes to a conference with the Senate, because it is part of a well-orchestrated plan to pick the pockets of the American taxpayer be several billion dollars.

False premise No. 1: Without royalty forgiveness, oil companies will not bid on deep water leases.

On May 10, representatives of 88 oil companies braved a torrential Louisiana rainstorm to submit nearly 900 bids for leases—many of the deep water leases—in the Gulf of Mexico. It was the fourth largest lease sale in gulf history. The huge success of the auction illustrates why the holiday is not needed. Indeed, had the royalty holiday been in place on May 10, it is estimated taxpayers would have lost over $2 billion in future royalties.

The oil industry itself is the best source for discrediting the royalty holiday scheme.

The New York Times of June 18, 1995, reported, "The Great Oil Rush of the mid-1990's is on, and in a most unexpected setting," the Gulf of Mexico. "It will be the biggest thing since Prudhoe Bay—there is no question about it," one industry analyst concluded.

The great interest in the May sale came as no big surprise to serious observers of the industry. Business Week had predicted "furious" bidding at the May 10 lease sale because of a "feverish black-gold rush in the Gulf [in which] new players are rushing to get in, while old ones scramble to return."

"Improved economics, better technology, and growing experience are converging in the Gulf of Mexico's ultra-deep water areas to fuel a new era of U.S. offshore development," the Oil and Gas Journal reported in March.

Forbes noted last November that Shell and British Petroleum admit they could develop the first 500 million barrels from the nearly 3,000 foot deep MARS platform at a cost of just $3 a barrel!

The Wall Street Journal reported in January of this year that "industry executives believe tension leg platforms can be affordable in water as deep as 6,000 feet."

Oil executives are not making any of these decisions on the faint hope of a royalty holiday from Washington; like most business people, they do not make decisions on the hope of a tax break. They are going to the deep water for the same reason bank robber Willie Sutton went to the banks: that's where the money is.

And I would note that the national media has already figured out this outrageous scam. The Senate-passed royalty holiday has already been featured on NBC and ABC evening news programs as examples of outrageous waste.

False premise No. 2: Oil companies need the royalty relief contained in the Senate bill to finance development of deep water leases.

But the Senate bill doesn't merely allow the Secretary of the Interior to forgive development costs. It mandates that whenever the Secretary finds that royalties would present any obstacle to development on existing leases, royalties must be forgiven on no less than 17.5 million, 52.5 million, or 87.5 million barrels of oil, depending on the depth. And on future leases—for 5 years—there be no finding of hardship; royalties must be forgiven at the prescribed level, even if it is many times the true cost of development.

Now, it is not as though the oil industry is laboring under such tax burdens. According to the Congressional Research Service, the effective tax rate for oil and gas companies is just 17 percent, and independent producers enjoy a rate of zero, thanks to the depletion allowance, depreciation, and tax credits. And, the tax plan passed by the House would eliminate the alternative minimum tax, driving down the burden even further.

Last, let me address the argument that this royalty holiday costs taxpayers nothing, as its proponents claim. True, the Congressional Budget Office scored the holiday as having no cost, but only because of the clever way the question was phrased.

CBO says the holiday is without cost because it presumes that, as the bill asserts, deep water leases would not be developed without a holiday. Therefore, none of the revenues derived from these tracts would be realized without the holiday, and there is no loss to government from giving away tens of millions of barrels of oil.

Of course, the premise is absurd. As we have noted, companies are bidding on deep water tracts without a holiday. In addition, for future tracts, no finding of the need for financial relief is required, so the argument that there is no loss may well be unsubstantiated.

Last, as the CBO analysts have admitted to my staff, CBO's findings could just as easily apply to every cent of revenue ever derived from deep water tracts, even beyond the tens of millions of barrels allowed under the royalty scheme, because of the assumption that none of these tracts would have been developed but for the forgiving of royalty payments.

When my staff asked CBO whether the amounts of free oil given away by S. 395 bore any relationship to actual development costs—the supposed basis for the holiday—CBO admitted there is no relationship. The holiday may allow many times the amount of free oil required to pay back development costs.

So, CBO's conclusion is more a matter of defining the tracts as unproduceable absent a royalty holiday than accurate fiscal analysis. And the definition of the tracts is contained in the legislation itself. It is a purely circular piece of logic that camouflages a multibillion-dollar loss for the U.S. taxpayer.

Mr. Speaker, we cannot amend the royalty holiday provision today, but as sure as we are sitting here, it will be in the version of this bill that comes back to us from conference, where we will not be able to address it. The bill before you is the host for this parasitic legislation designed to suck away billions of dollars from the taxpayers who own this valuable oil and gas, and we cannot allow that legislation to pass.

We are lectured to "run government like a business." We are cutting programs for children, the elderly, the disabled, the sick, and the hungry. It is a scandal and a disgrace to lavish billions of additional dollars on one of the wealthiest industries in America in an absurd inducement to encourage it to do what it is already doing: drill for deep water oil in the Gulf of Mexico.

If the Congress is adamant about giving a multibillion-dollars holidays away, there are many Americans far more deserving than the oil industry.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CALVERT], chairman of the Subcommittee on Energy and Mineral Resources of the Committee on Resources.

Mr. CALVERT. Mr. Speaker, I rise in opposition to the motion offered by the gentleman from Martinez, CA, to instruct House conferees to not agree to the Senate-passed provision providing an incentive for leasing of the Outer Continental Shelf lands in water depths exceeding 200 meters.

□ 1230

Mr. Speaker, I chair the Subcommittee on Energy and Mineral Resources of the Committee on Resources. We are the panel of jurisdiction on OCS oil and gas matters. I do not disagree with his assessment of the process at issue, the committee and subcommittee have not had a hearing on deepwater leasing incentives this Congress. However, the gentleman is very aware that the committee did hold an oversight hearing on June 23, 1994, on the "Economic Health of the Domestic Offshore Oil and Gas Industry" which focused on the desirability of incentives for the development of the Gulf of Mexico oil and gas resources.

The Clinton administration was noncommittal at that hearing but has since agreed with legislative provisions drafted in the other body which provide an incentive to lease and develop deepwater tracts. The gentleman makes reference to a lease sale conducted by the Minerals Management Service a few months ago which did indeed bring in nearly one-third of a billion dollars in bonus bids, some of which were for deepwater tracts. But, the gentleman from California misses the point—as the CBO has acknowledged by the revenue score on this provision, while a certain volume of oil and gas which may be discovered and developed on such tracts will be royalty free, the lost revenue is offset by expected increases in bonus bids at competitive auction of such tracts. In other words, Mr. Speaker, had the deepwater incentives been in effect for the leases offered up for bid in April, the sum of the high bids would likely have been much greater than even the admittedly large sum which was collected.

The MMS believes this to be the case, as well, and has thrown its support behind deepwater incentives structured in the manner outlined in the Senate position. That is, the average depth of water in the lease tract determines the number of barrels of oil, or equivalent volume of natural gas, for which no royalty would be due. Let me emphasize, Mr. Speaker the risk remains entirely with the lessee that hydrocarbon resources will be discovered in paying quantities. If a dry hole is drilled on a deepwater tract no royalty relief is available, of course, yet a bonus bid will have been paid to the U.S. Treasury, a bonus bid which will be incrementally larger than it would be without deepwater incentives. And if oil or gas is discovered, the economics of developing the field is enhanced such that wells will likely stay on line longer generating a larger domestic supply of an important resource.

For these reasons, Mr. Speaker, I join with the chairman of the Resources Committee in opposing the motion of the gentleman from California. We should give our conferees as much latitude as possible to strike a deal with the other body which best serves the Nation. This motion restricts our ability to achieve that end, and should be defeated.

Mr. MILLER of California. Mr. Speaker, for purposes of debate only, I yield 5 minutes to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Speaker, obviously there are not a lot of people on the floor now. I presume, and I sincerely hope that there are people looking in over C-SPAN in their offices or there are staff people and that they have not made their mind up on this.

I am speaking obviously in favor of this motion to instruct. Very frankly, I have been through this before on this floor. It has not succeeded yet, but I am appealing. You see I am looking right at the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. CALVERT] now. I am sincerely making an appeal on the basis that I am the ranking member on the Subcommittee on Energy and Mineral Resources, and very happy to be working with the gentleman from California [Mr. CALVERT] and with the gentleman from Alaska [Mr. YOUNG].

Our Committee on Resources, what used to be Interior, while it has had a division of opinion as to what should be done and what is in the national interest, has always had great comity and we have worked together and respected each other's opinions. On this, I have worked very hard as the ranking member to try and be a good and productive person on the subcommittee and in the committee as a whole.

Obviously, coming from Hawaii, some of the issues that are involved here are something where people could say, "Well, you don't have to pay attention to it." But on the other hand that means I can be objective about it, too. I do not have axes to grind on this.

I want it made clear, I am for this kind of drilling. I am not opposed to the oil in the gulf. On the contrary. I see it as security for the United States. We do not have to go overseas looking for oil, either currently for our uses or for looking to reserves. I think it should be profitable. From my understanding of the situation, it is going to be. That is what bothers me.

Many of the people here in the House this year have made particular references about deficit reduction. I have found, in my membership on this Subcommittee on Energy and Mineral Resources, that everybody who comes in wants to get rid of the royalties.

This is due the public, it is due to the taxpayers. It is nobody being ripped off. If anybody is being ripped off, it is the taxpayer in the sense that these royalties go into the Treasury and help us to form the fiscal basis for being able to reduce the deficit, or able to fund other much needed programs.

That is why I am making my appeal to the gentleman from Alaska [Mr. YOUNG] and the gentleman from California [Mr. CALVERT] to have a revelation, to have an epiphany here on the floor as a result of this discussion, perhaps, that yes, you do see that we are not trying to stop people in Louisiana, we are certainly not trying to stop the oil companies from being able to make a profit. We want people to work. I do. I am for this as an activity, as I indicated.

But it is absolutely clear that there is no reason that is persuasive that, absent this royalty holiday, if you will, that the oil will not be drilled for, that the jobs will not be there, that the security of the United States in terms of being able to have oil will be mitigated in any way. It is quite the opposite.

I know that in other instances, other than just the oil question, where there are other minerals that are extracted on the mainland of the United States, they also want to get royalty relief. Yet I find that the States have severance taxes, they have excise taxes, they have all kinds of taxes that they impose. But when it comes to the Federal taxpayer being able to get a share in terms of revenues coming into the Treasury, we want to cut it off.

My bottom line is this, then: You cannot have it both ways. You cannot say that we are going to have deficit reduction, that we are going to cut spending and have table-thumping, table-pounding rhetoric in that regard, and then turn around and give all the money away. This is a real test.

I do appeal to the chairman of the committee and the chairman of the subcommittee, join with us on this particular issue. This was put in from the Senate side. This did not come out of the House.

The gentleman from California [Mr. CALVERT] is quite correct. There was a hearing in June 1994. It did deal with whether or not this was going to be an economic drag. What we found with the lease bidding, it is not.

I do appeal to you. This did not come out of our committee hearings. We have not had a fight over this in the House. We do not have to acquiesce to this in the Senate. That is what this motion to instruct is all about. Please join with us on this. Think about it a little, as to whether it is in our interest to move ahead and simply acquiesce with the Senate.

I say on behalf of, I believe, our process in the House and the relationships we have on our Committee on Resources, and on behalf of the taxpayers who will not benefit from this move, please, let's agree with this motion to instruct. Let's try and do, for once, something that is sensible in terms of the security of our oil reserves and the security of our taxpayer, that we mean it when we talk about having the proper incentives vis-à-vis the Treasury.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 5 minutes to the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. I thank the gentleman for yielding me the time.

Mr. Speaker, I rise in opposition to the motion to instruct. My friend the gentleman from Hawaii has asked some legitimate questions. Let me try to answer them if I can right now.

First, the Secretary of the Interior currently has the authority in new leases to grant initial royalty holidays based upon water depths. The notion is that we can and in fact in the next 5-year lease plan, the leases will contain royalty relief for these deep water drills. Why? Because they will not occur without some royalty relief. Louisiana has recognized the same thing in our State and has granted royalty relief to get wells drilled that would not otherwise be drilled. The Secretary has the authority as to new leases and intends to exercise it.

Second, he is not sure of his authority in regard to current leases where drills are not going to occur unless some royalty relief is provided. He is asking for a clarification of that authority. In fact, the Clinton administration and the Secretary of the Interior supports what the Senate has done in S. 158 which was negotiated at the end of the last Congress and is not contained in the Senate version of the bill we are debating now.

The motion to instruct would invalidate what the Secretary of the Interior and the Clinton administration want to see happen and in fact have encouraged the Senate to include in the bill we are debating.

What do they want to include? They want to include a provision that clarifies the Secretary's authority to grant royalty relief on existing leases in deep waters of the central and western Gulf of Mexico only in those areas where drills would not occur but for this royalty relief. In short, what the Secretary is asking for, and these are his words through Bob Armstrong, the Assistant Secretary of Land and Minerals Management, U.S. Department of the Interior:

> We support S. 158. It is consistent with the administration's objectives. The deep water areas of the gulf contain some of the most promising exploratory targets in the United States but industry confronts substantial economic and technological challenges to bringing it into production. The responsible and orderly development of these resources are in the national interest.

Our Interior Secretary is asking for this clarification. The Senate has provided it in the bill. The motion to instruct would eliminate it. We ought to vote against this motion to instruct.

Why is it important to have this clarification? Because without it, the Secretary may not be able to in fact provide the same royalty holiday that he is going to provide in the new lease program on current leases that are not going to be developed without this authority.

The expectation is that if the Senate provision is adopted later on when the conference reports or later on by action of this House as well, that we are likely to see at least two new fields, and the Secretary of the Interior has said probably 12 new fields are going to be brought in that would not be brought in otherwise.

What does that mean? That means that we are not going to get that production unless this royalty relief is provided just as the Secretary has concluded new leases are not going to be developed in the next 5 years without some assistance to make sure that those leases are brought forward, some royalty relief.

Does it mean we are giving up the royalty income indefinitely? No. It simply means that a royalty holiday is provided to get the project started.

What is the effect of it? The effect is that if you bring in leases that would not otherwise be developed, the Nation gets the benefit of that oil.

Second, once the leases are in production and the royalty holiday is over, the Government then begins collection the money. The likelihood is tat the Treasury will collect millions upon millions of dollars that it would not otherwise collect because the leases would never get drilled. It is that simple.

We in Louisiana who have been from time to time the No. 1 gas-producing State in America, the Nos. 2, 3 or 4 depending upon whose calculations and what kind of depression we are in oil-producing State in America, we in Louisiana have come to understand that. We give royalty relief for the same reason, to get the wells drilled. Once they are drilled and production is on board, the royalty holiday is over, then the people of Louisiana start collecting not only the benefits of the jobs and the production but the royalties from those fields that would not otherwise be drilled.

The Secretary of the Interior is asking for that same authority. It is on the administration's request now that the Senate has included this language. To adopt this motion to instruct is to go against the wishes of the administration and against the national interest.

I ask that Members oppose the motion to instruct.

Mr. MILLER of California. Mr. Speaker, for purposes of debate only, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, a holiday and a vacation is something you take normally. But this time what is happening is the American people are being taken. Because when you go on a holiday, you pay for it. What these guys want is the oil companies are going to get a holiday and the taxpayers are going to pay for it.

We have had stories on this floor about welfare queens getting double dips on welfare and we have talked about government outrages. This is the biggest check of all. This is someone in business buys an oil field, confident there is going to be oil there. They are going to drill for this oil. We say, "Wait, please stop, don't drill yet. We want to send you a couple extra million from the Federal taxpayers."

Again, who pays for the holiday? The taxpayers are going to pay for the holiday.

We just heard the previous speaker say these are lucrative fields. That means there is lots of oil in these fields. The oil companies bid for these fields without the prospect of this holiday.

□ 1245

Now, we are telling them, "Hang on just a minute, if you will just wait a little bit, we will give you some extra money." I do not understand this method of doing business.

Republicans come to Congress and they say they are going to run this place like a business. Yes, this is the way to run a business; when you are going out of business, when you are having a distress sale. We do not need to have a distress sale.

My colleagues would not run their family assets this way, and their family portfolios. They would not be sitting there after they had sold off a piece of land, they would not call up the buyer and say, "Wait a minute. Let me give you another million and a half dollars for you to farm that land. Let me give you a couple extra million dollars to drill on that land."

Mr. Speaker, this drives up the deficit and it shifts the burden to average taxpayers. This is a rip-off for the richest oil companies in America. This is welfare for people that have billion-dollar corporations. And for the rest of us, it is going to mean higher taxes for families in America.

Mr. Speaker, we will not be able to take a vacation to pay for this oil holiday for the oil companies that got this language in the bill.

Mr. YOUNG. Mr. Speaker, I yield 3 minutes to the gentleman from Louisiana [Mr. HAYES].

Mr. HAYES. Mr. Speaker, the gentleman from Hawaii [Mr. ABERCROMBIE] said that he hoped that there were those who were watching on C–SPAN. I can just imagine the group that is watching in my home State of Louisiana, which consists of former employees in the oil industry in the United States, when there was a domestic program. But 450,000 of those people lost their jobs because of incredibly shortsighted energy policy.

Mr. Speaker, what we are hearing this afternoon is, in the terms of the vernacular, logic that resembles a dry hole. What we have in the Gulf of Mexico is nothing more than an opportunity for which people compete and they take their technology and make a determination, through a bidding process, as to whether they will roll the dice in the Gulf.

If these gentleman are so sure of where there is oil, I can guarantee them they can get a much higher paying job in private industry. They can certainly do better from their seats here in Washington guessing where oil is than those poor engineers who have simply spent most of their life with an educated guess, 9 out of 10 of which ends up with a dry hole.

But what are we really talking about today? We are not talking about oil or even the politics of oil. We are talking about the politics of politics. Some of my colleagues live in areas where they do not have employees who understand this industry, and who realize the high risk and who also understand that you do not bid at all when the risk raises itself above those levels of not being rewarded in any way.

Mr. Speaker, the State of Texas is light years ahead of our policy. What did they do? They figured out that when they gave people incentives on marginal and low possibility land, they would do something they were not going to do anyway. That has resulted in revenue increases in Texas; not revenue losses.

The Secretary of the Interior must certify that the area under consideration for his leniency, and a delay of royalty payments, will not otherwise receive a bid or be drilled upon. It will not happen without this occurrence. It will not happen without his certification. And, therefore, we have both the logic, the inducement, and two States have already shown us that it is economically beneficial to do so.

Mr. Speaker, I cannot imagine having someone enter into a more easily predictable outcome based on the experience of two States that know an awful lot more about this subject than those folks who are so chagrined. If anything, it reminds me of being back in debate class when a group from Oxford once told me that an argument that I made was much like the way a drunk used a lamppost; it was support and not illumination.

We have heard a lot of that this afternoon from areas that would not understand what a rig looked like, would not know what a blowout preventer did, and by the way, that never offered one bit of assistance to the half million people who intimately are familiar with those areas of Kazakhstan, those areas in the North Sea, the areas around the world, because they had to give up their Louisiana jobs to go to work there and see their families now and again.

Mr. Speaker, we can help the Treasury, we can help an industry, and do them both at the same moment, and it is incredible to me that we would be wasting time arguing about it.

Mr. MILLER of California. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I would first say the presentation by the two gentlemen from Louisiana is interesting. It is simply not factual. There is no certification by the Secretary for the new leases that we are talking about. And the fact is that this bill says that deep water is 200, 400 meters. The fact is that we have platforms that are working in 2,860 feet, 2,900 feet. And the Wall Street Journal tells us this is now profitable, developable oil at 6,000 feet of water.

So, Mr. Speaker, we run around chasing these people with taxpayer dollars to get them to drill in 400 or 500 foot water. Their rigs are in the water today at 2,900 feet, at 2,800 feet, at 3,000 feet, and they have an all-time record in terms of the gushers. Why? Because the technology blew right past this Government's policy. When the technology enabled them to see for the first time 3-dimensional formations, then they went back to the gulf, because the economics said go to the gulf; not because of us.

These rigs have been built. They have been built in Houston, they have been built in Louisiana, they have been built around the world, and we are sitting here debating the policy and the rigs are pumping oil today. They do not need any help from the Treasury.

Mr. Speaker, I yield 3 minutes to the gentleman from Oregon [Mr. DEFAZIO].

Mr. DEFAZIO. Mr. Speaker, the question before the House is not whether these leases will be developed. They will be. It is now economical to go down to several thousand feet. They are predicting they will go to 10,000 feet in the future.

An article from Forbes, "Deep and Deeper," interviewing a gentleman who has developed a new company for deep-water exploration. "We think we can make serious money out of 20-million-barrel fields in 15,000 feet of water." An article from Business Day, the New York Times, "Oil Companies Drawn to the Deep," and on and on.

The fact is, these leases will be developed. The sole question before the House of Representatives and for the Members to think about before they vote is whether or not the free market will prevail and taxpayers will get a fair return for the depletion of these Federal resources.

That is the sole question before the House. Do we need to give the oil companies an incredible break for something they are already prepared to do; something for which the technology already exists; something that is already profitable? Do we want to give them a break to keep doing it? That is the question.

Are we going to run this Government like a business? Are we serious about balancing the budget? Or do we have $15 billion to give away to an industry that is beginning to again enjoy record profits?

Mr. Speaker, I think the average American parked at the gas pump filling up their tank would say, We do not think these companies need a tax break. They are already gouging us at the pump. I do not want them to gouge me in Washington, DC, too.

These leases will be developed without a tax break; without a break in the royalties.

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Speaker, these leases are developed. This bill responds to a problem that existed in 1988, 1989; not the economics of the oil industry worldwide today and not the economics of the American oil industry.

Mr. DEFAZIO. Mr. Speaker, this is, plain and simple, an attempt to obfuscate the facts. And for those around here who supported the balanced budget amendment, for those around here who are voting for these appropriations bills, slashing student loans, and they are going to cut Medicare, there are alternatives. The alternatives are to raise and maintain revenues.

Mr. Speaker, if my colleagues do not vote for this motion to instruct, they will be ceding another $15 billion of revenues, royalty giveaways, to companies that are full well prepared to make profits under the existing scheme, but they are happy to take an additional $15 billion of taxpayers' money. They are always happy to take more of the money that is due to the taxpayers.

Mr. Speaker, it is time to have true fiscal responsibility in this House, to stop BS'ing the people about the issue here. The issue is not development or nondevelopment or national security. We all agree they should be developed, but we do not need to give away $15 billion to do it.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 4 minutes to the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. Speaker, I rise in opposition to the motion to instruct.

Mr. Speaker, I am looking at what has happened over the years with the exploration of oil and it seemed to me that it was not too many years ago that we were talking about how we needed to develop our own resources here at home so that we could be more secure.

Mr. Speaker, I am looking at some of the budget arguments and I have before me a publication here from the Congressional Budget Office that talks about the economic impacts of trying to encourage drilling in the outer continental shelf and it says that no adverse budgetary impacts in most cases, and it goes ahead and lists four of those specific cases.

First of all, it says if the Department of the Interior waived royalties only for production from existing leases that would otherwise be unprofitable and would shut down anyway, the Government would not lose receipts.

It goes on and says that if the Department of the Interior waived royalties only for new production from existing leases, the Government would not lose receipts in instances in which that new production resulted from some specific expenditures, for example, capital costs as in Senate bill 318, that the company would not probably make without a waiver.

Third, it goes on to say that the Department of the Interior, if it waived royalties only for new leases that firms in the industry would bid on, even in the absence of waivers, bonus bid payments which are categorized as offsetting receipts, would be likely to rise commensurate with the drop in the present value of future royalty payments.

A fourth case of no adverse budgetary impact would arise if the Department of the Interior waived royalties for new leases that would otherwise be unprofitable for companies to bid on. In other words, without a waiver of royalties, these additional lease sales would not occur under current law because potential bidders will view these lease properties as uneconomical. Hence, the net budgetary impact would be zero for pay-as-you-go purposes under the congressional scorekeeping rules.

Mr. MILLER of California. Mr. Speaker, I yield myself 30 seconds just to say, it is interesting, but the fact is the CBO analysis has already been disproved, because the leases are being developed. The rigs are on site. The oil is being pumped. It is being sent to market.

As the Wall Street Journal and the New York Times have pointed out, it is being sent to market now in record volume from the gulf. So CBO says if these leases were never developed, yes, we would never get any revenue. However, the leases are being developed because the development is being driven by the economics of the oil industry, not governmental policy.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Speaker, I rise in strong support of the Miller instruction to the conference.

Mr. Speaker, my colleagues favored the export of Alaskan oil yesterday and they favor this bill today, but this issue has nothing to do with it. It is not, as has been described, some sort of a clarifying and technical amendment. It is a slam dunk.

This is the sort of issue, this issue added with no or little debate on the Senate floor, not subject to hearings in the House, is the reason that the American public is up in arms across this country when these actions happen in this House. How do the oil companies and the others get these type of fantastic billion dollar breaks? This will make a good program for "Believe It Or Not" in terms of what is happening to the Federal budget.

Mr. Speaker, at a time when the majority is advocating $280 billion in cuts in Medicare, then on the other hand they are falling all over themselves trying to give away the revenue of the Federal Government that comes from offshore oil, in this instance the deep oil resources. The majority of Republicans are falling all over one another trying to provide incentives. Incentives that are not needed.

Mr. Speaker, I listen to my colleagues talk. What is the effective tax rate on oil companies? The big ones pay 17 percent, the independents pay virtually nothing when all the deductions are taken into consideration. Who else in this country has a 17-percent tax rate or a zero tax rate?

But yet it is not enough that oil and energy corporations have decimated the Tax Code. Now they are going back to the royalties, those dollars that flow so that we can restore the natural resources and pay for some of the problems that are associated with the development of this deep oil development.

If this is such a good bill, why can it not be subject to hearings? Why can it not be subject to full debate? Why does it have to be a slam dunk on an unrelated measure? I will tell my colleagues why. Because this will not stand up to the light of day. That is why. It is bad process. It is bad policy. It is bad politics and it is a type of issue that ought to be stricken from this bill and stripped and given, if it can stand up to justification.

Mr. Speaker, I listen to my colleagues talk about free enterprise and how they are in favor of free enterprise, but yet there are some who want to play the game and rhetoric of free enterprise, they just do not like to practice it so much.

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They do not like the part where they invest money, take a chance, and lose the money, and so what my colleagues in the Senate and the House here that come from these areas and represent those types of advocates are saying is when they have problems, when they have layoffs, when they do not have jobs, then we are going to come back and try to guarantee them they can have a profit no matter what.

What type of subsidy, what type of guarantees and assurance do you need? If there is a need for this subsidy, this measure not only gives the permits to go back or the Secretary to retroactively provide for a lifting of the royalties on existing leases, which would cost $2.3 billion based on just the leases made in May, it mandates it prospectively also. There is no opportunity for flexibility or judgment, this Senate language mandates the application of this new policy.

What happens if the price of oil changes? That happens just about every day. If the price goes up, obviously these leases and the recovery of this oil becomes even more economically feasible than today.

If this legislation were put in law, it is a policy. The money flows out no matter what.

Mr. Speaker, I urge support of the Miller motion to instruct.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong opposition to this motion to recommit, and it never ceases to amaze me the beautiful rhetoric that occurs on this floor and the emotionalism that happens with very little, what do I say, validity or honesty in it.

I suggest respectfully they ought to tell the truth. This is nothing more than the Secretary is already doing. The Secretary has asked for this. The Secretary has asked for this; in fact, I have a letter from Mr. Armstrong——

Mr. MILLER of California. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. No; no.

Mr. MILLER of California. You are accusing Members of not telling the truth. Will the gentleman yield?

Mr. YOUNG of Alaska. I apologize if they take it from that. The fact is Mr. Armstrong says, in fact, he needs this.

Mr. MILLER of California. This is nothing different than what the Secretary is already doing. This takes discretion away from the Secretary.

Mr. YOUNG of Alaska. Reclaiming my time; just sit down; reclaiming my time.

Mr. MILLER of California. You are accusing Members of not telling the truth.

Mr. YOUNG of Alaska. Referring to the Secretary, if I may—reclaiming my time——

The SPEAKER pro tempore (Mr. McINNIS). The gentleman from Alaska will suspend. The gentleman from California will suspend.

Mr. YOUNG of Alaska. I say respectfully this is my time.

The SPEAKER pro tempore. The gentleman from Alaska will suspend. The gentleman from California will suspend.

The gentleman from Alaska controls the time. The gentleman from Alaska has reclaimed his time. The gentleman from Alaska now has the floor.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, may I suggest respectfully the idea I heard the word "gouge" at the pump, that the oil companies are gouging people at the pump; if we do not accept the gentleman's motion to recommit, they will be further gouged. That is not true. You know that. If there is any gouging at the pump, it is by this Congress, by other government agencies taxing these people that are using that gas. That is the high price of gasoline at the pump.

Let us not kid ourselves. That is where the high price comes for every consumer. If you do not believe it, go down the list and see the amount of money you are paying for gasoline. Today it is probably less than 1951 for the gas itself. It is all the other money this Congress raises and every other government raises. That is what it is. Let us not use the term "gouge," that this is going to happen.

Again, may I stress this is an action on behalf of the administration, your President, your Secretary of the Interior. It is rare that I embrace Secretary Babbitt; I mean that does not happen. In this case, Mr. Babbitt has asked for it. The President has asked for it. It is very similar to what we have done and other countries have done, Canada, Norway, Great Britain.

May I stress one of the things that bothers me the most, the people talking for this motion to recommit have never ever supported any type of domestic oil production of any type, and may I suggest respectfully we never have, I have never done this, I have been here 24 years, I have never seen anyone that has been speaking supporting domestic oil production.

We have lost 400,000 jobs or more in this field, and we have sent our technology over to China, we have sent it to Colombia, we have sent it to Venezuela, we have sent it to Russia. I would feel a lot better if I thought for a moment they were sincere in this idea the taxpayers are getting ripped off. The taxpayers are not getting ripped off.

The CBO report says specifically this is budget neutral. In fact, what we will do, we will be raising money for the taxpayer because there will be areas where we will be drilling.

I also heard it is already happening. If you read it very carefully, what we are suggesting here, the Secretary can grant the so-called holiday, I call it incentive, in areas that are not profitable or will not be open, that have already been leased, or those areas that would be very difficult to develop a further stage in deep water.

Those who may be listening on the TV station in their offices, let me suggest one thing: If you want drilling off the coast of California, if you want drilling off the coast of Florida and Oregon and Washington and Maine and Massachusetts, North Carolina, if you want drilling there, then you go for the gentleman's motion to instruct conferees, because that is what will happen.

This is an incentive to try to get our remaining oil, domestic industry, further off, further into the Gulf of Mexico, and if it is profitable, it gives us the oil we should have.

So I am going to suggest the motion to instruct, if you really want drilling off your shores, which I have heard that no one wants, then you vote for the gentleman's motion to instruct the conferees. If you want to give the incentives that the administration wants, the Secretary of the Interior wants, those people are the ones that suggested this, then I suggest that you vote against that motion and you vote with the committee and do not instruct.

Mr. HAYES. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Louisiana.

Mr. HAYES. Was this not the measure that passed the Senate by the vote of 74 to 25?

Mr. YOUNG of Alaska. Absolutely. What concerns me, we heard there were no hearings. There were hearings on this side of the aisle in 1994 under the committee on which the gentleman from California [Mr. MILLER] was chairman at that time. I can tell you there is a difference in the makeup of the Congress today, but I want to get back, this is not Democrat and Republican, as the gentleman from Louisiana [Mr. HAYES] will tell you, the gentleman from Louisiana [Mr. TAUZIN] will tell you, other people who have spoken, including myself. This is whether we are going to retain any type of domestic oil production in those areas that are very questionable in development.

So I am asking my colleagues to vote "no" on the motion offered by the gentleman from California to instruct conferees.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. SCARBOROUGH].

Mr. SCARBOROUGH. Mr. Speaker, I would like to give some very Republican reasons for supporting this Democratic motion, and I respectfully disagree with the chairman of the committee.

I have got to tell you the first reason is talking about fiscal sanity, we do not have this money to give up.

We continue to talk about getting tough with welfare recipients. That also includes corporate welfare recipients. This is corporate welfare any way you cut it.

Second, for many Republicans, I think the fact that the President and Secretary Babbitt support it is a good enough reason except for the fact that they do not know what they support. We have Secretary Babbitt coming to my district in the Gulf of Mexico one day saying that he is against any drilling in the Gulf of Mexico. The next day he is throwing out leases. That is fine, if that is the administration's position, if the administration supports this type of drilling, that is their prerogative, but I do not believe in forgiveness of this sort of debt.

The New York Times has reported, "The great oil rush of the mid-1990's is on and in a most unexpected setting, in the Gulf of Mexico. It will be the biggest thing in some time." Business Week has also reported that a "feverish black gold rush in the Gulf of Mexico has begun which new players are rushing to get in while the old ones are scrambling to return."

Let me tell you something, there is nothing questionable about what big oil wants to do in the Gulf of Mexico. I do not think we need to give them any more incentives.

If you believe in free enterprise, if you believe in the free market, then let the market prevail. Let the invisible hand prevail. We do not need any more Federal handouts.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

I am terribly surprised the gentleman from Florida would speak as he just spoke. There is no loss to taxpayers. CBO says this. I agree with him, President Clinton, and Secretary Babbitt, as I mentioned before, but these are not true facts as far as loss of money. This is budget neutral. It also probably will increase moneys as we go forth and create new jobs.

Mr. Speaker, I yield such time as he may consume to my good friend, the gentleman from Alabama [Mr. CALLAHAN], a great leader and fine Congressman, one of the new cardinals in the U.S. Congress.

Mr. CALLAHAN. I thank the gentleman for yielding me this time, and I thank him for the very fine comments.

I sat here and listened to the debate that is taking place, and all of you make good points. All of us, though, are listening to the attack on big oil and all of us are talking about the loss of revenue to the Federal Government.

But in the State of Alabama, where we do have offshore drilling, let me tell you there are many more things that are so beneficial to the State than just the Federal taxation of it. That is the revenue that goes to the States.

The States participate in the AG sections. We receive royalties. Part of the royalties from that, in Alabama, we very wisely, in 1984, set up a trust fund, a perpetual trust fund. Gov. Edwin Edwards told me had Louisiana done what we did a few years ago, there would be no need for any taxation in Louisiana.

We set up a perpetual trust fund; all the royalties, all the taxes go into that perpetual trust fund. Now it has more than a billion dollars in that fund.

So what is that billion dollars doing? It is generating revenue for education, generating revenue for roads and other things in Alabama.

While we are talking about the Federal portion of it, let us not lose sight of the fact the States are the ones reaping a great deal of the monetary benefits of this.

I recognize the environmental concerns. We do not have those severe problems in Alabama. We have not had major oil spills. We have done it right, and the oil companies have done their job right.

But most importantly, let us not lose sight of the fact the States have been big beneficiaries of this money, and we want to increase this trust fund in Alabama, this constitutionally protected perpetual trust fund that someday, hopefully, will generate enough money to provide all the educational needs in the State of Alabama.

I urge you to vote against this motion to instruct.

Mr. MILLER of California. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New York [Mr. HINCHEY].

Mr. HINCHEY. Mr. Speaker, there currently resides in the deep water reserves of the Gulf of Mexico an estimated 15 billion barrels of oil. That is a large amount of petroleum. It is estimated to be probably twice the size of the celebrated Prudhoe Bay reserves.

These 15 billion barrels of oil are the property of the people of the United States of America. This Government has the responsibility to husband that resource and to make sure that the people get at least a fair return should that resource be developed, and it is in the process of being so developed.

That is the real question before us today. These resources will be developed. They are being developed, and, as a matter of fact, when the May 10 leases were up for bid, 88 companies submitted almost 900 bids for those leases which were let in May.

If the provisions of this bill were in effect, the Senate version of the bill were in effect when those leases were let, the taxpayers of the United States would have lost an estimated $2.3 billion.

If the motion offered by the gentleman from California [Mr. MILLER] is not passed, it is estimated that the taxpayers of the United States will lose an estimated $12 billion over the period of time that these resources are exploited by the petroleum companies who will successfully bid on those leases. That is the issue here.

This resource will be developed. It is only a matter of time. It is finite, as all of the petroleum resources of this planet are finite. It will be developed. The technology exists now to develop them. It is only a matter of time.

Will the people of our country benefit at all from this activity? We must pass the motion offered by the gentleman from California [Mr. MILLER] to instruct. Otherwise the taxpayers of this country will lose $12 billion.

Again, I want to stress the gentleman speaks with little knowledge of what he speaks of.

Fifteen billion barrels, we have already produced 13 billion barrels in Alaska. We expect to produce about 4 or 5 billion barrels out of Prudhoe Bay. That is the largest single American domestic field we have ever had.

All I am asking for is the opportunity to develop those other domestic fields offshore and onshore.

I want to stress this very strongly, that this, without this amendment as proposed in the Senate side, there will be chances where there will be areas that would be developed, will not be developed, as we develop them; as I said before, get the wells drilled, get the people working, employ those 400,000 Louisianans that were lost. Let them have the jobs that are needed and they will pay taxes. Our taxpayers will come out much further ahead.

If we adopt this motion to recommit, we, in fact, will lose the opportunity that we need for these frontier areas.

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I will be very up-front with everybody. I even think this will be good in the State of Alaska outside of sale 92. We have some other areas that should be developed in very deep, deep water. Unfortunately the administration does not support that, we are not going to attempt to do that, but I do think, if we want to have a steady supply of oil for the United States, we have to look at these areas. We cannot balance the budget, we cannot have a sound economy, we cannot have people working, when we are importing over 52 percent of our oil today from overseas countries, and it is odd to me that every time we try to help our own domestic companies in some way, we are accused of helping big oil, or it is a rip-off, or it is a taxpayer's rip-off.

May I suggest, Mr. Speaker, the biggest rip-off is our buying foreign oil, and it is a policy that was set forth by some of the gentlemen that were speaking previously. The policy is to destroy the domestic oil-producing companies in this country, and they have done a good job of doing that. This motion to recommit will be a further attempt to destroy any of our domestic companies.

So again I urge a "no" vote on the gentleman from California's motion to instruct conferees.

Mr. Speaker, I reserve the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield 1 minute to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Speaker, for the average American, perhaps the biggest financial break we get is in December when many credit companies inform us that in light of the holiday season, the minimum payment due for the month is waived.

That's the extent of it for the average, hard-working American.

Yet, under what the other body is proposing, it would be Christmas every day, all year, for some of the largest, multinational, oil conglomerates in the world.

They would get a holiday from having to pay royalties for drilling oil in federally owned waters.

A multibillion-dollar royalty holiday, at the taxpayers' expense, as an alleged incentive for these companies to do what they are already doing in the first place.

Now, whatever your position is on H.R. 70, the nongermane royalty holiday provision added by the other body to its version of this legislation simply has no business being accepted by House conferees as a middle-of-the-night deal.

That is why it is so important that the Miller motion to instruct be passed, so that, in effect, we remove any temptation on behalf of some of our colleagues to fall prey to the wiles of the other body on this matter.

The bottom line: If my colleagues voted for the Klug-Rahall mining claim patent moratorium to the Interior appropriation bill last week, a vote for the pending motion would be consistent. It would be a consistent vote against the giveaway of America's natural resource wealth.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, I can only urge my colleagues again, as I mentioned before, let us leave the conferees work with the conferees. This is a Senate provision, not a House provision. I have said all the arguments, that this, in fact, was suggested, it was supported, it was promoted by Secretary Babbitt, Mr. Armstrong, President Clinton, and is also not a ripoff to the taxpayers. This, in fact, would increase moneys to the Treasury of the United States and mean that it will make us less dependent on those fossil fuels we are importing today.

Again the biggest ripoff to the taxpayers today is that oil we are buying from the sheiks, and that oil we are buying from the Qadhafis, and that oil is we are buying from the Saddam Husseins. That is a ripoff because the policy of those that were speaking in the well in the previous years that have driven our domestic industry off our shores overseas and not hiring our American workers. We have lost those jobs. We have got to try to get them back. We will have further legislation to bring more workers back to our shores. We will start developing our oil onshore, as it should be developed onshore, and we will have development in the gulf if we pass the amendment that was promoted by the Senate, or at least discussed by the Senate. But to have us reinstructed, or be instructed, by this motion by the gentleman from California is wrong for this Nation, it is wrong for the taxpayer, it is wrong for this conference chairman, it is wrong for this Congress to do.

So, Mr. Speaker, at this time I urge a large "no" vote on this motion.

Mr. Speaker, I yield back the balance of my time.

Mr. MILLER of California. Mr. Speaker, I yield myself the balance of my time.

The SPEAKER pro tempore (Mr. MCINNIS). The gentleman from California has 4 minutes remaining.

Mr. MILLER of California. Mr. Speaker, let me say that I represent as much, if not more, oil than anyone else in this Congress. I represent four of the seven major oil companies in this country and worldwide, and I represent many other oil companies in my district. We are a major, major economy dependent upon oil, and, when I talked to the executives of those oil companies, they made one thing very clear. They no longer make decisions based upon governmental policy because it is too transitory. They make decisions based upon going to the bank, and showing them what they can do, and borrowing the money, and making the investment, and going to work, and they have decided now that the Gulf of Mexico is where they should go. They are going on their own hook. They are going in the private capital markets because that is where they can make the profit. They do not need this. They do not even want it, but we are going to give it to them.

Let me say to the freshmen in this Congress, Mr. Speaker, this is the process that they ran against. This is the process whereby a controversial provision is not considered in the House. There are no hearings. There is no debate. When we go to the Senate, where this was slipped into a bill with no vote, no debate, last year the Senate debated it, and it was killed overwhelmingly.

Now they managed to get it back in, as they can do in the Senate. It will be brought back to my colleagues, and they will have to vote up or down on whether or not to kill Alaskan oil, a provision that my colleagues overwhelmingly support. That is why Senator JOHNSTON is going to take this controversial provision, attack it to that bill in Congress, and my colleagues are going to get a choice on whether or not to vote to export Alaskan oil. My colleagues have already made that decision. They are going to make the second decision for my colleagues. They are going to put a giveaway of over $15 million of taxpayer money to the major oil companies when they do not need it.

I say to my colleagues, you ought not to go along with that process because that's not the open government, that's not the debate, that you pledged to your constituents.

This is now tax loopholes get created in the dark of the night in the depth of the Senate. This is how corporate welfare gets created in the dark of the night in the depth of the Senate, and the House is told to take it or leave it.

Mr. Speaker, unless my colleagues vote for this motion to instruct, they will not get an independent vote, a separate vote, on the issue of a royalty holiday for some of the wealthiest, the least taxpaying, corporate entities in this country, and my colleagues are entitled to more, their constituents are entitled to more. But that is the game that is going on here. They are stacking the deck, they are rigging the game, so my colleagues will never get to confront directly this issue.

I say to my colleagues, this is your one chance. You vote for a motion to instruct, you vote to preserve your rights down the road to make a decision on whether or not you think this is good or bad, but let me tell you. All of the economic journals, all of the industry journals, tell you there is no need for this. Don't take my word for it. Look at Forbes, look at the Wall Street Journal, look at the oil press, and they'll tell you this is the hottest property in the world. No tax incentives needed. Now, if you want to give that away in the middle of the night when you're trying to balance the budget, when you're out here hacking and hewing away at programs that it is tough to go home and explain if you're going to do that, then I think you're not playing fair with your constituents because what you say is the big guys with the lobbyists, the big guys with the lawyers, they can slide in under the process, they don't have to work in the daylight, they don't have to work out on the open floor. They can work inside of one Senator's mind about a problem that existed, a problem that existed 5 years ago, a problem that has been overwhelmed by world oil economics, a problem that has been overwhelmed by technology.

Mr. Speaker, the reason they are going there today is because they could not see the oil 5 years ago. This has no impact on State revenues because the States do not get any share of these revenues. They are not the A.G. revenues. This is simply a gift from the American taxpayers to foreign oil companies and domestic oil companies that do not need it. Vote for the motion to instruct.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to instruct.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from California [Mr. Miller].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. YOUNG of Alaska. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

This will be a 15-minute vote.

The vote was taken by electronic device, and there were—yeas 261, nays 161, not voting 12, as follows:

[Roll No. 565]

YEAS—261

Abercrombie
Ackerman
Andrews
Baesler
Baker (CA)
Baldacci
Barcia
Barr
Barrett (WI)
Bass
Becerra
Beilenson
Bereuter
Berman
Bevill
Bilirakis
Bishop
Blute
Boehlert
Bonior
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TX)
Bunn
Camp
Canady
Cardin
Castle
Chabot
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Crane
Crapo
Cremeans
Danner
Deal
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Dunn
Durbin
Ehlers
Ehrlich
Engel
Ensign
Eshoo
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Fox
Frank (MA)
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Goodlatte
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Hall (OH)
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Hastings (FL)
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Johnson (CT)
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Kennedy (MA)
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Lewis (GA)
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Lipinski
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Lowey
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McKinney
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Miller (CA)
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Roemer
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Ros-Lehtinen
Rose
Roybal-Allard
Royce
Rush
Sabo
Sanford
Sawyer
Scarborough
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
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Shays
Sisisky
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Souder
Spratt
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Talent
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Thompson
Thornton
Thurman
Torkildsen
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Weller
White
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zimmer

NAYS—161

Allard
Archer
Armey
Bachus
Baker (LA)
Ballenger
Barrett (NE)
Bartlett
Barton
Bentsen
Bilbray
Bliley
Boehner
Bonilla
Bono
Brewster
Browder
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Chambliss
Chapman
Christensen
Chrysler
Clinger
Coleman
Collins (GA)
Combest
Cooley
Cubin
Cunningham
Davis
de la Garza
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Dreier
Duncan
Emerson
English
Everett
Fields (LA)
Fields (TX)
Flake
Franks (CT)
Frost
Gallegly
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Hastings (WA)
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Jackson-Lee
Jefferson
Johnson, E.B.
Johnson, Sam
Kim
Kingston
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Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
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Miller (FL)
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Radanovich
Richardson
Roberts
Rogers
Roth
Salmon
Saxton
Schaefer
Schiff
Seastrand
Shadegg
Shuster
Skeen
Skelton
Smith (TX)
Smith (WA)
Solomon
Spence
Stenholm
Stockman
Stump
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torres
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Whitfield
Wicker
Wilson
Young (AK)
Zeliff

NOT VOTING—12

Bateman
Boucher
Collins (MI)
Cox
Edwards
Hilliard
Moakley
Myers
Reynolds
Roukema
Sanders
Volkmer

☐ 1346

Messrs. FIELDS of Louisiana, TAYLOR of Mississippi, WHITFIELD, and SALMON changed their vote from "yea" to "nay."

Messrs. DICKS, BARCIA, WELLER, BAESLER, LONGLEY, FAWELL, GRAHAM, POMEROY, ENSIGN, CREMEANS, McINNIS, HILLEARY, CRAPO, WELDON of Pennsylvania, CASTLE, FRELINGHUYSEN, BLUTE, McCOLLUM, and HORN, and Mrs. CHENOWETH changed their vote from "nay" to "yea."

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. ROUKEMA. Mr. Speaker, on rollcall No. 565, a motion to instruct conferees on the Senate provision regarding deep water oil drilling on the Alaskan North Slope oil, I was unavoidably detained in my office.

Had I been present, I would have voted "yes."

The SPEAKER pro tempore (Mr. McInnis). Without objection, the Chair appoints the following conferees on S. 395: On House amendment No. 1: Messrs. Young of Alaska, Calvert, Bliley, Miller of California, and Dingell.

On House amendment No. 2: Messrs. Young of Alaska, Calvert, Thomas, Roth, Bliley, Coble, Miller of California, Hamilton, Dingell, and Mineta.

On House amendment No. 3: Messrs. Spence, Kasich, and Dellums.

On House amendment No. 4: Mr. Coble, Mrs. Fowler, and Mr. Mineta.

On House amendment No. 5: Messrs. Young of Alaska, Calvert, and Miller of California.

There was no objection.

☐ 1345

GENERAL LEAVE

Mr. WOLF. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill, H.R. 2002, and that I may include tabular and extraneous material.

The SPEAKER pro tempore (Mr. McInnis). Is there objection to the request of the gentleman from Virginia?

There was no objection.

DEPARTMENT OF TRANSPORTATION AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 194 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of bill, H.R. 2002.

□ 1349

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2002) making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, with Mr. BEREUTER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, July 24, 1995, title III was open for amendment at any point.

Are there further amendments to title III?

AMENDMENT OFFERED BY MR. WOLF

Mr. WOLF. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WOLF: On page 53, after line 13, insert the following:

(c) The repeal made by this section shall not abrogate any rights of mass transit employees to bargain collectively or otherwise negotiate or discuss terms and conditions of employment, as those rights exist under State or Federal law, other than 49 U.S.C. section 5333(b), on the date of enactment of this act.

Mr. COLEMAN. Mr. Chairman, I reserve a point of order on the amendment.

The CHAIRMAN. The gentleman from Texas [Mr. COLEMAN] reserves a point of order.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes and the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

Mr. COLEMAN. Reserving the right to object, Mr. Chairman, the legislative language in the bill was accorded 40 minutes. It seems appropriate to me that we could indeed limit this to about 15 minutes. I object, if we cannot limit it to 7½ minutes on each side.

The CHAIRMAN. Objection is heard.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes, 10 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOLF. Mr. Chairman, I yield myself such time as I may consume.

If Members could just listen, because we are changing something that people have raised an issue on. Many Members are concerned about the reduction in transit funding, and I am concerned. We have tried to assist transit authorities faced with increased operating costs who have said that without some change in section 13(c), they will have no choice but to reduce service or increase fares. This perfecting amendment to anyone who has raised this issue is being offered to help address the concerns of some Members about the effect of repeal of 13(c) on transit workers' bargaining rights.

I want to make clear that this perfecting amendment, under this amendment no rights existing under any Federal or existing State law will be affected. I urge Members to read the amendment.

Let me read it. It says:

The repeal made by this Section shall not abrogate any rights of mass transit employees to bargain collectively or otherwise negotiate or discuss terms and conditions of employment, as those rights exist under State or Federal law.

It makes clear that collective bargaining rights are not repealed by the committee's action on 13(c). They are not repealed.

Why is this amendment important? We have all heard from our local transit operators in support of 13(c) repeal. Who will be helped by our vote for this amendment? We will be helping senior citizens on fixed incomes use mass transit to visit the doctor. We will be helping school children in the inner city to take the subway or bus to school. We will be helping the working poor who own no care and whose only means of transportation is mass transit.

This amendment will protect transit service for the single mom with two children on a limited income who relies on transit to get to work to provide for her family. By giving transit operators some flexibility to meet the cost of operating their systems, this amendment will also be helping to protect the jobs of transit workers because, without this amendment, more transit workers will lose their jobs.

Without changes to 13(c), all of these people, our constituents, could be faced with paying higher fares or waiting longer for the bus because service has been reduced.

Let me provide a real-life example. Over the last several years, the Committee on Appropriations has funded a demonstration program called Joblinks. The Joblinks Program provides transit services to welfare mothers to get to their jobs in hopes of getting them off welfare. The recipient in this case, Triangle Transit in North Carolina, after 6 months of delay and mounting cost of litigation caused by 13(c), withdrew the request for Federal funds.

That means welfare parents in North Carolina will not be able to participate and get jobs, as Members in this body say they want them to. The results of 13(c) in this case actually harm the poor. Defeat the attempt to get the welfare mothers into the work force and off welfare.

But the impacts of reductions in transit operator assistance can be lessened with repeal of 13(c). Nothing could be further from the truth that this amendment will help everyone. The amendment I send to the desk this afternoon is in large measure an amendment to clarify an issue that has become clouded in the 13(c) debate.

Time and again, opponents of 13(c) have suggested section 343 of this bill will abrogate all existing rights, and it does not.

I urge every Member who came here last night to talk about their concerns about 13(c) and about their transits and want more transits operating to vote for this. Before you vote, come over and look at all the transits in the country that support repealing 13(c). From Alabama, California, Connecticut, the District of Columbia, Florida, Illinois, the Regional Transportation Authority, Indiana, Iowa, Missouri, Nevada, New Jersey, and New York, the New York City Department of Transportation, the New York City Metropolitan Transportation Authority, the Buffalo-Niagara Frontier Transportation Authority. It goes on and on and on.

Frankly, frankly, if we do not repeal 13(c), then all of you who come and run around and talk about, I want more operating subsidy for my transit, you frankly will have been talking out of both sides.

This is the way to help the transit people. This is the way to help the poor people in the inner city. This is the way to keep fares down whereby people can continue to ride.

Repeal of 13(c) will not impact on existing employee bargaining rights. It would not impact on existing bargaining rights. Some people in North Carolina have spoken to me. It would not repeal the Taylor law in New York. It would not abrogate anything in Wisconsin. It would not change anything in Texas. The vast majority of the State have provided for public employees and transit workers to deal in collecting bargaining.

Mr. Chairman, I close with this: As I made the comment last night, I opposed the amendment of the gentleman from Pennsylvania [Mr. FOGLIETTA] because he wanted to take the money out of the FAA. Last night as we were debating that issue, the computer in Chicago shut down. So we made the right decision there. But I have told them that they should go to the Senate and get the Senate to increase operating subsidies, and I will fight for more operating subsidies to help you in the inner city.

But, my goodness, you want to go over to the Senate and fight for more operating subsidies and then here is the chance to give your transit the greatest opportunity going. To increase the operating subsidies over there will be like putting money, bad money after bad money.

I urge Members, if they really care about mass transit, support this perfecting amendment which protects the bargaining rights but will also protect the people that drive and ride mass transit.

The CHAIRMAN. Does the gentleman from Texas [Mr. COLEMAN] insist on his point of order?

Mr. COLEMAN. Mr. Chairman, I withdraw my point of order.

The CHAIRMAN. The gentleman from Texas [Mr. COLEMAN] is recognized for 10 minutes.

Mr. COLEMAN. Mr. Chairman, I yield myself such time as I may consume.

I guess the problem I am having with the argument of the gentleman from Virginia is that, first of all, he claims great savings as a result of the rewrite of the labor law in the bill. He claims it. We had no testimony whatsoever about how much money this would save.

☐ 1400

This is a totally phenomenal argument being made by the gentleman from Virginia. Let me tell the Members what the Department of Labor said. It said that repeal would open the door to elimination of bargaining rights in 23 States, where bargaining for public transit employees is not protected nor provided for.

In those cases where continuation of collective bargaining rights has been achieved by contracting with a private management company, bargaining could be eliminated by transferring these private employees to public employment.

In other situations where public transit employee bargaining is provided for, in 28 States, the repeal of section 13(c) could cause transit employees not only to lose their collective bargaining rights, but also their jobs, Mr. Chairman, as transit systems use Federal funds to contract out, with no obligation to the established work force. I think it is inappropriate for the chairman to have offered this amendment to his own bill when he does not answer some questions, so I am going to ask him to answer some.

What happens to collective bargaining rights when existing employee collective agreements are deemed terminated?

What about job protections and the application of collective bargaining rights to employees affected by future transit grants?

Is it not true that the gentleman's amendment still calls for repeal of 13(c) and the termination of all existing labor protection agreements?

This amendment, therefore, would change nothing if the gentleman answers that in the affirmative; it still repeals a major labor policy and protection program.

Is it not true that by repealing 13(c), States would no longer be required to protect transit workers' collective bargaining rights as a condition for receipt of Federal transit grants?

I think everyone here recognizes that this amendment is an idea dreamed up by the majority in order to see to it that we can automatically affect State law. The repeal provision still exposes thousands of transit workers to the loss of collective bargaining rights and future protection against job losses caused by the Federal transit grants.

I am most concerned, Mr. Chairman, that once again here on the House floor, we are attempting to rewrite labor laws. In the Committee on Appropriations we should not have done it in the first place. A number of us opposed this provision in the subcommittee and in the full committee, when given the opportunity.

Ultimately, now, we are confronted once again, because I offered an amendment to strike out that labor law provision, with that rewrite of labor law by the committee. Now we have an amendment that is called a perfecting amendment, that I know the Chair would have ruled in order so that we could collectively, in the House, do the drafting of the legislation on labor law, one that I consider to be a very serious mistake.

Mr. Chairman, because of that, and because I think that I know the answers to all of the questions I asked of the chairman of the committee, I will offer an amendment.

AMENDMENT OFFERED BY MR. COLEMAN TO THE AMENDMENT OFFERED BY MR. WOLF

Mr. COLEMAN. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN to the amendment offered by Mr. WOLF: At the end of the Amendment by Mr. WOLF, insert (d) The repeal made by this Section shall not abrogate any rights of mass transit employees to bargain collectively or otherwise negotiate or discuss terms and conditions of employment, as those rights exist under State or Federal law, notwithstanding any other provisions in this Act.

Mr. WOLF. Mr. Chairman, I reserve a point of order on the gentleman's amendment. We need to take a look at the amendment.

Mr. COLEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. NEY].

Mr. NEY. Mr. Chairman, I will take less than that time. I do want to mention that on the next amendment, Coleman-Ney, of course I am supporting this amendment. For those of us who are supporting that amendment, I just wanted to urge, although I duly respect the point of view of my colleague, I want to urge a "no" vote on that, on the basis that in fact this would create a hodge-podge set of laws across the United States. I think that has to be of grave concern to us.

Also, the amendment currently before us does nothing but clarify the fact that in States that do not currently protect the bargaining rights of men and women, transit workers will lose rights under H.R. 2002. Therefore, again, for those supporting on a bipartisan basis the Coleman-Ney amendment, I would urge a "no" vote on this amendment.

The CHAIRMAN. Does the gentleman from Virginia [Mr. WOLF] insist on his point of order?

Mr. WOLF. Continuing to reserve my point of order, Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, if Members want to know how to save money, read the letter from all the transits. Nobody in this body ought to vote until they read all of the transit letters. They have made it clear. This was not dreamed up in the minds of the majority, it was dreamed up in the minds of the transit.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SHUSTER].

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, we have heard it alleged that nobody knows if this will save any money. I can report to the Members, as chairman of the Committee on Transportation and Infrastructure, that the head of L.A. Transit came in and told us if we eliminated 13(c) they could save $100 million a year, and a week later, the mayor of Los Angeles came to town, and I challenged him on this point. He said, "Congressman, that is a conservative estimate." Across America, the transit authorities are telling us that they can save money by giving them the flexibility that they would have if 13(c) is eliminated.

I do not like to do this. In fact, I do not like to do it in the way we are doing it on an appropriations bill, but we play the cards we are dealt. We are faced with a very tough situation in funding transit. Less money is going to be made available. If less money is made available, then that means there have to be cuts in service or we have to finds ways to cut costs. One of the ways to cut costs is to give flexibility to the transit operators across America, so we can continue to provide service to the American people.

For all of those reasons, Mr. Chairman, given the budgetary climate we find ourselves in, this is something that we should be supporting; that is, the elimination of 13(c).

Finally, Mr. Chairman, I would make the point, this is one more reason to be supporting taking transportation trust funds off-budget, because if we remove transportation trust funds off-budget, that means the transit account in the highway fund then is available without restriction to be spent, and those surplus balances in there can be dedicated to transit, so one way in these tight budgetary times to get more money for transit is to support trust funds off-budget, and also to eliminate 13(c).

The CHAIRMAN. Does the gentleman from Virginia insist on this point of order?

Mr. WOLF. No, Mr. Chairman; I withdraw my point of order.

Mr. COLEMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from West Virginia [Mr. RAHALL].

Mr. RAHALL. Mr. Chairman, I thank the gentleman from Texas [Mr. COLEMAN], the distinguished subcommittee ranking member, for yielding time to me.

Mr. Chairman, we are looking here at perfecting amendments and perfecting amendments to the perfecting amendments. We are dealing with points of order. I submit to my colleagues, Mr. Chairman, that this is not the proper way to address such an important issue as this 13(c) section is. This is an important amendment as regards labor and management relations in our country and in the transit industry. It is an important amendment in regard to a contract that we have with the American worker entered into in 1964, when we passed the Urban Mass Transit Act.

This is not the proper way to be dealing with such an important issue on an appropriation bill. The proper manner, whether we are for repeal or for reform of 13(c), is in the authorizing committee. That is where we should be discussing and having hearings and taking into consideration reforms that may be necessary in the 13(c) section.

I would hope, no matter what we do on these perfecting amendments, what points of order are granted or not granted, that we keep in mind the bottom line here, and that is support for the Coleman-Ney effort, which is to strike the total repeal of 13(c) which is in the current bill. I hope we support Coleman-Ney, despite what happens on all these perfecting amendments.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. LIPINSKI].

Mr. LIPINSKI. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I just wanted to get one or two points straightened out here. It has been mentioned a number of times that the Regional Transportation Authority of Illinois supports the elimination of 13(c). That may very well be correct, but that is simply the administrative agency. There are four operating agencies under the RTA: The CTA; the Chicago Transit Authority; Metro Suburban Railroads; and Pace Suburban Buses. Those three entities all oppose the elimination of 13(c).

Mr. Chairman, I would also like to state that it has been mentioned on this floor that the mayor of the city of Chicago supports the elimination of 13(c). I have checked with him as recently as this morning, and he tells me that it is absolutely not correct, so I wanted to set the record straight on those issues. I ask Members to support Coleman. Oppose Wolf and support Coleman.

Mr. COLEMAN. Mr. Chairman, I ask unanimous consent that I be permitted to withdraw my amendment to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOGLIETTA].

Mr. FOGLIETTA. Mr. Chairman, I stand here in surprise when I hear my colleague and friend, the gentleman from Virginia [Mr. WOLF], the chairman of our committee, as well as the gentleman from Pennsylvania lamenting the sad state of affairs for mass transit in this country, and what we could do to replenish the coffers of mass transit. What they suggest we do is to repeal 13(c), and ask the working people of this Nation to pay for it.

That is not the way to go. We have over 200,000 transit employees throughout this Nation who have collective bargaining rights which would be eliminated by eliminating and repealing 13(c). What we should be doing is being more equitable in the distribution of our funds.

In the budget we are increasing funding for highways by almost $1 billion, and we are cutting funds for mass transit by $400 million, 44 percent. If we want to be fair, let us not put the burden of the solution of the transit problem on the backs of the working people, but rather let us be equitable in the distribution of funds for transportation.

PARLIAMENTARY INQUIRY

Mr. COLEMAN. I have a parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. COLEMAN. Mr. Chairman, if I would now offer as a substitute my amendment which is at the desk that strikes section 343, would we still be required to operate under the pending time left on the Wolf amendment, and would the unanimous-consent agreement that we made last night with respect to section 343 be abrogated because we would not be under that parliamentary situation?

The CHAIRMAN. The Chair would say this is not a proper substitute. After we have disposed of this amendment, the gentleman could offer his substitute.

Mr. COLEMAN. I thank the Chairman for that information.

The CHAIRMAN. The Chair would supplement it to say that would be under a separate time limit.

Mr. COLEMAN. That was in the unanimous-consent agreement from last night, Mr. Chairman?

The CHAIRMAN. That is correct.

Mr. COLEMAN. Mr. Chairman, I yield myself the remaining time.

The CHAIRMAN. The gentleman from Texas [Mr. COLEMAN] is recognized for 1½ minutes.

Mr. COLEMAN. Mr. Chairman, let me say to my colleagues in the House, regardless of which side they are on with respect to 13(c), all of them know that for my part, I have worked very hard to reform section 13(c). I offered amendments in the subcommittee and in the committee. I offered them to the Committee on Rules. I have never yet been able to effect a reform, simply because of the procedures that were put upon us here in the House by the Republican-controlled Committee on Rules.

Let me say, Mr. Chairman, that we will have an opportunity at reform if we vote against the Wolf amendment and for my subsequent amendment that I will offer that takes away section 343. By doing that, we permit the Secretary of Labor to move forward with rules they have already begun to promulgate that require a 60-day maximum, for which 13(c) will have to be dealt with by the Department of Labor. No more long delays. That is where they claim all the savings come from. If that is really the case, why go through the machinations of all of these amendments?

□ 1415

The Secretary of Labor agrees with them. But that is not good enough for them.

I will tell you what it is. There are a bunch of people over here that do not think that workers ought to have collective bargaining rights. I understand that theory and that kind of thinking. I come from a right-to-work State. But even in right-to-work States, we protect workers and give them a right to sit around and discuss unions. We do not say that is against the law in a free country. We let workers decide whether or not they want to have collective bargaining to maintain their jobs, a fair wage, and a standard of living so that they can educate their kids and provide for their families. There is nothing wrong in America with us continuing to do that.

I urge a "no" vote on the Wolf amendment.

Mr. WOLF. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] is recognized for 1 minute.

Mr. WOLF. Mr. Chairman, I urge strong support for the substitute. Your reform is basically worthless. Before you vote on it, read the letter from APTA. It says the Coleman reform is basically worthless.

Third, I support collective bargaining rights and they would all come back into play.

Fourth, everyone knows what is going on here. Basically on this vote we are going to vote on whether or not we want to lift a little bit of the burden on the working poor and the people that live in the inner city and ride mass transit.

Just read the letters. Read the letters from the transits. Just read them and look at the list. This is the last chance frankly if this thing does not go for Members to come back to the floor and say, "I want to help mass transit, can you get us more subsidy?" This is the best opportunity to help mass transit.

I strongly urge Members, we have perfected it, we have dealt with the collective bargaining issue, we have made it clear that it will stay in effect. This is a good amendment for your constituents and for the country, and I urge an "aye" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. WOLF].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. WOLF. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Virginia [Mr. WOLF] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. COLEMAN

Mr. COLEMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COLEMAN: On Page 53, strike section 343.

Redesignate subsequent sections of Title III of the bill accordingly.

The CHAIRMAN. Pursuant to the order of the Committee on Monday, July 24, 1995, the gentleman from Texas [Mr. COLEMAN] and a Member opposed will each be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, my amendment would strike section 343 of the bill which repeals section 13(c) of the Federal Transit Act. I am pleased to be joined in a bipartisan effort that we have here today by the gentleman from Ohio [Mr. NEY].

In discussing this issue with many of our colleagues on both sides of the aisle, I found many of them to be unfamiliar with the section 13(c) program. This could be because our committee never held a hearing specifically on the significant provision of labor law or the ramifications of repealing it.

I am limiting my time, and I want others to be able to speak on this issue because if affects Federal transit employees all over America. What I found in section 13(c) is to understand that it was designed and intended to protect the bargaining rights of our Nation's 200,000 bus drivers and other transit workers. It assures that the distribution of Federal grants to local transit systems does not harm transit workers and that employee issues arising out of the provisions of Federal assistance are properly addressed through collective bargaining.

It arose from the public takeover of private transit companies. That is what happened. There is usually a reason why laws come about. This is what happened. In its 30-year history, section 13(c) has provided a remarkable measure of labor-management stability in an industry that has experienced unprecedented growth and change. In urban, suburban and rural communities alike, section 13(c) has provided an effective system for transit systems to manage significant changes without harming employees. The last thing we all need are these constant problems in terms of transit. Because as we have said over and over again, as everyone in here realizes and recognizes, these are workers that have a lot to do about whether or not other Americans get to work, whether or not someone can shop, whether their children can go to school. A lot of times these issues need to be addressed very clearly.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Virginia [Mr. WOLF] rise in opposition?

Mr. WOLF. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] is recognized for 20 minutes.

Mr. WOLF. Mr. Chairman, I yield myself 3 minutes.

I rise in strong opposition to the Coleman amendment. Members ought to know that the 13(c) statute provides protection for transit workers for up to 6 years for full compensation and benefits.

Everybody out there listening, do you get 6 years? That is what happens there. That is why the single parent is paying so much when she has to ride the transit. No other segment of the economy gets that.

As a result of 13(c), transit districts cannot privatize their service. In fact, the cost to comply with section 13(c) is substantial.

Let me give Members a few examples. Chicago Regional Transit Authority stated that it would privatize its operation but for 13(c). It estimates its savings could be as high as 25 to 40 percent. In fact, according to an independent study, privatization would save the Chicago Regional Transit Authority $96.1 million in 1996. That is a lot of money even for this Congress where we talk in terms of millions and billions.

The Utah Transit Authority cannot use van pools in an area where there is already bus service, even though it would be more efficient.

Indianapolis Public Transit Corporation estimates without the burdens of 13(c) it could save 25 to 35 percent in operating costs. If we could save 25 to 35 percent in operating costs around here to operate this place, we would do it.

Opponents of section 13(c) suggest it is not necessary. They talk about this mythical reform. Here is what APTA says about this reform. It says, "The proposal does not address APTA's concerns. The proposal would permit the issuing of conditional certifications, in apparent contravention of Federal case law. The proposal appears to institute a schedule for Department of Labor action but provides no meaningful relief to transit systems if the schedule is not met."

In short, APTA says the "proposed procedural changes have such significant loopholes as to render them meaningless."

We have received letters from over 40 transit districts. I thank the transit districts because they are fighting for their riders as they should. While they fight for their riders, we have no obligation to fight here for them. The largest transit districts in the country, New York, Chicago, Philadelphia, Pittsburgh, all support repeal. Citizens Against Government Waste supports repeal.

Mr. Chairman, I strongly urge a "no" vote on the Coleman amendment. It does absolutely nothing and would just make fares go up even more.

Mr. Chairman, I reserve the balance of my time.

Mr. COLEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. NEY].

Mr. NEY. Mr. Chairman, I thank my colleague for yielding me the time.

In a blatant attempt to end-run the authorizing committee, Mr. Chairman, H.R. 2002 contains an outright repeal of 13(c) protections for transit employees. There are 100 reasons why transit costs can go up to people across the country. I do not think we need to lay that blame upon the worker.

Section 13(c) of the Urban Mass Transportation Act of 1964 states that if the Federal Government is going to provide moneys to be used to acquire private transit companies and operate transit services that are in financial trouble, such actions should in no way worsen the transit employees' position. This is what 13(c) is all about.

Do I believe there needs to be reform? We want to talk about prices, and we hear from the urban centers and the mayors about we need reform. That is what we wanted to do. We wanted to strike and replace and put some true reform in there, that the unions also agreed that there should be reform. Of course I believe in reform, but the process of the House did not allow me or anyone else to offer a reform amendment, even though rule XXI was waived to allow for the 13(c) repeal.

There is another body, I urge those supporting us to remember. This bill is not leaving here and going on to the President of the United States, Mr. Chairman. This bill is going on to the U.S. Senate where some reform could be addressed, as we would have had we the opportunity.

In closing and urging the support of the Coleman-Ney amendment I would stress—even if you are philosophically against collective bargaining, I am not, but even if you are, for our Americans—I urge all my colleagues to vote in favor of this amendment which will afford the authorizing committee, the appropriate committee, to take such actions.

If you do not support collective bargaining, Mr. Chairman, I still believe that this is not the appropriate way to make changes, because it is going through the back door and trying to undo collective bargaining piece by piece. You put it out front and do it that way. I urge support for this amendment.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. PACKARD], a member of the committee.

Mr. PACKARD. Mr. Chairman, the bill language does not change collective bargaining or labor rights. It simply prevents labor from vetoing the funding of operating capital for transit districts.

That is what we are trying to do, is to remove that veto power so that the transit districts can get their operating capital in a normal, standard, and timely manner. That is all we want to do. Section 13(c) must be repealed to allow that to happen.

One transit district in my congressional district, the North County Transit District of San Diego County, had funds held up for more than 2 years by the Department of Labor. These were funds that were approved by both the Congress and the Department of Transportation. The Department of Labor, however, had other plans.

During the 2-year delay, the transit district had to acquire outside legal assistance which cost them an additional $111,000. Because the particular grants that had been held up were grants for operating assistance, fares simply had to be raised in order to accommodate that lack of funds.

If you really look at this thing clearly, what the amendment does is, in effect, pass a tax increase on to the workers of America. Those that are the lowest income, that rely on transit ridership, those are the ones that are going to pay the ticket.

That is a tax increase on the poorest of the working people of America. I cannot believe that that is what the Democrats would like to do, yet that is what this amendment does.

I urge support of the repeal of 13(c). Keep the bill in its current form. Vote "no" on this amendment and do not pass a tax increase on to the riders of our transit systems across America.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Tennessee [Mr. CLEMENT].

Mr. CLEMENT. Mr. Chairman, I rise in strong support for the Coleman-Ney amendment. As a member of the Committee on Transportation and Infrastructure, I strongly object to the methods being undertaken by the Committee on Appropriations to amend existing law by slipping it into the bill.

If collective bargaining rights need to be repealed or reformed, then it should be the task of the authorizing committee to undertake this assignment. But no matter what your position is on this issue, I believe we can all agree that it should be up to the appropriate committee to weigh in and take whatever action is necessary to address the concerns raised in regards to section 13(c).

I urge all my colleagues to look before they leap. Vote "yes" on the Coleman amendment to strike this provision in the bill.

Mr. WOLF. Mr. Chairman, I yield 4 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the authorizing committee.

Mr. SHUSTER. I thank my good friend for yielding me this time.

Mr. Chairman, I rise in opposition to this amendment to strike the provision that would repeal 13(c) of the Federal Transit Act. In a perfect world, I would prefer to have done this in our authorizing committee, but we must play the hand we are dealt. Overall, I think we have worked out some excellent compromises with the Committee on Appropriations, this being one of them.

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The fundamental point here is that in this budgetary climate we have our head in the sand if we think we are going to be able to provide the funds that are necessary to support our transit properties across America. We have got to find ways for them to either raise fares, nobody wants to do that; cut service, nobody wants to do that, or cut costs, and one of the ways to cut costs is to eliminate 13(c).

Now, there have been many charges made that this really is not going to save any money. Yet, the chairman of the appropriations subcommittee has pointed out, Chicago says they can save $96 million a year; Los Angeles tells me they can save 1 million a year and the mayor of Los Angeles tells me that is a conservative estimate.

So you take those examples and extrapolate across America. We are talking about giving transit properties the opportunity to cut their costs by very, very substantial margins.

What does that mean? It means that they will not have to cut service. It means that they will not have to raise prices. It means that instead they will be able to provide the public the service it needs and, yes, provide the jobs that are required to provide that service.

Now, there have been many, many examples of 13(c) being used simply as a way to block efficiencies, operating efficiencies, or investment efficiencies, that the transit properties across America had hoped to achieve. There are numerous examples.

Transit authorities in Las Vegas, for example, had to spend $400,000 in legal fees simply to obtain grants that were being blocked by 13(c). In Boise, ID, the transit authority had to spend a million dollars, little Boise, ID, in legal costs and legal fees to obtain a grant and was forced to litigate the matter in court. And, yes, what did the Department of Labor do? It ultimately imposed 13(c) terms on the Boise Transit Authority that were more burdensome, more burdensome than those required by the union.

Triangle Transit in North Carolina had to spend $500,000 extra to purchase buses after delay. Central Arkansas Transit Authority almost went out of business because of the delays. Example after example points up the cost of 13(c) and points up the importance of defeating this amendment so that the transit authorities have the capability to function properly.

And get this, the New York dock provision, labor provision, applies to transit employees getting Federal money. What that means is a transit employee can get up to 6 years' protective benefits, 6 years' pay, if they were laid off as a result of a Federal grant.

Now, this benefit is unequal in any other employment sector. I know most of the people I represent in central Pennsylvania would dearly love to be able to get 6 years' pay if they were laid off as a result of a Federal grant. This is just one part of the overall problem and one of the many reasons why we should defeat this amendment and give the transit properties the opportunity to manage their properties.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Rhode Island [Mr. KENNEDY].

Mr. KENNEDY of Rhode Island. Mr. Chairman, we know where the money is coming from. We know where the money is coming from that the Republicans are talking about in this proposal. The money is coming out of the paychecks of the hard-working transit workers.

Make no mistake about it. By eliminating 13(c), in essence what my colleagues are doing is eliminating the workers' right to collective bargain. So while they are talking all about how they are standing up for hard-working people by eliminating the hard-working people's ability to collective bargain and their ability to stand up for themselves and earn a living wage, that is where they are getting their money and it is not right.

Mr. Chairman, I urge a "no" vote on Wolf and a "yes" vote on the Coleman and Ney amendment.

Mr. WOLF. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. DELAY], a member of the committee.

Mr. DELAY. Mr. Chairman, the gentleman from Rhode Island may not be aware that the gentleman from Virginia amended his own amendment by making sure that nothing in the repeal of 13(c) abrogates any rights of mass transit employees to bargain collectively or renegotiate or discuss terms and conditions of employment.

This is a perfect exampled of a labor protection that has run amok. We have, for over 30 years built a system that has cost the taxpayers, that has cost low-income riders, that has driven up the cost of mass transit to outrageous sums, and it is because of things like 13(c) that has pushed the envelope. We have got to bring it back to some sort of reasonableness.

This repeal of 13(c) only gives transit authorities the necessary flexibility to reduce operating expenses. It was intended at the beginning to protect the rights of transit workers employed by private transit authorities that were acquired by public agencies in States that prohibited collective bargaining. Now, 30 years later, ironically the same jobs that 13(c) seeks to protect may be those same jobs that are lost because of it.

Mr. Chairman, 13(c) has become a means to pursue broader labor objectives and will ultimately mean the loss, not the protection, of jobs in the transit industry. The certification process itself is used by labor to pursue their agenda and has led to inexcusable delays in receipt of transit funding.

The GAO found that not only does the Department of Labor take an average of 81 days to certify a grant application, but a lot of time its takes 25 weeks before it can be processed and the negotiation of new 13(c) protections could take as long as 30 weeks. You know what that does? It drives up the cost of transit facilities, facilities that are going to help the poor.

Mr. Chairman, I would just ask my Members to take a look at this sheet that is out here on the desk of the number of transit authorities that support the repeal of 13(c), not exactly Republican strongholds, like Chicago; Washington, DC; Los Angeles; New York City; Trenton, New Jersey; Newark; in Ohio, the entire Department of Transportation and Cincinnati and Cleveland, in Pennsylvania, Philadelphia.

So, Mr. Chairman, I just ask Members to do what is right. Bring reasonableness to labor protection and vote against this amendment.

Mr. COLEMAN. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. MINETA].

Mr. MINETA. Mr. Chairman, I rise in strong support of the Coleman amendment to strike the provisions in this bill which repeal the labor protection rights of transit employees.

As the ranking Democratic member of the committee with jurisdiction over this issue, I am particularly opposed to the use of an appropriations bill to make such sweeping legislative changes affecting so many transit employees and their families in so many cities. An issue of this magnitude should move through the normal legislative process with hearings, markup, and floor action spearheaded by the authorizing committee—not by the appropriations committee.

In fact, the Committee on Transportation and Infrastructure held hearings earlier this year on the 13(c) program. If changes to this program are needed, they can and should be made as part of our committee's upcoming National Highway System [NHS] bill. What is our rush to legislate major changes in an appropriations bill when our committee will soon approve its own transportation bill?

Mr. Chairman, I testified with my chairman and good friend, BUD SHUSTER, at the Rules Committee and urged them not to protect the provisions in this bill repealing 13(c) from points of order.

The committee chose to do otherwise.

I also asked the Rules Committee to protect from points of order the 13(c) reform amendment offered in committee by Mr. COLEMAN, if they protected the 13(c) repeal provisions contained in the bill. The Committee chose to do otherwise.

The Rules Committee denied Members of the House—unfairly I believe—the right to vote on an amendment reforming 13(c), rather than repeal it outright. But being denied reform does not mean that we should throw out the baby with the bathwater by eliminating the entire program, as this bill does.

Let me quote from a letter from Mr. Peter Cipolla, the General Manager of the Transportation Agency in my district, "although administrative reform is necessary in certain areas, I personally do not believe that an outright repeal of 13(c) is justified." How can anyone be clearer than that.

Once again, I urge my colleagues to support the Coleman amendment to strike the hastily conceived 13(c) repeal provision contained in this bill.

Mr. COLEMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I rise in strong support of the Coleman amendment.

Mr. Chairman, I rise in opposition to the provision contained in the 1996 Transportation appropriations bill that would repeal certain labor laws known as 13(c). Because of my opposition to the repeal of this measure, I strongly support the Coleman amendment that would have the effect of restoring this provision of the bill.

Eliminating section 13(c) is not about government reform, as some argue here on the House floor today. It is about taking away the right for the men and women in every one of our districts to earn a competitive and fair wage. Without this important provision, many workers, especially those in rural areas, would be unable to afford to take these jobs created through federally-funded projects.

In my congressional district, prevailing wages are providing 15 years of work and good jobs to those working on the Olmstead Lock and Dam project. Without the guarantee of prevailing wages, these jobs would not have existed for those worked on this project even though most of the workers are not from my district. Prevailing wages mean the difference between providing for our families and being on food stamps.

As we debate section 13(c) let us not forget what repealing this measure will mean to our hard working men and women and their families. Section 13(c) is about fairness and opportunity for our workers, not about government reform and downsizing.

Because I believe in the American worker, I must oppose the repeal of section 13(c) and ask my colleagues to support efforts to restore the provision.

Mr. COLEMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. BORSKI].

Mr. BORSKI. Mr. Chairman, I rise in support of the Coleman amendment.

Mr. Chairman, I support the amendment offered by the gentleman from Texas to protect the rights of the working people of America.

Section 13(c) of the Federal Transit Act has worked for 30 years to help America's transit workers and it should not be changed through the appropriations process.

There have been no hearings and there has been no consideration whatsoever by the authorizing committee of this repeal.

In fact, the chairman of the Transportation and Infrastructure Committee, as well as the chairman of the Surface Transportation Committee, both objected to protecting this provision from points of order.

Although the Republican leadership has promised to respect the wishes of the authorizing committees, their zeal for this campaign against the working people of America overrode the need for following the rules of the House.

If changes are going to be made to this important labor protection provision, they should be done through the authorizing committee after hearings and committee markup.

This repeal is clearly outside the jurisdiction of the Appropriations Committee.

This proposed repeal takes no account of the changes that have been implemented by the Labor Department to streamline the 13(c) approval process.

Under the new procedures, proposed on June 29, the Department of Labor will issue 13(c) certifications within 60 days of receiving an application from the Federal Transit Administration.

In some cases, involving replacement equipment, there will be no referral to the labor unions and no need for the review period. Approval will be nearly automatic.

According to the Department of Labor,

> The guidelines include a strict time frame that both the unions and transit authorities must follow which will expedite the release of the grant funds.

Even before these streamlining changes were proposed, 13(c) was not the villain it has been made out to be.

Only a small percentage of grant applications have suffered through delays.

The vast number of 13(c) applications are approved by the Labor Department within 90 days of being received.

The costs of the 13(c) program to protect worker rights has not been huge.

In the 30 years since the Federal Transit Act was passed, more than $90 billion in Federal grants have been issued. Individual employee claims under 13(c) have totalled less than $10 million—a small part of the program.

Mr. Chairman, section 13(c) is an important labor protection provision that helps protect the rights of experienced and capable transit workers in an industry that is undergoing massive changes.

While 13(c) may need reforms, the Department of Labor has already begun that process.

It is possible that even more reform may be necessary but that process should take place in the authorizing committee as provided by the House rules.

Section 13(c) should not be repealed and it should not be done in this manner. I urge support for the amendment.

Mr. COLEMAN. Mr. Chairman, I yield 1½ minutes to the gentleman from West Virginia [Mr. Rahall].

Mr. RAHALL. Mr. Chairman, I rise in very strong opposition to the Wolf amendment and in support of the Coleman-Ney amendment.

Mr. Chairman, it is a sad reflection on the House of Representatives that such a major change to a long-standing provision of Federal transit law is taking place as part of an appropriations bill in a willy nilly, last minute type of amendment process that does not do justice to the processes of the House of Representatives.

In fact, this bill not only repeals 13(c), but it goes so far as to abrogate existing labor management agreements that were negotiated under the provision. The effect of this scheme will be to subject the hard-working men and women in the transit industry to the whims, fancies, and caprices of federally subsidized transit authorities.

Stripped of their ability to bargain collectively, these workers and their families are truly being sold into slavery by this body. It is ironic that while the House expresses concern over human rights violations in China, at the very same time it appears willing to violate the rights of U.S. citizens employed in the transit industry. This must not be allowed to happen.

Mr. Chairman, I do urge support for the Coleman-Ney amendment and also urge my colleagues that the first order of votes will be to defeat the Wolf amendment pending thereto. That will be necessary in order to provide a clear message to the working men and women of this country that we will not renege on their contract.

Mr. COLEMAN. Mr. Chairman, I yield such time as he may consume to the gentleman from Wisconsin [Mr. Kleczka].

Mr. KLECZKA. Mr. Chairman, I stand in strong support of the Coleman amendment to protect workers' rights in this country.

Mr. Chairman, I support the Coleman amendment because I believe we should stand by American workers and protect the principle of collective bargaining.

The Coleman amendment would reverse the bill's repeal of section 13(c) of the Federal Transit Act. This section represents one of the only collective bargaining rights that 200,000 transitworkers across the country have.

Section 13(c) requires that transit systems, as a condition for receiving Federal transit aid, make fair and equitable arrangements for affected transit workers. It thereby ensures that conflicts on these systems between workers and management are resolved through collective bargaining.

That is not too much to ask of these entities, yet it is an essential protection for these Americans. It must be maintained.

Over the last century, we have gradually, but progressively improved the rights of American labor. Collective bargaining is one of the fundamental principles of our evolution into a society that allows workers to organize in order to improve their lots in life and their opportunities to gain fair treatment for themselves and their families. Repealing 13(c) will turn back the clock. And, as my colleague Representative Martin Sabo has said, "This is another fundamental attack on the income of working people in this country."

Hundreds of transit workers from my district in Wisconsin have contacted me to voice their opposition to this repeal. They, like many across the country, see their lifestyles in jeopardy if section 13(c) is repealed. We cannot allow that to happen. We have to allow them access to this established and effective process to raise their grievances so they can get a fair deal.

My colleagues, a vote against the Coleman amendment is a vote against American workers. They have been under assault in this body, but they are still the most productive, most resilient, and finest in the world. We should preserve this tool for them. Vote for the Coleman amendment and maintain collective bargaining for transit workers.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. Oberstar].

Mr. OBERSTAR. Mr. Chairman, the cornerstone of this debate over 13(c) is the argument that repeal will somehow cut operating costs. Why do these cost cutters always want to take it out of the hide of labor?

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Why do they not look elsewhere than workers' paychecks? No, it seems to me that the Republican side always is consistent. Whenever there are sacrifices to be made, they want to take it out of the hide of labor. Let labor take the hit. They do not go to capital to take cuts. They do not go to management to give up benefits. They go to workers. You give up pay and benefits, you shoulder the burden. This is wrong. This is the wrong approach.

We ought to have this whole issue hammered out in the Committee on Transportation and Infrastructure, make some changes to put a 60-day limit on the time for DOT certification of 13-c compliance in transit grants, but let us not gut the rights of the working people of this country with this amendment.

Vote for Coleman.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. Lipinski].

Mr. LIPINSKI. Mr. Chairman, I rise in strong support of Mr. Coleman's amendment and wish to express my strongest possible opposition to repealing the section 13(c) program. Repealing 13(c) would mean threatening the rights of hundreds of thousands of transitworker across this Nation.

I welcome the opportunity to reform the section 13(c) program. But the rule for this bill does not permit an amendment to reform 13(c), only to eliminate it. We have no choice but to strike this repeal from the bill. In doing so, we give the Transportation and Infrastructure Committee the chance to make the necessary reforms in this program without trampling on the rights of working American men and women.

Mr. Chairman, I cannot more strongly urge my colleagues to support this amendment. The repeal should not be in this bill. It should not have been protected from a point of order. But more than anything else, section 13(c) should not be repealed.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. Frelinghuysen].

Mr. FRELINGHUYSEN. Mr. Chairman, I rise in opposition to the Coleman amendment and in support of ending the outdated provision known as 13C.

Mr. Chairman, the time has come to end this provision, which has been an albatross around the neck of all public transit authorities.

Proponents of keeping 13C argue that it was developed as part of the collective bargaining process. 13C was not a result of collective bargaining, it resulted from a legislative provision that was passed in the 1960's.

As most of us know, 13C has simply outlived its useful life. The current application of this law extends way beyond the original intent. It has become the key obstacle that prohibits public transit agencies from even considering the economic benefit of competitive contracting.

Supporters of this amendment argue that this bill will impede labor's collective bargaining rights. Well, this is simply not true. In fact, 13C intrudes into local decisionmaking and the collective bargaining process. Repealing 13C does not in any way remove labor's collective bargaining power.

Based on labor protection law of the 19th century, if a protected employee is adversely impacted, that employee is entitled to 6 year's full salary.

This antiquated protection violates fair and equitable collective bargaining and insures that public transit authorities, greatly dependent upon Federal assistance, will rarely risk such an expense. Thus—innovation and competition are stifled.

Repealing 13C is supported by every transit authority across the Nation, including New Jersey Transit. Under 13C, every Federal transit grant is reviewed by the national office of the labor unions. If the national union does not like a particular grant proposal, the union simply refuses to sign off on the grant and therefore holds the funding hostage, adding to the cost of operating mass transit.

This practice has to stop and sanity must be restored.

In these times of reduced Federal operating assistance, public transit authorities must have as much flexibility as possible to build projects on time and on budget. Without this flexibility, New Jersey and other States will not be able to provide the quality service that the public expects and deserves.

We need to end the veto power that labor holds over transit projects. 13C has been a gift to organized labor for far too long. 13C needs to be repealed. Let the local transit authorities manage the systems that they are in charge of and reject the Coleman amendment.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentlewoman from Florida [Mrs. MEEK].

Mrs. MEEK of Florida. Mr. Chairman, you have heard all of the news here today. You have heard the Committee on Transportation and Infrastructure, and the committee of substance say they want to get a look at this 13(c) so they can reform it, not repeal it. That is why we should not support the Wolf amendment. We should support the Coleman amendment, which seeks rights and justice for transit workers.

I have heard a lot from the opposition about transportation authorities. They have a big list here. But no one has shown you and talked to you about transportation workers.

I have over a thousand signatures from transportation workers right here who are saying that they do not seek repeal of this. They know that reform is necessary, but they are solid working people in this country. Therefore, they need a chance.

But our opposition today would like not to hear their voices and would not want them to get a chance to come to the table to have a chance to talk.

There have been some delays. It will be corrected if it goes back to the Committee on Transportation and Infrastructure.

Mr. COLEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. BONIOR], the minority whip.

Mr. BONIOR. Mr. Chairman, let us be clear what this debate over section 13(c) is all about.

This debate today is one more attack in the ongoing war the Gingrich Republicans have declared against working people.

Last week, in the middle of the night, the Labor Appropriations Committee launched the first missiles. In the middle of the night last Tuesday:

They voted to cut health and safety regulations.

They voted to cut OSHA enforcement.

They voted to cut dislocated worker assistance.

They voted to cut the school-to-work program.

And today, they're trying to take collective bargaining rights and job protection rights away from over 200,000 transit employees.

Mr. Speaker, in America today, the average CEO makes 150 times more than the average worker;

While corporate profits have gone up 80 percent—wages for most Americans have gone down 20 percent. And yet, supporters of this bill are trying to convince us that the problem in America today is that bus drivers are making too much money.

Mr. Chairman, I'm sick and tired of getting lectures from people who complain about transit workers trying to make a living wage—but don't bat an eye when CEOs and corporate moguls make millions.

Until we value every single hand that shapes this Nation—until we value bus drivers and steelworkers as much as we value Wall Street bankers and CEOs—this Nation is not going to get where it needs to go.

I urge my colleagues: Support the Coleman-Ney amendment. And keep section 13 (c) alive.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Arkansas [Mr. HUTCHINSON].

Mr. HUTCHINSON. Mr. Chairman, as a member of the authorizing committee, I rise in strong opposition to the Coleman amendment.

Section 13(c) protective arrangements provide transit workers, depending on their length of employment, up to 6 years of their full compensation and benefits. That is outrageous.

If we want to talk about workers, we want to talk about the rights of those who are employed and laboring in this country, let us think about those who are riding the transit, those who are paying the fares, and let us think about their higher costs because of the waste and the inefficiency caused by 13(c).

Section 13(c) labor protection is a costly, antiquated and burdensome component of the Federal transit program that has impeded innovation, it has impeded efficiency and growth in the provision of our transit services. Increasingly, expensive labor protection requirements imposed by administrative fiat and often without legal basis has imposed significant costs and unnecessary restrictive conditions on transit services.

The complete absence of any procedures with definitive time limitations governing 13(c) negotiations by the department has led to inexcusable delays in the receipt of transit funding. For instance, the American Public Transit Association found the average delay in the 13(c) certification process was 25 weeks, and a negotiation of new 13(c) protection typically consumed 30 weeks' time.

The Department of Labor acknowledged at one point in 1994 that almost $300 million in grant funds had been delayed for over 6 months due to 13(c) processing.

The central Arkansas Transit Authority in my State, its very future was jeopardized because of 13(c). 13(c) also affords labor interests a second bite at the apple by providing opportunity to achieve rights and benefits unions are unable to achieve at the collective bargaining table.

Cost savings inherent in contracting out services, using part-time workers, are lost because of 13(c).

Vote to ensure lower costs for workers by rejecting the Coleman amendment.

Mr. COLEMAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Ohio [Ms. KAPTUR].

Ms. KAPTUR. Mr. Chairman, I thank the gentleman for yielding this time to me.

I rise in strong support of the Coleman amendment and of the contract rights of the bus drivers in my district. Nobody has a right to take those away.

Mr. Chairman, I rise in strong support of the Coleman amendment. No one in this body has the right to cancel a contract, privately negotiated, between workers and their employers. Section 13(c) has served as the basis for stable and productive collective bargaining in the transit industry. Its repeal would undermine a system of labor relations that works and replace it with labor strife. No one in this body has the right to cancel private contracts in Toledo, OH.

Across our Nation, over 200,000 bus drivers and mass transit employees are protected by the collective bargaining agreements covered by section 13(c). The purpose of section 13(c) is to assure transit workers that their collective bargaining contracts will not be jeopardized by Federal transit aid programs. It provides a fair mechanism for the continuation of collective bargaining agreements in the face of service or structural changes. This makes perfect sense. It would be unproductive, even silly, if every shift in Federal transit policy resulted in reopening union contracts and risked labor conflicts. Section 13(c) helps avoid strikes and lockouts. Do the advocates of its repeal want strikes and lockouts?

In part because of 13(c), the transit industry's growth and expansion in urban, suburban and rural areas has been accomplished without needlessly harming transit workers and with the substantial support of transit labor rather than its opposition.

Some argue that 13(c) should be repealed because it slows the Federal transit grant process. I agree that some reforms are in order, but repeal is an amputation where a course of antibiotics would suffice. The Transportation Committee is already considering appropriate changes to section 13(c) which would assure the timely release of grants. Reforms such as a guarantee of certification within 60 days, the application of model labor agreements, and expedited decisions make steps in the right direction without throwing out a labor relations mechanism that works.

Mr. Chairman, I urge my colleagues to support the Coleman amendment. Let's let the authorization process work and avoid even more slash-and-burn legislation in this appropriations bill.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. TUCKER].

Mr. TUCKER. Mr. Chairman, I rise today to voice my strong support for the Coleman-Ney amendment to H.R. 2002. Obviously the amendment would restore section 13(c) of the Federal Transit Act. Section 13(c) is an important collective bargaining tool for over 200,000 transit workers nationwide. While there may be some agreement on both sides of the aisle that reform of this section may be needed, this appropriations bill seeks to strike out the provision entirely. If my colleagues here on the floor did not hear me I will reiterate, I said this appropriations bill would repeal section 13(c) of the Federal Transit Act. We are talking about making a major policy change through an appropriations bill and that's not right, we should be having full, fair, and open debate on this issue, in the authorizing committee of jurisdiction. Mr. Chairman, regardless of whether you support or oppose section 13(c), I urge you and the rest of my colleagues to vote yes on this amendment so we can give the working men and women, people who help keep this Nation moving, a fair shake and address this important labor protection in the right legislative vehicle, we cannot and should not steamroll this important labor right by repealing 13(c) through an inappropriate appropriations provision.

Mr. COLEMAN. Mr. Chairman, I yield 1 minute to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, I rise in the strongest support for striking the bill rider that destroys collective bargaining rights unilaterally and does so outside the normal legislative process. If we do not adopt this amendment, we will drive down wages and bust unions. The premise of the 13c repealer ingenuously represents that without it—transit systems will be forced to cut services and routes. Make no mistake about this, the cuts in this bill will force the reductions, not the working people struggling to make a decent living wage and support their families. The cuts in this bill will cut the throats of the transit agencies, while making 13c repeal the flimsy gauze to staunch the financial hemorrhaging of mass transit programs. This ruse will not fool the workers of this Nation who depend on mass transit for their jobs and for getting to their jobs.

If there are legitimate problems with 13c fix them in the sunshine of an open legislative process. Mend not end. The legislating on this appropriations bill cannot withstand the scrutiny of the normal legislative process, let us not resort to stunts to pass hidden agendas. Strike this assault on honest working people. Reform, do not wreck 13c. Make no mistake, if you are for working men and women you will vote for the Coleman-Ney amendment. Vote "no" on Wolf.

Mr. WOLF. Mr. Chairman, I yield 1½ minutes to the gentleman from Virginia [Mr. DAVIS].

Mr. DAVIS. Mr. Chairman, I thank the gentleman for yielding me this time.

Section 13(c) might have originally had a purpose back in 1964, but today it is used simply as a means to pursue broader labor objectives using transit grants as the hostage.

Section 13(c) guarantees benefits for displaced workers for up to 6 years after they have lost their jobs, 6 years. Local governments and transit authorities cannot afford that kind of featherbedding. It does not make sense in today's environment.

We hear about attacks on the working people of this country by repealing that. If you care about the working people of this country, what about the working person who has to take mass transit to work each day? It is coming out of their transit fares. They are going up and up and up, nibbling at their paychecks.

It just does not make sense in today's environment.

When I was chairman of the county board in Fairfax and tried to privatize some of our functions in order to save transit dollars, we found that 13(c) was not used to protect workers. It was used to halt privatization and other innovative ways that we could bring more inexpensive transportation means to provide for the average citizen, not those rich people in limousines who drive to work, but people who could not afford to get to work any other way. This is a working man's amendment to repeal section 13(c). Section 13(c) today holds transit agencies hostage to innumerable delay tactics which costs financially strapped agencies millions of dollars and for absolutely no benefit.

Its time is outdated. It is time to go. It is time to be repealed.

I urge the defeat of the gentleman's amendment.

Mr. COLEMAN. Mr. Chairman, I yield 30 seconds to the gentleman from Minnesota [Mr. VENTO].

Mr. VENTO. Mr. Chairman, I rise in strong support of the Coleman amendment and am proud to rise in support of working men and women in my district that are serving in the transit employment jobs.

The fact is you can talk about the specific provisions of those contracts. Name a single transit worker who has 6 years of support without working. In other words, we are getting the details of the contract, but not the practical impact. This provision is there to ensure people are not going to be arbitrarily let go, that they are not going to be fired without any recourse.

You know what; it works. That is apparently what the opponents of section 13(c) do not favor. You did not like working people having the opportunity to bargain and have decent wages and benefits, stability in our transit system, people that are licensed and qualified to do the job they are being asked to do, and they do it damn well in Minnesota. Mr. Chairman, we don't need to move to the lowest common denominator—we can be fair to workers without bankrupting the transit systems. Protecting and treating workers fair isn't the problem. The problem is budgets that cut workers' benefits and pay and break workers' contracts in the name of the GOP contract which extends lavish tax breaks to the affluent. Support the Coleman amendment and reject the Wolf amendment. Don't trade workers' rights and wages for political expediency.

□ 1500

Mr. COLEMAN. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. NADLER].

Mr. NADLER. Mr. Chairman, this is a very unfortunate piece of legislation. In 1935 we made a basic decision in this country that we believed in the right of collective bargaining for working men and women, and now we see a whole series of measures to eliminate that right. Repeal of 13(c) simply eliminates the right to collective bargaining for mass transit employees.

Mr. Chairman, I spent almost 16 years in the State legislature trying to get funds from mass transit and to make sure they spent the funds rationally, and I still support that goal, and we have to have decent projects, but eliminating collective bargaining is not the way to go.

Mr. COLEMAN. Mr. Chairman, I yield myself 2 minutes, the balance of my time.

Mr. Chairman, first of all I want to say to my colleagues we have heard a lot of speeches down here about the letters that the chairman of the subcommittee has received from transit properties. These are the letters from transit workers.

My colleagues, let me tell you something. These are people with families. These are people who are trying to earn a living by working every day in the transit arena all across America.

These letters are not from transit properties who say, "Save us money by cutting the wages, by not bargaining with workers that do the job every day to keep these transit properties functioning." There is absolutely nothing wrong with us reading these kinds of letters.

Let me tell my colleagues what they say. They say we understand the needs oftentimes to do things more rapidly. Some of the frustration about 13(c) is cited in these letters.

Let me tell my colleagues these are American citizens. They pay taxes, thank goodness. They have got jobs. But I want to clarify some of the myth that has been circulated in the Dear Colleagues around here about 13(c).

First of all, striking this provision that was poorly added in the Committee on Appropriations that should not have been there in the first place should have come through the Committee on Labor. What they did was, of course, say, "No, no, you can't repeal this because this way you won't get to change 13(c)." False. Both the majority whip and the chairman of the Committee on Commerce, Science, and Transportation have been down here saying what are they doing? Nothing. Incorrect also.

Mr. Chairman, on June 29 the Department of Labor proposed changes in the rules so that in effect the revised guidelines mean that certification by the Department of Labor will occur within 60 days, within 60 days. Now that is reform. That is what the workers talk about. That is what the transit property owners talk about.

I say to my colleagues, "You don't have to crush the workers in order to get reform of 13(c)." I urge a "no" vote on the Wolf amendment, an "aye" vote on the Coleman amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] is recognized for the remaining 3 minutes.

Mr. WOLF. Mr. Chairman, I was not going to say much, but I heard some of the stuff, and I just have to.

I come from a blue-collar family background. My dad was a policeman in the city of Philadelphia, helped start the Fraternal Order of Police; my mom worked in a cafeteria; and if my colleagues wanted to match blue-collar pedigrees, I will do it with just about any of them.

When I hear about people who are working with their hands, Jesus worked with his hands. He was a carpenter. I mean my colleagues are inferring that we do not care about people who work with their hands. That is not right, and my colleagues know it is not right.

There are a lot of people though who come and can afford the transit. There are neighborhoods whereby, if the transit stops after 10 o'clock at night, they cannot get home when they are working a 4-to-12 shift. That is what we are trying to do, to allow the transit to have the burden.

A young person in my district that lives out in the western end that comes into the Vienna stop pays $3.25 to take the ride in from Vienna, $3.25 back out, and $2 to park. A single parent with kids has a hard time doing that. That is what we are trying to get control of.

I heard the gentleman from Michigan [Mr. BONIOR] speak, and I have great respect for the gentleman. Frankly, if there was a 13(c) for rich CEO's, I will repeal it with the gentleman. If he wanted to offer it, I will get down there and repeal it. I agree they have too-high salaries, but I also agree the transit fares are too high because many working people cannot afford it.

In closing the debate it is really this: 13(c) was put in years ago, and it was a good law. It has now been abused. I do not know if we are going to be successful or not, but I tell my colleagues we have at least generated debate. If we are successful, that is going to be good for transit riders. If we are unsuccessful, I believe the committee and all of my colleagues who have spoken so eloquently, who I all respect and personally like, now have a obligation, an obligation not to be a phony, but to be real, and take this up, and reform it, and pass it whereby we can do these things, and I know many of my colleagues spoke eloquently and many of them or most are my friends, and I believe that we will do that.

The issue is vote "no" on Coleman, which really does not want to do anything because the act says his reform is meaningless. Vote "yes" on Wolf. Help keep the fares down, and help make it so working men and women can get to work without being driven out of business.

Ms. PELOSI. Mr. Chairman, repealing section 13(c) in the Transportation appropriations legislation is the wrong policy.

Section 13(c) ensures the collective bargaining rights of more than 200,000 transit workers across the country. What does this mean?

It means that when taxpayers make a Federal transit investment, employee-employer issues will be handled through collective bargaining where employees have voluntarily organized for that purpose.

It means that when Federal dollars are used, collective bargaining rights are there to protect the jobs, the pay, and the benefits of your hard-working, middle-class, neighbors who are transit employees.

Repealing section 13(c) continues the extreme Republican assault on working families. Transit workers, who play by the rules, are going to have their job protections stripped away.

Reform of section 13(c) is needed, is recognized by everyone that it should be done, including the Metropolitan Transportation Commission of the San Francisco Bay area. Indeed, the Department of Labor has proposed needed reforms which are under review by the Transportation and Infrastructure Committee.

Mr. Chairman, I strongly oppose repealing the worker protection provisions section 13(c) contains. It makes sure that when we spend taxpayer money, real, hardworking people get decent pay and job protections. Reject this extreme Republican assault on American families.

Ms. BROWN of Florida. Mr. Chairman, here we go again, another Republican attack against the working people. That's why I rise in support of the Coleman amendment to maintain workers' bargaining rights under section 13(c). Current language in the bill threatens the collective bargaining rights of more than 200,000 transit workers across the country.

Many Members on both sides of the aisle support sensible reforms of this program, but do not support repeal. They recognize that efforts to address the legitimate concerns by industry and by Members are ongoing.

The Transportation and Infrastructure Committee, of which I am a member, has jurisdiction over section 13(c). Our committee is reviewing the 13(c) program as well as the Department of Labor's recently released reform proposals.

DOL's proposed regulations would significantly reform the mechanism used for the administration of 13(c), thereby directly addressing the principal concern of the industry: the timely release of Federal transit grants. In short, the DOL regulations would ensure the certification of all transit grants in 60 days or less while preserving collective bargaining rights and longstanding protective provisions agreed upon by labor and management.

Efforts by the authorizing committee as well as the Labor Department to reform section 13(c) are far more sensible than using an appropriations bill to gut major labor legislation that for much of its history has enjoyed bipartisan support. This bipartisan support is best illustrated by a recent letter sent to the Speaker by 25 of our Republican colleagues opposing repeal of section 13(c).

I urge my colleagues to support the Coleman amendment and give the authorizing committee an opportunity to reform the 13(c) program. Let's preserve the collective bargaining rights of thousands of hard-working transit workers nationwide.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. COLEMAN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. WOLF. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the rule, further proceedings on the amendment offered by the gentleman from Texas [Mr. COLEMAN] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the rule, proceedings will now resume on those amendments on which further proceedings were postponed in the following order:

The unprinted amendment offered by the gentleman from Virginia [Mr. WOLF], and the amendment offered by the gentleman from Texas [Mr. COLEMAN].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. WOLF

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia [Mr. WOLF] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The clerk will designate the amendment.

The clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 201, noes 224, not voting 9, as follows:

[Roll No. 566]

AYES—201

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Funderburk
Gallegly
Gekas
Geren
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Leach
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
Longley
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Meyers
Miller (FL)
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Payne (VA)
Petri
Pickett
Pombo
Porter
Portman
Pryce
Radanovich
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
White
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOES—224

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Cremeans
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehrlich
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frisa
Frost
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gilman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hinchey
Holden
Horn
Houghton
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Mollohan
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Richardson
Riggs
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Skaggs
Skelton
Slaughter
Smith (NJ)
Solomon
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tate
Tejeda
Thompson
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Watt (NC)
Waxman
Weldon (PA)
Weller
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—9

Bateman
Collins (MI)
Forbes
Harman
Hilliard
Jefferson
Moakley
Reynolds
Waters

□ 1527

Messrs. PETERSON of Florida, MINGE, and TIAHRT, and Mrs. COLLINS of Illinois changed their vote from "aye" to "no."

Messrs. DICKEY, BILBRAY, GOODLATTE, SMITH of Texas, SAXTON, SALMON, and SHADEGG, Mrs. CHENOWETH, and Mrs. LINCOLN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. MICA. Mr. Chairman, on rollcall vote number 566 I am recorded as voting "no." It was my intention to vote "yes".

AMENDMENT OFFERED BY MR. COLEMAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Texas [Mr. COLEMAN] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 233, noes 186, not voting 15, as follows:

[Roll No. 567]

AYES—233

Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Cardin
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Cremeans
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehrlich
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Fox
Frank (MA)
Franks (NJ)
Frisa
Frost

Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Gordon
Green
Gunderson
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hayes
Hefner
Hinchey
Hoke
Holden
Houghton
Hoyer
Jackson-Lee
Jacobs
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Kleczka
Klink
LaFalce
Lantos
LaTourette
Lazio
Levin
Lewis (CA)
Lewis (GA)
Lincoln
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Murtha
Nadler
Neal
Neumann
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Richardson
Riggs
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Solomon
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tate
Tauzin
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Walsh
Ward
Watt (NC)
Waxman
Weldon (PA)
Weller
Whitfield
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOES—186

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cubin
Davis
Deal
DeLay
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Fowler
Franks (CT)
Frelinghuysen
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Leach
Lewis (KY)
Lightfoot
Linder
Livingston
Lucas
Manzullo
McCollum
McCrery
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Radanovich
Ramstad
Regula
Roberts
Rogers
Rohrabacher
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (TX)
Smith (WA)
Souder
Spence
Stockman
Stump
Talent
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Vucanovich
Waldholtz
Walker
Wamp
Watts (OK)
Weldon (FL)
White
Wicker
Wolf
Young (FL)
Zeliff
Zimmer

NOT VOTING—15

Abercrombie
Bateman
Becerra
Collins (MI)
Cunningham
Forbes
Harman
Hilliard
Jefferson
Moakley
Pryce
Reynolds
Schaefer
Stearns
Waters

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BECERRA. Mr. Speaker, I was unable to make a rollcall vote on the Transportation appropriations bill today, No. 567, the Coleman amendment. Had I been present, I would have voted "yes." I ask that that vote be reflected at the end of the rollcall vote for that particular amendment in the RECORD.

PERSONAL EXPLANATION

Ms. WATERS. Mr. Speaker, rollcall No. 566, had I been present, I would have voted "no." Rollcall No. 567, had I been present, I would have voted "yes." I would like the RECORD to reflect, due to unavoidable delay, I was unable to be present.

PERSONAL EXPLANATION

Mr. CUNNINGHAM. Mr. Chairman, I did not realize this was a 5-minute vote. I was sitting in the cloakroom and missed the last vote.

I asked that the RECORD reflect that I would have voted "aye."

PERSONAL EXPLANATION

Mr. STEARNS. Mr. Chairman, on the last vote, I did not participate. I ask that the RECORD reflect that had I been present, I would have voted "no."

The CHAIRMAN. Are there further amendments to title III?

If not, the Clerk will designate title IV.

The text of title IV is as follows:

TITLE IV—PROVIDING FOR THE ADOPTION OF MANDATORY STANDARDS AND PROCEDURES GOVERNING THE ACTIONS OF ARBITRATORS IN THE ARBITRATION OF LABOR DISPUTES INVOLVING TRANSIT AGENCIES OPERATING IN THE NATIONAL CAPITAL AREA

SECTION 401. SHORT TITLE.

This title may be cited as the "National Capital Area Interest Arbitration Standards Act of 1995".

SEC. 402. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) affordable public transportation is essential to the economic vitality of the national capital area and is an essential component of regional efforts to improve air quality to meet environmental requirements and to improve the health of both residents of and visitors to the national capital area as well as to preserve the beauty and dignity of the Nation's capital;

(2) use of mass transit by both residents of and visitors to the national capital area is substantially affected by the prices charged for such mass transit services, prices that are substantially affected by labor costs, since more than ⅔ of operating costs are attributable to labor costs;

(3) labor costs incurred in providing mass transit in the national capital area have increased at an alarming rate and wages and benefits of operators and mechanics currently are among the highest in the Nation;

(4) higher operating costs incurred for public transit in the national capital area cannot be offset by increasing costs to patrons, since this often discourages ridership and thus undermines the public interest in promoting the use of public transit;

(5) spiraling labor costs cannot be offset by the governmental entities that are responsible for subsidy payments for public transit services since local governments generally, and the District of Columbia government in particular, are operating under severe fiscal constraints;

(6) imposition of mandatory standards applicable to arbitrators resolving arbitration disputes involving interstate compact agencies operating in the national capital area will ensure that wage increases are justified and do not exceed the ability of transit patrons and taxpayers to fund the increase; and

(7) Federal legislation is necessary under Article I of section 8 of the United States Constitution to balance the need to moderate and lower labor costs while maintaining industrial peace.

(b) PURPOSE.—It is therefore the purpose of this Act to adopt standards governing arbitration which must be applied by arbitrators resolving disputes involving interstate compact agencies operating in the national capital area in order to lower operating costs for public transportation in the Washington metropolitan area.

SEC. 403. DEFINITIONS.

As used in this Title—

(1) the term "arbitration" means—

(A) the arbitration of disputes, regarding the terms and conditions of employment, that is required under an interstate compact governing an interstate compact agency operating in the national capital area; and

(B) does not include the interpretation and application of rights arising from an existing collective bargaining agreement;

(2) the term "arbitrator" refers to either a single arbitrator, or a board of arbitrators, chosen under applicable procedures;

(3) an interstate compact agency's "funding ability" is the ability of the interstate compact agency, or of any governmental jurisdiction which provides subsidy payments or budgetary assistance to the interstate compact agency, to obtain the necessary financial resources to pay for wage and benefit increases for employees of the interstate compact agency;

(4) the term "interstate compact agency operating in the national capital area" means any interstate compact agency which provides public transit services;

(5) the term "interstate compact agency" means any agency established by an interstate compact to which the District of Columbia is a signatory; and

(6) the term "public welfare" includes, with respect to arbitration under an interstate compact—

(A) the financial ability of the individual jurisdictions participating in the compact to pay for the costs of providing public transit services; and

(B) the average per capita tax burden, during the term of the collective bargaining agreement to which the arbitration relates, of the residents of the Washington, D.C. metropolitan area, and the effect of an arbitration award rendered pursuant to such arbitration on the respective income or property tax rates of the jurisdictions which provide subsidy payments to the interstate compact agency established under the compact.

SEC. 404. STANDARDS FOR ARBITRATORS.

(a) Factors in Making Arbitration Award.—An arbitrator rendering an arbitration award involving the employees of an interstate compact agency operating in the national capital area may not make a finding or a decision for inclusion in a collective bargaining agreement governing conditions of employment without considering the following factors:

(1) The existing terms and conditions of employment of the employees in the bargaining unit.

(2) All available financial resources of the interstate compact agency.

(3) The annual increase or decrease in consumer prices for goods and services as reflected in the most recent consumer price index for the Washington, D.C. metropolitan area, published by the Bureau of Labor Statistics of the United States Department of Labor.

(4) The wages, benefits, and terms and conditions of the employment of other employees who perform, in other jurisdictions in the Washington, D.C. standard metropolitan statistical area, services similar to those in the bargaining unit.

(5) The special nature of the work performed by the employees in the bargaining unit, including any hazards or the relative ease of employment, physical requirements, educational qualifications, job training and skills, shift assignments, and the demands placed upon the employees as compared to other employees of the interstate compact agency.

(6) The interests and welfare of the employees in the bargaining unit, including—

(A) the overall compensation presently received by the employees, having regard not only for wage rates but also for wages for time not worked, including vacations, holidays, and other excused absences;

(B) all benefits received by the employees, including previous bonuses, insurance, and pensions; and

(C) the continuity and stability of employment.

(7) The public welfare.

(b) Compact Agency's Funding Ability.—An arbitrator rendering an arbitration award involving the employees of an interstate compact agency operating in the national capital area may not, with respect to a collective bargaining agreement governing conditions of employment, provide for salaries and other benefits that exceed the interstate compact agency's funding ability.

(c) Requirements for Final Award.—In resolving a dispute submitted to arbitration involving the employees of an interstate compact agency operating in the national capital area, the arbitrator shall issue a written award that demonstrates that all the factors set forth in subsections (a) and (b) have been considered and applied. An award may grant an increase in pay rates or benefits (including insurance and pension benefits), or reduce hours of work, only if the arbitrator concludes that any costs to the agency do not adversely affect the public welfare. The arbitrator's conclusion regarding the public welfare must be supported by substantial evidence.

SEC. 405. PROCEDURES FOR ENFORCEMENT OF AWARDS.

(a) Modifications and Finality of Award.—In the case of an arbitration award to which section 404 applies, the interstate compact agency and the employees in the bargaining unit, through their representative, may agree in writing upon any modifications to the award within 10 days after the award is received by the parties. After the end of that 10-day period, the award, with any such modifications, shall become binding upon the interstate compact agency, the employees in the bargaining unit, and the employees' representative.

(b) Implementation.—Each party to an award that becomes binding under subsection (a) shall take all actions necessary to implement the award.

(c) Judicial Review.—Within 60 days after an award becomes binding under subsection (a), the interstate compact agency or the exclusive representative of the employees concerned may file a civil action in a court which has jurisdiction over the interstate compact agency for review of the award. The court shall review the award on the record, and shall vacate the award or any part of the award, after notice and a hearing, if—

(1) the award is in violation of applicable law;

(2) the arbitrator exceeded the arbitrator's powers;

(3) the decision by the arbitrator is arbitrary or capricious;

(4) the arbitrator conducted the hearing contrary to the provisions of this title or other statutes or rules that apply to the arbitration so as to substantially prejudice the rights of a party;

(5) there was partiality or misconduct by the arbitrator prejudicing the rights of a party;

(6) the award was procured by corruption, fraud, or bias on the part of the arbitrator; or

(7) the arbitrator did not comply with the provisions of section 404.

The CHAIRMAN. Are there amendments to title IV?

If not, the Clerk will read the last three lines of the bill.

The Clerk read as follows:

This Act may be cited as the "Department of Transportation and Related Agencies Appropriations Act, 1996".

AMENDMENT OFFERED BY MR. NADLER

Mr. NADLER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Nadler: At the end of the bill, add the following new title:

TITLE V

ADDITIONAL GENERAL PROVISIONS

Sec. 501. None of the funds made available in this Act may be used for improvements to the Miller Highway in New York City, New York.

Mr. NADLER. Mr. Chairman, I, along with the gentleman from California [Mr. Royce], the gentleman from Minnesota [Mr. Minge], the gentleman from Wisconsin [Mr. Neumann] and with strong support from the Porkbusters Coalition, the Council for Citizens Against Government Waste, and the National Taxpayers Union, offer this amendment to keep valuable taxpayers' dollars from being wasted on an outrageous boondoggle in my district in New York City.

The issue is simple. In my district, there is an elevated highway, 13 blocks long, about three-fifths of a mile. This elevated highway, we have just finished repairing it just last December for about $92 million of the taxpayers' money.

Now Donald Trump wants the taxpayers to shell out another $350 million to tear down this brand-new highway and move it a few hundred feet so that it will not interfere with the site lines of the prospective purchasers of the apartments in a new high rise luxury development he plans to build adjacent to it.

Mr. Chairman, no one even claims that there is any transportation purpose for this project, no transportation purpose whatsoever. The only purpose of this boondoggle is to enable potential buyers of the luxury apartments in Donald Trump's project to have an unobstructed view of the Hudson River, thereby increasing the potential sales price of these units and the potential profits gained by the investors in Mr. Trump's project.

I would like to point out that the local State Senator, the local assembly member, the local city council member, the two local community planning boards in New York City, the Coalition for a Livable West Side, and 4,000 New Yorkers whose signatures are on petitions I hold here, strongly oppose this project.

I want to thank the gentleman from California [Mr. Royce], the gentleman from Minnesota [Mr. Minge], and the gentleman from Wisconsin [Mr. Newmann], the Porkbusters Coalition, the Council and Citizens Against Government Waste, and the National Taxpayers Union for the strong support they have given this amendment and the work they have done to put the brakes on this boondoggle.

Much has been said in this Chamber in recent months about balancing our budget, stopping waste and putting an end to taxpayers subsidies for millionaires and billionaires. Today we have an opportunity to buttress these statements with action.

Donald Trump has been quoted as saying, "I discovered for the first time but not the last that politicians do not care too much what things cost; it is not their money."

Well, it is our constituents' money. This bipartisan coalition is answering Mr. Trump's cynicism by saying no.

I urge my colleagues to vote for the Nadler-Royce-Minge-Neumann amendment to send a clear message that the days when a little influence peddling could get the Federal Government to take the taxpayers for a ride by spending $350 million to tear down a brand-new, perfectly good highway and move it just to increase someone's profits are over.

Mr. WOLF. Mr. Chairman, I move to strike the last word, and I rise in support of the amendment.

The gentleman from New York proposes a limitation on funds to proceed with construction of the Miller Highway in New York City. As I understand it, he claims that Donald Trump is seeking to use taxpayer funds to tear down and move a newly refurbished highway to enable him to build luxury housing on the west side of Manhattan. I think the amendment, as I understand it, represents good government and I support it.

Mr. ROYCE. Mr. Chairman, I move to strike the requisite number of words.

I rise, Mr. Chairman, in support as well of the Nadler amendment. I wanted to praise my colleague for spearheading this effort to eliminate pork from his own district.

The Miller Highway in Manhattan has just been renovated at a cost to taxpayers of $92 million. It was completed, this renovation, in December, just 8 months ago. So now we are looking at a highway that has a life of 35 to 40 years. The intent of this amendment is to disallow this newly refurbished, taxpayer funded, multimillion dollar highway from being demolished and moved at an additional cost of $350 million.

Why would that be done? It is not because the highway is unsafe or because advances have made the highway unnecessary, but because this brand-new highway does not guarantee a spectacular river view of a projected housing development nearby. I have heard the view lots are expensive, but $350 million, frankly, colleagues, is too much.

Not only does our colleague from Manhattan oppose this boondoggle; it is also opposed by many local officials, including, I am told, the mayor of New York, Rudolph Giuliani, so I defer to their wisdom as to what is not good for their district. I strongly support the Nadler amendment. I urge my colleagues to do the same.

□ 1545

Mr. COLEMAN. Mr. Chairman, I rise in support of the amendment. This side of the aisle supports the amendment offered by the gentleman from New York [Mr. NADLER].

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. NADLER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ANDREWS

Mr. ANDREWS. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ANDREWS: At the end of the bill, add the following new title:

TITLE V—ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used for planning or execution of the military airport program.

Mr. WOLF. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes, and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The CHAIRMAN. The gentleman from New Jersey [Mr. ANDREWS] is recognized for 10 minutes.

Mr. ANDREWS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in 1990 the Members of this body came up with a piece of legislation that embodied a good idea. That good idea was that if we are going to be closing military airports that had the potential for civilian use, that we ought to apply some of the funds that we use for airport improvement toward those airports, so they could serve two objectives: first, so they could serve the objecteive of making potentially successful civilian airports occur; and the second objective was so we could lighten the load on our traffic problem in major metropolitan areas. Therefore, we set up this program which said that when we had a military airport that was either closed or due for closure, that we could convert it as long as it served the twin purposes of being viable at some point and served the purpose of lightening the traffic problem in major metropolitan areas of the country. Thus was born the Military Airport Program.

Mr. Chairman, in the 1996 appropriations bill which is in front of us, $37 million has been set aside for this program, which is an increase of about $6 million over last year's appropriation. Mr. Chairman, I would submit that this is a good idea which is not being carried out and executed the way the program is being presently run.

Since 1990, 12 airports have received funding under this particular proposal. In 1994, the GAO issued a report analyzing the extent to which the FAA had complied with the conditions of the 1990 law which set up this program. Here is what the GAO had to say: "Nine of the 12 airprots in the Military Airport Program do not meet the level established program goals. Five of the airports are not located in congested air traffic areas and are unlikely to increase capacity, and nine of the airports selected had already been operating as joint or civilian airports for 10 or more years."

Mr. Chairman, this is the legislative equivalent of us saying that we have a traffic problem in certain areas of the country, and setting aside highway funds to alleviate the traffic problem, whether it be in Washington, DC or Philadelphia or New York or Los Angeles or some highly traveled area, and then spending the money in isolated areas that do not have a traffic problem.

This was a good idea. It said that military airports that could be successfully converted for civilian use ought to, if that conversion would ease the air traffic control problem and flight problems that we have in the country. The problem is that the good ideals and good ideas behind this legislation have in fact never been carried out.

I would suggest that the solution, Mr. Chairman, is not to abolish this program, because it is a fundamentally good idea. The solution embodied in my amendment is for a timeout. It is to say that for the present fiscal year, let us not throw good money after bad. Let us take a deep breath, let us go back to the authorizing committee, so it can analyze the results of this GAO report and other criticisms of the program, and make it work better.

It says, again to use the analogy of the highway program I talked about earlier, if we are setting aside taxpayers' money to alleviate traffic, let us alleviate traffic. Let us not put the money into road projects in parts of the country that do not need it.

Mr. Chairman, I have no doubt that we will hear in the minutes ahead, and I have no doubt of the accuracy, that many of these projects are worthy, they are beneficial to the areas that they serve, and are justifiable on any of a number of host of criteria. The problem is that those criteria meet the conditions of the General Airport Improvement Program, for which any airport in America can apply and compete fairly for the funds. They typically do not meet the criteria set forth by the Congress when it enacted this law in 1990.

Put simply, my amendment says, "Let us take a time out. Let us not throw good money after bad. Let us take the $37 million out of this amendment that is in for 1996, let us go back to the authorizing drawing board, and let us not throw good money after bad."

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Is the gentleman from Virginia [Mr. WOLF] in opposition to the amendment?

Mr. WOLF. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from Virginia [Mr. WOLF] is recognized for 10 minutes in opposition.

Mr. WOLF. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the Military Airport Program is designed to convert for civilian use airfields on military bases which are closing, and to allow civilian use of current military airfields. The program is intended to focus on military airfields in congested areas, thereby opening up and adding needed capacity to the national aviation system, which it clearly needs.

Mr. Chairman, I am aware of the GAO report that the gentleman mentions, but under the new management the FAA is working to resolve the issue, and frankly, if they do not, then I will be inclined next year when the gentleman offers the amendment to, frankly, accept the amendment or to do something. However, until they are given that time, I think the amendment is wrong. Certainly with the Base Closure Commission continuing to close these facilities that are no longer needed, we should take advantage of the airfields that were built at Federal expense which could relieve airway congestion at the busier, larger airports.

Mr. Chairman, I urge a "no" vote.

Mr. Chairman, I yield 4 minutes to the gentleman from Texas [Mr. COLEMAN] and ask unanimous consent that he be permitted to allocate the time.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. COLEMAN. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman, I was chairman of the Subcommittee on Aviation of the Committee on Public Works and Transportation when this program was initiated. At the time we included a provision in the AIP program to convert military airfields to civilian use or to joint use, we were experiencing enormous delays costing over $7 billion to air travelers in the late 1980's and early 1990's.

In fact, last year there were 248,000 delays of 15 minutes or more at America's major airports. That is down 20 percent since we initiated this language providing for conversion of military airfields and since we initiated expansion of our airport capacity.

There are 500 million passengers traveling by air in the United States. Ninety-four percent of all paid intercity travel in America is by air. We have half of all the world's air transportation in the United States. We cannot expand infinitely all existing airports. We need to make use of the available resource of military airfields that are being closed down and convert them to either all civilian use or joint use with military facilities, and we are doing that.

Our committee last year held hearings on the GAO report that the gentleman from New Jersey has referenced, and we made corrections, we made adjustments as GAO recommended, and we included those changes in the legislation. There is no need for further delay, stop now, take another look, do not proceed with this program.

It is extremely important that we proceed to use the capacity of existing military airfields, so we do not have to spend the billions of dollars that it will take to build new airports, or billions of dollars to expand existing airports, but use those facilities that are already in place for a very modest percentage of what it costs to build a new airport. Defeat the amendment. It is ill timed and ill advised.

Mr. COLEMAN. Mr. Chairman, I reserve the balance of my time.

Mr. WOLF. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], chairman of the authorizing committee.

Mr. SHUSTER. Mr. Chairman, I rise in opposition to this amendment. My good friend, the gentleman from New Jersey, [Mr. ANDREWS], is absolutely correct when he says this was a good idea, but it was an idea that had problems with it. GAO was correct when they identified these problems. The key point here, however, is that as a result of identifying these problems, we took action to correct these problems, and in the AIP bill we rewrote the law.

For example, we required that the fund could be used for these military airports only if they reduced delays at airports with 20,000 hours of annual delays or more, so we have already acted, based on the GAO report, to correct these problems. Therefore, there is no reason for further delay.

Mr. Chairman, I would add that the FAA has also acted to tighten up their approvals and their oversight on this particular provision, so there is no reason to delay. The need exists and we should proceed. I assure the gentleman from New Jersey, if we uncover other problems, we will deal with those problems in the AIP program, the Airport Improvement Program, when it next comes before this House.

Finally, Mr. Chairman, I would point out that this amendment will not save a penny. It would merely reallocate the money to other portions of the program. Mr. Chairman, that would be a good idea if the problem still existed, and if there were better places to spend the money. The fact is, this is a very worthy program. Indeed, with the base closings, with the increase in air traffic, with the increase in passenger travel, and indeed, in the past 8 or 9 years, we have had more than a doubling of passenger travel.

For all those reasons we should reject this amendment, this well-intentioned amendment, because a year ago it would have made a lot of sense, but the problems have been corrected, so I would urge that we defeat this amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. COLEMAN. Mr. Chairman, I am happy to yield the balance of my time to the gentleman from Illinois [Mr. COSTELLO].

Mr. COSTELLO. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to the amendment offered by the gentleman from New Jersey [Mr. ANDREWS]. I will not go into the merits of the program. I think that has been discussed by both the former chairman of the Subcommittee on Aviation and the chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania [Mr. SHUSTER].

Let me say to my friend from New Jersey that he cites a couple of problems within the program that the GAO has indicated in their study, and he indicates that he agrees with the GAO report. Let me just cite for a second a case in point as a model example under this program.

Scott Air Force Base, in my congressional district in southwestern Illinois, was one of the first military airports funded under this program. In the last 3 years, Scott Air Force Base has received over $20 million in order to move forward with a civilian airport at Scott. Let me also say that this $20 million has been used as leverage by the State of Illinois and local officials, and the State now has committed a substantial amount of money from the State of Illinois and the county of St. Clair.

In addition, Mr. Chairman, the FAA has made substantial commitments to the civilian airport at Scott. Let me tell the Members that without the MAP program, Scott Air Force Base and Mid-America Airport at Scott would not be under construction today. Because of the MAP program, we will have a new civilian airport at Scott Air Force Base. Mid-America Airport is due to open in November of 1997, which will provide relief to St. Louis International Airport and create thousands of jobs in the St. Louis metropolitan area. I assure my colleagues that we would not have seen the progress that we have seen so far in Mid-America Airport had it not been for this program.

Mr. Chairman, let me finally conclude by saying that we have, through the Subcommittee on Aviation of the Committee on Transportation and Infrastructure, acted on the 1994 GAO report. As my colleague, the distinguished chairman of the committee, has indicated, they have acted upon the report.

I would ask my colleagues to join the gentleman from Pennsylvania [Mr. SHUSTER], the gentleman from Virginia [Mr. WOLF], the gentleman from Texas [Mr. COLEMAN], the gentleman from Minnesota [Mr. OBERSTAR], and others to oppose the amendment.

The CHAIRMAN. The Chair would inform the Members that the gentleman from New Jersey [Mr. ANDREWS] has 5 minutes remaining, the gentleman from Virginia [Mr. WOLF] has 7 minutes remaining, and the gentleman from Virginia [Mr. WOLF], has the right to close.

Mr. ANDREWS. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. COLEMAN].

□ 1600

Mr. COLEMAN. I thank my colleague the gentleman form New Jersey for yielding me the time.

Mr. Chairman, first of all I respect very much what the gentleman from New Jersey perceives to be a significant problem in terms of dealing overall in a budget-tightened environment.

I think that we should not hasten to say that the idea of this amendment was all wrong. I think the problem that the chairman and I have in the subcommittee and others who have spoken out against this amendment is that we need to think about what the effect of an amendment is if and when it is passed. In this instance, I believe, I may be incorrect and maybe the gentleman could correct me, but my understanding of the situation will be that funding for 12 airports that are currently in the program located in New York, Texas, Illinois, New Mexico, South Carolina, New Hampshire, Nebraska, Tennessee, California, and Guam would be cut out of the bill were this amendment to prevail. I do not like changing the rules in the middle of the stream. I think that what we need to do is work with the gentleman and others who have problems with this program and tighten down the parameters of it so that we do not do the things that the gentleman from New Jersey may indeed be correctly concerned and worried about.

I would just say to the gentleman from New Jersey, I certainly understand his amendment. He has my commitment to work with him in the future should this amendment not prevail.

Mr. ANDREWS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from New Jersey [Mr. ANDREWS] is recognized for 4 minutes.

Mr. ANDREWS. I appreciate the questions, Mr. Chairman, that have been raised during this debate. I would like to attempt to answer them. Does it not make sense to help military facilities that were on the base closure list convert to civilian use? Yes. But only 2 of the 12 facilities we are talking about were on the base closure list. The other 10 were used for either mixed or strictly civilian use for dates going all the way back to 1952. This is really not something that is being done in the context of the base closure list.

Should we not be doing something to deal with the very serious problem of the overflow of air traffic in the country? Absolutely. But here is what the GAO said in 1994 about this program:

> The FAA has made no efforts to better define such needs or to develop a mechanism for allocating funds. Also, the FAA has not analyzed the impact of the program on enhancing capacity in major metropolitan areas or system-wide.

I think the burden of proof for changes that have occurred since that report a year ago should be on those who want more taxpayer money for the program. My suggestion would be, let them prove it is working first, then let's give some more money perhaps in the 1997 appropriations bill, after we see the changes that I accept have attempted to be made.

The question is, What would happen to the 12 projects that are under consideration, that are more than under consideration, that are under way? The answer is there would be a 12-month interruption in their funding. I realize that would be difficult and undesirable. During that time, the authorizing committee could reexamine this situation, analyze what works, what does not work and bring legislation to the floor which could go forward and expedite solutions to these problems. Again, I think you fix it first, and the input more money into it.

Finally, the distinguished chairman of the authorizing committee, the Committee on Transportation and Infrastructure, says, "Well, if the amendment were to pass, it would just go right back into the bill, anyway. It would not really save any money." I take at face value, Mr. Chairman, representations by the chairman of the Committee on Rules and others on the majority side that we are going to have a lock box amendment at some point in this Congress that will probably work retroactively. As I understand the commitments that have been made on the majority side, when the Brewster-Harman lock box amendment finally reaches its way to the floor and is enacted as I believe it will be, it will go back and capture any savings that were taken out of these bills over the last weeks.

I would just suggest to this: We are being asked in this Congress to make some very difficult and controversial decisions—about less money for reading teachers to teach children how to read, less money for Medicare, abolition of programs that help senior citizens pay their heating and air conditioning bills, questions about funding for research about some of our more serious diseases, an appropriations bill coming here later this week that cuts funding for Head Start.

I am not saying this program is a bad idea. I am not saying everything that has gone on under it has been all bad. That is certainly not true. But I am saying in that environment, in this context, should the burden of proof not be on those who claim the program ought to be fixed to show it has been fixed? I do not think they have met the burden of proof. I think the right thing to do is to prove this amendment, cut out funding in 1996, fix the program by 1997 and then refund it when it makes sense and is working the way it is supposed to.

Mr. Chairman, I yield back the balance of my time.

Mr. WOLF. Mr. Chairman, I yield such time as he may consume to the gentleman from Tennessee [Mr. DUNCAN], chairman of the Subcommittee on Aviation.

Mr. DUNCAN. I thank the gentleman from Virginia for yielding me this time.

Mr. Chairman, I oppose the amendment being offered by Mr. ANDREWS.

This amendment would eliminate funding for the military airport program. This program sets aside only 2.5 percent of airport improvement program funds for military airports.

Converting military bases to civilian use saves the taxpayers money. The $37 million we would spend next year to help convert military bases to civilian airports would increase airport capacity and help reduce congestion and delays.

It is much cheaper than building new airports such as the one at Denver that cost more than $4 billion.

I am aware that GAO criticized the management of the military airport program in a report last year.

However, as chairman of the Aviation Subcommittee, I am prepared to eliminate the military airport program as part of the AIP reauthorization if necessary. But the subcommittee needs an opportunity to examine this worthy program in light of the GAO report, legislative changes made in response to that report, and recent developments. Eliminating the program now in this bill would be premature.

Therefore, I urge the defeat of this amendment.

Mr. Chairman, I include the following letter for the RECORD:

AMERICAN ASSOCIATION OF AIRPORT EXECUTIVES, KING STREET, ALEXANDRIA, VA

July 24, 1995.

Hon. JOHN J. DUNCAN JR.,
Chairman, House Aviation Subcommittee,
Rayburn House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: On behalf of the thousands of men and women who manage and operate our nation's airports, I am writing to express our opposition to amendments to H.R. 2002 to be offered by Representative Andrews (D-NJ) to lower the funding level for the Airport Improvement Program (AIP) and limit funding for the Military Airport Program.

The Airport Improvement Program has suffered dramatic funding reductions over the past several years. This amendment would cut yet another $37 million from the program and would represent a step backward. Any proposed changes to the Military

Airport Program are more properly considered in the context of next year's reauthorization of the Airport Improvement Program, not in H.R. 2002.

Please oppose the Andrews amendments to lower the AIP and/or Military Airport Program funding levels currently contained in H.R. 2002.

Thank you for your leadership on this important issue.

Sincerely,

CHARLES M. BARCLAY,
President.

Mr. WOLF. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Virginia is recognized for 1 minute.

Mr. WOLF. Mr. Chairman, I rise again in opposition to the amendment. The point that it does not save any money has been made. Also, a number of these communities have been fairly hard hit by base closings.

I have a community in my own district, and we do not have an airport so it is not involved in this. But I know how hard hit the community was. To do this to them would be inappropriate. I would ask that there be a "no" vote on the amendment.

Mr. BEREUTER. Mr. Chairman, this Member rises in opposition to the amendment offered by the distinguished gentleman from New Jersey [Mr. ANDREWS]. This amendment would eliminate an important and successful aviation program.

The Military Airport Program encourages a more efficient use of existing airports by facilitating the conversion and joint use of military airports for civilian purposes. In addition to avoiding unnecessary duplication, the Military Airport Program helps relieve congestion and enhances safety.

This Member believes it would be a serious mistake to eliminate a program which has provided significant benefits since its creation and offers tremendous potential in the coming years. As additional military bases are closed, there will be an increased need to facilitate their conversion to civilian uses. The Military Airport Programs will help meet this need.

This Member urges a "no" vote on this harmful amendment.

Mr. MINETA. Mr. Chairman, I strongly oppose the amendment which would abolish the important program which develops military airports for civilian use.

The Department of Defense has closed a number of military airfields in the past few years. If these airports can be converted to civil use they can make a substantial contribution to our aviation system.

The Military Airport Program is particularly important because it funds types of development which are not eligible under the basic AIP program. The eligible development includes development of terminal buildings, gates, parking lots and utility systems. These are the types of development most needed to convert military airports to civil use.

Since the military program was authorized in 1990, it has funded development at 12 airports. The program has made a substantial contribution to developing out civil airport system. It can make an even greater contribution in the future.

In support of his amendment, my colleague cites a 1993 GAO report which criticized the military program. GAO's report was fully considered when we reauthorized the airport program last year. We found much of the criticism to be misdirected, reflecting GAO's theories of what priorities should be followed in the program. These priorities were exclusively GAO's; they were not part of the governing law which we had passed.

The bottom line is that the conference committee decided, on a virtually unanimous and bipartisan basis, to renew the military program, notwithstanding the GAO criticisms. There is no reason to reverse our decision at this time. I urge a "no" vote on the amendment.

Mr. WOLF. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. ANDREWS].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. ANDREWS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 5, noes 416, not voting 13, as follows:

[Roll No. 568]

AYES—5

Andrews
Klug
Lincoln
Stupak
Torkildsen

NOES—416

Abercrombie
Ackerman
Allard
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—13

Bachus
Bateman
Collins (IL)
Collins (MI)
Forbes
Gillmor
Hall (OH)
Harman
Hilliard
Jefferson
Moakley
Reynolds
Rose

□ 1628

Mr. REED changed his vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. COLLINS of Illinois. Mr. Speaker, during rollcall No. 568, the Andrews amendment on H.R. 2002, the Transportation appropriations bill, I was unavoidably delayed. Had I been present, I would have voted "no."

□ 1630

Mr. WOLF. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to thank the staff of the transportation appropriations subcommittee for their yeoman work over the past 7 months in putting this bill together. Starting early this year with the dozens of hearings we held, working long days and nights drafting the bill for the subcommittee markup, moving the legislation through the full committee and bringing the bill to the floor today, I salute John Blazey, Rich Efford, Stephanie Gupta, Linda Muir, and Deborah Frazier of the subcommittee staff as well as my associate staff member, Lori-Beth Feld Hua. In my first year as chairman of the subcommittee, these men and women have provided invaluable help as we have worked to develop a bill which is responsive to the transportation needs of America and the American taxpayers, and I am proud to be associated with them.

Mr. COLEMAN. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Texas.

Mr. COLEMAN. Mr. Chairman, I wanted to, if I might, to the chairman, the gentleman from Virginia, add my thanks and congratulations to the staff that he named, and I wanted to add, if I might, the minority staff, Cheryl Smith, Christy Cockburn, my associate staff, Bob Bonner, Terry Peel, and I wanted to thank all of them collectively together. Without all of their work, we could not have brought the bill out.

Mr. MARTINI. Mr. Chairman, I rise today with regard to my support for the Transportation appropriations bill for fiscal year 1996. I must commend Congressman FRANK WOLF, the chairman of the Subcommittee on Transportation of the Appropriations Committee, for taking the necessary steps to produce a balanced bill which weighs the needs to our Nation's infrastructure against the need to organize our fiscal house.

The state of our Nation's infrastructure is one of the most vital issues facing this Congress and our country. The free flow of commerce over the Nation's highways, railways, rivers, oceans, and air provides the basis for our national economic stability. There would be no commerce absent of the means to transport goods over the miles of infrastructure found throughout this great country. Furthermore, the ability to defend this country in a time of need will become exponentially more difficult if we neglect transportation issues.

Funding for the New Jersey Urban Core project, currently appropriated in the bill, is vital to the residents of my State. It is critical in terms of jobs and essential in regards to our mass transit system. The Urban Core project seeks to link several existing New Jersey transit rail lines and modernize the equipment and facilities in order to make travel on the rail network quicker, safer, and more convenient to all current and future patrons. Innovative programs of this nature are a developmental imperative. They will propel our country into the 21st century.

Today, guaranteeing safe and efficient transportation is of the utmost importance. Planes, trains, and automobiles are the chosen modes of transportation. In a world increasingly characterized and reliant upon the clock, dependable mechanisms of transportation are crucial. In the race to provide efficient transportation, we must remember that a strong emphasis on safety is our duty.

Mr. Chairman, I ask my colleagues to support this measure because it will move our country forward to meet the future transportation and infrastructure needs of American citizens.

Mr. STOKES. Mr. Chairman, I rise today in strong opposition to H.R. 2002, the fiscal year 1996 Transportation Appropriations bill. Though this bill possesses many provisions that are flawed, I am particularly concerned by the bill's repeal of section 13(c) of the Federal Transit Act that protects transit employees' collective bargaining rights.

Contrary to the representations of the proponents of this bill, the record of section 13(c) has been a success. The program is designed to protect the rights of America's transit workers by requiring the secretary of labor to certify that local transit authorities have met certain criteria for preserving transit workers' existing collective bargaining rights, and protects workers from losses caused by transportation grants made by the Federal Government. The Department of Labor has effectively and efficiently administered this program for over 30 years.

Unfortunately, the repeal of section 13(c) represents a clear and unrestrained attack on the working men and women of this country. It is no coincidence that this attack has been included in this appropriations bill. Contrary to the claims of the new Republican majority that the repeal of section 13(c) will result in cost savings and increased efficiency, the majority's real objective is to take away from the American worker the rights and privileges they have worked so hard and so long to achieve.

The impressive performance of section 13(c) is reflected in more than 1,000 grants, totaling more than $4 billion, that are distributed every year while protecting the rights of transit workers. This successful partnership with the Federal Government has helped ensure that an infusion of Federal funds is not used to diminish the living standards of other workers in local communities. Since 1964, the bipartisan support of section 13(c) has been reaffirmed in legislation enacted in 1968, 1974, 1982, 1987 and most recently in 1991 in the Intermodal Surface Transportation Efficiency Act.

For over 30 years, the transit employees collective bargaining and job protection program have served to help ensure collective bargaining rights for over 200,000 public and private sector transit workers throughout this Nation. There is no doubt that this program now under attack has made tremendous progress in the areas of job security, fair wages, and working conditions for thousands of Americans in the transportation industry.

Not only has the section 13(c) program improved the lives of transit workers and their families, it has also brought remarkable labor relations stability to a transit industry that has undergone dramatic changes. Further, the program has served to ensure the structured introduction of technological and service improvements for all Americans. This added stability has decreased the cost of transportation to industry, local governments and private citizens.

Mr. Chairman, beyond the fact that the section 13(c) program has been good for America, it has also proven to be the right thing to do. The rights of workers to organize and use collective bargaining as a means of protecting work rights is essential to the American labor movement. The rights of transit employees to choose their representatives and engage in collective bargaining is just as fundamental. Without the collective bargaining provisions of section 13(c), the scales would be unfairly weighted in favor of management and against the working men and women of America.

I would also like to add that the attempt by the majority to curtail worker rights is also inappropriate because it circumvents the appropriate authorizing committee that should consider the proposed repeal of this important law. With limited opportunity for debate and hearings this repeal of the section 13(c) legislation in an appropriations bill is clearly an unjustifiable circumvention of the procedures of the United States House of Representatives. This attempt to short circuit the process can only have one result, the compromise of not only the rights of American transit workers but also the right of the American public.

Mr. Chairman, in closing, H.R. 2002 reflects my colleagues' desire to sacrifice the interests and obligations of this country to the working men and women of America in exchange for short term gain and inequality. I urge my colleagues to vote against this bill.

Mr. DELAY. Mr. Chairman, section 330 of the bill relates to the Corporate Average Fuel Economy Program which is administered by the National Highway Traffic Safety Administration. The section imposes a 1-year freeze on the ability of NHTSA to increase the CAFE standards for passenger cars and light trucks and vans.

This provision has strong bipartisan support as evidenced by a Dear Colleague letter circulated last week which includes the signatures of the minority leader and the minority whip, as well as several of my Republican colleagues.

Mr. Chairman, NHTSA is in the process of rulemaking activity on CAFE, which could result in a sharp increase in the standards for light trucks and vans. Because of the light truck market now represents over 40 percent of total vehicle sales and it is a segment which is dominated by domestic manufacturers this action would be devastating to the Nation's economy.

The purpose of Section 330 is to establish a pause in this rulemaking process, to give the Congress an opportunity to review the CAFE program, to determine if the underlying statute, written more than 20 years ago, is still adequate in light of current circumstances. In fact, the authorizing committee has already begun that process, with a hearing which was held last Monday in the Commerce Committee's Energy and Power Subcommittee.

In offering this provision in subcommittee, it was my intent that NHTSA would withhold any further action directed toward increasing CAFE standards, and that the CAFE standards for light trucks and vans for the 1998 model year, which must be issued during fiscal year 1996 to meet industry's lead-time requirements, should be identical to the standard that is currently in effect for those vehicles for the 1997 model year. This intent is clearly stated in the committee report which accompanies the legislation.

Mr. Chairman, I also want to clarify that it was the committee's intent that although this provision would not take effect until the fiscal year which begins on October 1, we fully expect that the agency will follow its regular rulemaking process, and will not rush to action on any increase in CAFE standards, in order to try and beat this deadline. Such an action would clearly be counter to the intent of the House, and would not be viewed favorably by this member of the Transportation Appropriations Subcommittee.

Ms. FURSE. Mr. Chairman, I rise today in support of H.R. 2002. I commend Chairman WOLF and Ranking Member COLEMAN, and all the members of the subcommittee, for their hard work on this legislation.

I am pleased that the bill before House today includes $85.5 million for the Westside Light Rail Project in my district. Westside Light Rail is the Oregon's top transportation priority, and an integral part of our State's planning for the 21st century. Combined with Oregon's land-use planning laws, Westside Light Rail will serve as the heart of efforts to manage the massive growth our region expects over the next 20 years.

Earlier this year, I was pleased to help organize a remarkable panel which testified in favor of Westside Light Rail before the fiscal year 1996 Transportation Appropriations Subcommittee. It included both Democratic and Republican members of Congress, State and local officials, as well as representatives from the private sector business, all of whom strongly support the project. All these groups know that Westside Light Rail is a integral link with virtually every facet of our community in Oregon, and is key to our future. Oregon is so supportive that in 1990, voters approved a bond for $125 million by 74 percent. In fact, the project to Hillsboro is an overmatch—we are providing 33 percent in local funds rather than the required 20 percent.

This year, I was proud to meet with every member of the Transportation Appropriation Subcommittee and bring them up to date on Westside's progress. Westside Light Rail is one of my top priorities in Congress, and I am pleased that this legislation recognizes its importance to Oregon's future.

I urge my colleagues to pass H.R. 2002.

Mrs. MALONEY. Mr. Chairman, ! rise to articulate my objections to the Transportation appropriations bill.

In my view, H.R. 2002, next year's funding bill, takes our Nation in the wrong direction on transportation policy. This is particularly true for New York City, because the bill imposes devastating cuts on the mass transit budget.

The bill passed by the House increases funding for our highway system by over $800 million while at the same time decreasing funding for mass transit by $500 million—a 20 percent reduction over last year's budget.

The impact of these cuts on New York City will be dramatic. Currently, the city receives $87.5 million in mass transit operating assistance funding. This will be slashed by over $38 million—an incredible 44 percent cut. The city estimates that it will lose another $40.7 million in Federal capital assistance funding.

In addition to these general budget cuts, I'm particularly displeased that the appropriators removed $40 million in funding to renovate Penn Station that was in the President's budget. Without this funding, we will be unable to continue with our efforts to replace the aging central train station in New York with the refurbished station that our city and the millions of passengers so desperately need.

In addition, over $30 million in cuts to Amtrak will reduce the ability of our citizens to travel up and down the heavily used east coast routes between Washington, New York, and Boston.

For those of us who represent urban and suburban communities, it is clear that mass transit must be a priority, and that we should be investing in services and technologies which will make our buses and trains run more efficiently and more safely. Mass transit moves millions of Americans to and from their jobs each day. It is also the only transportation alternative available to seniors on fixed incomes and students getting to school. Under the bill, subway and bus fares would most likely increase dramatically, effectively putting travel out of the reach of those who most need it.

Finally, Mr. Speaker, I want to express my support for the objectives of my colleagues from the Philadelphia area, Mr. FOGLIETTA and Mr. FOX, who sought to offer amendments to restore mass transit operating subsidies. In the end, however, I could not vote for their amendment because, rather than shifting money from the highway fund, it took money from the Federal aviation authority. With New York's airports in dire need of assistance, I could not in good conscience vote to help one important element of our infrastructure by harming another.

As this bill moves on to the Senate and then to the President's desk, I will fight hard to restore as much funding for mass transit as possible.

Mr. ORTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, since my election to this House in November 1990, I have been an ardent supporter of the line-item veto. For the most part, our effort has been bipartisan. Not only have Republicans worked for this concept, but many Democrats, including President Clinton, have labored in this effort. In the last Congress, I helped to forge the agreement which brought similar legislation to the House under Democratic leadership. That legislation passed this House, not once but twice, with bipartisan support only to die in the other House.

Recognizing the bipartisan support and the overwhelming public support for the concept of a line-item veto, the Republicans included it in their Contract for America. It was called a cornerstone of the contract and was filed as H.R. 2, the second piece of legislation filed this Congress.

During debate on H.R. 2, Mr. SOLOMON, chairman of the Rules Committee stated:

> We got a Democrat President and here is Solomon up here fighting for the same line-item veto for that Democrat President.

In the same debate, Speaker GINGRICH stated:

> We have a bipartisan majority that is going to vote for the line-item veto. For those who think that this city has to always break down into partisanship, you have a Republican majority giving to a Democratic President this year without any gimmicks an increased power over spending, which we think is an important step for America, and therefore it is an important step on a bipartisan basis to do it for the President of the United State [sic] without regard to party or ideology.

With great fanfare, on February 6, President Reagan's birthday, the House passed H.R. 2, line-item veto by a vote of 294 to 134. The other body has also passed its own version of line-item veto.

But then what happened? Nothing. Since the House and Senate versions of the line-item veto differ, the normal course of legislative action would be to appoint members of a conference committee to work out those differences and report back the legislation to both Houses for final passage. It could take a few days or even a few weeks to resolve the differences. But much more complex legislation has been conferenced in much less time.

If the line-item veto were truly a priority, you would think that conferees would have been appointed immediately and the conference would have moved forward rapidly toward final enactment. However, to date no conferees have even been appointed.

I have been extremely disturbed by the news coming from the Republican leadership.

On June 7, the headline of the Washington Times read: "GOP Puts Line Item on Slow Track."

In that article, Chairman SOLOMON is quoted:

Perhaps the best thing is to wait until fall when the Budget is finished. There is no sense in going through with it now.

On July 13, the headline of the Washington Times read: "Line Item Veto * * * Bites the Dust."

In that article, Speaker GINGRICH is quoted: "My sense is that we won't get to it this year."

Last week the headline of the New York Times read: "Push for Line Item Veto Runs Out of Steam."

The article stated:

> No Republican in Congress could be found who would concede that he or she is less eager for a line-item veto now that Republicans are in control, but many, like Mr. McCain and Mr. Solomon, ascribe those feelings to unidentified colleagues.

Mr. Chairman, the people of the United States and Members of this House overwhelmingly support line-item veto. It is unacceptable for the leadership to tell them we will pass it, and then sit and do nothing.

Therefore, last week I went to Rules Committee and asked for a rule to allow me to offer an amendment to add line-item veto to the transportation appropriations bill.

The committee apparently thought it was such a great idea, that they made it in order for Chairman SOLOMON or Chairman CLINGER to offer such an amendment, stating that it was their idea.

Pride of authorship is not important here; passage of the line-item veto is. Therefore, I support the Solomon amendment and urge the gentleman from New York to offer it now.

However, it appears that this amendment will not be offered if the Speaker promises to appoint conferees. If that is the case, the appointment of conferees at this late date, and only after being forced to do so by this amendment, will appear to be a hollow and transparent act calculated to once again remove the line-item veto from public attention and further delay any significant action to keep our promises and enact the line-item veto.

I ask the chairman of the Rules Committee to offer his amendment. If he does not wish to do so, I ask him to appoint me his designee to offer the amendment so that line-item veto will be taken off the slow track, will not run out of steam, will not bite the dust, but will be placed where it belongs on the fast track toward bipartisan enactment.

Mr. Chairman, if he is not here to do so, I send an amendment to the desk.

AMENDMENT OFFERED BY MR. ORTON

Mr. ORTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows;

Amendment offered by Mr. ORTON:

At the end of the bill, add the following new title:

TITLE V—LINE ITEM VETO

LINE ITEM VETO AUTHORITY

SEC. 501. (a) IN GENERAL.—Not withstanding the provisions of part B of title X of the Congressional Budget and Impoundment Control Act of 1974, and subject to the provisions of this section, the President may rescind all or part of the dollar amount of any discretionary budget authority specified in this Act, or the conference report or joint explanatory statement accompanying the conference report on this Act, if the President—

(1) determines that such rescission—

(A) would help reduce the Federal budget deficit;

(B) will not impair any essential Government functions; and

(C) will not harm the national interest; and

(2) notifies the Congress of such rescission by a special message not later than 10 calendar days (not including Sundays) after the date of the enactment of this Act.

(b) DEFICIT REDUCTION.—If the President submits a special message under subsection (a), the President may also propose to reduce the appropriate discretionary spending limit set forth in section 601(a)(2) of the Congressional Budget Act of 1974 by an amount that does not exceed the total amount of discretionary budget authority rescinded by the special message.

(c) LIMITATION.—A special message submitted by the President under subsection (a) may not change any prohibition or limitation of discretionary budget authority set forth in this Act.

LINE ITEM VETO EFFECTIVE UNLESS DISAPPROVED

SEC. 502. (a) IN GENERAL.—Any amount of budget authority rescinded under this title as set forth in a special message by the President shall be deemed canceled unless, during the period described in subsection (b), a rescission disapproval bill making available all of the amount rescinded is enacted into law.

(b) CONGRESSIONAL REVIEW PERIOD.—The period referred to in subsection (a) is—

(1) a congressional review period of 20 calendar days of session, beginning on the 1st calendar day of session after the date of submission of the special message, during which the Congress must complete action on the rescission disapproval bill and present such bill to the President for approval or disapproval;

(2) after the period provided in paragraph (1), an additional 10 days (not including Sundays) during which the President may exercise his authority to sign or veto the rescission disapproval bill; and

(3) if the President vetoes the rescission disapproval bill during the period provided in paragraph (2), an additional 5 calendar days of session after the date of the veto.

(c) SPECIAL RULE.—If a special message is transmitted by the President under this title and the last session of the Congress adjourns sine die before the expiration of the period described in subsection (b), the rescission shall not take effect. The message shall be deemed to have been retransmitted on the 1st Monday in February of the succeeding Congress and the review period referred to in subsection (b) (with respect to such message) shall run beginning after such 1st day.

CONGRESSIONAL CONSIDERATION OF LINE ITEM VETO

SEC. 503. (a) PRESIDENTIAL SPECIAL MESSAGE.—If the President rescinds any budget authority as provided in this title, the President shall transmit to both Houses of Congress a special message specifying—

(1) the amount of budget authority rescinded;

(2) any account, department, or establishment of the Government to which such budget authority is available for obligation, and the specific project or governmental functions involved;

(3) the reasons and justifications for the determination to rescind budget authority pursuant to this title;

(4) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect of the rescission; and

(5) all actions, circumstances, and considerations relating to or bearing upon the rescission and the decision to effect the rescission, and to the maximum extent practicable, the estimated effect of the rescission upon the objects, purposes, and programs for which the budget authority is provided.

(b) TRANSMISSION OF MESSAGE TO HOUSE AND SENATE.—

(1) A special message transmitted under this title shall be transmitted to the House of Representatives and the Senate on the same day, and shall be delivered to the Clerk of the House of Representatives if the House is not in session, and to the Secretary of the Senate if the Senate is not in session. A special message so transmitted shall be referred to the appropriate committees of the House of Representatives and the Senate. Such message shall be printed as a document of each House.

(2) A special message transmitted under this title shall be printed in the first issue of the Federal Register published after such transmittal.

(c) INTRODUCTION OF RESCISSION DISAPPROVAL BILLS.—The procedures set forth in subsection (d) shall apply to any rescission disapproval bill introduced in the House of Representatives not later than the 3d calendar day of session beginning on the day after the date of submission of a special message by the President under this title.

(d) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(1) The committee of the House of Representatives to which a rescission disapproval bill is referred shall report it without amendment, and with or without recommendation, not later than the 8th calendar day of session after the date of its introduction. If the committee fails to report the bill within that period, it is in order to move that the House discharge the committee from further consideration of the bill. A motion to discharge may be made only by an individual favoring the bill (but only after the legislative day on which a Member announces to the House the Member's intention to do so). The motion is highly privileged. Debate thereon shall be limited to not more than 1 hour, the time to be divided in the House equally between a proponent and an opponent. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order.

(2) After a rescission disapproval bill is reported or the committee has been discharged from further consideration, it is in order to move that the House resolve into the Committee of the Whole House on the State of the Union for consideration of the bill. All points of order against the bill and against consideration of the bill are waived. The motion is highly privileged. The previous question shall be considered as ordered on that motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. During consideration of the bill in the Committee of the Whole, the first reading of the bill shall be dispensed

with. General debate shall proceed without intervening motion, shall be confined to the bill, and shall not exceed 2 hours equally divided and controlled by a proponent and an opponent of the bill. No amendment to the bill is in order, except any Member may move to strike the disapproval of any rescission or rescissions of budget authority, if supported by 49 other Members. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion. A motion to reconsider the vote on passage of the bill shall not be in order.

(3) Appeals from the decisions of the Chair relating to the application of the rules of the House of Representatives to the procedure relating to a bill described in subsection (a) shall be decided without debate.

(4) It shall not be in order to consider more than 1 bill described in subsection (c) or more than 1 motion to discharge described in paragraph (1) with respect to a particular special message.

(5) Consideration of any rescission disapproval bill under this subsection is governed by the rules of the House of Representatives except to the extent specifically provided by the provisions of this title.

(e) CONSIDERATION IN THE SENATE.—

(1) Any rescission disapproval bill received in the Senate from the House shall be considered in the Senate pursuant to the provisions of this title.

(2) Debate in the Senate on any rescission disapproval bill and debatable motions and appeals in connection therewith, shall be limited to not more than 10 hours. The time shall be equally divided between, and controlled by, the majority leader and the minority leader or their designees.

(3) Debate in the Senate on any debatable motions or appeal in connection with such bill shall be limited to 1 hour, to be equally divided between, and controlled by the mover and the manager of the bill, except that in the event the manager of the bill is in favor of any such motion or appeal, the time in opposition thereto shall be controlled by the minority leader or his designee. Such leaders, or either of them, may, from the time under their control on the passage of the bill, allot additional time to any Senator during the consideration of any debatable motion or appeal.

(4) A motion to further limit debate is not debatable. A motion to recommit (except a motion to recommit with instructions to report back within a specified number of days not to exceed 1, not counting any day on which the Senate is not in session) is not in order.

(f) POINTS OF ORDER.—

(1) It shall not be in order in the Senate to consider any rescission disapproval bill that relates to any matter other than the rescission of budget authority transmitted by the President under this title.

(2) It shall not be in order in the Senate to consider any amendment to a rescission disapproval bill.

(3) Paragraphs (1) and (2) may be waived or suspended in the Senate only by a vote of three-fifths of the members duly chosen and sworn.

DEFINITIONS

SEC. 504. As used in this title:

(1) The term "rescission disapproval bill" means a bill that only disapproves, in whole, rescissions of discretionary budget authority in a special message transmitted by the President under this title and—

(A) the matter after the enacting clause of which is as follows: "That the Congress disapproves each rescission of discretionary budget authority of the President as submitted by the President in a special message on ______.", the blank space being filled in with the appropriate date and the public law to which the message relates; and

(B) the title of which is as follows: "A bill to disapprove the recommendations submitted by the President on ______.", the blank space being filled in with the date of submission of the special message and the public law to which the message relates.

(2) The term "calendar days of session" shall mean only those days on which both Houses of Congress are in session.

JUDICIAL REVIEW

SEC. 505. (a) EXPEDITED REVIEW.—

(1) Any Member of Congress may bring an action, in the United States District Court for the District of Columbia, for declaratory judgment and injunctive relief on the ground that any provision of this title violates the Constitution.

(2) A copy of any complaint in an action brought under paragraph (1) shall be promptly delivered to the Secretary of the Senate and the Clerk of the House of Representatives, and each House of Congress shall have the right to intervene in such action.

(3) Any action brought under paragraph (1) shall be heard and determined by a three-judge court in accordance with section 2284 of title 28, United States Code.

(4) Nothing in this section or in any other law shall infringe upon the right of the House of Representatives to intervene in an action brought under paragraph (1) without the necessity of adopting a resolution to authorize such intervention.

(b) APPEAL TO SUPREME COURT.—Notwithstanding any other provision of law, any order of the United States District Court for the District of Columbia that is issued pursuant to an action brought under paragraph (1) of subsection (a) shall be reviewable by appeal directly to the Supreme Court of the United States. Any such appeal shall be taken by a notice of appeal filed within 10 days after such order is entered; and the jurisdictional statement shall be filed within 30 days after such order is entered. No stay of an order issued pursuant to an action brought under paragraph (1) of subsection (a) shall be issued by a single Justice of the Supreme Court.

(c) EXPEDITED CONSIDERATION.—It shall be the duty of the District Court for the District of Columbia and the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

Mr. ORTON (during the reading). Mr. Chairman, I ask unanimous consent the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Utah?

There was no objection.

POINT OF ORDER

Mr. WOLF. Mr. Chairman, I make a point of order against the amendment, because it proposes to change existing law and constitutes legislation in an appropriation bill and, therefore, violates clause 2, rule XXI.

The rule states, in pertinent part, no amendment to a general appropriation bill shall be in order if changing existing law. The amendment imposes additional duties and modifies existing powers and duties.

I ask for a ruling from the Chair.

The amendment is clearly legislative in nature. The amendment amends the Budget Act of 1974 and creates a new mechanism for line-item veto not currently in existing law, provides a congressional procedure for expedited consideration of bills disapproving recommendations of the President, creates auditing reports by the GAO, and provides for special standing in the courts for judicial review.

The CHAIRMAN. The gentleman from Virginia raises a point of order against the amendment offered by the gentleman from Utah [Mr. ORTON].

Since the gentleman from Utah [Mr. ORTON] is not the designee of the gentleman from New York [Mr. SOLOMON], the Chair asks the gentleman from Utah, does he wish to be heard on the point of order?

Mr. ORTON. I do, Mr. Chairman.

However, the amendment which I submitted to the desk is not the Solomon amendment. It is slightly different. It is the amendment which I submitted to the Committee on Rules asking to be made in order.

The Committee on Rules did not make my amendment in order but changed it slightly and made it in order for the gentleman from New York [Mr. SOLOMON] to present or the gentleman from Pennsylvania [Mr. CLINGER]. They have chosen not to do so.

I believe that line-item veto is so critical that we cannot simply sit back and do nothing.

The CHAIRMAN. Will the gentleman address the point of order?

Mr. ORTON. Not yet.

The CHAIRMAN. The gentleman must address the point of order.

Mr. ORTON. I am addressing the point of order. I believe that the line-item veto is appropriate to place on the transportation appropriations bill. The Committee on Rules felt so also by making it in order for the chairman of the committee to submit.

It is my intention, I believe that each of us must go on the record as to whether or not we feel it is important to continue pushing line-item veto, and I will announce that if the Chair rules against me on the point of order, that I will appeal the ruling of the Chair and ask for a recorded vote.

The CHAIRMAN. The Chair is prepared to rule.

The amendment offered by the gentleman from Utah [Mr. ORTON] is altogether legislative in character, and, as such, is not in order on a general appropriation bill under clause 2, rule XXI.

The point of order is sustained.

Mr. ORTON. Mr. Chairman, I move to appeal the ruling of the Chair.

The CHAIRMAN. The question is: Shall the decision of the Chair stand as the judgment of the committee?

The question was taken; and the Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ORTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 281, noes 139, not voting 14, as follows:

[Roll No. 569]

AYES—281

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Beilenson
Bereuter
Berman
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clay
Clinger
Coble
Coburn
Collins (GA)
Collins (IL)
Combest
Conyers
Cooley
Cox
Coyne
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dixon
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foglietta
Foley
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kasich
Kelly
Kennelly
Kildee
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mfume
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Parker
Paxon
Petri
Pickett
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanford
Saxton
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stokes
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Williams
Wolf
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—139

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Bevill
Bonior
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clayton
Clement
Clyburn
Coleman
Condit
Costello
Cramer
Danner
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Doggett
Dooley
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Filner
Flake
Frank (MA)
Frost
Furse
Gejdenson
Gibbons
Gordon
Green
Gutierrez
Hamilton
Hayes
Hefner
Hinchey
Holden
Jackson-Lee
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kleczka
Klink
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Martinez
Mascara
Matsui
McCarthy
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Miller (CA)
Mineta
Minge
Mink
Nadler
Neal
Neumann
Olver
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pomeroy
Poshard
Rangel
Reed
Richardson
Rivers
Roemer
Rush
Sanders
Sawyer
Scarborough
Schroeder
Schumer
Scott
Serrano
Sisisky
Spratt
Stark
Stenholm
Studds
Stupak
Tanner
Taylor (MS)
Thornton
Thurman
Torres
Towns
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Wilson
Wise
Woolsey
Wyden
Wynn

NOT VOTING—14

Bachus
Bateman
Collins (MI)
Emerson
Forbes
Harman
Hilliard
Jefferson
Lantos
Markey
Moakley
Reynolds
Rose
Smith (NJ)

□ 1659

Mr. RUSH and Mr. PETERSON of Florida changed their vote from "aye" to "no."

Messrs. BERMAN, McDERMOTT, FIELDS of Louisiana, and MOLLOHAN changed their vote from "no" to "aye."

So the decision of the Chair stands as the judgment of the Committee.

The result of the vote was announced as above recorded.

□ 1700

The CHAIRMAN. Are there further amendments to the bill?

If not, under the rule the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HASTINGS of Washington) having assumed the chair, Mr. BEREUTER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2002), making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution 194, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The speaker pro tempore. Under the rule, the previous question is ordered.

The amendment printed in section 2 of House Resolution 194 is adopted.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 361, nays 61, not voting 12, as follows:

[Roll No. 570]

YEAS—361

Abercrombie
Ackerman
Archer
Armey
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brown (FL)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Chenoweth
Christensen
Chrysler
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (LA)
Fields (TX)
Flanagan
Foley
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons

Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, E.B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Manzullo
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meek
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Sabo
Salmon
Sanford
Sawyer
Saxton
Schiff
Schumer
Scott
Seastrand
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Traficant
Tucker
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Waters
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—61

Allard
Andrews
Barrett (WI)
Becerra
Beilenson
Borski
Brown (CA)
Brown (OH)
Clay
Collins (IL)
Conyers
Cooley
Dellums
Dingell
Engel
Evans
Fattah
Filner
Flake
Foglietta
Frank (MA)
Graham
Gutierrez
Hancock
Hefley
Hinchey
Kaptur
Lofgren
Maloney
Manton
Markey
McDermott
Meehan
Menendez
Mfume
Mineta
Nadler
Neal
Olver
Owens
Payne (NJ)
Pickett
Rangel
Roth
Rush
Sanders
Scarborough
Schaefer
Schroeder
Sensenbrenner
Serrano
Stark
Stokes
Studds
Stump
Towns
Velazquez
Volkmer
Watt (NC)
Waxman
Yates

NOT VOTING—12

Bachus
Bateman
Collins (MI)
Forbes
Greenwood
Harman
Hilliard
Jefferson
Moakley
Reynolds
Rose
Williams

□ 1718

The Clerk announced the following pair:

On this vote:

Mr. Bachus for, with Mr. Moakley against.

Mr. ROTH changed his vote from "yea" to "nay."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. WILLIAMS. Mr. Speaker, the House voting device did not record my vote on final passage of the Transportation appropriation bill.

I intended to vote "no" on final passage.

PERSONAL EXPLANATION

Ms. HARMAN. Mr. Speaker, I was unavoidably absent earlier this afternoon for several votes. Had I been present, I would have voted "no" on rollcall 566, the Wolf amendment.

I would have voted "yea" on rollcall 567, the Coleman amendment.

I would have voted "no" on rollcall 568, the Andrews amendment.

I would have voted "no" on rollcall 569, sustaining the ruling of the Chair.

And, would have voted "no" on rollcall 570, final passage of the Transportation appropriations bill.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Speaker, on Friday, July 21, I missed roll call vote 546. Had I been present I would have voted "nay." On Monday, July 24, I missed five rollcall votes during consideration of H.R. 2002, the Transportation appropriations of fiscal year 1996. On rollcall vote Nos. 558, 559, 560, 561, 562, I would have voted "nay."

PERSONAL EXPLANATION

Mr. GREENWOOD. Mr. Speaker, on rollcall vote No. 570, it was my intention to vote "*aye*". When I reviewed the RECORD, I noticed I was recorded as not voting. I would like the RECORD to reflect that I was on the floor, and it appears as though my vote was not recorded by the electronic device.

PROVIDING FOR CONSIDERATION OF H.R. 2076, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. GOSS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 198 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 198

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Appropriations. After general debate the bill shall be considered for amendment under the five-minute rule. The bill shall be considered by title rather than by paragraph. Each title shall be considered as read. Points of order against provisions in the bill for failure to comply with clause 2 or 6 of rule XXI are waived. During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 6 of rule XXIII. Amendments so printed shall be considered as read. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). The gentleman from Florida [Mr. GOSS] is recognized for 1 hour.

Mr. GOSS. Mr. Speaker, for the purposes of debate only, I yield the customary 30 minutes to the gentleman from Ohio [Mr. HALL], pending which I yield myself such time as I may consume. During consideration of this resolution all time yielded is for the purpose of debate only.

Mr. Speaker, House Resolution 198, the rule for the fiscal 1996 Commerce, Justice, and State appropriations bill, is a "plain Vanilla" rule needing little in the way of explanation. It is an uncomplicated, open rule, a fair rule. Despite concerns that some Members have been taking a little advantage of some of the previous open rules, the Rules Committee has not placed limits on time, the number of amendments, or procedural motions. Nor will you find any extraordinary waivers included in the rule.

Of course, due to the perennial problem of enacting authorizing bills prior to the consideration of appropriations measures, we have provided the standard waivers for violations of clauses 2 and 6 of rule XXI contained within the bill. Members may be interested to know that the Rules Committee is actively exploring ways to avoid this problem—and related problems with the budget process—in the future.

The Subcommittee on Legislative and Budget Process together with the Subcommittee on Rules and Organization of the House are in the process of holding hearings to examine the 1974 Budget Act and what improvements can be made to it. It is my hope that future Congresses will be immune from routine waivers of House rules because of an awkward budget process.

Finally, Mr. Speaker, this rule continues the successful practice of giving the Chair the right to give priority in recognition to those Members who have printed their amendments in the RECORD. This procedure, without infringing on the rights of any Members, has helped to raise the level of debate in this body by allowing Members to be fully prepared for amendments and issues that arise on the floor.

So I urge Members to support this rule so we can proceed with the consideration of the Commerce, Justice, State appropriations bill. This important legislation provides funding for three Cabinet-level departments—although Congress may be eliminating one of them, the Department of Commerce—and funding for numerous related agencies. Under this rule, any Member will be able to offer amendments to make cuts, or changes in the bill's funding priorities. For instance, I intend to support an amendment offered by my friends, Mr. SOLOMON and Mr. HEFLIN, to eliminate funding for the Economic Development Administration.

The EDA is another example of a targeted Government program that over the years has strayed so far off-target that it's time in this gentleman's view to end it and begin again. Another area of special concern to all taxpayers, and especially those in my district of southwest Florida, is the money provided State Department in this bill for peacekeeping efforts and the United States diplomatic mission in Haiti. I look forward to appropriate debate on these topics.

Mr. Speaker, I reserve the balance of my time.

Mr. HALL of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as my colleague from Florida has described this is a simple rule to allow for the consideration of the State/Commerce/Justice appropriations bill for fiscal year 1996. The rule is essentially open although it does waive clauses 2 and 6 of rule XXI allowing unauthorized appropriations and reappropriations in the bill. This is necessary, Mr. Speaker, because the House has not yet provided authorizations for most of the agencies in the bill. The rule also allows a motion to recommit with or without instructions.

While I plan to support this rule, I am concerned with some of the provisions of this bill. In the area of crime prevention, the bill zeros out a number of important crime prevention programs popular with local policemen and our constituents. For example, the Community Oriented Policing Services Program, known as the COPS program, is eliminated. This program funds new policemen and would eventually put 100,000 new officers on the streets. The COPS program has already provided funds for more than 20,000 new officers throughout the United States, including in my own district of Dayton, OH. It has won the praise of police chiefs and sheriffs from all around the country who contend the program is nonbureaucratic and visionary.

This program and other prevention measures are expected to be folded into a $2 billion general law enforcement block grant. The problem with this, Mr. Speaker, is that funds could be used on anything from street lights to public works projects and will not necessarily have to be spent on crime prevention. In addition, the funding under this block grant is contingent upon another bill becoming enacted. I really do not think this is fair treatment to our constituents, who have heard us promise, time and time again, that we will help local communities fight crime.

Another problem in the area of crime is a reduction of funds for the violent crime reduction trust fund and the bill's lack of support for crime fighting initiatives such as drug courts and violence against women countermeasures. While I understand the committee expects these programs to be picked up through the block grant, I believe that many of them will be shrunk and even eliminated. This is not what the American people want to see in the area of crime prevention.

To its credit, the committee did retain funds in this bill for the Department of Commerce, although the Department's budget is greatly reduced. The Commerce Department is the only Cabinet-level department that works with American businesses and can help our companies compete in the global marketplace. I do not believe funding should have been eliminated for the Advanced Technology Program [ATP] which helps stimulate new technologies among U.S. companies. Therefore, I offered an amendment to the rule to allow Representative MOLLOHAN to offer a floor amendment on this. Unfortunately, my amendment lost on a partisan vote.

Finally, Mr. Speaker, I would be remiss if I did not express my concern with the bill's restrictive language on the use of funds for peacekeeping missions. I believe we regularly need to evaluate our participation in peacekeeping missions, and make sure other countries do their part. However, language in this bill could seriously interfere with the President's ability to conduct foreign policy. This could hurt us and damage our relationships with other countries at a time in which we need multinational cooperation with respect to troubled spots in the world.

As I indicated earlier, Mr. Speaker, I will support this rule which was reported out of committee with no opposition. I urge my colleagues to join me in voting for it.

□ 1730

Mr. Speaker, I yield 4 minutes to the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Speaker, when the Committee on Rules met to consider the rule on this bill, I specifically requested that three amendments be made in order which otherwise would not be in order under the anticipated rule.

Mr. Speaker, I rise today to make the House aware of these amendments, and to sensitize the House to the fact that, first, the amendments were not made in order, and second, what I plan to do in the alternative.

Mr. Speaker, each one of these amendments spoke to major policy issues, in my opinion, and consequently, merited a rule allowing them to be offered during consideration of the Commerce, Justice, State bill. However, they were not.

The first would have related to the COPS Program, a program which is now ongoing. It was authorized in last year's crime bill. There are approximately 20,000 police officers, or probably more like 25,000, approaching that anyway, officers out there on the streets across America under the COPS Program.

This is a 3-year commitment that the Federal Government has made to these communities, I am sure, in every single congressional district in the country, and it is a program that is working tremendously well. It is administratively very efficient, and substantively the information we are getting back is very useful and very well received in communities as a concept: community policing. It is a good program in fighting crime. That program is up, it is operating, those policemen are on the street, and the commitment is made.

Unfortunately, Mr. Speaker, in this bill before us, that program is not funded. Those commitments, under this bill, cannot be made. The program that was funded was the block grant program, which was passed by the majority in the first part of this year. It was anticipated by the majority that the block grant program would replace the COPS Program, even though the COPS Program is operating very well, and it is in midstream.

Therefore, what we have is a program that is up and operating, doing well, not being funded in this bill. This new program that is not even authorized; it is simply somebody's legislative initiative at this point, being funded under the bill. That is a problem. That is a problem which I tried to address with an amendment that would fund these programs in the alternative.

My amendment that I asked be made in order by the Committee on Rules would have funded the block grant program, if that became law. If the block grant program was not authorized, it would take that money and continue funding the COPS program. Unfortunately, that amendment was not made in order. I, therefore, am going to be forced, as we proceed, to make a motion to strike the block grant funding that is in the bill, and substitute funding for COPS. I would have preferred to proceed in the more bipartisan way.

The second amendment, Mr. Speaker, relates to the Byrne Program. I intend to offer an amendment to take just $30 million from the total $50 million incarceration of illegal aliens fund, move it over to the very popular Byrne program; $30 million which will enhance that community funding, community police funding, in the very popular Byrne Grant Program for all of our communities. Again, I requested an amendment which would have enhanced the Byrne grant program significantly by merging it with the total amount available for the incarceration of illegal aliens. That amendment was not approved.

Finally, Mr. Speaker, I requested authority under the rule in the Commerce title of the bill to restore funding to the very successful, and think strategically very important Advanced Technology Program. This program was initiated under the Republican administration, the Advanced Technology Program is strategic in the sense that it looks at emerging economies and says that the United States ought to be doing what its counterparts, its competitors around the world are doing: funding technology initiatives. That amendment was not made in order, and under the rule, Mr. Speaker, I can only offer an amendment which strikes restrictive language on ATP, which I plan on doing.

Mr. HALL of Ohio. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. STARK].

Mr. STARK. Mr. Speaker, I want to thank the distinguished gentleman for yielding time to me.

Mr. Speaker, it is rare that I have such an opportunity to thank my colleagues across the aisle, and particularly to congratulate the new leadership. Had I known what new vistas would open to us under this new leadership, I might have considered this much earlier.

I received this morning, as did all of my colleagues, a nice communication from Mr. Livingood, our Sergeant at Arms. Mr. Livingood has informed me that he has taken a renewed interest in manners, or, excuse me, matters of protocol, and has announced that he has hired Pamela Gardner "Muffy" Ahearn as the director of protocol for the U.S. House of Representatives at, I would imagine, about $60,000 or $70,000 a year, for which we could hire a couple of policemen. She has extensive professional experience in dealing with foreign dignitaries. I do not know about us here, but with foreign dignitaries, embassies, and high-ranking government officials with all issues of protocol, she is going to help us.

If Members have been worried about wearing white shoes after Labor Day, correct titles and forms of address and introductions, determining the order of precedence, for example, in California, illegal aliens are no longer eligible for medical care or education, but legal aliens may be, and a legal alien who served in the military might be. It is very important that Members know that, proper seating by rank, appropriate gifts and exchange thereon.

The Speaker is going to let us vote on lobbyists giving us gifts. We will have a lot of gifts and we will need Ms. Ahearn to give us the protocol on what we do when we get these gifts from lobbyists; cultural traditions and taboos; dietary restrictions and preferences, I am sure the Speaker will be interested in that one; appropriate toasts following a meal; and language interpretation requirements.

When Members are making protocol arrangements, for example, if the junior Senator from Oregon were worried about filling out his spousal identification card, he should make it out to the bearer, I would suppose, but Ms. Ahearn can in fact advise us on those matters. When we visit schools, the children who no longer get school lunches, should they sit at the same table with those Republican children who bring their lunch from the local caterer? This will be interesting to know, and very helpful for us, as we carry on our business.

Mr. Speaker, I am glad that the Republicans are dealing with the serious matters of this House as they eliminate funding for school lunches, as they destroy Medicare. It will be interesting to know how we write those letters of condolence to the seniors who will no longer have Medicare available to them, and letters of congratulations to those rich seniors who will get the benefit of the $245 billion in tax cuts. We cannot write that, I am sure, looking too longingly at it. However, all of these things are matters which each of us here in the House should be concerned about.

Mrs. SCHROEDER. Mr. Speaker, will the gentleman yield?

Mr. STARK. I yield to the gentlewoman from Colorado.

Mrs. SCHROEDER. Mr. Speaker, I want to make sure I understand the gentleman. We just heard from the gentleman from Ohio [Mr. HALL], who was talking about the bill, how we are doing away with the COPS program, we are doing away with significant funding for the Violence Against Women Act, we are doing away with all sorts of things in this bill. However, the gentleman is telling us we have now hired our own in-house Miss Manners?

Mr. STARK. Yes.

Mrs. SCHROEDER. If the gentleman will continue to yield, does the gentleman know, has there been a lot of misbehaving? Have people been dressing poorly on the floor? I notice the gentleman gave me a copy, and I got one in my office, too. It talks about toasts. Have people been giving inappropriate toasts here? What is this?

Mr. STARK. Mr. Speaker, if I were this lady, I understand she makes $62,000 a year, she should drink a toast to the Speaker. That is a pretty nice salary for advising many of us who need help with our manners. I certainly could use some assistance in that, and the gentlewoman is correct.

Mrs. SCHROEDER. If the gentleman will continue to yield, did this go to both sides of the aisle, or is it just the Democrats that are considered in such lack of protocol?

Mr. STARK. I believe this letter was sent to all Members, and I am sure that in the most bipartisan spirit we all will have our manners and our protocol dressed up.

Mrs. SCHROEDER. If the gentleman will yield further, I think it might be interesting. I just worry that maybe many of the interns will be out there creatively thinking of questions for our new "Miss Manners" or "Miss Protocol" or whoever this is, and I would hope that maybe Roll Call or someone could print the questions and answers. This could be very interesting.

Mr. STARK. I would think under the Freedom of Information Act.

PARLIAMENTARY INQUIRY

Mr. GOSS. Mr. Speaker, may I make a parliamentary inquiry? I think this is very useful, and I think it has an appropriate time for discussion in the well, but we are trying to talk about the rule on Commerce, Justice, State, which is the scheduled business for this moment. I do not want to call a point of order on the gentleman, but am I on the right track?

The SPEAKER pro tempore. The gentleman's point is well taken, and besides that, the time of the gentleman from California [Mr. STARK] has expired.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Illinois [Mrs. COLLINS].

Mrs. COLLINS of Illinois. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I am concerned that we will be considering amendments to the Commerce, State, Justice appropriations bill that would effectively abolish the Commerce Department. Only a few weeks ago the chairman of the Committee on Government Reform and Oversight said proposals for the abolition of the Department of Commerce and other departments would be coordinated through the committee.

The problem is that the Committee on Government Reform and Oversight has held no hearings on any legislative proposal to abolish the Commerce Department, and has not voted on any such proposal.

Regardless of whether you do, or do not, think the Department of Commerce should be abolished, you should vote against these amendments.

The Appropriations Committee has already cut 20 percent from the Commerce Department's administrative budget. Now, Chairman CLINGER wants to cut an additional 25 percent. A 45-percent cut would effectively abolish the Commerce Department.

A cut of this magnitude would withhold funds the National Weather Service relies on to operate its weather satellites. Funds could be withheld that are needed to provide for the monitoring of textile and apparel imports so that our Government can tell when other countries are violating their textile and apparel agreements with us.

We should not be making these kinds of decisions as a floor amendment to an appropriations bill. Both the Commerce Committee and the Science Committee—the committees of principal jurisdiction over the Commerce Department—have failed to act on legislation abolishing the Department. In fact, the Commerce Committee held its first hearing on the subject just this week.

Further, business groups have expressed their opposition to dismantling the Department, in the manner proposed by this amendment. Dennis Picard, chairman and CEO of Raytheon, Michael H. Jordan, chairman and CEO of Westinghouse, and seven other business leaders said the following in a recent letter opposing abolishing the Department:

> Proposals to eliminate the Department of Commerce can only appear to be inherently antibusiness at a time when our industries face a global challenge as great as any time in our nation's history.

Mr. Speaker, I urge my colleagues to vote against the amendment. if we want to abolish the Commerce Department, we should take the time to do it the right way.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I think the gentlewoman made a very important point. What we are seeing happening on this floor is all sorts of legislation on appropriation bills where we really have not had hearings, and decisions are being made of such tremendous magnitude.

I wanted to talk a bit, too, about the Violence Against Women Act. As Members know, we had hoped for about $120 million or more. That was what everybody thought was coming when we voted 421 to 0 on this bill. What we have seen in my area is domestic violence spilling out onto the street. I have all sorts of incidents where it may have started in the home, but what transpired was it spilled out onto the street, and many people were harmed.

I also must say that the COPS program has worked very well in my area. We have been very, very pleased to see that working. I am very saddened to see that that may be cut.

□ 1745

The Commerce Department has done a tremendous job in increasing exports in my area. We can attribute about a 30-percent increase in jobs just because of Commerce's work on that. We may have an amendment that cuts that.

I think that was the concern of the gentleman from California when he read this letter that we all got in our office today, is that the issue of priorities is one that troubles all of us.

We are glad that this rule is open. I am glad that there is an attempt hopefully to save legal services, but maybe that will not happen, either.

There are so many things happening here every day that people are not able to digest, that to suddenly read that we are going to have a protocol office that is going to talk to us about dietary restrictions and manners and our table menus and place cards is a little troubling. I think that was the perspective that we wanted to put into it. I understand that is not in this bill.

We are having a rule, it is an open rule, we can offer a lot of amendments but we are very apt to lose them on a whole lot of things that have really made a difference in America. It is not like the money is not being spent. It is always being spent somewhere. That was our point. I am sorry if people got upset on that side. It is really rather extraordinary. I am pleased the gentleman from California brought it up and put this letter in the RECORD. I think all of us might look at that and scratch our head and say, "What does this really mean?"

Mr. THOMAS. Mr. Speaker, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentleman from California.

Mr. THOMAS. I thank the gentlewoman for yielding. Perhaps she is not aware that this is a position that in the sergeant at arms under her party as the majority was called the director of special events. There are no significant changes. It is simply that it was vacant when the leadership changed. Perhaps the gentlewoman is also not aware that her leadership on House Oversight, the gentleman from California [Mr. FAZIO], the gentleman from Maryland [Mr. HOYER], and the other members of the Committee on House Oversight on her side of the aisle supported unanimously the continuation of this position.

Mrs. SCHROEDER. Mr. Speaker, I thank the gentleman for pointing that out. I just want to say that, no, we did not know that and I think these are new duties that have been added is my understanding.

Mr. HALL of Ohio. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Speaker, as we began the debate on this rule, the gentleman from West Virginia [Mr. MOLLOHAN] had brought up the fact that his amendment to this bill was denied because he wanted to restore funding to the Clinton COPS Program. In this bill we are denied funding for the Clinton COPS Program.

There is going to be an amendment later today offered by the gentleman from West Virginia [Mr. MOLLOHAN] which will take $2 billion from the $3.2 billion in block grants to fund the Clinton COPS Program. The program to date is very efficient, it is a model of efficiency, it is effective, it is up, it is running and it is working. As the application form we can see being placed forward here, it is a two-page form.

All you do, police officers around this Nation fill out this form, there is a fax number you can actually fax it in to the Department of Justice to get your grant approved. You do not need grant writers. you do not need consultants. It is a model of efficiency. The administrative cost for the COPS Program is 1.5 percent. Under the proposed block grants by my friends on this side of the aisle, it is 2.5 percent. If we take a look at the Senate block grant program, it is 15 percent for administrative costs. Here is a program that is up, it is running, and we have over 20,000 police officers on the street within the first year. The application, fill it out, fax it in.

One of the big complaints we hear is there is no flexibility in the Clinton COPS Program. We are on round 2 of COPS MORE. COPS MORE stands for making officer redeployment effective. Today $41,700,000 was released for police officers to be put into civilian help, to be put in for equipment, to be put in overtime. All the flexibility that local police officers say they need, you find it in the COPS MORE Program. We are on round 2. There will be 3 more rounds yet this year.

The other problem I have with this bill is when we requested and the Department and the President requested over $10 million for rural law enforcement. This bill strikes out the $10 million for rural law enforcement officers. Twenty-five percent of this country lives in rural areas. I was a police officer, a city police officer, a State police officer. I worked in rural areas. I have worked in the big city. Crime does not respect if you live in a rural area or in a big city. If a criminal is going to make an attack upon you, they don't care if you are Democrat or Republican, if you come from a big city of a little city. We have money here. We need it for the COPS Program.

Underneath the current proposal put forth by the majority, there is no money whatsoever to hire one police officer. There is a wish, there is a hope. That is why police officers around the country support the Clinton COPS Program.

Earlier today we had a press conference. The Fraternal order of Police support it, National Association of Police Organizations, International Brotherhood of Police Officers, International Union of Police Associations, Police Executive Research Forum, National Organization of Black Law Enforcement Officers, National Troopers Coalition, National Sheriffs Association, National Black Police Officers Association, Federal Law Enforcement Officers Association, Major Cities Chiefs, and U.S. Conference of Mayors all support the COPS Program. I urge Members to support the Mollohan amendment.

Mr. HALL of Ohio. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GOSS. Mr. Speaker, I yield myself such time as I may consume.

I just wanted to comment that we understand the authorization-appropriations cycle is a little bit out of whack. As I said in my opening remarks, we are trying to work that out so we do not have these problems.

I think we have got a very fair rule here. We have heard a lot of discussion about issues we are going to talk about in the bill, but I have not heard any opposition to the rule.

Mr. Speaker, I include the following data for the RECORD:

THE AMENDMENT PROCESS UNDER SPECIAL RULES REPORTED BY THE RULES COMMITTEE,[1] 103D CONGRESS V. 104TH CONGRESS

[As of July 24, 1995]

Rule type	103d Congress		104th Congress	
	Number of rules	Percent of total	Number of rules	Percent of total
Open/Modified-open[2]	46	44	38	73
Modified Closed[3]	49	47	12	23
Closed[4]	9	9	2	4
Totals:	104	100	52	100

[1] This table applies only to rules which provide for the original consideration of bills, joint resolutions or budget resolutions and which provide for an amendment process. It does not apply to special rules which only waive points of order against appropriations bills which are already privileged and are considered under an open amendment process under House rules.

[2] An open rule is one under which any Member may offer a germane amendment under the five-minute rule. A modified open rule is one under which any Member may offer a germane amendment under the five-minute rule subject only to an overall time limit on the amendment process and/or a requirement that the amendment be preprinted in the Congressional Record.

[3] A modified closed rule is one under which the Rules Committee limits the amendments that may be offered only to those amendments designated in the special rule or the Rules Committee report to accompany it, or which preclude amendments to a particular portion of a bill, even though the rest of the bill may be completely open to amendment.

[4] A closed rule is one under which no amendments may be offered (other than amendments recommended by the committee in reporting the bill).

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS

[As of July 24, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 38 (1/18/95)	0	H.R. 5	Unfunded Mandate Reform	A: 350–71 (1/19/95)
H. Res. 44 (1/24/95)	MC	H. Con. Res. 17	Social Security	A: 255–172 (1/25/95)
		H.J. Res. 1	Balanced Budget Amdt	
H. Res. 51 (1/31/95)	0	H.R. 101	Land Transfer, Taos Pueblo Indians	A: voice vote (2/1/95)
H. Res. 52 (1/31/95)	0	H.R. 400	Land Exchange, Arctic Nat'l. Park and Preserve	A: voice vote (2/1/95)
H. Res. 53 (1/31/95)	0	H.R. 440	Land Conveyance, Butte County, Calif	A: voice vote (2/1/95)
H. Res. 55 (2/1/95)	0	H.R. 2	Line Item Veto	A: voice vote (2/2/95)
H. Res. 60 (2/6/95)	0	H.R. 665	Victim Restitution	A: voice vote (2/7/95)
H. Res. 61 (2/6/95)	0	H.R. 666	Exclusionary Rule Reform	A: voice vote (2/7/95)
H. Res. 63 (2/8/95)	MO	H.R. 667	Violent Criminal Incarceration	A: voice vote (2/9/95)
H. Res. 69 (2/9/95)	0	H.R. 668	Criminal Alien Deportation	A: voice vote (2/10/95)
H. Res. 79 (2/10/95)	MO	H.R. 728	Law Enforcement Block Grants	A: voice vote (2/13/95)
H. Res. 83 (2/13/95)	MO	H.R. 7	National Security Revitalization	PQ: 229–100; A: 227–127 (2/15/95)
H. Res. 88 (2/16/95)	MC	H.R. 831	Health Insurance Deductibility	PQ: 230–191; A: 229–188 (2/21/95)
H. Res. 91 (2/21/95)	0	H.R. 830	Paperwork Reduction Act	A: voice vote (2/22/95)
H. Res. 92 (2/21/95)	MC	H.R. 889	Defense Supplemental	A: 282–144 (2/22/95)
H. Res. 93 (2/22/95)	MO	H.R. 450	Regulatory Transition Act	A: 252–175 (2/23/95)
H. Res. 96 (2/24/95)	MO	H.R. 1022	Risk Assessment	A: 253–165 (2/27/95)
H. Res. 100 (2/27/95)	0	H.R. 926	Regulatory Reform and Relief Act	A: voice vote (2/28/95)
H. Res. 101 (2/28/95)	MO	H.R. 925	Private Property Protection Act	A: 271–151 (3/2/95)
H. Res. 103 (3/3/95)	MO	H.R. 1058	Securities Litigation Reform	
H. Res. 104 (3/3/95)	MO	H.R. 988	Attorney Accountability Act	A: voice vote (3/6/95)
H. Res. 105 (3/6/95)	MO			A: 257–155 (3/7/95)
H. Res. 108 (3/7/95)	Debate	H.R. 956	Product Liability Reform	A: voice vote (3/8/95)
H. Res. 109 (3/8/95)	MC			PQ: 234–191 A: 247–181 (3/9/95)
H. Res. 115 (3/14/95)	MO	H.R. 1159	Making Emergency Supp. Approps.	A: 242–190 (3/15/95)
H. Res. 116 (3/15/95)	MC	H.J. Res. 73	Term Limits Const. Amdt	A: voice vote (3/28/95)
H. Res. 117 (3/16/95)	Debate	H.R. 4	Personal Responsibility Act of 1995	A: voice vote (3/21/95)
H. Res. 119 (3/21/95)	MC			A: 217–211 (3/22/95)
H. Res. 125 (4/3/95)	0	H.R. 1271	Family Privacy Protection Act	A: 423–1 (4/4/95)
H. Res. 126 (4/3/95)	0	H.R. 660	Older Persons Housing Act	A: voice vote (4/6/95)
H. Res. 128 (4/4/95)	MC	H.R. 1215	Contract With America Tax Relief Act of 1995	A: 228–204 (4/5/95)
H. Res. 130 (4/5/95)	MC	H.R. 483	Medicare Select Expansion	A: 253–172 (4/6/95)
H. Res. 136 (5/1/95)	0	H.R. 655	Hydrogen Future Act of 1995	A: voice vote (5/2/95)
H. Res. 139 (5/3/95)	0	H.R. 1361	Coast Guard Auth. FY 1996	A: voice vote (5/9/95)
H. Res. 140 (5/9/95)	0	H.R. 961	Clean Water Amendments	A: 414–4 (5/10/95)
H. Res. 144 (5/11/95)	0	H.R. 535	Fish Hatchery—Arkansas	A: voice vote (5/15/95)
H. Res. 145 (5/11/95)	0	H.R. 584	Fish Hatchery—Iowa	A: voice vote (5/15/95)
H. Res. 146 (5/11/95)	0	H.R. 614	Fish Hatchery—Minnesota	A: voice vote (5/15/95)
H. Res. 149 (5/16/95)	MC	H. Con. Res. 67	Budget Resolution FY 1996	PQ: 252–170 A: 255–168 (5/17/95)
H. Res. 155 (5/22/95)	MO	H.R. 1561	American Overseas Interests Act	A: 233–176 (5/23/95)
H. Res. 164 (6/8/95)	MC	H.R. 1530	Nat. Defense Auth. FY 1996	PQ: 225–191 A: 233–183 (6/13/95)
H. Res. 167 (6/15/95)	0	H.R. 1817	MilCon Appropriations FY 1996	PQ: 223–180 A: 245–155 (6/16/95)
H. Res. 169 (6/19/95)	MC	H.R. 1854	Leg. Branch Approps. FY 1996	PQ: 232–196 A: 236–191 (6/20/95)
H. Res. 170 (6/20/95)	0	H.R. 1868	For. Ops. Approps. FY 1996	PQ: 221–178 A: 217–175 (6/22/95)
H. Res. 171 (6/22/95)	0	H.R. 1905	Energy & Water Approps. FY 1996	A: voice vote (7/11/95)
H. Res. 173 (6/27/95)	C	H.J. Res. 79	Flag Constitutional Amendment	PQ: 258–170 A: 271–152 (6/28/95)
H. Res. 176 (6/28/95)	MC	H.R. 1944	Emer. Supp. Approps.	PQ: 236–194 A: 234–192 (6/29/95)
H. Res. 185 (7/11/95)	0	H.R. 1977	Interior Approps. FY 1996	PQ: 235–193 D: 192–238 (7/12/95)
H. Res. 187 (7/12/95)	0	H.R. 1977	Interior Approps. FY 1996 #2	PQ: 230–194 A: 229–195 (7/13/95)
H. Res. 188 (7/12/95)	0	H.R. 1976	Agriculture Approps. FY 1996	PQ: 242–185 A: voice vote (7/18/95)
H. Res. 190 (7/17/95)	0	H.R. 2020	Treasury/Postal Approps. FY 1996	PQ: 232–192 A: voice vote (7/18/95)
H. Res. 193 (7/19/95)	C	H.J. Res. 96	Disapproval of MFN to China	A: voice vote (7/20/95)

SPECIAL RULES REPORTED BY THE RULES COMMITTEE, 104TH CONGRESS—Continued

[As of July 24, 1995]

H. Res. No. (Date rept.)	Rule type	Bill No.	Subject	Disposition of rule
H. Res. 194 (7/19/95)	0	H.R. 2002	Transportation Approps. FY 1996	PQ: 217–202 A: voice vote (7/21/95)
H. Res. 197 (7/21/95)	0	H.R. 70	Exports of Alaskan Crude Oil	A: voice vote (7/24/95)
H. Res. 198 (7/21/95)	0	H.R. 2076	Commerce, State Approps. FY 1996	

Codes: O-open rule; MO-modified open rule; MC-modified closed rule; C-closed rule; A-adoption vote; D-defeated; PQ-previous question vote. Source: Notices of Action Taken, Committee on Rules, 104th Congress.

Mr. GOSS. Mr. Speaker, I include the following letter for the RECORD:

HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, July 25, 1995.

Hon. GERALD B.H. SOLOMON,
Chairman, Committee on Rules, The Capitol, Washington, DC.

DEAR MR. CHAIRMAN: H.R. 2076, the Departments of Commerce, Justice and State, the Judiciary and Related Agencies Appropriations Act of 1996, contains a provision that falls within the jurisdiction of the Commerce Committee. Specifically, H.R. 2076 raises the fee rate under Section 6(b) of the Securities Act of 1933 from the authorized level of 1/50th of one percent to 1/29th of one percent. Because the fee is raised to a level beyond that which is authorized by statute, this provision of H.R. 2076 would be in violation of clause 2 of Rule XXI of the Rules of the House.

Increases in this fee, coupled with difficulty in funding the SEC's operation, have been an ongoing problem, inherited from past Congresses. The Commerce Committee has been concerned that this situation not be allowed to continue indefinitely. Chairman Rogers, Chairman Archer and I have forged a permanent solution to the problem of SEC fees and funding. This agreement will be codified in the statutory reauthorization of the SEC; this agreement will, over a five year period, step down the 6(b) fee, together with other SEC fees, to a level approximately equivalent to the cost of running the Agency. At that point, the SEC will be funded entirely by means of an appropriation.

Based on the agreement I have with Chairman Rogers and Chairman Archer to work out this problem, I would not oppose a waiver of Rule XXI clause 2, with respect to a one-year extension of the 6(b) fee. This action is taken with the understanding that the Commerce Committee will be treated without prejudice as to its jurisdictional prerogatives during further consideration of this and any similar legislation.

I would appreciate inclusion of this letter as part of the RECORD during the consideration of this bill by the House.

Thank you for your consideration of this matter. With best regards,

Sincerely,

THOMAS J. BLILEY, JR.,
Chairman.

Mr. GOSS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, and that I may be permitted to include tabular and extraneous materials.

The SPEAKER pro tempore (Mr. HASTINGS of Washington). Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore. Pursuant to House Resolution 198 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2076.

□ 1752

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, with Mr. GUNDERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes, and the gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, on August 26, 1994, the President signed into law the fiscal year 1995 Commerce-Justice-State appropriations bill and said this: "This Act marks a bold first step in our effort to combat violent crime in America."

Today, Mr. Chairman, we bring to the floor the second, even bolder, step in our effort to combat violent crime in America, a step that adds over $2 billion in Federal, State and local resources to the fight against crime.

We have done that in the context of a bill that, first, reduces general discretionary spending by some $700 million in budget authority and more than $1.1 billion in outlays from the current year; second, reduces the Commerce Department to basic programs; third, supports the State Department; fourth, provides funding for over 20 other independent agencies.

Overall, this bill provides $23.1 billion in regular discretionary budget authority, which is $722 million below the current year and $3.4 billion below the President's request.

For the crime trust fund, the bill provides almost $4 billion in budget authority, which is $1.7 billion above the current year, and $28 million below the budget request.

For law enforcement, one of the prime responsibilities of the Federal Government, this bill provides $14.5 billion, an increase of $2.2 billion over the current fiscal year, an 18 percent increase, to support key programs, Federal, State, and local, to fight violent crime.

Of that, $4 billion is from the violent crime reduction trust fund, an increase of $1.7 billion over the current year, to provide substantial new resources to our local communities, including: $2 billion for the Local Law Enforcement Block Grant, passed by this House on February 14, 1995, to reach 39,000 law enforcement agencies around the country. This program provides funding for local officials to decide what they need to fight crime—cops, equipment, drug courts, prevention programs, whatever they believe important—not Washington telling them what they need, rather local officials tell us what they need. Mr. Chairman, this program has come to be known as the "COP-TION" program, "COPS" with a local option.

It also provides $525 million for the Byrne State and Local Law Enforcement Assistance Grants, very popular with our local officials; $500 million for the Truth-in-Sentencing Grants for State prison construction, to help States lock away violent criminals, a brand new program; and other programs providing more than $3 billion in resources to State and local communities to aid in their fight against crime.

The bill also provides major new funding initiatives for immigration, anti-terrorism and Federal law enforcement.

For enforcing our Nation's immigration laws, the bill provides $2.3 billion, an increase of $730 million, including a $378 million increase for the Immigration and Naturalization Service to hire 3,000 more employees. It means 1,000 more Border Patrol agents and 400 more inspectors on the border, and doing that with no new border fee as the administration has proposed. It means over 1,450 more investigators and detention and deportation personnel to locate, apprehend and remove illegal aliens from the United States.

Spending on Federal law enforcement and the Judiciary will increase by 4 percent, up $438 million, including funds to sustain the 750 DEA and FBI agents we restored in fiscal year 1995; and $236 million to provide 1,100 staff to activate 10 new and expanded prisons scheduled to open in 1996.

In addition, the bill provides $243 million for anti-terrorism resources requested by the President in a budget amendment submitted just last Monday, July 17, in response to the tragic Oklahoma City bombing.

Overall, Mr. Chairman, this bill is the toughest anti-crime appropriations bill this House of Representatives has ever produced.

But as tough as the bill is on crime, it is even tougher on low priority spending. Every other title of this bill is down, and down significantly: Commerce, down 17 percent; State, USIA, and Arms Control and Disarmament, down 9 percent; related agencies, down 23 percent. In the Department of Commerce, the bill provides $3.4 billion, down $715 million below the current year and $1.3 billion below the President's request.

For many, we have not cut enough. For many, we have cut too much.

The National Institute of Standards and Technology is down $350 million, from $750 to $400 million. No new funding is provided for the Advanced Technology Program, but bill language is included to assure that the $180 million in anticipated unobligated carryover funding is used for a 1-year closeout of prior year commitments. It maintains $81 million for manufacturing centers and $263 million for our NIST's premiere internal research program.

□ 1800

NOAA, the National Oceanic and Atmospheric Administration is down $200 million to $1.8 billion. Its basic functions, though, are preserved.

EDA has been cut 25 percent, as is the Minority Business Development Agency. U.S. Travel and Tourism gets $2 million through the October White House Conference and then it is abolished.

It regroups the functions of the Commerce Department into three basic functions which we think will help as we consider what we do with the Commerce Department: first, trade and infrastructure; second, economic and statistical information; and third, science and technology.

We hope this sets the stage for the decisions about the Department's future that will be made through the authorization process.

For the State Department, and other international accounts, the bill is down $500 million from $5.7 billion to $5.2 billion, conforming international spending to the budget realities we face here. Funding is at or below all the authorization levels in the House-passed bills and includes some major reductions, particularly for the USIA.

Peacekeeping contributions at the U.N. are funded at $425 million, down $108 million from last year and $20 million below the request. The bill includes language requiring notification by the President to the Congress of any new or expanded peacekeeping mission. The bill merges the Inspectors General of State and USIA ahead of schedule to begin consolidation of those agencies right away.

On related agencies, we reduced the Legal Services Corporation by one-third to $278 million. We impose real restrictions to end abuses by the LSC. As an interim step, while the authorization process gears up, the bill imposes restrictions on what LSC-funded attorneys can do, including: requiring a competitive bidding process for those local grants; timekeeping requirements on the local field agencies; independent auditing, so the Congress knows how funding is spent; prohibitions on representing cases on redistricting, lobbying, class action suits against the government, prisoner litigation, representation of drug dealers; and subject LSC grantees to Federal waste, fraud and abuse standards.

We have reduced the SBA by $333 million to $590 million, preserving its core functions of assisting small business, but at less cost to the taxpayer.

Overall, Mr. Chairman, the bill provides $27.6 billion: $23.1 billion in discretionary budget authority, down $723 million; $4 billion in the Violent Crime Reduction Trust Fund, $1.6 billion above last year.

Mr. Chairman, we produced a bill, I think, that is as tough on crime as any we have ever produced and even tougher on low-priority spending programs. I want to thank all the members of the subcommittee who worked with us under very difficult circumstances to craft a bill that, I think, most of us can support.

Mr. Chairman, I want to pay special tribute to the gentleman from West Virginia [Mr. MOLLOHAN]; the ranking member of our subcommittee, the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the full committee, who has just done yeoman's work assisting us; the gentleman from Wisconsin [Mr. OBEY], the ranking Democrat; and all the members of the subcommittee, the gentleman from Arizona [Mr. KOLBE], the gentleman from North Carolina [Mr. TAYLOR], the gentleman from Ohio [Mr. REGULA], the gentleman from New York [Mr. FORBES], the gentleman from Colorado [Mr. SKAGGS], and the gentleman from California [Mr. DIXON].

Mr. Chairman, these are hard times. I have said before that in this bill this year we are eating bugs and drinking rainwater. We attempt to reduce overall spending, but preserve what is important.

I have told our members that this is a year for hard choices, but the rewards are enormous. The American people have sent us here to do a job, and that is what we are trying to do.

Mr. Chairman, I urge my colleagues to support this bill for what it is: a bold step in our effort to combat violent crime in America and a bill that is tough on crime, but even tougher on spending.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076)

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
TITLE I - DEPARTMENT OF JUSTICE					
General Administration					
Salaries and expenses:					
Direct appropriation	119,643,000	73,229,000	74,282,000	-45,361,000	+1,053,000
Crime trust fund 1/	17,400,000	15,500,000		-17,400,000	-15,500,000
Total, Salaries and expenses	137,043,000	88,729,000	74,282,000	-62,761,000	-14,447,000
Counterterrorism fund		26,398,000	26,898,000	+26,898,000	+500,000
Administrative review and appeals:					
Direct appropriation		54,336,000	39,736,000	+39,736,000	-14,600,000
Crime trust fund 1/		33,180,000	47,780,000	+47,780,000	+14,600,000
Total, Administrative review and appeals		87,516,000	87,516,000	+87,516,000	
Office of Inspector General	30,484,000	36,744,000	30,484,000		-6,260,000
Total, General administration	167,527,000	239,387,000	219,180,000	+51,653,000	-20,207,000
Appropriations	(150,127,000)	(190,707,000)	(171,400,000)	(+21,273,000)	(-19,307,000)
Crime trust fund	(17,400,000)	(48,680,000)	(47,780,000)	(+30,380,000)	(-900,000)
United States Parole Commission					
Salaries and expenses	7,450,000	6,781,000	5,446,000	-2,004,000	-1,335,000
Legal Activities					
General legal activities:					
Direct appropriation	416,834,000	437,060,000	401,929,000	-14,905,000	-35,131,000
Crime trust fund	4,600,000	7,591,000	7,591,000	+2,991,000	
Total, General legal activities	421,434,000	444,651,000	409,520,000	-11,914,000	-35,131,000
Vaccine injury compensation trust fund	2,500,000	4,028,000	4,028,000	+1,528,000	
Independent counsel (permanent, indefinite)	4,000,000	2,884,000	2,884,000	-1,116,000	
Civil liberties public education fund	5,000,000	5,000,000		-5,000,000	-5,000,000
Antitrust Division	85,143,000	91,752,000	85,143,000		-6,609,000
Offsetting fee collections - carryover	-4,500,000		-16,000,000	-11,500,000	-16,000,000
Offsetting fee collections - current year	-39,640,000	-48,262,000	-48,262,000	-8,622,000	
Direct appropriation	41,003,000	43,490,000	20,881,000	-20,122,000	-22,609,000
United States Attorneys:					
Direct appropriation	829,024,000	909,463,000	896,825,000	+67,801,000	-12,638,000
Violent crime task force	15,000,000	15,000,000		-15,000,000	-15,000,000
Crime trust fund	6,800,000	14,731,000	14,731,000	+7,931,000	
Total, United States Attorneys	850,824,000	939,194,000	911,556,000	+60,732,000	-27,638,000
United States Trustee System Fund	103,183,000	109,245,000	101,596,000	-1,587,000	-7,649,000
Offsetting fee collections	-40,597,000	-44,191,000	-44,191,000	-3,594,000	
Direct appropriation	62,586,000	65,054,000	57,405,000	-5,181,000	-7,649,000
Foreign Claims Settlement Commission	830,000	905,000	830,000		-75,000
United States Marshals Service:					
Direct appropriation	396,782,000	446,887,000	418,973,000	+22,191,000	-27,914,000
Crime trust fund		16,500,000	25,000,000	+25,000,000	+8,500,000
Total, United States Marshals Service	396,782,000	463,387,000	443,973,000	+47,191,000	-19,414,000
Support of United States prisoners	296,753,000	295,331,000	250,331,000	-46,422,000	-45,000,000
Fees and expenses of witnesses	77,982,000	85,000,000	85,000,000	+7,018,000	
Community Relations Service	20,379,000	20,695,000		-20,379,000	-20,695,000
Assets forfeiture fund	55,000,000	55,000,000	35,000,000	-20,000,000	-20,000,000
Total, Legal activities	2,235,073,000	2,424,619,000	2,221,408,000	-13,665,000	-203,211,000
Appropriations	(2,223,673,000)	(2,385,797,000)	(2,174,086,000)	(-49,587,000)	(-211,711,000)
Crime trust fund	(11,400,000)	(38,822,000)	(47,322,000)	(+35,922,000)	(+8,500,000)
Radiation Exposure Compensation					
Administrative expenses	2,655,000	2,655,000	2,655,000		
Advance appropriation		2,655,000			-2,655,000
Payment to radiation exposure compensation trust fund		16,264,000			-16,264,000
Advance appropriation		30,000,000	16,264,000	+16,264,000	-13,736,000
Total, Radiation Exposure Compensation	2,655,000	51,574,000	18,919,000	+16,264,000	-32,655,000
Interagency Law Enforcement					
Interagency crime and drug enforcement	374,943,000	378,473,000	374,943,000		-3,530,000
Federal Bureau of Investigation					
Salaries and expenses	2,038,774,000	2,305,387,000	2,084,857,000	+46,083,000	-220,530,000
Counterintelligence and national security	80,421,000	82,224,000	82,224,000	+1,803,000	
FBI Fingerprint identification	84,400,000	84,400,000	84,400,000		

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Other initiatives (crime trust fund)		13,100,000	80,600,000	+80,600,000	+67,500,000
Construction		99,259,000	98,400,000	+98,400,000	-859,000
Subtotal	2,203,595,000	2,584,370,000	2,430,481,000	+226,886,000	-153,889,000
(Counterterrorism supplemental)	(28,200,000)		(48,940,000)	(+20,740,000)	(+48,940,000)
Subtotal, operating level	(2,231,795,000)	(2,584,370,000)	(2,479,421,000)	(+247,626,000)	(-104,949,000)
Digital telephony (crime trust fund)		33,400,000			-33,400,000
Total, Federal Bureau of Investigation	(2,231,795,000)	(2,617,770,000)	(2,479,421,000)	(+247,626,000)	(-138,349,000)
Drug Enforcement Administration					
Salaries and expenses	799,944,000	845,409,000	828,729,000	+28,785,000	-16,680,000
Diversion control fund	-43,431,000	-47,241,000	-47,241,000	-3,810,000	
Direct appropriation	756,513,000	798,168,000	781,488,000	+24,975,000	-16,680,000
Crime trust fund		12,000,000	12,000,000	+12,000,000	
Total, Drug Enforcement Administration	756,513,000	810,168,000	793,488,000	+36,975,000	-16,680,000
Immigration and Naturalization Service					
Salaries and expenses:					
Direct appropriation	1,102,475,000	1,453,471,000	1,421,481,000	+319,006,000	-31,990,000
Immigration legalization fund	(3,482,000)	(1,823,000)	(1,823,000)	(-1,659,000)	
Immigration user fee	(330,952,000)	(357,084,000)	(357,084,000)	(+26,132,000)	
Land border inspection fund	(1,584,000)	(5,965,000)	(5,965,000)	(+4,381,000)	
Immigration examinations fund	(291,097,000)	(304,572,000)	(450,217,000)	(+159,120,000)	(+145,645,000)
Breached bond fund	(6,200,000)	(6,358,000)	(6,358,000)	(+158,000)	
Total, Salaries and expenses	(1,735,790,000)	(2,129,273,000)	(2,242,928,000)	(+507,138,000)	(+113,655,000)
Immigration initiative (crime trust fund)	100,600,000	335,498,000	152,642,000	+52,042,000	-182,856,000
Border control system modernization (crime trust fund)	154,600,000		150,900,000	-3,700,000	+150,900,000
Construction	50,000,000		11,000,000	-39,000,000	+11,000,000
Immigration Emergency Fund	30,000,000			-30,000,000	
Total, Immigration and Naturalization Service	(2,070,990,000)	(2,464,771,000)	(2,557,470,000)	(+486,480,000)	(+92,699,000)
Appropriations	(1,182,475,000)	(1,453,471,000)	(1,432,481,000)	(+250,006,000)	(-20,990,000)
Crime trust fund	(255,200,000)	(335,498,000)	(303,542,000)	(+48,342,000)	(-31,956,000)
(Fee accounts)	(633,315,000)	(675,802,000)	(821,447,000)	(+188,132,000)	(+145,645,000)
Federal Prison System					
Salaries and expenses	2,381,634,000	2,630,259,000	2,614,578,000	+232,944,000	-15,681,000
Prior year carryover	-30,000,000		-40,000,000	-10,000,000	-40,000,000
Direct appropriation	2,351,634,000	2,630,259,000	2,574,578,000	+222,944,000	-55,681,000
Crime trust fund		13,500,000	13,500,000	+13,500,000	
Total, Salaries and expenses	2,351,634,000	2,643,759,000	2,588,078,000	+236,444,000	-55,681,000
National Institute of Corrections	10,302,000	10,158,000		-10,302,000	-10,158,000
Buildings and facilities	276,301,000	323,728,000	323,728,000	+47,427,000	
Federal Prison Industries, Incorporated (limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(+96,000)	
Total, Federal Prison System	2,638,237,000	2,977,645,000	2,911,806,000	+273,569,000	-65,839,000
Office of Justice Programs					
Justice Assistance:					
Direct appropriation	97,977,000	102,345,000	97,977,000		-4,368,000
Crime trust fund:					
Drug Courts	29,000,000	150,000,000		-29,000,000	-150,000,000
Violence Against Women Grants	26,000,000	174,900,000	74,500,000	+48,500,000	-100,400,000
Ounce of Prevention Council	1,500,000			-1,500,000	
Crime prevention		30,000,000			-30,000,000
Model intensive prevention		48,216,000			-48,216,000
State prison drug treatment		27,000,000	27,000,000	+27,000,000	
Other crime control programs		4,426,000	900,000	+900,000	-3,526,000
Subtotal, Crime trust fund	56,500,000	434,542,000	102,400,000	+45,900,000	-332,142,000
Total, Justice Assistance	154,477,000	536,887,000	200,377,000	+45,900,000	-336,510,000
State and local law enforcement assistance:					
Direct appropriations:					
Byrne grants	62,000,000	240,000,000	50,000,000	-12,000,000	-190,000,000
Weed and seed fund	13,456,000	5,000,000	(23,500,000)	-13,456,000	-5,000,000
Subtotal, Direct appropriations	75,456,000	245,000,000	50,000,000	-25,456,000	-195,000,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Crime trust fund:					
State and local block grants:					
Byrne grants	450,000,000	260,000,000	475,000,000	+25,000,000	+215,000,000
Local law enforcement block grant	1,300,000,000	1,902,964,000	2,000,000,000	+700,000,000	+97,036,000
Subtotal, State and local block grants	1,750,000,000	2,162,964,000	2,475,000,000	+725,000,000	+312,036,000
Upgrade criminal history records	100,000,000	25,000,000	25,000,000	-75,000,000	
State Correctional Grants	24,500,000	500,000,000	500,000,000	+475,500,000	
State Criminal Alien Assistance Program	130,000,000	300,000,000	300,000,000	+170,000,000	
Youthful offender incarceration		9,643,000	19,643,000	+19,643,000	+10,000,000
Rural law enforcement		10,252,000			-10,252,000
Other crime control programs		26,799,000	13,700,000	+13,700,000	-13,099,000
Subtotal, Crime trust fund	2,004,500,000	3,034,658,000	3,333,343,000	+1,328,843,000	+298,685,000
Total, State and local law enforcement	2,079,956,000	3,279,658,000	3,383,343,000	+1,303,387,000	+103,685,000
Juvenile justice programs	155,250,000	148,500,000	148,500,000	-6,750,000	
Public safety officers benefits program:					
Death benefits	27,645,000	28,474,000	28,474,000	+829,000	
Disability benefits	2,072,000	2,134,000	2,134,000	+62,000	
Total, Office of Justice Programs	2,419,400,000	3,995,653,000	3,762,828,000	+1,343,428,000	-232,825,000
Appropriations	(358,400,000)	(526,453,000)	(327,085,000)	(-31,315,000)	(-199,368,000)
Crime trust fund	(2,061,000,000)	(3,469,200,000)	(3,435,743,000)	(+1,374,743,000)	(-33,457,000)
Total, title I, Department of Justice	12,243,068,000	15,291,039,000	14,474,522,000	+2,231,454,000	-816,517,000
Appropriations	(9,898,068,000)	(11,326,839,000)	(10,534,035,000)	(+635,967,000)	(-792,804,000)
Crime trust fund	(2,345,000,000)	(3,964,200,000)	(3,940,487,000)	(+1,595,487,000)	(-23,713,000)
(Limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(+96,000)	
TITLE II - DEPARTMENT OF COMMERCE AND RELATED AGENCIES					
TRADE AND INFRASTRUCTURE DEVELOPMENT					
Office of the United States Trade Representative					
Salaries and expenses	20,949,000	20,949,000	20,949,000		
International Trade Commission					
Salaries and expenses	42,500,000	47,177,000	42,500,000		-4,677,000
Total, Related agencies	63,449,000	68,126,000	63,449,000		-4,677,000
International Trade Administration					
Operations and administration	266,093,000	279,558,000	264,885,000	-1,208,000	-14,673,000
Export Administration					
Operations and administration	38,644,000	48,441,000	38,644,000		-9,797,000
Economic Development Administration					
Economic development assistance programs	407,783,000	407,783,000	328,500,000	-79,283,000	-79,283,000
Salaries and expenses	32,144,000	31,183,000	20,000,000	-12,144,000	-11,183,000
Total, Economic Development Administration	439,927,000	438,966,000	348,500,000	-91,427,000	-90,466,000
Minority Business Development Agency					
Minority business development	43,789,000	47,921,000	32,000,000	-11,789,000	-15,921,000
United States Travel and Tourism Administration					
Salaries and expenses	16,328,000	16,303,000	2,000,000	-14,328,000	-14,303,000
Total, Trade and Infrastructure Development	868,230,000	899,315,000	749,478,000	-118,752,000	-149,837,000
ECONOMIC AND INFORMATION INFRASTRUCTURE					
Economic and Statistical Analysis					
Salaries and expenses	46,896,000	57,220,000	40,000,000	-6,896,000	-17,220,000
Economics and statistics administration revolving fund	1,677,000			-1,677,000	
Bureau of the Census					
Salaries and expenses	136,000,000	144,812,000	136,000,000		-8,812,000
Periodic censuses and programs	142,083,000	193,450,000	135,000,000	-7,083,000	-58,450,000
Total, Bureau of the Census	278,083,000	338,262,000	271,000,000	-7,083,000	-67,262,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
National Telecommunications and Information Administration					
Salaries and expenses	20,961,000	22,932,000	19,709,000	-1,252,000	-3,223,000
Public broadcasting facilities, planning and construction	28,983,000	7,959,000	19,000,000	-9,983,000	+11,041,000
Endowment for Children's Educational Television	2,499,000	2,502,000		-2,499,000	-2,502,000
Information infrastructure grants	48,962,000	99,912,000	40,000,000	-8,962,000	-59,912,000
Total, National Telecommunications and Information Administration	101,405,000	133,305,000	78,709,000	-22,696,000	-54,596,000
Patent and Trademark Office					
Salaries and expenses	82,324,000	110,868,000	100,000,000	+17,676,000	-10,868,000
Total, Economic and Information Infrastructure	510,385,000	639,655,000	489,709,000	-20,676,000	-149,946,000
SCIENCE AND TECHNOLOGY					
National Institute of Standards and Technology					
Scientific and technical research and services	264,486,000	310,679,000	263,000,000	-1,486,000	-47,679,000
Industrial technology services	434,673,000	642,458,000	81,100,000	-353,573,000	-561,358,000
Construction of research facilities	64,639,000	69,913,000	60,000,000	-4,639,000	-9,913,000
Total, National Institute of Standards and Technology	763,798,000	1,023,050,000	404,100,000	-359,698,000	-618,950,000
National Oceanic and Atmospheric Administration					
Operations, research and facilities 2/	1,829,292,000	2,021,135,000	1,690,452,000	-138,840,000	-330,683,000
Offsetting collections - fees	-6,000,000	-3,000,000	-3,000,000	+3,000,000	
Direct appropriation	1,823,292,000	2,018,135,000	1,687,452,000	-135,840,000	-330,683,000
(By transfer from Promote and Develop Fund)	(55,500,000)	(55,500,000)	(55,500,000)		
(By transfer from Damage assessment and restoration revolving fund, permanent)	8,500,000	3,900,000	3,900,000	-4,600,000	
(Damage assessment and restoration revolving fund)	-1,500,000	-3,900,000	-3,900,000	-2,400,000	
Total, Operations, research and facilities	1,830,292,000	2,018,135,000	1,687,452,000	-142,840,000	-330,683,000
Coastal zone management fund	(7,800,000)	(7,800,000)	(7,800,000)		
Mandatory offset	(-7,800,000)	(-7,800,000)	(-7,800,000)		
Construction	97,254,000	52,299,000	42,731,000	-54,523,000	-9,568,000
Fleet modernization, shipbuilding and conversion	22,936,000	23,347,000	20,000,000	-2,936,000	-3,347,000
Fishing vessel and gear damage fund	1,273,000	1,282,000	1,032,000	-241,000	-250,000
Fishermen's contingency fund	999,000	1,000,000	999,000		-1,000
Foreign fishing observer fund	400,000	396,000	196,000	-204,000	-200,000
Fishing vessel obligations guarantees	250,000	250,000		-250,000	-250,000
Total, National Oceanic and Atmospheric Administration	1,953,404,000	2,096,709,000	1,752,410,000	-200,994,000	-344,299,000
Technology Administration					
Salaries and expenses	9,992,000	13,906,000	5,000,000	-4,992,000	-8,906,000
National Technical Information Service					
NTIS revolving fund	8,000,000			-8,000,000	
Total, Science and Technology	2,735,194,000	3,133,665,000	2,161,510,000	-573,684,000	-972,155,000
General Administration					
Salaries and expenses	36,471,000	35,826,000	29,100,000	-7,371,000	-6,726,000
Office of Inspector General	16,887,000	22,249,000	21,849,000	+4,962,000	-400,000
Total, General administration	53,358,000	58,075,000	50,949,000	-2,409,000	-7,126,000
Total, Department of Commerce	4,103,718,000	4,662,584,000	3,388,197,000	-715,521,000	-1,274,387,000
Total, title II, Department of Commerce and related agencies	4,167,167,000	4,730,710,000	3,451,646,000	-715,521,000	-1,279,064,000
(By transfer)	(55,500,000)	(55,500,000)	(55,500,000)		
TITLE III - THE JUDICIARY					
Supreme Court of the United States					
Salaries and expenses:					
Salaries of justices	1,657,000	1,662,000	1,662,000	+5,000	
Other salaries and expenses	22,583,000	24,172,000	24,172,000	+1,589,000	
Total, Salaries and expenses	24,240,000	25,834,000	25,834,000	+1,594,000	
Care of the building and grounds	3,000,000	4,003,000	3,313,000	+313,000	-690,000
Total, Supreme Court of the United States	27,240,000	29,837,000	29,147,000	+1,907,000	-690,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
United States Court of Appeals for the Federal Circuit					
Salaries and expenses:					
Salaries of judges	1,758,000	1,892,000	1,892,000	+134,000	
Other salaries and expenses	11,680,000	13,603,000	12,178,000	+498,000	-1,425,000
Total, Salaries and expenses	13,438,000	15,495,000	14,070,000	+632,000	-1,425,000
United States Court of International Trade					
Salaries and expenses:					
Salaries of judges	1,385,000	1,413,000	1,413,000	+28,000	
Other salaries and expenses	10,300,000	9,446,000	9,446,000	-854,000	
Total, Salaries and expenses	11,685,000	10,859,000	10,859,000	-826,000	
Courts of Appeals, District Courts, and Other Judicial Services					
Salaries and expenses:					
Salaries of judges and bankruptcy judges	220,428,000	226,024,000	226,024,000	+5,596,000	
Other salaries and expenses	2,119,699,000	2,419,941,000	2,185,000,000	+65,301,000	-234,941,000
Direct appropriation	2,340,127,000	2,645,965,000	2,411,024,000	+70,897,000	-234,941,000
Crime trust fund		30,700,000	41,500,000	+41,500,000	+10,800,000
Total, Salaries and expenses	2,340,127,000	2,676,665,000	2,452,524,000	+112,397,000	-224,141,000
Vaccine Injury Compensation Trust Fund	2,250,000	2,320,000	2,318,000	+68,000	-2,000
Defender services	250,000,000	295,761,000	260,000,000	+10,000,000	-35,761,000
Fees of jurors and commissioners	59,346,000	72,008,000	59,028,000	-318,000	-12,980,000
Court security	97,000,000	116,433,000	109,724,000	+12,724,000	-6,709,000
Total, Courts of Appeals, District Courts, and Other Judicial Services	2,748,723,000	3,163,187,000	2,883,594,000	+134,871,000	-279,593,000
Administrative Office of the United States Courts					
Salaries and expenses	47,500,000	53,445,000	47,500,000		-5,945,000
Federal Judicial Center					
Salaries and expenses	18,828,000	20,771,000	18,828,000		-1,943,000
Judicial Retirement Funds					
Payment to Judiciary Trust Funds	28,475,000	32,900,000	32,900,000	+4,425,000	
United States Sentencing Commission					
Salaries and expenses	8,800,000	9,500,000	8,500,000	-300,000	-1,000,000
Total, title III, the Judiciary	2,904,689,000	3,335,994,000	3,045,398,000	+140,709,000	-290,596,000
Appropriations	(2,904,689,000)	(3,305,294,000)	(3,003,898,000)	(+99,209,000)	(-301,396,000)
Crime trust fund		(30,700,000)	(41,500,000)	(+41,500,000)	(+10,800,000)
TITLE IV - DEPARTMENT OF STATE					
Administration of Foreign Affairs					
Diplomatic and consular programs	1,726,878,000	1,748,438,000	1,716,878,000	-10,000,000	-31,560,000
Security enhancements		9,720,000	9,720,000	+9,720,000	
Registration fees	700,000	700,000	700,000		
Total, Diplomatic and consular programs	1,727,578,000	1,758,858,000	1,727,298,000	-280,000	-31,560,000
Salaries and expenses	383,972,000	372,480,000	363,276,000	-20,696,000	-9,204,000
Security enhancements		1,870,000	1,870,000	+1,870,000	
Total, Salaries and expenses	383,972,000	374,350,000	365,146,000	-18,826,000	-9,204,000
Capital investment fund		32,800,000	16,400,000	+16,400,000	-16,400,000
Office of Inspector General	23,850,000	24,250,000	27,669,000	+3,819,000	+3,419,000
Representation allowances	4,780,000	4,800,000	4,780,000		-20,000
Protection of foreign missions and officials	9,579,000	8,579,000	8,579,000	-1,000,000	
Acquisition and maintenance of buildings abroad	421,760,000	421,760,000	391,760,000	-30,000,000	-30,000,000
Emergencies in the diplomatic and consular service	6,500,000	6,000,000	6,000,000	-500,000	
Repatriation Loans Program Account:					
Direct loans subsidy	593,000	593,000	593,000		
(Limitation on direct loans)	(741,000)	(741,000)	(741,000)		
Administrative expenses	183,000	183,000	183,000		
Total, Repatriation loans program account	776,000	776,000	776,000		
Payment to the American Institute in Taiwan	15,465,000	15,465,000	15,165,000	-300,000	-300,000
Payment to the Foreign Service Retirement and Disability Fund	129,321,000	125,402,000	125,402,000	-3,919,000	
Total, Administration of Foreign Affairs	2,723,581,000	2,773,040,000	2,688,975,000	-34,606,000	-84,065,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
International Organizations and Conferences					
Contributions to international organizations, current year assessment	872,661,000	923,057,000	870,000,000	-2,661,000	-53,057,000
Contributions for international peacekeeping activities, current year assessment	533,304,000	445,000,000	425,000,000	-108,304,000	-20,000,000
International conferences and contingencies	6,000,000	6,000,000	3,000,000	-3,000,000	-3,000,000
Total, International Organizations and Conferences	1,411,965,000	1,374,057,000	1,298,000,000	-113,965,000	-76,057,000
International Commissions					
International Boundary and Water Commission, United States and Mexico:					
Salaries and expenses	12,858,000	13,858,000	12,358,000	-500,000	-1,500,000
Construction	6,644,000	10,398,000	6,644,000		-3,754,000
American sections, international commissions	5,800,000	6,290,000	5,800,000		-490,000
International fisheries commissions	14,669,000	14,669,000	14,669,000		
Total, International commissions	39,971,000	45,215,000	39,471,000	-500,000	-5,744,000
Other					
Payment to the Asia Foundation	10,000,000	10,000,000	10,000,000		
Appropriation (FY 1995 Defense Bill, P.L. 103-335)	5,000,000			-5,000,000	
Total, Department of State	4,190,517,000	4,202,312,000	4,036,446,000	-154,071,000	-165,866,000
RELATED AGENCIES					
Arms Control and Disarmament Agency					
Arms control and disarmament activities	54,378,000	76,300,000	40,000,000	-14,378,000	-36,300,000
United States Information Agency					
Salaries and expenses	475,645,000	496,002,000	445,645,000	-30,000,000	-50,357,000
Technology fund		10,100,000	5,050,000	+5,050,000	-5,050,000
Office of Inspector General	4,300,000	4,593,000		-4,300,000	-4,593,000
Educational and cultural exchange programs	238,279,000	252,676,000	192,090,000	-46,189,000	-60,586,000
Transfer (FY 1995 Foreign Ops Bill, P.L. 103-336)	42,000,000			-42,000,000	
Subtotal	280,279,000	252,676,000	192,090,000	-88,189,000	-60,586,000
Eisenhower Exchange Fellowship Program, trust fund	2,800,000	300,000	300,000	-2,500,000	
Israeli Arab scholarship program	397,000	397,000	397,000		
International Broadcasting Operations 3/	468,073,000	395,340,000	341,000,000	-127,073,000	-54,340,000
Radio Free Asia: Operations 3/	10,000,000	(10,000,000)	(5,000,000)	-10,000,000	
Broadcasting to Cuba 3/	24,809,000	(26,063,000)	(24,809,000)	-24,809,000	
Radio construction	85,314,000	85,919,000	70,164,000	-15,150,000	-15,755,000
East-West Center	24,500,000	20,000,000		-24,500,000	-20,000,000
North/South Center	4,000,000	1,000,000		-4,000,000	-1,000,000
National Endowment for Democracy	34,000,000	34,000,000	28,000,000	-6,000,000	-6,000,000
Total, United States Information Agency	1,414,117,000	1,300,327,000	1,082,646,000	-331,471,000	-217,681,000
Total, related agencies	1,468,495,000	1,376,627,000	1,122,646,000	-345,849,000	-253,981,000
Total, title IV, Department of State	5,659,012,000	5,578,939,000	5,159,092,000	-499,920,000	-419,847,000
TITLE V - RELATED AGENCIES					
DEPARTMENT OF TRANSPORTATION					
Maritime Administration					
Operating-differential subsidies (liquidation of contract authority)	(214,356,000)	(162,610,000)	(162,610,000)	(-51,746,000)	
Maritime Security Program		175,000,000			-175,000,000
Operations and training	76,087,000	81,650,000	64,600,000	-11,487,000	-17,050,000
Ready reserve force:					
Maintenance, operations and facilities	149,653,000			-149,653,000	
Rescission	-158,000,000			+158,000,000	
Total, Ready reserve force	-8,347,000			+8,347,000	
Maritime Guaranteed Loan Program Account:					
Guaranteed loans subsidy	25,000,000	48,000,000	48,000,000	+23,000,000	
(Limitation on guaranteed loans)	(250,000,000)	(1,000,000,000)	(1,000,000,000)	(+750,000,000)	
Administrative expenses	2,000,000	4,000,000	4,000,000	+2,000,000	
Total, Maritime guaranteed loan program account	27,000,000	52,000,000	52,000,000	+25,000,000	
Total, Maritime Administration	94,740,000	308,650,000	116,600,000	+21,860,000	-192,050,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Commission for the Preservation of America's Heritage Abroad					
Salaries and expenses	206,000	212,000	206,000		-6,000
Commission on Civil Rights					
Salaries and expenses	9,000,000	11,400,000	8,500,000	-500,000	-2,900,000
Commission on Immigration Reform					
Salaries and expenses	1,894,000	2,877,000	2,377,000	+483,000	-500,000
Commission on Security and Cooperation in Europe					
Salaries and expenses	1,090,000	1,122,000	1,090,000		-32,000
Competitiveness Policy Council					
Salaries and expenses	1,000,000	503,000		-1,000,000	-503,000
Equal Employment Opportunity Commission					
Salaries and expenses	233,000,000	268,000,000	233,000,000		-35,000,000
Federal Communications Commission					
Salaries and expenses	185,232,000	223,600,000	185,232,000		-38,368,000
Offsetting fee collections - current year	-116,400,000	-116,400,000	-116,400,000		
Direct appropriation	68,832,000	107,200,000	68,832,000		-38,368,000
Federal Maritime Commission					
Salaries and expenses	18,569,000	18,947,000	15,000,000	-3,569,000	-3,947,000
Offsetting fee collections		-2,228,000			+2,228,000
Direct appropriation	18,569,000	16,719,000	15,000,000	-3,569,000	-1,719,000
Federal Trade Commission					
Salaries and expenses	98,928,000	107,873,000	98,928,000		-8,945,000
Offsetting fee collections - carryover	-4,500,000		-16,000,000	-11,500,000	-16,000,000
Offsetting fee collections - current year	-39,640,000	-48,262,000	-48,262,000	-8,622,000	
Direct appropriation	54,788,000	59,611,000	34,666,000	-20,122,000	-24,945,000
Japan - United States Friendship Commission					
Japan - United States Friendship Trust Fund	1,247,000	1,250,000	1,247,000		-3,000
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)		
Legal Services Corporation					
Payment to the Legal Services Corporation	400,000,000	440,000,000	278,000,000	-122,000,000	-162,000,000
Marine Mammal Commission					
Salaries and expenses	1,384,000	1,425,000	1,000,000	-384,000	-425,000
Martin Luther King, Jr. Federal Holiday Commission					
Salaries and expenses	300,000	350,000	250,000	-50,000	-100,000
Ounce of Prevention Council					
Crime trust fund 4/		14,700,000			-14,700,000
Securities and Exchange Commission					
Salaries and expenses	297,405,000	342,922,000	297,405,000		-45,517,000
Offsetting fee collections	-192,000,000		-184,293,000	+7,707,000	-184,293,000
Offsetting fee collections - carryover	-30,549,000		-9,667,000	+20,882,000	-9,667,000
Investment adviser fee - offsetting collection	(-8,595,000)			(+8,595,000)	
Direct appropriation	74,856,000	342,922,000	103,445,000	+28,589,000	-239,477,000
Small Business Administration					
Salaries and expenses	251,504,000	242,831,000	221,247,000	-30,257,000	-21,584,000
Offsetting fee collections	-9,350,000	-3,300,000	-3,300,000	+6,050,000	
Direct appropriation	242,154,000	239,531,000	217,947,000	-24,207,000	-21,584,000
Office of Inspector General	8,500,000	9,200,000	8,750,000	+250,000	-450,000
Business Loans Program Account:					
Direct loans subsidy	9,596,000	12,428,000	5,000,000	-4,596,000	-7,428,000
Guaranteed loans subsidy 5/	274,439,000	50,835,000	145,010,000	-129,429,000	+94,175,000
Micro loan guarantees	1,216,000	1,700,000	1,700,000	+484,000	
Section 503. prepayment	30,000,000			-30,000,000	
Administrative expenses	97,000,000	99,910,000	97,000,000		-2,910,000
Total, Business loans program account	412,251,000	164,873,000	248,710,000	-163,541,000	+83,837,000

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS BILL (H.R. 2076)—Continued

	FY 1995 Enacted	FY 1996 Estimate	Bill	Bill compared with Enacted	Bill compared with Estimate
Disaster Loans Program Account:					
Direct loans subsidy 5/	52,153,000	34,432,000	34,432,000	-17,721,000	....
Administrative expenses	78,000,000	80,340,000	78,000,000	....	-2,340,000
Contingency fund (emergency)	125,000,000	100,000,000	....	-125,000,000	-100,000,000
Total, Disaster loans program account	255,153,000	214,772,000	112,432,000	-142,721,000	-102,340,000
Surety bond guarantees revolving fund	5,369,000	2,530,000	2,530,000	-2,839,000	....
Total, Small Business Administration	923,427,000	630,906,000	590,369,000	-333,058,000	-40,537,000
State Justice Institute					
Salaries and expenses 6/	13,550,000	13,550,000	....	-13,550,000	-13,550,000
Crime trust fund	....	600,000	....	....	-600,000
Total, State Justice Institute	13,550,000	14,150,000	....	-13,550,000	-14,150,000
Total, title V, Related agencies	1,897,883,000	2,221,997,000	1,454,582,000	-443,301,000	-767,415,000
Appropriations	(2,055,883,000)	(2,206,697,000)	(1,454,582,000)	(-601,301,000)	(-752,115,000)
Rescission	(-158,000,000)	....	....	(+158,000,000)	....
Crime trust fund	....	(15,300,000)	....	....	(-15,300,000)
(Liquidation of contract authority)	(214,356,000)	(162,610,000)	(162,610,000)	(-51,746,000)	....
TITLE VI - GENERAL PROVISIONS					
Procurement: General Provisions 7/	-11,769,000	....	....	+11,769,000	....
Total, title VI, general provisions	-11,769,000	....	....	+11,769,000	....
Grand total:					
New budget (obligational) authority	26,860,050,000	31,158,679,000	27,585,240,000	+725,190,000	-3,573,439,000
Appropriations	(24,673,050,000)	(27,148,479,000)	(23,603,253,000)	(-1,069,797,000)	(-3,545,226,000)
Rescission	(-158,000,000)	....	....	(+158,000,000)	....
Crime trust fund	(2,345,000,000)	(4,010,200,000)	(3,981,987,000)	(+1,636,987,000)	(-28,213,000)
(By transfer)	(55,500,000)	(55,500,000)	(55,500,000)	....	....
(Limitation on administrative expenses)	(3,463,000)	(3,559,000)	(3,559,000)	(+96,000)	....
(Limitation on direct loans)	(741,000)	(741,000)	(741,000)	....	....
(Liquidation of contract authority)	(214,356,000)	(162,610,000)	(162,610,000)	(-51,746,000)	....
(Foreign currency appropriation)	(1,420,000)	(1,420,000)	(1,420,000)	....	....

1/ 1995 "Salaries and expenses" funds were used for "Administrative review and appeals".

2/ Includes budget amendment of -$3,265,000 related to privatization of portions of the National Weather Service. Legislation will be proposed to offset this account from the Marine Navigation Trust Fund.

3/ The 1996 request and recommendation include funding for Radio Free Asia and Broadcasting to Cuba. In 1995, these activities were funded separately.

4/ Funding of $1,500,000 was provided under Office of Justice Programs in FY 1995.

5/ Assumes legislation to lower the subsidy for these accounts through new fees and increases in interest rates.

6/ The State Justice Institute is authorized to submit its budget directly to Congress. The President's request includes $7,000,000 for the Institute.

7/ The FY 1995 budget authority amount reflects the unspread balance.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

I am pleased to have the opportunity to speak about the Commerce, Justice, State, Judiciary, and related agencies fiscal year 1996 appropriations bill. I want to again congratulate Chairman HAL ROGERS on his first bill as subcommittee Chair.

Mr. ROGERS has done an absolutely excellent job this year as the new chairman of our subcommittee. His performance is all the more impressive in light of the personal tragedy he has recently faced. I cannot imagine how difficult it must have been to have performed his professional duties so well in the face of those circumstances yet HAL ROGERS' courage shines through. The people of the Fifth Congressional District of Kentucky are fortunate to have HAL ROGERS as their Representative. And we are fortunate to have him as our colleague and chairman of this subcommittee.

He has handled this bill with great skill—beginning with very exhaustive hearings which explored the detail of the agency budgets under our jurisdiction. Hal did not waste time chasing simplistic solutions. Instead he pursued the course of a responsible legislator, following a sound, measured approach in writing this bill.

He has been assisted by a very capable and dedicated staff, as have I. And I would like to take a moment to acknowledge the professionalism and talent of the staffs on both sides of the aisle for this subcommittee.

While I do not agree with every funding level in this bill, there are many areas where the chairman and I see eye to eye:

Crime fighting is a top priority for the Nation and this bill is as generous as possible in assisting the Department of Justice in this regard. We have been able to fund new FBI and DEA positions which we added in the bill last year, and for which Chairman ROGERS fought so hard.

In addition, the bill includes an extremely generous immigration initiative. The approach the chairman has taken attacks the illegal alien program on all fronts—700 new border patrol agents, 400 new inspectors, 945 new detention personnel, and 750 new investigators.

Further, funds provided in this bill will allow INS to continue its automation initiatives so that INS agents can perform their duties in a modern world.

And, of course, we are all happy that the Byrne Law Enforcement Grant Program is funded. I will be offering an amendment to increase funds for the Byrne Grant Program because it is such an effective tool for local law enforcement.

This bill also funds the State Department at levels consistent with proposals to reinvent government.

And, finally, I am pleased the subcommittee funded U.S. contributions to the U.N. and international organizations.

Having said this, there are areas of this bill where I have grave concerns. In this regard, the budget realities facing the chairman should not go unmentioned. The shortage in this subcommittee's 602–B allocation is directly related to the recently passed budget resolution.

The budget resolution is the blueprint for a budget cutting frenzy which is dangerous for our Nation. During Budget Committee considerations I was very distressed to see Members carelessly propose drastic cuts to programs that meant a lot to people, often the less fortunate. They did so without a full analysis of the effect of these cuts on the American people.

And these budget resolution guidelines have dictated chairman ROGERS' allocation in the appropriations process. So I stand here very uncomfortable about the premise under which we are operating: one that forces our Nation's crime-fighting initiatives, our competitiveness agenda, and our diplomatic functions to compete in less than a zero sums game.

And who has been the hardest hit by this exercise? The Commerce Department. Chairman ROGERS has acted responsibly by not dismantling the Department in the appropriations process as some illconceived proposals would recommend.

However, I do have concerns with cuts in civilian technology programs at NIST and the Fisheries and Ocean Programs at NOAA. I will be offering two amendments to address these important policy issues.

Another area of special concern is in the Crime Trust Fund. This bill does not fund the highly effective COPS Program and prevention programs. Let me repeat that, Mr. Chairman. This bill does not fund the COPS Program. We have over 20,000 new police officers, in virtually every congressional district in this country, to whom the Federal Government has committed multiyear funding. The problem is that there is not one red cent in this bill for the COPS Program. Instead, it funds a block grant program which is not even authorized. Nor will it likely be authorized, since the President, Congress, and the American people have invested hundreds of millions of dollars in the COPS Program which is already out there getting police onto the streets. In my opinion, Mr. Chairman, it is irresponsible to stop this program midstream—in effect throwing our investment away. I will be offering an amendment to fund the COPS Program in place of the block grant program.

Other areas which concern me are: The restriction of funds to exclude postconviction defender organization; The slashed funding and restrictions imposed on the Legal Services Corporation; the conditions placed on the President regarding UN peacekeeping; the cut in funding for international broadcasting; and the large State criminal alien assistance increases, which is a concern I probably hold in the minority in this body.

But, as I have stated, the chairman has done well in such an austere context. I offer my personal congratulations to him. And I look forward to working with him to strengthen this bill through the remainder of the appropriations process.

Mr. ROGERS. Mr. Chairman, I thank the gentleman for his very kind and generous remarks.

Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I want to congratulate both the chairman and the ranking member for the work that both they and their staffs have done. Let me highlight a couple of points that I would like to make about the bill.

First, from my area of representing a border area, I am very pleased with the funding that we have in here for immigration enforcement officers and the outright rejection of a border crossing fee. That is an issue that has raised its ugly head in the other body and is continuing to do so. I hope with our action here, and in the Senate appropriations, that we will lay that issue to rest.

I am very pleased with the emphasis that we place in this legislation on the flexibility for local and State law enforcement. I think it is extraordinarily important that we given that kind of flexibility. I would have preferred to see great cuts in the Commerce Department. There are some areas that I think we should have cut more deeply, but that issue is going to be one that we are going to be dealing with as we get into the authorization issue of what we do with the Commerce Department.

Finally, let me just say, Mr. Chairman, this bill is good evidence of a shrinking pot of discretionary funding that is available. I congratulate the chairman, the staff, and the other Members for the job that they have done in putting together a reasonable bill under the circumstances.

Mr. MOLLOHAN. Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I rise to congratulate the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] on the job they have done in bringing this very important bill to the floor, but I also rise in support of the amendment offered by the gentleman from West Virginia on the COPS Program, which will be the first amendment discussed this evening.

The goal was simple when we passed the crime bill, and it is very simple today: Put more cops on the beat, crime rates will fall, and our families will be safer. The Mollohan amendment will help us meet that goal by providing continued funding for programs like COPS FAST, programs that help police departments hire new officers and develop innovative community policing programs.

Mr. Chairman, my Republican colleagues intend to abolish these programs and replace them with open-ended block grants. I think they miss the point. The Republican block grant proposal does not guarantee more cops on our streets. In fact, under the Republican proposal, grant money could be used for anything from street lighting to road construction.

The COPS Program guarantees more cops on the street, and I challenge the Republicans to make the same guarantee. They cannot. COPS grants flow straight from the Justice Department to the local law enforcement agencies. We cut down on administrative overhead by streamlining the application process and taking other steps to reduce red tape.

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The COPS Program empowers local communities to take responsibility for community safety by putting more police officers where they are needed the most. It does not mandate a Federal solution to problems that are often unique to neighborhoods and communities. The COPS Program succeeds because it empowers community police departments to find innovative, new strategies to combat crime and make the best use of available resources.

Neighborhood officers work with volunteers to keep our streets safe and our communities informed. Crime fighting experts and officers on the beat agree that community policing works. The COPS Program is a non-bureaucratic solution to a terrible problem, and the result is a marked decrease in crime, in theft, in burglary, and other more serious crime.

In Sacramento, citizens are involved in this effort, working with local law enforcement and injecting in their efforts a new spirit of cooperation and teamwork.

I want to talk about how this program has worked in communities in my district because it really provides an example of how successful this program can be and how, with some support, we can begin to address fundamental problems with local solutions, not Washington answers. In Sacramento County, CA, several groups of volunteers and local law enforcement officers have joined hands to establish sheriff's community service centers.

In North Highlands, part of my district in the unincorporated part of Sacramento County, we have put together, without fanfare, with tireless devotion, I might add, a group of volunteers and deputies who have made a tremendous contribution to community safety. This photo to my right shows our sheriff, Glenn Craig, and others at the dedication of this community center. With an all-volunteer staff and a roster of deputies paid through a COPS grant and county matching funds, the North Highlands center is both a thriving community center, and an indispensable component of the county law enforcement team.

Volunteers work side by side with deputies, helping out with many of the day-to-day responsibilities that keep the wheels of justice turning, taking crime reports, providing a safe haven for neighborhood kids, helping others navigate through the sometimes confusing world of law enforcement and county services.

Since January of this year, these volunteers and others have logged 4,000 crime reports. Many of these volunteers spent 40 hours a week at the center. As one volunteer put it, a real sense of pride in their contribution to the neighborhood motivates their involvement.

The spirit of community involvement extends well beyond the walls of this North Highlands center. The office space is donated, so is the furniture, right down to the carpet.

Deputies like Willy Nix have found new ways to approach old problems. Deputy Nix, a patrol cop before coming to work with the North Highlands staff, talked to me just the other day about the advantages of community policing. An officer on patrol usually has just enough time to drive to a location, take a report, and drive away. Now, he said, "I can work with local agencies, the neighbors, the landlords, and all the people in the community to attack crime from every angle."

In some areas, drug dealers have literally trashed the community. Deputy Nix works with community members and service center volunteers to address this problem from the branches down to the roots, towing abandoned cars, cleaning up yards strewn with garbage, and returning the streets to law-abiding citizens. Yes, Deputy Nix is busy. He sets time aside to work with local schoolchildren. Because center volunteers have worked hard to establish after-school programs, many of these kids have more than just a uniform to turn to, they have an entire network of support, from reading and arts programs to safe recreational facilities in the evening.

What may seem like a commonsense solution is only possible if other communities can afford to hire officers like Willy Nix. In cities and towns around the country, volunteers are committed to breaking down barriers and developing a community commitment to law enforcement which will rise to the challenge, but only if given the opportunity.

The Mollohan amendment gives them that opportunity, and I urge its adoption by the Members here this afternoon.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I want to commend the chairman of the committee and the ranking member. In the face of a very difficult challenge and very high-priority programs, they have achieved a $1.1 billion reduction over the 1995 number and at the same time maintained the high-priority items.

Certainly, this bill fights crime, and that is the No. 1 priority with the American people, and all the programs that will impact on crime prevention are fully funded and in some cases extra money has been put in.

Second, in Legal Services, which it is controversial, it has been reined in. The criteria have been established that ensure that money expended for Legal Services will be directed to helping people with their personal problems. I call it "Legal Medicare" because it does allow the poor to have access to legal representation and avoids the political activities that have happened in the past.

Third, it puts a strong management focus on the Commerce Department. It has features in this bill that will ensure that Commerce does just what that name implies, and that is further the commerce of the United States. We are the world's largest exporter. Commerce is very important to the people of this Nation, both from the standpoint of jobs as well as access to the goods and services that they find highly desirable.

The last feature that I would like to emphasize is that it does fund the International Trade Administration in the Commerce Department. This ITA is very important because it enforces the trade laws. It ensures the playing field will be level. We have just observed this in the issue between ourselves and Japan, and particularly enforces the two features in the trade laws that are very important for the protection of American jobs, anti-dumping and countervailing. It stops injury to U.S. industries, saves U.S. jobs, I think, a very important feature of the bill.

Mr. MOLLOHAN. Mr. Chairman, I yield 4 minutes to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I would like to compliment the chairman of the committee, the gentleman from Kentucky [Mr. ROGERS], and the ranking member, the gentleman from West Virginia [Mr. MOLLOHAN], for a fine job on a tough bill.

I am here tonight during this general debate because I really take exception to the local law enforcement block grant that the majority party has put in here. They have gutted the Clinton COPS Program. They have put it all into this local law enforcement block grant and funded it with $3.2 billion. The problem is they called it local law enforcement block grant, but in their bill not one police officer is hired. We have no guarantee of any police officers working the street.

Having been a city police officer, having been a State trooper, the best crime fighting we have is a police officer on the street working with the communities, working with the citizens they should serve.

We have 20,400 police officers under the Clinton COPS Program. We have none under the $3.2 billion law enforcement block grant proposed.

What does your application look like? Your administrative costs, you admit in your own report, are going to be about 2.5 percent. The other body says it is going to be 15 percent. You are going to have to fill out paperwork after paperwork in order to get a grant for, hopefully, a police officer or a police car.

How much money is being awarded underneath your program will depend upon the crime index. The Department of Justice has done their analysis. They said how much a city will get will depend upon their crime index. The more crime you have underneath your proposal, the more money the jurisdiction will get. The next year, if the crime comes down, as crime is coming down now, they will lose money. Having been a police officer, you have got to fight crime more than 12 months.

Take the city of New York, which has a 31 percent decrease in murders for 1995. Will they get 31 percent less money next year? You cannot have an effective program if every 12 months you are going to renew the amount of money you are going to give them. If they are effective, we should reward them for effective law enforcement and reducing crime, not punish them by taking away money.

When you take a look at it, we have had the Clinton COPS Program for about 8 months. The Police Executive Research Forum actually did an analysis, contacted their members, 220 of them around the country, and said, "What do you like, do you like this proposed local block grant that the Republican Party is putting forth, or would you keep the Clinton program, the Clinton COPS program?" Of those 220 police executives who responded, only 5 percent, 5 percent support a block grant, discretionary block grant that you propose. The rest of them support the Clinton COPS programs.

I am just not up here talking about this because of my 12 years in law enforcement, but every major police organization in the country opposes what you are trying to do in this bill. The FOP, Fraternal Order of Police, National Association of Police Organizations, Police Executive Research Forum, National Troopers Coalition, National Sheriffs' Association, National Black Police Officers' Association, major city chiefs, U.S. Conference of Mayors, they are opposed to what you are doing with this block grant because they know what happened in the 1960's and 1970's when so much money was wasted on airplanes, on tanks, on real estate, on consultants on studies, and nothing ever went to fighting crime.

So while the bill overall is a good bill, this local block grant that does not guarantee one police officer, that only 5 percent of the police executives in this country support, cannot win over my support and, therefore, we have asked, and the gentleman from West Virginia [Mr. MOLLOHAN] has brought forth an amendment. It is going to be the first one up tonight to take $2 billion and put it back to guaranteed police officers across this Nation with the Clinton COPS program.

Support the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. TAYLOR], the very distinguished member of the subcommittee, in fact, the vice chairman of the subcommittee who has helped us a great deal this year, especially.

Mr. TAYLOR of North Carolina. Mr. Chairman, I would like to thank, first of all, our chairman and the hardworking staff on both sides of the aisle and our minority ranking member for the work in putting this bill together.

Our chairman has spent a lot of hours, and this is his first time at this, and very trying time, and I especially appreciate the good job that he has done.

Now, there is no bill that is perfect. I, in fact, would like myself to have seen the Legal Services zeroed out, but it was cut, and we moved it in the right direction.

In the area of the police program, and I appreciate the gentleman's remarks and respect him a great deal for what he was saying, that many of the police organizations may question block grants, this is going to give local law enforcement officers a chance to put the money where they will. I talked with a Democrat sheriff now, but he was former president of the National Sheriff's Organization, and he pointed out that the 100,000 COPS Program was a myth.

First of all, you have got a few dollars to start, maybe 10,000, 15,000 police all across the country. Then after each year, money was taken away until after, I think, the third year it was down to zero. He said, "If we had the money to put more people on the force now, we would have already done it. A program that withdraws the dollars quickly from us is no help at all," and he would not, as a past president of the National Sheriff's Organization, even participate in the so-called 100,000 police program.

We will take monitoring from Congress. We have to work with our local governments, but I think the block grant can be of enormous benefit to individual police departments.

I cannot go back to the 1960's and debate what the gentleman said about areas where there might have been waste. But we can have, with local governments and local forces trying to utilize these funds rather than Washington bureaucrats dictating, we can, I think, get a law enforcement program that will be far more secure, demanding the kind of accountability and giving people what they want, which is a lower crime rate.

I hope that we will support the block grant program and support this bill, and again I thank our chairman and our staff for the work.

Mr. MOLLOHAN. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Kentucky [Mr. BAESLER].

Mr. BAESLER. Mr. Chairman, I support the Appropriations Committee's recommendation for the Legal Services Corporation. I urge my colleagues to join me in supporting the vital work of Legal Services Programs across the country.

My distinguished colleague, HAL ROGERS of Kentucky, worked long and hard as chairman of the Appropriations Subcommittee to achieve the recommendation before us. It was a difficult decision that strikes a balance between the demand by our constituents for fiscal austerity and the basic needs of the poor for legal help with their everyday civil legal problems.

Legal Services Programs have a proud record of accomplishment in Kentucky and in my district. Central Kentucky Legal Services has been working since 1977 with low-income residents of central Kentucky, serving an estimated poverty population of 58,000. This program is known for its creative partnerships with other community agencies, such as the law care program it sponsors jointly with the Fayette County Bar Association. Law care, which provides pro bono help to county residents, is a model program for donated legal services in Kentucky and in areas of similar size nationally.

Another collaboration, with the Bluegrass Area Development District Area Agency on Aging, resulted in the long-term care ombudsman program. This program has won national recognition for its success in providing services to elderly citizens in nursing homes.

In addition, Central Kentucky Legal Services has been instrumental in helping low-income parents get improved child support collection services. Over the years it has helped literally thousands of abused women get protection and support for themselves and their children.

Our vote today unfortunately will decrease rather than increase Legal Services' resources. In typifies the harsh budget climate for most federally funded programs. But it will enable the Legal Services Corporation to maintain basic services to the poor and to keep alive the basic American promise of equal justice for all.

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Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I rise to take this opportunity to commend the distinguished chairman of the Subcommittee on Commerce, Justice, State, and Judiciary, the gentleman from Kentucky [Mr. ROGERS], for his excellent work on this bill.

As Chairman of the Committee on International Relations, which authorizes and has oversight responsibility for many of the items in this bill, I can attest to the fact that our committee has worked closely with the gentleman from Kentucky since the beginning of the year.

The bill produced by the gentleman's appropriations subcommittee conforms in most important respects with the House decisions on funding made as part of its consideration and passage of the American Overseas Interests Act, H.R. 1561.

Just as H.R. 1561 was within budget, this bill is also within budget.

Some Members may prefer to cut these programs further.

But when the full House, based on the recommendation of the authorizing committee, has made an authorization decision, and when that decision has been ratified by the Commerce-Justice-State Appropriations Subcommittee, based on its own expertise, then our colleagues should refrain from overturning those decisions here on the floor.

Accordingly, with the exception of an important item related to restricting spending on our Nation's diplomatic establishment in Vietnam, which I will address at some length later, I intend to support Chairman ROGERS on this appropriations bill.

I strongly urge our colleagues to join me in that support.

Mr. MOLLOHAN. Mr. Chairman, I yield 3 minutes to the distinguished gentlewoman from Oregon [Ms. FURSE].

Ms. FURSE. Mr. Chairman, I rise today in support of the Mollohan amendment. It is in my view a probusiness and proenvironment amendment, and I want to speak on behalf of the oldest industry in this country, our commercial fishing industry. That industry contributes more than $111 billion annually and provides jobs for 1.5 million Americans.

There are hundreds of communities across America that depend on a healthy fishery for their economic well-being. In recent years many of these communities have spent millions of dollars to help bring back their long-depleted fish populations. The Mollohan amendment corrects this bill's attack on that commitment between Government and communities to restore the local economy.

The Pacific Coast Federation of Fishermen's Associations wrote to me recently along with the Northwest sport fishing industry. They both support the Mollohan amendment. Together they represent over 5,000 businesses and 200,000 jobs on the Pacific coast. According to them these very important groups say fishery management cannot happen unless fishery research and conservation are fully funded, and this bill, they say, cuts at the heart of many important ongoing efforts. It makes no economic sense, and they go on to say on behalf of the men and women who provide jobs for fishing communities, food for America's tables, and high-quality products for export, we urge you to support the Mollohan amendment and restore these funds.

Also, Mr. Chairman, I have a letter here from the State of Oregon, the coastal management program, which says that the Governor of Oregon supports the Mollohan amendment saying it would greatly help national coastal zone management programs which would be hurt by this bill if the Mollohan amendment is not adopted. We cannot, we must not, turn our backs on this important sector of our Nation's economy. It is probusiness, and it makes common sense to support the Mollohan amendment.

I urge my colleagues to do that and to be probusiness.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from Louisiana [Mr. LIVINGSTON], the hard-working chairman of the full Committee on Appropriations.

Mr. LIVINGSTON. Mr. Chairman, first of all I want to congratulate him and the distinguished ranking minority member for their outstanding work on a very important and very difficult bill, and I applaud their efforts and the efforts of all of their staff toward perfecting this bill, and I look forward to its passage, hopefully tonight.

I know that the subcommittee chairman has carefully deliberated the issue of providing initial funding for what would be necessary to fund the first year of the maritime security program. I appreciate the assurances provided by him and the committee in the committee report. I also appreciate the assurances from the chairman that this issue will be revisited once the authorization committee, led by the gentleman from Virginia [Mr. BATEMAN], takes action on this issue in the full House. I just wanted to assure myself that the gentleman does intend to readdress this once the authorization committee has had an opportunity to take a look at it.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. LIVINGSTON. I yield to the gentleman from Kentucky.

Mr. ROGERS. I assure my full committee chairman that I will look at this program again as the authorization moves toward enactment into law.

Mr. LIVINGSTON. I look forward to working with the gentleman from Kentucky [Mr. ROGERS] on this important issue to our U.S.-flag merchant marine.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from North Carolina [Mrs. CLAYTON].

Mrs. CLAYTON. Mr. Chairman, in America, profits are soaring, wages are decreasing, and consumer demand is declining.

And, what does the majority want this Congress to do? They want us to retreat, to cut and run.

In light of these conditions, the magazine Business Week recently asked the question—are we headed for trouble?

This appropriations bill reflects an attitude of defeat.

Instead of competing in the global marketplace—where jobs can be found—the bill proposes to cut the Department of Commerce by 17 percent.

Instead of encouraging more small business development and self-sufficiency-the bill cuts the SBA by 36 percent; cuts the Minority Business Development Agency by 27 percent; and cuts the Economic Development Agency by 21 percent.

Instead of providing access to legal services for all Americans, regardless of income—this bill cuts the Legal Services Corporation by 31 percent.

This bill even provides $35 million less than the President requested for the equal Employment Opportunity Commission.

Mr. Chairman, this Nation has been made strong because, traditionally we have lifted up our citizens.

We have been able to export democracy by showcasing the values and benefits of our way of life and our standard of living.

This bill puts citizens down, this bill promotes an attitude of isolation from the world marketplace. This bill does not adequately promote competition by small businesses. This bill is a withdrawal from the proud tradition of America and from the very principles that gives the Nation power.

This bill ignores all these valuable economic and social values. Again this is a mindless march to a balanced budget without regards to the merits of the program.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the very distinguished gentleman from Texas [Mr. SMITH], the chairman of the Subcommittee on Immigration and Claims.

Mr. SMITH of Texas. Mr. Chairman, I rise in strong support of H.R. 2076.

H.R. 2076 provides for a 25-percent increase in funding of the Immigration and Naturalization Service—a generous increase in a time of budget cutting.

The resources provided in H.R. 2076 will go a long way in assisting INS in securing our borders. Given the size of its mission, INS has been underfunded for many years. I am happy to see that changing.

The resources made available in H.R. 2076 support the enforcement provisions in my immigration bill, H.R. 1915. It adds 1,000 additional border patrol agents next year—plus support personnel—and increases new technology for the Border Patrol and for enforcement initiatives.

H.R. 2076 adds to INS's capability to detain and remove deportable aliens, especially criminal aliens. It includes additional detention space, additional investigators and detention and deportation officers, and provides for the expansion of deportation procedures so that criminal aliens can be deported immediately upon release from prisons.

Additionally, H.R. 2076 increases the resources available for enforcement of employer sanctions, another important tool in controlling illegal immigration.

H.R. 2076 adds additional inspectors so that U.S. ports of entry can run more efficiently and smoothly, facilitating legal entries and prohibiting illegal entries by fraudulent documents.

I strongly support H.R. 2076 and urge my colleagues to support it.

Mr. MOLLOHAN. Mr. Chairman, I yield 2½ minutes to the distinguished gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I have mixed feelings about this bill, as so many of us do. But I first want to take a moment to commend our chairman, the gentleman from Kentucky [Mr. ROGERS], and the gentleman from West Virginia [Mr. MOLLOHAN], our ranking member, and our terrific staff for the work that they have put in on what's really an impossible task. We basically have a 4 by 4 that we are trying to squeeze into about a 2 by 2 slot. I just hope that the beam that we fashion in this bill, Mr. Chairman, is going to be strong enough to hold up the house that we have got to support.

The task to fully fund this nation's law enforcement, research activities, diplomatic activities, judiciary activities, has really been made impossible by the inadequate funding allowed under the budget resolution. We have done a pretty good job by way of law enforcement and immigration efforts, but I am very concerned about what this bill will do in reducing several important areas of research, technology development, science, and the programs that also are our responsibility in connection with legal services.

This bill, for instance, eliminates the advanced technology program, I think a very promising one, of the Commerce Department to help us further cutting edge technologies that are really going to be key to the economic well-being in this country in the long haul. We have reduced, although considerably less, the International Trade Administration, which has played an instrumental role in promoting exports, accounting for many hundreds of thousands of U.S. jobs that depend upon our international trade. All of this is coming at a time when we face unprecedented challenges in terms of international competitiveness.

I also want to speak for a moment about the important science and research work that goes on at the National Oceanic and Atmospheric Administration. They, too, contribute to the productivity of this country, as well as to our health and safety and our understanding, very important to our long-term economic success, our understanding of the planet that we live on, its climate, and the changes in that climate. That is why I am disappointed in the cuts to those programs.

Finally I cannot conclude without commenting and expressing my great concern about the restrictions that are being imposed on the Legal Services Corporation. These restrictions will make it very difficult for Legal Services' lawyers adequately to represent their clients, and these restrictions apply not just to Government funds, but even to moneys raised privately. I think that is a grave mistake.

I just wanted to go on record with these reservations about a bill that has been, as I said, terribly difficult to fashion as responsibly as the chairman of the committee has.

I have mixed feelings about this bill. I must first commend Chairman ROGERS, ranking member Mr. MOLLOHAN and the staff of the subcommittee for their untiring efforts in the face of the impossible task placed before them. That task, to fully fund our Nation's important research, technology, crime fighting, and judiciary activities, has been made impossible by the inadequate funding allowed under the new budget resolution.

In the bill we are considering, H.R. 2076, the Commerce, Justice, and State Departments appropriations bill, the chairman has been able to provide generous funding for the overall Federal law enforcement effort. However, I am very concerned by the reductions in several of the research and technology development programs contained in the bill, as well as the costs to legal services.

This bill eliminates funding for the National Institute of Standards and Technology's [NIST] Advanced Technology Program [ATP]. The ATP program provides a private industry-Government partnership to nurture cutting edge industrial technology that is either too high risk or too broad based for a single private company alone to afford to develop. It provides small, competitive grants to companies of all sizes for development of preproduct technology. These grants are matched by private funds and motivate private industry to take risks in product and technology development that otherwise would not occur, not because they lack merit or profitmaking potential, but because the payback in the short term is too problematic for purely private capital. This program promotes America's long-term economic interests and should be supported.

While the International Trade Administration [ITA] has been spared large cuts in this bill, it too is reduced from current funding levels. Commerce export initiatives like those provided under ITA, alone have helped win almost $50 billion in overseas sales, including $25 billion in direct American exports. That translates to 300,000 jobs.

These cuts come at a time when our industries face a global challenge as great as at any time in our history. They come at a time when we are finally beginning to win key battles in the war for global competitiveness. And they come at a time when every industrialized nation in the world is working to develop new technologies that would give them a competitive edge. It is important to our Nation's economic future that we continue programs like ATP to encourage and develop new technology and like ITA to support U.S. exports.

Mr. Chairman, this bill also reduces funding for many of the National Oceanic and Atmospheric Administration's [NOAA] programs. NOAA's work contributes to a more productive and competitive nation. NOAA's mission is to protect life, property, marine and fisheries resources, and our Nation's coasts and oceans. It accomplishes its mission through research and monitoring of the condition of the atmosphere, oceans, and Great Lakes. NOAA predicts the weather, climate, and fisheries' productivity. In addition to the obvious importance of NOAA to the health of industries tied to coastal and marine life conditions, the work at NOAA is important to agribusiness, industries that have an impact on air quality, and the transportation and communications industries.

In particular, NOAA's Environmental Research Laboratories [ERL] have documented damage to the ozone layer, determined its cause, and worked with industry to find alternatives to the compounds that caused the damage. ERL labs developed doppler radar and designed more accurate hurricane tracking systems to increase warning time to the public, which saves lives and give property owners more time to protect their property. This is valuable research that the private sector won't necessarily do.

This is why I am disappointed in this bill's cuts funding for the Climate and Global Change Program which conducts research to develop long-term climate observation and prediction techniques, particularly for North America. This program also examines the role of ocean conditions on long-term climate changes and provides information to base important policy choices about the necessity or results of environmental and industry regulation.

Mr. Chairman, the women and men at NOAA and NIST work hard and strive for excellence and deserve our full support. Their efforts have helped keep our Nation at the forefront in important areas of research and technology development.

Finally, I can't conclude without mentioning my great concern about the burdensome restrictions placed on the Legal Services Corporation. What these restrictions do is make it difficult for LSC lawyers to fully represent their low-income clients. These restrictions include a prohibition on participating in any administrative rulemaking; on filing suits against any government, no matter how outrageously the government acts toward a client; on representing prisoners, no matter what their legal problems; and a requirement that all LSC services be bid out immediately, which will ultimately cause problems for the poor clients of LSC as legal services are shifted from low bidder to low bidder. These are just a few of the restrictions placed on LSC's ability to represent low-income people and the restrictions should be removed. And, to make matters worse, these restrictions will apply to services paid for with private contributions, if a legal services program takes any Federal funds.

While I believe the chairman should be commended for his diligent efforts in such a difficult budgetary environment, I must say that I have reservations about several parts of this bill.

□ 1845

Mr. ROGERS. Mr. Chairman, I yield 2½ minutes to the gentleman from Georgia [Mr. COLLINS].

Mr. COLLINS of Georgia. Mr. Chairman, I would like to ask the chairman to yield for a colloquy.

Mr. Chairman, as you know, the U.S. Supreme Court recently upheld a lower court decision declaring the 11th Congressional District of Georgia unconstitutional.

This ruling found that Georgia's 11th District violated the Equal Protection Clause because race was the primary factor in its creation.

Mr. Chairman, the district plan that was approved by the Department of Justice, and most recently found unconstitutional by the U.S. Supreme Court, was in fact the third redistricting plan submitted to the Department of Justice for approval.

The first of three plans was created during a special session of the Georgia General Assembly in 1991, costing taxpayers over $1 million. This plan was rejected by the Department of Justice. The second redistricting plan was drawn during a regular session of Georgia's General Assembly in 1992. It was also rejected by the Department of Justice. The third district was created in 1992, according to the specific direction and guidelines offered by the Department, and was consequently approved by Justice officials.

And now, Mr. Chairman, we must once again return to the drawing board, in yet another costly special session of the Georgia General assembly and come up with a fourth redistricting plan that will both meet the approval of the Department of Justice and meet the constitutionality test. This special session, currently scheduled for August 14 of this year, will cost the State of Georgia thousands per day. Depending on how long the session lasts, costs will again approach the million dollar mark for Georgians.

Mr. Chairman, I have an amendment that would require the Department of Justice to reimburse a State for the costs associated with holding a special session of the State legislature in order to redraw district lines that have been previously approved by the Department of Justice, but found unconstitutional by the U.S. Supreme Court.

Mr. Chairman, I realize that my amendment requiring the Department of Justice to provide $2 million from its general administration account for the purpose of reimbursing States for the costs of special legislative sessions is not in order at this point.

However, Mr. Chairman, I would ask for the opportunity to work with you, and our counterparts in the other body, so that we can address this issue in the Commerce, Justice, State, and Judiciary appropriations bill.

Mr. Chairman, I insert for the RECORD the text of my amendment.

AMENDMENT TO H.R. 2076, AS REPORTED OFFERED BY MR. COLLINS OF GEORGIA

Page 28, after line 19, insert the following:

REIMBURSEMENT FOR SPECIAL SESSIONS OF STATE LEGISLATURES

For reimbursement by the Attorney General of States for costs associated with special sessions of State legislatures where the State is required to redraw congressional districts that have been previously approved by the Department of Justice but subsequently found unconstitutional by the United States Supreme Court, $2,000,000.

Page 2, line 7, strike "$74,282,000" and insert "$72,282,000".

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. COLLINS of Georgia. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman has raised an important issue regarding actions taken by the Justice Department. I agree that this is an issue that warrants further discussion. I will be glad to work with the gentleman to develop the best approach to address that problem.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I thank the ranking member for yielding time to me.

Mr. Chairman I rise today in opposition to this bill, H.R. 2076. The American people have cried out for a real war on crime. Recently, in 1994, we listened to their concerns and we passed a 1994 Crime Act, which promised 100,000 additional officers and funding for real law enforcement. Already over 20,000 additional police officers have been put on our streets as a result of the 1994 crime bill.

Yet, today, H.R. 2076 does not guarantee one additional police officer to help our communities combat crime. Instead, this bill appropriates funding for a program that is not even authorized. The bill does eliminate the COPS program. I consider that a real mistake. COPS, Community Oriented Policing Services, works. It provides local communities with funds for law enforcement.

Instead, this bill would waste $2 billion of taxpayer money with no specific goals. Proponents try to tell you it is a block grant approach. In my opinion, it is a block headed approach.

Police departments will have to compete with every other agency that has any far-reaching relationship to public safety. Street lighting would be considered for funds. Street lights are nice, walkie-talkies are nice, roads leading to prisons are nice. But the COPS program establishes a clear priority, neighborhood police.

County programs provide neighborhood police for apartment complexes in high crime neighborhoods, small towns would get additional police, where one or two police officers makes all the difference in the world.

The program is working. My Congressional district alone has received 76 additional police officers to help fight crime in my district. Why should we defund a program that works? The COPS program provides neighborhood police to local communities. It sets a clear priority.

Mr. Chairman, we do not need to talk about roads and lights and walkie-talkies and orange jackets. We need to talk about neighborhoods police. Congress should keep its promise to the American people. The 1994 Crime Act is a superior bill. Community policing works. Let us let local communities have local law enforcement personnel.

Mr. ROGERS. Mr. Chairman, I yield 2½ minutes to the gentleman from Washington [Mr. HASTINGS].

Mr. HASTINGS of Washington. Mr. Chairman, I wish to engage the distinguished chairman of the House Commerce, Justice Appropriations Subcommittee in a colloquy regarding the proposed language contained in the committee report on H.R. 2076 regarding the hiring and placement of INS investigation, detention, and border patrol agents.

While I strongly support the subcommittee's goal to increase the number of INS personnel along the southern border of the United States, I am concerned that the language of the Committee Report may result in the further weakening of an already inadequate INS and border patrol presence in the Nation's interior agricultural areas.

In my own Fourth Congressional District of Washington, the illegal immigration problem has forced the INS office in Yakima to shut down its telephone service. A local newspaper recently reported that during a raid in the Yakima Valley this spring, the border patrol found that 23 out of 25 migrant workers were illegal immigrants, and 12 of them were using someone else's social security number.

In addition, Franklin county jail estimates that in 1994, an average of 50 percent of its inmate population consisted of illegal aliens, many of whom remained in the county jail at taxpayer expense simply because there were not enough border patrol agents to transfer them for deportation.

Mr. Chairman, our Nation must not only protect its borders from the influx of illegal immigration, but it must also seek to control document fraud and remove those illegal aliens already here. To do that, we need to maintain a strong INS presence in the interior as well as along the southern border.

I would ask the chairman of the subcommittee if interior congressional districts may be assured that Members and INS regional directors will be consulted before final INS hiring and relocating decisions are made?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Washington. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the committee's recommendation for the transfer of border patrol agents from interior locations assumes that these personnel will be backfilled with INS investigators to ensure that document fraud and the removal of illegal aliens that are already here continues to be addressed.

I can assure you that Members will be consulted before allocation of any new positions or the relocation of any current INS personnel occurs. I will also work with the Commissioner of INS to ensure that the INS regional directors are involved in this process, and that criteria such as detained illegal aliens are used in these decisions.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 3 minutes to the gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I thank the ranking Member for yielding time. I appreciate that.

Mr. Chairman, I want to thank the chairman and the ranking Member for their hard work under difficult conditions, but I must oppose H.R. 2076. There are so many things wrong with this bill that I believe the President is right to say that this bill is dead on arrival if it gets to his desk in this form.

Mr. Chairman, why do the Republicans eliminate the Advanced Technology Program established by President Bush? ATP provides assistance to U.S. businesses to promote commercial use of cutting edge technology. ATP is designed to increase U.S. competitiveness. Every major industrialized country has private sector government cooperative programs designed to increase their country's competitiveness in this world economy. Incredibly, this bill terminates our own program. That is like unilateral disarmament in the midst of a war.

Mr. Chairman, this bill eliminates funding for the Office of Advocacy in the SBA, which represents the interests of small businesses within the Federal Government. Just this year, just months ago, 415 Members of Congress voted to strengthen the Office of Advocacy's role as a small business ombudsman in the regulatory process. Now, just a few months later, the promise becomes a joke if this bill is passed.

Mr. Chairman, at least the Legal Services Corporation is not eliminated; it is merely cut by 30 percent. But this bill would prohibit for the first time ever the Corporation from spending private funds it raises on activities for which it currently cannot spend funds.

I know how unpopular legal services is to some. It is quite all right to ignore the unconscionable waste that goes on in military contracting, and it is okay for billionaires to renounce their homeland to avoid paying taxes. But Republicans are more than willing to attack a program that dares to help the poor obtain justice in this country.

Women from all walks of life are victims of the violence done to them in this appropriations bill. The Violence Against Women Act was approved by the House last Congress by a vote of 421 to zero. Now, how can all those Republicans, Members who voted yes last year, justify what they are doing less than a year later? Appropriators with mock sincerity say they are actually spending more to combat violence against women than last year. Well, how nice. But this bill appropriates less than one-third of the funding authorized for battered women shelters, rape prevention, child abuse prosecution, and other domestic violence programs.

Finally, this bill defunds the very successful community cops policing program established by last year's crime bill. It instead redirects these funds to a block grant program that is not even law. This again underscores the hypocrisy of the policies being pushed in this bill.

Mr. Chairman, community policing works. Communities big and small want community cops. They like what they have seen with community policing. What the Republicans are doing is simply partisan politics.

Mr. Chairman, I urge fellow Members to vote against this bill so that the appropriators can do the right thing. We can do that now, or we can do that in October or November when we most certainly will have to after the veto.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania [Mr. WALKER], the very distinguished and hard working chairman of the Committee on Science.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding time to me.

I want to begin by congratulating the gentleman for the work he has done here. He has worked very closely with the Committee on Science on this commerce appropriations bill. I want to publicly thank the gentleman from Kentucky, Chairman ROGERS, for his full and complete consultation, and hold him up as an example of someone who is responsible for making the process work, and also make it work right.

Although it is a tough and thankless mission, HAL ROGERS has made the cuts to start balancing the budget, and he has made them, in my view, in a very wise way.

The NOAA appropriations largely track H.R. 1815, the fiscal year 1996 NOAA authorization bill passed by the Committee on Science last month. The appropriation bill includes $1.69 billion of budget authority for the NOAA operations research and facilities account, which funds almost all of NOAA's programs. That is exactly the level that was authorized.

With a few exceptions, including funding for modernizing the NOAA fleet, the Sea Grant Program, and the lack of funding for the Coastal Oceans Program, the bill is consistent with the authorization to the amounts that were put into H.R. 1815.

Specifically, H.R. 1815 and H.R. 2076 both include $472 million for the operations of the National Weather Service, $132 million for the National Weather Service systems acquisition, $435 million for NOAA's satellite programs, $36 million for the satellite data management, and $128 million for program support.

While the bill includes some increases over H.R. 1815 in both the oceanic and atmospheric research in the national ocean service accounts, the overall appropriation for NOAA is the same, and ensures that NOAA's priority core missions receive continued funding, while NOAA's overall budget is decreased from its 1995 level.

Today, for the first time, we have before us an appropriation for NOAA which is largely consistent with the NOAA authorization. Perhaps, most importantly in this particular bill, the Commerce appropriations bill terminates a targeted $500 million program. H.R. 2076 zeros out all of the advanced technology program, which is an ill-advised industrial policy program.

The gentleman from Massachusetts made the point a moment ago that it was something done during the Bush administration. That is right. We are willing to take on programs, even some of those created by Republicans. This

House is doing so much more for commercial product and technology development through things like tax cuts, regulation reform, and product liability reform, than any amount of government subsidy of a program like ATP could ever do.

At the same time, the gentleman from Kentucky, Chairman ROGERS, funds the core research program at the National Institute of Standards and Technologies as a priority, and I think that also is the kind of thing that helps us increase our competitiveness.

Once again, I would like to thank and compliment the gentleman from Kentucky, Chairman ROGERS, for his good work, and urge all of my colleagues to support H.R. 2076.

□ 1900

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Chairman, I rise in support of the bill and also in favor of the Great Lakes Fishery Commission.

The Great Lakes Fishery Commission, which was established under the 1955 U.S. Canadian Convention on Great Lakes Fisheries, plays a critical role in protecting the health of the Great Lakes' $4 billion fishery industry.

The commission consists of eight commissioners, four appointed by the President and four by the Prime Minister of Canada. It is funded through a 69-percent to 31-percent cost share agreement between the United States and Canada respectively. The benefits of this commission are enjoyed by the United States, Canada, and the tribes.

Because the commission coordinates effective fishery management strategies throughout the region and coordinates binational natural resources in the Great Lakes region, it is imperative that the Great Lakes Fishery Commission continue to be funded through the State Department. We have spent many years cultivating a good relationship between nations and tribes.

Although the Great Lakes have definite boundaries on paper, taken as a whole, this is one massive region used and shared by many. Hence, if there is a problem in the Great Lakes in Canada, it becomes the problem of the Great Lakes in the United States.

It was just such a crossing-all-borders problem that actually spurred the formation of the Great Lakes Fishery Commission.

The "problem" of which I speak, Mr. Chairman, has been described as slimy, ruthless, unsightly, heinous, scum-sucking and parasitic, words which ironically have all been used at least a time or two to describe certain Members of Congress. But I assure you Mr. Speaker, these words in this instance are reserved for an ell-like species that is wreaking havoc on the Great Lakes—the sea lamprey.

For those who are not familiar with the sea lamprey, let me assure you this is not something you'd want in your backyard. In the Great Lakes we have seen an invasion of this eel-like, nonindigenous species. And, in addition to being just a hideous looking thing, the sea lamprey is parasitic and can destroy 10 to 40 pounds of fish during its parasitic period.

This slimy eel-like thing just clamps onto its prey and devours it. If you've ever had the misfortune of seeing footage of the lamprey in action, suffice it to say you should just be thankful it doesn't do to people what it does to fish.

It's the kind of creature you'd expect Steven Spielberg to invent to scare the bejeepers out of us in theaters. It is so vicious, so deadly and leaves behind so horrid carnage that if you made a movie about it, it'd make "Jaws" look like "Free Willy" and "Jurassic Park" look like "Barney." But unfortunately, the sea lamprey is no Hollywood special effects creation, it's real. And it also is a very real threat to the health and future of the Great Lakes.

Before the creation of the Great Lakes Fishery Commission, the sea lamprey virtually destroyed the entire region's prosperous recreational and commercial fisheries. It practically wiped it out. However, through the use of lampricide to control larval lamprey in streams, the commission has been able to reduce the lamprey population to 10 percent of historical abundance.

Furthermore, the commission also is examining several nonchemical methods for controlling the sea lamprey, such as sterilization of the male lamprey. Lamprey research, like our fishery management plan, is something best handled jointly between the United States, Canada and tribes.

We cannot backslide on these efforts, as the future health and growth of the Great Lakes' fisheries is dependent upon our efforts to control, and hopefully one day, eradicate forces like the sea lamprey and zebra mussel.

For this reason, and the many other strategies employed by the Great Lakes Fishery Commission, I urge that the funding be maintained through the State Department.

Mr. ROGERS. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from California [Mr. HUNTER].

The CHAIRMAN pro tempore (Mr. EWING). The gentleman from California [Mr. HUNTER] is recognized for 2 minutes.

Mr. HUNTER. Mr. Chairman, I want to say to the chairman and to the ranking member that you two gentlemen are one reason why America is starting to get control of our borders, because a couple of years ago you started increasing the Border Patrol. And you did it in a difficult time. You did it at times over the objection of the administration. And because of that, you have started this trend of taking border patrol men, who are presently stationed in the interior, moving them to the border, forward deploying them, which is one thing the studies done by Los Alamos Laboratory said we should do, one thing the studies by GAO said we should do.

Additionally, this year you are adding some 700 new border patrol agents, those are used in the smugglers corridor between San Diego and Tijuana, the most prolific smugglers corridor in America, who greatly appreciate your attention to the border.

We have 12 smugglers corridors across the Southwest, from San Diego to Tijuana, all the way to Brownsville, Texas, to Matamoros, Mexico.

I want to thank the distinguished chairman, the gentleman from Kentucky [Mr. ROGERS], for this attention to the border, and the gentleman from West Virginia [Mr. MOLLOHAN]. Because of you we are finally starting to get control of the border, and those of us in California, Texas, New Mexico, and Arizona will work with you very closely to see to it that we finish this job.

The CHAIRMAN pro tempore. All time for general debate has expired.

Pursuant to the rule, the bill shall be considered under the 5-minute rule by titles, and each title shall be considered as having been read.

During consideration of the bill for amendment, the Chairman of the Committee of the Whole may accord priority in recognition to a Member who has caused an amendment to be printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered as read.

The Clerk will designate title I.

The text of title I is as follows:

H.R. 2076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 1996, and for other purposes, namely:

TITLE I—DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

SALARIES AND EXPENSES

For expenses necessary for the administration of the Department of Justice, $74,282,000; including not to exceed $3,317,000 for the Facilities Program 2000, and including $5,000,000 for management and oversight of Immigration and Naturalization Service activities, both sums to remain available until expended.

COUNTERTERRORISM FUND

For necessary expenses, as determined by the Attorney General, $26,898,000, to remain available until expended, to reimburse any Department of Justice organization for (1) the costs incurred in reestablishing the operational capability of an office or facility which has been damaged or destroyed as a result of the bombing of the Alfred P. Murrah Federal Building in Oklahoma City or any domestic or international terrorist incident, (2) the costs of providing support to counter, investigate or prosecute domestic or international terrorism, including payment of rewards in connection with these activities, and (3) the costs of conducting a terrorism threat assessment of Federal agencies and their facilities: *Provided,* That funds provided under this section shall be available only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

ADMINISTRATIVE REVIEW AND APPEALS

For expenses necessary for the administration of pardon and clemency petitions and immigration related activities, $39,736,000.

VIOLENT CRIME REDUCTION PROGRAMS, ADMINISTRATIVE REVIEW AND APPEALS

For activities authorized by sections 130005 and 130007 of Public Law 103–322, $47,780,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended, $30,484,000; including not to exceed $10,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and for the acquisition, lease, maintenance and operation of motor vehicles without regard to the general purchase price limitation.

UNITED STATES PAROLE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the United States Parole Commission as authorized by law, $5,446,000.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For expenses necessary for the legal activities of the Department of Justice, not otherwise provided for, including activities authorized by title X of the Civil Rights Act of 1964, and including not to exceed $20,000 for expenses of collecting evidence, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; and rent of private or Government-owned space in the District of Columbia; $401,929,000; of which not to exceed $10,000,000 for litigation support contracts shall remain available until expended: *Provided*, That of the funds available in this appropriation, not to exceed $22,618,000 shall remain available until expended for office automation systems for the legal divisions covered by this appropriation, and for the United States Attorneys, the Antitrust Division, and offices funded through "Salaries and Expenses", General Administration: *Provided further*, That of the total amount appropriated, not to exceed $1,000 shall be available to the United States National Central Bureau, INTERPOL, for official reception and representation expenses: *Provided further*, That notwithstanding 31 U.S.C. 1342, the Attorney General may accept on behalf of the United States and credit to this appropriation, gifts of money, personal property and services, for the purpose of hosting the International Criminal Police Organization's (INTERPOL) American Regional Conference in the United States during fiscal year 1996.

In addition, for reimbursement of expenses of the Department of Justice associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $4,028,000, to be appropriated from the Vaccine Injury Compensation Trust Fund, as authorized by section 6601 of the Omnibus Budget Reconciliation Act, 1989, as amended by Public Law 101–512 (104 Stat. 1289).

VIOLENT CRIME REDUCTION PROGRAMS, GENERAL LEGAL ACTIVITIES

For the expeditious deportation of denied asylum applicants, as authorized by section 130005 of Public Law 103–322, $7,591,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

SALARIES AND EXPENSES, ANTITRUST DIVISION

For expenses necessary for the enforcement of antitrust and kindred laws, $69,143,000: *Provided*, That notwithstanding any other provision of law, not to exceed $48,262,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from the General Fund estimated at not more than $20,881,000: *Provided further*, That any fees received in excess of $48,262,000 in fiscal year 1996, shall remain available until expended, but shall not be available for obligation until October 1, 1996.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For necessary expenses of the Office of the United States Attorneys, including intergovernmental agreements, $896,825,000, of which not to exceed $2,500,000 shall be available until September 30, 1997 for the purposes of (1) providing training of personnel of the Department of Justice in debt collection, (2) providing services to the Department of Justice related to locating debtors and their property, such as title searches, debtor skiptracing, asset searches, credit reports and other investigations, (3) paying the costs of the Department of Justice for the sale of property not covered by the sale proceeds, such as auctioneers' fees and expenses, maintenance and protection of property and businesses, advertising and title search and surveying costs, and (4) paying the costs of processing and tracking debts owed to the United States Government: *Provided*, That of the total amount appropriated, not to exceed $8,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $10,000,000 of those funds available for automated litigation support contracts and $4,000,000 for security equipment shall remain available until expended.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES ATTORNEYS

For activities authorized by sections 190001(d), 40114 and 130005 of Public Law 103–322, $14,731,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $5,000,000 shall be available to help meet increased demands for litigation and related activities, $500,000 to implement a program to appoint additional Federal Victim's Counselors, and $9,231,000 for expeditious deportation of denied asylum applicants.

UNITED STATES TRUSTEE SYSTEM FUND

For the necessary expenses of the United States Trustee Program, $101,596,000, as authorized by 28 U.S.C. 589a(a), to remain available until expended, for activities authorized by section 115 of the Bankruptcy Judges, United States Trustees, and Family Farmer Bankruptcy Act of 1986 (Public Law 99–554), which shall be derived from the United States Trustee System Fund: *Provided*, That deposits to the Fund are available in such amounts as may be necessary to pay refunds due depositors: *Provided further*, That, notwithstanding any other provision of law, not to exceed $44,191,000 of offsetting collections derived from fees collected pursuant to section 589a(f) of title 28, United States Code, as amended, shall be retained and used for necessary expenses in this appropriation: *Provided further*, That the $101,596,000 herein appropriated from the United States Trustee System Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from such Fund estimated at not more than $57,405,000: *Provided further*, That any of the aforementioned fees collected in excess of $44,191,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996.

SALARIES AND EXPENSES, FOREIGN CLAIMS SETTLEMENT COMMISSION

For expenses necessary to carry out the activities of the Foreign Claims Settlement Commission, including services as authorized by 5 U.S.C. 3109, $830,000.

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For necessary expenses of the United States Marshals Service; including the acquisition, lease, maintenance, and operation of vehicles and aircraft, and the purchase of passenger motor vehicles for police-type use without regard to the general purchase price limitation for the current fiscal year; $418,973,000, as authorized by 28 U.S.C. 561(i), of which not to exceed $6,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS, UNITED STATES MARSHALS SERVICE

For activities authorized by section 190001(b) of Public Law 103–322, $25,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

SUPPORT OF UNITED STATES PRISONERS

For support of United States prisoners in the custody of the United States Marshals Service as authorized in 18 U.S.C. 4013, but not including expenses otherwise provided for in appropriations available to the Attorney General; $250,331,000, as authorized by 28 U.S.C. 561(i), to remain available until expended.

FEES AND EXPENSES OF WITNESSES

For expenses, mileage, compensation, and per diems of witnesses, for expenses of contracts for the procurement and supervision of expert witnesses, for private counsel expenses, and for per diems in lieu of subsistence, as authorized by law, including advances, $85,000,000, to remain available until expended; of which not to exceed $4,750,000 may be made available for planning, construction, renovation, maintenance, remodeling, and repair of buildings and the purchase of equipment incident thereto for protected witness safesites; of which not to exceed $1,000,000 may be made available for the purchase and maintenance of armored vehicles for transportation of protected witnesses; and of which not to exceed $4,000,000 may be made available for the purchase, installation and maintenance of a secure automated information network to store and retrieve the identities and locations of protected witnesses.

ASSETS FORFEITURE FUND

For expenses authorized by 28 U.S.C. 524(c)(1)(A)(ii), (B), (C), (F), and (G), as amended, $35,000,000 to be derived from the Department of Justice Assets Forfeiture Fund.

RADIATION EXPOSURE COMPENSATION

ADMINISTRATIVE EXPENSES

For necessary administrative expenses in accordance with the Radiation Exposure Compensation Act, $2,655,000.

PAYMENT TO RADIATION EXPOSURE COMPENSATION TRUST FUND

For payments to the Radiation Exposure Compensation Trust Fund, $16,264,000, to become available on October 1, 1996.

INTERAGENCY LAW ENFORCEMENT

INTERAGENCY CRIME AND DRUG ENFORCEMENT

For necessary expenses for the detection, investigation, and prosecution of individuals involved in organized crime drug trafficking not otherwise provided for, to include intergovernmental agreements with State and local law enforcement agencies engaged in the investigation and prosecution of individuals involved in organized crime drug trafficking, $374,943,000, of which $50,000,000 shall remain available until expended: *Provided*, That any amounts obligated from appropriations under this heading may be used under authorities available to the organizations reimbursed from this appropriation: *Provided further*, That any unobligated balances remaining available at the end of the fiscal year shall revert to the Attorney General for reallocation among participating organizations in succeeding fiscal years, subject to the reprogramming procedures described in section 605 of this Act.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For expenses necessary for detection, investigation, and prosecution of crimes against the United States; including purchase for police-type use of not to exceed 1,815 passenger motor vehicles of which 1,300 will be for replacement only, without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; $2,251,481,000, of which not to exceed $50,000,000 for automated data processing and telecommunications and technical investigative equipment and $1,000,000 for undercover operations shall remain available until September 30, 1997; of which not to exceed $14,000,000 for research and development related to investigative activities shall remain available until expended; of which not to exceed $10,000,000 is authorized to be made available for making payments or advances for expenses arising out of contractual or reimbursable agreements with State and local law enforcement agencies while engaged in cooperative activities related to violent crime, terrorism, organized crime, and drug investigations; and of which $1,500,000 shall be available to maintain an independent program office dedicated solely to the relocation of the Criminal Justice Information Services Division and the automation of fingerprint identification services: *Provided*, That not to exceed $45,000 shall be available for official reception and representation expenses: *Provided further*, That $50,000,000 for expenses related to digital telephony shall be available for obligation only upon enactment of authorization legislation.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by Public Law 103–322, $80,600,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $35,000,000 shall be for activities authorized by section 190001(c); $27,800,000 for activities authorized by section 190001(b); $4,000,000 for Training and Investigative Assistance authorized by section 210501(c)(2); $8,300,000 for training facility improvements at the Federal Bureau of Investigation Academy at Quantico, Virginia authorized by section 210501(c)(3); and $5,500,000 for establishing DNA quality assurance and proficiency testing standards, establishing an index to facilitate law enforcement exchange of DNA identification information, and related activities authorized by section 210306.

CONSTRUCTION

For necessary expenses to construct or acquire buildings and sites by purchase, or as otherwise authorized by law (including equipment for such buildings); conversion and extension of federally-owned buildings; and preliminary planning and design of projects; $98,400,000, to remain available until expended.

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the Drug Enforcement Administration, including not to exceed $70,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; expenses for conducting drug education and training programs, including travel and related expenses for participants in such programs and the distribution of items of token value that promote the goals of such programs; purchase of not to exceed 1,208 passenger motor vehicles, of which 1,178 will be for replacement only, for police-type use without regard to the general purchase price limitation for the current fiscal year; and acquisition, lease, maintenance, and operation of aircraft; $781,488,000, of which not to exceed $1,800,000 for research and $15,000,000 for transfer to the Drug Diversion Control Fee Account for operating expenses shall remain available until expended, and of which not to exceed $4,000,000 for purchase of evidence and payments for information, not to exceed $4,000,000 for contracting for ADP and telecommunications equipment, and not to exceed $2,000,000 for technical and laboratory equipment shall remain available until September 30, 1997, and of which not to exceed $50,000 shall be available for official reception and representation expenses.

VIOLENT CRIME REDUCTION PROGRAMS

For Drug Enforcement Administration agents authorized by section 180104 of Public Law 103–322, $12,000,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

IMMIGRATION AND NATURALIZATION SERVICE

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, including not to exceed $50,000 to meet unforeseen emergencies of a confidential character, to be expended under the direction of, and to be accounted for solely under the certificate of, the Attorney General; purchase for police-type use (not to exceed 813 of which 177 are for replacement only) without regard to the general purchase price limitation for the current fiscal year, and hire of passenger motor vehicles; acquisition, lease, maintenance and operation of aircraft; and research related to immigration enforcement; $1,421,481,000, of which not to exceed $400,000 for research shall remain available until expended, and of which not to exceed $10,000,000 shall be available for costs associated with the training program for basic officer training: *Provided*, That none of the funds available to the Immigration and Naturalization Service shall be available for administrative expenses to pay any employee overtime pay in an amount in excess of $25,000 during the calendar year beginning January 1, 1996: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $5,000 shall be available for official reception and representation expenses: *Provided further*, That the Attorney General may transfer to the Department of Labor and the Social Security Administration not to exceed $30,000,000 for programs to verify the immigration status of persons seeking employment in the United States: *Provided further*, That none of the funds appropriated in this Act may be used to operate the Border Patrol traffic checkpoints located in San Clemente, California, at interstate highway 5 and in Temecula, California, at interstate highway 15.

VIOLENT CRIME REDUCTION PROGRAMS

For activities authorized by sections 130005, 130006, 130007, and 190001(b) of Public Law 103–322, $303,542,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, of which $44,089,000 shall be for expeditious deportation of denied asylum applicants, $218,800,000 for improving border controls, $35,153,000 for expanded special deportation proceedings, and $5,500,000 for border patrol equipment.

CONSTRUCTION

For planning, construction, renovation, equipping and maintenance of buildings and facilities necessary for the administration and enforcement of the laws relating to immigration, naturalization, and alien registration, not otherwise provided for, $11,000,000, to remain available until expended.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For expenses necessary for the administration, operation, and maintenance of Federal penal and correctional institutions, including purchase (not to exceed 853, of which 559 are for replacement only) and hire of law enforcement and passenger motor vehicles; and for the provision of technical assistance and advice on corrections related issues to foreign governments; $2,574,578,000: *Provided*, That there may be transferred to the Health Resources and Services Administration such amounts as may be necessary, in the discretion of the Attorney General, for direct expenditures by that Administration for medical relief for inmates of Federal penal and correctional institutions: *Provided further*, That the Director of the Federal Prison System (FPS), where necessary, may enter into contracts with a fiscal agent/fiscal intermediary claims processor to determine the amounts payable to persons who, on behalf of the FPS, furnish health services to individuals committed to the custody of the FPS: *Provided further*, That uniforms may be purchased without regard to the general purchase price limitation for the current fiscal year: *Provided further*, That not to exceed $6,000 shall be available for official reception and representation expenses: *Provided further*, That not to exceed $50,000,000 for the activation of new facilities shall remain available until September 30, 1997: *Provided further*, That of the amounts provided for Contract Confinement, not to exceed $20,000,000 shall remain available until expended to make payments in advance for grants, contracts and reimbursable agreements and other expenses authorized by section 501(c) of the Refugee Education Assistance Act of 1980 for the care and security in the United States of Cuban and Haitian entrants.

VIOLENT CRIME REDUCTION PROGRAMS

For substance abuse treatment in Federal prisons as authorized by section 32001(e) of Public Law 103–322, $13,500,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund.

BUILDINGS AND FACILITIES

For planning, acquisition of sites and construction of new facilities; leasing the Oklahoma City Airport Trust Facility; purchase and acquisition of facilities and remodeling and equipping of such facilities for penal and correctional use, including all necessary expenses incident thereto, by contract or force account; and constructing, remodeling, and equipping necessary buildings and facilities at existing penal and correctional institutions, including all necessary expenses incident thereto, by contract or force account; $323,728,000, to remain available until expended, of which not to exceed $14,074,000 shall be available to construct areas for inmate work programs: *Provided*, That labor of United States prisoners may be used for work performed under this appropriation: *Provided further*, That not to exceed 10 percent of the funds appropriated to "Buildings and Facilities" in this Act or any other Act may be transferred to "Salaries and Expenses," Federal Prison System upon notification by the Attorney General to the Committees on Appropriations of the House of Representatives and the Senate in compliance with provisions set forth in section 605 of this Act: *Provided further*, That of the total amount appropriated, not to exceed $22,351,000 shall be available for the renovation and construction of United States Marshals Service prisoner holding facilities.

FEDERAL PRISON INDUSTRIES, INCORPORATED

The Federal Prison Industries, Incorporated, is hereby authorized to make such expenditures, within the limits of funds and borrowing authority available, and in accord with the law, and to make such contracts and commitments, without regard to fiscal year limitations as provided by section 9104 of title 31, United States Code, as may be necessary in carrying out the program set forth in the budget for the current fiscal year for such corporation, including purchase of (not to exceed five for replacement only) and hire of passenger motor vehicles.

LIMITATION ON ADMINISTRATIVE EXPENSES, FEDERAL PRISON INDUSTRIES, INCORPORATED

Not to exceed $3,559,000 of the funds of the corporation shall be available for its administrative expenses, and for services as authorized by 5 U.S.C. 3109, to be computed on an accrual basis to be determined in accordance with the corporation's current prescribed accounting system, and such amounts shall be exclusive of depreciation, payment of claims, and expenditures which the said accounting system requires to be capitalized or charged to cost of commodities acquired or produced, including selling and shipping expenses, and expenses in connection with acquisition, construction, operation, maintenance, improvement, protection, or disposition of facilities and other property belonging to the corporation or in which it has an interest.

OFFICE OF JUSTICE PROGRAMS

JUSTICE ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and the Missing Children's Assistance Act, as amended, including salaries and expenses in connection therewith, and with the Victims of Crime Act of 1984, as amended, $97,977,000, to remain available until expended, as authorized by section 1001 of title I of the Omnibus Crime Control and Safe Streets Act, as amended by Public Law 102–534 (106 Stat. 3524).

VIOLENT CRIME REDUCTION PROGRAMS, JUSTICE ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"), $102,400,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $6,000,000 shall be for the Court Appointed Special Advocate Program, as authorized by section 218 of the 1990 Act; $750,000 for Child Abuse Training Programs for Judicial Personnel and Practitioners, as authorized by section 224 of the 1990 Act; $32,750,000 for Grants to Combat Violence Against Women, as authorized by section 1001(a)(18) of the 1968 Act; $28,000,000 for Grants to Encourage Arrest Policies, as authorized by section 1001(a)(19) of the 1968 Act; $7,000,000 for Rural Domestic Violence and Child Abuse Enforcement Assistance Grants, as authorized by section 40295 of the 1994 Act; $27,000,000 for grants for Residential Substance Abuse Treatment For State Prisoners, as authorized by section 1001(a)(17) of the 1968 Act; and $900,000 for the Missing Alzheimer's Disease Patient Alert Program, as authorized by section 240001(d) of the 1994 Act: *Provided further*, That any balances for these programs shall be transferred to and merged with this appropriation.

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For grants, contracts, cooperative agreements, and other assistance authorized by part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, for State and Local Narcotics Control and Justice Assistance Improvements, notwithstanding the provisions of section 511 of said Act, $50,000,000, to remain available until expended, as authorized by section 1001 of title I of said Act, as amended by Public Law 102–534 (106 Stat. 3524), which shall be available only to carry out the provisions of chapter A of subpart 2 of part E of title I of said Act, for discretionary grants under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs: *Provided further*, That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account.

VIOLENT CRIME REDUCTION PROGRAMS, STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For assistance (including amounts for administrative costs for management and administration, which amounts shall be transferred to and merged with the "Justice Assistance" account) authorized by the Violent Crime Control and Law Enforcement Act of 1994, Public Law 103–322 ("the 1994 Act"); the Omnibus Crime Control and Safe Streets Act of 1968, as amended ("the 1968 Act"); and the Victims of Child Abuse Act of 1990, as amended ("the 1990 Act"), $3,333,343,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund; of which $2,000,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed by the House of Representatives on February 14, 1995; $25,000,000 for grants to upgrade criminal records, as authorized by section 106(b) of the Brady Handgun Violence Prevention Act of 1993, as amended, and section 4(b) of the National Child Protection Act of 1993; $475,000,000 as authorized by section 1001 of title I of the 1968 Act, which shall be available to carry out the provisions of subpart 1, part E of title I of the 1968 Act, notwithstanding section 511 of said Act, for the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs; $300,000,000 for the State Criminal Alien Assistance Program, as authorized by section 501 of the Immigration Reform and Control Act of 1986, as amended; $19,643,000 for Youthful Offender Incarceration Grants, as authorized by section 1001(a)(16) of the 1968 Act; $500,000,000 for Truth in Sentencing Grants pursuant to section 101 of H.R. 667 as passed by the House of Representatives on February 10, 1995 of which not to exceed $200,000,000 is available for payments to States for incarceration of criminal aliens pursuant to section 508 as proposed by such section 101; $1,000,000 for grants to States and units of local government for projects to improve DNA analysis, as authorized by section 1001(a)(22) of the 1968 Act; $10,000,000 for Improved Training and Technical Automation Grants, as authorized by section 210501(c)(1) of the 1994 Act; $200,000 for grants to assist in establishing and operating programs for the prevention, diagnosis, treatment and follow-up care of tuberculosis among inmates of correctional institutions, as authorized by section 32201(c)(3) of the 1994 Act; $1,500,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act; $1,000,000 for Gang Investigation Coordination and Information Collection, as authorized by section 150006 of the 1994 Act: *Provided*, That funds made available in fiscal year 1996 under subpart 1 of part E of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, may be obligated for programs to assist States in the litigation processing of death penalty Federal habeas corpus petitions: *Provided further*, That any 1995 balances for these programs shall be transferred to and merged with this appropriation.

WEED AND SEED PROGRAM FUND

For necessary expenses, including salaries and related expenses of the Executive Office for Weed and Seed, to implement "Weed and Seed" program activities, $23,500,000, of which $13,500,000 shall be derived from discretionary grants provided under the Edward Byrne Memorial State and Local Law Enforcement Assistance Programs and $10,000,000 shall be derived from discretionary grants provided under part C of title II of the Juvenile Justice and Delinquency Prevention Act, to remain available until expended for intergovernmental agreements, including grants, cooperative agreements, and contracts, with State and local law enforcement agencies engaged in the investigation and prosecution of violent crimes and drug offenses in "Weed and Seed" designated communities, and for either reimbursements or transfers to appropriation accounts of the Department of Justice and other Federal agencies which shall be specified by the Attorney General to execute the "Weed and Seed" program strategy: *Provided*, That funds designated by Congress through language for other Department of Justice appropriation accounts for "Weed and Seed" program activities shall be managed and executed by the Attorney General through the Executive Office for Weed and Seed: *Provided further*, That the Attorney General may direct the use of other Department of Justice funds and personnel in support of "Weed and Seed" program activities only after the Attorney General notifies the Committees on Appropriations of the House of Representatives and the Senate in accordance with section 605 of this Act.

JUVENILE JUSTICE PROGRAMS

For grants, contracts, cooperative agreements, and other assistance authorized by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended, including salaries and expenses in connection therewith to be transferred to and merged with the appropriations for Justice Assistance, $144,000,000, to remain available until expended, as authorized by section 299 of part I of title II and section 506 of title V of the Act, as amended by Public Law 102–586, of which: (1) $100,000,000 shall be available for expenses authorized by parts A, B, and C of title II of the Act; (2) $10,000,000 shall be available for expenses authorized by sections 281 and 282 of part D of title II of the Act for prevention and treatment programs relating to juvenile gangs; (3) $10,000,000 shall be available for expenses authorized by section 285 of part E of title II of the Act; (4) $4,000,000 shall be available for expenses authorized by part G of title II of the Act for juvenile mentoring programs; and (5) $20,000,000 shall be available for expenses authorized by title V of the Act for incentive grants for local delinquency prevention programs.

In addition, for grants, contracts, cooperative agreements, and other assistance authorized by the Victims of Child Abuse Act of 1990, as amended, $4,500,000, to remain available until expended, as authorized by section 214B, of the Act: *Provided*, That balances of amounts appropriated prior to fiscal year 1995 under the authorities of this account shall be transferred to and merged with this account.

PUBLIC SAFETY OFFICERS BENEFITS

For payments authorized by part L of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796), as amended, such sums as are necessary, to remain available until expended, as authorized by section 6093 of Public Law 100–690 (102 Stat. 4339–4340), and, in addition, $2,134,000, to remain available until expended, for payments as authorized by section 1201(b) of said Act.

GENERAL PROVISIONS—DEPARTMENT OF JUSTICE

SEC. 101. In addition to amounts otherwise made available in this title for official reception and representation expenses, a total of not to exceed $45,000 from funds appropriated to the Department of Justice in this title shall be available to the Attorney General for official reception and representation expenses in accordance with distributions, procedures, and regulations established by the Attorney General.

SEC. 102. Subject to section 102(b) of the Department of Justice and Related Agencies Appropriations Act, 1993, as amended by section 112 of this Act, authorities contained in Public Law 96–132, "The Department of Justice Appropriation Authorization Act, Fiscal Year 1980," shall remain in effect until the termination date of this Act or until the effective date of a Department of Justice Appropriation Authorization Act, whichever is earlier.

SEC. 103. None of the funds appropriated by this title shall be available to pay for an abortion, except where the life of the mother would be endangered if the fetus were carried to term, or in the case of rape: *Provided*, That should this prohibition be declared unconstitutional by a court of competent jurisdiction, this section shall be null and void.

SEC. 104. None of the funds appropriated under this title shall be used to require any person to perform, or facilitate in any way the performance of, any abortion.

SEC. 105. Nothing in the preceding section shall remove the obligation of the Director of the Bureau of Prisons to provide escort services necessary for a female inmate to receive such service outside the Federal facility: *Provided*, That nothing in this section in any way diminishes the effect of section 104 intended to address the philosophical beliefs of individual employees of the Bureau of Prisons.

SEC. 106. Notwithstanding any other provision of law, not to exceed $10,000,000 of the funds made available in the Act may be used to pay rewards and shall not be subject to spending limitations contained in sections 3059 and 3072 of title 18, United States Code: *Provided*, That any reward of $100,000 or more, up to a maximum of $2,000,000, may not be made without the personal approval of the President or the Attorney General and such approval may not be delegated.

SEC. 107. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Justice in this Act, including those derived from the Violent Crime Reduction Trust Fund, may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That this section shall not apply to any appropriation made available in title I of this Act under the heading, "Office of Justice Programs, Justice Assistance": *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 108. For fiscal year 1996 and each fiscal year thereafter, amounts in the Federal Prison System's Commissary Fund, Federal Prisons, which are not currently needed for operations, shall be kept on deposit or invested in obligations of, or guaranteed by, the United States and all earnings on such investments shall be deposited in the Commissary Fund.

SEC. 109. Section 524(c)(9) of title 28, United States Code, is amended by adding subparagraph (E), as follows:

"(E) Subject to the notification procedures contained in section 605 of Public Law 103–121, and after satisfying the transfer requirement in subparagraph (B) of this paragraph, any excess unobligated balance remaining in the Fund on September 30, 1995 shall be available to the Attorney General, without fiscal year limitation, for any Federal law enforcement, litigative/prosecutive, and correctional activities, or any other authorized purpose of the Department of Justice. Any amounts provided pursuant to this subparagraph may be used under authorities available to the organization receiving the funds.".

SEC. 110. Notwithstanding any other provision of law—

(1) no transfers may be made from Department of Justice accounts other than those authorized in this Act, or in previous or subsequent appropriations Acts for the Department of Justice, or in part II of title 28 of the United States Code, or in section 10601 of title 42 of the United States Code; and

(2) no appropriation account within the Department of Justice shall have its allocation of funds controlled by other than an apportionment issued by the Office of Management and Budget or an allotment advice issued by the Department of Justice.

SEC. 111. (a) Section 1930(a)(6) of title 28, United States Code, is amended by striking "a plan is confirmed or".

(b) Section 589a(b)(5) of such title is amended by striking ";" and inserting, "until a reorganization plan is confirmed;".

(c) Section 589a(f) of such title is amended—

(1) in paragraph (2) by striking "." and inserting, "until a reorganization plan is confirmed;", and

(2) by inserting after paragraph (2) the following new paragraph:

"(3) 100 percent of the fees collected under section 1930(a)(6) of this title after a reorganization plan is confirmed.".

SEC. 112. Public Law 102–395, section 102 is amended as follows: (1) in subsection (b)(1) strike "years 1993, 1994, and 1995" and insert "year 1996"; (2) in subsection (b)(1)(C) strike "years 1993, 1994, and 1995" and insert "year 1996"; and (3) in subsection (b)(5)(A) strike "years 1993, 1994, and 1995" and insert "year 1996".

SEC. 113. Public Law 101–515 (104 Stat. 2112; 28 U.S.C. 534 note) is amended by inserting "and criminal justice information" after "for the automation of fingerprint identification".

This title may be cited as the "Department of Justice Appropriations Act, 1996".

The CHAIRMAN pro tempore. Are there any amendments to title I?

AMENDMENT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MOLLOHAN: On page 24, line 6 strike, "$2,000,000,000", and all that follows through "1995" on line 9, and insert the following:

"1,767,000,000 shall be for Public Safety and Community Policing Grants authorized by section 10003 of the 1994 Act; and $233,000,000 shall be for carrying out the crime prevention programs authorized under sections 30202, 30307, 30702, 31904, 31921, 32101, 40102, and 50001 of the 1994 Act."

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that debate on this amendment and all amendments thereto close in 1 hour and that the time be equally divided.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 30 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 30 minutes.

The Chair recognizes the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

First, I would like to comment on the appreciation expressed by the gentleman from California [Mr. HUNTER], to the gentleman from Kentucky [Mr. ROGERS] and myself for our efforts with regard to INS and our funding last year and this year to enhance border enforcement and to work to try to secure our border. We certainly have worked in that regard.

Mr. HUNTER last year was very much in the forefront of that. I appreciate his kind of remarks, and we appreciate his efforts in that regard.

Mr. Chairman, I rise to offer an amendment to title I of H.R. 2076, the fiscal year 1996 appropriate bill for the Department of Commerce, Justice, State, and the Judiciary, and related agencies.

Mr. Chairman, frankly, this amendment is not the amendment that I wanted to offer at this time. At the full committee, it became apparent, it became apparent in subcommittee, as we were marking it up, but we were not going to put any money on the COPS program, the program that is out there right now working for America, the program that has brought approximately 20,000 police officers to local communities virtually in every congressional district in this country, that is doing a good job, by all accounts, both administratively and substantially in fighting crime on the streets. It became apparent in subcommittee that we were not going to fund the COPS program. Although we had passed it in the crime bill last year. Although the Justice Department has implemented it by any account in a very efficient, effective way, although many communities are relying on it, have spent time, filed their grants, and expect for those grants to be funded for the next three years because they had been granted by the Federal Government, we are not funding it in this bill.

So today as it stands, tonight, throughout the country, as the law enforcement community looks at our efforts here, looks at this appropriation bill, looks at title I, the Justice funding, they do not see any funding next year for the COPS program.

Recognizing that we were not doing that in subcommittee, I thought about that. How do we posture this so that we take into consideration the interests of the majority now, we take into consideration the fact that earlier in the year they passed a crime bill which repealed in effect the COPS program and substituted a block grant program but also which takes into consideration that block grant program is not law; the COPS program is. How do we handle that?

So I came up with an amendment in the alternative, a funding in the alternative. I offered that in full committee. The amendment simply said that we will fund the block program as it is contained in the subcommittee's mark, if the block program becomes law. Because if it becomes law, it in effect replaces the COPS program. But if the block program does not become law, then we will take that same amount of money and fund the COPS program and $233 million out of the fund prevention programs so that police officers and the law enforcement community and the American people would not have to be in this state of insecurity about Federal funding for community policing.

That was a reasonable amendment. I almost thought it was bipartisan. I thought it might be accepted, but it was not. It was opposed on a partisan basis and defeated in the full committee.

I went to the Committee on Rules, made the same appeal. Let us fund block grants, if they become law, but let us not not fund the COPS Program in the event that the block program does not become law. Let us tell the police community out there, the American people, let us tell them that we are going to keep this program going in some form.

We were denied at the Committee on Rules. Therefore, we are left with the only alternative and that is to strike the funding for the block grant program in this bill and offer an amendment in substitute of that to fund the COPS Program and to fund $233 million in prevention programs.

That is where we are tonight. I hope that we pass this amendment, because if we do not go the other way, funding in the alternative, then surely we should let the communities across this country know that this very effective COPS Program is going to be funded into the outyears, that our promise to police agencies, law enforcement across the country, our promise that we are going to fund this COPS Program for 3 years, that that promise is kept.

Let me take a moment to speak to the success of the COPS Program, which obviously is the substance, it is the reason it merits continuing funding.

The COPS Program was first funded last year in the Commerce, Justice Committee, was funded at $1.3 billion. This funding passes through a variety of grant programs, and jurisdictions of all sizes participated in it.

There is the COPS Ahead Program that helps fund officers in larger jurisdictions. There is the COPS Fast Program, that directs funds towards smaller jurisdictions, and there is even a program Troops to Cops that provides funds to jurisdictions which hire former members of our armed services, which ought to be very attractive, particularly when we are downsizing the military.

Thus far, Mr. Chairman, we have 20,473 more officers funded under this program that have been authorized by COPS that are out there on the beat. And Mr. Chairman, soon, I believe tomorrow, the Department of Justice will be announcing 3,434 more cops on the beat.

I want to assure my colleagues that we are right on schedule with this program. We will see 100,000 more police officers on the beat by the year 2000, if we just fund the program. But the numbers do not tell the whole story.

COPS is a popular program. It is popular with chiefs and sheriffs and mayors, as well as rank-and-file officers. COPS grant applications are short; they are simple. They are easy to fill out, one page in many instances. It is virtually an unparalleled administrative success program in the Federal Government.

Let us talk about the impact of the COPS Program on crime. During the first half of 1995, homicide rates in America's largest cities, including New York, Chicago, Houston, Los Angeles, Miami, have dropped. That is certainly welcome news. Is it all because of the COPS Program? I do not know. But it is certainly making its contribution. And if it were rising, those who are critics of the COPS Program would probably say, Look, it is failing the crime rate is going up. But the crime rate is not going up. It is going down. The COPS Program is contributing to that. That is a wonderful success, and it is welcome news.

In combination with community-based initiatives, this is a terrific program having a terrific impact.

A recent article in the Washington Times detailed the successes of community policing efforts in Fort Worth, TX. The article states that since community policing began in Fort Worth, burglaries have gone down by 51 percent, and they started their community policing 4 years ago, grand thefts by 38-percent down, auto thefts by 60-percent down, robberies by 31 percent and aggravated assaults by 56 percent. Mr. Chairman, community policing works.

If you vote against this amendment here tonight, there is no guarantee that the COPS program will continue. There is no guarantee that one new officer will make it to the streets of this Nation. If you vote for my amendment, you will ensure that the COPS program continues, that this proven work goes on.

Finally, I would like to say a few words about prevention programs, Mr. Chairman. As H.R. 2706 stands, our bill zeros out funds for a number of important prevention programs such as drug courts and assistance for delinquent and at-risk youth.

While some of these programs may be eligible for funding under the $2 million local law enforcement block grant, my amendment reserves $233 million specifically for these prevention programs, for these intervention programs. And they are working across the nation. Intervention and community policing, it is a nice combination, Mr. Chairman.

By specifically reserving a pool of funds for these programs, I am preventing these programs from having to compete with COPS or other programs for funding.

Let me remind my colleagues that there is a large teenage population coming up into crime-prone age, late in this century and early in the next century. Our best defense is to focus right on them, and prevention programs do that, focusing on drug awareness, education programs, and at-risk youth.

□ 1915

Mr. Chairman, who knows what we will get for $2 billion on the local law enforcement block grant programs. We will get some good, but in the meantime we will undermine a proven program, one out there that America is depending upon and one out there that is playing its part in reducing crime across this Nation. Let us support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS. Mr. Chairman I yield myself such time as I may consume.

Now, Mr. Chairman, let us be straight about this. The bill includes almost $2 billion for local law enforcement block grant applications. It replaces the President's COPS program. The President's COPS program is a top-down Washington based program. It requires local communities the first year to put up 25 percent of the cost, the second year 50 percent of the cost, the third year 75 percent of the cost, and the fourth year 100 percent.

Local communities say, if I had 25 percent to match, I would hire a cop today on my own. I would not need the Federal match. Our program, Mr. Chairman, only requires the local communities to put up 10 percent, and they can use the money not just for cops but for cop cars and cop radios and cop supplies and other needs of the local law enforcement community. Whatever they say they need. That is the beauty of this program.

The Mollohan amendment puts its money on the Washington-based crime fighting strategy of the President. We put our trust in local communities' abilities to decide on their own where and how they want to spend the money to fight crime. I want you to know, Mr. Chairman, and my colleagues, that midnight basketball is back if the Mollohan amendment passes along with other Washington prescribed crime prevention programs.

I received a letter yesterday, Mr. Chairman, from the National League of Cities. It is signed by the current Democratic president, Carolyn Long Banks, and the incoming Republican president, Gregory Lashutka. It is a bipartisan response to the local law enforcement block grant program. Here is what it says. "We are writing on behalf of 135,000 municipal elected leaders from cities and towns across the Nation to express our strong support for provisions in the fiscal year 1996 Commerce, State, Justice appropriations bill requesting $2 billion to fund the House passed LNC supported local law enforcement block grant." They say, We urge all Members to vote in support of your efforts to fund a strengthened Federal local anticrime partnership." They go on to say, "The types of crimes and violence and the appropriate responses to them vary from city to city. We know that no one-size-fits-all approach directed by Washington could work nearly as effectively and efficiently as providing local discretion and responsibility to local elected officials."

That is the quote, Mr. Chairman, from the president of the National League of Cities, Carolyn Long Banks, who happens to be a member of Mr. MOLLOHAN's party, but it is also signed by the Republican incoming president, and so this is bipartisan support for the local law enforcement assistance grants.

I would put my money and we are putting our money in this bill on local communities any time, day or night, over providing the President his prescription from Washington for how local communities should act to fight crime in their community. We put our faith in local communities, in local elected officials, in local law enforcement people. The Mollohan amendment puts its faith in the White House.

I strongly urge our Members to vote "no" on the Mollohan amendment and I hope that the Members will stay with us on the bill, because we provide almost $2 billion for local law enforcement, not Washington-local law enforcement.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY. Mr. Chairman, I rise in strong support of the Mollohan amendment to preserve the funding for community policing grants and prevention programs as prescribed by the Violent Crime Control and Law Enforcement Act of 1994.

Last year the Congress passed a crime control bill that adopted a balanced approach of prevention to stop crime before it starts; prisons to punish criminals; and police to enforce the laws on our streets. This approach is working, and particularly with regard to police.

For example, the Justice Department has been extremely successful in awarding thousands of grants to small towns, medium-size towns, and to our Nation's cities. Nearly 17,000 new police officers are or will be hired—over 150 in my home State of Connecticut alone. These new police officers are welcome relief in my hometown of Hartford, where new officers on the street will fight the gangs and drugs that have become so commonplace there.

Funding in this appropriations bill assumes enactment into law of H.R. 728, and funds $2 billion for the Law Enforcement Grant program. But it does not continue the successful COPS program; in fact, it does not guarantee that one additional police officer will be placed on the street. We can try criminals, we can put them in prison, but without additional police we do not have the resources to arrest them and start the judicial process.

In addition, the bill provides no funding for any of the prevention programs like drug courts, that were enacted into law as part of last year's crime bill. Without funding for prevention programs we will not have the chance to keep our young people off the streets, and away from the temptations of crime.

I urge my colleagues to vote for the Mollohan amendment to restore funding for police and prevention programs. Let's continue the intelligent approach enacted to reduce crime across the Nation. Support a balanced approach to fighting crime in our counties, and support the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield 6 minutes to the very able gentleman from Florida [Mr. MCCOLLUM], the chairman of the Subcommittee on Crime and Criminal Justice of the Committee on the Judiciary.

Mr. MCCOLLUM. I thank the gentleman for yielding time to me.

Mr. Chairman, I come tonight to rise in strong support of the provisions in this bill that have law enforcement block grants.

Funding this initiative represents a vital step in my judgment in this Congress to keep one of the pledges in the Contract With America that we made as we came to office on this side of the aisle this past November, and a pledge that we took a large step in keeping when we passed a bill earlier this year, in January, H.R. 728, where we rejected the Washington-knows-best concept that is embodied in the Mollohan amendment.

The reason I like what is in the underlying bill and do not like Mollohan is the same reason we debated out here back in January. We talked about the fact that at that time we had a situation where a bill that had been passed in the last Congress devoted a specific amount of money to Cops on the Streets Program, a very large sum, and another very large sum to a bunch of prevention programs that many of us thought was more social welfare. In order to be able to get any of this money, you had to comply with the specific restrictions in that legislation which was passed last year in the last Congress.

What we found in the Cops on the Streets Program as it has been unearthed and developed out there is that some communities, particularly those that were going to hire cops, anyway, think those programs are terrific in a sense because the money that is given to them by the Federal Government subsidizes a program of hiring that they were already planning on doing anyhow. In a few cases you are getting a few new cops on the streets in places you would not otherwise have, but there are hundreds, and I would say thousands of local communities around this country who have rejected the idea of these new cops under this program already. Many of them have contacted many of the Members of this Congress and this House in particular to express those rejections and the reasons why. The reasons were clear to us then as they are clear to us now. That is, because especially in smaller communities, there is simply not the ability to fund the additional amount for the police officer.

As the gentleman from Kentucky [Mr. ROGERS] explained a minute ago, what happens in this COPS Program right now as it exists is that the police officers can be hired provided you put up a certain amount of funding at the beginning, and the Federal Government puts up about 75 percent, I guess, at the beginning. But that goes all the way down, in 3 years, all the way down to zero. After that you have the total responsibility of paying the entire cost of a police officer if you are going to keep them after that time, and most of that cost at the end of the first year.

The fact of the matter is that what the Federal Government pays, too, is not the full cost of the first time out, even the first year, because it does not take into full account the cost of equipping and training that new officer to go out on the street or perhaps the new police car he has got to have to have him.

What we also had with the prevention programs in the actual grants, not block grants but the regular grants they have out there now, is a limited amount of choices. You had certain programs specifically fixed, many of them designed to prefer in a sense some of the larger cities like New York City that would like to get specific money for a particular program. None of that, the American public thought, was a very good idea.

So what came out in the bill that passed this House, the crime bill earlier this year and what is embodied in this appropriations bill today was a complete change in that, a movement to a block grant program for the local communities to take all of this money that can be available, which is made available under this bill tonight, and instead of having somebody tell them that they have to hire a police officer in order to get the money or that they have to meet a certain program standard of a particular program we have dreamed up up here, the local communities, based upon the highest crime rates around the country, and based on their populations, will get the moneys in their communities for the county and city governments to decide how to spend that money to fight crime, with no other restriction except that it has to be used to fight crime and that it cannot be used to substitute for moneys that otherwise already would be there to hire the existing police or whatever.

In other words, the block grant money concept that we have, that we are going to be voting on in a couple of minutes tonight that the gentleman from West Virginia [Mr. MOLLOHAN] wants to do away with with his amendment would allow the cities and the counties of this country to decide how to spend the Federal money that is available in a way that they individually believe best fights crime in their communities. If they want to hire a new police officer or two, they are perfectly capable of doing that, spending every penny of their money on it. If they want to bid a new police car instead or another piece of equipment, they could use it for that instead. If they want to put the money into drug prevention programs or into midnight basketball, they could do that. That would be their choice at the local level rather than Washington telling them how to do it as exists in the present law and as exists in what the gentleman from West Virginia [Mr. MOLLOHAN] wants to return to with this money.

We do not want, on our side of the aisle, to be dictating to the cities and the counties of this Nation how this money is to be spent. We want to let them decide, because we think local governments know best how to fight crime in their communities.

This block grant approach is supported by a lot of groups around the country. These groups include the National League of Cities, the National Association of Chiefs of Police, the Law Enforcement Alliance of America, the Memphis Police Association, the Southern States Police Benevolent Association, the American Federation of Police, the Police Superior Officers Association and numerous lodges of the Fraternal Order of Police.

It is also significant of note that the police chief of Washington, D.C. recently testified before Congress and voiced his strong support for the block grant approach giving him the flexibility of getting equipment and doing other things rather than having to have a cop or doing one of the prevention programs specifically dictated in the bill that passed last year or would exist under the approach of the gentleman from West Virginia [Mr. MOLLOHAN]. Washington, D.C. lacks the resources and the ability to take advantage of the COPS program just like a lot of communities around this country lack that ability.

What the gentleman from West Virginia [Mr. MOLLOHAN] wants to do does not make sense. He is turning back the clock to the old Democrat version of how we ought to do it, with Washington knows best.

I urge my colleagues to vote "no" against the Mollohan amendment, embrace the local community block grant program in the underlying bill. Let the cities and the counties of this Nation decide who knows best what is good for them because what is good in Eugene, Oregon for fighting crime is not necessarily good in Jacksonville, Florida.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

I would like to reply to the distinguished gentleman from Florida for just 1 minute. He got into at the end of his remarks a little bit of hyperbole about the old way of doing business and all that.

Actually the COPS program is very modern, it is very new, it is good thinking. It is an efficient operation, creating efficient relationships between the Federal Government and localities and States across this Nation. It does it in a very direct way, focusing on a very real problem and getting a directly focused program, cops out there on the beat.

The gentleman from Florida mentioned organizations who were supporting the community block grant program. Perhaps they are supporting it in the abstract, as a possibility. There are a number of fraternal organizations who support the COPS program and support it strongly. Just to mention a few and not take up very much time, the Fraternal Order of Police support COPS, I say to the distinguished gentleman. The National Association of Police Organizations, the International Brotherhood of Police Officers, the International Union of Police Associations, the Police Executive Research Forum, the National Organization of Black Law Enforcement Executives, the National Troopers Coalition. The list goes on. I have only gone down through about half of it. There is considerable support out there for this very successful program.

Mr. Chairman, I yield 2 minutes to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong support of the Mollohan amendment to restore funding for the COPS community policing and prevention programs.

The amendment provides $1.8 billion in community policing grants so that States and local governments can hire more police officers. It also restores

$233 million for much-needed crime prevention programs. The Mollohan amendment would make sure that community policing and prevention programs are funded, instead of leaving these vital initiatives to chance under the local law enforcement block grants. Despite what my colleagues on the other side of the aisle say, these block grants do not guarantee that even one new police officer would be on the beat or that children and families would benefit from needed crime prevention initiatives.

Streets are becoming safer because we are putting more police officers on the beat and are improving programs that give young people a positive alternative to the streets.

In 1990, my hometown of New Haven, CT, had the unfortunate distinction of having the highest crime rate of any city in Connecticut. Then police and community leaders came together and implemented a community policing program. Three years later, New Haven has a much prouder distinction—crime was reduced by 7 percent in the first year of the program and by 10 percent in the second year. In fact, New Haven's community policing program has become a model for the Nation.

We need to keep the pledge made in the 1994 crime bill to put 100,000 new police officers on the streets by the year 2000. In my district, 32 new police officers are already on the job in 10 municipalities. And the results are in. According to the F.B.I.'s Uniform Crime Reports for the first 3 months of 1995, aggravated assault is down by 40 percent, robbery is down by 21 percent, and murder is down by 5 percent.

I urge my colleagues to support our police and communities by keeping our commitment to the COPS and prevention programs in the 1994 crime bills. These programs are making our streets and our people safer.

Take a stand in support of our cities, our police, our families, and our youth: support the Mollohan amendment.

□ 1930

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I appreciate the gentleman's yielding and I appreciate being recognized to speak about this very important provision.

Listening to the comments on the other side, I am reminded of an author, and I must admit I do not know whether it was Shakespeare or Tom Clancy that said, in response to somebody protesting about something else, "Methinks y'all doth protest too much." Translated to those of us out in the real world, that means, "What are y'all scared of?"

Mr. Chairman, we have a program here that takes taxpayer dollars and goes to our communities, our county commissioners, your city councilmen, your police, your cops, your sheriffs and says: Would you rather have these moneys coming for your community going back to your community? Would you rather have them controlled by Washington, as benevolent as Washington may be, or would you rather have control of those moneys in your community to use for purposes that you know are best in your communities?

Yes, the COPS program may be a good program, but why be wedded to a program that can be improved? This program can be improved.

If the gentlewoman from Connecticut needs police officers in her community, needs a cop on the beat in the neighborhoods, this proposal in this bill says, Go for it. Go to it, if that is what you need.

It gives ultimate flexibility to our law enforcement officers, our county commissioners, our city council people. that is it where the power should be, because that is where the power is coming from. We are returning it to the people. We are returning it to the people and to our officers, and what they need is what we ought to give them.

Mr. Chairman, they do not need redtape. They do not need forms. They need the funds to do what they believe in their community needs to be done to protect our citizens. This bill does it; this amendment takes it away.

I ask this amendment be defeated and the bill supported.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, with regard to the gentleman's closing remarks that this amendment takes it away, this amendment indeed takes nothing away; this amendment preserves the COPS program. It keeps the funding going as the Government promised it would keep it going into the outyears.

Actually, the bill language takes it away, changes the program in midstream and creates a lot of instability out there. This amendment restores that and keeps the COPS program going.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Chairman, I thank the gentleman from West Virginia [Mr. MOLLOHAN] for his leadership on this bill, and I feel more deeply about it, as somebody who authored the COPS Program.

Mr. Chairman, the gentleman from Georgia asked the question a minute ago; he said, "What are you afraid of?" Let me tell you what we are afraid of. We are afraid of local and State politicians taking this money and wasting it, not putting it for cops on the beat, but for doing whatever they darn choose.

We are afraid of them doing what they did in the 1970s, spending money on a tank or, like the Governor of Indiana, spending it on an airplane that he used to fly around saying he was protecting law enforcement. Or in other ways we are afraid of the LEA program, spending billions of dollars and wasting as they did in the 1970s.

There is a simple choice here, my colleagues. Who do you want to get the money? The police, as in the Mollohan amendment, or the politicians, as in the Republican bill?

We have this myth here, the Federal politicians will waste the money, but the State and local politicians will use it wisely. Well, I have seen more State and local politicians waste money. If my colleagues would just look at each of their local newspapers, there will be a story day by day. Ask this question: Why are all the major rank-and-file police organizations supporting the Mollohan bill; FOP and the NAPO, the hard-working policemen and women who walk those beats and whose lives are in danger? Because they know that our amendment says: Put the money for cops on the beat, not for whatever some little local politician decides he or she wants. It is that simple.

Mr. Chairman, if my colleagues were to ask my constituents, hard-working people in the outer boroughs of Brooklyn and Queens, what they want more than anything else from their government, it is the cop walking the beat.

Our bill provides them that. The Republican bill, the proposal, does not. It allows the local mayor, county commissioner, or whoever else, to spend the money on any kind of frivolous scheme they want.

Vote for the police. Vote for safety. Vote for the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. FOX].

Mr. FOX of Pennsylvania. Mr. Chairman, as a former assistant district attorney of Pennsylvania and a Town Watch organizer, I can tell you that the existing 1995 crime bill earmarks $10.2 billion for crime prevention programs and police programs.

Whether it is police officers or a drug corps, a Town Watch, police vehicles or police training, this existing bill does everything we need, including having more police officers, and the 1994 existing grants for police officers are fully protected.

In my view, the Federal Government, which is $4 trillion in debt, does not handle its funds well, but local government knows what it wants. Leave the discretion, as the gentleman from Florida [Mr. MCCOLLUM] says, to local law enforcement initiatives by our local communities, and we will take care of the law enforcement with the police officers and the public safety initiatives.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. LEVIN].

Mr. LEVIN. Mr. Chairman, what is the majority party's response at this point to the COPS program? It is a cop-out. A block grant. A block grant that assures no more cops on the beat; not a single additional cop guaranteed.

The issue is not about flexibility. This bill provides a lot of flexibility. I say this to the gentleman from Florida, it is about priorities. There is a national priority in terms of more police in local communities. And the gentleman mentions about small and large. I do not understand why small communities in his district, and in others represented here, have not taken advantage of this program.

The local communities in the 12th District, small and large, have. Center Line has an application. It has a small population; less than 10,000. We have a letter, on the other hand, from Warren from the city police chief, 145,000. He says, "Save this program. It has added six police in the community and now we hope to obtain more."

The same is true of Berkley and Huntington Woods, small communities in the 12th District. And the bill, the COPS bill, allows communities to combine together, under an amendment that I proposed, to have regional task forces to get at the needs within those communities.

Mr. Chairman, what does the majority proposal at this point suggest? Throw it to the winds. There is no accountability. I am proud to stand here and say there is a national priority and that is more police in our communities; flexibility for communities to use it as they want.

Mr. Chairman, I am not saying Washington knows best, but what I am saying is, listen to the local communities who have applied and who support this program. The formula of the majority party is going to hurt suburban communities like I represent. They have an ingredient in there that is going to hurt suburban communities like I represent.

The COPS Program is working; their program is a cop-out. I am glad for the Mollohan amendment. Let us go across partisan lines for once and support it.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Chairman, the gentleman from New York [Mr. SCHUMER] has just called every sheriff, every police official, every mayor in this country, a little local politician, when he said that the Members of this body, that the Members of the U.S. Congress, know more about fighting crime than local sheriffs, and that is a lie.

Mr. Chairman, I have before me a letter from Donny Gasparini, a Democrat, who is the sheriff of Winnebago County, one of only 32 counties in the entire United States to be accredited by the Commission of Accreditation for Law Enforcement Agencies. He is saying this: We need flexibility in this program. Sure it is good to have money for cops on the beat, but each new officer accounts for an average of 15 arrests per month.

He sent a letter to President Clinton saying, Give the sheriffs of this country flexibility. Do not box us in, because we need money not only to hire cops if we need them, but for drug courts, day reporting centers, community-based drug rehab programs, work release options.

Mr. Chairman, this is a professional law enforcement officer. He is the head of the Illinois Sheriffs Association. He knows more than the U.S. Congress. He is the one saying give the local police enforcement agencies the flexibility to spend the money to develop the tools that they know best in order to fight crime. Take power away from Congress and give it back to the local communities. That is why the block grants is the best program.

Mr. Chairman, I submit the following letter:

OFFICE OF THE SHERIFF,
WINNEBAGO COUNTY,
Rockford, IL, June 15, 1995.

Hon. DONALD MANZULLO,
U.S. Representative,
Washington, DC.

DEAR DON: Enclosed is a copy of a letter I am sending to President Clinton regarding the difficulties with appropriations for the Crime Bill.

Can you suggest any additional steps we in corrections should be taking to assist with the decision-making process?

This matter is of grave concern to our community. We have invested much time and money in trying to jump through the federal hoops for funding assistance, only to have the rules change in mid-jump.

Can you help?

Sincerely,

DONALD J. GASPARINI,
Sheriff.

OFFICE OF THE SHERIFF,
WINNEBAGO COUNTY,
Rockford, IL, June 15, 1995.

Hon. WILLIAM CLINTON,
President of the United States,
Washington, DC.

DEAR PRESIDENT CLINTON: This letter is to call your attention to certain aspects of the "Crime Bill" that I'm sure you recognize need to be addressed.

The situation in county corrections is at crisis proportion. Everyday we face overwhelming stress on our system. We have desperately needed alternatives to incarceration, and some very good programs have been developed (i.e. drug courts, day-reporting centers, community-based drug rehab programs, work-relase options), but the problems are escalating with such speed that we can't afford to fund the alternatives.

We had great hopes of receiving federal assistance in the form of grants, but many of the alternatives-to-incarceration grant programs we were eligible to apply for, have had their funds pulled to support the Community Policing Grant program. We have submitted a Drug Court Grant application, which now awaits some sort of decision on appropriations, following the recision bill veto.

I fully support the concept of more law enforcement on the streets as a deterrent to crime, but each new officer accounts for an average of 15 arrests per month, adding to the dangerously high crowding in our jails, and the premature release of dangerous criminals back onto the streets to be arrested again. The criminal justice system is like a line of dominoes; adjustment of one affects the rest. There must be a more comprehensive approach.

Daily in Winnebago County, we face the problem of a jail packed like a tin of sardines, averaging 387 inmates in space built for 226. Many days, especially following a weekend of arrests, we number well over 450 in that same space.

Believing that the public would support the badly needed expansion of our facility, we presented a referendum to the community on the November 1993 ballot. This referendum covered all four affected areas within the criminal justice system—state's attorneys and public defenders, courts, probation, and incarceration—allowing us to begin clearing up the large number of inmates awaiting trial and to put teeth into sentencing by providing the necessary jail space. The referendum was defeated three-to-one, by a public who said they will not approve any additional property tax.

We are accountable to the communities we serve, and in our efforts to maintain an efficient and precisely run Agency, we have recently successfully completed the onerous and rigorous process of Accreditation by the Commission on Accreditation for Law Enforcement Agencies (CALEA). We are proudly one of only 32 accredited Sheriff's Departments in the nation. What this really means is that in spite of the budget restrictions, increasing crime, and reduced pesonnel levels, we have maintained above average solve rates, achieved the highest honors our industry can bestow, and reinforced public confidence in the job we do best.

The reason for this lengthy explanation of our situation is to add our voice to the many communities across Illinois and the nation who are in the same frustrating position. Our hope is that this information will strengthen your argument for more emphasis on funding for local rehabilitation and meaningful sanctions that will return credibility to law enforcement, whether it is in the form of federal grants, or block grants to states, that would allow for more local considerations.

Personally I would like to see Crime Bill funding returned intact for this fiscal year, and gradually phase in the minimally restrictive block grants that would complete the intent of the Crime Bill over a three-to-five year period.

Please let me know if there are any steps we can be taking at the local level that would expedite this possibility.

Sincerely yours,

DONALD J. GASPARINI,
Sheriff.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, the base bill is a reduction in local law enforcement. The Mollohan amendment restores that reduction.

Mr. Chairman, the gentleman from Georgia [Mr. BARR] had it right. If we want to help your city councilmen, and we want to help your county commissioners, and we want to help your mayors, go with the block grant. If we want this money to go into local law enforcement, matched by local dollars to get the biggest bang for the buck, if Members are sick and tired of the threats to public safety, the depressant on people's psychology, the hindrance it poses to economic recovery in any major urban area, and they want to get more cops on the street, the Cops on the Beat Program is the best way to do it.

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Every councilman has had a different idea of what is good for public safety. This is not money that goes to local law enforcement, it goes to local government. The Cops on the Beat Program is a local law enforcement program. It expands Cops on the Beat. This has a thousand different diversions without any local match with a reduced local effort.

This works against the President's goal, the administration's goal, of more Cops on the Beat. It works against the interests of Los Angeles. It works against the interests, I suggest, of almost every major urban area in the country.

I urge an "aye" vote on the amendment.

I rise in strong support of the Mollohan amendment to restore $1.8 billion for the highly effective COPS program. At a time when violent crime and its consequences for our quality of life is of great concern to us all, it defies logic that we would decimate our most effective means of addressing this scourge.

The COPS Program works. It has already resulted in the assignment of 20,000 additional police officers in neighborhoods around the country in the first 12 months of the program.

By way of contrast, the block grant funding provided in the bill can be used for any purpose that would enhance public safety. I can envision some mighty creative uses to which such unrestricted funding can be put—uses that do not guarantee a single additional officer on our streets.

I am appalled by the rising rate of violent crime. Our parks have become off-limits, increasing numbers of the elderly are afraid to venture out of their homes, women find their freedom restricted, and children—and their parents—can no longer enjoy peace of mind about the safety of our schools.

I am convinced that the single most effective step we have taken to confront this problem is to put more cops on the beat in our communities through the COPS Program

What is more, I can personally vouch for the flexibility and efficiency of that program. I have met with Director Brann and his staff, and have the greatest admiration for the lengths to which they have gone to accommodate local needs and circumstances, but at all times making certain that the acid test is met: will the funds sought by the locality result in putting more cops on the beat?

With the funding appropriated thus far, we have made a splendid start on our commitment to put 100,000 additional cops to work in our neighborhoods and streets. Let's not renege on that commitment.

The first obligation of government is to ensure the safety and security of its citizens. By returning tax dollars to our communities not in the form of an ill-defined block grant but for the explicit purpose of hiring an additional 100,000 police officers, we are making a major stride toward ending the scourge of crime in America.

I urge my colleagues to support the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, let me repeat something that I said at the beginning of this debate. The bill language that we have now provides nearly $2 billion for a local law enforcement block grant program to replace the President's COPS Program. The COPS Program is Washington based—Washington telling the local community what they can or cannot do with their money.

The COPS Program requires local communities in the first year to provide 25 percent of the cost, 50 percent the second year, 75 percent the third year, and 100 percent in the fourth year. Local communities simply cannot afford that.

The funds under the COPS Program can only be used to employ police men and women. It cannot be used for police cars or radios or equipment or perhaps another program that the local community thinks is more important than adding another policeman or policewoman.

We say we are giving local communities, whether it be the police force or the county commissioners or the city council, the mayor or the county executive, we are giving them a local option. You might even call this a coption program; they can use the money for cops, if they want, and other options, their options, not ours.

If you vote for the Mollohan amendment, you are putting a Washington straitjacket on local communities, cops only, and you have got to pay for it all after 3 years.

If you vote for the program that is in the bill, your share is only 10 percent, local community, and we are going to let you decide how you want to use it. We are going to keep track of it; no longer will you be able to use this money in a wasteful or inefficient manner, and yet you have the local option to decide what program or programs work best for you.

I urge our Members to continue to oppose the Mollohan amendment. Give the local communities a break. Give them the option. Do not let Washington again impose its will on local communities.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Chairman, I rise in strong support of the COPS program and the Mollohan amendment.

Earlier today I showed the faces of county policing in Sacramento County, CA. We showed the people and the sheriffs' deputies in North Highlands, one of the unincorporated areas in our community, who work together, filing 4,000 crime reports that probably otherwise would not have been filed. Those crime reports allow those sheriffs' deputies to concentrate their fire, their effort, their activity in areas where it can do the most good.

It is the epitome of what we are talking about when we say let us put the cops out there on the street, on the beat, in the communities, in the storefronts, where they can do the most good.

The sheriff of Sacramento County understood this. He came, applied and received, and community policing occurred. We are talking about a 1-page application. This is not the traditional Federal bureaucracy run amok. This is a streamlined process that puts an emphasis on giving the communities the opportunity to put very small sums into the investment of an application with big returns in the fight against crime.

Please, support the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Chairman, I thank the distinguished gentleman, the subcommittee chairman, for yielding me this time.

Mr. Chairman and ladies and gentleman, I think we ought to be clear what is going on here because I think, frankly, what we are witnessing is a very cynical effort on the part of the administration and their allies in the Congress to save political face.

What I would like to do is sort of reconstruct the sequence of events, if you will. Earlier this year, this session of Congress, during the first 100 days, we passed the local government law enforcement block grant with strong bipartisan support in the House of Representatives. Shortly thereafter, the President threatened a veto of the bill. Then we flash forward a few more months. Then what do we have? Lo and behold, the President, through his reelection campaign, is making a $2.7 million TV advertising buy to portray the President as a born-again crime fighter.

Tonight we have the Mollohan amendment out on the floor. The gentleman from West Virginia is simply saying, "Look, we ought to go forward with the COPS program because our alternative, what I feel is a vastly superior alternative, the local government, the law enforcement block grants, has not yet become law. Let us call a spade a spade, there are real problems with the Cops on the Beat program. Part of it is the cost. We debated that the other day in the Committee on Appropriations.

At $60,000 to $80,000 to hire a new police officer, the funding the gentleman proposes would come up far short of the 100,000 new Cops on the Beat we heard about. Many of us have heard from local government jurisdictions in our congressional districts complaining about the local match requirements, and those local match requirements have prevented those financially strapped local governments from participating in the Cops on the Beat program.

Lastly, with our approach, what we have tried to do is frankly acknowledge that crime is first and foremost a local concern. We are trying to give local jurisdictions the flexibility to combat crime in local communities.

I have heard from jurisdictions in my congressional district that have said, "We do not want more money to hire additional police officers. What we prefer instead is the flexibility you can give us under the local government law enforcement block grant to expand our DARE program in local schools, to build on community-based crime prevention programs and the like."

So I strongly urge my colleagues to reject the gentleman's amendment. Stay with the bill. It is a vastly superior approach that recognizes that crime is, in fact, first and foremost a local concern. Our approach is to try to help those local communities to address those local crime problems.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I assure the gentleman there is nothing cynical in our efforts at all. We have an ongoing, very successful program supported by the U.S. Conference of Mayors, major city chiefs, and there is nothing cynical at all about it.

As for the jurisdiction of Washington, DC, and its financial problems, it has a waiver, which there is a provision for.

Mr. Chairman, I yield 2 minutes and 10 seconds to the gentleman from Philadelphia, PA [Mr. FOGLIETTA], a very distinguished member of the committee.

Mr. FOGLIETTA. Mr. Chairman, I rise in favor of the Mollohan amendment and to stand with police officers in my home city of Philadelphia who are fighting the problem which is most compelling for all of our constituents: crime. Crime, which is robbing us all of our very freedom to walk our neighborhood streets.

There are some cases where block grants may work. There are some instances where it could be giving more flexibility to our state and local governments. But if it ain't broken, let us not fix it, and the COPS Program is far from broken.

Community policing is working. In Philadelphia, crime is down considerably. In many of our big cities, crime is down by 4 percent and, astoundingly, New York has experienced a 30-percent drop in its murder rate. People feel safer when they see a cop walking their beat, or riding their beat in a cruiser or even on a bicycle.

The cops like this program. A survey taken last month showed that only 5 percent of police executives want a block grant. COPS is working for the cops. If other departments are looking for a way to reinvent themselves in terms of working with local governments, they should use COPS—with their one or two page applications and quick turnaround time—as their model.

On a personal note, the Attorney General was receptive to me when I pleaded for consideration for the desperately poor city of Chester in my district. The Justice Department was sensitive, expeditious and responsible. I thank you, Janet Reno.

The numbers speak for themselves. The COPS program has a slight 1.5-percent administrative cost. That means that more cops will go out on the street. A block grant program would add bureaucratic fat.

So what is going on here? I think it's clear. The President was absolutely right when he sounded the call to put 100,000 new cops on the street. And the lean and mean bureaucracy he set up to do the job is doing the job. For no other reason than brazen politics, Republicans want to steal this success away from our President.

That is dead wrong. We should not be playing politics on crime. And the American people know that. We're 20,000 towards our goal. Let us not stop until every one of those 100,000 police officers are on the streets in every community of America. Vote for the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. CANADY].

Mr. CANADY of Florida. Mr. Chairman, I want to rise in opposition to this amendment and follow up on some comments that have been made earlier concerning statements by the police chief here in Washington, DC. These statements were made at a hearing that was held just a month ago, on June 22, 1995, a hearing on combatting crime in the District of Columbia. At that hearing, Mr. DAVIS asked the police chief this: "Let me ask you this, would you prefer to put that money into technology as opposed to new officers at this point?" Chief Thomas responded. He said, "Yes, I would. I think that is a better use of our dollars to improve the infrastructure of the department, buy the equipment, have money there for overtime. I think that by adding officers, we do not really get at the problem, because after we add the officers, we still have all of these antiquated processes within the department where we have manual report-taking, et cetera."

I think we should pay some attention to what the police chief right here in Washington, DC, says.

I think we should also pay some attention to the fact that more than 200 COPS grants were rejected by local communities around this country.

What we have done with this program is create a straitjacket. Now, it may be that in many communities, perhaps a majority of communities, that is where they want the money to go, into officers on the street. We give them the flexibility to do it. But that is not the answer in every community.

We need not impose that as an answer. We need to give flexibility. We need to pay attention to law enforcement officers around this country and local governments. We do not have all the wisdom.

We need to understand the reality of fighting crime differs from community to community. We need to pay attention to that. We need to reject this amendment and continue to give flexibility to local communities through this block grant program. I believe that is a program which will allow all of the communities to meet the needs of the communities in a way that is most appropriate based on the local circumstances.

Mr. MOLLOHAN. Mr. Chairman, I yield 30 seconds to the gentleman from Michigan [Mr. STUPAK].

Mr. STUPAK. Mr. Chairman, the gentleman from Florida would not yield, and the other gentleman from Florida mentioned the same thing, how Washington, DC, wants your block grant program because you have admitted those with the high crime rates will get the money. Those with lower crime rates will not get it.

What happens at the end of the year when the crime rates go down? Underneath your formula, next year Washington, DC, will not get as much money, so if you are effective in fighting crime, the next year you will receive less money.

Crime cannot be on a 12-month cycle where one year you have the money, the next year you do not.

Get the facts straight. Your program is up and down. It is only funded for one year.

Mr. ROGERS. Mr. Chairman, I yield 4 minutes to the gentleman from Florida [Mr. McCOLLUM], the chairman of the Crime Subcommittee.

Mr. McCOLLUM. Mr. Chairman, I have been listening to a lot of this debate tonight. I think a few things need to be made clear.

First of all, the underlying bill we have here today going to a block grant program will not in any way affect those communities that already have commitments with Cops in the Streets. They have their money cordoned off under the existing system, so any of the grants already given will not be affected by continuing to support the block grant program as you would be doing tonight by voting against the Mollohan amendment, which I urge you to do.

Second, I heard a lot of folks suggest somehow or another we are not going to be able to get trust into the local communities to do what is right. I think that is just pure, unadulterated nonsense. The fact of the matter is I think anybody thinking about this understands that the local communities are going to make the best decision, not us, about what is best for their community.

The idea that if they need a police officer, they will not provide it, I just believe, as I said, is nonsense. Under the scheme we worked out, there will be a board that will have to advise the city commission and the county commission, whichever it is, and on that board will be an appropriate representative of the police and the community or the sheriff, as the case may be, also the local judiciary will be represented, the local school system will be represented, the local social work organizations that get involved with criminal justice will be represented, and so on.

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So that in essence those decisions will be made not just simply by politicians, quote unquote. They will be made by local community representatives advising the local government leaders on what is best for their community, and, if a community wants to spend all of its money on police, and many will want to do that, there is going to be more money available under the proposal of the block grant program than there is under the existing cops on the street program or the prevention program of Mr. MOLLOHAN's program to be spent. There could conceivably be more police officers hired in this country under these programs. We want to do it the block grant route that exists under the existing program.

But in the process of looking at how this is going to work, Mr. Chairman, we ought to also understand that there are a lot of folks like the D.C. police chief who do understand that where the money should be spent is where the crime is, and there is no greater, higher rate of crime anywhere in the country, unfortunately, than the District of Columbia, and I heard the last speaker suggest that, gee whiz, if we use this formula, there may be some communities that do not get as much money as other communities because they have a higher crime rate. Well, I assure my colleagues, and I assure the gentleman, that under the formula that virtually every community, I would say every community, is not too small, gets a sum of money, a sizable sum of money, under this block grant concept all over the country, but it is true that the higher crime rate communities will get more in any given year, and they ought to get more in any given year because that is where the crime problem is, and that is what indeed is envisioned by this.

I would suggest that this is the fairest and the most responsible way to deal with fighting crime in this country and to hiring police officers, and if a community, as many do, has no desire whatsoever to hire a new police officer, and they need some new equipment of some sort, they can spend it on that, or they can spend it on drug courts, or they can spend it on drug treatment programs, or they can spend it on some new innovative program that they have created that in their local community can be tailored just to fight the crime problem in that community, and there are a lot of very original ideas out there that have never come under any of these congressionally created kinds of prevention programs that we have been seeing in the Democrat-controlled Congresses of the past and President Clinton's crime bill that passed. Let us let the local community decide.

I can guarantee my colleagues what is happening that is good for fighting crime in Texas is not necessarily going to be good in Rhode Island, or in Oregon, or wherever. The local community-based concept will work. We are not detracting a minute from this. We are not taking away from anything. We are just suggesting on the Republican side of the aisle that local government knows best. We believe in reducing the size and scope of the Federal Government as a matter of principle. We believe in divesting these decisionmaking processes out to the State and local communities, and that is what we are doing in this bill, and I would encourage a "no" vote on the Mollohan amendment for those reasons.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, I say to the gentleman, Mr. MOLLOHAN, I applaud your efforts, and, if these young men and women could be here tonight, new law enforcement officers sworn in last Friday night in Austin, TX, they would want to applaud your efforts also because Austin, TX, has 25 new police officers on the beat tonight as a result of this cops program, and tomorrow they'll have another $600,000 available to put more officers on the beat and to provide them with some of the equipment they need under the flexibility that our Republican colleagues ignore under the Cops More Program.

Mr. Chairman, they tell us they are against redtape. They tell us they want to allow local decisionmaking. Let me tell my colleagues every one of these police officers is on the beat tonight with a grant approved in less time, in less time, than the 45 days they are going to allow Republican Governors to comment on these applications under their program. I say to my colleagues, if you want to eliminate redtape, if you want to stand up for local law enforcement officials, you'll listen to them as the experts.

I heard the almost frivolous comments of the gentleman from Illinois suggesting that we were against local sheriffs. Well, the National Sheriffs Association, along with every other major law enforcement association, was there today standing along with the gentleman from Michigan [Mr. STUPAK] supporting the Mollohan amendment. They are supporting it because they recognize that just as the Republicans want to cut Medicare, they are cutting the commitment to 100,000 police officers.

Mr. Chairman, I am unyielding in support of my local law enforcement association and unyielding in opposing the kind of cutback in this commitment which was for 100,000 new police officers. Can my colleagues tell me things are different in Florida or in Illinois from Texas? I defy my colleagues to find a community in this country that cannot benefit from having more law enforcement officers out there to protect that community.

That is what this amendment is all about. If my colleagues believe in standing with the men and women who are willing to risk their lives for our community, they will support the Mollohan amendment and reject this kind of bureaucracy that is being proposed.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would like to take a few seconds. I am sorry that the distinguished chairman of the subcommittee did not yield to me. I say to the gentleman, I simply wanted to make a point, BILL, that you made a comment that under the block grant program it was conceivable that you would have more policemen on the beat. That's really the problem with the block grant program. It is also conceivable that you will not have as many policemen on the beat. And the other point is that we already have this tremendous cops program out there, as Mr. DOGGETT just pointed out, that is working, and that communities have had commitments from the Federal Government that they're going to be funded for 3 years, and under the block grant program that commitment of the Federal Government is going to be undermined.

The Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, as a former mayor who started a community policing program, I strongly support the Mollohan amendment.

Mr. Chairman, I rise today in strong support of the Mollohan amendment to restore funding for the COPS Program. The COPS Program is responsible for 95 new cops and the redeployment of 44 other cops in my congressional district along.

But as I understand it, this bill guts the COPS Program and instead appropriates $2 billion for a law enforcement program that does not even exist.

That's right, it does not even exist. The fact is that, H.R. 728, the Local Governments Law Enforcement Block Grant Act, which this bill provides $2 billion for, has not even been considered in the Senate Judiciary Committee nor does the committee even have plans to hold hearings on H.R. 728.

But let me tell you what this fictional law enforcement program would do. It would allow communities to use their funding for nonlaw enforcement purposes, including hiring secretaries and purchasing new uniforms or new cruisers. Secretaries, uniforms, and cruisers that will not lower the crime rate in your district or mine.

The Mollohan amendment restores funding to put more cops on the streets of every congressional district, Democratic and Republican, and to make those districts safer. The COPS Program works. How do I know? I know because their are 139 more cops on the streets of my district and I know because in communities nationwide, these cops are walking their beat protecting our homes, protecting our schools, and protecting our children.

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of our time to our distinguished minority leader, the gentleman from Missouri [Mr. GEPHARDT].

The CHAIRMAN. The distinguished minority leader is recognized for 2½ minutes.

Mr. GEPHARDT. Mr. Chairman, Members of the House, I urge Members to vote for this Mollohan amendment.

What we passed in the crime bill just a few months ago is working. It is working. We said we wanted 100,000 new police on the streets. Just 25 percent of those police are on the streets today. So a fourth of our goal only has been realized in terms of putting blue shirts on the streets.

Mr. Chairman, I have been out with my community police that were hired under this program in the city of St. Louis. I have walked the precinct with them, I have seen the work that they are doing to prevent crime, to stop crime before it happens, which is what community policing is about, and guess what has happened in my city of St. Louis? The crime rate? Down by 2 percent. The murder rate? Down by 24 percent in St. Louis. The violent crime rate? Down by 11 percent in St. Louis with just a few months of this activity on the ground.

I visited with the chiefs of police from all over the country in St. Louis last week, and they said to me, "Surely, with the results that we're getting, the Congress is not going to take this money away that is targeted at police," and then they said, "You know what will happen if we have a block grant. It will go to all kinds of things. It will get subverted by mayors and by other departments in city government and will be taken for things that don't count as much as the stoppage of crime that comes from police."

Then we hear that in 25 cities across the country the violent-crime rate is down, the murder rate is down, the crime rate is down. Why in the world, with these statistics and these correlations that we are seeing, would we now stop what has already begun to work and go back to funding tanks, and funding bazookas and funding all kinds of crazy things?

My colleagues, vote for this Mollohan amendment. Keep the money in blue shirts and keep the people of this country safe and secure.

Mr. ROGERS. Mr. Chairman, I yield myself the balance of the time.

A moment ago, Mr. Chairman, the gentleman from Texas [Mr. DOGGETT] held a picture up of the 25 new police officers hired, he said, under the COPS Program in Austin, TX. I have got a better deal. Those 25 officers cost Austin, TX, and its taxpayers some 25 percent of the total cost. We are going to give it to them for 10 percent in our bill. That is all we require in the local law enforcement block grant program, which they can use for cops, if they want. It only costs 10 percent. Now next year those 25 cops in Austin are going to cost Austin taxpayers 50 percent of the cost. The third year it is going to cost them 75 percent of the cost, and after 3 years it is going to cost Austin taxpayers all of their salaries. In this bill, we will do it for 10 percent from here on, and they have the option to hire cops. If they need cop cars, they can use it for cop cars. And if they are out of radios, we will let them use it for radios. We will let them use it for whatever they want to do within reason.

Now the Mollohan amendment also provides, and I want to emphasize this, also provides $230 million for those old programs I thought we got rid of when we adopted the House-passed bill in February. Remember midnight basketball and all of those crazy things we heard about? We voted those out in February by a large margin in the House-passed crime bill which we are funding tonight in this bill. Under the Mollohan amendment those programs are back upon us, midnight basketball and all. I urge the Members to vote as they voted in February. As a matter of fact, it was February 14, 1995, that a great majority of this body voted to pass the crime bill that supplanted the COPS Program.

Our people back home told us we do not want those crazy programs. We cannot afford the local cost share for COPS. We want the local option on how we use our money. We want our sheriff, our police force, our mayor, our county executive, our local city council—we want them deciding where the money goes, not some bureaucrat in Washington, and especially the Congress of the United States, and the White House.

So I urge the Members to vote as they did in February. My colleagues are on record as supporting an alternative to the COPS Program. Tonight we fund the alternative to the COPS Program, the local block grant for law enforcement officials to do the job of fighting crime in our communities recognizing the diversity of these towns and cities that we represent. What works in New York City may not work in Burnside, KY. In fact, I guarantee it will not work there. Give us the option of using the money as we need it in our local communities.

Mr. Chairman, I urge a "no" vote on the Mollohan amendment.

Mr. FAZIO. Mr. Chairman, I rise in support of the Mollohan amendment.

The goal was simple when we passed the crime bill, and it's simple today. Put more cops on the beat, crime rates will fall, and our families will be safer.

The Mollohan Amendment will help us meet this goal by providing continued funding for programs like COPS–FAST—programs that help police departments hire new officers and develop innovative, community policing programs.

My Republican colleagues intend to abolish these programs and replace them with open-ended block grants. They miss the point.

The Republican block grant proposal does not guarantee more cops on our streets. In fact, under the Republican proposal, grant money could be used for anything from street lights to road construction.

The COPS Program guarantees more cops on the street. I challenge the Republicans to make the same guarantee. They cannot.

COPS grants flow straight from the Justice Department to local law enforcement agencies. We have cut down on administrative overhead by streamlining the application process, and taken other steps to reduce redtape.

The COPS Program empowers local communities to take responsibility for community safety by putting more police officers where they need them most. It doesn't mandate a Federal solution to problems that are often unique to neighborhoods and communities. The COPS Program succeeds because it empowers community police departments to try innovative new strategies to combat crime and make the best use of available resources.

Neighborhood officers work with volunteers to keep our streets safe and our communities informed. Crimefighting experts and officers on the beat agree that community policing works.

The COPS Program is a non-bureaucratic solution to a terrible problem. And the result is a marked decrease in crime: in theft, burglary, and other more serious crimes.

In Sacramento, citizens are involved in this effort, working with local law enforcement and injecting—in their efforts—a new spirit of cooperation and teamwork.

I want to talk about how this program has worked in communities in my district because it really provides an example of how successful this program can be, and how, with some support, we can begin to address fundamental problems with local solutions, not Washington solutions.

In Sacramento County, California several groups of volunteers and local law enforcement officers have joined hands to establish Sheriff's Community Service Centers. One of the first was in my district in North Highlands, an unincorporated area of the county.

Without fanfare, but with tireless devotion, this group of volunteers and deputies have made a tremendous contribution to community safety.

With an all-volunteer staff and a roster of deputies paid through a COPS grant and county matching funds, the North Highlands center is both a thriving community center and an indispensable component of the Sacramento County law enforcement team.

Volunteers work side-by-side with deputies, helping out with many of the day-to-day responsibilities that keep the wheels of justice turning: taking crime reports, providing a safe haven for neighborhood kids, and helping others navigate through the sometimes confusing world of law enforcement and county services.

Since January of this year, volunteers have logged 4000 crime reports. Many of these volunteers spend 40 hours a week at the center, motivated—as one volunteer put it—by "a real sense of pride in their contribution to the neighborhood."

The spirit of community involvement extends well beyond the walls of the North Highlands Center. The office space is donated. So is the furnitue—right down to the carpet.

Deputies like Willie Nix have found new ways to approach old programs. Deputy Nix—a patrol cop before coming to work with the North Highlands staff—talked just the other day about the advantages of community policing.

An officer on patrol usually has just enough time to drive to a location, take a report, and drive away. "Now," he said, "I can work with local agencies, neighbors, landlords, and the community to attack crime from every angle."

In some areas, drug dealers have literally trashed the community. Deputy Nix works with community members and service center volunteers to address this problem from the branches down to the roots: towing abandoned cars, cleaning up yards soiled with garbage, and returning the street to law abiding citizens.

Deputy Nix is busy, but he sets time aside to work with local schoolchildren. Because center volunteers have worked hard to establish after-school programs, many of these kids have more than just a uniform to turn to—they have an entire network of support, from reading and arts programs to safe recreational facilities in the evening.

What may seem like a common sense solution is only possible if other communities can afford to hire officers like Willie Nix. In cities and towns around the country, volunteers who are committed to breaking down barriers and developing a community commitment to law enforcement will rise to the challenge—but only if they are given the opportunity.

Just today, I learned that other communities in my area will get that opportunity. A grant to the Sacramento County Sheriff's Department will free 22 deputies from administrative duties and redeploy them into community policing.

And police departments in Colusa, Davis, Glen County, Gridley, Red Bluff, Rio Vista, Sutter County, West Sacramento, Willows, Williams, Winters, Woodland, Yolo County, and Yuba City have already received grants that will allow them to put additional officers on the street.

If we pass the Mollohan amendment, and if we continue our commitment to the COPS Program, we can duplicate the efforts of the North Highlands Community Service Center a hundred-thousand times over, and make our streets, our neighborhoods, and our communities a whole lot safer.

Mr. QUINN. Mr. Chairman, it is my pleasure to rise today in strong support of the Mollohan amendment to H.R. 2076, the fiscal year Commerce, Justice, State & Judiciary Appropriations Act, and the COPS Program.

The Mollohan amendment would restore crucial funding for COPS Program, or the Office of Community Oriented Policing Services, which has been highly successful in Buffalo and throughout Western New York.

Since the program was first authorized in the Crime Bill of 1994, law enforcement authorities throughout Western New York already have received funding to hire 28 additional officers.

Nationwide, the COPS Program has authorized funding for 18,159 community policing officers. This is in addition to the 2,080 new officers funded under the 1994 Police Hiring Supplement (PHS) Program, bringing the total to 20,239 more officers on the beat across the country. In 1993, the Buffalo Police Department received funding to hire more than twenty officers under the PHS Program.

One of the COPS Programs' most successful programs is COPS MORE. MORE puts additional officers on the street by funding equipment, technology, hiring of civilians and overtime.

Last summer, the Commissioner of the Buffalo Police Department requested the flexibility to use grant funding where it is most needed. Under COPS MORE, the Buffalo Police Department recently received $1.3 million. The funding has enabled the Department to get cops out of the precinct and back onto the street where they belong.

Like you, I am appalled by the following statistics: A murder occurs every 21 minutes; a rape every 5 minutes; a robbery every 46 seconds; an aggravated assault every 29 seconds; a burglary every 20 seconds; and a larceny theft every 4 seconds.

If we keep those alarming facts in mind, this vote is very simple. More copes on the street, means more hoodlums behind bars. I urge all of my colleagues to support the Mollohan amendment in order to restore necessary funding so that the successful COPS Program may continue.

Ms. MCCARTHY. Mr. Chairman, I rise in support of the Mollohan amendment to H.R. 2076, to preserve a program that is a success in communities such as my own, and throughout the land.

Community policing programs are supported by policy professionals and public officials of both parties. Cops on the beat enables communities to combat crime in a cost effective way.

For people living in the grip of fear, for people peering out barred windows into once-friendly streets, community policing offers results. The familiar figure of a neighborhood officer, who knows the residents and cares about them and for them on a personal level, is the best tool we can employ in our fight against crime.

Many communities in my district, including Kansas City, Blue Springs, Lee's Summit, and Raytown, have filled out the 1-page application and joined the Federal Government in a partnership to fight crime. They have come to the Justice Department with innovative community policing plans and have been rewarded. But these cops on the beat are just the beginning in our efforts to take back the streets. Eventually, the President plans to place 100,000 police officers on America's streets. That means even more police on the streets of the communities I represent.

We need targeted programs with the set mission of preventing crime; community policing is a proven program that reduces crime. With the will of this body, it can continue to be a cost-effective crime buster. Please join me in supporting our cops on the beat: support the Mollohan amendment.

Ms. FURSE. Mr. Chairman, I rise today in support of the Mollohan amendment. This amendment is probusiness and proenvironment. There are hundreds of communities across American that depend on healthy fisheries for their economic well-being. In recent years, many of these communities have spent millions of dollars to help bring back their long-depleted fish populations. The Mollohan amendment will correct this bill's attack on the commitment between the government and communities to restore their local economies.

The Pacific Coast Federation of Fishermen's Association, along with the Northwest Sportfishing Industry Association, both support the Mollohan amendment. They represent over 5,000 businesses and over 200,000 jobs all along the Pacific Coast. According to these two important groups, "Fishery management cannot happen unless fishery research and conservation are properly funded . . . [the bill] cuts at the heart of many important ongoing research efforts that help our industry be more effective and protects our industry's economic future . . . . It makes no economic sense to eliminate them."

Mr. KOLBE. Mr.Chairman, I rise in support of the Commerce, Justice, State, and Judiciary appropriations bill before us today. I especially want to commend Chairman ROGERS for his excellent work through difficult budgetary and personal times. Despite the hurdles, the chairman and subcommittee have brought to the House a bill worthy of support.

Downsizing Government means making choices among spending priorities, and this bill does just that by channeling funds to programs that are in the taxpayers' interest. While I don't agree with every single funding decision, on balance this is a responsible bill with which I am proud to be associated.

This bill takes a giant step toward addressing the issue of border enforcement. Even with an outright rejection of the administration's ill-conceived border crossing fee, H.R. 2076 provides funding to put an additional 1,400 Border Patrol agents and inspectors on the front lines of the border. Overall funding for the Immigration and Naturalization Service is increased by 20 percent which will help border communities like those I represent.

The bill also provides $500 million for the State Criminal Alien Assistance Program that reimburses States for the costs associated with incarcerating criminal aliens. The General Accounting Office estimates that the nationwide costs incurred by States for this could exceed $650 million. This appropriation takes a huge step towards addressing that problem.

The committee also recommends to the INS that they participate in a pilot program designed to increase cooperation between Federal, State, and local agencies at ports-of-entry. I am convinced this pilot program will prove that ports can be run more efficiently, thus better facilitating trade and commerce along the border.

This increase in funding is justified. We must recognize that illegal immigration is a national problem, not a State problem. This Congress must reaffirm its commitment to States and local communities because they are the ones who must contend with failed illegal immigration policies of the past. To turn our backs on that responsibility would be wrong.

The recent tragedy in Oklahoma City is a horrific reminder of violence in our society, but sadly, it occurs all too often—if not as dramatically—in communities across this land. So, I'm supportive of the actions this bill takes to combat crime.

The Federal Government does not have all the answers when it comes to combating the crime we are most concerned about. I do not believe the Congress should try to manage State and local law enforcement agencies. Rather, we need to support measures that empower local law enforcement—H.R. 2076 does just that. This legislation gives maximum flexibility to local law enforcement officials to administer $2 billion for law enforcement and prevention programs instead of mandating that money be used for specific purposes. The bill will allow local officials to use funds to put more police on the streets, purchase needed equipment, fund youth prevention programs, provide drug court programs, or other urgent needs, according to the priorities determined by 39,000 State and local entities—not Washington. Additionally, H.R. 2076 provides nearly $500 million for the Byrne Grant Program that has been used very effectively by local law enforcement. In my own district, very successful law enforcement alliances have succeeded because of the availability of Byrne Grant moneys.

Let me shift gears for a moment to address what this bill does with funding for the Commerce Department. I support the restructuring of the Commerce Department. Over the years, this agency has become the dumping ground for every new function of the Federal Government that didn't fit someplace else. While this bill does not dismantle the Commerce Department, it cuts it by nearly 20 percent—a clear signal to Congress to reorder its functions. I will support amendments to this legislation making further cuts in certain areas of Commerce, and will soon introduce with others a version of how dismantling the Department might be accomplished.

I am pleased the committee funded the Small Business Administration's microloan program which has helped create hundreds of jobs in Arizona at little or not cost to the Government. Organizations like Project PPEP help to effectively administer these startup loans in areas where this type of assistance is effectively used and where loan defaults are almost nonexistent.

The bill provides resources for the State Department to continue its vital functions across the globe. While H.R. 2076 does cut funding 9 percent below last year's spending levels, the cuts are fair and sensible. Contributions to U.N. peacekeeping operations are kept in check while affording the executive branch maximum flexibility and the legislative branch maximum oversight. The bill closely resembles the provisions of the American Overseas Interests Act passed by the House earlier this year.

I encourage all of my colleagues to support this legislation that is both fiscally responsible and attentive to the needs of the American people.

Mr. LAFALCE. Mr. Chairman, I rise in strong support of this amendment offered by Mrs. MYERS on behalf of the two of us. And I want to commend her for this initiative, although I do want to note that I would have preferred that the amendment not cut as deeply as it proposes to do. I believe a cut of almost 30 percent is more than can be accomodated without damaging the Office of Advocacy. Possibly the conferees on this bill can find another four or five hundred thousand dollars to add to the amount being added by the amendment.

Mr. Chairman, of all of the functions of the Small Business Administration, the Office of Advocacy undoubtedly helps more small businesses for less dollars than does any other office within SBA.

This is the Office whose testimony before the Congress has been requested 200 times. Why have our committees requested input from Advocacy? Simply because the office tells it like it is even if it puts Advocacy at odds with the administration.

This is the Office to whom this House of Representatives assigned new responsibilities of reviewing proposed regulations by Federal departments and agencies to identify those with anti-small business impact. Why did the House enlarge the duties of the Advocate? Simply because we know how effectively the Office has functioned as an advocate before other Federal offices.

Some critics have charged that Advocacy has been an abysmal failure in reducing the regulatory and paperwork burden.

Tell that to the small businesses which use simplified registration filings with the Security and Exchange Commission.

Tell that to the 4 million firms with less than 10 employees which will be able to use one simplified tax form for all wage and tax reports instead of up to 15 separate forms.

Tell that to the millions of small businesses which have a lesser burden in dealing with the Government.

And, when you tell them of this criticism, small businesses will tell you that the criticism is wrong. These small businesses will tell you that the Office of Advocacy is effective. They will tell you that is why that last month the White House Conference on Small Business as one of the top recommendations said that the Office should be permanently maintained as an independent entity.

I also want to point out that some of the criticism is not simply a difference in opinion. In some cases the facts used to support the criticism are wrong.

Criticism. Advocacy staffers helped created a brochure to lobby for President Clinton's health-care plan;

Fact. GAO reported that this is not true.

Criticism. Advocacy sent a letter to Congress arguing against tax relief for small businesses.

Fact. Advocacy opposed elimination of a special tax incentive to encourage investments in small firms. Advocacy did conclude, however that if the trade-off for the proposed reduction in capital gains tax rates was the elimination of the small business preference, small business would be better off if the rates were not reduced. The Office did support other parts of the tax bill which helped small business, such as increasing expensing, increased estate and gift tax credit and clarification of deductions for an in-home office.

Criticism. Advocacy "spent last Friday * * * faxing a 9-page 'Game Plan' to congressional offices outlining a lobbying strategy" to save the office, an activity characterized as illegal lobbying;

Fact. The document in question was an internal office document which was never used nor authorized for release to any congressional office. As far as we know, it was not sent to anyone, except for the one copy that was surreptitiously made available to a congressional critic of the office; and SBA's Inspector General has determined that the memo was not a violation.

A letter from the inspector general attached a memo from the assistant inspector general for investigations which concluded:

"Because there is no evidence of actual lobbying and no evidence contrary to the stated intent of the preparation of the document by Mr. * * *, it is my recommendation this case be closed without a referral for prosecutive opinion."

Finally critics have asserted that small business associations are the "real independent voices for small business" and "do a better job of monitoring small business policy than the Office of Advocacy." These small business associations disagree.

Major small business organizations unanimously support continuation of the Office of Advocacy, including the National Association for the Self-Employed, the National Federation of Independent Business, National Small Business United, Small Business Legislative Council and the United States Chamber of Commerce.

The Office of Advocacy has performed as a champion for small business interests when it has been given a chance to do so. This chance, however, was denied when President Bush left the Chief Counsel job vacant for years at a time. When it has received strong presidential support as it did from President Carter, who appointed Milt Stewart as the first Chief Counsel for Advocacy, or from President Reagan, who appointed Frank Swain as Chief Counsel, or from President Clinton, who appointed Jere Glover, the office truly serves as a champion for small business.

I urge adoption of the amendment.

Mr. PACKARD. Mr. Chairman, the 1996 Commerce, Justice, State, and Judiciary Appropriations Act is a clear, non-nonsense declaration of what this Republican Congress stands for. Time and time again the American public tells us that the main concern is crime, and for too long this concern has fallen on deaf ears. In our Contract With America we promised to act on that concern and I am proud to stand here today and say to the American people "We have taken action."

The Commerce, Justice, State, and Judiciary Appropriations Act reflects the priorities of the American public. We have slashed wasteful bureaucracies, we have downsized low priority programs, and we have cut foreign aid and put the money back in America. Why should taxpayers pay for international efforts to stop killing abroad when in their own backyard people are murdering each other? We can't fight a war abroad until we've won the war at home. Make no mistake about it, this is a war. Crime in America has killed millions and ruined the lives of many more. Our anticrime initiatives represent a major offensive in this war against crime. We recognize that crime cannot be defeated by politicians and bureaucrats in Washington. It is up to the local communities and States to lead the assault and that is why we have given them the means to fight crime directly, in the best way they see fit. This is only the beginning, we have a long fight ahead, but one we are committed to winning.

Mr. WYDEN. Mr. Chairman, I rise today to thank the 179 Members of this body who signed on to my letter asking Speaker Gingrich to preserve the Legal Services Corporation [LSC]. Additionally, I would like to thank those Members—Amo Houghton, Stephen Horn, David Skaggs, Howard Berman, Jack Reed, and Connie Morella, among others—who personally talked to other Members of Congress to help stave off further cuts to the Legal Services Corporation.

Legal services is literally the last line of defense against destitution for many deserving Americans. Last year, LSC-funded programs provided assistance to over 50,000 women seeking protection against abusive spouses, 240,000 elderly seeking help ranging from fraud to Medicare, 2,600 veterans seeking help with veteran's benefits, and 9,000 abused and neglected children. There are many in this country who would find themselves trapped in disastrous often life-threatening situations were it not for legal services attorneys.

I would also like to make several points about the contention that the private bar could somehow replace legal services attorneys. I began my career in public service running the Oregon Legal Services Program for the elderly. I came away from my experience with a strong belief that there is a critical role for the private sector to play in providing legal assistance to the poor.

During the time I worked with Legal Services, I organized hundreds of private attorneys to assist in expanding access to the courts for the elderly. Today, 250 private attorneys donate time to the senior law centers in Oregon. In Portland last year, these attorneys donated 1,640 hours. More than 1,000 lawyers in Oregon, and 130,000 lawyers nationwide participate in pro bono activities organized by legal services programs.

However, I know most of the attorneys I worked with would agree that in spite of their hard work, they could not even begin to fill the shoes of the legal services attorneys who could give full time attention to the problems of seniors. The American Bar Association estimates that less than 20 percent of the legal needs of the poor are met. Even with current funding and massive involvement by the private sector, LSC-funded programs are forced to turn away 43 percent of eligible clients. Most legal aid programs turn away women in divorce cases unless they are in danger of their lives from an abuser, and they turn away eviction cases unless the family will go homeless.

Second, the legal problems of the poor, and in my experience, particularly the poor elderly, often require a depth of expertise and a time commitment that is rarely available on a pro bono basis by private attorneys.

Cases that legal service lawyers take up for older Americans range from navigating the bureaucratic maze of Medicare, Medicaid, and Social Security to working through problems with consumer fraud, age discrimination, pension income, property assessments, and wills and probate.

The fact of the matter about legal services is that in most communities they are the only knowledgeable advocate for poor people who find themselves up against a convoluted Federal bureaucracy or abusive members of their family or community. For every anecdote about a legal services attorney taking up a questionable case, there are a thousand where they helped a poor person just get a fair shake.

Again, I would like to thank the many Members of Congress who recognized the importance of legal services in ensuring this country provides equal justice for all, and fought to ensure the continuance of this program.

The Members who signed onto my letter are the following: Stephen Horn, Amo Houghton, Frank Pallone, Jim Moran, Tim Johnston, Miller, Barbara-Rose Collins, Sherrod Brown, Mike Ward, John Spratt, Jose Serrano, Dick Gephardt, Sam Gibbons, Robert Toricelli, Robert Menendez, Louis Stokes, Ronald Dellums, Charles Rangel, Charles Schumer, Owen Pickett, Harold Ford, Nita Lowey, Lucille Roybal-Allard, Sam Farr, Andy Jacobs, Elizabeth Furse, Howard Berman, John Baldacci, Rick Boucher, Bobby Rush, Bob Clement, Bobby Scott, Jim Fox, Peter Torkildsen, John Edward Porter, Glen Poshard, James Leach, Alan Mollohan, Jerry Costello, Jim Chapman, Karen Thurman, Bruce Vento, Martin Frost, Lincoln Diaz-Balart, Nancy Johnson, Maxine Waters, Michael Forbes, Albert Wynn, Corrine Brown, Sherwood Boehlert, John Dingell, Robert Matsui, Ileana Ros-Lehtinen, Cynthia McKinney, Jack Quinn, Earl Hilliard, Sanford, Bishop, Rick Lazio, Marcy Kaptur, Steven Schiff, Floyd Flake, Scotty Baesler, Tony Beilenson, Anna Eshoo, Earl Pomeroy, Gary Ackerman, Carolyn Maloney, Tim Roemer, Martin Olav Sabo, John Olver, William Clay, Zoe Lofgren, Eva Clayton, Cardiss Collins, Ben Cardin, Barney Frank, Rosa DeLauro, Bob Borski, Sidney Yates, L.F. Payne, Eliot L. Engel, Louise Slaughter, Steny Hoyer, Karen McCarthy, Dale Kildee, Neil Abercrombie, Bob Filner, Peter Deutsch, Tom Foglietta, Peter DeFazio, Richard Neal, Patsy Mink, Lynn Rivers, James Traficant, Bill Luther, Nick Rahall, Paul McHale, Jane Harman, Henry Gonzalez, Eleanor Holmes Norton, Chaka Fattah, Carrie P. Meek, John Lewis, Pete Peterson, William Coyne, Harry Johnston, Pete Stark, Norm Dicks, Pat Williams, David Bonior, Vic Fazio, Robert Andrews, William Jefferson, Eddie Bernice Johnson, Peter Visclosky, Bart Stupak, Maurice Hinchey, Jack Reed, Paul Kanjorsky, Martin Meehan, Norman Mineta, Sheila Jackson-Lee, Thomas Barrett, Jerrold Nadler, Bill Richardson, Esteban Torres, Bernard Sanders, Lloyd Doggett, Thomas Sawyer, Tony Hall, Ken Bentsen, David Skaggs, Harold Volkmer, Gerald Kleczka, Norman Sisisky, Ed Pastor, Sam Gejdenson, James Clyburn, Nancy Pelosi, Bob Wise, Luis Gutierrez, Kweisi Mfume, Jim McDermott, Ron Coleman, Barbara Kennelly, Melvin Watt, Patrick Kennedy, Xavier Becerra, George Brown, Alcee Hastings, Chet Edwards, Lynn Woolsey, Ed Markey, Henry Waxman, Walter Tucker, Dick Durbin, Pat Schroeder, Gerry Studds, Tom Manton, Ed Towns, Major Owens, Julian Dixon, John Bryant, Lane Evans, Jim Oberstar, Joe Kennedy, David Minge, Nydia Velazquez, Lee Hamilton, Connie Morella, Frank Riggs, Solomon Ortiz, Frank Tejeda, Ray Thornton, Donald Payne, Christopher Shays, Ben Thompson, Blanche Lincoln.

In addition, Representative Hal Rogers, chairman of the House Appropriations Subcommittee on Commerce, Justice, State, and Judiciary, made clear early on that he would not support the elimination of the Legal Services Corporation and for that, and for his patience and kindness, we are grateful.

Mrs. MORELLA. Mr. Chairman, I had intended to offer an amendment to restore funding in the State-Commerce-Justice appropriations bill for the State Justice Institute. Since filing the amendment, I realized that a number of Members are not familiar with the work of the State Justice Institute, thereby leading me to conclude that it was not an opportune time to debate SJI funding. I withdrew the amendment.

But I want to let my colleagues know that there is a clear Federal interest in supporting programs like SJI, which promotes a just, effective, and innovative system of State courts. State courts have been the beneficiaries of more than 800 projects improving the quality of the justice they deliver, and the Federal judiciary has worked closely with SJI to improve the working relationship between the State and Federal courts.

Federal assistance to State courts is as appropriate as Federal assistance to State law enforcement, prosecution, and corrections agencies. By helping the State courts to deliver justice more efficiently and effectively, SJI promotes their greater use by litigants, thereby reducing the number of cases filed in Federal court. Continued funding for SJI would provide the administration and Congress with the opportunity to improve the State courts' response to important issues, such as family violence, the rights of children, drug abuse, and crime.

As a Member of Congress who has been active on the issue of domestic violence, I can attest to SJI's many contributions in improving the State courts' response to family violence. For example, the State Justice Institute is the entity responsible for implementing my legislation, approved by Congress in 1992, to develop training programs for judges and other court personnel about domestic violence, especially its impact on children, and to review child custody decisions where evidence of spousal abuse has been presented. The Judicial Training Act addresses problems that many battered women have when they step into the courtrooms in this country to fight for custody of their children or to fight for equal justice in criminal cases. The response of our judicial system to domestic violence has been one of ignorance, negligence, and indifference, often with tragic consequences. The State Justice Institute has moved expeditiously to implement this act, and it has provided important assistance in improving the State courts' response to family violence.

Federal policies can have serious consequences for the State courts and often impose substantial responsibilities on the State courts. The State Justice Institute has provided important Federal assistance to help the State judiciaries cope with federally imposed burdens, such as the Child Support Enforcement Act of 1984, the Family Support Act of 1986, and the Adoption Assistance and Child Welfare Act of 1980. These Federal programs should be accompanied by Federal assistance for State courts to meet these increased demands. The State Justice Institute has filled this important role.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 184, noes 232, not voting 18, as follows:

[Roll No. 571]

AYES—184

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Bonior
Borski
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Condit
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Doyle
Durbin
Edwards
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hinchey
Holden
Hoyer
Jackson-Lee
Jacobs
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
LaFalce
Lantos
Levin
Lewis (GA)
Lincoln
Lipinski
Lowey
Luther
Maloney
Manton
Markey
Mascara
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stokes
Studds
Stupak
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn

NOES—232

Allard
Archer
Armey
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Boucher
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chenoweth
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hutchinson
Hyde
Inglis
Istook
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Montgomery
Moorhead
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tanner
Tate
Tauzin
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—18

Bachus
Bateman
Collins (MI)
Dooley
Flanagan
Forbes
Hilliard
Hunter
Jefferson
Martinez
Moakley
Myers
Reynolds
Rose
Saxton
Stark
Volkmer
Yates

☐ 2032

The Clerk announced the following pairs:

On this vote:

Mr. Yates for, with Mr. Bachus against.

Mr. Moakley for, with Mr. Forbes against.

Messrs. TAUZIN, HORN, and DAVIS changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. FLANAGAN. Mr. Chairman, on rollcall No. 571, I was unavoidably delayed by an urgent matter concerning my district.

Had I been present, I would have voted "no."

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Chairman, on Tuesday, July 25, I missed rollcall vote No. 571 during consideration of H.R. 2076, the Commerce, Justice, State appropriation bill for fiscal year 1996. Had I been present, I would have voted "aye."

AMENDMENT OFFERED BY MR. HOYER

Mr. HOYER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOYER: Page 25, line 13, strike "$1,500,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act" and insert "$1,000,000 for Law Enforcement Family Support Programs, as authorized by section 1001(a)(21) of the Omnibus Crime Control and Safe Streets Act of 1968 as added by section

210201 of the 1994 Act; $500,000 for Motor Vehicle Theft Prevention Programs, as authorized by section 220002(h) of the 1994 Act''.

Mr. HOYER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. HOYER. Mr. Chairman, my amendment simply provides $1 million in funding for the Law Enforcement Family Support Program. I want to thank my colleague, the gentleman from Kentucky [Mr. ROGERS], the chairman, who has had the opportunity to review this. I understand it is acceptable to him.

I want to thank the ranking member, the gentleman from West Virginia in working with me to fashion this so it could be effected.

Mr. Chairman, under the Law Enforcement Family Support Program, the Attorney General makes grants to States and local law enforcement agencies and law enforcement organizations to provide family support services to law enforcement personnel. This important program was authorized by the 1994 Violent Crime Control and Law Enforcement Act. These grants will allow local law enforcement agencies to provide counseling for law enforcement families, stress reduction programs, post shooting debriefing for officers and their spouses. Law enforcement family services and counseling for families of police killed in the line of duty.

The pervasive nature of job related stress in law enforcement was highlighted in 1986 when a nationwide assessment of law enforcement training needs found that State and local officers in all types and sizes of agencies ranked the need for training in personal stress management as the highest priority.

The law enforcement family support programs places heavy emphasis on family wellbeing.

All to often, the work of the law enforcement community is overlooked. Everyday, they risk their lives to keep our neighborhoods safe. Everyday, they struggle to uphold justice fairly and equitably. Every day, they work vigorously to remove those who work to terrorize our communities. This hard work places a heavy personal burden on them and their families.

Law enforcement is the single most stressful and dangerous occupation, requiring life and death decision all in a days work. Last year, nearly 160 officers were killed in the line of duty and another 300 took their own lives.

Our police dedicate their lives to and serving our communities. We must do what we can to aid these brave citizens and their families who sacrifice so much for us.

My amendment is fairly funded by reducing the Motor Vehicle Theft Prevention Program to the level it was funded in fiscal year 1995. The committee had zero-funded the family law enforcement programs and I believe this is a more equitable distribution of funds in this time of fiscal constraints. I appreciate the support of the chairman and the ranking member for this amendment and hope my colleagues will join us in aiding the families of our Nation's police.

Mr. ROGERS. Mr. Chairman, if the gentleman will yield, I accept the amendment.

Mr. MOLLOHAN. If the gentleman will yield, we have no objection, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. HOYER].

The amendment was agreed to.

Mr. ROGERS. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. HAYWORTH) having assumed the chair, Mr. EWING, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, had come to no resolution thereon.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TOBACCO AND AMERICA'S YOUTH

[Additional statements to Mr. WAXMAN's Testimony, in the RECORD of Monday, July 24, 1995.]

January 8, 1969.

OBJECTIVES AND PLANS—1600

[By Dr. P.A. Eichorn and W.L. Dunn, Jr.]

OBJECTIVE 1

To establish different thresholds for menthol level in cigarettes and identify optimum menthol level or levels.

Plan

Complete study already initiated by April 1.

OBJECTIVE 2

Attempt to develop research addressed to following questions:

(a) How much reduction in TPM delivery can we expect the typical smoker to tolerate over the next five years?

(b) Can we forecast the stabilization level in the percentage of the U.S. population who smoke cigarettes?

(c) Is there any product that can potentially replace the cigarette in need-gratification?

Plan

Non-schedulable. The task is one of problem solution in research design.

OBJECTIVE 3

To develop instrumentation and procedures for monitoring the psychophysiological state and responsivity of the free-roaming human and apply this technology to a study of the psychophysiological state and/or responsivity of cigarette smokers relative to non-smokers.

Plan

(1) Instrument acquisition and calibration by May 1, 1969.

(2) Hard-line preliminary runs with human subjects completed by December 31, 1969.

OBJECTION 4

To attempt to teach a rat to seek the inhalation of cigarette smoke.

Plan

An informal small-scale (no budget) exploration in which principles of operant conditioning will be applied to teaching the rat to inhale smoke first through reinforcement of the act by food or shock avoidant reward and ultimately through the reinforcing effect of the psychopharmacological effects of the inhaled smoke. No definite conclusion anticipated in 1969.

To: Dr. H. Wakeham
From: W. L. Dunn, Jr.
Date: August 1, 1969
Subject: A Trip Report—Discussions with Prof. Lazarsfeld on the Study of Discontinuing Smokers

I spent six hours with Dr. Paul Lazarsfeld on Wednesday. Following lunch together, I sat with him in his office in the Sociology Dept. of Columbia University, later attending as his guest a status conference on the on-going drug addiction study for New York State. The conference was held in the off-campus building housing the Bureau of Applied Social Research. I met several of his doctoral staff members and observed the graduate student interviewing staff as they participated in the conference proceedings. I was favorably impressed.

We have made great strides towards initiating the exploratory study of the experiences of smokers in their efforts to discontinue the habit. The agreed upon calendar of events calls for Dr. Lazarsfeld to submit a proposal to P.M. R&D prior to August 15. In turn I agreed to make immediately available to him copies of pertinent articles from the R&D Smoking and Health library, to be followed by a background bibliography of broader scope. Thereafter, pending acceptance of his proposal, dialogue between P.M. R&D and BASR staff will be addressed to the development of interview format and content.

I anticipate that his proposal will consist of a study of recidivists and cohort groups of abstainers, the latter consisting of one month, three-month, six-month and one-year abstainers. Subjects will be selected on a post-hoc basis, that is, their efforts to abstain will precede their entry into the study. Interviews will be retrospective probings into their daily lives during the period from the date of discontinuation to the date of the interview. The initial interviews will be loosely structured, with subsequent waves increasingly structured and focused. The progressive sharpening of the interview is to the achieved through Prof. Lazarsfeld's characteristic research style; a series of conferences in which interview material from new batches of interviews is studied in great detail for clues to pay-dirt, with subsequent interviews altered accordingly. I saw this approach in operation in the drug-addiction conference. In its current application it appears to be highly effective. I can see no reason why It should not be as effective for the proposed study.

We also discussed the idea of a steering committee. We noted the various forms this might take:

1. An unstructured group of consultants to Prof. Lazarsfeld as principle investigator.

2. A formally structured advisory group to the project.

3. The Board of the Stress Institute (in this case the Stress Institute would likely be the sponsor of the project).

He seemed equally amenable to all three, though expressing fascination with the third alternative. He pointed out that the task of creating an institute would require heavy commitment of time on someone's part over a period of many months.

As men of repute to advise, he is agreeable to Hans Selye (whom he does not know) and he suggested Prof. Stanley Schacter, a social psychologist of Columbia University who has recently been studying the effects of adrenalin on perceptual processes. We further agreed upon the wisdom of an additional psychologist closer to the physiological front. I named Dr. Frank Finger of the University of Virginia, widely known among psychologists and active in various governing bodies of the American Psychological Association. Another prospect that just occurred to me is Joseph D. Matarazzo, Chairman, Dept. of Medical Psychology, University of Oregon Medical School and writer of the source review of smoking psychology in 1960.

He displayed pleased surprise at our interest in the development of theory, although at this point it would be difficult to say whether this was diplomacy or genuine interest.

I also met and spoke briefly with George Brooks, his staff man formerly with Elmo Roper, confidante of Jet Lincoln, and key man in the series of smoker attitude surveys conducted in the early '60's by Roper for Philip Morris.

RYAN/DUNN ALTERNATE—THIRD VERSION OF BOARD PRESENTATION—DELIVERED WITH ONLY MINOR CHANGES (FALL 1969)

Gentlemen of the Board and guests:

Once again it is my pleasure to appear before you and to make this traditional annual presentation of Philip Morris Research Center activities. Before talking about that particular aspect of the program that I have selected for this year's presentation, let me make a few remarks about the Research Center in general. You have before you a new brochure on Research at Philip Morris. In it are details about our people and the facility, but here are some figures I think you will find of interest. Our present staff numbers about 330 persons. We occupy 125,000 ft. of floor space. Our budget for this year is $6 million, of which about 25 percent goes into research, 50 percent into product development and 25 percent into technical services to other departments.

I have selected our psychology program to talk about this year. In terms of people and budget it is relatively inconsequential, which partly explains why it has never been mentioned before. We are proud of the fact that we are the only company in the industry that has the discipline of psychology represented amongst its research staff; and we think it only proper, in view of the climate of the times, that we concern ourselves with the topic of the psychology of smoking.

In order to bring you up to date, let me first review the highlights of accomplishments on this front during the past few years.

1. We have established a consumer research facility called our Product Opinion Laboratory. This consists of about fourteen people, mostly pretty girls, who have as their chief task the collecting of opinions and judgments about our new products. The judgments are made by different types of people, depending on the stage of product development and the degree of expertise required. Thus, preliminary taste and flavor profiles are supplied our chemists and development engineers by three small groups of highly trained experts. Products slightly further along the development trail are evaluated by a larger groups of less expert Research Center employees, supplemented by a group of about eighty Richmond housewives who smoke cigarettes in an office near a shopping center. Further screening is available from about 1500 members of civic clubs and community organizations who are called on when we want a quick test from a more representative group of non-experts. And finally, products approaching the test market stage of development are evaluated by a national cross section of American consumers, chosen from some 35,000 people who represent 15,000 families.

So, funneled through our little group of consumer research people, there is a continuous flow of consumer responses to guide the Research Center and Marketing people of making product decisions.

Apart from their routine product testing, they have also reported a number of interesting findings that are worthy of mentioning.

2. Some Highlights:

A. One study has demonstrated that a cigarette manufacturer presumably P.M.—can increase the reconstituted-tobacco component of the cigarette blend to 30 percent without significantly altering the taste and subjective properties of the smoke. The implications of dollar savings here are obvious.

B. Another study demonstrated rather dramatically that the menthol coolness ascribable to our competitor's Kool cigarette is attributable to its name and brand image rather than to the taste of the smoke, per se. When the Kool cigarette was compared to our Marlboro Menthol with the brand identify concealed, menthol smokers, including regular Kool smokers, could not tell the difference. When these same smokers smoked these same cigarettes in their regular packages, most of the menthol smokers chose the Kool cigarette to be the cooler smoking.

C. In a third study a thousand smokers were asked to compare cigarettes made of aged tobacco with cigarettes of unaged tobaccos. They had no preference, suggesting that the aging process does not significantly alter the taste of the cigarette from the consumer's point of view. This means we have more latitude in maintaining a tobacco inventory than was heretofore appreciated.

D. All the medical research on how much people smoke has used the smoker's estimate of how many cigarettes he smokes a day. We've always known this to be a crude measure, but a recent P.M. study has made it possible to show how very crude it is. Our chemists have developed a means of measuring residual nicotine in the filter of a cigarette. From this can be precisely calculated how much TPM passed through the filter and into the smoker's mouth. We had 2500 filter smokers save their butts for us for one week, and from the residual nicotine measurements, obtained an average daily TPM intake value for each smoker: The slide before you shows the relationship of the daily intake value with the smoker's estimate of how many cigarettes he smokes per day.

There are two important political as well as scientific implications from this study.

1. The index of smoking level in health surveys as determined by the number of cigarettes people say they smoke is a very unreliable measure of actual smoke intake, and

2. The prediction of smoker intake from the FTC tar value for the brand smoked is also very unreliable.

E. From the study of smoke intake we developed the hypothesis that a smoker will tend to seek his own level of smoke intake whether he smokes filter cigarettes, long cigarettes or skinny cigarettes. A study to test this hypothesis has just been completed. We had about 150 filter smokers volunteer to smoke only the cigarettes we gave them for six weeks. For the first two weeks they all received cigarettes delivering 20 mg of TPM. Beginning the third week, half the group were supplied with cigarettes delivering 25 mg and the other half were given cigarettes delivering 15 mg. They were not informed of the switch nor did they know anything about the purpose of the study. They were kept on the high and low TPM cigarettes for four weeks. During the entire six weeks they saved their butts. Daily intake values were calculated from the residual nicotine in the butted filters.

The slide tells the story. Initially there was an increase in daily intake for those shifted to the 25 mg cigarette, and a decrease for those shifted to the 15 mg cigarette. But notice that they returned toward their original level of intake after 2 weeks on the new cigarette. It would appear that smokers do modify their smoking habits in order to maintain a preferred intake level. [Illegible]

So much for the past. Recently the psychology program has added a new emphasis. Most of our attention in the past has been focused upon the cigarette. Now we are beginning to concentrate on the smoker himself. We are addressing ourselves to that simple but fundamental question, "Why do people smoke?"

I must admit to some embarrassment when I say I don't know the answer to this question. It is even more embarrassing to the psychologists on my staff. But I can tell you this . . . . despite the voluminous research and pseudo-sophisticated theories, there is not a scientist alive who can give an explanation backed up by fact.

First we have to break the question into its two parts: (1) Why does one begin to smoke? and (2) Why does one continue to smoke?

There is general agreement on the answer to the first part. The 16 to 20 year-old begins smoking for psychosocial reasons. The act of smoking is symbolic; it signifies adulthood, he smokes to enhance his image in the eyes of his peers.

But the psychosocial motive is not enough to explain continued smoking. Some other motive force takes over to make smoking rewarding in its own right. Long after adolescent preoccupation with self-image has subsided, the cigarette will even preempt food in times of scarcity on the smoker's priority list. The question is "Why?"

One of the obvious ways to approach the problem is to ask the smoker himself why he smokes: When you do this (and Leo Burnett did this about 10 years ago for P.M.) the smoker will either parrot an advertising slogan or give you one of these responses: (1) It relaxes me.

(2) It stimulates me.

One way to interpret this is to conclude that different people are affected in different ways by the inhalation of smoke. We are inclined, however, to ascribe this apparent duality of effect to an inability on the part of the smoker to describe smoke-produced sensations.

Another obvious way to approach the problem is to search for differences between smokers and non-smokers. This strategy has been more fruitful. The research effort in England and the U.S. over the past 15 years has yielded the following findings:

A. Personality Differences—Smokers are:

(1) More gregarious.

(2) More extroverted.

(3) More business oriented.

(4) Greater sense of time urgency.

(5) More competitive.

(6) More mobile (jobs, residences).

Generally more aggressive and risk oriented.

B. Physiological Differences:

(1) Smokers have faster heart rate.

(2) Eat more.

(3) Drink more—beer, whiskey, coffee.

(4) Have higher oxygen metabolism.

(5) Weigh less.

Generally more active, faster living.

C. Psychological Differences—Smokers exhibit:

(1) More anxiety.

(2) More emotional disturbance.

(3) Higher accident and injury rate.

(4) More suicide.

(5) Lower grades in school.

Generally more tense and emotional.

A third way to approach the question is to search for the immediate effects of smoke inhalation upon the smoker. This approach also has been fruitful. Here are the changes in human body function which follow smoke inhalation. All of these changes have been reported by at least two independent researchers:

Cigarette smoke effects:

Increased pulse rate; Increased cardiac output and coronary flow; Lowered skin temperature in hands and feet; Adrenalin released into blood stream; Increased blood flow in skeletal musculature; Reduction in pattellare reflex magnitude; Nerve impulse transmission facilitated through autonomic nervous system; Arousal center in brain stem excited, causing arousal patterns in the electrical activity of the cortex; Blood sugar level increases.

Now what can be said about all of these findings?

As for the differences between smokers and non-smokers, one might summarize with these three general observations:

1. Cigarette smoking is more often a habit among more responsive, more arousable, more anxious people than among the less responsive or more tranquil people.

2. More cigarette smoking is to be found among people whose life careers expose them to pressures and crises.

3. A smoker smokes more during the more stressful moments of his day or during stressful period of his life.

One might expect from these differences to find that people are attracted to smoking because it acts as a tranquilizer in a stressful situation, as some told Leo Burnett. Indeed this reason for smoking has been hypothesized by a number of other investigators. But in our experimentation whenever we have attempted to confirm this hypothesis, we have found exactly the opposite effect. For example, in studies using excessive muscle tension as a measure of psychological arousal we have observed that smoking increases rather than decreases muscle tension.

We are of the conviction, in view of the foregoing, that the ultimate explanation for the perpetuated cigarette habit resides in the pharmacological effect of smoke upon the body of the smoker, the effect being most rewarding to the individual under stress.

We cannot view the smoke as a tranquilizer; most of its effects on body function suggest arousal. We can see on all the benefits of smoking when bored, not yet fully awake, etc.—it arouses you when you need to be aroused. However, we do not yet understand how an additional source of stimulation could be rewarding to an aroused person in a stress situation. We are beginning to work on this problem.

Currently we are making exploratory measures of bodily indices of emotion and arousal. We are measuring heart rate, respiratory rate, the electrical resistance of the skin and muscle tension. At the moment our subjects are wired to a polygraph recorder; we plan to develop the techniques and instrumentation to measure these indices remotely by radio signal.

Our ultimate intent is to monitor the smoker under real life conditions, under conditions of experimentally induced stress and under conditions of tobacco-deprivation.

This is basic exploratory research, but we would hope for fallout in the way of information applicable to the design of our smoking products and also information that could be used in a public relations program to counter that of the American Cancer Society.

To: W.L. Dunn, Jr.

From: F.J. Ryan

Date: December 23, 1969.

Subject: Proposed Research Project: Smoking and Anxiety

It seems likely that cigarette smoking is affected by stressful situations, but we have little experimental evidence of such a relation. We reason that stressful situations produce states of anxiety within the smoker, and know that he seeks anxiety-reducing palliatives in order to feel more comfortable. Smoking may be one of these palliatives. However, not only are the mechanisms by which tobacco smoke might serve as a palliative not completely clear, but we do not even know whether people smoke more under stress than under nonstress. We wish to conduct the research outlined below in order to clarify the matter and lay the ground work for later study. It is discouraging to realize that we have so little data available that we must start at the very beginning but start we must.

Title: Smoking Under Conditions of Shock Produced Anxiety

Purpose: To show cigarette smoking is more probable in stress situations than in nonstress situations.

Importance: Most research in smoking emphasizes its negative qualities. This project is interested in one of the advantages of smoking, its use as an anxiety reducer.

Nontechnical Summary: We will warn people that they're going to get a harmless but annoying shock while we note changes in (a) amount of smoking, compared to no shock days and in (b) frequency of puffs during the interval between warning and shock. The smoking, the warning, and the shock will all be embedded in a simple discrimination task. Our cover story will be that we are interested in "smoking and judgment." (We need to disguise our real interests in order to prevent subjects from telling us what they think we want to know.)

Predicted Results: (a) Number of puffs on cigarettes will be highest on days when shock is administered, lowest on days when shock is not administered. (b) The distribution of puffs on shock days should be different from the distribution of puffs on no shock days. E.g., either a greater percentage of puffs may occur between the warning and the shock on shock days than in a similar interval on no shock days, or it may be that we will find puffing is postponed until after shock administration.

The Subjects: We prefer to use non-employees for this research. A ready supply of college age subjects can be had from VCU and the University of Richmond. We will pay for the services of both males and females, all volunteers over 21 years old. Each subject will be asked to sign a paper stating that he understands the general conditions of the experiment, and it will be made clear that the subject can withdraw from the experiment at any time, including the middle of a session. They will be paid $2 for participating in each session, plus about $1.50 in rewards for correct responding. In the course of several sessions they can earn $15, including a bonus for completing a series of sessions.

Shock Intensity: Shock intensity will be adjusted for each subject according to the subject's pain threshold. The shock will be painful, but tolerable. Depending on the subject, this will require shock currents of from half a milliamp up to three and a half milliamps. Shock administration will be via a constant amperage shock source controlled by relay equipment. Safety precautions include (1) an isolation transformer, (2) fuses in both shock leads, and (3) a limited time of administration through the contacts of a precautionary timer. The latter unit would limit shock duration to T_1 seconds in case the shock administration circuit should fuse shut.

The Discrimination Task: A series of slides containing different shapes will be presented by a modified Carousel projector. Odd numbered slides will contain a single shape, even numbered slides two shapes. The subject's task will be to decide which of the two shapes presented on the even numbered slide most closely resembles the shape shown on the preceding odd numbered slide. (The shapes can be varied in number of enclosed dots, number of sides, color, area, etc., and there may or may not be irrelevant characteristics also present.) Whenever the correct choice is made, the subject will be rewarded with a token. At the conclusion of the session the accumulated tokens can be exchanged for money over and above the amount paid for participation. Whenever an incorrect choice is made, a warning tone will sound. The tone will last for T_2 seconds. Tone offset will, on shock trials, be accompanied by a brief presentation of shock to the subject's fingers.

Noshock-day Procedures: On days when the subject is to receive no shock he will be treated exactly as on shock days, but he will be told truthfully that he will receive no shock. No pretesting shocks will be administered on these days, and incorrect choices will produce only the tone.

Shock-day Procedures: The subject will receive pre-test shock to find his appropriate shock intensity. His incorrect responses will produce the warning tone. The probability, p, that the tone will terminate in shock will always be above zero, but need not be 1.00 (certainty). It might be more anxiety producing to have p values of less than 1.00, for we suspect that uncertainty of punishment may be more disturbing than certainty of punishment. Accordingly, we will have two different shock-day procedures, one of which $p=1.00$ and one in which $p \doteq .50$, or some other value less than 1.00.

The Subject's Response: The subject's overt task is to throw a left switch or a right switch to indicate that the left or right stimulus is most like the previous stimulus. Action of these switches will produce electrical impulses which in turn will deliver shock or reward, depending on the state of other routing switches. The routing switches will be set by photocell relays, operated by lights shining through holes in the plastic slide mounts of the modified Carousel projector. The relays and switches will start and stop various timers, which will in turn control the sequence of events. Subjects will be asked to abstain from smoking for a period of time prior to the test session, and will be asked to smoke during the test session. Puffing will be observed by the monitoring experimenter, who will throw a switch to mark each puff. The placement of puffs within the intervals between other events can be read directly off a polygraph record. (If a satisfactory puff monitor can be produced by the electrical engineers at U. Va. then its output can replace the experimenter/observer's switch.)

Later Research Plans: It is possible for us to monitor a number of concurrent physiological variables during the test session, such as Heart Rate, GSR, perhaps EMG, depending on our developing interests.

Charge Number: 1600

Program Title: Consumer Psychology

Program Leader: W. L. Dunn, Jr.

Period Covered: September 16–October 15, 1971

Project Title: Psychology of Smoking

Project Leader: W. L. Dunn, Jr.

The Conference on Motivation in Cigarette Smoking is on schedule.

Project Title: Miller Brewing Work

Project Leader: Anne Ferguson

A new augmenting smoking panel is being selected and the beer panel is receiving refresher instruction. Both activities are being undertaken with the consultative assistance of Barbara Hall Ellis.

Project Title: Methods Studies

Project Leader: W. L. Dunn, Jr.

Replication of SIC–1 (preference justification effect) is in the field. The study of alternative field test designs was mailed out but has been aborted and will be rerun due to package coding errors.

Project Title: Smoking Profiles: A Pilot Study

Project Leader: Frank Ryan

Several improvements in the puff monitoring system have made it less obtrusive. Some preliminary measures have been made on college students in the shock research project, and additional measures have been made on R & D personnel to aid in calibration of the system. When five additional models are made, they will have slightly different specifications. The range of flow rates by the orifice is such that we will have to use different models for different smokers, but we should be able to handle 9/10 of the smokers we are likely to meet. (See the reports of the Program on Human Smoking Simulation, Charge Number 4008)

Project Titles: Shock I, II, III, and IV

Project Leader: Frank Ryan

We continue to gather data on the puffing behavior of local college students (Shock IV). The first study of this type (Shock I) indicated that personality affected the puff rates of the 16 students in a shock and heart rate experiment. The second study (Shock II) replicated the procedures of the first but omitted the heart rate measures. Assigning 21 new students to one of three groups on the basis of their personality scores and the data of the first study, we predicted that the three groups would rank low, moderate, and high in number of puffs. The data supported the hypothesis, the means being 9.1, 10.6 and 12.0 puffs for the three groups.

At third variation (Shock III) of the procedures has now been completed and the data analyzed for 23 new students. The results suggest that personality factors, particularly the Anxiety factor, account for most of the puffing in our test situation under our tests conditions (note the qualifiers.) The correlation between the personality factors and puff rate is very high, and further research will undoubtedly lead to lower but more stable figures.

We are very much encouraged by the tend of these findings, because they bear on the hypothesis that different types of people have different tar and nicotine intakes.

Project Title: Preferred Tar Reduction Procedure

Project Leader: Frank Ryan

Planning is underway for a study of consumer preferences among the different procedures which lower FTC Tar delivery. Cigarette models will be chosen in November, and mailout target date is February 20, 1972.

Project Title: Cigarette TPM Difference Limens

Project Leader: T.R. Schori

Twenty R & D employees have been run as subjects in this study which was designed to determine what constitutes a just-noticeable-difference in cigarette TMP. The data suggest that smokers are very poor at making such discriminations. We are instigating a slight change in our approach to the problem to see whether our procedure is insensitive or whether in fact smokers are unable to discriminate.

Charge Number: 1600

Program Title: Consumer Psychology

Period Covered: January 15–February 15, 1972

Project Title: Preferred Delivery Reduction

Written by: Frank Ryan

We are comparing five cigarettes, each delivering about 14 mg. tar from a Marlboro 85 blend. Each achieves its tar reduction in a different fashion. The models are: No air dilution, high RTD; moderate air dilution, moderate RTD; high air dilution, low RTD; a paper/CA filter; and an extended tipping paper. Prototypes have been made which are reasonably homogeneous and close to the 14 mg. target, and mailout cigarettes have been ordered. Panelists will be selected from known Marlboro smokers after POL National repolling is complete.

Project Title: Shock V

Written by: Frank Ryan

(a) Additional subjects will be screened to test our personality-puff rate data with new slides.

(b) We plan to reintroduce electric shock in studies this spring.

(c) The apparatus is currently tied up in the smoking profiles pilot work.

Project Title: Smoking Profiles Pilot Study

Written by: Frank Ryan

Students with known puffing patterns (e.g., number of puffs and puff intervals) are evaluating the difficulty of the slides used in Shock I–V while smoking with the human smoking recorder. We are looking for differences in puff behavior attributable to the cigarette holder mouthpiece, tubes, recorders system, etc.

The first test we plan to run with this apparatus will compare puffing behavior on two different types of very different cigarettes. Our present plans are first to test a high delivery 85 mm against a low delivery 85 mm vs. 100 mm of comparable draw.

Project Title: Puffing vs. Judgment

Written by: Frank Ryan

We will ask our students to rate two vastly different experimental cigarettes, using standard SEF callots, to see whether those who take many puffs are as responsive to smoke characteristics as those who take few.

Project Title: Perceived Attributes of Cigarettes

Written by: T.R. Schori

This study was designed to determine major cigarette characteristics as perceived by smokers by means of a factor analytic technique. Ballots are in process of being mailed to a representative panel of 800 smokers.

Project Title: Smoking and Low Delivery Cigarettes

Written by: T. R. Schori

This is a two part study. Cigarettes for Part 1 (TNT–2) are in the process of being mailed out. Cigarettes for Part 2 (TNT–3) are currently being developed.

Project Title: A Comparison of the Effect of Caffeine and Cigarette Smoking

Written by: T. R. Schori

Smokers were tested in each of 3 conditions: placebo, caffeine, and cigarette smoking. Eleven measures of arousal were collected. A discriminant analysis indicated that these three groups differed from one another in terms of the eleven measures considered simultaneously. A report will be written shortly.

Dr. P.A. Eichorn

W.L. Dunn, Jr.

Quarterly Report—Projects 1600 and 2302

October 5, 1972

SEX–III

Twelve hundred of the original 2400 filter smokers who participated in the SEX–I study in 1968 are, at the time of this writing, saving butts for R&D analysis. We will be attempting to relate change in smoke intake to other variables, notably change in available TPM in the cigarette smoked.

Publication of Smoking Behavior: Motives and Incentives.—Because of editing difficulties with one author, the volume is now likely to be delayed until January, 1973.

Participation in Ford Motors Keep-Well Campaign.—The Medical Department of Ford Motor Co. will be launching an exploratory study of a Prophylactic Program to Reduce Cardiovascular Illness among Employees. We will collaborate in the design and data collection. The study is in the early planning stage.

Miller Brewing.—We are providing ongoing consultation and testing services to this subsidiary in the evaluation of its beer products.

The Schachter Studies.—We are collaborating closely with this investigator and providing technical support to the research activities in the Psychology Dept. of Columbia University. A significant theoretical contribution to the understanding of cigarette smoking is believed imminent from this effort.

Puffing Behavior.—We have begun gathering puffing data among student college smoking various brands of cigarettes and little cigars. Intake variables (puff frequency, interpuffing intervals, puff volume, etc.) should prove related to product preferences, FTC tar and nicotine delivery, etc. The human smoking recorder is used to monitor the puffing while subjects watch slides.

Personality and Puffing.—We continue to observe differences in puffing behavior related to personality variables. The effect seems clearer among male subjects than among females.

Shock and Smoking.—Data collection will resume in October at a new location (POL). We need to develop a different stressor as fear of shock is scaring away some of our more valuable subjects.

Sustained-Performance and Smoking.—In this two-part study, we are evaluating psychomotor performance of smokers, deprived smokers, and nonsmokers over time (3 hours). Part 1, concerned with complex task performance, has been completed. The subject's task consisted of five subtasks which had to be performed simultaneously. These subtasks were: a meter monitoring subtask (6 meters), a light monitoring subtask (4 lights), a visual choice reaction time subtask, an auditory choice reaction time subtask, and a mental arithmetic subtask.

In terms of all five subtasks, the subjects showed significant improvements in performance over time. No significant differences in performance were found between the three smoking conditions except in the auditory subtask where smokers displayed the best performance. This latter finding suggests the possibility that smoking enhances auditory sensitivity and we are currently looking into this possibility. As we had found in previous studies, smokers had fewer significant mood changes (as measured by the Nowlis Mood Scale—a paper and pencil device to measure transient mood states) than did nonsmokers or deprived smokers. This suggests that smokers are more emotionally stable in this sort of test situation than are nonsmokers or deprived smoker.

MULTIPLE DISCRIMINANT ANALYSIS: A REPEATED MEASURES DESIGN VIRGINIA JOURNAL OF SCIENCE, 23, 62–63, SUMMER, 1972. SCHORI, T.R., AND TINDALL, J.E.

Menthol Cigarette Studies.—Two menthol cigarette studies are underway. The first is designed to delineate the images possessed by various of the menthol cigarettes currently on the market. This is a questionnaire type study using national roster panelists.

The second type is a smoking test. It is designed to identify nicotine and menthol parameters which make for optimal acceptability of menthol cigarettes. This study has a three-stage design. The first stage is designed to identify those nicotine delivery levels which we might reasonably wish to consider for menthol cigarettes. Having identified these nicotine delivery levels, in stage 2 we will determine combinations of nicotine and menthol which make for optimal acceptability. And then in stage 3, cigarettes with these combinations will be tested against current brands of known quality and sales potential.

Bay Area Study.—Marketing, for the past few months, has been trying to improve the image of Multifilter in the San Francisco Bay Area and San Jose. In this study, we are trying to determine whether this attempt to improve Multifilter's image has been successful. We are doing this by means of a mailout to smokers in these areas.

Tar and Nicotine Studies.—We have done a number of nicotine to tar ratio studies. Development is continuing to try to make cigarette models with various levels of tar and nicotine using our low nicotine tobacco. When we get successful models, we will go out to a national panel in an attempt to determine combinations of tar and nicotine which make for optimal acceptability.

In addition, a local panel of smokers will test these cigarettes for nine weeks in order to determine the effect of tar and nicotine on cigarette consumption when both tar and nicotine deviate downward from that to which the smokers are accustomed. This is a follow-up of TNT–1.

Dr. P. A. Eichorn

W. L. Dunn, Jr.

Five-year Objectives and Plans for Project 1600

September 25, 1970

OBJECTIVE I

Identify as many as possible of the short-term psychological and psychophysiological phenomena attendant upon the smoking of a cigarette.

Plans.—To expand the scope of the present psychology research program to include studies of the immediate, short-term effects of cigarette smoking as manifested through changes in autonomic, perceptual, cognitive and central nervous system processes and motor performance.

OBJECTIVE II

Advance scientific knowledge of the motivation sustaining the cigarette smoking habit.

Plans.—(1) To further observe the smoking-induced changes identified under Objective I under varying degrees of psychological tension, from relaxed calmness to anxiety, in order to study the interaction effects of smoking and tension upon psychological function.

(2) To conduct studies in which the dependent variable is rate of smoking and the independent variable is a situational factor affecting the smoker's level of vigilance or tension, testing the hypothesis that rate of smoking is a function of vigilance or tension level.

(3) To research the question, "Can the smoking habit be sustained in the absence of nicotine?" Other strategies may be developed, but one now being explored is to attempt to identify which components of the smoke, in gross fractions, effect the heart rate change associated with inhalation of whole smoke.

(4) To coordinate the industry-sponsored conference on the motivational mechanisms of cigarette smoking scheduled for January, 1972.

(5) To prepare a review paper on the psychodynamics of cigarette smoking.

OBJECTIVE III

Forecast trends in cigarette smoking behavior and preferences for guidance in cigarette development.

Plans.—(1) To design a test for determining the smoker's tolerance for reduction in tar delivery over time in terms of rate, increments and limits of reduction.

(2) To elucidate the role of nicotine as a factor in determining cigarette acceptability in terms of absolute levels and relative to other smoke components.

(3) To more systematically observe puffing profiles of smokers across various cigarettes via use of the mobile recording system developed for P.M. by the Engineering School of the University of Virginia.

OBJECTIVE IV

Establish the psychological units of detectable difference for the basic dimensions of cigarette smoking including tar, nicotine, RTD, menthol and TFP.

Plans.—Since methodological obstacles have severely limited our progress on this front to date, we must concentrate on devising research procedures for circumventing these obstacles.

OBJECTIVE V

Improve the validity and reliability of our standard product testing procedures, and reduce the lagtime between service request and report of findings.

Plans.—(1) Continue, as in the past, to test out new research designs and procedures.

(2) Incorporate data retrieval, processing and reporting innovations into our routine procedures as they become available and appropriate.

Charge Number: 1600

Program Title: Consumer Psychology

Program Leader: W.L. Dunn, Jr.

Period Covered: October 16–November 15, 1971

Project Title: Psychology of Smoking

Project Leader: W.L. Dunn, Jr.

The Conference on Motivation in Cigarette Smoking is continuing on schedule.

Project Title: Methods Studies

Project Leader: W.L. Dunn, Jr.

The study of alternative field test designs (TRI–2) is in the field. SIC–2 (preference justification effect) is now in analysis.

Project Title: Shock IV

Project Leader: Frank Ryan

Data collection continues in this series of experiments on student smoking behavior. Nearly 100 students have been tested in the four series to date. We are seeking additional tasks for them to perform in order to broaden the scope and generality of our findings.

Project Title: Desire to Smoke

Project Leader: Frank Ryan

All available college subjects will fill out a questionnaire rating their desire to smoke in each of 22 hypothetical situations. One of Eysenck's colleagues has postulated that there are two types of smokers: one smoker smokes in quiet situations to raise the level of his central nervous system arousal, a second smokes in tense situations in order to reduce their arousal level. The published data suggest that males had their highest desire in quiet situations, females in stressful situations. This may be related to male extroversion and female introversion factors, so Eysenck has suggested that extroverts smoke to increase arousal, while introverts smoke to reduce arousal. We'll compare the rated desire to smoke with our existing personality profiles of these students to check out the hypothesis.

Dr. P.A. Eichorn

W.L. Dunn, Jr.

Quarterly Report—Projects 1600 and 2302

January 5, 1973

SEX-III—Data collection completed. Analysis in progress. Preliminary analysis reveals a 10% reduction from 1968 to 1972 in available tar among cigarettes smoked and commensurate reduction in mean daily intake.

Ford Motor's Keep-Well Campaign.—No progress to report. The study at Ford has been delayed.

The Schachter Studies.—A pilot study at the Columbia University laboratory has revealed a 30% increase in cigarette consumption (number smoked) over normal consumption when on a regimen of high level Vitamin C dosage. A comparable regimen with sodium bicarbonate did not result in the predicted reduction in consumption.

The Neal Miller Studies.—A pilot study at the Rockefeller University laboratory suggests that the elicited attack behavior in cats is markedly moderated when the animal has been injected with nicotine. The high nicotine dosage level, however, demands caution in any interpretation.

Puffing Patterns.—Data continues to be collected on puffing behavior relative to the type cigarette being smoked.

Bay Area Study.—Discontinued. The study was judged to be of a non-R&D nature and Marketing Research funds were not available for its support.

The Effects of Smoking on Heart Rate Variability.—Three studies are in the initial stages for determining what effect, if any, smoking has upon the magnitude of shifts in arousal level, with heart rate being used as the index of this psycho-physiological state. The study involving the telemetry of heart rate, delayed because of technical problems and laboratory relocation, is about to enter the recording phase. Heart rates of R&D smokers, under smoking and abstention conditions, will be sampled over working hours. A second study is being initiated in which a small sample of R&D employees will record their heart rates on portable tape units while driving to and from work under smoking and extended abstention conditions. A third study is being formulated in which volunteer subjects will be subjected to intensive and varied activity programs designed to be fatiguing and/or frustrating and extending over a 24-hour period in which no sleep will be permitted. The effects of deprivation of food, of water and of smoking will be observed in terms of heart rate measures and performance efficiency. The scheduling of these latter two studies is contingent upon the assembly of the portable heart rate recording device, the critical element of which is the sensor-transducer component. The critical measure is the variance of heart rate over time.

Tar & Nicotine Studies.—Cigarettes are scheduled to become available for these studies in January.

Fourteen Choice.—There are various ways for lowering TPM to 14 mg. Which yields the preferred cigarette? After extensive experimentation, adequately controlled samples of the six selected cigarettes have been provided in sufficient quantity for local testing. This testing will begin in January, to be followed by national field testing.

Black Menthol Panels.—Recruitment of both local and national black menthol smokers is underway.

Menthol-tar Combinations.—Experimental models of the cigarettes needed for this study are being made. When the specifications are met, the cigarettes will be produced and the study initiated.

Tar-nicotine Combinations.—Here also the execution of the study is contingent upon the design and production of cigarettes which meet the specifications demanded.

Charge Number: 1600

Program Title: Smoker Psychology

Project Leader: W. L. Dunn, Jr.

Period Covered: January 1–January 31, 1973

Date of Report: February 9, 1973

Project Title: Smoking and Rate of Learning Alpha Control (A new study)

Written by: W. L. Dunn

Alpha brain wave (8–12Hz) dominance is associated with states of tranquility and meditation. Alpha is recordable with appropriate electronic circuitry (EEG) and can be used to trigger auditory or visual stimuli as signals of alpha presence above predetermined threshold levels. These biofeedback signals can facilitate the learning of alpha control in human subjects.

As part of our continuing search for the motivationally relevant effects of smoking, we are investigating the influence of smoking upon the rate of acquisition of alpha wave control. Using smoking subjects and alternating smoking and non-smoking learning sessions (daily sessions of 3 to 5 minutes) we will test for differences between the two conditions in terms of cumulative time of alpha dominance.

Project Title: Richmond Product Placement Panel

Written by: M. E. Johnston

Plans for establishing a local roster of 1500 to 2000 smokers, including much needed Marlboro, hi-fi and black menthol smokers, are being put into effect.

Project Title: The Delivery of Inhalation Impact via Other Vehicles than Nicotine

Written by: W. L. Dunn

It has been observed that when the filler of a commercial type cigarette is denicotinized, the inhalation impact of that cigarette is lost. In collaboration with Hind and Gellatly, we are investigating the capability of a denicotinized 100% uncased burley cigarette to deliver impact. If there is found to be residual impact, we will attempt to build an acceptable cigarette around denicotinized uncased burley.

Project Title: Optimum Mode of Tar Reduction

Written by: Frank Ryan

A five-pack handout is now in local distribution. Results will be used to determine feasibility of national mailout.

Project Title: Arousal and Smoking

Written by: Frank Ryan

The effect of smoking or non-smoking on the arousal mechanisms of the central nervous system is being monitored throughout the day by measuring heart rate activity. Samples of activity are taken throughout a week of smoking, and then throughout a week of non-smoking. Several employees have volunteered to quit smoking for a week and then resume, but not all will be usable.

In addition, heart-rate recordings while commuting to work will be collected under smoking and extended abstention conditions.

Project Title: Puffing Behavior on Different Brands

Written by: Frank Ryan

Final subjects are now being run. Preliminary data indicates puffing at little cigars is different from puffing at cigarettes and that Marlboro and Winston are smoked similarly. This appears to be a useful procedure, but it takes a long time to gather any significant amount of data. We may change our standard task to enable us to use the same smokers more often.

Project Title: Cigarette Variability

Written by: Frank Ryan

A pack handout will be made in late February to test the effect of cigarette variability on consumer response. Warren Claflin's group has provided the cigarettes.

Project Title: Personality and Puffing Behavior

Written by: Frank Ryan

A report is being prepared on this topic covering progress to date.

Project Title: *Smoking and Spare Mental Capacity*

Written by: T. R. Schori

This is a study in which we are looking for differences in spare mental capacity between smokers, smokers-deprived, and nonsmokers using a cross-adaptive loading task technique. With this technique, subsidiary task difficulty is dependent upon primary task performance in such fashion that primary task performance is made comparable over groups while subsidiary task performance becomes an indication of spare mental capacity.

Project Title: *SEX-III Analysis*

Written by: T. R. Schori

Data analysis continues. The first draft of the report will be complete February 14.

Project Title: *JND-2*

Written by: T. R. Schori

This is a follow-up of JND-1 in which we are interested in whether smokers can detect differences in two cigarettes varying in tar delivery by 5 mg. They were unable to do so in the original study. The cigarettes are in the field. Ballots are starting to trickle in.

Project Title: *Smoking and Sustained Performance*

Written by: T. R. Schori

Report in progress.

Project Title: *Menthol Cigarette Image (HN-1)*

Written by: T. R. Schori

Report in progress.

Project Title: *Acceptability and Low Delivery Cigarettes (II)*

Written by: T. R. Schori

Awaiting cigarettes.

Project Title: *Economic Analyses*

Written by: Myron Johnston

The following analyses were completed:

1. Projections of Weighted Average Tar Deliveries (requested by Steve Fountaine). Extrapolations of trend lines of weighted average tar deliveries basedoon three different time periods and two methods of computation (logarithmic and arithmetic).
2. Weighted average tar deliveries of 85mm and 100mm filter cigarettes calculated separately (requested by Al Udow).
3. Calculation of simple average tar delivery and range of delivery levels available to the American public, 1954–1972 (requested by Dr. Wakeham).
4. Percent who smoke cigarettes by occupation and age (requested by Dr. Fagan and Mr. J. Lincoln).
5. Attitudes of R&D professionals to the speakers at the evening seminars for the past two years (requested by Dr. Fagan for the Evening Seminar Committee).

Project Title: *Smoking Patterns as Related to Status Inconsistency*

Written by: Myron Johnston

Several computer runs have been made and we are in the process of analyzing and writing up the results of our findings to date. Status inconsistent smokers report higher consumption rates than status consistent smokers according to preliminary data. Our panel data confirms the findings of other studies that smoking is inversely related to income, occupation and educational attainment (the components of socio-economic class).

Project Title: *Acquisition of Marlboro Smokers from Market Research Department*

Written by: Myron Johnston

HTI has been having computer problems but we have been promised delivery of the names and addresses of 500 Marlboro smokers by February 12.

Project Title: *Product Usage—Pipe Tobacco (requested by Marketing Department through Bill Corsover).*

Written by: M.E. Johnston

Several computer tabulations have been run and I am ready to begin the analysis of the data.

Charge Number: 1600

Program Title: Smoker Psychology

Project Leader: W.L. Dunn, Jr.

Period Covered: May 1–31, 1974

Date of Report: June 10, 1974

Project Title: *Alpha Brain Waves and Smoking*

Written by: W.L. Dunn

Data collection complete. Analysis in progress.

Project Title: *Inhalation Controls*

Written by: W.L. Dunn

Instrumentation is nearly complete. Electronic problems have been resolved and mechanical valving of airways appears to be in working order. The nose mask is causing some delay in that we recently became aware of a shrinkage problem with the silicon rubber material used in fabricating the mask. An alternate curing agent (on order) is supposed to solve the problem.

Project Title: *Puffing Behavior*

Written by: F.J. Ryan

We have begun gathering data on the effects of intercigarette interval on puffing behavior. Students smoke cigarettes either 10 or 60 minutes apart while working on paper and pencil tasks and reading into the delayed feedback tape recorder. We expect to see differences in behavior as a function of the intercigarette interval. It is not clear whether these differences will be in average puff volumes, durations, and flows, or in number of puffs, total puff volume, and interval between puffs. Our previous research suggests that average puff volume, puff duration, and flow rate of the smoke are relatively insensitive to external conditions, each smoker having his own preferred response pattern which interacts with the physical characteristics of the cigarette rod at the time of the puff to determine the puff volumes, etc. Therefore we suspect that the major differences will appear in the number of puffs taken, interpuff interval, and total volume of smoke.

Project Title: *Relationship Between Smoking and Personality*

Written by: F.J. Ryan

Some children are so active (or "hyperkinetic") that they are unable to sit quietly in school and concentrate on what is being taught. In recent years it has been found that amphetamines, which are strong stimulants, have the anomalous effect of quieting these children down and enabling them to concentrate in the face of distractions which otherwise would have disrupted their attention. Many children are therefore regularly administered amphetamines throughout grade school years. The wisdom of such prescription is open to question, and some published reports have suggested that caffeine, in the form of coffee or tea for breakfast, would produce the same end result. We wonder whether such children may not eventually become cigarette smokers in their teenage years as they discover the advantage of self-stimulation via nicotine. We have already collaborated with a local school system in identifying some such children presently in the third grade; we are reviewing the available literature on the topic; and we may propose a prospective study of this relationship. It would be good to show that smoking is an advantage to at least one subgroup of the population. Needless to say, we will not propose giving cigarettes to children.

Project Title: *Smoking and Mental Concentration*

Written by: F.J. Ryan

Embedded in the puffing behavior study mentioned above is the study of the effects of smoking on performance with the delayed feedback tape recorder. The students read passages into a microphone connected to a tape recorder while hearing their own voice over earphones either as they say each word or slightly after they say each word. The latter (delay) condition disrupts normal speech patterns, sometimes causing stuttering, word blocking, slurring, dropped final word-endings, etc., and seems to slow reading rate by 15% of more. One strategy adopted by readers under delay circumstances is to ignore the sound of their own voices and hence to pay no attention to what they are reading. We test for this by asking questions about the material read. To the extent that smoking aids in concentration we should see performance improvement when reading in the delay condition after having had a cigarette compared to reading when no cigarette has been smoked for an hour.

Project Title: *DL–2*

Written by: T.R. Schori

Panelists smoked a Marlboro Control and three low delivery cigarettes, averaging less than 10 mg tar, at three levels of RTD varying upwards from 4.8 inches. The most interesting finding was that these low delivery cigarettes were as acceptable as the Marlboro Control. A report is being written.

Project Title: *Smoking, Arousal, and Mood*

Written by: T.R. Schori

The data acquisition phase of this study is nearly over.

Project Title: *MN–3*

Written by: T.R. Schori

This is the second in a series of studies designed to determine what nicotine and menthol parameters will optimize consumer acceptability (of various subsets of the menthol smoker population) of menthol cigarettes. These cigarettes are ready to go out to a national panel.

Charge Number: 1600

Program Title: Smoker Psychology

Project Leader: W.L. Dunn, Jr.

Period Covered: February 1–28, 1975

Date of Report: March 10, 1975

Project Title: *DTR–2*

Written by: W.L. Dunn

A dual field study of RTD/tar interaction and assessment of three modes of presentation. Data in analysis.

Project Title: *Inhalation II*

Written by: W.L. Dunn

An attempt to monitor all of the behavioral mechanisms available to the smoker for regulating exposure to smoke under conditions of varied delivery levels. The study will require the simultaneous recording of (a) the puff profile, (b) nose/mouth inhalation ratio, (c) total inhalation volume and (d) retention time. We are engaged in solving the instrumentation problems.

Project Title: *Puffing Following Deprivation*

Written by: Frank Ryan

Data collection continues, will end this month.

Project Title: *Constant Volume Puffing*

Written by: Frank Ryan

To see what cues govern the size of puffs we will ask smokers to attempt to take puffs of identical volume at different places on the rod, while manipulating delivery and RTD of the products being smoked.

Project Title: *Hyperkinesis as a Precursor of Smoking*

Written by: Frank Ryan

The size of our prospective study should be increased to a base of about 6,000 children when a local school system extends its student evaluations three more grades this spring.

Project Title: *Annual Monitoring of Cigarette Acceptability*

Written by: Frank Ryan

The tentative design of this study is as follows: once a year we will have five different products evaluated by a large panel of smokers.

The evaluation will be on a 9-point acceptability scale, ranging from Dislike Extremely to Like Extremely.

The products will range from 8 mg FTC tar to 20 mg FTC tar in 3 mg steps. All will be nonmenthol.

The panelists will be chosen from the POL National Roster. Both sexes and a wide variety of ages will be used, with over-sampling of younger smokers whose preference criteria may not yet be well established. We do not have data on the number of years panelists have been smoking, so we will ask that question on the ballots, and then make analyses by age, number of years smoking, as well as delivery range of current own product. Myron Johnston is cross tabulating the POL panel now to get us up-to-date information on the number of panelists in different age and sex categories in the available subject population. (Nonfiltered menthol smokers will be excluded.)

Test is tentatively scheduled for late October to early November.

Project Title: *Smoking and Risk-taking in a Simulated Driving Task*

Written by: T.R. Schori

The data acquisition phase is complete. We have started to analyze the data.

Project Title: *The Betta Study*

Written by: T.R. Schori

Having gotten our first group of fish, we are preparing to determine nicotine dosage effects. Subsequently, we plan to test 30 Bettas at each of 3 nicotine levels (the lowest being 0 nicotine). We will make observations of exploratory activity and hooding behavior (aggressive behavior) on each Betta at each dosage on several occasions.

Project Title: *Miscellaneous*

Written by: T.R. Schori

Menthol Cigarette Preferences of Blacks: cigarettes are in storage awaiting the availability of the RP Black menthol panel. Low Delivery Cigarettes: Another Look at the Influence of Delivery Information on Subjective Evaluations: cigarettes are ready and should go out shortly to a National POL panel. There are two conditions in this study. In the first panelists will make blind ratings of a Marlboro control and a 9 mg tar cigarette while in the second condition the cigarettes will be identified as to their tar and nicotine deliveries.

PHILIP MORRIS RESEARCH CENTER—BEHAVIORAL RESEARCH ANNUAL REPORT APPROVED BY W.L. DUNN & DISTRIBUTED TO H. WAKEHAM ET AL.—JULY 18, 1975

We have arranged the 1600 activities for this report into the three status sections: Completed, In Progress and Planned.

Under each status section the individual studies are grouped under the three objectives of the Behavioral Research Laboratory: I. To learn more about why people smoke. II. To learn more about how people smoke. III. To further identify what people want to smoke.

COMPLETED STUDIES

I. The effect of smoking on risk-taking in a simulated driving task (Jones and Schori)

Smokers are reported to have more traffic accidents than nonsmokers. There are several possible explanations. First, the studies that have been conducted have made no attempt to control certain important extraneous variables. For meaningful comparisons of smokers and nonsmokers, it is essential that quantity and quality of driving exposure be considered. The higher alcohol consumption of smokers is another example of an uncontrolled variable that could influence accident data. Second, it could be that smoking adversely affects driving performance. The results of studies in this area are not conclusive. Furthermore, it is not known whether inferior motor performance significantly increases accident rates. Our interest has been in a third possibility: That smokers are more willing to take risks than nonsmokers, resulting in higher accident rates among smokers. Therefore, an investigation was conducted to determine experimentally whether smoking condition (smoking, smoking-deprivation and nonsmoking) affects an individual's degree of willingness to take risks. The task used was designed to simulate an actual car passing situation, varied as to the degree of risk involved in making the pass.

The subject was seated in front of a panel on which lights represented the movement of cars in the inner and outer lanes of a race track. The subject's task was to pass the car ahead of his car (lead car) without crashing into an approaching car. It was emphasized to the subject that in order to do well on the task it was necessary to take risks. The necessity of risk-taking was increased by the random increases in the speed of the approaching car. A performance contingent monetary bonus was used to motivate the subject to perform well on the task.

There were 15 college students subject in each of the three smoking conditions. Smokers were randomly assigned to either the smoker or smoker-deprived condition. Performance data were collected on the following dependent variables: response latency, number of pass attempts, number of backout attempts, number of successful passes, number of crashes, and amount of good time (the amount of time not immediately behind the lead vehicle or in a crash condition).

The performance data were analyzed by means of a two-way multivariate analysis of variance in which both Smoking Condition and Trials were treated as independent variables. We analyzed for treatment effects in terms of all dependent variables simultaneously while taking into consideration their interrelationships.

Significant differences were detected as a function of trials. The nature of the trials effect was such that it can be concluded that the accuracy with which subjects evaluated potential risk improved with practice, a finding which may have practical implications for driver training programs. However, no differences were detected as a function of smoking condition or the smoking condition trials interaction. Thus, it can be concluded that in this simulated car passing task nonsmokers, smokers-deprived, and smokers did not differ in their willingness to take risks.

I. Delayed audio feedback (Ryan and Lieser)

In the last annual report we commented briefly on a then recent study not yet completely analyzed. It had been undertaken to see whether cigarette smoking, which should have stimulating and frustration reducing characteristics, would improve vocal performance under conditions of delayed audio-feedback.

In delayed audio feedback subjects speak or read aloud into a microphone connected to a special tape recorder. The subject's voice is relayed to his earphones either as he speaks (immediate feedback) or a fraction of a second after he has spoken (delayed feedback). Most people are unaware of the fact that our speech behavior depends in part on hearing what we are saying as we say it. Even fraction of a second delays can therefore cause stammering, speech blockage, slurred words, slower speech, louder speech, etc.

The speech problems cause speakers to become more tense, and the extra tension seems to make the problem even worse.

We reasoned that smoking cigarettes might reduce tension and speed up behavior, so that after a smoke speakers would read faster and make fewer errors under delayed feedback than they made before smoking.

We found that as expected:

(1) smoking increased post-cigarette speech rate (by about 8%) under both feedback conditions; and (2) smoking decreased the total number of speech errors under the delayed feedback condition, but (3) the magnitude of the effect was not great because (4) our headphone speaker volume was not loud enough.

Because this is an easy experiment to conduct, we will replicate it piecemeal in the future (at higher output volumes) using as subjects college students who have come to the laboratory to participate in other projects and have either finished earlier than expected or have been excused from participation because of apparatus failures.

II. Smoking behavior following deprivation (Ryan and Lieser)

This study was conducted to answer two question: What effect does short-term smoke deprivation have on number of cigarettes subsequently consumed? and What effect does short-term smoke deprivation have on subsequent puffing behavior?

By "short-term deprivation" we mean being in a No Smoking condition for two hours when smoking would otherwise be an appropriate act. Thus we are indirectly testing the effects of various state laws, local ordinances, and business establishment decisions which forbid smoking in various places: buses, stores, theatres, waiting rooms, schools, etc.

Our subjects were 20 college students who visited the Research Center on two separate days during each of which they spent 4 hours taking multiple-choice tests, memorizing facts, free associating to nonsense words, filling out personality tests, and (less frequently) talking with the experimenter about miscellaneous topical matters during a 15-minute break period which split the 4-hour session into two 2-hour parts. The situation was therefore like that of study and testing periods, although it required more concentrated work than most students normally perform.

A dozen other students were tested in portions of this study, either in a pilot work or during the project itself, but were excluded from the results here presented either because we suspected they were not smokers or at best very light smokers, or because we made slight changes in procedure. All these omitted subjects followed the same general smoking patters reported here.

On one of the days the students were allowed to smoke as often and as much as they wished (ad lib) from a free supply of their own brand of cigarettes placed prominently on the table before them.

On the other day they were forbidden to smoke during the first 2 hours (deprivation) and then allowed to smoke ad lib during the next 2 hours. Prior to the beginning of each 4-hour period, they smoked one of their own brand cigarettes through a PM Human Smoking Recorder system. The computer output describing these two smokings was used to calculate the 2-day average puff volume on nonlighting puffs for each smoker. No other cigarettes were monitored by recorder, but number of cigarettes smoked, interval between cigarettes, number of puffs, taken, and interval between puffs were noted by observer(s) in an adjoining room watching the subject via closed circuit TV. From the nominal nicotine delivery of a 35 cc puff on each brand listed in CI reports, given the size of an average puff from the recorder output, and having counted the number of puffs taken during the session, we were able to approximate nicotine intake during the sessions.

This also assumes that puffs outside the recorder are like recorded puffs, and that deprivation does not affect puff volume. We can't do anything about the first assumption, but in a prior study in which effects of one hour of deprivation on a subsequent single cigarette was evaluated, we saw no volume change after deprivation although there was an effect on number of puffs and interpuff interval which explains the choice of variable in the present work.

Twelve of the students were males, eight were families, and half of each gender group smoked menthol.

The results are summarized in Tables 1, 2 and 3 and in Figs. 1 and 2.

TABLE 1—EFFECTS OF DEPRIVATION ON NUMBER OF CIGARETTES SMOKED, NUMBER OF PUFFS TAKEN, AND ESTIMATED NICOTINE INTAKE (ALL SMOKERS)

	Number of cigarettes	Total No. of puffs	Estimated group nicotine intake (mg)
First 2 hours ad lib	79	621	79.73
Second 2 hours ad lib	74	608	78.74
2 hours post deprivation	95	832	106.50

TABLE 2—EFFECTS OF DEPRIVATION ON SUBGROUPS: MENTHOL VERSUS NONMENTHOL; MALES VERSUS FEMALES

	Number of cigarettes		Total No. of puffs		Estimated group nicotine intake (mg)	
	Menthol	Non-menthol	Menthol	Non-menthol	Menthol	Non-menthol
First 2 hours ad lib	43	36	340	281	43.75	35.98
Second 2 hours ad lib	39	35	323	285	42.43	36.31
2 hours post deprivation	47	48	415	417	54.10	52.40
	12 Males	8 Females	12 Males	8 Females	12 Males	8 Females
First 2 hours ad lib	45	34	321	300	42.09	37.64
Second 2 hours ad lib	44	30	341	267	45.13	33.61
2 hours post deprivation	56	39	459	373	59.68	46.82

TABLE 3—CONSUMPTION POST-DEPRIVATION AS A PERCENT OF SECOND TWO HOURS AD LIB AND OF TOTAL 4-HOUR AD LIB DATA; WITH SECOND TWO HOURS AD LIB COMPARED WITH FIRST TWO HOURS AD LIB TO SHOW THE CONTRAST

[In percent]

		Number of cigarettes	Total number of puffs	Estimated group nicotine intake (mg)
Post deprivation vs. second two hours ad lib	All Smokers	128	137	135
	Menthol	121	128	127
	Non-menthol	137	146	144
	Males	127	135	132
	Females	130	140	139
Post deprivation vs. all four hours ad lib	All Smokers	62	68	67
	Menthol	57	64	63
	Non-menthol	58	74	73
	Males	63	70	68
	Females	61	66	66
Second two hours ad lib vs. first two hours ad lib	All Smokers	94	98	99
	Menthol	91	95	97
	Non-menthol	97	101	101
	Males	98	106	197
	Females	88	89	89

Tables 1 and 2 show that behavior and nicotine intake were strikingly similar during each of the two sessions of the ad lib smoking day. This similarity is stressed further at the bottom of Table 3, which shows the second two hours' behavior as a percentage of the first. We shall consider these two periods as essentially equal in their effect. However, because the design suggests that the post-deprivation period should be compared to a comparable period of free smoking, we concentrate our attention on the difference between the post-deprivation measures and those of the second two hours of the ad lib smoking day.

The data in the tables show that number of cigarettes consumed increased 28% from 74 to 95, that number of puffs taken increased 37% from 608 to 832, and that total estimated nicotine intake increased 35% from 78.74 to 106.50 mg after the deprivation period.

The effect of No Smoking situations of 2-hour durations is to increase subsequent consumption by anywhere from 28% to 37% depending on the measure taken.

On the other hand, in only a two-hour period smokers do not make up the entire smoke deficit created by a No Smoking situation. Comparing their consumption during the combined deprivation-smoking period of one day with their normal 4-hour smoking behavior, (see second block of entries in Table 3) they only take about ⅔ the puffs and ⅗ of the cigarettes they would normally have taken.

TABLE 4.—MEAN NUMBER OF PUFFS FOR 9 "LIGHT" SMOKERS (1 PACK OR LESS) AND "HEAVY" SMOKERS

[Over one pack a day]

	Light	Heavy
First 2 hours ad lib	22.7	37.9
Second 2 hours ad lib	21.6	37.6
Post Deprivation	36.1	46.1
Increase Post Deprivation in percent	67	23

The effects of the deprivation were not the same on all smokers. They were proportionally much stronger on the light smokers than on the heavy smokers. That is because the heavier smokers spent so much time smoking that they could not increase their consumption as much as the light smokers could. There are several ways to classify the smokers of this study as "light" or "heavy"; they all show the same type of effect. In Table 4 we show the number of puffs taken by light and heavy smokers classified by their answers to the question "How many cigarettes do you smoke each day?" On the consent form which all subjects filled out. Those nine who smoked a pack or less increased the number of puffs they took by 67% following deprivation, while for the eight who report smoking more than a pack a day the increase was only 23%.

A second-and perhaps more objective—way to classify the subjects is by the number of cigarettes they smoked during the first two hours of the ad lib day. Breaking these into three groups, who smoked less than four, four, or more than four cigarettes during the first two hours we make the interesting observation that after deprivation the light smokers smoked as moderate smokers normally do and the moderate smokers smoked as heavy smokers normally do (Table 5).

To overgeneralize from small samples is always dangerous, but it is tempting to suggest that establishing a No Smoking situation-with the well-intentioned (?) goal of cutting back smoke consumption makes people heavier smokers than they would otherwise be. (It must be understood, however, that there is a net reduction, and that the data for the increase are based on only two hours of observation. This is not a slogan that can be used without reservation.)

TABLE 5.—MEAN NUMBER OF PUFFS FOR LIGHT, MODERATE, AND HEAVY SMOKERS CLASSIFIED BY NUMBER OF CIGARETTES SMOKED DURING FIRST TWO HOURS OF AD LIB DAY

	Mean number of puffs/smoker		Percent of increase
	Second two hours	Post-deprivation	
8 Light (less than 4 cigts.)	20.6	33.9	65

TABLE 5.—MEAN NUMBER OF PUFFS FOR LIGHT, MODERATE, AND HEAVY SMOKERS CLASSIFIED BY NUMBER OF CIGARETTES SMOKED DURING FIRST TWO HOURS OF AD LIB DAY—Continued

	Mean number of puffs/smoker		Percent of increase
	Second two hours	Post-deprivation	
7 Moderate (4 cigts.)	33.7	44.3	31
5 Heavy (more than 4 cigts.)	41.4	50.2	21

Will the increased smoking rate following deprivation be continued beyond the two-hour period? This is an important question, and it is impossible to answer based on the data obtained. However, we have some clues which are suggestive.

Plotting the cumulative total smoke volume (in ccs) across the four-hour ad lib period we see that intake accumulates in a near linear fashion across time, an observation we have already made in a different form by noting that first and second two-hour behavior was almost identical. Similarly we see a near linear accumulation of smoke volume during the two-hour deprivation period. The slope of the post-deprivation line is steeper than that of the control day * * *

Assuming the linearity to continue, then we can project both lines to an intersection point which represents equal volumes accumulated under the two condition. For the present data this intersection occurs about 7½ hours after our observations stopped, implying that it will take a smoker 9½ hours to make up the intake he loses because of two hours of deprivation. It therefore seems unlikely that a group of smokers would be able to make up their deficit during a day, and would undoubtedly not be able to make up deficits which occurred late in the afternoon or early evening.

Personality Differences.—Examining the personality scores of our subjects we note that those who are high in anxiety tend to take more puffs than those who are low in anxiety. The correlation between the two variables is +.58. Given the obvious relation between puffs and nicotine delivery, it is not surprising that anxiety was also positively related to nicotine intake: r=+.56. Both these correlations are significant at the .05 level.

III A Comparative Evaluation of Three Methods For Field Testing Cigarettes—Accession Number 75–105 (Dunn and Martin)

Recently the New Cigarette Products Division demonstrated that they could provide any tar delivery and RTD combination within the 12 mg to 20 mg tar delivery range and 4" to 6" RTD range, and do so with good approximation to target specifications. This achievement made possible a critical comparative study of several alternative field test methods. Using high and low tar delivery levels, and high and low RTD levels, we tested the four combinations (High-High, Low-Low, Low-High and High-Low) against a control, middle-of-the-array, Marlboro-like cigarette, using three field testing methods.

The design of the study permitted a comparative assessment of the three methods and gave information about the influence of tar delivery and RTD changes on subjective response to cigarettes.

The most significant finding was that a method which permitted the testing of as many as four experimental cigarettes on a single mailout, with judgment based upon a 2-pack sample, was as sensitive and as potentially useful in cigarette testing as the standard field testing procedure. Recommendations for further investigation of the technique are made in this report, with proposals for data treatment that promise to yield additional useful information from field tests.

We also concluded that a 5 mg reduction from the 17 mg tar delivery norm is clearly detectable to the average regular filter smoker, but he is tolerant of this reduction. He is not so tolerant of tar delivery increases.

RTD changes of ±1" from the 5" norm appear to have little influence upon overall acceptability. The 1" increase is clearly detectable; that 1" decrease did not appear to be so.

III. Further evaluation of delivery information influence on subjective acceptability of a low delivery cigarette (Martin and Schori)

Cigarettes at two delivery levels (15 mg and 8 mg) were rated on acceptability and strength by National POL nonmenthol smokers. One panel of 500 rated the cigarettes with no delivery informatioon supplied. A second panel of 500 rated the cigarettes with tar and nicotine delivery levels clearly marked on the packs and on the ballots. The purpose of the test was to determine the effect of delivery information upon the subjective ratings of cigarettes at two distinctively different delivery levels.

With no information provided, the strength difference was clearly detected and the higher delivery cigarette was rated more acceptable.

The judgment of those panelists who were given delivery information contrasted sharply with the judgments of the no-information group. The low delivery cigarette was rated the more acceptable. The difference between the strength ratings of the two cigarettes, so evident under the no-information condition, was wiped out under the information condition, such that the two cigarettes were rated as being of equal strength, despite the fact that the panelists were told that the higher delivery cigarette delivered 80% more tar and nicotine.

We see two phenomena at work in these results:

(1) Given a cigarette "blind," a smoker will judge it largely on its own merits—given vital information along with the cigarette, the smoker's hedonic judgment of the cigarette will be confounded by socially learned value judgments, e.g. "low delivery is healthy and good."

(2) The smoker will move his rating on a physical attribute scale toward that end of the scale that corroborates his hedonic judgment, e.g., the cigarette rated more acceptable will be rated toward the "strong" rather than the "weak" end of the strength scale. This is the halo effect, a force we believe to be so pervasive in product testing that the validity of any judgment of the physical attributes of a product rendered in company with a preference or acceptability judgment of that product must be held suspect.

The practical implication of these findings is that a real marketing advantage is gained by calling attention to the delivery values of low delivery values of low delivery cigarettes, the effect being greatest among those smokers most likely to buy the low delivery cigarette anyway.

III. Menthol cigarette characteristics as perceived by blacks and whites (Martin, Jones and Schori)

The black menthol smoker is an important segment of the menthol market, yet all of the PM national field tests of menthol cigarettes have been conducted with virtually all white panels. What with some 500 black menthol smokers having become available with the advent of the RP^3 panel, the opportunity was afforded to study the black response to menthol cigarettes. We were interested in determining whether the two loosely defined ethnic groups differed in their assessments of variations in two important parameters of menthol cigarettes.

The study consisted of two runs, the second intended to be a partial replication. Because of unintended significant differences in the menthol levels of the two sets of cigarettes, the results of the two runs cannot be pooled but must be treated separately. Table 6 contains the critical values for the cigarettes.

TABLE 6.—THE CIGARETTE SPECIFICATIONS IN THE TWO BLACK MENTHOL RUNS

	Nicotine/Menthol	
	First Run	Second Run
Low Nicotine Low Menthol	.84/.48	.85/.48
Low Nicotine High Menthol	.82/.62	.71/.62
High Nicotine Low Menthol	1.08/.48	1.17/.36
High Nicotine High Menthol	1.12/.76	1.12/.80
Control	.92/.46	.70/.36

Table 7 gives the essential information about the panelists. Note that in the second run only black respondents were used.

TABLE 7.—THE PANELISTS USED IN THE TWO BLACK MENTHOL RUNS

[The parenthesized value is the percent useable return]

	First Run		Second Run	
	Black	White	Black	White
Number	250 (36)	350 (50)	405 (54)	0
Source	RP^3 Menthol	Nat. POL Menthol	RP^3 Menthol	

Two packs of each of the five cigarettes were provided in a carton mailout in both runs.

The ballots were identical in both runs, with ratings obtained for each cigarette on Acceptability, Strength and Menthol Level.

In the first run, where both white and black smokers were responding, the two groups were apparently detecting the menthol level differences among the cigarettes. It is to be noted, however, that black males and black Kool smokers were apparently not detecting these differences.

In the second run, with slightly larger differences in the menthol levels, all of the black subgroups were differentiating in terms of menthol levels.

There is some evidence that the blacks were less sensitive to "strength" differences than the whites. But the strength rating is of itself interesting in that panelists were reacting to menthol level as well as tar level when recording their strength ratings, i.e. menthol level ratings and strength ratings are probably not meaningfully distinguishable as discrete subjective variables in menthol cigarette tests. Also of interest is the observation that the variation in nicotine delivery level had no influence upon strength ratings.

Both groups of panelists in the first run were responding more favorably (higher acceptability ratings) to the lower level of menthol. These findings were not supported, however, in the second run, for here we find the black smokers were finding all of the cigarettes equally acceptable, despite the fact that the menthol differences among the cigarettes were greater than in the first run.

Thus the first run finding that a lower menthol delivery is more acceptable among menthol smokers is made equivocal, especially for the black smoker.

What with the observation that the response of blacks may be less differentiating than whites and what with the questionable representativeness of a Virginia sample for the national market, it would seem feasible to establish a larger, national roster of black smokers especially for the evaluation of menthol candidates:

III. Mixed pack study (Ryan)

As deliveries drop we reasoned that eventually they could reach a point where all the cigarettes in a pack would be unsatisfying. The inclusion of some high delivery cigarettes in a pack would therefore give the smokers at least occasional feelings of satisfaction and should lead to a preference for a mixed pack over a homogeneous pack with the same tar and nicotine delivery per pack. Pilot testing with RP^3 subjects twice indicated slight preferences for a mixture. Therefore a POL national field test of two different packs of 11 mg tar cigarettes was conducted in which one pack consisted of 20 cigarettes each delivering about 11 mg and the other pack was half made up of 8 mg and half of 14 mg cigarettes.

A total of 309 respondents (most of whom were low delivery smokers) answered the usual ballot questions giving a 9-point rating of each pack type, a preference, and so on. Observed rating and preference differences favoring the homogeneous pack did not reach statistical significance; but since we began the study hoping to show that the mixed pack would be preferred and get higher ratings, we have concluded that this idea should be rejected. this may, of course, be because the smokers found either the 14 or 8 mg model in the mixed pack unacceptable in flavor after taste, or in some other characteristic such as satisfaction.

There were a few interesting inversions in the ratings by 242 HiFi and 67 other than HiFi smokers: For example, the HiFi smokers thought the mixed pack stronger than the homogeneous (responding to the 14 mg?) and the non-HiFi smokers thought the homogeneous stronger than the mix (responding to the 8 mg?).

No one commented on the fact that the mixed pack consisted of different cigarettes.

In general the panelists rated all the cigarettes rather high—5.3 for the mix and 5.6 for the homogeneous pack—but many complained about them all burning too rapidly, being dry, and having a long filter. Several noted that the two-part paper filter broke or came apart.

The idea may still be feasible, but not with the cigarettes we used at the levels we tested.

STUDIES IN PROGRESS

I. Nicotine as a modulator of CNS arousal (Dunn, Martin and Jones)

Several investigators participating in the 1973 St. Martin Conference on "Motivation in Smoking" reported data suggesting that smoking in humans or nicotine injection in animals may have the effects of reducing aggressivity in overt behavior. Schachter also reported at that conference a greater tolerance for pain among smokers when allowed to smoke. There is also the readily observable, commonly acknowledged fact that smokers at a greater rate when under stress. These and other observations imply the influence of nicotine upon some control mechanism governing affective responsivity, the net effect upon overt behavior being to reduce the intensity of the emotionally-toned response, or raise the threshold for the elicitation of that response.

We have singled out aggressive behavior for study quite frankly because of the practical significance of the suspected effect of nicotine. If indeed, nicotine lowers the intensity or raises the threshold for a form of socially unsanctioned behavior, such as aggression, to demonstrate that effect could be of considerable consequence to the smoker and his protagonists.

We have a trio of studies in progress, all aimed at observing the effect of nicotine upon aggressive behavior in subhuman species. The species, or the individual animals, have been selected for their innate aggressivity in a form readily elicitable and readily quantifiable. The aggressive pattern is observed in the normal state of the animal and following the administration of nicotine. With proper controls, and with no change in baseline behaviors, (i.e. frequently recurring behaviors other than aggressive), any reduction in the aggressive responses can be attributed to the nicotinic effect specific to the aggressivity.

This rationale is common to all three of the studies. At the Laboratory of Comparative and Physiological Psychology at Ohio State University we have had a guiding hand in designing studies of the influence of injected nicotine upon the predatory attack of cats upon mice. At the Psychology Department of Rockefeller University, the influence of injected nicotine upon the predatory attack of rats upon mice is being investigated at our request. And at R&D we are observing for the influence of low concentrations of nicotine in the ambient water of male *Betta* fish upon their mirror display behavior.

Only preliminary observations are available, but in the two extra-R&D studies these are encouraging. The cats and rats are ceasing their attacks. Whether the base-line behaviors are remaining unchanged is now the subject of greatest interest as the data is being gathered.

In house, the toxicity phase of the *Betta* testing has been completed. We established that the LC_{50} was greater than 10 ppm and less than 100 ppm v/v, using distilled nicotine base. The S in the 10 ppm solution was almost completely inactive, but would respond to prodding. The S in the 100 ppm solution was dead within 2 minutes. A possible avoidance pattern to the stimulus was noticed at 1 ppm. This will be the solution used as the higher concentration in the effects study. The lower concentration will be 0.1 ppm. These preliminary observations have indicated a possible differential effect of nicotine, whereby aggressive display is decreased and other base-line behaviors (e.g. air gulping) remain the same.

Thirty male *Bettas* of approximately the same age are being established in a housing tank for approximately one month. The fish will be calibrated (base line air gulping and display activity) before the effects study starts. Each fish will be in each of the three solutions for three test periods. Test days and solutions will be randomized. Measurements to be made will be number of times gill erection occurs, duration of gill erection and number of air gulps.

I. Personality, smoking, and stimulus deprivation (Ryan and Lieser)

We are interested in the problem of why some people smoke and others do not. The personality research of Hans Eysenck offers one clue. Eysenck points out that the level of activity in our central nervous system affects our performance efficiency. If it is too low or too high we perform inefficiently. Somewhere in between high and low there is an optimal point at which our bodies work at their best. This optimal point is markedly higher for some people than for the average man, while for still other people it is much lower than it is for the average. He hypothesized that in order to maintain optimal efficiency a person who is chronically below optimum level will seek to increase his CNS activity level. One way to do this is by seeking out stimulating situations—such as parties, music, sporting events, etc. which increase the amount of social and environmental stimulation to which he is exposed. These probably increase the amount of adrenalin in the system, which increases the CNS activity. Another way to increase CNS activity would be to consume socially approved chemicals which would have a similar effect on the body—such as the stimulant drugs caffeine and nicotine.

In fact it has been reported that people who (theoretically) seek out such stimulation, called extraverts because they are outward directed, are also more apt to be smokers than are those who avoid such stimulation, called introverts because they are inner directed.

In our next project we are testing this hypothesis by placing extraverts in a stimulus deficient environment (a dark, very quiet room) and watching to see whether they will seek stimulation (by working to turn on flashing lights and sounds) than will a group of introverts. Extraverted smokers who are smoke-deprived (or nicotine deprived) should be more in need of stimulation than those who have just finished smoking several cigarettes.

Similarly the hypothesis that introverted smokers will be *less* likely to work for stimulation after smoking cigarettes than when smoke deprived, for the extra input from smoke will tend to bring them close to the point where any extra environmental stimulation would make them feel uncomfortable. Hence they would be content with the status quo.

Thus an extension of the existing hypothesis predicts one type of difference in behavior for one group of people and the opposite type of behavior for another group—which always makes a nice study. (Actually we're not as convinced of the effect on the introverts as the foregoing suggests. They may respond similarly whether smoking or not, depending on how content they are with the quiet dark situation.)

I. Hyperkinetic child as a prospective smoker (Ryan)

We hypothesize that the characteristics of smokers and hyperkinetic children so closely resemble each other that in the past hyperkinetics were almost sure to become smokers. Thus we could account for some of the differences between smokers and nonsmokers by the disproportionate representation of this special subgroup in the adult smoking population compared to the adult nonsmoking population.

We have undertaken a long term prospective study to identify the hyperkinetic and borderline hyperkinetic youngsters in the Chesterfield County school system, and to see whether they become smokers. All the children in one grade level were tested last year but the school system did not continue their testing this year to include extra grades. This was due to the reorganization of the system by a new superintendent with its concomitant personnel and morale problems and readjustment of priorities. Because school systems *must* (under Virginia law) identify all problem children of all types, we expect to greatly expand the data base next year.

We did manage to check the reliability of last year's pupil ratings by having new teachers rerate a previously rated subsample. The correlation was satisfactorily high (+.86), suggesting that teachers agree on what constitutes problem behavior as defined by the questionnaire used.

I. Smoking and aggression (Jones)

The simulated driving test used in the risk-taking study has been modified so that college student subjects will receive inaccurate feedback regarding their performance on the task. It is expected that a student who is being paid for successful passing will respond aggressively if his successful passes are incorrectly recorded as crashes.

There will be 30 subjects tested in each of the three smoking conditions (nonsmoker, smoker-deprived, and smoker). Both groups of smokers will be instructed not to smoke at all the day they are to report to the laboratory. They will be told that urine samples will be taken to verify their abstinence. All subjects will be in the laboratory for at least an hour before the actual testing session begins, during which time they will fill out information forms, take a personality test and complete a Nowlis Mood Scale. Those in the smoker group will be permitted to smoke ad lib during this period and will be required to smoke one cigarette before each trial of the driving task. Smokers-deprived, however, will not be permitted to smoke until the entire experiment has been completed.

All subjects will have a 10-minute practice session before beginning two 20-minute trials. The first trial will be with accurate feedback so that baseline measurements may be obtained before inaccurate feedback is introduced. The smoker-deprived group will be given a third trial with inaccurate feedback. The group will be divided, with half of the subjects remaining deprived and the other half being permitted to smoke. All subjects will be given a Nowlis Mood Scale after each trial.

Subjects will be observed through a one-way mirror, verbal behavior will be coded, and the force with which they push the response buttons will be recorded as a measure of aggressive behavior. College student pilot subjects will be brought in so that observational techniques can be perfected.

III. Lowe delivery cigarettes and increased nicotine/tar ratios, a replication (Jones and Martin)

This test is a replication of a study (74–088) in which a 10.7 mg tar cigarette with a .12 nicotine/tar (N/T) ratio was found to be comparable to a Marlboro control in both subjective acceptability and strength. The three experimental cigarettes deliver approximately 10 mg tar with N/T ratios of .07, .10 and .13.

These cigarettes and a Marlboro control have been sent out to 300 RP^3 smokers and returns are beginning to arrive. Panelists were asked to smoke the four cigarettes in any order they wish and to rate each cigarette on a acceptability scale and a strength scale before beginning to smoke the next cigarette code. In the event that the panelists smoke the cigarettes in the order suggested by the rating scales, all possible presentations of the rating scales for the four cigarettes will have been used an equal number of times.

III. A low delivery cigarette with impact and flavor (Jones and Martin)

This is the first study in the 5–6 mg tar delivery program being carried out in collaboration with Paul Gauvin, Barbro Goodman, and Willie Houck. The purpose is to evaluate the relative influences of blend (Standard Marlboro blend vs 50% burley blend), burley spray (100% vs. 50%), and filter system (cellulose acetate filter vs. paper/cellulose acetate filter) on smoke impact and acceptability of cigarettes in the 5 to 6 mg tar range.

Panelists will be asked to smoke the eight experimental cigarettes and a Marlboro control in any order they wish and to rate each coded cigarette on an impact scale and an acceptability scale before beginning to smoke another cigarette code. The cigarettes have been released and should go out shortly to 400 RP^3 smokers.

PLANNED STUDIES

I. Conference on the regulatory influence of nicotine on human behavior (Dunn)

An international conference on the regulatory influence of nicotine upon behavior has been proposed to the cigarette industry. We would hope that these studies on aggression could be reported at that conference, as well as studies of the influence of smoking upon other emotionally toned response patterns. The interest of prospective sponsors has yet to become great enough to provide the impetus for approval and support.

I. Is learning affected by nicotine? (Ryan and Lieser)

Some reports in the animal literature suggest that nicotine facilitates at least some aspects of the learning process. Recently Andersson and Post have reported that nicotine interferes with human learning in at least one task situation—the learning of a long list of nonsense syllables. We are unhappy with this report and unconvinced by its evidence, which appears to have some internal inconsistencies (e.g. a first nicotine cigarette *slows* learning, a second speeds it up); as well as some flaws in design (e.g. the control nicotine free cigarette used was Bravo—we prefer denicotinized tobacco); the "smokers" were *very* low intake people whom we would not classify as regular smokers (we prefer heavier smokers); both cigarettes smoked were the same type (we would have included switch groups); the list of syllables was very difficult (we would prefer a difficult and an easy list); only a few smokers were used; total smoke intake was unmeasured, etc. We're repeating the study (In part because we have student subjects already on hand in the lab who are participating in the Personality, Smoking and Stimulus deprivation study) essentially as run together with some of the corrections suggested above. We feel a responsibility to see that the published report is corrected if it is in fact wrong. The smoking studies in psychology journals contain too much unchallenged and unreplicated junk which has passed editorial review because the findings conform to editorial biases against tobacco. Sooner or later the accumulation of this unchallenged sloppy work will be used against us. We aren't interested in picking fights, but . . . .

II. Inhalation patterns (Dunn and Levy)

Following our preliminary run reported at the November Project Review, we decided to continue this work. In the preliminary runs we measured gas volume drawn in through the nose upon smoke inhalation, as well as that drawn in through the mouth. We did not measure puff volume, nor retention time, two measures that we now view as essential. We have also come to believe that the smoking of our subjects must be monitored over a period of many hours rather than during the smoking of a single cigarette. These two decisions force the experimentation into a new realm of complexity in terms of instrumentation and logistics. We have installed an observation room that permits complete control of sensory input. We plan to have our subjects remain in this room for four to eight-hour periods, measuring all parameters of smoking behavior throughout the period while varying factors suspected to be determinative of dosage. Some preliminary work on the additional instrumentation has been accomplished, but full scale resumption of the work has been delayed until the arrival in September of the new member of our staff, a physiological psychologist.

Our objective in this part of our program is to demonstrate the degree to which the smoker's absorption of smoke components is a function of his smoking behavior as opposed to his absorption being a function of what is made available to him in the cigarette smoke.

III. Annual cigarette monitoring (Ryan)

Cigarettes with tar and nicotine deliveries only a few years ago though much too low for public acceptance are now selling in the billions. Is the public's taste actually changing, so that even lower delivery cigarettes may soon become acceptable?

We lack data on the relative acceptability of cigarettes of different delivery evaluated by the same smokers. No broad studies of this type have ever been conducted here. To fill the data gap we have had Marlboro rods attached to five different filter systems to produce 85 mm nonmenthol cigarettes with nominal deliveries of 20, 17, 14, 11, and 8 mg tar, which we will ask a National POL panel to evaluate annually. The filter systems, whose characteristics were chosen by W. Houck and W. Claflin, represent the draw and other characteristics of typical cigarettes now marketed at these delivery levels.

The actual deliveries are: 19.6, 17.6, 14.3, 10.5, and 7.9 mg tar; 1.22, 1.10, 0.93, 0.74, and 0.59 mg nicotine per cigarette, respectively.

Smokers will be asked only to rate the acceptability (on a labeled scale from 1–9) of the five products in a blind test, basing their evaluation on two packs of each type sent them as a carton mailout. A variety of possible outcomes can be foreseen. In any given year different acceptabilities are expected for the five cigarettes, with the most acceptable being the one which most resembles and the lowest being the one which least resembles the smoker's own brand—if the smoker bases the acceptability of the unbranded models on cues based on their resemblance to his own brand. To the extent that he has some other criterion, then the evaluations will differ from this model. For example, if he likes taste but has chosen to smoke a low taste cigarette for obscure reasons (e.g. health? advertising campaigns? imitating his friends?) then he should give higher acceptability ratings to the high delivery models, no matter what his own brand is. The reader can speculate for himself on how other possible demographic or smoking history variables might be expected to affect the acceptability ratings.

To be sure that a wide variety of demographic characteristics are present we will poll a large sample from the POL National panel, oversampling young subgroups to insure reasonable returns.

Although basic information of interest can be gathered from the returns of any given year, our principal interest will be in the acceptability change from year to year.

III. Low delivery cigarettes and RTD (Jones)

A study is being planned in collaboration with some people in Development in which the question of the influence of RTD level upon acceptability and strength ratings of low delivery cigarettes will be further explored. Based upon the recommendations given in a previous report (75–105), the multiple monadic testing procedure will be used. After cigarette models are designed and cigarettes made, they will be sent out to a large panel of National POL smokers.

III. Perceived attributes of cigarettes, a replication (Jones)

Two studies have been conducted concerning smoker perceptions of regular filter (72–088) and menthol (73–027) cigarettes. It seems that with the recent interest in longer (120 mm) cigarettes, smokers' ideas about cigarettes may have shifted such that they place more emphasis on length than they did previously. In addition to possible changes in what cigarette attributes are considered important, there have been brands introduced since the previous studies were completed (e.g. Marlboro Lights, Winston Lights, Kool Milds) which may have filled what at that time appeared to be gaps in the market (e.g. low in delivery, high in flavor). Therefore, plans are being made to replicate the perceived attributes studies.

Charge Number: 1600
Program Title: Smoker Psychology
Project Leader: W.L. Dunn, Jr.
Period Covered: April 1–30, 1977
Date of Report: May 13, 1977

Project Title: Regulator Identification Project
Written by: C.J. Levy

Twenty-five college student smokers have been smoking high and low delivery cigarettes for two weeks at home. These students are now coming in to our Franklin Street office on four separate occasions to smoke under more controlled conditions.

Project Title: Low Nicotine Cigarettes
Written by: C.J. Levy

Forty-eight R&D smokers compared two types of cigarettes in a booth test. Both cigarettes were made from tobacco which had been treated with steam and ammonia by Fran Utsch's group. The cigarettes (control and experimental) delivered 20.0 mg tar, 0.40 mg nicotine and 19.9 mg tar, 0.87 mg nicotine, respectively. The nicotine delivery of the experimental cigarettes was increased using nicotine citrate. No significant differences were found between the two cigarettes in this test.

Eighteen (out of 23) smokers who previously identified the experimental cigarette as producing more inhalation impact than the control were subsequently asked to smoke the cigarettes on three more occasions. Only three of these smokers consistently identified the experimental cigarette as producing more inhalation impact. Eight identified it twice and seven identified it only once.

We conclude from these tests that there are no dramatic differences between the cigarettes when tested using a paired comparison methods, even through the experimental cigarette delivers twice as much nicotine.

Project Title: Measurement of Smoke Inhalation
Written by: C.J. Levy

(a) We are continuing to collect chest expansion data using a mercury strain gauge. We are currently working out calibration procedures with the assistance of Dr. Farone.

(b) In another approach we have brought in Dr. Eli Fromm of Drexel University as a consultant to advise in the development of a device for unobtrusively monitoring smoke inhalation under normal smoking conditions.

Project Title: Annual Monitoring
Written by: F.J. Ryan

We sent cigarettes to 4,000 panelists. All but 128 were delivered. Ballots have been returned from 2,953 people, a return of 76%. Not all of these will be usable. At least 197 (or 6.7%) have incomplete data or will be voided for various reasons: being smoked through an extra filter, or by a smoker who had a cold, or by a nonsmoker, etc. At least 125 more ballots (or 4.2%) were returned by people who had switched to menthol brands since last being polled.

Ballots are now being coded and a preliminary report should be ready by mid-June.

Project Title: Verbal Learning and Smoking
Written by: F.J. Ryan

Only two more subjects are needed to complete the data gathering phase of this study.

Project Title: Perceived Smoke Strength and Interpuff Interval
Written by: F.J. Ryan

We have screened 25 R&D smokers to find 20 who can detect differences in strength between cigarettes of widely varying delivery. They will be asked to rate the apparent strength of a 9 mg cigarette smoked at long or short interpuff intervals. If short interpuff intervals increase apparent strength, then we may be able to account for the increased puff count sometimes observed on low delivery products.

Project Title: Hyperactivity
Written by: F.J. Ryan

To test our hypothesis that hyperactive children are more likely to become cigarette smokers than nonhyperactives, we have begun pilot research for two prospective studies in collaboration with others interested in hyperactivity. Together with Dr. Ron David, a pediatric neurologist at MCV, we are identifying a group of his patients who are known to have their hyperactive or impulsive behaviors reduced by drugs (e.g. Ritalin) and a group which does not respond to drugs. Together with Dr. Al Finch, research psychologist at the Virginia Treatment Center, and Dr. Howard Garner, VCU, we are identifying a group of patients treated with Ritalin or other stimulants, and a group of controls with nonhyperactive behavior problems. In both cases we will later contact the children to see whether they have become smokers, comparing the incidence of smoking among these groups with the incidence in the nonhyperactive school population.

In return for access to their files we are helping our colleagues find (1) the variables which account for drug-responding and nonresponding (Dr. David) and (2) the effect of miscellaneous treatments on later adjustment to school and society (Drs. Finch and Garner). Neither of these colleagues is being financially supported.

Project Title: Patterned Cigarette Paper
Written by: E.C. Gay

A second consumer evaluation of patterned papers was conducted using eight designs printed in green. A clear winner emerged as top choice of respondents across and within all subgroups. It has a "light" overall appearance, with a "small" "plain" design according to panelists. Additional evaluations are programmed to evaluate still other patterns, with first and second choices from each heat to compete in a final runoff evaluation later.

Charge Number: 1600
Project Title: Smoker Psychology
Period Covered: February 1–28, 1978
Project Leader: W.L. Dunn
Date of Report: March 10, 1978

Project Title: Smoking and Learned Helplessness
Written by: C.J. Levy

We continue to collect data. We are having some difficulty recruiting the male smokers needed to complete the study.

Project Title: Smoking of Low Nicotine-Cigarettes
Written by: C.J. Levy

We have received the analytical data on our experimental cigarette. The nicotine-fortified cigarette delivers 1.34 mg of nicotine, and the low-nicotine cigarette delivers 0.14 mg of nicotine. We are currently recruiting R&D smokers for our study.

Project Title: Smoking Parameters Study
Written by: F.P. Gullotta

A follow-up on the completed heart rate study is being implemented. In addition to heart rate, respiration and puff measures will also be recorded. Data collection will begin in one to two weeks and the study should be completed in five to six weeks.

Project Title: EEG
Written by: F.P. Gullotta

Neither the EEG/Polygraph nor the computer has arrived. The EEG will be shipped from Quincy, MA this week. It is anticipated that the computer will arrive within a month.

A meeting has been arranged with Mr. D. Derr of Coulbourn Instruments to discuss the purchase of auditory and somatosensory evoked potential modules to be used in studies planned for the second half of 1978.

Project Title: Smoking Diary Study
Written by: F.J. Ryan

Butt collection is complete. Although 33 students completed the study, we expect to discard a few because their results appear affected by influenza or chronic unreliability. We have switched full-flavor smokers to low delivery and back, or switched low-delivery smokers to full flavor and back. The data consist of butt counts, butt lengths, nicotine in filler analyses, time of day each cigarette was smoked, and proportion of day spent in various activities.

We are interested in the extent to which smoking behavior changed when cigarette delivery changed. We are seeking (1) to find the extent to which nicotine need governed behavior and (2) to find the extent to which stimulus situations controlled the behavior. Data evaluation will be a lengthy process.

Project Title: Hyperkinetic Children
Written by: F.J. Ryan

Obstacles presented by school systems and physicians concerned with the various "privacy acts" passed by state and national legislatures have made it very difficult for us to conduct studies using school and medical records of minors. Therefore we have stopped our activities in this area.

Project Title: Annual Monitoring

Written by: F.J. Ryan

The second "mailout" of the annual monitoring cigarettes is now firmly scheduled for the end of March. Ballots are essentially the same as last year. We will contact about 2700 of last year's panelists, plus 1300 supplementary people who smoke full-flavor or low-delivery nonmenthol filter cigarettes. Ballots are to be returned on or before April 21.

Project Title: Exit Brand Cigarettes

Written by: F.J. Ryan

A report has been written outlining the findings of the Exit-Brand Study.

PHILIP MORRIS RESEARCH CENTER—BEHAVIORAL RESEARCH ANNUAL REPORT (PART II) APPROVED BY T.S. OSDENE & DISTRIBUTED TO H. WAKEHAM ET AL.—NOV. 1, 1974

This is the second of a two-part annual report covering the research activities under Charge No. 1600. The first part was prepared by Frank Ryan in August, 1974, and included accomplishments by him. This second part has been prepared by Tom Schori and Bill Dunn and summarizes accomplishments in their respective areas:

OBJECTIVES

Our objectives under 1600 are threefold:

I. To learn more about why people smoke.

II. To learn more about how people smoke.

III. To further identify what people want to smoke.

For each of these objectives we have formulated hypotheses which guide our research effort. For the sake of clarity, the studies being reported on are designated by a three-part prefix. The first symbol is a Roman numeral designating the objective being pursued, the second symbol is a letter of the alphabet identifying the hypothesis being tested and the third symbol is an Arabic number which identifies the study.

Below we set forth in sequence the three objectives and list the working hypotheses under each objective:

I. To learn more about why people smoke.

IA. Cigarette smoke improves efficiency in the performance of complex psychological tasks.

IB. Cigarette smoking attenuates, modulates or otherwise influences emotional arousal such as to be gratifying or rewarding to the smoker, thus reinforcing the smoking act.

II. To learn more about how people smoke.

IIA. Smoking patterns vary as a function of changes in cigarette and the smoke it generates.

IIB. Dose-control continues even after the puff of smoke is drawn into the mouth.

III. To further identify what people want to smoke.

IIIA. There are optimum combinations of critical variables in smoke composition.

IIIB. Deterioration in cigarette acceptability can be minimized when reducing tar deliveries by not reducing or changing other critical properties.

IIIC. More effective ways can be developed for obtaining consumer response to cigarettes.

From this point on we will present the individual studies of 1600, grouping them by progress status in three sections:

1. Completed
2. Data Being Collected
3. Preinvestigative (conceptualization and instrumentation)

The Ryan studies will be cited with page references to his portion of the annual report.

COMPLETED STUDIES SINCE JULY, 1973

IA1—(Dunn and Martin)—THE INFLUENCE OF CIGARETTE SMOKING UPON THE VOLUNTARY CONTROL OF ALPHA TYPE ELECTROENCEPHALOGRAPHIC ACTIVITY (Accession No. 74-075)

Observations suggest that there are links between brain wave frequencies and psychological levels of alertness. The highly aroused human will display brain activity at the upper end of the 1–30 Hz range. When drowsy or sleeping, the dominant activity will be at the low end of the spectrum. The 1–30 Hz range has been divided somewhat arbitrarily into four bands, each band associated with a reasonably circumscribable psychological state. The beta band, including all signals exceeding 13 Hz, is linked to the state of alert responsiveness to external stimulation. Those ranging from 8 to 4 Hz, the theta waves, correspond to the drowsy, sleepy states of mind. Delta, less than 4 Hz, is seen in deep sleep states. The alpha waves (8–13 Hz) are the most interesting in that these appear to be dominant when the subject is in a relaxed but awake meditative state, not unlike the states thought to characterize the meditating Indian yogi.

Thus, if one seeks to induce the "alpha state" in oneself, the effort can be facilitated by the auditory signal linked to a dominant alpha frequency. It is not clear how the gradual increase in control occurs, but it is a matter of observation that the increase does occur and that the feedback signal is facilitative.

In that we here at P.M. R&D are intent upon identifying psychological changes induced by smoke inhalation, it occurred to us that we should determine whether smoking has an influence upon achieving the alpha state. We considered it not unreasonable to anticipate a smoking effect upon rate of learning of the control of alpha activity, or even more likely an effect upon time on target during a fixed period of observation. We did not arrive at this position by way of a conceptual model, at any rate not in any formal, deductive manner. Perhaps at some pre- or sub-conceptual state there is an intuitive belief that we should be paying attention to the more subtle psychological functions having to do with alertness and concentration as possible points at which we may find smoke inhalation having some facilitative effect. In any event we had no preconceptions as to what effect, if any, smoking might have upon the acquisition and maintenance of the alpha-state. Long inured to the elusiveness of smoke inhalation effects upon psychological state or function, we have come to proceed in a pragmatic way by sinking shafts here and there for signs of smoke-induced change. Either facilitory or inhibitory effect would be a welcome clue.

Nineteen R&D smokers, with sensing electrodes and headphones in place, sat in daily 10-minute sessions learning to keep the auditory tone on by maintaining a dominant alpha brain wave pattern. These sessions were continued until on-target time had plateaued. Nine subjects were allowed to smoke freely prior to session, and ten abstained from the preceding evening's bedtime. This was Phase I for which we had the following objectives:

1. To bring all subjects to a plateau level in maintaining the alpha state.

2. To observe for differences in learning rate between those smoking prior to the observation period and those abstaining from smoking.

3. To observe for differences in learning rate between introverts and extroverts.

4. To observe for correlations between certain measures of personality traits and acquisition rate in maintaining a dominant alpha pattern.

Mean time-on-target in the first session was 69%, with a range from 15% to 93%. The high base line of 69% for the first session was a surprise. It was also an unanticipated constraint on the study in that little latitude was left for improvement in performance. Mean time-on-target at plateau was 82%. Introverts performed better than extroverts, both initially and at plateau. We concluded after a thorough analysis that whether or not a smoker smoked immediately preceding observation had no discernible effect upon acquisition rate, not initial, nor final performance levels. Certain personality traits, as measured by the Cattell 16 PF Scales were found to be correlated with performance improvement, but these are of little interest for our purposes here. (See Table 4 of Accession No. 74-075.)

Having plateaued, a subject entered Phase II. Sixteen of the original 19 subjects completed Phase II. All subjects were pooled, each serving as his own control. There was a 5-minute pretreatment, 3-minute treatment and 5-minute post-treatment sequences. The pre- and post-treatment periods were alpha time-on-target periods. The 3-minute treatment period was a cigarette smoking and a dry-puffing period on alternate days. Each subject went through six such days, 3 experimental (smoking) and 3 control (dry-puffing).

Although there was a 2 to 1 tendency for introverts to improve and a 2 to 1 tendency for extroverts to worsen as a result of smoking, our numbers are simply too small and our performance values too variable to allow us to draw any inferences other than that all of the differences observed were but the result of change fluctuations.

Thus we have been unable to relate any of the measures pertaining to alpha control to cigarette smoking. Note that we did not look for differences between smokers and nonsmokers, since our interest was in the immediate effect of smoke inhalation.

We did make the passing observation in Phase II that there appeared to be some disruption during the initial part of the post-treatment (smoking) five minutes of observation. Not anticipating such transient, short-lived effect, we were not prepared to record anything other than cumulative performance over the whole of the five minutes. So we plan to follow up on this observation by running a few subjects under conditions in which we can record time-on-target for briefer time intervals. The results of this briefer study will be reported separately.

IA2—(Ryan and Lieser)—Effects of smoking and delayed audio-feedback on speech behavior

(See pp. 6–8—Behavioral Research Annual Report, Part I, Accession No. 74-065)

IA3—(Schori and Jones)—Smoking and attentional capabilities

Smokers, smokers-deprived, and nonsmokers performed a tracking task while simultaneously performing a cross-adaptive loading task. The loading task automatically varied in difficulty such that it utilized that portion of the subject's total attentional capacity which was not needed for satisfactory tracking performance, i.e., his spare attentional capacity. In this fashion, the size of the total work load (tracking and loading tasks combined) was individually tailored to utilize each subject's entire attentional capacity. No differences were found among groups either in tracking or loading task performance. Therefore, it was concluded that smokers, smokers-deprived, and nonsmokers expended similar amounts of attentional effort in performing the tracking task and, thus, smoking condition did not affect the size of the workload which could be handled. Reference: 73–123, September, 1973.

IB1—(Ryan and Dunn)—Heart rate change under arousal conditions among smokers and nonsmokers

The Emory-Ryan hypothesis predicts reduction in magnitude of heart rate increment under smoking conditions. We did an exploratory study in which arousal was induced by physical exercise, using smokers and nonsmokers whose heart rates were radio-telemetered to a nearby recorder. The study was aborted when we observed no difference in heart rate increments for the two group of subjects.

IB2—(Schori and Jones)—Smoking, arousal, and mood change

In this study smokers, smokers-deprived, and nonsmokers were required to solve multiple choice problems (mathematical problems adapted from the College Boards and the Graduate Record Examination) which were rear-projected onto a screen. When the subject had solved a problem, he indicated his response by pressing the button—just below the rear-projection screen—that corresponded to the alternative he had chosen. Each subject, on different days, performed the task at 3 problem presentation rates, i.e., slow-paced, self-paced, and fast-paced. Performance of smokers-deprived was definitely better (that is, they responded both more quickly and more accurately to the problems presented) than either nonsmokers or smokers—the latter two groups exhibiting comparable performance. That the smokers-deprived performed better, without going into detail, was explained in terms of two factors in combination: (1) simply being deprived of cigarettes; and (2) the nature of the task itself.

No differences in personality profiles were found between nonsmokers and smokers (which for this analysis included smokers-deprived). This may not be too surprising. When personality differences between nonsmokers and smokers have been reported, it has generally been based upon large scale samplings of heterogeneous populations—not from small relatively homogeneous populations such as our college student sample. Furthermore, even when large heterogeneous populations are sampled, differences in personality characteristics that have been reported are very slight. In agreement with most literature on the topic, heart rates of smokers were substantially higher than those for nonsmokers and smokers-deprived, viz., an increase in heart rate of 10–11 beats/min. could be attributed to smoking.

We had expected that mood change would be more prevalent under the slow and fast-paced conditions than under this self-paced condition. However, this is not what we observed. Instead, mood change, i.e., changes in affect, was much more prevalent (more significant mood changes occurred) under the self-paced condition. Smokers, though, did experience less mood change than did nonsmokers or smokers-deprived—which in agreement with similar findings of other investigators does suggest that smoking actually may act to temper emotional reactivity. Draft manuscript, October, 1974—the technical report should be out shortly.

IIA1—(Ryan)—Puff three—Chained puffing (see p. 1, Accession No. 74–065)

IIA2—(Ryan)—Puff four—Puffing behavior at 30-and 60-second puff intervals (see p. 2, Accession No. 74–065)

IIA3—(Ryan)—Puff five—Puffing behavior changes on cigarette cut to different lengths (see pp. 2–4, Accession No. 74–065)

IIA4—(Schori and Jones)—Does the smoker compensate for changes in delivery in order to regulate intake? (TNT–4)

Winston smokers from the RP^3 panel smoked 7 different cigarettes each for 1 week. There were 6 experimental cigarettes, with tar ranging from 8.2 to 14.6 mg and nicotine ranging from .28 to .90 mg, and a Marlboro control. The number of cigarettes smoked/day and the amount of rod consumed per cigarette (mm) were recorded from saved butts. If the smoker does change the number of cigarettes smoked or amount of rod consumed to maintain relatively constant intake as changes in cigarette deliveries occur, this should be evident as deliveries both increases and decrease from his accustomed levels. However, we found no evidence of any such regulatory behavior, i.e., they failed to compensate for the decreased availability of tar and nicotine by changing either the number of cigarettes which they smoked or the amount of rod consumed from each cigarette. In the face of mounting evidence (of which this study is an instance) that smokers do not alter consumption rates sufficiently to support the intake constancy hypothesis, this hypothesis must be viewed with skepticism unless some other mechanism for regulating intake can be discovered. Reference: 74–078, August, 1974.

IIIB1—(Schori and Jones)—Smoking and low delivery cigarettes (TNT–3)

Smokers from the POL National Panel were required to smoke 14 mg tar cigarettes at .30, .75 and 1.20 mg nicotine, 11 and 8 mg tar cigarettes at .30 and .75 mg nicotine, and a Marlboro control. The 14 mg tar/.75 mg nicotine cigarette (a cigarette with proportional reductions in nicotine and tar) was accorded an acceptability rating equivalent to that of the Marlboro control. The other experimental cigarettes, however, did not compare very favorably to Marlboro in acceptability. Reference 73–129, October, 1973.

IIIB2—(Schori and Martin)—Low delivery cigarettes and increased RTD (DL–2)

Smokers in an R&D handout test and in an RP^3 test smoked a Marlboro control and three low delivery cigarettes—averaging less than 10 mg tar—with RTDs varying upwards from 4.8 in. We has predicted, based upon earlier data, that increasing the RTDs of low delivery cigarettes would make them subjectively appear stronger. However, this is not what we found The Marlboro control was given the highest mean strength rating. The next highest strength rating was ascribed to the low delivery cigarette with the 4.8 in RTD while the lowest mean strength rating was given to the low delivery cigarette having the highest RTD. Although there can be other interpretations of this finding, it appears most likely that the variations in strength ratings among the low delivery cigarettes reflect their variations in RTD.

The most interesting finding had nothing to do with the relationship between RTD and cigarette strength. It was the fact that the Marlboro control, in comparison to the low delivery cigarettes was not the most acceptable cigarette to the smokers. Thus, it may be possible to make cigarettes delivering less than 10 mg tar which will be just as acceptable to high delivery smokers as a standard Marlboro—a finding similar to those that we have reported earlier in conjunction with studies of smoker response to cigarettes of somewhat higher deliveries than those of the present study. Reference: 74–054, June, 1974.

IIIB3—(Schori and Martin)—Low Delivery Cigarettes and Increased Nicotine/Tar Ratios (DL–1)

In this study, we compared 3 low delivery cigarettes (in the 10 mg tar range) to a Marlboro control. One of these cigarettes, i.e., the 10.7 mg tar, .12 nicotine to tar (N/T) ratio cigarette, was comparable to the Marlboro in terms of both subjective acceptability and strength. In other words, that cigarette was perceived to be a full-flavored low delivery cigarette. Although we previously have had cigarettes, in this tar delivery range, which achieved parity with Marlboro in acceptability, this is the first time that such a cigarette has achieved parity in both acceptability and strength. However, we cannot be certain whether the high N/T ratio was an essential factor in that cigarette being perceived as a full-flavored cigarette. And obviously we do not wish to increase N/T ratios unless it is absolutely necessary to do so in order to make full-flavored low delivery cigarettes. Reference: 74–088, September, 1974.

IIC1—(Schori and Jones)—A Method for Field Testing a Distinctively Flavored Candidate

In response to a specific need, we developed a general testing methodology for consumer tests of novel cigarette products. The methodology itself is currently being evaluated in an actual product test. Reference: Memo to Filosa, April, 1974.

IIC2—(Schori)—Analyzing Descriptive Panel Data

Having recommended a different approach for analyzing descriptive panel data, we continue to do these descriptive panel analyses on a regular basis.

IIC3—(Schori and Jones)—A Procedure to Identify Gaps in an Existing Product Market

We prepared this paper to present at the ASTM Symposium this fall (based upon an earlier report—72–088, June, 1972). However, it was felt that the material covered in the paper was of a proprietary nature and, therefore, was not suitable for outside release. Reference: Unpublished manuscript, September, 1974.

OUTSIDE PUBLICATIONS:

Schori, T.R. & Jones, B.W. Smoking and multiple-task performance. *Virginia Journal of Science*, in press.

Schari, T.R. & Jones, B.W. Smoking and work load. *Journal of Motor Behavior*, in press.

DATA BEING COLLECTED:

IA4—(Schori and Jones)—The Relationship Between Smoking and Risk-Taking Behavior

It has often been suggested that smokers take more risks than do nonsmokers. This notion, though, has been based upon non-experimental data (e.g., the fact that smokers have more traffic accidents than nonsmokers). And such data do not take into consideration certain critical factors. For instance, they do not take into consideration possible differences in exposure between smokers and nonsmokers which could explain their differential traffic accident rates. Therefore, the present investigation was designed to determine experimentally whether smoking condition (i.e., smoking, smoking-deprivation, and nonsmoking) actually does affect the individual's degree of willingness to take risks. The task itself is a simulated driving task.

IIA4—(Ryan and Lieser)—Puff six-Puffing behavior following long and short intervals (see pp. 8–9, Accession No. 74–065)

IIA5—(Ryan and Lieser)—Smoking following cigarette deprivation

We want to know whether smokers who are deprived of smoke—by being in a "no-smoking" area or situation—will make up for this smoke deficit when they leave the "no smoking" area.

We will observe number of puffs and number of cigarettes smoked in a two-hour control period, and compare these figures with those observed in a two-hour period following two hours of smoke deprivation.

IIB1—(Dunn and Martin)—Patterns of smoke inhalation

We are investigating the manner in which the puff of smoke in the mouth is introduced further into the respiratory system.

We became interested in this aspect of smoking behavior through earlier work on the problem of dose control. Since 1968 when we undertook SEX-I, an extensive field study of the quantity of smoke taken into the mouth, we have been investigating the extent to which the smoker regulates intake and the manner in which he regulates intake.

A general premise in our theoretical model of the cigarette smoker is that the smoking habit is maintained by the reinforcing effects of the pharmacologically active components of smoke. A corollary to this premise is that the smoker will regulate his smoke intake so as to achieve his habitual quota of the pharmacological action. As circumstances and body state vary, so will vary the desired level of action. Also as the concentration of the active agents in the smoke varies, so will vary the amount of smoke taken in.

Seeking confirmation of our model, since 1968 we have been measuring intake levels while systematically varying circumstances, body state and smoke composition. We have observed changes in the predicted directions, but the magnitude of the changes has always fallen far short of that change necessary to infer that the smoker is exercising quota regulation of intake. Others have reported similar investigations with similar findings.

Recent observations have led us to question whether the indices of intake which have been investigated to date are, in fact, the appropriate indices to be measuring. We have counted the number of cigarettes smoked, we have counted the number of puffs taken, we have measured amount of rod consumed and we have obtained reasonably accurate estimates of how much smoke is actually taken into the mouth over extended periods of time.

All of these measures fall short of determining the amount of smoke brought into contact with the absorbing surfaces within the lungs. We now have evidence that with some smokers a good portion of the smoke of a given puff never goes beyond the mouth, it being retained in the mouth to be expulsed ahead of that portion which was inhaled. Furthermore, we have good evidence that the gas inhaled following the drawing of a puff from the cigarette is not exclusively the air/smoke mixture introduced through the mouth. A greater or lesser amount of air is introduced through the nose, mixing at the pharyngeal junction of the nose and mouth with the air/smoke mixture being swept in from and through the mouth.

These observations have made us aware of a heretofore unnoticed mechanism that has the potential of affording the smoker a wide latitude of control over the amount of smoke he brings into contact with the absorption sites.

It has been our purpose in this, the first of an anticipated serie of studies, to systematically observe the inhalation patterns of smokers. We are measuring flow rates and volumes of air drawn through the mouth and air drawn through the nose while varying tar and nicotine levels in the mainstream smoke. If the smoker is seeking his quota of the pharmacologically active ingredients, and the regulatory mechanisms available at the post-puff levels are being used toward this end, then we would expect to find directional changes in the ratio of air drawn in through the nose and the air/smoke mixture being drawn in through the mouth, and/or changes in the total inhalation volume.

The problem has required the fabrication of novel apparatus. With much trial and error we have devised a means of independently measuring the rate and volume of air drawn in through the two orifices as the smoker inhales immediately following the drawing of a puff of smoke into his mouth. We have designed and constructed a face mask of silicon rubber which contains a cavity for the nose and a cavity for the mouth. These cavities are sealed off from ambient air and from each other when the subject's face is in position. The mask is rather massive and self supporting, yet flexible enough to effect a good seal with a face. The mask is rigidly mounted on a plexiglass sheet. Leading off behind the plexiglass sheet are two ⅜" i.d. tygon tubes, one connecting the mouth cavity to a flow rate sensor and the other connecting the nose cavity to a second flow rate sensor.

The sensors responding to flow rate are hot wire anemometers. The voltage changes in these sensors reflecting air flow are processed through electronic circuitry to be finally recorded on polygraph paper in terms of flow rate and air volume. The system is calibrated such that quantified flow rates and volumes in cc can be read directly from pen deflections.

Seated before the apparatus, the subject takes a puff from his cigarette inserts his face into the mask, inhales, withdraws from the mask and exhales in normal fashion. The only part of the sequence occurring with face in mask is the inhalation.

We have used twelve volunteer R&D pack-a-day-plus smoker of regular filter cigarettes. Each subject smoked one cigarette at the mask in the morning and afternoon of each workday. The study ran for three weeks. On the first week they smoked their regular cigarettes. On the second and third weeks they smoked Commanders and Carltons, with a split-group balanced order. The cigarette designated for a given week was smoked continuously by the subject from the first session on Monday to the last session on Friday.

Data collections has been completed and the analysis is underway. The results available at the time will be reported at Project Review on November 8.

Data collection has been completed and the analysis is underway. The results available at the time will be reported at Project Review on November 8.

IIIA1—(Schori, Jones and Martin)—Menthol cigarette preferences of Blacks and whites (MN-3)

Black menthol smokers have generally been inadequately represented in our National menthol cigarette tests. In fact, our National POL Panel, for all practical purposes, is a White panel since nonwhite returns from product tests probably rarely exceed 3% of the total returns. Since there is considerable evidence which suggests that Blacks and Whites may differ in their likes and dislikes in menthol cigarettes, the present investigation was designed to identify Black and White preferences for menthol and nicotine deliveries in Alpine-like cigarettes. Accordingly, Black menthol smokers (from RP^3) and White menthol smokers (National POL panelists) were required to smoke and rate 4 experimental Alpine-like cigarettes (which delivered two levels of nicotine at each of two levels of menthol) and an Alpine control. The lower level of nicotine, for the experimental cigarettes, was slightly lower than Alpine. The lower level of menthol was comparable to that of Alpine.

The results from the first run of this test have been analyzed, but questions have been raised about the reliability of the data. The study is to be replicated before the report is finalized.

IIIB/C1—(Dunn and Martin)—A field test of systematically varied tar and RTD levels in which three methods of cigarette presentation are compared

This study has been in process since November of last year, its execution being delayed by difficulties in fabricating cigarettes with the required tar/RTD combinations. The proper combinations have recently been achieved by Messrs Houck and Claflin, and the test is awaiting its turn on the RP^3 panel.

STUDIES IN THE PREINVESTIGATIVE PHASE:

A Prefatory Note: It has been well established that one of the differences between smokers and nonsmokers is that smokers will tend as a group to display more aggressivity. There have recently been some suggestions in the literature that those individuals prone to aggression may have learned that smoking facilitates the control of these tendencies; and that it is for this reason that one finds a higher incidence of aggression prone individuals within a smoking population than within a nonsmoking population.

If this interpretation is correct, then one would expect to find that when the smoker is allowed to smoke freely, his display of aggression in an aggression-inciting situation will be at a level comparable to that of nonsmokers, but when deprived of the opportunity to smoke for a period of time before and during observation, his display of aggression will be manifestly higher than that of nonsmokers.

We recognize, however, that any observed increase in aggressivity when deprived of cigarettes may be as readily explained as the emergence of reactions to deprivation, not unlike those to be observed upon withdrawal from any of a number of habituating pharmacological agents.

The Behavioral Research Laboratory is initiating a series of studies on aggression in smokers. Collectively, the studies will be aimed at (1) observing for differential aggressivity under free-smoking vs. deprived smoking conditions and (2) if increased aggression under deprivation is observed, differentiating between personality-related aggression and deprivation-induced aggression.

Our strategy for distinguishing between the personality-related and deprivation-induced aggression is premised upon the logic that if the aggression is personality related, then it should be observable (1) among prospective smokers, and (2) among abstaining smokers whose period of abstention has extended beyond the withdrawal period.

Study IB1 (Schori and Jones) is designed to induce aggressivity in order to determine if, indeed, differential aggressivity under free-smoking and deprived smoking conditions is observable. Study IB2 (Dunn and Martin) is designed to observe for aggressivity the abstaining smoker whose abstention has extended beyond the period in which deprivation-induced behaviors are likely to be present. Study IB3 (Ryan and Lieser) is a longitudinal study attempt to observe for personality-related or trait aggressivity in the prospective smoker.

IB1—(Schori an Jones)—Smoking and aggression

This study is designed to evaluate the influence of smoking condition on both aggression and performance in a complex task situation at 3-levels of failure-induced frustration. The task is a slightly modified version of the simulated driving task that is being used in the "Smoking and Risk-taking" study.

IB2—(Dunn and Martin)—Bruxism suppressed by smoking

Bruxism in medical cryptology, is but the habitual act of grinding the teeth. In a recent experiment aimed at treating the habit through the application of biofeedback principles, an enterprising psychologist at Claremont Graduate School, Dr. John Rugh, devised an unobtrusive, totable electronic package which emitted an audible signal whenever the tension in jaw muscles exceeded a preset threshold level. The package embodied a sensor whose output voltage correlated with the electrical activity of the muscles over which it was placed, an IC amplifier and the auditory signal generator. Without the device teeth grinding has been occurring at a subconscious level. The buzzer brought the behavior to the subject's attention, making it more accessible to voluntary control. Daily use of the device proved effective in the reduction of teeth grinding.

Our interest in this investigation is two fold: The relationship between jaw muscle contraction and psychological tension has relevance to smoking dynamics. Hutchinson used the measure of jaw muscle tension as an index of psychological tension in a 1970 study funding by P.M. R&O. The measure was more specifically interpreted by this investigator as an index of covert aggressive responsivity. Hutchinson put smokers into frustrating task situations and recorded the EMG signals at the jaw. He reported less muscle tension (ergo, less anger) under smoking than under abstaining conditions.

Secondly, it occurred to us that the total package may have another application to our continuing study of the motivational factors in cigarette smoking. It may make it possible to circumvent a methodological problem over which we have agonized for some time.

The problem is this: In order to properly assess the influence or cigarette smoking upon some specified behavior one must observe that behavior in the same subject undersmoking and nonsmoking conditions. If, for example, one wished to determine whether smoking influences visual accuracy, one would obtain measures of the subject's acuity immediately following the smoking of a cigarette and at some other time obtain the same measures following a period of abstention from smoking, the period being sufficiently long to clear the organism of the pharmacological effects of the smoke. Any observed difference, one might argue, would be a function of the effect of the smoke upon the smoker. But such an argument assumes that the abstaining smoker is in his normal, i.e., non-smoke-influenced state. This assumption is open to challenge. The counter argument is that, if the period of abstention is sufficiently long to allow for the metabolic clearing of the agents taken in from cigarette smoke, then that period has been sufficiently long also for the onset of any deprivation effects.

Our methodological problem lies in our inability to distinguish between those behavioral changes that reflect return to some non-smoke-influenced baseline on the one hand and those changes which are the individual's response to smoke deprivation on the other hand. Thus Hutchinson's reported increase in jaw muscle tension in abstaining smokers could as readily be the emergence of behavior which had been suppressed by smoking or the onset of behavior specific to the smoke-deprived state. We need some means of distinguishing between these two possible classes of response to cessation of smoking.

We would expect behavior specific to smoke deprivation to peak rapidly following cessation of smoking and diminish gradually thereafter, dropping out entirely at some later point in time as the former smoker's system accommodated to a nonsmoking regimen.

On the other hand, if the observed behavioral change is due to the re-emergence of patterns suppressed by smoking, we would expect the behavioral change to peak fairly rapidly following discontinuations, as in the case of deprivation-specific behavior, but then plateau at peak and remain constant.

Here, then, are two distinctive time-related patterns. Were we able to continuously monitor the behavior beginning a week before ceasing to smoke and continuing for a month or more thereafter, the data should allow us to confirm or refute the Hutchinson observation that the jaw clenching rate is altered by ceasing to smoke and further, if confirmed, classify the altered rate as either withdrawal-specific behavior or baseline behavior characteristic of the individual when not smoking.

If we were to establish that the behavior is characteristic of the smoker when not smoking and not merely a transient response to deprivation, the implications are profound. Following Hutchinson's interpretation of jaw clenching as a covert manifestation of anger, we would have in hand our first clear-cut positive effect of cigarette smoking—the inhibition of anger.

If, on the other hand, the alteration were to prove to be limited only to the time period immediately following cessation, the implications would not be so profound but there would remain the possibility of some important inferences. The duration of the altered rate would reflect the duration of the deprivation period. The determination of the time interval would establish how long observations must be delayed following ceasing to smoke in order to study the uncontaminated non-smoke-influenced behaviors for comparisons with smoke-influenced behaviors.

The totable EMG unit lends itself nicely to the collection of the data. After substituting an electronic counter for the signal generator, we will be able to record either continuously, or by periodic sampling, the frequency with which jaw clenching occurs. A simple graphic plotting of jaw clenching rate over time should make it possible to evaluate the pattern of change and thus establish the nature of the altered behavior.

Our major problem will be to recruit enough regular smokers willing and able to abstain from smoking over the five or more weeks required.

We are corresponding with two laboratories (in the Psychology Departments of Harvard University and Claremount Graduate School) on the details of instrumentation.

IB3—(Ryan and Lieser)—The hyperactive child as prospective smoker (see pp. 9–12, Accession No. 74-065)

This is an intriguing theoretical derivation of an hypothesis which predicts that today's hyperactive child is tomorrow's smoker.

A Final Note to the Series of Aggression Studies: We are considering modest financial support to two university laboratories whose programs include studies immediately relevant to the question of the influence of smoking upon aggression. Neal Miller's laboratory at Rockefeller University is prepared to investigate further the nicotinic mechanisms in the brain of the rat, there being already some evidence that nicotine does reduce irritability and aggression while its withdrawal has the opposite effect.

At Ohio State University two psychologists are eager to follow up leads pointing to the inhibitory influence of central nicotinic systems on the aggressive behavior in cats.

IB4—(Dunn and Martin)—The influence of smoke inhalation upon accommodating to distracting stimulation, using the control of brain wave patterns as an index of accommodation

A group of investigators at Melbourne University in Australia have reported that smokers accommodate (or become inured) to distracting stimulation more rapidly while smoking than while deprived. Maintenance of alpha brain wave dominance in the face of such stimulation was used as the index of accommodation. When not accommodated, alpha dominance was lost when distracting stimulation was presented. When accommodated, alpha dominance was not disrupted by the stimulation. The reported observation is exciting because of its theoretical significance and because, as reported, it was a very clean effect induced by smoking. We are displeased with the lack of rigor in the design of their experiment, so our purpose is to replicate the experiment with better controls and improved conditions of observation.

IIIB4—(Schori and Jones)—Manipulating smoke impact in very low (<8 mg tar) delivery cigarettes

How can we achieve full-flavored very low delivery cigarettes? We feel that the main hinderance to doing so is our inability to achieve sufficient smoke impact in very low delivery cigarettes. Therefore, although ultimately we would like to develop a marketable one, this study (which is being conducted in cooperation with Willie Houck and Paul Gauvin) is designed to assess the relative influences of various factors on smoke impact in very low delivery cigarettes. Specifically, the relative influenced of blend (standard Marlboro blend vs. 50% burley blend), burley-spray (100% vs. 50%), and filter system (cellulose acetate filter plus high dilution vs. paper/cellulose acetate filter plus zero dilution) on smoke impact in cigarettes within the 5 to 6 mg tar range).

IIIB5—(Schori and Jones)—A low delivery full-flavored candidate (Opus I)

In an earlier study (74–053, June, 1974), three low delivery cigarettes, averaging less than 10 mg tar, were found to be comparable in acceptability to the Marlboro control. Because of the obvious practical significance of that finding, we felt that it was necessary to follow up that study in order to determine whether with our current capabilities we can reliably make low delivery cigarettes which are just as acceptable to the smoker as Marlboro. Accordingly, we attempted to remake the most promising low delivery candidate from the earlier study. That candidate is to be compared to a Marlboro control by high delivery RP^3 smokers.

IIIB6—(Schori and Jones)—A low delivery full-flavored cigarette (Opus 2)

In an earlier study (74–088 and IIIB3 above) a low delivery cigarette which delivered 10.7 mg tar—with a nicotine to tar ratio (N/T) of .12—was found to be comparable to a Marlboro both in acceptability and strength, i.e., this cigarette was perceived to be a full-flavored cigarette. We were not positive however, that the high N/T ratio was the primary determinant of the smokers' favorable perceptions of this cigarette. Therefore in this study we will make three 10 mg tar cigarettes with N/T ratios of .07, 110, and .13—insuring that tar is constant over cigarettes—and a Marlboro control. From this test, we will be able to determine: (1) whether we can reliably make full-flavored cigarettes in the 10 mg tar range; and (2) whether a relatively high N/T ratio is essential in order to do so.

IIB2—(Dunn and Martin)—Continuation of the investigation of inhalation patterns

A number of questions have been raised by the initial inhalation study. We plan to continue these observations in order to determine what, if any, aspect of the inhalation pattern is relatable to smoker characteristics and cigarette characteristics.

"PME Research: 1972–1974" Gustafson & Haisch

* * * [Indicate deleted material]

HUMAN SMOKING HABITS—(or: the impact of our products on the smokers)

The thoughts on cigarette design which we have developed so far and which we are realizing in the trials of the Teams of "Thermodynamics of Adsorption Processes," "Intersection of smoke with Cysteine," and "Product Research" are our response to developing trends and public pressures.

Further input into this research is provided by the wants, references and needs of the smoker. Under the direction of Mr. Bourquin we have planned, executed and analyzed several studies on human smoking habits.

At the planning stage, the objectives and goals as well as the scope and depth of the study were set by asking some relevant questions. The answers to these questions are needed to match consumer profiles and product relevance, to provide information on certain aspects of "Smoking and Health", and for future prototype development.

How much nicotine does the smoker want?

2. Does the smoker compensate for nicotine delivery in a low nicotine cigarette?

3. What are the actual delivery levels of important brands?

4. Does nicotine delivery depend on the social situation of the smoker?

5. Do well defined classes of cigarettes fit well defined classes of smokers?

6. How can an increased smoke impact be achieved with a low delivery product?

The first study was executed with the cooperation of the marketing department in Germany. The stumps of 27 major brands were collected at various locations and offices. To calculate filter efficiency and nicotine consumption the nicotine deposit in the filter was measured. (The German study must be regarded as incomplete as the pilot study was never followed-up by a proper scale investigation.)

The results and conclusions gave us possible solutions to some marketing problems and set the limits for product modifications.

The most frequent nicotine yield was 0.4 to 0.5 mg of nicotine per cigarette. This yield is not dependent upon the nicotine content of the tobacco and is not related to the nicotine yield under Coresta (machine) smoking conditions. The difference between nicotine yields obtained under standard laboratory procedures and yields obtained under "real" smoking conditions is explained by the existence of a compensation mechanism in the smoker. This compensation mechanism seems to be in operation for a proportion of the consumer population to adjust the nicotine yield to their needs or liking.

* * * [Indicate deleted material]

[From Philip Morris, Richmond, Virginia]

To: Dr. T.S. Osdene

From: W.L. Dunn

Subject: Quarterly Report—January 1–March 31, 1995

Date: March 25, 1975

Inhalation Studies.—All work has been held up for the installation of the sound- and electromagnetically-insulated room. The room has arrived and is to be in April.

A Field Test of RTD and Tar Influences on Acceptability with Three Methods of Cigarette Presentation.—Analysis is underway.

Conference on the Regulatory Influence of Nicotine on Human Behavior.—Proposal has been presented to the industry. Awaiting decision to proceed.

FRANK RYAN'S REPORT

Puffing Following Cigarette Deprivation (Puff Seven).—Ongoing. We are observing number of cigarettes smoked and total puffs taken by college students smoking their own brands during a critical two-hour period. Preliminary data suggest that more cigarettes are smoked and more puffs taken when the observations follow a two-hour deprivation period than following two hours when smoking is permitted.

Mixed Pack Study.—Ongoing.—A national mailout is scheduled for early April in which High Filtration panelists will compare a 10 mg cigarette to a mixture of 7 and 13 mg cigarettes. The object of the test is to see whether the intentional inclusion of some more flavorful cigarettes in a pack of low delivery cigarettes will affect product ratings.

Personality, Arousal and Smoking.—Planning.—Following Eysenck's suggestion that smokers seek stimulation to increase the arousal level of their central nervous system whereas introverts avoid stimulation, we will look at the effects of smoke deprivation on extroverted smokers in a sensory stimulation deprived situation and compared to non-deprived and nonsmoker groups, as well as to introverts.

Equal Puff Volumes.—Planning.—In this smoke recorder study smokes will be instructed to take either puffs of a constant volume or constant duration. Cigarette characteristics will be changed from time to time to see if volume changes follow. The purpose of the study is to find some of the cues which control puff volume changes.

TOM SCHORI'S REPORT

The Effect of Smoking on Risk-taking in a Simulated Passing Task.—Data analysis is complete. The report is in preparation.

Smoking, Arousal, and Mood.—A manuscript for publication has been prepared.

The Influence of Nicotine on Aggression in Fish.—This is a new study in which the Beta, an innately aggressive fish, is to be treated with varying concentrations of nicotine in tank water. We will be observing for differential effects upon aggressive display behavior and some control behavior which is to serve as an index of general activity level.

Menthol Cigarette Preference of Blacks.—Cigarettes with two nicotine and two menthol levels have gone out to 350 Black RP^3 menthol smokers. This is a modified form of the original study, the results of which proved difficult to interpret.

Low Delivery Cigarettes: The Influence of Delivery Information on Subjective Evaluations (II).—Cigarettes are ready and should go out shortly to 2 National POL panels. This is a follow-up on a smaller scale study (RP^3) the results of which suggested that smokers responded favorably to being provided the information that the cigarettes were low delivery.

A Low Delivery Cigarette with Impact and Flavor.—The 5–6 mg tar delivery program being carried out in collaboration with P. Gauvin is proceeding nicely. Models for the 8 experimental cigarettes have been developed and the cigarettes are now being made.

SEPTEMBER 8, 1975.

Prof. STANLEY SCHACHTER,
Dept. of Psychology, Columbia University, Schermerhorn Hall, New York, NY.

DEAR STAN: Welcome back and thanks for your letter. And thanks for your solicitation of my critique of your manuscripts. I'd be delighted. I wouldn't view it as an imposition because, after all, I am responsible for the Company having provided you with those modest sums and therefore have vested interest as well as personal interest in your output.

As for your Marlboro question, we've tracked sales vs. nicotine over the past five years and have concluded that there is no discernible relationship. Interestingly, the concern grew from an hypothesis antithetical to your own. Market Research is burdened with attempting to explain a slipping sales increment. The robust 15% annual increase which we'd come to view as the norm became 10% from 1973 to 1974 and recent figures are of the order of 7%, if my memory serves me well.

Some have interpreted this as the inevitable leveling off. Although we cannot fit any kind of explanatory equation using nicotine as a predictor, we cannot of course rule out the possibility that the Marlboro smoker is responding to nicotine reduction by switching to other brands. But your manner of putting the question implies that you would have predicted a sales increase. You neglected to take into account that the smoker has other options than merely increasing the number smoked.

My own prejudice is that the smoker is oblivious at the conscious level to major changes in the composition of his smoke, but not wholly unresponsive. I am more of the belief that we have many ways in which to accommodate to a variable smoke, and perhaps the least of these is to smoke more cigarettes. For too long investigators have relied on measures relatable to the cigarette (number of cigarettes, number of puffs, butt length) as consumption rate indices. True enough, the number smoked is an infallible index of cigarette consumption, but we should be thinking more in terms of cigarette consumption. Cumulated puff volume tells us more, but even this is but a measure of smoke taken into the mouth. The ultimate index is how much passes over into the bloodstream, a not so readily monitored phenomenon. We're now looking at the fate of the smoke entering the mouth; how much goes down, how much comes back out, and related behavioral events that we anticipate finding to be dose-regulating mechanisms of remarkable precision and sensitivity.

Thus to accommodate to the 15 percent reduction in available Marlboro nicotine, the smoker who was getting 50 percent of the available nicotine over into his blood from the Marlboro delivering 1.1 mg of nicotine into a smoking machine now must get 59 percent of what the current Marlboro offers him. He can take bigger puffs, or inhale more from the supply drawn into the mouth (we have varying quantities of residual smoke in the mouth at the end of an inhalation) or for more efficient extraction of the goodies, he can draw it in deeper or hold it longer.

So we're looking at respiratory behaviors. I have a physiological psychologist joining the staff this month. Instrumentation is the big challenge at the moment.

Send the manuscripts.

Regards,

WILLIAM L. DUNN, Jr.,
Principal Scientist.

Charge Number: 1600
Program Title: Smoker Psychology
Project Leader: W.L. Dunn, Jr.
Period Covered: January 1-31, 1976
Date of Report: February 10, 1976

Project Title: Smoke Inhalation Study
Written by: Carolyn Levy

Our new apparatus which allows the subject to puff on a cigarette while his face is in the mask is almost operational. We are remaking the rubber masks in order to give the subjects better access to the mouthpiece.

In order to determine if the delivery of a cigarette is reduced by the new apparatus, two Marlboro monitors were smoked through the apparatus on the twenty-port smoking machine. For comparison purposes, two monitors were also smoke through the regular smoking profile recorder mouthpiece. The TPM deliveries (17 puffs) were 38.2 and 38.4 mg. Thus, we get comparable deliveries with the two different pieces of apparatus. In addition, these deliveries are not appreciably different from what would be expected from smoking the monitors in the regular fashion on the smoking machine.

Our next study will again use R&D smokers. Cigarettes delivering 18, 15.7 and 13.3 mg of tar have been made, holding puff counts and RTD's approximately constant.

Project Title: Regulatory Identification Program
Written by: Carolyn Levy

We are ready to begin our first attempt to identify nicotine regulators and non-regulators among our smoking student population. In selecting our initial subjects we hypothesized that those who smoke more than 30 cigarettes per day of a high delivery brand (>15 mg tar) would more likely to regular than those who smoked less than 10 cigarettes per day of a comparable brand. Thus we have two groups: likely regulators and likely non-regulators.

In order to measure daily nicotine intakes, the subjects will smoke at home and save butts for three weeks. During Week 1 they will smoke their own brands. During Weeks 2 & 3 they will smoke high and low delivery products in a counterbalanced order. The relevant dependent variables are number smoked per day and the nicotine residual in the butts. We expect that daily nicotine intakes will be more product-dependent for non-regulators and more product independent for regulators.

After this butt saving period, the smokers will come to the lab for four sessions. Session 1 will be used to familiarize the subjects with procedures and apparatus. During Sessions 2-4 we will measure their smoking behavior while smoking own brand, high and low delivery products. In order to reduce the number of variables that are free to vary in the smoking situation, we will tell our subjects when they will smoke a cigarette, how many puffs they may take, and where along the rod these puffs will be taken. We want to find out if we can "force" our potential regulators to modify their puff volumes, inhalation volumes, and/or smoke retention times in order to obtain their usual nicotine dose. On the other hand, we do not expect the potential non-regulators to modify their smoking behavior under these circumstances. When not smoking, all subjects will be occupied with time filling tasks.

This initial study will enable us to assess the relevance of consumption data to regulation. That is, are heavy smokers more likely to regulate than light smokers? In addition, we would like to determine other factors that are correlated with regulation so as to improve our ability to predict which smokers will be regulators.

Project Title: Smoking of Nicotine Free Cigarettes
Written by: Carolyn Levy

Due to a delay in equipment set-up, we have been unable to obtain denicotinized tobacco. Hopefully we can begin this study in one or two months.

As an alternative to denicotinized tobacco, we have look into the possibility of having cigarettes made from a strain of tobacco that is naturally low in nicotine. Our comparison cigarette would also be made of this tobacco with nicotine citrate added to bring the nicotine content up to "normal." This tobacco should be available by the end of February.

Project Title: Annual Monitoring of Cigarette Preferences
Written by: F.J. Ryan

As a preliminary test of our ballot and procedures, five non-menthol cigarettes—delivering 8, 11, 14, 17, and 40 mg of tar and .6, .7, .8, 1.0, and 1.2 mg nicotine—were sent to 300 RP^3 panelists who rated them for acceptability. Usable replies were received from 232 (77%) of the panel.

A preliminary analysis of returns based on incomplete data suggests that the differences in ratings were small, as seen in Table 1, but illustrative.

* * * [Insert notation for deleted material]

[From Philip Morris, New York, NY

To: Mr. J.J. Morgan
From: Al Udow
Subject: Why People Start To Smoke
Date: June 2, 1976

At the end of last week I gave you some material intended to answer Cliff Goldsmith's question on why people start to smoke. Because we should have this information at our disposal, this document summarizes the data available, and cites references.

There are surprisingly few hard facts on the question of the initiation of smoking. Most of those who write on the subject of smoking tend to rely on the statistical work of Daniel Horn and the National Clearinghouse for Smoking and Health. Others offer opinions without sources or data to back them up.

The best summary of the situation may be an entry by Matarazzo. Joseph D. Matarazzo, of the University of Oregon Medical School has written widely on smoking. He is the primary author of the entry on smoking in The International Encyclopedia of the Social Sciences (1968).

His summary of the factors involved in the initiation of smoking is as follows:

These studies consistently have identified parental smoking as one of the most important predisposing factors in smoking among school-age children. As mentioned above, most smokers appear to have begun smoking between the ages of 10 and 18. If both parents smoke, the probability that their children will begin to smoke is several times that of children with nonsmoking parents. When only one parent smokes, the incidence of smoking among the offspring falls midway between that of the other two groups. Published data also suggest a higher frequency of smoking among children with older siblings who smoke.

The relationship of some other sociopersonal factors to initiation of the smoking habit is less clear-cut. In general, the studies suggest that youngsters' beginning to smoke is related to: (a) curiosity about smoking; (b) conformity pressures among adolescents; (c) need for status among peers, including self-perceived failure to achieve peer-group status or satisfaction; (d) the need for self-assurance; and (e) striving for adult status (see the reviews by Hochbaum 1964; Horn 1963). However, it is difficult to measure the strength of such needs, as well as their relative influence, and therefore these relationships should be considered tentative.

The basis for his, and many other statements is a publication of the National Clearinghouse of Smoking and Health (1972) which reported on two surveys of teenagers, numbering 4931 and 1968 and 2640 in 1972. Their conclusions are based largely on statistical inference.

The report concludes:

While there are many factors in the environment of the child that influence his taking up, or not taking up, the smoking habit, the one that has by far the most influence is the smoking behavior of those around him . . .

In households where both parents are present, the teenager is much more likely to be smoker if the parents smoke. In fact, if both parents smoke the teenager has about twice the likelihood of being a smoker than if neither parent smokes, the rates are 18.4%and 9.8% respectively. Those with one parent who smokes fall in between, with a rate of 13.8%

We find a striking relationship between the behavior of the older members of the family and that of the younger members. In homes where both parents are present, boys with an older brother or sister are twice as likely to smoke if one or more of the older siblings smoke than if none smoke (30.0% and 13.1%). The relationship is even stronger among girls, with a four to one ratio; 24.8% of girls with one or more smoking older siblings are smokers while only 5.6% of those with older siblings, none of whom smoke, have taken up the habit.

When the combined effect of smoking of parents and older siblings is considered, the concept of family patterns is reinforced. The lowest level of smoking is found among teenagers who live in households where both parents are present and neither smokes, and who have older siblings, none of whom smoke. Less than one in twenty have become regular smokers (4.2%). This compares with one in four (24.9%) in families with at least one parent and one older sibling who smoke. The older sibling, as would be expected, is more likely to smoke if he has a parent who smokes. It is impossible to determine precisely what are the relative effects of parental and sibling smoking on the teenager. However, we do see that he is more likely to smoke if the older sibling smokes and the parent does not than if the parent smokes and the older sibling does not. We cannot discount the influence of either; they interact with each other, and as they do, the family pattern is established.

[Not legible]

Harold S. Diehl, M.D. (1969), of the American Cancer Society quotes liberally from David Horn of the National Clearinghouse for Smoking and Health. Much of what he says is stated authoritatively without source or supporting data.

"For children who see their parents, teachers, other adults, and older brothers and sisters smoking, the desire to be like them, to be grown-up, constitutes a strong incentive to try it themselves. Studies show that children are much more likely to smoke if their parents smoke." (No source given)

"Many boys and girls start smoking to show their independence, as a symbol of revolt against authority, to feel sophisticated and grown-up, to be "one of the crowd", to gain social status, to have something to do." (No source given)

"The advertisers of cigarettes exploit this urge by creating an image of a smoker as an outstanding athlete; a handsome, virile outdoor man; nonchalant campus leader; a man who succeeds; a sophisticated, charming young woman." (No source given)

"For some smokers the motions and movements associated with smoking seem to have a soothing, pleasurable effect, similar to the chewing of tasteless objects such as pencils, straws, or chewing gum after the flavor is gone. It also seems that some of the satisfaction derived from smoking—particulary of pipes and cigars—is related to watching the smoke. Few people enjoy smoking in the dark, and blind men rarely smoke.

For persons who are self-conscious and insecure smoking provides an activity and something to do with their hands that takes their minds off themselves. Many accept the image created by cigarette advertisements of cigarette smoking as a symbol of poise, self-confidence, and social success. But once one becomes dependent upon cigarettes, habituation or addiction are impelling drives to continue." (No source given)

Dr. Daniel Horn, Director of the National Clearinghouse for Smoking and Health, says that people smoke cigarettes for one or more of the following reasons: (1) for stimulation, such as to get started in the morning; (2) because of addiction; this smoker "must have" a cigarette after a certain amount of time has elapsed; (3) to reduce negative feelings, such as distress, anger, or fear; (4) out of habit—a behavior pattern followed almost involuntarily; (5) for oral gratification—the satisfaction derived from something in the mouth; and (6) for pleasurable relaxation—to enhance positive feelings, such as after a good dinner.

A paper by Meyer, Friedman and Lazarsfeld (1972) given before the Conference on Motivation Mechanism of Cigarette Smoking provides some qualitative insight into the initiation of smoking which may be abstracted as follows:

Many smokers, particularly "white collar" started in rebellion against their parents. Another theme is that of emulating friends and relatives. Peers provide especially important role models to emulate and partners with whom to rebel.

The theory is offered that when youngsters of smokers start to smoke, they are helping to deny that their parents are in danger. Also, when offspring of smokers take up the practice themselves, they are striking back at their parents' hypocrisy, and at the same time, making a connection with them.

The Encyclopedia Americana (1969) says that the way smoking begins is not fully understood and then attempts to explain it:

The beginning of smoking and the processes by which it becomes a habit are complex and not fully understood. In large part, the habit stems from psychological and social drives; the individual smoker does what others around him do. Physiological and possibly constitutional factors may play a lesser role. There is little doubt that the physiological effects strengthen the habit. Nicotine, one of the many substances pharmacologically active in tobacco smoke, exerts its effects on the heart and the nervous system in particular. Smoking of one or two cigarettes causes an increase in the heart rate and a slight rise in blood pressure. The effect on the nervous system is predominantly tranquilizing and relaxing.

Relationships between smoking and a number of psychosocial and economic variables are apparent, but no simple explanation is evident. It is obvious, however, that smoking as a behavior has become interwoven with the complex culture and environment of modern society.

Start of the Habit. The smoking pattern is established relatively early. Before 12 years of age less than 5 percent of boys and 1 percent of girls smoke, but soon thereafter a steady increase begins. In the 12th grade, from 40 to 55 percent of children are smokers, and by the age of 25 years about 60 percent of men and 36 percent of women have acquired the habit. The increase in the percentage of smokers continues into the fourth decade of life.

Among the reasons why children take up the habit are their desire for adult status and their need to conform to social pressures exerted by other children. In striving for status and self-assurance, children may imitate their parents or famous people. The association between the smoking habits of parents and children is strong and many-sided. More children smoke in families where both parents smoke than in families where neither parent smokes. In adolescent and adult life, similar factors involving the individual's need and his environment appear to play a role in the beginning of smoking.

Although no differences in intelligence between smoking and nonsmoking children have been established, smokers are more frequent among those who fall behind in scholastic achievement.

Personality and Other Factors. No clearly defined "smoker's personality" has been established. Furthermore, no personality characteristic is found exclusively in either the smoker or the nonsmoker. Certain personality factors—among them extroversion, neuroticism, and increased psychosomatic complaints—have been found to be slightly more common in smokers.

Stressful situations occurring in an environment favorable to smoking may contribute to the starting of the smoking habit, as well as to its continuation. For instance, some men begin smoking in the tense days of their first job. Smokers consistently report that they tend to smoke more when under tension.

Both more smokers and more early starters are found in the unskilled working classes. White collar, professional, managerial, and technical occupations contain fewer smokers than craftsmen, sales persons, and laborers. Smokers are reported to change jobs more often than nonsmokers. Another socioeconomic factor, income does not seem to be as consistently and positively related to prevalence of smoking as to the quantity of cigarettes consumed. A relationship does exist between smoking and educational level, but it seems likely that this relationship is really based on occupation, because those occupations associated with higher education usually show a smaller prevalence of smokers.

Social pressures undoubtedly delayed the acquisition of the smoking habit by women. Increased cigarette consumption by women began in the 1920's, and the rate rose rapidly during and after World War II. Although the habit has been prevalent among women for a shorter period, the percentage of women who smoke has been increasing faster than the percentage of men who smoke.

Kozlowski and Harford (unpublished) cite a 1959 British study by Bynner based on 5601 adolescent school boys in Great Britain which concludes that the important influences that lead to the initiation of smoking are: (1) number of friends who smoke (2) anticipation of adulthood (3) parental permissiveness toward smoking (4) whether or not deterred from smoking by danger of lung cancer.

The Yankelovich organization (1976) undertook a study for the American Cancer Society by means of interviews with 826 teenagers and young women.

Their conclusions about the teenage smoker suggest some correlates (though not exactly reasons) of the beginning of smoking. They say:

The Profile of the Teen-age Girl Smoker: The profile of the teen-age girl smoker counters the image of a socially ill-at-ease youngster turning to cigarettes as a means of being thought of as more sophisticated or as a needed prop for handling social situations. Instead, it is the teen-age girl smoker who is at ease socially, very put together, and with full confidence in herself. Parties and social gatherings are her metier. One measure of both her sophistication and her value structure is the fact that 31% have already had sexual relations.

It is instead the nonsmoker who tends to be quieter, far less self-assured, more involved with athletics, school activities and clubs—but more likely in her spare time to be reading or watching television.

Rebelliousness and Smoking: Cigarette smoking among teenage girls, however, does appear to be highly identified with an antiauthority rebellious syndrome. Among teen-age girls who smoke 25% use marijuana regularly compared to 3% of the nonsmokers; 81% of the smokers drink and 32% drink at times to get drunk compared to 42% of the nonsmokers who drink or 4% who drink to get drunk. One out of four teenage girl smokers have run away from home compared to 10% of the nonsmokers. Despite the widespread acceptance of cigarettes, and the acknowledgement of smoking by parents and school authorities, the old "wood shed" image of cigarette smoking lingers on—while the concept of not smoking of nonconformity or rebellion against advertising, big business, society, has not yet caught on.

Teen-age Girl Smokers and Peer Relationships: Peer relationships, long identified as a major factor in teen-age smoking, continue to operate as a dominant influence. Teen-age smokers flock together and have more respect for the opinions of their own peers than for authorities. There is, however, an opposite side to the story as well. For the current study indicates that all teen-age girl nonsmokers are not homogeneous but rather divide into two almost equal groups. It is easy to explain why over half of the nonsmokers (55%) do not smoke—for they are not influenced by the new values, but are very traditional in their views and outlook. They are strongly religious and respectful of authority and they shy away from their peers who smoke, use marijuana and are part of the new values. The other group of nonsmoking teenagers are very different for they share many of the same values as the smokers—and are highly exposed to the total smoking environment. We call them the "Vulnerables" for, on the surface, they appear to be ready candidates for the next wave of new smokers. One out of two of the "Vulnerables" report that half or more of their male friends smoke; a third indicate that most of the girl friends smoke. A majority have one or more parents who smoke. They see more women smoking now than in the past. Yet they do not smoke. Instead they have found consciously or unconsciously, some strong barriers to smoking. These are the importance of being in control of one's own life; and emphasis on physical fitness and well-being; concern about the addictive nature of cigarettes, and perhaps most of all, by becoming militant antismokers—people who are angered by other smokers, upset by smoke filled rooms and ready for increased regulation of smoking. In other words, they are finding a cause—and a new peer identification.

Information on the motivation that leads to a continuation of smoking comes from a special study done for Philip Morris (Brand, 1971). Smokers first answered the question "Why do you smoke" with platitudes such as:

—gives me something to do with my hands
—relieves tensions
—goes well with a social drink
—settles my stomach after a heavy meal
—helps me to relax
—just an automatic habit
—keeps my weight down

But on deeper probing, the circumstances in which smoking occurs may be generalized as follows:

1. As a narcotic, tranquilizer, or sedative. Smokers regularly use cigarettes at times of stress.

2. At the beginning or ending of a basic activity. This would cover such activities as entering or leaving a room, starting or finishing a job, going into a party or leaving one, starting a telephone conversation or a personal visit.

3. Automatic smoking behavior. Heavy smokers, particularly, light up at intervals without much thought, and often without realizing what they are doing.

It should be noted that there was scarcely any unprompted reference to smoking for "taste", or "flavor", until it was suggested—and then everyone agreed that it was the major element in smoking satisfaction.

[From Philip Morris, Richmond Virginia]

To: Dr. T. S. Osdene
From: W. L. Dunn
Subject: Rationale for Investigating the Effects of Smoking upon Electroencephalographic Phenomena
Date: December 22, 1976

The pharmacology of nicotine and tobacco smoking is very complex (Larson et al., 1961; DiPalma, 1971; Goodman & Gilman, 1970), Nicotine acts on the cardiovascular nervous gastrointestinal and endocrine systems. Armitage, Hall, and Morrison (1968) and Jarvik (1970) have provided evidence for nicotine as the pharmacological basis of tobacco smoking. It is obvious that we need much more research to unravel the relative importance of the multiple actions of nicotine in doses inhaled during tobacco smoking. In agreement with these investigators, it is my basic premise that one of the many reasons people smoke tobacco is that it contains nicotine. An extension of that premise is that the doses of nicotine inhaled produce definite, mild, and transient neurophychopharmacological effects which are positively reinforcing and thus promote repetition of smoking. These effects include: (a) modulation of conditioned behavior; (b) mixed depression and facilitation of the neural substrates of reward; (c) transient (in minutes) EEG and behavioral arousal crudely reminiscent of d-amphetamine but pharmacologically quite different; and at the same time (d) skeletal muscle relaxation. Edward F. Domino, in Dunn (Ed.) Smoking Behavior: Motives and Incentives, 1973.

In addition to the four classes of neuropsychopharmacological effects cited by Domino, there has more recently been added a fifth class: modulation of unconditioned, innate aggressivity. Philip Morris, one can remark in passing, funded the research establishing this fifth class (R. Hutchinson at Fort Custer State Home, Michigan; G. Berntson at the Ohio State University; and Robert Waldbilling at Rockefeller University).

It is important to note that all of these effects are attributed to the action of smoke components on the central nervous system. It is also essential to know that it is the consensus of investigators that the reinforcement of the smoking act is the effect of smoke component action in the central nervous system. It behooves us, therefore, to seek an ultimate, explanation of cigarette smoking among the nicotine- or smoke component-related events of the central nervous system.

These effects can be studied in various ways. One way is to observe the post-treatment behavior of both animals and humans, such as we have been doing for some years with humans in the Behavioral Research Laboratory. Another way is to monitor treatment effects as they occur within the brain via the monitoring of the electrical activity of the brain. Such monitoring can be done in a passive, nonobtrusive manner by means of the electroencephalograph. This instrument is essentially an array of microsensitive sensors attached to a multi-channel recording device. EEG technology, combined with the analytic capabilities of the computer, now permits some localization of signal source and the differentiation of complex wave patterns into their simpler component elements. The smoke effects of EEG patterns were reported as early as 1958 (Hauser, H., et al., EEG changes related to smoking. Electroencephalography and Clinical Peurophysiology, 1958, 10, 576). Barbara Brown, in Dunn (Ed.) Smoking Behavior: Motives and Incentives, 1973, reviewed this literature.

The continually improving technology has recently led to the isolation of an intriguing wave pattern which appears to be the c.n.s. correlate of the psychological state of anticipatory alertness. This is a vaguely defined concept because of the difficulty of reducing it to operational terms. Attempts have been made to more accurately delineate the state by resorting to such terms as vigilance; arousal, readiness to respond, etc., but it has remained an elusive, though undeniably real variable in psychology. The identification of an observable and quantifiable correlate of this immensely important psychological factor is, indeed, a welcome development. This EEG phenomenon has been labeled the contingent negative variation (CNV). First observed by Walter Grey in 1964, the CNV has been found to occur most intensely in an expectancy situation (having been given an alerting signal, ready to respond to execution signal).

During the past two years Prof. John W. Thompson, and Dr. Heather Ashton at the University of Newcastle Upon Tyne have been observing the effects of smoking upon the CNV. At the Zurich Conference in September 1976 they reported observable, replicable changes in the CNV upon smoke inhalation and nicotine injection (papers available in manuscript form). They relate these changes to the subjectively reported stimulating and relaxing effects of smoking, but with speculative inferences. The association of smoking and CNV patterning appears to be real, but further study is needed. Judgmentally, however, the area has great potential for yielding up observations related to why people smoke cigarettes. The Research Center of B.A.T. in Southampton, England, has already established an EEG laboratory to study the relationship.

EEG research is not usually considered to be the domain of the psychologist. On the other hand, it is not the proprietary domain of any existing discipline. Psychologists are as prevalent, however, as any other specialists as users of the instrument, as they have pursued their investigations of sleep, dreaming, hypnosis, behavioral responses to exogenous agents, psychopathology, intelligence, learning, etc. It is inappropriate to think in terms of EEG research, except in those not so frequent instances of pure research into the nature of the phenomenon. More properly, electroencephalography should be viewed as a technology for monitoring otherwise unmonitorable events of direct psychological significance. Since we have already hypothesized a relationship between smoking and arousal (my paper at the Zurich Conference), and since the CNV is apparently the neural correlate of arousal, to initiate studies which entail the monitoring of the CNV seems mandated by our corporate and scientific responsibility.

Accordingly, we have in our plans for 1977 the creation of an EEG facility. The leading contender for the open position in the Behavioral Research Laboratory is a man specialized in the field, having already established two such units. He estimates the cost to be $35,000, this including the required dedicated computer. The required observation chamber with Faraday cage is already in service.

Charge Number: 1600

Project Title: Smoker Psychology

Period Covered: October 1–31, 1977

Project Leader: W.L. Dunn, Jr.

Date of Report: November 11, 1977

Project Title: Psychophysiology of Smoking

Written by: F.P. Gullotta

Initial data gathering has been completed in the study on the effects of cigarette smoking on heart rate. Statistical analysis is now in progress. Additional data will be obtained when the new experimental cigarettes which are being manufactured for Dr. Levy are received.

Project Title: Smoking and Learned Helplessness

Written by: C.J. Levy

Complete data have been collected on 41 subjects thus far. We hope to finish data collection by February.

Project Title: Smoking of Low Nicotine Cigarettes

Written by: C.J. Levy

We are still awaiting our new batch of cigarettes.

Project Title: Habit and Need Cigarettes

Written by: F.J. Ryan

Although nicotine intake appears a critical mainstay of tobacco consumption, not all people smoke for nicotine on all occasions. Many of a smoker's cigarettes are undoubtedly smoked to be sociable, to occupy his hands, to give him an excuse to rest, or for some other nonnicotinic reason. Such cigarettes are smoked not because of some internal cues triggered by the nicotine level in the smoker's body but because of the presence of external cues which have in the past been associated with smoking.

To the extent that these external cues tend to occur regularly in the smoker's day, many of his cigarettes will be smoked out of habit (i.e., will be conditioned responses triggered by external cues) rather than out of any nicotine need (i.e., will be conditioned responses triggered by internal cues). All these cigarettes contribute to the total nicotine in the system, so that a cigarette smoked out of habit will delay the time until a cigarette is smoked out of need.

When a smoker switches from a high nicotine cigarette to a low nicotine cigarette, or vice versa, it is the nicotine input of these habit cigarettes which makes it impossible for us to predict what changes in consumption will occur from our knowledge of the deliveries of the two products. If many cigarettes have been smoked out of habit, then the past nicotine intake may have been higher than needed, so that lowering delivery may still not lower it enough to cause extra cigarettes to be smoked. Similarly, if nicotine delivery is increased, because many cigarettes will continue to be smoked out of habit, the increased nicotine will not cause many fewer cigarettes to be smoked.

It stands to reason, therefore, that two groups of smokers—one which smokes many cigarettes out of habit and few out of need and a second which smokes few out of habit and many out of need—would respond differently to shifts in nicotine delivery.

To test the reasoning of this argument we are beginning a two-part project. The first seeks to distinguish those smokers who smoke many cigarettes from habit and few from need from their opposites. The second part will switch the two groups from high (or low) nicotine-cigarettes to low (or high) nicotine cigarettes. The smokers who smoke mainly from habit should show little or no compensation (titration), whereas those smokers who smoke mainly from need should show relatively more compensation.

Groups will be identified by the regularity with which critical stimulus situations elicit smoking—which means by the extent to which they are "habit" smokers. Nonhabit smokers will be assured to be "need" smokers.

Regularity of behavior will be evaluated from a diary kept by each smoker, showing the time of day when each cigarette was smoked and the events taking place at the time. Nicotine intake will be determined from butt residues.

VCU students will serve as subjects, making regular visits to our Franklin St. quarters to leave butts and pick up cigarettes. We will seek as many smokers as possible, and then try to use the extremes to make up the two groups.

To: Dr. T.S. Osdene

From: W.L. Dunn

Subject: Behavioral Research Accomplishments—1977

Date: December 19, 1977

A Summary of 1977 Accomplishments

Making reference to the Plans and Objectives for 1977 as written December 1, 1976, we have succeeded some and failed some; happily more of the former than the latter.

Our successes: We have—

(1) Acquired a third principal researcher.

(2) Structured the group into three delineable programs each headed by a principal investigator.

(3) Established an EEG facility (to be fully instrumental during the first quarter of 1978).

(4) Moved aggressively into comparative behavior studies.

(5) Nearly completed an extensive study of learned helplessness.

(6) Reported the first run of the Annual Monitoring Program.

(7) Done an analysis of quitting as a function of brand last smoked.

(8) Shown that we can distinguish between regulator and nonregulator smokers and that after being deprived, the regulators do indeed try to make up for lost intake.

(9) Shown that acute, but not chronic, administration of nicotine will alter an animal's behavior consistent with the Berntson hypothesis that nicotine raises the pain threshold in rats.

(10) Gotten preliminary indications that we can use a nicotine/saline discrimination task as a tool for studying central nervous system mechanisms associated with smoking.

(11) Acquired a consultant.

(12) Completed a study of stimulus-seeking among introvert vs. extravert smokers.

(13) Completed a study of smoking effects upon learning nonsense syllables.

(14) Effected an arrangement with a university affiliated hospital for injecting nicotine in humans for discrimination studies.

Our failures: We have not (1) Developed a workable technique for unobtrusive monitoring of smoke inhalation patterns. (2) Obtained satisfactory batches of low nicotine and nicotine fortified cigarettes for a more definitive study of smoke intake regulation. (3) Carried out investigation of nicotine self-administration in rats. (4) Gotten completion reports of funded work by Dr. Robert Weldbillig. (5) Articulated the two-factor theory of smoking behavior.

Behavioral Research Accomplishments in Detail

Smoking and Learned Helplessness—Levy

Hiroto and Seligman (1975) have reported that college students who were subjected to inescapable loud noise or unsolvable discrimination problems showed deficits in performing subsequent tasks involving escape from loud noise or anagram solution; they were helpless.

Those experimental situations which are effective in producing helplessness are frustrating and stressful. We contend that smoking helps smokers cope with stressful situations; such that smokers perform better in high arousal situations than nonsmokers or deprived smokers. We therefore have hypothesized that smokers will be affected less by a situation devised to induce helplessness than nonsmokers or deprived smokers.

Before beginning data collection using smokers as well as nonsmokers, we conducted a series of pilot studies using approximately sixty nonsmokers. The purpose of the pilot studies was to verify that we could induce helpless behavior in our lab using local college students. As a result of the pilot studies, we modified our procedures considerably. In the final pilot study we had usable data on 23 subjects (12 males and 11 females). The results are summarized below:

Decandent Measures	Treatment	
	Helpless	Control
X Latency to solution (sac.)	47.5	[1] 28.9
X No. of failures to solve	6.3	[1] 4.1
X Trials to criterion	14.2	[1] 10.0

[1] <.05, one tailed t test

Subjects in the helpless group took longer to solve the anagrams, failed to solve more anagrams and "caught on" to the pattern later in the task when compared to the control subjects. Therefore, we were successful in producing a helplessness effect in our lab.

In March we began collecting data on smokers and nonsmokers and now have complete data on 43 subjects. We anticipate completing this study by February, 1978. One problem that has slowed data collection considerably is our requirement that subjects must score at least 115/150 on the Ammons & Ammons Quick Test (a short IQ test). In our pilot work we determined that this cutoff was necessary since subjects with poor verbal skills find it difficult to solve the anagrams used in this study.

Smoke Inhalation Studies—Levy & Dunn

During the past year we have been trying to devise a technique by which we can unobtrusively monitor smoke inhalation. Our initial attempt was to have Frank Watson's group construct a piece of equipment modeled after one described in a June, 1967, issue of *Science*. This apparatus sensed changes in the antero/posterior diameters of the rib cage and abdomen to estimate changes in lung volume. Unfortunately design problems forced us to abandon this approach.

In cooperation with Dr. Farone, we explored the alternative of using a mercury strain gauge to measure chest expansion during smoke inhalation. We found that chest expansion correlates quite well with volume of inhaled air (r=+0.95). We can improve this correlation by adding in a correction factor which takes the person's chest expansion just prior to inhalation into account. A major shortcoming of the strain gauge is its relative insensitivity.

Having not found a workable technique for monitoring smoke inhalation patterns unobtrusively, we called in Dr. Eli Fromm, a bioelectronics expert from Orexel University. Dr. Fromm proposed using an impedance pneumograph, involving pot-holder-like woven silver electrodes placed in sub-axillary positions on the chest. These electrodes are part of an impedance sensing electronic circuit. Previous work by Fromm and others had established that the volumetric changes associated with respiration altered the thoracic impedance. We have been unable to develop this technique to even an evaluative stage, since the voltage change, although discernible, has not been sufficiently distinguishable from background noise.

We continue to actively search for usable technology.

Regulator Identification Program—Levy

We have hypothesized that some people smoke for nicotine, and that these people try to obtain a relatively constant amount of nicotine from their cigarettes. On the other hand, people who do not smoke for nicotine would not be expected to regulate. We have been conducting studies to identify those people who are nicotine regulators among our smoking student population.

In our most recent study we wanted to determine if regulators and nonregulators would respond differently to smoke deprivation. After smoking high and low delivery cigarettes at home for two weeks, fifteen smokers came to our lab on four separate occasions. Each subject smoked the high and low delivery cigarettes under nondeprived and overnight deprived conditions. Based upon "at home" smoking data, 11 of the smokers were determined to be regulators, while 4 were nonregulators. When these subjects came to the lab and smoked under more controlled conditions, we found that 9 of the regulators obtained more nicotine from their cigarettes when overnight deprived than when nondeprived. On the other hand, only 1 of the 4 nonregulators responded to smoke deprivation by obtaining more nicotine from their cigarettes. Thus it appears that regulators and nonregulators do respond differently to smoke deprivation.

Smoking of Low Nicotine Cigarettes—Levy

We have been trying to obtain cigarettes made from denicotinized tobacco to use in a study which will look for changes in people's smoking behavior when they're shifted to a low nicotine cigarette, with tar delivery held constant. We plan to use a nicotine fortified cigarette made from denicotinized tobacco as our comparison cigarette. We have had problems in getting the nicotine level of the nicotine fortified cigarettes back up to normal.

As part of this study we are trying to see if smokers can easily discriminate the nicotine fortified cigarettes from the low nicotine cigarettes. Forty-eight R&O smokers compared two of these cigarettes, one delivering .40 mg nicotine and the other .87 mg nicotine. Over all smokers no significant differences were found between the two cigarettes. Only three smokers were able to identify unequivocally the nicotine fortified cigarette as producing more inhalation impact. We concluded that there were no dramatic organoleptic differences between these two cigarettes, even though the nicotine fortified cigarette delivered twice as much nicotine.

Nicotine as a Mitagator of Stress—Levy

During the past several months we have been looking at the effects of nicotine on post-stress learning deficiencies in rats. In one study using 24 rats we found that an injection of nicotine (.2 mg/kg) five minutes prior to a shock avoidance task in a shuttle box significantly increased the rats' latencies (in seconds) to cross the barrier if they had been stressed with a cold swim thirty minutes before. A control condition, identical to the experimental condition except for a warm rather than cold swim, produced no such latency difference. These results are consistent with Gary Berntson's finding that nicotine increases the pain threshold in rats as measured by the tail flick test.

In a second study we looked at the effect of chronic nicotine treatment on rats' shuttle box performance following cold swim stress. We had hypothesized that injecting rats with nicotine hydrogen tartrate (.5 mg/kg) four times daily for six weeks would enhance their ability to cope with stress. In order to test this hypothesis we chronically injected twenty-two rats with either nicotine or saline for six weeks. On test day six rats from each injection condition were stressed with a four-minute cold swim (2°C) and five from each injection condition were given a four-minute warm swim (28°C). Thirty minutes post-swim each rat was tested in a shock avoidance task. Rats that were stressed with the cold swim took significantly longer to cross the barrier in the shuttle box than rats given the nonstressful warm swim. Rats chronically injected with nicotine that were stressed with a cold swim did not perform better than the saline injected cold swim rats. In addition, the behavior of saline- and nicotine-injected warm swim rats did not differ. Thus the latency effect produced by nicotine under acute conditions was not produced under chronic conditions.

Nicotine Discrimination Learning by Rats—Levy

During the past few months we have been exploring the feasibility of using a nicotine-saline discrimination task as a tool for studying the central nervous system effects of nicotine. To date, seven rats have been trained to discriminate a nicotine injection (.2 mg/kg) from an injection of isotonic saline. These rats are currently being tested with R-(+)=nicotine (.2mg/kg and 2 mg/kg) as the bartrate salt to see if the central nervous system effects of R-(+)-nicotine are similar to those of S-(−)-nicotine. Our data suggest that R-(+)-nicotine at a dose of .2 mg/kg is more like saline than S-(−)-nicotine. However, at a dose of 2 mg/kg the R-(+)-nicotine is similar to S-(−)-nicotine.

Another group of eight rats is currently being trained to discriminate nicotine (.4 mg/kg) from saline and will be tested using tobacco alkaloids such as anabasine and nornicotine.

The Annual Monitoring Study—Ryan

We completed first Annual Monitoring study, providing the baseline data with which later Monitoring studies will be compared. This research asked a large national panel (N–2711) to rate five cigarette models for strength and acceptability. The cigarettes tested had nominal deliveries of 5, 9, 16, 17, and 21 mg FTC tar, with commensurate nicotine values.

The 13 and 17 mg models had the highest acceptability ratings, the 5 mg model had the lowest acceptability rating, the 9 and 21 mg models being of near-equal, intermediate acceptability. The strength ratings increased with delivery, the 5 mg being rated weakest and the 21 mg rated strongest.

Of greatest immediate interest was the observation that relative acceptability was dependent on the delivery of the smoker's own brand. Thus, the ultra-low delivery brand smokers (Now and Carlton) gave high acceptability ratings to the lowest test brand, with systematically declining ratings to higher delivery brands; the Merit and Kent Golden Light smokers gave their highest rating to the 9 mg model, with systematically declining acceptability to the higher delivery models, and the full flavor smokers top rated the 19 mg model, with declining ratings to the lower delivery models.

It is impossible to decide from this single test whether smokers have assorted themselves into brand loyalties on the basis of preexisting tastes (i.e.—people who like weak cigarettes gravitate towards weak cigarettes by trying available brands until they meet one that fits their taste, while people who like full flavor sample until they end up with a full flavor brand) or whether having been smokers of a certain brand for some time for unspecified reasons they consider other deliveries less acceptable to the extent that they differ from their accustomed brand's delivery.

Stimulus Seeking Among Smoker and Nonsmoker Introverts and Extraverts—Ryan

We completed study of stimulation-seeking behavior among smoker and nonsmoker introverts and extraverts. The data suggest that nonsmoker extraverts seek more stimulation than nonsmoker introverts as Eysenck has suggested. It had been hoped that smoke extraverts would respond differentially when allowed to smoke and when smoke deprived, in that the effects of nicotine in the system would cut down on the smoker's need for external stimulation, but the differences were inconsequential. Whether allowed to smoke or deprived of smoke, the smoker extraverts sought about as much stimulation as the nonsmoker extraverts.

Smoking Effects Upon Learning Nonsense Syllables—Ryan

We completed study of effects of smoking low nicotine and moderate nicotine cigarettes on the learning of nonsense syllables and words. The data fail to substantiate the hypotheses that smokers would be worse than nonsmokers, or that smoking moderate delivery cigarettes would retard rote learning more than smoking low delivery cigarettes. The observed smoke differences are best attributed to chance.

A Theoretical Model of Cigarette Smoker Motivation—Ryan

We developed theoretical position relating total daily cigarette consumption to two types of stimuli: internal stimuli caused by deficits or surfelts of nicotine (or some unknown smoke components) and external stimuli which habitually trigger or inhibit smoking regardless of internal cues.

The adoption of this point of view by members of the staff will lead us to recognize that apparent failures of nicotine compensation model may not in fact be failures at all, and that nicotine compensation is a real phenomenon which is masked by the fact that smokers smoke many cigarettes out of habit rather than need. We began testing the theoretical model to determine the extent to which situational cues rather than nicotine need determine the smoking behavior of college students. This study is in progress.

Establishment of an Electroenceonalographic Laboratory—Gullotta

The major objective this year has been to set up a functioning psychophysiology laboratory. Setting up the physical work space was relatively easy, since it merely required the modification of the existing sound-attenuated chamber.

Selecting and acquiring the equipment is taking more time. A Grass model 780, EEG machine, with eight EEG channels and five polygraph channels was selected. This instrument will be capable of monitoring many physiologic functions including EEG, EMG, heart rate, respiration, temperature, etc. It is scheduled to be delivered in mid-January 1978. Grass has loaned us a machine for the interim. A research model photostimulator has also been ordered from Grass. It will be used in visual evoked response studies.

A techtranix-5111-storage-oscilloscope and a-C-5A ascilascope camera has been received. They will be used both for general laboratory procedures and to provide graphics for the computer system.

A computer system has been decided upon and ordered. After a great deal of investigation, thought and discussion, a Data General Micro Nova system was selected. It will be interfaced with the Level 6 and Sigma 9 systems and will provide the capability for planned investigations.

We have developed and obtained legal approval for an informed consent form. This was necessary in order to bring students into the laboratory for experiments involving psychophysiological monitoring.

Periodic trips to the EEG laboratory at MCV were undertaken to gain experience in recording the EEG patterns in humans. The staff at MCV has proven extremely cooperative and helpful in this regard. It is also anticipated that this source will be of potential use on future research projects.

To date, over twenty EEG recordings have been performed on approximately a dozen PM R&O employees as preliminary work.

A Heart Rate Study—Gullotta

This study was undertaken to assess the effects of two experimental cigarettes on heart rate. The two cigarettes were both denicotinized Marlboro-like blends, the experimental version having had nicotine citrate sprayed on before making. The control delivered approximately 0.3 mg and the experimental 0.7 mg of nicotine. Tar content and RTO did not vary.

R&D employees were used as subjects. In the experiment, they smoked the two experimental cigarettes and regular Marlboros. In addition, controls consisting of puffing on an unlit cigarette and not inhaling a lit cigarette were employed.

With 10 subjects, the heart rate changes were seen to be positively related to available inspired nicotine; the greatest increment occurred on smoking regular Marlboros, the least change occurred under control (no smoke) conditions and an intermediate change occurred with the 0.3 mg nicotine cigarette. Results with the 0.7 mg nicotine experimental cigarette were ambiguous. Additional data are being collected.

Exit Cigarette Brands—Ryan

Available data based upon the exit brand (last brand smoked) of people who have quit smoking (nonmenthol filter cigarettes within a year prior to being polled, suggest that the proportion of such quitters who smoked low delivery brands is about twice as great as the market share of those cigarettes would indicate.

Our data do not enable us to determine whether this means that low delivery cigarettes enable smokers to wean themselves from nicotine, or whether it means only that people who are concerned about their health (and so smoke low delivery, "safer" cigarettes) are more likely to quit smoking than are those who are *not* concerned about their health. The study, rather than providing answers, prompts us to ask more specific questions.

Acquisition of a Behavioral Research Consultant

Prof. Gary Berntson of Ohio State University has become affiliated with our program as a consultant. Prof. Berntson's own research program has been partially funded by PM R&O for several years.

Other Extra PM Work Promoted by PM R&O

(A) Dr. Rosecrans at MCV—With protracted intervals between steps, we reached the point in November of granting a nominal sum of money to underwrite a study of human ability to discriminate between nicotine and no-nicotine bodily states. The delays have resulted from the reluctance of the MCV Ethics Committee to approve the infection of nicotine in human studies. The initial study will be of smoke inhalation where control and experimental cigarettes are minimally distinguishable organoleptically although differing in nicotine deliveries.

(B) Prof. Bernston at Ohio State—With supportive PM R&D funding, this investigator has completed two studies in 1977. He reported to the Annual Meeting of the Psychonomic Society that nicotine (O. 16–0.50 mg/kg) greatly reduced pain sensitivity to thermal stimulation in the rat as measured by the tail-flick test and the hot-plate test. This finding and preliminary findings of other studies suggest that nicotine may selectively reduce visceral pain without reducing somatic sensitivity.

Prof. Bernston has obtained authorization by the Ohio State University Ethics Committee to pursue this line of investigation with humans, with implicit approval to inject nicotine. We are requesting that he conduct the nicotine discrimination work originally discussed with Rosecrans, in view of his capability of injecting nicotine in humans.

In a study with cats he found evidence that the basic sensory sensitivity of the animals remained unaltered by nicotine, as well as their motor responsivity, such that previously reported changes in aggressivity induced by nicotine now appear more clearly to be centrally mediated.

(c) Or Kazlowski at Wesleyan-University—This investigator reported completion of a study partially supported by PM R&D funds (1976) in which he observed no changes in puffing behavior as a function of experimentally induced changes in buccal pH.

To: Dr. T. S. Osdene
From: J. I. Seeman
Subject: Nicotine Program
Date: March 15, 1978

This summary and evaluation represent the cumulative influences of a number of discussions with Carolyn Levy and Ted Sanders and myself. However, these conclusions may not in every respect correspond directly to the ideas of CL and TS.

An effective nicotine program must include both peripheral and CNS bioassays. The former are being preferred under contract, and we must await the full reports before being able to make conclusions either about the results or the testing program itself. It is clear that CNS studies represent the most complex, state-of-the-art concepts. Ultimately, the isolation and characterization of the nicotine CNS receptors are the major goal. Many steps must come first. These include (1) pharmacological location of sites of nicotinic action using both cannulae and various tissue sections; measurement of electrochemical activity following drug administration; (3) various techniques including photoaffinity labeling and binding studies as aids at receptor isolation (4) receptor identification and characterization (against and antagonist activity).

Currently, Abood has begun work involving a "prostration syndrome." He is initiating synthetic work aimed at preparing suitable photoaffinity labels. Goldstein, at the present, has not applied his "bag of opiate tricks" in the nicotine area and is doing only T-maze behavioral studies. He is unquestionably going to pursue the nicotine-receptor question vigorously.

Ultimately, we and others (perhaps we have not considered in detail "the others" except for Abood and Goldstein) will be successful in the "steps." What can be requested at the present in terms of "outside help" is clearly limited by what is available.

I believe that we should rely on C.L. for all behavorial studies. This will undoubtedly require more rats and testing equipment. However, the behavorial work is key to the testing program.

Binding studies with DeVries at MCV can be initiated. He is currently interested in a variety of nicotine CNS receptors. Metabolism work which Castagnoli would give use information with respect to biological stability of any analogues.

For the present, I cannot believe that "we should cancel" any opportunities with Goldstein who is clearly by-far the most sophisticated experimentalist and theoretician of the outside investigators. I have some suggestions relative to our initial response to his current request for materials.

In summary, I believe that the key note in this memo is that we must devise not a shopping list for todays needs but a policy for the program as a whole.

To: Dr. T. S. Osdene
From: J. I. Seeman, C. J. Levy, and E. B. Sanders Nicotine Program: Specific Implementations
Date: March 31, 1978

The memo of March 21, 1978 to you from us outlined in detail the long-term nicotine program, including sections on (a) receptor isolation, identification and characterization; (b) pharmacokinetics; (c) CNS testing (behavorial aspects); (d) peripheral bioassays; (e) synthetic organic chemistry; (f) chemical property evaluations; and (g) smoking studies.

The purpose of this memo is to specifically detail the additional experiments needed in the immediate future, with the assumption that projects already in progress will continue at their present rate.

A. CNS Behavorial Testing

Nicotine discrimination, self-administration and tolerance studies will enable us to examine the cueing and reinforcing properties of nicotine and nicotine analogues in rats. These are the state-of-the-art biossays for central nervous system activity which we believe will serve as useful models of human smoking behavior. Implementation will require an additional 400–500 sq. ft. of laboratory space for animal housing and testing facilities, one-half technician, one B.A. professional, and $15,000–20,000 of capital expenditure for housing and testing purposes.

T. S. Osdene
Nicotine Program: Specific Implementations
March 31, 1978
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B. Molecular Basis of Nicotine Pharmacology

We must begin to gain expertise in experimentation dealing with nicotine receptor technology. Initial studies will involve the determination of nicotine and nicotine analogue binding with various biological membranes. Studies of this type are currently being performed at a number of academic institutions. For example, Prof. George DeVries has contacted us suggesting a possible collaboration along these lines; he will conduct the biological studies on our nicotine analogues. In this particular case, no request for financial support has been made. It is possible that other collaborations may require such aid. We suggest initiating these experiments on a modest scale through the aid of outside collaborations. Should results be particularly interesting and important, we can then consider in-house experimentation.

C. Nicotine Analogue Preparation and Chemical Evaluation

This work involves the preparation of the analogues and physical and chemical evaluation of their properties. Significant continued reliance on the Analytical Division is necessary, and in certain areas, increased responsibilities by them will be necessary. A.B.S. professional is necessary to serve as back-up to this work.

Please note that surgical procedures will be required for certain of the behavorial studies.

It is important to reemphasize that better communications with the peripheral bioassay evaluation group in Germany must be established, and that shorter response time for our questions and our bioassays is essential. Additional and/or replacement bioassays must be required by this group.

Finally a decision with regard to collaboration with Dr. Abood is in order.

RESEARCH AND DEVELOPMENT FIVE YEAR PLAN—1979–1983

September 1978

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IV. Fundamental studies of the product and its users

Fundamental research at R&D consists of long-range investigations aimed at discovering basic scientific principles about the nature of our product, its components and its users. We seek essential knowledge which can be applied to the practical problems of cigarette design.

Objectives	Strategies
To extend our knowledge of nature of tobacco and smoke.	Continue to study the precursor/product relationships in tobacco and smoke
	Analyze the chemical interactions of smoke on physiological systems
	Study the relationship of cigarette paper composition to smoke delivery, principally carbon monoxide and nitrogen oxides
	Continue to study smoke flavor and how to manipulate it to achieve desired subjective response
	Investigate tobacco characteristics that affect expandability
	Refine analytical methods for tobacco and smoke components, using the most advanced instrumentation possible
To extend our knowledge of the nature of water in tobacco.	Evaluate changes in tobacco expandability and filling power as a function of moisture-absorbing utility
To extend our knowledge of the nature of combustion and pyrolysis.	Refine models of cigarette combustion
	Apply cigarette combustion and pyrolysis models to the design of cigarettes
To control gas phase constituents	Continue research on control of gas phase constituents including carbon monoxide, nitrogen oxides, hydrogen cyanide, and acrolein
	Learn more about smoke aerosol and how to manipulate it to improve product quality
To identify the smoke components sustaining cigarette smoking and describe the motivational mechanism.	Monitor changes in smoking behavior as a function of changes in the composition of smoke

We will continue to coordinate multidisciplinary research to determine the role of water in tobacco filling power. Specifically, we hope to learn how to manipulate the water in tobacco in order to change and control filling power. Emphasis will be placed on water exchange processes which occur in ordering, reordering and expansion. Information developed from this program will be applied to improve the economics of our manufacturing processes.

In our program on cigarette pyrolysis and combustion, we seek knowledge which will contribute to the design of cigarettes with controlled delivery. We are investigating the mechanics of how specific compounds are formed in smoke. Experiments are being conducted in the kinetics of smoke generation as a function of the physical and chemical properties of the cigarette.

We have recently intensified investigations of the physical and chemical properties of smoke aerosol. This work is relevant to filtering specific tar elements and modifying subjective response to smoke. By altering filter geometry, we have noted a change in subjective response without changing tar delivery. We will continue to explore ways of changing filter design and hence the pattern of mainstream smoke.

Nicotine may be the physiologically active component of smoke having the greatest consequence to the consumer. Therefore, we are studying the differences in physiological effects between nicotine and its analogues to determine the mode of nicotine action. If acquired, this knowledge may lead to a substance which will produce the known desirable nicotine effects and greatly diminish any physiological effects of no benefit to the consumer.

Fundamental Studies of the Product and Its Users (continued)

[From Philip Morris, Richmond, Virginia]

To: Dr. T.S. Osdene
From: W.L. Dunn
Subject: Plans and Objectives—1979
Date: December 6, 1978

All of the effort of the Behavioral Research Laboratory is aimed at achieving this objective: To understand the psychological reward the smoker gets from smoking, to understand the physchophysiology underlying this reward, and to relate this reward to the constituents in smoke.

The rationale for the program rests on the premise that such knowledge will strengthen Philip Morris R&D capability in developing new and improved smoking products.

In pursuit of this knowledge, three somewhat independent lines of investigation are underway:

1. The effects on nicotine and nicotine-like compounds upon animal behavior.
2. The effects of smoke and smoke constituents upon the electrical activity in the human brain.
3. The effects of changes in smoke composition upon puffing behavior, inhalation behavior and descriptive statements by the smoker.

Animal Behavior Studies (Levy, Young and Rowsey)

A major objective of the comparative research effort is to develop behavioral tests which are sensitive to the effects of nicotine and can be used to screen nicotine analogues for central nervous system (CNS) activity. The studies which aim to meet this objective as well as the objective of learning more about the reinforcing properties of nicotine are described below.

1. *Nicotine Discrimination.* In this test rats are trained to discriminate nicotine injections from saline injections based upon the CNS effects of the injections. We have been using this test to screen a variety of nicotine analogues and plan to continue doing so during 1979. This test is important because it allows us to determine if test compounds produce cues (subjective effects?) similar to those of nicotine.

2. *Tail Flick.* Nicotine has been shown to have analgesic properties as measured by the tail flick test, and apparently this effect is centrally mediated (Sakley and Berntson, 1977). We have completed some tests using this procedure and will continue doing so in an effort to determine if it can be used as a preliminary quick and objective screen for analogues.

3. *Monitoring of Motor Activity.* Stolerman, Fink and Jarvik (1973) have reported that the depression of spontaneous locomotor activity can be used to monitor the development of tolerance to nicotine in rats. We plan to explore the feasibility of using a similar test to screen analogues for nicotinic activity and also to evaluate cross tolerance between nicotine and nicotine analogues.

4. *Prostration Syndrome.* A prostration syndrome in rats has been described by Abood, Lowy, Tometsko and Booth (1978) which appears to be mediated by central noncholinergic nicotinic receptors. This simple behavioral response is elicited by the intraventricular administration of 2–10 µg of (−) nicotine bitartrate. We plan to implant rats with cannulae in the lateral ventricles and then inject a variety of nicotine analogues into the brain to determine if they elicit the prostration syndrome.

5. *Nicotine Self-Administration.* A few recent studies have demonstrated that intravenous nicotine is reinforcing to rats since they can be taught to self-administer it. (Hanson, Ivester and Morton, 1977; Lang, Latiff, McQueen and Singer, 1977). We plan to replicate these studies to determine a) if this behavior can be blocked by cholinergic antagonists, b) if it is dose-responsive and c) if it will extinguish rapidly when saline is substituted for nicotine. We feel that this paradigm may be a useful animal model of human smoking behavior.

6. *Rat EEG.* If time permits, we plan to collect some preliminary data in which the dependent variable will be the rat's ongoing EEG activity. The purpose of this type of study will be to a) compare the effects of nicotine on the rat and the human brain and b) determine if we could use data of this type to

evaluate the nicotinic properties of nicotine analogues.

Electroencephalographic Studies (Gullotta and Spilman)

The major objective of all of the studies to be conducted in the neuropsychology laboratory is to understand the interrelationships between cigarette smoking and the human brain. In so doing, we hope to further elucidate how and why people smoke. The studies outlined below are directed toward achieving these goals.

1. *The Effects of Cigarette Smoking on the Early, Late and After-Discharge Components of the Visually Evoked Response.* To date data accumulation is approximately eighty percent completed. We should finish running subjects in January. Statistical analysis of the results will be a lengthy process, but it is anticipated that the analyses will be completed by the end of the first quarter of 1979. A completion report will be written at that time.

2. *A Search for Other Evoked Responses which are Sensitive to Cigarette Smoking.* We wish to identify a number of dependent measures which change following cigarette smoking. Evoked responses seem to be a fruitful area of research. The precise nature of the research we will engage in will depend on the results of the current VER study; however, three avenues of investigation seem likely:

A. *Visually Evoked Responses from Association Cortex.* We are currently studying VERs recorded from the primary sensory cortex. However, VERs may also be recorded from other areas of the brain, including the "association cortex." Evoked responses recorded from association areas are particularly sensitive to and modifiable by behavioral variables such as attention, learning and cognition. Since cigarette smoking has been suggested to influence these variables, association VERs might provide important information about the neuronal circuitry involved.

B. *The Auditory Evoked Response.* The evoked response to pure tones delivered to the auditory system is quite sensitive to pharmacological intervention. Several studies on the effects of cigarette smoking or nicotine administration on the AER has been done, but the results are ambiguous. Some researchers find no changes in AERs following smoking or nicotine administration, whereas others report decreases. It is important to know whether and how this measure is influenced by cigarette smoking.

C. *The Somatosensory Evoked Response.* Very little evidence exists regarding the effects of cigarette smoking or nicotine administration on the somatosensory evoked response to either electrical or vibratory stimulation. This response, however, seems to be very sensitive to many classes of pharmacologic agents and behavioral states. It is possible, therefore, that the SER might be a very responsive index of cigarette smoking.

3. *The Effects of Cigarette Smoking on the Electroencephalogram.* Numerous studies have shown that both cigarette smoking and nicotine administration result in EEG activation, followed at various intervals, by EEG synchronization. However, those studies employing cigarette smoking as the independent variable have certain methodological shortcomings which need to be rectified. We propose replications of these studies using more appropriate controls.

4. *Long-Term Smoke Deprivation and the Electrical Activity of the Brain.* In terms of the electrical activity of the brain, there can be little doubt that smokers and nonsmokers are very different. It is also true that the brains of deprived smokers are quite different from the brains of both nondeprived smokers and nonsmokers.

Were the brains of smokers always different from nonsmokers, or did the brains change in some fashion following experience with tobacco? These are difficult questions to answer. Yet, some insight into these questions might be gained by a study which followed quitters over long intervals. Such a study would necessarily be a long-term longitudinal endeavor. We would need to solicit volunteers who were intending to quit, accumulate prequitting baseline CNS measures, then restudy these individuals periodically for as long (within reason) as they remain quitters.

5. *A Comparison of Three Routes of Nicotine Administration on Physiologic Function.* We have discussed this study with Dr. Arthur Ryan and he has agreed to lend us the medical personnel necessary to carry out this study. In addition he has agreed to be available for consultation as needed.

In essence, this study involves a comparison of three different methods of nicotine administration: inhalation, ingestion, and intravenous injection. The dependent measures would probably be the EEG, VER, heart-rate, blood pressure, and blood nicotine levels. A small group (five or six) of subjects will be used and will be brought into the laboratory between six and eight times. Dependent variables will be measured prior to and at several intervals, subsequent to nicotine administration.

This experiment should help answer several important questions. For example, what is the relationship between blood nicotine levels and CNS activity? How soon following a given method of nicotine administration are effects seen in the CNS, and for how long? How are the human studies employing cigarette smoking similar to or different from animal studies employing nicotine injection?

Smoking Behavior Studies (Ryan and Eaust)

The focused objective of this area of study is to relate the intake of nicotine and its presence in the body to the occurrence of other behaviors, including subsequent smoking behavior.

Question 1. *To what extent is the presence of nicotine in smoke detectable by smokers?* To answer this question we need to conduct two types of studies and make two types of measurement. The study types will be (A) an absolute threshold study, in which smokers will be given "nicotine-free" and very low nicotine cigarettes and asked whether they contain nicotine. The subjects' ability to verbalize the presence of nicotine is the first type of measurement. As a second type of measurement we will look for a change in heart rate (HR), which is customarily associated with nicotine intake in most deprived smokers. It is possible that there would be a physiological (HR) effect at a level different from the level at which verbalization takes place.

Study (B) will be a difference threshold study, in which we try to find how small an increment (or a decrement) of nicotine in smoke can be detected as an increase (or a decrease) by the smoker. If the just noticeable difference (JNO) is small, the nicotine delivery of cigarettes may be expected to play a more important role in the evaluation of cigarette acceptability than if the just noticeable difference is large. Again we will make 2 types of measure—subject ratings that this cigarette has more nicotine than that cigarette, and a monitoring of heart rate. The heart rate changes should not be important in this case, for the subjects will be getting nicotine from each cigarette. However, we may see differential HR increases while smoking the first of the two cigarettes being compared.

Question 2. *To what extent is the ability to detect the presence of nicotine in smoke masked by other smoke components?* There are three ways to answer this question: One is to present the nicotine without the smoke, a second is to hold the nicotine delivery constant while varying the quantitative amount of other smoke components (e.g. FTC tar), and the third is to add qualitatively different smoke components (e.g. menthol or anise flavoring). Since all three approaches involve novel manipulations in the smoke (aerosol) delivered to the smoker, we anticipate that the year's efforts devoted to this question will be consumed in the experimentation required to develop the cigarettes.

Question 3. *To what extent does the presence of detectably more or detectably less nicotine in smoke affect the acceptability of low delivery cigarettes?* This question is related to the optimal nicotine/tar ratio, a problem we have addressed before at higher delivery levels. Implicit in the second question was the assumption that nicotine's effect may be different at different tar deliveries, for its detectability is expected to be different depending upon the masking effect of the tar borne flavors. Consider the following table of 85 mm brands arranged by FTC tar delivery:

Product	Nicotine	FTC Tar	Nicotine/ Tar
Carlton	.20	1.5	.125
Now	.22	1.8	.122
True	.44	4.8	.092
Decade	.45	4.9	.092
L&M	.64	7.4	.086
Tareyton Light	.71	7.6	.093
(Kent) Golden Light	.71	7.7	.092
Spirit	.90	8.0	.112
Merit*	.66	8.3	.080
Viceroy Xtra Mild	.86	9.1	.095
Real	.87	9.1	.096
Raleigh Lights	.86	9.2	.093
Parliament*	.78	9.3	.084
Camel Light	.97	10.0	.097
Vantage	.87	10.7	.081
Marlboro Light*	.82	11.4	.072
Kent	1.04	12.6	.083
Winston Light	1.11	13.5	.082
Doral	1.13	13.8	.082
L&M	1.01	14.7	.069
Tareyton	1.01	14.8	.068
Raleigh	1.02	15.6	.065
Lark	1.26	17.4	.072
Marlboro*	1.12	17.8	.063
Camel	1.38	18.8	.073
Winston	1.41	19.6	.072

The table suggests that Philip Morris brands (asterisked) have *lower* nicotine/tar ratios than do other brands with about the same FTC tar delivery. Marlboro has the lowest ratio on the list, Marlboro Lights has the lowest ratio among brands delivering less than 14.0 mg tar, and Parliament has the second lowest and Merit the lowest ratio among brands delivering less than 10 mg tar. The table also suggests that nicotine/tar ratios go up as tar goes down, and that our competitors' brands such as Golden Light, Now and Spirit (in test market) seem to be higher in nicotine delivery than we would otherwise expect from our own experience with low delivery cigarettes. The reason for the low PM ratios seems to lie in tobacco processing procedures. The reason for the high ratios at low tar may be that high efficiency filters catch relatively more tar than nicotine when compared to low efficiency filters, and that this effect is enhanced by air dilution. We suspect that in some cigarettes the use of high alkaloid blends may also be an important contribution to the higher ratios.

It appears therefore that the mechanics of cigarette engineering and the deliberate decisions of our competitors are such as to suggest that *high* nicotine/tar ratios be used at ultra low tar levels. But traditionally our brands have been successful with *low* ratios. Whether this will bear true at a very low FTC tar delivery as it has been heretofore at higher deliveries, we do not know. We have heard some people suggest that low tar cigarettes may need nicotine supplements to be rated acceptable. On the other hand, we have heard others suggest that people who smoke low tar products want as little tar and nicotine as they can get, which suggests that a *low* nicotine/tar ratio might be preferred. Still others feel that ratio size won't make any difference at all, that "all you have to do" is get the smoker accustomed to a cigarette and he'll come to call its characteristics his preferred characteristics.

To shed further light on this problem we will evaluate low delivery experimental cigarettes in the 5–7 mg FTC tar range but with nicotine levels which are discernibly higher than, equal to, and lower than the typical level expected of cigarettes in this range (which would be .53 mg). To determine how much higher or lower we must go, we'll consult the results of the JNO study and the absolute threshold study.

One of the reasons for conducting the JNO study now becomes apparent, for it would make no sense to ask smokers whether they preferred cigarette A or cigarette B if A and B could not be told apart.

Question 4. *Tar delivery being the same, what are the behavioral consequences of smoking low nicotine rather than high nicotine cigarettes?*

This question will be answered by conducting a series of shift studies using cigarettes of similar low tar but differential nicotine deliveries. The low nicotine delivery will ensure that total nicotine in the system remains at or near the nicotine need threshold, thus maximizing the proportion of the day's cigarette consumption which is smoked out of need and minimizing the nicotine augmentation from those cigarettes which are smoked out of habit.

The results may shed light on the manner by which nicotine control is achieved.

Question 5. *To what extent do "mouthfeel" factors affect the taste and acceptability of cigarettes?* We begin to answer this broad question by asking a narrower one: To what extent does salivation affect the taste of cigarettes?

We ask the question because low tar triers often complain that low tar products taste "hot and dry." This may mean that the smoke is in fact hot and dry, but it is more likely to mean that the smoker's mouth is hot and dry—which suggests that salivation could affect the sensation.

We will investigate this by sampling the saliva quantity present in the mouth during and after smoking cigarettes of differential delivery. Both nonmethols and menthols will be used as it is possible that menthol may affect salivation.

If saliva flow is found to be relatable to delivery, then we can investigate compounds which may counter the effect.

Annual Monitoring Study. We have twice presented a large national panel with five widely differing types of cigarettes to be rated on acceptability, seeking to find whether low delivery cigarettes are becoming more acceptable. So far the evidence, based on the changes from 1977 to 1978, is slim. We will repeat that test in the spring of 1979, examining changes since '78 and since baseline data in '77.

Diary Study. We will finish our first diary study during January, '79. Only data analysis and final writing remains to be done. It is possible that we will employ this technique again, but with fewer subjects selected from a nonstudent population.

Inhalation Studies (Dunn)

We have failed to find convincing evidence of regulation of smoke intake when observing number of cigarettes smoked, puffing patterns, etc. Nor have we found such evidence when looking at inhalation measures in the laboratory. Nevertheless there are compelling reasons to suspect that the smoker does accommodate his smoking behavior to smoke composition. We suspect that the regulation occurs in inhalation patterns and that the regulation was obscured by the laboratory conditions under which we made our earlier observations. We did, in fact, establish that the smoker has great latitude in altering intake at the inhalation level. Inhalation is the final volitional act whereby the smoke is transported from the mouth to the site where smoke constituents cross the tissue barrier to enter the bloodstream.

Our working hypothesis remains that the smoker does alter inhalation in response to cues of smoke composition and that these alterations can be observed under natural smoking conditions if recording procedures are made sufficiently unobtrusive.

Our objectives for 1979 are two-fold:

1. To complete development of an electronic recording device for continuous, unobtrusive monitoring of smoke inhalation (collaborative with Electrical Engineering).

2. To apply the recording device to the investigation of smoke inhalation patterns and those variables which influence them.

We have established the following criteria to be satisfied before the device is judged acceptable:

1. Measures are demonstrated linear within operating range.

2. Measures can be calibrated with spirometer.

3. Baseline drift over 6 hr. period controlled or compensated.

4. Extraneous variables controlled.

5. Monitoring can run continuously for 6 hours.

6. Body movement error minimized and residual effect randomized.

7. Smoke laden inhalation peak is labeled.

8. Obtrusiveness judgementally not distorting smoking behavior.

We will initiate the following sequence when the device becomes available:

Preliminary Exercises

Procedural refinements and development of criteria for subject's habituation to device.

Study 1 (N=4)

Establish Smoker's Inhalation Profile in terms of:

1. Inhalation volume
2. Retention time
3. Depth (Volume/Vital Capacity)
Σ daily inhalation volume
5. Puff interval
6. cigarette interval

Study 2 (N=4)

Investigation of state variables influencing profile parameters:

1. Heart rate
2. Heart rate Δ
3. Preceding cigarette interval (controlled and uncontrolled)

Study 3 (N=4)

Inhalation profile changes as a function of smoke composition changes:

1. Nicotine varied—tar constant
2. Tar varied—nicotine constant

To: Dr. T.S. Osdene
From: W.L. Dunn
Subject: Plans and Objectives—1980
Date: January 7, 1980

In our 1979 Plans and Objectives report we stated that there were three somewhat independent lines of investigation underway. These were:

1. The Comparative Psychology Program—Studies of the effects of nicotine and nicotine-like compounds upon animal behavior.

2. The Electroencephalography Program—Studies of the effects of smoke and smoke-constituents upon the electrical activity of the human brain.

3. The Experimental Psychology Program—Studies of the effects of changes in smoke composition upon puffing behavior, inhalation behavior and the judgmental statements of smokers reacting to those changes.

These three programs are being continued through 1980.

We are adding a fourth area of investigation this year:

4. The Social Psychology Program—Studies of cigarette smoking as a psychosocial phenomenon. Sandra Dunn, Ph.D., Research Psychologist, will be responsible for this new program.

Our aim in this new program will be to contribute to the understanding of how cigarette smoking and the social process influence one another. We will be interested, for example, in how social change effects changes in the behavior, attitudes and self-perception of the smoker, and how, conversely, cigarette smoking can have psychosocial consequences through its manifest involvement in the social situation, and also through its central-nervous-system-mediated effects upon the coping abilities of the smoking social participant.

Details of the three original lines of investigation follow. It is premature to set down concrete plans for the social psychology program. Our initial efforts in 1980 will be to formulate those plans.

I. The Comparative Psychology Program—Levy Replacement, Carron and Allen

The two major objectives of the comparative psychology program are 1) to develop and use animal behavior tests to screen nicotine analogues and 2) to learn more about the reinforcing properties of nicotine. Studies designed to meet these objectives are described below.

Nicotine Discrimination

In this test rats are trained to discriminate nicotine injections from saline injections based upon the CNS effects of the injections. We have been using this test to screen nicotine analogues and plan to continue doing so during 1980 because it has proven to be an extremely sensitive and reliable test.

Tail Flick

Nicotine has analgesic properties as measured by the tail flick test (Sahley and

Berntson, 1977). We have done extensive testing of (−)- and (+)-nicotine using this test. Unfortunately the data were highly variable due to the rats' severe agitation after the nicotine injections. During 1980 we plan to administer nicotine and nicotine analogues intraventricularly in an effort to obtain more reliable data.

Prostration Syndrome

A prostration syndrome in rats has been described by Abood and his coworkers (1978). This response is elicited by rapid intraventricular administration of 2–10 μg of nicotine. We have begun to routinely administer nicotine and nicotine analogues intraventricularly and to rate the resultant prostration. During 1980 we plan to continue using this test to screen analogues. In addition we plan to begin video taping the test sessions, and (in collaboration with F. Gullotta) record from the dorsal hippocampus during testing.

Place Preference

Mucha and Van der Kooy (1979) have reported that a place preference paradigm may be used to demonstrate the rewarding properties of morphine. We plan to use a similar paradigm to examine the rewarding effects of nicotine. Rats will be given nicotine injections in one distinctive environment and saline injections in another distinctive environment for several days. Following this training procedure, the rats will be given a choice between the two environments, and the time they spend in each will be the dependent variable. If the rats spend more time in the environment paired with the nicotine injections, this will suggest that the nicotine was reinforcing to them.

Nicotine Self-Administration

If the reinforcing properties of nicotine cannot be readily demonstrated using the place preference paradigm described above, we will try to get rats to self-administer nicotine through indwelling intravenous catheters using a procedure similar to that of Hanson and his coworkers (1977). If we are successful if getting rats to self-inject nicotine, we plan to determine a) if this behavior can be blocked by cholinergic antagonists, b) if it is dose-responsive and c) if it extinguishes when saline is substituted for nicotine.

II. Electrophysiological Program—Gullotta and Frankovitch

We hypothesize for this program that the smoking act is perpetuated by the salutory effect of smoke inhalation upon certain discrete as yet unspecified neural functions. We take as a premise that the effect will be present and observable in the EEG correlates of these neural functions. Our objectives in all of the following proposed studies therefore are to determine 1) if the effect is discernible in any of the various monitorable EEG patterns and if so 2) whether further knowledge of the nature of the effect can be inferred from its EEG manifestation.

Auditory Evoked Potentials and Cigarette Smoking

This study was begun in late 1979 and should be competed during the first quarter of 1980. It was initiated by reports in the literature which suggest that both nicotine administration and cigarette smoking may influence auditory evoked responses.

In a study using cats as subjects (Guha & Pradhan, 1976) it was found that low doses of nicotine enhanced auditory EPs, while high doses depressed them. In a study using humans as subjects (Friedman, et al., 1974) it was found that cigarette smoking tended to depress auditory EPs. It is extremely important to further investigate the effects of cigarette smoking on auditory EPs. If cigarette smoking does, in fact, depress auditory EPs, this would imply that nicotine has selective effects on the CNS (recall that several reports have indicated that cigarette smoking enhances *visual EPs*).

Cigarette Smoking and the Standard Electroencephalogram

Numerous studies have shown that both cigarette smoking and smoke deprivation affect the EEG. Cigarette smoking results in EEG changes associated with arousal, while smoke deprivation results in the high amplitude, low frequency waves associated with drowsiness.

The EEG studies that have been reported thus far generally fail on one or two accounts. First, most studies have only examined EEG changes occurring over very few cortical areas. Second, the majority of these studies have used rather crude data analysis techniques.

As part of our ongoing program, we have placed electrodes over central, posterior and temporal brain areas and have recorded ongoing EEG activity. We are now in the process of developing a spectral analysis program, which will allow us to perform power spectral density analyses of ongoing EEG data from a number of brain loci under varying conditions of smoking and smoke deprivation.

Central Gating and Cigarette Smoking

Cigarette smoking appears to have opposite effects on visual and auditory evoked potentials. While visual EPs are enhanced by smoking, auditory EPs appear to be depressed. First, nicotine, rather than being a general stimulant, may be exerting a selective influence on brain structures. Second, perhaps nicotine somehow participates in the gating of information by the brain. This gating phenomenon was eloquently demonstrated in 1959 by Hernandez-Péon and has been often replicated. It could be that visual EPs are enhanced at the expense of auditory EPs.

It is possible that cigarette smoking (via nicotine) allows for selective attention in the visual mode by damping input from other sensory modes. We propose to investigate this possible relationship by using cross-modal evoked potentials. Visual and auditory EPs will be recorded in the same experiment, while attention is varied by instructional set.

Cigarette Smoking and Learning by the Brain

A number of studies have shown that cigarette smoking may facilitate certain types of learning. The mechanisms by which this facilitation is accomplished remain to be clarified. The following study may shed light on this problem.

When a dim flash of light is presented to a subject, an evoked response is recorded over specific visual projection areas. No responses are recorded from the auditory cortex. If, however, the dim flash of light is repeatedly paired with a tone, an evoked response to the flash alone will gradually develop at the auditory cortex. This type of learning is called classical conditioning and it is the fundamental building block of many "higher" forms of learning.

We propose to study the effects of cigarette smoking on the rate at which an EP develops at the auditory cortex to light flash. If smoking accelerates the rate at which conditioning occurs, these data would help explain why smoking facilitates certain types of learning.

Cigarette Smoking and Somatosensory Evoked Potentials

We have two reasons for wanting to investigate the effects of cigarette smoking on somatosensory evoked potentials. First, we wish to find out whether smoking influences this response. No literature currently exists on this topic. Any data gathered would increase our understanding of how cigarette smoking influences brain systems mediating behavior. Second, and more importantly, we wish to investigate the proposed analgesic properties of nicotine.

Animal studies from our laboratory (Levy) and other (Berntson) suggest that nicotine may have analgesic effects on certain types of pain. Analgesics affect somatosensory EPs in known ways. If cigarette smoking influences these EPs in a similar fashion, this would be correlative evidence for cigarette smoking possessing analgesic properties in humans.

III. The Experimental Psychology Program—Ryan and Jones

Objective 1: To gain better understanding of the role of nicotine in smoking.

First Approach: To further evaluate the smoker's ability to detect nicotine differences among cigarettes.—The first phase of this research was conducted in 1979, when we found that 9 of 10 smokers could detect nicotine differences (at 6 mg tar levels) if nicotine deliveries differed by 50%. In the second phase of this research we will extend the investigation to cigarettes at the 12 and 17 mg tar levels. These cigarettes have been ordered and should be made in January. We are looking into the possibility of a third phase, in which nicotine detectability is examined at near zero tar levels.

Second Approach: Examine smoker preference for nicotine delivery in very low tar cigarettes.—The first phase of this project consists of having consumers rate the strength and acceptability of 6 mg tar cigarettes with detectably different nicotine contents above and below the levels found in normal 6 mg models. Should it be possible to make ultra low tar models with markedly different nicotine deliveries (see above) then a second phase investigation will examine acceptability and strength ratings for cigarettes with detectably different nicotine deliveries at near zero tar. (We understand that M.A.H. Russell is engaged in similar research in England.)

Third Approach: Examine the changes in body nicotine content pre and post smoking.—Our theorizing on the role of nicotine suggests that cigarettes will be smoked whenever body nicotine content drops below a certain (unknown) level. We can detect nicotine's presence in saliva, where its concentration probably reflects its concentration in blood and tissues.

We are engaged in systematic investigation of the changes in salivary nicotine content as a function of the time since smoking and magnitude of intake. Our first goal is to find the growth and decay curve of salivary nicotine concentrations after different amounts of smoking. As a second step, we will relate the salivary concentrations to the concentration of nicotine in the blood. We have had preliminary discussion of the latter problem with Dr. Arthur Ryan, in our medical Department, and, depending on our ability to identify the salivary growth and decay date, will make a series of blood and saliva concentration measures later in the year.

The exact procedure is as yet undecided, but the data will be gathered from a few volunteer subjects under medical supervision.

Assuming that salivary nicotine concentrations will reflect blood nicotine concentrations, we can then proceed to a fourth stage in the research, relating the easily obtained salivary concentrations to the urge to smoke.

Fourth Approach: Identification of two smoking population subgroups, one of which has greater nicotine needs than the other.—We have described these people in the past as compensators and noncompensators, and attempted to define them by their consumption changes when nicotine deliveries were moderately shifted. However, we've had no great success in the identification to date. Now we may have two extra tools to use: commercial PM cigarettes of ultra low tar and nicotine, and salivary nicotine concentrations. Others, principally at Columbia University, have suggested that shifts to ultra low nicotine cigarettes produce the same type of psychological stress behaviors as quitting. We therefore propose a shift study in which smokers are shifted to an ultra low brand, and the key dependent variable becomes the presence or absence of the withdrawal syndrome. Those who show evidence of nicotine dependence and those who do not can then be used to test our hypotheses on the relationship of salivary concentration to smoking behavior.

Objective 2: To better understand the mechanisms controlling cigarette acceptability.

First Approach: We will continue the *Annual Monitoring of Cigarette Acceptability* for a fourth year. This will exhaust our supply of available cigarettes at 5, 9, 13, 17, and 21 mg tar. It would seem reasonable to change this project slightly in 1981 by adding a 1 mg tar cigarette and dropping the 21 mg model when the next batch of cigarettes is made.

Second Approach: We have noted that some cigarettes produce a greater saliva flow than other cigarettes. This may in part be attributed to the role of nicotine and in part to PTO but it appears also in part related to the presence of other flavorings in the smoke (e.g. menthol). We intend to investigate this phenomenon more systematically, examining the effects of RTD, menthol, WS, etc.

Inhalation Studies—Jones

A method for monitoring respiration has been developed to permit further research on the nicotine titration hypothesis. The question has been asked: When given cigarettes with differing nicotine deliveries, do smokers alter their smoking behavior to regulate or "titrate" the amount of nicotine taken up via inspiration of smoke? The Respitrace Calibrator will be used to address this question, investigating whether smokers alter inhalation patterns when smoking cigarettes with differing nicotine deliveries.

In a series of preliminary trials using 5 subjects, respiratory transducer recordings have been shown to correlate with spirometer readings on the order of .92+, including readings taken up to five hours after calibration. The relationship consistently has been identified as linear. We have isolated several variables which influence the accuracy of the measurements, and they are being controlled—positioning of the tunic on the abdomen and rib cage, posture when taking the readings, slippage of the tunic etc.

Several other variables are currently under investigation.

Plans for 1980 are as follows:

1. Further procedural refinement of the present system. A study of the sensitivity of the calibrator to gain values is planned, as well as development of criteria for the subject's habituation to the device.

2. Procedural refinement for the mobile apparatus which is on order for spring of 1980. These investigations will parallel the work that has been done on the present system, determining the accuracy of the recordings as compared with a standard, identifying extraneous variables and working toward their control, investigating baseline drift across a single day and the variability between days.

3. Application of the mobile Respitrace to research on the nicotine titration hypothesis as detailed in Plans and Objectives, 1979.

Dr. T. S. Osdene

M. C. Bourlas distributed to R. Seligman et al.—

Analytical Research Division—1980 Plans and Objectives

Date: January 16, 1980

A summary of the major Plans and Objectives for the Analytical Research Division is presented below. A more detailed description may be found in the accompanying memos.

The establishment of basic, fundamental research programs and the continuation of these programs to the applied and development stages will be a primary goal for the Analytical Research Division. In addition and of equal importance will be the continuation of providing technical service to the Research and Development staff, the PM Leaf Department as well as PM International whenever our services are required.

I. NUCLEAR AND RADIOCHEMISTRY

The Nuclear and Radiochemistry Group has been charged with the responsibility for the use of radioisotopes and radiation to study how cigarette smoke is formed and is transported out of the cigarette. In order to accomplish this task, the group will be investigating mechanisms of smoke formation by being engaged in labelled precursor-product studies, labelled tracer studies, neutron activation analyses and radiation effects research. The group will continue to maintain the Health Physics responsibility which includes environmental monitoring of the natural radioisotopes. The preparation of labelled tobacco via biosynthesis will also continue in order to accomplish our isotopic studies.

Distribution of effort—fundamental studies, 80 percent; technical services 20.

II. FOURIER TRANSFORM INFRARED EVOLVED GAS ANALYSIS (FT-IR-EGA) SYSTEM

The study of smoke constituents generated during pyrolysis or combustion is important if cigarette deliveries are to be manipulated and controlled. These studies involve establishing the conditions when smoke products form, the rate at which they form, and the effects of secondary factors, such as heating rate and oxygen content, on their formation. For this purpose a FT-IR-EGA System has been developed. The technique will be employed to examine gases generated during tobacco decomposition.

This computer controlled system permits the simultaneous determination of major gas phase constituents and the effects of tobacco processing, expansion and blending. The system will be used to evaluate the denitration processes, effects of oxygen on the thermal degradation of tobacco and, in general, various physicochemical approaches to reduce gas phase components.

Distribution of effort:

	Percent
Fundamental Studies	50
New Product Development	25
Technical Services	25

III. TUNABLE DIODE LASER (TDL) SYSTEM

While a clear picture of the thermal behavior of tobacco is being obtained with the EGA System (above), the TDL System is being developed to monitor both mainstream and sidestream gas phase components under actual smoking conditions.

The increased resolution and sensitivity of the TDL System will permit us to investigate two major areas: 1. The first involves monitoring certain gas phase components in mainstream and, 2. The second is the profiling of gases within a single puff.

In the area of filtration and filter development, changes in dilution as a function of puff number become important. With the TDL system puff-by-puff profiles of many gas phase constituents can be obtained for evaluation of the effect of dilution on gas phase reduction.

A clear understanding of dilution of filtration mechanisms can be greatly facilitated by a detailed knowledge of the rate of delivery of a smoke component within an individual puff. Because of limited detector response time, the profile within a single puff of smoke could not be investigated utilizing conventional infrared instrumentation. Using tunable diode lasers a method will be developed which will allow puff-by-puff variations and the single puff profile of gas phase constituents to be simultaneously recorded.

Major gases which will be monitored included NH_3, acrolein, CO, NO, NO_2 and HCN.

Distribution of Effort:

	Percent
Fundamental Studies	50
Cost Savings	20
New Product Development	20
Technical Services	10

77. PATTERN RECOGNITION ANALYSIS (PRA)/CHEMOMETRIC CHARACTERIZATION OF TOBACCO

The ability to recognize and measure differences in competitor's cigarettes is essential in the design of our own products and in maintaining a clear view of the changes in the cigarette market. The approach taken to obtain the required analytical information has been to develop the necessary methodology to quantitatively measure individual components of tobacco and smoke. This single parameter approach (tar, nicotine, water, PG, RTD, etc.) has permitted us to establish a significantly large data base for comparison purposes. However, the complexity of tobacco processing, changes in filter design, application of new flavors, changes in cigarette dilution, and various alterations made to the tobacco (expansion, denitration) have required that approaches be established and employed to characterize and differentiate between various tobaccos and tobacco blends. Multi-variate data analysis in the form of pattern recognition analysis (PRA) is a versatile tool for extracting information from a well defined data base and is in fact the approach which will be taken to classify tobaccos.

The long-range goal for PRA is to interrelate flavor quality, that is, subjective responses, with analytical data. In our attempts to achieve this goal, computer manipulation techniques and sampling procedures are currently being tested and refined.

Distribution of Effort:

	Percent
Fundamental Studies	20

	Percent
Cost Savings	20
Methods Development	40
Technical Services	20

V. NUCLEAR MAGNETIC RESONANCE (NMR) LABORATORY

Conformational analysis of tobacco and smoke components and those organic compounds which have either flavor or biological implications will continue to occupy the bulk of the activities in the nuclear magnetic resonance laboratory. To this end, strategies have been designed and computer programs written in order to extend the ^{13}C T_1 analysis already completed for nicotine to other compounds. This analysis will yield information regarding internal and overall motion a well as conformational details. An extension of these investigations will be to study a variety of menthol derivatives to establish both the conformation and relative configuration at asymmetric centers.

Distribution of Effort:

	Percent
Fundamental Studies	60
Technical Services	40

VI. MECHANISMS OF TOBACCO EXPANSION—CHARGE NO. 8204

Project No. 8204 will concentrate its efforts on the changes occurring in the non-water fraction of tobacco as a function of expansion. Investigations to date have emphasized the water fraction and its changes upon expansion, however, this has not yielded the complete picture with regard to the mechanism of expansion. Our involvement in this project will be to coordinate efforts in four major areas—

(A) Investigations into the interactions of salts and their distribution within the tobacco cell wall with expansion. Particular attention will be given to calcium. The method of investigation will be the measurement of the rates of cation extraction with various solvent systems using atomic absorption techniques.

(B) FT–IR evolved gas analysis of the various expanded samples, to study the changes in specific tobacco components upon expansion (i.e., sugars, cellulose, pectin, etc.).

(C) EPR studies of the free radical content of expanded samples to gain insight into the effects of heat and air on the tobacco constituents.

(D) SEM microstructural studies in order to access physical cell wall damage as a function of the method of expansion.

These investigations are in various stages of completion at the present time and will be continued throughout 1980.

Distribution of effort:

	Percent
Fundamental Studies	70
Cost Savings	10
Methods Development	20

VII. ANALYTICAL RESEARCH NECESSITATED BY LOW TAR CIGARETTES

A. Significance and Use of Gas Phase (OGPP) Data

As our products aim toward lowered tar deliveries, gas phase delivery assumes a role of greater importance. The techniques employed in the chromatographic separation of tobacco and smoke constituents and subsequent chemometric characterization of tobacco have been shown to provide data that his previously been inaccessible. This data will be correlated with cigarette variables such as blend composition, filter effectiveness, paper types and flavor systems.

B. Significance and Use of Profiling Whole Smoke by Gas Chromatography

The techniques developed for production of high resolution gas chromatographic separation of gas phase components will be applied to whole smoke, especially for the ultra-low tar delivery models.

C. Analytical Procedures Developed for Low Tar Cigarettes

Efforts will be made to develop analytical procedures for the evaluation of low tar cigarettes since the procedures now in use were developed for cigarettes yielding relatively gross amounts of tar. These new procedures will be directly correlatable with the FTC tar number.

An automated computerized technique towards this end is being investigated using the 2-propanol extract of TPM needed for the nicotine and water determination.

Distribution of Effort:

	Percent
Fundamental Studies	40
Methods Development	40
Technical Services	20

VIII. SUPPORT EFFORTS

A. Leaf

Support in this area will be given as a cooperative function with other divisions of R&D as well as areas outside R&D. The changes in the chemistry of aging tobacco as well as chemical changes caused by cultural practices and storage variation will be monitored. In addition to established analytical procedures, some methods development and/or modification will be necessary.

B. Manufacturing

Support will continue to be given to Manufacturing to assist them in problem areas involving tobacco processing. Particular effort is anticipated in the area of tipping paper problems. A great deal of effort will be expended to develop an on-line optical porosity monitor which will be interfaced with the existing laser perforator.

C. International

Support for International is expected to continue. This requested support will be in the form of on-site education and training in the operation of instrumentation as well as troubleshooting. Significant in these areas is the automated determination of TPM, H_2O, nicotine and tar.

NUCLEAR AND RADIOCHEMISTRY OF SMOKE—PLANS AND OBJECTIVES (1980)

I. PRECURSOR-PRODUCT STUDIES

These studies are divided into two broad areas—A. Naturally occurring materials present in the finished cigarette. Examples are the following: 1. What are the major smoke products from tobacco polyphenols? 2. Is nicotine transferred at the same rate from bright, burley, ET, stems, etc.? 3. How much CO is formed from each ingredient in the cigarette? Do the various tobaccos contribute their equal shares to the CO? Does the calcium carbonate in the paper contribute to the CO formed? How much do the sugars, humectants, etc., contribute?

B. Added materials and their contribution to smoke. These are broken down into several areas.

1. Flavor release compounds—Selected candidates will be prepared, labelled and the contribution of each part of the compound to smoke determined. This type of study must be conducted for every new material added to our cigarettes in order to insure that we know what is produced in the smoke stream.

2. Distillable flavors/additives—These materials must also be studied to determine their contributions to smoke in order to ascertain what products are derived from the precursors added.

II. LABELLED TRACER STUDIES

This area will be divided into research and service A. Service—In this area, efforts will be in the use of labelled compounds to determine isolation schemes and recoveries from ours and other projects' research studies. Examples are:

1. The use of ^{14}C-NNN to determine recoveries and to calculate absolute amounts delivered.

2. The use of labelled rutin to establish recoveries (if any) from smoke.

3. The use of neutron activation analysis (NAA) to determine Br and Cl levels in submitted samples.

B. Research 1. Labelled materials will be selectively placed within the cigarette at known locations, and these used to determine smoke formation mechanisms, dilutions and deliveries. 2. Neutron Activation Analysis will be used to follow the fate of the inorganics during smoke formation, i.e., how are the inorganics transferred into smoke, and how do they affect smoke formation?

III. SMOKE FORMATION AND COMPOSITION STUDIES

A. Smoke Aerosol Studies—It has already been demonstrated that the chemical composition of MS nonvolatile smoke is different for different smoke particle sizes. This has important considerations in giving the *smoker maximum impact.* If the desired flavors can be enriched into those particle sizes which have maximum lung retention (or mouth retention if desired), overall concentration in the total smoke can be kept to a minimum. The data will allow us to accurately state just how much of each smoke component in each particle size range comes from each labelled cigarette constituent.

B. Use basic smoke formation knowledge to regulate the delivery of selected smoke constituents. Examples are 1. The use of selected flavor components on the cigarette periphery to give "enriched" TPM in the MS. 2. The use of solid center tobacco cores to "block" the formation and transfer of CO to the MS smoke.

IV. ENVIRONMENTAL RADIOLOGICAL MONITORING

A. Monitor all naturally occurring radioisotopes in our tobaccos and finished cigarettes. These data will be used to monitor any increase in naturally occurring materials in our future tobaccos due to environmental factors similar to Three Mile Island.

B. Conduct all defensive studies regarding naturally occurring isotopes, i.e., the ^{210}Pb-^{210}Po problems of the past, etc.

V. GREENHOUSE FACILITY

The greenhouse facility will provide support in the following areas:

A. Establish the techniques and produce labelled plant materials which will provide the major source for all of the labelled smoke studies at R&D.

B. Provide fresh green tobacco plant materials to all Research & Development projects and other PM departments, as requested.

C. Provide a liaison with R&D , the Leaf Department, Tobacco Industry Committees, commercial companies, Federal and State Agricultural Research agencies, and growers, on a cooperative basis, to test and evaluate any necessary materials and/or tobacco deemed in the best interest of the company.

D. The preparation of all experimental labelled cigarettes in support of all ongoing research studies utilizing Carbon-14 and Nitrogen-15.

VI. MASS SPECTROMETRY LABORATORY

The existing mass spectrometers will be utilized in support of both ongoing and planned Research programs. These programs include the MC Materials Evaluation Program, the synthesis of tobacco flavorants and the evolved gas analysis program which entails the determination of the gases evolved from thermally degraded tobacco. Particular emphasis will be placed using mass spectrometry in tobacco product/precursor studies and especially the nitrogen containing components.

Since the present hardware and software are nearly fully extended, the primary activities over the coming year will be in the area of system investigations. Continuing studies include the denitration, and expansion processes, cellulase treatment, and baseline studies on individual tobacco constituents. The baseline data will also be used in correlation studies on the effects of physical factors (heating rate, flow rate, etc.) on constituent decompositions. Other planned investigations include the effect of genotype and fertilizer application on ammonia and other nitrogenous materials in burley tobacco. Also, the correlation between formic acid evolution and molecular weight of cellulose will be explored further.

SPECTROSCOPY/CHROMATOGRAPHY SECTION

I. *Tobacco and Filler*

A. Tobacco Expansion

OBJECTIVE: Develop data base designed for defining tobacco expansion as functions of physical and chemical parameters

ACTIVITIES:

(1) Investigate salts' interactions and their distribution within the tobacco cell wall using atomic absorption

(2) Study changes in tobacco components using FT-IR and Evolved Gas Analysis

(3) Coordinate efforts of Charge No. 8204

B. Blend Composition

OBJECTIVE: Quantitative discrimination of cigarette blend components

ACTIVITIES:

(1) Investigate and determine optimum methods for sample preparation and analysis by $(GC)^2$

(2) Establish degree of difference of total blend components

(3) Apply chemometric techniques

II. *Smoke*

A. Chromatographic/Chemometric Characterization

OBJECTIVE: Application of chemometric techniques in extraction of information from smoke analyses

ACTIVITIES:

(1) Develop procedures for profiling wholesmoke

(2) Investigate use of mass spectral data as a "third dimension" in GC smoke profiling

(3) Apply ARTHUR to profiled data for correlation with sensory evaluations.

B. Tunable Diode Laser (TDL)

OBJECTIVE: Application of TDL to understanding of parameters affecting smoke component formation and delivery

ACTIVITIES:

(1) Determine mechanism of incorporation of water oxygen atoms in nitric oxide

(2) Quantitate NH_3, NO_2, NO, and acrolein in whole smoke

(3) Develop programs for on-line dedicated computer processing of TDL data

(4) Construct single puff profile (within puff) monitors for CO

(5) Develop infrared laser monitor for routine puff-by-puff quantitation of NH_3

III. *Other*

A. Optical Porosity Monitor

OBJECTIVE: Provide accurate on-line measurement of porosity of laser perforated tipping paper

ACTIVITIES:

(1) Design and build prototype laser monitors for optically measuring porosity of tipping paper

(3) Develop system for tracking perforations as to positioning of holes.

B. Automation

OBJECTIVE: Increase accuracy and capacity for routine GC analyses

ACTIVITY: Apply automaton to routine GC analyses with dedicated or time-shared on-line data collection and report generation

C. Flavor Release Compounds—NMR Studies

OBJECTIVE: Increased understanding of the synthesis and reactions of potential flavor release compounds (in collaboration with Yoram Houminer)'

ACTIVITIES:

(1) Determine stability of methyl pyrazine anions through NMR studies of deuterium exchange kinetics of methyl protons

(2) Examine the conformation of pyrazine ethanols by coupling constant analysis and by studying the effects of various substituents on proton chemical shifts

(3) Assign ^{13}C and ^{1}H spectra of alkyl pyrazines using coupling constant measurements and lanthanide shift reagents

D. Conformation of and Kinetics of Internal Rotation in 2, 4-dimethyl Nicotine

OBJECTIVE: Understanding the energetic factors which determine the solution conformation of tobacco alkaloids

ACTIVITY: Measure the rotational barriers on 2, 4-dimethyl nicotine by ^{13}C NMR lineshape analysis; analyze conformation from coupling constants and Nuclear Overhauser effects

SPECIAL INVESTIGATIONS

The following is a list of plans and capital instrumentation needed by the above section in 1980.

I. *Tobacco and Filler*

A. Complete Development of HPLC Determination of Solonesol in Tobacco and/or Smoke

OBJECTIVE: To assist the flavor transfer group in their evaluation of the lipid portion of the blend for flavor characteristics.

Project Chiefly Concerned—2306

B. HPLC Study on Turkish Tobacco

OBJECTIVE: To do a cumulative collection of selected HPLC peaks from Turkish tobacco extracts for reconstitution into cigarettes. The cigarettes will be subjectively evaluated and the peaks of interest will be identified. This will be a cooperative effort with development.

Project Chiefly Concerned—2306

C. Liquid CO_2 Extraction of Tobacco

OBJECTIVE: To investigate the utility of the apparatus for analytical extractions, particularly for the lipid portion of tobacco. To do HPLC on the extracted material and compare it with other extraction techniques.

Projects Chiefly Concerned—1901, 1503, 8401, 2306

D. Amino Acid Analysis

OBJECTIVE: To determine individual amino acids and peptides on samples of green leaf, cured leaf, expressed juices and protein hydrolysates. The Dionix amino acid analyzer will be used to replace the long tedious gas chromatographic procedure.

Projects Chiefly Concerned—8205, 1503, 1901

E. Organic Acids in Tobacco by HPLC

OBJECTIVE: To develop an HPLC procedure for the determination of organic acids in tobacco. The procedure could replace the tedious extraction and derivatization steps required before the gas chromatographic readout. A 0.5% dicyclohexylamine ion-pairing agent will be the eluting solvent and a C_{18} column will be used.

Projects Chiefly Concerned—1503, 1901

F. Tobacco Protein Analysis

OBJECTIVE: To investigate the proteins in tobacco and smoke. Emphasis initially would be directed toward the separation of tobacco glycoprotein by GPC and HPLC.

Projects Chiefly Concerned—6900, 6906, 6908

G. Amino Sugars in Tobacco and Reaction Flavor Mixtures

OBJECTIVE: To determine the amino sugars formed from the reaction of sugars and amino acids and/or ammonia. The approach will be investigation of the reaction of ninhydrin with amino sugar, making appropriate correction for amino acids.

Projects Chiefly Concerned—8401, 2305

H. Fluoride Selective Ion Electrode for Ionizable Fluoride

OBJECTIVE: This method will be developed in response to a request from Park 500 for a fluoride determination in potassium nitrate crystals isolated from CEL.

Project Chiefly Concerned—8205

I. Evaluation of the Microwave Moisture Meter for Leaf

OBJECTIVE: To assist the Engineering Department in the evaluation of their prototype microwave moisture.

Project Chiefly Concerned—8204

II. *Smoke*

A. Aldehydes in Smoke

OBJECTIVE: To extend the isocratic HPLC determination of aldehydes in smoke with the gradient capability of the new Hewlett-Packard HPLC to achieve better resolution of the peaks.

Projects Chiefly Concerned—8101, 6908

B. FTC Tar by TPM Fluorescence

OBJECTIVE: FTC tar measurement by fluorescence will be made for the study of filter efficiency, sidestream/mainstream ratios and puff X puff data on low delivery cigarettes.

Project Chiefly Concerned—8101

C. Electrochemical Analytical Techniques for Smoke Analysis

OBJECTIVE: These techniques should be investigated as a quick and selective way of determining aldehydes, ketones, alcohols, acids, volatile metals or any material capable of oxidation or reduction.

Projects Chiefly Concerned—6908, 1503, 1901

D. Gel Permeation on Whole Smoke Condensate

OBJECTIVE: To make a comparison of GPC profiles of WSC from cigarette types. The feasibility could be determined on the Waters 202 HPLC using microstyrogel columns and THF solvent. Possibly the isolated PAH fraction could thus be enriched making easier any future analytical determinations of PAH's.

Project Chiefly Concerned—6908

III. *Cigarette Paper*

A. Completion of Tipping Paper Ink/Adhesion Problem

OBJECTIVE: To determine from one lot of paper to another and to be able to correlate these differences with performance on the cigarette maker.

Project Chiefly Concerned—8205

B. Citric Acid in Cigarette Paper

OBJECTIVE: To develop a simple HPLC procedure for citrates in cigarette paper to replace the present gas chromatographic procedure. The procedure will be developed on the new Hewlett-Packard 1084b HPLC. The old DuPont 820 HPLC will be dedicated for this determination.

Project Chiefly Concerned—8101

GENERAL ANALYTICAL CHEMISTRY

I. *General*

A. Provide accurate, precise analytical service as needed to personnel of R&D and other PM departments with a target turnaround time of seven work days or less per request.

B. Consult with the above personnel in order to advise them on ways of obtaining meaningful analytical data to aid them in meeting current and future project objectives.

II. *Tobacco Leaf, Filler, Reconstituted Materials and Process Slurries*

A. Investigate HPLC methods for separation and/or quantitation of (in order of priority):

1. Polyphenols
2. Major and minor alkaloids
3. Sorbate salts and sorbic acid in filler

B. Incorporate a nitrite nitrogen procedure into the nitrate nitrogen method.

C. Conduct a rigorous investigation into all aspects of the petroleum ether solubles method in order to develop a more efficient procedure.

D. Adapt the rapid procedure for hot water solubles to the determination of cold water solubles.

E. Develop a rapid accurate direct method for low levels of insoluble solids in process slurries to aid in improving accuracy of material balance studies.

F. Improve precision, accuracy and sensitivity of the sorbic acid method.

G. Total Nitrogen Determination

1. Maintain contacts with the manufacturer of the LECO NP-28 to lower maintenance requirements and reduce downtime.

2. Investigate the feasibility of the determination of insoluble nitrogen on the LECO NP-28.

3. Investigate other methods of total nitrogen determination, such as pyrolysis-chemiluminesence.

4. Do a critical study of the effect of conditions such as the salt concentration of digests on the values obtained in the Kjeldahl total nitrogen method using the Technicon block digestor.

H. Investigate conditions which affect the reproducibility of barium sulfate crystal formation in the turbidometric sulfate method.

III. *Smoke*

Evaluate the method for NH_3 in mainstream wholesmoke by comparison with values obtained by the infrared spectroscopy group on the diode laser IR spectrometer, with the development of a low cost diode laser instrument capable of routine operation as a goal.

IV. *Miscellaneous*

A. Methods Manual

1. Document all methods in routine use in the General Analytical Section.

2. Consider ways of evaluating circulated manuals for accuracy of content.

3. Utilize computer capabilities for manual indexing and updating.

B. Computer/Microprossor Applications

1. Utilize the existing microprossor or the computer for the automation of the weighing of petroleum ether extractables.

2. Expand the availability of computer-generated hard copy reports.

C. Instrumentation

1. Keep abreast of new developments in HPLC technology to update present equipment, especially new detection systems.

2. Optimize all AutoAnalyzer systems to increase speed and accuracy and decrease reagent use.

D. Personnel Education

1. Continue rotation and cross-training of professionals and technicians.

2. Develop a training program for technicians providing instruction in laboratory skills (complete with written material) necessary in our laboratory.

3. Develop a program of education of both the analyst and submitter so that work performed is both meaningful and necessary.

E. Conduct an extensive study of laboratory organization to determine what changes (e.g., flex time) might result in more efficient operation, then implement those changes.

F. Assume responsibility during the first quarter of 1980 for the receiving, coding, collating and transmittal of samples and data from sources outside of R&D.

BIOCHEMICAL RESEARCH

To: Dr. T.S. Osdene

From: W.F. Kuhn

Subject: Plans and Objectives for 1980—Biochemical Research Division

Date: January 7, 1980

The attached documents are the Plans and Objectives prepared by the individual project leaders in the Biochemical Research Division. These reports represent the areas of research to be explored in 1980 under each charge number. Each project leader prepared his report from the input he received from his colleagues coupled with his own goals for the coming year.

The overall objectives of the Division are threefold and remain essentially the same as outlined in previous reports. First, develop an integrated program for control of insects which infest stored tobacco, processed filler and finished cigarettes. Second, establish a matrix or battery of *in vitro** bioassays for the evaluation of the biological effects of smoke products and apply these assays for the investigation of biological, chemical, and physical parameters of cigarette smoke. Third, develop methods for the collection, isolation, identification and quantitation of tobacco and cigarette smoke components which affect the *in vivo* and/or *in vitro* bioactivity. The main areas of endeavor are highlighted below.

CHARGE NUMBER 1101—ENTOMOLOGICAL RESEARCH

Our effort on cigarette beetle physiological studies will be continued. This emphasis stems from the trend to eliminate the use of highly toxic or residual pesticides as control agents and increase the use of mechanical and physical methods to achieve the desired result. This effort will be focused on: (1) the effect of relative humidity and low temperatures toward beetle growth; (2) the investigation of the comparative attractiveness to the beetle of various colors from the visible spectrum; (3) the initiation of studies on the use of feeding inhibitors; *e.g.*, Neem nut extracts, as possible repellents; (4) the efficacy of pyrethrin alone as a larvicide; and (5) the evaluation of commercially available sex pheromones of the cigarette beetle and the tobacco moth. (Japanese scientists have published the synthesis of a chemical reported to be the sex pheromone of the cigarette beetle.)

The research program on the application of an insect growth regulator, methoprene, was highly successful. These results led to the initiation of a large commercial application trial (16,000 hogsheads) of KABAT—5% methoprene in ethanol—to strip and stem. We will monitor the treated tobacco materials for the presence of cigarette beetles and methoprene residue. These hogsheads will be used to evaluate the effects of various control practices (methoprene only, methoprene+DDVP fogging and methoprene+DDVP fogging+PH_3 fumigation) in separate warehouses. The HTI results of both methoprene treated Marlboro filler and Benson & Hedges filler in relation to appropriate controls will be completed. We will assist in the transfer of KABAT application techniques to Stemmery personnel as the use of material is more widely used throughout Philip Morris, U.S.A.

We will continue to provide consultation and technical service to other Departments within the Company. Such effort will focus on the efficacy of DDVP fogging in warehouses, methyl bromide vacuum fumigation at lower dosages and on-site examinations within PM, USA and upon request.

Distribution of effort:

	Percent
Fundamental studies	30
Cost savings	45
Technical services	25

CHARGE NUMBER 6906—BIOLOGICAL EFFECTS OF SMOKE

In the coming year, the goals of this group reflect our decision to learn more about the existing, developed assays rather than focus our attention on the interests of the company to emphasize the former at the expense of the latter. Since our resources are finite, we cannot engage in both endeavors and adequately contribute to the understanding of effects of smoke components in biological systems.

MAMMALIAN CELL SYSTEMS

The principal goal of the L5178Y mouse cell (thymidine kinase mutation) assay will be to define parameters which determine the activity of whole smoke condensate (WSC). To accomplish this goal, three lines of investigation will be pursued. First, the WSC derived from cigarettes which contain filler variants of the LTF-IIIA formula will be tested. Second, acid, base and neutral fractions isolated from WSC will be evaluated as well as the testing of fractions derived from synthetic mixtures of pure compounds to define the application of the exponential dose-response curves. In addition, WSC will be "spiked" with a known chemical of high activity to trace its distribution, recovery and potential interaction with isolates smoke components. Third, the effect of variable microsomal protein (S9) on the activity of positive control chemicals and WSC will be studied. The objective of this effort will be to determine how the relative activities of various WSCs are influenced by changes in the amount of available, exogenous mammalian metabolism.

Although investigations on the measurement of sister chromatid exchange (SCE) were suspended last year, investigations on this phenomenon will be resumed. Successful establishment of this assay will provide a second genetic endpoint in the L5178Y cell system as well as provide an additional assay for evaluating the biological effects of smoke products.

Literature reports indicate that smoke products are weak initiators but moderate promotors in the two-stage model of carcinogenicity. By measuring the degree of metabolic cooperation between tymidine kinase proficient (TK+/−) and tymidine kinase deficient (TK−/−) cells in the presence of trifluorothymidine, it may be feasible to develop an *in vitro* assay for promotors with L5178Y cells. Investigations will be conducted to explore this phenomenon in the coming year.

The major goal of the baby hamster kidney (BHK) assay will be to establish the system with positive and negative control compounds. Experiments designed to identify the causes of problems encountered to date are under investigation. Failure to resolve these problems in our facilities may require a visit to Dr. J.A. Styles' laboratory at ICI in England to gain "hands on" experience in conducting this bioassay.

NONMAMMALIAN SYSTEMS

Our efforts in the *E. coli* differential toxicity assay will be directed toward the hypothesis that aldehydes in smoke are causally related to activity. This study is closely coupled to the development of a method for aldehydes in smoke by personnel of the smoke condensate studies group.

The major thrust in the yeast mitotic gene conversion assay will continue to refine our knowledge of the determinants of WSC activity. We plan to study the activity of TPM as a function of puff volume initially which may lead to additional studies on activity *versus* puff interval and/or frequency. Additionally, the water soluble and insoluble fractions of WSC will be tested along with the components present in the acid, base, and neutral portions of WSC. On a continuing basis, the pyrolyzate formed at 620 °C from filler of various cigarettes will be tested. In particular, the higher activity of RCB *versus* RL is especially important.

Various investigations involving the application of the *Salmonella*/microsome assay continue to require about 50% of the total personnel effort of this project. In this regard, we plan to study the TPM activity as a function of puff volume, duration and frequency. THe feasibility of testing pyrolyzed materials in the assay was demonstrated in 1979. We plan to continue this effort this year. Studies of whole smoke and gas phase activity (direct exposure of plates in a chamber) in this assay will be suspended while the principal investigator is on LOA. However, some work will be done on the activity of whole and gas phase smoke collected directly in solvent (DMSO) filled traps. Although this study is not as elaborate as the chamber-exposure technique, it should provide valuable information about the activity of gas phase.

We plan to pursue the extensive study of the base fraction, acid/neutral fraction and WSC activity of 14 model cigarette types. We will continue the investigation of components responsible for the base fraction activity of burley cigarettes. In this regard model compounds such as amino α- and γ-carbolines will be studied.

We will continue to test potential cigarette additives and WSC from new cigarette candidates as requested. We anticipate that this effort will receive increased emphasis in the coming year.

Another specific goal will be to prepare an internal Salmonella/microsome assay methods manual to document all procedures involved with this assay.

Distribution of Effort:

	Percent
Defensive Research	90
New Produce Development	10

CHARGE NUMBER 6908—SMOKE CONDENSATE STUDIES

The primarily defensive nature of this research effort necessitates a continual monitoring of developments in the literature related to the biological activity of smoke components. Achievement of this project's goals require close coordination of research efforts with those of charge number 6906 which were expressed in the previous section.

More emphasis will be placed on condensate collection studies since these methods may affect the overall research effort. Collection of WSC in Elmenhorst cold traps (ECT) or impaction-traps (IT) will continue, along with processing, for in vivo testing. The collection of samples for in vitro and chemical studies has been expanded to ECT, IT, TPM pad, gas phase, and collection in liquids. Some of these collection methods will require further development. We plan to design and apply sidestream smoke collection systems in the coming year. A longer range study of a glass cascade impaction trap for a particle size profile is planned. Satisfactory separation of discrete particles will lead to the chemical and biological evaluation of each size fraction.

A system will be established for controlled pyrolysis or combustion of filler for chemical and/or *in vitro* bioassay investigations. The evaluation of a series of marcs isolated from flue-cured tobacco is planned.

Major improvements in chromatographic separation procedures are anticipated. Achievement of this objective will permit the investigation of new areas of smoke condensate chemistry as well as more thorough evaluation of studies conducted previously. Toward this objective, extensive modification of the PE-900 gas chromatograph (gc) for use with fused silica columns is underway. A law pressure liquid chromatographic (lc) system was designed and will provide a flexible preparative or isocratic analytical lc system. Major emphasis of this system will be directed toward the reversed phase chromatographic evaluation of the base fraction from burley WSC. The acquisition of a high performance liquid chromatograph will provide sufficient capability to develop new methods for the isolation of smoke components of biological importance.

The procedure for volatile nitrosamines is well developed and will be applied to smoke products upon request. We plan to apply the methodology to correlate tobacco precursors with nitrosopyrrolidine in smoke. Investigation of nitrosamines in sidestream smoke and processed WSC will be investigated. Development of methods for the characterization of nonvolatile nitrosamines will be pursued. Initial studies will concentrate on mainstream smoke, but may be extended to sidestream smoke later this year.

The isolation and identification of active components in the base fraction of WSC has proven difficult. However, the high microsome dependent (*Salmonella*) activity in this fraction requires our continued attention. We will pursue this goal using the improved chromatographic equipment described previously as well as use of model compounds for enhanced improvements in fractionation and identification procedures. From studies of a series of 14 cigarette types, we hope to better understand the influence of filler composition on base fraction activity and yield. In addition, this evaluation should enhance our knowledge of the relative amounts of some specific components in WSC from these various tobacco types. Planned chemical studies include: pattern recognition analysis of gc data *versus in vivo* and/or *in vitro* bioactivity; quantitative hplc procedure for quinoline in WSC will be developed and extended to additional aza-arenes in these fractions; a method will be developed for harmane and norharmane in the base fraction as well as methods for the determination of amino α- and γ-carbolines (tryptophane pyrolysis products). Cigarettes have been prepared by adding proline, tryptophane or pheylalanine to LTF-IIA filler. A study of the active base fraction components from these simple model systems is planned with emphasis on the tryptophane added sample.

Work will continue on the fractionation of bright tobacco. Increased emphasis will focus on the chemical components of each marc and extract, particularly the amino acid composition of protein fractions and the nature of the nonprotein nitrogen components.

There are additional areas of interest which do not fit into the research endeavors discussed above and thus are of lower priority. The utility of gel permeation chromatography will be explored for WSCs and condensate fractions. The effect of added sugars or sugar-amino acid reaction products in modulating the activity arising from proteins and amino acids in tobacco will be studied. It has been stated that a tobacco glycoprotein may be transferred into smoke (Becker's work). If so, an understanding of the parameters controlling this transfer would be beneficial. A capability for isolation of such material will be developed.

Distribution of Effort:

	Percent
Defensive Research	80
Fundamental Studies	10
Technical Service	10

To: Mr. W. F. Kuhn
From: R. A. Pages
Subject: Project Charge Number 6906 (Biological Effects of Smoke)—Plans and Goals for 1980
Date: December 20, 1979

1. *INTRODUCTION*

The objectives of Project Charge Number unchanged.

(a) To develop a battery of short-term assays to evaluate the potential b effects of cigarette smoke product

(b) To conduct research investigations to generate an understanding of and control of cigarette smoke * * * in each in vitro assay.

(c) To conduct tests on potential new products or additives upon request assist in the evaluation and inter * * * of the results obtained.

The original objectives of the project above) presented us with a formidable challenge. * * * challenge, we developed a strategy regarding the and evaluation of in vitro assays at PM. Implement strategy led to the successful development to sev * * * detect and measure the in vitro activity of cigar * * * condensate. With that success, we first discovered objective b and then came to recognize its ultimate importance to our program. Thus, it became apparent that the intelligent application of in vitro tests and the interpretation of their results could be carried out only when sufficient knowledge had been obtained about the many factors (cigarette, chemical, and/or biological) which together determine the level of cigarette smoke product activity. This was vividly illustrated when we were faced with trying to interpret the meaning of diametrically opposite results obtained with the same test material in different assays.

Against this background, we will now present our plans for 1980. This year, as in prior years, we have had to make difficult and risky decisions. This is because it is self-evident that: time is precious; our resources, both human and material, are finite; and we cannot do everything if everything we do is to be done well. Accordingly, our plans reflect an imbalance between learning more about our existing, developed assays and the development of additional, new assays. In our judgment, it is in the best interests of PM that we continue to emphasize the former at the expense of the latter.

2. *PLANS AND GOALS FOR 1980*

A. *L5178Y MOUSE CELLS*

1. *Thymidine Kinase Mutation*

The principal goal of work with this assay in 1980 is to try to define some of the parameters which determine WSC activity. Although this assay system for WSC has been established for almost two years, we do not yet know anything about the nature of WSC activity. (Tests on the Model II and URLS variant WSCs conducted during 1979 did not provide any new insights into this question.) We therefore propose to pursue three lines of investigation in the coming year.

(a) *LTF-IIIA Variants*—The Model I WSC results have consistently shown that LTF-IIIA yields a WSC which is significantly more active that LTF-IIA WSC. Following the approach so successfully used in the *Salmonella*/microsome and *E. coli* assays, we will test the WSCs derived from cigarettes which contain filler variants of the LTF-IIIA formula. Enough filler is already available for these studies, but it will be necessary to fabricate handmade cigarettes for smoking in order to standardize cigarette paper porosity and filtration parameters. We intend to begin these studies no later than the second quarter of 1980 and to pursue them on a continuing basis thereafter. Our specific goal is to try to relate WSC activity to the presence (or absence) of particular precursors in the LTF-IIIA formula.

(b) *WSC Fractions*—Previous studies of fractions have been limited to a cursory examination of the H_2O soluble and insoluble portions of 2R1 WSC (both fractions were active). We intend to exhaustively examine the question of activity in WSC fractions on a continuing basis during 1980. These studies will include: tests of the acid, basic, and neutral fractions from one or more Model I WSCs; the testing of fractions derived from synthetic mixtures of pure compounds in order to define how to use the exponential dose-response curves.

(c) *Activity as a Function of S9 Concentration*—Almost all prior work with this assay has involved tests conducted at a single, arbitrarily selected, level of microsomal protein (S9). Because it is well established that the amount of S9 can have a dramatic effect on the level of activity observed in many short-term *in vitro* assays, we propose to investigate this phenomenon in the L5178Y TK mutation assay. Initial experiments will involve studies of the activity of our positive control compounds—B(a)P and 2-acetylaminofluorene. We will then investigate WSC activity *versus* S9. These studies will necessitate the conduct of assays simultaneously at different concentrations of WSC *and* S9. The specific goal of the experiments will be to determine how the relative activities of different WSCs and their respective dose-response curves are affected by changes in the amount of exogenous mammalian metabolism. Depending on the degree of success attained with testing WSC fractions at a single S9 level, these studies may also be extended to fractions tested at multiple S9 concentrations. This work will be initiated no later than the second quarter of 1980 will proceed throughout the remainder of the year.

Prior to initiating the three programs outlined above, in the first quarter of 1980, we expect to conclude three ongoing investigations. The first is the evaluation of the utility and effectiveness of a modified cloning procedure which is expected to simplify the conduct of the assay. The second is the evaluation of a series of selected WSC-induced, trifluorothymidine (TFT) -resistant mutants to verify that they are indeed TK-deficient (TK-/-). The third is the drafting of a special report to document the conclusions reached after an extensive review of the data generated on positive and negative control compounds over the last three years. By doing this, we are hopeful of being able to establish objective quality assurance criteria which can be used to help us decide: when this assay is performing satisfactorily; what is the acceptable level of variation; and when is a test sample active or inactive in this assay.

2. Sister Chromatid Exchange (SCE)

Work on the development of an assay based on the measurement of a second genetic endpoint, SCE, in L5178Y cells was suspended in May, 1979. As time permits, we plan to resume this effort on a part-time basis. Based on the information gathered in recent months, we are absolutely confident that we can successfully establish the SCE assay in our laboratory and that we can detect WSC activity by that method. If and when we are able to resume the SCE work, we expect to take advantage of the advice of Dr. David Kram (G. Washington University) by accepting an invitation to spend several days in his laboratory to obtain "hands on" experience with the SCE assay.

3. Metabolic Cooperation

As time permits, we plan to conduct studies to measure the degree of metabolic cooperation between TK+/- and TK-/- cells in the presence of TFT. These exploratory studies are designed to examine the feasibility of the possible development of an *in vitro* assay for promoters in L5178Y cells along the lines pioneered by Trosko and co-workers (*Science*. 206:1089–1091; 1979 November 30).

B. *BHK CELL TRANSFORMATION*

The principal goal of our efforts on this assay in 1980 (as it was in 1979) is to reproducibly establish the assay system with positive and negative control compounds. The results obtained in 1979 were moderately encouraging in that we were able to obtain several cell clones which appear promising for use in the assay. Several sources of difficulty were identified with the published assay protocol—some of which appear to be related to the quality of sera, media, *etc.* Major obstacles remain to be overcome, however, before satisfactory responses are obtained with positive control compounds and a usable assay protocol is available in our laboratory. Experiments designed to further identify the causes of problems and variables in this assay will be continued during the first and second quarters of 1980. If success has not been achieved by that time, strong consideration will be given to trying to arrange a visit to the laboratory of Dr. J. A. Styles at ICI in the UK in order to try to get some "hands on" experience in one of the few places that has been able to get this assay to work.

C. *E. COLI DIFFERENTIAL TOXICITY*

The principal goal for work with this assay in 1980 is to definitively test the hypothesis that aldehydes in smoke are causally related to activity. This is a collaborative effort with various personnel of Project Charge Number 6908.

In 1979, methodology was developed to test either whole smoke or TPM and gas phase in this assay. Additionally, experiments were begun to study the activity of several low molecular weight aldehydes in the liquid culture version of this assay. These experiments will be completed in the first quarter, 1980. Concurrently, 6908 personnel are exploring various possibilities for analyzing and quantitating the aldehydes in cigarette smoke. The ultimate test of the aldehyde hypothesis is contingent upon successfully coupling analytical chemical methods with the *in vitro* assay on common samples. Pending further progress on aldehyde method development by 6908 personnel, we intend to continue to investigate cigarette smoke activity as a function of physical cigarette parameters which are known to affect aldehydes in smoke (*e.g.*, carbon filters). The specific goal of these studies will be to accumulate additional circumstantial evidence in support of the aldehyde hypothesis. This will be done on a continuing basis throughout 1980.

D. *YEAST MITOTIC GENE CONVERSION*

Our major goal in the yeast assay work in 1980 is to continue to refine our knowledge about the determinants of WSC activity. Excellent progress was made in 1979 based upon the results of tests on: the Model III WSCs and TPM; WSC fractions; and some cigarette filler pyrolyzates. We plan to continue efforts in all of these areas in 1980. Because many of the studies which are of interest in the yeast assay will also be conducted in the *Salmonella*/microsome assay, we anticipate that there will be extensive interaction and coordination with other personnel within 6906 and 6908 a well. Hopefully, this will minimize duplication of effort(s) whenever possible.

1. *WSC/TPM Activity versus Smoking Parameters*

We intend to follow up our Model III cigarette studies by measuring the activity of TPM as a function of puff volume. These experiments will be conducted in the first quarter, 1980, and may lead to additional studies such as TPM activity *versus* puff interval and/or frequency. Further comparisons between TPM and WSC activity in the yeast assay will also be conducted on additional model cigarettes.

2. *WSC Fractions (with 6908)*

We are interested in testing fractions derived from the H_2O soluble and insoluble portions of WSC—both of which were found to be active in experiments conducted in 1979—particularly the base and acid/neutral fractions (Activity detected in the base fractions would extend our observations of an association between filler nitrogen and WSC activity in this assay.) Because studies already underway in the *Salmonella*/microsome assay involve testing the bases and acids/neutrals prepared directly from various WSCs (see below), our initial efforts in the first quarter, 1980 will be directed toward testing some of those samples in the yeast assay as well.

3. *Cigarette Filler Pyrolyzates (with 6908)*

The results of feasibility studies conducted during 1979 demonstrated that samples prepared by heating cigarette filler in air at 620° C were active in the yeast assay as well as in the *Salmonella*/microsome assay. Thus, the acquisition of pyrolysis equipment by 6908 personnel to evaluate the potential of this method of generating samples for *in vitro* testing may also provide valuable information about the filler determinants of WSC activity in the yeast assay. In this connection, we are especially interested in investigating the higher activity of RCB *versus* RL. These studies will be conducted on a continuing basis throughout 1980.

E. *SALMONELLA/MICROSOME ASSAY*

Various investigations involving the application of this assay will continue to make up about half the total efforts of the personnel of the project. The majority of these studies will be devoted to developing a better understanding of the determinants of WSC activity, although we also anticipate increased demands for testing WSCs and additives at the request of J.L. Charles.

1. *TPM Activity versus Smoking Parameters*

Extension of the Model III WSC studies will be conducted by testing TPM from the Model III cigarettes during the first quarter, 1980. Upon completion of that work, we intend to study TPM activity (unfiltered PMKRC cigarette) as a function of puff volume. Depending on the results obtained, it may be important to also study the effects of changes in other smoking parameters such as puff interval and/or frequency. In continuation of our expanded efforts to study TPM activity, it may also be necessary to test the Model II cigarettes.

2. *Cigarette Filler Pyrolysis (with 6908)*

We were sufficiently encouraged by the results of extensive feasibility studies conducted during 1979 to strongly urge and support the acquisition of pyrolysis equipment by 6908 personnel. We are hopeful that this equipment will be set up during the first quarter so that intensive studies can begin to establish the relationship between various pyrolysis conditions (*e.g.*, temperature, air *versus* nitrogen, *etc.*) and activity in this assay. (As indicated above, section 2.D.3, there is great interest in exploring the application of this method to generate samples for testing in other *in vitro* assays.) The ultimate goal of theses investigations will be to determine how pyrolysis can be used to evaluate the activity of samples for which cigarette fabrication is not feasible—particularly the extracts and marcs of bright tobacco and RCB feedstock. Pyrolysis studies will be continued throughout 1980.

3. *Whole Smoke and Gas Phase Studies*

Studies of whole smoke activity in this assay as originally conceived (exposure of prepared agar plates in a chamber) will be suspended while the principal investigator is on leave. However, it is likely that some work will be conducted during the first and second quarters, 1980 to investigate the *Salmonella*/microsome activity of whole smoke and gas phase samples prepared by the methods developed for the *E. coi* assay—*i.e.*, by collection in solvent (DMSO) filled traps. While not as elegant as the chamber-exposure technique, it is likely that such experiments will provide valuable information regarding the activity of gas phase smoke components.

4. *WSC versus Base Fraction Activity (with 6908)*

Already in progress is an extensive study of the base fraction, acid/neutral fraction, and WSC activity of 14 model cigarette types. The study should be completed in the first quarter, 1980. At that time, we expect to be able to answer several important questions: *What is the relationship between WSC specific activity and the specific activity and concentration of the base fraction? Do the components recovered in the weakly active acid/neutral fraction have an effect on base fraction activity; i.e., are there any interactions? Does the presence of high concentrations of nicotine in the base fraction (30–60% of the fraction is nicotine) have any effect on the microsome-dependent activity of the high activity compounds that are present in that fraction?*

5. *Fractionation of WSC Bases (with 6908)*

The isolation and identification of individual components which may be important determinants of burley WSC activity remains the specific goal of this program. Further progress in this effort is dependent on the development of improved separation and identification methods by 6908 personnel. Plans have been formulated to investigate various separation procedures in conjunction with the use of model compounds such as amino-α and γ-carbolines. In addition, we also plan to study the activity of selected fractions as a function of different levels of S9 to ascertain if the low accountabilities of activity sometimes observed is due to the use of single, nonoptimal levels of S9 in routine tests. All of the studies will be ongoing throughout 1980. * * *

7. *Assay Standardization and Quality Assurance*

In 1979, a series of steps was taken to improve our internal quality control over the conduct of the assay. These included: greater interaction and coordination on a regular basis between all members of the project involved in using the assay; the use the common cell stocks and samples of positive control compounds; standardization of assay methodology of conform to the most recent recommendations of Ames and co-workers; and more careful monitoring of interexperiment variations of spontaneous backgrounds, cell titers, and positive control activities. These efforts will be continued and expanded in 1980. It is our specific goal to prepare an internal, *Salmonella*/microsome assay methods manual which will document in detail all phases of the conduct of the assay at PM including data processing and analysis *via* the R & D computer. We expect to complete the initial draft of the manual in the second quarter of 1980 and then to continually update it whenever changes in protocol or procedures are made.

F. PERSONNEL

We have received authorization to hire a new person for our group in 1980. In view of the rather ambitious program outlined above and in keeping with our basic philosophy on current priorities as outlined in the Introduction above, our plans are to hire an Associate Scientist A in the second quarter of 1980. The new person will be assigned to work under the supervision and direction of more experienced personnel in one of the assay areas outlined above. Exactly which area will be decided upon at the end of the first quarter of 1980.

3. *SUMMARY OF PLANS AND GOALS FOR 1980*

Assay/Activity

A. *L5178Y Mouse Cells: Time*

1. *TK Mutation*

Verify WSC-induced, TFT-resistant mutants are TK: 1st quarter

Modified Cloning Procedure: 1st quarter

Develop and publish quality assurance criteria for assay: 1st quarter

LTF–IIIA variants-filler: 2nd quarter composition *vs.* WSC activity: and continuing

WSC fractions: 2nd quarter and continuing

WSC activity *vs.* S9 concentration: 2nd quarter and continuing

2. *SCE*

Establish assay: as time permits

3. *Metabolic Cooperation*

Feasibility studies: as time permits

B. *BHK Cell Transformation*

Establish assay protocol with positive and negative control compounds: continuing

C. *E. coli Differential Toxicity*

Aldehydes in smoke *vs.* activity: continuing

Test model compounds in liquid culture assay: 1st quarter

Activity *vs.* physical cigarette parameters: 2nd quarter and continuing

Mehtod development—aldehyde analysis (by 6908 personnel): continuing

D. *Yeast Mitotic Gene Conversion*

TPM activity *vs.*Puff volume: 1st quarter

Base *vs.* acid/neutral fractions of WSC: 1st quarter and continuing

Cigarette filler pyrolyzates: continuing

e. *Salmonella/Microsome Assay*

TPM activity *vs.* puff volume: 1st quarter

Cigarette filler pyrolyzates: continuing

Whole smoke and gas phase activity of solvent trapped smoke: 2nd quarter

WSC *vs.* base fraction activity: 1st quarter;

Fractionation of WSC bases: continuing

Additive and WSC testing: as requested

Research studies of additive testing: 2nd quarter

Assay standardization and quality assurance Methods: continuing

Manual: 2nd quarter

To: Mr. W.F. Kuhn
From: R.N. Ferguson
Subject: Plans and Objectives for 1980 (Charge Number 6908)
Date: December 18, 1979

I. INTRODUCTION

The project continues to have several interrelated goals:

(a) to develop and apply methods to identify and quantitate components of cigarette smoke which relate to biological activity,

(b) to use cigarette models to relate chemical composition to biological activity including precursor/product relationships,

(c) to develop or improve methods for collection of cigarette smoke and apply these to collection and processing of smoke condensate for *in vivo*, *in vitro*, and chemical testing.

The primarily defensive nature of this research necessitates a continual monitoring of developments in the literature related to the biological activity of smoke components. These goals also require a close coordination of our research efforts with those of Charge Number 6906—Biological Effects of Smoke.

During the last year, considerable progress was made in nitrosamine studies, in base fraction components, in liquid and gas chromatography methods, in pyrolysis, and in an aldehyde procedure. The complexity of WSC remains the major challenge to advances in these areas of interest. Another problem is the large number of areas requiring our attention. This is due to the considerable number of potentially active components known or suspected in WSC.

II. RESEARCH PLANS

A. Condensate Collection and Processing

More emphasis will be put on condensate collection studies since these methods are a key part of our research.

Collection of whole smoke condensate by Elmenhorst cold trap (ECT) or impaction trap (IT) procedure will continue, along with processing, for *in vivo* testing. This involves gc analysis and concentration testing on these samples. Selected ECT or IT trapped and processed samples will be checked for volatile and nonvolatile nitrosamines.

The collection of samples for *in vitro* and chemical study has been expanded to ECT, IT, TPM pad, gas phase, and collection in liquids. Some of these methods will require further development. In addition, design and application of sidestream collection systems has begun. Considerable effort will be required to develop satisfactory methodology in the coming year.

A study of volatiles not collected (IT) or lost during processing (ECT) has also been initiated and will continue. A longer range study of a glass cascade impaction trap for a particle size profile is planned. This could be extended to chemical and biological evaluation of each size fraction.

A system will be set up in the coming year for pyrolysis or combustion of filler and collection of the smoke for either chemical or *in vitro* assay. After the equipment has been obtained an extensive check of conditions will be made for possible correlation of pyrolyzate and WSC biological activity. The application of this methodology to evaluation of a series of bright marcs is also planned.

B. Chromatography

Improved separation procedures will allow both the investigation of new areas and more complete investigation of areas previously studied.

Extensive modification of the PE-900 for use with fused silica capillary columns is progressing.

The Sigma 3 gc, which is coupled to the du Pont 21–490 mass spectrometer, has capillary capability. To permit the exploitation of this feature on the 21–490 ms will require considerable effort due to limitations in the ms system. Acquisition of capillary capability for the gc/ms/ds, if possible, will be a significant advance in our capabilities.

A low pressure lc system has been designed and will provide a flexible preparative or isocratic analytical chromatography system. Major initial emphasis will be on reversed phase chromatography applications to base fractions from X6D3IM (burley) WSC.

It is anticipated that a number of new hplc separations will be made possible by the acquisition of a second high performance, gradient analytical lc system in 1980. This will provide sufficient capability both to develop new methods and to put developed methods into routine use on the present instrument (Spectra Physics 3500B).

Droplet counter-current chromatography is a method not previously investigated for WSC fractionation. An effort toward a collaborative evaluation of the methods potential in areas of interest to us will be made.

C. Nitrosamines

The procedure for volatile nitrosamines is well developed but application of this technique on new samples will continue. The general method will also be applied to correlation of tobacco precursors with nitrosopyrrolidine in smoke. Work with sidestream and processed WSC is also planned.

We have been delayed in development of methods for nonvolatile nitrosamines by sample load but work in this area will be initiated in the first quarter of 1980. Of interest is N-nitroso nornicotine (NNN), 4-(N-methyl-N-nitrosoamino)-1-(3-pyridyl)-1-butanone (NNK), and N-nitrosanatabine (NAB). A hplc has been interfaced to the thermal energy analyzer (tea) for these analyses, but we also will explore the possibility of using gc/tea for these so called nonvolatile nitrosamines. Initial work will concentrate on mainstream smoke, but extension to sidestream is possible in the future.

D. Base Fraction of X6D3IM (burley)

The isolation and identification of individual active base fraction components has proven difficult. Nevertheless, the high microsome dependent activity shown by these fractions requires a further effort at identification. Of particular importance will be the improve chromatography methods described in section B. Further use of model compounds is planned for improvement in fractionation and identification procedures.

E. Model Cigarettes: Chemical Studies versus Salmonella Activity

A series of 14 cigarettes (varying tobacco fillers) has been selected for a number of chemical evaluations. In addition, the *Salmonella/*microsome activity of each WSC and base fraction will be evaluated. We hope to better understand the influence of filler parameters on base fraction activity and yield and also the levels of some specific components in WSC from various tobacco types. Planned chemical studies include: a) TMS derivatization of the WSC and capillary gc profile generation. Pattern recognition analysis of data *versus in vivo* estimated activity and/or *in vitro* activity. Use of the gc profile method on base fractions. b) The quantitative hplc procedure for quinoline in WSC will be applied. The determination of additional aza-arenes in these fractions is also a possibility. c) A procedure for harmane and norharmane in the base fraction will be developed. This hplc procedure will also be applied to the set of model WSCs. d) A gc method for nicotine will be applied to the base fractions. e) We hope to be able to develop an hplc method for amino α– and γ– carbolines (tryptophane pyrolysis products) in the base fraction. When available, this procedure will also be applied to the model WSC samples.

In addition to these studies, cigarettes have been prepared by adding proline, tryptophane, or phenylalanine to LTF–IIA (nitrogen free) filler. A study of the active base fraction components from these fairly simple model systems is planned with emphasis on the tryptophane spiked sample.

F. Bright Tobacco Extraction

Work is continuing on the fractionation of bright tobacco in order to study the effect of removal of various classes of nitrogen containing compounds. Increased emphasis will be on the chemical components of each marc and extract, particularly the amino acid composition of protein fractions and the nature of the nonprotein nitrogen components. When acceptable pyrolysis conditions are available, this method will be used for evaluation of each marc.

G. MW 288

The positive identity of this smoke component has remained unsolved, primarily due to our problems with selective ozonolysis and derivatization of model compounds. A synthetic approach to this compound is being pursued by Dr. Edwards. We are considering the possibility of the preparation of a crystalline derivative suitable for an x-ray structure study.

The cuticular wax of bright and burley tobacco has been obtained. We hope to establish that duvatrienediols produce MW 288 under appropriate thermal conditions. Further, we expect to find out if each isomer of duvatrienediol leads to one specific MW 288 isomer.

H. E. coli Assay and Aldehydes

The *E. coli* assay has previously defied attempts to determine which components of smoke are principally responsible for activity. This may no longer be the case. Evidence has been accumulated that some aldehydes are highly active in the assay. Progress has been made in trapping and derivatizing both whole smoke and gas phase smoke. An hplc method for the dinitrophenyl-hydrazones of reactive carbonyl components is almost finalized. We will attempt to definitely establish the quantitative importance of the smoke aldehydes in this assay.

I. Additional Areas

There are a number of additional areas of opportunity and interest which do not fit into the areas already discussed or are of lower priority for study. Investigation in at least some of these areas is planned as time allows.

(a) Some initial work has been done with activity in fractions in the yeast assay. We wish to find the types of components responsible for the activity seen in WSC by fractionation studies.

(b) LTF–IIA plus phenylalanine-continuation of gc and gc/ms studies for products from phenylalanine in model cigarettes.

(c) Develop methods for N-heterocycle analogs of PAHs in smoke.

(d) Further study of the red material formed in ECT smoke of nitrate cigarettes and see if addition of NO to smoke will produce this band on ECT.

(e) Explore the utility of gel permeation chromatography both for WSCs and for condensate fractions.

(f) Explore the effect of added sugars or sugar-amino acid reaction products in modulating the activity arising from proteins and amino acids in tobacco.

(g) Study the mass spectra of geometric isomers of aldehyde O-methyloximes.

(h) A tobacco glycoprotein may be transferred to smoke. If so, an understanding of the parameters controlling this transfer would be of great use. A capability for isolation of such material will be developed.

(i) Fluorescence is a very useful tool in a number of areas. Additional evaluation of the utility of fluorescence for studies of smoke components and evaluation on commercial instrumentation needs to be made.

(j) Is 3-nitro-5-(3′-pyridyl)-pyrazole formed on ECT collection of smoke from high nitrate cigarettes?

(k) Develop and apply chemical/physical indicators of estimated *in vivo* biological activity.

III. CONCLUSION

These plans and objectives represent some redefinition of the project's goals. There is more emphasis on the development of smoke collection technology and its impact on WSC chemistry. Also greater emphasis is on chemistry coupled to actual *in vitro* (particularly *Salmonella*/microsome) activity rather than estimated *in vivo* activity has been dropped as a research goal. Finally, capillary gc and various hplc methods have been given a high development priority in our planning.

IV. PLANS

Activity; Timetable

A. Condensate Collection, Preparation, Analysis

1. Current Test Samples: Ongoing*

2. ECT and IT for *in vitro* and chemical study: Ongoing

3. Alternate collection—TPM, solvent impaction, sidestream: 4th qtr., 1979 through 4th qtr. 1980

4. Volatiles and semivolatiles lost in collection and processing: complete 2nd qtr.

5. Pyrolysis setup and experimentation: Initiate; 1st qtr.

B. Chromatography

1. Capillary gc on PE 900

(a) Derivatized WSC: Complete 3rd qtr.

(b) Fractions: Initiate 2nd qtr.

2. Evaluation of capillary gc/ms: 1980

3. Low pressure lc system: Assemble 1st qtr.

4. Analytical hplc

(a) New system installation: 1st quarter

(b) New methods development: Ongoing

(c) Gel Permeation: 1980?

C. Nitrosamines

1. Volatile nitrosamines: Ongoing

2. Nonvolatile nitrosamines: Initiate 2nd qtr.

D. MW 288

1. Structure: Complete 3rd qtr.

2. Duvatrienediols as precursors: Complete 4th qtr.

E. *Salmonella*/microsome assay

1. X6D3IM base fractions: Ongoing

2. Base fractions from Model cigarettes

(a) Yield and activity: Complete 1st qtr.

(b) Chemical constituents: Initiate 1st qtr.

3. Bright tobacco marcs and extracts: Ongoing

4. LTF-IIA plus additives: 1980

F. Aldehydes and *E. coli* activity: Complete 3rd qtr.

G. WSC fractions and yeast assay: Initiate 1st qtr.

H. Additional Areas

1. Chemical predictors of EBA: In 1980 as time permits.

2. Polycyclic nitrogen heterocycles

3. Red bands in ECT smoke

4. Tobacco glycoprotein

5. Application of fluoresence

6. Basic ms studies—oximes

7. Sugar effect on WSC activity

8. Droplet counter current distribution

*Completion in 1980 is not anticipated for any ongoing projects.

To: Dr. E.B. Sanders
From: J.I. Seeman
Subject: Plans and Objectives for 1980 (Charge 2500)
Date: January 4, 1980

Work for 1990 will be focused in three general areas; alkaloid and nicotine chemistry, flavor chemistry, and flavor-release chemistry. In addition, we will continue to perform assistance to other units upon request in such areas as custom synthesis and general organic chemistry.

I. Alkaloid and Nicotine Chemistry (Chavdarian, Secor, plus one).

A. Objectives

1. To develop a fundamental understanding of the mechanisms by which nicotine and other tobacco alkaloids interact with peripheral and central nervous system receptors.

2. To determine if nicotine analogues can be designed which exhibit differential activity at different receptors.

3. To develop procedures to synthesize nicotine analogues and isotopically labelled nicotine analogues.

4. To investigate the possible correlation of structural and chemical parameters with biological behavior.

5. To perform, in a collaborative fashion, pharmacological testing of nicotine and its analogues with a goal of deriving structure-activity relationships.

6. To develop an effective insecticide(s) through collaborative testing of nicotine analogues; in this conjunction, the mode of action(s) of these compounds will be investigated.

7. To aid other groups with problems related to tobacco alkaloids.

B. Synthetic Studies

1. Preparation of Optically Active Nicotinoids

a. Procedures will be developed which will allow the separation of racemic nornicotine derivatives into their enantiomers. This will involve the HPLC purification of, a.g., nornicotine urethanes which are diastercomeric by virtue of the nornicotine condensation reagent.

b. We have already shown that 6-methylnicotine and 6-butylnicotine can be formed in high yield from nicotine by reaction with methyllithium and butyllithium respectively. This procedure will be extended to other 6-substituted nicotinoids.

c. Microbiological reduction of 3-acetylpyridine has been shown to result in the optically active alcohol. Attempts to convert this alcohol to the corresponding amine will be made. If successful, this procedure will be applied to an asymmetric norcotinine synthesis.

d. We have found that cotinine can be alkylated and carboxylated at C-4′. The products can subsequently be reduced to 4′-substituted nicotinoids which are optically active by virtue of asymmetry of cotinine. This work will be extended to a few additional analogues.

e. 5-(3-Pyridyl)butyrolactone, obtainable from procedure I.B.1.c. above, may be convertible to active norcotinine with ammonia.

f. The microbiological reduction of imines (e.g., myosmine) to saturated amines (e.g., nornicotine) may result in an optically active product. There are no examples of such a reduction in the literature. This will be examined.

2. Preparation of Pyridine-Substituted Analogues

a. 5- and 6-Substituted nicotinoids will be prepared by a variety of methods, including the reaction of nicotine with alkyllithium reagents (c.f. I.B.1.b.) and routes involving synthesis of substituted nicotinonitriles and methyl nicotinates. These will also include heterosubstituted nicotinoids. Optically active 6-hydroxynicotine will be prepared from microbiological oxidation of nicotine. This material will be used as the key intermediate in the preparation of 6-alkoxy and 6-acetoxy derivatives.

b. Nicotine 6-carboxylic acid and nicotine 5-carboxylic acid and their corresponding esters will be prepared.

c. 2,4-Dimethylnicotine and selected deuterated analogues will be prepared for mechanistic studies.

3. Preparation of Pyrrolidine Substituted Analogues

a. HPLC purification will be performed to purify numerous isomeric methylated nicotinoids.

b. 2′-Substituted analogues will be prepared by addition of organometallic reagents to N′-methylmyosmine perchlorate.

c. A number of N′-substituted nornicotines in their enantiomeric forms (c.f. I.B.1.a.) will be prepared.

d. 4′-Substituted nicotinoids will be prepared (c.f. I.B.1.d.).

e. Additional examples of 3′-alkylnicotines will be prepared by condensation of 3-pyridinecarboxaldehyde and Michael acceptors.

f. Anatabine will be prepared from the reaction of 3-pyridyllithium (or 3-pyridylmagnesium bromide) and 2-cyano-Δ^4-piperidine.

g. Simple syntheses of nicotyrine will be investigated, for example, by the reaction of 3-pyridyllithium with a protected 4-hydroxypyrrolidinone.

h. Δ3′-4′-Dehydronicotine will be prepared, either by reduction of methylnicotyrine (c.f. I.B.3.g.) or dehydration of 4′-hydroxynicotine (c.f. I.B.1.d.).

4. Preparation of Bridged Nicotines. This type of nicotinoid represents the most difficult challenge in the synthesis of nicotine analogues. In the past year, one member of this class has been prepared in a one-step procedure from tropinone and β-aminoacrolein.

Note that the carbon atoms which have the "bold-faced" dots can be interchanged with the pyridine nitrogen atoms of these compounds to produce isomeric bridged compounds. Ideally, the preparation of the "pairs" of compounds will be successful.

5. Ring-Ring Shifted Nicotinoids. A number of compounds falling into this class have already been prepared.

C. Mechnistic Studies

1. Kinetic experiments and stereochemical evaluations of the alkylation of a wide variety of nicotinoids with iodomethane and possibly other alkylating agents will continue. These experiments are aimed to allow an understanding of the steric, electronic, stereoelectronic, and conformational features present in these systems. Implementation of the totally automated conductivity system is anticipated to be a milestone in such kinetic investigations.

2. Protonation studies will continue to allow the evaluation of the conformation of the N-methyl group in these nicotine analogues.

3. NMR studies will be used as in the past to derive conformational information about these molecules.

4. Theoretical calculations (INDO, Ab Initio) will be performed to give information regarding conformation, electron distribution, polarizability, etc., of these molecules.

5. Kinetic studies involving a-cyanoamines will be performed.

D. Microbiological Studies. In collaboration with B. Semp, a number of studies involving the use of microbiological techniques to perform a variety of synthetic operations will be investigated (c.f.I.B.1.c.;

I.B.1.e.; I.B.1.f.; I.B.2.a.). Also included will be an attempted large scale preparation of nornicotine from nicotine.

E. Pharmacological.

1. Efforts will continue to obtain peripheral and central nervous system data on our compounds. Some of this will be with the aid of C. Levy and her associates.

2. Partition coefficients and pK_a data are needed for our compounds.

F. Insecticidal. More racemic and optically active nicotine analogues will be submitted for in-house and collaborative testing.

To: Those Listed Dr. T.S. Osdene, Dr. E.B. Sanders, Dr. W.L. Dunn, Mr. J.L. Charles, Dr. J.I. Seeman

From: R.B. Seligman

Subject: Nicotine Receptor Program—University of Rochester

Date: March 5, 1980

As you know, we have been supporting the subject program for the past year, and Dr. Abood has visited with us several times during this period. I would like an *independent written* evaluation from each of you concerning the benefits this program brings to our Research Center.

Please transmit these reports to me by March 21.

To: Dr. R.B. Seligman

From: J.L. Charles

Subject: Nicotine Receptor Program—University of Rochester

Date: March 18, 1980

Nicotine is a powerful pharmacological agent with multiple sites of action and may be the most important component of cigarette smoke. Nicotine and an understanding of its properties are important to the continued well being of our cigarette business since this alkaloid has been cited often as "the reason for smoking" and theories have been advanced for "nicotine titration" by the smoker. Nicotine is known to have effects on the central and peripheral nervous system as well as influencing memory, learning, pain perception, response to stress and level of arousal.

It is not surprising that a compound with such a multitude of effects would have properties which are considered undesirable by the anti-smoking forces. Claims are made that nicotine in cigarette smoke can induce chest pain and irregularities in cardiac rhythm when a person with a compromised cardiovascular system smokes or when persons with cardiac disease are exposed to high concentrations of side stream smoke.

For these reasons our ability to ascertain the structural features of the nicotine molecule which are responsible for its various pharmacological properties can lead to the design of compounds with enhanced desirable properties (central nervous system effects) and minimized suspect properties (peripheral nervous system effects). There are many opportunities for acquiring proprietary compounds which can serve as a firm foundation for new and innovative products in the future.

The above is an excerpt from an introduction to the nicotine program which I wrote on 12/1/78. My views have not significantly changed since that time. I believe that nicotine does play an important role in the smoking process. How important that role is remains to be determined. The receptor program at the University of Rochester is an integral part of the nicotine program and can be justified in a number of ways. An initial thought was that Dr. Abood would have the knowledge and techniques to perform screening of nicotine analogs for CNS activity. The synthesis group has created a number of interesting compounds which are now being screened by Dr. Abood. In addition Dr. Abood was to carry out fundamental studies on sites and mechanisms of action of nicotine in the brain. That research is in progress.

I sat in on an additional meeting with Dr. Abood and Drs. Sanders, Seeman, and Chavdarian during Dr. Abood's last visit. I found the discussions to be useful and felt that Dr. Abood was doing some very interesting work which can ultimately be of benefit to Philip Morris. I also utilized Dr. Abood as a consultant during that visit and he made some good suggestions and I thought the time was well spent.

In summary, the nicotine receptor program at the University of Rochester is an integral part of our overall nicotine program. The combination of basic research on the pharmacology of the nicotine receptor combined with the capability to screen nicotine analogs for CNS activity complements our internal synthetic and behavioral efforts in the nicotine program. The program is justified in my view as a defensive response to the anti-smoking forces criticisms of nicotine and also as fundamental research into the nature of our product and how it affects our customers, the smokers. This entire program involves complex technological problems and the benefits to be derived from the program will not be realized immediately. Indeed the benefits will necessarily be of a long-term nature and may have direct bearing on our market position in a 10–15 year time frame. However, if we do not have the basic research results this program will provide we will not be in a position to respond if and when the pressures to change do occur.

To: Dr. R.B. Seligman

From: E.B. Sanders

Subject: Nicotine Receptor Program—University of Rochester

Date: March 21, 1980

Dr. Leo Abood's collaboration with the Research Center has been extremely beneficial to the nicotine program. His assistance has impinged on four different areas; namely, direct assistance to the Behavioral Research Group, assistance in interpreting peripheral testing results, providing us with current information regarding work concerning nicotine pharmacology at other locations, and direct hands on work in setting up binding assays for nicotine analogues synthesized by members of Charge Number 2500.

Dr. Abood's interaction with the Behavioral Research Group has been of crucial importance in establishing the "prostration syndrome" test. The value of this particular technique to the nicotine program cannot be overstated in that it is the first biological response to nicotine that does not appear to be mediated by a cholinergic receptor. The original charge of the nicotine program was (1) to ascertain if the central and peripheral effects could be "separated" and (2) to design a nicotine analogue which would have CNS activity equivalent to nicotine with little or no peripheral effect. Since it has been well-established that nicotine's peripheral effects are cholinergic, the discovery of a non-cholinergic central receptor provides us with reason to believe in the ultimate success of the program.

Future work involving the "prostration syndrome" must unequivocally establish the non-cholinergic nature of the receptor and must explore the role that the "prostration syndrome" receptor plays in the psychology of smoking. Leo's expertise, involving his experience in the necessary methodology as well as his work in attempting to characterize the natural neurotransmitter for this receptor, is crucial to the vigorous prosecution of this work.

For several years we have been receiving data on peripheral screening of our nicotine analogues from Germany. The quality of the work has been consistently of the highest calibre. On the other hand, the German laboratory has been of minimal assistance regarding interpretation. The problem is a combination of our lack of pharmacological sophistication coupled with the large distance between Richmond and Cologne. We have existed with this problem for some time since it would be virtually impossible to match the good service we are getting elsewhere. Leo Abood's association with Philip Morris has consequently filled a void. Not only have we been able to get a better handle on both the meaning of a given test result but possible interesting follow-up tests on certain analogues as well.

Dr. Abood has occupied a position of preeminence in neuropharmacology for some time. Consequently, he has contacts with virtually all of the laboratories working on various aspects of nicotine pharmacology, throughout the country. These contacts have benefitted us by keeping us abreast of interesting current developments as well as in more direct ways. The best example of the latter involves the direct assistance Leo is providing us in carrying out binding assays for our synthetic analogues. Leo has obtained a sample of purified nicotinic receptor from Torpedo and has established the experimental conditions for assaying binding to the receptor. We are now in the process of sending out the first set of compounds. This assay will allow us to differentiate between compounds which bind to the nicotinic receptor but do not activate it and those compounds which do not bind. With this information we hope to get a clearer picture of the nicotinic receptor.

In summary, I feel that we have benefitted considerably from Leo's association with the Research Center, and I trust that this association will continue.

To: Dr. T.S. Osdene

From: W.L. Dunn

Subject: Plans and Objectives—1981

Date: November 26, 1980

INTRODUCTORY NOTES

The Behavioral Research Laboratory effort is organized into programs which reflect to a large degree the subdisciplines of the responsible psychologists. On the one extreme of the psychological spectrum is the social psychology program of Dr. Sandra Dunn. On the other extreme is the behavioral pharmacology program of Dr. DeNoble. Ranging between are the experimental psychology program of Mr. Ryan, the electrophysiology program of Dr. Gullotta and the smoke inhalation program of Miss Jan Jones. Each of these programs is but a varied attach upon the overall objective of the Behavioral Research program: To contribute useful knowledge about the response of the smoker to the cigarette and its smoke. The results may prove useful in developing a new product, or improving an existing product, or in the defense of the company from legislative or litigative harassment.

ELECTROPHYSIOLOGY PROGRAM . . . Gullotta and Shultz

Objectives:

It is our belief that the reinforcing properties of cigarette smoking are directly relatable to the effects that smoking has on electrical and chemical events within the central nervous system. Therefore, the goals of the electrophysiology program are to: (I) Determine how cigarette smoking affects the electrical activity of the brain, and (II) Identify, as far as possible, the neural elements which mediate cigarette smoking's reinforcing actions.

Planned Studies

I. SPECTRAL ANALYSIS OF THE ELECTROENCEPHALOGRAM

We have proposed this study in the past but, due to technical problems, we have been unable to undertake it. We are finally in a position to begin.

Numerous studies have investigated the effects of cigarette smoking and nicotine administration on the electroencephalogram (EEG) of man and other animals. Although there is some degree of concordance among the results of these studies, many points are yet to be resolved. For example, with regard to the human literature, an early study showed that cigarette smoking produced low amplitude, fast EEG activity. Another study, however, found that smoking did not increase low amplitude fast activity and, indeed, slowed certain EEG frequencies. A number of other examples of this type can be found in the literature.

It seems likely that most of the controversies could be resolved by a more systematic analysis and quantification of the EEG. Therefore, we plan to spectrally analyze EEG data from a variety of electrode locations under varying smoking and deprivation conditions.

II. Animal Electrophysiology

We have discussed with Dr. DeNoble the possibility of a collaborative effort to study the effects of nicotine and nicotine-like compounds on the electrical activity of the rat brain. This would involve EEG recordings from surface and deep structures within several experimental paradigms. It would also involve the use of evoked potential technology. Some technical problems must be solved before such a program can be initiated. Our early efforts will be aimed at addressing these technical considerations.

III. The Effects of Cigarette Smoking on Pattern Reversal Evoked Potentials

This study is well under way and will be completed in early 1981.

We have previously demonstrated that cigarette smoking increases the amplitude of the late components of the visual evoked potential to flash stimulation. However, since flash stimulation activates nonspecific brain structures (e.g., reticular formation, association cortex, etc.) as well as specific structures (e.g., primary visual cortex), we were unable to determine with certainty whether the enhancement we observed was due specifically to increased receptivity to visual information.

Pattern stimulation avoids the problems associated with flash by activating primarily visual structures. Therefore, we are using pattern reversal evoked potentials to checkerboard stimulation to study the effects of cigarette smoking on visual information processing.

IV. Cigarette Smoking and the Habituation of Pattern Reversal Evoked Potentials

It is commonly reported that cigarette smoking facilitates one's ability to concentrate. Concentration implies sustained attention to simulation. We are interested in the possibility that we might gain insight into the processes involved by employing evoked potential techniques.

When, within a given session, sensory evoked potentials are repeatedly measured, there is a decrement in the response over trials. We interpret this decrement as a decrease in the sensitivity of the system to incoming sensory information. We can then ask whether cigarette smoking alters the rate at which this decrement occurs. If smoking retards the rate at which the evoked potential decreases in amplitude over trials, we will have demonstrated one manner in which concentration might be facilitated by cigarette smoking.

We have recently been gathering pilot data on this subject employing pattern reversal evoked potentials. If our data look encouraging we will mount a full-scale investigation in early 1981.

V. *Cigarette Smoking and the Brainstem Auditory Evoked Potential*

Recently, a new class of evoked potentials have been described. These are the acoustic and sematosensory brainstem (far-field) evoked potentials. One of the advantages of these brainstem potentials relative to the more traditional forms of recording is that the neural generators of the components are better known. For example, it has been shown that Peak I of the auditory brainstem response is due to VIIIth nerve activity, Peak II to activity of the cochlear nucleus, etc..

In this experiment we will be employing brainstem auditory evoked potentials in an attempt to ascertain sites and modes of action for centrally active smoke constituents. We chose the auditory potential because (1) there are nicorinic cholinergic synapses within the system and (2) it has recently been shown that, in rats, systemic nicotine administration alters certain components of the response.

THE BEHAVIORAL PHARMACOLOGY PROGRAM . . . DeNoble

Objectives

I. To develop a better understanding of the behavioral pharmacological actions of nicotine, particularly the action which reinforces smoking behavior.

II. Develop the empirical evidence which differentiates nicotine from the classical abuse substances.

III. Use behavioral pharmacological methods for evaluating the nicotine-likeness of nicotine analogues.

Planned Studies—I. Nicotine Self-administration

A successful development of the technique for establishing self-administration of nicotine in an animal has important implications for all three objectives of our behavioral pharmacology program.

We have developed that technique, making it quite clear that nicotine can function as a positive reinforcer for rats. We will use the technique (1) in studying the reinforcing action of nicotine, (2) in differentiating nicotine from the classical abuse substances, and (3) in evaluating analogues.

We will undertake as many of the following essential self-administration studies in 1981 as time permits:

(1) Examine the dose-response curve under various schedules.

(2) Examine the effects of cholinergic antagonists upon self-administration.

(3) Determine substitutability of selected analogues.

(4) Demonstrate, in pursuit of Objective III, that (a) nicotine self-administration does *not* interfere with on-going behavior and (b) that termination of nicotine availability for self-administration does not produce behavior impairment, or alter self-administration of other reinforcers (food, water, saccharine, etc.).

II. The Nicotine-Induced Prostration Syndrome

The prostration syndrome, first reported by Leo Abood as a gross behavioral response to the intraventricular infusion of nicotine, has been used routinely for several years in our program of nicotine analogue evaluation.

Although the prostration syndrome is a reliable screen for behaviorally active nicotine analogues, the rating scale developed by Dr. Abood provides only descriptive interpretation of the compounds' effects, and does not permit a determination of possible prolonged changes in CNS activity. We have begun using scheduled controlled behavior to evaluate the effects of intraventricular injections, since measures based upon this behavior have been shown to be more sensitive than activity rating scales, and provide a more stable nicotine baseline from which to evaluate CNS recovery times for nicotine analogues.

We have recently observed in conducting these studies that there is a diminution of the effect of nicotine over repeated administrations. Diminution will occur even with a 7 day interval between the first and the second administration, and observation difficult to explain simply in terms of the development of metabolic tolerance. We may be observing instead an instance of behavioral tolerance. We are currently designing a study which should more accurately characterize the development of tolerance.

We will also be conducting studies in which the effects of the selective blockade of neural structure will be reflected in the behavioral components of prostration, anticipating that these observations can further our knowledge about the sites of action of nicotine.

III. Discrimination Studies

We will continue to use the now standardized discrimination technique to evaluate nicotine analogues. We are currently investigating a dose-response curve approach, a modest variant on the standard procedure.

THE EXPERIMENTAL PSYCHOLOGY PROGRAM

Objectives

1. To gain a better understanding of the role of nicotine in smoking.

2. To study basic dimensions of the cigarette as they relate to cigarette acceptability.

Planned Studies—I. Salivary Nicotine

Speculation suggests that smokers modify smoking behavior to maintain certain levels of nicotine in the blood. Historically this has been the basis of nicotine titration hypotheses. Knowledgeable consideration of the issue suggests that the changes in level may be more important than the absolute levels—that the input of nicotine from a cigarette creates a "spike" which is the summation of the discrete puff-induced spikes.

We now have the ability to measure via gas chromatograph the level of nicotine in saliva. Observations from previous work with salivation and smoking suggest that systemic nicotine in saliva tracks with systemic nicotine in the blood. We plan to use the g.c. measure to:

A. Monitor the appearance and decline of nicotine in saliva following smoking. This will shed light on the question "Does a low systemic level of nicotine trigger the smoking response." The question can only be answered if measures are made many times. Therefore, we will:

B. Observe changes in salivary nicotine level across time and smokings, relating the changes to the delivery of cigarettes smoked and the time since prior smokings. The data will bear upon the issue to the extent that salivary nicotine reflects tissue and blood levels of nicotine. This must be confirmed by means of:

C. A correlational study of the salivary nicotine with blood nicotine. This is awkward research to perform because the taking of blood samples is so intrusive and objectionable to participants and because it requires medical supervision. Therefore, we will postpone this segment of the research until it is evident that there are some systematic changes in the salivary nicotine data. We have made some preliminary contacts with our medical staff, and they will support us when needed.

II. There are tentative plans for one other project in which nicotine will be delivered intravenously in different sized spikes of different duration, to yield a broader picture of the role of the spike, the level, and the reinforcement characteristics of the substance. The execution of this project is contingent upon the execution of study I–C above, since both involve the dosing of numerous subjects with nicotine.

III. Other smoking related research

1. Role played by Cigarette Firmness in determining cigarette acceptability. Much attention has been paid to the problem of maintaining the firmness of our cigarettes at a level consistent with the image of a high quality product. We have recently found that a trained panel's evaluations of firmness are highly correlated with the firmness data provided by the Firmness-while-smoking machine and our compacimeter procedures. However, we know neither the relative importance of firmness to the consumer (compared to other characteristics of the cigarette's appearance) nor the most desirable firmness level. We will try to find out.

IV. Support for other projects, within R & D and within behavior research, will be provided, as necessary.

SOCIAL PSYCHOLOGY PROGRAM S. Dunn

Objectives

I. To gain a better understanding of the role of social psychological factors in shaping cigarette smoking behavior.

II. To apply social psychology techniques to the study of cigarette acceptability.

Planned Studies—I. Exploratory Study on Psychosocial Determinants of Smoking Behavior

As an initial approach to the problem, we have designed a one-on-one interview including both objective questions and in-depth probes. This interview is an intensive two-hours of data gathering, ranging across a spectrum of social, personality, attitudinal and situational dimensions. The dimensions were chosen for inclusion because of their potential relevance to smoking behavior. Items included in the questionnaire/interview schedule can be subsumed under these headings:

1. Emotional state and responsivity.
2. Stress-handling mechanisms.
3. Situational determinants and cues.
4. Socio-cultural influences.
5. Health concerns and smoking.

Interviewees are being drawn from among the population of 45 year-old, white, college-educated, upper-middle class women, half of whom smoke high-delivery cigarettes and half of whom smoke ultra-low delivery cigarettes. Focus on these groups will also provide data on women smokers and on the factors determining choice of delivery level.

The data obtained will be subjected to a statistical analysis designed to identify the underlying higher order factors. The nature of these factors, and the extent of their influence upon smoking behavior will provide the basis for further studies. The analysis is scheduled for completion by the end of the first quarter of 1981. Upon completion of this analysis we will generate hypotheses testable under rigorous, laboratory-controlled conditions.

II. The Influence of Cigarette Firmness Upon Cigarette Acceptability

Mr. Ryan has reported a study of the correlation of subjective firmness with measures obtained on the Firmness-while-smoking machine and on the compacimeter. The question has been raised as to what relevance, if any, these measures have to cigarette acceptability. We are designing a study that will address this question. The study will incorporate interview techniques of social psychology rather than rely upon conventional marketing research survey methods.

III. THE INHALATION MONITORING PROGRAM . . . Jones

Objective: To determine in what manner the smoker altersimulation patterns in response to changes in the chemical composition of cigarette smoke.

Planned Studies—I. Instrumentation

A. *Exploratory research using the new recording system.* The literature on smoke-laden inhalation research is limited, and that which does exist suffers from severe technological constraints. Our inhalation monitoring system provides us with the advanced technology necessary to acquire fundamental information about inhalation behavior. We are immediately concerned with establishing valid and reliable criteria for determining when a subject's inhalation patterns have stabilized—at what point we are seeing a reproducible representation of the subject's inhalation behavior. In designing our experiment we must determine what would be sufficient time within each period of data collection for the smoking behavior to stabilize, before introducing a new experimental condition. Other information which is related to experimental design involves what happens to baseline behavior, established on a smoker's own cigarette, following experimental conditions. Is there a return to baseline inhalation behavior or will the baseline readjust? Carry-over effects resulting from the use of repeated measures may occur and must be taken into account.

B. *Programming a dedicated minicomputer for data display and analysis.* The MINC/DECLAB minicomputer, expected to arrive early in 1981, will be used to store and display the quantities of information collected. Following our programming efforts, the computer will be customized to handle the high-speed analyses required for our specific needs.

II. Experiment # 11: Does the smoker demonstrate compensatory inhalation behavior in response to changes in the nicotine content of cigarette smoke?

The experimental design is repeated measures with an ABACA format—a powerful method for examining what happens to inhalation patterns when a smoker switches between cigarettes of high, low, and ultra-low nicotine delivery. Baseline measures will be taken on the smoker's own low delivery cigarette until we observe stable behavior. The smoker will then switch to an ultra-low or high delivery experimental cigarette for two weeks, the order of presentation being balanced across subjects. Following each experimental condition, the smoker will switch back to his own cigarette to re-establish baseline behavior. Our primary interest is in comparing one inhalation parameters of Condition B with Condition C, demonstrating differences due to nicotine delivery of the cigarette smoked. The other 3 conditions will mainly serve to make this information meaningful.

We will be collecting data for approximately 2 months on each subject. The study will begin early in 1981 and is expected to continue throughout the year.

FRENCH NUCLEAR TESTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, once again I take the floor to express to my colleagues and to the American people my deep disappointment with a decision made recently by the President of the Government of France to explode eight nuclear bombs in the South Pacific, and each bomb explosion is ten times more powerful than the nuclear bomb dropped on the city of Hiroshima.

Mr. Speaker, I have just learned from media reports that some 47 parliamentarians from Australia and 11 from New Zealand, and several more parliamentarians from Austria, Japan, Denmark and Germany—all plan to travel to French Polynesia to protest the proposed nuclear testing program by the French Government which will commence in September of this year.

Mr. Speaker, I want to offer my support and commend the parliamentarians of all these countries for their commitment and convictions to tell the French Government leaders that France's proposal to explode eight nuclear bombs is just plain wrong and contrary to the wishes of some 28 million men, women and children who live in this region of the world.

Mr. Speaker, I also would like to make an appeal to my colleagues to join me by traveling to French Polynesia and let the French Government know that nuclear testing in the middle of the Pacific Ocean is an outmoded, ridiculous, and simply a dangerous undertaking not only for the marine environment but the lives of the millions of men, women and children who live in the Pacific region.

Mr. Speaker, the President of France recently proclaimed that France was the homeland of the Enlightenment, and I have no doubt that some of the world's greatest thinkers—men of reason—men who appreciate and value human rights, and who respect the rights of others.

Mr. Speaker, again I ask—what possible reason is there to justify President Chirac's decision to explode eight nuclear bombs? He said in the interest of France—but what the concerns and higher interest of some 170 nations of the world that recognized the dangers of nuclear proliferation—the dangers of nuclear bombs being exploded in an environment that changes constantly because of seasons climatic conditions that produce earthquakes, hurricanes, cyclones; and another real serious danger to these French nuclear explosions, Mr. Speaker, is we have no idea what is going on below the base of this volcanic formation.

After some 139 nuclear explosions for the past 20 years inside the core of this volcanic formation—something has got to give—and if radioactive leakages start coming out of this volcanic formation within the next 10 years or even 50 years—my problem, Mr. Speaker, is that the 60 million French citizens living in France are going to continue enjoying the good things of life like drinking their French wines, while the millions of people who live in the Pacific are being subjected to radioactive contamination—let alone some 200,000 Polynesians, Tahitians, who incidentally are also French citizens—all, Mr. Speaker, are going to be the victims. Is this fair, Mr. Speaker?

Can Mr. Chirac honestly look at himself in the mirror—every morning and keep saying to himself that it is okay to nuke those islands out there in the Pacific, and that the lives of 200,000 French citizens in the Pacific are not important to the Government of France? What arrogance, Mr. Speaker.

Mr. Speaker, in the minds of millions of people around the world—the Government of France has committed a most grevious error by authorizing an additional eight nuclear bomb explosions to take place in certain atolls in the South Pacific.

Mr. Speaker, I would like to make this special appeal to my colleagues on both sides of the aisle and to my fellow Americans—make your voices heard—support the concerns of the millions of men, women, and children in the Pacific and around the world who do not support French nuclear tests—call and write letters to the Congress and the French Embassy here in Washington, DC—tell the leaders of France that exploding 1.2 million tons of TNT in an ocean environment is both dangerous, insane, and utter madness.

Mr. Speaker, tomorrow the House Committee on International Relations will consider House Concurrent Resolution 80, which expresses the strong sense of the Congress for recognition of the concerns of the nations of the Pacific region—a recognition also of the environmental problems that will attend these additional nuclear bomb explosions—and to call upon the government of France to stop these nuclear tests since about 70 percent of the people of France do not want nuclear tests to take place, and countries from Asia, the Pacific region, the Western Hemisphere, Europe—all do not want France to resume nuclear testings.

Mr. Speaker, I ask my colleagues to support House Concurrent Resolution 80, which already has the support of Members from both sides of the aisle.

Mr. Speaker, I include the following for the RECORD:

U.S. DOUBTS FUEL FEAR OF COLLAPSE ON NUCLEAR TEST BAN—PHYSICISTS MEET TO REINFORCE STAND

(By Charles J. Hanley)

Weeks before they light the fuse in the far Pacific, the French have set off an explosion of global protest with their plan to resume nuclear weapons testing.

But the nuclear future may depend less on what happens on a Polynesian island in September than on the outcome of a secretive meeting last week at a California resort, where leading physicists gathered to try to help a wavering U.S. government take a stand on a global test ban.

These latest developments—a decision in France, indecision in America—have suddenly cast a shadow over international negotiations to conclude a comprehensive test ban treaty by late 1996.

The Polish chairman of those talks in Geneva sounds worried.

"It's possible," Ludwik Dembinski said of reaching the goal. "But it will be very difficult."

Fifty years after the first atomic test explosion in New Mexico, on July 16, 1945, the nuclear powers have committed themselves to a 1996 target for banning the tests that over the years helped them build ever more compact, durable and finely tuned weapons.

But after 2,000-plus explosions in the Nevada desert, the central Asian steppes and the Pacific, some want the treaty to allow still more such "activities"—tests by another name.

Four declared nuclear powers—the United States, Russia, Britain and France—have observed a test moratorium since 1992. Last month, however, the French announced they would stage eight underground explosions at their Mururoa atoll site between September and next May.

The French say they need the tests to check the safety and reliability of their arsenal and to collect data, before a test ban, for later weapons work via computer simulation. But arms-control advocates say Paris mostly wants to use the tests to complete the design of a new warhead.

The U.S. government reaffirmed its adherence to the moratorium. But as attention focused on France, things were happening in Washington, too.

The United States had been expected to favor a test-ban loophole to let elementary weapons work via miniature nuclear blasts underground, with explosive yields equivalent to no more than four pounds of TNT. In late June, however, it emerged that the Pentagon wants a much higher "threshold"—reportedly 500 tons, equivalent to the power of 300 Oklahoma City bombs.

In meetings last week, Clinton administration officials were trying to settle the U.S. policy dispute. None spoke publicly about the pending decision, but the heat was clearly on.

"There's a lot of pressure within the administration to go to a high threshold of several hundred tons," said one informed official.

The heat was felt all the way to Geneva.

"Several hundred tons, in my personal view, is certainly not acceptable," Mr. Dembinski said in a telephone interview.

India's delegate to the 38-nation talks was more direct in rejecting the idea of any tests at all.

A test-ban treaty should mean "complete cessation of nuclear tests by all states in all environments and for all time," Satish Chandra, speaking for the Third World bloc, declared at one Geneva session.

India is key: If it refuses to sign a treaty, its undeclared nuclear-arms program would remain beyond international controls.

The Clinton administration, split between the military and other U.S. agencies favoring a near-zero threshold, turned for help to the "Jasons," a select group of independent scientists on call to advise the government.

This panel of "wise men," first organized in 1958, is named after an inventive hero of Greek myth.

A knowledgeable source, insisting on anonymity, said a half-dozen Jasons—nuclear physicists—met in La Jolla, Calif., last week with government specialists to review the threshold issue.

Their talks ranged across an arcane realm where milliseconds make the difference between small "bangs" and unimaginable explosions.

In a two-stage thermonuclear bomb, a sphere of non-nuclear explosives is ignited and compresses an inner plutonium or uranium core to critical mass, setting off an atom-splitting chain reaction. This fission explosion compresses a second component, of light atoms, that fuse and give off heat in an even greater fusion explosion.

Minimal "4-pound" experiments are fission reactions aborted in their first moments. They are useful in weapon safety work—to determine, for example, that accidental ignition of the conventional explosives at only one point on the sphere produces just a small fission yield.

But Christopher E. Paine of the Natural Resources Defense Council, a Washington-based antinuclear group, says even mini-yield experiments can aid weapons development.

By stepping up to yields of several hundred tons, the "experiments" open many more possibilities for designers, Mr. Paine said.

For one thing, weapons scientists could monitor the complete fission stage and modify designs as a result.

A zero-yield treaty would block the plans of U.S., French and other scientists for new bomb types—warheads for earth-penetrating weapons, for example, and variable-yield warheads.

The ultimate recommendation from La Jolla may have been foreshadowed in an unclassified report last year by Jasons who advised against even the smallest-yield tests under a treaty. The safety and reliability of existing weapons can be ensured by non nuclear tests for the foreseeable future, it said.

The closed-door debates in America are of special interest in Moscow.

Some in the Russian military complex are looking for reasons to resume testing, said Vladimir Kozin, an arms-control specialist at the Russian Foreign Ministry. He said he fears the world will fall back into old habits.

"We are on the verge of reviving the arms race."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2099, DEPARTMENTS OF VETERANS AFFAIRS, HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS BILL, 1996

Mr. SOLOMON, from the Committee on Rules, submitted a privileged report (Rept. No. 104–206) on the resolution (H. Res. 201) providing for consideration of the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1617

Mrs. SEASTRAND. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of H.R. 1617.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

□ 2045

VIEWS ON BOSNIA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado [Mr. McINNIS] is recognized for 5 minutes.

Mr. McINNIS. Mr. Speaker, Members, I would like to talk to you tonight about the situation in Bosnia and as I see the situation in Bosnia. I have spent a great deal of time since a high school graduation a couple of months ago studying exactly what the issues are that we have on the conflict in Bosnia and let me tell you what inspired me to take a closer look at exactly what kind of commitment our President has made over there in that country, what objectives we have in that country, and what results we can expect as the result of our intervention in that country.

Mr. Speaker, what inspired me to do it was when I was sitting on the platform of a graduation, having just spoken to the graduation class, and a young man, 18 years old, as he was walking across the stage to get his diploma, the person sitting next to me said, "That young man is going into the Marine Corps, and he is proud."

He is 18 years old and before long he could find himself committed to a country which he has never seen, probably never heard of, for a commitment that is unclear to me and unclear, I think, to many citizens in this country.

If that young man lost his life in his military service in the country of Bosnia, would I be able to go to his family, go to his mother and his father, and tell them that their son's life, or in some cases their daughter's life, was necessitated for the national security interests of this country? The answer to that is "no," and I think it is clearly "no."

That is what has driven me to spend a few moments with you tonight to talk to you about the situation in Bosnia. Of course, the President has led you to believe that there are several objectives that they hope to obtain in Bosnia.

One is humanitarian aid. Clearly, that has been an absolute disaster. The humanitarian aid has been few and far between. It has been scarce. The winter months have kept it out. A lot of people over there are suffering, because that humanitarian aid does not make it there.

Then the other purpose they come up with is an objective to moderate the war. United States involvement through the United Nations is not moderating that war. Take a look at the headlines in the last couple of days.

The other one is to pursue a diplomatic settlement. It is not going to happen. Do you know that war in Bosnia has been going on for over a thousand years? It was going on before Columbus set sail for the New World. And never in the history of this country have we successfully intervened in a civil war, and that is exactly what is going on in Bosnia. We have never successfully intervened in the civil war of another country, and this will not be an exception.

I think the elements we have to look at before we commit any further money or troops or time to Bosnia really is three- and fourfold:

One, do we have a national security interest in Bosnia? The answer is no.

Number two, do we have a clear objective? When we went to Kuwait, we had a clear objective. Iraq had invaded Kuwait. We had a border. We know that one party had gone over a border that they were not supposed to go over. Do we have that kind of objective in Bosnia? The answer is no.

What is another objective? Are our allies facing a national security threat in Bosnia? The answer is no. Is there an economic threat to our country because of the civil war in Bosnia? The answer is no.

My opinion is, there is no clear objective in Bosnia. I think we have to take a look at what kind of commitment the President is willing to make.

First of all, the President relies on the United Nations. Mr. Speaker, take a look at this headline. And by the way, that number has gone up in the last couple of days. It says, "United Nations, for the 78th Time, Condemns the Serbs."

Folks, the United Nations is nothing more than a paper tiger. What is going to happen is, the United Nations is going to be put in there in a stronger and more forceful way and it is going be the United States of America carrying that burden. It is going to be our young sons or daughters or grandsons and granddaughters that are going to be in Bosnia fighting a war that cannot be won.

What happens if we do find peace in Bosnia? The only way we can do it is to make a massive commitment of military ground troops, may be at least 100,000 troops. And the worst thing about it is, we are going to have to keep them there.

What happens if we do get that peace? How are we going to keep it? The only way we can keep it is a long-term military commitment, and this country is not prepared to make that kind of commitment with military ground troops in the country of Bosnia.

What do I suggest we do? I think it is fairly complicated, but rather simple on its face. One, lift the arms embargo on the Bosnian Moslems. Let them have a fair fight. What we have done is gotten engaged in a fight where we have tied the arms behind their back of one party in the fight and let the other one go at it.

We need to pull out of Bosnia.

Mr. Speaker, thank you for the time. I urge that we pull immediately out of Bosnia and lift the arms embargo.

THE STATUS OF SOCIAL SECURITY AND MEDICARE AS REVEALED IN THEIR ANNUAL REPORTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

Mr. HOKE. Mr. Speaker, I thank the Members who are showing their appreciation tonight.

Mr. Speaker, I want to share with you and our viewing public tonight on C–SPAN a little booklet, called The Status of Social Security and Medicare Programs: A Summary of the 1995 Annual Reports.

I want to tell you about this because I want to urge you, if you are a senior citizen, if you are some day going to be a senior citizen or hope to be a senior citizen, or if you are just a citizen of the United States, this is essentially an annual report on Social Security and Medicare.

Unfortunately, Mr. Speaker, the debate on Medicare has become so utterly politicized that it is difficult for the public and for average Americans to cut through the political rhetoric and the demagoguery and the posturing that is going on to be able to find out what the truth is and what the facts are; and I commend this to you, to read it.

It is only 14 pages. It is short, it is clear, and it lays out very clearly exactly what the facts are. It is written by the Medicare trustees and the Social Security trustees and it includes 3 members of the President's Cabinet.

It is not a Democratic piece, it is not a Republican piece; it is a nonpartisan piece. It is very well written and lays out clearly what the programs are. It is informative in that it does not just talk about recommendations and problems and all of that, but it also tells you exactly what the tax bases are, how much money is raised, where the money goes, how much is in the trust funds of each one, how long we can expect them to last, and if there are problems that ought to be addressed.

I want to read just a couple of quotes from this, because I think it is very instructive. Again, call your Representative: the switchboard at the Capitol here is area code 202; the switchboard people do not like it when I do this, but it is very important that you do this.

POINT OF ORDER

Mr. FIELDS of Louisiana. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman from Louisiana will state his point of order.

Mr. FIELDS of Louisiana. Mr. Speaker, is it proper for the Member to address the C-SPAN audience? Should not the Member address the Speaker of the House?

The SPEAKER pro tempore. The gentleman from Ohio is reminded to address his remarks to the Speaker.

Mr. HOKE. Mr. Speaker, I want to remind you, so that perhaps you could remind the public, that the switchboard number here at the Capitol is 202-224-3121; each citizen might call their Representative and ask for the summary of these annual reports.

I will say, and I am not suggesting that the gentleman from the other side of the aisle who made this point of order is a part of this, but I have got to tell you, the Democrats do not want you to read this report. They are trying to keep this report secret. They do not want you to see what is in this report.

Let me read a couple of things. It says,

> The Board of Trustees are pleased to present the summary of the 1995 annual reports of the Social Security and Medicare Trust Funds. In particular, we encourage current and future beneficiaries to consider what these reports mean for them as individual citizens. Based on the trustees' best estimates, the reports show,

And I am going to cut to the part about Medicare,

> . . . the Medicare Trust Fund which pays in-patient hospital expenses will be able to pay benefits for only 7 years and it is severely out of financial balance in the long range.

Then it has a lot of stuff on the summary of the reports and explains the analysis and how they go through this.

I am just going to go to the back where it has a message from the trustees. It says,

> This is the fifth set of trust fund reports on which we have reported as Public Trustees.
>
> During the past 5 years there has been a trend of deterioration in the long-range financial condition of the Social Security and Medicare programs and an acceleration in the projected dates of exhaustion in the related trust funds.

Then they go on to say the most critical issue relates to the Medicare program.

Both the Hospital Insurance Trust Fund and the Supplementary Medical Insurance Trust Fund show alarming financial results.

> The Medicare program is clearly unsustainable in its present form. We had hoped for several years that comprehensive health care reform would include meaningful Medicare reforms. However, with the results of the last Congress, it is now clear that Medicare reforms need to be addressed urgently as a distinct legislative initiative.

The number is 202-224-3121. Mr. Speaker, I am asking that you advise the public that they can request this summary from their Representative and get a copy of it, because we have got to get out of the partisan rhetoric of this if we are going to get a conclusion.

I see that the gentlewoman from Washington wanted to make a comment.

Mrs. SMITH of Washington. I wanted to ask you a question, how I got the number, but you happened to say how I got the number. If they want to call our offices, though, and find out or if I want to tell someone, is it better to use that number or our own office number?

Mr. HOKE. If they have the office number, it is better to use the office number.

Mrs. SMITH of Washington. If not, what number?

Mr. HOKE. It's 202-224-3121.

Mrs. SMITH of Washington. Thank you. Listening to you, what really excites me about this is that we are not to the end; in fact, we are just at the beginning. I look at all that has been coming up, and the proposals are clearly that there are ways to fix this system and there are ways to make it better.

Mr. HOKE. I see that my time has expired. Maybe we could talk about that in the next special order.

TRIBUTE TO EAGLE SCOUT FROM MAINE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine [Mr. LONGLEY] is recognized for 5 minutes.

Mr. LONGLEY. Mr. Speaker, one of the great privileges of being a Member of this body is the opportunity to address this Chamber and to address remarks to the Speaker. I would like to take advantage of this opportunity to call attention to an outstanding young man from my district who last Saturday was awarded the rank of Eagle Scout.

What is significant about this award is out of the thousands of scouts who do achieve the rank of Eagle Scout, this is the fourth son of Charles Gaspar of North Berwick who has achieved that rank; his son John, again, the fourth of four brothers.

He has many accomplishments. Most recently he ranked first in his high school class. He is an accomplished chess player and he aspires to be a physician. Mr. Speaker, I certainly would want to state for the RECORD my pride in having this young man as a resident of my district.

NATIONAL LOBSTER MONTH

Mr. Speaker, I would also like to address to the Chair, and knowing the Chair's great interest in fine cuisine, that my district is the home of the Maine lobster. The month of August is going to be Maine Lobster Month and I know that many Members who potentially may be taking vacations may have an interest in traveling to the rockbound coast of Maine to partake of this culinary delight.

We have over 6,500 licensed lobstermen in the State, over 400 dealers, and last year we produced nearly 40 million pounds of lobsters; almost 100 million dollars' worth of production that was distributed around the world.

Again, it is a great source of pride to me, Mr. Speaker, to represent the First District of the State of Maine and particularly the fishermen and the lobstermen in the State. Again, I compliment them on the great accomplishment of Maine Lobster Month in the month of August.

□ 2100

WE NEED TO LOOK AT MEDICARE MORE CLOSELY

The SPEAKER pro tempore (Mr. HAYWORTH). Under a previous order of the House, the gentlewoman from Washington [Mrs. SMITH] is recognized for 5 minutes.

Mrs. SMITH of Washington. Mr. Speaker, I think that we need to talk more about Medicare, because I am finally beginning to have hope. I took the report, the task force report home, that yellow book that scared me so much, and I flew 7 hours with it and I read through it and I read each section. Surely enough, the President's trustees were right. Financially, it is trouble.

I think what has been exciting to me as a newcomer here, a freshman in this particular year, is that solutions are coming quickly. What really is clear is that the people suggest and the ones coming up here say that we should be clearly looking at fraud and abuse, we should be looking at paperwork and how much there is, and that if we would do those two things, it would be a good beginning to fixing the system. We are going to protect the system.

I have not heard one person on either side of the aisle say we are not going to have Medicare. It confirmed what I have been saying, which is I am not willing to have any person that is on Medicare now, any person relying on this vial program for their life, to wake up one day and have it gone by default, because we do nothing to preserve the system, or by taking it away from people we have made a commitment to.

So what we are seeing now is people getting out the rhetoric. There are a few people that stand up here each day and harp that it is going to be gone, but they are the minority in both parties now. Most are saying, let's fix it, let's preserve it, let's make sure it is stronger and it is simpler.

The system is too tough for me, and my background is paperwork. So if my background is paperwork and I cannot figure out the paper, then how can someone else that is trying to manage after an illness? So that is just an exciting thing that I am seeing happening and a great hope for the system.

Mr. HOKE. Would the gentlewoman yield?

Mrs. SMITH of Washington. I would be glad to yield.

Mr. HOKE. Mr. Speaker, I think that it is very important that we remind ourselves and each other and the Speaker that one of the criteria that we will follow in this is that every single person who is currently on Medicare has an absolute guarantee from the Republican Conference in this House, the majority of this House, that those people, if they choose to stay on the Medicare Program the way that it is designed today, that is a choice that they will be absolutely guaranteed to have, and that nobody, at least on this side of the aisle, nobody is suggesting anything other than that.

Mrs. SMITH of Washington. Mr. Speaker, I think the exciting thing about that is that it is like a rainbow. We have had this system that everyone has known for nearly 10 years was going to be in financial trouble, and they kind of just shoved it to the side. The system just sat there and got internally financially worse.

Now what we are hearing about is something nobody talked about because they knew there were problems in the system, and that is choice for senior citizens.

Mr. HOKE. I think you are right and I think that is what is exciting. The place that we can look first in terms of having hope for being able to solve this problem, other than the fact that I hope that as Americans, we all just have a general positive sense of our ability to meet any challenge, under any circumstance, and meet it positively and with vigor and with dignity and know that we are going to succeed.

One of the places that we can look, and probably the place we ought to look first generally, is in the private sector. I know, as you know, what has happened in the private sector. We have gone from over double digit inflationary rates in health care down to about 4 percent in the past couple of years. We are running at 10.5 percent in the public sector inflation per year, at 4 percent in the private sector. Clearly, if we simply use that as our model, right there, that is actually less than the increase that we have budgeted in Medicare over the next 7 years.

Mrs. SMITH of Washington. What the gentleman from Ohio is saying, is let's look at what worked in the general medical to bring down the inflation rate for Medicare. You know what they did? They streamlined paperwork, they got rid of fraud, they dealt with giving individuals choice.

We need to bring all of those things in. But we have to secure the confidence of those that are on it now and make sure everyone out there knows, or everyone knows, whether it is my grandmom or my mother-in-law, that they know that tomorrow they are going to still be taken care of. I hope the rhetoric goes down, because we have to fix this. With the rhetoric, that could stop us from fixing it.

THE VOTERS' BILL OF RIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, I rise this evening to inform my colleagues that tomorrow I will be introducing a series of pieces of legislation that I think will get us back onto some of the agenda items that we need to address this fall. We have had a very successful year beginning early in the year with the Contract With America, moving on now through a process of going through 13 appropriations bills. But I believe the legislation that I am going to be introducing tomorrow, at least parts of them, are going to require serious consideration this fall.

What I do is I call them the Voters' Bill of Rights. Because really, what we are doing with these pieces of legislation is we are empowering American citizens to help set the agenda in Washington, and to hold their Members more accountable for their actions in the House and in the Senate.

Specifically, the three pieces of legislation include three items, the first of which is the national voice on term limits. As many of you know, we had a vote on term limits earlier this year. We had a majority. We failed to get the required number because it was a constitution amendment.

I think it is now time to nationalize the debate, to have a national debate during the spring, the summer and the fall of 1996, and then we are going to have a unique experience if this legislation passes. We are going to have the opportunity to have every American citizen in this country to vote and express their preference on what they would like congress to do with term limits. That would happen in November of 1996. Then, as the Speaker of the House has committed, if Republicans are still in control of the House in 1997, January 1997, a vote on term limits would be the first vote that we will have on our legislative agenda in January 1997.

So what a beautiful process. We will have a national debate. We will have a national advisory referendum, and then we will have instructed Congress how to vote, and then in January 1997, we will have that vote on term limits, which I am sure will get us over the hump and move us to actually completing the work, or completing the work in Washington on term limits so that we can then move it to the States.

The second piece of legislation that I am going to be introducing tomorrow is the opportunity for citizens in their districts to recall Members of the House and Members of the Senate. Currently, if, during their term of office, the Member in the House or the Senate loses the trust or the confidence of the people of their district, there is no mechanism by which the Member or the citizens of that district can hold their Member accountable.

Recall is an extreme measure. The hurdles that we have in our legislation will make it very difficult to recall a Member of the House or of the Senate, but it provides that opportunity where the trust between the Member and the citizenry has been broken, for the citizens to go through a petitioning process and to call for the recall of their Member of the House or of the Senate.

It moves accountability and the ability to hold a Member accountable during a term of office back to the people, another element of our Voters' Bill of Rights.

The third element of our Voter Bill of Rights, and there are a couple of others, but the only other one that I want to highlight this evening, it is something that I saw for the first time 3 years ago, and I kind of chuckled the first time I saw it, but then I actually figured out how it worked.

What this calls for is FOR the States in the election process to list the individuals who have qualified through a petitioning process, or have qualified through a primary process. So it lists the names of the individuals who have qualified to be on the ballot in a November national election or House election or a Senate election. It has the names on there, and then it is going to add another interesting little category. It is going to add the category: None of the above. We call it NOTA, None of The Above.

So often we hear our citizens saying, we are not really satisfied with the choices that we have. In this new process, they can vote for the individuals that are listed or they can vote for none of the above. If none of the above receives the majority of the votes, a new election will be held, and the individuals that were on the original ballot will not be eligible for this second election.

RESTORE CRIME PREVENTION DOLLARS IN H.R. 2067

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Louisiana [Mr. FIELDS] is recognized for 30 minutes as the designee of the minority leader.

Mr. FIELDS of Louisiana. Mr. Speaker, today we are debating H.R. 2067, which was the legislation that we debated earlier today and the legislation we will resume debating on tomorrow. On tomorrow we will introduce an amendment to this piece of legislation to restore money for an interest that I have, an interest that I feel is very important to the American people, and that is the prevention dollars that were taken out of the bill and put in a block grant form and give the States the discretion to use money, either for prevention or for incarceration.

Mr. Speaker, I think one of the problems we have in this country, we fail to realize one of the problems with crime, is that we do not put money where I believe it needs to be, and that is in the area of prevention. If we just send block grant money to States and let them make the decision as to where they want to spend this money, we could very well end up with 90 percent or 100 percent of the dollars that we send to a particular State being used in incarceration, building more jails and prisons, and not dealing with the root of the problem. And in my opinion the root of the problem is in fact prevention.

The amendment that I introduced today, as a matter of fact, Mr. Speaker, and will debate on tomorrow will provide that 10 percent of the funding must be used for crime prevention, which would allocate about $200 million of the total $2 billion that is allocated in this appropriation to crime prevention. It just makes basic sense to me, Mr. Speaker, that we take 10 percent of the dollars and use it for crime prevention.

We passed the legislation last year to appropriate about $30 billion to fight crime. We allocated X number of dollars to go toward building jails and prisons, and we also allocated X number of dollars that would go toward prevention, because we felt that was a balanced approach.

We felt that in order to fight the real crime problems in this country, you had to do it twofold, not only just build jails and prisons, but also have drug treatment, also have educational programs and recreational programs for youth all across the country.

In this bill, I am sad to say, this bill does not address that problem. Many argue that you can use the money for crime prevention or you can use the money for incarceration and enforcement. That is absolutely true. But the trend in this country is many States are using money only for locking people up.

Let me tell you why prevention makes sense, Mr. Speaker. Prevention makes sense because if you look at my own State, the State that I come from, the State of Louisiana, in the State of Louisiana we have the highest incarceration rate per capita in the whole country. We also have the highest high school dropout rate.

If you look at the people incarcerated in the State of Louisiana, 80 percent of the people who are behind jail cells in Louisiana are high school dropouts. So it does not take a rocket scientist to realize that education and incarceration does have some nexus. It makes more sense that if we spend $60,000 to build a jail cell and then $30,000 a year to maintain that jail cell, it just makes more sense to me that we put that kind of money in education, when we only spend about $4,000 a year to educate a child.

So this amendment that I will introduce tomorrow, Mr. Speaker, will do just that. Up to $2 billion that we will allocate for enforcement and crime and crime prevention, we will earmark 10 percent of that, which would be $200 million, that will be designated for the sole purpose of crime prevention.

On another note as relates to crime prevention and education, I am going to introduce another bill, because I have gotten to the point that I am somewhat tired of us debating the issue of crime on the floor of the House of Representatives and never talking about the real root of the problem, and the real root of the problem is prevention.

I am introducing legislation that would deal with one of the main roots of the problem, and that is education. It is ironic that we have spent time, days and nights debating the crime bill and appropriate billions upon billions of dollars to put people in jail, and by the same token, we spend very little time talking about how to provide education to our children.

There were discussions on this very floor to eliminate the Department of Education. How can anyone even entertain the thought of eliminating the Department of Education in this country? What message do we send to our children?

I am introducing a national education plan the latter part of this week on this House floor that will provide for a national educational trust fund. Those moneys will be used for three purposes and three purposes only, Mr. Speaker. One, moneys will be used to provide a book for every student for every subject. I think that is a commitment that we as Members of the Congress ought to make. There should not be a student who walks into a public school in America that does not have a book, the very basic requirements, a book for every subject.

Some may think that is very radical. But we spent $30,000 to build a prison cell, but we will not spend $10 to buy a kid a book and guarantee every kid in America who goes to a public school have a book for every subject that he or she engages in.

□ 2115

How do we expect teachers to teach and kids to learn if they do not have the proper tools; so I just think that is basic sense and basic logic for me.

The second part of this legislation I will introduce will deal with infrastructure. I am sick and tired of walking into schools all across this country and the schools are in worse conditions than in our jails. I have visited schools and jails, and, when I visited jails in Louisiana and in this country, the ceilings are never leaking, the air conditioners are always working, the infrastructure is absolutely gorgeous, but when you visit public schools in this country, unfortunately many times the ceilings are leaking. I mean the building is about to collapse. But yet we study, put down more and more money into jails and prisons and fail to make the investment in our children and in our schools.

And lastly this bill would provide for the funding of teachers' salaries. We take money and put—I think the national Government, the Federal Government, has an interest in what we pay teachers. You know we cannot any longer expect teachers to work and raise a family for little or nothing. I mean teachers cannot buy bread and milk cheaper than anybody else. So I think we have to make that investment now.

Many say how are you going to fund this. I mean we are facing trillions of dollars of debt. And we have a deficit. I mean how are you going to fund it? It sounds very great to stand up on the floor of the House and talk about providing a book for every student and providing teacher's salaries as well as building new schools and improving infrastructure of the schools we presently have.

Well, there is a proliferation of gaming that is taking place all across this country. You know I think we ought to have a Federal tax on gaming, 5 percent, and that 5 percent ought to go to a national education trust fund, and those dollars ought to be used solely for the three purposes I enumerated on the House floor tonight, and it is amazing what we will do with education in this country if we can put those kind of dollars in education.

I see the gentlewoman from Texas is standing in the well, and I would be happy to yield to the gentlewoman

Ms. JACKSON-LEE. Mr. Speaker, as I listened to the gentleman give us really an agenda, because someone would be listening and ask the question how do we pay for many of the things that I heard you express concern about, but the real question becomes how do we focus, what are our priorities, and you mentioned education taking some of the most devastating cuts, chapter 1, many of our rural and urban schools where children need an extra leg up or an opportunity.

Again I always emphasize it is not a handout, it is a hand up, but yet we are going almost to the bone on programs that provide special educational opportunities for our children. There is a lack of focus. The infrastructure where we find that our children go to schools with leaking roofs and windows that do not shut or those that shut tight and they cannot get any air.

Then we have a situation where we say to our seniors, and in fact I want to emphasize again, and I was on the floor of the House saying this before, it is not just our seniors that are impacted by Medicare and Medicaid. We want to do a $270 billion cut, not because we have heard from the task force put together to assess the condition of Medicare, and they did indicate that Medicare needs to be reformed, but specifically they said it needs to be reformed in the context of a total health reform package, and they also mentioned that what needs most to be emphasized in Medicare reform is elimination of fraud and abuse. No one disagrees with that. But I do wonder about the $270 billion cut that is now proposed by Republicans to give a tax cut to those making over $200,000 and then another proposal to voucher those individuals receiving Medicare benefits.

And so the question becomes focus because, if you eliminate and cause seniors to have to pay an increase, which they will, in the amount of the Medicare premium, the balance is going to come on the backs of those seniors, either that they will not be able to pay that increase and, therefore, their health will go down, their health maintenance program will go down, or they will choose between eating and health care.

But more importantly for those of us who think, well, it does not impact me, those are our parents who will have to come back into our homes or rely upon the meagerness of the income that you already have while you are trying to raise your children and send them to college on a cutback on student loans by the way, and then you have to face the concerns and the needs of your parents.

It is a question of focus, and I was looking, if the gentleman would yield just a little bit more, on what we do in terms of crime. We stood here today, and argued, and tried our best to bring some reason to the Department of Justice appropriations. That is also a question of focus. When we had already in the 103d Congress—my predecessors; I was not here—had already reconfirmed the value of having cops on the street, community policing, we had confirmed through the crime bill of last year that it is important to have preventive programs, late night parks that are used in the city of Houston, the DARE program, drug-free schools, very, very important measures to get to young people and say, "Be a part of our gang and not theirs."

What do we get? A slashing of that program so drastically, and, when we come back with a very measured, reasoned proposal to include the cops on the beat program, to include more preventive programs for our children, and also to include the violence against women prevention programs and support for those kinds of programs under the Violence Against Women Act, what happened? We reject it, or it was rejected by the majority.

And so I think that we have a problem with focus in this appropriating process, and we are not focused on the future, we are not focused on those who need the extra helping hand.

Mr. FIELDS of Louisiana. Mr. Speaker, I thank the gentlewoman for her comments, and she certainly makes some very strong points in both areas, first in terms of the seniors. I mean it is so important that we not forget about those people who have worked hard all of their lives, who have built this country, and their mothers and fathers, and their grandmothers and grandfathers, those people who built this country, and who worked hard, who fought our wars, who served in our governments and who just did basic things, those people who worked in hospitals and those people who worked in schools, and to say to our seniors now that you are just not important anymore to me is absolutely asinine and unconscionable to say the least.

So, we have to have some consideration when we talk about this whole issue of Medicare because it is an important issue, and it will impact when you talk about billions of dollars in cuts.

You know you could call it what you want to call it. It is a cut, and it will impact a bunch of senior citizens in this country, and I am glad that the gentlewoman took the time to stand up in the well tonight to talk about the need to preserve programs such as that and the need to protect elderly people in her own State of Texas and all across this country. So I thank the gentlelady.

I yield to the gentlewoman for just a second.

Ms. JACKSON-LEE. One of the things that moved me most when I go home to the district would be those who would say, "Do not cut me off Medicare." It was not individuals who did not realize that we had to make sure Medicare survived into the 21st century. They were not being selfish, but they wrote letters or have written letters to my office asking are those of us who are going to be put off? Are those who will become eligible in the year 2000 not be able to secure the necessary health maintenance and health benefits necessary for what has been very positive in this country, which is old age, the ability for our citizens to live longer and healthier lives; is that something that we should give up when most nations look to this country in admiration that we can do that for our seniors?

And then let me just add to the focus question to include two other areas, and that is the question of homelessness. We had begun to make strides in the homeless area serving homeless persons. Again let me emphasize a hand up and not a handout. We had uniquely been able to focus on what we call transitional housing that allows people to get support services and survive. What do we do? Drastically cut transitional housing because there is not a focus, pitching one support need against another, and then they take it a step further and put in jeopardy the Ryan White treatment dollars.

Mr. Speaker, I recall when these moneys were first proposed for AIDS treatment that Houston was then 13th on the list. It may be 7th now in HIV cases, and so the Ryan White treatment dollars are a vital component of treating those with this deadly disease and, as well, carrying forth the message that we care, but most importantly, that we are in partnership with local health entities that face and have the greater burden for HIV cases. Are we saying to them that we, the Federal Government, are throwing up our hands, we are no longer going to be partners in this very vital effort that we are making both in AIDS and in homeless? And those living with AIDS will now be impacted by not having dollars that may be helpful.

Mr. FIELDS of Louisiana. I thank the gentlewoman for her comments and, taking it a step further, in the VA-HUD appropriations they also cut off moneys for national service. I mean eliminate the President's program on national service. Now here was a program, or here is a program, that dealt with kids who were caught in the middle and parents who were caught in the middle, I mean parents who made a little bit too much money to qualify for Government assistance to send their kids to college, but did not make enough money to afford to send their kids to college on their own. So last year we came up with this innovative idea. We said we are going to have a national service program under the President's leadership, and it was a program that did not have an income criterion. If you want to volunteer your services and work your way through college or work your way even after college and pay off your student loan because of the high default rate we had among students who graduated, and even those who did not graduate from college, so this Congress came up with a unique idea to provide a national service program for kids, young students, who decided to go to college, and work their way through college and work with nonprofit organizations.

In this legislation, it totally wipes out that program, zero dollars, not phased down, but wiped it out. I mean 20,000 kids right now and today are benefiting from the national service program what will not be in effect in 1996 if this appropriation passes this House.

You know I mean what are we saying? On one hand we are telling seniors we are going to cut Medicare, on the other hand we are telling young people we are going to cut out drug-free schools in communities and national service programs. And then we tell them God knows if you have AIDS in America, then you are going to be cut out of public housing. I mean zero, not phased down. I mean zero.

I mean to zero these kinds of budget items to me is you have got to have a hard conscience or no conscience to make these—to come to these kinds of conclusions. I mean from the elderly to the youth, to those people who need assistance, the most—you know, people with AIDS—to tell them that they are no longer going to have this kind of public assistance as relates to housing—you know, what is wrong with A $1 billion cut.

First of all, it is 9 percent, and you have more homeless people. We have 600,000 families in America right now today who are homeless. We are not fixing the problem. We are adding to the problem when we cut assisted housing programs and homeless programs to the degree that we are cutting them in this budget.

I mean homeless programs. This year we appropriated $1.2 billion. We are going to cut about $576 million. I mean next year we are going to appropriate $576 million, which will provide a $544 million cut in the homeless program, not to mention what we are going to do to the environment.

□ 2130

We are talking about how we need to preserve the air, water, and soil. But if we do not have an agency that has the wherewithal to do that, then we are failing. We cannot grow more land in America. It is the Federal Government's responsibility to preserve the air and preserve the water and preserve the soil.

That is our responsibility, in my opinion. If we do not do it, who will? Are we going to just depend on somebody from space to protect the air and environment that we live in?

We talk about deficit reduction. We have a deficit reduction as relates to the environment as well. There are a lot of cleanups that we must provide, a lot of cleaning up that we must engage in right here in this country.

In my own district, I have several Superfund sites. There needs to be an agency in Baton Rouge, LA, next to a community called Ethel and next to a community called Scotlandville. There is a polluted Superfund site that needs to be cleaned up. But will the EPA be able to do it? We appropriated $7 million last year. Next year, they will appropriate only $4 million, $2.3 million cut, 32 percent.

We expect our kids to look at us and say yes, son, we are going to make sure when you go fishing 10 or 20 years from now you can fish in clean water. When you walk outside you can breathe clean air. When you decide to grow crops, you are going to be able to turn over clean soil. Yet we are failing to provide EPA the kind of mechanisms they need to protect these natural resources.

Ms. JACKSON-LEE. The gentleman from Louisiana does not know how right he is on the Environmental Protection Agency. I am as we speak dealing with a problem of lack of resources: An area in a community of 3,000 homes of individuals in my community, in the 18th Congressional District, Pleasantville, bedroom community, stalwart citizens, experienced in their nearby neighborhood, a very tragic, if you will, and disturbing fire of a warehouse that contained hazardous materials.

We have been trying to work for weeks now in order to get the resources put in by EPA that is so downsized already, to get into this area and do additional testing. That is why I am so opposed and concerned about a $2 million cut, because when neighborhoods that need to be secure, people who live in communities, have invested in their property, suffer this threat so close to their community, and then when we call upon the resources that need to be utilized for testing, to protect their lives but as well to make sure they are safe in their living conditions, we face this response of downsizing and no resources.

It is the same kind of response that you hear with the homelessness and that you hear with the question of the AIDS treatment, and the same kind of response that you may have to give now those 99.1 percent of Americans that have Medicare and Medicaid, that eventually you will have to say there is no more room at the inn.

The question that you have asked, I would like to answer, is that we do not have focus. We have taken away from the American people their dreams, their aspirations, and their hopes. I think once you do that you have turned away the responsibility of the Federal Government to capture hopes and dreams and aspirations of the American people. We have lost our focus.

Mr. FIELDS of Louisiana. Further in the environment portion of this legislation, as the gentlewoman knows, it also cuts money that deals with water treatment grants. Fiscal year 1995, we appropriated $2.6 billion. This year, for 1996, we appropriate $1.7 billion.

Now, there is some who probably do not appreciate, as I do, the need for these grants. I have several little small towns and villages in the district I represent that do not have water treatment plants and do not have the wherewithal, do not have the tax base to develop a water treatment plant.

I have citizens who live within the district that I represent who do not drink clean water everyday, not because they enjoy drinking water that is probably not safe. There are people who live in my district, I can give you a town; for example, the town of White Castle, I have an excellent mayor, Maurice Brown, who worked hard. We were just able to appropriate money to that town so they could improve their water situation. Before such time, we have citizens who were drinking water that had color in it. Some refused to drink it. Some just bought bottled water. Then they asked, Congressman FIELDS, I drink bottled water, but what do I do when I have to take a bath? Those kind of things. I do not think people really have a real appreciation of those kind of problems that really exist in rural America today.

To cut this kind of program to this degree will not allow this Congress to help small towns like White Castle. It will not allow this Congress to help little, small towns like the town of

Donaldsonville and other small towns in rural America. That makes sense. It is through no fault of their own.

I want to thank the gentlewoman from Texas for coming out tonight to discuss some of these budget cuts in these appropriations bills, because they are devastating, and they will have an effect on real people back home in all of our districts. It is something we need to be cognizant of.

Lastly, I just wanted to say tomorrow, when we debate the amendment on the Commerce appropriation, that we will put 10 percent, earmark 10 percent of the dollars to prevention.

I would hope that Members of this body will stand up and support that amendment, because we cannot fight the crime problem in this country by only dealing with jails and penal institutions. We are going to have to fight it from both angles. That is incarceration, law enforcement, and prevention. I think that this bill fails to provide that.

PRESENTING THE FACTS ABOUT MEDICARE

The SPEAKER pro tempore. Under the Speaker's announced policy of May 12, 1995, the gentleman from Kansas [Mr. TIAHRT] is recognized for 60 minutes as the designee of the majority leader.

Mr. TIAHRT. Mr. Speaker, I come to the floor this evening to present to you and to the American people the facts about Medicare. The course of the discussion I will take is well-traveled, but I do not think that there has ever been a more pressing issue facing our Nation than the crisis concerning Medicare. I want to lay out the facts tonight and discuss the very immediate steps which must be taken to preserve and to protect Medicare for everyone who plans to live longer than seven more years.

I am going to start with the bottom line tonight and work my way backward, back to the point which brings me to this podium late this evening. We must keep one singular, simple, and brutal clear point in our minds as we utter every word in the debate about Medicare: According to the Medicare trustees, the Medicare trust fund, which pays the hospital expenses for Medicare beneficiaries, part A, will be bankrupt by the year 2002.

I have with me tonight that report that was issued by the Medicare trustees. This report goes into detail as to why the Medicare trust fund is on a path to go bankrupt by 2002. Mr. Speaker, if someone was wanting to get a copy of this, they should call the congressional phone line, which is 202-224-3121. Mr. Speaker, that is 202-224-3121.

At that point, the trustees tell us, the system as we know it today will cease to exist. All of the accusations we have had and the political bickering and the semantics are pale when we compare the simple fact that the Medicare trust fund is going bankrupt, when we lay that fact on the table.

Medicare is going broke and will not survive another generation unless we act to save it today. In a sense, Mr. Speaker, I am speaking hypothetically about this situation tonight, because, as the Republican Party, we are going to do everything we possibly and physically can to prevent that from happening. We intend to provide quality, affordable, easily accessible health care for all of our seniors.

Nobody likes to hear the word bankrupt. I guess if you spend enough time in Congress or if you work for the Government long enough it might not mean too much, but as someone who spent a lot of time in the private sector, in the real world, I have a healthy respect for the word. The concept is clear: Everyone out there tonight understands that when your expenditures consistently and substantially exceed your revenues or your reserves, you will go broke.

I think this chart that I have very clearly says it all. The part A trust fund is going to be empty by the year 2002. It starts here with the current trust fund that we have in 1995 of about $150 billion. You can see that as time goes on, as we achieve the next 7 years, by 2000 the line here is marked zero, and the expenditure line, the trust fund, cross at 2002. That is an indication that the trust fund is at that point broke. It has no more money in it. You can see after that it runs a deficit for the next few years.

This situation though goes way beyond the Medicare system. It affects our entire budget once we start running a deficit.

I firmly believe that this Congress was elected in large part to balance the budget. The President has finally admitted that if we can balance the budget, it will actually be good for our economy. He does have a plan, but according to the Congressional Budget Office it will not work. He is admitting to having a problem. I think that is a significant start, and we welcome him aboard in the fight to balance the budget.

But the fact is, without significant reform to Medicare, it is almost impossible to balance the budget. As a Congress and a nation, we must reform Medicare if we hope to preserve and protect the system, and we must balance the budget.

The crisis to Medicare confronts us to some degree because of an aging population and an ever-expanding measure to provide better health care longer, but there is also an inherent deficiency in the current system which has led to explosive growth in Medicare, over 10 percent annually for the last 11 years. This, Mr. Speaker, is in part what we can control and where the solutions must be found.

Egregious cases of fraud, abuse, and waste do exist, but we will attack them. We will not completely solve the problem, and I guess technically Medicare could continue to operate as it does today. We would just simply require the next generation to pay a payroll tax rate of 19 percent by the year 2050.

But that is not acceptable. What we need to do is simplify, cut out the red tape, open more opportunities to our recipients as we do in the private sector. We can and must do it.

I just cannot go home at night and look at my three young children, knowing that even though none of them are out of high school yet, our generation, my generation, is planning how we are going to spend their money. And the key to protecting and preserving Medicare is to control the rate at which the program increases.

The Republican proposal is to allow Medicare to increase. Let me repeat that. Our proposal is to allow Medicare to increase, simply at a slower rate than the current double digits we have. But this plan provides for an increase per person of over $1,900 by the year 2002. This is a 40-percent beneficiary increase.

This chart that is entitled "Medicare Spending Per Recipient in the Republican Budget" indicates the increase. In 1995, the average expenditure per person is $4,860. That is going to increase to $6,7834 per person by 2002. We have heard a lot about the cuts going to Medicare, but it is actually an increase. One has to think that those who keep talking about cuts would be losing credibility when there is an acknowledged increase in spending to Medicare. But this rate of increase is both sufficient to maintain the integrity of the Medicare program for the current and future beneficiaries, and to ensure its long-term solvency and survival.

Mr. Speaker, I came to the floor tonight to engage the American public with these facts. I believe this effort to save the Medicare system is so imperative, because it goes much deeper than one specific program designed to provide health care assistance to the older Americans. I believe it is going to serve as a test of our resolve. We must come together, we must overcome contrived generational lines, we must overcome the temptation of the liberals to use class warfare, age warfare, because we must ensure that as Americans, the America we pass along to the next generation, our children and our grandchildren, is a little bit better because of our efforts, that government can be the highest and best. This idea does not seem to be embraced much anymore. It seems that each generation has grown increasingly more pessimistic about their future. I am concerned about this because this is not the vision of America which I want to pass on to our next generation. I think that if we can succeed today in this endeavor, we will not only save the Medicare system but resurrect some of the much needed optimism that our Nation has lost.

□ 2145

There is a great need to preserve hope for the future. Just last July 4, I received news that I have a new nephew. His name is Kenan Tiahrt. He was born July 4, Independence Day, 1995. He represents hope for the future. I have three children myself, Jessica, who is 14; John, who is 10; and Luke, who is 7, and they are my hope for the future and why I am involved in Congress. We must give them the tools that they need to start on a hopeful optimistic career and it starts today with our efforts to balance the budget so we can preserve the Medicare system and protect it.

For our hopes to balance the budget we must be able to eliminate the unnecessary bureaucracy, and tonight I have with me several people who are going to be discussing how we are going to eliminate that unneeded bureaucracy and save the future for our children by balancing the budget. Tonight, speaking about elimination of the Department of Commerce, I have the gentlelady from Idaho [Ms. CHENOWETH], and I would like to yield to her for what time as she may consume to discuss the elimination of the Department of Commerce.

Ms. CHENOWETH. I thank the gentleman from Kansas for yielding me the time.

Mr. Speaker, it is exciting to hear the gentleman from Kansas speak about the reduction of the size of Federal Government with more than just words in round pear-shaped tones. To lead into the fact that we are truly a Congress committed to reducing the size of the Federal Government is truly exciting in this revolutionary and historic time in the U.S. Congress.

Mr. Speaker, after several months of careful study, our task force on the elimination of the Department of Commerce has put forward a well thought-out, responsible program for dismantling the Department of Commerce bureaucracy.

The plan consolidates the duplicative programs, eliminates the unnecessary programs, streamlines the beneficial programs, and privatizes those programs better performed by the private sector.

The plan has bi-partisan support and is also endorsed by many former Commerce Department officials. In addition, the elimination of the Department of Commerce was accepted into both the House and Senate budget resolutions earlier this year.

First, I would like to dispel the myth that the Department of Commerce is the advocate for American business in the federal government.

Business leaders of both small and large companies would be far better served if federal efforts were focused on cutting taxes, enacting regulatory and tort reforms, and more importantly, achieving a balanced budget.

Incentives such as these translate into real sustainable economic growth by way of lower interest rates, a boost in capital investment, and the generation of more jobs. Yet the "voice for business," the Commerce Department, has been notably silent on these issues.

Instead of being the advocate for business, Commerce is a federal department that is involved in everything from managing fish farms in Arkansas to providing federal grants to build replicas of the Pyramids and the Great Wall of China in Indiana.

Commerce officials have been forced to defend the entire Department based on the limited successes of its trade functions, and in doing so completely miss the mark. Only 5 percent of Commerce's budget is devoted to trade promotion, a responsibility shared with over 19 other federal agencies. In fact, Commerce does not even take the lead in U.S. trade programs.

We are not, however, disputing the importance of many of the trade functions currently performed by the Commerce Department. We understand and agree that we must aggressively pursue foreign markets and provide inroads for American businesses.

My colleague, Congressman MICA, has proposed the reorganization of the federal government's trade functions into one coordinated Office of Trade. This will begin to consolidate a very fragmented trade process in our government.

There is no need for the Bureau of the Census to be in a Department of Commerce. This agency would be better included in the Treasury Department, as our proposal suggests, or as the foundation for an independent central statistical agency as others suggest.

The Patent and Trademark Office is another agency that bears little relationship to the other programs in Commerce, and because it is already a self-funding program, it pays a 25 percent stipend just to be in the Department of Commerce. This Office could be transferred to the Justice Department, where most legal issues of the federal government are addressed, or it could be made a government corporation as Chairman Moorhead of the Judiciary Intellectual Property Subcommittee has suggested.

The technology programs of the Commerce Department amount to little more than "corporate welfare" as Labor Secretary Robert Reich has suggested. A prime example of this corporate welfare is the Advanced Technology Program, which provides million dollar grants to some of the nation's industry giants.

The Department's own Inspector General notes the agency has evolved into "a loose collection of more than 100 programs." The General Accounting Office goes further, reporting that Commerce "faces the most complex web of divided authorities * * *" sharing its "missions with at least 71 federal departments, agencies, and offices."

In fact, of these more than 100 programs, we found that all but three are duplicated by other government agencies or the private sector.

Former Commerce Secretary Robert Mosbacher has called his former Department a "hall closet where you throw everything you don't know what to do with."

Over half of the Department's budget is consumed by the National Oceanic and Atmospheric Administration, an agency that has nothing to do with commerce. The functions of this agency would find a much better home at the Department of Interior.

Commerce's claim that it has been a "proven business ally at the Cabinet table" holds little weight in the eyes of America's business community.

In fact, a June 5 Business Week poll of senior business executives illustrated support for eliminating the Department of Commerce by a two to one margin.

Several leading business journals, including the Wall Street Journal and the Journal of Commerce, have carried stories reporting on the lack of business support for the Department.

Mr. Speaker, regarding the majority of the Commerce Department's activities, what Department officials call synergy, others simply call confusion.

From the Census Bureau to the Travel and Tourism Administration, it makes no sense for these diverse and disjointed functions to be huddled together in one Department of Commerce.

The wholesale approach in defending the status quo at the Department, lumping the good with the bad, the efficient with the wasteful, is symptomatic of how we got into our deficit mess in the first place. We need to take a new look at how we do business at the Department of Commerce, not only to improve on the beneficial programs, but to save taxpayers' hard earned dollars.

The Department of Commerce Dismantling Act provides a blueprint for the orderly termination of this bureaucracy, eliminating the waste and duplication, saving the American taxpayers almost $8 billion over five years. This is one step we can and must take to create a more efficient and effective Federal Government.

Mr. Speaker, for the RECORD I include the articles referred to earlier.

[From Business Week, June 5, 1995]

A BALANCED BUDGET OR BUST

American business has spoken: Balance the federal budget, even if it means giving up corporate subsidies. That's the message in a new Business Week/Harris Executive Poll of 408 senior executives. A decisive 57% of corporate leaders said balancing the budget was a "top priority" that will only happen by setting a strict deadline. Only 23% felt such a step might harm the economy.

Given a choice between balancing the government's books or slashing taxes, 79% of executives opted for budget balance. Yet few thought it would actually happen: Asked if Uncle Sam's ledgers would be balanced by 2002, 86% said no.

FULL STEAM AHEAD

Republicans and Democrats are arguing over how to balance the federal budget. Which of the following statements comes closest to your point of view?

	Percent
a. Balancing the budget is a top priority that will only happen by setting a strict deadline	57
b. Balancing the budget is a worthwhile goal, but drastic cuts in federal spending could jeopardize the economy	23
c. The most important goal should not be balancing the budget, but rather setting different spending priorities	20
d. Not sure/don't know	0

SAYING YES TO SACRIFICE

Some Republicans say that the drive to balance the budget by 2002 will require most, if not all, business subsidies to be eliminated. Considering your specific industry, are you willing to forgo special tax incentives or spending programs for the sake of budgetary discipline, or not?[1]

	Percent
a. Willing to forgo tax incentives	57
b. Willing to forgo spending programs	56
c. Not willing to forgo anything	10
d. Depends on the circumstances	7
e. Not sure/don't know	6

[1] Respondents could pick more than one answer.

NO SACRED COWS

I'm going to read you a list of business subsidies or incentives that might be eliminated in order to balance the budget. Should each of the following be eliminated or not in order to help balance the federal budget?

[In percent]

	Should	Should not	Not sure/ don't know
1. Farm subsidies	83	13	4
2. Incentives for energy development and efficiency	65	27	5
3. Federal loan guarantees	65	29	6
4. Export-promotion programs	59	34	7
5. Research and development support for emerging high-tech industries	51	45	4
6. Small-business grants and loans	49	47	4

AXING AGENCIES

Supporters of a balanced budget are proposing to eliminate some federal agencies. Do you oppose eliminating:

[In percent]

	Favor	Oppose	Not sure/ don't know
1. Energy Dept	71	24	5
2. Housing & Urban Development Dept	69	27	4
3. Commerce Dept	63	33	4
4. Education Dept	52	46	2

READ OUR LIPS

Separately, GOP spending proposals would balance the budget by relying exclusively on spending reductions. As a last resort, would you favor or oppose modest tax increases to help balance the budget by 2002?

	Percent
a. Favor modest tax increases	39
b. Oppose modest tax increases	57
c. Not sure/don't know	4

TOP OF THE AGENDA

Which of these issues is THE most important to American business

	Percent
1. Balancing the federal budget	31
2. Improving the U.S. educational system	28
3. Helping to make U.S. companies more competitive globally	17
4. Cutting taxes	9
5. Fighting crime and drugs	6
6. Reforming the welfare system	5
7. Providing guaranteed health care for all Americans	1
8. Reforming campaign finance laws	0
9. Not sure/don't know	3

NO TIME FOR TAX CUTS

Which do you think is more important—balancing the federal budget or cutting taxes for business and individuals?

	Percent
a. Balancing the federal budget	79
b. Cutting taxes for business and individuals	19
c. Not sure/don't know	2

YE OF LITTLE FAITH

All in all, do you think the federal budget will be balanced by 2002 or not?

	Percent
a. Will be balanced	11
b. Will not be balanced	86
c. Not sure/don't know	3

[From the Journal of Commerce, June 27, 1995]

COMMERCE DEPARTMENT SEEN LESS VITAL THAN DEFICIT CUT—BUSINESS SUPPORT WANES FOR AGENCY

(By Richard Lawrence)

WASHINGTON.—The Commerce Department, struggling against its abolition by Congress, is mustering little business support.

Although Commerce is the business community's most vocal supporter in the administration, most business executives say budget deficit reduction is more important than retaining an advocate in the Cabinet.

However, there is growing support that Commerce's duties, especially regarding international trade, be distilled into a new Cabinet-level trade agency.

House and Senate leaders agreed last week to a budget resolution to eliminate the department by fiscal 1999, although some of its functions, such as the Census Bureau, Patent Office, Weather Bureau and import and export administrations would be transferred to other agencies or made independent.

The resolution, however, is not building, and senior Commerce officials maintain that "at the end of the day" the Commerce Department will prevail.

"I'm optimistic," said Jim Desler, a Commerce Department spokesman, "that the department's essential functions will remain intact, although there may be some (funding) cuts." Business support for Commerce is gaining momentum, he said, and will likely become more visible as the congressional proposals are more closely analyzed.

The department's fate will be up to a number of congressional authorizing and appropriations committees, though the president could have the final say. An early tip as to how Congress may proceed may come Wednesday when a House Appropriations subcommittee takes up Commerce's fiscal 1996 funding.

To survive, Commerce officials acknowledge, the department probably needs solid support from business groups, in particular small and medium-sized firms. But that has not yet come.

A spokesman for the National Federation of Independent Business Inc., which represents more than 600,000 small businesses, finds among federation members little support for keeping the Commerce Department. It is more important, they feel, to cut the federal deficit than save Commerce, he said.

The U.S. Chamber of Commerce reports its members feel the same. The key, says Willard Workman, the chamber's vice president-international, is that lower budget deficits translate into lower interest rates and higher profit. Commerce's budget fund about $4.6 billion a year.

"I've received only four phone calls from member companies asking that we lead the effort to save the department," Mr. Workman said. The chamber has more than 200,000 members.

But, he added, the chamber is open to proposals to consolidate the administration's trade functions, in particular the export controls bureau and the import administration, which investigates unfairly priced imports. Those functions must be retained, he said.

Others are more directly suggesting a possible new trade agency. The National Association of Manufacturers, in a letter to a House Appropriations subcommittee, argues that "some elements of Commerce's trade and export functions should remain together under the leadership of a Cabinet-rank official.

A similar call came from the Emergency Committee for American Trade, which represents about 60 U.S. based multinational firms. U.S. business, like labor and agriculture, must have Cabinet-level representation, said Robert McNeill, the group's executive vice chairman.

Business spokesmen and the Commerce Department clearly share one view: strong opposition to a House Republican bill to scatter Commerce's trade functions to different agencies.

Meanwhile, support to be growing in Congress, although proposals differ over how this would be done.

Sen. Christopher Bond, R-Mo., promises to push for a consolidated, Cabinet-level trade agency once a bill to dismantle Commerce reaches the Senate floor. Senate Majority Leader Robert Dole, R-Kan., is reported considering the idea of a trade agency, but one below Cabinet-level status.

In the House, Rep. John Mica, R-Fla., is about to introduce a trade agency bill, which unlike Sen. Bond's proposal,includes the U.S. Trade Representative's office.

By mid-July, Sen. William Roth, R-Del., the Governmental Affairs Committee chairman who has long proposed a department of international trade, will hold hearings to explore these and other views. And House Speaker Newt Gingrich, R-GA., has said he favors a congressional task force to examine how best to organize the government's trade-related activities.

It probably will take a year or two, perhaps longer, to sort out the Commerce Department's future and more specifically how the government's trade activities should be organized, business spokesmen estimated.

[From the Wall Street Journal, May 11, 1995]

ORPHAN AGENCY—A LITTLE OF EVERYTHING IS DONE AT DEPARTMENT OF COMMERCE TODAY—VAGUE MISSION IS ONE REASON IT MAKES GOP HIT LIST; BUSINESS SHEDS FEW TEARS

(By Helene Cooper)

STEPHENS PASSAGE, ALASKA.—The officers aboard the U.S. ship Rainier are smartly dressed, in khaki maritime workwear. In the captain's quarters, polished wood gleams brightly. At the helm, Lt. Commander Art Francis guides the vessel as it surveys the clear waters of southeast Alaska. "I love this job," he says.

At the National Marine Fisheries Service in Seattle, meanwhile, government scientists work to determine the migration and breeding habits of the dwindling stock of Pacific salmon.

Nearby, workers from the Hazardous Materials Response and Assessment Division await the phone call that alerts them that there has been an oil spill—anywhere in the world. Then they whisk off to help in the cleanup.

These federal employees aren't from the Navy, the Fish and Wildlife Service or the Environmental Protection Agency, as their job descriptions might indicate. They work for the Commerce Department.

The Commerce Department? The tentacles of this cabinet department, marked for elimination by the Republican-controlled Congress, spread across the country and into the ocean. The Rainier, in fact, is but one ship in a fleet of 25 Commerce Department vessels commanded by three admirals.

With a loosely defined mandate to aid U.S. businesses, the department, with 37,000 employees and a $4.2 billion budget, is a hodgepodge of bureaucratic functions, some overlapping with other agencies. It is currently involved in tasks ranging from trade talks with Japan on cars to scientific research on the zebra mussel. Commerce, its critics say, is the very symbol of bureaucracy run amok.

Given the millions in business subsidies and technology awards that Commerce has doled out to U.S. businesses, one might expect its corporate beneficiaries to be leaping to the department's side as the budget-cutters approach; Not so.

Consider the congressional testimony of Eastman Kodak Co.'s Michael Morley, a human-resources executive whose boss accompanied Commerce Secretary Ron Brown on a trip to China to try to nail down some contracts. At a House Budget Committee hearing on how to streamline government, Mr. Morley noted that Kodak planned to "sell, discontinue or close those businesses and functions that were not germane to our vision" and added: "For the federal government, an example might be closing the cabinet agencies of the departments of Commerce or Energy."

DEFINING THE MISSION

Robert Mosbacher, Commerce secretary in the Bush administration, is harsher still. He calls his former cabinet office "nothing more than a hall closet where you throw in everything that you don't know what to do with."

With the party of business now in control, these should be salad days for Commerce in the Congress. Instead, Republicans are talking about either a gradual death (in the Senate budget plan) or summary execution (the House's plan) for the department of business. Part of the problem is that no one can quite figure out what business, exactly, the Commerce Department should be in. Even top officials of the agency have a hard time describing.

"We are at the intersection of a variety of significant policy areas that spur economic growth," says Jonathan Sallet, Commerce's policy director. Commerce, he says, "is about combining them into effective parts of economic strategy. The strength of this department is in the fact that we make that connection."

SOME GOODIES

Commerce does offer some goodies that business likes, such as $400 million-plus in annual awards for research in electronics and materials. But corporate lobbyists say these don't compare in importance with the feast of legislation they would like from the GOP Congress: tort reform, regulatory relief, a capital-gains tax cut and a scaling back of environmental restrictions. And even some Clinton administration allies appear hard-pressed to defend this bureaucracy. Asked if Commerce should get the ax, C. Fred Bergsten, director of the Institute for International Economics, replies: "I don't think much would be lost."

Adding to the department's woes is the battering that Secretary Brown has taken on questions about his private dealings. While Mr. Brown has received extensive media attention and praise for his work at the department, he is hobbled by a Justice Department investigation into how he made $400,000 from the sale of his assets in an unsuccessful company in which he invested no money and little time.

There is no question that some useful work gets done at Commerce, particularly in the National Weather Service. At the National Oceanic and Atmospheric Administration, the Commerce arm that runs those ships (and that takes up almost 50% of the departmental budget), scientists do research aimed at averting oil spills. Map making that goes on aboard the Rainier is crucial to making sure tankers don't run aground.

But Commerce officials have a hard time explaining why some of these important functions belong in the department, and why others shouldn't be privatized. For example, some of the oceanic research—into zebra mussels, shark feeding and disposal of crab wastes—could be handled by industries that care about such things.

They are also often at a loss to explain how the department has grown so big. Mr. Mosbacher's hall-closet analogy isn't far off the mark. Departments and agencies that didn't fit in other cabinet offices were, over the years, simply tacked onto Commerce. This haphazard growth is typical of the federal bureaucracy. So too is the inertia and turf protection that may make it hard to do away with the department.

LIFE AT HAZMAT

Take a look at the Hazardous Materials Response and Assessment Division, often called Hazmat. A Commerce arm based in Seattle, Hazmat has branches in all the major coastal cities. It employs some 100 biologists, chemists, oceanographers, geomorphologists (geologists who work on beaches) and geologists who "dash off to oil spills around the world," says David Kennedy, Hazmat's chief.

Mr. Kennedy explains the mission: "We're a liaison and technical support to the Coast Guard for oil spills and hazardous-material spills," he says. "We're involved in how to clean up the mess. . . . How clean is clean?"

If these duties sound similar to the EPA's; that's because they are. Hazmat scientists routinely work with EPA people. Critics say the agencies could probably be merged, and overlapping jobs cut.

No, Mr. Kennedy says, Hazmat is different. EPA's mandate is to focus on human environmental dangers, he says, while Hazmat focuses on spills that affect shipping and commerce. So he says Hazmat needs to remain separate.

Leonard Smith, a regional director of Commerce's Economic Development Agency, makes a similar argument in explaining why the Commerce Department is helping create a university in Monterey, Calif. When the nearby Fort Ord military base closed, officials were frightened for the local economy. "Who's left to come in and help the community?" Mr. Smith asks.

Who else but Commerce? So last year, the department put $15 million into turning the base into California State University at Monterey, whose doors will open to 1,000 students in September.

But if California needs another campus for its sprawling university system, shouldn't whatever federal help was needed have come from the Department of Education? No, says Mr. Smith. "We're not just creating universities, we're creating jobs."

At Commerce, job creation is taken especially seriously when the jobs belong to the department itself. Officials are upset over a proposal from Sen. Jesse Helms of North Carolina to return the department's U.S. and Foreign Commercial Service to the rival State Department where it rested before 1980. ("They're still stuck in the Cold War over there," a senior Commerce official says.)

EXPORTS AND JOBS

So Commerce has mounted a public-relations offensive. Reporters were brought in recently to tour the office's new export-advocacy center, where U.S. companies trying to enter complicated foreign markets can seek aid. Security is tight; special codes and complex locks restrict entry. One mission is to track the 100 biggest business deals around the globe for which American companies are competing. In an almost eerie display, a bank of empty computers each display the same message in purple letters against a turquoise background: "Exports—Jobs."

This is the Commerce Department's byword, and it has fueled a drive by Secretary Brown to open foreign markets. Mr. Brown has led corporate delegations to China, Brazil and Africa, helping to forge new contracts valued at $25 billion and creating 450,000 new jobs, according to department estimates. Past Commerce chiefs, including Mr. Mosbacher, also stumped on foreign territories for U.S. companies, but none with the zeal or effectiveness of Mr. Brown.

But even in this high-profile line of work, Commerce comes under fire. "There's no economics in the argument" that export promotion creates jobs, contends Robert Shapiro, a Clinton political ally and vice president of the Progressive Policy Institute, a Democratic Party think tank. "These export subsidies certainly don't reduce the trade deficit. All you can do with [them] is increase jobs for companies with the clout to get the subsidy. But that's at the expense of industries that don't have that clout. You're just shifting things around."

FAINT PRAISE

Given the energy Commerce spends seeking foreign business, one might think U.S. companies would be rushing to defend at least these Commerce initiatives from the Republicans' ax. Most aren't

"A few of their programs I see value in," says a lobbyist for a large U.S. company that has received several Commerce research subsidies. "But the entire department, with what it costs to run it? It's hard to justify."

For his part, Mr. Brown calls the proposals to eliminate his department "the height of nonsense." He argues that rather than make it smaller Congress should make it bigger, a sentiment that President Clinton apparently shares. Commerce's fiscal 1995 budget is 28% higher than that for fiscal 1993.

"I think you can made a reasonable argument that money spent in Commerce gets more bang for the buck than anywhere else in government," Mr. Brown says. "It attracts private investment. It creates jobs for the American people."

And Commerce may be saved by the very thing that makes some people want to kill it: its long reach. If Commerce is axed, asks one of its midlevel bureaucrats, "Who would forecast the weather? Who would do the census? Who would operate the Appalachian Regional Commission? Who would take CEOs to China?"

In fact, the Republican proposals to drop the department would save some of its key functions, such as weather forecasting, by putting them elsewhere. There are those who say talk of eliminating Commerce is a deceptive attempt by politicians who want to give the appearance that they are cutting government waste. "You have to distinguish between programs that actually abolish Commerce and programs that simply eliminate the letterhead," Mr. Shapiro says.

Consider the antics of Republican Sen. Spencer Abraham, head of a Senate panel to consider eliminating Commerce. "There is simply too much waste and duplication," he said last month. "Our goal is to make government more efficient and less expensive."

But the senator is from Michigan, where zebra mussels are clogging sewage pipes. Three days later he voted to restore $2 million for zebra-mussel research in the Commerce Department.

Mr. TIAHRT. Mr. Speaker, I appreciate the gentlelady from Idaho talking about a very necessary method of removing the unneeded bureaucracy, and we have on the floor with me tonight the author of the bill to dismantle the Department of Commerce, and I think that we should commend the gentleman from Michigan [Mr. CHRYSLER] for his efforts to eliminate the bureaucracy because it is really an historic event.

I was not surprised in my own efforts to head up a task force to eliminate the Department of Energy when I went to the Government Accounting Office, or the GAO, and I asked them how do you dismantle a cabinet level agency, and they said, well, we simply do not know. We have only been in the business of creating Government agencies and we have never dismantled one before.

So what the gentleman from Michigan [Mr. CHRYSLER] is doing now is he is going through the process of finding the best way to eliminate the Department of Commerce, and it is quite a task, an historical task, and one that has never been taken on.

There are some questions I personally have about how it is going to occur and I wanted to engage in a colloquy with the gentleman from Michigan [Mr. CHRYSLER] to see if we cannot bring out into the open, Mr. Speaker, some of these issues.

I think one of the most fair questions is, is the gentleman's proposal simply a reshuffling of boxes on an organizational chart, or is it a serious transformation of a Government bureaucracy? Would it not be better to cut the fat out of the current Commerce Department, or is it better to eliminate the entire department?

Mr. CHRYSLER. Well, I thank the gentleman from Kansas, and that is a very good question.

Mr. Speaker, certainly as we looked at dismantling the Department of Commerce, it was a product of over 6 months of study by a task force of several Members of Congress: MARK SANFORD, MARK NEUMANN, from Wisconsin, HELEN CHENOWETH, of course, who we just heard from, and SUE KELLY, from New York; JACK METCALF from Washington, WES COOLEY, and JIM TALENT, our token sophomore on this group, as well as former Commerce Department officials and outside policy experts.

We looked at each of the over 100 programs within the Department of Commerce and asked three simple questions: No. 1, is this program necessary and should Government be involved in it, and is it worth borrowing the money to pay for it only to have our children pay it back? Is it necessary? Does the Federal Government need to be involved, or is this something better left to States, communities and/or individuals? If the Federal Government does need to be involved, are we currently doing the job in the most effective and efficient manner?

I think my colleague from Idaho, HELEN CHENOWETH, could tell me a couple of real life examples she has experienced out in the great northwest.

Mrs. CHENOWETH. I thank the gentleman for the time.

Mr. Speaker, we have some very interesting experiences that we are going through in the great northwest and it involves the Endangered Species Act. By listing a species known as the sockeye salmon or the spring or fall Chinook salmon, because this is a species that crosses State lines in its trek back to its spawning grounds or spawning habitat in our streams in Idaho, it naturally falls under the Department of Commerce. Therefore, the National Marine Fisheries Service is competing with the Fish and Wildlife Service, Department of the Interior, as well as various other agencies, including the U.S. Army Corps of Engineers to manage this particular species.

In trying to manage the species to get it to the point where it is no longer endangered, they have proposed doing away with numerous dams, but, most importantly, because water is such a precious resource in the arid west, we find an agency under NOAA, under Department of Commerce, literally taking command and control of our water in the Western States.

Due to the planning of our Founding Fathers and the people who forged the western States and forged the living and the communities and built the irrigation systems and the reservoir systems, very well thought out systems, we were able to turn the west into a productive community. Today we have an agency, the National Marine Fisheries Service, who is calling on our water in our storage reservoirs over State law. They are ignoring State law, absolutely ignoring State law, and calling on the State water for a very questionable program called flow augmentation.

□ 2200

By calling on the water in the storage reservoir, this means the irrigators cannot apply the water to the land for their crops. Truly, because of the action of an agency under Commerce, it is exacerbating a problem that we commonly call the war on the West, because without water in the West, we are not able to grow our crops. We are not able to produce electricity.

For one agency, under the direction of the White House, to be able to command the U.S. Army Corps of Engineers to open the headgates and drain the reservoirs for a questionable program for the salmon is truly a taking of States' and individuals' property rights.

Mr. CHRYSLER, and Mr. Speaker, it is because, under Commerce, we saw an agency totally overreaching.

In addition to this, we have seen this agency, working with the Forest Service or the Bureau of Land Management, totally lock up our ability to work our resources in the West because no decisions are made. Our States are suffering under continual threats of lawsuits, and many of them are brought about by friendly lawsuits that are supported by the agencies.

So we look forward to having some common sense streamlining of agency responsibilities in the Northwest by doing away with the Department of Commerce and eliminating these kinds of responsibilities under the National Marine Fisheries Service, that has created so much confusion in the Northwest.

Mr. Speaker, I appreciate the time.

Mr. CHRYSLER. Mr. Speaker, certainly we can see that the Department of Commerce has been much more regulatory in nature than any kind of a supporter for the business community, and when measured against the criteria, the Commerce programs rarely live up to their expectations.

If we found a program that was duplicative in the Department of Commerce, we consolidated it. If a program was better performed by the private sector, then we privatized it. If it was beneficial, we streamlined it. If we found a program was unnecessary, then we eliminated it.

Mr. TIAHRT. I believe that you have laid out a good case for the elimination of the Department of Commerce, but does your proposal allow for an orderly termination? This is something, as we said earlier, that has never been done. Is it an orderly termination of this department that have you in mind?

Mr. CHRYSLER. What we are doing with this program, and of course we will vote tomorrow on the Commerce, Justice appropriations bill, and the thing that we are going to look at is in the consolidation of September 22, after the authorizers have acted, is to bring the House and Senate together and terminate the 21 different agencies that we are looking at in the Department of Commerce.

The Department of Commerce, as Mrs. CHENOWETH has said, is a collection of over 100 programs and we had to analyze each one of those programs. Each member of the task force took a section of the Department of Commerce, looked at it very carefully, and made recommendations of what should be done with it. Seventy-one of them are duplicated someplace else in the Federal Government, so it was very easy to consolidate many of them.

Of the 100 programs, 97 of them were either duplicated someplace else in the Federal Government and/or they were duplicated in the private sector, so only 3 programs were really being done that needed to be done by the Government.

So we create a Department of Commerce Resolution Agency and that agency will be set up within 6 months and that agency will be a sublevel Cabinet position that will take care of resolving all of Commerce's business over another 2½ year period.

Mr. Speaker, this is a very orderly transition to dismantle a department of Government, to give the people in this country a little less government, a little lower taxes. We want to let people keep more of what they earn and save, and make more decisions about how they spend their money and not Government, and we think that Americans will always make a better decision than the Government will.

Mr. TIAHRT. I am sure you have done a lot of research when you looked into how the Department of Commerce operates, and you must have spoken with past Secretaries of Commerce. What has been the reaction of not only the current Department of Commerce but also those who have headed up that agency in the past?

Mr. CHRYSLER. Well, certainly Robert Mosbacher, who was the last head of the Department of Commerce, has been a very strong supporter of the dismantling act. He has called this the hall closet where you throw everything when you do not know where else it should be.

In fact, the Department of Commerce, 60 percent of it is NOAA, the National Oceanic and Atmospheric Administration, which to all of us in America is better known as the weather. And when you look back through the history of this and start studying it, why did NOAA end up in the Commerce Department, you find that there was a point in Richard Nixon's presidency where he was upset with his Secretary of the Department of the Interior, and so he just took NOAA and gave it to the Commerce Department instead of putting it in the Department of Interior, where our bill will have it end up. That is where it rightfully should be.

Certainly the weather-related portion of NOAA will be in the Department of Interior. The satellites can be better managed by the Air Force, who does the best job in our Government of managing all satellites. I think, as we move through this process, looking at each and every area, there is a uniformed group in NOAA that will be eliminated.

We take this step by step in order to come to a very orderly, well-thought-out program of how we can dismantle this agency. And people like Elizabeth Bryant, who is at the University of Michigan now, who was the head of the Census Bureau, has absolutely endorsed this program to dismantle the Department of Commerce.

We have suggested putting the Census Bureau in the Department of Treasury, but there are others that have said we should create a separate statistical agency and use as a foundation the Bureau of Census and be able to share some of that information with other Federal agencies. I believe we could probably cut most other Federal departments by as much as 3 to 5 percent just by letting them get their statistical information from a central Government statistical agency.

Mr. TIAHRT. As a former businessman, you have been in touch with the business community, and I wonder what has been the reaction from the business community about this so-called voice for business in government? What has been their reaction to the elimination of this voice?

Mr. CHRYSLER. Well, we have many, many letters from the Business Leadership Council, National Taxpayers Union, Small Business Survival Committees, Competitive Enterprise Institute, Citizens for a Sound Economy, and the list goes on.

We also have a poll that was taken in Business Week magazine, that we entered into the RECORD on June 5, where business executives were polled on whether they would want to eliminate the Department of Commerce. And by a 2-to-1 margin, those business executives said, Yes, dismantle this Department of Commerce.

Certainly, business leaders like myself, and I had a company that I started in the corner of my living room, building convertibles after the automobile companies stop building convertibles, Cars and Concepts; 10 years later I sold that business to my employees. I had 1,200 employees at that point, and we did business in 52 different countries around the world, and not once did we call the Department of Commerce, nor did the Department of Commerce call us.

That is certainly a testimony of a person that has created jobs, have lived that American dream, and have not needed the Government. I contend that it is not big government and/or big government programs and/or government bureaucracies that have built this into being the greatest country in the world. It is, in fact, entrepreneurship, free enterprise, capitalism, and rugged individuals that go out and risk their capital to create jobs.

You never see an employee unless you see an employer first. You have to have people to create jobs if you are going to have jobs. And that is what this is all about, is job creation. I think most business leaders, are convinced that the Federal efforts would be better focused on cutting taxes, enacting regulatory and tort reform, and balancing the Federal budget. That is what American businesses want us to be doing and that is what our business here in Congress is all about.

For the first time, TODD, we have elected more people from business to the U.S. Congress on November 8 than we did people from any other profession. That speaks loudly and we are here to conduct the business of the country. This is the largest business in the world called the U.S. Government and it needs to be run more like a business.

Mr. TIAHRT. I came across an article in the Washington Times today and there is a quote in here, it also quotes you talking about that you think that a lot of business has been successful without the help of the Department of Commerce, and they say that it would hamper American companies from performing in the global market if you eliminate this voice of business at the Cabinet level.

But there is a quote from Joe Cobb at the Heritage Foundation:

> The claim by the Commerce Department that its cheerleading for American industry has increased the sales is about as accurate as the belief that the Dallas Cowboy Cheerleaders are responsible for the football team winning its games.

I think, as you point out, that American business has done an excellent job of expanding. I have a company called Caldwell Incorporated, run by Art Tieschgraber, and it has done a great job expanding into Siberia and a lot of other places.

Mr. CHRYSLER. Along those lines, it is a fact that the Department of Commerce claims a lot of successes with their trade effort and a thing that we have to understand is that the trade effort of the Department of Commerce is only 4 percent of the Department of Commerce. What we are talking about certainly is the other 96 percent that we are looking at.

But with only 4 percent being focused on trade and of the programs that the Commerce Department claims to have brought new business and created jobs with, in fact, 83 percent of those are trade missions that American businesses would have completed successfully without the help of the Department of Commerce, and only 17 percent, again a very small number, that have really been directly helped by the Department of Commerce.

Now, I think that one of the things that we are looking at with the Department of Commerce in this dismantling act is my good friend from Florida, JOHN MICA is introducing a companion bill to H.R. 1756, to the Dismantling of Commerce Act, that will create an office of trade where we will take the USTR; there are 19 different departments in the Federal Government that deal with trade, and what we want to do is create one strong office of trade that will have a seat at the Cabinet level, or at the President's table, that will have a negotiating arm, an export arm, and an import arm that can do a better job at dealing with trade in this world than any other country in this world, and certainly the best job that the United States of America has ever had.

I think trade is an important part of our economy. We do live in a global economy today with fax machines and telephones and computers and all the technology. Moving into this new Information Age, the third wave of technology, we do have to compete on a global economy and I think we can build an office of trade that, in fact, will be the strongest that this country has ever seen.

Mr. TIAHRT. I appreciate your response to the questions I have given you. You know, we as freshmen had often sought the leadership of others and there is a gentleman from your State, Mr. CHRYSLER, Congressman SMITH from Michigan, that would like to give some comments on the elimination of the Department of Commerce. We really appreciate him being here and helping us with this.

Mr. SMITH. Mr. TIAHRT, thank you very much. I appreciate your yielding. I want to start out, TODD, DICK, HELEN, with the fact that the freshman class, having more businesspeople in that class than any class in recent history, has made a tremendous difference of bringing common sense back to Washington.

And you know, it is such a tremendous hole that we have dug for ourselves. I heard the analogy, how do you describe what it means to be $5 trillion in debt and why is it important that we look at departments that are not serving a useful function like the Department of Commerce to try to reduce the system of this overbloated bureaucracy?

□ 2215

Mr. Speaker, I heard one example that I thought was interesting, and it gives a little perspective, and that is, if you tightly stack a bunch of $1,000 bills and you make it 4 inches high, you end up with the equivalent of $1 million. If you keep stacking tightly that $1,000 bill stack and you go 300 feet high, it is $1 billion. If you go 63 miles high, it is $1 trillion. If you get over 300 miles into outer space, it is this Federal budget.

We have to start now. The reasonable place to start is with departments that are not fulfilling a useful purpose.

I would particularly like to commend my colleague from Michigan who has come from business and is trying to make some common sense out of this huge Federal bureaucracy. One of the issues that he has been working on is the dismantling of the Department of Commerce. I say yea. I say, the freshmen class and people like DICK CHRYSLER is what is going to make it happen to be a reality, to do what Alan Greenspan says.

If we are able to reach a balanced budget, then we will have such a strong underlying economy that this Nation is going to take off in jobs, and our kids and our grandkids are going to have a better standard of living than we do. If we do not do it, if we are unable to reach a balanced budget and we go back to the old ways of taking pork barrel projects home, of doing more and more things because we think it is going to help us get reelected, then we are going to end up with our kids and our grandkids not paying the huge debt that we are accumulating, but they are going to have a lower standard of living than we had.

I just think it is so exciting, after decades, after 40 years of moving toward a bigger and bigger, huge Federal bureaucracy, we are looking at not just freezing the size of this bureaucracy, but looking at actually reducing it, by taking one of the departments, the Department of Commerce, and we can eliminate the hub of corporate welfare and political patronage by doing away with the Department of Commerce.

Mr. Speaker, the Department is an amalgamation of Federal agencies, many of which have duplicate services. DICK CHRYSLER's bill moves us into a situation where we take the good, useful parts of the Department and we privatize them or we move them to other sectors of the Federal Government. The areas that are not serving a useful purpose, where we have just loaded up the different agencies with political patronage, we are doing away with. It is a start. It is a $7 billion start over 5 years.

I am proud to be a part of the discussion tonight, and I would like to ask DICK CHRYSLER the question of how you see American businesses expanding job opportunities in this country if we are not able to reduce the size of the Federal bureaucracy.

Mr. CHRYSLER. Thank you very much for the kind words and your support and your guidance.

Mr. Speaker, quite frankly, being a freshman here and going through all that we have had to go through in the first 6 months, well in excess of over 500 votes, and finding a place to stay and hiring staffs and setting up offices, it has been a real challenge, and it has only been through your guidance and your help and your advice that we have been able to keep pace with the guys that have been here for a few years, and they have been, and you especially, have been very helpful to us.

When you are looking at business and getting down to starting to run this Federal Government like a business, you know, I think that is really what dismantling this Department of Commerce act is all about. Of course, I guess when you get right down to it, it is for our kids, my kids, Rick, Phill, Christy, and my grandkids, Chloe and Heather.

When it is their turn, we have to make sure that they at least have the same opportunity that we have been blessed with in our lives, and furthermore, I think they deserve it. They deserve at least the opportunity that we have had in our life. That is really what it is all about. I think it is the kindest and most compassionate thing that we can do for the American people and every child and every grandchild out there.

As we look at the job creation, which I think is the best welfare program we could have in this country is to create jobs, and as we go through with the Contract With America, creating jobs, creating a job provider's climate, which is so essential to job creation. As I said, you never see an employee unless you see an employer first, which means you have to have people that are going to be willing to take the risk, take the chance, risk their capital to create those jobs.

By streamlining this Federal Government, as Nick Smith said, reducing the debt and the deficit, Alan Greenspan has said that we can reduce by 2 percent the interest rates, at least 2 percent was his statement. What that means to just farmers, and certainly Nick Smith is a farmer from the State of Michigan, he still lives on a farm, has lived on a farm all of his life. For farmers alone, we could save farmers on just farm property in this country $10.65 billion just by reducing that interest rate by 2 percent.

Mr. SMITH of Michigan. Will the gentleman yield? It seems to me in discussing the Department of Commerce or any reduction in the Federal Government spending, there are two questions: Does it make sense to cut this particular program, and the overall picture is how important is it to cut? You related to the fact that it is important to cut. But I wonder how many people listening to us tonight realize what percentage of all of the money lent out this year will be borrowed by the Federal Government? The Federal Government will borrow 42 percent of all of the money lent out in the United States this year. That means that people that want to have that money available to buy a car or go to college or most importantly, expand their businesses and jobs, are not going to have that money available.

If government gets out of insisting that they take 42 percent of all of the money that is up for borrowing, Alan Greenspan, our top banker in this country, Alan Greenspan, the Chairman of the Federal Reserve, says that interest rates will drop exactly the way you say, DICK. They are going to drop some place between 1.5 and 2 percent. That means everything is going to be cheaper in this country for people that need to borrow money, whether it is going to school or buying a home or expanding their business. So it does make a difference.

On the second point, how about how are we going to know whether it is reasonable to close down the Department of Commerce? Well, I called our Michigan Department of Commerce in Michigan that is very active in promoting jobs and business opportunities in Michigan, I said, how often do you call the United States Department of Commerce? They said, never. They do not contact the United States Department of Commerce; it is not a service in terms of their efforts for business and job expansion.

I asked the Chamber of Commerce in the United States that has 200,000 members, how many of your members have called in expressing concern about closing the Department of Commerce? Four. They said, four. Out of 200,000 members, they said four have called in, saying are we sure this is the right thing to do?

I think it is evident that this is one department that people do not use that does not expand business, and I just congratulate the freshmen and encourage them to keep the spirit, because your spirit is what is keeping the rest of us going today.

Mr. TIAHRT. You know, we have been talking about this dream for a better America and pointing out that the Federal Government borrowing so much money and driving interest rates up by 2 percent is almost overwhelming, when you think about how much money, $10.65 billion just for farmers alone, extra interest that they have to pay.

When I went home to Kansas the last time, I got out of the airport and my necktie blew over my shoulder, so I knew I was home. But on my way home, it was 10:30 at night, and out there they were still combining, trying to get a few more bushels, because they want to save as much money, they want to pass on the farm to the next generation. My parents tried to do that for me. I grew up on a farm. But because things were too tough for them, they could not pass that on to their kids. So it is important.

When I think about how much money they spent, one year they spent $85,000 in interest alone, and how that could have gone toward taking down their notes, it is just amazing what they do.

Mr. MICA. Mr. Speaker, I want to take just a moment to say really thank you to both of the gentlemen, the gentleman from Kansas [Mr. TIAHRT] and the gentleman from Michigan [Mr. CHRYSLER]. I think you really represent the hope of this country, and I cannot tell you how much I admire you and what you are trying to do. You were sent here with a specific message or directive of an overwhelming mandate, probably one of the rare times when everybody from one party across the board or across the country got elected.

But you are the leaders. I came just a few months before, 24 months before, this is only my second term, with some of the hopes and dreams and aspirations for changing the Government, making it a better place. But it was very difficult. We did not have the votes. You have the votes and I admire you.

I also would ask you to read this little comment up here above me in the back by Daniel Webster. You know, as I was sworn here, it impressed me, his words about leaving something worthy for future generations to remember. And that is what I think you are doing. You embody the spirit of change and reform that I think the American people want and have anticipated.

I ask you not to give up on your attempt to restructure one agency. You are down to one agency. I know you have been beaten over the brow; I know you have been urged not to proceed, and I know there are 1,000 reasons for deviating. But really, I think we can start with the Department of Commerce, and I think you have shown that that could be an example. It is an example of, you know, Commerce has been sort of a dumping ground over the years. Most people think it is 95 percent helping commerce and trade. That is why some people say well, save this, it is important today that we do that. Actually, they do not realize really, in trade and export it is less than 5 percent of the entire budget and a small number of the employees.

So there are many people, myself included, rooting for you. Let me tell the gentlemen, this place is the hardest place to bring about change. It is very difficult, but in fact you can do it. Our freshmen class, we abolished the select committees when they said you could not do that. We were threatened to be thrown out of here if we exposed who signed the discharge petitions and the gag law. We stood here, just a few of us, like you are standing here tonight, and we changed the course of this place and the way this place is run.

There are not many of you out here tonight, it is late at night, it is kind of like the night we were out here and made that dramatic change in the conduct of the business of this Congress.

So I salute you, I commend you, you are on the right track. Mr. CHRYSLER has not proposed—I have read his proposal to just trash all of the good functions in the Department of Commerce. In fact, I think he has started the debate. Let's look at how we can do things better. Does it make sense to have the Federal Government do these functions that have been done? Does it make sense for this to be done by the private sector? Can we apply a cost-benefit to this, which is something we tried to get?

The business thinking that you have brought to this Congress as an approach is so important, and that is what you need to apply to this dismantling of the Department of Commerce, that we see that the functions are appropriately assigned and then revised. That is exactly what you are proposing, not any destruction, not any unnecessary elimination, but an improvement, and you can do more with less, just a totally different approach.

So again, I commend you. I have enjoyed working with you. I have a proposal that we are trying to reach a consensus on because we know there are some good things in the Department of Commerce, particularly in trade, where so many people have said, let's save the trade functions. We have a joint proposal which we hope to introduce later this week that saves all of the elements. It actually will spend less money, and it will provide us with the mechanism so that the United States can compete in the decades ahead in a new arena where most of the jobs are created, where most of the opportunities are in exports and in trade, and provide us with the tools to do the jobs.

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So, we are working together and have, in fact, come up with a plan to salvage the most important elements. The other elements, as I understand it, will all be examined, looked at, by the appropriate committees.

So I cannot tell you from the bottom of my heat, from the bottom of the heart of everybody I talk to when I go home, around the country, how encouraged we are by what you are doing. Do not give up. Do not let them throw roadblocks in front of you. Continue, and continue on a responsible, reasonable course like you have, and you can make a change, and you can make changes that will be worthy of being remembered by future generations, just as that little edict up there commands each of us who have the honor and privilege of serving here.

So I thank both of you for your leadership for the other 71 freshmen. I thank the gentleman from Michigan [Mr. SMITH] for his leadership, and the others on this issue and the others who have spoken here tonight.

Mr. TIAHRT. I suppose we get a little closer to the time. I want to allow the gentleman from Michigan [Mr. CHRYSLER] to close up his convincing story on the elimination of the Department of Commerce.

Mr. CHRYSLER. Well, I will only say to my good friend, JOHN MICA from Florida, that in the words of Winston Churchill we will never, never, never, never, never give up and you know, if we had a Department of Commerce that was a true voice for businesses, what that Department of Commerce would be taking about is eliminating the $550 billion worth of regulations that are put onto American businesses that make us uncompetitive in the rest of the world. We would also be dealing with this litigious society that we live in with some true, meaningful tort reform.

I mean in today's litigious society we would not even bring penicillin and/or aspirin to market; that is how bad things have gotten, and of course, most importantly, as we are doing, working to balance the budget, to create capital for businesses, and I think, and you look at the 163 job-training programs in the Departments of Labor and Education, of which they only want to claim about 70 because the rest of them have never created a job, and in fact one of them are spending about a half-million dollars for each job that they create, and I mean I said just give a person the money, why are you wasting their time here if they are going to spend that much money?

But I would like to see that consolidated down to about three job-training programs. I would like to see one of those job-training programs specifically work toward helping and training entrepreneurs because for every entrepreneur we can train and make successful, we can create 5, 6, 10, or maybe even 100, or certainly in my own case 1,200 new jobs. That is the way to create jobs. That is what a Department of Commerce should be doing to help the business community. That is the kind of government we want to create.

Mr. TIAHRT. I yield to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. I think my summation, Mr. Speaker, would be to the American people that, look, these are politicians down here. If the American people decide this is important, those of people that might be viewing this tonight, you know, call your Representatives in Congress, give them some encouragement, because we need the will of the American people to make sure we accomplish this giant task.

So, Mr. Speaker, I am proud to be here with this delegation, and I just hope the American people feel that it is important that we bring down the size of this overbloated Government, that we support this initial step of doing such things as closing one of the least useful departments at State government.

Mr. TIAHRT. I yield to the gentleman from Florida [Mr. MICA] for any closing remarks.

Mr. MICA. Again I salute you. This is just the beginning of the story. The rest of the story, as Paul Harvey would say, is that 19 agencies of Federal Government dealing in trade and export, spending $3 billion, and in fact you are creating a nucleus for many, many more potential savings in government and, again, trying to make an inroad.

The hardest thing to do around here, I have always found, is to present a new idea, but you have a new idea, you have a new approach. I commend you, and I urge you to go forward, and we can do a lot better, not only with the Department of Commerce, but with the rest of this huge government bureaucracy.

Mr. TIAHRT. I just want to thank the gentleman from Florida [Mr. MICA] for coming down and bringing this very important issue to the American public, the gentleman from Michigan [Mr. SMITH], also the other gentleman from Michigan [Mr. CHRYSLER], and I want to thank the gentlewoman from Idaho [Mrs. CHENOWETH].

You know the American public needs to know that this is an historical event. The elimination of a Cabinet-level agency has never occurred before in the United States. We are about to make history once again in the 104th Congress, so stay tuned.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BACHUS (at the request of Mr. ARMEY), for today after 3:45 p.m., on account of family matters.

Mr. FORBES (at the request of Mr. ARMEY), for today after 3:30 p.m., on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. FIELDS of Louisiana) to revise and extend their remarks and include extraneous material:)

Mr. TOWNS, for 5 minutes, today.

Mr. FALEOMAVAEGA, for 5 minutes, today.

Mr. STUPAK, for 5 minutes, today.

Mr. MONTGOMERY, for 5 minutes, today.

Ms. EDDIE BERNICE JOHNSON of Texas, for 5 minutes, today.

Mr. OBERSTAR, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

(The following Members (at the request of Mr. MCINNIS) to revise and extend their remarks and include extraneous material:)

Mr. METCALF, for 5 minutes, today.

Mr. MCINNIS, for 5 minutes, today.

Mr. HOKE, for 5 minutes, today.

Mr. LONGLEY, for 5 minutes, today.

Mrs. SMITH of Washington, for 5 minutes, today.

Mr. CRAPO, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. FIELDS of Louisiana) and to include extraneous matter:)

Mrs. MINK of Hawaii.

Mrs. MALONEY, in two instances.

Mr. MFUME.

Mr. CLYBURN.

Mr. PAYNE of New Jersey.

Mr. HAMILTON.

Mr. ANDREWS.

Mr. MILLER of California.

M4. OBEY.

Mr. BARCIA.

Mr. FAZIO of California.

Mrs. MEEK of Florida.

Ms. HARMAN.

Ms. JACKSON-LEE.

(The following Members (at the request of Mr. MCINNIS) and to include extraneous matter:)

Mr. BURTON of Indiana.

Mr. NUSSLE.

Mr. MARTINI.

Mrs. SEASTRAND.

Mr. SOLOMON.

Mr. GOODLING.

Mr. QUINN.

ADJOURNMENT

Mr. SMITH of Michigan. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 36 minutes p.m.), the House adjourned until tomorrow, Wednesday, July 26, 1995, at 10 a.m.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII reports of committees were delivered to the Clerk for printing and reference to the proper calendar as follows:

Mr. SOLOMON: Committee on Rules. H.R. 1162. A bill to establish a deficit reduction trust fund and provide for the downward adjustment of discretionary spending limits in appropriation bills; with amendments (Rept. 104–205, Pt. 1). Ordered to be printed.

Mr. QUILLEN: Committee on Rules. House Resolution 201. Resolution providing for consideration of the bill (H.R. 2099) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1996, and for other purposes (Rept. 104–206). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. TAUZIN (for himself, Mr. DOOLEY, Mr. ARCHER, Mr. HAYES, Mr. FIELDS of Texas, Mr. MOORHEAD, Mr. WILSON, Mr. THORNBERRY, Mr. FROST, Mr. BONILLA, Mr. SAM JOHNSON of Texas, Mr. STOCKMAN, Mr. BREWSTER, Mr. ALLARD, Mr. BAKER of Louisiana, Mr. BARTON of Texas, Mr. LAUGHLIN, Mr. HASTINGS of Washington, and Mrs. CUBIN):

H.R. 2106. A bill to provide for the energy security of the Nation through encouraging the production of domestic oil and gas resources in deep water on the Outer Continental Shelf in the Gulf of Mexico, and for other purposes; to the Committee on Resources.

By Mr. HANSEN:

H.R. 2107. A bill to amend the Land and Water Conservation Fund Act of 1965 to improve the quality of visitor services provided by Federal land management agencies through an incentive-based recreation fee program, and for other purposes; to the Committee on Resources.

By Ms. NORTON (for herself, Mr. DAVIS, Mr. MCHUGH, Mr. GUTKNECHT, Mr. LATOURETTE, Mr. FLANAGAN, Mr. WALSH, and Miss COLLINS of Michigan):

H.R. 2108. A bill to permit the Washington Convention Center Authority to expend revenues for the operation and maintenance of the existing Washington Convention Center and for preconstruction activities relating to a new convention center in the District of Columbia, to permit a designated authority of the District of Columbia to borrow funds for the preconstruction activities relating to a sports arena in the District of Columbia and to permit certain revenues to be pledged as security for the borrowing of such funds, and for other purposes; to the Committee on Government Reform and Oversight.

By Mr. GUTIERREZ:

H.R. 2109. A bill to amend title 42, United States Code, and title 15, United States Code, to establish provisions to assist low income families and seniors in the event of severe heat emergencies; to the Committee on Commerce, and in addition to the Committee on Economic and Educational Opportunities, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Washington (for himself, Mr. DICKS, Mr. NETHERCUTT, Ms. DUNN of Washington, Mr. WHITE, Mr. BUNN of Oregon, Mr. TATE, Mr. METCALF, Mrs. SMITH of Washington, and Mr. COOLEY):

H.R. 2110. A bill to provide leadership, improved efficiencies, and regulatory clarity for Department of Energy waste management and environmental restoration efforts at the Hanford Reservation and certain other Defense Nuclear Facilities; to the Committee on Commerce, and in addition to the Committees on National Security, and Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MILLER of California:

H.R. 2111. A bill to designate the Social Security Administration's Western Program Service Center located at 1221 Nevin Avenue, Richmond, CA, as the "Francis J. Hagel Building"; to the Committee on Transportation and Infrastructure.

By Mr. TORRICELLI:

H.R. 2112. A bill to amend title 38, United States Code, to limit per diem payments by the Secretary of Veterans Affairs to State veterans homes; to the Committee on Veterans' Affairs.

By Mr. STUPAK (for himself, Ms. FURSE, Mr. RUSH, Mr. KLINK, Mr. KEEHAN, Mrs. SCHROEDER, and Miss COLLINS of Michigan):

H. Res. 202. Resolution amending the Rules of the House of Representatives to require that Members who change political parties repay certain funds to the political party from which the change of affiliation was made; to the Committee on Rules.

By Mr. STUPAK (for himself, Ms. FURSE, Mr. RUSH, Mr. BARRETT of Wisconsin, Mr. KLINK, Mr. MEEHAN, Mrs. SCHROEDER, and Miss COLLINS of Michigan):

H. Res. 203. Resolution amending the Rules of the House of Representatives to provide that the House may declare vacant the office of any Member who publicly announces a change in political party affiliation; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. ACKERMAN introduced a bill (H.R. 2113) to renew and extend patents relating to certain devices that aid in the acceleration of bodily tissue healing and reduction of pain; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 26: Mr. SCHAEFER.

H.R. 250: Mr. MILLER of California, Ms. MCKINNEY, and Mr. REYNOLDS.

H.R. 394: Mr. TORKILDSEN, Mr. SISISKY, Mrs. MORELLA, Mr. CRAPO, Ms. PRYCE, Mr. BAESLER, Mr. BASS, and Mr. LINDER.

H.R. 662: Mr. BISHOP, Mr. BARTLETT of Maryland, and Mr. HASTINGS of Florida.

H.R. 743: Mr. KOLBE, Mr. HASTINGS of Washington, and Mr. HERGER.

H.R. 789: Mr. RADANOVICH, and Mr. BROWNBACK.

H.R. 899: Mr. HUNTER, Mr. MEEHAN, and Mr. NEAL of Massachusetts.

H.R. 1023: Mr. HOUGHTON.

H.R. 1066: Mr. LIVINGSTON.

H.R. 1083: Mr. GEKAS.

H.R. 1161: Mr. CUNNINGHAM.

H.R. 1162: Mr. SOLOMON, Mr. GOSS, Mr. ROHRABACHER, Mrs. CUBIN, Mrs. CHENOWETH, Mr. SHADEGG, and Mr. PETERSON of Minnesota.

H.R. 1201: Ms. FURSE, Mr. WARD, Mr. MEEHAN, Mr. STUDDS, and Mr. GEJDENSON.

H.R. 1300: Mr. HOEKSTRA.

H.R. 1384: Mr. PASTOR.

H.R. 1448: Ms. MOLINARI, Mrs. CHENOWETH, Mrs. CUBIN, Mr. POMBO, Mrs. SEASTRAND, Mrs. SMITH of Washington, Mr. POMEROY, Mr. TIAHRT, Mr. SMITH of New Jersey, and Mr. MANZULLO.

H.R. 1539: Mr. REYNOLDS, Mr. MCDERMOTT, Ms. NORTON, and Mr. STUPAK.

H.R. 1540: Mr. BISHOP, Mr. MORAN, Mr. CANADY, Mr. UNDERWOOD, Mr. EHLERS, Ms. KAPTUR, Mr. MONTGOMERY, and Mr. PORTER.

H.R. 1651: Mr. ZIMMER.

H.R. 1735: Mr. PETERSON of Minnesota, Mr. DEUTSCH, and Mr. BOUCHER.

H.R. 1767: Mr. FILNER.

H.R. 1968: Ms. PRYCE.

H.R. 1978: Mr. MATSUI, Mr. WHITE, and Mr. STUPAK.

H.R. 2060: Mr. SMITH of Michigan.

H.R. 2100: Mr. CANADY, Mr. BILIRAKIS, Mr. YOUNG of Florida, Mr. SHAW, Mr. JOHNSTON of Florida, Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Mr. DIAZ-BALART, Ms. ROS-LEHTINEN, Mr. STEARNS, Mr. SCARBOROUGH, Mr. GIBBONS, Mr. MILLER of Florida, Ms. BROWN of Florida, and Mr. DEUTSCH.

H. Con. Res. 10: Mr. MATSUI, Mr. ZIMMER, Mr. BARTLETT of Maryland, and Mr. GILLMOR.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2002

OFFERED BY: MR. NADLER

AMENDMENT NO. 31: At the end of the bill, add the following new title:

TITLE V

ADDITIONAL GENERAL PROVISIONS

SEC. 501. None of the funds made available in this Act may be used for improvements to the Miller Highway in New York City, New York.

H.R. 2076

OFFERED BY: MR. ALLARD

AMENDMENT NO. 43: Page 47, strike lines 1 through 6, relating to the Under Secretary for Technology and the Office of Technology Policy.

H.R. 2076

OFFERED BY: MR. ENGEL

AMENDMENT NO. 44: Page 40, line 24, strike "$19,000,000" and insert "$21,499,000".

Page 42, line 6, strike "$100,000,000" and insert "$97,501,000".

H.R. 2076

OFFERED BY: MR. ENGEL

AMENDMENT NO. 45: Page 41, insert the following after line 6:

ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

For expenses necessary to carry out the provisions of the National Endowment for Children's Educational Television Act of 1990, title II of Public Law 101–437, including costs for contracts, grants, and administrative expenses, $2,499,000, to remain available as provided in section 394(h) of the Communications Act of 1934.

Page 42, line 6, strike "$100,000,000" and insert "$97,501,000".

H.R. 2076

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 46: Page 24, line 6, strike "$2,000,000,000" and all that follows through

"1995" on line 9 and insert "$1,800,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed the House of Representatives on February 14, 1995; $200,000,000 for crime prevention and model grants as authorized by title III of the 1994 Act;".

H.R. 2076

OFFERED BY: MR. GOODLING

AMENDMENT NO. 47: Page 102, after line 20, insert the following:

SEC. 609. None of the funds made available by this Act may be used for any United Nations peacekeeping mission when it is made known to the Federal official having authority to obligate or expend such funds that such funds will be used for the involvement of United States Armed Forces under the command or operational control of a foreign national.

H.R. 2076

OFFERED BY: MR. GUTIERREZ

AMENDMENT NO. 48: Page 17, line 2, before the period insert "*Provided further*, That $4,000,000 shall be available to promote the opportunities and responsibilities of United States citizenship with the assistance of appropriate community groups, in accordance with section 332(h) of the Immigration and Nationality Act".

H.R. 2076

OFFERED BY: MR. HASTINGS OF FLORIDA

AMENDMENT NO. 49: Page 18, line 2, strike "$2,574,578,000" and insert "$2,539,578,000".

Page 77, line 8, strike "$233,000,000" and insert "$268,000,000".

H.R. 2076

OFFERED BY: MR. KIM

AMENDMENT NO. 50: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. 609. None of the funds made available in this Act for the Department of State may be used to permit or facilitate making local currencies available to Members and employees of the Congress to travel to North Korea except when it is made known to the Federal official having authority to obligate or expend such funds that North Korea does not have a policy of discriminating, on the basis of national origin or political philosophy, against Members and employees of the Congress in permitting travel to North Korea.

H.R. 2076

OFFERED BY: MR. KLUG

AMENDMENT NO. 51: On page 102, after line 20, insert before the short title the following new section:

"SEC. . None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading 'Fleet Modernization, Shipbuilding and Conversion' may be used to implement sections 603, 604, and 605 of Public Law 102-567.".

H.R. 2076

OFFERED BY: MR. LATOURETTE

AMENDMENT NO. 52: On page 44, line 4, strike "1,690,452,000" and insert in lieu thereof "1,695,913,000".

On page 44, line 14, strike "$1,687,452,000" and insert in lieu thereof "$1,692,913,000".

On page 51, line 4, strike "$2,411,024,000" and insert in lieu thereof "$2,408,524,000".

On page 57, line 4, strike "$1,716,878,000" and insert in lieu thereof "$1,713,917,000".

On page 59, line 3, strike "$363,276,000" and insert in lieu thereof "$360,315,000".

H.R. 2076

OFFERED BY: MRS. MINK OF HAWAII

AMENDMENT NO. 53: Page 45, line 3, insert before the period the following:

: *Provided further*, That for the National Marine Fisheries Service for information collection and analyses, $520,500 is available with respect to Hawaiian monk seals and $240,000 is available with respect to Hawaiian sea turtles.

H.R. 2076

OFFERED BY: MS. NORTON

AMENDMENT NO. 54: Page 29, strike line 12 and all that follows through line 18.

Redesignate succeeding sections accordingly.

H.R. 2076

OFFERED BY: MR. SKAGGS

AMENDMENT NO. 55: On page 4, line 14, strike "$401,929,000", and in lieu thereof insert "$424,406,000" ; on page 6, line 19, strike "896,825,000" and in lieu thereof insert "$874,348,000".

H.R. 2076

OFFERED BY: MR. STUPAK

AMENDMENT NO. 56: Page 24, line 7, after "Grants" insert "of such amount $600,000,000 shall be available for rural areas".

H.R. 2099

OFFERED BY: MR. BARRETT OF WISCONSIN

AMENDMENT NO. 4: Page , after line , insert the following:

SEC. 5. None of the funds appropriated in title II of this Act may be used for any activity (including any infrastructure improvement), or to guarantee any loan for any activity, that is intended, or likely, to facilitate the relocation or expansion of any industrial or commercial plant, facility, or operation, from one area to another area, if the relocation or expansion will result in a loss of employment in the area from which the relocation or expansion occurs.

H.R. 2099

OFFERED BY: MR. BURR

AMENDMENT NO. 5: Page 87, after line 25, insert the following new section:

SEC. 519. None of the funds made available in this Act may be used for travel expenses for a public housing agency when it is made known to the Federal official having authority to obligate or expend such funds that the travel expenses cover travel of any member of the board of directors (or similar governing body) to a meeting, conference, or convention located 100 miles or further from the jurisdiction served by such public housing agency.

H.R. 2099

OFFERED BY: MR. DORNAN

AMENDMENT NO. 6: Page 52, line 4, strike "$384,052,000" and insert "$329,052,000".

H.R. 2099

OFFERED BY: MR. DURBIN

AMENDMENT NO. 7: Page 59, line 3, insert before the period the following:

: *Provided further*, That any limitation set forth under this heading on the use of funds shall not apply when it is made known to the Federal official having authority to obligate or expend such funds that the limitation would restrict the ability of the Environmental Protection Agency to protect humans against exposure to arsenic, benzene, dioxin, lead, or any known carcinogen

H.R. 2099

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 8: Page 20, line 25, strike "$10,041,589,000" and insert "$9,996,789,000".

Page 21, line 5, strike "$19,939,311,000" and insert "$19,894,511,000".

Page 24, line 1, strike "$4,941,589,000" and insert "$4,933,989,000".

Page 24, line 25, after the colon insert the following:

: *Provided further*, That amounts provided under this head may not be used for voucher assistance under the preceding 2 provisos if the provision of such voucher assistance for a number of families equal to the number of units covered by the terminated or expired contract would cost more than renewing the contract according to the terms of the contract and the United States Housing Act of 1937, and in the case of such an terminating or expiring contract such amounts may only be used for such renewal of the contract:

Page 25, after line 26, insert the following new item:

CONGREGATE SERVICES

For assistance for congregate services programs under section 802 of the Cranston-Gonzalez National Affordable Housing Act, $44,800,000.

H.R. 2099

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 9: Page 20, line 25, strike "$10,041,589,000" and insert "$10,361,589,000".

Page 64, line 16, strike "$320,000,000" and insert "$0".

Page 39, after line 17, insert the following new subsection:

(c) EXEMPTION OF ELDERLY AND DISABLED FAMILIES FROM RENT INCREASES.—Subsections (a) and (b) of this section shall not apply with respect to any elderly family or disabled family (as such terms are defined in section 3(b) of such Act) who, on October 1, 1995, is receiving rental assistance under section 8 of the United States Housing Act of 1937 or is occupying a dwelling unit assisted under such section.

H.R. 2099

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 10: Page 23, strike "may" in line 7 and all that follows through "prepayment" in line 14 and insert the following: "shall use $200,000,000 of any unobligated carryover balances under this heading as of September 30, 1995, for assistance for State or local units of government, tenant, and nonprofit organizations to purchase projects where owners have indicated an intention to prepay mortgages and for assistance to be used as an incentive to prevent prepayment if such assistance is lower in cost,".

H.R. 2099

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 11: Page 24, strike line 15 and insert the following: "rental assistance under section 8 of such Act (including project-based assistance on behalf of elderly and disabled tenants of a project assisted under the terminated or expired contract) in the".

H.R. 2099

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 12: Page 46, strike "(a)" in line 17 and all that follows through line 23.

H.R. 2099

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 13: Page 87, after line 25, insert the following new section:

SEC. 519. None of the funds appropriated in title II of this Act may be used for voucher assistance under section 8(o) of the United

States Housing Act of 1937 if it is made known to the Federal official having authority to obligate or expend such funds that such voucher assistance is to be provided in connection with the termination or expiration of a contract for loan management assistance under section 8 of such Act and renewal of the loan management assistance contract according to the terms of the contract and such Act would provide rental assistance for an equal number of families at a lesser cost.

H.R. 2099

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 14: On page 58, line 2, strike "(a)".

H.R. 2099

OFFERED BY: MR. OBEY

AMENDMENT NO. 15: Page 8, line 9, after the dollar amount, insert the following: "(increased by $230,000,000)".

Page 16, strike lines 12 through 21.

Page 20, line 25, after the dollar amount, insert the following: "(increased by $400,000,000)".

Page 70, line 13, after the dollar amount, insert the following: "(reduced by $1,600,000,000)".

Page 71, line 5, after the dollar amount, insert the following: "(increased by $400,000,000)".

H.R. 2099

OFFERED BY: MR. SHAYS

AMENDMENT NO. 16: Page 20, line 25, strike "$10,041,589,000" and insert "$10,244,589,000".

Page 22, line 15, strike "$1,000,000,000" and insert "$1,203,000,000".

Page 72, line 1, strike "$2,618,200,000" and insert "$2,315,200,000".

H.R. 2099

OFFERED BY: MR. SHAYS

AMENDMENT NO. 17: Page 20, line 25, strike "$10,041,589,000" and insert "$10,244,589,000".

Page 22, line 15, strike "$1,000,000,000" and insert "$1,203,000,000".

Page 72, line 1, strike "$2,618,200,000" and insert "$2,415,200,000".

H.R. 2099

OFFERED BY: MR. SHAYS

AMENDMENT NO. 18: Page 20, line 25, strike "$10,041,589,000" and insert "$10,244,589,000".

Page 22, line 15, strike "$1,000,000,000" and insert "$1,203,000,000".

Page 70, line 13, strike "$5,449,600,000" and insert "$5,199,600,000".

H.R. 2099

OFFERED BY: MR. SHAYS

AMENDMENT NO. 19: Page 20, line 25, strike "$10,041,589,000" and insert "$10,244,589,000".

Page 22, line 15, strike "$1,000,000,000" and insert "$1,203,000,000".

Page 70, line 13, strike "$5,449,600,000" and insert "$5,246,600,000".

H.R. 2099

OFFERED BY: MR. SHAYS

AMENDMENT NO. 20: Page 20, line 25, strike "$10,041,589,000" and insert "$10,244,589,000".

Page 22, line 15, strike "$1,000,000,000" and insert "$1,203,000,000".

Page 71, line 5, strike "$5,588,000,000" and insert "$5,285,000,000".

H.R. 2099

OFFERED BY: MR. SHAYS

AMENDMENT NO. 21: Page 20, line 25, strike "$10,041,589,000" and insert "$10,244,589,000".

Page 22, line 15, strike "$1,000,000,000" and insert "$1,203,000,000".

Page 71, line 5, strike "$5,588,000,000" and insert "$5,385,000,000".

H.R. 2099

OFFERED BY: MR. SHAYS

AMENDMENT NO. 22: Page 20, line 25, strike "$10,041,589,000" and insert "$10,244,589,000".

Page 22, line 15, strike "$1,000,000,000" and insert "$1,203,000,000".

Page 61, line 24, strike "$1,500,175,000" and insert "$1,547,175,000".

Page 61, line 25, strike "$1,000,000,000" and insert "$1,047,000,000".

Page 72, line 1, strike "$2,618,200,000" and insert "$2,268,200,000".

H.R. 2099

OFFERED BY: MR. SHAYS

AMENDMENT NO. 23: Page 20, line 25, strike "$10,041,589,000" and insert "$10,244,589,000".

Page 22, line 15, strike "$1,000,000,000" and insert "$1,203,000,000".

Page 61, line 24, strike "$1,500,175,000" and insert "$1,550,175,000".

Page 61, line 25, strike "$1,000,000,000" and insert "$1,050,000,000".

Page 70, line 13, strike "$5,449,600,000" and insert "$5,149,600,000".

H.R. 2099

OFFERED BY: MR. SHAYS

AMENDMENT NO. 24: Page 20, line 25, strike "$10,041,589,000" and insert "$10,244,589,000".

Page 22, line 15, strike "$1,000,000,000" and insert "$1,203,000,000".

Page 61, line 24, strike "$1,500,175,000" and insert "$1,571,275,000".

Page 61, line 25, strike "$1,000,000,000" and insert "$1,071,100,000".

Page 71, line 5, strike "$5,588,000,000" and insert "$5,213,900,000.

H.R. 2099

OFFERED BY: MR. VENTO

AMENDMENT NO. 25: Page 28, line 3, strike "$576,000,000" and insert "$845,000,000".

Page 64, line 16, strike "$320,000,000" and insert "$0".

Page 66, line 15, strike "$100,000,000" and insert "$130,000,000".

H.R. 2099

OFFERED BY: MR. VENTO

AMENDMENT NO. 26: Page 64, line 16, strike "$320,000,000" and insert "$269,000,000".

Page 66, line 15, strike "$100,000,000" and insert "$130,000,000".

EXTENSIONS OF REMARKS

THE EXPLOITATION OF CHILD LABOR IN INDIA

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. BURTON of Indiana. Mr. Speaker, much attention was appropriately focussed on human rights abuses by the Indian Government against minorities in Kashmir and Punjab during recent consideration of H.R. 1868, the foreign aid appropriations bill for 1996. However, there exists another little-known human rights problem in India, which is every bit as grave. This problem, which received little discussion, is the exploitation of child labor. The United States Government and the international community have paid little attention to the prolific employment of young children. It is time to attend to this neglect.

Child labor in India is a grave and extensive problem. Children under the age of 14 are forced to work in glass-blowing, fireworks, and most commonly, carpet-making factories. While the Government of India reports about 20 million children laborers, other non-governmental organizations estimate the number to be closer to 50 million. Most prevalent in the northern part of India, the exploitation of child labor has become an accepted practice, and is viewed by the local population as necessary to overcome the extreme poverty in the region.

Child labor is one of the main components of the carpet industry. Factories pay children extremely low wages, for which adults refuse to work, while forcing the youngsters to slave under perilous and unhygienic labor conditions. Many of these children are migrant workers, the majority coming from northern India, who are sent away by their families to earn an income sent directly home. Thus, children are forced to endure the despicable conditions of the carpet factories, as their families depend on their wages.

The situation of the children at the factories is desperate. Most work around 12 hours a day, with only small breaks for meals. Ill-nourished, the children are very often fed only minimal staples. The vast majority of migrant child workers who cannot return home at night sleep alongside of their loom, further inviting sickness and poor health.

Taking aggressive action to eliminate this problem is difficult in a nation where 75 percent of the population lives in rural areas, most often stricken by poverty. Children are viewed as a form of economic security in this desolate setting, necessary to help supplement their families' income. Parents often sacrifice their children's education, as offspring are often expected to uphold their roles as wage-earning members of their clan.

The Indian Government has taken some steps to alleviate this monumental problem. In 1989, India invoked a law that made the employment of children under age 14 illegal, except in family-owned factories. However, this law is rarely followed, and does not apply to the employment of family members. Thus, factories often circumvent the law through claims of hiring distant family. Also, in rural areas, there are few enforcement mechanisms, and punishment for factories violating the mandate is minimal, if not nonexistent.

Legal action taken against the proliferation of child labor often produces few results. Laws against such abuses have little effect in a nation where this abhorred practice is accepted as being necessary for poor families to earn an income. Thus, an extensive reform process is necessary to eliminate the proliferation of child labor abuses in India which strives to end the desperate poverty in the nation. Changing the structure of the workforce and hiring the high number of currently unemployed adults in greatly improved work conditions is only the first step in this lengthy process. New labor standards and wages must be adopted and medical examinations and minimum nutrition requirements must be established in India. Establishing schools and eliminating the rampant illiteracy that plagues the country would work to preserve structural changes. However, these changes cannot be accomplished immediately. Pressure from the international community, especially the United States Government, is absolutely necessary to bring about change in India.

I believe that it is imperative for the U.S. Congress and the Clinton administration to pay more attention to the exploitation of children in India as well as other areas in South and Southeast Asia. Currently, Germany has instigated a pilot program that places a stamp on all imported carpets that are child labor free, thus urging consumers to buy these products. Because of the high price range of these carpets, similar programs can and should be given serious consideration in the United States.

The Child Labor Deterrence Act of 1993, which is still under consideration, prohibits importing to the U.S. any product made, whole or in part, by children under 15 who are employed in industry. While this aspect of the bill may be effective, the United States needs to take action regarding child labor abuses, specifically targeted at India. Mr. Speaker, I call on every Member of Congress to pay more attention to this little-recognized problem. We must acknowledge the fact that we cannot continue to sustain the exploitation of children by purchasing carpets woven by the hands of children.

TRIBUTE TO LELA HAYNES SESSION

HON. JAMES E. CLYBURN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. CLYBURN. Mr. Speaker, I rise today to pay tribute to Dr. Lela Haynes Session for her many years of service to the people of Berkeley County and the State of South Carolina.

Dr. Session was born in Moncks Corner, SC, to the late Mr. and Mrs. David Haynes. She was educated in the public schools of Charleston and Berkeley Counties and later received her bachelor of science degree from Allen University and master of science degree from South Carolina State University. Dr. Session furthered her studies at North Carolina College, Duke University, Tuskegee Institute, and Union Baptist Seminary. She has also been awarded an honorary doctor of humane letters.

During her 28 years with the Berkely County Schools, Dr. Session served as supervisor of elementary education, supervisor of adult education, director of retirement, and director of teacher welfare, personnel division.

Dr. Session has a long, impressive history of involvement in extracurricular and community activities, starting at Allen University in the early 1940's. While completing her undergraduate degree at Allen, she found time to participate in the drama club and the college choir. Dr. Session's leadership skills were evident in roles such as president of the Y.W.C.A., treasurer of Sunday school, and school nurse.

Endowed with a commitment to helping others and a keen sense of the need to improve quality of community life, Dr. Session's work epitomizes the motto, "Build Your Community, Build The World." She devotes her time, energy, and talents to a variety of civic and professional activities. Some of these activities include: State delegate to the National Democratic Convention, vice president of the Moncks Corner Precinct Democratic Party, president of the Berkeley County Habitat for Humanity, Sigma Gamma Rho Sorority, Trident United Way, National Education Association, and the National Council of Negro Women.

Dr. Session is a longtime member of the African Methodist Episcopal Church where she serves as a trustee and stewardess. She has served as a consultant for the Lay Organization of the 7th Episcopal District, director of public relations for the Connectional Lay Organization, Young People Director, and Educational Worker of the Women's Missionary Society.

Mr. Speaker, I commend Dr. Lela Haynes Session for a lifetime of dedicated service to the people of Berkeley County and the State of South Carolina and join her family and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

friends in saluting her on September 2, 1995 at the Oaks Country Club in Goose Creek, SC.

HONORING BILL HUBBARD AND 25 YEARS OF THE CENTER FOR HOUSING PARTNERSHIPS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to pay tribute to Mr. William N. Hubbard, founder of the Center for Housing Partnerships.

For 25 years, the Center for Housing Partnerships has been revitalizing decayed neighborhoods through a combination of government assistance, conventional financing, and private investment. The organization's objective is to renew dilapidated neighborhoods by restoring abandoned apartment buildings and turn of the century brownstones. Many of these buildings are then leased to low-income families under the section 8 program of the Department of Housing and Urban Development. Since 1971, the center has developed and managed over 20 projects, consisting of more than 3,000 apartment units, with a total value of over $200 million.

The Center for Housing Partnerships was founded by my close friend, William N. Hubbard. Bill is president of Center for Housing Partnerships and is responsible for new business development as well as dealing with financial institutions and government agencies. He is a director of the Citizens Housing and Planning Council and was associated with the New York Urban Coalition's Housing Rehabilitation Task Force. Bill served as general counsel to New York State Senator Thomas Bartosiewicz, is a member of the State Democratic Senate Advisory Committee, and is finance chairman for Assemblyman Pete Grannis, chairman of the New York State Assembly Insurance Committee.

I would like to extend my sincerest thanks to Bill Hubbard and the Center for Housing Partnerships for their continuing efforts in revitalizing our city's communities. They are instilling renewed hope to communities who only saw the decay and despair of their crumbling neighborhoods. Thanks to the Center of Housing and Partnership, we can look forward to another 25 years of economic renewal and other important social benefits.

LT. KURT S. OSUCH, AN AMERICAN HERO

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. PAYNE of New Jersey. Mr. Speaker, I rise today to pay tribute to Marine Corps Lt. Kurt S. Osuch of Linden, NJ, because as he put it, "Marines do what Marines have to do." A horrible tragedy occurred on July 4, 1995. A traffic accident claimed the lives of Evelyn Dotson, Gwendolyn King, Henrietta Lathen and Jeanne Sanford.

Because of the brave actions of this fine American and marine, the list of fatalities is not as long as it might have been. It was in the early hours of July 4 that Lieutenant Osuch saved the lives of Matthew and Johnnie Buie. Mr. and Mrs. Buie were the only survivors of six members of St. Augustine Presbyterian Church in Paterson, who were traveling from a communion that morning when their van burst into flames after it was struck by a car heading in the wrong direction on the Garden State Parkway.

Lieutenant Osuch, returning from a friend's house, noticed the burning van and unlike several other passing motorists, stopped and in a selfless act of courage, pulled the two survivors from the van's front seats to safety. Lieutenant Osuch said that he was just doing what anyone else would have done. The fact is, he responded extraordinarily.

Lt. Kurt Osuch's sense of duty did not begin with this incident. Lieutenant Osuch, a graduate of Linden High School, enlisted in the Marine Corps in July 1982. Following boot camp he became an aviation technician. In July 1984, he entered the 2d Marine Air Wing at Cherry Point, NC. He was stationed in Okinawa between December 1984 and January 1986, where he served in the 1st Marine Air Wing. Following his duties in Okinawa, Lieutenant Osuch was a marine security guard in Beirut, Lebanon until June 1988.

In August 1988, the Marine Commissioning Enlistment Program brought him to the campus of Auburn University. He graduated from Auburn in March 1991, joining the ranks of the 10 percent of marines who are selected for and complete the Marine Commissioning Enlistment Program.

Lieutenant Osuch then became a field artillery officer in the 2d Battalion of the 10th Marines in the 2d Marine Division. He served in this capacity until January 1995. During this time, Lieutenant Osuch served his country in Mogadishu, Somalia, participating in Operation Restore Hope. He has also received the Navy Achievement Award for superior performance of his duties. Lieutenant Osuch currently serves as an operations officer and works at the Marine recruiting headquarters in Iselin, NJ.

Mr. Speaker, we, in New Jersey, have been reminded how fortunate we all are that marines do what marines have to do. I urge all of my colleagues to join with me in acknowledging a real American hero. Lt. Kurt Osuch.

TRIBUTE TO GEORGE E. NORCROSS, SR.

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. ANDREWS. Mr. Speaker, I rise today to celebrate and honor the accomplishments and contributions of George E. Norcross, Sr. Mr. Norcross is a man who has lived the American dream through hard work and dedication to the community. Having recently retired as president of the AFL–CIO Central Labor Council of South Jersey, I recognize Mr. Norcross as a shining example for us all.

For over half a century Mr. Norcross has served the working men and women of this country. Mr. Norcross began his career with the International Brotherhood of Electrical Workers. His leadership skills and personal rapport with others quickly earned him a position as an organizer with the International Union of Electric, Electrical, Salaried, Machine, and Furniture Workers. His dynamic leadership enabled him to lead successful organizing campaigns not only in New Jersey, but throughout the Nation. One such campaign brought him to Greenville, TN, where he met the future Mrs. Carol Norcross. After successful national campaigns, Mr. Norcross and his wife returned to Camden, NJ, to serve local 106 in Moorstown and raise their family.

After concentrating on organizational activities at the beginning of his career, Mr. Norcross turned his attention to the administration of local labor organizations as well as concentrating on civic participation and service. Since 1955, Mr. Norcross has served as president of the Union Organization for Social Service. His achievements as president of this organization range from food banks and clothing drives to the treatment of alcohol abuse and disaster relief. His commitment to the needs of his community has been unending, and his desire to improve the lives of those who live there inspirational. Under his leadership, the 80,000 members of AFL–CIO Central Labor Union contributed tens of millions of dollars and countless working hours in support of civic programs.

In 1979, Mr. Norcross founded and served as President of the RCA Local No. 106 in Moorestown, NJ, where he established such programs as annual food and clothing drives. In addition, he was an international representative for the International Union of Electrical Workers where he is remembered for creating scholarship programs for the children of union members.

Mr. Norcross is noted for his leadership for the United Way. In 1982, he began as chairman for the United Way campaign. Shortly thereafter, he served as vice president of the United Way of Camden County followed by his office as president of the United Way for Pennsylvania, New Jersey, and Delaware. Today, he is chairman of the United Way board. His leadership has inspired many to become involved in the work of United Way and the many services they provide to every community. In addition, Mr. Norcross founded the United Way Labor Support Committee, an entity dedicated to informing union members of the benefits extended to them by United Way.

Mr. Norcross is truly a man dedicated to the continued improvement of his community. His many accomplishments throughout his career testify to his commitment and tireless service. He will certainly be missed in his retirement, however, his accomplishments will continue to improve peoples' lives for decades. His dedication and service will serve as a continuous example for others. I commend George Norcross, Sr. for all that he has done for his community, and I wish him peace and happiness in the years to follow.

INTRODUCTION OF RESOLUTION NAMING THE SOCIAL SECURITY ADMINISTRATION'S WESTERN PROGRAM SERVICE CENTER IN RICHMOND, CA, THE FRANCIS J. HAGEL BUILDING

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. MILLER of California. Mr. Speaker, in recognition of the pivotal contributions yielded by Francis J. Hagel to the residents of the city of Richmond, I am introducing this resolution designating the Social Security Administration's Western Program Service Center to be named the Francis J. Hagel Building.

A resident of Richmond himself, Francis J. Hagel served his community as an Assistant Regional Commissioner for Processing Center Operations of the Social Security Administration's Western Program Service Center. Mr. Hagel oversaw the processing of benefit payment records for over 4.5 million people throughout the Nation, enhancing the quality of life of the denizens who were eligible for Social Security benefits.

As a citizen of Richmond, he was steadfast in his devotion to his city, providing crucial aid, in the form of community service, to fellow residents. As a result of his selfless and incalculable service to the city of Richmond and its habitants, Francis J. Hagel became an integral part of the foundations of the community, beloved by those who knew him.

This resolution is supported by the mayor and city council of Richmond.

Mr. Speaker, I'm sure you would agree, in light of these numerous invaluable contributions to his city and his neighbors, Francis J. Hagel is most deserving of the honor this resolution proposes to accord him in changing the name of the Social Security Administration's Western Program Service Center to the Francis J. Hagel Building.

CRIME IS ON THE RISE

HON. WILLIAM J. MARTINI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. MARTINI. Mr. Speaker, I rise today to address the House of Representatives with regard to a tragedy that has become far too common in this day and age. I am referring to the acts of senseless violence committed against our children that tear at the fabric of our society.

On a street in Paterson, NJ, a town in my congressional district, a young woman's dream to become a Wall Street entrepreneur or a scholar was shattered on Friday. She was attacked by unknown assailants who had approached her car and demanded money. When the young woman told her attackers that she had no money one of the men fired shots through the driver's side window. She was struck by the barrage of bullets; her best friend and the community were left in tears, by her side.

Cindy Del Carmen Villalba was 20 years old. She died 5 days short of her 21st birthday. Cindy was the valedictorian of her high school class, the first member of her family to attend college, and an honor student at Rutgers University in New Jersey where she studied business communications and Spanish. Cindy had just returned from a foreign study program where she taught, as well as learned from, schoolchildren in Costa Rica. She was 1 of 12 students chosen from Rutgers University to participate in the 6 week service, study program. In addition to her scholarly activities, she also was active in a dance troupe whose work explored Colombian themes and folklore, and she taught catechism at St. John's Cathedral.

Crime in our country is on the rise and the insecurity it breeds will erode the American peoples faith in the land of opportunity. It is with this passing that we as the Congress, as a Nation, and as a people need to summon the strength to dedicate ourselves to ending crime. Such an action will keep the memory of this young woman alive.

Mr. Speaker, please join me in extending my condolences to the family and friends of Cindy Del Carmen Villalba. It is a shame when a woman with such a bright future is taken from this world in such a senseless manner. She will be missed by everyone whose heart she touched and whose life she brightened.

THE DISTRICT OF COLUMBIA CONVENTION CENTER AND SPORTS ARENA AUTHORIZATION ACT OF 1995

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Ms. NORTON. Mr. Speaker, today I am introducing a bill that advances the process for realizing two major projects in the District of Columbia: The District of Columbia Convention Center and Sports Arena Authorization Act of 1995. This bill combines and refines two bills that were previously introduced, taking each of these projects another step forward.

The sections addressing the convention center project allow for the expenditure of previously collected taxes for preconstruction work so that cost estimates and time lines can be confirmed before the building process begins. Additionally, it allows for the expenditure of funds to operate the present convention center. This language goes greatly unchanged from that in the previously introduced bill, H.R. 1862.

The sections addressing the sports arena refine the language in previously introduced bill, H.R. 1843. These sections allow the District to use an annually collected tax to finance the land acquisition and other background work for the sports arena project. Once these steps are taken, the sports arena can be built.

Both of these projects are being financed by District and private resources, and will bring significant revenue into the District's shrinking coffers. Additionally, both projects will bring additional and much needed jobs to District residents, both while the projects are in development and during the future operations of these facilities.

I am pleased to be joined in cosponsorship and support of this bill by so many of my colleagues on both sides of the aisle. I hope we can work together for speedy passage of this bill.

IMPORTANT FINDINGS ON VISION IMPAIRMENT AMONG OLDER AMERICANS

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mrs. MALONEY. Mr. Speaker, I rise today to bring to the attention of my colleagues new findings on a problem that affects millions of middle-aged and older Americans: impaired vision.

Recently, The Lighthouse, Inc.—a vision rehabilitation organization—commissioned a poll on vision loss which was conducted by Louis Harris and Associates. As part of this comprehensive study, over 1,200 Americans 45 or older were interviewed to determine the prevalence and severity of impaired vision. The results of the survey are stunning. Approximately one in six Americans 45 years of age or older report that he or she experiences moderately or severely impaired vision. Many suffer even while wearing corrective glasses or contact lenses. For adults 75 years or older, the number is even more startling: one in four have vision difficulties. When applied to the entire Nation, the survey shows that 13.5 million Americans aged 45 or older suffer some degree of vision impairment.

One of the most disturbing aspects of this problem is the lack of public awareness about treatment options and facilities. Thirty-five percent of Americans surveyed were found to be unaware of local services for people with impaired vision. Also, while 89 percent of those surveyed think health insurance for vision impairment is somewhat or very important, only 75 percent are covered for severe vision impairment.

While many people suffering from vision impairment realize there are a variety of options to help correct vision loss—optical devices, adaptive aids, and rehabilitation—the Lighthouse survey shows that all of these options are under-utilized. Clearly, in combating vision impairment, one of our first targets must be to wipe out widespread ignorance about a problem that afflicts one in six Americans.

Mr. Speaker, as the Lighthouse study shows, we must take steps to guarantee that Americans can see with clarity. Such steps will improve the health, productivity and quality of life for millions of Americans. I ask my colleagues to join me in saluting the efforts of the Lighthouse, Inc. and to urge further action on this important topic.

VISITOR SERVICES IMPROVEMENT AND OUTDOOR LEGACY ACT OF 1995

HON. JAMES V. HANSEN

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. HANSEN. Mr. Speaker, today I am introducing legislation to improve the recreation experience on our Federal lands. Currently, funding to support recreational use of Federal lands is declining at the same time that recreational use is increasing. The staffing of the Federal land management agencies is inadequate and facilities, many of which are undersized, are deteriorating beyond the point where cost-effective repairs can be undertaken.

Some have urged that we simply appropriate more money for these purposes. However, in this time of deficient reduction, no one is approaching me volunteering programs with surplus funds. We must find ways to spend existing funds more wisely and to generate more funds within the programs themselves. The bill I am introducing today moves a long way in that direction.

Recreational use of Federal lands is one of the best deals in America today. It is such a good deal because 90 percent of the costs of services provided to recreational users are paid by persons who don't use the Federal lands. In recent years, recreational use on Federal lands has been subsidized by nearly $1 billion annually. However, if we could develop a way for recreational users of Federal lands to pay just $1 per person for their recreational use, Federal recreation programs would be self-sufficient.

The current Federal recreation fee program, as codified in section 4 of the Land and Water Conservation Fund Act, is in need of a complete overhaul. There are three major problems with the existing law: First, inadequate cost recovery, second, lack of incentives for fee collection, and third, complex and often conflicting policies as a result of past congressional micromanagement of this program.

The legislation I am introducing today reflects a total revision of the existing law. Under my legislation, recreation user will be required to pay 75 percent of the annual costs of services provided to them. However, this legislation is not just a fee offset bill. It provides for Congress to pay for not only the balance of the annual operating costs, but to provide funds for recreation facility construction and rehabilitation as well. As visitation goes up, so will fees and ultimately overall program funding. This legislation is designed to reverse the current trend of decreasing appropriations for visitor services.

One of the key features of this legislation, and of any successful fee program, is providing program incentives. By permitting the agencies to retain all funds without further appropriation, my legislation provides substantial incentives for both the public and the agencies administering the program. Further, most of the funds would be kept right in the area they are collected, with some allowance made for areas which cannot collect adequate recreational fees.

Other important features of this bill include the following: First, developing a consistent recreation fee policy for the 5 primary Federal land management agencies; second, providing flexibility in the amount of fees charged, but ensuring that fees collected are fair; third, limiting recreational fees to developed recreation sites and other specific recreational services provided by the federal agencies; fourth, ensuring congressional oversight of rates charged; fifth, permitting the use of volunteers to collect fees; sixth, ensuring accountability of fees collected; seventh, prohibiting fees for Federal hunting and fishing licenses; and eighth, guaranteeing access to private property without requiring the payment of any fee.

Taken together, these reforms will fundamentally change the manner in which the fee programs on Federal lands currently operate. These are changes which will work to the benefit of all recreational users of Federal lands. I look forward to working with my colleagues on this legislation, I welcome their input, and that of the public who uses our Federal lands.

PERSONAL EXPLANATION

HON. ANDREA H. SEASTRAND

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mrs. SEASTRAND. Mr. Speaker, on rollcall Nos. 552 through 557 I was unavoidably detained due to district travel plans and therefore unable to vote.

Had I been present I would have voted "no" on rollcalls 552, 555, and 556 and "yes" on rollcalls 553, 554, and 557.

THE EMPLOYMENT OF U.S. CITIZENS IN THE UNITED NATIONS SYSTEM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. HAMILTON. Mr. Speaker, it has come to my attention that U.S. citizens are allocated approximately 15 percent of U.N. posts, despite the fact that U.S. assessed contributions amount to 25 percent of the organization's regular budget. The geographic distribution formula for U.N. employees, which includes population and membership as well as contributions, does not appear to reflect the disproportionate responsibilities born by the United States within the U.N. system. A separate concern is that the U.N. Secretariat consistently fails to meet even this relatively low employment allocation; only 10 percent of all U.N. employees are U.S. citizens.

I believe this is a serious problem that deserves high-level consideration. My reservations about U.N. employment policies are outlined in a letter I sent recently to the Department of State. I ask that my letter, and the Department's response, be included in the CONGRESSIONAL RECORD.

COMMITTEE ON
INTERNATIONAL RELATIONS,
Washington, DC, June 16, 1995.

Hon. WARREN CHRISTOPHER,
Secretary of State,
Department of State,
Washington, DC.

DEAR MR. SECRETARY: I write to inquire what steps the Administration has taken to increase the employment of U.S. citizens in the United Nations system.

My inquiry is prompted by the most recent report to Congress on this subject, as required by section 181 of P.L. 102-138, which was submitted on June 2.

My reading of the report indicates the following:

(1) The United States accepts the U.N. Secretariat's ability to exclude large numbers of U.N. positions from the application of the principle of equitable geographic distribution; and

(2) The United States accepts a geographic distribution formula for U.N. employees which allocates the United States roughly 15% of U.N. posts, even though the United States contributes 25% of the U.N. regular budget and about 30% of U.N. peacekeeping costs.

I would appreciate a clarification of whether these statements reflect U.S. policy, and if so, the date these policies were adopted, and why.

I am concerned that even this relatively low allocation is barely met in the U.N. Secretariat, and is not being met in eight of the nine U.N. agencies on which the report focuses. As a whole, the report states that only 10% of all U.N. employees are U.S. citizens, a level which has not increased significantly over time.

I find it difficult to believe that there are insufficiently qualified U.S. applicants for available U.N. posts, particularly in the area of humanitarian relief and aviation expertise where large numbers of U.S. citizens have unique skills and are seeking employment.

I would therefore appreciate an answer to the following questions:

(1) What are the principal obstacles to increase hiring of U.S. citizens in the U.N. system? Do these obstacles vary by agency?

(2) Is a registry kept of U.S. citizens interested in and qualified for U.N. posts which are advertised?

(3) What office within the State Department is responsible for assisting U.S. citizens seeking employment at the United Nations, and how many personnel does that office have?

(4) What specific steps has the Department taken, both with the Secretariat and with other U.N. agencies, to address the underrepresentation of U.S. citizens?

I understand that equitable geographic distribution of U.N. posts is one among several principles guiding decisions on U.N. employment, the foremost of which I hope would be competence. I am puzzled nonetheless that U.S. representation remains so persistently low within the U.N. system.

I would appreciate any information you could supply, and stand ready to work with you to address this imbalance.

With best regards,

Sincerely,

LEE H. HAMILTON,
Ranking Democratic Member.

U.S. DEPARTMENT OF STATE,
Washington, DC, July 19, 1995.

DEAR MR. HAMILTON: This is in response to your letter of June 16 to Secretary of State

Christoper inquiring about the steps the Administration has taken to increase the employment of U.S. citizens in the United Nations system. As you are aware, the Secretary of State is responsible for leading and coordinating the U.S. Government's efforts to ensure that the staffs of UN agencies and other international organizations include an equitable number of Americans in professional positions.

In your letter, you asked for information regarding the United Nations Secretariat's geographic distribution formula, and clarification of U.S. policy regarding the application of this formula. Prior to 1962, the UN's geographic distribution system for professional staff was based simply, and informally, on member states' contributions to the regular budget. The UN first debated the geographic distribution issue during the General Assembly's seventeenth session in 1962.

In this debate, the United States proposed a resolution calling on the secretary General to consider giving weight to the factors of population and membership, as well as the financial contributions of states, and to consider widening the categories of Secretariat staff subject to geographical distribution. The formula eventually approved called for 60% of the posts to be filled on the basis of member states' assessed contributions, and the remaining 40% to be filled based on their population and membership. The GA also recognized that not all professional posts should be included within the geographic distribution formula. These included posts with special technical and language requirements, national restrictions, and all General Service (administrative) positions.

The formula in place today maintains the same three weighted factors: contributions, population and membership. Over the years, the weight given to contributions has decreased slightly, from 60% in 1962 to the current 55%. Therefore, even though the United States may contribute 25% to most UN agencies, the desirable ranges of U.S. professional representation in these agencies average between 15% to 18%. Other major contributors to the UN have similarly proportional ranges.

Following are our responses to your other four questions.

1. What are the principal obstacles to increased hiring of U.S. citizens in the UN system? Do these obstacles vary by agency?

The historical under-representation of Americans in many of the UN agencies is due to a number of factors, including stiff competition from nationals of other member countries, the lack of foreign language skills by some American candidates, and our lack of participation at most UN agencies in Junior Professional Officer (JPO) programs which encourage promotion from within. In addition, some Americans are deterred from considering such positions because of the high cost of living in many UN cities, the lack of employment opportunities overseas for spouses, and other family and career considerations. It is for these reasons that Americans tend to be better represented in many of the New York offices of the UN Secretariat, and at the New York headquarters offices of UNICEF and UNDP, and less well represented at, for example, UNHCR in Geneva, and FAO in Rome.

As a result of U.S. Government and the UN agencies' own vacancy dissemination and recruitment efforts, we know that large numbers of U.S. citizens receive timely information about UN employment opportunities and that many apply for these positions. UN agencies have confirmed that for most positions, they receive ample numbers of applications from highly qualified U.S. citizens.

2. Is a registry kept of U.S. citizens interested in and qualified for UN posts which are advertised?

Our Bureau for International Organization Affairs (IO) maintains a roster (registry) of U.S. citizens qualified for senior (D-level and above) positions in UN agencies and other international organizations. We also disseminate vacancy announcement information on all professional posts.

3. What office within the Department is responsible for assisting U.S. citizens seeking employment at the United Nations, and how many personnel does that office have?

Within IO, the UN Employment Information and Assistance Unit (IO/S/EA) is responsible for assisting U.S. citizens seeking information about international employment opportunities and for holding UN agencies accountable for hiring a fair share of Americans. This office consists of three staff members.

In addition, Ambassador Albright, the U.S. Permanent Representative to the United Nations at our Mission in New York, and our Permanent Representatives at our other missions overseas are fully committed to assisting U.S. citizens regarding employment opportunities within the UN system, and to holding UN agencies accountable for reaching established U.S. representation levels.

4. What steps has the Department taken, both with the Secretariat and other UN agencies, to address the under-representation of U.S. citizens?

The Department regularly consults with UN agencies (and other international organizations) to review their hiring of Americans. IO/S/EA assists these agencies by collecting and disseminating vacancy information. The office prepares a bi-weekly list of vacancies and distributes the list to hundreds of sources: Federal agencies, public and private organizations, academic institutions, associations, and individuals. The office assists interested Americans in working their way through the UN employment and application procedures and encourages qualified candidates to apply directly to the organizations for professional (P-level) positions. The office also is the focal point for information regarding the detail and transfer of Federal employees to international organizations.

IO/S/EA works closely with other Federal agencies and encourages them to draw on their own professional networks to recruit and submit qualified candidates to UN agencies. Working with other Federal officials, it is the Department's policy to submit a slate of three or more highly qualified candidates for each announced senior-level vacancy. In the past few years, the office has increased its efforts to identify and recruit women for these senior positions, with some success.

We continually advise the UN agencies that while the U.S. Government is prepared to offer assistance, it remains their responsibility to take whatever steps are necessary to hire and maintain adequate numbers of U.S. citizens on their professional and senior staffs.

I hope this information addresses the questions you asked. We certainly appreciate your continued interest in UN activities and willingness to work with us to improve U.S. representation in the UN system.

Sincerely,

WENDY R. SHERMAN,
Assistant Secretary, Legislative Affairs.

REPUBLIC OF KOREA PRESIDENT KIM YOUNG SAM'S ACCOMPLISHMENTS IN OFFICE

HON. GERALD B.H. SOLOMON

OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Tuesday, July 25, 1995

Mr. SOLOMON. Mr. Speaker, Republic of Korea President Kim Young Sam's state visit to the United States on July 25–28 is especially noteworthy because South Korea is one of America's most important and trusted allies in East Asia. Today, Korea shares many of the basic ideals and institutions that America cherishes. Most importantly, it shares America's commitment to democracy and a free market economy. However, many Americans are not fully aware of the great strides that South Korea has made regarding the institutionalization of democracy and the opening of its markets to foreign investment. The Republic of Korea's leader, President Kim Young Sam, who is the first civilian Chief Executive in 32 years, has played a crucial role in the country's democratic political development and economic liberalization.

During his first 2 years in office, Republic of Korea President Kim Young Sam has implemented a bold reform agenda that places a high priority on continuing Korea's democratization, establishing high ethical standards for political officials, renewing economic growth, and internationalizing all aspects of Korean society.

To successfully address the challenges of the post-cold-war era, President Kim has made Segyehwa—(globalization)—Korea's foremost national goal. The globalization initiative calls for significant reforms in six broad areas. These areas include: improving the efficiency of the government; implementing full-fledged local autonomy; sharpening Korea's competitive edge; improving the quality of life for the Korean people, especially the underprivileged; achieving progress toward reconciliation and cooperation with North Korea; and finally, globalizing Korea's diplomacy.

Early in his term, President Kim pledged to create a corruption-free political environment by instituting a strong moral code of conduct for the members of his administration and political party. Leading by example, just 2 days after his inauguration, President Kim disclosed all of his property and financial assets to the public and encouraged all his senior cabinet and ruling party figures to do the same. In order to institutionalize high moral standards for public officials, President Kim backed on ethics bill passed by Korea's national legislature in May 1993. The legislation requires thousands of senior civil servants to make regular and full financial disclosures to the public. Last year, the President also supported a sweeping election reform bill that limits campaign spending.

President Kim believes that the decentralization of political power through the promotion of local autonomy is critical to the institutionalization of democratic political reform. To that end, on June 27, local government officials, including provincial governors, metropolitan mayors, and councilmen, were chosen by popular vote for the first time in more than three decades.

Another important component of the President Kim's anticorruption campaign was the introduction last year of a real-name financial and real estate transactions system. Under this reform, every transaction with a financial institution must be made under an individual's real name, thereby eliminating tax evasion, real estate speculation, and government-business collusion.

The deregulation and liberalization of Korea's economy has also been a major priority of President Kim. To facilitate foreign access to the Korean market and help attract foreign technology, the President has introduced a number of measures that over the next few years will eliminate virtually all restrictions on foreign investment in Korea. For example, under President Kim's liberalization program, 91 percent of business lines are open to foreigners, and that figure will increase to 95 percent within 3 years. Moreover, the streamlining of the foreign investment approval process has reduced the time required for the final approval on projects from 50 to 5 days. To further demonstrate its commitment to free trade, the Kim administration supported legislation passed by the National Assembly last year that approved Korea's entry into the World Trade Organization.

As a result of these efforts, direct foreign investment in Korea last year totaled $1.3 billion, up more than 25 percent from 1993. In addition, American firms have benefited from these liberalization initiatives as Korea has grown to be the United States' sixth largest export market, and fourth largest market for agricultural goods. Our countries' two-way trade now surpasses $42 billion. Furthermore, Korea is one of only a handful of countries having a deficit with the United States. Last year alone, Korean imports of American products grew 22 percent. During the first 4 months of this year, America's trade surplus with Korea was $2.4 billion. This contrasts with the substantial deficits the Untied States is running with several of our East Asian trading partners. It also illustrates Korea's strong commitment to trade liberalization and deregulation.

In addition to these domestic accomplishments, President Kim has also implemented a new foreign policy agenda that emphasizes the principles of democracy, liberty, human rights and free market economy. The Korean leader believes that the institutionalization of these core values is crucial to long-term political stability and economic prosperity in the Asian region and throughout the world.

President Kim has promoted these ideals through summit talks with the leaders of major world powers, including the United States, China, Japan, Russia, Germany, France, and Great Britain, as well as through discussions with the new leadership of many of the former socialist nations of Eastern Europe and the newly industrialized countries in Latin America and Asia. President Kim has also worked hard to transform the Korea-United States bilateral relationship into a broader political, economic, and security partnership.

While maintaining close ties with traditional friends, the Korean leader has also focused on expanding regional economic cooperation and liberalization with Korea's Asian neighbors. To expedite this process, President Kim met with his counterparts from the region at the first two meetings of the Asia-Pacific Economic Cooperation [APEC] Leaders' Conference. In a major address at last year's gathering of the group in Indonesia, he outlined his proposal for new regional initiatives in the areas of trade and investment liberalization, manpower development, and telecommunications infrastructure. President Kim emphasized that it was imperative for APEC to take a leading role in liberalizing world trade and that the highest priority should be given to dismantling all barriers to trade and investment.

President Kim's foreign policy agenda has also included efforts to increase Korea's manpower and financial contributions to such pressing international issues as arms control, the abolition of poverty, and environmental protection through membership in various U.N. organizations and other multinational bodies.

One of President Kim's major policy goals has also been the improvement of relations with North Korea. Through close consultations with the United States and other major allies, and the United Nations, the ROK Government has pressed the North to comply with its obligation as a signatory to the Nuclear Non-Proliferation Treaty of 1992 to accept external scrutiny of its nuclear weapons program.

The success of this effort was highlighted on October 21, 1994, in Geneva when the United States and North Korea signed the agreed framework. It requires North Korea to dismantle its nuclear program over the next 10 years and accept full-scope international inspections of all its nuclear facilities in exchange for two 1,000 megawatt light-water nuclear reactors [LWR's]. To promote inter-Korean cooperation, the Republic of Korea will play a central role in the $4.5 billion LWR project.

In an effort to promote improved South-North relations, on June 21, the ROK Government announced that South and North Korea had reached an agreement in which the South will supply the North with 150,000 tons of rice for free. The food aid will be provided to the North in order to help alleviate the critical food shortage in North Korea. President Kim hopes that this measure, along with his previous efforts to gradually lift restrictions on South Korean business investment and trade with the North, will serve as an impetus for improved South-North political relations and thereby help lay a foundation for the peaceful reunification of the Korean Peninsula.

Mr. Speaker, I believe that all Members of Congress will find this record of achievement impressive, and will want to welcome President Kim when he arrives to address a joint meeting of Congress on July 26.

MEDICARE'S 30TH ANNIVERSARY

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Ms. JACKSON-LEE. Mr. Speaker, the Medicare Program is a critical safety net for millions of seniors and disabled Americans. And as we celebrate the 30th anniversary of the Medicare Program this week, there is an important statistic to keep in mind: 99.1% of Americans over age 65 have health insurance coverage.

We must remember that it has not always been this way. The period that preceded the implementation of the Medicare Program is a tragic chapter in our Nation's history—elderly citizens unable to receive or pay for medical care—choosing between medicine and food—people fearing to reach what should be their golden years.

During this week of reflection on the Medicare Program, let us not forget that it was the tireless advocacy of the Democratic Party that transferred the Medicare Program from theory to reality.

The historical record is unmistakenly clear: if it had been up to the Republican Party, the Medicare Program would never have been enacted. For example, in 1965, the year Medicare was created, 93 percent of House Republicans voted to replace the proposed Medicare Program with a Republican substitute—which was a voluntary plan, with no guaranteed financing and no guaranteed benefits.

Thirty years later, the Medicare Program is still facing Republican assaults. Now, they want to cut the program by $270 billion to pay for tax cuts for the wealthy. Unfortunately, my Republican colleagues are not in tune with the desires of the American people.

Polling conducted in early June by NBC/Wall Street Journal show a public concerned with Republican priorities. When asked to identify their top goals for Congress, most voters chose protecting Medicare and making sure the wealthy pay their fair share of taxes as top issues.

Instead, the GOP has chosen a variety of ways to pay for tax cuts for the wealthy by increasing medical costs for seniors. The Republican budget task force outlined several options for cutting Medicare. The following are a sample of these options:

Increase premium for new beneficiaries who use Medicare fee-for-service. Beginning in 1999, all new enrollees choosing Medicare fee-for-service would pay a $20 increase to their part B premium.

Increase Medicare deductible. The part B Medicare deductible for senior citizens is $100. Republicans want to increase it to $150 by 1996.

Start charging a co-payment for clinical laboratory and home health services. Senior citizens are covered by Medicare for these services, but Republicans propose to require senior citizens to pay a 20 percent co-payment for lab and home health services, by 1999.

Increase part B premium $5 per month for 1996–99 and $7 per month beginning in 2000. In 1995, senior citizens pay $46.10 per month. By the year 2002, the Republicans will force seniors to pay an increase of up to $87.10 per month. This is equal to a $492 increase per year to senior citizens by the year 2002. In the year 1996, seniors will see their premium increase by $60.

All of these cost increases to senior citizens do not even affect the part A funding that the Republicans claim will go insolvent. Instead, the Republicans are going to hit seniors, who are living on small fixed incomes, with all of these increases so that the wealthy can have their tax cuts.

If the Republicans are legitimately concerned about the solvency of the Medicare Program, why are their budget proposals not addressing these questions?

In calendar year 1994, hospital insurance [HI], or part A, covered about 32 million seniors and 4 million disabled enrollees at a cost of $104.5 billion. The payroll taxes of 141 million workers used to support these costs amounted to $95.3 billion.

Obviously, these numbers do not match up. And as the number of beneficiaries increases, these numbers will continue to move further and further apart—which is exactly the reason why the Medicare trustees report showed that the hospital insurance program fails the test of short-range financial adequacy.

Do these problems need to be addressed? Absolutely. Are the Republicans addressing such problems? Absolutely not. If anything, their budgetary proposals only worsen the situation and are nothing more than smoke and mirror gimmicks to justify tax breaks for the wealthy.

My chief concern today is the moral bankruptcy of those who would do the bidding of the powerful while cutting Medicare and turning their backs on the interests of the weak. If we launch this assault on benefits to the elderly, where will it stop?

CONGRATULATIONS TO THE OWENS FAMILY OF FREDERIC, WI

HON. DAVID R. OBEY

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. OBEY. Mr. Speaker, I'd like to take this opportunity to congratulate the Owens Family of Frederic, WI, operators of Owens Farms, Inc., one of five Wisconsin families selected as regional winners in the 1995 Dairy Farm Family of the Year Program.

The Owens Farm involves 10 family members: Wilfred and Linda Owens, Walter and Joyce Owens, and Roger and Kim Owens; the brothers' parents, Harold and Agnes Owens; and grandsons, Stevens and Douglas Owens. Together they milk 312 Jersey cows on their farm which is located in Polk and Burnett Counties in northwestern Wisconsin.

Despite dairy prices that have remained around $12 per hundredweight for more than 10 years, the Owens farm has found ways to remain profitable through the adoption of more efficient machinery and better management.

In addition to their hard work on the farm, the family has been active off the farm, with the local 4–H Club, local churches, dairy organizations, and other community organizations.

The Owens family has been recognized by the University of Wisconsin Centers for Dairy Profitability based on their farm business performance, dairy industry and community leadership, management systems, and business innovations. The Owens farm has proven itself a well-managed, progressive, and profitable business.

The Owens family, along with the other regional winners from Wisconsin, will be recognized at a banquet in Madison, WI, on July 27. To all the winning families, and especially to the Owens family, I want to extend my congratulations.

COMMENDING EIGHTH GRADE HISTORY TEACHER CARLYJANE WATSON

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. WELDON of Florida. Mr. Speaker, I rise today to commend history teacher Carlyjane Watson and her eighth grade class at Bourne High School in Bourne, MA. They marked the 50th anniversary of the end of World War II in a most creative and informative way.

The class held a "Living History Forum" where each of the students contacted relatives and neighbors who had served during World War II to learn about their firsthand experiences. This was an innovative way to introduce the students to the wealth of historical knowledge found in their own community.

This program was a fitting tribute to all Americans who made great sacrifices during World War II. It also allowed students to get a lesson in history directly from those who made it. This "Living History Forum" allowed the students to gain a better understanding of both the factors that lead to the war and the immense courage of those who experience it.

This is sure to leave a lasting impression on both the students and those who shared their experiences. It is a fitting tribute to those who sacrificed so that we might continue to live free. Mrs. Watson is to be commended for her innovative way of making history come alive for all of those involved.

REPRESENTATIVE MEEK HONORS GERALINE L. GILYARD-INGRAHAM FOR 31 YEARS OF OUTSTANDING SERVICE TO DADE COUNTY SCHOOLS

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mrs. MEEK. Mr. Speaker, I want to offer my sincere congratulations to Dr. Geraline Lewis Gilyard, who is retiring after over 30 years as an educator. Clearly, the Dade County Public School system is losing one of its finest employees.

A native Miamian, Dr. Gilyard attended Dunbar Elementary and Booker T. Washington Junior Senior High School in Dade County. Dr. Gilyard's academic background was exemplary. She earned a bachelor's degree in business education from Bethune Cookman College, a master's degree in guidance and counseling from Florida Atlantic University, a doctoral degree in education from the University of Palm Beach, and a second doctorate from the University of Miami in administration and supervision. She received extensive additional training in group process and organizational development from Boston University's Human Relations Laboratory and Bethel Maine's National Training Laboratory.

Dr. Gilyard put her education and training to work in Madison County, FL. Fortunately for Miami, however, she moved to the Dade County Public School System a year later. Dr. Geraline Lewis Gilyard taught at Ojus and Douglass Elementary Schools, was a guidance counselor at North Dade Jr. High School, a member of the Human Relations Intergroup Relations Team, a teacher interviewer, the director of Administrative Services, the supervisor of noninstructional training, and she will retire as the director of instructional staffing. In all, Dr. Gilyard spent 32 years as an educator, 31 of them working for the betterment of the youngsters in Dade County.

Dr. Gilyard has also been extremely active in our community. She is a founding member of the Southeast Chapter of the Negro Business and Professional Women's Club. She is a member of Ebenezer United Methodist Church, where she served as chairperson of the administrative board for 4 years. She is currently the chairperson of the Council on Ministries, a member of the United Methodist Women, and involved in the Voices of Praise Choir. Dr. Gilyard is also a member of the District Superintendent Advisory Council of the Miami District of the United Methodist Church. She is a member of the Gamma Zeta Omega Chapter of Alpha Kappa Alpha Sorority, where she served as chairperson of the Ebony Fashion Fair Committee for 3 years.

Dr. Gilyard resides in Dania, FL, with her husband, Arlington Ingraham, owner of the Bahamian Connection restaurant, and her daughter, Vanessa Henelle Gilyard, a graduate of Barry University. Mr. Speaker, on behalf of our entire community and as a former teacher, I offer her profound thanks for her many years of service and our best wishes for her continued happiness and success in the future.

HAPPY 100TH THUMB NATIONAL BANK & TRUST

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. BARCIA. Mr. Speaker, there is no doubt that one of the most important relationships people can have in their lifetimes is the one with a good, stable bank. We depend upon banks to hold our savings, to help finance our homes and cars, and to provide some additional resources at times of emergencies or special opportunities. The people of Michigan's Thumb—a multicounty area in my congressional district—have had the good fortune of dealing with the Thumb National Bank & Trust Co. which this Thursday celebrates its 100th anniversary.

Thumb National started as the Farmer's Bank, in Pigeon, MI, in 1895, with five customers and total deposits of $1,900. In 1908, it bought out the Pigeon State Bank, and assumed that name. It grew through the years, undergoing several building projects, growing as the surrounding community grew, becoming Pigeon's longest continually operated business. The bank plans to add 50 percent more space to deal with the growing demand for its services.

Twenty-five years ago, the Pigeon State Bank charged its State charter to a national bank charter, and became the Thumb National Bank & Trust Co. It was the only bank in the entire area to offer full trust services. Now, with several branches, automated teller machines, and a complete array of current financial services, its customers are fortunate to continue to be served by a bank that truly believes in its philosophy of know the customer.

To its good fortune, Thumb National, has had the consistency of a limited number of chief executive officers, including three generations of the Clabuesch family, including the current president, Paul Clabuesch. Working with chairman of the board Arthur Luedtke, and other board members Nelson Binder, Ann Marie Clabuesch, Clare Comment, Eldon Diefzel, Lowell Kraft, David McCormick, Curtis Strickland, and Robert Webber, Sr., the bank continues to set an example of success and frugality for the Thumb. It also continues to be involved in a number of community projects, just as it was over 20 years ago when it provided financing to build Scheurer Hospital, after State and Federal officials said no funding was available.

Mr. Speaker, certain institutions are vital to the success of our communities. Thumb National Bank & Trust Co. has certainly been such an institution for the several counties of the Thumb. I urge you and all of our colleagues to join me in wishing the officials, the 54 employees, and the thousands of depositors, a very happy 100th anniversary with a positive outlook for 100 more years of careful, innovative, and successful banking.

HONORING JUDGE THOMAS TANG

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 25, 1995

Mr. PASTOR. Mr. Speaker, I am saddened today by the recent death of a good personal friend and a friend of the community, Judge Thomas Tang.

Born January 11, 1922, in Phoenix, AZ, the son of Chinese immigrants, Judge Tang served in World War II as a second lieutenant. He graduated from the University of Santa Clara, CA, and received his law degree from the University of Arizona in 1950.

He enjoyed a long career in Government and law until being appointed to the Federal bench by President Carter in 1977. In a legal career spanning almost five decades, he served as a Phoenix City Council member, Maricopa County Superior Court Judge, Deputy County Attorney and Assistant Arizona Attorney General. Judge Tang's career also included years of private practice where he served on the Arizona State Bar Board of Governors until becoming its president in 1977.

Known as an even-tempered and affable individual, he will best be remembered for his commitment to justice and fairness. A champion of individual rights, he was devoted to the advancement of minorities in the legal profession.

Additionally, I would like to recognize Judge Tang's wife, Pearl Tang. A respected and well-known community activist, she has served as an advocate for the well-being of mothers and children in Arizona. I had the pleasure of working with her during my years as a Maricopa County Supervisor and treasure her friendship. I ask you to join her and my fellow Arizonans in sharing the loss of a great and noble man.

SENATE—*Wednesday, July 26, 1995*

(Legislative day of Monday, July 10, 1995)

The Senate met at 8:30 a.m., on the expiration of the recess, and was called to order by the President pro tempore [Mr. THURMOND].

The PRESIDENT pro tempore. Today we have a guest chaplain, Dr. Gary Hollingsworth, of the First Baptist Church of Alexandria. He is a guest of Senator HELMS.

PRAYER

The guest chaplain, Dr. Gary L. Hollingsworth, offered the following prayer:

Let us pray together:

Loving God, we thank You for the wonderful gift of a new day. You have said, "This is the day the Lord has made, let us rejoice and be glad in it."—Psalm 118:24.

May today be a day of gladness and rejoicing. We rejoice in Your mercy, Your patience, and Your justice. We are glad that You have provided everything we need for life now and life everlasting. We pray, dear God, for Your wisdom and Your will to be made known and done in this assembly today.

Your word tells us "righteousness exalts a nation, but sin is a reproach to any people."—Proverbs 14:34. Help us this day be righteous people. In so doing, Your promise to our Nation is secure. Grant Your wisdom to these women and men of the U.S. Senate who serve at Your pleasure for Your people. I pray they might have courage to do what is right and that they feel Your strength and protection as they serve You by serving others.

I pray also for their families and friends who often must sacrifice time and treasure so they may serve. Wherever they are, and whatever they are doing, speak a word of peace to them at this moment. May the issues before this assembly today be discussed and decided with firm reliance upon Your providence and guidance. Amen.

DR. GARY L. HOLLINGSWORTH

Mr. HELMS. Mr. President, let me begin by saying it is a source of great pride and pleasure to Dot Helms and me that Dr. Gary L. Hollingsworth has accepted the Senate's invitation to serve as guest chaplain today.

His eloquent prayer was typical of his great ministry—sincere, impressive, and deeply reverent.

The Nation very much needs to be remembered every day in the prayers of all of us, and we Senators need the prayerful support of all Americans that we will faithfully uphold the moral and spiritual principles set forth by our Founding Fathers.

Dr. Hollingsworth is pastor of First Baptist Church, Alexandria, which since its organization in 1803 has served the spiritual needs of countless citizens of the Nation's Capital and surrounding area. It is one of the truly historic churches of the area; its congregation numbers 2,850 members. The First Baptist annual budget has grown to $2 million. In addition to the spiritual needs of its congregation, First Baptist, Alexandria, serves many other local, national, and international ministries—for example in the Dominican Republic, Tanzania, Ukraine, and others.

Now, first a word about Dr. Hollingsworth: He and Gwen Beaman were married a few days before Christmas in 1978. They have two fine sons, Jonathan Andrew and Ryan Thomas.

Gary's friends are excited about his being a part of the U.S. Senate today—but I suspect his wonderful parents, L.T. and Magoline Hollingsworth, are excited most of all. A number of staff members and members of First Baptist, Alexandria, are here today and of course the Senate welcomes all of them as well.

For the remainder of today's Senate session, Dr. Hollingsworth will have the privilege of the Senate floor. He can come and go—meaning that he can meet the Senators, talk with them and maybe counsel some who need it most.

Thank you, Chaplain Hollingsworth, from the U.S. Senate, for this day, for being here today. Thank you, Mr. President.

I yield the floor. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

Mr. HELMS. Mr. President, is there a unanimous consent stipulating what shall happen now? I assume the pending business is still the Bosnia resolution, is that correct?

The PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

A bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina.

The Senate resumed consideration of the bill.

Pending:

Dole amendment No. 1801, in the nature of a substitute.

Mr. HELMS. Mr. President, I inquire of the Chair if the first speaker on this has been identified in the unanimous consent?

The PRESIDENT pro tempore. The first speaker was to be the Senator from Connecticut, Senator DODD.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CRAIG). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEVIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

Mr. LEVIN. Madam President, the fact that more than 3 years after the outbreak of hostilities in the Balkans we are debating the same issues that we did not resolve 3 years ago is surely proof of the failure of Western leaders to craft an effective policy against the expansionist brutality and ethnic cleansing that is going on in Bosnia, and it is surely proof it is a false hope to believe that aggression which is ignored will somehow stop on its own without the use of collective force.

There is no use in blaming NATO or blaming the United Nations. We have to blame the leading nations of NATO and the United Nations. Leading nations means the United States, the French, the British, and our other allies that have the responsibility to lead but that have collectively failed.

We have heard a lot about the failure of the United Nations and the failure of NATO, and, yes, there is plenty of failure there. But NATO and the United Nations are made up of countries, and those entities follow the decisions and the will of their members. So when the United Nations fails, it is because we or the British or the French or the Russians or other members of the Security Council and the General Assembly that make up the United Nations and will not allow it to do something have decided on that course of action.

The same thing is true with NATO. NATO has failed because we and the British and the French and the other members of NATO will not agree on a course of action in the Balkans. We have failed. Collectively we have failed.

There is no easy answer in Bosnia, but I am convinced that the least bad

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

answer is to allow Bosnians to defend themselves. I have been convinced of that for a long time and nothing has changed my view. Quite the opposite. I am more convinced than ever that since we and Western Europe are not willing—no one is willing—to send in ground forces to defend the Bosnian Government and its people against aggression. The least we should do is allow them the right that every other government in the world has, and that is the right of self-defense. No other state recognized by the United Nations is being prevented from exercising this inherent right.

If lifting the embargo results in the United Nations leaving and if it results in the suspension of humanitarian relief, then at least the Bosnians will have been able to exercise their right to die fighting instead of having their hands tied by this embargo while they are being slaughtered.

I find it morally repugnant that we, the nations of the world, are denying Bosnia that right while being unwilling collectively to come to the defense of Bosnia. And it is particularly repugnant in light of the ethnic cleansing, the rape, the forced marches which the State Department has acknowledged are being carried out primarily by the Bosnian Serbs.

The United Nations estimates that the Bosnian Serbs have expelled, killed, or imprisoned over 90 percent of the 1,700,000 non-Serbs who before the war lived throughout the territory now held by the Bosnian Serbs. Now, it is not just in the name of decency that we must allow the Bosnians the right to fight back. In the hope of stopping Serb aggression before it spreads more widely, or before it involves neighboring countries and ultimately us in a wider, deeper conflict we must also allow the Bosnians the right to fight back.

At this point allowing the Bosnians to fight back seems to me to be the best hope of eventually stopping Serb expansionist drives. So it is not just that it is morally repugnant not to allow the Bosnians to defend themselves. As a practical matter I do not see any other way of stopping Serb expansionism unless someone tries physically to stop it. Who is going to try to stop it? Who is there fighting the Serbs in their expansionist goals? And they have them. Their goals for a greater Serbia which can spread into the Balkans and spread into Europe can once again be the source of a wider war which then drags in America as we have been dragged in twice in this century. So no one believes that allowing the Bosnians to defend themselves is going to Americanize the war more than doing nothing. Doing nothing will also result someday in America being dragged into a wider conflict. The only way to prevent a wider conflict is to allow someone who wants to fight against Serb expansionism to fight. That is what the Bosnians not only are willing to do, but they are pleading with us that they be allowed to do.

Bosnia has been littered by broken promises. None of us can be sanguine about the new threats of airstrikes that were made in the last few days. We look at the fine print of the London agreement and we see that us and our allies, NATO, and U.N. officials are still arguing about the dual-key approach, about who has the right to call in airstrikes and who has the right to veto them, and about whether or not the threats apply to Gorazde or whether or not they apply to all safe areas. We read in the morning newspaper that "U.N. officials are now given the right to veto airstrikes by NATO." We were told last weekend no, they were not. NATO and the United Nations are again in disarray within a few days after presumably there had been an agreement. And if there is any principle involved in the London conference, in the London agreement, it was that a credible threat of airstrikes against strategic Serb targets in Bosnia would have at least a reasonable prospect of stopping an attack on Gorazde.

Now, that is what the Secretary of Defense told us yesterday. That at least a credible threat would have the possible effect of deterring an attack on Gorazde. It is not guaranteed that threat of an airstrike even if it is addressed at targets in Bosnia held by the Serbs outside of the immediate area, that a threat, a credible threat of a strong air attack would deter the attack, but at least there was that possibility. That is what is at the heart of the London declaration. Though then the question comes, if it is possible that the threat of a credible airstrike would stop an attack on Gorazde, why would not that same threat stop the attack on Sarajevo? Why do we not apply the Gorazde rules to Sarajevo? What London did was give a green light for an attack on Sarajevo because what it said was the threat of a credible air attack is limited to Gorazde. And when I asked the Secretary of Defense and Secretary of State yesterday, why do we not apply that same threat to stop this ongoing assault and siege of the capital of a nation that belongs to the United Nations, I was told we hope that same decision will be made relative to Sarajevo in the next few days.

Well, I hope it will be too. But I am not going to hold my breath. And I cannot honestly tell the people of Bosnia who have suffered for years that somehow or other these kinds of faltering steps, threat today, watered down tomorrow, threat today, not carried out tomorrow—that this can in any way protect them. There is only one thing that will protect the Bosnian people from the Bosnian Serb expansion, and that is if they are allowed to defend themselves. It has been proven year after year that this is their only defense. There is no other. Now, we are told that this would be a bad precedent, withdrawing from the U.N. resolution. But this would not be the first U.N. resolution which has been ignored in Bosnia and ignored by us. The U.N. Security Council passed a resolution last September which was an effort to punish the Serbs for rejecting the contact group's peace plan. Now, that resolution, just last September, declared that all states should "desist from any political talks with the leadership of the Bosnian Serb party as long as that party has not accepted the proposed settlement in full."

The U.N. resolution says, all states should "desist from any political talks with the leadership of the Bosnian Serb party as long as that party has not accepted the proposed settlement in full." Within 4 months we violated that resolution unilaterally. There was no change in that resolution. We and other European officials went to Pale for political talks with the leadership of the Bosnian Serb party. U.S. Special Envoy Charles Thomas went there despite the fact that the preconditions which had been set for that direct dialog had not been met. Now, that was a blatant disregard, unilaterally for an important U.N. resolution. Of course, that one was dealing with the Serbs. So I guess that one is overlooked. That does not count. It was a resolution very specifically regulating diplomatic and political and military matters. And we ignored it, unilaterally we ignored it. The U.S. Ambassador at that time, Victor Jackovich, objected to the visit and was recalled to Washington as a result of his statement of objection.

This genocide in Bosnia has taken on Orwellian aspects. UNPROFOR is no longer a protection force. Safe havens are neither safe nor are they havens. The contact group of nations is not making any significant contact with the warring parties on a peace agreement. And peacekeepers are now hostages and human shields.

Whatever else, whatever else, the United States and our allies have not mustered the will to defend Bosnia. And we cannot in conscience both enforce an embargo and tell the Bosnians that we are not going to defend you and we are not going to let you defend yourselves. We cannot in good conscience say both things at the same time. We are not going to defend you and we are not going to let you defend yourselves. It is one or the other. Morally it is one or the other, and also it is one or the other for very practical reasons. That is, unless there is a counterweight to Serb expansionism in Bosnia, it will continue. Next it will be Kosovo. Next it will be Croatia. Next other countries will become involved in stopping that expansion.

Next, other countries will respond to the first countries getting involved. Next, a Balkan war spreads to Europe.

There is no easy answer in Bosnia, and anyone who thinks that there is a cure is making a terrible mistake.

Allowing the Bosnians to defend themselves has risks. The status quo has risks. And in judging which are the greater risks, nobody can be sure that their judgment is right. But year after year, I have felt that with all of the clash of pros and cons, there is one nugget of truth, and that is the right of self-defense, of that I am sure.

I am sure that the U.N. Charter, an international law, permits every nation the right of self-defense. I am sure that this country has stood for that for as long as we have been in existence. We have stopped standing for that in Bosnia.

Later on today, the Senate will reassert that fundamental belief that every nation has a right of self-defense, and if there is anyplace where that right is appropriate, it is in a place that has been the victim of a genocide.

I never thought we would hear the words "ethnic cleansing" again in this century. We not only heard them, we have watched them. We have watched ethnic cleansing operate. We saw a picture in the paper of Serbian troops separating men from women and children. The men going that way, probably to slaughter; the women and children going this way, probably to rape or to other horrors. That picture reminded me of another picture that took place in a concentration camp about 50 years ago, where Gestapo agents, at the doors of the camp, separated families, some to their death, a few to survive.

It is time to let the Bosnians defend themselves. It has been long overdue and the Senate today is going to make a statement, which I hope is a powerful statement that is, if we cannot stop genocide, and if we are unwilling to stop it, we certainly must let the victims of the genocide try to protect themselves from that horror.

Madam President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. NICKLES. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NICKLES. Madam President, I rise today in support of the resolution that is before the Senate, the resolution sponsored by Senator DOLE, Senator LIEBERMAN, and many others. I compliment them for this resolution. I also compliment many of my colleagues who spoke so eloquently on this issue yesterday.

I was one that wanted to speak. I noticed the Presiding Officer made an excellent speech last night. Several other of my colleagues, Senator MCCAIN and others, spoke eloquently on the need for this resolution. I compliment them for it.

Madam President, my involvement in the former Yugoslavia probably started with a trip that I made with Senator DOLE to Yugoslavia in the summer of 1990. I learned a lot about the former Yugoslavia and some of the Republics at that time. I must say my eyes were opened. I was shocked by some of the things I had seen, by some of the discrimination, and I will say hatred, by some of the leaders in Serbia, particularly Mr. Milosevic.

I remember Senator DOLE and others on the trip, we wanted to go into Kosovo. Mr. Milosevic did not want us to go. I remember there were so-called elections in Serbia about that time. He stole the elections. But he did not want us to go into Kosovo because of all the problems. We wanted to go into Kosovo because we heard of human rights violations. They did not want us to find out about it.

The people of Kosovo wanted us to go, and we initially went. We went because of the leadership of Senator DOLE. Even the State Department said they did not know about this, but Senator DOLE said no, we are going to go, and we went after hours of haggling negotiations. We eventually went.

We saw thousands of people—Albanians. Kosovo is about 85 percent Albanian. They were really oppressed. They had been denied jobs. Their newspapers had been shut down. They were denied access to radios. They were expelled from hospitals, from universities, and other institutions.

Frankly, the leaders in Serbia—and I hope you will note I am talking about the leaders, because not all Serbs are bad. Certainly, in my opinion, they have some very bad leadership. They distorted the whole thrust of our intentions. Our intentions were to listen to the people, and they tried to deny us that access.

We did listen to many of the people in Kosovo on both sides of the issue. We saw mass demonstrations, thousands of people. In many cases, the police tried to deny them access to us.

I will not forget that trip. I will not forget the leadership that Senator DOLE had in trying to make sure that we were able to see the people in Kosovo, and also I will not forget the way that Mr. Milosevic had distorted our trip, distorted the press afterward, and how he had suppressed some of the people in Kosovo.

It reminds me of the same trip where we were also in other countries, some of the Eastern European countries that were now experiencing democracy, and how excited they were; and then, to see this happening in the former Yugoslavia, and how sad that was.

Now we see some results later. I might mention as a result of that, we passed an amendment. I will mention that amendment. In the fall of 1990, that was opposed by the Bush administration, but the result of it was if we are going to give economic assistance to the republics in the former Yugoslavia, they must be showing some respect for human rights and democracy. Serbia did not qualify. Other Republics did qualify.

We had a heated debate on that. We had a conference on that one issue that lasted for hours. We passed that amendment—so-called Nickles-Dole amendment. It was one of the first legislative items we had dealing with the former Yugoslavia that said we want to support the forces that are trying to get human rights, freedom, and democracy. Again, I say, this is back in the fall of 1990, so this is not a new issue.

Mr. President, in thinking back a little more, and more recently, I remember an issue we had in the summer of 1993, where this Senator and others raised the prospect that we felt like this administration was trying to delegate too much authority to the United Nations. We had a vote on this floor. Actually, we had an amendment, and fought it for 2 days on the floor, saying we did not think U.S. military combatants should be placed under U.N. control.

We eventually lost that amendment. I think we made a point. Our point was that this administration was very intent on delegating U.S. military authority under the auspices of the United Nations. We stated then, 2 years ago, that would not work. I think the events in Bosnia, the events in the former Yugoslavia, have proven that to be the case. They have not worked.

The United Nations is not a military machine. It may be a diplomatic effort, but their efforts on the military front will certainly fail. They have failed.

We are witnessing a real tragedy, a real tragedy, and a lack of leadership from the United Nations, a lack of leadership from the United States. A lot of mistakes have been made. We continue to see war-torn Bosnia suffer as a result.

Mr. President, myself and others have met with the Prime Minister of Bosnia, and he said, "Let us defend ourselves. Lift the arms embargo. The arms embargo that was placed in 1991 was placed on the entire Yugoslavia. There is not a Yugoslavia today." The arms embargo was not placed on the State of Bosnia.

Maybe we made a mistake in recognizing the State of Bosnia. But we have done that. That may have been a mistake. But Bosnia is an independent nation. They have a right to defend themselves.

Under the auspice of the United Nations, we said, well, we will have a resolution, we will designate safe areas. Those safe areas are not safe. The Senator from Texas pointed out last night, they are not safe.

It is a real tragedy, a human rights tragedy, when we see today genocide taking place, when we see people either being slaughtered, raped, or separated from their families with men on one side, women on another, and there are other people transported out—ethnic cleansing, happening today, in 1995, in the so-called safe areas, where we have a U.N. resolution saying this will be a safe area, and it is not safe.

Certainly, we should accede to the request of the people of Bosnia who say, "At least let us protect ourselves." We should give them that opportunity. They have requested that opportunity. Some people say if we do that, think of the consequences. I think that is important. We should think of the consequences. What will happen? Who is in the best situation to make those determinations? I say the people of Bosnia.

The people of Bosnia are saying they are going to ask the U.N. so-called peacekeeping troops to leave. If they wish to do so, let us let them do so. If they want to have the ability to be able to protect themselves, certainly we should allow them to do that. Senator MCCAIN said on the floor last night that there are worse things than dying. Certainly if a family is being separated from their loved ones, they ought to at least have the opportunity to be able to fight for their families. We are not giving them that. We have given them a false umbrella called the U.N. safekeeping area, safe haven, and they have not proven to be safe. Surely we owe it to those individuals to allow them to be able to protect themselves. We have not done that under this administration.

As a candidate, President Clinton said he wanted to lift the embargo. They have made a couple of failed attempts. To me, again, that shows real lack of leadership. They made an attempt through the United Nations early in 1993 to have a multilateral lifting of the embargo. But it was not successful.

What happened between this and the previous administration when we had a world crisis in the Persian Gulf with the Bush administration? They were able to pass U.N. resolutions and enforce those U.N. resolutions. They had teeth. They had respect, and we were successful in getting our allies in the United Nations—and some people who you would not consider our allies in the United Nations—to support those resolutions to expel Saddam Hussein and the Iraqis from Kuwait. We built up a worldwide effort and community to oppose his aggression, to finance the opposition to that aggression and militarily put the forces together to repel that aggression. We passed U.N. resolutions, and we enforced those resolutions.

This administration 2 years later is not able to convince our allies to lift the embargo and, instead, is leading us down a road to surely significant U.S. military involvement, which I know has not been stated as the intention of this administration. Now they say, "Well, if we lift the embargo, the U.N. troops are going to leave, and surely then it would be Americanization of the war." Why? Because this administration said we will supply 25,000 troops to get the U.N. troops out. So now we have U.S. ground troop involvement in Bosnia. Where did they come up with the 25,000 troops?

Madam President, 2 years ago when we had this debate on the floor and I was arguing against delegating U.S. authority to the United Nations, I was quoting administration sources that said they wanted to commit 25,000 troops to an international peacekeeping force in the former Yugoslavia. I argued against that. Yet, that is what this administration is trying to do. They said, "Well, we have already made a commitment." Even when they made that public announcement of, "Yes, we will put U.S. forces in for the withdrawal," a few weeks ago for the relocation of U.N. peacekeeping forces, where did that come from? They said, "Well, we were continuing with the commitment of the Bush administration." That is not the case. That is not factual. The Bush administration never committed putting United States ground forces into the former Yugoslavia for any reason, not relocation of troops, not the extrication of the U.N. troops, not for any reason. They did say, "Yes, we might have some air support" for protection, or cover, or for whatever reason, but they did not say we would be putting in ground troops.

The Prime Minister of Bosnia has said, "Why do you need 25,000 troops?" Almost all of the U.N. troops are on the Bosnian Government's land, Moslem controlled, not Serb controlled area. I think they said 30 or 60 U.N. troops might be under the control of the Serbs. Why do we need 25,000 troops to get them out?

So I want to make it perfectly clear, I support the resolution lifting the arms embargo. I do not support the 25,000 troops that President Clinton made without consulting with Congress, certainly in contradiction to the previous administration's commitment in Yugoslavia. I do not think you need 25,000 troops to get U.N. troops out. Those are troops. They can get out. They have the capability of getting out. Why make this kind of unilateral commitment, "Well, if they are going to get out, we have to make a commitment to help them get out?" The Bosnian Government said they are going to ask them to leave; they have not been a help; they have not been a positive factor concerning this.

I will read a couple of quotes by the Bosnian Foreign Minister:

> I emphasize once again that we are not asking for foreign troops to come to Bosnia. I emphasize once again that we are only prepared to count on ourselves and no one else.

This is July 17 of this year.

He also said, and I quote this.

> * * * it's my assessment that you don't really need these NATO troops and certainly not these U.S. troops. The reason is that when these plans were drawn up, they were drawn up under worst case scenarios—number one, assuming a large number of U.N. and Serb controlled territory, and number two, assuming that Bosnian civilians would, somehow, prevent the U.N. troops from leaving.
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> Well, on the first point, there are almost no U.N. troops left on Serb-controlled territory. They have all withdrawn to government-controlled territory; effectively, now, it is government troops that are protecting them, and we are ready to let them leave. As for Bosnian civilians preventing the U.N. from leaving, they've seen what the U.N. has done for them in Srebrenica, what it's doing for them in Zepa, what it needs to do for them in Gorazde, and, frankly, what it needs to do for them in Sarajevo. It's not a heck of a lot. I think most of the Bosnian civilians—I think all, frankly—would be glad to see the U.N. forces leave.

That was made July 18, 1995.

So basically the Bosnian Foreign Minister has said they are going to be asking the U.N. forces to leave. They have not helped. The safe areas have not. They are not safe. We have seen what happened in Srebrenica and Zepa. They are afraid of what is going to happen in Sarajevo. They are asking. And we have a letter on our desk that said:

> Please. I am writing to you today to once again appeal to the American people and the government to lift the illegal and the immoral arms embargo on our people.
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> Today's vote is a vote for human life. It is a vote for right against wrong. It is not about politics. It is about doing the right thing.

He basically says, "Let us defend ourselves." So why have a commitment of 25,000 troops? He said, "We are going to let the troops out." The troops can get out. Do we have to get their equipment out? We are going to risk 25,000 troops to get out U.N. equipment? I do not think that equipment is worth it.

What happens when some forces happen to shoot down U.S. transport helicopters or destroy military equipment or personnel get locked in, or if they capture more pilots and they hold those captive and hostage? What are we going to do then? We are probably going to send in more troops to make sure we get them out.

In other words, the Bosnian people are not asking for United States forces. They are not asking that we send troops. Let us not do it. I think it would be a mistake. I think the administration made a mistake when they unilaterally said, oh, yes, we will commit 25,000 U.S. forces for the extrication of the U.N. forces. I think that is a mistake. And so I am going to be very clear that while I support the lifting of the arms embargo, I do not support U.S. ground forces to pull out the U.N. forces that were probably there by mistake in the first place.

Madam President, let us allow the Bosnians to defend themselves. Let us lift this embargo. This embargo was placed on the entire country of Yugoslavia, not on the nation of Bosnia. Bosnia has been recognized by the United Nations. It has been recognized by the United States. Maybe that was a mistake. But that was in 1991. Surely, they have a right to defend themselves as a sovereign country.

Madam President, further vacillations from this administration, which said in the past they are in favor of lifting the embargo but has been so ineffective in getting other countries to join us, is very regrettable. We need strong leadership in the United States, and we have not seen it. So it is with some regret I say that we are really refuting the President's policy, but it needs to be refuted.

I think we have serious mistakes that have been made in the former Yugoslavia, and as a result you see a real decline of United States leadership, United States prestige, United States influence, not only in Europe but I am afraid throughout the world. As to our ability in the United Nations, think of where we were under both the Reagan and Bush administrations when we had a great deal of influence in the United Nations where we were the leaders, where we were the leader, and now to see we do not have the capability to convince the allies to lift the embargo I think shows a real impotence by the United States, a real loss of prestige and influence on our allies. I regret that. I do not want that to happen. I do not care who is President.

This is a serious vote, one of the more serious votes we will have had in this body, and it is one that I do not relish—having congressional dictation of foreign policy. Many times that can be a mistake. But, Madam President, this administration's foreign policy has been a disaster. It has been a real disaster for the people of Bosnia. We need to change course. I think lifting the arms embargo is the first step.

And again, I wish to congratulate Senator DOLE and Senator LIEBERMAN and others who have had the persistence to bring this forward, particularly Senator DOLE, because, as I mentioned earlier in my comments, I went to the former Yugoslavia with him and I saw his persistence in trying to stand up for what he felt was right in helping the people who are really oppressed—at the time the people in Kosovo. I compliment him for that tenacity. And looking back, since we have been involved in amendments in the Chamber since 1990, this is not just about Presidential politics, as some people have alluded. This is much more important than that.

I urge my colleagues to support this resolution.

I yield the floor.

Mr. DODD addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I thank the Chair.

Let me say at the outset that this is a most difficult issue. I have heard my colleagues over the last number of days talking about the Bosnian situation express I think during the remarks a degree of anguish. It is a policy that began to evolve prior to the arrival of this administration, with serious and difficult questions under the administration of President Bush, and this administration has obviously wrestled with them as well. I think in fact that my colleagues by and large during the expression of their remarks have also expressed a recognizable degree of uncertainty over which is the best course of action to follow.

And so with that in mind, let me begin by saying the obvious to all of us. Under our Constitution, the Senate plays a unique and important role in the conduct of foreign policy. In exercising our responsibilities, we bear an individual and collective obligation—to do that which is in the best interests of our country. We are Senators of the United States and no other nation. This is our most important priority.

That is not to say there may be other considerations, but they must always be secondary, always secondary, Madam President, to the interests of our country, the United States.

It is not uncommon obviously for Members of this body to arrive at entirely different conclusions regarding what those best interests may be. That is obviously the case with the conflict in Bosnia.

I respect deeply my colleagues who have concluded that the United Nations should leave Bosnia and the arms embargo be lifted, thus giving the beleaguered people of Bosnia the chance to defend themselves. I have nothing but the highest respect for them and the conclusions that they have drawn.

If, however, the only consideration were whether the victims, the Bosnian Moslems, should be able to fight back, then I believe the conclusion we would reach would be a simple one.

Unfortunately, the implications of removing U.N. forces and lifting the embargo could, could produce, Madam President, profound effects on the United States, on NATO, our most important strategic alliance, on other significant allies, on the nations and peoples neighboring Bosnia, and on the innocent people of Bosnia themselves, who have already suffered so much.

Just as the original decision, no matter how lamentable in hindsight, to impose the embargo and introduce U.N. forces triggered certain events, the tragic results of which we are witnessing today, so, too, could the decision to lift and leave create unwelcome results tomorrow. No matter how much we may wish to undo the mistakes of the past 3 years, let us not compound those mistakes by plunging into greater ones today.

The stakes, Madam President, are far too high and, in my view, the price far too dear. The obvious guilt that some people feel over the bloodstained land of Bosnia should not be equated with, in my view, the paralysis that afflicted Western leaders in the 1930's. Remember, six decades ago the world literally sat idly and watched the cruel advance of fascism. Whatever else may have been done wrong in Bosnia, we have not been mere observers to Serbian genocide.

Significant military, diplomatic, and political efforts have been tried to end the horror of Bosnia. It is totally wrong and profoundly dangerous, in my view, to our future interests to imply that Western leaders have once again been mere spectators to naked aggression.

It is a legitimate criticism, however, to suggest that more thought, far more thought should have been given to those earlier decisions and the likely Serbian reaction to them. But our failure to have been thoughtful once on Bosnia, in my view, is no justification for making the same mistakes again.

As we vie with one another to find new and more dramatic language to express our moral outrage over Serbian aggression, we have not even begun to exhaust our vocabulary. In my view, the worst is yet to come. For all that will be left in the pitiful land called Bosnia are two highly armed forces, locked in a death struggle with no regard for anyone who happens to be in their way, including, I fear, their own people.

I know my colleagues are impatient over this issue. It has gone on far too long. I know that my colleagues are horrified over the sickening atrocities. I know, Madam President, my colleagues are frustrated with the pathetic failure of the status quo policy. And I know my colleagues want to move on to other issues that we must try to resolve. My concern, Madam President, is that we are about to act out of passion at what we are witnessing in Bosnia, rather than acting after careful analysis of what may be the unintended results of our legislative action.

Madam President, I pose the following six questions for my colleagues to consider before casting their vote on this vitally important resolution.

First, are we prepared to commit 20,000 to 25,000 United States ground forces to the Bosnian battlefield with the full knowledge, the full knowledge, that there are those who will seek to involve us in their cause?

Second, are we prepared to witness the collapse of multilateral embargoes we have engineered against Iraq, Libya, and Iran, not to mention the added difficulty we will have in leading and fashioning such future efforts?

Third, are we prepared to accept a deep and lasting fissure in the most vital and strategic alliance our Nation has anywhere in the world at the very hour, at the very hour that alliance faces uncertainty from Russia and the New Independent States which are staggering under the crippling economic, political, social, and military burdens?

Fourth, are we prepared to accept the likely broad-based political hostility from the people of our two oldest and most dependable allies in the world?

Fifth, do we accept the clear responsibility of our country if the lift-and-leave proposals in this resolution occur and the cancerous conflict of Bosnia spreads to the other Balkan States?

Sixth, and lastly, Madam President, what are we prepared to propose if the war in Bosnia escalates and today's mind-wrenching scenes are paled by comparison as thousands more innocent Bosnians are raped, murdered, cleansed, and left destitute?

Madam President, I do not argue that any or all of these questions can be answered with certainty if this resolution is adopted, but nor, Madam President, can those who propose this resolution argue that these results will never occur. The issue then must be which course poses the greater risk when the possible results are weighed against each other. The answer, I believe, is clear.

Gnashing our teeth over the current mess in Bosnia does not justify placing other vital interests of our country at risk not to mention the risk to the very people that this resolution seeks to deliver from harm's way.

Having concluded that this resolution should be rejected, Madam President, let me quickly add that I do not believe a continuation of the status quo is any more acceptable for many of the same reasons. The U.N. forces must be permitted in my view to fight back and fight back aggressively on the ground in the face of Serbian offensives. The role of these forces as nothing more than armed crossing guards is untenable. These troops are some of the best trained troops in the world. These troops have been trained to do one thing, Madam President. We ought to allow them to do it, that is, fight.

NATO's airstrikes are also critical in my view. Alone they will not complete the job, but in conjunction with an aggressive effort on the ground these targeted airstrikes on essential military targets could, I think, be decisive.

Madam President, President George Bush, to his everlasting credit, showed the world how future conflicts of this kind should be addressed; namely, by building international alliances and cooperation, no easy task indeed. President George Bush demonstrated in my view how effective the civilized world can be in handling these international thugs and simultaneously protecting our own vital interests.

This is not to say, Madam President, that every situation that threatens U.S. interests must only be addressed through international measures. That would be foolish. But where international burden sharing can be achieved, it should be sought.

What a great tragedy it would be if in the very first real test of the Bush doctrine it was the United States led by President Bush's own party that walked away and left our allies on their own. Can, Madam President, the United States, the only superpower on Earth, accept the burden and mantle of leadership the world anticipates from us? The answer to that question does not reside alone on 1600 Pennsylvania Avenue. Madam President, it resides in this Chamber on this day. It resides with each and every one of us who bear the obligation bestowed by our Constitution and constituents as U.S. Senators. That obligation, Mr. President, sometimes means casting a vote that is politically difficult but necessary to protect U.S. national interests. This is clearly in my view one of those moments. And I urge the rejection of the proposal.

Madam President, I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER (Mr. DEWINE). The Senator from Virginia.

Mr. WARNER. Would the Senator, Mr. President, remain for just a brief question or two?

Mr. DODD. Certainly.

Mr. WARNER. I listened very carefully to your rendition of the six questions. I am prepared to work on that. But I listened as you said them, and I think I got your words accurately with reference to the NATO forces. "They should fight back. They are the finest troops in the world."

I agree that they are the finest troops in the world. But, Mr. President, roughly speaking there are only 10,000 of the rapid reaction force that have been brought in. They are the ones and the first ones that have been equipped to engage in defensive operations and offense if the Senator's recommendation were to be adopted.

But my first question to you, there are roughly 10,000 French, British, and Dutch. My understanding is but a fourth or a third of those are actually in the region at this time. That is a relatively small force. Some have moved into the Sarajevo area. The Senator suggests that suddenly this force can wheel into action and adequately deter the overwhelming forces of the Bosnian Serbs. I find that unrealistic.

Mr. DODD. Well, I presume that is a question.

Mr. WARNER. Yes.

Mr. DODD. I will try and respond. Let me say I have great respect for my colleague from Virginia's knowledge in matters affecting NATO and military affairs.

I really point out, as I said, I think the status quo is unacceptable and that in my view a better alternative would be to give these forces who are well-trained, some of the best trained in the world, the opportunity to respond.

Last evening our colleague from Nebraska, Senator KERREY, spoke with eloquence, I believe, in describing a series of events where NATO forces, officers, with far fewer numbers than their Serbian aggressors handled the situations militarily in several instances that have not been widely reported but should be known by people because the assumption I think that is developing is that these soldiers that are there are cowards unwilling to fight. In fact when they have been placed in those situations, they have done a remarkably fine job.

Now whether or not the balance in the equation of forces is such that these troops could presently handle the extensive aggression by the Serbians is a legitimate question. But I think it begs the issue of whether or not it makes more sense to try and free up that force and let them do the job. I happen to believe, having read the U.N. resolutions, that there is enough flexibility in that language that these forces could be far more aggressive without going back to the Security Council and seeking broader authority for them to act. So if the issue is merely getting more troops in to do the job, then it seems to me that would be a better course of action to follow, I say to my colleague, than the issue of leaving to the Bosnians the unilateral decision to ask these troops to leave, lifting that embargo on weapons, under the assumption that during that period of time that there will not be even a broader, wider spread of aggression than we are presently seeing today.

Mr. WARNER. Mr. President, my distinguished colleague from Connecticut refers to the U.N. resolutions which he, who is indeed a very experienced and knowledgeable Member of the Senate as it relates to the United Nations and other matters, the Senator thinks they lend themselves to interpretation.

Mr. President, I say why were not they written clearly in the first instance? That is one of the major problems we have here is the lack of clarity, the lack of understanding of who has the authority to use force.

The headlines in today's paper start out with: "NATO Gives U.N. Officials Veto on Airstrikes in Bosnia."

Is that the type of chain of command that the Senator from Connecticut is suggesting can resolve this conflict?

Mr. DODD. My colleague from Virginia, Mr. President, will have no argument with this Senator over whether or not there have been serious blunders made over the last few years. I do not think necessarily we advance our cause by engaging in the kind of 20/20 hindsight with which no one is going to argue.

I quickly state, and my colleague from Connecticut is here, who is one of the principal authors of this resolution, had this body and others followed the advice of my colleague from Connecticut several years ago, I suspect we would not be here today engaged in this debate. I am not debating that point at all.

The points I tried to raise and, again, I believe probably a few other Members appreciate and understand the one particular point I tried to raise, and that is NATO. I do not think there has been another Member of this body over the past quarter of a century who has stood more often and fought harder to maintain the vital concern of that alliance.

My fear is, and it is shared, that we may do damage to that alliance at the moment when it is critically important we do everything possible to shore up that alliance. I cannot say with certainty that will happen. I do not buy the rhetoric in every case of those who suggest this is an absolute certainty.

But when I balance and weigh the risks between jeopardizing that relationship and the situation as it presently exists, I come down on the side of caution rather than running the risk of looking back and regretting deeply, in the legitimate call of doing something different than we are doing, placing in harm's way that most strategic alliance.

That is not the only reason I argue, but it seems to me we have to be careful, no matter how disappointed and how angry and how legitimately upset people are over what we are watching night after night, day after day with the human tragedy unfolding in Bosnia.

As tragic as all of that is, my deep concern is that in our resolve to answer those mistakes, we will make additional ones, in fact, fall prey to the same thing that occurred several years ago when we should have thought—I think my colleague from Connecticut yesterday in an eloquent set of remarks pointed out the people are well intentioned. I do not think he was arguing they were motivated by malevolence, but honestly thought, I guess, if you impose an embargo on the Bosnian Moslems, somehow that was going to bring the Bosnian Serbs to the negotiating table.

I do not think anybody had a corrupt intent with that in particular, except maybe the Serbians themselves, but it did not work. We did not think it through carefully.

Now the situation is different than at that particular moment. There is a lot more involved in the decisions we make than just the decision to go in or not. That is why I express that concern.

I will be honest with my two colleagues, this is really the first time I have spoken on this issue, because as I said to my colleague, this has been gnawing at me over what steps to take. I envy those who months ago, except those who have worked for years on this, came to a snappy conclusion on this. I think most of my constituents are deeply concerned and confused as to what is the best course to follow.

Mr. WARNER. Mr. President, let me speak for myself. I have not come to a quick, snappy decision. For 2 years plus I opposed the distinguished majority leader and my good friend from Connecticut steadfastly and have taken many of the positions that the senior Senator from Connecticut has taken.

Mr. DODD. No, I respect that.

Mr. WARNER. But I have changed my view because I think we can no longer, as a body, as the U.S. Senate, sit by idly. We have to take the initiative. The drafters of the resolution which is presently before us have radically changed from their earlier positions to where now they recognize there are a certain set of triggering mechanisms that should bring about the action sought; namely, the very basic right of people to defend themselves with such arms as they may require.

Here are today's dispatches:

> Thousands of terrified Bosnian refugees poured out of the captured enclave of Zepa today.

A safe haven which we basically demilitarized, took away the arms, thinking that for some reason, the Bosnian Serbs would honor the U.N. declaration that this was a safe haven. These people relied—relied, Mr. President—on what had been represented to them by the United Nations.

Despite the efforts to try to get clarity of chain of command and control, here is today's New York Times, if I may just read a paragraph:

> Four days after the United States, Britain, and France threatened the Bosnian Serbs with the heaviest airstrikes yet if they attacked the Moslem enclave of Gorazde, NATO officials said early this morning that they had agreed that no large-scale bombing could start unless United Nations civilian officials gave the go-ahead.

Clearly, again, the dual key. We just continue to go along indecisively as a partner to this decisionmaking between the United Nations and NATO. It is time, Mr. President, it is time some body politic in this world stood up and said, "This is the course of action we can take," and that option is now before the U.S. Senate this very morning. In a matter of 3 hours, we will cast a vote which I hope will be heard around the world as this is the policy that should be followed henceforth. I commend the distinguished majority leader and the junior Senator from Connecticut for taking this action.

Mr. President, I thank my good friend and colleague, the senior Senator. We have worked together. We have traveled together on many issues relating to foreign affairs. While I regret he cannot at this point in time join, I hope that in the future there will be other opportunities when we can work together once again. I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. LIEBERMAN. Mr. President, I want to make a comment in regard to the story in the New York Times today referred to by my friend from Virginia, and to talk more broadly for a moment about some of the understandable and very sincere statements that my senior colleague from Connecticut made about the impact of our actions today on our NATO allies.

We have been in a historic alliance with the French and British, one of the great alliances of history, which successfully thwarted the advance of Soviet troops into Europe and beyond, and the cold war.

Part of what is being played out here—and I do not use that verb lightly—in the former Yugoslavia is the extent to which this great alliance, NATO, remains viable, the extent to which we have common interests or acknowledge that we have common interests, both in protecting stability in Europe and in having NATO be a force for stability in the world, which we continue to need.

Mr. President, the last two American administrations, the Bush administration, Republican, and the Clinton administration, Democratic, have either agreed with or gone along with our allies in Europe, particularly the British and the French, in their vision of what was happening in Yugoslavia and what they ought to do and ought not to do to try to stop it.

From the beginning, there has been a group of us in Congress on a bipartisan basis that has disagreed with the position of the administrations, the Bush and Clinton administrations, and our allies particularly in Britain and France. As I have said before, this is a Democratic administration, obviously, but Senator DOLE stood with me, and I with him and with many others of both parties during the Bush administration in criticizing that administration for standing by and letting this arms embargo continue to be imposed, particularly in response to the appeals of our allies of Britain and France.

President Clinton ran for office, as we have said, critical of the Bush administration for its weakness in Bosnia, urging the policy of lifting the arms embargo and then striking from the air. He came into office with that policy. A lot of Members had a high sense of hope. But as this debate has gone on, people say if you vote for this Dole-Lieberman proposal there will be more bloodshed, the war will be Americanized.

We have rebutted that and we will again. Do we not have a responsibility to listen to the people whose blood has been shed? What gives us the sense of presumptuousness, of moral paternalism, to say to these people who have lost 200,000 lives, that we are worried that what we are about to do, which they want us to do, give them the weapons to defend themselves, will shed more of their blood?

That is preposterous. It is outrageous. Think how we would feel if we were on the other side of this tragedy, attacked, having lost a substantial percentage of our population, watching our families separated, men in this direction, women in that direction, women raped, men slaughtered, refugees all around, torn from our homes because of our religion.

How would we feel in trying to fight back against these tanks and heavy artillery, with light weapons on our side, if the world not only stood by and watched this slaughter occurring, but it continued to impose an embargo that meant we could not make it a fair fight, that we could not stand up and fight for our families.

Mr. President, these excuses that have been given are really, to me, unacceptable. The Americanization of the war—we have responded to that as we have gone along, too; but what remains is the fact that as we look at this history, we continue to impose this illegal arms embargo.

Let me go back to the NATO allies. The allies talked Secretary Christopher out of the lift-and-strike position. The allies had a few months before, earlier in 1992, as a result of the first understanding of the atrocities being committed in Europe, the ITN British television crews going into the concentration camps—I cannot call them anything else. They called them "detention camps" at that time—emaciated bodies of men, clearly starving.

Yesterday, the International Tribunal in the Hague, authorized by the United Nations, indicted the President of the Bosnian Serbs, Mr. Karadzic and his chief of staff, General Mladic. Among the elements of the indictment is the operation of these detention camps and slaughtering of people.

Europeans at that point, very much on their own, felt pressure from world opinion. We, too, instead of responding with the basic and fundamental policy that at long last—this is 1992—give these victims, the Bosnians, the weapons with which to fight back. We did not do that. We maintained the embargo. And instead of using NATO air power to punish the Serbs for their aggression and genocide, what did we do? We sent in—we, at the urging of the Western European allies—sent in the United Nations on a peacekeeping mission where there was no peace, misusing the brave soldiers—British, French, Dutch, Bangladeshi, Jordanian, a whole host of countries that are there, Malaysian—sending them into combat without adequate weapons themselves, making a mistake for which we will pay for a long time, bringing the United Nations down because of the outrageous mission. That was the decision that was supported and led by our allies in Europe.

Allies are just like members of the same family—you have disagreements. It is a test of the strength of the family and a test of the strength of this alliance as to whether we can transcend the disagreement and go on and be allies.

Understand how this happened—the British and French led the drive to send in the United Nations to assert their own ability to deal with this problem in Europe. It was dealt with in a way that was ambivalent.

"If the sound of the trumpet be uncertain, who will follow into battle?" Remember the words of the Scripture. The sound of that trumpet was extremely uncertain. No one followed in the battle except the Serbs who saw the weakness and continued the aggression.

The policy has continued. The strength of rejection of the policy has grown on a bipartisan basis here in Congress. That is what, I think, will be expressed later today.

Now the latest excuse for not acting—at every step we were told, Senator DOLE and I, "Do not lift the arms embargo, they will seize hostages, U.N. personnel." The embargo has not been lifted, and hostages were seized. "Do not lift the embargo, they will attack the safe havens." We did not lift the embargo, they attacked the safe havens. The latest excuse is the London communique, an agreement, an expression of strength by the NATO allies to use the might of NATO air power, a warning to the Serbs: Attack Gorazde and you will pay the price. As I have said here before in the last 3 or 4 days, a threat, not a policy to end the war, and a limited threat at that. Only going to one of the four so-called safe areas is sending a clear signal to the Serbs that the other three are open season. In fact, in the last 3 or 4 days, that is exactly what they have done, attacked Sarajevo, Tuzla, and particularly, Bihac. OK, a limited threat, but at least a threat with regard to Gorazde.

At least the assertion coming out of the meetings that the dual-key approach was over, that we no longer had to go to the United Nations, that NATO had finally taken control, and this great alliance was working, together, to stop aggression, instability in Europe, and genocide, once again, in this century, against a people, because of their religion.

What do we find? Today is Wednesday, 5 days later. Exactly what my friend and colleague, Senator WARNER from Virginia, has said. Apparently, it was not as strong a message from London. Apparently, the dual-key approach, where soldiers on the ground have to go to the U.N. politicians to get approval, and over and over, they have gone and been refused the right to strike back at those who are shooting at them.

I will read from the article in today's New York Times written from Brussels by Craig Whitney.

> Far from doing away with the cumbersome "dual-key" arrangement that the United States says has hampered NATO's ability to protect United Nations peacekeepers on the ground, the NATO allies in effect have sided with the United Nations Secretary-General Boutros Boutros-Ghali, who has been saying nobody could take his key away from him.
>
> The allies agreed to make what one NATO official called a "strong recommendation" to Mr. Boutros-Ghali to leave it to his military field commanders on the ground in Gorazde and elsewhere to decide when the time had come to start bombing the Serbs if they attacked.

Imagine this. We have gotten ourselves in a position where the strongest military alliance in the world today must make a plea to the Secretary General of the United Nations to allow this strong alliance to strike back at countries, at soldiers, that are not only attacking civilians in safe areas, but are attacking NATO soldiers.

Continuing:

> But since Mr. Boutros-Ghali has been extremely cautious about approving airstrikes in the past, what was meant to sound like a roar in London 4 days ago appeared likely to have been throttled down to something more like a growl by the time NATO ambassadors finished grappling with it in the small hours of Wednesday morning.

Mr. WARNER. Mr. President, will the Senator yield?

Mr. LIEBERMAN. I yield the floor.

Mr. WARNER. If the Senator will look at that article, there is the paragraph that deserves to be noted. It says as follows:

> The main pressure to preserve a decision-making role for Mr. Boutros-Ghali came from Britain and France. With nearly 15,000 soldiers on the ground in Bosnia who could suffer the consequences if bombing and Serb reactions to it spiral out of control, the countries pressed, in effect, for a series of political firewalls against precipitate American action from the air.

Then the next paragraph.

> In particular, French officials deny [I repeat deny] that they ever agreed last Friday in London to launch automatically what the American Secretary of Defense William Perry called a "disproportionate response" to an attack on Gorazde.

The U.S. Senate was highly influenced by the comments of the Secretary of Defense. I think he is a very fine and able individual. I do not know what the background is to this. He, along with the Secretary of State, were present yesterday in the Halls of the Senate. I met with both briefly.

But I find it very disconcerting when our allies undercut what Secretary

Perry thought was a decision reached last week, and he personally was present at that time.

So I think that again we come back to who is going to make a decision in this frightful situation? I say the responsibility comes now to this body politic as the sole one in the world willing to step up at this time and speak decisively on this critical issue.

Mr. LIEBERMAN. Mr. President, the Senator from Virginia is absolutely right. Yesterday, I was in a meeting with the Democratic Senators which Secretary Perry and Secretary Christopher addressed. I have the highest regard for both of them.

It is clear to me—I know they are acting with the best of intentions and sincerity here—that the policy they took and fought so hard for last week in London, and it appeared that they thought was adopted, was clearly not what the British and the French are willing to accept. The paragraph that the Senator from Virginia read is exactly where I was going, which is to say that our allies, presumably having accepted a policy in London on Friday, then at the NATO Ministers' meeting in Brussels yesterday have undercut it and set up Mr. Boutros-Ghali as their instrument to frustrate that.

I must say that I do not understand it because they do have troops on the ground. They are the ones who are most vulnerable if the NATO allies are not able to strike back against Serbian aggression. When will they understand that the Serbs will take the—who is smiling, who is laughing most at this story from Brussels? The Serbs are. The signals are clear. "Do what you want with the three of the four remaining areas, 'safe areas,' incredulously titled today. And as for Gorazde, don't worry too much about attacking that either eventually because the West does not have its act together." That was just a toothless tiger roaring, or growling, as the article in the Times today said, from London.

I want to make two points about this. The first is to my colleagues who are going to vote in a few hours, and it is an important vote. Please read this article. Then I simply do not know how any colleague in good conscience could say that the policy emanating from the London communique is a reason not to vote to lift the arms embargo. This sense that somehow the calvary was coming and, therefore, the victims do not need to defend themselves is not so. It is simply not so. That is not a reason to sustain this illegal, immoral arms embargo.

The second point is, and let us acknowledge it, that we continue to have a fundamental difference of opinion—that is, the bipartisan majority here in the Senate, bipartisan majority in the other body—with our allies in Britain and France. Let us acknowledge it. We acknowledge it.

I do not understand how our Western European allies, having gone through two world wars in Europe this century because aggression was not stopped early, can stand by and not see that they have an interest in stopping aggression here before it goes on to Kosovo, and then to Macedonia, which will bring in Greece and Turkey, Bulgaria, Albania, and in the worst of all circumstances will create truly another tragic wider war in the Balkans. But they have apparently not reached that conclusion.

Let us acknowledge here what we are saying. We disagree with our allies. Let us acknowledge also that that disagreement puts in doubt, sadly unsettlingly, the viability of this great alliance.

I think we have to figure out a way to disagree within the family and still remain strong. We have to figure out a way. Looking back in hindsight I wish that both the Bush and Clinton administrations had figured out a way to lead our NATO allies to a stronger policy, the policy of lifting the embargo and striking from the air. I truly believe that if we had implemented that policy in 1992, the war would be over today. A settlement would have been reached because the Serbs finally would have been given a reason to stop their aggression.

Mr. WARNER. Mr. President, could the Senator forbear for a moment?

Mr. LIEBERMAN. Yes.

Mr. WARNER. We have but a few moments left.

The Senator from Connecticut raised a very clear point. In today's New York Times—and I ask unanimous consent to have printed in the RECORD certain backup documents to this important colloquy.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF STATE—PRESS BRIEFING BY SECRETARY OF STATE WARREN CHRISTOPHER, SECRETARY OF DEFENSE WILLIAM PERRY, CHAIRMAN, JOINT CHIEFS OF STAFF, GEN. JOHN SHALIKASHVILI, JULY 21, 1995

Secretary CHRISTOPHER. Good evening. On behalf of the entire United States delegation, I want to thank Prime Minister Major for convening today's conference and Foreign Secretary Rifkind for his very skillful chairmanship.

None of us is under any illusion about today's meeting. By now we're all too aware that no conference, including this one, can end the war and suffering in the former Yugoslavia. What a conference of this kind can do is to focus our minds on how we can best contribute to alleviating suffering and achieving a negotiated settlement. This conference has served as a decision-forcing event. As I told my colleagues today, the entire world is watching us, waiting to see if the West will answer the Bosnian Serbs' outrageous aggression.

We face a very simple and stark choice: either the international community rapidly takes firm steps to fulfill its mission in Bosnia or its mission will collapse. Today we have agreed on several actions which, if vigorously implemented, offer a real opportunity to reassert the international community's role in Bosnia.

Let me stress the obvious: to have any chance of success the decisions made today must be translated, translated quickly into reality on the ground. President Clinton and the United States are determined to do so. The international community and the people of Bosnia simply cannot afford any more empty threats. Let me briefly review what the United States believes to be the central elements of today's agreement.

First, the unanimous reaffirmation that UNPROFOR will remain in Bosnia. In order to do so, its ability to fulfill its mandate will be strengthened. We are all painfully aware of UNPROFOR's shortcomings. Nevertheless, we agree that UNPROFOR's collapse in the face of Bosnian Serb aggression can only lead to far greater humanitarian tragedy and strategic danger in the Balkans.

Second, and of most immediate concern. Gorazde will be defended. Bosnian Serb leaders are now on notice that an attack against Gorazde will be met by substantial and decisive air power. Secretary Perry and General Shalikashvili can speak more fully on the military aspects of the plan, but let me make just a couple of points. Any air campaign in Gorazde will include significant attacks on significant targets. There'll be no more pin-prick strikes. Moreover, existing command and control arrangements for use of NATO air power will be significantly adjusted to ensure that responsiveness and unity, our purposes, are achieved. The new system is a much improved system.

Third, we will take steps to stabilize the situation in Sarajevo. Its people must be fed. French and British troops from the Rapid Reaction Force will take action to open and secure humanitarian access routes. At the same time, we agreed more broadly on the need to fullfill the United Nations other mandates, including that in the other safe areas. In this regard we are especially concerned about the escalating Bosnian Serb attacks in Bihac.

Fourth, we're agreed on the need to support on-going efforts to address Bosnia's deep humanitarian needs, which have certainly been exacerbated by the fighting in Srebrenica and Zepa. We intend and we are urging others to increase our contribution, especially in advance of the coming winter.

Fifth, we reaffirmed our belief that the conflict in Yugoslavia can only be resolved by a political settlement. Today we received an update from the European Union's representative Carl Bildt and we underscored our support for this work. Tonight the Contract Group ministers will be meeting with Mr. Bildt to review his political efforts. At the same time, during the conference, I made clear our belief that so long as the Bosnian Serb aggression continues, any political process is doomed to failure. Our first step must be to take action that can return an element of stability on the ground. At that point we agreed that a country wide ceasefire should be declared which can be used as a basis for a resumption of the negotiations.

Finally, today's participants are fully aware of the risks that will accompany any effort to implement UNPROFOR's mission more vigorously. The Bosnian Serbs have taken hostages before and they may do so again. As part of today's plan, we are urging the United Nations to take steps immediately to minimize the exposure of its personnel. At the same time, we're determined that the taking of hostages will no longer be allowed to prevent the implementation of our policies. We are also resolved to hold the Bosnian Serb leaders fully responsible for the safety and personnel of any UN personnel that they have detained.

Let me say again that President Clinton is committed to working with our partners, all of them—especially France and Britain—to see that the decisions we take today are translated into reality. We do not seek to make the international community a participant in the war in Bosnia, but we're determined to make another, perhaps final effort to fulfill the world's responsibilities in Bosnia. Today's meeting was a necessary first step toward that goal. Now we must act. Thank you.

I believe that Secretary Perry and General Shalikashvili will not have opening remarks, but I'm sure you'll have some questions for them as well as for me.

QUESTION. Secretary, could you clear up a couple of things? We had been told earlier by our Defense officials that this ultimatum would apply to an attack on Sarajevo as well. And according to Secretary Ritkind, that is not the case. It would only apply, according to the Chairman's statements, to an attack on Gorazde. So could you clear that up, and also could you clarify French claims that there is a commitment of American helicopter lift to bring in troops to Gorazde?

Secretary CHRISTOPHER. With respect to the first question, the conference today focused on Gorazde because that seemed to be the area of greatest immediate threat. Having attacked and apparently overcome both the enclaves in Srebrenica and Zepa, the next one evidently on the target list is Gorazde. So we focused our primary concern on that, but at the same time we were concerned about all the safe areas. Now with respect to Sarajevo, the focus there was on the use of Rapid Reaction Force to ensure that there will be opportunities for humanitarian aid to get through. But let me emphasize this: should the Bosnian Serbs launch the kind of shelling attack that they have had on Srebrenica and Zepa, should they launch that kind of attack on other safe areas, these procedures can be promptly applied to those other areas and we stand ready to take the necessary steps to do so. But today's meeting was focused, as the Chairman said, primarily on Gorazde.

With respect to the other question you asked, as the Chairman's statement indicated, there was an indication on the part of all the participants that the UNPROFOR troops were necessary, would be resupplied, given additional supplies, additional arms if necessary. If that becomes necessary, that can be considered. But there is no commitment on behalf of the United States, at the present time, for the use of helicopters; and I might say there is also no commitment by the United States with respect to ground troops. Our long-standing position on that remains intact.

QUESTION. I am sorry. You said that there would be no more pinprick attacks and there have been statements here about substantial attacks. I would like to ask Secretary Perry and General Shalikashvili, would these attacks go far beyond Gorazde? In other words do you intend as you said on the airplane to wipe out the Serbs' air defense system and give you freedom in the air over Bosnia and to attack perhaps fuel dumps, ammunition depots and other areas to teach them a lesson?

Secretary PERRY. I don't want to describe the details of the air campaign which we discussed in some detail with our colleagues. But what I will say is that, first of all, it is a phased plan ranging everywhere from close air support for a particular tactical unit on the ground that is being attacked, to a broader regional air campaign; that this would be agreed to in detail, to be drawn out in detail and agreed to between the air commander and the ground commander. In its latter phases it involves an area considerably broader than Gorazde. Would General Shalikashvili perhaps like to add to that?

General SHALIKASHVILI. I think that you are right, that it is important to understood that these are not just responses against the initial provocation but an air campaign that consists of a wide range of targets throughout a broad zone of operations. That is a significant departure from the way air power was used before.

QUESTION. And was it agreed that, if hostages were held, that such a campaign would not be stopped by that?

Secretary PERRY. That was an issue that was discussed fully and completely at the meeting. We all understood that the success of a sustained air campaign depended on its being sustained and therefore it could not be deterred and interrupted by hostage taking if that were to occur. We cannot let a policy be hostage to the taking of hostages.

QUESTION. Do you understand the meeting to have declined to approve, at this point, the use of air power in the case where some other action is taken other than an attack on Gorazde? Will there have to be another meeting if some other action is taken by the Bosnian Serbs in violation of UN mandates?

Secretary CHRISTOPHER. David, let me say two things about that. First, the meeting didn't decline to do anything. The meeting was positive in character. Second, there are existing authorities, as you know, for the use of air power in particular circumstances. If additional authority was necessary because the Bosnian Serbs took some other action, we stand ready to do that; but there are broad existing authorities under the UN Security Council at the present time that are available to the NATO authorities. We focused on Gorazde and, as both the Secretary and the General have said, we made fairly specific and detailed plans for an air campaign should it become necessary in Gorazde. I think those procedures could be translated into other areas if that becomes necessary.

QUESTION. Bihac is under attack now, sir, and I wonder why that hasn't been responded to?

Secretary CHRISTOPHER. The situation in Bihac is as it has been before, not always entirely clear as to who's doing the attacking and what the circumstances are. We will be watching that very carefully. I think that today's meeting indicates a new level of concern about the situation in Bosnia as a whole. We addressed what we thought was the principal current threat; we will certainly be following Bihac. As I said in my statement, we are very concerned about the escalating attacks there, and we are following it with great care.

QUESTION. What is the new message to the Serbs?

Secretary CHRISTOPHER. The new message to the Serbs is that if you attack—First, the message to the Serbs is you should not attack Gorazde. We are issuing a very strong, stern warning to them which will be communicated in ways in addition to this particular press conference or Foreign Secretary Rifkind's press conference. But beyond that we are saying that if you do attack, you are going to pay an extremely heavy price.

QUESTION. What price?

Secretary CHRISTOPHER. I think that we will leave that to their consideration and imagination.

QUESTION. Do you think they are quaking in their boots, as somebody else put it earlier at another press conference?

Secretary CHRISTOPHER. If they are well advised, they will not attack Gorazde because they will pay a very heavy price.

QUESTION. I have just been to the press conference by Mr. Kozyrev and the greatest expert on air strikes in the world at the moment, on civilian air strikes, namely General Grachev. They said that they don't agree with any of this and that they haven't been quoted properly, and they attack Mr. Rifkind for not quoting them. Do the Russians have the veto or not?

Secretary CHRISTOPHER. The Russians do not have a veto. There is no further action by the United Nations Security Council required for us to take the action that we are going to take today. We are prepared to go forward with the action if necessary. I must say that I did not hear the press conference, but Foreign Minister Kozyrev and the General were present in the meeting. They joined us I think in the importance of UNPROFOR staying. They joined us in the significance of the Bosnian Serbs not taking further action—that they should not threaten Gorazde. I think that they realize UNPROFOR is at stake. If Gorazde were to be taken, as the Foreign Secretary said, UNPROFOR's mission in Bosnia would be very seriously compromised.

But to answer your question directly, the action that we've taken today and the agreements that we've reached are not dependent upon Russian concurrence or any Russian vote.

QUESTION. You said earlier that how the countries with troops on the ground would respond if hostages were taken was fully discussed in the meeting. Do I understand you to mean that you understand clearly that these countries would not request interruption of bombings if this were to take place?

Secretary CHRISTOPHER. I can't forecast what any given country would do under some hypothetical situation. But the agreement of the importance of introducing a sustained air campaign was made with the understanding that it had to be sustained even in the face of hostage-taking. This was explicitly discussed and discussed in some detail.

QUESTION. Secretary Perry, again on your hostage remarks. Does that mean that the allies have to be prepared for the possibility of losing their personnel to a NATO air strike? Did the allies explicitly agree to that?

Secretary PERRY. Could you re-formulate the question? I did not understand the point.

QUESTION. Your comment on the necessity of sustaining an air campaign, even if hostages are taken: Could we interpret that to mean that the allies must be prepared for the possible loss of their hostages in the event air strikes are authorized? Was it discussed in such explicit detail, and did you get agreement on that point?

Secretary PERRY. First of all, we are not proposing to conduct an air campaign. We are proposing to threaten an air campaign to stop, to deter any action that the Bosnian Serbs might take to attack Gorazde. We hope that will be successful.

If it is not successful, we are prepared to conduct a sustained air campaign. We understand—everybody at the meeting understands—there would be substantial risks in doing that. The risks would be to the air crews conducting the campaign, the risk would involve UN forces on the ground, the risk would be even to civilians who are in the area of the targets. Those are inherent risks in air campaigns. We all agreed that that was an unattractive option, and the only reason we are going to proceed with that option is because the alternatives seem even more unattractive to us. The alternative of letting Gorazde fall, which would drive the UNPROFOR out of Bosnia, would result in a humanitarian catastrophe of great proportions. Therefore, balancing risks, we believe that these risks were far preferable to allowing Gorazde to fall.

Secretary CHRISTOPHER. Could I add to Secretary Perry's statement that we are urging the United Nations and we have urged the United Nations already to minimize the exposure of its personnel to limit the possibilities of hostage-taking if it comes to that.

QUESTION. Yes, I would like to ask you if the results of this meeting and met your hopes and expectations before the meeting and do you think they will be sufficient to restore the credibility of the United Nations mission in Bosnia?

Secretary CHRISTOPHER. Yes, I found the meeting to be a successful meeting. It met my hopes and expectations, especially since it was called on short notice and there was the need to try to coalesce the views of many countries in a very short period of time. I think our working together with the British and French in advance to the meeting, of contacting other countries in advance paved the way for a successful meeting. And incidentally, at the meeting today Foreign Minister Kozyrev also described it as a successful meeting. If the Serbs are wise, the situation in Bosnia will become stabilized and will provide the opportunity for us to try to seek a peaceful negotiated settlement of the matter. In a sense, the matter is in their hands. If they choose to attack Gorazde, as I said, they will suffer very gravely. But it would be a much wiser course for them to withhold those attacks and enter into a peaceful negotiation which is the only ultimate conclusion to this tragic conflict.

QUESTION. Has it been decided to invite Canada and Italy to join the contact group, both in recognition of their major contributions to peacekeeping and peace enforcement in Bosnia and also to put the contribution of one of the current five, post-Chechnya Russia in more proportionate perspective? And second, given the outspoken support of the World Jewish Congress for Bosnia's Muslims, will you seek technical assistance from the Israelis for an Entebbe-like operation to rescue Karadzic and his mates before they commit further war crimes?

Secretary CHRISTOPHER. One thing about it when you get two questions, you can choose which one to answer. With respect to Italy and Canada, there was no discussion about the Contact Group today, but the point I would emphasize here is that both Italy and Canada were very well and openly represented today by the Foreign Minister, the Defense Minister and the chief of their military forces. They participated very actively in the discussions today. They were deeply involved and they will be certainly fully consulted as we move through each one of these further procedures.

QUESTION: I'd like to ask about the dual key. Secretary Rifkind was saying that he could not conceive of a situation in which General Rupert Smith didn't have a final decision on whether air strikes would be launched. Can you tell us how far up the UN chain of command approval would have to come and who talks to whom in order to approve an air strike?

Secretary PERRY. We discussed that in considerable detail today, and we had at the meeting all of the relevant people. I'd like to refer specifically to General Shalikashvili to give you a more detailed answer to that. I am satisfied that we've made substantial changes much for the better in how that coordination is done. John?

General SHALIKASHVILI. The procedures we did discuss, as Secretary Perry said, are a very qualitative step forward, and they parallel proper air-ground operations procedures. In such procedures, the appropriate ground commander, General Rupert Smith, and the air commander must continually coordinate to insure that air strikes are carried out safely, but at the same time also very promptly.

These procedures that we now have represent the second part of your question: how far up does this coordination go in the UNPROFOR chain. The UNPROFOR chain that is involved in these coordinations stops with the military commanders.

Thank you very much.

Mr. WARNER. Mr. President, the New York Times article clearly says that NATO officials said early this morning that they had agreed that no large-scale bombing could start unless the United Nations "civilian officials" gave the go ahead. Emphasis "civilian officials."

Now I read from a press conference last Friday, July 22, of Secretary of State Christopher, Secretary of Defense Perry, and Chairman of the Joint Chiefs of Staff General Shalikashvili. Referring to the last page:

> QUESTION: I'd like to ask about the dual key. Secretary Rifkind was saying that he could not conceive of a situation in which General Rupert Smith . . .

That is the on-scene commander for the UNPROFOR and U.N. troops—

> didn't have a final decision on whether airstrikes would be launched. Can you tell us how far up the UN chain of command approval would have to come and who talks to whom in order to approve an air strike?

General Shalikashvili replied:

> The procedures we did discuss, as Secretary Perry said, are a very qualitative step forward, and they parallel proper air-ground operations procedures. In such procedures, the appropriate ground commander, General Rupert SMITH, and the air commander must continually coordinate to insure that air strikes are carried out safely, but at the same time also very promptly.
>
> These procedures that we now have represent the second part of your question: How far up does this coordination go in the UNPROFOR chain. The UNPROFOR chain that is involved in these coordinations stops with the military commanders.

Let me repeat that.

> The UNPROFOR chain that is involved in these coordinations stops with the military commanders.

To me, Mr. President, I clearly get the impression that the on-scene military commanders, Gen. Rupert Smith and NATO Commander Admiral Smith, are the decisionmakers. That is in direct conflict with what is reported today.

The Senate of the United States is trying to work its way through this complex issue. To a certain degree many, including this Senator, want to rely on the representations of the three principal security officials of the United States, Secretaries of State, Defense, and the Chairman of the Joint Chiefs. But their representation to the world in this press briefing to the U.S. Senate on July 22 is in direct conflict with the reports that we received today.

So I come back again and again. It is now the time, and the obligation of this body politic to make a decision.

Mr. LIEBERMAN. Mr. President, the Senator from Virginia is absolutely right.

Again, I say to my colleagues, to quote the Scriptures, "If the sound of the trumpet be uncertain, who will follow in the battle?"

The sound of the trumpet that was sounded in London on Friday is extremely uncertain, and there is no reason to use that communique as an excuse for not voting to lift the arms embargo.

I thank the Chair. I yield the floor.

Mr. ASHCROFT. Mr. President, the situation in Bosnia continues to worsen. Every day brings additional news of Bosnian-Serb troop movement, resulting in more chaos, devastation and reports of horrendous atrocities. As one so-called safe zone after another is overrun, and with refugees streaming out of them, it is obvious to most that the Bosnian policy constructed by the United Nations, NATO and the American administration has failed.

If the consequences of the U.N. failure were not so grave, many of the scenes we all have witnessed would have to be considered almost farcical. United Nations armored personnel carriers being used to ferry bicyclists across streets in order to avoid a handful of snipers who operate with near impunity—shooting not only at the U.N. personnel—but at women, children, elderly folks. It's an outrage. Then we witness the spectacle of United Nations equipment being taken by the Bosnian-Serbs as they overrun United Nations positions, and also by the Bosnian Moslems in desperate attempts to protect themselves against Serbian attacks.

We have all witnessed these events, Mr. President—and those who continue to argue that negotiators require just a little more time need to face up to the reality of the situation. There is a deep-seated American belief that reasonable individuals—with time and effort—can solve even the most intractable of problems. Well, perhaps too many of our well intentioned negotiators labored for too long under the false impression that we were dealing with reasonable individuals in Pale and in Belgrade. The cycle of retaliatory violence confirms the fact that there is nothing remotely reasonable about the Bosnian-Serb leaders or their counterparts in Belgrade.

Institutions that tried to prevent further escalation have failed to do so—plain and simple. This being the case, it is now time to pursue an alternate course of action that will not embroil United States ground forces in a conflict that the Bosnian Moslems can best settle on their own. The Serbs control 70 percent of Bosnian territory and will continue to advance unless the Bosnian Moslems affect a reversal of the balance of power through force of arms.

While the unilateral lifting of the arms embargo may have some shortcomings of its own, and could be a costly endeavor, we should no longer actively prevent the Bosnian Moslems from defending themselves by trying to keep them unarmed.

However, we should not assume that this decision will not have consequences. For example, depending on the sources of the weapons, we could be sowing seeds of future difficulties. If the Bosnian Government decides to access East European weapons inventories for instance, we do not know exactly how the Russians will react.

Apart from sending weapons directly to the Serbs, the Russians might also decide to stem the flow of weapons to the Bosnians by applying certain forms of pressure on the East Europeans. Somehow, I have a difficult time imagining that Russia will just sit idly by as events unfold which are clearly detrimental to their Balkan allies. It is also not exactly clear what might happen in the event that the United States become a prime source of equipment, and gets involved in the training of Bosnian personnel.

Mr. President, my decision to support this resolution is not without some concern about the unintended consequences of lifting the embargo. However, I do not see that we have much choice.

For several years, the administration has been sending a stream of let's-wait-and-see signals regarding action on Bosnia. The President asked the majority leader to hold off on S. 21 until after the London conference. Well, the London conference is over and the situation continues to spin out of control. It should be abundantly clear to all that sooner or later, all of the safe-areas are threatened by the Bosnian-Serbs. We even have one of the top Bosnian-Serb commanders in a recent interview with a Belgrade newspaper stating his intention to take the remaining safe-areas within a few months. Coincidentally, this same Bosnian-Serb commander—who oversaw the trampling of Srebrenica—was indicted yesterday by a U.N. Criminal Tribunal for perpetrating war crimes.

This time, the waiting is over, for if the embargo is not lifted soon, there may be no Bosnian Moslems left to arm. Ronald Reagan once said that "America will support with moral and material assistance your right not just to fight and die for freedom, but to fight and win." By supporting this resolution today, the Senate will telegraph its support for those who seek to make it on their own. I urge my colleagues to support the Dole resolution.

Mr. MCCONNELL. Mr. President, I rise in strong support of the resolution offered by Senators DOLE and LIEBERMAN.

For months, the situation in Bosnia has deteriorated from bad to worse, as have our policy options. Disappointment has given way to disaster—no matter how deep our common concern, it pales in the face of the horror and chaos of Srebrenica.

As we witness this unfolding tragedy, it is important to keep in mind that it is more than the future of Bosnia that is at stake—American credibility and international influence are on the line. Tomorrow's adversaries are carefully watching Bosnia today. They are measuring the weight of American words—evaluating the strength of our resolve—assessing our leadership, credibility and determination.

And, there is little doubt over the conclusion any casual observer would reach—our Bosnian policy is scarred by retreat and reversal—and repetition of the same mistakes.

Once again, as the Senate takes up legislation to lift the embargo there is a last minute appeal from the White House that the timing is all wrong. We are urged to give yet another policy alternative time to work.

But this alternative, like the last alternative, and the options before that are building on the failure of UNPROFOR.

Last week, Assistant Secretary of State Holbrooke commented "To whatever extent Americans are involved in the air or in any other way in Bosnia, we will not be limited or constrained by the insane dual key system with the U.N. and NATO * * *. We are not going to ask the United Nations' permission for Americans to do anything in Bosnia."

I was encouraged by this refreshingly frank assessment of what has compromised UNPROFOR's mission and shattered all hope for a resolution to the crisis. You do not usually hear senior officials call years of policy "insane." It is a rare event for anyone in this administration to forcefully assert unilateral American rights and interests.

Unfortunately, no one in London listened.

United Nations officials will still be involved in decisions about when and where to conduct air strikes and use force. Although Secretary Perry and Secretary Christopher have offered public assurances that this time, this decision is different, U.N. officials are already undermining those claims and maintaining that all final decisions on the use of force will continue to involve the United Nations.

Bosnia policy is in mayhem—the effect of the meetings in London merely modified the mayhem. Once again, we failed to deal with the real problem—Serb aggression. As Prime Minister Silajdzic said, "Another half measure . . . another fig leaf."

Marginally modifying the chain of command as agreed in London cannot erase or correct the United Nations and UNPROFOR's failed course. And, this is a well travelled course.

Just a few short weeks ago, President Chirac visited the U.S. pleading for American support for the Rapid Reaction Force. He assured us that it would be an aggressive, combat ready unit prepared to intercede—to make a real difference. Field commanders would make the decisions, not U.N. bureaucrats hundreds of miles removed from the conflict.

Chirac talked of opening a road to Sarajevo, of vigorously defending all the safe havens; and, he was adamant that peacekeepers would no longer be the sorry victims of Serb hostage taking.

Sadly, within days, it became clear the U.N. had other ideas. Special Envoy Akashi immediately issued an apologetic letter, assuring the Serb military that the Rapid Reaction Force would only augment the existing UNPROFOR units. There would be no change in mission, no change in operational activities, no change in command. In soothing platitudes, Akashi directly undermined the RRF's credibility and undercut whatever opportunity they might have had to demonstrate success.

Worse yet, no one from the administration challenged Akashi's interpretation.

Now, we are being promised a robust air campaign, but one that will only protect Gorazde. Once again we have abandoned a principle we asserted a few short months ago. Once again, we drew a line in the sand, or, more appropriately, we drew a line around six safe havens. And now, once again, we are deserting the Bosnians in five of the six safe havens.

How long before we are forced by circumstance to redefine, retreat, repackage the next alternative?

It is long past time to recognize that United Nations Protection Force has become an expensive oxymoron—it is neither a force to be dealt with nor does it offer any protection. In fact, some have grimly joked the only thing the U.N. has successfully occupied is office space.

Any doubt—any false hope—about their capability to protect civilians was obliterated in the savaging of Srebrenica.

The mission has failed and it is time—it is past time—for UNPROFOR to leave, for the embargo to be lifted, and for the Bosnians to be given the chance to defend themselves.

It is their right and our duty.

In 1775, a young Patrick Henry stood up and talked of indulging in the illusions of hope, served by entreaty and supplication.

In calling our Nation to arms, he said,

> We have done everything we could to avert the storm which is now coming on. . . . Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned. . . . In vain, may we indulge the fond hope of peace and reconciliation. There is no longer any room for hope. If we wish to be free . . . we must fight.

The United Nations role in Bosnia is replete with petitions, supplications, and remonstrances—all in vain.

Are we to deny the Bosnian Moslems the very right to self determination that defines the conscience of this Nation? Are we to refuse them freedom—repudiate their desire to secure liberty?

We have paid a high price for failure in Bosnia—over $2 billion in taxpayers' dollars have supported UNPROFOR. What we have paid in treasure, Bosnians have paid in lives and liberty.

Lifting the embargo will not guarantee Bosnians their freedom, but the United States will no longer hold the key to their shackles—the ball and chain that UNPROFOR has become.

Mr. CAMPBELL. Mr. President, I rise today in support of the majority leader's resolution to lift the arms embargo. I do not make this decision lightly, and I have no illusions that our vote today will do anything to stop this conflict. In fact, we can be sure that lifting the arms embargo will intensify the fighting and lead to more pain and suffering. I do not see what other choice we have, though. The U.N. peacekeeping force has failed to defend the misnamed "safe havens" or to protect Bosnians from Serb aggression, and the most honorable thing we can do is allow the Bosnians to defend themselves.

I will be the first to admit, Mr. President, that I did not expect Bosnia to become such a difficult and divisive issue for our country. When communism collapsed and the walls fell in 1989, I was as excited as anyone over the end of the cold war and the prospect of a world finally at peace. I expected that old ethnic and national tensions would flare up, but I figured that European and U.N. diplomacy and a few peacekeepers could handle the job, with limited U.S. involvement. The United States had just won a 40-year-long cold war, and we deserved to rest on our laurels. So when this conflict first started in 1991 after Slovenia and Croatia declared independence from Yugoslavia, like most Americans, I barely took notice of it. I supported the creation of the U.N. Protection Force [UNPROFOR] in February 1992, and I did not argue with UNPROFOR's extension to Bosnia in June 1992, putting my faith in efforts to cobble together a political settlement.

But this wound refuses to heal. Instead it festers, fed by historical conflicts and prejudices reaching back 500 years. I worry that this gangrenous conflict threatens to contaminate all of Europe.

As this conflict continued to worsen and Bosnians continued to suffer, I still held out hope for reason to prevail over aggression and imperialism. Last July, I voted against this very same resolution to lift the arms embargo. I wanted to give the administration more time to pursue a multilateral agreement on the arms embargo, and negotiators more time to find an agreement the Serbs would accept.

In the past year, the situation only got worse. This civil war cost the lives of several U.N. peacekeepers, and almost killed a brave American pilot. The Serbs continue to press their attacks, to ethnically cleanse by driving Bosnians out of their homes, and to kill civilians by shelling Bosnian safe areas. The only honorable thing to do is to admit that without unrestrained military commitments, U.N. peacekeepers cannot stop the Serbs, and let the Bosnians begin to fight Serbs on equal terms.

Regardless of the final wording of this legislation, I hope we all accept our commitment to helping U.N. peacekeepers withdraw from Bosnia, if necessary, with the massive involvement of United States ground troops. Senator DOLE set forth a set of reasonable guidelines on the use of U.S. forces in a withdrawal, designed to reduce risks, which I support. But despite the risks, it is our responsibility as a member of NATO to help our allies save their people stuck in Bosnia.

Mr. President, this is not a political or partisan issue for me. I think our Defense Secretary, Secretary Perry, called this legislation the "lift-and-pray" option, and that is as good a description as any. This difficult situation has no easy solutions, and highlights our own difficulties in coming to grips with the realities of a post-cold-war world. It seems like the new world order looks a lot like old world disorder. As much as anybody, I want peace in Bosnia—but not a peace bought with the wholesale slaughter of Bosnians by Serbs.

It is time to admit that we do not have the answers here, and to do the only honorable thing—let the Bosnians get weapons they need to fight for their homes and their lives.

Mr. BAUCUS. Mr. President, I rise in support of this resolution to lift the arms embargo on Bosnia.

For several years, the United States and the United Nations have relied on a system of safe havens. These were protected towns: Gorazde, Srebrenica, and Zepa in eastern Bosnia; Sarajevo, the capital; and Bihac in the west. U.N. peacekeepers were to provide security for the people in these towns, while an overall arms embargo covered all participants in the war.

FAILURE OF PRESENT POLICY

Where do we now stand today?

The Bosnian Serbs have ignored repeated efforts on the part of Americans, Europeans, and Russians to achieve peace. Instead, they have attacked all the safe havens.

Srebrenica has been captured, and its women and children expelled. Nobody knows what has become of the men of the town. The Western countries had given all these people a guarantee of safety.

Zepa fell yesterday.

Bihac is under attack.

Sarajevo is being bombed as heavily as ever.

And the U.N. peacekeepers have been shot at, shelled, and taken hostage.

Clearly, this policy has failed. The U.N. force has proven unable to prevent Bosnian Serb offensives, to protect civilians, or even to protect its own members. The time has come to admit it and move to something new.

THREE CHOICES

No choice is a good one. But I believe we have essentially three options, and one is superior.

First and foremost, we should not become involved as a combatant in the war. That would confront the American armed services with an impossible task—to impose a permanent political settlement. We would be likely to lose many men and women; we would certainly lose some; and ultimately it would be futile.

Second, the strategy some propose of American air attacks against Bosnian Serb positions, is irredeemably flawed. It does not command the full support of our allies, and in any case history shows that air attacks without a coordinated ground campaign do not succeed.

The only remaining choice is the third: to lift the arms embargo and let the Bosnian Government fight in defense of its country. This may not solve the problems of the former Yugoslavia—and I do not believe an outside power can solve those problems—but it has the virtue of justice.

A country attacked by an outside aggressor, or by a rebellion against a legitimate government, has the right to defend itself as best it can. And its people, who have seen the West break its promise to keep them safe, should at least be able to fight for themselves.

That is why I support this resolution. And I urge my colleagues to do the same.

Mr. DORGAN. Mr. President, for many months I have resisted legislative initiatives to unilaterally lift the arms embargo against the Bosnian

Government. But today I intend to vote differently.

I have felt that our country should not depart from the joint 1991 decision made with our NATO allies through the United Nations in enforcing an international arms embargo against what was then Yugoslavia. The international community took this action to prevent the fighting from escalating after Slovenia and Croatia withdrew from the Yugoslav federation.

As we all know, the fighting has escalated nevertheless. The U.N. and NATO have ever since struggled to balance the safety of Bosnia civilians with the desire to prevent the war from spiralling or spreading.

But events have taken a dramatic and tragic turn in recent weeks. That is why I now intend to vote for the Dole-Lieberman bill to lift the arms embargo after the United Nations protection forces have left.

I recognize that United Nations forces have helped to reduce civilian casualties to a fraction of their prior levels. These forces have also carried out humanitarian operations that have saved thousands of lives.

However, it is now evident that the U.N. peacekeeping forces cannot be expected to keep the peace where there is no peace. The U.N. forces, I believe, were sent to the region to try to provide safe havens to protect civilians, to open routes to supply food, medicine and essential supplies to the Bosnian people, and to try to keep the peace.

But it is now clear that the Bosnian Serbs are advancing in areas that the Bosnian Moslems thought were safe. The Bosnian Serbs have marched into Srebrenica, a city that the United Nations had guaranteed as a safe haven for civilians. Today we here the further news that another so-called safe haven—Zepa—has fallen before the Bosnian Serbs' advance.

Again, Bosnian civilians have been left unprotected because the U.N. forces are not deployed for or capable of resisting the Serbs' aggression. The fate of Srebrenica and the fall of Zepa make a mockery of the United Nations humanitarian mission.

We can now see that the embargo has had the practical effect of leaving the Bosnian Moslems virtually defenseless in the face of Serbian aggression.

I have not supported and do not support sending American ground troops to Bosnia to take sides in this conflict. I do not expect that we or our allies are prepared to send troops to the region in sufficient numbers to put an end to the war.

If that is the case—and I believe it is—then I think we must end the arms embargo against the Bosnian Moslems, so that they can defend themselves.

It is a departure for me to support ending an arms embargo anywhere, because I believe we ought to promote policies that slow the spread of arms around the world.

However, I cannot stand by and watch the atrocities that are occurring in Bosnia without believing that it is somehow immoral for us to deny the Bosnian Moslems the ability to defend themselves, their families and their territory. An independent nation has the right of self-defense under article 51 of the U.N. Charter. That is why lifting this embargo is not analogous to lifting the arms ban against Iraq or against any other aggressor.

Let me also point out that the Dole-Lieberman bill we are debating is a new version. It now says that United Nations Protection Forces should first leave Bosnia before the embargo is lifted. This will help to prevent the U.N. forces from getting caught in an escalating crossfire. As an additional insurance against that possibility, the United States must be prepared to honor the President's commitment to our NATO allies to send United States forces to assist in evacuating NATO forces from Bosnia.

Even as we take these steps, I support a renewed effort on the part of the United States to seek NATO's support for a multilateral lifting of the arms embargo against Bosnia. That would be a preferable approach. But in the final analysis, the United States must help the Bosnian Moslems get the arms to defend themselves.

For these reasons, I intend to vote for the Dole-Lieberman bill. I pray that in some way a new set of policies might force the Bosnian Serbs to negotiate a real truce and move that region closer to a permanent end to its conflict.

Mr. LEAHY. Mr. President, yesterday I spoke at length about the situation in Bosnia. I spoke about the damage this debacle has caused to NATO, which has acted like a frightened child in the face of genocide on its borders. I said that the status quo is totally unacceptable. I also said that I believe our first responsibility is to NATO, and that NATO should be given an opportunity to redeem itself and act forcefully to protect the remaining safe havens in Bosnia.

I was encouraged by the statements of the NATO leaders after last Friday's meeting in London, when they said that NATO would respond with substantial and decisive air strikes if the Serbs attack Goradze. Then Secretary Perry and Secretary Christopher suggested that there would be a similar response to attacks against the other remaining safe havens, which I support. They also indicated that the dual-key approach, that has been such a disaster, would end. In the future, NATO commanders would decide when to strike, not U.N. bureaucrats. These assurances were major factors in my decision yesterday to oppose unilaterally lifting the embargo.

Yesterday, I said I expected to see NATO display the kind of unity and power that it should have displayed from the very beginning of this conflict. I feared that by unilaterally lifting the arms embargo, we would be undercutting our NATO allies and saying that we do not support a forceful NATO response. I believe such a decision could lead to wider war, greater suffering, and potentially endanger thousands of Americans. I believe that decisive NATO air strikes could not only turn the tide in favor of the Bosnian Moslems, it could also demonstrate the continued viability and strength of the NATO alliance.

I was therefore very concerned by the article in today's New York Times, titled "NATO Gives UN Officials Veto on Air Strikes in Bosnia." That article suggests that the fatally flawed status quo regarding the dual-key policy has not changed.

Mr. President, if that article were accurate I would have had no choice but to reconsider my position on this issue. As I said yesterday, I cannot support the status quo. I needed to be convinced that the failed dual-key policy was no longer in effect, and that NATO is now fully authorized to use decisive force to deter further Serb atrocities.

Because of the questions raised by that article, I prepared to telephone U.N. Secretary General Boutros Boutros-Ghali earlier today. I wanted his assurance that future decisions about the use of NATO air power would be made by military commanders, not U.N. bureaucrats. Shortly before I was to make that call, I was informed by our mission to the United Nations in New York that the Secretary General had issued a statement which eliminated any ambiguity about dual-key. His statement goes even further, to address the issue of NATO action to protect Bihac and Sarajevo, as well as Goradze.

It is for that reason that I ask unanimous consent that the statement by U.N. Secretary General Boutros Boutros-Ghali be printed in the RECORD. His statement makes clear that the status quo is no longer in effect. Dual-key is over. A rapid, decisive response is now NATO policy.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

PRESS STATEMENT

(Attributable to a Spokesman for the Secretary-General)

The Secretary-General and his advisers have concluded their study of the letter from NATO Secretary-General Willy Claes about the North Atlantic Council's decisions last night relating to the use of NATO air power to deter Bosnian Serb attacks on Gorazde.

As indicated in my earlier statement today, the Secretary-General welcomes the commitment of the North Atlantic Alliance to support the United Nations in the implementation of Security Council resolutions, and looks forward to working with NATO toward that end. He fully supports the decision taken by the North Atlantic Council, as conveyed in Secretary-General Claes' letter, and agrees with its conclusion that an attack by the Bosnian Serbs on Gorazde should be met by a firm and decisive response, including through air strikes.

On the question of the "dual key", the relevant Security Council resolutions call for close co-ordination between the United Nations and NATO on the use of NATO air power and this is reflected in the NATO decision. In order to streamline decision taking within the United Nations chain of command when the use of air power is deemed to be necessary, the Secretary-General has decided to delegate the necessary authority in this respect to his military commanders in the field. He has accordingly delegated authority in respect of air strikes, which he has hitherto retained himself, to General Bernard Janvier, the Commander of United Nations Peace Forces, with immediate effect. As regards close air support, which is the use of air power to defend United Nations personnel, the Secretary-General's Special Representative, Mr. Yasushi Akashi, after consulting the Secretary-General, has today delegated the necessary authority to General Janvier, who is authorized to delegate it further to the UNPROFOR Force Commander when operational circumstances so require.

The Secretary-General is deeply concerned by current attacks on Sarajevo and on the Bihac pocket and notes that the North Atlantic Council has asked the NATO Military Authorities, in consultation with the United Nations Peace Forces, to formulate proposals on the possible use of air power in these situations also.

The Secretary-General is informing the Security Council of the measures that he is taking. He again expresses his appreciation for the continuing close co-operation which he enjoys with the Secretary-General of NATO. In furtherance of co-operation between the United Nations and NATO, he has today instructed the Under-Secretary-General for Peacekeeping Operations, Mr. Kofi Annan, and the Force Commander, Gen. Janvier, to travel to Brussels for consultations with NATO on the operational modalities for implementing last night's decision of the North Atlantic Council.

Ms. MIKULSKI. Mr. President, the moral and practical consequences of our actions in Bosnia are on a collision course.

Every moral instinct I have tells me to lift the arms embargo of Bosnia. I share the anger, frustration and pain that inspired this amendment.

We must finally recognize that the U.N. peacekeeping mission has failed. They cannot keep the peace in a land where there is no peace. Despite their bravery, despite their good intentions—they are not able to protect Bosnian civilians—they are not even able to protect themselves.

As a Polish-American, I see what is happening in Bosnia, and I think of what happened to Poland in the Second World War. Polish patriots on horseback, armed only with swords, faced German tanks and German howitzers. The world watched but did nothing.

And as Hitler exterminated the Jews, most of the world stood by. This passivity amounted to acquiescence.

We are showing the acquiescence today with our meaningless U.N. resolutions and our empty threats.

What is the result of our failure?

It is mothers and children running for their lives from so called safe havens.

It is the young woman who took her own life after being forced from her home and separated from her family.

It is the food and medicine convoys prevented from getting to those in need.

It is the Serb gunfire that is continually targeted toward civilians.

And it is the rape and torture that has been going on for 3 years. This barbarism is a crime against humanity.

It is very painful to be reminded of the inhumanity that man is capable of. It is a shame on all of us.

What history does not teach us, our principles should. And there is no more fundamental principle than the right to self-defense. We never should have imposed an arms embargo on Bosnia.

So my heart tells me to lift the embargo. I want the Serbs to pay for their barbarism. If we cannot or will not defend the Bosnian people—let us stop pretending—let us lift the embargo, let us let them defend themselves.

But, Mr. President, I cannot vote to take this course unless I also consider the consequences that we and the Bosnian people will face down the road.

What happens after we lift the embargo? Most people think that the Bosnian people will then be able to defend themselves—and that Americans would stay out of the war.

But both of these points are wrong.

Just allowing the Bosnians to arm will not make it happen. According to our military leaders, it will take months to sufficiently arm and train the Bosnian army. In the meantime, the Bosnian people will be defenseless.

The Serbs will not wait. The moment we lift the embargo, the Serbs will make a land grab—not just into the eastern enclaves, but also into central Bosnia. Their brutality could spread across all of Bosnia. So by lifting the embargo, we could make things a great deal worse for the people we so want to help.

In addition, lifting the arms embargo will guarantee that United States troops will be on the ground in Bosnia. They would be in rough terrain, surrounded by hostile forces. Not defending the Bosnian people—but defending the U.N. peacekeepers as they make their retreat. There could be American casualties and there could be American POW's. And we will have done nothing to protect the Bosnian people.

While most people in this body support lifting the embargo—how many support sending U.S. troops? And how many of us are willing to take responsibility for the carnage that could occur if we lift the embargo and leave the unarmed Bosnians to fend for themselves? We need to consider the moral consequences of our action.

In any military action abroad, I believe that must always have clear criteria and objectives that answer three important questions:

Why are we there?

What keeps us there?

And what gets us out?

Without answers to these questions, we cannot send U.S. troops into battle. And we have no such answers in Bosnia.

I am not saying that we should stick with the status quo. That has brought the Bosnians nothing but misery.

I had hoped that in the London meetings last weekend that the allies would reach consensus on clear, decisive and immediate action. We did not go as far as we should have. We did not end, once and for all, the dual key policy that puts U.N. bureaucrats in control of military decisions.

But NATO policy does seem to be shifting. We are at least preparing for more robust and meaningful retaliation for Serb aggression and for substantial and decisive use of NATO air power. I believe that we must give this new policy a chance to succeed.

So I will oppose the Dole resolution.

This is a heart-wrenching decision for me. As I have said, every instinct I have tells me to lift the embargo. But I believe that we should not go it alone unless we are willing to act alone—unless we are willing to send in our troops to save Bosnia from the carnage that could occur. We must look at the moral and practical consequences of our action.

Mr. KENNEDY. Mr. President, we all agree that the crisis in Bosnia is a massive human tragedy. But I oppose this legislation calling for a unilateral lifting of the arms embargo, and I do so for five reasons.

First, lifting the embargo may theoretically give the Bosnian Moslems a more effective means to defend themselves. But in fact, lifting the embargo is far more likely to put them in an even worse position—unless the United States and other nations are able and willing to provide extensive amounts of arms and military training over a lengthy period of time, and unless these nations are also prepared to take whatever military action is necessary—including the use of ground troops—to keep the Bosnian Serbs from over-running the Moslems during that period.

Second, if the U.N. forces withdraw, as seems inevitable when the arms embargo is lifted, the plight of innocent civilians will get much worse as the bloodshed escalates and the vital U.N. humanitarian lifeline is severed. In 1992, before the U.N. peacekeepers arrived, there were 130,000 civilian casualties. Last year, there were fewer than three thousand.

In addition, over 1.3 million refugees and much of the civilian population of Sarajevo and central Bosnia—a total of 2.7 million people—are dependent upon the relief work of the United Nations.

The U.N. may not have kept the peace as well as we had hoped, but it has saved hundreds of thousands of Bosnian lives. This lifesaving capability—and the maintenance of vital humanitarian supply lines—will all be lost if we unilaterally lift the arms embargo and force the United Nations out of Bosnia. Without the U.N.'s humanitarian efforts, we will see more starvation, more loss of life and a new flood of refugees. The almost $500 million in food, medicine, shelter, and other relief supplies which U.N. agencies plan to deliver this year could well be denied to the innocent people of Bosnia.

Third, the wider war that is the most likely result if this legislation is enacted is in no one's interest and could have catastrophic consequences. The last thing the people of Europe and America need is a wider war in the Balkans.

Fourth, if the embargo is to be lifted, it should be done in cooperation with our allies, not unilaterally. Unilateral action by the United States will seriously undermine both the United Nations and NATO and will serve as a dangerous precedent for other nations to ignore other international mandates.

Fifth, this legislation would make a negotiated solution even more difficult than it is now. Yet a negotiated solution is the only realistic hope for ending this tragic war instead of expanding it.

There are no good answers on Bosnia. But the answer proposed in this legislation is worse than the alternative of working closely with our allies, as President Clinton is doing. He deserves the bipartisan support of Congress at this very important and very difficult time.

Mr. CONRAD. Mr. President, I intend to support the Bosnia-Herzegovina Self-Defense Act as modified by the Nunn and Cohen amendments.

The war in Bosnia is tragic and horrible. No one can hear accounts of the rape, torture, and other crimes the Serbs have committed as they overran the so-called safe areas in Srebrenica and Zepa without being profoundly saddened—and outraged.

I share with my colleagues a deep sense of frustration that the U.N. forces in Bosnia have been unable to put an end to these atrocities. I wish the many attempts to reach a negotiated settlement had been accepted by the Serbs. I wish our allies in Europe had been more willing to take the lead in countering Serbian aggression.

But the reality is, they have not. No one is effectively defending the Bosnians, and they do not have the capacity to defend themselves because of the arms embargo on the former Yugoslavia.

In the past, I have opposed resolutions calling for the unilateral lifting of the arms embargo. I have long believed the United States should not get involved on the ground in Bosnia, and that it will be much easier to get into Bosnia that it will be to pull American forces out later. I have been very concerned that unilateral actions could lead to greater American responsibility for that outcome and greater U.S. involvement.

But the amended resolution we will vote on today is different. Taken together, the Nunn and Cohen amendments require the United States before unilaterally lifting the embargo, to force a U.N. Security Council and, if necessary, U.N. General Assembly vote on lifting the embargo multilaterally. Only if both these avenues have been exhausted would the United States, as a last resort, act unilaterally.

The events of the past few weeks have made it clear that we cannot wait indefinitely for multilateral agreement to lift the arms embargo. The current approach in Bosnia is not working. Under these circumstances, we must force the United Nations to re-evaluate the arms embargo. It is my strong hope that the United Nations will decide to lift the arms embargo multilaterally. It is immoral to continue to block the Bosnians from obtaining the arms they need to defend themselves against Serbian aggression when it is abundantly clear that only the Bosnians are willing to defend Bosnia against Serbian aggression, ethnic cleansing, and other atrocities. The events of the past few weeks demonstrate that no one else—not the United Nations, not the United States, and not the Europeans—will adequately defend the Bosnians.

This was not an easy decision, Mr. President. There are no cheap or easy answers in Bosnia, and this approach involves some risks. But it is time to take the least risky approach: to lift the arms embargo—multilaterally if possible, but unilaterally if necessary—so the Bosnians can defend themselves.

Mr. NUNN addressed the Chair.

The PRESIDING OFFICER. The Senator from Georgia.

AMENDMENT NO. 1848 TO AMENDMENT NO. 1801

Mr. NUNN. Mr. President, my amendment is at the desk, and I call that amendment up.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Georgia [Mr. NUNN], for himself, Mr. GRAHAM, and Mr. ROBB, proposes an amendment numbered 1848 to amendment No. 1801.

On page 2, after line 18, insert the following:

"(4) The Contact Group, composed of representatives of the United States, Russia, France, Great Britain, and Germany, has since July 1994 maintained that in the event of continuing rejection by the Bosnian Serbs of the Contact Group's proposal for Bosnia and Herzegovina, a decision in the United Nations Security Council to lift the Bosnian arms embargo as a last resort would be unavoidable."

On page 5, after line 12, insert the following and reletter subsections (e) and (f) as subsections (f) and (g) respectively:

"(e) INTERNATIONAL POLICY.—If the Government of Bosnia and Herzegovina submits a requests to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina or if the United Nations Security Council or the countries contributing forces to UNPROFOR decide to withdraw from Bosnia and Herzegovina, as provided in subsection (a), the President (or his representative) shall immediately introduce and support in the United Nations Security Council a resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina. The United States shall insist on a vote on the resolution by Security Council. The resolution shall, at a minimum, provide for the termination of the applicability of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina no later than the completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina.

Mr. NUNN. Mr. President, I will speak more to this resolution in my overall thoughts on the subject of the Dole-Lieberman amendment later this morning or shortly after noon after we meet with the President of South Korea.

But this amendment, as indicated by the reading of the clerk, basically does two things. This amendment says, which is a fact, that the contact group composed of Britain, France, Germany, the United States, and Russia in 1994 made a statement that if the Bosnian Serbs did not agree to the contact group proposal, that the last resort would be the unavoidable lifting of the arms embargo in the U.N. Security Council.

The second part of this amendment makes it clear that, without interfering with the Dole-Lieberman amendment's timetable, which does not require the lifting of the embargo until after the U.N. forces are removed from Bosnia, without altering that timetable on what would be the unilateral lift, this amendment sets up another effort. It sets up one final effort by the United States, having the President of the United States go to the Security Council and asking the Security Council to multilaterally, in accordance with the United Nations' and the Security Council's previous resolution, lift the embargo.

I think this amendment is important. All of us know that the Security Council may not do that but in a month or two the situation may change. Some minds may change. And I would remind those countries, Britain, France, Germany, Russia, as well as the United States, that as part of the contact group, and those that are also on the Security Council, including Britain, France, and Russia, that this action, this multilateral lift that we will be seeking, if the U.N. forces withdraw, is in complete accord and consistent with statements that they signed on to as a part of the contact group in 1994. So it would be my hope that there would be some minds changed if the U.N. forces withdraw.

Mr. President, I will make further remarks about both this amendment and my overall view of the Dole-Lieberman proposal before us and the administration policy sometime later in this debate.

I would say, though, that I concur in what I heard my friend from Virginia and my friend from Connecticut just state about the reports in the paper this morning which indicate that there remains a dual key, that the United Nations is maintaining jurisdiction and that our allies in Great Britain and France, according to the New York Times report, notwithstanding the London meeting, have been proponents of retaining that dual key.

That is contrary to what this Senator understood in reports from our administration's representatives when they returned from London. It is contrary to the initial reports that came out of NATO from London. And it points to the continuing inability of NATO to get its act together and of the United Nations to be able to delegate authority for military action, and the United Nations by all accounts is incapable of making those decisions.

It also calls into question the crucial point about whether a bombing campaign envisions the possibility of hostage taking and whether the participants in the bombing campaign in response to an attack on Gorazde are willing to continue the required military action even if hostages are taken.

Mr. President, it is absolutely essential that the NATO alliance not begin a strike campaign unless they are willing to hit meaningful targets and unless they are willing to continue that in the face of almost certain adversity, that is, hostage taking and perhaps even the killing of United Nations personnel.

Mr. President, these remarks I will continue at a later point, but I did want to go on record that the Senator from Virginia and the Senator from Connecticut are correct, in my view, that this report this morning I think greatly undercuts the position we hoped had come out of the London conference, which was to abolish the dual key at least as far as Gorazde is concerned.

I yield the floor.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY HIS EXCELLENCY KIM YONG-SAM, PRESIDENT OF THE REPUBLIC OF KOREA

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 12 noon and proceed to the Hall of the House of Representatives for the joint meeting.

Thereupon, the Senate, at 10:44 a.m., recessed and, preceded by its Secretary, Kelly D. Johnston, and its Sergeant at Arms, Howard O. Greene, Jr., proceeded to the Hall of the House of Representatives to hear an address delivered by His Excellency, Kim Yong-sam, President of the Republic of Korea.

(For the address delivered by the President of the Republic of Korea, see today's proceedings in the House of Representatives.)

AFTER RECESS

Whereupon, at 12 noon, the Senate, having returned to its Chamber, reassembled and was called to order by the Presiding Officer (Mr. ASHCROFT).

The PRESIDING OFFICER. The Senate will come to order.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Parliamentary inquiry.

I think it would be helpful if the Chair would cite the order of the time of the votes and the pending matter.

The PRESIDING OFFICER. The pending matter is S. 21, the Bosnia matter. There are 45 minutes to each side under control in debate, and circumstances with leaders on each side controlling debate. At 1:30——

Mr. WARNER. I think it is 1:45, Mr. President.

Will the Chair clarify the time?

The PRESIDING OFFICER. There is controlled time until 1:30, followed by the two leaders who have an opportunity to speak to the issue and use their leader time. The amendment by the Senator from Georgia [Mr. NUNN] is pending to the substitute of the majority leader.

Mr. WARNER. Thank you. Mr. President, then, for planning purposes, Senators could anticipate a vote between 1:45 and 2.

Would that be correct?

The PRESIDING OFFICER. That, I believe, is the general time of which the next recorded vote should occur.

Mr. WARNER. Mr. President, I yield the floor.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I ask unanimous consent to proceed as in morning business for no more than 10 minutes.

Mrs. MURRAY addressed the Chair.

The PRESIDING OFFICER. Who yields time for that purpose?

Mr. CRAIG. And that the time not be used by either side.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, reserving the right to object, would that time then be divided for both sides fully?

Mr. CRAIG. I would choose it not be divided from either side.

The PRESIDING OFFICER. Is there objection to the Senator's request?

Mr. CRAIG. If there is no objection, it could be divided equally.

Mr. WARNER. Mr. President, reserving the right to object, I have to consult with the distinguished majority leader. I note the presence on the floor of a number of Senators who wish to address the pending resolution.

Might we inquire of the Senator from Idaho the time?

Mr. CRAIG. It does not deal with this issue.

Mr. WARNER. I realize that. The time that the Senator would want?

Mr. CRAIG. No more than 10 minutes.

Mr. COATS. Mr. President, may I inquire of the manager of the bill—I am sorry. I just walked onto the floor and did not understand what the allocation of time was. I know we are moving toward a vote at 1:45, approximately. The time is reserved for leaders. I would like to get some assurance that I will be able to speak on the pending question for up to 10 minutes or so. I do not know how that works in terms of other time that might be allocated. I just offer that so that the leader has some opportunity to make a judgment on this.

Mr. WARNER. For the information of the Senators present, there is now an hour and a half of time equally divided between the majority leader and the Senator from Connecticut and those who wish to speak in opposition. I see the presence of two or three Senators I happen to understand will be speaking in favor, on behalf of the majority leader's amendment. I am perfectly willing to allocate such time within that 45 minutes as they desire.

Could the Senator from Indiana indicate how much time he would like to have?

Mr. COATS. I prefer more, but I will accept 10 minutes or so.

Mr. KYL. Mr. President, if I may indicate to the Senator from Virginia, I would be happy to have 5 minutes reserved for my comments.

Mr. WARNER. Mr. President, I have just been advised by the majority leader's staff that the majority leader is overcommitted at this time with respect to the time period of 45 minutes under his control. Therefore, I regret that I would have to interpose an objection to——

Mr. CRAIG. Mr. President, I will yield the floor then if time has been allocated for this purpose.

Mr. WARNER. Mr. President, this is the first I knew about this allocation of time.

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, I yield 10 minutes to the Senator from Indiana.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. WARNER. Might I ask the Senator from Indiana if he could lessen that time if at all possible because we are overrequested.

Mr. COATS. I will do my best.

Mr. President, I thank the Senator from Virginia for his courtesy. I did speak on this issue a few days ago, and I will attempt to summarize the statement that I have here in the interest of preserving some time for other Members.

I tried to make two points. First, that it is regrettable that we are here not debating what the policy should be relative to Bosnia, fulfilling our constitutional role of advise and consent to the President of the United States, who is Commander in Chief and who is delegated and given the responsibility and authority to conduct the United States foreign policy, but regrettably we are here formulating that policy in the absence of leadership provided by the President and the administration in fulfilling their duties. That has been a continuing sad story that has permeated this entire Bosnia debate over the last 2½ to 3 years.

Filling this vacuum of leadership is not something that this Senator relishes or even feels fully qualified to perform. Nevertheless, it seems that it is left to us to try to identify and define some policy relative to the United States involvement or lack of involvement in this conflict in Bosnia.

It is true that the choices that face us as a nation in terms of dealing with this conflict are not easy choices. Former Secretary of Defense Les Aspin said all choices in Bosnia are bad; some are worse. It is clear that we are dealing with perhaps what might be defined as the best of the worst in terms of choices. But a couple of facts confront us very, very directly today in this conflict.

Fact No. 1 is that the current attempts at negotiating a settlement to the conflict in Bosnia have failed. And they have failed for a period now of 2½ to 3 years. There have been numerous attempts. There have been numerous so-called peace agreements, new peace plans. I met with the Bosnian Foreign Minister just a few days ago. He said, "We have signed 17 pieces of paper agreeing to cease-fires and agreeing to peace plans." He said that, "We have one party in this conflict that holds a piece of paper and no weapon, and another party who holds a weapon and no piece of paper." He said to guess which one is going to prevail.

He said, "We will not be able to sit down at the table and begin to negotiate an agreement which both sides can agree to and adhere to until there is an equalization of the confrontation that exists between the two." Either both hold a piece of paper or both hold a piece of paper and a weapon, and some sort of rough stalemate exists that will cause both parties to have an incentive to come to the peace table. As the situation now exists, no peace can be achieved if one party has no reason to achieve a peace, no basis to achieve a peace. There is no reason they need to achieve a peace if they can achieve their gains through force.

The second truth we face is that UNPROFOR's—the so-called protective force's—policy of protecting Bosnians in safe havens has failed. We daily read of the latest disaster in this regard.

It is clear that UNPROFOR, for whatever reason, does not have the capacity, the will, or whatever, to achieve a successful implementation of the protection policy.

The third basic fact, and we might as well say it and be up front about it, the United States is not going to intervene militarily to solve this and resolve this conflict. The American people do not support it, the Congress does not support it, the President has not articulated why we should do this, how it is in our vital strategic or national interest, how we could achieve this militarily, how long we would be there, what our exit strategy would be.

None of the defined criteria that are used to justify American intervention have been either defined or articulated to either us or the American people, and it is clear that we will not commit troops to this conflict.

Anyone who has studied the history of conflict in this region, anyone who understands to the most elementary level the nature of the environment in which we will be placing our troops, anyone who understands the complexity of this particular conflict, has to come to the conclusion that it would be a disaster, a mistake, to involve the U.S. militarily in this conflict.

Therefore, we are left with what I believe is probably the best-worst option, something that I have been reluctant to endorse, but something I do now endorse, and that is a lifting of the embargo. I agree with the proposal that withdraws the U.N. protective forces first before we lift. I think that is important. I agree with the policy that says the United States should not commit to a NATO strategy that is destined to be a failed policy.

But after UNPROFOR has left, and hopefully we will not need to fulfill the President's already-stated commitment and promise to our NATO allies to utilize U.S. forces to withdraw those forces, hopefully that will not be necessary. I will reluctantly support that, in an emergency situation, if there is no other way, as a commitment to NATO that I believe has been made and we need now to keep. Hopefully, we then can lift the arms embargo.

I think we need to understand what this means. I asked the foreign minister, what does this mean lifting the arms embargo? What kind of arms do you seek? He said, "You don't understand. We don't need American advisers on the ground; we don't need massive training off site, we are very skilled in the rudimentaries of conflict."

What we are dealing with here is not a Desert Storm sophisticated arms conflict, but something more akin to pre-World War II. He said, "The first thing we need are helmets." He said, "Most of our deaths are caused by shrapnel injuries to the head because we are not allowed to have helmets under the arms embargo." It is an absurd restriction.

Second, he said, "We need some ammunition, small arms ammunition. We don't need people to show us how to use that. We have been an arms manufacturer in the past."

Third, he said, "We need some antitank weapons so that we can deter the heavy tank forces that may be arrayed against us." He said, "These don't need to be sophisticated either; shoulder-held, shoulder-fired antitank weapons would be sufficient."

And fourth, "We need artillery to counter the artillery that is utilized by the Serbs so that we can achieve some kind of balance of forces."

So lifting the arms embargo does not mean necessarily greater U.S. involvement, it does not mean we need to supply the arms. These arms are available on the world market. It simply means we give the Bosnians the right to do what they had asked us to do, and that is to defend their own borders.

Finally, I think we need to examine a strategy of containment that is in our vital national interest, not to have this spread into the areas of Macedonia and Kosovo. We do need to draw the line, NATO does need to be involved in this, but it requires U.S. leadership to accomplish it. U.S. leadership has been the glue that formulated NATO, it has been the glue that has held it together, and it is going to be the leadership necessary to maintain NATO as a sustainable, viable defense entity. So we need that leadership, and we should consult with our NATO allies about a containment strategy that keeps this conflict contained within its current area.

So, Mr. President, that is a very abbreviated explanation of why I support the Dole-Lieberman effort here. I do so reluctantly. I believe we have no other choice.

I thank the Senator from Virginia for the time that he has allotted to me.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I yield myself such time that I might require.

I think it would be in order if we sort of recognized, went back and forth from those in support and those in opposition. The Senator from Washington came very promptly. So I suggest by way of unanimous consent that the Senator from Washington proceed, to be followed by Senator KYL and Senator DEWINE, Senator THURMOND. Of course, we can interrupt that order, if necessary, if others in opposition wish to speak.

And then I also announce that we have reason to believe that Senator COHEN may be desirous of submitting an amendment. I hope he will advise the managers as to his time requirements as early as possible. I yield the floor.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield myself 5 minutes in opposition.

I do rise today in opposition to S. 21, which directs the President of the United States to unilaterally lift the arms embargo on Bosnia and Herzegovina. Like many of my colleagues, I, too, want to do something, anything, to stop further atrocities from occurring in Bosnia. The situation grows more horrid everyday. We have all said it in a hundred different ways: There are no good options to choose from when trying to determine how best to respond to the tragedies in Bosnia and Herzegovina.

Compelling, sound, and thoughtful arguments have been made on both sides of this debate. In the words of one young Dutch peacekeeper just freed from Srebrenica: "You wish the war would stop, but it's only a wish. It will be a miracle if this war ever stops."

He had come to that conclusion after witnessing first hand the hatred that has fueled this conflict for generations, a hatred so deep as to seem endless, passed on for centuries from parent to child.

At home, most Americans wonder aloud why the nations of Europe have not been able to come together around this crisis. Knowing how pressing the needs are in our own country, many Americans voice frustration at the unending calls for one form or another of United States involvement in Bosnia. Many resent the United States in the role of global policeman again, and still many others are horrified by the pictures they see of refugees, of Bosnia's senseless dead, of ethnic cleansing and genocide, of a young woman hanging from a tree in desperate pursuit of escape.

It is this profound sense of frustration that brings us to this debate today. Proponents of S. 21 argue that this approach gives us the best of both worlds—allowing the United States to do something to resolve the conflict while doing nothing to further our own national involvement. But I believe, Mr. President, that the promises of this approach may well prove to be false and that the consequences of Senator DOLE's bill are not well understood.

It is those consequences that concern me the most. It is those questions that have not been answered as we go through this debate.

Despite those who have dismissed his comments during the course of this debate, I agree with Secretary of Defense William Perry when he says that unilaterally lifting the embargo greatly risks Americanizing the war in the Balkans.

Let me make it clear that I agree with those who argue that the arms embargo should be lifted, because it is the Bosnians' right as an independent nation to defend themselves. U.N. Resolution 713, agreed to in 1991 and imposing an arms embargo on all states formed from former Yugoslavia, has frozen a military imbalance in place, because Bosnian Serbs inherited most of the arms and troop strength from Tito's Yugoslavia.

But I continue to have very strong concerns about the United States going it alone and lifting the arms embargo against Bosnia unilaterally—against the better judgment of our European allies who have troops on the ground, and who have far more at stake than we do at this point.

We have spent little time during this debate discussing the actual details of the plan before us. But it is those details that will determine the success or failure of this approach.

For example, if the goal of lifting this embargo is to get arms to the Bosnians, how exactly will that be accomplished? Who will be supplying the arms? The language of the bill suggests that we can somehow preclude U.S. participation, but I am unclear as to how that can be achieved. If we act unilaterally, we may then be in a position of supplying not just arms, but also trainers and other U.S. military support personnel. Or, if we simply provide funds for the Bosnians to purchase arms, will we be supportive if they use United States funds to purchase arms from Russia—or Iran?

How do we keep United States supplied arms from falling into the wrong hands? This may be a particularly difficult problem if Russian arms are purchased—given that Russia has remained very close to the Serbs during this conflict.

More broadly, if we view the Bosnian crisis as a potential threat to European stability, then I believe we must approach the problem in concert with our European allies, despite how difficult this has been. They are strongly opposed to lifting the embargo, and have made it clear that if the United States lifts the Bosnian embargo, they will remove their peacekeepers. That will no doubt lead to a new wave of refugees in Europe. It is the Europeans who will have to deal with the immediate effects of any U.S. action. It will be their soldiers who are on the ground in Bosnia, and whose lives will be on the line.

Other questions remain.

Currently, the United States works with our allies to enforce the embargo. If we break it unilaterally, will our allies continue to try and enforce it, and if so, how will we deal with such conflicts?

The Croatians, too, have lost territory to the Serbs and would like to reclaim it. If we lift the embargo against Bosnia, why will we not be asked to do the same for Croatia?

And, if the United States acts unilaterally, this could lead some nations to question their commitment to other embargoes, such as the economic boycott of Iraq currently in place.

Mr. President, I am not prepared today to bury the multilateralism we have worked so hard to develop over the last 50 years with our allies.

And finally, if the U.N. peacekeepers are removed, the United States may find itself in a position of having to deploy our own troops to help in that evacuation. Have the American people been adequately prepared for the loss of life that may occur under those circumstances? On that question, Mr. President, I strongly believe we should take the matter to a vote of the House and Senate if a wider role for U.S. troops is requested, so that the American people are involved.

Let me make it clear that although I do not support the resolution before us today, I agree that the status quo is totally unacceptable. The handwringing of the West has been endless. Our actions have been irresolute and irresponsible.

It has been a mistake from the beginning to deploy U.N. peacekeepers in a situation where no peace exists. It is not the mission of U.N. peacekeepers to make peace. Their role is to try to keep the peace once a settlement to the conflict has been agreed upon. That is not the situation in the former Yugoslavia. In the words of the Secretary General, the West has delivered to the United Nations a "mission impossible."

Scores of peacekeepers have been killed—and countless wounded. They have been deployed as soldiers into a war zone, but without the arms and means to protect even themselves.

The peacekeepers have done their best under these horrid circumstances. They have saved countless thousands of lives. They have delivered vital humanitarian relief supplies. But they cannot be expected to resolve this war.

As I said in the beginning of my statement, we have come to this debate out of a deep sense of frustration.

This past weekend's ministerial level meetings in Europe produced a refinement of current allied strategy, but the current allied position remains tenuous and untested. We know that NATO's pinprick airstrikes are to be replaced by a NATO air campaign. We have been promised significant improvements in the duel-key command and control system, but confusion on this critical issue remains.

Overall, the agreement between the United States and our allies is extremely fragile, with important questions remaining about its implementation. Will, for example, the plan to protect Goradze become a policy and extend to other U.N. safehavens if they come under attack?

Fundamentally, is there a policy of resoluteness behind this site specific plan? If so, I have yet to hear it. And will the military officers on the ground finally be in control of military decisions, as opposed to the current situation where civilian U.N. officials can veto a military recommendation to initiate airstrikes. It is that situation which has led the Serbs to conclude that the West is nothing more than a paper tiger.

Rightfully frustrated by what appears to be yet more allied indecisivness, Senators voting today in support of the unilateral lifting of the embargo believe their action will contribute to a solution in Bosnia. For the sake of the Bosnians, and for the sake of the entire civilian population throughout the former Yugoslavia, I hope that they are right, and that this action brings the conflicting parties closer to the peace table.

But we have no way of knowing that will be the case.

Let me state clearly that I oppose unilaterally lifting the embargo for two basic reasons: At the core, this is a European issue. Our European allies are on the frontline, and they do not want us to act unilaterally. We have 50 years of solid NATO relations at stake, and I have strong concerns about the United States going it alone against our European allies who have troops on the ground and who have more at stake than we do as we go into this debate.

Second, and more important, if we do this, we have to be prepared to accept the consequences—we, the Senators of the U.S. Senate. The moment we lift the embargo, there is a strong chance the allies will leave and an all-out war will follow. If that is our choice, we will have to live with the resulting carnage. It is for those two reasons that I oppose this proposition before the Senate.

Mr. President, this is a debate with endless questions and few answers, but in my view history will far better be served if the United States continues to try to forge a consensus approach to this tragic situation, rather than adopt a go-it-alone strategy that may well have the unforeseen consequence of widening the war and escalating our own national involvement.

It is with a great deal of reluctance and sadness that I vote today in opposition to the amendment before the Senate.

Mr. WARNER. I yield myself such time as I may require. I am informed at the present time there will be an objection to any request to extend the amount of time now elapsing between 12:20 and 1:30, at which time the leaders have their time reserved.

Therefore, I ask the Senator from Arizona how much time is required?

Mr. KYL. Mr. President, 5 minutes.

Mr. WARNER. Could the Senator reduce it to 3?

Mr. KYL. I will do my best.

Mr. WARNER. I ask the Senator from Ohio [Mr. DEWINE], to reduce his time to 3 minutes.

The distinguished Senator from South Carolina, could we inquire as to the amount of time that the Senator desires?

Mr. THURMOND. Mr. President, 7 or 8 minutes.

Mr. WARNER. Could I ask the Senator to reduce that amount of time? We are rapidly running out of time.

Hopefully we can accommodate the Senator from Maine.

Mr. THURMOND. Can the Senator extend it to give me 7 minutes?

Mr. WARNER. I am told there will be an objection. Could we hopefully do 5 minutes?

Mr. THURMOND. I will try.

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

Mr. KYL. Mr. President, I want to strongly support the Dole-Lieberman resolution. It is frustrating for all because the moral imperatives here demand action, yet as has been noted by all of the other speakers, all actions are fraught with problems.

We all agree there are no good options. We all agree that lifting the arms embargo is not a panacea, but it will enable the Bosnian Moslems to defend themselves, which is their right under article 51 of the United Nations charter. It may hasten the day when the Serbs cease their aggression.

Ever since the United Nations extended diplomatic recognition to Bosnia and Herzegovina in 1992, I have believed that the United Nations should either act to get the United Nations to lift the 1991 embargo, or unilaterally lift that embargo to make it easier for the Moslem communities to defend themselves.

We all know that the Bosnian Serbs have an arsenal of weapons which they obtained largely from the Yugoslavian Army, also from Romania, the Soviet Union and other sources.

In Afghanistan, Cambodia, Nicaragua, and with the Kurds in Iraq, the United States helped those defending their families and territory to acquire the weapons to defend themselves. This situation is no different, Mr. President. That is why I support lifting the arms embargo.

While some negative consequences could result from lifting the arms embargo, it cannot be worse for the Bosnian Moslems than the death of 200,000 civilians, perhaps thousands of women raped, 2 million people left homeless, and the loss of 70 percent of their territory.

Albert Wohlsetter pointed out in an editorial entitled "Genocide by Embargo," "adherence to Security Council Resolution 727, even after the United Nations, European Community and the United States has recognized the independent status of the states of the former Yugoslavia, is a violation of article 51 of the U.N. Charter which acknowledges the right of self-defense." He says "The United States should now simply declare that there is no valid embargo on the sovereign nations who are the victims of continuing Serbian genocide."

Mr. President, shortly we will be voting on two amendments which seek to involve the United Nations. Of course, if the United Nations could quickly lift the arms embargo, that would be the best result. These amendments should not interpose between U.S. action immediately and lifting of the arms embargo by the rest of the world communities any requirements that would delay U.S. action.

That is why I believe we should first pass the Dole-Lieberman resolution which commits the United States to action, not dependent on what anyone else does. As former British Prime Minister Margaret Thatcher wrote in her recent letter to Senator DOLE, "American leadership is vital to bring order out of the present chaos. No country must be allowed to veto the action required to end the present catastrophe."

Mr. WARNER. Mr. President, I ask unanimous consent I may proceed for not to exceed 2 minutes on my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WARNER. Mr. President, it is important that the Senator from Maine be given an opportunity to propose an amendment which is in the nature of a second-degree amendment. I yield to him 2 minutes.

AMENDMENT NO. 1851 TO AMENDMENT NO. 1848

Mr. COHEN. Mr. President, last evening I took the floor to indicate that my expectation was that Senator NUNN would be offering an amendment that essentially would require President Clinton to go to the United Nations. A year ago in August, Senator NUNN and then Senator Mitchell also sponsored legislation requiring the President to go to the United Nations. The President did, but he did not seek a vote.

Under the Nunn amendment, as I understand it, he would require the President to seek a vote to lift the embargo on a multilateral basis. It is my expectation that if the President were required to do so, nonetheless we could anticipate that one of the members of the Security Council—be it Russia, be it France, be it any other member—would impose a veto or seek to prevent it from coming to a vote.

My amendment to the Nunn amendment would require that in the case that a vote is prevented or in case a veto is lodged, that the President would then go to the General Assembly of the United Nations which has voted—the membership of that has voted on two prior occasions overwhelmingly—to lift the embargo.

This would, in my judgment, meet the objections of our colleagues who are concerned about undermining our relationship and the United Nations or with NATO. This would give an opportunity for a multilateral lifting of the embargo and would preserve the integrity of the institution itself.

I believe it would resolve the problems that many of my colleagues feel now, acting unilaterally. This is an opportunity for the countries who have voiced their support for the lifting of that embargo on a multilateral basis to cast their vote. I believe we would accomplish our objectives. I intend to support the Dole resolution. I intend to support the Nunn amendment, and hopefully my colleagues will also support it.

Mr. President, I send to the desk my amendment in the second degree.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Maine [Mr. COHEN] proposes an amendment numbered 1851 to amendment No. 1848.

The amendment is as follows:

Strike the period at the end and insert in lieu thereof the following: "In the event the United Nations Security Council fails to adopt the resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina because of a lack of unanimity of the permanent members, thereby failing to exercise its primary responsibility for the maintenance of international peace and security, the United States shall promptly endeavor to bring the issue before the General Assembly for decision as provided for in the Assembly's Uniting for Peace Resolution of 1950."

Mr. THURMOND. Mr. President, I believe the Nunn amendment is sufficient to allow consideration of a multilateral lift of the arms embargo by our allies. The Nunn amendment provides the United States ample opportunity to consult to the greatest reasonable extent with our allies. As I said in my statement earlier, the time to act is now—not later. However, so that it can never be said that the United States did not allow every opportunity for the international community to support a multilateral lift of the arms embargo, I will support the Cohen second-degree amendment.

The PRESIDING OFFICER. The Senator from Ohio.

AMENDMENT NO. 1801

Mr. DEWINE. Mr. President, I rise today in support of the Dole-Lieberman bill.

Let me make very clear, however, at the outset, that I believe that this is a terrible way to have to make foreign policy.

The facts are that no congressional action can substitute for Presidential leadership. No congressional action can substitute for Presidential vision. There is no substitute for a clear and coherent U.S. foreign policy defined, articulated, and pursued by the President.

Congress cannot negotiate with our allies. Congress cannot open up a back channel. Congress cannot order airstrikes.

Therefore, this is a resolution that I am not particularly happy to have to endorse. I am sure that many of my colleagues share my intense dislike for congressional micromanagement of foreign affairs and foreign policy. I do not think, Mr. President, we should make a practice of acting as pseudo-Secretaries of State.

In fact, last week when the President called the majority leader and asked him to delay action on this resolution, I had hoped then that the President was going to lead. The events of last weekend and the last few days, as articulated by my colleague from Connecticut and my colleague from Virginia several hours ago, clearly shows this is not going to happen.

Mr. President, Congress cannot force the President to lead, but maybe Congress can push him towards leading. Indeed, we must do this. The stakes in Bosnia are great. This conflict is more than just a civil war. It involves more than just the tragedies we see on TV, however horrible they are. It also involves the question of the future of NATO and ultimately the stability of Europe.

We have to reassert U.S. leadership of NATO. We have to maintain NATO as a viable force. We have to prevent the spread of this conflict.

The administration simply does not have a coherent policy to achieve these ends. Crossing your fingers is not a policy.

To achieve these ends, you have to start changing the conditions on the ground. The bill before us outlines one way in which we could begin to do this.

Clearly, though, lifting the arms embargo is a moral imperative. It is the right thing to do. The administration may not have a foreign policy yet, but until they do we should at least give the Bosnians a chance to defend themselves.

The arms embargo is an unwise, outdated policy, enacted against a country that no longer exists. I am, however, troubled by the idea of a unilateral U.S. withdrawal from a collective engagement. That is why I intend to support the amendments of Senators COHEN and NUNN. We should go to the U.N. Security Council—and, if we fail there, the General Assembly—to make this an allied and not a purely American policy.

Mr. President, the handwriting is on the wall for the U.N. policy in Bosnia. The UNPROFOR troops are coming out—they are probably coming out whether we pass this resolution or not.

They are coming out for good reason. They simply have no constructive role to play under the rules of engagement.

Are the UNPROFOR troops supposed to stay in Bosnia just to die? Are they supposed to stay there just to be captured—just to serve as a shield for the aggressors? No. The writing is on the wall, and they are coming out.

We need the President to lead.

The President needs to explain to the American people what America's goals are in Bosnia—how, specifically, he intends to achieve them—what sacrifices the American people might have to make—and why.

We cannot do that here on the Senate floor, but somebody has to. And that somebody is the President of the United States.

On this issue, the administration is adrift. It is my hope that by passing this resolution, the Senate is recalling the President to his most important responsibility—to serve as Commander in Chief.

Mr. President, this problem will not just disappear. The only hope for a more positive resolution of this tragedy will come with Presidential leadership.

Mr. WARNER. Now, Mr. President, the distinguished senior Senator from South Carolina is about to address the Senate. I would like to make a further request for unanimous consent that the Senator from Minnesota [Mr. WELLSTONE] be granted 3 minutes following that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, last week I spoke on the floor about the situation in Bosnia—about the U.N. safe havens being overrun by the Bosnian Serbs and U.N. peacekeepers being taken hostage.

Since my statement on the floor, the United States and its allies, primarily Britain and France, met to discuss options. The result of those meetings was a stern warning that aggressive airstrikes would be used against the Bosnian Serbs if they try to overrun anymore U.N. safe havens, like Gorazde. The Bosnian Serbs reaction to that "stern warning" was to fire a barrage of shells into Sarajevo killing and wounding civilians. Members opposing S. 21 are asking that time be allowed for the new directive to use aggressive airstrikes against the Bosnian Serbs to work. In the meantime, the U.N. General Secretary is sitting in New York determining exactly what the use of aggressive airstrikes will include. And according to the news accounts today, he will retain the authority to veto any NATO recommendation to use aggressive airstrikes. Meanwhile, Zepa fell yesterday to the Bosnian Serbs, and Sarajevo continues to be shelled.

It is clear to me that the majority of Members in this body agree that the U.N. mission has failed—it is time for the U.N. protection forces to withdraw. Despite continued stern warnings and threats by the United Nations and NATO to use aggressive airstrikes, the Bosnian Serbs continue to defy the United Nations and NATO and continue to pose a danger to the civilians in the U.N. safe havens and the U.N. peacekeepers there to protect them. The time has come for the administration and our allies to quit wringing their hands about what to do in Bosnia and quit looking to the United Nations to make decisions on whether to use aggressive airstrikes to enforce peace in a country where there is no peace.

Mr. President, as I stated last week, the United States has no national security interests in Bosnia. The only interests the United States has with regard to the situation in Bosnia is to provide leadership and act responsibly as a member of the United Nations Security Council and as a member of NATO. It is time for the United Nations to withdraw its forces from Bosnia and to seek agreement to lift the arms embargo against Bosnia. Failing an agreement by the U.N. Security Council to lift the embargo, the United States should unilaterally lift the arms embargo so that the Bosnians can defend themselves. It is time for the Congress to show its leadership to ensure that U.S. credibility as a treaty partner and NATO ally. We must assist, if requested, in a NATO withdrawal of the U.N. protection forces from Bosnia.

I remain concerned that Members of this body did not actively engage in a discussion of U.S. support in a NATO withdrawal of UNPROFOR. The U.S. cannot stand by while our allies are in mortal danger during a withdrawal of UNPROFOR. As I stated last week, the damage to U.S. leadership, honor, prestige and credibility would be beyond calculation, if we do not send a clear signal now that the Congress will support the participation of U.S. troops in a withdrawal operation. It should be understood, however, that any U.S. participation in a U.N. withdrawal must be totally under NATO command and that there can be no dual key arrangement between the United Nations and NATO and there must be robust rules of engagement.

The situation facing this body is not complicated, but the demand for us to take decisive action is clear and urgent. The Dole-Lieberman substitute to S. 21 allows us to take action which is well defined and in the best interest of our Nation. The Dole-Lieberman substitute also serves the best interests of our Allies, to whom we have pledged our support in leaving what has become an impossible mission. I urge the Senate to support the Dole-Lieberman substitute to S. 21 and hope that our Allies join in this positive course of action.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I would like to pose a further unanimous-consent request, that from the time under the control of the distinguished majority leader, 4 minutes be granted to the Senator from Minnesota, now waiting to speak; that 3 minutes be granted to the Senator from Iowa; that 3 minutes be granted to the Senator from New Jersey [Mr. LAUTENBERG] who has been here; and my understanding is the Senator from New York [Mr. MOYNIHAN] is going to speak against the amendment, consequently he would take 5 minutes from the time under the control of the other side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, we have witnessed, over the last few months, especially the last 2 weeks, a sickening spectacle in Bosnia. Women raped for alleged sins committed by their ancestors centuries ago, torture, and the brutal cold-blooded murder of young Moslem men. Where are the Serbs taking these men, 12 years of age and older—if you want to call a 12-year-old a man? I have felt from the beginning we should be flying over, taking notes of the license plates, and making clear to the Serbs they will be held accountable for war crimes.

Mr. President, this is the never again—again. These are Nazi-like tactics, Nazi-like actions. That is what we are witnessing.

During the last 3 years, I have voted at various times both on the arms embargo and to find other ways that allies could respond to this aggression by the Serbs. And it does seem to me that the arms embargo must be lifted.

But if we are going to be intellectually honest, we need to think through all of the policy implications that accompany this momentous decision. If the UNPROFOR forces are going to be leaving, they have to have safe exit, and the international community, with the United States included, I believe, has to make a commitment.

What about the refugees themselves? I traveled to the former Yugoslavia, and I met with refugees. And I saw enough pain to last a lifetime. God forbid what is going to happen to them in the interim if U.N. forces withdraw and the Serbs just go on forward and we have more slaughter on top of slaughter. What is going to be our response and the response of the international community?

I say to my colleagues, I think this is a moral imperative, and we should end this. I hope it is multinational. But we should end this arms embargo.

But, please, Democrats and Republicans alike, do not think that now, all of a sudden, it is a level playing field. Do not make this a technical fix. Do not turn your gaze away from what is happening because we have other obligations that we must live up to. The people of Bosnia need our help. They deserve the right to defend themselves against brutal Serb aggression.

We should vote today to send a strong signal to the administration and to our allies that we must move forward forcefully on Bosnia before the entire U.N. operation collapses and the people of Bosnia are overrun altogether by the Serbs.

Mr. President, my colleagues, Senator LIEBERMAN, "never again" should mean "never again." Let us vote to send a strong signal to the rest of the world that we still believe in that proposition.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, regardless of which side you may be on in this debate, I think we can all agree on one thing. And that one thing we can all agree on is the lack of leadership this administration has displayed in this crisis. This administration under President Clinton has zigged and zagged and flipped and flopped more than a lost rabbit in an Iowa corn field.

This administration has huffed and puffed and bluffed it's way through this crisis for over 2 years now. I would agree that the prior Bush administration also made mistakes. But, those mistakes have been increased and expanded under a Clinton foreign policy that no one understands or respects. And, that includes our allies.

The only entity that has less respect is probably the United Nations. And who do we turn the responsibility over to? Of course, the Clinton administration has allowed the United Nations to define and control our policy.

Just a few examples of the multilateral ineptitude that's taken place including the following:

In November 1993, a Sarajevo schoolyard was shelled, killing 4 children and wounding 40. The Clinton administration responded by saying "We're not going to allow that city to be strangled, to be cut off, to be relentlessly attacked." What action was taken? None.

In May 1995, 200 U.N. peacekeepers were taken hostage and used as human shields against air strikes. We heard all kinds of protests and threats from the Clinton administration to the NATO Secretary General. What action was taken? None.

One of our planes was shot down recently thanks to the fact that the administration had neglected to provide missile jamming devices to our planes. And the pilot was hunted like an animal. Thankfully, the pilot was rescued. What action did we take against the aggressors? None.

Mr. President, in stark contrast, we see the leadership of Majority Leader DOLE. Senate DOLE has consistently moved forward with efforts to allow the Bosnian Government to exercise its inherent right to defend itself. Against many odds last year, including a hostile Clinton administration, and an uncooperative Congress, Senator DOLE forged ahead and made his case. Today, his case, which is the case for justice to the Bosnian Government, will finally win the day.

Of course, it may only be for a day or so, since the Clinton administration is adamant about continuing its incompetent course of disaster, by threatening to veto a unilateral lifting of the embargo. This of course, is another sad commentary on the administration's failed policy.

Mr. President, it is way beyond the time to finally act. And veto threats, notwithstanding, I urge my colleagues to do the right thing and support the Dole substitute amendment.

Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I thank the Chair.

I rise for the simple purpose of clarifying, to the degree that I am able, a point of law, a point of international practice, an American principle which is at issue in the first two amendments that we are going to consider. And I thank my friends from Virginia and Connecticut for allowing me this time.

A very brief proposition, sir, but a long history behind it: Article 24 of the charter, drafted in a time of great expectations for post-world war that did not come to pass, states that,

> In order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security, and agree that in carrying out its duties under this responsibility the Security Council act on their behalf.

Sir, this was at a time when we anticipated that the Security Council would have available to it armed forces from various member countries.

The Senate provided that the President could make available specific military units—the 6th Fleet, the 1st Marine Division. If once we had agreed in the Senate and in the Congress to do this, he could thereafter deploy them at will.

However, it was stated, and it was a matter of great concern in our delegation in San Francisco—Senator Vandenberg was most particularly concerned—that the powers of the Security Council would not interfere with the inherent right of individual or collective self-defense, which was the basic law of nations. Senator Vandenberg said that, if this was not provided in the charter explicitly, a reservation would be offered on this floor, and he would support it, and, in the end, it was agreed to. Then Republican adviser John Foster Dulles, was not that enthusiastic, but after much debate by the delegation it became the position of the United States that it had to be included in the charter.

Now, sir, here is the simple point, and I hope I can be heard on this. I speak as someone who was Permanent Representative to the United Nations under President Ford. I speak as someone who once served as the President of the Security Council.

If we adopt the two amendments before us, we concede that in the one instance, the Security Council, in the other, the General Assembly, has the right to deny the inherent right of individual or collective self-defense. If they have to vote to agree to the exercise of that right, then it is not a right itself; it is simply an authority that can be conferred by a higher body; to wit, the Security Council or the General Assembly.

I say once again, sir, this is an article of great concern to us. The Treaty of Chapultepec, the Western Hemisphere defense system, the Monroe Doctrine—all of those things were agreements which we were concerned might be limited by the charter, putting into question the inherent right of individual or collective self-defense.

If we ever concede, for whatever transient purposes of this moment, that the Security Council has the right to confer what becomes simply a privilege, not a right, or the General Assembly has the right to confer what becomes now a privilege, not a right, then we are in grossest ignorance and avoidance of the history of the charter and the text of the charter.

Mr. President, I hope we do not make this mistake. It would be something that 50 years ago on this floor would have been clearly understood. And we have not dealt with these issues much in the last half century. We may have become forgetful, although the revered former chairman of the Committee on Foreign Relations would remember. He was there.

I point out, sir, that the right of individual or collective self-defense is inherent. That is the language of the charter. The charter is simply a codification of rights. The right to self-defense being an inherent right, we cannot ever concede to the Security Council or to the General Assembly some authority to confer—let the right become operational, or however you like to say it—that right. It ceases at that point to be a right. It becomes a privilege to be conferred or denied.

I thank the Chair most specifically for his kindness and attention.

Mr. President, I ask unanimous consent that a memorandum of law be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM OF LAW

SUMMARY

The history of Article 51 demonstrates that any member state's obligation to defer to the Security Council in refraining from engaging in individual or collective self-defense is conditioned on the Security Council taking effective measures to restore peace and prevent aggression. The record further shows that unless this point was made clear in the Charter, the Senate probably would have taken a reservation on this point in giving its consent to ratification.

DISCUSSION

According to Ruth Russell's indispensable "A History of the United Nations Charter," the principle of the right of self defense was so unanimously agreed upon that initially there was no proposal to include in the Charter an express provision on this point. The bulk of the debate over the issue revolved around the desire of the U.S. delegation to confirm that the Security Council could not interfere with the "collective" right of self defense within the Americas under the Treaty of Chapultepec.

The American delegation initially considered opposing any express reservation on the grounds that it could only be used to restrict what was "inherent":

"When the [American] delegation made its paragraph-by-paragraph study of the Dumbarton Oaks Proposals, its most serious difficulties arose with . . . maintenance of peace and security. The enforcement aspects of the chapter were accepted without debate. The only point left unsettled was whether a specific reservation of the right of self-defense should be included. As this was agreed to be an inherent right of sovereignty, not deniable by the projected Charter, there was no controversy on the principle. The question, as it had earlier confronted American officials, was whether attempted definition would not defeat the very end desired by making possible a restrictive interpretation of the principle. The issue was left open. . . ."

Later the U.S. delegation had "acrimonious" debates about how to protect the right of the U.S. to engage in collective self-defense in the Western Hemisphere in the face of a "Great Power" veto. This passage is from Senator Vandenberg's diary:

"[John Foster] Dulles argued that there is nothing in Dumbarton Oaks which prohibits 'self-defense' and that under the Chapultepec agreement 'self-defense' in the Western Hemisphere is a partnership affair and that the Monroe Doctrine is still part of it. I served notice on the Delegation, as a matter of good faith, that if this question is not specifically cleared up on the Charter, I shall expect to see a Reservation on the subject in the Senate and that I shall support it."

A subsequent U.S. delegation statement of the U.S. position made it clear that states must be free to take action if the Security Council is frustrated by the use of the veto: "if any one of the Great Powers with a veto in the Security Council abuses its power . . . the Organization will have broken down and all states would then be free to take protective action."

When the U.S. finally proposed that there should be a formal recognition of the 'inherent" right of self-defense in order to protect its rights in the Western Hemisphere, the official U.S. position—endorsed by President Roosevelt—was explained as follows:

"Should the Security Council not succeed in preventing aggression, and should aggression occur by any state against any member state, such member state possesses the inherent right to take necessary measures for self-defense."

Ruth Russell explains that an express reservation on this point was in part necessitated because the delegation "faced a very

> practical problem in getting the treaty through the Senate."
>
> The British proposal on Article 51—which is very close to the final version—makes even more clear than the final text that the Security Council must act and act effectively if other states are to be expected to defer to it:
>
> "Nothing in this Charter should invalidate the right of self-defense against armed attack, either individual or collective, in the event of the Security Council failing to take the necessary steps to maintain or restore international peace and security."
>
> Interestingly, two of the last three paragraphs in Russell's 965-page history of the Charter concern the inherent right of self-defense. She was writing in 1958 and the "Great Power" veto had, of course, become very much a problem:
>
> "Responsible American officials assumed, it can be said with more accuracy, that if the desired cooperation did not materialize, a serious great-power split would probably lead to another world war, with or without the United Nations. Even if the Council could not guarantee the peace, they also pointed out, it could make clear the record. And as the Charter in no way abrogated the right of self-defense, which no nation was prepared to relinquish, action against aggression could still be taken outside the Organization. This was always an implicit assumption of American officials, although it was not made explicit until the San Francisco Conference.
>
> "There the right was recognized in Article 51, in both national and collective terms. If, therefore, the United Nations machinery for any reason could not function to maintain international peace and security, national power could be mobilized by the states on a regional or some other joint basis. The decisive factor, in that case, would be the willingness of other states to act against the recalcitrant state even at the cost of war. What experience has shown is that the desire to support such drastic action against disliked policies and countries is never as widespread as the willingness to condemn them. This was as true in the autumn of 1945 as it has been under the United Nations."

The PRESIDING OFFICER. Who yields time?

Mr. WARNER. Mr. President, does the Senator from New York require more time?

Mr. MOYNIHAN. I would only say the same thing over and over again. The right of self-defense—individual, collective—is inherent and in no way depends on the approval of the Security Council or the General Assembly or any other international body.

Mr. WARNER. Mr. President, I think he has very clearly stated his message.

Under the current unanimous-consent request, there are 3 minutes for the Senator from New Jersey.

Mr. President, I yield such time as to make that 5 minutes, 2 minutes additional.

To inform other Senators, that results in the expiration of the time under the control of the majority leader.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. I thank the Chair. I thank our colleague from Virginia for his graciousness in permitting me these 5 minutes. I know everybody is pulling at him, and I do not want to use any more time except to thank him for that.

Mr. President, if any of us were fence sitting or had doubts about what it was that we were witnessing, I think each day that has gone by in recent weeks has further confirmed that we no longer can stand idly by, that we must take action as befits our status as an international leader in terms of morality and humanity, a country that supports human rights almost above all else. Our very Constitution is based on law. And when we stand by idly, which we are being forced to do by the cowardice of our allies, then I think we become coconspirators, whether we like it or not.

Mr. President, as recently as this morning, we saw something that kind of confirms what the distinguished Senator from New York just said.

In a report from Brussels, the New York Times writes that:

> The allies agreed to make what one NATO official called a "strong recommendation" to Mr. Boutros-Ghali to leave it to his military field commanders on the ground in Gorazde and elsewhere to decide when the time has come to start bombing the Serbs if they attack. But since Mr. Boutros-Ghali has been extremely cautious about approval of airstrikes in the past, what was meant to sound like a roar in London 4 days ago appeared to have been throttled down to something more like a growl by the NATO Ambassadors.

That is the situation. But the killing does not stop. The attacks do not stop. The barbarism does not stop. And if one had at all any sense of rights, when you read the stories about what happened in Zepa and what happened before that in Srebrenica, where a woman was forced to drink the blood of her 16-year-old son after his throat was cut, barbarism of the most primitive and cruel fashion, we cannot stand by and permit that to happen.

Mr. President, last year, we gave a deadline of November 15 for our allies to get themselves together so that we could move multilaterally. What happened? Since then hundreds, thousands more have been killed, thousands abused, and more territory taken by the rogue government of the Bosnian Serbs—total disdain for world organization, for rules, for humanitarian conduct among people. It is shocking to see, and we ought not to permit it to go on any longer.

Now, I know, Mr. President, that we are embarking on a shaky course, but not to do anything is a far shakier course. And certainly coconspiring with the Bosnian Serbs to say that we will talk ourselves into the ground while you kill the Bosnian people, separating men from women, families, brothers from sisters, is terrible. It is terrible. And there is not a person here who could witness a crime like that taking place and not intervene at one's own peril—no one. No decent human being could walk by and permit that to happen.

Mr. President, yesterday I had a conversation with the Prime Minister of Bosnia, and I asked him the perennial question that seems to exist now, and that is: Are you not afraid that larger forces will come in and bring even more devastation? And he said, "Ask the 5,000 missing in Srebrenica whether or not they were afraid of more power coming against them."

Mr. President, he is not asking for much. He is asking for us to give them a chance to fight back, to untie the hands from behind their backs and give them the weapons necessary to defend themselves, as the Senator from New York so articulately stated just a couple of minutes ago.

It pains me to make this kind of a decision because we are going down a path we are not sure about. There is one thing I am sure about. I for one cannot permit the killing to take place, the barbarism to continue, without speaking out against it in a way that has significance.

I yield the floor.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I wish to say to my distinguished colleague from New Jersey that was a very powerful statement, and I hope it can be clearly understood and accepted by all. I certainly join him in his observation and very much respect his support of this important measure now before the Senate.

Mr. President, it is my understanding that would consume all the time under the control of the majority leader.

The PRESIDING OFFICER. The time under the control of the majority leader has been consumed.

Mr. WARNER. I yield the floor.

Mr. LIEBERMAN addressed the Chair.

The PRESIDING OFFICER (Mr. SHELBY). The Senator from Connecticut.

Mr. LIEBERMAN. Noting the absence in the Chamber of any colleagues wishing to speak on the other side, I rise to say a few words with the understanding that as soon as or even before I see someone else who wishes to speak, I will yield the floor.

Mr. President, this has been, since we began it yesterday afternoon at 2:15 p.m., a very important, very serious, very heartfelt debate, and I thank my colleagues for, no matter which side they are on, appreciating the seriousness of what we are doing here and for reflecting that seriousness in their remarks.

I just want to say a few words in closing. Of course, Senator DOLE will speak in leader's time a little bit later.

No matter what any of those in opposition to the proposal that Senator DOLE and I and others of both parties have made, no matter what arguments have been made—that it would cause bloodshed, it would Americanize the war, it would do offense to our allies, all of which arguments I feel we have rebutted—one thing stands out. No one has come to the floor of this Senate to say that the arms embargo is justified or should stay in place. No one has supported the arms embargo. Everyone who has said they will be voting against our measure to lift the arms embargo will do so because of their fear of what might happen—the war might be widened; it does not give a proper opportunity for the London communique, as flawed as Senator WARNER and I indicated we believed it was earlier in the morning, or did not give time for the London communique to go into effect. But I have not heard anyone come here and justify the arms embargo, because it is unjustifiable.

As Senator MOYNIHAN said, in what might be called an articulation of a natural rights theory of international law, quite valid, to suggest that this is a right of self-defense that must be granted or can be taken away by an international body is wrong. It is conveyed as a right under the charter of the United Nations. I would say under any theory of natural rights that people have individually or acting collectively. Again, remember that it was imposed in 1991 on Yugoslavia, which no longer exists, on the premise that it might help stop a war from breaking out because it would keep weapons from pouring into that area, encouraged—in fact, requested by Milosevic in Belgrade. Why? Because he knew he had a monopoly of the weapons and munitions, supported by a well-meaning world. But what was its justification to support it after war broke out, and after the Serbs invaded Slovenia, Croatia, Bosnia and began to kill and remove from their homes hundreds of thousands of people, millions of refugees? This is an illegal act. It is an immoral act, and has consequences on the victims. And it is invalid.

Some have said if we lift this arms embargo, what about the other international policies of sanctions against Iran and Iraq and Libya? Is any Member of the Chamber prepared to compare the behavior of Iran to that of the Bosnian people or Libya to Bosnia or Iraq to Bosnia? And in every other one of those cases, those nations violated international law, international norms. The Bosnians have done no such thing. And they have been the victims of this embargo. Just think if anyone stood up today, the embargo had not been in effect since 1991, and proposed an arms embargo on the nations in the former Yugoslavia, no one would support it. It is so self-evidently unfair, and unfortunately in its consequences brutally deadly.

So, I take some heart from the fact that the opposition to the proposal that we have made to lift the arms embargo has not featured anyone saying that the embargo was or is justified in their feature arguments of what might happen if the embargo was lifted.

Does the Senator from North Dakota wish to speak?

Mr. DORGAN. Let me, Mr. President, if I might. I would like the ask the Senator from Connecticut to yield for a question.

Mr. LIEBERMAN. I would be glad to.

Mr. DORGAN. I have been enormously torn by this issue. Much of what the Senator from Connecticut and the Senator from Kansas and others have expressed on the floor is real anguish. There is real anguish about, I think, a moral problem confronting the world with respect to what is happening in the Balkans. I know there has been a lot of criticism on the floor that the current policy does not work, the President does not have a policy, and so on.

Frankly, I have not heard anyone else on the floor express what policy they would work in the Balkans. This resolution, as I understand it, is a policy that simply says lift the arms embargo. That is not, of course, a policy to end the war. It is a policy, as the Senator from Connecticut describes, to try to even the odds. But to those who say there is no policy, I would say that I am very anxious to hear, what do they think will solve this problem in the Balkans?

What is happening there is grotesque. Unspeakable horrors are being visited upon innocent civilians. I read yesterday of Dutch observers, Dutch soldiers coming back who describe what is happening. And there are other reports from reputable sources. What is being visited upon the Bosnian Moslems can only be described as a horror. And we must care about that and deal with it and respond to it.

Yet I would ask the Senator this question. Here is what troubles me. We have not—the United States—put U.S. troops on the ground in the Balkans. I do not think we should. And I would not support us doing so. But other countries have. The British have. The French have. The Ukrainians have. The Dutch have. Other countries have put their troops on the ground in harm's way in that region.

It troubles me at this point for us, who have not put troops on the ground, and I do not think we should, to say to those countries who have, that we do not care what you think about the proper policy in Bosnia. This bill tells our allies that we do not care that you believe the arms embargo ought to continue. We will decide unilaterally that the arms embargo should not continue. That is what I am torn by. That is what I am troubled by.

Other countries have made a troop commitment on the ground. And they still say they believe that we ought to act together on lifting the embargo. And they are not yet willing, as I understand it, to decide that the arms embargo ought to be lifted.

I wonder if the Senator could respond to this general question. How does one look at what our allies have done, that we have not done, and then respond that we can unilaterally decide on an arms embargo without caring what their position is?

Mr. LIEBERMAN. Mr. President, I thank my friend and colleague from North Dakota. Actually, I have watched him as he has been listening to this debate. I have seen, because I know him, his own struggling and anguish about this. And I respect the seriousness with which he has gone out, and the sincerity and the relevance of the questions that he asks now.

Let me answer the two questions. In the first place, what is the policy? Who can offer a policy that will do any better than what is happened now? I will say to my friend, the policy that the Western World and the world has followed up until now, which is to send the United Nations into what I consider to be a mission impossible, to keep the peace where there was only war has not worked.

The London communique raised some hope that it might begin to work if the allies can get together and use their air power to give some meaning to the word "safe" as applied to safe areas. Right now they are the furthest things from safe. Combined with that the very weak and confused U.N. presence, the continued arms embargo, that has been the policy up until now.

I judge that to be a failure. It has not stopped Serbian aggression and not stopped the suffering of the Bosnian people and it has done terrible damage to the credibility of the United Nations, NATO, and unfortunately the United States.

The alternative policy, the preferable policy, which is in part implemented by the proposal that we will vote on in awhile, is the so-called lift-and-strike policy that in fact President Clinton adopted in the 1992 campaign and carried with him into 1993 and to the Presidency. He was frustrated in his desire to implement that lift-and-strike policy in the spring of 1993 when our allies in Europe refused to go along.

So what we are asking in putting this proposal here is to begin to finally, though the hour is late and ever more difficult in Bosnia, to implement the lift-and-strike policy. Lifting through this action and striking hopefully through the broadening of the measures agreed to and the toughening of the measures agreed to in the London communique.

Mr. DORGAN. If I might ask a question about that point. That suggests somehow that the strategy of dealing with the conflict in Bosnia is to rely on air power. And I tell you, I have been in meetings where Colin Powell, when he was Chairman of the Joint Chiefs of

Staff, and others described for us how air power might be used in the Balkans. It is a much different circumstance than using air power in the desert, where folks would run their tanks out into the middle of the open desert and we would send airplanes over to bomb the tanks. I wonder whether the Senator believes that air power eventually is what is going to resolve the conflict in the Balkans?

Mr. LIEBERMAN. No. I agree with Senators and others who have spoken that air power can help but never decide the conflict. But when combined with the considerable Bosnian military force on the ground, finally fully armed, I think it is a winning combination.

I say to my friend I note the presence on the floor of the Senator from Georgia. I do not want to impinge on his time. I would simply answer the second question raised about the troops on the ground and the allied nations that I hope that the U.N. mission can be fortified as a result of the London communique. I am doubtful based on the conflicting messages that have come out of late, but it does seem to me the lifting of the embargo does stand separately because it is an illegal and invalid act and it can stand alongside the continued presence of the U.N. troops.

However, responding to concerns expressed, I think appropriately, by the Senator from Georgia and others, Senator DOLE and I made a substantial change in the proposal to lift the arms embargo from the measure we introduced last year to say the embargo would not be lifted until the allies on the ground had the chance to exit if, in fact, they chose to exit.

I will say finally, as the Senator from North Dakota considers how to vote, it seems to me—and I must say of all the reasons given for voting against our proposal, the one that has most profoundly troubled me is the suggestion that it would cause more bloodshed. Here I think we owe it to the victims, those who have shed their blood, to listen to them and not to make a paternalistic judgment for them about what may be better for them. They are the ones who have suffered.

I close, finally, with words from a letter of Prime Minister Silajdzic of Bosnia, who said:

> Our people ask that we be allowed only our right to defend ourselves. It is on their behalf that I appeal to the American people and Government to untie our hands so that we may protect ourselves. The slaughter has gone far enough. My people insist that they would rather die while standing and fighting than on their knees. In God's name, we ask that you lift the arms embargo.

I thank the Chair and yield the floor.

Mr. NUNN. Mr. President, I do not want to interrupt my friend from Connecticut. I do want to get started on my remarks. I understand I have 20 minutes.

The PRESIDING OFFICER. A little under 20 minutes.

AMENDMENT NO. 1848

Mr. NUNN. Mr. President, I would like to begin my remarks by briefly reviewing the history of the Bosnian debate that has taken place in the Senate not over the last 3 or 4 years, but over the last 12 months.

As most Senators will recall, last July during the consideration of Department of Defense Authorization Act for fiscal year 1995, the Senate debated two competing amendments. One, sponsored by Senators DOLE and LIEBERMAN, would have unilaterally lifted the arms embargo upon the request of the Bosnian Government. The other, sponsored by Senator Mitchell and me, expressed the sense of Congress that there should be a multilateral lift of the arms embargo.

I know it has been pointed out, but the Dole-Lieberman amendment we now have before us is not a lift-first-then-leave policy; it is a leave-first-and-then-lift policy, and that point needs to be emphasized. This is not the same Dole-Lieberman amendment we had last year.

The Dole-Lieberman amendment last year failed on a 50 to 50 vote, and the Mitchell-Nunn amendment was adopted on a vote of 52–48. Later, on the Department of Defense appropriations bill, another vote was taken, and the Dole amendment was adopted and the Mitchell-Nunn amendment was adopted again.

During the House-Senate conference on the authorization bill, with both of these amendments on the authorization bill, the House bill had a unilateral lift provision that passed by a significant margin in the House. The Senate bill had the Mitchell-Nunn provision I already described. The compromise provision, worked out during conference, stated as general United States policy that the United States should exercise leadership within the international community to cause the Bosnian Serbs to accept the contact group proposal. It also called for such leadership to be taken on three separate, but complementary tracks, as follows, and these are important as background for this vote today:

First, there was an international track policy that if the Bosnian Serbs did not accept the contact group's peace proposal by October 15, 1994, the President should formally introduce and support a resolution within the U.N. Security Council to lift the Bosnian arms embargo multilaterally. The provision was not mandatory because the President wrote to the conferees committing his administration to introduce and support such a resolution in the Security Council. The administration did as they committed they would do to the conferees, but they did not press the resolution to a vote because they determined that it would not pass.

The second part of the provision in that authorization bill, a compromise between the House and Senate, was a unilateral U.S. policy track. It provided that if the U.N. Security Council did not lift the Bosnian arms embargo, then, first, no funds could be used to enforce the arms embargo on the Bosnian Government other than as required of all U.N. member states, and that has been the law since last year. We have not been enforcing the embargo according to the law. We have been respecting it, not enforcing it, with our money and with our forces.

Second, the President shall submit a plan to and consult with the Congress on the manner in which U.S. Armed Forces and the forces of friendly states would provide training to the Bosnian army outside Bosnia.

And, third, the President should submit a plan to consult with the Congress regarding the unilateral termination of the Bosnian arms embargo and the implications thereof.

The third and final part of last year's authorization bill, which I think perhaps was its most relevant part to where we are now, was an interim policy track. It provided that if the Bosnian Serbs attacked any safe areas, the President should promptly, formally introduce and support in the U.N. Security Council a resolution that selectively lifts the Bosnian arms embargo in order to allow the provision of defensive weapons, such as antitank weapons, counter-battery radars and mortars, to enable the Bosnian Government to defend the safe areas.

Mr. President, to my knowledge, the Clinton administration did not introduce a resolution in the U.N. Security Council to selectively lift the Bosnian arms embargo when the Bosnian Serbs attacked and overran the safe areas just recently. I consider it unconscionable for the United Nations protected safe areas to be overrun, with the Bosnian defenders being unable to defend because they are denied defensive weapons, and the United Nations is unwilling or unable to defend these safe areas. We declared that policy last year in the authorization bill. We gave the President congressional instructions, short of a mandate, but instructions as to what should be done. It has not been done.

The United States, our allies, and the United Nations have reached the point in Bosnia of making a fundamental change in policy or beginning to withdraw. A continuation of the present policy is a prescription for continued tragedy on the ground in Bosnia and continued erosion of U.N., NATO, and United States credibility in Europe and throughout the world.

The Clinton administration favors the continued presence of the U.N. forces in Bosnia, as well as a vigorous use of NATO air power to save the remaining safe areas. But a number of fundamental questions about this strategy remain unanswered.

First, have our NATO allies truly signed on to a substantial and decisive use of air power, hitting lucrative targets, if Gorazde is attacked?

Second, is NATO willing to continue its air attacks as required, even if hostages are taken or the Serbs begin killing substantial numbers of U.N. personnel?

Third, are we protecting only Gorazde or are other safe areas included? If not, what does the term "U.N. safe area" mean at this point in time when two have fallen and only one is clearly designated as being protected? Will the United Nations divide safe areas into three classes—fallen safe areas, about-to-fall safe areas and safe-safe areas? It appears that is taking place.

Fourth, does the so-called dual-key arrangement remain in effect? This morning's New York Times reports from Brussels that British and French officials in NATO really do not want the United Nations to give up its dual key. If accurate, this would directly contradict the administration's understanding and explanation of the London conference.

Fifth, if NATO and the United Nations really intend vigorous airstrikes, why are U.N. personnel not being moved out of harm's way, both as a protective measure and as an indication of the dead seriousness of NATO's new resolve?

Sixth, if there is an allied diplomatic strategy to go along with its London policy, what is it? I have not seen it.

Will the United States continue to insist on a just settlement—I put those words in quotes because they have been used so many times in both editorials and in debate—insist on a just settlement to the conflict, but also remain unwilling to commit American resources for a just settlement and remain unwilling to admit that there will never be a just settlement unless the United Nations and NATO are willing to impose it by force?

That question is not simply for the administration, but for many in Congress, for many in the news media that keep talking about a just settlement but never, ever, complete the logic that it requires the use of force to impose it. Otherwise, it is not going to happen. And the use of force is most likely going to have to be outside force, including U.S. force.

Mr. President, these open questions make it clear to me that the United Nations, the NATO policy, and the U.S. Government altogether have no coherent strategy regarding Bosnia.

To many Members of Congress, the Dole-Lieberman proposal is more attractive than the current policy, primarily because it has not yet been tried and tested. This proposal also is far from complete or coherent. It has taken on a very large and, I believe, exaggerated significance, both by its supporters and by its critics, and many of its critics continue to describe it as it was last year without acknowledging it has changed.

A number of key questions are not answered or even acknowledged by the Dole-Lieberman proposal that we will vote on this afternoon. I will add quickly, that both Senators DOLE and LIEBERMAN have addressed some of these policies in their oral statements.

Most of these are not in any way part of this deliberation, because they are not going to be voted on. It is not in the proposal.

First, there is a large question that must be answered by the supporters of the Dole-Lieberman proposal, which encourages U.N. withdrawal—and when we vote on it today, that is what we will be doing. We will not mandate. We will be encouraging it. We will be giving an incentive.

Are the supporters prepared to back President Clinton's public commitment and private commitment to assist in the U.N. withdrawal with U.S. ground forces, if required? We are calling for the withdrawal. The President has said we will help the withdrawal, if it takes place, with ground forces, if necessary.

But we ignore that question. We act like it does not exist. We act like that is not even part of the equation, if we can simply vote on the part we like here—lifting—but not face the implications of the part we do not like; that is, U.S. ground forces committed. The Dole-Lieberman proposal's silence on this point, I am afraid, speaks loudly to the world.

Second, will the United States furnish equipment like artillery, tanks, and antitank weapons when the embargo is lifted? If we will not do it directly, will we help facilitate that delivery? Will the allies also lift the embargo? If they continue the embargo, will we forcibly break the embargo by delivering equipment? Will Russia unilaterally lift its embargo on Serbia, as it has said it will do over and over again? If that is the case, will there be a net gain for the Bosnian Government?

Third, and perhaps more importantly, will the United States help train the Bosnian forces, or at least help facilitate the training? Training is needed more than equipment. Equipment is part of the equation, and an important part, but training is sadly lacking. It has to take place. Someone has to do it. When will it take place? Where will it take place? Who will do it? Will the United States help?

Silence on this key set of questions is what we have, and what we will be voting on. Silence.

Fourth, do the authors of the Dole-Lieberman amendment envision defensive or offensive equipment flowing to Bosnia, or both? Understandably but unfortunately, in order to secure votes for passage of the Dole-Lieberman amendment, it addresses these key questions—training, supplies, equipment—it addresses these key questions only by silence, plus one paragraph. That is a negative paragraph on page 5, section 4(e) which states as follows:

> Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

That is what this says. We are not going to help them with training. We are not going to help them with equipment. We have no authorization. We will not let any American forces on the ground. All of this somehow wondrously is supposed to take place.

Fifth, considering the implication of this paragraph, who will provide close air support to protect the few remaining safe areas when the U.N. forces begin pulling out, as envisioned by the Dole-Lieberman bill? Who will have the forward air observers on the ground to designate targets for our aircraft if the United States conducts airstrikes to protect against Bosnian Serb offensives? And as the United Nations starts pulling out—and it will take anywhere from 7 weeks to 22 weeks—and the Bosnian Serbs go on the offensive, and there are no close air observers there plugged in, with training, with NATO equipment, how are we going to have airstrikes that go after targets unless they are fixed targets? We can go after fixed targets, but what about the moving targets? Believe me, those on the attack will be moving. Will we ask for British and French to provide the protection while the United Nations is pulling out prior to the lifting of the embargo and the necessary weeks of training of the Bosnian forces?

Again, these are unanswered questions.

Mr. President, I feel the Senate is faced with a choice between two incoherent policies. In these circumstances, our Nation would be better off if we made impassioned speeches and avoided passing a law.

The Dole-Lieberman amendment does not face up to the reality of the situation on the ground where the Bosnian Serbs occupy between 70 and 80 percent of the territory in Bosnia and have a decided advantage in heavy weapons.

Mr. President, I pointed out many flaws with the current policy and with the Dole-Lieberman proposal. Even with these flaws, however, in the legislative proposal, the Dole-Lieberman bill is much improved over the earlier provisions.

It has been mischaracterized by the administration, our allies, and the U.S. press. Yes, it requires a unilateral lifting of the Bosnian arms embargo, but it does so only after the U.N. forces are withdrawn from Bosnia. It does not mandate that UNPROFOR withdraw from Bosnia. It places a responsibility upon the Government of Bosnia to make the difficult choice of requesting that the United Nations withdraw its forces, with all the attendant consequences, including the loss of humanitarian relief supplies, of such a withdrawal.

This is not going to be an easy decision for the Bosnian Government.

The Rapid Reaction Force, consisting of our French, British, and Dutch allies, has deployed to the Sarajevo area with the intention of countering Bosnian Serb attacks on U.N. forces there, including those U.N. forces who are escorting humanitarian relief convoys.

NATO is apparently determined to conduct robust air action to counter the Bosnian Serbs' attack on Gorazde, a determination that will hopefully be extended to other safe areas, Bihac and others, if necessary.

If these actions are carried out successfully, and if this bill is ultimately enacted into law, the Bosnian Government will be faced with a very difficult decision, a difficult decision that I do not believe we can predict with certainty.

One choice they will have is to keep the United Nations in Bosnia, which means a continuation of the effort to protect the flow of humanitarian relief supplies to the Bosnian people and some degree of protection for at least the safe area of Gorazde and perhaps Sarajevo.

The other choice the Bosnian Government will face is to have the U.N. forces withdrawn and have the arms embargo lifted by the United States after the U.N. forces are out of Bosnia, which may —I say may—result in their acquiring more heavy arms and equipment and may result in a continuation of air defense and airstrikes by the United States or some other nation.

Mr. President, there have been assertions over the last week or so that various actions will Americanize the conflict in Bosnia. I think those who say that about either the current policy or the Dole-Lieberman amendment are accurate. In my view, with either policy choice we are given today, there is a danger that the conflict will increasingly be Americanized.

Mr. President, neither the current policy of the United Nations and NATO, nor the Dole-Lieberman approach, in my view, are coherent policies.

The administration has worked diligently in the last few days to bring about change in the current policy in Bosnia. It has fallen short of the mark.

Mr. President, the United States, our allies, and the United Nations have reached a critical juncture in Bosnia. I believe that the actions of UNPROFOR, particularly the actions of the Rapid Reaction Force to ensure the delivery of humanitarian relief supplies to the people of Sarajevo, and the actions of NATO to deter or, if necessary, repel attacks on Gorazde, and hopefully the other remaining safe areas, will in the final analysis, determine the outcome of the Dole-Lieberman amendment. Not only the outcome as to whether it becomes law, but what happens if it does become law, and what the Bosnian Government does when the ball is in its court.

When this bill passes, it will probably be accepted by the House of Representatives and sent to the President in the next few days. The President will undoubtedly, as he said, veto the Dole-Lieberman bill, and Congress will vote whether to override the President's veto.

Mr. President, in spite of its flaws, I will vote for the Dole-Lieberman bill today even with all of its defects, as a way of expressing my strong feeling on two key points: First, the current U.N.-NATO policy in Bosnia is a failure and, without dramatic change, will continue to erode the credibility of the NATO alliance and the United States worldwide; second, the ability of the Bosnian Serbs to overrun the so-called safe areas without the United Nations taking decisive steps to prevent that, and the commission of unlawful acts in capturing the safe areas and in mistreating innocent civilians by the thousands clearly demonstrate that the continuation of the arms embargo is both untenable, immoral and unjustified.

Mr. President, this embargo should be lifted the way it was imposed—multilaterally, and, in the final analysis, unilaterally, if absolutely necessary. It is my hope that the Nunn amendment, which will express that order of priorities, will pass when it is voted on in a few minutes, because it makes it clear that even though the odds are against the Security Council lifting the embargo multilaterally, we ought to at least try to get it lifted multilaterally before we do so unilaterally. Otherwise, we will truly meet ourselves coming back, in terms of our embargo on Iraq, Libya, and perhaps other places in the world as events unfold.

Mr. President, I believe that, even after this bill passes and after it goes to the President and after it is vetoed, if it is, I believe that all of us—whichever side of this argument we are on or where we have been—need to carefully review the developments on the ground in Bosnia, and particularly the performance of the United Nations and NATO in the coming days.

I will decide and I will cast my vote on the inevitable question of overriding the President's veto, based upon these events that will unfold.

Mr. President, I yield back any remaining time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I certainly wish to express to my good friend and colleague of these many years my own appreciation for his supporting the underlying measure by the distinguished majority leader and the Senator from Connecticut. The Senator from Georgia and I have worked in this arena for many, many years together. I have always had a profound respect for his ability to get right to the heart of an issue and to express, irrespective of politics or partisan issues, what he thinks is in the best interests of the country. Again, I appreciate his joining here today.

I would like to see if I could clarify one part of my colleague's remarks. He addressed the rapid reaction force, which today is reported to be taking positions in the Sarajevo area. If I understood the Senator, he felt how they carried out that mission might well have a very strong bearing on the future of this legislation.

Mr. NUNN. That mission, as well as protecting the other safe areas as designated, as well as enforcing the other mandates that have thus far been rather ineffectively enforced; not solely that issue but including that issue.

Mr. WARNER. But as I look through the press reports and other information that is available to the Senate, it is not clear to me the extent to which those rapid reaction forces augmenting the UNPROFOR forces in Sarajevo will be used for any mission other than protecting the UNPROFOR forces in the carrying out of the mission, namely of delivering food, medicine, and the like to that area.

Is it the Senator's understanding that they would participate in the protection of the civilians if it is unrelated to the mission of UNPROFOR?

Mr. NUNN. I say to my friend from Virginia, I am not clear on that point. I do not know that there is a clear policy.

Obviously, if you keep the road open, as those forces are pledged to do, that helps the humanitarian mission of getting the supplies through. Whether they would respond to artillery shelling of the city if it does not hit U.N. personnel, I do not have an answer to that. It seems to me, when you have a safe haven and that safe haven is being grossly violated, if it means anything at all it ought to be enforced. But I do not have the knowledge to speak to what their intention is at this point in time.

Obviously, the United States does not have forces there and this would be a decision made by the United Nations and by our allies who have forces on the ground.

Mr. WARNER. Mr. President, that is my understanding, that it is certainly unclear at this point in time the extent to which they would engage in retaliating or defending or whatever word you wish to use, against these prolonged, continuous attacks on the Bosnian Serbs. I just hope the Senate, indeed others following this debate worldwide, do not attach too much significance to the presence of those rapid reaction forces until such time as we have a much clearer idea as to their mission and their capabilities of carrying out that mission.

This is a relatively small number of combat arms that are being placed in that area by the rapid reaction forces; in comparison to the order of battle, after the Bosnian Serbs.

Mr. NUNN. I say to my friend from Virginia, he may be right on that. I think we will have to wait and see how the events unfold.

Mr. THURMOND. Mr. President, I rise in support of the Nunn amendment to the Dole-Lieberman substitute to S. 21. The Nunn amendment recognizes that it is the Bosnian Serbs who have rejected the agreement reached by the contact group. The amendment also places the responsibility of seeking a multilateral lift of the arms embargo on the administration. Failing an agreement of the U.N. Security Council to multilaterally lift the arms embargo, the United States has no alternative but to unilaterally lift the arms embargo, pending a withdrawal of UNPROFOR.

The PRESIDING OFFICER. The Democratic leader is recognized for 10 minutes.

Mr. DASCHLE. Mr. President, we are about to vote, and I would like, simply, to summarize, as best I can, the situation as many of us understand it to be this afternoon.

As we begin, I think there is much about which there is complete agreement. We all agree that the current situation is horrifying—the ethnic cleansing, the violence, the violation of human rights, pictures on television, all of which we believe we simply should not tolerate. We all agree that the status quo is untenable. Zepa fell yesterday, and there continues to be Serbian aggression in areas throughout Bosnia that we are simply unwilling to accept. We all agree that lifting the embargo is desirable. And we agree that the Bosnians ought to be able to defend themselves. We agree on all of those points. I do not think there is a Senator in the Chamber who would disagree on any of that.

The issue before us is not a question of if we lift the embargo, but how. How do we lift it so we can enable the Bosnians to fight for themselves but protect our other vital United States interests as well? That is the issue.

We have a number of specific questions relating to this embargo that go beyond enabling the Bosnians to help themselves, and on that issue, the question of how we keep in balance, in proper perspective, all of these various aspects of the decision. I am afraid our decisions are being driven as much by emotions as they are by the facts, as they are by the cool consideration of the consequences of lifting the embargo unilaterally this afternoon.

That is understandable. We see the Serbian atrocities and we want to respond. We see a one-sided war spreading day by day, and by all that is right we want to scream, "Enough. Enough." We want to be able to help in some way, because all too often countries have stood by while atrocities of this kind have been perpetrated. And we want no part of that.

We are united by that outrage, by that contempt. We are united by the resolve to do something more. And I understand that, as does every Senator in the Chamber this afternoon.

What divides us, what really divides us, is how best to transform resolve into action. Really, the question is, as we try to come to some agreement as to what our action ought to be—the question is, do we give NATO and the United Nations one more chance to succeed? Do we give them one more chance to act to stop Serb aggression before we lift the embargo? Or must we lift it right now, unilaterally?

The President has made himself very clear. The President has urged us to give our united efforts that chance. The President has urged us to recognize the purpose of our alliances, to demonstrate our commitment to multilateral efforts. How many times have we said to the United Nations and to other members of the world community: We need your help. We need your cooperation. We need your participation?

How many times did we send people to Britain and to France and to countries all over the world during the Persian Gulf war saying, "Help us, this is a united effort"? How many times did we go to other countries and say, "We have to put some constraints on Libya, or on Cuba"? And will we, at some point in the future, go to our allies and say, "We need your help with North Korea, with China"?

That is what the President is asking us to bear in mind as we make the decision we must this afternoon. The choice is clear. Recognizing our desire to lift the embargo, do we give this effort another chance, recognizing that progress has been made in the last few days? Recognizing that, at some point, time does run out, do we allow them the opportunity to demonstrate, with whatever resolve we can muster, that in the remaining weeks before winter sets in that we use all of the muscle, all of the force, all of the resolve that we in a united way can muster, or face the consequences of unilateral action which could lead this country to great peril and, frankly, to very disturbing precedents?

A unilateral lift means in large measure unilateral responsibility. A unilateral lift means accelerated deployment of U.S. forces, and on that there can be no question. If we lift, they leave. If we lift, we help them leave. If we lift, we are there, and the action spreads. And then what? A unilateral lift means the possibility of the disintegration of NATO.

What do we tell our NATO allies, that this organization, which has stood now for 50 years—ironically we celebrated that anniversary this year—what do we tell them the next time they come to us or we go to them? "Well, as long as everything is going OK, as long as it is comfortable for us, we will join you. But, you know, if things get rough, if we disagree with you, we have the right to say NATO does not matter anymore. NATO is not going to be an alliance. We are going to pick and choose for ourselves whether or not and when we want to be involved in NATO."

Do we really want to send that message to our NATO allies? Do we really want to say NATO does not count? Do we really want to suffer the consequences of a disintegrated NATO with all that is going on in Europe today?

A unilateral lift means the demise of other multilateral embargoes. Let there be no mistake about that either. I do not know how we tell our allies we still need them in the Persian Gulf, we still need them in Libya, and, by the way, we do not want you to send anything to Cuba. How do we say that with a straight face, Mr. President?

A unilateral lift could dramatically undermine our President and this country's credibility. If we roll over the President this afternoon, then what? "Go out there, Mr. President. We are united, Democrats and Republicans. We want you, as the Commander in Chief and as the articulator of foreign policy, to go do your thing. We are just going to roll over you when we decide we do not like what you are doing."

What kind of standing is this country going to have with all of the world? We have one President at a time. We have one Commander in Chief at a time. We have a State Department that we delegate responsibility to, to create foreign policy.

A unilateral lift, Mr. President, unfortunately may not even work; arms may not even get through. We are talking here about 3 months before anything actually reaches Bosnia. That assumes that we can get through Croatia, that the Croatian ports will be open, that the lines will be available to us. It means that somehow we have all that worked out but our allies, after we have ignored their pleas, are going to agree to end the embargo and allow our supplies to get through into Bosnia.

Then, what if arms are not enough? What if our allies have gone? What happens then, Mr. President? What happens when we find out 6, 8 months from now that this did not work, and our allies are gone and the horrific acts that we see on television right now are continuing? What happens then when the Bosnians come to us and say, "We need your help; you have seen what we have seen on television, and we cannot tolerate this."?

Will we send troops to stop the spread of the war to Macedonia or Kosovo, or, God forbid, Turkey or Greece? What then? Are we still going to make these courageous speeches about how horrifying and difficult it is for the Bosnians? Will we be willing then to rush to their support?

Mr. President, this is not a time to divorce ourselves from a united effort. Let us make a decision based upon what comes not only from our hearts but from our efforts as well. Let us vote "no" on this resolution.

I yield the floor.

Mr. DOLE addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. DOLE. How much time remains?

The PRESIDING OFFICER. Ten minutes.

Mr. DOLE. Mr. President, as I understood last night we had about 15 minutes. I would be happy to yield 5 minutes to the Senator from Connecticut, Senator LIEBERMAN.

Mr. President, I have listened with great care to the distinguished Democratic leader, and I have a lot of respect for him. But I do not think the world is going to collapse if we do the right thing. That is what it is all about. NATO is going to collapse? Our allies are going to leave us? They are not going to leave us. We are the leader of the free world. But we have not acted like it in this instance. But we are. We did not act like it in the last administration—but we are—when it came to Bosnia.

So I am not as troubled about the world coming apart here, now, if the Senate does what it should have done months and months ago, and maybe a couple of years ago. This is not about rolling over the President. This is about the Senate of the United States. It is about Republicans and Democrats with a shared common view—and some on each side, I might add.

I believe we do not have many opportunities like this to sort of turn away from the historic failure and chart a new path for America. It does not have to do with the U.S. Senate. And I know it is a difficult vote for my colleagues on the other side with a President of their party. And I commend those who have stood up and said, "We are going to do the right thing."

This is not politics. This is not about President Clinton or President Bush or anybody in the Senate. It is not the Dole amendment or the Lieberman amendment. This is a message from the U.S. Senate, supported, I might say, by dozens and dozens of groups all across America. And without reading all the groups, the Action Council for Peace in the Balkans, Americans for Saving Bosnia, America Council for Public Affairs, American Jewish Congress, American Muslim Council, American Task Force on Bosnia, and on and on it goes.

Then the Action Council for Peace in the Balkans, represented by outstanding Americans, Democrats and Republicans, Morris Abrams, Frank Carlucci, Hodding Carter, Max Kampelman, Frank Fahrenkoph, Richard Burt, Zbigniew Brzezinski, Jeane Kirkpatrick, and that list goes on and on. Albert Wohlstetter, Paul Wolfowitz, John Silber, Albert Shanker—Democrats and Republicans, conservatives and liberals, who I guess believe the people have a right to defend themselves, even if they are a little, tiny country with no lobbyist running around the Congress. They will not be affected by what we did yesterday on lobbying reform. They do not have any.

We get long-distance calls, overseas calls, from the prime minister and the foreign minister, and they called yesterday. And as they were calling, they were telling us that Zepa was about to fall, and it did.

So it seems to me that what we ought to be doing here is the very responsible, right thing—a nonpartisan, nonpolitical, bipartisan message to the world, not just to Bosnia—that if you are an independent nation, if you are a member of the United Nations, as the Senator from New York so eloquently stated yesterday, you have a right to self-defense. You do not have a right to American troops. You do not have a right to American air power. You do not have a right to American anything. But you have a right to self-defense. And that is what this debate is all about.

We are a big country. They are a small country. And I guess it would be good if Bosnia would just go away. If they would just surrender, our problems would end for a while until somebody starts writing the history of this era.

It would be a stain on the West, almost. Well, maybe not almost. It would recall previous stains on the West when we stood by and watched the genocide in World War II.

Call it ethnic cleansing, call it anything you want. The Senator from Massachusetts, Senator KERRY, said we are going to abandon Bosnia. We are not going to abandon Bosnia. We are going to do what we have been told by their elected officials they want us to do, lift the arms embargo.

And again, I know that things do change. But I remember in 1992, candidate Clinton said lift the arms embargo and have air strikes; let us provide some leadership, he was saying to President Bush, who was fairly quiet on this issue himself. Lift the arms embargo. And I remember going to meetings at the White House in, I think, April and May of 1993. It was all for that purpose. The President was for it. The Vice President was for it. This Senator was for it. But I must say, there was a mixed group there, as we do have from time to time. We get mixed advice. The President got mixed advice that said: Do not do it; do not get involved.

This is an immoral and unjust policy that we have in effect now. They ought to take away the key from Boutros Boutros-Ghali, lock the door and throw away the key as far as he is concerned. They are not even certain yet; they are still debating whether or not we have the dual-key approach, whether anything can ever be done by NATO without U.N. approval. I think NATO is in difficulty because nobody can find a mission. Without a mission, why are they there? And they are troubled by this. I have been there. I have talked to them. And I have heard them all tell us the same thing: Do not lift the arms embargo. The U.N. protection forces are doing the best they can.

And they are, and they should be commended. Some have lost their lives. They are our friends and they are our allies. But we are the leader of the free world. We cannot abdicate that responsibility. We cannot abdicate that leadership and say, well, not this time; we want to pass on Bosnia. This is a European problem. So we go along with the Europeans until it fails.

They tell all the Bosnians we are going to have these six nice safe havens for you. You give up your heavy equipment. You are not going to need it. This is safe.

So they give up their heavy equipment. Now they have rifles to fire against tanks and artillery weapons. And how many safe havens is it going to take to get anybody's attention? How many are going to fall? Two already, two more in danger, Sarajevo and Bihac. How many more—all? Four? Five? Six? And then suddenly we recognize that this must be a failed policy?

We have had a lot of activity in London and Brussels. We have had a lot of pounding the table and demanding the Serbs do this and do that, and they did it. They just took another safe haven. They are scared to death.

I was asked on a program last evening, and I do not mean it to sound like this, but I think the person asked the question, well, they are not killing as many people now so there must be something good coming out of it. And maybe the killing has been reduced as far as numbers. There were only 630 casualties in July, 130 killed. An average of 4 or 5 are killed daily, 12 and 15 are wounded, and last weekend 7 children were killed.

Now, does that mean we have to rush in and help everyone because we are the world's policeman? Absolutely not.

But it seems to me—and I am not an expert in foreign policy—that this country ought to have a right through its elected leaders to say to us: It is time to go, U.N. protection forces. When they leave, lift the arms embargo and let us defend ourselves.

It always seemed to me that was sort of a basic right, an inherent right that all Americans enjoyed, and all Americans would defend somebody else's right to defend themselves or some nation's right to defend itself. And suddenly it is all mixed up.

The House, by a vote of 3 to 1, has sent the world a message. I know it is tough for the British, and it is tough for the French. I have talked to the Prime Minister, and I have talked to the President of France. They are our allies, and they are our friends. We have been their friends in tough, tough times, and we have provided the manpower and the money and the weapons.

Now, there have been a lot of efforts to muddy the waters and say, boy, if you do this, you are going to Americanize the war.

That is one I cannot fathom. I have talked to Senator MCCAIN about it. I do not know how you Americanize the war. If you withdraw the protection forces and lift the arms embargo, the Democratic leader said as sure as that happens, there are going to be American troops there.

Who said so? I assume the President would come to Congress. They are not asking us to die for Bosnia. They are asking us to give them a chance to defend themselves and they will do the dying for their country. They are not asking for American ground troops. Oh, they would like some air cover, but they are not even asking for that.

The amendment before us is very important. This amendment does not prohibit United States assistance to Bosnia, military or financial. I would say, since Soviet-style weaponry is the preponderance of what the Bosnians use, certainly we would not be providing the bulk of the arms. I think we can find some consensus if we pass this resolution and if a veto is overridden.

This amendment also does not prevent the United States from seeking a multilateral lifting of the arms embargo in the U.N. Security Council. I do not happen to believe that the amendment by the Senator from Georgia is necessary. I know he has offered it in good faith, just as he did offer an amendment last August in good faith, but I do not believe it is necessary. I do not think it detracts much from the resolution. It does not add much to the resolution.

On August 10, 1994, President Clinton sent a letter to the distinguished Senator from Georgia which stated:

> I am writing to reaffirm my administration's support for lifting the international arms embargo on Bosnia and Herzegovina . . . It has been my long-held view that the arms embargo has unfairly and unintentionally penalized the victim in this conflict, and the Security Council should act to remedy this injustice.

That was President Clinton's statement a year ago about lifting the arms embargo. The letter goes on to state:

> In this regard, if by October 15—

This was last year—

> the Bosnian Serbs have not accepted the contact group's proposal of July 6, 1994—

Which, I might add, the Bosnians did accept—

> it would be my intention within 2 weeks to introduce formally and support a resolution at the United Nations Security Council to terminate the arms embargo on Bosnia and Herzegovina.
>
> Further, as my administration has indicated previously, if the Security Council for some reason fails to pass such a resolution within a reasonable time, it would be my intention to consult with the Congress thereafter regarding unilateral termination of the arms embargo.

Those are all President Clinton's words.

I believe that 9 months is more than a reasonable time, with all the atrocities, all the things we have witnessed, as the Democratic leader said. I listened to the Democratic leader last night on C-SPAN, and I have listened to others. I listened to the remarkable statement made by the Senator from Delaware last evening, Mr. BIDEN, and many, many others on both sides of the aisle. I have listened to Senator WARNER from Virginia, who has had a different view of this issue up until now, and he has told us in very vivid terms why he now holds the view that a great majority do.

So I just ask the question, Is the leadership to say, "Well, we've got a failed policy but we have to stick to it and we should not persuade our allies it is a failed policy"? It might be embarrassing for the British to have to leave, or it might be embarrassing for the French to have to leave. And America is going to be blamed if they leave. We are being blamed right now. We are being blamed right now, but, as I said, we may be blamed more in the history books for what did not happen.

The opposition is also saying, the Dole-Lieberman bill will Americanize the war—America will be alone in providing assistance to the Bosnians.

Mr. President, that is simply not the case. We know that most of the members of the United Nations support lifting the arms embargo on Bosnia. Going first does not mean going it alone.

Mr. President, finally, the opposition to Dole-Lieberman is saying that this bill abandons Bosnia. In my view, this is truly twisted logic. I believe that at this very moment the Bosnians feel abandoned. The issue is not how many troops are on the ground or how many planes are in the air, but what these troops and planes are doing. It seems to me that if they are doing nothing, the Bosnians feel abandoned. Let us face it, these forces are essentially bystanders as events in Srebrenica painfully demonstrated.

If we are worried about abandoning the Bosnians, let us listen to the Bosnians. Ask the Bosnians if they feel abandoned by this legislation. The truth is, the Bosnian Government strongly supports this legislation. They know the price they are paying. They know the price they are willing to pay.

In conclusion, I would urge my fellow colleagues to support this legislation. I would urge them to search their consciences. The U.S. Senate has the historic opportunity to make a difference. To do what is right. To let the Bosnians live defending themselves, rather than die defenseless.

Mr. President, I ask unanimous consent that a letter from over 40 organizations in support of this bill, along with a letter of strong support from Lady Margaret Thatcher be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JULY 25, 1995.

DEAR SENATOR: We are writing to urge you to vote YES on the Dole-Lieberman bill (S.21) to end the U.S. arms embargo against the Government of the Republic of Bosnia and Herzegovina. We also urge you to sign on as a co-sponsor of the bill and to recruit your colleagues as co-sponsors.

The war in Bosnia is now well into its fourth year. Over 200,000 civilians have been brutally murdered by Serbian forces, tens of thousands of women raped, and almost three million people have been forced to flee their homes and villages. Serbian forces have been able to carry out their genocidal assault on Bosnia with virtual impunity because of an immoral arms embargo that denies the legitimate government of Bosnia the means to exercise its inherent right to self defense.

The response of the United Nations to the aggression has been to send poorly armed peacekeepers, even though there is no peace to keep. In recent weeks, Serbian forces have been allowed to overrun two of the six UN-declared "safe areas," and the UN mission has approached total collapse. The lesson we must learn is that only the Bosnian Army has the will and the manpower to defend the fledgling multi-ethnic democracy and its citizens against further attacks.

It is also clear that ultra-nationalist Serbian leaders have no interest in negotiating while they can accomplish their military and political objectives by attacking Bosnia's remaining civilian population. Until the Bosnian Army can mount a credible defense on the ground, this cowardly war of aggression will continue. And we must live in the knowledge that, at least in part, we are responsible for tying the hands of the victims.

The organizations listed below represent a wide range of religious, humanitarian, student, and citizen advocacy groups. Some of the names will be familiar to you; others have been formed in recent months by voters outraged by the genocide and our feeble and immoral response to it. We have joined together today to ask for your support for the Dole-Lieberman bill. The U.S. and its allies, NATO, and the UN have failed to stop the aggression. Unless Congress acts—and acts

NOW—thousands, perhaps tens of thousands, more innocent people will die and the price of eventually confronting this aggression will continue to rise.

By voting for Dole-Lieberman, you will be taking a clear stand against genocide, against aggression, against appeasement, and for an honorable and sustainable peace in Bosnia. You will be rejecting the failed policies of European countries that have facilitated more than three years of genocide. You will be voting for the one policy that makes moral, political, and military sense.

Vote Yes on the Dole-Lieberman bill.

Sincerely,

NATIONAL ORGANIZATIONS

Action Council for Peace in the Balkans.
American Committee to Save Bosnia.
American Council for Public Affairs.
American Jewish Congress.
American Muslim Council.
American Task Force for Bosnia.
B'nai B'rith.
Federation of Reconstructionist Congregations and Havurot.
Islamic Network.
Muslim Public Affairs Council.
National Association of Arab Americans.
National Federation of Croatian Americans.
National Jewish Community Relations Advisory Council.
Reconstructionist Rabbinical Association.
Union of American Hebrew Congregations.

GRASSROOTS ORGANIZATIONS

American Bosnian & Herzegovinian Association.
Americans for Bosnian Orphans.
Ann Arbor Committee for Bosnia.
Bosnia Advocates of Metrowest.
Bosnia Briefings.
Bosnia Support Committee of D.C.
Bosnia Task Force, San Diego.
Bosnia-Herzegovinian Help Organization.
California Coalition Against Ethnic Cleansing.
Coalition Against Genocide.
Coalition for Intervention Against Genocide.
Connecticut Citizens Against Genocide.
Free Bosnia Action Group.
Friends of Bosnia (W. Mass).
Friends of Bosnia, Philadelphia.
Greenwich Coalition for Peace in Bosnia.
Human Rights Council, USA.
JACOB at B'Nai Jeshurun.
Jews Against Genocide/NY Committee to Save Bosnia.
Jews Against Genocide in Bosnia.
New England Bosnian Relief Committee.
New Hampshire Committee for Peace in Bosnia-Herzegovina.
New York-Sarajevo Exchange.
Students Against Genocide (SAGE).
Social Action Committee/Congregation Beth El.
Stop Ethnic Cleansing.
U.S. Bosnia Relief.
Women in Islam.

MARGARET, THE LADY THATCHER,
O.M., P.C., F.R.S., HOUSE OF
LORDS, LONDON SW1A OPW,
July 18, 1995.

DEAR SENATOR DOLE: I am writing to express my very strong support for your attempt to have the arms embargo against Bosnia lifted.

I know that you and all members of the United States Senate share my horror at the crimes against humanity now being perpetrated by the Serbs in Bosnia. The UN and NATO have failed to enforce the Security Council Resolutions which authorized the use of force to defend the safe havens and to get humanitarian assistance through. The safe havens were never safe; now they are falling to Serb assault. Murder, ethnic cleansing, mass rape and torture are the legacy of the policy of the last three years to the people of Bosnia. It has failed utterly. We owe it to the victims at last and at least to have the weapons to defend themselves—since we ourselves are not willing to defend them.

The arms embargo was always morally wrong. Significantly, it was imposed on the (then formally intact but fragmenting) former Yugoslavia at that regime's own behest. It was then, quite unjustly and possibly illegally, applied to the successor states. Its effect—and, as regards the Serbs, its intention—was to ensure that the proponents of a Greater Serbia, who inherited the great bulk of the Yugoslav army's equipment, enjoyed overwhelming military superiority in their aggression. It is worth recalling that the democratically elected, multi-faith and multi-ethnic Bosnian Government never asked for a single UN soldier to be sent. It did ask for the arms required to defend its own people against a ruthless aggressor. That request was repeatedly denied, in spite of the wishes of the US administration and of most leading American politicians.

There is no point now in listing the failures of military policy which subsequently occurred. Suffice it to say that, instead of succeeding in enforcing the mandates the UN Security Council gave them, UNPROFOR became potential and then actual hostages. Airpower was never seriously employed either. The oft repeated arguments against lifting the arms embargo—that if it occurred UN troops would be at risk, that the enclaves like Srebrenica would fall, that the Serbs would abandon all restraint—have all now been proved worthless. For all these things have happened *and* the arms embargo still applies.

Two arguments are, however, still advanced by those who wish to keep the arms embargo in place. Each is demonstrably false.

First, it is said that lifting the arms embargo would prolong the war in Bosnia. This is, of course, a morally repulsive argument; for it implies that all we should care about is a quick end to the conflict without regard to the justice or otherwise of its outcome. But in any case it is based on the false assumption that the Serbs are bound to win. Over the last year the Bosnian army has grown much stronger and the Bosnian Serbs weaker. The Bosnian army has, with its Croat allies, been winning back crucial territory, while desertion and poor morale are badly affecting the over-extended Serb forces. What the Bosnian government lacks however are the tanks and artillery needed to hold the territory won and force the Serbs to negotiate. This lack of equipment is directly the result of the arms embargo. Because of it the war is being prolonged and the casualties are higher. Lifting the arms embargo would thus shorten not lengthen the war.

Second, it is said that lifting the arms embargo would lead to rifts within the UN Security Council and NATO. But are there not rifts already? And are these themselves not the result of pursuing a failed policy involving large risks to outside countries' ground troops, rather than arming and training the victims to repel the aggressor? American leadership is vital to bring order out of the present chaos. No country must be allowed to veto the action required to end the present catastrophe. And if American leadership is truly evident along the lines of the policy which you and your colleagues are advancing I do not believe that any country will actually try to obstruct it.

The West has already waited too long. Time is now terribly short. All those who care about peace and justice for the tragic victims of aggression in the former Yugoslavia now have their eyes fixed on the actions of the US Senate. I hope, trust and pray that your initiative to have the arms embargo against Bosnia lifted succeeds. It will bring new hope to those who are suffering so much.

With warm regards.

Yours sincerely,

MARGARET THATCHER.

Mr. DOLE. I will just conclude by saying this is not a partisan discussion. It is not a partisan debate. It is not about Democrats and Republicans, not about philosophy. It is not about politics. It is about whether some small country that has been ravaged on all sides, pillaged, women raped, children killed, do they have any rights in this world? Do they have a right to say to these big countries like France and Great Britain and America that it is time to go, "Let us fight and die for ourselves." That is what this is all about. They have said our amendment is simple. It is simple. That is what it does.

Maybe I missed something in my lifetime, but I have never missed the point that people have a right to defend themselves. And if we stand in their way, and if more are killed and more are raped and more little boys 12 years old are taken off to camps and more are hung on trees and more throats are cut because we imposed our will on this little country—"You cannot do this because we do not want you to do this." It is their country. It is their lives, their blood.

I think it is time for a change in policy. And I hope we will have a resounding vote in favor of the Dole-Lieberman resolution.

I want to congratulate and commend my friend from Connecticut for his tireless efforts, nonpartisan, going back—I think we worked together 1½ years on this issue, without any disagreement, never talking about the political advantage. This is not about politics; it is about life or death for a little country.

The PRESIDING OFFICER (Mr. COVERDELL). The question is on agreeing to the second-degree amendment by the Senator from Maine.

Mr. WARNER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is absent because of attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 329 Leg.]

YEAS—57

Abraham
Akaka
Baucus
Bond
Boxer
Brown
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Faircloth
Feingold
Feinstein
Frist
Gorton
Grassley
Hatch
Inhofe
Inouye
Jeffords
Kassebaum
Kempthorne
Kerrey
Kohl
Lautenberg
Levin
Lieberman
Lott
McCain
McConnell
Moseley-Braun
Murkowski
Nickles
Nunn
Packwood
Pressler
Robb
Roth
Santorum
Shelby
Simon
Simpson
Snowe
Specter
Stevens
Thompson
Thurmond
Warner
Wellstone

NAYS—41

Ashcroft
Biden
Bingaman
Bradley
Breaux
Bryan
Bumpers
Burns
Byrd
Daschle
Dodd
Dorgan
Exon
Ford
Glenn
Graham
Gramm
Grams
Gregg
Harkin
Hatfield
Heflin
Helms
Hutchison
Johnston
Kennedy
Kerry
Kyl
Leahy
Lugar
Mack
Mikulski
Moynihan
Murray
Pell
Pryor
Reid
Rockefeller
Sarbanes
Smith
Thomas

NOT VOTING—2

Bennett
Hollings

So the amendment (No. 1851) was agreed to.

Mr. DOLE. Mr. President, I move to reconsider the vote.

Mr. DASCHLE. Mr. President, I move to table the motion.

The motion to lay on the table was agreed to.

Mr. DOLE. Mr. President, I ask for the yeas and nays on the Nunn amendment, and the yeas and nays on final passage; and if we could have 10-minute votes on each of those.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I ask unanimous consent for 10-minute votes.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE ON AMENDMENT NO. 1848, AS AMENDED

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. NUNN].

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is absent because of attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 23, as follows:

[Rollcall Vote No. 330 Leg.]

YEAS—75

Abraham
Akaka
Ashcroft
Baucus
Bingaman
Bond
Boxer
Bradley
Breaux
Bumpers
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grassley
Harkin
Hatch
Hutchison
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
McCain
Mikulski
Moseley-Braun
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Robb
Roth
Santorum
Sarbanes
Simon
Simpson
Snowe
Specter
Stevens
Thompson
Thurmond
Warner
Wellstone

NAYS—23

Biden
Brown
Bryan
Burns
Byrd
D'Amato
Faircloth
Feingold
Feinstein
Grams
Gregg
Hatfield
Heflin
Helms
Inhofe
Mack
McConnell
Moynihan
Reid
Rockefeller
Shelby
Smith
Thomas

NOT VOTING—2

Bennett
Hollings

So the amendment (No. 1848) was agreed to.

VOTE ON AMENDMENT NO. 1801

The PRESIDING OFFICER. The question now occurs on Dole amendment number 1801, as amended.

The question is on agreeing to the amendment.

The amendment (No. 1801), as amended, was agreed to.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read for the third time.

The PRESIDING OFFICER. The question now occurs on passage of the bill, as amended. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT] is necessarily absent.

Mr. FORD. I announce that the Senator from South Carolina [Mr. HOLLINGS] is absent because of attending a funeral.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 69, nays 29, as follows:

[Rollcall Vote No. 331 Leg.]

YEAS—69

Abraham
Ashcroft
Baucus
Biden
Bond
Boxer
Bradley
Brown
Bryan
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
DeWine
Dole
Domenici
Dorgan
Faircloth
Feingold
Feinstein
Frist
Gorton
Gramm
Grams
Grassley
Harkin
Hatch
Helms
Hutchison
Inhofe
Jeffords
Kempthorne
Kohl
Kyl
Lautenberg
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Moseley-Braun
Moynihan
Murkowski
Nickles
Nunn
Packwood
Pressler
Reid
Robb
Roth
Santorum
Shelby
Simon
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NAYS—29

Akaka
Bingaman
Breaux
Bumpers
Burns
Byrd
Daschle
Dodd
Exon
Ford
Glenn
Graham
Gregg
Hatfield
Heflin
Inouye
Johnston
Kassebaum
Kennedy
Kerrey
Kerry
Leahy
Mikulski
Murray
Pell
Pryor
Rockefeller
Sarbanes
Simpson

NOT VOTING—2

Bennett
Hollings

So the bill (S. 21), as amended, was passed, as follows:

S. 21

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Bosnia and Herzegovina Self-Defense Act of 1995".

SEC. 2. FINDINGS.

The Congress makes the following findings:

(1) For the reasons stated in section 520 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103–236), the Congress has found that continued application of an international arms embargo to the Government of Bosnia and Herzegovina contravenes that Government's inherent right of individual or collective self-defense under Article 51 of the United National Charter and therefore is inconsistent with international law.

(2) The United States has not formally sought multilateral support for terminating the arms embargo against Bosnia and Herzegovina through a vote on a United Nations Security Council resolution since the enactment of section 1404 of the National Defense Authorization Act for Fiscal Year 1995 (Public Law 103–337).

(3) The United Nations Security Council has not taken measures necessary to maintain international peace and security in Bosnia and Herzegovina since the aggression against that country began in April 1992.

(4) The Contact Group, composed of representatives of the United States, Russia, France, Great Britain, and Germany, has since July 1994 maintained that in the event of continuing rejection by the Bosnian Serbs of the Contact Group's proposal for Bosnia and Herzegovina, a decision in the United Nations Security Council to lift the Bosnian arms embargo as a last resort would be unavoidable.

SEC. 3. STATEMENT OF SUPPORT.

The Congress supports the efforts of the Government of the Republic of Bosnia and Herzegovina—

(1) to defend its people and the territory of the Republic;

(2) to preserve the sovereignty, independence, and territorial integrity of the Republic; and

(3) to bring about a peaceful, just, fair, viable, and sustainable settlement of the conflict in Bosnia and Herzegovina.

SEC. 4. TERMINATION OF ARMS EMBARGO.

(a) TERMINATION.—The President shall terminate the United States arms embargo of the Government of Bosnia and Herzegovina, as provided in subsection (b), following—

(1) receipt by the United States Government of a request from the Government of Bosnia and Herzegovina for termination of the United States arms embargo and submission by the Government of Bosnia and Herzegovina, in exercise of its sovereign rights as a nation, of a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina; or

(2) a decision by the United Nations Security Council, or decisions by countries contributing forces to UNPROFOR, to withdraw UNPROFOR from Bosnia and Herzegovina.

(b) IMPLEMENTATION OF TERMINATION.—The President may implement termination of the United States arms embargo of the Government of Bosnia and Herzegovina pursuant to subsection (a) prior to the date of completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina, but shall, subject to subsection (c), implement termination of the embargo pursuant to that subsection no later than the earlier of—

(1) the date of completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina; or

(2) the date which is 12 weeks after the date of submission by the Government of Bosnia and Herzegovina of a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina.

(c) PRESIDENTIAL WAIVER AUTHORITY.—If the President determines and reports in advance to Congress that the safety, security, and successful completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina in accordance with subsection (b)(2) requires more time than the period provided for in that subsection, the President may extend the time period available under subsection (b)(2) for implementing termination of the United States arms embargo of the Government of Bosnia and Herzegovina for a period of up to 30 days. The authority in this subsection may be exercised to extend the time period available under subsection (b)(2) for more than one 30-day period.

(d) PRESIDENTIAL REPORTS.—Within 7 days of the commencement of the withdrawal of UNPROFOR from Bosnia and Herzegovina, and every 14 days thereafter, the President shall report in writing to the President pro tempore of the Senate and the Speaker of the House of Representatives on the status and estimated date of completion of the withdrawal operation. If any such report includes an estimated date of completion of the withdrawal which is later than 12 weeks after commencement of the withdrawal operation, the report shall include the operational reasons which prevent the completion of the withdrawal within 12 weeks of commencement.

(e) INTERNATIONAL POLICY.—If the Government of Bosnia and Herzegovina submits a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina or if the United Nations Security Council or the countries contributing forces to UNPROFOR decide to withdraw from Bosnia and Herzegovina, as provided in subsection (a), the President (or his representative) shall immediately introduce and support in the United Nations Security Council a resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina. The United States shall insist on a vote on the resolution by the Security Council. The resolution shall, at a minimum, provide for the termination of the applicability of United Nations Security Council resolution 713 to the government of Bosnia and Herzegovina no later than the completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina. In the event the United Nations Security Council fails to adopt the resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina because of a lack of unanimity of the permanent members, thereby failing to exercise its primary responsibility for the maintenance of international peace and security, the United States shall promptly endeavor to bring the issue before the General Assembly for decision as provided for in the Assembly's Uniting for Peace Resolution of 1950.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be interpreted as authorization for deployment of United States forces in the territory of Bosnia and Herzegovina for any purpose, including training, support, or delivery of military equipment.

(g) DEFINITIONS.—As used in this section—

(1) the term "United States arms embargo of the Government of Bosnia and Herzegovina" means the application to the Government of Bosnia and Herzegovina of—

(A) the policy adopted July 10, 1991, and published in the Federal Register of July 19, 1991 (58 FR 33322) under the heading "Suspension of Munitions Export Licenses to Yugoslavia"; and

(B) any similar policy being applied by the United States Government as of the date of completion of withdrawal of UNPROFOR personnel from Bosnia and Herzegovina, pursuant to which approval is denied for transfers of defense articles and defense services to the former Yugoslavia; and

(2) the term "completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina" means the departure from the territory of Bosnia and Herzegovina of substantially all personnel participating in UNPROFOR and substantially all other personnel assisting in their withdrawal, within a reasonable period of time, without regard to whether the withdrawal was initiated pursuant to a request by the Government of Bosnia and Herzegovina, a decision by the United Nations Security Council, or decisions by countries contributing forces to UNPROFOR, but the term does not include such personnel as may remain in Bosnia and Herzegovina pursuant to an agreement between the Government of Bosnia and Herzegovina and the government of any country providing such personnel.

Mr. WARNER. Mr. President, I move to reconsider the vote.

Mr. LIEBERMAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Chair recognizes the Senator from Virginia.

Mr. WARNER. Mr. President, I just wish to echo the many accolades I have heard paid to the distinguished majority leader for his leadership on this issue over a period of years. He has been unwavering in his determination, together with our distinguished colleague, the junior Senator from Connecticut, Mr. LIEBERMAN, with strong staff support provided by Mira Baratta, who has worked on this tirelessly now for years, Randy Scheunemann, Ron Marks, John Lilley, of the staff of Senator LIEBERMAN, and Mrs. Ansley on my staff. Together, we have been able to present this in a very fair and objective and nonpartisan way.

I wish to extend my appreciation to those staff members and the distinguished majority leader and the Senator from Connecticut.

RYAN WHITE CARE REAUTHORIZATION ACT

The PRESIDING OFFICER. The Chair recognizes the majority leader.

Mr. DOLE. Mr. President, I call for the regular order with respect to S. 641.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes.

The Senate resumed consideration of the bill.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER (Mr. GRAMS). The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I understand from the leader and from the clerk, we are now on the reauthorization of the Ryan White bill; am I correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. KENNEDY. Mr. President, I see the chairman of the Labor and Human Resources Committee here. We are prepared to move along in terms of the amendments.

We had opening statements and discussion on last Friday.

I see my friend and colleague from California, who wishes to address the Senate on this issue. But I would like to indicate at least to our side that we are prepared to consider amendments. This measure has been on the calendar for some period of time. We have some 63 cosponsors.

We are, as we have said, prepared to deal with various amendments, and we hope we will have some brief comments in terms of whatever people's views are about the legislation and then we can get down to dealing with the amendments.

So I would yield the floor at this time.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I rise today in strong support of the Ryan White CARE Reauthorization Act, and in so doing I would very much like to thank the Labor and Human Resources Committee.

I would like to thank its distinguished chairman, the Senator from Kansas, and the ranking member, the Senator from Massachusetts. And I must say, to the credit of this committee, this reauthorization bill is reported to the full floor unanimously.

Mr. President, Ryan White affects 42 cities—7 in my State—and all 50 States. It costs $630 million, and it provides 350,000 people with services they would not be able to get, otherwise, outside of a hospital. It has dramatically reduced the overall cost of the health care delivery system.

Let me give you some examples of how Ryan White funding has helped communities in my State. In California, through use of its Ryan White title II funds, the State has reported a 50-percent reduction in hospital stays resulting in over $21 million in cost savings.

In San Francisco, Project Open Hand delivers a meal to 1,200 homebound people every day. This is accomplished through the efforts of 2,400 volunteer drivers and food preparers.

In Los Angeles, the AIDS Health Care Foundation, which is the largest AIDS organization in California, annually serves approximately 2,400 people living with HIV and AIDS at outpatient clinics. Last year it provided a final home to over 250 hospice residents.

In San Diego, the AIDS Foundation uses its Ryan White funding to provide a full range of outpatient clinical and social services to people with AIDS.

Let me say that, increasingly, the majority of new cases served under the Ryan White Act are in rural areas. Increasingly they are women, they are minorities, and they are children. And I think the lesson in this is that AIDS really knows no gender or sexual orientation. It is a real and major threat, and, as such, this act is very important in its treatment.

Mr. President, I am one who has had quite a bit of experience with AIDS. I would like to take a few moments to tell you what it was like before there was a Ryan White CARE Act. As mayor of San Francisco during the 1980's, I had many challenges. But none was more serious or severe than the emergence of the AIDS epidemic. I remember my first meeting on this subject as if it were yesterday. I think it was 1981. I was told in a meeting in the mayor's office that there was a rumor of a so-called gay cancer which had as one of its symptoms purple skin lesions. I called our director of public health and asked him to look into it. He called the Centers for Disease Control in Atlanta and learned that New York and Los Angeles were reporting a similar syndrome that was appearing in gay men.

At the time, we had no idea what we were dealing with. We did not know whether this was caused by a virus, a bacteria, or something else. We did not know how widely spread the epidemic had become or that hemophiliacs, Haitians, and intravenous drug users were already infected. We certainly did not know that it had originated in Central Africa, and that it would impact millions of people, and that it was sweeping through sub-Saharan Africa long before it reached this hemisphere.

But one thing I did know. We were dealing with something that was deadly. And it is my belief that as an elected official, when one learns of a threat to the public health, one has a responsibility to act. By the end of that first year, there were 76 diagnosed cases in San Francisco. We had allocated $180,000 for the first AIDS program in the Nation. By the time I left office in 1988, January, we were spending approximately $20 million a year, more than the rest of the cities in the country combined and, for most of the time, more than the State of California.

There was no Ryan White program then. But I can tell you that I certainly could have used it. We had to fund all those services from the city budget—the first AIDS prevention programs, the first AIDS housing programs, the first preliminary AIDS research efforts, which were pioneered at San Francisco General Hospital by Dr. Paul Volberding, and others. We opened the first AIDS ward. I broke that ribbon. We funded hospice care as well as a full range of support services.

San Francisco's response became known as the model AIDS program. Health officials from around the world came to observe it. And many returned home to replicate it. Make no mistake about it, it was hard. But if I had it to do over again, I would do it again. And if I do nothing else in my public life, creation of that model will be among my proudest achievements.

Last year it was learned that San Francisco was actually experiencing a decline in the number of new AIDS cases. This was very encouraging. As far as I know, San Francisco is the only major city on the planet that has experienced a decline in its AIDS caseload. When I read in the New York Times that the decline was attributable to one thing, the prevention program put into place in the early 1980's, I felt an affirmation of the principle which I stated earlier, which I will state again. As an elected official, when one learns of a threat to the public health, one has a responsibility to act.

Having said that, a lot of cities have sustained devastating losses. No city has been harder hit than my own, a city just 7 miles square, renowned for its beauty and its people. It is a city where 2 percent of its entire population has been claimed by AIDS, and 4 percent of its remaining population is estimated to be infected with the HIV. More than 50,000 young Californians have died from AIDS, approximately the same number as all Americans who died in Vietnam. Almost five times that many young Americans have died from AIDS.

While my colleagues on both sides of the aisle have recounted the alarming statistics with which we have become all too familiar, I believe that America has become numbed by the statistics of AIDS. I am reminded of a statement made in a different context: "A single death is a tragedy; a million deaths are a statistic." That is all too true when it comes to AIDS.

The young man for whom this legislation is named gave the disease a face and a name to which every American could relate. Ryan White, a youngster, with his courage in fighting prejudice, helped this Nation begin to understand that AIDS knows no boundaries. Many years before the world came to know the name of Ryan White, there were also other names. There were names and faces that will be with many of us in this Chamber for a long, long time. For me, I lost many friends. I can tell you that I have lost many friends, and could recount a long litany of tragedy and suffering.

Let me tell you about two because they are recent deaths. The first is police officer Ray Benson whose funeral I attended just a few weeks ago. Ray became a San Francisco police officer in 1980 when I was mayor. And during the next 12 years he became the model police officer. He displayed conspicuous gallantry that personifies the risk of police officers daily when they report to duty. He received many awards during the course of his tenure, most recently the Medal of Valor for his actions while arresting a narcotics suspect. At the time he sustained serious wounds which required more than a 100 stitches in his face. But he shielded his fellow officers from the suspect's knife. Officer Ray Benson was a friend of mine. When I last saw him, his vision was failing, but his same strong spirit stood out. Ray's death from AIDS is but the most recent loss I have personally known.

I would like to mention just one other name and, due to the time constraints, I will stop. That name is Brad Wilson.

Brad was my scheduler during my campaign for Governor of California and my Senate campaign until he became too sick. He grew up in the Ozarks, graduated from the University of Chicago with top honors, and received his law degree from New York University.

After receiving an AIDS diagnosis, Brad fought for 6 more years, struggling to maintain his dignity and working as much as possible until 2 months before his death. In his final days, this brilliant young attorney, 39, was unable to care for himself in any way. Morphine was administered intravenously to deaden the pain caused by a brain infection, but he maintained his dignity until the end.

Three of his last visitors at home were my daughter and her husband who took with them my 5-month-old granddaughter to boost his spirits. Both Brad and Ray were able to avail themselves of the services provided by the Ryan White CARE Act, and for this I am forever grateful.

I mention these two names as a very personal example of the loss, but they are but two more names out of almost 250,000 who have died from AIDS in the United States. Ryan White's death proved that AIDS is an equal opportunity killer, and there should be no room for prejudice or discrimination toward those it strikes for, in truth, it can strike anyone.

I urge my colleagues to support this bill, with Ryan White's memory in mind, as well as the memory of each and every American who has died from AIDS.

I thank the Chair. I yield the floor.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I thank the Senator from California, Senator FEINSTEIN, for a very powerful statement. The reasons that she laid out as to why there should be support for this legislation, I think, will particularly help, and I appreciate her comments.

The Senator from North Carolina, Senator HELMS, had some amendments that he wished to offer. Senator BYRD has requested about 10 minutes as in morning business. I think as long as Senator HELMS is not here, I am prepared to offer an amendment as soon as Senator BYRD finishes, if, indeed, Senator HELMS is not here. But I think he is ready to go as well.

I ask unanimous consent that Senator BYRD be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the very distinguished Senator from Kansas, my friend, Senator KASSEBAUM, for her courtesy and kindness.

ELIMINATE THE DUAL KEY

Mr. BYRD. Mr. President, today's New York Times reports that the United Nations Secretary General, Mr. Boutros Boutros-Ghali, would "veto NATO airstrikes." Secretary of State Christopher has written to me to clarify the decisions that were made in Brussels. In his letter, Secretary Christopher has stated that "the North Atlantic Council approved detailed planning for the use of substantial NATO airpower to deter or respond to Bosnian Serb attacks on the U.N. safe area of Gorazde. These plans include a broader range of options for commanders, who for the first time will have the ability to use NATO airpower within a wide geographic area against a variety of targets which may pose a threat to the safe area." Secretary Christopher goes on to say that "Of equal importance, NATO military authorities were instructed to formulate plans for protecting other safe areas, particularly Bihac, on the basis of the new approach adopted for Gorazde . . . These steps, which confirm decisions taken in London, reflect unanimous Allied endorsement of the substantial change to the dual key previously in effect."

Reinforcing Secretary Christopher's letter, the Secretary General just released a statement that delegates the authority for airstrikes to the military commanders on the ground. In his press statement, the Secretary General says, "on the question of the 'dual key,' the relevant Security Council resolutions call for close coordination between the United Nations and NATO on the use of NATO air power and this is reflected in the NATO decision. In order to streamline decisions taking within the U.N. chain of command when the use of air power is deemed to be necessary, the Secretary General has decided to delegate the necessary authority in this respect to his military commanders in the field." Mr. President, this is consistent with the North Atlantic Council decision agreed upon last night, and is a major step forward.

As a result of a meeting conducted last Friday in London and implemented by the North Atlantic Council of NATO last night in Brussels, NATO has made a decision to take new, positive action in Bosnia to deter and retaliate against Bosnian Serb aggression against at least the U.N.-designated safe areas of Gorazde and Sarajevo. Already, French and British troops have taken action to forcefully reopen the ground route for humanitarian supplies into Sarajevo. The NATO military command is establishing the command and control links and decisionmaking rules to guide NATO operations in Bosnia in fulfillment of the decisions so recently made. The new decisionmaking process would eliminate the veto that has been exercised regularly by U.N. political authorities, frustrating timely and strong alliance action. The Secretary General has agreed with this decision.

This is an important new development, a vital change in the military equation. It is critical to the success of alliance military operations in Bosnia.

Our NATO allies have come to this consensus partially at the behest of the United States, which has urged more forceful action against the Bosnian Serb forces. This decision to retaliate, which has been forcefully communicated to the Bosnian Serb military commander by a trio of United States, United Kingdom, and French generals, commits NATO to punishing and disproportionate airstrikes against any Bosnian Serb military facility or formation anywhere in Bosnia, including Serb headquarters and command and control centers, should the Bosnian Serbs attempt to overrun Gorazde.

The need to make these decisions and these threats credible requires the elimination of the "dual key" to authorizing airstrikes. This "dual key" process, which has required both NATO and U.N. political authorities to authorize airstrikes, has gutted the effectiveness of previous NATO airstrikes undertaken to punish the Serbs for actions against U.N. protection forces or Bosnian civilians. The decisionmaking process has been far too slow, and has been burdened with added requirements to notify the targets of the intended strike, to strike at prearranged times, and to strike at targets that do not disproportionately punish the Serbian forces. These restrictions are militarily foolish, and serve only to set up NATO forces as targets for Serb anti-aircraft fire as they come in over preannounced targets at specified times. Allied air power in Bosnia has been reduced to a farce by the misguided political calculations of U.N. civilian officials.

These restrictions do not pertain to the retaliation that has been outlined for NATO. NATO retaliatory airstrikes will be swift, unannounced, and directed at targets of NATO's choosing, encompassing any Bosnian Serb military facility or formation. These strikes will be disproportionate and massive, rather than the pinpricks that have been conducted in the past. NATO has resolved to continue, to punish the Serbs even if they resort again to such dastardly tactics as using U.N. personnel or civilians as human shields to protect their military facilities. Regarding military action in the face of hostage-taking, the presumption outlined in the NATO decision is that operations will go forward.

According to the North Atlantic Council decisions last night, the strikes will take place when NATO and U.N. military commanders—military commanders, not civilian authorities—determine that Serb preparations pose a threat to Gorazde. The chain of command stops at the military level, not at the political level, according to the North Atlantic Council decision document.

Under the "dual key" process, U.N. civilians are allowed to make military decisions, which does not and has never made military sense. Once a decision has been made by civilian authorities to carry out airstrikes, military commanders should be, and must be, trusted to carry out that decision in the most effective manner, and in a manner that best protects their striking forces. NATO commanders must be given the freedom of action to make good military judgments, to strike at targets that pose the greatest danger to NATO, and to strike at targets that will inflict the greatest damage to the Serb forces. This is what is necessary to let the Serb forces know that this time, we mean business. Peaceniks at the United Nations cannot be allowed to overturn military options to the tragedy in Bosnia. New York should be out of the Bosnia loop.

At the United Nations, political entanglements also entangle military operations. Aside from decisions being made by United Nations civilians with little or no military experience, opportunities exist for Bosnian Serb supporters to undermine the effectiveness of NATO airstrikes. I understand that the Russians are opposed to the NATO decision to undertake airstrikes against the Bosnian Serb forces, but this is understandable. Russia has ancient ties to the Serbs of both Serbia and Bosnia, ties of religion and of history. But Russia, with its vote on the United Nations Security Council, should not be allowed to jeopardize NATO decisions and NATO actions. Russia is not, at least not yet, a member of NATO. I respect the views of those who would acknowledge Russian concerns in this matter, but I venture to surmise that the Russians would not allow consideration of NATO's views to handcuff decisions made and actions taken by Russian military forces, regardless of the voice and veto of NATO members on the United Nations Security Council.

I believe that, differences over the passage of the bill lifting the arms embargo aside, the Members of this body are united in opposition to the existing and cumbersome "dual key" decisionmaking process. It has been a critical element in the failure of the United Nations operation in Bosnia, and it has been a critical element in the failure of previous NATO attempts to shore up the U.N. operations in Bosnia. If the action taken to lift the embargo leads to the departure of the United Nations or our European allies from Bosnia, with all the danger that operation might entail, the elimination of this "dual key" becomes even more important. If the United States participates in the withdrawal, as President Clinton has suggested, I believe we all would agree that we do not want the United Nations in a position to crimp NATO's ability to react.

The Secretary General's statement is an endorsement of the major change in the way NATO does business in Bosnia. It will permit allied air power to do what it is designed to do, as characterized by the following statement from the NATO Secretary General, which is that "there is a strong feeling among Allies that such operations, once they are launched, will not lightly be discontinued. In the face of the inherent strike, the Alliance is determined."

Mr. President, I ask unanimous consent to have printed in the RECORD pertinent materials.

There being no objection, the materials were ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, July 26, 1995.

Hon. ROBERT C. BYRD,
U.S. Senate.

DEAR SENATOR BYRD: Working with our NATO Allies, the United States has embarked on a stronger and firmer approach to preserving the UN mission in Bosnia. New command and control arrangements agreed to in Brussels last night, combined with British and French decisiveness in using their Rapid Reaction Forces to secure routes into Sarajevo, are vivid examples of our heightened resolve.

Last night in Brussels, NATO acted resolutely to confirm and implement decisions taken at last week's International Meeting on Bosnia in London. After intensive review by NATO military authorities, the North Atlantic Council approved detailed planning for use of substantial NATO airpower to deter or respond to Bosnian Serb attacks on the UN safe area of Gorazde. These plans include a broader range of options for commanders, who for the first time will have the ability to use NATO airpower within a wide geographic area against a variety of targets which may pose a threat to the safe area.

Of equal importance, NATO military authorities were instructed to formulate plans for protecting other safe areas, particularly Bihac, on the basis of the new approach adopted for Gorazde. Authority for the decisions taken at NATO already exists under current UN Security Council resolutions. NATO Secretary General Claes communicated the NATO decisions to UN Secretary General Boutros-Ghali last night.

These steps, which confirm decisions taken in London, reflect unanimous Allied endorsement of a substantial change to the dual key previously in effect. This would be accomplished through the anticipated new delegation of authority from UN and NATO political authorities to theater and field commanders, consistent with military practices.

These new arrangements will ensure that the use of airpower is substantial and decisive. They are consistent with the requirements of the U.S. military and have its endorsement. The Alliance recognizes that there are risks involved in use of substantial airpower, but will not be deterred. In short, there will be no more pinpricks.

I hope the Administration can count on your support.

Sincerely,

WARREN CHRISTOPHER.

[From the New York Times, July 26, 1995]

NATO GIVES U.N. OFFICIALS VETO ON AIRSTRIKES IN BOSNIA

(By Craig R. Whitney)

BRUSSELS, Wednesday, July 26—Four days after the United States, Britain, and France threatened the Bosnian Serbs with the heaviest air strikes yet if they attacked the Muslim enclave of Gorazde, NATO officials said early this morning that they had agreed that no large-scale bombing could start unless United Nations civilian officials gave the go-ahead.

Far from doing away with the cumbersome "dual key" arrangement that the United States says has hampered NATO's ability to protect United Nations peacekeepers on the ground, the NATO allies in effect have sided with United Nations Secretary-General Boutros Boutros-Ghali, who has been saying nobody could take his key away from him.

The allies agreed to make what one NATO official called a "strong recommendation" to Mr. Boutros-Ghali to leave it to his military field commanders on the ground in Gorazde and elsewhere to decide when the time had come to start bombing the Serbs if they attacked.

But since Mr. Boutros-Ghali has been extremely cautious about approving air strikes in the past, what was meant to sound like a roar in London four days ago appeared likely to have been throttled down to something more like a growl by the time NATO ambassadors finished grappling with it in the small hours of Wednesday morning.

"It's falling apart," an American military officer said of the previous allied indications that in the event of an imminent attack on Gorazde, military leaders could decide on their own to proceed with bombing of the Serbs. (Field commanders already have the authority to call in close air support in the midst of battle, though that power has seldom been used.)

A senior NATO diplomat said as the Brussels meeting dragged on, "What we came up with tonight has to be endorsed by Boutros Boutros-Ghali." As for the "dual key" arrangement, he said, "We have to live with it."

The main pressure to preserve a decisionmaking role for Mr. Boutros-Ghali came from Britain and France. With nearly 15,000 soldiers on the ground in Bosnia who could suffer the consequences if bombing and Serb reactions to it spiral out of control, the countries pressed, in effect, for a series of political fire walls against precipitate American action from the air.

In particular, French officials deny that they ever agreed last Friday in London to launch automatically what the American Secretary of Defense William Perry called a "disproportionate response" to an attack on Gorazde. Americans had emerged from the London meeting describing an agreement to sidestep the Secretary General, but apparently that was exaggerated.

The emerging decision would represent a serious setback for the United States, which wanted the allies to leave all decisions on bombing from now on to NATO officers and United Nations military commanders on the ground in Bosnia.

An American diplomat said, "We're just trying to get the best deal we can."

NATO ambassadors endorsed a detailed military plan prepared by their uniformed chiefs and then planned to call on Mr. Boutros-Ghali to delegate to as low a level as possible his authority to approve air strikes if the Serbs attacked designated "safe areas" in Bosnia, one participant said.

The allies took two full days and part of a third to decide what to do about Gorazde despite the fact that most of them had been present in London when the problem was discussed last Friday. And NATO has had authority to bomb Bosnian Serb heavy weapons in Gorazde and all the other United Nations-designated "safe areas" in Bosnia since April of 1994.

The senior United Nations commander in Bosnia, Gen. Rupert Smith of Britain, has frequently reached agreement with his NATO counterpart, Adm. Leighton Smith of NATO's Southern Command in Naples, an American, on conducting air strikes.

In the past, some of these have then been vetoed by Gen. Bernard Janvier, the overall commander of United Nations peacekeepers in the former Yugoslavia, but many more have been disapproved by Mr. Boutros-Ghali or his civilian representative there, Yasushi Akashi.

While the plan discussed here was devised to deter a Bosnian Serb attack on Gorazde, NATO officials said they would try to adapt it as quickly as possible for the western Bosnian enclave of Bihac, where Bosnian Serbs, Croatian Serbs, and renegade Muslim forces are fighting Bosnian Government troops.

Mr. Boutros-Ghali, who has insisted on retaining ultimate authority over air attacks ever since last week's tough talk in London by American officials about cutting him out of the decision-making process, was to be informed of the allies' latest decision by NATO Secretary-General Willy Klaes.

The coldest feet here apparently belonged to Britain and France. "We have to have at least a nihil obstat from the United Nations at the political level, in the most practical and least obstructive way possible," one French official explained, referring to the Vatican's expression when approving a book for publication. Officials said that Britain, too, was adamant about keeping the United Nations in the decision-making loop as far as possible.

But the allies said that Mr. Boutros-Ghali would need no additional Security Council resolutions to authorize his subordinate military commanders to approve a bombing campaign. If he asked for such a resolution, Russia would almost certainly veto it. The Russian Foreign Minister, Andrei V. Kozyrev, refused to go along with the London threat last week.

The allies also agreed that they would have to meet again before any decision to actually begin a campaign of widespread air strikes against Bosnian Serb air defenses and other military targets, and that Mr. Boutros-Ghali would have to agree that it should go ahead, officials said.

Mr. Boutros-Ghali attended last Friday's meeting in London, where the U.S., Britain, and France promised "substantial and decisive response" to any attack on Gorazde, but he said little publicly there.

President Jacques Chirac had described the London decisions to threaten bombing as "not entirely what we were hoping for." He has pressed for a thousand British and French troops to be dispatched to reinforce the United Nations peacekeepers in Gorazde.

Mr. BYRD. I thank again the distinguished Senator from Kansas for her courtesy, and the Senator from Massachusetts [Mr. KENNEDY].

Mr. KENNEDY. Mr. President, I see my colleague from California on the floor. I understand she would like to address the Senate.

RYAN WHITE CARE REAUTHORIZATION ACT

The Senate continued with the consideration of the bill.

Mrs. BOXER. Mr. President, thank you so much. I rise in support, very strong support, of the Ryan White CARE Act. I want to thank my friend and colleague from Massachusetts for giving me just a short period of time to make a few remarks.

I hope I will not have to rush back to the floor to defend against harmful amendments and mean-spirited amendments that attempt to drive a wedge between Members.

The way I view life, we are all God's children, and when we are sick, we should help each other. That is what this bill is all about.

I also want to thank the Senator from Kansas, the chairman of the committee, for moving this legislation to where it is today. It certainly means a lot to many people across this great country that we are responding to the AIDS epidemic.

Indeed, it is an epidemic. An estimated 150,000 people infected with HIV are living in California. That is a huge number of people, Mr. President, who are looking to Members for help. We cannot solve every problem for every person. We know that. But the Ryan White CARE Act is the basis for having matching dollars flow into our communities, to help those who need it most. The Ryan White CARE Act provides funding for health care and supportive services for people living with AIDS.

Title I of the act talks about the cities that are under great stress and great duress because of this epidemic. In California, we have seven title I cities: San Francisco, Los Angeles, Oakland, Anaheim in Orange County, Riverside/San Bernardino, San Diego, and Santa Rosa/Petaluma. Two more cities, San Jose and Sacramento, unfortunately, are expected to qualify for funding next year. I say "unfortunately" because it means that the devastation of AIDS continues to spread to new cities—not only in my State of California, Mr. President, but across this great Nation.

Through this act, we provide funding for statewide programs that reimburse patients for the cost of medicine. They provide insurance coverage and health and supportive services. And, title III(B) supports community-based health care clinics that are so important to outpatient services.

Title IV, Mr. President, supports pediatric, adolescent, and family HIV care programs.

Mr. President, at this point I want to mention a name of a woman who died who had dedicated her life to making sure that we paid attention to pediatric AIDS. That is Elizabeth Glaser, one of the greatest people I have ever met in my entire life. I feel blessed that somehow I crossed her path in my life.

This is a woman who saw tragedy, who got the HIV virus through a transfusion, and unknowingly—because it was so early in the epidemic—passed it on to two children. Her husband, Michael, who has taken up the cause, has lost so much love from his life, but yet he remains dedicated to making sure we find a cure for AIDS, and that we prevent the AIDS virus being transmitted from the pregnant woman to her child.

We are seeing some breakthroughs, Mr. President, in this regard. The early use of AZT seems to work in many, many cases so that the children do not get HIV and they are born healthy.

It is very important that we continue the Ryan White CARE Act and all the titles in the Ryan White Act. We know the Ryan White CARE Act is cost effective. The lifetime cost of treating a person with AIDS is over $100,000, with an average yearly cost of $38,000. People say, why do we spend money in the Federal Government? In this case and in other cases we could point to, we really save money in the end, because this act works to keep people out of the hospital where the care is the most expensive. It allows individuals to continue on with productive lives in their communities.

One California study found that individuals receiving managed outpatient care services spent 8 less days in the hospital, saving $22,000 per person, or a total of $13 million in health care costs per year.

Mr. President, I hope that my colleagues on the committee are aware of this program supported by the Ryan White CARE Act. Senator FEINSTEIN mentioned it in her wonderful opening remarks today. There is a program that operates in California called Project Open Hand. Saturday, I went to visit the program. I was really moved to see the kind of community spirit that this program promotes. We talk about saving money. This program feeds people with HIV and AIDS who need that kind of help, people who may be too tired or too sick to cook healthful meals for themselves.

It is interesting to note that there are huge donations to Project Open Hand, and an enormous number of volunteers. When we look over the budget, 18 percent of the budget comes from Ryan White funds, but all of the rest of it flows into the program in a 5-to-1 ratio. The Ryan White money brings in a match of almost 5 to 1 to Project Open Hand, which serves more than 1,000 people every day. It is extraordinary to see the way it is done.

I watched them prepare the meals there. They have different diets for different people. Some have to be no salt, some low salt—and it is all done in a way that is so efficient. So many volunteers give of themselves.

Mr. President, even with Ryan White funds, title I cities have tremendous unmet needs. For example, in California, 62 percent of those in need of HIV primary care do not receive those services in Los Angeles; 73 percent of people with HIV in Orange County cannot get case management services; 45,000 publicly-funded home health care visits are needed for people with AIDS and HIV in Alameda County and there are no funds to help people with their transportation costs. They have no way to get to outpatient clinics.

Mr. President, 40 percent of HIV infected individuals in Riverside and San Bernardino County—which we call the inland empire in California, that is inland from the coast—40 percent of those HIV-infected individuals there are receiving services through the Ryan White CARE Act because they have no health insurance whatsoever.

In San Diego, we have at least 900 additional people with AIDS in its system who were diagnosed and reported elsewhere. In other words, they came from Mexico and other areas to get treatment in San Diego, so there is a terrible problem there.

An estimated 1,000 people with HIV are homeless in San Francisco.

So, in conclusion, to my friends whom I thank so very much for bringing this bill forward, this bill is crucial. It is crucial to people with HIV and AIDS. And I want to point out something that is often lost. The groups today that are most at risk are heterosexual women and our young people. So, if there is an attempt on this Senate floor to ghettoize this disease, I will be back to speak out. Again, we are all God's children. We must help each other. We are all Americans. We are in this together. We must confront AIDS forcefully and directly, provide the necessary funding that will be matched by States and localities, and a very generous private sector.

So I am very pleased to be here in support of this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, we had many of the opening statements on Friday and are prepared to move forward with amendments now. The Senator from North Carolina [Mr. HELMS] has suggested I go ahead with an amendment.

AMENDMENT NO. 1852

(Purpose: To provide for the adoption by States of the CDC guidelines for pregnant women)

Mrs. KASSEBAUM. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas, [Mrs. KASSEBAUM], for herself and Mr. KENNEDY proposes an amendment numbered 1852.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . CDC GUIDELINES FOR PREGNANT WOMEN.

(a) REQUIREMENT.—Notwithstanding any other provision of law, a State described in subsection (b) shall, not later than 1 year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that such State has in effect regulations to adopt the guidelines issued by the Centers for Disease Control and Prevention concerning recommendations for immunodeficiency virus counseling and voluntary testing for pregnant women.

(b) APPLICATION OF SECTION.—A State described in this subsection is a State that has—

(1) an HIV seroprevalance among child bearing women during the period beginning on January 1, 1991 and ending on December 31, 1992, of .25 or greater as determined by the Centers for Disease Control and Prevention; or

(2) an estimated number of births to HIV positive women in 1993 of 175 or greater as determined by the Centers for Disease Control and Prevention using 1992 natality statistics.

(c) NONCOMPLIANCE.—If a State does not provide the certification required under subsection (a) within the 1 year period described in such subsection, such State shall not be eligible to receive assistance for HIV counseling and testing under the Public Health Service Act (42 U.S.C. 201 et seq.) until such certification is provided.

(d) ADDITIONAL FUNDS REGARDING WOMEN AND INFANTS.—

(1) IN GENERAL.—If a State described in subsection (b) provides the certification required in subsection (a) and is receiving funds under part B of title XXVI of the Public Health Service Act for a fiscal year, the Secretary of Health and Human Services may (from the amounts available pursuant to paragraph (3)) make a grant to the State for the fiscal year for the following purposes:

(A) Making available to pregnant women appropriate counseling on HIV disease.

(B) Making available outreach efforts to pregnant women at high risk of HIV who are not currently receiving prenatal care.

(C) Making available to such women testing for such disease.

(D) Offsetting other State costs associated with the implementation of the requirement of subsection (a).

(2) EVALUATION BY INSTITUTE OF MEDICINE.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into a contract with the Secretary for the purpose of conducting an evaluation of the extent to which grants under paragraph (1) have been effective in preventing the perinatal transmission of the human immunodeficiency virus.

(B) ALTERNATIVE CONTRACT.—If the Institute referred to in subparagraph (A) declines to conduct the evaluation under such subparagraph, the Secretary of Health and Human Services shall carry out such subparagraph through another public or nonprofit private entity.

(C) DATE CERTAIN FOR REPORT.—The Secretary of Health and Human Services shall ensure that, not later than after 2 years after the date of the enactment of this Act, the evaluation required in this paragraph is completed and a report describing the findings made as a result of the evaluation is submitted to the Congress.

(3) FUNDING.—For the purpose of carrying out this subsection, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1996 through 2000. Amounts made available under section 2677 for carrying out this part are not available for carrying out this subsection.

Mrs. KASSEBAUM. Mr. President, I rise to offer this amendment on behalf of myself and Senator KENNEDY, the ranking member of the Labor and Human Resources Committee. This amendment is aimed at preventing the prenatal transmission of HIV from mothers to newborn infants. Because new research findings show that when pregnant women with HIV take AZT—which is a treatment that shows positive results for those who have contacted the AIDS virus—it can protect their infants if taken at the right time. I believe we should make testing and treatment available to all who could benefit from this approach. Our amendment would begin to meet this objective.

As many of my colleagues know, the Centers for Disease Control and Prevention recently released guidelines for voluntary HIV counseling and testing of pregnant women. These guidelines call for health providers to offer HIV testing to all women.

The CDC guidelines were developed after recent research showed that HIV transmission to newborns from infected mothers could be dramatically reduced. If pregnant women with HIV take AZT during pregnancy, they can decrease the transmission rate to their newborns from 25 to 8 percent—this is a dramatic reduction.

In response to these findings, and from a desire to protect the health of newborns, the amendment we offer would require States with the greatest number of HIV-infected newborns to implement the CDC guidelines. Under this proposal, 11 States plus the District of Columbia, which account for 80 percent of all newborn HIV cases, would qualify to receive grants from the Public Health Service to help offset some of the costs of testing and treatment.

I offer this amendment as an alternative to a proposal which is being advanced in the House of Representatives, by Congressman COBURN of Oklahoma. To address this problem, the Coburn amendment would test newborn infants for HIV. I believe this is the wrong approach. It seems to me that it is most important that we test the mother at a time in the process in which we could potentially intervene. The Coburn amendment would allow for voluntary testing of the mother but would mandate testing of those babies whose mother had failed to be tested during her pregnancy. I regret that, under the Coburn amendment, it seems to me, that testing of newborns would not prevent HIV transmission. This is why I think it is important to start the process at an earlier period of time, rather than after the birth of the newborn infant.

As many of my colleagues know, I would actually prefer mandatory testing of all mothers during pregnancy for HIV. I support such an approach because I believe it would be the most effective way to prevent HIV transmission to newborns. However, I am not advancing a mandatory testing approach at this time because of the concerns that have been raised by many. These include increased Federal Medicaid expenditures, unfunded State mandates, and a decrease in pregnant women seeking prenatal care.

For all of those reasons I decided it was best to not make it mandatory, but to follow the CDC guidelines in the 11 States where 80 percent of the cases have, in the past, occurred. I believe this amendment, which will provide funding to States to implement the voluntary CDC HIV counseling and testing guidelines, and is an effective way to protect our Nation's newborn infants. As such, I urge colleagues' support for this measure.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I rise in strong support of the amendment put forward by the Senator from Kansas. It represents a responsible approach to an important issue. I am pleased we are taking action on it at the outset of this debate. The CARE Act is about providing health care and hope to people living with HIV disease. It is about making the promise of advances in biomedical research a reality in the lives of our fellow Americans in need.

Research has demonstrated we can reduce the transmission of HIV from mother to child by providing HIV positive pregnant women with AZT, during the second or third trimesters of pregnancy and during delivery. In so doing, we can save young lives and help keep families together.

In response to this important discovery, public health officials and maternal and child health care providers have worked closely with the Centers for Disease Control to design guidelines for standards of medical practice that will help to maximize the impact of this discovery. Earlier this month, the CDC issued guidelines recommending that all pregnant women receive counseling about the benefits of seeking HIV testing, and that such testing be made available on a voluntary basis.

Where this is currently being done, more than 95 percent of the women have sought voluntary HIV testing. I think that is really the heart of this whole amendment that Senator KASSEBAUM has talked about.

We have a nationwide problem. The amendment is focused in the areas where there is the greatest need, and has been encouraged by voluntary counseling. And where we get the voluntary testing and where we have the appropriate kind of counseling consistent with the CDC guidelines, you get 95, even higher percentage. Dr. Koop, who has been working in this area, talks about areas and communities that are up to 98 percent, which is what, obviously, we are interested in doing. If effectively implemented, the guidelines will make a tremendous difference.

So the amendment offered by the Senator from Kansas will ensure that these guidelines are implemented in those States with the most significant problems. We know that more than 80 percent of the cases of pediatric AIDS occur in 11 States, including my own State of Massachusetts. The amendment will ensure action by these States. It authorizes funds to assist them with that action.

This approach is supported by the Academy of Pediatrics, the American Medical Association, the March of Dimes, the Governors, the State Health Officers, the State AIDS Directors, the Pediatric AIDS Foundation, and a host of other public health and social service organizations.

We talked with Dr. Koop yesterday, who strongly supported this action as the most responsible means of moving toward this important issue.

So, Mr. President, I urge the Senate to accept it. I think what we have found out in the whole battle on AIDS is where we work toward encouragement and work with consultation and counseling, we get a very positive response. That is what this particular measure does. If we were to come back in a more compulsive situation which has been recommended by others, what has happened—and the data reflect this—is that there is less of a desire and willingness to move ahead and get the test.

This I think makes sense from a public health point of view. It makes particular sense with regard to the children. And it makes sense from a scarce-resource point of view.

So I commend the Senator for this amendment and urge its adoption. I think it is a very, very important one. It is the result of research that has been going on at the Centers for Disease Control.

We have 7,000 infants that are born each year that are HIV. Three-quarters of those will be free and on their own within about a year or a year and a half. But, as the Senator's amendment points out, with the addition of AZT treatment, that number comes down to only about 8 percent.

So the way that the Senator has proposed I think maximizes the opportunities to help and assist the infants, and also will get them the most positive response and do it in a way which is financially most responsible.

I commend her for this approach and urge our colleagues to accept this amendment.

The PRESIDING OFFICER. Is there further debate on the amendment?

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. I thank the Chair.

Mr. President, I do not know how anybody can oppose this. I certainly support it. I think that we should expedite the consideration of this bill by letting all amendments possible be approved on voice vote, and not get into any high-jinks about second degree. I am not going to second-degree anybody's amendment. We can save a lot of time if we do not get involved in that, and can get this Ryan White bill behind us.

I certainly approve of this amendment. I urge its adoption.

Mr. HATCH. Mr. President, I rise in support of the Kassebaum-Kennedy amendment to S. 641 which essentially adopts the guidelines of the U.S. Public Health Service [PHS] which require counseling and voluntary testing of pregnant women who are at risk for HIV infection.

The PHS has issued guidelines in the following areas: Information for both infected and uninfected pregnant women which will help improve their health and that of their infants; laboratory considerations involved in HIV testing of these populations; and necessary follow-up services for HIV-infected women, their infants and other family members.

The guidelines released this month by the PHS are an excellent model. They recommend that health care providers ensure that all pregnant women are counseled and encouraged to be tested for HIV infection. This will allow women to know their infection status, which can both help them maintain their own health and reduce the risk for perinatal HIV transmission.

The guidelines also emphasize that HIV testing should be voluntary. Health care providers should counsel and offer HIV testing to women as early in pregnancy as possible so that informed and timely therapeutic and reproductive decisions can be made.

The issue of mandatory testing is one I have studied in great detail. I understand the reasons why requiring mandatory testing of pregnant women or newborns may seem like a good idea. However, I have concluded, that such a mandate, while well-intentioned, often has the opposite effect of turning those women who are most likely to be infected with the HIV virus away from the system.

The issue boils down to access and trust; mandatory testing accomplishes neither.

My reasoning is as follows:

The idea of mandatory testing creates a great deal of apprehension and fear in precisely those women whom we would want to test.

Some women fear that if there were mandated testing, it may not be accompanied by necessary informed consent.

Others fear they may not be informed of the results of their HIV status.

We unfortunately have a tragic precedent for this with the infamous Tuskegee experiments; African-American men in the South were tested for syphilis and were not treated if found to be positive for the disease. The fact that they were uninformed about the testing and not treated, continues to tarnish the reputation of the public health establishment.

For many, especially the poor who utilize the public health system, there is often very little trust of a system which is not responsive to their health care needs, poorly staffed, over-crowded and ill-equipped to provide the necessary services.

Mandating treatment for all pregnant women independent of their risk factors for HIV significantly increases the rate of false positive results.

In other words, due to the sensitivity and specificity of testing for HIV, indiscriminate mandatory testing increases the likelihood that women who are falsely positive will be treated.

And, as I understand it, while AZT is a potentially life saving medication which has helped literally thousands of people, it is not without significant side-effects and morbidity. We should not be subjecting individuals who may not be HIV positive to unnecessary treatment.

Mandating testing without providing the treatment merely sets up the largely false expectation that services will be provided.

This would be a cruel hoax for those individuals who may test positive and not have the access to appropriate medical services.

Scientific prospective clinical trials reveal that early detection of HIV-infected mothers and subsequent treatment with AZT reduces the transmission rate of HIV to the newborn by a third.

The key to prevention and appropriate treatment is education and counseling of the pregnant woman.

I think that the Kassebaum-Kennedy amendment address these issues in a responsible way.

This amendment shows that the Senate is on the side of counseling and voluntary testing as advised by our Nation's top public health experts. Education and prevention remain our best weapons against this horrible epidemic.

I thank Senators KASSEBAUM and KENNEDY for developing this dialog, and hope this amendment is a position we can maintain in conference.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment.

The amendment (No. 1852) was agreed to.

Mr. HELMS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mrs. KASSEBAUM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. KASSEBAUM. Mr. President, I appreciate the comments of the Senator from North Carolina. I am glad to start off with such a positive amendment and share with him that I think it is important to debate these amendments, just the value of amendments as they are presented. I think that we both share the desire to move forward on this legislation. I appreciate the comments of the Senator from North Carolina.

Mr. HELMS. I thank the Senator from Kansas.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair.

Mr. President, as the Senate proceeds to the consideration of the proposal to reauthorize the so-called Ryan White CARE Act of 1990, there are so many ironies, that I feel obliged to call attention to some of them. Although the homosexual activists of America have created a virtual minefield for any Senator who dares raise a question about the legislative history of this proposal.

These homosexual activists have managed to convince the news media, and a surprising number of Senators, that it is irrelevant to talk about who and what really caused the death of Ryan White—Ryan White, the 18-year-old hemophiliac who died of AIDS because tainted blood was pumped into his veins, blood that was tainted in the first place by a homosexual conduct somewhere generations back.

The Centers for Disease Control was quite candid in the early 1980's as to when and how the AIDS disease was brought to America. The CDC may be somewhat politically correct now.

In any event, I have in hand a volume which I obtained on loan from the Library of Congress, a book authored by Randy Shilts entitled "And the Band Played On." Newsweek magazine described this book in 1987 as "compelling and often shocking, impassioned, and path breaking, the best book yet on AIDS."

The Washington Post described it as "a monumental history."

Time magazine called the book "stunning and impressively researched, a richly detailed narrative."

The Chicago Tribune described it, "It reads like a good medical sleuth story. But it is not fiction. It is a painstakingly detailed history."

Mr. President, let us emphasize how virulent the AIDS virus is. A Canadian airline flight attendant, who knew he had AIDS and whose name is a matter of record, flew into the United States, and over a period of time—I am quoting from page 147 of Mr. Shilts' book—the Canadian airline flight attendant "established sexual links between 40 patients in 10 cities. The role played by the flight attendant was remarkable," Mr. Shilts says. And he continues, "At least 40 of the first 248 homosexual men diagnosed with HIV or AIDS in the United States as of April 12, 1982 either had had sex with the flight attendant or had had sex with someone who had."

Mr. Shilts continued, "The links sometimes were extended for many generations of sexual contacts, giving frightening insight into how rapidly the epidemic had spread before anybody knew about it."

Mr. President, I include those details to emphasize the virulence of HIV, AIDS, and it has been that way since the very beginning. Yet, I know of not one homosexual organization that has advocated abstinence from engaging in the incredibly offensive and revolting conduct that has led to the proliferation of AIDS; not to this good day has there been even a hint that abstinence should be followed. No. The homosexual activists have gone precisely in the other direction, demanding more and more Federal funds for research and special funding for personal care available to no other Americans suffering and dying of other diseases like cancer, heart disease, diabetes, and Alzheimer's.

This is a unique piece of legislation. It was in 1990, and it still is. There has never been a bill like this for any other disease.

The ferocity of the lobbying and the intensity of media criticism of anyone raising a question about all of this has caused many in Congress to go along with the questionable demands of the homosexual lobby.

I myself, Mr. President, have taken the heat, but I will not be deterred. The Senate probably will pass this bill again, and the House has already passed it. And it may become law because President Clinton will rush and sprain his ankle grabbing a pen to sign it.

I have intended to have my say, and I have intended to offer a number of amendments for the consideration of Senators to vote for or against as they please. But I think the Senate ought to go on record.

Let us examine some of the support the American taxpayers are forced to give to a comparison of diseases. Let us start off with AIDS.

This year, $2,700,000,000 for AIDS. That is the tab Congress has demanded that the American taxpayers furnish.

That is more money than for any other disease.

The Congressional Research Service breaks down the money like this:

This year, $1.548 billion for research, $491 million for so-called prevention or education programs—and I will get into that in just a minute—and $664 million for treatment. And this is only for fiscal year 1995.

The fiscal year 1996 request totaled a whopping $2.9 billion —$1.819 billion for research, $526 million for prevention or education, and $555 million for treatment programs.

Now, the disease AIDS ranks No. 8 in America among all of the diseases in terms of causing death. The No. 1 killer is heart disease followed by cancer, followed by stroke and lung disease, diabetes, Parkinson's disease, Alzheimer's, and so forth.

But do they get money like this? No. AIDS is No. 8—No. 8—yet AIDS gets more Federal money than any of the other diseases. If memory serves me correctly, the original 1990 Ryan White bill was funded with money taken from a fund originally allocated for Alzheimer's disease. The Federal Government spends $91,000 for every patient who dies of AIDS. The Federal Government spends $5,000 for each American who dies of cancer.

I know the advocates of this Ryan White reauthorization bill will claim that comparisons are odious, but there is a great big odor rising from the manner in which Congress is falling all over itself to do what the homosexual lobby is almost hysterically demanding that Congress do.

Now, then, I am a little bit fascinated by a clause in this existing bill that is now the pending business, language which authorizes—and let me quote from the bill—"appropriations of such sums as may be necessary for each of the fiscal years 1996, 1997, 1998, 1999, and 2000."

Supporters of the bill say, "Oh, well, do not worry about that, Jesse. That does not mean anything. It still will have to go through the authorization and appropriations process each year."

Well, if that is so, Mr. President, if it does not mean anything, let us take out that reference to "such sums as may be necessary." I will bet you a quarter not one of the proponents will agree to that. Of course, it means something.

While I am at it, let me raise a question about the provision in this Ryan White bill's title V which creates new education and training centers related to homosexuality and AIDS.

Mr. President, this bill is silent in seven languages about teaching the importance of abstinence. It is not even mentioned. Abstinence, I say again and again and again, is the only way AIDS will ever be brought under control. And the activists do not even use the word or permit it to be used.

There is general agreement among scientists that the biggest risk for contracting HIV or AIDS is the number of sexual partners homosexuals have. The more promiscuous a homosexual, the greater his risk of contracting HIV or AIDS, and, by the way, infecting innocent people like little Ryan White, whose name is being exploited in this legislation, who had nothing to do with that. He was innocent.

Reliable surveys, Mr. President, show that many homosexuals average 16 different sex partners every month, 182 partners per year. And my source for that is a document "Hepatitis B Cohort Study of 1980," and I have it available for any Senator who wants to see it.

Now, is it not clear, Mr. President, that AIDS is a chronic disease of sexually promiscuous people? And a lot of innocent people like Ryan White are caught up in it, unknowingly and without any misconduct on their part.

Let me move on. Mr. President, you would not believe the stonewalling that has been going on in and by the Clinton administration to prevent my staff and me from obtaining statistical information about how these millions and billions of dollars of the taxpayers' money are to be spent and have been spent in the past. You call HHS—and we have the date and time and the name of the people we talk with—and they say they do not know, that there is no monitoring going on.

Stonewalling, that is what we have. But I say this, and I say it with all the sincerity I possess, that before the Senate Appropriations Committee acts on this bill, S. 641, I hope Senators HATFIELD and BYRD and all of the members of the Appropriations Committee will insist on credible documented information about who has received the Ryan White funds since the enactment of the 1990 version of the Ryan White CARE Act.

That is all I ask. If Senator ROBERT C. BYRD says it is all right, after he has looked at the information, I will be reasonably satisfied because I trust Senator BYRD. We do not belong to the same party. We do not agree on everything. But I respect him as an honorable gentleman. I think the American people will be appalled by what their hard-earned tax dollars are supporting in fact. Nobody knows now. I am sure NANCY KASSEBAUM has no idea what is going on because I know this lady. I know her inclinations, and I know her character. But a lot of things are going on that have not been discussed or disclosed to the Congress of the United States let alone the American people.

For example, I have a brochure from the Gay Men's Health Crisis.

By the way, I hate to use the word "gay" in connection with sodomy. There is nothing gay about these people. "Gay" used to be a beautiful word. It has been corrupted, but that is another argument for another day.

This Gay Men's Health Crisis organization put out a brochure describing various and sundry methods of homosexual sex. Now, I have been around the track a long time, and I have seen a lot of things in my lifetime, but I can just imagine how the average American would react if they could see what this is all about. Not once—I reiterate, not once—is abstinence mentioned as the way to avoid HIV infection. They do not want abstinence.

Senators may be interested in an advertisement by another homosexual outfit, the so-called Whitman Walker Clinic in Washington. This advertisement says: "If you visit a bath house remember to always use a latex condom. Used properly latex condoms prevent HIV, AIDS and other sexually transmitted diseases."

Now, this statement is blatently false. It is inaccurate. It is misleading. And yet taxpayer funds are being used to circulate this falsehood, giving false hope to homosexuals in their many and various liaisons.

Then there is the Washington Blade, which is a homosexual newspaper published here in Washington, DC. They have a pink section they call Lights Out. The implications are obvious on that. This pink "Lights Out" section is dedicated exclusively to advertising for anonymous dates, sexual encounters. No names are given. You just pick this one that sounds good to you, and there you go. Decency prevents me from reading the so-called classified ads out loud on the Senate floor. Suffice it to say here comes the Whitman Walker Clinic again. This time implying, "Just do it, but do it with a condom." And they know that is not so. They know that it is not so. The Whitman Walker Clinic, which receives Ryan White CARE Act money from the American taxpayers, who care for people with HIV or AIDS, leads homosexuals to believe that as long as you use a condom it is safe to have anonymous sexual encounters.

Now, what kind of use of the American taxpayers' money is that? People say, it is hateful for JESSE to talk about this. But somebody needs to talk about it. Somehow the American people need to know and deserve to have an understanding of what is going on, not get up here with all of the plaintive remarks about Ryan White. Let us talk about what killed Ryan White. Who furnished the tainted blood? Where did it come from? I met the little boy one time. I was sorry for him then, and I am sorry that he is dead now. But it was not accidental. There was somebody who did not care, who furnished tainted blood.

Now, the Gay Men's Health Crisis and the Whitman Walker Clinic are not the only such homosexual outfits receiving Ryan White funds advocating so-called safe sex. As I said earlier, I do not believe Senators could possibly believe the stonewalling by the Clinton administration to prevent us, my staff and me, from obtaining accurate, verifiable statistical information on precisely how these millions and billions of dollars have been spent and will be spent. I think it is a legitimate question for the legislative branch to ask the executive branch. But not the Clinton administration. Nobody. That is off limits. They have got a deal. The Senate is debating whether or not to reauthorize this act for appropriations of such sums as may be necessary, and nobody can tell me and nobody can tell the American people exactly where this money is going and for what it is being spent.

Oh, you hear all of the wonderful stories about how these people say it is being spent. And I suppose some of it is being spent for good purposes. But Congress does not monitor this, and HHS will not let anybody monitor it. So it is sort of a closed shop, do you not see?

Incidentally, speaking of the word "care," I have been the butt of a lot of diatribes lately, like the New York Times, which put words in my mouth that I had not said. And these editorial writers around the country somewhere along the line gave up this responsibility of checking for themselves what the facts are and what was really said. They pick up a report from the New York Times, and they rush to their little hot typewriters or little hot microphone or camera and say, "Oh, you cannot talk about this. This is a hateful thing to do."

It is all right with me what they say. I do not care. I do not talk to them much anyway because they will take a snippet here and a snippet there and about 5 seconds here and 5 seconds there, and they will make the quote say what they want it to say. The first amendment does not require that they be honest or fair about anything.

For the record, Mr. President, let me say that I do not hate anybody, but I have been accused of it in editorial after editorial. I do not hate homosexuals. I do not even know any homosexuals. But what I do not like is for the Congress of the United States to bow and scrape to homosexual pressure and give them Federal funds and rights and privileges that other Americans are denied. That is what I do not like. And, yes, Mr. President, I have a deep sympathy for homosexuals who are dying of AIDS because of their having deliberately—deliberately—placed their lives at risk. I have deep sympathy for anybody who sticks a loaded pistol in his mouth and pulls the trigger. You are playing Russian roulette either way. And homosexuals are losing and losing and losing, and they do not want to talk about abstinence.

Now, homosexuals know the risk they are running with their sexual conduct. They go on television programs. I saw one or two on "60 Minutes" the other night, 2 or 3 weeks ago. They discussed why they just cannot abstain and why it is so much more intimate not to try to protect themselves from being infected with AIDS or preventing others from being infected. They are not interested in abstinence. They are not interested. In all candor, Mr. President, when you get down to the guts, feathers and all, they do not give a damn.

But the rest of us do. A lot of us are sick and tired of all the pretenses of injured innocence. They are not innocent. They know it. And that is why they are so belligerent in their demands that homosexuality be accepted as just another lifestyle—indeed, a specially protected and encouraged lifestyle. And that is not a reckless statement because I am about to explain what I mean. I do not believe they will ever sell that bill of goods to the American people.

But back to Senator HATFIELD, the distinguished chairman of the Senate Appropriations Committee, and Senator ROBERT C. BYRD, who has served with distinction as chairman of that committee in the past, and he serves now, of course, as ranking minority Member. The Department of Health and Human Services has declined to make any useful information available to my staff or me. They say they have no records of how many homosexual advocacy groups receive or have received Ryan White funds. They have no record of what they do with it. But to that I say, why? Why? And I think the American people are entitled to say, why? It is not HHS money. It is not JESSE HELMS' money, and it is not NANCY KASSEBAUM'S and certainly not TED KENNEDY'S money, or any of his aides'. It is the American people's money. They have a right to know the full information.

Senators HATFIELD and BYRD and other members of the distinguished Senate Appropriations Committee might start by inquiring officially and formally how much Federal money was delivered to, for example, the Gay Men's Health Crisis Organization in New York, or right here in Washington, how about the homosexual outfit, the Whitman Walker Clinic? Surely, the Appropriations Committee is entitled to know. Surely, the Members of the Senate are entitled to know.

During the past 15 years, Mr. President—and I shall conclude shortly—AIDS has killed 270,000 people in this country.

Heart disease kills more than that in less than 5 months. Less than 2 percent of the deaths last year in America were the result of AIDS.

I go back to Ryan White. I was sorry for that young man then, and I am sorry for him now. He died at age 18 of AIDS, a disease that he almost certainly contracted from that tainted blood that had its origin as a result of that homosexual airline flight attendant who was the first documented instance of the AIDS disease being brought into North America from Africa.

We will never know, of course, the precise list of individuals who passed the HIV virus along—in what they call the generational series of homosexuals—to drug users, and one or more of them contributed to that blood transfusion that Ryan White got.

But you know one thing, they were involved in it and they know it, too, but they want to obscure that. They usually go around Ryan White to attract sympathy for them, undeserved sympathy. I am talking about the ones who have not caught it yet, but they are playing Russian roulette and they want the discovery to be made so it will be safe for them. I do not think there is ever going to be a protection of that nature developed by science. I find myself hoping that it will be, but I just do not believe it is going to happen.

Ryan White was without blame. He was a hemophiliac who had to have a blood transfusion, but he did not deserve a fatal tainted blood transfusion.

Ryan White was innocent, and I pass no judgment on any member of his family or any other family who has lost in such a way a member of their family. I do not have any real problem—I do not understand it—but I do not have any problem with Ryan White's name being exploited by the kind of people who have acknowledged that they either cannot or will not even try to restrain their impulses to prevent the further spread of AIDS.

Michael Fumento, an associate of the Competitive Enterprise Institute in Washington, has written a book that all Senators should read, but probably will not. The name of the book is "The Myth of Heterosexual AIDS."

I wish some of the people in the press gallery would read it. Mr. Fumento relates that he called the offices of a number of Senators to inquire about the fairness of devoting so much of the taxpayers' money to one disease at the expense of other diseases. He said he asked in each Senate office for a statement on the fairness of it all. And then he wrote:

> Wonder of wonders, I got no answer.

He concluded this way:

> And while several Senators claim that as President they would be tough enough to deal with America's foreign adversaries, when it comes to AIDS activists, they go crawling for the deepest foxhole.

I am not looking for a foxhole. What I want is for the American people to be informed as to how this money is to be spent, where it is to be spent and by whom it is to be spent. Do not take the word of Senators who say, "Well, we had in our State this situation," or others, "We had our situation and it's terrible," and so forth and so on. Of course, it is terrible, but that does not address the problem. Let us find out how this money is being spent. That is all I have said at any time along the line. No foxhole for me. We will find out sooner or later what happened.

Mr. President, I ask unanimous consent that an op-ed column written by

Mr. Fumento, published on June 19 by the Washington Times, be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HELMS. Mr. President, for the guidance of the clerk, the headline in the article is "Bill Oils the AIDS Squeaky Wheel."

Mr. President, I yield the floor.

EXHIBIT 1

[From the Washington Times, June 19, 1995]

BILL OILS THE AIDS SQUEAKY WHEEL

(By Michael Fumento)

Grab your wallet, folks! The Senate is about to demonstrate its boundless compassion again by spending billions of your dollars. But this time it won't just be unfair to taxpayers but to the great majority of Americans suffering from serious diseases.

The subject of this latest act of largesse is the cynically named Ryan White Act, which is up for reauthorization. With 58 co-sponsors, its Senate approval is virtually guaranteed, though for the moment its passage is blocked by North Carolina Republican Sen. Jesse Helms.

Enacted in 1990, ostensibly to provide care for such victims as Ryan White, the measure was a sham from the start. Young Ryan White was a hemophiliac who won the heart of the nation after he contracted AIDS. He died at age 18. But only 2 percent of AIDS victims in 1990 were hemophiliacs, according to the federal Centers for Disease Control and Prevention. Today it's 1 percent. Less than 2 percent of AIDS victims are under the age of 20.

One wonders how the bill would have fared had it been named the Robert Mapplethorpe Act, after the late homosexual photographer famous for such depictions as bullwhips extending from people's posteriors.

The Ryan White Act was also sold as a means of helping, as National Commission on AIDS Chairwoman June Osborne put it, the "many parts of rural America [that] are about to be blind-sided by the epidemic." Yet then, as now, cases from non-metropolitan areas amounted to 5 percent of those reported.

Predictably, almost all of the money went to those places that had the most AIDS cases. This means not Ryan White's town of Cicero, Ind., but rather New York City, Los Angeles, San Francisco and other areas that also happened to be Democratic strongholds. In other words, it followed the same supply lines as all the Democratic pork of that era. The money went for those who make up the bulk of AIDS victims: homosexual men and intravenous drug abusers.

Further, even on a per-patient level, the bill resulted in allocating several times more money per victim in larger cities than in less-populated areas.

Misnaming and misrepresenting the act has paid handsomely. In its first five years, spending more than doubled from $276 million in 1991 to $664 million for this year, for a total of over $2 billion.

This time around, the bill is sponsored by Kansas Republican Sen. Nancy Kassebaum. When I called her office, her aide cited—yes—the rural AIDS bogeyman. One wonders if the good senator knows that Kansas has all of 245 AIDS cases last year, just 3 percent of the national total. Of those, eight were children.

In fairness, Sen. Kassebaum has rewritten the act so that more money will be authorized for rural areas. But with so few patients there, the money must necessarily flow right back through the old pork pipeline established in 1990.

The biggest difference this time is that the estimated cost will balloon from slightly more than $2 billion to $3.6 billion. This even though the AIDS epidemic is declining. New AIDS cases are being reported at a rate well below the 80,000 of last year.

Yet even if the bill weren't such a budget-buster, it would be terribly wrong.

Ryan White provides no money for medical research, so no one will ever be cured of AIDS with all those billions of spending. Along with some allocations for education that are redundant with the $500 million federal AIDS education budget, the Ryan White Act simply provides money for treatment, drugs, free meals, in-home care and the like.

It's nice that sick people can get such services regardless of their income levels. But for anybody with any disease besides AIDS the sign on the door reads, "Go away!" There is no Gilda Radner Act for victims of ovarian cancer, no Ronald Reagan Act for Alzheimer's disease patients. Some elderly and indigent people with such diseases can qualify for programs like Medicare and Medicaid, but then so can AIDS patients.

No, the Ryan White Act was a gift to one extremely squeaky wheel. Not content with a medical research budget that dwarfs that of every other disease but cancer—despite being only the ninth-greatest killer of Americans—the AIDS activists demanded and got privileges that persons with other diseases can't even dream about.

Quite simply, the homosexual activists want special treatment because they themselves, and their friends, have an extraordinary chance of contracting the disease. Somehow they have translated "Gimme! Gimme! Gimme!" into a cry for compassion. Long gone are the days when AIDS activists begged merely to be treated no worse than the victims of diseases not associated with behaviors society finds distasteful.

I called the offices of both Sen. Kassebaum and the other Kansas senator, Bob Dole, for a statement about the fairness issue. Wonder of wonders, I got none. To a Congress always eager to take money from all of us and give it to some of us to buy votes, fairness is a four-letter word. And while several senators claim that as president they would be tough enough to deal with America's foreign adversaries, when it comes to AIDS activists they go crawling for the deepest foxhole.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I would like to answer, some of the questions that were raised by the Senator from North Carolina. I know how much Senator HELMS genuinely cares about this issue. I would like start by saying that many of the 64 cosponsors of this legislation were cosponsors of the legislation in 1990. So they, I hope, are familiar with what was in the bill then and what is in the bill now.

We have had a thorough hearing on this bill. A GAO report on the funding equities and distribution, which had been requested by Senator BROWN of Colorado and myself was used as the basis for that hearing. The report had been requested because of our concern about equity of funding for all individuals with AIDS.

I share with Senator HELMS a concern about the fact that sometimes we are not able to do the type of oversight that we should, but with the hearing and the GAO report we were able to propose in this bill changes to provide equity in the distribution of funds.

It is sad, but true, that there are many who have been victims of HIV. Some individuals like Ryan White contracted this disease through contaminated blood. Unfortunately, this illness has had a ripple effect with involvement of individuals from many walks of life but also the family members of those infected have also suffered. So we have to be mindful of all who have suffered. I think that this epidemic must be viewed in the broader sense of the epidemic and the tragedy.

Senator HELMS quoted figures related to the amount of money that has been expended for the major causes of deaths in this country. I lost a niece, several years ago to cancer. She had two small children. I remember through the years of her struggle with cancer discussing Federal Government funding levels for cancer. She questioned why there could not be more expended for cancer research than we were spending on AIDS. I spent time researching this important question in hopes of finding an answer. One thing that became apparent to me was that money that goes into research for HIV is also very valuable for other illnesses like cancer.

The figures that Senator HELMS gave were only for research, and I would like to give figures that include not only the research expenditures but also the moneys that come from Medicare, Medicaid, Social Security disability funding, and the Public Health Service moneys. For HIV and AIDS, it is about $5.4 billion a year; for cancer, about $15 billion a year; for heart disease, about $34 billion a year.

One of the reasons that the Ryan White CARE legislation came into being, Mr. President, was to help provide assistance to those who were not eligible for Medicare; because they were not yet of age to receive Medicare or to receive Medicaid, because they had an income level which would not allow them to qualify. As we all know such medical care services even those that are basic can be very costly.

That was the genesis of the Ryan White legislation. It has grown significantly in funding since 1990, but so have the number of AIDS victims.

I suggested in 1990 that we do such sums. I do not think that this a good approach for defining the level of authorizations. I would propose an amendment, if this would be of any benefit, to say define the funding level for the first year which would be consistent with the appropriated levels reported recently by the House of Representatives. The House appropriation figure just recently passed is $656 million for 1996; then such sums in the following years. At least that puts a benchmark which gives some consistency between the House and Senate.

Senator HELMS mentioned a new title, title V, which is slated to receive a small amount of funding, $17 million, in this year's authorization. I would like to explain this program a bit further. Title V is for AIDS Education Training Centers [AETC]. This title is not new. It has been moved from the health professions bill to this legislation. It seemed appropriate to consolidate those efforts related to AIDS into one legislation.

AETC's are not a new program. It has been funded for many years. Under this program, health providers are educated and trained in the best ways to treat individuals with AIDS, particularly children and women. Given the complications and numerous illnesses which individuals with AIDS often acquire, health providers benefit from this type of education. I believe that patients also benefit from better trained physicians and other providers. This explains why there is a new Title V, although we must remember that this is not new, but rather a program moved from the Health Professions program to this legislation.

Mr. President, this is not a piece of legislation that is enthusiastically embraced by everyone. It raises fears. It raises concerns. It certainly raised emotional levels and questions of morality, which Senator HELMS has noted.

I think the Senator from California earlier today, Senator FEINSTEIN, spoke with real eloquence, of two people she personally knew, and how it affects so many. Sometimes people who do not fit the pattern that Senator HELMS has mentioned are also infected.

AIDS touches people, not only those who are ill and/or dying, but it touches many others as well. That is why the Ryan White bill came into being—not to take his name in vain. The intention was to provide services that could be of help to families who are suffering—and to patients—who are infected with this disease.

I yield the floor. I do not know whether there are other amendments to be considered.

AMENDMENT NO. 1853

(Purpose: To require spousal notification in cases in which an individual is diagnosed with infection with the human immunodeficiency virus)

Mr. HELMS. Mr. President, I have some amendments to come before the Senate. I do not intend to second-degree anybody else's amendment, and I hope we can just have up-and-down votes and get this bill out of the way.

Now, Mr. President, I send an amendment to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1853.

Mr. HELMS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following new section:

SEC. . SPOUSAL NOTIFICATION.

(a) PROHIBITION ON THE USE OF FUNDS.—The Secretary shall not make a grant under this Act to any State or political subdivision of any State, nor shall any other funds made available under this Act, be obligated or expended in any State unless such State takes administrative or legislative action to require that a good faith effort shall be made to notify a spouse of an AIDS-infected patient that such AIDS-infected patient is infected with the human immunodeficiency virus.

(b) DEFINITIONS.—As used in this section—

(1) AIDS-INFECTED PATIENT.—The term "AIDS-infected patient" means any person who has been diagnosed by a physician or surgeon practicing medicine in such State to be infected with the human immunodeficiency virus.

(2) STATE.—The term "State" means a State, the District of Columbia, or any territory of the United States.

(3) SPOUSE.—The term "spouse" means a person who is or at any time since December 31, 1976, has been the marriage partner of a person diagnosed as an AIDS-infected patient.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to a State on January 1 of the calendar year following the first regular session of the legislative body of such State that is convened following the date of enactment of this section.

Mr. HELMS. Let me sum up this amendment. I think we had two votes against it the last time.

This amendment requires that States receiving Federal funds for AIDS education and prevention take specific legislative and/or administrative steps to make sure that spouses—that is, the wife or husband—of an individual infected with the HIV/AIDS virus, that the spouse be promptly notified.

Let me say why I think we ought to vote on this again. Some years back, 2 or 3, I forget how long ago, there were several circumstances that led me to draft this amendment at that time.

It began when I received a call from a young woman who worked on the House side of the Congress who said, "Senator, my mother wants to come by and talk with you on a matter of confidence. She doesn't want you to ever use her name," and I shall not. They came, a lovely lady and her beautiful daughter. I shall never forget that visit. The meeting did not last long. After the usual amenities—and I had no idea what the lady wanted to discuss—but after the usual amenities, I seated them. The three of us began to discuss why she had come and what I might be helpful to her about.

At that point, tears welled up if that mother's eyes as she began to tell the story. She took a deep breath and stated the bottom line. She had AIDS, she said, "and I am dying." Her bisexual husband, you see, had infected her with the AIDS virus. He had not informed her he was infected, and State law in her State forbade the family doctor from telling her—which I consider to be outrageous.

Now, Mr. President, we hear so much about protecting the confidentiality of AIDS-infected patients, yet we hear nothing about the fatal consequences of confidentiality laws. The homosexuals march in Washington, and they demand their rights, but what about the rights of this lovely lady and the thousands of others like her, potentially, who, through no fault of their own, have become infected with the deadly AIDS virus, or may be infected in the future?

Do they not have rights, too? Should there not be laws to protect the innocent spouses, instead of those who hide behind the confidentiality law and, as in this case, are causing others to die?

What a terrible tragedy. Only 12 States protect the lives of spouses of HIV-infected citizens, only 12 States. Eighteen States provide for notification of partners, but they are silent on the rights of spouses. What kind of fair play is that? And you know what I mean when I say "partner."

Does this not lead to the conclusion that some States may appear more concerned with protecting the interests of the HIV-positive spouse instead of the life of the unsuspecting innocent spouse?

This amendment does not require States to initiate a spousal notification program. It simply says that if States want Federal money, which they take from the taxpayer—if States want money to combat the AIDS virus, the AIDS disease, those States are going to have to make a genuine and concerted effort to protect innocent spouses from being exposed to the AIDS virus.

It is time to start treating AIDS as the public health issue that it is, rather than the civil rights issue that it has become. I have no doubt that if we take this step, it will help curb, to some extent at least, the spread of this lethal disease.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, maybe, as a clarification of what we did last year, it is my understanding that, in law, from what we had before, that each State is required to set up its own notification system. Is that correct?

Mr. HELMS. Not to my knowledge. But even if it is, if you will forgive me, it will not hurt the Senate to go on record again.

Mrs. KASSEBAUM. No, I have no problem—I was just asking the Senator if he knew if that was not correct that each State is required to set up its own?

Mr. HELMS. My expert is sitting to my left, and sometimes to my right as well, and she says she does not know about that. And so, of course, I do not.

Mrs. KASSEBAUM. Mr. President, I suggest the absence of a quorum for a minute until we look at the language and get some comparison, so maybe we can accept that.

Mr. HELMS. That is fine, just so there is no attempt to second-degree my amendment, because then we will have protracted debate.

Mrs. KASSEBAUM. No, I agree with the Senator. I know the effect of a second-degree amendment.

Mr. HELMS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. THOMPSON). Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask for the yeas and nays on the pending amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I hope that this amendment will be accepted by the membership. I intend to vote for it.

The PRESIDING OFFICER. Is there further debate on the amendment? If not, the question is on agreeing to the amendment. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LOTT. I announce that the Senator from Utah [Mr. BENNETT], is necessarily absent.

Mr. FORD. I announce that the Senator from Illinois [Mr. SIMON], is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 332 Leg.]

YEAS—98

Abraham
Akaka
Ashcroft
Baucus
Biden
Bingaman
Bond
Boxer
Bradley
Breaux
Brown
Bryan
Bumpers
Burns
Byrd
Campbell
Chafee
Coats
Cochran
Cohen
Conrad
Coverdell
Craig
D'Amato
Daschle
DeWine
Dodd
Dole
Domenici
Dorgan
Exon
Faircloth
Feingold
Feinstein
Ford
Frist
Glenn
Gorton
Graham
Gramm
Grams
Grassley
Gregg
Harkin
Hatch
Hatfield
Heflin
Helms
Hollings
Hutchison
Inhofe
Inouye
Jeffords
Johnston
Kassebaum
Kempthorne
Kennedy
Kerrey
Kerry
Kohl
Kyl
Lautenberg
Leahy
Levin
Lieberman
Lott
Lugar
Mack
McCain
McConnell
Mikulski
Moseley-Braun
Moynihan
Murkowski
Murray
Nickles
Nunn
Packwood
Pell
Pressler
Pryor
Reid
Robb
Rockefeller
Roth
Santorum
Sarbanes
Shelby
Simpson
Smith
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner
Wellstone

NOT VOTING—2

Bennett
Simon

So the amendment (No. 1853) was agreed to.

Mrs. KASSEBAUM. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. KENNEDY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

UNANIMOUS-CONSENT REQUEST—S. 908

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate turn to the consideration of S. 908, the State Department reauthorization bill, immediately following the disposition of S. 641, the Ryan White bill.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I object. Let me just respond.

I was under the impression that we had an agreement that following the disposition of the Ryan White Act, we would go back to the legislation relating to gifts. That has been everyone's understanding. I am hopeful that we can do that. I think we are very close. I think we could work under a time agreement.

I had the opportunity to talk to a number of those who have been actively involved in the negotiations, and I think progress is being made. So there is really absolutely no reason at this point to move on to other legislation until we resolve that. I hope that all our colleagues will understand that and will persist in keeping to the schedule that everyone was working under the assumption we would have, beginning with the disposition of the Ryan White Act.

Mr. LOTT. Mr. President, if I might respond to the distinguished minority leader's comments, there is a lot of work underway on the gift rule issue. I think progress is being made. There are a couple of different packages that are out there, with some potential amendments pending. I do not think that we have come to closure on that, although we are continuing to work in a bipartisan way, and we have meetings later on tonight to see exactly where we are.

We would like to get some sort of understanding about what the procedure would be for it to come up. I think we are getting there, but I do not think we are quite ready to go to the gift rule issue yet. It may be that tomorrow we will be. I think the leader would like to do that, intends to do that before this week is out, and we will continue to move in that direction.

In order for us to make sure that we have legislation ready to go, we need to make this effort. But in view of the objection——

Mr. DASCHLE. Mr. President, if I can respond briefly, and I appreciate the explanation given by the Senator from Mississippi, I suspect what this means is there will be cloture motions filed. Frankly, I think the message that that sends is not the one that many of us would really like to see.

No one is holding up State Department authorization. No one is holding up foreign aid appropriations. No one is holding up any legislation of which I am aware. So to lay down cloture motions under these circumstances seems to me, first, premature, and then second, in violation of what I thought was an understanding we had on both sides that we would go to gifts.

There was not any axiom to that, any corollary that said it was only if we had some agreement about the procedure or about amendments that we would return to gifts. The issue was, would we do gifts and lobbying together this week? The answer was, yes, we were going to do that. Now we do not have that understanding. It is a violation, certainly, of the understanding that we have had on both sides.

So I am very disappointed, frankly, that the majority has seen fit to file cloture motions prior to the time we even have any appreciation as to whether or not there are objections to the bills themselves or even going to the bills. There are none, to my knowledge.

Mr. LOTT. Mr. President, I would like to say as one who has been actively involved in trying to move these negotiations along this week and feeling we made great progress and actually came to conclusion on a unanimous vote on a lobby reform bill—I wonder how many people would have thought that was possible 1 week ago. We did it.

We are now working feverishly to try to come to a reasonable agreement on the gift rule issue. There is no intent to not keep commitments, and the fact is to keep them. We would like to continue to do it in a low-key, reasonable and bipartisan way. We are going to do that.

The leader has every intention of us doing what we said we would do on gifts. He has kept his commitment to bring up both of them. We are working. I think what he is hoping for is that those of us who are involved would get to a point and say, "Yes, we are ready to go back." Both sides right now would say we are not quite there.

Having said that, also with regard to the cloture motion, while you might say in the classic sense we have not had any filibusters this year, in fact every bill we have had up this year, with maybe one or two exceptions, has been very lengthy with hundreds of amendments. I really wonder sometimes how the Senate looks when we have 127 amendments pending on a bill. What happened to the committee process around here?

Mr. DASCHLE. Will the Senator yield?

Mr. LOTT. Without getting into a further argument on that, if we do not file a cloture motion now, then we would not be able to get a vote on that by Friday. If we are going to be able to complete very vital legislation before we leave for the August recess period, we have to complete the gift issue, hopefully we could complete regulatory reform, we have State Department authorization.

You would think we would all like to get to conclusion on State Department authorization. We have the foreign aid authorization bill pending, the DOD authorization bill pending, DOD appropriations and welfare reform, all of which we would like to get done. If we are going to get them done, we cannot spend a week each on every bill. I will be glad to yield.

Mr. DASCHLE. Just for a clarification. I am interested in knowing if the cloture motions are on the bill or the motion to proceed, and if they are on the motion to proceed, can the distinguished Senator from Mississippi inform us on the number of filibusters on motions to proceed to bills so far this year?

Mr. LOTT. They are both on the motion to proceed and in anticipation of likely resistance to proceed. Maybe it will not occur, but that possibility does exist and there had been some indications that might happen. Maybe it will not be necessary.

Let me say this, too. We always have the option—if we work out agreements, if we are making progress—we can vitiate these. But if we wait until Friday and we do have a filibuster on a motion to proceed and we are not making progress, it is too late then to file a cloture motion, and then we are over to Saturday or next Monday or next Tuesday.

I understand how the minority leader feels about this, and I know sometimes that filing cloture motions make it more difficult for us to sort of get together. But you must also understand, as the majority leader did in the previous Congresses, you have to try to find a way to move things along.

It is not easy. It is very hard. I had no appreciation whatsoever of what the majority leader is up against in the Senate, when Senator Mitchell was the majority leader. Now I have had a chance, being a little closer as the whip, to see what the majority leader goes through of either party, and it is a very tough job with the rules we have in the Senate.

This is not intended to slight anybody. It is not intended to make anybody mad. It is intended to try to have an opportunity to move the process along, and I hope that it will be taken in that spirit. The last time a cloture motion was filed, I think it was vitiated. We did not go through with it. But we have to have that option, as we move this legislative process through.

Mr. DASCHLE. Mr. President, I will be very brief. Let me just say, I appreciate the answers given by the distinguished Senator from Mississippi.

He did not answer my question as to the number of votes cast, or I should say the number of cloture votes taken, or the number of filibusters actually endured as we consider the motion to proceed. If I recall, there is not one.

Last year and the year before, there were many occasions when the majority leader was compelled to file a cloture petition because there was a filibuster on the motion to proceed.

I will simply restate for clarification, we had an agreement. The agreement was we go back to gifts when this legislation is finished. We are in violation of that agreement, No. 1. No. 2, I think it sends the wrong message about the desire of the majority to work with us in trying to accommodate an agenda. We were only given this a couple of minutes ago.

I am surprised and disappointed. We will work through it and we will certainly do our best to accommodate the schedule. We also would like to see a completion of a lot of these items. I think we can do so without throwing cloture petitions down prior to the time we even have some consultation as to whether it is necessary.

I thank the Senator. I yield the floor.

Mr. LOTT. Mr. President, just one further response, and I think we can move this issue along. One of the reasons we perhaps have not already finished the gift rule issue is that the majority leader wanted to accommodate the President on the Bosnian resolution question.

He deferred action from last week over to this week by agreement on both sides, and in an effort to accommodate the President and allow more time to pass so that maybe something different would change in Bosnia, or with regard to the situation in the United Nations. That is why we went back to Bosnia. Everybody understood that. We were not quite ready anyway on gift.

Plus, I might note, I do not believe there was any agreement that we would go to Ryan White before we went back to gift. We went to the Ryan White bill because there was agreement that we could take it up and hopefully complete it, and in the meantime we could continue to work on the gift rule.

We already have not done exactly what maybe was intended, but for good reason. We went to the Bosnia resolution because we did not complete it by agreement last week. We went to Ryan White because we were ready to go, and then we can keep working on the gift bill.

We will continue to work with the distinguished Democratic leader, and hopefully be able to finish all of these bills that we have scheduled before the week is out, and at a reasonable hour on Friday, also.

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate turn to the consideration of S. 908, the State Department reorganization bill, immediately following the disposition of S. 641, the Ryan White bill.

Mr. DASCHLE. I object.

FOREIGN RELATIONS REVITALIZATION ACT—MOTION TO PROCEED

CLOTURE MOTION

Mr. LOTT. Therefore, I now move to proceed to S. 908, the State Department reorganization bill, and send a cloture petition to the desk on the motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the petition.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 908, the State Department reorganization bill:

Dan Coats, Spencer Abraham, Nancy Landon Kassebaum, Rick Santorum, Jesse Helms, Judd Gregg, Rod Grams, Olympia Snowe, Bob Dole, Thad Cochran, Paul Coverdell, Larry E. Craig, Phil Gramm, Kay Bailey Hutchison, Don Nickles, Trent Lott.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur on Friday at 10 a.m. and the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

FOREIGN ASSISTANCE PROGRAMS APPROPRIATIONS AUTHORIZATION ACT

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate turn to the consideration of S. 961, the foreign aid authorization bill, immediately following the disposition of S. 641, the Ryan White bill.

Mr. DASCHLE. Mr. President, for all the reasons already provided, I object.

CLOTURE MOTION

Mr. LOTT. Mr. President, for all the reasons cited on this side, I therefore now move to proceed to S. 961, the foreign aid authorization bill, and send a cloture petition to the desk on the motion.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to S. 961, the Foreign Assistance Authorization bill:

Dan Coats, Spencer Abraham, Nancy Landon Kassebaum, Rick Santorum, Jesse Helms, Judd Gregg, Strom Thurmond, Olympia Snowe, Bob Dole, Thad Cochran, Paul Coverdell, Larry E. Craig, Phil Gramm, Kay Bailey Hutchison, Rod Grams, Trent Lott.

Mr. LOTT. Mr. President, I ask unanimous consent that the cloture vote occur on Friday, immediately following the 10 a.m. cloture vote if not invoked, and that the mandatory quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LOTT. Mr. President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. LOTT. I yield the floor.

RYAN WHITE CARE AUTHORIZATION ACT

The Senate continued with the consideration of the bill.

Mr. HELMS. Mr. President, the intention is to have two amendments voted on back to back as near to 6 o'clock or shortly thereafter as possible. Then we will continue with two more amendments, with no further rollcall votes this evening.

Tomorrow morning, we will vote on two additional amendments, plus final passage on Ryan White.

Did I state it correctly?

Mrs. KASSEBAUM. Mr. President, there is a possibility of debate on another amendment that Senator GREGG has wanted to offer.

Mr. HELMS. Yes.

Mrs. KASSEBAUM. That would be tomorrow morning, as well.

Mr. BRYAN. Mr. President, I talked with the distinguished floor leaders. I need 5 minutes, if possible, to be able to speak as in morning business.

I know the distinguished Senator from North Carolina has the floor. I do not want to in any way encroach upon his time. I need to do this.

Mr. HELMS. Proceed.

Mr. FORD. Mr. President, I would like to have the opportunity to ask—

Mr. HELMS. I still have the floor.

Mr. FORD. I apologize. I thought when you did that, you gave up the floor.

Mr. HELMS. No way, José.

Provided I do not lose my right to the floor, I yield 5 minutes to the Senator from Nevada and to the Senator from Kentucky.

Mr. KENNEDY. Will the Senator yield for a moment?

Mr. BRYAN. I yield.

Mr. KENNEDY. Mr. President, I hope we will have an opportunity to listen to the Senator, but we are making good progress on this legislation.

I think we have just had an indication of some of the scheduling challenges and difficulties. We are trying to accommodate our Members. We would like to try, to the extent that we can, in response to the greater number of Senators, to deal with these amendments and try to dispose of them.

We are mindful that Members have matters of sufficient importance to address the Senate, but we really hope we can accommodate the greatest number of Senators, that we can try to discuss or debate these issues, and try to work them out to the extent that we can.

The only way we can do that is to have those matters up before the Senate. I will not object at the present time, but I hope, just to try to provide the greatest amount of accommodation to our colleagues, that we can have whatever time that we do have this evening focused on this bill.

Mr. FORD. Will the Senator yield?

Mr. BRYAN. Mr. President, I yield.

Mr. FORD. Parliamentary inquiry. The distinguished majority whip has just offered a motion as it relates to cloture on a motion to proceed.

Now, on that motion to proceed, if cloture is invoked, and the Ryan White legislation has not been finished, the reform legislation has not been finished, the gift ban has not been finished, do they all go back to the calendar if cloture is invoked?

The PRESIDING OFFICER. We would remain on the cloture until it was disposed of.

Mr. FORD. They would not go back to the calendar because the will of the body has been that the legislation would be that motion proposed by the majority whip.

The PRESIDING OFFICER. The Senate will suspend while the precedent is checked.

Mr. BRYAN. I will proceed for about 5 minutes.

Mr. FORD. I yield the floor until we hear from the Parliamentarian.

Mr. BRYAN. Let me express my appreciation to the distinguished Senator from North Carolina and the floor leadership, who I realize are under very difficult time constraints.

ETHICS COMMITTEE MEETING

Mr. BRYAN. Mr. President, I want to talk to my colleagues for a moment regarding the situation which has arisen on the question of holding public hearings on the charges brought by the Senate Ethics Committee against Senator PACKWOOD, and as a result of remarks on the floor last Friday by the Ethics Committee chairman.

First, I want to briefly tell Members of the Senate where the process now stands, in terms of the Ethics Committee. The Ethics Committee rules provide for a three-tier process. The first stage, preliminary inquiry; second stage, initial review; and the investigation phases.

The Ethics Committee completed its preliminary inquiry and voted on May 16 of this year to skip the initial review phase and move into the final investigative phase.

Since the three-tier process was created, only four other cases have gone to the final investigative stage. The committee found there is substantial credible evidence that a violation may have occurred in 18 incidents of alleged sexual misconduct, intentional tampering with the evidence, and improperly soliciting financial assistance.

At that point, under our rules, the committee offered Senator PACKWOOD an opportunity to appear before the committee, and he availed himself of that opportunity on June 27–29.

As the media has reported, when the Senate returned from the July 4 recess, the committee began meeting again. At that point in the process, it was time for the committee to make a decision on what else needed to be done in the investigative phase, including the question of holding public hearings. That is where the process stood when the committee met on July 11 and 12; meetings which have been duly reported in the media.

I went to the July 12 meeting thinking we would vote that day on the question of holding public hearings. The media has reported that the committee did not vote that day and that the meeting set for July 13 was canceled. The chairman of the Ethics Committee acknowledged on the floor last Friday that no other meetings are planned.

One thing I want to make clear, without getting into a long debate at this time on the merits of public hearings, is that holding public hearings in this case would be consistent with a long and well-established precedent. Those of us who are advocating public hearings are not trying to change the rules of the game. All four other cases which went into the final investigative phase had public hearings. Indeed, every major ethics case this century has had public hearings. This would be the first case to be the exception.

The process needs to move forward. I know of no reason the Ethics Committee has not met nor any reason why the committee has not voted on the question of holding public hearings. I am fully prepared to do so. We have now gone 2 weeks without a committee hearing.

Today I wrote the chairman, appealing to him to call a meeting of the Ethics Committee this week for the purpose of voting on the question of holding public hearings. Whatever may happen or not happen on the floor is a separate issue. There is simply no reason for the committee to delay further, and I hope the chairman will establish a meeting time this week so the committee can proceed with its business.

I thank the Chair. I yield the floor. And I thank my colleagues for their accommodation.

RYAN WHITE CARE REAUTHORIZATION ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO. 1854

(Purpose: To prohibit the use of amounts made available under this act for the promotion or encouragement of homosexuality or intravenous drug use)

Mr. HELMS. Mr. President, I have an amendment. I send it to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1854.

At the end, add the following new section:

SEC. . PROHIBITIONS AND LIMITATIONS ON THE USE OF FEDERAL FUNDS

(a) PROMOTION OR ENCOURAGEMENT OF CERTAIN ACTIVITIES.—No funds authorized to be appropriated under this Act may be used to promote or encourage, directly or indirectly, homosexuality, or intravenous drug use.

(b) DEFINITION.—As used in subsection (a), the term 'to promote or encourage, directly or indirectly, homosexuality' includes, but is not limited to, affirming homosexuality as natural, normal, or healthy, or, in the process of addressing related 'at-risk' issues, affirming in any way that engaging in a homosexual act is desirable, acceptable, or permissible, or, describing in any way techniques of homosexual sex.

Mr. HELMS. Mr. President, as the distinguished clerk has just indicated, this amendment is simple. Forest Gump could understand this one.

I do not intend to take up a lot of time. I just say it is just a simple act of responsibility on the part of the Senate to make sure that no taxpayers' money—not a cent, not a farthing—distributed under the Ryan White legislation, shall be used in the promotion of homosexuality as being natural or normal—or that poppycock about just another lifestyle. None of the above is the case.

This amendment, therefore, takes another important step toward removing the Ryan White Act from politics. It provides a safeguard to make sure that Federal funds—that is to say the American taxpayers' money—ostensibly provided to help victims of the AIDS virus, these funds shall not be used to push the radical agenda of the homosexual activists.

I have said many times—and a lot of people do not like my saying it; that suits me all right. I do not like them not liking it. But, if the proponents of this bill really want to help those in need, let us make sure that we help those in need and not let the Ryan White funds be used for such outrageous, extraneous things.

This is not the first time I brought up this subject. About 8 years ago, I think it was, I submitted an amendment that prevented any funds used by the Centers for Disease Control for AIDS education, the kind of education that would be used to promote homosexuality. And, believe me, it was going on.

This amendment passed the Senate 94 to 2. I certainly can think of no reason why this amendment, the pending one, should not pass by a similar margin. But if any Senator wishes, he or she can come by this desk and we can look at the rollcall of 7 or 8 years ago. We do have it.

The promotion of homosexual conduct as acceptable or permissible or just another lifestyle flies directly in the face of what a sound AIDS policy ought to be. Mr. President, 53 percent of AIDS cases, more than half of the AIDS cases in America, have come about through male/male sexual relations. This being true—and the Centers for Disease Control has documented it to be true—then why on Earth should any Federal money, even a penny, be used to promote activity that has proven to be the leading cause of AIDS?

Mr. President, I wish I had a nickel for every time I have come on this floor and implored Senators to treat the AIDS disease as a public health issue instead of a civil rights issue. But, judging from the clamor and shouting over the past several weeks, these words continue to be ignored—certainly in the media, and certainly by the AIDS activists. They have run up and down the corridors of the Senate, buttonholed Senators, and all the rest of it. We will see how effective they have been.

If this bill passes without any one of the amendments that I intend to offer, we will know something about the effectiveness of the AIDS lobbyists.

I am going to say it again and be through. AIDS is not a civil rights issue, it is a public health issue and a serious one, and the money ought to be spent in that regard, not for the promotion of homosexuality or the advocacy that homosexuality is just another lifestyle. The last thing Congress should do is to allow any of the American taxpayers' money to be used to promote the very behavior that is responsible for spreading this disease.

What homosexuals do behind closed doors is their own business. But they have no claim—none—on the taxpayers' money. This amendment simply prevents the use of tax money to portray homosexual conduct as acceptable or permissible. The Federal Government has no business financing the promotion of homosexuality, it never should, and as long as I am a Member of the Senate, I am going to be on my feet protesting the use of moneys in that way—or the misuse of it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. Mr. President, I was trying to get a copy of the language that had been used. The Senator from North Carolina mentioned we had passed that before? He mentioned it had passed by a large vote before. I was just wondering if it was the same language as in this, the exact same language?

I do not think anyone could quarrel with the language that would say none of the funds authorized under a title should be used to fund AIDS programs or to develop materials to promote, encourage, directly or indirectly, homosexuality or intravenous drug use. But I was uncertain about getting into a definition of homosexuality. But I clearly have no objection to say that no funds should be authorized to be used for promotion. If I may, I want to look at the language that we passed before.

Mr. HELMS. If the Senator, the manager of the bill, let me know if we can get the yeas and nays, to set this one aside, and make it one back-to-back rollcall vote at 6 o'clock.

Mr. KENNEDY. It is 20 minutes of. We have been interested in getting to this amendment. I was just handed this amendment. It is on a subject matter that I am hopeful that we can work through in terms of what I think would be an agreeable—may not be agreeable to all—but at least an approach which I think would achieve the stated objective but would not necessarily prohibit medical services, for example, to a targeted community. But quite frankly I did not have this. We just received this amendment, and I have no idea what the next amendment is. So as much as I would like to move this along, we could move along much faster if we did have an opportunity to examine the amendments prior to the time that they are addressed and called up.

Mr. President, we all agree that it is not the business of the Federal Government to promote or encourage any kind of sexual activities whether they are homosexual or heterosexual, and it is certainly not the business of Government to promote or encourage illegal activities such as drug use. I hold that view, as do 99 of my Senate colleagues, I am sure. But that is not to prohibit desperately needed funds for organizations on the front lines of this epidemic. The thrust of the amendment has been to deny funding to organizations that serve gay communities or HIV drug users, like the highly respected AIDS Action Committee in Boston or AIDS Atlanta. Over the years similar amendments have been offered to restrict the use of AIDS prevention funds under the theory that targeted AIDS education that acknowledges the existence of homosexuality or drug use somehow promotes such activity.

That is the nub of the concern that we would have, or at least I would in terms of the reaction to the Senator's amendment.

We have, as the Senator from Kansas pointed out, addressed this at other times. If we had had the opportunity to at least know that this was going to be up, we would have been able to be perhaps more relevant. But the thrust of this amendment has been to restrict the use of any AIDS prevention funds under the theory that targeted AIDS education that acknowledges the existence of homosexuality or drug use somehow promotes such activity.

If you had an organization, for example, that is providing services, and that included volunteers, are you encouraging, are you promoting or are you not promoting? Are you effectively limiting the opportunities for those organizations that are attempting to try and deal with the public health issue? Are you curtailing their opportunities to have some kind of impact in a public health way?

I think this is the principal concern that we would have on this particular issue.

Mrs. KASSEBAUM. Mr. President, I appreciate being able to see a copy of what perhaps was before, which was an amendment on the appropriations bill, not the Ryan White legislation. And it did not have a definition in it either. Again, it was language designed to prohibit funds to be used for promotion activities. As I said, I certainly think there would be concurrence with that.

If the Senator from North Carolina wants the legislation in the amendment that he has presented to be voted on without any need of amending it, I certainly respect that and we will have an up-or-down vote. I will intend later on to offer an amendment which would be the same language as the Senator from North Carolina but without the definition part, and would suggest perhaps, if we want to go ahead with the second amendment, as the Senator says, we could have back-to-back votes.

Mr. HELMS. It is not necessary to get the yeas and nays yet on this pending amendment.

So we will lay that aside, if the Chair will permit us to do so, and I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. Will the Senator be good enough to yield for the purpose of a quorum call?

Mr. HELMS. Certainly.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. DORGAN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

THE 40TH ANNIVERSARY OF THE KOREAN WAR

Mr. WARNER. Mr. President, the 40th anniversary of the Korean war will be celebrated in the Nation's capital, indeed in Korea, and in many other places this week. I was privileged to have a small and modest participation in that war as a member of the U.S. Marine Corps. I volunteered for a second period of active military service, having served briefly at the end of World War II.

The three of us in the Senate—as far as I know, there are only three who served in the Marines in Korea—are going to address the Senate in sequence over the next 3 days. It is my privilege to make brief remarks today. My understanding is that the distinguished Senator from Ohio, Mr. GLENN, who was in Marine Corps aviation, will speak tomorrow, and on the third day our distinguished colleague from Rhode Island, Senator CHAFEE.

Mr. President, it is most fitting at this time to pause to reflect on the service and sacrifice of America's 5.7 million Korean war veterans and those from 21 other nations which made up a multinational force that responded to the call of freedom with the invasion by North Korea into the South Korean province.

I take great pride in having had the opportunity to have served in the U.S. Marine Corps. I entered service on October 3, having volunteered during the summer of 1950. I went to Quantico with a group of officers, most of whom had, like me, served for a brief period in World War II. And then eventually most of us saw service in Korea.

To go back historically, on June 25, 1950, the North Korean People's Army had invaded the Republic of Korea in a forceable effort allegedly to unify that landmass into a Communist state. The North Koreans swept over the 38th parallel and occupied Seoul, South Korea's capital, in a very short period of time.

The U.N. Security Council immediately called upon the free world to render assistance to the struggling South Korean Government. President Harry S. Truman, a very courageous President and one who was a strong foe of Communism, saw this as an effort of Communism to spread in the world, and immediately he responded to the U.N. call for assistance and ordered the 7th Fleet and the Far Eastern air units to support the South Korean military forces.

Truman's Far Eastern Commander, Gen. Douglas MacArthur, made it clear that only American ground forces could prevent the complete collapse of the Republic of Korea. The President agreed. And in early July American forces joined the South Korean military forces on land, sea and air, and in operations against the North Korean's People's Army. At the outbreak of the Korean war the U.S. Marine Corps was in the condition of less than full readiness.

Recalling that period of history very vividly, because having served for approximately 2 years in the Marine Corps Reserve prior to this, I was well aware, as were all other marines, that our funds had been cut back severely in that period of time, and the readiness was at less than full state. That was because of 5 years of declining budgets. The Marine Corps' strength had dropped from nearly half-million men and women in 1945 to only 75,000 men and women in June 1950.

Nevertheless, Gen. Clifton B. Case, then Commandant of the Marine Corps, felt that the marines, many of whom were seasoned veterans of World War II, could effectively meet the challenge of battle. He therefore, together with the Chief of Naval Operations, Adm. Forrest D. Sherman, advised MacArthur that the 1st Marine Division would be ready for action whenever called.

General Case foresaw MacArthur's response and put his marines worldwide on alert. He recommended additionally a recall of Reserves in an effort to bring the Marine Corps' strength up. And how well I recall the first basic class of which I was a member in October 1950. They were all Reserves recalled to active duty, as I said, many having served for periods during

World War II. Within a very brief period, the marines once again would be sailing across the Pacific to answer their Nation's call to arms to defend freedom.

Mr. President, as I rise to make these brief remarks today, I am reminded of those with whom I was privileged to serve who gave their full measure, who gave their life in the cause of freedom in that conflict.

I was, for a brief period, with a squadron in the 3rd Marine Air Wing, and eventually with an air group, Marine Air Group 33. And each day sorties were flown. And, regrettably, periodically a number did not return.

I shall recall one individual very well. His name was Captain Cole. Captain Cole had been a member of VMF 321, a marine squadron operating out of Anacostia, prior to its transformation to a helicopter base. We had been very close friends, as I likewise was a member of the Reserves in that squadron. Captain Cole was a school teacher. He had served in World War II but when his squadron, VMF 321 was called to active duty, he unhesitatingly responded and joined.

On November 11, 1951, by chance the airplane in which I was then an observer landed at an airfield where Captain Cole was stationed. And that was the last time I saw him. Four weeks later he was killed in the line of duty in Korea. And I am everlastingly grateful that his family has allowed me to hang in my office a picture of my dear friend, Captain Cole. I mention him only because there were many others, but he was an example of an American having come back from World War II, remaining in the Reserves so this country could be strong. Dedicating his life to teaching children. And unhesitatingly responding to the call of battle. I recently had the opportunity to meet with his son who was a very young person at the time of his death. So that I could convey to him some of my recollections about his father.

Mr. President, I am privileged to join here in these remarks. And I look forward to hearing the remarks of two other veterans of that conflict, Senators GLENN and CHAFEE, who were far more active in the combat role than I. And who deserve the great respect for having made their contribution in this conflict in the cause of freedom.

I yield the floor. And I thank very much my colleagues for allowing me to make these brief remarks.

RYAN WHITE CARE REAUTHORIZATION ACT

The Senate continued with the consideration of the bill.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. WELLSTONE] is recognized.

Mr. WELLSTONE. Mr. President, parliamentary inquiry.

Are we back now on the Helms amendment?

Mrs. KASSEBAUM. We would be. My understanding, Mr. President, is that there are some negotiations on the Democratic side of the aisle that are ongoing.

The PRESIDING OFFICER. At the present time the Chair announces the Helms amendment No. 1854 has been set aside.

So we are simply on the bill.

Mr. WELLSTONE. Mr. President, I thank the Chair.

Mr. President, I wanted to speak briefly.

First of all, in transition, let me thank the Senator from Virginia for his remarks. I did not mean to make such an abrupt transition from your very personal and powerful remarks. I apologize. Sometimes we rush so much we are impolite. I hope I was not.

Mr. WARNER. Mr. President, I was unaware. I was totally absorbed in what I was saying. But I thank the Senator.

Mr. WELLSTONE. I thank the Senator from Virginia.

Mr. President, this amendment, which I gather has been set aside, and I gather there are some negotiations going on, would set a prohibition on the use of Federal funds. And, as I look at this, community-based organizations—part of the definition would be the promotion or encouragement of certain activities—"No funds authorized to be appropriated under this act may be used to promote or encourage, directly or indirectly, homosexuality, intravenous drug use." Let me talk about "encourage, directly or indirectly, homosexuality." We went through this debate before, Mr. President, when we were talking about any activities in schools that would promote directly or indirectly homosexuality.

Mr. President, with all due respect to my colleague from North Carolina, I do not know—I have to believe that this is not the intended effect—but what the effect of this amendment would be, the effect of this amendment would be very cruel and mean spirited and harsh and beyond the goodness of the vast majority of people in this country, because the way this amendment reads—and I certainly hope there will be some change—if you had community-based clinics, say you have the Minnesota AIDS project, and some young man came in and he was talking to some of the people there and he said, "Look, I am gay, and my family is ashamed of me and a lot of my friends shun me. And I do not want to live. I am thinking about taking my life. I feel worthless." If those men and women that are working at that community-based clinic said to that young man, "The fact that you are gay does not make you any less of a human being. You are a person of worth, dignity and substance. And, for God's sake, you do not want to take your life. You can live a life of contribution to community. You can live a life of contribution to country, a contribution to world. And you certainly do not want to take your life," by the wording of this amendment, those individuals that were working at this community-based clinic would be encouraging homosexuality as a way of life.

We cannot have amendments worded like this on the floor of the Senate. This is just too cruel. I am not going to say that the intent of it is too cruel because I do not want to believe that. But the effect of it would be cruel and harsh. It goes beyond the goodness of people in the country and it goes beyond the goodness of Senators regardless of their political party. And this amendment as now worded should be defeated.

I yield the floor.

Mr. KENNEDY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GORTON). The absence of a quorum has been suggested.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HELMS. May I ask a question before the Senator asks for the quorum call?

Mr. KENNEDY. I withdraw the request.

Mr. HELMS. What is up? We are supposed to be working on this bill.

The PRESIDING OFFICER. Excuse me. We are under a quorum call.

Does the Senator from North Carolina ask for it to be dispensed with?

Mr. KENNEDY. I withdraw it.

The PRESIDING OFFICER. Without objection, the quorum call is dispensed with.

The Senator from North Carolina.

Mr. HELMS. Certainly. Please explain to me. We were trying to be through, finished with this bill at 6. And I, as a matter of courtesy to the Senator from Massachusetts, permitted him to enter a quorum call.

I had the floor. I did not have to do that.

When can we expect some action on these amendments and the bill? I understand the Democrats have a problem with something else that I have nothing to do with.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I welcome working out a process and procedure by which we can get a determination and a judgment on these measures. I have been told that there will be objection to having the votes this evening, that we would not be able to move toward the votes. But we could work out an agreement which would permit a vote up or down on the Senator's amendments, and also other amendments as well, that would be related to the Senator's amendments. I was consulting with the chairman of the committee to try and see how that process could be realized.

Obviously, I have no objection to the Senator talking or speaking or debating these matters. What I was trying to do was work out with the floor manager at least a process and a procedure so that we could get votes on the amendments of the Senator from North Carolina and also on amendments that are related to the similar subjects and do that in a way which will accommodate the greatest number of Members.

Mr. HELMS. But the Senator just said they were not going to permit any more votes tonight. Who is not?

Mr. KENNEDY. There is objection to moving towards the conclusion of the votes, to having votes this evening.

Mr. HELMS. So what the Senator is saying then is that the announcement I made that we would attempt to have two more rollcall votes and then finish the debate on the remaining amendments and go to a vote tomorrow morning on two remaining amendments and final passage of the Ryan White bill, that is being objected to, now, is that it?

Mr. KENNEDY. I want to say to the Senator, the Senator made that request at 5:30 without us getting a chance to review those amendments. As far as I am concerned, we ought to get a judgment, and I am quite prepared to stay here to get a judgment. But there has been an issue and question in terms of the scheduling, as a result of the requests that have been made by the acting majority leader. Those matters are being discussed by the leadership, and they believe that if we could work out at least a process by which we could debate or discuss these matters tonight with a judgment so that we could vote on these matters and matters related to those issues tomorrow, that that would be a way of proceeding.

Mrs. KASSEBAUM. Mr. President, I wonder if the Senator from North Carolina will yield to me just for a moment to pose a question.

Mr. HELMS. Certainly. I hope you can clear it up. I do not understand what he is saying.

Mrs. KASSEBAUM. Maybe I can try. I think that the minority leadership was concerned about the cloture motions that were filed and how that would affect scheduling. It has nothing to do with the Ryan White CARE legislation. It does, unfortunately, pose a problem for us. And it is my understanding there would not be an objection if we could put down a listing of all of the amendments yet to be debated. We can debate some tonight and then the votes would be tomorrow; is that correct?

Mr. KENNEDY. That would be it.

Mrs. KASSEBAUM. I wonder if we can suggest the absence of a quorum at this point and see if we can put together a UC agreement which all parties could support.

Mr. HELMS. I will agree to that if I may ask unanimous consent that when I choose to ask that the quorum call be rescinded, that I be recognized to do so and that it occur.

The PRESIDING OFFICER. Did the Senator from North Carolina ask not only that he be recognized to call off a quorum call but that the calling off of the quorum call be guaranteed?

Mr. HELMS. Absolutely, 100 percent.

The PRESIDING OFFICER. That is a request that cannot be granted, as each Senator has the right to object to the unanimous consent request.

Mr. HELMS. I will retain the floor. We will stand in limbo.

Mr. KENNEDY. Will the Senator yield? Can we ask unanimous consent that the Senator be recognized after the quorum call is terminated?

Mr. HELMS. That would be all right.

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the termination of the quorum call, the Senator from North Carolina be recognized.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SIMON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SIMON. Mr. President, I ask unanimous consent that I may speak for 2 minutes, then I will renew the quorum call and Senator HELMS will be recognized immediately following the rescinding of the quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered.

DISCRIMINATION IN SOCIETY

Mr. SIMON. Thank you, Mr. President.

I suppose I am like a great many Americans on this whole subject, and what we are dealing with in the problem of recognizing homosexuality, and this problem in our society.

I grew up in a home where we had strong opinions against prejudice, against people because they were African Americans or Jewish Americans. But frankly, I did not understand this problem. I was not hostile to people who were gay, but I did not understand that they faced some special problems. The reality is, they do. I think we have to recognize that factor.

I also would add, because it is not only this bill, but we face it in the military and other places. When I was in the military, I was in part of something that no longer exists, the Counter Intelligence Corps. Among other things, we screened people for security clearances.

If there were people who were gay, they did not get security clearances. This goes back to 1951 to 1953. I happen to think that was, at that point, a very legitimate reason for not having security clearances, because people could be blackmailed.

If we decide we are not going to have people that are gay in the military, say we have an emergency, and then we have to have selective service, we conscript people, are we going to say that anyone who is gay is not going to be drafted? We are going to end up with an awful lot of gays in this country if we determine that.

I think there are practical problems. I think we should recognize this. Now, does that mean that everyone approves of this lifestyle? That is not the question. The question is discrimination.

For those—and I run into this at town meetings, and I am sure the Presiding Officer has—people who say, what about the Bible. The ten commandments include adultery. Some of the other things did not get mentioned.

I recall my army days. If we had decided we would kick everyone out who was involved in adultery, our branches would have been thinned appreciably.

I think we have to recognize that there are weaknesses in society, but that discrimination is not the route that we ought to be going.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RYAN WHITE CARE REAUTHORIZATION ACT

The Senate continued with the consideration of the bill.

AMENDMENT NO. 1855

(Purpose: To limit amounts appropriated under title XXVI of the Public Health Service Act to the level of such appropriations in fiscal year 1995)

Mr. HELMS. Mr. President, I send an amendment to the desk and ask it be stated.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1855.

At the appropriate place, insert the following:

SEC. . Notwithstanding any provisions of this Act, there is authorized to be appropriated for each of the fiscal years 1996 through 2000, amounts that do not exceed the amounts appropriated under this Act in fiscal year 1995.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, as the clerk has indicated, and I say the amendment as read speaks for itself, this amendment proposes to freeze Federal funding authorizations for the years 1996 through 2000 at an amount not exceeding the fiscal year 1995 funding for HIV-AIDS. The amount appropriated for fiscal year 1995 totals $633 million of the taxpayers' money.

I consider this amendment is essential—imperative, as a matter of fact, to close a vast loophole in the pending bill. As currently written, the Ryan White Reauthorization Act authorizes funding for the Ryan White programs:

> At such sums as may be necessary in each of the fiscal years 1996, 1997, 1998, 1999, 2000.

As I said earlier, some of the proponents say, "This does not mean anything. It still has to go through the authorization and appropriations process," which is true. But it has a psychological effect, when it has been written into the Ryan White authorization bill that the appropriations will be "such sums as may be necessary."

So, as I said earlier, if it does not mean anything let us take it out. Because whenever I see vague, open-ended funding language such as this, I can understand why the Federal debt is approaching $5 trillion. It stands at about $4.9 trillion now.

Congress should never write a blank check for any purpose. The least we can do for the American taxpayers is to specify the amount of Federal funding, with no obfuscation, no vagueness, no whatever.

Taxpayers will be interested to know that the total estimated outlays under the current act are $3.68 billion. That is $3,680,000,000 over a 5-year period. So we are not talking about chickenfeed. We are talking about real money; real money that can run up the debt, the Federal debt, that will be on the backs of the young people of this country for generations.

This $3.68 billion does not include NIH funding or the many other Federal programs dealing with HIV-AIDS.

Federal funding for AIDS research and prevention within the Public Health Service has increased from $200,000 in 1981—$200,000 in 1981—to $2,700,000,000 in 1995.

When all the other Federal funds spent on HIV-AIDS are included, the total is about $7.1 billion for fiscal year 1995.

We have an arrangement in the process, I will say parenthetically, that I will present each of my amendments.

Have we obtained the yeas and nays on the amendment set aside?

The PRESIDING OFFICER. The yeas and nays have not been requested on the amendments set aside.

Mr. HELMS. Mr. President, I ask for the yeas and nays on that amendment.

The PRESIDING OFFICER. It is not appropriate to ask for the yeas and nays on an amendment which is not before the body. The Senator can ask unanimous consent.

Mr. HELMS. I ask, for the purpose of obtaining the yeas and nays, that these two amendments be considered the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I send an unprinted amendment to the desk and ask it be stated.

The PRESIDING OFFICER. There is an amendment pending.

Mr. HELMS. I ask unanimous consent that it be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1856

(Purpose: To ensure that Federal employees will not be required to attend or participate in AIDS training programs)

Mr. HELMS. I withdraw that amendment and send another amendment to the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The bill clerk read as follows:

> The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1856.

Mr. HELMS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

> At the appropriate place, insert the following new section:
>
> **SEC. . OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS.**
>
> (a) IN GENERAL.—Notwithstanding any other provisions of law, a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses to consent to such attendance or participation. An employer may not retaliate in any manner against such an employee because of the refusal of such employee to consent to such attendance or participation.
>
> (b) DEFINITION.—As used in subsection (a), the term "Federal employee" has the same meaning given the term "employee" in section 2105 of title 5, United States Code, and such term shall include members of the armed forces.

Mr. HELMS. Mr. President, the pending amendment was made essential because of a directive issued by President Clinton on September 30, 1993, in which he ordered all heads of executive departments and agencies to develop and fully implement a comprehensive HIV/AIDS workplace policy and employee education prevention program. The White House staff made it mandatory for every Federal employee—an unreasonable requirement on its face, and particularly so considering the nature of these so-called education programs.

For the record, the White House Office of National AIDS Policy issued mandatory "guidelines" stating:

> HIV/AIDS workplace training is mandatory for every Federal employee . . . (and) the duration of the training session should be not less than 2 hours, although 3 hours is the recommended length . . .

Mr. President, it may be useful to examine one agency's training program. The Department of Agriculture's AIDS program—which employees are compelled to attend—counsels Federal employees on the proper ways to engage in oral and anal sex and other similarly inappropriate subject matters.

This is an editorial judgment on my part. I consider it outrageous—not just inappropriate, outrageous. I took it up with the Agriculture Department, and we are having a go at that.

This is an arrogant and nauseating abuse of power by the homosexuals in the Federal bureaucracy. Most Federal employees resent it.

We have had scores of Federal employees to protest to us and ask us to do something about it.

For example, let me to read from a letter I received from a USDA employee in North Carolina after the employee attended one of these so-called training classes:

> This week we were required to attend a mandatory HIV/AIDS training session which is apparently required by the President of all Federal employees. This results in millions of dollars in lost man-hours and consequently wages. We also were required to take a pre- and post-class test . . . Since we are mostly biological scientists we learned essentially nothing.

The employee continued:

> Some of the material is not appropriate for the workplace (e.g. how to have safe oral sex, page 28), and it does not seem too necessary for government time and money.

That is an understatement by the employee.

Mr. President, I also have at hand a copy of a directive issued by the Foreign Agriculture Service which states:

> To comply with this Presidential mandate, the Foreign Agriculture service is presenting the attached MANDATORY HIV/AIDS training sessions.
>
> Please attend the session scheduled as indicated or arrange to switch session with a coworker.
>
> Supervisors are responsible for disseminating this information to there (sic) . . .

They misspelled the word "there," t-h-e-r-e. They meant t-h-e-i-r. They will learn how to spell that word next week.

> employees and for certifying that all employees under their supervision attend a session of the mandated training . . . THIS IS MANDATORY TRAINING FOR ALL FEDERAL EMPLOYEES . . . ATTENDANCE WILL BE TAKEN. . .

You see the intimidation there.

Mr. President, so that there may be no confusion in the mind of any Federal employee, my pending amendment simply stipulates that hereafter all HIV/AIDS training programs will be made optional for Federal employees.

To put it another way, nobody shall be compelled to attend a program that describes how to participate in oral and anal sex.

In addition, my amendment forbids that any Federal department or agency can take retaliatory actions against any Federal employee who chooses not to attend such classes. It makes no sense to say to an employee "this class is optional, but we'll be taking attendance and your absence will be noted," because the employee will be understandably intimidated.

By the way, Mr. President, there are many who may be wondering why we are spending the taxpayers' money on these programs at all. I am one of them. There are today about 3 million Federal employees. It does not take a rocket scientist to do the arithmetic on how much this mandatory program is costing the American taxpayers. Even if the class costs only $1 per employee—and the actual cost is much more than that—even at $1 per hour, the American taxpayers are being soaked for $3 million for this HIV/AIDS training.

Mr. President, at issue in this amendment is whether all Federal employees are to continue to be forced to attend these programs.

At the risk of being repetitious, I do not see any point in forcing Federal employees to attend a session where the subject is the kind of sex conducted by homosexuals.

Like AIDS education in the public schools, Federal AIDS training programs are nothing but thinly-veiled attempts to restructure the values and attitudes of Americans in favor of homosexual lifestyles.

So the question is obvious. Since when does a free and democratic society mandate that its civil servants attend such classes to learn about—let us use the word—sodomy? The bottom line is that the Federal Government has no business requiring its employees to sit through embarrassing and sometimes disgusting classes on HIV/AIDS.

Mr. President, I have several insertions for the RECORD that I want included.

Mr. President, I ask unanimous consent that the following documents be printed in the RECORD:

First, President Clinton's Guidelines for the Federal Workplace HIV/AIDS Education Initiative "Aids At Work," April 7, 1994,

Second, a letter from a North Carolina Federal employee who works for the USDA,

Third, the Foreign Agriculture Service's "Mandatory HIV/AIDS Training" memo dated January 1, 1995, and

Fourth, a March 29, 1995, Washington Times article entitled, "Mandatory Federal AIDS Classes Cited as Promoting Gay Agenda".

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GUIDELINES FOR THE FEDERAL WORKPLACE HIV/AIDS EDUCATION INITIATIVE "AIDS AT WORK"

I. PURPOSE

On September 30, 1993, President Clinton signed a directive (Directive) instructing all Federal departments and agencies to provide comprehensive HIV/AIDS in the workplace training for their employees. The Directive mandates that all initial training be either carried out or scheduled by World AIDS Day, December 1, 1994. In addition to providing HIV/AIDS prevention information, all federal employees must receive information on workplace policies and procedures related to persons living with HIV and other chronic illnesses. Human resources staff is required to review workplace policies and procedures to ensure that the federal workplace encourages people with any chronic illness, including those living with HIV/AIDS, to continue productive employment as long as their health permits.

The President has committed his Administration to a leading role in the fight to end the HIV/AIDS epidemic. Until there is a cure, educating people on assessing their own risk and taking appropriate steps to protect themselves from infection with HIV is the best way to stop the epidemic. As the epidemic matures and medical advances proceed, more and more people living with HIV/AIDS will be in the workforce. Since HIV cannot normally be transmitted in a workplace setting, people living with HIV/AIDS should be encouraged to continue working so long as their health allows them to be productive employees. The Federal Workplace HIV/AIDS Education Initiative (FWAEI) will serve as a model for all businesses on how to provide employees the information they need to prevent infection with HIV and the type of personnel policies and procedures which encourage people with any chronic illness, including HIV/AIDS, to continue productive work for as long as their health permits.

II. BACKGROUND

Based upon comprehensive research and evaluation of many private-sector workplace programs, the Centers for Disease Control and Prevention (CDC), *Business Responds to AIDS*, and the National Leadership Coalition on AIDS recommend that the following five components be included in any comprehensive HIV/AIDS workplace education program: Policy/Procedures; Training of Supervisors and Managers; Employee Education; Family Education; and Community Service/Volunteerism.

The Office of National AIDS Policy (ONAP) has produced the following guidelines for all Federal departments and agencies to assist in the development of comprehensive HIV/AIDS in the workplace programs. In order to succeed, the development and implementation of a training program must take into account the particular needs of each department or agency. The guidelines that follow are minimum requirements and are not intended to preclude any additional training that a particular department or agency determines is appropriate for its own employees. These guidelines will assist departments and agencies in creating developmentally appropriate, technically accurate, training programs whose success can be measured.

II. TARGET AUDIENCE

HIV/AIDS workplace training is mandatory for every Federal employee. The initial training must be conducted or scheduled by World AIDS Day, December 1, 1994. The Directive does not require that contractors receive training. Departments or agencies may require that contractors receive training, particularly in those locations where they share the same workplace as Federal employees. Contractors should not be trained with Federal staff.

Managers and supervisors should receive more in-depth training that includes dealing with issues of confidentiality, how to approach any necessary counseling and referrals, and how to help a chronically ill employee continue working and remain productive.

III. CLASS SIZE

Class size is critical to the successful implementation of the Federal Workplace AIDS Education Initiative. Employees need to have their questions answered, and large classes prevent employees from getting the response time they need. Class size should be limited, optimally to 30, but never more than 50, participants.

IV. LENGTH OF TRAINING

The duration of the training session should be not less than 2 hours, although 3 hours is the recommended length to allow ample time for questions and discussion. Allowing for breaks will give staff an opportunity to digest the information presented. Additional time may be required for supervisor and manager training.

V. RECORDS/EVALUATION INSTRUMENT

Of the most difficult tasks you will encounter is the documentation of how the Directive is being implemented and whether it has an impact on the knowledge, attitudes, beliefs and behavior of the employees. To accomplish this, accurate records of training sessions, including: the names of participants; the date of the training session; and the total number of employees trained, are essential. All individuals receiving training should have an appropriate "official training form" sent to their personnel files, and/or the attendance information should be entered into their training records database. Keeping a monthly list of class sizes and participants will expedite the formulation of the regular quarterly reports.

Ideally, your instructor should ask each participant to complete pre- and post-training knowledge assessments. These assessments will indicate whether participants increased their understanding of HIV/AIDS in these training session. An increased understanding of the pathology of HIV/AIDS does not necessarily indicate a concomitant change in the behavior of participants.

To determine the effectiveness of the training session it is important to gauge the quality of instruction. An instructor/class evaluation should be administered at the end of each training session. These assessments should be no more than one page and ask participants to grade the class comment, the instructor's ability, the quality of questions and discussion, and whether the training session was worthwhile. Evaluation instruments used during your training should not be referred to as "tests." If the evaluation instruments indicate that the training session was not well received, you should consider appropriate remedies including altering course content or securing a different instructor.

VI. CONTENT

The following topics are suggested for class content. The percentages attached to these topics are intended as guidance for the development of individual sessions. Discussion and questions at each department or agency will vary depending on the group addressed. Because discussion and questions are important, and there are always time constraints, an instructor must be flexible in practice.

30% Prevention Education (The discussion must include how HIV is transmitted and how to prevent transmission, including both abstinence and safer sexual practices. Note: It is especially important to provide sufficient time for questions and answers in this part of the training and no question is too dumb.)

30% Workplace Issues Discussion/Education (Includes a discussion of why this training and associated workplace policies are important, why support services are necessary, and data related to employees needs.)

30% Policy Discussion/Education (Includes a discussion of federal and legal protections as well as the policies of your department or agency.)

10% Resources and Closing Questions and Answers.

VII. INSTRUCTORS

The instructor is key to a successful HIV/AIDS education program. Instructors (Federal or non-Federal) should be trained comprehensively in HIV/AIDS issues and have experience with HIV/AIDS training. Instructor certification is not necessary unless required by your organization. (Certification may not always guarantee quality instruction for your HIV/AIDS education program.) You may want to rely on your department or agency's contractor policies in determining who will be the most suitable instructor. In many cases, members of non-governmental community based organizations have a wide range of experience in HIV prevention that may be helpful for all or part of a training session. It is also important to note that more than one instructor may be needed to present the full range of information necessary. The instructor should be experienced enough to tailor the session to the audience (i.e., the type of questions and concerns voiced by lawyers, support personnel, analysts, economists, etc. could be quite different).

A Federal employee, knowledgeable about all human resources related policy issues, should present the department or agency policies and procedures regarding HIV/AIDS and other life-threatening chronic illnesses. Policies and procedures regarding Federal employees and managers must not be presented by private-sector contractors or non-Federal employees.

If your agency uses a contractor for the HIV/AIDS presentations, be sure they follow these recommended guidelines. Ask the contractor for information regarding the teaching history and the educational experience of the instructor. Include in your contract language that permits the replacement of an instructor with whom you are displeased.

Before training Federal employees or contractors, all instructors may want to read at least two texts from the "Suggested Reading" section of these guidelines, preferably AIDS in the Workplace. The Guide to Living with HIV, or Managing AIDS in the Workplace.

VIII. METHODOLOGY

The training must be tailored to the needs of each department or agency. The primary goals of the educational component shall be: (1) increasing employee's knowledge on issues of HIV transmission; (2) increasing awareness of HIV/AIDS in the workplace issues and available relevant resources; (3) creating positive attitudes about working alongside people living with HIV/AIDS; and, (4) encouraging the participation in activities, both at work and in the community, that will stop the HIV/AIDS epidemic.

Effective HIV/AIDS prevention methodology for people at high risk for HIV infection (i.e., anyone engaging in unprotected sex with more than one partner or people sharing dirty needles), requires targeted, continuous, linguistically specific and culturally based information. It is impractical to divide up a workplace based on risk factors. The training sessions should provide sufficient information for employees to assess their own risk for HIV infection. Resource information provided as part of the training session must provide the employees with locations where they may obtain more targeted interventions if they perceive themselves to be at high risk for HIV infection.

If, for expediency in implementing the Directive, you must place all members of the same department or office together, the training must be relevant to all those present. Staff must be made aware that some of the issues discussed will be related to sexual practices and injecting drug use. Although departments and agencies are encouraged to be linguistically specific in covering the issues, the training sessions should not present material patently offensive to an average employee. If participants find the material offensive, it is often counterproductive to the goal of encouraging an accurate self-assessment of risk for HIV infection.

Classes should be interactive and allow time for individuals to ask questions and to process the information presented. Employees must receive materials on workplace and community resources available to address any concerns raised by the training session.

IX. VIDEO PRESENTATIONS

Video presentations should not represent more than 30 to 35 minutes of the total class time. A video presentation alone is insufficient. A discussion and question period is essential for some people to adequately assess their personal risk factors. Presentations may use videos to provide a standardized source of information for all individuals, but a video must not be the sole source of information. Individuals representing policy, personnel, or employee assistance programs should always be an integral part of the HIV/AIDS educational program and their presentations should not be substituted with video.

X. GENERAL OBJECTIVES FOR ALL EMPLOYEE TRAINING

Based upon the time allocated for the class, prioritize class content using the following objectives:

Knowledge objectives

Participants should be able to:

1. Define HIV.
2. Define AIDS.
3. Know how HIV & AIDS are related.
4. Understand the disease process.
5. Know how HIV is transmitted:

a. Primary risk factors (i.e., exchange of bodily fluids from a person living with HIV to someone who is not)

b. Secondary risk factors (e.g., how the use of drugs or alcohol may impair judgement about HIV risk, importance of self esteem)

6. Know how HIV is not transmitted.
7. Understand relevant universal precautions for application in the workplace.
8. Know how to assess their personal level of risk for HIV infection.
9. Describe HIV antibody testing and encourage those that perceive themselves at high risk to ascertain their HIV status.
10. Understand the rights of employees with a chronic illness, including HIV/AIDS.
11. Understand basic applications of laws, regulations or policies such as disability, health and leave benefits, the Federal Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990, and the Family and Medical Leave Act, as these apply to people living with HIV/AIDS in the workplace.
12. Know agency expectations, specifically policies and procedures which address co-worker responses to employees who are chronically ill, including those who are living or perceived to be living with HIV/AIDS.
13. Identify what are discriminatory behaviors/actions in the workplace.
14. Understand workplace behaviors or actions that are valued in terms of maximum productivity and optimum work environment.
15. Understand the importance of teaching young people how to protect themselves from HIV infection, and how to talk about HIV with children and adolescents.

Attitudinal objectives

Ideally, participants will indicate they:

1. View persons living or perceived to be living with HIV/AIDS no differently than persons with other life-threatening illnesses.
2. Feel more comfortable working with employees who are chronically ill, including those who are living or perceived to be living with HIV/AIDS.
3. Are more supportive of reasonable accommodations for employees who are chronically ill, including those living or perceived to be living with HIV/AIDS.
4. Feel less judgmental toward persons who are chronically ill, including those living with or perceived to be living with HIV/AIDS (with respect to the presumed or known behaviors that resulted in their infection).
5. Experience little or no fear of interacting with employees who are chronically ill, including those living or perceived to be living with HIV/AIDS.

Behavioral objectives

Participants should be able to:

1. Assess their own levels of risk for HIV infection.
2. Adopt behaviors that eliminate transmission risks.
3. Provide support for chronically ill employees including those who are living with HIV/AIDS.
4. Express willingness to participate in work assignment adjustments necessary to provide "reasonable accommodation" for chronically ill employees, including those living with HIV/AIDS.
5. Share HIV prevention information with others.
6. Apply information about the Federal Rehabilitation Act of 1973, Americans With Disabilities Act of 1990, Equal Employment Opportunity, Family and Medical Leave Act, as well as leave disability and health benefits information.

XI. OBJECTIVES FOR MANAGERIAL TRAINING

Behavioral objectives

Managers should be able to:

1. Apply policies and procedures for managing employees who are chronically ill, including those living or perceived to be living with HIV/AIDS.
2. Manage employee disclosures assuring that confidentiality is maintained. This is critical for staff who may want to disclose they are living with HIV/AIDS and for other staff that may want to voice concerns about working with someone living with HIV/AIDS.
3. Appropriately provide any necessary reasonable accommodation in collaboration with Human Resources personnel and the employee.
4. Manage the performance of employees who are chronically ill, including those living or perceived to be living with HIV/AIDS.
5. Discuss concerns with Human Resources or employee assistance personnel during the

employee disclosure, accommodation, or referral process.

6. Manage sensitive documents reporting an employee's HIV or health status.

XII. POLICY STATEMENTS

As indicated above, the Presidential Directive requires all departments and agencies to review their personnel policies to ensure that they provide adequate protections for employees with a chronic illness, including those living with HIV/AIDS, while ensuring a comfortable and safe work environment. To accomplish this we suggest the following:

Review the Office of Personnel Management (OPM), Federal Personnel Manual Letter (FPM) 792-21 (March 1988) and Attachment of FPM Letter 792-21 (April 24, 1991), "Acquired Immune Deficiency Syndrome (AIDS) in the Workplace." Applying the basic guidance from the FPM letter, establish or revise your own organizational policies. OPM is in the process of establishing a repository for all the policies from the various departments and agencies. Upon completion of your organization's policy statement, please send a copy to: Chief, Employee Health Services Branch, U.S. Office of Personnel Management, 1900 E Street, NW, Room 7412, Washington, DC 20415. If you have questions concerning the FPM letter or applicable policies, you may call the office at (202) 606-1269.

Each training participant should receive specific written policy information, as well as information outlining procedures for the disclosure process, counseling, disability and health insurance benefits. Distribution of a policy statement is not enough; each employee should receive a document that contains the names, locations and telephone numbers of the individuals associated with the administration of the following.

1. Equal Opportunity Employment.
2. Interpretation of the Federal Rehabilitation Act of 1973.
3. Interpretation of the Americans with Disabilities Act of 1990 (where applicable).
4. Health and disability retirement benefits information, Employee Assistance Programs and Counseling.
5. Family and Medical Leave Act.
6. State and local government interpretations.
7. Local union representatives (where applicable).
8. Occupational Safety and Health Administration (OSHA) guidelines, especially those related to possible occupational exposure to HIV.

XIII. GENERAL POLICIES FOR SUPERVISORS AND MANAGERS

Each department or agency should develop policies and procedures for employees with serious illnesses, including those living with HIV/AIDS, that are flexible enough to accommodate individual circumstances. In some situations it will be necessary to negotiate with the employee an appropriate workplace accommodation. This process should always include a designated representative from the Human Resources Department or the Employee Assistance Program (and may include a union representative).

Each department or agency must consult with their General Counsel in developing specific policies and procedures for employees with serious illnesses, including those living with HIV/AIDS. The following guidelines should be considered in developing those policies and procedures. A department or agency may develop policies that are more specific than those addressed here.

Privacy and confidentially

An employee's health condition is personal and confidential. Employees have understandable concerns over confidentiality and privacy about medical documentation and other information related to an HIV/AIDS diagnoses that is submitted for purposes of an employment decision.

Precautions must always be taken to protect information regarding an employee's health condition. It is inappropriate to report disclosures to other upper-level supervisors unless there is a documented "need to know." (These cases are minimal and should be confirmed with your Human Resource Department.) Employees living with HIV/AIDS or other life-threatening illnesses are entitled to full coverage under the Federal Rehabilitation Act of 1973, the Americans With Disabilities Act of 1990, sick leave, Family and Medical Leave Act, leave bank programs, disability benefits, and equal employment opportunity. Should questions arise concerning such matters, contact your Human Resources Department.

Some employees work in occupations that may put them at greater risk of HIV infection (e.g., medical facilities, laboratories, security personnel who might come in contact with blood, etc.). These employees should attend a training session with special emphasis on the use of universal precautions where there might be exposure to blood-borne pathogens. These guidelines can be obtained from OSHA.

General practices for discussing disclosures

Generally, when employees disclose any life-threatening illness, including HIV/AIDS, a supervisor should not immediately initiate any sudden changes in the employee's working environment. Be sensitive to the possible contribution of anxiety over this condition to work behavior. Any part of the disclosure process should include discussions with the employee, the first-line supervisor, and a representative from the Human Resources Department or the Employee Assistance Program (and may include the employee's union representative.)

Making "Reasonable" accommodations

The purpose behind reasonable accommodations is to provide alternatives for employees living with disabilities, in this case HIV/AIDS, to continue productive work as long as possible. Reasonable accommodations provide a work environment where individuals living with disabilities can maximize their productivity and continue to be part of the workforce. The implementation of reasonable accommodations usually has a positive impact on all staff, as it communicates the willingness of managers to care for the individual needs of employees.

What reasonable accommodates does not mean is that employees with disabilities, including those living with HIV/AIDS, are held to significantly different performance standards than employees without disabilities in similar positions. It also does not mean new jobs must be created to accommodate any employee living with a disability.

When look at an individual employee's condition, consider changes in work assignments like job restructuring, reassignment, liberal leaves or flexible schedules for employees living with HIV/AIDS in the same manner as for other employees whose medical conditions affect their ability to perform safely and reliably. In so doing, observe established policies governing qualification, internal placement, transfers and other staffing requirements. Alternate work scheduling is often the least expensive and simplest accommodation.

Addressing co-workers' concerns

Be sensitive and responsive to co-workers' concerns, and emphasize the need for education. Be clear that mistreatment, harassment, malicious gossip, or hurtful actions in the workplace will not be tolerated. Through educational efforts and private discussions, teach employees that no medical basis exists for refusing to work with a fellow employee, or clients of a department or agency, living with HIV/AIDS.

XIV. TRAINING SUGGESTIONS

The following recommendations are made by the Office of National AIDS Policy to assure quality in this initiative. By following these suggestions you can reduce training obstacles, ensure quality standards, and expedite the educational process.

1. Upon reviewing these guidelines, examine your organizational structure, the composition of your workforce and any logistical considerations that impact on training. By looking at other training programs offered by our department or agency, you may determine the most appropriate method for conducting HIV/AIDS workplace training for your staff.

2. To achieve consistency, coordinate the training at every level throughout the organization. Request initial input from department heads who can ensure the plan is carried out consistently. Develop a network of HIV/AIDS coordinators throughout your organization. Share the educational plan with them, develop a strategy and schedule the sessions. Also, you may want to include union representatives in your network of coordinators.

3. Establish a local-area network (LAN) bulletin board for questions and answers concerning HIV/AIDS issues, employee benefits, leave programs, interpretation of the Family and Medical Leave Act, policies affecting the terminally ill, etc. Keep entries into the system confidential.

4. Collect questions anonymously and publish answers in employee newsletters. If your own organization does not have a newsletter, perhaps your union does.

5. If your organization employs someone living with HIV/AIDS, and he/she feels comfortable talking to a group, you may invite the employee to a question and answer session or to make brief presentations, especially for World AIDS Day, December 1. These presentations, if included in the training, should not exceed 20 minutes.

6. For workplaces where the risk of occupational exposure to HIV may be greater (i.e., occupations in which employees routinely, or are likely in some circumstances, to come in contact with blood or blood products), a special training session on "Bloodborne Pathogens/Universal Precautions" in addition to the general HIV/AIDS training session may be appropriate. Be sure to inform the class of the exact date, time and location. Detailed, or specific questions about bloodborne pathogens and universal precautions can be answered in the Bloodborne Pathogens session.

7. Keep the education and policy modules together and offer them as one session, including a discussion of workplace policies and procedures. (Managers and Supervisors may need more details from the policy representative.)

8. When asked hypothetical questions that demand complex explanation, maintain credibility and try to negotiate the discussion back to the facts and objectives. Politely refer "highly improbable" questions to designated Human Resource or employee assistance personnel. You may want to visually tract the questions (using a flipchart

etc.), ensuring that each question is addressed by the end of the session. However, if too many questions are deferred, the instructor may lose credibility. A skilled, experienced instructor will strive to provide the necessary balance.

9. Conduct pilot sessions to validate your training sessions and ask for input from unions, human resources, training and employee assistance departments. Optimally, retain the same effective instructors throughout your agency's or organization's program.

10. Before conducting the pilot sessions, take time with the instructor to discuss the employees who will be attending the sessions. (Are they analysts, lawyers, accountants, support staff?) The instructors will not need great detail, but a little background information will make the instructor more at ease and "set the stage" for successful training.

11. Work with your training departments and ensure that basic components of the HIV/AIDS training, especially policy, are incorporated in required managerial training and new employee orientation. If you do not have a new employee orientation program, maintain accurate records and provide future HIV/AIDS training sessions as needed. Remember this initiative is ongoing and HIV/AIDS workplace education must become a part of all employee's ongoing training.

12. As an option, offer some weekend or evening sessions to include family members, friends of employees, and other members of the community who interact with your department or agency.

13. During the training, provide supplemental information regarding discussions of HIV/AIDS with children and teens. The theme for World AIDS Day, December 1, 1994, will be "AIDS and the Family." You may want to offer seminars or workshops emphasizing "AIDS and the Family" throughout the year, or during the week of December 1, 1994.

14. Provide additional information to all employees to enhance and reinforce understanding about the nature and transmissions of HIV/AIDS. Use news bulletin, personnel management directives, meetings, guest experts. Q&A sessions, films and video newsletters, union publications, fact sheets, pamphlets.

XV QUARTERLY REPORTS

Each department and independent agency is required to send quarterly reports to the Office of National AIDS Policy. These reports are compiled and sent directly to the President. Accurate record keeping will expedite the report writing process. The FWAEI Quarterly Report should include:

1. The number of staff trained during the quarter, including number of classes and average class size.

2. The total number of staff trained since inception of the initiative (September 30, 1993).

3. The percentage of the total staff of the department or agency that (2) represents.

4. Any difficulty faced in implementing the HIV/AIDS education program (logistical problem, unclear communications, personnel resistance).

5. Progress made in updating and revising departmental non-discrimination policies.

6. Future plans and milestones in implementing the HIV/AIDS initiative within your department or agency. (How many employees are scheduled during the next quarter, and foreseen barriers to full implementation.)

7. List private-sector and non-profit organizations who have visited with you about their training programs.

8. Other activities you plan or have scheduled to re-emphasize AIDS Awareness, especially for World AIDS Day, December 1, 1994. Include any press articles about your implementation of the Federal Workplace AIDS Education Initiative.

9. For the last report of the year, your future plans section must include what will be your plans for conducting training for the following calendar year. This shall include how many people you estimate to be trained per quarter for the following year.

Due dates for future reports are June 15, September 15, December 15. All reports should be faxed or mailed to the Federal Workplace AIDS Education Coordinator. Mailing information follows.

Office of National AIDS Policy contact

For information about these guidelines, contact the Federal Workplace HIV/AIDS Education Coordinator, Executive Office of the President, Office of National AIDS Policy, 750 17th Street, Suite 1060, Washington, DC 20503, telephone (202) 690–5560 or FAX (202) 690–7560.

Interagency meetings

Each month the Office of National AIDS Policy Conducts a meeting to discuss questions, as well as to present materials that have been developed by organizations for the FWAEI. The meeting is open to Federal and non-Federal employees. Meeting notices are normally faxed and not confirmed by a mailing. Please be sure that your contact name, address, telephone number and fax number are correct with the Office of National AIDS Policy. (See Office of National AIDS Policy Contact.)

XVI. RESOURCES

The Office of National AIDS Policy, the Department of Energy, the Office of Personnel Management, and other Federal agencies have collaborated with the Department of Health and Human Services' employee assistance program to develop training packages which comply with these guidelines. Supervisor training materials are nearly completed and your agency FWAEI contact will be notified when these training packages are available.

Materials should include resources and information provided by local community based organizations who work with HIV/AIDS related issues. The CDC National AIDS Clearinghouse can help you find information (800) 458–5231. The Centers for Disease Control and Prevention's National AIDS Hotline number, 1–800–342–AIDS, must be included in all resource information. Throughout the training, this number should be clearly posted in the room.

XVII. SUGGESTED READINGS

Periodicals

"A Case of AIDS" by Richard S. Tedlow and Michele S. Marram, Harvard Business Review, November–December 1991, pages 14–25.

"AIDS Education Is a Necessary High-risk Activity," by Jonathan A. Segal, HRMagazine, February 1991, pages 82–85.

"AIDS Policy & Law," a bi-weekly newsletter of Buraff Publications, 1350 Connecticut Avenue, N.W., Suite 1000, Washington, DC, 20036, (202) 862–0926.

"Financial Realities of AIDS in the Workplace," by Vaughn Alliton, HRMagazine, February 1992, pages 78–81.

"Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome Training from a Union Perspective," by Elaine Askari, MPH, and John Mehring, B.A. American Journal of Industrial Medicine, 22:711–720 (1992).

"AIDS Reference Guide," published by Atlantic Information Services, 1050 17th Street N.W., Suite 480, Washington, DC 20036, (202) 775–9008.

"Removing the Mystery from AIDS Education," by Anne E. Jordheim, Ed.D., R.N., Management Review, February, 1990, page 20.

"Why AIDS Policy Must Be a Special Policy," by Ron Stodghill II, Russell Mitchell, and Karen Thurston, and Christina Del Valle, Business Week, February 1, 1993, pages 53–54.

Books

The AIDS Benefits Handbook by Thomas P. McCormack published in 1990 by Yale University.

AIDS Handbook by Brenda S. Faison, M.P.D. and edited by Laila Moustafa, Ph.D., published in 1991 by Designbase Publishing, P.O. Box 3601, Durham, North Carolina, 27702–3601.

AIDS in the Workplace, Legal Questions and Practical Answers, by William F. Banta, published in 1993 by Lexinghouse Books, 866 Third Avenue, New York, NY 10022.

Getting the Word Out, A Practical Guide to AIDS Materials Development by Ana Consuelo Mariella, 1990 by Network Publications, P.O. Box 18830, Santa Cruz, CA, 95061–1830.

The Guide to Living with HIV Infection by John G. Bartlett, M.D. and Ann K. Finkbeiner, published in 1993 by The Johns Hopkins University Press, 2715 North Charles Street, Baltimore, Maryland 21218–431.

Managing AIDS in the Workplace, by Sam B. Puckett, L.L.B., M.B.A. and Alan R. Emery, Ph.D., published in 1988 by Addison-Wesley Publishing Company, Reading MA.

Preventing AIDS, A Guide to Effective Education for the Prevention of HIV Infection, American Public Health Association, 1015 Fifteenth Street, NW, Suite 300, Washington, DC 20005 (202) 789–5600.

Training Educators in HIV Prevention, An Inservice Manual by Janet L. Collins, Ph.D. and Patti O. Britton, 1990 by Network Publications, P.O. Box 1830, Santa Cruz, CA 95061–1830.

We Are All Living With AIDS, How You Can Set Policies and Guidelines for the Workplace, by Earl C. Pike, published in 1993 by Deaconess Press (a service of Fairview Riverside Medical Center, a division of Fairview Hospital and Healthcare Services), 2450 Riverside Avenue South, Minneapolis, MN 55454.

100 Questions and Answers About AIDS by Michael Thomas Ford, published in 1993 by New Discovery Books, MacMillian Publishing Company, 866 Third Street, New York, NY 10022.

Message #1

Subject: Mandatory HIV/AIDS training.

Author: Stec at FAS07.

Date: 01/31/95 02:27 p.m.

On September 30, 1993, President Clinton mandated Federal HIV/AIDS education for all Federal employees. To comply with this Presidential mandate, the Foreign Agricultural Service is presenting the attached mandatory HIV/AIDS training sessions.

Please attend the session scheduled as indicated or arrange to switch session with a coworker.

Supervisors are responsible for disseminating this information to their employees and for certifying that all employees under their supervision attend a session of the mandate training.

Please contact Charlotte Stec, 720–1596, if you have any questions regarding this training.

Message #2

Subject: PL 480 status of PA report.

Author: Rivera JA at FAS15.

Date: 01/31/95 03:13 p.m.

The monthly Public Law 480 "Status of PA" report is now available on the "u" drive. To access it, go to "pl480" from the Windows' File Manager, since this is a Lotus file, and click on "titlel". This report shows Public Law 480, Title I agreements signed, purchase authorizations issued, and sales registered. For information, please call José Rivera at 720-6286.

TRAINING PROGRAM

Please attend the session scheduled as follows in accordance with your last name. This is mandatory training for all Federal employees. If you cannot attend your scheduled session, please arrange to switch sessions with a coworker.

Attendance will be taken. All participants should bring a pencil or pen with them.

A Sign Language Interpreter will be provided for the afternoon session of February 7th only. Employees requiring special accommodations should contact Charlotte Stec.

Date, Time, Location, Last Name, Begins in Letters

February 7, Tuesday 8:30–11:30 a.m., 12:30–3:30 p.m., Jefferson Auditorium, A–BE, BI–CI.

February 8, Wednesday 8:30–11:30 a.m., 12:30–3:30 p.m., Jefferson Auditorium, CL–DI, DO–GA.

February 9, Thursday 8:30–11:30 a.m., 12:30–3:30 p.m., Jefferson Auditorium, GE–HAN, HAR–HO.

February 14, Tuesday 8:30–11:30 a.m., 12:30–3:30 p.m., Jefferson Auditorium, HU–KI, KL–MA.

February 16, Thursday 8:30–11:30 a.m., 12:30–3:30 p.m., Jefferson Auditorium, MC–M, N–PL.

February 17, Friday 8:30–11:30 a.m., 12:30—3:30 p.m., Jefferson Auditorium, PO–RO, RU–SL.

February 24, Friday 8:30–11:30 a.m., 12:30–3:30 p.m., Jefferson Auditorium, SM–TI, TO–WES.

February 28, Tuesday 8:30–11:30 a.m., Jefferson Auditorium, WET–Z.

(For further information or questions, contact Charlotte Stec, HIV/AIDS Coordinator, on 720–1596 or FAX 720–2016.)

[From the Washington Times, Mar. 27, 1995]

MANDATORY FEDERAL AID CLASSES CITED AS PROMOTING GAY AGENDA

TRAINING ADDRESSES RELIGION AS BARRIER

(By Rowan Scarborough)

The Clinton administration's guidelines for mandatory AIDS training of all federal employees call for the "breaking down of audience resistance" to the program's teachings if that resistance is based on "religious beliefs."

The training manuals portray people opposed to condom distribution in schools as "partisans." They tell trainers to use the words "sex partners" instead of "husband and wife" and "injecting drug user" instead of "addict."

Would-be trainers have to discuss their views on "homosexuality for my child" as part of the selection process.

A federal worker who underwent training this month said she was offended when the instructor, a private contractor, began talking about her grandmother's likely sex practices.

"I was shocked and upset when the instructor personalized anal sex for each person in the room by saying our grandmothers probably practiced birth control by participating in anal sex," said the worker, who described the three-hour session on the condition that she not be identified.

"I was highly offended," she said, "I have a very godly grandmother, and I just broke down and cried. I guess they're trying to say homosexuals do it that way and so did your grandmother."

The guidelines are in documents from the departments of Energy, Health and Human Services, and Agriculture. Other departments are believed to use similar guidelines, which are coordinated and approved by the White House.

Aimed at the 2.1 million federal employees, the "Federal Workplace AIDS Education Initiative" was authorized last year by Mr. Clinton, whose campaign received political and financial support from the homosexual community.

Administration rules for AIDS instruction tell trainers:

To avoid certain terms, such as "husband and wife," "homosexual men," "promiscuous," "sexual preference" and "addict."

To deflect "homophobic comments" during a training session by saying, "There is some division of opinion on that point."

To watch out for troublemakers among the pupils. A federal worker who takes an "intransigent point of view" on condom distribution in schools or needle distribution is pegged as a "partisan." A "heckler" is someone who "expresses disbelief, disgust or scoffs at content and processes." A "moralist" believes that "people who are HIV-infected through sex or drug use deserve what they get."

To suggest that a person use his own drug-injection equipment or try "disinfecting with bleach" to avoid getting the human immuno-deficiency virus, which causes AIDS.

The Department of Energy's AIDS program is titled, "Walkin' the Talk" and includes a discussion of "serial monogamy," which it defines as an "exclusive sexual relationship with one individual at a time."

"Practicing serial monogamy and therefore having several sexual partners, even over an extended period of times, may place one at risk for HIV infections unless he or she practices safer sex," the program says.

One of the training manuals included a scoring system titled "Values About HIV/AIDS-Related Issues." It was used to select AIDS instructors.

Candidates were asked to rate their opinion on several topics, including "sex without love," "sex outside of a committed relationship," "homosexuality for my child," "stiff sentences for injection-drug users who share needles and other drug-injection paraphernalia," and "laws to protect homosexuals from discrimination in housing, jobs and public accommodations."

Jim Woodall, a vice president of the conservative group Concerned Women for America, said President Clinton should "cease and desist" the training. He said the goals could be achieved by giving employees a Centers for Disease Control and Prevention brochure on AIDS prevention.

"We have been suspecting for a long time that AIDS education is being used as a facade to promote the homosexual lifestyle," Mr. Woodall said. "AIDS education used in public schools and college campuses has now invaded our government, where the president is mandating federal employees to sit down for four hours for this type of education. It's a fraud."

Mr. Woodall's 600,000-member organization is compiling information on the program.

"I do not have any problem with gays relating to gays when talking about sex," he said. "The issue is, the U.S. government is promoting that agenda using taxpayer dollars."

Richard Sorian, White House spokesman on AIDS policy, disagreed with the group's characterization of the program. "The effort has been a very successful effort to supply people with information that allows them to protect themselves and protect their family," he said.

He said Concerned Women for America is misinterpreting some of the training material. For example, he said, the section on "breaking down audience resistance" based on religion is an effort to have workers air those concerns so they can be discussed.

"They are not trying to change someone's religious beliefs at all," Mr. Sorian said. "What they are talking about is beginning the instruction with any concerns they have or religious belief that might make them uncomfortable with the discussion so they can be comfortable in the discussion."

Mr. Sorian said such words as "addict" are avoided for a good reason: "If you say drug addicts are susceptible to HIV, but they don't consider themselves an addict, then they don't recognize themselves as an addict."

He said he has received "positive feedback" from participants who have used the information to educate others. The program is scheduled to end this week. The White House AIDS office then will know how many workers were reached.

Some federal workers have objected to the training.

A defense Department employee said he walked out during his department's session.

"I don't believe I should sit next to a female and be told how to do intercourse, no matter how sidetracked they go," said the employee, who requested anonymity. "I don't want to be in mixed company and talk about a lifestyle I'm not involved in, that I don't approve of. I don't care to be instructed by Big Brother in things I avoid."

A Drug Enforcement Administration worker who objected to attending AIDS training was ordered to attend or be disciplined for insubordination.

Mr. Woodall said the system "weeds out any people who have a problem with the gay lifestyle."

MARCH 31, 1995.

Senator JESSE HELMS,
Century Post Office Building,
Raleigh, NC.

DEAR SENATOR HELMS: At a time when our total federal budget is under scrutiny, it seems appropriate to study all expenditures. Within USDA,ARS our budgets for agricultural research are particularly tight. Nevertheless, we spend a tremendous amount of time in all types of training sessions. This week we were required to attend a mandatory HIV/AIDS training session which is apparently required by the President of all Federal employees. This results in millions of dollars in lost man hours and consequently wages. We also were required to take a pre- and post-class test. Unfortunately, at least in our agency, there is no way to test out of the class time. Since we are mostly biological scientists we learned essentially nothing. The enclosed material was to be read prior to the class and thereby using more of our valuable time. Some of this material is not appropriate for the workplace (e.g. how to have safe oral sex, page 28), and it does seem to be necessary for government time and money.

I hope you and other congressional members will carefully consider the cost/benefits of our numerous training sessions. The taxpayer's money can be better spent on research in our agency than in peripheral training sessions not suited to us.

Sincerely,

Mr. HELMS. Mr. President, I ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HELMS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Mr. President, I ask unanimous consent to lay aside the previous amendment so that I can offer another amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1857

(Purpose: To limit amounts appropriated for AIDS or HIV activities from exceeding amounts appropriated for cancer)

Mr. HELMS. I now send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from North Carolina [Mr. HELMS] proposes an amendment numbered 1857:

At the appropriate place, insert the following new section:

SEC. . LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts appropriated for any fiscal year for AIDS and HIV activities may not exceed the total amounts discretionary funds appropriated for such fiscal year for activities relating to cancer.

Mr. HELMS. As the clerk has read, Mr. President, this amendment proposes that the Ryan White CARE Reauthorization Act of 1995 have this provision to guarantee that any and all Federal funds authorized and appropriated for HIV/AIDS will not exceed the total Federal funds authorized and appropriated for and in connection with the disease of cancer.

The leading cause of death in America today is heart disease, followed closely by cancer. HIV/AIDS ranks ninth, No. 9—I believe, as a matter of fact, they lowered it to No. 8. So make that read HIV/AIDS ranks eighth in the number of deaths it causes. It is of interest that HIV/AIDS receives $2.7 billion per year in Federal funding, which exceeds Federal funding in connection with any other disease. Heart disease, for example, Mr. President, kills more than 720,000 Americans every year, and $805 million in Federal funds are allocated and appropriated for heart disease. Cancer kills 515,000 Americans, and it receives $2.3 billion.

I think the arithmetic of all of this, Mr. President, speaks for itself. I want the RECORD to show that I hope a cure for HIV/AIDS is found tomorrow morning, and I encourage every research effort toward this end. However, I have to make it clear that I am appalled at what has become a total politicization of Federal funding for medical research and health services.

The pending amendment stipulates that Congress may not authorize or appropriate more money for HIV/AIDS than is authorized and appropriated in connection with the disease cancer. More people are dying from heart disease and cancer and stroke and lung disease and accidents and pneumonia and diabetes and Alzheimer's and suicide than die from AIDS. Each one of these kills more people than does the disease AIDS, yet AIDS receives a disproportionate amount of the taxpayers' money.

On average, the Federal Government spends about $91,000 on every person who dies of AIDS. The Federal Government spends about $5,000 for every person who dies of cancer.

Now, I have my own ideas about priorities, but that is an issue for another day. And I think I am correct in my impression that Americans agree that this discrepancy is neither fair nor equitable.

In a nutshell, the pending amendment will bring a measure of equity and fairness to the existing priorities in the area of HIV/AIDS funding. As long as cancer kills 18 times as many people as AIDS, and AIDS nonetheless receives more Federal funding, it is time I think that Congress established some new equitable priorities.

Mr. President, I ask that all of my previous amendments be set aside enabling me to ask for the yeas and nays on this amendment.

The PRESIDING OFFICER. The yeas and nays have been requested. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I yield the floor.

Mrs. KASSEBAUM. Mr. President, I am not sure if we are ready to propound a unanimous-consent agreement yet or not.

Mr. HELMS. I am certainly ready to hear it.

Mrs. KASSEBAUM. No, I guess we are not. So if I may just for a moment respond to several of the amendments that have been put forward by Senator HELMS. On the amendment that talks about promotion of homosexual activity. I certainly have great sympathy for wanting to limit what the activities might be supported. I will be introducing an amendment which addresses that same issue but perhaps not in the same way as Senator HELMS. I will not get into a definition of the amendment. Since the unanimous-consent agreement has not been put forward yet, I am not sure whether we should go ahead and send our amendments to the desk, but perhaps we will get them all out and then we can decide what to do.

AMENDMENT NO. 1858

(Purpose: To prohibit the use of funds for certain activities)

Mrs. KASSEBAUM. I send to the desk an amendment. I ask unanimous consent to set aside the amendments.

The PRESIDING OFFICER. Without objection, the pending amendment is set aside. The clerk will report the amendment of the Senator from Kansas.

The assistant legislative clerk read as follows.

The Senator from Kansas [Mrs. KASSEBAUM] proposes an amendment numbered 1858.

Mrs. KASSEBAUM. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following new section:

SEC. . PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–71) as amended by section 6, is further amended by adding at the end thereof the following new section:

"SEC. 2678. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

"None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or hetero-sexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.".

Mrs. KASSEBAUM. The amendment I have sent to the desk will prohibit the use of the Ryan White CARE Act funds to support activities which promote homosexuality. This provision will assure that the funds allocated under this act would be used to provide treatment for individuals. There would be no funds to be used for promotion of homosexual activities. I offer this amendment because I am aware that some of my colleagues are concerned that the CARE activities may lead to increased sexual activity or to increased drug use. Specifically, some are concerned that needle exchange programs and prophylactic distribution programs may lead to increased homosexuality or drug abuse. Whether or not these concerns are valid, my amendment makes it clear that none of the funds expended under this act could be used for such promotion activities. Rather, this provision would assure that CARE Act funds would be used for treatment. In this regard, it is more narrow than the amendment that has been offered by Senator HELMS in that it clearly states that the CARE Act funds are for treatment only, not prevention or homosexual promotion activities.

I offer this amendment because I would like to have us fully consider some of the language and implications of that language, and that will be set aside at such time as we come to a vote on the legislation.

Senator HELMS also put forward an amendment to ensure that Federal employees will not be required to attend or participate in AIDS training programs. I would for myself think that is a very sensible amendment. Mr. President, it does seem to me that we should not have to require attendance of Federal employees for such programs. I would like to say, though, I do not believe that the intent was to design these programs to change the lifestyle of Americans. I think the intent was to really try to have an understanding of AIDS, what it was about, what type of disease it was. But I really myself strongly will support Senator HELMS and say that in my mind it should not be a required attendance.

Another amendment that Senator HELMS put forward was on the funding. He would hold the funding levels to the same as they are in 1995. Mr. President, the House Appropriations Committee has appropriated $656 million for 1996. If we take the 1995 level, that is $651 million. But holding it until the year 2000 when AIDS cases are increasing at 20 percent a year seems to me to be a very difficult way for us to address this issue at this time. And I think it clearly should be left up to the appropriators. I know that the appropriators today—the Presiding Officer is on the Appropriations Committee—are not going to be frivolous in the moneys they spend. And I have a great deal of confidence that they will take into consideration the needs that are addressed that have to be met in the Ryan White CARE legislation and will consider wise and sensible use of those funds. So that amendment I would just have to oppose because I think putting that type of restraint until the year 2000 clearly would do a disservice to many who are in serious need.

The other amendment was regarding funding equity. And I will be considering another amendment to address that issue because, as I mentioned earlier, it is of great concern. And one of the things where we would differ is what moneys go to research and is discretionary funding and what moneys come from, say, Medicare and Medicaid and the Social Security disability funding. That makes a big difference in the total amount, and I think it is important that there is an understanding regarding that difference. So, I will be putting forward another amendment on funding equity a bit later as we complete this debate.

I yield the floor, Mr. President.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I will just take a moment because the Senator from Kansas has outlined what I think has been a very responsible and thoughtful series of options for the Senate to make a judgment and a decision upon. They will be available to the Members as they examine these issues over the nighttime, and then we will have a chance to address them tomorrow and, hopefully, reach a final resolution. I think she has summarized the reasons and justifications for the positions which she has outlined, and I am in very substantial agreement. With some issues along the way we may have some difference. But I think there will be a series of alternatives for the Members to make a judgment on these matters on tomorrow and, I think, for the Members to make a final judgment on these questions tomorrow as well.

What remains will be the Gregg amendment, which deals with the exports of various pharmaceuticals and medical devices that have not been approved by the FDA or, for that matter, approved by the other 21 different countries that have regulatory agencies. He will best describe his amendment. This is a matter which is before the Human Resources Committee, and it certainly was my impression up until this afternoon that that would be a part of the whole FDA reorganization and structure. It is appropriate that it should be because we have a different criteria, for example, for pharmaceuticals and how the FDA treats those versus biotech and medical device legislation. So, I had thought we would be addressing that as part of our total FDA review.

It has been the judgment of the Senator from New Hampshire to offer that measure, which initially, as I understand it, was a Hatch measure to this proposal. And we will have a chance to discuss that in the morning and make some judgment on that issue. And I would certainly invite our colleagues to pay close attention to the debate that will, hopefully, take place at 9:30 if we are able to work through our consent agreement.

Mr. President, I have more extended remarks on some of these measures which I will either make this evening or include in the RECORD. Hopefully, we are at a point where we might be able to consider a consent agreement, and I have been here long enough to know that, if that is possible, it is wise to try to take advantage of the opportunity before it may escape.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER (Ms. SNOWE). The Senator from Kansas.

Mrs. KASSEBAUM. I ask unanimous consent that the name of the Senator from New Mexico, Senator DOMENICI, be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. KASSEBAUM. It is my understanding we are close to being able to put forward the unanimous-consent agreement. I think there still needs to be a couple of additional checks made.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. If the Senator will yield.

It is perfectly acceptable to me, Madam President.

It will take a unanimous consent to vary the order in which the amendments were presented, is that not correct?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. Just so there will be no accidental mistake made, I ask unanimous consent that all amendments be voted on tomorrow morning in the order in which they were presented.

The PRESIDING OFFICER. Is there any objection?

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Could the Senator state again what the request was? As I understood it, we were in the process of trying to work out a consent request to cover the disposition of the measures tomorrow.

Mr. HELMS. If the Senator will yield. I am not suggesting anything that would vary the unanimous consent that I hold in my hand. I favor that. I simply want to be sure that all amendments are voted upon in the order in which they were presented.

Mr. KENNEDY. I see the Senator from Kansas on the floor.

Mrs. KASSEBAUM. Well, I did not present my amendment regarding promotional activities until you had completed presenting all of your amendments. I wonder in the voting if they could not follow each other, so that we are——

Mr. HELMS. Is that the one where you deleted the second half of mine?

Mrs. KASSEBAUM. Yes. Although it is changed.

Mr. HELMS. You did not change the language in the first half?

Mrs. KASSEBAUM. Yes. It is a different approach because it is just targeted to the care, but using some similar language.

We are going to end up voting on the Senator's amendment. This says the same thing but does not get into a definition.

Mr. HELMS. Madam President, I am going to have to suggest the absence of a quorum on this one because that is a contradiction of my understanding. Perhaps I can correct it. May I see a copy?

Mrs. KASSEBAUM. The Senator has it.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HELMS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HELMS. Madam President, I ask that it be in order for the Senator from North Carolina to ask for the yeas and nays on final passage on the Ryan White bill.

The PRESIDING OFFICER. It is in order.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 1859

(Purpose: To strike provisions relating to the medicare wage index)

Mrs. KASSEBAUM. Madam President, I send an amendment to the desk on behalf of Senator GRAHAM of Florida for immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Kansas [Mrs. KASSEBAUM] for Mr. GRAHAM proposes an amendment numbered 1859.

Mrs. KASSEBAUM. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 41, line 7, strike "the product of—" and all that follows through line 15, and insert the following "an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (C).".

On page 43, strike lines 1 through 13.

On page 43, line 14, strike "(E)" and insert (D)".

On page 43, line 24, strike "(F)" and insert (E)".

On page 44, line 3, strike the end quotation marks and the second period.

On page 46, line 5, strike "the product" and all that follows through line 14, and insert the following "an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (D).".

Beginning on page 46, line 17, strike "means the" and all that follows through line 8 on page 47, and insert the following: "means an amount equal to the sum of—

"(i) the estimated number of living cases of acquired immune deficiency syndrome in the State or territory involved, as determined under subparagraph (D); less

"(ii) the estimated number of living cases of acquired immune deficiency syndrome in such State or territory that are within an eligible area (as determined under part A).".

Beginning on page 48, strike line 1 and all that follows through line 14 on page 49.

On page 49, line 15, strike "(F)" and insert (E)".

On page 49, line 19, strike "(G)" and insert (F)".

On page 50, line 4, strike "(H)" and insert (G)".

On page 53, between lines 20 and 21, insert the following new section:

SEC. 7. STUDY ON ALLOTMENT FORMULA.

(a) STUDY.—The Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies concerning the statutory formulas under which funds made available under part A or B of title XXVI of the Public Health Service Act are allocated among eligible areas (in the case of grants under part A) and States and territories (in the case of grants under part B). Such study or studies shall include—

(1) an assessment of the degree to which each such formula allocates funds according to the respective needs of eligible areas, State, and territories;

(2) an assessment of the validity and relevance of the factors currently included in each such formula;

(3) in the case of the formula under part A, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible areas;

(4) in the case of the formula under part B, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible States and territories; and

(5) any other information that would contribute to a thorough assessment of the appropriateness of the current formulas.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that not later than 6 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made as a result of such study is submitted to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(d) CONSULTATION.—The entity preparing the report required under subsection (c), shall consult with the Comptroller General of the United States. The Comptroller General shall review the study after its transmittal to the committees described in subsection (c) and within 3 months make appropriate recommendations concerning such report to such committees.

On page 53, line 21, strike "7" and insert "8".

Mrs. KASSEBAUM. Madam President, this amendment has been agreed to by both sides. It addresses a problem that would exist particularly in Florida regarding formula. It is designed to be of assistance in addressing that in a way that we have all agreed we think works, to everyone's benefit.

Mr. KENNEDY. Madam President, I urge the acceptance of the amendment. This addresses some of the special needs of the State of Florida. I think it is justified. I hope the amendment would be accepted.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 1859) was agreed to.

Mrs. KASSEBAUM. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATCH. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Madam President, they are trying to put together a final agreement so that they can go out tonight. Until they do, let me take a few minutes and express myself on the Ryan White bill.

Madam President, people are dying. People are dying and we have the chance today or tomorrow to enact legislation that will really make a difference—really make a difference in their lives, and the lives of their families and friends who love them.

We have the chance to enact legislation that will help alleviate some of the pain and suffering of individuals who are infected with HIV.

We have a chance to enact bipartisan legislation showing that Congress cares more about people—about people who are critically ill and need our help—than about how those people got ill.

Madam President, in 1981, two physicians unknown to each other, on opposite ends of the United States, made similar observations that they would then publish in their respective medical journals.

They noted that a small group of their otherwise healthy patients were becoming infected with organisms that would normally affect individuals who were for some reason immune-suppressed. In layman's terms—these patients had a weakened immune system.

By the end of the following year, 1982, almost a thousand cases of the disease had been reported to the Centers for Disease Control. Congress had appropriated $8 million for research to combat this mysterious virus.

Over the next few years, the number of such cases dramatically increased and began to spread throughout the country, as did our realization that the virus, now called acquired immune deficiency syndrome, AIDS, was not going to be eradicated overnight.

Funding for research rose to $44 million in fiscal year 1983, $104 million in fiscal year 1984 and by fiscal year 1990 had reached $3 billion. By 1987, there were cases in each of our 50 States.

As I look back, I recall how AIDS began to touch on each of our daily lives, as the number of cases grew, and the need for increasing research and service-related funding for this growing epidemic.

We began to expand funding beyond the Department of Health and Human Services, to the Department of Defense, the Agency for International Development, and the Bureau of Prisons.

We funded the Department of Labor, the Department of Housing and Urban Development and the Veterans Administration. We provided funding through the Federal Employees Health Benefits Program.

Our response grew with the magnitude of the disease, as it should continue today.

As I think back to the early days of AIDS, and how the growing numbers of infected individuals and the resultant death toll caused this country so much alarm and panic.

Unfortunately, as with any unsuspected crisis, the immediate response from many—including members of both houses of Congress—could be characterized as denial, anger, and blame. Fortunately, over time, our compassion has grown for those infected with this insidious virus, as our understanding about the causes of and treatments for this devastating disease increased.

As I look back, I think of the swift reaction of our health care community, yet how painfully clear it was that both our research and service delivery infrastructures lacked the capacity to address the growing number of cases of HIV infection.

I talked about our growing research effort. I did not talk about the dedication of our scientists, and their ensuing frustration, as a cure—or even a vaccine—continued to elude our grasp.

Today, they still remain outside our grasp.

As I look back, I recall how the service delivery programs evolved—the AIDS service demonstration projects, the home and community-based health services grant programs, and the AIDS drug reimbursement program—yet we still could not keep pace with the need for services in our communities.

They came out of our Labor Committee, and we were proud to authorize those programs which have really served to help people. But they were not enough.

Out of this great need for community-based, compassionate care was born the Ryan White Comprehensive AIDS Resources Emergency [CARE] Act of 1990, a bill I was pleased to author with my colleague from Massachusetts, Senator KENNEDY.

We named the bill after Ryan White, a courageous, intelligent and caring young man from Indiana, who worked tirelessly to educate others about HIV and AIDS. Ryan helped replace fear and indifference with hope and compassion. One of the great lessons of his life—that we should not discriminate against those with the HIV virus of other illness—remains true today. His tireless efforts, indeed his legacy, is being carried on by his mother, Jeanne White. And I met with her a number of times. And I have to say she is doing a good job.

There are so many others who have spoken out with the same spirit and eloquence, including Mary Fisher, founder of the Family AIDS Network, who is a tireless crusader against AIDS, and our much-missed friend Elizabeth Glaser, who established the Pediatric AIDS Foundation which has done so much to improve the lives of children infected with HIV.

I can remember when she first walked into my office. I did not know a lot about pediatric AIDS. I knew about adult AIDS. But I did not realize so many children were being infected at that time. When she walked in and explained it to me, I have to say we decided to help her. Our colleagues, Senator Metzenbaum and others, helped her raise her first million dollars for the Pediatric AIDS Foundation at a wonderful dinner here in Washington, DC and she went on from there to raise several more million dollars in the fight against AIDS, and, of course, she is one of the most valued heroines in this country, as far as I am concerned. There have been so many unnamed others in countless communities across the Nation.

Today, we have before us reauthorization of the Ryan White CARE Act.

My message is simple: it is an important act. It must be reauthorized.

The need continues.

Let me discuss a few dramatic facts in order to highlight the tremendous impact of this disease and explain why this bill should be passed.

The most revealing fact is that the No. 1 cause of death for males aged 29 to 44 is now AIDS.

In the last decade, the proportion of cases represented by women has almost tripled.

Even in my small home state of Utah, it is estimated by the Department of Health that there are 5,000 people infected with the HIV virus. To date, 1,110 have been diagnosed with full-blown AIDS, and 644 have died.

Indeed, our knowledge of AIDS has expanded dramatically since those early days.

We now know that AIDS is not a gay disease, or a Haitian disease.

We know that it cannot be transmitted by casual contact.

We know that it affects man, woman and child, whatever race, whatever nationality.

AIDS does not play favorites. It affects rich and poor, adults and children, men and women, rural communities and the inner city.

We know much, but the fear remains.

Madam President, things have changed since 1990. But the need for this legislation remains.

The number of cases continues to increase. At the end of 1994, the Centers for Disease Control and Prevention had recorded 441,528 cases of HIV. The number continues to grow.

The emotional and economic burden for HIV patients and their families is substantial, and it continues.

The Ryan White CARE Act has made a difference and should continue to make a difference.

There is so much that remains to be done.

Since its enactment in 1990, the Ryan White AIDS Care Act has provided the necessary assistance to those persons and their families affected by the AIDS epidemic. Often, the funding provides for models of HIV service delivery that are considered to be some of the most successful health care delivery models in history.

I am very proud of Utah's Ryan White program. Let me tell you of some of our accomplishments.

Ryan White funds were used to establish a home health services program which provides much needed homemaker, health aide, personal care, and routine diagnostic testing services.

A drug therapy program has been established that offers AZT and other drugs to individuals infected with HIV.

Ryan White funds have been used to provide health and support services through an HIV Care Consortium, which offers vital services such as dental, mental health counseling, transportation, benefits advocacy, eye exams and glasses, legal advocacy, information and education, nutrition counseling, and substance abuse counseling.

These are programs which are in place and which are working. They should be continued.

I believe it is vital that we reauthorize the Ryan White Act.

Madam President, many have noted that AIDS brings out the best and worst in people. Let us hope that this debate reflects the best of the great American traditions of reaching out to those in our community.

I plead with my colleagues today, and I will tomorrow, let us not backslide on this. I wish to compliment the distinguished chairman of the Labor and Human Resources Committee, and the ranking member, Senators KASSEBAUM and KENNEDY, for the work that they have done and for the courageous way that they have gone about it and for the work they have done on the floor here this day. I personally respect both of them very much, and I appreciate what they are doing in this bill.

Our progress has been great, but we have so much more to do to wipe out this virus. Let us hope and pray that one day, like smallpox, the HIV virus will be eradicated as a public health problem, and that is what we are talking about, public health, for everybody. Until then, Ryan White programs offer the only glimmer of hope to thousands of Americans who are living with HIV.

So I wish to thank my esteemed colleagues, especially our floor managers today, Senators KASSEBAUM and KENNEDY and others who have worked so hard to move this important piece of legislation forward. I will work with them in any way I can to see that this legislation is sent to the President as quickly as possible, and I again hope that we can do this probably tomorrow morning.

I thank the Chair.

Mrs. KASSEBAUM. Madam President, I wish to express appreciation to the Senator from Utah. Senator HATCH, as he mentioned, was the original cosponsor along with Senator KENNEDY of the Ryan White CARE Act in 1990. If it had not been for the leadership he provided, I am not sure we would be here today debating renewal of that legislation. It was crucial at that time to help develop an understanding of what it was all about, and I think without Senator HATCH's strong and forthright and dedicated concern at that time, it would have been extremely difficult to have the public awareness and support that it has. I just wish to express that appreciation to the Senator from Utah.

Mr. HATCH. If the Senator will yield, I certainly thank her for her kind remarks, but I feel equally disposed to congratulate her and to thank her for the work she is doing this year and has done in the past. She and Senator KENNEDY have done a very good thing here. So I thank her very much.

Mrs. KASSEBAUM. I would just say Senator HATCH, of course, we miss on the Labor Committee, where he was at one time chairman and ranking member, and I have big shoes to follow in that leadership on the Labor and Human Resources Committee.

Mr. BYRD. Mr. President, earlier today during the debate on S. 641, the Ryan White CARE Reauthorization Act, the distinguished senior Senator from North Carolina [Mr. HELMS] raised questions concerning where the appropriations for the Ryan White Program have been going. He indicated that he had been unable to receive any detailed information from the Clinton administration. He further stated his hope that the Appropriations Committee would be able to provide such information in connection with the fiscal year 1996 appropriations bill. I have asked the staff to look into this matter and get such information as is available as quickly as possible. For now, I have a CRS Report dated March 31, 1995, entitled "Health Care Fact Sheet: Ryan White CARE Act Reauthorization." This report sets forth the programs which are authorized for funding under the Ryan White Comprehensive AIDS Resources Emergency Act of 1990 (P.L. 101–381). Under that act, this report states that:

> Grants are made to States, to certain metropolitan areas, and to other public or private nonprofit entities both for the direct delivery of treatment services and for the development, organization, coordination, and operation of more effective service delivery systems for individuals and families with HIV disease.

It further states that for fiscal year 1995, $633 million has been appropriated for these purposes.

Mr. President, I ask unanimous consent that the report be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CRS REPORT FOR CONGRESS—HEALTH CARE FACT SHEET: RYAN WHITE CARE ACT REAUTHORIZATION

The Ryan White Comprehensive AIDS (acquired immune deficiency syndrome) Resources Emergency (CARE) Act of 1990 (P.L. 101–381) authorized a set of Federal grant programs to provide emergency assistance to localities disproportionately affected by the human immunodeficiency virus (HIV) epidemic. Grants are made to States, to certain metropolitan areas, and to other public or private nonprofit entities both for the direct delivery of treatment services and for the development, organization, coordination, and operation of more effective service delivery systems for individuals and families with HIV disease. Total FY 1995 appropriations were $633 million. CARE Act programs are currently authorized through FY 1995. On Mar. 29, 1995, this Senate Committee on Labor and Human Resources ordered reported S. 641, the Ryan White CARE Reauthorization Act of 1995. The bill would modify the CARE Act programs and extend authorizations through FY 2000.

CURRENT RYAN WHITE CARE ACT PROGRAMS

Title I of the Act provides emergency formula and supplemental grants to disproportionately affected, eligible metropolitan areas (EMAs). Eligible areas with more than 2,000 cases of AIDS, or where the cumulative per capita incidence exceeds one quarter of 1% may apply for title I funds. Half of each year's appropriation is distributed to EMAs under a formula based on cumulative caseload and incidence; the remainder is used for supplemental grants awarded on the basis of applications by EMAs. Forty-two EMAs received funds for FY 1995, up from 16 in FY 1991. Title I funds are directed to the chief elected official administering the public health agency providing outpatient and ambulatory services to the greatest number of persons with AIDS in the designated area. The official must establish an HIV Health Services Planning Council which further sets priorities for care delivery in accord with Federal guidelines.

Title II provides formula grants to States and Territories for comprehensive care services including home and community-based care, continuity of health insurance coverage, payment for pharmaceuticals and other treatments to prevent deterioration of health, and other services. Grants are allocated on the basis of recent AIDS caseload and State per capita income. States reporting 1% or more of the national AIDS caseload are required to match Federal funds ($1 State for every $2 Federal in FY 1995) and must use 50% or more of their grant toward establishing an HIV health and support services consortium. The Secretary withholds 10% of Title II appropriations to support special projects of national significance (SPNS), a grant program that promotes advancements in the delivery of health care and support services to the HIV population.

Title III(b) provides early intervention categorical grants to public and private nonprofit entities already providing primary care services to populations at risk of HIV. Services allowed under title III(b) include counseling and testing, case management, outreach, medical evaluation, transmission prevention, and risk reduction strategies. (Title III(a), authorizing early intervention grants to States, has never been funded.)

Title IV authorizes a number of different HIV-related programs, of which only one, pediatric demonstration grants, had been funded. These grants foster collaboration and coordination between clinical research and health care providers and target HIV infected children, pregnant women, and their families.

Appropriations for FY 1995 total $633 million as follows: $357 million for title I, $198 million for title II, $52 million for title III, and $26 million for title IV. (On March 2, the full House Committee on Appropriations rejected a subcommittee reported rescission of $13 million in FY 1995 funds.)

S. 641, THE RYAN WHITE CARE REAUTHORIZATION ACT OF 1995

As reported, S. 641 authorizes appropriations of such sums as may be necessary for all titles for FY 1996 through FY 2000. It makes numerous changes in CARE Act programs, including expansion of permissible services, stronger planning and coordination requirements, and a greater emphasis on services to minorities and to women and children. There are also important funding changes, as follows:

A single appropriation would be authorized for titles I and II. For FY 1996, 64% of funds would go to title I; a method for distribution for later years would be developed by the Secretary.

Allocation formulas for titles I and II would be based on estimated persons living with AIDS (rather than cumulative cases) and would include a new factor reflecting area variation in the costs of services. These changes would redirect funds to the areas where the epidemic is growing most rapidly; temporary hold-harmless provisions would prevent sharp funding reductions for existing grantees. New EMAs would have to have populations of at least 500,000, and would be eligible on the basis of caseload alone (rather than caseload or incidence).

The special projects of national significance program would be funded through a 3% withhold from each title, rather than 10% from title II alone.

AIDS FUNDING HISTORY—SEPTEMBER 27, 1994

	Fiscal year 1986	Fiscal year 1987	Fiscal year 1988	Fiscal year 1989	Fiscal year 1990	Fiscal year 1991	Fiscal year 1992	Fiscal year 1993	Fiscal year 1994	Fiscal year 1995 req	House	Senate	Conference
HRSA													
Education and Training Centers	....	$1,550	$11,106	$14,640	$14,549	$17,029	$16,984	$16,435	$16,435	$16,157	$16,287	$16,287	$16,287
Pediatric AIDS	....	....	4,787	7,806	14,803	19,518	19,747	20,897	....	....	....	....	....
Facilities and Renovation	....	....	6,702	3,903	4,342	4,029	....	....	....	....	....	....	....
Other	$15,311	10,350	14,361	29,692	74,023	....	....	....	....	....	....	....	....
Ryan White													
Emergencuy Assistance (Title I)	....	....	....	....	....	87,831	121,663	184,757	325,500	364,500	352,500	356,500	356,500
Comprehensive care (Title II)	....	....	....	....	....	87,831	107,704	115,288	183,897	213,897	195,897	198,897	198,147
Early Intervention (Title III)	....	....	....	....	....	44,891	49,862	47,968	47,968	66,968	51,568	52,568	52,318
Pediatric Programs (Title IV)	....	....	....	....	....	....	....	....	22,000	27,000	26,000	26,000	26,000
Subtotal—Ryan White	....	....	....	....	....	220,553	279,229	348,013	579,365	672,365	625,965	633,965	632,965
AIDS Dental Services	....	....	....	....	....	....	....	....	7,000	6,884	6,937	6,937	6,937
Subtotal—AIDS	15,311	11,900	36,956	26,349	33,694	261,129	315,960	385,345	602,800	695,406	649,189	657,189	656,189
CDC	62,155	136,077	304,942	377,592	442,826	496,960	480,132	498,253	543,253	532,693	606,000	558,253	590,243
Total NIH	146,656	293,977	500,399	742,428	904,455	1,004,825	1,047,294	1,072,453	1,297,115	1,379,052	1,337,606	1,337,606	1,337,606
SAMHSA													
Cntr Ment Hlth Serv	....	....	....	....	....	....	....	2,987	6,943	5,343	6,881	5,394	6,943
Cntr Subs Abuse	....	....	....	....	....	....	....	21,156	21,156	2,726	10,526	20,526	18,026
Subtotal—AIDS	....	....	....	....	....	....	....	24,143	28,099	8,069	17,407	25,920	24,969
Agency for Health Care Policy and Research	....	....	1,000	6,831	8,474	10,252	10,135	9,624	10,624	11,917	10,557	10,624	10,591
Office of the Secretary													
Health Initiatives	....	....	....	3,416	4,010	2,149	2,075	2,073	....	....	....	....	....
National AIDS Program Office	....	363	3,308	3,023	3,666	3,789	2,452	2,936	2,869	2,848	2,899	0	1,750
AIDS Contingency Fund	....	30,000	....	....	....	....	....	....	....	....	....	....	....
Total	224,122	472,317	846,505	1,159,639	1,397,125	1,779,104	1,858,048	1,994,827	2,484,760	2,629,985	2,623,658	2,589,592	2,621,348

Mr. KOHL. Mr. President, I rise as a cosponsor and enthusiastic supporter of S. 641, the Ryan White CARE Act reauthorization.

The AIDS epidemic is a continuing crisis in our Nation that shows no sign of abating. Once a problem for only a few big urban areas, the crisis has increasingly impacted people in smaller cities and rural areas. More and more Americans are seeing friends and relatives stricken with HIV disease and are struggling to find adequate services for their loved ones.

Mr. President, over 2,700 Wisconsinites have been diagnosed with HIV infection and AIDS since 1985. As of March 1995, the Centers for Disease Control and Prevention has reported 481,234 cases of AIDS nationwide. The Ryan White CARE Act has been critical for communities responding to the AIDS crisis by helping to establish coordinated health care systems. Over 300,000 people afflicted with the disease receive life-prolonging treatment through the act.

This bill continues programs that help hard-hit municipal areas, support coordinated State efforts to combat AIDS, and provide primary care to special populations, including pregnant women and children. The Ryan White CARE Act represents the most effective type of government initiative; it targets State and Federal Government resources to fund comprehensive plans under the guidance of community leaders, medical professionals, affected populations, and officials at municipal, State, and Federal levels.

Since the enactment of the Ryan White CARE Act, Wisconsin has utilized its limited allocations to reach underserved areas of the State while concentrating resources on hard-hit communities. Care is available to citizens in every part of the State, not just a few cities. All funding in Wisconsin is provided through a consortium of community-based groups. This community oriented approach has allowed delivery of services to AIDS patients in their home, avoiding costly long-term hospitalization until absolutely necessary. The result is compassionate care for the afflicted and considerably less Medicaid spending, which saves State and Federal resources.

The Ryan White CARE Act has proven invaluable in meeting the AIDS crisis, but like most government programs, has room for improvement. I am pleased to say that this bill does not simply continue the status quo of the original legislation. There are substantial changes that better target Federal resources while meeting the current threat of HIV and AIDS. These consensus changes were carefully worked out with input from those who fight the AIDS tragedy every day.

The bill resolves longstanding formula inequities that pitted groups against one another. The new formula responds to the evolving dynamics of the epidemic. Using General Accounting Office recommendations, funding would now be distributed based on those currently living with AIDS and the changing cost of care.

States where AIDS is widespread, but without cities designated as "eligible metropolitan areas," have not qualified for title I funding. Such States, like Wisconsin, have relied on limited allocations of title II funding in order to reach the afflicted in both urban and rural areas. The revised bill changes title I and title II funding by including an estimation of the number of individuals currently living with AIDS and the costs of providing services. The new title II formula is adjusted so that cases are not double counted, which unfairly advantages some States that also have title I cities. Provisions are also included to prevent service disruptions due to the formula changes.

We must improve our response to AIDS given the alarming growth of the epidemic. Few would question that AIDS is one of the leading public health threats facing our Nation and the world. As such, a unified response must be maintained. This bill contains positive changes to equitably distribute funding and allows communities to continue working together to provide the most effective treatment for AIDS victims.

Mr. President, let us not get bogged down in extraneous issues that cloud the purpose of this legislation. The nature of this crisis demands targeted, compassionate treatment for those afflicted with a devastating disease. Women, children, and men of all ages and backgrounds are victims of HIV. Families and whole communities have been devastated by AIDS. They deserve our continued commitment.

The Ryan White CARE Act received strong bipartisan support when originally enacted. With 63 current cosponsors of S. 641, the Senate's resolve to advance this important measure is clear and should remain undeterred.

I urge my colleagues to support the Ryan White CARE Act and provide quick passage.

Mr. SMITH. Mr. President, I am going to vote against S. 641, the so-called Ryan White CARE Act.

This is not going to be a popular vote, and I am sure that many will say that I am being unfair to AIDS victims and their families. But, I believe that this it is this bill that is unfair.

Unfair to persons suffering from other diseases, and their families. Unfair to small States, like New Hampshire. Unfair to the taxpayers.

First of all, let me make it clear that I take a back seat to no Senator in my concern for those inflicted with HIV and AIDS. I have always supported Federal AIDS research. But, we are already funding AIDS research.

In fact, AIDS research is by far the most heavily funded area at the National Institutes of Health.

Earlier this year, I was sent a table from the American Heart Association regarding the distribution of research dollars at the Department of Health and Human Services. The table tracks HHS research funding dollars spent per death in fiscal year 1993.

It tracks five diseases—HIV-AIDS, diabetes, cancer, heart disease, and stroke. We are spending $36,763 per HIV-AIDS death, $5,421 per diabetes death, $3,708 per cancer death, $1,032 per heart death, and $731 per stroke death.

Clearly, relative to other diseases, the Federal Government has demonstrated a firm commitment to funding AIDS research. In fact, the American Heart Association materials go on to say that HHS—

> spends 36 times more research funding per death of an AIDS victim than was spent per death of a victim of heart disease. Similarly, with regard to dollars spent per death, AIDS funding exceeded stroke funding by 50 to 1.

It seems that, in an effort to demonstrate our commitment to AIDS, we have seriously shortchanged many other devastating illnesses.

As you can see, AIDS research is already being funded. The Congressional Budget Office estimates that this bill will cost $3.7 billion over the next 6 years. So, where is this $3.7 billion going to go? If it is not research, what exactly is the Ryan White CARE Act?

One of the architects of the Ryan White Program, the senior Senator from Massachusetts, summarized in his opening statement how Ryan White funds have assisted the city of Boston:

> 15,000 individuals are receiving primary care, 8,000 are receiving dental care, and 9,000 are receiving mental health services. An additional 700 are receiving case management services and nutrition supplements.

I am very pleased to hear that so many people are being assisted in this way, particularly in Boston—right across the border.

But, Mr. President, what makes someone with AIDS more entitled to federally funded mental health or dental services than someone with cancer or diabetes or Alzheimer's?

No other disease has its own program like this.

I am not saying that we should pit one disease against another, and say that they ought to all receive the same amount of funds.

What I am saying is that we are already spending huge amounts of money on AIDS, without this bill.

Would I like to see AIDS victims receive these services? Of course I would. I would like for everyone to receive these services.

But, we need to face the budgetary realities. Our national debt recently climbed over the $4.9 trillion mark. It is rapidly reaching $5 trillion. We can't just keep plowing full speed ahead with these sorts of spending programs without contemplating how we are going to pay for them.

But, Mr. President, what concerns this Senator in particular is how my State of New Hampshire gets shortchanged in the funding formula in S. 641.

The Senate Labor Committee provided me with a State-by-State breakdown of 1996 funds under this bill. According to the Labor Committee, when you combine titles I and II, my State of New Hampshire gets about $1,125,000.

It is difficult to look at this number and determine whether this is higher or lower than what we should be getting. So, my staff calculated, using Census Bureau population statistics, how much each State gets back for every dollar it contributed for this bill. This new breakdown clearly shows where most of the money is going.

New Hampshire gets only 20 cents on the dollar.

That is, for every dollar we put in, we only got 20 cents back, while the State of New York gets $3.18 for every dollar they put in.

Washington, DC, gets $7.26 for every dollar.

I ask unanimous consent that this State-by-State breakdown be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1996 FUNDING BREAKDOWN FOR S. 641, THE RYAN WHITE CARE ACT

[By total funds and cents on the dollar]

State	S. 641 Funds (in thousands)[1]	Population (in thousands)[2]	Cents on the dollar[3]
Alabama	$1,350	4,1872	$.24
Alaska	100	599	.12
Arizona	2,794	3,936	.52
Arkansas	753	2,424	.23
California	69,290	31,211	1.64
Colorado	3,581	3,566	.74
Connecticut	4,618	3,277	1.04
Delaware	586	700	.62
D.C.	5,578	578	7.26
Florida	35,585	13,679	1.92
Georgia	8,626	6,917	.92
Hawaii	499	1,172	.32
Idaho	138	1,099	.09
Illinois	10,415	11,697	.66
Indiana	1,537	5,713	.20
Iowa	333	2,814	.09
Kansas	812	2,531	.24
Kentucky	644	3,789	.13
Louisiana	4,530	4,295	.78
Maine	228	1,239	.14
Maryland	8,577	4,965	1.27
Massachusetts	6,956	6,012	.85
Michigan	4,310	9,478	.34
Minnesota	1,725	4,517	.28
Mississippi	954	2,643	.27
Missouri	4,310	5,234	.61
Montana	100	839	.09
Nebraska	267	1,607	.12
Nevada	964	1,389	.51
New Hampshire	302	1,125	.20
New Jersey	19,678	7,879	1.85
New Mexico	479	1,616	.22
New York	78,531	18,197	3.18
North Carolina	2,415	6,945	.26
North Dakota	100	635	.11
Ohio	3,291	11,091	.22
Oklahoma	1,051	3,231	.24
Oregon	2,241	3,032	.54
Pennsylvania	8,501	12,048	.52
Rhode Island	555	1,000	.41
South Carolina	2,680	3,643	.54
South Dakota	100	715	.10
Tennessee	1,847	5,099	.27
Texas	24,096	18,031	.99
Utah	428	1,860	.17
Vermont	104	576	.14
Virginia	3,668	6,491	.42
Washington	4,151	5,255	.58
West Virginia	211	1,820	.09
Wisconsin	1,068	5,038	.16
Wyoming	100	470	.16
Puerto Rico	13,690		
Totals	349,451	257,908	1.00

[1] Source: Senate Labor and Human Resources Committee.

[2] Source: 1993 figures, U.S. Census Bureau.

[3] Figure obtained using the following formula: S/(P/U*T). S= FY96 funding (titles I & II) by state; P= state population; U= Total U.S. Population; T= total funding under S. 641 (titles I & II).

Mr. SMITH. Mr. President, as I look at this table, it seems to me that my State would be better off funding its AIDS programs on its own.

If we collected $10 in State taxes, we would have $10 to spend on AIDS services.

But, under this formula, we give the Federal Government $10, and Uncle Sam writes us a check for $2, and then tells us how to spend it.

I would urge my colleagues to take a look at this breakdown, and consider how their own State does, before supporting this bill.

Mr. President, I have to congratulate the proponents of this legislation. They have done a superb job at packaging it up with a glitzy title, lots of cosponsors, and a masterful press campaign.

Everyone knows the story of Ryan White, the courageous 13-year-old boy who fell prey to this devastating disease.

It is a very effective technique. You name your bill after a person with a heroic story who is deeply admired by millions of Americans, like Ryan White, and people are afraid to vote against it.

This makes for good politics, but, too often, bad policy.

Frankly, Mr. President, if Ryan White were alive today, because he was from Kokomo, IN, and not a big city, he would not qualify for assistance under the emergency relief program—which accounts for $368 million—nearly half of next year's funds.

The only funds that he might qualify for would be under the "CARE grant program" (title II) which are distributed by a formula using the numbers of AIDS cases, rather than the size of the cities. But, according to CBO, the formula in this bill only allocates $205 million for this section—just over half the amount allocated for the big cities.

So, the big cities get $368 million, the rest of the country—including those same big cities—get to divide up the $205 million that is left over.

If we are trying to help all AIDS victims, like Ryan White, why are most of the funds being funneled into large cities?

Some would argue that they get more funds because they have more AIDS cases. That is not why they do better under this bill.

That might be the reason that States with big cities get more money under title II, the $205 million CARE program. But the bulk of funds in this bill go to title I—$368 million.

That section says that big cities, cities with more than 500,000 residents, get all of the money, as long as they have more than 2,000 cases of AIDS.

If you have 499,000 residents, and a huge AIDS population, forget it. You get nothing. This has nothing to do with AIDS cases, or fairness, or need—only size.

Suffice it to say that my State does not have any cities that are that big.

Manchester has about 100,000 people.

Nashua has about 80,000.

Concord has about 36,000.

So, this bill says "tough luck for the State of New Hampshire, and many other States."

That is not to say that New Hampshire does no have an AIDS problem. We have the same problem that every other State has.

I would urge my colleagues to take a look at the state-by-state breakdown that I put in the RECORD earlier and see how your own State does.

But, we could have the highest incidence of AIDS in the Nation, and that would not matter. Under title I, it is cut and dry. Unless you have 500,000 residents, you don't get a nickel.

In conclusion, Mr. President, it would be very easy for me to look the other way and vote for this bill. I would probably save myself a lot of grief and controversy.

UNANIMOUS-CONSENT AGREEMENT

Mrs. KASSEBAUM. Madam President, I think we have now reached an agreement.

I ask unanimous consent that the following amendments be the only amendments in order to S. 641, and that no second-degree amendments be in order to the amendments: the pending amendment is No. 1854. Then following, Helms amendment 1855; Helms amendment 1857, regarding funding equity; Helms amendment 1856, regarding training; Kassebaum amendment 1860, regarding funding equity; a Kassebaum amendment regarding promotion, 1858; a Gregg amendment regarding FDA, and a Kennedy amendment regarding FDA.

Further, that all debate time be used on the above-listed amendments this evening with the exception of the amendment to be offered by Senator GREGG, and the amendment to be offered by Senator KENNEDY.

Further, that at the hour of 9:15 a.m. on Thursday, Senator REID be recognized for up to 15 minutes for general debate on the bill, to be followed at 9:30 by Senator GREGG, to be recognized to offer his amendment on which there would be 1 hour to be equally divided in the usual form.

I further ask that following the conclusion of the debate on the Gregg amendment, Senator KENNEDY be recognized to offer his amendment regarding FDA, on which there would be 30 minutes to be equally divided in the usual form, and that following that debate the Senate proceed to vote first on the Helms amendment 1854, followed in sequence with two back-to-back votes on other amendments in the order in which they were offered, and that there be 10 minutes for explanation between each of the remaining votes, to be equally divided in the usual form, and that following the disposition of the above-listed amendments, the Senate proceed to third reading and final passage, all without any intervening action or debate.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mrs. KASSEBAUM. Further, Madam President, I ask unanimous consent that any votes occurring after 12:30 p.m. as a result of this agreement be postponed to occur at a time to be determined by the two leaders.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. KASSEBAUM. I thank the Chair.

Madam President, there are no further votes for this evening.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. KASSEBAUM addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. I ask unanimous consent that further proceedings under the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mrs. KASSEBAUM. I also ask unanimous consent that there now be a period for the transaction of routine morning business with Senators permitted to speak for up to 5 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRIBUTE TO THE LATE FRANCIS M. HIPP

Mr. THURMOND. Mr. President, over the past 40 years, South Carolina has enjoyed tremendous economic growth, and has emerged as one of the Nation's leading centers for commerce and industry. Many people have had a role in this success, and I rise today to pay tribute to one person who made many contributions to our State's prosperity, Mr. Francis Moffett Hipp, who passed away earlier this week at the age of 84.

Mr. Hipp was recognized throughout South Carolina as both a community and a business leader. His father founded the Liberty Life Insurance Co., which Francis eventually took over and ran as its chairman. Under his direction, the company grew and diversified, even acquiring a chain of television stations, including one in Columbia, SC. The Liberty Corp., as it is now known, is one of our State's largest insurance companies, employing literally thousands of people and contributing an inestimable benefit to South Carolina and its economy.

Because of his stature as a businessman, and his concern for the future of our State, Mr. Hipp also served as the chairman of both the South Carolina Development Board and the South Carolina Research Authority. Both these organizations have played important roles in expanding the Palmetto State business community, and during his tenure at those agencies, Mr. Hipp's dedication and vision helped greatly to develop industry in our State. Thanks to the concerted efforts of Francis Hipp, and those who worked with him, our State stands both financially stronger and better positioned to compete in the 21st century global marketplace.

Mr. President, Francis Hipp led a full and productive life, and through his work, he left a tremendous mark on South Carolina. He was a gifted businessman, a committed citizen of our State, and a dedicated and loyal family man. I was proud to count this man among my friends and regret that the Senate schedule prevented me from attending his memorial service today. My sympathies and condolences go out to all who knew Francis Moffett Hipp, especially his sons; Hayne and John; and daughter, Mary Jane Hipp Brock. We will all miss this man of integrity, ability, and vision.

WAS CONGRESS IRRESPONSIBLE? LOOK AT THE ARITHMETIC

Mr. HELMS. Mr. President, on that evening in 1972 when I learned that I had been elected to the Senate, I made a commitment to myself that I would never fail to see a young person, or a group of young people, who wanted to see me.

It has proved enormously beneficial to me because I have been inspired by the estimated 60,000 young people with whom I have visited during the nearly 23 years I have been in the Senate.

Most of them have been concerned about the magnitude of the Federal debt that Congress has run up for the coming generations to pay. The young people and I always discuss the fact that under the U.S. Constitution, no President can spend a dime of Federal money that has not first been authorized and appropriated by both the House and Senate of the United States.

That is why I began making these daily reports to the Senate on February 22, 1992. I wanted to make a matter of daily record of the precise size of the Federal debt which as of yesterday, Tuesday, July 25, stood at $4,940,346,340,499.40 or $18,753.63 for every man, woman and child in America on a per capita basis.

IRISH-AMERICANS IN MISSISSIPPI TO HONOR CHOCTAW NATION

Mr. KENNEDY. Mr. President, this year marks the 150th anniversary of the beginning of the Great Famine in Ireland. While large numbers of men, women, and children were dying of starvation in Ireland in those tragic years, a group of Native Americans in this country tried to help.

The Choctaw Nation of North America raised $170 in 1847—the equivalent of about $3,000 today—for the victims of the Irish famine. Their contribution may have been small in terms of its ability to affect the massive human tragedy taking place in Ireland, but it was a generous symbol of the compassion of the Choctaw Nation for those in desperate need. Sixteen years before the famine began, the Choctaws themselves were the victims of a forced displacement following passage of the Indian Removal Act of 1830, which compelled most Native Americans to move west of the Mississippi River. Many died on the journey known as the Trail of Tears. Yet despite their own tragic circumstances, the Choctaw reached out to the Irish people, whom they saw as more in pain and in need than themselves.

Earlier this year, President Mary Robinson of Ireland visited the tribal headquarters of the Choctaw Nation in Durant, OK, to thank the Choctaws personally for their ancestors' extraordinary generosity to the Irish people. President Robinson often evokes the story of the Choctaw Nation when talking about the Famine and about how the echoes of Ireland's tragic past continue to reverberate in Ireland today, giving the Irish a special affinity for those around the world who face hunger and oppression.

Everyone familiar with global humanitarian efforts knows that Irish aid workers are often the first to arrive to help at places of devastation around the world. President Robinson herself was one of the first to visit Somalia, and to call the world's attention to the starvation there.

His Eminence Bernard Cardinal Law, the Archbishop of Boston, recently informed me that Irish-Americans in Mississippi will honor the Choctaw Nation on September 9 and 10 with a picnic at the Jim Buck Ross Agricultural Museum in Jackson, MS. The sponsors are hopeful that Irish-Americans in other parts of the country will enhance the success of this tribute. Anyone interested in learning more about this auspicious occasion should contact Mr. Sean McGuinness at the Celtic-American Heritage Society, Post Office Box 5166, Jackson, MS 39296–5166.

I commend the Hibernian Society for this well-deserved honor for the Choctaw Nation.

ANNOUNCEMENT OF POSITION ON VOTE

Mr. HOLLINGS. Mr. President, earlier today the Senate held three rollcall votes relating to United States policy in Bosnia. Regrettably, I was necessarily absent during these votes due to my attendance at a funeral in South Carolina. Had I been present at the time, I would have voted for the Cohen amendment, for the Nunn-Graham amendment, and for final passage of the Dole-Lieberman bill (S. 21). I thank my colleagues for the opportunity to state my position and I thank the Chair.

TRIBUTE TO MARLA GARBER

Mr. CAMPBELL. Mr. President, I rise today to share with you the story of Marla Garber, a free spirit who rode the length and breadth of the United States on her motorcycle accompanied only by her dog Skooter.

She was a remarkable young woman; one of those "rugged individualists," constantly seeking adventure in her life and traveling into the depths of the country in her pursuit of it. She shared the stories of the fascinating people she met on her journey's and the memories of the places she had seen with much of the American public, writing for several motorcycle magazines. In this way, she was able to leave her mark on society and the people of the country.

Marla Garber was a woman of vision and strength, a pioneer in her time. A friend of hers described her as one of those who "followed their callings to and beyond the ends of the known world and came back overflowing with stories of strange places * * * and wondrous things they'd seen." Marla Garber was unique for this day and age, and I admire her spirit.

We all suffer from her loss, as surely as we all benefitted from having her among us.

MESSAGES FROM THE HOUSE

At 4 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 70. An act to permit exports of certain domestically produced crude oil, and for other purposes.

H.R. 1943. An act of amend the Federal Water Pollution Control Act to deem certain municipal wastewater treatment facilities discharging into ocean waters as the equivalent of secondary treatment facilities.

H.R. 2002. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes.

The message also announced that the House insists upon its amendments to the bill (S. 395) to authorize and direct the Secretary of Energy to sell the Alaska Power Marketing Administration, and for other purposes, and asks a conference with the Senate on the disagreeing votes of the two Houses thereon; and appoints the following Members as the managers of the conference on the part of the House:

For consideration of House amendment numbered 1: Mr. YOUNG of Alaska, Mr. CALVERT, Mr. BLILEY, Mr. MILLER of California, and Mr. DINGELL.

For consideration of House amendment numbered 2: Mr. YOUNG of Alaska, Mr. CALVERT, Mr. THOMAS of California, Mr. ROTH, Mr. BLILEY, Mr. COBLE, Mr. MILLER of California, Mr. HAMILTON, Mr. DINGELL, and Mr. MINETA.

For consideration of House amendment numbered 3: Mr. SPENCE, Mr. KASICH, and Mr. DELLUMS.

For consideration of House amendment numbered 4: Mr. COBLE, Mrs. FOWLER, and Mr. MINETA.

For consideration of House amendment numbered 5: Mr. YOUNG of Alaska, Mr. CALVERT, and Mr. MILLER of California.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 1943. An act to amend the Federal Water Pollution Control Act to deem certain municipal wastewater treatment facilities discharging into ocean waters as the equivalent of secondary treatment facilities; to the Committee on Environment and Public Works.

H.R. 2002. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1996, and for other purposes; to the Committee on Appropriations.

MEASURES PLACED ON THE CALENDAR

The following measure was read the first and second times by unanimous consent and placed on the calendar:

H.R. 70. An act to permit exports of certain domestically produced crude oil, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second time by unanimous consent, and referred as indicated:

By Mrs. HUTCHISON (for herself, Mr. BROWN, Mr. FRIST, Mr. INHOFE, and Mr. MACK):

S. 1073. A bill to establish a national advisory referendum on limiting the terms of Members of Congress at the general election of 1996; to the Committee on Rules and Administration.

By Ms. MOSELEY-BRAUN (for herself, Mr. SIMON, and Mr. INOUYE):

S. 1074. A bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus; to the Committee on Labor and Human Resources.

By Mr. HARKIN (for himself and Mr. KENNEDY):

S. 1075. A bill to reauthorize and improve the Individuals with Disabilities Education Act; to the Committee on Labor and Human Resources.

By Mrs. BOXER:

S. 1076. A bill to designate the Western Program Service Center of the Social Security Administration located at 1221 Nevin Avenue, Richmond, California, as the "Francis J. Hagel Building", and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. AKAKA, Mr. BINGAMAN, Mr. INOUYE, Mr. KYL, and Mr. REID):

S. 1077. A bill to authorize research, development, and demonstration of hydrogen as an energy carrier, and for other purposes; to the Committee on Energy and Natural Resources.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THURMOND:

S. Res. 156. A resolution recognizing the contributions of the United States Army Air Forces to the United States victory in World War II; to the Committee on Armed Services.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mrs. HUTCHISON (for herself, Mr. BROWN, Mr. FRIST, Mr. INHOFE, and Mr. MACK):

S. 1073. A bill to establish a national advisory referendum on limiting the terms of Members of Congress at the general election of 1996; to the Committee on Rules and Administration.

THE NATIONAL VOTER OPPORTUNITY TO INFORM CONGRESS EFFECTIVELY (VOICE) ON TERM LIMITS ACT OF 1995

• Mrs. HUTCHISON. Mr. President, I offer a bill similar to one I introduced in the last Congress. My bill, the National Voter Opportunity To Inform Congress Effectively on Term Limits—or VOICE—Act, would authorize a national advisory referendum on term limits for Members of Congress. It is a companion bill to legislation being introduced today in the House by Congressman PETE HOEKSTRA of Michigan.

In recent years, the American people have come to realize that the seniority system, coupled with the overwhelming electoral advantages of incumbency, has created a class of career politicians—a class not envisioned by our Founding Fathers.

Our Founding Fathers envisioned the Congress as a body of citizen-legislators. People who had trades, professions, or businesses would serve for a period of time, bringing with them experience and fresh ideas to shape the laws that would govern commerce and quality of life.

There has been a vigorous grassroots effort mounting in this country to return us to this vision. Especially over the past few years, the movement to limit congressional terms has gained significant ground. Despite the Congress' reluctance to impose term limits on itself, the people have chosen to press forward without us by passing ballot initiatives to limit the terms of their own Federal representatives. In 23 States—nearly half the country—the people have spoken overwhelmingly and unequivocally that they want the terms of their Congressmen and Senators to be limited.

Last May, the term limits movement suffered a major blow with the Supreme Court's ruling in U.S. Term Limits, Inc. versus Thornton. In a 5-to-4 decision, the Court said the State-imposed term limits violate the Constitution and that any effort to limit congressional terms must be done through a constitutional amendment. This ruling effectively overturned all 23 States term-limits laws that had been passed up to now.

The House's failure to pass an amendment last March proves that there is virtually no chance for term limits in this Congress. Even in this Chamber, a recent rollcall survey found that we are still 24 votes shy of having enough support to approve a term-limits amendment. Congress is truly out of touch with America on this issue.

That is why, Mr. President, I feel it is so important that we give every American, in all 50 States, an opportunity to speak directly to their Federal representatives on the term-limits matter. My bill would do just that by conducting a nonbinding, national referendum. It would place a simple and straightforward question on every ballot in the 1996 election, "Should Congress approve a constitutional amendment to limit the number of terms that a Member of the United States House of Representatives and United States Senate can serve in office? Yes or No."

Let me hasten to add that this legislation would not create an unfunded Federal mandate. This bill provides that States would be reimbursed at a rate of 4 cents per voter for the cost of putting the question on the ballot. This Federal reimbursement would be offset by corresponding reduction in the franking budget for Members of the House and Senate.

Mr. President, I want to urge my colleagues to join me in giving the American people a voice in the next election on whether the terms of their representatives in the U.S. Congress should be limited. Rather than debating about what we think the American people want and need, let's give them the opportunity to tell us themselves, clearly and directly. It is time we invoke the communicative power of democracy and ask the people what they think.•

By Ms. MOSELEY-BRAUN (for herself, Mr. SIMON, and Mr. INOUYE):

S. 1074. A bill to amend the Public Health Service Act to provide for expanding and intensifying activities of the National Institute of Arthritis and Musculoskeletal and Skin Diseases with respect to lupus; to the Committee on Labor and Human Resources.

THE LUPUS RESEARCH AMENDMENTS OF 1995

• Ms. MOSELEY-BRAUN. Mr. President, today, I am introducing with Senators SIMON and INOUYE the Lupus Research Amendments of 1995. This bill would provide the funding so desperately needed by NIH to increase current education, prevention, and treatment efforts.

Systemic lupus erythematosus [lupus] is a painful, potentially devastating chronic autoimmune disease that occurs mostly in young women of childbearing age. Lupus causes the body's defense system to malfunction and attack its own healthy organs. Every element of the victim's musculoskeletal system is susceptible, ranging from the skin and joints to the blood, heart, lungs, and kidneys.

Health officials estimate that between 1.4 million and 2 million Americans, 90 percent of whom are female, are afflicted with lupus. Both the cause and a cure for lupus are currently unknown. Treatments can be effective but can lead to adverse side effects which cause severe and sometimes incapacitating pain, making it impossible for victims to maintain jobs and live normal lives. Increased and intensive research, thus, offers the best hope for prevention and better treatment of lupus and its related disabilities.

The Lupus Research Amendments of 1995 would expend clinical research for the discovery and evaluation of new treatments; encourage the coordination of improved screening techniques; and improve information and education programs for health care professionals and the public. In addition, researching the cause of lupus may reveal other abnormalities of the immune system, and this knowledge could help experts better understand related illnesses. It is to this end that I reintroduce this legislation, which authorizes funding of $20 million for fiscal year 1996 and such sums as may be necessary for both fiscal years 1997 and 1998.

This legislation can make a real difference to the millions of Americans, particularly women, who are afflicted with lupus. I urge my colleagues to join me in supporting this important legislation.

Mr. President, I ask unanimous consent that a copy of the bill be included in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Lupus Research Amendment of 1995".

SEC. 2. FINDINGS.

The Congress finds that—

(1) lupus is a serious, complex, inflammatory, autoimmune disease of particular concern to women;

(2) lupus affects women 9 times more than men;

(3) there are 3 main types of lupus; systemic lupus, a serious form of the disease that affect many parts of the body; discoid lupus, a form of the disease that affects mainly the skin; and drug-induced lupus caused by certain medications;

(4) lupus can be fatal if not detected and treated early;

(5) the disease can simultaneously affect various areas of the body, such as the skin, joints, kidneys, and brain, and can be difficult to diagnose because the symptoms of lupus are similar to those of many other diseases;

(6) lupus disproportionately affects African-American women, as the prevalence of the disease among such women is 3 times the prevalence among white women, and an estimated 1 in 250 African-American women between the ages of 15 and 65 develops the disease;

(7) it has been estimated that over 500,000 Americans have been diagnosed with the disease, and that many more have undiagnosed cases;

(8) current treatment of the disease can be effective, but may lead to damaging side effects; and

(9) many victims of the disease suffer debilitating pain and fatigue, making it difficult to maintain employment and lead normal lives.

SEC. 3. EXPANSION AND INTENSIFICATION OF ACTIVITIES REGARDING LUPUS.

Subpart 4 of part C of title IV of the Public Health Service Act (42 U.S.C. 285d et seq.) is amended by inserting after section 441 the following new section:

"LUPUS

"SEC. 441A. (a) IN GENERAL.—The Director of the Institute shall expand and intensify research and related activities of the Institute with respect to lupus.

"(b) COORDINATION WITH OTHER INSTITUTES.—The Director of the Institute shall coordinate the activities of the Director under subsection (a) with similar activities conducted by the other national research institutes and agencies of the National Institutes of Health to the extent that such Institutes and agencies have responsibilities that are related to lupus.

"(c) PROGRAMS FOR LUPUS.—In carrying out subsection (a), the Director of the Institute shall conduct or support research to expand the understanding of the causes of, and to find a cure for, lupus. Activities under such subsection shall include conducting and supporting the following:

"(1) Research to determine the reasons underlying the elevated prevalence of lupus in women, including African-American women.

"(2) Basic research concerning the etiology and causes of the disease.

"(3) Epidemiological studies to address the frequency and natural history of the disease and the differences among the sexes and among racial and ethnic groups with respect to the disease.

"(4) The development of improved screening techniques.

"(5) Clinical research for the development and evaluation of new treatments, including new biological agents.

"(6) Information and education programs for health care professionals and the public.

"(d) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated $20,000,000 for fiscal year 1995, and such sums as may be necessary for each of the fiscal years 1996 and 1997. The authorization of appropriations established in the preceding sentence is in addition to any other authorization of appropriations that is available for such purpose.".●

By Mr. HARKIN (for himself and Mr. KENNEDY):

S. 1075. A bill to reauthorize and improve the Individuals With Disabilities Education Act; to the Committee on Labor and Human Resources.

THE INDIVIDUALS WITH DISABILITIES EDUCATION ACT AMENDMENTS OF 1995

Mr. HARKIN. Mr. President, 20 years ago this November, Congress enacted Public Law 94–142, the Education for All Handicapped Children Act, now known as part B of the Individuals With Disabilities Education Act [IDEA]. The purpose of this law is simple—to assist States and local communities meet their obligation to provide equal educational opportunity to children with disabilities in accordance with the equal protection clause of the 14th amendment of the U.S. Constitution.

I believe that IDEA is an excellent law. Prior to the enactment of Public Law 94–142, 1 million children with disabilities were excluded entirely from receiving a public education and more than half of the children with disabilities in the United States did not receive appropriate educational services that would enable them to enjoy full equality of opportunity.

Because of IDEA, millions of children with disabilities are now receiving a free and appropriate public education. Educational outcomes for children with disabilities have improved dramatically over this 20-year period.

For many parents who have disabled children, IDEA is a lifeline of hope. As one parent recently told me:

> Thank God for IDEA. Because of IDEA our child is achieving academic success. He is also treated by his nondisabled peers as "one of the guys." I am now confident that he will graduate high school prepared to hold down a job and lead an independent life.
>
> The rewards of IDEA go beyond the classroom and into the very being of our family. IDEA gives us the strength to face the challenges of bringing up a child with a disability. We know that our son is entitled to an appropriate education just like his nondisabled peers. We also know that IDEA provides us with the tools to ensure that the promise of equal educational opportunity is realized.

In May, Danette Crawford, a junior at Urbandale High School in Des Moines, IA, testified before the Subcommittee on Disability Policy. Danette explained that she has cerebral palsy which greatly limits her ability to carry out any personal care tasks and fine motor activities such as writing. She uses a wheelchair for mobility. Danette testified that:

> My grade point average stands at 3.8 and I am enrolled in advanced placement courses. The education I am receiving is preparing me for a real future. Without IDEA I am convinced I would not be receiving the quality education that Urbandale High School and the Talented and Gifted Program provide me. After graduating high school I hope to attend Carleton College in Northfield, Minnesota, focusing on a double major in political science or history and Spanish. Carlton is sometimes referred to as the "Harvard of the midwest." I hope to pursue a law degree.

However, despite the great progress that has been made over the past 20 years, significant challenges remain. As Secretary Riley points out, too many students with disabilities are still failing courses and dropping out of school; enrollment in postsecondary education is still too low; and too many students are leaving school ill-prepared for employment and independent living.

As ranking member of the Subcommittee on Disability Policy, I am pleased to introduce, along with Senator KENNEDY, the ranking member of the Labor and Human Resources Committee, the Clinton administration's bill reauthorizing the Individuals with Disabilities Education Act.

With this reauthorization we have the opportunity to take what we have learned over the past 20 years and use it to update and improve this critical law.

I commend Secretary Riley, Judy Heumann, Assistant Secretary for Special Education and Rehabilitative Services, Tom Hehir, Director of the Office of Special Education Programs, and their staffs for developing a carefully crafted bill that will enhance educational opportunities for over 5 million children with disabilities.

The administration has developed their bill based on numerous meetings and discussions with all interested parties, including parents, educators, and administrators across the country. The administration has reviewed over 2,000 recommendations sent in response to a call for comment last fall on suggestions for improving the IDEA.

I do not believe that everyone will be in complete agreement about each of the provisions in the bill. But, I do believe that the administration has achieved a necessary balance that is so important in this law.

I fully support the six key principles on which the administration's proposal are based:

Aligning IDEA with State and local education reform efforts so students with disabilities will benefit from them;

Improving results for students with disabilities through higher expectations and meaningful access to the general curriculum, to the maximum extent possible;

Addressing individual needs in the least restrictive environment for students;

Providing families and teachers with the knowledge and training to effectively support students' learning;

Focusing on teaching and learning; and

Strengthening early intervention to ensure that every child starts school ready to learn.

I look forward to working with Senator FRIST, the chair of the Subcommittee on Disability Policy, Senator KASSEBAUM the chair of the Labor Committee, and other colleagues to craft a consensus bill in the tradition of this committee. It is my hope that the administration's bill will be used as the vehicle for achieving this consensus.

Mr. President, I ask unanimous consent that the letter of transmittal of the administration's bill from Secretary Riley to AL GORE, in his capacity as President of the Senate, be inserted in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF EDUCATION,
June 30, 1995.

Hon. ALBERT GORE, Jr.,
President of the Senate, Washington, DC.

DEAR MR. PRESIDENT: Enclosed for consideration of the Congress is the "Individuals with Disabilities Education Act Amendments of 1995," the Administration's proposal for improving and restructuring Federal education programs for children with disabilities under the Individuals with Disabilities Education Act (IDEA). Also enclosed is a section-by-section analysis summarizing the contents of the bill. I am sending an identical letter to the Speaker of the House.

Since enactment of P.L. 94-142, the Education for All Handicapped Children Act of 1975, results for children with disabilities have improved dramatically. Before the enactment of that ground-breaking law, one million children with disabilities were excluded from school altogether, and many were housed in dehumanizing institutions. Today, one of the basic goals of the IDEA has been largely met—children with disabilities have access to education. As we undertake a review of this legislation, we reaffirm our commitment to the basic purposes of the IDEA and the recognition of the Federal role in ensuring that all children with disabilities are provided the equal educational opportunity that the Constitution guarantees. With this reauthorization, we have the opportunity to take what we have learned over the past twenty years and use it to update and improve this important law.

Despite the great progress that has been made, significant challenges remain. Too many students with disabilities are failing courses and dropping out of school. When appropriate interventions are not provided, these students often get in trouble with the law and spend significant time in jail. Enrollment in postsecondary education is still low, and students are leaving school ill prepared for employment and independent living. Children from minority backgrounds and children with limited English proficiency are often inappropriately identified as disabled and placed in special education classrooms with low expectations. In addition, school officials and others complain that the current law is unnecessarily prescriptive, that it focuses too much on paperwork and process, that it imposes unnecessary costs, that it creates barriers to effective discipline, and that it spawns too much litigation.

Our reauthorization proposal addresses these issues and makes improvements to ensure that the fundamental objectives of the law are achieved, while preserving and maintaining existing rights and protections for children and their families. We based our reauthorization proposal on six key principles that clearly define our mission to improve results for students with disabilities, beginning as early as possible in the child's life.

(1) Align the IDEA with State and local education reform efforts so students with disabilities can benefit from them.

(2) Improve results for students with disabilities through higher expectations and meaningful access to the general curriculum, to the maximum extent appropriate.

(3) Address individual needs in the least restrictive environment for the student.

(4) Provide families and teachers—those closest to students—with the knowledge and training to effectively support students' learning.

(5) Focus on teaching and learning.

(6) Strengthen early intervention to ensure that every child starts school ready to learn.

Aligning the IDEA with State and local education reform efforts so students with disabilities can benefit from them underlies our entire proposal.

We need to stop thinking about "special education" as a separate program and separate place to put students and start thinking about the supports and services children need in whatever setting is the least restrictive—whether it be the regular classroom, a resource room, a separate classroom, or a separate school. We must promote the transformation of our current categorical education system into a system for all children that meets the individual needs of each child.

We envision an education system that sets higher expectations for all students, gives all students the opportunity to learn to challenging standards, and takes responsibility and is accountable for the success of all children. The strategies we describe below are critical to the development of a system that meets this vision.

Our second principle is that the IDEA must focus on improving results for students with disabilities through higher expectations and meaningful access to the general curriculum, to the maximum extent appropriate.

We know that most children work harder and do better when more is expected of them. Disabled students are no different. When we have high expectations for students with disabilities, most can achieve to the challenging standards established for all students, and all can achieve more than society has historically expected.

One strategy for increasing expectations and access to the general curriculum is improving the individualized education program (IEP). Our proposal would refocus the IEP process on educational results and include requirements that make more sense. The new IEP would include meaningful annual objectives for the student and focus on enabling the child to participate and achieve in the general curriculum. Parents would be informed of their children's progress, by means such as report cards, with the same frequency used to inform parents of nondisabled children. The IEP procedures would be revised to require the participation of at least one regular education teacher in the IEP meeting, and provide for earlier transition planning to help ensure that each student completes secondary school prepared for employment or postsecondary education and independent living.

A related strategy for promoting high expectations and access to the general curriculum is the inclusion of students with disabilities in State and district-wide assessments. While civil rights laws already prohibit the discriminatory exclusion of students with disabilities from participation in assessments, some States exclude over 90 percent of all students with disabilities from those assessments. Of course, a small number of students with significant cognitive disabilities cannot appropriately be included in general State and district-wide assessments. States and districts would conduct alternate assessments for these few students.

Our long-range strategy is that each State would use assessment results and other data it collects on students, such as drop-out rates, to assess and report on its progress toward meeting goals the State would establish for the performance of children with disabilities. We believe that when States assess students with disabilities and report to the public on the results, they will focus more on ensuring that students with disabilities receive the help they need to participate and achieve in the general curriculum and meet the challenging standards established for all students.

The third principle underlying our proposal is addressing individual needs in the least restrictive environment appropriate for the student.

A central purpose of the IDEA is to ensure that each child receives an effective and individualized education that addresses the child's particular needs in the least restrictive environment. Today, children are often identified and served according to the disability category within which they are labeled rather than according to what they need to achieve their full potential. Several critical changes will help defeat this unfortunate categorization.

Our first strategy is to ensure that Federal and State requirements and funding systems do not create disincentives for appropriate placements and services. We propose that the Federal funding formula be changed to allocate to States all new funding above their fiscal year 1995 grants on the basis of the total number of children in the State, not just children with disabilities. This change in the formula would remove disincentives for States to undertake improvements such as the increased provision of early intervention services, and would remove incentives for States to over-identify students as disabled. We are also proposing that any State that bases State aid on the type of settings in which children are served demonstrate that its funding formula does not result in placements that violate the IDEA's least-restrictive-environment requirement or agree to change its formula.

Our second strategy is to promote better ways of identifying and serving students. Under the current IDEA, students must be identified as being in one of 13 specific disability categories to be served. This fosters an undesirable categorical approach to evaluating, labeling, placing, and serving children. We propose to use a new eligibility definition which, together with changes in reporting requirements, would encourage States to move toward less categorical approaches, while permitting States to retain their current eligibility criteria if they choose to do so. Evaluation procedures would also be streamlined so that what is educationally relevant is not lost and resources can be better devoted to helping students. Currently, States are required to conduct extensive evaluations and reevaluations that are costly and of limited utility in making decisions regarding a student's particular educational needs. Under our proposal, agencies would be required to convene an evaluation team every three years to consider the need for additional data, but they would no longer have to conduct tests to re-determine whether the child has a disability unless the agency or parent believes it is necessary. Our proposal would increase the focus of evaluations and reevaluations on instructionally relevant information and whether modifications are necessary to achieve the IEP objectives for the child.

Our fourth principle is that families and teachers must have the knowledge and training to effectively support student learning.

We must provide families and teachers—those closest to students—with the knowledge and training to effectively support students' learning.

There are 14 categorical programs in the IDEA, and over the past two decades there has been much good work done in each of them. However, despite some real successes, we believe that these programs need significant reform. Having developed separately over the years to address specific issues, the 14 programs are fragmented and too narrowly focused. We envisioned a streamlined, comprehensive, and coordinated approach for the discretionary programs that will be more effective in improving results for children with disabilities, while also making more effective use of resources. To achieve this, our proposal would replace the 14 current programs with five flexible authorities. This action would reduce duplication and fragmentation, while fostering collaborative, coordinated efforts across disciplines. The programs would concentrate on developing meaningful and timely information on improving results for students with disabilities and then putting that information into the hands of those who need it: States, school districts, educators, and parents. To ensure that issues concerning the special needs of children with low-incidence disabilities, such as deaf-blindness, continue to be adequately addressed, there would be a minimum "floor" for discretionary spending across the new discretionary authorities to meet the needs of these children.

Family involvement is at the heart of the IDEA. Our proposal will more fully involve parents in decisions about where and how their child is educated. For example, our proposal would require parents to be involved in the decision regarding the child's educational placement. Currently, parents are entitled to participate in the IEP meeting in which decisions are made about the services to be provided, but they are not entitled to participate in placement decisions, and are, therefore, often excluded. Detailed notice to families of their rights is another critical safeguard, yet families currently receive duplicative notices with excessive and confusing information. Our proposal would streamline the notice requirements while ensuring that families would receive all the necessary information whenever they need it.

We also want to reduce unnecessary lawsuits that create emotional and financial burdens for parents and school districts. While the right of parents to "due process" hearings to resolve disputes is central to the implementation of the law, recourse to these hearings should be a last resort when less adversarial methods have failed. In States that have mediation in place, parents and school districts report that mediation not only helped them to clarify and resolve their particular disagreement, but that it also helped them to work together better and avoid future conflicts. Our proposal would require that mediation be offered to all parents as an option to resolve disputes.

Many children with disabilities have significant health and other needs that cannot and should not be met by schools alone. Our proposal would give States and districts the flexibility to use some of their IDEA funds to help support the development of State or district-wide systems for coordinating education, health, mental health, and social services.

OUR FIFTH PRINCIPLE IS TO INCREASE THE FOCUS ON TEACHING AND LEARNING

Over the past 20 years, the IDEA has focused on process without sufficient attention to educational results for children with disabilities. Too often, the fundamental purpose of the law is lost. To achieve the improvements we are seeking, we must maximize the extent to which resources are used for teaching and learning. The proposals I have described above for improving IEPs, eligibility determinations, and evaluations of children will help to redirect considerable resources toward more instructionally relevant activities that support higher achievement for children with disabilities. We also propose to reduce unnecessary paperwork for schools, while improving services for students, by allowing schools to use their IDEA funds to pay for special education services in the regular classroom for the purpose of benefiting students with disabilities without having to track whether nondisabled students also benefit.

Requirements imposed on State and local educational agencies also drain resources that could be better used to improve teaching and learning. For example, current application requirements direct States to document their compliance with various procedures. To establish their eligibility for funding, States routinely submit to the Department boxes of documents containing copies of all State policies and procedures for special education. Yet, States are not required to plan for improving educational results. To reduce unnecessary burden, our proposal would eliminate State plans. States would merely be required to update documentation kept on file at the Department. Similarly, we would give States the discretion to eliminate applications from LEAs as long as appropriate documentation is on file.

A new State improvement authority would recognize the key role that the States play in implementing the law and enhance the ability of State agencies to carry out their own plans for program improvement by providing flexible resources based on an IDEA State Improvement Plan. Recognizing that the essential element of school improvement is well-prepared teachers and administrators, the authority would focus substantial attention and funding on teacher preparation. This authority would distribute funds to States on a formula basis and would be an impetus for improving the entire IDEA program by giving States additional resources to undertake the strategies they have identified for meeting their performance goals for children with disabilities. To assist States in these efforts, States would also be given flexibility to consolidate funds available for administration of Part B programs.

Maintaining a safe and orderly environment is essential for learning. Our proposal addresses the issue of school discipline related to students with disabilities. We believe the changes we are proposing to improve the educational opportunities of students with disabilities and to promote effective practices will help curb potential discipline problems. However, prevention is not always sufficient, and there are times when schools must take steps to address misconduct. Our proposal would extend the Improving America's Schools Act amendment to IDEA, which permits schools to immediately remove a child from the classroom for up to 45 days for bringing a gun to school, to cover other dangerous weapons such as knives. We are also proposing that schools be permitted to go to hearing officers to obtain quick decisions about whether a child is dangerous and may be removed from the classroom. Hearing officers already exist in every State to address special education issues. This provision would help schools to expedite decisions related to dangerous conduct that does not involve weapons.

Our sixth principle is to strengthen early intervention to help ensure that every child starts school ready to learn.

Support for families also means working with them to address the early intervention needs of their infants and toddlers. While States and communities have made tremendous progress in implementing their early intervention systems for children from birth through age two under Part H of the IDEA, there remain two major challenges: ensuring that all eligible infants and toddlers receive services, and supporting the prevention of developmental delays by expanding the inclusion of at-risk infants and toddlers within the Part H comprehensive system of services. To address these challenges, our proposal would give States greater flexibility in their efforts to serve infants and toddlers at risk of developmental delay. We also propose to draw on the best expertise in the nation to evaluate the need for and develop an appropriate definition of developmental delay in infants and toddlers in order to help States ensure that all children in need are identified and served.

I urge Congress to act favorably and quickly on these proposals. Their enactment will help local communities in their efforts to create safe, disciplined schools that have high expectations for all their students, and well prepared teachers, and will strengthen the involvement of families in their children's education. I look forward to working with you as we all strive to improve the IDEA in order to improve results for children with disabilities.

The Office of Management and Budget advises that there is no objection to the submission of this proposal to Congress and that its adoption would be in accord with the program of the President.

Yours sincerely,
RICHARD W. RILEY,
Secretary.

Mr. KENNEDY. Mr. President, I am pleased to join my colleague, Senator HARKIN, the ranking member of the Subcommittee on Disability Policy of the Labor and Human Resources Committee, in introducing the Clinton administration's bill reauthorizing the Individuals With Disabilities Education Act.

In its 20 years of existence, IDEA has greatly improved public education for students with disabilities in the United States. It has given them the opportunity for a public education and the necessary services to improve the quality of their lives and futures.

However, despite the significant advances made through IDEA over the past 20 years, we still have a long way to go. Educational outcomes for students with disabilities remain less than satisfactory. Enrollment in post-secondary education is low, and students with disabilities too often emerge from public education poorly prepared to find employment and live independently.

Moreover, children from minority backgrounds are often mislabeled and placed in special education classrooms, subject to low expectations for achievement. In the majority of States, African-American students are overrepresented in special education programs, compared with their percentage of the overall student population. In fact, studies have shown that young African-American males are often inappropriately placed in special education programs, or placed in overly restrictive settings. Once there, they generally remain trapped there, often with very little opportunity to move into regular classrooms, even when such transitions are obviously warranted.

Currently, Federal and State funding contributes to this problem by creating disincentives for appropriate placements and services. Some funding systems base allocations on the number of disabled students that each State educates. As a result, special education programs often operate in ways specifically designed to attract State and Federal dollars to local school districts—not to serve students best.

The administration's bill takes a significant step in addressing this problem by changing the formula so that all new funding to States above their grants for the 1995 fiscal year is allocated on the basis of the total number of children in the States, rather than just the number of children with disabilities.

We have learned much over the past 20 years, and have gained an understanding about what does and does not work. We now have the opportunity to make significant improvements in the implementation and enforcement of this important law. The Department of Education has worked diligently and carefully to develop legislation that makes substantial improvements in areas that need revision, and to expand upon provisions that have worked in the past.

Specifically, the legislation focuses on aligning IDEA with State and local education reforms, giving students with disabilities the same opportunity to benefit from those reform efforts as other students. The legislation focuses on ensuring that each child receives an individualized education that addresses the child's particular needs in the least restrictive environment possible. It increases the focus on teaching and learning, and works to strengthen early intervention to help ensure that every child starts school ready to learn. It promotes training and education for parents and teachers to help them serve their students better.

The bill also promotes involvement by families of every economic level. Family involvement is a critical component of success in education, and should be at the heart of education reform. Parents in all communities must be able to take a more active role in decisionmaking concerning the education and placement of their children. The administration's bill takes effective steps to make this possible, and contains provisions to ensure that families, teachers and school administrators have the knowledge and training they need to work effectively with students and with each other. It also provides mechanisms to encourage mediation as an available option for parents seeking to resolve disputes.

One of the most significant reforms of public education is to reduce categorizing and labeling, and to focus instead on raising expectations and increasing access to the general curriculum for all students.

All children have the right and deserve the opportunity to receive the proper education for their individual needs, whether or not they have a disability. Each parent has a right to be involved in that process.

I am proud to cosponsor this vital legislation, and I commend Secretary Richard Riley and his staff for their efforts to make the act more effective for all children with disabilities. I look forward to working with my colleagues on the committee to reauthorize and improve IDEA and to achieve its great goals.

By Mrs. BOXER:

S. 1076. A bill to designate the Western Program Service Center of the Social Security Administration located at 1221 Nevin Avenue, Richmond, California, as the "Francis J. Hagel Building," and for other purposes; to the Committee on Finance.

THE FRANCIS J. HAGEL BUILDING ACT OF 1995

• Mrs. BOXER. Mr. President, I am honored to rise today to introduce this legislation to honor a true hero among civil servants—Frank Hagel—a Federal employee who rose through the ranks to become a top manager and whose leadership was sorely tested during a crisis at the center a few years ago.

His death at an early age last January was mourned throughout the San Francisco Bay area.

Frank Hagel was the seventh director of the Social Security Western Program Service Center in Richmond, CA. Built in 1975, the center stands in the heart of Richmond, and has had as many as 2,000 employees, but now down to 1,200 largely because of automation. In addition to updating the benefit payment rolls, center employees answer the Social Security Administration's national toll-free number during peak times.

Hagel, a native of Missouri, began his Federal career as a file clerk in 1965 at what was then called the Kansas City Payment Center. His hard work and talent enabled him to work his way up through technical and managerial positions in the organization. His special abilities were recognized at the highest levels in SSA. He was called upon frequently to lead management review teams, to serve on strategic planning task forces, and to lead national work groups on critical organizational issues. For his effort, he was recognized with the agency's highest honor award, the Commissioner's Citation.

In March 1986, he moved to California from Missouri to undertake the challenge of providing Federal oversight and liaison to the State of California's disability determination process. He helped the State achieve consistency in timeliness and accuracy.

His continued success led to his promotion in December 1990, when he became Assistant Regional Commissioner, processing center operations. This was a crowning achievement for a man who had started 25 years earlier as a file clerk. Before the year was out, Hagel's skills and abilities would be tested again.

The Western Program Service Center suffered an outbreak of Legionnaire's disease in September 1991. This outbreak included two deaths and serious illness to a dozen more employees from the disease. Fear and panic were rampant but Hagel led his employees through this terrifying period. His first steps were to reassure employees by providing information, health screening, and blood tests to all who wanted it. Hagel then began to put the center back in operation. Because the building had to be closed, the entire 1,200-person work force had to be relocated, and within 2 weeks the operation serving Social Security beneficiaries was back on its feet.

Hagel's calm and steady hand at the head of the center during this crisis earned him a second Commissioner's Citation in 1992.

In 1994, Hagel became Assistant Regional Commissioner, management and budget, region IX. In this position, he had a broader set of responsibilities to provide support to the entire regional operation, including 180 field facilities. Again, his leadership and his example proved invaluable to the region.

Hagel died on January 1, 1995, leaving a reputation for his willingness to listen closely to everyone, unerring respect for each and every individual, broad lines of communication from labor to the business community and most important, an intense caring for the American people for whom he served.

That caring carried into his personal life. He counseled at-risk youth at the high school level and encouraged other adults to participate.

Mr. President, hundreds of Social Security employees have petitioned me—from mail clerks to top managers—asking that we honor Frank Hagel by naming the building in which they work after their late leader. I am honored to present legislation carrying out their wishes.

I ask unanimous consent to include in the RECORD a copy of the bill and a resolution from the city of Richmond, CA, in support of this naming bill.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1076

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION OF FRANCIS J. HAGEL BUILDING.

The Western Program Service Center of the Social Security Administration located at 1221 Nevin Avenue, Richmond, California, shall be known and designated as the "Francis J. Hagel Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the building referred to in section 1 shall be deemed to be a reference to the "Francis J. Hagel Building."

"RESOLUTION

"Whereas, The City of Richmond is proud to recognize significant contributions provided by Francis J. Hagel, to improve the quality of life of those Americans who qualify for Social Security benefits, and to provide critical assistance to Richmond residents, while Assistant Regional Commissioner for Processing Center Operations for the Social Security Administration's Western Program Service center in Richmond, and,

"Whereas, Francis J. Hagel, as a Richmond resident, was committed to rendering the highest caliber of community service to its inhabitants, and,

"Whereas, Francis J. Hagel, as Assistant Regional Commissioner for Processing Center Operations of the Social Security Administration's Western Program Service Center, directed the activities of employees processing the benefit payment records for over 4.5 million people in 14 western states and the Pacific Islands, and,

"Whereas, Francis J. Hagel, as Assistant Regional Commissioner for Processing Center Operations, with its 1200 employees, led it as an integral part of the local economy and one of its major employers: Now, therefore, be it

"*Resolved*, That I, Rosemary M. Corbin, Mayor of the City of Richmond, on behalf of the City Council, in recognition of the valuable contributions made by Francis J. Hagel to the City of Richmond as a resident and also as Assistant Regional Commissioner for Processing Center Operations, do hereby support the request that the name of the Social Security Administration's Western Program Service Center be changed to the Francis J. Hagel Building.•

By Mr. HARKIN (for himself, Mr. AKAKA, Mr. BINGAMAN, Mr. INOUYE, Mr. KYL, and Mr. REID):

S. 1077. A bill to authorize research, development, and demonstration of hydrogen as an energy carrier, and for other purposes; to the Committee on Energy and Natural Resources.

THE HYDROGEN FUTURE ACT OF 1995

Mr. HARKIN. Mr. President, on behalf of myself, Senators AKAKA, KYL, INOUYE, BINGAMAN, and REID, I am introducing today a very important piece of bipartisan legislation, the Hydrogen Future Act of 1995. I want to especially commend my colleague from Hawaii, Senator AKAKA, for his leadership in this area and for the good work he has done in putting together this bill. He continues a great tradition begun by the late Spark Matsunaga as a national leader in the field of hydrogen energy research and development.

Hydrogen is plentiful, efficient, and clean burning source of energy. It is ideal in that it combusts to pure water, and leaves no pollutants—no ozone depleting chemicals, no acid rain, no radioactive waste. All you get is pure, clean when you burn hydrogen.

Hydrogen also efficiently powers fuel cells, the latest breakthrough in power. Unlike electricity, which it complements, hydrogen can be stored and it can be piped long distances with no energy loss. And hydrogen energy is not simply a pipe dream. It is already on the road, powering some buses in Vancouver. But much more work needs to be done to bring hydrogen energy to the point where it can be used on a widescale basis.

With a modest investment in research and development, we can save billions through improved efficiencies and better protect our fragile environment. If we don't act now to develop this alternative energy source, our global competitors will clearly have an advantage. They are already investing more than we are in developing hydrogen. For example, as of several years ago, Germany was spending about $50 million a year on renewable hydrogen, five times our meager investment.

Our bill says that the United States is committed to hydrogen. We recognize its great potential. And we are willing to make a very modest and cost effective investment to back up that commitment. As does the bill passed by the House, our legislation authorizes $25 million in fiscal year 1996, $35 million in fiscal year 1997, and $40 million in fiscal year 1998 for research on hydrogen energy. This bill is clearly not everything I would want. It is a good faith attempt at a bipartisan compromise to move us forward.

As you may know, the House has already passed H.R. 655, the companion to our bill. H.R. 655 was sponsored by Representative BOB WALKER, chair of the House Science and Technology Committee, and it was passed by voice vote on May 2, 1995. Representative WALKER has been a real leader in this area and has done it not for political reasons, but out of a true commitment to science and a careful study of the great potential of hydrogen. So the Hydrogen Future Act has broad bipartisan support in Congress and I am hopeful that the Senate will follow the House in quickly and decisively passing this bill.

It is up to us to provide vision to the energy policy of this country by authorizing funds for hydrogen research. Then it is up to our scientists to provide focus to the hydrogen program, through the Hydrogen Technical Advisory Panel, which our bill continues, and through peer reviewed research, which our bill emphasizes.

During the first energy crisis back in the seventies, I served on the House Science and Technology Committee shaping programs for renewable energy and alternative energy production during the Carter administration.

And we held dozens of hearings regarding energy and particularly the role of technology in providing new sources of energy.

If one thing emerged from my 10 years on that committee, it was the understanding—the realization—that hydrogen is truly our best hope for an environmentally safe sustainable energy future.

I carried that understanding with me to the Senate where I learned even more from giants like Spark Matsunaga. And I am proud to have sponsored the Renewable Hydrogen Energy Research and Development Act which built on Senator Matsunaga's work and is reflected in the legislation we are introducing today.

I know hydrogen can be the answer to many of the energy and environmental challenges we face today. It can lead us down the road to a better future. But it is up to us to pave that road. It is up to us to build it. We should fund hydrogen research until every American knows what the promise of hydrogen is, through his or her use of hydrogen in everyday life.

And I know we have begun. When I first became interested in solar hydrogen several years ago, the DOE program consisted of three or four basic university research programs, exploring alternative methods to produce hydrogen. The program has grown—much more slowly than I would have liked—but it has grown.

In addition to the basic research into alternative hydrogen production techniques, DOE now funds programs in advanced hydrogen storage, systems analysis, as well as the fuel cell for transportation program that has grown a lot faster than the hydrogen program itself.

Do we want a set of fuel cell automobile fleets and hydrogen dispensing stations? Or do we want a dozen photovolatic and wind hydrogen generating stations? Do we want to set a long-term goal of supplying 1 or 5 or 10 quads of energy by 2105 from renewable hydrogen?

I would vote for all of the above.

But even if Congressman WALKER, Senator AKAKA, Senator KYL, I and the other supporters of this legislation succeed in doubling or tripling what I consider to be a totally inadequate hydrogen budget, we could not meet all of these goals.

So we have to be selective. We have to make choices. This bill does that. We have compromised on the level of funding authorized and the activities to be undertaken.

As I have indicated to you, there are many promising avenues of research for hydrogen. But I want to give one specific example so you can understand the potential of hydrogen. Well, let me tell you about a major hydrogen project that I think is quite important for America. It's called electro-farming.

As Joan Ogden of Princeton and other scientists have shown, hydrogen from biomass is probably the least costly source of renewable hydrogen we have today. DOE does have a biomass energy program, and it has grown very rapidly over the last few years. But the DOE biomass program is focussed on either methanol production or direct electricity production via steam generators—or on biomass gasification to drive gas turbines.

But, as far as I know, there is no program to maximize the hydrogen production in a biomass gasifier for use in a fuel cell. Electro-farming would take advantage of one of our Nation's greatest underutilized assets: the American agriculture production system.

What would that mean on the ground in a State like Iowa? Well right now, the Federal Government pays farmers not to grow crops on 34 million acres of erodible land—the Conservation Reserve Program or CRP.

Just a couple of years ago, the Iowa legislature passed legislation mandating utilities to buy renewable electricity at 6 cents per kilowatt/hour. Well, I worked out a proposal which I presented to the Hydrogen Technical Advisory Panel last year using present day input costs What we found was that if farmers grew an energy crop like switchgrass, the Government could save on CRP payments and the farmer could earn a profit for growing biomass for energy.

In fact, based on preliminary numbers we found that an Iowa corn farmer could earn 3–10 times more per acre growing switchgrass on an electro-farm than growing corn on a conventional farm. The fact is electro-farming is a win-win-win proposal. The Federal Government wins—cutting conservation reserve program payments, improving our environment, and reducing dependence on foreign oil. The farmer wins—diversifying his earning base, improving his income, and possibly even becoming energy independent. And utilities win—adding capacity relative to demand and reducing transmission costs.

I think the electro-farm could form one foundation for what I believe to be a good midterm goal for the hydrogen program: sustainable energy centers.

As I suggested to the hydrogen scientists last year, the Department of Energy should initiate one or more sustainable energy centers to demonstrate the production, storage, and use of hydrogen as an energy carrier.

The main purpose of these centers would be to prove to the public and the business community the technical and economic potential of renewable hydrogen. This would show to everybody that hydrogen can provide a zero emission fuel for the future in a cost effective manner.

But unfortunately most people don't know about hydrogen. For most citizens, hydrogen reminds them of the hydrogen bomb or, if you're older, the Hindenburg. If we are to create a sustainable energy option for the future based on renewable hydrogen, we have to educate people on the merits of hydrogen. So the main purpose of the sustainable energy centers would be to show people how hydrogen can be used safely and effectively to heat their homes, power their cars, and drive their factories.

The sustainable energy centers would also serve as a training center for hydrogen scientists and technicians. It would permit the testing of new hydrogen components, and it would permit the integration of various production, storage, and utilization devices into a complete working energy system. In addition, it would permit the evaluation of many costs, to reassure private industry and interest them in developing hydrogen products on a commercially viable basis.

I believe that sustainable energy centers will take hydrogen the next step—moving it from a university-based R&D program to a publicly accepted energy carrier to complement electricity.

And substantially increasing the hydrogen budget is critical to move hydrogen from a basic R&D program to a major sustainable energy option for the 21st century.

In short, we all know what the vision is: hydrogen produced by renewable energy with absolutely no pollution of any type, and no resource depletion of any kind—a truly sustainable energy option.

Now we need to put flesh and bones on that vision.

We need to make it real so people can feel the heat from a hydrogen furnace, or drive a hydrogen powered car and see that there are no emissions from the tailpipe—or, in the case of a hydrogen fuel cell car, see that there is no tailpipe at all.

By passing and implementing this legislation, we can pass on to our children and grandchildren a better future, a brighter future—without the pollution, without the smog, and without the resource depletion that is a fact of life today, but that can be a relic of the past tomorrow.

Mr. President, I ask unanimous consent that a copy of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1077

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hydrogen Future Act of 1995".

SEC. 2. FINDINGS.

Congress finds that—

(1) fossil fuels, the main energy source of the present, have provided this country with tremendous supply but are limited;

(2) additional research, development, and demonstration are needed to encourage private sector investment in development of new and better energy sources and enabling technologies;

(3) hydrogen holds tremendous promise as a fuel because it can be extracted from water and can be burned much more cleanly than conventional fuels;

(4) hydrogen production efficiency is a major technical barrier to society's collectively benefiting from one of the great energy carriers of the future;

(5) an aggressive, results-oriented, multiyear research initiative on efficient hydrogen fuel production and use should be maintained; and

(6) the current Federal effort to develop hydrogen as a fuel is inadequate.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to direct the Secretary of Energy to conduct a research, development, and demonstration program leading to the production, storage, transport, and use of hydrogen for industrial, residential, transportation, and utility applications; and

(2) to provide advice from academia and the private sector in the implementation of the Department of Energy's hydrogen research, development, and demonstration program to ensure that economic benefits of the program accrue to the United States.

SEC. 4. DEFINITIONS.

In this Act:

(1) DEPARTMENT.—The term "Department" means the Department of Energy.

(2) SECRETARY.—The term "Secretary" means the Secretary of Energy.

SEC. 5. RESEARCH AND DEVELOPMENT.

(a) AUTHORIZED ACTIVITIES.—

(1) IN GENERAL.—Pursuant to this section, the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.), and section 2026 of the Energy Policy Act of 1992 (42 U.S.C. 13436), and in accordance with the purposes of this Act, the Secretary shall conduct a hydrogen energy research, development, and demonstration program relating to production, storage, transportation, and use of hydrogen, with the goal of enabling the private sector to demonstrate the feasibility of using hydrogen for industrial, residential, transportation, and utility applications.

(2) PRIORITIES.—In establishing priorities for Federal funding under this section, the Secretary shall survey private sector hydrogen activities and take steps to ensure that activities under this section do not displace or compete with the privately funded hydrogen activities of the United States industry.

(b) SCHEDULE.—

(1) SOLICITATION.—Not later than 180 days after the date of the enactment of an Act providing appropriations for programs authorized by this Act, the Secretary shall solicit proposals from all interested parties for research and development activities authorized under this section.

(2) DEPARTMENT FACILITY.—The Secretary may consider, on a competitive basis, a proposal from a contractor that manages and operates a department facility under contract with the Department, and the contractor may perform the work at that facility or any other facility.

(3) AWARD.—Not later than 180 days after proposals are submitted, if the Secretary identifies one or more proposals that are worthy of Federal assistance, the Secretary shall award financial assistance under this section competitively, using peer review of proposals with appropriate protection of proprietary information.

(c) COST SHARING.—

(1) RESEARCH.—

(A) IN GENERAL.—Except as provided in subparagraph (B), in the case of a research proposal, the Secretary shall require a commitment from non-Federal sources of at least 25 percent of the cost of the research.

(B) BASIC OR FUNDAMENTAL NATURE.—The Secretary may reduce or eliminate the non-Federal requirement under subparagraph (A) if the Secretary determines that the research is purely basic or fundamental.

(2) DEVELOPMENT AND DEMONSTRATION.—In the case of a development or demonstration proposal, the Secretary shall require a commitment from non-Federal sources of at least 50 percent of the cost of development or demonstration.

(d) CONSULTATION.—Before financial assistance is provided under this section or the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12401 et seq.)—

(1) the Secretary shall determine, in consultation with the United States Trade Representative and the Secretary of Commerce, that the terms and conditions under which financial assistance is provided are consistent with the Agreement on Subsidies and Countervailing Measures referred to in section 101(d)(12) of the Uruguay Round Agreement Act (19 U.S.C. 3511(d)(12)); and

(2) an industry participant shall be required to certify that—

(A) the participant has made reasonable efforts to obtain non-Federal funding for the entire cost of the project; and

(B) full non-Federal funding could not be reasonably obtained.

(e) DUPLICATION OF PROGRAMS.—The Secretary shall not carry out any activity under this section that unnecessarily duplicates an activity carried out by another government agency or the private sector.

SEC. 6. TECHNOLOGY TRANSFER.

(a) EXCHANGE.—The Secretary shall foster the exchange of generic, nonproprietary information and technology developed pursuant to section 5 among industry, academia, and government agencies.

(b) ECONOMIC BENEFITS.—The Secretary shall ensure that economic benefits of the exchange of information and technology will accrue to the United States economy.

SEC. 7. REPORTS TO CONGRESS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, and annually thereafter, the Secretary shall transmit to Congress a detailed report on the status and progress of the Department's hydrogen research and development program.

(b) CONTENTS.—A report under subsection (a) shall include—

(1) an analysis of the effectiveness of the program, to be prepared and submitted by the Hydrogen Technical Advisory Panel established under section 108 of the Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 12407); and

(2) recommendations of the Panel for any improvements in the program that are if needed, including recommendations for additional legislation.

(3) REPEAL OF UNNECESSARY PROVISION.—The Spark M. Matsunaga Hydrogen Research, Development, and Demonstration Act of 1990 (42 U.S.C. 1401 et seq.) is amended—

(A) by striking section 103;

(B) by redesignating sections 104, 105, 106, 107, 108, and 109 as sections 103, 104, 105, 106, 107, and 108, respectively;

(C) in section 103 (as redesignated)—

(i) in subsection (a) by striking ", consistent with the 5-year comprehensive program management plan under section 103,"; and

(ii) in subsection (e) by striking "106" and inserting "105";

(D) in section 104(b) (as redesignated) by striking "104" and inserting "103";

(E) in section 105(a) (as redesignated) by striking "108" and inserting "107";

(F) in section 106(c) (as redesignated) by striking "108" and inserting "107"; and

(G) in section 107(d) (as redesignated)—

(i) by adding "and" at the end of paragraph (1);

(ii) by striking "; and" at the end of paragraph (2) and inserting a period; and

(iii) by striking paragraph (3).

SEC. 8. COORDINATION AND CONSULTATION.

(a) COORDINATION WITH OTHER FEDERAL AGENCIES.—The Secretary shall—

(1) coordinate all hydrogen research and development activities in the Department with the activities of other Federal agencies, including the Department of Defense, the Department of Transportation, and the National Aeronautics and Space Administration, that are engaged in similar research and development; and

(2) pursue opportunities for cooperation with those Federal entities.

(b) CONSULTATION.—The Secretary shall consult with the Hydrogen Technical Advisory Panel established under section 108 of the Spark M. Matsunaga Hydrogen Research, development, and Demonstration Act of 1990 (42 U.S.C. 12407) as necessary in carrying out this Act.

SEC. 9. AUTHORIZATION OF APPROPRIATIONS.

(a) IN GENERAL.—There are authorized to be appropriated to carry out this Act—

(1) $25,000,000 for fiscal year 1996;

(2) $35,000,000 for fiscal year 1997; and

(3) $40,000,000 for fiscal year 1998.

(b) LIMITATION ON AUTHORITY TO OBLIGATE FUNDS.—

(1) LIMITATION.—In each of fiscal years 1996, 1997, and 1998, the total amount that may be obligated for energy supply research and development activities shall not exceed the total amount obligated for such activities in fiscal year 1995.

(2) RULE OF CONSTRUCTION.—Paragraph (1) shall not be construed as authorizing the appropriation of any Federal funds.

Mr. KYL. Mr. President, it is difficult to believe that the solution to U.S. air pollution and dependence on foreign oil could be solved by the most abundant element in the universe—hydrogen. Yet we know that hydrogen can fuel our cars and cool our homes while producing water as its only byproduct.

We know that this is possible through research conducted by the U.S. Department of Energy. Unfortunately, we do not yet know how to extract hydrogen from water in large enough quantities or at a low enough cost to make it a viable fuel alternative in the United States.

While the Department of Energy has researched hydrogen as an alternative fuel for the last 5 years, the Governments of Japan, Germany, and Canada, where hydrogen-powered buses already run in Vancouver, have out-spent and out-researched us. The United States is already purchasing hydrogen fuel cells from Canada because they are not produced here.

By implementing the Hydrogen Future Act and increasing our funding for hydrogen research, we will remain competitive with other countries and will increase the likelihood that we will develop a nonpolluting alternative fuel which will reduce our dependence on foreign oil and energy products.

This bill would make hydrogen research a priority without increasing spending for research and development within the Department of Energy. It would also require non-Federal sources to pay for at least 25 percent of the research program costs and 50 percent of the costs directly related to any research development or demonstration project.

As I said before, we already know hydrogen can act as a power carrier. We already know our major international competitors are seriously researching its possibilities. We need to know how to produce it in larger quantities and at a reasonable cost, and that is why the Senate needs to pass the Hydrogen Future Act.

Mr. AKAKA. Mr. President, today I join my distinguished colleague, Senator HARKIN, in introducing legislation to encourage the development of a fuel for the future—hydrogen.

Hydrogen is an efficient and environmentally friendly energy carrier that can be obtained using conventional or renewable resources. There is growing evidence that hydrogen can be a solution for America's long-term energy needs.

Our Nation's economy is heavily dependent on fossil fuels. Eighty-nine percent of our primary energy base consists of oil, natural gas, and coal. These fossil fuels are nonrenewable and eventually will be exhausted.

U.S. energy consumption has risen steadily for more than a decade and will continue to rise over the next 20 years. From 1983 to 1992, our Nation's consumption of energy from primary sources rose 17 percent. Recent projections by the Energy Information Administration suggest that the United States' consumption of oil, natural gas, and coal will increase by more than 1.0 percent each year through the year 2010.

I want to point out that last year, for the first time ever, more than half of the oil used in our country came from foreign sources. Steadily rising demand for these finite energy resources dictates the need for research on alternatives such as hydrogen.

Now is the time to increase research efforts to develop a new source of energy if we are to make a smooth transition to the next generation energy source. Growing evidence points to hydrogen as the fuel to resolve our energy problems and satisfy a wide variety of the world's energy needs.

One advantage of hydrogen is that it can be produced from renewable resources through biomass conversion. Biomass conversion uses crops and forest product residues to produce hydrogen. Ultimately, the direct generation of hydrogen from water will provide us with a continuous supply of the fuel.

Hydrogen as a fuel is not a new concept, but technical progress towards this goal has been slow. For more than two decades there has been continuing worldwide interest in hydrogen as a renewable fuel.

The Library of Congress reported in "Hydrogen: Technology and Policy" that large quantities of hydrogen are being produced each year for nonenergy uses, however, it would be difficult or impossible to meet future energy demands with today's hydrogen technology.

Some of the problems facing the development of hydrogen as a fuel are the high cost of production, storage, and distribution. More economical methods of producing hydrogen are urgently needed. Currently, the cost of producing pure hydrogen from water by electrolysis is prohibitive, unless cheap electricity is available.

The vast majority of the hydrogen produced today is transported only a short distance before use. An integrated production, storage, and distribution system will also be required. These are only a few of the barriers to making hydrogen fuel commercially viable.

Our Nation needs an active and systematic research, development, and demonstration program to make the breakthroughs necessary so that hydrogen can become a viable alternative to fossil fuels. "The Green Hydrogen Report" to be published by the Secretary of Energy's Hydrogen Technical Advisory Panel this summer will detail a research agenda for the fuel.

My predecessor, Senator Spark Matsunaga, was one of the first to focus attention on hydrogen by sponsoring hydrogen research legislation. The Matsunaga Hydrogen Act, as this legislation came to be known, was designed to accelerate development of a domestic capability to produce economically renewable hydrogen in sufficient quantities to reduce the Nation's dependence upon conventional fuels. As a result of Spark Matsunaga's vision, the Department of Energy is conducting research that will decrease the costs of producing, storing, and using hydrogen. But Congress's continued support for this program is needed.

The bill introduced today expands the current research program efforts under the Matsunaga Hydrogen Act. This new initiative acknowledges the potential of hydrogen; the need for a strong partnership between the Federal Government, industry, and academia; and the importance of continued support for hydrogen research. It fosters collaboration among Federal agencies, State and local governments, universities, and industry. It encourages private sector investment and cost-sharing in the development of hydrogen as an energy source and associated technologies.

Hydrogen holds tremendous promise as the long-term solution to our Nation's energy problems. We urge our colleagues to support the Hydrogen Future Act of 1995.

ADDITIONAL COSPONSORS

S. 514

At the request of Mr. AKAKA, the name of the Senator from Hawaii [Mr. INOUYE] was added as a cosponsor of S. 514, a bill for the relief of the heirs, successors, or assigns of Sadae Tamabayashi.

S. 515

At the request of Mr. BRADLEY, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 515, a bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to provide for improved public health and food safety through the reduction of harmful substances in meat and poultry that present a threat to public health, and for other purposes.

S. 647

At the request of Mr. LOTT, the name of the Senator from South Dakota [Mr. PRESSLER] was added as a cosponsor of S. 647, a bill to amend section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974 to require phasing-in of certain amendments of or revisions to land and resource management plans, and for other purposes.

S. 770

At the request of Mr. DOLE, the name of the Senator from West Virginia [Mr. ROCKEFELLER] was added as a cosponsor of S. 770, a bill to provide for the relocation of the United States Embassy in Israel to Jerusalem, and for other purposes.

S. 1055

At the request of Mr. HOLLINGS, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 1055, a bill to amend title 49, United States Code, to eliminate the requirement for preemployment alcohol testing in the mass transit, railroad, motor carrier, and aviation industries, and for other purposes.

SENATE RESOLUTION 147

At the request of Mr. THURMOND, the name of the Senator from New York [Mr. D'AMATO] was added as a cosponsor of Senate Resolution 147, a resolution designating the weeks beginning September 24, 1995, and September 22, 1996, as "National Historically Black Colleges and Universities Week," and for other purposes.

SENATE RESOLUTION 149

At the request of Mr. AKAKA, the name of the Senator from Michigan [Mr. LEVIN] was added as a cosponsor of Senate Resolution 149, a resolution expressing the sense of the Senate regarding the recent announcement by the Republic of France that it intends to conduct a series of underground nuclear test explosions despite the current international moratorium on nuclear testing.

SENATE RESOLUTION 156—RELATIVE TO THE U.S. ARMY AIR FORCE

Mr. THURMOND submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 156

Whereas in World War II, the United States Army Air Forces played a decisive role in turning the tide of war both in Europe and the Pacific.

Whereas the price for this role in victory was high, with more than 50,000 Army Air Forces personnel killed in combat.

Whereas the strategic air campaign of the Army Air Forces in Europe during World War II successfully crippled the industrial and economic infrastructure and communications and transportation networks of Germany.

Whereas the Army Air Forces supported ground forces and gained air supremacy in the skies over the beaches of the D-Day invasion of Europe, an operation that set the stage for the downfall of the Third Reich.

Whereas in August 1942, the Army Air Forces commenced air operations that established air supremacy in the Southwest Pacific, thereby contributing significantly to victory in the battles for New Guinea and the Philippines.

Whereas the Army Air Forces supported the strategic and tactical thrusts of the Armed Forces across the central Pacific, the Aleutians, and the China-Burma-India Theater: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the courage, sacrifice, and devotion to duty of the personnel of the United States Army Air Forces in World War II; and

(2) recognizes the outstanding and critical contribution of the Army Air Forces to the worldwide victory of the United States in World War II.

AMENDMENTS SUBMITTED

THE BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

NUNN (AND OTHERS) AMENDMENT NO. 1848

Mr. NUNN (for himself, Mr. GRAHAM, and Mr. ROBB) proposed an amendment to amendment No. 1801 proposed by Mr. DOLE to the bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina; as follows:

On page 2, after line 18, insert the following:

"(4) The Contact Group, composed of representatives of the United States, Russia, France, Great Britain, and Germany, has since July 1994 maintained that in the event of continuing rejection by the Bosnian Serbs of the Contact Group's proposal for Bosnia and Herzegovina, a decision in the United Nations Security Council to lift the Bosnian arms embargo as a last resort would be unavoidable."

On page 5, after line 12, insert the following and reletter subsections (e) and (f) as subsections (f) and (g) respectively:

"(e) INTERNATIONAL POLICY.—If the Government of Bosnia and Herzegovina submits a request to the United Nations Security Council for the departure of UNPROFOR from Bosnia and Herzegovina or if the United Nations Security Council or the countries contributing forces to UNPROFOR decide to withdraw from Bosnia and Herzegovina, as provided in subsection (a), the President (or his representative) shall immediately introduce and support in the United Nations Security Council a resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina. The United States shall insist on a vote on the resolution by the Security Council. The resolution shall, at a minimum, provide for the termination of the applicability of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina no later than the completion of the withdrawal of UNPROFOR personnel from Bosnia and Herzegovina."

THE FOREIGN RELATIONS REVITALIZATION ACT OF 1995

D'AMATO AMENDMENTS NOS. 1849–1850

(Ordered to lie on the table.)

Mr. D'AMATO submitted two amendments intended to be proposed by him to the bill (S. 908) to authorize appropriations for the Department of State for fiscal years 1996 through 1999 and to abolish the U.S. Information Agency, the U.S. Arms Control and Disarmament Agency, and the Agency for International Development, and for other purposes; as follows:

AMENDMENT NO. 1849

At the appropriate place insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Iran Foreign Sanctions Act of 1995".

SEC. 2. IMPOSITION OF SANCTIONS ON PERSONS ENGAGING IN TRADE WITH IRAN.

(a) DETERMINATION BY THE PRESIDENT.—

(1) IN GENERAL.—The President shall impose the sanctions described in subsection (b) if the President determines in writing that, on or after the date of enactment of this Act, a foreign person has, with requisite knowledge, engaged in trade with Iran in any goods or technology (as defined in section 16 of the Export Administration Act of 1979).

(2) PERSONS AGAINST WHICH THE SANCTIONS ARE TO BE IMPOSED.—The sanctions shall be imposed pursuant to paragraph (1) on—

(A) the foreign person with respect to which the President makes the determination described in that paragraph;

(B) any successor entity to that foreign person;

(C) any foreign person that is a parent or subsidiary of that person if that parent or subsidiary with requisite knowledge engaged in the activities which were the basis of that determination; and

(D) any foreign person that is an affiliate of that person if that affiliate with requisite knowledge engaged in the activities which were the basis of that determination and if that affiliate is controlled in fact by that person.

(b) SANCTIONS.—

(1) DESCRIPTION OF SANCTIONS.—The sanctions to be imposed pursuant to subsection (a)(1) are, except as provided in paragraph (2) of this subsection, as follows:

(A) PROCUREMENT SANCTION.—The United States Government shall not procure, or enter into any contract for the procurement of, any goods or services from any person described in subsection (a)(2).

(B) EXPORT SANCTION.—The United States Government shall not issue any license for any export by or to any person described in subsection (a)(2).

(2) EXCEPTIONS.—The President shall not be required to apply or maintain the sanctions under this section—

(A) in the case of procurement of defense articles or defense services—

(i) under existing contracts or subcontracts, including the exercise of options for production quantities to satisfy requirements essential to the national security of the United States;

(ii) if the President determines in writing that the person or other entity to which the sanction would otherwise be applied is a sole source supplier of the defense articles or services, that the defense articles or services are essential, and that alternative sources are not readily or reasonably available; or

(iii) if the President determines in writing that such articles or services are essential to the national security under defense coproduction agreements;

(B) to products or services provided under contracts entered into before the date on which the President publishes his intention to impose the sanction;

(C) to—

(i) spare parts which are essential to United States products or production;

(ii) component parts, but not finished products, essential to United States products or production; or

(iii) routine servicing and maintenance of products, to the extent that alternative sources are not readily or reasonably available;

(D) to information and technology essential to United States products or production; or

(E) to medical or other humanitarian items.

(c) SUPERSEDES EXISTING LAW.—The provisions of this section supersede the provisions of section 1604 of the Iran-Iraq Arms Non-Proliferation Act of 1992 (as contained in Public Law 102–484) as such section applies to Iran.

SEC. 3. WAIVER AUTHORITY.

The provisions of section 2 shall not apply if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has substantially improved its adherence to internationally recognized standards of human rights;

(2) has ceased its efforts to acquire a nuclear explosive device; and

(3) has ceased support for acts of international terrorism.

SEC. 4. REPORT REQUIRED.

Beginning 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall transmit to the appropriate congressional committees a report describing—

(1) the nuclear and other military capabilities of Iran; and

(2) the support, if any, provided by Iran for acts of international terrorism.

SEC. 5. DEFINITIONS.

As used in this Act:

(1) ACT OF INTERNATIONAL TERRORISM.—The term "act of international terrorism" means an act—

(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(B) which appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means the Committees on Banking, Housing and Urban Affairs and Foreign Relations of the Senate and the Committees on Banking and Financial Services and International Relations of the House of Representatives.

(3) FOREIGN PERSON.—The term "foreign person" means—

(A) an individual who is not a United States national or an alien admitted for permanent residence to the United States; or

(B) a corporation, partnership, or other nongovernment entity which is not a United States national.

(4) IRAN.—The term "Iran" includes any agency or instrumentality of Iran.

(5) NUCLEAR EXPLOSIVE DEVICE.—The term "nuclear explosive device" means any device, whether assembled or disassembled, that is designed to produce an instantaneous release of an amount of nuclear energy from special nuclear material that is greater than the amount of energy that would be released from the detonation of one pound of trinitrotoluene (TNT).

(6) DEFINITION.—For purposes of this subsection, the term "requisite knowledge" means situations in which a person "knows", as "knowing" is defined in section 104 of the Foreign Corrupt Practices Act of 1977 (15 U.S.C. 78dd-2).

(7) UNITED STATES.—The term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the United States Virgin Islands, and any other territory or possession of the United States.

(8) UNITED STATES NATIONAL.—The term "United States national" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States;

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(C) any foreign subsidiary of a corporation or other legal entity described in subparagraph (B).

AMENDMENT NO. 1850

At the appropriate place, insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Comprehensive Iran Sanctions Act of 1995".

SEC. 2. CONGRESSIONAL FINDINGS.

(a) IRAN'S VIOLATIONS OF HUMAN RIGHTS.—The Congress makes the following findings with respect to Iran's violations of human rights:

(1) As cited by the 1991 United Nations Special Representative on Human Rights, Amnesty International, and the United States Department of State, the Government of Iran has conducted assassinations outside of Iran, such as that of former Prime Minister Shahpour Bakhtiar for which the Government of France issued arrest warrants for several Iranian governmental officials.

(2) As cited by the 1991 United Nations Special Representative on Human Rights and by Amnesty International, the Government of Iran has conducted revolutionary trials which do not meet internationally recognized standards of fairness or justice. These trials have included such violations as a lack of procedural safeguards, trial times of 5 minutes or less, limited access to defense counsel, forced confessions, and summary executions.

(3) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran systematically represses its Baha'i population. Persecutions of this small religious community include assassinations, arbitrary arrests, electoral prohibitions, and denial of applications for documents such as passports.

(4) As cited by the 1991 United Nations Special Representative on Human Rights, the Government of Iran suppresses opposition to its government. Political organizations such as the Freedom Movement are banned from parliamentary elections, have their telephones tapped and their mail opened, and are systematically harassed and intimidated.

(5) As cited by the 1991 United Nations Special Representative on Human Rights and Amnesty International, the Government of Iran has failed to recognize the importance of international human rights. This includes suppression of Iranian human rights movements such as the Freedom Movement, lack of cooperation with international human rights organizations such as the International Red Cross, and an overall apathy toward human rights in general. This lack of concern prompted the Special Representative to state in his report that Iran had made "no appreciable progress towards improved compliance with human rights in accordance with the current international instruments".

(6) As cited by Amnesty International, the Government of Iran continues to torture its political prisoners. Torture methods include burns, arbitrary blows, severe beatings, and positions inducing pain.

(b) IRAN'S ACTS OF INTERNATIONAL TERRORISM.—The Congress makes the following findings, based on the records of the Department of State, with respect to Iran's acts of international terrorism:

(1) As cited by the Department of State, the Government of Iran was the greatest supporter of state terrorism in 1992, supporting over 20 terrorist acts, including the bombing of the Israeli Embassy in Buenos Aires that killed 29 people.

(2) As cited by the Department of State, the Government of Iran is a sponsor of radical religious groups that have used terrorism as a tool. These include such groups as Hezballah, HAMAS, the Turkish Islamic Jihad, and the Popular Front for the Liberation of Palestine-General Command (PFLP-GC).

(3) As cited by the Department of State, the Government of Iran has resorted to international terrorism as a means of obtaining political gain. These actions have included not only the assassination of former Prime Minister Bakhtiar, but the death sentence imposed on Salman Rushdie, and the assassination of the leader of the Kurdish Democratic Party of Iran.

(4) As cited by the Department of State and the Vice President's Task Force on Combatting Terrorism, the Government of Iran has long been a proponent of terrorist actions against the United States, beginning with the takeover of the United States Embassy in Tehran in 1979. Iranian support of extremist groups have led to the following attacks upon the United States as well:

(A) The car bomb attack on the United States Embassy in Beirut killing 49 in 1983 by the Hezballah.

(B) The car bomb attack on the United States Marine Barracks in Beirut killing 241 in 1983 by the Hezballah.

(C) The assassination of American University President in 1984 by the Hezballah.

(D) The kidnapping of all American hostages in Lebanon from 1984–1986 by the Hezballah.

SEC. 3. TRADE EMBARGO.

(a) IN GENERAL.—Except as provided in subsection (c), effective on the date of enactment of this Act, a total trade embargo shall be in force between the United States and Iran.

(b) COVERED TRANSACTIONS.—As part of such embargo the following transactions are prohibited:

(1) Any transaction in the currency exchange of Iran.

(2) The transfer of credit or payments between, by, through, or to any banking institution, to the extent that such transfers or payments involve any interest of Iran or a national thereof.

(3) The importing from, or exporting to, Iran of currency or securities.

(4) Any acquisition, holding, withholding, use, transfer, withdrawal, transportation, importation or exportation of, or dealing in, or exercising any right, power, or privilege with respect to, or any transaction involving, any property in which Iran or any national thereof has any interest; by any person, or with respect to any property, subject to the jurisdiction of the United States.

(5) The licensing for export to Iran, or for export to any other country for reexport to Iran, by any person subject to the jurisdiction of the United States of any item or technology controlled under the Export Administration Act of 1979, the Arms Export Control Act, or the Atomic Energy Act of 1954.

(6) The importation into the United States of any good or service which is, in whole or in part, grown, produced, manufactured, extracted, or processed in Iran.

(c) EXTRATERRITORIAL APPLICATION.—In addition to the transactions described in subsection (b), the trade embargo imposed by this Act prohibits any transaction described in paragraphs (1) through (4) of that subsection when engaged in by a United States national abroad.

(d) EXCEPTIONS.—This section shall not apply to any transaction involving the furnishing, for humanitarian purposes, of food, clothing, medicine, or medical supplies, instruments, or equipment to Iran or to any national thereof.

(e) PENALTIES.—Any person who violates this section or any license, order, or regulation issued under this section shall be subject to the same penalties as are applicable under section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to violations of licenses, orders, or regulations under that Act.

(f) APPLICATION TO EXISTING LAW.—This section shall apply notwithstanding any other provision of law or international agreement.

SEC. 4. OPPOSITION TO MULTILATERAL ASSISTANCE.

(a) INTERNATIONAL FINANCIAL INSTITUTIONS.—(1) The Secretary of the Treasury shall instruct the United States executive director of each international financial institution described in paragraph (2) to oppose and vote against any extension of credit or other financial assistance by that institution to Iran.

(2) The international financial institutions referred to in paragraph (1) are the International Bank for Reconstruction and Development, the International Development Association, the Asian Development Bank, and the International Monetary Fund.

(b) UNITED NATIONS.—It is the sense of the Congress that the United States Permanent Representative to the United Nations should oppose and vote against the provision of any assistance by the United Nations or any of its specialized agencies to Iran.

SEC. 5. WAIVER AUTHORITY.

The provisions of sections 3 and 4 shall not apply if the President determines and certifies to the appropriate congressional committees that Iran—

(1) has substantially improved its adherence to internationally recognized standards of human rights;

(2) has ceased its efforts to acquire a nuclear explosive device; and

(3) has ceased support for acts of international terrorism.

SEC. 6. REPORT REQUIRED.

Beginning 60 days after the date of enactment of this Act, and every 90 days thereafter, the President shall submit to the appropriate congressional committees a report describing—

(1) the nuclear and other military capabilities of Iran; and

(2) the support, if any, provided by Iran for acts of international terrorism.

SEC. 7. DEFINITIONS.

For purposes of this Act—

(1) the term "act of international terrorism" means an act—

(A) which is violent or dangerous to human life and that is a violation of the criminal laws of the United States or of any State or that would be a criminal violation if committed within the jurisdiction of the United States or any State; and

(B) which appears to be intended—

(i) to intimidate or coerce a civilian population;

(ii) to influence the policy of a government by intimidation or coercion; or

(iii) to affect the conduct of a government by assassination or kidnapping.

(2) the term "appropriate congressional committees" means the Committee on Foreign Relations of the Senate and the Committee on International Relations of the House of Representatives;

(3) the term "Iran" includes any agency or instrumentality of Iran;

(4) the term "United States" means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Marianna Islands, American Samoa, Guam, the Virgin Islands, and any other territory or possession of the United States; and

(5) the term "United States national" means—

(A) a natural person who is a citizen of the United States or who owes permanent allegiance to the United States;

(B) a corporation or other legal entity which is organized under the laws of the United States, any State or territory thereof, or the District of Columbia, if natural persons who are nationals of the United States own, directly or indirectly, more than 50 percent of the outstanding capital stock or other beneficial interest in such legal entity; and

(C) any foreign subsidiary of a corporation or other legal entity described in subparagraph (B).

THE BOSNIA AND HERZEGOVINA SELF-DEFENSE ACT OF 1995

COHEN AMENDMENT NO. 1851

Mr. COHEN proposed an amendment to amendment No. 1848 proposed by Mr. NUNN to amendment No. 1801 proposed by Mr. DOLE to the bill (S. 21) to terminate the United States arms embargo applicable to the Government of Bosnia and Herzegovina; as follows:

Strike the period at the end and insert in lieu thereof the following: "In the event the United Nations Security Council fails to adopt the resolution to terminate the application of United Nations Security Council resolution 713 to the Government of Bosnia and Herzegovina because of a lack of unanimity of the permanent members, thereby failing to exercise its primary responsibility for the maintenance of international peace and security, the United States shall promptly endeavor to bring the issue before the General Assembly for decision as provided for in the Assembly's Uniting for Peace Resolution of 1950."

THE RYAN WHITE CARE REAUTHORIZATION ACT OF 1995

KASSEBAUM (AND KENNEDY) AMENDMENT NO. 1852

Mrs. KASSEBAUM (for herself and Mr. KENNEDY) proposed an amendment to the bill (S. 641) to reauthorize the Ryan White CARE Act of 1990, and for other purposes; as follows:

At the appropriate place, insert the following new section:

SEC. . CDC GUIDELINES FOR PREGNANT WOMEN.

(a) REQUIREMENT.—Notwithstanding any other provision of law, a State described in subsection (b) shall, not later than 1 year after the date of enactment of this Act, certify to the Secretary of Health and Human Services that such State has in effect regulations to adopt the guidelines issued by the Centers for Disease Control and Prevention concerning recommendations for immunodeficiency virus counseling and voluntary testing for pregnant women.

(b) APPLICATION OF SECTION.—A State described in this subsection is a State that has—

(1) an HIV seroprevalance among child bearing women during the period beginning on January 1, 1991 and ending on December 31, 1992, of .25 or greater as determined by the Centers for Disease Control and Prevention; or

(2) an estimated number of births to HIV positive women in 1993 of 175 or greater as determined by the Centers for Disease Control and Prevention using 1992 natality statistics.

(c) NONCOMPLIANCE.—If a State does not provide the certification required under subsection (a) within the 1 year period described in such subsection, such State shall not be eligible to receive assistance for HIV counseling and testing under the Public Health Service Act (42 U.S.C. 201 et seq.) until such certification is provided.

(d) ADDITIONAL FUNDS REGARDING WOMEN AND INFANTS.—

(1) IN GENERAL.—If a State described in subsection (b) provides the certification required in subsection (a) and is receiving funds under part B of title XXVI of the Public Health Service Act for a fiscal year, the Secretary of Health and Human Services may (from the amounts available pursuant to paragraph (3)) make a grant to the State for the fiscal year for the following purposes:

(A) Making available to pregnant women appropriate counseling on HIV disease.

(B) Making available outreach efforts to pregnant women at high risk of HIV who are not currently receiving prenatal care.

(C) Making available to such women testing for such disease.

(D) Offsetting other State costs associated with the implementation of the requirement of subsection (a).

(2) EVALUATION BY INSTITUTE OF MEDICINE.—

(A) IN GENERAL.—The Secretary of Health and Human Services shall request the Institute of Medicine of the National Academy of Sciences to enter into a contract with the Secretary for the purpose of conducting an evaluation of the extent to which grants under paragraph (1) have been effective in preventing the perinatal transmission of the human immunodeficiency virus.

(B) ALTERNATIVE CONTRACT.—If the Institute referred to in subparagraph (A) declines to conduct the evaluation under such subparagraph, the Secretary of Health and Human Services shall carry out such subparagraph through another public or nonprofit private entity.

(C) DATE CERTAIN FOR REPORT.—The Secretary of Health and Human Services shall ensure that, not later than after 2 years after the date of the enactment of this Act, the evaluation required in this paragraph is completed and a report describing the findings made as a result of the evaluation is submitted to the Congress.

(3) FUNDING.—For the purpose of carrying out this subsection, there are authorized to be appropriated $10,000,000 for each of the fiscal years 1996 through 2000. Amounts made available under section 2677 for carrying out this part are not available for carrying out this subsection.

HELMS AMENDMENTS NOS. 1853–1857

Mr. HELMS proposed five amendments to the bill S. 641, supra; as follows:

AMENDMENT NO. 1853

At the end, add the following new section:

SEC. . SPOUSAL NOTIFICATION.

(a) PROHIBITION ON THE USE OF FUNDS.—The Secretary shall not make a grant under this Act to any State or political subdivision of any State, not shall any other funds made available under this Act, be obligated or expended in any State unless such State takes administrative or legislative action to require that a good faith effort shall be made to notify a spouse of an AIDS-infected patient that such AIDS-infected patient is infected with the human immunodeficiency virus.

(b) DEFINITIONS.—As used in this section—

(1) AIDS-INFECTED PATIENT.—The term "AIDS-infected patient" means any person who has been diagnosed by a physician or surgeon practicing medicine in such State to be infected with the human immunodeficiency virus.

(2) STATE.—The term "State" means a State, the District of Columbia, or any territory of the United States.

(3) SPOUSE.—The term "spouse" means a person who is or at any time since December 31, 1976, has been the marriage partner of a person diagnosed as an AIDS-infected patient.

(c) EFFECTIVE DATE.—Subsection (a) shall take effect with respect to a State on January 1 of the calendar year following the first regular session of the legislative body of such State that is convened following the date of enactment of this section.

AMENDMENT NO. 1854

SEC. . PROHIBITIONS AND LIMITATIONS ON THE USE OF FEDERAL FUNDS

(a) PROMOTION OR ENCOURAGEMENT OF CERTAIN ACTIVITIES.—No funds authorized to be appropriated under this Act may be used to promote or encourage, directly or indirectly, homosexuality, or intravenous drug use.

(b) DEFINITION.—As used in subsection (a), the term 'to promote or encourage, directly or indirectly, homosexuality' includes, but is not limited to, affirming homosexuality as natural, normal, or healthy, or, in the process of addressing related 'at risk' issues, affirming in any way that engaging in a homosexual act is desirable, acceptable, or permissible, or, describing in any way techniques of homosexual sex.

AMENDMENT NO. 1855

At the appropriate place, insert the following:

SEC. . Notwithstanding any provisions of this Act, there is authorized to be appropriated for each of the fiscal years 1996 through 2000, amounts that do not exceed the amounts appropriated under this Act in fiscal year 1995.

AMENDEMENT NO. 1856

At the appropriate place, insert the following new section:

SEC. . OPTIONAL PARTICIPATION OF FEDERAL EMPLOYEES IN AIDS TRAINING PROGRAMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, a Federal employee may not be required to attend or participate in an AIDS or HIV training program if such employee refuses to consent to such attendance or participation. An employer may not retaliate in any manner against such an employee because of the refusal of such employee to consent to such attendance or participation.

(b) DEFINITION.—As used in subsection (a), the term "Federal employee" has the same meaning given the term "employee" in section 2105 of title 5, United States Code, and such term shall include members of the armed forces.

AMENDMENT NO. 1857

At the appropriate place, insert the following new section:

SEC. . LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts appropriated for any fiscal year for AIDS and HIV activities may not exceed the total amounts discretionary funds appropriated for such fiscal year for activities relating to cancer.

KASSEBAUM (AND DOMENICI) AMENDMENT NO. 1858

Mrs. KASSEBAUM (for herself and Mr. DOMENICI) proposed an amendment to the bill S. 641, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

Part D of title XXVI of the Public Health Service Act (42 U.S.C. 300ff–71) as amended by section 6, is further amended by adding at the end thereof the following new section:

"SEC. 2678. PROHIBITION ON PROMOTION OF CERTAIN ACTIVITIES.

"None of the funds authorized under this title shall be used to fund AIDS programs, or to develop materials, designed to promote or encourage, directly, intravenous drug use or sexual activity, whether homosexual or heterosexual. Funds authorized under this title may be used to provide medical treatment and support services for individuals with HIV.".

GRAHAM AMENDMENT NO. 1859

Mrs. KASSEBAUM (for Mr. GRAHAM) proposed an amendment to the bill S. 641, supra; as follows:

On page 41, line 7, strike "the product of—" and all that follows through line 15, and insert the following "an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (C).".

On page 43, strike lines 1 through 13.

On page 43, line 14, strike "(E)" and insert "(D)".

On page 43, line 24, strike "(F)" and insert "(E)".

On page 44, line 3, strike the end quotation marks and the second period.

On page 46, line 5, strike "the product" and all that follows through line 14, and insert the following "an amount equal to the estimated number of living cases of acquired immune deficiency syndrome in the eligible area involved, as determined under subparagraph (D).".

Beginning on page 46, line 17, strike "means the" and all that follows through line 8 on page 47, and insert the following: "means an amount equal to the sum of—

"(i) the estimated number of living cases of acquired immune deficiency syndrome in the State or territory involved, as determined under subparagraph (D); less

"(ii) the estimated number of living cases of acquired immune deficiency syndrome in such State or territory that are within an eligible area (as determined under part A).".

Beginning on page 48, strike line 1 and all that follows through line 14 on page 49.

On page 49, line 15, strike "(F)" and insert "(E)".

On page 49, line 19, strike "(G)" and insert "(F)".

On page 50, line 4, strike "(H)" and insert "(G)".

On page 53, between lines 20 and 21, insert the following new section:

SEC. 7. STUDY ON ALLOTMENT FORMULA.

(a) STUDY.—The Secretary of Health and Human Services (hereafter referred to in this section as the "Secretary") shall enter into a contract with a public or nonprofit private entity, subject to subsection (b), for the purpose of conducting a study or studies concerning the statutory formulas under which funds made available under part A or B of title XXVI of the Public Health Service Act are allocated among eligible areas (in the case of grants under part A) and States and territories (in the case of grants under part B). Such study or studies shall include—

(1) an assessment of the degree to which each such formula allocates funds according to the respective needs of eligible areas, State, and territories;

(2) an assessment of the validity and relevance of the factors currently included in each such formula;

(3) in the case of the formula under part A, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible areas;

(4) in the case of the formula under part B, an assessment of the degree to which the formula reflects the relative costs of providing services under such title XXVI within eligible States and territories; and

(5) any other information that would contribute to a thorough assessment of the appropriateness of the current formulas.

(b) NATIONAL ACADEMY OF SCIENCES.—The Secretary shall request the National Academy of Sciences to enter into the contract under subsection (a) to conduct the study described in such subsection. If such Academy declines to conduct the study, the Secretary shall carry out such subsection through another public or nonprofit private entity.

(c) REPORT.—The Secretary shall ensure that not later than 6 months after the date of enactment of this Act, the study required under subsection (a) is completed and a report describing the findings made as a result of such study is submitted to the Committee on Commerce of the House of Representatives and the Committee on Labor and Human Resources of the Senate.

(d) CONSULTATION.—The entity preparing the report required under subsection (c), shall consult with the Comptroller General of the United States. The Comptroller General shall review the study after its transmittal to the committees described in subsection (c) and within 3 months make appropriate recommendations concerning such report to such committees.

On page 53, line 21, strike "7" and insert "8".

KASSEBAUM AMENDMENT NO. 1860

(Ordered to lie on the table.)

Mrs. KASSEBAUM submitted an amendment intended to be proposed by her to the bill S. 641, supra; as follows:

At the appropriate place, insert the following new section:

SEC. . LIMITATION ON APPROPRIATIONS.

Notwithstanding any other provision of law, the total amounts of Federal funds expended in any fiscal year for AIDS and HIV activities may not exceed the total amounts expended in such fiscal year for activities related to cancer.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. MURKOWSKI. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the full Committee on Energy and Natural Resources to discuss leasing of the Arctic oil reserve located on the coastal plain of the Arctic National Wildlife Refuge for oil and gas exploration and production and the inclusion of the leasing revenues in the Budget Reconciliation.

The hearing will take place on Wednesday, August 2, 1995, at 9:30 a.m. in room SD–366 of the Dirksen Senate Office Building in Washington, DC.

Those wishing to testify or who wish to submit written statements should write to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510. For further information, please call Andrew Lundquist at (202) 224–6170.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet on Wednesday, July 26, 1995, at 9:30 a.m. in executive session, to discuss certain pending military nominations.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be allowed to meet during the Wednesday, July 26, 1995, session of the Senate for the purpose of conducting a hearing on the authorization of the Maritime Security Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Finance Committee be permitted to meet Wednesday, July 26, 1995, beginning at 2:30 p.m. in room SD–215, to conduct a hearing on new directions in Medicare.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet during the session of the Senate on Wednesday, July 26, 1995, at 9:30 a.m. to hold a hearing on Punitive Damages: FDA Defense.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON LABOR AND HUMAN RESOURCES

Mr. WARNER. Mr. President, I ask unanimous consent that the Committee on Labor and Human Resources be authorized to meet for a forum for the ADA anniversary, during the session of the Senate on Wednesday, July 26, 1995, at 2 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. WARNER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on Wednesday, July 26, 1995, at 2 p.m. to hold a closed hearing on intelligence matters.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. WARNER. Mr. President, I ask unanimous consent that the Subcommittee on Post Office and Civil Service, Committee on Governmental Affairs, be authorized to meet during the session of the Senate on Wednesday, July 26, 1995, to receive the annual report of the Postmaster General of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADDITIONAL STATEMENTS

ADDRESS BY SENATOR KENNEDY TO THE UNITED NATIONS INTERNATIONAL SYMPOSIUM ON INTELLECTUAL DISABILITY

• Mr. HARKIN. Mr. President, it is a privilege for me to bring to the attention of Members of Congress and the country the address made last month by our friend and colleague, Senator KENNEDY, to the International Symposium on Intellectual Disability held at the United Nations in New York City. Once again, Senator KENNEDY has made a valuable contribution to international cooperation and progress on the wide range of issues relating to mental retardation. His words give us hope and move us forward.

Senator KENNEDY has served the people of Massachusetts and the United States for more than 30 years in the Senate. During this time, he has been a champion of social justice for all Americans and for citizens of many other lands, especially for people with disabilities. He is committed to the fundamental principle that all individuals deserve support in achieving their true potential and living with dignity. Senator KENNEDY does not just talk about these issues—he acts. And when others are tired and demoralized, he perseveres. He is a courageous advocate and an effective leader, and I commend him for the impressive difference he has made on these vital issues.

I hope that Members of Congress and many others will take the time to read Senator KENNEDY's address about the remarkable progress that is being made in the world community to improve the lives of people with mental retardation, and the even more remarkable progress that is likely to be achieved in the years ahead if all of us persevere. We have made great strides in recent years, but there is still much more to be done. Senator KENNEDY's address helps to light the way, and I ask that the full text of his address may be printed at this point in the RECORD.

The text follows:

ADDRESS OF SENATOR EDWARD M. KENNEDY: "FROM DISABILITY TO CAPABILITY"

It is an honor and privilege to be invited here today to speak at this hallowed place that holds the hope of the world for peace, and to participate in this auspicious international symposium on an issue that has been a central focus of my life and my family's life.

For almost as long as I can remember, my family has had a commitment to people with mental retardation and all people with disabilities. So, I am especially inspired by the many leaders from many nations who have come together here to pool their knowledge and strengthen their dedication to this great cause we share. And I welcome the contribution that this Symposium will make to helping people with mental retardation throughout the world.

I thank a great friend and great statesman, Lowell Weicker, for his generous introduction. I never know whether to call him Senator or Governor.

In his Senate years, he was a brilliant colleague in the trenches and on the mountaintops for our cause, and a stalwart champion of equal opportunity and civil rights for all citizens, especially people with disabilities. As a Senator, as the Governor of Connecticut, and most of all as a loving parent, he has been a powerful and compassionate leader on issues of mental retardation. I commend him for his years of tireless achievement, including his remarkable leadership this year in chairing the 1995 Special Olympics World Games.

I also thank the several sponsors of the Symposium for making this dream of international cooperation a reality—the National Institute of Child Health and Human Development at the National Institutes of Health, the Joseph P. Kennedy, Jr. Foundation, the 1995 Special Olympics World Games, and most of all, the United Nations and its Secretary General, Boutros Boutros-Ghali. These organizations and the leaders associated with them have made extraordinary contributions to the field of mental retardation and have helped improve the lives of millions of individuals and families in many different lands.

I would like to talk for just a moment about one of those organizations which is particularly close to me. My sister Eunice and her husband Sargent Shriver have guided the Special Olympics since its founding in 1968, when they began these very special games in their own backyard for the benefit of 10 children with mental retardation.

From that modest start, a worldwide enterprise has grown. The 1995 Special Olympics World Games that began this week in New Haven has drawn 7,200 athletes and 2,500 coaches from 140 countries. In the United States, 400,000 children and young adults with mental retardation, 100,000 volunteers, and half a million spectators participated in the various local and state games that were held this year leading up to the current world games.

The Special Olympics stand as a vivid example of the achievements that are possible when we focus not on disability, but on capability. As the games have demonstrated, people with mental retardation can reach their potential, if only they have the chance and the appropriate encouragement and support.

The remarkable growth of the Special Olympics is a tribute to the vision and dedication of two very special people and the love they have for those with mental retardation everywhere. Eunice and Sarge, we thank you.

For centuries, the institutions of our societies—governments, schools, places of worship, professional organizations, social gathering places, and the world of commerce—all these institutions shut their doors to people with mental retardation. Most of society felt that non-disabled people had little to learn from people with disabilities, and vice versa.

Even when the closed doors finally began to open, people with mental retardation were often seen as objects of pity. The new approach of so-called "enlightened" society was to protect people with retardation from themselves, protect them from society, protect them from even the most ordinary challenges of daily living. As we know now, that approach may have been somewhat less unenlightened than before, but no one should have called it enlightened.

Just 30 years ago, over half of the 250,000 public school districts in the United States denied a place for children with severe mental retardation. State-operated institutions, with over 200,000 residents, were the primary housing option—but it was warehousing, not housing.

Concepts such as employment and self-sufficiency were called "revolutionary." The few laws then in effect to protect citizens with mental retardation, while well-meaning, also "protected" them from having a job, from living at home, from choosing their friends, and from sharing in the opportunities and challenges of life.

We created systems of separate living, separate transportation, separate communication, separate recreation, and separate education—separate and out of sight. Rarely was it even dreamed that less protection and more assistance could enable people with mental retardation to become valued members of society.

Beginning with President Kennedy's New Frontier in the United States, a peaceful revolution toward independent living and community-based support was launched and continues to this day. Gradually, we moved away from the paternalism and protectionism that characterized public attitudes and government policies toward people with mental retardation. Old approaches such as institutionalization came to be seen as outdated policies that fail to adequately recognize the true value of human potential. People with mental retardation began to be thought of for what they are—real people with real talents capable of meeting and mastering real challenges.

As a result of this peaceful revolution, more and more citizens with mental retardation moved out of the back wards of institutions and into group homes and supported living. They moved from sheltered workshops to supported employment. They moved from being treated as perpetual children to becoming citizens who vote. They moved from classrooms in the basement to full inclusion in regular schools. They moved from tax dependency to tax payers. Through participation in education, employment, and many other aspects of community life, people with mental retardation moved into the mainstream—and we are all benefiting.

Empowerment is one of those words in common use today that means different things to different people. When we talk of empowerment for our fellow citizens with disabilities, including mental retardation, we mean movement toward independence, productivity, and integration. Independence means a level of control and choice over their life. Productivity means active participation in the workforce and genuine contribution to a family or community. Integration means developing real relationships with members of the community, utilizing the same community resources available to everyone else, and living in homes located in the community.

That sense of empowerment has been the theoretical goal of the world community since the passage of the U.N. Declaration on the Rights of Mentally Retarded Persons in 1971. That high purpose was re-stated in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities adopted by the United Nations in 1993. It is time—time now—to issue a new call to action, so that in re-affirming that goal and these vital principles, we also re-commit ourselves to moving faster from theory to practice.

This International Symposium is an essential and rare opportunity not only to share what we know, but also to shape what we do. It is a unique chance for nations, non-governmental organizations and public and private leaders throughout the world to come together to discuss the ways and means of imbuing families, schools, workplaces, communities, and whole nations with the energies and talents of people with mental retardation.

This Symposium is a forum to enable government officials, policy makers, and advocates to compare recent successes, to discuss the role of government and every other institution of society in the empowerment of people with mental retardation, and to develop sensible plans for moving forward.

By committing ourselves to action, by sharing state-of-the-art knowledge about which laws are effective and which program models can be implemented across national borders or even worldwide, we can bring renewed spirit and deeper understanding to the drive for progress in our own countries.

It is my hope that this Symposium will strive to make empowerment not just a slogan but a reality in the daily lives of people with mental retardation everywhere. Planning takes vision, and action takes courage—may we have both as we participate in this Symposium.

The kind of real social progress we seek is inspired, initiated, and implemented by three sources: governments, the advocacy community, and individuals. Each of these sources is essential, and their efforts are often linked. The successes of one are made possible by the support and actions of the others.

In some societies, government leads the way and community-based organizations and individuals work to implement the policies it enacts. In other societies, the people lead, and the government struggles to catch up. In all cases, as real partnership emerges, real progress occurs.

The important point is that governments at all levels, organizations of all kinds, and individuals of all abilities must be actively engaged in bringing about the changes necessary to empower people with mental retardation. As an African proverb holds, "It takes a village to raise a child." A village can be a small town, a large city, a nation, or the entire world. It takes a community to make the promise of empowerment a reality in the daily lives of people with disabilities.

THE ROLE OF GOVERNMENT

I would like to talk now especially about the role of governments, not because it is the most important, but because it is the most familiar to me. As President Kennedy said of government on America's Independence Day, 33 years ago:

"The greatest works of our nation's founders lay not in the documents and declarations, but in creative, determined action. Others may confine themselves to debate, discussion and that ultimate luxury, free advice. Our responsibility is one of decision, for to govern is to choose."

Government has two basic functions to perform in meeting the needs of people with mental retardation. First, it must protect fundamental rights and freedoms. This means assuring people with mental retardation the right to participate in all aspects of life, free from injustice and invidious discrimination. Ensuring these fundamental rights of citizenship is the unique function of government.

The second basic role of government is the development and support of programs and services to enable people with mental retardation to become more productive and fulfilled citizens, especially when other avenues fail.

No society can afford to waste the energy and talent of any of its citizens, whether the waste results from irrational fear, ignorance, or a misguided sense of paternalism.

The United States and many other countries have passed specific laws in recent decades to advance that goal. Our country passed a landmark Civil Rights Act in 1964, to assure the rights of African-Americans and other minorities to participate equally in all aspects of American life. This law, and the rights it guaranteed, were not easily enacted. But they have stood the test of time and have made the United States a stronger and better nation. In a similar way, South Africa is currently building a multi-ethnic state by tearing down the walls of apartheid.

In 1973, the United States passed a further law to prohibit discrimination against people with disabilities in any activity that receives federal financial assistance. Other U.S. laws were enacted to protect children with disabilities, to protect the rights of the institutionalized, and to protect the right of people with disabilities to fair treatment in housing. But despite these advances, many people with disabilities remained unprotected from unjust treatment in the workplace, in public accommodations, in transportation, and in many state and local activities and services.

In 1990, all of that changed with the enactment of the Americans With Disabilities Act, which was truly an emancipation proclamation for our 49 million citizens with disabilities. Through its broad prohibitions on discrimination, that law is already making it possible for people with disabilities, including mental retardation, to lead more fulfilling and productive lives. It is our first nationwide law protecting the fundamental rights of all people with disabilities in all aspects of life.

Its passage was intended to clearly and unequivocally eliminate the major barriers to their full participation in society, and it has become a catalyst for action in other lands. Australia and New Zealand have already enacted similar legislation. Great Britain and Israel are considering such laws, and Germany, Sweden, Japan, Ireland, and the Czech Republic have come to the United States to gather information for action. It is just this kind of international cooperation we hoped would occur, and is what motivated us to write to world leaders to encourage them to build on this breakthrough.

In addition to guarantees of basic civil rights, access to education is a hallmark of a free society. It also is one of the most basic services that government can provide to advance the integration and independence of people with disabilities. In 1975, we in Congress passed legislation called the Education for All Handicapped Children Act, now known as the Individuals with Disabilities Education Act, to guarantee a free, appropriate public education to every child with a disability. Children with mental retardation were the principal beneficiaries of this law, because they constituted the largest group of children with disabilities who had previously been shut out of public schools.

In the United States, this law made it increasingly possible for children with and without disabilities to interact with one another and learn from one another on a daily basis. Our work has only just begun. Even today, only seven in every hundred students with mental retardation in the United States spend their entire school day in classrooms with other children from their neighborhoods. Eleven out of every hundred have no access at all to their community schools, and attend special schools instead. Nevertheless, educating all children, regardless of disability, in the least restrictive environment is now an accepted standard throughout the United States.

Enabling children and young adults with mental retardation to participate in regular, public education is not just a priority in the United States. Italy was the first country to work toward mainstreaming students with special needs. Over the past decade, Alvaro Marchasi, the Minister of State for Education in Spain, has led an effort to make all schools in Spain accessible to all children, including those with disabilities and mental retardation.

This effort inspired last year's UNESCO conference on inclusive education, which provided a framework for integrating children with special needs into education systems worldwide.

These examples are not limited to large wealthy nations. The small country of Lesotho has launched a pilot project to integrate every child with a disability into regular schools in all towns and villages.

I hope that we can agree here that every country has an obligation to do all it can to educate all its children, including those with mental retardation and other disabilities, in a manner that enables them to learn and grow from each other, regardless of ability or disability. It is possible. It is practical. It is essential. And it is also cost-effective.

Governments everywhere must take concerted action to ensure access to education, employment, and housing opportunities, and to provide the supportive services that enable people with mental retardation to reach their full potential.

We know, for example, that assuring basic necessities can reduce the incidence of mental retardation by 50 percent. We know that fetal malnutrition causes brain damage. Yet millions of pregnant women go hungry every day. How long will the world community pay the price?

We know that immunization works. Yet vast numbers of children around the world are at high risk for diseases that cause mental retardation. How long will the world community pay the price?

We know that environmental toxins—from industry, from pesticides, from lead, from lack of sanitation—are all creating birth defects and learning disabilities. How long will the world community pay the price? Governments can make the difference. Governments must act.

THE ROLE OF ORGANIZATIONS, FAMILIES AND INDIVIDUALS

But even if government action establishes the legal foundation for such progress—for independence and integration—government action alone will never be enough. The passage of wise laws does not guarantee effective implementation or vigorous enforcement. To achieve real and lasting progress, myths must be fought and attitudes must be changed. It is the role of committed, persistent and unwavering advocacy organizations, families, and individuals with and without disabilities to keep the pressure on, and ensure that the words of the law become a reality in people's lives.

With the worldwide revolution of community-based services and community-based support for people with developmental disabilities, communication between service organizations has never been easier or more important. The same can be said for organizations which represent researchers, families, and people with mental retardation.

Non-governmental organizations are increasingly working together to improve service, support and research. We must continue to involve all of these organizations to develop better worldwide strategies. The United Nations is the logical place to come together, and I hope that our coming together here and now will lead to more and better collaboration in the future.

We know the valuable contribution made by professionals, from biomedical researchers discovering new miracles of science, to teachers developing new methods of educating and training, to community leaders providing new generations of services.

The International Association for the Scientific Study of Mental Deficiency has brought together professionals from a wide range of disciplines to examine the most promising research to improve the lives of persons with mental retardation and their families.

We know the brilliant achievement that the past generation made possible through mass screening and an alternative diet for those with PKU. It is one of the great stories of medical history, and it was achieved through international research and cooperation. Today, a simple three-cent test can prevent PKU retardation at birth, and save hundreds of thousands of dollars in later costs for care and treatment.

Through international cooperation, a research team has demonstrated a simple and cost effective way to prevent another well-known cause of mental retardation, spina bifida. By discovering the protective role of folic acid in early stages of pregnancy, a joint team from the United States and Ireland worked together to bring this amazing research to fruition.

In most of the world, parents of people with mental retardation are the driving force for supporting such research, creating beneficial programs, and moving government policies ahead for the benefit of their affected sons and daughters. Through Inclusion International, parent organizations around the world have come together to learn from one another, and learn how governments can provide the services and supports they need. They have shared ideas and information and made strong cases for basic rights and effective services.

These efforts will lead to improved lives for people with mental retardation—but only if we, as public policy makers, hear what they are saying, and turn their ideas and information into meaningful action and assistance. Too often, we fail by default or inaction. Our challenge is to take their powerful and persistent words and ideas and turn them into a reality for those with mental retardation.

Among the newest type of organizations addressing disability issues are the international self-advocacy organizations. They have many different names, but they are generally known as "People First" in much of the world, and as "Self-Advocates Becoming Empowered" in the United States.

Like so many others before them, persons with mental retardation have begun to join together in these organizations to speak out for their rights and needs. For the first time, these formerly left-out citizens are taking their place at the conference tables of organizations planning their future. International bodies and national and local governments need to listen and communicate with these self-advocate organizations in ways which recognize their need for direct, clear discussion and involvement in the issues.

Today, as never before, people with mental retardation are redefining and reshaping their own interests. Who better can articulate what it feels like to be senselessly defined only by a disability, and not as a total human being? Who better can condemn the effects of misguided private attitudes and public policies? Who better can demonstrate the remarkable potential of programs that empower, rather than entrap?

Sweden is the country which has advanced the concept of self-advocacy the most in recent years. It has over 1,200 associations of people with disabilities, and approximately 400,000 members. The Swedish movement consists to a high degree of organizations of, and not for, people with disabilities. They are led to a large extent by people with disabilities themselves. In the last few years they have come to function as successful pressure groups in many communities. Self-advocates have much to teach us about effective legislation, policy and programs. We must do more to listen and learn from them.

People with mental retardation should be included in all decisions that affect them—no ifs, ands, or buts. The board of every organization should have substantial representatives of the people to be served. Every government commission, whether advisory or executive, should include people who are directly affected by policy decisions.

The work of these organizations has brought a surge of progress throughout the world in the movement from isolation and exclusion to integration and inclusion. In the Czech Republic, there is growing use of community residences for people with mental retardation, and equally growing use of supported employment. The supports which exist there to help all workers in acquiring and keeping a job are now also being used to help people with intellectual disabilities enter the workforce. There are now more than eight community residential programs in the greater Prague area, thanks to the growing parent movement there.

In Poland, a pilot project in Lublin is testing a decentralized system for supporting people with mental retardation, relying on local government and individual citizens to develop needed services and support.

As in so many other movements for social change, individuals are often the most effective catalysts for change. As Margaret Mead said, "Never doubt that a small group of thoughtful, committed citizens can change the world; indeed, it's the only thing that ever does." We all benefit when everyone can contribute to their communities. In this effort, we all have a vital individual role to play.

We must work more closely with other institutions—especially schools, places of worship, and neighborhood associations—to welcome persons with disabilities as partners, including people with mental retardation. They have much to give. As we move from seeing them as objects of charity to people with gifts and talents to share, we will open our hearts and minds as well to the extraordinary diversity they bring to our common humanity.

Over the past two decades, there has also been an increasing trend toward the use of less specialized and less technical people in the networks of support for people with disabilities. The real strength of these less specialized people lies not in their expertise, but in their ability to relate to, communicate with, and motivate people with mental retardation and other disabilities.

Kindergarten students can be ideal companions. Elderly volunteers can be mentors and friends. Religious leaders, social service providers, employers, co-workers, teachers, neighbors, friends—all can find effective roles, if only they have the will to try.

In the United States, a government-funded program supports people with disabilities in finding jobs. The Vocational Rehabilitation Act provides hands-on support directly on the job. Usually, this support is provided by outside personnel, but it can also be performed by a co-worker. The idea that a worker in a factory or an office can provide the necessary support for a person with a disability was once dismissed as impossible. It reminds me of a familiar saying a century ago—"It is as impossible as flying."

But it is happening today. The true visionaries—the parents and families of people with disabilities—knew that it was possible. The result is that tens of thousands of people with disabilities are now gainfully employed, earning pay checks and paying taxes. "The difficult we do immediately; the impossible takes a little longer."

More and more communities are coming to accept and include people with mental retardation as a result of all these inspiring efforts. The late Rosemary Dybwad often told a story from the International Congress in 1983 in Kenya. A group of people with mental retardation, some of whom had been confined to state institutions for thirty years, had told the participants in that Congress about their own ideas and recommendations for the future. In a challenge to all of us, Rosemary asked eloquently:

"If that can be done in a multi-national, multi-language, multi-racial international meeting, why is it not done in your community? And if it isn't, what can you, your friends, your organization, do to help persons with severe disabilities to represent themselves adequately, and to participate in community affairs? What will we do to translate this into action? Faith and works, I believe, are the words to remember."

In closing, I would leave you with five thoughts as a call to action. First and most important, the essence of reform in the field of mental retardation is an abiding respect for the person. We are talking about citizens rather than recipients. Let us never lose sight of the person in the policy.

Second, we must seize the moment and learn to move ideas more rapidly into practice. We live in an information age, and the information revolution can be a powerful source of positive social change. No one has to reinvent the wheel in any nation. At the speed of light and the click of a mouse, a practical idea being implemented in the morning in New York can be tested in the afternoon in New Delhi.

Third, governments should pledge to play more of a leadership role by moving at all levels to commit themselves to the three empowerment principles—independence, productivity, and inclusion. No longer can people with mental retardation be treated as second class citizens. The global community can no longer afford the cost of such prejudice and exclusion.

Fourth, individuals everywhere must play a part in ensuring that people with mental retardation have a fair chance to participate in all aspects of life. I ask all of you at this symposium—legislators, government officials, experts in research, practitioners, teachers, family members, persons with mental retardation, friends and media—to join in a new commitment to action.

Finally, above all, individuals with mental retardation and their families must be intimately involved as active participants in designing policies and implementing programs to meet their needs.

To open the White House Conference on Mental Retardation in 1963, President Kennedy spoke words that are equally applicable today:

"We have left behind prejudice, superstition and ignorance which since the dawn of time distorted our thinking. We have entered a new era of understanding, hope, and enlightenment. We are on the threshold of an exciting and great achievement which is a tribute to the skills and devotions of thousands of dedicated scientists, professional persons, and public and private citizens."

My brother made an enormous difference on these issues in the United States when, as head of state, he personally gave voice and leadership to this cause. May each of your own heads of state be encouraged by this symposium to make that kind of difference too.

Achieving true and lasting social change is never easy. It requires strength and persistence, courage and vision. We have come far in our journey to empower people with disabilities in our own countries and around the world. My wish is this—may this Symposium be a bright milestone on that journey. May what is imparted here accelerate all our efforts, so that years from now, when we look back, we can truly say, this is where it all began anew.

A story from India that I came across not long ago makes my concluding point most vividly. An old man walking along the beach at dawn saw a young woman picking up starfish and throwing them out to sea. "Why are you doing that," the old man inquired. The young woman explained that the starfish had been stranded by the tide on the beach, and would soon die in the morning sun. "But the beach goes on for miles," the old man said, "and there are so many starfish. How can your effort make any difference?" The young woman looked at the starfish in her hand, and then threw it to safety into the sea. "It makes a difference to this one," she said.

Thank you for inviting me here, and thank you for the difference that all of you are making.●

TRIBUTE TO GEORGE F. COURTOVICH

● Mr. SMITH. Mr. President, I rise today to pay tribute to George F. Courtovich of Stratham, NH. George passed away suddenly on May 21, 1995, at the age of 33.

George was a great American. Although his was not a name that would be nationally recognized, George Courtovich was great because of the way in which he lived and influenced the lives of so many. He lived his life to the fullest and gave of himself to the community in numerous ways. Most notable was his volunteer work for the Stratham Fire Department where he was a member of the EMT rescue squad.

George left his parents, Dorothy and George, his brother, Jim, and his wife, Debra, and daughter, Colleen, much too early. He will be missed by his family, his friends, his colleagues, those whose lives he saved through his EMT work, the elderly in the community to whom he delivered meals on weekends, and those he taught to enjoy the sport of skiing while an instructor at Loon Mountain. George touched many lives and embodied what is best about the American spirit. He has left this world for a new one, and though he is no longer with us, we are all enriched for having known him.

The celebration of George's life was poignantly related by his brother Jim at the funeral service on May 24, 1995 at St. Michael's Church in Exeter, NH. Mr. President, I ask that the text of the eulogy be reprinted in the RECORD.

The eulogy follows:

EULOGY GIVEN BY JAMES C. COURTOVICH

Today we come to celebrate the life of George Courtovich, my brother, my best friend. George had many qualities, but none stronger than the love he had for his family, friends, and even strangers. George enjoyed life to the fullest, and more importantly, he wanted everyone to enjoy it with him. He made it easier for us to do so.

George answered the call—whether as a volunteer fire fighter, friend, neighbor, brother, son, father or husband—he was there to help. He believed that we were here to leave this place better than we found it. George did.

On Thanksgivings, before joining my parents and other family members, George prepared and delivered dinners for people for whom the day would have been nothing special otherwise. His reward was, as in many instances, knowing he helped make someone's day a little better.

It is hard to quantify all of the good George did, as he was able to bring people together, help a neighbor, be a supportive family member in a way that would leave people grateful but not obligated—sometimes not knowing until later what George had done for them. I wish I could talk to all the people whom George helped as a volunteer E.M.T., but I know there were many. I wish I could go back and find all of his friends he helped along the way, but I know there were many. I just know, however, that no matter where George was, he helped.

I remember running into George the day I was leaving for a ski weekend. George spotted my attire and shabby skis. For all of you who were close to George, you know this was unacceptable to him and off we went to a ski store—and we shopped like only George could—he was standing at the fore, directing three salesmen in eight directions ensuring that I arrived at the mountain outfitted for an Olympic tryout. As he paid, George looked at me and said he could not let me go skiing looking like I would have because it might have hurt his image on the slopes. He didn't fool me, I knew he was helping me, like he had so many times before. That was classic George.

To understand George's love of family, you need look only at the walls of his and Debbie's home, where Norman Rockwell's four Freedoms hang. Freedom from Want hangs over the dining room table, Freedom of Speech and Freedom to Worship are in the living room, and Freedom from Fear watches over Colleen's crib. This is how George wanted life to be, for all of us. This is what George strived for. He helped us all get one step closer to Rockwell's world.

George brought Debbie, and they together, Colleen into our lives. They have made us stronger and richer. Deb, you are the sister I never had. You brought George so much happiness and joy. We take great comfort in knowing you have been part of George's life and have made it better—as you have done for all of us.

Mom and Dad, you stood by George and helped him along the way. You were always there for him, as you are for me. Just by moving no further than a few miles from you shows the love he had for the both of you. Your commitment to him was clear, your love, unquestioned.

My Grandmother, of course, has been here for all of us. We know this is especially hard on you, but we can all rest easier knowing George is with our grandfather now. Together, with our many other beloved relatives, they are watching over us.

And to all of you who have come to express your support and sympathy, our family appreciates everything you have done for us. We know that this is a tragedy we all share in and will need each other to get through it. Just knowing that there are so many of you there, comforts us greatly.

Today we have come to say good-bye to my brother, my best friend. Today we will leave here with George in all of us; he will live on in our memories and our hearts forever. George, we love you.•

ORDERS FOR THURSDAY, JULY 27, 1995

Mrs. KASSEBAUM. Madam President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until the hour of 9:15 a.m., on Thursday, July 27, 1995; that following the prayer, the Journal of proceedings be deemed approved to date, the time for the two leaders be reserved for their use later in the day, and the Senate then immediately resume S. 641, the Ryan White bill, with Senator REID to be recognized, as under the previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mrs. KASSEBAUM. For the information of all Senators, the Senate will resume consideration of the Ryan White bill tomorrow at 9:15. Under the consent agreement, if both amendments regarding FDA are offered and all debate time is consumed, Senators can anticipate a series of consecutive rollcall votes beginning at approximately 11 a.m, Thursday.

Members should also be aware if the FDA issue is resolved earlier, then a series of stacked rollcall votes may occur as early as 9:30 a.m., on Thursday.

RECESS UNTIL 9:15 A.M. TOMORROW

Mrs. KASSEBAUM. If there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 8:01 p.m., recessed until Thursday, July 27, 1995, at 9:15 a.m.

HOUSE OF REPRESENTATIVES—*Wednesday, July 26, 1995*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. RADANOVICH].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 26, 1995.

I hereby designate the Honorable GEORGE P. RADANOVICH to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

May the strength of faith move us forward toward the goals of justice; may the energy of hope encourage us to meet the future with confidence; and may the power of love unite us within the bonds of peace. We place before You, O gracious God, the concerns of our hearts and the decisions that are before us, asking that Your spirit will lead us and guide us along life's way. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentlewoman from North Carolina [Mrs. MYRICK] come forward and lead the House in the Pledge of Allegiance.

Mrs. MYRICK led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1060. An act to provide for the disclosure of lobbying activities to influence the Federal Government, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize Members for 1-minute speeches after the joint meeting of Congress, which will begin at 11 a.m.

RECESS

The SPEAKER pro tempore. Pursuant to the order of the House of Thursday, July 13, 1995, the House will stand in recess subject to the call of the Chair.

Accordingly (at 10 o'clock and 2 minutes a.m.), the House stood in recess subject to the call of the Chair.

☐ 1050

JOINT MEETING OF THE HOUSE AND SENATE TO HEAR AN ADDRESS BY HIS EXCELLENCY KIM YONG-SAM, PRESIDENT OF THE REPUBLIC OF KOREA

The Speaker of the House presided.

The Assistant to the Sergeant at Arms, Bill Sims, announced the President pro tempore of the Senate (Mr. THURMOND) and Members of the U.S. Senate who entered the Hall of the House of Representatives, the President pro tempore of the Senate taking the chair at the left of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort His Excellency Kim Yong-sam into the Chamber:

The gentleman from Texas, [Mr. ARMEY];

The gentleman from Texas, [Mr. DELAY];

The gentleman from Ohio, [Mr. BOEHNER];

The gentleman from California, [Mr. COX];

The gentlewoman from Nevada, [Mrs. VUCANOVICH];

The gentleman from New York, [Mr. GILMAN];

The gentleman from Nebraska, [Mr. BEREUTER];

The gentleman from New York, [Mr. SOLOMON];

The gentleman from California, [Mr. KIM];

The gentleman from Missouri, [Mr. GEPHARDT];

The gentleman from Michigan, [Mr. BONIOR];

The gentleman from California, [Mr. FAZIO];

The gentlewoman from Connecticut, [Mrs. KENNELLY];

The gentleman from California, [Mr. BERMAN];

The gentleman from Pennsylvania, [Mr. MURTHA];

The gentleman from Pennsylvania, [Mr. FOGLIETTA];

The gentleman from New Mexico, [Mr. RICHARDSON];

The gentleman from New York, [Mr. ACKERMAN];

The gentleman from California, [Mr. BECERRA]; and

The gentleman from Texas, [Mr. DOGGETT].

The PRESIDENT pro tempore of the Senate. The President pro tempore of the Senate, at the direction of that body, appoints the following Senators as members of the committee on the part of the Senate to escort His Excellency Kim Yong-sam into the House Chamber:

The Senator from Kansas [Mr. DOLE];

The Senator from Mississippi [Mr. COCHRAN];

The Senator from North Carolina [Mr. HELMS];

The Senator from Rhode Island [Mr. CHAFEE];

The Senator from Virginia [Mr. WARNER];

The Senator from Alaska [Mr. MURKOWSKI];

The Senator from Wyoming [Mr. THOMAS];

The Senator from South Dakota [Mr. DASCHLE];

The Senator from Rhode Island [Mr. PELL];

The Senator from Hawaii [Mr. INOUYE];

The Senator from Georgia [Mr. NUNN];

The Senator from Ohio [Mr. GLENN]; and

The Senator from Virginia [Mr. ROBB].

The Assistant to the Sergeant at Arms announced the Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

At 11 o'clock and 3 minutes a.m., the assistant to the Sergeant at Arms announced His Excellency Kim Yong-sam, President of the Republic of Korea.

The President of the Republic of Korea, escorted by the committee of Senators and Representatives, entered the Hall of the House of Representatives, and stood at the Clerk's desk.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

(Applause, the Members rising.)

The SPEAKER. Members of the Congress, it is my great privilege and I deem it a high honor and a personal pleasure to present to you His Excellency Kim Yong-sam, President of the Republic of Korea.

(Applause, the Members rising.)

ADDRESS BY HIS EXCELLENCY KIM YONG-SAM, PRESIDENT OF THE REPUBLIC OF KOREA

HIS EXCELLENCY KIM YONG-SAM. Mr. Speaker, Mr. President, distinguished Members of the Senate and the House, ladies and gentlemen, I am deeply grateful to all of you for giving me the honor of addressing you in this historic Chamber of democracy, which represents the great American people.

As I stand here now, I feel as comfortable as if I were warmly meeting old friends in my hometown. This is probably because our own National Assembly became like a second home to me, since I served in it for nearly 40 years, after being elected for the first time at the age of 25. Furthermore, I have always felt an affinity with this august body for your unwavering support in the course of our long and painful struggles for the democratization of the Republic of Korea. For that I am deeply grateful.

We Koreans feel a very warm sense of friendship toward the American people, who have always stood beside us as we built Korea into the country it is today, with blood, sweat and tears. At the same time, we earnestly hope that these ties of solidarity between our two countries will continue to mature as we approach the new century, which is opening new horizons for all humanity.

Mr. Speaker, Mr. President, the end of World War II in 1945 brought the blessings of liberation and independence to the Korean people. However, that was short-lived, since we soon were faced with the historic misfortune of national division, and 5 years later, the tragedy of fratricidal war.

Faced with the vestiges of colonial rule, the legacies of poverty, the ruins of war and the threat of communism, the Korean people set out to build a country. We moved forward with great hope for the future and a determination to achieve prosperity. It is this hope and determination that have fueled us as we have striven tirelessly for the past 40 years. And it is this hope and determination which have created today's Republic of Korea, a country which started out as one of the poorest in the world but which today is the world's 11th biggest economic power.

More important than all our other achievements, however, is that democracy has now fully blossomed in Korea. The division of the Korean Peninsula and the military confrontation between the South and the North have cast long dark shadows over the flowering of Korean democracy. Nonetheless, after a long and tenacious struggle for freedom and dignity, the people of the Republic of Korea were able to finally open an era of civilian-ruled democracy.

Over the last 2 years, we have poured all our efforts into bold changes and reforms to eradicate the ills left over from the era of military dictatorship and to build a truly democratic society. We have poured all our efforts into bold changes and reform, to build a true democracy in Korea. Beginning last year, we launched our segyehwa, or globalization, policy and have been striving to turn our country into one which can make a greater contribution to the prosperity and well-being of the global community.

This is the story of the Republic of Korea, a country which began with nothing but bare hands and courage but managed to achieve democratization and industrialization in a short period of time, a country now proudly marching out toward the world and into the future.

Members of Congress, the Republic of Korea's success is, above all, the fruit of peace. If peace had not been maintained on the Korean Peninsula, the Korean people would not be able to enjoy the freedom and prosperity they have today. Peace, however, is something which must be purchased at a high price. Many young Americans shed their blood on the Korean Peninsula. Tomorrow will be a meaningful and emotional day, since all of us will gather to honor once again the Korean war heroes. The Korean War Veterans Memorial, which will be dedicated tomorrow, the 42d anniversary of the Korean war armistice, eloquently testifies to how precious peace is.

On behalf of the Korean people, I would like to take this opportunity to pay my respects to the memory of those young Americans who sacrificed their lives on Korea's battle front and express deep gratitude to all those brave soldiers who took part in the Korean war.

Just before I came to this Chamber, I had a chance to meet some of the Korean war veterans, and I would like to take this opportunity to pay my respects to the 28 Members of Congress who participated in the Korean war as young American soldiers. At the same time, I extend the gratitude of the Korean people to all the American soldiers who have guarded our Republic's frontline over the last 40-odd years and to their families.

Only a half century ago, our two countries felt very far apart, separated by the Pacific Ocean. Now we have become the closest friends. Instead of aid being given in only one direction, we have now forged a mature partnership where we help each other reciprocally, as we together strive toward continued freedom and prosperity.

The seeds of friendship our two countries have jointly nurtured have yielded a rich harvest. the success of our Republic is a joint victory of the people of Korea and the United States.

Mr. Speaker, Mr. President, and Members of Congress, the curtain has already been raised on the Asia-Pacific era. The Republic of Korea and the United States must open this era and reap its benefits even more fully through stronger solidarity.

The Asia-Pacific region has emerged as a new powerhouse of global development on the strength of its vigorous and sustained growth. This has been made possible by the United States long-term maintenance of stability and peace within the region. For the Asia-Pacific era to fully blossom, the United States must continue to play this role. Above all, safeguarding peace on the Korean Peninsula, situated at the heart of Northeast Asia, has become the key to the stability of the entire region.

More than 1.5 million heavily armed troops stand in sharp confrontation on the Korean Peninsula, the last remaining theater of the cold war. For over 40 years, the United States forces in Korea have made a decisive contribution to deterring war and preserving peace on the Korean Peninsula.

I would like to make it very clear to all of you today, to maintain peace in the Korean Peninsula and to maintain stability in the Asia-Pacific region, the United States forces in the Republic of Korea is necessary. The heightening of tension over the North Korean nuclear issue illustrates how potentially unstable the Korean Peninsula can be. We support the Kuala Lumpur accord reached between the United States and North Korea on the nuclear issue. Joint Korea-United States efforts to resolve the North Korean nuclear problem must be solidly maintained until all suspicions about North Korea's nuclear development have been removed. Accordingly, the Korean Government will exert its utmost efforts to ensure that the United States-North Korea agreed framework signed in Geneva is faithfully implemented.

Mr. Speaker, Mr. President, peace on the Korean Peninsula can only take root through dialog and cooperation between the South and the North, the two parties directly concerned. Without dialog, nothing can be accomplished. I am thus grateful that both the President and Congress have stressed the central importance of the South-North dialog.

We are exerting our utmost efforts to make this year a historic year, one which sees the opening of a new chapter in South-North relations, as we mark the 50th anniversary of Korea's joyous liberation, as well as its tragic national division. The Republic's unification policy aims to ultimately make Korea one nation and one state by gradually restoring a sense of national community through peaceful coexistence, reconciliation, and cooperation with the North. To that end, stability in North Korea is indispensable; therefore, we are pursuing a joint national development plan designed to promote the mutual prosperity of the South and the North. It is for this reason that the Republic is planning to shoulder the brunt of the costs of providing North Korea with the Korean-model light-water nuclear reactors and playing a central role in the overall project.

For the same reason, we are expanding South-North economic cooperation. Purely out of compassion for our Northern brethren, we are also providing rice to North Korea to help alleviate their difficult food situation. No matter how long and rough the road leading to the unification of the Korean Peninsula may be, we will continue to travel that road patiently but without rest. When the day comes that the Korean Peninsula finally becomes one nation again, genuine peace and prosperity will finally prevail in Northeast Asia.

This unified Korea, I believe, will make a major contribution to the progress of global civilization and the prosperity of all mankind.

Members of Congress, to foster the prosperity of the entire Asia-Pacific region, we must make sure that the ideals of free trade and liberalization take root throughout the region. After World War II, the open markets of the Free World, under the leadership of the United States, were a critical factor in reducing poverty and defeating Communism.

Korea has indeed benefited greatly from free trade. I believe that all countries in the Asia-Pacific region should also benefit from free trade. It is precisely for this reason that, together with President Clinton, I have been devoting particular efforts to the development of the APEC forum. The Korean Government is also actively supporting multilateral cooperation under the new WTO system.

The United States is our Republic's biggest trading partner, while Korea has grown to be America's sixth largest market. Last year, bilateral trade exceeded U.S. $40 billion, and it will soon reach the $50 billion level. Korean-United States trade has generally been balanced, although recently Korea's trade deficit with the United States has risen rapidly.

Through our segyehwa, or globalization policy, the Korean Government has been actively promoting openness and autonomy in the economy and every other sector of society. We will continue to pursue our policy of liberalization in earnest and, by joining the OECD, we will raise our degree of openness to the level of the advanced countries. Among the developing countries, Korea has been liberalizing its markets at the fastest rate. As we continue to pursue autonomy and openness in the future, the Republic will become an even stronger partner of the United States in boosting the prosperity of the entire Asia-Pacific region.

Mr. Speaker, Mr. President, and Members of Congress, a new world is unfolding before us in the 21st century. The importance of the role of the United States, however, has not diminished.

The Republic of Korea will expand its role and responsibilities in the international community. We plan to expand our assistance to developing countries drawing upon our past development experiences and also actively participating in international efforts to solve global problems.

The Korean people are filled with the hope that the cooperation between our two countries in preparation for the Asia-Pacific era of the 21st century will help turn the wheels of history swiftly forward. We are filled with determination to build a unified Korea and work with the American people as partners in peace and prosperity and thereby make a greater contribution to the world and to humanity.

This is the message from the Korean people I wish to deliver to you today. I am certain that you will recognize these sentiments, for they are the same as those which forged the American spirit and built such a great nation in the New World.

Let us march forward together shoulder to shoulder. Let us together open a new century and a new world that will abound with limitless dreams, hopes and possibilities.

Many things have their limitations, but not the yearning of humanity for peace and prosperity. Like our friendship, it is boundless.

Thank you very much.

(Applause, the Members rising.)

At 11 o'clock and 44 minutes a.m., the President of the Republic of Korea, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The assistant to the Sergeant at Arms escorted the invited guests from the Chamber in the following order:

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

JOINT MEETING DISSOLVED

The SPEAKER. The purpose of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses now dissolved.

Accordingly, at 11 o'clock and 45 minutes a.m., the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The House will continue in recess until 12:15 p.m.

□ 1215

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. RADANOVICH) at 12:15 p.m.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. EHLERS. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain ten 1-minutes on each side.

FACTS CONCERNING MEDICARE

(Mr. EHLERS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. EHLERS. Mr. Speaker, today, as for the past several months, Members will hear during these 1-minute speeches various screams of anguish about the Medicare system, particularly from the other side of the aisle.

Today I come here as a scientist, because I am interested in the facts. I come here as someone who is just a few years from retirement, with a personal interest in having a Medicare system that will last.

Let us look at the facts. The trustees of the Medicare system have said that the system will be bankrupt in 7 years if we do not do something about it: Fact 1.

Fact No. 2: The costs of the Medicare system are rising roughly 2½ times as fast as they are rising in private sector insurance. That is fact No. 2.

Fact No. 3: is that the revenue coming into the Medicare system this year for the first time is going to fall behind the money being spent by the Medicare system. That is fact No. 3.

The Republicans have no plans to cut Medicare. In fact, we want to preserve it. That is fact No. 4.

What do we want to do? Frankly, from my perspective, we want to improve Medicare. We want to have it persist. We want to give people choices, HMO's and other things. We want competition, we want efficiency, and we want a better system. That is what we are going to work for.

MEDICARE CUTS: WHY PICK ON OUR GRANDPARENTS FIRST?

(Ms. KAPTUR asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. KAPTUR. Mr. Speaker, this week America celebrates the 30th anniversary of Medicare. Thirty years ago, Medicare brought to our senior population, for the first time, health security they never enjoyed before. They knew that whatever their circumstances, medical care would be available if they suffered from sickness or accident.

All that is threatened now. The majority party's budget does wage war on Medicare. It cuts $270 billion from Medicare to finance tax breaks for the privileged few. Seniors will lose their choice of physician unless they can afford to pay more. Everybody in this place can, because they earn $130,000 a year. Their budget will provide seniors cut-rate, substandard medical care unless they can afford to pay more. Their proposed cuts will deprive seniors of the security Medicare now provides, unless they can afford to pay more.

To curb costs, why not rein in rising insurance company premiums costs, along with hospital costs and prescription drug costs? Why pick on our grandparents first? Let us not let America backpedal into the 21st century.

TOP 10 NICKNAMES FOR LIBERAL PLAN FOR MEDICARE

(Mr. HAYWORTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HAYWORTH. Mr. Speaker, quickly, we are not out to cut Medicare, we are out to save it and improve it. That is the key difference.

Mr. Speaker, from the home office in Scotsdale, AZ, we have the top 10 nicknames for the liberal plan for Medicare, or the lack thereof:

No. 10: The X Files Plan.

No. 9: The Mediscare Plan.

No. 8: The Let-It-Go-Broke Plan.

No. 7: The Blank Page Plan.

No. 6: The Stick-Your-Head-in-the-Sand Plan.

No. 5: The We-Don't-Need-No-Stinking-Plan Plan.

No. 4: The Extra Top Secret "We Don't Even Know it Ourselves" Plan.

No. 3: The Change-the-Subject Plan.

No. 2: The "Bash Conservative Republicans, Ignore the Solution" Plan.

And the No. 1 nickname for the liberal plan on Medicare: The Invisible Plan.

□ 1220

AFFIRMATIVE ACTION

(Mr. FRANKS of Connecticut asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. FRANKS of Connecticut. Mr. Speaker, I am a product of good affirmative action. Aggressive outreach programs represent good affirmative action.

Discrimination unfortunately does exist in this country. We must identify those who break antidiscrimination laws and we must punish them swiftly and severely.

Quotas, set-asides, and race norming are all related. They are close cousins. I abhor them all.

Race norming was eliminated in 1991; quotas are despised by everyone; and set-asides, which like quotas refers to proportional representation, should also be banned.

They attempt to help minorities and women but they create racial tension and they stigmatize their benefactors as products of a flawed system.

Seventy-seven percent of African-Americans oppose preferential treatment for minorities, according to a Gallup Poll.

There is nothing wrong with having goals coupled with rigorous outreach, but race and gender-based set-asides are wrong.

SPEAKER'S STATEMENT CALLED IRRESPONSIBLE

(Mr. LEVIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEVIN. Mr. Speaker, I believe that this is the first time I have spoken on the floor this year about a statement of the Speaker, but I feel compelled to do so today.

His comment yesterday that he is not convinced that Vincent Foster committed suicide was highly irresponsible.

There is no evidence to support the notion that the death of Vincent Foster was not a suicide. It is not a subject to inquiry in the hearing now under way in this Congress.

The Speaker has shot from the hip before, but when it comes to matters of life and death, there is no good excuse.

No one, especially a Government official and surely the Speaker, can be too busy to think about the ramifications of what he says before he talks.

I urge the Speaker to reflect further and withdraw his comment. We need to appeal to the better instincts of our citizenry and not to reinforce or encourage, inadvertently or not, those who try to spread paranoia or unfounded conspiracy theories for whatever purpose, political or otherwise.

HAITI

(Mr. BALLENGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BALLENGER. Mr. Speaker, earlier this year, I was approached by a group of Haitians requesting aid for their ailing nation. The group included Duly Brutus, a member of the opposition party, and also Josette Bouto, the mayor of a small town in northern Haiti. They painted a graphic picture of devastating conditions in Haiti.

The mayor had a special request of pencils and paper for the poor school in her town of Limbe. With the help of pencil and paper manufacturers, I secured the contribution of 800,000 sheets of paper and 5,500 pencils that were shipped on July 14 by the AID. The educational materials will be distributed in towns and schools in dire need of them, particularly the small town of Limbe.

This week, I learned of the arrest of Mr. Brutus. He is charged with allegedly committing arson, although many believe that because Mr. Brutus was active in opposing President Jean Paul Aristide, he may be a political prisoner. This arrest has added validity to election observers' statements that fraud and abuse in Haiti's political system is widespread. Furthermore, I have learned that the school in Limbe that was to receive the small contributions was burned to the ground.

These incidents illustrate how far from democracy Haiti is and how long a journey it must make. Although I fear an increased United States presence there, we must continue to support peace and democracy in Haiti and in our hemisphere.

IRS AND STRAIGHTENING OUT THE TAX MESS

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. The IRS said our goal is to learn how taxpayers cheat so we are going to conduct 153,000 additional special audits of American taxpayers that will cost them $1.5 billion.

Check this out. You file a joint return, they demand to see the marriage license. You claim children, they demand the birth certificates. They demand all household expenses and want a detailed list of every single financial transaction. A W-2 form is not enough. They want a special affidavit from your boss. After all this, they call it voluntary.

Beam me up.

The truth is, while Congress keeps turning the other cheek on the IRS, the IRS keeps turning the screws on the American people.

Let us get down to business and straighten this tax mess out.

MEDICARE: THE REPUBLICAN VIEW

(Mr. DAVIS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAVIS. Mr. Speaker, since taking control of Congress, Republicans have proven that politicians can go to Washington and actually keep their word. We have not ducked the tough issues and we are not going to start now.

This spring, the Medicare trustees reported that Medicare will go broke in 7 years. Since then, Republicans have faced this issue head-on. We have not tried to duck or hide like some of the Members on the other side of the aisle have. But, you see, many of these Members cannot help it. They are the remnants of the old Washington establishment which was rejected by the voters last November, where it was standard operating procedure to avoid the tough issues, to look the other way, and to run from responsibility. It is outside of their political world view to meet an issue head-on, to take a tough position, to show leadership, and follow through with commonsense solutions.

Medicare is going bankrupt. It may be 30 years old this week, but it is condemned to death at age 37 unless action is taken.

Republicans are working to protect and strengthen Medicare. We ask the Democrats to join us. This is too important an issue to fall into partisan bickering.

TOP 10 REPUBLICAN REASONS TO CUT MEDICARE

(Mr. ENGEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ENGEL. Mr. Speaker, from the home office of New York's 17th Congressional District in the Bronx, here are the top 10 reasons why Republicans want to cut Medicare:

No. 10, a Republican memo says older Americans are pack oriented and want to follow a leader;

No. 9, on the 30th anniversary of Medicare, Republicans say don't trust anybody or anything over 30;

No. 8, Republicans need the money to pay for a big tax cut for the wealthy;

No. 7, $270 billion in cuts is a nice round number;

No. 6, Republicans want seniors to choose between buying food and buying medicines;

No. 5, according to DICK ARMEY, Medicare is a program that he would have no part of in a free world;

No. 4, Republicans want to balance the budget on the backs of the middle class;

No. 3, Republicans think if 40 million Americans don't have health care, why should seniors?

No. 2, Republicans want to see seniors go from Medicare to welfare;

And the No. 1 reason why Republicans want to cut Medicare is:

Medicare, Schmedicare, Who needs health care in a brave newt world!

WASTEFUL PRACTICES COST MEDICARE BILLIONS

(Mr. STEARNS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. STEARNS. Mr. Speaker, the top 10 reasons why the Democrats cannot solve the Medicare problem is they do not tell the straight facts. I can say that 10 times, but I do not want to use all my time.

Mr. Speaker, I want to talk about waste, fraud, and abuse in the Medicare Program, because this program is spending so much money. It is alleged that almost 12 percent of the entire Medicare-Medicaid budget is rife with fraud and abuse.

Let me share some facts. In 1980 Medicare spent $34 billion. In 1990 that sum had increased to $107 billion. In 1995 it will spend approximately $177 billion. When Willie Sutton was asked why he robbed banks, he responded, "That's where the money is."

Is it any wonder with billions of dollars at stake that all manner of scoundrels and ne'er-do-wells would plunder this Government bank account for all it is worth.

Over the next few weeks I plan to talk a good deal about this problem which is costing the taxpayers billions of dollars. I also plan to talk about what we can do to remedy the fraud, waste, and abuse in the Medicare Program.

MEDICARE: THE DEMOCRATIC VIEW

(Mrs. SCHROEDER asked and was given permission to address the House for 1 minute.)

Mrs. SCHROEDER. Mr. Speaker, on Sunday I turn 55 and Medicare turns 30. I think I have got a better chance of survival than Medicare does because the Republicans do not have quite as much oversight on my future as they do on Medicare's.

I will tell you why they are robbing Medicare—the same reason they rob banks. That's where the money is.

Medicare needs some reforms, we know that. But you take the money you save from the reforms and you put it back in Medicare. If Medicare is in trouble, which we all agree it could be because of the rising cost of health care, you certainly do not take $270 billion out of it to fund a tax cut.

Look, this is all about a tax cut for the rich. That is all it is about. What we are saying is that it is totally unfair to take the money out of the pockets of the elderly who had planned on this, who had counted on this, and they do not want to see one more Government promise undercut.

PRESERVING MEDICARE

(Mr. TATE asked and was given permission to address the House for 1 minute.)

Mr. TATE. Mr. Speaker, I have not done a 1-minute on the floor for probably several weeks, but I can be silent no longer.

Every day I turn on and hear the words "mean-spirited" and "callous." I am coming to believe that if those words were eliminated from the minority party's vocabulary, there would truly be silence on that side of the well.

Nothing could be more callous and more mean-spirited than to sit back and do nothing. All I can think of, Mr. Speaker, is retirees back in my district that are on fixed incomes. Grandmothers and grandfathers across this country that are concerned about Medicare.

What do the Democrats do? They do nothing. Absolutely nothing. They have even ignored their own President's report that came out and stated clearly that Medicare would go broke in 7 years if we do nothing. The American people deserve more than scare tactics from liberal Democrats. The American people want to preserve and to protect Medicare.

SHOW US THE PLAN

(Mr. POMEROY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. POMEROY. Mr. Speaker, picture yourself as a homeowner who has just entered a contract for some home repairs. What would you do if the contractor showed up, not with a pickup and some tools on the back but, rather, driving a crane with a huge wrecking ball swinging from the turret? You would say, "Wait a minute. You don't do home repair with a wrecking ball."

Well, that is precisely what the Republicans are proposing to do to Medicare. They are saying, "We're here to fix it." But they have a $270 billion cut they intend to inflict on this program. That is like trying to fix a home with a wrecking ball. It won't work. It will inevitably mean higher costs for seniors and restricted choice of physician.

If you were the homeowner, you would say, "Well, wait a minute. Show me the plan on how you're going to fix my home with that wrecking ball."

We in Congress and the seniors of this country should say, "Wait a minute. Show us the plan in terms of how you're going to fix Medicare with that $270 billion cut."

They have no plan. They have not shown the plan. We deserve no less.

HELP US SOLVE THE MEDICARE CRISIS

(Mr. SOUDER asked for and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SOUDER. Mr. Speaker, Medicare will be bankrupt in 7 years. No amount of accusations against each other about robbing banks or telling stories is going to solve the problem. We cannot stick our heads in the sand. Medicare will go broke in 7 years. We must work together to solve the problem rather than just spit out rhetoric.

Many of you have a parent or grandparent who is 58 years of age and expecting Medicare benefits when they turn 65. They have worked hard all their lives, paid their taxes, and saved for their retirement. When they reach 65, however, and are getting ready to retire, there will be no Medicare waiting for them.

Mr. Speaker, for 30 years Medicare has enabled the seniors of this country to get the medical attention they need, and now the Democrats seem to want to stand by, yell a lot, but let the program die.

We Republicans will not stand for it. We are working to strengthen and preserve Medicare. I hope my Democrat colleagues will stop the rhetoric and help us solve the Medicare crisis.

DO NOT BREAK OUR 30-YEAR COMMITMENT TO SENIORS

(Ms. DELAURO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DELAURO. Mr. Speaker, this week we celebrate the 30th anniversary of the creation of Medicare, and it is an event that is worth celebrating. Thirty years ago we made a commitment to the Nation's seniors when we said to them, "Never again will you go without health care. Never again will you be forced to squander your life's savings to pay a doctor's bill."

But now Medicare is in danger, real danger. The Republican budget, which cuts $270 billion from Medicare, would end Medicare as we know it today. Thirty years ago, 93 percent of the Republicans in this body opposed the creation of Medicare, and now Republicans are closing in on a 30-year goal to end what they never wanted in the first place.

In 1965 we made a deal with seniors. We said, "You pay into this trust fund all of your working life and when you are unable to work any longer, we will use that money to pay for your health care costs."

Seniors have kept up their end of the bargain but now Republicans want to back down on our end. Medicare is the real Contract With America and Republicans should not break it.

IF YOU CARE ABOUT SENIORS, SAVE MEDICARE

(Mr. LEWIS of Kentucky asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEWIS of Kentucky. Mr. Speaker, as you are well aware, this is the week of the 30th anniversary of Medicare. Republicans are working hard to make sure Medicare is available over the next 30 years. We wish the President was doing the same.

Instead, President Clinton is using the White House's resources and energies, not to mention taxpayers' dollars, to raid seniors' pension funds—not to save Medicare.

By promoting economically targeted investments [ETI's], which take into consideration the investment's benefit to society rather than the financial benefit to the retiree, the Clinton administration is depriving seniors of the most profitable return from their pension fund.

The Labor Department is supposed to protect your pension fund from being raided, not be the raider. And President Clinton is supposed to care about seniors, not shaft them.

THE CONTRACT WITH AMERICA IN 1965: MEDICARE

(Mr. ROMERO-BARCELÓ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROMERO-BARCELÓ. Mr. Speaker, 30 years ago, we made a contract with the American people, particularly our elderly. We said, if you work hard and pay your Medicare taxes, you will have a guaranteed insurance program for your medical care that will free you from the threat of financial disaster in your retirement years.

The fact that one of the first things the Republicans have done since they took over Congress in January is to launch an assault on the Medicare Program by voting for $270 billion in Medicare cuts to pay for tax cuts for the wealthy should come as no surprise. The Republicans never wanted Medicare, they never liked it.

Suddenly, 30 years after they tried to block the program, they have come up with a plan for Medicare; a plan that will limit choice of doctors and hospitals, will double premiums, and will mean higher deductibles.

In just 6 months, House Republicans have passed, adopted, proposed, and drafted significant changes to the Medicare Program. Changes that will effectively take away the security that the Medicare Program represents to our seniors and that a single fact best summarizes: Before Medicare, 1 in 3 elderly Americans lived in poverty. Thirty years later, it is close to 1 in 10.

Can our elderly afford $1,650 more for premiums to cover their doctor bills? Can the elderly really afford $1,700 more for the same or less health care in 1 year alone? Will the proposed vouchers cover them against sudden premium increases if they get sick? Is it fair to make older Americans give up their doctors and be forced into managed care? As President Clinton stated yesterday, the answer to every single one of these questions is no. No.

While House Republicans believe they have devised a contract to meet the political whims of the day, Democrats made a commitment with Americans in 1965 when Medicare was enacted. Let me assure you that President Clinton and the Democrats intend to keep that commitment. Our seniors deserve no less.

MEDICARE IS A FAMILY ISSUE

(Mr. OLVER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. OLVER. Mr. Speaker, on Sunday, Americans celebrate the 30th birthday of Medicare and Americans will celebrate the medical security that Medicare gives to our senior citizens.

I am sure there are people listening who just turned 30 who are thinking: "This doesn't affect me? Why should I care?" I'll tell you why you should care.

When the Republicans cut $270 billion from Medicare and use most of that to give tax breaks to the wealthiest handful of Americans, those cuts will make Medicare too expensive for many seniors who will have no place to turn for help except to their adult children.

How else will seniors pay a deductible that has doubled, or pay a monthly premium that has doubled, or pay a new copayment for home care? How else will they pay the specialist not covered by the managed care plan they have been forced into?

Young people cannot ignore the Republican attack on Medicare; 30-year-olds, seniors, and everyone in between should remember that Medicare is not just a seniors issue, it is a family issue.

□ 1240

PERMISSION FOR CERTAIN COMMITTEES AND THEIR SUBCOMMITTEES TO SIT TODAY DURING THE 5-MINUTE RULE

Mr. LEWIS of Kentucky. Mr. Speaker, I ask unanimous consent that the following committees and their subcommittees be permitted to sit today while the House is meeting in the Committee of the Whole House under the 5-minute rule.

The Committee on Banking and Financial Services, the Committee on Commerce, the Committee on Government Reform and Oversight, the Committee on International Relations, the Committee on the Judiciary, the Committee on National Security, the Committee on Science, the Committee on Small Business, and the Permanent Committee on Intelligence.

It is my understanding that the minority has been consulted and that there is no objection to these requests.

The SPEAKER pro tempore (Mr. RADANOVICH). Is there objection to the request of the gentleman from Kentucky?

Mr. SKAGGS. Mr. Speaker, reserving the right to object, it is my understanding that our Democratic leadership has been consulted on this matter and we have no objection to the request, so I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

GENERAL LEAVE

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the bill, H.R. 2076, and that I may include tabular and extraneous material.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

POSTPONING VOTES ON AMENDMENTS DURING FURTHER CONSIDERATION OF H.R. 2076, DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

Mr. ROGERS. Mr. Speaker, I ask unanimous consent that during the further consideration of H.R. 2076, pursuant to the provisions of House Resolution 198, the Chairman of the Committee of the Whole may postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment, and that the Chairman of the Committee of the Whole may reduce to not less than 5 minutes the time for voting by electronic device on any postponed question that immediately follows another vote by electronic device without intervening business, provided that the time for voting by electronic device on the first in any series of questions shall not be less than 15 minutes.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

DEPARTMENTS OF COMMERCE, JUSTICE, AND STATE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATIONS ACT, 1996

The SPEAKER pro tempore (Mr. RADANOVICH). Pursuant to House Resolution 198 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2076.

□ 1241

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, with Mr. GUNDERSON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN (Mr. GUNDERSON). When the Committee of the Whole rose on Tuesday, July 25, 1995, the amendment offered by the gentleman from Maryland [Mr. HOYER] has been disposed of and title I was open for amendment at any point.

Are there further amendments to title I?

Mrs. SCHROEDER. Mr. Chairman, domestic violence is not just a private matter anymore; these private dramas are spilling out into public places, endangering family members and strangers. In Colorado alone, the following incidents have happened:

May 3, 1995: A teenage boy entered a Denver grocery store, pulled a gun on his former girlfriend, whom he had been stalking, and her friend. Police shot and killed him, only to find out it was a fake gun.

April 28, 1995: A man walked into a Denver grocery store, where he shot and killed his wife, the store director, and a sheriff's deputy who arrived on the scene. He then left the store, as customers crouched in the aisles and shielded their children. He entered the parking lot, spraying it with bullets as people ran for cover. He hit a pregnant woman in the leg; she lived. He apparently had made several threats that he was going to kill his wife. A few days earlier, she had gotten a restraining order against him, but it hadn't been served yet because there was some missing information and the court clerk couldn't reach her. She had also just filed for divorce and had received temporary custody of their son.

April 1994: A Boulder police officer was shot and killed while responding to a domestic dispute. The male suspect shot and killed himself at the scene.

April 1994: In Aurora, a man allegedly shot and killed his ex-girlfriend and her 2½-year-old son and wounded his twin brother.

July 1993: An Aurora man threatened with divorce shot his wife, crippling her, and killed her sister.

January 1988: A man shot and killed his wife outside a divorce courtroom in Littleton. He also wounded the man he thought was her lover.

January 1986: An Aurora police officer shot and wounded his wife's divorce lawyer.

My colleagues, I am very sorry we did not fully fund the Violence Against Women Act. I'm also very sorry we had to fight so hard for the money we got. It is clear that if the Congresswomen hadn't been constantly monitoring this—the amount would be zero. That is incredible when the act passed last year 421 to 0. What a difference a year makes. So there is some funding thanks to the hard work of NITA LOWEY, but we are still $50 million short. Women still must beg for every dollar.

Ms. HARMAN. Mr. Chairman, a vote to restore some of the funds to the Violence Against Women Act is a vote to fulfill only a part of the promise Congress made to help victims of domestic violence. This promise was made to make America and the home a safer place for women.

Last August, the Congress passed the Violence Against Women Act, a promise to finally treat domestic violence like the crime that it is, to improve law enforcement, to make the streets safer for women, and to vigorously prosecute perpetrators. We promised more counseling and more shelters to provide a safe haven for abused women. Now this Congress threatens to backtrack on our promise and abandon these promises to combat domestic violence.

Under the amendment, the Violence Against Women Act receives only a fraction of the promised authorization of $175 million to fund justice grants to combat violence against women. And while I appreciate the efforts of the committee to add $50 million to the bill for the program, the shortfall is still severe and I fear may be interpreted as a message to battered women that there are few resources for them, only empty promises.

A shelter in San Pedro, CA, in my district, desperately needs the money authorized in the Violence Against Women Act to implement its programs to combat domestic violence. Two women whom Rainbow Services had been helping were killed in the last 6 months—women whose lives could have been saved had they been able to stay at the shelter longer. These women came forward and tried to do the right thing, but the resources were not there to keep them away from their abusers long enough. The grants in the Violence Against Women Act money translate into saving human lives.

Rainbow Services has waiting lists for counseling, beds, and all of its other services. The number of women who come seeking help has doubled in the last 3 months since a domestic violence hotline was established in May. The increased funds from California's grant only constitutes half of what they need for their emergency response program, a program operating 24 hours a day, 7 days a week. They just received a grant for a new shelter—the first shelter for battered elderly women in the area—and the Violence Against Women Act grants are critical to its operation.

I urge my colleagues to join me in supporting the amendment to restore some funding for the Violence Against Women Act. It is critical that we keep our promise to help victims of domestic violence—they cannot wait any longer.

Ms. PELOSI. Mr. Chairman, I rise today in strong support of the amendment to increase funding for the Justice Department's violence against women programs.

Just 1 year ago, the Violence Against Women Act was passed in the House with overwhelming bipartisan support. Yet today, the funding allocation for these programs has been reduced so drastically that it would cripple or eradicate many of the programs so recently created to address the needs of poor and abused women.

Programs covered under this funding include training for law enforcement and judiciary officials on violence issues and programs to address the serious problems of stalking and campus sexual assault against women.

How can we be satisfied with the efforts we have made to promote and address the problem of violence against women when the committee cannot see fit to fund adequately these necessary programs? This bill as written sends a clear message to the Nation that this Congress does not take violence against women seriously.

Women in danger of violence or sexual assault need our compassion, not deaf ears. I urge my colleagues to support Congresswoman LOWEY's amendment and to go on record with your commitment to the safety of America's women.

Mr. Chairman, I rise in support of the amendment offered by Mr. MOLLOHAN to H.R. 2076, the Commerce, Justice, State appropriations bill for fiscal year 1996. This amendment will provide much needed funds for community policing grants authorized by the Violent Crime Control Act of 1994.

The programs that we authorized last summer are aimed at preventing crime in our communities and have been supported by the mayors, police chiefs, and law enforcement officials throughout our country.

Mr. Chairman, it is important to acknowledge that the fight against crime requires more than simply adding prison space or new classes of punishment. It requires that we demonstrate the courage to champion the innovative programs which provide alternatives to drugs, gangs, and the random acts of violence which afflict our society. The Mollohan amendment realizes this and I urge a "yes" vote on this amendment.

AMENDMENT OFFERED BY MR. ROGERS

Mr. ROGERS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS: On page 22, line 6, strike "$102,400,000" and insert "$152,400,000";

On page 22, line 13, strike "$32,750,000" and insert "$82,750,000";

On page 24, line 4, strike "$3,333,343,000" and insert "$3,283,343,000"; and

On page 24, line 6, strike "$2,000,000,000" and insert "$1,950,000,000".

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS. Mr. Chairman, this is a noncontroversial amendment. I think it is agreed to by both sides. It moves $50 million from the local law enforcement block grant to the Violence Against Women Grant Program.

Mr. Chairman, we believe that these funds would have been spent out of the local law enforcement block grant for domestic violence programs, but moving these resources will ensure that local communities will target it to domestic violence issues.

Both the gentlewoman from New York [Ms. MOLINARI] and the gentlewoman from New York [Mrs. LOWEY] have worked closely with me and my ranking member on this amendment, and I applaud both of their efforts to pursue funding for this program and I urge its adoption.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kentucky [Mr. ROGERS].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to title I?

AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: Page 25, after line 24, add the following:

"*Provided further*, That if a unit of local government uses any of the funds made available under this title to increase the number of law enforcement officers, the unit of local government will achieve a net gain in the number of law enforcement officers who perform nonadministrative public safety service."

Mr. TRAFICANT. Mr. Chairman, there is an awful lot of talk about cops on the beat, but there is no provision in any of our legislation that ensures there be more cops on the beat. As an old sheriff, sometimes they hire three on the street and push three up into administrative type jobs. My amendment says that there shall be a net increase in street cops.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. TRAFICANT. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we have no objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title I?

AMENDMENT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MOLLOHAN: On page 24, line 13, strike "$475,000,000" and insert "$505,000,000".

On page 24, line 18, strike "$300,000,000" and insert "$270,000,000".

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, close in 30 minutes, and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 15 minutes and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 15 minutes in opposition to the amendment.

The Chair recognizes the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment that I propose today to the body, I think, is about fairness in the distribution of scarce crime fighting dollars. It is really at the heart of it.

Mr. Chairman, for Members who do not know, or for whom, perhaps, it would be helpful for the purposes of this debate to refresh their memory, in the crime trust fund we have approximately $4 billion that is allocated. Mr. Chairman, out of that $4 billion, approximately a half a billion is spent on the Federal level, and that includes enhancements to the immigration initiative. It is enhancements to the FBI, to U.S. attorneys, to the DEA, to the Border Patrol, and to the Judiciary, and a number of other miscellaneous programs. Out of that $4 billion, that is about half a billion dollars.

Then, Mr. Chairman, there is about $116 million in budget authority for prevention programs. So, we are getting close up to a billion dollars there. Then, Mr. Chairman, when we go into the State and local assistance accounts, which are the biggest accounts, there is $3.3 billion.

Out of that $3.3 billion, $2 billion goes into this program, the block grants, and last night we argued strongly that that $2 billion be apportioned to the COPS Program. Then that leaves about $1.3 billion. Out of that $1.3 billion, Mr. Chairman, approximately $475 million, about half a billion dollars, is apportioned for the Byrne Grant Program.

Now, all of my colleagues know about the Byrne Grant Program. It is an extremely flexible program, getting money down to local law enforcement, which is used for a variety of purposes. There are about 21 authorized purposes for Byrne grants and they are very good, because they are very flexible. Subsequently, they are very popular.

For example, the DARE Program is funded through Byrne grants. The drug task forces are funded by Byrne grants all across this country in every State of the country. Byrne grant money is used for flexible purposes at all levels of Government. There is a half billion dollars in here for that Byrne grant money which is available to every State in the Union.

Mr. Chairman, out of that approximately $1 billion left, we take the Byrne grant out and now we have just a little more than a billion dollars. $500 million, or half a billion dollars, is appropriated in this bill to reimburse States, seven States, Mr. Chairman, and really principally one, for incarceration of illegal aliens; to pay for prison guards, if you will.

I am not suggesting during this debate, that we should not reimburse States for incarceration of illegal aliens. I think that is a proper purpose of the Federal Government within this crime trust fund. I do not object to the funding.

I do question the level of funding, because I think it is disproportionate. It is, in fact, not fair. We have the Byrne Grant Program, which is about half a billion dollars, which is apportioned to all of the States, and we have the incarceration that goes to seven, and 80 percent of it to one State, to California.

Mr. Chairman, in committee I offered an amendment to combine these accounts. The Byrne Grant Program, money is sent out to all the States on a formula basis, based on population essentially. So, every State shares proportionately in the Byrne grant money. Every State, based on its population, receives money. We cannot get any fairer than that.

Under the Illegal Alien Program, it goes to States that incarcerate illegal aliens. The amendment that I offered in full committee would combine that money, send money to all the States, that billion dollars, and send that to all the States to be apportioned more fairly so that States have money to fight what is their particular crime problem, what is their particular priority.

Now, we lost that pretty much on a party line vote in full committee and we could not get a rule to offer it. So today this amendment that I offer is far more modest than that. Mr. Chairman, we take out of the $500 million for incarceration of illegal aliens only $30 million and we apportion it to the Byrne Grant Program which funds it at its authorized level of $505 million.

Mr. Chairman, this means more money for every State in the Union for the Byrne Grant Program. More money to every State, even the seven States that receive money from incarceration of illegal aliens.

It does mean that the incarceration of illegal alien account is reduced by $30 million. The only State in the Union that receives less total dollars is California. But let me emphasize, Mr. Chairman, California gets 80 percent of $470 million; 80 percent of $730 million if my amendment is adopted.

Mr. Chairman, it is a simple amendment, really. It is about fairness, it is doing what we can to get dollars apportioned across this country so that every jurisdiction can use these dollars for crime fighting. The benefits are set out in a handout that I will have for Members at the time of the vote, and it shows State by State, the benefit and the difference that this amendment would mean to the States and the difference is additional dollars to go into the Byrne Grant Program for local community law enforcement.

California gets $3.6 more million for Byrne grant. New York would get $2 million more for Byrne grant. Illinois would get $1.3 million more for Byrne grant. West Virginia would get $208,000 more, which may not sound like a lot of money, but $208,000 for local law enforcement is a lot of money, particularly when it is used more efficiently for the Byrne Grant Program.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I am in opposition to the Mollohan amendment. I agree that the State and local communities need more money to fight crime. My bill already provides more resources than ever before to all State and local agencies to fight crime.

We have already increased Byrne grants by $25 million over 1995, and what the administration requested. Between the almost $2 billion local block grant program, and the $475 million Byrne formula grant program that I proposed, every State will receive approximately 5½ times more money to fight crime than they received this year; 5½ times more.

But for some States and local communities, addressing crime also means addressing the serious problems of illegal immigration, because often illegal immigration brings along with it other illegal criminal activities.

As my colleagues well know, along with addressing crime in our bill, we include a serious commitment to addressing the problem of illegal immigration. Our initiative is not only focused on controlling the borders; it is equally focused on addressing the growing population of deportable illegal aliens and is heavily weighted on the criminal illegal alien population.

Mr. Chairman, I agree that we should not just give money to the States to reimburse them for the costs they are incurring without having a strong plan to address the underlying problem. This is a Federal responsibility and we are responsible for getting it under control.

This bill, and the resources included in 1994 and 1995, provided during times when the subcommittee was under the watch of the gentleman from West Virginia, will significantly strengthen our ability to address illegal immigration.

Our hope is that States' burdens will decline as our efforts are successful in dealing with this problem. My bill attempts to address the costs that States bear as a result of crimes committed by aliens. The Department of Justice tells me that these resources will be available to all States based on the level of incarcerated illegal aliens.

Mr. Chairman, I oppose the Mollohan amendment and urge the Members to reject it.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Michigan [Mr. LEVIN] who worked so very hard on the Byrne amendment last year, the Super-Byrne program. He worked with our colleagues and created a real awareness for this program with the amendment. He did an excellent job.

Mr. LEVIN. Mr. Chairman, the Byrne program is built on one of the strongest principles I know: United we stand; divided we fall. It helps us fight the scourges of drugs and crime united as one.

DARE is a good example of a partnership that unites parents, teachers, students, and police to keep our kids off drugs.

When I was in the Sterling Heights DARE class some time ago, I saw a young officer with enormous energy who had developed personal rapport with the kids in his class. DARE means a lot to the children in my home communities.

It also supports multijurisdictional task forces which unite law enforcement from all levels: county, State, and local. Criminals do not respect city limits, so these partnerships, like our local Combined Oakland-Macomb Enforcement Team, otherwise known as COMET, and our Narcotics Enforcement Team, otherwise known as NET, enable our law enforcement officials to pool resources and information across city lines.

Last year, my friends, the gentleman from Michigan [Mr. STUPAK] and the gentleman from New York [Mr. RANGEL], and I gathered support of over 150 Members from both sides of the aisle in support of this program. I understand the need and Federal responsibility for criminal illegal alien incarceration. There is an increase here of 250 percent.

So, as a matter of priorities I believe we can afford this modest increase in Byrne without losing anything vital in our commitment to assiting the States with criminal illegal alien incarceration. We must never forget the frontline local enforcement people working to make our towns and our cities safer; to give our kids the heroes they deserve.

Vote for the Mollohan amendment.

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Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Texas [Mr. SMITH], chairman of the Subcommittee on Immigration and claims of the Committee on the Judiciary.

Mr. SMITH of Texas. Mr. Chairman, as chairman of the Immigration Subcommittee that has just marked up comprehensive legislation to end the problem of illegal immigration, I rise in opposition to the Mollohan amendment on reimbursing our States for the costs of incarcerating illegal aliens. The Mollohan amendment violates the commitment that we made to our Governors and ignores Congress' culpability in the problem of illegal immigration.

The solution to the problem of illegal immigration is to prevent illegal immigrants from entering the United States. And removing illegal immigrants if they arrive. My bill, the Immigration in the National Interest Act, will accomplish this goal. It fulfills one of the Federal Government's central functions: securing our Nation's borders.

In the past, Congress has been part of the problem, not the solution. Past Congresses have ignored the problem of illegal immigration and failed to stem the tide of illegal aliens entering our country. While Congress dithered, illegal immigrants entered our Nation in record numbers, with upwards of 1 million illegal aliens permanently entering our Nation every 3 years.

Congress' failure to secure our Nation's borders has been a disaster for our citizens, our local government, and our States. Our citizens have been plagued by crime committed by illegal immigrants. And States have been forced to pay the costs of incarcerating criminal aliens whom the Federal Government did not prevent from entering our country and preying on our citizens. These State costs have resulted directly because, in the past, Congress refused to address the problem of illegal immigration.

What has been the cost to States of Congress' failure to stem the tide of illegal immigration? The General Accounting Office estimates that incarcerating illegal immigrant felons costs States at least $650 million per year. That translates into $66 million that New York cannot spend on schools, $43 million that Texas cannot spend on roads, and $400 million that California cannot spend on health care. All because the Federal Government failed to do its job.

Mr. Chairman, I do not generally favor reimbursement as a means of solving our illegal immigration problems. We should prevent illegal aliens from entering the country, rather than spending money on them after they get here. However, Congress has made a commitment to our governors to help reimburse some of the costs that they have incurred. The Mollohan amendment goes back on this commitment and breaks our word to our governors.

The Mollohan amendment is wrong for our citizens and wrong for our States. Keep Congress' word to Governor Bush, Governor Wilson, Governor Whitman, Governor Pataki, and others. I urge my colleagues to oppose the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield myself 1 minute, and I invite the gentleman from Texas to stay in the well.

The gentleman from Texas indicated that one of the premises of your talk was that there would be a net loss to States as a result of this amendment. I would just like to point out to you that, indeed, there is a net loss only to one State. That is California. For every other State in the Union, it is a net gain.

Let me explain why, and it is true. For example, Texas would gain approximately half a million dollars net. It is a close call for Texas.

Under my amendment, Texas would get an additional $2 million, in Byrne grant money, with all the flexibility that represents, and they would get a decrease of about $1.5 million from the illegal alien assistance program, for a net gain of $500,000.

Mr. SMITH of Texas. If the gentleman will yield, I appreciate your point you just made. My concern is still the commitment we made to the Governors to reimburse the States.

Mr. MOLLOHAN. Reclaiming my time, one of the premises was there would be a net loss to the States. That is incorrect.

Mr. Chairman, I yield 2 minutes to the gentleman from Michigan [Mr. STUPAK], another distinguished Member who has worked so hard on crime fighting and been such an integral part of our crime task force on the minority side.

Mr. STUPAK. Mr. Chairman, I thank the gentleman for yielding me this time.

Yesterday we had a fight on this floor about the Clinton COPS Program and your local block grant that you wanted over there. You claimed there was no flexibility in the Clinton program. Now we have the Byrne grant, which gives us 26 different programs, including illegal aliens. So this is all kinds of flexibility you want, and now you say, "No, let us not do that, let us keep all the money in one pot for illegal aliens."

We are asking for 10 percent, or $30 million, of a $300 million pot to be used for the Byrne memorial grant which can be used for 26 different programs, which can be used with all the flexibility you need.

My colleague from Michigan, Mr. LEVIN, spoke of DARE. In my district we do bake sales and pancake breakfasts to fund the DARE program. We are asking for a little help for the DARE program.

In my district, which has 23,000 square miles, we have undercover drug teams, which is a combination of Federal, State, and local officers, the same team, the TNT team, the Hunt teams, the upset teams. They do undercover drug work with the Byrne grant money. The arrests have gone up by 400 percent because of the cooperative efforts we have here. We could not do it without the Byrne Memorial grant.

What we are asking for underneath the Mollohan amendment is take 10 percent, $30 million of the $300 million, put it in the Byrne grants, and it still leaves $270 million for incarceration of illegal aliens. In Michigan that means $1 million more we have to work with under the DARE program and undercover drug teams.

The Mollohan amendment makes sense from a law enforcement point of view. It makes sense for 49 of the 50 States in the Nation. Our No. 1 priority in this country is crime and crime fighting. Here is a program that works, with all the flexibility you wanted yesterday. It is here. Do not gut this amendment. Please, support the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. GALLEGLY] who is chairman of the House task force on immigration.

Mr. GALLEGLY. Mr. Chairman, I rise in opposition to the amendment of the gentleman from West Virginia, which would eliminate $30 million earmarked for reimbursing States for incarcerating violent criminal aliens.

Earlier this year the House passed H.R. 667, the Violent Criminals Incarceration Act of 1995. In that legislation was a provision sponsored by this Member which would authorize $650 million per year to reimburse States for the burden of incarcerating illegal aliens that commit felonies.

In the bill before us today, there is only $500 million set aside for that purpose and this amendment would reduce this amount by another $30 million.

Mr. Chairman, the States can no longer afford to pick up the tab for the failure of the Federal Government to enforce its borders and enforce its immigration laws.

For some perspective, the cost of this failure to California alone is over $500 million a year. But this is not only a California problem. There are over 4 million illegal aliens in our country and they are found in every State. Clearly, the States that are negatively impacted by this failure of Federal policy can no longer pay the bill for the fact that the Federal Government has shirked its responsibility to enforce its border and the law.

I would just like to make one statement in relation to the gentleman from West Virginia: California gets less money per capita than any other State in the Nation as it relates to reimbursement for the incarcerating of illegal aliens under this legislation.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, first, let us give credit where it is due. The gentleman from West Virginia [Mr. MOLLOHAN], as chairman of the Appropriations Subcommittee that he is now the ranking member of, was the first person to put in money to reimburse costs for incarcerated illegal aliens last year.

Second, although my friend from West Virginia is looking at early disbursement of this year's funding to determine the percentages, the fact is if his amendment passes, increasing a good program, the Byrne program, we take away not only from California but from Texas, Florida, and New York City, not just State governments, but local governments, county jails that are dealing with this problem. We take away that which we are obligated to finance.

You cannot vote to compensate State and local governments for Federal mandates and then back away from the obligation to reimburse them for the costs of the failure of Federal policy. It is that simple.

If you are not from New York or Illinois or California or Florida or Texas, I can understand why you might think you would do better. It is not right.

I urge you to vote against this amendment.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SHAW] who is chairman of the Human Resources Subcommittee in the Committee on Ways and Means.

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, we heard this is a California problem. Nothing could be further from the truth.

Three thousand illegal aliens each and every day violate our borders and come into the United States. This is a national disgrace. It has gone on through administration after administration, Congress after Congress: Yet we have not acted.

Our own State cannot act because, under the Constitution, this is a Federal responsibility, and it is a failed Federal responsibility in which we have failed our States.

Right now 10 percent of the prison population in my home State of Florida is made up of illegal aliens. The Governor, Governor Chiles, just within the last hour has told me $80.7 million a year this alien population is costing the State of Florida, and in addition to that, because of the fact that it is 10 percent of our jail population, we are going to have to build 4 or 5 new prisons at a capital cost of $80 million to $100 million.

Why in the world is this a State responsibility? Not only because of this, but only because of the impact on our prisons, but the impact on our hospitals, on our school systems. Down in south Florida, the Jackson Memorial Hospital is overrun with illegal aliens, and yet we are taking that as a local responsibility to our own State funding to take care of these people.

The impact is absolutely, absolutely incredible. For anyone to stand on this floor and talk about a Federal responsibility where we should take away 10 percent of the money that is not even funding half of the cost for the States today, I think, is very shortsighted and is overly parochial.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. I thank the gentleman for yielding.

First of all, we are not taking 10 percent. We are taking $30 million out of the half a billion.

Mr. SHAW. I did not say you were taking 10 percent. I said the illegal aliens are 10 percent of our prison population in Florida, and it is a responsibility of the Federal Government to at least reimburse all of the States of this country, not just Florida, all of the States, to reimburse them at least a share of this extra cost, because of a failed Federal responsibility.

Mr. MOLLOHAN. Mr. Chairman, I yield myself 30 seconds.

I say to the gentleman from Florida [Mr. SHAW], the point I wanted to make is we are trying to get Florida more dollars, and Florida is a net beneficiary under our amendment.

Mr. SHAW. I heard you.

Mr. MOLLOHAN. Let me make my point. It is my time. I will let you respond to me.

Under the distribution, the first distribution of moneys under this program was $43 million. California got $33 million, Florida got $1 million. Under my amendment, Florida gets $1.5 million. It is a net gain for the State of Florida and for every other State if this money is put through the Byrne grant program, and Florida can spend the money, if they want, on incarceration of illegal aliens.

Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. LUTHER].

Mr. LUTHER. Mr. Chairman, I rise in support of the Mollohan amendment in order to bring some balance to this particular bill.

I can think of few initiatives here in Congress that work better for our local law enforcement officials than providing much needed assistance in drug prevention efforts, equipment acquisition, and overall support for law enforcement.

When I talk to my local police chiefs and other local law enforcement officials back home, they respond with a simple plea, and that plea is, "Please, provide us with assistance on basic equipment, like fax machines and other support so that we can fight crime in our communities and also support strong prevention efforts."

I ask Members to support this amendment. Bring some balance to this bill, and let us use a smart approach when it comes to criminal justice activities.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding me this time.

I speak in some pain here because I do respect tremendously the ranking member on the committee, the gentleman from West Virginia [Mr. MOLLOHAN], and especially with all the efforts he has undertaken to try to provide law enforcement with the resources it needs and given his efforts so far on the issue of immigration.

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Mr. Chairman, I see this as an issue where we are robbing from Peter to give to Paul. Both areas involve law enforcement; one is in the incarceration area, the other is with the Byrne grants. I am a strong supporter of the Byrne grants, but I must say we have a Federal commitment to provide States with reimbursement for criminal alien incarceration and, when we have a Federal commitment, we should live up to that commitment to provide the funds.

Finally last year we took some action on the issue of providing reimbursement to States for the criminal incarceration of immigrants, and what we find now is that the President, having taken this first step, it should now be continued. We should continue with this effort to try to provide the funds to reimburse the States.

Mr. Chairman, we have an obligation to follow our talk with our walk, and I would hope that what we will see is that, although we have two good programs, the Byrne grant program and the criminal incarceration of undocumented immigrants issue, we should try to meld the two and make sure that we are not taking from one to give to the other, because both are very good. In a tough time we should try to do the best we can, and I would hope that what we would find is that it is time for us to live up to our obligation of giving money to reimburse States for those obligations that really should be Federal obligations.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. PACKARD], a member of the committee.

Mr. PACKARD. Mr. Chairman, I rise in very strong opposition to the amendment offered by the gentleman from West Virginia. I realize that the Byrne grant program is a worthy program, however, I strenuously object taking $30 million dollars out of the funds which are committed to help reimburse States for the cost of incarcerating illegal aliens.

California will incarcerate nearly 19,200 illegal immigrant felons in State prisons this year. That is enough to fill eight new prison facilities to capacity. The cost to California taxpayers will be $503 million. In fact, over the past 8 years, the total cost to California is over $2.5 billion.

The current bill funds $300 million dollars for this reimbursement and I commend Chairman ROGERS for his support for this program. However, the authorized level provides for funding up to $650 million. As you can see, we are currently funding less than half of what we could. It may not seem like a lot of money to some, but $30 million dollars is monumental to the States that have to foot the bill for what is widely recognized as a national problem.

Until the Congress is able to provide fully, the authorized level of funding, a handful of States will continue to be penalized by the Federal Government's failure to combat illegal immigration and assume its proper responsibility.

Mr. Chairman, a reduction in funding such as the one Mr. MOLLOHAN is proposing, unfairly increases the burden that California taxpayers will have to bear and increases what could be called an unfunded mandate. I urge the defeat of this amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. DEAL].

Mr. DEAL. Mr. Chairman, I rise in opposition to the Mollohan amendment.

When the original Thirteen Colonies agreed to join together to "form a more perfect union", one of the powers they conferred on their new Federal Government was that of protecting the national borders from foreign invaders. Considering the fact that four million or more aliens are in our country illegally, it is abundantly clear that the Federal Government has woefully failed in its promise to the States to secure our national borders.

The very least we can do is to assist the States in paying for the costs of imprisoning illegal aliens who have committed felonies against the people and property of their citizens. This amendment would be a backward step and would say to the States that we are unwilling to pay the costs of our breach of promise.

Now is the time to reaffirm to the States our commitment to uphold our Federal responsibility and to attempt to reimburse them for the partial costs resulting from our failure to protect U.S. borders in the past and the present. We can never repay their citizens who have been murdered, raped, and robbed by those who should never have been allowed inside our country, but we can begin by paying the costs of imprisoning these felons.

I urge a "no" vote on the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, as somebody who lives on the border, but as someone who was a mayor and a county supervisor, I recognize that law enforcement, neighborhood law enforcement, was the No. 1 responsibility of a locally elected official and a responsibility. The Federal Government's No. 1 responsibility was the integrity of our national frontiers, and it was nice when the Federal Government helped us with our local responsibilities. It was a great effort. But those of us that are impacted severely by the abandonment of the Federal Government of their No. 1 obligation needs to have redresses of those problems, and I say this to my colleague, "I understand your concerns, but you take care of your obligations before you start issuing people gifts, and this is a moral obligation."

Mr. Chairman, the fact is the State of California spends $400 million-plus. In the existing formula, existing formula, there will still be a $100 million debt owed to that one State. Now this is an obligation that my colleagues may say we can walk away from for a while, but the obligation to protect our borders is a responsibility. I say to my colleagues, "Don't abandon it because it is coming your way."

Mr. MOLLOHAN. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN]. This amendment would reduce the funding for reimbursing State and local governments for the costs of incarcerating illegal criminal aliens by $30 million.

Last year, in an amendment that I offered with several of our colleagues, Congress created the State Criminal Alien Assistance Program [SCAAP] in recognition of the serious burden that costs associated with incarcerating criminal alien place on State and localities—costs which are a result of the Federal Government's failure to enforce immigration controls. In addition, thanks to the efforts of the Appropriations Committee, the gentleman from West Virginia [Mr. MOLLOHAN], and the gentleman from Kentucky [Mr. ROGERS], Congress for the first time appropriated funds for the SCAAP Program. And, in February of this year, the House of Representatives approved an amendment H.R. 667, the Violent Criminal Incarceration Act, which provides that, before the Department of Justice can spend any funds authorized in the bill for prison construction, the Attorney General must reimburse States for at least $650 million of the cost of incarcerating illegal aliens convicted of felonies.

This year also, largely because of the commendable efforts of Chairman ROGERS and the subcommittee, funding for the State Criminal Alien Assistance Program [SCAAP] has been increased to $500 million. This is still $150 million below what is needed, but it would provide significant relief to the affected State and localities.

Criminal aliens are people who have entered our country in violation of Federal laws; that makes their incarceration a Federal responsibility, and thus a cost that should be borne by all U.S. citizens, not just those who live in regions with large numbers of illegal immigrants. As the House of Representatives recognized with the passage of unfunded mandate legislation earlier this year, the Federal Government should not continue to pass the costs of Federal actions—or in this case, lack of effective Federal action—onto State and local governments. Yet that is precisely what we have been doing for years by making States and localities pay for the Federal Government's failure to stop illegal immigration.

While State and local governments have the responsibility for incarcerating criminal aliens and processing their cases, they have no jurisdiction over the enforcement of immigration laws, no authority to deport aliens who are convicted of crimes, and no authority to ensure that those deported are not permitted to re-enter the country.

From 1988 to 1995, the number of illegal alien felons in California State facilities has soared by 235 percent—from 5,700 to an estimated 19,200 by the end of this year. During the same period, the total annual cost of incarcerating and supervising this population has skyrocketed from $122 million to an estimated $503 million by the end of the next fiscal year—a 310-percent increase. The cumulative cost during this 7-year period is in excess of $2.5 billion.

Mr. Chairman, shifting funds from the SCAAP Program to the Byrne grant program will disproportionately affect California, because of the enormously large population of illegal aliens in our State's prisons. California, like every other State, has drug and crime problems that are addressed by the Byrne program—and we would all like to be able to approve more money for it. But our attempts to deal with these serious problems are being overwhelmed by the Federal Government's failure to deal adequately with illegal immigration, and to meet its full responsibility to the States with respect to criminal aliens. Reducing this funding is counterproductive and will only exacerbate a very serious problem.

I urge my colleagues to oppose this amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. GOSS], a member of the Committee on Rules.

Mr. GOSS. Mr. Chairman, I rise in strong opposition to the Mollohan amendment. Taxpayers in my home State of Florida, as well as many other States, for too long have had to bear the burden of really failed Federal immigration policies. That is what we are talking about.

It is estimated that Florida spends in the area of $80.7 million, not $13 million. There was a number for $13 million. That is an old number. The Governor's office now tells us that number is $80.7 million annually to incarcerate illegal immigrants.

As a matter of fact, costs are so high for this and other immigration related services that Governor Chiles had to file suit against the Federal Government for reimbursement, and I think everybody knows that Governor Chiles is in the same party as the President. He should not have had to do that. This is a clear Federal obligation, and earlier this year in H.R. 667 we took positive action to help our States with the financial burden.

The Federal Government cannot shirk its responsibility in this, which is what the Mollohan amendment would allow. This amendment would take us back in the wrong direction, and that is why I am very strenuously in opposition to it and urge my colleagues to oppose it, as well, because when we look at the facts, it is going the wrong way.

Mr. ROGERS. Mr. Chairman, I yield 30 seconds to the gentleman from New Jersey [Mr. MARTINI].

Mr. MARTINI. Mr. Chairman, I rise in strong opposition to the Mollohan amendment.

In the United States there are over 50,000 prisoners in State and Federal facilities who are not American citizens. The incarceration of criminal aliens costs taxpayers between $15,000 and $30,000 per inmate annually.

Last year, American citizens spent between $800 million and $1½ billion feeding, clothing, and housing illegal aliens.

It is a grave injustice to hold States like New Jersey hostile to such expenses for the Federal Government's failure.

Mr. Chairman, illegal immigration has taken a toll on this country. Illegal aliens who commit crimes exact personal costs to the people they hurt as well as economic costs to those States who have to burden those costs.

I urge an opposition to this amendment.

Mr. MOLLOHAN. Mr. Chairman, how much time remains?

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] has 30 seconds remaining and the gentleman from Kentucky [Mr. ROGERS] has 1 minute remaining.

Mr. MOLLOHAN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, there have been some comments made about meeting our obligation to fight the illegal alien problem, and I would say in this bill, with the chairman's leadership, we have provided resources to do just that. We have provided resources under the INS for illegal alien problems: 700 new Border Patrol agents, 400 new inspectors, 945 new detention personnel, and 750 new investigators, and that is very robustly funded to the tune of about a half-billion dollars in the crime trust fund. We have provided $500 million in this bill for reimbursement to States for incarceration of illegal aliens. There is only $30 million out of that to spread around the country.

Mr. ROGERS. Mr. Chairman, I yield the balance of our time to the gentleman from California [Mr. DREIER], a member of the Committee on Rules.

Mr. DREIER. Mr. Chairman, this is a very important moment. For the first time the Federal Government has stepped up to the plate to acknowledge its responsibility with the issue of illegal immigration.

There is a perception this is simply going to benefit California. I was joking with the gentleman from West Virginia about that a few minutes ago. The fact of the matter is California will proportionately get less than any other State involved in this based on the number of illegals we have in California, and the figures that have been thrown about here, especially by my friend from West Virginia, are way off base. The best example was Florida, where we have seen an increase from 13 to 80.7 million as the cost for the incarceration of illegals in that State.

This is a very serious Federal problem. Let us defeat the Mollohan amendment and move ahead with the committee position.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN] will be postponed.

Are there further amendments to title I?

AMENDMENT OFFERED BY MR. SCOTT

Mr. SCOTT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SCOTT: Page 24, line 6, strike "$2,000,000,000" and insert "$2,300,000,000".

Page 24, line 23, strike "$500,000,000" and all that follows through page 25, line 1, and insert "$200,000,000".

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment, and all amendments thereto, close in 20 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from Virginia [Mr. SCOTT] will be recognized for 10 minutes in support of the amendment, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 10 minutes in opposition.

The Chair recognizes the gentleman from Virginia [Mr. SCOTT].

Mr. SCOTT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a fairly straightforward amendment. It moves $300 million from prison construction funds to the local law enforcement block grant so that programs for prevention and cops can be funded to a larger extent. Mr. Chairman, this will have no effect on the money for incarcerating illegal aliens that we just heard the debate on. The prison grant program requires an increase in incarceration on a massive basis. We already have one of the highest incarceration rates in the world, over five times the international average.

Mr. Chairman, increasing incarceration wastes the scarce resources that could be better spent on prevention. In Virginia, for example, Mr. Chairman, we have a program that we have just embarked on that will cost the State of Virginia $1 billion per congressional district over the next 10 years in increased prison expenses, and the estimates are that the reduction in crime will be less than 4 percent, statistically insignificant. Mr. Chairman, that is a national equivalent of spending $435 billion without any reduction in crime.

Mr. Chairman, earlier this year we heard the city of Philadelphia needs about $2½ billion to build prisons, and again that is just one city. So more money and prisons will be a drop in the bucket as far as the crime rate is concerned. That money could be better spent, Mr. Chairman, on drug courts which take low-level drug abusers, possession only, nonviolent, and refer them into rehabilitation rather than prisons at a cost of 5 percent of what the prisons cost and will result in 80 percent reduction in crimes.

□ 1330

We heard last night about community policing and how that works, Job Corps, education programs, recreation programs. We have heard midnight basketball savaged on this floor, yet we do not hear that the crime rate went down 60 percent in Landover, MD when the midnight basketball program went into effect.

Mr. Chairman, I have 3 cities in my district that are in the top 30 in murder rate, so I want to make sure that we use our scarce resources in a way that will actually reduce crime. It is clear we will get more return for our money by putting it into local law enforcement, like crime prevention and community policing, rather than just in general increasing incarceration.

In conclusion, Mr. Chairman, in the words of the poet Joseph Malins, in his poem "A Fence or an Ambulance," "It is better to put a strong fence around the top of a cliff than an ambulance down in the valley."

Mr. Chairman, let us build fences, rather than buying ambulances, and support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in strong opposition to the Scott amendment. The truth is that this amendment would eliminate what the Congress passed back in February in the crime bill. It would eliminate truth in sentencing grants to States and shift that money to local government law enforcement block grants.

Now, we already provide in the bill 5½ times more for local crime programs than was ever provided in history by the Congress, and particularly 1995. They are going to have plenty of money to work with.

What the gentleman would eliminate with this amendment, however, is a very critical part of the crime package that passed back in February as a part of the Contract With America, and that was to allow States to have grants if they lock up their violent criminals for a certain period of time.

Convicted felons serve only 38 percent of their sentences now on average. This revolving door of justice is the heart of the crime problem. Truth in sentencing grants are a vital and sensible response to this problem. Lack of prison space is a national problem. It is appropriate for the Congress to respond by setting aside funds specifically for the purpose of increasing prison capacity on the State level for violent offenders.

Local law enforcement block grants provide funding directly to local communities. States, not local communities, have the responsibility of building prisons. The Scott amendment would prevent States from receiving any funds for prison construction. The State prisons grant program ensures that States will have the resources to keep violent offenders locked up. Do not tear that from this bill. It will be a very critical part of the States' efforts and our effort on their behalf to fight violent criminals across the country.

Mr. Chairman, I urge a "no" vote on the Scott amendment. Stay with us on the crime package.

Mr. Chairman, I yield 3 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR. Mr. Chairman, I appreciate the gentleman yielding, and I appreciate the chairman's attention to this very important matter.

Mr. Chairman, it has been only about a year since the citizens of the State of Georgia had a legal lottery, and it apparently is doing somewhat well. Unfortunately, in Georgia, as in many other States, however, we have had a lottery for many, many years, and it is the lottery of revolving justice. Every criminal in our State, as well as all across this country, when they go out to commit a crime, they are purchasing a lottery ticket. They are betting the State in which they commit the crime will not have the wherewithal and the will to keep them incarcerated for a major part of their sentence, and they are getting out, as the chairman has already indicated, within, on average, after serving only 38 percent of their time, and in many instances it is far less than that time.

The bill that we passed very soundly and very strongly in this body just a few months ago tells our States that, at least insofar as American taxpayer dollars are concerned, we are not going to stand for that, and when we the taxpayers of this country, through us in this Congress, direct the taxpayer money back to the States to construct prisons, we want to see that those prisons are constructed and housed with inmates who are going to serve at least 85 percent of their time.

I wonder what motivation anybody on the other side could have for saying we do not want them to serve 85 percent of their time. As a matter of fact, I would prefer if they served 100 percent of their time. But it is a very sound provision that we in this body passed, with very strong support of the American people, to tie prison construction funds, which go to the States, these are not local community block grants, the responsibility for building prisons in this country is essentially with our States. These moneys go to the States, but we are telling the States, "Keep your prisoners in these prisons at least 85 percent of the time." This is very sound policy. It is at the core of why we are seeing such tremendous recidivist rates in our country.

Mr. Chairman, there is in fact a direct correlation over the years between a decrease in the amount of prison time that those convicted of crimes serve and the recidivist rate.

As the prison inmate rate goes up, as people serve more of their sentence, crime rates do in fact go down. That is the very sound reason and demonstrable public policy behind the provisions in the bill, and the efforts of the gentleman from Virginia [Mr. SCOTT] will in fact aid revolving-door justice in this country. We are telling the American people let's stop that revolving door, at least insofar as we are able through taxpayer dollars being used to construct prisons that will go to those States that have the will, the wherewithal, to say we are going to build those prisons, and, more importantly, we are going to ensure when we put somebody in one of those prisons, they are going to stay there for at least 85 percent of the time.

Mr. SCOTT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, first of all, I am not aware of any studies that show that increasing the time served reduces the recidivism rate. The testimony we have heard in fact is that there is no reduction in recidivism rate generated by increasing the time served.

This revolving door that we have is a revolving door because we are not putting our money into prevention. We are trying to build our way out of the problem. If we are going to be honest, we ought to acknowledge that 38 percent figure. If you want to move it up to a 100-percent figure, you ought to add up and tell the American people what it is going to cost.

In Virginia, proposal X that recently has been enacted, but not fully funded, increases the time served from about 25 to 50 percent, and that cost will cost Virginia $11 billion in the next 10 years. That is a national equivalent of spending $400 billion trying to build our way out of this problem.

If we want to be honest, we will tell the people what result we are going to get. The studies have shown the result will be statistically insignificant. So this little $300 million we are talking about will not make any difference if we put it into incarceration. It is an insane strategy to try to build our way out of the problem. We ought to put our money where it will make a difference, and that is in prevention. That is why I have introduced the amendment, and hope it is agreed to.

Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield the balance of my time to the gentleman from New Mexico [Mr. SCHIFF].

The CHAIRMAN. The gentleman from New Mexico is recognized for 5 minutes.

Mr. SCHIFF. Mr. Chairman, I want to begin briefly on another subject, by complimenting Chairman ROGERS and other members of the subcommittee in both parties for the emphasis they have placed in supporting assistant U.S. attorneys and agents in the field for the Federal Government, because that is where the proverbial rubber meets the road in terms of law enforcement. More crime is investigated and prosecuted with more professionals assigned to do that.

Mr. Chairman, I rise in opposition to the Scott amendment for several reasons. The gentleman from Virginia I think stated that his district was in the top 30 in the Nation in burglaries. I strongly suggest that if more of those burglars were off the street there would be less burglaries in the gentleman's district.

The question was in prison population related to crime. Well, first, I would point out that we have all heard the statistics that the number of people incarcerated in the United States has been going up. We all know that. But more recently, there have been a number of news articles pointing out that the percentage of crime, the crime rate in many areas, including violent crime, has been going down. So there is a general correlation that I think is obvious, that as the prison population goes up crime goes down.

It is not that I think prisons are wonderful places, but if you take perpetrators off of the street, we have less crime. In fact, the U.S. Bureau of Statistics, I am informed, stated that in a study, those offenders who serve more than 5 years in prison actually were repeaters less often than those who served less than 5 years in prison.

But the main point is when that criminal is out of prison, particularly repeat criminal, then that criminal is repeating crimes on the street, in the district of the gentleman from Virginia or any district.

Mr. Chairman, I would like to say that the cost of prisons is high. There is no doubt about that. I think it can be reduced in many ways. But the fact of the matter is, it will never be inexpensive in a due process country that respects human rights. But I submit the cost of crime, particularly repeat crime, is greater than the cost of prisons, that a repeat offender committing crimes, particularly burglaries, because the average burglar does not commit one burglary a week, he commits one or more burglaries every single day, 365 days a year. It does not take long to compute the fact that even with moderate gains from each burglary, the cost to society in crime in pure dollars, not even talking about the human heartache of people having their homes invaded or businesses taken over, but the cost to society in pure dollars of having repeat criminals on the street is worse than the cost to society of prisons.

This is not to say that there is not room for alternatives. Nothing in this truth in sentencing says that every single person convicted of any crime must go to prison. I do not believe that is appropriate in every case. But what truth in sentencing does recognize is that those States that are trying to make headway by establishing truth-in-sentencing laws, which have come to mean requiring those who are sent to prison to serve at least 85 percent of their sentences, and I agree with the gentleman from Georgia [Mr. BARR], I think individuals deserve 100 percent of their sentences, whatever the sentences might be, but truth in sentencing has come to mean serving 85 percent of sentences.

That is often double what is served in many States. I regret to say in my own State of New Mexico the good time law there is one of the most liberal in the Nation. There is up to 50 percent off of sentences to prison for all kinds of crimes, including murder. So when the people of New Mexico see in their newspapers that a particular criminal is sentenced to a certain number of years in prison, that will be the headlines. They then have to read in the fine print the fact that that is not the real figure. The real figure is half of what is in the headlines.

Now, truth in sentencing in the bill recognizes that keeping offenders, particularly repeat offenders, in prison longer will cost the States more money. That is an obvious fact, too. Every day someone is in prison is a cost to the State. I think it is a cost to the State that is warranted in a number of cases, because it saves money on the cost of crime. But, nevertheless, it occurs.

Truth in sentencing does not force States to adopt truth-in-sentencing laws. Truth in sentencing recognizes that because of the increased cost of keeping offenders, particularly repeat offenders, off of the street, there is an increased cost to the States to do so. For that purpose, the bill provides an incentive to support States economically with their difficult decision to keep offenders off of the street.

So, Mr. Chairman, I want to say that the truth in sentencing is an important part of the bill to keep offenders, repeat offenders, off of the streets, and I urge rejection of the Scott amendment.

Mr. SCOTT. Mr. Chairman, I ask unanimous consent to reclaim 10 seconds of my time to clarify a word that was used.

The CHAIRMAN. Is there objection to the request of the gentleman from Virginia?

There was no objection.

□ 1345

Mr. SCOTT. Mr. Chairman, the Third Congressional District of Virginia has three of the top murder rates. I meant to say murder. I just wanted to correct the RECORD.

Mr. SCHIFF. Mr. Chairman, I ask unanimous consent to proceed for 10 additional seconds.

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

Mr. SCHIFF. Mr. Chairman, I accept the gentleman's correction that his district is in the top in murder rate, not burglary rate. But I think that my point, that keeping criminals off the street may help alleviate that problem, still stands.

Mr. ROTH. Mr. Chairman, I rise in opposition to this amendment.

By eliminating the truth-in-sentencing prison grants, the amendment would let violent criminals loose on the streets to continue to prey on innocent Americans.

The American people are tired of the liberals' soft-on-crime, hug-a-thug approach. The American people want murderers and rapists behind bars.

The senseless murder of a young girl named Cora Jones in rural Wisconsin tragically underscores what I've heard from thousands of people in northeast Wisconsin:

It's time to get tough on criminals.

Cora was killed by a criminal released on parole. If that criminal were in prison where he belonged, Cora would be alive today.

People are scared about rising crime rates, and they are demanding action.

The statistics are frightening.

Every year, nearly 5 million Americans are victims of violent crime.

Another 19 million are victims of property crime.

A murder is committed every 21 minutes in the United States.

A rape, every 5 minutes.

A robbery, every 46 seconds.

Why such staggering figures?

Because we aren't keeping criminals in prison.

Sixty-nine percent of young adults released from prison are arrested again within 6 years, after committing an average of 13 new crimes.

Overall, 7 percent of criminals commit 70 percent of all violent crimes.

It's no wonder Americans are fed up.

We need a new approach to fighting crime.

If a thug is behind bars, he can't commit another murder, rape, or robbery.

But under this amendment, we will have no new prisons to hold violent criminals.

These prison grants will go only to States that enact truth-in-sentencing laws.

Truth-in-sentencing laws mean a 30-year sentence is just that: 30 years, no parole.

Criminals will think long and hard before committing an offense if they know they won't be back out on the street in a few months. It's wrong that law-abiding Americans—who work hard, pay their taxes, and raise their kids—have to live in fear.

Mr. Chairman, we cannot rest until every man, woman, and child in America can walk down any street in America and feel safe.

Vote against the Scott amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Virginia [Mr. SCOTT].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. ROGERS. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Virginia [Mr. SCOTT] will be postponed.

The CHAIRMAN. Are there other amendments to title I?

AMENDMENT OFFERED BY MR. STUPAK

Mr. STUPAK. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

Amendment offered by Mr. STUPAK: Page 24, line 7, after "Grants" insert "of such amount $600,000,000 shall be available for rural areas in which the unit of local government in such area has a population of less than 50,000)".

Mr. ROGERS. Mr. Chairman, I reserve a point of order on the gentleman's amendment.

The CHAIRMAN. The point of order is reserved.

Mr. STUPAK. Mr. Chairman, my amendment, No. 41, is what I would consider the rural setaside amendment. What this amendment does is set aside approximately $600 million for rural law enforcement programs. The money would come from the $2 billion set aside for the local law enforcement block grant.

When this bill was being considered by both authorizers and appropriators, the President had requested over $10 million to be set aside for rural law enforcement needs. As we went through the appropriation process, no money was set aside for rural America. As we had our discussions yesterday on the local law enforcement block grant program, to put money into local block grants, we found during the debate yesterday that the money will go to those communities which have the highest crime rates, the highest crime rates.

Those of us who live in rural areas find ourselves relatively safe and free from high crime rates. Therefore, our communities will not be able to benefit underneath the existing appropriation as passed yesterday by the House, especially when we talk about the local law enforcement block grant. The high crime rate areas usually are urban areas. The money, therefore, this $2 billion would to go the urban areas. Rural law enforcement has no access to money for police officers or for equipment underneath this program.

Those of us in rural areas were very pleased that the President's COPS Program recognized the specific needs of rural areas. The President had recognized rural areas as being those communities of less than 50,000. Therefore, my amendment has also recognized rural areas as being those of less than 50,000 population.

Twenty-seven to 30 percent of the people in this country live in rural areas. We pay taxes. We need help with law enforcement. We need help with all kinds of programs with the Federal Government. What we are asking for is that some of this money in this local law enforcement block grant be set aside. Yesterday the Clinton COPS Program was defeated. Therefore, our access to law enforcement, to equipment, to personnel, to help rural areas has been denied underneath the majority vote yesterday.

So what my amendment says is of this $2 billion set aside in the local law enforcement area, 30 percent be set aside for rural areas. It is interesting to note that where we are asking the money to come from is local law enforcement block grants. We are taking the word "local" as being the small communities including our rural areas.

So, as you consider this amendment, if you have a community in your district where your population is less than 50,000 you would be denied any kind of funding. The only place we can find where rural areas are considered at all in this bill is found on page 38 in the report where it says, for domestic violence and child abuse enforcement they have set aside $7 million annually for 27 to 30 percent of the country. Rural areas have more than just domestic violence and child abuse enforcement. So, therefore, we are asking the Federal Government for some help.

With this amendment, amendment No. 41, we are asking then that 30 percent of the total local law enforcement block grant money be set aside for rural areas.

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state his point of order.

Mr. ROGERS. Mr. Chairman, I rise to a point of order against this amendment under clause 2 of rule XXI.

The Stupak amendment constitutes legislation on an appropriations bill, because it attempts to earmark $600 million for a program for rural areas which is not authorized in law. The amendment attempts to amend the local law enforcement block grant which is an unauthorized program that is permitted to remain under the rule.

According to the ruling of the Chair on July 12, 1995, where an unauthorized appropriation is permitted to remain in a general appropriation bill, an amendment directly changing the amount in that paragraph and not adding legislative language of earmarking separate funds for another purpose is in order as merely perfecting. Clearly, this amendment does more than merely change the amount in the paragraph. It adds legislative language and earmarks a portion of the funds for a new purpose and so constitutes legislation on an appropriations bill.

I ask for the ruling of the Chair.

The CHAIRMAN. Does the gentleman from Michigan [Mr. STUPAK] wish to be heard on the point of order?

Mr. STUPAK. Mr. Chairman, on this point of order, if we look on page 39 of the report and even coming back to H.R. 728, which we debated on February 14, 1995, under the title local law enforcement block grant, throughout the bill we talk about local law enforcement block grant. What we have merely done was do the perfecting that is allowed underneath hereby defining what local is. We are not saying that what the local law enforcement block grant is those communities with populations less than 50,000. This is a perfecting amendment to the authorized program.

When we talk about local law enforcement, nowhere in the bill, whether it is the authorizing bill or whether it is this appropriation bill, do they identify and state to us what local is. This would be a perfecting amendment. Therefore, I feel it would be appropriate.

The CHAIRMAN. Does any other Member wish to be heard on the point of order?

If not, the Chair is prepared to rule. For the reasons stated by the gentleman from Kentucky regarding unauthorized earmarking, the point of order is sustained.

AMENDMENT OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HASTINGS of Florida: Page 18, line 2, strike "$2,574,578,000" and insert "$2,539,578,000". Page 77, line 8, strike "$233,000,000" and insert "$268,000,000".

POINT OF ORDER

Mr. ROGERS. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. Mr. Chairman, I rise to a point of order against the amendment.

Mr. Chairman, the amendment would increase the level of budget authority/outlays in the bill in violation of clause 2(f) of rule XXI. This rule states that "it shall be in order to consider en bloc amendments proposing only to transfer appropriations among objects in the bill without increasing the levels of budget authority or outlays in the bill."

The amendment would increase the level of budget authority outlays in the bill. We have CBO scoring which shows a net increase in outlays of $1,753,000. So, therefore, it violates a rule of the House.

I ask for the ruling of the Chair.

The CHAIRMAN. Does the gentleman from Florida [Mr. HASTINGS] wish to be heard on the point of order?

Mr. HASTINGS of Florida. Mr. Chairman, may I have a colloquy with the gentleman?

The CHAIRMAN. The gentleman cannot conduct a colloquy on a point of order. The gentleman may be recognized on the point of order.

Mr. HASTINGS of Florida. Mr. Chairman, more importantly, I seek unanimous consent to amend the amendment as offered, to increase the measure as proposed by $33 million.

The CHAIRMAN. Did the gentleman say to increase or to decrease?

Mr. HASTINGS of Florida. Mr. Chairman, I am seeking an increase of $33 million. The gentleman's point of order says I am a million plus over. I now ask unanimous consent to amend my amendment to increase by $33 million the funding that I seek.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

Mr. ROGERS. Reserving the right to object, Mr. Chairman, I suggest to the gentleman that this amendment be withdrawn while he has a chance to discuss the matter with this Member, perhaps, to see what can be worked out.

Mr. HASTINGS of Florida. Mr. Chairman, I accept the gentleman's admonition.

Mr. Chairman, I ask unanimous consent to withdraw the amendment at this time.

The CHAIRMAN. Is there objection to the request of the gentleman from Florida?

There was no objection.

The CHAIRMAN. Are there other amendments to title I?

AMENDMENT OFFERED BY MS. NORTON

Ms. NORTON. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Ms. NORTON: Page 29, strike line 12 and all that follows through line 18.

Redesignate succeeding sections accordingly.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes and that the time be equally divided between the gentlewoman from the District of Columbia and myself.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentlewoman from the District of Columbia [Ms. NORTON] will be recognized for 15 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 15 minutes.

The Chair recognizes the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this Congress did the right thing in 1993 when it finally allowed women in prison to elect an abortion among the medical services provided them. We overturned the barbaric policy that allowed such abortions only when the life of the mother was endangered or when rape had occurred, not even apparently when incest was involved.

Women in prison, Federal prisons, earn between 10 and 40 cents an hour. There is no hope that they could get the average $231 that an abortion in the first trimester costs. Yet these are the women most in need of choice. These are the women in our country who have led the most chaotic lives. These are the women who are least capable of taking care of themselves. They have not been able even to keep within the law. These are the women least able to bear and relate to children.

Who will speak for these children? We must speak for these children. We must speak for these women.

I strongly favor and would rise just as adamantly to protect the rights of these women to bear children in prison, if they desire. But surely we would not want to deny a woman the right to choice in prison. Two-thirds of these women are drug offenders. More than two-thirds are 40 or under. Most of them are of reproductive age. Many of these women are HIV infected or have full-blown AIDS. Many are addicts who have landed in prison, very often.

In the last 11 years, the number of women in Federal prisons has more than doubled, more than tripled. These women have themselves been the victims of wholesale physical and sexual abuse.

What happens to these women happens to their fetuses or to their children. In prison they are subjected to a high-starch prison diet. Nobody brings in the right WIC food for women in prison.

□ 1400

Prison is not where people go to get prenatal care. These women have to contemplate the fact that if they were to bear a child to term, they would have to be separated from that child. These are the women in our society most in need of choice—those in Federal prisons. They do get counseling, including religious counseling and social counseling. This is not, for a women in prison, any more than for any other woman, a decision that can or should be made lightly. In effect, if these women do not have choice, of course, we are forcing women who are incarcerated to bear children. This is not America if that is what we are prepared to do, particularly given the particular kind of population that we find in Federal prisons today.

Mr. Chairman, we must, even at this time in the proceedings, try to be remembered for other than being the Congress who looked for each and every opportunity to deny women the most fundamental of rights. We have done it to women in the military who are serving their country, we have done it to Federal workers, we have done it to Federal planning overseas, and today in committee we passed, or the committee passed, a provision making it optional for States to fund for rape and incest. How low are we willing to sink on the question of abortion? How far are we willing to go to deny the most fundamental of rights?

Mr. Chairman, whatever we think and wherever Members stand on the notion of choice generally, I hope Members will now allow themselves to be recorded as forcing women who are incarcerated to bear children against their will.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON]. This bill reinstates a provision which was carried in the bill prior to fiscal 1994. That provision prohibits Federal tax dollars from being used to pay for abortions for Federal prison inmates. This amendment would strike that provision, that prohibition.

The issue here is very simple and clear. The question is should taxpayers' money be used to pay for an abortion. Time and again, the Congress has debated this issue. Time and again the Congress' answer, and more importantly, the answer of the American taxpayer, has been no. I urge rejection of the gentlewoman's amendment, and urge that the bill be supported.

Mr. Chairman, I reserve the balance of my time.

Ms. NORTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I thank the gentlewoman for yielding time to me.

Mr. Chairman, I rise in support of the Norton amendment which would remove the ban on access to abortion services for incarcerated women, except in cases of rape or life endangerment.

There are currently 5,984 women incarcerated in Federal Bureau of Prisons facilities, the majority—68 percent—of whom are serving sentences for drug offenses. Most of the women are young, were frequently unemployed, and many were victims of physical or sexual abuse. According to a 1987 survey, 6 percent of women in prisons and 4 percent of those in jail were pregnant when admitted. Limited prenatal care, isolation from family and friends, and the certain loss of custody of the infant upon birth present unusual circumstances that exacerbate an already difficult situation if the pregnancy is unintended.

Because Federal prisoners are totally dependent on health care services provided by the Bureau of Prisons, this ban, in effect, prevents these women from exercising their constitutional right to abortion. Most women prisoners were poor when they entered prison, and they do not earn any meaningful compensation from prison jobs. This ban then closes off their only opportunity to receive such services, and thereby denies them their rights under the Constitution.

I urge my colleagues to support the Norton amendment.

Ms. NORTON. Mr. Chairman, I yield 3 minutes to the gentlewoman from Colorado [Mrs. SCHROEDER].

Mrs. SCHROEDER. Mr. Chairman, I rise in support of the amendment offered by the gentlewoman from the District of Columbia. I think this is absolutely a very essential thing that we should be doing. The gentlewoman from Maryland also made an important point in that when women are in prisons as prisoners, first of all, they are not in the best of shape, obviously, to start or raise a family. Second, one never really knows about their total health condition, and they have no option to go outside if they disagree with what is being imposed upon them.

I thought it was outrageous to impose this on women in the military and dependents in the military who are overseas, but they certainly have more options than women in prisons. What we are really doing is mandating motherhood for them, and denying them the right to full health care benefits that women would have on the outside.

Furthermore, Mr. Chairman, it seems to me there is no exemption here for incest or for many other things that I think concern people very much. I really would hope that the membership would think about this. My understanding is that the Congressional Budget Office has scored the amendment and said that there was no scoring effect to that. I would like to ask the gentlewoman from the District of Columbia if that is correct.

Ms. NORTON. Mr. Chairman, will the gentlewoman yield?

Mrs. SCHROEDER. I yield to the gentlewoman from the District of Columbia.

Ms. NORTON. Mr. Chairman, the gentlewoman is correct.

Mrs. SCHROEDER. Mr. Chairman, I would ask the gentlewoman, this has not been a huge spending item, obviously, or they would have found this was a terrific cost?

Ms. NORTON. Mr. Chairman, I would say to the gentlewoman, indeed, there have been only nine abortions since this right has been in effect, and women in prison have fewer abortions than women outside, and more choose to carry their babies to term, considerably more than choose to have abortions, so that what we are asking for here is merely for genuine choice.

Mrs. SCHROEDER. Mr. Chairman, I think the gentlewoman makes a very good point. There is some kind of image out there that this is some benefit to women in prisons and so forth and so on, but the statistics show just the opposite, just as they did with the women in the military, where there were a whole 10 abortions. Most people figured this was because of some disease-related complication or many other kinds of complications that could occur.

I find it really amazing that we are doing this type of thing to women. It seems like women were maybe the fad last year, but we cannot unroll their rights fast enough this year. We keep unrolling them. I urge Members to vote for the gentlewoman's amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute and 40 seconds to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I hear some people saying we have too many votes on abortion. I frankly do not like a lot of votes and debate on this issue. Let me just say very candidly and clearly that absent the votes and the amendments and the language we will be paying for, in one appropriations bill after another, abortion on demand.

This is not a benign process. If there is not explicit language proscribing the use for abortion, we will then be subsidizing abortion on demand. This language that is included by the gentleman from Kentucky, HAL ROGERS, the chairman of the subcommittee, would stop funding abortions in the Bureau of Prisons. Forty or so abortions were done prior to the language going into effect some time ago in the 1980's. The gentleman from California, BOB DORNAN, was the author of that language.

It seems to me it is worth the inconvenience, it is worth the difficulty, and again, I do not like going through this time and time again, but it is worth it if we can cease the facilitation and the subsidization of the killing of at least one child, and in this case we are talking about dozens of children. It seems to me that again we are talking about Government subsidization of abortion on demand.

The pendulum, without question, is swinging in favor of life. People no longer want to subsidize and pay out of their pockets for the chemical poisoning or the literal dismemberment of an unborn child's body. We happen to believe that the women are the victims as well, the co-victim, if you will. We want to see positive, nonviolent solutions to women who have pregnancies that were unintended, not the killing of their unborn babies.

Please, do not force me, my wife and my family and all of us, to pay for it. Again, the language the gentleman from Kentucky has put in would do that. Defeat the Norton amendment.

Ms. NORTON. Mr. Chairman, I would ask who has the right to close.

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] has the right to close. He has 11 minutes and 20 seconds remaining. The gentlewoman from the District of Columbia has 6 minutes remaining.

Ms. NORTON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the Bureau of Prisons has gone to great lengths to make sure that it is operating within the law, and indeed, has attached conditions to abortion that do not obtain in every State of the Union. For example, there must be medical, religious, or social counseling sessions offered. There must be written documentation that these sessions have taken place. The process is laid out in great detail in order to make sure that there are no violations. Those who are on the staff and somehow involved also have their rights protected. No staff or supervisory person need be involved with these decisions at all. The Bureau of Prisons, it seems to me, has handled this sensitive issue in just the right way, and the question before the House is are we prepared to handle this issue in just the right way.

Almost all of these women will be faced with two choices: Either make the choice for abortion, or make the choice to have a child who they will have very little, if anything, to do with. Most of these children, if they are carried to term, will go to the State. Since the majority of these women are women of color, in effect that means putting children born in prison into the foster care system.

Mr. Chairman, the foster care system cannot absorb the children of parents who are not in prison. The GAO has written a report on the foster care systems in a number of States. It is an appalling report. The situation is the same all over the country: too few foster parents, too many children. If a woman decides when she is incarcerated that she would like to choose an abortion, society, it seems to me, should be where she wants to be, just as it would be if she made that choice and were not in prison.

Remember, Mr. Chairman, of whom we are speaking. Since more than two-thirds of these women are in prison for drug offenses, understand that most of them were selling drugs because they were addicts themselves, many of them crack addicts. That says all we need to hear about their own pregnancies. The decision to carry a child or not carry a child should not be circumscribed by whether one happens to be incarcerated or not. The nature of the duress is even greater if the woman involved is, indeed, incarcerated.

I recognize that this issue is now and always will be contentious in this House. I would hope that at some point and for some women, we would understand the consequences sufficiently so we would not vote in knee-jerk ways on this sensitive issue. I ask, therefore, Mr. Chairman, for support of the Norton amendment, in the name of these women who cannot speak for themselves.

□ 1415

Mr. Chairman, I yield 2 minutes to the gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Chairman, I rise in support of Ms. NORTON's amendment. My colleagues, what we have seen throughout this appropriations process is a direct assault on the right to choose. The ban on Federal funds for abortions for women in prison is just the next in a long line of rollbacks on women's reproductive freedoms. This assault on the constitutional rights of women must be stopped.

The antichoice forces have not directly confronted the basic right, because they know that the vast majority of American people support women's reproductive rights. Rather, they have chipped away at it, hoping that American women will not notice. We must prove them wrong. We must stand up and say "We do notice, and we will not stand for it."

What is particularly shameful about the strategy of the abortion foes is that they have singled out groups of women for attack. I suppose that their theory is that most American women will not notice until it happens to them, and then it will be too late. Just look at their record in both the appropriating and authorizing committees this summer:

In the Labor-HHS bill, funding for abortions for indigent victims of rape and incest was cut;

Also in the Labor-HHS bill, funds for family planning services for poor women were zeroed out;

In the Treasury-Postal bill, Federal employees have been barred from purchasing insurance with abortion coverage;

Earlier this summer, in the DOD authorization bill, military women were barred from purchasing abortions on bases overseas with their own funds;

At the Judiciary Committee, they are considering authorizing legislation that would ban one of the safest procedures for women who face a late-term abortion due to a severe threat to her life or health, or a severe fetal anomaly;

And now, they want to ban abortion funds for women in prison.

Poor women. Victims of rape and incest. Federal employees. Women in the military. Women facing severe health crises. Women in prison. Who is next? It could be any of us. We must stop this assault on reproductive rights now.

I urge my colleagues to support the Norton amendment, and to say no to this rolling back of the reproductive rights of American women.

Mr. ROGERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I will be very brief, as the issue is starkly simple. Do we use Federal funds to pay for abortions? Time and again, Congress has said no. Time and again, the American people have told us to say no, that these moneys should not be used for that purpose.

The amendment would strike the prohibition in the bill that prevents funds from being used for that purpose. I urge a "no" vote on this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Ms. NORTON. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT NO. 46 OFFERED BY MR. FIELDS OF LOUISIANA

Mr. FIELDS of Louisiana. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 46 offered by Mr. FIELDS of Louisiana: Page 24, line 6, strike "$2,000,000,000" and all that follows through "1995" on line 9 and insert "$1,800,000,000 shall be for Local Law Enforcement Block Grants, pursuant to H.R. 728 as passed the House of Representatives on February 14, 1995; $200,000,000 for crime prevention and model grants as authorized by title III of the 1994 Act;".

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from Louisiana [Mr. FIELDS] will be recognized for 5 minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 5 minutes.

Is the gentleman from Kentucky opposed to the amendment?

Mr. ROGERS. I am opposed, Mr. Chairman.

The CHAIRMAN. The Chair recognizes the gentleman from Louisiana [Mr. FIELDS].

Mr. FIELDS of Louisiana. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I commend the chairman and the ranking member on our side of the aisle for all the hard work they have done on this particular piece of legislation.

Mr. Chairman, this amendment is a very straightforward amendment. It is an amendment that many Members of the House have already considered in one form or another.

This amendment will take 10 percent of the $2 billion and use that money for crime prevention. This bill appropriates $2 billion in the form of a block grant. This amendment will simply take 10 percent of that, which would be about $200 million, and $200 million will be used for the precise purpose of prevention.

When we passed the crime bill in 1994, we enumerated several crime prevention programs within that legislation and we balanced the bill such that money will not only go into jails and prisons but also go into crime prevention.

If we pass the Fields amendment, this amendment will provide the $200 million that could be used for the Ounce of Prevention Council which was a part of the 1994 crime bill; Local Crime Prevention Block Grant Program; the Model Intensive Grants Program; Family and Community Endeavor Schools Grant Program.

All these programs are very conducive programs for preventing crime so that we will not spend the kind of money that we spend today in locking people up and putting them behind bars: Family and Community Assistance Program; Assistance for Delinquent and At-Risk Youth; Police Retirement; Local Partnership Act; the National Community Economic Partnership; the Urban Recreation and At-Risk Youth Program; Community-Based Justice Grants for Prosecutors; the Family Unity Demonstration Project; substance abuse treatment in Federal prisons as well as State prisons; and Gang Resistance and Education Training, which is a great program that many people in many States across the country use.

I think this is a very important amendment and I would hope that Members accept this amendment. We spend $60,000 to build a jail cell in this country, $30,000 to maintain it. This is prevention. I think it is in the best interests of our country to spend money where it is most needed.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise in strong opposition to this amendment. It takes $200 million from the Local Law Enforcement Block Grant Program to fund crime prevention programs like midnight basketball, homework assistance, after-school programs, nutrition services, family counseling, job programs to prevent crime, grants for education, recreation facilities and so on and so forth.

We have voted on these things now time and again. We voted yesterday on this. The House by a huge majority rejected this type of funding. These are the midnight basketball programs that are back with us again. We turned them down in the Mollohan amendment yesterday.

They are back with us again today. I have no doubt they will be with us tomorrow and from here on to eternity. But nevertheless the House says "no." How many times do we have to say no? I hope that the House will do short order on this and will vote down this amendment as it has repeatedly.

What the amendment says is that we believe that Washington knows how local communities should spend their money to prevent crime. Instead of letting communities decide what they want to do with the money, this amendment spreads $200 million over a host of programs, tells them how much they can spend and for what purposes, whether they like it or not.

We are back to the same old thing of "one size fits all," all communities are just exactly alike, and Washington knows how to administer funds to all of them irrespective of their own peculiarities.

Mr. Chairman, I urge the House to reject this effort, stay with us on sending money back to the local communities for them to decide how they would like to spend their money in preventing crime and in punishing crime once it takes place.

I urge Members to reject again midnight basketball for the 18th time.

Mr. Chairman, I reserve the balance of my time.

Mr. FIELDS of Louisiana. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Maryland [Mr. WYNN].

Mr. WYNN. I thank the gentleman from Louisiana for yielding me the time.

Mr. Chairman, I rise to support his amendment. I think it makes good sense. What we do here in Washington is basically try to strike a balance between Federal planning and priorities and local planning. Not all local planning is good, not all Federal planning is bad.

The gentleman's amendment simply says, let's give 90 percent of the money to the locals and let them make the decisions, but let 10 percent reflect certain national priorities. The specific national priority he is talking about is crime prevention.

When I talk to local law enforcement officials, they say crime prevention is essential. We cannot arrest ourselves out of the crime problem. We have to have prevention.

What is important about the prevention programs provided in this amendment? I would like to refer specifically to two: The first is substance abuse treatment in Federal and local prisons. Why? Because substance abuse leads to recidivism which means prisoners come out of prison, commit more crimes because they have substance abuse problems, and then they go back in the prison system and we the taxpayers pay $25,000 a year to keep them in prison. We need substance abuse treatment.

Second, I refer Members to the Gang Resistance Program, called GRATE. We have it in my district and it works. One of the biggest threats in our society today is the emergence of organized gangs. To the extent that at a national level we say that it is important to thwart the emergence of these gangs, we are making good Federal decisionmaking.

I would urge my colleagues not to say that all Federal decisionmaking is bad and all local decisionmaking is good, but to strike a reasonable balance that enables us to impart certain Federal priorities for fighting gangs and for substance abuse treatment as well as other programs that have been proven to work. Prevention works. Please vote for prevention.

Mr. FIELDS of Louisiana. Mr. Chairman, I yield the balance of my time to the gentleman from West Virginia [Mr. MOLLOHAN], the ranking member.

The CHAIRMAN. The gentleman from West Virginia is recognized for 1½ minutes.

Mr. MOLLOHAN. Mr. Chairman, I express great appreciation to our colleague, the gentleman from Louisiana [Mr. FIELDS], for his leadership in this area, and his efforts to make sure that when we address this crime issue, that we do it in a comprehensive sort of way and look to prevention.

I want to note that the chairman, in his mark, does look to prevention as I add up the numbers. There is $166 million in the crime trust fund for prevention programs. We have just recently added $50 million, through the chairman's good graces, to the violence against women account. The subcommittee transferred $40 million over to Labor-HHS, all for violence against women.

All of these are prevention programs. What the gentleman from Louisiana [Mr. FIELDS] does here is simply add a few more dollars to prevention programs, recognizing that intervention, particularly with our youth at an early stage, can prevent the crime that we are trying to fight here, and prevention is just that, prevention. For every dollar we spend there, we pick up a lot of dollars on the crime-fighting side.

I strongly support the gentleman's amendment. It is a relatively small amount of money added to the already $166 million that the chairman supports, as I add it up here, and it is a little complicated because we have a number of different counts.

But the point is, our chairman has supported prevention, we are supporting it. The Fields amendment would support it, give greater resources, and we need them. We need them for programs like family demonstration grants and at-risk youth grants. I do not think anybody in this body can deny that.

I strongly support the gentleman's amendment.

Mr. ROGERS. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Kentucky is recognized for 3 minutes.

Mr. ROGERS. Mr. Chairman, there is a reason why this bill refers to the Local Law enforcement Block Grant Program. These are law enforcement block grants. They are not education block grants, they are not family counseling block grants, they are not afterschool program block grants, they are not nutrition block grants. These are law enforcement block grants. This is to enforce the law, not just to prevent crime but also to punish it after it takes place.

There are hundreds of programs on the books of this Federal Government that provide moneys for those types of programs. In the Department of Education, in the Department of Health and Human Services, and so forth, there are all sorts of moneys available for those types of things.

□ 1430

This money in this bill is for law enforcement and we have voted on this time and again, as recently as yesterday, to reject this type of an approach.

I urge my colleagues to stay with the bill's provisions for providing local governments block grants to fight crime with a Local Law Enforcement Block Grant Program. Do not water it down with midnight basketball. We can do that elsewhere.

I urge a "no" vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana [Mr. FIELDS].

The amendment was rejected.

Mr. FIELDS of Louisiana. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Louisiana [Mr. FIELDS] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed. They will be considered in the following order:

Amendment No. 4 offered by the gentleman from West Virginia [Mr. MOLLOHAN]; amendment No. 36 offered by the gentleman from Virginia [Mr. SCOTT]; amendment No. 54 offered by the gentlewoman from the District of Columbia [Ms. NORTON]; and amendment No. 46 offered by the gentleman from Louisiana [Mr. FIELDS].

AMENDMENT NO. 4 OFFERED BY MR. MOLLOHAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. Pursuant to the order of the House of today, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings. This will be a 17-minute vote.

The vote was taken by electronic device, and there were—ayes 171, noes 256, not voting 7, as follows:

[Roll No. 572]

AYES—171

Abercrombie
Ackerman
Andrews
Baesler
Baldacci
Barcia

Barrett (WI)
Bereuter
Bevill
Bishop
Bonior
Borski
Boucher
Browder
Brown (OH)
Bryant (TX)
Cardin
Chabot
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Cooley
Costello
Coyne
Cramer
Cremeans
Danner
Davis
de la Garza
DeFazio
DeLauro
Dicks
Doggett
Doyle
Durbin
Edwards
Engel
Evans
Fattah
Fields (LA)
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gonzalez
Goodlatte
Gordon
Green
Gutierrez
Hall (OH)
Hamilton

Hayes
Hefner
Heineman
Hilliard
Hinchey
Hobson
Hoke
Holden
Hoyer
Jefferson
Johnson (SD)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Levin
Lewis (GA)
Lincoln
Lowey
Luther
Maloney
Manton
Markey
Mascara
McCarthy
McCrery
McDermott
McHale
McKinney
McNulty
Meehan
Menendez
Mfume
Minge
Mink
Mollohan
Montgomery
Moran
Murtha
Nadler
Neal
Ney
Oberstar
Obey
Olver
Orton
Owens
Pallone

Payne (NJ)
Payne (VA)
Peterson (MN)
Pickett
Pomeroy
Portman
Poshard
Quinn
Rahall
Ramstad
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Spratt
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Torricelli
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Watt (NC)
Williams
Wilson
Wise
Wolf
Wyden
Wynn
Yates
Zeliff

NOES—256

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Berman
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brown (CA)
Brown (FL)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady

Castle
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dixon
Dooley
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell

Fazio
Fields (TX)
Filner
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hilleary
Hoekstra

Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (CT)
Johnson, Sam
Johnston
Jones
Kelly
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lucas
Manzullo
Martinez
Martini
Matsui
McCollum
McDade
McHugh
McInnis
McIntosh
McKeon

Meek
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Mineta
Molinari
Moorhead
Morella
Myers
Myrick
Nethercutt
Neumann
Norwood
Nussle
Ortiz
Oxley
Packard
Parker
Pastor
Paxon
Pelosi
Peterson (FL)
Petri
Pombo
Porter
Pryce
Quillen
Radanovich
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Roybal-Allard
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner

Shadegg
Shaw
Shays
Shuster
Skeen
Skelton
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stark
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Thurman
Tiahrt
Torkildsen
Torres
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Waters
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Woolsey
Young (AK)
Young (FL)
Zimmer

NOT VOTING—7

Bateman
Chenoweth
Collins (MI)

Dingell
Jacobs
Moakley

Reynolds

☐ 1453

Mr. HASTINGS of Florida, Mrs. MEEK of Florida, Mr. COX of California, Mr. YOUNG of Alaska, Ms. PELOSI, and Mr. MILLER of California changed their vote from "aye" to "no."

Messrs. NADLER, TAYLOR of Mississippi, CREMEANS, NEY, HEINEMAN, SCHUMER, KASICH, TANNER, and EDWARDS changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Pursuant to the order of the House of today, the Chair again announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each amendment on which the Chair has postponed further proceedings.

AMENDMENT NO. 36 OFFERED BY MR. SCOTT

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Virginia [Mr. SCOTT] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 105, noes 321, not voting 8, as follows:

[Roll No. 573]

AYES—105

Abercrombie
Ackerman
Becerra
Beilenson
Bereuter
Berman
Bishop
Bonior
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Cardin
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Coyne
DeFazio
Dellums
Dicks
Dixon
Doggett
Ehlers
Engel
Eshoo
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta

Ford
Frank (MA)
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Hoekstra
Inglis
Jackson-Lee
Jefferson
Johnson, E. B.
Kanjorski
Kleczka
LaFalce
Lantos
Lazio
Lewis (GA)
Lofgren
Lowey
Maloney
Markey
Martinez
McDermott
Meek
Mfume
Miller (CA)
Mineta
Minge
Mink
Moran
Nadler
Oberstar
Owens
Pastor
Payne (NJ)

Payne (VA)
Pelosi
Peterson (MN)
Pickett
Pomeroy
Rahall
Rangel
Roybal-Allard
Rush
Sabo
Sanders
Schroeder
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Smith (MI)
Stark
Stokes
Studds
Thompson
Torres
Towns
Tucker
Velazquez
Vento
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wynn
Yates

NOES—321

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle

Chabot
Chambliss
Chapman
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehrlich
Emerson
English
Ensign
Evans

Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman

Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Johnston
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King
Kingston
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Luther
Manton
Manzullo
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Meehan
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Obey
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Peterson (FL)
Petri
Pombo
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Royce
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Wyden
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—8

Bateman
Chenoweth
Collins (MI)
Dingell
McKinney
Moakley
Olver
Reynolds

☐ 1501

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. NORTON

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 146, noes 281, not voting 7, as follows:

[Roll No. 574]

AYES—146

Abercrombie
Ackerman
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bishop
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Durbin
Engel
Eshoo
Evans
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Foglietta
Ford
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gonzalez
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Horn
Houghton
Hoyer
Jackson-Lee
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kolbe
Lantos
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Matsui
McCarthy
McDermott
McKinney
Meehan
Meek
Menendez
Meyers
Mfume
Miller (CA)
Mineta
Mink
Molinari
Moran
Morella
Nadler
Olver
Owens
Pallone
Pastor
Payne (NJ)
Pelosi
Peterson (FL)
Pickett
Rangel
Reed
Richardson
Rivers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Sisisky
Skaggs
Slaughter
Stark
Stokes
Studds
Thompson
Torres
Torricelli
Towns
Traficant
Velazquez
Vento
Visclosky
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Woolsey
Wyden
Wynn
Yates
Zimmer

NOES—281

Allard
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fields (TX)
Flake
Flanagan
Foley
Forbes
Fowler
Fox
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
McNulty
Metcalf
Mica
Miller (FL)
Minge
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Parker
Paxon
Payne (VA)
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Tucker
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)
Zeliff

NOT VOTING—7

Bateman
Chenoweth
Collins (MI)
Dingell
Moakley
Reynolds
Smith (WA)

☐ 1510

Mr. OBEY changed his vote from "aye" to "no."

Mr. DURBIN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. WISE. Mr. Chairman, on the amendment offered by the gentlewoman from the District of Columbia [Ms. NORTON], I voted "no." I was in error as to the order that the votes were being called. I would like for the RECORD to reflect that I would have voted "aye" on rollcall 574.

AMENDMENT OFFERED BY MR. FIELDS OF LOUISIANA

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Louisiana [Mr. FIELDS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 128, noes 296, not voting 10, as follows:

[Roll No. 575]

AYES—128

Abercrombie
Ackerman
Baldacci
Becerra
Beilenson
Berman
Bishop
Bonior
Borski
Brown (CA)
Brown (FL)
Bryant (TX)
Clay
Clayton
Clyburn
Coleman
Collins (IL)
Conyers
Coyne
DeFazio
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Engel
Eshoo
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gibbons
Gonzalez
Green
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Horn
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson, E.B.
Johnston
Kennedy (MA)
Kennedy (RI)
Kildee
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Luther
Maloney
Manton
Markey
Martinez
McDermott
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne (NJ)
Pelosi
Rahall
Rangel
Reed
Richardson
Rivers
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Scott
Serrano
Shays
Skaggs
Slaughter
Stark
Stokes
Studds
Stupak
Thompson
Torres
Torricelli
Towns
Tucker
Velazquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Williams
Wise
Woolsey
Wyden
Wynn
Yates

NOES—296

Allard
Andrews
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bevill
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clement
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Costello
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLay
Diaz-Balart
Dickey
Dooley
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Evans
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Geren
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Holden
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennelly
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Manzullo
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Traficant
Upton
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—10

Bateman
Bilbray
Chenoweth
Collins (MI)
Dingell
Lazio
Moakley
Reynolds
Rose
Stockman

☐ 1517

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BILBRAY. Mr. Chairman, on rollcall No. 575, I was unavoidably detained. Had I been present, I would have voted "no."

Mr. SKAGGS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, rather than call up the amendment that I had filed on this topic, I want to discuss briefly with the subcommittee chairman an issue concerning a provision in the bill that would transfer a significant number of departmental lawyer positions to the U.S. Attorney's offices.

Mr. Chairman, after our subcommittee completed its work on this bill, I learned from the Department of Justice that they had some serious concerns about this proposal, which was to transfer several lawyers out of the Environment and Natural Resources Division and the Tax Division out into offices of the several U.S. Attorneys. In particular, a letter from the Assistant Attorney General Lois Schiffer about this complained that it would cause "* * * severe problems for the Environment Division" and would "* * * threaten the effective enforcement of our environmental laws, clean water, clear air, and clean land." I share these concerns.

As the chairman knows, the U.S. Attorneys have broad responsibilities, including prosecution of many, many different kinds of cases involving narcotics violations and other criminal offenses. I am just concerned that this transfer might have the unintended and unfortunate effect of lessening our ability to adequately represent the interests of the United States and the American people in these environment and natural resource cases.

I wonder if the subcommittee chairman could assure me he is willing to consider these problems raised by the Department of Justice and would be open to working with the Department on their concerns as we proceed through the rest of the process with this bill in the Senate and in conference?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I can assure the gentleman that it is our intent to continue enforcement of our environmental and tax laws, at least at the current rate. We state this in our report to the bill. I will carefully review the objections of the Justice Department and will remain open to working with the Department on this issue as we proceed on the bill.

Mr. SKAGGS. I thank the gentleman for his observations.

Mr. MORAN. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Virginia.

Mr. MORAN. Mr. Chairman, I thank my friend from Colorado and the chairman of the subcommittee. I wanted to confirm as well the response to the gentleman from Colorado [Mr. SKAGGS].

Mr. Chairman, you are saying that you would yield maximum flexibility to the Attorney General to determine who would be transferred and where they would be transferred from and give them an opportunity to get some feedback from the attorneys themselves, so that we would not see the loss in cost of time and money that the gentleman from Colorado [Mr. SKAGGS] referred to in the letter we received from the Assistant Attorney General?

I am equally concerned that this move, which I know is intended to accomplish efficiencies, might in fact backfire because we have so many cases tried in Washington that it might wind up costing us more money, and, if there is to be a transfer, you would rely upon the advice of the Attorney General in letting the Attorney General reach those decisions on how to carry out the language that is in the report.

Mr. ROGERS. I think I have responded adequately.

Mrs. MORELLA. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Chairman, I appreciate the gentleman yielding, because I, too, had some of the similar concerns that have been brought up in the colloquy about the transfer of the 200 attorneys from the Environment and Natural Resources Division and Tax Division of the Department of Justice to the U.S. Attorney's Office. It has been well-intended, as we know, and yet there are unintended consequences with regard to the disruption to Federal law enforcement, the question about whether we would even save money. It may slow down the Justice Department's ability to resolve caseloads, and it may increase the number of cases that would be handled by the Tax and Environment Divisions that are heard in local courts in Washington, as well as the cost.

So I appreciate the fact that the subcommittee chair is going to try to ameliorate this situation, to remedy it, and I support the colloquy. I thank the gentleman from Colorado [Mr. SKAGGS], for having initiated it.

AMENDMENT OFFERED BY MR. HASTINGS OF FLORIDA

Mr. HASTINGS of Florida. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HASTINGS of Florida: Page 18, line 2, strike "$2,574,578,000" and insert $2,537,078,000.

Page 77, line 8, strike "$233,000,000" and insert "$268,000,000".

Mr. ROGERS. Mr. Chairman, I rise in opposition to the amendment, and I ask unanimous consent that the amendment and all amendments thereto to be concluded in 20 minutes, and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. HASTINGS] will be recognized for 10 minutes in support of the amendment, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 10 minutes in opposition to the amendment.

The Chair recognizes the gentleman from Florida [Mr. HASTINGS].

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise today to offer an amendment to increase by $35 million the funding for the Equal Employment Opportunity Commission. This amendment would bring the EEOC to the administration's requested level of $268 million.

I have offset this increase by taking $37.5 million from Federal prisons, salaries and expenses, because I believe that fighting discrimination will yield greater results than buttressing the prison system. The committee increased the appropriation for Federal prisons by $236 million and recommended that $57 million of these dollars go toward activating 10 new and expanded facilities.

In this particular matter, despite the effectiveness of reforms undertaken by the EEOC, I do not believe that they will be able to fulfill their duty in a timely manner unless they have the resources to do so. Every day new cases are added to the caseload of this agency. The committee report states that the committee is confident that the EEOC will be able to streamline the process and thereby reduce the case numbers. However, I do not share such blind confidence.

There are approximately 771 caseworkers at the EEOC. This means that the average caseworker is handling more than 135 cases at one time. Gilbert Cassellas, chairman of the EEOC stated during the May 11, 1995 hearings before the Subcommittee on Commerce, Justice, State, the Judiciary and Related Agencies, Committee on Appropriations, that even if the Commission took no more cases, it would still take the organization 18.8 months to finish its present caseload.

Consider the fact that 97 percent of this country's Fortune 500 companies' senior management positions are filled by white males. Women and minorities still make significantly less than white males. In 1992, white women made 70 cents for every dollar white males made, and black males made 74 cents for every dollar made by their white counterparts. These facts demonstrate that considerable discrimination is continuing in this country, unfortunately.

It is unconscionable that we create a commission such as the EEOC and not give them the tools to meet their goals. This country is divided over the issue of race and gender. We must not undermine programs that actively deal with such discrimination.

The work of the EEOC is not complete, as evidenced by the fact that almost 100,000 complaints have yet to be examined. Given the recent attacks on affirmative action, I feel it is imperative that the EEOC is able to fulfill its mandate of protecting all American workers from discrimination.

Mr. Chairman, I urge my colleagues on both sides of the aisle to rise in support of this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the gentleman's amendment. This amendment, Mr. Chairman, would take $35 million out of vitally needed resources to open new prisons. I am not talking about the merits of the gentleman's proposal to help EEOC. I am just talking about what it is going to do to us if we do this amendment.

□ 1530

These are prisons that are almost complete and will be coming on line in 1996. Mr. Chairman, we have spend hundreds of million of dollars to build five new prisons and expand five others, all of which will be ready for occupancy in 1996. These facilities will not open if this amendment should pass. They will sit there empty. Meanwhile we have got crowded prisons all over the country.

We are at 140 percent or so of occupancy in the Federal prison system, at least. And these 10 new facilities are absolutely vital to relieve the overcrowding that exists in the present prisons, not to mention the heavy influx of new prisoners that we expect in 1996.

Here is an example of some of the facilities that will not open if this amendment passes: A low- and minimum-security facility in Beaumont, TX, a low- and minimum-security facility in Taft, CA, and a facility in Forrest City, AR. Five new expansions will not be available in Tallahassee, FL, in Milan, MI, in Lompac, CA, Fort Worth, TX, and Lexington, KY.

As a result, nearly 9,200 more Federal prison beds will be sitting vacant and unused if this amendment passes. The Federal prison system is the second most overcrowded system in the Nation. Overcrowding would increase by 132 percent in 1996. We simply cannot tolerate this when the Federal prison system is housing the most volatile Federal inmate population in history.

So I urge Members to vote "no" on this amendment. The gentleman, I am sure, has a legitimate argument to make on the EEOC question. I am just saying to my colleagues, this is something we cannot afford to take the money from.

Mr. Chairman, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Chairman, I yield myself 15 seconds.

Mr. Chairman, most respectfully to the gentleman from Kentucky [Mr. ROGERS], I would urge him to be mindful that the Federal prison system had a carryover of $35 million from the 1994 budget and has a $2 billion budget; and I do not think that that can reasonably be argued that they cannot make their requirement.

Mr. Chairman, I yield 2 minutes to my good friend, the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise as a former chair of the Equal Employment Opportunity Commission who was able to get rid of the backlog of the commission not only through greater efficiency but because the President of the United States gave me enough money to do it and said the rest would have to be done by efficiency. And we did that.

Mr. Chairman, I just heard a stark contrast. The gentleman from Florida [Mr. HASTINGS] says, give a few dollars to get rid of discrimination. The chairman says, no, give a few dollars to put people in jail.

Watch out for the message you send. The message you send is that this Congress does not want to devote the money it would take to process cases of intentional discrimination but instead refuses to do that and says the money has to go to prisons.

I know what this means in the society at large, and I know what that means at EEOC. The agency is under ever so much greater pressure than when I was there. There is a whole new complicated statute. We have court decisions, the Adarand decision, and we have a level of funding that will not allow the job to get done.

The majority says, what we want to go after is intentional discrimination. These are backlog cases of intentional discrimination. This is a very difficult agency to run. It is much more like a manufacturing agency than a Government agency because you have to put out and account what you put out and account what you take in.

If we do not want to pay the money, if we do not want the money to go for antidiscrimination enforcement, then do not be heard to say that you are for ending discrimination, because when the time came, when the test was before you, you refused to allow the money to go to enforce antidiscrimination.

I thank the gentleman for this amendment. It draws the line. Let us ask the Members here today which side of the line are they on.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Maryland [Mr. WYNN].

Mr. WYNN. Mr. Chairman, I rise to support the gentleman's amendment.

We see Members every day run down to the well and say, I believe in a colorblind society. If there is discrimination, take it to EEOC. EEOC cannot do that job unless we pass this amendment. The bulk of EEOC's work involves investigation, processing and resolution of complaints. This requires interviewing, reviewing files, not computer work. This requires old-fashioned legwork.

In order to do legwork, you need personnel. But over the past 14 years, EEOC has experienced a reduction of 500 full-time employees. This comes despite a significant increase in responsibility.

In terms of private-sector complaints, they increase by 47 percent, up 29,000 additional charges.

The Federal sector: Again, up over 7,000 additional charges. More complaints, less personnel, it cannot work.

As a result, each investigator now has 135 cases. Four years ago they only had 55. They say, Mr. Chairman, justice delayed is justice denied. Pass this amendment. Eliminate the backlog. Help EEOC do its job.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to the distinguished gentleman from North Carolina [Mr. WATT] my friend, who wished to have been a cosponsor of this amendment.

Mr. WATT of North Carolina. Mr. Chairman, I thank the gentleman for yielding time to me. I rise in strong support of the Hastings amendment.

I want to remind my colleagues that this is about the Equal Employment Opportunity Commission. Equal. This is not about affirmative action. This is not about setasides. This is about enforcing the law to make sure that people are treated equally in this country. Instead of funding the mechanism in our country that is designed to ensure that, we have allowed equal employment opportunity to become a joke.

Three hundred twenty-eight days behind in their processing, 97,000 cases in backlog, and we say that we want to stand for equality in this country.

I remind my colleagues, this is not about affirmative action. It is about equal treatment under the law.

Mr. HASTINGS of Florida. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Florida [Ms. BROWN].

Ms. BROWN of Florida. Mr. Chairman, I rise in support of the Hastings amendment.

Mr. Chairman, I rise in support of the Hastings amendment to provide funds to the EEOC. The EEOC has a backlog of 97,000 cases of alleged discrimination. These are hard charges of discrimination in the workplace that need to be investigated. The Hastings amendment would provide funds for the EEOC to handle these discriminatory claims.

The facts speak for themselves. Over 95 percent of the top jobs in America go to white males, according to the "Glass Ceiling Report." It seems to me that some people want a guarantee of 100 percent of those jobs by eliminating affirmative action programs.

It's like my grandmother's sweet-potato pie. Some folks, white males, have pretty much had the whole pie to themselves for a very long time. Affirmative action has helped minorities get a small slice of that pie.

Full enforcement of equal employment laws is critical. I urge my colleagues to support the Hastings amendment so the EEOC can fully pursue discrimination charges.

Mr. HASTINGS of Florida. Mr. Chairman, I yield 1 minute to my friend, the distinguished gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Chairman, I rise in strong support of the gentleman's amendment.

I think the point that a lot of Members miss on this issue is that in the Federal workplace and in the workplace in general, there are many people who rely on this agency for their last resort. Their ability to deal with the system, to deal with discrimination, to get some relief comes from this agency. What the gentleman is trying to do is deal with the fact that has been stated here before; the backlog of cases in this agency, the inability to process all the cases is really creating a very unfair situation.

This is, as has been stated before, about equality. This is an agency and a program that is truly in the best tradition of American democracy. Not to support this amendment is really to continue to say that equality in this country is not important. If you do not build a Federal prison, you can create a slight problem. If you do not give someone their due rights in this society, you create a major unfair problem.

This is a good amendment, and every Member should vote for it.

Mr. HASTINGS of Florida. Mr. Chairman, I want to thank very much the gentleman from Kentucky [Mr. ROGERS], and his staff and the ranking member, the gentleman from West Virginia [Mr. MOLLOHAN], and his staff for being considerate of the circumstances giving rise to this hastily drawn but very important measure.

Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, I thank the gentleman for yielding time to me.

Let me say that I want to, with all fervor and heart, support the amendment by the gentleman from Florida [Mr. HASTINGS].

This is not a time for us to retract and say that this is not a time to defend civil rights. This is an opportunity for us to say to all of America that we understand the value of passage of the Civil Rights Act back in the 1960's, and this is a chance for us to tell all Americans, every American, regardless of their race, creed, or color, that it is time to increase pressure on all those who might discriminate.

I do not know if it has been mentioned, but over 100,000 allegations of discrimination have been filed with the EEOC over the past several years, each year. This is a time to make sure we have a strong, a vibrant EEOC. This is a time for us to say that we understand that the Federal Government has a role in enforcing our laws against discrimination.

I would hope that, along with the gentleman from Florida, what we do is understand that this is a time to recognize that all Americans should be treated equally. So I hope that my colleagues will join me in supporting the Hastings amendment.

Mr. HASTINGS of Florida. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. EDWARDS].

Mr. EDWARDS. Mr. Chairman, I rise in strong support of this amendment. This country must make a commitment to equal opportunity in the job place, and that is what this amendment does.

Mr. ROGERS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I want to say that this amendment, however well intentioned, would have a devastating effect on the prison activation program that we are entering into for 1996. We have 10 new prison facilities that will be ready to open in 1996. This amendment, if it passes, will prevent us from opening those facilities.

We would be at 132 percent of capacity next year. A result of this amendment would be that 9,200 more Federal prison beds will be sitting vacant and unused and in empty, new or expanded buildings. I do not think the Congress wants that to be printed in the newspapers, that is, pictures of those empty prisons when we have overcrowding in the others.

I urge Members to vote "no" on this amendment. If this amendment passes, new prisons will not open in Texas, California, and Arkansas; expanded prisons will not be allowed to be opened in five other States.

I urge a "no" vote.

Mr. MINETA. Mr. Chairman, I rise today in strong support of the amendment offered by my colleague from Florida, Mr. HASTINGS.

Mr. Chairman, the Equal Employment Opportunity Commission is the Federal Government's frontline agency in the fight against racial discrimination in employment—a fight which I know we all support.

The amendment before us would increase the appropriation for the Equal Employment Opportunity Commission by $35 million—an amount equal to the President's request for fiscal year 1996.

Recent reforms put in place at EEOC, including the use of mediation as an alternative for resolving disputes and a new system for prioritizing incoming cases, show great promise for reducing the tremendous backlog which has built up in recent years.

And I would here like to thank the Chair of the subcommittee, my good friend from Kentucky, Mr. ROGERS, for his recognition of those reforms in the report language for the bill.

However, additional resources are needed to make those reforms a true success. The gentleman from Florida's amendment would fully fund the President's budget request for EEOC for fiscal year 1996—and help put the teeth back in civil rights enforcement.

I urge my colleagues to vote "aye" on the Hastings amendment.

Mrs. MEEK of Florida. Mr. Chairman, I rise to support the Hastings amendment.

This amendment would fully fund the Equal Employment Opportunity Commission, and provide it with the necessary resources to wage wholesale battle on its more than 100,000-case backlog.

I realize that there are some who contend that we must tear down equal opportunity programs as if racial discrimination were ancient history.

And at the same time, they would eliminate every program that holds out even the hope of opportunity and equality.

Sure, there are some businesses that want to do away with the EEOC because they think it is a burden, but I am not thinking about the businesses. I am thinking about the hard-working men and women who must labor day-in and day-out under glass ceilings, and employers who break the law and refuse to judge their employees on their abilities as opposed to their gender or race. If the EEOC is not there to protect these hard-working Americans then who will?

Discrimination is not an evil of the past. Unfortunately, contrary to this Nation's best hopes, today, unlawful employment discrimination is a very painful reality. Just look at the 100,000-case backlog.

As much as we would all like to believe that the problem of employment discrimination has been resolved, both the quantity and the nature of the charges provide evidence to the contrary.

In fiscal year 1994, the EEOC received 91,189 new complaints. As of the second quarter of fiscal year 1995, the backlog of complaints reached 108,106.

Unfortunately, business is still too good for the EEOC. The agency remains as needed, and as relevant today, as it was when Congress created it 30 years ago.

The Hastings amendment says to America, and to this body, that we should be opening the door to opportunity, not slamming it shut. I encourage my colleagues to support the Hastings amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. HASTINGS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 576]

Abercrombie
Ackerman
Allard
Andrews
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clay
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Condit
Conyers
Cooley
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Dornan
Doyle
Dreier
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Fields (TX)
Filner
Flake
Flanagan
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Miller (FL)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myers
Myrick
Nadler
Nethercutt
Neumann
Ney
Norwood

Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Paxon
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Regula
Richardson
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Ros-Lehtinen
Rose
Roth
Roukema
Roybal-Allard
Royce
Rush
Sabo
Salmon
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schroeder
Schumer
Scott
Seastrand
Sensenbrenner
Serrano
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Torkildsen
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Williams
Wilson
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (FL)
Zeliff
Zimmer

□ 1605

The CHAIRMAN. Four hundred and three Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Florida [Mr. HASTINGS] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 84, noes 321, not voting 29, as follows:

[Roll No. 577]

AYES—84

Abercrombie
Ackerman
Barrett (WI)
Becerra
Berman
Bishop
Bonior
Brown (CA)
Brown (FL)
Clay
Clayton
Clyburn
Collins (IL)
Conyers
Coyne
Dellums
Diaz-Balart
Dixon
Durbin
Edwards
Engel
Evans
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Franks (CT)
Gejdenson
Gibbons
Gunderson
Gutierrez
Hastings (FL)
Hilliard
Hinchey
Jackson-Lee
Jefferson
Johnson, E.B.
Johnston
Kennedy (MA)
Kildee
Klink
Lantos
Lewis (GA)
Lofgren
Martinez
McCarthy
McDermott
McKinney
Meek
Menendez
Mfume
Mineta
Mink
Moran
Nadler
Olver
Owens
Pallone
Pastor
Payne (NJ)
Rangel
Richardson
Ros-Lehtinen
Roybal-Allard
Rush
Sanders
Schroeder
Scott
Serrano
Stokes
Studds
Thompson
Torres
Towns
Tucker

Velazquez
Visclosky
Waters
Watt (NC)
Woolsey
Wynn

NOES—321

Allard
Andrews
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Beilenson
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Boehlert
Boehner
Bonilla
Bono
Borski
Boucher
Brewster
Browder
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
DeLay
Deutsch
Dickey
Dicks
Doggett
Dooley
Doolittle
Dornan
Doyle
Dreier
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gephardt
Geren
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Greenwood
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jacobs
Johnson (CT)
Johnson (SD)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kennelly
Kim
Kingston
Kleczka
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Longley
Lowey
Lucas
Luther
Maloney
Manzullo
Markey
Martini
Mascara
Matsui
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McKeon
McNulty
Meehan
Metcalf
Meyers
Mica
Miller (CA)
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Packard
Parker
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Reed
Regula
Riggs
Rivers
Roberts
Roemer
Rogers
Rohrabacher
Rose
Roth
Roukema
Royce
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stockman
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vento
Vucanovich
Waldholtz
Walker
Wamp
Ward
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Williams
Wilson
Wise
Wolf
Wyden
Yates
Young (FL)
Zeliff
Zimmer

NOT VOTING—29

Archer
Bateman
Blute
Chenoweth
Clement
Collins (MI)
Costello
Dingell
Duncan
Gekas
Graham
Green
Hall (OH)
Hoke
King
Livingston
Manton
McIntosh
Moakley
Neal
Oxley
Reynolds
Stark
Volkmer
Walsh
Watts (OK)
Waxman
Wicker
Young (AK)

□ 1612

The Clerk announced the following pair:

On this vote:

Mr. Stark for, with Mr. Neal against.

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. BLUTE. Mr. Chairman, on rollcall No. 577, the Hastings amendment, and the previous quorum call, I was unavoidably absent. Had I been present, I would have voted "no" on the Hastings amendment.

PERSONAL EXPLANATION

Mr. VOLKMER. Mr. Chairman, on today, Wednesday, July 26, during consideration of H.R. 2076, the Commerce, Justice, State appropriations bill for fiscal year 1996, I missed rollcall vote No. 577. Had I been present, I would have voted "no."

□ 1613

AMENDMENT NO. 13 OFFERED BY MR. BECERRA

Mr. BECERRA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BECERRA: Page 59, line 9, strike "16,400,000" and insert "$8,400,000".

Page 16, line 5, strike "$1,421,481,000" and insert "$1,429,481,000".

Page 17, line 2, before the period insert, ": *Provided further*, That $8,000,000 shall be available to promote and expedite naturalization, in accordance with section 332 of the *Immigration and Nationality Act*".

Mr. BECERRA. Mr. Chairman, let me begin by thanking the chairman of the committee and the ranking member for their thoughtfulness as they approached this amendment, and try to address the body on this particular issue.

The issue at hand is that of naturalization. Too often when we talk about the Immigration and Naturalization Service within the Department of

Justice, we forget what the "N" in INS stands for.

Naturalization is one of the principal components of the work of the INS. Unfortunately, too many people do not see the naturalization efforts of the INS.

Mr. Chairman, by the end of this decade, before we reach the 21st century, there will be nearly 11.5 million people in this country who will be eligible for U.S. citizenship. Let me give some quick information on where we are right now.

The INS approved during fiscal year 1994 roughly 420,000 applications for naturalization, people who wanted to become U.S. citizens. At the end of that fiscal year, they had a backlog of 300,000 people wishing to become U.S. citizens.

This fiscal year, the INS estimates that it will have 900,000 people who will come through their doors applying for citizenship. They estimate that with the current funding they have, plus some reprogramming funds from fee accounts that they receive of about $22 million, they will be able to process about 700,000 people.

Mr. Chairman, fully 200,000 people will be added to the 300,000 backlog, so we will end up with 500,000 people, half a million people, seeking citizenship who have gone through the entire process and are still not able to become citizens, after they paid their fees and waited their time.

The amendment I have, Mr. Chairman, is an attempt to try to address that major backlog that we have. We are talking about people who in some cases have waited 12 to 15 years to enter this country, to get the permission to get to this country. People who, once in this country, pay every single tax that a citizen does, abide by every single law that a citizen does, and in many cases, like citizens, have defended this country in time of war, whether the Gulf War or any other theater of war. They are on their way to becoming full-fledged American citizens, and now we find at this time that we cannot accommodate them.

This amendment is an effort to try to do just that and help relieve the backlog.

I believe it is important for us to send a message to people who have gone through every step the correct way to come into this country, that they are entitled to get processed through because they have paid a fee to do so. It seems anomalous to me to consider the fact that we have hundreds of thousands of people who have said they are willing to relinquish their current citizenship and adopt this country fully and faithfully, yet we cannot get there because we are unable to get through the bureaucracy to get them sworn in.

For some people to have to wait fully 2 years between submitting their fees and their application and actually getting to be sworn in, to say, "I do become a U.S. citizen," is abysmal. We must change that.

The money that I am requesting through this amendment, $8 million for the INS, would not resolve the whole problem, but it would get us part of the way there and help us stay more current with our applications and relieve, or at least eliminate a good portion of the backlog, if not all the backlog.

Mr. Chairman, for that reason, I believe this amendment is very worthy of consideration.

Ms. ROS-LEHTINEN. Mr. Chairman, will the gentleman yield?

Mr. BECERRA. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Chairman, under the leadership of the gentleman from Arizona [Mr. PASTOR] and the gentleman from Illinois [Mr. GUTIERREZ] the Hispanic Caucus has undertaken an ambitious, nationwide program to get more naturalized Americans. As a naturalized American myself, I know how important this process can be.

One of the problems, a serious problem that we have had, is the incredible backlog in every major urban center, whether it is Miami, Los Angeles, New York, Chicago. Freeing up more money and making sure that INS, as the gentleman from California, [Mr. BECERRA] points out, puts the "N" back in INS, is very important to clear up this backlog.

Mr. Chairman, I congratulate the gentleman from California for highlighting this concern.

Mr. BECERRA. Mr. Chairman, I thank the gentlewoman for her words.

Mr. Chairman, I will conclude by saying the following: We have actually increased the funding for the Immigration and Naturalization Service dramatically, and it is about time, because we know we need to do more to try to regulate our borders. We know we have to do a better job of verifying those who have come into this country with visas and ultimately overstay their visas and no longer have the permission to be here.

We have the job to do to make sure that people who are entitled to work do work, and those that do not have the authority to work do not. We have a lot of things to do, and much of the money that we are providing to the INS goes to those areas.

But, Mr. Chairman, we unfortunately do not do the job that we can, and certainly that the INS should do, to try to eliminate the backlog of people who say, "We are ready to become full-fledged participants in this American society."

Mr. Chairman, I believe it is consistent with a great Nation to say that we will be there with them to carry them through the process.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. BECERRA. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman has gone a long way to bring to the attention of this body, and our subcommittee, the problem that exists in the backlog of applications for naturalization at INS. The subcommittee, as the gentleman has said, has provided record sums, even a record increase in funding for INS, but the funding for the naturalization still is low, as the gentleman has pointed out, given the backlog that they have.

The gentleman and other Members, the gentlewoman from Florida [Ms. ROS-LEHTINEN] and others, have pointed out the shortcomings, and the subcommittee will be having an opportunity to help the INS solve the problem.

There are reprogramming procedures that the gentleman is aware of where we are able to reprogram from one part of INS to another, funding for various purposes, and I assure the gentleman that in the next round of reprogramming, funds will be provided to stay current and eliminate the backlog in naturalization applications; I assure the gentleman of that.

Mr. BECERRA. Mr. Chairman, I thank the gentleman from Kentucky [Mr. ROGERS] for that assurance.

The CHAIRMAN. The time of the gentleman from California [Mr. BECERRA] has expired.

(By unanimous consent, Mr. BECERRA was allowed to proceed for 2 additional minutes.)

Mr. BECERRA. Mr. Chairman, I thank the distinguished gentleman from Kentucky [Mr. ROGERS] for his recognition of this problem, and for working with a number of us to try to resolve this.

Mr. Chairman, we know that there are program accounts which are funded through fees, and those funds, with those fees, are subsequently allocated by the administration with the approval of Congress.

Is it the chairman's intention that the next time we have reprogramming done by the INS, as they come to the Congress for approval of those reprogramming priorities, that we make it clear to the INS, and it may be our efforts in Congress, to assure as they reprogram those dollars, that it is the intention to eliminate the backlog of naturalization applications and stay current with those applications for naturalization that are coming in?

Mr. ROGERS. Mr. Chairman, that is correct.

Mr. BECERRA. Mr. Chairman, I thank the gentleman for his time and his great efforts on this issue, because I think as most people will recognize in this Chamber, anyone who pays for a service is entitled to get it. What we are trying to do is accelerate the process.

Mr. Chairman, I hope now we have as much cooperation with the administration as we have had from the committee on this particular matter.

Mr. ROGERS. Mr. Chairman, if the gentleman would yield further, I would hope, on that assurance, that the gentleman would withdraw his amendment.

Mr. BECERRA. Mr. Chairman, with that assurance, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

AMENDMENT NO. 48 OFFERED BY MR. GUTIERREZ

Mr. GUTIERREZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. GUTIERREZ: Page 17, line 2, before the period insert "*Provided further*, That $4,000,000 shall be available to promote the opportunities and responsibilities of United States citizenship with the assistance of appropriate community groups, in accordance with section 332(h) of the Immigration and Nationality Act".

Mr. GUTIERREZ. Mr. Chairman, the amendment I offer today is very simple and I believe it should be supported by anyone who believes that the Federal Government should do all it can to encourage immigrants to our Nation to become citizens.

Mr. Chairman, my amendment is about using Federal dollars efficiently. It is about providing desperately needed community outreach and resources to people who want to become U.S. citizens, and it is about making an important statement that this Government wants to take every action it possibly can to encourage U.S. citizenship.

My amendment earmarks $4 million in funding to allow appropriate community groups to work with the Immigration and Naturalization Service to promote the opportunities and responsibilities of United States citizenship.

Mr. Chairman, let me tell my colleagues how this program works. In my city of Chicago, our regional INS office cannot possibly keep up with the volume of people who desire to become citizens of our great Nation. To help try to provide the basic and vital service of naturalizing qualified individuals, the office has empowered community groups to prepare citizenship applications.

All across my city respected and effective community organizations have been approved by the INS office to sponsor and promote citizenship workshops. After these workshops, volunteers help eligible applicants complete their application forms, take the photos and the fingerprints as required by law.

In many cases, volunteer attorneys double check the applications to make certain everything is in order. The community organizations then again check the applications for accuracy and turn them into the regional INS office for processing.

This convenient, efficient, and affordable practice has allowed tens of thousands of Chicagoans to start on the road to citizenship. It has saved hundreds of thousands of Chicagoans lengthy waits in lines at regional INS offices, bringing government services right to the neighborhoods.

In short, Mr. Chairman, it is a rare action that the Federal Government has taken to actually make its services more efficient; to respond effectively to a need; to send a strong message to people that Government will solve problems instead of create them.

How do I know? Because on July 8, Mr. Chairman, the Congressional Hispanic Caucus sponsored a National Citizenship Day in conjunction with NALEO in nine cities. From Houston to New York, from Miami to Los Angeles, in 1 day we efficiently and effectively helped more than 9,000 people start toward citizenship.

Mr. Chairman, my office alone in Chicago in the last year has handed in over 5,000 applications for citizenship and it is a program that should be encouraged and expanded. My amendment simply provides the resources to the INS to work to expand this program across the country; to invest in empowering community groups at the local level who can help share the responsibility of an increasing number of citizenship applications.

The vast majority of immigrants come to our Nation looking for nothing more than a chance to contribute, a chance to share in the freedom and the prosperity that is America. An opportunity one day to become full partners in the fight for the American dream by becoming American citizens.

□ 1630

All my amendment does is make it a little bit easier for them to have that opportunity. It is not a dramatic amount of money, simply enough to expand the modest work already begun. It is reasonable and an expenditure that puts this Congress on record as supporting and helping in an efficient manner people who want nothing more than to contribute to our Nation.

My friends, we all know these are dangerous days for immigrants in our Nation. This body has gone on record in supporting dramatic cuts and elimination of services to noncitizens, people who reside in our Nation perfectly legally. I emphasize legal, people who are in this Nation as all of us are here as Members of Congress today, and I ask my friends to help and support in reaching the goals of tens of thousands of others who wish to share in the American dream.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. GUTIERREZ. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I just want to share with our colleagues what happened in New York. The gentlewoman from New York [Ms. VELÁZQUEZ] and I encourage the people to come to the July 8 citizenship day. We set up an 800 number. One thousand people showed up and were processed for citizenship, but 29,000 phone calls came in that we were able to record.

Every time 40 phone calls came into the machine, the system closed down until we cleared it out, so the estimate is that maybe over 100,000 people called up.

Again, to reiterate, people who are here with documents, people who are here legally, as we say, people who want to be American citizens, we were able to process them on their way to full citizenship.

I think it is important to support this amendment and to say if we, indeed, wish people to follow the law, then what we should be supportive of is this kind of amendment.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would ask the gentleman, based on the assurances that I am prepared to make to him, if he might be willing to withdraw the amendment. Let me say this to this gentleman: It is my intent that from within funds provided to the Immigration and Naturalization Service, funds be provided to community based organizations to promote the opportunities and responsibilities of U.S. citizenship with the assistance of appropriate community groups in accordance with section 332(h) of the Immigration and Nationality Act, and we will work with the gentleman to make sure that happens.

Based on that assurance, I would hope the gentleman would be able to withdraw his amendment.

Mr. GUTIERREZ. If the gentleman would yield, if I could enter into a colloquy with the gentleman and ask him one question, No. 1, I would like to thank the gentleman for working and making those assurances, and certainly we are going to be willing to withdraw our amendment.

I would just like to ask to make sure that community based organizations are actually going to get dollars so that they can go out and sponsor these workshops and be viable in terms of helping, and I say that, and I want to let all the Members know that when someone goes to an INS office with an application that is badly done, the INS personnel there have to turn that back to that individual, wasting dollars and time. When community organizations do these events, we have lawyers checking them, doing the fingerprinting, and if the INS finds anything wrong, anybody authorized by the INS to conduct these workshops, if they find anything wrong, the

INS sends back the application directly back to the community organization and says, "Fix it," "If you do not get it right, do not bring it back to us," which I think is very appropriate.

Mr. ROGERS. Reclaiming my time, the gentleman has made a very eloquent case and need not make it further.

It is my intent, as the gentleman requested, that we will work with the gentleman to see that funds are provided.

Mr. GUTIERREZ. Mr. Chairman, I thank you for your leadership on this issue.

Mr. Chairman, I ask unanimous consent to withdraw my amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there further amendments to title I?

Mr. HUNTER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the distinguished gentleman from Kentucky [Mr. ROGERS], the chairman.

Mr. Chairman, I understand that following the closure of the border patrol checkpoints at San Clemente and Temecula, CA, approximately $7.5 million will be available for INS border and infrastructure improvements, subject to approval by your committee.

I would request that, in the course of evaluating proposals for this funding, that you would consider using the funding for construction of fencing along the border area in San Diego. The comprehensive immigration reform legislation that is now pending before the Committee on the Judiciary, that is, H.R. 1915, includes the authorization for an additional border fencing project and road improvements in the San Diego sector, and this would augment our program increases for border security and the enforcement of our immigration laws.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Kentucky.

Mr. ROGERS. The gentleman is one of the champions of border protection and has done more than anyone that I am aware of in this body to protect the borders of our country, and I am aware that the construction of barriers at certain points along our southern border has greatly enhanced the operations of the border patrol.

I will work with the Commissioner of the INS and the gentleman in securing funding for those projects.

Mr. HUNTER. I thank the gentleman. We owe him a debt of gratitude for the increases he has made in border enhancement, and the gentleman from West Virginia.

The CHAIRMAN. Are there further amendments to title I?

Mr. KENNEDY of Massachusetts. Mr. Chairman, I move to strike the last word for the purposes of entering into a colloquy with the distinguished chairman of the committee.

Mr. Chairman, I appreciate the opportunity to discuss with you the importance of a program, the community-based justice grant program, which was contained in last year's crime bill, which has been a part of the local law enforcement block grant.

This is a very, very impressive program that was initiated by the district attorney in Middlesex County, MA, Tom Riley.

Several years ago I went up to Lowell, MA, on a hot summer day. In the morning I met with over 100 residents of the city of Lowell, MA, who were meeting with five young top police officers. This was a tremendous program where 100 residents of the city of Lowell, MA, got together with five young police officers from the Lowell department with a couple of young prosecutors and identified some of the worst violent criminals in the city of Lowell. They went after these criminals in a way that was unprecedented and, as a result, we saw the crime rate in Lowell, MA, drop by 50 percent.

Last year, for the first time in scores of years, we saw the crime rate drop to its lowest point. There was not a single murder committed in Lowell, MA, last year.

We expanded the program into Somerville, MA, Malden, MA, a range of other cities and towns throughout the State. In each case the crime rate was dropped in half or better as a result of the people taking the streets back, working hand in glove with the local police department and taking the time to identify specific criminals that were perpetrating violent crimes against others. If they think there are drugs being dealt in at a particular apartment, they tell the local prosecutor, tell the police officers, and work together to eliminate and eradicate those individuals that are responsible for these crimes. It really is a tremendous program.

Mr. MEEHAN. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to my good friend, the gentleman from Lowell, MA [Mr. MEEHAN], who was a prosecutor in that program and did some fine work in bringing many of the criminals to justice as well.

Mr. MEEHAN. I thank my colleague, the gentleman from Massachusetts [Mr. KENNEDY]. No doubt I was probably one of those young prosecutors before I got down here and became an old Member of Congress.

In any event, I thank the gentleman from Massachusetts [Mr. KENNEDY] for his efforts over the years in this program.

The tremendous thing about this program is not only does it identify those worst offenders and have the community identify those worst offenders and remove them from society, but once those individuals are removed, there is a program in place where the police officers coach soccer leagues and football leagues and work with the rest of the communities so they get kids headed in the right direction. They opened up gymnasiums, opened up the schools. That is a program that is working extremely effectively.

I think when the Justice Department looks for a model in terms of community-based prosecution, as the gentleman from Massachusetts [Mr. KENNEDY] said, they have to look no further than Lowell, MA, and Somerville, MA, as well. This program has been implemented there.

I thank the gentleman from Massachusetts [Mr. KENNEDY] for his efforts. I think this is extremely important.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I just would hope that you might encourage people under this block grant. I know that in the past we have been able to set aside some funds for this program under the new leadership that has been determined to make decisions at the local level. I hope you would join with me in encouraging police departments and prosecutors from around the country to apply for the funds that are available under this program because of the tremendous successes it has had.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Massachusetts. I yield to the gentleman from Kentucky.

Mr. ROGERS. I want to compliment the gentleman for bringing to our attention the efforts that are ongoing in your State.

As an old State prosecutor, I can appreciate very much the efficacy of what they are doing there. I support the type of efforts at the local level you have mentioned to control crime and certainly would encourage local communities to use block grant funds that are in this bill to fund efforts of this type, and would join the gentleman in encouraging your communities as well as others across the country to get those block grant applications in at the appropriate time to fund this type of activity.

Mr. KENNEDY of Massachusetts. I thank the chairman.

The CHAIRMAN. Are there other amendments to title I?

Mr. DORNAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to engage in a colloquy. Mr. Chairman, in the report language for H.R. 2076, there is a section entitled "State and local enforcement assistance," under which grants are provided for the Edward Byrne Memorial State and local law enforcement assistance programs.

In that report language, Mr. Chairman, it states this:

The committee also encourages the attorney general to provide grants to public or private agencies and private nonprofit organizations for advanced education and training of criminal justice personnel and to provide educational assistance to students who possess a sincere interest in public service law enforcement. The committee expects the Bureau of Justice Assistance to submit a report to the committee on its intentions for this proposal by November 15, 1995.

Now, based on our previous conversations, mine with you, Mr. Chairman, it is my understanding that the intent of this language was to strongly urge the Department of Justice to provide a portion of the funding in the Byrne Grant Program to fund State and local police corps programs as well as State and local law enforcement scholarship programs as previously authorized by Congress in the Violent Crime Control and Law Enforcement Act of 1994.

Am I correct in this assessment, sir?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. DORNAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman is absolutely correct. As I have stated to the gentleman previously, it is my intention to strongly urge that the Attorney General use a portion of the Byrne Grant Funding Program for the purposes that you have described.

Mr. DORNAN. Excellent. I thank the chairman.

Mr. ROGERS. I thank the gentleman from California [Mr. DORNAN] for bringing this to our attention.

The CHAIRMAN. Are there further amendments to title I?

If not, the Clerk will designate title II.

The text of title II is as follows:

TITLE II—DEPARTMENT OF COMMERCE AND RELATED AGENCIES

TRADE AND INFRASTRUCTURE DEVELOPMENT

RELATED AGENCIES

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

SALARIES AND EXPENSES

For necessary expenses of the Office of the United States Trade Representative, including the hire of passenger motor vehicles and the employment of experts and consultants as authorized by 5 U.S.C. 3109, $20,949,000, of which $2,500,000 shall remain available until expended: *Provided*, That not to exceed $98,000 shall be available for official reception and representation expenses.

INTERNATIONAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the International Trade Commission, including hire of passenger motor vehicles and services as authorized by 5 U.S.C. 3109, and not to exceed $2,500 for official reception and representation expenses, $42,500,000, to remain available until expended.

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for international trade activities of the Department of Commerce provided for by law, and engaging in trade promotional activities abroad, including expenses of grants and cooperative agreements for the purpose of promoting exports of United States firms, without regard to 44 U.S.C. 3702 and 3703; full medical coverage for dependent members of immediate families of employees stationed overseas and employees temporarily posted overseas; travel and transportation of employees of the United States and Foreign Commercial Service between two points abroad, without regard to 49 U.S.C. 1517; employment of Americans and aliens by contract for services; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; purchase or construction of temporary demountable exhibition structures for use abroad; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $327,000 for official representation expenses abroad; purchase of passenger motor vehicles for official use abroad, not to exceed $30,000 per vehicle; obtain insurance on official motor vehicles; and rent tie lines and teletype equipment; $264,885,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities without regard to 15 U.S.C. 4912; and that for the purpose of this Act, contributions under the provisions of the Mutual Educational and Cultural Exchange Act shall include payment for assessments for services provided as part of these activities.

EXPORT ADMINISTRATION

OPERATIONS AND ADMINISTRATION

For necessary expenses for export administration and national security activities of the Department of Commerce, including costs associated with the performance of export administration field activities both domestically and abroad; full medical coverage for dependent members of immediate families of employees stationed overseas; employment of Americans and aliens by contract for services abroad; rental of space abroad for periods not exceeding ten years, and expenses of alteration, repair, or improvement; payment of tort claims, in the manner authorized in the first paragraph of 28 U.S.C. 2672 when such claims arise in foreign countries; not to exceed $15,000 for official representation expenses abroad; awards of compensation to informers under the Export Administration Act of 1979, and as authorized by 22 U.S.C. 401(b); purchase of passenger motor vehicles for official use and motor vehicles for law enforcement use with special requirement vehicles eligible for purchase without regard to any price limitation otherwise established by law; $38,644,000, to remain available until expended: *Provided*, That the provisions of the first sentence of section 105(f) and all of section 108(c) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2455(f) and 2458(c)) shall apply in carrying out these activities.

ECONOMIC DEVELOPMENT ADMINISTRATION

ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS

For grants for economic development assistance as provided by the Public Works and Economic Development Act of 1965, as amended, Public Law 91–304, and such laws that were in effect immediately before September 30, 1982, and for trade adjustment assistance, $328,500,000: *Provided*, That none of the funds appropriated or otherwise made available under this heading may be used directly or indirectly for attorneys' or consultants' fees in connection with securing grants and contracts made by the Economic Development Administration: *Provided further*, That, notwithstanding any other provision of law, the Secretary of Commerce may provide financial assistance for projects to be located on military installations closed or scheduled for closure or realignment to grantees eligible for assistance under the Public Works and Economic Development Act of 1965, as amended, without it being required that the grantee have title or ability to obtain a lease for the property, for the useful life of the project, when in the opinion of the Secretary of Commerce, such financial assistance is necessary for the economic development of the area: *Provided further*, That the Secretary of Commerce may, as the Secretary considers appropriate, consult with the Secretary of Defense regarding the title to land on military installations closed or scheduled for closure or realignment.

SALARIES AND EXPENSES

For necessary expenses of administering the economic development assistance programs as provided for by law, $20,000,000: *Provided*, That these funds may be used to monitor projects approved pursuant to title I of the Public Works Employment Act of 1976, as amended, title II of the Trade Act of 1974, as amended, and the Community Emergency Drought Relief Act of 1977.

MINORITY BUSINESS DEVELOPMENT AGENCY

MINORITY BUSINESS DEVELOPMENT

For necessary expenses of the Department of Commerce in fostering, promoting, and developing minority business enterprise, including expenses of grants, contracts, and other agreements with public or private organizations, $32,000,000.

UNITED STATES TRAVEL AND TOURISM ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses of the United States Travel and Tourism Administration for participation in the White House Conference on Travel and Tourism, $2,000,000, to remain available until December 31, 1995: *Provided*, That none of the funds appropriated by this paragraph shall be available to carry out the provisions of section 203(a) of the International Travel Act of 1961, as amended.

ECONOMIC AND INFORMATION INFRASTRUCTURE

ECONOMIC AND STATISTICAL ANALYSIS

SALARIES AND EXPENSES

For necessary expenses, as authorized by law, of economic and statistical analysis programs of the Department of Commerce, $40,000,000, to remain available until September 30, 1997.

ECONOMICS AND STATISTICS ADMINISTRATION REVOLVING FUND

The Secretary of Commerce is authorized to disseminate economic and statistical data products as authorized by 15 U.S.C. 1525–1527 and, notwithstanding 15 U.S.C. 4912, charge fees necessary to recover the full costs incurred in their production. Notwithstanding 31 U.S.C. 3302, receipts received from these data dissemination activities shall be credited to this account, to be available for carrying out these purposes without further appropriation.

BUREAU OF THE CENSUS

SALARIES AND EXPENSES

For expenses necessary for collecting, compiling, analyzing, preparing, and publishing statistics, provided for by law, $136,000,000.

PERIODIC CENSUSES AND PROGRAMS

For expenses necessary to collect and publish statistics for periodic censuses and programs provided for by law, $135,000,000, to remain available until expended.

National Telecommunications and Information Administration

SALARIES AND EXPENSES

For necessary expenses, as provided for by law, of the National Telecommunications and Information Administration, $19,709,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 1535(d), the Secretary of Commerce is authorized to retain and use as offsetting collections all funds transferred, or previously transferred, from other Government agencies for all costs incurred in telecommunications research, engineering, and related activities by the Institute for Telecommunication Sciences of the NTIA in furtherance of its assigned functions under this paragraph and such funds received from other Government agencies shall remain available until expended.

PUBLIC BROADCASTING FACILITIES, PLANNING AND CONSTRUCTION

For grants authorized by section 392 of the Communications Act of 1934, as amended, $19,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $2,200,000 shall be available for program administration as authorized by section 391 of the Act: *Provided further*, That notwithstanding the provisions of section 391 of the Act, the prior year unobligated balances may be made available for grants for projects for which applications have been submitted and approved during any fiscal year.

INFORMATION INFRASTRUCTURE GRANTS

For grants authorized by section 392 of the Communications Act of 1934, as amended, $40,000,000, to remain available until expended as authorized by section 391 of the Act, as amended: *Provided*, That not to exceed $4,000,000 shall be available for program administration and other support activities as authorized by section 391 of the Act including support of the Advisory Council on National Information Infrastructure: *Provided further*, That of the funds appropriated herein, not to exceed 5 percent may be available for telecommunications research activities for projects related directly to the development of a national information infrastructure: *Provided further*, That notwithstanding the requirements of section 392(a) and 392(c) of the Act, these funds may be used for the planning and construction of telecommunications networks for the provision of educational, cultural, health care, public information, public safety or other social services.

Patent and Trademark Office

SALARIES AND EXPENSES

For necessary expenses of the Patent and Trademark Office provided for by law, including defense of suits instituted against the Commissioner of Patents and Trademarks; $100,000,000, to remain available until expended: *Provided*, That the funds made available under this heading are to be derived from deposits in the Patent and Trademark Office Fee Surcharge Fund as authorized by law: *Provided further*, That the amounts made available under the Fund shall not exceed amounts deposited; and such fees as shall be collected pursuant to 15 U.S.C. 1113 and 35 U.S.C. 41 and 376, shall remain available until expended.

Science and Technology

National Institute of Standards and Technology

SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

For necessary expenses of the National Institute of Standards and Technology, $263,000,000, to remain available until expended, of which not to exceed $8,500,000 may be transferred to the "Working Capital Fund".

INDUSTRIAL TECHNOLOGY SERVICES

For necessary expenses of the Manufacturing Extension Partnership of the National Institute of Standards and Technology, $81,100,000, to remain available until expended, of which not to exceed $500,000 may be transferred to the "Working Capital Fund": *Provided*, That none of the funds made available under this heading in this or any other Act may be used for the purposes of carrying out additional program competitions under the Advanced Technology Program: *Provided further*, That any unobligated balances available from carryover of prior year appropriations under the Advanced Technology Program may be used only for the purposes of providing continuation grants.

CONSTRUCTION OF RESEARCH FACILITIES

For construction of new research facilities, including architectural and engineering design, and for renovation of existing facilities, not otherwise provided for the National Institute of Standards and Technology, as authorized by 15 U.S.C. 278c–278e, $60,000,000, to remain available until expended.

National Oceanic and Atmospheric Administration

OPERATIONS, RESEARCH, AND FACILITIES

(INCLUDING TRANSFER OF FUNDS)

For necessary expenses of activities authorized by law for the National Oceanic and Atmospheric Administration, including acquisition, maintenance, operation, and hire of aircraft; not to exceed 386 commissioned officers on the active list; grants, contracts, or other payments to nonprofit organizations for the purposes of conducting activities pursuant to cooperative agreements; and alteration, modernization, and relocation of facilities as authorized by 33 U.S.C. 883i; $1,690,452,000, to remain available until expended: *Provided*, That notwithstanding 31 U.S.C. 3302 but consistent with other existing law, fees shall be assessed, collected, and credited to this appropriation as offsetting collections to be available until expended, to recover the costs of administering aeronautical charting programs: *Provided further*, That the sum herein appropriated from the general fund shall be reduced as such additional fees are received during fiscal year 1996, so as to result in a final general fund appropriation estimated at not more than $1,687,452,000: *Provided further*, That any such additional fees received in excess of $3,000,000 in fiscal year 1996 shall not be available for obligation until October 1, 1996: *Provided further*, That fees and donations received by the National Ocean Service for the management of the national marine sanctuaries may be retained and used for the salaries and expenses associated with those activities, notwithstanding 31 U.S.C. 3302: *Provided further*, That in addition, $55,500,000 shall be derived by transfer from the fund entitled "Promote and Develop Fishery Products and Research Pertaining to American Fisheries": *Provided further*, That grants to States pursuant to sections 306 and 306(a) of the Coastal Zone Management Act, as amended, shall not exceed $2,000,000.

COASTAL ZONE MANAGEMENT FUND

Of amounts collected pursuant to 16 U.S.C. 1456a, not to exceed $7,800,000, for purposes set forth in 16 U.S.C. 1456a(b)(2)(A), 16 U.S.C. 1456a(b)(2)(B)(v), and 16 U.S.C. 1461(c).

CONSTRUCTION

For repair and modification of, and additions to, existing facilities and construction of new facilities, and for facility planning and design and land acquisition not otherwise provided for the National Oceanic and Atmospheric Administration, $42,731,000, to remain available until expended.

FLEET MODERNIZATION, SHIPBUILDING AND CONVERSION

For expenses necessary for the repair, acquisition, leasing, or conversion of vessels, including related equipment to maintain and modernize the existing fleet and to continue planning the modernization of the fleet, for the National Oceanic and Atmospheric Administration, $20,000,000, to remain available until expended.

FISHING VESSEL AND GEAR DAMAGE COMPENSATION FUND

For carrying out the provisions of section 3 of Public Law 95–376, not to exceed $1,032,000, to be derived from receipts collected pursuant to 22 U.S.C. 1980 (b) and (f), to remain available until expended.

FISHERMEN'S CONTINGENCY FUND

For carrying out the provisions of title IV of Public Law 95–372, not to exceed $999,000, to be derived from receipts collected pursuant to that Act, to remain available until expended.

FOREIGN FISHING OBSERVER FUND

For expenses necessary to carry out the provisions of the Atlantic Tunas Convention Act of 1975, as amended (Public Law 96–339), the Magnuson Fishery Conservation and Management Act of 1976, as amended (Public Law 100–627) and the American Fisheries Promotion Act (Public Law 96–561), there are appropriated from the fees imposed under the foreign fishery observer program authorized by these Acts, not to exceed $196,000, to remain available until expended.

Technology Administration

Under Secretary for Technology/Office of Technology Policy

SALARIES AND EXPENSES

For necessary expenses for the Under Secretary for Technology/Office of Technology Policy, $5,000,000.

General Administration

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of Commerce provided for by law, including not to exceed $3,000 for official entertainment, $29,100,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $21,849,000.

General Provisions—Department of Commerce

SEC. 201. During the current fiscal year, applicable appropriations and funds made available to the Department of Commerce by this Act shall be available for the activities specified in the Act of October 26, 1949 (15 U.S.C. 1514), to the extent and in the manner prescribed by the Act, and, notwithstanding 31 U.S.C. 3324, may be used for advanced payments not otherwise authorized only upon the certification of officials designated by the Secretary that such payments are in the public interest.

SEC. 202. During the current fiscal year, appropriations made available to the Department of Commerce by this Act for salaries and expenses shall be available for hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; services as authorized by 5 U.S.C. 3109; and uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901–5902).

SEC. 203. None of the funds made available by this Act may be used to support the hurricane reconnaissance aircraft and activities that are under the control of the United States Air Force or the United States Air Force Reserve.

SEC. 204. None of the funds provided in this or any previous Act, or hereinafter made available to the Department of Commerce shall be available to reimburse the Unemployment Trust Fund or any other fund or account of the Treasury to pay for any expenses paid before October 1, 1992, as authorized by section 8501 of title 5, United States Code, for services performed after April 20, 1990, by individuals appointed to temporary positions within the Bureau of the Census for purposes relating to the 1990 decennial census of population.

SEC. 205. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of Commerce in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

This title may be cited as the "Department of Commerce and Related Agencies Appropriations Act, 1996".

The CHAIRMAN. Are there amendments to title II?

Mr. CLINGER. Mr. Chairman, I move to strike the last word.

As I was saying in title I and now in title II, I had been prepared to offer an amendment to this title of the measure which would have, in effect, cut the funding for the general administration of the Department of Commerce by 25 percent, the objective being, in effect, to indicate that the first three-quarters of next year of the Department of Commerce would be funded, but the last quarter would not, contemplating the dissolution of the Department of Commerce by that time.

Mr. Chairman, the department serves a number of important functions, but I believe any of these functions, any of these functions can be performed just as well or perhaps better in the private sector or the State or local level or elsewhere in the Federal Government. Those functions that are unnecessary should be terminated.

I think we would all agree the Commerce-Justice-State Appropriations Subcommittee has already eliminated funding for the U.S. Travel and Tourism Administration and the Advanced Technology Program. I would like to see us go the next step forward, which is to have all committees with jurisdiction over this department work on an expedited basis to find an appropriate home for necessary Commerce Department programs, eliminate those that are not necessary, and ultimately abolish the Department, and this we can do within the reconciliation process.

Functions of the Commerce Department overlap with 71 agencies and 60 percent of the agency is not focused on trade or commerce, which, in my view, should be the focus of the Department. It is instead devoted to NOAA, the National Oceanic and Atmospheric Administration, which is 60 percent of the funding and the manpower of the department. Responsibility for the trade functions of the department are spread out among multiple undersecretaries, assistant secretaries and others.

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Clearly, Mr. Chairman, there is room to preserve and improve the central functions of government without maintaining the sprawling bureaucracy of the Department of Commerce. It is my view that because it is so diverse, running from the prior administration to the patent office, NOAA and all the rest of it, that the principal focus, which should be on the trade mission and promoting U.S. trade, both at home and abroad, it does not get the attention that it really deserves in this huge, loaded bureaucracy.

So Mr. Chairman, I will not offer my amendment today, as I have confidence that we can work, and are working, on a very regular and expedited basis with the authorizing committees, of which there are many, to effect a timely dismantling of this department through the reconciliation process.

I would urge my colleagues to support these efforts.

Mr. BROWNBACK. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I intend to vote for final passage of the appropriations bill because this is the beginning of the end of the Department of Commerce. Yes, the bill could have gone further and more programs could be eliminated outright, yet this will be done in cooperation, as the gentleman from Pennsylvania [Mr. CLINGER] just stated, with all of the relevant authorizing committees as part of the reconciliation process in moving forward.

Mr. Chairman, the Department of Commerce cannot and should not be eliminated in one appropriations bill. We must craft responsible legislation to do certain things. Privatize certain functions, localize certain functions back to State and local government. Consolidate certain functions within the Federal Government and eliminate some outright from the Department of Commerce.

While we speak, authorizing committees are moving to construct legislation to do just this. We have received solid commitments and firm commitments from the leadership and from the authorizing committees to move this package forward aggressively this year.

Mr. Chairman, our goal of improving commerce in our vast and diverse Nation will not be accomplished by a centralized bureaucracy. We do not promote commerce by erecting crippling taxes and a regulatory maze that you need a cabinet and department level to break through. I think we promote it by free enterprise.

A recent Business Week poll of executives illustrated their support of eliminating the Department of Commerce by calling for its elimination by a vote of two-to-one. The American people have spoken. They want a smaller, more limited, more focused Federal Government. I urge my colleagues to work with the authorizing committees to eliminate the Department of Commerce this year.

Mr. CHRYSLER. Mr. Chairman, will the gentleman yield?

Mr. BROWNBACK. I yield to the gentleman from Michigan.

Mr. CHRYSLER. Mr. Chairman, I thank the gentleman from Kansas for yielding. I also thank the gentleman from Kentucky [Mr. ROGERS] for his work in not funding many of these agencies within the Department of Commerce, and I also thank the gentleman from Pennsylvania [Mr. CLINGER] on his efforts for 21st century government to give us less government and lower taxes and letting people keep more of what they earn and save.

Mr. Chairman, I too intend to vote for final passage of this appropriation bill. As the gentleman from Kansas has said, we have received assurances from the speaker and the majority leader that the Department of Commerce will be dismantled as part of this year's budget reconciliation package.

Our task force study on the Department of Commerce found that all but 3 of the 100 programs in Commerce are duplicated someplace else within the Federal Government and/or by the private sector. Here is what the business community says about the Department of Commerce: Just a few weeks ago, the Wall Street Journal carried a story reporting that business sheds few tears over the calls for the department's elimination.

A recent Journal of Commerce headline declared the Commerce Department seen less vital than deficit cut. Business support wanes for the agency.

From my own experience in my business of over 1,200 employees, in doing business in 52 countries around the world, not once did we call for help from the Department of Commerce and/or did they call us. American businesses would be much better served if the Federal efforts were focused on cutting taxes and enacting regulatory and tort reform, and most importantly, balancing the Federal budget. Yet the voice of business, the Department of Commerce, remains notably silent on all of these issues.

Mr. Chairman, by dismantling the Department of Commerce, not only will we be creating a more efficient and effective Federal Government, we will be saving taxpayers $8 billion.

Mr. Chairman, we will look forward to working with the authorizing committees to put the Department of Commerce out of business.

Mr. BROWNBACK. Mr. Chairman, we look forward to working with the appropriate authorizing committees and thank very much the appropriating committee for working with us.

The CHAIRMAN pro tempore (Mr. EVERETT). Are there amendments to title II?

AMENDMENT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, I offer an amendment.

Mr. CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MOLLOHAN: On page 44, line 4, strike "$1,690,452,000" and insert "$1,752,652,000".

On page 44, line 14, strike "$1,687,452,000" and insert "$1,749,652,000" .

On page 43, line 16, strike "$60,000,000" and insert "$50,000,000".

On page 45, line 14, strike "$42,731,000" and insert "$32,731,000".

On page 51, line 4, strike "$2,411,024,000" and insert "$2,388,824,000"

On page 57, line 4, strike "$1,716,878,000" and insert "$1,706,878,000".

On page 59, line 3, strike "$363,276,000" and insert "$353,276,000".

AMENDMENT OFFERED BY MR. ROGERS AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. MOLLOHAN

Mr. ROGERS. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROGERS as a substitute for the amendment offered by Mr. MOLLOHAN: On page 44, line 4, strike "$1,690,452,000" and insert "$1,724,452,000"

On page 44, line 14, strike "$1,687,452,000" and insert "$1,721,452,000"

On page 45, line 23, strike "$20,000,000" and insert "$8,000,000"

On page 62, line 7, strike "$870,000,000" and insert "$858,000,000"

On page 42, line 6, strike "$100,000,000" and insert "$90,000,000".

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment offered as a substitute for the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on the Mollohan amendment, my substitute amendment, and all amendments thereto close in 20 minutes and the time be equally divided.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from Kentucky [Mr. ROGERS] will be recognized for 10 minutes in support of his substitute, and the gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 10 minutes in support of his amendment.

The Chair recognizes the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this substitute amendment adds $34 million to the NOAA programs, of great interest to Members from coastal areas of the United States and to Members from the Great Lakes region of the country.

The programs are as follows: We add $20 million to the National Marine Fisheries Service, an increase of $20 million; the Great Lakes Environmental Research Labs, an increase of $4 million; the Coastal Ocean Science Program, authorized by the House Committee on Science, an additional $5 million; and the Coastal Zone Management Program, an increase of $5 million.

The purpose of this substitute is to address concerns raised by a number of Members about coastal and fisheries programs. This substitute is paid for by three offsets. One, it reduces the NOAA Fleet Modernization Program by $12 million; two, it reduces contributions to international organizations by $12 million; and three, it reduces the Patent and Trademark Office by $10 million.

Mr. Chairman, this amendment represents a compromise to the Mollohan amendment, which would have, in my opinion, made a number of unwise choices in the bill; namely, cutting the judicial system funding to offset increases in the Commerce Department.

We realize how important fisheries, and coastal programs are to many of our Members. We also realize how important it is that we balance the competing priorities and important programs in this bill. Adjustments may be necessary as we proceed to conference on the bill. But I assure my colleagues that we will work diligently to address the concerns of all Members to the best of our ability.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I support the compromise agreement to restore $34 million to programs under the National Oceanic and Atmospheric Administration. Mr. Chairman, this compromise will be completely offset. Specifically, this compromise would add $20 million to important programs under NOAA's National Marine Fisheries Service. It would restore funding for the popular Great Lakes Environmental Research Laboratory, and increase funding by $5 million for the Coastal Zone Management grants. Finally, Mr. Chairman, it would add $5 million for the Coastal Ocean Program.

Mr. Chairman, NOAA's fishery and coastal ocean programs have traditionally been underfunded and they took really painful cuts in this year's bill. Restoring the programs to the levels that these numbers reflect will prevent the deterioration of vital national resources.

Mr. Chairman, let me express my appreciation to all of those who have supported our efforts with regard to my original amendment. Also, I would like to express appreciation to the chairman for his accommodation in reaching a compromise which is reflected in his substitute amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. WALKER], chairman of the Committee on Science.

Mr. WALKER. Mr. Chairman, I thank the gentleman for yielding time to me. I want to congratulate the gentleman from Kentucky [Mr. ROGERS] and the gentleman from West Virginia [Mr. MOLLOHAN] for working out this substitute. I think that they have helped strengthen and improve the bill.

Mr. Chairman, although it still funds the NOAA discretionary programs above the level of H.R. 1815, our authorization bill, it does track H.R. 1815 to a much greater extent than previously. The substitute funds the Coastal Ocean Program at $5 million, which H.R. 1815 authorizes. It reduces the funding for the fleet modernization account which was eliminated in H.R. 1815. This reduction is consistent with the support of the Committee on Science for privatizing the NOAA Fleet and eliminating the NOAA Corps.

The substitute is also notable for what it does not do. It does not reduce NIST construction funding, allowing the people at NIST to move forward with the programs that they need to have to upgrade and modernize those laboratories. It does not endanger the National Weather Service modernization. That would also have been tragic, to move forward on something that would undercut our ability to do the next generation of weather radar.

I support the substitute of the gentleman from Kentucky [Mr. ROGERS] and encourage my colleagues to join me in voting for that measure.

Mr. MOLLOHAN. Mr. Chairman, I am very pleased to yield 1 minute to the distinguished gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK of Hawaii. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, the fiscal year 1995 levels of funding of two very important programs are not being fully funded in this bill. I assume that with the restoration of some of the funds in the substitute amendment, which is now pending, that these two programs will have a chance to survive. These are two essential programs for the saving of the Hawaiian Monk Seal Program and the Hawaiian Sea Turtle Program.

Mr. Chairman, there is a tremendous possibility that if the programs are not funded, that these species will actually go extinct, and it will be a tremendous loss, not just to Hawaii, but to the whole world. These two species do not occur anywhere else on this planet, and it is extremely important that this 15-year program be funded and be continued and not be sacrificed, because without the support of the National Government in this effort, these two species will likely disappear.

Mr. Chairman, I rise to offer an amendment to restore funding for Hawaiian monk seal and Hawaiian sea turtle recovery programs, which have for the last 15 years worked to assure that these valuable species would not be doomed to extinction. My amendment asks a mere $760,500 to maintain these severely underfunded programs at fiscal year 1995 levels—$520,500 for the Hawaiian Monk Seal Program and $240,000 for the Hawaiian Sea Turtle Program. Discontinuation of these programs at this point would mark a shameful waste of substantial Federal investment in these species and lead to their irreversible disappearance from Hawaii's marine ecosystems.

These funds are desperately needed to assist my State of Hawaii as it suffers the effects of a devastating endangered species crisis. Despite the fact that in land area, the Hawaiian Islands make up a mere 0.2 percent of the United States, an overwhelming 21 percent of listed endangered and threatened species and 18 percent of candidate species in the United States are Hawaiian species. The majority of these are indigenous only to Hawaii—once these species go extinct, they will never exist on this earth again.

The Hawaiian monk seal and Hawaiian sea turtle are two of the State's species in extremely precarious positions. Decades of polluted runoff and ocean discharges have harmed Hawaii's coastal waters and made 13 percent of the shoreline unhealthy habitat for marine life. Highly trafficked areas in Hawaiian waters constantly traversed by cruise ships, glass bottom boats, scuba diving tours, jet skis, snorklers, kayakers, surfers, and other popular ocean activities have disrupted many areas around the islands. Longline, net and other types of fishing have further produced unfriendly territory for many marine species. These human disturbances have plagued the monk seal and sea turtle.

The Hawaiian monk seal, after facing tragic decline for more than 50 years, has come to be designated the most endangered marine mammal within U.S. waters. This 50-million-year-old species can only be found within the Hawaiian Islands and half of its numbers have vanished since the 1950's. In 1976, the animal was listed as depleted under the Marine Mammal Protection Act and as endangered under the Endangered Species Act. Hawaiian monk seal recovery programs were finally initiated in the 1980's, and critical habitat was designated in 1988 from beaches to a depth of 20 fathoms around breeding islands and Maro Reef.

Because of these crucial rehabilitation and recovery programs put into place by the National Marine Fisheries Service [NMFS], the decline of the Hawaiian monk seal has slowed to 5 percent a year. The animal can be found in discrete populations at eight locations in the northwestern Hawaiian Island chain, and in rare birth sightings within the main Hawaiian Islands. Single births have occurred on the Island of Kauai in 1988 and 1991 and the Island of Oahu in 1991.

Only three types of monk seals have ever been known to exist during the Earth's history. The Caribbean monk seal vanished during this century. The Mediterranean monk seal lies on the verge of extinction with only 250 to 300 animals remaining. The Hawaiian monk seal clearly has the best chances at survival with approximately 1,300 animals remaining, according to environmental group Earthtrust. The Federal recovery program for the Hawaiian monk seal could be the last effort worldwide to save the monk seal.

Major causes of mortality specific to the Hawaiian monk seal include predation by tiger sharks, fatal entanglement in marine debris, parasites, heart anomalies, and ciguatera poisoning. In incidents termed "mobbing," groups of adult male seals are seen to kill adult females at breeding islands where the number of adult males is significantly greater than the number of adult females. NMFS has worked to monitor monk seals populations for patterns of reproduction, survival, number of seals at sites, causes of injury, and death and behavior. Undersized female pups have been rehabilitated for release into the wild. NMFS removes debris from island beaches and releases seals trapped in debris. Seals are also translocated to stabilize adult sex ratios to decrease mobbing. It is essential that Hawaiian monk seal research and management programs are allowed to continue to assure the survival and success of this rate and unique animal.

The status of threatened and endangered Hawaiian sea turtles is also perilous. Of the world's seven sea turtle species, five can be found in Hawaiian waters. Of these, the hawksbill and green sea turtles are seen most frequently and found to nest in Hawaii. NMFS efforts have centered around the green sea turtle, which nests almost exclusively in the northwestern Hawaiian Islands. In 1993, 400 to 500 turtles were recorded nesting at the French Frigate Shoals.

Federal research dollars have worked to combat the spread of the deadly fibropapilloma disease, which had become a worldwide problem. This untreatable disease, which has no known cause, produces fatal tumors that interfere with the animals' ability to move, feed, and see. Recent research has shown that the tumors may be viral in origin, opening up the possibility for inoculation against the disease. Without continuation of this research, sea turtles in Hawaii, Florida, and worldwide will be stricken with this rapidly spreading disease.

Hooking mortality has been another major threat to the Hawaiian sea turtle. Many animals drown due to entanglement in gill nets set for fin fish and lobster, and death or amputation of flippers due to entanglement in fishing line is a common tragic occurrence, according to the Sierra Club Legal Defense Fund. NMFS programs have worked to save these precious animals from being fatally snared in fishing nets and lines, and from ingestion of plastic debris.

Alteration and destruction of sea turtle habitat has encompassed a wide range of specific problems, including vehicle traffic on nesting beaches which has crushed eggs and emerging hatchlings. Hatchlings have been distracted by beach fires and lighting, stranding them or otherwise drawing them away from the ocean. Erosion, siltation, and vegetation changes have made it impossible in certain nesting areas for turtles to dig nests. Predation in the sea by tiger sharks and on land by mongooses and feral cats has also led to a reduction in several turtle populations. Federal research to track these threats and to study population dynamics of Hawaiian sea turtles species must be maintained for effective mitigation of dangers facing these animals.

My amendment seeks to restore a small amount of funding to continue a meaningful Federal commitment to two dwindling species. The State of Hawaii's endangered species crisis cannot be ignored because it in turn affects all coexisting ecosystems and each species is eliminated. Termination of Federal programs for the Hawaiian monk seal and Hawaiian sea turtle would cause the rapid deterioration and eventual extinction of these species. I urge my colleagues to support my amendment, which ventures to restore a small amount of this entire appropriation bill we are debating today to save these priceless species from tragic extinction.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. LATOURETTE].

Mr. LATOURETTE. Mr. Chairman, I rise to thank the gentleman from Kentucky [Mr. ROGERS] and support his substitute amendment.

Mr. Chairman, I say "Thank You" because I had planned to offer an amendment with Congressman QUINN to the bill that addressed funding for the Great Lakes Environmental Research Lab. We approached the committee staff with our case and Chairman ROGERS' amendment addresses our concerns and saves from extinction this most valuable of scientific centers.

The Great Lakes Environmental Research Lab is a fact-finding and fact-interpreting agency. It helps the Federal Government meet its scientific, ecosystem, and management responsibilities under the Great Lakes Water

Quality Agreement with Canada. This responsibility spans 8 States, two provinces, and contains a 1,000-mile international border. The loss of the research lab would put these responsibilities in severe jeopardy.

The GLERL has recently completed studies in Lake Erie to help figure the role of wetlands in reducing the effects of nutrient inputs from non-point agricultural sources. This information will help farmers develop coherent, non-regulatory pollution control.

So far, GLERL work has saved billions of dollars. Its nutrient dynamics and modeling work contributed to saving more than $10 billion dollars of ineffective additional sewage treatment. The present GLERL appropriations level is $5.6 million per year; these savings are equivalent to over 1,000 years of GLERL funding.

The research lab's expertise and research related to contaminated sediments were key to the findings and recommendations of a scientific panel, led by GLERL scientists, that the Coast Guard relax their proposed regulations, thus saving the shipping industry tens of millions of dollars in lost time and additional costs.

The GLERL also helps saves lives. GLERL's Great Lakes Atmospheric Wave Model gives local emergency preparedness agencies the ability to make advanced predictions of shoreline flooding caused by storm surges. GLERL's research will give property owners and industries time to protect their property and evacuate to higher ground.

GLERL's PATHFINDER model for oil/chemical spill trajectory is used by NOAA on the Great Lakes for spill response and by the Coast Guard to help guide search and rescue operations.

When zebra mussels clogged the water intakes in Monroe, MI, and cut off drinking water supplies, GLERL went to work to determine not only how to control zebra mussels, but how to keep them clear of vital water lines.

When the people of Milwaukee became sick—and some died—from contaminated drinking water, GLERL began an intensive search to understand near-shore water conditions which will help prevent future health catastrophe caused by drinking water contamination.

The United States is tremendously lucky to have the Great Lakes, which account for 20 percent of the world's fresh water surface. A vital link in the competitiveness of the Great Lakes region are the Great Lakes themselves—a system of five lakes which connects our breadbasket and heavy industries to other destinations across the globe.

The Great Lakes are key to our past, and they are key to our future. The Great Lakes Environmental Research Lab is a multifaceted lab that provides a great and vital service. I urge my colleagues to support this measure.

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Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Massachusetts [Mr. STUDDS], who knows an awful lot about this issue.

Mr. STUDDS. Mr. Chairman, I will not take the time. I also want to thank the gentleman from Kentucky [Mr. ROGERS], and I can tell from his expression a moment ago the best way to do that would be to sit down. I want to thank him and the gentleman from West Virginia. These are modest programs, but they are immensely important to the coastal regions of this country, and I think sometimes that those who talk fairly glibly about eliminating this department ignore the fact that this part of it is crucially important. In fact, it is over half of the budget, NOAA is, and for the living marine resources of the country, for the stressed coastal areas and the stressed commercial fisheries, this compromise is very, very welcome. So I thank both gentlemen for being willing to work it out.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Connecticut [Ms. DELAURO].

Ms. DELAURO. Mr. Chairman, I rise in strong support of the compromise amendment, which increases funding for Coastal Zone Management programs.

Coastal Zone Management is critical and vital to both the environment and the economy of shoreline States such as my home State of Connecticut. Thanks to this program we have restored over 1,500 acres of the State's critical tidal wetlands, and 10 miles of new public access has been added along the shores of the Long Island Sound. From 1991 to 1993 the number of beach closings along Long Island Sound in Connecticut was reduced from 292 to 174. Still, much remains to be done. More than 25 percent of Long Island Sound's beaches are chronically closed due to pathogen contamination.

Coastal Zone Management State grants are not a Federal give away. Federal funds are met with a dollar for dollar state match. These are exactly the kind of government partnerships that we should be encouraging. They are economically and environmentally sound.

Mr. Chairman, I urge my colleagues to join me in voting for the amendment and for protecting America's coastal resources.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I rise in strong support of the compromise amendment to restore crucial funding to NOAA, and in particular, the Coastal Zone Management Program.

President Nixon signed the Coastal Zone Management Act into law in 1972 and since then it's been remarkably successful in achieving the dual goals of environmental protection and economic development.

This is a voluntary program that allows states which choose to participate to establish their own programs based upon their own needs. The fact that 34 out of 35 eligible States have chosen to participate in CZMA is a testament to the program's overall success. Indeed, this Federal partnership with the States has encouraged coastal-dependent industries, enhanced commercial, recreational, scientific, and educational uses of marine resources, and protected natural and scenic treasures.

Why is this program so important? Almost 50 percent of our country's population lives along our coasts and 80 percent live and work within 50 miles of our coasts. Of course, millions more visit our beautiful coasts each year. These growing numbers generate competing demands for coastal resources and create an increasing need for coastal management.

The Federal matching grants from the Coastal Zone Management Program are critical for allowing local coastal managers to continue doing the jobs they do so well.

Retreating from our Federal commitment to the coasts will not make coastal problems or coastal needs go away. It will just saddle cash-strapped state an local governments with more of the responsibility.

What does this mean? It means less protection for our beaches, environmentally sensitive habitats, and wetlands. All of these are critical to the fishing, tourism, and recreation industries which together contribute more than $50 billion to our economy and support hundreds of thousands of jobs.

It means less money for flood control and natural disaster protection. In short, it means a lower quality of life for the growing numbers of people who choose to live, work and visit our coastal areas.

Mr. Chairman, I happen to have one of the most beautiful sections of coastline in my district and I want it to remain that way so that my grandchildren can enjoy it as much as I do.

I urge my colleagues to join me in supporting the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from California [Ms. WOOLSEY].

Ms. WOOLSEY. Mr. Chairman, I rise also today in strong support of this compromise amendment.

Mr. Chairman, I am privileged to represent 140 miles of coast in Marin and Sonoma Counties, CA, the two counties north of San Francisco, across the Golden Gate Bridge. Each year visitors come to see one of our Nation's most picturesque scences, our coast. It is hard for these visitors to imagine that there are troubled waters off our coast, Mr. Chairman, but there are. Extensive recreation and commercial use takes a serious toll on our coast. This toll threatens the health of our marine resources and our coastal economies.

If California's coast is to be utilized by future generations as it is today, it must have strong protection now. Funding for the coastal zone program will help provide that protection.

Mr. Chairman, I urge my colleagues to take our commitment to the national marine sanctuary and the coastal zone management programs seriously. Please join with me in fighting for the future well-being of our coastal waters; our coastal economies; and the Nation as a whole. Vote "yes" on this compromise amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. FARR], who has been extremely interested in these issues.

Mr. FARR. Mr. Chairman, I want to point out to Members of this body that this is a very, very important issue to the coastal States of the United States. This issue affects how we manage where the land mass of the United States meets the water mass of the United States. That is a very delicate zone in this country, and the fact is 80 percent of Americans live and work within 50 miles of a coastline. So all of the pressures of on-land meet the pressures of off-land, and that very fragile area needs special attention, and that is what this budget does. Frankly I wish we had restored more. We restored $20 million and a $37 million cut, so they are going to get less money, and in the NMFS budget, that was a 20 million of 37, and in the coastal zone management budget, restored $5 million of a $9.5 million cut. So there is still a substantial cut, and I just want to support the compromise, but I want to point out that this is such an important area, important issues to all Americans, that we need to pay attention to these fundings and hope in a subsequent amendment that my colleagues will also support an increase in the sanctuaries.

Mr. MOLLOHAN. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Michigan [Ms. RIVERS].

Ms. RIVERS. Mr. Chairman, The Great Lakes are home to 25 million people and some of the most productive cities and agricultural areas of our Nation.

The Great Lakes contain 20 percent of the world's—20 percent—fresh surface water, and they contain 95 percent of the fresh surface water in the United States. The Great Lakes supply drinking water, fish, and other food to millions of Americans.

A vital link in the competitiveness of the Great Lakes region are the Great Lakes themselves, a system of five lakes which connects our breadbasket and heavy industries to other destinations across the globe.

For decades we have relied upon the good assistance of NOAA's Great Lakes Environmental Research Lab to provide sound science to our mariners, State and local governments, and citizens on a variety of Great Lakes issues.

GLERL costs U.S. taxpayers a little less than $5 million. The benefits it provides to taxpayers far surpasses its costs by providing crucial data and information to decisionmakers at all levels, while providing the science necessary to protect the world's largest body of fresh surface water—one of our Nation's most previous and vital natural resources.

GLERL IS A FACT-FINDING AND FACT-INTERPRETING AGENCY

GLERL helps the Federal Government meet its scientific, ecosystem, and management responsibilities under the Great Lakes Water Quality Agreement with Canada. This responsibility spans eight states, two provinces, and contain a 1000-mile international border. Losing GLERL would put these responsibilities in severe jeopardy.

GLERL is one of only two nonregulatory Federal lake/coastal-waters-related research labs in the Great Lakes basin. The Great Lakes Science Center is the other, which is scheduled to close due to the Interior appropriations bill.

GLERL and Ohio State University created a system being used by the Great Lakes coastal forecasting system on Lake Erie that provides forecasts of currents, waves, water levels. These forecasts are of critical importance to lake shore residents, the fishing and shipping industries, and recreational users. This cutting edge system will soon be turned over to the National Weather Service to be used in their forecasting data.

GLERL has recently completed studies in Old Women Creek, Lake Erie, to help figure the role of wetlands in reducing the effects of nutrient inputs from nonpoint agricultural sources. This information will help farmers develop coherent, nonregulatory pollution control.

GLERL WORK HAS SAVED BILLIONS

GLERL's nutrient dynamics and modeling work contributed to saving over $10 billion dollars of ineffective additional sewage treatment. Note: At the present GLERL appropriations level of $5.6 million per year, these savings are equivalent to over 1,000 years of GLERL funding.

When zebra mussels clogged the water intakes in Monroe, MI, and cut off drinking water supplies, GLERL went to work to determine not only how to control zebra mussels, but how to keep them clear of vital water lines.

GLERL has worked extensively with private industry, providing models to help them with a host of problems. An example being a model created by GLERL of the Detroit River for Detroit Edison to aid with their hydro-power predictions.

GLERL's expertise and research related to contaminated sediments were key to the findings and recommendations of a scientific panel, led by GLERL scientists, that the Coast Guard relax their proposed regulations, thus saving the shipping industry tens of millions of dollars in lost time and additional costs. These regulations were modified as a result of the sound science provided by GLERL.

GLERL's CoastWatch Synthetic Aperture Radar Applications Program has developed better means of identifying ice type and ice concentration on the Great Lakes. GLERL's data is used by the National Weather Service and the U.S. Coast Guard in their ice forecasting, search and rescue, and ship assistance activities. This function of GLERL is critical to the billion dollar fishing and shipping industry in the Great Lakes basin.

GLERL is currently studying the rainfall-runoff relationship of the 121 watersheds within the Great Lakes basin. This work is essential to predicting lake levels, information which is essential to shipping and hydroelectric power.

GLERL HELPS SAVE LIVES

When the people of Milwaukee became sick—and some died—from contaminated drinking water, GLERL began an intensive search to understand near-shore water conditions which will help prevent future health catastrophe caused by drinking water contamination.

GLERL's Great Lakes atmospheric wave model gives local emergency preparedness agencies the ability to make advanced predictions of shoreline flooding caused by storm surges. GLERL's research will give property owners and industries time to protect their property and evacuate to higher ground.

GLERL's wind wave models have provided the National Weather Service with a more accurate forecasts and warnings of wave conditions on the Lakes, thus helping safeguard the lives of commercial and recreational boaters.

GLERL's Pathfinder model for oil/chemical spill trajectory is used by NOAA on the Great Lakes for spill response and by the Coast Guard to help guide search and rescue operations.

Mr. MOLLOHAN. Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Chairman, I want to rise to praise the good work of our chairman of the subcommittee and the ranking member for their cooperation in bringing about this bipartisan compromise. As a member of the Committee on Science and chairman of the Subcommittee on Military Research and Development for the Committee on National Security, I am very concerned about the cuts that are being made to the NOAA accounts and the cuts that are being made in ocean research and ocean programs. While I am not totally pleased with the amount of money this puts back in, I think this does make a statement that we want to keep our ocean research programs in place, that we want to place additional funds into the coastal zone management program, that we want to support the marine fisheries programs, all of which are extremely important.

This is a necessary compromise. I wish we could go further, but in this tough budget environment it is the best we could get. I want to thank both sides for working this agreement out, and hopefully we can continue to work in a bipartisan manner for the good of our world oceans and world cooperation in these issues in the future.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Maryland [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I really appreciate the compromise that has been worked out on both sides of the aisle. A couple of quick comments to show the Members the importance of these little-known issues:

The National Marine Fisheries Service is the entity that collects the biological data on coastal fisheries worth billions and billions of dollars to this country. Even if we stopped fishing in all the oceans, we could still lose 70 percent of the commercially caught fish if we did not have any sense of where these fish spawn and where these fish spend a good deal of their life. The National Marine Fisheries Service collects that biological data, and I appreciate the increase in the amount of money. The Great Lakes is an enormous attribute to the United States, so we need to have some sense of the fisheries in that area. The coastal ocean program forged grants, which is very valuable to coastal States, the Coastal Zone Management Act, a voluntary organization which provides valuable data on the biological health of our coastal economies.

I would ask the Members though, as we pursue this effort, the National Marine Sanctuary program should use a little bit of attention as we move along on this issue.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentlewoman from California [Mrs. SEASTRAND].

Mrs. SEASTRAND. Mr. Chairman, I rise in strong support of this amendment. It maintains the funding which I believe is very crucial and important to the coastlines of these United States. By maintaining funding for the Coastal Zone Management Act we are maintaining stable and crucial resources for some of our country's most pristine, valuable, and ecologically sensitive real estate.

Over the years, the Coastal Zone Management Act or CZMA has proven to be a cost-effective tool, which relies on State authorities to accomplish its objective of effectively balancing national, State, and local interests in the utilization of our Nation's finite coastal resources. This is a clear example of a program that empowers State and local decisionmakers. However, because States rely on Federal funding generally for between 50 and 100 percent of State program costs, significant reductions in Federal funding would severely reduce State capabilities to manage their coastal areas. In most States, the impacts would be felt most acutely at the local government level, where many of the Federal dollars end up.

Mr. Chairman, I just hope that in future discussions we can address the issue of the national marine sanctuaries.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I would like to make sure my colleagues understand this is not a coastal vote. Those of us that really want to see environmental strategies work and want to see cooperative efforts between the local governments and the Federal Government need to support this motion. Those of us that want to see the old command-and-control environmental regulations done away with and new progressive, aggressive environmental preservation move forward need to stand up and support this motion because it is really showing the kind of things that we can do right in protecting our environment, and I pointed out where we have done wrong, and I will continue to fight what we have done wrong, but I think we have an obligation when we point out where environmental regulations are wrong to also stand up for it when they are right, and this program and this strategy is one that we should support.

So I ask those of my colleagues that want to protect private property rights, want to protect local control, now is the time to join with us that really want to protect the environment, to protect those rights and protect the environmental by supporting this cooperative effort between the Federal Government and the citizens at large.

The CHAIRMAN. All time for debate on this amendment has expired.

The question is on the amendment offered by the gentleman from Kentucky [Mr. ROGERS] as a substitute for the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN], as amended.

The amendment, as amended, was agreed to.

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. ALLARD

Mr. ALLARD. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment offered by Mr. ALLARD: Page 47, strike lines 1 through 6, relating to the Under Secretary for Technology and the Office of Technology Policy.

□ 1715

Mr. ALLARD. Mr. Chairman, I ask unanimous consent that we limit debate on this amendment to 10 minutes, 5 minutes on each side.

The CHAIRMAN. Is there objection to the request of the gentleman from Colorado?

There was no objection.

The CHAIRMAN. The gentleman from Colorado [Mr. ALLARD] will be recognized for 5 minutes in support of the amendment, and the gentleman from West Virginia, [Mr. MOLLOHAN] will be recognized for 5 minutes in opposition.

The Chair recognizes the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. Chairman, I yield myself 2½ minutes.

Mr. Chairman, I would like to take this opportunity to commend my colleague, the gentleman from Kentucky [Mr. ROGERS], for putting together a strong bill. I applaud the efforts he made to reduce the funding for programs which must be downsized in this tight budgetary climate. Nonetheless, we must not pass up an opportunity to eliminate a needless layer of bureaucracy and save $5 million.

As a member of the Committee on the Budget, I am personally committed to eliminating redundant and unnecessary bureaucracies. In this vein, I offer this amendment, which would zero out the funds for Undersecretary of Technology. Besides being redundant, this office helps to put the government in an area in which it should not be, the office assisting government "in picking winners and losers," as stated by the OMB's fiscal year 1996 budget report, by benchmarking the competitiveness of industrial sectors.

These programs do little to enhance our overall economic welfare. Although they may indeed help certain sectors or individual companies within those sectors, it harms the welfare of the Nation as a whole by wasting our limited tax dollars and by diverting resources toward those sectors in which we are relatively inefficient. This is the perfect definition of corporate welfare.

However, even if we support these industrial policy programs, this amendment would not destroy the actual policies. It only cuts an office which the budget resolution claims is duplicative and unnecessary in its administrative and other responsibilities.

A vote in favor of my amendment sends a strong signal that the House is in support of ending this unneeded office rather than continuing to fund it at a decreased level. We must completely eliminate unnecessary bureaucracies, rather than phasing them out over time. As in the private sector, a gradual approach only allows the affected agencies to grow back.

Citizens for a Sound Economy and the National Taxpayers Union have strongly endorsed this amendment stating,

> In this time of making government smaller and more efficient, the Office of Technology Policy is one bureaucracy that serves virtually no purpose for American taxpayers. Its elimination will show that Congress is serious about downsizing government and allowing Americans to keep more of their own money.

Mr. MOLLOHAN. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I rise in strong opposition to the gentleman's amendment and think it is a very unwise one, I certainly do not share his sentiments.

This world is changing. We are increasingly becoming a smaller international community. It is becoming very apparent to everyone that we are going to have to be increasingly competitive in the technology areas.

The Department of Commerce generally, Mr. Chairman, is the department that is strategically focusing on these issues, trying to promote international trade, and at the same time promote technology development in key areas, targeting areas that will be growth sectors into the future.

The Technology Administration is the place that looks at these issues. It is not a lot of money. It is a very small investment to have this kind of strategic thinking. I think this elimination amendment is extremely unwise. The Technology Administration works with American industry to maximize the technology's contribution to economic growth.

Mr. Chairman, I really hope that the body will not move on this issue in this appropriations bill. If there is some effort to reconstruct the Commerce Department, to look at Commerce generally, to look at its role into the future, the authorizing process is the proper place to do that, not here today. We have not had any hearings to suggest elimination of the Technology Administration during our appropriations hearings. We simply do not have a factual foundation to intelligently make this kind of a decision.

The facts we do have are that increasingly this is a competitive international community. Our opposition, our competitors around the world, Europe, Japan, the emerging nations, are all focusing strategically on technology development.

Mr. Chairman, I urge a "no" vote on the gentleman's amendment for all of those, I think, very good reasons.

Mr. ALLARD. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I rise today in support of the Allard amendment to eliminate the Technology Administration.

The Technology Administration is a redundant bureaucracy that is tasked with overseeing other departments. The elimination of this office will not harm other programs under the Department of Commerce jurisdiction, and some contend it may even cause other functions to perform better.

In our efforts to downsize government, it is important for us to eliminate all layers of unnecessary bureaucracy. In my opinion the Technology Administration fits that category and I urge my colleagues to support the amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, I rise in strong opposition. This may be one of the more shortsighted amendments that we will address in this Congress this year. In a time of global competition, the Office of Technology Administration is the one place in the Federal Government where the government is an ally, not an enemy, of our businesses here in this country. The Technology Administration acts as a focal point for all industry concerns, both foreign and domestic, such as the activities of foreign firms and their parent governments, the unintended consequences of legislation and regulations, and, as I said, a rapidly changing global economy.

The Office of Technology Assistance is an advocate for industry in this country, at a time when our American businesses need help from the Government, not a silent voice here as they struggle to meet this worldwide competition.

This would be a disaster for this country. The Office of Technology Administration manages and oversees the very things that make our businesses competitive. In a time where the marketplace in this country is squeezing the ability of our firms here in America to research and develop products over a long period of time without a short, virtually lifespan payback, this is the very thing that other countries are doing to gain a competitive edge.

So I would urge all Members to reject this shortsighted amendment.

Mr. Chairman, the Commerce Department's Technology Administration serves several important roles in the Federal Government that assist the private sector in maintaining a competitive edge. We should not only provide social assistance but we should also assist the private sector which is the backbone of our economic vitality.

More than ever before, U.S. economic growth and prosperity depend on technological innovation. Here are just a few of the responsibilities of the Technology Administration.

First, the Technology Administration is the only Federal agency charged with maximizing technology's contribution to the U.S. economy.

Too often in the past, technology development, particularly by the Government, has ignored business issues that affect the ability of the private sector to bring new technologies to the marketplace.

The Technology Administration works not only to see that America leads the world in creating new technologies, but that Federal economic, tax, trade, and regulatory policies help our business community, not hinder it.

Second, the Technology Administration monitors the policies of our foreign competitors to ensure that U.S. firms are not handicapped in the global marketplace.

The Technology Administration works to ensure that American firms have access to foreign government sponsored technology development programs, while protecting U.S. intellectual property rights.

Third, the Technology Administration acts as a focal point for industry concerns, such as the activities of foreign firms and their parent governments, the unintended consequences of legislation and regulations, and a rapidly changing global economy. The Technology Administration is an advocate for industry in addressing issues which affect U.S. competitiveness.

Finally, the Technology Administration manages three organizations vital to U.S. competitiveness: The National Institute of Standards and Technology, the National Technical Information Service, and the Office of Technology Policy.

Eliminating the Technology Administration will have a negligible impact on the Federal deficit, but it will deprive U.S. industry of an advocate within government at a time of intensifying global competition.

Mr. ALLARD. Mr. Chairman, I yield myself the balance of my time.

The CHAIRMAN. The gentleman from Colorado is recognized for 2 minutes.

Mr. ALLARD. Mr. Chairman, we are talking about change in the Congress, and we hear all sorts of reasons why there should not be change, that it is shortsighted if we work for change to take an agency like this that is working and doing so much for business. But in reality, the future shortsightedness is we need to balance the budgets and we need to look at where duplication is occurring, and this Technology Administration is a classic example of where we need to look.

How many people do we need speaking on behalf of business? We have under the Office of the Undersecretary of Technology, the Office of Technology Policy. Currently, we have under the National Institute of Standards and Technology. We have the National Technical Information Service. I would have to compliment the appropriation members for recognizing that we no longer need the National Technical Information Service. So that is being eliminated. They reduced by 50 percent the National Institute of Standards and Technology, and basically what we have is the Office of Technology Policy.

Now, we have oversight of just this one and a half divisions under the Office of Undersecretary, a full Secretary. It seems to me that what we need to do is eliminate an administrative layer and let the head of the Office of Technical Policy report directly to the Secretary or the Deputy Secretary. I think it makes lots of sense. It is a tremendous opportunity for this Congress to make an effort to cut spending, to reduce duplication in programs.

So I am urging a "yes" vote on the Allard amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the gentleman from California [Mr. BROWN], the very distinguished ranking minority member on the Committee on Science.

Mr. BROWN of California. Mr. Chairman, of course I rise in opposition to the Allard amendment. I want to compliment the chairman and the ranking member of the subcommittee for the fine job they have done.

Mr. Chairman, what we are doing here in this action and a number of others is to try and define the terms of what is admittedly a revolution that is taking place in our concepts of government and the way it should operate. This is not a new phenomenon. I have been here long enough to have been through several revolutions in the way government sought to operate and the Congress sought to operate.

What we are looking at here in the Technology Administration was really a part of the so-called Reagan revolution. This was created by a bill which President Reagan signed just before the end of this term, and it sought to change a situation that we all knew was bad, namely, the adversarial relationship that existed between the government and industry and business in this country.

President Reagan wanted to establish a new, friendlier relationship in which industry and the government could in many areas become partners and work together in the best interests of this country. The Technology Administration was one of the primary features of the Reagan revolution effort to change the relationship between business and industry in this country.

Now, I do not know what the current generation of Republicans wants to do in terms of the revolution. I had thought that they wanted to extend and build upon some of the earlier aspects of the Republican revolution, but apparently they want to throw out everything, the baby with the bath water.

I hope we can do better than that. I hope we can look at these previous programs, determine whether they are working, and, if they are, continue to support them or to change them wherever necessary.

The CHAIRMAN. All time for debate has expired.

The question is on the amendment offered by the gentleman from Colorado [Mr. ALLARD].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. ALLARD. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of earlier today, further proceedings on this amendment will be postponed.

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. KLUG

Mr. KLUG. Mr. Chairman, I offer an amendment, No. 17, printed in the RECORD.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KLUG: Page 43, line 25, strike "386 commissioned officers" and insert "358 commissioned officers".

Mr. KLUG. Mr. Chairman, very briefly, this is an amendment supported both by myself and the gentleman from Florida [Mr. FOLEY]. What this amendment attempts to do is to capitalize on the agreement reached just a short time ago by our distinguished chairman and the ranking member from West Virginia. As you know, we just reduced funding for the NOAA fleet by roughly $12 million.

□ 1730

At the same time, what this amendment will do is to correspondingly reduce the number of NOAA officer corps members by 25 slots. NOAA, believe it or not, has its own navy and numerous admirals which receive full military pay and retirement benefits while, frankly, never facing any kind of enemy.

Corps officers spend roughly two-thirds of their time behind desks because there are so many of them in relation to the size of the fleet. Since today we are beginning to reduce the NOAA fleet, it obviously makes sense to reduce the officer corps level.

The NOAA authorization bill passed last month by the Committee on Science specifically terminates the NOAA Corps over 3 years, so this begins to reduce the size of the corps correspondingly. And I would point out that our amendment, mine and the gentleman from Florida [Mr. FOLEY] is supported by both the Committee on Science and the Committee on Resources.

In 1995, the commerce inspector general questioned the need for the NOAA Corps. The budget resolution calls for the elimination of the NOAA Corps. NOAA, quite frankly, does not need its own high-priced militia. In fact, the concept of a uniformed NOAA Corps predates NOAA and is an anachronistic throw-back to World War I, World War I, when mapping the U.S. coastline was considered a military, not a civilian endeavor.

I think the amendment we have in front of us is budget neutral today, but in the long run will save a minimum of $700,000 a year, as we begin to reduce the size of the officer corps several million dollars a year.

Mr. Chairman, I yield to the gentleman from Florida [Mr. FOLEY].

Mr. FOLEY. Mr. Chairman, I am delighted to join the gentleman from Wisconsin on this very important issue. Every time the gentleman from Wisconsin [Mr. KLUG] finds an item that we can privatize, I am ready to join with him in that effort because we came to Congress to make a difference and reduce the size of the Federal Government. This clearly is an amendment that will allow for that slow elimination of the NOAA Corps, which are costing the taxpayers significant dollars.

So I associate myself with the words of the gentleman from Wisconsin, urge my colleagues to vote favorably on this amendment to continue our mission to downsize the Federal Government.

Mr. ROGERS. Mr. Chairman will the gentleman yield?

Mr. KLUG. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we accept this amendment and think it is a good one and hope that it is approved.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, we have to objection to the amendment.

The CHAIRMAN. The question is on the amendment offered by gentleman from Wisconsin [Mr. KLUG].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title II?

AMENDMENT OFFERED BY MR. FARR

Mr. FARR. Mr. Chairman. I offer an amendment.

The Clerk read as follows;

Amendment offered by Mr. FARR: On page 44 of the bill, line 22, strike "$55,500,000" and insert instead "$57,500,000".

Mr. FARR. Mr. Chairman, this amendment increases the transfer from the fund to promote the development of fishery products to NOAA's operation, research, and facilities account. This increase of $2 million would provide additional funding for the National Marine Sanctuaries Program.

In 1995, $9.2 million was available from the fund for the fisheries development grants but only $7.2 million in the grants were awarded. This amendment maintains the level of funding for fishery grants from this fund while partially restoring reductions to the marine sanctuaries program.

Mr. Chairman, this amendment restores about 15 percent of the 25 percent of the marine sanctuaries program that was cut. I think that it goes a long way to try to help a program that is not a very big one. It is a $12 million program in total.

The program is very important because there are dozens of marine sanctuaries around the United States, not only in California but in Florida, Georgia, Hawaii, Louisiana, Maine, North Carolina, Texas, and Washington. So Members from those States are very interested in making sure that those programs are run effectively.

Mr. Chairman. I yield such time as she may consume to the gentlewoman from California [Mrs. SEASTRAND] who also shares the largest marine sanctuary, the Monterey Bay Sanctuary.

Mrs. SEASTRAND. Mr. Chairman, I rise to support this amendment and additional funding for the National Marine Sanctuary Program. It is going to be of great assistance in law enforcement programs as well as giving opportunities to provide sanctuary educational materials to boaters and also to provide rescue service to stranded boaters in the sanctuary.

This is of crucial importance to the Channel Islands National Marine Sanctuary in my district. The sanctuary produces a majority of the seafood harvested in California. It is a highly sensitive ecosystem and in my own possibly biased opinion is one of most beautiful coastal waters in these United States.

To eliminate significant funding, whether it is for the Channel Islands National Marine Sanctuary or the beautiful Monterey Bay sanctuary, I think would be a mistake. We have tobe prepared for oil spills and other emergencies. I think for this reason and aforementioned points, I would ask my colleagues to support this amendment.

Mr. FARR. Mr. Chairman, I yield such time as she may consume to the gentlewoman from California [Ms. ESHOO].

Ms. ESHOO. Mr. Chairman, I rise in support of the Farr amendment, which reinstates funding for the coastal zone management program and marine sanctuary program.

I would just like to say something about the word sanctuary. Whenever anyone hears that word, we think of something being precious, something being holy, as it were. There have been great battles in California to designate our precious areas of our coast as marine sanctuaries. These are gifts of our Nation that we share with all of our citizens and the citizens of the world, because they come to see it.

So I think that funding should match the nobility of what we have. I rise to support what the gentleman from California is doing. He has been on the forefront of this issue for many, many years. I think that the Congress of the United States would distinguish itself in appropriating some money so that we can continue saying that this is indeed sanctuary, it is holy, it is something special, and we should treat it that way.

Mr. Chairman, I rise in strong support of the Farr amendment, which reinstates funding for the Coastal Zone Management Program and the Marine Sanctuary Program.

Our Nation is largely a coastal one, with 80 percent of Americans living within 50 miles of the coast. The increasing demands on our coastal resources that result from the growing number of people and industries residing in coastal areas require sound policy and an adequate level of protection.

The Coastal Zone Management Program is a proven State Federal partnership that protects our national treasures and promotes economic development. It is a voluntary program that 34 of 35 eligible States have chosen to participate in. They have elected to participate in this program because it allows them to establish their own programs based upon their own needs.

The $9 million that the Farr amendment seeks to reinstate is critical for allowing local coastal managers to continue doing their jobs. I remind my colleagues that the increasing demands on our coasts will not go away if we choose to retreat from our Federal commitment. Indeed, failing to adequately fund this program will only result in a declining economy and a declining quality of life for the majority of Americans that choose to live and visit our beautiful coasts.

The sanctuaries program protects and conserves our Nation's most precious marine resources. Limited funding in the past has barely kept pace with this rapidly growing program. But the 50 percent cut proposed by the Republicans would require closing some sites and drastically reducing funding for others.

Mr. Chairman, these programs are vital to our coastal and marine resources. I urge my colleagues to support the Farr amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. FARR. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we accept this amendment. We want to thank the gentleman for bringing it to our attention and hope the body will adopt it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. FARR].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. HEFLEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. HEFLEY: Strike page 36, line, 21, through page 38, line 4.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 50 minutes and that the time be equally divided between the gentleman from Colorado [Mr. HEFLEY] and the gentleman from Kentucky [Mr. ROGERS], who is opposed to the amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. MOLLOHAN. Reserving the right to object, Mr. Chairman, would the Chair explain that arrangement to me again?

The CHAIRMAN. The gentleman from Kentucky [Mr. ROGERS] has asked unanimous consent that all debate time on this amendment and all amendments thereto conclude within 50 minutes and that the time be equally divided between the proponent of the amendment, the gentleman from Colorado [Mr. HEFLEY] and an opponent, in this case the gentleman from Kentucky [Mr. ROGERS].

Mr. MOLLOHAN. Continuing my reservation of objection, Mr. Chairman, I yield to the gentleman from Kentucky [Mr. ROGERS].

Mr. ROGERS. Mr. Chairman, I will yield half of my time to the gentleman from West Virginia [Mr. MOLLOHAN] in opposition to the amendment.

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 12½ minutes in opposition, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 12½ minutes in opposition, and the gentleman from Colorado [Mr. HEFLEY] will be recognized for 25 minutes in favor of the amendment.

Is there objection to the request of the gentleman from Kentucky?

Mr. MOLLOHAN. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from Colorado [Mr. HEFLEY] will be recognized for 25 minutes, the gentleman from Kentucky [Mr. ROGERS], will be recognized for 12½ minutes, and the gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 12½ minutes.

The Chair recognizes the gentleman from Colorado [Mr. HEFLEY].

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I was going to come here today and tell my colleagues what I think about the Economic Development Administration, but I have decided I am not going to do that. After all, I am not the one who audits the EDA's books.

In order to assess the effectiveness of the EDA, I should be telling Members what the Department of Commerce inspector general says about the EDA. Let us start with the March 1995 report. The inspector general said that the CPA firm was unable to express an opinion on the revolving funds statement of financial position because of multiple, material weaknesses in EDA's internal control structure. The IG went on to note that the nature and extent of the internal control deficiencies reported by the CPA firm indicate serious problems in financial mismanagement at EDA.

Several of these issues were previously raised by the inspector general in the past. However, little progress has been made since the survey report was issued 2½ years ago.

Here is a list of the audit headlines in the March 1995 report. In order to be fair, I will read the positive results first. South Carolina city earned full Federal funding of public works project. City in Texas properly managed public works grant. Those are the two positive reports.

Let us get to the negative ones. Michigan county committed serious grant violations, $1,285,000. A New Jersey public works project not financially feasible, $34,000. Revolving loan fund created to relieve impact of Hurricane Andrew, not needed, $1,900,000. Grant to Michigan organization should be terminated, $243,000. Louisiana grantees mismanage revolving loan fund, $388,000. Indiana recipient violated Federal regulations and grant requirements, $475,000. Cost question on South Carolina public works project, $120,000. Iowa recipient mismanaged grant funds, $1,500,000.

And in September 1994, the IG report said more of the same. Georgia revolving loan fund operator directed to return $3 million in overcharges and excess cash, $3 million. Ohio revolving loan fund grantee violated EDA approved plan, $90,000. Grantee mismanaged Tennessee revolving loan fund, $34,000. City of South Carolina inadequately accounted for revolving loan fund, $238,000. And get this, this money is still missing. Arizona public works project, jeopardized by grantee mismanagement, $504,000.

Unneeded public works project in New Mexico should be terminated, $400,000. Texas grantee improperly solicited matching share from borrower, $50,000. Audit of proposed grant reveal need for clearer definition of demonstration projects, $4,300,000.

My state is not immune either. In fact one EDA grantee in Colorado faced felony embezzlement charges before settling out of court for the money that she owed.

Mr. Chairman, that is over $14 million of problems discovered by the inspector general. There are hundreds of more grants out there just like these, but they will probably never be discovered or investigated by the Department of Commerce inspector general.

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I have not read a report this bad since Price Waterhouse left here a few weeks ago. It is time to put an end to this outrageous abuse of taxpayer dollars, support the Hefley-Solomon-Goss amendment, and let us put an end to the EDA.

Mr. Chairman, I reserve the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I urge opposition to this amendment. I hope the House will once again defeat the Hefley proposal to eliminate the Economic Development Administration. If we do not vote this amendment down we will deprive hard-hit communities, all over the country, of the vital assistance provided by the EDA which was created to help our Nation's poorest areas raise their standards of living, or to help communities recover from sudden economic disasters.

I say to the Members, it has worked in my congressional district and virtually every other. EDA provides basic infrastructure in poor counties so they can attract the private investments that lead to long-term jobs. EDA is the cornerstone of our efforts to help local communities rebound from the loss of a military base or defense downsizing. In fact, EDA has helped 151 communities hard hit by base closures over the last 3 years alone. These areas are converting bases to provided long-term jobs to the people that depended on them for decades. Today new communities, facing another round of base closures, need EDA to help their families bounce back, but like other good programs, EDA must be streamlined and reformed and targeted, and this bill does that.

First, we cut EDA dramatically, a 21-percent reduction in grants, a full one-third reduction in staff, almost $100 million in cuts. Second, we have worked closely with the gentleman from Pennsylvania [Mr. SHUSTER] and the gentleman from Maryland [Mr. GILCHREST] of the Committee on Transportation, who are pushing the most significant overhaul of EDA programs in 15 years.

Our reforms provide fewer funds and put them in areas that need help the most. They provide greater local and State control over project decisions. No longer will Washington pick and choose the projects. Our Governors, our local officials, our communities will decide. If our local factory pulls out, EDA monies will help our town create new opportunities for its workers.

Mr. Chairman, if NAFTA or the GATT treaty pushes our industry to Mexico or overseas, EDA will be there if Members vote down this amendment. If Members have any of the 50,000 defense jobs potentially being eliminated in this year's base closure process, their communities will need this program more than ever.

Let me repeat. In this bill, we cut EDA by 21 percent. We say "No more bloated Washington bureaucracy," and we targeted these very limited dollars to communities and families that simply cannot afford to cope with disasters and job loss. They need our help. Give them our vote. Vote down this amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise in very strong opposition to the Hefley amendment. No other agency, no other program, Mr. Chairman, in the Federal Government has the flexibility of EDA to respond to unique community needs. EDA programs target funds in areas of need and assistance across the board. For communities who are experiencing structural economic changes, and many across the Nation are, EDA provides flexible assistance to help them design and implement their own local recovery strategies. For communities who are experiencing long-term economic distress, EDA provides funding necessary to repair decaying infrastructure, and it is doing so in virtually every congressional district across the Nation.

Mr. Chairman, defense conversion has been on the lips and minds of every Member of this Congress, and we have had strategies to try to address the massive job losses associated with defense downsizing. It is EDA that has the flexibility to step up and address those concerns. Mr. Chairman, over the last 30 years EDA has invested $15.6 billion in our Nation's distressed communities. I really urge my colleagues to think strongly about this amendment. Oppose the Hefley amendment.

Mr. HEFLEY. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Chairman, I would like to associate myself with the remarks of Representatives HEFLEY and SOLOMON. Mr. Chairman, the new Congress was elected with a clear mandate to eliminate any and all wasteful spending and reduce the size and scope of the Federal Government. I applaud the work of Chairmen LIVINGSTON and ROGERS in crafting a Commerce, Justice, State bill that reflects that goal and makes difficult choices in a responsible manner.

Nevertheless, I worry that certain programs that have outlived their usefulness may escape intact, slightly slenderized but still weighing down the American taxpayer needlessly. It seems to me that we must examine all Federal programs not only as to cost, but also ask ourselves if there is an appropriate Federal role. EDA fails this test on several levels.

EDA purports to assist distressed areas yet its broad eligibility criteria allows areas containing 80 percent of the U.S. population to compete for benefits. EDA's programs are duplicative—four separate departments along with the ARC, TVA, and SBA fund similar development programs. EDA programs are not cost efficient—one analysis on an EDA Emergency Jobs Program suggested each job created ultimately cost the American taxpayer $307,000, seven times the cost of the private sector.

Again, I commend the committee for the 25 percent cut in EDA funding—it is a step in the right direction. But it is not enough to merely cut back on programs that are no longer appropriate. We must take the next step to rip out the roots altogether. As we are ready to eliminate the Commerce Department in the authorization process, I would suggest it is time to fold the tent at the EDA.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. SHUSTER], the chairman of the Committee on Transportation and Infrastructure, the authorizing committee for EDA.

Mr. SHUSTER. Mr. Chairman, I thank the gentleman for yielding time to me.

I rise in strong opposition to this amendment, but I must say that the gentleman from Colorado [Mr. HEFLEY] and the gentleman from Florida [Mr. GOSS] are quite accurate in many things they say about criticizing some of the boondoggles we have seen in EDA and the Federal bureaucracy.

That is the reason, that is the reason why yesterday in our Subcommittee on Public Buildings and Economic Development of the Committee on Transportation and Infrastructure, we abolished EDA and we put in its place a Federal, State, and local partnership of regional commissions.

The gentleman from Florida is absolutely correct when he says 80 percent of the country is eligible. That is wrong. Yesterday we changed that. We cut it right in half. We not only cut it in half, we also upped the criteria to be eligible in another respect and said for a county to be eligible, they have to be above the unemployment rate by at least 1 percent. Yes, also, this is a partnership program where we also said the Federal share will only be 50 percent. If it is a good program, the States and the localities have to come with the other 50 percent.

Stop and think about it. We have fundamentally changed this program by abolishing the Economic Development Administration itself, putting in its place regional commissions, cutting, as my friend, the gentleman from Kentucky, has said, cutting $100 million a year out of the program, reforming the program to the extent that only the truly needy counties are eligible. My good friend, the gentleman from Florida, also talks about an example of the job creation costs on a particular project being several thousands of dollars.

I do not doubt that, but if we look at the overall cost of the program, the cost to create a job, that figure is $2,500. Compared to many other programs, this is a very efficient program. I would say, particularly to my freshman colleagues, the model that we have adopted in abolishing EDA and putting in its place these regional commissions is the model proposed by the gentleman from Mississippi, ROGER WICKER, the president and leader of the freshman class. He is the one that came to the committee, he is the one that proposed this regional commission approach.

I say vote down this amendment.

Mr. MOLLOHAN. Mr. Chairman, I am very pleased to yield 2 minutes to my good friend and colleague, the gentleman from West Virginia [Mr. WISE], the ranking member of the authorizing committee.

Mr. WISE. Mr. Chairman, I thank the gentleman from West Virginia [Mr. MOLLOHAN] and the gentleman from Kentucky [Mr. ROGERS] who have done such an able job.

Mr. Chairman, I rise in strong opposition to this amendment. This bill provides $348 million for EDA programs. This appropriation is well within the Economic Development Administration authorization which our Subcommittee on Public Building and Grounds and Economic Development unanimously, unanimously, passed yesterday, incidentally, at the same time cutting $100 million a year out of EDA in the authorization for a savings of $3½ billion over the 5-year period.

EDA is essential to these efforts. In the past 30 years it has created almost 40,000 economic development projects, generated more than almost $2 billion of private sector capital through revolving loan funds that have supported more than 7,000 businesses, leveraged $3 for every Federal dollar invested.

To the critics of EDA who want to vote for this amendment because they do not believe the programs have worked as well as they do, I say, "Before you vote, listen to the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], look at the authorization bill that passed yesterday." This is a visionary, responsive, and constructive new version of EDA.

The bipartisan bill creates a national, Federal, State, and local partnership that focuses on the local governments, and particularly on the Governors being directly involved in economic development. It involves regional commissions. It tightens EDA's program eligibility criteria and lowers it significantly from what it was. It requires all applicants to develop an investment strategy.

A recent EDA project in our State generated over 300 jobs. I calculated for what the Federal taxpayers put in, it would be repaid in new taxes coming from those workers alone in less than 4 years. That is an incredible return on the money, and over 300 more people are working that would not have been working elsewhere. I urge Members to vote against this amendment.

Mr. HEFLEY. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. ALLARD].

Mr. ALLARD. Mr. Chairman, I thank the gentleman from Colorado for yielding time to me.

Mr. Chairman, I would just like to say that I want to put my faith in the marketplace. I have respect for what the gentleman is trying to do. I support what the gentleman is trying to do with his amendment, because the real, the real test of business is when we allow the consumer to go out here and they vote on a daily basis with their dollar bill, paying for those services that they feel like they want and they need.

When we pass out Federal dollars or Government dollars and then businesses go ahead and compete, it becomes a system of grantsmanship: who can write up the best grant, who can plead the hardest for what they need. The best and most humane system we have, and this is what we need to encourage, is a system that says "Individuals can go out there and they make their selection on the services they want to receive." The best thing we can do for hardship cases is to reduce the tax burden, to reduce the regulatory burden, and do away with this process where we have some bureaucrat out here saying, "Okay, you are going to be a winner and you are going to be a loser, and you get this benefit and you do not get that benefit." I think we are much better off to support the Hefley amendment and encourage the free market system.

Mr. ROGERS. Mr. Chairman, I yield 2 minutes to the gentleman from Maryland [Mr. GILCHREST] who is the chairman of the subcommittee in charge of EDA, the authorizing subcommittee.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I would like us to all ponder a question: What is the role of the Federal Government in economic development. What is our role? We hear a lot about the private sector. I think everybody here believes in the private sector. I believe that the role of the Federal Government is to create an environment conducive for economic productivity in the private sector. Once in a while, the Federal Government needs to play that particular role.

The new Republican majority has raised a lot of questions as to what the role is that Government should play in the private sector, and I think we can all agree that in certain circumstances, the Federal Government needs to provide the infrastructure, whether it is highways, water projects, certain basic needs that the community cannot provide for itself.

I want to make one other point here. This is not a giveaway program. This whole program has been reformed, and to a large extent this program provides grants so communities can make them into loans, and these distressed communities can create much more diversity in their economy.

The EDA reform bill, which our subcommittee recently reported, will make significant changes in the way the agency is structured. The Washington bureaucracy of EDA, and listen to this, the Washington bureaucracy of EDA, is entirely eliminated. It will be replaced by eight regional commissions that will be controlled by the States. I might add that under the reforms we have passed, EDA will no longer be dependent on the Department of Commerce. If the Department of Commerce, if it is the will of the House and the Senate to get rid of it, EDA can continue.

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Finally, we will get back to focusing on the mission of EDA, which is creating infrastructure, but I want to make one last important point. The second main mission is one that is gaining in importance with each new round of base closings.

Many communities stand to be devastated by the loss of defense-related jobs. The bill before us directs significant resources into defense conversion.

EDA is the largest program aimed at weaning communities off these defense-related agencies.

I urge my colleagues to vote against the Hefley amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1½ minutes to the distinguished gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the reason for EDA was to help with infrastructure, to help underdeveloped areas, and to help with jobs. That is the name of the game, Mr. Chairman.

In my area, I can point to a foreign trade zone, I can point to a shrimp boat harbor, I can point to all of the areas where we have developed with the help of EDA in cooperation with the local communities.

I do not know that we need any more than strong oversight by the appropriations subcommittee and by the committee of jurisdiction. I know that there are some practices that need to be changed. Maybe there are some people that need to be replaced. But I can say that my experience with EDA has been very positive and we have worked together.

I would like to mention Joe Bailey Swanner, who was the regional director for EDA when I first came to the Congress. He was a professional amongst the professionals. He did what needed to be done. The jobs are there, the infrastructure is there. I can say, "Thank you, Joe Bailey Swanner. Thank you, EDA."

All of the other things can be corrected by oversight, yes, maybe they need to change some practices and change some people. Otherwise, I think they do not deserve the fate that is pronounced for them here. EDA has served my area well and I am happy to support them.

Mr. HEFLEY. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Did you hear that? You will.

Mr. Chairman, I rise in strong support of the Hefley amendment. I dropped this on the table here. This is $850 billion in spending cuts. It balances the budget.

Every single Member of this body that voted for a balanced budget ought to be voting for this amendment, because it is in here, along with $850 billion of other cuts. This amendment is consistent with our goal of balancing the budget.

Eliminating the Department of Commerce. Are any Members going to vote for that? I am. You said you would. Then come over here and vote for this amendment. This redefines the role of the Federal Government.

To truly understand what we are trying to do, I think it may be insightful for the House to review the history of this 30-year-old program. I say that, and I have probably benefited from this program in my district as much as any other district. But, ladies and gentlemen, we have got to balance the budget, or this country is going to go down the drain.

The EDA was formed under the Public Works and Economic Development Act of 1965 as an agency of the Department of Commerce to provide Federal assistance to State and local governments through grants that can be used for public works, technical assistance, defense conversion activities, job programs, and loan guarantees to firms for business development.

Originally created to support the economic growth in some of this country's neediest areas, the EDA through years of bureaucratic growth and political maneuvering has outgrown its purpose and outlived its usefulness, as hundreds of others bureaus and agencies have done.

In our budget, we eliminated them, we restructured the Federal Government.

Over the years, EDA has poured thousands of dollars into politically connected schemes that have invested in shopping centers and hotels in my district, okay? Talk about corporate welfare. Hotels in my district, boating marinas, amusement parks and numerous loans that went, bad, bad, bad, that all of you and your families and I paid for.

The most notorious EDA grant earned the EDA former Wisconsin Senator William Proxmire's Golden Fleece award for spending $200,000 to build a limestone replica of the Great Wall of China in, of all places, Bedford, IN. I do not know what it is doing there. I think I will go out and take a look at it. That boondoggle followed a $500,000 grant to build a 10-story model of the great pyramid of Egypt. Clearly Federal dollars could be better used than on that project.

Mr. Chairman, these are not just random EDA expenditures. According to the Congressional Budget Office, EDA programs have been criticized for substituting Federal credit for private credit.

This is the United States of America. Let us get the Federal Government out of the loan business, and for facilitating the relocation of businesses from one distressed area to another. In other words, you come from a distressed area and your community puts in an application. It scores high. So what it does, it creates a program to take a business out of one distressed area and put it in the other. Does that make any sense? Absolutely not.

The EDA has also been criticized for its broad eligibility criteria which allows areas containing 80 percent of the United States population to compete for benefits and for providing aid with little proven effect compared with other programs having similar goals.

Despite these faults, some in this body may argue that eliminating this funding will unduly harm local communities. However, due to the competitive nature of EDA programs, local governments already do not incorporate this type of aid into their annual budgets, so you are not going to hurt them one dollar.

Therefore, eliminating future EDA funding effective immediately would not impose unexpected hardships on any community in this United States, but instead would foster more local control of developing local solutions to local problems and at the same time save the American taxpayers over $349 million. While the EDA may have once funded on a greatest needs basis, today the decisions have become in a great many cases highly politicized, with absolute need apparently no longer a priority.

I say all this, ladies and gentlemen, because in my district I have taken advantage of this, but the truth of the matter is this. Like other programs—the Small Business Administration, I came out of the small business area—it just is not right to subsidize one business at the expense of another. Every time we make a Small Business Administration loan to someone who has been turned down from 2 to 3 banks, and the next-door neighbor in competition with him has got to pay the income taxes to pay for the loan guarantee and the interest on that loan, that is wrong.

Ladies and gentlemen, if we are going to restructure this government, if we are going to stop this sea of red ink that is literally ruining this country, so that the annual debt service just to pay the interest on this loan today is more than the defense budget, that is what it is going to be for 7 years, you are going to be held responsible. Your children are going to regret it. That is why you ought to vote for this amendment.

If you are going to say with all the rhetoric that you support a balanced budget, then you are going to have to cut in your district as well as the other guy's. That is what I am doing in mine. That is why you have got to support this amendment.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from Pennsylvania [Mr. ENGLISH].

Mr. ENGLISH of Pennsylvania. Mr. Chairman, I am opposed to the amendment to H.R. 2076 offered by my colleagues, Messrs. HEFLEY and SOLOMON. I support the proposed funding level for the programs and administrative expenses of the Economic Development Administration [EDA]. The EDA has effectively operated the Trade Adjustment Assistance Center and maintaining this mutual relationship is essential to continue to protect American workers and manufacturers nationwide who have been severely impacted by foreign imports.

I have been a strong advocate of retaining adequate funding levels for both the EDA and the Trade Adjustment Assistance [TAA] program. Over 23,000 manufacturing firms in my home State of Pennsylvania rely on TAA. I was pleased to see that in an era of tremendous fiscal constraint, the Committee disagreed with President Clinton's recommendation to eliminate the program and chose to include sufficient resources to provide strategic protection for our domestic workforce in a competitive world economy.

The number of jobs and amount of company sales supported by TAA is impressive, particularly relative to the modest amount of Federal investment. In Pennsylvania, this private/public partnership has resulted in the protection or creation of approximately 6,000 jobs and $485 million in company sales. Moreover, nationwide TAA has resulted in the reinvestment of $742 into the economy (including Federal tax revenues) for every Federal dollar appropriated for the program. That's a solid investment by any standard.

I urge my colleagues to protect U.S. manufacturing by continuing TAA funding through the able administration of the EDA. TAA and other services provided by the EDA will allow our companies to compete with imports, and expand into the global marketplace.

Mr. ROGERS. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BOEHLERT].

Mr. BOEHLERT. Mr. Chairman, I rise in strong support of the Economic Development Administration and against the Hefley amendment.

Why is it that we are against the Federal Government lending a helping hand to economically distressed communities? Were we sent to Washington to abandon areas of our Nation that require Federal assistance to provide jobs for their citizens? I don't think so.

Now I am not claiming that every EDA loan or grant can be defended. But this amendment throws out the baby with the bathwater. The Transportation and Infrastructure Committee is in the process of reauthorizing EDA, and I am confident that bill can clean up any problems with the agency. You don't improve a program by eliminating it.

Killing EDA is particularly offensive right now because many communities being aided buy the EDA are the victims of Federal policies. Almost $100 million in this bill would go to assist communities that have been hard-hit by base closures and realignments. Don't we have an obligation to assist communities that have been harmed by sudden reversals of Federal policy? I think we do, and so do those on the Appropriations Committee.

I could provide a list of EDA success stories, but my time is limited, and I'm sure many of you have your own lists from your own districts. The EDA is a successful means to fulfill Federal obligations. The Appropriations Committee—hardly a bunch of big spenders—have recognized this.

This bill cuts funding by 21 percent, but it allows a reformed EDA to continue working to endure that American in all regions of this country can share in our prosperity. That's a worthy and necessary mission. I urge defeat of this amendment.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. BLUTE].

Mr. BLUTE. Mr. Chairman, I rise in strong opposition to this amendment, which would completely eliminate the Economic Development Administration [EDA] and all its programs.

Mr. Chairman, over the years, the EDA has played a pivotal role in helping communities across the country overcome severe economic difficulties. This is an excellent example of a program that truly works.

I have seen the good work of the EDA in action. In particular two communities in my district, Worcester and Attleboro, MA, have receive much-needed assistance from the EDA. These communities were hit particularly hard during the period of economic hardship that swept across the country earlier this decade.

Mr. Chairman, clearly economic development assistance remains an important source of funding for many communities. At the same time, I recognize the need for reform and reductions in Federal spending. As a member of the Transportation and Infrastructure Committee, I fully support the EDA reform bill that was recently reported out of subcommittee.

In closing, I would simply state that this amendment is ill-advised and would destroy a program that has helped and continues to help needy communities around the country. I applaud Chairman ROGERS for his support and interest in the EDA. Reform measures and spending reductions are moving through the committee process which will result in an even stronger, more efficient and responsive economic development program.

I urge my colleagues to defeat this amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I rise today in strong support of the Economic Development Administration. With all due respect to my friend the gentleman from New York, I have a completely different view of the EDA.

We are talking about help in distressed areas of this country. I represent a coal mining district that has been closed down by the Federal Clean Air Act. You want to talk about help to our communities? It was the EDA that helped us get a water tower, I say to the gentleman from New York [Mr. SOLOMON], that saved 1,250 jobs in one of those communities that was devastated in a coal mining community.

It was the EDA that helped us put a sewer line into a business park that had been ravaged by another one of our Federal acts. It was the EDA that helped us put in a water line and a sewer line for an industrial park that has created a diverse economic opportunity for hundreds of people in my district.

I have a distressed area. The EDA and the Small Business Administration above all Federal agencies are the two agencies that have helped us forge Federal, State, and local partnerships to save our jobs in this country, and we should not be cutting funding for this agency.

Mr. HEFLEY. Mr. Chairman, I yield 30 seconds to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I would just say to my good friend, where the problem is, it is not with keeping the EDA going. We ought to come with the Corrections Calendar and repeal some of those things that have caused all those problems in the gentleman's district. I am on that committee. I will support him if he does.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Let me just respond to some of the things that have been said. The budget that we passed here the other day, the balanced budget by 2002, assumed that we would get rid of the EDA. That was a part of the assumption that was built into that budget and the gentleman from New York [Mr. SOLOMON] eloquently made that point. It did not assume, as the gentleman from Pennsylvania [Mr. SHUSTER] said, that we would get rid of the EDA but we would change its name to something else.

What does that do for the $348 million if you move it from this pocket to that pocket? I guess we can go home and we can brag to our constituents, We got rid of the EDA. You wanted us to get rid of that. We got rid of the EDA, and it's gone. But then it is over here doing something else. That does not save the money. That does not get us down the road to the time when we will have a balanced budget in the year 2002.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Alabama [Mr. CRAMER].

Mr. CRAMER. I thank my friend from West Virginia for yielding me the time.

Mr. Chairman, I rise in support of the Economic Development Administration's level of funding contained in this bill. Consequently, I oppose the amendment. I want to congratulate the people that have spoken out. I am going to sound something like a chorus here: The gentleman from Kentucky [Mr. ROGERS], the chairman; the gentleman from West Virginia [Mr. MOLLOHAN]; the gentleman from Pennsylvania [Mr. SHUSTER]; and the gentleman from Maryland [Mr. GILCHREST] as well. We are fighting within a tight budget to reform an administration that might in some ways need some reform but has been incredibly effective in my community there in Alabama.

In the Fifth District of Alabama, EDA has helped leverage non-Federal funds on projects ranging from water treatment facilities to business incubators. I think most of my local officials are clearly endorsing EDA, especially its concept of helping communities that help themselves. EDA is important because it provides seed money that promotes long-term investments that respond to locally defined economic priorities.

I hope the Members will pay attention to this debate. I think we owe as much responsibility to revise and evaluate before we eliminate. We should not make an extreme move and eliminate EDA. I oppose this amendment.

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Mr. ROGERS. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Missouri [Mr. EMERSON].

Mr. EMERSON. Mr. Chairman, I would associate myself as a very practical matter with the remarks just made by the gentleman from Illinois [Mr. POSHARD].

My district is right across the river from the gentleman's district, and I can say the gentleman knows whereof he speaks and I share his sentiments. I also agree with the gentleman from Colorado [Mr. ALLARD] who made an exceedingly fine philosophical statement with which I can also agree.

But the answer, Mr. Chairman, lies somewhere between economic purism and the reality of factors out and around the country that would say from time to time, certainly in some of these small, disadvantaged communities, some help is needed. So I do not think the answer lies all one way or the other.

Mr. Chairman, I regret that the gentleman from New York in his presentation of bouncing books on the table down here had apparently not heard the statement of the Chairman of the Committee on Transportation and Infrastructure, who has assured the House that significant serious reform is in process in the committee, and that significant dollars will be shaved and more appropriately directed than in the past.

I rise in strong opposition to the Hefley amendment and urge Members to take a more balanced view.

Mr. Chairman, I rise today in strong opposition to this amendment and in support of the successor agency to the Economic Development Administration. First, I want to explain what the EDA does and has done for those who may not be familiar with this issue. The EDA works with many of America's most economically distressed local communities and regions to plan and implement development projects to create jobs, retain jobs, and spur economic growth throughout rural and urban America.

In fact, I can tell you that had it not been for the EDA, several communities in my rural district would not have been able to attract the businesses and jobs that are now located in these areas. Over the years, the EDA has leveraged billions of dollars in local government and private capital for projects and generated billions more in tax revenues. For these reasons, the EDA has enjoyed the bipartisan support of the Congress for 30 years.

This Congress will soon approve or disapprove BRAC's third round of recommendations for base closure and realignments. These recommendations will have a devastating impact on communities and families across the nation. Who do you think will be there to offer help to these cities and towns? The Economic Development Agency or its successor agency will be there only if this amendment fails.

When rivers rise and communities are flooded; when earthquakes strike and all that is left is rubble; when a major plant closes due to foreign trade and leaves behind a virtual ghost town; when a community comes up with a great development plan but can't scrape together all the funding by itself, who steps in to help? The Economic Development Agency will, but only if this amendment fails.

Mr. Chairman, while opponents may question the usefulness of the EDA and exaggerate the past problems associated with the program, I stand and want to reform it, but not abolish it. I want to take a moment to explain that the authorizing committees are working on reforms. Under the able leadership of Chairman SHUSTER and Chairman GILCHREST, the Committee on Transportation and Infrastructure, and its Subcommittee on Public Buildings and Economic Development, EDA reform legislation is coming together.

EDA reform legislation replaces the federal bureaucracy with regional commissioners to make policy and grant decisions. The bill would also reform eligibility criteria to focus funds on truly distressed regions and cuts spending by $100 million a year. And finally, the EDA reform bill would allow the EDA to continue to do its important work if the Department of Commerce is eliminated. Let me make this point clear. A vote for the EDA is not a vote for the Department of Commerce.

Mr. Chairman, the EDA is the only place for distressed communities to turn when they are not able to contribute all of the capital investment needed for legitimate public works and economic development projects. The EDA reform bill will change the way the EDA does business for the better. I strongly urge my colleagues to oppose this amendment.

Mr. DURBIN. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. KANJORSKI].

Mr. KANJORSKI. Mr. Chairman, I rise in opposition to the amendment.

I have heard all the arguments, and I join my colleague from Missouri [Mr. EMERSON]. I have been to the gentleman's district, I have been to Illinois, I have been to Pennsylvania.

What we are really talking about here, Mr. Chairman, is priorities. We are trying to save about one-fifth of a B-2 bomber, the $350 million we are talking about here. I cannot talk about the whole country, and I cannot say that there are not those examples of the Golden Fleece Award, as my friend, the gentleman from New York, mentioned, but I can tell you one little story.

Nanticoke, PA, 3 years ago, was able to get an EDA grant that afforded the municipal authority the opportunity to build a $4 million building downtown. It was the first $4 million building built from the New York State line to Harrisburg, along the Susquehanna River, that had an elevator that went above two floors. In that building more than 300 people today are employed in data processing for a Fortune 500 insurance company that would never have come to northeastern Pennsylvania or that little town.

Mr. Chairman, 300 people are employed making $15,000 to $25,000 a year that otherwise would have been on unemployment compensation, welfare, or unemployed. That is what economic development is all about. That is what our priorities should be all about.

Mr. HEFLEY. Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Chairman three decades ago "Night Comes to the Cumberlands" described the abject poverty and desperate economic conditions in which people in rural Appalachia lived, and the Nation responded with the Appalachian Regional Commission, an issue we settled on the floor last week.

Similar conditions exist in rural areas and in pockets of poverty in urban areas around this country, and the Congress responded to their needs with the Economic Development Administration. Every year, the jobs created by EDA exceed the total amount of Federal investment by over $6 billion a year in Federal, State, and taxes paid from the jobs created by EDA.

Mr. Chairman, let us not chop this program from the Federal budget. Let us give hope to the economically depressed areas, the investment-starved areas of this country, so that, for them, "Night Comes to the Cumberlands" will become "Morning Comes to America."

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. TOWNS].

Mr. TOWNS. Mr. Chairman, I rise in opposition to the amendment. At $348.5 million, the subcommittee has already reduced funding for EDA by 21 percent from its fiscal year 1995 funding level. Totally eliminating funding for this Agency is not justified either from the standpoint of fiscal constraints or economic development policy.

The Economic Development Administration plays a vital role in supporting and enhancing communities around this Nation in a manner that is not carried out by any other agency. EDA grants help localities to build the capacity to plan and implement economic development strategies needed to respond to problems and to restore an employment base.

In areas where there has been a significant loss in the manufacturing sector, EDA has been able to halt further economic deterioration through its revolving loan programs to local businesses. In Buffalo, these efforts resulted in a 61-percent increase in manufacturing employment.

EDA also aids strategic planning and feasibility studies that bolster cooperative efforts for local economic development. For example, EDA efforts in this area helped the State of Maryland and the city of Baltimore to develop a restructuring plan for the promotion of local biomedical research and health facilities.

But Mr. Chairman perhaps the most important aspect of EDA programs are being overlooked here. The Agency's ability to pay for itself. It may be the only Federal program that is actually a net profit maker with a return for the Federal Government. Statistics suggest that approximately $3 of private investment is spurred by every invested EDA dollar.

As the Secretary indicated in his testimony before Congress, "* * * economic opportunity is not evenly dispersed to all communities * * *" EDA programs strive to equalize the economic playing field for distressed communities. This week the Public Works Committee reported out new strict eligibility standards which will ensure that EDA grants are awarded to our most distressed regions. This action ensures that funds will only go to the neediest communities.

Let us give these new changes an opportunity to work. EDA makes an important contribution to the economic vitality of this country. It is an agency that we need and an agency that deserves our support.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the distinguished gentleman from Virginia [Mr. PAYNE].

Mr. PAYNE of Virginia. Mr. Chairman, I rise in strong opposition to the amendment to eliminate the EDA. The EDA works. We are cutting the EDA by 20 percent in this bill and that is enough.

Mr. Chairman, I have seen it work in my own district in Virginia, where Henry County used an EDA grant to prepare a site for an industrial park. The EDA grant of $650,000 was matched by $740,000 in State and local money and attracted private sector investments of $68 million, 100 times the investment of EDA.

As a result, 550 people now work at the site in six different businesses. However, the site today would be an empty lot in a high unemployment area, except for the investment of the EDA.

Mr. Chairman, my district is not unique. The EDA is targeted, it is effective and locally driven, and the EDA works in partnership with local leaders in the private sector to foster economic growth for citizens in distressed areas. Clearly, the EDA is an important cost-effective agency; one that we should support, not eliminate.

Mr. Chairman, I urge my colleagues to reject this amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. MINETA], a distinguished minority member of the authorizing committee.

Mr. MINETA. Mr. Chairman, I rise in strong opposition to the amendment offered by my colleagues from Colorado, New York, and Florida. However, before I discuss the specific provisions of the amendment, I would like to commend the chairman of the Commerce, Justice, State, and Judiciary Appropriations Subcommittee, Mr. ROGERS, and its ranking member, Mr. MOLLOHAN, for their excellent work on this bill.

This bill provides $348 million for the programs of the Economic Development Administration [EDA]. This appropriation cuts the EDA's current year funding by more than 20 percent. It is $91 million less than the President's request and well within the economic development authorization which our Subcommittee on Public Buildings and Economic Development unanimously passed just yesterday.

Nevertheless, this amendment seeks to eliminate all funding for the Economic Development Administration. At a time when the infrastructure of distressed communities is crumbling, this amendment would eliminate much-needed public works funds. At a time when communities need assistance to determine how to compete in the global market, this amendment would cut off critical planning and technical assistance. At a time when our defense industry is radically downsizing and hundreds of bases are closing, this amendment would cut assistance these communities and the industry need to help them pick themselves up, brush themselves off, and put the pieces of job creation back in place.

For instance, look at EDA's crucial role in defense conversion. Nationwide, more than 250 military bases are currently closing and almost 150 additional facilities are being realigned. As we all know, the 1995 Base Closure and Realignment Commission proposes closing another 79 based and realigning 26 others. In my home State of California alone, the defense industry has already lost one-quarter of a million jobs. Since 1988, 21 major bases have been slated for closure, with more than 80,000 military and civilian workers losing their jobs.

Through it all, EDA—with infrastructure grants, business development loans, and technical assistance—has helped both communities and industry adjust to the post-cold-war world. Now is not the time to kill this critical program.

To the critics of EDA, let me say: the subcommittee-passed bipartisan authorization bill will launch EDA on a new effort founded on reform, responsibility, efficiency, and accountability. Gone are the programs and approaches of old. Gone are the inefficient bureaucracies; gone are the archaic eligibility requirements; and gone are the time-consuming and cumbersome approval processes. I believe that our bill addresses your concerns about EDA.

Both the Transportation Committee's bipartisan authorization bill and this appropriation bill address the concerns of the past and the challenges of the future. Before we eliminate these programs without due consideration to the effect, let us provide EDA with an opportunity to ensure that our Nation's economic development program is second to none.

I urge Members to vote "no" on the amendment.

Mr. Chairman, it was my hope, that our colleague from New York, Mr. SOLOMON, in dropping all the papers here, would have left them here, because I would have come back to put them back into place.

Mr. Chairman, I submit the following:

HOUSE OF REPRESENTATIVES,
Washington, DC, May 11, 1995.

Mr. WILLIAM DAVIDSON,
Regional Planning Board,
Lake George, NY.

DEAR WILLIAM: Thank you for contacting me regarding the Economic Development Administration. I most certainly share your concern with this matter. I vigorously support the efforts of the Economic Development Administration to provide much needed capital to businesses.

Although, Congress recently rescinded a total of $45 million in unspent funds to the Economic Development Administration, these funds represent monies that were authorized years ago and still remain unspent. This reduction does not represent a cut in current funding for the Economic Development Administration.

These rescissions consist of funds appropriated in fiscal year 1992 for emergency relief related to Hurricane Andrew and the Midwest floods. In both cases money for the Economic Development Administration was not requested by the Clinton Administration. Additionally it was generally accepted that these funds had been available for an appropriate length of time to address the effect of economic dislocation resulting from these disasters. The bill also included the rescission of $7.5 million originally provided in 1987 for the Fort Worth Stockyards Project that remained unspent after eight years.

These rescissions and others like them address the long overdue problem of our national debt that now exceeds $4.5 trillion and threatens the fiscal stability of this nation for future generations. Interest in the deficit will amount to over $234 billion this year alone. This means that this year's spending by the federal government will be paid for by our children and grandchildren. That's why spending reforms must take place to make this government live within its means and to restore accountability to the budget in Washington. For as long as I have been in Congress, I have supported efforts to reduce government waste and achieve a more efficient use of taxpayers' money. For the sake of future generations the time has come to cut spending. This means reducing, consolidating and eliminating even the most popular programs.

Although, the time has come for all programs to be trimmed or returned to localities, I strongly support helping small business and will do everything possible to ensure that the reforms maintain the Economic Development Administration.

Once again, thank you for contacting me regarding your thoughts on this matter.

Sincerely,

GERALD B. SOLOMON.

Mr. HEFLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me say I have offered similar amendments over the years to abolish EDA and in the past it is not the easy thing to do, because it is the kind of amendment that strains friendships. Each of my colleagues has their own experiences about how EDA has helped their communities.

Mr. Chairman, I do not dispute that the EDA has done some good things, but it cannot be disputed that the EDA has had many, many failures as well. To top that off, the financial management of the EDA, according to the Department of Commerce inspector general, is in absolute shambles.

But, Mr. Chairman, the debate is not about whether a particular project is beneficial or not. The debate is whether the EDA is the best use of taxpayers' dollars and it clearly is not. The EDA's influence on the economy is highly overrated. On a good month, the U.S. economy creates more long-term jobs than the EDA has created in its 28-year history.

The best economic performance this country has experienced in the past 28 years was when the EDA's budget was at its lowest. Let us face it, the EDA has been on the chopping block for years. It has survived for the simple reason that it makes Representatives and Senators look good.

Mr. Chairman, I contend that balancing our budget will do more for all of our reputations than all of the successes of the EDA. We need to bring these taxpayers' dollars back to do what they should be doing.

Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS. Mr. Chairman, I yield 1 minute to the gentleman from Pennsylvania [Mr. CLINGER], the chairman of the Committee on Government Reform and Oversight.

Mr. CLINGER. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Colorado [Mr. HEFLEY] with all due respect.

Mr. Chairman, I think that having been at one time an alumnus of the EDA, I would disagree that the Agency has not, in fact, done many good things throughout this country. It has not been a boondoggle. We used to argue this with David Stockman who said it was a zero sum game and it does not create any new jobs.

□ 1830

I think there are Members in this body who can speak from experience who know, in fact, we did create jobs.

I think the important thing to emphasize here is we are now on track to eliminate the Department of Commerce. We are proceeding to do that. My committee is going to be not orchestrating it, but finding out where things fit.

I think it would be premature at this point to eliminate EDA until that process that we have ongoing now through the reconciliation process has been completed.

I think the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], testified we are making dramatic changes in the delivery system. There have been mistakes. Too much of the country qualified for EDA assistance. It clearly should be focused on those areas of greatest need. Give us a chance to make those kinds of reforms. Give us a chance to do reconciliation before we hack the agency to death.

Mr. ROGERS. Mr. Chairman, I yield the balance of our time to the gentleman from Mississippi [Mr. WICKER], who, as many know, is president of the freshman class on the Republican side of this body.

Mr. WICKER. Mr. Chairman, I thank the distinguished chairman of the subcommittee for yielding this time to me.

I certainly rise in opposition to this amendment, and I rise in support of the Economic Development Administration.

I want to associate myself with the remarks made by many of my colleagues here this afternoon.

My colleague, the gentleman from New York [Mr. TOWNS], spoke eloquently on behalf of the EDA, and I want to take issue with only one thing he said. He said that EDA is the only agency he knows of that actually makes money for the Government at the end of the day by drawing down so much money from other levels of Government and from the private sector. Actually, there are other such agencies, and I would suggest to you that this is the very argument that carried the day on behalf of the Appalachian Regional Commission a couple of weeks ago, when, by an overwhelming bipartisan majority, this House rejected an amendment to defeat the Appalachian Regional Commission and rejected an amendment to eliminate the economic development portion of the Tennessee Valley Authority.

The same arguments that carried the day 2 weeks ago on TVA and ARC are true today, with the exception of the fact that EDA helps needy counties in every section of the United States of America, not just in a localized area, as the Appalachian Regional Commission and TVA do.

It would be the height of inconsistency for this House of Representatives to save the ARC and TVA while at the same time killing EDA.

Now, there are differences in the programs, but the main factors still remain. I would suggest to you that the chairman, the gentleman from Pennsylvania [Mr. SHUSTER], was correct when he spoke earlier about the need for changes in the funding formula.

I do have a bill in the subcommittee that has authorizing jurisdiction, and that subcommittee is working on changing the funding formulas. I think, quite frankly, that EDA could have more of a bottom-up approach and more participation by the Governors than they presently have.

But the arguments still basically are the same. We are talking about an agency that provides jobs and an agency that is working. It provides for needy countries, for example, fire protection to attract jobs and industry into a community and create taxpayers out of people. It helps communities build industrial parks. It helps communities build access roads to job locations. This is money well spent.

There is Federal money that basically takes a dollar out of somebody's pocket who is working and gives it to somebody else who is not working. I think Americans have the right to question that type of Federal spending, and we are doing that. We are balancing the budget in this House of Representatives and in this Congress.

But, when we can take Federal dollars and provide the opportunity for private sector employers to create jobs in the private sector and make taxpayers out of individuals in the counties which need it most and the locations which need it most, to me that is so much better than a transfer payment because it creates long-term jobs. EDA, just like TVA and ARC, is a good investment in jobs in the private sector.

I urge a "no" vote on the amendment and support for the EDA.

Mr. FOGLIETTA. Mr. Chairman, I rise to strike the requisite number of words.

I rise in strong opposition to this short-sighted amendment which would terminate funding for the Economic Development Administration.

As the Representatives whose district is home to the Philadelphia Naval Shipyard and has been one of the most heavily affected regions in the base closure process, I know firsthand the remarkable work being done by EDA.

With the expected loss of over 38,000 direct and indirect jobs as a result of the closure of the Navy Yard, EDA was on the ground working with the community—not as bureaucrats, but as a partner.

In Philadelphia, thanks in large part to this partnership, we are on the brink of creating good jobs and economic opportunity by reviving commercial shipbuilding at the Navy Yard.

EDA provides planning grants to local communities so that they can develop their own economic development plans. EDA provides seed money for community-identified infrastructure investments so that they can recover from an economic loss and rebuild their economic base.

And there are similar success stories throughout the Nation. EDA is assisting big cities hit by defense downsizing, small farming communities stricken by drought and suburban towns hurt by industry cutbacks.

People think of big cities when they talk about the EDA. But these EDA cuts will cut across all geographic lines.

I urge my colleagues to talk to their mayors, county executives and local chambers of commerce to hear these success stories firsthand. Oppose this amendment.

Mrs. CLAYTON. Mr. Chairman, I rise in opposition to the amendment.

The Economic Development Administration has been critical for rural America, and it promotes domestic growth as well as international trade growth.

It truly puzzles me how Members can propose to eliminate the very agencies of Government that have been effective in advancing the fiscal health of America.

The Economic Development Administration has done that.

I wonder if Members are aware of how this agency works.

I am familiar with how it works in the promotion of international trade and exporting of U.S. goods and services.

That is a vital and important function.

Exports from the United States have accounted for more than one-third of the economic growth in America, over the last 7 years.

Over the next 10 years, exports will grow three times as fast as any other component of the U.S. economy.

Export-related jobs have grown faster than domestic employment and export-related jobs pay almost one-fifth more than other domestic jobs.

In 1994 alone, exports supported some 11 million jobs in this Nation, and by the year 2000, exports will support nearly 16 million jobs.

In light of this compelling data, why then, Mr. Chairman, does this House seem to continue to be penny wise and pound foolish?

Why does this House continue to cut the budget without regard to what's in the budget?

Is this House so determined to march recklessly towards a balanced budget that it is willing to sacrifice good, important and valuable programs along the way?

I would suggest, Mr. Chairman, that by retaining the Economic Development Administration, we are more likely to balance the budget by the year 2002 than if we eliminated it.

The Economic Development Administration does just what its name suggests—it spurs economic development in America—not just domestic development, but global development, where the real future lies.

I urge a "no" vote on this amendment. Wake up Congress!

Mr. RAHALL. Mr. Chairman, I rise in strong opposition to the amendment offered by my colleague, Representative HEFLEY, to strike all funds contained in H.R. 2076 for the Economic Development Administration.

Just yesterday, a bill reauthorizing the EDA was reported to the Transportation & Infrastructure Committee by the subcommittee of jurisdiction, and it is a bill that streamlines and tightens eligibility for EDA program assistance so that the funds spent go only to our most distressed regions throughout the Nation.

H.R. 2076, the Commerce/State/Justice appropriations bill, has already cut EDA funding by 21 percent—or $91 million—below the fiscal year 1995 funding level. Twenty-one percent is a huge cut and I believe it represents EDA's fair share contribution toward reducing the deficit.

The reauthorization bill preserves the basic EDA programs, but has radically altered the program delivery mechanism by adopting an ARC Commission model for future grant-making and policy decisions.

In order to counter criticism of the EDA that it is nothing more than a Federal piggy bank, the new authorizing legislation strengthens the program by tightening the eligibility criteria, so that only truly distressed regions throughout the country will receive economic development assistance.

Mr. Chairman, the new authorizing bill continues the ability of communities to respond to defense cutbacks and base closures while, at the same time, retaining eligibility for local development districts and university centers; the bill also reforms the EDA delivery mechanism basing it on the ARC model of documented success; and it tightens eligibility criteria, while cutting EDA funding by $91 million—21 percent in fiscal year 1996. This is good reform where needed, and qualifies the EDA for our continued support.

I urge my colleagues to defeat the Hefley amendment to abolish the EDA, and urge their strong support for the continued funding for this vital job-creating program.

This is a program that has always helped regions of the country in need of economic development and job-creating assistance—and it should be allowed to continue to provide this assistance to local governments.

Defeat the Hefley amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. HEFLEY. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] will be postponed.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: First, amendment No. 43 offered by the gentleman from Colorado [Mr. ALLARD]; second, amendment No. 1 offered by the gentleman from Colorado [Mr. HEFLEY].

AMENDMENT OFFERED BY MR. ALLARD

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mr. ALLARD] on which further proceedings were postponed and on which the nose prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 17-minute vote.

Pursuant to the order of the House of today, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the next amendment.

The vote was taken by electronic device, and there were—ayes 197, noes 230, not voting 7, as follows:

[Roll No. 578]

AYES—197

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Boehner
Bonilla
Brownback
Bryant (TN)
Bunning
Burr
Burton
Buyer
Callahan
Camp
Canady
Chabot
Chambliss
Christensen
Chrysler
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Deal
DeLay
Diaz-Balart
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Foley
Fowler
Fox
Franks (CT)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Hunter
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kim
Kingston
Kleczka
Klug
Knollenberg
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Longley
Lucas
Luther
Manzullo
Martini
McCollum
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Moorhead
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Paxon
Peterson (MN)
Petri
Pombo
Porter
Portman
Pryce
Quinn
Radanovich
Ramstad
Regula
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shays
Shuster
Sisisky
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton

Visclosky
Vucanovich
Waldholtz
Walker
Wamp
Watt (NC)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Zeliff
Zimmer

NOES—230

Abercrombie
Ackerman
Baesler
Baldacci
Ballenger
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Blute
Boehlert
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Bunn
Calvert
Cardin
Castle
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
Danner
Davis
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Green
Greenwood
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Houghton
Hoyer
Hutchinson
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
King
Klink
Kolbe
LaFalce
Lantos
Laughlin
Leach
Levin
Lewis (GA)
Lightfoot
Lincoln
Lipinski
Lofgren
Lowey
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McCrery
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Mink
Mollohan
Montgomery
Moran
Morella
Murtha
Myers
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Pomeroy
Poshard
Quillen
Rahall
Rangel
Reed
Richardson
Riggs
Rivers
Rogers
Rose
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Schumer
Scott
Serrano
Shaw
Skaggs
Skelton
Slaughter
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Volkmer
Walsh
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—7

Bateman
Chenoweth
Collins (MI)
Dingell
Hall (OH)
Moakley
Reynolds

☐ 1854

The Clerk announced the following pair:

On this vote:

Mrs. Chenoweth for, with Mr. Dingell against.

Messrs. HOLDEN, DEUTSCH, FORD, and SKELTON changed their vote from "aye" to "no."

Messrs. GALLEGLY, RADANOVICH, BUYER, LAZIO of New York, WICKER, EMERSON, and GORDON changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. HEFLEY

Mr. CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Colorado [Mr. HEFLEY] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 115, noes 310, not voting 9, as follows:

[Roll No. 579]

AYES—115

Allard
Archer
Armey
Bachus
Baker (CA)
Barr
Barrett (NE)
Barton
Bass
Bereuter
Bilirakis
Bliley
Boehner
Brown (OH)
Brownback
Bunning
Chabot
Christensen
Chrysler
Coble
Condit
Cox
Crane
Crapo
Cubin
Cunningham
DeLay
Doolittle
Dornan
Dreier
Dunn
Ehrlich
Ensign
Ewing
Fawell
Fields (TX)
Foley
Forbes
Frisa
Gallegly
Goss
Gutknecht
Hancock
Hansen
Hastert
Hayworth
Hefley
Hobson
Hoekstra
Hoke
Hostettler
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Kasich
Kim
King
Klug
Kolbe
LaHood
Largent
Linder
Manzullo
McCollum
McInnis
McIntosh
McKeon
Miller (FL)
Moorhead
Moran
Myrick
Nethercutt
Neumann
Norwood
Nussle
Oxley
Paxon
Petri
Porter
Pryce
Radanovich
Ramstad
Rohrabacher
Roth
Royce
Salmon
Sanford
Scarborough
Schaefer
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Smith (MI)
Smith (WA)
Solomon
Souder
Stearns
Stockman
Stump
Talent
Tate
Tiahrt
Waldholtz
Walker
Watt (NC)
Weldon (PA)
White
Wolf
Young (FL)
Zeliff
Zimmer

NOES—310

Abercrombie
Ackerman
Andrews
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (WI)
Bartlett
Becerra
Beilenson
Bentsen
Berman
Bevill
Bilbray
Bishop
Blute
Boehlert
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Bryant (TN)
Bryant (TX)
Bunn
Burr
Burton
Buyer
Callahan
Calvert
Camp
Cardin
Castle
Chambliss
Chapman
Clay
Clayton
Clement
Clinger
Clyburn
Coburn
Coleman
Collins (GA)
Collins (IL)
Combest
Conyers
Cooley
Costello
Coyne
Cramer
Cremeans
Danner
Davis
de la Garza
Deal
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Ehlers
Emerson
Engel
English
Eshoo
Evans
Everett
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frost
Funderburk
Furse
Ganske
Gejdenson
Gekas
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Graham
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hastings (WA)
Hayes
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Holden
Horn
Houghton
Hoyer
Hunter
Hutchinson
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E.B.
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kingston
Kleczka
Klink
Knollenberg
LaFalce
Lantos
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Lipinski
Livingston
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCrery
McDade
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Molinari
Mollohan
Montgomery
Morella
Murtha
Myers
Nadler
Neal
Ney
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pombo
Pomeroy
Portman
Poshard
Quillen
Quinn
Rahall
Rangel
Reed
Regula
Richardson
Riggs
Rivers
Roberts
Roemer
Rogers
Ros-Lehtinen
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Saxton
Schiff
Schroeder
Scott
Serrano
Shays
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Spence
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thompson
Thornberry
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Vucanovich
Walsh
Wamp
Ward
Waters
Watts (OK)
Waxman
Weldon (FL)
Weller
Whitfield
Wicker
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates
Young (AK)

NOT VOTING—9

Bateman
Canady
Chenoweth
Collins (MI)
Dingell
Hall (OH)
Moakley
Reynolds
Roukema

□ 1902

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mrs. ROUKEMA. Mr. Chairman, on rollcall No. 579, I was not recorded. I believe that I registered a "no" vote but it was not recorded. Had I been present, I would have voted "no."

I ask unanimous consent that my statement appear in the RECORD immediately following that rollcall vote.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, if I may have the Members' attention on the schedule, I think we have some information that would be helpful to everyone.

Mr. Chairman, we think we have time agreements on all the rest of the amendments that will take significant time, and we think that will take around two hours. We think we should roll all votes on this bill until all debate has ended so that there will only be one other series of votes at the conclusion of debate.

Therefore, Mr. Chairman, if this is agreeable, there will not be any votes, we estimate, for around two hours.

Members who have amendments should be prepared to offer them because there will not be any intervening votes to kill time.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. ROGERS. I yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, we intend to have on the legislative branch appropriations bill a unanimous-consent to appoint conferees after the last vote on the bill. We do not anticipate a vote to be called for on either side. If that is the case, then there would not be a vote, but that is the intent, to ask unanimous consent to appoint conferees, and we intend to go into conference tomorrow, tomorrow evening. We are assuming no one will call for a vote on that.

The CHAIRMAN pro tempore (Mr. LAHOOD). Are there further amendments to title II?

AMENDMENT OFFERED BY MR. MOLLOHAN

Mr. MOLLOHAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MOLLOHAN:

On page 43, line 2, strike ": *Provided*, That" and all that follows through "grants" on line 10.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 30 minutes and that the time be equally divided.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 15 minutes, and is the gentleman from Kentucky [Mr. ROGERS] seeking recognition in opposition?

Mr. ROGERS. I am, Mr. Chairman.

The CHAIRMAN pro tempore. The gentleman from Kentucky [Mr. ROGERS] will be recognized for 15 minutes in opposition.

The Chair recognizes the gentleman from West Virginia [Mr. MOLLOHAN].

Mr. MOLLOHAN. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I rise to offer an amendment to strike language in the bill which prohibits funds under the NIST Industrial Services account from being used for the Advanced Technology Program.

Mr. Chairman, this program has been in existence for 4 or 5 years. It was initiated under President Reagan's administration. One of the prime sponsors was a former distinguished Member of this body, Mr. Ritter, who served on the Republican side of the aisle from Pennsylvania. It was an expression of his strong interest and, as well, the Reagan administration's interest, in this country being strategic about approaching technology development and understanding its importance in making the United States competitive vis-a-vis our world competition.

The rule today did not permit me to offer the amendment I would like to offer, Mr. Chairman, which was to restore funding to the ATP program. In this bill funding is eliminated in 1996 for any new ATP grants. There is carryover money allowed in the bill to fund grants made in 1994 grants and before. However, Mr. Chairman, the funding is not adequate. My amendment today would strike the language in the bill which is contained on page 43 which states that none of the funds made available under this heading in this or any other act may be used for programs of carrying out additional program competitions under the Advanced Technology Program. This amendment does not restore any funding. It simply eliminates that prohibition.

Let me say a few words about the ATP program, which I think is extremely valuable. Some would say, Mr. Chairman, that the Advanced Technology Program is corporate welfare. I would suggest that nothing is further from the truth.

Let me make it clear that ATP is not an entitlement program. It is a competitive program. In fact, industry funds more than half of the total R&D costs for ATP projects, and most of the awards of this program go to small and medium-sized businesses. Many of these businesses are in partnerships with universities, with foundations, with research organizations, as well as with larger corporate partners. That is hardly corporate welfare. Additionally, ATP does not pick winners and losers. This program does not even address technology when it is at the commercial state. It is pre-competitive.

Mr. Chairman, I urge support for our amendment to remove this limiting language.

Mr. ROGERS. Mr. Chairman, I yield myself one minute.

Mr. Chairman, I rise in strong opposition to the gentleman's amendment, and I will yield myself further time in a few minutes, but I wanted the Chairman of the Committee on Science to be able to speak because he has other work he has to go to.

This amendment deals with the Commerce Department's Advanced Technology Program, which is not currently authorized. I do not expect it will be reauthorized, and it is not funded in this bill. The amendment deletes the insurance language in the bill, language which insures that recipients of ATP grants in prior years would have some continuation funding to either complete their projects or to carry them through while they find alternative funding.

So I urge a no vote on this amendment. We did not fund the program in this bill. We allowed unused money, carryover money, from last year to be used to pay for projects from 1994 and previous years, but not 1995, nor certainly any new ATP grants. We think it is the fair approach to shutting down a program that needs to be shut down without undue harm to previous recipients.

Mr. Chairman, I yield two minutes to the very distinguished gentleman from Pennsylvania [Mr. WALKER], chairman of the Committee on Science who has a very deep interest in this program.

Mr. WALKER. Mr. Chairman, I rise in opposition to the amendment.

First of all, let us do away with the myth that somehow this is a Reagan program that ought to be supported because it was Ronald Reagan. The Reagan administration never requested money for this program.

Now it is true that the Bush administration did request some money for this program, but that was in dialog with the Democrats who were looking for some other kinds of concessions, and the Bush people ultimately bought in. I have since talked to some of the people who were Commerce Secretaries under President Bush who told me that they were very reluctant about this program and believe that it is now time to do away with it, and that is exactly where we are headed here.

The Commerce appropriation bill provides no money for the Advanced

Technology Program. This program was terminated as a part of the assumptions of the budget resolution. The ATP program authorization expired in fiscal year 1993. The Committee on Science, which I chair, has reported the National Institute of Standards and Technology authorization, and the ATP program is not included.

So, the only reason to strike the good-government taxpayer-protection provisions regarding ATP in H.R. 2776 is to establish a loophole for spending hundreds of millions of dollars of new money on new grants. If we spend the last dollars on new grants, nothing will be left for completing the ongoing projects that have already gotten some money. With this language $318 million is now available for the orderly completion of the program. If, in fact, what we do is adopt the Mollohan amendment, what we are not going to be able to do is complete these programs in an orderly way, and we are going to have a mess out there.

I understand that there are some in the opposition party that do not want to reduce the size of government at all. They are against any and all program terminations. Let us stand up and do what we said we were going to do in November—with this amendment—so that we can have an ordinary termination of a program that has outlived its usefulness.

□ 1915

Mr. MOLLOHAN. Mr. Chairman, I yield myself 30 seconds.

Mr. Chairman, I would like to engage the distinguished chairman, the gentleman from Pennsylvania, in a colloquy. Did I understand the gentleman to suggest that there was not support for this program in the Bush administration?

Mr. WALKER. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from Pennsylvania.

Mr. WALKER. Mr. Chairman, no, what I said was that they did in fact come up with money for it, but since that time, I have talked to Cabinet Secretaries who served in the Bush administration who indicated to me this is a program we can get rid of.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, I would like to read from Mr. Bromley, President Bush's Science Adviser:

> In the Bush administration we made a start towards more effective use of our technology strengths as, for example, in the successful Advanced Technology Program in the National Institute of Standards and Technology, and I am pleased to see that the program is expanded. There is much that remains to be done, however, and the Clinton administration has emphasized its intent to make technology one of its major thrusts.

Mr. WALKER. Mr. Chairman, if the gentleman will continue to yield, the gentleman is not refuting anything I said. I said Commerce Secretary.

Mr. MOLLOHAN. Mr. Chairman, reclaiming my time, Secretary of Commerce Barbara Franklin, under the Bush administration, says,

> ATP is an excellent example of the kind of practical partnership between industry and government that can lay the foundations today for commercial successes in world markets tomorrow.

Mr. ROGERS. Mr. Chairman I yield 1 minute to the gentleman from Pennsylvania [Mr. WALKER].

Mr. WALKER. Mr. Chairman, I would say to the gentleman that Barbara Franklin and I are very good friends. We grew up in the same town. I just had an opportunity to talk to her on the telephone the other day, and she assured me if we could in fact get rid of the ATP program, we would be doing a service to the country.

So she is one of the people that I feel strongly would say now that the direction in which this bill goes is exactly the right direction to go.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, Barbara Franklin also says, "Now entering its third year, the Advanced Technology Program has demonstrated its ability to attract top-flight proposals from virtually every field of technology, and from innovation companies both large and small." She goes on.

Mr. WALKER. Mr. Chairman, reclaiming my time, I am sure there are plenty of quotes of people at the time they were administering the program.

Mr. MOLLOHAN. That is Barbara Franklin.

Mr. WALKER. I said I talked to her within the last few days.

Mr. MOLLOHAN. You are so persuasive, even in the interpretation of this language.

Mr. WALKER. I have talked to former Secretary Franklin within the last few days, and she is in favor of getting rid of the ATP program.

Mr. ROGERS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, as I said earlier, I am in opposition to this amendment. Essentially what this amendment would do would be to strike the language in the bill that prohibits the carry-over funds, $187 million that have not been spent, from being spent for new ATP grants or to pay for the continuation of 1995 ATP grants. The bill language only allows those carry-over funds to be spent for grants made in 1994 and previous years.

We think that money is necessary to be able to close out in a reasonable fashion older grants, the mature grants, the ones who have a life-span of 3 to 5 years. This money that is carry-over funds could be used under the bill language to finish out those older grants, but not to make new ones in 1995 or 1996.

Now, the amendment that the gentleman from West Virginia [Mr. MOLLOHAN] has filed, would allow those carry-over funds to be used to finance the continuation of the ATP grant program, to issue new grants in 1996, to issue continuation grants for 1995 programs, and so on. It is the old business as usual. We think, Mr. Chairman, that the ATP program is a corporate welfare program.

No. 2, it is a Washington-based picker of winners and losers in the private sector. We think the private sector is the one to make choices of winners and losers, and therefore we urge the defeat of this amendment and to keep the prohibition in the bill to stop the ATP program in its tracks.

Mr. Chairman, I reserve the balance of my time.

Mr. MOLLOHAN. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS], a distinguished member of our subcommittee.

Mr. SKAGGS. Mr. Chairman, I thank the gentleman for yielding and congratulate him on this proposal, which I support.

Mr. Chairman, we are going to hear a lot of mythology during this debate. One of the myths was just offered up, and that is we are somehow picking winners and losers. In fact, this is an enlightened effort to create a partnership in which a modest amount of capital from the Federal side is used to leverage a great deal of capital from the private sector into doing the kind of applied technology that the marketplace simply is not going to support otherwise.

Look at the analogy to the National Science Foundation. We know that private enterprise in this country is not going to support the kind of basic research that does not have immediate payoffs. We realize that that is in our enlightened national self-interest to support such research through a collective effort, through taxes.

The same thing applies here. There are some key technologies that are not quite market-ready, but we have reasonable grounds to know that they are going to pay off big time for us in the long haul. The ATP program is to give an increment of public capital to leverage a great deal of private capital to bring some of these promising technologies to market viability.

Mr. Chairman, we are up against a very competitive world situation in which most of the rest of the industrialized world has things like this going on. Let us not tie our hands behind our backs.

Mr. ROGERS. Mr. Chairman, I yield such time as she may consume to the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Chairman, I rise in behalf of the amendment offered for the ATP program, which is administered through NIST.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

Ms. JACKSON-LEE. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise very strongly to support the Advanced Technology Program, because I know locally that it is not about big business; it is about small technological firms that help give jobs to Americans.

Over 177 R&D projects have been created since the program's inception involving the efforts of some 400 organizations, from government laboratories to academic institutions, and I really want to emphasis academic institutions. It allows the research that would not be supported by the private sector to be supported and to provide the kind of technology, that a local firm in my community has been able to develop a biocatalytic desulfurization technology which aids petroleum companies in conforming to environmental regulations. What better use of our tax dollars than to improve the quality of life, to create jobs, and, of course, to help an industry that is so much in need of enhanced technology to improve its productivity.

This small company is an excellent example of why we need the ATP program, to aid small R&D organizations with Federal moneys in order to develop promising technologies that private sector corporations and venture capital groups would be hesitant to fund. We cannot leave the development of these important new technologies to tax credits or regulatory reform and ignore the need for Federal programs like ATP.

Let us continue, Mr. Chairman, to fund programs like this. Let us support ATP. I rise in support of this amendment.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 1 minute to the distinguished gentleman from Massachusetts [Mr. OLVER].

Mr. OLVER. Mr. Chairman, I rise in support of the Mollohan amendment. Mr. Chairman, I am puzzled why the Republicans want to eliminate the Advanced Technology Program, which was established by President Bush. Every major industrialized country in the world has private sector, government cooperative programs designed to increase their country's competitiveness in this global economy. Incredibly, to me at least, this bill terminates our own program. That is like unilateral disarmament in the midst of a war, and competition in today's global economy is clearly the economic equivalent of war.

Yesterday, my distinguished Committee on Science chairman, the gentleman from Pennsylvania [Mr. WALKER], asserted that tax cuts, regulatory relief, and product liability reform are more beneficial than ATP. Well, what better gift to governments and businesses around the world than to see the United States disarm its private sector-government partnerships that could support competitiveness?

Mr. Chairman, I urge a yes vote for the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Chairman, I rise in strong support of the Mollohan amendment. I realize the difficult task facing Chairman ROGERS and Ranking Member MOLLOHAN in making cuts to the Department of Commerce.

Mr. MOLLOHAN was prevented from offering an amendment which would have ensured funding for commitments made in fiscal year 1995 and prior years. A goal which I might add is supported by the Technology subcommittee of the Science Committee which reported out a bill with bipartisan support authorizing the ATP all the Republicans on our subcommittee voting aye. Mr. MOLLOHAN's amendment would give NIST the flexibility to try and meet these commitments.

I understand that the current budget climate is not the time to expand the ATP program. However, we should do our best to ensure that those commitments made by the Government to the private sector are kept. We should not terminate this program mid-stream, after companies have begun projects, developed strategic business plans, and invested their own money based on a Federal commitment to a program that goes back to the Reagan administration.

However, I believe the Advanced Technology Program should not be eliminated outright. At a time when American corporations are scaling back R&D spending to focus on short-term profits, and small high-tech entrepreneurs are finding it increasingly difficult to find needed venture capital, the Advanced Technology Program is a small, but important Government program to fill this gap and to help ensure the future vitality of our economy.

We can argue the philosophy of whether or not the Government should engage in partnership with industry. But, I think we can all agree that we should do our best to ensure that the Government meets existing commitments.

Keep in mind that the private sector puts up their money to fund this precompetitive research.

Mr. Chairman, I urge my colleagues to support the Mollohan amendment.

Mr. MOLLOHAN. Mr. Chairman, I am pleased to yield 2 minutes to the distinguished gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Chairman, this amendment concerns the Advanced Technology Program, but it would be more rightly called the initiative from the gentleman from West Virginia for jobs for Americans, because that is what it is all about. It focuses on science and technology, but it is about whether we want jobs in this country or we want to continue to see the good, high-wage jobs going somewhere else.

We understand that in Austin, TX. You see, in our community, concepts like public-private partnership, consortium, teamwork, alliance, the idea that the government and the private sector can work together, those are not alien concepts. They are what has given us the kind of economic development problems that every other county in the country would like to have. Unemployment that has stayed consistently below 4 percent, because we are developing good, high-wage jobs in a public-private partnership, and technology has been essential to that. It is essential today as we recognize the kind of fierce international competition we have.

Other countries, our competitors like Germany and Japan, are spending 3 percent of their gross national product on research and development. We are spending about 2 percent. And with this kind of approach, that investment is going to plummet.

I believe tonight that the opposition to the Mollohan amendment has reached a new standard in myopia, with reference to this whole question of how we can work together to improve research in this country and keep jobs here.

Moreover, unless we adopt this amendment, this appropriations bill is going to break the word of the U.S. Government to those who have submitted requests and who are not going to be funded unless the Mollohan amendment is adopted.

☐ 1930

Let me just give one example of the kind of company we are talking about, a small company called SciComp, Inc., in Austin. It is a small startup company that is developing numerical software. As a result of the ATP they will be able to continue to do that and provide more good jobs in America. If we adopt the Mollohan amendment, that kind of thing can be going on all over the country.

Mr. MOLLOHAN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BROWN], the distinguished ranking member of the Committee on Science.

Mr. BROWN of California. Mr. Chairman, I support the Mollohan amendment to strike the ban contained in this legislation.

I regret that my good friend, the distinguished chairman of the Committee on Science, had to leave for another appointment because I wanted to follow up on the discussion that he was conducting about how this really was not something that Reagan wanted, even though he signed the bill that created this program. It really was not something that Bush wanted, even though his science advisor and the chairman of his Council of Economic Advisors helped to develop the program to where it is at the present time.

The gentleman from Pennsylvania [Mr. WALKER] has been a consistent opponent of this program since the 1980's. He did not buy the philosophy which the Bush administration bought and which most Democrats bought, that the U.S. Government ought to be user friendly for business, because that is what this program is intended to do. It is intended to make government and business partners in reversing the decline in our competitiveness and in improving the efficiency of industry, in developing new innovations which will create jobs, as our distinguished colleague from Texas just indicated earlier, and which will restore this country to the superiority that it has had in industrial practices and in international business.

The gentleman from Pennsylvania [Mr. WALKER] has always felt that this is too heavy an intervention, that you just cut their taxes and reduce the amount of regulation, and they will automatically achieve the kind of efficiencies that they should have. They do not automatically achieve it. We have seen that through years of experience. This program makes the government a partner with business that needs the help, that needs the small amount of capital infusion which is shared.

I urge that Members support the Mollohan amendment and keep this an open situation.

Mr. MOLLOHAN. Mr. Chairman, I yield the balance of my time to the distinguished gentleman from California [Mr. MINETA].

The CHAIRMAN. The gentleman from California [Mr. MINETA] is recognized for 2 minutes.

Mr. MINETA. Mr. Chairman, I rise in strong support of the Mollohan amendment.

The Advanced Technology Program is a common-sense program that funds precompetitive research and technology. Federal investment is necessary so that industry and universities can eventually reach a point where it makes sense to proceed on their own with certain long-range technologies.

This foresight promises to pay tremendous dividends in the form of new economic opportunities and next generation technologies that bring a higher quality of life into our homes.

The ATP is based on the basic principle that public policy should be determined by a vision that extends further than the next election. It is a program based on the knowledge that some important research will not get done without public involvement because the research is too costly or too long term to fit into next quarter's bottom line.

I support this amendment because it would give NIST the flexibility it needs to complete its funding of existing Advanced Technology Program contracts.

Companies, consortia, and universities around the Nation have expended millions of dollars and focused vast resources in keeping to their half of the Advanced Technology Program agreement. Now they are counting on the Government to do its part.

Mr. Chairman, let me be clear. We are not talking about whether or not future ATP grants should be made. We are not discussing how much money should be spent in future years. The rules does not allow those debates.

Rather, this amendment simply gives NIST the minimum amount of flexibility necessary to finish its assigned job—a job by the way, that Congress ordered it to perform just last year.

Mr. Chairman, it is bad enough that through this legislation the majority is attempting to eliminate the ATP, one of the most effective long-term research and technology policies currently employed by the Federal Government.

What is inconceivable, and what this amendment would strike, is language that would virtually prohibit NIST from fulfilling its existing legal obligations.

I urge my colleagues to act responsibly and to support the Mollohan amendment.

Mr. ROGERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, if you want to vote to end corporate welfare, vote "no" on the Mollohan amendment.

Mrs. MORELLA. Mr. Chairman, I rise in support of the gentleman from West Virginia's amendment.

The Advanced Technology Program is administered by the National Institute of Standards and Technology, headquartered in my congressional district. I have been, and continue to be, a supporter of the ATP.

I believe the ATP is a program with merit in fostering emerging, precompetitive technologies. I have been informed by industry of its effectiveness in promoting their new technologies.

Although I strongly support the Appropriations Committee's recommendation to utilize $180 million in unobligated funds for the continuation of ATP awards, I am supporting the gentleman's amendment because it would allow NIST greater flexibility in the spending of its unobligated balance of funds. NIST has requested this flexibility and I believe it will be useful to administering the program as Congress continues to debate the health and future of the ATP.

Mrs. KENNELLY. Mr. Chairman, I rise in support of the Mollohan amendment to restore funding for the Advanced Technology Program.

I come from a State that has been hardhit by defense downsizing. Rebuilding our economy is a slow process, but today, we have a growing high-technology sector, which means more jobs and stronger businesses.

If we cancel the ATP program, that growth will stop dead in its tracks. To Connecticut, that means higher unemployment and a weaker economy.

Some people say ATP helps only big corporations. But tell that to the small high-technology businesses in my district, who employ 5 or 10 people, and who depend upon ATP for their very existence. Cut ATP, and you cut jobs. Cut ATP, and you kill promising technologies that strengthen our economy.

In Connecticut and in States across the country, ATP creates jobs, increases exports, and gives taxpayers a huge return on their investment. That's not picking winners and losers—that's making winners out of all of us.

I urge my colleagues to support small business, support technology R&D, and support new jobs. Support the ATP program.

I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MOLLOHAN. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN] will be postponed.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment. The Clerk read as follows:

Amendment offered by Mr. ENGEL: Page 41, insert the following after line 6:

ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION

For expenses necessary to carry out the provisions of the National Endowment for Children's Educational Television Act of 1990, title II of Public Law 101–437, including costs for contracts, grants, and administrative expenses, $2,000,000, to remain available as provided in section 394 (h) of the Communications Act of 1934.

Page 40, line 4 strike "$135,000,000" and insert "$133,000,000".

Mr. ENGEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. ROGERS. Mr. Chairman, I reserve a point of order against the amendment.

The CHAIRMAN. The gentleman from Kentucky reserves a point of order.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. ENGEL] will be recognized for 5 minutes in support of the amendment, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 5 minutes in opposition to the amendment.

The Chair recognizes the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment represents a minor shift of funds from the periodic censuses and programs into the National Endowment for Children's Educational Television. This amendment is important not just for what it does but for what it represents. Throughout this appropriations process, I have witnessed many programs which I support lose funding partially or in many cases completely. I feel that I cannot stand idly by as another successful program falls victim to the budget axe.

The National Endowment for Children's Educational Programs last year was funded at $2.5 million. Under the proposal, it is zeroed out. Mr. Chairman, funding in the previous fiscal year for the National Endowment for Children's Educational Television was funded at $2.5 million in this year's proposed appropriation, wiped out, funded at zero.

I am proposing to fund it at $2 million which would represent a 20-percent cut over the funding last year because I understand that many programs are taking cuts because of budgetary constraints. But I do not think that the National Endowment for children's Educational Television, which has been so successful, ought to be zeroed out.

Next week we are going to begin debate on Labor HHS appropriations, and we are going to cut back a lot of funds for education. Right now we have before us the Endowment for Children's Educational Television, which in my opinion is a very worthwhile program, which will fall victim to shortsighted cuts.

Now, the National Endowment for Children's Educational Television is the only Federal setaside dedicated exclusively to the funding of educational programming for children. I am the father of three children. Many of us have children and grandchildren. We realize how important it is to have children's educational television. The endowment is a worthwhile investment in our children's education. Projects which have been funded by the endowment include Storytime and Ghostwriter, reading and literacy programs which are aired daily on PBS.

Public broadcasting programs focus not only on reading, literacy and math but on productive social behavior, cultural tolerance, ethics and values. Unfortunately, the funding resources, the Endowment for Children's Educational Television, from corporate foundation and governmental institutions remains low. While most of this money is raised through corporations and foundations, Federal funds remain a small but crucial portion of their budget. This is a public/private partnership that works. Why would we want to kill it?

Ending it will only hurt the children who rely on educational programming.

Again, as the father of three small children, I appreciate the value of this programming, and I am sure most parents do. At a time when we are all concerned about the amount of violence our children are seeing on television, on commercial television, I find it hard to believe that we would forgo the opportunity to provide wholesome programming for the youth of the country. By the time a child in the United States reaches the age of 18, he or she will have spent nearly 13,000 hours in school. By contrast, that child will have spent roughly 15,000 to 20,000 hours watching television.

The National Endowment for Children's Educational Television does its own small part to ensure that these children have the option of quality programming. Two million dollars is certainly money well spent for this very worthwhile programming. Public polls have shown that people across the country do support public broadcasting, particularly when we are talking about children's educational television. So, my colleagues, I cannot think of anything worse to zero out, worse than to cut this very, very worthwhile program.

I am proposing that we reinstate $2 million which by budgetary standards is a very, very small amount of money to aid our children's future. Again, under my amendment, the National Endowment for Children's Educational Television would still take a 20-percent cut but would not be zeroed out.

I urge my colleagues to support this. It is very, very important. Please save public broadcasting and let us send a message that funding for children's educational television should not be eliminated.

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POINT OF ORDER

The CHAIRMAN. Does the gentleman from Kentucky [Mr. ROGERS] insist on his point of order?

Mr. ROGERS. Mr. Chairman, I do. I make a point of order against the amendment because it provides an appropriation for an unauthorized program and therefore violates clause 2 of rule XXI, which states, in its pertinent part "No appropriation shall be reported in any general appropriations bill, or be in order as an amendment thereto for any expenditure not previously authorized by law."

Mr. Chairman, the authorization for this program has not been signed into law. The amendment therefore violates clause 2 of rule XXI. I ask for a ruling of the Chair.

The CHAIRMAN. Does the gentleman from New York [Mr. ENGEL] wish to be heard on the point of order?

Mr. ENGEL. I certainly do, Mr. Chairman. Mr. Chairman, I would respectfully disagree. I would say that this has been authorized in every single budget, and I see no reason why it should not be authorized in this budget. I would respectfully disagree.

The CHAIRMAN. Does anyone else wish to be heard on the point of order? Based on the information the Chair has, the Chair is willing to rule at this point in time.

Pursuant to Public Law 102-538, section 132, there is no authorization for the program beyond fiscal 1994 that has been called to the Chair's attention. The point of order has to be sustained at this time.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGEL: Page 40, line 24, strike "$19,000,000" and insert "$21,000,000".

Page 40, line 4, strike "$135,000,000" and insert "$133,000,000".

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes, and that time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. ENGEL. Reserving the right to object, Mr. Chairman, would this be on all subsequent amendments to the bill?

The CHAIRMAN. To this amendment and to all amendments thereto.

Mr. ROGERS. That is correct, Mr. Chairman.

The CHAIRMAN. To this amendment and all amendments thereto.

Mr. ENGEL. Five minutes on each side?

The CHAIRMAN. Five minutes total. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. ENGEL] will be recognized for 2½ minutes, and the gentleman from Kentucky [Mr. ROGERS] will be recognized for 2½ minutes.

The Chair recognizes the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I yield myself such item as I may consume.

Mr. Chairman, since my previous amendment was not allowed to be put forward to a vote, this amendment represents, again, a modest shift of funds from periodic censuses and programs to the program for public broadcasting facilities, planning, and construction. Public broadcasting facilities, planning, a construction have been cut severely in this budget. Again, if Members support public broadcasting, then this is an amendment that ought to be supported.

By voting for this amendment, Mr. Chairman, we will send a message that funding for children's educational television should not be eliminated. We will increase funding for public broadcasting facilities across the country. We will support funding for long distance video learning, specialized equipment for services for the hearing impaired, and we will send and give a reliable public broadcasting signal for 25 million Americans.

There has been a battle in this Congress to end public broadcasting. I happen to think that is a very misguided battle. Public broadcasting is the best example, as I mentioned before, of a public-private partnership that works. For every $1 that public funds are put into public broadcasting, they are able to generate $5 and $6 of money from corporations and from the private sector. We should be, in my opinion, increasing public broadcasting, not cutting it back. If we increase by only $2 million, again, a small amount considering the magnitude of this budget, for public broadcasting facilities, planning, and construction, we will be sending a message that we want and support public broadcasting and that public broadcasting ought to continue.

I say to all my colleagues who have come up to me and have expressed strong support on both sides of the aisle for public broadcasting, by voting this amendment they are sending a message, sending a message to their folks back home, to their constituents, to their colleagues, that they support public broadcasting. By putting the money into public broadcasting facilities, planning, and construction, we will continue to have the finest public radio and television anywhere in the world.

Mr. Chairman, I believe that the cuts in public broadcasting are representative of the poor judgment we have used in this process to cut worthwhile programs indiscriminately. What I do is take a small step in the right direction. Again, the funding which is provided for these facilities through corporate, foundation, and governmental resources remains low. Why, again, would we want to break something that works? Please support the amendment and save public broadcasting.

Mr. ROGERS. Mr. Chairman, I rise in opposition to this amendment. The gentleman increases funds for the Public Broadcasting Facilities Program by $2 million. The funds in this bill for PBFP are already $11 million above the request. There were Members on my side of the aisle who had planned to offer amendments to eliminate the program altogether. The gentleman's amendment would target funds toward grants for television programs for children, a very worthy goal, but this is not a program that belongs in this bill. It is not authorized.

I suggest the gentleman talk to the chairman of the subcommittee, the gentleman from Texas [Mr. FIELDS]. This amendment cuts funds from the Census Bureau, as that agency prepares for the year 2000 census. My bill already cuts the Census Bureau by $67 million. Mr. Chairman, I urge a "no" vote on the Engel amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ENGEL].

The question was taken; and the chairman announced that the noes appeared have it.

Mr. ENGEL. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from New York [Mr. ENGEL] will be postponed.

Are there other amendments to title II?

The Clerk will designate title III.

The text of title III is as follows:

TITLE III—THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For expenses necessary for the operation of the Supreme Court, as required by law, excluding care of the building and grounds, including purchase or hire, driving, maintenance and operation of an automobile for the Chief Justice, not to exceed $10,000 for the purpose of transporting Associate Justices, and hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344; not to exceed $10,000 for official reception and representation expenses; and for miscellaneous expenses, to be expended as the Chief Justice may approve, $25,834,000.

CARE OF THE BUILDING AND GROUNDS

For such expenditures as may be necessary to enable the Architect of the Capitol to carry out the duties imposed upon him by the Act approved May 7, 1934 (40 U.S.C. 13a–13b), $3,313,000, of which $500,000 shall remain available until expended.

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

SALARIES AND EXPENSES

For salaries of the chief judge, judges, and other officers and employees, and for necessary expenses of the court, as authorized by law, $14,070,000.

UNITED STATES COURT OF INTERNATIONAL TRADE

SALARIES AND EXPENSES

For salaries of the chief judge and eight judges, salaries of the officers and employees of the court, services as authorized by 5 U.S.C. 3109, and necessary expenses of the court, as authorized by law, $10,859,000.

COURTS OF APPEALS, DISTRICT COURTS, AND OTHER JUDICIAL SERVICES

SALARIES AND EXPENSES

For the salaries of circuit and district judges (including judges of the territorial courts of the United States), justices and judges retired from office or from regular active service, judges of the United States Court of Federal Claims, bankruptcy judges, magistrate judges, and all other officers and employees of the Federal Judiciary not otherwise specifically provided for, and necessary expenses of the courts, as authorized by law, $2,411,024,000 (including the purchase of firearms and ammunition); of which not to exceed $14,454,000 shall remain available until expended for space alteration projects; of which not to exceed $11,000,000 shall remain available until expended for furniture and furnishings related to new space alteration and construction projects; and of which $500,000 is to remain available until expended for acquisition of books, periodicals, and newspapers, and all other legal reference materials, including subscriptions.

In addition, for expenses of the United States Court of Federal Claims associated with processing cases under the National Childhood Vaccine Injury Act of 1986, not to exceed $2,318,000, to be appropriated from the Vaccine Injury Compensation Trust Fund.

VIOLENT CRIME REDUCTION PROGRAMS

For activities of the Federal Judiciary as authorized by law, $41,500,000, to remain available until expended, which shall be derived from the Violent Crime Reduction Trust Fund, as authorized by section 190001(a) of Public Law 103–322.

DEFENDER SERVICES

For the operation of Federal Public Defender and Community Defender organizations, the compensation and reimbursement of expenses of attorneys appointed to represent persons under the Criminal Justice Act of 1964, as amended, the compensation and reimbursement of expenses of persons furnishing investigative, expert and other services under the Criminal Justice Act (18 U.S.C. 3006A(e)), the compensation (in accordance with Criminal Justice Act maximums) and reimbursement of expenses of attorneys appointed to assist the court in criminal cases where the defendant has waived representation by counsel, the compensation and reimbursement of travel expenses of guardians ad litem acting on behalf of financially eligible minor or incompetent offenders in connection with transfers from the United States to foreign countries with which the United States has a treaty for the execution of penal sentences, and the compensation of attorneys appointed to represent jurors in civil actions for the protection of their employment, as authorized by 28 U.S.C. 1875(d), $260,000,000, to remain available until expended as authorized by 18 U.S.C. 3006A(i): *Provided*, That none of the funds provided in this Act shall be available for Death Penalty Resource Centers or Post-Conviction Defender Organizations.

FEES OF JURORS AND COMMISSIONERS

For fees and expenses of jurors as authorized by 28 U.S.C. 1871 and 1876; compensation of jury commissioners as authorized by 28 U.S.C. 1863; and compensation of commissioners appointed in condemnation cases pursuant to rule 71A(h) of the Federal Rules of Civil Procedure (28 U.S.C. Appendix Rule 71A(h)); $59,028,000, to remain available until expended: *Provided*, That the compensation of land commissioners shall not exceed the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code.

COURT SECURITY

For necessary expenses, not otherwise provided for, incident to the procurement, installation, and maintenance of security equipment and protective services for the United States Courts in courtrooms and adjacent areas, including building ingress-egress control, inspection of packages, directed security patrols, and other similar activities as authorized by section 1010 of the Judicial Improvement and Access to Justice Act (Public Law 100–702); $109,724,000, to be expended directly or transferred to the

United States Marshals Service which shall be responsible for administering elements of the Judicial Security Program consistent with standards or guidelines agreed to by the Director of the Administrative Office of the United States Courts and the Attorney General.

ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

SALARIES AND EXPENSES

For necessary expenses of the Administrative Office of the United States Courts as authorized by law, including travel as authorized by 31 U.S.C. 1345, hire of a passenger motor vehicle as authorized by 31 U.S.C. 1343(b), advertising and rent in the District of Columbia and elsewhere, $47,500,000, of which not to exceed $7,500 is authorized for official reception and representation expenses.

FEDERAL JUDICIAL CENTER

SALARIES AND EXPENSES

For necessary expenses of the Federal Judicial Center, as authorized by Public Law 90-219, $18,828,000; of which $1,800,000 shall remain available through September 30, 1997, to provide education and training to Federal court personnel; and of which not to exceed $1,000 is authorized for official reception and representation expenses.

JUDICIAL RETIREMENT FUNDS

PAYMENT TO JUDICIARY TRUST FUNDS

For payment to the Judicial Officers' Retirement Fund, as authorized by 28 U.S.C. 377(o), $24,000,000, to the Judicial Survivors' Annuities Fund, as authorized by 28 U.S.C. 376(c), $7,000,000, and to the United States Court of Federal Claims Judges' Retirement Fund, as authorized by 28 U.S.C. 178(l), $1,900,000.

UNITED STATES SENTENCING COMMISSION

SALARIES AND EXPENSES

For the salaries and expenses necessary to carry out the provisions of chapter 58 of title 28, United States Code, $8,500,000, of which not to exceed $1,000 is authorized for official reception and representation expenses.

GENERAL PROVISIONS—THE JUDICIARY

SEC. 301. Appropriations and authorizations made in this title which are available for salaries and expenses shall be available for services as authorized by 5 U.S.C. 3109.

SEC. 302. Appropriations made in this title shall be available for salaries and expenses of the Special Court established under the Regional Rail Reorganization Act of 1973, Public Law 93-236.

SEC. 303. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Judiciary in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 304. Notwithstanding any other provision of law, the salaries and expenses appropriation for district courts, courts of appeals, and other judicial services shall be available for official reception and representation expenses of the Judicial Conference of the United States: *Provided*, That such available funds shall not exceed $10,000 and shall be administered by the Director of the Administrative Office of the United States Courts in his capacity as Secretary of the Judicial Conference.

This title may be cited as "The Judiciary Appropriations Act, 1996".

The CHAIRMAN. Are there amendments to title III?

AMENDMENT OFFERED BY MR. PORTMAN

Mr. PORTMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. PORTMAN: Page 51, line 4, strike "$2,411,024,000" and insert "$2,409,024,000".

Page 51, line 6, strike "$14,454,000" and insert "$13,454,000".

Page 51, line 8, strike "$11,000,000" and insert "$10,000,000".

Mr. PORTMAN. Mr. Chairman, the amendment I offer today is modest in amount, but it is significant in message. It cuts $2 million for space alteration expenses and related furnishing expenses for the U.S. Court of Appeals, district courts, and the bankruptcy courts. The purpose of this amendment is to send a strong signal to the judiciary that it must revise its court design guide. That design guide contains specifications for courthouses and office space that drives up the costs of relocation and furnishings at taxpayer expense.

It just does not make sense, for example, to require courts to make whatever structural changes have to be made to attain a mandated ceiling height of 16 feet, to use premium grade hardwood veneer paneling, premium grade hardwood veneer door solid core doors, hardwood door jambs, and the highest quality paint, at a time when the legislative branch, the executive branch, and folks back home are reducing spending in their operations in an effort to set an example and to help balance the budget. The judiciary must be subject to the same scrutiny.

The need for this amendment is particularly acute because in this bill before us there is actually an increase in these items over the appropriated amount for fiscal 1995. Clearly we are moving in the wrong direction here. This just does not make sense in light of our fiscal crisis. I understand the need for the courts to appear judicial, but these one-size-fits-all standards from this guide add huge costs to the alteration of courts and office space, huge costs we simply cannot afford.

More specifically, the amendment before us would simply reduce the funding that remains available for space alteration projects from about $14 million to about $13 million, and for furnishings from $11 million to $10 million. The court design guide, prepared under the direction of the Judicial Conference of the United States, is used by architects, engineers, contractors, and court administrators when renovating existing courthouses and office space. The guide was developed over a 3-year period and instituted in 1991.

Again, I understand the need for courtrooms to meet some standards, but I do not believe it is necessary for them to follow these kinds of strict specifications at taxpayer expense. I can tell the Members from firsthand experience that the design guide does increase costs. In my district, the U.S. bankruptcy court recently moved from the Federal courthouse into private office space at a significant cost to the taxpayer. I have been told that there is Federal office space available, but because it did not meet the specs in the design guide it could not be used. The private office lease that the court did sign required significant renovation and complete furnishing of this space as dictated by the design guide.

I had hoped this was an isolated incident, but having looked into it, I found it not only occurred in other places in our State of Ohio, but also other parts of the country. In fairness, let me make it clear that the judiciary has made some progress recently in revising the design guide. Over the past few years a conscious effort has been made to try to keep costs in mind and make these guidelines more flexible. I applaud that effort, but it has not gone far enough.

The current court design guide continues to require all those things that I mentioned, in addition to premium grade hardwood decorative moldings, and so on. These result in unnecessary and wasteful Federal expenditures. It is time for us in Congress to call for real reform. That is what this amendment does. In light of our debt, the judiciary must be as cost conscious as everyone else. My amendment is a small but responsible cut.

It is a warning to the judiciary they must review the guidelines which are set forth by the design guide and make sensible changes. Many of our constituents who are tightening the belt back home are demanding it. They are incensed, and they should be.

I want to thank the chairman, the gentleman from Kentucky, and the committee for working with us, and I want to ask my colleagues to join the National Taxpayers Union and Citizens Against Government Waste in supporting this amendment.

Mr. Chairman, I yield to my colleague and friend, the gentleman from Ohio [Mr. CHABOT].

Mr. CHABOT. Mr. Chairman, I would like to compliment my good friend and neighbor, the gentleman from Ohio, Mr. PORTMAN, for his outstanding work in saving taxpayer dollars in this area. This amendment will send a strong message to the Federal courts: We are serious about bringing wasteful Federal spending under control. This $2 million start is a very good first step.

What is this $2 million all about? Unfortunately, courts around the country have failed to grasp the seriousness of our current budget crisis. At a time when every newborn child is already saddled with a bill of $187,000 just to pay the interest on the national debt, many courts have been moving into high rent buildings that dramatically increase the cost to taxpayers. In several areas, including our city of Cincinnati, the bankruptcy courts have moved into luxurious downtown buildings with rents that range from $900,000 to $1.5 million per year.

WCPO TV, Channel 9 in Cincinnati, should receive credit for focusing attention on this particular abuse of taxpayer dollars regarding the Cincinnati Bankruptcy Court. Further investigation has shown that this is not an isolated incident. Bankruptcy courts across the country have limited their relocation options by requiring such amenities as 16-foot-high ceilings and cultured marble sinks, and judges' chambers equipped with bathrooms, showers, and kitchenettes.

In other instances, court specifications are so rigid that building is limited to just a handful of buildings, sometimes only one building. As we all know, when we limit competition, it costs more. We should pass the Portman amendment. I strongly support it.

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

Mr. Chairman, let me say that we accept the amendment. The gentleman has brought a very important matter to the attention of the Congress for which we are very grateful, and we accept the amendment and think it is a good one. We urge its adoption.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the requisite number of words, and I have no objection, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. PORTMAN].

The amendment was agreed to.

The CHAIRMAN. Are there other amendments to title III?

The Clerk will designate title IV.

The text of Title IV is as follows:

TITLE IV—DEPARTMENT OF STATE AND RELATED AGENCIES

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For necessary expenses of the Department of State and the Foreign Service not otherwise provided for, including expenses authorized by the State Department Basic Authorities Act of 1956, as amended; representation to certain international organizations in which the United States participates pursuant to treaties, ratified pursuant to the advice and consent of the Senate, or specific Acts of Congress; acquisition by exchange or purchase of passenger motor vehicles as authorized by 31 U.S.C. 1343, 40 U.S.C. 481(c) and 22 U.S.C. 2674; and for expenses of general administration $1,716,878,000: *Provided*, That starting in fiscal year 1997, a system shall be in place that allocates to each department and agency the full cost of its presence outside of the United States.

Of the funds provided under this heading, $24,856,000 shall be available only for the Diplomatic Telecommunications Service for operation of existing base services and not to exceed $17,144,000 shall be available only for the enhancement of the Diplomatic Telecommunications Service (DTS), except that such latter amount shall not be available for obligation until the expiration of the 15-day period beginning on the date on which the Secretary of State and the Director of the Diplomatic Telecommunications Service Program Office submit the DTS pilot program report required by section 507 of Public Law 103–317.

In addition, not to exceed $700,000 in registration fees collected pursuant to section 38 of the Arms Export Control Act, as amended, may be used in accordance with section 45 of the State Department Basic Authorities Act of 1956, 22 U.S.C. 2717; and in addition not to exceed $1,223,000 shall be derived from fees from other executive agencies for lease or use of facilities located at the International Center in accordance with section 4 of the International Center Act (Public Law 90–553, as amended by section 120 of Public Law 101–246); and in addition not to exceed $15,000 which shall be derived from reimbursements, surcharges, and fees for use of Blair House facilities in accordance with section 46 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2718(a)).

Notwithstanding section 402 of this Act, not to exceed 20 percent of the amounts made available in this Act in the appropriation accounts, "Diplomatic and Consular Programs" and "Salaries and Expenses" under the heading "Administration of Foreign Affairs" may be transferred between such appropriation accounts: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

For an additional amount for security enhancement, to counter the threat of terrorism, $9,720,000, to remain available until expended.

SALARIES AND EXPENSES

For expenses necessary for the general administration of the Department of State and the Foreign Service, provided for by law, including expenses authorized by section 9 of the Act of August 31, 1964, as amended (31 U.S.C. 3721), and the State Department Basic Authorities Act of 1956, as amended, $363,276,000.

For an additional amount for security enhancements to counter the threat of terrorism, $1,870,000, to remain available until expended.

CAPITAL INVESTMENT FUND

For necessary expenses of the Capital Investment Fund, $16,400,000, to remain available until expended, as authorized in Public Law 103–236: *Provided*, That section 135(e) of Public Law 103–236 shall not apply to funds appropriated under this heading.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App.), $27,669,000: *Provided*, That notwithstanding any other provision of law, (1) the Office of the Inspector General of the United States Information Agency is hereby merged with the Office of the Inspector General of the Department of State; (2) the functions exercised and assigned to the Office of the Inspector General of the United States Information Agency before the effective date of this Act (including all related functions) are transferred to the Office of the Inspector General of the Department of State; and (3) the Inspector General of the Department of State shall also serve as the Inspector General of the United States Information Agency.

REPRESENTATION ALLOWANCES

For representation allowances as authorized by section 905 of the Foreign Service Act of 1980, as amended (22 U.S.C. 4085), $4,780,000.

PROTECTION OF FOREIGN MISSIONS AND OFFICIALS

For expenses, not otherwise provided, to enable the Secretary of State to provide for extraordinary protective services in accordance with the provisions of section 214 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4314) and 3 U.S.C. 208, $8,579,000.

ACQUISITION AND MAINTENANCE OF BUILDINGS ABROAD

For necessary expenses for carrying out the Foreign Service Buildings Act of 1926, as amended (22 U.S.C. 292–300), and the Diplomatic Security Construction Program as authorized by title IV of the Omnibus Diplomatic Security and Antiterrorism Act of 1986 (22 U.S.C. 4851), $391,760,000, to remain available until expended as authorized by 22 U.S.C. 2696(c): *Provided*, That none of the funds appropriated in this paragraph shall be available for acquisition of furniture and furnishings and generators for other departments and agencies.

EMERGENCIES IN THE DIPLOMATIC AND CONSULAR SERVICE

For expenses necessary to enable the Secretary of State to meet unforeseen emergencies arising in the Diplomatic and Consular Service pursuant to the requirement of 31 U.S.C. 3526(e), $6,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $1,000,000 may be transferred to and merged with the Repatriation Loans Program Account, subject to the same terms and conditions.

REPATRIATION LOANS PROGRAM ACCOUNT

For the cost of direct loans, $593,000, as authorized by 22 U.S.C. 2671: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974. In addition, for administrative expenses necessary to carry out the direct loan program, $183,000 which may be transferred to and merged with the Salaries and Expenses account under Administration of Foreign Affairs.

PAYMENT TO THE AMERICAN INSTITUTE IN TAIWAN

For necessary expenses to carry out the Taiwan Relations Act, Public Law 96–8 (93 Stat. 14), $15,165,000.

PAYMENT TO THE FOREIGN SERVICE RETIREMENT AND DISABILITY FUND

For payment to the Foreign Service Retirement and Disability Fund, as authorized by law, $125,402,000.

INTERNATIONAL ORGANIZATIONS AND CONFERENCES

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For expenses, not otherwise provided for, necessary to meet annual obligations of membership in international multilateral organizations, pursuant to treaties ratified pursuant to the advice and consent of the Senate, conventions or specific Acts of Congress, $870,000,000: *Provided*, That any payment of arrearages shall be directed toward special activities that are mutually agreed upon by the United States and the respective international organization: *Provided further*, That 20 percent of the funds appropriated in this paragraph for the assessed contribution of the United States to the United Nations shall be withheld from obligation and expenditure until a certification is made under section 401(b) of Public Law 103–236 for fiscal year 1996: *Provided further*, That certification under section 401(b) of Public Law 103–236 for fiscal year 1996 may only be made if the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and International Relations of the House of Representatives are notified of the steps taken, and anticipated, to meet the requirements of section 401(b) of Public Law 103–236 at least 15 days in advance of the proposed certification: *Provided further*, That none of the funds appropriated in this paragraph shall be available for a United States contribution to an international organization for the United States share of interest costs made known to the United States Government by such organization for loans incurred on or after October 1, 1984, through external borrowings.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For necessary expenses to pay assessed and other expenses of international peacekeeping activities directed to the maintenance or restoration of international peace and security, $425,000,000: *Provided*, That none of the funds made available under this Act may be used, and shall not be available, for obligation or expenditure for any new or expanded United Nations peacekeeping mission unless, at least fifteen days in advance of voting for the new or expanded mission in the United Nations Security Council (or in an emergency, as far in advance as is practicable), (1) the Committees on Appropriations of the House of Representatives and the Senate and other appropriate Committees of the Congress are notified of the estimated cost and length of the mission, the vital national interest that will be served, and the planned exit strategy; and (2) a reprogramming of funds pursuant to section 605 of this Act is submitted, and the procedures therein followed, setting forth the source of funds that will be used to pay for the cost of the new or expanded mission: *Provided further*, That funds shall be available for peacekeeping expenses only upon a certification by the Secretary of State to the appropriate committees of the Congress that American manufacturers and suppliers are being given opportunities to provide equipment, services and material for United Nations peacekeeping activities equal to those being given to foreign manufacturers and suppliers.

INTERNATIONAL CONFERENCES AND CONTINGENCIES

For necessary expenses authorized by section 5 of the State Department Basic Authorities Act of 1956, in addition to funds otherwise available for these purposes, contributions for the United States share of general expenses of international organizations and conferences and representation to such organizations and conferences as provided for by 22 U.S.C. 2656 and 2672 and personal services without regard to civil service and classification laws as authorized by 5 U.S.C. 5102, $3,000,000, to remain available until expended as authorized by 22 U.S.C. 2696(c), of which not to exceed $200,000 may be expended for representation as authorized by 22 U.S.C. 4085.

INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for, to meet obligations of the United States arising under treaties, or specific Acts of Congress, as follows:

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For necessary expenses for the United States Section of the International Boundary and Water Commission, United States and Mexico, and to comply with laws applicable to the United States Section, including not to exceed $6,000 for representation; as follows:

SALARIES AND EXPENSES

For salaries and expenses, not otherwise provided for, $12,358,000.

CONSTRUCTION

For detailed plan preparation and construction of authorized projects, $6,644,000, to remain available until expended as authorized by 22 U.S.C. 2696(c).

AMERICAN SECTIONS, INTERNATIONAL COMMISSIONS

For necessary expenses, not otherwise provided for the International Joint Commission and the International Boundary Commission, United States and Canada, as authorized by treaties between the United States and Canada or Great Britain, and for the Border Environment Cooperation Commission as authorized by Public Law 103–182; $5,800,000, of which not to exceed $9,000 shall be available for representation expenses incurred by the International Joint Commission.

INTERNATIONAL FISHERIES COMMISSIONS

For necessary expenses for international fisheries commissions, not otherwise provided for, as authorized by law, $14,669,000: *Provided*, That the United States' share of such expenses may be advanced to the respective commissions, pursuant to 31 U.S.C. 3324.

PAYMENT TO THE ASIA FOUNDATION

For a grant to the Asia Foundation, as authorized by section 501 of Public Law 101–246, $10,000,000 to remain available until expended as authorized by 22 U.S.C. 2696(c).

GENERAL PROVISIONS—DEPARTMENT OF STATE

SEC. 401. Funds appropriated under this title shall be available, except as otherwise provided, for allowances and differentials as authorized by subchapter 59 of 5 U.S.C.; for services as authorized by 5 U.S.C. 3109; and hire of passenger transportation pursuant to 31 U.S.C. 1343(b).

SEC. 402. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Department of State in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided*, That not to exceed 5 percent of any appropriation made available for the current fiscal year for the United States Information Agency in this Act may be transferred between such appropriations, but no such appropriation, except as otherwise specifically provided, shall be increased by more than 10 percent by any such transfers: *Provided further*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

SEC. 403. Funds appropriated or otherwise made available under this Act or any other Act may be expended for compensation of the United States Commissioner of the International Boundary Commission, United States and Canada, only for actual hours worked by such Commissioner.

RELATED AGENCIES

ARMS CONTROL AND DISARMAMENT AGENCY

ARMS CONTROL AND DISARMAMENT ACTIVITIES

For necessary expenses not otherwise provided, for arms control, nonproliferation, and disarmament activities, $40,000,000, of which not to exceed $50,000 shall be for official reception and representation expenses as authorized by the Act of September 26, 1961, as amended (22 U.S.C. 2551 et seq.).

UNITED STATES INFORMATION AGENCY

SALARIES AND EXPENSES

For expenses, not otherwise provided for, necessary to enable the United States Information Agency, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.) and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), to carry out international communication, educational and cultural activities; and to carry out related activities authorized by law, including employment, without regard to civil service and classification laws, of persons on a temporary basis (not to exceed $700,000 of this appropriation), as authorized by 22 U.S.C. 1471, and entertainment, including official receptions, within the United States, not to exceed $25,000 as authorized by 22 U.S.C. 1474(3); $445,645,000: *Provided*, That not to exceed $1,400,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085: *Provided further*, That not to exceed $7,615,000 to remain available until expended, may be credited to this appropriation from fees or other payments received from or in connection with English teaching, library, motion pictures, and publication programs as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended: *Provided further*, That not to exceed $1,700,000 to remain available until expended may be used to carry out projects involving security construction and related improvements for agency facilities not physically located together with Department of State facilities abroad.

TECHNOLOGY FUND

For expenses necessary to enable the United States Information Agency to provide for the procurement of information technology improvements, as authorized by the United States Information and Educational Exchange Act of 1948, as amended (22 U.S.C. 1431 et seq.), the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $5,050,000, to remain available until expended.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For expenses of educational and cultural exchange programs, as authorized by the Mutual Educational and Cultural Exchange Act of 1961, as amended (22 U.S.C. 2451 et seq.), and Reorganization Plan No. 2 of 1977 (91 Stat. 1636), $192,090,000, to remain available until expended as authorized by 22 U.S.C. 2455.

EISENHOWER EXCHANGE FELLOWSHIP PROGRAM TRUST FUND

For necessary expenses of Eisenhower Exchange Fellowships, Incorporated as authorized by sections 4 and 5 of the Eisenhower Exchange Fellowship Act of 1990 (20 U.S.C. 5204–05), all interest and earnings accruing to the Eisenhower Exchange Fellowship Program Trust Fund on or before September 30, 1996, to remain available until expended: *Provided*, That none of the funds appropriated herein shall be used to pay any salary or other compensation, or to enter into any contract providing for the payment thereof, in excess of the rate authorized by 5 U.S.C. 5376; or for purposes which are not in accordance with OMB Circulars A-110 (Uniform Administrative Requirements) and A-122 (Cost Principles for Non-profit Organizations), including the restrictions on compensation for personal services.

ISRAELI ARAB SCHOLARSHIP PROGRAM

For necessary expenses of the Israeli Arab Scholarship Program as authorized by section 214 of the Foreign Relations Authorization Act, Fiscal Years 1992 and 1993 (22 U.S.C. 2452), all interest and earnings accruing to the Israeli Arab Scholarship Fund on or before September 30, 1996, to remain available until expended.

AMERICAN STUDIES COLLECTIONS ENDOWMENT FUND

For necessary expenses of American Studies Collections as authorized by section 235 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995, all interest and earnings accruing to the American Studies Collections Endowment Fund on or before September 30, 1996, to remain available until expended.

INTERNATIONAL BROADCASTING OPERATIONS

For expenses necessary to enable the United States Information Agency, as authorized by the United States Information and Educational Exchange Act of 1948, as amended, the Radio Broadcasting to Cuba Act, as amended, the Television Broadcasting to Cuba Act, the United States International Broadcasting Act of 1994, as amended, and Reorganization Plan No. 2 of 1977, to carry out international communication activities; $341,000,000, of which $5,000,000 shall remain available until expended, not to exceed $16,000 may be used for official receptions within the United States as authorized by 22 U.S.C. 1474(3), not to exceed $35,000 may be used for representation abroad as authorized by 22 U.S.C. 1452 and 4085, and not to exceed $39,000 may be used for official reception and representation expenses of Radio Free Europe/Radio Liberty; and in addition, not to exceed $250,000 from fees as authorized by section 810 of the United States Information and Educational Exchange Act of 1948, as amended, to remain available until expended for carrying out authorized purposes: *Provided*, That funds provided for broadcasting to Cuba may be used for the purchase, rent, construction, and improvement of facilities for radio and television transmission and reception, and purchase and installation of necessary equipment for radio and television transmission and reception.

RADIO CONSTRUCTION

For an additional amount for the purchase, rent, construction, and improvement of facilities for radio transmission and reception and purchase and installation of necessary equipment for radio and television transmission and reception as authorized by 22 U.S.C. 1471, $70,164,000, to remain available until expended as authorized by 22 U.S.C. 1477b(a).

NATIONAL ENDOWMENT FOR DEMOCRACY

For grants made by the United States Information Agency to the National Endowment for Democracy as authorized by the National Endowment for Democracy Act, $28,000,000, to remain available until expended.

This title may be cited as the "Department of State and Related Agencies Appropriations Act, 1996".

The CHAIRMAN. Are there amendments to title IV?

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey: Page 72, line 20, strike "$28,000,000" and insert "$30,000,000".

Mr. SMITH of New Jersey. Mr. Chairman, this amendment restores a relatively small amount of funding for the National Endowment for Democracy. I happen to serve as the chairman of the authorizing subcommittee. We have had extensive hearings on this. It is one of the most effective uses of our foreign aid dollars. I think we can all be very proud that Harry Wu and his Laogai Institute have been funded by NED, and it is just one example of many where we have provided scarce resources for an effective pro-democracy building effort around the world.

For this program we had authorized, let me remind Members, $34 million in the House-passed bill. The appropriators came in at $28 million. In working with the chairman, we have been able to find a compromise at $30 million. I think that $2 million additional is a very modest amount that will be used very effectively.

I also wish to commend Mr. RICHARDSON for his amendment—for which I understand there may not be time this evening—which would have added $500,000 to NED for pro-freedom and pro-democracy programs in Burma. These programs are urgently needed, and NED is just the institution to support them. I urge NED to provide substantial funding for these projects, on at least the scale suggested by the Richardson amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman has worked very hard on this issue, and has convinced certainly this Member that this is a worthwhile amendment, so we accept the amendment from our side and urge its adoption.

Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman for his kind words.

Mr. MOLLOHAN. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from West Virginia.

Mr. MOLLOHAN. Mr. Chairman, we accept the amendment.

Mr. RICHARDSON. Mr. Chairman, after the military seized power of Burma in 1988, Aung San Suu Kyi became leader of the opposition pro-democracy movement.

She was placed under house arrest by Burma's military junta the State Law and Order Restoration Council or SLORC on July 20, 1989, on allegations of inciting unrest. Her party, the National League for Democracy, won a landslide victory in 1990 general elections, but the military refused to honor the results.

Referred to reverently as "the Lady," she remained steadfastly committed to democracy even in detention. In 1991, she won the Nobel Peace Prize.

On July 10 the government, which had indicated it did not plan to release Suu Kyi when she completed her sentence on July 19, decided to lift the restriction order without conditions.

The release should mark the renewal of a genuine process of political reconciliation leading to the installation of a democratically elected government and restoring peace and stability in Burma.

I intended to offer an amendment to capitalize on this development by directing the NED to cultivate the struggling democratic movement in Burma.

Instead, I have gotten the assurance of Chairman ROGERS that NED will recognize the need to support the growing democratic movement in Burma and spend the sufficient amount of funds necessary to carry out this function.

Over 5 years of political suppression by the SLORC have left the infrastructure of democratic political activity extremely weak. It is important that approximately $500,000 of NED funding go directly to operations designed to nurture Burma's National League for Democracy at this critical time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The amendment was agreed to.

□ 2000

The CHAIRMAN. Are there further amendments to title IV?

If not, the Clerk will designate title V.

The text of title V is as follows:

TITLE V—RELATED AGENCIES

DEPARTMENT OF TRANSPORTATION

MARITIME ADMINISTRATION

OPERATING-DIFFERENTIAL SUBSIDIES

(LIQUIDATION OF CONTRACT AUTHORITY)

For the payment of obligations incurred for operating-differential subsidies as authorized by the Merchant Marine Act, 1936, as amended, $162,610,000, to remain available until expended.

OPERATIONS AND TRAINING

For necessary expenses of operations and training activities authorized by law, $64,600,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, the Secretary of Transportation may use proceeds derived from the sale or disposal of National Defense Reserve Fleet vessels that are currently collected and retained by the Maritime Administration, to be used for facility and ship maintenance, modernization and repair, conversion, acquisition of equipment, and fuel costs necessary to maintain training at the United States Merchant Marine Academy and State maritime academies: *Provided further*, That reimbursements may be made to this appropriation from receipts to the "Federal Ship Financing Fund" for administrative expenses in support of that program in addition to any amount heretofore appropriated.

MARITIME GUARANTEED LOAN (TITLE XI) PROGRAM ACCOUNT

For the cost of guaranteed loans, as authorized by the Merchant Marine Act of 1936, $48,000,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974, as amended: *Provided further*, That these funds are available to subsidize total loan principal, any part of which is to be guaranteed, not to exceed $1,000,000,000.

In addition, for administrative expenses to carry out the guaranteed loan program, not to exceed $4,000,000, which shall be transferred to and merged with the appropriation for Operations and Training.

ADMINISTRATIVE PROVISIONS—MARITIME ADMINISTRATION

Notwithstanding any other provision of this Act, the Maritime Administration is authorized to furnish utilities and services and make necessary repairs in connection with any lease, contract, or occupancy involving Government property under control of the Maritime Administration, and payments received therefor shall be credited to the appropriation charged with the cost thereof: *Provided*, That rental payments under any such lease, contract, or occupancy for items other than such utilities, services, or repairs shall be covered into the Treasury as miscellaneous receipts.

No obligations shall be incurred during the current fiscal year from the construction fund established by the Merchant Marine Act, 1936, or otherwise, in excess of the appropriations and limitations contained in this Act or in any prior appropriation Act, and all receipts which otherwise would be deposited to the credit of said fund shall be covered into the Treasury as miscellaneous receipts.

COMMISSION FOR THE PRESERVATION OF AMERICA'S HERITAGE ABROAD

SALARIES AND EXPENSES

For expenses for the Commission for the Preservation of America's Heritage Abroad, $206,000, as authorized by Public Law 99-83, section 1303.

COMMISSION ON CIVIL RIGHTS

SALARIES AND EXPENSES

For necessary expenses of the Commission on Civil Rights, including hire of passenger motor vehicles, $8,500,000: *Provided*, That not to exceed $50,000 may be used to employ consultants: *Provided further*, That none of the funds appropriated in this paragraph shall be used to employ in excess of four full-time individuals under Schedule C of the Excepted Service exclusive of one special assistant for each Commissioner: *Provided further*, That none of the funds appropriated in this paragraph shall be used to reimburse Commissioners for more than 75 billable days, with the exception of the Chairperson who is permitted 125 billable days.

COMMISSION ON IMMIGRATION REFORM

SALARIES AND EXPENSES

For necessary expenses of the Commission on Immigration Reform pursuant to section 141(f) of the Immigration Act of 1990, $2,377,000, to remain available until expended.

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

SALARIES AND EXPENSES

For necessary expenses of the Commission on Security and Cooperation in Europe, as authorized by Public Law 94-304, $1,090,000, to remain available until expended as authorized by section 3 of Public Law 99-7.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Equal Employment Opportunity Commission as authorized by title VII of the Civil Rights Act of 1964, as amended (29 U.S.C. 206(d) and 621-634), the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991, including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); nonmonetary awards to private citizens; not to exceed $26,500,000, for payments to State and local enforcement agencies for services to the Commission pursuant to title VII of the Civil Rights Act of 1964, as amended, sections 6 and 14 of the Age Discrimination in Employment Act, the Americans with Disabilities Act of 1990, and the Civil Rights Act of 1991; $233,000,000: *Provided*, That the Commission is authorized to make available for official reception and representation expenses not to exceed $2,500 from available funds.

FEDERAL COMMUNICATIONS COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Communications Commission, as authorized by law, including uniforms and allowances therefor, as authorized by 5 U.S.C. 5901-02; not to exceed $600,000 for land and structures; not to exceed $500,000 for improvement and care of grounds and repair to buildings; not to exceed $4,000 for official reception and representation expenses; purchase (not to exceed sixteen) and hire of motor vehicles; special counsel fees; and services as authorized by 5 U.S.C. 3109; $185,232,000, of which not to exceed $300,000 shall remain available until September 30, 1997, for research and policy studies: *Provided*, That $116,400,000 of offsetting collections shall be assessed and collected pursuant to section 9 of title I of the Communications Act of 1934, as amended, and shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated shall be reduced as such offsetting collections are received during fiscal year 1996 so as to result in a final fiscal year 1996 appropriation estimated at $68,832,000: *Provided further*, That any offsetting collections received in excess of $116,400,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996.

FEDERAL MARITIME COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Maritime Commission as authorized by section 201(d) of the Merchant Marine Act of 1936, as amended (46 App. U.S.C. 1111), including services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles as authorized by 31 U.S.C. 1343(b); and uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-02; $15,000,000: *Provided*, That not to exceed $2,000 shall be available for official reception and representation expenses.

FEDERAL TRADE COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Federal Trade Commission, including uniforms or allowances therefor, as authorized by 5 U.S.C. 5901-5902; services as authorized by 5 U.S.C. 3109; hire of passenger motor vehicles; and not to exceed $2,000 for official reception and representation expenses; $82,928,000: *Provided*, That notwithstanding any other provision of law, not to exceed $48,262,000 of offsetting collections derived from fees collected for premerger notification filings under the Hart-Scott-Rodino Antitrust Improvements Act of 1976 (15 U.S.C. 18(a)) shall be retained and used for necessary expenses in this appropriation, and shall remain available until expended: *Provided further*, That the sum herein appropriated from the General Fund shall be reduced as such offsetting collections are received during fiscal year 1996, so as to result in a final fiscal year 1996 appropriation from the General Fund estimated at not more than $34,666,000, to remain available until expended: *Provided further*, That any fees received in excess of $48,262,000 in fiscal year 1996 shall remain available until expended, but shall not be available for obligation until October 1, 1996: *Provided further*, That none of the funds made available to the Federal Trade Commission shall be available for obligation for expenses authorized by section 151 of the Federal Deposit Insurance Corporation Improvement Act of 1991 (Public Law 102-242, 105 Stat. 2282-2285).

JAPAN-UNITED STATES FRIENDSHIP COMMISSION

JAPAN-UNITED STATES FRIENDSHIP TRUST FUND

For expenses of the Japan-United States Friendship Commission as authorized by Public Law 94-118, as amended, from the interest earned on the Japan-United States Friendship Trust Fund, $1,247,000; and an amount of Japanese currency not to exceed the equivalent of $1,420,000 based on exchange rates at the time of payment of such amounts as authorized by Public Law 94-118.

LEGAL SERVICES CORPORATION

PAYMENT TO THE LEGAL SERVICES CORPORATION

For payment to the Legal Services Corporation to carry out the purposes of the Legal Services Corporation Act of 1974, as amended, $278,000,000 of which $265,000,000 is for basic field programs; $8,000,000 is for the Office of the Inspector General, of which $5,750,000 shall be used to contract with independent auditing agencies for annual financial and program audits of all grantees in accordance with Office of Management and Budget Circular A-133; and $5,000,000 is for management and administration.

ADMINISTRATIVE PROVISIONS—LEGAL SERVICES CORPORATION

SEC. 501. Funds appropriated under this Act to the Legal Services Corporation shall be distributed as follows:

(1) The Corporation shall define geographic areas and funds available for each geographic area shall be on a per capita basis pursuant to the number of poor people determined by the Bureau of the Census to be within that geographic area: *Provided*, That funds for a geographic area may be distributed by the Corporation to one or more persons or entities eligible for funding under section 1006(a)(1)(A) of the Legal Services Corporation Act, subject to sections 502 and 504 of this Act.

(2) The amount of the grants from the Corporation and of the contracts entered into by the Corporation in accordance with paragraph (1) shall be an equal figure per poor person for all geographic areas, based on the most recent decennial census of population conducted pursuant to section 141 of title 13, United States Code.

SEC. 502. None of the funds appropriated in this Act to the Legal Services Corporation shall be used by the Corporation in making grants or entering into contracts for the provision of legal assistance unless the Corporation ensures that the person or entity receiving funding to provide such legal assistance is—

(1) a private attorney or attorneys admitted to practice in one of the States or the District of Columbia;

(2) a qualified nonprofit organization chartered under the laws of one of the States or the District of Columbia, a purpose of which is furnishing legal assistance to eligible clients, the majority of the board of directors or other governing body of which is comprised of attorneys who are admitted to practice in one of the States or the District of Columbia and who are appointed to terms of office on such board or body by the governing bodies of State, county, or municipal bar associations the membership of which represents a majority of the attorneys practicing law in the locality in which the organization is to provide legal assistance;

(3) a State or local government (without regard to section 1006(a)(1)(A)(ii) of the Legal Services Corporation Act); or

(4) a substate regional planning or coordination agency which is composed of a substate area whose governing board is controlled by locally elected officials.

SEC. 503. None of the funds appropriated in this Act to the Legal Services Corporation for grants or contracts to basic field programs may be obligated unless such grants or contracts are awarded on a competitive basis: *Provided*, That not later than sixty days after enactment of this Act, the Legal Services Corporation shall promulgate regulations to implement a competitive selection process: *Provided further*, That such regulations shall include, but not be limited to, the following selection criteria:

(1) The demonstration of a full understanding of the basic legal needs of the eligible clients to be served and a demonstration of the capability of serving those needs.

(2) The quality, feasibility, and cost effectiveness of plans submitted by the applicant for the delivery of legal assistance to the eligible clients to be served.

(3) The experiences of the Corporation with the applicant, if the applicant has previously received financial assistance from the Corporation, including the applicant's record of past compliance with Corporation policies, practices, and restrictions:

Provided further, That, such regulations shall ensure that timely notice for the submission of applications for awards is published in periodicals of local and State bar associations and in at least one daily newspaper of general circulation in the area to be served by the person or entity receiving the award: *Provided further*, No person or entity that was previously awarded a grant or contract by the Legal Services Corporation for the provision of legal assistance may be given any preference in the competitive selection process: *Provided further*, That for the purposes of the funding provided in this Act, rights under sections 1007(a)(9) and 1011 of the Legal Services Corporation Act (42 U.S.C. 2996f(a)(9) and 42 U.S.C. 2996j) shall not apply.

SEC. 504. None of the funds appropriated in this Act to the Legal Services Corporation may be used to provide financial assistance to any person or entity—

(1) that makes available any funds, personnel, or equipment for use in advocating or opposing any plan or proposal, or represents any party or participates in any other way in litigation, that is intended to or has the effect of altering, revising, or reapportioning a legislative, judicial, or elective district at any level of government, including influencing the timing or manner of the taking of a census;

(2) that attempts to influence the issuance, amendment, or revocation of any executive order, regulation, or similar promulgation by any Federal, State, or local agency;

(3) that attempts to influence any decision by a Federal, State, or local agency, except when legal assistance is provided by an employee of a grantee to an eligible client on a particular application, claim, or case, which directly involves the client's legal rights or responsibilities, and which does not involve the issuance, amendment, or revocation of any agency promulgation described in paragraph (2);

(4) that attempts to influence the passage or defeat of any legislation, constitutional amendment, referendum, initiative, or any similar procedure of the Congress of the United States, or by any State or local legislative body;

(5) that attempts to influence the conduct of oversight proceedings of the Corporation or any person or entity receiving financial assistance provided by the Corporation;

(6) that pays for any personal service, advertisement, telegram, telephone communication, letter, printed or written matter, administrative expenses, or related expenses, associated with an activity prohibited in paragraph (1), (2), (3), (4), or (5);

(7) that brings a class action suit against the Federal Government or any State or local government;

(8) that files a complaint or otherwise pursues litigation against a defendant, or engages in precomplaint settlement negotiations with a prospective defendant, unless—

(A) all plaintiffs have been specifically identified, by name, in any complaint filed for purposes of litigation; and

(B) a statement or statements of facts written in English and, if necessary, in a language which the plaintiffs understand, which enumerate the particular facts known to the plaintiffs on which the complaint is based, have been signed by the plaintiffs (including named plaintiffs in a class action), are kept on file by the person or entity provided financial assistance by the Corporation, and are made available to any Federal department or agency that is auditing the activities of the Corporation or of any recipient, and to any auditor receiving Federal funds to conduct such auditing, including any auditor or monitor of the Corporation:

Provided, That upon establishment of reasonable cause that an injunction is necessary to prevent probable, serious harm to such potential plaintiff, a court of competent jurisdiction may enjoin the disclosure of the identity of any potential plaintiff pending the outcome of such litigation or negotiations after notice and an opportunity for a hearing is provided to potential parties to the litigation or the negotiations: *Provided further*, That other parties shall have access to the statement of facts referred to in subparagraph (B) only through the discovery process after litigation has begun;

(9) unless, after January 1, 1996, and prior to the provision of financial assistance—

(A) the governing board of a person or entity receiving financial assistance provided by the Legal Services Corporation has set specific priorities in writing, pursuant to section 1007(a)(2)(C)(i) of the Legal Services Corporation Act, of the types of matters and cases to which the staff of the nonprofit organization shall devote its time and resources; and

(B) the staff of such person or entity receiving financial assistance provided by the Legal Services Corporation has signed a written agreement not to undertake cases or matters other than in accordance with the specific priorities set by such governing board, except in emergency situations defined by such board and in accordance with such board's written procedures for such situations:

Provided, That the staff of such person or entity receiving financial assistance provided by the Legal Services Corporation shall provide to their respective governing board on a quarterly basis, and to the Corporation on an annual basis, all cases undertaken other than those in accordance with such priorities: *Provided further*, That not later than 30 days after enactment of this Act, the Corporation shall promulgate a suggested list of priorities which boards of directors may use in setting priorities under this paragraph;

(10) unless, prior to receiving financial assistance provided by the Legal Services Corporation, such person or entity agrees to maintain records of time spent on each case or matter with respect to which that person or entity is engaged in activities: *Provided*, That any non-Federal funds received by any person or entity provided financial assistance by the Corporation shall be accounted for and reported as receipts and disbursements separate and distinct from Corporation funds: *Provided further*, That such person or entity receiving financial assistance provided by the Corporation agrees (notwithstanding section 1009(d) of the Legal Services Corporation Act) to make such records described in this paragraph available to any Federal department, or agency or independent auditor receiving Federal funds to conduct an audit of the activities of the Corporation or recipient receiving funding under this Act;

(11) that provides legal assistance for or on behalf of any alien, unless the alien is present in the United States and is—

(A) an alien lawfully admitted for permanent residence as defined in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20));

(B) an alien who is either married to a United States citizen or is a parent or an unmarried child under the age of twenty-one years of such a citizen and who has filed an application for adjustment of status to permanent resident under the Immigration and Nationality Act, and such application has not been rejected;

(C) an alien who is lawfully present in the United States pursuant to an admission under section 207 of the Immigration and Nationality Act (8 U.S.C. 1157, relating to refugee admission) or who has been granted asylum by the Attorney General under such Act;

(D) an alien who is lawfully present in the United States as a result of the Attorney General's withholding of deportation pursuant to section 243(h) of the Immigration and Nationality Act (8 U.S.C. 1253(h)); or

(E) an alien to whom section 305 of the Immigration Reform and Control Act of 1986 applies but only to the extent that the legal assistance provided is that described in such section:

Provided, That an alien who is lawfully present in the United States as a result of being granted conditional entry pursuant to section 203(a)(7) of the Immigration and Nationality Act (8 U.S.C. 1153(a)(7)) before April

1, 1980, because of persecution or fear of persecution on account of race, religion, or political calamity shall be deemed, for purposes of this section, to be an alien described in subparagraph (C);

(12) that supports or conducts training programs for the purpose of advocating particular public policies or encouraging political activities, labor or anti-labor activities, boycotts, picketing, strikes, and demonstrations, including the dissemination of information about such policies or activities, except that this paragraph shall not be construed to prohibit the training of attorneys or paralegal personnel to prepare them to provide adequate legal assistance to eligible clients or to advise any eligible client as to the nature of the legislative process or inform any eligible client of his or her rights under statute, order, or regulation;

(13) that provides legal assistance with respect to any fee-generating case: *Provided*, That for the purposes of this paragraph the term "fee-generating case" means any case which, if undertaken on behalf of an eligible client by an attorney in private practice may reasonably be expected to result in a fee for legal services from an award to a client from public funds, from the opposing party, or from any other source;

(14) that claims, or whose employees or clients claim, or collect attorneys' fees from nongovernmental parties to litigation initiated by such client with the assistance of such recipient or its employees;

(15) that participates in any litigation with respect to abortion;

(16) that participates in any litigation on behalf of a local, State, or Federal prisoner;

(17) that provides legal representation for any person, or participates in any other way, in litigation, lobbying, or rulemaking involving efforts to reform a State or Federal welfare system, except that this paragraph shall not preclude a recipient from representing an individual client who is seeking specific relief from a welfare agency where such relief does not involve an effort to amend or otherwise challenge existing law;

(18) that defends a person in a proceeding to evict that person from a public housing project if that person has been charged with the illegal sale or distribution of a controlled substance and if the eviction proceeding is brought by a public housing agency because the illegal drug activity of that person threatens the health or safety of other tenants residing in the public housing project or employees of the public housing agency: *Provided*, That for the purposes of this paragraph, the term "controlled substance" has the meaning given that term in section 102 of the Controlled Substances Act (21 U.S.C. 802): *Provided further*, That for the purposes of this paragraph, the terms "public housing project" and "public housing agency" have the meanings given those terms in section 3 of the United States Housing Act of 1937 (42 U.S.C. 1437a);

(19) unless such person or entity agrees that it and its employees will not accept employment resulting from in-person unsolicited advice to a nonattorney that such nonattorney should obtain counsel or take legal action: *Provided*, That such person or entity or its employees receiving financial assistance provided by the Corporation shall also agree that such person or entity will not refer such nonattorney to another person or entity or its employees that are receiving financial assistance provided by the Legal Services Corporation; or

(20) unless such person or entity enters into a contractual agreement to be subject to all provisions of Federal law relating to the proper use of Federal funds, the violation of which shall render any grant or contractual agreement to provide funding null and void: *Provided*, That for such purposes the Corporation shall be considered to be a Federal agency and all funds provided by the Corporation shall be considered to be Federal funds provided by grant or contract.

SEC. 505. None of the funds appropriated in this Act to the Legal Services Corporation or provided by the Corporation to any entity or person may be used to pay membership dues to any private or non-profit organization.

SEC. 506. None of the funds appropriated in this Act to the Legal Services Corporation may be used by any person or entity receiving financial assistance from the Corporation to file or pursue a lawsuit against the Corporation.

SEC. 507. None of the funds appropriated in this Act to the Legal Services Corporation may be used for any purpose prohibited or contrary to any of the provisions of authorization legislation for fiscal year 1996 for the Legal Services Corporation that is enacted into law: *Provided*, That, upon enactment of Legal Services Corporation reauthorization legislation, funding provided in this Act shall from that date be subject to the provisions of that legislation and any provisions in this Act that are inconsistent with that legislation shall no longer have effect.

MARINE MAMMAL COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Marine Mammal Commission as authorized by title II of Public Law 92–522, as amended, $1,000,000.

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

SALARIES AND EXPENSES

For necessary expenses of the Martin Luther King, Jr. Federal Holiday Commission, as authorized by Public Law 98–399, as amended, $250,000.

SECURITIES AND EXCHANGE COMMISSION

SALARIES AND EXPENSES

For necessary expenses for the Securities and Exchange Commission, including services as authorized by 5 U.S.C. 3109, the rental of space (to include multiple year leases) in the District of Columbia and elsewhere, and not to exceed $3,000 for official reception and representation expenses, $103,445,000, of which not to exceed $10,000 may be used toward funding a permanent secretariat for the International Organization of Securities Commissions, and of which not to exceed $100,000 shall be available for expenses for consultations and meetings hosted by the Commission with foreign governmental and other regulatory officials, members of their delegations, appropriate representatives and staff to exchange views concerning developments relating to securities matters, development and implementation of cooperation agreements concerning securities matters and provision of technical assistance for the development of foreign securities markets, such expenses to include necessary logistic and administrative expenses and the expenses of Commission staff and foreign invitees in attendance at such consultations and meetings including: (i) such incidental expenses as meals taken in the course of such attendance, (ii) any travel or transportation to or from such meetings, and (iii) any other related lodging or subsistence: *Provided*, That immediately upon enactment of this Act, the rate of fees under section 6(b) of the Securities Act of 1933 (15 U.S.C. 77f(b)) shall increase from one-fiftieth of 1 per centum to one twenty-ninth of 1 per centum and such increase shall be deposited as an offsetting collection to this appropriation, to remain available until expended, to recover costs of services of the securities registration process.

SMALL BUSINESS ADMINISTRATION

SALARIES AND EXPENSES

For necessary expenses, not otherwise provided for, of the Small Business Administration as authorized by Public Law 103–403, including hire of passenger motor vehicles as authorized by 31 U.S.C. 1343 and 1344, and not to exceed $3,500 for official reception and representation expenses, $217,947,000: *Provided further*, That the Administrator is authorized to charge fees to cover the cost of publications developed by the Small Business Administration, and certain loan servicing activities: *Provided further*, That notwithstanding 31 U.S.C. 3302, revenues received from all such activities shall be credited to this account, to be available for carrying out these purposes without further appropriations.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978, as amended (5 U.S.C. App. 1–11 as amended by Public Law 100–504), $8,750,000.

BUSINESS LOANS PROGRAM ACCOUNT

For the cost of direct loans, $5,000,000, and for the cost of guaranteed loans, $146,710,000, as authorized by 15 U.S.C. 631 note, of which $1,700,000, to be available until expended, shall be for the Microloan Guarantee Program, and of which $40,510,000 shall remain available until September 30, 1997: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct and guaranteed loan programs, $97,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

DISASTER LOANS PROGRAM ACCOUNT

For the cost of direct loans authorized by section 7(b) of the Small Business Act, as amended, $34,432,000, to remain available until expended: *Provided*, That such costs, including the cost of modifying such loans, shall be as defined in section 502 of the Congressional Budget Act of 1974.

In addition, for administrative expenses to carry out the direct loan program, $78,000,000, which may be transferred to and merged with the appropriations for Salaries and Expenses.

SURETY BOND GUARANTEES REVOLVING FUND

For additional capital for the "Surety Bond Guarantees Revolving Fund", authorized by the Small Business Investment Act, as amended, $2,530,000, to remain available without fiscal year limitation as authorized by 15 U.S.C. 631 note.

ADMINISTRATIVE PROVISION—SMALL BUSINESS ADMINISTRATION

SEC. 501. Not to exceed 5 percent of any appropriation made available for the current fiscal year for the Small Business Administration in this Act may be transferred between such appropriations, but no such appropriation shall be increased by more than 10 percent by any such transfers: *Provided*, That any transfer pursuant to this section shall be treated as a reprogramming of funds under section 605 of this Act and shall not be available for obligation or expenditure except in compliance with the procedures set forth in that section.

The CHAIRMAN. Are there amendments to title V?

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in title IV, I wish to engage in a brief colloquy with the distinguished chairman of the subcommittee.

The bill before us provides for the merger of the inspector general's office of the U.S. Information Agency with the inspector general's office of the Department of State and the Arms Control and Disarmament Agency.

As the chairman of the committee knows, H.R. 1561 preserves for extensive reorganization the foreign affairs agencies of the U.S. Government, including the very merger called for in this bill, and during the course of our work, we discovered an anomaly in the interpretation of the civil service laws under which individuals working in the acquired agency in a merger lost all of their protection under the civil service laws, if, and only if, the work they were doing was deemed identical in function with some kind of work being done in the agencies into which they were merged.

Our Committee on International Relations decided this was inappropriate under the circumstances and specifically legislated against the interpretation in section 510 of H.R. 1561, which was passed by the House on June 8. Our decision was based on the view that all individuals other than those appointed by the President with the advice and consent of the Senate who are on the day before the merger employed at agencies to be merged should be considered for assignment in the merged agency and judged in the case of adverse personnel actions based on generally applicable merit procedures. They should certainly not lose their jobs over the arbitrary question of which agency was merged into which.

Would the chairman, therefore, agree that the rule we decided on would be appropriate in the circumstances, and would he be willing to undertake to clarify if necessary, in statutory language, that this would be the case should this provision be accepted by the other body?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we are willing to accept the suggestion of the gentleman on this organizational issue that the authorizing committee has addressed in its legislation. It is our hope that the solution would be worked out in the context of the authorization bill, but if it is not, we would attempt to work it out in conference on the appropriations bill.

I thank the gentleman for bringing this to our attention.

Mr. GILMAN. I thank the distinguished chairman for his clarification.

The CHAIRMAN. Are there amendments to title V?

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I just take a very brief moment to enter into a colloquy with the distinguished chairman, the gentleman from Kentucky [Mr. ROGERS].

I had intended on offering an amendment to restore funds to the authorized level for the Radio Free Asia. Just a few days ago we voted on the Bereuter amendment, which reaffirmed our collective commitment to Radio Free Asia. The subcommittee looked at this, I know, and came to the conclusion that the money available plus the $5 million that is included in this bill would be sufficient because there is not an expectation that Radio Free Asia will be up and running soon. I hope that is an error, that it gets up and running sooner rather than later.

Should Radio Free Asia get off and running as we hope, I would just hope the chairman and ranking member would work with us to insure sufficient money would be available.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. I yield to the gentleman from Kentucky.

Mr. ROGERS. I appreciate the gentleman's concern. He has been very avid in his support of Radio Free Asia and has worked very actively with this Member and with our subcommittee. We certainly would consider a reprogramming request at a later time if there is need for it and will try to work with the gentleman to satisfy his concerns.

As the gentleman knows, there is $5 million in this bill for Radio Free Asia. There is $5 million in additional carryover funds expected to be available in fiscal year 1996. They have not yet appointed the board for the broadcasting system, but if at the time there is a need, we can look at reprogramming funds. I assure you we will discuss that with you further.

Mr. SMITH of New Jersey. I appreciate that.

The CHAIRMAN. Are there amendments to title V? If not, the Clerk will designate title VI. The text of title VI is as follows:

TITLE VI—GENERAL PROVISIONS

SEC. 601. No part of any appropriation contained in this Act shall be used for publicity or propaganda purposes not authorized by the Congress.

SEC. 602. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 603. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive Order issued pursuant to existing law.

SEC. 604. If any provision of this Act or the application of such provision to any person or circumstances shall be held invalid, the remainder of the Act and the application of each provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby.

SEC. 605. (a) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure through a reprogramming of funds which (1) creates new programs; (2) eliminates a program, project, or activity, (3) increases funds or personnel by any means for any project or activity for which funds have been denied or restricted; (4) relocates an office or employees; (5) reorganizes offices, programs, or activities; or (6) contracts out or privatizes any functions or activities presently performed by Federal employees; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

(b) None of the funds provided under this Act, or provided under previous Appropriations Acts to the agencies funded by this Act that remain available for obligation or expenditure in fiscal year 1996, or provided from any accounts in the Treasury of the United States derived by the collection of fees available to the agencies funded by this Act, shall be available for obligation or expenditure for activities, programs, or projects through a reprogramming of funds in excess of $500,000 or 10 percent, whichever is less, that (1) augments existing programs, projects, or activities; (2) reduces by 10 percent funding for any existing program, project, or activity, or numbers of personnel by 10 percent as approved by Congress; or (3) results from any general savings from a reduction in personnel which would result in a change in existing programs, activities, or projects as approved by Congress; unless the Appropriations Committees of both Houses of Congress are notified fifteen days in advance of such reprogramming of funds.

SEC. 606. None of the funds made available in this Act may be used for the construction, repair (other than emergency repair), overhaul, conversion, or modernization of vessels for the National Oceanic and Atmospheric Administration in shipyards located outside of the United States.

SEC. 607. (a) PURCHASE OF AMERICAN-MADE EQUIPMENT AND PRODUCTS.—It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

(b) NOTICE REQUIREMENT.—In providing financial assistance to, or entering into any contract with, any entity using funds made available in this Act, the head of each Federal agency, to the greatest extent practicable, shall provide to such entity a notice describing the statement made in subsection (a) by the Congress.

SEC. 608. None of the funds made available in this Act may be used to implement, administer, or enforce any guidelines of the Equal Employment Opportunity Commission covering harassment based on religion, when it is made known to the Federal entity or official to which such funds are made available that such guidelines do not differ in any respect from the proposed guidelines published by the Commission on October 1, 1993 (58 Fed. Reg. 51266).

The CHAIRMAN. Are there amendments to title VI?

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment, amendment No. 2.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GILMAN: At the appropriate place, insert the following:

SEC. . LIMITATION ON THE USE OF FUNDS FOR DIPLOMATIC FACILITIES IN VIETNAM.

None of the funds appropriated or otherwise made available by this Act may be obligated or expended to pay for any cost incurred for (1) opening or operating any United States diplomatic or consular post in the Socialist Republic of Vietnam that was not operating on July 11, 1995; (2) expanding any United States diplomatic or consular post in the Social Republic of Vietnam that was operating on July 11, 1995; or (3) increasing the total number of personnel assigned to United States diplomatic or consular posts in the Socialist Republic of Vietnam above the levels existing on July 11, 1995.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 5 minutes and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. GILMAN] will be recognized for 2½ minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I yield myself 1½ minutes.

Mr. Chairman, I rise in strong support of the Kingston-Gilman-Barr-Dornan amendment which bars the use of Federal funds for implementing the President's ill-considered, premature decision to expand diplomatic relations with Vietnam.

Nothing in this amendment interferes with our efforts to identify, locate and repatriate the remains of U.S. service personnel.

According to the National League of Families, since the President lifted the trade embargo against Vietnam, remains of only eight Americans, of over 2,200 still missing, have been accounted for since February of 1994.

A Chinese mortician who has passed a polygraph test, testified under oath that he preserved nearly 400 sets of remains of American servicemen.

A significant number of those 400 remains are still not accounted for, and the administration can not explain why these remains have not been accounted for.

It is obvious that—far from cooperating—Hanoi is coldbloodedly using the remains of missing Americans as pawns in a sordid game to extract maximum concessions from our Government. Let us not permit them those ghoulish tactics.

Many veterans groups support our amendment.

Mr. Chairman, this amendment sends a forceful message to Hanoi that the Congress will not just sit idly by and permit them to flimflam the American people.

Accordingly, I urge my colleagues to support our amendment.

If Vietnam wants normalized relations with the United States—then they must deal honestly with us and must provide the full and fair accounting that they promised.

We owe that much to those who gave so much for all of us.

Mr. Chairman, I reserve the balance of my time.

Mr. FOGLIETTA. Mr. Chairman, I rise to strike the requisite number of words. I rise in opposition to this amendment which will prevent the complete normalization of relations with the Republic of Vietnam.

Having just returned from Vietnam, I stand to bear witness to the extraordinary efforts being made to locate every single American soldier missing there.

I departed for Vietnam with grave skepticism about the claims of the Vietnamese Government that they were providing every piece of information available on the fate of missing American soldiers.

After seeing the efforts being undertaken by our military people and the Vietnamese—and listening to our military leaders on the ground in Vietnam, I believe that the Vietnamese Government is being completely cooperative and honest.

Admiral Macke told me that the Vietnamese Government has shown excellent cooperation.

Lt. Col. Timothy Boffe with the Joint Task Force overseeing the MIA/POW project in Vietnam explained to me that when the United States asks for information the Vietnamese deliver, nothing is being withheld.

We must continue to do everything in our power to help American families identify the remains of their loved ones, and we are. By establishing an official diplomatic dialog, we will expedite this process. Extending diplomatic relations to Vietnam does not mean that we forfeit all leverage with that government. Full normalization will be a continuing process, including the grant of most-favored-nation trading status.

This action will help heal the wounds of Vietnam. With a greater sharing of information, we will continue to search out the MIA's to give peace of mind to the families of those who served valiantly but have not returned.

Mr. RICHARDSON. Mr. Chairman, this amendment undermines the President's ability to conduct foreign policy.

Congress should not micromanage foreign policy by cutting funds that improve our relationship with Vietnam.

Diplomatic relations with Vietnam have entered a new phase of cooperation designed to serve the legitimate interests of both countries and contribute to the cause of peace, stability and cooperation in Southeast Asia.

Since the United States lifted the embargo levied against Vietnam last year, our diplomatic, financial, and economic ties to Vietnam have grown.

More importantly, the Vietnamese have been cooperating fully on the issue of MIA's.

For the better part of the last 20 years, the United States has tried to resolve the POW/MIA issue by isolating the Vietnamese, by denying them benefits of trade and diplomatic relations—and this policy has failed.

Progress has come on the POW/MIA issue because we actively engaged the Vietnamese, encouraged cooperation, and created incentives to ensure compliance.

The Vietnamese handed over 100 new documents on missing United States servicemen to me when I visited there last month. They have also honored my request to give United States officials consular access to Ly Van Tong, a United States citizen of Vietnamese origin imprisoned in 1993.

VFW Commander in Chief "Gunner" Kent, a marine Vietnam veteran representing over 2 million veterans, supports normalization and has said:

> If by normalizing relations with Vietnam we can further the process leading towards the fullest possible accounting, then the VFW will support such a decision.

Recognizing Vietnam does not have to mean forgetting the MIA's. It can mean establishing even more cooperation—economic and diplomatic—between the two nations.

Such cooperation will boost chances for more success in learning about the fate of those missing since the Vietnam war.

The CHAIRMAN. Does any Member seek time in opposition to the amendment?

If not, the gentleman from New York has 1 minute remaining.

Mr. GILMAN. Mr. Chairman, I yield 1 minute to the gentleman from Texas, Mr. SAM JOHNSON.

Mr. SAM JOHNSON of Texas. Mr. Chairman, even though I was a POW in Vietnam for 7 years, I understand the importance of our business access to Vietnam's emerging market. But I refuse to endorse opening relations with a country that simply will not provide us with information which they fully admit to having about our POW's and MIA's.

Vietnam's Communist leadership just cannot be trusted. They have led us to alleged crash sites that, on inspection, had been recreated for U.S. visits. We have received animal bones that the Vietnamese said were human bones. This does not illustrate cooperation, in my opinion.

Vietnam never lived up to the 1974 peace agreements. The time has come for the war to end, but it must be a two-way street, and Until Vietnam demonstrates that they can work with us in good faith, keep the promises that they have made, they should not be rewarded with all the benefits of full diplomatic relations with the wealthiest, freest nation in the world.

Mr. GILMAN. Mr. Chairman, I yield myself such time as I may consume.

I thank the gentleman from Texas for his statement in support of this amendment.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DORNAN], who has been a longtime supporter of this proposal.

The CHAIRMAN. The gentleman will suspend. The gentleman from New York was given 2½ minutes of the 5 minutes. The gentleman has used that 2½ minute time period.

If, however, there is no one seeking time in opposition, the gentleman from New York may ask unanimous consent for those 2½ minutes if he does so at this point.

Mr. PETERSON of Florida. Mr. Chairman, I rise in opposition.

The CHAIRMAN. The gentleman from Florida seeks the time?

Mr. PETERSON of Florida. I do, Mr. Chairman.

The CHAIRMAN. The gentleman from Florida [Mr. PETERSON] will be recognized for 2½ minutes.

Mr. GILMAN. Mr. Chairman, it was our understanding it was 5 minutes on each side.

The CHAIRMAN. That was not the request. The request was for 5 minutes.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that we be given 5 minutes on each side with regard to this.

Mr. MOLLOHAN. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The gentleman from Florida [Mr. PETERSON] is recognized.

Mr. PETERSON of Florida. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I will not take all of the time. I will not belabor this point.

It is clearly not in our best interests to take away our opportunity to communicate with Vietnam in a diplomatic nature.

So at this time I want to go on record in opposition to the amendment as proposed by the distinguished gentleman from New York [Mr. GILMAN] at this time.

Mr. Chairman, I yield back the balance of my time.

Mr. BARR. Mr. Chairman, the President's decision to confer full diplomatic recognition to Vietnam, prior to establishing the fullest possible accounting of our American POW's and MIA's, was wrong. In my judgment the dignity and honor of those 58,000 Americans who died fighting for freedom in the Vietnam war and the memory of the 2,200 American MIA's would be violated were this Nation to enter into formal relations with Vietnam at this time.

It's been more than 20 years since the United States withdrew from the Vietnam war, and at no time in that entire period has Vietnam been completely forthcoming in answer to repeated requests for assistance in locating American MIA's.

For these reasons, I am offering an amendment to H.R. 2076, the Commerce, Justice, State appropriations bill that essentially prohibits Federal funds from being used to establish full diplomatic relations with the Communist Government of Vietnam. I am proud to have the privilege of offering this amendment with my colleague from Georgia, JACK KINGSTON—a distinguished member of the House Appropriations Committee, and Chairmen SOLOMON and GILMAN among others.

The amendment is both straightforward and simple. It will prohibit any of the bill's funds from being used to open or operate any new United States diplomatic or consular post in Vietnam after the retroactive cut-off date of July 11, 1995, or expand any post that existed prior to that date. It also prohibits funds from going to increase the total number of personnel assigned to such posts above the level that existed on July 11.

During a hearing before the Military Personnel Subcommittee of the House National Security Committee, current officials of the Pentagon's Defense POW/MIA Office [DPMO], and recently retired senior field investigators of the military's Joint Task Force Full Accounting [JTFFA] revealed under oath that Vietnam continues to: First, withhold remains; second, withhold essential documents and records; and third, manipulate field investigation to include coaching and intimidating witnesses as well as manipulating evidence at crash sites.

Many of the remains returned in recent years from Hanoi draped with the American flag have been discovered to be animal bones or non-American remains.

Some 163 remains returned to the United States from Vietnam have shown sign of chemical processing and prolonged storage. There are potentially 400 such processed remains.

During the Reagan administration when the United States officials adhered to strict negotiating principles, 169 MIA's from Vietnam were accounted for, an average of 21 per year. During the Bush administration, 96 MIA's were accounted for, averaging 24 per year. However, during the first 2½ years of the Clinton administration, only 30 MIA's have been accounted for, a drop to only 12 per year. But, even more telling, since the Clinton administration lifted the trade embargo, the number of those accounted for has dropped to a mere eight.

As Presidential candidate, Mr. Clinton named four criteria for the normalization of relations with the Government of Vietnam. To this day those criteria have not been achieved.

The President's own standards were: First, Concrete results from efforts on Vietnam's part to recover and repatriate American remains; second, continued resolution of discrepancy cases; third, further assistance in implementing trilateral investigations with Laos; and fourth, accelerated efforts by Vietnam to provide all POW/MIA related documents that will help lead to genuine answers.

Since President Clinton defined the criteria, progress has been almost totally limited to fate determinations produced by joint U.S./SRV investigations. Resolution means accountability, defined by the U.S. Government as the man returned alive, or his remains, or convincing evidence as to why neither is possible. In nearly all instances of the 117 with reported confirmation of death, evidence also indicates that Vietnam should be able to locate and provide remains. Of the 81 special remains cases—94 individuals—now being pursued jointly, unilateral efforts by Vietnam to locate and provide remains are required on all but the died-in-captivity [DIC] cases. The DIC cases require joint investigation due to wartime burial, mostly in the south.

There are some 300 Americans who were last known alive under Vietnamese control. Their status remains unresolved. Further, only three sets of remains have been returned of 97 Americans known to have died in captivity—85 percent of approximately 600 Americans captured in Laos were under Vietnamese control.

Mr. Chairman, it is clear that the President's decision was wrong, this amendment corrects that decision. I urge my colleagues to support this amendment, support the MIA's and POW's and their families that so heroically served this great Nation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. GILMAN].

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title VI?

AMENDMENT OFFERED BY MR. GOODLING

Mr. GOODLING. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GOODLING: Page 102, after line 20, insert the following:

SEC. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the federal official having authority to obligate or expend such funds (1) that the United Nations undertaking is a peacekeeping mission, (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national, and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

Mr. ROGERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. ROGERS. Mr. Chairman, further, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes, and that the time be equally divided.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MOLLOHAN. We have no objection. Does that mean we get 5 minutes on this side? Mr. Chairman, who is to control the time?

The CHAIRMAN. The gentleman from Pennsylvania [Mr. GOODLING] will be recognized for 5 minutes in support of his amendment.

Who seeks to control time in opposition?

Mr. MOLLOHAN. Mr. Chairman, I will seek time.

The CHAIRMAN. The gentleman from West Virginia [Mr. MOLLOHAN] will be recognized for 5 minutes also in support of the amendment.

Mr. GOODLING. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, H.R. 7, the National Security Revitalization Act, and H.R. 1530, the defense authorization bill, both of which contain provisions severely restricting deployment of U.S. troops under foreign command, are now law, or have been passed by the House.

The amendment I offer today is a compromise proposal drafted with the support of the ranking Democrat in the Committee on International Relations, the gentleman from Indiana [Mr. HAMILTON], and it will apply these restrictions to this spending bill. I prefer to see that the provisions contained in H.R. 7 and H.R. 1530, which were approved by the House be enacted into law. These bills contain important certification and reporting requirements concerning U.S. involvement in U.N. missions that should be the law of the land.

In the interim, however, this amendment provides some measure of reassurance to Congress that U.N. mission debacles such as UNOSOM in Somalia will be avoided in the future.

In short, this amendment would prohibit the placement of U.S. troops under U.N. command unless military advisers report to the President and Congress such deployment was in the security interests of the United States.

I just want to restate to my colleagues the current U.N. command structure is largely unworkable. Current structure brought us the tragedy in Somalia and remains inept in Bosnia. The United Nations must rework its structure if it is to remain viable. As it currently stands, I do not see how we can subject Americans to that unworkable structure, needlessly endangering their lives.

I thank the chairman, the gentleman from Kentucky [Mr. ROGERS] and his staff, the gentleman from West Virginia [Mr. MOLLOHAN] and his staff, my friend, the gentleman from Indiana [Mr. HAMILTON], and his staff for working with me on the matter.

I urge an "aye" vote on the amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. GOODLING. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, on this side of the aisle, we are prepared to accept the amendment, thinking it is a good one, and urge its adoption.

Mr. MOLLOHAN. Mr. Chairman, I yield myself such time as I may consume.

We have no objection to the amendment.

Mr. Chairman, I yield back the balance of my time.

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The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. GOODLING].

The amendment was agreed to.

Mr. KIM. Mr. Chairman, I move to strike the last word, and I would like to engage the gentleman from Kentucky in a colloquy.

Mr. Chairman, I had intended to offer an amendment which would have withheld money for any official congressional travel to North Korea until North Korea ends its policy of discriminating against certain Members of this Congress in permitting travel to North Korea.

As the only Korean-American in Congress, the Speaker and the chairman of the Committee on International Relations asked me to lead a special bipartisan delegation to North Korea in an effort to provide an in-house assessment of the nuclear agreed framework and future relations.

This bipartisan delegation was rejected, yet another congressional mission was not. I have very convincing evidence that this rejection was based on my national origin and political philosophy and perhaps that of others in the delegation.

Mr. Chairman, this is a direct insult to Congress. North Korea is deliberately insulting this Congress, with some Members obviously being more friendly to North Korea than others. We should not tolerate this demeaning insult.

My objective is to send two strong messages: One, to North Korea, Congress will not accept this insult. Congress, not the North Koreans, will decide which Members of Congress represent this institution abroad.

Since North Korea needs the United States Congress, not the other way around, my message is, "Accept the delegation we choose to send or none will be sent at all."

The second is to the State Department.

I am disappointed at the apparent lack of seriousness the State Department has given to North Korea's insult. North Korea is not going to change its position unless strong and convincing representations are made at much higher levels.

The State Department has been too busy appeasing North Korea at the expense of Congress and the dignity of our own Government. What is the personal threat of North Korea? Will Korea not attack us? This is really embarrassing.

Mr. Chairman, in lieu of offering this amendment at this time, I welcome the commitment of the gentleman from Kentucky [Mr. ROGERS] to help me get this important message across to North Korea and the State Department, loud and clear. With the help of the gentleman, I am willing to give the State Department one more chance to get tough with the North Koreans.

Furthermore, as a means of protesting North Korea's insult and showing solidarity, I urge my colleagues to boycott traveling to North Korea until this discrimination ends.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. KIM. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I appreciate the gentleman from California [Mr. KIM] not offering his amendment at this time and his willingness to give the State Department one more chance. In return, as the chairman of the subcommittee, I commit to raise this situation directly with Secretary of State Warren Christopher, and to relay the concern of the gentleman from California [Mr. KIM] that the State Department should be making this issue a higher priority.

The Department is expected to do a much better job of making North Korea appreciate the role of Congress in determining the pace and scope of future relations and the seriousness of Pyongyang's insult to Congress. I fully support the choice made by Speaker GINGRICH and the chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], of Mr. KIM to lead a bipartisan delegation to North Korea representing the House.

Mr. Chairman, I see North Korea's rejection of this codel as a rejection of the House as a whole. Congress cannot cede its decisionmaking authority on Member travel to the Communist dictatorship of North Korea.

Furthermore, Mr. Chairman, North Korea's direct snub of Congress raises serious questions about the sincerity of North Korea's other interactions with the United States, including Pyongyang's commitment to the nuclear agreed framework. Do they intend to only cooperate on some parts of the agreement and not others?

Mr. KIM. With our chairman's commitment and that of the gentleman from New York, I will not offer my amendment at this time with the understanding that I will withdraw my amendment.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I want to express my strong support for the resolution of the gentleman from California [Mr. KIM]. I think it is appalling that another country would sort out who they want of our congressional delegation to visit their country and to decide arbitrarily that the gentleman from California could not be admitted to North Korea, and it is for that reason I urge our colleagues to be supportive of the Kim resolution.

The CHAIRMAN. Are there other amendments to title VI?

AMENDMENT OFFERED BY MR. ZIMMER

Mr. ZIMMER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ZIMMER: Page 102, after line 20, insert the following new section:

SEC. . None of the funds made available in this Act shall be used to provide the following amenities or personal comforts in the federal prison system—

(A)(i) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(ii) the viewing of R, X, and NC-17 rated movies, through whatever medium presented;

(iii) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(iv) possession of in-cell coffee pots, hot plates, or heating elements;

(v) the use or possession of any electric or electronic musical instrument.

Mr. ZIMMER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ZIMMER. Mr. Chairman, I will take only 1 minute.

Mr. Chairman, this amendment deals with prison amenities. Prison perks are bad public policy and a waste of taxpayer dollars. My amendment is designed to start eliminating them from Federal prisons.

In some prisons, inmate amenities are better than what law-abiding Americans have. Prisons should be places of detention and punishment; prison perks undermine the concept of jails as deterrence. They also waste taxpayer money.

Mr. Chairman, my amendment would help end this taxpayer abuse by prohibiting funds from being spent in Federal prisons on luxuries such as martial arts instruction, weight rooms, in-cell televisions, sexually explicit or violent movies, and expensive electronic musical instruments. We must make sure we are spending public funds wisely, not using them on amenities that have little bearing on institutional security and that far exceed basic standards of human dignity.

Mr. Chairman, my amendment has won the support of the Law Enforcement Alliance of America, the Nation's largest coalition of law enforcement officers, crime victims and concerned citizens. This is a reasonable amendment. It does not provide for a return to the chain gang. It does provide for a return to common sense.

Mr. Chairman, I urge my colleagues to support this amendment.

Prison perks are bad public policy and a waste of taxpayer dollars. My amendment is designed to start eliminating them from Federal prisons.

In some prisons, inmate amenities are better than what law-abiding Americans have:

The Lompoc, CA, Federal penitentiary offers premium cable TV, movies 7 days a week, pool tables, handball, tennis, and miniature golf.

The Duluth, MN, Federal prison camp is called Club Fed. It provides a movie theater, musical instruments, softball fields, and game rooms.

The Federal prison in Manchester, KY, in which some State politicians have taken up residence, has a jogging track, several basketball courts, and multiple TV rooms.

Prisons should be places of detention and punishment. Prison perks undermine the concept of jails as deterrence. They also waste taxpayer money.

My amendment would help end this taxpayer abuse by prohibiting funds from being spent in Federal prisons on luxuries such as martial arts instruction; weight rooms; in-cell televisions; sexually explicit or violent movies; and expensive electronic musical instruments.

Earlier this year during consideration of the anticrime component of the Contract With America, this House accepted a no-frills prison amendment I offered that requires the Attorney General to set specific standards governing conditions in the Federal prison system that provide the least amount of amenities and personal comforts consistent with constitutional requirements and good order and discipline in the Federal prison system.

That amendment also requires the Bureau of Prisons to submit an annual audit to Congress listing exactly how much is spent at each Federal prison for basics and how much is spent on extras, perks, and amenities.

This requirement will allow Congress to get a handle on whether we are spending taxpayers' money on reasonable items to maintain and secure prisoners, or whether money is being wasted on luxuries that many law-abiding Americans cannot afford.

We must make sure we are spending public funds wisely—not using them on amenities that have little bearing on institutional security.

My amendment has won the support of the Law Enforcement Alliance of America, the Nation's largest coalition of law enforcement officers, crime victims, and concerned citizens.

This is a reasonable amendment. It does not provide for a return to the chain gang. It does provide for a return to common sense.

I urge my colleagues to support this amendment.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. ZIMMER. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, on this side, we accept this amendment.

Mr. ZIMMER. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment by the gentleman from New Jersey [Mr. ZIMMER].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SKAGGS

Mr. SKAGGS. Mr. Chairman, I offer an amendment, amendment No. 40.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendent offered by Mr. SKAGGS: Page 102, after line 20, insert the following:

SEC. 609. None of the funds made available in this Act may be used for "USIA Television Marti Program" under the Television Broadcasting to Cuba Act or any other program of United States Government television broadcasts to Cuba.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 20 minutes and the time be equally divided between the gentleman from Colorado [Mr. SKAGGS] and a Member on this side in opposition.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from Colorado [Mr. SKAGGS] will be recognized for 10 minutes.

Does any Member seek recognition in opposition to the amendment?

Mr. SMITH of New Jersey. Mr. Chairman, I seek recognition in opposition.

The CHAIRMAN. The gentleman from New Jersey [Mr. SMITH] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the purpose of this amendment is to prohibit the use of any funds in this bill for the operation of TV broadcasting to Cuba, otherwise known as TV Marti. Put quite simply, this program is, has been, and will continue to be, a colossal waste of U.S. taxpayers' money.

Virtually no one in Cuba has, is, or will ever be able to receive a TV Marti signal. We are broadcasting into the black hole created, unfortunately, by the very effective jamming of this program by the Castro government.

Mr. Chairman, in the process, however, we have thrown away something on the order of $90 million over the last several years in an empty gesture of political symbolism that accomplishes absolutely nothing in terms of the interests of the United States relative to Cuba or Latin America.

Mr. Chairman, the research conducted on this by USIA's own researchers has demonstrated that there is no effective viewership of TV Marti. Pursuant to the appropriations bill enacted a couple of years ago, we required USIA to set up a review committee on broadcasting to Cuba and to inform Congress whether there was any effective viewership at all. That advisory committee came back with a clear finding that no one sees TV Marti.

Private researchers have gone to the island to see if they can find the TV Marti signal. No one can see TV Marti.

In the process of trying a Rube Goldberg contraption to improve the signal being sent to Cuba, we compromised for a while our Caribbean air defenses, all again in this vain effort to get a TV signal into Cuba which no one sees.

Mr. Chairman, there is now under way, at a waste of millions more in taxpayers' money, an effort to convert what had been a VHF program to a UHF program. That misses a couple of fundamental technical points. One is that most TV sets in Cuba do not receive UHF. The second is, verified by technical experts in this country, that it would be far easier to jam UHF signals than VHF signals. So no matter how you look at this, unless you are interested in spending tens of millions of dollars, in the very, very difficult budget time we are now in, on symbolism that has no practical effect, to no benefit to the interests of the United States, it is time to put this program out of its intense misery.

Mr. Chairman, I reserve the balance of my time.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY TO THE AMENDMENT OFFERED BY MR. SKAGGS

Mr. SMITH of New Jersey. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey to the amendment offered by Mr. SKAGGS: In the matter proposed to be inserted by the amendment, strike the period at the end and insert the following:

, when it is made known to the Federal official having authority to obligate or expend such funds that such use would be inconsistent with the applicable provisions of the March 1995 Office of Cuba Broadcasting Reinventing Plan of the United States Information Agency.

Mr. SKAGGS. Mr. Chairman, I reserve a point of order against the amendment.

Mr. SMITH of New Jersey. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I rise in opposition to the Skaggs amendment and in support of the legislation that I am offering to his amendment. The amendment of the gentleman from Colorado [Mr. SKAGGS] is aimed at the heart of what is sometimes called surrogate broadcasting. An even better term, Mr. Chairman, is freedom broadcasting sending the message of freedom to people who live in countries where this message is not permitted to be carried on domestic radio and television stations.

The amendment of the gentleman from Colorado, [Mr. SKAGGS], would eliminate TV Marti, would deprive millions of Cubans of not only vital information around the world and about the world, but also the hope that comes with knowing that the free world cares. My substitute perfecting amendment guarantees fiscal responsibility without compromising our commitment to freedom.

Mr. Chairman, eliminating or crippling freedom broadcasting into Cuba, as the Skaggs amendment would do, would send exactly the wrong message at exactly the wrong time.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. SMITH of New Jersey. Mr. Chairman, I do not have the time.

Mr. SKELTON. Mr. Chairman, I ask unanimous consent that each side have 1 additional minute.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri?

There is no objection.

Mr. SMITH of New Jersey. Mr. Chairman, I yield to my friend, the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I will not take the full minute, but I want to associate my remarks with those of the gentleman from New Jersey [Mr. SMITH], particularly in regard to the electronic communications of Marti toward the Island of Cuba. That is a very, very important subject for us as Americans. We should not forget that.

Mr. Chairman, many people from Cuba are here and enjoying our freedoms, but they also have friends and relatives back there, and the best way to communicate with them is for us to do it through the freedom network which the amendment of the gentleman from New Jersey [Mr. SMITH] addresses. I compliment the gentleman for addressing it in his substitute amendment.

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Mr. SMITH of New Jersey. Mr. Chairman, I thank the gentleman from Missouri [Mr. SKELTON], my good friend, for his very kind words and for his support for the amendment I am offering.

Mr. Chairman, eliminating or crippling freedom broadcasting to Cuba, as the Skaggs amendment would do, would sent the wrong message at exactly the wrong time. The Castro dictatorship is at an all-time low in domestic support and international prestige. Like the two recent Clinton-Castro immigration agreements, the silence of Marti-TV would provide new hope for the Castro dictatorship and a fresh dose of despair for the Cuban people.

Mr. Chairman, let me just say that the amendment that I am offering achieves fiscal responsibility by guaranteeing that no funds would be spent for TV-Marti except in accordance with a careful and thoughtful plan for the streamlining and reinvention of the Office of Cuba Broadcasting proposed by the then Director, Mr. Richard Lobo, and approved by USIA Director Dr. Joseph Duffy in March of 1995.

These reforms are going to be implemented; they can save taxpayers money without sacrificing our commitment to end the slavery in Cuba.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. Does the gentleman from Colorado insist on his point of order?

Mr. SKAGGS. No, Mr. Chairman. I have consulted with the Parliamentarian, and I am afraid my point of order would be unlikely to be sustained, so I will not put us through the exercise.

Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Chairman, I rise in strong support of the Skaggs amendment to defund TV-Marti. I think it is very important that this amendment passes. I think it is time that we recognize that that program is an anachronism from the past, that what we ought to do is engage in a modern policy with the people of Cuba to engage them both in trade, and personal communications, and travel and tourism, and start to bring our values to their island, and to let them expand the values that they hold, and they can do that by greater contact with this country, greater contact with the rest of the world, and I think the notion that somehow we are going to provide some kind of meaningful engagement through the use of this process is simply ridiculous. We ought to understand that we ought to get out of the business of the embargoes, we ought to get out of all these old policies from the cold war, and start out fresh with the people of Cuba, and this program has never worked. It has been an incredible waste of money. It has not reached the population for which it was designed.

Mr. Chairman, we ought to stop this program, but, once this program is stopped, we ought to move on to a new relationship.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Florida [Mr. DIAZ-BALART].

Mr. DIAZ-BALART. Today, Mr. Chairman, is an interesting day, the 26th of July, the anniversary of Castro's movement in Cuba, big celebration day for him, the day he got his so-called revolution going, and the revolution culminated with the oppression that has been on the Cuban people for 36 years. It is also interesting that just last week the Christian Science Monitor pointed out the vast new campaign of repression that Castro is engaging in against the—all signs of budding, free, independent press within Cuba. Our colleagues who are proposing this amendment, the gentleman from Colorado [Mr. SKAGGS], the gentleman from California [Mr. MILLER], the gentleman from New York [Mr. SERRANO], in their Dear Colleague they say Television Marti uses tax dollars to produce and broadcast programs to Cuba, but Cubans cannot see them because the signals are jammed by the Cuban Government, so, they continue to say, while we support USIA's efforts to provide biased news, we are convinced it makes no sense to continue with the program.

In other words, the essence of their argument is, because Castro engages in jamming of TV Marti, that we should give up. In other words, during the heat of the cold war, when the Soviet Union was most engaging in jamming of Radio Free Europe and Radio Liberty, and was very successful, at some point jamming up to 90 or 95 percent of the transmissions of Radio Liberty and Radio Free Europe, if we were going to engage in the philosophy, accept the philosophy of the proponents of this amendment of the kill TV Marti, we would simply say, "Oh, they won. They are jamming 80 percent, they are jamming 85–90 percent, so we have to give up."

Mr. Chairman, that is not the American way. When we have a burden to overcome, when we have a situation where Castro was spending tons and tons of oil to jam, attempt to jam, the signal, we overcome the jamming, and we are doing that. We are engaging in the conversion of the UHF which the technicians tell us is going to markedly increase the receptivity of TV Marti, and, if we have to, we will use a C–130. We will get the transmission through. That is the American way, not throw in the towel, not give up, not give Castro a victory on the 26th of July.

Reject this effort by the gentleman from Colorado [Mr. SKAGGS].

Mr. SKAGGS. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I want to take a little time to respond to the substitute amendment that has been offered by the gentleman from New Jersey.

The underlying assumption of the substitute of course is that this program can be fixed. The problem is that it is beyond fixing. It is not within the technical capabilities of the United States to make this thing work, and we should recognize that and get on with more productive uses of our very, very scarce resources.

Let me quote again the findings of the panel appointed by the United States Information Agency, which had an interest, since this operates under USIA auspices, in seeing a successful finding. But the panel that the USIA itself appointed said the following about this program, and I quote: "The panel is able to state categorically that at present TV Marti's broadcasts are not consistently viewed by a substantial number of Cubans. Whatever TV Marti's shortcomings, they are negligible compared to its inability to reach its intended audience."

Now I understand the strongly held feelings of the gentleman from Florida that just spoke and many that believe that this is an absolutely stellar effort to show the flag. I understand that. I think it is just too expensive for its purely symbolic effect.

In passing my amendment, we are not giving Castro a victory. We are giving the American taxpayers a victory.

Mr. Chairman, the substitute amendment is not going to solve the problem, it should be rejected, and I again urge my colleagues to support the original amendment as I offered it.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent that there be an additional 6 minutes. There are a number of speakers who would like to come forward on this important issue and for the interest of the membership of knowing the breadth and the fervor, equally divided, of course, with the gentleman from Colorado [Mr. SKAGGS].

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. OBEY. Reserving the right to object, Mr. Chairman, I do not want to object. We have been asked time and time again by the majority to cooperate in closing down debate so we can get out of here.

Mr. SMITH of New Jersey. Mr. Chairman, I withdraw my unanimous-consent request.

Mr. Chairman, I yield 2 minutes to the gentlewoman from Florida [Ms. ROS-LEHTINEN], who has been very stalwart on the issue of human rights in Cuba.

Ms. ROS-LEHTINEN. Mr. Chairman, I rise in strong support of the substitute amendment and in favor of the important functions served by television broadcasting to Cuba.

Mr. Chairman, for decades Castro has been a master at manipulating information inside Cuba to serve his evil purposes. This information monopoly went unchallenged until the creation of Radio and TV Marti which effectively broke the information embargo that Castro has imposed on the people of Cuba.

The reality is, Mr. Chairman, that both Radio and TV Marti have been invaluable in providing the enslaved Cuban people access to information they would otherwise not obtain.

In Europe and Asia, American broadcasts played a critical role in freeing the enslaved countries of those continents against their Communist rulers. In Cuba, the broadcast of these two stations have made similar breakthrough impacts in the short number of years they have been in operation.

Moreover, the importance of the broadcasts of Radio and TV Marti have dramatically increased, given the newly enhanced repression by Castro's police state against journalists who try to act as independent sources of information.

Just 2 weeks ago, it was reported that Rafael Solana Morales, the founder of a clandestine independent news agency, Havana Press, was arrested by Castro's police state.

That same day, July 12, Jose Rivero Garcia, of the Council of Cuban Independent Journalists, was likewise arrested and detained.

Similarly, other independent journalists from the Association of Cuban Independent Journalists were also arrested, detained, and interrogated in early July by Castro's thugs.

As one of the victims of Castro's repression, Solano Morales, stated: "This is harassment and attempted intimidation of the free press in Cuba, but it will not have the desired effect."

The words of Mr. Solana Morales symbolize the determination of these journalists to continue working against the Castro regime.

What message will we be sending to these journalist dissidents if we move to eliminate broadcasting to Cuba?

Mr. Chairman, Castro has recently been working overtime to portray a reformist image of the island. However, Cuba remains to this day a totalitarian state where no freedoms of expression, press, assembly and all others that we in this country enjoy, exist.

A human rights activist of the organization America's Watch recently phrased it perfectly when referring to the Castro regime, "They've been working hard since about November to improve their image, but this shows there's no real change in the structure of human rights limitations."

Without Radio and TV Marti the Cuban people might have never found out about the intentional sinking by Castro's thugs of a tugboat filled with refugees and the resulting death toll of dozens of Cuban citizens, mostly women and children.

Without Radio and TV Marti the Cuban people would have been blind to the massive demonstration in Havana last year, or the refugees crisis that followed it.

TV and Radio Marti allow the Cuban people to differentiate the facts from the fiction that Castro promotes inside the island. This is critical to help the dissident movement on the island obtain the information necessary to continue with their courageous activities against Castro.

Mr. Chairman, let us not hand Castro a victory or buy into his cheap image enhancement.

TV Marti is an important tool in our battle to bring freedom and democracy to the Cuban people. Its elimination would undermine the efforts of those inside the island who look toward us as partners in their struggle to eliminate tyranny in Cuba.

I urge my colleagues to support the substitute amendment and reject attempts to eliminate TV Marti and its message of freedom.

Mr. MENENDEZ. Mr. Chairman, I ask unanimous consent to address the Committee for 2 minutes on this vital issue in my district.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. MOLLOHAN. Mr. Chairman, reserving the right to object, we have agreed to a time certain on these amendments, and I think it is extremely important to move this bill efficiently tonight. I think everybody agreed by unanimous consent on these time limits, and I would very reluctantly ask that the gentleman reconsider his request.

Mr. MENENDEZ. Mr. Chairman, will the gentleman yield?

Mr. MOLLOHAN. I yield to the gentleman from New Jersey.

Mr. MENENDEZ. Mr. Chairman, I appreciate the gentleman's concern. Let me just say, had I been here, I would have objected, or I would have sought to at least insure this. It is interesting the only Cuban-American Democrat cannot get a unanimous-consent request from his own colleagues to be able to speak for 2 minutes for the second-largest concentration in the country.

Mr. Chairman, I would hope the gentleman would reconsider his objection.

Mr. MOLLOHAN. Mr. Chairman, I withdraw my reservation of objection.

I hope there will be restrained respect of our time limits and that the gentleman will come in if they have these issues and they want to speak on them. I hope in the future that we would come and get time during the agreed-upon originally time, and I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. MENENDEZ. Mr. Chairman, I thank the gentleman from West Virginia [Mr. MOLLOHAN] for withdrawing his objection, and I have, in every way along the way, attempted to cooperate. As a matter of fact, I came the other day to speak on something, and even though I had asked prematurely to speak, I was not given time, so I have tried to cooperate, but I appreciate the gentleman's withdrawing his objection.

Mr. Chairman, I do not have enough time in 2 minutes, but let me just briefly say for those who say this is a cold-war relic, I say someone should tell Fidel Castro that it is a cold-war relic. We just had four ex-political prisoners from a generational difference, one who was just here a year ago, just came here a year ago, others who spent more time in Castro's jail than any other political prisoner in the world, Mario Chamas, in excess of 30 years. He saw his son born outside of jail and his son die while he was still in jail. He said tonight here in the House of Representatives in one of our offices where we were having an open meeting for Members to come, "Don't cut Radio and Television Marti. Give the opportunity for the people in Cuba to have an open window, the only window of information that, in fact, we have," and this report which was authored by those who have the capacity, the intellect, and the technological background say we can do so, we can fix Television Marti to insure that in fact it is available to all the people of Cuba.

Lastly let me just say that the fact of the matter is this House just approved to transmit into China and into a Communist country. All we ask our colleagues to do is to keep the opportunity for information to continue to flow to the people of Cuba for an item that already exists. The fact of the matter is that 90 miles away from our shores there is a society that is closed, that has not been awoken to the waves of democracy that have come throughout the world, and whose only information comes from this great country as to what is happening in the rest of the world.

Do not close that window on these people. Vote against the amendment offered by the gentleman from Colorado [Mr. SKAGGS] and for the amendment offered by the gentleman from New Jersey [Mr. SMITH].

□ 2045

The CHAIRMAN. The Chair would point out the gentleman from New Jersey [Mr. SMITH] has 4 minutes remaining, the gentleman from Colorado [Mr. SKAGGS] has 6 minutes remaining, and the gentleman from Colorado has the right to close.

Mr. SKAGGS. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. BECERRA].

Mr. BECERRA. Mr. Chairman, this is an issue which undoubtedly has the passion of several Members, and I respect that passion and their desire to fulfill what they believe is the right course of action when it comes to Cuba and Mr. Castro. So I say this with deep respect for their views.

But I must say that at a time when we are cutting back on so many different programs, to spend $90 million on TV Marti, when we know we are cutting back on some very, very essential programs, to me is difficult to swallow.

Worse, when I realize that TV Marti does not even reach most of the Cuban people because it is blocked, it is something that cannot get through as much as we might desire, some people might desire, makes it a doubly more difficult thing to swallow.

Mr. Chairman, I would urge Members to consider the fact that what we are trying to do with these budget bills, these spending bills, is to try to come up with ways to spend our money the best we can for Americans. I would hope that we would concentrate on those. As much as I respect a lot of the Members who are my good friends, who have a great deal of interest and, as I said before, passion on this issue, I would urge colleagues to vote for the Skaggs amendment.

Mr. SMITH of New Jersey. Mr. Chairman, it is my privilege to yield 2 minutes to the gentleman from New York [Mr. GILMAN] the distinguished chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, earlier this month, our Committee on International Relations took a bold, bipartisan step forward to prescribe proactive measures to help bring freedom to Cuba once and for all. The amendment offered by the gentleman from Colorado, [Mr. SKAGGS], is a step backward—and I urge my colleagues to oppose the Skaggs amendment and to support the Smith amendment.

Despite the controversy that usually marks any debate on Cuba, there is one issue on which all sides generally agree: that is on the manifest need to communicate with the Cuban people—to offer them a window to the real world and a hopeful glimpse at the future.

That is the spirit behind Radio and TV Marti.

One of the key provisions of legislation offered by Mr. BURTON, which has been referred favorably by our Committee to the Whole House, is a requirement that the President start planning now for United States support to a democratic transition in Cuba.

That plan, which was an idea conceived by our good friend and committee colleague, Mr. MENENDEZ of New Jersey, will lay out clear steps toward the normalization of our political and economic relations with Cuba.

A hallmark of that plan is the ability to communicate its contents to the Cuban people with two simple purposes: to offer them hope and to refute Castro's virulent propaganda that we mean them harm.

We cannot hope to achieve that mission—nor reach the broader objective of advancing liberty's reach—if we gut broadcasting to Cuba.

Let's be clear: there is one reason that TV Marti's audience is limited: because that's the way Castro wants it. If we silence TV Marti, we will be handing his dictatorship a victory by default. TV Marti's reporting is journalistically sound and evenhanded. That is why Castro is against it; that is why we should be for it. From the point of view of United States Cuba policy—which has been compromised recently by mixed signals—I cannot conceive of a worse time in recent memory to serve up a "stocking-stuffer" for Castro. I urge my colleagues to consider the broader policy issues when making the decision on this amendment.

Let's not abandon the field, particularly at a time when our policy is at a crossroads and when Castro is looking for cracks in our resolve. I urge my colleagues to defeat the Skaggs amendment.

Mr. SKAGGS. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SERRANO].

Mr. SERRANO. Mr. Chairman, I do not really think that this is an argument about our resolve to do what we have to do for democracy or any other subject we want to discuss. This is just a bad expenditure. That TV station has not been seen in Cuba for the last couple of years. In fact, the reports are that it was seen one evening with Popeye cartoons. I know Popeye is good and funny. I do not know if Popeye is good at undoing any kind of government.

Those of you who are new to this House and strong on the issue of cutting budgets, this is a good one to start. The problem here is simple, and you are going to hear it throughout this discussion. There is a lobby in Miami that I envy. They are so strong. They can get their own TV station, their own radio station, their own embargo, and, of course, they can present it as something that is against everything that is wrong and in favor of everything that is right.

This, my friends, is a waste of money. When was the last time someone came from Cuba and said I saw TV Marti? They do see CNN programming. What they do see is the World Series when it goes in on the antenna. TV Marti does not get in. Whether or not it is jammed by Mr. Castro is not the point. I do not allow anything to come to my house that I do not want.

So maybe he has got a problem with that. That is his decision to make. But why are we spending tax dollars on something that does not work because we have got people telling us that they want electronic toys to play with? If they want electronic toys, let those lobbyists get a Radio Shack card and go and buy something and leave TV Marti unfunded and save that money.

Mr. SMITH of New Jersey. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from North Carolina [Mr. FUNDERBURK].

Mr. FUNDERBURK. Mr. Chairman, when I was a Fulbright student in Communist Romania staying with a Romanian family, I remember how important to them was Radio Free Europe and the Voice of America. It was the only way they could get the truth unfiltered and know what was going on in the outside world, as well as inside their country.

As U.S. Ambassador to that harsh Communist country, I saw even more how indispensable was an American broadcast voice. It made all the difference in Eastern Europe and Russia.

If we want to assist in the demise of Fidel Castro and his Cuban Communist regime and assist in the establishment of a free democratic government in post-Castro Cuba, TV Marti is needed now more than ever. I want history to record that when the Cuban people seeking freedom needed a voice and a news lifeline, at least in this small way we did not fail them.

Mr. Speaker, I have seen Communists up close. They do not respond to offers of friendship or well-meaning gestures of good will. They have nothing but contempt for those in Congress, the media, and academia who turn a blind eye to their crimes. I have seen Ceausescu, Li Peng, and many other Communist leaders.

Castro is a cold-blooded killer. He is a mass murderer. He knows only one language, force. While he lives, he is a threat, not only to the people of his island, but to the people of southern Florida. That is why we must give the people of Cuba every tool that we can to help them throw Castro into the Caribbean. That is why he must beat back attempts to cut the Cuban people off from TV Marti. TV Marti is the Cuban people's link to freedom.

Mr. Chairman, we must defeat the Skaggs amendment, and we must support the Smith amendment. Let us defeat this ill-timed amendment of the gentleman from Colorado [Mr. SKAGGS] and send Castro into the oblivion he so richly deserves. Do the right thing for freedom.

Mr. Chairman, there is no stronger advocate of eliminating layer after layer of the foreign policy bureaucracy than this Member. Despite that I will always argue that you cannot put a price on freedom.

Mr. SMITH of New Jersey. Mr. Chairman, I yield the balance of my time, 3 minutes, to my good friend and colleague, the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I thank my friend for yielding.

Mr. Chairman, a week ago this Congress answered the imprisonment of an American citizen in China with Radio Free Asia. Today we celebrate the end of the cold war by recognizing the role of Radio Free Europe, knowing that more than any tank, as much as any plane, or the bravery of any soldier, the truth has always been America's most effective weapon.

Now the question before this Congress is, is the Congress that for all of these years supported Radio Free Europe, the very same individuals that voted for Radio Free Asia, now to abandon the truth in the fight against dictatorship in Cuba? That, my friends, is the question.

But it is not a new question. Last year the gentleman from Colorado [Mr. SKAGGS] came to this Congress with the same question on the same bill. It was argued then that there was no news, except USIA did a study and 70 percent of the broadcasting is news. It was argued then that it would not reach the Cuban people, except USIA says that it reaches most of the Cuban people. It was argued then that it was not effective or in the national interest, except that USIA said that is technically sound, it contains essential information, it is in the interests of the United States Government, that it sustains the Cuban people's right to hear and see the news.

Mr. Chairman, we did not have this debate last year, because the opponents and the proponents agreed for an independent study on the value of Television Marti. And you have it. It works, it is effective, it is the truth.

I cannot imagine the despair this Congress would cause to thousands of Cubans who last year took to the streets of Havana to demonstrate for their freedom, to the hundreds who are in political prisons, to those who risk their lives every day, organizing, planning, hoping, praying for freedom, to give Fidel Castro this gift.

Mr. Chairman, there is nothing more in the great traditions of this country than to believe that our most effective tool is a discussion of ideas, the promotion of our form of government, the announcement of the truth. Television Marti is in that tradition.

It is not that it cannot be better. This same study by the Clinton administration which endorsed the programming and its effectiveness also found ways to save money, and we are doing that; spending less, spending more effectively, but all the time letting the people of Cuba know that the truth, America's greatest weapon, is still their ally. I urge support of the Smith substitute.

Mr. SKAGGS. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I appreciate the beautiful rhetoric of my friend from New Jersey. Unfortunately, the gentleman grossly mischaracterizes the report of the Advisory Committee on Broadcasting to Cuba, and particularly as it dealt with TV Marti. Let me just quote, as opposed to characterizing, what the advisory committee found, which is about 179 degrees different than the characterization of the gentleman from New Jersey [Mr. TORRICELLI].

"The panel is able to state categorically that at present, TV Marti's broadcasts are not consistently received by a substantial number of Cubans. Whatever TV Marti's shortcomings, they are negligible compared to its inability to reach its intended audience."

Mr. Chairman, most of the argument we have heard in the last few minutes appeals to our sense of history about Radio Free Europe and our present determination with regard to Radio Free Asia, which, unfortunately, misses the point.

This is TV. Signal strength, ability to penetrate, to reach an audience, is wholly different. I am not attacking Radio Marti, which in fact does get to its audience and, with some reforms, can serve a useful purpose. This is TV Marti. It is not seen.

This has nothing to do with your views about Fidel Castro. It has everything to do with your views about whether we should continue to throw away U.S. taxpayer money on a program that does not work.

My colleague mentioned, and it is very appropriate to mention, that there are other avenues in the TV realm that do reach Cuba: CNN, HBO, and other media get through. They are not jammed, and they are effective alternatives to the state-controlled TV in Cuba. TV Marti is not.

Unfortunately, it cannot be fixed. We should be under no illusion that somehow fiddling with the dials, going to UHF, or some other gimmickry, is going to solve the problem. In fact, it is really beside the points that have been made tonight, which are all about symbolism and nothing about practicality. Unfortunately, we cannot afford to indulge ourselves in this symbolism at this time.

Mr. Chairman, we should also realize that even if the signal got through, it only gets through at wee hours of the morning, when virtually no one is up to watch in any case.

This is a colossal boondoggle; it is a waste of money; it does not serve the national interest. The advisory committee found, without any equivocation, that this is a failed effort, and my conclusion is, we should not continue it.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH] to the amendment offered by the gentleman from Colorado [Mr. SKAGGS].

POINT OF ORDER

Mr. SKAGGS. Mr. Chairman, I have a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SKAGGS. Mr. Chairman, I believe this was characterized as a substitute.

The CHAIRMAN. It is an amendment.

The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH] to the amendment offered by the gentleman from Colorado [Mr. SKAGGS].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SMITH of New Jersey. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House today, further proceedings on the amendment offered by the gentleman from New Jersey [Mr. SMITH], will be postponed.

□ 2100

PARLIAMENTARY INQUIRY

Mr. SKAGGS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SKAGGS. Mr. Chairman, I do not know that we have faced this particular parliamentary situation before in which proceedings have been suspended on an amendment to an amendment, and we have not yet gotten to the underlying amendment. I would reserve at this time, if I may, therefore, the right to a recorded vote on the underlying amendment. I will not otherwise have an opportunity to ask for a vote in the House.

The CHAIRMAN. The Chair would put the question on the underlying amendment to the committee after action on the amendment to the amendment was completed at a later point.

Mr. SKAGGS. I thank the Chair for the clarification.

Mr. LAHOOD. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise to engage the distinguished chairman of the appropriations subcommittee on a colloquy.

Mr. Chairman, in your subcommittee report under title V, page 124, there is report language about the future of some SBA offices around the country. The report recommends to the SBA, and I quote, "not to close my district or branch offices at this time."

Mr. Chairman, I would like to know if this pertains to the branch office in Springfield, IL, which is in my district and shared by the gentleman from southern Illinois.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the language does pertain to the Springfield, IL office.

Mr. LAHOOD. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I am appreciative of your efforts to behalf of the small business men and women in central Illinois. Mr. Chairman, as you are aware, the Springfield office is the only SBA office in Illinois outside of the city of Chicago. While I support the SBA's efforts to restructure, that effort should not be at the expense of those in rural Illinois. In addition, Mr. Chairman, several States with offices had less lending activity than the Springfield office, but were kept open. In closing, I want to thank the gentleman from Kentucky for his assistance, and I look forward to working with him in the future on this issue.

Mr. POSHARD. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Illinois.

Mr. POSHARD. Mr. Chairman, I want to rise in support of the efforts of my friend, the gentleman from Illinois [Mr. LAHOOD], and to thank the gentleman from Kentucky [Mr. ROGERS], and the ranking member, the gentleman from West Virginia [Mr. MOLLOHAN], for protecting excellent branch offices of the Small Business Administration such as the Springfield, IL office from closing until appropriate consultation with the Congress has been achieved.

Mr. DURBIN. Mr. Chairman, will the gentleman yield?

Mr. LAHOOD. I yield to the gentleman from Illinois.

Mr. DURBIN. Mr. Chairman, I am happy to join my colleague from the city of Springfield, IL. I believe this is a valuable addition to the economy of southern and central Illinois to have this office remain open.

Mr. ORTIZ. Mr. Chairman, I move to strike the last word.

I wish to engage the distinguished chairman of the Commerce, Justice and State Subcommittee in a colloquy regarding the State Department Strategic Management Initiative or the SMI.

Mr. Chairman, on July 13, 1995, the Secretary of State sent to Congress his SMI narrative as part of the overall effort by the administration to consolidate and reduce departmental operations both at home and overseas. Part of the SMI is a proposal to close 19 overseas posts, including the United States consular office in Matamoros, Tamaulipas, Mexico.

It is my understanding that the members of the Subcommittee on Commerce, Justice and State will carefully consider this targeted closure.

This particular consulate is strategically located on the United States-Mexico border and will play an increasing role in the implementation of the North American Free Trade Agreement.

The office is also the only slated overseas post that directly affects a major U.S. city and a port of entry.

The office also helps United States businesses with information regarding the markets for their products in Mexico, works with law enforcement officials on both sides of the border and helps United States citizens who are traveling, living and conducting business in Mexico.

Again, it is my understanding that the subcommittee may appeal the SMI, specifically the potential closure of the U.S. consultant Matamoros office. Is this correct?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. ORTIZ. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, the gentleman is correct. the subcommittee intends to exercise its full-review prerogative concerning the State Department's SMI proposal.

Mr. ORTIZ. Mr. Chairman, I look forward to working with the gentleman on this issue.

Mr. WATTS of Oklahoma. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I would like to enter into a colloquy with the distinguished gentleman from Kentucky regarding the Legal Services Corporation and its funding for native Americans.

Mr. Chairman, as you are well aware, the LSC is restructured so that there are only two budget lines, one for administration and oversight, $13 million, and the second for basic field programs of $265 million.

Absent from the Legal Services Corporation appropriations is a separate line for native American program funding now used to fund the 34 Indian legal services programs nationwide. Regrettably, over the years the LSC has drifted away from the original congressional intent to provide needed essential legal services to low income Americans.

I commend the chairman and the committee for remedying the misguided activities of a few LSC grantees that have instead promoted their own social and political agendas instead of helping our Nation's citizens with basic legal services.

With that said, I would like to clarify the intention of the chairman and the committee on whether the basic field funding line will be available to use to fund grants to competitive bidders to provide legal services to native American people. In my State of Oklahoma, which is home to more federally recognized tribes than any other State in this Nation, the one LSC recipient providing legal services to the Indian population attempts to serve the Indian people from the more than 39 tribes and urban Indian people throughout the State, with the total client eligible population of about 150,000, with a staff of four attorneys.

Mr. HAYWORTH. Mr. Chairman, will the gentleman yield?

Mr. WATTS of Oklahoma. I yield to the gentleman from Arizona.

Mr. HAYWORTH. Mr. Chairman, I thank my colleague from Oklahoma for yielding to me. I thank the distinguished chairman of the subcommittee, the gentleman from Kentucky, for this colloquy.

The gentleman from Oklahoma is quite correct when he talks about basic legal services. Also, we should note a basic legal responsibility. Because of our treaties with sovereign Indian nations and the trust relationship that this Federal Government enjoys with those nations, we have sacred treaty obligations to our native American citizens. This is why I am gratified to join the gentleman from Oklahoma and the distinguished subcommittee chairman to assure native Americans that basic legal services will be available in the days ahead.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. WATTS of Oklahoma. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I want to thank the gentleman from Oklahoma [Mr. WATTS] and the gentleman from Arizona [Mr. HAYWORTH] for bringing their concerns to the attention of the subcommittee and to the chairman.

Let me assure the Members that it is not only the intention, but the expectation, of the committee that native Americans receive legal services with funding provided through the competitive bidding process for basic field programs. Basic field funding will be available for grants to competitive bidders to provide legal services to native Americans. I will be pleased to work with the gentlemen as we proceed to conference on the bill to further clarify the committee's expectation. I thank the gentleman for bringing the matter to our attention.

Mrs. MORELLA. Mr. Chairman, the Legal Services Corporation is important to assisting vulnerable people in our society. Women and children are among the vulnerable who without assistance often find themselves in abusive situations that they cannot control. The impact of these situations is significant and may result in homelessness and the loss of necessary financial resources for food, maintenance, and health care.

The destabilizing effect can be illustrated by situations occurring across the country and in my own State of Maryland, where the Legal Aid Bureau, Inc., has 13 offices geographically located to help eligible clients. In 1994, more than 36,000 cases were opened to assist families, many of which were headed by women. More than 21,000 of the clients served were females—including children.

In May, a maternal grandmother caring for her 4½-year-old grandson since birth called Legal Aid after the boy's father assaulted her, snatched the boy naked from the bathtub, and fled her house for several hours. He did this in retaliation for the grandmother's refusal to grant him food, money, and sexual favors to allow her to continue to care for her grandson. This incident occurred after he had stalked and harassed her. Legal Aid Bureau attorneys went to court for her and got a protective order, and they will seek an emergency custody order this week.

An asthmatic mother who recently had surgery for cancer was locked out of her home by her husband, while he attempted to remove furniture and other household items. When she insisted on being let into her home, he became physically abusive, and cut the cord on the air conditioner which she needed to help her breathe. She was in dire straits. Legal Services helped her to get a protective order which included financial support during the time of the order, and it restrained her husband from contact and allowed her to remain in her home.

In another case, an abused woman living on the eastern shore of Maryland was wrongfully accused by her husband of abuse to gain an advantage in a parental custody dispute. He snatched the child and claimed that he was protecting the child. Legal Services helped to establish that he was really the abuser and was successful in defending against his petition for a protective order. She was granted temporary custody, and he was enjoined from abusing her.

In my congressional district in Montgomery County, as a result of domestic violence and in fear for her safety and that of her five children, a woman left her husband of 15 years. He had been the primary support for the family. She was able on her own to obtain housing, although it was neither decent nor safe; still, because of her financial situation, she was threatened with eviction. Legal Services helped her to get section 8 housing and the family was able to relocate to decent housing with adequate space. This stabilized the family during a very disruptive and unsettling time.

Millions of children are the victims of abuse from their parents and others who are responsible for their care. This abuse goes on somewhere in the country every minute of the day. Legal Services in Maryland represents children who are neglected or abused. Such neglect or abuse ranges from a child being left alone by a parent, or not being provided a nutritional meal, to physical or sexual abuse that results in severe injury and, all too often, death. Legal Services has helped the infant that has been abandoned at birth, the child who is left unattended, the child who is beaten, burned by cigarette butts because he wouldn't stop crying, or scalded by hot water to teach him a lesson.

These children are vulnerable, and without the protection of the law, they would be endangered and lost. Legal Services advocacy on behalf of children assures that they will not be the subject of abuse, and helps to secure services for children such as housing support, health care, food, educational programs, and necessary counseling. The work of Legal Services on behalf of families and children touches at the heart of what we value in this country—decent housing, adequate health care, food, and a safe environment. Because of the importance of safety in our society, Legal Services programs have supported legislation to prevent abuse and to protect the abused.

In Maryland, the Legal Services Program, on behalf of clients, supported a change in the Domestic Violence Act which greatly improved the protections for abused persons.

The new law was enacted in 1992, and expanded protection from abuse to include members of the household, including stepchildren and others who resided in the home for at least 90 days. The law was strengthened by allowing the court to grant protections such as financial maintenance, custody, and child support from 30 days to up to 200 days, and by allowing the court to order financial maintenance, custody and child support during the time of the order.

In 1994, the Legal Services Program in Maryland opened 8,219 domestic cases, represented 13,000 cases involving children who were neglected or abused, and opened 3,466 cases to assist people with housing problems. With limited Federal funding, many people have been helped to assure access to justice by our poorest citizens.

In general, the States are not allocating funds for civil legal services for the poor citizens. Without this federally funded program, the most vulnerable members of our society will not have the ability to get inside the court room door to seek judicial protection of their rights.

The CHAIRMAN. Are there other amendments to title VI?

AMENDMENT OFFERED BY MR. KLUG

Mr. KLUG. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. KLUG: On page 102, after line 20, insert before the short title the following new section:

"SEC. . None of the funds made available in title II for the National Oceanic and Atmospheric Administration under the heading 'Fleet Modernization, Shipbuilding and Conversion' may be used to implement sections 603, 604, and 605 of Public Law 102-567.".

Mr. KLUG. Mr. Chairman, this amendment, sponsored by myself and the gentleman from Florida [Mr. FOLEY], simply completes the business that this House started earlier today. As you may remember, there was an amendment sponsored earlier today by the chairman and by the gentleman from West Virginia which struck $12 of the $20 million included in the appropriation bill for the modernization of the NOAA fleet.

This will now essentially bar NOAA from spending the other $8 million on modernizing its fleet and instead simply says if it needs additional fleet services, it should use it on contracting out. This amendment will once and for all terminate NOAA's ill-conceived $1.9 billion fleet modernization effort and force NOAA out of owning and operating its own vessels in favor of private and nonprofit ships and data gathering.

Over half of the fleet modernization account is currently used to repair NOAA vessels. If we stay on course, it will cost us twice that amount simply to keep the fleet up and running.

Since the fleet will cost nearly $2 billion to replace, we have to find a better way.

H.R. 1815, the NOAA authorization bill passed last month by the Committee on Science, repeals NOAA's fleet modernization authority. It does not authorize any funding for the NOAA fleet modernization account. Private firms are more than capable of supplying NOAA with the data they need for mapping and charting. In fact, an association of 57 research institutions that operate or utilize the 27 ships of the U.S. academic research fleet is much better prepared to operate a fleet than NOAA. NOAA's operating costs are at a minimum 25 percent higher.

This amendment, I should point out, is supported by both the Interior Committee and the Committee on Science.

Mr. FOLEY. Mr. Chairman, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from Florida.

Mr. FOLEY. Mr. Chairman, I rise with the gentleman from Wisconsin [Mr. KLUG] to privatize the NOAA fleet.

The U.S. Government through NOAA owns a number of research and mapping watercraft. These boats are falling apart. Currently in this bill NOAA gets $8 million to fix the boats in this bill. This $8 million would be the first drop in the bucket in spending money. I say let us privatize the fleet. Let us get the Government out of owning these watercraft; that is, let the private sector do it and save millions of dollars for the American taxpayer.

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. KLUG. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, we accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Wisconsin [Mr. KLUG].

The amendment was agreed to.

Mrs. MEYERS of Kansas. Mr. Chairman, I ask unanimous consent to offer an amendment to title V.

The CHAIRMAN. Is there objection to the request of the gentlewoman from Kansas?

Mr. DEFAZIO. Reserving the right to object, Mr. Chairman, I would like to know what time is anticipated on this amendment?

Mr. ROGERS. Mr. Chairman, will the gentleman yield?

Mr. DEFAZIO. I yield to the gentleman from Kentucky.

Mr. ROGERS. Mr. Chairman, I will be seeking a limitation on time at the appropriate time of 20 minutes.

Mr. DEFAZIO. Mr. Chairman, continuing my reservation of objection, I yield to the gentlewoman from Kansas [Mrs. MEYERS] to explain the amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, this amendment would replace funds for the Office of Advocacy. We will be as brief as we possibly can.

Mr. DEFAZIO. Mr. Chairman, I object.

The CHAIRMAN. Does the gentleman object to returning to title V, or does the gentleman object to the 20-minute time allocation?

Mr. DEFAZIO. Mr. Chairman, if it can be done in 10 minutes, I would not object.

The CHAIRMAN. The gentleman objects to the 20-minute time allocation.

Is there objection to the request of the gentlewoman from Kansas [Mrs. MEYERS] to offer an amendment to title V?

There was no objection.

AMENDMENT OFFERED BY MRS. MEYERS OF KANSAS

Mrs. MEYERS of Kansas. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mrs. MEYERS of Kansas: Page 97, line 8, strike "$217,947,000" and insert "$222,325,000".

Page 98, line 6, strike "97,000,000" and insert "$92,622,000".

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes, and that the time be equally divided between the gentlewoman from Kansas [Mrs. MEYERS] and the gentleman from New York [Mr. FORBES].

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentlewoman from Kansas [Mrs. MEYERS] will be recognized for 5 minutes, and the gentleman from New York [Mr. FORBES] will be recognized for 5 minutes.

The Chair recognizes the gentlewoman from Kansas [Mrs. MEYERS].

Mrs. MEYERS of Kansas. Mr. Chairman, I yield myself such time as I may consume.

The SBA has taken a reduction of 42 percent. We intend to authorize a reduction of 42 percent and in this bill we have taken a reduction of 36 percent. We intend to authorize a reduction of the Office of Advocacy of about a third in our authorization. However, in the committee, the Office of Advocacy was zeroed out.

Let me make very clear, Mr. Chairman, that all of the small business groups are strongly supportive of the Office of Advocacy.

When I first became chairman, a number of the small business groups said to me, the two most important things in the SBA were the loan programs and the Office of Advocacy. They could get along without other things, but not the loan programs and the Office of Advocacy.

This was stated on behalf of NFIB, U.S. Chamber of Commerce, National Small Business United, Small Business Legislative Council, the National Association for the Self-Employed, and the Small Business Council of America. They all strongly support the Office of Advocacy, and they support this amendment.

Some Members may not be familiar, Mr. Chairman, with what the Office of Advocacy does, but it is the advocate among other agencies of Government on behalf of small business, and it has performed extremely well. It is an independent office, appointed by the President, confirmed by the Senate so that it has the clout to go toe to toe with all other agencies.

It has testified before Congress approximately 200 times and about 25 percent of that time it was either in opposition to administration policy or in the absence of administration policy on an issue.

□ 2115

It is also the linchpin, it is absolutely the central position for enforcing the Regulatory Flexibility Act. This is an act which we just strengthened in the Contract With America. There has been some concern expressed about lobbying activities. However, an inspector general's report, after investigating this matter at my request and at the request of the gentleman from New York [Mr. FORBES] has said that lobbying did not take place.

I am very rushed. I want to state strongly that this is a key vote by NFIB, that all the small business groups supported it; that if Members voted for the Regulatory Flexibility

Act in the Contract With America, it is absolutely counter to that if Members do not support the Office of Advocacy. I would ask for Members' votes for the Meyers amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FORBES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a new day in Washington. We are supposed to be picking programs that work and discarding programs that do not work. Twenty years ago the special interest groups got together and said, "You know what? Not only do we want to be at the table, we want to be inside the Federal building. We want to have our own Federal staff, paid for by the taxpayers. We want an office paid for by the taxpayers."

Carol Browner represents the environmental interests at ERA. Bruce Babbitt represents the Interior's interests at Interior. Robert Reich represents labor, not the AFL–CIO. The Sierra Club does not have an office at EPA. I would suggest, first and foremost, that Phil Leder at the SBA represents the interests of small businesses.

Mr. Chairman, let me say this. We have reduced the SBA budget, with the good wisdom of the subcommittee and the full committee, by $337 million over last year. Now is the time to pick the programs that work. Do we want to help small businesses that need access to capital, or do we want to fund studies that go to special interest groups and consultants inside the Beltway? Do we want to help women business owners get a start, or do we want to fund a 10-, 11-, and 12-year-old statistic-gathering operation?

I would suggest to this committee and to the full House that we want to help small businesses. If Members care about Main Street businesses, they will want them to be able to have access to capital. How do we do that? We make sure that we defeat the Meyers amendment, and that we preserve the chairman's bill here that provides for the women business ownership program, it allows for prequalifying women business owners, it allows for the smallest of businesses, under $100,000, to get loans. If the Meyers amendment is approved, Members will be taking money away from small businesses to fund studies done by a so-called "Office of Advocacy" that is an advocacy office in name only.

Mr. Chairman, I would just suggest to the Members, here is a book of some of their studies. Let me ask the Members, do they think the Main Street businesses in their hometown would benefit from the "small business involvement in societal causes and empirical investigation of social responsibility, self-interest perspectives"? Is that a study you think they would benefit from? Those are the kinds of studies that come out of the Office of Advocacy. In the last 20 years, they have received upwards of $80 million, $80 million.

My distinguished friend, the gentlewoman from Kansas, is wrong. We would no sooner stand in the well of this House and ask to fund an office for the AFL–CIO or the Sierra Club or any other special interest. Let us put the interest of the Main Street merchants, the mom and pop businesses, first.

Mr. Chairman, I would suggest if this office is supposed to be fighting regulations, how come in the last year alone, when there was proposed 68,000 new regulations, that the Office of Advocacy only saw fit to object to 30? Since January of this year, they have only objected to 12.

I would suggest, Mr. Chairman, that try as they might, this is an office that could not fulfill the mission originally given to it. It could not be such a small operation and go against Cabinet-level departments. If we really care about regulatory flexibility and paperwork reduction, we will put that operation in a legal counsel office, where it can be better administered. The Office of Advocacy has a 20-year history of failing in that mission. With all due respect to my colleagues at the NFIB, and I was head of the Small Business Administration for 4 years in New York, and here in Washington at the Office of Legislative Affairs, and I can tell the Members I saw firsthand.

Do we want to fund programs that actually teach businesses how to get over problems, give them the technical assistance? Do we want to fund them and allow them to grow their businesses? If we do, we will, in due respect, defeat the Meyers amendment. It is wrongheaded. If we want to help studies, we want to fund studies. If Members want to fund statistics that are 10 years old, then go that way. If we care about Main Street businesses and the businesses across this country, in all due respect, we will not allow the Office of Women Business Ownership to be cut 50 percent, we will not allow the small business development centers, each one in each one of our districts to lose $4 million and all of a sudden, after we have cut $333 million over last year, come up with $4.4 million, take it out of loan-making and give it back to the consultants inside the Beltway.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from New York [Mr. FORBES] has 10 seconds remaining, and the gentlewoman from Kansas [Mrs. MEYERS] has 1½ minutes remaining.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield the remainder of my time to the gentleman from New York [Mr. LAFALCE], the ranking member of the Committee on Small Business.

The CHAIRMAN. The gentleman from New York [Mr. LAFALCE] is recognized for 1½ minutes.

Mr. LAFALCE. Mr. Chairman, it was my understanding before we came here that this was the Meyers-LaFalce amendment. That still is my understanding, although it has not been characterized in that manner, because this is a bipartisan approach we are taking to preserving the office that we think is the most important office for the small business community of America.

However, it is not just we who believe that. The gentleman from New York [Mr. FORBES], who was a regional administrator, in addition to the chief lobbyist for the SBA while he was there, head of congressional relations, knows a lot about and developed a certain amount of antagonism, I think, toward the office. However, we recently had a White House Conference on Small Business. In the White House Conference on Small Business, thousands of individuals across America made a special point of coming in with a very high-ranking recommendation. That high-ranking recommendation was, at all cost, preserve the Office of Advocacy.

The Contract With America, in the regulatory flexibility bill, provided the chief counsel with time to comment on proposed rules before they were even published. That is a new authority and confirms the advocates' authority to appear amicus curiae in Federal court. That was approved on March 1 of this year by a vote of 414 to 15.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield such time as he may consume to the gentleman from Massachusetts [Mr. TORKILDSEN].

Mr. TORKILDSEN. Mr. Chairman, I rise in strong support of the bi-partisan amendment sponsored by my good friend and colleague, the distinguished chair of the Small Business Committee, Mrs. MEYERS, and the ranking minority member, Mr. LAFALCE, to restore this important position.

As chairman of the Small Business Subcommittee on Government Programs, I have worked closely with Mrs. MEYERS in our top-to-bottom review of the Small Business Administration.

As a part of that review, we held an extensive hearing focusing specifically on the Office of Advocacy and deemed it an important advocate for small businesses. In any bureaucracy, a well run advocate's office can be the difference between regulation written in reality, or imagination.

Reputable small business organizations such as NFIB, the U.S. Chamber of Commerce, National Small Business United, and the National Association of the Self-Employed all support our effort to retain funding for the Office of Advocacy.

In fact, the recently concluded White House Conference on Small Business went so far as to make our effort to strengthen the Office of Advocacy one of the Conference's top priorities. Clearly, the White House Conference delegates from every Congressional district in the country are all aware of the importance of the Office of Advocacy to small business.

These delegates were chosen by ourselves, or elected by their fellow small business owners, because of their experience and knowledge of the problems facing small business everywhere.

I have heard the claims that the Office makes SBA "a weak two-headed agency," or that the Office is a political tool for the White House. These charges are inconsistent with the Office of Advocacy I have come to know as chairman of the Government Programs Subcommittee.

The Office of Advocacy I know is rebuilding, into an agency which champions small business interests throughout the regulatory process. The Office of Advocacy is a strong, independent agency which is not afraid to take-on other agencies while working to promote small business interests. The Office of Advocacy has independently testified before Congress nearly 200 times voicing the concerns of American small business.

Without the voice of the Office of Advocacy, small business interests and concerns could be gagged during the regulatory review process. Don't reverse the good work we did on Reg Flex; don't kill the dog while you're trying to get rid of the fleas.

I ask my colleagues on both sides of the aisle to join our effort to save the Office of Advocacy.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield such time as he may consume to the gentleman from Maryland [Mr. BARTLETT].

Mr. BARTLETT of Maryland. Mr. Chairman, I rise in strong support of this amendment.

Mr. Chairman, I rise today in strong support of the Meyers-LaFalce amendment which restores funding for the ABA's Office of Advocacy.

The Chief Counsel for Advocacy plays an important role by presenting and fighting for the views of the small business community. The Chief Counsel has a very different role than other administrators in the SBA; he is the independent voice within the agency that represents the interests of small business. The advocate may not necessarily represent the President's Administration position or that of the SBA, however, the SBA and other Federal agencies are required to fully cooperate with the Chief Counsel.

While I personally may not agree with some of the position's taken by the Chief Counsel, I believe it is important to maintain the office which is the watchdog for small businesses. By passing the Regulatory Flexibility Act, which was contained in the Contract With America, the Chief Counsel will now have the authority to protect small businesses from overzealous regulators.

The Office of Advocacy plays a crucial role as the independent voice of small business. Here is an example in which the Chief Counsel's position was different from the administration's: January 20, 1995—the Chief Counsel supported 100 percent deductibility of health insurance premiums for small business, while the President supported only a 25 percent deduction.

In addition, the Office of Advocacy has submitted more than a thousand comments to regulatory agencies to insure that the interests of small business were considered during the rulemaking process. Each time a comment is filed with an executive branch agency, the Chief Counsel, in effect, takes a position independent of the administration.

The Chief Counsel's advocacy has resulted in major cost savings for small business. For example: Enhanced poultry inspection—the USDA withdrew this proposed rule consistent with comments filed by the Chief Counsel on October 11, 1994. According to industry estimates, this withdrawal saved the poultry processing industry at least $450 million in up front costs, and at least $185 million in annual recurring costs.

I urge my colleagues to join me in standing up for small businesses by supporting the Meyers-LaFalce amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield such time as he may consume to the gentleman from Maine [Mr. LONGLEY].

Mr. LONGLEY. Mr. Chairman, I rise in strong support of this amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield such time as he may consume to the gentleman from Virginia [Mr. SISISKY].

Mr. SISISKY. Mr. Chairman, I rise in strong support of the Meyers-LaFalce amendment.

Mr. Chairman, to be honest, I do not understand why anyone would want to get rid of SBA's Office of Advocacy.

I have been on the Small Business Committee for 12 years and I have never heard of any serious opposition within the small business community to the Office of Advocacy.

Just the opposite. The Office of Advocacy has consistently enjoyed strong support over the years from small business. Advocacy plays a very important role in representing the views and interests of America's small business before Federal departments and agencies.

The recent White House Conference on Small Business recommended—and I quote—"permanent maintenance of the 'independent role' of the U.S. Small Business Office of Advocacy."

The NFIB supports the Meyers amendment to restore partial funding to the Office of Advocacy. The Chamber of Commerce also supports the Meyers amendment. In fact, all of the major organizations representing small business support the Meyers amendment.

I thought that this Congress was going to give greater weight to the views of small business. I thought there was an emerging bipartisan consensus to make sure that the voice of small business is heard in the regulatory process.

By overwhelming margins we passed improvements to the Paperwork Reduction Act and the Regulatory Flexibility Act.

In fact, this House voted to expand the responsibilities of the Office of Advocacy. H.R. 926 allows the Chief Counsel for Advocacy explicit authority to appear in federal court to review agency rulemaking.

Why on earth would we want to sabotage these reforms without ever giving them a chance to work?

Nobody is suggesting that the Office of Advocacy should be exempt from budget cuts. The Meyers amendment would cut about $1.8 million from last year's budget. That's pretty much in line with the 36 percent cut in the SBA's budget overall.

But i strongly urge my colleagues to heed the recommendation of the White House Conference and preserve an independent voice for small business in the regulatory process.

I urge you to support the SBA's Office of Advocacy and vote for the Meyers amendment.

Mr. LAFALCE. Mr. Chairman, I yield such times as she may consume to the gentlewoman from Arkansas [Mrs. LINCOLN].

Mrs. LINCOLN. Mr. Chairman, I rise in strong support of the Meyers-LaFalce amendment.

Mr. Chairman, I rise today in strong support of the Meyers-LaFalce amendment which would restore funding to the Small Business Administration's Office of Advocacy. Small business is vital to the economic health of the First District of Arkansas and the nation as a whole. Many times in my district I have been approached by small business owners telling me how they are being oppressed by overregulation. We have made a lot of progress in this Congress to correct excessive regulatory burdens and that is why I find it so hard to believe that this bill eliminates all of the funding to the Office of Advocacy. Many small businesses can't afford to have an advocate in Washington, so this office often serves as their one protection from overbearing bureaucracy. I am an adamant supporter of balancing the budget, but cutting out the entire Office of Advocacy is neither intelligent nor equitable to our small businesses. The Meyers-LaFalce amendment is both budget conscience and fair, cutting funds for the Office of Advocacy by 30 percent from the administration request while maintaining a barrier of protection for our small businesses. Thousands of small business leaders from across the country recently expressed their strong support for the office at the White House Conference on Small Business. These leaders recommended to the President that he should ensure permanent maintenance of the independent role of this office. Many leading business organizations have lent their support to the Meyers-LaFalce amendment, including the National Federation of Independent Businesses, the U.S. Chamber of Commerce and the Small Business Legislative Council. I firmly believe that the only prudent decision for this Congress is to support equitable, intelligent treatment of the SBA's Office of Advocacy. I urge my colleagues to support the Meyers-LaFalce amendment.

Mr. LAFALCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. PETERSON].

Mr. PETERSON of Florida. Mr. Chairman, I rise in strong support of this amendment.

As a member of the Small Business Committee, I have always valued the Office of Advocacy's candor in their testimony on executive agency compliance.

The role of advocacy is to be the inside watchdog for Small Business. In this role, the office has consistently spoken up against agency attempts to unduly burden small businesses.

It is important to note that this role is within the administration. I know the principal opponents of the office may criticize the office's lack of independence. But I believe it has done its job effectively in constantly interjecting the small business perspective.

Of course there will still be regulations which small businesses oppose, but we cannot hope to solve these problem by silencing their only effective voice within the administration.

At the White House Conference on Small Business, small businessmen and women from across the country affirmed their support for this office.

One proponent of eliminating the office cites the NFIB, The U.S. Chamber of Commerce, and other interest groups as the truly independent voices of small business. Looking past the partisan nature of some of these groups, I find it ironic that all of them in fact have stated their strong support for the Office of Advocacy and their opposition to its elimination.

At a time when we have finally taken steps to provide the Regulatory Flexibility Act with much-needed judicial review, we must not eliminate the very office charged with its enforcement.

I applaud Chairwoman MEYERS and Congressman LAFALCE for their bipartisan leadership on this issue and join them in strong support of the amendment.

Mr. LAFALCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Rhode Island [Mr. REED].

Mr. REED. Mr. Chairman, I rise in strong support of the Meyers-LaFalce amendment to restore funding for the Office of Advocacy at the Small Business Administration.

The Office of Advocacy successfully served as an independent voice for small business in testifying before Congress and in representing the small business sector before Federal departments and agencies.

The Office of Advocacy has been one of the parts of the SBA that has consistently received strong small business support over the years. Indeed, the delegates to the recent White House Conference on Small Business affirmed their support for the Office of Advocacy, the U.S. Chamber of Commerce, the National Federation of Independent Business, and other small business advocacy groups wholeheartedly endorse the Office of Advocacy and support this amendment.

Efforts to make the SBA more effective and efficient should continue to be explored, as they should be in programs throughout our Government. But to eliminate the Office of Advocacy makes no sense.

I urge my colleagues to reject this proposal and to support the Meyers/LaFalce amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, I yield such time as he may consume to the gentleman from Missouri [Mr. SKELTON].

Mr. SKELTON. Mr. Chairman, I strongly favor the Meyers-LaFalce amendment.

Mr. Chairman, I rise on behalf of small busies owners from Missouri and across the country in strong support of the Meyers/LaFalce amendment to restore funding for the Small Business Administration's Office of Advocacy.

Mr. Chairman, as a member of the Small Business Committee, I ask that Members of this body allow me to make the following observations regarding this bipartisan amendment before us.

Both the chairman and the ranking member of the Small Business Committee, the same members chosen by this body to represent the views of small businesses, stand before you today in complete agreement that the Office of Advocacy continues to provide an invaluable service to small business owners and should be maintained.

Recently, thousands of small business owners from across the country convened in Washington for the White House Conference on Small Business. Participants bestowed praise upon the Office of Advocacy for its role in independently representing small businesses before Congress and other Federal agencies. Further, they recommended that the Office of Advocacy be permanently maintained as an independent entity.

Advocates of the small business community such as the Small Business Legislative Council, the Association for the Self-Employed, the U.S. Chamber of Commerce, and the National Federation of Independent Business [NFIB], have voiced their concerns about losing a unique liaison to the executive, legislative and judicial branches of government. Because the Office of Advocacy serves as an independent voice within the administration, they are better equipped to provide a clear and thoughtful assessment of the concerns before small business owners. Make no mistake; small business owners support the Office of Advocacy.

Mr. Chairman, let me give an example of the positive contributions this office has made in regard to legislation effecting small business. In response to proposed legislation regarding the Clean Air Act, the Office of Advocacy objected to requiring more than half a million farmers to perform hazard assessments for ammonia fertilizers. As a result, The 1990 Clean Air Act amendments exempted farmers from this provision for a savings in excess of $1 billion.

Examples such as this illustrate why members of this body, as well as Members of the Senate, have adopted provisions in pending legislation to increase the authority and responsibility of the Office of Advocacy. In other words, Congress wants the chief counsel to do more.

As a member of this committee, I urge you to stand with small business owners from your district and across the country by supporting efforts to restore funding for the Office of Advocacy in the Small Business Administration.

Mr. LAFALCE. Mr. Chairman, I yield such time as he may consume to the gentleman from Illinois [Mr. POSHARD].

Mr. POSHARD. Mr. Chairman, I rise in strong support to the Meyers-LaFalce amendment.

Mrs. MEYERS of Kansas. Mr. Chairman, I thank the gentleman from Kentucky [Mr. ROGERS], and I would like to thank the gentleman from New York [Mr. FORBES] for not objecting.

The CHAIRMAN. The gentleman from New York [Mr. FORBES] has 10 seconds remaining.

Mr. FORBES. Mr. Chairman, I yield myself the remainder of my time.

Mr. Chairman, I would just say with the balance of my 10 seconds that if Members care about small business, they will defeat this amendment. I would just quote Hillel, the rabbi from the first century who said, "If not now, when? If not us, who?"

Mr. LUTHER. Mr. Chairman, I wish to support the Meyers/LaFalce amendment to restore funding for the SBA's Office of Advocacy.

I have been, and continue to, be a strong advocate of efforts to balance the Federal budget. However, the Office of Advocacy does not have to be eliminated to accomplish this goal. The appropriations process is about setting priorities, and in my view, eliminating the Office of Advocacy in order to fund other activities of the SBA, represents misplaced priorities.

The Office of Advocacy serves as an important voice for small businesses on regulatory and policy issues, serving as the eyes and ears for small business throughout the Federal Government. Optimally, all agencies of the Federal Government would be sufficiently sensitive and responsive to the interests of small business, and if that were the case today, there would be no need for the Office of Advocacy. Unfortunately, however, that is not the case, and the small business community in this country needs the Office of Advocacy to intervene on their behalf and on behalf of their grassroots advocacy organizations to protect small business' interest.

The bill before us cuts funding for the Small Business Administration by 36 percent from last year's funding in order to reduce our Federal deficit. The Meyer/LaFalce amendment adds no additional spending to the bill, it simply shifts funds from other activities within the SBA to fund this important activity. I urge your support.

Mr. LIGHTFOOT. Mr. Chairman, let me just say a few brief words in support of the Meyers amendment.

I have been contacted by a number of constituents in support of this office. What's interesting is that these are constituents who would normally be asking me to keep government off their back.

I understand the concerns expressed by the subcommittee. Clearly we do not want to fund an office which would not truly represent the interests of small business—particularly on issues such as health care.

But the folks who do have the interests of small business at heart—the House Small Business Committee and the National Federation of Independent Business both support the Meyers amendment.

I commend Mr. FORBES for raising some important points with regard to the Office of Advocacy.

But I think and the Small Business Committee thinks and NFIB thinks the office should continue.

I hope everyone will support the Meyers amendment.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. FORBES. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentlewoman from Kansas [Mrs. MEYERS] will be postponed.

AMENDMENT NUMBER 37 OFFERED BY MR. SERRANO

Mr. SERRANO. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SERRANO: Page 102, after line 20, insert the following:

SEC. 609. None of the funds made available in this Act may be used for the Advisory Board for Cuba Broadcasting under section 5 of the Radio Broadcasting to Cuba Act.

Mr. ROGERS. Mr. Chairman, I ask unanimous consent that all debate on this amendment and all amendments thereto close in 10 minutes, and that the time be equally divided between the gentleman from New York [Mr. SERRANO] and the gentleman from Florida [Mr. DIAZ-BALART].

Mr. Chairman, I would point out that this, I think, is the last amendment of the evening.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

Mr. MENENDEZ. Reserving the right to object, Mr. Chairman, since I was reprimanded the last time for not being here to object, I would ask if through my objection I could ask the gentleman from Florida [Mr. DIAZ-BALART] whether he has any time available.

Mr. DIAZ-BALART. Mr. Chairman, will the gentleman yield?

Mr. MENENDEZ. I yield to the gentleman from Florida.

Mr. DIAZ-BALART. I would tell the gentleman, I do, Mr. Chairman.

Mr. MENENDEZ. Mr. Chairman, I withdraw my reservation of objection.

Mr. SKAGGS. Reserving the right to object, Mr. Chairman, I just want to inquire of the gentleman from Florida whether he intends to offer any amendments to this amendment or whether we are going to deal with this one straight up.

Mr. DIAZ-BALART. Mr. Chairman, will the gentleman yield?

Mr. SKAGGS. I yield to the gentleman from Florida.

Mr. DIAZ-BALART. Mr. Chairman, I would tell the gentleman, I have no amendments.

Mr. SKAGGS. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The CHAIRMAN. The gentleman from New York [Mr. SERRANO] will be recognized for 5 minutes, and the gentleman from Florida [Mr. DIAZ-BALART] will be recognized for 5 minutes.

The Chair recognizes the gentleman from New York [Mr. SERRANO].

Mr. SKELTON. Mr. Chairman, I compliment the gentleman on his amendment. Let me point out that the participants in the White House conference to which the gentleman referred urged that this small business advocacy office be maintained as an independent agency.

Mr. SERRANO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me briefly say at the outset that I am troubled by the fact that when prior agreements are reached on time for amendments, depending on how late the session goes, we tend to change those agreements and that is why we have a limited time now.

Mr. Chairman, my amendment says that no funds can be used to pay for the activities of the advisory board for the Cuba broadcasting, under the Cuba Radio Act. What happens is that recently, reports have come out in an investigation, a Federal investigation by the IG that indicates that the chairman of the board of the Advisory Board of Radio Marti is misusing his position as chairman of this board; is in fact writing policies that are not within his direction to do so; that he has in fact influenced the way Radio Marti conducts its business; that he has influenced Radio Marti broadcasts to Cuba, and what kinds of things Radio Marti says. The IG report also denounces the fact that this gentleman determined who gets hired and who gets fired; that if you disagree with his desire to run his personal agenda, and someday return to Cuba as President of the island under his exiled government, that he then fires you. It is, in fact, a complaint by a person who was under fire, an employee of Radio Marti, that caused the IG investigation which denounces this action.

□ 2130

Now, if you have been close to this issue for years, and I have and others in this body have even longer than I, you know that this is no secret, that the worst kept secret in this country is the fact this gentleman, this chairman of this board, runs this program, in other words, the worst kept secret in America is that this station has become the electronic personal toy of this individual, who feels that he can control all kinds of political matters by this station. In fact, he is chairman of Radio Marti's advisory board and is only supposed to provide general advice to the White House about Radio and TV Marti.

He has influenced both management of Radio Marti and news coverage. The Office of Inspector General of USIA has issued an interim report documenting examples of inappropriate influence by the chairman. There have been personal abuses and personnel abuses.

A close associate was hired and promoted. Radio station employees who protested the influence were retaliated against. That is all in the report.

In January, Radio Marti broadcast, at his request, statements that the administration was near agreement on immigration when, in fact, the administration was trying to work out other agreements.

During the recent months, 280 stories in favor of a bill that the chairman supports tightening the embargo were aired on Radio Marti, while only 70 stories against the embargo were aired.

Incidentally, my stories against the embargo were never aired, and I am a Member of Congress. So you can imagine how serious this stuff gets.

The complaints traditionally are that this agency is being run not to service the needs of the United States, but to serve the needs of this one individual.

You are going to hear from opponents of this amendment that this is a witch-hunt against a great American. Fine. You are going to hear from opponents saying they want to investigate the people who investigated to make sure that they were fair in their investigation. You are going to hear how this report was leaked and is unofficial.

Well the fact of life is most of what is in this report, even when it is official, will stay the same, and it will say that we should not be using taxpayers' dollars to allow someone to run a nearly, if not fully, corrupt operation, which is the advisory board and his influence on it.

Those are not the statements of the gentleman from Colorado [Mr. SKAGGS] or myself or other people throughout the years. There is finally, as reported by the Washington Post and the New York Times, the statement in a report that says this is horrible, this should not take place, this is improper. USIA probes activist's role at Radio Marti; anti-Castro activist is being probed: Cuban American has meddled in Radio Marti, officials say. This should not take place.

What I am asking today is we are not attacking Radio Marti, but Radio Marti does not need an advisory board which is being run this way.

Mr. DIAZ-BALART. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, it is interesting, we heard prior speakers on the amendment on TV Marti say, "Oh, no, we like Radio Marti," and now we just heard a bunch of some minutes' criticism, systematic criticism of Radio Marti, Radio Marti; they just want to get rid of an advisory board that costs the taxpayers about $100,000-something a year. Of course, though, we just heard that is something that even though I think at the end we heard their support for Radio Marti, we just heard a bunch of time and criticism of Radio Marti, not TV Marti, Radio Marti.

Mr. Chairman, I yield 1 minute to the distinguished gentlewoman from Florida [Ms. ROS-LEHTINEN].

Ms. ROS-LEHTINEN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in strong opposition to the amendment offered by Mr. SERRANO to eliminate the President's Advisory Board for Cuba Broadcasting [PAB].

Mr. Chairman, the Advisory Board for Cuba Broadcasting is important in assuring the continued efficient operation of Radio and TV Marti: two essential tools in our battle to eliminate the Castro tyranny in Cuba.

The board seeks to make these two overseas broadcast services more efficient by eliminating redundant duties within their operations and its management.

Moreover, the members of the board offer important expert advice on unique issues inside Cuba, in order to assure that accurate and independent news is reaching the island.

The Board is critical in assuring that Radio and TV Marti continue to offer the people of Cuba the facts instead of the fantasy and fiction which Castro's propaganda promote inside the island.

Both broadcast services have been successful in achieving this purpose by undermining Castro's propaganda. Radio and TV Marti provide the Cuban people with accurate, up-to-date information that they would otherwise be denied by Castro's information embargo.

Mr. Chairman, Fidel Castro and his regime proceed to set aside all critics and continue their repression of the Cuban people. The Department of State's Human Rights Report described the regime as "* * * sharply restricting basic political and civil rights, including the right of citizens to change their government; the freedoms of speech, press, association, assembly and movement; as well as the right to privacy and various workers rights."

Amnesty International's recently released international human rights reports echoed the view of the State Department: "Members of unofficial political, human rights and trade union groups continued to face imprisonment, short term detention, and frequent harassment."

Unfortunately, Mr. Chairman, many of those who suffer from the evil actions described above are journalists who dare to challenge the state line which Castro and his information ministers publicly release.

This amendment, Mr. Chairman, goes further than simply abolishing this board. It is part of a concerted effort by some to change the path of United States policy toward Cuba.

Do not pacify Castro by moving United States policy toward reconciliation with the Cuban tyrant. To that end, they attack those persons and institutions which work toward the elimination of Castro and his totalitarian regime.

To them, I remind them of the millions of Cubans who continue living without freedoms.

Cubans like Rev. Orson Vila Santoyo who remains in prison after being arrested and sentenced to almost 2 years in jail for allowing religious services in his home. Cubans like Lt. Col. Nilvio Labrada, a former high ranking official of the Interior Ministry in Cuba who was recently sent to a psychiatric hospital for expressing publicly his views against Castro.

Or the thousands of political prisoners who continue to dwell in Castro's prisons and the dissidents who suffer daily the harassment and persecution of the Castro regime.

These are the Cubans we should be striving to aid in their struggle—not Castro.

This amendment would play into the hands who would rather flirt with the Cuban dictator rather than stand firm against his repression.

The PAB is an institution designed to make Radio and TV Marti work and operate effectively.

I urge my colleagues to break Castro's information embargo by supporting the PAB and rejecting this misguided amendment.

Mr. DIAZ-BALART. Mr. Chairman, I yield 1½ minutes to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Chairman, here we go again. If you followed this issue for some time, you concluded, as I have, that some Members simply have a fixation with doing everything they can to eliminate everything with Cuba broadcasting, and I think there is only one person who has greater desire of eliminating this service, and that is Fidel Castro himself.

Let me tell you what our colleagues to not hear in this debate. You do not hear a good-faith attempt to fix something and make it better. you have not heard one suggestion in that regard, just simply eliminate, eliminate, eliminate. The fact of the matter is I think we should have an investigation as to how the inspector general's not report, because it is not a report, because I called the inspector general. I said, "Where is this report?" And she said, "It is not a report. I have it to some Members. I gave them the work product to date, but it is not a report." Imagine coming to the floor and painting it that way.

We should be defeating this. This is not in the best interests. We should have the opportunity to focus the board, that focuses on these moneys that we are spending, and we should ensure that we do not permit what is said in a newspaper that is not, in fact, truthful, because in fact, we do not have a final report, and we should have an investigation as to how that report was released and how it got to the press.

It is inconceivable to me to come to the floor and use that type of information which is incomplete and which does not serve the best interests of this institution.

Mr. Chairman, here we go again. If you have followed this issue for years you may have concluded as I have that some Members simply have a fixation with eliminating TV Marti. Only the brutal dictator, Fidel Castro may have a stronger fixation with eliminating this service.

Let me tell my colleagues what we do not see in the debate on TV Marti. We do not see a good faith attempt to fix something and make it better. I have not heard one—not one—suggestion that the service be improved from any of the Members cosponsoring this amendment.

Instead, what we see is a big attempt to do Fidel Castro's dirty work for him. Castro is desperately afraid of TV Marti because it broadcasts the truth to the Cuban people, which he denies them every day. He is so afraid of that TV signal that he spends millions of dollars, 15 to 20 fixed jammers, mobile land jammers, 40 full-time soldiers, and even helicopters he can scarcely afford, to jam its beam. Money he could use to feed a hungry people, he uses to deny them the truth.

We have the technology to get TV Marti to penetrate the dictator's airwaves. That is what we ought to focus on here. The Report of the Advisory Panel on Radio TV Marti has spoken clearly on this issue. More than 100 experts and individuals with relevant expertise were interviewed. The panel and its staff reviewed several thousand pages of written material. And here is what it said:

> The time has come to convert TV Marti from VHF to UHF transmission. The effort to probe this new approach will require approximately one year and one million dollars. But savings elsewhere during the year will more than offset this investment.

Let me add that money was already obligated. Just last week, the House voted nearly unanimously to require the USIA to begin a new Radio Free Asia service to Communist China. Today, we simply ask you to continue an already existing TV broadcast to Communist Cuba.

Presidents Reagan, Bush, and Clinton have spoken clearly about the need to support their vital broadcasting services to Cuba of Radio and TV Marti. In a letter President Clinton stated:

> By strongly supporting Radio and TV Marti I want to send a clear signal to those everywhere who struggle against tyranny. Radio and TV Marti make genuine contributions to the cause of human rights and democracy in the hemisphere. Both help promote short and long term U.S. foreign policy goals.

As I suggested earlier, we have been through this exercise before. Those of us with a strong interest in this issue agreed two years ago to a compromise which established an Advisory Panel on Radio and TV Marti. The members of the panel were agreeable to all involved, including the Members offering this amendment. The Panel was asked to assess and report on the "purposes, policies, and practices of Radio and TV broadcasting to Cuba."

In March 1994, out came the verdict, and it was clear: now more than ever we must maintain intact the services of both Radio and TV Marti.

These are but some of the more important conclusions of the report:

First, an overwhelming number of Cubans clearly consider Radio Marti to be the most authoritative source of news and information in Cuba" (this is from a USIA in-country assessment on Cuba broadcasting; see Appendix I of the report).

Second, Cuban Government officials and elites regularly listen to Radio Marti and tune in to TV Marti.

Third, TV Marti can be an instrumental means for the United States to communicate with the Cuban people during a transition in Cuba.

Fourth, South Florida will be immediately affected by change in Cuba and so eventually will other locations in the U.S. State Department contingency plans envision a major role for Radio and TV Marti during a transition. Moreover, eivdence suggests that in times of severe crisis, people turn first to TV.

Fifth, were TV Marti terminated, it would be very expensive and take several months to initiate a new TV service during the transition. So, this amendment is not the cost-cutter its proponents claim.

Sixth, America has never responded to a recipient country's jamming of U.S. Government broadcasts by giving in to a dictators' wishes that those broadcasting services be terminated. But that is precisely what this amendment would have us do. America should not succumb for the first time in history in the case of Cuba. Radio Free Europe, Radio Liberty, and Radio Marti all overcame jamming; so should and can TV Marti.

Mr. DIAZ-BALART. Mr. Chairman, I yield the remainder of my time to the gentleman from New Jersey [Mr. TORRICELLI].

Mr. TORRICELLI. Mr. Chairman, I thank the gentleman for yielding me this time.

My colleagues, it is first important to establish what this amendment is not about. The amendment would eliminate $180,000 in spending for the board of Marti. But, in truth, it has nothing to do with money. You see, the Federal Government has hundreds of boards for all kinds of different radio stations and operations. None of their money would be affected. Just this one. it affects Cuban Americans and broadcast into Cuba. It is not about money, it is about ideology, anything to undermine the fact that this radio station for these people is getting into Cuba to tell the truth.

You have been told that there is an I.G. report that is critical of the board. Let me tell you what you were not told, that Mr. Duffy, head of USIA, has called its release unauthorized, inappropriate. He has called for an ethics probe, said it does not reflect a genuine analysis of the situation. Indeed the President has had his own ethics board involved. It is potentially a criminal release of a one-sided analysis done for purely partisan and ideological purposes.

Mr. Chairman, this Congress has debated this issue year in and year out, and last year we called a truce. We asked that the USIA do a nonpartisan, objective analysis, and they did. They found this radio station effective, important for the United States Government interests, representing the views of this country, helpful in the process of getting the truth to the Cuba people.

They could not win on the merits. The study did not have what they wanted as a conclusion. So now, one way or another, there is an attempt to undermine Radio Marti.

This station is important for the foreign policy of this country. Reject this amendment. Keep the board and the radio station in place.

Mr. SKAGGS. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York [Mr. SERRANO] that would eliminate this corrupted and unnecessary board.

It is becoming increasingly clear that the outside board appointed to advise USIA on broadcasting to Cuba has been used as the tool for some elements of the Cuban-American community to exert undue and even improper political influence over the content of USIA news programs. On this point, please read the following article from the New York Times:

[From the New York Times, July 23, 1995]

CUBAN-AMERICA HAS MEDDLED IN RADIO MARTÍ, OFFICIALS SAY

(By Steven Greenhouse)

A Federal investigation into Radio Martí—a Government-financed station that broadcasts to Cuba—has found that the Cuban-American leader Jorge Mas Canosa improperly interfered with its operations, slanting its news coverage and influencing personnel decisions, officials familiar with the report said.

The report, prepared by the Inspector General of the United States Information Agency, details how Mr. Mas has systematically interfered in Radio Martí's day-to-day operations and concludes that the radio station has improperly retaliated against employees who protested such manipulation, the officials said.

Administration officials said Mr. Mas, as chairman of Radio Martí's advisory board, is supposed to provide general advice to the White House about Radio Martí and Television Martí, which are Federally financed networks broadcasting to Cuba, but he is not supposed to meddle in personnel decisions or day-to-day operations.

The Inspector General began preparing the report months ago after a senior Radio Martí news analyst complained that the network's management was seeking to dismiss him after he protested that the station's news director was trying to censor his analysis and was broadcasting biased news coverage.

Mr. Mas broke with the Clinton Administration in May after its decision to return Cuban boat people, but Administration officials insist that the Inspector General's report is in no way a response to that rupture.

In recent months, State Department officials and Joseph Duffey, director of the United States Information Agency, which is the parent organization of the networks, have accused Radio Martí of inaccurate reporting and of advancing Mr. Mas's political agenda while attacking Administration policy.

For example, Joseph Sullivan, chief of the United States Interests Section in Havana, sent a classified cable to the State Department in May complaining that Radio Martí's news coverage repeatedly attacked President Clinton's new immigration policy toward Cuba while trumpeting Mr. Mas's opposition to it.

Mr. Mas's defenders say the report, which was described by The Washington Post yesterday, is an effort by his enemies to pillory Mr. Mas, who as chairman of the Cuban American National Foundation is widely viewed as the nation's most powerful Cuban American.

"This is all part of a very long-standing campaign of political harassment of the office of Cuba Broadcasting," the agency that oversees Radio Marti and Television Marti, said Jose Cardenas, director of the Washington office of the Cuban American National Foundation. "Jorge Mas has many political enemies in this town who may have latched onto to this device to take a chunk out of his hide."

Mr. Cardenas said Mr. Mas was not available for interviews because he was traveling.

Marian Bennett, the Inspector General, refused to comment on the report's details, except to confirm that her office was investigating allegations of mismanagement, fraud and abuse at Radio Marti and Television Marti. She said she expected the report to be released in several weeks although an interim copy of the report was shown to several members of Congress.

Representative David Skaggs, a Colorado Democrat who saw the interim report, refused to discuss its details, but suggested that it heavily criticized Mr. Mas.

"Radio Marti has been subject to the manipulation and corruption by Jorge Mas Canosa," Mr. Skaggs said in an interview. "He has had an undue and unlawful effect on an agency of the United States for serving his political ends."

Officials said the State Department and the Information Agency were particularly upset in January when Radio Marti—at Mr. Mas's instigation—broadcast that the Administration was near an agreement to allow Cuban refugees being detained in Panama and at Guantánamo Bay into the United States. The officials said Mr. Mas knew that this was not true but arranged the broadcast to put pressure on the Administration to admit the refugees.

As evidence of Radio Marti's bias in favor of Mr. Mas's views, J. Richard Planas, the senior research analyst who Radio Marti sought to dismiss, said a study he prepared showed that Radio Marti broadcast 280 stories in favor of a bill to tighten the embargo against Cuba and only 70 stories against the bill, which Mr. Mas strongly backed.

In an interview Jay Mailin, a former news director at Radio Marti, said Mr. Mas had used the station to beam as much news as possible about him to further what are widely seen as his ambitions to be president in a post-Castro Cuba.

Two Radio Marti employees said in interviews that Agustine Alles, who had been the station's news director until he was transferred to Miami last month, often interrupted daily news meetings to take calls from Mr. Mas and then returned to report Mr. Mas's preferences in daily coverage.

"Alles thought his job was to make sure that the station reported on Mas 10, 20, 30 times a day," said Mr. Mallin, who said he was forced out as news director after criticizing the station's overall director. "Alles spoke on the phone continuously to Jorge Mas."

Mr. SKAGGS. So, while I support USIA's efforts to provide vital, unbiased news, I am convinced that it makes no sense to continue throwing good money into the unnecessary operation of the Advisory Board for Radio Marti.

Especially as we are reducing spending for important programs that benefit people in the United States, we need to stop wasteful foreign-affairs spending that does not advance our foreign policy and that uses tax dollars to subsidize political activities here at home. Vote for Mr. SERRANO's amendment.

We already have a USIA Board which supervises all international broadcasting and is perfectly capable of providing advice regarding Radio Marti, as well. A separate board for Cuban broadcasting is duplicative, which is bad enough. But it has also become the platform from which Mas Canosa as chairman has consistently exerted improper influence on station personnel and on the content of station broadcasting. He forced distorted news coverage by Radio Marti during critical periods earlier this year in which immigration policy was at an extremely delicate point, effectively trying to subvert official U.S. Government policy. He has, in short, corrupted the advisory board and the operations of Radio Marti. He is in a shameless conflict of interest given his other life as president of a special interest Cuban-American political organization. The best medicine is to rid USIA of the advisory board and, in the process, make good riddance of Mas Canosa.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SERRANO].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. SERRANO. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN. Pursuant to the order of the House of today, further proceedings on the amendment offered by the gentleman from New York [Mr. SERRANO] will be postponed.

AMENDMENT OFFERED BY MRS. MEYERS OF KANSAS

Mr. FORBES. Mr. Chairman, I ask unanimous consent to withdraw my demand for a recorded vote on the Meyers amendment.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. WICKER. Mr. Chairman, reserving the right to object, how did the Chair announce that vote on the voice vote?

The CHAIRMAN. The ayes had it.

Mr. WICKER. That the ayes had it?

The CHAIRMAN. On the Meyers amendment, yes.

Mr. WICKER. Mr. Chairman, I withdraw my reservation of objection reluctantly.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

Mr. LAFALCE. Mr. Chairman, reserving the right to object, what was the request that was made again?

Mr. FORBES. I requested unanimous consent to withdraw my request for a recorded vote.

Mr. LAFALCE. Further reserving the right to object, if this is an issue that will be settled, but if there is going to be an attempt made in conference or something or some other time in the future, I think that at some point in time there will not be.

Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

So, the amendment was agreed to.

The CHAIRMAN. Are there further amendments?

Mr. ROGERS. Mr. Chairman, I move to strike the last word.

I shall not take the full 5 minutes, because I think we have completed the amending process.

But let me quickly do two things: First, we would like to note a correction in the report on page 31 under INS construction, $5 million has been provided for the INS detention center in the western region of New York instead of the northeast region, as currently stated in the report.

Finally, Mr. Chairman, let me say a word of thanks for those who participated in this debate today. It has been a long day. We have done well. We have disposed of a lot of amendments. We have a good bill.

We urge its adoption.

Let me thank the members of the staff who have worked so long and hard on this bill, and you see them and you have watched them work today. We want to thank them. We want to thank the members of the subcommittee, especially my ranking member, the gentleman from West Virginia [Mr. MOLLOHAN], who has been a real soldier on this bill.

We urge its adoption.

Let me thank the members of the staff who have worked so long and hard on this bill, and you see them and you have watched them work today. We want to thank them. We want to thank the members of the subcommittee, especially my ranking member, the gentleman from West Virginia [Mr. MOLLOHAN], who has been a real soldier on this bill.

We urge its adoption. We thank the Members for their help.

Mr. MOLLOHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I will not take 5 minutes.

I want to echo the sentiments of our chairman. We appreciate the hard work of all the members of the committee and the patience of the Members here today.

We urge passage of the bill upon disposition of the amendment.

We want particularly to thank the efforts of the chairman who has worked long and hard here today, and we appreciate the indulgence of all Members.

The CHAIRMAN. The Clerk will complete the reading of the bill.

The Clerk read as follows:

This Act may be cited as the "Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996".

☐ 2145

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN. Pursuant to the order of the House of today, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment No. 5, offered by Mr. MOLLOHAN of West Virginia; an unprinted amendment, offered by Mr. ENGEL of New York; an unprinted amendment, offered by Mr. SMITH of New Jersey to the Skaggs amendment; the underlying amendment, offered by Mr. SKAGGS of Colorado and amendment No. 37, offered by Mr. SERRANO of New York.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 5 OFFERED BY MR. MOLLOHAN

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from West Virginia [Mr. MOLLOHAN] on which further proceedings were postponed, and on which the noes prevailed by a voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

This will be a 17-minute vote. Pursuant to the order of the House of today, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on each additional amendment on which the Chair has postponed further proceedings.

The vote was taken by electronic device and there were—ayes 204, noes 223, not voting 7, as follows:

[Roll No. 580]

AYES—204

Abercrombie
Ackerman
Baesler
Baldacci
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro

Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Doyle
Durbin
Edwards
Ehlers
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gilman
Gonzalez
Gordon
Green
Gutierrez
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Hoke
Holden
Houghton
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
LaTourette
Levin
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Mascara
Matsui
McCarthy
McDade
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Mfume
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moran
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Quinn
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schiff
Schroeder
Schumer
Scott
Serrano
Sisisky
Skaggs
Skelton
Slaughter
Spratt
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torres
Torricelli
Towns
Traficant
Tucker
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Wilson
Wise
Woolsey
Wyden
Wynn
Yates

NOES—223

Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Boehner
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dornan
Dreier
Duncan
Dunn
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gekas
Gillmor
Goodlatte
Goodling
Goss
Graham
Greenwood
Gunderson
Gutknecht
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manzullo
Martini
McCollum
McCrery
McHugh
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Moorhead
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oxley
Packard
Pallone
Parker
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Torkildsen
Upton
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Bateman
Chenoweth
Collins (MI)
Dingell
Hall (OH)
Moakley
Reynolds

☐ 2204

Mr. EWING and Mr. COOLEY changed their vote from "aye" to "no."

Messrs. BEVILL, GILMAN, and DOOLEY changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ENGEL

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York [Mr. ENGEL] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 188, noes 234, not voting 12, as follows:

[Roll No. 581]

AYES—188

Abercrombie
Ackerman
Andrews
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Berman
Bevill
Bishop
Boehlert
Bonior
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Cardin
Clay
Clayton
Clement
Clinger
Clyburn
Collins (IL)
Conyers
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Doggett
Dooley
Doyle
Duncan
Durbin
Edwards
Engel
English
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gilman
Gonzalez
Harman
Hastings (FL)
Hayes
Hefner
Hilliard
Hinchey
Holden
Horn
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kelly
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lincoln
Lofgren
Lowey
Luther
Maloney
Manton
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McDermott
McHale
McHugh
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Murtha
Nadler
Neal
Olver
Owens
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Pickett
Pomeroy
Poshard
Rahall
Rangel
Reed
Richardson
Rivers
Roemer
Ros-Lehtinen
Rose
Roukema
Roybal-Allard
Rush
Sanders
Schroeder
Schumer
Scott
Serrano
Sisisky
Skelton
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Torkildsen
Torres
Torricelli
Towns
Tucker
Upton
Vento
Ward
Waters
Watt (NC)
Waxman
Weldon (PA)
Williams
Wise
Woolsey
Wyden
Yates

NOES—234

Allard
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Bilbray
Bilirakis
Bliley
Blute
Bonilla
Bono
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Dickey
Dixon
Doolittle
Dornan
Dreier
Dunn
Ehlers
Ehrlich
Emerson
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Ganske
Gekas
Gilchrest
Gillmor
Goodlatte
Goodling
Gordon
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kennedy (MA)
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent

Latham
LaTourette
Laughlin
Lewis (CA)
Lewis (KY)
Lightfoot
Lipinski
Livingston
LoBiondo
Longley
Lucas
Manzullo
McCollum
McCrery
McDade
McInnis
McIntosh
McKeon
Metcalf
Meyers
Mfume
Miller (FL)
Molinari
Moorhead
Moran
Morella
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Obey
Ortiz
Orton
Oxley
Packard
Paxon
Petri
Pombo
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Roberts
Rogers
Rohrabacher
Roth
Royce
Sabo
Salmon
Sanford
Sawyer
Saxton
Scarborough
Schaefer
Schiff
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Taylor (NC)
Thomas
Thornberry
Tiahrt
Traficant
Velazquez
Visclosky
Volkmer
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weller
White
Whitfield
Wicker
Wilson
Wolf
Wynn
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—12

Baesler
Bateman
Boehner
Burton
Chenoweth
Collins (MI)
Dingell
Hall (OH)
Hunter
Linder
Moakley
Reynolds

□ 2210

The Clerk announced the following pair:

On this vote:

Mr. Dingell for, with Mr. Hunter against.

Mr. GORDON changed his vote from "aye" to "no."

so the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SMITH OF NEW JERSEY TO THE AMENDMENT OFFERED BY MR. SKAGGS

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New Jersey [Mr. SMITH] to the amendment offered by the gentleman from Colorado [Mr. SKAGGS] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 285, noes 139, not voting 10, as follows:

[Roll No. 582]

AYES—285

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Bartlett
Barton
Bass
Bentsen
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Browder
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cooley
Cox
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Doyle
Dreier
Dunn
Durbin
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gekas
Gephardt
Geren
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee
Johnson (SD)
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Molinari
Mollohan
Montgomery
Moorhead
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Parker
Pastor
Paxon
Payne (VA)
Peterson (MN)
Petri
Pickett
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Scott
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Stearns
Stenholm
Stockman
Stump
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Tejeda
Thomas
Thornberry
Thornton
Tiahrt
Torkildsen
Torricelli
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—139

Abercrombie
Baesler
Baldacci
Barcia
Barrett (NE)
Barrett (WI)
Becerra
Beilenson
Bereuter
Berman
Bishop
Bonior
Borski
Boucher
Brown (CA)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Collins (IL)
Conyers
Costello
Coyne
Danner
de la Garza
DeFazio
DeLauro
Dellums
Doggett
Dooley
Duncan
Edwards
Eshoo
Evans
Farr
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Ganske
Gejdenson
Gibbons
Gilchrest
Gonzalez
Gordon
Hamilton
Harman
Hefner
Hilliard
Hinchey
Holden
Jacobs
Jefferson
Johnson (CT)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kleczka
Klink
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
McCarthy
McDermott
McHale
McKinney
McNulty
Mfume
Miller (CA)
Mineta
Minge
Mink
Moran
Morella
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Payne (NJ)
Pelosi
Poshard
Rangel
Reed
Regula
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Schumer
Serrano
Shuster
Skaggs
Slaughter
Spratt
Stark
Stokes
Studds
Stupak
Tanner
Thompson
Thurman
Torres
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn
Yates

NOT VOTING—10

Bateman
Chenoweth
Collins (MI)
Dingell
Hall (OH)
LaFalce
Matsui
Moakley
Peterson (FL)
Reynolds

□ 2217

So the amendment to the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. PETERSON of Florida. Mr. Chairman, on rollcall vote 582 I was unavoidably detained. Had I been here, I would have cast an "aye" vote.

Mr. SKAGGS. Mr. Chairman, I move to strike the last word. Mr. Chairman, so that Members will not be confused, I do not intend to ask for a recorded vote now on the Skaggs amendment as amended. We would proceed with the Serrano amendment.

PARLIAMENTARY INQUIRY

Mr. ROGERS. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. ROGERS. Mr. Chairman, since there is not a rollcall vote on the Skaggs amendment, is the next vote the Serrano amendment, which would be number 5 in the normal order?

The CHAIRMAN. To be perfectly clear, the next vote is on the Skaggs amendment, as amended. If that is disposed of by voice, the next vote under the pending business will be the Serrano vote.

AMENDMENT OFFERED BY MR. SKAGGS, AS AMENDED

The CHAIRMAN. The pending business is on the amendment offered by the gentleman from Colorado [Mr. SKAGGS], as amended.

The amendment, as amended, was agreed to.

AMENDMENT NO. 37 OFFERED BY MR. SERRANO

The CHAIRMAN. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from New York [Mr. SERRANO] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 150, noes 277, not voting 7, as follows:

[Roll No. 583]

AYES—150

Abercrombie
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Beilenson
Bentsen
Bishop
Bonior
Borski
Boucher
Browder
Brown (CA)
Bryant (TX)
Clay
Clayton
Clement
Clyburn
Collins (IL)
Conyers
Cooley
Costello
Coyne
Cramer
Danner
de la Garza
DeFazio
DeLauro
Dellums
Dixon
Doggett
Dooley
Durbin
Edwards
Eshoo
Evans
Farr
Fattah
Fazio
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Furse
Ganske
Gejdenson
Gilchrest
Gonzalez
Gordon
Harman
Hayes
Hefner
Hilliard
Hinchey
Hoekstra
Holden
Hoyer
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kaptur
Kennelly
Kolbe
LaFalce
Lewis (GA)
Lincoln
Lipinski
Lofgren
Lowey
Luther
Maloney
Markey
Martinez
Matsui
McDermott
McHale
McKinney
McNulty
Mfume
Miller (CA)
Mineta
Mink
Montgomery
Moran
Nadler
Neal
Oberstar
Obey
Olver
Orton
Owens
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Pickett
Poshard
Rangel
Reed
Rivers
Roemer
Rose
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Schroeder
Scott
Serrano
Skaggs
Slaughter
Smith (MI)
Stark
Stenholm
Stokes
Studds
Stupak
Tanner
Taylor (MS)
Thompson
Thornton
Thurman
Torres
Towns
Tucker
Upton
Velazquez
Vento
Visclosky
Volkmer
Ward
Waters
Watt (NC)
Waxman
Williams
Woolsey
Wyden
Wynn
Yates

NOES—277

Ackerman
Allard
Andrews
Archer
Armey
Bachus
Baker (CA)
Baker (LA)
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bono
Brewster
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Chapman
Christensen
Chrysler
Clinger
Coble
Coburn
Coleman
Collins (GA)
Combest
Condit
Cox
Crane
Crapo
Cremeans
Cubin
Cunningham
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Doolittle
Dornan
Doyle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Gallegly
Gekas
Gephardt
Geren
Gibbons
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Green
Greenwood
Gunderson
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hancock
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Heineman
Herger
Hilleary
Hobson
Hoke
Horn
Hostettler
Houghton
Hunter
Hutchinson
Hyde
Inglis
Istook
Johnson, Sam
Jones
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
King
Kingston
Kleczka
Klink
Klug
Knollenberg
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Lightfoot
Linder
Livingston
LoBiondo
Longley
Lucas
Manton
Manzullo
Martini
Mascara
McCarthy
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meehan
Meek
Menendez
Metcalf
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Moorhead
Morella
Murtha
Myers
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Paxon
Peterson (MN)
Petri
Pombo
Pomeroy
Porter
Portman
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Regula
Richardson
Riggs
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Salmon
Sanford
Saxton
Scarborough
Schaefer
Schiff
Schumer
Seastrand
Sensenbrenner
Shadegg
Shaw
Shays
Shuster
Sisisky
Skeen
Skelton
Smith (NJ)
Smith (TX)
Smith (WA)
Solomon
Souder
Spence
Spratt
Stearns
Stockman
Stump
Talent
Tate
Tauzin
Taylor (NC)
Tejeda
Thomas
Thornberry
Tiahrt
Torkildsen
Torricelli
Traficant
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NOT VOTING—7

Bateman
Chenoweth
Collins (MI)
Dingell
Hall (OH)
Moakley
Reynolds

☐ 2226

Mrs. CUBIN and Mr. SPRATT changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. MARTINI. Mr. Chairman, I rise today in defense of an organization that rises in defense of the poor and underprivileged of our country every day. The Legal Services Corporation was created under a Republican President and had at the outset very laudable goals: helping to give a sense of inclusion in the legal process and respect for the rule of law to the least wealthy of our society.

Perhaps there have been abuses of this program in the past. As with any government program, those activities considered by some to be abusive can be and have been addressed. But eliminating this important program would be a quintessential case of using a meat cleaver where a scalpel is desperately needed and much more appropriate.

At the core of this program is still the belief that even the least influential members of a society should have a voice in the legal proceedings that determine the way in which that society is ordered. The members of the Appropriations Committee have tried to return us to this commitment, and that commitment is what we as a body must continue to guarantee our least fortunate.

LSC, just like every program, must be reevaluated and prepared to share in the effort to balance the budget. But it has been reexamined and it will share in the effort to balance the budget: further cuts could render this program very inadequate.

I urge my colleagues to refrain from swinging the budget ax down on the LSC. Legal services for the poor is something no democracy can go without.

Mr. ABERCROMBIE. Mr. Chairman, I rise today to voice my serious concern regarding the decision to eliminate funding for the East-West Center in H.R. 2076, the Commerce, Justice, State and the Judiciary Appropriations Act for Fiscal Year 1996.

For those of my colleagues not familiar with the East-West Center it is a national education institution administered by a public, nonprofit educational corporation under a grant from the United States Information Agency. Established by the Mutual Security Act of 1960 (Public Law 86–472) the East-West Center promotes better relations and understanding between the United States and the nations of Asia and the Pacific through cooperative programs of research, study, and training.

The friendly relationships that exist today between the United States and the countries of Asia and the Pacific can be attributed in many ways to the East-West Center's work. More than 20 countries in the Pacific region, including Japan, Korea, Taiwan, Fiji, Indonesia, Papua New Guinea and even Bangladesh and Pakistan acknowledge the value of the East-West Center's programs by their cash contributions. The East-West Center was one of the early institutions involved in the Asia Pacific Economic Cooperation [APEC] process.

Congress and governmental agencies, such as the Department of State, Department of Energy, and the Agency for International Development [AID], utilize the Center for advice and information. In fact, the Clinton administration acknowledged the value of the East-West Center by including it in their fiscal year 1996 budget request.

Given the continued rise of Asia as the fastest growing economic region in the world, and the critical role of Asia in our economic future, it is more important than ever that we continue to support the East-West Center.

Ms. PELOSI. Mr. Chairman, I rise today in the support of the substitute amendment offered by Mr. ROGERS and Mr. MOLLOHAN to H.R. 2076, the Commerce, Justice, State Appropriations bill for fiscal year 1996.

This amendment will restore funding for several important programs under the jurisdiction of the National Oceanic and Atmospheric Administration [NOAA], including the Coastal Zone Management Act and the National Marine Fisheries Service thereby allowing marine research and preservation efforts on our Nation's coastlines to continue. The hazards plaguing our coastal waters have multiplied at an alarming rate as the coastal population has grown. Since 1950, the coastal population has grown over 80 percent.

In addition to their environmental significance, America's coastal resources support many key industries. For example, coastal resources sustain a national travel and tourism economy that generates billions of dollars annually.

Our coasts also provide habitat and spawning areas for 70 percent of the Nation's commercial and recreational fisheries. America's marine sanctuaries and coastal resources also provide much-needed sites for recreation, education, inspiration, and personal exploration.

Mr. Chairman, I also rise to offer my support for the amendment offered by Mr. FARR. This important amendment provides funding for the marine sanctuaries around our coastline.

The Gulf of the Farallones National Marine Sanctuary, located off the coast of San Francisco, is an excellent example of the successes achieved by the Sanctuary program. Since its designation in 1981, the Farallones Sanctuary has participated in various community partnerships ranging from the creation of a volunteer shoreline monitoring program to the development of a marine learning center in San Francisco.

The Sanctuary combines a spectrum of marine habitats with a tremendous diversity of marine life. Giant kelp, dungeness crab, the endangered Blue Whale, elephant seals, and the largest concentration of breeding seabirds in the continental United States are just several of the marine species found in the Sanctuary. The Farallones Sanctuary also contains highly productive commercial fisheries, shipping lanes, and private mariculture operations.

Mr. Chairman, without these amendments, the successful partnerships that NOAA has forged between communities, industries, and universities to protect the Nation's pristine marine environments through research, education and management would be difficult, if not impossible, to continue.

We are a coastal nation, predominantly surrounded by water. The health of our Nation depends on how we protect these waters and their living treasures.

Miss COLLINS of Michigan. Mr. Chairman, I rise to strongly oppose any cuts in funding for the Legal Services Corporation, a move that would effectively shut millions of Americans out of the justice system.

For almost 30 years, federally funded Legal Services programs have promoted confidence by low-income Americans in our system of laws. These Americans, like all of us, need to believe there is a real system in place to resolve disputes ranging from consumer fraud and housing issues, to domestic relations problems.

Mr. Speaker, I am particularly concerned about the effect such cuts would have on many of the people who live in my district in Detroit, who rely on the pro bono assistance provided by the Legal Services Corporation. Without some kind of legal aid, the Nation's poorest citizens, including many of my own constituents, would have no recourse against unscrupulous merchants, no help in arranging adoptions or enforcing child support orders—in short, no access to the American legal system.

Families facing unjust evictions, disabled Americans who have to fight bureaucracy, women whose lives are threatened daily by domestic violence—these are the victims if the Legal Services Corporation loses funding. Helping such people is the essence of democracy.

My Republican colleagues who want to do away with a Federal tradition of funding legal services for our Nation's poorest citizens would be wise to remember the words of one of their own former Presidents, who in successfully promoting the 1974 bill to fund Legal Services, said the program should "become a permanent and vital part of the American system of justice."

I urge my colleagues to think twice before they do away with one of the few remaining resources that protects the rights of the poor.

Mrs. COLLINS of Illinois. Mr. Chairman, I rise in opposition to H.R. 2076, the fiscal year 1996 Commerce-Justice-State appropriations bill.

One of the most disturbing provisions of H.R. 2076 is the huge cuts for the Legal Services Corporation [LSC] and the restrictions placed on LSC grantees. Since LSC was created in 1975 with President Nixon's support, the LSC has successfully provided assistance to millions of Americans who would otherwise be unable to afford legal representation. If only Americans who can pay for a lawyer have the chance to be legally represented, then the term justice has no meaning to a large portion of America. Clearly, in a nation like ours, it is vital that the justice system is open to all Americans, not just those who can afford it.

Already, LSC turns away 43 percent of eligible clients because its resources are so limited. The cuts in H.R. 2076 will reduce their ability to serve poor Americans even further. I am also concerned about H.R. 2076's impact on the National Clearinghouse for Legal Services. The clearinghouse, which is in my congressional district, provides much-needed resources and training to legal service agencies across the country and to lawyers working pro bono to provide legal assistance to poor Americans. In addition, the clearinghouse publishes the Clearinghouse Review of Poverty Law which provides updated analyses of legal developments in poverty law.

Also, I want to voice my concern about H.R. 2076's lack of funding for the Violence Against Women Act and the Community Oriented Policing Services Program [COPS]. The Violence Against Women Act and COPS program are intended to fill gaps in our anticrime efforts. Without funding, however, these important efforts will be completely undermined. Just last year, Congress passed the Violence Against Women Act with unanimous, bipartisan support. This year, we are effectively abolishing the act by not providing sufficient funding for it. That is clearly giving with one hand and taking it back with the other. I doubt most Americans support this type of backdoor reneging on such important anticrime laws.

Mr. Chairman, I intended to oppose H.R. 2076 and I urge my colleagues to do the same.

Mr. RICHARDSON. Mr. Chairman, I am most concerned about, and opposed to, the cuts to Indian legal service programs in H.R. 2076, the fiscal year 1996 Commerce, Justice, State, and Judiciary appropriations bill. In the bill, the Appropriations Committee has not only reduced funding of the Legal Services Corporation from $400 million to $278 million—a 30-percent reduction—but the committee also eliminated the separate line item for native American program funding, which last year provided $10 million in funding. These actions will undoubtedly end in the termination of many Indian legal services programs.

Why is this Congress again abandoning those who need our help the most? Across countless Indian reservations, Indian legal services are the only source of legal aid to the poor and lawyerless. When 51 percent of American Indians living on reservations live below the poverty line, when Indian children have the highest dropout rate of any minority group, when 20 percent of Indian homes lack toilets, and when reservation unemployment levels average 50 percent and run up to 80 percent, who else but Indian legal services attorneys can they turn to for legal assistance?

I hope that those who still feel that Congress should cut the funding for Indian legal services will at least read the well-written and researched editorial, which I have attached, that describes the destructive effects that these cuts will have on Indian country.

Presently there are 33 Indian legal services programs in existence. The $10 million in fiscal year 1995 funding made possible the work of approximately 150 attorneys, paralegals, and tribal court advocates serving clients on over 175 Indian reservations as well 220 Alaska Native villages. The work of these attorneys has helped tribes develop tribal courts and create programs for the prevention of domestic abuse and violence. In addition, legal services attorneys provide family counseling, child support enforcement, and help ensure the delivery of health care services to the poor, elderly, and disabled. In large Western Indian reservations, Indian legal services attorneys are often the only attorneys available in areas as large as the State of Connecticut. In Oklahoma, a staff of only 4 legal services attorneys is responsible for serving over

150,000 eligible people from 38 tribes. Cutting the funding for native American legal services will have a devastating effect on these and other Indian programs.

There is one more problem with this bill. The bill requires that Indian legal services programs compete for the remaining funding under a census-based formula—a scheme that will result in even further cuts to these programs which already are set to undergo drastic reductions. The current legal services line item funds Indian legal services programs at a level that is three to four times greater than the actual number of reservation-based individuals listed in the 1990 census. Past studies have justified the need for increased funding for Indian legal services by as much as seven times the numbers that a straight census-based formula would yield. Increased funding on a noncensus basis helps overcome such factors as geographic remoteness, access to legal resources, and language and cultural barriers.

Census-based funding also ignores the unique relationship between the Federal Government and the Federal Government's prior recognition that census-based funding is unworkable. Since the inception of the Legal Services Corporation in 1974, it has been conceded by both Democrats and Republicans that effective legal services for Indians cannot be provided strictly on census-based numbers because: One, many tribes are not large enough to justify the funding of even one lawyer; and two, actual operating costs for Indian legal services attorneys are much higher than for other legal services programs because of remoteness and the unavailability and high costs of goods and services on reservations.

It is unconscionable, and a violation of this country's trust responsibility to native American tribes, that this Congress would eliminate the Indian people's most reliable access to the American system of justice. For the past 30 years, Indian legal services have become an integral part of this Nation's promise of equal access to justice. This bill will literally result in the denial of justice to the native American people.

[From the Washington Post, Apr. 15, 1995]

LAWYERS DOING GOOD

(By Colman McCarthy)

In the current assaults on lawyers, among the undeserving of scorn is the small, nearly invisible band of attorneys whose clients are Native Americans. They toil for Indian Legal Services in such outposts as Window Rock, Ariz., and Penobscot, Maine, and serve poor people in tribes ranging from the well-known—Navajos; Sioux and Cheyenne—to the less known: Menominees of Wisconsin, Houmas of Louisiana and Shinnecocks of Long Island.

Some cutters in Congress—budget cutters, deal-cutters, corner-cutters—have announced that federal funding should stop for the Legal Services Corp., of which Indian Legal Services is a part.

From its origins in 1966 with the Office of Economic Opportunity, and its rebirth in 1974 as a federally supported independent corporation, Legal Services has had a client list of the indigent and habitually lawyerless. This year's budget is $415 million, which covers the work of 4,600 lawyers—starting salaries are as low as $22,000—in 320 programs.

The caseload involves civil law which, for the poor, is really underdog law. An estimated 70 percent of America's lawyers work for 10 percent of the population. For those who are billable, there is one lawyer per 300 people. For those who aren't, Legal Services supplies one lawyer for 6,000 to 7,000 people.

If the destructive plans of Rep. John Kasich, the Ohio Republican who chairs the House Budget Committee, and Sen. Phil Gramm, who fantasizes that he should be president, are fulfilled and Legal Services goes under, the severest losses will be felt by the 2 million tribal Americans who have only 150 lawyers and paralegals between them and despair. Eleven Indian Legal Services programs are operating with 22 smaller offices folded within state agencies. Their share of the corporation's $415 million is $10 million.

The practice of Indian Legal Services in Wisconsin is typical. The state has 11 tribes, with three lawyers in an office located in Wausau. The senior attorney is James Botsford, who went into Indian law immediately after graduating from the University of North Dakota law School in 1984. What inspired him then is what drives him now: going to the office every day and knowing deep in his soul that if he weren't there serving his clients they wouldn't be served at all. How many Wall Street or K Street lawyers can say that?

"There aren't many attorneys in the north woods of Wisconsin," Botsford says. "And precious few of those who are here have an interest, or even willingness to take Indian law cases. With all the poverty, remoteness and unique Indian law issues, we are able to provide legal help in only a small percentage of the cases that come up."

Among other puzzlements, Botsford wonders why Republicans have it in for Legal Services: "Much of our work in Wisconsin in consistent with the values that Republicans say they stand for—keeping families together, helping people to get off welfare, protecting families when there is violence in the home."

Others also are at a loss to figure out why Republicans are picking on Legal Services. In the April 10 National Law Journal. Bruce Kauffman, a former justice of the Pennsylvania Supreme Court and now a senior partner in a Philadelphia law firm, identifies himself as "a conservative Republican" who has "spent the better part of my life fighting for Republican candidates and causes."

Kauffman confesses to having once swallowed whole the falsity that Legal Services lawyers were agitators pushing "their social service agenda. Over time, however, I came to realize that the [program] acts very much like a law firm for the poor, helping individual clients grapple with personal problems that threaten to overwhelm them. Without these services, they have no recourse."

In his article—titled "A Conservative Plea to Save LSC"—Kauffman pledges—"I simply cannot stand by and watch the gutting of federal legal aid efforts on behalf of the poor."

For Indian Legal Services lawywer, Judge Kauffman is a welcome ally. And a natural one, too. As the four attorneys serving 38 tribes out of the Oklahoma Indian Legal Services office, or the one lawyer in the Dakota Plains Legal Services or any other tribal lawyers could explain the program has always had bipartisan support—from Richard Nixon to Hillary Clinton.

All the more perplexing that Kasich, Gramm and other enemies of Legal Services are out to destroy what so many others have praised. Are they that our of touch?

Mrs. MORELLA. Mr. Chairman, I had intended to offer an amendment to restore funding in the bill for the State Justice Institute. Since filing the amendment, I have realized that a number of Members are not familiar with the work of the State Justice Institute, thereby leading me to conclude that now is not an opportune time to debate SJI funding. I will not offer the amendment.

But I want to let my colleagues know that there is a clear Federal interest in supporting programs like SJI, which promotes a just, effective, and innovative system of State courts. State courts have been the beneficiaries of more than 800 projects improving the quality of the justice they deliver, and the Federal judiciary has worked closely with SJI to improve the working relationship between the State and Federal courts.

Federal assistance to State courts is as appropriate as Federal assistance to State law enforcement, prosecution, and corrections agencies. By helping the State courts to deliver justice more efficiently and effectively, SJI promotes their greater use by litigants, thereby reducing the number of cases filed in Federal court. Continued funding for SJI would provide the administration and Congress with the opportunity to improve the State courts' response to important issues, such as family violence, the rights of children, drug abuse, and crime.

As a Member of Congress who has been active on the issue of domestic violence, I can attest to SJI's many contributions in improving the State courts' response to family violence. For example, the State Justice Institute is the entity responsible for implementing my legislation, approved by Congress in 1992, to develop training programs for judges and other court personnel about domestic violence, especially its impact on children, and to review child custody decisions where evidence of spousal abuse has been presented.

The Judicial Training Act addresses problems that many battered women have when they step into the courtrooms in this country to fight for custody of their children or to fight for equal justice in criminal cases. The response of our judicial system to domestic violence has been one of ignorance, negligence, and indifference, often with tragic consequences. The State Justice Institute has moved expeditiously to implement this act, and it has provided important assistance in improving the State courts' response to family violence.

Federal policies can have serious consequences for the State courts and often impose substantial responsibilities on the State courts. The State justice Institute has provided important Federal assistance to help the State judiciaries cope with federally-imposed burdens, such as the Child Support Enforcement Act of 1984, the Family Support Act of 1986, and the Adoption Assistance and Child Welfare Act of 1980. These Federal programs should be accompanied by Federal assistance for State courts to meet these increased demands. The State Justice Institute has filled this important role.

Mrs. MINK of Hawaii. Mr. Chairman, I rise today to express my profound regret and disappointment that the Republican Majority has eliminated all funds for the East-West Center in the Commerce, Justice, State Appropriations Bill. This short-sighted decision, simply for the sake of reaching a zero deficit in 7 years, will have serious consequences on the United States' ability to function as an economic and military power in the Pacific.

The elimination of all Federal funds signifies the end of the East-West Center. The Center was established by the Congress 35 years ago to foster mutual understanding and cooperation among the governments and peoples of the Asian-Pacific region. In the past 35 years it has become one of the most highly respected institutions in the world for its expertise in Asian-Pacific issues and for its work in promoting international cooperation throughout the region. The friendly relationship the United States enjoys with many countries in the Asian-Pacific region can be attributed to the Center's work over the past 35 years.

Over 53,000 Americans, Asians and Pacific Islanders from over 60 nations and territories have participated in the East-West Center's educational, research and conference programs. Research conducted by the Center has provided a wealth of information on issues ranging from peace and military conflict, nuclear proliferation, implications of rapid economic growth, future of energy supply, population control, and social and cultural changes in the region.

The Center has achieved it greatest success through its educational programs for undergraduate and graduate students. The Center has had annual enrollment in recent years between 200–300 students. These students have gone on to become ambassadors, scholars, statesmen and business leaders who now have tremendous influence in the policy decisions of their respective countries (including the United States). They all carry with them the knowledge and experience gained at the East-West Center which in turn has helped the United States foster relationships with Asian and Pacific countries and promote U.S. interests in this region.

Not many people know that the East-West Center was in fact the brain-child of the great visionary Lyndon B. Johnson. It was his foresight and recognition of the increasing significance of the Pacific Region and the United States role in that future of this region. The United States is as much a part of the Asian-Pacific region as any other country. With States and territories bordering and within the Pacific region, the U.S. has just as much to win or lose in the economic and political future of this region.

The significance of the East-West Center in the United States' future in this region cannot be underestimated. It is inconceivable to me that this Congress which 35 years ago understood the importance of Lyndon Johnson's vision for American participation in the Asian-Pacific region would now act to close down one of our greatest resources for information on and cooperation with the countries of the Asian-Pacific Region.

Mr. Chairman, Johnson's clarion call to prepare the United States for a time when the Asian-Pacific countries would be among the most profitable and powerful in the world is even more relevent today than it was 35 years ago. The challenges facing this region and their implications for the U.S. have only increased in recent years. The danger of nuclear proliferation, ethnic and religious conflict, rapid economic growth, human rights issues in this region continue to fill the pages of the newspapers on a daily basis. We cannot afford to lose the East-West Center during these critical times.

I strongly oppose the elimination of all federal funding for the East-West Center. It is a short-sighted effort to reduce federal costs which in the long-term will only result in greater costs to our nation, not only in financial terms, but also in terms of our economic and political future in the Asian-Pacific region.

Mr. PACKARD. Mr. Chairman, as the House considers the 1996 Commerce, Justice, State, and the Judiciary Appropriations Act, I would like to remind Members of the Appropriations Committee's decision to prohibit any groups that receive Federal funds from engaging in any political advocacy efforts. This important decision marks another step toward ensuring that tax dollars go where they're really needed and not toward political causes the taxpayer may not support.

When deciding upon funding for the Legal Services Corporation we should apply the same reasoning. Democrats may try and portray the Corporation as simply a non-partisan body which provides legal access to the poor. This may have been the intention of its founders, but sadly, today, nothing could be further from the truth. Instead the Legal Services Corporation is more focused on advancing grand social causes than helping the poor with ordinary legal problems. It has become an unaccountable lobbying group, and as such it is not a worthy recipient of Federal funds, especially in our time of fiscal restraint.

There are numerous examples of Legal Services Corporation abuses of taxpayer's money. For instance, LSC money was used to produce a brochure explaining how welfare recipients who get a large cash windfall, such as lottery prize or insurance settlement, can keep the windfall and stay on welfare. In addition, the LSC works to limit the ability of housing authorities to evict drug dealers from public housing projects. LSC lawyers file suits to block these evictions, thereby putting the law-abiding tenants at risk. The LSC is not committed to the poor, it is only committed to promoting its own radical liberal agenda.

It is time that we send a strong message to lawyers all over the country who have manipulated the LSC to serve themselves and their political crusades. The party is over! You can no longer ride free at the expense of the American taxpayer. The Republican majority in this Congress has declared its intention to stamp out such fraudulent abuses of taxpayer's money. Reducing funding for the Legal Services Corporation is the next step toward this goal.

Mr. MARTINI. Mr. Chairman, I rise in opposition to the amendment proposed by the gentleman from West Virginia, which would eliminate $30 million earmarked for reimbursements to States for the costs of incarcerating criminal aliens.

In the United States there are over 50,000 prisoners in State and Federal facilities who are not American citizens. The incarceration of criminal aliens costs taxpayers' between $15,000 and $30,000 per inmate annually.

Last year, American citizens spent between $800 million and $1½ billion feeding, clothing, and housing illegal aliens.

It is a grave injustice to hold New Jersey and other State residents accountable for the Federal Government's failure in it's inability to control its national borders.

The House took steps to remedy this problem when it passed the Violent Criminals Incarceration Act earlier this year. A provision in the bill, authored by my good friend from California [Mr. GALLEGLY], authorizes $650 million per year for reimbursements to States for incurring this burden.

The bill before us today sets aside $500 million for such reimbursements to States, and this proposed amendment would reduce that amount by $30 million.

Mr. Chairman, the message from the American people is clear. Illegal immigration has taken a toll on this country. Illegal aliens who commit crimes and end up exacting not only personal costs to the people they hurt but also economic costs to those same people in the form of their tax dollars footing the bill for incarceration.

Mr. Chairman, I ask my colleagues to oppose this amendment.

Mr. GEJDENSON. Mr. Chairman, I rise in opposition to this bill. The drastic cuts made by the Appropriations Committee threaten our efforts to combat violent crime, to protect our ocean and coastal environments and to remain competitive in the global marketplace.

In 1994, the Congress passed the most comprehensive measure to fight violent crime in our Nation's history. The crime bill represents a balance between punishment and prevention which directs resources to the state and local level where the majority of crime fighting occurs. It will put 100,000 new police on the streets in neighborhoods nationwide and ensure that they are engaged in community policing. Community policing is an innovative approach to law enforcement which is widely credited by police, citizens and community leaders with substantially reducing criminal activity and improving relations between our police and citizens. The law provides funding for prisons, closes the revolving door which allows violent, repeat offenders out on to the street time and time again, and directs substantial resources to combating illegal immigration.

Finally, and very importantly, the crime bill provides billions of dollars for a wide range of locally designed and implemented efforts to prevent crime before it occurs. Prevention programs target young people before they become involved in crime and given them alternatives, including educational, vocational and recreational opportunities. Prevention programs also make good fiscal sense because programs can serve an entire community for what it costs to send a single person to prison for a year.

Early in this Congress, my Republican colleagues brought forth a series of bills which destroy the balance in the crime bill. As my colleagues know, these bills have literally been sitting in the other body for months. Perhaps out of frustration the Appropriations Committee is now attempting to carry out these policy changes by reordering spending in accordance with several of these bills. This is a blatant example of legislating in an appropriations bill. This action shows that some of my Republican colleagues are willing to use appropriations bills to effect changes that they are unable to enact into law through the normal process. This policy is disturbing in and of itself, but is more alarming because neither the bill nor the report provides guidance on what to do if the House-passed bills are not enacted into law by the start of the fiscal year. If the bills cited in H.R. 2076 do not become law, will funds to combat violent crime be allocated under the crime bill or will funding be cut off completely? These questions must be answered before the House moves forward.

The bill eliminates the COPS program, drug courts, crime prevention block grants, and assistance for rural law enforcement.

The COPS program has already put more than 20,000 police on the streets across the country, including two dozen in eastern Connecticut. The Justice Department has developed an application process which is straightforward and user-friendly. The program is supported by nearly every major police organization, including the Fraternal Order of Police, National Association of Police Organizations, and the International Brotherhood of Police Officers, as well as the U.S. Conference of Mayors. It boggles my mind that the committee would eliminate drug courts when drug-related crimes are clogging our criminal justice system. In addition, the bill eliminates prevention block grants and makes prevention an afterthought in the new Local Law Enforcement Block Grant Program. This change is completely counterproductive and will result in additional spending in the future.

Finally, the bill provides $100 million less than requested to support programs under the Violence Against Women Act. Domestic violence and spouse abuse are serious crimes which we have failed to adequately address in this country. The crime bill focused on this issue by toughening penalties and providing financial support for counseling, education and other programs designed to increase arrest rates and prosecutions of violators. Instead of following through on our commitment to millions of women across the country, the committee dramatically underfunds these efforts. These cuts will have real world implications for countless women who will continue to be abused, injured and killed because the Republican-led Congress failed to provide the resources necessary to combat domestic violence on all fronts. It is disturbing to me that the committee was able to allocate $300 million, $200 million more than requested, to offset the costs of incarcerating aliens while it slashed support for efforts to combat domestic violence. While women in every State in the Nation would benefit by funding violence against women programs at the level requested, only a handful of States will benefit from the alien incarceration provision. I urge my colleagues to consider this inequity when deciding how to vote.

Much to the credit of Chairman ROGERS and Ranking Member MOLLOHAN, H.R. 2076 does not abolish the Commerce Department. However, it makes deep cuts in agencies and programs which are vital to assessing our environment, protecting our coastal communities, and ensuring that our fisheries and other marine resources continue to support economic activity into the next century. In addition, the bill deals a blow to efforts to promote tourism by eliminating the U.S. Travel and Tourism Administration [USTTA]. Moreover, by eliminating initiatives such as the Advanced Technology Program [ATP], this bill jeopardizes efforts by U.S. companies to develop high-technology products which are absolutely essential for maintaining our position in the global economy in the next century.

As a representative of a coastal district and State, I am especially opposed to cuts in the National Oceanic and Atmospheric Administration [NOAA]. The bill slashes funding for NOAA by nearly $200 million below the current fiscal year and more than $350 million below the administration's request. Cuts of this magnitude will deal a serious blow to scientific research designed to assess global climate change, fisheries and coastal habitats. It is ironic that while many of my Republican colleagues are dramatically reducing support for scientific research they are demanding that decisions affecting our environment be based on sound science.

The cuts in NOAA have many implications for one half of our Nation's population which lives along our coasts. The bill reduces grants to states under the Coastal Zone Management Act [CZMA] by $9.5 million below this fiscal year. Currently, 29 of 35 coastal States have approved management plans and receive Federal support to assist in the implementation of those plans. It is important to note that States must match Federal support on a dollar-to-dollar basis. Five other States are in the process of developing plans. By slashing support by nearly $10 million, the bill jeopardizes efforts to finalize the remaining plans and undermines activities in the other States to successfully protect marine environments. In addition, the committee eliminates all funding—$5 million—to support State efforts to reduce coastal nonpoint source pollution. This cut is especially egregious when one considers that nonpoint source pollution is responsible for at least 50 percent of our remaining water pollution problems. These cuts mean that 29 States from Maine to California and Pennsylvania to Florida will receive $15 million less to address these important issues. My State of Connecticut will see support slashed by $444,000—a 37 percent reduction. This cut will adversely impact our efforts to safeguard our most important natural resource—Long Island Sound. These cuts are merely one example of the real world implications of H.R. 2076.

In another blow to important scientific research, the bill eliminates the National Undersea Research Program [NURP]. As the only national program specializing in research in our oceans and Great Lakes, NURP supports scientists involved in a wide range of research efforts relating to fisheries, marine habitat, and environmental technology development. This research is central to the mission of NOAA. In addition, NURP researchers are among a very small group of scientists who specialize in the use of manned and unmanned submersibles and mixed gas diving. Underwater robots and manned submarines allow scientists to conduct important experiments and observations which are impossible using surface-based techniques. This research is highly technical and requires years of experience to master. The National Undersea Research Program provides invaluable assistance to NOAA in carrying out its core mission to ensure the health of our marine environment and the sustainability of its resources. Eliminating NURP further undermines the ability of NOAA to provide the scientific data necessary to ensure that every American can enjoy the benefits of our coastal resources.

Finally, the bill deals a devastating blow to the National Marine Fisheries Service [NMFS] by cutting its budget by $84.5 million below the administration's request. This cut is a direct assault on thousands of communities nationwide which rely on fishing for their economic survival. This cut is especially damaging for fishermen in New England. As my colleagues may know, commercial fishing in the northeast has been sharply reduced as stocks of cod, haddock and flounder have collapsed. Overfishing and habitat destruction are largely to blame for restrictions which have closed areas of Georges Bank and forced fishermen to idle their boats for days at a time. Unfortunately, many other parts of the country face similar disasters as an increasing number of stocks are being overfished or harvested to the maximum sustainable level.

In order for fishing to become viable again in my part of the country, the NMFS must have the resources to accurately assess the current status of stocks, to develop and implement rebuilding plans, and to monitor the effects of these plans to determine when stocks have recovered. The cuts contained in this bill will not allow NMFS to effectively carry out these duties. For example, the bill cuts data collection and analysis, conservation and management operations, and State and industry assistance programs well below the administration's request and the fiscal 1995 level. This is just another example of the counter-productive cuts in this bill which will make it even more difficult to address pressing national problems. Moreover, these cuts could rob the economy of nearly $3 billion which NMFS estimates will be generated when fish stocks are recovered. Rather than gutting fishery conservation and development efforts, we should be investing in these areas so that we can enjoy the economic benefits in the future and avoid the mistakes of the past.

I urge my colleagues to support an amendment to be offered by Mr. MOLLOHAN which will restore funding for CZMA grants, the NMFS and the National Marine Sanctuary program. This amendment will restore CZMA funding to the fiscal 1995 level and will provide badly needed funds to the NMFS to carry out vital fishery assessment, monitoring and rebuilding efforts. While these programs are vitally important to coastal communities, fishing, tourism, and other economic activities dependent on a healthy marine environment generate billions of dollars for the national economy. With that in mind, I urge my colleagues to support this important amendment.

Mr. Chairman, H.R. 2076 provides funding for some of our most vital Federal programs. Among governmental functions, law enforcement is one of the most significant. Unfortunately, this bill dramatically alters the balance of the crime bill and undermines our efforts to combat violent crime. It breaks our commitment to the American people to put 100,000 new police on the streets. The changes in title I of the bill, especially the allocation of funds in accordance with certain bills which are not law, are among the most blatant examples of legislating in an appropriations bill this member has ever seen. Furthermore, by sharply reducing funding for the Commerce Department, this bill threatens our economy at home and our competitive position in the global marketplace. Finally, the cuts in NOAA programs will be devastating to coastal communities which rely on a healthy and productive marine environment for their economic survival. I urge my colleagues to reject this measure.

Mr. FAZIO of California. Mr. Chairman, I rise in support of Ms. NORTON's amendment, which would strike the language in this bill that prohibits the use of funds for abortions in the Federal prison system, unless the life of the mother would be endangered or in the case of rape.

The antiabortion provision in this bill is just another attack on the most vulnerable, accessible women in our society—those who are dependent upon the Federal Government for their health care.

Abortion has been a legal procedure in this country for over 20 years. It is a legal health care option for American women. But, because the Federal Government controls her health care, this bill would deny a woman in a Federal prison the right to make up her own mind as to whether or not she chooses to terminate her pregnancy. She could only choose to have an abortion if she could afford to pay for it herself.

A woman in prison has the right to decide to carry her pregnancy to term or to terminate it. It should be her decision. And, whatever that decision is, she should not be denied her constitutional right to receive necessary medical care. I urge my colleagues to support Ms. NORTON's amendment.

Mr. KLECZKA. Mr. Chairman, I rise in opposition to the Commerce, Justice, State and the Judiciary appropriation bill.

I have particular difficulties with language the Appropriations Committee chose to include in its report. This language directs the Small Business Administration to delay implementing its reorganization plan "until the Congress has completed action on legislative changes to the SBA's mission." In addition, the report states that any changes should take place within a consultative process involving the authorizing and appropriating committees.

Mr. Chairman, I believe that this an unwise instruction for several reasons. First, while the House will likely consider an SBA reorganization plan this fall, the Senate has made more limited progress. Therefore, it is questionable whether reorganization legislation will be completed during this session of Congress. Moreover, it is even less predictable whether the president would sign the resulting bill. In my judgment, it is not sensible to delay the SBA's reasonable consolidation and the associated taxpayer savings for such an uncertain and possibly lengthy amount of time.

Second, I believe this language represents another example of the attitude that Washington knows best. The Republicans are clearly violating their often-repeated pledge to allow local groups to make decisions about what is best for them. The SBA formulated its plan through close communication with and input from branch and district offices, local and State governments, and other interested parties. However, the committee majority is prepared to override these local decisions and impose its own direction.

This leads me to a third important point. I am extremely concerned that the excessive consultation demanded by the committee will expose this reorganization to political pressures. The SBA reorganization closes and consolidates a range of offices in many districts and States. This consultation may provide an irresistible opportunity for Members to maintain offices in their districts or move them back into their States.

Finally, the report language states, "Changes in SBA's programs and responsibilities should be the primary factor in determining the need to maintain individual offices in the field structure as well as at SBA headquarters." In my view, this is an important factor, but not the only one. The needs of individual communities and the level of SBA involvement there should be equally critical in deciding which offices to maintain or close. SBA branches should be located near the people and businesses who need and use SBA services.

Mr. Chairman, I find this report language on the SBA reorganization ill-considered and politically motivated. Let's not use the SBA as a political football. I urge my colleagues to support removal of this language in conference.

Mr. VENTO. Mr. Chairman, I rise today in opposition to H.R. 2076, the Commerce, Justice and State Appropriations Act for fiscal year 1996.

Last September the Violent Crime Control and Law Enforcement Act of 1994 was signed into law by President Clinton. This law pledged to put 100,000 new police officers on the streets, representing a 20-percent increase in this Nation's police force. Since its enactment, over 20,000 new police officers have already been hired. In my State of Minnesota, some 200 new officers are on the streets protecting the citizens of my State as we speak. The COPS Program is working, and it is beyond comprehension why this committee wants to destroy a program that the people and the police of this country want and need.

This bill attempts to strip the 5 year $30 billion crime trust fund established under the 1994 crime law and use it for general block grants. These funds, by law, were to be used for law enforcement, crime prevention, domestic violence prevention and prisons. Instead my Republican colleagues would rather put the money in block grants that have no guarantee one cent will be spent to hire more officers or fund a prevention program. In fact, this bill intends to fund a block grant program policy that has not even been considered by the Senate, much less the president, rather than an enacted law and to defund a up and running program cops on the beat that is working.

The COPS Program has put thousands of officers on the beat in our neighborhoods and communities to work with and protect the people. If my Republican friends truly believe in empowering local citizens, they should be supporting this well targeted program, not gutting it. The COPS Grant Program has been accessible, understandable and efficient since its inception. But do not take my statement alone, just ask the Fraternal Order of Police, National Association of Police Organizations, International Brotherhood of Police Officers, International Union of Police Associations, Police Executive Research Forum, National Organization of Black Law Enforcement Executives, National Troopers Coalition, Police Foundation, National Sheriffs Association, Federal Law Enforcement Officers Association, National Black Police Association, Major Cities Chiefs, and the U.S. Conference of Mayors, all of whom support the COPS Program.

The Republican majority apparently has forgotten history in which block grants were used for exotic equipment and far flung spending, not tangible benefits. Furthermore they reduce the local match therefore placing more burden on Federal dollars and spending as opposed to the cooperative nature of the COPS Program.

I strongly urge my colleagues to defeat this bill and continue on our goal of 100,000 more officers on the streets protecting the people.

Certainly the partisan antics are playing a role in this instance. The Republicans are determined to deny President Clinton his goal of achieving and fully implementing the COPS Program. The COPS Program is a good program a Clinton Program that should be maintained, let it work today and tomorrow, it is helping our communities.

Mr. JOHNSON of South Dakota. Mr. Chairman, I must express my serious concern with a provision included in the fiscal year 1996 Commerce, Justice, State appropriations bill which eliminates line-item funding for Native American populations within the Legal Services Corporation. In the bill, the Appropriations Committee has not only reduced funding of the Legal Services Corporation by 30 percent—from $400 million to $278 million, but the committee also eliminated the separate line item for native American population funding, which last year provided $10 million for native American programs nationwide. The elimination of this line-item funding will lead to the termination of legal services for some of America's most underserved population, our low-income native Americans.

Because our Nation's Founders made the establishment of justice the first specific function of the new government, justice is the historic mandate of a free society. The Legal Services Corporation provides justice to people who could otherwise not afford it, ensuring equal access to justice. On countless Indian reservations across the nation, Indian legal services are the only source of legal aid to the poor and underrepresented.

Presently there are 33 Indian legal services programs in existence. The $10 million in fiscal year 1995 funding made possible the work of approximately 150 attorneys, paralegals, and tribal court advocates serving clients on over 175 Indian reservations as well as 220 Alaska Native villages. The work of these attorneys has helped tribes develop tribal courts, and create programs for the prevention of domestic abuse and violence. On remote reservations with unique cultures and needs, legal services attorneys are the first line of contact and counseling for families in crisis. They enforce child support, and help ensure the delivery of health care services to the poor, elderly, and disabled.

In my State of South Dakota, there are nine federally recognized tribes whose members collectively make up one of the largest Native American populations in any State. At the same time, South Dakota has 3 of the 10 poorest counties in the Nation, all of which are within reservation boundaries. Dakota Plains Legal Services, serving North and South Dakota, employs 10 attorneys, 8 paralegals, and roughly 10 support staff in 7 offices, all but 1 on reservations. Dakota Plains helps low-income Indians in tribal as well as Federal courts with civil and criminal disputes. If the line-item for Native American populations is not restored, Dakota Plains Legal Services would lose 70 percent of their operating budget—virtually shutting down services to Indians in my State.

Additionally devastating is the bill's requirement that Indian legal services programs compete for the remaining LSC funding under a census-based formula—a scheme that will result in even further cuts to Native American programs. The current legal services line-item funds Indian legal services programs at a level that is three to four times greater than the actual number of reservation-based individuals listed in the 1990 census. Since the inception of the Legal Services Corporation in 1974, it has been conceded by both Democrats and Republicans that effective legal services for Indians cannot be provided strictly on census-based numbers because: First, many tribes are not large enough to justify the funding of even one lawyer; and second, actual operating costs for Indian legal services attorneys are much higher than for other legal services programs because of geographic remoteness, and the availability and high costs of goods and services on reservations. Increased funding on a non-census basis helps overcome these and other factors, such as language and cultural barriers. Past studies have justified the need for increased funding for Indian legal services by as much as seven times the numbers that a straight Census-based formula would yield.

For the past 30 years, Indian legal services have become an integral part of this Nation's promise of equal access to justice. The elimination of the line item for Native American populations will deny justice to Native Americans in my State and across the country. I urge my colleagues in the eventual conference on this measure, and on the appropriate authorizing committees to closely consider the ramifications of this poorly thought out provision.

Mr. STOKES. Mr. Chairman, I rise in strong opposition to H.R. 2076, Making Appropriations for the Department of Commerce, Justice, and State, the Judiciary, and Related Agencies for Fiscal Year 1996. This bill will cripple many of our Nations most important governmental functions so that the interests of the American people will not be well served.

The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies appropriation bill allocates a total of $27.6 billion in fiscal year 1996. Excluding the money from the violent crime control trust fund, established in the 1994 Crime Control Act (PL 103–322), this bill appropriates 13 percent less than requested by the Clinton administration. This legislation also cuts the Commerce Department by 17 percent, and the State Department and the Judiciary by 9 percent.

In addition to these overall reductions the bill eliminates funding for many governmental programs that have proven to be excellent investments of Federal dollars. H.R. 2076, eliminates the advanced technology program that has created thousands of jobs across this Nation. The bill also eliminates the State Justice Institute, which provides assistance to State justice programs and the Small Business Administration Office of Advocacy to name just a few.

In the justice portion of the bill, the Committee has failed to follow through with the President's unprecedented efforts to fight crime. The bill provides for $816.5 million less than requested by the Clinton administration for the Department of Justice. This substantial slashing of funds for many programs which have played an essential role in protecting our citizens is myopic, and detrimental to our society.

Crime control measures supported by the administration to prevent crime, hire more police officers and fight the scourge of drugs, will be substantially cut or eliminated as a result of this legislation. H.R. 2076, would eliminate the highly successful and popular COPS Program that responds to the public's desire for an increased police presence in our communities.

In addition to damaging our policing efforts this bill harms our mothers, daughters, and sisters by slashing funding for the Violence Against Women Act. H.R. 2076, removes over $100 million from this important program to help protect women from violence.

Mr. Speaker, the appropriation for the Department of Commerce was devastatingly reduced by $1.2 billion below the amount requested by the administration. As a result of the cut to the Department of Commerce contained in H.R. 2076, our Government's efforts to promote economic development and technology advancement will be drastically hindered. The draconian cuts in this legislation includes a 21-percent cut for the Economic Development administration. This program includes many successful programs that have helped our Nation's businesses create jobs for thousands of Americans.

The Small Business Administration allocation will also be reduced by 36 percent, and the Office of Advocacy which represents the interests of small businesses within the Federal Government will be eliminated. Small business owners all across this Nation will be hurt by this extreme cut to the SBA.

Economic opportunities for women and minorities will also be dramatically curtailed by the legislation we are considering today. The Minority Business Development Agency will be cut by over 33 percent. This irresponsible and unjust slashing of the budget for this important agency will lead to the foreclosing of economic opportunities for many Americans who must also endure the ravages of exclusion and discrimination.

Our efforts to fight systematic discrimination will be substantially reduced. Civil rights and equal opportunity are treated as a low priority by H.R. 2076. The Commission on Civil Rights will be cut by $2.9 million and the Equal Employment Opportunity Commission will receive a staggering $35 million less than what was requested by the President. The EEOC has been significantly cut in this bill despite the fact that the EEOC has a massive backlog of cases. In addition the EEOC plays an essential role in our Nation's efforts to fight employment discrimination against all Americans. This disregard for the protection of the constitutionally protected rights of all Americans is unwarranted and irresponsible.

Next, the Legal Services Corp., that provides vital legal assistance to poor Americans who can not afford an attorney has also been targeted for substantial cuts. In addition to eliminating $137 million in requested funding, this appropriations bill prohibits attorneys receiving Federal assistance from representing illegal aliens, initiating class action suits or participating in litigation involving prisoners or abortion. There are few more sacred rights possessed by Americans than the their right to seek redress in the courts. This attack on the Legal Service Corporation is yet another attempt by the new Republican majority to weaken programs which are politically unpopular with conservatives.

Mr. Speaker, I would also like to add that the attempt by the majority to curtail essential governmental services to the American public is clearly inappropriate. This action circumvents the appropriate authorizing committees that should consider the proposed elimination or weakening of so many important laws. With limited opportunity for debate and hearings this "legislation" in an appropriations bill is clearly an unjustifiable circumvention of the procedures of the United States House of Representatives. This attempt to short circuit the process can only have one result, the compromise of vital services affecting the poor, minorities and women and Americans overall.

It is my belief that H.R. 2076 and the circumstances under which it is presented in this House is an attempt to mislead the American people to believe that simplistic solutions will cure what ails this Nation. Nothing could be further from the truth. As our Nation faces an epidemic of crime, discrimination and poverty, the solution to these problems will not be found in quick fixes by slashing programs unpopular with Republican majority. The American people elected us to act in their best interest, not compromise their welfare because Government refuses to have the courage to meet its obligations to all of its citizens.

Mr. Speaker, in closing, I would again like to express my opposition to the misguided priorities this bill represents. I strong encourage all of my colleagues to vote against H.R. 2076.

The CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. LAHOOD) having assumed the chair, Mr. GUNDERSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2076) making appropriations for the Departments of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1996, and for other purposes, pursuant to House Resolution 198, he reported the bill back to the House with sundry amendments adopted by the Committee on the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

Mr. LAFALCE. Mr. Speaker, I demand a separate vote on the so-called Meyers amendment restoring moneys to the Office of Advocacy.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will report the amendment on which a separate recorded vote has been demanded.

The Clerk read as follows:

Amendment: Page 97, line 8, strike "$217,947,000" and insert "$222,325,000".

Page 98, line 6, strike "$97,000,000" and insert "$92,622,000".

The CHAIRMAN. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. LAFALCE. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

Mr. LAFALCE. Mr. Speaker, I ask unanimous consent that this be a 5-minute vote.

The SPEAKER pro tempore. Is there objection to the request of the gentlemen from New York?

There was no objection.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 368, noes 57, not voting 9, as follows:

[Roll No. 584]

AYES—368

Abercrombie
Ackerman
Allard
Bachus
Baesler
Baker (LA)
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bartlett
Bass
Becerra
Beilenson
Bentsen
Bereuter
Berman
Bevill
Bilbray
Bilirakis
Bishop
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boucher
Brewster
Browder
Brown (CA)
Brown (FL)
Brown (OH)
Brownback
Bryant (TN)
Bryant (TX)
Bunn
Bunning
Burr
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chambliss
Chapman
Christensen
Chrysler
Clay
Clayton
Clement
Clinger
Clyburn
Coble
Coburn
Coleman
Collins (IL)
Condit
Conyers
Cooley
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cremeans
Cubin
Cunningham
Danner
Davis
de la Garza
Deal
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Dornan
Doyle
Duncan
Dunn
Durbin
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Evans
Everett
Ewing
Farr
Fattah
Fawell
Fazio
Fields (LA)
Filner
Flake
Flanagan
Foglietta
Ford
Fowler
Fox
Frank (MA)
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Frost
Funderburk
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Geren
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green
Greenwood
Gunderson
Gutierrez
Hall (TX)
Hamilton
Harman
Hastert
Hastings (FL)
Hayes
Hayworth
Hefley
Hefner
Heineman
Herger
Hilleary
Hilliard
Hinchey
Hobson
Hoekstra
Hoke
Holden
Horn
Hostettler
Houghton
Hoyer
Hutchinson
Hyde
Jackson-Lee
Jacobs
Jefferson
Johnson (CT)
Johnson (SD)
Johnson, E. B.
Johnson, Sam
Johnston
Jones
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
Kingston
Kleczka
Klink
Klug
Knollenberg
LaFalce
LaHood
Lantos
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
LoBiondo
Lofgren
Longley
Lowey
Lucas
Luther
Maloney
Manton
Manzullo
Markey
Martinez
Martini
Mascara
Matsui
McCarthy
McCollum
McCrery
McDade
McDermott
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Meyers
Mfume
Mica
Miller (CA)
Mineta
Minge
Mink
Mollohan
Montgomery
Moorhead
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Orton
Owens
Oxley
Packard
Pallone
Parker
Pastor
Payne (NJ)
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pickett
Pomeroy
Porter
Portman
Poshard
Pryce
Quillen
Quinn
Radanovich
Rahall
Ramstad
Rangel
Reed
Richardson
Riggs
Rivers
Roberts
Roemer
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sawyer
Saxton
Schaefer
Schiff
Schroeder
Schumer
Scott
Sensenbrenner
Serrano
Shaw
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Souder
Spence
Spratt
Stark
Stearns
Stenholm
Stockman
Stokes
Studds
Stump
Stupak
Talent
Tanner
Tate
Tauzin
Taylor (MS)
Tejeda
Thompson
Thornton
Thurman
Tiahrt
Torkildsen
Torres
Torricelli
Towns
Traficant
Tucker
Upton
Velazquez
Vento
Volkmer
Vucanovich
Walsh
Wamp
Ward
Waters
Watt (NC)
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Williams
Wise
Wolf
Woolsey
Wyden
Wynn
Yates
Young (AK)
Young (FL)
Zeliff
Zimmer

NOES—57

Andrews
Archer
Armey
Baker (CA)
Barr
Barton
Burton
Chabot
Collins (GA)
Combest
DeFazio
DeLay
Doolittle
Dreier
Fields (TX)
Foley
Forbes
Gekas
Graham
Gutknecht
Hancock
Hansen
Hastings (WA)
Hunter
Inglis
Istook
Kasich
King
Kolbe
Livingston
Miller (FL)
Molinari
Moran
Myers
Neumann
Paxon
Pombo
Regula
Rogers
Roth
Royce
Sanders
Sanford
Scarborough
Seastrand
Shadegg
Shays
Solomon
Taylor (NC)
Thomas
Thornberry
Visclosky
Waldholtz
Walker
Whitfield
Wicker
Wilson

NOT VOTING—9

Bateman
Chenoweth
Collins (MI)
Dingell
Hall (OH)
Moakley
Reynolds
Rose
Waxman

☐ 2238

Mr. ARMEY and Mr. FOLEY changed their vote from "aye" to "no."

Mr. DORNAN changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. LAHOOD). The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is passage of the bill.

Pursuant to clause 7 of rule XV, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 272, nays 151, not voting 11, as follows:

[Roll No. 585]

YEAS—272

Abercrombie
Archer
Armey
Bachus
Baesler
Baker (CA)
Baker (LA)
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bentsen
Bereuter
Bevill
Bilbray
Bilirakis
Bliley
Blute
Boehlert
Boehner
Bonilla
Bonior
Bono
Boucher
Brewster
Browder
Brownback
Bryant (TN)
Bunn
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cardin
Castle
Chabot
Chambliss
Christensen
Chrysler
Clinger
Coble
Coburn
Collins (GA)
Combest
Condit
Cox
Cramer
Crane
Cremeans
Cubin
Cunningham
Danner
Davis
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Dornan
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Everett
Ewing
Farr
Fawell
Fazio
Fields (TX)
Flanagan
Foley
Forbes
Fowler
Fox
Franks (CT)
Franks (NJ)
Frelinghuysen
Frisa
Funderburk
Gallegly
Ganske
Gilchrest
Gilman
Goodlatte
Goodling
Goss
Green
Greenwood
Gunderson
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayes
Hayworth
Hefner
Heineman
Herger
Hilleary
Hobson
Hoekstra
Hoke
Horn
Hostettler
Houghton
Hoyer
Hunter
Hutchinson
Hyde
Istook
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly

Kim
King
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Laughlin
Lazio
Leach
Lewis (CA)
Lewis (KY)
Lightfoot
Lincoln
Linder
Lipinski
Livingston
LoBiondo
Longley
Lowey
Lucas
Luther
Manzullo
Martini
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Meyers
Mica
Miller (FL)
Minge
Molinari
Mollohan
Montgomery
Moorhead
Moran
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Ortiz
Orton
Oxley
Packard
Pallone
Parker
Paxon
Payne (VA)
Pelosi
Peterson (FL)
Peterson (MN)
Petri
Pombo
Porter
Pryce
Quillen
Quinn
Radanovich
Ramstad
Regula
Riggs
Rivers
Roberts
Rogers
Rohrabacher
Ros-Lehtinen
Roth
Roukema
Royce
Sabo
Salmon
Sawyer
Saxton
Schiff
Schumer
Seastrand
Shadegg
Shaw
Shays
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (TX)
Spence
Stenholm
Talent
Tate
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thornton
Thurman
Tiahrt
Torkildsen
Torricelli
Traficant
Upton
Vento
Visclosky
Vucanovich
Waldholtz
Walker
Walsh
Wamp
Ward
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wilson
Wise
Wolf
Young (AK)
Young (FL)
Zeliff
Zimmer

NAYS—151

Ackerman
Allard
Andrews
Baldacci
Barrett (WI)
Becerra
Beilenson
Berman
Bishop
Borski
Brown (CA)
Brown (FL)
Brown (OH)
Bryant (TX)
Chapman
Clay
Clayton
Clement
Clyburn
Coleman
Collins (IL)
Conyers
Cooley
Costello
Coyne
Crapo
de la Garza
DeFazio
DeLauro
Dellums
Doggett
Dooley
Duncan
Durbin
Engel
Evans
Fattah
Fields (LA)
Filner
Flake
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Geren
Gibbons
Gillmor
Gonzalez
Gordon
Graham
Gutierrez
Hancock
Hastings (FL)
Hefley
Hilliard
Hinchey
Holden
Inglis
Jackson-Lee
Jacobs
Jefferson
Johnson (SD)
Johnson, E. B.
Johnston
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kleczka
Klink
LaFalce
Lantos
Levin
Lewis (GA)
Lofgren
Maloney
Manton
Markey
Martinez
Matsui
McCarthy
McDermott
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mfume
Miller (CA)
Mineta
Mink
Myers
Nadler
Neal
Obey
Olver
Owens
Pastor
Payne (NJ)
Pickett
Pomeroy
Portman
Poshard
Rahall
Rangel
Reed
Richardson
Roemer
Roybal-Allard
Rush
Sanders
Sanford
Scarborough
Schaefer
Schroeder
Scott
Sensenbrenner
Serrano
Sisisky
Slaughter
Solomon
Souder
Spratt
Stark
Stearns
Stockman
Stokes
Studds
Stump
Stupak
Tanner
Tejeda
Thompson
Torres
Towns
Tucker
Velazquez
Volkmer
Waters
Watt (NC)
Williams
Woolsey
Wyden
Wynn
Yates

NOT VOTING—11

Bateman
Chenoweth
Collins (MI)
Dingell
Gekas
Hall (OH)
Moakley
Reynolds
Rose
Smith (WA)
Waxman

□ 2254

Mr. SERRANO and Mr. WYDEN changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. CHENOWETH. Mr. Speaker, I was absent due to illness, and missed rollcall votes No. 572 through 585. I would like the RECORD to reflect that, had I been present, I would have voted as follows:

I would vote "no" on rollcall vote 585; "yes" on rollcall 584; "no" on rollcall 583; "yes" on rollcall 582; "no" on rollcall 581; "no" on rollcall 580; "yes" on rollcall 579; "yes" on rollcall 578; "no" on rollcall 577; "no" on rollcall 575; "no" on rollcall 574; "no" on rollcall 573; and "no" on rollcall 572.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 359

Mr. WELDON of Florida. Mr. Speaker, I ask unanimous consent to withdraw my name as cosponsor of H.R. 359.

The SPEAKER pro tempore (Mr. LAHOOD). Is there objection to the request of the gentleman from Florida?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 85

Mr. QUINN. Mr. Speaker, I ask unanimous consent that the gentlewoman from Florida [Mrs. THURMAN] be removed as a cosponsor of H. Con. Res. 85.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 1854, LEGISLATIVE BRANCH APPROPRIATIONS ACT, 1996

Mr. PACKARD. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 1854) making appropriations for the legislative branch for the fiscal year ending September 30, 1996, and for other purposes with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California? The Chair hears none, and without objection, appoints the following conferees: Messrs. PACKARD, YOUNG of Florida, TAYLOR of North Carolina, MILLER of Florida, WICKER, LIVINGSTON, FAZIO, THORNTON, DIXON, and OBEY.

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1444

Mr. TORRES. Mr. Speaker, I ask unanimous consent that my name be removed as cosponsor of H.R. 1444.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

(Mr. FALEOMAVAEGA asked and was given permission to address the House for 1 minute and to revise and extend his remarks and include extraneous material.)

FRENCH NUCLEAR TESTINGS

Mr. FALEOMAVAEGA. Mr. Speaker, I want to share with my colleagues this morning a most serious problem now confronted by the 22 nations and territories of the Pacific Region—the Government of France plans to explode 8 more nuclear bombs in about 8 weeks, each 10 times more powerful than the atomic bomb dropped on the city of Hiroshima, Japan.

Mr. Speaker, the millions of men, women, and children who live in the Pacific are sick and tired of this region being used as a testing ground for nuclear explosions. And it makes me sad to see the President of France, charging like a bulldozer—totally disregarding the environmental concerns of the millions of people living in the Pacific—and I ask the American people and my colleagues to send a strong message to the French Government by not buying French goods and products as a symbolic gesture to get President Chirac off his high horse, and stop this madness by canceling the nuclear explosions—and prove to the world what real leadership is all about. I know the people of the Pacific will be grateful.

Mr. Speaker, 70 percent of the people of France do not want their government to conduct nuclear explosions in French Polynesia. The countries of the Pacific, Asia, and Europe don't support it.

What madness, Mr. Speaker. What madness.

[From the Washington Post, July 12, 1995]

WHY NOT ATOM TESTS IN FRANCE

France's unwise decision to resume nuclear testing was an invitation to the kind of protests and denunciations being generated by Greenpeace's skillful demonstration of political theater. But even before Greenpeace set sail for the test site, several Pacific countries had vehemently objected to France's intention of carrying out the explosions at a Pacific atoll. The most cutting comment came from Japan's prime minister, Tomiichi Murayama. At a recent meeting in Cannes the newly installed president of France, Jacques Chirac, confidently explained to him that the tests will be entirely safe. If they are so safe, Mr. Murayama replied, why doesn't Mr. Chirac hold them in France?

The dangers of these tests to France are, in fact, substantial. The chances of physical damage and the release of radioactivity to the atmosphere are very low. But the symbolism of a European country holding its tests on the other side of the earth, in a vestige of its former colonial empire, is proving immensely damaging to France's standing among its friends in Asia.

France says that it needs to carry out the tests to ensure the reliability of its nuclear weapons. Those weapons, like most of the American nuclear armory, were developed to counter a threat from a power that has collapsed. The great threat now, to France and the rest of the world, is the possibility of nuclear bombs in the hands of reckless and aggressive governments elsewhere. North Korea, Iraq and Iran head the list of possibilities. The tests will strengthen France's international prestige, in the view of many French politicians, by reminding others that it possesses these weapons. But in less stable and non-democratic countries, there are many dictators, juntas and nationalist fanatics who similarly aspire to improve their countries' standing in the world.

The international effort to discourage the spread of nuclear weapons is a fragile enterprise, depending mainly on trust and goodwill. But over the past half-century, the effort has been remarkably and unexpectedly successful. It depends on a bargain in which the nuclear powers agree to move toward nuclear disarmament at some indefinite point in the future, and in the meantime to avoid flaunting these portentous weapons or to use them merely for displays of one-upmanship. That's the understanding that France is now undermining. The harassment by Greenpeace is the least of the costs that these misguided tests will exact.

[From the Washington Post, July 11, 1995]

FRANCE TO CONTINUE NUCLEAR COUNTDOWN

(By Christopher Burns)

PARIS, July 10.—France insisted today that it will go ahead with nuclear-weapons tests in the South Pacific following its seizure of an environmental protest ship in the area and despite protests from demonstrators and governments around the world.

French commandos used tear gas Sunday to board and take commend of the Rainbow Warrior II, flagship of the environmental protection organization Greenpeace—an action the group called "an outrage against peaceful protest and world opinion."

The timing of the boarding—which took place in French waters near Mururoa atoll, site of the planned nuclear tests—was especially sensitive because it was just 10 years ago that French agents blew up the original Rainbow Warrior in New Zealand, killing one person aboard.

Today, as French warships escorted the 180-foot vessel away from Mururoa, two Greenpeace members using a motorized dinghy evaded French patrols and scaled a drilling rig at the test site to protest the eight planned nuclear blasts, but security forces removed them within 20 minutes. The rig is used to bore test shafts into the ocean bed below the atoll.

Meanwhile, in London, Bonn, Hong Kong and other cities, anti-nuclear protesters carried effigies of French President Jacques Chirac, chained themselves to the gates of French diplomatic compounds or held rallies to express their anger over the tests, scheduled to begin in September. In Washington, Greenpeace activists chained themselves to the gates of the French ambassador's residence, unfurled banners and shouted slogans denouncing the tests.

But French officials shrugged off the outcry, declaring that its seizure of the Greenpeace ship was justified. "Faced with operations that violate the law, we do what is needed to ensure that the law is respected, and we will continue to do so," Prime Minister Alain Juppe said.

In Aukland, Greenpeace's New Zealand campaign director said the Rainbow Warrior II had planned to protest by sailing peacefully into the 12-mile exclusion zone around the atoll. But the French high commissioner in French Polynesia, Paul Ronciere, justifying seizure of the vessel, said the crew wanted to "run the ship aground on a reef or on a beach" to stymie French test plans.

Juppe added in his statement that France will take whatever measures are needed to ensure that its territorial waters are respected. He said Chirac's pledge to conduct the tests as a means of maintaining France's nuclear capability would be carried out "because it is in the higher interest of the country." France says that when the tests are completed it will be ready to sign a multinational test ban treaty now being negotiated.

French leftists and environmentalists criticized Chirac's new conservative government over the tests, although there were no major protests in Paris. Indeed, the French public seems tacitly to support the government's nuclear policies.

But France came under increasing criticism today from many of its allies, most of whom have opposed the tests.

In Washington, State Department spokesman Nicholas Burns said: "As we stated previously, we regret very much the French decision to resume nuclear testing, and we continue to urge all nuclear power's including France, to join in a global moratorium as we work to complete the comprehensive test ban treaty at the earliest possible time."

Australia, a major critic of the tests, has signaled that it will seek Japanese support in pressuring Paris to call them off. On the seizure of the Rainbow Warrior II, Deputy Prime Minister Kim Beazley called the French action "a disproportionate response," as assessment echoed by New Zealand Prime Minister Jim Bolger, who said the French had gone "over the top."

Chirac is scheduled to meet German Chancellor Helmut Kohl in Strasbourg, France, on Tuesday and officials in Bonn said the chancellor would bring up the issue of the tests "and their effect on public debate in Germany." A recent poll showed that 95 percent of Germans oppose the tests.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. LAHOOD). Under the Speaker's announced policy of May 12, 1995, and under a previous order of the House, the following Members are recognized for 5 minutes each.

□ 2300

INTRODUCTION OF THE TERM LIMITS ACT OF 1995

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. HOEKSTRA] is recognized for 5 minutes.

Mr. HOEKSTRA. Mr. Speaker, today we have the opportunity to explain to my colleagues some legislation that we introduced earlier today. It builds on legislation which we introduced in the last Congress. It is called the Hoekstra-Hutchinson Voice on Term Limits. It is the Term Limits Act of 1995.

What this legislation does, it provides for a nonbinding national advisory referendum on congressional term limits during the November 1996 general election. As this legislation moves through the House and the Senate, this legislation would provide the first time in the history of this country where the American people would actually have the opportunity to advise Congress on a particular issue.

As the Members of this body are well aware, we had a vote earlier this year on term limits. While we did win a majority, we did not receive the necessary number of votes to move this legislation through the House and to the Senate and move it to the American people and to the States for its confirmation as an amendment to the Constitution.

What we are proposing with this legislation is enhancing the process and allowing the American people the opportunity to influence this Congress.

The process would work in this way: During the spring, summer, and early fall of 1996, we would envision a national debate on the pros and cons of term limits. Then in November of 1996, on every ballot across this country, there would be a very simple question: Should Congress approve a constitutional amendment to limit the number of terms that a Member of the United States House of Representatives and the United States Senate can serve in their office? Yes or no?

As the results from this national referendum would be tabulated and reported, the next Congress would come back in January of 1997. A commitment has been made that as Republicans would still maintain the majority in the House, that the first piece of legislation that we would consider would be another vote on term limits. So we would see an opportunity to have a national debate, a national referendum, and then a vote on term limits.

Really, what we are talking about is what I think this institution needs, is we need more direct input from the American people advising and influencing and providing an opportunity to set the agenda here in Washington. It is an experimental process. It is an experimental process providing an opportunity to enable the American people to set the agenda, help set the agenda in Washington and more clearly advise this House on the type of direction that we should take.

This piece of legislation is part of a broader package of bills that I introduced today which also includes the opportunity for Members or for citizens to recall Members of the House and of the Senate, providing for the inclusion of "none of the above" on ballots around the country, and also providing legislation to provide binding initiative and referendum.

The bill that I am talking about today, the National Voice on Term Limits, is only an advisory referendum. It is an experiment in improving democracy, and I am excited to begin this process and to move this legislation through the House of Representatives.

MEDICARE: A CONTRACT WITH OUR SENIOR CITIZENS

The SPEAKER pro tempore (Mr. Kim). Under a previous order of the House, the gentleman from New Jersey [Mr. Pallone] is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, 30 years ago a contract with our senior citizens was created when the Medicare program was enacted, and now the Republican Congress is proposing to end Medicare as we know it and balance the budget, I am afraid, on the backs of senior citizens.

Mr. Speaker, the Republican Party was against Medicare when it was enacted in 1965, and now that Republicans have regained control of Congress, one of the first things that they want to do is take $270 billion out of the program and for senior citizens to foot the bill for a balanced budget. While I believe in a balanced budget, I feel the Republican approach is incorrect, wrong and draconian.

Medicare has had a lot of success since it was established. Poverty rates for senior citizens have declined dramatically. Medicare has given seniors universal health coverage and protected them from depleting their hard-earned resources. Without Medicare, many seniors would be forced to choose between health care, food, and shelter.

Mr. Speaker, I want to read an excerpt from testimony submitted to Congress during the Medicare debate from a concerned citizen in 1963. It is from the Congressional Record: "My mother is now 85 years old, and since she has been hospitalized before, the insurance company cancelled out her policy, and now I am paying the bill. Her sole income is a social security check for $40 a month. I hope my children will not have the same choice to make to either pay the bills or put dad on relief." That is from the Record on November 21, 1963.

Mr. Speaker, the problem is that the Republicans have not discussed the specific details of how they plan to change Medicare, because they are afraid to tell seniors what will happen with this $270 billion in Medicare cuts.

One plan, though, that the Republicans are floating is a voucher plan, which basically limits the health care coverage of senior citizens. This voucher plan would basically give seniors substandard health care unless they have a lot of money and can afford their own health coverage. Essentially, a senior will be told that once he has used up the voucher, that he will have to pay for health care insurance out of his own pocket, and I am afraid, Mr. Speaker, the Republicans do not realize that most seniors are on a fixed income and simply will not be able to afford the extra cost that will be entailed under this proposed voucher program.

There are other Republican plans that have been discussed that will either force senior citizens into HMO's or the managed care systems that are like HMO's, and essentially what that does is to tell the seniors which doctors they can and they cannot see.

I have talked to a lot of senior citizens over the last few months about some of these alternate plans that Republicans have come up with, and most of the senior citizens I represent are very happy with their doctors and do not want to be told which doctors that are going to serve them. They are very afraid of the fact they will not be able to choose their own doctor.

Nobody really knows exactly what the Republicans are going to do, because they have not put specific proposals forward.

But their proposed Medicare cuts are so large, I am convinced it is only going to hurt senior citizens. I am afraid the Republicans will end Medicare as we know it, without telling the American public the true story of what these $270 billion in cuts are ultimately going to mean to them.

Some estimates figure that seniors will have an additional $1,000 per month of our-of-pocket costs to maintain the same health coverage that they are currently receiving, and if health costs rise faster than the growth in Medicare to seniors, then seniors are either going to get less services or pay more money. It is that simple.

Mr. Speaker, finally, during the last few nights, I have heard Republicans state that they are really concerned about saving Medicare and that is why they are putting forth these cuts in the program and the changes that we are hearing about. But I would maintain that if Republicans are truly concerned about saving Medicare and reforming it, then they should not be approaching it in the backward way that they are approaching it. Republicans are starting with $270 billion in cuts, the largest amount of cuts in the history of the Medicare program. Then, after they make these cuts, they want to gut Medicare to achieve the cost savings.

The American public should not be fooled by these Republican plans. Senior citizens should watch closely over the next few months to see what the Republicans do to the existing Medicare program, and the Republicans should not be allowed to break Medicare's contract with America's seniors.

PRESERVING AND PROTECTING SOCIAL SECURITY AND MEDICARE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. Fox] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise for two purposes tonight, first, in response to the last gentleman who spoke.

I think it is important the House note that it was the Republican Congress that led the way to roll back the unfair 1993 tax on senior citizens' Social Security, and it is the same Republican-held Congress that has also called for increases in income eligibility for senior citizens who now are capped at $11,380 a year. Under the Republican legislation, they will be able to make up to $30,000 a year without deductions from Social Security.

We will work in a bipartisan fashion to make sure we preserve and protect Social Security and Medicare. What we will do with Medicare is to make sure, through our preservation task force, to come up with options to make sure we eliminate the fraud, abuse, and waste which exists in the system. That is the core of the problem.

□ 2310

I also rise tonight, Mr. Speaker, to pay tribute to a Norristown community leader from my district, Frances Joyner, someone who gave so much for her community. She died at the age of 53, and this has certainly shortened the life of someone who was a great American, a great community volunteer.

Mr. Speaker, she contributed much in her time, much more so than you might expect for someone of such young years. She was an outstanding employee at the Norristown State Hospital, an active employee at the U.S. Post Office. But more important than her regular job was what she did in her community.

She was active in her church, she was active in civic organizations, and she helped start many youth programs in her community in Pennsylvania. She was a member of the board of directors and treasurer of the Norristown Jaycettes, and she was active with the Montgomery County Junior Miss Pageant. She was the founder of the Miss Essence of Ebony Pageant.

She was on the board of directors of the YMCA. She was director of the Foster Parents of the Children's Aid Society. She was a member of the Montgomery County Opportunities Industrialization Center as a director, a judge of elections for Norristown's eighth ward. She received the award of the Chapel Four Chaplains at Temple University in Philadelphia, PA. She was a member of Ebenezer A.U.M.P. Church for more than 40 years.

She was a Sunday school teacher, and one of the organizers of the Junior Missionaries. She was a Past Matron of the Eastern Star, and the list goes on, Mr. Speaker.

What she was for us, Frances Ella "Sissy" Joyner was a leader of the church, a leader of the community, an inspirational humanitarian, a role model for her community. She loved children and worked to help the community become better, and I hope that those who will read and hear about Frances Ella Joyner will in fact be inspired by her life's work so that they reach out to the community and show the kind of volunteer spirit that has made America so great.

WELCOMING PRESIDENT KIM YONG-SAM OF KOREA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. KIM] is recognized for 5 minutes.

Mr. KIM. Mr. Speaker, as the only Korean-American in Congress, I was proud and honored today to listen to Korean President Kim Yong-Sam address a special joint session of the Congress. His insightful remarks underscored the very historic and close relationship between Korea and the United States. They were certainly well received by the Congress.

President Kim's visit and address to Congress are particularly meaningful and timely considering the fact that tomorrow Presidents Kim and Clinton will dedicate the Korean War Memorial on the Mall of Washington, DC.

This memorial reminds us that the friendship between the United States and Korea is bonded in the blood and sacrifice of each nation. It reminds us of our common quest for liberty and our shared acknowledgment that freedom is not free. While there are short-term differences that may occur between the United States and Korea from time to time, these minor disagreements can never crack the solid, long-term alliance between us. Just ask those Koreans and Americans who are immortalized by the memorial.

As President Kim pointed out in his speech, Korea's economic and democratic achievements are impressive, especially considering they have been made under the constant threat of war from the north. I am proud that the United States has unselfishly encouraged and supported Korea's advancement and this cooperation does warrant special recognition. Thus, as we reflect on today's joint session, tomorrow's dedication of the Korean War Memorial and all the other events associated with this week's state visit by President Kim, I think we all will agree that both the United States and Korea are truly fortunate to have each other as allies and partners.

GOP MEDICARE PLANS THREATEN WOMEN'S HEALTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Illinois [Mrs. COLLINS] is recognized for 5 minutes.

Mrs. COLLINS. Mr. Speaker, in keeping with the Republican's back-to-the-future approach to legislating, the GOP Medicare-gutting plan will do nothing less than turn the table of progress on women's health in the United States and jeopardize the lives of millions of elderly women in order to foolishly subsidize massive tax cuts for corporate fat cats and rich folks. Sounds a lot like a return to the tired old, worn out, smoke-and-mirrors, trickle down, voodoo economics of a former time—and we all know how well that wreaked havoc on our Federal budget.

What in the world makes our Republican colleagues believe that a $270 billion cut to the Medicare Program is good medicine for our Nation's seniors, particularly our elderly women. Today, one-quarter of all women over age 65 live at or near the poverty line. With the GOP cuts estimated to increase out-of-pocket health care expenses $3,500 annually by the year 2002, these women will be forced to choose between essential health care services and daily food and shelter.

These Gingrich cuts will also disproportionately affect minority women who have lower retirement income, little health care coverage beyond Medicare, and greater risk of acute and chronic illness than white women, and are twice as likely to end up in poverty than their white counterparts.

Is this the contract the Newt Republicans have with their mothers and grandmothers—a promise to gut, slash, and burn the vital health care support that these women have come to trust and rely upon in their golden years? Unfortunately, it is.

Important preventive services, such as biannual mammograms for women over 65 are endangered under the Gingrich Republican budget axe, despite the fact that older women are six times more likely than younger women to develop breast cancer and eventually die from this tragic disease. Additionally, home health care beneficiaries, two-thirds of whom are women, stand to pay a new sick tax with a proposed 20-percent increase in copayments for home care services.

The facts seem pretty clear to me. American women, who live longer than men, contract disabling diseases such as arthritis and osteoporosis to a greater extent than men, and are far less likely than men to have sufficient retirement income or other economic means, will be devastated by the Republican's cruel, short-sighted, and needless attack on Medicare as a means to get tax breaks to the privileged few. Why the GOP is pushing such an agenda remains a frightening mystery to me and my constituents.

WASTE IN THE DEPARTMENT OF ENERGY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. HOKE] is recognized for 5 minutes.

MEDICARE TRUST FUND SUMMARY

Mr. HOKE. Mr. Speaker, I was not going to speak about Medicare tonight, but I will speak very briefly, and then there is something else that I really want to bring to your attention.

Mr. Speaker, the one thing that I would urge that Americans would do is to get a copy of the summary, the 14-page summary that has been prepared by the trustees of the Medicare trust fund, that is the Medicare and the Social Security and the disability trust funds, get a copy of that. It is a 14-page summary of the annual report of the trustees.

Now, there are a lot of people that do not want the American public to see that. Most of them happen to be on the other side of the aisle. Because frankly, when you read this 14-page summary, it takes about 15 minutes, very clearly written, very simply written, after you read this summary, then finally, it dawns on you and you say, my goodness gracious, we really have a problem here.

These trustees lay it out in black and white, it is very clear, it is not partisan. It is not political, it has not been politicized, it is not subjected to demagoguery, it is very straightforward, it is clear.

Mr. Speaker, you will see that this is a problem that every single responsible legislator in this country has got to address.We have to deal with it at this level. If we do not, the fund will be bankrupt and Medicare will be in complete chaos.

So I just urge you, Mr. Speaker, to let the American public know that if they call their representative at (202) 225-3121, (202) 225-3121, ask for this 14-page summary of the annual report of the trustees, you representative will send it to you and it will lay out in very clear language exactly what the challenges are to the Medicare trust fund. It gives some very specific recommendations with respect to the need for legislative intervention, so that this thing will get fixed.

That is not what I want to talk about this evening, but I did feel that it is just important to bring that to the Speaker's attention.

Mr. Speaker, what I want to talk about, I want to know, is anybody watching what is going on at the Department of Energy? The Secretary of Energy is sending 50 people to South Africa next week, 3 weeks in advance of the Secretary going to South Africa. That is just the advance team. Fifty people are going to be there 3 weeks ahead of her, I guess to make sure that the beds are turned down properly, I do not know. But this is a tremendous embarrassment to this administration, it is a tremendous embarrassment to the President, and it is time that somebody started to blow the whistle.

The Secretary will herself then follow to go to South Africa with 70 people at extraordinary expense to the taxpayer, and not only that, but with a level and a degree of arrogance that we have not seen in this administration with respect to at least this kind of bizarre appetite for travel. In fact, I saw tonight, and I will bring it tomorrow night, because I think everybody would be interested to see this, the graphic of a T-shirt that the Secretary is having produced, and it says, "Hazel O'Leary World Tour, 1994–95." It looks like it is a wonderful color graphic, all at taxpayer expense, thank you very much, of the places that the Secretary has gone around the globe: China, India, Sweden, Egypt, now South Africa, all at taxpayer expense.

Mr. Speaker, here is the real problem. What is the most important charge of the Department of Energy? It is to safeguard, to conserve, to maintain, and to make sure there will be no accidents with respect to our nuclear arsenal. That is the primary reason that the Department of Energy was created in the first place, because we did not want the Department of Defense to be in charge. That was probably bad policy then. But nonetheless, that was the raison d'etre of the Department of Energy. This money is being taken out of those accounts and being put into the travel account.

Now, Mr. Speaker, it is time that the President look at this very, very carefully. It is time that we blew the whistle on this profligate travel, and it is time that we simply ended it. Because not only is it a wasteful use of the taxpayers' money, but it is taking money away from the much more important responsibilities that the Department of Energy does have at this point.

Mr. Speaker, I know that the gentleman from New York is going to have a very special special order on the Korean War Memorial.

SENIORS AT RISK

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Connecticut [Ms. DELAURO] is recognized for 5 minutes.

Ms. DELAURO. Mr. Speaker, this Sunday, we celebrate the 30th anniversary of the creation of Medicare. On this date in 1965, President Johnson, with former President Truman by his side, signed into law a historic piece of legislation that would dramatically improve the lives of America's seniors and their families.

Look how far America's seniors have come in the latter part of this century. In 1955, only 46 percent of our Nation's elderly had health insurance coverage. By 1994, 97 percent of our seniors were covered. Medicare has made the difference.

In 1965, one in three senior citizens lived in poverty, many having squandered their life savings on costly medical care. Today, only 1 in 10 senior citizens live in poverty. Medicare has made the difference.

For the last 30 years, Medicare has made a difference for millions. It is one Government program that has worked so well that people don't even think of it as a Government program at all. In fact, last year, when Democrats tried to pass health care reform, seniors called and wrote to say: "We don't care what you do, just don't get government involved with Medicare."

Yes; Social Security and Medicare are Government programs. They are Government programs that work. Social Security and Medicare are the twin pillars of Democratic reform—one from the New Deal and the other from the Great Society. For decades these two programs have worked in tandem to ensure that our seniors are secure in their retirement.

That's what this debate is all about: security. Making sure that our seniors are secure. But, Republican plans to privatize the Medicare system will remove the security we promised our seniors 30 years ago.

Just ask yourself: will higher medical bills make seniors more secure? Will lower levels of benefits make seniors more secure? Will losing their choice of doctor make seniors more secure?

Will seniors be more secure when their copayments go from $46 to more than $100? Will seniors be more secure when they are asked to pay $1,000 more?

The answer to all these questions is "no." But, GOP opposition to the Medicare Program should come as no surprise. Just look at the record.

Thirty years ago, 93 percent of Republicans in this body voted against Medicare and instead supported a plan to privatize the system. Today, Republicans are closing in on a 30-year goal—to end the program they never wanted in the first place.

In 1995, Republicans say they are cutting Medicare in order to save Medicare. They would like America to believe that they are simply pruning the Medicare plant so that it may grow healthy again. But, in reality, they are pulling Medicare out by its roots and using it as fertilizer for their favorite crop: tax cuts for the wealthy.

This plan uses $270 billion of cuts to finance a $245 billion tax cut for the wealthy.

Now, I believe that the solvency of the Medicare trust fund needs to be dealt with, but it needs to be dealt within the context of health care reform. Medicare is growing at the rate it is, because it needs to keep pace with rising medical costs. The way to get a handle on rising medical costs is to reform our entire health care system, not to punish seniors by "slowing the rate of growth" of Medicare.

Slowing the rate of growth is popular Washington-speak these days. Slowing the rate of growth means that the Government would only cover seniors' health care costs up to a certain amount. After that, seniors would be left to make up the difference out of their own pockets. Higher costs and lower level of services that's what slowing the rate of growth of Medicare would mean for America's seniors.

Thirty years ago, the U.S. Government made a pact with America's seniors. We said: "If you pay into this trust fund all of your working life, we will take care of you, when you can work no longer." Seniors have kept up their end of the bargain, but now Republicans in Congress want to walk away from the deal. Medicare is the real contract with America. Congress has no right to break that sacred pact.

□ 2320

THE KOREAN WAR MEMORIAL UNVEILING

The SPEAKER pro tempore (Mr. KIM). Under the Speaker's announced policy of May 12, 1995, the gentleman from New York [Mr. SOLOMON] is recognized for one-half of the time remaining before midnight as the designee of the majority leader.

GENERAL LEAVE

Mr. SOLOMON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the subject of my special order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SOLOMON. Mr. Speaker, let me call attention to the Members that the acting Speaker in the chair is a United States citizen, and he is a native of Korea, and we are very proud of him, and this is the subject of this special order this evening, the country of Korea, the brave Korean people.

Mr. Speaker, this year marks the 50th anniversary of the end of WWII, a devastating war that brought an end to the inhumane expansionist regimes of Germany and Japan.

And tomorrow July 27 marks the 42d anniversary of the end of another war—the forgotten war of Korea.

Well, Mr. Speaker, finally after all these years the Korean war—the war that stopped the spread of deadly atheistic communism dead in its tracks—will no longer be a forgotten war—because tomorrow we will unveil one of the finest memorials ever dedicated to young men and women who lost their lives in service to this great country of ours.

Mr. Speaker, the Korean war was the first battlefield test of our resolve against communism.

And make no mistake about it—we won that war.

We stopped the spread of deadly, atheistic communism dead in its tracks.

Up until then, communism had appeared invincible.

It had gobbled up half of Europe and seemed everywhere on the march.

Mr. Speaker, it's about time to rewrite all those textbooks that say the Korean war ended in a draw.

Our show of toughness in Korea—for the first time—showed the Communists that we were not going to let them expand their empire throughout the world.

Mr. Speaker, the United States showed them we were willing to pay the price, and a terrible price it was with over 54,000 dead, and 103,000 wounded, 7,000 taken prisoner of war, and 8,000-plus still listed as missing in action, all that in just 3 short years, and so I would suggest, my colleagues, that the Berlin Wall may have fallen in 1989, but the first cracks appeared in 1953, far away in a place called Korea.

And yes, Korea was the most brutal war in our history.

A lot of it was fought in 30-below winters by outnumbered American troops—many of them green and untried—because America was not militarily prepared.

The communists nearly drove our troops off the Korean Peninsula, but they were halted at the Pusan perimeter, and 5 days later allied forces launched the last great amphibious landing in history at Inchon.

The U.S. Army and Marines drove them all the way back to the Yalu River.

And the war was almost over, until the Chinese communists came swarming across the border, outnumbering allied forces by more than 10 to 1, trapping thousands of American Marines behind enemy lines.

And thus began one of the bravest battles ever fought by American troops anywhere in the world.

The full weight of the veteran 100,000-man communist Chinese Army came crushing down on a sorely outnumbered 7th, 5th, and 1st Marine Regiments.

One of these 21-year-old Marines was my high school pal Lance Corporal Stephen Olmstead, who 30 years later would attain the rank of lieutenant general, recanted many times how the Chinese attacked during the night in temperatures approaching 30 degrees below zero, cutting the main supply routes, and isolating the Marines into four close perimeters.

Although the vastly outnumbered marines held their ground, the situation was grave.

And on 1 December 1950, General O.P. Smith ordered a breakout from the reservoir, which he termed an "attack in a different direction."

Supported by the 1st Marine Aircraft Wing, which flew nearly 4,000 sorties during the entire operation, the 1st Marine Division blasted its way through seven Chinese divisions to reach safety at Hungnam by 12 December—eleven days and nights in blinding snow—over near impassable, frozen, mountainous terrain.

Mr. Speaker, the Chosin Reservoir campaign cost the marines over 4,400 battle casualties, including killed and wounded, and uncounted cases of frostbite and pneumonia, but the Chinese forces had suffered a catastrophic 25,000 dead.

Yes, the 1st Marine Division fought its way out of that trap at Chosin Reservoir, bringing their wounded with them, and writing one of the most glorious chapters in Marine Corps history.

And as General Olmstead told me:

> It was in a spirit of prayerful thanksgiving that Americans read about the column of grimy, parka-clad marines who came out of the mountains of Northeast Korea on 11 December 1950.
>
> They had come out fighting; they were numbingly cold and bone weary.
>
> They had brought out with them their wounded, most of their dead, and most of their equipment. They were the chosen few.

Mr. Speaker, during the Korean war, I spent my time with the 2nd Marine Division and never saw combat with those brave Marines at Chosin Reservoir, but those acts of heroism personify the history of our beloved corps.

Mr. Speaker, tomorrow at 3 p.m., and we are going to roll votes from 2 to 4 so Members of Congress can attend tomorrow at 3 p.m., along with veterans from all branches of our military, we will gather at the first unveiling of the Korean War Memorial in remembrance of those who served in a war called Korea that is no longer forgotten.

□ 2330

Mr. Speaker, I yield to someone I am very proud of. He is a brand new Member of this Congress. I came here 17 years ago, but now, 17 years later, joining me is another former Marine, and he happened to go through boot camp, Parris Island with me, 17 years ago. Never in this world I thought there would be another one here in Congress, but there is, and his name is FRED HEINEMAN from Raleigh, NC.

Corporal, would you like to get up and say a few words?

Mr. HEINEMAN. Thank you, JERRY.

Mr. Speaker, "First to Fight" has always been a proud tradition of the U.S. Marine Corps. As we pause during this week of commemoration and reflection to recall the early, critical weeks of the Korean War, I am proud to recall the outstanding performance of our Marine Corps in taking the fight to the enemy and recapturing the South Korean capital city of Seoul.

After the successful amphibious assault on Inchon in mid-September 1950, the 1st Marine Division maintained their unremitting pressure on the North Koreans, forcing them into a contest for the South Korean capital. While the 1st Marines attacked the western suburb of Youngdungpo, the 5th Marines swung to the northeast, captured Kimpo airfield and crossed the Han River in amphibian tractors. Joined by the 1st Marines on the right flank, the 5th Marines then drove south into Seoul with the recently arrived 7th Marines on the left. Seoul was recaptured after another week of bitter street fighting. Marines methodically eliminated pockets of stubborn enemy resistance, tanks clashed in the streets, and entire neighborhoods were demolished in the intense conflict.

The 1st Marine Division, having taken Seoul, re-embarked for the opposite coast of Korea to interdict elements of the retreating North Korean People's Army. Before the Marines could land at the eastern port city of Wonsan, however, Communist forces had evacuated the area. From Wonsan, the 1st Marine Division fanned out south and west, engaging the retreating North Koreans in a series of sharp fights, and then headed north towards the Chosin Reservoir.

Yes, the gentleman from New York so capably gave a profile of the early stages of the Korean war, and he did reveal to this Congress that 44 years ago he and I shared an experience in South Carolina, a place called Parris Island, serving in the same platoon, Platoon 168, from February 16, 1951, to April 6, 1951. And I am just as proud to have served with him then as I am to serve with him in this body today. I am proud to have been a Marine. I am proud to have been, and I am proud to be today, a Member of this Congress.

Thank you, Mr. Chairman.

Mr. SOLOMON. FRED, thank you, and thank you for being here in the Congress standing up for America once again.

Mr. Speaker, let me yield to another freshman Member. He is an outstanding Member, he replaced a very close friend of mine in this body, and his name is WES COOLEY from Alfalfa, OR. He is a veteran of the U.S. Air Force and a veteran of the Korean war.

WES, it is good to have you with us.

Mr. COOLEY. Mr. Speaker, I always think of Korea, when I say that, is that I had a hard time for many, many years, because we used to call this a police action, if you remember. That was the term used many, many years after we served in this conflict.

This police action, performed by the United Nations, stopped communism, but it cost a lot of American lives. As the previous speaker has spoken, we lost over 54,000 young Americans in three years of combat. Compare that to 10 years in Vietnam when we only lost 58,000, 4,000 more. This was one of the most bloody conflicts that America has ever participated in, other than the Civil War.

It was a foreign war, and I am glad to see we are being recognized as a war now. It has been 42 years since the end of this conflict, and tomorrow we are going to celebrate a memorial to those 54,000 heroes that died in Korea.

This is a living memorial, as people will see when they come to Washington to see the Korean Memorial. It is not a tombstone, it is a memorial, and I am very proud to be here in Congress and to participate in tomorrow's ceremonies in announcing an opening of the Korean Memorial.

Thank you very much.

Mr. SOLOMON. WES, we sure thank you.

Mr. Speaker, on the other side of the aisle is another very good friend of ours, a second termer. He is PAUL MCHALE from Bethlehem, PA, another good Marine who has a total of 23 years active and reserve duty.

PAUL, it is good to have you with us this evening.

Mr. MCHALE. Thank you very much, JERRY. Mr. Speaker, I would like to read something that I read many years ago for the first time. It touched me deeply then and I hope it affects you today.

COMMISKEY, HENRY A., SR.

Rank and Organization: First Lieutenant (then 2d Lt.), U.S. Marine Corps, Company C, 1st Battalion, 1st Marines, 1st Marine Division (Rein). *Place and date:* Near Yongdungp'o, Korea, 20 September 1950. *Entered service at:* Hattiesburg, Miss. *Birth:* 10 January 1927, Hattiesburg, Miss. *Citation:* For conspicuous gallantry and intrepidity at the risk of his life above and beyond the call to duty while serving as a platoon leader in Company C, in action against enemy aggressor forces. Directed to attack hostile forces well dug in on Hill 85, 1st Lt. Commiskey, spearheaded the assault, charging up the steep slopes on the run. Coolly disregarding the heavy enemy machinegun and small-arms fire, he plunged on well forward of the rest of his platoon and was the first man to reach the crest of the objective. Armed only with a pistol, he jumped into a hostile machinegun emplacement occupied by 5 enemy troops and quickly disposed of 4 of the soldiers with his automatic pistol. Grappling with the fifth, 1st Lt. Commiskey knocked him to the ground and held him until he could obtain a weapon from another member of his platoon and killed the last of the enemy gun-crew. Continuing his bold assault, he moved to the next emplacement, killed 2 more of the enemy and then led his platoon toward the rear nose of the hill to rout the remainder of the hostile troops and destroy them as they fled from their position. His valiant leadership and courageous fighting spirit served to inspire the men of his company to heroic endeavor in seizing the objective and reflect the highest credit upon 1st Lt. Commiskey and the U.S. Naval Service.

Mr. Speaker, I quoted that Medal of Honor citation for two reasons. First of all, it demonstrates dramatically the courage and tenacity with which our Marines fought in Korea during the early days of that war. I quoted it also for a more personal reason: 22 years after the Medal of Honor was earned, Henry A. Commiskey, Jr., was commissioned with me at Quantico, VA, served with me at Quantico and later in Okinawa with the 2nd Battalion, 4th Marines, and 19 years after that, Henry A. Commiskey Jr., the son of this brave man, served with me in the Gulf war. Skeeter, I hope you are listening.

Mr. Speaker, as we continue this week to commemorate and to honor the service of our 5.7 million Korean War veterans, it is well to reflect upon some of the key campaigns in and operations of the bitter conflict. My good friend and fellow Marine, JERRY, spoke to you a few moments ago of the Chosin Reservoir. I would like to speak of a history of the Punchbowl.

In late April, 1951, communist forces launched a massive counterattack which left a gaping hole in the United Nations lines. Elements of the 1st Marine Division were flung into action and were soon joined by the British Commonwealth 27th brigade. The enemy was contained after 5 days of hard fighting and finally the front lines stabilized.

In mid-May, 1951, the Chinese opened the second phase of their spring offensive and made brief gains into the U.N. lines. Valiant fighting by Marine and Army units helped to stabilize the situation and by the end of the month, the enemy offensive had run out of steam. The 1st Marine Division, located at Hwachon Reservoir, occupied the ridge line overlooking a deep circular valley, aptly nicknamed the Punchbowl. Truce negotiations now began and U.N. forces settled down into a defensive position. The communists, however, were simply buying time to rebuild their forces.

In September 1951, hostilities resumed in earnest and the Marines found themselves back on the attack in the mountainous Punchbowl area. Soon thereafter U.N. forces halted offensive operations in the hope that renewed negotiations would bring an end to the fighting.

By early 1952, the Marines had moved to the western Korean front, where they assumed a defensive posture that would continue until the close of the war.

As negotiations dragged on, the 1st Marine Division protected and consolidated U.N. gains by conducting patrol operations and engaging in several tough trench warfare actions in western Korea.

□ 2340

In mid-August 1952, there was hard fighting at the Bunker Hill outpost, and in October there was a fight for the "Hook." In the spring of 1953, Marines engaged enemy forces in particularly bitter clashes for possession of outposts with names such as "Reno," "Vegas," and "Carson City" in the so-called "Nevada Cities" campaign.

An armistice ending the fighting across all fronts in Korea was finally argued out at Panmunjom, and went into effect at 2200, 27 July 1953. After the cease-fire, Marines were called upon to assume a defensive posture along the Demilitarized Zone should any further hostilities occur. They remained in Korea until 1955 when the 1st Marine Division returned to Camp Pendleton, California.

Mr. Speaker, as we have learned this week, and most eloquently from the gentleman from New York JERRY SOLOMON, a few minutes ago, there was an extraordinary price that was paid in stemming the tide of aggression in Korea. The Marine Corps, a service that is beloved by all Americans and particularly by those who speak to you this evening, lost over 4,500 of our finest men killed in action, and over 26,000 United States Marines were wounded. The American people had ample cause to be proud of their Marine Corps in this war, as in so many others, as they advanced the cause of freedom in the Republic of Korea.

Mr. SOLOMON. Well, PAUL, thank you very, very much for those eloquent remarks.

Mr. Speaker, let me now yield to our last speaker this evening, which would be my good friend, another freshman Member of this body that we can be so proud of, the gentleman from Abington, Pennsylvania, JON FOX, a veteran of the U.S. Air Force.

The SPEAKER pro tempore (Mr. KIM). If the gentleman would suspend, the Chair wants to make one statement. There being no present designee of the minority leader, the gentleman from New York [Mr. SOLOMON] may continue for the balance of the time remaining before midnight.

Mr. SOLOMON. Thank you, Mr. Speaker, and I yield to the gentleman from Pennsylvania, JON FOX.

Mr. FOX. Thank you, Mr. Speaker.

Mr. Speaker, all Members of Congress, from both Houses and both sides of the aisle join together tonight in salute to our proud Veterans of the Korean war.

I want to give special thanks to the patriots who have spoken before me and given much more than I have, people like JERRY SOLOMON, FRED HEINEMAN, WES COOLEY, and PAUL MCHALE. These gentlemen have given much to our country, along with the other veterans who have done so much, and I hope that those who hear about the Korean Memorial that will be unveiled tomorrow will be an inspiration to those who wish to serve this country and have served this country to continue making sure that this country will remain vigilant to any aggression against the United States.

The Korean war, Mr. Speaker, was the first multinational military action in the history of the United Nations. It helped stop the spread of communism aggression in the Pacific Rim and contributed, Mr. Speaker, to the eventual demise of communism in Europe.

On June 25, 1950, the North Korean Army, which was organized and equipped by the Soviet Union, lunged across the 38th Parallel, the demarcation line established between North and South Korea at the end of World War II, and attacked South Korea.

President Truman responded immediately by committing U.S. forces to the defense of South Korea. Simultaneously, the United Nations Security Council called upon member nations to do the same, and a multinational force consisting of 22 nations formed to face the crisis.

The North Korean Offensive drove defenders to the southeast corner of the Korean Peninsula. There, the Pusan perimeter was established and, reinforced by American divisions, held despite bitter battles.

The outstanding work and the service of the Marine Corps as outlined by the prior speakers is well documented and it is a shining example for all to follow. The heroic defense was made possible by a brilliantly conceived amphibious landing at Inchon which enveloped the overextended North Korean army and recaptured the capital city of Seoul. Approximately 1,500,000 U.S. military personnel served in Korea out of a Total Korean war-era U.S. Worldwide military force of more than 5.7 million. More than 54,000 U.S. military service personnel died around the world during the Korean war era. The Republic of Korea lost more than 225,000 men in combat during that time. Some 22 nations supplied personnel for the U.N. force in Korea.

Mr. Speaker, the Korean War Veterans Memorial in the Nation's capital pays tribute to all those who served in the Korean war and the American spirit of service to one's country. It honors the patriotism, Mr. Speaker, of millions of brave men and women throughout the history of the United States who have responded to the call of duty, and it expresses the Nation's gratitude to those willing to make extreme sacrifices to the cause of freedom.

Tomorrow at 3 p.m. at the Korean memorial the wreath laying ceremony will take place in salute of our Korean war Veterans, and as JERRY SOLOMON said, the forgotten war and the forgotten Veterans will no longer be forgotten because of a grateful Nation. We will salute the veterans tomorrow and salute them every day forward. I thank these Marines who allowed me to join with them tonight, because a grateful Congress is very appreciative and will forever remember your contributions.

Mr. SOLOMON. JON, thank you very, very much for those very, very fine words, and we will see you at the Korean war memorial tomorrow at 3 p.m.

Mr. Speaker, let me yield one more time to our very good friend from Bethlehem, Pennsylvania, PAUL MCHALE.

Mr. MCHALE. JERRY, I thank you very much.

Mr. Speaker, in closing my remarks, I would like to quote from an extremely well written newspaper article written by Joe Wheelan of the Associated Press as it appeared yesterday in the Washington Times. It supplements and complements the remarks made earlier by my good friend and colleague JERRY SOLOMON in describing the ferocious combat that took place at the Chosin Reservoir. It, I think, captures the spirit of the courage of those brave Marines.

Quoting from Joe Wheelan:

> The Chosin Reservoir. Frozen Chosin. Where the 1st Marine Division fought for 14 days in 30-below-zero temperatures against 120,000 Chinese.
>
> The 16,000 Marines and 4,000 Army, British Royal Marines and South Korean troops broke out of the deadly Chinese trap between Nov. 27 and Dec. 11, 1950. They killed more than 40,000 Chinese while losing nearly 1,700 dead and 5,000 wounded.
>
> Few battles have been waged under worse conditions. A one-lane dirt road through icy mountains was the only link to seaports 78 miles away. The brittle cold froze blood from wounds before it coagulated and turned guns, tanks, jeeps and food into blocks of ice. Stiffened corpses were stacked like cordwood.
>
> "There were so many Chinese we used their frozen bodies for barricades, like sandbags," said Win Scott, who was a Marine private and now heads the Chosin Few veterans organization from Waynesville, N.C.
>
> The 4,800-member association has expanded awareness of the largely forgotten battle. Chosin Few members will join other Korean War veterans for the dedication of the memorial, across the Reflecting Pool from the Vietnam Veterans Memorial.
>
> The monument is a tribute to the 54,246 Americans killed in Korea in the 1950–53 war.
>
> At Chosin, more medals were awarded than for any modern battle—17 Medals of Honor and 70 Navy Crosses.

Mr. Speaker, not long ago I had an opportunity to spend some time with the former commandant of the Marine Corps PX Kelly, an extraordinary Marine and a very brave man. In late 1983, shortly after the BLT headquarters was blown up in Beirut, then commandant PX Kelly visited a badly wounded and blinded Marine in a German hospital. As the commandant of the Marine Corps approached the side of the wounded Marine, and the Marine was informed that it was indeed the commandant approaching, he attempted to come to the position of attention. Overcome, appropriately, with emotion, that commandant of the Marine Corps uttered a phrase that will live in Marine Corps history, "Oh Lord, where do we find men such as these?"

Since November 10, 1775, our Nation has found it in the United States Marine Corps.

Mr. SOLOMON. PAUL, again, thank you. Thank you so much for participating in this special order along with FRED HEINEMAN, WES COOLEY, and JON FOX, and let me just say that you mentioned the former commandant PX Kelly, and we are going to have the privilege of having him up in the Adirondack Mountains with me during the August break. Maybe I should not say this on the floor of this Congress, but he was one hell of a Marine.

Let me just close, Mr. Speaker, because we are running out of time, and because we were limited tonight because of the late session, and under House rules we cannot go beyond a certain time. That is why I asked general leave that Members have 5 legislative days to revise and extend their remarks and for those that could not participate because of the lack of time here this evening. Let me just emphasize one more time, and, PAUL, you brought it out so vividly, but during the Vietnam war, which lasted more than a decade. The losses during the Vietnam War, which are still vivid in many Americans' minds but many cannot remember that far back to the Korean War 42 years ago, the very fact that the losses sustained in the Korean War during just three short years were almost identical to those of the Vietnam War over a period that took three and four times longer.

2350

That is just how ferocious it was and just how difficult it was for our young men and women serving in Korea at that time.

So let me just call attention one more time to say that tomorrow the Speaker has agreed not to have votes on the floor of this Congress between the hours of 2 and 4. We will have a bus leaving for Members of Congress to join several hundred thousand veterans and their families and their friends who will be at this finest of memorials to the Korean War, which will once and for all set to rest the forgotten war attitude of so many people. It no longer will be forgotten, thanks to that wonderful memorial.

I just invite everybody to go see it. It is so inspiring.

Mr. Speaker, with that, I thank everyone for participating in this special order.

Mr. BILIRAKIS. Mr. Speaker, war in Korea lasted 3 years. Yet, for most Americans, the Korean war remains a hazy event at best, lost between the magnitude of World War II and the upheaval of Vietnam. For many Americans, the conflict is best known because of the popular movie and television series "M*A*S*H."

The Korean war erupted on June 25, 1950, when 135,000 North Korea troops, spearheaded by 200 Russian-built tanks and planes, poured across the 38th parallel, crushing South Korean defenses. Three days later, President Truman ordered United States forces to defend South Korea.

Prompted by the action of the United States, the United Nations condemned the act of aggression. For the first time in its history, the United Nations created a United Nations Command, with the United States as its acting executive agent, to repel the attack of communist North Korea. In addition to the United States and South Korea, 20 other nations provided military contingents which served under the United Nations banner.

The fighting raged on for more than 3 years. Yet, the war received little attention back home. Active hostilities ended with an armistice on July 27, 1953.

During the war, 54,000 Americans died, including more than 34,000 on the battlefield. In addition, more than 103,000 Americans were wounded and some 8,000 are still missing or unaccounted for.

Despite their courage and sacrifice, the soldiers returning from Korea were not met with a hero's welcome. Instead, Korean veterans just blended back into the mainstream of American society. Their entitlement to national recognition is as valid today as ever. The time has come for the soldiers who stopped communist aggression in Northeast Asia to receive their proper place in history.

More than 5.7 million American servicemen and women were involved—directly or indirectly—in the Korean war. As a Korean era veteran, I am pleased that the Korean War Memorial is being dedicated on Thursday, July 27, 1995—the 42d anniversary of the armistice ending the war.

I believe it is fitting that we pay special tribute to the men and women who served during the Korean war. When the time came for courage and sacrifice, their generation stepped forward to serve their country. They left a peaceful civilian life for an uncertain future in uniform; they gave up the comforts of home for the horrors of the battlefield.

Regrettably, the 54,000 Americans who died in the cold of Korea fighting communism didn't live to see the fruits of their sacrifice, not only for Americans, but for hundreds of millions in Poland, Czechoslovakia, Hungary—even in the Republics of the former Soviet Union.

If only these heroes could be with us today to see the changes that have swept the globe because of what they did. The Berlin all has been reduced to a chunk of concrete on display at the Ronald Reagan Library in California and Leningrad once again is St. Petersburg. Incredibly, if they could travel to Moscow, they would be amazed to see more people standing in line to get a hamburger at McDonald's than used to visit Lenin's tomb.

Throughout history, America's veterans have served and served well. They saw democracy challenged and they defended it. They say civilization threatened and they rescued it. They say our rights endangered and they sought to restore them.

America can never fully repay these veterans, and we will never be able to express our feelings to our fallen soldiers. But we must never forget how blessed we are in the modern world to live in a free society, nor forget the sacrifices of our friends, relatives, neighbors and countrymen who served us all when duty called.

IN MEMORY OF GEORGE ROMNEY

The SPEAKER pro tempore (Mr. KIM). Under a previous order of the House, the gentleman from Michigan [Mr. CHRYSLER] is recognized for 5 minutes.

Mr. CHRYSLER. Mr. Speaker, I am here at this late hour to pay my respects to George Romney, the former Governor of the State of Michigan.

George Romney served the citizens of Michigan for many years and will be sorely missed by us all.

Katie and I consider ourselves friends of the Romney family, having worked many years with them on political and civic issues.

George Romney's personal philosophy has always been to be bold. That is the philosophy by which he lived and the philosophy by which he governed the State of Michigan. I think that is the philosophy that would fit well with the 104th Congress, and he told me to use it when I came here.

I remember when he used to climb fences to get into union halls to get in to talk to working men and women when he ran for Governor, and we should all remember the example George Romney set in his life as a public servant and as a great person after his time in office. His life should serve as an inspiration to us all as we continue to go about the work of the people of this country.

Me deepest sympathies go out to his wife, Lenore, and his entire family.

While George will be missed, we would do well to remember the shining example he was and still should remain, and at this moment when we adjourn this Congress tonight, a moment of silence in his honor would probably, I think, be appropriate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mrs. CHENOWETH (at the request of Mr. ARMEY) for today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCHALE) to revise and extend his remarks and include extraneous material:)

Mr. TOWNS, for 5 minutes, today.

Mr. FORD, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Mrs. SCHROEDER, for 5 minutes, today.

Mr. OWENS, for 5 minutes, today.

Ms. DELAURO, for 5 minutes, today.

(The following Members (at the request of Mr. HOEKSTRA) to revise and extend his remarks and include extraneous material:)

Mr. EHRLICH, for 5 minutes, today.

Mr. HOEKSTRA, for 5 minutes, today.

Mr. CHRYSLER, for 5 minutes, today.

Mr. FOX of Pennsylvania, for 5 minutes, today.

Mr. HOKE, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(Mr. BARR, on the Gilman amendment on H.R. 2076, in the Committee of the Whole today.)

(The following Members (at the request of Mr. MCHALE) and to include extraneous matter:)

Mr. OBERSTAR.

Mr. RANGEL.

Mr. HAMILTON.

Mr. FALEOMAVAEGA.

Mrs. COLLINS of Illinois, in two instances.

Mr. HALL of Ohio.

Mr. FAZIO of California.

Mr. MFUME.

Mr. ACKERMAN.

Mr. TORRES, in two instances.

Ms. WOOLSEY.

Mr. KILDEE.

Mr. TORRICELLI.

Mr. TRAFICANT.

Mr. MARKEY.

Mr. BONIOR, in two instances.

Mr. OWENS.

Ms. PELOSI.

(The following Members (at the request of Mr. HOEKSTRA) and to include extraneous matter:)

Mr. FIELDS of Texas.

Mr. KINGSTON.

Mr. PORTMAN.

Mr. SMITH of New Jersey.

Mr. PACKARD.

Mr. CAMP.

Mr. GILLMOR.

Mr. LIGHTFOOT.

Mr. KIM.

ADJOURNMENT

Mr. CHRYSLER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 54 minutes p.m.), the House adjourned until tomorrow, Thursday, July 27, 1995, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

[Omitted from the Record of July 25, 1995]

1245. A letter from the Under Secretary of Defense, transmitting a report of a violation of the Anti-Deficiency Act which occurred at the Sacramento Air Logistics Center in Sacramento, CA, and in the headquarters of the Air Force Materiel Command at Wright-Patterson Air Force Base, OH, pursuant to 31 U.S.C. 1517(b); to the Committee on Appropriations.

1246. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for the transfer of defense services and technical data sold commercially to the United Kingdom (Transmittal No. DTC-45-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1247. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license for the transfer of defense articles and services sold commercially to the Peoples Republic of China (Transmittal No. DTC-28-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1248. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense articles and services sold commercially to Canada (Transmittal No. DTC-52-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1249. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of major defense articles or services sold commercially to Russia (Transmittal No. DTC-51-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1250. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for the production of major military equipment with the Republic of Korea (Transmittal No. DTC 49-95), pursuant to 22 U.S.C. 2776(c) and (d); to the Committee on International Relations.

1251. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed issuance of export license Agreement for the transfer of defense services and technical data sold commercially to Germany and the United Kingdom (Transmittal No. DTC-46-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1252. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed license for the export of defense articles or defense services sold commercially to the Arab Republic of Egypt (Transmittal No. DTC-46-95), pursuant to 22 U.S.C. 2776(c); to the Committee on International Relations.

1253. A letter from the Secretary of Commerce, transmitting the annual report on the fishermen's contingency fund, pursuant to 43 U.S.C. 1846(a); to the Committee on Resources.

[Submitted July 26, 1995]

1254. A letter from the Secretary of Health and Human Services, transmitting the ninth report to Congress on health personnel in the United States, pursuant to 42 U.S.C. 295h-2(c); to the Committee on Commerce.

1255. A letter from the Secretary of Health and Human Services, transmitting the Department's annual report on the Public Housing Primary Care [PHPC] Program, which describes the utilization and cost of health care services provided to the residents of public housing in calendar years 1992 and 1993, pursuant to section 340A of the Public Health Service Act; to the Committee on Commerce.

1256. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-108, "Augustana Lutheran Church Equitable Real Property Tax Relief Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1257. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-110, "Washington Ethical Society Equitable Real Property Tax Relief Act of 1995," pursuant to D.C. Code, section 1-233 (c)(1); to the Committee on Government Reform and Oversight.

1258. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-111, "Chevrah Tifereth Israel Equitable Real Property Tax Relief Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1259. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-107, "Probate Reform Act of 1994 Amendment Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1260. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-112, "Northwest Settlement House Equitable Real Property Tax Relief Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1261. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-113, "Church of the Ascension and Saint Agnes Equitable Real Property Tax Relief Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1262. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-114, "Prospect Hill Cemetery Equitable Real Property Tax Relief Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1263. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-115, "Arena Tax Payment and Use Amendment Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1264. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 11-109, "Community United Methodist Church Equitable Real Property Tax Relief Act of 1995," pursuant to D.C. Code, section 1-233(c)(1); to the Committee on Government Reform and Oversight.

1265. A letter from the Chair, Board of Directors, Office of Compliance, transmitting notification that the Board of Directors has approved the appointment of Dennis P. Duffy to serve as General Counsel of the Office of Compliance, pursuant to section 302(c)(1) of title III of the Congressional Accountability Act of 1995; to the Committee on House Oversight.

1266. A letter from the Assistant Secretary of Legislative Affairs, Department of State, transmitting notification of the Department's intent to obligate funds for additional program proposals for purposes of nonproliferation and disarmament fund [NDF] activities, pursuant to 22 U.S.C. 5858; jointly, to the Committees on Appropriations and International Relations.

1267. A letter from the Secretary of Health and Human Services, transmitting notification that the Department of Health and Human Services is allotting emergency funds made available under section 2602(e) of the Low-Income Home Energy Assistance Act of 1981 to the following States: Connecticut, Illinois, Indiana, Iowa, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New York, North Dakota, Ohio, Pennsylvania, Rhode Island, South Dakota, Vermont, and Wisconsin, pursuant to section 2604(g) of the Low-Income Home Energy Assistance Act of 1981; jointly, to the Committees on Commerce and Economic and Educational Opportunities.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROBERTS: Committee on Agriculture. H.R. 1103. A bill entitled, "Amendments to the Perishable Agricultural Commodities Act, 1930"; with amendments (Rept. 104-207). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. HOEKSTRA:

H.R. 2114. A bill to permit voters to vote for "None of the Above" in elections for Federal office and to require an additional election if "None of the Above" receives the most votes; to the Committee on House Oversight.

By Mr. HOEKSTRA (for himself, Mrs. FOWLER, Mr. HILLEARY, Mr. SANFORD, Mr. TATE, Mr. UPTON, Mr. HUTCHINSON, and Mr. HANCOCK):

H.R. 2115. A bill to establish a national advisory referendum on limiting the terms of Members of Congress at the general election of 1996; to the Committee on House Oversight.

By Mr. HOEKSTRA:

H.R. 2116. A bill to establish a national advisory referendum on a flat income tax rate, and requiring a national vote to raise taxes at the general election of 1996; to the Committee on House Oversight.

H.R. 2117. A bill to provide that the voters of the United States be given the right, through advisory voter initiative, to propose the enactment and repeal of Federal laws in a national election; to the Committee on House Oversight, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOFGREN:

H.R. 2118. A bill to amend the Internal Revenue Code of 1986 to allow a deduction to individuals for amounts paid for public school bus service; to the Committee on Ways and Means.

By Mr. PETRI:

H.R. 2119. A bill to amend the Federal Election Campaign Act of 1971 to require certain disclosure and reports relating to polling by telephone or electronic device; to the Committee on House Oversight.

By Mr. SERRANO (for himself, Mr. Gutierrez, and Ms. Roybal-Allard):

H.R. 2120. A bill to authorize appropriations for improvements in the naturalization process; to the Committee on the Judiciary.

By Mr. SHAW (for himself, Mr. Matsui, Mr. Crane, Mr. Thomas, Mrs. Johnson of Connecticut, Mr. Zimmer, Mr. Portman, Mr. Stark, Mr. Jacobs, Mr. Levin, Mr. Cardin, and Ms. Dunn of Washington):

H.R. 2121. A bill to amend the Internal Revenue Code of 1986 to simplify certain provisions applicable to real estate investment trusts; to the Committee on Ways and Means.

By Mrs. VUCANOVICH (for herself, and Mr. Doolittle):

H.R. 2122. A bill to designate the Lake Tahoe Basin National Forest in the States of California and Nevada to be administered by the Secretary of Agriculture, and for other purposes; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA:

H.J. Res. 103. Joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to enact and repeal laws by voting on legislation in a national election; to the Committee on the Judiciary.

H.J. Res. 104. Joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to propose amendments to the Constitution by an initiative process; to the Committee on the Judiciary.

H.J. Res. 105. Joint resolution proposing an amendment to the Constitution of the United States to give citizens of the United States the right to recall elected officials; to the Committee on the Judiciary.

MEMORIALS

Under clause 4 of rule XXII,

[Omitted from the Record of July 25, 1995]

143. The SPEAKER presented a memorial of the Senate of the State of New York, relative to supporting ratification of the U.N. Convention on the Elimination of All Forms of Discrimination Against Women; to the Committee on International Relations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 44: Mr. Olver, Mr. Pallone, Mr. Hall of Texas, Mr. Burr, and Mr. Hayworth.

H.R. 103: Mr. Brown of California and Mr. Forbes.

H.R. 109: Mr. Watts of Oklahoma.

H.R. 123: Mr. Camp, Mr. Gallegly, and Mr. Nussle.

H.R. 127: Mr. Pallone, Mrs. Kennelly, and Mr. McCollum.

H.R. 303: Mr. Cunningham.

H.R. 359: Mr. Neal of Massachusetts.

H.R. 407: Mr. Brown of Ohio.

H.R. 470: Mr. Walsh and Mr. Rangel.

H.R. 491: Mr. Hutchinson, Mr. Cremeans, Mr. Kim, and Mr. Calvert.

H.R. 752: Mrs. Meek of Florida, Mr. Cox, Mr. Condit, Mr. Hunter, Mr. Bartlett of Maryland, Mr. Upton, Mr. Ehlers, Mr. Gallegly, Mr. Wolf, Mr. Williams, Mr. Kim, Mr. Flanagan, Mr. Gilman, Mr. Livingston, Mr. Latham, Mr. Hoke, Mr. Bonilla, Ms. Danner, Mr. Wamp, Ms. Pryce, Mr. Roberts, Mr. Mica, Mr. Spence, Mr. Boehlert, Mr. Oxley, Mr. Zeliff, Mr. Allard, Mr. McIntosh, Mr. Jones, Mr. Goodling, Mr. McInnis, Mr. Payne of Virginia, Mr. Istook, Mr. Horn, Mr. Myers of Indiana, Mr. Rogers, and Mr. Bilirakis.

H.R. 833: Mr. Pastor,

H.R. 863: Mr. Lipinski, Mr. Bishop, and Mr. Pastor.

H.R. 892: Mr. Thornton and Mr. Packard.

H.R. 922: Mr. Gejdenson and Ms. Rivers.

H.R. 941: Ms. Lofgren, Ms. Molinari, and Ms. Pelosi.

H.R. 945: Mr. LoBiondo and Mr. Cramer.

H.R. 952: Mrs. Morella, Mr. Tanner, and Mr. Hutchinson.

H.R. 969: Ms. Norton.

H.R. 972: Mr. Peterson of Florida.

H.R. 995: Mr. Hyde.

H.R. 1006: Mr. Ward.

H.R. 1020: Mr. Stockman, Mr. Walsh, Mr. Ramstad, Mr. Johnson of South Dakota, Mr. Davis, Mr. Stenholm, Mr. Brownback, Mr. Parker, Mr. Flake, and Mr. Scott.

H.R. 1076: Mr. English of Pennsylvania.

H.R. 1083: Mr. Crapo.

H.R. 1138: Mr. Dicks.

H.R. 1161: Mr. Kolbe, Mr. Porter, and Mr. Livingston.

H.R. 1210: Mr. Nadler.

H.R. 1221: Mr. Durbin, Mr. McDermott, Mr. Reynolds, Mr. Frank of Massachusetts, Mr. Ackerman, Mr. Rangel, Mr. Dellums, Mr. Miller of California, Ms. Norton, Mr. Fattah, Mr. Hinchey, and Mr. Moran.

H.R. 1223: Mr. Lewis of California.

H.R. 1289: Mr. Hayworth.

H.R. 1339: Mr. Stupak.

H.R. 1442: Mr. Engel.

H.R. 1460: Mr. Zimmer and Mr. Calvert.

H.R. 1496: Mr. Schaefer and Mr. Rangel.

H.R. 1527: Mr. Lewis of California, Mr. Hayworth, and Mr. Cooley.

H.R. 1649: Mr. Tejeda, Mr. Gutierrez, Mr. Scott, Mr. Beilenson, Ms. McKinney, and Mr. Evans.

H.R. 1691: Mr. Leach, Mr. McCollum, Mrs. Roukema, Mr. Bereuter, Mr. Castle, Mr. Weller, Mr. Hayworth, Mr. Bono, Mr. Ney, Mr. Ehrlich, Mr. Cremeans, Mr. Fox, Mr. Heineman, Mr. LoBiondo, Mr. Watts of Oklahoma, Mrs. Kelly, Mr. Matsui, Mr. Cramer, Mr. Fattah, Ms. Norton, Mrs. Myrick, Mr. English of Pennsylvania, Mr. Spratt, Ms. Furse, Mr. Bishop, Ms. Lofgren, Mr. Brown of California, Mr. Filner, Mr. Parker, Mr. Cunningham, Mrs. Meek of Florida, Mr. Hutchinson, Mr. Quinn, Mr. Blute, Mr. Boehlert, Mr. Torkildsen, Mr. Goss, Mrs. Morella, Mr. Gilchrest, Mr. Gilman, Mr. McKeon, Mr. Mineta, Mr. Walker, and Mr. Shays.

H.R. 1801: Mr. Stearns.

H.R. 1846: Mr. Towns.

H.R. 1885: Mr. Skelton and Mr. Hastert.

H.R. 1955: Mr. Markey, Mrs. Clayton, and Mr. Fattah.

H.R. 1970: Mrs. Lowey, Mr. Serrano, Mrs. Thurman, Mrs. Maloney, Mr. Gutierrez, Mr. Rush, and Ms. McKinney.

H.R. 2019: Mr. Bilbray.

H.R. 2063: Mr. Oxley and Mrs. Myrick.

H.R. 2104: Mr. Jacobs.

H.J. Res. 16: Mr. Taylor of Mississippi, Mr. Quillen, and Mr. Chapman.

H.J. Res. 89: Mr. McCollum.

H. Con. Res. 78: Mr. Manton, Ms. McKinney, and Mr. Berman.

H. Res 181: Mr. McNulty and Mr. Leach.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 359: Mr. Weldon of Florida.

H.R. 1444: Mr. Torres.

H. Con. Res. 85: Mrs. Thurman.

PETITIONS, ETC.

Under clause 1 of rule XXII,

[Omitted from the Record of July 25, 1995]

31. The SPEAKER presented a petition of the city of Worcester, MA, relative to endorsing an amendment to the Constitution to prohibit the physical desecration of the American flag; which was referred to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 2076

Offered By: Mr. Goodling

Amendment No. 57: Page 102, after line 20, insert the following:

Sec. 609. None of the funds made available by this Act may be used for any United Nations undertaking when it is made known to the federal official having authority to obligate or expend such funds (1) that the United Nations undertaking is a peacekeeping mission, (2) that such undertaking will involve United States Armed Forces under the command or operational control of a foreign national, and (3) that the President's military advisors have not submitted to the President a recommendation that such involvement is in the national security interests of the United States and the President has not submitted to the Congress such a recommendation.

H.R. 2076

Offered By: Mr. Zimmer

Amendment No. 58: Page 102, after line 20, insert the following new section:

Sec. . None of the funds made available in this Act shall be used to provide the following amenties or personal comforts in the federal prison system—

(A)(i) in-cell television viewing except for prisoners who are segregated from the general prison population for their own safety;

(ii) the viewing of R, X, and NC–17 rated movies, through whatever medium presented;

(iii) any instruction (live or through broadcasts) or training equipment for boxing, wrestling, judo, karate, or other martial art, or any bodybuilding or weightlifting equipment of any sort;

(iv) possession of in-cell coffee pots, hot plates, or heating elements;

(v) the use or possession of any electric or electronic musical instrument.

H.R. 2099

Offered By: Mr. Barrett of Wisconsin

Amendment No. 27: Page 87, after line 25, insert the following new section:

SEC. 519. None of the funds appropriated in title II of this Act may be used for any activity (including any infrastructure improvement), or to guarantee any loan for any activity, that is intended, or likely, to facilitate the relocation or expansion of any industrial or commercial plant, facility, or operation, from one area to another area, if the relocation or expansion will result in a loss of employment in the area from which the relocation or expansion occurs.

H.R. 2099

OFFERED BY: MR. BILBRAY

AMENDMENT NO. 28: At the end of the bill, insert after the last section (preceding the short title) the following new section:

SEC. . No part of the funds appropriated in this act shall be used for the development or analysis of any information when it is made known to the Federal official having authority to obligate or expend such funds that such information is intended or designed to influence in any manner any member of a State or local legislature, to favor or oppose, by vote or otherwise, any legislation or appropriation by a State or local legislature, whether before or after the introduction of any measure proposing such legislation or appropriation.

H.R. 2099

OFFERED BY: MR. BORSKI

AMENDMENT NO. 29: Page 60, line 17, strike "; *Provided further*," and all that follows before the period on line 21.

H.R. 2099

OFFERED BY: MR. BORSKI

AMENDMENT NO. 30: Page 63, lines 12 and 13, strike "; *Provided further*," and all that follows before the period on line 16.

H.R. 2099

OFFERED BY: MR. BROWN OF OHIO

AMENDMENT NO. 31: Page 59, line 23, before "to remain available" insert "(increased by $440,000,000)".

Page 64, line 16, after "$320,000,000" insert (reduced by $186,450,000)".

H.R. 2099

OFFERED BY: MR. BROWN OF OHIO

AMENDMENT NO. 32: Page 59, line 23, strike "$1,003,400,000" and insert "$1,443,400,000".

Page 64, line 16, strike "$320,000,000" and insert "$133,550,000".

H.R. 2099

OFFERED BY MR. BROWN OF OHIO

AMENDMENT NO. 33: Page 87, after line 25, insert:

SEC. 519. The amounts otherwise provided by this Act are revised by reducing the amount made available to the Federal Emergency Management Agency to carry out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq) by $186,450,000 and increasing the amount made available for the Hazardous Substance Superfund by $440,000,000.

H.R. 2099

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 34: Page 8, line 9, strike "$16,713,521,000" and insert "$16,725,521,000".

Page 79, line 23, strike "$22,930,000" and insert "$6,000,000".

H.R. 2099

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 35: Page 8, line 9, insert before the "plus" the following: "(increased by "$12,000,000),".

Page 79, line 23, insert before the colon the following: "(reduced by $16,930,000)".

H.R. 2099

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 36: Page 79, line 23, strike "$22,930,000" and insert "$6,000,000".

H.R. 2099

OFFERED BY: MR. DEFAZIO

AMENDMENT NO. 37: Page 79, line 23, insert before the colon the following: "(reduced by $16,930,000)".

H.R. 2099

OFFERED BY: MR. DINGELL

AMENDMENT NO. 38: Page 59, line 23, before "to remain available" insert "(increased by $440,000,000)".

Page 64, line 16, after "$320,000,000" insert (reduced by $186,450,000)".

H.R. 2099

OFFERED BY: MR. DINGELL

AMENDMENT NO. 39: Page 59, line 23, strike "$1,003,400,000" and insert "$1,443,400,000".

Page 64, line 16, strike "$320,000,000" and insert "$133,550,000".

H.R. 2099

OFFERED BY: MR. DINGELL

AMENDMENT NO. 40: Page 87, after line 25, insert:

SEC. 519. The amounts otherwise provided by this Act are revised by reducing the amount made available to the Federal Emergency Management Agency to carry out the functions of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et. seq) by $186,450,000 and increasing the amount made available for the Hazardous Substance Superfund by $440,000,000.

H.R. 2099

OFFERED BY: MR. FIELDS OF LOUISIANA

AMENDMENT NO. 41: Page 50, strike line 16 and all that follows through page 51, line 2, and insert the following:

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

NATIONAL AND COMMUNITY SERVICE PROGRAMS

OPERATING EXPENSES

For necessary expenses for the Corporation for National and Community Service in carrying out the programs, activities, and initiatives under the National and Community Service Act of 1990 (Public Law 103–82), $817,476,000.

OFFICE OF INSPECTOR GENERAL

For necessary expenses of the Office of Inspector General in carrying out the provisions of the Inspector General Act of 1978 (5 U.S.C. App.), $2,000,000.

Page 71, line 5, after the dollar amount, insert the following: "(reduced by $819,476,000)".

H.R. 2099

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 42: Page 20, line 25, strike "$10,182,359,000" and insert "$10,560,359,000".

Page 37, strike "(a)"in line 23 and all that follows through page 38, line 19.

Page 70, line 13, strike "$5,449,600,000" and insert "$5,212,100,000".

Page 71, line 5, strike "$5,588,000,000" and inset "$5,233,000,000".

Page 72, line 1, strike "$2,618,200,000" and insert "$2,533,200,000".

H.R. 2099

OFFERED BY: MR. GANSKE

AMENDMENT NO. 43: Page 70, lines 13 through 19, strike "$5,449,600,000" and all that follows through "obligation until September 30, 1997" and insert in lieu thereof "$3,630,600,000 to remain available until September 30, 1997".

H.R. 2099

OFFERED BY: MR. HEFLEY

AMENDMENT NO. 44: Page 30 line 15 strike "951,988,000" and insert "839,183,000".

H.R. 2099

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 45: Page 28, line 3, strike "$576,000,000" and insert "$601,000,000".

Page 64, line 16, strike "$320,000,000" and insert "$295,000,000".

H.R. 2099

OFFERED BY: MS. JACKSON-LEE

AMENDMENT NO. 46: Page 60, line 21, insert the following after "reauthorized."

; "*Provided further*, That with respect to funding appropriated under this heading, the Environmental Protection Agency should increase the allocation of such funds for emergency clean-up of hazardous sites in residential communities."

H.R. 2099

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 47: Page 20, line 25, strike "$10,041,589,000" and insert "$10,361,589,000".

Page 64, line 16, strike "$320,000,000" and insert "$0".

Page 39, after line 17, insert the following new subsection:

(c) EXEMPTION OF ELDERLY AND DISABLED FAMILIES FROM RENT INCREASES.—Subsections (a) and (b) of this section shall not apply with respect to any elderly family or disabled family (as such terms are defined in section 3(b) of such Act) who, on October 1, 1995, is receiving rental assistance under section 8 of the United States Housing Act of 1937 or is occupying a dwelling unit assisted under such section.

H.R. 2099

OFFERED BY: MR. KENNEDY OF MASSACHUSETTS

AMENDMENT NO. 48: Page 50, after line 5, insert the following new item:

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

FUND PROGRAM ACCOUNT

For grants, loans, and technical assistance to qualifying community development leaders, and administrative expenses of the Fund, $104,000,000, to remain available until expended.

H.R. 2099

OFFERED BY: MR. MCINTOSH

AMENDMENT NO. 49: At page 87 of the bill, after line 25, insert after the last section the following new section:

SEC. 59. None of the funds appropriated in this Act may be used to extend the requirements under Section 313 of the Emergency Planning and Community Right-to-Know Act (42 U.S.C. §11023) to owners and operators of facilities that are in Standard Industrial Classification Codes other than 20 through 39.

H.R. 2099

OFFERED BY: MR. OBEY

AMENDMENT NO. 50: Page 8, line 9, after the dollar amount, insert the following: "(increased by $230,000, 000)".

Page 16, strike lines 12 through 21.

Page 20, line 25, after the dollar amount insert the following: "(increased by $400,000,000)".

Page 21, line 15, after the dollar amount insert the following: "(increased by $200,000,000)".

Page 22, line 15, after the dollar amount insert the following: "(increased by $200,000,000)".

Page 70, line 13, after the dollar amount insert the following: "(reduced by $1,600,000,000)".

Page 71, line 5, after the dollar amount insert the following: "(increased by $400,000,000)".

H.R. 2099

Offered By: Mr. Obey

Amendment No. 51: Page 8, line 9, after the dollar amount, insert the following: "(increased by $400,000,000)".

Page 20, line 25, after the dollar amount insert the following: "(increased by $400,000,000)".

Page 21, line 15, after the dollar amount insert the following: "(increased by $200,000,000)".

Page 22, line 15, after the dollar amount insert the following: "(increased by $200,000,000)".

Page 70, line 13, after the dollar amount insert the following: "(reduced by $1,600,000,000)".

Page 71, line 5, after the dollar amount insert the following: "(increased by $400,000,000)".

H.R. 2099

Offered By: Mr. Pallone

Amendment No. 52: Page 54, beginning in line 1, strike "*Provided further*, That" and all that follows through "as amended:" in line 6.

Page 54, line 17, strike "four" and insert "three".

H.R. 2099

Offered By: Mr. Pallone

Amendment No. 53: Page 56, line 17, strike ": *Provided*" and all that follows to the colon on page 57, line 18.

H.R. 2099

Offered By: Mr. Pallone

Amendment No. 54: Page 58, line 22, strike ": *Provided further*," and all that follows to the period on page 59, line 3.

H.R. 2099

Offered By: Mr. Reed

Amendment No. 55: Page 58, line 21, strike the colon and all that follows down to the period in line 3 on page 59.

H.R. 2099

Offered By: Mr. Reed

Amendment No. 56: Page 58, strike line 22 and all that follows down through line 3 on page 59 and insert: "*Provided further*, That none of the funds appropriated under this heading may be used to assess a civil or administrative penalty action for any violation of Federal law when it is made known to the official to whom funds are appropriated that such violation was discovered through a voluntary audit and disclosed to a State agency under a State immunity law and corrected in a timely and appropriate manner.".

H.R. 2099

Offered By: Mr. Roemer

Amendment No. 57: Page 70, lines 13 through 19, strike "$5,449,600,000" and all that follows through "obligation under September 30, 1997" and insert in lieu thereof "$3,849,600,000, to remain available until September 30, 1997".

H.R. 2099

Offered By: Mr. Sanders

Amendment No. 58: Page 16, line 12 through the matter following line 21, strike section 107.

Page 70, line 13, strike "$5,449,600,000" and insert in lieu thereof "$5,356,557,000".

Page 72, line 1, strike "$2,618,200,000" and insert in lieu thereof "$2,554,587,000".

Page 78, line 17, strike "$127,310,000" and insert in lieu thereof "$123,966,000".

Page 79, line 23, strike "$22,930,000" and insert in lieu thereof "$12,930,000".

H.R. 2099

Offered By: Mr. Sanders

Amendment No. 59: Page 16, line 12 through the matter following line 21, strike section 107.

Page 70, line 13, after the dollar amount insert the following: "(reduced by $93,043,000)".

Page 72, line 1, after the dollar amount insert the following: "(reduced by $63,613,000)".

Page 78 line 17, after the dollar amount insert the following: "(reduced by $3,344,000)".

Page 79, line 23, after the dollar amount insert the following: "(reduced by $10,000,000)".

H.R. 2099

Offered By: Mr. Sanders

Amendment No. 60: Page 51, line 7, strike "$9,000,000" and insert in lieu thereof "$9,429,000".

Page 72, line 1, strike "$2,618,200,000" and insert in lieu thereof "$2,617,771,000".

H.R. 2099

Offered By: Mr. Sanders

Amendment No. 61: Page 51, line 7, after the dollar amount insert the following: "(increased by $429,000)".

Page 72, line 1, after the dollar amount insert the following: "(decreased by $429,000)".

H.R. 2099

Offered By: Mr. Skaggs

Amendment No. 62: Page 54, beginning on line 6, strike "*Provided further*, That none of the funds appropriated under this heading may be used to implement or enforce section 404 of the Federal Water Pollution Control Act, as amended:"

H.R. 2099

Offered By: Mr. Stokes

Amendment No. 63: page 22, after "Secretary:" on line 14, insert

"*Provided further*, That if authorizing legislation is not enacted into law by December 31, 1995, the amount provided for voucher assistance may be reallocated by the Secretary to public housing modernization, drug elimination grants, and section 8 incremental rental assistance:"

H.R. 2099

Offered By: Mr. Stokes

Amendment No. 64: page 30, after "1988," on line 6, insert

"and for the fair housing initiatives program as authorized by the Housing and Community Development Act of 1987,"

H.R. 2099

Offered By: Mr. Stokes

Amendment No. 65: Page 41, strike line 1 through "(2)" on line 5.

Page 45, strike line 22 through page 46, line 7.

H.R. 2099

Offered By: Mr. Stokes

Amendment No. 66: Page 53, line 18, strike ": *Provided*" and all that follows through "appropriate" on page 55, line 9.

Page 55, line 19, strike "*Provided*" and all that follows through "concerns" on page 59, line 3.

H.R. 2099

Offered By: Mr. Stokes

Amendment No. 67: Page 55, line 19, strike ": *Provided*" and all that follows through "apply" on page 56, line 3.

H.R. 2099

Offered By: Mr. Torricelli

Amendment No. 68: Page 87, after line 25, insert the following new section:

Sec. . None of the funds provided in this Act may be obligated or expended to make a payment or grant to a State home under subchapter V of chapter 17 of title 38, United States Code, when it is made known to the Federal official having authority to obligate or expend such funds—

(1) that the State home (or other State entity acting on behalf of the State home) has after August 1, 1995, entered into a contract for, or otherwise arranged for, the performance by individuals who are not employees of the State of any function at that home relating, directly or indirectly, to the provision of medical care for, or affecting the quality of life of, patients at that State home; and

(2) that the performance of that function at that home by individuals who are not employees of the State will have an adverse effect on the quality of medical care for, or the quality of life of, patients at that home.

H.R. 2099

Offered By: Mr. Vento

Amendment No. 69: Page 28, line 3, after the dollar amount insert the following "(increased by $184,000,000)".

Page 64, line 16, before the last comma insert "(reduced by $235,000,000)".

Page 66, line 15, after the dollar amount insert the following "(increased by $30,000,000)".

H.R. 2099

Offered By: Mr. Weldon of Florida

Amendment No. 70: At the end of the bill, add the following new title:

TITLE VI—ADDITIONAL PROVISIONS

DEPARTMENT OF VETERANS AFFAIRS

Departmental Administration

CONSTRUCTION, MAJOR PROJECT

(INCLUDING TRANSFER OF FUNDS)

For construction of a medical facility in Brevard County, Florida, to be derived by transfer from the amount provided in title III of this Act under the heading "Federal Emergency Management Agency-Disaster Relief", $154,700,000.

EXTENSIONS OF REMARKS

TRIBUTE TO AFRICAN-AMERICAN WORLD WAR II VETERANS ON THE 47TH ANNIVERSARY OF PRESIDENT TRUMAN'S SIGNING OF EXECUTIVE ORDER 9981

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. RANGEL. Mr. Speaker, July 26, 1995 marks the 47th anniversary of President Harry S. Truman's signing of Executive Order 9981, officially desegregating the U.S. military. I rise to pay special tribute and to extend my profound gratitude not only to President Truman but to the African-American men and women who served in World War II and whose exemplary service made the President's action all but inevitable, as President Clinton reminded us in his courageous stand in defense of affirmative action. The military institution that grew out of that executive order became the model for the society as a whole. The U.S. military is our finest example of equality, opportunity, upward mobility, and full inclusion in our social institutions.

As chairman of the Congressional Black Caucus veterans braintrust and a Korean war veteran, I want to express my sincere appreciation for the dedication of those men and women who fought for democracy abroad against the Nation's common enemy and returned home to battle racism and discrimination. During the war, this duality was signified by black troops as the double "V" campaign.

Last year following the 50th anniversary commemoration of the Normandy invasion, I heard many complaints from African-American veterans, including my constituents in New York. In all of the pageantry, in all of the television coverage, it seemed they had been left out. I took the matter up with President Clinton and Secretary Jesse Brown. The result was President Clinton's participation in a Presidential tribute where he delivered a moving speech during the 24th Annual Congressional Black Caucus legislative weekend. The President's appearance was coordinated by the CBC veterans braintrust, as part of a special tribute entitled "D-Day and World War II African-American Veterans: The Forgotten Heroes and Heroines."

The tribute honored the 1 million African-American men and women in uniform during the war, including the nearly 750,000 who served overseas in Europe and the Pacific. The President's decision to attend the veterans braintrust event was an honor that cannot be ignored or forgotten.

The President was joined at the event by Secretary Jesse Brown, and CBC members: SANFORD BISHOP, JR., BOBBY RUSH, MAXINE WATERS, CORRINE BROWN, JAMES CLYBURN, KWEISE MFUME, former Congressman Charles Diggs, and was witnessed by a capacity audience in the Ways and Means Committee room.

President Clinton described the African-American World War II veterans as "a distinguished generation in the history of African-American military service." As a group, he said they were protectors "of a legacy older than the Declaration of Independence; one that includes the legendary service of the Massachusetts 54th in our Civil War, the Buffalo Soldiers in the West, the 92d Division in World War I."

The President continued, "For decades, African-American veterans were missing in our Nation's memories of World War II. For too long, you were soldiers in the shadows, forgotten heroes. Today it should be clear to all of you, you are forgotten no more."

While African-American veterans fought and died under the stigma of segregation, one thing is clear: their heroic contributions in WWII marked the beginning of the end of segregated America. The bottom line is that the brilliance of their performance in the war forced President Truman to sign Executive Order 9981, on July 26, 1948, ending the practice of segregation in the military. The performance of African-Americans in World War II sowed the seeds that ultimately forced the Federal Government to reexamine its policies on race and stimulated African-Americans to greater activism in demanding their rights.

The Presidential awards ceremony honored outstanding World War II African-American veterans associations, units, and individuals who served with distinction, as well as historical organizations who continue to educate the public on the role and contribution of African-Americans in World War II.

Sixty awards were presented to the following honorees: Montford Point Marines Association, Prometheans, 715th Veterans Association, U.S.S. Mason (DE 529) Association, 366th Veterans Association, Black Women Army Auxiliary Corp./Women Army Corp. & Women in the Services, 372nd Infantry Association, 758th/64th Armored Regiment Association, 92nd Infantry Division Association, 761st Tank Battalion & Allied Veterans Association, 366th Veterans Association, Tuskegee Airmen, Inc., World War II Black Veterans of the Great Lakes, U.S. Coast Guard National Association of Former Stewards & Stewardmates, Inc., 555th Parachute Infantry Association, 369th Veterans Association, the Golden Thirteen, the 5th Platoons and the Red Ball Express, Dr. Paul Parks, Sr., Waverly Woodson Jr., SSgt. Monroe Blackwell, Willie Woods, Claude Owens, Rev. Elmer Fowler, Charity Adams-Earley, Dr. Martha Putney, Lt. Col. Julius Williams, Gladestone Dale, Dr. Leroy Ramsey, Donald Eaton, Jr., Samuel Phillips, Alonzo Swann, Captain Hugh Mulzac (Posthumously), Leroy Colston, Major Nancy Leftentant-Colon, Clark Simmons, Dr. Robert Allen, Robert Routh, Lt. Col. Jesse Johnson, Jacob Johnson III, Dr. Emerson Emory, Dr. Charles Pinderhughes, Samuel Mildrew, Captain David Williams, Sr., 1st Lt. Prudence Burns Burrell, Lt. Col. Bradley Biggs, Major Augustus Hamilton, John Carter, James Dockery, Dr. Howard Mitchell, Charles Evers, Dr. Roscoe Brown, Percy Sutton, Daisy Winifred Byrd-Beldon, Jean Byrd Stewart, Col. Margaret Bailey, Edna Young Shannon, Dr. Olivia Hooker, Dr. Howard Mitchell, SSgt. Robert Powell, John Silveria, Dr. John Garrett, World War II Heritage Commission, Committee for the Aviation Mural Project Success, and Black Military History Institute of America.

Again, on behalf of a grateful nation, I speak for the Congressional Black Caucus in expressing our deep appreciation for the contributions, dedication, commitment, and national service of the African-American men and women who served in World War II. Their job was done well, and will forever be remembered.

HONORING GILBERT RONSTADT

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. PASTOR. Mr. Speaker, many knew Gilbert Ronstadt only as Linda Rondstadt's father. However, those who knew him well remember him as a man who embodied the values of love of country, family, and community.

Born in 1911, before Arizona had become a State, Gilbert Rondstadt devoted his energies to helping shape Tucson into the vibrant and expanding city it is today. As a young man, he entertained many in his native town with his wonderful voice by singing on the radio, in nightclubs and theater stages around town. His love for mariachi music lived on in his family and was later immortalized through his daughter's now famous "Canciones De Mi Padre" album.

After serving his country during World War II, he returned to Tucson to head the family hardware business. Throughout his life, his family responsibilities always received a high priority. Gilbert Rondstadt also showed a strong devotion for his community and its cultural heritage. He actively participated in the development and revitalization of downtown Tucson and served on numerous boards, including the Chamber of Commerce, the Tucson Trade Bureau, and the Arizona State Society. He was also active in helping establish trade relations between Mexico and the United States.

An unassuming and simple man, Gilbert Rondstadt will be remembered in the community for his selflessness, the longlasting impact of his work in the community, and his farreaching pride in his culture and traditions. He leaves behind a legacy of goodwill and inspiration for those who choose the pillars of

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

service and family as their sources of happiness. I ask my colleagues to join me in honoring the memory of a great man.

AWARD OF A BROWNFIELDS GRANT TO CITY OF TRENTON, NJ

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. SMITH of New Jersey. Mr. Chairman, I am pleased that Trenton was today awarded 1 of 15 Brownfields pilot grants by the U.S. Environmental Protection Agency [EPA]. The Trenton community truly deserves this Federal recognition and financial support for all the hard work we have done to identify and clean up hazardous wastes left over from the city's industrial heyday.

Trenton has the spirit, the commitment, and a detailed plan for restoring these sites and making them available for alternative uses. In fact, over the past several years, the city has committed funds and other resources to identify contamination, develop plans for remediation, and redevelop abandoned lots. But our city has lacked the appropriate financial means to make these assets fully effective. The Brownfields Program will provide the city with that funding assistance and propel our initial program to final success.

The Brownfields project which Trenton has developed will put the $200,000 Federal grant to good use. The city has enlisted the help of several civic organizations, State government, and community residents to devise their program and intends to call on them to implement it as well.

The city will employ a strategy to incorporate the resources of established community urban beautification and environmental justice programs, as well as the expertise of local legal, development, and other professionals.

I have worked closely with both the city of Trenton and Mercer County in a bipartisan effort to coordinate Federal, State, and local dollars and resources to improve New Jersey's capital. Together we made Trenton one of the initial pilot sites for the Weed and Seed antidrug crime program, we helped to rehabilitate abandoned rowhouses, and we have made city gardens and parks cleaner and safer.

With its 89,000 residents, we in Trenton are proud to rank with some of the other awardees here today—such as Baltimore, New Orleans, and Detroit—that often receive greater attention from the Federal Government. Trenton—which has the same concerns as these larger cities—will use the money effectively and quickly to clean up sites, eliminating the abandoned areas where drug use, violent crime, and gang-related activities can fester.

Trenton has taken the bull by the horns to address all of these problems. This Brownfields project will advance this fight to save Trenton.

TAX REFORM

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, July 26, 1995, into the CONGRESSIONAL RECORD.

TAX REFORM

I find Hoosiers increasingly interested in the idea of tax reform—scrapping the federal income tax and replacing it with something much simpler and fairer. Tax reform is getting more attention in Congress than it has in a decade, and several plans are under consideration. Reforming the tax system will take some time, but is an effort worth undertaking.

SUPPORT FOR REFORM

Tax reform is getting serious attention for several reasons. First, federal income taxes consistently rank as the most unpopular of all taxes. Second, many Americans spend an enormous amount of time complying with the tax code and filling out forms, at a cost of up to $200 billion each year. That time and money could be used much more productively in other ways. Third, many Americans feel the tax code is rigged for those who can hire experts to find loopholes. Fourth, the current system encourages debt and consumption, and discourages saving and investment. That undermines our ability to boost productivity and raise standards of living. Fifth, some people believe the tax code should be used simply to raise revenue rather than try to influence behavior through a variety of deductions and exemptions. Finally, many see tax reform as another way of downsizing government and making it less intrusive.

CONCERNS ABOUT REFORM

Yet others express words of caution. They say, first of all, that the U.S. has one of the lowest overall tax burdens of the major industrialized countries—only Australia's is slightly lower—and that we should not blindly scrap our system. Second, they point out that 70% of taxpayers use the relatively simple 1040EZ form. Third, tax reform could hurt various sectors in the economy and regions of the country. Changes in the home mortgage deduction, for example, would have a big impact on housing. Fourth, they say people have an exaggerated sense of their income tax burden—most Americans pay less in income taxes than they do in Social Security taxes—so new rates that sound good may actually be no improvement. Fifth, tax reform could be like last session's healthcare reform—people support it in general but get very worried once they learn the details. Finally, reforming the tax system will be very time consuming and complicated exercise, and will open up the tax code to intense lobbying pressures for special favors.

My view is that we now have a unique opportunity for meaningful tax reform and should pursue it. At the same time we need to make sure that in our rush to change, we do not replace an unpopular system with one that turns out to be worse. We need to look at the implications of each of the major plans carefully.

MAIN VERSIONS

Several tax reform plans have been proposed in Congress. All address the public's frustration with the current system, but each has a very different impact on taxpayers and various sectors of the economy.

Flat Tax: One plan calls for a single individual and corporate tax rate of 17%, while eliminating virtually all deductions, including those for home mortgage payments and charitable contributions. This plan has the right goal of trying to simplify the system, but has several drawbacks. It tilts its tax relief heavily toward the wealthy. For example, someone getting $100,000 in income from stock dividends would pay no income tax at all. Also eliminating the home mortgage deduction could cut the value of most Americans' biggest asset—their home—by 15–20%. It would also increase the deficit. Adjusting it so it brings in as much as the current system would mean a flat tax rate of more like 23%.

National Sales Tax: Another plan would scrap the personal and corporate income tax system and replace it with a 17% national sales tax. This plan rightly tries to curb consumption and encourage saving and investment. But a pure sales tax risks a return to inflation and is regressive, hurting lower income people, older Americans, and large families who need to consume a large portion of their income on basic necessities like food and medical services. Trying to remedy this by exempting, say, the first $15,000 of spending could require a burdensome enforcement mechanism. Moreover, the national sales tax would have to be closer to 25% to bring in as much revenue as the current system. That could lead to considerable consumer resistance and widespread cheating. Retailers and industries that depend on people making large purchases, like the auto industry, would be hard hit by a national sales tax.

Consumer-Income Tax: This plan would basically tax spending rather than income. A family would tally up all their savings and investments—including bank deposits, stock purchases, home mortgage payments, and educational expenses—and subtract this from their income; they would then pay taxes on the difference—their consumed income. This approach has a good emphasis on saving and investment and it is designed to be progressive—requiring the wealthy to pay more. But it does not achieve much simplification, and indeed could mean more complex tax calculations for many Americans. It also has the drawback of trying to set up a new, untried tax system. Big losers would be sectors whose products or services are not considered "investments".

Modified Flat Tax: A recently announced modified flat tax plan would eliminate almost all current deductions and exemptions, except the home mortgage deduction, in order to reduce overall tax rates. Three-fourths of all taxpayers would pay a flat income tax of 10%, with higher rates for upper income taxpayers—but their rates would still be lower than under the current system. This approach has several advantages: it has the important goal of allowing most taxpayers to pay a flat tax of 10%, it is progressive, and it doesn't add to the deficit. It falls short in not doing enough to encourage greater saving and investment and in eliminating some worthwhile deductions. Yet despite such drawbacks, my sense is that some sort of modified flat tax will be the most likely outcome of the tax reform effort.

CONCLUSION

The tax reform debate has begun in earnest in Congress and in the country, and that is an important step. Yet the issue will not be decided during this session of Congress, instead carrying over to next year's presidential campaign and the next session of

Congress. That means we should push for reform but also think carefully about exactly how we want to do it. We need to overhaul the tax system, but we also need to do it right.

PUBLIC BROADCASTING

HON. PAUL E. GILLMOR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. GILLMOR. Mr. Speaker, the House of Representatives historic vote on the budget resolution sets the stage for congressional action to begin consideration of privatization of PBS. Far from spelling doom for Big Bird or the "MacNeil-Lehrer Newshour," the vote presents public broadcasting with vast opportunities to establish its independence from the Federal Government while preserving its traditional educational mission.

My good friend and colleague MIKE OXLEY—a member of the Commerce Committee—recently stated that it was time for public broadcasting to look beyond its traditional reliance on Federal support for opportunities and alliances in the private sector. By doing so, public broadcasting can insulate itself from politics while securing a reliable and steady source of funding.

What are our options? Public broadcasting's value to viewers, and thus investors, is bound up in its noncommercial emotional identity. One of the most intriguing private sector solutions I have seen to date is the one suggested by our former colleague, Jack Kemp. In a recent Wall Street Journal article, Mr. Kemp called upon PBS to leverage the duplicate public broadcasting stations that exist in most major markets.

According to Mr. Kemp, PBS has 345 stations with sometimes as many as 4 or 5 serving the same market. By contrast, each of the 4 major commercial networks, ABC, NBC, CBS, and Fox have fewer than 225 apiece. By leveraging the commercial potential of its duplicate stations, Mr. Kemp suggests that public broadcasting could preserve the noncommercial, educational nature of the vast majority of its stations while creating a viable and secure source of private sector funding.

With some creative, market-oriented thinking, public broadcasting could be part of a new excitement, finding ways of satisfying the legion of devoted fans and lessen the dependence on the Federal dole. I call upon PBS and its supporters to work with Congress in identifying and developing the kinds of creative and innovative solutions that the new telecommunications market can provide.

Mr. Speaker, I want to see public broadcasting to do the things it does so well, especially the educational mission. But reliance on Federal funding will not keep the system viable. Public broadcasting needs new ideas and new alliances. The market is the place to find them.

IN PRAISE OF POSTAL WORKERS WHO HELP STAMP OUT HUNGER

HON. TONY P. HALL

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. HALL of Ohio. Mr. Speaker, I would like to take a moment today to praise the efforts of a prominent group of American workers who rarely receive the recognition they deserve—both as representatives of the Federal Government and as private citizens who contribute to their local communities.

These are the postal workers who touch each of our lives nearly every day. For many poor and elderly citizens especially, postal workers are the only representatives of the Federal Government that they see, and those citizens depend on the postal workers for contact with the world and many other needs.

But postal workers assist their communities in far more ways than just by delivering the mail. They volunteer their time and efforts in countless communities across the Nation to help those less fortunate than themselves. On May 13, 1995, the National Association of Letter Carriers [AFL–CIO], with the strong support of the U.S. Postal Service management, conducted a food drive for needy families throughout the Nation. On that day, U.S. Postal Service letter carriers collected nonperishable food and canned goods from thousands of generous postal customers who left the food by their mail boxes. The collected food is distributed to hungry people through local food banks and emergency feeding centers.

The annual drive is timed for the second Saturday in May, which is a time of year when food pantries usually run low on donations. This is the third year the drive has been conducted nationwide.

Nationwide, the estimated total collected was more than 44.4 million pounds of food. This was far greater than last year's record total of 32 million pounds. More than 1,130 NALC local branches signed up for the drive, covering an estimated 5,000 to 10,000 communities in all 50 States, Puerto Rico, and the Virgin Islands.

As chairman of the Democratic Task Force on Hunger and the former chairman of the House Select Committee on Hunger, I have a strong interest in promoting efforts such as the postal workers' campaign to help the hungry. Furthermore, as the Representative from Dayton, OH, I want to call special attention to the postal workers in the city of Dayton who collected 167,000 pounds of food.

I am proud that I participated in the drive in my district. On May 13, I walked with Dayton Postmaster David Ashworth, letter carrier William Ernest, and Dan Grilliot, president of the Dayton branch of the National Association of Letter Carriers, as they collected food along a postal carrier route. We walked one of the routes in Centerville, OH, in my district.

I now offer praise to the National Association of Letter Carriers, the management of the U.S. Postal Service, and above all, to the men and women of the postal service who participated in this public spirited campaign to help the less fortunate in our communities.

THE SAN DIEGO COASTAL CORRECTIONS ACT

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. OBERSTAR. Mr. Speaker, yesterday the House debated its first Corrections Day bill: H.R. 1943, the San Diego Coastal Corrections Act.

The British poet, Samuel Taylor Coleridge, in "The Rhyme of the Ancient Mariner," evoked "the mystique of the ocean, dark, mysterious, heaving and endless."

Mysterious and heaving it is; endless it is not.

H.R. 1943 is assumes that the ocean is endless, that it can absorb any amount of pollution. But, just as we are finding that it is not an inexhaustible store of fish to be mined with impunity, so we will find that it cannot assimilate all man's insults.

This bill is a fitting first Corrections Day bill. H.R. 1943 amends a law which already weakened the Clean Water Act, to weaken it even further. It provides a waiver that the city of San Diego has not sought, ignoring relief the city has been assured by EPA under last year's law, rejecting any discharge standards, permitting the city to provide less treatment for its sewage than it is doing now and discharging almost raw sewage into the Pacific Ocean.

The Ocean Pollution Reduction Act of 1994 (P.L. 103–431) last year gave San Diego the relief it sought from requirements which every other municipality in the country has met or is in the process of meeting.

EPA is ready to grant the waivers to the Clean Water Act, as required under that act.

The House has already passed this bill as part of H.R. 961, this year's amendments to the Clean Water Act.

Mr. Speaker, the Clean Water Act Amendments of 1977 opened a brief window for cities with long outfall pipes discharging into deep ocean to continue to do so. San Diego chose not to avail itself of this relief at the time. The window has long since closed. Now, Congress is asked to reopen that window in a way to let all the flies in.

The Committee on Public Works and Transportation, now the Committee on Transportation and Infrastructure, held hearings on the ocean waiver in connection with the 1977 amendments. Some witnesses supported ocean discharges as a way of enriching the nutrient-poor depths of the Pacific. But they didn't advocate discharging virtually raw sewage, with its toxins and pathogens, as this bill would permit.

The 1977 language in section 301(h), hard-fought-out between both sides, contained numerous assurances that water quality standards and aquatic life would be protected, and defined primary treatment to mean treatment by "screening, sedimentation, and skimming adequate to remove at least 30 percent of BOD and suspended solids."

Even those requirements may not apply in this case.

At the committee markup of H.R. 1943 the Committee on Transportation and Infrastructure rejected an amendment that would have imposed at least some standards on the discharge.

Under H.R. 1943, San Diego would be free to discharge almost raw sewage. The bill requires chemically enhanced primary treatment only. The problem is that there is no definition of "chemically enhanced primary treatment" in the bill, or in any law. Does this mean that the city doesn't even have to run its sewage through a screener? That they can just dump a bottle of chlorine into it and call it enhanced primary treatment?

This bill rewards almost two decades of foot-dragging by the city, granting San Diego more bounty than it asked for, while your constituents and mine have paid, and are paying, the full costs of achieving clean water.

How fittingly ironic it would be if the beaches of San Diego had to be closed during the Republican Convention because of pollution—disease-bearing bacteria, viruses and floatables—washing up on the beach.

A TRIBUTE TO SEA ISLAND CO.

HON. ROB PORTMAN

OF OHIO

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. PORTMAN. Mr. Speaker, my colleague, Mr. KINGSTON, and I would like to take this opportunity to congratulate the Sea Island Co., which recently won the honor of being named as the 1995 Georgia Family Business of the Year.

Once a deserted waterfront, Sea Island was discovered by Howard Coffin and his cousin Alfred W. Jones, Sr. in 1923. Since then, three generations of Joneses have developed the island into a resort of lush gardens and cottages surrounding the impressive Cloister Hotel.

The grandson of Alfred, Alfred W. Jones III, is currently president of the company and responsible for the company's continuing involvement in community development. As one of the area's major landowners, he has continued his family's tradition of donating company land for churches, schools, parks, and roads, and he himself has been involved in a leadership role with organizations ranging from the Brunswick College Foundation to the Georgia Chamber of Commerce to the Epworth-by-the-Sea Methodist Conference Center.

Since the 1920's, the company has contributed to the community by taking action to ensure that the island's natural habitat be preserved as much as possible. Due to the influence of Sea Island Co., the marshes between Brunswick and the islands were declared historic sites and have been protected from development for several decades. In addition, the building heights on Sea Island and St. Simons were limited to three stories in order to ensure all buildings stand below the tree line.

Other key additions to the community include aid in constructing the first bus service between Brunswick and Jacksonville, creating a telephone exchange, and Alfred Jones' active involvement in the development of the Brunswick Pulp and Paper Co., now owned by Georgia-Pacific and employing over 850 people.

This fall, Sea Island Co. plans to open the Ocean Forest Golf Club, which will be one of the premier courses and will create more employment opportunity on the island. In fact, despite the recent troubled economy, the company has continued to grow and thrive.

Sea Island Co. has been recognized numerous times throughout the years for its accomplishments. Alfred Jones received the Distinguished Georgian Award, and the Society of American Travel Writers' Connie Award honoring his achievement in creating a balance between the use and preservation of Georgia coast.

The tradition of the Jones family is also evident today; Alfred W. Jones, Sr.'s four children are the principal owners of Sea Island Co. Alfred W. Jones, Jr. is the chairman, while siblings Howard Coffin Jones, Katharine Jones O'Connor, and Marianna Jones Kuntz all serve as directors.

However, Mr. Speaker, the emphasis on family does not stop here, even the employees, guests, and residents of the islands are also considered family. In fact, the staff includes many third-generation employees. Sea Island Co. encourages hiring many members of the same family. Recently, 17 relatives were employed there simultaneously.

With emphasis on family values, and achieving that critical balance between development and conservation, Mr. KINGSTON and I ask that you, Mr. Speaker, and my colleagues join me in commending the Sea Island Co., which serves as an example for other businesses across the nation.

A POINT OF LIGHT FOR ALL AMERICANS: IVY CATHERWOOD

HON. MAJOR R. OWENS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. OWENS. Mr. Speaker, we are privileged to salute Ivy Catherwood as a Point-of-Light for America. For 34 years of her 80 years, Ms. Catherwood served on the staff of the New York City Police Department. Her story is a story of self-help, sterling citizenship, and great generosity to her community.

Ivy Catherwood was born in the Roxbury section of Boston, MA, on July 29, 1915. Her parents, Louise and Claude, both of West Indian descent, moved shortly after her birth back to Jamaica in the West Indies. She attended elementary and high school in the West Indies. She returned to the United States and worked for several years in Boston as a saleslady. In the mid 1950's, she came to New York City and attended Hunter College for 2 years studying liberal arts at night. She also held several jobs—one as a clerk at Beth Israel Hospital in Manhattan. She was hired by the New York City Police Department in November, 1960, and worked for 34 years until April, 1995. She has two brothers, one deceased. She also has 1 nephew, 1 grand nephew, and 1 grand niece.

Her extended family consists of the many organizations of which she is a member: NYPD Guardians Association—was the secretary for 6 years and civilian trustee for approximately 10 years, Vanguard Independent Democratic Association, 100 Women for Major Owens, the Federation of African-American Civil Servants—served as a delegate from the Guardians Association, the Federation of Black Trade Unionists, DC–37, Local 1549—served as a delegate from the NYPD, CBTU, and CLU.

Ivy is an outstanding example of loyalty and dependability. She can be counted on to make the phone calls for the union or political candidates and assist with voter registration or other assigned tasks. Ivy has been an outstanding financial supporter of elected officials and community-based organizations. She fully understands the concept of political and economic empowerment. Her activism is witnessed by her colleagues and many friends because she teaches by example. We pause to salute Ivy Catherwood on the occasion of her birthday and retirement after 34 years of service with the New York City Police Department.

Ivy Catherwood's great Point-of-Light shines behind the achievement of many Brooklyn and New York City leaders. Through several decades, Ivy has been there for the causes that mattered most. As a model for her generation and for our youth, we proudly salute Ivy Catherwood as a great Point-of-Light.

HONORING DR. LINCOLN J. RAGSDALE, SR.

HON. ED PASTOR

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. PASTOR. Mr. Speaker, I rise today to take this opportunity to pay tribute to a great man, a distinguished citizen, and a dear personal friend, Dr. Lincoln J. Ragsdale, Sr.

Born on July 27, 1926, Dr. Ragsdale's accomplishments began early in his life. After serving in World War II, he graduated from the Prestigious Tuskegee Flying School in 1945 as a commissioned second lieutenant. In what would later shape much of his life, Dr. Ragsdale became the first black pilot at Luke Air Force Base in Litchfield Park, AZ.

Following his military career, he continued his education with great success. He graduated magna cum laude from the California College of Mortuary Science in Los Angeles, CA. Continuing his education, he received an associate of arts degree from Phoenix College and bachelor of science degree from Arizona State University. Additionally, he held an honorary doctor of law degree from Shorter College and earned a doctor of philosophy degree in business administration from Union Graduate School in Cincinnati, OH.

This was only the beginning. Dr. Ragsdale became a successful entrepreneur and a community activist. His accomplishments too numerous to mention, Dr. Ragsdale will always be remembered for his efforts as a civil rights leader.

Having endured racism, discrimination, and injustice throughout much of his life, Dr. Ragsdale never forgot his roots. Many times, at the expense of his business endeavors, he devoted himself to fighting the racial barriers he had faced. In the 1950's and 1960's, he fought to end segregation in Phoenix and secure a better life for all men and women. He did this with passion and without fear of the consequences. The love and support of his family and strong belief in God served as his sources of strength.

Dr. Lincoln Ragsdale's life and accomplishments embody the true values—love of family, nation, and God—that have made this a great country. A man of vision, he served as a source of inspiration and hope for many of us who have followed his steps in our struggle for equality and justice for all citizens. May his deeds and actions serve us all as a guiding light to lead our efforts in pursuit of a better tomorrow for generations to come.

KEEP THE GREAT LAKES ENVIRONMENTAL RESEARCH LAB OPEN

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. BONIOR. Mr. Speaker, this House has long recognized that the work of NOAA benefits all Americans.

NOAA's research on weather, atmosphere, oceans, and space continues to help us understand the environment which we all depend upon for survival—and has shown us ways to better manage the resources we all need to live.

The Rogers Substitute restored important funding—not only for the vital research being done in the Gulf of Mexico—and the important work being conducted on coastal zone management—but for important research across America.

Let me tell you quickly why this is so important to those of us who live in the Great Lakes region.

The Great Lakes represent 95 percent of our nation's fresh water and they provide drinking water to 23 million people.

But there's something going on today in the Great Lakes that we don't clearly understand.

Researchers have found that mothers who ate fish from Lake Michigan during pregnancy and giving birth to infants who are developing slower.

Animals who call the Great Lakes home are showing actual physical deformities.

Worst of all, it was just 2 years ago that over 100 people died when Milwaukee experienced an outbreak of cryptosporidium in their drinking water.

That's why the work of the Great Lakes Environmental Research Lab is so important.

Since the outbreak in Milwaukee, the Great Lakes lab began an intense study of the shoreline to help prevent future disasters.

They're beginning to find answers—and coming up with new ways to keep our water safe.

And I'm glad this Congress recognized the good work this lab is doing today.

Mr. Speaker, NOAA and the programs it supports are making important strides for all Americans.

The Rogers Substitute to the Mollohan Amendment to the Commerce-State-Justice Appropriations Bill will ensure that their good work continues.

TURKEY'S PARLIAMENT TAKES IMPORTANT STEP FORWARD

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to commend Turkey's Parliament and Prime Minister Ciller for taking an important step towards strengthening democracy. On Sunday, July 23, Turkey's Parliament approved 16 constitutional amendments which are part of a democratization plan introduced last year. The Parliament also agreed to resume work in September on amending article 8 of the Anti-Terror Law, which is widely used to criminalize anti-government and pro-Kurdish expressions. These reforms are considered prerequisites to Turkey's acceptance into a European Union customs agreement this fall. Mr. Speaker, I am very encouraged by the fact that the amendments were adopted by a vote of 360–32 after weeks of tumultuous debate.

These amendments are significant for the cause of democracy in Turkey. Their passage marks the first time the civilian government in Turkey has altered the 1982 constitution promulgated by the military. Prime Minister Ciller and the junior coalition partner, Republican Peoples Party deserve much praise for standing by the legislation despite strong opposition from Islamic and nationalist parties.

More specifically, Mr. Speaker, the amendments will broaden political participation by lowering the voting age from 20 to 18; adding 100 seats to the 450 seat Parliament; enabling MPs to switch parties; and allowing trade unions, student associations and other groups to engage in political activities. Language in the constitution praising the 1980 military takeover was also removed.

As I have said in the past, Mr. Speaker, it is in our Nation's best interest to maintain close relations with a stable, democratic Turkey. These amendments, and other efforts in the future, will place our bilateral relations on a much more firm footing. While there is more that needs to be done to address free speech issues and the situation of Turkey's Kurdish population, adoption of these amendments by such a wide margin indicates a commitment and willingness in the Parliament to move forward along this path.

Mr. Speaker, as someone who has spoken out in the past against actions taken by the Government of Turkey, I believe it is important to give the Turkish Government credit where credit is due. Reaction in the Turkish press to the amendments was resoundingly positive and public opinion is also likely to view the reforms in a positive light. Given this set of circumstances, I strongly encourage the Turkish MPs to immediately seize upon the momentum of this impressive showing and press on for further reforms.

Last week, Mr. Speaker, it looked as though partisan politics in Turkey would block the passage of any democratic reforms. Successful adoption of the amendments, though, has breathed new life into the reform debate underway in Turkey. Mr. Speaker, I believe that all who are concerned about human rights and regional stability should express support for the continued efforts of Turkey's Parliament and Government to continue this important process.

VISIT OF PRESIDENT KIM TO THE UNITED STATES

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. ACKERMAN. Mr. Speaker, I rise today to welcome a very distinguished statesman and friend of the United States, President Kim Yong-sam of the Republic of Korea.

Since his ascension to the presidency in 1993, President Kim has worked tirelessly to promote democracy and economic liberalization in Korea. His efforts to further the advancement of ties between his country and the United States have been warmly received by the administration and those of us in Congress.

There is no doubt that Korea is well served by President Kim. His service to the country is practically unmatched, having been elected to the National Assembly at the young age of 25, and serving there for nearly 40 years. He is a man with a clear vision and intends to boldly lead his country into the 21st century.

It is precisely this kind of leadership that is needed in the new era dawning over Asia. In the last decade, Asian nations have become a force to reckon with in economic terms, and Korea is at the forefront of this revolution. They have become a marvelous model of success for developing countries such as Bangladesh, Sri Lanka, and Thailand. In no small term, the success visited upon Korea is a testament to the will and determination of the Korean people.

The United States has only to gain by continuing to support Korea and her people. Our relationship is truly limitless in its possibilities, and together we can certainly overcome any adversities.

I welcome President Kim to the United States, and applaud his leadership. This is a friendship of which the United States can truly be proud.

TRIBUTE TO DR. EVA SHAPIRO

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Ms. KAPTUR. Mr. Speaker, I rise today to honor a truly noble citizen from my district, Dr. Eva Shapiro.

Dr. Shapiro died this year at the age of 100. She was born in Toledo, OH on November, 1894, the daughter of Russian immigrants. She grew up in a downtown neighborhood, as part of Toledo's Jewish community. Her grandfather, by the way, was Toledo's first Orthodox rabbi. Her father owned a small grocery store, and eventually started the first auto parts company in Toledo.

Eva Shapiro initially wanted to be a physician, but couldn't afford 6 years of medical school. Instead, she applied for, and won, a generous scholarship from the local B'nai B'rith. They paid for 4 years of dental school at Western Reserve in Cleveland, where she earned her degree in 1918. She returned to Toledo and started her own practice.

In those days, women dentists were not common, and she struggled at first—even the people from her own neighborhood were unwilling to let a woman take care of their teeth. But word spread that she did excellent work, and her practice grew. She was eventually able to pay back every nickle of that scholarship, so someone else could receive it.

Dr. Shapiro was one of the founders of the Toledo Dental Dispensary (today the Dental Center of Northwest Ohio), a nonprofit clinic for needy children and adults. She served on the Board of Trustees of the Dispensary from 1923 to 1960. In her own words,

> * * * we knew we had to have a dental dispensary, and a free one, because there were many people in Toledo that just could not afford to go to the dentist. * * * I even gave as much money as I could, and so did the other [dentists], and they started a dental dispensary. * * * we have dentists there that are very fine dentists, and they do beautiful, beautiful work.

Even with her practice and the time she spent as an active board member, Dr. Shapiro found time to be active in the Jewish Women's Council, Temple B'nai Israel, and the Toledo Museum of Art. She also gave energy and money to countless local charities.

In an interview 10 years ago, Dr. Shapiro said,

> Yes, I have no complaints. I think I had the best life that anybody could have. I had everything that I needed—the education. In those days what girl got a college education?

Dr. Eva Shapiro's energy, her unhesitating willingness to help those in need, and her love of life should be an example to us all. Toledoans are privileged to have known her and have been inspired by her pioneering life. We will cherish her memory.

MACKINAC ISLAND STATE PARK

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. STUPAK. Mr. Speaker, it is, indeed, an honor to bring to the attention of the U.S. Congress and the people of this Nation an event that is not only historically noteworthy, but one that will be most celebrated.

On Friday, August 4, 1995, the Mackinac Island State Park will celebrate its 100th anniversary as Michigan's first State park. This outstanding facility, located in Michigan's Upper Peninsula, has been the source of enjoyment for not just the citizens of my State of Michigan and of the United States, but the world, as well.

The park began first as a U.S. military reservation on Mackinac Island and later became this Nation's second national park. Upon expressing a desire to have this land as a State park, State officials worked for the passage of legislation in the 53d Congress that would permit the transfer of the land from the Federal Government to the State. On March 2, 1895, the authorizing legislation was passed. To wit:

ACT OF CONGRESS, 1895

MILITARY RESERVATION ON MACKINAC ISLAND TURNED OVER TO THE STATE OF MICHIGAN

Military Reservation on Mackinac Island, Michigan: The Secretary of War is hereby authorized, on the application of the governor of Michigan, to turn over to the State of Michigan, for use as a state park, and for no other purpose, the military reservation and buildings and the lands of the National Park on Mackinac Island, Michigan. *Provided*, That whenever the State ceases to use the land for the purposes aforesaid it shall revert to the United States.

Page 946, Fifty-third Congress, Session III, Ch. 189, 1895.

Following this act of Congress, discussions began between the State of Michigan and the Federal Government, culminating in a final transfer. To wit:

CERTIFICATE OF TRANSFER

Whereas, By an act of Congress, approved March 2, 1895, the Secretary of War was authorized, on the application of the Governor of Michigan, to turn over to the State of Michigan, for use as a State park and for no other purpose, the military reservation and buildings and the lands of the National Park on Mackinac Island, Michigan said act providing that whenever the State ceases to use the land for the purpose aforesaid it shall revert to the United States;

And Whereas, John T. Rich, Governor of the State of Michigan, has made formal application for the transfer to the State of Michigan of said military reservation and buildings and the lands of said National Park for the purpose specified in said act;

Now Therefore, This is to certify that the Secretary of War hereby turns over to the State of Michigan, for use as a State park and for no other purpose, the military reservation and buildings and the lands of the National Park on Mackinac Island, Michigan, subject to the provisions of said act of Congress.

Witness my hand and official seal this 3rd day of August, 1895.

SECRETARY LAMONT.

Mr. Speaker, on this occasion marking the one hundredth anniversary of Mackinac Island State Park, I congratulate the State of Michigan and the Mackinac Island State Park Commission and on behalf of the park's multitude of visitors, residents and property owners, thank them for maintaining Mackinac Island State Park as the outstanding retreat it is.

THE KOREAN WAR VETERANS MEMORIAL—LONG-OVERDUE TRIBUTE

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. BONIOR. Mr. Speaker, this week we are honoring the millions of Americans who served our Nation during the Korean war.

They call Korea the forgotten war, but none of us can forget the valor of the veterans who fought and bled and died in Korea.

A long-overdue memorial is being dedicated Thursday, July 27, in Washington, on the Mall, a very short distance from the Lincoln Memorial. Granite, steel, wood, and stone have been shaped to form a memorial we can take pride in. You can look into the eyes of the men and women who served our country, and see their determination. You can gaze at a wall of granite, and see hundreds of faces, representing the men and women who provided support for the troops. You can pause for reflection at a memorial honoring the soldiers who are still unaccounted for.

As we dedicate the Korean War Veterans Memorial, we have much to remember.

This memorial will help us to come full circle—to close the wounds that until now have not healed, and to fulfill our need to remember all of those who have served.

We must remember the sacrifices made by veterans of the Korean war, and the conditions they faced; of the Marines who fought their way out of the frozen Chosin Reservoir, facing 120,000 Chinese troops and subzero temperatures; of those who made the stand in sweltering heat around Pusan; of our troops who landed at Inchon; of the terror at Heartbreak Ridge, at Pork Chop Hill, and Outposts Tom, Dick, and Harry.

More than 5½ million Americans in all served in the war. There were 54,246 who lost their lives. Forty-two years ago this week, the fighting stopped.

The Korean war led to an uneasy peace, and the cold war continued for decades. But through the efforts of those who served our Nation in Korea, and those who served before and after, our commitment to freedom never faltered.

However poignant and powerful the steel and granite of the memorial may be, we must do much more to honor the legacy of these veterans.

There are still 8,168 servicemen unaccounted for from the war, only 5 fewer than when the war ended. Efforts are underway with Russia and North Korea to seek clues to the missing and recover and return remains, but much more needs to be done.

We must also honor the commitment we made to those who served in Korea, and to all veterans. Keeping medical care for veterans affordable and accessible, and protecting the pensions they earned through service, are among our tasks in Congress.

I look forward to working to keep this legacy alive.

TRIBUTE TO WILLIAM GREBE SCHUETTE

HON. DAVE CAMP

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. CAMP. Mr. Speaker, it is with great pleasure that I rise today to honor the birth of William Grebe Schuette. At 7:43 a.m. on July 21, 1995, the Honorable Bill Schuette, former Member of Congress, and his wife Cynthia welcomed their first son, William Grebe, into the world.

The birth of William Grebe Schuette marks an exciting time in the lives of the Schuette family, which also includes daughter Heidi. I hope that my colleagues will join me in wishing Bill, Cynthia, and Heidi a heart-felt congratulations on the new addition to their family.

HONORING THE PARENT PROJECT AND RUDY AND MONA GOMEZ

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. TORRES. Mr. Speaker, I rise today to recognize the Parent Project. The Parent Project is an organization managed by the parents of children who have Duchenne and Becker, a severe form of muscular dystrophy.

Duchenne is an incurable disease that causes the muscle cells to disintegrate. The disease affects only boys, afflicting about 1 in every 3,500—or more. Progressive muscle deterioration starts in the feet and slowly moves up the body, turning children into invalids, until the muscles in lungs and heart atrophy and die. Few boys with Duchenne have survived past their early twenties.

Because much about this disease is little known or understood, the Parent Project has assembled top medical researchers to advise them on what research and clinical trials offer the best hope for treating, and optimistically curing, Duchenne and Becker muscular dystrophies. The Scientific Advisory Board [SAB] serves as a clearinghouse for coordinating and monitoring constantly evolving developments within the scientific community. Thanks to recommendations made by the SAB, the Parent Project is able to fund viable research immediately. And as parents know, time is critical to saving the lives of their children.

What makes the Parent Project unique, and important, is that it links parents, patients, family, and friends with scientists who are investigating a treatment—and hopefully a cure—for Duchenne and Becker muscular dystrophies. It's a relationship that is critical to the success of obliterating this devastating disease.

The goal for the Parent Project is to raise $40 million to find a cure by the year 2000. The Parent Project is run by parent volunteers who raise money in different ways, be it by raffles, walk-a-thons, bake sales, dinner parties, and silent auctions. This Saturday, July 29, 1995, at the Naval Reserve Center in Santa Barbara, Rudy and Mona Gomez will host a fundraiser for the Parent Project.

Mr. Speaker, it is with great admiration that I rise in recognition of the Parent Project and Rudy and Mona Gomez for their perseverance in raising money to find the cure for this childhood robbing disease. I also ask that my colleagues join me in saluting these committed parents.

TRIBUTE TO ANDREW JACKSON TRANSUE

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. KILDEE. Mr. Speaker, it is truly an honor and a privilege to rise before you today to pay tribute to the late Andrew Jackson Transue, a selfless servant to the people of Michigan and a personal friend of mine. Mr. Transue passed away on June 28, 1995, at the age of 92, but his long tenure of dedicated service will never be forgotten by the thousands of individuals whose lives he enriched.

Born and raised in Clarksville, MI, Mr. Transue graduated from Clarksville-Ionia County High School and received his Juris Doctorate from the Detroit College of Law. Never satisfied by past accomplishments, Mr. Transue's life was characterized by a continuous, unquenchable effort to better the lives of America's working people. The vigor with which Mr. Andrew Jackson Transue fought for the American working family was every bit the equal of that of his namesake.

Transue began his long career of public service in 1933 when he was elected county prosecuting attorney, and he continued to represent the common man from 1937 to 1939 as a New Deal Democrat in the 75th Congress. Later, he would serve as President of the Flint Lions Club and as a devoted 55-year member of the Court Street United Methodist Church. What Transue was perhaps most proud of, however, was the case he argued before the U.S. Supreme Court in 1952. Not only did he win that case, but he also succeeded in redefining the legal principle of "criminal intent" and in setting a precedent that would subsequently be cited in over 500 judicial rulings.

In light of these accomplishments, it is often difficult, even for those of us who knew him personally, to keep in mind that Mr. Transue should not be remembered primarily for his legal and electoral successes. Rather, we must remember him for his genuine concern for his fellow man and for the endearing legacy of compassion he has left behind. Never consumed by self-focused ambition, Mr. Transue was first and foremost a man dedicated to his community and to his late wife Vivian, and his children, Tamara and Andrea. His integrity, his wisdom, but most of all his passion, will never be forgotten by the many souls graced with his humanity.

S.O.S.—SAVE OUR SANCTUARIES!

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Ms. WOOLSEY. Mr. Speaker, I rise in strong support of increasing funds for our national marine sanctuaries. The cuts in this bill will be especially harmful to the people in northern California. There are three national marine sanctuaries off the spectacular northern California coast—Cordell Banks; Gulf of the Farallones; and Monterey Bay.

These stunning and unique sanctuaries need protection, Mr. Speaker. We should make every effort to preserve our precious marine areas. It is time to honor the commitment made when the U.S. Congress established the sanctuary program.

If California's coast is to be utilized by future generations as it is today, it must have strong protection now. Adequately funding the National Marine Sanctuary Program will help provide that protection.

The National Marine Sanctuary Program, a program which has been historically underfunded, is authorized in fiscal year 1996 for $20 million. This bill provides $9 million—less than half the authorized level, and $3 million less than last year.

It is time to take a stand for the preservation of our marine areas. It is time to take seriously our commitment to the National Marine Sanctuary Program. It is time to fight for the future well-being of our coastal waters, our coastal economies, and the Nation as a whole.

Vote "yes" on the Farr amendment.

TRIBUTE TO DEBORAH JUDE ANTHONY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. TORRES. Mr. Speaker, it is with profound sadness that I inform my colleagues of the tragic death of Deborah Jude Anthony. I first met Debby when she participated in my district's Congressional Award program. Having earned the Silver Medal in October 1993, Debby was working on attaining her Gold Medal. She was expected to receive it in 1996.

Though she had spina bifida and cerebral palsy, Debby achieved more than most. In addition to earning the Congressional Award, Debby earned an athletic letter in swimming from Charter Oak High School and was to receive, in September, the Gold Award given to only 15 of 20,000 Girl Scouts each year.

According to news reports, on Monday night while at home, a freak short circuit in her wheelchair sparked a fire that killed her before emergency personnel arrived.

In a December, 1993, letter to me, Debby's mother, Judith D. Anthony, wrote about Debby's participation in the Congressional Award:

> As a mother of a physically disabled child, I watched Debby painfully struggling all these years—not to achieve—not even to keep up with her peers, but merely to survive. It has been a struggle against all odds. In a world where academic and physical achievements measure success, Debby did not have a chance. The Congressional Award, however, made success and achievement not only a possibility, but a reality for her. I truly believe this kind of award brings forth recognition of the true heroes of our youth, because it is based on personal development, service and physical challenge.

Mr. Speaker, Debby was and will continue to be an inspiration for me and a bright star in our community. Her presence will be sorrily missed. I ask my colleagues to keep her family in their thoughts and to join me in saluting this outstanding and accomplished young American.

TRIBUTE TO SGT. MICHAEL JUDE McCUMBER, U.S. CAPITOL

HON. JAMES A. TRAFICANT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. TRAFICANT. Mr. Speaker, I rise today to pay tribute to one of our own who passed away on July 25, 1995. Sergeant McCumber served honorably with the U.S. Capitol Police from August 25, 1975, until his untimely death on July 25, 1995, at the age of 41.

Sergeant McCumber was born on November 15, 1953 and was a native of the Washington, DC area. He graduated from St. John's College High School in Northwest Washington, DC.

Sergeant McCumber began his career with the Capitol Police on the midnight shift of the Senate Division. He also was assigned to the midnight shift of the Patrol and House Divisions. Sergeant McCumber was promoted in 1987 to his present rank and was assigned to the Communications Division. He later served as a supervisor at the Senate Division before being reassigned to his present assignment at the House Division in 1990.

Sergeant McCumber was a dedicated and respected member of the U.S. Capitol Police and was well liked by everyone who he came in contact with. He will be remembered fondly by his colleagues as a man with a unique sense of humor and wit. He will be greatly missed.

Sergeant McCumber is survived by his mother Mary, two children Amie and Edwin Thaddeus, and several sisters.

Mr. Speaker, Sergeant McCumber displayed a great devotion to his family as well as the congressional community which he faithfully served for the past 20 years. I am sure that my colleagues share my feelings of loss, as do those in the law enforcement community, by the passing of this dedicated officer and public servant. Our heartfelt prayers go out to his family, friends, and fellow officers.

TRIBUTE TO MR. ELMER CERIN

HON. CARDISS COLLINS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mrs. COLLINS of Illinois. Mr. Speaker, on July 24, 1995, the U.S. Congress lost a valuable and extraordinary friend. Mr. Elmer Cerin, who walked the Halls of Congress and lobbied on behalf of critical women's health issues for almost two decades, passed away on Monday. Lobbyists are not uncommon here in Washington, DC, but Mr. Cerin was one of a kind. He was unique and special because he worked tirelessly, cheerfully, successfully, and for free.

As a longtime advocate for greater funding and research for breast cancer, Mr. Cerin provided tremendous help to me and to my staff. He built support for several bills that I sponsored, traveling to other congressional offices and meeting with staff and Members to get their cosponsorship. Despite any setbacks or discouragements that Mr. Cerin encountered, he had an exceptionally positive attitude that opened doors that might not have opened for others with less charisma and strength of character.

Mr. Cerin's incredible spirit was evident recently as he faced prostate cancer with great courage, strength, and dignity. He was a true prince among men and will be greatly missed. He will not be forgotten, however, as we continue to fight for the issues that were so important to Mr. Cerin in the weeks and years ahead.

THE CHRISTA McAULIFFE FELLOWSHIP PROGRAM

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. MARKEY. Mr. Speaker, I rise today in support of the Christa McAuliffe Fellowship Program.

We must find a way to fund such a valuable program that has affected teachers and students in every State and territory. While I understand these are tight budgetary times, I think we owe it to the seven astronauts who gave their lives for our country to maintain this tribute. The astronauts of the Challenger mission gave their lives to our country; our memory, and ability to pay tribute, must not be so short-lived.

We are approaching the 10th anniversary of the Challenger shuttle explosion which struck the hearts of children and adults throughout the world. Seven astronauts, including Christa McAuliffe, the first teacher-astronaut, gave their lives in this devastating tragedy. In honor of those who gave their lives on this mission, the Christa McAuliffe Fellowship Program was established. This program serves not only as a living tribute to these brave astronauts, but also supports a unique and valuable program for teachers that recognize and develop excellence in teaching. It personifies the hope evident in Christa McAuliffe's statement about her teaching in Concord, NH, "I touch the future, I teach." It would be a tremendous dishonor to their lives and memory to eliminate funding for this fellowship. However, it is now being criticized as "too small to be effective on a national level."

The Christa McAuliffe Fellowship Program has received approximately $2 million per year in Federal funding since 1987. Approximately 60–75 fellowships are awarded each year to outstanding teachers throughout the country. There have been over 600 participants in this program since its inception in 1987; 38 of these past fellows have gone on to receive Presidential awards. These fellows complete semester or year-long projects to enhance their own teaching skills and broaden the horizons of education. Their activities help students to experience subjects such as math and science in a fun way. These math and science skills are extremely important in our increasingly high-tech world. This high-tech world will result in a society of technological haves and have-nots unless our schools are able to teach our children effectively in these most important subjects. These teachers have developed many exemplary projects that provide for more benefit than their costs.

This fellowship, and other small, directed programs such as this, have a huge ripple effect; awardees of these programs donate much of their own time, energy, and resources toward the development of their projects and they also share information between teachers, students, and Challenger Centers located throughout the Nation. This fellowship program inspires not only those familiar with the outstanding local achievements of past fellows, but also those who visit the network of Challenger Centers located throughout the United States and Canada. These Centers provide hundreds of thousands of children and teachers with unique educational experiences such as high-tech spaceflight simulators, satellite teleconferences for schools, and hands-on teachers' workshops.

Framingham State College, Christa McAuliffe's alma mater, has established a McAuliffe Center to honor Christa's life and her commitment to teaching. The mission of the Center is to carry out educational activities and research that will support teachers in their work, improve educational practice, offer students goals and incentives to enhance their development, and strengthen community support for public education. The Center also serves as the archive and distribution center for the teachers' award-winning projects. In addition, Framingham State College is the site of one of the Challenger Learning Centers.

The Christa McAuliffe Center and all its activities are a fitting tribute to our Nation's first teacher-astronaut. Christa hoped her participation in the Challenger mission would encourage students and teachers to pursue their own dreams, explore exciting educational opportunities, and unleash their own imagination and creativity. As the network of the Challenger Centers expands and links teachers and students across the country, the legacy of Christa and the other Challenger astronauts continues to endure.

We must now restore our bipartisan commitment to education, a fundamental building block of a competitive economy. Now, even more than ever, opportunity in the global economy depends on skills and education. Education and advanced training are the key to economic growth. It is programs such as the McAuliffe Fellowship that help our Nation provide the education we need to continue to compete in the world economy and to provide our children with the knowledge and skills they will need to be productive and successful adults.

STABILIZING THE CO-OP MARKET

HON. ROBERT G. TORRICELLI

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. TORRICELLI. Mr. Speaker, last fall, Jim Johnson, chairman of the Federal National

Mortgage Association also known as Fannie Mae, came to New Jersey to join me in announcing an innovative co-op initiative that has helped countless northern New Jersey families preserve the value of their co-op-apartment homes in a sagging co-op market. The initiative was modeled after a similar plan that was extremely successful in New York which my colleague Representative CHARLES SCHUMER and Queens Borough president Claire Schulman announced with Fannie Mae almost 2 years ago.

The reason the initiative works so well is that it allows co-op buyers to increase the portion of their mortgage payment which goes to pay for the underlying or blanket mortgage on the co-op building itself.

The challenge that co-op buyers faced in my district is that from 1989, when the housing market virtually collapsed, to 1993 the resale value of co-ops in Bergen and Hudson Counties, as in most of the State, declined by as much as 40 percent. That caused the prorata share—the share of the underlying co-op building mortgage—to exceed 30 percent of the total mortgage payment. In the view of most mortgage lenders, a co-op mortgage with a pro-rata share greater than 30 percent of the total mortgage amount was viewed as too risky. This, in turn, meant that it was difficult to get a mortgage on a co-op apartment unit. Consequently, resale values of co-ops fell even further because few people could get loans to buy them. Families, who had counted on rising property values, were beginning to discover they owed more on their co-op apartments than they were actually worth.

This is where Fannie Mae stepped in and made a difference. A congressionally chartered, private company, Fannie Mae purchases loans made by lending institutions and combines them with other such loans in pools that are sold to investors—and therefore influences the underwriting standards used by lenders. By altering the standards on these loans, Fannie Mae made it easier to buy co-op apartments in buildings carrying a relatively higher level of debt in relation to market value.

Previously, end loans—mortgages for co-op unit owners—would be granted only when the unit's proportionate share of the underlying mortgage on the building was no more than 30 percent of the buyer's debt burden—the total of the underlying debt and the end loan itself.

I am pleased to say that by working together with Fannie Mae, we have been able to bring more lenders into the marketplace and made it easier for shareholders to refinance their individual loans or further a sale.

For many people, these co-ops represent a good portion of their savings. We need to help them preserve this investment, and while Fannie Mae's initiative is not a cure-all it has helped to stabilize the co-op market, increase the competition among co-op lenders and loan rates.

I would like all of my colleagues to know how much I appreciate Fannie Mae's responsiveness and flexibility on this issue. Fannie Mae is a unique institution with a unique mission—to help low- and moderate-income families buy homes. From my own experience, Fannie Mae takes this mission seriously and does not hesitate to step up to bat when they are needed.

Mr. Speaker I would like to submit the attached article by Rachelle Garbarine from the June, 23, New York Times.

MORE ENTER FIELD AFTER FANNIE MAE RELAXES MORTGAGE GUIDELINES

(By Rachelle Garbarine)

The sign in one window of the Chemical New Jersey bank branch in Fort Lee reads: "We have co-op loans."

On the face of it that may seem surprising given the fact that nearly one-third of the states's 27,000 co-op units are in Bergen County, and most of them are in Fort Lee.

But the reality is that until recently there were just two lenders offering potential unit owners mortgages for co-ops in Northern New Jersey. That along with restrictive bank rules on co-op mortgages adopted largely because of the excesses in the co-op market in the 80's and local banks lack of knowledge of the market made it difficult for prospective buyers to get such financing.

Mortages for unit owners are know as "end loans." They are different form the co-op's underlying mortgage which is the building-wide loan that is repaid from a portion of the monthly maintenance fees shareholders pay to the corporation. While financing for these loans is tight there are considerably more lenders available.

Now Chemical is one of nine lenders from banks to mortgage companies offering end loans. And recently the National Cooperative Bank with offices in New York and Washington has also entered the scene to finance underlying mortgages.

A key element in the banks return to offering end loans was a program begun last October by the Federal National Mortgage Association or Fannie Mae. Fannie Mae a Congressionally chartered company purchases loans made by lending institutions and combines them with other such loans in pools that are sold to investors—and therefore strongly influences the underwriting standards used by lenders. Altering the standards on these loans, Fannie Mae made it easier to buy apartments in buildings carrying a relatively higher level of debt in relation to market value.

Previously, end loans would be granted only when the unit's proportionate share of the underlying mortgage on the building was no more than 30 percent of the buyer's debt burden—the total of the underlying debt and the end loan itself. Thus, if the underlying dept was $15,000, the buyer could get a loan to purchase a $35,000 unit ($15,000 being 30 percent of the combined $50,000 debt). Under the new standard, even if the underlying debt has risen to $18,500 the buyer can still get a $35,000 sale price ($18,900 is 35 percent of a total $54,000 debt).

The result is that the sales market has apartments in buildings with a higher debt burden in relation to market value should improve. That in turn should raise prices and make it still easier to get loans.

Last year Representative Robert G. Torricelli, Democrat of Hackensack, taking a cue from New York City elected officials, became a force in getting Fannie Mae to ease its standards on purchasing the end loans. That in turn has brought more lenders into the marketplace and made it easier for shareholders to refinance their individual loans or further a sale.

The underwriting revisions were designed to meet the needs of the 12,000 co-op unit shareholders in Mr. Torricelli's district, which includes parts of Bergen and Hudson Counties, and help investigate the sluggish co-op market. Fannie Mae said it would apply the North Jersey standards to shareholders across the state on a case-by-case basis and has waived the $100 project review fee assessed to co-op corporations.

Before the change "people were prisoners in their homes," said Philip Goldberg, a spokesman for Representative Torricelli.

"For many people these co-ops represent a good portion of their savings," Mr. Torricelli said in a statement. "We needed to help them preserve this investment."

This was not the first time that Fannie May had eased its policies in response to co-op problems in the New York areas. In 1993 New York City officials, notably Queens Borough President Claire Schulman and Representative Charles E. Schumer, Democratic of Brooklyn, sought help in resolving some issues, chiefly the proportion of units that must be owner occupied. That October Fannie May liberalized its guidelines for co-op lending in the city.

Important changes include the reduction of the required percentage of units sold to owner occupants to 51 percent from 80 percent, counting sublets as owner-occupied units and increasing the pro-rata share from 30 to as much as 40 percent.

In New Jersey, which did not have the same level of sponsor defaults as in New York City or the same difficulty in owner-occupancy levels, the problem was the pro-rata share issue.

From 1989, when the housing market collapsed, to 1993 the resale value of co-ops in Bergen and Hudson Counties, as in most of the state, declined by as much as 40 percent. That caused the pro-rata share to exceed the 30 percent limit. Buyers couldn't buy and sellers couldn't sell, further depressing the market and value of units, said Fred Heller, president of the co-op board at the 235-unit Century Tower on Parker Avenue.

"The bigger the bargain the more all cash buyers were needed to buy the units," said Randy Ketive a partner at Oppler-Ketive Realtors in Fort Lee, which specializes in co-ops. "Most everyone else was locked out of the market because they couldn't get loans." That led Mrs. Ketive, Mr. Heller and Lou Verde, a Fort Lee real estate lawyer who represents the 270-unit Northbridge Park Co-op, to let Representative Torricelli know of their concerns.

In October, Fannie Mae announced the New Jersey Co-op Program.

To participate in the program, eligible co-ops, among other things, must have 80 percent of its units owner-occupied and no more than 10 percent of its owners more than a month behind on the monthly payment. But Fannie Mae says that exceptions will be considered on a case-by-case basis.

While all those involved in the co-op problem acknowledge that the program is not a panacea, they say it is a good start and will make it easier to buy and sell in the future. As sales increase, prices will also adjust, said Mrs. Ketive.

This has clearly not yet happened. In the first six months of this year 99 co-ops were sold in Bergen County, compared to 101 for the same period last year. According to he Bergen County Multiple Listing Service.

But Mr. Heller said that his pro-rata share problem at his building had disappeared. And Mrs. Ketive, who called the program "a shot in the arm," said it had helped remove many of the inexpensive units from the market. She added that prices are not stabilized.

Two-bedroom units in high-end co-ops, depending on size and location, cost $100,000 to $450,000 in Bergen County and $75,000 to $300,000 in Hudson County, Mrs. Ketive said. Those priced from $80,000 to $150,000 are most in demand, but there is an oversupply of studios and one-bedrooms, she added.

The changes have also drawn more lenders into the market and the competition has made mortgage rates more competitive.

Chemical has been offering share loans in New Jersey since late last year. "If not for the changes we could not have been able to sell the loans on the secondary market and that would have increased the risk on our loan portfolio," said Robert Brown, vice president of residential mortgages at Chemical Bank New Jersey with offices in Princeton and Fort Lee. "We see Fort Lee as a rich market," he said, adding that his bank had made 10 loans a month there.

Even in recent years, Dale Mortgage Corporation had continued offering co-op end loans. Marc Sovelove, vice president at Dale in Fairfield said through May his company did 50 end loans in New Jersey up from 31 from the same month last year. "There are still other deterrents, but we see opportunities in the market," he said.

The program is also important because an active market for share loans returns liquidity to the markets and makes lenders of underlying mortgages more secure.

Since the start of the year the New York office of the National Cooperative Bank has refinanced the underlying loans on two co-op buildings in Fort Lee and is working on a third in East Orange, said Paulette Bonanno, vice president at the at the bank.

"The deals out there are now easier to make," said Charles Oppier of Oppier-Ketive Realtors. But, he added, the market, still hampered by buyer uncertainties over the economy and job security, now has to catch up with the program.

A MINOR REDUCTION IN THE NUMBER OF CARDIOLOGISTS WILL MEAN A LARGE REDUCTION IN AN ALREADY INSUFFICIENT NUMBER OF AFRICAN-AMERICAN CARDIOLOGISTS

HON. KWEISI MFUME

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 26, 1995

Mr. MFUME. Mr. Speaker, most authorities now agree that the current number of cardiologists practicing in the United States is more than sufficient to meet the anticipated demand for cardiovascular care.[1] However, even with this surplus, concerns persist with regard to the distribution of cardiologist over various practices roles (e.g., pediatric, clinical, interventional, research, etc.) and patient populations (e.g. identified by race, ethnicity, proximity to an urban center, etc.)., The harm in maldistribution over practice roles in easier to identify than the harm in maldistribution over patient populations. Furthermore, the maldistribution itself is easier to quantify and remedy in the former case than in the latter. Yet, just as we appreciate the need to correct the imbalance of cardiologist[2], we must also recognize that the dearth of doctors in poor communities seriously affect the health status of African-Americans.

In *Adarand* v. *Pena*, 1995 U.S. Lexis 4037 (1995), the Supreme Court's most recent affirmative action ruling released on June 13, 1995, was a significant setback on the general issue of affirmative action, but it does not pose an insurmountable hurdle for federal programs such as those that would increase the number of Black cardiologists. *Adarand* held that affirmative action programs must meet a standard of "strict scrutiny" and must be "narrowly tailored." The Supreme Court was careful not to suggest that affirmative action programs were unconstitutional. While heightened standard requires more of a direct relationship between the programs administered and previous racial discrimination, the lack of Black cardiologists in the Medical profession and its subsequent impact on African-Americans communities should be sufficient to meet this burden.

African-Americans and the communities in which they live are typically underserved and the need for cardiovascular care greatly exceeds their proportion of the United States population. In fact, African-Americans have one of the highest rates of mortality from cardiovascular disease in the world. Significant intraracial, interracial, and ethnic differences in the incidence and management of cardiovascular disease have been repeatedly demonstrated. For instance, the prevalence of coronary heart disease, while similar for both African-American male and white men, is greater in African-American women than in white women.[3] The prevalence, and severity of hypertension is substantially greater in Africa-Americans than in whites. Yet the causes of these disparities have never been sufficiently explained.

Because cardiovascular disease is the most common cause of death in African-Americans, it is a pressing issue in the African-American community. Although there has recently been a steep nationwide decline in mortality from coronary heart disease and stroke, little of that much heralded improvement has trickled down to the African-American community. In fact, stroke mortality has increased in African-American men.

While there is a strong public consensus that social status and income are corrected with improved health and longevity, Dr. John Thomas of Meharry Medical College found that the mortality and morbidity of African-American physicians mimic that of high school dropouts. He reports a wide death gap between African-American and white physicians with white physicians living almost 10 years longer than African-American physicians.

Where African-Americans have benefitted from the decline in mortality, they have not done so in sufficient numbers to halt the widening of the gap between African-Americans and whites. If the mortality rate in African-Americans from all causes were reduced to that of white Americans, 60,000 fewer African-Americans would die each year[4]. Cardiovascular disease accounts for more than 40 percent of the excess deaths in African-American women and more than 20 percent of the excess deaths in African-American men.[5]

Despite their disproportionate demand for health services, African-Americans as a group do not receive sufficient cardiovascular care. They make fewer office visits for coronary disease than their white counterparts and are less likely to be seen by cardiovascular disease specialists[6]. Even when cost or insurance coverage is not an issue, African-Americans receive fewer interventions that White Americans.

The cardiovascular care that African-Americans receive is insufficient for many reasons. African-Americans communities tend to be poorer and underserved with regard to all services, medical services included. Perhaps, more importantly, many of the medical professionals who serve in such communities lack a meaningful understanding of the cultural factors which may distinguish their patients from the mainstream. Insight into a patient's routines, traditions, family structure, diet, stresses, and other factors which are largely culturally determined are key to developing a treatment plan that works for that patient. African-American patients may be wary of the medical establishment that has not responded appropriately to their needs. There are still physicians who have separate rooms for Africa American and White patients. This wariness may make them less likely to make routine nonemergency visits to the doctor, to follow a treatment plan, or to follow up with a specialist. This situation is of special concern in the field of cardiology because so much of cardiovascular health depends on early detection of "silent" signs, such as hypertension. Furthermore, patients with cardiovascular diseases are often called upon to endure the unpleasant or even painful side effects of medication or give up activities they enjoy in order to combat a health problem that is not causing them pain. So much of cardiovascular disease and its treatment seems counterintuitive that it has been the subject of a great deal of misinformation and home remedy. Crisis care of cardiovascular diseases is not a good option.

African-American cardiologists are the best hope for allaying many of these insufficiencies. The key reason is that many more African-American doctors than other doctors locate their practices in socio-economically underserved areas[7]. A second reason which should not be overlooked is that African-American cardiologists are more likely to have insight into the cultural differences in treating African-Americans and are best situated to develop rapport with them. They are better able to instill confidence in their patients and thereby ensure their patients' compliance with treatment plans.

An increase in the number of African-American cardiologists will increase their positive effect. African-American patients have shown that they will; go out of their way to receive care at the hands of African-American practitioners, but all too often they do not have the choice. In most American cities with an African-American population of at least 5%, patients do not have the option of receiving their care from an African-American cardiologist. Consequently, 80% of the cardiovascular care that African-Americans receive is provided by practitioners who are not African-American.

There are very few African-American cardiologists. African-Americans make up 11.2% of the U.S. population, but less than 3% of the U.S. physicians. There are approximately 15,000 board-certified cardiologists in the United States,[8] of whom less than 300 are African-American. A mere 1.5% of cardiologists in training are African-American.

The number of African-American subspecialists is low for many of the same reasons that

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Footnotes at the end of article.

the number of Black professionals is generally low. The main reason is economics. As a group, African-Americans have fewer financial resources than whites and so are less likely to have the luxury of pursuing subspeciality training. Their communities' need for their skills and their families' need for their earning power may push them into the work force earlier. By that reasoning, the proposed extension of training requirements from three to four years will weed out African-American physicians even further from subspeciality training and Board certification.

Often white males benefit from the assumption that they are honest, competent, and possessed of a work ethic where their African-American counterparts do not. Although this imbalance is largely due to an unwillingness on the part of Americans and the media to recognize these attributes where they are displayed by African-Americans, there is also unmistakably a crisis in the African-American community. Whatever the reason, unacceptable levels of violence, crime, drug abuse, welfare dependence, and other social ills pervade a segment of the African-American community. The odor of bad apples tempt a segment of the population to throw up their hands at the whole barrel. African-American professionals have paid dearly for this state of affairs. Every member of the Association of Black Cardiologists has a story to tell about the perseverance it took to overcome these presumptions.

A related reason for the low number of African-American subspecialists is the self-perpetrating nature of prestige and connections. Only those who have the intangible benefits are in a position to acquire them. African-Americans are less likely to have the benefit of role models and mentors to help them develop as black professionals and unlock career opportunities for them. The administrators who make the admissions and hiring decisions along a cardiologist's path to success remain mostly white, which is perhaps not as important as the fact that they also remain mostly beholden to the status quo. For many of them, there is a network of relatives, family friends, colleagues, fraternity brothers, and club members to be considered for these choice slots before an opening is made available to a minority. Furthermore, even where the old boy network is not abused, many administrators consider it beyond the scope of their task to consider the populations their beneficiaries will serve. They have little reason to seek out or invest in a candidate who is not like them.

Furthermore, there are forces at work to make it more difficult to establish a health care practice. Cutbacks in government health funding and reimbursement levels threaten to destroy vital primary and speciality practices. Moreover, new emphasis on "managed" care is expected to reduce the demand for specialists in cardiology.[9] As African-Americans generally have practices with less than three partners, they are at greater risk under the new efficiency paradigm in health care delivery. In addition, African-Americans, having only lately come into the subspecialties in significant numbers, may be more vulnerable to these forces than more established practices.

The number of cardiologists in this country has been determined by factors that have little to do with patient demands, primarily the labor needs of the hospital community. Unlike some areas of the private sector, opportunities for training and a career in a medical specialty are kept artificially finite, as the bands on the electromagnetic spectrum. Medical schools, residency programs, fellowships, hospitals, and medical boards are ordained to dole out ever-scarcer privileges.

The medical community must be free to compensate for the artificial scarcity. In order to ensure that underserved communities get the health care they need, we must bolster and protect the existing practices of primary and specialty care physicians in underserved communities and ensure that the number of African-American physicians continues to grow. We must protect and expand hard-won positions set aside for the medical training and career development of minorities, especially in the subspecialties.

We must be uncompromising in our condemnation in our condemnation of the violent, anti-social, anti-intellectual, or irresponsible forces in the African-American community while supporting the institutions that are working. Just as medicine has moved from crisis management toward prevention as the best approach to public health, we must put our resources into halting the cycles of poverty, crime, and isolation. The best law enforcement policy has always been a sense of community. The best welfare program has always been education. We must target promising African-American students early, motivate them to pursue medicine, and give them financial support and mentoring at every stage of the career path.

We must call on training and hiring institutions to take an active role in shaping the health care community in two key ways: First, to commit to compensating for the artificial barriers to African-Americans' success; second, to commit to "casting a wider net" in seeking out talented African-American. Over 50 percent of cardiology training programs have never admitted an African-American. If the United States to benefit from inclusion, it must do more than fight discrimination. It must lean against the exclusionary tilt that exists in training program. We must come to see no minority participation in cardiology division as a sign that such an exclusionary tilt is at work and call on those institutions to pursue their commitments with more vigor.

African-American physicians are not supplicants at a rich man's door. Contrary to the beliefs of some, the choice is not between a highly qualified White candidate and a barely qualified African-American candidate. There is an ample cadre of talented African-American physicians yearning to be cardiologists.

While there is no shortage of cardiologists in general, the disproportionate number of Black cardiologists will only be enhanced if programs which increase the number of minority cardiologists are abolished. If the Adarand case is used as fuel to feed fires of negative legislative action, it will re-enforce the stereotypes America needs to eliminate in order to move forward as a nation. A precise reading of Adarand verifies that under certain circumstances, the use of race or ethnicity as a decisional factor can be legally sustained. The extremely high mortality and morbidity rates of African-American more than establish the need for increased Black Cardiologists. Affirmative action programs can assist in reaching this goal.

FOOTNOTES

[1] 19th Bethesda Conference: Trends in the practice of cardiology: Implications for manpower. J. Am. Coll. Cardiol. 1988; 12(3):822–836

[2] Last year the 25th Bethesda Conference of the American College of Cardiology pronounced that cardiac surgeons are in adequate supply, and that there is even an overabundance of invasive cardiologists. The college recommended that the number of trainees in adult cardiology be decreased. But in the same report, the ACC found that more pediatric cardiologists are needed if the underserved are to be brought into the mainstream of cardiac care. 25th Bethesda Conference: Future personnel needs for cardiovascular health care. J. Am. Coll. Cardiol. 1944;24(2):;275–328.

[3] Report of the Secretary's Task Force on Black and Minority Health. Margaret Heckler (secretary): U.S. Dept. of Health and Human Services, 1985.

[4] *Ibid.*

[5] *Ibid.*

[6] *Ibid.*

[7] Council on Graduate Medical Education Third Report. Improving access to health care through physician work force reform; directions for the 21st century. Washington, DC: U.S. Dept. Health and Human Services, October 1992.

[8] In 1992, there were 13,611 board-certified cardiologists in the United States.

[9] 25th Bethesda Conference: Future personnel needs for cardiovascular health care. J. Am. Coll. Cardiol. 1994; 24 (2): 275–38.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, July 27, 1995, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JULY 28

9:30 a.m.

Labor and Human Resources

To hold hearings on health insurance relative to domestic violence issues.

SD–430

10:00 a.m.

Appropriations

Business meeting, to mark up H.R. 1977, making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1996, and proposed legislation making appropriations for the Department of Defense for the fiscal year ending September 30, 1996.

SD–192

Banking, Housing, and Urban Affairs
To hold hearings on the nominations of Herbert F. Collins, of Massachusetts, to be a Member of the Thrift Depositor Protection Oversight Board, Resolution Trust Corporation, and Maria Luisa Mabilangan Haley, of Arkansas, to be a Member of the Board of Directors of the Export-Import Bank of the United States.
SD–538

11:00 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the condition of the Savings Association Insurance Fund.
SD–538

AUGUST 1

9:30 a.m.
Commerce, Science, and Transportation
To hold hearings to examine the future of the Department of Commerce.
SR–253

10:00 a.m.
Budget
To hold hearings to review the Office of Management and Budget at mid-session.
SD–608

2:00 p.m.
Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To hold oversight hearings on title V of the Clean Air Act (relating to permitting).
SD–406

Judiciary
To hold hearings on pending nominations.
SD–226

AUGUST 2

9:30 a.m.
Energy and Natural Resources
To hold hearings to discuss leasing of the Arctic Oil Reserve located on the Arctic Coastal Plain of the Arctic National Wildlife Refuge for oil and gas exploration and production and the inclusion of the leasing revenues in the budget reconciliation.
SD–366

Governmental Affairs
Post Office and Civil Service Subcommittee
To hold hearings to review the annual report of the Postmaster General.
SD–342

Judiciary
Administrative Oversight and the Courts Subcommittee
To hold hearings on proposed legislation authorizing funds for the Administrative Conference.
SD–226

Labor and Human Resources
Business meeting, to mark up S. 1028, to provide increased access to health care benefits, to provide increased portability of health care benefits, to provide increased security of health care benefits, and to increase the purchasing power of individuals and small employers.
SD–430

Indian Affairs
Business meeting, to consider pending calendar business; to be followed by oversight hearings on the implementation of the Indian Tribal Justice Act (P.L. 103-176).
SR–485

10:00 a.m.
Environment and Public Works
Business meeting, to consider pending calendar business.
SD–406

2:00 p.m.
Commerce, Science, and Transportation
Aviation Subcommittee
To hold hearings to examine proposals to reform the operation of the Federal Aviation Administration (FAA).
SR–253

Environment and Public Works
Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee
To resume oversight hearings on implementation of section 404 (relating to wetlands) of the Clean Water Act.
SD–406

AUGUST 3

9:30 a.m.
Special on Aging
To hold hearings to examine Medicare health maintenance organization (HMO) programs and whether the Health Care Financing Administration is doing enough to ensure that patients receive high quality care when they enroll in such programs.
SD–628